

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE CONFERENCE ROOM  
DECEMBER 3, 2018  
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1) (arrived at 5:15 p.m.); Daniel Culliton (District 2) (arrived at 5:06 p.m.); Tisha W. Waddell (District 3) (arrived at 5:15 p.m.); D. J. Haire (District 4) (departed at 6:50 p.m.); Johnny Dawkins (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp (District 9)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Telly Whitfield, Assistant City Manager  
Barbara Hill, Interim Assistant City Manager  
Gina Hawkins, Police Chief  
Jerry Newton, Development Services Director  
Michael Martin, Assistant Development Services Director  
Michael Gibson, Fayetteville-Cumberland Parks and Recreation Director  
Kevin Arata, Corporate Communications Director  
Cindy Blot, Community and Economic Development Director  
Jay Toland, Interim Chief Financial Officer  
Brandon Christian, Police Attorney  
Tracey Broyles, Budget and Evaluation Director  
Kim Toon, Purchasing Manager  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Colvin called the meeting to order.

**2.0 INVOCATION**

The invocation was offered by Council Member Haire.

**3.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Arp moved to approve the agenda.  
**SECOND:** Council Member Haire  
**VOTE:** UNANIMOUS (6-0)

**4.0 OTHER ITEMS OF BUSINESS**

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

Ms. Karen McDonald, City Attorney, presented this item with the aid of a PowerPoint presentation and stated Council directed staff to draft a Resolution seeking to amend the Charter to allow for recall elections. The Resolution requests introduction of a local bill to amend the Charter to allow for recall elections. 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.

Discussion ensued.

**Consensus of Council was to direct staff to move this item forward to the November 13, 2018, regular City Council meeting agenda; to be placed on consent.**

#### **4.02 Parks and Recreation Bond Financial Plan Update**

Mr. Kristoff Bauer, Deputy City Manager, presented this item with the aid of a PowerPoint presentation and stated 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. Further revisions have been made based on new opportunities and information. The Committee met again on October 24, 2018, to review the plan as updated. 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. The initial financial plan was developed based on January 4, 2016, Council action to identify the projects to be funded by the Parks 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 memorandum. The Council confirmed a number of the Committee's recommendations during the May 7, 2018, work session, including increasing funding for the senior centers and adjusting the timing and location for the sports field complex. After that work session, the City received an offer from Fort Bragg to make property off of McArthur Road available to the City for the development of sports fields. Fort 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 September 26, 2018, meeting:

- Identify Cliffdale and 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

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 October 24, 2018, meeting and they directed staff to bring the funding plan to Council with options to address the funding shortfall. 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. Staff has developed three options for Council consideration to address the projected shortfall in dedicated resources:

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 \$565,000.00), 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 \$565,000.00 from available General Fund fund balance.

- Pro - Project timing maintained
- Con - \$565,000.00 not available for other projects or priorities; ties up funding for 10 years before needed

Discussion ensued.

**Consensus of Council was to direct staff to move this item forward to the next regular City Council meeting agenda; and selecting Option A.**

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

##### **Nuisance Properties**

Mr. Gerald Newton, Development Services Director, introduced this item and stated Development Services staff will facilitate the presentation of two proposed ordinance amendments to include Section 14, Article VII, Nuisance Properties, and Section 30-4.C.1, Hotel and Motel Extended Stay Amortization.

Mr. Michael Martin, Assistant Development Services Director, presented this item with the aid of a PowerPoint presentation and stated there are currently no provisions within the City's Code of Ordinances that address recurring violations identified by code enforcement staff pertaining to 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.

Discussion ensued.

Ms. Karen McDonald, City Attorney, stated if a resident is a victim of illegal dumping on their property, it is their responsibility to file a police report in order for the offense not to be counted.

**Consensus of Council was to direct staff to include staggered fines and move this item forward.**

Mayor Colvin recessed the meeting at 6:50 p.m. and reconvened the meeting at 6:59 p.m.

#### **Hotel and Motel Extended Stay Amortization**

Mr. Michael Martin, Assistant Development Services Director, stated on June 27, 2016, the City Council adopted Ordinance No. S2016-007 which defines the requirements for extended stay occupancy of more than 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 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. Since the adoption of Ordinance No. S2016-007, staff has found that approximately eight 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.

Discussion ensued.

**Consensus of Council was to direct staff to move this item forward. Council Member Jensen was not in agreement with the consensus.**

#### **4.04 Lake Rim Aquatic Center Preliminary Design**

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item and stated 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. Two design concepts were provided for your review. The design concepts were created to ensure the design meets programming needs as well as budget constraints.

##### Schematic Design A:

- 7,000 square feet of pool space
- Pool slide
- Pool play structure
- Splash features
- Bath/Concession/Filter buildings

##### Schematic Design B:

- 8,500 square feet of pool space
- Pool slide
- Pool play structure
- Bath/Concession/Filter buildings

Discussion ensued.

**Consensus of Council was to direct staff to move this item forward with Option B Schematic Design.**

#### **4.05 Local Small Disadvantaged Business Enterprise (LSDBE) Program Update**

Ms. Kim Toon, Purchasing Manager, presented this item with the aid of a PowerPoint presentation and stated the 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. 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 one public meeting each 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 two 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 percent are located in Cumberland and Hoke Counties.
- The FY 19 First Quarter purchase order expenses total \$19,735,123.00 with 28 percent (\$5,525,834.00) being spent in Cumberland and Hoke Counties.
- The FY 19 First Quarter procurement card expenses total \$344,506.00 with 25 percent (\$86,126.00) being spent in the Cumberland and Hoke Counties.
- The FY 19 First Quarter for contracts is \$5,682,984.00 and 73 percent is identified as assigned to local prime contractors. Of the \$5,682,984.00 total contract dollars, 27 percent (\$1,534,405.00) 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.

The City Small Local Business Enterprise Program (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.

Discussion ensued.

**Mayor Colvin and Council members thanked Ms. Kim Toon for her hard work and presentation of this great news.**

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

Mayor Colvin presented this item and asked Council to review the policy and e-mail all recommendations of revising the policy to him over the next three weeks.

**Consensus of Council was to agree to send revision recommendations to the Mayor, and to direct staff to move this item forward to the December 3, 2018, work session agenda.**

#### **5.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 8:18 p.m.