

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
AUGUST 14, 2017  
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, Jr. (District 9)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Gina Hawkins, Police Chief  
Cheryl Spivey, Chief Financial Officer  
Kevin Arata, Corporate Communications Director  
Rob Stone, Engineering and Infrastructure Director  
Karen Hilton, Planning and Zoning Manager  
Giselle Rodriguez, City Engineer  
Craig Harmon, Senior Planner  
Randy Hume, Transit Director  
Mark Brown, PWC Customer Relations  
Patrick Callahan, Cool Spring Downtown District Inc.  
Mark Regensburger, Cool Spring Downtown District Inc.  
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 Pastor Chip Grammer, of Sherwood Presbyterian Church.

**3.0 PLEDGE OF ALLEGIANCE**

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

**4.0 ANNOUNCEMENTS AND RECOGNITION**

Mayor Robertson announced he was changing the Proclamation for the City of Charlottesville, VA, from a proclamation to a resolution. Mayor Robertson read the resolution.

**RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA, SUPPORTING CHARLOTTESVILLE, VIRGINIA. RESOLUTION NO. R2017-040**

**MOTION:** Mayor Pro Tem Colvin moved to adopt the resolution.  
**SECOND:** Council Member McDougald  
**VOTE:** UNANIMOUS (10-0)

Mayor Robertson introduced Ms. Gina Hawkins, Police Chief for the City of Fayetteville, and welcomed her. Chief Hawkins stated it was an honor and privilege to serve the City of Fayetteville, and thanked everyone for the warm welcome.

Council Member Jensen introduced Ms. Rebecca Mitchell, Fayetteville-Cumberland Youth Council (FCYC) Chair, who was representing the FCYC at the Council meeting this evening.

Buffalo Soldiers Mr. James "Scorpion 1" Lotharp; Mr. William Johnson, President; Chief Burnside, Vice President; and Mr. William Judd, 2nd Vice President presented Mayor Robertson with a Certificate of Appreciation from the Buffalo Soldiers for his participation and promotion of the "Run for the Wall" annual event.

Council Member Hurst presented the Master Gardener Award to Cumberland County Master Gardener Mr. Bill Pollitt. Mr. Bob Foxley accepted the award on his behalf and thanked the City Council for the recognition of the Fayetteville Master Gardeners.

Mayor Robertson and Mr. Jay Reinstein, Assistant City Manager, presented Certificates of Excellence to the Science, Technology, Engineering and Mathematics (STEM) interns. This year the City was able to sponsor ten youths thanks to the sponsorship of the City Council. Recognition was also given to Ms. Nora Brantley, Program Manager.

## **5.0 APPROVAL OF AGENDA**

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

## **6.0 CONSENT AGENDA**

Mayor Robertson requested to pull Items 6.03 and 6.09 for discussion.

**MOTION:** Council Member McDougald moved to approve the consent agenda with the exception of Items 6.03 and 6.09.  
**SECOND:** Council Member Crisp  
**VOTE:** UNANIMOUS (10-0)

### **6.01 Approval of Meeting Minutes:**

May 25, 2017 - Budget Work Session  
June 12, 2017 - Discussion of Agenda Items  
June 26, 2017 - Discussion of Agenda Items  
June 26, 2017 - Regular Meeting  
July 5, 2017 - Special

### **6.02 Resolutions to Accept Two FY 18 5307 Urban State Match Program Grants from the North Carolina Department of Transportation and Adoption of Capital Project Ordinance Amendments 2018-14 and 2018-15**

**RESOLUTION AUTHORIZING THE CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (Project No. 18-90-614A). RESOLUTION NO. R2017-041**

**RESOLUTION AUTHORIZING THE CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (Project No. 18-90-614B). RESOLUTION NO. R2017-042**

The City received two grants from the North Carolina Department of Transportation (NCDOT) to match Federal Transit Administration Grant NC-2016-030, which was approved by Council on September 12, 2016. Capital Project Ordinance Amendment 2018-14 will appropriate \$29,100.00 from the NCDOT for the Multimodal Transit Center Project to provide contingency funds for completion of the construction. Capital Project Ordinance Amendment 2018-15 will appropriate \$11,200.00 from NCDOT to reduce the local match required for the purchase of two replacement ADA paratransit vehicles.

