

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
AUGUST 27, 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); 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
Jay Toland, Interim Chief Financial Officer
Gerald Newton, Development Services Director
Rob Stone, Public Services Director
Kevin Arata, Corporate Communications Director
Barbara Hill, Human Resource Development Director
Taurus Freeman, Planning and Zoning Manager
Alicia Young, Assistant City Attorney
Kecia Parker, Real Estate Manager
Tracey Broyles, Budget and Evaluation Director
Brandon Christian, Police Attorney
Mark Brown, PWC Customer Relations
Robert Van Geons, FCEDC
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 Council Member Haire.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Jensen introduced Ms. Raven Musser, Fayetteville-Cumberland Youth Council Member. Ms. Musser announced the forthcoming Glo Festival taking place on October 6, 2018.

Mayor Colvin presented a Certificate of Appreciation to the students of the Reid Ross High School Civics Class in recognition of their dedication to learning more about the municipal, state, and federal governments.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Jensen moved to approve the agenda with the addition of Item 7.02, location for the proposed skateboard park.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Wright moved to approve the consent agenda.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

August 6, 2018 - Work Session

August 13, 2018 - Discussion of Agenda Items

6.02 P18-19F - Rezoning of property from MR-5 Mixed Residential to CC Community Commercial Zoning, located at 108 Wiley Street (PIN 0438-50-6242) near the intersection of Ramsey and Wiley Streets, containing 0.17 acres and being the property of Fayetteville Metropolitan Housing Authority

6.03 P18-22F - Rezoning of property from DT Downtown Zoning to LC Limited Commercial Zoning, located at 117 and 133 Grove Street (PINs 0437-75-3736 and 0437-75-4786) near the intersection of Grove and Ann streets, containing approximately 2 acres and being the property of Cedar Creek Crossing West LLC.

6.04 P.O. Hoffer WTP Raw Water Intake Screen and Slide Gate Replacement Project

Award the contract for the PO Hoffer Water Treatment Facility Raw Water Intake Screen and Slide Gate Replacement Project to Haren Construction Co., Inc., Etowah, TN, the lowest responsive, responsible bidder in the total amount of \$1,132,000.00

Bids were received on July 31, 2018, as follows:

Haren Construction Co., Inc., Etowah, TN \$1,132,000.00
Intercoastal Marine LLC, Castle Hayne, NC \$1,236,850.00

6.05 Rescind Demolition Ordinances (1810 and 1812 Slater Avenue)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
RESCINDING DEMOLITION ORDINANCE NO. NS2018-004. RESOLUTION NO.
R2018-057

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
RESCINDING DEMOLITION ORDINANCE NO. NS2018-005. RESOLUTION NO.
R2018-058

6.06 Uninhabitable Structures Demolition Recommendations

1023 Deep Creek Road (residential)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE,
NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT
CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE
PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF
THE CITY. 1023 Deep Creek Road, PIN#0446-36-8317. ORDINANCE NO.
NS2018-015

503 Person Street (commercial)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE,
NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT
CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE
PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF
THE CITY. 503 Person Street, PIN # 0437-93-1065. ORDINANCE NO.
NS2018-016

6.07 Adoption of Capital Project Ordinance Amendment 2019-18 for the Repair of Reid Ross Classical School Track

The City of Fayetteville has a project underway to resurface and reline the running track located at Reid Ross Classical School. It has been discovered that the drainage pipes under the track are failing and unanticipated repairs are required to manage storm water drainage at the site. The track is used for Fayetteville-Cumberland Parks and Recreation's track programs and competitions and also for school system track meets. The Cumberland County Board of Education has agreed to contribute \$30,000.00 to help fund these repairs. Capital Project Ordinance Amendment (CPOA) 2018-21 will appropriate the contribution and increase the project budget to \$100,000.00.

6.08 Appropriation of 2018 Transit Grant Award NC-2018-045-00 for Various Capital Items and Planning Activities (Capital Project Ordinance 2019-15 and Special Revenue Fund Project Ordinance 2019-2)

The Federal Transit Administration (FTA) has awarded Transit Grant NC-2018-045-00 to provide federal funding for eligible projects in support of the City's transit activities. Capital Project Ordinance (CPO) 2019-15 will appropriate \$738,650.00 for capital items including paratransit vehicles (replacement and expansion), radio equipment, bus shelters and benches, and construction of Americans with Disabilities Act accessible bus stops. This project ordinance will be funded by a \$605,220.00 grant from the FTA and a \$133,430.00 transfer from the Transit Operating Fund. Special Revenue Fund Project Ordinance (SRO) 2019-2 will appropriate \$140,000.00 for various transit planning activities and employee training, and will be funded by \$112,000.00 from the FTA grant and \$28,000.00 to be transferred from the Transit Operating Fund. The grant also includes \$2,452,000.00 in FTA grant funds to reimburse the City for preventive maintenance, limited ADA paratransit services and operating activities that were incurred during FY 2018. These revenues were appropriated as a part of the fiscal year FY 2018 annual operating budget.

