

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JANUARY 9, 2012
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present:

Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Patricia Bradley, Police Attorney
Jerry Dietzen, Environmental Services
Brad Whited, Airport Director
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
John Kuhls, Human Resource Development Director
David Nash, Planner II
Steve Blanchard, PWC
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Terry Alston, Pastor of the Abundant Faith Fellowship Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 776 from Fort Bragg.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Applewhite moved to add an item to the agenda, discussion of a public hearing on the consent searches moratorium.

SECOND: Council Member Fowler

VOTE: FAILED by a vote of 4 in favor (Council Members Applewhite, Fowler, Haire, and Massey) to 6 in opposition

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

5.1 City of Fayetteville American Heart Association and United Way Campaigns.

Mr. Dale Iman, City Manager, presented a plaque and recognized Ms. Kelly Nicot, Senior Financial Analyst, for her efforts and success as the United Way's employee Campaign Manager. He stated the campaign raised \$82,848.61.

Mr. Iman presented a plaque and recognized Ms. Kecia Parker, Real Estate Manager, for her efforts and success as the American Heart Association Employee Campaign Manager. He stated the campaign raised \$5,260.62.

Council Member Hurst recognized Terry Sanford High School's AP Government Class along with their teacher, Mr. Kevin Hight, and Principal, David Haggerty.

Council Member Davy announced a job fair would be held on January 12, 2012, at 6:00 p.m. at the Friendship Baptist Church.

Council Member Haire announced a candlelight vigil would be held on January 12, 2012, at 739 Blue Street. He also announced the Martin Luther King Parade would take place on January 14, 2011, and begin at the County Courthouse at 11:30 a.m.

6.0 PUBLIC FORUM

Ms. Denise Williams, 1907H United Drive, Fayetteville, NC 28301, expressed concerns regarding PWC late fees and rate increases and cited additional complaints regarding the operations, rules, and regulations of PWC.

Mr. Roosevelt Odom, Fayetteville, NC, through an interpreter, stated the item pertaining to a facility for the deaf and hearing impaired would be addressed at a future Council meeting. He announced the Fayetteville-Cumberland Advisory Council for People with Disabilities would be presenting “In-Depth Look: Deaf Culture” by Jeff Greer. He stated the event would take place on January 18, 2012, from 6:00 to 8:00 p.m. at the Kiwanis Recreation Center, 352 Devers Street.

Mr. Jim Nance, 6518 Stone Mountain Farm Road, Fayetteville, NC 28311, expressed concerns for the homeless, especially during the cold winter months, and stated the Salvation Army lacked sufficient shelters.

Retired Colonel Chet Oehme, Penninke & Huff Property Management, expressed strong support for the RAMP program, and stated he had been working with Mr. Doug Hewett, Assistant City Manager, and thanked him for his hard work. He suggested a six-month trial period if the RAMP program was implemented.

Mr. Iman Eronomy Mohammed Smith, 2700 Murchison Road, Fayetteville, NC 28301, expressed concerns for the homeless in Fayetteville who were in need of immediate help. He also stated he was an advocate for human rights and stated the next Police Chief should be African American.

Mr. Anthony Castillo, 1804 Waterfall Way, Spring Lake, NC 28390, thanked Police Chief Tom Bergamine and Assistant City Manager Doug Hewett and stated he was sorry to see them both leave. He also spoke in favor of the RAMP program.

7.0 CONSENT

MOTION: Mayor Pro Tem Arp moved to approve the consent agenda with the exception of Item 7.5 for discussion.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

7.1 Approve meeting minutes:

- November 14, 2011 - Regular Meeting
- November 28, 2011 - Agenda Item Discussion
- December 5, 2011 - Special Meeting

7.2 Budget Ordinance Amendment 2012-7 (Emergency Telephone System Fund).

The amendment appropriated \$266,405.00 from fund balance in the Emergency Telephone System Fund for the purchase of needed consoles for dispatch equipment.

