

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
MAY 29, 2018
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (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
Jay Toland, Interim Chief Financial Officer
Tracey Broyles, Budget and Evaluation Director
Gerald Newton, Development Services Director
Rob Stone, Public Services Director
Cindy Blot, Economic and Community Development Director
Kevin Arata, Corporate Communications Director
Dwayne Campbell, Chief Information Officer
Alicia Young, Assistant City Attorney
Kecia Parker, Real Estate Manager
Craig Harmon, Senior Planner
Kim Toon, Purchasing Manager
Mark Brown, PWC Customer Relations
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Michael Mathis, Mission Field Ministries.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Mayor Colvin presented a proclamation to Mr. Jerry Newton, Development Services Director, proclaiming the month of May 2018 as Building Safety Month.

Council Member Wright presented a Certificate of Appreciation to Ms. Phyllis Jackson, Principal, Anne Chesnutt Middle School, and to students in attendance. Council Member Wright congratulated Principal Jackson for her outstanding leadership.

Council Member Jensen recognized Ms. Sara Williams for attaining the position of "Media Girl".

Ms. Carrie King, Executive Director, Dogwood Festival, thanked the Mayor and City Council and staff for their support of this year's Dogwood Festival and provided an overview of the festival highlights.

Mr. Douglas Hewett, City Manager, announced the forthcoming departure of Ms. Jane Starling, Deputy City Clerk, and stated

Ms. Starling has accepted an offer of employment with the Town of Hope Mills.

4.01 City Council District 2 Applicants - Review and Consideration

Mayor Colvin announced this item is to allow the ten qualified candidates for City Council member, District 2, to address the City Council and state why they believe they are the best candidate to fill the City Council Member District 2 vacancy. Each candidate will be allowed up to five minutes to state their case. The following candidates addressed the City Council: Patricia Bradley, Len Brown, Vernell Cruz, Daniel Culliton, Mary Smith "Bunny" English, William Gothard, Phillip McCorquodale, George Mitchell, Sharon Moyer, and George Turner. Mayor Colvin thanked all of the candidates for their interest in serving the City of Fayetteville, and announced a special meeting has been called for June 5, 2018, at 6:00 p.m., to allow citizens to address the City Council on matters related to the appointment of a candidate to Council Member District 2.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda with the exception of Item 8.01; item removed from the agenda.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (9-0)

6.0 CONSENT AGENDA

MOTION: Council Member Arp moved to approve the consent agenda with the exception of Item 6.02; pulled for a public hearing on June 25, 2018.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

6.01 Approval of Meeting Minutes:

March 26, 2018 - Regular

March 29, 2018 - Special

April 3, 2018 - Work Session

April 9, 2018 - Discussion of Agenda Items

April 9, 2018 - Regular

April 16, 2018 - Special

April 18, 2018 - Agenda Briefing

April 23, 2018 - Regular

May 14, 2018 - Discussion of Agenda Items

6.02 This item was pulled from the agenda by Council Member Arp.

6.03 Adoption of Capital Project Ordinance 2018-36 - Blounts Creek Trail, Phase III

The City of Fayetteville has been awarded a grant for the Blounts Creek Trail, Phase III, from the North Carolina Department of Natural and Cultural Resources (NCNCR) in the amount of \$75,000.00. This is a federal grant from the Department of Transportation passed through the NCNCR. Staff is seeking authorization to accept the grant award and adoption of Capital Project Ordinance 2018-36 to appropriate the grant funding and the required local match of \$18,750.00 of in-kind labor costs.

6.04 Adoption of Special Revenue Fund Project Ordinances 2018-16, 2018-17 and 2018-18 for Hazard Mitigation Grant Program (HMGP) Projects

Special Revenue Project Ordinances (SROs) 2018-16, 2018-17 and 2018-18 to appropriate a total of \$4,554,593.00 of Federal and State funding through the Hazard Mitigation Grant Program (HMGP) for the following projects:

- Project 4285-0035-R to elevate three residential properties (\$318,308.00)

- Project 4285-0066 for mitigation reconstruction of three residential structures (\$372,479.00)
- Project 4285-0036-R for the acquisition and demolition of 26 residential structures (\$3,863,806.00)

6.05 Independent Auditor Contract FY ending June 30, 2018

City Finance-Purchasing Division prepared and advertised a request for proposals (RFP) for the selection of an independent auditor in January of 2017. Eight proposals were received on January 27, 2017. The RFP is for three annual audits for the fiscal years ending June 30, 2017, June 30, 2018, and June 30, 2019. The Audit Committee recommended RSM and City Council approved RSM as well.

