

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE CONFERENCE ROOM
FEBRUARY 3, 2020
5:00 P.M.**

Present: Mayor Mitch Colvin (arrived 5:23 p.m.)

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4) (departed at 8:58 p.m.); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8) (arrived at 5:10 p.m.); Yvonne Kinston (District 9)

Absent: Council Member Johnny Dawkins (District 5)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Angel Wright-Lanier, Assistant City Manager
Gina Hawkins, Police Chief
Kevin Arata, Corporate Communications Director
Sheila Thomas-Ambat, Public Services Director
Jay Toland, Chief Financial Officer
Gerald Newton, Development Services Director
Barbara Hill, Human Resource Development Director
Cynthia Blot, Economic and Community Development Director
Tracey Broyles, Budget and Evaluation Director
Dwayne Campbell, Chief Information Officer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Pro Tem Jensen called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Davis.

3.0 APPROVAL OF THE AGENDA

MOTION: Council Member Haire moved to approve the agenda.
SECOND: Council Member Ingram
VOTE: UNANIMOUS (7-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Downtown Urban Design Plan and Murchison Road/Bragg Boulevard Area Study Presentations - by Steve Auterman - Urban Design Associates

Mr. Steve Auterman, Urban Design Associates, presented this item with the aid of a PowerPoint presentation and stated the Downtown Urban Design Plan was created by combining extensive citizen input with proven urban design principles, becoming a guide towards investments in Downtown Fayetteville for the next five to ten years. By envisioning the future of Downtown, certain urban design improvements become clear, as do the actions needed to achieve them. Subsequently, the City sought to coordinate and advance a number of public investments in the Murchison Road/Bragg Boulevard area between Fayetteville State University (FSU) and Downtown Fayetteville. Urban Design Associates (UDA), with Stewart Engineering, were asked to help facilitate a design conversation among stakeholders and the public, and seek the strategic alignment of public improvements and private investment in the area.

In July of 2017, the City of Fayetteville was awarded a \$100,000.00 Revitalization and Economic Development Grant from the State of North Carolina's Legislature. These funds were used to hire a consulting group, which is being led by Urban Design Associates and assisted by Stewart Design, Walker Parking Consultants and SFL+a Architects. The Plan includes a written implementation strategy, graphic illustrations, suggestions regarding regulatory changes necessary to implement the proposed design concepts, and policy recommendations. The intention of the Plan is to blend current community goals with previous planning efforts and policies, provide a clear guide and predictable framework that is useful for both developers and citizens, and serve as a powerful graphic tool for visualizing preferred Downtown development.

Murchison Road/Bragg Boulevard Area Study

Utilizing the base data and maps that UDA has already produced for the Downtown Urban Design Plan, UDA travelled to Fayetteville for one day of meetings with the City, Fayetteville State University (FSU) and area stakeholders. They also met with representatives from the City to outline to goals for the meetings. A tour of the study area included the City and UDA to observe existing conditions and identify the sites owned by the City, FSU, or other stakeholders. In addition, the group viewed nearby developments that were relevant to the study.

UDA facilitated a two-hour meeting with the City, FSU, and invited stakeholders to share each group's current/planned investments, unmet needs and desires for development in the study area. The outcome of this meeting provided clarity of what desired investments are likely or could occur, identifying the goals and motivations for those efforts and defining the type and breadth of compatible investment that is desired in the area. This will define the programmatic elements and focused property to investigate in the next step.

The small area study provides a planning process and analysis, public improvements, and the potential for private investment.

Downtown Urban Design Plan

Downtown Fayetteville is approximately .55 square miles in area and is generally bounded by Rowan, Russell, Robeson and Cool Spring Streets. The Downtown hosts an economically and racially diverse mix of people who live and work among historic buildings and landmarks, and many small businesses.

The City Council appointed a committee of citizens (the steering committee) to help guide the direction of the plan. An open house and three days of Stakeholder meetings were held in August 2018. Then in October 2018, the steering committee and consultant team held a charrette, a second public open house, a public meeting and hosted information booth. The public meeting gave the public a review of the Charrette outcomes. The information booth was setup under the Market House during of the City's Fourth Friday events that week.

The steering committee and consultant team came up with the following recommendations:

1. Capitalize on Investment: Leverage the Fayetteville Ballpark and neighboring investments by transforming the City Hall block into a mixed-use sport and entertainment destination
2. Create a Downtown District: Create a Downtown District by expanding the Hay Street experience to Russell Street
3. Improve Downtown's Gateways: Establish Downtown's identity at its gateways, and carry it through the Downtown District area

4. Enable a Neighborhood to Develop: Promote residential development to create a Downtown Neighborhood
5. Expand Appropriate Development Standards: Revise and enact the development standards that permit the appropriate mix of uses, types and development patterns for Downtown
6. Properly Locate Cultural Venues: Establish the parameters for locating a Performing Arts Center that adds to Downtown vitality in a direct and meaningful way
7. Improve Mobility and Streetscapes: Promote a well-functioning Downtown by improving walkability and bikeability, managing parking, enhancing streetscapes, and public spaces.
8. Enhance Natural Systems: Improve stormwater management, and public spaces (trails and parks) to address the growing impacts of flooding.

