

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
OCTOBER 14, 2019
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); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Absent: Council Members Daniel Culliton (District 2); William J. L. Crisp (District 6)

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
Gerald Newton, Development Services Director
Gina Hawkins, Police Chief
Mike Hill, Fire Chief
Cynthia Blot, Economic and Community Development
Director
Sheila Thomas-Ambat, Public Services Director
Lee Jernigan, Traffic Engineer
Dwayne Campbell, Chief Information Officer
Kevin Arata, Corporate Communications Director
Tracey Broyles, Budget and Evaluation Director
Taurus Freeman, Planning and Zoning Manager
Sharon Williams, Senior Planner
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 Larry Wright, Bishop 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

Council Member Jensen introduced Justin Robinson, representing the Fayetteville-Cumberland Youth Council.

Mayor Colvin recognized "Hometown Broncos Legacy Pageant" winners Vanessa Lynn Hawkins, Mi'Kyia Shipman, Taylor Renee' Gaddy, Dylan Smiley, Adrienne Willis-Tucker, and Emily Smallwood.

Mayor Colvin presented a proclamation to Mr. Taurus Freeman, Planning and Zoning Manager, and Planning staff proclaiming the month of October 2019 Community Planning Month.

Mayor Colvin presented a proclamation to Mr. Willie Williams proclaiming October 10, 2019, World Homeless Day.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda.
SECOND: Council Member Wright
VOTE: UNANIMOUS (8-0)

6.0 CONSENT AGENDA

MOTION: Council Member Dawkins moved to approve the consent agenda.
SECOND: Council Member Arp
VOTE: UNANIMOUS (8-0)

6.0 CONSENT AGENDA

6.01 Approval of Meeting Minutes:

September 9, 2019 - Regular Meeting
September 18, 2019 - Agenda Briefing
September 23, 2019 - Discussion of Agenda Items
September 23, 2019 - Regular Meeting

6.02 Proposed 2020 City Council Meeting Dates Calendar

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2020 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS. RESOLUTION NO. R2019-036

6.03 Adoption of Budget Ordinance Amendment 2020-3 (Stormwater Management Fund) to Provide Funding for House Demolitions

Budget Ordinance Amendment 2020-3 will appropriate \$30,000.00 from Stormwater Management Fund net assets to provide funding for the demolition of three houses. Between 2015 and 2017, the City of Fayetteville purchased three parcels each with a single-family residential home that were subject to frequent stormwater flooding problems. At the time of the purchase, funds were not appropriated for the demolition of the three houses.

6.04 Adoption of Capital Project Ordinance 2020-21 to Fund Professional Services for Greenock Avenue Hurricane Matthew Repair Project

Capital Project Ordinance 2020-21 will appropriate \$500,000.00 of anticipated funding from the Federal Emergency Management Agency (FEMA) and the North Carolina Department of Public Safety (NC DPS) to establish project funding for professional services for the repair of Greenock Avenue. As an approved Hurricane Matthew repair project, it is anticipated that the FEMA and NC DPS will fund \$375,000.00 and \$125,000.00, respectively under a 75/25 funding split.

6.05 Bid Recommendation - One 56,000 LB Excavator to National Equipment Dealers, LLC, dba May/RHI, LLC, Clayton, NC, the lowest responsive, responsible bidder in the total amount of \$169,737.00.

Bids were received on August 13, 2019, as follows:

National Equipment Dealers, LLC, Clayton, NC	\$169,737.00
Hills Machinery, Raleigh, NC	\$205,775.96
Gregory Poole, Hope Mills, NC	\$219,574.00
Linder Industrial Machinery, Raleigh, NC	\$223,950.00

6.06 Bid Recommendation - Six Trucks with Utility Body to Lafayette Ford, Fayetteville, NC, the lowest responsive, responsible bidder in the total amount of \$209,016.00.

Bids were received on August 20, 2019, as follows:

Lafayette Ford, Fayetteville, NC \$209,016.00
Cooper Ford, Carthage, NC \$211,464.00

6.07 Bid Recommendation - One 35,000 GVWR Crew Cab and Chassis to White's International Truck, Greensboro, NC, the lowest responsive, responsible bidder in the total amount of \$125,316.68.