6.09 Set Filing Fee for Municipal Election

Approval to increase the filing fee to 1 percent of the position's salaries. The filing fee for the Mayor would increase to \$312.55 and to \$170.88 for City Council.

6.010 Hurricane Matthew - Designation of Applicant's Agent - North Carolina Department of Public Safety

Authorize Jay Toland, Acting Chief Financial Officer, as the Primary Agent and Brenda Powell, Financial Reporting Manager, as the Secondary Agent to execute and file applications for State and/or Federal assistance on behalf of the City of Fayetteville. The above named agents will be authorized to act for the City in all matters with the State of North Carolina and the Federal Emergency Management Agency pertaining to disaster assistance.

7.0 OTHER ITEMS OF BUSINESS

7.01 Adoption of Capital Project Ordinance Amendment 2019-19 and Award of Contract for Mirror Lake Dam Hurricane Repairs

Mr. Rob Stone, Public Services Director, presented this item and stated Mirror Lake Dam was severely damaged when the lake overtopped the roadway during Hurricane Matthew, beginning on October 4, 2016. The dam outlet pipes and a large portion of the roadway were washed away, and the roadway is currently closed to traffic. On April 24, 2017, Council appropriated \$2,286,810.00 of anticipated state and federal funding for the repair and reconstruction of Mirror Lake Dam. On July 19, 2017, FEMA officially awarded Project Worksheet (PW) 01262 to provide \$1,529,530.19 for the project to return Mirror Lake Dam to its pre-disaster condition and also repair Mirror Lake Drive on top of

the dam. As a "large" public assistance project under FEMA guidelines, total actual costs will be eligible for reimbursement, even if they exceed the PW estimate, provided that all of the work completed is within the scope of (or incidental to) the work described in the PW. Based upon staff conversations with FEMA and NCDPS staff, there is no reason to believe that total costs for this project will not be reimbursable under the 75 percent/25 percent federal/state funding model. The Purchasing Division of the Finance Department is completing the bid process for the project.

Bids were received on August 15, 2018, as follows:

Southern Specialty Civil Constructors, LLC, Clemmons, NC..	\$3,649,999.20
T.A. Loving Company, Goldsboro, NC.....	\$3,875,346.98
Crowder Construction Company, Charlotte, NC.....	\$4,258,024.00
Kiewit Infrastructure South Co., Peachtree City, GA.	\$4,811,687.75

The total costs listed include the City's portion and the portion to be paid by the PWC. Staff has proposed a CPOA to appropriate an additional \$2,952,051.00 of federal and state funding for the project, which would provide a sufficient appropriation to fund the costs of the second lowest bid plus a 30 percent contingency. Project funds may only be expended for work within the scope authorized under PW 01262. FEMA requires adherence to strict procurement and documentation guidelines to qualify for federal reimbursement of expenditures for response and recovery from natural disasters. City staff is making every effort to comply with those requirements to maximize reimbursement from FEMA as appropriate. There is no anticipated impact to the General Fund as it is expected that the project will be fully reimbursed by FEMA and NCDPS.

Discussion ensued.

MOTION: Council Member Dawkins moved to adopt CPOA 2019-19, approve the contract award, and authorize the City Manager to execute the contract for the repair and reconstruction of Mirror Lake dam with Southern Specialty Civil Constructors, LLC.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

7.02 Location for Proposed Skateboard Park

Council Member Jensen introduced this item and invited discussion on possible skateboard park locations--Rowan Street Park, Westover, and Downtown.

Discussion ensued.

MOTION: Council Member Jensen moved to direct staff to contract for a site assessment for the Rowan Street Park site.

SECOND: Council Member Waddell

Discussion ensued.

FRIENDLY AMENDMENT:

Council Member Arp made a friendly amendment to direct staff to contract with the site assessment company to assess the feasibility for a skateboard park at Rowan Street Park, and if the assessment provides that the Park is not feasible, the contractor would then immediately assess the Westover location.

Council Members Jensen and Waddell accepted the friendly amendment.

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

8.0 ADMINISTRATIVE REPORTS

8.01 Funding from the Cumberland County Board of Education for Pool Covers

This item was for information only and was not presented.

8.02 Kings Grant Golf Course Exchange of Services Summary

This item was for information only and was not presented.

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:13 p.m.