

City of Fayetteville

433 Hay Street
Fayetteville, NC
28301-5537
(910) 433-1FAY (1329)

Meeting Agenda - Final City Council Work Session

Monday, November 5, 2018

5:00 PM

Lafayette Conference Room

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 APPROVAL OF AGENDA

4.0 OTHER ITEMS OF BUSINESS

4.01 [18-341](#) Discussion of a Local Bill Amending the City Charter to Provide for Recall Elections

Attachments: [Recall Resolution](#)
 [Durham Recall Provisions](#)
 [Greensboro Recall Provisions](#)
 [Recall Flow Chart](#)

4.02 [18-491](#) Parks and Recreation Bond Financial Plan Update

Attachments: [Park Bond Expenditure Plan May 2016](#)
 [Park Bond Expenditure Plan April 2018](#)
 [April 19 2018 Follow Up Memo](#)
 [May 7 Park Action Memo](#)
 [Parks and Rec Bond Committee Recommended Project Funding](#)
 [Parks and Recreation Bonds Debt Service Funding Model.pdf](#)
 [Parks and Recreation Bonds Debt Service Funding Model - Option A](#)
 [Parks and Recreation Bonds Debt Service Funding Model - Option B](#)
 [Parks and Recreation Bonds Debt Service Funding Model - Option C](#)

4.03 [18-497](#) Proposed Ordinance Amendment for Nuisance Properties and Proposed Ordinance for Amortization of Legal Non-Conforming Extended Stay Hotels and Motels

Attachments: [DRAFT - Proposed Chapter 14 Article VII - Nuisance Properties](#)
 [DRAFT - Proposed Section 30-4.C.1 - Hotel or Motel Extended Stay](#)

- 4.04 [18-433](#) Lake Rim Aquatic Center Preliminary Design
- Attachments: [Lake Rim Pool - Schematic Site A - 10-03-18](#)
 [Lake Rim Pool - Schematic Site B - 10-03-18](#)
- 4.05 [18-500](#) Local Small Disadvantaged Business Enterprise (LSDBE) Program Update
- Attachments: [LSDBE Presentation - 10.30.18 kti.pptx](#)
 [Barton Malow SDBE update](#)
- 4.06 [18-482](#) City Council Agenda Item - Review of Council Policy 115.15 - Protocol and Code of Conduct - Mitch Colvin, Mayor
- Attachments: [Policy 115.15 - Agenda Item.pdf](#)
 [115-15.doc](#)

5.0 ADJOURNMENT

CLOSING REMARKS

The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Human Relations, ADA Coordinator, e-mail: YNazar@ci.fay.nc.us, 910-433-1696, or the Office of the City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.

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City Council Action Memo

File Number: 18-341

Agenda Date: 11/5/2018

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.01

TO: Mayor and Members of City Council

THRU:

FROM: Karen M. McDonald, City Attorney

DATE: November 5, 2018

RE:

**Discussion of a Local Bill Amending the City Charter to Provide for Recall
Elections**

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal V: Sustainable Organizational Capacity

Executive Summary:

Council directed staff to draft a Resolution seeking to amend the Charter to allow for recall elections. The attached Resolution requests introduction of a local bill to amend the Charter to allow for recall elections.

Background:

This item was last discussed at the June 25, 2018, regular meeting. During Council's discussion, several Council members requested specificity as to the basis for a recall election. Based on the discussion and provisions from other cities, the resolution was modified to clarify that the grounds for a recall election are "allegations of misfeasance, malfeasance, nonfeasance or a violation of the oath of office."

At the conclusion of the discussion, staff was directed to move forward with a resolution seeking an amendment to the City Charter to allow for Recall Elections. The General Assembly is scheduled to convene on November 27, 2018.

Issues/Analysis:

Whether to move forward with the Resolution.

Budget Impact:

Unknown at this time.

Options:

1. Accept the proposed resolution and direct staff to place on the November 13, 2018, agenda for adoption.
2. Do not accept the proposed resolution.
3. Provide additional direction to staff.

Recommended Action:

Staff recommends that Council provide direction to staff as to Council's interest.

Attachments:

Proposed Resolution
Durham Recall Provisions
Greensboro Recall Provisions
Flow Chart

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

WHEREAS, the general laws of North Carolina do not provide a recall procedure for local elected officials; and

WHEREAS, a number of municipalities have been granted the authority to hold recall elections by local legislation of the General Assembly; and

WHEREAS, the City of Fayetteville wishes to have a recall procedure in place that will allow its citizens an opportunity to address any serious concerns that may arise between regular City elections with regard to allegations of misfeasance, malfeasance, nonfeasance, or a violation of the oath of office; and

WHEREAS, the establishment of a recall procedure would allow the citizens to have an active voice in addressing any such concerns and would authorize the City to respond to the will of the people.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fayetteville that the Council does support and request the introduction of a local bill amending the City Charter, Chapter 557, Session Law of 1979, as amended, by adding a new section to Chapter IV, Elections, to read as follows:

Sec. 4.4. Recall of Elected Officials.

- (a) The Mayor or any member of the City Council of the City of Fayetteville may be removed from office in the manner provided for in this section.
- (b) A recall petition committee may file an affidavit with the Director of the Cumberland County Board of Elections containing the name of the elected official whose removal is sought and a general statement of the grounds alleged for removal. The grounds for recall must be for allegations of misfeasance, malfeasance, nonfeasance, or a violation of the oath of office. The Director of the Board of Elections shall provide the recall petition committee filing the affidavit with petition forms for demanding the removal of a City elected official. The petition forms shall (i) be signed by the Director of the Board of Elections; (ii) be dated on the date of issuance; (iii) be addressed to the Cumberland County Board of Elections; (iv) contain the name of the persons to whom the forms are issued; (v) contain the name of the elected official whose removal is sought; (vi) contain a general statement of the grounds on which the removal is sought; and (vii) provide a place for signatures. The Director of the Board of Elections shall promptly deliver a copy of the petition issued by the Director of the Board of Elections to the City Clerk, who shall enter the copy of the petition in a record book kept for that purpose. The record book shall be maintained at the Office of the City Clerk.

- (c) A recall petition committee authorized under subsection (b) of this section shall be comprised of at least five members who are registered voters within the City and who shall represent the signers of the petition. Each member of the recall petition committee shall sign the petition and shall be responsible for circulating the petition within the City limits and for assembling and returning the petition to the Board of Elections as required by subsection (d) of this section.
- (d) A recall petition to be effective must be returned to the Board of Elections within 30 days after the filing of the affidavit. To be sufficient, a recall petition must bear the signatures of at least fifteen percent (15%) of the registered voters of the City if the recall is for the Mayor or fifteen percent (15%) of the registered voters in the district in which the Council member serves as shown by the registration records of the last preceding general municipal election.
- (e) The signatures to the petition need not all be appended to one paper. Each signer shall add his or her signature and place of residence, giving the complete street name, street number, and town.
- (f) The Board of Elections shall investigate the sufficiency of any petition and certify the results of the investigation to the City Council. The Board of Elections may employ persons as it deems necessary to undertake that investigation. The City Council shall reimburse the Board of Elections for the reasonable cost of the investigation. The Board of Elections may adopt rules concerning the validation of signatures appearing on the recall petition.
- (g) The Board of Elections shall complete its investigation and issue its certification of the results of the investigation within 10 days after the filing of any petition. However, the Board of Elections shall not be obligated to conduct an investigation in any 30-day period immediately preceding or in any 10-day period immediately following a county-wide election. If, by the Board of Elections' certification, the petition is shown to be insufficient, it may be amended within 10 days from the date of the certificate. The Board of Elections shall, within 10 days after any amendment, complete an investigation of the amended petition. If the certification of the results of the investigation shows the amended petition to be insufficient, a copy of the petition shall be returned to the recall petition committee filing the petition, without prejudice to the filing of a new petition.
- (h) Upon a determination that a sufficient recall petition has been submitted, the Board of Elections shall submit the petition to the City Clerk, who shall submit it to the City Council and shall notify the elected official whose removal is sought. If the elected official whose removal is sought does not resign within five days after receiving the notice, the City Council shall order and fix a date for holding a recall election. Subject to the remaining provisions of this section, an election shall be held not less than 60 nor more than 90 days after the petition has been certified as being sufficient. If any other general or special election is scheduled within this period, the City Council shall schedule the special election at the same time. If the provisions of general law prohibit the holding

of a special election during this time period and no general or special election is otherwise scheduled during that period of time, then the City Council shall schedule the special recall election for a date within 10 days after the last day of the period of time during which special elections are prohibited by general law.

- (i) The Board of Elections shall cause legal notice of the election to be published. That notice shall include the general statement of the grounds on which the recall is sought as alleged in the affidavit and shall make all arrangements for holding the election in accordance with general law. The recall election shall be conducted, returned, and the results declared as in other elections in the City of Fayetteville. The City shall reimburse the reasonable costs of the recall election to the Board of Elections.
- (j) The question of recalling any number of elected officials may be submitted at the same election. However, as to each individual elected official, a separate petition shall be filed and there shall be an entirely separate ballot.
- (k) The ballots used in a recall election shall submit the following proposition:

☐ FOR ☐ AGAINST

The recall of (name and title of elected official).

- (l) If less than a majority of the votes cast on the question of recalling an elected official are for recall, the elected official shall continue in office for the remainder of the unexpired term and, except as provided by subsection (n) of this section, shall be subject to recall as before. If a majority of the votes are for the recall of the elected official designated on the ballot, the elected official shall, regardless of any defects in the recall petition, be deemed removed from office on the date the Board of Elections certifies the results of the recall election.
- (m) If an elected official concerning whom a sufficient recall petition is submitted to the City Council resigns before the recall election or is removed from office as a result of the recall election, the vacancy shall be filled in the manner provided by Section 4.1 or Section 4.2 of this Charter for filling vacancies in that office, except as provided in subsection (o) of this section. An elected official who resigns after a sufficient petition for his or her recall has been submitted to the City Council or who is removed from office by the voters as a result of a recall election shall not be appointed to fill the vacancy caused by that elected official's own resignation or removal.
- (n) No recall petition shall be filed in accordance with subsection (d) of this section against an elected official who has been subjected to a recall election, and not removed thereby, until at least six months after that recall election. No recall petition shall be filed in accordance with subsection (d) of this section against an elected official during the first three months of the term of that office or during the six months before the expiration of the term of that office.

- (o) If the recall of two or more members of the City Council or the recall of the Mayor and one or more members of the City Council are effected at a single recall election, the successors of the elected officials recalled shall be elected by the registered voters of the City at a special municipal election, and the successors shall serve for the remainder of the terms of the elected officials recalled. The members of the City Council who have not been recalled shall call that special election, which shall be conducted by the Cumberland County Board of Elections under the laws then governing elections in the State. If the recall of all or a majority of the members of the City Council is effected at a single election, they shall continue in office for the purpose, and only for the purpose, of calling a special municipal election for the election of their successors as provided in this section. That election shall also be conducted by the Cumberland County Board of Elections under the laws then governing elections in the State. The City shall reimburse the reasonable costs of the recall election to the Cumberland County Board of Elections.

AND BE IT FURTHER RESOLVED that copies of this resolution be sent to Representatives Elmer Floyd, Marvin W. Lucas, William O. Richardson, and John Szoka and Senators Ben Clark and Wesley Meredith.

ADOPTED this _____ day of November, 2018.

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

Durham

Sec. 15. - Removal of elective officers from office.

- (1) Absence from 5 consecutive regular meetings shall operate to vacate the seat of a councilmember, unless the absence is excused by the council by resolution setting forth the reason therefor, and such resolution shall be entered upon the minutes.
- (2) The city council by a vote of 4 of its members, in meeting assembled, shall have power to remove from office the mayor or any councilmember for misfeasance, malfeasance, corruption, neglect of duty or other misconduct in office, but the person to be proceeded against shall have at least ten days' notice in writing of the motion to remove him, accompanied by a copy of the charges alleged as the grounds for his proposed removal. He shall have the right to be heard in person or by counsel in his defense. In case of the removal of the mayor, or any councilmember, the vacancy shall be filled by the city council or the remaining members thereof.
- (3) The mayor or any member of the city council may also be removed from office in the following manner:
 - (a) Any elector of the city may make and file with the Supervisor of Election of the Board of Elections of Durham County an affidavit containing the name of the City officer whose removal is sought and a statement of the grounds alleged for his removal. The said supervisor of elections shall thereupon deliver to the elector making such affidavit copies of petition blanks for demanding such a removal, printed forms of which the supervisor of elections shall keep on hand. Such blanks shall be issued by the supervisor of elections with his or her signature thereto attached and shall be dated and addressed to the Board of Elections of Durham County, indicate the person to whom issued, and state the name of the officer whose removal is sought. A copy of the petition shall be promptly delivered to the city clerk who shall enter the copy of the petition in a record book kept for that purpose in the office of the clerk. A recall petition to be effective must be returned and filed with the supervisor of elections within 30 days after the filing of the affidavit, and to be sufficient must bear the signature of registered voters of the city equal in number to 25 percent of the registered voters of the city as shown by the registration records of the last preceding general municipal election.
 - (a1) It shall be the duty of the Board of Elections of Durham County to investigate the sufficiency of any such petition and to certify the results of such investigation to the city council. The board of elections may employ such persons as it deems necessary to undertake such investigation and the reasonable cost of such investigation shall be reimbursed to the board of elections by the city. The board of elections may adopt such rules and regulations as it deems necessary or advisable concerning the validation of signatures appearing on the recall petition, and such rules and regulations shall be available for public inspection consistent with G.S. ch. 132.
 - (b) If a recall petition shall be certified by the board of elections to be sufficient, the board shall at once submit it to the council with its certificate to that effect and shall notify the officer whose removal is sought of such action. If the officer whose removal is sought does not resign within 5 days after such notice the council shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than 50 nor more than 70 days after the petition has been certified to the council, and it may be held at the same time as any other general or special election within such period; but if no other election is to be held within such period the council shall call a special recall election to be held within the time aforesaid, provided however, if the provisions of general law prohibit the holding of special elections during the time aforesaid, and no general or special election is otherwise scheduled during said period of time, then the council shall call said special recall election for some date within ten days after the last day of said period of time during which special elections are prohibited by general law.
 - (c) The question of recalling any number of officers may be submitted at the same election but, as to each such officer, a separate petition shall be filed and there shall be an entirely separate ballot.
 - (d) The ballots used in a recall election shall submit the following propositions in the order indicated:

- ☐ For the recall of (name of officer).
- ☐ Against the recall of (name of officer).

