

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
JUNE 11, 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) (departed at 8:16 p.m. and via telephone at 8:20 p.m.)

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
Randy Hume, Transit Director
Cindy Blot, Economic and Community Development
Director
Jay Toland, Interim Chief Financial Officer
Kevin Arata, Corporate Communications Director
Kecia Parker, Real Estate Manager
Mark Brown, PWC Customer Relations Manager
Suzy Hrabovsky, Executive Director, CEED
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 Associate Pastor Greg Perkins, Mount Pisgah Missionary Baptist Church.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS

Mayor Colvin announced Council Member Larry Wright was awarded the Order of the Long Leaf Pine by Governor Roy Cooper on June 2, 2018.

Council Member Jensen introduced the Fayetteville-Cumberland Youth Council Member, Ms. Joyce Dipoume, 2018-2019 Youth Council President and a senior at Cumberland Polytech.

Council Member Dawkins announced the temporary closure of Cliffdale and Skibo Roads intersection per North Carolina Department of Transportation.

Mayor Colvin presented Certificates of Recognition to the Fayetteville-Cumberland Youth Council Departing Seniors: Rebecca Mitchell; Jordan Clayborn; Kacey Lee; James Thomas, III; Tatiana Larani; Rashell Duncan; Jayden Campbell; Morehouse; Carrie Kegan; Nicholas Cunningham; Melissa Smith, and Lauren Lowe.

Mayor Colvin presented a Proclamation to Mr. Chip Lucas, Executive Director, Career and Technical Education, proclaiming the month of February 2018 "Career and Technical Education Month".

Mayor Colvin presented a Proclamation to Mr. Charles Evans, Cumberland County Commissioners, proclaiming June 11, 2018, Caribbean American Heritage Month.

4.0 APPROVAL OF THE AGENDA

MOTION: Council Member Arp moved to approve the agenda, with the exception of moving Item 10.03, Adoption of the Budget, to Item 5.02.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

5.01 Appointment of a Candidate to City Council, District 2

Mayor Colvin announced the Appointment of a Candidate to the City Council, District 2, and stated the candidate with the most votes will be appointed. The candidate names will be read in alphabetical order and each Council member may vote for only one candidate during each round of voting. No one will be permitted to vote in opposition of any candidates.

Candidate	Vote	Votes Made By
ROUND 1		
Patricia Bradley	3	Colvin, Wright, and Haire
Len Brown	0	
Vernell Cruz	0	
Dan Culliton	4	Dawkins, Crisp, Mohn, and Arp
Mary English	0	
William Gothard	0	
Phillip McCorquadale	0	
George Mitchell	0	
Sharon Moyer	2	Jensen and Waddell
George Turner	0	
ROUND 2		
Patricia Bradley	3	Colvin, Haire, and Wright
Dan Culliton	6	Jensen, Waddell, Dawkins, Crisp, Mohn, and Arp

MOTION: Council Member Arp moved to appoint Mr. Dan Culliton to the office of Council Member, District 2, effective June 25, 2018.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (9-0)

5.02 Adoption of the Fiscal Year 2018-2019 Budget Ordinance and Fee Schedule, the Fiscal Year 2018-2019 Strategic Plan, the Fiscal Years 2019-2023 Capital and Technology Improvement Plans, Capital Project Ordinances 2019-1 through 2019-14, Capital Project Ordinance Amendments 2019-1 through 2019-11, and Capital Project Ordinance Amendment 2018-65

Mr. Douglas Hewett, City Manager, presented this item with the aid of a PowerPoint presentation and thanked Ms. Tracey Broyles, Budget and Evaluation Director, and her staff for all of their hard work. Mr. Hewett provided an overview of the budget highlights and stated Council is asked to consider adoption of the Fiscal Year 2018-2019 Budget Ordinance and Fee Schedule which incorporate changes from the recommended budget in accordance with the summary of proposed changes distributed to Council at the June 4, 2018, work session. In addition to setting the general ad valorem tax rate at 49.95 cents, the Central Business Tax District rate at 10 cents, and the Lake Valley Drive Municipal Service District ad valorem tax rate at 39.4 cents, the ordinance also levies the stormwater fee at \$6.00 per month

and the residential solid waste fee at \$190.00 per year, and adopts the fee schedule presented. Council is also asked to approve the Fiscal Year 2018-2019 Strategic Plan and the Fiscal Year 2019-2023 Capital and Technology Improvement Plans (CIP and TIP), and to adopt related capital project ordinances and capital project ordinance amendments to establish project budgets as planned. The City Manager's recommended budget was distributed to City Council on May 4, 2018. City Council has deliberated the recommended budget at three budget work sessions on May 10, 17, and 24, 2018, and a public hearing on the budget was conducted on May 29, 2018. A summary of proposed changes to the recommended budget was distributed to Council on June 1, 2018, and updated at the June 4, 2018, work session.

