FAYETTEVILLE CITY COUNCIL REGULAR MEETING MINUTES COUNCIL CHAMBER JUNE 13, 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) (via telephone)

Others Present: Douglas Hewett, Interim City Manager

Karen McDonald, City Attorney

Kristoff Bauer, Deputy City Manager Jay Reinstein, Assistant City Manager

Kevin Arata, Corporate Communications Director Rob Stone, Engineering and Infrastructure Director

Lee Jernigan, Traffic Engineer

Elizabeth Somerindyke, Internal Audit Director Tracey Broyles, Budget and Evaluation Director Dwight Miller, PWC Chief Financial Officer Jerry Dietzen, Environmental Services Director

Jerry Dietzen, Environmental Services Director Scott Shuford, Planning and Code Enforcement 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 Mr. Ray Helton, Operation Inasmuch.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Wright announced he had taken part in the NCLM Town Hall Day on June 8, 2016, and had met with some members of the State Legislative Delegation and engaged in positive conversation with those members.

Mayor Robertson gave recognition to the Fayetteville-Cumberland Youth Council on the achievement of receiving the Award for the Most Outstanding Youth Council in North Carolina, beating out 17 other State-Chartered Youth Councils.

Mayor Robertson recognized Ms. Jorden Burstion, Chair of the Fayetteville-Cumberland Youth Council, for receiving the Award for the Most Outstanding Yearly Project.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda with the

addition of Item 6.022, public hearing for June 27, 2016, for consideration of tax incentive grant-backs for Springhill Suites Project and Item 6.023, public hearing for June 27, 2016, for consideration of tax incentive

grant-backs for Freedom Town Center Project.

SECOND: Mayor Pro Tem Colvin

UNANIMOUS (10-0) VOTE:

6.0 CONSENT AGENDA

Council Member Crisp moved to approve the consent agenda.

Council Member Mohn SECOND: VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

March 29, 2016 - Discussion of Agenda Items April 11, 2016 - Discussion of Agenda Items April 25, 2016 - Discussion of Agenda Items

May 2, 2016 - Work Session

May 9, 2016 - Discussion of Agenda Items

May 9, 2016 - Regular

May 11, 2016 - Budget Work Session

May 13, 2016 - Special May 18, 2016 - Agenda Briefing May 18, 2016 - Budget Work Session

May 23, 2016 - Discussion of Agenda Items

May 23, 2016 - Regular

- 6.02 P16-12F. The rezoning of property from SF-10 Single-Family Residential to SF-6 Single-Family Residential Zoning District, to be located at 1917 Morganton Road, and being the property of Rae Renee Rothrock.
- 6.03 Parks and Recreation Capital Project Fund Ordinance Closeouts 2016-29 through 2016-31, Capital Project Fund Ordinance Partial Closeout 2016-32 for Various Building Maintenance and Renovation Projects, Police Capital Project Fund Ordinance Closeout 2016-35 and Special Revenue Fund Project Ordinance Closeouts 2016-21 through 2016-35 for Various Federal and State Grant Funded Projects

The following project ordinances have been completed and all revenues and expenditures for the projects have been recorded in previous years and the financial records have been audited:

- Capital Project Fund Ordinance Closeout 2016-29 Transfer of unused funds from Recreation and Cultural Capital Project Fund to fund projects in other funds
- Capital Project Fund Ordinance Closeout 2016-30 Improvements at various facilities jointly used by Cumberland County Schools and Fayetteville-Cumberland Parks 2. and Recreation
- Capital Project Fund Ordinance Closeout 2016-31 Funding of all NC Department of Agriculture and Consumer Services, NC Forest Service grant awarded by the USDA Forest Service under the Urban and Community Forestry Program
- Capital Project Fund Ordinance Partial Closeout 2016-32 -Funding of miscellaneous building maintenance renovation projects
- Capital Project Fund Ordinance Closeout 2016-35 Funding 5. of FY 2011 Justice Assistance Program grant awarded by U.S. Department of Justice
- 6. Special Revenue Fund Project Ordinance Closeout 2016-21 -Funding of American Recovery and Reinvestment Act of 2009 Community Development Block Grant Recovery Program awarded by the U.S. Department of Housing and Urban Development
- Special Revenue Fund Project Ordinance Closeout 2016-22 -Funding of American Recovery and Reinvestment Act of 2009

