

**FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
ST. AVOLD CONFERENCE ROOM
JANUARY 15, 2015
5:30 P.M.**

Present: Mayor Nat Robertson (via telephone prior to arrival at 6:20 p.m.)
Council Members Kathy Jensen (District 1) (arrived at 7:45 p.m.); Kady-Ann Davy (District 2) (via telephone at 6:50 p.m.); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9) (via telephone)

Others Present:

Theodore L. Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Jay Reinstein, Assistant City Manager
Karen McDonald, City Attorney
Rebecca Rogers-Carter, Strategic Data Analytics Director
Russ Rogerson, The Alliance Vice President
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Pro Tem Davy called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Wright.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Hurst moved to approve the agenda.

SECOND: Council Member Wright

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Arp)

5.0 ITEMS OF BUSINESS

5.1 Consideration and Action on setting a date for the Strategic Planning Retreat

Ms. Rebecca Rogers-Carter, Strategic Performance Analytics Director, presented this item.

Ms. Rogers-Carter asked Council to review their calendars and identify a date all Council members could attend the Strategic Planning Retreat.

6.0 CLOSED SESSION

MOTION: Council Member Wright moved to go into closed session for consultation with the attorney for an economic development matter.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (9-0)

The regular session recessed at 6:00 p.m. The regular session reconvened at 6:25 p.m.

MOTION: Council Member Hurst moved to go into open session.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (9-0)

5.0 ITEMS OF BUSINESS

5.1 Consideration and Action on setting a date for the Strategic Planning Retreat

MOTION: Council Member Colvin moved to hold the Strategic Planning Retreat on February 26, 2015.

SECOND: Council Member Wright

VOTE: UNANIMOUS (9-0)

6.0 CLOSED SESSION

MOTION: Council Member Wright moved to go into closed session for consultation with the attorney for litigation in the matter of *Public Works Commission, et al. v. City of Fayetteville, et al.*

SECOND: Council Member Colvin

VOTE: UNANIMOUS (9-0)

The regular session recessed at 6:30 p.m. The regular session reconvened at 6:50 p.m.

MOTION: Council Member Colvin moved to go into open session.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (9-0)

OTHER BUSINESS

5.2 City of Fayetteville City Charter – Suggested revisions related to the operation of City utilities

Council Member Crisp provided Council with a copy of suggested revisions to Chapter VI, Public Works Commission, of the City Charter. He stated since the time that the Fayetteville Charter was originally drafted and adopted, the state has put in place significant regulations related to the operation of municipalities and municipal utilities. In addition, the City has increased in size and administrative sophistication. The Commission has historically ignored significant provisions of the City's Charter and state law. The suggested changes provide clarity and preserve the responsibility of the City Council, as the elected policy body, to ensure the transparency, accountability, and effectiveness of City utility operations.

Mayor Pro Tem Davy requested consensus from Council for each of the itemized suggested changes. Council reviewed the suggested changes and provided consensus to accept, remove, or revise each of the suggested changes.

The following City Charter directions were provided by consensus:

CHAPTER V. ADMINISTRATION

Sec. 5.1. City to operate under council-manager plan

No change.

Sec. 5.1(1). Public works commission not subject to control of City Manager

Delete this section.

CHAPTER VI. PUBLIC WORKS COMMISSION

Sec. 6.1. Commission continued; election and term of members; vacancy.

1. Reduce term to two years.
2. Increase commission members to five.
3. Clarify that the Council will establish the process and timing of appointment.

Sec. 6.2. Qualifications of commissioners.

1. Remove "freeholders and taxpayers".
2. Clarify that commissioners must remain qualified or they are removed.
3. Fifth member to be a County resident and utility payer.

Sec. 6.3. Duties of commission.

Revise consistent with the following principles. Revise to establish duties as:

1. To set service rates and fees related to the provision of water, wastewater, electric services and other utility services as determined by City Council.
2. To recommend an annual budget to the City Council consistent with policies and procedures established thereby and state law.
3. To recommend a Capital Improvement Plan to the City Council consistent with policies and procedures established thereby and state law.

Sec. 6.4. Organization; chairman, secretary, and treasurer.

1. Add vice-chair position.
2. Eliminate the treasurer position (this position is in conflict with state law).
3. Eliminate the secretary position.

Sec. 6.5. Records and accounts.

Delete this section.

Sec. 6.6. Receipts and disbursements.

Delete this section.

Sec. 6.7. Supervision of electric light, water and sewage plants.

New paragraph to be written for this section.

Sec. 6.8. Contracts; title to property.

The commission will have no authority to contract or own property in its own name; it shall be in the name of the City.

Sec. 6.9. Proceeds of bond and special funds to be paid to treasurer; disbursement.

Delete this section.

Sec. 6.10. Powers of commission in management of property.

1. Remove language regarding contracting.
2. Remove language regarding property.
3. To employ and discharge employees to operate and maintain water, wastewater, electric generation, treatment, transmission, distribution systems subject to council budget and approval and all other utility services.
4. Remove.
5. Council will establish support service functions and how those functions will interface with utility operations.

Sec. 6.11. Rates and rents.

Delete this section.

Sec. 6.12. Monthly reports; special reports.

1. Clarify that there is only one treasurer/finance officer function, and that function is the sole responsibility of the City Council.
2. Add a requirement to provide Council with a report identifying actual expenditures versus original budget at least quarterly.

Sec. 6.13. Annual report.

1. Clarify that this is a report to the City Council, not a CAFR.
2. Report to be formatted and provided consistent with council policies and procedures.

Sec. 6.14. Bonds of chairman, secretary and treasurer.

Update to make consistent with state law.

Sec. 6.15. Compensation.

No change.

Sec. 6.16. Audit of books and accounts.

Delete this section.

Sec. 6.17. Neglect of duty by member.

1. Remove reference to misdemeanor and conviction.
2. Clarify that the Council has the authority to determine when a Commissioner has failed to perform and may remove said Commissioner.

Sec. 6.18. Budget.

Delete this section.

Sec. 6.19. Sale of electricity, water and sewer [service] in Cumberland County.

1. Clarify that the City has the authority to provide utility service in all areas of the City and in the corporate limits regardless of county and to serve in adjoining counties consistent with state law (this item to be re-written).
2. Clarify that the commission has a duty to ensure that water, wastewater, electric service and all other utilities as determined by the City Council is provided in all areas of the City at least consistent with minimum standards established by the City Council.

Sec. 6.20. Retirement system.

Delete this section.

Sec. 6.21. Investment authority.

Delete this section.

Mr. Kristoff Bauer, Deputy City Manager, stated he will make the changes as directed by the consensuses given. Mr. Bauer stated he will provide the forthcoming updated document to Council and asked that Council respond back by confirming the revisions had been accurately recorded and invited additional feedback and comments.

7.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:40 p.m.