

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
JANUARY 14, 2019
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) (via telephone); 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
Kristoff Bauer, Deputy City Manager
Telly Whitfield, Assistant City Manager
Barbara Hill, Interim Assistant City Manager
Kevin Arata, Corporate Communications Director
Tracey Broyles, Budget and Evaluation Director
Jay Toland, Interim Chief Financial Officer
Michael Martin, Development Services Deputy Director
Anthony Kelly, Assistant Police Chief
Taurus Freeman, Planning and Zoning Division Manager
Giselle Rodriguez, City Engineer
Brandon Christian, Police Attorney
Pamela Megill, City Clerk
Jennifer Ayre, Deputy City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Pastor Mike Ramos, Small Groups Director, Manna 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 AND RECOGNITION

Council Member Jensen introduced Ms. Harmony Granderson as the representative for the Fayetteville-Cumberland Youth Council.

Council Member Jensen announced the Café Conversations meeting is scheduled for 6:00 to 8:30 p.m. on January 17, 2019, at the Smith Recreation Center. Mayor Colvin encouraged citizens to attend and stated the City was recently recognized as the most innovative City in the country and the Café Conversations events were one of the most contributing factors to gaining that recognition.

Mayor Colvin presented a Certificate of Excellence to the Ebony Red Hatters, Fayetteville Chapter #41652 for 20 years of dedication to community service and the encouragement of women over 50. Mayor Colvin thanked the Ebony Red Hatters for all of their charitable contributions and deeds in our community.

Mayor Colvin presented a proclamation to Mr. Pete Twedell of Five Sparrows and Ms. Kelly Twedell, Victim Services Director of The Fayetteville Dream Center, proclaiming the month of January 2019 in honor of Human Trafficking Awareness Month.

Mayor Colvin presented a Certificate of Appreciation to the FayFixIt top 25 users.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Culliton moved to approve the consent agenda with the exception of Items 6.02, 6.07, 6.08, and 6.09; pulled for discussion and separate vote.

SECOND: Council Member Wright

VOTE: UANIMOUS (10-0)

6.0 CONSENT AGENDA

6.01 Approval of Meeting Minutes:

November 27, 2018 - Special

December 3, 2018 - Work Session

December 10, 2018 - Discussion of Agenda Items

December 10, 2018 - Regular

December 11, 2018 - Special

6.02 Pulled for discussion and separate vote.

6.03 Adoption of Capital Project Ordinance Amendment (CPOA) 2019-26 to Appropriate Additional Funding for a Hurricane Matthew Recovery Project for Repair and Relocation of Facilities at 280 Lamon Street

Capital Project Ordinance Amendment (CPOA) 2019-26 will appropriate \$36,811.00 of funding from the Federal Emergency Management Agency (FEMA) and the North Carolina Department of Public Safety (NC DPS) to provide additional resources for a recovery project for two facilities at 280 Lamon Street due to damages sustained during Hurricane Matthew.

6.04 Special Revenue Fund Project Ordinance 2019-8 (FY 19 Juvenile Restitution Program)

The City has been awarded grant funding for FY 2018-2019 for the Fayetteville-Cumberland County Juvenile Restitution Program. The Juvenile Restitution Program is a sentencing alternative for Fayetteville and Cumberland County youth. Special Revenue Fund Ordinance 2019-8 will appropriate \$77,985.00 needed for personnel and operating costs for FY 2018-2019. The funding sources for this program are \$53,682.00 in grant funds awarded by the North Carolina Department of Public Safety, a local match of \$12,152.00 from Cumberland County, and the City's local match of \$12,151.00.

6.05 Bid Recommendation - Rockfish Creek WRF Filter Rehabilitation to T. A. Loving Company, the lowest responsive, responsible bidder, in the total amount of \$2,378,114.00.

Bids were received on November 29, 2018, as follows:

T. A. Loving Co., Construction Services, Goldsboro, NC.....	\$2,378,114.00
Haren Construction Company, Inc., Etowah, TN.....	\$2,692,000.00
Crowder Construction Company, Apex, NC.....	\$2,763,800.00
State Utility Contractors, Inc., Monroe, NC.....	\$4,635,000.00

6.06 Award Contract for Resurface Various Streets, 2019, Phase II, to Barnhill Contracting Company, Fayetteville, NC, the lowest, responsive, responsible bidder in the total amount of \$1,523,336.00.

