

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE CONFERENCE ROOM  
OCTOBER 1, 2018  
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2) (arrived at 5:15 p.m.); Tisha W. Waddell (District 3) (via telephone); D. J. Haire (District 4); Johnny Dawkins (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp (District 9)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Telly Whitfield, Assistant City Manager  
Jay Reinstein, Assistant City Manager  
Gina Hawkins, Police Chief  
Jerry Newton, Development Services Director  
Michael Gibson, Fayetteville-Cumberland Parks and Recreation Director  
Kevin Arata, Corporate Communications Director  
Jay Toland, Interim Chief Financial Officer  
Lee Jernigan, Traffic Engineer  
Sheila Thomas-Ambat, Interim Public Services Director  
Brandon Christian, Police Attorney  
Tracey Broyles, Budget and Evaluation Director  
David Nash, Senior Planner  
Mark Brown, PWC Customer Services Director  
Jon Martens, AICP, Walker Consultants  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Colvin called the meeting to order.

**2.0 INVOCATION**

The invocation was offered by Council Member Haire.

**3.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Arp moved to approve the agenda to include placing Item 4.02 as Item 4.03, placing Item 4.03 as Item 4.02, and adding Item 4.09, resolution in support of prioritizing the sub-recipient grant agreement.

**SECOND:** Council Member Haire

**VOTE:** UNANIMOUS (9-0)

**4.0 OTHER ITEMS OF BUSINESS**

**4.01 Downtown Parking Management Plan Draft**

Mr. Jon Martens, Walker Consultants, presented this item with the aid of a PowerPoint presentation. Mr. Martens provided an overview of the existing demand and supply and the current parking inventory. The parking inventory was broken down into distribution by type with off-street public, on-street public, off-street private, and off-street government. Mr. Martens provided a turn-over analysis and stated during peak count, parking occupancy was only at 45 percent; there are substantial amounts of available parking which allows for opportunities. He stated the future demand will be for a 4,762-seat baseball stadium, a 120-room hotel redevelopment, an addition of 90,000 square feet of office space, approximately 12,500 square feet of restaurant space, and 62 residential units. The planned forthcoming supply will be for an approximately 486-space parking

structure as part of the stadium project and a 100-space expansion of the parking lot attached to Festival Park Plaza Office Building. There are currently 2,519 parking spaces within a five minute walk of the proposed baseball stadium. Patrons should be encouraged to utilize parking facilities out of the immediate proximity of the baseball stadium and encourage private parking lot owners to share their parking. Mr. Martens provided a list of recommendations to alleviate event parking pressure, and a list of alternative solutions with examples from peer cities.

Mr. Martens provided a summary of the following recommendations to alleviate event pressure:

- Existing supply is adequate for future demand.
- Update website, smart phone app, and brochures.
- Automated parking guidance system with facility status signage at entry.
- Updated static signage at entry points downtown.
- Updated parking equipment in garage.
- Promote on-street turnover--paid parking and time limits.
- Encourage long-term users to utilize off-street facilities.
- Institute a branding and marketing budget.
- Next step: Peer City comparison of revenue.

Discussion ensued.

**Consensus of Council was for Council members that have additional questions to send them via e-mail to the City Manager. The final update on peer City comparisons is to be presented in November 2018.**

Item 4.03 was renumbered to Item 4.02 and presented at this time.

