

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE CONFERENCE ROOM
MARCH 16, 2016
5:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kirk deViere (District 2); H. Mitchell Colvin, Jr. (District 3); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7) (departed at 7:27 p.m.); Theodore Mohn (District 8) (departed at 8:21 p.m.); James W. Arp (District 9)

Absent: Council Member Chalmers McDougald (District 4)

Others Present: Theodore Voorhees, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Jay Reinstein, Assistant City Manager
Cheryl Spivey, Chief Financial Officer
Scott Shuford, Planning and Code Enforcement Services Director
Rob Stone, Engineering and Infrastructure Director
Kevin Arata, Corporate Communications Director
Jim Palenick, Economic and Business Development Director
Tracey Broyles, Budget and Evaluation Director
Elizabeth Somerindyke, Internal Audit Director
Lee Jernigan, Traffic Engineer
Michael Gibson, Parks, Recreation and Maintenance Director
Randy Hume, Transit Director
Kelly Blazey, Assistant Transit Director
Veronica Feliciano, Paratransit Supervisor
Mark Brown, PWC Customer Relations Director
Jane Starling, Deputy City Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Robertson called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Wright.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda with tabling Item 4.06 to allow staff more time to research the item and removing Item 4.09 from the agenda; this item is included in Item 4.01.

SECOND: Council Member Wright

VOTE: UNANIMOUS (9-0)

MOTION: Council Member Hurst moved to add Item 4.10, Presentation of Appointments Committee Recommendations for Boards and Commissions Appointments, Fayetteville-Cumberland Human Relations Commission.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Development of the Local Small Disadvantage Business Enterprise (LSDBE) Policy

Ms. Rochelle Small-Toney, Deputy City Manager, introduced this item and stated in meeting the interest and direction of City Council to expand the participation of local, minority, women and veterans in our procurement activities, the consulting firm E2R, Inc. (E2R), is under contract to assist in the development of the LSDBE policy and program. E2R is contracted to research and analyze the City's utilization program and practices currently under the administration of PWC Purchasing, research programs of other North Carolina cities, research and analyze applicable State and Federal laws, develop a draft of policies and procedures for the program, and upon adoption of the policy and program by City Council, E2R will design a City-wide training program and participate in the training of City personnel on the adopted policies and procedures. This is the first of several meetings where E2R will be present to engage the City Council and staff for input and direction as the policy is being developed. Ms. Small-Toney introduced Ms. Vicki Rivers, Managing Partner of E2R, and Mr. Robert Holmes, Associate of E2R. Ms. Rivers provided a brochure entitled "City of Fayetteville, North Carolina, Local/Minority/Women/Veteran and Small Business Program", and stated the North Carolina cities of Asheville, Charlotte, Durham, Greensboro, Raleigh, and Winston-Salem are cities with diversity programs. Mr. Holmes provided an overview of the target market and definition of local or not.

Council Member Mohn offered that the City could define local by the same boundaries that make up the Fayetteville Area Metropolitan Planning Organization (FAMPO).

Discussion ensued pertaining to the desired outcomes for local, minority, women, veteran and small businesses (LMWV&S).

Ms. Rivers provided an overview of the forthcoming process for developing the criteria and process for setting LMWV&S goals on City funded projects, and to create a certification process where firms would register with the City of Fayetteville and complete the mandatory certification process as prescribed by the State of North Carolina, and any other certification entity that is recognized by the City of Fayetteville for possible reciprocity.

Discussion ensued.

Ms. Small-Toney stated this item along with examples of defining local scenarios will be brought back to Council in the near future.