The Resurface Various Street, 2019, Phase II, project primarily consists of resurfacing 13 streets (approximately 3.20 miles) and milling and resurfacing 3 streets (approximately 1.04 miles). The work includes, but is not limited to, removing and replacing curb and gutter, installing and retrofitting handicap ramps, utility adjustments, milling, cutting out and patching areas, placing leveling and overlay courses, and thermoplastic pavement markings. The project was first advertised for bids to be opened on December 4, 2018; however, only two bids were received. Therefore, in accordance with North Carolina General Statutes, which require three bids in order to open the first advertisement, the project was re-advertised and bids were opened on December 12, 2018. Bids received are as follows:

Barnhill Contracting Company, Fayetteville, NC \$1,523,336.00
Highland Paving Co., LLC, Fayetteville, NC \$1,765,075.45

6.07 Pulled for discussion and separate vote.

6.08 Pulled for discussion and separate vote.

6.09 Pulled for discussion and separate vote.

6.02 Gateway Definition and Sign Locations

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item with the aid of a PowerPoint presentation and stated a Gateway is one quarter mile from a major intersection. The nine major gateways that have been identified currently by staff and approved by the Gateway Committee are Murchison Road, Ramsey Street, Hwy 24, Raeford Road, Hwy 301, Bragg Boulevard, NC 87, Hope Mills, and Legion Road. The Gateway Committee recommended replacement of signage throughout the City of Fayetteville. Staff has since worked diligently with an architect to develop and refine a variety of sign options for placement throughout the City. Consideration was given to ensure aesthetically pleasing concepts displaying continuity in signage throughout Fayetteville.

MOTION: Council Member Waddell moved to approve the Gateway locations and definitions as approved by the Gateway Committee.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (10-0)

6.07 Renaming of the Cross Creek Linear Park Trail in Honor of Harry F. Shaw

Council Member Crisp stated this item is to honor Mr. Harry F. Shaw; he worked tirelessly on Linear Park for over 25 years. Mayor Colvin stated Mr. Shaw is one of our City's heroes, and it is fitting to name this park after him. Council Member Dawkins stated that Mr. Shaw had served on the City Council from 1965 through 1975. Mayor Pro Tem Mohn thanked the Linear Park Corporation for bringing this item forward.

MOTION: Council Member Crisp moved to approve naming the Cross Creek Linear Park Trail to Harry F. Shaw Linear Park Trail.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

6.08 Calling for a public hearing on January 28, 2019 - Naming of City Property in Honor of Former Mayor Hurley.

Council Member Arp stated this item is to recognize a true statesman and hero, former Mayor Hurley who was a three-term Mayor for the City of Fayetteville and served six terms in the General Assembly and was instrumental in the transformation of Hay Street; he was the champion that led the City.

MOTION: Council Member Arp moved to set a public hearing for January 28, 2019, for the naming of the new Minor League Baseball Stadium downtown in Fayetteville in honor of former Mayor Hurley.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

6.09 Adoption of Legislative Priorities - Council Resolutions for 2019 NC General Assembly Long Session

Council Member Arp stated he is concerned that the Texfi Resolution does not have a specific monetary amount noted. The Resolution could be modified to state "the City Council supports and advocates for funding for pilot testing activity for the Texfi site to determine the best remediation approach and associated costs". If we can get a specific figure from PWC that would be appropriate to include that cost.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REQUESTING THE INTRODUCTION OF A LOCAL BILL AMENDING THE CITY CHARTER TO PROVIDE FOR RECALL ELECTIONS. RESOLUTION NO. R2019-001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SUPPORT AND ADVOCATE FOR OUR LOCAL MULTIMODAL TRANSPORTATION NETWORK. RESOLUTION NO. R2019-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SUPPORT AND ADVOCATE FOR STRENGTHENING LOCAL PUBLIC SAFETY AGENCIES' ABILITY TO MAINTAIN A SAFE AND SECURE COMMUNITY. RESOLUTION NO. R2019-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SUPPORT AND ADVOCATE FOR ADDITIONAL FUNDING FOR GROUNDWATER REMEDIATION AND PILOT TESTING ACTIVITIES AT THE TEXFI SITE. RESOLUTION NO. R2019-004

MOTION: Council Member Arp moved to adopt Item 6.09. Legislative Priorities - Council Resolutions for 2019 NC General Assembly Long Session, with the amendment to the Texfi Resolution as stated.
SECOND: Council Member Jensen
VOTE: UNANIMOUS (10-0)

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 Airport Commission Annual Report to City Council - 2018

Mr. Naynesh Mehta, Airport Commission Chair, presented the Airport Commission Annual Report with the aid of a PowerPoint presentation and reported on the Airport Capital Improvement Project for the Terminal Improvement Part 1--Concourse A, connector and restaurant--and stated Tailwind is the new restaurant operator. Mr. Mehta also reported on marketing, community engagement, operation airdrop and hurricane relief, air service, and economic development.

