

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
SEPTEMBER 11, 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
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Cheryl Spivey, Chief Financial Officer
Rob Stone, Public Services Director
Elizabeth Somerindyke, Internal Audit Director
Victor Sharpe, Economic and Community Development
Director
Craig Harmon, Senior Planner
Randy Hume, Transit Director
Mark Brown, PWC Customer Relations
Scott Bullard, Emergency Management Coordinator
Jane Starling, Deputy 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 Erica Griffin, of Living Stones Worship Center.

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

Council Member Arp requested all first responders in attendance to come to the front of the Council Chamber and acknowledged them for their selfless service and reflected on the events that took place on September 11, 2001, which was 16 years ago. We live in a community full of patriots, and gave thanks for all that serve in uniform and all the first responders. God bless all that defend freedom today.

Council Member Wright expressed gratitude that Hurricane Irma did not devastate Florida as expected.

Mr. Scott Bullard, Emergency Management Coordinator, provided an update on Hurricane Irma, which has been lowered to a Tropical Storm. Wind gusts up to 32 miles per hour can happen in Fayetteville with an expected 1.5 inches of rain. The state has opened five emergency evacuation shelters. He stated preparedness was key this time and everyone's coordinated efforts were effective.

Mayor Pro Tem Colvin invited the public to attend the Greater Fayetteville Social Capital Forum at Fayetteville State University's

Shaw Auditorium, located at 1200 Murchison Road, on September 19, 2017, from 6:00 to 8:30 p.m.

Council Member Jensen introduced Fayetteville-Cumberland Youth Council Member Ms. Kasey Lee who is a student at Pine Forest High School, a cheerleader, a member of the SGA, and the "Go Green" President. She also stated Pine Forest High School is once again collecting plastics and aluminum cans for a national contest which they won last year. Ms. Kasey Lee invited everyone to attend the 2nd Annual Glow Fest event on September 16, 2017, at Festival Park. The park opens at 6:00 p.m. and the run begins at 8:00 p.m. with a DJ and party after.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Mohn moved to approve the agenda.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Crisp moved to approve the consent agenda with an addition to Item 6.08 to allow the City Manager to set a public hearing and advertise for incentives on economic development.
SECOND: Council Member McDougald
VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:
August 14, 2017 - Discussion of Agenda Items
August 14, 2017 - Regular
August 23, 2017 - Agenda Review

6.02 Special Revenue Fund Project Ordinance Amendment 2018-1 (Appropriation of Federal Forfeiture and State Controlled Substance Tax Funds)

Special Revenue Fund Project Ordinance Amendment 2018-1 will appropriate \$412,664.00 in federal forfeiture and state controlled substance tax funds to increase resources for law enforcement purposes.

6.03 Bid Recommendation - Purchase of One 86,000 GVWR Heavy Haul Transfer Truck to H&H Freightliner, the lowest responsive, responsible bidder, in the total amount of \$129,606.00

Bids were received on August 8, 2017, as follows:

H&H Freightliner, Hope Mills, NC \$129,606.00

6.04 Bid Recommendation - One 35,000 GVWR Cab and Chassis with a 6-Cubic Yard Dump Body to H&H Freightliner, the lowest responsive, responsible bidder, in the total amount of \$94,441.00

Bids were received on August 8, 2017, as follows:

H&H Freightliner, Hope Mills, NC \$94,441.00
Smith International Truck Center, Fayetteville, NC .. \$99,560.45

6.05 Adoption of an Ordinance for Parks and Recreation Events to be held on NCDOT Maintained Roads

AN ORDINANCE APPROVING SPECIAL EVENTS IN THE CITY OF FAYETTEVILLE. ORDINANCE NO. NS2017-019

6.06 Adoption of an Ordinance Amending Chapter 7, Building Code, of the Code of Ordinances

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 7, BUILDING CODE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2017-012

6.07 Approval of Easement Agreement with Grove View Terrace Associates Limited Partnership to Construct and Maintain a Blast Wall on City Property Located at 455 Grove Street

Grove View Terrace Associates Limited Partnership has an agreement to reconstruct the Grove View Terrace housing complex. Due to HUD grant requirements, Grove View must construct a blast wall between the new housing units and Transit's propane fuel tanks. The best option for constructing the wall is to place the wall closest to the fuel tanks within the transit operations facility parking area. The easement agreement will allow Grove View to construct and maintain the wall.