### **6.03 Pulled for discussion.**

#### **6.04 Phase 5 Annexation Areas 20 and 21**

**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 20 AND 21 OF THE PHASE 5 ANNEXATION LISTED ON EXHIBIT "A". RESOLUTION NO. R2017-043**

#### **6.05 Adoption of Capital Project Ordinances 2018-14, 2018-15 and 2018-16, and Capital Project Ordinance Amendments 2018-16 and 2018-17 for Parks and Recreation Bond Projects**

Capital Project Ordinances 2018-14, 2018-15, and 2018-16 and Capital Project Ordinance Amendments 2018-16 and 2018-17 will appropriate \$6,367,500.00 of planned bond proceeds for five projects including three splash pads, the Western Senior Center, and the Downtown Skate Park.

#### **6.06 Capital Project Ordinance 2018-17 for the Repair or Replacement of Lafayette Park Pedestrian Bridge**

Capital Project Ordinance 2018-17 will appropriate \$166,907.00 to fund costs to repair or replace the Lafayette Park Pedestrian Bridge due to damages sustained during Hurricane Matthew. The Federal Emergency Management Agency (FEMA) has determined that costs estimated at \$166,907.00 will be eligible for 75 percent reimbursement through FEMA. The 25 percent balance is expected to be reimbursed through the North Carolina Department of Public Safety (NCDPS).

#### **6.07 Resolution to enter into a Municipal Agreement with the North Carolina Department of Transportation to install a traffic signal at Strickland Bridge Road and Fisher Road and adoption of Capital Project Ordinance 2018-13 to fund the local share of project costs**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT STRICKLAND BRIDGE ROAD AT FISHER ROAD. RESOLUTION NO. R2017-043A**

#### **6.08 Resolution to enter into a Municipal Agreement with the North Carolina Department of Transportation for a pedestrian safety project along Cumberland Road**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR CONSTRUCTION OF A PEDESTRIAN SAFETY IMPROVEMENTS ON CUMBERLAND ROAD FROM IRELAND DRIVE TO BOONE TRAIL. RESOLUTION NO. R2017-044**

#### **6.09 Pulled for discussion.**

#### **6.010 Award Contract for Resurface Various Streets 2018, Phase 1, to Barnhill Contracting Company, the lowest responsive responsible bidder, in the total amount of \$1,883,624.67**

Resurface Various Streets 2018, Phase 1, consists of resurfacing 20 streets (approximately 5.04 miles) and milling and resurfacing 4 streets (approximately 1.45 miles). The work includes, but is not limited to, removing and replacing curb and gutter, installing and retrofitting handicap ramps, utility adjustments, milling, cutting out and patching areas, placing leveling and overlay courses. The project was first advertised for bids to be opened on June 20, 2017; however, only two bids were received. Therefore, in accordance with North Carolina General Statutes, which require three bids in order to open the first advertisement, the project was re-advertised and bid were opened on June 29, 2017. Bids received are as follows:

Barnhill Contracting Company, Fayetteville, NC ... \$1,883,624.67  
Highland Paving, Co., LLC, Fayetteville, NC ..... \$1,948,427.95

#### **6.011 Adoption of Budget Ordinance Amendment 2018-1 to Adjust the General Fund Budget Due to Timing Changes for the Sale of**

**Property for the Master Development Agreement with Prince Charles Holdings (PCH)**

A number of transactions associated with the Downtown Development Agreement with Prince Charles Holdings were not completed in fiscal year 2017 as previously planned and appropriated by Council. Budget Ordinance Amendment 2018-1 will authorize \$4,308,060.00 in additional expenditures for Other Appropriations in the General Fund primarily to fund continued operating costs for Festival Park Plaza (FPP) through December 31, 2017, and repayment of interest and the principal balance on outstanding debt for the facility. The funding sources for the additional appropriations include six months on tenant lease payments for FPP, and sales proceeds for FPP and the garage/hotel lot, offset by fund balance appropriation reductions.

**6.012 Request for Legal Representation of City Employee**

Authorization from the City Council to provide legal representation for City employee Silvia Jordan in the matter of *Kasey and Anthony Dill v. Silvia Jordan, et al.* The employee was acting within the scope and course of her employment with the City when the alleged incident occurred.

