

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
OCTOBER 26, 2015  
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kady-Ann Davy (District 2); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Theodore Voorhees, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Rochelle Small-Toney, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Lee Jernigan, Interim Engineering and Infrastructure Director  
Scott Shuford, Development Services Director  
Karen Hilton, Planning and Zoning Manager  
Craig Harmon, Senior Planner  
Tracey Broyles, Budget and Evaluation Director  
Randall Hume, Transit Director  
Michael Gibson, Parks, Recreation and Maintenance Director  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Robertson called the meeting to order.

**2.0 INVOCATION**

The invocation was offered by Council Member Wright.

**3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Mayor Robertson and City Council.

**4.0 ANNOUNCEMENTS AND RECOGNITION**

Mayor Robertson presented the Key to the City to Mr. Harry Shaw, President, Linear Park Corporation, in appreciation and recognition of his 12 years of dedication to the Linear Park project.

Mayor Robertson presented a limited edition print of Linear Park to Mr. Harry Shaw, Mr. Robert A. Barefoot, and Mr. James Bowser, members of the Linear Park Corporation, in recognition of their accomplishment of the completion of the Linear Park Trail.

North Carolina Commissioner of Insurance Mr. Wayne Goodwin presented the Special Achievement Award to Ben Major, Fire Chief, for achieving the highest possible inspections rating of ISO Class 1. He stated only 132 out of almost 49,000 fire departments in the United States earned a Class 1 rating.

Mayor Pro Tem Davy presented a Certificate of Achievement to Ms. Lexi Hasapis, Director of the Fayetteville Women's Business Center, and announced that Ms. Hasapis will be recognized in Washington, D.C., in November during the National Veteran Small Business Week for her outstanding work as a Boots 2 Business Instructor.

Mayor Robertson presented a proclamation to members of the Leadership Fayetteville Government proclaiming October 26, 2015, Leadership Fayetteville Government Day.

Mayor Robertson presented a proclamation to Mr. Shane Ryer proclaiming November 13, 2015, World Pancreatic Cancer Day .

#### **5.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Arp moved to approve the agenda.

**SECOND:** Council Member Wright

**VOTE:** UNANIMOUS (10-0)

#### **6.0 CONSENT AGENDA**

Council Member Colvin requested to pull Item 6.02 for discussion and separate vote.

**MOTION:** Council Member Crisp moved to approve the consent agenda with the exception of Items 6.02 and 6.03, pulled for discussion and separate vote.

**SECOND:** Council Member Colvin

**VOTE:** UNANIMOUS (10-0)

#### **6.01 Approval of Meeting Minutes:**

August 10, 2015 - Discussion of Agenda Items

August 24, 2015 - Discussion of Agenda Items

August 24, 2015 - Regular Meeting

September 8, 2015 - Work Session

September 14, 2015 - Discussion of Agenda Items

September 14, 2015 - Regular Meeting

September 23, 2015 - Agenda Briefing

September 23, 2015 - Special Meeting

September 28, 2015 - Discussion of Agenda Items

September 28, 2015 - Regular Meeting

**6.02 Pulled for discussion and separate vote by Council Member Colvin.**

**6.03 Pulled for discussion and separate vote by Council Member Crisp.**

**6.04 Capital Project Ordinance 2016-13 (Fayetteville PD Glass Door Initiative Grant)**

The U.S. Department of Justice has awarded \$530,000.00 to the City for the implementation and deployment of a body worn camera program for the Fayetteville Police Department. Capital Project Ordinance 2016-13 will appropriate the \$530,000.00 of federal funds and the required local match of \$530,000.00 of in-kind training, equipment and personnel expenditures.

**6.05 Capital Project Ordinance Amendment 2016-25 (Legend Avenue Improvements)**

Capital Project Ordinance Amendment 2016-25 will appropriate \$18,622.00 of payment-in-lieu-of sidewalk funds for the Legend Avenue Improvement project. These funds will provide additional funding capacity for the installation of sidewalk along the right-of-way frontage and were paid by the developer of a commercial project within the Legend Avenue project area.

**6.06 Capital Project Ordinance 2016-15 (FY 2015 Edward Byrne Memorial Justice Assistance Grant Program)**

Capital Project Ordinance 2016-15 will appropriate \$99,409.00 of federal funds, awarded by the U.S. Department of Justice, for the FY 15 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. No local match is required.

