

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
JUNE 10, 2019
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1) (via telephone at 8:20 p.m.); Daniel Culliton (District 2); Tisha S. Waddell (District 3); 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
Telly Whitfield, Assistant City Manager
Angel Wright-Lanier, Assistant City Manager
Gina Hawkins, Police Chief
Kevin Arata, Corporate Communications Director
Tracey Broyles, Budget and Evaluation Director
Jay Toland, Chief Financial Officer
Sheila Thomas-Ambat, Public Services Director
Michael Hill, Interim Fire Chief
Cindy Blot, Economic and Community Development Director
Brad Whited, Airport Director
Lee Jernigan, Traffic Engineer
Pamela Megill, City Clerk
Jennifer Ayre, Deputy City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Wright of Heal the Land Ministries.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Mayor Colvin introduced Ms. Joyce Dipoumbui representing the Fayetteville-Cumberland Youth Council.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda.
SECOND: Council Member Haire
VOTE: UNANIMOUS (9-0)

6.0 CONSENT AGENDA

MOTION: Council Member Dawkins moved to approve the consent agenda with the exception of Items 6.02, 6.03, 6.06, and 6.07; pulled for discussion and separate vote.
SECOND: Council Member Haire
VOTE: UNANIMOUS (9-0)

6.01 Approval of Meeting Minutes:
May 22, 2019 - Budget Work Session

May 28, 2019 - Discussion of Agenda Items
May 28, 2019 - Regular

6.02 Pulled for discussion and separate vote.

6.03 Pulled for discussion and separate vote.

6.04 Adoption of Budget Ordinance Amendment 2019-18, Capital Project Ordinance 2019-34, and Capital Project Ordinance Amendments 2019-41 and 2019-42 to Appropriate Funding for the Relocation of Fire Station 4, the Cape Fear River Trail Extension, and the Downtown Replacement Parking Projects Consistent with the Update of the Capital Improvement Plan

Budget Ordinance Amendment 2019-18 to appropriate \$646,983.00 from fund balance accumulated in the Capital Funding Plan to support adoption of two project appropriations: Capital Project Ordinance 2019-34 for the relocation of Fire Station 4 (\$500,000.00) and Capital Project Ordinance Amendment 2019-41 for the Downtown Replacement Parking Project (\$146,983.00). In addition, Council is asked to adopt Capital Project Ordinance Amendment 2019-42 to appropriate a transfer of \$500,000.00 currently budgeted in the Fiscal Year 2019 General Fund operating budget for the Cape Fear River Trail project. These appropriation actions are consistent with the update of the five-year Capital Improvement Plan (CIP) communicated to Council with the Fiscal Year 2020 budget process.

6.05 Adoption of Budget Ordinance Amendment 2019-19 and Capital Project Ordinance Amendment 2019-43 to Appropriate \$35,000.00 from Airport Operating Fund Net Assets for the Airport Terminal Renovation-Data Infrastructure Project

Budget Ordinance Amendment 2019-19 to appropriate \$35,000.00 from Airport Operating Fund net assets and Capital Project Ordinance Amendment 2019-43 to transfer the funds to the Airport Terminal Renovation - Data Infrastructure project.

6.06 Pulled for discussion and separate vote

6.07 Pulled for discussion and separate vote

6.08 Approval of Independent Auditor Contract - 2019 Pension Census Data Attestation

The City of Fayetteville was randomly selected by the Office of the State Auditor (OSA) to have an attestation prepared by a CPA on the census data for members of the pension plans. OSA is requesting that the City's audit firm (RSM) examine the assertion that the census data being provided by the City of Fayetteville via Orbit into the Local Government Employees' Retirement System (LGERS) is materially correct for the year ended December 31, 2018. The audit is due back to OSA by October 1, 2019.

6.09 Bid Recommendation for Annexation Phase V Project X - Area 22 - Emerald Gardens and Arran Lakes West Subdivisions Project to T. A. Loving Company, the lowest responsive, responsible bidder, in the total amount of \$3,035,750.00.

