

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
ZOOM MEETING
MAY 26, 2020
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3) (via telephone); 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
Michael Hill, Fire Chief
Gerald Newton, Development Services Director
Tracey Broyles, Budget and Evaluation Director
Jay Toland, Chief Financial Officer
Rebecca Jackson, Strategic Performance Analytics Director
Elizabeth Somerindyke, Internal Audit Director
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 Davis.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Mr. Scott Bullard, Emergency Management Coordinator, updated Council on internal measures being taken for emergency management and City employees as related to the Coronavirus pandemic.

Council Member Ingram announced the 2020 Census is still taking place and encouraged citizens to complete the census form.

Mr. Douglas Hewett, City Manager, announced there are two items that need to be added to the agenda this evening. The first item is a resolution supporting a share of the revenues we are currently excluded from and the second item is to make an amendment to the Emergency Bridge Loan Contract.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda with the addition of Item 8.02, Consideration of Adopting a Resolution in Support of Legislative Action to Direct Shared Allocations of Food and Beverage Tax Proceeds between Cumberland County and its Municipalities, and Item 8.03, Amendment to Emergency Bridge Loan Contract.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Haire moved to approve the consent agenda with the exception of Item 6.06 for presentation and separate vote.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

April 20, 2020 - Special

April 27, 2020 - Regular

May 4, 2020 - Work Session

May 6, 2020 - Special

May 11, 2020 - Regular

6.02 Adoption of Capital Project Ordinance Amendments 2020-39 and 2020-40 to Reallocate Sidewalk Project Funding for the 71st School Road Sidewalk Project

Capital Project Ordinance Amendments 2020-39 and 2020-40 will reallocate \$131,620.00 from the FY 2019 sidewalk project ordinance to the 71st School Road sidewalk project ordinance. The additional funds are needed to proceed with a construction bid award (\$71,620.00) and to provide funding for unforeseen contingencies in the field (\$60,000.00).

6.03 Approval of Capital Project Ordinance Amendment 2020-42 and Special Revenue Fund Project Ordinance Amendment 2020-3 to Reallocate FTA Grant NC-2018-045-0 Funding Between Capital and Planning Expenditures

Federal Transit Administration (FTA) grant NC-2018-045 was appropriated by City Council on August 27, 2018. Most of the grant project funds have been expended and the grant is almost ready for closeout. Staff submitted a grant budget revision to the FTA to facilitate final expenditures of the grant award by transferring funding from the capital to planning expenditure categories. The FTA has approved the grant budget revision and Council is now asked to approve Capital Project Ordinance Amendment 2020-42 and Special Revenue Project Ordinance Amendment to transfer \$32,527.00 of federal grant funds and required local match funding between the ordinances.

6.04 Adoption of Capital Project Ordinance Amendment 2020-41 to Appropriate \$20,947.00 to Fund Final Costs for the Municipal Agreement with the North Carolina Department of Transportation for the Rowan Street Bridge Replacement Project

The North Carolina Department of Transportation (NCDOT) recently completed its Transportation Improvement Project B-4490 to replace the Rowan Street Bridge. At the initiation of this project, the City entered into a municipal agreement with NCDOT to fund requested enhancements to the project to improve the aesthetics of this gateway corridor approaching downtown. The final billing for the City's municipal agreement share exceeds the current appropriation by \$20,947.00. Adoption of Capital Project Ordinance Amendment 2020-41 to appropriate an additional transfer of \$20,947.00 from the General Fund, bringing the total project appropriation to \$406,602.00.

6.05 Rescind Demolition Ordinance - 1734 Sandra Drive

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
RESCINDING DEMOLITION ORDINANCE NO. NS2020-003. RESOLUTION NO.
R2020-023**

6.06 This item was pulled for presentation and separate vote.

6.07 Uninhabitable Structures Demolition Recommendations

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. 1720 Long Street, PIN 0447-60-3300. ORDINANCE NO. NS2020-010

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. 1634 Tryon Drive, PIN 0428-17-2973. ORDINANCE NO. NS2020-011

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. 7424 Layton Drive, PIN 0447-60-3300. ORDINANCE NO. NS2020-012

6.08 Phase 5 Annexation Area 21 - Resolution Confirming Assessment Roll and Levying Assessments

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2020-021

6.09 Airport - Accept CARES Act Grant Offer and Authorize City Manager to Execute

Acceptance of the CARES Act Grant Offer, Grant No. 3-37-0021-047-2020, for \$2,968,903.00 and authorize the City Manager to execute the CARES Grant.

6.010 COVID-19 - Designation of Applicant's Agent - North Carolina Department of Public Safety and FEMA

Authorizing Mr. Jay Toland, Chief Financial Officer, as the Primary Agent and Ms. Brenda Powell, Financial Reporting Manager, as the Secondary Agent to execute and file applications for State and/or Federal assistance on behalf of the City of Fayetteville. The above named agents will be authorized to act for the City in all matters with the State of North Carolina and the Federal Emergency Management Agency pertaining to disaster assistance.