**6.013 Adopt a Resolution Declaring Jointly-Owned Real Property Surplus and Authorizing a Quitclaim Deed of 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 SURPLUS AND QUITCLAIM CITY'S INTEREST IN JOINTLY-HELD PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2017-045**

**6.014 Resolution to Set Public Hearing to Consider Closing a Portion of Thomas Avenue**

**A RESOLUTION CALLING A PUBLIC HEARING REGARDING THE PROPOSED CLOSING OF A PORTION OF THOMAS AVENUE. RESOLUTION NO. R2017-046**

**6.015 Engagement Letter and Audit Contract for Required Testing for Local Government Employees Retirement System (LGERS)**

The Office of State Auditor has selected the City of Fayetteville as one of 60 local governments to have additional procedures performed on the accuracy of the information reported in ORBIT (the Local Government Employee Retirement Plan Database). The additional work requires a separate engagement document and contract with RSM, the City's independent auditor.

**6.03 Amendment to Chapter 23 Stormwater Management allowing Greenways within stream buffer areas**

Mayor Robertson pulled this item for discussion.

Mr. Kristoff Bauer, Deputy City Manager, explained this was an amendment to Chapter 23 to allow greenways within stream buffers. He stated this was in relation to a design project for the Big Cross Creek Trail where they have an \$800,000.00 grant through the Fayetteville Area Metropolitan Planning Organization to do that design project. He further stated they found that if they could put the greenway within the wetland buffer area, that would allow them to reduce the impact to adjacent property owners and still put in a trail that was sensitive to that environment. This amendment would allow them to move forward with design of the project.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE III OF CHAPTER 23, STORMWATER MANAGEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2017-010**

**MOTION:** Council Member Mohn moved to adopt the ordinance.  
**SECOND:** Council Member McDougald  
**VOTE:** UNANIMOUS (10-0)

**6.09 Adoption of Capital Project Ordinance Amendment 2018-13 for Owen Drive Sidewalk Project Right-of-Way Acquisition**

Mayor Robertson pulled this item for discussion.

Mr. Kristoff Bauer, Deputy City Manager, explained this amendment would provide funding for the Owen Drive Sidewalk Project and right-of-way acquisition. He stated this had some federal funds and because of that they had to follow federal guidelines for the acquisition of right-of-way which had some stricter standards and increased the cost of right-of-way acquisition.

**MOTION:** Council Member Crisp moved to adopt Capital Project Ordinance Amendment 2018-13.  
**SECOND:** Council Member Hurst  
**VOTE:** Unanimous (10-0)

**7.0 PUBLIC FORUM**

Ms. Bunny English, 729 Hillsboro, Fayetteville, NC, requested review of the fence ordinance.

Ms. Christine Michaels, 159 Maxwell Street, Fayetteville, NC, expressed support of the "Brunch Bill" on behalf of the Chamber of Commerce.

Mr. Tom Clark, 4643 Goldsboro Road, Wade, NC, expressed opposition to the Atlantic Coast pipeline.

Ms. Ann Schrader, 223 Steadman Street, Fayetteville, NC, expressed opposition to the Atlantic Coast pipeline.

Mr. Iman Eronomy Smith, 1200 Murchison Road, Fayetteville, NC, addressed the state of the City of Fayetteville.

Mr. Jerry Reinoehl, 516 Deer Path Drive, Fayetteville, NC, stated he will be travelling to South Carolina to witness the Solar Eclipse on August 21, 2017.

Pastor Wilbur Blandon, 2237 Calista Circle, Fayetteville, NC, announced the "Appreciation Sunday" event would take place at 11:00 a.m. on September 10, 2017, at the Bible Fellowship Ministries, located at 6829 Fillyaw Road, Fayetteville, NC.

Mr. Charles Matthews, 3618 Tindal Court, Fayetteville, NC, requested funding to repair Rosehill Lake dam.

Ms. Laressa Witt, 711 Executive Place, Fayetteville, NC, provided an overview of the "Hope for North Carolina and Alliance Access" program.

