

DRAFT

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
JUNE 12, 2023
7:00 P.M.**

Present: Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Absent: Mayor Mitch Colvin

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jodi Phelps, Chief of Staff
Kemberle Braden, Police Chief
Mike Hill, Fire Chief
Sheila Thomas-Ambat, Public Services Director
Christopher Cauley, Economic & Community Development Director
Michael Gibson, Parks, Recreation, and Maintenance Director
Paul Allen, Assistant City Attorney
Lachelle Pulliam, Assistant City Attorney
Loren Bymer, Marketing and Communications Director
Kimberly Leonard, Budget and Evaluation Director
Brook Redding, Special Projects Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Pro Tem Dawkins called the meeting to order.

2.0 INVOCATION

The invocation was offered by Elder Mary Cherry, Kingdom Impact Global Ministries.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Ingram congratulated the Fayetteville Poetry Slam members for advancing to the nationals. Fayetteville is now ranked 4th in the nation.

Council Member Ingram presented a proclamation to Katrina Marsden, Catrina Blaylock, and Cayden Blaylock proclaiming June 26, 2023, to be in honor of Fayetteville Annual Pride Fest.

Council Member Hondros read a proclamation from President Biden proclaiming June 2023 as National Homeownership Month.

Council Member Jensen announced the City of Fayetteville was awarded the 2023 All-America City Award. A contingent of 27 individuals traveled to Denver, Colorado, for the presentation June 8-12, 2023.

Mayor Pro Tem Dawkins presented Mr. Bruce Daws with a Key to the City; in grateful recognition of his devoted interest and untiring commitment to the City of Fayetteville for over 37 years.

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5.0 CITY MANAGER REPORT

There was no report for this meeting.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.
SECOND: Council Member Thompson
VOTE: UNANIMOUS (9-0)

7.0 CONSENT AGENDA

MOTION: Council Member Ingram moved to approve the consent agenda.
SECOND: Council Member Hondros
VOTE: UNANIMOUS (9-0)

7.01 Approval of Meeting Minutes:

May 17, 2023 - Agenda Briefing
May 18, 2023 - Budget Work Session
May 22, 2023 - Discussion of Agenda Items
May 22, 2023 - Regular
June 1, 2023 - Special Budget
June 5, 2023 - Work Session

7.02 Adoption of a Resolution Authorizing Municipal Agreements with North Carolina Department of Transportation for City Maintenance of Traffic Signal Hardware and the Computerized Traffic Signal System for State Highway System Locations within the City

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE MAINTENANCE OF NCDOT TRAFFIC SIGNAL HARDWARE (SCHEDULE C) AND COMPUTERIZED TRAFFIC SIGNAL SYSTEM OPERATIONS (SCHEDULE D).
RESOLUTION NO. R2023-022

7.03 Adopt Revised Audit Committee Charter and Bylaws

At the April 27, 2023, Audit Committee meeting, Committee members directed the Office of Internal Audit to revise the Committee Charter and Bylaws. Changes were necessary to reflect accurate meeting dates, clarify term limits, establish a process for changes to the annual audit plan and provide clarity on administrative duties.

7.04 Adoption of Resolution Designating Hearing Officers to Conduct Hearings under the NC Setoff Debt Collection Act

NC SETOFF DEBT COLLECTION ACT PROGRAM. RESOLUTION NO. R2023-023

7.05 Addition of Certain Streets to the City of Fayetteville System

The Fayetteville street system includes 750.82 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 with 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 two recently constructed streets for subdivisions throughout the City that are now acceptable for addition to the City of Fayetteville system of streets. These streets and drainage systems within the street rights-of-way have been inspected by staff and are now acceptable for addition to the City of Fayetteville system of streets. The 0.64-mile addition will bring the City's street system total to 751.46 miles.

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7.06 Catalyst Site 1 Memorandum of Understanding with Fayetteville State University

City Economic & Community Development staff published a Request for Projects on City-Owned Land (RFP) and actively marketed the opportunity to local, state, and national developers. Fayetteville State University (FSU) responded to the RFP and is proposing to build housing and supportive uses on the site. City Council is asked to authorize the City Manager to execute the Memorandum of Understanding with FSU. This will allow for FSU to undertake financing and development efforts with a goal to bring back a full project proposal to City Council within three years.