Bids were received on May 8, 2019, as follows:

T. A. Loving Company, Goldsboro, NC	\$3,035,750.00
Billy Bill Grading Co., Inc., Fayetteville, NC ...	\$3,217,662.40
T2 Contracting Inc., Fuquay Varina, NC	\$3,995,652.00

6.010 Adoption of a Resolution to Authorize NCDOT Municipal Agreements Accepting Federal Transportation Alternatives Program Grants for Rosehill Road, Skibo Road, Hope Mills Road and Ramsey Street Sidewalk Projects, and Adoption of Capital Project Ordinance Amendments 2019-45 and 2019-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AUTHORIZE EXECUTION OF AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) FOR SIDEWALK PROJECTS INCLUDING ACCEPTANCE OF REIMBURSEMENTS WITH FEDERAL TRANSPORTATION ALTERNATIVES PROGRAM FUNDS. RESOLUTION NO. R2019-026

6.011 Proposed Amendment to City Council Policy No. 110.1 - Boards and Commissions Membership and Removal

This is a revision to City Council Policy No. 110.1, boards and commissions membership, to add additional provisions for removal from the City Council's boards and commissions.

6.012 Request City Council to revise City Council Policy No. 130.2 - Law Enforcement Disposal of Police Canines

The purpose of the policy revision is to ensure that after a handler purchases a retired canine from the City that the handler cannot use the dog for police canine duties.

6.013 Consideration of Appointment Committee Recommendation to increase the Stormwater Advisory Board Membership from Five Members to Nine Members

Approval of the Appointment Committee recommendation to increase the Stormwater Advisory Board Membership from five to nine members.

6.02 Adoption of Budget Ordinance Amendment 2019-16 to Appropriate \$245,000.00 from Fund Balance for the General Fund, Capital Project Ordinance Amendment 2019-47 for the Downtown Redevelopment Site, and Capital Project Ordinance 2019-33 for Memorials and Signage at Hurley Plaza

This item was pulled for discussion and separate vote.

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated Council is asked to adopt Budget Ordinance Amendment 2019-16 to appropriate \$245,000.00 from General Fund fund balance to provide for transfers from the General Fund for Capital Project Ordinance Amendment (CPOA) 2019-47 and Capital Project Ordinance (CPO) 2019-33. CPOA 2019-47 will appropriate an additional \$200,000.00 for the Downtown Redevelopment Site project, which includes improvements at Hurley Plaza. The proposed funding source for this CPOA is a transfer from the General Fund. CPO 2019-33 will establish a \$150,000.00 project budget for the installation of memorials and signage at Hurley Plaza. The proposed funding sources for this project include a \$45,000 transfer from the General Fund, and \$105,000.00 to be provided by private donations.

Discussion ensued.

MOTION: Council Member Waddell moved to approve the adoption of Budget Ordinance Amendment 2019-16 to appropriate \$245,000.00 from Fund Balance for the General Fund, Capital Project Ordinance Amendment 2019-33 for Memorials and Signature at Hurley Plaza.

SECOND: Council Member Wright

VOTE: UNANIMOUS (9-0)

MOTION: Council Member Waddell moved to deny funding Capital Project Ordinance Amendment 2019-47 for the Downtown Redevelopment Site.

SECOND: Council Member Crisp

VOTE: FAILED by a vote of 1 in favor to 8 in opposition (Council Members Colvin, Culliton, Haire, Dawkins, Crisp, Mohn and Arp)

MOTION: Council Member Arp moved to approve funding the Capital Project Ordinance Amendment 2019-47 for the Downtown Redevelopment Site.
SECOND: Council Member Wright
VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Waddell)

6.03 Adoption of Budget Ordinance Amendment 2019-17 and Capital Project Ordinance Amendment 2019-40, and Authorization for the Mayor to Sign for Acceptance of the 2019 Federal Aviation Administration Grant for Terminal Improvement Project - Part II

This item was pulled for discussion and separate vote.

Mr. Brad Whited, Airport Director, presented this item and stated Council is asked to adopt Budget Ordinance Amendment (BOA) 2019-17 to appropriate \$704,260.00 from Airport Operating Fund net assets to fund Capital Project Ordinance Amendment (CPOA) 2019-40 for the Airline Terminal Improvement Project - Part II. The additional project appropriation will allow the Airport to proceed with contracting with the project architect to complete necessary value engineering adjustments to the plans and specifications and to assist with the bidding process as scheduled in July, as outlined at the May 16, 2019, budget work session. The results of the July bid process will allow the Federal Aviation Administration (FAA) to issue the 2019 Airport Improvement Grant for this project. Council is asked to authorize the Mayor to sign for acceptance of the 2019 FAA grant award for the improvement project when it is received.

Discussion ensued.

