

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
FEBRUARY 22, 2016
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kirk deViere (District 2); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7) (arrived at 7:47 p.m.); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Theodore Voorhees, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Jay Reinstein, Assistant City Manager
Lisa Smith, Chief Financial Officer
Cheryl Spivey, Chief Financial Officer
Dwayne Campbell, Chief Information Officer
Randy Hume, Transit Director
Kecia Parker, Real Estate Manager
Jerry Dietzen, Environmental Services Director
Tracey Broyles, Budget and Evaluation Director
Scott Shuford, Planning and Code Enforcement Services Director
Victor Sharpe, Community Development Director
Brad Whited, Airport Director
Rob Stone, Engineering and Infrastructure Director
Barbara Hill, Human Resource Development Director
Gordon Johnson, Talbert & Bright
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Robertson called the meeting to order.

2.0 INVOCATION

The invocation was offered by Reverend Debra Brown of First Fruits Ministry.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Hurst announced the Cape Fear Regional Theater would present "Down Range, Voices from the Homefront" March 3-20, 2016.

Council Member Hurst announced the "Better Health" farmers market would be every Thursday at 1422 Bragg Boulevard for locally grown organic fruits and vegetables.

Council Member Hurst announced "Fayetteville Beautiful" would hold a City-wide clean up on April 2, 2016, and citizens are encouraged to sign up to volunteer on the Fayetteville Beautiful website.

Mayor Robertson presented the Key to the City to Ms. Lisa Smith in recognition of her forthcoming retirement after 28 years of

dedicated service to the City of Fayetteville as the Chief Financial Officer.

Mr. Dave Baggett, Fayetteville Rotary Club, presented a Certificate of Recognition from the Fayetteville Rotary Club to Mayor Robertson for his leadership in the community.

Mayor Robertson presented a Certificate of Achievement and a city Coin to Mr. Connor Voorhees for taking first place in the Cumberland County Spelling Bee Contest and announced Mr. Connor would be representing Fayetteville competing in the National Spelling Bee in Washington, D.C.

Mayor Robertson presented a proclamation to Mr. Phil Harris of the Sandhills Chapter of the American Red Cross proclaiming the month of March 2016 as American Red Cross Month.

Mayor Robertson presented a proclamation to Mr. Jim Konneker of the Cumberland Community Foundation recognizing the Cumberland Community Foundation for its 35 years of service to the community.

Mayor Robertson and Council Member Jensen presented Certificates of Excellence to Greys Creek High School and Pine Forest High School Technology Academies. The Technology Academies at Greys Creek High School and Pine Forest High School worked together to refurbish over 300 computers, those computers were then donated to children in need that did not have access to computers.

Mayor Robertson recessed the meeting at 7:30 p.m. Mayor Robertson reconvened the meeting at 7:35 p.m.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Mohn moved to approve the agenda.

SECOND: Mayor Pro Tem Colvin

VOTE: UNANIMOUS (9-0)

6.0 CONSENT

MOTION: Council Member Mohn moved to approve the consent agenda, with the exception of Item 6.08, pulled for discussion and separate vote.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (9-0)

6.01 Approval of City Council Meeting Minutes:

October 26, 2015 - Discussion of Agenda Items

November 9, 2015 - Discussion of Agenda Items

November 23, 2015 - Discussion of Agenda Items

January 4, 2016 - Special - Legislative Update

January 4, 2016 - Work Session

January 4, 2016 - Special - Parks and Recreation Bond

January 11, 2016 - Regular

January 13, 2016 - Special - Sales Tax

January 20, 2016 - Agenda Briefing

January 25, 2016 - Regular

January 28, 2016 - Special - Sales Tax

February 8, 2016 - Regular

6.02 Resolution to Appoint Cheryl Spivey as Finance Officer

RESOLUTION APPOINTING CHERYL SPIVEY AS FINANCE OFFICER.
RESOLUTION NO. R2016-013

6.03 Resolution Appointing Deputy Tax Collectors - Ashley Malcolm and Samantha Knight

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
APPOINTING A DEPUTY TAX COLLECTOR. RESOLUTION NO. R2016-014**

**6.04 Capital Project Fund Ordinance Closeouts 2016-1 through 2016-7
and Special Revenue Fund Project Ordinance Closeouts 2016-9
through 2016-11**

The capital project ordinance closeouts (2016-1 through 2016-10) and special revenue project closeouts (2016-9 through 2016-11) are for various transit projects such as the acquisition of buses, multi-modal center land, building renovations, pedestrian walkways, and transit planning costs. The projects were completed in a previous fiscal year, audited by the City's external auditors as a part of the annual audit process and are ready for closure. Each closeout provides a brief description of the project or grant, the year the project ordinance was adopted, and the final revenue and expenditure budgets and actuals that are being closed.