7.07 Reauthorization of the Downtown Municipal Service District

On June 25, 2018, the City Council reauthorized the Downtown Municipal Service District (MSD). This continuance was for a five-year period through June 30, 2023. The Economic & Community Development Department recommends the City Council adopt the Resolution continuing the Downtown MSD. The rate and boundary will not change with this action.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CONTINUING THE DOWNTOWN MUNICIPAL SERVICE DISTRICT. RESOLUTION NO. R2023-024

7.08 Resolution to Declare Property as Surplus and Authorize Sale of Property by and Through the PWC

A RESOLUTION TO DECLARE PROPERTY AS SURPLUS AND AUTHORIZE SALE OF PROPERTY BY AND THROUGH THE FAYETTEVILLE PUBLIC WORKS COMMISSION. RESOLUTION NO. R2023-025

8.0 PUBLIC FORUM

Ms. Anne Schrader, 223 Stedman Street, Fayetteville, NC, expressed concerns regarding the sustainability and climate action plan.

Mr. Cheliko Hurst, 134 McCrary Drive, Cumberland County, expressed concerns regarding public safety and the homeless.

Ms. Angela Malloy, 404 Pilot Avenue, Fayetteville, NC, expressed concerns regarding legal representation for police officers and requested the creation of a youth public forum.

Ms. Lisette Rodriguez, 1701 Cherokee Drive, Fayetteville, NC, spoke regarding qualified immunity and requested the body cam footage released to the public.

9.0 PUBLIC HEARINGS

9.01 Public Hearing on the Proposed Fiscal Year 2023-2024 Annual Operating Budget

This public hearing has been set to receive comments from the residents regarding the annual operating budget proposed for the City for fiscal year 2023-2024. The notice advertising the public hearing was published in The Fayetteville Observer on June 4, 2023.

The City Manager delivered his formal budget presentation at the June 1, 2023, Council meeting. The budget has been made available for public inspection in the City Clerk's office and it is available on the City's website.

This is the advertised public hearing set for this date and time.

Ms. Ella Wren, 123 Judd Street, Fayetteville, NC, appeared in favor of funding for the Cape Fear Regional Theatre.

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Mr. Willie Wright, 196 Darrock Court, Fayetteville, NC, appeared in favor for the Cape Fear Regional Theatre funding.

Mr. Zach Pritchett, 2722 Mirror Lake Drive, Fayetteville, NC, appeared in favor for the Cape Fear Regional Theatre funding.

Ms. Mark Kate Burke, 2348 Rolling Hill Road, Fayetteville, NC, appeared in favor for the Cape Fear Regional Theatre funding.

Ms. Amber Whitaker, 838 Whispering Pines Road, Cumberland County, NC, appeared in favor for the Cape Fear Regional Theatre funding.

Mr. Marcos Soltren, 2808 Skye Drive, Fayetteville, NC, advocated for Cape Fear Regional Theatre funding.

Ms. Angela Malloy, 404 Pilot Avenue, Fayetteville, NC, appeared in favor for the Cape Fear Regional Theatre funding and thanked Council for including Momma's Village in the budget and requested further work and funding for an Office of Community Safety.

Ms. Lisette Rodriguez, 1701 Cherokee Drive, Fayetteville, NC, appeared in favor of funding for an Office of Community Safety.

Ms. Lasherrie Draughon, 2109 Sapona Road, Fayetteville, NC, appeared in favor for the Cape Fear Regional Theatre funding.

Mr. John Malzone, 175 Midland Road, Pinehurst, NC, appeared in favor for the Cape Fear Regional Theatre funding.

Ms. Melody Smith, 2425 Castlemore Drive, Fayetteville, NC, appeared in favor for the Cape Fear Regional Theatre funding.

Ms. Bobbie Burgess, 2108 Constitution Drive, Fayetteville, NC, appeared in favor for funding an Office of Community Safety.

There being no one further to speak, the public hearing was closed.

9.02 Contract Award for Downtown District Management 2023 - 2028

Mr. Christopher Cauley, Economic & Community Development Director, presented this item and stated on June 22, 2020, City Council authorized a three-year contract with Cool Spring Downtown District, Inc., (CSDD) for downtown management services. Staff is proposing a five-year contract to coincide with the reauthorization of the Municipal Service District (MSD) tax rate.

The services to be included will be Economic Vitality and Development, Art and Design Enhancements, Promotion and Marketing, Special Events and Programming, and Partnership, Organizational Support, and Conflict Resolution.

