

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
AUGUST 13, 2018
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Tisha S. Waddell (District 3) (via telephone); D. J. Haire (District 4); Johnny Dawkins (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: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Tracey Broyles, Budget and Evaluation Director
Rob Stone, Public Services Director
Cindy Blot, Economic and Community Development
Director
Jay Toland, Interim Chief Financial Officer
Brad Whited, Airport Director
Kevin Arata, Corporate Communications Director
Kecia Parker, Real Estate Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Bishop Larry Wright, Heal the Land Ministries.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS

Council Member Jensen introduced the Fayetteville-Cumberland Youth Council Chair, Ms. Ashlynn Burgos, a Senior at Grays Creek High School.

Council Member Haire announced the UMOJA Festival will be taking place on August 25, 2018, beginning at 10:00 a.m. at Seabrook Park.

Mayor Colvin announced the annual "Gotcha' Back and Cut my City" events are taking place on August 18, 2018, beginning at 10:00 a.m. at the Crown Arena.

Mayor Colvin presented a Proclamation to Colonel Kyle Reed, Garrison Commander, Fort Bragg, proclaiming September 4, 2018, in honor of Fort Bragg's 100th Anniversary.

Mr. Paul Brown, Chapter President of the Fayetteville Chapter of Alpha Phi Alpha, and other members of the Chapter presented a plaque honoring Police Sergeant Pedro Orellano as the Police Officer of the Year for his service to the community.

Mr. Rick McDowell and members of the Fayetteville Run for the Wall Chapter presented Council Member Crisp with a framed etching of

The Wall, Vietnam Veteran War Memorial, in honor of a fallen comrade from the Vietnam War.

Mayor Colvin and Council Member Wright presented Certificates of Achievement to the Innovative Career Opportunities Now (ICON) Interns that participated in this program over the summer months. Ms. Andrea Tebbe, Senior Administrative Assistant, was recognized for administering the program.

4.0 APPROVAL OF THE AGENDA

MOTION: Council Member Dawkins moved to approve the agenda, with the exception of Items 6.13 and 6.17; pulled for discussion and separate vote.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (9-0)

6.01 Approval of Meeting Minutes:

March 21, 2018 - Agenda Briefing

April 23, 2018 - Discussion of Agenda Items

May 7, 2018 - Work Session

May 10, 2018 - Budget Work Session

June 4, 2018 - Work Session

June 11, 2018 - Regular

June 20, 2018 - Agenda Briefing

June 25, 2018 - Discussion of Agenda Items

June 25, 2018 - Regular

July 19, 2018 - Special

6.02 Adoption of Budget Ordinance Amendment 2019-2 and Capital Project Ordinance Amendment 2019-17 to Fund Two Additional Passenger Boarding Bridges with Airport Terminal Improvement Project, Part I, and Authorization for the City Manager to Amend Resolute Building Company's Contract

Adoption of Budget Ordinance Amendment (BOA) 2019-2 will appropriate \$514,148.00 from Airport Fund net assets to transfer to the Airport Capital Fund. These funds will be used along with \$630,981.00 of funds previously transferred from the operating fund, \$797,412.00 of Passenger Facility Charge (PFC) revenue and \$138,459.00 of interest earnings on PFC revenues to fund the additional \$2,081,000.00 appropriation on proposed Capital Project Ordinance Amendment (CPOA) 2019-17.

6.03 Adoption of Special Revenue Fund Project Ordinance 2019-1 for the 2017 FPD Educating Kids on Guns Program Grant

The City of Fayetteville has been awarded a grant from the North Carolina Department of Public Safety, Governor's Crime Commission to continue the Police Department's Educating Kids about Gang and Gun Violence (EKG) program. The pass-through grant award is funded by the Federal 2017 Juvenile Justice Delinquency Prevention grant program. Special Revenue Fund Project Ordinance (SRO) 2019-1 will establish a project appropriation of \$27,578.00, with \$20,683.00 (75 percent) funded by the Federal grant funds and the \$6,895.00 (25 percent) required local match funded by a transfer from the General Fund.

6.04 Adoption of Capital Project Ordinance Amendment 2019-13 to Appropriate Payment in Lieu of Resurfacing Revenue to the FY 2019 Street Resurfacing Project and Award a Contract for Resurface of Various Streets, 2019 - Phase 1

Capital Project Ordinance Amendment (CPOA) 2019-13 appropriates \$89,959.00 of revenue from payments in lieu of resurfacing to the FY 2019 Street Resurfacing Project. Authorizing the execution of a contract for Resurface Various Streets, 2019 - Phase 1, to be awarded to Highland Paving Co., LLC, Fayetteville, NC, the lowest responsive, responsible bidder.