#### **4.02 Update on MSD Options for Concentrated Retail Areas - Target for Action**

Mr. Jerry Newton, Development Services Director, presented this item with the aid of a PowerPoint presentation and stated this report provides the City Council with data and services for a proposed Municipal Service District (MSD) in the proximity of Cross Creek Mall and concentrated retail areas. The target area consists of 286 parcels along Skibo Road, N. McPherson Church Road, Yadkin Road, Morganton Road, and Lake Valley Drive. The issue for the City Council to now determine is if this new FY 2019 Strategic Plan, Target for Action (TFA) should continue. The TFA states, "Develop Municipal Service District options for concentrated retail areas." This activity is complete. The decision to stop or proceed rests with the City Council. Mr. Newton explained the definition of a Municipal Service District is a defined geographic area within a city in which the city council levies an additional property tax. The additional tax is used to provide extra services or projects that benefit the properties in the district. Appendix A of the report provides information on the processes for establishing an MSD in North Carolina. He stated the City Council has expressed an interest in examining options for a new MSD in an area of concentrated retail as one of the new Targets for Action in FY 19. Staff efforts so far have focused on the establishment of an "urban area" MSD in the Cross Creek Mall area and generating potential projects within that area that are at a higher level than other parts of the city. He provided the following overview of the six tasks established to complete the work. He stated any issue with any task became a decision point to continue or stop the project. Tasks 1 through 3 were completed and Task 4 is now in front of the City Council for a decision.

**Task 1: Determine if the City is allowed to use and define an "urban area" type of MSD.**

Most MSDs established in cities within North Carolina have done so primarily in downtown areas, and are often known as "Business Improvement Districts." According to materials prepared by the City of Charlotte in 1999, the Charlotte City Council asked the General Assembly to amend the MSD law to allow cities to establish an MSD for "urban area revitalization projects." Based on this new type of MSD, Charlotte established the South End urban area MSD in May of 2000. According to an article written by Karen Millonzi of the UNC School of Government, "A Guide to Business Improvement Districts in North Carolina," in 2009, the General Assembly expanded this urban area authority to apply to all municipalities. Prior to the change in 2009, the urban area MSD applied only to a city whose population exceeds 150,000. Based on this information from Charlotte and the UNC School of Government, Staff believes that the City of Fayetteville is allowed to use and define an "urban area" type of MSD.

**Task 2: Determine if an area around Cross Creek Mall meets the criteria for designation as an "urban area" MSD.**

G.S. § 160A-536(c) sets forth the criteria for designating an "urban area" MSD. To determine if an area around Cross Creek Mall meets the criteria for designation as an "urban area," staff utilized tax parcel data that could be included in the proposed "urban area." As of this date, staff has selected 286 tax parcels for the study. These parcels are shown in Maps 1-3. The proposed area is in the proximity of the Cross Creek Mall, but extends northward along Skibo Road to the Wal-Mart/Sam's Club area, and it extends southward along Skibo Road to the Target/Home Depot area. The area extends eastward to include Westwood Shopping Center and nonresidential properties along the eastern side of N. McPherson Church Road. The area extends westward to include the Marketfair area, site of Gander Mountain and the AMC Market Fair 15 Theater. The maps also illustrate the three parcels which make up the current Lake Valley Drive MSD.

Statutory Criteria - G.S. § 160A-536(c) sets forth the criteria for designating an "urban area." An "urban area" means an area that (i) is located within a city and (ii) meets one or more of four conditions.

Regarding part (i) of the criteria, that the area is located within a city: the area is positioned within a city. All parcels selected for the study are in Fayetteville. One tract, located behind Bullard Furniture Company, is not in the municipality's limit, but this parcel is not included in the lots selected for the study.

Regarding part (ii) of the criteria for being an "urban area," that the area meet one or more of four conditions: as shown below, the area meets two of the four (4) conditions.

- (1) It is the central business district of the city. Does not meet condition.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses. Meets condition.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels (that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way) or non-residentially zoned parcels (that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-

way). The area is located along several major transportation corridors, such as Skibo Road, Morganton Road, Cliffdale Road, Glensford Drive, the All-American Freeway, McPherson Church Road/Yadkin Road, Lake Valley Drive, and Sycamore Dairy Road. It is assumed that any residential parcels or non-residentially zoned parcels meet the distance requirements in the statute. Meets condition

- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and healthcare facilities, or governmental facilities. Does not meet this condition.

Since the area meets part (i) and part (ii) of the criteria, Staff believes the area meets the criteria for designation as an "urban area," and assumes that this information will need to be shown in the report.