**6.07 Capital Project Ordinance 2016-16 (FY 2014 Homeland Security Grant Program)**

Capital Project Ordinance 2016-16 will appropriate a \$30,000.00 grant from the U.S. Department of Homeland Security, passed through the North Carolina Department of Public Safety, North Carolina Emergency Management, for the purchase of a utility trailer.

**6.08 Special Revenue Fund Project Ordinance Amendment 2016-1 (Appropriation of Federal Forfeiture and State Controlled Substance Tax Funds)**

Special Revenue Fund Project Ordinance Amendment 2016-1 will appropriate \$194,365.00 in federal forfeiture funds and controlled substance tax revenues to increase resources for law enforcement purposes. This amendment will also record the transfer of \$190,429.00 to the General Government Capital Project Fund, as adopted by Council on November 24, 2014, to provide funding for replacement mobile data computers for Police.

**6.09 Special Revenue Fund Project Ordinance 2016-8 (Fayetteville Police Department Badges for Baseball Program)**

Special Revenue Fund Project Ordinance 2016-8 will appropriate a \$5,000.00 cash award and a \$1,250.00 in-kind award of equipment and program materials for the Fayetteville Police Department's Badges for Baseball youth mentoring program.

**6.10 Special Revenue Fund Project Ordinance 2016-7 (FPD Cold Case Sexual Assault Unit Justice for Victims Project)**

The U.S. Department of Justice has awarded \$363,090.00 to the City for the Fayetteville Police Department Cold Case Sexual Assault Unit Justice for Victims project. Special Revenue Fund Project Ordinance 2016-7 will appropriate \$363,090.00 of federal funding for this project. No local match is required.

**6.11 Resolution to Accept State Grant and Adoption of Capital Project Ordinance 2016-12 for the FY 2016 Transit Advanced Technology Grant**

**RESOLUTION AUTHORIZING CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. RESOLUTION NO. R2015-067**

**6.12 Bid recommendation for award of contract for Surrey Road Sewer and Water Replacement awarded to Sandy's Hauling and Backhoe Service, the lowest responsive, responsible bidder, in the amount of \$734,284.00.**

Bids were received on September 9, 2015, as follows:

Sandy's Hauling & Backhoe Service, Roseboro NC .....\$734,284.00

Plans and specifications were requested by eight contractors with one contractor responding. Sandy's Hauling & Backhoe Service submitted a responsive, responsible bid and review of their qualifications has found that they are adequately qualified to perform the work on this project. This project was advertised twice due to the fact that an insufficient number of bids were received on the first advertisement.

**6.13 Bid recommendation for award of contract for purchase and install of Transformer Loss Test System awarded to Phenix Technologies, the lowest responsive, responsible bidder, in the amount of \$268,570.00.**

Bids were received on August 27, 2015, as follows:

Phenix Technologies, Accident, MD.....\$268,570.00

Automation Systems & Diagnostics, Inc. (ASD), Apex, NC....\$171,620.00

Invitations to Bid were sent to three vendors with two vendors responding. PWC staff were only aware of three vendors who supply this type of equipment. Staff reviewed and evaluated the proposals and determined the bid from Automation Systems & Diagnostics, Inc. (ASD), is not compliant to specifications.

**6.14 Award contract for the Purchase of one Cab & Chassis with Dump Body, Sand Spreader, and Plow to H & H Freightliner, the lowest responsive, responsible bidder, in the amount of \$133,160.00.**

Bids were received as follows

H&H Freightliner, Hope Mills, NC ..... \$133,160.00  
Smith International, Fayetteville, NC ..... \$134,427.60  
White's International Trucks, Greensboro, NC ..... \$134,683.00

**6.15 PWC General Fund Budget Amendment #1; Electric Rate Stabilization Fund Amendment #23; and Capital Project Ordinance - NCDOT Capital Project Fund**

**6.16 Supplemental Municipal Agreement for Glensford Drive Landscaping, Budget Ordinance Amendment 2016-5 and Capital Project Ordinance Amendment 2016-26**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF LANDSCAPE PLANTINGS AND IRRIGATION ALONG GLENSFORD DRIVE. RESOLUTION NO. R2015-068**

**6.17 Custodial Services at Airborne and Special Operations Museum**

The Parks, Recreation and Maintenance Department received a request from the United States Army to continue providing Custodial Services at the Airborne and Special Operations Museum when the current contract expires at the end of October.

