

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JUNE 24, 2013
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:

Theodore Voorhees, City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Dana Clemons, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget Manager
Victor Sharpe, Community Development Director
Scott Shuford, Development Services Director
Harold Medlock, Police Chief
Patricia Bradley, Police Attorney
Benjamin Major, Fire Chief
Craig Harmon, Planner II
David Nash, Planner II
Kecia Parker, Real Estate Manager
Steven Blanchard, PWC CEO/General Manager
Dwight Miller, PWC Chief Financial Officer
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 Pastor Marvin Price, Common Ground Ministry.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Arp moved to approve the agenda.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

5.0 CONSENT

MOTION: Council Member Crisp moved to approve the consent agenda.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (10-0)

5.1 Capital Project Ordinance Amendment 2013-38 (Winslow Street Streetscape Municipal Agreement).

The amendment appropriated \$1,413,080.00 for streetscape improvements along both sides of Winslow Street, from Hay Street south to approximately Kyle Street. The source of funds for the amendment was a reimbursement from the N.C. Department of Transportation in the amount of \$1,230,000.00 and \$183,080.00 from the General Fund previously set aside for the agreement.

5.2 Approval of a supplemental municipal agreement with NCDOT for streetscape improvements along Winslow Street.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE
INSTALLATION OF STREETSCAPE IMPROVEMENTS ALONG WINSLOW STREET (SR**

3826). RESOLUTION NO. R2013-028.

5.3 Municipal agreement with NCDOT for sidewalk improvements on Camden Road from King Charles Road to north of Owen Drive.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF SIDEWALK IMPROVEMENTS ALONG CAMDEN ROAD (SR 1003).

RESOLUTION NO. R2013-029.

5.4 Approval of a municipal agreement with NCDOT for landscape improvements on Glensford Drive.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF LANDSCAPING PLANTINGS AND AN IRRIGATION SYSTEM ALONG GLENSFORD DRIVE (SR 1596). RESOLUTION NO. R2013-030.

5.5 Resolution authorizing sale of real property located at 1107 Clark Road, Fayetteville, NC.

RESOLUTION AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BY ADVERTISEMENT FOR SEALED BIDS. RESOLUTION NO. R2013-031.

5.6 Capital Project Ordinance Amendment 2013-39 and associated resolutions authorizing a North Carolina Department of Transportation Grant (State Transit Capital and Planning Grant 514).

The amendment appropriated \$136,800.00 in state grant funds and reduced the local match from the General Fund by the same amount for transit projects associated with Federal Grant 514. In addition, the resolutions authorized the City Manager to execute the associated grant agreements with the North Carolina Department of Transportation (NCDOT) for the State Planning and Capital 514 Grant.

RESOLUTION AUTHORIZING CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (FY 2013 TRANSIT CAPITAL GRANT NC-90-X514) RESOLUTION NO. R2013-032.

RESOLUTION AUTHORIZING CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (FY 2013 TRANSIT PLANNING GRANT NC-90-X514). RESOLUTION NO. R2013-033.

5.7 Application of County Animal Control Ordinance Revisions to City.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE PURSUANT TO NCGS §153A-122 MAKING THE REVISED ANIMAL CONTROL ORDINANCE, CHAPTER 3 OF THE CUMBERLAND COUNTY, NORTH CAROLINA, CODE OF ORDINANCES, ADOPTED BY THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS ON JUNE 17, 2013, AND ANY SUBSEQUENT REVISIONS, APPLICABLE WITHIN THE CITY OF FAYETTEVILLE. RESOLUTION NO. R2013-034.

6.0 PUBLIC HEARINGS

6.1 Case No. P13-14F. Rezoning from SF-10 Single Family Residential to CC Community Commercial or to a more restrictive district for property located on Lake Valley Road across from 4760 Lake Valley. Containing 12.95 acres more or less and being the property of JKAM Investments LLC.