Discussion ensued.

MOTION: Mayor Pro Tem Mohn moved to adopt the Fiscal Year 2018-2019 Budget Ordinance and Fee Schedule, the Fiscal Year 2018-2019 Strategic Plan, the Fiscal Years 2019-2023 Capital and Technology Improvement Plans, Capital Project Ordinances 2019-1 through 2019-14, Capital Project Ordinance Amendments 2019-1 through 2019-11, and Capital Project Ordinance Amendment 2018-65

SECOND: Council Member Wright

VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Dawkins and Arp)

6.0 CONSENT AGENDA

MOTION: Mayor Pro Tem Mohn moved to approve the Consent Agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

6.01 Approval of Meeting Minutes: May 14, 2018 - Regular Meeting

6.02 Adoption of Capital Project Ordinance Amendment 2018-61 to Provide Additional Funding for the Ramsey Street Landscaping Improvement Project at the CSX Railroad Trestle

Capital Project Ordinance Amendment (CPOA) 2018-61 will appropriate a \$5,280.00 transfer from the General Fund for the Ramsey Street landscaping improvement project at the CSX Railroad Trestle. The additional funding is needed for the landscaping project to accommodate Public Works Commission (PWC) water tap fees for the irrigation system.

6.03 Transit Title VI Program

RESOLUTION TO APPROVE THE 2018 TITLE VI PROGRAM UPDATE FOR THE FAYETTEVILLE AREA SYSTEM OF TRANSIT. RESOLUTION NO. R2018-036

6.04 Adoption of a Resolution Authorizing a Municipal Agreement with the North Carolina Department of Transportation for Highway-Railway, Grade Crossing Signals on Dobson Drive and Adoption of Capital Project Ordinance 2018-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO EXECUTE A MUNICIPAL AGREEMENT WITH NCDOT FOR HIGHWAY-RAILWAY GRADE CROSSING IMPROVEMENTS ON DOBSON DRIVE. RESOLUTION NO. R2018-037

6.05 Adoption of Capital Project Ordinance Amendments 2018-62, 2018-63 and 2018-64 to Transfer Street Resurfacing Funding from the FY2016 Street Resurfacing Project to the FY2018 Street Resurfacing and the Ray Avenue Roadway Extension Projects

Capital Project Ordinance Amendments (CPOA) 2018-62, 2018-63 and 2018-64 will transfer \$63,282.00 of remaining funds previously appropriated for the FY 2016 street resurfacing project to the FY 2018

street resurfacing project (\$42,987.00) and the Ray Avenue roadway extension project (\$20,295.00).

6.06 Transit Disadvantaged Business Enterprise (DBE) Program Update and DBE Goal

A RESOLUTION AUTHORIZING FAYETTEVILLE AREA SYSTEM OF TRANSIT TO ESTABLISH AND SUBMIT THE 2019-2021 DISADVANTAGED BUSINESS ENTERPRISE PROGRAM AND GOAL TO THE FEDERAL TRANSIT ADMINISTRATION. RESOLUTION NO. R2018-038

6.07 Bid Recommendation - Legend Avenue Roadway Improvements Phase I award to Highland Paving, the lowest responsive, responsible bidder in the total amount of \$694,721.00

Bids were received on May 30, 2018 as follows:

Highland Paving, Fayetteville, NC	\$694,721.00
Lanier Const, Snowhill, NC	\$996,077.75
Billy Bill Grading, Fayetteville, NC	\$1,213,297.59

6.08 Addition of Certain Streets to the City of Fayetteville System of Streets

The Fayetteville street system includes 741.41 center line miles and is one of the City's largest assets impacting every citizen, employee, emergency service personnel, commuter, and visitor. As new development progresses, new streets are built in accordance to the City's standards and can be designated for private or public ownership and maintenance. When streets are constructed to City standards, it requires a Council action to add the streets to the City's system. Streets added to our system qualify for Powell Bill Program allocations, which is a North Carolina funding program for the building and maintenance of major city streets. Staff has identified 19 recently constructed streets. These streets have been inspected by staff and are now acceptable for addition to the City of Fayetteville system of streets. The 2.02 mile addition will bring the City's street system total to 743.43 miles.