Except that the spaces left for the name and date shall be filled by the correct names and date, the ballots used in a recall election shall be in form substantially as follows:

RECALL ELECTION

City of Durham

_____ (month and day of month) _____ 20 _____

For the recall of _____

Against the recall of _____

- (e) If a majority of the votes cast on the question of recalling an officer be against his recall he shall continue in office for the remainder of the unexpired term, but subject to the recall as before. If a majority of such votes be for the recall of the officer designated on the ballot he shall, regardless of any defects in the recall petition, be deemed removed from office.
- (f) If an officer in regard to whom a sufficient recall petition is submitted to the board of elections shall resign before the election, or be removed as a result thereof, the vacancy so caused shall be filled in the manner provided by this charter for filling vacancies in such office, except as provided in section 15(3)(h). But an officer removed by the voters as the result of a recall election, or resigning after a sufficient petition for his recall has been submitted to the board of elections shall not be reelected to fill the vacancy caused by his own removal or resignation.
- (g) No recall petition shall be filed against an officer within 3 months after he takes office, nor, in case of an officer subjected to a recall election and not removed thereby, until at least 6 months after that election.
- (h) If the recall of a majority of the members of the city council, including the mayor as one of the members, shall be effected at a single recall election, the successors of the officers recalled shall be elected by the registered, qualified voters of the city at a special municipal election, and said successors shall serve for the unexpired part of the terms of the officers recalled. The members of the city council who have not been recalled are empowered to call said special election and to make all necessary provisions regarding the same in conformity to the constitution and general laws of North Carolina. If the recall of all of the members of the city council, including the mayor, shall be effected at a single recall election, they shall be continued in office for the purpose, and only for the purpose, of calling a special municipal election for the election of their successors as above provided, and of ascertaining and declaring the result thereof.

(Acts 1975, ch. 671, § 15; Laws 1987, Ch. 280, §§ 1—4; Ord. No. 12281, § 5, 5-7-2001)

Greensboro

ARTICLE 2. - INITIATIVE, REFERENDUM AND RECALL

Sec. 2.71. - Powers of initiative, referendum and recall.

- (a) (1) The voters of the city shall have the power, except as provided in paragraph (2) of this subsection, to propose ordinances to the City Council. If the Council rejects an ordinance proposed hereunder or passes it with amendment, the voters shall have power to approve or reject the proposed or amended ordinance at the polls. These powers comprise the initiative power.
- (2) The initiative shall not extend to the proposing of: (i) any part or all of the annual budget; or (ii) any ordinance making or repealing any appropriation of money, fixing the salaries of city officers or employees, or authorizing or repealing the levying of taxes.
- (3) Voters seeking to propose an ordinance subject to initiative shall proceed by way of initiative petition addressed to the Council and containing the full text of the proposed ordinance. An initiative petition must be registered with the Guilford County Board of Elections, as required by G.S. 163-218, before it is circulated for signatures. The valid signatures required on the petition must equal twenty-five percent (25%), in number, of the number of persons voting at the last preceding citywide election for City Council members occurring before the registration of the initiative petition. It is not necessary that the signers of the petition have voted in the last election. The petitioner's committee shall have one year from the date of registration with the Board of Elections to file the initiative petition with the City Clerk.
- (b) (1) The voters of the city shall have power, except as provided in paragraph (2) of this subsection, to require reconsideration by the Council of any adopted ordinance, including any ordinance initiated under subsection (a) of this Section and adopted by the Council. If the Council fails to repeal an ordinance which it has been required to reconsider, the voters shall have power to approve or reject that ordinance at the polls. These powers comprise the referendum power.
- (2) The referendum power shall not extend to (i) any part or all of the annual budget or the property tax levied therein; (ii) to any ordinance making or repealing any appropriation of money or fixing the salary of any officer or employee; or (iii) to any repealing ordinance adopted by the Council in compliance with a referendum petition.
- (3) Voters seeking a referendum on any ordinance shall proceed by way of a referendum petition addressed to the council, identifying the ordinance concerned and requesting that it be either amended, repealed, or referred to the voters of the city. Any referendum petition must be registered with the Guilford County Board of Elections, as required by G.S. 163-218, before it is circulated for signatures. Such registration must be within 30 days after adoption by the council of the ordinance concerned. The valid signatures required on the petition must equal twenty-five percent (25%), in number, of the number of persons voting at the last preceding citywide election for City Council Members occurring before the date of adoption of the ordinance referred. It is not necessary that the signers of the petition have voted in the last election. The petitioner's committee shall have one year from the date of registration with the Board of Elections to file the referendum petition with the City Clerk.
- (c) (1) The voters of the city shall have the power, which shall be known as the recall power, to remove from office any member of the city council, including the Mayor.
- (2) Voters seeking the recall of any member of the council shall proceed by way of a recall petition addressed to the council identifying the council member concerned, requesting his/her removal from office and stating the grounds alleged for his/her removal. The grounds for recall must be for cause, misfeasance, malfeasance, nonfeasance, or a violation of the oath of office. A recall petition must be registered with the Guilford County Board of Elections before it is circulated for signatures; however, no recall petition may be registered within six months before a general election involving the members named in the petition. With respect to the Mayor or any council

member elected at large, any recall petition must be filed with the city clerk within one year after registration and the valid signatures required on the petition must equal twenty-five percent (25%), in number, of the number of persons voting at the last preceding citywide election for Mayor or city council members occurring before the registration of the recall petition. It is not necessary that the signers of the petition have voted in the last election. With respect to any city council member elected from a district, any recall petition must be filed with the city clerk within one year after registration and the valid signatures required on the petition must equal twenty-five percent (25%), in number, of the number of persons voting at the last preceding district election occurring before the registration of the recall petition. It is not necessary that the signers of the petition have voted in the last district election.

(S.L. 1989, Ch. 896, § 1; S.L. 1991, Ch. 4, § 1; S.L. 2008, Ch. 48, § 1)

Sec. 2.72. - Petitioners' committee.

In each initiative, referendum, or recall petition there shall be named a petitioner's committee representing all the petitioners and composed of five members who shall be qualified voters of the city and signers of the petition concerned. The petitioner's committee shall be responsible for registration and circulation of the petition and for its assembling and filing in proper form. The committee may also amend or withdraw its petition as provided in this Article.

(S.L. 2008, Ch. 48, § 1)

Sec. 2.73. - Initiative, referendum and recall petitions: Form and sufficiency.

- (a) Initiative, referendum and recall petitions shall be governed by the rules regarding form and sufficiency set out in this Section, as well as by such other rules regarding form and sufficiency as the City Council may impose by ordinance consistent with the provisions and with the spirit and purpose of this charter.
- (b) The signatures to a petition shall be executed in ink or indelible pencil and need not all be affixed to one paper, but all papers of a petition shall be of uniform size and style and shall be assembled as one instrument for filing with the city clerk. Each signature shall be followed by the address of the signer. Petitions or petition papers which reasonably comply with these requirements shall be accepted by the clerk without delay upon presentation and their filing shall be completed by his acceptance. Noncomplying petitions or papers may be rejected by the clerk until they are brought into reasonable compliance.
- (c) The clerk shall not accept any petition until it indicates: (1) by name and address, the five petitioners who constitute the petitioners' committee for that petition and (2) the address to which all notices for the petitioners' committee are to be sent.
- (d) Any petition shall be certified or determined insufficient which: (1) is validly signed by less than the required number of qualified voters of the city, (2) proposes, or requests repeal of, an ordinance not subject to the power under which the petitioners are proceeding, (3) if a petition, is not registered or filed within the time allowed, or (4) if a recall petition, seeks the removal of an official not subject to recall hereunder.
- (e) No signature on a petition paper shall be counted in support of the petition involved if that paper (1) being part of an initiative petition, has not contained or had attached to it throughout its circulation the full text of the proposed ordinance, (2) being part of a referendum petition, has not contained throughout its circulation a clear, concise designation and description of the ordinance concerned, or (3) being part of a recall petition has not contained or had attached to it throughout its circulation a copy of the recall petition identifying the council member concerned and stating the grounds alleged for his removal.

- (f) No signature on a petition paper shall be counted in support of the petition involved if that paper at the time of Filing, does not have attached to it an affidavit, executed by the circulator of that paper, to the effect: (1) that he personally circulated the paper; (2) that each signature on the paper was affixed in his presence; (3) that he believes each signature to be the genuine signature of the person whose name it purports to be; (4) if an initiative petition is concerned, that the full text of the proposed measure was attached to or contained in the accompanying paper throughout its circulation, and that each signer of the accompanying paper had an opportunity before signing to read the full text of the ordinance attached; and (5) if a referendum petition is concerned, that each signer of the accompanying paper had an opportunity before signing to read the designation and description of the ordinance in question; and (6) if a recall petition is concerned, that a copy of the recall petition was attached to or contained in accompanying paper throughout its circulation, and that each signer of the accompanying paper had an opportunity before signing to read the full text.
- (g) Upon receipt of a petition that complies with the requirements of subsections (b) and (c) of this Section, the clerk shall examine the petition to determine whether, on its face, it is insufficient under paragraphs (1), (2) or (3) of subsection (d). If he finds the petition insufficient on its face for any of these reasons, he shall so certify to the City Council at the next regular Council meeting occurring not sooner than five days after the filing of the petition, and the determination shall be subject to review in the manner provided in subsection (e) of Section 2.75. If he does not find the petition insufficient for these reasons, the clerk shall determine which signatures on the petition papers may be counted in support of the petition under subsections (e) and (f). He shall then clearly mark the signatures that may be so counted. Within ten days after the filing of the petition he shall deliver the petition papers with signatures marked to the Guilford County Board of Elections for a checking of the marked signatures against the registration books. The Board of Elections shall complete its check within 15 days after receipt of the petition papers; except that the said board shall not be obligated to conduct a check in any 30-day period immediately preceding, or in any 10-day period immediately following, a county-wide or city-wide election. Upon completion of its check, the Board of Elections shall forthwith certify to the city clerk: (1) the total number of registered voters of the city or the municipal electoral district, whichever is applicable, at the time of the relevant election of members of the City Council; and (2) the number of voters registered in the city or in the municipal electoral district, if applicable, whose signatures, marked by the clerk, appear on the petition papers that the board found it necessary to examine. If it was found unnecessary to check all names on the petition papers, this fact shall be indicated on the certificate. The petition papers shall be returned to the city clerk by the Board of Elections together with its certificate.

(S.L. 1963, Ch. 55, § 4; S.L. 1989, Ch. 896, § 2; S.L. 2008, Ch. 48, § 1)

Sec. 2.74. - Referendum petitions; suspension of ordinance after filing.

When, within the time allowed, a referendum petition is filed with the city clerk, the ordinance to which that petition is directed shall immediately be and shall remain suspended from taking effect. This suspension shall terminate when, in accordance with this Article: (1) a final determination is made that the petition concerned is insufficient, or (2) the petitioners' committee withdraws the petition, or (3) the Council reconsiders the ordinance and repeals it without modification. Any action taken pursuant to the respective ordinance while it was in effect shall remain valid.

(S.L. 2008, Ch. 48, § 1)

Sec. 2.75. - Initiative, referendum and recall petitions; procedure after filing.

- (a) Within five days after the return of the petition papers by the County Board of Elections, the city clerk shall complete a certificate as to whether the petition is sufficient. If the clerk certifies a petition insufficient, his certificate shall show the particulars wherein the petition is defective. As soon as he has completed his certificate, the clerk shall notify the committee of petitioners of the contents of the certificate. If a petition is certified sufficient, the clerk shall present his certificate to the City Council at

its next meeting and that certificate shall be a final determination as to the sufficiency of the petition. If a petition certified sufficient is a recall petition, the clerk shall also give written notice of the action taken to the Council member whose removal is sought. If a petition is certified insufficient under Section 2.73(d)(1), a majority of the committee of petitioners may elect to amend the petition; but if a majority does not so elect to amend the petition, the clerk shall present his certificate to the council at its next meeting and that certificate shall be a final determination as to the sufficiency of the petition.

- (b) If a majority of the committee of petitioners elects to amend the petition, then within ten days after notice of the contents of the clerks' [clerk's] certificate, the committee may file, for purposes of amendment, a supplementary petition upon additional papers. The supplementary petition shall be governed by the same requirements as an original petition with respect to such matters as uniformity and assembly of papers, listing of the petitioners' committee, text or designation and description of measures, circulators' affidavits, the writing and counting but not the number of signatures; and the clerk shall proceed as in the case of an original petition. Within two days after receipt of a supplementary petition complying with the requirements of subsections (b) and (c) of Section 2.73, the clerk shall deliver the supplementary petition papers to the county board of elections for a checking of the marked signatures against the registration books. The Board of Elections shall complete its check within five days after receipt of the said petition papers; except that the said board shall not be obligated to conduct a check in any 30-day period immediately preceding, or in any 10-day period immediately following a county-wide or city-wide election. Upon completion of this check, the Board of Elections shall forthwith certify to the city clerk the number of voters registered in the city or in the municipal electoral district, if applicable, whose signatures, marked by the clerk, appear on the supplementary petition papers that the board found it necessary to examine. If it was found necessary to check all names on the supplementary papers, this fact shall be indicated in the certificate. The supplementary petition papers shall be returned to the city clerk by the Board of Elections together with the certificate.
- (c) Within two days after the return of the supplementary petition papers by the Board of Elections, the clerk shall complete a second certificate as to whether the original petition, as amended by the supplementary petition is sufficient. If the clerk certifies the amended petition insufficient, his second certificate shall show the particulars wherein the petition is still defective. As soon as he has completed his second certificate, the clerk shall notify the petitioners' committee of its contents and shall present that certificate to the Council at its next meeting, and that certificate shall be a final determination as to the sufficiency of the petition.
- (d) If a petition has been certified insufficient and there is no election to amend it, or if an amended petition is certified insufficient, the clerk shall present his latest certificate on the petition to the Council at its next meeting.
- (e) If, in any one of the ways provided in this Section, a final determination has been made that a petition is insufficient, that determination shall be subject to judicial review, but no further action shall be taken on the petition unless the reviewing court directs otherwise. Such a final determination, even if sustained upon review, shall not prejudice the filing of a new petition for the same purposes.

(S.L. 1963, Ch. 55, § 5; S.L. 1989, Ch. 896, § 3)

Sec. 2.76. - Consideration by the city council and submission to the voters.

- (a) When the City Council has been presented with, or has an initiative or referendum petition which has been finally determined sufficient in accordance with the preceding Sections of this Article, it shall proceed at once to hold a public hearing thereon and consider that petition. If an initiative petition is concerned, the ordinance it proposes shall at once be introduced and shall undergo all other procedures required for ordinances of the same kind, however, not later than 30 days after the date on which the petition proposing the ordinance is finally determined to be sufficient, the Council shall complete its consideration of the proposed ordinance and shall adopt it with or without amendment or reject it. If a referendum petition is concerned, the ordinance to which that petition is directed shall

be reconsidered by the council and, not later than 30 days after the date on which the referendum petition was finally determined sufficient, the Council shall repeal or sustain the ordinance.

- (b) If the Council fails to adopt, or adopts with amendment, a proposed initiative ordinance, or if the Council fails to repeal an ordinance reconsidered pursuant to a referendum petition, it shall submit the originally proposed initiative ordinance or refer the reconsidered ordinance concerned to the voters of the city.
- (c) When the Council has been presented with, or has, a recall petition which has been finally determined sufficient in accordance with the preceding Sections of this subchapter, it shall thereupon fix a day for holding a recall election unless, prior to Council consideration of the matter, the Council member whose removal is sought has resigned and his resignation has been accepted by the Council. Any recall election for a council member from an electoral district shall be held within that district only.
- (d) An initiative election shall be held at the next regularly scheduled primary or general election in Guilford County for state, county or municipal officials following ninety (90) days after the petition has been finally determined to be sufficient. A referendum or recall election shall be held no sooner than ninety (90) days and no later than one hundred twenty (120) days after the petition has been finally determined to be sufficient, but no recall election shall be held within the first six months or the last six months of the term of office of the member.