**6.18 Uninhabitable Structures Demolition Recommendations**

**308 Currie Street, District 2**

**AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (308 Currie Street, PIN # 0437-23-4562). ORDINANCE NO. NS2015-034**

**312 Currie Street, District 2**

**AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (312 Currie Street, PIN # 0437-23-4466). ORDINANCE NO. NS2015-035**

**6.19 Tax Refunds Greater than \$100.00.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Astrop, Roslyn E.	2013-14	Clerical Error	\$819.52
Total			<u>\$819.52</u>

**6.02 P15-29F. The rezoning of property from CC Community Commercial Zoning District to LI/CZ Light Industrial Conditional Zoning District and to be located at 5406 Murchison Road, and being the property of James Lintz.**

This item was pulled for discussion and separate vote by Council Member Colvin.

Mr. Craig Harmon, Senior Planner, provided an overview of the item and stated Motiva Enterprises, which currently operate a large scale fueling station and storage facility behind the property in question along Shaw Mill Road, wishes to construct a new fuel offloading station fronting Murchison Road.

Council Member Colvin expressed concerns regarding potential environmental impacts and safety of pedestrians.

**MOTION: Council Member McDougald moved to approve.**  
**SECOND: Council Member Mohn**  
**VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Jensen and Colvin)**

### **6.03 Budget Ordinance Amendment 2016-6 (Carryover of Encumbered, Assigned and Donated Funds from Fiscal Year 2015 and Other Items)**

This item was pulled for discussion and a separate vote by Council Member Crisp.

Ms. Tracey Broyles, Budget and Evaluation Director, gave an overview of this item and stated Budget Ordinance Amendment 2016-6 will appropriate \$4,124,692.00 across several annually budgeted funds for outstanding purchase orders and contracts, \$13,655.00 in the General Fund for unspent donation or grant proceeds, and \$1,805,240.00 for specific items for which funding was assigned (designated) at the close of fiscal year 2014-2015 for the General Fund. Funding for these expenditures was included or available in the Fiscal Year 2014-2015 budget, and fund balance or net assets will be appropriated to fund these items. As two of the funding designations are to be expended from the Transit and Environmental Services funds, additional appropriations of \$212,457.00 and \$13,533.00 respectively are proposed for each of these funds, supported by transfers from the General Fund.

Budget Ordinance Amendment 2016-6 will also appropriate a total of \$681,768.00 in the General Fund for additional funding requests. The items would be funded by an additional fund balance appropriation of \$636,768.00, and \$45,000.00 in increased intergovernmental revenues. As two of the additional funding requests are to be expended from the Transit and Environmental Services funds, additional appropriations of \$212,457.00 and \$13,533.00 respectively are proposed for each of these funds, supported by transfers from the General Fund.

**MOTION: Council Member Crisp moved to adopt Budget Ordinance Amendment 2016-6.**  
**SECOND: Council Member Wright**  
**VOTE: UNANIMOUS (10-0)**

## **7.0 REPORTS FROM BOARDS AND COMMISSIONS**

### **7.01 Zoning Commission Annual Report to the City Council**

Mr. Jack Cox, Zoning Commission Member, presented the Zoning Commission annual report to Council.

Mayor and Council thanked Mr. Cox for the report.

## **8.0 PUBLIC FORUM**

Mr. Ardis McMillan, 1605 Strickland Bridge Road, Fayetteville, NC, expressed concerns regarding the \$5,000.00 assessment fee for sewer installation by PWC.

Ms. Dolores LeFlore, 2111 Coinjock Circle, Fayetteville, NC, expressed concerns regarding the \$5,000.00 assessment fee for sewer installation by PWC.

Ms. Cather Davis, 1627 Strickland Bridge Road, Fayetteville, NC, expressed concerns regarding the \$5,000.00 assessment fee for sewer installation by PWC.

