

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER, CITY HALL
DECEMBER 5, 2022
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Kathy Jensen (District 1); Shakeyla Ingram (District 2) (departed at 6:48 p.m.); Mario Benavente (District 3); D. J. Haire (District 4); Derrick Thompson (District 6); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Absent: Council Members Johnny Dawkins (District 5); Brenda McNair (District 7)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jeffrey Yates, Assistant City Manager
Jodi Phelps, Chief of Staff
Jody Picarella, Chief Financial Officer
Sheila Thomas-Ambat, Public Services Director
Daniel Edwards, Assistant Public Services Director
Michael Gibson, Parks, Recreation and Maintenance Director
Brook Redding, Special Projects Manager
Kim Toon, Purchasing Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 5:00 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Thompson.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (8-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Public Works Commission Applicant Interviews

Mayor Colvin presented this item and stated each of the four PWC applicants present this evening will be allowed five minutes to address the City Council, and then the City Council will ask each candidate the same three questions. Mayor Colvin announced that candidate Mr. Theodore Mohn informed the City Clerk he would be out of town and unable to attend the interview this evening.

Candidates Mr. Christopher Davis, Mr. William Gothard, Mr. Josef Hallatschek, and Mr. Peter Stewart individually introduced themselves to the City Council and addressed the City Council on why they believe they should be selected to be appointed to the Public Works Commission. The candidates were asked three questions and provided an opportunity to respond to the City Council.

Mayor Colvin thanked the candidates for their participation in the interview process.

4.02 Solid Waste Ordinance Amendments

Mr. Daniel Edwards, Assistant Public Services Director, presented this item with the aid of a PowerPoint presentation and stated as staff reviews best practices and peer city comparisons, we seek Council input on several recommended changes/updates to the current ordinance. Staff seeks concurrence from the City Council to modify Chapter 22 to include updated definitions and service level changes for carts, yard waste, limbs, and below-standard/unmaintained streets. The options presented to Council will bring consistency, predictability, and enforceability to the solid waste services for the City of Fayetteville.

On October 4, 2020, the Solid Waste Division discussed with Council how the Solid Waste Ordinance, service levels, and other considerations regarding municipal Solid Waste collection operations needed revisions. The Solid Waste Division emphasized how the City of Fayetteville has endured a steady increase of blight and non-compliant code violations, litter, illegal dumping, and other public nuisances regarding blight and trash. Also highlighted was Chapter 22, Municipal Solid Waste, which has not been updated in several years. The ordinance lacks the definition of clearly defined processes and procedures used by the division. Additionally, the ordinance does not clearly describe customer type, services, and code enforcement. The Solid Waste Division recommended to Council to allow us to revise Chapter 22 of the Municipal Ordinance and consider substantive changes in a presentation to Council for discussion and approval.

Staff has previously provided Council peer city comparisons showing the frequency and quantity of the service delivered by our sister cities. The comparisons have shown that solid waste services for the City of Fayetteville are equal to, and in many instances, greater than our peers. Changes included in the ordinance but not in the presentation are updated definitions, authority and designee, ownership of materials, cart size, and updated terminology. On October 4, 2021, Solid Waste presented the first approach to reducing enforcement and providing consistency and predictability by recommending every other week collection of bulky and limb services. This practice has begun and is successful, albeit with periodic challenges on service delivery due to weather and fleet and personnel resource availability. Staff are now presenting recommendations of the completed ordinance including new service limits.

As a core City service of a City of over 200,000 residents, we are proud of the fact that the weekly collection of solid waste and every other week collection of recycling materials is a huge success with very few complaints and uncorrected mistakes. The demands to deliver services, including costs related from human and vehicle capital, continue to rise as do the challenges to overcome the shortages to find and maintain these two critical resources. In short, money alone is not going to fix the challenges. Expectations must be level set and we seek to do that through this discussion and ordinance update. As staff weighs the perceived interests of the Council regarding solid waste we more often hear of the negative experiences. Sometimes, complaints are driven by expectations and practices that are not sustainable when contrasted with the ordinance and peer cities. However, we know how important it is to have policies and practices that enhance and maintain the aesthetics and health and safety of the community. Sometimes, less is more when it comes to providing the extra services, as some large cities limit or do not even provide limb, bulky, and yard debris.

While we are not recommending any drastic reductions in services at this time, our aim is to share with you a few recommended changes to areas within the ordinance that have been topics of complaint or frustration from citizens. The intent is to align the ordinance based on affordable available resources while providing predictable, consistent, and enforceable services.

These topical areas include (1) rollout carts, (2) yard waste and large limbs, and (3) collection along privately owned and managed streets that have fallen into disrepair. Our intention is to clarify the rules and, while reducing the level of service in some cases, improve the ability to enforce and manage expectations.

We appreciate the support and input from Strategic Performance Analytics, Public Services, Parks and Recreation, and Development Services, as we explored and discussed challenges, inconsistencies, and opportunities to ensure that we can provide a level of service that is acceptable and affordable to Fayetteville.

At this time there is no budget impact from these recommended ordinance changes. However, the demands on our service delivery and the cost to provide these services will need to be discussed in greater detail. Policies related to the service levels and the fees to pay for these service levels are not on a sustainable trajectory.