Bids were received on September 13, 2019, as follows:

White's International Truck, Greensboro, NC \$125,316.68
H&H Truck, Fayetteville, NC \$127,697.00
Triple T Freightliner, Wilmington, NC \$130,941.66
Altec Industries, Inc., Mount Airy, NC \$141,381.00

6.08 Petition: Acceptance of Private Streets within the Wendover Place Subdivision into the City of Fayetteville System of Streets

Ratification of Council's consensus expressed during the September 3, 2019, work session to accept the private streets in the Wendover subdivision as public streets maintained by the City and to direct staff to work with the Wendover Place Homeowner's Association to prepare the necessary documentation in order for the City to assume control and future maintenance responsibility for those three Wendover Place streets.

6.09 Resolution to Declare Property as Surplus and Authorize Sale by Sealed Bid through the Fayetteville PWC

A RESOLUTION TO DECLARE PROPERTY AS SURPLUS AND AUTHORIZE SALE OF PROPERTY BY SEALED BID BY AND THROUGH THE FAYETTEVILLE PUBLIC WORKS COMMISSION. RESOLUTION NO. R2019-037

6.010 Acceptance of Settlement in the matter of the FAST Multi-Modal Transportation Center Project

The City entered into a written contract with GHA, which was later assigned to Bergmann, to provide design and construction phase services for the FAST Multi-Modal Transportation Center Project located in Fayetteville, North Carolina (the "Project"). GHA/Bergmann entered into subconsultant contracts with Stewart, McCracken, and URS to provide design and construction phase services on the Project. CSI and the City entered into a written contract pursuant to which CSI served as the general contractor for the construction of the Project. CSI has pursued claims for additional costs related to change orders, alleged design errors, and alleged delays on the Project. All matters in controversy related to the contracts and the Project have been resolved between the parties. As to the City's share of the settlement, the City agreed to release to CSI the balance of the retainage held by the City for the Project in the amount of \$396,018.00 and agreed to pay Jones Worley Design, a Bergmann subconsultant, the sum of \$3,687.50.

Pursuant to the Open Meetings Law, the settlement is required to be entered into the minutes of an open session of Council.

Council Member Waddell requested to be excused from the remainder of this meeting.

MOTION: Council Member Dawkins moved to excuse Council Member Waddell from the remainder of the meeting.
SECOND: Council Member Wright
VOTE: UNANIMOUS (7-0)

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Fayetteville - Cumberland Economic Development Corporation Board Annual Report

Mr. Andrew Pennink, FCEDC Chair, and Ms. Lindsay Almond, FCEDC Vice President of Operations, presented the FCEDC Annual Report with the aid of a PowerPoint presentation. Mr. Pennick stated in the fall of 2015, the City of Fayetteville and Cumberland County entered into an interlocal agreement, creating the Fayetteville-Cumberland Economic Development Corporation (FCEDC). The City Council appoints four voting members to FCEDC's Board (Currently Mayor Colvin, FCEDC Chairman Andrew Pennink, Bobby Suggs, and Michael McCollum), and one ex-officio member (City Manager). Since January 2017, FCEDC has worked with new and existing industry to announce over 1,400 new jobs and \$103 million in new investment.

FCEDC has expanded our capacity, delivering value-added messaging to corporate leaders, site-selection consultants, and regional brokers, resulting in 28 new client visits this year. We have directly engaged our targeted audiences at 35 events, generating 75 projects - 15 percent more than 2018. To expand our product inventory, we worked with local property owners to proactively bring 870 acres to the market. FCEDC remains committed to supporting and retaining existing industry, and over the past year, engaging 120 local companies in the past year.

FCEDC partnered with the City, County, and eight agencies to form the Fayetteville-Cumberland Collaborative Branding Committee (FCCBC). Led by North Star Ideas, this initiative will communicate our strengths, celebrate our diversity, and convey our potential. Upon completion, the branding platform will be used to attract new businesses, residents, and tourists while showcasing the best aspects of our community.

Discussion ensued.

MOTION: Council Member Dawkins moved to accept the annual report form the Fayetteville-Cumberland Economic Development Board.

SECOND: Mayor Pro Tem Mohn

VOTE: UNANIMOUS (7-0)

8.0 PUBLIC FORUM

Ms. Barbara Pollard, 605 Knob Court, Fayetteville, NC, expressed concerns regarding new home development construction issues off of Santa Fe Drive.

Ms. Kathleen McCabe, (no address provided), Fayetteville, NC, expressed concerns regarding the operation of cash bail businesses.