Discussion ensued.

MOTION: Council Member Arp moved to accept the Airport Commission Annual Report.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

7.02 Annual Report from the Joint Appearance Commission

Mr. Johnny Lanthorn, Joint Appearance Commission Chair, presented the Annual Report with the aid of PowerPoint presentation. Mr. Lanthorn stated the purpose of the Joint Appearance Commission (JAC) is to promote the enhancement of the appearance of the community. The interlocal agreement sets forth the duties of the JAC

to implement programs of general community beautification; to review and make recommendations regarding the aesthetic suitability of public buildings, facilities, or projects; to recommend ordinances; to direct local officials toward needed enforcement actions; and to prepare, publish, and distribute studies and reports which will advance the cause of improved community appearance. The Fayetteville City Council appoints four members, the Cumberland County Board of Commissioners appoints four members, and the governing bodies of the other eight towns appoint one member each. The four members appointed by the Fayetteville City Council also serve as the Fayetteville Tree Board. The report is based on the time period from January 2018 through December 2018. Mr. Lanthorn reported on the following:

- Reviewed plans for the baseball stadium and other associated projects in downtown Fayetteville.
- Partnered with Cumberland County Schools, Cumberland County, and Cooperative Extension Service in holding an Arbor Day ceremony at E. E. Miller Elementary School; this helped the City of Fayetteville maintain its designation as a Tree City USA.
- Sponsored the tenth annual Community Appearance Awards Program. Ceremony was co-hosted by Fayetteville Area Apartment Association.

Discussion ensued.

MOTION: Council Member Arp moved to accept the Annual Report from the Joint Appearance Commission.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

8.0 PUBLIC FORUM

Mrs. Kate O'Brian, 6136 Ramsey Street, Fayetteville, NC, expressed concerns regarding poor customer service from the Solid Waste Department.

Ms. Harmony Sells, 3805 Raeford Road, Fayetteville, NC, expressed concerns regarding operating a taxicab in the City of Fayetteville.

Mr. Iman Eronomy Mohammad Smith, 2700 Murchison Road, Fayetteville, NC, stated his interests on the State of the City.

9.0 OTHER ITEMS OF BUSINESS

9.01 Consideration of Cumberland County's Proposed Sales Tax Distribution Interlocal Agreement

Mr. Douglas Hewett, City Manager, presented this item with the aid of a PowerPoint presentation and stated state statute authorizes the County to choose the distribution method for sales tax revenues among the County and municipalities using either the per capita (population based) method or the ad valorem (tax levy based) method. The County must decide in April of each year which method will be used for distribution for the next fiscal year. Historically, sales taxes within Cumberland County have been distributed on a per capita basis. As municipal populations grew through annexation, the County's relative share of per capita distributions declined. In October 2003 the County and each of the local municipalities reached an interlocal agreement under which municipalities reimburse the County and other municipalities for 50 percent of lost sales tax revenues due to annexations in exchange for the County maintaining the per capita basis of distribution. Modifications to the agreement have included a provision to reimburse the County 100 percent for sales tax distribution impacts of the annexed population on Fort Bragg, and the addition of Eastover at its initial incorporation and its subsequent

release from required reimbursements due to its population at the time of incorporation. The original agreement was effective for a three-year term, and has been renewed four times. The current extension was approved in February 2016 for fiscal years 2017 through 2019, and it is set to expire on June 30, 2019.

Mr. Hewett reported that on January 19, 2018, and again on October 5, 2018, the County forwarded an initial proposal to extend the sales tax agreement in its current form for four years. Mayor Colvin initiated the Council's Sales Tax Committee to discuss the proposed agreement and prepare a recommendation for further action to the Council. The Sales Tax Committee consisting of Mayor Colvin (chair), Mayor Pro Tem Mohn, and Councilmembers Waddell and Culliton met on October 9, 2018, and developed an alternative proposal. At a special meeting on October 10, 2018, the full Council endorsed the proposal and it was subsequently shared with the County. The proposal was reviewed with County Manager Amy Cannon and Assistant County Manager Melissa Cardinali at a meeting with the City Manager and me on October 19, 2018. At a called meeting of the Mayor's Coalition on December 18, 2018, the County presented a PowerPoint and an updated proposal to amend and extend the agreement. The County announced a deadline for action in response to the proposal of January 31, 2019. On January 9, 2019, the Sales Tax Committee met to review the County's proposal with staff and unanimously voted to recommend the County's proposal for action by the full Council. The County's proposal would continue the terms of the current agreement for the first year, FY 2020, and then FY 2020 will serve as the base year for calculation of future year reimbursements. Following discussions with County staff and receipt of mathematical illustrations of the County's proposed calculation methodology for determination of reimbursement amount for FY 2021 to FY 2023, staff understands the following to be the key changes between the current agreement and the proposed agreement:

