

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JUNE 13, 2011
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); Theodore W. Mohn (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
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Manager
Victor Sharpe, Community Development Director
John Kuhls, Human Resource Development Director
James Rose, PWC Chief Administrative Officer
Dwight Miller, PWC Chief Finance Officer
Rebecca Rogers-Carter, Management Services Manager
Nathan Walls, Public Information Specialist
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 Apostle Wiley Hughes, Destiny Now World Outreach Ministries.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was recited by those in attendance.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Hurst announced that Fayetteville Beautiful in partnership with the City of Fayetteville and Sustainable Sandhills would be hosting a free electronics waste recycling drive on June 18, 2011, from 9 a.m. to 3 p.m. at the Westwood Shopping Center, in support of North Carolina's legislation prohibiting the disposal of electronics in landfills which would take effect July 1, 2011.

Mayor Chavonne recognized Ms. April Cain Pittman, Agriculture Teacher and Future Farmers of America Advisor (FFA) from Gray's Creek High School. Ms. Pittman came forward and recognized the FFA agriculture students from Gray's Creek High School. She stated they would be part of an Agriculture Issues Forum Team competing in Raleigh on June 22, 2011, at the North Carolina FFA State Convention. She stated the students had to choose an agricultural or environmental issue and chose the environmental issue on whether or not to use trash incinerators for energy. Each student introduced themselves and described the character they would be playing in the skit.

6.0 PUBLIC FORUM

Mr. Mark Adams, 822 Schley Drive, Fayetteville, NC 28314, spoke regarding a picture posted at the airport that he felt was inappropriate. He stated the picture depicts an African-American slave named Jim that was a character in the book entitled Adventures of Huckleberry Finn and felt there should be a better image of an African-American for persons arriving in Fayetteville by

airplane.

Mr. Nero B. Coleman, 2275 George Owen Road, Fayetteville, NC 28302, extended an invitation and announced the Annual Juneteenth Rock the Vote Block Party would be held on June 18, 2001, from 1 p.m. to 7 a.m.

7.0 CONSENT

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

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

7.1 Approve Minutes

- April 26, 2011 - Dinner and Discussion Meeting
- May 2, 2011 – Work Session
- May 9, 2011 – Dinner and Discussion Meeting
- May 9, 2011 – Regular Meeting
- May 11, 2011 – Budget Workshop
- May 18, 2011 – Agenda Briefing
- May 18, 2011- Budget Workshop

7.2 Adoption of City Council Policy No. 115.13, Fund Balance Policy.

Due to an electronic error, this item was omitted from the agenda packet and therefore not available to officially adopt. This item will be placed on an upcoming agenda for adoption.

7.3 Budget Ordinance Amendment 2011-16 (General Fund, Transit Fund, Warranty Vehicle Lease Fund, and City of Fayetteville Finance Corporation).

The amendment adjusted General Fund appropriations for the Fire Department, Police Department, and City Manager's Office, and appropriations for Transit Fund and the City of Fayetteville Finance Corporation based upon mid-year projections, adjusted to ensure sufficient funding for tornado-related expenditures and unexpected expenditures through the fiscal year-end. The financial plan for the Warranty Vehicle Lease fund was adjusted to appropriate available fund balance to transfer to the General Fund to facilitate the closing of the fund in fiscal year 2011.

7.4 Capital Project Ordinance 2011-11 (Storm Water Drainage Improvements).

The ordinance established an initial project budget of \$3,126,007.00 for storm water drainage improvements, including costs for design, construction, and land and right-of-way acquisition.

7.5 Capital Project Ordinance 2011-12 (Purchase of Festival Park Plaza Office Building).

The ordinance appropriated \$6,300,000.00 of proceeds from the planned capital lease financing and a \$100,000.00 General Fund transfer for the acquisition of the Festival Park Plaza Office Building and related debt issuance costs.