Murchison Road/Bragg Boulevard Area Study

The City of Fayetteville commissioned this study to look at the Murchison Road and Bragg Boulevard corridors northwest of downtown. The area includes FSU, Murchison Road from Rowan Street to Langdon Street, the area between Bragg Boulevard and Murchison Road including Mazarick Park and Glenville Lake, and Bragg Boulevard from Rowan Street to Westmont Drive. This planning process was designed to build consensus among all the stakeholders to improve the neighborhood with initiatives and strategies that will stabilize the neighborhood, create a context for reinvestment, and improve the quality of life for residents, businesses, and community institutions.

Discussion ensued.

This item was for information only, and no action was taken.

Mayor Colvin recessed the meeting at 6:32 p.m. and reconvened the meeting at 6:43 p.m.

4.02 Sports Field Complex Site Analysis

Mr. Kristoff Bauer, Deputy City Manager, presented this item with the aid of a PowerPoint presentation and stated in 2015 a package of parks and recreation bond projects was developed for voter consideration. The package included a number of new projects as well as renovations to existing parks/facilities. Prior to the vote held on March 15, 2016, the location for a new Sports Complex was tentatively listed as Fields Road. The City currently owns a parcel of approximately 50 acres at this location. Following the passing of the bond referendum, the City Council Parks and Recreation Bond Committee was approached regarding discussion for a parcel of land located adjacent to the All American Freeway and new Interstate 295, known as Military Business Park. This was a larger parcel located along a major thoroughfare. On October 17, 2016, the committee directed staff to remove the reference of Fields Road from the Sports Field Complex in all print materials and from related websites as discussion was ongoing relating to the final location for the project. A site assessment of both the Fields Road location and Military Business Park was completed by Moorman, Kizer, and Rietzel (MKR) and alternative layouts were provided for the City Manager's Office by MKR. The layouts developed for the Fields Road location are included in the packet. Council directed staff to focus on negotiating the acquisition of the Military Business Park prior to reviewing this information.

The negotiations to acquire 60 acres in the Military Business Park were complex and protracted and did not result in options ultimately supported by a majority of the Council. The alternative of

partnering with Fort Bragg on the development of a parcel of over 80 acres along McArthur Road and with Methodist on the Jordan soccer complex arose and Council directed staff to develop master plans for both facilities and to negotiate long-term use agreements to support the implementation of those plans. While a master plan for the Jordan Soccer Complex was completed, efforts to develop a mutually acceptable agreement were ultimately unsuccessful.

Efforts to secure a long-term lease from the Department of Defense for the McArthur Road property are at a critical stage. A path to approval has been identified, but it is dependent upon demonstrating that the City's proposed development and operation plan for the property is of significant "benefit to the soldier". A draft Memorandum of Agreement has been developed. It cannot be finalized, however, without clear policy direction regarding the City's level of investment and commitment to the development and operation of this property. Further, the loss of the Jordan Soccer Complex partnership results in the need to revisit the previous master plan and budget for the McArthur Road location. These are fundamental elements of any agreement with Fort Bragg on the development of this property.

A full master plan has been developed for the McArthur Road site by a design team including architecture and engineering professionals. This is not a full pre-design or schematic design work up, but the cost estimates provided and the proposed layout has a professional basis. The layouts completed for the Fields Road site were prepared by an engineering firm, but the charge was to "see what could fit". Cost estimates were not part of that scope, so the nature of the analysis was significantly less rigorous. What we do know about the Fields Road site is that the City owns 50 acres. That acreage is farmed, so it has been cleared and is flat. The site is bordered by Locks Creek and some portion of the land adjacent to the creek was inundated for a short time during Hurricane Matthew, but that is not seen as a detriment to this kind of development. The additional 36 acres used by some of the layouts is available for sale. The appraised value is \$175,000.00. The City has received an offer to sell from the property owner at a price of just over \$1.1 million. Staff has not attempted to negotiate a purchase of this property.