**Task 3: Evaluate services currently being provided in the proposed district and determine if the district is in need of the services listed in G.S. § 160A-536 to a demonstrably greater extent than the remainder of the city.**

This is the finding that must be made in order for City Council to define a new MSD of any type. According to G.S. § 160A-536(c), the term "urban area revitalization projects" includes "the provision within an urban area of any service or facility that may be provided in a downtown area as a downtown revitalization project . . . ." So, we must go to the definition of "downtown revitalization projects" as specified in G.S. § 160A-536(b). G.S. § 160A-536(b) states, "downtown revitalization projects" are "improvements, services, functions, promotions, and developmental activities intended to further the public health, safety, welfare, convenience, and economic well-being of the central city or downtown area." This section goes on to list numerous examples of "downtown revitalization projects." Examples include:

- (1) Improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights-of-way and easements.
- (2) Construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on-street and off-street.
- (3) Construction of public buildings, restrooms, docks, visitor centers, and tourism facilities.
- (4) Improvements to relieve traffic congestion in the central city and improve pedestrian and vehicular access to it.
- (5) Improvements to reduce the incidence of crime in the central city.
- (6) Providing city services or functions in addition to or to a greater extent than those provided or maintained for the entire city.
- (7) Sponsoring festivals and markets in the downtown area, promoting business investment in the downtown area, helping to coordinate public and private actions in the downtown area, and developing and issuing publications on the downtown area.

The challenge has been evaluating whether the proposed Cross Creek Mall MSD is in need of one or more of the services,

facilities, or functions listed in G.S. 160A-536 "to a demonstrably greater extent than the remainder of the city." The services evaluated so far improvements to intersections and sidewalks, improvements to relieve traffic congestion, transit services, stormwater services, improvements to reduce the incidence of Crime and accidents, crime data, and accident data.

**Task 4: Provide update to City Council and seek consensus from City Council on whether to proceed.**

This is where we are now in the process. As shown in the Option section, the decision to proceed with the City Council initiated TFA is now up to the City Council. The work session offers the opportunity for the council to think through if this is an action of the January developed Strategic Plan to move forward on to the creation of a municipal service district or to stop the effort as the examination of an MSD is complete. Any further action involves the next two actions.

**Task 5: Prepare report.**

If the City Council expresses an interest in proceeding with this study, staff will need to prepare a report as called for in G.S. § 160A-537(b). This report will need to be available for public inspection in the office of the city clerk four weeks prior to the public hearing. It will need to include a map of the proposed district, a statement showing that the proposed district meets the standards set out in G.S. § 160A-537(a), and a plan for providing in the district one or more of the services listed in G.S. § 160A-536. This plan will need to include a funding plan to implement. It is assumed the report will also need to include a statement showing that the proposed area meets the criteria for an "urban area" outlined in G.S. § 160A-536(c).

Note: The Tax Value Summary Table shows that the total taxable value of the 286 parcels selected so far is \$747,359,733. This information should be useful in preparing the revenue forecast for the funding plan.

**Task 6: City Council to hold public hearing and consider adoption of ordinance creating the new MSD.**

G.S. § 160A-537(f) states that no ordinance defining a service district as provided in this section shall be finally adopted until it has been passed at two meetings of the city council by majority vote of the voting members present. G.S. § 160A-537(d) states that the ordinance shall take effect at the beginning of a fiscal year commencing after its passage.

The overall decision in front of the City Council to determine is if the above information of potential activities, costs, and additional taxing within an MSD is what the Council wishes to pursue. The options, therefore, are continue, defer, or stop the effort.

Discussion ensued.

**Consensus of Council was to direct staff to not proceed with the creation of an MSD in the Cross Creek Mall area.**

Item 4.02 was renumbered to Item 4.03 and presented at this time.

