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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
SEPTEMBER 10, 2018
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2); Tisha S. Waddell (District 3) (via telephone); 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
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Tracey Broyles, Budget and Evaluation Director
Rob Stone, Public Services Director
Cindy Blot, Economic and Community Development Director
Jay Toland, Interim Chief Financial Officer
Brad Whited, Airport Director
Kevin Arata, Corporate Communications Director
Kecia Parker, Real Estate Manager
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 Christopher Davis, Force of Life Fayetteville.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS

Mr. Scott Bullard, Emergency Management Coordinator, presented an update on City emergency preparations for Tropical Storm Florence, which is expected to have an impact on Fayetteville by March 13, 2018.

Council Member Jensen introduced Ms. Harmony Granderson, Fayetteville-Cumberland Youth Council representative.

Ms. Dianne Carter, Mobile Blood Recruiter, Cape Fear Valley Hospital, presented information regarding donating blood, and the need especially as the City may be facing injuries due to the impending storm.

Ms. Amy Sparks, Executive Director, School of Hope, presented information on the School of Hope, a center for children with autism. Ms. Sparks invited the Mayor and Council members to visit the school and meet the children and teachers.

5.0 APPROVAL OF THE AGENDA

MOTION: Mayor Pro Tem Mohn moved to approve the agenda.
SECOND: Council Member Dawkins

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VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Mayor Pro Tem Mohn moved to approve the consent agenda with the exception of Items 6.04 and 6.05; pulled for discussion and separate vote.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

August 13, 2018 - Regular

August 22, 2018 - Agenda Briefing

August 27, 2018 - Discussion of Agenda Items

August 27, 2018 - Regular

6.02 Adoption of Capital Project Ordinance Amendment 2019-20 (Linear Park Project) to Appropriate \$7,806.00 of Donations

Capital Project Ordinance Amendment (CPOA) 2019-20 will appropriate \$7,806.00 in donations for the Linear Park project.

6.03 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO DECLARE CITY PROPERTY SURPLUS AND QUITCLAIM CITY'S INTEREST IN JOINTLY-HELD PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2018-059

6.04 Award contracts for the purchase of 25 full-size marked police cars in the total amount of \$748,591.00 and 21 mid-size unmarked police cars in the total amount of \$583,214.00 to Performance Automotive Group.

This item was pulled for discussion and a separate vote.

Ms. Kim Toon, Purchasing Manager, presented this item and stated the Council is asked to award a contract for the purchase of 25 marked Dodge Chargers with up fit in the amount of \$748,591.00 and 21 unmarked Dodge Chargers with up fit in the amount of \$583,214.00 for the Police Department. An advertisement for formal bids was sent out to prospective bidders by the City of Fayetteville Purchasing Department on August 8, 2018, with a due date of August 23, 2018. Staff recommends that Council award the contract to Performance Automotive Group, Clinton, NC. Bids were received as follows:

25 Full-Size Marked Police Cars with Up Fit

Performance Automotive Group, Inc., dba Performance

Chrysler, Clinton, NC.....\$748,591.00

Ilderton Dodge Chrysler Jeep Ram, LLC, High Point, NC.....\$758,225.00

Lafayette Ford, Fayetteville, NC.....\$794,500.00

21 Mid-Size Unmarked Police Cars with Up Fit

Ilderton Dodge Chrysler Jeep Ram, LLC, High Point, NC.....\$574,938.00

Performance Automotive Group, Inc., dba Performance

Chrysler, Clinton, NC.....\$583,214.00

Lafayette Ford, Fayetteville, NC.....\$588,273.00

MOTION: Council Member Crisp moved to award a contract for the purchase of 25 full-size marked Dodge Chargers in the amount of \$748,591.00 and 21 mid-size unmarked Dodge Chargers in the amount of \$583,214.00 to Performance Automotive Group.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

6.05 Longview Green Associates - Assignment of Loan Documents and Deed of Trust and Declaration

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This item was pulled for discussion and a separate vote.

MOTION: Mayor Pro Tem Mohn moved to reject the assignment of loan documents and assignment of deed of trust and declaration.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Fayetteville Advisory Committee on Transit (FACT) Annual Report