6.08 Approval of a Resolution in support of a matching grant for Project Virtual.

Council made an addition to this item to allow the City Manager to set a public hearing and advertise for incentives on economic development.

RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO APPLY FOR FUNDING THROUGH THE NORTH CAROLINA DEPARTMENT OF COMMERCE BUILDING REUSE PROGRAM FOR PROJECT VIRTUAL BUILDING REUSE PROJECT. RESOLUTION NO. R2017-054

6.09 Tax Refunds Greater than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Gas C/O DTE	2016	Corrected Assessment	<u>812.77</u>
Total			<u>812.77</u>

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Fayetteville Advisory Committee on Transit (FACT) Annual Report

Mr. Austin Campbell, Fayetteville Advisory Committee on Transit (FACT) Chair, presented the FACT annual report.

7.02 2017 Zoning Commission Annual Report

Mr. Ben Stout, Zoning Commission Chair, presented the Zoning Commission annual report.

8.0 PUBLIC FORUM

Mr. Tom Clark, 4643 Goldsboro Road, Wade, NC, stated the Cape Fear River Water quality is a concern to everyone, the drinking water which comes from the river will be affected by the pipeline that will travel twice under the river.

Ms. Ann Schrader, 223 Stedman Street, Fayetteville, NC, stated that the Cape Fear River water quality is a concern for everyone and more than 230 wetlands, streams, and rivers will be effected by the forthcoming pipeline.

Mr. Jerry Reinehol, 516 Deerpath Drive, Fayetteville, NC, thanked the City Council for swift actions on the emergency road repair of College Lakes and Shoreline Drive.

Mr. Robert Walls, 1436 Valencia Drive, Fayetteville, NC, stated that the quality of life issues he presented almost four years ago have not been addressed. He stated action needs to happen.

9.0 PUBLIC HEARINGS

9.01 PWC - Phase 5 Annexation Areas 20 and 21 Utility Improvement Project Public Hearing Recovery Program

Mr. Mark Brown, PWC Customer Relations, presented this item with the aid of a PowerPoint presentation and stated events to date included survey and appraisal notifications being made on August 4, 2016, and February 22, 2017; City Council adopted the preliminary assessment resolution on August 14, 2017; and copies of the resolution were mailed to the affected property owners on August 25, 2017. Upcoming activities to be completed will include advertising for construction bids, construction completion, preliminary roll, and to confirm the assessments.

Mr. Brown explained the cost to property owners. A typical single-family residential lot is \$5,000.00 for sanitary sewer. A per front foot rate of \$55.56 (90' minimum) plus average lateral charge for all other properties. Only sewer service is planned for this area. There will be no payment due until construction is complete and assessment roll adopted. Financial assistance is available for those that qualify. Financing would be for a 10-year term. The Council policy is to establish the interest rate at prime plus a 2 percent at the time of assessment. The payments may be made in annual or monthly installments.

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

Mrs. Cheryl Garrett, 6522 Senator Drive, Fayetteville, NC, appeared in opposition and expressed concerns regarding whether the road will become one lane or if the area flooding will be addressed.

Mrs. Andre Jefferson, 6266 Vaughn Drive, Fayetteville, NC, appeared in opposition and stated some of the language in the letter is vague about how each person is assessed and how property values and taxes will be affected.

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

MOTION: Council Member Wright moved to approve Phase 5 Annexation Areas 20 and 21 Utility Improvement Project.
SECOND: Mayor Pro Tem Colvin
VOTE: UNANIMOUS (10-0)

9.02 Public Hearing on a Proposed Installment Financing Agreement to Finance Fire Station 12, Resolution Accepting Proposal of Branch Banking and Trust to Provide the Financing, Resolution Making Certain Findings, and Request the Local Government Commission to approve the Financing.