- Homeless Prevention and Rapid Re-Housing Program awarded by the U.S. Department of Housing and Urban Development
- 8. Special Revenue Fund Project Ordinance Closeout 2016-23 Funding of FY 2008 Justice Assistance Grant Program funded by the U.S. Department of Justice
- 9. Special Revenue Fund Project Ordinance Closeout 2016-24 Funding of FY 2010 COPS Technology Grant program for the purchase of laptops and other purposes authorized in the grant
- 10. Special Revenue Fund Project Ordinance Closeout 2016-25 Funding of 2012-2013 "Return and Restore" grant for Parks and Recreation awarded by the National Recreation and Park Association
- 11. Special Revenue Fund Project Ordinance Closeout 2016-26 Funding of FY 2011 Federal Homeland Security Grant awarded through the North Carolina Department of Crime Control and Public Safety Division of Emergency Management
- 12. Special Revenue Fund Project Ordinance Closeout 2016-27 e-NC Capital Expenditure Grant awarded by the N.C. Rural Economic Development Center, Inc., for FY 2007-2008
- 13. Special Revenue Fund Project Ordinance Closeout 2016-28 Funding of Bragg Boulevard Corridor Plan awarded by the Fort Bragg Regional Alliance from funding received by the Office of Economic Adjustment on behalf of the U.S. Department of Defense
- 14. Special Revenue Fund Project Ordinance Closeout 2016-29 Funding of Community Gardens Project funded by the Sandhills Area Land Trust
- 15. Special Revenue Fund Project Ordinance Closeout 2016-30 Funding of FY 2010 Cultural Arts Program awarded by the Arts Council of Fayetteville/Cumberland County
- 16. Special Revenue Fund Project Ordinance Closeout 2016-31 Funding of 2013 Badges for Baseball Program awarded by the Cal Ripken, Sr. Foundation.
- 17. Special Revenue Fund Project Ordinance Closeout 2016-32 Funding of 2014 Badges for Baseball Program Grant #2 awarded by the Cal Ripken, Sr. Foundation
- 18. Special Revenue Fund Project Ordinance Closeout 2016-33 Funding of 2014 Badges for Baseball Program awarded by the Cal Ripken, Sr. Foundation.
- 19. Special Revenue Fund Project Ordinance Closeout 2016-34 Funding of 2014 Badges for Baseball Program Grant, Police Department awarded by the Cal Ripken, Sr. Foundation
- 20. Special Revenue Fund Project Ordinance Closeout 2016-35 Funding of Partnering to Develop a Comprehensive Fair Housing Outreach, Recruitment, and Investigative program awarded by the NC Department of Administration
- 6.04 Special Revenue Fund Project Ordinance 2016-19 for the Transfer of Unused Project Funds, Capital Project Fund Ordinance Amendments 2016-42 and 2016-43 for Transportation Improvement Projects, Fire Department Capital Project Fund Ordinance Amendment 2016-44, Information Technology Capital Project Fund Ordinance Amendment 2016-45 and Capital Project Fund Ordinance Closeout 2016-33 for Festival Park Plaza Improvements

Special Revenue Fund Project Ordinance 2016-19 will transfer a total of \$4,289.00 of unused General Funds remaining from the 2012 Prescription Drug Initiative and the Violence Against Women projects.

Capital Project Fund Ordinance Amendment 2016-42 will transfer back to the General Fund \$1,431,758.00 relating to the Fort Bragg Lead Connector municipal agreement that has been cancelled by the North Carolina Department of Transportation Rail Division, representing the City's share of the project that was funded by the General Fund.

Capital Project Fund Ordinance Amendment 2016-43 will return \$150,000.00 to the General Fund from the Thoroughfare Street Lighting and Improvements Transportation project.

Capital Project Fund Ordinance Amendment 2016-44 will amend Capital Project Fund Ordinance 2015-6 for the upgrade of the call notification and paging system used by the Fayetteville Fire Department. This project is now complete and will be closed after the year-end audit process. Funds remaining in the project of \$29,584.00 that have been identified by staff will be returned to the General Fund.

Capital Project Fund Ordinance Amendment 2016-45 will amend Capital Project Fund Ordinance 2013-9 for the purpose of upgrading to an enterprise-wide electronic document, audio, and video file storage and management system. Staff has identified that this project is now complete and will be closed after the year-end audit process. Funds remaining in the project of \$323.00 will be transferred back to the General Fund.