4.02 Revised Audit Committee Charter

Ms. Elizabeth Somerindyke, Internal Audit Director, presented this item and stated at the February 8, 2016, council meeting, City Council requested staff to present the revised Audit Committee Charter at the March 2016 work session for discussion. The City's Audit Committee is an advisory committee to the City Council whose primary purpose is to assist the City Council in fulfilling its oversight responsibilities for the overall stewardship of the City's financial affairs. The revised Audit Committee Charter clarifies the Committee's direction to the City Council and City Manager on key issues regarding the responsibilities of the Audit Committee. Additionally, it changes the composition of the Committee to eight members with the addition of a member representing the Fayetteville Public Works Commission. Finally, it expands the membership of the two members from the local colleges and universities to the business community with experience in the finance industry.

Consensus of Council was to direct staff to bring this item back at the March 29, 2016, meeting for official action.

4.03 Fiscal Year 2017 Budget Development Guidelines

Mr. Theodore Voorhees, City Manager, presented this item and stated the draft budget development guidelines for Fiscal Year 2017 were originally provided for City Council review and consideration on January 4, 2016. The document now has been modified to reflect changes that have occurred since that date including, but not limited to, Council priority updates from the strategic planning retreat and the change in the proposed ad valorem tax increase for the Parks and Recreation capital bond referendum. Updates to the document are shaded in yellow. The budget development guidelines provide Council direction to the City Manager and Public Works Commission in key issues impacting the development of a recommended budget for the coming fiscal year. By providing early guidance, staff is better able to deliver a recommended budget that more closely aligns with Council interests.

Council Member Arp asked if the budget guidelines include the \$0.0135 tax increase dedicated to the Parks and Recreation Bond package that was approved by referendum on March 15, 2016. Mr. Voorhees confirmed the \$0.0135 tax increase was included.

Mayor Robertson stated he is not happy with any increases and would like to see the \$0.0135 tax increase reduced.

Council Member Crisp stated the proposed motor vehicle license fee increase of \$5.00 is a band aid to the street resurfacing issue; we have 700 miles of streets and most of them are worn out.

Council Member deViere stated we know streets are a priority; we want to invest in our streets and we need to determine how to fund it.

Council Member Mohn stated the neighborhood streets are a big concern and we are doing nothing about it.

Council Member Wright stated it appears Council has consensus that we would like to do something about the street resurfacing.

Council Member Hurst stated the majority of concerns from his constituents are regarding the necessity for street paving.

Council Member Jensen questioned the stormwater fee. Mr. Voorhees responded the stormwater item would be covered during the special meeting scheduled for March 21, 2016.

Discussion ensued pertaining to the transfer from the Electric Fund to the General Fund for Fiscal Year 2017; that it shall be budgeted at the equivalent of 5.2 percent of metered residential, commercial and industrial electric sales.

Mayor Robertson stated he would like to have a budget we can all approve of unanimously rather than a split vote.

Consensus of Council was to remove the proposed \$5.00 increase on vehicle tax, keep in place the 5.2 percent transfer from the Electric Fund, and bring this item back to the March 29, 2016, regular meeting for an official vote.

4.04 Downtown Parking Services

Mr. Rob Stone, Engineering and Infrastructure Director, presented this item and stated at the direction of City Council, staff issued a Request for Proposal (RFP) in the fall of 2015 and received three proposals in December 2015. Staff assembled a review committee that included representatives from the Downtown Alliance (DTA), PWC Purchasing, and members from the Finance and Traffic Services staff. This committee reviewed and scored the proposals from Republic Parking, SP+ Municipal Services, and McLaurin Parking Company. The