6.06 Uninhabitable Structures Demolition Recommendations - Mobile Manor Mobile Home Park

This item was pulled for presentation and separate vote.

Dr. Gerald Newton, Development Services Director, presented this item and stated staff request for demolition ordinance approval on seven mobile homes on the same parcel determined to be blight. The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. A hearing on the condition of the structures was conducted on July 18, 2020, at which the owners appeared. A subsequent Hearing Order to repair or demolish the structures within 90 days was issued and mailed to the owner on July 19, 2020. To date, there have been no repairs to the structures and the structures have not been demolished. There are no City assessments and no outstanding taxes. The subject structures are substandard and detrimental to the surrounding neighborhood and promotes nuisances and blight, contrary to the City's Strategic Plan 1. The demolition cost of these structures will be determined at a later date subject to a competitive bidding process to be conducted after adoption of the demolition ordinance. There may be additional unknown costs for asbestos testing and abatement if needed.

Council is advised that staff will continue to work with property owners up until the actual beginning of the City-ordered demolition to

either bring the structures into a code-compliant state, to obtain voluntary owner-initiated demolition, or to achieve abatement of the violation with the assistance of a Community Development grant. In the event we are successful in voluntary compliance on all structures, we will bring Council a demolition rescission ordinance to remove the original demolition order from clouding the deed of the property. We prefer to get demolition ordinances approved as Council action increases our leverage with property owners in obtaining code compliance. Only an action by the Council can stay or suspend demolition proceedings after a demolition order has been adopted.

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. MOBILE MANNOR PARK. 303 Peejay Lane, PIN # 0418-59-4433. ORDINANCE NO. NS2020-013

MOTION: Council Member Haire moved to approve this item as presented.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

7.0 PUBLIC HEARINGS

7.01 Consider Adoption of the 2040 Comprehensive Plan (Future Land Use Map, Plan, and Demographic Profile Report)

Mr. Taurus Freeman, Planning and Zoning Manager, presented this item and stated the City's FY 2020 Strategic Plan, "A Focus on the Future", and its Goals, Objectives, and Targets for Action support a need and interest in planning for the City's future growth through a Comprehensive Land Use Plan. Goal III's objectives and targets for action resulted in the Development Services staff taking on the task of creating a Comprehensive Land Use Plan with the first phase being the creation of the Future Land Use Map. The overall plan will include a Future Land Use Map, character area descriptions, goals and objectives, and associated policies and implementation strategies. Also, in recent years, the North Carolina General Statutes were amended, placing more emphasis on comprehensive planning by requiring that rezonings and development approvals be based on and be consistent with an adopted Comprehensive Plan. Currently, the City of Fayetteville uses the 2010 Land Use Plan, the 2030 Growth Vision Plan, and various area studies to evaluate rezoning and development requests. The City realizes the importance and necessity of an updated Land Use Map and Comprehensive Plan, especially in light of the amendment to the State Statute placing more emphasis on Comprehensive Plans and the requirement that rezonings and development approvals be based on and be consistent with the Comprehensive Plan. While the City of Fayetteville has completed area studies over the years, these plans need to be better utilized and incorporated into a comprehensive document to guide development in a cohesive manner; thereby achieving the goals and recommendations of those studies and the City of Fayetteville's Strategic Plan. The City of Fayetteville sought proposals from qualified consultants to develop a collective updated and all-inclusive Future Land Use Map (FLUM). In February 2019, the City entered into a contract with Stewart Inc. consisting of updating the Future Land Use Map. Prior, 13 area plans were analyzed by Benchmark Planning, which was the basis to consolidate and incorporate the assessed information into a Comprehensive Plan Map and related text (Plan).

Dr. Gerald Newton, Development Services Director, stated the Planning Commission recommended approval of adoption of the map and plan on October 15, 2019. This item was then discussed and content documents reviewed at two Council meetings. Dr. Newton confirmed this is a living document that can be revised.

Discussion ensued.

MOTION: Council Member Waddell moved to adopt the 2040 Comprehensive Plan: Future Land Use Map and Plan and Demographic Profile, as presented by staff.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.01 Presentation of the Recommended Fiscal Year 2020-2021 Budget and Setting of the Budget Public Hearing

Mr. Douglas Hewett, City Manager, presented an overview of the recommended annual operating budget for fiscal year 2020-2021. Mr. Hewett stated the Local Government Budget and Fiscal Control Act (LGBFCA) requires submission of a balanced, recommended budget for the upcoming fiscal year to the governing board not later than June 1 each year. The LGBFCA also requires that the governing board hold a public hearing on the budget prior to adopting the budget ordinance. Issues will be discussed and deliberated during scheduled budget workshops on three consecutive Thursdays--May 28, June 4, and June 11, 2020. The budget impact will be discussed and deliberated during scheduled budget workshops.

Discussion ensued.