Staff is seeking consensus from Council to accept recommendations on the proposed ordinance revisions for operations.

Discussion ensued.

Mr. Douglas Hewett, City Manager, recommended the Council meet in small groups with staff to further review and discuss the service levels and the Solid Waste enterprise fund and keeping it solvent.

4.03 Federal Action Plan 2023 (FY 2024)

Mr. Brook Redding, Special Projects Manager, introduced Ms. Leslie Mazingo, Strategies Consulting, LLC, and stated the Federal Lobbyists help define Fayetteville's priorities while facilitating communication and coordination at the Federal level. The City of Fayetteville retained the services of Strategics Consulting, LLC, as its Federal Lobbyist. The Federal Action Plan is the result of input from the staff members, and in the work session with the Mayor and City Council. Once adopted, the document will be shared during visits with members of our congressional delegation to solicit their support for the City's priorities.

Ms. Mazingo stated the City of Fayetteville engages with the federal government and pursues funding assistance for strategic focus areas identified in the City's adopted Strategic Plan. These efforts ensure protection and preservation of essential community assets and resources allowing the City to thrive. Ms. Mazingo presented the following Federal Advocacy Goals:

- Develop and pursue a federal advocacy agenda, unique to the City of Fayetteville and which leads to consistent high-quality results.
- Identify and pursue federal investments to achieve the long-term goals of the City.
- Build and maintain regular communications with Congressional Delegation, Federal Agencies, Council, staff, citizens and stakeholders.

Discussion ensued.

Consensus of Council was to direct staff to bring a revised draft Federal Action Plan forward for adoption at a later meeting date.

4.04 Disparity Study Implementation Plan Update

Ms. Kim Toon, Assistant Chief Financial Officer-Procurement, presented this item with the aid of a PowerPoint presentation and stated Council approved the consultant service contract to Griffin and

Strong P.C. on April 26, 2021. This presentation is to present the Implementation Plan in response to the Findings and Recommendations from the Disparity Study.

The objective of the Implementation Plan is to recommend modifications and adjustments to the current Small Local Business Enterprise Program (SLBE) to include updates to the current legal guidance relative to not only new legislation, policies, and procedures to meet any constitutional mandates, but also programmatic needs of the City.

Discussion ensued.

Consensus of Council was to accept the Disparity Study Implementation Plan and Recommendations, and to add the threshold of \$499,000.00.

4.05 Small Local Business Enterprise (SLBE) Program Update

Ms. Kim Toon, Assistant Chief Financial Officer-Procurement, presented this item with the aid of a PowerPoint presentation and stated City Council directed that a SLBE policy and program be developed to enhance economic opportunities for small and local business owners. The SLBE policy and program has been established and the SLBE 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 SLBE program. Council has a 40 percent aspirational goal for the City's local Metropolitan Statistical Area total procurement (MSA includes Cumberland, Hoke, and Harnett Counties). Fiscal Year 2023 Quarter 1 ended at 33.96 percent.

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

- Posted all solicitations (formal and informal) on the City website.
- Worked closely with City departments to increase their awareness of SLBE businesses and their abilities to serve the City's needs.
- Provided one-on-one consultation with SLBE firms to educate and familiarize them with City procurement processes.
- Provided printed and digital educational materials such as the "Doing Business with the City" guide.
- Contractor's College (Samet Construction and Fayetteville State University)

These efforts achieved the following results in Fiscal Year 2023 Quarter 1:

- The First Quarter purchase order encumbrances total \$229,437,550.06 with 33.99 percent (\$77,976,648.81) being spent in the local MSA.
- The First Quarter procurement card expenditures total \$379,864.98 with 31.29 percent (\$118,853.05) being spent in the local MSA.
- The First Quarter construction contracts total \$6,285,793.29 with 86.86 percent identified as assigned to local prime contractors. Of the total contract dollars 13.14 percent (\$826,197.75) is allocated to subcontractors.

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 Purchasing Division will continue to track and encourage LSDBE participation in the City's business operations.

Discussion ensued.

This item was for information; no consensus was provided.

4.06 City Council Agenda Item Request - Shotspotter Contract Text Amendment - Council Member Benavente

Council Member Benavente requested Council to direct staff to amend the Shotspotter contract with the language he has provided (attached to this item).

Discussion ensued.

Consensus to move this item forward failed.

4.07 City Council Agenda Item Request - Eccles Park Flooding - Council Member Benavente

Council Member Benavente stated he and some members of the Eccles Park community had recently met with staff and staff had provided great information for the citizens and provided an overview of the Watershed Study. Therefore, there is no reason to present this item.

4.08 City Council Agenda Item Request - Develop an Office of Independent Oversight - Council Member Benavente

Council Member Benavente asked for Council support to direct staff to research amongst our peer cities on developing an office of Independent Oversight of the Police Department.

Discussion ensued.

Consensus to move this item forward failed.

4.09 City Council Agenda Item Request - Move City Council Elections to "On Year" - Council Member Benavente

Council Member Benavente asked for Council support to direct the City Manager and City Attorney to research exactly what it would entail to move the City to even-year elections.

Discussion ensued.

Consensus to move this item forward failed.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:44 p.m.