Options for Additional Study:

- (1) Feasibility and Location: If the primary question that Council has is regarding to which site would be most advantageous and competitive for a regional tournament facility, then staff would recommend hiring a consultant that focuses on sports tourism to perform a comparative analysis. It is estimated that this kind of study would cost less than \$50,000.00 and could be completed in four to six months. This "Feasibility and Location" study would also provide information regarding the potential for this kind of facility to enhance the City's current performance in this area and estimate the economic impact thereof.
- (2) Master Plan: If the primary question that Council has is regarding the constructability and estimated cost of developing a Sport Field Complex at either location, then the appropriate approach would be to engage a design team to prepare a master plan for the site in question. To perform a true comparison between the sites, it is recommended that the master plan for McArthur Road be updated to reflect the current budget and the need to include soccer and similar uses. This could be accomplished through an amendment to the past design contract and is estimated to require about \$20,000.00 and two months. Completing a master plan for Fields Road would take longer due the need to perform a Request for Proposal process to hire the design team. That master plan is estimated to cost \$55,000.00 and require six to nine months to complete.

The path forward differs depending upon which site is selected. If McArthur Road is selected, then the master plan would need to be updated, a Memorandum of Agreement with Fort Bragg completed, and then a long-term lease approved by the Department of Defense. The time to accomplish the first two steps is estimated at 60 to 90 days. The timing of the last step is uncertain. After these steps are completed, then design could be initiated. If Fields Road is selected, then there may be some time required to negotiate property acquisition if 86 acres or more are desired. The design process, however, could be initiated. The design process for either location is estimated to cost between 15 and 30 percent of total construction cost and require 10 to 12 months to complete.

The original allocation of funding to the Sport Field Complex was \$9,000,000.00. A total of \$108,769.00 has been spent to date on the development of the master plans and other consultant work (\$54,207.00 for Sport Field Complex, \$54,562.00 for Soccer Complex). The most recent funding plan approved by Council on January 13, 2020, allocates \$8,750,000.00 for the Sport Field Complex.

Discussion ensued.

No consensus was reached on any of the options.

Mayor Colvin announced there will be a Special City Council meeting on February 19, 2020, and this item will be on the agenda for further discussion and deliberation.

4.03 Recommended Changes in Personnel Ordinance to Support Enhanced Recruitment

Ms. Barbara Hill, Human Resource Development Director, presented this item and stated our present Personnel Ordinance §19 limits the amount of sick leave that a new employee may transfer from another North Carolina municipality to 240 hours. The North Carolina League of Municipalities benefits survey highlights the fact that most cities in North Carolina do not limit the number of hours that may be transferred. The current limit regarding sick leave transfers is a disincentive to candidates who would like to make a lateral or promotional transfer to the City of Fayetteville. The sick leave hours are valuable as they are counted toward service time when North Carolina retirement benefits are calculated. The risk is low as the hours are not made available until the first year probationary period is completed. At that time the federal Family Medical Leave Act is also available which limits the city's responsibility to hold a position open for an absent employee to twelve weeks. Sick leave is not paid by the City if an employee separates from our employment. To facilitate recruitment of well qualified candidates from other municipalities we recommend removal of this section of the ordinance.

The same section speaks to three days of bereavement leave which amounts to an inequitable number of hours for employees who work eight hour days vs. 24.25 hour days or ten hour days. Recommendation is to allow twenty-four (24) hours per employee for bereavement leave per calendar year with additional time to be either accrued leave time or unpaid time off if required.

Section 19-182 States that employees will be paid out all accrued and unused holiday time when separating from employment. The City desires our employee's to use their time off and not save those hours. Time off promotes positive work life balance and good health. The new process is for employees to use their holiday time during the calendar year in which it is planned. If the time is not used by the end of the calendar year then the holiday hours are converted to vacation time. This process encourages the use of the allotted holiday hours but also preserves those hours as a benefit through conversion to vacation time. Upon separation the final calculation of pay for unused time should include these limits and conversion rules.

Discussion ensued.

Unanimous consensus of Council was to direct staff to move this item forward to a regular City Council agenda for official action.

4.04 Discussion of Ordinance for Rowan Skate Park

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item and stated voters approved a \$35 million bond referendum in March 2016, allowing for the construction of a number of new parks and recreation facilities as well as the renovation of a number of existing facilities. The downtown skate park, located at the previously existing park along W. Rowan Street, was designed and constructed by Team Pain Skate Parks of Winter Springs, FL. A ground breaking was held in July 2019 and site preparation began shortly thereafter. Construction of the concrete skate surfacing began in September 2019. As the first City-owned skate park, it is necessary to establish guidelines for use, prior to opening the facility to the public. The draft City Ordinance has been prepared to address this need for safety equipment at skate parks. Once approved, signage will be installed in accordance with the ordinance. N.C.G.S. § 99E-25 limits the liabilities of government entities who have adopted such ordinances. Rental fees are typically established for parks and recreation facilities but fees for this special-use facility will be discussed at a later date.

Discussion ensued.

Unanimous consensus of Council was to move this item forward to a regular City Council agenda for official action.