6.06 Bid Recommendation - Waterworks Substation Bank Restoration to ES&J Enterprises, the lowest responsive, responsible bidder in the total amount of \$671,000.00

Bids were received on March 20, 2018, as follows:

ES&J Enterprises, Autryville, NC	\$671,000.00
TA Loving, Goldsboro, NC	\$2,238,000.00

6.07 Bid Recommendation - 833 KVA Single-Phase Regulators. Award the purchase of three 833 KVA Single-Phase Regulators, PWC Stock No. 1-245-013 (with the option to purchase additional quantities within a one-year period upon the agreement of both parties) to Eaton-Cooper Power Systems C/O Anixter Inc., Apex, NC, the lowest responsive, responsible bidder in the total amount of \$105,411.00

Bids were received on April 24, 2018, as follows:

Eaton-Cooper Power Systems C/O Anixter Inc., Apex, NC	\$105,411.00
Siemens Industry C/O National Transformer Sales, Raleigh, NC	\$117,000.00

6.08 Modification to City of Fayetteville's Fair Housing Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 10," FAIR HOUSING" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2018-013

7.0 PUBLIC HEARINGS

7.01 P18-13F The issuing of a Special Use Permit to allow multi-family residential in an SF-6 Zoning District, located at 846 Ridge Road (tax map number 0429-57-7122) near the intersection of Ridge Road and Yates Circle, and being the property of NATHANIEL MATHIS & WIFE, MARY.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the developers of this property wish to divide the property in question into three parcels and construct one duplex on each lot (6 units altogether). The zoning district allows this but only after issuance of a Special Use Permit (SUP). The planning division and Zoning Commission support the action to approve the SUP.

The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards. The following eight findings must be met:

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards;

- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district;
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

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

Mr. Dell Crawford, 116 N. Cool Spring Street, Fayetteville, NC, appeared in favor and requested Council to approve the Special Use Permit.

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

MOTION: Council Member Waddell moved to approve the Special Use Permit (SUP) to allow multi-family residential in an SF-6 Zoning District, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because (1) the development is located in a single-family 6 district, (2) the City's Land Use Plan calls for medium-density residential on this property, (3) the use complies with the findings, and (4) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is June 8, 2018. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Jensen

VOTE: UNANIMOUS (9-0)

7.02 Public Hearing on Proposed Transit Fare Increases

Mr. Randy Hume, Transit Director, presented this item and stated during the City Council's Strategic Planning Retreat, Council expressed an interest in a possible transit fare increase to support improvements made to the FAST system. Fares were last increased in April 2013. The current base fare is \$1.25 per ride with a \$3.00 a day pass that provides a customer an unlimited number of rides and/or transfers within a 24-hour period of purchase on the bus or first use. A requirement related to our transit grants requires FAST to offer at least a 50 percent discount to senior adults and persons with disabilities. Also, the American with Disabilities Act (ADA) limits the fare for complementary paratransit or the FASTTRAC! Service to two times the base fare. As a convenience, FAST offers an array of multi-

ride passes. At the May 7, 2018, work session and at recent budget workshops, staff presented a proposal that includes a \$0.25 increase in the base single-ride fare to \$1.50. Other fare and pass rates would increase by approximately the same percentage. Since 2009 transit services have improved significantly with the addition of new buses, more evening services, and the extension of services to new areas. In November 2017 the City opened the new FAST Transit Center, realigned routes to improve ride times, and began offering Sunday bus and paratransit services. FAST's basic fare is comparable to other peer and North Carolina transit systems with Greensboro (\$1.50) and Wilmington (\$2.00) being higher, while Winston-Salem, Asheville, and Durham are lower. Raleigh and FAST have the same basic fare and promote a day pass instead of providing free transfers when traveling in one direction. The comparison only considers local fares and not Raleigh's or Go Triangle's regional fares. The chart also compares other performance measures such as fare recovery. FAST's fare for persons with disabilities and seniors over 65 years of age is lower than the average of our peer cities and equal to or lower than the other systems. It should be noted that FAST provides free rides to these individuals on Thursdays. Also, Raleigh and Durham provide free rides for seniors. FASTTRAC! Fares are lower than the peer average and are less than or equal to all cities except Greensboro. The FY 2019 proposed budget includes about \$133,000.00 in new revenue based on a \$0.25 increase (20 percent) and an across-the-board increase in all fare categories. This calculation factors in what is a typical loss in riders due to resistance to an increase in rates. A smaller percentage increase will result in a lower projected loss in ridership, but also less revenue. For instance, a \$0.10 (8 percent) increase from \$1.25 to \$1.35 is projected to produce about \$81,000.00 in additional revenues. Transit customers as with other services will generally dislike and resist price increases. FAST will continue to look at opportunities to better promote FAST services and grow transit ridership. As to disabled, senior and ADA fares, FTA grant guidelines and ADA rules require these persons be charged no more than 50 percent of the base full adult fare and that ADA paratransit fares may not exceed two times the base full adult fare. FAST has historically been well below these allowances. The logic behind the ADA fares is the much higher cost per trip on paratransit than on fixed route buses. In FY 2017, FASTTRAC! cost was \$33.08 per trip while the fixed route cost per trip was \$4.24. The proposed \$.25 base fare increase is projected to generate \$133,632.00 on an annual basis. If it is implemented on July 30, 2018, the projected revenues for FY 2019 would be \$122,496.00. A \$.10 base fare increase is projected to generate \$81,158.00 on an annual basis. If it is implemented on July 30, 2018, the projected revenues for FY 2019 would be \$74,394.00.