(S.L. 1989, Ch. 896, § 4; S.L. 1991, Ch. 4, § 2; S.L. 2008, Ch. 48, § 1)

Sec. 2.77. - Ballots for initiative, referendum, and recall elections.

- (a) Any initiative or referendum ordinance to be voted on in accordance with this charter shall be presented for voting by ballot title. The ballot title shall be prepared by the city attorney. The ballot title may differ from the legal title and shall be a clear, concise statement describing the substance of the ordinance without argument or prejudice. If the ballot used in voting is a paper ballot, it shall have below the ballot title the following instructions: "Place a cross (x) in only one of the squares below." Below this instruction shall appear, in the order indicated the following propositions: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Immediately at the left of each of the two propositions set out, there shall be a square in which by making a cross (x) the voter may cast his vote.
- (b) The ballots used in a recall election, if a paper ballot is used, shall contain the following instructions: "Place a cross (x) in one of the squares below." Below the instruction shall appear, in the order indicated, the following propositions: "FOR THE RECALL OF (NAME OF OFFICER)" and "AGAINST THE RECALL OF (NAME OF OFFICER)." Immediately at the left of each of the two propositions thus set out, there shall be a square in which by making a cross (x) the voter may cast his vote.
- (c) If voting machines are used for an initiative, referendum or recall election, the ballot title shall have below it the same two propositions appropriate to its nature as prescribed for the paper ballot, one above the other or one preceding the other in the order indicated, and the voter shall have an opportunity to vote in favor of either of the two propositions and thereby to vote his preference.
- (d) Any number of initiative, referendum or recall proposals may be voted on at the same election and may appear on the same ballot. Paper ballots used for voting on one or more such proposals shall be used for that purpose only. If more than one proposal appears on the same paper ballot or if voted on by paper ballot at the same election, each one shall be presented for voting with ballot title, instruction, propositions, and voting squares as prescribed for single proposals. If voting machines are used, each proposal shall be presented for voting as prescribed for single proposals on voting machines.

Sec. 2.78. - Withdrawal of initiative and referendum petitions.

- (a) A petitioners' committee may withdraw an initiative or referendum petition:

- (1) At any time after the City Council, if an initiative petition is concerned, has finally rejected or has adopted with amendment the ordinance proposed; or, if a referendum petition is concerned, has finally refused to repeal the ordinance to which the petition is directed; but the city clerk shall retain the petition papers as part of the official records of the city.
 - (2) But not later than the fifteenth day immediately preceding the day scheduled for a vote in the city on the proposal concerned.
- (b) No petition shall be withdrawn except by written request for its withdrawal filed with the Council within the time limits prescribed for withdrawal and signed by at least four of the five members of the petitioners' committee for that petition. The filing of such request immediately withdraws the petition and there shall be no further action on or under that petition and no city vote or further action pursuant to that petition on the proposal concerned.

Sec. 2.79. - Results of election.

- (a) If a majority of the voters of the city voting upon a proposed initiative ordinance shall vote in favor of it, the ordinance involved shall thereupon be an ordinance of the city. A referred ordinance not approved by a majority of the voters voting on it shall thereupon be repealed.
- (b) If a majority of the votes cast on the question of recalling a Council member be against his recall he shall continue in office for the remainder of the unexpired term, but subject to recall as before. If a majority of such votes be for the recall of the Council member designated on the ballot, he shall be removed from office.
- (c) If a Council member in regard to whom a sufficient recall petition is submitted to the Council shall resign before the election and his resignation be accepted by the Council, or shall be removed as a result thereof, the vacancy shall be filled in the manner provided by this charter for filling vacancies in such office, except as otherwise provided in subsection (d) of this Section. But a Council member removed by the voters as the result of a recall election, or resigning after a sufficient petition for his recall has been submitted to the Council shall not be re-elected to fill the vacancy caused by his own removal or resignation.
- (d) If the recall of a majority of the members of the City Council, including the mayor as one of the members, shall be effected at a single recall election, the successors of the Council members recalled shall be elected by the registered, qualified voters of the city at a special municipal election, and said successors shall serve for the unexpired part of the term of the Council members recalled. The members of the City Council who have not been recalled are empowered to call such special election and to make all necessary provisions regarding the same in conformity with the Constitution and general laws of North Carolina. If the recall of the members of the City Council, including the mayor, shall be effected at a single recall election, they shall be continued in office for the sole purpose of calling a special municipal election for the election of their successors as above provided, and of ascertaining and declaring the results thereof.

Sec. 2.80. - Publication of ordinances; repeal and amendment; conflicts.

No initiative petition proposing an ordinance that addresses essentially the same issue as, or requiring an amendment to, an ordinance that was the subject of a referendum election may be filed within one year after the referendum election.

(S.L. 2008, Ch. 48, § 1)

Recall of Elected Officials

The Mayor or any member of the City Council may be removed from office as provided in the recall provisions.

The recall procedure would allow its citizens an opportunity to address any serious concerns that may arise between regular City elections with regard to allegations of misfeasance, malfeasance, nonfeasance or a violation of the oath of office.



Recall Petition Committee

A Recall Petition Committee, as authorized in the recall provisions, shall be comprised of at least 5 members who are registered voters within the City and who shall represent the signers of the petition. The Committee shall be responsible for filing an affidavit, circulating the petition, and for assembling and returning the petition to the Board of Elections.



Filing an Affidavit

An affidavit shall be filed with the Board of Elections containing the name of the elected official whose removal is sought and a general statement of the grounds alleged for removal. The Board of Elections will then provide recall petition forms to the Committee.



Recall Petition

A recall petition must be returned to the Board of Elections within 30 days after the filing of the affidavit. To be sufficient, the recall petition must bear the signatures of at least 15 percent of the registered voters in the district; 15 percent registered voters for Mayor.



Sufficiency Investigation

The Board of Elections shall investigate the sufficiency of any petition and certify the results of the investigation to the City Council within 10 days after the filing of any petition. However, the Board of Elections shall not be obligated to conduct an investigation in any 30-day period immediately preceding or in any 10-day period immediately following a county-wide election.

If the petition is determined to be insufficient, the petition may be amended within 10 days from the date of the Board of Elections' certification. Within 10 days after any amendment, the Board of Elections shall complete an investigation of the amended petition. If the amended petition is insufficient, a copy of the petition shall be returned to the Committee filing the petition.



Sufficient Petition

If a petition is determined to be sufficient, the Board of Elections shall submit the petition to the City Clerk, who shall submit it to the City Council. If the elected official whose removal is sought does not resign within 5 days after receiving the notice, the City Council shall order and fix a date for holding a recall election.



Recall Election

If the provisions of general law do not prohibit it, a special recall election shall be held not less than 60 nor more than 90 days after the petition has been certified as being sufficient.



Ballot

The question of recalling any number of elected officials may be submitted at the same election. However, as to each individual elected official, a separate petition shall be filed and there shall be an entirely separate ballot.



Results

If less than a majority of the votes cast on the question of recalling an elected official are for recall, the elected official shall continue in office for the remainder of the unexpired term, and except as provided in the recall provisions, shall be subject to recall as before. If a majority of the votes are for the recall of the elected official designated on the ballot, the elected official shall, regardless of any defects in the recall petition, be deemed removed from office on the date the Board of Elections certifies the results of the recall election. No petition shall be filed against an elected official who has been subject to a recall election, and not removed thereby, until at least 6 months after that recall election. No petition shall be filed against an elected official during the first 3 months of the term of that office or during the 6 months before the expiration of the term of that office.

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 18-491

Agenda Date: 11/5/2018

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.02

TO: Mayor and Members of City Council

THRU: Douglas J. Hewett, City Manager, ICMA-CM

FROM: Kristoff Bauer, Deputy City Manager

DATE: November 5, 2018

RE:

Parks and Recreation Bond Financial Plan Update

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 4: Desirable Place to Live, Work and Recreate

Executive Summary:

The Parks Bond Council Subcommittee ("Committee") met on April 19, 2018 and took a number of actions that will require revisions to this financial plan. (See attached summary) Further revisions have been made based on new opportunities and information. The Committee met again on Oct. 24 to review the plan as updated (attached). That plan is slightly out of balance and options to address that issue were discussed. The Committee directed staff to bring the financial plan to Council along with options to address any shortfall in the funding model. Staff is seeking Council direction regarding the composition and timing of the projects supported by park bond proceeds and consensus regarding actions to be taken to ensure that the plan is sound.

Background:

The initial financial plan was developed based on January 4, 2016, Council action to identify the projects to be funded by the Park Bond and allocate funding to each. The current plan includes adjustments to the timing of some projects based on the direction of

the Committee. Additional adjustments were recommended by the Committee during a meeting on April 19, 2018, which are summarized in the attached memorandum. The Council confirmed a number of the Committee's recommendations during the May 7 Work Session including increasing funding for the senior centers and adjusting the timing and location for the sports field complex (see attached summary memorandum).

After that Work Session, the City received an offer from Ft. Bragg to make property off of McArthur Rd. available to the City for the development of sports fields. Ft. Bragg has proposed to provide this property through a no cost 50 year easement in subsequent conversations. Moving that project from the Military Business Park to this new location allowed funding that had been identified for property acquisition and broader site improvements to be reallocated.

The Committee recommended the following during their Sept. 26th meeting:

- Identify Cliffdale & E.E. Miller Splash Pads as Future Unfunded
- Split the funding for the "TBD" Splash Pad among two new projects;
 - Stadium Play Space (installing a permanent play structure and other improvements in this area of the stadium)
 - Plaza Fountain (a water feature in the public plaza between the stadium, Prince Charles, and the new parking garage and mixed use building)
- Split the Sports Field Complex project into two projects with soccer going to the Jordan Soccer Complex and Baseball going to the new McArthur road location
- Reduce funding for the Cape Fear River Park to balance total expenditures at \$35 million
- Adjust timing of projects

A summary of the recommended project funding and timing is attached as "Parks and Rec Bond Committee Recommended Project Funding".

Issues/Analysis:

Staff has reviewed the financial plan based on Committee direction. The debt service funding model is slightly out of balance based upon projected revenue growth and assumptions for interest rates on the bond issuances. As illustrated in the attached "Parks and Rec Bonds Debt Service Funding Model", there is a shortfall of dedicated funds projected in fiscal year 2030, which continues until fiscal year 2035. This was discussed with the Committee during their Oct. 24 meeting and they directed staff to bring the funding plan to Council with options to address the funding shortfall.

Budget Impact:

Revenues from 1.42 cents of the City's 49.95 cent tax rate are dedicated to support the Parks and Recreation bond projects and debt service.

Options:

Staff has developed three options for Council consideration to address the projected shortfall in dedicated resources, as noted below and as illustrated in attachments:

Option A - Should the Council wish to restrict resources solely to the dedicated tax rate, the bond debt service could be funded within those resources if the River Park and the Tennis Center projects are each deferred by one year.

- Pro - No additional resources needed
- Con - Projects deferred by one year; may defer projects needlessly should financial trends be more favorable than projected

Option B - The funding shortfall could be addressed by loaning funds from the General Capital Funding Plan during fiscal years 2030 to 2033 (total \$565,000), to be repaid in fiscal years 2034, 2035 and 2036.

- Pros - Project timing maintained; temporary use of resources outside of dedicated tax; more easily adjusted based upon actual financial trends
- Con - Potential to impact timing for other capital projects in the future

Option C - The funding shortfall could be addressed by a transfer of \$565,000 from available General Fund fund balance.

- Pro - Project timing maintained
- Con - \$565,000 not available for other projects or priorities; ties up funding for 10 years before needed

Recommended Action:

Staff is seeking consensus of Council regarding the project composition and priorities, as well as the preferred option to address the funding model shortfall.

Attachments:

Park Bond Plan 2016

Park Bond Plan discussed on April 19, 2018, by the Bond Committee

April 19 Bond Committee Memorandum

Park Bond Plan provided on May 7, 2018

Council May 7, 2018, Action Summary Memorandum

Summary of Parks and Rec Bond Committee Recommended Project Funding

Parks and Recreation Bonds Debt Service Funding Model

Parks and Recreation Bonds Debt Service Funding Model - Option A

Parks and Recreation Bonds Debt Service Funding Model - Option B

Parks and Recreation Bonds Debt Service Funding Model - Option C

Park Bond Expenditure Plan - May 2016

Project	FY17	FY18	FY19	FY20	FY21	FY22	FY23	TOTALS
Senior Center (West)			\$ 4,140,000					
Land Acquisition	\$ 240,000							
Design		\$ 620,000						
Senior Center (East)						\$ 4,140,000		
Land Acquisition		\$ 240,000						
Design					\$ 620,000			
Existing Park Improvements One		\$ 425,000						
Existing Park Improvements Two	\$ 375,000							
Splash Pad Design	\$ 25,000							
Splash Pad Kiwanis		\$ 425,000						
Splash Pad Gilmore		\$ 425,000						
Splash Pad Cliffdale		\$ 425,000						
Splash Pad E.E. Miller		\$ 425,000						
Splash Pad Massey Hill			\$ 425,000					
Splash Pad Myers			\$ 425,000					
Splash Pad TBD			\$ 425,000					
Cape Fear River Park						\$ 4,525,000		
Design				\$ 675,000				
Skateboard Park						\$ 700,000		
Land Acquisition		\$ 200,000						
Design		\$ 100,000						
Sports Field Complex				\$ 8,000,000				
Design		\$ 1,000,000						
Tennis Center Mazarick						\$ 4,870,000		
Land Acquisition			\$ 400,000					
Design				\$ 730,000				
Ted Mohn's Yearly Total	\$640,000	\$4,285,000	\$5,815,000	\$9,405,000	\$620,000	\$14,235,000	\$0	\$35,000,000
Difference From Staff's Target	(\$40,000)	\$5,315,000	(\$5,215,000)	(\$1,205,000)	(\$20,000)	\$1,165,000	\$0	\$12,960,000
Target	\$600,000	\$9,600,000	\$600,000	\$8,200,000	\$600,000	\$15,400,000	\$0	\$35,000,000
Ted Mohn's Suggestions		\$10,740,000		\$10,025,000		\$14,235,000	\$0	\$35,000,000
Staff's Target (Per Bond Issuance)		\$10,800,000		\$8,800,000		\$15,400,000	\$0	\$35,000,000
Mohn's Difference From Staff's Target		(\$60,000)		\$1,225,000		(\$1,165,000)	\$0	\$0

April 2018



Bond Committee Proposed Project Timelines

Project	FY17	FY18	FY19	FY20	FY21	FY22	FY23	GRANTS	BOND FUNDING	TOTAL
Senior Center (West)		\$4,140,000							\$5,000,000	
Land Acquisition	\$240,000									
Design	\$620,000									
Senior Center (East)					\$4,140,000				\$5,000,000	
Land Acquisition				\$240,000						
Design				\$620,000						
Brentwood School Park	\$100,000								\$800,000	\$1,090,000
Clark Park	\$175,000									
Mazarick Park	\$50,000									
Seabrook Park	\$100,000									
Dorothy Gilmore Recreation	\$200,000									
Massey Hill	\$75,000							\$290,000		
Martin Luther King, Jr. Park	\$100,000									
Design for Splash Pads	\$12,500	\$12,500							\$3,000,000	
Splash Pad Kiwanis	\$425,000									
Splash Pad Gilmore		\$425,000								
Splash Pad Cliffdale	\$425,000									
Splash Pad E.E. Miller	\$425,000									
Splash Pad Massey Hill	\$425,000									
Splash Pad Myers		\$425,000								
Splash Pad Baseball Stadium		\$425,000								
Cape Fear River Park						\$4,525,000			\$5,200,000	
Design				\$675,000						
Skateboard Park		\$700,000							\$1,000,000	
Land Acquisition	\$200,000									
Design	\$100,000									
Sports Field Complex				\$8,000,000					\$9,000,000	
Design				\$1,000,000						
Tennis Center					\$4,870,000				\$6,000,000	
Land Acquisition			\$400,000							
Design				\$730,000						
Annual Total	\$3,672,500	\$6,127,500	\$400,000	\$11,265,000	\$9,010,000	\$4,525,000	\$0		\$35,000,000	
Total per Issuance		\$10,200,000			\$24,800,000					



City Manager's Office

To: Park Bond Council Sub-Committee

CC: Douglas J. Hewett, City Manager
Michael Gibson, Parks & Recreation Director

From: Kristoff Bauer, Deputy City Manager

Date: April 25, 2018

Re: April 19, 2018, Sub-Committee Meeting Follow Up

The purpose of this memorandum is to confirm the direction of the Committee and clarify follow up actions to be taken by City staff.