4.05 Tree Preservation Fund Update and Replacement Strategy

Dr. Telly Whitfield, Assistant City Manager, presented this item and stated per City Council direction, staff will present a strategy to more efficiently and effectively expense the Tree Preservation Fund (Tree Fund). The Tree Fund collects revenues from payments in lieu of specimen tree preservation within development projects. The Tree Fund is used for plantings in public areas, such as along trails, in parks, and along public street right-of-way. On November 25, 2019, Capital Project Ordinance Amendment (CPOA) 2020-27 appropriated \$252,244.00 of collected revenue from May 2015 through October 2019. With that appropriation, the total available budget in the Tree Fund is \$312,070.54. As requested, staff coordinated with the Tree Board to propose the use of the appropriated funds in the following areas:

1. Completion of the Downtown Core Tree Replacements and Street Plantings (\$50,000.00)
2. Major Gateways and Public Facilities (\$102,000.00)
3. Selected Reforestation Areas (\$75,000.00)
4. Neighborhood Matching Grant Program Pilot (\$25,000.00)
5. Proposed Central City Parks Master Plan and Design Guide (\$60,000.00)

Prior to 2010, the City had tree protection requirements with fines. A fee-in-lieu payment was introduced in 2010 to remove fines and provide credits. In 2013, the prior City Ordinance was adjusted to add a \$100.00 per caliper inch removal fee for specimen trees into the City's tree fund (30-5.B.6). That fee was reduced to \$50.00 per caliper inch by City Council in 2019. An administrative report was provided for the October 14, 2019, regular meeting describing the City's use of the Tree Preservation Fund for landscape and streetscape improvements. Staff was asked to provide additional information regarding the existing payments collected and resources spent. Staff

presented the history of tree preservation activities in Fayetteville, detailed the available funds and addressed the challenges of the current administrative practice for fee collection and replacing trees during the November 4, 2019, work session. The current practice involves utilizing collected funds in their respective quadrants and has resulted in limited opportunities to plant across the City. From fund's creation in 2013 through the first quarter of FY 2020, \$412,070.00 has been collected through 39 payments. The average payment is \$10,565.90; however, the median value or 50th percentile collected is \$4,200.00. It should be noted that 49 percent of the payments received to date have been generated from three projects--Walmart on I-95 Business (\$99,600.00 in 2014), Fayetteville Town Center (\$77,300.00 in 2016), and Oakridge Estates (\$24,770.00 in 2019)--given that the tree ordinance only applies to the removal of specimen trees over 30 caliper inches. Over the past two fiscal years, fees have been collected for only three projects.

Discussion ensued.

Unanimous consensus of Council was to direct staff to move this item forward and adopt the strategy for the use of the remaining tree funds.

4.06 Good Neighbor Homebuyer Loan Program and Commercial Corridor Revitalization Program

Ms. Cynthia Blot, Economic and Community Development Director, presented this item and stated the City of Fayetteville's Economic and Community Development department was issued a Target for Action (TFA) for Fiscal Year 2020. The Economic and Community Development Department presented options for alternative housing and economic development programs to Council for approval in the first quarter of FY 2020. Objectives included an effort to increase and create more opportunities for individuals and businesses in targeted revitalization areas by developing and implementing programs that impact households up to 140 percent of median household income.

The City Council allocated \$500,000.00 for program implementation of the Good Neighbor Homebuyer Loan Program and the Commercial Corridor Revitalization Program in two specific corridors--Murchison Road Corridor and "B" Street Corridor. These projects are being led by Economic and Community Development staff, with a cross-collaborative approach and a team of City staff from other departments such as Parks and Recreation, Development Services, Human Relations, Police, and the City Manager's Office. Additional program objectives were to include:

- Stabilization of older neighborhoods
- Beautification of gateways into city and downtown
- Revitalization of aging neighborhoods
- Revitalization of vacant and underperforming commercial centers
- Return of vibrant neighborhoods that are connected and safe

Key Performance Indicators (KPIs) also include the number of new home owners and number of businesses impacted/improved.

There are currently two active applications for the Homebuyer program. Staff is working with other interested officers to complete the application process.

Multiple businesses have met with staff to prepare applications funding in the Revitalization Corridor. Applicants are in various stages of submission.

Discussion ensued.

This item was for information only, no consensus was given.

4.07 Community Collaboration - City Social

Mr. Douglas Hewett, City Manager, presented this item and stated a community event was held on February 2, 2019, at E.E. Smith High School. It included information tables for City and County Departments, elected officials and food trucks. Presentations were given in the auditorium on the baseball stadium and the proposed Civil War History and Reconstruction Center. Similar to the 2019 Social, it is envisioned that there will be displays and information provided by partner entities like Cumberland County, Cumberland County Schools, Fort Bragg, local service organizations, Work Force Development, etc. Mr. Hewett said staff will bring this item back to Council with the costs for holding this type of event.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:04 p.m.