

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE CONFERENCE ROOM
FEBRUARY 4, 2019
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2) (arrived at 5:24 p.m.); Tisha S. Waddell (District 3); 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) (via telephone)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Telly Whitfield, Assistant City Manager
Barbara Hill, Interim Assistant City Manager
Gina Hawkins, Police Chief
Jerry Newton, Development Services Director
Sheila Thomas-Ambat, Interim Public Services Director
Kevin Arata, Corporate Communications Director
Cynthia Blot, Community and Economic Development
Director
Jay Toland, Interim Chief Financial Officer
Tracey Broyles, Budget and Evaluation Director
Dwayne Campbell, Chief Information Officer
Lynn Hale, Senior Planner
Marsha Bryant, Development Advocate
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 Crisp.

3.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Mohn moved to approve the agenda with the exception of moving Items 4.08 and 4.011 consecutively before Item 4.01.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.08 CDBG and HOME Annual Action Plan

This item was moved before Item 4.01.

Ms. Cynthia Blot, Economic and Community Development Director, presented this item and stated the Economic and Community Development Department prepares an Annual Action Plan to implement the Community Development Block Grant (CDBG) and the Home Investment Partnership Grant (HOME). The Annual Action Plan is based on goals and objectives of the Consolidated Plan. In November 2018, Economic and Community Development staff held four citizen participation meetings as a requirement of the HUD funded programs. Comments from the citizen participation meetings assist in determining programs staff will implement utilizing CDBG and HOME funds. The purpose of this item is to get feedback from City Council earlier than in previous years. In the past, City Council has received a draft of the Annual Action Plan at the April work session. This year, prior to developing the draft

with the Fayetteville Redevelopment Commission, we would like to hear from City Council. At the January 2019 work session, Council had specific questions related to CDBG and HOME programs and asked staff to return to the February 2019 work session to discuss further. The 2019-2020 Annual Action Plan will complete the objectives mandated in the 2015-2019 Community Development Consolidated Plan. A new five-year Consolidated Plan (2020-2024) will be required to continue receiving funding from HUD for the two identified programs. CDGB and HOME are Federal grant programs administered by HUD. The City must file a five-year Consolidated plan to HUD for approval and then will file annual updates that must be consistent with that approved consolidated plan. Now is the Council's opportunity to adjust funding priorities for the next five years within the limitations established by HUD. Changes to program allocations may impact the level of future funding available to service providers who have received funding in the past. The City contributes its required share of match to the HOME Grant. This year that amount is \$74,853.00 from the General Fund.

Discussion ensued.

No consensus was provided.

4.011 City Council Agenda Item Request - Millennial Movement Update - Mayor Mitch Colvin

This item was moved before Item 4.01.

Mayor Colvin presented this item and introduced several members of the audience that have attended the Millennial Movement meetings over the past few months. Mayor Colvin stated he would like to establish a Millennial Board/Committee, and have staff lay out a framework of the areas of interest, define parameters, and advertise for interested persons to apply for a Millennial Board position (using the same mechanisms for all appointments to our other City boards and commissions).

Discussion ensued.

Consensus of Council was to move this item forward.

4.01 Update of Unified Development Ordinance (UDO) Task Force activity

MG (Ret) Al Aycock, UDO Task Force Chair, presented this item and stated the UDO Task Force comprises of eight individuals. One member, Dr. Wayne Riggins, resigned. Two City Council Liaisons, Council Members Dawkins and Haire, are appointed non-voting observers to help provide regular communications back and forth to the Council and the UDO Committee. The committee is charged with reviewing and recommending a set of activities that are outlined in the Charter. These are as follows:

1. Review and recommend adjustments to the UDO's Development Standards (Article 30-5) and Nonconformities (Article 30-7).
2. Review and recommend adjustments to and continuation of the City zoning map which become part of the City's comprehensive plan.
3. Review and recommend administrative discretion and flexibility of UDO standards.
4. Review and recommend options and proposed changes to existing advisory and statutory boards' compositions and functions.
5. Review and recommend incentivizing of re-development sites and projects.

