

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER, CITY HALL
APRIL 1, 2024
2:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Malik Davis (District 2); Mario Benavente (District 3); D. J. Haire (District 4) (departed at 6:20 p.m.); Lynne Greene (District 5); Derrick Thompson (District 6) (departed at 5:17 p.m.); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9) (departed at 6:18 p.m.)

Others Present: Douglas J. Hewett, City Manager
Lachelle Pulliam, Interim City Attorney
Kelly Olivera, Assistant City Manager
Jeffrey Yates, Assistant City Manager
Jodi Phelps, Assistant City Manager
Kimberle Braden, Police Chief
Kevin Dove, Fire Chief
Loren Bymer, Marketing & Communications Director
Jerry Clipp, Human Resource Development Director
Albert Baker, Economic & Community Development Deputy Director
James Rutherford, Housing & Code Enforcement Division Manager
Michele Skinner, Fayetteville Woodpeckers General Manager
Jennifer Ayre, Deputy City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 2:00 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Thompson.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Council.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to go into a closed session for attorney-client privileged matters and personnel matters.

SECOND: Council Member Davis

VOTE: UNANIMOUS (10-0)

The regular session recessed at 2:02 p.m. The regular session reconvened at 2:38 p.m.

MOTION: Council Member Benavente moved to approve the agenda with the addition of Item 5.001 for the discussion on the community safety summit in lieu of a second special meeting and take action on the expectations.

FRIENDLY AMENDMENT:

Council Member Thompson made a friendly amendment to move Item 5.011 to 5.04a.

Council Member Benavente accepted the friendly amendment.

SECOND: Council Member Hondros

VOTE: **FAILED by a vote of 6 in favor to 4 in opposition (Council Members Colvin, Jensen, Haire, and Thompson)**

MOTION: **Council Member Thompson moved to approve the agenda and move Item 5.011 to 5.04a.**

SECOND: **Mayor Pro Tem Jensen**

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

4.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, stated the City Manager Report has been added to work sessions similar to the regular meetings to help provide Council with updates.

Ms. Jodi Phelps, Assistant City Manager, provided information regarding the Community Safety Summit. Ms. Phelps stated the event is scheduled for April 30, 2024, at the Fayetteville State University in partnership and facilitated by Dr. Gerard Tate from the North Carolina Office of Violence Prevention. This event is to bring together a round table of community partners, stakeholders, and regional experts in the field to share best practices in the four areas that are covered by the Office of Community Safety (OCS) which are violent crime prevention, youth intervention, mental health response, and homelessness. More information will be released to the public soon for individuals interested in attending. The goal is to have a landscape analysis of what exists in the community, what potential gaps are, and identify partners interested in providing resources.

Discussion ensued.

Council requested to receive data before the Summit. Mr. Jeffery Yates, Assistant City Manager, stated internal staff and Dr. Tate's staff are currently analyzing the data. If Council's interest is to have a special meeting or small groups regarding the data, staff can provide high level information.

Consensus of Council was to direct staff to bring back information before the April 30, 2024, meeting.

5.0 OTHER ITEMS OF BUSINESS

5.01 Project Homerun: Five-Year Review with the Fayetteville Woodpeckers

Mr. Douglas Hewett introduced Ms. Michelle Skinner, Fayetteville Woodpeckers General Manager.

Ms. Skinner presented a five-year review of the Fayetteville Woodpeckers with the aid of a PowerPoint presentation. The Woodpeckers play a 132-game season with 66 home games with 821,869 people attending since opening with an average of 205,467 attendees per season. There are 23 full-time staff members. The Woodpeckers focus on giving back to the community through the Community Leaders Program, Reading Programs, School Tours, and Team/Mascot Appearances. Sales tax in the amount of \$1,150,000.00 has been paid since 2017, with \$370,000.00 going to Cumberland County. Quarterly Impact Reports will be provided to City Council moving forward. The slogan for the 2024 season is "Seize the Fay" and will focus on Fayetteville's baseball heritage, Art in the Park, a PLAYBALL Weekend, and live music every Thursday.

Ms. Skinner stated per the agreement, the Woodpeckers pay to the City an annual rent, 50 percent of the naming rights, and \$1.00 per ticket sold over 50,000. The Asset Renewal and Replacement (ARR) Fund for improvements does not go below \$300,000.00. When the fund must be used, the Woodpeckers require meeting with the Board of Advisors for the Woodpeckers Capital Reserve Account. Ballpark improvements are required by Minor League Baseball (MiLB) to be in compliance with Professional Development League (PDL) requirements. Last year, those improvements included the Visitor Dining Room and Female Locker Room; this year the

batters eye was extended, additional lighting was added, laser graded the field and update to the pitcher's mound.

