

# CITY of WILMINGTON North Carolina

ITEM R3

P.O. BOX 1810  
28402

OFFICE OF THE CITY MANAGER  
(910) 341-7810 | FAX (910)341-5839  
TDD (910)341-7873

3/21/2017

City Council  
City Hall  
Wilmington, North Carolina 28401

Dear Mayor and Councilmembers:

Attached for your consideration is a resolution prepared at the request of Councilmember Haynes. The proposed resolution revises the original composition of the Downtown Municipal Services District (MSD) Advisory Committee.

On January 17, 2017 Council established, by resolution, the composition of the Downtown MSD Advisory Committee. In that resolution the Retail Representative was not only required to be associated with a retail establishment located in the Downtown MSD, but was also required to be a member of the Downtown Business Alliance (DBA). The DBA requirement was added as a result of conversation between Council and staff regarding potential revisions to the membership as was originally set forth in the staff report compiled in association with the development of the MSD. Unfortunately, in preparing the January 17, 2017 resolution, staff interpreted the previous Council provided guidance to mean that the Retail Representative and the DBA representative should be one in the same. It was brought to our attention that in asking for DBA representation, Councilmember Haynes had intended for there to be an additional membership position on the Committee devoted strictly to the DBA without the encumbrance of being a retail merchant.

The attached resolution reflects changes to remove from the Retail Representative on the Downtown MSD Advisory Board member the requirement to be a DBA member and establishes an additional seat on the Committee that shall be filled with a DBA member, as recommended by their governing body.

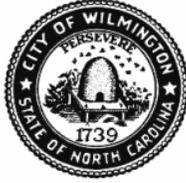
Passage of the attached Resolution is recommended.

Respectfully submitted,

Sterling B. Cheatham,  
City Manager

R3-1

# Resolution



City Council  
City of Wilmington  
North Carolina

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**Introduced By:** Sterling B. Cheatham, City Manager

**Date:** 3/21/2017

## **Resolution Revising Membership of the Downtown Municipal Services District Advisory Committee**

### **LEGISLATIVE INTENT/PURPOSE:**

On January 17, 2017 the Wilmington City Council did, in accord with the applicable North Carolina General Statutes, establish a Downtown Municipal Services District (MSD) Advisory Committee. The membership of the Downtown MSD Advisory Committee, as established by the previous resolution, stated that the Retail Representative from a retail establishment located in the MSD also had to be a member of the Downtown Business Alliance (DBA). In developing the previous appointment resolution it was determined that direction to staff had been misinterpreted and that the membership of the Downtown MSD Advisory Committee was to include a Retail Representative that did not necessarily have to be a member of the DBA, but that DBA was to have a separately appointed seat on the MSD Committee. This resolution corrects that previous oversight by removing the provision that the Retail Representative has to be a member of DBA and adding a membership position that is to be filled by a DBA appointee.

### **THEREFORE, BE IT RESOLVED:**

THAT, the Wilmington City Council does hereby re-establish the Downtown Municipal Services District Advisory Board for the purposes of:

- Make a recommendation to Wilmington City Council, no less than annually, as to how the funds generated within the district are to be spent
- Prepare their annual work plan
- Represent the interests of property owners
- Provide financial, program, and staff oversight

The Downtown Municipal Services District Advisory Board shall be made up of 14 members representing interests within the District as set forth herein below.

- Three residents, all of whom shall own a dwelling within the service district, that dwelling being their primary place of residence.
- Two large property owners, one of whom shall be a property owner or owner's representative (individual, company, or corporation) with a combined assessed property valuation within the MSD of over \$2 million.
- A hospitality representative from a hotel or event facility (owner or owner's representative) owning property within the MSD.

- A real estate developer (owner or owner's representative) whose property is located within the MSD.
- A restaurant representative (owner or manager) from a restaurant located within the MSD.
- A retail representative (owner or manager) from a retail establishment located within the MSD.
- A Wilmington Downtown Incorporated Board Member who is also an owner (or owner's representative) of property located within the MSD.
- A member of the Downtown Business Alliance (DBA) as appointed by the DBA governing body.
- A professional service representative (owner or owner's representative) of an office business located within the MSD.
- A night life representative (owner or owner's representative) of a bar, nightclub, or a beer/wine shop located within the MSD.
- An at-large representative owning either real or personal property within the MSD.
- The City Manager (or their designee) as an ex-officio, non-voting member.

Adopted at a \_\_\_\_\_ meeting  
 on \_\_\_\_\_ 2017

\_\_\_\_\_  
 Bill Saffo, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
 Penelope Spicer-Sidbury, City Clerk

\_\_\_\_\_  
 City Attorney