

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
OCTOBER 9, 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); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Absent: Council Member William J. L. Crisp (District 6)

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
Randy Hume, Transit Director
Rebecca Rogers-Carter, Strategic Planning Analytics Director
Victor Sharpe, Economic and Community Development Director
Kevin Arata, Corporate Communications Director
Chris McMillan, Senior Analyst
Kim Toon, Purchasing Manager
Mark Brown, PWC Customer Relations
Rory Dowling, Prince Charles Holdings (PCH)
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 Charles Darden, Evans Metropolitan AME Zion 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

In recognition of the one-year anniversary of Hurricane Matthew effecting the City of Fayetteville, a short film was shown that highlighted the successes of rebuilding and repairing much of the damage caused by the hurricane.

Council Member Jensen announced the "Light Fayetteville Pink" program for the month of October in honor of Breast Cancer Awareness month.

Council Member Jensen introduced Mr. Zaccary Grierson as the Fayetteville-Cumberland Youth Council representative for this meeting.

Mayor Robertson presented the International City Manager's Association (ICMA) Certificate in Performance Management Certificate of Excellence to Ms. Rebecca Rogers-Carter, Strategic Performance Analytics Director, and Mr. Chris McMillan, Senior Analyst.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda with the addition of Item 9.03, City Manager Employment Agreement.
SECOND: Council Member McDougald
VOTE: UNANIMOUS (9-0)

6.0 CONSENT AGENDA

MOTION: Council Member Arp moved to approve the consent agenda.
SECOND: Council Member Wright
VOTE: UNANIMOUS (9-0)

6.01 Approval of Meeting Minutes:

August 28, 2017 - Discussion of Agenda Items
September 11, 2017 - Discussion of Agenda Items
September 20, 2017 - Agenda Briefing

6.02 Proposed 2018 City Council Meeting Dates Calendar

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2018 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS. RESOLUTION NO. R2017-062

6.03 Adoption of a Resolution Authorizing the City Manager to Execute Grant Agreement 18-90-X614 STI with the North Carolina Department of Transportation (NCDOT) and Adoption of Capital Project Ordinance Amendment (CPOA) 2018-24 to Appropriate \$29,400.00 in Grant Funding to Assist with the Purchase of an Expansion Bus

RESOLUTION AUTHORIZING CITY OF FAYETTEVILLE TO ENTER INTO AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PROJECT 18-90-X614 STI. RESOLUTION NO. R2017-063

6.04 Request for Legal Representation of City Employee

Authorization to provide legal representation for City employee Benjamin Hammond in the matter of *Freddie Taylor v. Fayetteville Police Department and Police Officer B. Hammond (aka) Detective Hammond*.

6.05 Resolution Declaring Barges Lane Parcel Surplus and Authorizing Sealed Bid Sale of Said Property

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BY ADVERTISEMENT FOR SEALED BIDS. RESOLUTION NO. R2017-064

6.06 Approve Greyhound Lease Agreement at the FAST Transit Center

In November 2015, City Council approved the terms of a lease with Greyhound Lines to lease portions of the new multimodal transit center being constructed at 505 Franklin Street. During the course of negotiating the actual lease agreement, Greyhound determined the need to revise the terms previously approved by City Council due to changes in their operations. The final agreement has been signed by Greyhound and ready for the City to execute. The revisions include (1) a reduction in the monthly rental from \$5,655.00 to \$5,365.00 per month and (2) a reduction in Greyhound's share of common area maintenance, security and utility expenses from 10.5 percent to 9.0 percent. Greyhound still will pay 100 percent of these expenses during late nights and on those days that FAST is not operating. The monthly rent is based on a rate of \$26.80 per square foot, plus a share of the costs to construct the customer waiting areas and bus bays. The expense share is based on the total number of bus trips entering the facility. In addition, Greyhound modified the design of their space so Greyhound can operate during late night hours without keeping the

large waiting areas in the building open. Federal Transit Administration (FTA) has approved the lease as "incidental use" which is required since grant funds have been used to build the new center.