**8.0 PUBLIC HEARINGS**

**8.01 Public Hearing: P17-09F The rezoning of property from SF-10 Single-Family Residential to LC Limited Commercial Zoning District, located at 7376 Stoney Point Road, near the intersection of Stoney Point and Dundle Road and being the property of KAZI HASIBA BURNS.**

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated on May 9, 2017, the Zoning Commission held a public hearing regarding this case. There were two speakers, one in favor and one in opposition. The speaker in favor revealed that the grocery store chain Aldi is looking to developing

this property. The speaker in opposition spoke to the rural nature of the area. This speaker also noted that the City Council had denied commercial re-zonings on this property and the one across the street in the past. The Commission voted 3 to 2 to recommend approval. There has been no change in circumstances since this property was denied a rezoning in 2009. The Zoning Commission recommends that the City Council move to approve the rezoning to LC Limited Commercial Zoning District, as presented by the staff. The amendment is consistent with applicable plans because (1) the City's 2030 Growth Vision plan calls for development intensity to match that of the surrounding area, (2) the uses and zoning near this property are a mix of commercial and residential property which is compatible with the proposed zoning, and (3) the proposed zoning is reasonable and in the public interest because the proposed zoning does fit with the character of most of the development in this area. The City staff recommended a motion to deny the rezoning to LC Limited Commercial Zoning District as presented by the staff. The amendment is not consistent with applicable plans because (1) the City's Land Use Plan calls for low-density residential on this site; (2) that the uses and zoning to the north, west and east of this property are not compatible with the proposed zoning; and (3) the proposed zoning is not reasonable and in the public interest because the proposed zoning does not fit with the character of most of the development in this area.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Jonathan Charleston, 201 Hay Street, Suite 2000, Fayetteville, NC, appeared in favor and stated he is the attorney representing the property owner and requested Council approve the rezoning request. Mr. Charleston responded to questions by Council.

Ms. Debbie Liebers, 3439 Dundle Road, Fayetteville, NC, appeared in opposition and submitted a petition signed by 267 citizens to request Council deny the rezoning request.

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

Discussion ensued.

**MOTION:** Council Member Crisp moved to deny the request to rezone the property from SF-10 Single-Family Residential to LC Limited Commercial Zoning District.

**SECOND:** Council Member deViere

Discussion ensued.

**VOTE:** FAILED by a vote of 5 in favor (Council Members Robertson, Colvin, Arp, DeViere, and Crisp) to 5 in opposition (Council Members Jensen, McDougald, Hurst, Wright, and Mohn)

Discussion ensued.

**MOTION:** Council Member Mohn moved to allow 90 days to allow both parties and staff to work towards a potential compromise. If a compromise (conditional rezoning) is not proposed within the 90-day time frame, this item will return to the Council for final action.

**SECOND:** Council Member Wright

**VOTE:** PASSED by a vote of 8 in favor to 2 in opposition (Council Members Crisp and deViere)

## **8.02 Public Hearing and Approval of Sunday Service Transit Routes**

Mr. Randy Hume, Transit Director, presented this item and stated City Council provided funding in the FY 2018 Operating Budget to begin Sunday transit service in November 2017. In order to implement that

service the Sunday transit routes must be adopted by Council according to our policies, after consideration of public comment. Council set August 14, 2017, as that public hearing date at its June 26, 2017, meeting. Notice of the public hearing has been provided in accordance with established policies. Transit also held three open house workshops on July 31 and August 9 and 10, 2017, in addition to gathering public feedback at its transfer center and at Cross Creek Mall. City Council approved funding for a ten-route Sunday Service Plan in the FY 2018 Operating Budget. That plan was developed over several months by the Fayetteville Advisory Committee on Transit (FACT) and presented to City Council in November 2016. FACT and Transit staff attempted to balance the need for area coverage and projected productivity (i.e., transit ridership). The plan will provide both fixed route bus service and FASTTRAC! ADA paratransit service from approximately 9:00 a.m. until 7:00 p.m. The introduction of this new service is considered a major service change and Federal Transit Administration guidelines and established policies require Council action to approve the routes following the opportunity for and consideration of public comment.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Albert Bryant, 325, Sugarbush Lane, Fayetteville, NC, appeared in favor and stated he is an advocate for the City of Fayetteville.

Ms. Vernell Cruz, 217, Lincoln Drive, Fayetteville, NC, appeared in favor and stated she is disabled and needs the bus service, and has several friends that are also in need of a Sunday service.

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

Discussion ensued.