The Committee provided the following direction:

Senior Center West:

- The project budget should be increased to \$7 million
- The revised Schematic Design ("SD") should be taken to the Council for approval
- The budget should be an "all in" budget with all expected amenities and improvements, the docks for example, clearly disclosed and accounted for at the next meeting

Senior Center East:

- The project budget should be increased to \$5.5 million

Sport Field Complex:

- At the next meeting of the Committee to be scheduled in two weeks staff is to provide:
 1. A revised street infrastructure plan for the Military Business Park and a revised infrastructure cost estimate based thereon
 2. Contact Methodist regarding the Jordan Soccer Complex,
 3. Contact Broadwells to confirm the terms of acquisition, and
 4. Move the skatepark into the Military Business Park location if there isn't positive movement on the downtown location in the next 30 days
- Implied in this motion is the intent of the Committee to recommend that the Sport Field Complex be located at the Military Business Park and that funding should be sought from granting agencies, including from the state through the City's state delegation, to assist in the infrastructure cost associated with this acquisition

Riverfront Park:

- This project should be moved out of the funding plan and the \$5.2 million currently allocated thereto re-allocated to the senior center projects and for land acquisition for the Sport Field Complex project

The Committee set their next meeting for Thursday, May 3, 2018. This will be after the deadline for finalization of the Council agenda packet for the May 7 Council Work Session.

Based on the Committee's discussion and direction, staff is taking the following actions:

- Senior Center West:
 - Staff will insert a placeholder into the May 7 agenda for SD approval
 - A revised SD plan will be presented to the Committee on May 3 based on feedback and a \$7 million, all in, budget
 - The recommendation from the Committee will be inserted in the May 7 agenda packet on Friday, May 4
- Financing Plan:
 - With the budget process, the bond rating, LGC hearing, and issuance of bonds for the stadium project, the finance and debt management staffs are very busy. Regardless, staff will attempt to develop a revised financial plan based on the direction from the Committee for consideration on same timeline identified in the previous item.
- Sport Field Complex:
 - The agenda item presented to the Committee will be placed on the May 7 Council Work Session agenda revised to include authorization to:
 - Negotiate with the Broadwells
 - Contact Methodist regarding the Jordan Soccer Complex, and
 - Seek state, federal, or other grant funds to support the property acquisition
 - Provide details on the process required for either a property owner or Council initiated zone change and site plan revision
 - Identify the process and cost of developing a revised infrastructure design consistent with a revised site plan approval and revised cost estimates based on that new design
 - If the Committee recommends initiating a rezone and site plan revision or other action based on this discussion, then staff will include that recommendation in a revised agenda item for May 7

Staff has been researching the potential for a Military Business Park rezone and site plan revision along with grant funding opportunities for required infrastructure. This development project received \$1.325 million in EDI grant funds through six separate grants awarded beginning in 2006 (see attached). The purpose for these funds was to support the creation of military related jobs. Staff is researching whether the proposed public use and zone change would violate the grant agreements executed to secure these grants. An initial review didn't identify any claw back provisions, so there doesn't seem to be a risk of financial liability. Further information on this issue will be provided during the May 3 Committee meeting.

Timeline

Military Business Park

Project Description

The proposed military business park is adjacent to Fort Bragg. A military business park is needed to help maintain the presence of the military and military-related industry and to promote economic development in Fayetteville/Cumberland County by accommodating current and future defense contractors. The mission is to rapidly increase the number of existing North Carolina companies engaged in military business to expand and retain revenues from military business and to create primary jobs. The proposed project could generate an estimated 1,145 jobs.

The Fayetteville Military Business Park consists of approximately 250 acres for the development of a military business park. This park will contain buildings with flexible space to accommodate the short-term nature of military contracts. The park will increase military opportunities for North Carolina companies. While North Carolina is 4th in terms of military employment at approximately 107,000, it is 24th in procurement dollars.

Transitioning military personnel will be more likely to remain in the Fayetteville/Cumberland County area upon leaving active duty for the private sector if quality jobs utilizing similar knowledge, skills and abilities were readily available. This project will support the recruitment and development of new defense-related businesses. The urgency and necessity of this project are more greatly realized now that BRAC has become law. The move of FORSCOM and USARC alone created this demand. There will be a network established with local community college small business centers to provide a direct channel of skilled and qualified labor to accompany the increased defense contractor presence.

The City of Fayetteville and Cumberland County will utilize the EDI-Special Project grant funds to assist with the development of the infrastructure for the park. The cost for the project includes site development, road design, road construction, streetscape improvements, signage; extension of water lines, sewer lines, natural gas lines, and power lines.

Economic Development Initiative (EDI) Grants

The City of Fayetteville and Cumberland County received Economic Development Initiative (EDI) Grants from the U.S. Department of Housing and Urban Development in the amount of **\$1,325,400**. The City received **\$1,251,150** and the County received \$74,250 as follows:

B-06-SP-NC-1128 - \$74,250 – County

B-06-SP-NC-0607 - \$247,500

B-06-SP-NC-0586 - \$74,250

B-06-SP-NC-0605 - \$198,000

B-08-SP-NC-0099 – \$147,000

B-10-SP-NC-0257 – \$584,400

Total - \$1,325,400

2006 – Received EDI Grants totally \$594,000 (City and County)

2008 – Received EDI Grant in the amount of \$147,000

2010 – Received EDI Grant in the amount of \$584,400

July 17, 2007 – Initial Grant Agreement signed for the City's grants - B-06-SP-NC-0607, B-06-SP-NC-0586, B-06-SP-NC-0605.

February 3, 2009 – Environmental Review approved and Release of Funds by HUD

March 31, 2009 – Participation Agreement signed between the City, County, Public Works Commission, Dohn B. Broadwell and the Waverly Family, LLC (Developer)

2009 – Construction begins on Phase 1 – sanitary sewer main and Phase two for lift station and force main.

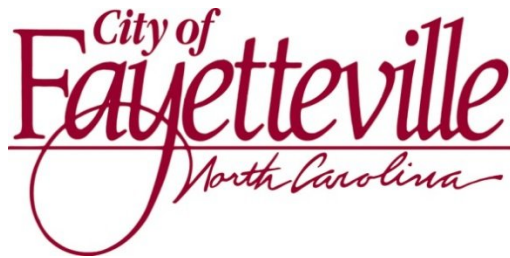
February 15, 2011 – Amendment to Participation Agreement signed (for additional grant - \$584,400)

March 2011 – Construction begins on Phase II – sanitary sewer extension and site improvements

December 6, 2012 – Final payment made by the City

2013 – All grants closed out

\$1,325,400 - Total expended by City and County



City Manager's Office

To: City Council

Through: Douglas J. Hewett, City Manager

From: Kristoff Bauer, Deputy City Manager

Date: May 10, 2018

Re: May 7 Work Session Park Bond Action Summary

I'm providing this summary and work plan in order to confirm the expectations of Council.

Item 4.05 – Western Senior Center – Schematic Design Approval:

The consensus of Council supported the presented Schematic Design (“SD”) for the Senior Center West project with an estimated cost of \$6,989,342. Support was conditioned on the project remaining within the provided estimate and continued efforts to reduce costs through value engineering and seeking partnerships to reduce costs or contribute to the cost of the project. The project will now progress to the next phase of design (Design Development or “DD”). This will support the development of a project schedule and number of key actions will be undertaken including:

- Project schedule and phasing plan development,
- Further site investigation including soil testing,
- Design work with a higher level of detail including utility service requirements,
- Initial permitting discussions with appropriate regulatory agencies,
- Another round of cost estimation based on the more detailed and additional information developed,
- Staff will approach potential partners with the next round of design documents to solicit interest in the project,
- The exploration of value engineering or cost reduction strategies will be ongoing, and
- Negotiation of the final construction contract with Metcon.

Most of this activity occurs at the staff level with updates to the Park Bond Council Subcommittee. With guidance from the Committee, staff may return to the Council with updates or to seek further direction especially should an issue be discovered that would result in the design being materially different from the SD reviewed by Council. The Council will need to take formal action to approve a construction contract with Metcon. That agreement will go to the Committee initially for a recommendation to the full Council.

Item 4.06 – Location of Sports Field Complex; Authorization to Seek State Funding:

Council's discussion on this item was dynamic and varied. The key consensus of Council was to direct staff to perform "due diligence" on the Military Business Park ("MBP") location for the Sports Field Complex. In pursuit of that consensus staff intends to take the following actions:

- Contact the property owner to:
 - Confirm interest in selling the previously identified property,
 - Confirm terms of the offer to sell, and
 - Discuss willingness to pursue a rezone and site plan revision in order to allow the City's proposed use and reduce the cost of required infrastructure.

(I have initiated this conversation and received preliminary agreement from the land owner to split the cost of the engineering work discussed in the next bullet)
- Seek a scope and fee proposal from the design engineer to perform the work necessary to develop a revised site plan for the MBP and to develop updated cost estimates for the obligations placed on the City as conditions of purchase, *(this cost is expected to be within the City Manager's authority to execute, but if it is not, then Council action will be required)*
 - The information provided by this effort will be preliminary as the rezoning and site plan will not have been approved, but every effort will be made to ensure that the revised site plan proposal has a high likelihood of favorable consideration by regulatory agencies
- Develop responses to a number of questions asked including:
 - Availability of grant funding,
 - Commitments for follow on development,
 - Economic impact of the development,
 - Stormwater obligations, and
 - Partnerships*.
- Staff will return to Council with the answers to these questions, a purchase and sale agreement, and any follow-up actions required to exercise that agreement include the initiation of rezone and site plan revision actions.

*There was a number of comments regarding "Partnerships" that expressed the expectation that staff broadly seek partnerships in the development of projects identified in Park Bond proposal. Council previously provided direction that staff work with specific partners, FSU on the Senior Center East and Wellness Center for example, but had not expressed this interest and authorization broadly. Based on Monday's discussion staff intends to initiate a number of conversations including:

- Contacting Methodist University to discuss the Jordan soccer complex to determine if the community's need for soccer fields can be addressed through a partnership with that facility, and,
- Contacting Cumberland County Schools, Cape Fear Valley Hospital System, VA, Fort Bragg, and local community organizations to develop any potential for partnering in the Senior Center West or East projects.

Parks and Recreation Bond Committee
Recommended Revised Project Funding

Project	FY17	FY18	FY19	FY20	FY21	FY22	FY23	GRANTS/OTHER SOURCES	BOND/CITY FUNDING	TOTAL	Future Unfunded
Senior Center (West) Construction Soft Costs			\$6,380,000 \$490,685						\$7,000,000	\$7,000,000	
Senior Center (East) Feasibility Study Land Acquisition Site Development Soft Costs Construction		\$53,010	\$6,990 \$100,000 \$2,000,000	\$590,000	\$2,780,000			\$30,000	\$5,500,000	\$5,530,000	
Brentwood School Park Clark Park Mazarick Park Seabrook Park Dorothy Gilmore Recreation Massey Hill Martin Luther King, Jr. Park	\$2,752 \$5,794	\$75,698 \$36,826 \$19,944 \$34,180	\$21,550 \$132,380 \$30,056 \$31,406 \$298,048 \$15,185 \$100,000					\$100,000 \$290,000	\$800,000	\$1,190,000	
Splash Pad Kiwanis Splash Pad Gilmore Splash Pad Cliffdale Splash Pad E.E. Miller Splash Pad Massey Hill Splash Pad Myers Stadium Play Space Plaza Fountain	\$976	\$427,073	\$431,159						\$2,089,439	\$2,089,439	\$425,000 \$425,000
Cape Fear River Park Soft Costs Construction					\$400,000	\$3,110,561			\$3,510,561	\$3,510,561	
Skateboard Park Soft Costs Park Construction Support Construction			\$150,000 \$600,000 \$250,000						\$1,000,000	\$1,000,000	
Sports Field Complex Soft Costs Site Infrastructure Construction			\$600,000	\$1,500,000 \$3,400,000					\$5,500,000	\$5,500,000	
Tennis Center Land Acquisition Soft Costs Construction					\$380,000	\$750,000 \$4,870,000			\$6,000,000	\$6,000,000	
Jordan Soccer Complex Design Construction			\$250,000	\$3,250,000					\$3,500,000	\$3,500,000	
Project Management Signage	\$91,500 \$4,275	\$840	\$3,385						\$100,000	\$100,000	
Annual Total	\$147,735	\$1,881,230	\$12,360,474	\$8,740,000	\$3,560,000	\$8,730,561	\$0	\$420,000	\$35,000,000	\$35,420,000	\$850,000
Total per Issuance			\$13,969,439		\$12,300,000	\$8,730,561					

