

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
NOVEMBER 27, 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
Kristoff Bauer, Deputy City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Jay Reinstein, Assistant City Manager
Michael Petti, Assistant Police Chief
Cheryl Spivey, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Director
Kevin Arata, Corporate Communications Director
Kecia Parker, Real Estate Manager
Rob Stone, Public Services Director
Gerald Newton, Development Services Director
Randy Hume, Transit 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 Pastor Sean Harris, Berean Baptist.

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 thanked the Arts Council for its sponsorship and coordination of the "Dickens Holiday Festival" that took place in downtown Fayetteville on November 24, 2017.

Council Member Wright thanked community members for attending the "Pathways for Prosperity" event, and gave recognition to Council Member deViere for spearheading the event. The event had approximately 250 attendees.

Council Member Jensen introduced two members of the Fayetteville-Cumberland Youth Council (FCYC) representing FCYC at tonight's Council meeting--James Thomas and Rebecca Mitchell.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Mohn moved to approve the agenda with moving Item 9.02, Renaming Meeting Street to Marion C. George Street, to Other Items of Business and renumbering the Item as Item 8.02, and renumbering the current Item 8.02 to Item 8.03.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

6.0 CONSENT

MOTION: Council Member Crisp moved to approve the consent agenda with the exception of Item 6.05, Realignment of Sidewalk Funds; pulled for discussion and separate vote.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

6.01 Certification of Results from the Cumberland County Board of Elections for the November 7, 2017, Municipal Election for Mayor and City Council Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9.

The Municipal Election results for the Fayetteville City Council were as follows:

Fayetteville Mayor	
Mitch Colvin	13,451
Nat Robertson	9,241
Fayetteville City Council District 1	
Kathy Jensen	1,138
Curtis Brown	909
Fayetteville City Council District 2	
Tyrone Williams	1,470
Dan Culliton	1,141
Fayetteville City Council District 3	
Tisha S. Waddell	1,688
Jeremy Wright	1,395
Fayetteville City Council District 4	
D.J. Haire	1,300
Chalmers McDougald	1,005
Fayetteville City Council District 5	
Johnny Dawkins	2,243
Henry Tyson	1,839
Fayetteville City Council District 6	
Bill Crisp	1,295
Toni Stewart	987
Fayetteville City Council District 7	
Larry O. Wright Sr.	1,232
Trevone McNeill	752
Fayetteville City Council District 8	
Ted Mohn	1,022
John Miner	636
Fayetteville City Council District 9	
Jim Arp	1,728

6.02 Adoption of Capital Project Ordinance Amendments 2018-37 and 2018-38 to Provide Additional Funding for the Yadkin Drainage Improvement Project and Award of the Project Construction Contract to T.A. Loving, the lowest, responsive, responsible bidder, in the total amount of \$2,892,675.48

Capital Project Ordinance Amendments 2018-37 and 2018-38 will appropriate a combined total of \$194,438.00 of available capital project fund revenues from investment income and a Public Works Commission contribution for a prior project to provide additional needed funding for the Yadkin Drainage Improvement Project. The additional funds are needed to proceed with a construction bid award and to provide funding for unforeseen contingencies in the field. Bids were received on September 14, 2017, as follows:

T.A. Loving, Goldsboro, NC	\$2,892,675.48
Wells Brothers Construction, Turkey, NC	\$3,639,153.62
Sandy's Hauling and Backhoe Service, Roseboro, NC	\$3,554,747.00

6.03 Adoption of Capital Project Ordinance Amendments 2018-35 and 2018-36 to Provide Additional Funding for the Legion Road Landscaping and Irrigation Project

Capital Project Ordinance Amendments 2018-35 and 2018-36 will transfer \$3,360.00 of funds previously appropriated for a municipal agreement capital project that included sidewalks on Legion Road to the municipal agreement capital project for landscaping and irrigation on Legion Road. The original source of the funds was a General Fund transfer, thus allowing flexibility for Council to redirect the funds. The additional funding is needed for the irrigation project to accommodate a water tap fee increase by the Public Works Commission.