scoring matrix considered criteria that included past experience/references, hardware and software for administration, project management process, cost, and completeness of the submittal. The combined scores from the committee members revealed McLaurin Parking scored the highest of the three. Based on this, an interview was conducted with McLaurin Parking for them to further explain their experience and proposals for administration of this program. The main focus of the interview was for McLaurin to further describe their methods to enact more of an ambassador approach to the downtown parking management. The Downtown Alliance (DTA) provided several recommended strategies to use for the implementation of this ambassador program. These strategies included welcoming and providing information to visitors in the downtown area; being additional "eyes and ears" to recognize ordinance violations and help with resolutions to those violations; and be "branded" in such a way that identifies them more as a downtown resource and less as just an "enforcement" resource. McLaurin also presented and explained their ambassador program that was in effect several years ago. They agreed to work with the DTA and the City to develop this program and then periodically meet to judge the program's success and any revisions to it that may be needed. After this interview, the committee selected McLaurin Parking as the recommended vendor for the downtown parking service. The committee is requesting Council accept this recommendation and direct staff to place a resolution on the March 29, 2016, regular meeting to authorize the City Manager to execute the contract necessary with McLaurin Parking Company. The existing parking contract was executed in 2009 and completed in June 2015. During the RFP process, the contract has been on a month-to-month basis. As a part of this recommended contract, the new parking services manager will be required to relocate out of the City-owned building at 222 Hay Street to allow additional space for the offices of the Downtown Alliance. The expectation for the building to be vacated and available to the DTA is April 1, 2016. Delay of this recommendation would create an issue with the schedule of the DTA to have certain improvements to this building. Should Council choose to not accept the committee's recommendation, staff would request direction from Council to proceed with an alternate selection method for the downtown parking management. As the recommended vendor, McLaurin Parking rates would remain the same as currently budgeted until June 30, 2016. Beginning July 1, 2016, the monthly parking rate in McLaurin Parking's proposal would increase from the current monthly rate of \$20,927.66 to \$21,118.33 per month (\$253,419.96 per year). This is an increase of \$190.67 per month (\$2,288.04 per year). Staff has included a request for this proposed increase as a part of the FY 17 budget request.

Council Member Mohn requested staff provide Council with an electronic version of the downtown parking study that was conducted in 2008.

Discussion ensued.

Consensus of Council was to direct staff to revise the parking ordinances, to be brought back to Council at the March 29, 2016, regular meeting for a formal vote.

Mayor Robertson recessed the meeting at 7:34 p.m. Mayor Robertson reconvened the meeting at 7:44 p.m.

4.05 Proposed Series 2016 Revenue and Refunding Bonds

Mr. Dwight Miller, PWC Chief Financial Officer, presented this item with the aid of a PowerPoint presentation and stated on March 9, 2016, the Public Works Commission approved the findings resolution, which is the first step in issuing revenue bonds for the following:

1. Water and Wastewater Projects - \$34,378,100
2. Annexation Projects - \$20,000,000

3. Electric System Projects - \$17,275,500
4. Refund Series 2000 State Revolving Loan - \$1,898,800, Average coupon - 2.60%
5. Refund Series 2006 State Revolving Loan - \$8,484,900, Average coupon - 2.66%
6. Refund Series 2008 Revenue Bonds - \$11,025,000, Average coupon - 3.90%
7. Refund Series 2009B Revenue Bonds - \$25,615,000, Average coupon - 4.86%
8. Sell proposed revenue bonds using the competitive method
9. Defease Series 2002 General Obligation Bonds - \$1,225,000, Average coupon - 4.40%

Mr. Miller concluded his presentation by stating the City Council will be asked to adopt a Findings Resolution on March 29, 2016, and to consider the final Bond Order on April 25, 2016.

4.06 Transfer of Parcel #0408-13-2454 from the Devonwood Homeowners Association

This item was tabled (no date specified) by Council Member Arp to allow staff to conduct further research.