**4.03 Update for Unified Street Light Plan - Target for Action**

Mr. Lee Jernigan, Traffic Engineer, presented this item and stated City Council's Fiscal Year 2019 Strategic plan included a Target for Action (TFA) in Goal 1, Safe and Secure Community, to develop a unified street lighting plan. The City's Uniform Street and Thoroughfare Lighting Ordinance outlines that the City shall pay for street lighting service along thoroughfares. Currently, there are four

energy providers within the City limits that provide street lighting along our thoroughfares. These providers are PWC, Duke Energy, South River EMC, and Lumbee River EMC. City staff requested mapping of existing thoroughfare street lights provided by each utility. Staff has received this information and combined it into an overall City-wide thoroughfare street light map. After review of this map, staff has identified locations without thoroughfare street lights and begun to develop a prioritized list based on factors such as traffic and pedestrian volume, accident history, crime, constructability/cost, land use, and speed limit. Currently, staff has identified approximately 58 miles of thoroughfares without street lights. Staff has completed capital construction and monthly operating cost estimates. Staff is working to complete the project prioritization matrix and is also reviewing the Uniform Street and Thoroughfare Lighting Ordinance for any revisions to present to Council. In accordance with Chapter 24, Article X, Uniform Street and Thoroughfare Lighting Ordinance, the City shall pay for street lighting service for thoroughfares or other areas that fail to meet the availability requirement of utility tariffs. The process to install thoroughfare street lights requires City staff to identify locations and contact the appropriate energy provider to design installation plans and determine cost estimates for both capital installation costs and monthly operating costs. These designs should be in accordance with standards outlined by the Illuminating Engineering Society of North America (IESNA) and the American National Standards Institute (ANSI) for street lighting as defined in the most current edition of a publication titled RP-8. In accordance with the Uniform Street and Thoroughfare Lighting Ordinance, the City is responsible for capital costs for initial construction and monthly operating costs of thoroughfare street lights. Initial estimates determined by staff to complete all 58 miles of lights along unlit thoroughfares would include an additional \$2.2 million in capital costs and \$46,000.00 in monthly, \$552,000.00 in annual operating costs. Requests for budget to construct and operate these projects will be made in future CIP budget years.

Discussion ensued.

**Consensus of Council was to direct staff to research the legal leverages the City can control to require certain standards and uniformity be met; request information from the attorneys at the Utility Commission. This information to be reported back in December 2018.**

#### **4.04 Youth Internship (ICON) Update**

Ms. Barbara Hill, Human Resources Development Director, presented this item and stated the ICON (Innovative Career Opportunities Now) program, previously referred to as STEM, has been in place since May 2016. The program recently completed its third year and has increased participation from 2016 with 14 students placed at the City and PWC, 2017 with 23 students placed at the City, PWC and private sector locations, and 2018 with 38 students placed at the City, PWC and private sector locations. ICON is the Cumberland County Schools' Career and Technical Education Work-based learning (WBL) program platform funded by the City of Fayetteville, Public Works Commission, and several private sector employers. Work-based learning is an educational approach utilizing the workplace to provide students with the competencies and skills that allow them to connect school experiences to real-life work activities through career exploration, exposure to the real workplace and achievement of work readiness skills. This program also has a Career Shadowing and Students at Work Week components. The ICON committee comprised of City, PWC, Cumberland County Schools, NC Works staff along with Council Members Waddell and Wright, have recommended several program enhancements for 2019 that include:

- New mission statement
- Hiring pre-requisites

- Job Fair
- New interview structure
- Hiring organization commitments
- New program timeline

City Council approved \$25,000.00 in the FY 19 budget to be matched by an additional \$25,000.00 in CDBG funds. It costs approximately \$2,000.00 to fund each student for 6 weeks at 32 hours per week. The September 2018 Greater Fayetteville United Social Capital Survey showed low community perceptions for young adults entering the workforce (10 percent excellent or very good). The ICON program directly addresses this need. Each year the program has grown with increasing job placements and increasing student interest. In 2018, over 150 students expressed interest in an ICON internship, with 38 students hired as interns. The program has outgrown our format and the ICON team is recommending changes to improve the program outcomes and to better align the program. The team recommends integrating the ICON program with the City's, PWC's and the private sector's long-term hiring needs by matching ICON placements with corresponding college intern and full-time City employment needs. Examples of this include police and fire minority hiring, Engineering, information technology hiring in an increasingly technology driven world, PWC electric lineman and engineers, public service staff and management hiring. The team believes that providing clearly defined career paths for our local youth will significantly increase the long-term retention of local youth in the Fayetteville economy and contribute to the economic growth of the community. This increase in scope of the ICON program requires an increase in resources from both the City and PWC to support the program at the appropriate level to ensure success. Identifying private sector partners to provide meaningful work for the six-week program has been a challenge. For a program to reach a larger number of youth, the private sector will also champion this effort. The City is working closely with NCWorks to identify additional WIOA funding to support this program. The support of City and PWC staff is vital to the success of the ICON program. The team appreciates the Council's current support and looks forward to continuing the program to enhance its value to the community.

