

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
MAY 9, 2016
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Katherine K. 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); Theodore Mohn (District 8); James W. Arp (District 9)

Others Present: Doug Hewett, Interim City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Jay Reinstein, Assistant City Manager
Kevin Arata, Corporate Communications Director
Tracey Broyles, Budget and Evaluation Director
Rob Stone, Engineering and Infrastructure Director
Elizabeth Somerindyke, Internal Audit Director
Scott Shuford, Planning and Code Enforcement Director
Cheryl Spivey, Chief Financial Officer
David Trego, PWC CEO/General Manager
Dwight Miller, PWC Chief Financial Officer
Mark Brown, PWC Customer Relations Director
Jane Starling, Deputy City Clerk
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 Archie Barringer, Hope Mills Presbyterian.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Robertson introduced the Girl Scouts from Troop 848 and announced they were working on the Silver Star Award Project. He stated the troop chose traffic safety improvements and presented a petition to request installation of traffic calming devices on Woodrow Street.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda.
SECOND: Mayor Pro Tem Colvin
VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Mayor Robertson moved to approve the consent agenda with the exception of Items 6.02 and 6.06.
SECOND: Mayor Pro Tem Colvin
VOTE: UNANIMOUS (10-0)

6.01 Approval of Minutes:

March 21, 2016 - Special
March 29, 2016 - Regular Meeting
April 4, 2016 - Work Session
April 11, 2016 - Regular

6.02 Pulled at the request of Mayor Robertson.

6.03 Special Revenue Fund Project Ordinance 2016-16 (Hazardous Materials Regional Response Team)

The North Carolina Department of Public Safety, Division of Emergency Management, has approved funding for the Hazardous Materials Regional Response Team of the Fayetteville Fire Department to purchase equipment and conduct an outreach mission at the 2016 Dogwood Festival for which expenses will be reimbursed. Special Revenue Fund Project Ordinance 2016-16 will appropriate \$6,111.00 of state funding for this project. There is no local match requirement.

6.04 Resolution to Authorize the Sale of a City-Owned Structure Located at 4015 Doc Bennett Road

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE SALE OF A CERTAIN STRUCTURE BY ADVERTISEMENT FOR SEALED BIDS. RESOLUTION NO. R2016-039

6.05 PWC - Resolution Directing Construction of Areas 18 and 19 of the Phase 5 Annexation Utility Improvement Project be Undertaken

RESOLUTION DIRECTING CONSTRUCTION OF AREAS 18 AND 19 OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN. RESOLUTION NO. R2016-040

6.06 Pulled at the request of Mayor Pro Tem Colvin.

6.07 Resolution Authorizing the Execution and Delivery of an Equipment Installment Financing Agreement and Related Documents in Connection with the Financing of Various Vehicles and Equipment for the City of Fayetteville, North Carolina.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT, A SECURITY AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING OF VARIOUS VEHICLES AND EQUIPMENT FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2016-041

6.08 Technical Correction - Audit Committee Charter

A technical correction to clarify the current charter of the Audit Committee which was established to provide Fayetteville citizens, taxpayers, and City Council an added assurance of strict financial governance.

6.09 Award the Annual Contract for Miscellaneous Water and Sewer Inventory Items to Ferguson Waterworks, Hope Mills, NC; Fortiline Waterworks, Fayetteville, NC; and HD Supply Waterworks, Fayetteville, NC, in the total amount of \$193,420.47, \$333,779.29 and \$206,530.95 respectively.

6.10 Bid Recommendation for Award of Contract for P.O. Hoffer Water Treatment Facility Expansion, Phase 1B, Reliability Improvements to M.B. Kahn Construction, the lowest responsive and responsible bidder in the amount of \$3,968,100.00

Bids were received on April 5, 2016 as follows:

M. B. Kahn Construction Co., Inc., Columbia, SC .. \$3,968,100.00
State Utility Contractors, Monroe, NC \$4,237,000.00

Wharton-Smith, Inc., Sanford, FL\$4,309,000.00

6.11 Bid Recommendation for Award of Contract for Russell Street Water Main Replacement (Gillespie Street to Eastern Boulevard) to Sandy's Hauling and Backhoe Service, Inc., the lowest responsive and responsible bidder in the amount of \$1,534,413.50

Bids were received on April 10, 2016, as follows:

Sandy's Hauling & Backhoe Service, Inc., Roseboro, NC...\$1,534,413.50
*base bid and alternate

Billy Bill Grading Co., Fayetteville, NC.....\$4,257,423.00
*submitted for base bid only, no bid on alternate

6.02 Special Revenue Fund Project Ordinance Closeouts 2016-16 through 2016-20, and Capital Project Fund Ordinance Closeouts 2016-15, and 2016-17 through 2016-25

Mayor Robertson pulled this item. He requested to be recused from voting on this item as some of the closeouts pertain to the Governor's Crime Commission for which he serves on.