7.3 Finance - Tax refunds of greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
BB&T Equipment Finance Corporation	2007-2010	Listed in Cumberland County in Error	\$358.47
TOTAL			<u>\$358.47</u>

7.4 Surplus of a 1994 HME Boardman Fire Pumper and a 1994 Emergency One Sentry Rescue Truck.

7.5 Pulled for discussion by Mayor Pro Tem Arp.

7.6 PWC - Bid recommendation to award contract for Annexation Phase V, Project IV, Area 10 East - Arran Hills/Arran Park, to Billy Bill Grading Company, Fayetteville, NC, lowest responsive, responsible bidder, in the amount of \$3,233,584.80.

Bids were received as follows:

Billy Bill Grading Company (Fayetteville, NC)..... \$3,233,584.80
State Utility Contractors (Monroe, NC)..... \$3,598,679.29
Triangle Grading & Paving (Burlington, NC)..... \$4,104,059.67

7.7 PWC - Bid recommendation to award contract for interactive voice response system to Centurion, Inc., Oldsmar, FL, lowest evaluated bidder, in the amount of \$109,607.00.

Bids were received as follows:

Centurion, Inc. (Oldsmar, FL)..... \$109,607.00
Milsoft Utility Solutions (Abilene, TX)..... \$124,473.00
Vocantas (Ottawa, Ontario, Canada)..... \$218,867.00
Micro Automation (Centerville, VA)..... \$390,436.00
Century Link (Fayetteville, NC)..... \$629,317.13
GetAbby (Pittsburgh, PA)..... \$798,257.00
*DiRad Technologies (Clifton Park, NY)..... \$57,695.00

* Upon review of the proposal by DiRad Technologies, the lowest apparent bidder, it was determined that DiRad had no prior experience with utility customers, which was of considerable concern to the evaluation team. Centurion is the provider of the current Interactive Voice Response System and staff feels that our familiarity with the system should result in an easier transition to an upgraded IVR system and also require less effort during integration to the new CIS software system.

7.8 PWC - Contract award for Navigate Project.

The Public Works Commission requested Council approve contract award to Infosys/Oracle in the amount not to exceed \$14.5 million for the Navlgate Project which was a comprehensive IT project to replace Finance, Customer Service, and Work and Asset Management Systems.

7.9 PWC - Fourth addendum with New Cingular Wireless PCS, LLC.

7.10 PWC - Bid recommendation to award contract for Annexation Phase V, Project IV, Area 11 South - Arran Hills, to State Utility Contractors, Monroe, NC, in the amount of \$2,996,602.50.

Bids were received as follows:

State Utility Contractors (Monroe, NC)..... \$2,996,602.50
Triangle Grading & Paving (Burlington, NC)..... \$3,193,798.25
ES&J Enterprises (Autryville, NC)..... \$3,233,121.70
*Billy Bill Grading (Fayetteville, NC)..... \$2,599,846.90

* Plans and specifications were requested by eight contractors with five responding. Ralph Hodge Construction, Wilson, NC, submitted the apparent low bid, however, upon review of their bid submittal it was determined that they failed to submit any of the technical evaluation information required in the bid documents. Additionally, Ralph Hodge Construction failed to complete and submit any of the SDBE Compliance Forms and Affidavits, therefore, the bid by Ralph Hodge was determined to be non-responsive. After disqualification of the bid from Ralph Hodge, staff evaluated the next low bidder, Billy Bill Grading Company. Due to the fact that Billy Bill Grading was being recommended for Area 10 East, staff had concerns as to whether Billy Bill Grading had sufficient resources to handle two concurrent projects of this size.

Subsequently, discussions were held with Billy Bill and by mutual agreement it was determined to be in the best interest of PWC to award the project to the next bidder, State Utility Contractors. Staff reviewed State Utility Contractors' evaluation information and determined that they were sufficiently qualified to perform the work.

7.11 PWC - Bid recommendation to award contract for underground primary power cable to Stuart C. Irby, Rocky Mount, NC, lowest evaluated bidder in the amount of \$431,000.00.