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land use and zonings, and 2010 Land Use Plan. He stated the property was located behind property facing Lake Valley Drive to the south side across from the Embassy Suites Hotel and Conference Center. He stated the property did not have direct access to Lake Valley Drive, but it was part of a larger proposed development that would include a movie theater. He stated the property did adjoin residential developments to the west and south. He stated the proposed development would be separated from the residential by a creek, woods, and wetlands area. He stated most of the existing woods would be preserved on the property and form a natural buffer between the property and its residential neighbors. He stated the detention pond shown on the site plan already existed and served as the storm water detention for the Embassy Suites development. He stated the only new construction on the property

would be approximately 60 parking spaces and would be located in one of the furthest areas away from the neighboring residential properties. He stated the Zoning Commission voted 5-0 to recommend approval of this rezoning request. He stated there were four speakers during the public hearing with two in favor and two in opposition. He stated the Zoning Commission and staff recommended approval of the rezoning to CC based on the following:

- 1.The Land Use Plan calling for Heavy Commercial on the property.
- 2.The property to the north which borders Lake Valley Drive was already zoned CC.
- 3.The open space and tree save areas would provide an adequate buffer between the property and the surrounding residential.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Jimmy Kizer, 115 Broadfoot Avenue, Fayetteville, NC 28305, appeared in favor and stated he was the Engineer for the project.

Ms. Susan Sansverie, 5229 Mawood Avenue, Fayetteville, NC 28314, appeared in opposition and stated Fayetteville did not need any additional movie houses.

There being no one further to speak, the public hearing was closed.

A brief discussion period ensued.

MOTION: Mayor Pro Tem Arp moved to approve the rezoning to Community Commercial district as presented by staff.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

7.0 OTHER ITEMS OF BUSINESS

7.1 Fiscal Year 2013-2014 Budget Ordinance and Fee Schedule, Fiscal Year 2014-2018 Capital Improvement and Information Technology Plans, Capital Project Ordinances 2014-1 through 2014-10, and Capital Project Ordinance Amendments 2014-1 through 2014-16.

Mr. Theodore Voorhees, City Manager, presented this item with the aid of a power point presentation and stated Council was requested to consider adoption of the Fiscal Year 2013-2014 Budget Ordinance which was incorporating changes to the recommended budget as discussed at the June 19, 2013, budget workshop and detailed below. He stated in addition to setting the general ad valorem tax rate at 45.6 cents, the Central Business Tax District rate at 10 cents, and the Lake Valley Drive Municipal Service District ad valorem tax rate at 34.5 cents, the ordinance was also levying the stormwater fee at \$3.00 per month and the residential solid waste fee at \$38.00 per year and adopting the fee schedule presented. He stated Council was also requested to approve the Fiscal Year 2014-2018 Capital Improvement and Information Technology Plans and related capital project ordinances and capital project ordinance amendments to establish project budgets as planned. He stated the proposed budget ordinance was incorporating the following changes to expenditures included in the recommended budget for the General Fund:

- 1.Removing \$1 million each from one-time street resurfacing funding and the community investment initiative;
- 2.Eliminating the \$499,600.00 transfer to the Public Works Commission from electric franchise tax proceeds;
- 3.Reducing budgets for payments to PWC for purchasing and fleet maintenance services by \$492,854.00;
- 4.Adding \$717,791.00 for a variety of new initiatives;
- 5.Reducing funding for employee pay increases by \$127,311.00 to fund 2 percent as opposed to 2.5 percent merit increases;
- 6.Reducing transfers to the Transit Fund by \$9,047.00 due to the merit increase reduction; and
- 7.Increasing the budget for the transfer to the Solid Waste fund by \$450,671.00.

Mr. Voorhees stated the ordinance was also reflecting the following changes to the revenues and other financing sources for the General Fund:

- 1.Adding \$85,000.00 in contributions from the Public Works Commission to share in the costs of operating the new government access channel; and

2.Reducing the planned fund balance appropriation by \$2,045,350.