6.05 Adoption of Capital Project Ordinance Amendments 2019-14, 2019-15, and 2019-16 to Reappropriate Funds Remaining in Completed Municipal Agreement Projects to Provide Additional Funding for Parking Lot Resurfacing Projects

Capital Project Ordinance Amendments (CPOAs) 2019-14, 2019-15, and 2019-16 will reallocate \$32,160.00 of funds remaining from completed municipal agreement projects for landscaping and irrigation on Legion Road (\$13,180.00) and Camden Road (\$18,980.00) to increase the project appropriation for the Parking Lot Resurfacing Project. The funds are needed to complete the planned resurfacing of the Kiwanis Recreation Center parking lot and provide for a contingency should contract costs exceed current estimates.

6.06 Bid Recommendation - Water and Water Reclamation Chemical - Caustic Soda 50% to Univar, the lowest responsive, responsible bidder in the total amount of \$719,900.00

Bids were received on June 19, 2018, as follows:

Univar USA, Inc., Morrisville, PA	\$719,900.00
Oltrin Solution, LLC, Hamlet, NC	\$738,300.00
Brenntag Mid-South, Inc., Durham, NC	\$753,480.00
JCI Jones Chemicals, Charlotte, NC	\$862,500.00

6.07 Bid Recommendation - Water and Water Reclamation Chemical - Sodium Hypochlorite to Oltrin Solutions, LLC, the lowest responsive, responsible bidder in the total amount of \$496,000.00

Bids were received on June 19, 2018, as follows:

Oltrin Solutions, LLC, Hamlet, NC	\$496,000.00
Water Guard Inc., Wilson, NC	\$513,825.00
Brenntag Mid-South, Inc., Durham, NC	\$666,500.00
JCI Jones Chemicals, Charlotte, NC	\$693,625.00

6.08 Bid Recommendation - Water and Water Reclamation Chemical - Magnesium Hydroxide to Premier Magnesia, LLC, the lowest responsive, responsible bidder in the total amount of \$300,000.00

Bids were received on June 19, 2018, as follows:

Premier Magnesia, LLC, Wayne, PA	\$300,000.00
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6.09 Bid Recommendation - Area Lighting (Luminaire Only) Replacement Contract to Pike Electric, the lowest responsive, responsible bidder in the total amount of \$1,395,216.18

Bids were received on July 10, 2018, as follows:

Pike Electric, LLC, Mount Airy, NC	\$1,395,216.18
Lee Electric, Aberdeen, NC	\$2,626,342.00
CW Wright, Chesterfield, VA	\$3,470,730.31

6.010 Bid Recommendation - Water Main Encasements Under Railroads - Package 2 to Sanford Contractors, Inc., the lowest responsive, responsible bidder in the total amount of \$1,792,842.00

Bids were received on June 13, 2018, as follows:

Sanford Contractors, Inc., Lemon Springs, NC	\$1,792,842.00
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6.011 Bid Recommendation - Annual Lighting LED Upgrade and Replacement to Pike Electric, LLC, the lowest responsive, responsible bidder in the total amount of \$1,704,614.85

Bids were received on July 10, 2018, as follows:

Pike Electric, LLC, Mount Airy, NC	\$1,704,614.85
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Lee Electric, Aberdeen, NC \$5,062,277.00
CW Wright, Chesterfield, VA \$6,101.683.30

6.012 Bid Recommendation - Ballpark Stadium Signage and Installation Services to Sign Art, the lowest responsive, responsible bidder in the total amount of \$145,614.00

Proposals were received for the agreement for the Ballpark Stadium Signage and Installation Services. The lowest responsive, responsible proposal received is from Sign Art, located in Charlotte, NC, in the amount of \$145,614.00.

6.013 Pulled for discussion and separate vote.

6.014 Resolution to Purchase Tangible Personal Property from the Fayetteville Public Works Commission

RESOLUTION AUTHORIZING THE PURCHASE OF TANGIBLE PERSONAL PROPERTY FROM THE FAYETTEVILLE PUBLIC WORKS COMMISSION. RESOLUTION NO. R2018-052

6.015 Adoption of a Resolution Authorizing Municipal Agreements with North Carolina Department of Transportation for City Maintenance of Traffic Signal Hardware and the Computerized Traffic Signal System for State Highway System Locations within the City

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE MAINTENANCE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TRAFFIC SIGNAL HARDWARE (SCHEDULE C) AND COMPUTERIZED TRAFFIC SIGNAL SYSTEM OPERATIONS (SCHEDULE D). RESOLUTION NO. R2018-053