6. Provide the mayor and Council with suggestions to implement the items listed above in this section.

MG (Ret) Aycock stated for understanding the charge and tasks, meetings were held from May through July. In the initial meetings, committee members presented items of concern and potential "early wins". It was a time of the Committee trying to work through the project charge. Items not directly identified in the charge were noted as still being within the Committee purview. The committee began collectively working through a work plan to address Charge 1 [Development Standards (Article 30-5) and Nonconformities (Article 30-7)] and examined nonconformities in a general sense before beginning the review of the text of Articles 30-5 and 30-7 paragraph by paragraph. There have been six meetings held with the full Committee looking at the UDO Development Standards and Nonconformities through the end of November, for a total of ten meetings. He stated as the UDO Task Force Committee Chairman, he developed a work plan for the Committee that is designed to complete the text review within the one-year timeline of the ad-hoc committee. The Committee works together in the reviews, discusses items, asks thoughts of the professional staff, brings in guest speakers tied to topics of concern and the regulations, and has created a list of potential items for zoning text amendments. The work of the Committee is methodically moving forward with specific portions of the UDO given as "Homework Assignments" designed to keep the review of the text progressing. Independent of the UDO Task Force actions, the professional planners have worked on converting the present zoning maps (related to Item 2 of the charge) into parcel specific maps. This activity creates a more precise map of the City's zoning map. Should the UDO Committee move into Task Two of the Charter (zoning map), this parcel-based map provides details that have not previously existed in the City's zoning map. Task Three (administrative discretion and flexibility of UDO) continues to be alluded to in the process of review of the text. Discussions of clear standards with known and controlled administrative discretion allowances are underway by the Committee. Task Four (existing advisory and statutory boards' compositions and functions) has yet to be discussed by the UDO Task Force. Task Five (incentivizing of re-development sites and projects) has been discussed early in the process of the Committee meetings and definitive items are being suggested through the review of the text.

MG (Ret) Al Aycock stated there are 24 formal actions taken by the UDO Task Force through their meetings. The majority of the actions deal with parking regulations, then landscaping, buffering, and trees. Many of these proposed changes can be planner supported as drafted by the Committee. Others, dealing with policy issues, cannot be supported without allowing a review by the professional planners. The holistic view has not been applied on each and every suggested text amendment. That approach will happen when the selected items go through the formal process of review. One broad action needing further review as to policy implications deals with the extent nonconforming lots need to be brought into compliance. The treatment of standards that should be placed on properties and businesses that existed prior to 2011 and do not meet various current code requirements is the focus of this large item for consideration. A potential use of meeting some standards and not others was presented in a form of picking standards. The impact of this has yet to be explored in terms of equity and future impacts. Another significant item deals with tree protection in the City. The vagueness of this section and the suggestion to increase a caliper impact from 30" to 40" has not been evaluated. A third item suggests changes in calculations for open space requirements. With the exception of these items of nonconforming status requirements being brought into conformity, sidewalks in rights-of-way being calculated to lot open space coverage, and tree protections, the professional planners can affirm the value of the changes. The three remaining items represent a potential shift from the City policies for long-term impacts of development activity in the City. More thorough review of this proposed text amendment can occur through the statutorily required process of amending the zoning regulations found in the UDO.

Other than what are minor positional statements based on professional insights versus the collective thoughts of the committee members present when actions were made, the balance of changes continue to refine the UDO text. The 24 suggested changes represent a small portion of the totality of sections reviewed where no changes are suggested. The full set of minutes provide greater insight to each and every item under review, the decision to make no changes or the Committee's action of change.

Discussion ensued.

Consensus of Council was to accept the presentation by the Chairman of the UDO Task Force Team with direction to continue the process of potential UDO text amendments to be sent through the process of full analysis and Zoning Commission review.