6.05 Capital Project Ordinance Amendment 2016-36 (FY 14 Transit Capital Grant NC-90-X548)

Capital Project Ordinance Amendment (CPOA) 2016-36 will appropriate \$73,556.00 for an increase in the FY 14 Capital Grant NC-90-X548. This increased appropriation will be expended on the purchase and installation of additional bus shelters, with benches, trash receptacles and solar light kits, and will be funded by the Federal Transit Administration (FTA) (\$58,845.00) and a local match from the Transit Operating Fund (\$14,711.00).

6.06 Resolution to Accept State Grant and Adoption of Capital Project Ordinance Amendment 2016-35 (2015 Transit Capital Grant NC-90-X592)

**RESOLUTION AUTHORIZING CITY OF FAYETTEVILLE TO ENTER INTO AN
AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
RESOLUTION NO. R2016-015**

6.07 Adopt Resolution to Accept a Report of Unpaid Taxes from Cumberland County and Direct the Advertisement of Tax Liens

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE
ADVERTISEMENT OF TAX LIENS. RESOLUTION NO. R2016-016**

6.08 This item was pulled by Mayor Robertson.

6.09 Award Contract for Upfit of 36 Police Vehicles to Ilderton Conversion Company, the most responsive and responsible bidder, in the amount of \$309,823.00

Formal bids for all materials, equipment and labor to upfit 36 police vehicles were due by 1:00 p.m., February 11, 2016. One bid was received from Ilderton Conversion Company, High Point, NC, as follows:

6 Pursuit Rated Marked Sport Utility Vehicles
\$12,525.00 each Total for 6 = \$75,150.00

5 Pursuit Rated Unmarked Sport Utility Vehicles
\$9,525.00 each Total for 5 = \$47,625.00

1 Pursuit Rated Marked Sport Utility Vehicle with Kennel
\$13,498.00 each Total for 1 = \$13,498.00

9 Full-Size Unmarked Police Cars
\$6,100.00 each Total for 9 = \$54,900.00

12 Full-Size Marked Police Cars
\$8,525.00 each Total for 12 = \$102,300.00

3 Unmarked Chevrolet Caprice Police Cars
\$5,450.00 each Total for 3 = \$16,350.00

6.010 Resolution Authorizing the Conveyance of City-Owned Real Property to the Department of Transportation for Right-of-Way

A RESOLUTION AUTHORIZING THE CONVEYANCE OF REAL PROPERTY TO THE DEPARTMENT OF TRANSPORTATION FOR RIGHT-OF-WAY. RESOLUTION NO. R2016-017

6.011 Request for Legal Representation of City Employees

Police Officers Andrew Dickinson and Ramon Herrera are employed by the City of Fayetteville Police Department. They have been named as defendants in a lawsuit filed by Willie Thompson, who alleges use of force during an incident where he was identified by a store employee as a suspect in a prescription fraud investigation. They were acting within the scope and course of their employment with the City when the incident occurred. They have requested legal representation pursuant to N.C.G.S. § 160A-167, which provides for the defense of an employee based on acts done within the course and scope of employment.

6.012 Uninhabitable Structures Demolition Recommendations

1023 Pamalee Drive District 4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. 1023 Pamalee Drive, PIN 0418-67-2028. ORDINANCE NO. NS2016-006

519 School Street District 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. 519 School Street, PIN 0437-93-7545. ORDINANCE NO. NS2016-007

6.08 Ordinance Authorizing a Petty Cash Fund - NCGS 159-28(d)

This item was pulled by Mayor Robertson.