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Fayetteville Redevelopment Commission Annual Report

Mr. Carlos Swinger, Fayetteville Redevelopment Commissioner, presented this item with the aid of a PowerPoint presentation and stated the Fayetteville Redevelopment Commission's (FRC) Annual Report is an opportunity to highlight the accomplishments reported to the Department of Housing and Urban Development (HUD). Annually, the Community Development Department prepares a Consolidated Annual Performance Evaluation Report (CAPER). The City of Fayetteville's 2016-2017 CAPER reports information from activities funded by the two federal entitlements (CDBG & HOME) received from HUD on an annual basis. The report identifies the level of progress and accomplishments in meeting the priorities and objectives of the City's 2015-2019 Consolidated Plan over a 12-month period.

Discussion ensued.

7.02 Firefighter's Relief Fund

Captain Justin Owens, Special Operation Division HAZMAT, presented this item and stated the Firefighters' Relief Fund was established in 1907 with the original purpose of financially assisting firefighters that were injured while performing their duties, and to ensure that no firefighter would become financially destitute through no fault of their own. It is funded by a portion (20 percent) of the gross premium tax on insurance policies containing fire and lighting protection, as well as, certain automotive policies pursuant to G.S. 105-228.5 (d)(3). The Firefighter's Relief Fund (FRF) has seen

several legislative revisions over the course of its history. In 1984, the General Assembly amended G.S. 58-84-35 to allow additional expenditures to local funds. Funds may be used to provide for benefits of supplemental retirement, workers compensation, and other insurance and pension protection for firefighters. It can provide educational benefits to firefighters and their dependents that otherwise would not qualify for benefits. It can also provide assistance to a destitute member firefighter who has served honorably for at least five years. In 2014, the General Assembly amended the relief fund law further defining how funds can be used and establishing a recommended calculation for local relief funds to determine financially sound funds, and to require a maximum on the balance of a local fund. The City of Fayetteville Fire Department, as well as, other Fire Departments within North Carolina must meet annual requirements in order to become eligible to receive these funds:

- Department must be a rated fire department.
- Department must be a member of the State Firemen's Association.
- A financial report of the local Firefighters' Relief Fund receipts, disbursements, and remaining balance must be submitted to the State Firemen's Association twice a year.

Captain Owens stated all General Statute requirements must be met by October 31 of each year. The local FRF is comprised of five board members: two elected by the Fire Department, two appointed by City Council, and one appointed by the Commissioner of Insurance. If the local fire chief is not one of the members appointed, they shall serve as an ex-officio member of the board.

MOTION: Council Member Wright moved to accept the Fayetteville Redevelopment Commission Annual Report and the Firefighter's Relief Fund Annual Report.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (9-0)

8.0 PUBLIC FORUM

Ms. Karen Price, 3227 Cliffdale Road, Fayetteville, NC, thanked the City Council for the resolution in opposition of the NCDOT proposed widening of Cliffdale Road.

Mr. Van Price, 3227 Cliffdale Road, Fayetteville, NC, thanked the City Council for the resolution in opposition of the NCDOT proposed widening of Cliffdale Road.

Mr. Jerry Reinoehl, 615 Deerpath Drive, Fayetteville, NC, spoke in opposition of the cemetery burial fee increases.

Ms. Joanna Quick, 640 Volunteer Drive, Fayetteville, NC, reminded the City Council to keep our citizens first and be accessible.

Ms. Shelia Cuffee, 661 Grandview Way, Fayetteville, NC, appeared in opposition to the proposed four-year terms of office for the Mayor and City Council.

Mr. Willie Williams, 1165 Sandhills, Fayetteville, NC, appeared in opposition of the Panhandling Ordinance, and also announced the Community Meeting taking place on June 16, 2018, at 2:00 p.m. at 855 MacArthur Road; the Panhandling Ordinance will be discussed at the meeting.