Parks Recreation Bond Debt Service Funding Model

Fiscal Year	Growth Rate (%)*	Dedicated Property Tax (Cents)	Estimated Debt Service	Annual Property Tax Fund Surplus (Deficit)	Fund Balance
2017 Actuals	1.7%	1,875,710	-	1,875,710	1,875,710
2018 Actuals		1,944,958	-	1,944,958	3,820,668
2019 Budget		1,957,697	-	1,957,697	5,778,365
2020	1.7%	1,990,978	1,396,944	594,034	6,372,399
2021	1.7%	2,024,824	1,362,020	662,804	7,035,203
2022	1.7%	2,059,246	2,557,097	(497,850)	6,537,353
2023	1.7%	2,094,254	3,364,479	(1,270,226)	5,267,127
2024	1.7%	2,129,856	3,276,979	(1,147,123)	4,120,004
2025	1.7%	2,166,064	3,189,479	(1,023,416)	3,096,589
2026	1.7%	2,202,887	3,101,979	(899,093)	2,197,496
2027	1.7%	2,240,336	3,014,479	(774,144)	1,423,352
2028	1.7%	2,278,421	2,926,979	(648,558)	774,795
2029	1.7%	2,317,155	2,839,479	(522,325)	252,470
2030	1.7%	2,356,546	2,751,979	(395,433)	(142,963)
2031	1.7%	2,396,607	2,664,479	(267,872)	(410,835)
2032	1.7%	2,437,350	2,576,979	(139,629)	(550,464)
2033	1.7%	2,478,785	2,489,479	(10,694)	(561,159)
2034	1.7%	2,520,924	2,401,979	118,945	(442,214)
2035	1.7%	2,563,780	2,314,479	249,301	(192,913)
2036	1.7%	2,607,364	2,226,979	380,385	187,472
2037	1.7%	2,651,689	2,139,479	512,210	699,682
2038	1.7%	2,696,768	2,051,979	644,789	1,344,471
2039	1.7%	2,742,613	1,964,479	778,134	2,122,604
2040	1.7%	2,789,237	1,178,507	1,610,730	3,733,335
2041	1.7%	2,836,654	1,125,931	1,710,724	5,444,058
2042	1.7%	2,884,878	458,354	2,426,523	7,870,581
2043	1.7%	2,933,921	-	2,933,921	10,804,502
2044	1.7%	2,983,797	-	2,983,797	13,788,299
2045	1.7%	3,034,522	-	3,034,522	16,822,821
53,375,000					

* Based upon FY18 revenue neutral tax rate calculation

	FY19 Issue	FY20 Issue	FY21 Issue	FY22 Issue	FY23 Issue	TOTAL
Date of Issue	5/1/2019	5/1/2020	5/1/2021	5/1/2022	5/1/2023	3
Project Fund (Par)	13,969,439	-	12,300,000	8,730,561		35,000,000
Loan Term	20 Years	20 Years	20 Years	20 Years	20 Years	
Interest Rate	5.00%	5.00%	5.00%	5.00%	5.00%	

Parks Recreation Bond Debt Service Funding Model

Option A - Defer River Park and Tennis Center by One Year to Accomodate Debt Service Within Projected Tax Revenues

Fiscal Year	Growth Rate (%)*	Dedicated Property Tax (Cents)	Estimated Debt Service	Annual Property Tax Fund Surplus (Deficit)	Fund Balance
2017 Actuals	1.7%	1,875,710	-	1,875,710	1,875,710
2018 Actuals	1.7%	1,944,958	-	1,944,958	3,820,668
2019 Budget	1.7%	1,957,697	-	1,957,697	5,778,365
2020	1.7%	1,990,978	1,396,944	594,034	6,372,399
2021	1.7%	2,024,824	1,362,020	662,804	7,035,203
2022	1.7%	2,059,246	2,479,097	(419,850)	6,615,353
2023	1.7%	2,094,254	2,415,373	(321,119)	6,294,234
2024	1.7%	2,129,856	3,302,706	(1,172,850)	5,121,384
2025	1.7%	2,166,064	3,215,206	(1,049,142)	4,072,242
2026	1.7%	2,202,887	3,127,706	(924,819)	3,147,423
2027	1.7%	2,240,336	3,040,206	(799,870)	2,347,553
2028	1.7%	2,278,421	2,952,706	(674,284)	1,673,269
2029	1.7%	2,317,155	2,865,206	(548,051)	1,125,218
2030	1.7%	2,356,546	2,777,706	(421,159)	704,058
2031	1.7%	2,396,607	2,690,206	(293,598)	410,460
2032	1.7%	2,437,350	2,602,706	(165,356)	245,104
2033	1.7%	2,478,785	2,515,206	(36,421)	208,683
2034	1.7%	2,520,924	2,427,706	93,218	301,902
2035	1.7%	2,563,780	2,340,206	223,574	525,476
2036	1.7%	2,607,364	2,252,706	354,658	880,135
2037	1.7%	2,651,689	2,165,206	486,484	1,366,618
2038	1.7%	2,696,768	2,077,706	619,062	1,985,681
2039	1.7%	2,742,613	1,990,206	752,407	2,738,088
2040	1.7%	2,789,237	1,204,234	1,585,004	4,323,092
2041	1.7%	2,836,654	1,151,657	1,684,997	6,008,089
2042	1.7%	2,884,878	523,081	2,361,797	8,369,886
2043	1.7%	2,933,921	499,304	2,434,616	10,804,502
2044	1.7%	2,983,797	-	2,983,797	13,788,299
2045	1.7%	3,034,522	-	3,034,522	16,822,821

53,375,000

* Based upon FY18 revenue neutral tax rate calculation

	FY19 Issue	FY20 Issue	FY21 Issue	FY22 Issue	FY23 Issue	TOTAL
Date of Issue	5/1/2019	5/1/2020	5/1/2021	5/1/2022	5/1/2023	3
Project Fund (Par)	13,969,439	-	11,520,000	-	9,510,561	35,000,000
Loan Term	20 Years	20 Years	20 Years	20 Years	20 Years	
Interest Rate	5.00%	5.00%	5.00%	5.00%	5.00%	

Parks Recreation Bond Debt Service Funding Model
Option B - Maintain Project Timing, Use Loan from General Capital Funding Plan

Fiscal Year	Growth Rate (%)*	Dedicated Property Tax (Cents)	Estimated Debt Service	Annual Property Tax Fund Surplus (Deficit)	General Capital Funding Plan "Loan"	Fund Balance
2017 Actuals	1.7%	1,875,710	-	1,875,710		1,875,710
2018 Actuals		1,944,958	-	1,944,958		3,820,668
2019 Budget		1,957,697	-	1,957,697		5,778,365
2020	1.7%	1,990,978	1,396,944	594,034		6,372,399
2021	1.7%	2,024,824	1,362,020	662,804		7,035,203
2022	1.7%	2,059,246	2,557,097	(497,850)		6,537,353
2023	1.7%	2,094,254	3,364,479	(1,270,226)		5,267,127
2024	1.7%	2,129,856	3,276,979	(1,147,123)		4,120,004
2025	1.7%	2,166,064	3,189,479	(1,023,416)		3,096,589
2026	1.7%	2,202,887	3,101,979	(899,093)		2,197,496
2027	1.7%	2,240,336	3,014,479	(774,144)		1,423,352
2028	1.7%	2,278,421	2,926,979	(648,558)		774,795
2029	1.7%	2,317,155	2,839,479	(522,325)		252,470
2030	1.7%	2,356,546	2,751,979	(395,433)	150,000	7,037
2031	1.7%	2,396,607	2,664,479	(267,872)	270,000	9,165
2032	1.7%	2,437,350	2,576,979	(139,629)	140,000	9,536
2033	1.7%	2,478,785	2,489,479	(10,694)	5,000	3,841
2034	1.7%	2,520,924	2,401,979	118,945	(115,000)	7,786
2035	1.7%	2,563,780	2,314,479	249,301	(250,000)	7,087
2036	1.7%	2,607,364	2,226,979	380,385	(200,000)	187,472
2037	1.7%	2,651,689	2,139,479	512,210		699,682
2038	1.7%	2,696,768	2,051,979	644,789		1,344,471
2039	1.7%	2,742,613	1,964,479	778,134		2,122,604
2040	1.7%	2,789,237	1,178,507	1,610,730		3,733,335
2041	1.7%	2,836,654	1,125,931	1,710,724		5,444,058
2042	1.7%	2,884,878	458,354	2,426,523		7,870,581
2043	1.7%	2,933,921	-	2,933,921		10,804,502
2044	1.7%	2,983,797	-	2,983,797		13,788,299
2045	1.7%	3,034,522	-	3,034,522		16,822,821
53,375,000				0		

* Based upon FY18 revenue neutral tax rate calculation

	FY19 Issue	FY20 Issue	FY21 Issue	FY22 Issue	FY23 Issue	TOTAL
Date of Issue	5/1/2019	5/1/2020	5/1/2021	5/1/2022	5/1/2023	3
Project Fund (Par)	13,969,439	-	12,300,000	8,730,561		35,000,000
Loan Term	20 Years	20 Years	20 Years	20 Years	20 Years	
Interest Rate	5.00%	5.00%	5.00%	5.00%	5.00%	

Parks Recreation Bond Debt Service Funding Model
Option C - Maintain Project Timing, Contribute \$565,000 from General Fund Fund Balance

Fiscal Year	Growth Rate (%)*	Dedicated Property Tax (Cents)	Estimated Debt Service	Annual Property Tax Fund Surplus (Deficit)	Allocate Funds from General Fund Fund Balance	Fund Balance
2017 Actuals	1.7%	1,875,710	-	1,875,710		1,875,710
2018 Actuals		1,944,958	-	1,944,958		3,820,668
2019 Budget		1,957,697	-	1,957,697	565,000	6,343,365
2020	1.7%	1,990,978	1,396,944	594,034		6,937,399
2021	1.7%	2,024,824	1,362,020	662,804		7,600,203
2022	1.7%	2,059,246	2,557,097	(497,850)		7,102,353
2023	1.7%	2,094,254	3,364,479	(1,270,226)		5,832,127
2024	1.7%	2,129,856	3,276,979	(1,147,123)		4,685,004
2025	1.7%	2,166,064	3,189,479	(1,023,416)		3,661,589
2026	1.7%	2,202,887	3,101,979	(899,093)		2,762,496
2027	1.7%	2,240,336	3,014,479	(774,144)		1,988,352
2028	1.7%	2,278,421	2,926,979	(648,558)		1,339,795
2029	1.7%	2,317,155	2,839,479	(522,325)		817,470
2030	1.7%	2,356,546	2,751,979	(395,433)		422,037
2031	1.7%	2,396,607	2,664,479	(267,872)		154,165
2032	1.7%	2,437,350	2,576,979	(139,629)		14,536
2033	1.7%	2,478,785	2,489,479	(10,694)		3,841
2034	1.7%	2,520,924	2,401,979	118,945		122,786
2035	1.7%	2,563,780	2,314,479	249,301		372,087
2036	1.7%	2,607,364	2,226,979	380,385		752,472
2037	1.7%	2,651,689	2,139,479	512,210		1,264,682
2038	1.7%	2,696,768	2,051,979	644,789		1,909,471
2039	1.7%	2,742,613	1,964,479	778,134		2,687,604
2040	1.7%	2,789,237	1,178,507	1,610,730		4,298,335
2041	1.7%	2,836,654	1,125,931	1,710,724		6,009,058
2042	1.7%	2,884,878	458,354	2,426,523		8,435,581
2043	1.7%	2,933,921	-	2,933,921		11,369,502
2044	1.7%	2,983,797	-	2,983,797		14,353,299
2045	1.7%	3,034,522	-	3,034,522		17,387,821
				53,375,000	565,000	

* Based upon FY18 revenue neutral tax rate calculation

	FY19 Issue	FY20 Issue	FY21 Issue	FY22 Issue	FY23 Issue	TOTAL
Date of Issue	5/1/2019	5/1/2020	5/1/2021	5/1/2022	5/1/2023	3
Project Fund (Par)	13,969,439	-	12,300,000	8,730,561		35,000,000
Loan Term	20 Years	20 Years	20 Years	20 Years	20 Years	
Interest Rate	5.00%	5.00%	5.00%	5.00%	5.00%	

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 18-497

Agenda Date: 11/5/2018

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.03

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, Deputy City Manager

FROM: Gerald A. Newton, AICP, Development Services Director
Michael L. Martin, Assistant Development Services Director
Bart Swanson, Housing and Code Enforcement Division Manager

DATE: November 5, 2018

RE:

**Proposed Ordinance Amendment for Nuisance Properties and Proposed
Ordinance for Amortization of Legal Non-Conforming Extended Stay Hotels and
Motels**

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Goal III: High Quality Built Environment

Objective C: To revitalize neighborhoods with effective zoning, code enforcement, and violations abatement.

Executive Summary:

Development Services staff will facilitate the presentation of two (2) proposed ordinance amendments to include Section 14 Article VII - Nuisance Properties and Section 30-4.C.1 - Hotel and Motel Extended Stay Amortization.

Background:

Nuisance Properties:

There are currently no provisions within the City's Code of Ordinances that address recurring violations identified by code enforcement staff.

Hotel and Motel Extended Stay Amortization:

On June 27, 2016, the City Council adopted Ordinance No. 2016-007 which defines the requirements for extended stay occupancy of more than thirty (30) days in transient residential facilities such as hotels and motels. The requirements within S2016-007 include the minimum presence of a two-burner stove and a refrigerator measuring a minimum of five (5) cubic feet. Hotels and motels that did not comply with these requirements at the time the ordinance was adopted were subsequently classified as legal nonconforming uses.

Issues/Analysis:

Nuisance Properties:

The purpose of this article is to establish an accountability requirement for owners of whose property is found to be in repeated violation of the City's Code of Ordinances. The City desires a method to hold owners accountable for failing to use effective methods to reduce recurring code violations on their property.

Extended Stay Amortization:

Since the adoption of Ordinance No 2016-007, staff has found that approximately eight (8) hotels and motels are operating as an ordinance-defined extended stay without meeting code requirements and are also operating as a legal nonconforming use. The proposed ordinance would require all nonconforming extended stay occupancies to conform by January 2024.

Budget Impact:

None

Options:

Consensus to move forward with the proposed ordinances;
Consensus to amend and then move forward with the proposed ordinances; or
Consensus to discontinue further progress on the proposed ordinances

Recommended Action:

Staff recommends the City Council move by consensus to proceed with the development of the proposed ordinance amendments.

Attachments:

DRAFT - Proposed Chapter 14 - Article VII - Nuisance Properties
DRAFT - Proposed Section 30-4.C.1 - Hotel or Motel Extended Stay

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW ARTICLE VII, NUISANCE PROPERTIES, UNDER CHAPTER 14, HOUSING, DWELLINGS AND BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Chapter 14, Housing, Dwellings and Buildings, is amended by creating a new Article VII, Nuisance Properties, as follows:

Article VII. – Nuisance Properties

Sec. 14-130. Purpose.

The purpose of this article is to establish an accountability requirement for owners of property whose property is in repeated violation of the Fayetteville City Code as defined and established by this article. The city desires to establish a method to hold owners of property accountable for failing to use effective methods to reduce reoccurring code violations on their property.

Sec. 14-131. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Nuisance Property means, with the exception of un-developed lots as defined in Chapter 22, Section 22-3, any property that has been found with more than three verified violations in the previous 12-month period, whether those violations have been resolved by corrective action or not. A nuisance property is no longer a nuisance when there have been no verified violations within 12 months of the nuisance property findings.

Development Services Official means a person designated by the city manager of the City of Fayetteville who is primarily responsible for the administration of this article.

Owner means the person, persons or legal entity that holds legal title to a residential rental property, or the property owner's heirs, persons, or legal entity that is exercising ownership control of such property.

Verified Violation means a violation of Chapter 22, Sections 22-16a. and 22-16.c., or Chapter 16, Sections 16-354.a., 16-355.a., or 16-356.a., of the

Fayetteville City Code as designated and determined by the development services official. **Multiple violations that are detected or should have been detected during the inspection of a property, on the same day of such inspection, shall constitute one Verified Violation for the purpose of this Article.**

Sec. 14-132. – Notice of Nuisance Property Finding.

Upon finding that a property is a nuisance property, a notice of such findings, penalties, and appeal rights shall be served upon the owner by the development services official.