MOTION: Council Member Wright moved to set the budget public hearing for June 8, 2020.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

8.02 Consideration of Adopting a Resolution in Support of Legislative Action to Direct Shared Allocations of Food and Beverage Tax Proceeds between Cumberland County and its Municipalities

Mr. Douglas Hewett, City Manager, presented this item and stated the Board of Commissioners of Cumberland County recently requested a local bill in the N.C. General Assembly to extend the tax levy on prepared food and beverages sold within Cumberland County and its municipalities. The tax could be used for operating costs, capital maintenance needs, and to retire debt service on a new or expanded entertainment venue most likely in Downtown Fayetteville. Representative Elmer Floyd submitted HB 1177 on May 26, 2020, with Representatives Lucas and Szoka as primary co-sponsors. The City Council approved a similar resolution at its February 25, 2019, regular meeting and recently requested a revised resolution be presented after discussion during the special meeting on May 20, 2020.

Pursuant to the authority contained in Chapter 413 of the 1993 Session Laws, the Cumberland County Board of Commissioners levied a one percent (1%) tax on prepared food and beverages sold within Cumberland County, which is required by that law to be transferred to the Cumberland County Civic Center Commission exclusively for debt service and any other costs of acquiring, constructing, maintaining, operating, marketing and promoting the arena or expanded arena facilities. Cumberland County operates the Crown Complex which commenced operations in October 1997 and features a 10,000 seat coliseum, an Expo center with up to 60,000 square feet, a 9,200 square foot Ballroom, a 2,400 seat performing arts theatre, and an 11,500 square foot arena. All current outstanding debt issued for the construction and renovation of these facilities will be fully retired in December 2024. Cumberland County exclusively receives proceeds of occupancy taxes and prepared food and beverage taxes on sales within Cumberland County and its municipalities, and exclusively receives ABC Mixed Drink Surcharge and Profit Distributions from stores within Cumberland County and its municipalities. The City of Fayetteville is the only municipality of the ten largest in North Carolina that does

not receive revenues from shared distributions from one or all of occupancy tax proceeds, prepared food and beverage tax proceeds or ABC mixed drink surcharges and profit distributions.

Residents of Fayetteville make up two-thirds of the population of Cumberland County and is home to the majority of commerce for the county as well as Sandhills region. The City of Fayetteville has made significant investments in a downtown mixed-use stadium and supporting infrastructure to provide a regional entertainment venue to improve the quality of life and promote economic growth in the City, County and larger region. If the prepared food and beverage tax is diverted from its mandatory use for the support of these arts and entertainment facilities, the subsidy must be made up by the County's general fund taxes or the use of these facilities must be greatly diminished.

Discussion ensued.

MOTION: Council Member Banks-McLaughlin moved to adopt the resolution with the stipulation that an allocation of potential revenue be dedicated for homeless initiatives.

SECOND: Council Member Davis

VOTE: FAILED by a vote of 2 in favor to 8 in opposition (Council Members Colvin, Jensen, Ingram, Waddell, Haire, Dawkins, Wright, and Kinston)

MOTION: Council Member Wright moved to adopt the Resolution in Support of Legislative Action to Direct Shared Allocations of Food and Beverage Tax Proceeds between Cumberland County and its Municipalities.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Banks-McLaughlin)

8.03 Amendment to Emergency Bridge Loan Contract

Mr. Chris Cauley, Assistant Director of Economic and Community Development, presented this item and stated in response to the unprecedented social and economic impacts of the COVID-19 pandemic, City Council approved an emergency bridge loan fund on May 11, 2020. Council authorized the Center for Economic Empowerment and Development (CEED) to administer the revolving loan fund. CEED has briefed the Business Recovery Committee on the first week of applicants and is requesting additional flexibility related to the City's requirements for approving applications. The initial contract approved by City Council included terms that describe the underwriting guidelines and qualifications for the applicant. One of the terms requires that borrowers not have a recent bankruptcy or substantial charge off on their credit reports. CEED has encountered prospective clients who fall under these guidelines but show a positive history of dealing with credit issues. On May 26, 2020, CEED requested that City Council amend the contract language to allow for the ability to provide the minimum loan amount of \$2,500.00 if the clients show signs of continual payments with improving credit scores. In an effort to mitigate risk, CEED and the Business Recovery Committee are recommending the minimum loan amount. This action does not require any additional funding.

Discussion ensued.

MOTION: Mayor Pro Tem Jensen moved to approve the contract amendment with CEED, to allow for minimum loans to higher risk small business.

SECOND: Council Member Davis

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Waddell)

9.0 ADMINISTRATIVE REPORTS

9.01 Revenue and Expenditure Reports for the Annual Funds for the Nine-Month Period Ended March 31, 2020, with Comparative Information for the Nine-Month Period ended March 31, 2019, and Revenue and Expenditure Reports for the Multi-Year Funds from Inception and for the Nine-Month Period ended March 31, 2020

This item was for information only, and was not presented.

9.02 Small Local Business Enterprise (SLBE) Program Update

This item was for information only, and was not presented.

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:24 p.m.