

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
MAY 8, 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  
Cheryl Spivey, Chief Financial Officer  
Kevin Arata, Corporate Communications Director  
Rob Stone, Engineering and Infrastructure Director  
Tracey Broyles, Budget and Evaluation Director  
Scott Shuford, Planning and Code Enforcement Director  
Victor Sharpe, Community Development Director  
David Trego, PWC General Manager/CEO  
Evelyn Shaw, PWC Commission Chair  
Darsweil Rogers, PWC Commission  
Mark Brown, PWC Customer Relations  
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 Apostle Karen Evans, New Life Ministries.

**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**

Mr. Jay Reinstein, Assistant City Manager, provided an update on the Golden Leaf Foundation grants for the Rayconda alternate connector roadway, Cross Creek tree and debris removal, multiple creek debris cleaning (Branson, Blount's, Hybart's Branch and Buckhead), and Kings Grant alternate connector.

Mayor Robertson presented a proclamation to Mr. Douglas Hewett, City Manager, and Mr. David Trego, PWC CEO/General Manager, proclaiming May 7-13, 2017, as Public Service Week 2017.

Council Member Crisp announced today he and his wife, Joan, are celebrating their 57th wedding anniversary, and stated he is very appreciative of the 57 years of marriage.

Mayor Robertson recognized Ms. Brianna Ochea as the meeting representative for the Fayetteville Cumberland Youth Council.

Mayor Robertson proceeded to Item 7.0, reports from boards and commissions.

## **7.0 REPORTS FROM BOARDS AND COMMISSIONS**

### **7.01 Fayetteville Firemen's Relief Board, Board of Trustees**

Mr. Justin Nobles, Fayetteville Firemen's Relief Board, Board of Trustees Vice Chairperson, presented the Fayetteville Firemen's Relief Board Annual Report.

### **7.02 Stormwater Advisory Board Annual Report**

Mr. David Guy, Stormwater Advisory Board Chair, presented the Stormwater Advisory Board Annual Report.

Mayor Robertson then continued with the agenda to Item 5.0, approval of agenda.

## **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**

**MOTION:** Council Member Crisp moved to approve the consent agenda with the exception of Item 6.05; for an explanation of the item, and Item 6.11 for a separate vote.

**SECOND:** Council Member deViere

**VOTE:** PASSED by a vote of 7 in favor to 3 in opposition (Council Members McDougald, Mohn, and Arp)

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

April 3, 2017 - Work Session

April 10, 2017 - Regular

April 19, 2017 - Agenda Briefing

### **6.02 Capital Project Fund Ordinance Closeouts and Partial Closeouts**

The closure, or partial closure, of 13 capital project fund ordinances and 1 special revenue fund project ordinance for projects that have been completed. All revenues and expenditures for the projects have been recorded in previous fiscal years and the financial records have been audited.

### **6.03 Adoption of Capital Project Ordinance Amendment for the Texfi Site (CPOA 2017-36)**

In the fall of 2016, the City and the Public Works Commission (PWC) agreed to share the costs for a pilot study to determine groundwater remediation strategies for the former Texfi site. The total cost anticipated at the time was \$180,000.00; however, current cost estimates for the first three task authorizations of the project now total \$184,210.00. CPOA 2017-36 will appropriate \$92,105.00 of contributions from PWC for the project. The City's share of the project is already funded in the current project ordinance.

### **6.04 Adoption of Capital Project Ordinance Amendment 2017-37 (Emergency Repairs to Siple Avenue Damaged during Hurricane Matthew)**

Capital Project Ordinance Amendment 2017-37 will appropriate an additional \$6,000.00 to the Siple Avenue repair project to complete a hydrological study required by the Federal Emergency Management Agency (FEMA) for the culvert installed as a part of the repairs. The costs are anticipated to be reimbursement through FEMA (75 percent) and the North Carolina Department of Public Safety (NCDPS) (25 percent).

**6.05 Pulled for an explanation by Council Member Crisp.**

**6.06 Adopt Resolution Authorizing the Sale of Personal Property by Public Auction**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION. RESOLUTION NO. R2017-023**

**6.07 Bid Recommendation - Annexation Phase V - Project VIII, Area 18 Section II - Southgate Subdivision**

Council approved this item but did not make a selection from the two options. The item will go before Council again on May 22, 2017.

**6.08 Amendment #5 - Agreement between the City Of Fayetteville and the Public Works Commission establishing a formal agreement to fund the construction of water and sanitary sewer systems in the annexed area referred to as Phase V**

Approval of renegotiation of the Phase V Agreement, such that the Utility (PWC) will pay for the overlays following the City of Fayetteville Paving Standard in place in 2008 for the remaining areas of Phase V going forward (areas after area 19).