Ms. Cheryl Spivey, Chief Financial Officer, presented this item with the aid of a PowerPoint presentation and stated on June 12, 2017, City Council approved a Capital Project Ordinance Amendment to fund the construction contract and other relocation costs of Fire Station 12 with \$3.6 million of financing proceeds. Section 160A-20(g) of the General Statutes of North Carolina requires that the City hold a public hearing prior to entering into an installment financing agreement. On August 28, 2017, City Council called for a public hearing to be held at the City Council regular meeting on September 11, 2017, . A notice advertising the public hearing was published in *The Fayetteville Observer* on September 1, 2017. In addition to holding the public hearing, City Council is also requested to select Branch Banking and Trust (BB&T) as the financial institution to provide the financing. A request for proposals (RFP) was issued on August 3, 2017, with a due date of August 24, 2017. The RFP requested 10-, 15-, and 20-year options. The RFP stated that financing

agreement would be tax-exempt, but will not be "bank qualified" under Section 265(b)(3) of the Internal Revenue Code. To be bank qualified, the City would need to issue less than \$10 million of tax-exempt debt during the calendar year. Eight proposals were received from Bank of America, BB&T, Capital One, First Bank, Pinnacle Public Finance, PNC, SunTrust and Sterling. A summary of the proposals was prepared by Stephens Inc., the City's Financial Advisor. BB&T offered the lowest 20-year non-bank qualified option, 2.99 percent fixed interest rate. Pinnacle offered the lowest 15-year non-bank qualified option, 2.63 percent. Bank of America offered the lowest 10-year non-bank qualified option, 2.22 percent. If the City does not issue Parks and Recreation General Obligation (GO) Bonds until after December 2017, the Fire Station 12 financing agreement would be bank qualified. The Local Government Commission (LGC) requires at least 70 percent of construction project costs in a bond sale to be bid prior to issuing the bonds. Currently, it appears unlikely that 70 percent of the projects in the first series of the Parks and Recreation GO bonds will be bid in time to issue the bonds in 2017. Therefore, as the low bidders for the 20- and 15-year options, BB&T and Pinnacle were asked to provide bank qualified rates. BB&T's 20-year bank qualified rate would be 2.55 percent, and their 15-year rate would be 2.40 percent. Pinnacle stated there would be no rate difference in their bank qualified and non-bank qualified rates. Staff recommends accepting BB&T's 2.55 percent, 20-year bank qualified rate proposal. BB&T is the lowest cost provider of this proposed financing agreement.

This is the advertised public hearing set for this date and time. There being no one to speak, the public hearing was opened and closed.

Discussion ensued.

RESOLUTION ACCEPTING THE PROPOSAL OF BRANCH BANKING AND TRUST COMPANY IN CONNECTION WITH AN INSTALLMENT FINANCING FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2017-053

MOTION: Council Member Hurst moved to approve the acceptance of Branch Banking and Trust's 2.55 percent qualified rate proposal.
SECOND: Council Member Arp
VOTE: UNANIMOUS (10-0)

RESOLUTION ACCEPTING THE PROPOSAL OF BRANCH BANKING AND TRUST COMPANY IN CONNECTION WITH AN INSTALLMENT FINANCING FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA, AND RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE FINANCING OF A NEW FIRE STATION FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT. RESOLUTION NO. R2017-055

MOTION: Council Member Hurst moved to adopt the resolution approving BB&T as the winning bidder to finance Fire Station 12 on Hope Mills Road in District 5 in an amount not to exceed \$3,600,000.00. Authorize and direct the City Manager and the Chief Financial Officer to execute and deliver documentation as may be necessary to accept the proposal of the Lender. Adopt a resolution making certain findings and determinations regarding the proposed financing and request the LGC to approve the financing arrangement.
SECOND: Council Member Arp
VOTE: UNANIMOUS (10-0)

10.0 OTHER ITEMS OF BUSINESS

10.01 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

Council Member Hurst presented this item and stated it has been an honor and a privilege to serve as the Appointment Committee Chair for the past nine years, and thanked his fellow Committee members for their hard work. He presented the following recommendations from the Appointment Committee for the boards and commissions appointments:

<u>Animal Control (County Board)</u>	
Ms. Shannon Pingitore (3-Year Term)	Dates decided by County
<u>Audit Committee</u>	
Mr. Glenn Goldsmith	October 2017-March 2020
<u>Fair Housing Board</u>	
Mr. Otis Cuffee (1st Term)	October 2017-September 2019
<u>Fayetteville City Planning Commission</u>	
Mr. Perry Massey (2nd Term)	October 2017-September 2019
Mr. George "Mike" Dudley (2nd Term)	October 2017-September 2019
Mr. Christopher Davis (1st Term)	October 2017-September 2019
Ms. LaKeshia D Payton (1st Term)	October 2017-September 2019
Mr. Stephen Milburn (Partial Term)	October 2017-September 2018
Mr. Joseph Humphries (1st Term Alternate)	October 2017-September 2019
Ms. Shalonda Crumity (Partial Term Alternate)	October 2017-September 2018
<u>Fayetteville City Zoning Commission</u>	
Mr. Willis M Watt (2nd Term)	October 2017-September 2019
Mr. David Baran (1st Term)	October 2017-September 2019
Mr. Charles Jones (1st Term)	October 2017-September 2019
<u>Fayetteville Public Works Commission</u>	
Mr. Darsweil L Rogers (2nd Term)	October 2017-September 2021
<u>Fayetteville-Cumberland Economic Development Board</u>	
Mr. Andrew Pennink (2nd Term)	October 2017-September 2020
<u>Fayetteville-Cumberland Human Relations Commission</u>	
Ms. Donna Pelham (1st Term)	October 2017-September 2019
Mr. Greg Fox (1st Term)	October 2017-September 2019
Ms. Ingrid M Marthy (1st Term)	October 2017-September 2019
Ms. Vicki K Teachey-Dukes (1st Term)	October 2017-September 2019
Ms. Zarah A Coll (Partial Term)	October 2017-September 2018
Ms. Maybelyn Rodriguez Laureano (Partial Term)	October 2017-September 2018
<u>Fayetteville-Cumberland Parks and Recreation Advisory Commission</u>	
Mr. Gary Weller (1st Term)	October 2017-September 2020
Ms. Demetria Davis (1st Term)	October 2017-September 2020
Mr. Kelly D. Puryear (1st Term)	October 2017-September 2020
Mr. Holden Reaves (Partial Term)	October 2017-September 2020
<u>Historic Resources Commission</u>	
Mr. Kennon Jackson (Partial Term)	October 2017-Septmeber 2018
Ms. Liz M Varnedoe (Partial Term)	October 2017-September 2018
Dr. Mary J. Ferguson (Partial Term)	October 2017-September 2018
<u>Joint City and County Appearance Commission</u>	
Mr. Bill Vurnakes (2nd Term)	October 2017-September 2019
Ms. Catina Rhinehart (2nd Term)	October 2017-September 2019
Ms. Helen A Haynes (1st Term)	October 2017-September 2019
Mr. Robert J Lints (1st Term)	October 2017-September 2019
<u>Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission</u>	
Mr. Jeffrey Wren (2nd Term)	October 2017-September 2019
Ms. Edna Cogdell (1st Term)	October 2017-September 2019
Ms. Gertrude Thompson (1st Term)	October 2017-September 2019
Ms. Qwanderlyn M Goodson (1st Term)	October 2017-September 2019
Ms. Gertrude Armstrong (1st Term)	October 2017-September 2019
<u>Stormwater Advisory Board (2 Vacancies)</u>	
Mr. Thomas Patrick Murray (1st Term)	October 2017-September 2019
Mr. Larry Wayne Smalls (1st Term)	October 2017-September 2019

MOTION: Council Member McDougald moved to approve the Appointment Committee recommendations to fill the boards and commissions vacancies as presented, effective October 1, 2017.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

Council Member Crisp thanked Council Member Hurst for chairing the Appointment Committee for the past nine years; very worthy of commendation.

Council Member Jensen stated she has thoroughly enjoyed her time serving on the Appointment Committee, and Chairman Hurst has done a great job.

Mayor Pro Tem Colvin thanked Council Member Hurst for doing a great job.

Mayor Robertson stated the Appointment Committee Chair takes on a big responsibility and a lot of hard work, and stated on behalf of the entire Council a big thank you to Council Member Hurst.

11.0 ADMINISTRATIVE REPORTS

11.01 Scholarship Program Update

This item was for information only and was not discussed.

11.02 Fayetteville City Council Baseball Committee Report and Direction.

This item was for information only and was not discussed.

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:05 p.m.