

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
FEBRUARY 11, 2019
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5) (via telephone); 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
Telly Whitfield, Assistant City Manager
Barbara Hill, Interim Assistant City Manager
Kevin Arata, Corporate Communications Director
Tracey Broyles, Budget and Evaluation Director
Elizabeth Somerindyke, Internal Audit Director
Rose Rasmussen, Senior Internal Auditor
Jay Toland, Chief Financial Officer
Michael Martin, Development Services Deputy Director
James Nolette, Police Major
Shelia Thomas-Ambit, Interim Public Services Director
Giselle Rodriguez, City Engineer
Jennifer Ayre, Deputy City Clerk
Metoya Scott, Senior Administrative Assistant to the Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 7:07 p.m.

2.0 INVOCATION

The invocation was offered by Pastor Josh Goodman with Cliffdale Christian Center.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Jensen introduced Ms. Paige Diana, Fayetteville-Cumberland Youth Council (FCYC) member and Senior at Cumberland Polytechnic High School. Ms. Diana provided an overview of FCYC's current project--"Kindness Matters".

Pastors from Manna Church presented framed gifts to thank the Mayor and City Council for allowing residents to serve the City.

Mayor Colvin presented a proclamation to the City Engineering staff proclaiming February 17-23, 2019, Engineers Week. Ms. Giselle Rodriguez invited the Mayor and City Council members to the first Engineering Fair taking place February 21, 2019, from 10:00 a.m. to 2:00 p.m. at City Hall.

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

MOTION: Council Member Dawkins moved to approve the consent agenda with the exception of Items 6.04 and 6.06.
SECOND: Council Member Arp
VOTE: UNANIMOUS (10-0)

6.01 Approval of Municipal Certificate with NCDOT for speed limit on Camden Road from Owen Drive to 0.11 miles west of Veda Street

NCDOT conducted a review of speed limit ordinances along Camden Road (State Road 1003). During this review it was discovered there was not a concurring municipal ordinance for an existing 45 mph section of Camden Road from Owen Drive westward to 0.11 miles west of Veda Street. Based on this, NCDOT is requesting the City Council's concurrence for the existing 45 mph speed limit along Camden Road. No revisions to the speed limit will occur in the field.

APPROVAL OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS BETWEEN SR 1007 (OWEN DRIVE) AND 0.11 MILE WEST OF SR 1150 (VEDA STREET) AT THE SOUTHWEST FAYETTEVILLE MUNICIPAL LIMITS. ORDINANCE NO. NS2019-003

6.02 North Carolina Veterans Park - Phase II Design Contract Award to RATIO Architects; the recommended, responsible bidder.

North Carolina Veterans Park, Phase II Design, includes all aspects of architectural design required to deliver a functional and aesthetically pleasing park. The scope of work includes walkways, community lawns, plazas, walking trails, fountains, lighting and more. Phase II of the project will extend the current footprint of North Carolina Veterans Park north, encompassing the land previously occupied by the Rowan Street bridge and on-ramp. Authorizing staff to award and execute a contract with RATIO Architects for the design of the NC Veterans Park Phase II.

6.03 Capital Project Ordinance 2019-23 for the FY 18 Edward Byrne Memorial Justice Assistance Grant (JAG)

Capital Project Ordinance 2019-23 will appropriate \$117,032.00 of federal grant funds, awarded by the U.S. Department of Justice, for the FY 18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. No local match is required. The grant provides \$117,032.00 for a communications mobile command center (\$75,000.00) and a community policing trailer (\$42,032.00).

6.04 Pulled for discussion and separate vote.

6.05 Resolution to Appoint Jay C. Toland as Finance Officer

**RESOLUTION APPOINTING JAY C. TOLAND AS FINANCE OFFICER.
RESOLUTION NO. R2019-006**

6.06 Pulled for discussion and separate vote.

6.04 Joint Fayetteville State University Wellness/Senior Center Memorandum of Understanding for Property Transfer Request

This item was pulled for discussion and separate vote.

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated the City Council authorized the execution of the Memorandum of Understanding (MOU) with Fayetteville State University (FSU) on December 10, 2018. The first step is to obtain site control which will require both parties to acquire land not currently owned. This item requests that Council authorize the official request for transfer of property currently owned by Cumberland County and currently managed

by the Public Works Commission (PWC) to the City to support this project.

Discussion ensued.

MOTION: Council Member Dawkins moved to authorize staff to develop appropriate communications requesting the transfer of control and ownership of the identified parcels to the City without cost.

SECOND: Council Member Culliton

VOTE: UNANIMOUS (10-0)

6.06 Co-Bond Counsel Workload and Percentage Split - General Obligation Bonds, Series 2019 (Parks and Recreation)

This item was pulled for discussion and separate vote.

Council Member Wright requested recusal based on his recusal from the same item during the February 4, 2019, City Council work session.

