

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
APRIL 14, 2020
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (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
Sheila Thomas-Ambat, Public Services Director
Randy Hume, Transit Director
Scott Bullard, Emergency Management Coordinator
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.

2.0 INVOCATION

The invocation was offered by Council Member Haire.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Dawkins announced Cape Fear Regional Theater staff are making face masks.

Council Member Ingram encouraged citizens to complete the 2020 Census; this is very important for our City and for revenue.

Mr. Scott Bullard, Emergency Management Coordinator, provided an update on the Corona Virus-19 pandemic and stated as of today, the State of North Carolina has 5,024 reported cases, of those 108 have died. Also, as of today, Cumberland County has 90 active cases and 2 have died. Cape Fear Hospital has reported they have less than 20 patients in the hospital that have tested positive for the virus.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Kinston moved to approve the agenda.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Dawkins moved to approve the consent agenda with the exception of Items 6.06 and 6.010 for presentation and separate vote.
SECOND: Council Member Banks-McLaughlin
VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

March 16, 2020 - Discussion of Agenda Items
March 16, 2020 - Regular
March 23, 2020 - Discussion of Agenda Items
March 23, 2020 - Regular
April 6, 2020 - Work Session

6.02 Award Contract for Resurface Various Streets, 2020-Phase 2

The Resurface Various Streets, 2020 - Phase 2, project primarily consists of resurfacing 19 streets (approximately 4.12 miles). The work includes, but is not limited to, removing and replacing curb and gutter, installing and retrofitting handicap ramps, utility adjustments, cutting out and patching areas, placing leveling and overlay courses, and thermoplastic pavement markings.

The project was first advertised for bids to be opened on March 3, 2020; however, only two bids were received. Therefore, in accordance with North Carolina General Statutes, which require three bids in order to open the first advertisement, the project was re-advertised and bids were opened on March 10, 2020. Bids received are as follows:

Barnhill Contracting Company, Fayetteville, NC..... \$1,300,362.00
Highland Paving, Co., LLC, Fayetteville, NC..... \$1,376,485.00

6.03 Bid Recommendation - Bingham Drive Aerial Water and Sewer Main Creek Crossing to Sandy's Hauling and Backhoe Service, Inc., the lowest responsive, responsible bidder, in the total amount of \$824,425.00.

Bids were received on March 6, 2020, as follows:

Sandy's Hauling & Backhoe Service, Inc., Roseboro, NC..... \$824,425.00
*Burnette Enterprises, Inc., Wilmington, NC..... \$724,690.00

*Bid withdrawn due to unit pricing error

6.04 Phase 5 Annexation Area 21 Resolution Declaring Costs, Ordering Preparation of Preliminary Assessment Roll, and Setting Time and Place for Public Hearing on Preliminary Assessment Roll

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL. RESOLUTION NO. R2020-016

6.05 Independent Auditor Contract FY ending June 30, 2020

City Council approved the audit contract as presented.

6.06 This item was pulled for presentation and separate vote.

6.07 Adoption of Capital Project Ordinance Amendment 2020-37 for Mirror Lake Dam Hurricane Repairs

Capital Project Ordinance Amendment (CPOA) 2020-37 will appropriate anticipated funding from the Federal Emergency Management Agency (FEMA) and the North Carolina Department of Public Safety (NC DPS) to provide \$418,000.00 of additional project funding for the reconstruction of Mirror Lake Dam. These funds are needed to pay for anticipated construction change orders and design consultant costs.

6.08 Adoption of Capital Project Ordinance Amendment 2020-36 to Appropriate Additional Funds for the Time and Attendance System

Capital Project Ordinance Amendment (CPOA) 2020-36 will appropriate \$45,000.00 of additional funding for the Time and Attendance System Project. The funds are proposed to be provided by a transfer from the General Fund.

6.09 Adoption of Capital Project Ordinance Amendment 2020-38 to Appropriate Additional Funds for the Enterprise GIS Environment Project

Capital Project Ordinance Amendment (CPOA) 2020-38 will appropriate \$65,000.00 of additional funding for the Enterprise-Wide G.I.S. Environment Project. The funds are proposed to be provided by a transfer from the General Fund.

6.010 This item was pulled for presentation and separate vote.

6.011 Adoption of Budget Ordinance Amendment 2020-9 for Promotion of Census 2020

Adoption of Budget Ordinance Amendment (BOA) 2020-9 to appropriate \$25,000.00 from General Fund fund balance to support local marketing and promotion efforts to improve local response rates for Census 2020.

6.06 Adoption of Resolution of Support for an Application for an FTA Bus and Bus Facilities Grant for Four Replacement Buses

This item was pulled for presentation and separate vote.

Mr. Randy Hume, Transit Director, presented this item and stated Congress has established a competitive capital grant program under the FTA entitled Bus and Bus Facilities. This program provides transit bus funding over and above FTA's formula grant programs.