Looking ahead, community involvement is important, increasing ballpark additions for the fan experience and increasing events. Public park hours are part of the contract, but there is a need to address security, safety, and cost incurred to manage that.

Discussion ensued.

Consensus of Council was to accept the report.

5.02 Employer of Choice - Compensation

Mr. Jerry Clipp, Human Resource Development Director, presented this item with the aid of a PowerPoint presentation. Mr. Clipp stated as staff begins to think about the budget and what to recommend, salaries, wages, and benefits are among the top costs in a budget. The presentation shared compensation data and where the organization is as an Employer of Choice, advised on the current pay structure, and addressed public safety compression concerns.

As an Employer of Choice, the City focuses on seven pillars: Recognition, Comprehensive Benefits, Competitive Compensation, Consistent Employee Feedback, Investing in Training/Development, Exposure to Senior Leadership, and Meaningful Work Opportunities. The City was recognized in the Citizen Survey for surpassing regionally and nationally the average on customer service. As part of the City's compensation philosophy, the City aims to attract and retain a skilled and diverse workforce, offer competitive salaries, ensure internal and external equity, and ensure fairness and equity.

The City has two different pay structures--pay ranges for jobs of similar internal and/or external worth and step plans for jobs with very clearly defined pay progressions, popular among police and fire. For the Fiscal Year 2025 budget, staff is looking at a 4 percent-of-midpoint increase for a total of \$6,201,763.00, and an additional 1 percent contribution to the 401k for a total of \$779,728.00, bringing it up to 3 percent. The idea is to increase 1 percent every year until reaching market value of 5 percent.

Mr. Clipp stated there are options to address compression when there is a market adjustment, everyone in the pay grade will receive a compa-ratio adjustment and the step plan will continue to be input into their step plan. Compa-ratio adjustment is the percentage of where an employee is from midpoint. Below midpoint is under 100 percent, above midpoint is at 100 percent.

The last five years of the Police Step plan was presented. In 2021, there was a large increase in starting salary and many employees ended up going back a step. In 2022, there was another change causing compression when steps decreased from 13 to 10 steps. To help with compression, a half-step differential could be created that would affect 30 employees. It would cost an additional \$1,040.00 per employee for a total of \$57,210.00. There is also a market rate option.

To address all compensation needs for Fiscal Year 2024, it would cost the City just over \$12,000,000.00.

Discussion ensued.

5.03 Murchison Road Grocery Co-operative Feasibility and Options

Mr. Christopher Cauley, Economic and Community Development Director, introduced Mr. Derrick McArthur, Economic Development Manager.

Mr. McArthur presented this item with the aid of a PowerPoint presentation. He stated he spoke with many municipalities with co-op programs about what worked for them and did not work. The co-op

discussion was spurred from concerns about food deserts which are areas below the poverty rate with limited access to healthy food options within one mile. Impacts of food deserts can be physical and mental health, economic impacts, and crime rates. Grocery co-ops typically have higher priced selections of locally sourced food options. Most are community-led under a 501(c)3 and sometimes supported by local governments help to address food insecurities in lower-income communities. Staff reviewed options between retail or co-op. Traditional grocery would be market driven but can help create jobs and usually takes two to three years to implement, co-op grocery stores are not profit driven, but has very little structure and can take seven to ten years to implement, and existing retail has fast but limited changes with one to two years to implement.

The Choice Grant Project plans to include a grocery store, satellite bank, and pharmacy. There is a commitment of \$6,000,000.00; Choice Funds would provide \$2,000,000.00, a Community Development Financial Institution (CDFI) is willing to contribute \$3,000,000.00, and the City will provide \$1,000,000.00. The next steps are in April/May receiving notification for the "short list" for Choice Neighborhoods, in June/July HUD would conduct site visits, in July/August the official award notice, and then it would take 12 to 18 months for HUD to approve the finalized project.

Discussion ensued.

5.04 2024-2025 Housing and Urban Development Annual Action Plan for Community Development Block Grant, HOME Investment Partnerships, and Housing Opportunities for People with HIV/AIDS Program

Mr. Christopher Cauley, Economic and Community Development Director, introduced Mr. Albert Baker, Economic and Community Development Assistant Director. Mr. Cauley stated Mr. Baker has been throughout the community for the last two months to present the same information.