MOTION: Council Member Arp moved to recuse Council Member Wright from the discussion and vote.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (9-0)

Mr. Jay Toland, Chief Financial Officer, presented this item and stated Bond Counsel is required to issue bonds and other debt financing agreements. In late spring 2019, the City will prepare the first of three issuances of the Parks and Recreation General Obligation Bonds. At the March 29, 2016, City Council meeting, the Council approved The Charleston Group as local co-bond counsel with an 85 percent/15 percent split, with 15 percent going to the local co-bond counsel. The current and primary bond counsel is Womble Bond Dickinson of Raleigh, NC. Staff is proposing a mid-February kick-off meeting with all parties that will facilitate the issuance of General Obligation Bonds, Series 2019. All fees need to be proposed from co-bond counsel before that kick-off meeting. At the February 4, 2019, work session, Council gave consensus for an 80 percent/20 percent split (fee and workload) for primary and local co-bond counsel respectively.

Council Member Haire expressed his preference for a 60 percent/40 percent split.

Discussion ensued.

MOTION: Council Member Haire moved to approve a 60 percent/40 percent split (fee and workload) for primary and local co-bond counsel respectively.

SECOND: Council Member Crisp

VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Mohn and Culliton)

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Annual Report of the Audit Committee for Fiscal Year Ending June 30, 2018

Mr. Darsweil Rogers, Audit Committee Chair, presented the Annual Report of the Audit Committee and stated in accordance with the guidelines set forth in the City of Fayetteville's Audit Committee Charter, the Audit Committee met four times, at least quarterly, over the past fiscal year. The Audit Committee has assisted the City Council by reviewing financial information and management reports, and by providing independent recommendations regarding the scope, priority, and methods of audit related activities within the City.

The Audit Committee has six voting members consisting of three City Council members, one member from the Fayetteville Public Works

Commission, and two members of the business community with experience in the finance industry. The Audit Committee voting members include PWC Chairperson Darsweil Rogers, Chairperson; Council Member Johnny Dawkins, Vice-Chairperson; Council Member William Crisp; Council Member Larry Wright; and Dr. Pamela Jackson, Fayetteville State University.

Discussion ensued.

MOTION: Council Member Crisp moved to accept the Annual Report of the Audit Committee for Fiscal Year ending June 30, 2018.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

8.0 PUBLIC FORUM

Ms. Harmony Sells (no address provided) requested a taxi council.

Mr. Imam Eronomy Smith Mohammad, 2700 Murchison Road, Fayetteville, NC, provided an overview of the state of the City.

Mr. Robert Walls, 1436 Valencia Drive, Fayetteville, NC, requested the establishment of a civilian oversight committee for the Fayetteville Police Department.

Mr. Jerry Reinoehl, 516 Deerpath Drive, Fayetteville, NC, expressed concerns regarding the red light camera program.

9.0 OTHER ITEMS OF BUSINESS

9.01 Amendment to Garage Contract with Hay Street Development Pad, LLC.

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated in December 2017 the Council authorized the execution of the Garage Contract with Hay Street Development Pad, LLC (Hay St.) for the development of a mixed use structure with a City parking garage. That agreement does not clearly address how sales tax will be accounted as part of the transaction. The proposed amendment clarifies that sales tax will be addressed as a credit to the project costs, which is how it is handled in other construction projects. The City executed a Memorandum of Understanding with Prince Charles Holdings (PCH) in March 2016. At that time, the main topics of discussion were the availability of parking and how to reconfigure the street system to support the renovation of the Prince Charles into a mixed use building, a hotel, and mixed use development on the site. That process was moving forward when the concept of placing a minor league baseball stadium was introduced in June 2016. The City entered into a Downtown Development Agreement with Prince Charles Holding in December 2017. The City pays sales tax and then is reimbursed by the state for that expenditure. The standard practice is to not budget sales tax expense as part of capital projects or major expenditures. When a pay application is submitted, sales tax is listed separately and not included as an expenditure against the budget appropriation. It is accounted for separately. The Garage Contract is unique in that the City is paying for the Construction of part of the building; the parking garage component. The contract provides for the City to honor construction pay applications, just like any other City construction project, up to an agreed maximum of \$14,467,888.00 plus soft costs. The proposed amendment clarifies that sales taxes included in pay application requests will be excluded from the City's contribution to the project under the contract to the extent reimbursed by the state.

The intention and impact of the proposed amendment is to address sales tax in the same way it is addressed in other City construction projects. If approved and executed, payments for sales tax will be excluded from the calculation of payments to Hay Street LLC. for the construction and acquisition of the Hay Street parking garage. This will not increase the City's budget for the project as sales tax

payments and reimbursements are routinely not budgeted. The City accounts for this exchange separately. Approving the proposed amendment will not change this budget. It will allow any sales tax reimbursements to be applied as a credit to "Expenditures" freeing up current appropriation authority to cover additional direct construction costs.

Discussion ensued.

MOTION: Council Member Wright moved to authorize the City Manager to execute the amendment to the Garage Contract.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (10-0)

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:06 p.m.