Each year the City establishes the tax rate for the district and identifies the proposed expenditures. The tax rate has remained at .10 cents per \$100.00 value for several years. The North Carolina General Statutes do not set a time limit on how long a municipal service district may exist. The Fayetteville City Council chose to limit the period for the Downtown MSD to five years. Since 1983 the City Council has continued the district every five years. The current period of the District expires June 30, 2023.

A 15-question survey was conducted to gauge community satisfaction and priorities for the downtown district. The survey was online, and notification was mailed to all property owners and businesses located within the district. A total of 411 survey responses were collected, and the responses were used to inform the Request for Proposals.

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The Finance Department posted a Request for Proposals (RFP) from March 15 to April 14, 2023. They received one response from the CSDD. The RFP was also posted as a public notice in The Fayetteville Observer on March 16, 2023, and ran online that same week. A second posting was advertised on April 17 to the 25, 2023, and no other responses were received.

Based upon staff review of the respondents to the Request for Proposals for Enhanced Services for an "Arts and Entertainment Focused" Downtown Municipal Service District, CSDD is being recommended.

For Fiscal Year 2023, the total cost of the contract is \$220,000.00 and is funded from revenues generated by the Municipal Service District property tax rate and a transfer from the General Fund. The CSDD response to the RFP includes a change of terms from prior years and two options:

Option A: Fund the CSDD at a rate of \$220,000.00 and include an annual inflation adjustment estimated to be 6 percent per year. This results in a fifth-year cost of \$294,680.00.

Option B: Fund the CSDD at a rate of \$220,000.00 and include an annual inflation adjustment estimated to be 6 percent per year. Additionally, fund the Ambassador program at \$50,000.00 annually and fund special events (New Years, Juneteenth, July 4) at \$380,000.00 annually with an annual inflation adjustment estimated to be 6 percent per year. This results in a fifth-year cost of \$837,545.00.

Both options present an impact to the General Fund as the MSD revenues do not fully cover the cost of the contract. For Fiscal Year 2024, the budget currently includes \$220,000.00 for MSD contracted services and of that amount, \$100,000.00 is transferred from the General Fund. The Ambassador program was funded in Fiscal Year 2023 by a one-time fund balance appropriation of \$50,000.00. The Fiscal Year 2023 Parks, Recreation, and Maintenance (PRM) Department Budget included \$330,000.00 for special events and the Fiscal Year 2024 Budget currently includes \$276,000.00 for special events.

Due to these impacts, staff is recommending that the contract be awarded for \$220,000.00 with an annual adjustment for estimated property tax growth at 3 percent. Staff is also recommending that the PRM Department return to Council after budget adoption to present a contract for the three events requested by City Council that fall within the budget parameters adopted by City Council for Fiscal Year 2024.

Discussion ensued.

This is the advertised public hearing set for this date and time.

Mr. John Malzone, 175 Midland Road, Pinehurst, NC, appeared in favor.

Ms. Bianca Shoneman, 222 Hay Street, Fayetteville, NC, appeared in favor.

Ms. Molly Arnold, 1908 Queen Street, Fayetteville, NC, appeared in favor.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Ingram moved to approve the contract award to Cool Spring Downtown District, Inc., for Enhanced Services for the Arts and Entertainment-Focused Downtown Municipal Service District for a five-year term, adjusted annually by estimated property tax growth.

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SECOND: Council Member Hondros
VOTE: UNANIMOUS (9-0)

10.0 OTHER ITEMS OF BUSINESS

10.01 Operations Agreement for Parks and Recreation Consolidation between City and Cumberland County

Mr. Michael Gibson, Parks, Recreation, and Maintenance Director, presented this item and stated Fayetteville-Cumberland Parks and Recreation (FCPR) was created in June 2004 as the City of Fayetteville agreed to operate parks and recreation services for all municipalities in the Cumberland County Recreation Service District. The joint operations ensure consistency of services, and a high service level for all citizens. Under that agreement, FCPR has competently served the citizens of Fayetteville, Eastover, Falcon, Godwin, Gray's Creek, Linden, Stedman, and Wade. Operations are funded from District recreation tax revenues.

On November 14, 2022, FCPR started operating the Town of Spring Lake as they were annexed into the Cumberland County Recreation District by the Cumberland County Commissioners.

Discussion ensued.

MOTION: Council Member Jensen moved to direct staff to meet with County staff to discuss the agreement and come back with options.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (9-0)

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:15 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
061223

MITCH COLVIN
Mayor