**MOTION: Council Member Mohn moved to approve the Sunday transit routes as presented.**  
**SECOND: Mayor Pro Tem Colvin**  
**VOTE: UNANIMOUS (10-0)**

## **9.0 OTHER ITEMS OF BUSINESS**

### **9.01 Consideration of action on the NCGA "Brunch Bill" - GS 106A-205.3**

Mayor Robertson introduced this item and stated he had placed this item on the August 7, 2017, work session agenda for Council consideration. Consensus of Council was to place this item on the August 14, 2017, regular meeting agenda under other items of business. Mayor Pro Tem Colvin and Council Member Wright voted in opposition to the consensus vote. On June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled "An Act to Make Various Changes to the Alcoholic Beverage Control and Commission Laws". Section 4 of Ratified Senate Bill 155 authorizes city governments to adopt an ordinance to allow alcohol sales beginning at 10:00 a.m. on Sundays and was signed into law by Governor Roy Cooper on the June 30, 2017, and became effective on that date.

Discussion ensued.

**MOTION: Council Member Jensen moved to adopt the ordinance as presented.**  
**SECOND: Council Member Mohn**  
**VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Colvin and Wright)**

## **9.02 Bid Recommendation - Restoration of Infrastructure Damaged During Hurricane Matthew at North Cool Spring Street**

Ms. Giselle Rodriguez, City Engineer, presented this item and stated bids were received for the contract for the restoration of infrastructure damaged during Hurricane Matthew at North Cool Spring Street. The recommended lowest responsive, responsible bidder is Sandy's Hauling, Roseboro, NC, in the total amount of \$1,675,653.50. Hurricane Matthew caused severe damage to several roads within the City. FEMA has conducted site visits to the locations of the damage and these locations are expected to be eligible for reimbursement of 75 percent of repair costs from FEMA, and the remaining 25 percent from NC DPS. North Cool Spring Street was severely damaged when Cross Creek overtopped the roadway during Hurricane Matthew. The storm drainage system and a large portion of the roadway were washed away and the roadway is currently closed to traffic. FEMA requires adherence to strict procurement and documentation guidelines to qualify for federal reimbursement of expenditures for response and recovery from natural disasters. City staff is making every effort to comply with those requirements to maximize reimbursement from FEMA as appropriate. Bids were received from one contractor, so per City policy, the contract was put back out for bid. Bids were received from one contractor as outlined above, with the lowest bidder, Sandy's Hauling, being recommended to receive the contract. The lowest bid in the total amount of \$1,675,653.50 is 38 percent higher than the Engineer's estimate of \$1,213,466.40. This cost is due to a highly competitive construction market and large amount of projects in the area due to Hurricane Matthew.

Council Member deViere asked Mr. Hewett, City Manager, to send him the breakdown of the bidding procedures.

**MOTION:** Council Member Mohn moved to award the contract to Sandy's Hauling the lowest responsive, responsible bidder in the amount of \$1,675,653.50.

**SECOND:** Council Member deViere

**VOTE:** UNANIMOUS (10-0)

## **9.03 Consideration of contract language for the Cool Spring Downtown District, Inc., to provide Enhanced Services for an Arts and Entertainment Focused Downtown Municipal Service District.**

Mr. Victor Sharpe, Community Development Director, presented this item and stated this item is for City Council's consideration of the contract language with Cool Spring Downtown District, Inc. Attached for City Council's consideration is the revised contract, budget and performance metrics. On June 26, 2017, City Council approved the contract award with Cool Spring Downtown District, Inc., to provide Enhanced Services for an Arts and Entertainment Focused Downtown Municipal Service District. The Council asked for a review of the contract prior to contract execution. City Council reviewed the contract at its August 7, 2017, work session. At that meeting, Council requested additional information and asked that the item be brought back for consideration at the August 14, 2017, meeting.

Mayor Robertson asked what the term limits are for each board member. Mr. Patrick Callahan, Vice Chair, Cool Spring Downtown District, Inc., responded it is a one- to three-year staggered term, with a third of the board serving one year, a third severing two years, and a third serving three years; to allow for transition of leadership.

Council Member Crisp stated he does not like the lack of diversity of the board members, and asked how the board members were selected. Mr. Callahan responded diversity is very important to the board. Council Member Crisp stated there are people missing by skill sets, the board is overloaded with property owners, and I do not see any funding from Cumberland County.