**6.09 City Code Amendments Recommended by Internal Audit**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF ARTICLE III, ENFORCEMENT, OF CHAPTER 7, BUILDING CODE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2017-001**

**6.10 Acceptance of Arts Commission Recommendation and Approval of Contract for Public Art at the FAST Transit Center**

The new FAST Transit Center has a public art element designed to clad two rainwater cisterns that will provide irrigation to landscaping at the new Transit Center site. With the assistance of the Arts Council, the City solicited proposals and received one response from Jim Gallucci Sculptor, Ltd. The estimated cost is \$140,632.92. The FAST Transit Center was designed and is being constructed in accordance with LEED standards and is planned to be certified as LEED Silver. The collection of rainwater for site irrigation purposes contributes to LEED certification scoring. The public art is functional in that it provides screening of two large black rain cisterns and the related irrigation equipment for the center's neighbors, specifically Highsmith Rainey Hospital and the Medical Arts Building, as well as for those entering the downtown area on Robeson Street/Bragg Boulevard, Hay Street, and Franklin Street.

**6.11 Pulled for a separate vote by Council Member Crisp.**

**6.12 City Sponsorship of Food Truck Events**

Approval of the weekly "Food Truck Festival" pilot, from May through October, with a \$20.00 per week charge per vendor for incidental costs.

**6.13 Consideration of Resolution to Support and Advocate for Continued Federal Funds to be Appropriated by Congress to Amtrak**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SUPPORT AND ADVOCATE FOR CONTINUED FEDERAL FUNDS TO BE APPROPRIATED BY CONGRESS TO AMTRAK. RESOLUTION NO. R2017-024**

#### **6.05 Adoption of Special Revenue Fund Project Ordinance 2017-7 for the Essential Single-Family Rehabilitation Loan Pool - Disaster Recover Grant**

This item was pulled for an explanation by Council Member Crisp.

Mr. Victor Sharpe, Community Development Director, explained the NCHFA approved a set-aside grant for the City of Fayetteville of up to \$150,000.00 of ESFRLP-DR funds from the North Carolina Housing Trust Fund-Disaster Recovery Funds. This program allows recipient eligibility to be determined based upon household income up to 100 percent of the area median. This criterion will allow the City to assist some homeowners who may not have been eligible under the City's existing assistance program due to the eligibility threshold applied of 80 percent of the area median income. According to NCHFA's program requirements, assistance provided to owner-occupants under this program shall be in the form of a loan. Homeowners will receive an unsecured, deferred, interest-free loan that will be forgiven at a rate of \$5,000.00 per year, until the principle balance is reduced to zero. Funding from this grant may be used for the rehabilitation of site built or modular dwelling units. The maximum amount of assistance spent on rehabilitation for hard costs per dwelling unit is \$40,000.00 and the minimum amount that can be spent is \$5,000.00. Hard costs include cost for repair work, such as labor and materials. Soft costs per unit cannot exceed \$10,000.00, and include work write-ups, cost estimates, environmental review preparation, asbestos testing, lead inspection/risk assessment, etc. The Community Development Department applied for and received an Essential Single-Family Rehabilitation Loan Pool - Disaster Recovery Grant (ESFRLP-DR) through the North Carolina Housing Finance Agency (NCHFA). The set-aside grant of up to \$150,000.00 was awarded for the purpose of repairing and rehabilitating single-family residences that were damaged as a result of Hurricane Matthew. Special Revenue Fund Project Ordinance (SRO) 2017-7 will appropriate the grant funds with no required local funding.

**MOTION:** Council Member Crisp moved to adopt Special Revenue Fund Project Ordinance 2017-7 as presented to appropriate the grant funds for the Essential Single-Family Rehabilitation Loan Pool - Disaster Recovery.

**SECOND:** Council Member Wright

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

#### **6.11 Recommendation for PWC's Fleet Parts Outsourcing**

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

**MOTION:** Council Member Crisp moved to deny the recommendation to outsource PWC's fleet parts.

**SECOND:** Council Member deViere

**VOTE:** PASSED by a vote of 7 in favor to 3 in opposition (Council Members Arp, McDougald, and Mohn)

#### **8.0 PUBLIC FORUM**

Mr. Jose' Cardona, 233 Addison Street, Fayetteville, NC 28314, expressed concerns regarding food trucks and taxes.

Ms. Lindsey Wofford, 5712 Icarus Court, Fayetteville, NC, expressed concerns regarding the homeless.

Mr. Charles Mathews, 3618 Tindall Court, Fayetteville, NC 28311, expressed concerns regarding the sports complex location.