The required notice shall be served upon the owner of the subject property either personally or by first-class mail and by posting the notice on the subject property. If the whereabouts of such owner is unknown and the owner cannot be ascertained by the building inspector in the exercise of reasonable diligence, and the building inspector shall make an affidavit to that effect, then the serving of such notice upon such owner may be made by serving any person in possession of the subject property, or, if there is no person in possession of it, by posting the notice on the subject property.

Any such notice may be served by the development services official or any authorized representative of the development services department or by any police officer of the city when so authorized through the development services office.

Sec. 14-133. – Appeal of Nuisance Property Finding.

An owner may appeal the notice of nuisance property findings to the board of appeals. A request for an appeal hearing by the board of appeals must be filed in writing with the city clerk's office within ten business days of the date of the nuisance property findings notice to the property owner. The property owner shall provide a valid current address for the purpose of all notifications required to be made pursuant to this section. The request must state the reason for the appeal. The board of appeals, after a hearing, may grant or deny the appeal.

The owner shall have the right to seek judicial review of the board of appeals' decision in a proceeding in the nature of certiorari instituted in the superior court of the county within 30 days after the board of appeals decision.

Sec. 14-134. – Penalties for Violations.

Upon failure to appeal the nuisance property findings notice or upon completion of an appeal denial of such notice, the owner of a nuisance property shall be subject to a one-time civil penalty of \$1,000.00. If the penalty as set forth in the citation issued pursuant to this article is not paid within the prescribed time, then the matter shall be referred to the office of the city attorney, who shall

institute an action in the nature of a debt in a court of competent jurisdiction to collect the civil penalty. **The owner of a nuisance property shall be subject to a civil penalty of \$1,000.00 for each** additional verified violation within a 12-month period since the last verified violation.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2018.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REQUIRING NONCONFORMING EXTENDED STAY HOTELS AND MOTELS FIVE YEARS TO BECOME CONFORMING UNDER SECTION 30.4.C, USE-SPECIFIC STANDARDS, OF CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection 2, hotels and motels, of Section 30-4.C.4.1, visitor accommodations, is amended by adding a new subsection c as follows:

- c. *Hotel or Motel Extended Stay*
Any nonconforming extended stay hotel or motel shall be conforming by January 2024.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

Adopted this the _____ day of _____, 2019.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 18-433

Agenda Date: 11/5/2018

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.04

TO: Mayor and Members of City Council

THRU: Telly Whitfield, PhD., Assistant City Manager

FROM: Michael Gibson, Parks, Recreation, and Maintenance Director

DATE: November 5, 2018

RE:

Lake Rim Aquatic Center Preliminary Design

COUNCIL DISTRICT(S):

Relationship To Strategic Plan:

Goal 4: Desirable Place to Live, Work and Recreate

Executive Summary:

City Council approved funding of a new aquatic center to be constructed at Lake Rim Park. Preliminary design concepts for the project were created by Gordon Johnson Architecture. Concepts are attached for review and approval.

Background:

City Council appropriated funding for a new aquatic center and selected Lake Rim Park, along Old Raeford Road, as the location for the facility. Staff selected a design firm through a competitive bid process and began work with Gordon Johnson Architecture to create two potential options for Council review. Design concepts were created to ensure the design meets programming needs as well as budget constraints.

Schematic Design A:

- 7,000 s.f. of pool space
- Pool slide

- Pool play structure
- Splash features
- Bath/Concession/Filter buildings

Schematic Design B:

- 8,500 s.f. of pool space
- Pool slide
- Pool play structure
- Bath/Concession/Filter buildings

Issues/Analysis:

N/A

Budget Impact:

N/A

Options:

- 1) Approve a design concept to move forward to the Schematic Design Phase
- 2) Do not adopt approve a design concept and provide additional direction to staff.

Recommended Action:

Staff recommends that Council approve a design concept to move forward to the Schematic Design Phase.

Attachments:

Lake Rim Pool - Schematic Site A - 10-03-18.pdf
Lake Rim Pool - Schematic Site B - 10-03-18.pdf



Construction Budget Estimate

Concept Based on Recreational Pool Concept

Bath / Concession / Filter Bldgs	\$1,300,000
Pool (7,000 s.f.)	\$700,000
Site Work: Storm Pond	\$50,000
Sidewalks	\$100,000
Grading / Paving	\$100,000

Base Bid	\$2,250,000
Pool Slide	\$175,000
Pool Play Structure	\$175,000

Total Construction Budget	\$2,600,000
---------------------------	-------------

GORDON
JOHNSON

Architecture

654 Hay Street, Suite 4
Fayetteville, NC 28301
Phone: (910) 223-2186
Fax: (910) 223-2179

gordonjohnsonarchitecture.com

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DRAWN BY: JD Pike

REVIEWED BY: G. Johnson

DATE: 10-03-18

PROJECT NO.: 1814

PROJECT INFORMATION:
Lake Rim Park Pool

SHEET NUMBER

SD-A

Lake Rim Park Pool - Schematic Design A

Scale: 1" = 50'-0"



Lake Rim Park Pool - Schematic Design B
Scale: 1" = 50'-0"

Construction Budget Estimate

Concept Based on College Lakes Design

Bath / Concession / Filter Bldgs	\$1,300,000
Pools (3,500 s.f. & 5,000 s.f.)	\$900,000
Site Work: Storm Pond	\$50,000
Sidewalks	\$100,000
Grading / Paving	\$100,000

Base Bid	\$2,450,000
Pool Slide	\$175,000
Pool Play Structure	\$175,000

Total Construction Budget	\$2,800,000
---------------------------	-------------

GORDON
JOHNSON

Architecture

654 Hay Street, Suite 4
Fayetteville, NC 28301
Phone: (910) 223-2186
Fax: (910) 223-2179

gordonjohnsonarchitecture.com

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it complies with ADA and other laws.

DRAWN BY: JD Pike

REVIEWED BY: G. Johnson

DATE: 10-03-18

PROJECT NO.: 1814

PROJECT INFORMATION:
Lake Rim Park Pool

SHEET NUMBER

SD-B

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 18-500

Agenda Date: 11/5/2018

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.05

TO: Mayor and Members of City Council

THRU: Douglas Hewett, City Manager
Telly Whitfield, Assistant City Manager

FROM: Kimberly Toon, Purchasing Manager
Jay Toland, Acting Chief Financial Officer

DATE: November 5, 2018

RE:

Local Small Disadvantaged Business Enterprise (LSDBE) Program Update

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

The development of a City policy designed to support and encourage improved access for local, small, minority, women, veteran-owned and historically-disadvantaged businesses to the City's process for the procurement of goods and services is supportive of Strategic Plan Goal 2 - "Building and maintaining a strong, diverse, and viable local economy".

Executive Summary:

City Council directed that an LSDBE policy and subsequent program based on that policy be developed to enhance economic opportunities for local, minority, disadvantaged and small business owners. The LSDBE policy and program have now been established and the LSDBE program is managed by the Purchasing Division of the City's Finance Department. Finance/Purchasing has worked diligently to build a solid foundation for implementing the initial year of the LSDBE program

Background:

The Purchasing Division of the City Finance Department has dedicated itself to establishing a strong foundation for the Local Small Disadvantaged Business Enterprise program. Since last presenting to City Council in May 2018, the following activities have encouraged LSDBE vendors to register and participate in the City's business.

- Purchasing in conjunction with our current Construction Manager at Risk firms have held 1 public meetings informing and educating our SLBE vendor community about upcoming contract opportunities.
- Economic and Community Development in conjunction with both the City and PWC purchasing groups held 2 vendor relations forums to demonstrate how to locate and complete bidding documents.
- All solicitations both formal and informal are posted on the City website.
- Purchasing works closely with City departments to increase their awareness of SLBE businesses and their abilities to serve the City's needs.
- Purchasing staff provide one-on-one consultation with SLBE firms to educate and familiarize them with City procurement processes.

These initial efforts toward implementing the LSDBE program have resulted in statistically significant increases in various areas. For example:

- The City has had 36 new companies register to be City vendors since July 1, 2018. Of those 36 new City vendors, 78% are located in Cumberland and Hoke Counties.
- The FY19 First Quarter purchase order expenses total \$19,735,123 with 28% (\$5,525,834) being spent in Cumberland and Hoke Counties.
- The FY19 First Quarter procurement card expenses total \$344,506 with 25% (\$86,126.) being spent in the Cumberland and Hoke Counties.
- The FY19 First Quarter for contracts is \$5,682,984 and 73% is identified as assigned to local prime contractors. Of the \$5,682,984 total contract dollars, 27% (\$1,534,405) is allocated to subcontractors.

To continue the upward trending resulting from the initial efforts of the LSDBE program, Purchasing would like to initiate the following activities:

- Analyze total City expenditures for future possible direct LSDBE contracting opportunities.
- Purchasing would like further community outreach by providing more hands-on assistance with connecting qualified local subcontractors with prime general contractors.
- Assist in developing quick pay agreements and policies to enable SLBE's to meet cash flow demands.
- Develop and implement a local vendor mentor and/or partnership program where LSDBEs can get more information and education directly from general contractors, consultants, etc.

Issues/Analysis:

The City SLBE program is aimed at increasing local participation in the City's procurement practices to include businesses and entrepreneurs classified as small, historically-disadvantaged or underutilized, minority, veteran and/or women-owned. Encouraging these groups to participate in the City's business is an important step in achieving a strong, diverse, and viable local economy. The LSDBE Coordinator will continue to track and encourage LSDBE participation in the City's business operations.

Budget Impact:

None.

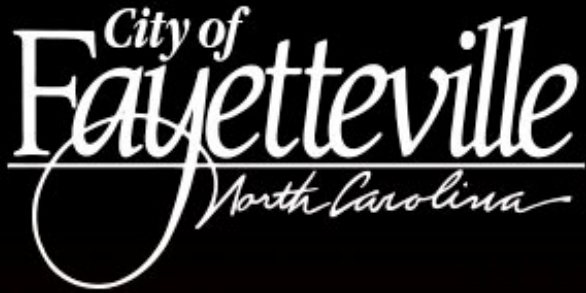
Options:

1. Receive and review presentation as provided by Purchasing, and provide direction to staff as to next step(s).
2. Do not receive the presentation and recommendation(s) from Purchasing.

Recommended Action:

Receive and review presentation and recommendation(s) as provided by Purchasing, and provide direction to staff as to next step(s).

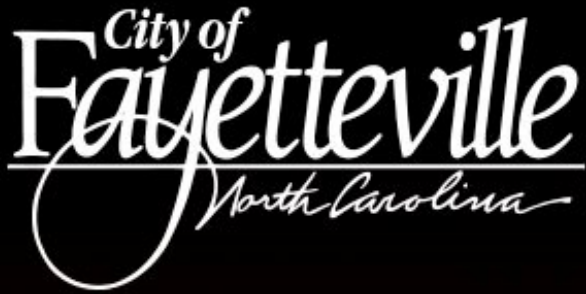
Attachments:



City of Fayetteville

Small Local Business Enterprise Program

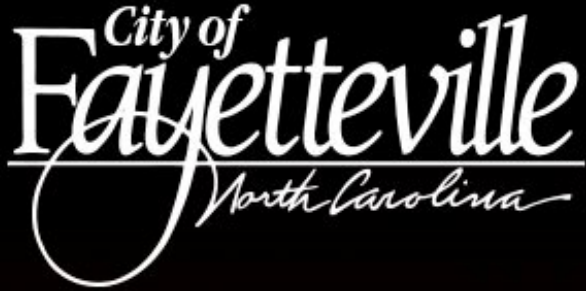
Presented By: Kimberly Toon, Purchasing Manager



Local Vendor Participation Goal

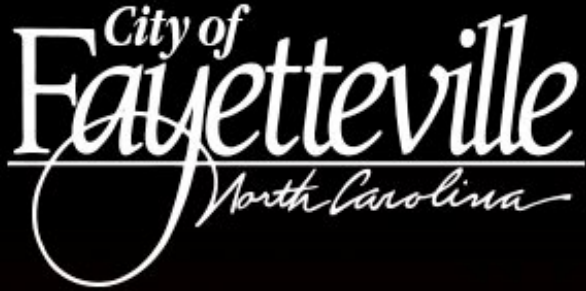
- All projects, Purchase Orders and Procurement Card Purchases
 - 40% Local Participation Aspirational Goal





Local Defined

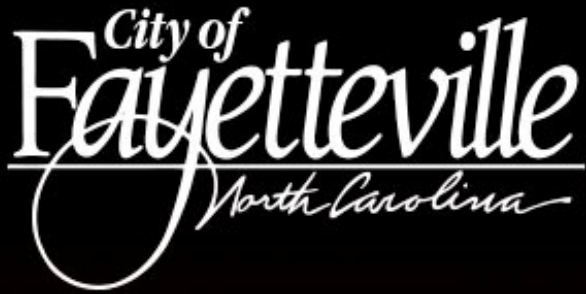
- Definition
 - Metropolitan Statistical Area (MSA)
 - Cumberland and Hoke County
- Local Business – defined as the headquarters or primary executive or administrative of the business, or all established office, plant, store, warehouse, or other facility where the majority of the business operations and transactions are conducted and located within the City of Fayetteville, MSA. This is verified through the business signed affirmation of location and State of North Carolina or Cumberland County tax documentation verifying location.



Outreach Efforts

- Natural Disaster Outreach Session
- Parks and Recreation Bond / CM at Risk Information Session
 - Called and Emailed Local Vendors and Churches to share the event information
- Presented at Contractor's Vendor Fair
 - How to Do Business with the City?