9.0 PUBLIC HEARINGS

9.01 Public Hearing & Consideration of Incentives for Project Intelligence

Mr. Robert Van Geons, President and CEO, FCEDC, presented this item and stated the City Council is required to set a public hearing to consider incentives for Project Intelligence. If we are successful in securing this project, the company would retain 40 existing jobs through December 31, 2022, and create 178 new jobs by December 31, 2020, with 208 jobs projected by 2023. The company offers a competitive average annual salary of \$64,300.00, as well as a comprehensive benefits package. The company would make a significant investment in real estate and equipment of approximately \$1,200,000.00, with projected future investment to exceed \$5,000,000.00. Fayetteville-Cumberland Economic Development Corporation (FCEDC) is requesting that the City of Fayetteville consider a local incentive grant, not to exceed \$89,000.00 and to be paid based on successful job creation. This is an existing company in Fayetteville that specializes in management consulting and engineering services. The expanded operations would initially be located in an existing building. In addition to requesting assistance from the City, FCEDC is working with Cumberland County and the State of North Carolina. At their June 4, 2018, meeting, the Cumberland County Commissioners approved their incentive offer. The State of North Carolina is currently considering the project for possible financial support. The company will not make a final decision until this process is completed. As required, public notice for this hearing was published in *The Fayetteville Observer* on May 31, 2018. 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 \$89,000.00. The City would benefit from \$5 million of new taxable investment and \$13.37 million of annual payroll, once the project is fully implemented. This project is competitive in nature, as the Company has substantial operations in other states. With your support, we hope to reinforce and dramatically expand their operations here in Fayetteville.

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

MOTION: Council Member Dawkins moved to approve the local incentive grant in an amount not to exceed \$89,000.00.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (9-0)

10.0 OTHER ITEMS OF BUSINESS

10.02 Center for Economic Empowerment & Development Kitchen Incubator update

Ms. Cynthia Blot, Economic and Community Development Director, introduced this item and stated this item is presented for consideration to request a one-year extension for the Kitchen Incubator agreement between the City of Fayetteville and Center for Economic Empowerment Development (CEED) effective June 30, 2017-July 31, 2018. Ms. Blot introduced Ms. Suzy Hrobovsky, CEED Executive Director, and stated Ms. Hrobovsky will update Council on the progress made to date regarding the securing of funding for the proposed Kitchen Incubator project and present an updated timeline for the project.

Ms. Hrobovsky presented this item and provided information regarding the increased costs of the project, detail of funding sources, and the status of the bank commitment letter for the proposed Kitchen Incubator.

Discussion ensued.

MOTION: Council Member Crisp moved to authorize CEED a year extension on the contract.

SECOND: Council Member Arp

FRIENDLY AMENDMENT:

Council Member Jensen made a friendly amendment to authorize six months extension on the contract.

Mr. Douglas Hewett, City Manager, provided background/history details and stated in April 2015, City Council provided an initial disbursement of \$100,000.00 for design work on a proposed CEED-Incubator Kitchen. Additionally, City Council approved \$350,000.00 toward the development of the CEED-Incubator Kitchen. The agreement required a detailed plan of action, with documented and itemized budget showing how CEED can and will (utilizing the \$350,000.00 and any other CEED-acquired, non-City Funds) move forward with the project to fully fund a Culinary Incubator/Training Station as first proposed or since modified. CEED agreed to make presentations to City Council on deliverables for each phase of completion and/or any modification to the plans. On June 13, 2017, the City Manager's office received a letter from CEED as a request to obligate funds for the construction of Phase 1 of the CEED Culinary Incubator. Their plan of action has been delayed on several occasions with the original groundbreaking scheduled for November 2017, then March 2018 and now to a yet determined date. On March 5, 2018, Ms. Hrobovsky updated Council on the project delays. At that time Council requested that she return to a future council meeting when construction bids were received, a contractor selected, and to provide a bank/lender commitment letter detailing secured funding for the project. Mr. Hewett concluded by stating that six months extension would not be sufficient time, and offered Council authorize a year extension with a requirement for a written progress report every 90 days, and added, this is a very difficult site to develop.

Council Member Jensen withdrew her request for a friendly amendment.

RESTATED MOTION:

Council Member Crisp moved to extend the contract by one year.

SECOND: Council Member Arp

VOTE: FAILED by a vote of 4 in favor to 5 in opposition (Council Members Colvin, Haire, Waddell, Wright, and Mohn)

Discussion ensued. Mayor Colvin stated it is reasonable to ask for benchmarks.

MOTION: Council Member Wright moved to reconsider the item.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

MOTION: Council Member Haire moved to approve a one-year extension with conditions that will be presented at the June 25, 2018, City Council regular meeting.

SECOND: Council Member Wright

VOTE: UNANIMOUS (9-0)

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:58 p.m.