Mayor Robertson asked if Cumberland County has committed any funding. Mr. Callahan responded the County has not committed any funding, but the negotiations are still ongoing.

Mayor Pro Tem Colvin stated he is also concerned about the lack of diversity on the board, and stated in past years there has been a lack of diverse entertainment in the downtown, and asked what the programming plans are. Mr. Mark Regensburger, President/CEO, Cool Spring Downtown District, Inc., responded that downtown has many organizations all doing their own thing (Dogwood Festival, As One Peace Walk, International Festival, etc.). We are here to bring everyone together.

Council Member Arp requested the board terms breakdown for each member. He stated the County is not a contributor but they have a member on the board. Mr. Callahan stated the by-laws could be amended to remove the County voting member if they do not become a funding member.

Discussion ensued.

**MOTION:** Council Member deViere moved that Council authorize the City Manager to execute the contract with Cool Spring Downtown District, Inc., with the contract to expire June 30, 2018.

**SECOND:** Council Member Crisp

**FRIENDLY AMENDMENT:**

Council Member Arp made a friendly amendment to approve the contract with Cool Spring Downtown District, Inc., as awarded with the following modifications: (1) the City Manager execute the MSD contract in the amount of \$119,000.00 as designated, and (2) the \$100,000.00 general fund money be withheld until (a) the County becomes a funding partner and serves as a voting member on the board or (b) if the County does not provide funding, they be removed from the Board, and (3) the terms of each board member be provided to the City Council.

**FRIENDLY AMENDMENT:**

Council Member Mohn made a friendly amendment to approve the contract for the dollar amounts we have allocated, and give the County 30 days to participate in the funding and begin the by-law draft now, let's sign the contract.

Council Member deViere did not accept the friendly amendments and stated he stands on his original motion.

Discussion ensued.

**VOTE:** FAILED by a vote of 4 in favor to 6 in opposition (Council Members Robertson, Jensen, Colvin, McDougald, Hurst, and Arp)

Discussion ensued.

**MOTION:** Council Member Mohn moved to authorize the City Manager to execute the contract as presented and include that the Cool Spring Board understands that within 30 days of today, if the County does not commit funding, the County be removed as a voting Board Member.

**SECOND:** Council Member Arp

**VOTE:** UNANIMOUS (10-0)

## **10.0 ADMINISTRATIVE REPORTS**

### **10.01 Monthly Statement of Taxes - June 2017 and July 2017**

This item was for information only.

June:

2016 Taxes .....	172,821.06
2016 Vehicle, .....	357.33
2016 Taxes Revit .....	119.18
2016 Vehicle Revit .....	0.00
2016 FVT .....	0.00
2016 FTT .....	0.00
2016 Storm Water .....	17,240.58
2016 Fay Solid Waste Fee .....	13,699.85
2016 Annex .....	0.00

2015 Taxes .....	9,781.52
2015 Vehicle .....	0.00
2015 Taxes Revit .....	0.00
2015 Vehicle Revit .....	0.00
2015 FVT .....	0.00
2015 FTT .....	0.00
2015 Storm Water .....	352.47
2015 Fay Storm Water .....	704.89
2015 Fay Solid Waste Fee .....	1,012.85
2015 Annex .....	0.00

2014 Taxes .....	2,151.18
2014 Vehicle .....	0.00
2014 Taxes Revit .....	0.00
2014 Vehicle Revit .....	0.00
2014 FVT .....	0.00
2014 FTT .....	0.00
2014 Storm Water .....	45.00
2014 Fay Storm Water .....	81.00
2014 Fay S Waste Fee .....	160.00
2014 Annex .....	0.00

2013 Taxes .....	487.32
2013 Vehicle .....	221.86
2013 Taxes Revit .....	0.00
2013 Vehicle Revit .....	0.00
2013 FVT .....	25.00
2013 FTT .....	25.00
2013 Storm Water .....	12.00
2013 Fay Storm Water .....	24.00
2013 Fay S Waste Fee .....	38.00
2013 Annex .....	0.00

2012 and Prior Taxes .....	441.72
2012 and Prior Vehicle .....	616.98
2012 and Prior Taxes Revit .....	0.00
2012 and Prior Vehicle Revit .....	0.00
2012 and Prior FVT .....	95.00
2012 and Prior FTT .....	90.00
2012 and Prior Storm Water .....	0.00
2012 and Prior Fay Storm Water .....	0.00
2012 and Prior Fay S Waste Fee .....	0.00
2012 and Prior Annex .....	0.00

