

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
VIA ZOOM CONFERENCE CALL
MAY 4, 2020
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3); (D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Telly Whitfield, Assistant City Manager
Angel Wright-Lanier, Assistant City Manager
Cynthia Blot, Economic and Community Development Director
Michael Gibson, Parks, Recreation and Maintenance Director
Pamela Megill, City Clerk
Jennifer Ayre, Deputy City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 5:17 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Davis.

3.0 APPROVAL OF THE AGENDA

MOTION: Council Member Dawkins moved to approve the agenda with the exception of moving Item 4.04 to the May 11, 2020, regular meeting agenda and moving Item 4.07 to the second item on this agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 COVID-19 Update

Mr. Scott Bullard, Emergency Management Coordinator, presented this item and stated we are now 50 days into the State of Emergency Declaration. We have 11,848 positive COVID-19 cases in North Carolina, and 430 fatalities statewide. Second Harvest Food Bank has been providing meals for so many. Manna Church is also holding a food giveaway event on May 5, 2020. Please maintain the social distancing, hand washing, wearing masks, and remember patience is the key word of the day.

4.07 Fields Road, Sports Field Site Analysis Follow-Up

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated in 2015 a package of parks and recreation bond projects was developed for voter consideration. The package included a number of new projects as well as renovations to existing parks/facilities. Prior to the vote held on March 15, 2016, the location for a new Sports Complex was tentatively listed as Fields Road. The City currently owns a parcel of approximately 50 acres at this location.

Following the passing of the bond referendum, the City Council Parks and Recreation Bond Committee was approached regarding discussion for a parcel of land located adjacent to the All American Freeway and new Interstate 295, known as Military Business Park. This was a larger parcel located along a major thoroughfare. Those negotiations were unsuccessful.

The Council then directed staff to pursue a partnership with Fort Bragg regarding the development of property on McArthur Road and with Methodist University regarding the Jordan Soccer Complex. These efforts are ongoing and discussed in companion reports on this agenda.

Based on Council's February 24, 2020, direction to allocate \$3.5 million of the Sports Field project funding to the Fields Road location, staff initiated basic constructability studies to address concerns that had been raised. This includes a phase 1 review for environmental contamination, a geotechnical report focusing on the soil conditions, and a wetland delineation. These reports are included in the agenda packet. Mr. Bauer presented the following information from the reports:

Phase 1: No areas of concern or significant findings in this report.

Geotechnical Report: The areas tested, all of which are outside of the potential wetland areas, were found to have soils suitable for standard construction techniques up to a three-story building.

Wetlands: The property is significantly impacted by probable wetlands leaving approximately 22 acres not impacted by wetlands. The word "probable" is used as the Army Corp of Engineers, who adjudicates wetlands, has not been called in to inspect the property. Some very small impacts to the wetlands are allowed under a national permit, but any attempt to develop in the area identified as probable wetlands would be time consuming and likely very expensive due to both the need to physically mitigate the wet conditions and the regulatory requirement to mitigate the wetland impact. This leaves approximately 12 to 15 acres of developable land.

Conclusions:

- The developable area is sufficient in size and location for a future fire station, 911, and potentially other amenities associated with or compatible with that use.
- The area is not sufficient to support sport fields as contemplated by the park bond.
- Given the FY 23 deadline to expend bond funds, the projects currently identified by Council for bond funds, and that no fire station or other companion facility is funded at this location under the current five-year capital improvement plan, there does not appear to be a constructive use for the \$3.5 million in bond funding that Council has allocated for use at this location.

The original allocation of funding to the Sport Field Complex was \$9,000,000.00. A total of \$108,769.00 has been spent to date on the development of the master plans and other consultant work (\$54,207.00 for Sport Field Complex, \$54,562.00 for Soccer Complex). The most recent funding plan approved by Council on January 13, 2020, allocates \$8,750,000.00 for the Sport Field Complex.

Discussion ensued.

MOTION: Council Member Haire moved to accept the report, and not consider the Fields Road site for a Sports Complex, and leave \$1.5 million for site development(s).

SECOND: Council Member Dawkins

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Waddell, Kinston, Banks-McLaughlin and Ingram)

4.02 Discussion of a License Agreement with Fort Bragg for Use of Federal Property on McArthur Road for a Sports Complex

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated in 2015 a package of parks and recreation bond projects was developed for voter consideration. The package included a number of new projects as well as renovations to existing parks/facilities. One of those is a Sports Field Complex. The Council met in a special meeting on February 24, 2020, and directed that the funding for the project be divided between three locations--McArthur Road, Fields Road, and Jordan Soccer Complex.