- Reimbursement percentages for FY 2021 to FY 2023 will be locked-in at FY 2020 levels.
- Initial reimbursement amounts will be calculated using the set percentages and the total revenues distributed during the fiscal year.
- Any calculated reimbursements amounts due to the County in excess of the FY 2020 base year level will be reduced by 60 percent and any reimbursement amounts due to other municipalities will be reduced by 50 percent.
- Similar adjustments apply should sales tax revenues decline.

Mr. Hewett stated it is expected that the amendment to the agreement will result in the City retaining a greater share of sales tax revenues. There are risks inherent in the change to lock-in the reimbursement percentages, particularly with respect to annual population adjustments for Fort Bragg group quarters, however it was the consensus of the Sales Tax Committee that the level of risk is acceptable given the potential to retain an increased share of the sales tax revenues and to receive a commitment to continue the per capita method of sales tax distribution for four years. Staff prepared a comparison of estimated net revenues for Fiscal Year 2018 under the per capita and ad valorem distribution methods. Using this data (which is the most recent complete fiscal year for which data is available), it is estimated that the City would lose a minimum of \$5 million should the County elect to transition to the ad valorem method of distribution. In fiscal year 2018, 1 cent on the City's ad valorem property tax rate generated approximately \$1.37 million in revenue. On that basis, it would require a tax rate increase between 3.5 and 4.0 cents to make up for lost sales tax revenues should the County elect the ad valorem method of distribution. It is difficult to project the impact of the County's proposed amendment as sales tax growth is uncertain; however, it would certainly be beneficial to the

City to reduce growth in the amount of future reimbursements to the County by 60 percent and to other municipalities by 50 percent.

Discussion ensued.

MOTION: Council Member Culliton moved to accept the County's proposed interlocal agreement and request City and County staff to jointly document agreed upon processes for calculation of future reimbursements.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

10.01 Monthly Statement of Taxes for November 2018

2018 Taxes	24,140,450.92
2018 Vehicle,	4,133.10
2018 Taxes Revit	19,912.84
2018 Vehicle Revit	0.00
2018 FVT	310.00
2018 FTT	310.00
2018 Storm Water	2,835,363.37
2018 Fay Solid Waste Fee	6,160,758.69
2018 Annex	0.00
2017 Taxes	21,678.56
2017 Vehicle	146.01
2017 Taxes Revit	29.38
2017 Vehicle Revit	0.00
2017 FVT	20.00
2017 FTT	20.00
2017 Storm Water	2,537.20
2017 Fay Solid Waste Fee	4,837.37
2017 Annex	0.00
2016 Taxes	4,376.75
2016 Vehicle	11.12
2016 Taxes Revit	0.00
2016 Vehicle Revit	0.00
2016 FVT	0.00
2016 FTT	0.00
2016 Storm Water	797.37
2016 Fay Storm Water	0.00
2016 Fay S Waste Fee	427.66
2016 Annex	0.00
2015 Taxes	859.96
2015 Vehicle	0.00
2015 Taxes Revit	0.00
2015 Vehicle Revit	0.00
2015 FVT	0.00
2015 FTT	0.00
2015 Storm Water	120.52
2015 Fay Storm Water	241.04
2015 Fay S Waste Fee	45.53
2015 Annex	0.00
2014 and Prior Taxes	462.53
2014 and Prior Vehicle	560.30
2014 and Prior Taxes Revit	0.00
2014 and Prior Vehicle Revit	0.00
2014 and Prior FVT	90.87
2014 and Prior FTT	85.88
2014 and Prior Storm Water	15.00
2014 and Prior Fay Storm Water	27.00
2014 and Prior Fay S Waste Fee	40.00
2014 and Prior Annex	0.00

Interest	3,767.63
Revit Interest	2.83
Storm Water Interest prior	41.31
Fay Storm Water Interest 2015 and prior	81.51
Storm Water Interest 2016 and Forward	350.59
Annex Interest	0.00
Solid Waste Interest	551.69
FTT Interest	68.36
 Total Tax and Interest	 \$33,203,431.89

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:33 p.m.