6.04 Adoption of Capital Project Ordinances 2018-30 and 2018-31 for 800 MHz Radio Replacements, Approval to Surplus Radio Equipment for Trade In, and Approval to Purchase Radios from Motorola

Capital Project Ordinances 2018-30 and 2018-31 will appropriate a total of \$3,228,495.00 from future installment purchase debt proceeds to fund the purchase of 812 radio units, accessory equipment and associated financing issuance costs. Approval of the purchase of radio equipment totaling \$3,508,994.60 through Motorola as a sole source provider. With Council's approval to surplus 625 radio units for trade-in to Motorola, the total trade-in value of \$306,500.00 will reduce the net purchase price to \$3,202,494.60.

6.05 Pulled for a separate vote.

6.06 Special Revenue Fund Project Ordinance 2018-10 (FY 18 Juvenile Restitution Program)

The City has been awarded grant funding for fiscal year 2017-2018 for the Fayetteville-Cumberland Juvenile Restitution Program. The Juvenile Restitution Program is a sentencing alternative for Fayetteville and Cumberland County youth. Special Revenue Fund Project Ordinance 2018-10 will appropriate \$78,428.00 needed for personnel and operating costs for fiscal year 2017-2018. The funding sources for this program are \$54,125.00 in grant funds awarded by the North Carolina Department of Public Safety, a local match of \$12,152.00 from Cumberland County and the City's local match of \$12,151.00.

6.07 Award of Contract for Beaver and Bones Creeks Debris Removal Funded by Golden Leaf Foundation

On August 28, 2017, Council adopted a project appropriation of \$786,510.00 for the removal and disposal of trees and debris from Beaver and Bones Creeks. This project appropriation was funded entirely by a grant from the Golden LEAF Foundation. Bids were received on September 14, 2017, as follows:

ES&J Enterprises, Inc., Autryville, NC	\$858,000.00
The Davis Company, Williamston, NC	\$114,197.00

6.08 Adopt Resolution Accepting High Bid for Property Located on Barges Lane

RESOLUTION ACCEPTING HIGH BID FOR PROPERTY (BARGES LANE, PARCEL ID 0437-76-3270). RESOLUTION NO. R2017-073

6.09 Resolution Authorizing the City Manager to Negotiate and Acquire Real Property for Parking and Future Development

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ACQUIRE REAL PROPERTY FOR PARKING AND FUTURE DEVELOPMENT. RESOLUTION NO. R2017-074

Authorizing the City Manager to execute an amendment to the CM@R contract to authorize an additional scope starting construction and providing time for additional bidding and design refinements to contain project costs.

6.010 Stadium Construction Manager at Risk ("CM@R") Contract With Barton Malow First Amendment

Authorizing the execution of this first amendment.

6.011 Stadium Funding Interlocal Agreement with Cumberland County

Authorizing the execution of this new interlocal agreement and the proposed amendment.

6.05 Realignment of Sidewalk Project Funds, to include Adoption of Capital Project Ordinance Amendments 2018-32, 2018-33, and 2018-34, and Capital Project Ordinances 2018-26, 2018-27, 2018-28, and 2018-29.

This item was pulled for a separate vote by Council Member Crisp.

Mr. Rob Stone, Public Services Director, presented this item and stated Council is asked to adopt Capital Project Ordinance Amendments 2018-32, 2018-33, and 2018-34 and Capital Project Ordinances 2018-26, 2018-27, 2018-28, and 2018-29 for the repurposing of \$360,000.00 of previously appropriated sidewalk project funds. A total of \$521,829.00 was appropriated for fiscal year 2018 for construction of sidewalks on the west side of Rosehill Road, south from Country Club Drive to Ramsey Street. Due to right-of-way restrictions at the Lafayette Memorial Park Cemetery, the design phase of this project is not anticipated to be completed in time to allow for the construction phase to commence until fiscal year 2019. In addition, two sidewalk construction projects on Cain Road and Cliffdale Road have been completed under budget, leaving a total of \$15,541.00 of remaining funding. Staff proposes to shift a portion of the construction funding for the Rosehill Road sidewalk project and also to re-appropriate the remaining funds from the two completed projects to provide a total of \$360,000.00 to move forward with four sidewalk projects that had previously been scheduled for fiscal year 2019. The accelerated projects include the sidewalk design on 71st School Road and the sidewalk construction on Sycamore Dairy Road, NC 24 (Grove Street), and Morganton Road. Replacement of the construction funding for the Rosehill Road sidewalk is staff's recommended top priority for sidewalk funding in the upcoming 2019 fiscal year budget.