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

Mr. Michael Worrell, 1625 Touchstone Drive, Fayetteville, NC, appeared in favor and stated he is the FACT Chair person.

Ms. Joanna Quick, 640 Apt. J, Volunteer Drive, Fayetteville, NC, appeared in opposition.

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

Discussion ensued.

MOTION: Council Member Haire moved to reject the proposed Transit fare increases and keep the fares all at the current rate.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (9-0)

7.03 FAST Route 11 Service Modification

Mr. Randy Hume, Transit Director, presented this item and stated Fayetteville State University (FSU) has notified the City that it does

not plan to renew the student pass agreement with the City and FAST. The FSU agreement provided funding that allowed FSU students to ride all FAST buses without fare payment and provided funding to support Route 11 that provides connections to Cross Creek Mall and to the Ramsey Street Corridor from FSU. This route also enabled FAST to add service to Country Club and Pamalee Drives that previously had little or no bus service. This service started in 2015. As an offset to the loss of the income from FSU, staff presented a reduced service option for Route 11 that would maintain service along Country Club/Pamalee Drives but eliminate service along Murchison Road already served by Route 12. Under the proposed change, bus frequency along Country Club/Pamalee Drives would improve to 90 minutes from 6:30 a.m. until about 3:00 p.m. when currently one bus operates every 2 hours. The change would eliminate stops on Langdon Street and Seabrook Road, although this segment of the route has very little ridership except for the stop at the FSU arena. FSU students who choose to pay to ride FAST buses will still have access to Route 12 along Murchison Road. Route 11 would continue to provide service along Ramsey Street to the Cape Fear Valley North Pavilion at Andrews Road. Route 11 provides the opportunity to extend service to the Goodyear plant as recently requested. Without Route 11, the service options to Goodyear would be limited and likely not very convenient. The reduced service option has been reviewed with the Fayetteville Advisory Committee on Transit (FACT) who reached consensus in support of the change. FAST's service standards and Title VI program provide that any major reduction in service on a route be made after an opportunity for public comment and public hearing. Once a change is approved, the City is required to provide a 30-day notice before implementing the change. In addition, a route or schedule change requires significant time to redo printed materials and make changes to a number of technology features on our buses. FSU students will still have access to FAST services using Route 12 which provides service every 30 minutes until 10:30 p.m. Monday through Saturday and until 7:00 p.m. on Sundays. With route changes implemented and the opening of the new transit center, students' travel time by bus to Cross Creek Mall from FSU is approximately 40 minutes with timed connections to either Routes 14 or 16. We will also work with FSU to provide an outlet for students to purchase FAST passes on campus. Service eliminated along Langdon Street and Seabrook Road. FSU students who now board buses near the Capel Arena may continue to board buses on Murchison Road. Boardings at three stops along Seabrook Road only average seven riders per day. The net annual cost to operate the current Route 11, including the impact of fare revenues and FTA preventive maintenance reimbursements, is \$169,498.00. As proposed, the net annual costs, including the impact of fare revenues and FTA preventive maintenance reimbursements, would be reduced to \$106,774.00, providing a savings of \$62,724.00 annually. If implemented on August 27, 2018, the budget savings would be \$52,270.00 for FY 2019.

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

Mr. Michael Worrell, 1625 Touchstone Drive, Fayetteville, NC, appeared in favor and stated he is the FACT Chair person.

Ms. Joanna Quick, 640 Apt. J, Volunteer Drive, Fayetteville, NC, appeared in opposition.

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

Discussion ensued.