4.02 Downtown Parking Management Plan Draft Recommendations

Mr. Lee Jernigan, Traffic Engineer, introduced Mr. John Martin, Consultant, Walker Consultants. Mr. Lee presented this item with the aid of a PowerPoint presentation and stated the plan development began in May 2018 and included an assessment of parking inventory, occupancy and turnover analysis for periods that included weekdays and Saturday. Stakeholder involvement was conducted at various times during the plan and included onsite meetings with government, downtown business owners, as well as residents. In addition, an online parking survey was completed that received 498 responses and two public outreach events were held on Fourth Friday June 22, 2018. The responses to the online survey are included in Appendix D of the draft report. A review of potential new parking sites for size and walking distances was completed. Existing parking policies, organizational structure/staffing, rate/fee structures, parking equipment technology, peer city comparisons, customer service improvements, model event parking conditions, and a review of historical financial information have been completed. Additional scope was added to original parking management plan scope that provides a detailed operating plan for baseball and special events in the downtown, as well as how best to control and serve the mixed uses within the new Hay Street parking deck. The draft recommendations include a review of the current downtown parking operations, the Hay Street parking garage, and the event parking plan. This review concludes the downtown parking supply is adequate at 45 percent occupancy during the existing peak parking time, which is a weekday at 1:00 p.m. Based on this information, the parking supply will easily accommodate an average attendance (+/- 1,000 parkers) and sell out (+/- 2,330 parkers) ballgames. The parking supply is marginal to support large or simultaneous events (+/- 3,600 parkers). The evaluation of the current system indicated the most convenient parking spaces are free time limited spaces; the less convenient spaces are paid spaces. It also concluded enforcement of time limits are not customer friendly and signage is confusing to unfamiliar users. Lastly, the current system includes parking control systems that are outdated and the parking operation is not financially self-sufficient.

Mr. Martin provided an overview of the recommendations; which are included in the report.

Discussion ensued.

Consensus of Council was to accept the report.

4.03 Downtown Shuttle Plan

Mr. Randy Hume, Transit Director, and Mr. Patrick Callahan, Vice President, Cool Springs Downtown District Board, presented this item. Mr. Callahan stated the Cool Spring District, who has responsibility for coordinating and marketing downtown activities, contacted FAST/Transit about a pilot project that would help downtown visitors as well as residents to circulate better between the variety of

businesses and venues within the downtown area. The Cool Spring District has proposed to lease some trolley-look buses and contract with the City for their operation. During the five-month pilot, the shuttle would operate before, during, and after all Woodpecker games plus other Fridays, Saturdays, and Sundays. On event days, that would include ballpark activities, 4th Fridays and festivals, the shuttle would operate two vehicles on two routes with a 10-minute frequency. Other days the shuttle would have one vehicle on one route and a 10-minute frequency. He presented shuttle maps along with a table showing an operating plan. Cool Spring District has been in discussions with potential sponsors to help cover the cost of the vehicle lease. Those sponsorships have not yet been secured. Their plan requests the City to cover the operating and maintenance cost. This has not been included in the Transit budget for FY 2019.

Mr. Hume, Transit Director, provided an overview of the potential routes and displayed maps of the potential routes.

Discussion ensued.

Consensus of Council was to support the concept of a downtown shuttle plan and to direct staff to research further.

4.04 Co-Bond Counsel - General Obligation Bonds, Series 2019 (Parks and Recreation)

Mr. Jay Toland, Interim Chief Financial Officer, presented this item and stated bond counsel is required to issue bonds and other debt financing agreements. In late spring 2019, the City will prepare the first of three issuances of the Parks and Recreation General Obligation Bonds. At the March 29, 2016, City Council meeting, the Council approved The Charleston Group as local co-bond counsel with an 85 percent/15 percent split, with 15 percent going to the local co-bond counsel. The current and primary bond counsel is Womble Bond Dickinson of Raleigh, NC. Staff is proposing a mid-February kickoff meeting with all parties that will facilitate the issuance of General Obligation Bonds, Series 2019. All fees need to be proposed from co-bond counsel before that kick-off meeting.

Discussion ensued.

Consensus of Council was to direct staff to move forward for an 80 percent/20 percent split (fee and workload) for primary and local co-bond counsel respectively.