- MOTION:** Council Member Crisp moved to adopt Capital Project Ordinance Amendments 2018-32, 2018-33, 2018-34, and Capital Projects Ordinances 2018-26, 2018-27, 2018-28, and 2018-29
- SECOND:** Council Member Wright
- VOTE:** UNANIMOUS (10-0)

7.0 PUBLIC HEARINGS

7.01 Amendments to ADA Paratransit Policies (FASTTRAC!)

Mr. Randy Hume, Transit Director, presented this item and stated the City operates public transportation services. The Americans with Disabilities Act (ADA) requires the City to provide complementary paratransit services during the same times and areas as fixed route bus services are provided. FAST's ADA paratransit services are named

FASTTRAC! On March 29, 2016, City Council approved a revised set of ADA Paratransit Policies. This was the first ADA policy update since ADA policies were adopted in 1992. In late July 2017, FTA conducted a mandated Triennial Review of our transit system's compliance with grant requirements and established FTA program policies. This review found that our FASTTRAC! ADA paratransit policies did not comply with FTA guidelines in two areas. FAST's current policy established the maximum trip time for an ADA trip to be 90 minutes. FTA guidelines require that maximum trip times be more closely related to the time it takes a person to travel from the same origin and destination on fixed route bus service. The revised policy will comply with the FTA guideline and set a procedure for testing trip times to ensure compliance. FAST's current policy defines a late cancellation as a cancellation call received after 4:30 p.m. the day before. FTA has determined that the maximum cancellation time can be no more than two hours before the scheduled pick-up time. The proposed change would redefine a late cancellation as a trip cancelled less than two hours before the scheduled pick-up time. The change in the definition of No Show is to clarify the 5-minute maximum waiting time is for bus arrivals within the 30-minute pick-up window allowed by ADA. For example, if the scheduled pick-up time is 9:30 a.m., the customer is provided a pick-up window of 9:15 a.m. to 9:45 a.m. If the bus arrives at 9:20 a.m., the rider is expected to board by 9:25 a.m. Once the bus has waited five minutes, the driver will notify the dispatcher of the no show and get permission to leave. There is an appeal process and no shows are not counted against a rider for progressive discipline purposes when that no show is not the fault of the rider. Staff is also requesting a change to the limit of "subscription trips" or also called standing orders. This is for people who travel the same times and to the same places the same days of the week. Once a subscription trip is set, the rider does not need to call to set an appointment for every trip. FAST's current policy limits subscription trips to 25 percent of trips provided. FTA allows that limit to be 50 percent during all hours and days. Staff is recommending the limit be raised to 50 percent. Compliance with FTA grant requirements is required to ensure the City continues to receive FTA grant funding. The proposed changes will ensure that compliance.

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 ADA Paratransit Policy Amendments
SECOND: Council Member McDougald
VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.01 P17-09F Rezoning 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 Roads and being the property of KAZI HASIBA BURNS.

Mr. Craig Harmon, Senior Planner, presented this item and stated on August 14, 2017, the City Council held a public hearing regarding this case. There was one speaker in favor and one in opposition. Ms. Liebers, who spoke in opposition, presented a petition to the Council that had been signed by 267 citizens. A motion to deny this case was made by Council Member Crisp. This motion failed by a 5 to 5 vote. Next a motion was made by Council Member Mohn 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. This motion passed by a vote of 8 in favor to 2 in opposition. Council Members Crisp and Jensen volunteered to lead the negotiation efforts between the developer and the neighbors. At this time, a tentative resolution is to bring this back as a conditional rezone.

Council Member Crisp stated he commends Mr. Jonathan Charleston, attorney to the client, for working with himself and Council Member Jensen and the area residents to try and find a solution to a very touchy situation.