Mr. Jonathan Stewart, 5796 Pepperbush Drive, Fayetteville, NC, expressed code enforcement concerns regarding a new property being built at 5800 Pepperbush Drive.

Ms. Tina Sherman, 2251 Toad Hollow Trail, Apex, NC, appeared to advocate for paid parental leave for City employees.

Ms. Sharon Toland, 213 Lofton Drive, Fayetteville, NC, appeared to advocate for paid parental leave for City employees.

Ms. Angela Tatum Malloy, 404 Pilot Avenue, Fayetteville, NC, appeared to advocate for paid parental leave for City employees.

Mr. Charles Hurst, 1253 McHarry Drive, Fayetteville, NC, expressed support for a Police Citizen Review Board and opposition for the proposed Civil War Museum.

Ms. Ruth Carol, 2811 Coronado Parkway, Fayetteville, NC, expressed concerns regarding a storm drain behind her home that is not operating properly.

Ms. Marsha Jones, 3095 Enterprise Drive, Fayetteville, NC, thanked the Mayor and City Council for the newly installed bus stop, and stated she still has issues with the lack of functioning transit.

9.0 OTHER ITEMS OF BUSINESS

9.01 Fayetteville PWC Community Solar Customer Offering

Mr. Mark Brown, PWC Senior Customer Programs Officer, presented this item with the aid of a PowerPoint presentation and stated PWC has built North Carolina's first municipal Community Solar farm at the Butler Warner Generation Plant site. The Community Solar project is a large-scale, ground-mount solar array offering electric customers a shared renewable energy option and an alternate to rooftop solar. Customers can enroll in the program, pay a monthly subscription fee and in exchange, receive a bill credit for the value of the solar less the cost to operate. All electric customers--whether they own or rent a home, whether residential or non-residential--can participate as a 'subscriber' in this program.

Discussion ensued.

This item was for information only; no action was taken.

9.02 Phase V Annexation Sewer Extension Project Area 32 Construction Schedule

Mr. Mark Brown, PWC Senior Customer Programs Officer, presented this item and stated design for this project area is being performed earlier than the original project schedule due to the accelerated schedule of the NCDOT proposed Fayetteville Outer Loop which divides this project area. Installation start date is 2025. Area 32 includes the following subdivisions: Kingswood, Porter Place, Pine Crest Park, Wendover Place and Hickory Run. PWC is currently completing design for the sewer extension for a portion of Annexation Area 32 in advance of the originally scheduled time. We are doing this to coordinate the installation of the sewer main that will cross the I-295, Outer Loop, with NCDOT's work. This will allow NCDOT's contractor to install these crossings during the Outer Loop construction. This will greatly simplify the construction of these crossings and will help accelerate the completion of the sewer work in this area. It is expected there will be 310 service installations in Area 32. In order to design the I-295 crossings, it was necessary to design the sewer to serve the entire Area 32. During the design process, we determined that a portion of Area 32 was also in conflict with other NCDOT projects and schedules for construction, including Stoney Point and Camden Roads. Based upon this, and the fact that PWC has a preliminary design for these areas, it was determined that it would be in the best interests of PWC and the property owners to complete the sewer extension in two sections of Area 32 ahead of the original schedule for construction. By doing this, citizens in those two sections of Area 32 will be able to connect to the PWC sewer line sooner than originally planned. By completing work in these areas, we will hope to avoid conflicts with the NCDOT projects, and we will be able to complete the remaining portions of Area 32, in the future, as originally planned.

PWC will be preparing a preliminary assessment roll and a request for permission to proceed with construction for these two portions for Area 32 for the Council soon.

Discussion ensued.

This item was for information only; no action was taken.