Mr. Baker presented this item with the aid of a PowerPoint presentation and stated Council is asked to review and consider the proposed Housing and Urban Development (HUD) Annual Action Plan (AAP) to implement the Community Development Block Grant (CDBG), the Home Investment Partnership (HOME), and the Housing Opportunities for People with HIV/Aids (HOPWA) Programs. CDBG, HOME, and HOPWA are entitlement funds from the federal government, each of these funds come with requirements to receive the funds. Staff has not yet received the official communication from HUD for the coming year, but anticipates an expected increase in annual funds for a total of \$4,804,155.00.

Staff began these presentations in the community in November 2023 with a focus on nonprofits that address crime prevention, violence interruption, homeless, and mental health. The Notice of Funding Availability for the nonprofits to apply for funding in the aforementioned categories has been opened. The draft AAP was published for the community to review for public comment and was closed as of March 17, 2024.

CDBG Funds has a 20 percent cap for administration of the funds and a 15 percent cap, or \$277,534.00 for public services. HOME has a 10 percent cap for administration of the funds and a 15 percent or \$168,192.00 cap for Community Housing Development Organizations (CHDO), and HOPWA has a 3 percent cap for administration of funds. CDBG recommendations did not have a change in funding for a total of \$1,850,228.00. HOME recommended funding decreased from last year due to required accounting changes in Affordable Housing Development; the total recommendation for HOME is \$1,627,666.00. HOPWA recommendations did not have a change in funding for a total of \$860,712.00.

The application for Low Income Housing Tax Credit (LIHTC) closed recently and staff proposed four projects: West Cumberland Phase II, Hudson Terrace, The Villas at Cliffdale, and the Villas at Kenleigh.

The West Cumberland Phase II would provide 48 units, Hudson Terrace would provide 60 units, the Villas at Cliffdale would provide 48 units, and the Villas at Kenleigh would provide 64 units. LIHTC is a competitive State Process and typically only one or two projects will be funded.

Mr. Baker stated there was a substantial amendment to the PY23 AAR. The City has granted a ten-year loan extension to an affordable housing developer that was due to be repaid due to the required change in accounting for HOME funding. This results in a decrease of \$380,000.00 to the City's current HOME budget.

Mr. Baker stated staff has increased engagement with pre-application workshops with 70 individuals attending between the two workshops, increased use of constant contact, and social media. Staff will continue funding for new single-family and gap financing for multifamily housing and focus on the new LIHTC policy to ensure equitable treatment of private partner funding requests. On April 22, 2024, staff will request the public hearing and adoption of the budget in time for the May 15, 2024, deadline.

Discussion ensued.

5.04a City Council Agenda Item Request - Storage or Parking of Heavy Trucks - Council Member Thompson

This item was moved from Item 5.011.

Council Member Thompson requested changing the code of ordinance for Chapter 16, the Removal of Vehicles from Private Property or Abandoned, Junked and Nuisance Vehicles. This is an effort to get large buses off of property that creates property value decreases and nuisance for the community. Asking consensus to have the City Attorney and staff come back with information at the next work session to provide information. This will only be for buses.

Consensus of Council was to have the City Attorney and staff come back with information at the next work session to provide information for the removal of buses. Council Members Benavente, Banks-McLaughlin, and Hondros were opposed to the consensus vote.

**MOTION: Council Member Haire moved to excuse Council Member Thompson.
SECOND: Council Member Greene
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Benavente)**

5.05 Enforcement of City-Initiated Demolition Liens

Mr. Paul Allen, Assistant City Attorney, presented this item with the aid of a PowerPoint presentation. This item is a follow up from an Administrative Report in February regarding City-initiated demolition lien enforcement. The City creates liens as a debt incurred by taking legally authorized action, nuisance abatement, or demolition of an unsafe structure where the property owner has not reimbursed the City. Nuisance abatement is collected as taxes and demolition costs are collected as a special assessment against the property. There are four enforcement methods, debt setoff, civil lawsuit, foreclosure, and wage garnishment. Because each case and property is different, it is the City Attorney's Office discretion on which mechanism is used for each case. Wage garnishment is the least expensive at \$20.00, Debt Setoff would be \$120.00, civil lawsuit would be \$120.00 or more depending on the filing fee and cost of servicing defendants, and foreclosure is between \$2,500.00 and \$4,000.00 and is the only one that the City may take ownership of the property. There is a ten-year statute of limitation to collect on tax collection and special assessments; however, if property liens are over ten years old, the City can recover and collect the fees when a property is sold.