MOTION: Council Member Crisp moved to deny the request for rezoning and waive the one-year waiting period to allow the property owner to immediately apply for conditional rezoning and to return this item to Council in January 2018.

SECOND: Council Member Hurst

FRIENDLY AMENDMENT:
Mayor Elect Colvin made a friendly amendment to include no fees be charged for the re-filing.

Council Members Crisp and Hurst accepted the friendly amendment.

VOTE: UNANIMOUS (10-0)

8.02 Renaming Meeting Street to Marion C George Street.

Mr. Gerald Newton, Development Services Director, presented this item and stated the proposed installation of two private street signs will honor Dr. Marion C. George, will not affect any addresses, and will preserve the Meeting Street name as it has historical significance in that it was traditionally an area used for church meetings as well as a gathering and training place for military units that were local to Fayetteville (Fayetteville Independent Light Infantry). The letter requesting to withdraw the street naming request, and a map indicating where the Marion C. George Street signs would be located, are included in the agenda packet.

MOTION: Council Member deViere moved to accept the withdrawal of the renaming request, allowing the installation of two street signs.

SECOND: Mayor Elect Colvin

VOTE: UNANIMOUS (10-0)

8.03 Recognition of Service to the City of Fayetteville: Nat Robertson, Mayor, presented by Mitch Colvin, Mayor Elect; Robert Hurst, Council Member District 5, presented by Mayor Robertson; Chalmers McDougald, Council Member District 4, presented by Mayor Robertson; and Kirk deViere, Council Member District 2, presented by Mayor Robertson.

Mayor Robertson presented the key to the City to Council Member deViere and thanked him for his service to the City. Council Member deViere thanked his family, the citizens, and the staff for the opportunity to serve.

Mayor Robertson presented the key to the City to Council Member McDougald and thanked him for his service to the City. Council Member McDougald stated it has been an honor and pleasure to serve the City.

Mayor Robertson presented the key to the City to Council Member Hurst and thanked him for his service to the City. Council Member Hurst stated it has been his pleasure to work together for the citizens of Fayetteville.

Mayor Elect Colvin presented the key to the City to Mayor Robertson and thanked him for his service to the City. Mayor Robertson stated he was fortunate and honored to be able to service the community again these past four years.

9.0 ADMINISTRATIVE REPORTS

9.01 Monthly Statement of Taxes - October 2017

2017 Taxes	7,825,074.36
2017 Vehicle,	243.79
2017 Taxes Revit	7,254.50
2017 Vehicle Revit	0.00
2017 FVT	0.00
2017 FTT	0.00
2017 Storm Water	694,702.56
2017 Fay Solid Waste Fee	1,113,743.83
2017 Annex	0.00
2016 Taxes	27,531.48
2016 Vehicle	12.55
2016 Taxes Revit	1.42
2016 Vehicle Revit	0.00
2016 FVT	0.00
2016 FTT	0.00
2016 Storm Water	2,988.01
2016 Fay Solid Waste Fee	2,152.00
2016 Annex	0.00
2015 Taxes	5,458.34
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	118.88
2015 Fay Storm Water	223.76
2015 Fay S Waste Fee	272.67
2015 Annex	0.00
2014 Taxes	1,496.16
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	120.00
2014 Annex	0.00
2013 and Prior Taxes	685.37
2013 and Prior Vehicle	1,859.41
2013 and Prior Taxes Revit	0.00
2013 and Prior Vehicle Revit	0.00
2013 and Prior FVT	336.34
2013 and Prior FTT	166.05
2013 and Prior Storm Water	0.00
2013 and Prior Fay Storm Water	0.00
2013 and Prior Fay S Waste Fee	0.00
2013 and Prior Annex	0.00
Interest	4,968.01
Revit Interest	0.12
Storm Water Interest	30.35
Fay Storm Water Interest prior	58.32
Fay Storm Water Interest 2017	0.00
Fay Storm Water Interest 2016	255.38
Annex Interest	0.00
Solid Waste Interest	274.22
Fay Transit Interest	84.61
Total Tax and Interest	\$9,690,231.49

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:59 p.m.

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