Bids were received as follows:

Stuart C. Irby (Rocky Mount, NC)..... \$431,000.00
HD Supply Utilities, Ltd. (Wake Forest, NC)..... \$447,000.00
Shealy Electrical (Greenville, SC)..... \$484,000.00
WESCO (Raleigh, NC)..... \$542,000.00

7.12 Award contract for the purchase and installation of a refurbished passenger boarding bridge, PC air unit, and ground power unit to serve Gate B4 at the Fayetteville Regional Airport to Ameribridge Services, Indianapolis, IN, in the amount of \$305,421.00.

Bids were received as follows:

*Ameribridge Services (Indianapolis, IN)..... \$369,411.00

JBT Aero Tech Jetway Systems (Ogden, UT)..... \$570,279.00

* Following receipt of bids, consultants for the City performed a full evaluation of the equipment being offered and in turn were able to negotiate with the low bidder to bring the cost of the equipment within the City's budgeted amount. As a result of those negotiations the best and final offer from Ameribridge was \$305,421.00.

7.5 Recommendation to reject all proposals for outsourcing of Environmental Services waste collection.

Mayor Pro Tem Arp pulled this item for discussion. He stated the item was not meeting the intent of Council's proposed recommendation of rejection and suggested that they go back with the information that they have and make sure that the RFP was in line with what the Council was looking for, specifically that it was an apples-to-apples comparison between the City's services and the services offered by the public vendors. He stated he was also asked whether this was a sealed bid process and if so, was the City's bid sealed as well. He stated he would ask whether they included the cost of environmental services personnel benefits to include pensions and whether the cost was inclusive of the maintenance on the vehicles.

MOTION: Mayor Pro Tem Arp moved to direct staff to go back and revisit the issue and make sure that they were doing a competitive analysis of the services for the City, the City versus a private vendor.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

8.0 PUBLIC HEARINGS

8.1 Public hearing to consider a petition requesting annexation for a contiguous area known as Fairfield Farms (Sections 4, 5, and 6) (Petition submitted by Brolanco Corporation).

Mr. David Nash, Planner II, presented this item with a power point presentation. He provided background information and stated the area requested for annexation was in the Fayetteville Municipal Influence Area (MIA). He stated the area was in the MIA, and PWC water and sewer were needed and would be installed. The owner submitted an annexation petition which was received on November 21, 2011. He stated the area was reviewed by the City operating departments and PWC. He stated the Fire Department reported the area was currently covered by the City for fire and EMS services through an annual contract with the County. He stated the main entrance to the property was 2.44 miles from City Station #19. He stated the Fire Department noted that responses to the area could be longer due to there being only one way in and out from Ramsey Street. He stated the Police Department reported it would be able to serve the area by incorporating it into existing patrol zone #12. He stated the Environmental Services Department reported it would either adjust existing collection routes to serve the area and/or add it to a contract area for collection. He stated the PWC Water and Sewer Division reported the developer would be responsible for extending sewer and water from the adjoining sections of Fairfield Farms. He stated the developer would also be responsible for installing fire hydrants on the new water mains. He stated the PWC Electrical Division reported electrical service and street lighting would be provided to the area by South River EMC rather than by PWC. He stated the developer submitted a Zero Lot Line preliminary plan to the City which was based on the then-current development standards. He stated staff recommended an effective date of January 9, 2012.

A brief discussion period ensued.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:50 p.m.

Mr. Jimmy Kizer, Engineer for the Brolanco Corporation, 115 Broadfoot Avenue, Fayetteville, NC 28305, appeared in favor and expressed support for the annexation, stating that portions of the subdivision were already in the city.

There being no one further to speak, the public hearing closed at 7:58 p.m.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA [FAIRFIELD FARMS (SECTIONS 4, 5, AND 6) (PIN 0531-66-5019)]. ANNEXATION ORDINANCE NO. 2012-01-536.