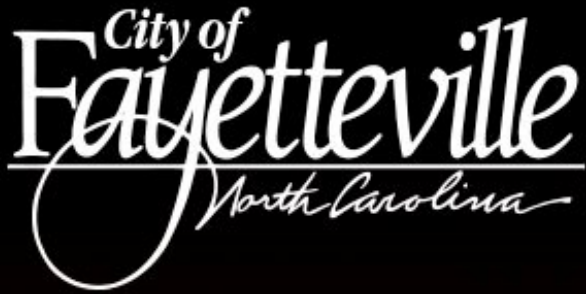




Future Outreach Efforts

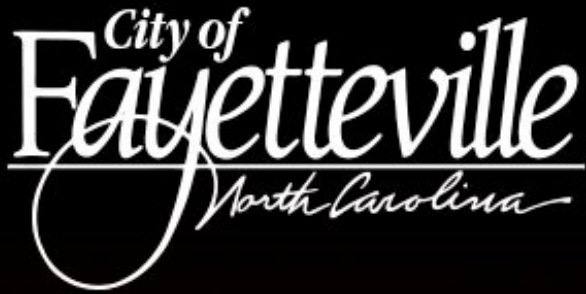
- Davis Bacon Training
- Partnering with Metcon the City CM at Risk for the Senior Center West projects
- Coordinate a combined Vendor Fair with all local government entities





Vendors Seeking Technical Assistance

- Average 5 – 6 per day
 - Reasons:
 - E-notify Sign-Up
 - Copy of Plans and Specifications
 - Webpage Access
 - Vendor Application
 - How to Do Business with the City
 - General Questions
 - Bid Assistance



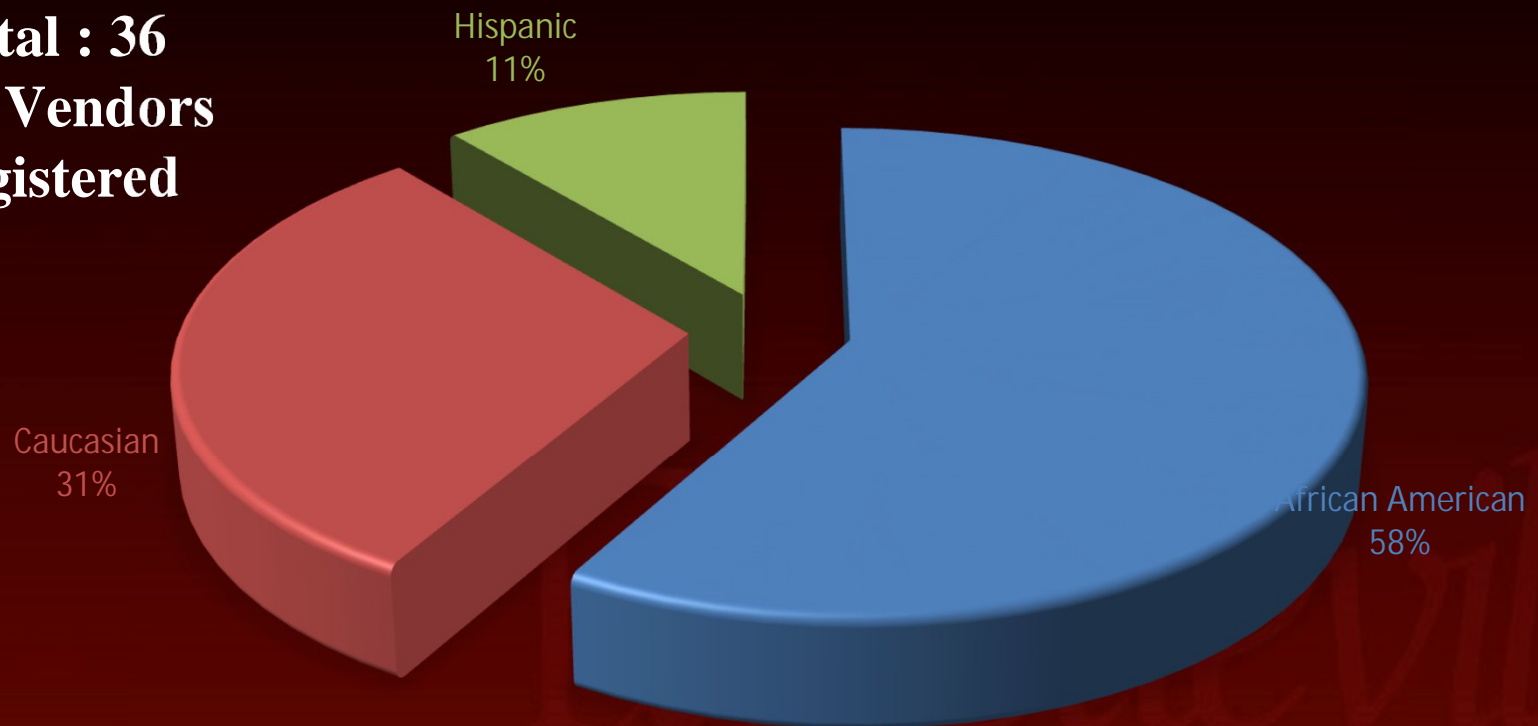
New Vendor Applications

	African American		Caucasian		Hispanic		Native American		Unidentified *	Total	Percentage
	Male	Female	Male	Female	Male	Female	Male	Female			
Unidentified *									0	0	0%
Veteran-Owned	4	1	3	0						8	22%
DBE	1									1	3%
Local MSA	12	2	3	1	1					19	53%
NC	1		2	0	3				0	6	17%
Non-NC			2	0					0	2	5%
Total	18	3	10	1	4	0	0	0	0	36	