**9.0 OTHER ITEMS OF BUSINESS**

**9.01 Preliminary Findings Resolution for Submission of Local Government Commission (LGC) Application for the Issuance of Parks Project Bonds**

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated the Fayetteville City Council held a special meeting on October 21, 2015, to discuss a Parks & Recreation Capital Program. The Council directed staff to initiate the process of placing a question before the voters during the March 15, 2016, primary election regarding whether the City should be authorized to issue up to \$45 million in GO Bonds for Parks & Recreation capital investments. The consideration of the Preliminary Findings Resolution is the first of several steps to implement this direction as outlined in the attached calendar. During the special meeting, the Council also ranked a number of proposed capital projects and provided staff direction regarding the creation of alternate financial plans utilizing alternate financing tools including up to \$45 million in GO Bonds. Staff will present those options for consideration in early November. Council reviewed projects recommended in the Parks and Recreation Capital Program and has now prioritized them. Adoption of the Preliminary Findings Resolution is the first step in placing a ballot measure on the March 15, 2016, primary election seeking authorization to issue up to \$45 million in General Obligation Bonds ("GO Bonds") to support the construction of Parks and Recreation related capital projects.

**RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED AUTHORIZATION OF PARKS AND RECREATION BONDS BY THE CITY. RESOLUTION NO. R2015-069**

**MOTION:** Council Member Mohn moved to adopt the resolution making certain findings and determinations and authorizing the filing of an application with the Local Government Commission in connection with the proposed authorization of parks and recreation bonds by the City.

**SECOND:** Council Member McDougald

**VOTE:** UNANIMOUS (10-0)

**10.0 ADMINISTRATIVE REPORTS**

**10.01 Tax Refunds Less than \$100.00.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Fuller's Old Fashioned	2013	Corrected Assessment	<u>\$12.53</u>
BBQ Inc.			
TOTAL			<u>\$12.53</u>

**10.02 Monthly Statement of Taxes - September 2015**

2015 Taxes .....	2,779,276.25
2015 Vehicle .....	3,872.16
2015 Taxes Revit .....	5,429.17
2015 Vehicle Revit .....	0.00
2015 FVT .....	220.00
2015 FTT .....	220.00
2015 Storm Water .....	176,096.29
2015 Fay Storm Water .....	352,192.60
2015 Fay Solid Waste Fee .....	141,420.67
2015 Annex .....	0.00
2014 Taxes .....	32,756.24
2014 Vehicle .....	104.58
2014 Taxes Revit .....	8.79

2014 Vehicle Revit .....	00.00
2014 FVT .....	5.00
2014 FTT .....	5.00
2014 Storm Water .....	1,384.47
2014 Fay Storm Water .....	2,492.04
2014 Fay Solid Waste Fee .....	2,091.93
2014 Annex .....	0.00
2013 Taxes .....	12,967.15
2013 Vehicle .....	1,669.93
2013 Taxes Revit .....	0.00
2013 Vehicle Revit .....	0.00
2013 FVT .....	240.00
2013 FTT .....	240.00
2013 Storm Water .....	392.86
2013 Fay Storm Water .....	785.71
2013 Fay S Waste Fee .....	484.06
2013 Annex .....	0.00
2012 Taxes .....	1,020.77
2012 Vehicle .....	2,069.48
2012 Taxes Revit .....	0.00
2012 Vehicle Revit .....	0.00
2012 FVT .....	217.77
2012 FTT .....	217.80
2012 Storm Water .....	19.17
2012 Fay Storm Water .....	38.35
2012 Fay S Waste Fee .....	60.70
2012 Annex .....	0.00
2011 and Prior Taxes .....	1,071.49
2011 and Prior Vehicle .....	1,049.03
2011 and Prior Taxes Revit .....	0.00
2011 and Prior Vehicle Revit .....	0.00
2011 and Prior FVT .....	221.73
2011 and Prior FTT .....	166.74
2011 and Prior Storm Water .....	24.00
2011 and Prior Fay Storm Water .....	48.00
2011 and Prior Fay S Waste Fee .....	76.00
2011 and Prior Annex .....	0.00
Interest .....	7,503.20
Revit Interest .....	0.70
Storm Water Interest .....	191.45
Fay Storm Water Interest .....	360.64
Annex Interest .....	0.00
Solid Waste Interest .....	293.13
Fay Transit Interest .....	190.05
Total Tax and Interest .....	\$3,529,195.10

## 11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:11 p.m.