A draft Memorandum of Agreement (MOA) was developed and reviewed by Council during the March 2, 2020, work session and approved by Council during their regular meeting on March 23, 2020. As was discussed at that time, the MOA approved by Council is "contingent upon the issuance of a lease of the Property (McArthur Road) to the City with a term of 50 years. The form of the partnership with Fort Bragg for the development of the Sports Field Complex was first discussed in detail during a Park Bond Committee meeting on January 16, 2019. Two paths forward were presented at that time: pursuing a 50-year lease or a 5-year license. It was emphasized at that time that obtaining the 50-year lease would be complex and would require up to two years to achieve. The 5-year license in contrast could be approved at the local level and could be completed in a couple months. The Committee at that time directed staff to work with Fort Bragg to pursue the 50-year lease. A full master plan was developed for the McArthur Road site as part of the development of the MOA required for the lease request. City staff has worked closely with Fort Bragg to find a path to achieve the objective of a long-term lease. That current master plan was developed, however, based on a budget allocation of \$5.5 million. Council reduced the budget allocation to \$3.5 million on February 24, 2020. Upon completion of the approved MOA, Fort Bragg staff attempted to initiate the lease consideration process. At this time it became clear that their efforts to obtain the approvals necessary to allow the consideration of the issuance to the City of a 50-year no-cost lease of the 80 acres identified for the project were not going to be successful. They contacted the City and a meeting was set up between Col. Sounia and his staff, Council Members Jensen and Davis, and City staff to discuss options. It was made clear during that meeting that while a lease would not be possible, the Garrison was still very much in support of the partnership and they offered to enter into a 5-year license agreement. They also discussed what they referred to as a "rolling five-year license." This term is referring to an option for the City to request that the Garrison renew the license annually. The following direction is needed to move forward:

- Revise the MOA to make it contingent upon a 5-year license; and
- Develop a 5-year license agreement.

If this course of action is acceptable, then these agreements will be developed and brought back to Council for approval. If approved, then design for this facility would be initiated within 45 days and the facility completed within 24 months. The Council has allocated \$3.5 million in bond funds to support development at the McArthur Road location.

Discussion ensued.

MOTION: Council Member Davis moved to direct staff to negotiate the five-year rolling lease and report results back to Council in 30 days.

SECOND: Council Member Banks-McLaughlin

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Ingram and Waddell)

4.03 Jordan Soccer Complex Lease

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated the City initiated negotiations with Methodist University in November 2018. A history of these negotiations is included in the agenda packet along with a memorandum as the most recent proposal that the City made to Methodist University in July 2019. These negotiations were initiated as a means to utilize City Park Bond funds to increase the City's ability to serve the needs of soccer through investing in this existing facility rather than constructing new soccer fields. After over a year of work, outlined in a memorandum, it has become clear that the parties have very different interests. While the City has an interest in enhancing the facility for the community and Methodist University and continuing the current use, the University's primary interest is annual revenue. One important issue not discussed in the memorandum is the critical function played by the Jordan Soccer Complex as the trail head for the Cape Fear River trail. The importance of this use of the Complex has become very apparent over the last few weeks as the Fayetteville Soccer Association, who currently operates the complex via an annual lease agreement with Methodist, has decided to leave the gate to the complex closed. While University staff have consistently represented that the University has no interest in interfering with the community's use of this area as a trailhead, they have not intervened with the Soccer Association and their Board has been very clear that their dominant interest is annual revenue. Options to replace this trailhead are unattractive and expensive. As discussed earlier and in the references, the City's discussions with Methodist reached impasse last fall. The fundamental challenge is the Methodist University's interest in annual lease payments and the City's only resources currently being one-time capital investment funding. Methodist has expressed a willingness to consider any proposal that includes an annual lease payment. That will require the dedication of annual operational funds outside of the park bond funding plan. Should the Council agree to enter into a lease of this kind, then there may be opportunities to generate revenue through use fees to offset some of this cost. Staff is seeking Council consensus regarding making a new proposal to Methodist University as discussed in the memorandum.

The Council has identified \$1.5 million in capital funding to improve the Jordan Soccer Complex, but no operational resources or annual payments have been considered. The lease proposal from Methodist does not require the City to make a capital investment, but does require a total of \$515,000.00 in lease payments over the first five years and an estimated \$1,594,790.00 over ten years if the five-year extension option is exercised. The proposal is to counter with an offer that would call for \$1,000,000.00 in lease payments over ten years. This reflects only the lease payments contemplated under these alternatives. The value of capital investment and other operational costs remain to be developed.

Discussion ensued.

MOTION: Council Member Ingram moved to direct staff to move this item forward; negotiate the lease at a lesser amount.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

Discussion ensued pertaining to the original \$1.5 million over ten years and the proposed reduction to \$1 million over ten years. The motion did not specify the actual dollar amount.

Consensus of Council was to direct staff to counteroffer for the best deal possible and bring the findings back to Council for further discussion.

4.04 Discussion of the 2040 Comprehensive Plan (Future Land Use Map, Plan, and Demographic Profile Report)

This item was pulled from the agenda to be placed on the May 11, 2020, agenda.

