



FAYETTEVILLE CITY COUNCIL  
AGENDA  
JUNE 3, 2013  
5:00 P.M.  
Lafayette Conference Room

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**1.0 CALL TO ORDER**

**2.0 INVOCATION**

**3.0 APPROVAL OF AGENDA**

**4.0 OTHER ITEMS OF BUSINESS**

4.1 Report on Target for Action City-Owned Property, Buildings and Facilities:  
Potential Disposal

Presented By: Kecia Parker, Real Estate Manager

4.2 Fiscal Year 2014 Recommended Budget

Presented By: Theodore L. Voorhees, City Manager

**5.0 ADJOURNMENT**

**CLOSING REMARKS**

**POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS**

Anyone desiring to address the Council on an item that is not a public hearing must present a written request to the City Manager by 10:00 a.m. on the Wednesday preceding the Monday meeting date.

**POLICY REGARDING PUBLIC HEARING AGENDA ITEMS**

Individuals wishing to speak at a public hearing must register in advance with the City Clerk. The Clerk's Office is located in the Executive Offices, Second Floor, City Hall, 433 Hay Street, and is open during normal business hours. Citizens may also register to speak immediately before the public hearing by signing in with the City Clerk in the Council Chamber between 6:30 p.m. and 7:00 p.m.

**POLICY REGARDING CITY COUNCIL MEETING PROCEDURES  
SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM**

Individuals who have not made a written request to speak on a non-public hearing item may submit written materials to the City Council on the subject matter by providing twenty (20) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

***Notice Under the Americans with Disabilities Act (ADA):*** *The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective*

*communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Ron McElrath, ADA Coordinator, at [rmcelrath@ci.fay.nc.us](mailto:rmcelrath@ci.fay.nc.us), 910-433-1696, or the Office of the City Clerk at [cityclerk@ci.fay.nc.us](mailto:cityclerk@ci.fay.nc.us), 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.*

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Kecia Parker, Real Estate Manager  
**DATE:** June 3, 2013  
**RE:** **Report on Target for Action City-Owned Property, Buildings and Facilities:  
Potential Disposal**

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**THE QUESTION:**

How to respond to Target for Action-City Owned Property, Buildings and Facilities: Potential Disposal

**RELATIONSHIP TO STRATEGIC PLAN:**

More Efficient Government-Cost Effective Service Delivery

**BACKGROUND:**

- Staff researched the City inventory list and received feedback from Department Directors.
- 2 properties have been identified as surplus.
- The City currently has 1107 Clark Road which is a Community Development parcel and the Festival Park Plaza Building which is a Parks and Recreation parcel.

**ISSUES:**

- Information will be provided regarding City Council Target For Action-City Owned Property, Buildings and Facilities: Potential Disposal.
- Council input requested regarding Target for Action-City Owned Property, Buildings and Facilities: Potential Disposal.

**BUDGET IMPACT:**

No known impact

**OPTIONS:**

Provide staff with additional direction on surplus property disposal.

**RECOMMENDED ACTION:**

Implement Council's recommendations and carryout Target for Action-City Owned Property-Buildings and Facilities: Potential Disposal according to City Policy 155.1.

**ATTACHMENTS:**

City Policy

**I. Purpose:**

The City of Fayetteville strives to dispose of its surplus real property in a fair, equitable, and nondiscriminatory manner which avoids the appearance of favoritism; best serves the general public welfare and increases the ad valorem tax base.

The following procedures are hereby adopted to carry out this policy in compliance with North Carolina law. Nothing in these procedures will be construed to conflict with North Carolina law, the Charter of the City of Fayetteville, or the Fayetteville City Code. These procedures do not attempt to cover rare dispositions or real property such as leasing, equal exchanges between governmental units, or the sale of historic and artistic property.

**II. Procedures:**

- A. In all real property dispositions, the City shall comply with Article 12 of the North Carolina General Statutes which mandates the various methods available to North Carolina Municipalities for the disposition and conveyance of real property and which mandates the procedure for each available method.
- B. Each Request to acquire real property owned by the City shall be sent to the Real Estate Division. The Real Estate Division will determine how the property was acquired by the City and whether it is surplus to the needs of the City. If property is still in government use, Real Estate will notify the Requestor that the property is not surplus.
- C. Surplus property shall be disposed of according to Article 12 of the North Carolina General Statutes following a determination of the terms of sale which may include but are not limited to the following factors:
  - 1. The nature of the sale (whether by private negotiation and sale; advertisement for sealed bids; negotiated offer, advertisement, and upset bid; public auction; or exchange).
  - 2. The minimum sale price; (if not controlled by Article 12);
  - 3. The need for and amount of any deposit;
  - 4. A showing by the purchaser of financial responsibility;
  - 5. That the purchaser is current on property tax payments;
  - 6. Whether payment will be by cash or on some other basis;
  - 7. Whether employees may bid on the property;
  - 8. The time of closing; and
  - 9. Whether the property is sold "as is."

D. In addition to the determinations of the terms set forth above, and if the surplus property is one which can be conveyed by private sale to a nonprofit entity, the City may consider requests to convey surplus property to a nonprofit organization by private sale without monetary consideration. The recipient must agree to use the property for a continued public purpose. The City shall attach to any such conveyance covenants or conditions which assure that the property will be put to a public purpose by the recipient entity. Prior to making this type of conveyance, the City will determine whether the proposed public purpose is consistent with the City's comprehensive plans, land use plan, strategic plan or its community development action plan.

If the City deems that the use proposed by the purchasers is in fact a public use, but one not necessarily consistent with the comprehensive plans, land use plan, strategic plan or its community development action plan then Council will follow the standard that the purchase price shall be equal to 50% of the value of the property plus the cost incurred to close the sale and the required public use deed restriction.

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Theodore L. Voorhees, City Manager  
**DATE:** June 3, 2013  
**RE:** **Fiscal Year 2014 Recommended Budget**

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**THE QUESTION:**

Council is asked to provide direction regarding the City Manager's Recommended Budget for Fiscal Year 2014 so that staff may prepare a budget ordinance for consideration of adoption at the June 10, 2013 council meeting.

**RELATIONSHIP TO STRATEGIC PLAN:**

Mission Principles: Financially Sound; Full Range of Quality Municipal Services; and Services Delivered in a Cost Effective Manner

**BACKGROUND:**

The City Manager's Recommended Budget was provided to City Council on May 7, 2013 and has been discussed by City Council at worksessions held on May 8, May 15, May 22 and May 29, 2013. The budget public hearing is scheduled on June 10, 2013, along with proposed adoption of the budget ordinance.

**ISSUES:**

Issues have been discussed and deliberated during scheduled budget workshops.

**BUDGET IMPACT:**

The budget impact has been discussed and deliberated during scheduled workshops.

**OPTIONS:**

Not applicable.

**RECOMMENDED ACTION:**

Provide direction to staff so that a budget ordinance reflective of City Council's interests can be prepared and be presented on June 10, 2013.