Mr. Michael Worrell, FACT Chair, presented the FACT Annual Report with the aid of a PowerPoint presentation and stated FACT was established by City Council to address the public transportation needs of the City in a proactive way by providing recommendations to City Council, management, users and the general public in an effort to create a comprehensive and cohesive transit system that responds to the community's present and future needs. FACT meets regularly on the third Tuesday of each month at the new FAST Transit Center. FACT has nine voting members appointed by City Council consisting of a regular bus rider, two ADA rider/representatives, a FAST driver/operator, two City residents, a City resident who lives outside the FAST service area, a local community business representative, and a designee of the Fayetteville Area Metropolitan Planning Organization (FAMPO). The Assistant City Manager and Transit Director are ex-officio members. A few of the highlights of the past year includes the opening of the new FAST Transit Center, start of Sunday services, and move of Greyhound and Megabus to the new center. The year also included numerous route changes, primarily related to the transit center move, but also the modification to Route 11 as a result of the termination of the student pass agreement with Fayetteville State University (FSU). FACT also reviewed plans for shuttle services downtown related to the new ballpark as well as special services for major events in downtown. FACT also reviewed plans for an anticipated fare increase and for changes to FASTTRAC!/ADA paratransit policies. The Committee has also been working to reverse the troubling decline in ridership experienced by FAST as well as other transit systems around the country. These efforts include an overhaul of FAST's marketing plan to "rebrand" FAST in the eyes of our residents, more effective methods of educating the public on our transit services, an emphasis on better customer service and possible introduction to mobile ticketing. FACT has started a regular review of key performance indicators, is working on ways to better target students (and their parents) at FSU, FTCC, and Methodist University. FACT plans to continue to work with staff on special event service plans and on ways to better service Fort Bragg. One major objective of FACT is to develop a framework for a five-year service plan, building on the adopted Transit Development Plan to better outline future objectives and planned expenditures.

Discussion ensued.

MOTION: Council Member Haire moved to accept the Fayetteville Advisory Committee on Transit Annual Report.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

7.02 Board of Appeals Annual Report

Mr. Tom Neal, Board of Appeals Chair, presented the Boards of Appeals Annual report and stated the Board of Appeals is a quasi-judicial body responsible for hearing and deciding appeals of decisions of orders related to violations of Chapter 14 (Housing, Dwellings and Buildings) of the City Code of Ordinances which include substandard, blighted, and dangerous buildings; Chapter 26 (Taxicabs); and Chapter 22 (22-16 only, Nuisance Vacant Lots). This Board is not to be confused with the Board of Adjustment and Zoning Appeals that are tied to Chapter 30 and deal with zoning and subdivision matters. This Board's focus is on structure violations, vacant lot violations,

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and non-issuance of Taxicab certificates of public convenience and Driver's Permits. The five-member board formed in October 2015 with three of the members' terms expiring this year and two expiring in September 2019. Chapter 14, Section 14-10, notes that the Board of Appeals also addresses Chapter 22, Section 22-16, and Chapter 26 cases. Prior to 2015, three separate boards existed for each of the three City chapters of the Code of Ordinances. Three members of the Board constitute a quorum to conduct business. Regular meetings are held, as needed, on the first Thursday of each month at 6:00 p.m. in the Lafayette Conference Room. The Board is composed of five regular members appointed by the City Council for three years, staggered terms. One appeal case (taxicab driver's permit) has occurred since creation of this Board of Appeals in October 2015. Before the appeal is heard by the Board of Appeals, staff reviews the appeal for timeliness and consideration of reason for the appeal. If the appeal is justified, staff will administratively dismiss the related decision or order without the need of setting the appeal for a hearing before the Board. If staff finds that the appeal is not justified, the appeal is set for a hearing before the Board at the next scheduled meeting date. Staff prepares all hearing notices and case documents for the Board. Since October 2015, there has been only one appeal brought before the Board of Appeals. The appeal was related to staff's revocation of a Taxicab Driver Permit. The appeal was denied and ended there with no further appeal.

MOTION: Council Member Haire moved to approve the Board of Appeals Annual Report.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

7.03 2018 Annual Report of the Wrecker Review Board

This item was deferred until the September 24, 2018, City Council meeting.

8.0 PUBLIC FORUM

Pastor Carl Rehner, 204 Shawcroft Road, Fayetteville, NC, expressed displeasure at the increased stormwater fees.

Dr. Jim Langan, 416 Saint Thomas Road, Fayetteville, NC, expressed support for Mr. Rick McDowell for his dedication and commitment with the "Run for the Wall" fund raising event.

Mr. Rick McDowell, 1610 Redbud Drive, Fayetteville, NC, stated the "Run for the Wall" event will not be coming through Fayetteville, NC, again due to the embarrassing and disrespectful way the ASOM staff had treated himself and all of the participants.

Ms. Lisa McDowell, 1610 Redbud Drive, Fayetteville, NC, expressed her sadness regarding the "Run for the Wall" event no longer coming through Fayetteville.

Ms. Danielle Fennern, 100 Hay Street, Fayetteville, NC, spoke in favor of adding gender identity to the Human Relations Commission scope of work.

Mr. Ashley Williams, 100 Hay Street, Fayetteville, NC, spoke in favor of adding gender identity, sexual orientation, and Veteran status to the Human Relations Commission scope of work.

Dr. Emily Lemning, 1710 Swan Street, Fayetteville, NC, spoke in favor of adding gender identity, sexual orientation, and Veteran status to the Human Relations Commission scope of work and asked Council to listen to the residents that spoke through the Resident Survey.

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Mr. Charles Matthews, 3618 Tindle Court, Fayetteville, NC, expressed concerns regarding flooding and potential flooding solutions in the City of Fayetteville.

Ms. Erin Mansfield, 745 Poole Drive, Fayetteville, NC, spoke in favor of accepting the changes to the language of the Human Relations Commission Mission Statement.