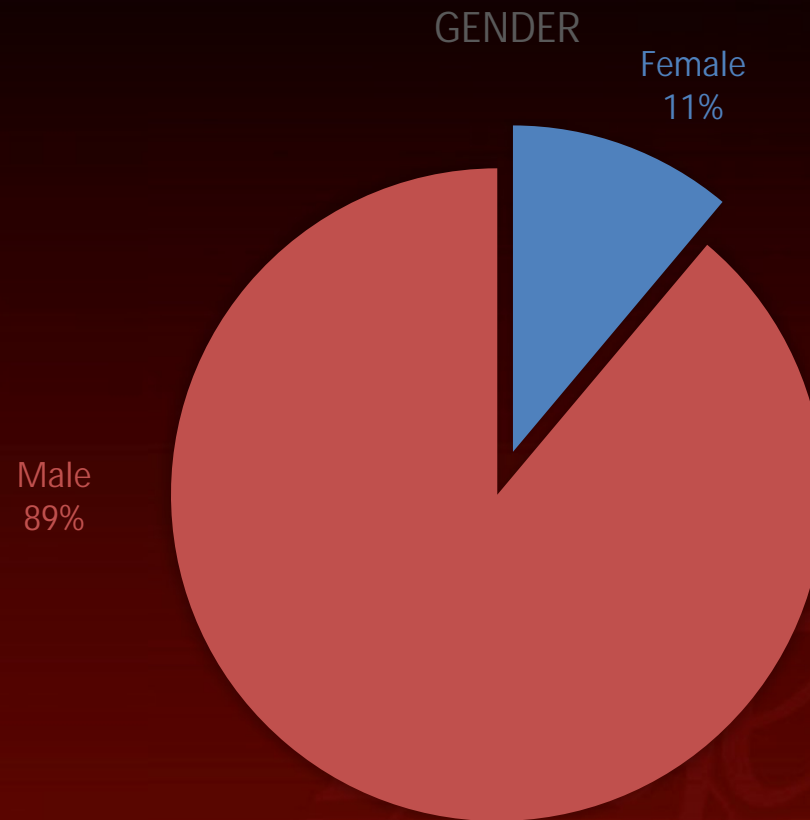
New Vendor Applications

ETHNICITY

**Total : 36
New Vendors
Registered**

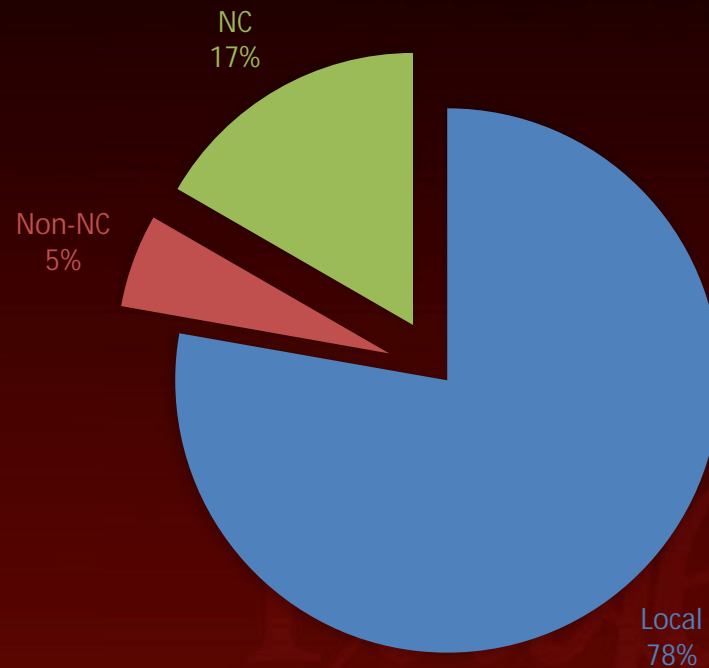


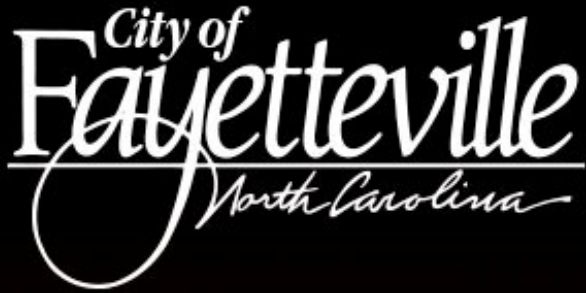
New Vendor Applications



New Vendor Applications

BY LOCATION

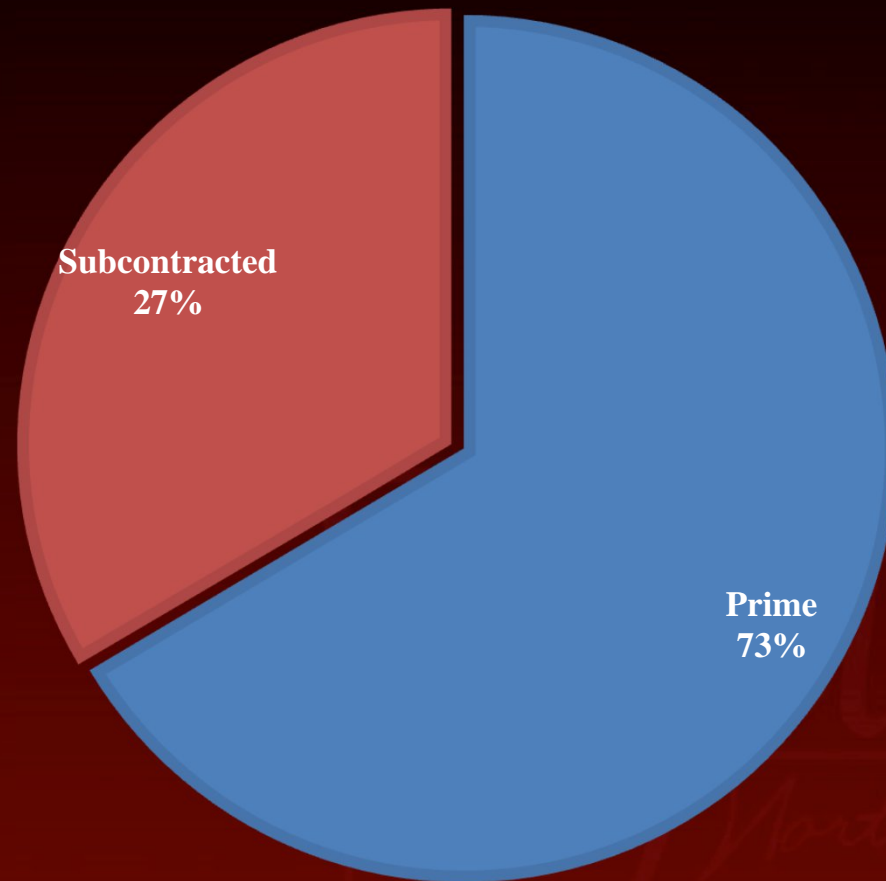


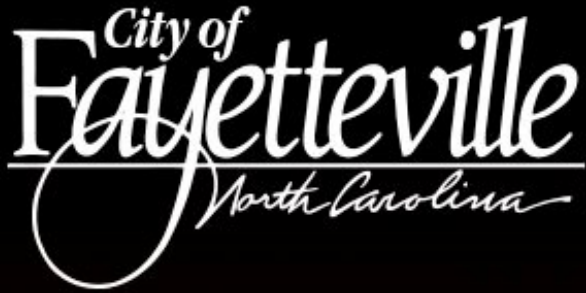


Contracts

CONSTRUCTION DOLLARS

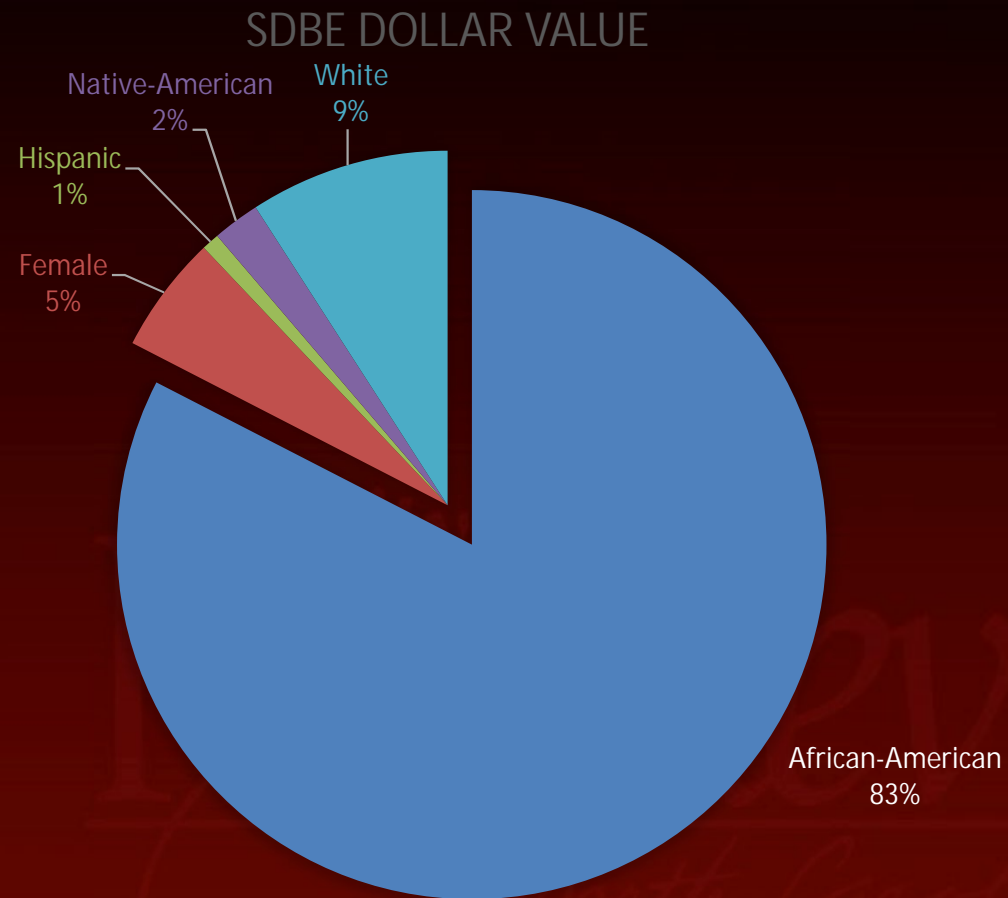
**Total Contract
Amount:
\$5,682,984**





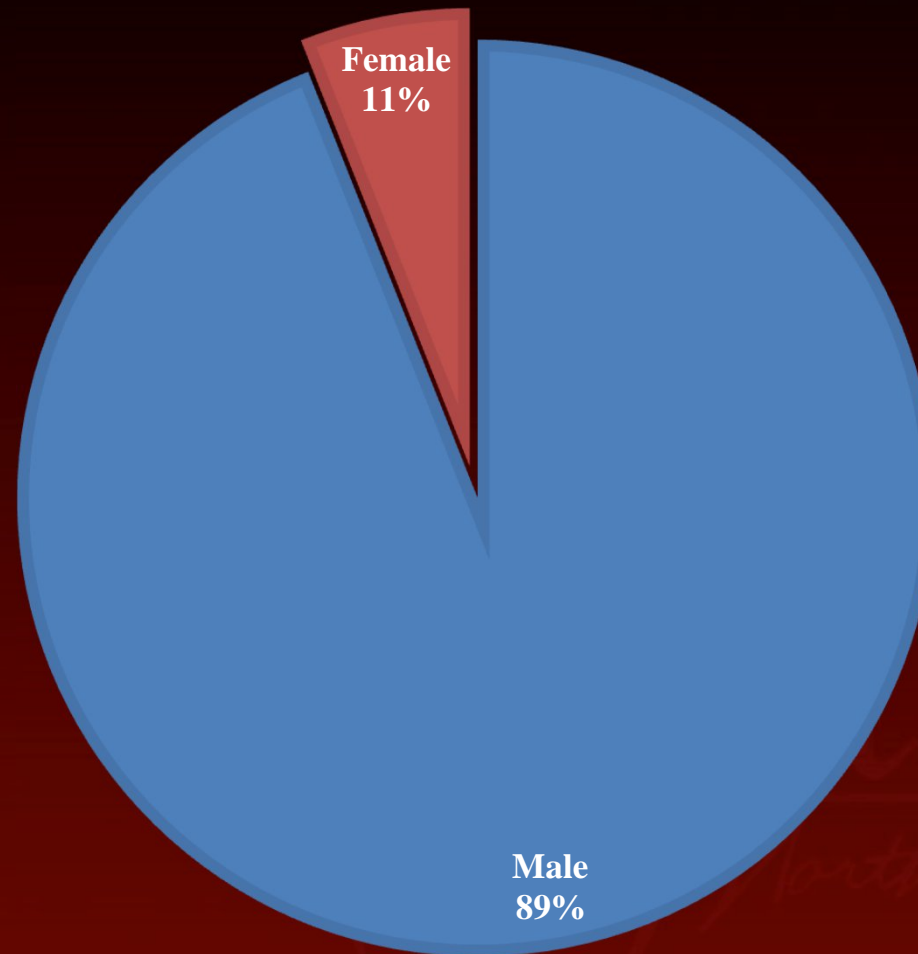
Contracts

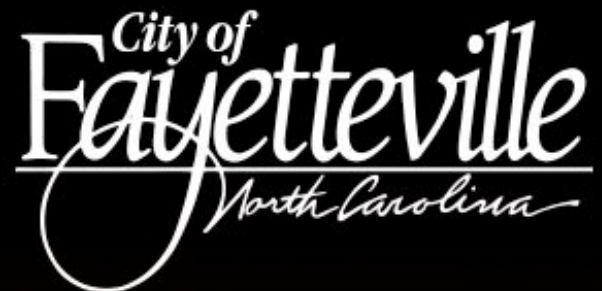
Total Amount:
\$5,682,984.26



Contracts

SUBCONTRACTS BY GENDER





Questions

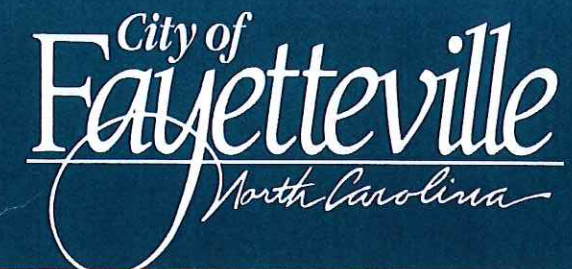




WEEKLY UPDATE

Week of 10/15

FAYETTEVILLE MINOR LEAGUE BALLPARK



BUILDING with the AMERICAN SPIRIT:
**PEOPLE
PROJECTS
COMMUNITIES**

Project Photos



South: Steel Erection @
Sequence 4 Admin Office
/Main Entrance



Southwest - Steel Erection @
Boomerang



West - 3rd Base Dugout Wall



East - Maintenance Building-
UG & Foundation



Northwest -Field Wall



Northeast - Outfield Concourse
Grading



NNE -Outfield Concourse
Grading



North -Outfield Restroom
Settlement Monitoring

Workforce Development Program

Cohort 1

10 Full Time Hires
Concrete - 4
Masonry - 4
Steel - 4

FTCC

Construction Education/OSHA 10 Cert.
7/9 - 7/20

OJT

(On The Job Training)
7/23 - 8/31

Cohort 2

Currently Underway
Mechanical - 4
Electrical - 4
Plumbing - 4

FTCC

Construction Education/OSHA 10 Cert.
8/6 - 8/17

OJT

(On The Job Training)
8/20 - 10/19

Cohort 3

Currently Underway
Roofing - 2
Glass/Glazing - 2
Framing/Drywall - 3

FTCC

Construction Education/OSHA 10 Cert.
9/10 - 10/3

OJT

(On The Job Training)
10/4 - 11/16

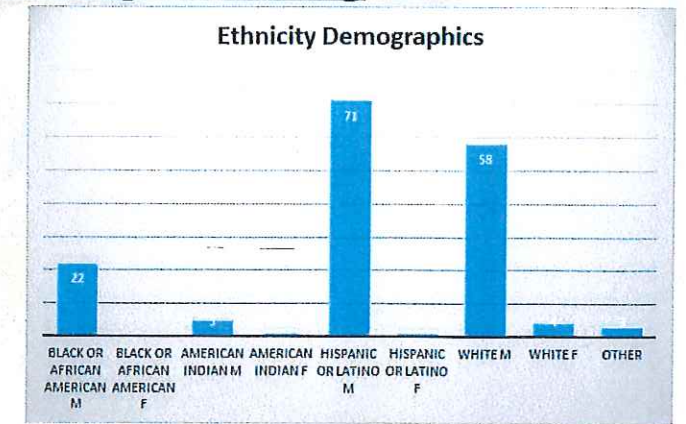
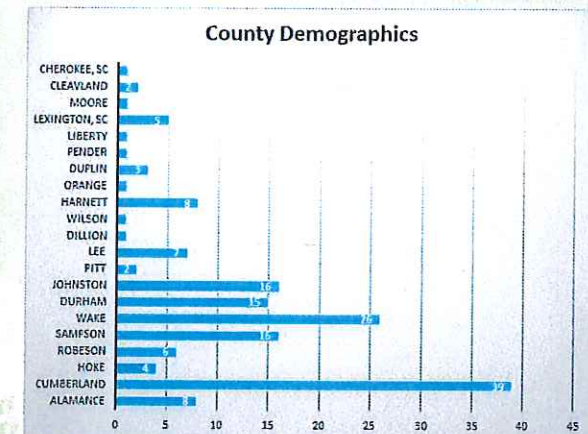
Upcoming Milestones

- 1) Boomerang SOG pours complete
- 2) Structural Steel Erection Complete
- 3) Suite/Club SOMD pour
- 4) Maintenance Bldg walls complete
- 5) East MSE wall start
- 6) Brick Facade Start

Top Activities of Week 10/15

- 1) West Wall Pour @ Maintenance Bldg
- 2) SOG on Concourse Area C Column Line 9.5-6
- 3) In-wall & OH MEPF @ Clubhouse, D, Boomerang
- 4) Starting ELOD MSE Wall
- 5) Seating Section Pours

Workforce Diversity Tracking



Safety Highlight

- Manlift Safety
- Crane Lifting Protocol
- Fall Protection
- Pre-Task Planning
- Steel Erection
- Excavation
- Erosion Control
- Hydration
- Equipment Checks
- Rebar Covers

SDBE/ Local

Summary Recap:	
Project Goal Local	15%
Project Actual Committed	25%
Project Goal SDDBE	15%
Project Actual Committed	25%



Fayetteville MiLB

TOTAL RECORDABLE
INCIDENT CASES

1

DAYS AWAY,
RESTRICTED,
TRANSFER CASES

0

FIRST AID
CASES

2

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 18-482

Agenda Date: 11/5/2018

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.06

TO: Mayor and Members of City Council

THRU:

FROM: Mitch Colvin, Mayor

DATE: November 5, 2018

RE:

City Council Agenda Item - Review of Council Policy 115.15 - Protocol and Code
of Conduct - Mitch Colvin, Mayor

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Goal VI - Citizen Engagement and Partnerships

Executive Summary:

City Council Policy # 115.15 - Mayor and Council Protocol and Code of Conduct became
effective April 8, 2013, there have been no revisions to the policy since its effective date.

Council is asked to review the policy and prepare to discuss and suggest possible
recommendations to update the policy.

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

Mayor and City Council Protocol and Code of Conduct Policy 115.15

**City Council Agenda
Item Request**

Date of Request: _____ **Requester:** _____

Agenda Item Title: _____

Estimated Cost: _____ **Anticipated Funding Source:** _____

City Department(s) Support Requested: _____

Estimated Staff Time Required: _____

Anticipated Date for Future Council Work Session Discussion: _____

Which City Council approved Goal(s) within the Strategic Plan does this request directly support?

What do you envision accomplishing with this agenda item request?

Additional Comments:

SUBJECT – CITY COUNCIL Mayor and City Council Protocol and Code of Conduct	Number 115.15	Revised	Effective Date 4-08-13	Page 1 of 5
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City Council Requests for Information from Staff:

Protocol 1 – Simple Information (Readily available – Typically taking less than 5 minutes but occasionally up to 20 minutes)

- a. Contact the appropriate Assistant City Manager, Department Director or designated departmental employee
- b. City Manager may choose to handle matters personally whenever he/she deems it appropriate
- c. Not necessary to share with entire City Council

Protocol 2 – Complex Information or Research (Requiring staff time of more than 20 minutes)

- a. Contact the City Manager or appropriate Assistant City Manager
- b. City Manager will seek City Council direction if necessary
- c. City Manager must respond with information to entire City Council

Protocol 3 – Question on Agenda Item

- a. Contact the City Manager, appropriate Assistant City Manager or the City Attorney
- b. The City Manager’s Office or City Attorney will respond with information to entire City Council
- c. “Okay” to re-ask the question at the City Council meeting

Protocol 4 – City Council Request for Lobbying or Legislative Advocacy

- a. Council Member should submit request to City Manager for assignment to staff or lobbyist as appropriate. This ensures the City is able to coordinate efforts.
- b. City Manager shall generally use previous City Council positions, Strategic Plan, and NCLM Legislative Advocacy Goals to guide current legislative positions in the absence of specific direction
- c. In the event the City Manager determines that the legislative interest of the City is unclear, City Manager will refer the issue to City Council for direction

Protocol 5 – City Council Request of PWC for Information

- a. Council Member should submit information request to City Manager for assignment to staff.

SUBJECT – CITY COUNCIL Mayor and City Council Protocol and Code of Conduct	Number 115.15	Revised	Effective Date 4-08-13	Page 2 of 5
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City Council Service Request From Citizens:

Protocol 6 – Citizen Service Requests

Intent:

- Help citizens to understand the City’s process and City Council responsibility
- Provide a timely, accurate response
- Be accountable for City actions
- Recognize that some citizens have special needs – limited capacity to learn, use the system or access to technology

Protocol:

- a. If the Citizen has not contacted the City:
 1. Refer the citizen to 433-1FAY or www.1fay.com work order system or,
 2. Link the citizen to appropriate person or department
 3. Corporate Communications Director is the City Council point of contact for follow-up tracking
- b. If the Citizen has an unresolved or unsatisfactory response to an issue:
 1. Ask citizen for name and/or department of concern
 2. Contact the Corporate Communications Director for follow up
 3. Corporate Communications Director will coordinate with appropriate Department Director or Assistant City Manager
 4. Corporate Communications Director will respond to City Council Member with resolution
- c. For police matters, contact the City Manager.

City Council Staff Expectations:

Protocol 7 – City Staff Response Time

- a. Staff will acknowledge City Council email or voicemail within 48 hours (refers to business days; excludes weekends)
- b. Staff will respond with information to the entire Council if protocol 2 or 3 applies
- c. Response not required on weekends unless it is an emergency
- d. Emergency– Place call to the City Manager

SUBJECT – CITY COUNCIL Mayor and City Council Protocol and Code of Conduct	Number 115.15	Revised	Effective Date 4-08-13	Page 3 of 5
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Protocol 8 – Public Meetings Held by Staff

- a. The ranking City Council Member (Mayor, Mayor Pro Tem, District Council Member, or Senior Member) should be invited to give welcoming remarks of less than 1 minute. This also applies when staff is invited to meetings held by others.
- b. All City Council Members present should be recognized by the ranking member of City Council in the welcoming remarks. If no remarks are given, staff shall recognize members of Council present.
- c. City Council Member will not campaign or make stump speeches
- d. Complaints about City Council members breaching protocol will be directed to the City Manager’s Office for referral to the Mayor and City Council as a body.

City Council Interactions:

Protocol 9 – Communication among Mayor and City Council

- a. To be determined by City Council
- b. Adhere to Code of Conduct

Protocol 10 - Council Work Session Policy

- a. Council does not take formal votes.
 1. Formal Votes at Work Sessions are only permissible in the event a final policy decision is required prior to the next regular City Council meeting.
 2. In the event Council desires to take a formal binding vote during a Work Session:
 - i. A procedural motion must be made and approved to add the agenda item. (Requires $\frac{3}{4}$ of Body or 8)
 - ii. A substantive motion and vote can then be taken on the item. (Requires simple majority)
- b. Normal options include:
 1. No Action – Council simply accepts information and provides comment as appropriate
 2. Forward for Action – Majority of Council votes to forward item to Regular Council meeting for action.
 3. Additional Information – Council directs staff to obtain additional information or develop revised proposal(s). Item will be brought back by staff to a future Work Session.
 4. No Direction – Staff work completed. No majority of Council to move item forward.
- c. Once discussion of item has ended, the item can come back to future Work Session via Council Request Process. (see below)

SUBJECT – CITY COUNCIL Mayor and City Council Protocol and Code of Conduct	Number 115.15	Revised	Effective Date 4-08-13	Page 4 of 5
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Protocol 11 – Council Member Request to Add Agenda Items (Replaces current code)

- a. All Council agenda requests will be presented at a monthly Work Session.
- b. The request will be submitted prior to close of business Monday one week prior to the Work Session meeting.
- c. The Councilmember making the request will be given 5 minutes at the end of the Work Session to make a presentation in support of their request.
- d. It requires a majority vote to direct staff to incorporate the requested item into staff's work plan and bring it back to a future Work Session or regular Council meeting.

Protocol 12 – Council Modification of Existing Agenda

- a. In the event Council desires, or the City Manager requests to add an item to a published regular meeting agenda:
 1. A procedural motion must be made and approved to add the agenda item. (Requires $\frac{3}{4}$ of Body or 8)
 2. A substantive motion and vote can then be taken on the item. (Requires simple majority)

SUBJECT – CITY COUNCIL Mayor and City Council Protocol and Code of Conduct	Number 115.15	Revised	Effective Date 4-08-13	Page 5 of 5
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Code of Conduct

1. Adhere to the City’s Core values. Serve the citizens and lead the organization with R.E.S.P.E.C.T.
2. Focus on what is “best for the City”
3. Communicate in an open, transparent, direct and truthful manner
4. Share information openly
5. Do not speak for another City Council Member
6. Treat each other with trust and respect; avoid personal criticism
7. Make direct contact with individuals for conflict resolution
8. Keep confidences
9. Focus on the future, not the past
10. Decide as a Council and support the City Council decision