7.6 Capital Project Ordinance Amendment 2011-19 (Downtown Streetscape Project).

The amendment corrected a clerical error on Capital Project Ordinance Amendment 2011-2 adopted June 28, 2010, for the Downtown Streetscape project. The intended General Fund Transfer funding source was listed as Central Business Tax District Fund Transfer.

7.7 Capital Project Ordinance Amendment 2011-20 (Ramsey Street Transportation Improvement Project).

The amendment appropriated an additional \$90,000.00 for the Ramsey Street Transportation Improvement Project to be used for additional utility adjustments and right-of-way costs associated with the project.

7.8 Capital Project Ordinance Amendment 2011-21 (Texfi Property).

The amendment appropriated a \$50,000.00 General Fund transfer for anticipated expenditures to secure the Texfi site, as planned with the Fiscal Year 2012-2016 Capital Improvement Plan.

7.9 Special Revenue Fund Project Ordinance 2011-12 (FY 2011 Youth Education Program).

The ordinance established a \$16,000.00 project budget for the FY 2011 Youth Education Program to provide and/or increase services offered through recreation centers in disciplines such as dance, music, art, visual art, and literature.

7.10 PWC Financial Matters: Budget Amendments

The Public Works Commission requested adoption of (a) PWC Electric, Water/Wastewater and Fleet Maintenance Internal Service Fund Budget Amendment #3 and (b) Capital Project Fund Budget Amendments as follows: (1) Electric Rate Stabilization Fund Amendment #10 for FY 2011, (2) Electric Rate Stabilization Fund Amendment #11 for FY 2012, (3) Water and Wastewater Rate Stabilization Fund Amendment #7 for FY 2011, (4) Water and Wastewater Rate Stabilization Fund Amendment #8 for FY 2012, (5) Annexation Phase V – Areas 8-13, CPF Amendment #1 for FY 2012, and (6) Annexation Phase V Reserve Fund Amendment #4 for FY 2012.

7.11 PWC: For Assessed Property - Modify assessment to waive the interest.

The Public Works Commission requested approval to release and refund \$499.95 back to the property owner for accrued interest on a \$5,000.00 assessment that was paid by the property owner of 1720 Paisley Avenue.

7.12 Bid Recommendation – Purchase of one multi-terrain loader with 72” brush cutter.

The Public Works Commission approved bid award for purchase of one multi-terrain loader with 72” brush cutter (with the option to purchase additional units within a one-year period upon the agreement of both parties) to Southeast Industrial Equipment, Charlotte, NC, lowest responsive bidder, in the total amount of \$89,725.00. Bids were received March 18, 2011, as follows:

- Southeast Industrial Equipment (Charlotte, NC)..... \$89,725.00
- *Southland Rental & Supply (Fayetteville, NC)..... \$78,506.38
- *Gregory Poole Equipment Co. (Raleigh, NC)..... \$83,000.00
- *RW Moore Equipment Co. (Raleigh, NC)..... \$84,300.00
- *CCS Equipment Sales, LLC (Youngsville, NC)..... \$84,590.00

*The bid from Southeast Industrial Equipment was the only bid that substantially met the specifications. Southeast Industrial Equipment took one minor exception to the provision of a hand throttle, as the unit they were bidding had a foot throttle only. All other bidders took substantial exceptions to the bid specifications to include, but not limited to, ground clearance, track width, pressurized cab, and hydraulic pressure and flow.

7.13 Phase 5 Annexation Area 11-WS.

As the next step in the process of providing utility services to Area 11-WS of the Phase 5 Annexation area, adoption of a Preliminary Assessment Resolution was required for all streets within Area 11-WS where it was anticipated utilities would be installed and for which property owners may be assessed a portion of the utility installation cost.

RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESSMENT RESOLUTION FOR THE EXTENSION OF THE WATER DISTRIBUTION AND SANITARY SEWER COLLECTION SYSTEM IN ALL OR A PORTION OF THE STREETS WITHIN AREA 11-WS OF THE PHASE 5 ANNEXATION LISTED ON EXHIBIT A. RESOLUTION NO. R2011-029.