MOTION: Council Member Culliton moved to adopt Budget Ordinance Amendment 2019-17 and Capital Project Ordinance Amendment 2019-40 as presented and authorize the Mayor to sign for acceptance of the 2019 FAA grant when received.
SECOND: Council Member Dawkins
VOTE: UNANIMOUS (9-0)

6.06 Authorization to Execute Amendment to Downtown Development Agreement and Garage Contract with Hay St. Development Pad, LLC and Adoption of Budget Ordinance Amendment 2019-20 and Capital Project Ordinance Amendment 2019-44.

This item was pulled for discussion and separate vote.

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated Council is being asked to consider amending its agreements with Hay Street Development Pad, LLC. (Hay St.) to increase the City's contribution by up to \$1.5 million for the Hay Street Parking Garage and mixed use development. Adoption of Budget Ordinance Amendment 2019-20 and Capital Project Ordinance Amendment 2019-44 will appropriate \$1.5 million from General Fund fund balance and transfer the funds to the parking deck project budget to establish budgetary authority for the proposed contract amendment.

Discussion ensued.

MOTION: Council Member Dawkins moved to adopt Budget Ordinance Amendment 2019-20 and Capital Project Ordinance Amendment 2019-44 as presented, and authorize the City Manager to execute the proposed contract amendment.
SECOND: Council Member Wright
VOTE: UNANIMOUS (9-0)

6.07 Adoption of Special Revenue Fund Project Ordinance 2019-12 for the State Acquisition Relocation Funds (SARF) Grant Program

This item was pulled for discussion and separate vote.

Ms. Cindy Blot, Economic and Community Development Director, presented this item and stated the City of Fayetteville has been awarded a State Acquisition Relocation Funds (SARF) allocation of \$1,573,000.00 from the State of North Carolina Department of Public Safety, Division of Emergency Management for Hurricane Matthew recovery. Grant funding received from the SARF program will provide relocation assistance to homeowners whose primary residence was damaged during Hurricane Matthew and is being acquired in a Hazard Mitigation Grant Program or Disaster Recovery Act buyout. Under this program, homeowners may receive a gap payment that may not exceed \$50,000.00 to help a household relocate from a currently damaged home to a similar housing unit outside of the special flood hazard area. In addition to the gap payment, SARF funds may also be used to provide applicants with up to an additional \$5,000.00 in relocation costs. Homeowners must relocate within their home counties in order to receive SARF assistance.

Discussion ensued.

MOTION: Council Member Wright moved to adopt Special Revenue Fund Project Ordinance 2019-12 as presented.
SECOND: Council Member Haire
VOTE: UNANIMOUS (9-0)

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Fayetteville Redevelopment Commission Annual Report

Mr. Lee Johnson, Chairman, Fayetteville Redevelopment Commission, presented this item with the aid of a PowerPoint presentation and stated the Fayetteville Redevelopment Commission was created by City Council on February 17, 1958. The duties of the Commission were originally to administer the federally subsidized urban renewal projects in the City of Fayetteville. On December 28, 1977, the Fayetteville City Council determined that the Commission should be the Community Development Advisory Board to the City Council to administer the federally funded Community Development Block Grant program. As such, the Commission was designated by resolution as the governing board to assist the staff of the Community Development Department and Council. The Commission was given the basic authority to act on behalf of the Council in administering Community Development programs and as the primary citizen participation mechanism. The Fayetteville Redevelopment Commission formulates and recommends policy to the Council on housing and community and economic development issues. The Commission is composed of seven members appointed by the City Council. Term of office is five years. Mr. Johnson provided an overview of the mission, goals and accomplishments the Commission has achieved over the past year.

MOTION: Council Member Haire moved to accept the Redevelopment Commission Annual Report.
SECOND: Council Member Dawkins
VOTE: UNANIMOUS (10-0)

7.02 Firefighter's Relief Fund Annual Report

Fire Captain Tommy Warren presented this item and stated the Firefighters' Relief Fund was established in 1907 with the original purpose of financially assisting firefighters that were injured while performing their duties, and to ensure that no firefighter would become financially destitute through no fault of their own. It is funded by a portion (20 percent) of the gross premium tax on insurance policies containing fire and lightning protection, as well as certain automotive policies pursuant to G.S. 105-228.5(d)(3). The Firefighter's Relief Fund (FRF) has seen several legislative revisions over the course of its history. In 1984, the General Assembly amended G.S. 58-84-35 to allow additional expenditures to local funds. Funds may be used to provide for benefits of supplemental retirement, workers compensation, and other insurance and pension protection for

firefighters. It can provide educational benefits to firefighters and their dependents that otherwise would not qualify for benefits. It can also provide assistance to a destitute member firefighter who has served honorably for at least five years. In 2014, the General Assembly amended the relief fund law further defining how funds can be used and establishing a recommended calculation for local relief funds to determine financially sound funds, and to require a maximum on the balance of a local fund. The City of Fayetteville Fire Department, as well as other Fire Departments within North Carolina, must meet the following annual requirements in order to become eligible to receive these funds:

- Department must be a rated fire department
- Department must be a member of the State Firemen's Association
- A financial report of the local Firefighters' Relief Fund receipts, disbursements, and remaining balance must be submitted to the State Firemen's Association twice a year.

All General Statute requirements must be met by October 31 of each year. The local FRF is comprised of five board members: two elected by the Fire Department, two appointed by City Council and one appointed by the Commissioner of Insurance. If the local fire chief is not one of the members appointed, they shall serve as an ex-officio member of the board.

MOTION: Council Member Wright moved to accept the Firefighter's Relief Fund Annual Report.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

8.0 STAFF REPORTS

8.01 Hurricane Funding Update - Status of Hurricane Matthew and Hurricane Florence Related Projects

Mr. Jay Toland, Chief Financial Officer, presented the hurricane funding update and stated for Hurricane Matthew, there are 25 projects completed and/or completed and awaiting final inspections out of a total of 37 projects. The status for outstanding projects not yet complete range from design phases to currently under construction. The payment status for these projects range from awaiting progress payments to paid in full. There has been communication with the State regarding facilitating the timeliness of the payments and if the City needs to do anything further. To date there have been no further requests for the City to provide additional information. The City has spent \$10.1 million on Hurricane Matthew related projects to date and has been reimbursed \$5.2 million with a balance of \$4.9 million still owed. Those numbers do not include approximately \$10 million which has yet to be expended for ongoing projects. A total of 25 projects have been identified resulting from damages sustained due to Hurricane Florence (\$9.6 million estimate) and those projects are at various stages of the FEMA approval process. Freese and Nichols has been contracted by the City to facilitate the scope creation with FEMA. The City has spent \$3.9 million on debris removal and has been reimbursed nothing to date. It is important to mention at this juncture that FEMA will receive the first reimbursement request on May 31, 2019, from the City totaling the before mentioned \$3.9 million. FEMA will reimburse 75 percent and the State of North Carolina will reimburse 25 percent. Those reimbursement amounts are based on the specific scope of the projects and may not be bound to the specific estimates as long as the scope is followed for the respective project. Any overruns in small projects can be applied to underruns in those small projects. A final inspection will be requested when all small projects have been completed.

Ms. Cindy Blot, Economic and Community Development Director, provided an update on the HMGP original grant award and stated the City of Fayetteville was awarded \$4,100,000.00 in total for 3 FEMA HMGP grants.

Discussion ensued.

MOTION: Council Member Dawkins moved to accept the Hurricane Funding Update and the Hurricane Related Projects Reports.

SECOND: Mayor Pro Tem Mohn

VOTE: UNANIMOUS (10-0)

Mayor Colvin recessed the meeting at 9:05 p.m. The regular session reconvened at 9:15 p.m.

9.0 PUBLIC FORUM

Mr. Bernard McCoy, 1220 Cullen Drive, Fayetteville, NC, expressed concerns regarding the Fayetteville Voice organization.

Mr. Spencer Finley, 6000 Lake Trail Drive, Fayetteville, NC, expressed concerns regarding homelessness and shelters.

Mr. Daniel Finley, 6000 Lake Trail Drive, Fayetteville, NC, expressed concerns regarding homelessness and shelters.

Ms. Lindsey Woffard, 5712 Icarus Court, Fayetteville, NC, expressed concerns regarding homelessness and shelters.

Ms. Melissa Visik, 527 Fox Lair Drive, Fayetteville, NC, expressed concerns regarding homelessness and shelters.

Ms. Staci Graybill, 2409 Castlebar Drive, Fayetteville, NC, expressed concerns regarding homelessness and shelters.

Ms. Marsha Jones, 3095 Enterprise Avenue, Fayetteville, NC, expressed concerns regarding bus stops on Enterprise Avenue.