Mr. Alan Morris, P.O. Box 2864, Fayetteville, NC, expressed concerns regarding the lack of modesty and morality in the City.

Ms. Linda Devore, 2616 Dartmouth Drive, Fayetteville, NC, stated the Council should defer further discussion on the Human Relations Commission proposed language change.

Ms. Etinosa Obanor, 472 Hay Street, Fayetteville, NC, expressed concerns regarding the construction next to the downtown Subway. Ms. Obanor asked for more parking passes for the Subway employees, Subway building roof replacement, and requested a meeting with City and construction representatives to discuss what is happening and upcoming changes.

Ms. Nancy Perry, 506 Eaton Street, Fayetteville, NC, expressed concerns of the Baseball Stadium construction having negative effects on the downtown Subway.

Mr. Gerard Falls, 100 Bradford Avenue, Fayetteville, NC, spoke in favor of the change to the language of the Human Relations Commission Mission Statement.

Ms. Kindra Bradley, 223 Hillside Avenue, Fayetteville, NC, spoke in favor of the expansion of the scope of work for the Human Relations Commission.

Ms. Sue Nilson, 100 Hay Street, Fayetteville, NC, spoke in support of the expansion of the Human Relations Commission scope of work to include gender identity, sexual orientation, and Veteran status.

Ms. Tami Fitzgerald, 9650 Carpathian Way, Raleigh, NC, spoke in opposition to the expansion of the Human Relations Commission to change an ordinance of the City Code.

9.0 OTHER ITEMS OF BUSINESS

9.01 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

Council Member Crisp presented this item and stated the Appointment Committee met on August 28, 2018, to review applications for the appointments to the Boards and Commissions. It is from that meeting the Appointment Committee presents the recommendations for appointments to the City of Fayetteville Boards and Commissions. The Appointment Committee unanimously approved the following appointments:

<u>Animal Control</u>		
Ms. Yvette Sanders (1st term)		October 2018–September 2021
<u>Board of Appeals</u>		
Mr. Ronald Fairley (2nd term)		October 2018–September 2021
<u>Fair Housing Board</u>		
Mr. Renarde Earl (1st term)		October 2018–September 2020
<u>Fayetteville-Cumberland Human Relations Commission</u>		
Ms. Marquita Adger (1st term)		October 2018–September 2020
Ms. Rosa Garriss – Turner (1st term)		October 2018–September 2020
Ms. Sharon Hackett (1st term)		October 2018–September 2020
Ms. Maria del Pilar Salvat (1st term)		October 2018–September 2020

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Mr. Ajax Rangel (1st term)	October 2018–September 2020
Mr. Joshua James (1st term)	October 2018–September 2020

<u>Fayetteville-Cumberland Parks and Recreation Advisory Commission</u>	
Mrs. Cindy McCormic (1st term)	October 2018–September 2021

<u>Fayetteville Redevelopment Commission</u>	
Ms. Sharon Moyer (1st term)	October 2018–September 2023

<u>Fayetteville-Cumberland Senior Citizens Advisory Commission</u>	
Jerome T. Scott (1st term)	October 2018–September 2021

<u>Linear Park, Inc.</u>	
Dr. Jimmie W. Riggins (1st term)	October 2018–September 2021

<u>Planning Commission</u>	
Mr. Mike Dobs (1st term)	October 2018–September 2020
Mr. Teddy Warner (2nd term)	October 2018–September 2020
Mr. Richard Wagner (1st term)	October 2018–September 2020
Mr. Rishi Shah (1st term)	October 2018–September 2020
Mr. Steven McMillian (1st term)	October 2018–September 2020

<u>Public Works Commission</u>	
Mr. Wade R. Fowler, Jr. (2nd term)	October 2018–September 2022

<u>Stormwater Advisory Board</u>	
Mr. Charles Jones (2nd term)	October 2018–September 2020
Mr. Deno Hondros (1st term)	October 2018–September 2020

<u>Wrecker Review Board</u>	
No applicants - must re-advertise	

<u>Zoning Commission</u>	
Ms. Dineen Morton (1st term)	October 2018–September 2020
Mr. Kevin Hight (2nd term)	October 2018–September 2020
Mr. Alex Keith (2nd term)	October 2018–September 2020

MOTION: Council Member Crisp moved to approve the Appointment Committee recommendations for Board and Commission appointments effective October 1, 2018.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

9.02 Sales Tax Agreement with Cumberland County

Mayor Colvin presented this item and stated he would like to begin conversations regarding the sales tax agreement with Cumberland County. Mayor Colvin stated he had provided a spreadsheet to Council members, which details the City sales tax reimbursement payments made from fiscal year 2004 through fiscal year 2017 to Cumberland County.

Discussion ensued.

Mayor Colvin stated he will work on forming a Sales Tax Committee.

10.01 Council Update on the Downtown Parking Management Plan

This item was for information only, and was not discussed

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:16 p.m.

Respectfully submitted,

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PAMELA J. MEGILL
City Clerk
091018

MITCH COLVIN
Mayor