6.07 Bid Recommendation - Award Bid for Purchase of Nine 600A, 15kV Reclosers to Wesco Distribution, Inc., the lowest responsive, responsible bidder, in the amount of \$106,335.00

Bids were received on August 22, 2017, as follows:

Wesco Distribution, Inc., Clayton, NC	\$106,335.00
Anixter, Inc., Wake Forest, NC	\$107,109.00

6.08 Bid Recommendation - Award Bid for Purchase of Seven Outdoor Distribution Switching Cabinets to Shealy Electrical Wholesalers, Inc., the lowest responsive, responsible bidder, in the amount of \$622,076.00

Bids were received on August 22, 2017, as follows:

Shealy Electrical Wholesalers, Inc., Greenville, SC ..	\$622,076.00
Anixter, Inc., Wake Forest, NC	\$717,283.00

6.09 Bid Recommendation - Award Bid for Purchase of Two Power Transformers to Pennsylvania Transformer Tech, Inc., the lowest responsive, responsible bidder, in the amount of \$1,322,546.00

Bids were received on August 22, 2017, as follows:

Pennsylvania Transformer Tech, Inc., Canonsburg, PA .	\$1,322,546.00
WEG Electric Corp., Duluth, GA	\$1,451,400.00
PowerTech, LLC, Waxhaw, NC	\$1,468,880.00
OTC Services, Inc., Louisville, OH	\$1,538,450.00
Anixter, Inc., Wake Forest, NC	\$1,561,135.00
Virginia Transformer Corp, Roanoke, VA	\$1,567,210.00
Delta Star, Inc., Lynchburg, VA	\$1,593,138.00
SPX Transformer Solutions, Goldsboro, NC	\$1,621,184.00
Niagara Transformer Corporation, Buffalo, NY	\$1,704,002.00

6.010 Award Contract for the purchase of 24 2018 Dodge Police Charger unmarked vehicles to Performance Chrysler Dodge Jeep Ram, Clinton, NC, the lowest responsive, responsible bidder, in the amount of \$656,096.00

Bids were received on August 15, 2017, as follows:

Performance Chrysler Dodge Jeep, Clinton, NC	\$656,096.40
John Hieser Chrysler Dodge Jeep, LLC, Lillington, NC .	\$662,664.00
Hall's Automotive, Virginia, VA	\$695,736.00
Lafayette Ford, Fayetteville, NC	\$704,976.00
Ilderton Chrysler Dodge Jeep Ram, High Point, NC	\$707,400.00

6.011 Request to set a public hearing for October 23, 2017, to consider an economic development incentive for Project Nano.

Approval of holding a public hearing on October 23, 2017, to consider an economic development incentive for Project Nano.

6.012 Approval of RC Williams Building Lease Terms for the Fayetteville Cumberland Economic Development Corporation (FCEDC)

Authorization for the Fayetteville Public Works Commission to enter into a lease with the Fayetteville-Cumberland Economic Development Corporation, under the terms described, and authorization for PWC's CEO/General Manager to execute a lease consistent with those terms.

7.0 PUBLIC FORUM

Mr. Adam Berrington, 706 Poole Drive, Fayetteville, NC, stated he is the attorney representing the Cumberland Heights residents, and expressed opposition to the modular home that has been placed in this neighborhood.

Mr. Don Wooster, 2514 Pecan Drive, Fayetteville, NC, expressed opposition to the modular home that has been placed in the Cumberland Heights neighborhood.

Ms. Joy Stewart, 760 Poole Drive, Fayetteville, NC, expressed opposition to the modular home that has been placed in the Cumberland Heights neighborhood.

Ms. Rebecca Hankins, 1802 McGougan Drive, Fayetteville, NC, expressed opposition to the modular home that has been placed in the Cumberland Heights neighborhood.

Ms. Ann Schrader, 223 Steadman Drive, Fayetteville, NC, expressed opposition to the proposed North Atlantic gas pipeline.

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

Mr. Jerry Reinoehl, 516 Deerpath Drive, Fayetteville, requested consideration of reduced fees for false alarm responses for senior citizens and disabled citizens.

Ms. Betti Pettiford, 6311 Fanning Circle, Fayetteville, expressed opposition of the increased fees charged by Spectrum Cable.