Mr. Voorhees stated the proposed budget ordinance was also reflecting the following changes from the recommended budgets for other City funds:

- 1.Adjusting the Environmental Services Fund expenditure and revenue budgets to reduce projected costs for fleet maintenance by \$141,200.00 and for employee compensation by \$7,234.00, reducing revenues from solid waste fees by \$599,105.00, and increasing the transfer from the General Fund by \$450,671.00;
- 2.Adjusting the Stormwater Fund expenditure and revenue budgets to reduce revenues from the stormwater fee by \$1,742,438.00, appropriating \$1,654,197.00 from fund balance, and reducing projected expenditures by \$88,241.00; and
- 3.Adjusting the Transit Fund expenditure and revenue budgets to reduce employee compensation funding by \$9,047.00, adding \$377,730.00 to fund new initiatives, increasing the General Fund transfer by \$136,035.00, and adding \$35,809.00 in projected fare revenue and \$196,839.00 in projected federal grant revenues related to the new initiatives.

Mr. Voorhees stated the financial plan for the Risk Management Fund was reflecting a \$7,142.00 reduction in expenditures and revenues and other financing sources related to a reduction in projected fleet maintenance costs and employee compensation. He stated in addition, the proposed budget ordinance was also reflecting the following changes from the recommended budget for Public Works Commission funds:

- 1.Increasing expenditure budgets for the Electric and Water and Wastewater Funds by \$85,000.00 to share in the cost of the government access channel and by \$85,500.00 due to the impact of reduced indirect cost allocations to the Fleet Maintenance Internal Service Fund;
- 2.Reducing the interfund transfer from the City's General Fund to the Water and Wastewater Fund by \$499,600.00 as discussed above; and
- 3.Appropriating \$670,100.00 from the Rate Stabilization Fund to offset the expenditure increases and the transfer reduction.

Mr. Voorhees stated the financial plan for the Fleet Maintenance Internal Service Fund was reflecting a \$131,500.00 reduction in expenditures and revenues and other financing sources related to the indirect cost allocation reduction. He stated the fee schedule presented for adoption was as presented in the recommended budget document with the exception of the monthly stormwater fee and annual residential solid waste fees, which would remain at \$3.00 per month and \$38.00 per year respectively. He stated the capital improvement and information technology plans reflected the proposed plans presented at the February strategic planning retreat, with modifications to the following projects:

- Downtown Brick Sidewalk Repair
- Grove Street Facility Yard Paving
- Building Maintenance Projects
- Stormwater Drainage Improvements
- Video Conferencing Equipment
- Work Order/Permitting/HRD/Asset Management Systems
- Electronic Plan Review System Module

Mr. Voorhees stated the capital project ordinances and capital project ordinance amendments presented for adoption were consistent with these plans.

A brief discussion period ensued.

MOTION: Council Member Hurst moved to adopt the proposed Fiscal Year 2013-2014 Budget Ordinance and Fee Schedule, Fiscal Year 2014-2018 Capital Improvement and Information Technology Plans, Capital Project Ordinances 2014-1 through 2014-10 and Capital Project Ordinance Amendments 2014-1 through 2014-16.

SECOND: Council Member Bates

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Mayor Pro Tem Arp)

7.2 Award contract for Resurface Various Streets 2014 - Phase I to Highland Paving Company, Fayetteville, NC, lowest responsive bidder, in the amount of \$1,568,190.20.

Mr. Rusty Thompson, Engineering and Infrastructure Director, presented this item and stated the project was first advertised for bids to be opened on May 23, 2013, and only two bids were received. He stated the North Carolina General Statutes require three bids be received in order to open on the first advertisement and therefore the project was re-advertised and bids were opened on May 31, 2013, as follows:

Highland Paving Company, LLC (Fayetteville, NC)..... \$1,568,190.20

Barnhill Contracting Company (Fayetteville, NC)..... \$1,633,221.35

Highland Paving Company, LLC, will utilize SDBE subcontractors for 11.4 percent of the work on the project. \$3,605,000.00 was included in the FY 2013-2014 budget for resurfacing work.

MOTION: Council Member Bates moved to award the contract as recommended by staff.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

8.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:41 p.m.