4.05 P19-06F: A Zoning Map Amendment to remove obsolete Zoning Districts within the City of Fayetteville, to reclassify to the closest matching or appropriate districts within the Unified Development Ordinance (UDO) and to correct the zoning boundaries to reflect parcel specific districts versus polygons.

Ms. Lynn Hale, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the Unified Development Ordinance (UDO) (Chapter 30 of the City Code) became effective August 1, 2011. The UDO is one of the City's important tools in encouraging new development and renovation that helps move the community toward its goals of being a better, more attractive place to live, work and recreate and for a diverse and viable local economy. Along with the UDO, the Official Zoning Map was updated to reflect the new Zoning Districts. The related zoning map serves as part of the City's official comprehensive plan serving to guide and direct new development or redevelopment that transforms the City over time. A recent significant state law change (Session Law 2017-10) makes the UDO Official Zoning Map both a regulatory document and part of the City's long-term planning documents. In 2018, Development Services staff discovered that some Conditional Zoning (CZ) parcels continue to be classified under the obsolete zoning district. It was also discovered that the boundaries of the Zoning Districts had been adopted as polygons and are reflected accurately on the printed map

and in the City's Geographical Information System (GIS). The amendment to the Zoning Map is needed to meet the requirements of the UDO. All changes are to parcels subject to Conditional Zoning (CZ). The base zoning will change; however, the conditions and CZ zoning will be retained. The update will also ensure that the official Zoning Districts are parcel specific when using GIS instead of being based off a polygons. Making these amendments will further affirm the conditions of the site remain and are treated as a part of the City's comprehensive plan as presented in the Official Zoning Map. The update will allow staff to provide information that is more accurate to citizens. The updated map will provide the public with accurate information regarding the land use requirements for a specific parcel. It will also eliminate potential conflict that would exist if the City received an application to develop parcels when there is an obsolete zoning designation.

Discussion ensued.

Consensus of Council was to direct staff to move forward with this item.

4.06 Proposed Text Amendments to the Unified Development Ordinance. Amendments include ten general items and two sign code amendments.

Ms. Marsha Bryant, Development Advocate, presented this item with the aid of a PowerPoint presentation and stated 12 text amendments to the UDO are suggested for approval by the professional planners of the Development Services Department. These items will proceed to the Planning Commission for a recommendation prior to coming to City Council as a public hearing. The proposed 12 text amendments include:

1. Fences around Swimming Pools
2. Outdoor Storage of Flammable Liquid or Gases
3. Specimen Tree Exemptions
4. Setbacks in the LI Light Industrial District
5. Senior Center - Use Table and Definition
6. Community Banners
7. Clear Cut Permit
8. Privilege License - Produce Stand
9. Privilege License - Public Tree Protection
10. Development Agreement
11. Sign Code - Change of Sign Face
12. Sign Code - Sign Permit Required

Discussion ensued.

Consensus of Council was to direct staff to move this item forward.

4.07 Update for Unified Street Light Plan - Target for Action

Mr. Lee Jernigan, Traffic Engineer, presented this item and stated 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 costs and 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. As directed by Council at the October 1, 2018, work session, staff requested and received information from the PWC legal department. The response, however, was not particularly helpful. The matter of municipal authority in this area does not appear to be addressed at the regulatory level, [North Carolina

Utilities Commission (NCUC) does not have any regulations on the matter] or settled as no case law has been found. The City's power to require specific actions by regulated utilities through ordinance may be protected under General Statute 160A-338 that states "No provisions of this Part shall restrict the exercise of the police power of a city over the erection and maintenance of poles, wires and other facilities of electric suppliers in streets, alleys, and other public ways." The scope of this "police power" does not appear to have been tested. Staff will continue to work with the City Attorney's Office on this issue. Related to rate structures, the NC Utilities Commission must approve any rates charged by an IOU but electric co-ops are not subject to NCUC rate regulation and can create their own rate schedule.