MOTION: Council Member Mohn moved to recuse Mayor Robertson from voting on this item.

SECOND: Council Member Wright

VOTE: Unanimous (9-0)

MOTION: Council Member Crisp moved to approve Item 6.02.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (9-0) (Mayor Robertson recusing)

6.06 Bond Order Authorizing And Approving The Sale And Issuance Under The Provisions Of The State And Local Government Revenue Bond Act, As Amended, Of Not To Exceed \$126,000,000 Aggregate Principal Amount Of The City Of Fayetteville, North Carolina, Public Works Commission Revenue Bonds, Series 2016 To Provide Funds For The Financing And Refinancing Of Various Electric, Water And Sanitary Sewer Capital Improvements And Directing The Authentication And Delivery Of The Series 2016 Bonds

Mayor Pro Tem Colvin pulled this item. He requested Mr. Dwight Miller, PWC Chief Financial Officer, provide an overview of this item. Mr. Miller reviewed the item.

MOTION: Council Member Arp moved to approve the Bond Order.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

7.0 PUBLIC FORUM

Ms. Elizabeth Williams spoke in opposition of any potential further regulation of domestic animals.

Ms. Diana Juergens spoke in support of the "Rick Herrema Foundation".

Mr. Jerry Reinhoel spoke in opposition of the proposed City Council four-year terms.

Mr. Paul Werner listed items he has supported and been opposed to and stated he is in opposition of the proposed City Council four-year terms.

Mr. James Garner spoke in support of the "Road to Re-Entry" program.

8.0 OTHER ITEMS OF BUSINESS

8.01 Ordinance Amending the City Charter to Change the Mode of Electing the Mayor and City Council to Four-Year Staggered Terms and Resolution Calling for a Referendum to Submit for a Vote by the People

Ms. Karen McDonald, City Attorney, presented this item with the aid of a PowerPoint presentation and stated at the April 11, 2016, regular meeting, a public hearing was held to receive public input on a proposed City Charter amendment to change the mode of electing the Mayor and City Council to four-year staggered terms. There was one speaker in opposition. State law provides that any ordinance changing Council terms of office may not be voted upon until the next scheduled meeting following the public hearing. She presented a proposed ordinance amending the charter for Council's consideration and advised the ordinance amending the City Charter and resolution calling for a referendum reflects Council's directive. The referendum would take place in November 2016. If approved, the implementation of the staggered terms would begin in November 2017. The Mayor and Council members in Districts 2, 4, 6, and 8 would be elected to serve a four-year term. Council members in Districts 1, 3, 5, 7, and 9 would serve a two-year term and then in November 2019, the Council members would be elected to serve four-year terms.

MOTION: Council Member Wright moved to approve contingent upon approval of referendum vote.

SECOND: Mayor Pro Tem Colvin

Council Member Mohn expressed concerns relating to election expenses and asked staff to research the number of precincts and costs.

Council Member Wright withdrew his motion. Mayor Pro Tem Colvin withdrew his second.

MOTION: Council Member Mohn moved to table the item until May 23, 2016; allowing Finance Department staff time to research election expenses.

SECOND: Council Member Wright

Council Member Arp stated it would be unfortunate to ask staff to research an item, one that is probably going to fail, and recommended Council vote on the item and then address the financial impact.

Council Member Mohn withdrew his motion. Council Member Wright withdrew his second.

MOTION: Council Member Wright moved to approve contingent upon approval of referendum vote.

SECOND: Mayor Pro Tem Colvin

VOTE: FAILED by a vote of 5 in favor to 5 in opposition (Council Members Robertson, Jensen, deViere, Hurst and Arp)

8.02 Presentation of the Recommended Fiscal Year 2016-2017 Budget and Setting of the Budget Public Hearing

Mr. Doug Hewett, Interim City Manager, presented this item with the aid of a PowerPoint presentation and stated the Local Government Budget and Fiscal Control Act (LGBFCA) requires submission of a balanced, recommended budget for the upcoming fiscal year to the governing board not later than June 1 each year. The LGBFCA also requires that the governing board hold a public hearing on the budget prior to adopting the budget ordinance. Mr. Hewett further stated issues will be discussed and deliberated during three scheduled budget workshops on May 11, 18, and 25, 2016.

Mr. David Trego, PWC CEO/General Manager, presented the PWC Annual Budget with the aid of a PowerPoint presentation.

MOTION: Mayor Pro Tem Colvin moved to set the public hearing for
May 23, 2016.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.01 Tax Refunds Less than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Wet willies Car Wash	2014	Corrected Assessment	\$ 35.53
Winter,Warren, Wallace	2014	Corrected Assessment	92.36
TOTAL			<u>\$127.89</u>

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at
8:41 p.m.