7.14 Phase 5 Annexation Areas 10 and 11.

As the next step in the process of providing sanitary sewer service to Areas 10 and 11 of the Phase 5 Annexation area, adoption of a Preliminary Assessment Resolution was required for all streets within Areas 10 and 11 where it was anticipated utilities would be installed and for which property owners may be assessed a portion of the utility installation cost.

RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESSMENT RESOLUTION FOR THE EXTENSION OF THE SANITARY SEWER COLLECTION SYSTEM IN ALL OR A PORTION OF THE STREETS WITHIN AREAS 10 AND 11 OF THE PHASE 5 ANNEXATION LISTED ON EXHIBIT A. RESOLUTION NO. R2011-030.

7.15 Municipal Agreement with NCDOT for Grove Street bridge replacement.

7.16 Reimbursement Agreement with NCDOT for salt purchase.

7.17 FY 2011-12 Strategic Plan adoption.

7.18 Tax refunds of greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Five Riddles III, Inc.	2009	Over Payment	\$5,637.89

WT Heath	2007-2009	Duplicate Listing	<u>381.33</u>
Total			<u>\$6,019.22</u>

7.19 Comprehensive Limited English Proficiency (LEP) Policy.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING THE CITY MANAGER TO IMPLEMENT A CITY LIMITED ENGLISH PROFICIENCY LANGUAGE ACTION PLAN AS REQUIRED BY TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND EXECUTIVE ORDER 13166. RESOLUTION NO. R2011-031.

8.0 OTHER ITEMS OF BUSINESS

8.1 Fiscal Year 2011-2012 Budget Ordinance and Fee Schedule, Fiscal Year 2012-2016 Capital Improvement and Information Technology Plans, Capital Project Ordinances 2012-1 through 2012-8, and Special Revenue Fund Project Ordinance Amendment 2012-1.

Mr. Dale Iman, City Manager, presented this item and stated at the advice of City Council and recommendations from himself, they budgeted additional funding for more in-car cameras for the Police Department and for marketing the All American City Award which they anticipated bringing home. He stated the budget documents reflected the plans as presented to Council on March 7, 2011, with the following modifications:

- Computer replacement funding for fiscal year 2012 increased by \$45,000.00 to fund replacement of 30 additional mobile data computers for the Police Department.
- Funding for police in-car camera systems increased by \$270,000.00 to fund 45 additional systems.
- Ramsey Street Transportation Project funding increased by \$90,000.00 to fund required utility relocations and right-of-way acquisition.
- Funding for street resurfacing for fiscal year 2012 reduced by \$350,000.00 due to reductions needed to balance the fiscal year 2012 General Fund budget.
- Ballfied lighting and gymnasium resurfacing project funding increased by \$200,000.00 to reflect funding included in the fiscal year 2012 recommended budget
- Stormwater Improvement project funding adjusted based upon current revenue bond funding and feasibility model.

Mr. Iman provided an overview of the budget process to include the timeline and proceeded to review the following budget highlights:

General Fund Budget Highlights

- Maintains and enhances levels of service without increasing the tax rate - Recommended tax rate remains 45.6 cents per \$100.00 taxable valuation
- Enhances transit services
 - Route 9 extension
 - Evening service on routes 8 and 15
 - 3 positions added and 5 intermittent positions upgraded to full-time to support enhancements
- Implements the Probationary Rental Occupancy Program (PROP)
- Funds police enhancements including:
 - Deployment of additional in-car camera systems
 - Upgrade a part-time forensic technician to full-time
- Provides for equipment and operating needs for North Carolina Veterans Park
- Includes funding for the police pay plan and performance pay plan for other eligible employees
- Reflects savings from efficiency improvements in areas including Environmental Services and Police Department
- Capital outlay includes:
 - Vehicle and Equipment Replacements