MOTION: Council Member Mohn moved to approve FAST Route 11 Service Modification as presented by staff.
SECOND: Council Member Crisp
VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Wright)

7.04 Public Hearing on Proposed Fiscal Year 2018-2019 Annual Operating Budget

Mr. Douglas Hewett, City Manager, presented this item with the aid of a PowerPoint presentation and stated this public hearing has been set to receive comments from residents regarding the annual operating budget proposed for the City for the fiscal year 2018-2019. The notice advertising the public hearing was published in *The Fayetteville Observer* on May 17, 2018. The proposed budget was initially presented to City Council on May 4, 2018, and the City Manager delivered his formal budget presentation at the May 14, 2018, Council meeting. The budget document has been made available for public inspection in the office of the City Clerk, and is also available on the City's website. Mr. Hewett provided an overview of the proposed FY 2018-19 annual operating budget.

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

Mr. Jerry Reinhoel, 516 Deer Path Drive, Fayetteville, NC, appeared in opposition.

Mr. Larry Barner, 337 Rhew Street, Fayetteville, NC, appeared in opposition.

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

Discussion ensued.

This item was for public hearing only, and no action was taken.

7.05 Public Hearing to Consider Proposed Amendments to the City Charter to Change the Mode of Electing the City Council to Four-Year Terms

Ms. Karen McDonald, City Attorney, presented this item and stated Council discussed adoption of four-year staggered terms at the May 2018 work session and consensus was to move forward with four-year terms. Council adopted a resolution of intent for four-year terms at its May 14, 2018, regular meeting. Pursuant to N.C.G.S. § 160A-102, the resolution of intent set a public hearing for May 29, 2018, to receive public input on changing the mode of electing the City Council from two-year terms to four-year terms.

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

Mr. Steve McMillian 1929 Ashridge Drive, Fayetteville, NC, appeared in favor.

Mr. Jerry Reinhoel, 516 Deerpath Drive, Fayetteville, NC 28311, appeared in opposition.

Mr. Charles McKellar 313 Wareham Court, Fayetteville, NC 28311, appeared in opposition.

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

Discussion ensued.

This item was for public hearing only, and no action was taken.

8.0 OTHER ITEMS OF BUSINESS

8.01 Discussion on Proposed Resolution Introducing a Local Bill Amending the City Charter to Provide for Recall Elections

This item was pulled from the agenda.

9.0 ADMINISTRATIVE REPORTS

9.01 Small Local Business Enterprise (SLBE) Update

Ms. Kim Toon, Purchasing Manager, presented this item and stated the Purchasing Division of the City Finance Department has dedicated itself to establishing a strong foundation for the Small Local Business Enterprise program. Since last presenting to City Council in January 2018, the following activities have encouraged SLBE vendors to register and participate in the City's business.

- Purchasing and procurement representatives from the Public Works Commission and Cumberland and Hoke Counties participated in the Building Business Rally at Fayetteville Technical Community College to learn how to do business with local governments.
- All solicitations, both formal and informal, are posted on the City website.
- Purchasing works closely with City departments to increase their awareness of SLBE businesses and their abilities to serve the City's needs.
- Purchasing staff provide one-on-one consultation with SLBE firms to educate and familiarize them with City procurement processes.

Ms. Toon stated these initial efforts toward implementing the SLBE program have resulted in statistically significant increases in various areas. She provided the following examples:

- The City has had 73 new companies register to be City vendors since July 1, 2017. Of those 73 new City vendors, 44 percent are located in Cumberland and Hoke Counties.
- The FY 18 YTD purchase order expenses total \$81,694,984.00 with 38 percent (\$30,997,080.00) being spent in Cumberland and Hoke Counties.
- The FY 18 YTD procurement card expenses total \$1,330,966.00 with 37 percent (\$497,367.00) being spent in Cumberland and Hoke Counties.
- The FY 18 YTD total for contracts is \$37,352,965.00 and 31 percent is identified as assigned to local prime contractors. Of the \$37,352,965.00 total contract dollars, 29 percent (\$10,999,317.00) is allocated to subcontractors.

Ms. Toon stated to continue the upward trend resulting from the initial efforts of the SLBE program, Purchasing would like to initiate the following activities:

- Analyze total City expenditures for future possible direct SLBE contracting opportunities.
- Purchasing would like further community outreach by providing more hands-on assistance with connecting qualified local subcontractors with prime general contractors.
- Assist in developing quick pay agreements and policies to enable SLBEs to meet cash flow demands.

- Develop and implement a local vendor mentor and/or partnership program where SLBEs can get more information and education directly from general contractors, consultants, etc.

Ms. Toon stated the City SLDBE program is aimed at increasing local participation in the City's procurement practices to include businesses and entrepreneurs classified as small, historically-disadvantaged or underutilized, minority, veteran and/or women-owned. Encouraging these groups to participate in the City's business is an important step in achieving a strong, diverse, and viable local economy. The SLBE Coordinator will continue to track and encourage SLBE participation in the City's business operations.

This item was for information only, and no action was taken.

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:13 p.m.