6.016 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO DECLARE CITY PROPERTY SURPLUS AND QUITCLAIM CITY'S INTEREST IN JOINTLY HELD PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2018-054

6.017 Pulled for discussion and separate vote.

6.018 Resolution in Support of Community Child Abuse Prevention Plan

COMMUNITY CHILD ABUSE PREVENTION PLAN RESOLUTION OF SUPPORT. RESOLUTION NO. R2018-055

6.019 Fayetteville Baseball Team Naming Event Sponsorship Request

Fayetteville Baseball, affiliated with the Houston Astros and the owner of our minor league baseball team, will reveal the name of the City's baseball team on Wednesday, September 12, 2018, at 6:00 p.m. The event will be combined with other family and fan friendly activities in Festival Park. Council authorizes waiver of City fees for this event through a joint sponsorship arrangement.

6.013 Economic & Community Development 2018-2019 Annual Action Plan

Ms. Cynthia Blot, Economic and Community Development Director, presented this item and stated the 2018-2019 Annual Action Plan is based on priorities, goals, and objectives of the 2015-2019 Consolidated Plan. This plan is a comprehensive plan addressing the City's housing, homeless, community development, and economic development needs through 2019. The plan contains goals, objectives, and implementing strategies for each of the plan's elements. The Annual Action Plan describes the activities to be funded or implemented and is consistent with the 2015-2019 Consolidated Plan. In an effort to provide citizens an opportunity to participate in the process of developing the Annual Action Plan, the Economic & Community Development staff held six citizen participation meetings. These

meetings were held in various locations throughout the City. A staff public hearing was held on February 15, 2018, and the Fayetteville Redevelopment Commission held a public hearing on March 8, 2018. A draft copy of the plan was made available in various locations for review and comments for 30 days from March 27 through April 26, 2018. On May 1, 2018, the City received notification from HUD of the 2018-2019 allocation and will receive an increase of \$385,021.00 compared to the original allocation. An additional 30-day comment period was required (June 18 through July 17, 2018). No comments were received. Staff is requesting Council consider adopting the 2018-2019 Annual Action Plan. The City's Community Development Block Grant (CDBG) allocation and HOME Investment Partnership Grant (HOME) allocation notification was received May 1, 2018. The City will receive an increase of \$385,021.00. Adjustments were made to the plan and staff is requesting final approval of the 2018-2019 Annual Action Plan. There is no budget impact; the HOME Investment Partnership Grant match from the City has been waived for 2017 and 2018 due to Hurricane Matthew.

Discussion ensued.

MOTION: Council Member Dawkins moved to adopt the 2018-19 Annual Action Plan.

SECOND: Council Member Wright

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Arp)

6.017 Authorization of Condemnation of Properties Needed for Downtown Parking Project

Ms. Kecia Parker, Real Estate Manager, presented this item and stated in June of 2018, Real Estate staff was given the direction to acquire four parcels for downtown parking. Staff did all research and found that one parcel had IRS liens that would require condemnation for clear title. One owner was contacted by staff and was informed that the parking lot was currently being leased by an adjacent restaurant and they were not interested in selling at this time. The other two parcels are owned by several people. Real Estate staff tried to contact the owners, but received no response. Staff had previously called one of the owners last year to determine if they were interested in selling and were informed that one of the owners was unable to be found which would also require condemnation. At that time they were not interested in selling the property. On August 6, 2018, the City Council decided to pursue these purchases by filing condemnation action.

Discussion ensued.

MOTION: Council Member Arp moved to deny approval of the resolution authorizing the condemnations action for the purchase of lots for downtown parking to complete the proposed CIP project.

SECOND: Council Member Haire

VOTE: FAILED by a vote of 5 (Council Members Waddell, Jensen, Arp, Culliton, and Haire) in favor to 5 in opposition (Council Members Colvin, Dawkins, Crisp, Wright, and Mohn)

Discussion ensued.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CONDEMNATION ACTION FOR THE PURCHASE OF LOTS FOR DOWNTOWN PARKING. RESOLUTION NO. R2018-056

MOTION: Mayor Pro Tem Mohn moved to approve the adoption of the resolution authorizing the condemnations action for the purchase of lots for downtown parking to complete the proposed CIP project.