Mr. Jernigan stated the City is responsible for the capital costs for initial construction, and monthly operating costs of thoroughfare street lights with the Uniform Street and Thoroughfare Lighting Ordinance. Initial estimates determined by staff and presented at the October 1, 2018, work session, (based on costs for prior installations) to complete all 58 miles of lights along unlit thoroughfares would include an additional \$2.2 million in capital costs and \$46,000.00 monthly (\$552,000.00 annually) in operating costs. Council's direction from the October 1, 2018, work session to staff was to reinvestigate these costs with the energy providers. Staff contacted the providers and received the following responses:

- Lumbee River EMC - Cost estimates cannot be determined without additional detail of design.
- South River EMC - Cost estimates cannot be determined without additional detail of design (very small area of unlit thoroughfares are in SREMC service territory).
- Duke Energy - No formal response received. Information from Duke Energy Progress Roadway Lighting Requirements worksheet indicates "Estimated up front, abnormal charges for street lighting along NCDOT maintained streets could be \$8,500 per 1000 feet."
- PWC - Provided rough capital cost estimates that range from \$1,800.00 per 1,000 foot (two-lane road with un-useable existing pole line), \$35,000.00 per 1,000 foot (multi-lane highway with useable existing pole line) to \$55,000.00 per 1,000 foot (controlled access divided highway, i.e., MLK Freeway, that requires underground installation).

In summary, lighting capital costs vary widely depending upon the characteristics of the roadway being lit and the level and location of existing electrical infrastructure that is available along the roadway. Monthly operating costs are more consistent due to the standardization of the LED fixture type used by the energy providers. A yearly estimated operating cost would be in the range of \$400,000.00 to \$500,000.00 per year if all 58 miles of unlit thoroughfares were completed. Requests for budget to construct and operate these projects will be made in future CIP budget years.

Discussion ensued.

This item was for information only and consensus was not provided.

4.08 CDBG and HOME Annual Action Plan

This item was moved before Item 4.01.

4.09 Recommended Fiscal Year 2020-2024 Capital and Technology Improvement Plans

Ms. Tracey Broyles, Budget and Evaluation Director, presented this item with the aid of a PowerPoint presentation and stated annually the City updates its five-year plans for future capital and technology improvements. City departments submit updates for existing projects and additional requests for consideration for funding during the planning period. Project requests are reviewed and prioritized by appointed review committees, consisting of City staff, with ranking recommendations submitted to the City Manager's Office. City management reviews the projects against projected available funding and develops recommended plans for City Council consideration. A special meeting for further Council discussion of the recommended CIP and TIP is being proposed to be held on February 28, 2019, at 5:00 p.m. Council members are requested to submit any questions or requests for additional information in advance of the meeting by email to Tracey Broyles.

Ms. Broyles further stated the recommended plan will be updated based upon Council direction and any revisions will be incorporated in final plan documents to be presented for Council adoption with the adoption of the fiscal year 2020 budget ordinance.

Consensus of Council was to hold a special meeting on February 28, 2019, at 5:00 p.m. to discuss the recommended CIP/TIP plan.

4.010 City Council Agenda Item Request - Discussion on 911 Center - Mayor Colvin

Mayor Colvin presented this item and provided a re-cap of the County's proposal.

Discussion ensued pertaining to the County's recent purchase of a building for Emergency Management and 911 Communications Center purposes.

Consensus of Council was to create a City 911 Committee.

Mayor Colvin stated Council Members Mohn, Jensen, and Wright would serve as the 911 Committee members with Mayor Pro Tem Mohn serving as Chair of the Committee.

4.011 City Council Agenda Item Request - Millennial Movement Update - Mayor Mitch Colvin

This item was moved before Item 4.01.

4.012 City Council Agenda Item Request - New Year's Eve Celebration - Council Member Jensen and Mayor Colvin

Council Member Jensen presented this item and stated she has discussed holding a New Year's Eve celebration with Mayor Colvin and they are in agreement that the City should initiate a New Year's Eve celebration in the City of Fayetteville. Council Member Crisp suggested this project and associated funding be given to the Cool Springs group to manage.

Discussion ensued.

Consensus of Council was to direct staff to provide proposals and budget recommendations for the City to host a New Year's Eve celebration and an Independence Day celebration.

5.0 ADJOURNMENT

 There being no further business, the meeting adjourned at
9:18 p.m.