8.0 PUBLIC HEARINGS

8.01 Public hearing to consider an economic development incentive for Project Virtual.

Mr. Victor Sharpe, Economic and Community Development Director, presented this item and stated this public hearing is being held to consider an economic development incentive package for Project Virtual, an existing company located in the City of Fayetteville that specializes in customer computer programming services. If successful in completing this expansion effort, the proposed project would create 75 new jobs, with an average salary of approximately \$58,400.00. The City is being requested to provide a local incentive grant, not to exceed \$37,500.00. The grant would be paid on a pro rata basis as jobs are created. Project Virtual is expected to (1) create a significant investment in real estate and equipment, in excess of \$600,000.00, (2) retain 53 existing jobs, and (3) create up to 75 new jobs in Fayetteville. The City will recover the cost and the public will benefit through future property and business taxes, stimulation of the economy, promotion of business and the creation of jobs in the City. On September 11, 2017, City Council also considered an economic development incentive for this project in the amount of \$9,275.00 as a local match for a \$185,000.00 grant through the NC Building Reuse Program. On October 2, 2017, Cumberland County held a public hearing and approved an equal amount (\$37,500.00) as an economic development incentive for the project. If approved, funds from the City and County would be eligible to qualify as "matching funds" for discretionary grants from the State of North Carolina. As required, public notice for this hearing has been published. As part of an incentive agreement, the Company would be required to create the jobs prior to receiving the grant. Over the life of the grant, the City would expend \$37,500.00.

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

MOTION: Council Member Arp moved to approve the economic development incentive for Project Virtual.
SECOND: Mayor Pro Tem Colvin
VOTE: UNANIMOUS (9-0)

9.0 OTHER ITEMS OF BUSINESS

9.01 Prince Charles Holding ("PCH") Downtown Development Agreement (DDA) - Second Amendment

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated the City executed a Memorandum of Understanding with PCH in March 2016. At that time, the main topics of discussion were the availability of parking and how to reconfigure the street system to support the renovation of the Prince Charles into a mixed-use building, a hotel, and mixed-use development on the site. That process was moving forward when the concept of placing a minor league baseball stadium was introduced in June 2016. The DDA is a complex legal document the full completion of which is dependent upon the successful completion of design, survey, and other activities performed. The City, however, required control of the land in the development area in order to plat the property creating individual lots for the stadium, garage/hotel development, Amtrak, and a plaza area. These separate lots are required in order to move forward with financing, permitting, and other activities critical to the stadium development and redevelopment of the area. The DDA has been executed and several individual property transactions agreed therein have been completed to include the following:

Property Exchange:

- The City purchased 2.5 acres of property owned by PCH adjacent to the existing Prince Charles hotel.
- PCH has executed a purchase agreement for the Garage/Hotel site.
- The plat has been recorded.
- PCH is finalizing financing and expects to close within 45 days.

Festival Park Plaza Sale:

- PCH has executed a purchase agreement for the Festival Park Plaza building, the City restricted the closing of this sale until after the closing of the sale of the Garage/Hotel site and the execution of a lease for the City occupied space in that building.
- PCH has executed an option on the Festival Park Plaza Development Lot for \$25,000.00.

The Council authorized the execution of the First Amendment to the DDA on June 12, 2017. At the time the initial DDA was executed, it was believed that a portion of the residential development would be constructed above the stadium project. That overbuild idea has been eliminated due to the estimated cost of the support structure required and concerns regarding construction staging. PCH has redesigned their project to stack both the residential and hotel development on top of the parking garage to be developed on Lot 3 of the plat. That has increased the complexity of the financing of the project and led to some delay and unanticipated cost. The proposed DDA second amendment supports the next phase of design for the mixed-use development. That will also support the development of detailed cost estimates and provide more information regarding the public investment necessary to support the parking garage and the private investment anticipated by the proposed agreement.

Council Member McDougald asked if the City would be responsible if there is something wrong with the document because we wrote the document. Mr. Bauer stated this is not a document that stands alone, it is a document that amends a prior document that PCH drew up. Mr. Bauer stated he would work with the City Attorney to make sure there is no bias.