Mr. Willie Williams, 1163 Simpson Street, Fayetteville, NC, expressed concerns regarding homelessness and shelters. Mr. Williams announced the Fayetteville AAU 6th grade and 8th grade basketball teams won the Championship in Charlotte, NC.

Mr. Terry Samperton, 3537 McCumber Court, Fayetteville, NC, expressed concerns regarding the proposed changes on the Unified Development Ordinance.

Ms. Ethlyn Holden-Baker, 810 Executive Place, Fayetteville, NC, expressed concerns regarding homelessness and shelters.

Mr. Gerard Falls, 100 Bradford Avenue, Fayetteville, NC, expressed concerns regarding homelessness and shelters.

Mr. Charles Matthews, 3618 Tindle Court, Fayetteville, expressed concerns regarding flooding and the management of the Public Works Commission.

10.0 OTHER ITEMS OF BUSINESS

10.01 Adoption of the Fiscal Year 2019-2020 Budget Ordinance and Fee Schedule, the Fiscal Year 2019-2020 Strategic Plan, the Fiscal Years 2020-2024 Capital and Technology Improvement Plans, Capital Project Ordinances 2020-1 through 2020-13, and Capital Project Ordinance Amendments 2020-1 through 2020-19

Mr. Douglas Hewett, City Manager, presented this item with the aid of a PowerPoint presentation and stated Council is asked to consider adoption of the Fiscal Year 2019-2020 Budget Ordinance and Fee Schedule which incorporate changes from the recommended budget as

discussed at the May 22, 2019, budget work session and the June 3, 2019, work session. In addition to setting the general ad valorem tax rate at 49.95 cents, the Central Business Tax District rate at 10 cents and the Lake Valley Drive Municipal Service District ad valorem tax rate at 39.4 cents, the ordinance also levies the stormwater fee at \$6.00 per month and the residential solid waste fee at \$190.00 per year, and adopts the fee schedule presented.

Council is also asked to approve the Fiscal Year 2019-2020 Strategic Plan and the Fiscal Year 2020-2024 Capital and Technology Improvement Plans (CIP and TIP), and to adopt related capital project ordinances and capital project ordinance amendments to establish project budgets as planned.

Discussion ensued.

MOTION: Council Member Crisp moved to adopt Fiscal Year 2019-2020 Budget Ordinance and Fee Schedule, the Fiscal Year 2019-2020 Strategic Plan, the Fiscal Years 2020-2024 Capital and Technology Improvement Plans, Capital Project Ordinances 2020-1 through 2020-13, and Capital Project Ordinance Amendments 2020-1 through 2020-19.

SECOND: Council Member Wright

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

10.02 Presentation of Appointment Committee Recommendations for the Board of Advisors for the Woodpeckers Capital Reserve Account

Council Member Crisp presented this item and stated per the Operating Agreement, a Board of Advisors needs to be established for review of the Capital Repair, Maintenance and Improvement Account for the Baseball Stadium. The Board of Advisors shall have nine members comprised as follows:

- One member appointed by the Operator (Woodpeckers) - Mr. Mark Zarthar
- One member appointed by master developer of the Project and the immediately surrounding area (PCH) - Mr. Jordan Jones
- One member appointed by the then current holder of Naming Rights (SEGRA) - Mr. James Nester
- Six members appointed by the City or such organizations or individuals as designated by the City.

The Appointment Committee met on May 29, 2019, to review applications for appointments to the Board of Advisors for the Woodpecker Capital Reserve Account. It is from that meeting the Appointment Committee presents the recommendations for the six City-appointed positions:

George Breece	June 10, 2019-September 31, 2021
Dennis Corbin	June 10, 2019-September 31, 2021
Terrance Strater	June 10, 2019-September 31, 2021
Peter Aubrey	June 10, 2019-September 31, 2021
Joseph Coker	June 10, 2019-September 31, 2021
Douglas Hewett	June 10, 2019-September 31, 2021

MOTION: Council Member Waddell moved to approve the six Appointment Committee recommendations for the Board of Advisors for the Woodpeckers Capital Reserve Account, effective June 10, 2019.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

11.0 ADMINISTRATIVE REPORTS

11.01 Communication from Independent Auditors Regarding FY 19 Audit

On May 13, 2019, the Council approved the firm RSM US LLP as the City's independent auditors for the fiscal year ended June 30, 2019. RSM recently completed preliminary audit field work and currently there are no outstanding issues to report. Final field work will begin the week of September 20, 2019.

This item was for information only and was not presented.

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:24 p.m.

Respectfully submitted,