Capital Project Fund Ordinance Closeout 2016-33 will amend and close out Capital Project Fund Ordinance 2013-2 for renovations at the Festival Park Plaza. This project was completed in prior years and has gone through the annual audit process therefore the project can be closed. Funds remaining from the project that staff has identified can be returned to the General Fund is \$2,590.00.

6.05 Capital Project Fund Ordinance Closeout 2016-34 for Phase I of the Langdon Street Widening Project

Capital Project Fund Ordinance Closeout 2016-34 is for the Langdon Street Widening Project. The project was initially authorized in 2012 and \$800,000.00 has been appropriated for this project from the General Fund. Due to issues with right-of-way acquisition, this project has been placed on hold. Staff has identified that the funds remaining in the project can be re-purposed for other projects. This closeout will amend the project to transfer back to the General Fund \$771,991.00 of unused project funds. Project expenditures to date of \$28,009.00 were audited in a prior year, therefore this project can be closed at this time.

6.06 Capital Project Fund Ordinances 2016-21 and 2016-23 Authorizing the Transfer of Unused Capital Project Funds Back to the General Fund for Re-Appropriation

Capital Project Fund Ordinance 2016-21 will transfer \$83,060.00 remaining in unused transportation improvement project funds. Capital Project Fund Ordinance 2016-23 will transfer \$70,662.00 remaining in unused general government capital project funds.

6.07 Budget Ordinance Amendment 2016-13 to Appropriate \$2,544,257.00 in Available Funds from Multi-Year Project Funds to the General Fund

Budget Ordinance Amendment 2016-13 will appropriate \$2,544,257.00 being transferred back to the General Fund from various multi-year capital project and special revenue funds.

- 6.08 Approval of a Municipal Agreement with NCDOT for TIP B-4490 for Aesthetic Improvements for the Rowan Street Bridge and Adoption of Budget Ordinance Amendment 2016-14 and Capital Project Ordinance 2016-22
 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR A NCDOT TRANSPORTATION IMPROVEMENT PROJECT TO CONSTRUCT IMPROVEMENTS ON ROWAN STREET BRIDGE. RESOLUTION NO. R2016-045
- 6.09 Award Contract for Resurface Various Streets 2017 Phase I, to Highland Paving, the lowest responsive, responsible bidder in the amount of \$1,979,568.00.

The project was first advertised for bids to be opened on May 3, 2016; however, only two bids were received. Therefore, in accordance with North Carolina General Statutes, which require three bids in order to open on the first advertisement, the project was readvertised and bids were opened on May 11, 2016. Bids received are as follows:

Highland Paving Co., LLC, Fayetteville, NC \$1,979,568.00 Barnhill Contracting Company, Fayetteville, NC ... \$2,037,794.60

6.10 Approval of Resolution supporting installation of traffic signals by NCDOT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR INSTALLATION OF TRAFFIC SIGNALS ON RAMSEY STREET AT SUMMERCHASE DRIVE, RAMSEY STREET AT EASTWOOD AVENUE AND STRICKLAND BRIDGE ROAD AT FISHER ROAD. RESOLUTION NO. R2016-046

6.11 Approval of a Resolution supporting NCDOT sign revisions for Cape Fear Botanical Garden

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR INSTALLATION OF SIGNING FOR THE CAPE FEAR BOTANICAL GARDEN. RESOLUTION NO. R2016-047

6.12 Adopt a Resolution Declaring Jointly-Owned Real Property Surplus and Authorizing a Quitclaim Deed to the City's Title to the County in Order to Expedite the Sale of Land by Cumberland County

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO DECLARE CITY PROPERTY EXCESS AND QUITCLAIM CITY'S INTEREST IN JOINTLY HELD PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2016-048

6.13 Resolution to Authorize Upset Bid Sale of Morgan Street Property

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE UPSET BID PROCESS. RESOLUTION NO. R2016-049

6.14 Resolution Designating an Official to Make Recommendations on ABC Permit Applications

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, COUNTY OF CUMBERLAND, REGARDING THE DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS. RESOLUTION NO. R2016-050

6.15 Adopt Resolution Authorizing the Sale of Personal Property by Public Auction

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION. RESOLUTION NO. R2016-051

6.16 Bid Recommendation for Award of Contract for Prefabricated Relay Control House for the Butler-Warner Generation Plant POD No. 2 Upgrade to VFP, Inc., the lowest responsive bidder, in the amount of \$161,107.00

Bids were received on May 17, 2016, as follows:

6.17 Bid Recommendation for Award of Contract for Four 230kV Circuit Breakers for the Butler-Warner Generation Plant 230kV POD No. 2 Upgrade and Miscellaneous Use to Siemens Industry, Inc., the lowest responsive, responsible bidder, in the total amount of \$349,000.00

Bids were received on May 17, 2016, as follows:

One 230kV Circuit Breaker for Reilly Road Switching Station

Bidders						Total	Cost
Siemens	Indu	stry,	Inc.,	Cary,	NC	\$89,90	00.00
Hitachi	HVB,	Inc.,	Suwai	nee, Gi	A	\$90,00	00.00

Three 230kV Circuit Breakers for POD No. 2 Upgrade

Bladers					<u>Unit Price</u>	Total Cost
Siemens	Industry,	Inc.,	Cary,	NC	\$86,800.00	\$260,400.00
Hitachi	HVB, Inc.	, Suwar	nee, Gi	Α	\$90,000.00	\$270,000.00

6.18 Bid Recommendation for Award of Contract for Forestry Track Loader to Carolina Construction Equipment, the lowest responsive, responsible sole bidder, in the amount of \$89,997.00

Bids were received on May 3, 2016, as follows:

Carolina Construction Equipment, Waxhaw, NC \$89,997.00

6.19 Bid Recommendation for Award of Contract for Group Operated Disconnect Switches for the Butler-Warner Generation Plant POD No. 2 Upgrade to M.D Henry, the lowest responsive, responsible bidder, in the total amount of \$273,340.00

Bids were received on May 17, 2016, as follows:

M.D. Henry, Pelham, AL	\$273,340.00
Substation Enterprises, Alabaster, AL	\$277,270.00
Peak Substation Services, Birmingham, AL	\$325,763.00

6.20 Bid Recommendation for Award of Contract for Relay Control Switchboards for the Butler-Warner Generation Plant POD No. 2 Upgrade to Schweitzer Engineering Laboratories, Inc., the lowest responsive bidder, in the total amount of \$332,790.00

Bids were received on May 17, 2016, as follows:

Schweitzer Engineering Laboratories, Inc., Pullman, WA\$332,790.0	0
Birmingham Control Systems, Inc., Birmingham, AL\$345,355.0	0
Keystone Electrical Manufacturing Co., Des Moines, IA\$352,499.4	9
Electrical Power Products, Inc., Des Moines, IA\$362,377.0	0
Kemco Industries, Inc., Sanford, FL\$416,859.0	0

6.21 Budget Ordinance Amendment 2016-16 for an Amendment to the Fayetteville Public Works Commission Budget

The Fayetteville Public Works Commission adopted Budget Amendment No. 2 on May 25, 2016, for the Electric, Water/Wastewater, and Fleet Maintenance Internal Service funds. The Electric fund budget will decrease in total by \$858K to just over \$245.2 million. The Water/Wastewater fund budget will increase by \$3.3 million to \$106.5 million. The Fleet Maintenance Internal Service fund will increase by \$35K for the transfers from the electric and water/wastewater funds of \$17.5K each.

- 6.22 Set a public hearing for June 27, 2016, for consideration of tax incentive grant-backs for Springhill Suites
- 6.23 Set a public hearing for June 27, 2016, for consideration of tax incentive grant-backs for Freedom Town Center project

7.0 PUBLIC FORUM

Mr. Ken Praschan, 3324 Quarry Drive, Fayetteville, NC 28303, provided Mayor and Council with a brochure from Cornerstone Development Group and talked about the high cost of stormwater requirements to the developers.

Mr. Steve Harper, 5707 Bashford Court, Fayetteville, NC, expressed concerns over stormwater issues in his neighborhood, and especially on Cosmo Drive.

Mr. Jerry Reinhoel, 516 Deerpath Drive, Fayetteville, NC 28311, gave recognition to the Army's 241st birthday for June 14, 2016.

8.0 OTHER ITEMS OF BUSINESS

8.01 Presentation of Appointment Committee Recommendations for Appointments to Boards and Commissions

Council Member Hurst, Appointment Committee Chair, presented this item and stated the Appointment Committee met on May 17, 2016, to review applications for appointments to boards and commissions. It is from that meeting the Appointment Committee presents the following recommendations for appointments to the City of Fayetteville Boards and Commissions.