Mr. Ted Voorhees, City Manager, asked Ms. Lisa Smith, Chief Financial Officer, to provide an overview of this item. Ms. Smith stated petty cash funds are maintained by various City departments to provide a convenient and economical method to make small purchases less than \$125.00. The funds are maintained at a specific monetary level and expenditures are reimbursed. The City currently has 11 petty cash funds in 8 departments (Parks, Legal, Fire, Police, Airport, Engineering & Infrastructure, Parks and Recreation, and Environmental Services) which total \$4,950.00. North Carolina General Statute 159-28(d) amended by House Bill 44 Third Edition adopted June 10, 2015, permits the use of petty cash funds provided the local government has adopted an ordinance authorizing the use. Petty Cash funds are to be used in order to promote efficiencies and are governed by internal Policy No. 306, Petty Cash Funds Operation/Monitoring.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW SECTION 2-67, UTILIZATION OF PETTY CASH FUNDS, UNDER CHAPTER 2, ADMINISTRATION, ARTICLE III, LEGAL AND FISCAL

**AUTHORITY, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE,
NORTH CAROLINA. ORDINANCE NO. S2016-001**

MOTION: Mayor Robertson moved to approve.
SECOND: Council Member Arp
VOTE: UNANIMOUS (9-0)

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 2015 Annual Report, Historic Resources Commission

Ms. Megan Maxwell, Historic Resources Commissioner, presented the annual report for the Historic Resources Commission.

7.02 Annual Report - Ethics Commission

Mr. Kelly Puryear, Ethics Commission Vice-Chair, presented the annual report for the Ethics Commission.

7.03 Annual Report - Joint Appearance Commission

Mr. Johnny Lanthorn, Joint Appearance Commission Chair, presented the annual report for the Joint Appearance Commission.

8.0 OTHER ITEMS OF BUSINESS

8.01 Airport Terminal Design Team Presentation 100% Schematic Design

Mr. Brad Whited, Airport Director, stated in 2015, the FAA provided the Airport with a design grant to develop bid and specifications during the summer of 2016. The design team has worked with Airport Management, Terminal Stakeholders, the local FAA, the local TSA and PWC to develop the schematic plans prior to developing detailed plans and specifications for the project. Bidding is scheduled for late May or early June 2016. The Design Team includes an element to reach out to local contractors and DBE businesses to communicate opportunities for general contracting, sub-contracting and explanation of the NCDOT/DBE certification process and requirements. Our goal is to increase the opportunity and percentage of local and DBE participation. Airport Terminal Improvement Design is at the 100 percent of schematic plans. The next design element is to prepare specifications for bid.

Mr. Whited introduced Mr. Gordon Johnson, Project Architect, Talbert & Bright and Gordon Johnson Architecture. Mr. Johnson presented the Schematic Design for the reconstruction of the airport terminal building with the aid of a PowerPoint presentation. Construction is expected to begin in fall of this year and will have a 28- to 30-month construction period.

Discussion ensued pertaining to hiring Disadvantaged Business Enterprises (DBE) for sub-contract work on this project.

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

8.02 Resolution Authorizing the Acquisition of Property in the B Street Revitalization Area for the Purpose of Affordable Housing

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE,
NORTH CAROLINA AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND
ACQUIRE REAL PROPERTY KNOWN AS 513 LINK STREET, 601 LINK STREET,
512 SCHOOL STREET AND 517 LINK STREET AND FUTURE PURCHASES IN THE
B STREET REVITALIZATION AREA. RESOLUTION NO. R2016-018**

MOTION: Council Member deViere moved to adopt the resolution.
SECOND: Council Member McDougald
VOTE: UNANIMOUS (10-0)

8.03 Interlocal Agreement between Cumberland County and the City of Fayetteville to Address Homelessness

MOTION: Council Member deViere moved to approve the Interlocal Agreement with Cumberland County to address homelessness with a modification to the agreement that we only hire the Data Analyst and the remaining funds of \$50,000.00 of the total be used for homeless services, and, additionally, the Council initiate discussions in the form of a resolution with the County and Continuum of Care for providing a more formal structure for strategic goals and community efforts with Council Member deViere (liaison to the Continuum of Care) serving on said committee.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

8.04 West Fayetteville Garbage Collection Outsourcing Pilot

MOTION: Council Member Crisp moved to approve the West Fayetteville Garbage Collection Outsourcing Pilot with the Request for Proposal (RFP) not to exceed three years.

SECOND: Council Member Wright

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members deViere, McDougald, and Hurst)

8.05 Transfer of Parcel #0408-13-2454 from the Devonwood Homeowners Association

MOTION: Council Member Arp moved to place this item on the next work session (March 16, 2016) to allow staff time to clarify the size and scope of the parcel.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:48 p.m.