Police	\$1,016,500	29 units
Environmental Services	1,470,000	6 units
Fire	1,377,000	3 units
Parks, Recreation & Maintenance	413,500	21 units
Engineering & Infrastructure	<u>422,000</u>	<u>4 units</u>

\$4,699,000 63 units

- Other Capital Items

Police In-Car Cameras	\$270,000	45 units
Equipment for NC Veterans Park	\$84,000	4 units
Energy efficient ball field lighting	\$140,000	

- Transfers to capital project funds for:

Street resurfacing, including Fort Bragg Road	\$ 3.65M
Municipal agreement projects	1.19M
Building maintenance projects	818K
Computer replacement plan	311K
Sidewalk improvements	156K
Ramsey Street project	150K
Playground improvements	67K
Parking lot maintenance projects	53K
Wayfinding signage project	<u>50K</u>
	\$6.445M

Other Operating Funds Budget Highlights

- Emergency Telephone System Fund - Significant revenue reductions anticipated from changes in distribution formula by State (\$423,000.00 or 40%)
- Stormwater Fund
 - Maintains combined \$3 per month fee
 - Includes funding for debt service to support the issuance of \$10.6M in debt for projects
- Recycling Fund
 - No fee increase proposed
 - Enhances services with holiday pickup for curbside recycling
- Transit Fund
 - No fare increases proposed
 - Expansion of route 9 and evening service on routes 8 and 15
 - General Fund contribution increased by \$238,000.00 over FY 2011 original budget

Proposed Budget Summary

- General Fund Budget
 - Total proposed budget - \$139.0 million
 - 3.6% increase from the original budget for fiscal year 2011
- Budget for Annual Funds, excluding PWC
 - Total proposed budget - \$179.7 million
 - 3.4% increase from original budget for fiscal year 2011

Council Member Mohn inquired if the \$350,000.00 reduction in street resurfacing to help balance the budget had been distributed to other specific projects or to different areas within the budget. Mr. Iman explained it was a budget balancing measure that was taken to balance the budget and to fund undertakings identified by Council and also stay within the Council's expectations of \$3.5 million.

Council Member Mohn inquired regarding the increase in revenues and the possibility of reducing the tax rate. Mr. Iman explained he could not provide a good time to reduce the tax rate and still perform the way they want to perform as a City and reach the heights and expectations of the citizens. He explained past increases were due to budgeting vacancies from the fund balance. He stated this year the process was changed wherein this would not reoccur in the future.

Mayor Pro Tem Haire inquired on the route of Route No. 9. Mr. Iman responded the route was extending all the way over to Ramsey Street and up Ramsey Street to the new medical center. He stated this route was created when they extended the evening hours on the Murchison Road, Bragg Boulevard, and Ramsey Street routes last year.

Council Member Arp inquired if all police cars would have cameras installed. Mr. Iman responded in the negative and explained cameras would not go in undercover cars and many of

the command cars.

Council Member Arp inquired if they would be placing energy efficient lights in all parks and recreation areas. Mr. Iman responded improvements such as lighting were evaluated and if the payback was 7 years or less they would go with energy efficient lighting.

Council Member Massey inquired on how they could increase services and provide employees a raise of 2.5 percent. Mr. Iman explained the overall wages of the City were going down because of people retiring at the top of the scale and being replaced with people coming in at the lower end of the scale. He also explained they were seeing efficiency improvements in different areas of the budget.

MOTION: Council Member Crisp moved to approve the Fiscal Year 2011-2012 Budget Ordinance and Fee Schedule, Fiscal Year 2012-2016 Capital Improvement and Information Technology Plans, Capital Project Ordinances 2012-1 through 2012-8, and Special Revenue Fund Project Ordinance Amendment 2012-1.

SECOND: Mayor Pro Tem Haire

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

9.0 ADJOURNMENT

There being no further business, the meeting adjourned.