MOTION: Mayor Pro Tem Colvin moved to authorize the City Manager to execute the Second Amendment to the Downtown Development Agreement.

SECOND: Council Member Wright

VOTE: UNANIMOUS (9-0)

9.02 The FY 17 Performance Report

Ms. Rebecca Rogers-Carter, Strategic Performance Analytics Director, presented this item with the aid of PowerPoint presentation and stated better policy means a brighter future for our residents. To achieve high quality services, the City of Fayetteville is committed to strategic planning, performance excellence, transparency, quality and innovation. We are building strong integrated systems and processes to stimulate growth and development for our community of more than 208,000 residents. The following are four critical pieces to a dynamic system that aligns our government for success and generates high performance:

- (1) Building a strong strategic planning framework, and actually using the plan to set priorities, allocate resources and implement a one year action plan.
- (2) Engaging the public, and your staff, to create a space for innovation. Ask them how we are doing, and understand their priorities.
- (3) Measuring performance with meaningful data, reporting it to the public for accountability and transparency and using the data to assess programs and services.
- (4) Committing to continuous improvement of programs and services.

Ms. Rogers-Carter stated it is vital to have a clear, long-term vision for the City, broad strategic goals and a transparent system to facilitate progress toward meeting the objectives that are put into place. With the overarching strategic plan in place, departments set clear departmental objectives and performance targets. This is not a one-way street, as information on how we are doing, shapes the strategic plan. The Strategy and Performance Analytics (SPA) Office mission is to maximize organizational performance for a positive impact. The SPA Office works with departments to produce a year-end performance report, which is presented online for citizens via TRACStat performance application. TRACStat reports progress on key performance indicators in each of Council's strategic goal areas, measuring performance with meaningful data. The application not only helps City departments manage performance internally through workflows, but conveys this information to policy makers in an effort to enhance evidence-based decisions. Key performance indicators are mapped to the Council's Goal areas to clearly indicate how well we are doing in each area. TRACStat allows users dive-down access to performance trending, budget and financial information, and reports progress on Council's action plans, or what we refer to as Targets for Action (TFA). These are projects or policy actions that are undertaken to address underperforming areas where the metrics have indicated a gap in performance. City Council's TFA, or one-year action plans, are a terrific example of the direct correlation between performance management and policy development. TRACStat's combination of public reporting on strategy advancement, performance metrics, and budget and financial data is a pretty powerful tool and unique to

Fayetteville. We are working to create useful and meaningful information for leaders, in support of developing a stronger policy for quality programs and services. The FY 17 Performance Report focuses on the City's Vision Statement and our progress on becoming a Peaceful, Prosperous and Connected community. The attached report includes highlights from FY 17 and the TRACStat year-end performance scorecard. Detailed information and additional data is available in TRACStat. Focusing on results and aligning our organization for success will help stimulate innovation, growth, and development for our community. The City is in the mist of rolling out a historic parks and recreation capital bond package and planning a ribbon cutting for a state of the art new Multimodal Center. We broke ground on a minor league baseball park, right in the heart of our downtown. These investments will raise the quality of life in Fayetteville for everyone.

Council Member Arp thanked Ms. Rogers-Carter for her hard work and asked if there were any areas this past year that were under performing areas. Ms. Rogers-Carter stated the information is on-line and available to everyone.

MOTION: Council Member Arp moved to accept the Fiscal Year 17 Performance Report.

SECOND: Council Member Jensen

VOTE: UNANIMOUS (9-0)

9.03 City Manager's Employment Agreement

MOTION: Council Member Arp moved to approve the following provisions in the City Manager's Employment Agreement: Base salary of \$195,000.00, 5 percent contribution to a deferred compensation plan, 160 hours vacation leave, 12 sick leave days and 11 holidays, to serve at the pleasure of Council; severance without cause: (1) any accrued and unpaid salary, (2) payout of the lesser of any accrued and used vacation leave or 160 hours, (3) lump sum equal to 6 months of his base salary, (4) insurance for 6 months or until similar coverage is provided by a subsequent employer; opportunity for one-time bonuses totaling \$35,000.00; and authorize the Mayor to work with the City Attorney to execute the necessary agreement.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (9-0)

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 p.m.