SECOND: Council Member Wright

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Jensen, Culliton, Waddell, and Arp)

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Annual Report of the Fayetteville-Cumberland Human Relations Commission

Ms. Sheila Cuffee, Chair, Human Relations Commission, presented the Fayetteville-Cumberland Human Relations Commission Annual Report with the aid of a PowerPoint presentation. Chair Cuffee provided a brief overview of the Human Relations Commission's accomplishments for 2017-2018. The highlights included the 2017 Commission Strategic Planning Retreat, providing assistance and collaboration to the Department of Justice police-community relations workshop; 2018 "Bridging the Gap" community social, 2018 Annual Awards and Recognition Reception, Commission's 2018 Dr. Martin Luther King Jr. Scholarship Recipients, engagement with the Board of Education and the Cumberland County Foundation, co-sponsors of community conversations, sponsoring the 2018 "Workplace Sexual Harassment/Sexual Assault Awareness Symposium", providing City programs and services information to the public, November 2017 meeting with the NC Human Relations Commission at the General Assembly in Raleigh, engagement with the District Attorney's Office, 2017 and 2018 Commission presentation to Cumberland County Board of Commissioners, meeting with the Town of Spring Lake, engagement with Cumberland County Management, presentation of Commission activities to Greater Fayetteville United, Commission collaboration with Greater Fayetteville United, speaking with Latinos United for Progress, community engagement with our Military Fort Bragg, and other Commission and staff highlights.

Mayor and Council thanked Ms. Cuffee for her service and the report.

MOTION: Council Member Arp moved to accept the Fayetteville-Cumberland Human Relations Commission Annual Report.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

7.02 Annual Report of the Fayetteville Fair Housing Board

Mr. Daniel DiMaria, Fair Housing Board Member, presented the Fayetteville Fair Housing Board Annual Report with the aid of a PowerPoint presentation. Mr. DeMaria provided a brief overview of the Fair Housing Board's accomplishments for 2017-2018. The highlights included sponsoring the Latinos United for Progress Fair Housing Session, sponsoring the Fair Housing Training for the NAACP, community engagement with Fort Bragg, sponsoring the Fair Housing training for Action Pathways, media outreach, Fair Housing training sessions with City/County Community Development and the NC Fair Housing Project, City proclamation of April 2018 as Fair Housing Month in Fayetteville, sponsoring the Fair Housing Training Seminars in April 2018 in English and Spanish at various locations throughout the City in celebration of the 50th Anniversary of the Fair Housing Act, Fair Housing and Fair Employment Seminar in the City Hall council chamber, and sponsoring of the Fair Housing training for the deaf and hard of hearing.

Mayor and Council thanked Mr. DiMaria for his service and the report.

MOTION: Council Member Dawkins moved to accept the Fayetteville Fair Housing Board Annual Report.

SECOND: Council Member Culliton

VOTE: UNANIMOUS (10-0)

8.0 PUBLIC FORUM

Ms. LaToria Meadows, 722 Blue Street, Apt H, Fayetteville, NC, expressed concerns regarding Transit Bus Routes.

Ms. Pam Carter, 505 Link Street, Fayetteville, NC, spoke in favor of locating the proposed athletic fields complex at the Fields Road site.

Ms. Ethelyn Holden-Baker, 810 Executive Place, Fayetteville, NC, provided a handout pertaining to developing a program to help the homeless.

Mr. Imam Eronomy Mohammad, 2700 Murchison Road, Fayetteville, NC, addressed the state of the community.

Mr. Jose Cardona, 233 Addison Street, Fayetteville, NC, spoke in opposition of condemnations and parking lots.

Mr. Willie Williams, 1165 Sandhills Drive, Fayetteville, NC, expressed concerns regarding the Community Awareness Alliance and the homeless.

9.0 ADMINISTRATIVE REPORTS

9.01 Monthly Statement of Taxes for June and July 2018

June 2018

2017 Taxes	177,034.54
2017 Vehicle,	628.19
2017 Taxes Revit	170.00
2017 Vehicle Revit	6.40
2017 FVT	35.00
2017 FTT	35.00
2017 Storm Water	21,790.62
2017 Fay Solid Waste Fee	29,821.41
2017 Annex	0.00
2016 Taxes	15,696.74
2016 Vehicle	91.62
2016 Taxes Revit	2.01
2016 Vehicle Revit	0.00
2016 FVT	0.00
2016 FTT	0.00
2016 Storm Water	1,170.00
2016 Fay Solid Waste Fee	880.00
2016 Annex	0.00
2015 Taxes	2,158.26
2015 Vehicle	0.00
2015 Taxes Revit	0.00
2015 Vehicle Revit	0.00
2015 FVT	0.00
2015 FTT	0.00
2015 Storm Water	90.08
2015 Fay Storm Water	180.17
2015 Fay S Waste Fee	440.24
2015 Annex	0.00
2014 Taxes	2,317.37
2014 Vehicle	0.00
2014 Taxes Revit	3.50
2014 Vehicle Revit	0.00
2014 FVT	0.00
2014 FTT	0.00
2014 Storm Water	90.00
2014 Fay Storm Water	162.00
2014 Fay S Waste Fee	240.00
2014 Annex	0.00
2013 and Prior Taxes	1,979.73
2013 and Prior Vehicle	1,430.32