9.03 Approval of revisions to the City's Residential Traffic Management Program (RTMP)

Mr. Lee Jernigan, Traffic Engineer, presented this item with the aid of a PowerPoint presentation and stated a City Council subcommittee was formed following City Council's work session on August 5, 2019, to review guidelines in the City's Residential Traffic Management Program (RTMP). The subcommittee was composed of Council Members Haire (Chairman), Mohn, and Dawkins. Deputy City Manager Kristoff Bauer and staff from the Public Services Department attended the subcommittee meetings and provided information at the direction of the subcommittee members. The subcommittee met on August 23, 2019, to review the nationally accepted standards for the installation of traffic control devices provided in the Manual of Uniform Traffic Control Devices (MUTCD) of which is adopted in the City's Code of Ordinances. The subcommittee also discussed the current guidelines for the installation of multi-way stop signs and their desire to reduce spacing from another stop sign, the duration of the volume/speed studies, and the percentage of adjacent residents required to sign a petition. Staff was directed to draft these revisions in preparation for a follow-up meeting prior to bringing the revisions to the full Council for their consideration at the October 7, 2019, Council work session. Following this meeting, staff provided revised multi-way stop guidelines to the subcommittee for review prior to the follow up meeting scheduled for September 16, 2019. In addition to the proposed changes listed above in the multi-way stop guidelines, Council Member Dawkins also requested changes to the speed criteria in the speed hump guidelines that consisted of lowering the 85 percent percentile speed requirement from 9 miles/hour above the posted speed limit to 7 miles/hour above the posted speed limit. The subcommittee also discussed lengthening the study period for traffic volume and speed counts. After discussion of a seven-day period, including weekends, the subcommittee agreed for the study period to be Monday-Friday, excluding holidays. The petition process was discussed and it was recommended that the requirement be reduced from 100 percent of adjacent property owners to 75 percent; with no acceptance being required for owners of unoccupied or undeveloped adjacent properties. It was recommended these revisions be proposed to the full City Council at the October 7, 2019, Council work session for discussion. After discussion of the items, the consensus of City Council was to place the item on the consent agenda for their regular meeting scheduled for October 14, 2019.

During the review of the existing Residential Traffic Management Program (RTMP), staff reviewed criteria for similar programs from other peer cities in North Carolina. Attached to this item is a matrix describing guidelines from these cities. The comparative cities/towns included Hickory, Asheville, Rocky Mount, High Point, Chapel Hill, Greenville, Cary, and Winston-Salem. Staff also reviewed guidance outlined in the current City's Code of Ordinances and the nationally accepted Manual of Uniform Traffic Control Devices (MUTCD).

City Council's FY 20 approved budget appropriated \$25,000.00 in operating funds for the installation of traffic control devices within the City. Approximate costs for the installation of speed humps is \$3,000.00 to \$5,000.00, and vary based on factors that include roadway width and material prices. Installation of multi-way stop signs are lower in cost ranging from \$100.00 to \$150.00 per stop sign installation. A reduction of the criteria in the RTMP for these treatments could result in an additional amount of treatments being eligible for installation. Additional funding may be needed to satisfy an increase in qualifying requests. If Council concurs with the recommended reduction of the criteria, the subcommittee recommended staff review the amount of requests that qualified for these treatments over a year-long period to determine how many additional locations would qualify.

Discussion ensued.

MOTION: Council Member Haire moved to approve the recommended changes to the Residential Traffic Management Program.
SECOND: Council Member Dawkins
VOTE: UNANIMOUS (7-0)

9.04 Fayetteville-Cumberland Reentry Council (FCRC)

Ms. Gina Hawkins, Police Chief, presented this item and stated the Fayetteville-Cumberland Reentry Council submitted a formal request to the City of Fayetteville to become the intermediary agency. The FCRC has been operating in our community since 2015 and has been officially recognized by the State of North Carolina since 2016. The previous intermediary agency was a non-profit in Cumberland County, Action Pathways. FCRC is currently funded through a request for proposal from the North Carolina Public Safety (NCDPS). The contract expires November 14, 2019, and a new intermediary agency must be identified in order for a new request for proposal to be submitted to NCDPS by October 21, 2019. City Council discussed this request on October 7, 2019. At which time, the Council discussed whether there were other community groups that could serve as an intermediary agency.

The City of Fayetteville would have to apply for the proposal in order to become a contractor and if awarded the proposal would be for \$150,000.00 annually. The intermediary agency would be eligible to use 15 percent of the proposal to cover administrative fees. The remainder will be utilized to hire personnel, provide direct services for the FCRC clients.

Discussion ensued.

MOTION: Council Member Wright moved to honor the request, but direct the City Manager to continue to work with the Reentry Council to identify alternative agencies that might be able to serve in this capacity. If none are found though, authorize the City Manager to apply for the grant.
SECOND: Council Member Arp
VOTE: UNANIMOUS (7-0)

10.0 ADMINISTRATIVE REPORTS

10.01 Administrative Report -Tree Planting and Tree Replacement Fund

This item was for information only and was not discussed.

10.02 Tax Refunds Less Than \$100.00

This item was for information only and was not discussed.

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:53 p.m.