Ms. Brenda Peterson, 713 Centennial Parkway, Raleigh, NC, requested Council provide additional resources to the Cold Case Division of the Fayetteville Police Department.

## **9.0 PUBLIC HEARINGS**

### **9.01 Consideration of a Resolution and Order Closing a Portion of Maiden Lane**

Ms. Kecia Parker, Real Estate Manager, presented this item and stated N.C.G.S. § 160A-299 gives authority for the City to close a city street or alley. The City desires to close a portion of Maiden Lane to better enhance the surrounding properties for the proposed baseball stadium project. All parcels adjoining the portion of the street desired to be closed are owned by the City. Closing the street will not deny access to any property owners. The first step in the process is to have a resolution granting the public hearing which was passed on April 10, 2017. The property has been posted and all certified mail has been sent to the adjoining property owner as required by North Carolina General Statute.

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.

#### **A RESOLUTION AND ORDER CLOSING A PORTION OF MAIDEN LANE. RESOLUTION NO. R2017-025**

**MOTION:** Mayor Pro Tem Colvin moved to adopt the resolution and order closing a portion of Maiden Lane.  
**SECOND:** Council Member Wright  
**VOTE:** UNANIMOUS (10-0)

### **9.02 Public Hearing on a Bond Order Authorizing the Issuance of Limited Obligation Bonds to Finance City Hall Renovations, Selection of Bank 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 February 8, 2016, City Council approved a resolution to declare its intention to reimburse itself from the proceeds of one or more tax-exempt financings for expenditures made in connection with the construction of the City Hall renovation project. On April 24, 2017, City Council called for a public hearing to be held at tonight's City Council meeting. This public hearing has been set to receive comments on a financing agreement in the form of a Limited Obligation Bond to be entered into by the City pursuant to N.C.G.S. § 160A-20 in a principal amount not to exceed \$5,500,000.00. The purpose of the financing is to provide funds to reimburse the cost of improving, renovating, and equipping City Hall and possibly to refinance the outstanding balance of certain installment financing agreements. If the City enters into the proposed agreement, it will secure its obligations by executing and delivering a deed of trust granting a lien on the City Hall. N.C.G.S. § 160A-20(g) requires that the City hold a public hearing prior to entering into the Agreement. A notice advertising the public hearing was published in *The Fayetteville Observer* on April 28, 2017.

Discussion ensued.

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 Mohn moved to bring this item back to a budget work session.  
**SECOND:** Council Member Arp  
**VOTE:** UNANIMOUS (10-0)

## **10.0 OTHER ITEMS OF BUSINESS**

### **10.01 Consideration of an asset transfer of 15 phased out Panasonic Toughbook laptop computers from the Fayetteville Police Department to the Spring Lake Police Department**

Mr. Michael Petti, Assistant Chief of Police, presented this item and stated as the Fayetteville Police Department has moved towards a common computer platform throughout our department (HP Revolves), the Panasonic laptop computers have been phased out and are no longer under a support contract. However, a need for these computers has been identified with Spring Lake Police Department (SLPD). We have been in contact with Chief Charles Kimble with the SLPD and he has agreed to purchase new hard drives and Windows Operating Systems for each of the laptops. Chief Kimble has also indicated these laptops would greatly increase the officer's ability to suppress crime and improve overall operational efficiency within his agency and the citizens of Spring Lake, NC.

**MOTION:** Council Member Arp moved to approve the asset transfer of 15 Panasonic Laptop computers that have been phased out to Spring Lake Police Department and City of Spring Lake, NC.

**SECOND:** Council Member Wright

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

### **10.02 Adoption of Capital Project Ordinance Amendment 2017-38 to Appropriate a Grant Award from the Golden LEAF Foundation for the Rayconda Connector Project; Adoption of Special Revenue Fund Project Ordinance 2017-8 to Appropriate a Grant Award from the Golden LEAF Foundation and a Transfer from the General Fund for Cross Creek Debris Removal; and, Award of Contracts for the Construction of the Rayconda Connector and for Cross Creek Debris Removal**