The City's bus fleet is aging, with several buses approaching their estimated useful life of 12 years. It is critical that buses be replaced in a timely manner since FAST buses accumulate a high number of miles every year. The City purchased 13 buses between 2008 and 2010 that are due to be replaced over the next two years. Annual FTA formula fund apportionments are not sufficient to fund these needed replacements as formula funds support other areas of the Transit budget as well, such as operating assistance, maintenance, ADA, planning and other capital needs). The FTA issued its call for projects or Notice of Funding Opportunity (NOFO) for the 2020 Bus and Bus Facilities program. Applications or proposals are due to be submitted in Grants.gov no later than April 28, 2020. Normally, project selections are announced four to five months after the submittal deadline. The 2020 project selections can be expected early in the fall of 2020. Once a project is selected, a grantee must then submit a formal grant application via FTA's grants management system. That process also takes two to three months. If our application were to be successful, we would expect a grant award for Council to appropriate in the spring 2021. Transit will be requesting \$1,734,000.00 (85 percent) from the FTA, with a local match of \$306,000.00 (15 percent) for a total grant of \$2,040,000.00. The grant is proposed to fund the replacement of four 35 foot low-floor diesel buses placed into service in 2008. These buses have all exceeded 500,000 miles and will have exceeded 12 years of service by the time the replacements would be received and placed into service.

Each round of Bus and Bus Facilities Funding is over-subscribed, meaning there are three to four times as many projects submitted than there are funds available. Transit has submitted three applications for this program over the past three years that have been unsuccessful. Each time, Transit has requested a debriefing to better position our next application. In each submittal our application has been "highly recommended" although not funded. One weakness noted in 2019, was our local funding commitment. A review of other applicants noted that a resolution of support by the governing body would improve our chances. Success with competitive grants is critical to FAST's ability to replace buses in a timely manner. The cycles for these grants, the City's budget process, and NCDOT's funding do not coincide. Transit has already submitted an application in the current

year for another FTA competitive program for electric buses and infrastructure. The electric bus grant would use VW settlement funding to pay the cost difference between electric and diesel buses. In addition, the City typically has to fund the NCDOT share and then seek reimbursement from the state.

The FY 20 budget and projected FY 21 budget do not include sufficient funds to match both of the competitive grants for which applications have been submitted. The application does not require the local match to be currently budgeted, but the FTA does look for a commitment from the city to provide the local grant match by the time the funds are needed if the proposed project is selected. The FTA may also choose to fund a scaled back project, for example funding two replacement buses instead of the four applied for in each grant. If selected, the timing for appropriating these grants will be in late FY 21. At that time the City could choose to provide the full match needed based on the budget status at that time or to defer appropriating the matching funds until FY 22. The actual expenditure of funds would not occur until late FY 22 or early FY 23.

It has also been announced that the Fayetteville area is scheduled to receive an allocation of transit funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Although federal transit funds may not be used to match other federal grant funds, this extra funding should allow local funds supporting other areas of the Transit budget to be reallocated for use as capital match.

RESOLUTION SUPPORTING THE CITY OF FAYETTEVILLE'S APPLICATION FOR CAPITAL GRANT FUNDING FROM FEDERAL TRANSIT ADMINISTRATION'S BUS AND BUS FACILITIES PROGRAM. RESOLUTION NO. R2020-017

6.010 Adoption of Capital Project Ordinance 2020-27 to Establish a Multi-Year Project for the Development of an Infrastructure Asset Management Plan

This item was pulled for presentation and separate vote.

Ms. Sheila Thomas-Ambat, Public Services Director, presented this item and stated the adopted FY 2020 annual operating budget included an appropriation of \$250,000.00 to initiate the development of an Asset Management Plan (AMP). This project would include, but not be limited to, software purchase and implementation; configuration of interfaces to the City's work order management system; and identification, inventory and condition assessment of the City's current infrastructure. The system will facilitate identification of high level action items and a roadmap for the management of the City's infrastructure by the Public Services Department. The information regarding the conditions of the City's assets will support improved utilization of capital funding to deliver the desired standard of service. The AMP will seek to utilize the existing Asset Management tool, CityWorks, to build the framework to summarize the inventory, age, and condition of major City asset groups and outline as appropriate (based on funding availability) the overall replacement value, funding deficit and strategies associated with meeting assumed levels of service for existing and new assets. Planned asset groups to be evaluated are typical roadway assets such as pavement, sidewalk, and storm sewers.

Moving the funds into a multi-year project allows staff to manage the project effectively over the life of the project for various asset sub groups. It is anticipated that the plan would involve integrations between CityWorks and various proposed softwares such as Micropaver for Pavement Condition, WinCan for Pipe CCTV and CityWorks Insights.

The funding proposed to be transferred from the General Fund was appropriated in the FY 2020 annual operating fund budget for this purpose.

MOTION: Council Member Haire moved to approve Consent Items 6.06 and 6.010.
SECOND: Council Member Dawkins
VOTE: UNANIMOUS (10-0)

7.0 PUBLIC FORUM

Mr. Rakeem Jones, 1470 Dalmar Street, Fayetteville, NC, requested Council consideration of Marijuana Legislation. Mayor Colvin stated this item would be for the State Legislators to consider and said he would forward contact information to Mr. Jones.

8.0 ADMINISTRATIVE REPORTS

8.01 Revenue and Expenditure Reports for the Annual Funds for the Six-Month Period Ended December 31, 2019 with Comparative Information for the Six-Month Period ended December 31, 2018, and Revenue and Expenditure Reports for the Multi-Year Funds from Inception and for the Six-Month Period ended December 31, 2019

This item was for information only, and was not presented.

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:37 p.m.