2013 and Prior Taxes Revit	0.00
2013 and Prior Vehicle Revit	0.00
2013 and Prior FVT	338.44
2013 and Prior FTT	328.46
2013 and Prior Storm Water	72.00
2013 and Prior Fay Storm Water	144.00
2013 and Prior Fay S Waste Fee	228.00
2013 and Prior Annex	0.00
Interest	14,686.98
Revit Interest	6.55
Storm Water Interest	75.77
Fay Storm Water Interest prior	145.63
Fay Storm Water Interest 2017	1,159.97
Fay Storm Water Interest 2016	172.13
Annex Interest	0.00
Solid Waste Interest	2,117.57
FTT Interest	237.13
Total Tax and Interest	\$276,165.83

July 2018

2018 Taxes	233,374.99
2018 Vehicle,	0.00
2018 Taxes Revit	202.74
2018 Vehicle Revit	0.00
2018 FVT	0.00
2018 FTT	0.00
2018 Storm Water	54,108.92
2018 Fay Solid Waste Fee	96,124.75
2018 Annex	0.00
2017 Taxes	64,532.21
2017 Vehicle	502.14
2017 Taxes Revit	25.94
2017 Vehicle Revit	0.00
2017 FVT	20.00
2017 FTT	20.00
2017 Storm Water	6,172.96
2017 Fay Solid Waste Fee	14,282.72
2017 Annex	0.00
2016 Taxes	11,815.64
2016 Vehicle	31.45
2016 Taxes Revit	0.00
2016 Vehicle Revit	0.00
2016 FVT	0.00
2016 FTT	0.00
2016 Storm Water	689.90
2016 Fay S Waste Fee	806.57
2016 Annex	0.00
2015 Taxes	2,780.83
2015 Vehicle	0.00
2015 Taxes Revit	0.00
2015 Vehicle Revit	0.00
2015 FVT	0.00
2015 FTT	0.00
2015 Storm Water	130.89
2015 Fay Storm Water	261.76
2015 Fay S Waste Fee	339.93
2015 Annex	0.00
2014 and Prior Taxes	1,420.67
2014 and Prior Vehicle	1,188.39
2014 and Prior Taxes Revit	0.00
2014 and Prior Vehicle Revit	0.00
2014 and Prior FVT	232.35

2014 and Prior FTT	217.33
2014 and Prior Storm Water	0.00
2014 and Prior Fay Storm Water	0.00
2014 and Prior Fay S Waste Fee	0.00
2014 and Prior Annex	0.00
Interest	6,823.93
Revit Interest	.19
Fay Storm Water Interest prior	44.96
Fay Storm Water Interest 2015	89.93
Fay Storm Water Interest 2016	502.92
Annex Interest	0.00
Solid Waste Interest	1,123.21
FTT Interest	123.75
Total Tax and Interest	\$497,991.96

9.02 Communication from Independent Auditors Regarding FY 18 Audit

The City's independent audit firm, RSM US LLP, has requested their letter of Communication be presented to Council. The letter is included in the agenda packet.

This item was for information only and was not presented.

9.03 Settlement for Fiscal Year July 1, 2017, through June 30, 2018

The City of Fayetteville has a continuing contract with Cumberland County, which provides that the County Tax Collector shall act as the City Tax Collector. The Cumberland County Tax Administrator annually sends a copy of the settlement to the City. The report includes the July 1, 2017, through June 30, 2018, Settlement Statement and the Verification of Tax Funds for Fiscal Year Ended June 30, 2018. As required by N.C.G.S. § 105-373, a copy is on file with the Board of County Commissioners. The settlement shows the amounts that the Tax Collector was charged with collecting as well as amounts collected, released, uncollected, and barred. The summary of 2007 Real/Personal & Vehicle Taxes to be Barred includes uncollected taxes that are barred from new collections actions, as stipulated by N.C.G.S. § 105-378 (because the ten-year collection period has passed). The Verification of Tax Funds for the Fiscal Year Ended June 30, 2018, presents the Current Year Original Levy, Discoveries and Releases, Amounts Remitted to the City, Interest, and Amounts Due to the City.

This item was for information only and was not presented.

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:19 p.m.