5.06 Code Enforcement Compliance Times Report

Mr. James Rutherford, Housing and Code Enforcement Division Manager, presented this item with the aid of a PowerPoint presentation. Mr. Rutherford stated staff had been researching information on reducing compliance times beginning in August 2023 and began presenting information in October 2023. A list of 16 organizations for individuals needing assistance in mitigating or paying for code enforcement violations was provided. Mr. Rutherford stated that due to the difference in each property, it is difficult to bundle demolition projects as many times one contractor is not always the lowest bidder resulting in higher overall costs for each project and individual property owners not being able to take advantage of the lowest bid.

Staff has worked to reduce compliance times of dangerous buildings by reducing the time from discovery to action; the first correspondence with property owners has decreased from 60 days to 2 weeks, eliminating extensions specifically after Council has approved the ordinance; actions move forward based on available resources and can only be stopped by the owner coming into compliance prior to demolition or official action of Council; taking action notwithstanding issued permits or ongoing work; and reducing the length of time between the hearing order to a minimum of 60 days required by state law. This fiscal year, Code Enforcement has completed demolition of 10 properties with general fund and 18 are expected to be completed with funding from Economic and Community Development.

Discussion ensued.

5.07 Administrative Report on City, County and State-Owned Property

Ms. Kecia Parker, Real Estate Manager, presented this item and stated the City does not generally have surplus property, because when property is purchased, it is for a specific project, however over the years, some of the projects have not come to fruition. Once property has been deemed surplus by City Council, a title search is conducted and determined through finance how it was purchased. Depending on the funds used to purchase it may create restrictions on whether a property is able to be sold and how. For properties that are condemned, the City must offer it up to the original owners first at fair market value.

Mayor Colvin asked who determines that properties are City needed. Mr. Hewett responded the property can only be purchased with Council approval as well as to sell property.

Discussion ensued.

5.08 City Council Agenda Item Request - Free Bus Fares for Elderly and Disabled Residents - Council Member McNair

Council Member McNair asked to remove the fare for FAST Fixed Route Services for the elderly and disabled to make it more accessible. The Vision Resource Center has asked for these services to be dismissed.

Ms. Kelly Olivera, Assistant City Manager, stated it is not legally allowed to change bus fares without an equity impact analysis. The consultant can be asked to review the request.

Consensus of Council was to have staff evaluate the budget impact and include it in the consultant equity analysis.

5.09 City Council Agenda Item Request - Amusement Park Information - Council Member McNair

Council Member McNair requested that Mr. Robert Van Geons, Fayetteville-Cumberland Economic Development Corporation President, make a presentation on the benefits of recruiting an amusement park developer to build in the City.

Consensus of Council was to allow Robert Van Geons to give a presentation on the benefits of having an amusement park developed at the May work session.

5.010 City Council Agenda Item Request - Playground for Fire Station 16 - Council Member Davis

Council Member Davis requested staff bring back cost and information on making a playground at the new Fire Station 16 on Cedar Creek Road like Fire Station 1 at the May work session. Mr. Hewett stated the only operational issue is that it is on the opposite side of a residential area.

Consensus of Council was to direct staff to bring back cost and information on adding a playground at the Fire Station 16 on Cedar Creek Road like Fire Station 1 at the May work session.

5.011 City Council Agenda Item Request - Storage or Parking of Heavy Trucks - Council Member Thompson

This item was moved to Item 5.04a.

5.012 City Council Agenda Item Request - Resolution in Support of Immigrant Communities in Fayetteville - Council Member Benavente

MOTION: Mayor Pro Tem Jensen moved to excuse Council Member Haire.
SECOND: Council Member Greene
VOTE: UNANIMOUS (8-0)

Council Member Benavente stated Governor Cooper has a Latino Affairs Council that has passed a resolution to municipalities in North Carolina to ensure cities are welcoming of immigrant communities. He introduced Ms. Viviana Quiles, Executive Director, and Ms. Vyanne Vaughn, Attorney, with the North Carolina Law and Immigration Justice Center which is a local organization that helps provide residents with services who may be undocumented.

Ms. Quiles stated the Immigration Justice Center was originally known as Fayetteville Justice for Our Neighbors. The renaming was to ensure the community better understood the mission of the organization. Ms. Quiles stated they provide low- to no-cost immigration services for those that qualify for the services. Ms. Vaughn stated the organization also assists in teaching individuals how to navigate the system and educate the community.

Council Member Benavente stated the proclamation is about supporting the individuals in the community and improving on the message from the Governor's Latino Council. Council Member Benavente requested Council adopt the resolution.

Consensus of Council was not to move this item forward. Council Members Benavente, McNair, and Banks-McLaughlin were opposed to the consensus vote.

6.0 ADJOURNMENT

There being no further business, the meeting was adjourned at 6:30 p.m.