Mr. Kristoff Bauer, Deputy City Manager, presented this item with the aid of a PowerPoint presentation and stated On April 12, 2017, the Golden LEAF Foundation awarded the City two grants, totaling \$1,220,491.00, for Hurricane Matthew recovery projects. This first funds \$922,491.00 of the cost to construct the Pinewood Terrace extension, which will provide an additional access road to the Rayconda Subdivision. The second funds \$300,000.00 for debris cleanup along Cross Creek. Capital Project Ordinance Amendment (CPOA) 2017-38 will amend the existing project ordinance for the Rayconda Connector to increase the total project appropriation by \$315,731.00, appropriate the \$922,491.00 of grant funding, and reduce the current General Fund transfer appropriation by \$604,760.00. Special Revenue Fund Project Ordinance (SRO) 2017-8 will appropriate the \$300,000.00 of grant funding and \$413,853.00 to be transferred from the General Fund for the Cross Creek debris removal project. The construction project for the Rayconda Connector has been advertised and bids have been received. The recommended lowest responsive, responsible bidder is Odell Smith & Sons, Spring Lake, NC, in the total amount of \$1,324,463.40. These costs include \$346,097.75 to be funded by the Public Works Commission for the installation of utility infrastructure. The Cross Creek debris removal project has also advertised and bids have been received. The recommended lowest responsive, responsible bidder is ES&J Enterprises, Inc., in Autryville, NC, in the total amount of \$713,852.40.

On August 27, 2015, Council appropriated \$900,000.00 and directed City staff to move forward with a plan to construct an extension to Pinewood Terrace, referred to as the Rayconda Connector, to create a new access road into the Rayconda Subdivision. The subdivision is currently served via Siple Avenue as the only access; that road was destroyed during Hurricane Matthew and has been repaired as an emergency recovery. The Golden LEAF Foundation grant program provided an opportunity for the City to secure grant funds to assist with this project. The Disaster Recovery Act of 2016 (S.L. 2016-124) provided funds to the Golden LEAF Foundation to provide grants to local

governments for repair, replacement, or construction of new infrastructure (including water, sewer, sidewalks and storm drainage) and other, similar projects that provide assistance for recovery from Hurricane Matthew, the western wildfires, or Tropical Storms Julia and Hermine. Following the receipt of bids for the construction of the Rayconda Connector, total costs for the project are now anticipated to be \$315,731.00 higher than the original project appropriation. The receipt of the \$922,491.00 grant will allow for a reduction of the General Fund contribution for this project of \$604,760.00.

Bids for the Rayconda Connector were received on April 5, 2017, as follows:

Odell Smith & Sons, Spring Lake, NC .....	\$1,324,463.40
Lanier Construction, Snowhill, NC .....	\$1,680,976.75

The construction contract bids include costs to install utility infrastructure for which PWC will bear the costs.

Hurricane Matthew's flooding caused many trees to uproot and fall into Cross Creek. Allowing the downed trees and other debris to remain in the creek bed would cause a damming effect, leading to the collection of additional debris and an increased risk of recurring flooding. In addition, there are several projects pending along the creek for which the trees and other debris must be removed for the projects to move forward. The Golden LEAF Foundation awarded a \$300,000.00 grant to help fund removal of the trees and debris. Following the receipt of bids for this project, total costs are projected to be \$713,853.00. Council is asked to adopt Special Revenue Fund Project Ordinance 2017-8 to appropriate the \$300,000.00 grant and \$413,853.00 to be transferred from the General Fund for the debris removal project.

Bids for Cross Creek Debris Cleanup were received on April 12, 2017, as follows:

ES&J Enterprises, Inc. Autryville, NC .....	\$713,852.40
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Discussion ensued.

**MOTION:** Council Member Crisp moved to (1) adopt Capital Project Ordinance Amendment 2017-38 as presented for the Rayconda Connector project; (2) adopt Special Revenue Fund Project Ordinance 2017-8 as presented for the Cross Creek Debris Cleanup; (3) award the contract for the construction of the Rayconda Connector to the lowest bidder, Odell Smith & Sons, in the total amount of 1,324,463.40; (4) award the contract for Cross Creek Debris Cleanup to the lowest bidder, ES&J Enterprises, in the total amount of \$713,852.40.

**SECOND:** Mayor Pro Tem Colvin

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

#### **10.03 Presentation of the Recommended Fiscal Year 2017-2018 Budget and Setting of the Budget Public Hearing**

Mr. Douglas Hewett, City Manager, presented this item with the aid of a PowerPoint presentation and provided an overview of the recommended annual operating budget for fiscal year 2017-2018, and requested Council set the required public hearing on the budget for May 22, 2017. Mr. Hewett concluded the presentation by stating issues will be discussed and deliberated during scheduled budget workshops on three consecutive Thursdays, May 11, 18, and 25, 2017.

**MOTION:** Council Member Mohn moved to set the public hearing to receive comments on the recommended budget for May 22, 2017.

**SECOND:** Council Member Arp

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

## **11.0 ADMINISTRATIVE REPORTS**

### **11.01 Revenue and Expenditure Reports for the Nine-Month Period ended March 31, 2017**

This item was for information only.

## **12.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 8:52 p.m.