MOTION: Council Member Massey moved to approve the annexation with an effective date of January 9, 2012.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

9.0 OTHER ITEMS OF BUSINESS

9.1 Consideration of the Rental Action Management Program (RAMP) Ordinance.

Mr. Doug Hewett, Assistant City Manager, presented this item with a power point presentation. He provided background information on the PROP program and Senate Bill 683. He stated the PROP program was repealed by Council as a result of Senate Bill 683 and staff was directed to go back to the drawing board. He stated staff looked for a program that was compliant with North Carolina law as well as containing some of the goals in the earlier PROP program and developed the RAMP program. He stated the RAMP program was based on a similar program in Charlotte. He stated if a person owned residential rental property in the City and the property was not the site of repeated code violations which were listed in the ordinance, or the site of serious criminal activity as defined by the ordinance, then RAMP in no way would have any impact on the properties or tenants. He stated RAMP was designed as was PROP that unless you have code violations or criminal activity on your property, it would not impact you at all. He stated there were two ways in which properties could enter RAMP; one was criminal activity and the other was code violations. He stated once into RAMP, there were a number of ways that properties could get out. He provided an overview of the RAMP program in regards to criminal activity, social disorder, and code violations on rental properties. He provided the personnel requirements to run RAMP and stated it was estimated it would have a one-time start up cost of \$242,000.00. He stated some indirect costs were not included such as legal, information technology, human resources, collections, and finance as some of those costs were difficult to capture.

A question and answer period ensued.

MOTION: Mayor Pro Tem Arp moved to take no action tonight, but to direct City staff to conduct additional research in regards to legislative and remaining inquiries impacting RAMP and bring the findings back to Council on February 27, 2012, with a finalized implementation schedule and total cost avoidance calculations.

FRIENDLY AMENDMENT:

Mayor Chavonne made a friendly amendment to include consultation with the State delegation.

Mayor Pro Tem Arp accepted the friendly amendment.

SECOND: Council Member Fowler

VOTE: PASSED by a vote of 7 in favor and 3 in opposition (Council Members Applewhite, Hurst, and Bates)

10.0 ADMINISTRATIVE REPORTS

10.1 Monthly statement of taxes for November 2011.

2011 Taxes.....	\$22,263,512.92
2011 Vehicle.....	364,299.47
2011 Taxes Revit.....	14,707.70
2011 Vehicle Revit.....	472.93
2011 FVT.....	43,245.41
2011 Transit.....	43,245.47
2011 Storm Water.....	471,245.56

2011 Fay Storm Water.....	942,491.24
2011 Fay Recycle Fee.....	1,242,909.72
2011 Annex.....	0.00
2010 Taxes.....	35,468.84
2010 Vehicle.....	52,598.51
2010 Taxes Revit.....	49.79
2010 Vehicle Revit.....	16.98
2010 FVT.....	8,071.91
2010 Transit.....	8,071.89
2010 Storm Water.....	878.96
2010 Fay Storm Water.....	1,757.93
2010 Fay Recycle Fee.....	2,134.01
2010 Annex.....	0.00
2009 Taxes.....	4,000.44
2009 Vehicle	2,223.70
2009 Taxes Revit.....	0.00
2009 Vehicle Revit.....	0.00
2009 FVT.....	496.11
2009 Transit.....	496.13
2009 Storm Water.....	112.33
2009 Fay Storm Water.....	224.65
2009 Fay Recycle Fee.....	355.70
2009 Annex.....	33.08
2008 Taxes.....	2,121.99
2008 Vehicle	773.51
2008 Taxes Revit.....	0.00
2008 Vehicle Revit.....	0.00
2008 FVT.....	204.05
2008 Transit.....	139.05
2008 Storm Water.....	77.96
2008 Fay Storm Water.....	125.97
2008 Fay Recycle.....	52.44
2008 Annex.....	0.00
2007 and Prior Taxes.....	4,172.23
2007 and Prior Vehicle.....	1,219.40
2007 and Prior Taxes Revit.....	0.00
2007 and Prior Vehicle Revit.....	0.00
2007 and Prior FVT.....	269.98
2007 and Prior Storm Water.....	84.00
2007 and Prior Fay Storm Water.....	48.00
2007 and Prior Annex.....	0.00
Interest.....	15,186.61
Revit Interest.....	6.05
Storm Water Interest.....	161.28
Fay Storm Water Interest.....	246.73
Annex Interest.....	6.12
Fay Recycle Interest.....	271.30
Fay Transit Interest.....	1,066.43
Total Tax and Interest.....	\$25,529,354.48

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.