4.07 ADA Paratransit Policy Changes

Mr. Randy Hume, Transit Director, introduced this item and stated the draft plan document outlines the policies by which FAST will operate. The major changes to the plan are summarized in the table. The changes will formalize some processes that were previously not well defined, address issues identified in a recent FTA review, as well as implement practices to maximize the availability of ADA trips to eligible clients by reducing wasted trips due to riders who either do not show or are late in canceling scheduled trips. The American with Disabilities Act of 1990 (ADA) requires FAST to provide complementary paratransit service to persons with disabilities who are unable to understand, navigate, or use its fixed route bus system. Curb-to-curb advanced reservation service is required to be provided on the same days, during the same hours, and in the same areas that fixed route buses operate. FTA does not allow transit operators to limit or constrain ADA trips based on available capacity or to have a pattern of denying ADA trips. FAST has been operating under a plan and policies originally approved in 1992. Since that time, FAST services have expanded significantly and FTA has issued new interpretations and guidance concerning the requirements related to ADA paratransit service. One area that has been of concern is the impact of riders who "no show" (schedule trips, but do not ride) or those who cancel their trips very late. In both cases, costs are incurred providing an unproductive trip and those trip times are not available to schedule another person to ride. Although FAST had a no-show and late cancellation policy, FTA has changed its rules on how agencies can enforce those policies. The proposed policies comply with FTA rules in providing specific consequences for violators. Other items related to no-shows and late cancellations include changes to the times FAST will take FASTTRAC! reservations and to standing reservations, termed "subscription trips" by FTA. No-show violations and late cancellations are higher for trips booked farther in advance. The proposed plan will reduce the booking window from 14 days to 7 days in advance. FAST will also dispense with the policy of limiting customers to booking 2 roundtrips per call during normal business hours. FTA rules limit the number of subscription trips we can provide to no more than 50 percent of total trips provided during any time of day. Previously, FAST did not have a well-defined process for

allocating subscription trips. The proposed policy provides for an application, waiting list, and term that a subscription is valid to ensure everyone has equal opportunity to establish subscriptions. The new policy also clarifies the appeals process related to eligibility determinations and provides a more detailed complaint process. Staff has held 9 meetings plus participated in a Facebook town hall meeting in order to give the public an opportunity to review, discuss, and comment on the proposed changes. This includes a joint meeting held with the Fayetteville-Cumberland Advisory Council for People with Disabilities. The plan has also been reviewed by the Fayetteville Advisory Committee on Transit (FACT). The plan will be presented to City Council for approval on March 29, 2016, at the conclusion of a public hearing. The new policy also clarifies the appeals process related to eligibility determinations and provides a more detailed complaint process.

Discussion ensued.

Consensus of Council was to bring this item back to the March 29, 2016, regular meeting for a public hearing and a formal vote.

4.08 Creation of a gateway overlay ordinance

Mayor Pro Tem Colvin stated he would like to pull this item from the agenda and bring it to the May 2, 2016, work session. Consensus of Council was to place this item on the May 2, 2016, work session agenda.

4.09 Discussion of the term "local" - Council Member deViere agenda item request

This item was removed from the agenda by Council Member deViere.

4.10 Presentation of Appointments Committee Recommendations for Boards and Commissions Appointments, Fayetteville-Cumberland Human Relations Commission

Council Member Hurst presented this item and thanked Appointment Committee members Mayor Robertson, Council Member Hurst, Council Member Crisp, Council Member Jensen, and Council Member McDougald for their participation in the process and thanked Council Member deViere for his attendance at the meeting. He stated the Appointment Committee met on February 24, 2016, to review applications for appointments to boards and commissions. It is from that meeting the Appointment Committee presents the recommendations for appointments to the Fayetteville-Cumberland Human Relations Commission.

Fayetteville Cumberland Human Resources Commission

Mr. Kevin Brooks (1st term)	March 2016 - September 2018
Mr. William Bass (1st term)	March 2016 - September 2018

MOTION: Council Member Hurst moved to suspend the rules to accommodate a formal vote on this item.

SECOND: Mayor Pro Tem Colvin

VOTE: UNANIMOUS (7-0)

MOTION: Council Member Hurst moved to appoint Mr. Kevin Brooks and Mr. William Bass to the Fayetteville-Cumberland Human Relations Commission for a first term, March 2016 through September 2018.

SECOND: Council Member Jensen

VOTE: UNANIMOUS (7-0)

5.0 ADJOURNMENT

 There being no further business, the meeting adjourned at
8:48 p.m.