Discussion ensued.

**Consensus of Council was to do more for supporting the program, but needs a plan of action. Council Members Waddell and Wright will continue talks with the other partners of the program.**

#### **4.05 Proposed 2019 City Council Meeting Dates Calendar**

Mr. Douglas Hewett, City Manager, presented this item and stated to ensure that citizens are aware of all public meetings and events and that the City adheres to the NC Open Meetings Act, staff has prepared the 2019 City Council Meeting Dates Calendar. The calendar takes into account all of the City holidays, Council retreats and conferences identified by staff.

Mayor Colvin stated he would like to see the budget meetings begin earlier than they are listed on the proposed calendar. Council Member Crisp stated the Mayor and Council have the authority to call special meetings and cancel meetings as necessary throughout the year.

**Consensus of Council was to direct staff to place the proposed 2019 meeting dates calendar on the October 8, 2018, regular meeting agenda under consent.**

#### **4.06 City Council Agenda Item Request - Solid Waste Discussion - Mayor Pro Tem Mohn**

Mayor Pro Tem Mohn introduced this item and stated there are numerous provisions that will need to be included in the Request for Proposal (RFP) to outsource solid waste collection. Ms. Sheila

Thomas-Ambat, Interim Public Services Director, responded that all provisions have been included in the draft RFP.

Discussion ensued.

**Consensus of Council was to direct staff to send the draft RFP to all Council members for review, and to appoint members to form a Solid Waste Committee.**

#### **4.07 City Council Agenda Item Request - Gateways Corridor Maintenance RFP**

Mayor Colvin introduced this item and stated he wants to see clean-up of many right-of-way areas around the City, and further stated overgrown weeds, bushes, vines, and trees are blocking sidewalks and hindering vision for motorists; it is a problem that needs taking care of.

Discussion ensued.

#### **4.08 Updates from City Council Committee**

Gateway Committee - Council Member Haire stated new signs have been installed, and the next meeting is scheduled for October 2, 2018.

Appointment Committee - Council Member Crisp stated the Appointment Committee just completed the fall round of appointments and the entire process went very smoothly.

Baseball Committee - Council Member Arp stated he had cancelled the Baseball Committee meeting for this week, due to staff absences. Hurricane Florence has caused construction delays.

Fleet Maintenance - Council Member Arp stated there are two bidders that are being evaluated for the Fleet Maintenance contract. A Fleet Maintenance Manager position will be established.

Parks and Recreation Bond Committee - Council Member Jensen stated the ground breaking for the West Senior Center will take place on October 18, 2018.

**MOTION: Mayor Pro Tem Mohn moved to suspend the rules; allowing for official action.**

**SECOND: Council Member Arp**

**VOTE: UNANIMOUS (10-0)**

#### **4.09 Resolution in support of prioritizing the sub-recipient grant agreement.**

This item was added to the agenda.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SUPPORT AND ADVOCATE FOR PRIORITIZING THE SUB-RECIPIENT GRANT AGREEMENT BETWEEN THE NC DEPARTMENT OF COMMERCE, NC DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT (NCEM); AND THE CITY OF FAYETTEVILLE, NC ("SUBRECIPIENT"), PROVIDES FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY FOR THE SUBRECIPIENT TO CARRY OUT DISASTER RECOVERY ACTIVITIES IN THE SUBRECIPIENT'S JURISDICTION. RESOLUTION NO. R2018-060**

**MOTION: Council Member Haire moved to adopt the resolution.**

**SECOND: Mayor Pro Tem Mohn**

**VOTE: UNANIMOUS (10-0)**

#### **5.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:23 p.m.