4.05 Emergency Bridge Loan Fund (EBLF)

Ms. Cynthia Blot, Economic and Community Development Director, presented this item and stated to facilitate the aid to the recent COVID-19 crisis, the City is soliciting the assistance of the Center for Economic Empowerment and Development (CEED), a North Carolina nonprofit corporation. CEED is a qualified 501(c)(3) organization that receives donations and grants to provide services and training to disadvantaged families, businesses, and people in the community to promote economic self-sufficiency and prosperity in alignment with the City's goals and priorities. The City is engaging CEED to administer loans to small businesses impacted by COVID-19. CEED is a nonprofit, community development corporation based in Fayetteville, NC, that has been in existence for 30 years and offering small business lending and training experience as a partner of the Small Business Administration (SBA) for 20 years. CEED will leverage its current capacities to operate the fund, maximize impacts, and minimize operating expenses. Loans will be designed to provide low-cost "bridge funding" to help businesses stay open and limit job losses until businesses can qualify for longer term disaster funding from SBA or others.

Discussion ensued.

Consensus of Council was to approve the EBLF and fund the \$250,000.00 program and \$10,000.00 to CEED for administration fees, and specify that applicants must reside, or be located, in the City of Fayetteville to qualify to apply. Consensus was unanimous.

Mayor Colvin recessed the meeting at 9:24 p.m. and reconvened the meeting at 9:29 p.m.

4.06 Staffing for Adequate Fire and Emergency Response (SAFER) Grant

Mr. Mike Hill, Fire Chief, presented this item and stated the Fire Department has realized a degradation in performance, specifically in response times related to the assembly of an effective response force at emergency incidents. It has also noticed a decrease in station reliability in several areas of the City due to units being out of position for various reasons. The department relates these issues to the current operating posture of staffing fire apparatus with three personnel. This deployment model is contradictory to the National Fire Protection Association's (NFPA) 1710 standard that stipulates a four-person unit minimum and makes it difficult to remain compliant with the Occupation Safety and Health Administration (OSHA) CFR 1910.134(g)(4)(i) in the areas of the City protected by fire stations that house a single fire unit.

The Fire Department is proposing to pursue a nearly \$2 million Federal grant opportunity to assist with hiring 18 new firefighter positions. This will allow the minimum staffing level at the single-company stations to be increased to four personnel daily. The Fire Department has expanded its services and increased the number of units staffed over the years at a rate that exceeds the number of positions added. This has caused personnel resources to be spread dangerously thin. Historically, the department has managed through the use of hire-back personnel as a strategy to keep units in service. This has become cost prohibitive as evidenced by the continual overruns of the department's annual overtime appropriation. This staffing deficiency

has been exacerbated by the department's growing attrition rate. This rate has more than doubled over the past four years.

The Fire Department's staffing level is not compliant with National standards and makes it increasingly difficult to adhere to Federal laws established by OSHA. The safety of firefighters and the community is placed at risk each day the department maintains its current staffing practice. There are also negative implications to the community's ISO "class 1" Public Protection Classification Rating at the current staffing level. Loss of this rating will have a negative impact on the present business community and is counter-productive to business recruitment efforts. The SAFER Grant will cover 75 percent of the personnel cost for the first two years and 35 percent of the cost of year three. There is no federal match for years four and beyond.

Mr. Douglas Hewett, City Manager, stated if the City is approved for this grant funding, it will necessitate a tax increase at some point.

Discussion ensued.

MOTION: Council Member Dawkins moved to suspend the rules in order to allow an official vote.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Banks-McLaughlin moved to direct staff to apply for the SAFER grant.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (10-0)

4.08 Council COVID-19 Response and Recovery Committee Reports

Consensus of Council was to move this item to the May 6, 2020, special meeting agenda.

4.09 City Council Member Agenda Item Request - Funding Options for Two Additional Recreation Centers - Council Member Ingram

Council Member Ingram presented this item and stated she is aware the current Parks and Recreation Master Plan is being updated. She requested consideration for two additional recreation centers--one for District 2 east of the river and the second one for District 5 in close proximity to the Douglas Byrd High School area.

Mr. Hewett stated the new updated Master Plan will be presented to Council in either June or August of this year.

4.010 City Council Member Agenda Item Request - Homeless Shelter - Council Member Banks-McLaughlin

Council Member Banks-McLaughlin presented this item and requested Council's approval to direct staff to research the cost of building a homeless shelter and have Dr. Newton, Development Services Director, report back at the June 1, 2020, work session.

Discussion ensued.

MOTION: Council Member Banks-McLaughlin moved to direct staff to research the cost and feasibility of building a homeless shelter, and have Dr. Newton report back with location options; all to be reported back to the June 1, 2020, work session.

Council Member Ingram offered to second the motion, if Council Member Banks-McLaughlin would remove the June 1 date deadline from her motion. Council Member Banks-McLaughlin declined to amend the motion.

The motion died for lack of a second.

4.011 City Council Agenda Item Request - Emergency Shelter - Council Member Banks-McLaughlin.

Council Member Banks-McLaughlin presented this item and stated she has placed this item on the agenda for a second time and stated she wants to get information on where we are with the Day Center.

Discussion ensued.

Mayor Colvin directed the City Manager and staff to meet with Council Member Banks-McLaughlin and provide her with an update.

4.012 City Council Agenda Item Request - SAFER Grant - Council Member Banks-McLaughlin

This item was not discussed.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:56 p.m.