Audit Committee Ms. Michelle Hall (1st Term) Ms. Pamela Jackson (1st Term) Mr. Douglas Hewett (Term N/A) (Function of Job)	June 2016-March 2018 June 2016-March 2018 June 2016-March 2018
<pre>Ethics Commission Mr. David Bock (1st Term) (Bar Association)</pre>	June 2016-March 2019
FACT Ms. Kelly Jones (1st Term) (FAST Driver) 2018	June 2016-March
Ms. Sharon Collins (Partial Term) (Bus Rider)	June 2016-March 2017
Fayetteville City Planning Commission Mr. Daniel Culliton (1st Term) (Full member)	June 2016-Sept 2017
Fayetteville Finance Corporation Mr. Douglas Hewett (Term N/A) (Function of Job)	June 2016-Sept 2016
<pre>Historic Resources Commission Ms. Aimee Schmidt (1st Term) (Category 6 At-Large) Ms. Catherine Mansfield (1st Term) (Category 6</pre>	

Linear Park, Inc.

Mr. Douglas Hewett (Term N/A) (Function of Job) June 2016-March 2019
Ms. Mary Bailey (1st Term) June 2016-March 2019

MOTION: Council Member Hurst moved to approve the Appointment

Committee recommendations for Boards and Commissions,

effective June 13, 2016.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

8.02 Resolution Authorizing Condemnation on Stormwater Easements for Godfrey and Yadkin Drainage Projects

Mr. Rob Stone, Engineering and Infrastructure Director, presented this item and stated the Godfrey Outfall Stormwater Project and the Yadkin Road Phase II Stormwater Project have been funded but unable to be completed due to Stormwater staff not being able to acquire all of the needed easements. Stormwater staff has contacted the property owners on numerous occasions over the past several years to no avail. The easement acquisitions have now been turned over to Real Estate and after attempting for several months, it is apparent that the next step to move the projects forward is condemnation. In 2009 a study was performed on the Buckhead Creek watershed and 18 drainage projects The Godfrey Outfall Project was identified and was were identified. based on drainage complaints received and an annexation study. This project has been designed as an upgrade to the system that is currently in place and will improve drainage in the area. There were a total of 11 easements to acquire and staff has acquired 10 with only 1 needed easement remaining. The Yadkin Road Phase II project proposes to upgrade the system in an effort to reduce flooding. This project had a total of 19 easements required with 4 left outstanding. The design and construction of these projects was funded in FY 2013. After numerous attempts by City Stormwater and City Real Estate staff, the remaining easements have not been able to be acquired. Staff has determined condemnation is necessary for the projects to move forward.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CONDEMNATION ACTION ON REMAINING PARCELS FOR NEEDED STORMWATER EASEMENTS. RESOLUTION NO. R2016-052

MOTION: Council Member McDougald moved to adopt the resolution to

allow the projects to move forward.

SECOND: Mayor Pro Tem Colvin VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.01 Monthly Statement of Taxes - May 2016

2015 2015 2015 2015 2015 2015 2015 2015	Vehicle Revit 0.00 FVT 0.00 FTT 0.00
2014 2014 2014 2014	Fay Storm Water

2014	Annex 0.00
2013	Taxes
2013	Vehicle
2013	Taxes Revit
2013	Vehicle Revit
2013	FVT190.00
2013	FTT
2013	Storm Water 52.66
2013	Fay Storm Water
	Fay S Waste Fee
	Annex
0010	T00 10
	Taxes 588.10
	Vehicle
	Taxes Revit
	Vehicle Revit
	FVT
	FTT 217.12
2012	Storm Water 0.49
2012	Fay Storm Water 0.99
2012	Fay S Waste Fee
2012	Annex 0.00
2011	and Prior Taxes
2011	and Prior Vehicle
2011	and Prior Taxes Revit
2011	and Prior Vehicle Revit
	and Prior FVT
	and Prior FTT
2011	and Prior Storm Water 24.00
2011	and Prior Fay Storm Water
2011	and Prior Fay S Waste Fee
	and Prior Annex 0.00
Inter	rest 15,867.18
	Interest
	n Water Interest
	Storm Water Interest
	k Interest 0.00
	d Waste Interest
ray 1	Fransit Interest
Total	l Tax and Interest\$306,488.61

10. CLOSED SESSION

MOTION: Mayor Pro Tem Colvin moved to reconvene the closed session

recessed at the June 13, 2016, discussion of agenda items

meeting.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

The regular session recessed at 7:50 p.m. The regular session reconvened at 9:10 p.m.

MOTION: Council Member Mohn moved to go into open session.

SECOND: Council Member Wright VOTE: UNNANIMOUS (10-0)

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at $9:10~\mathrm{p.m.}$