Interest .....	11,808.88
Revit Interest .....	10.55
Storm Water Interest .....	68.83
Fay Storm Water Interest prior .....	127.42
Fay Storm Water Interest current .....	944.08
Annex Interest .....	0.00
Solid Waste Interest .....	932.20
Fay Transit Interest .....	56.55

Total Tax and Interest .....	\$234,012.30
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July:

2017 Taxes .....	132,473.31
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2017 Vehicle, .....	0.00
2017 Taxes Revit .....	.85
2017 Vehicle Revit .....	0.00
2017 FVT .....	0.00
2017 FTT .....	0.00
2017 Storm Water .....	32,952.63
2017 Fay Solid Waste Fee .....	49,053.62
2017 Annex .....	0.00
2016 Taxes .....	60,648.32
2016 Vehicle .....	64.09
2016 Taxes Revit .....	10.71
2016 Vehicle Revit .....	0.00
2016 FVT .....	0.00
2016 FTT .....	0.00
2016 Storm Water .....	7,414.49
2016 Fay Solid Waste Fee .....	4,749.31
2016 Annex .....	0.00
2015 Taxes .....	8,292.45
2015 Vehicle .....	0.00
2015 Taxes Revit .....	0.00
2015 Vehicle Revit .....	0.00
2015 FVT .....	0.00
2015 FTT .....	0.00
2015 Storm Water .....	177.27
2015 Fay Storm Water .....	354.55
2015 Fay S Waste Fee .....	520.01
2015 Annex .....	0.00
2014 Taxes .....	1,585.74
2014 Vehicle .....	0.00
2014 Taxes Revit .....	0.00
2014 Vehicle Revit .....	0.00
2014 FVT .....	0.00
2014 FTT .....	0.00
2014 Storm Water .....	62.00
2014 Fay Storm Water .....	111.69
2014 Fay S Waste Fee .....	165.47
2014 Annex .....	0.00
2013 and Prior Taxes .....	893.51
2013 and Prior Vehicle .....	1,163.24
2013 and Prior Taxes Revit .....	0.00
2013 and Prior Vehicle Revit .....	0.00
2013 and Prior FVT .....	244.24
2013 and Prior FTT .....	129.17
2013 and Prior Storm Water .....	12.00
2013 and Prior Fay Storm Water .....	24.00
2013 and Prior Fay S Waste Fee .....	38.00
2013 and Prior Annex .....	0.00
Interest .....	6,799.43
Revit Interest .....	0.53
Storm Water Interest .....	44.56
Fay Storm Water Interest prior .....	86.16
Fay Storm Water Interest 2017 .....	0.00
Fay Storm Water Interest 2016 .....	483.61
Annex Interest .....	0.00
Solid Waste Interest .....	439.25
Fay Transit Interest .....	64.56
Total Tax and Interest .....	\$309,058.82

#### 10.02 Communication from Independent Auditors Regarding FY 17 Audit.

This item was for information only. The City's independent audit firm, RSM US LLP, has requested that the letter of communication be presented to Council.

### **10.03 Settlement for Fiscal Year July 1, 2017, through June 30, 2017**

The City of Fayetteville has a continuing contract with Cumberland County, which provides that the County Tax Collector shall act as the City Tax Collector. The Cumberland County Tax Administrator annually sends a copy of the settlement to the City. The report includes the July 1, 2017, through June 30, 2017, Settlement Statement and the Verification of Tax Funds for Fiscal Year Ended June 30, 2017. As required by North Carolina General Statute Section 105-373, a copy is on file with the Board of County Commissioners. The settlement shows the amounts that the Tax Collector was charged with collecting as well as amounts collected, released, uncollected, and barred. The summary of 2006 Real/Personal and Vehicle Taxes to be Barred includes uncollected taxes that are barred from new collections actions, as stipulated by North Carolina General Statute Section 105-378 (because the 10-year collection period has passed). The verification of tax funds for the fiscal year ended June 30, 2017, presents the current year original levy, discoveries and releases, amounts remitted to the city, interest, and amounts due to the City. This item was for information only and was not discussed.

### **11.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 11:12 p.m.