

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE CONFERENCE ROOM  
MARCH 2, 2020  
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1) (arrived at 5:04 p.m.); Shakeyla Ingram (District 2); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6) (arrived at 5:46 p.m.); Larry O. Wright, Sr. (District 7) ; Courtney Banks-McLaughlin (District 8) (departed at 5:56 p.m.); Yvonne Kinston (District 9)

Absent: Council Member Tisha S. Waddell (District 3)

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  
Cynthia Blot, Economic and Community Development Director  
Tracey Broyles, Budget and Evaluation Director  
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 THE AGENDA**

**MOTION:** Council Member Wright moved to move Item 4.03 to the first item on the agenda and to approve the agenda.

**SECOND:** Council Member Kinston

**VOTE:** UNANIMOUS (7-0)

**4.0 OTHER ITEMS OF BUSINESS**

**4.03 Downtown Parking Program Update**

Mr. Lee Jernigan, Traffic Engineer, provided an overview of the past actions of City Council regarding the downtown parking program. Mr. Jernigan introduced Mr. Walley Bice, Republic Regional Parking Director.

Mr. Wally presented this item with the aid of a PowerPoint presentation and stated Republic Regional Parking (Republic) began operations of the downtown parking program on January 1, 2020, and continued enforcement of free time limited on-street parking and off-street parking with rates of \$0.50/hour, \$4.00 daily maximum, including the Franklin Street parking deck. During this time staff and Republic began preparations for the transition to paid on-street parking, as approved by City Council at their November 25, 2019, regular meeting. These preparations included the development of new branding, Park Fayetteville, a website (available after the March 2, 2020, update to City Council), signing plan and revisions, procurement of the pay kiosks, and a public outreach campaign. The public outreach campaign began with representatives with Republic and the

Cool Spring Downtown District identifying and scheduling informational meetings with downtown stakeholders. Republic facilitated public informational meetings coordinated by the Cool Spring Downtown District on February 4 and 5, 2020, at City Hall. These sessions consisted of small invitation only stakeholder groups and were intended to provide information on the upcoming changes to the downtown parking program and respond to any questions. There was a total of five sessions conducted over the two-day period and stakeholders were invited to structured sessions based on the location of their downtown interest(s). Over 50 attendees participated in the sessions.

Mr. Walley reported that the Core Downtown Area has 615 total on-street parking spaces and the paid parking program will begin April 1, 2020. In an effort to educate the public about the new system, for the first two weeks, we will issue warning tickets for non-payment at the meters on the streets. The 34 pay stations are scheduled for delivery this week. Parkmobile is the pay by phone app to pay for parking. Mr. Walley provided an overview of the pay stations, pay station locations, parkmobile app, community outreach sessions, consensus of comments, and the recommendations.

Discussion ensued.

**Consensus of Council was to approve the following:**

- (1) Incremental rates of \$0.50 for 30 minutes and \$1.00 for an hour. Incremental rates would only apply for the first hour. Credit cards require a one-hour minimum.**
- (2) Event rate locations would be the following lots in event mode during baseball games: Russell, Winslow, City Hall, 1 and 2 Franklin Street Deck, RCW, and Donaldson. For non-baseball events, all lots could be in event mode. On-street meters would not be in event mode.**
- (3) First hour of parking to be free at the Franklin Street Deck.**
- (4) Not to move forward with paid parking on Saturdays, and direct the City Manager to report back on the financial impacts.**
- (5) Implement a Hospitality Worker Parking Program; provide a \$25.00 per month parking pass for the Donaldson Lot for waiters/bussers/hourly clerks, etc.**
- (6) Operational/Enforcement hours will be Monday through Friday 9:00 a.m. to 7:00 p.m.**

#### **4.01 ReBuild NC Buyout Program**

Ms. Maggie Battaglin Gurule, Buyout Manager, presented this item with the aid of a PowerPoint and stated the purpose of this presentation is to introduce the ReBuild Buyout Program to the City Council, and identify steps towards offering this opportunity to property owners within identified zones. A buyout is a mitigation activity where vulnerable properties are purchased, demolished, and the resulting parcels have a deed restriction put in place that significantly restricts future development. Local governments become the owner of the parcels and are responsible for ongoing maintenance. Properties can return to natural state, or may be used as a park or other community amenity. Buyouts are the most effective and long-term mitigation activity. This buyout program is completely voluntary. The program is federally funded by HUD, with no local or state share. \$25 million from Hurricane Matthew CDBG-DR and \$109 million forthcoming from CDBG-MIT associated with both Hurricanes Matthew and Florence. The focus is for buyouts zones: Columbus, Cumberland, Edgecombe, Robeson, and Wayne Counties. Ms. Gurule provided an overview of the

management of the program, buyout zones, Fayetteville buyout zone, buyout program eligibility, and homeowner compensation. The next steps would be the execution of a Cooperative Agreement.

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

#### **4.02 Memorandum of Agreement (MOA) with Fort Bragg Regarding the Development of Sports Fields on McArthur Road Property**

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated the Parks and Recreation Bond Referendum, passed by voters in March 2016, included the construction of a Sports Field Complex. Council provided direction to pursue three separate locations for improvements to the City's inventory of sport fields: McArthur Road, Fields Road, and the Jordan Soccer Complex. Moving forward with the McArthur Road location requires approval from the Department of Defense. The next step in acquiring that approval is the execution of a MOA regarding the eventual development and operation of that site. Staff is seeking Council review and approval of the draft MOA in order to allow further discussions with Fort Bragg and Department of Defense leadership regarding the partnership and a long-term lease. The draft MOA has a number of key terms. The most important, however, is the "Purpose" as follows:

3. PURPOSE: This Memorandum of Agreement (MOA) between USAG and the City sets out the rights and obligations of the Parties in the development and operation of the Property and is contingent upon the issuance of a lease of the Property to the City with a term of fifty (50) years.

This makes it clear that the MOA only becomes effective if the Department of Defense grants the City a 50-year lease of the property.

The obligations of the City would be to develop the property consistent with the Master Plan; which is attached to the MOA. The initial investment is set at \$3.5 million. The City is then obligated to operate and maintain the improvements developed by the City.

The obligations of Fort Bragg would be to coordinate with the City and seek resources to develop the parts of the Master Plan focused on serving the needs of the military.

The next steps, with Council's approval, would be to officially submit the draft MOA to the Department of Defense for consideration. They have not been clear regarding the consideration process or how long that process may take.

The Council has allocated \$3.5 million in bond funds to support development at the McArthur Road location.

Discussion ensued.

**Consensus of Council was to direct staff to move this item forward. Council Member Ingram was opposed to the consensus.**

#### **4.04 Short-Term Rental Program Options**

Mr. Johnathan Rosales, Local Government Management Fellow, presented this item with the aid of a PowerPoint presentation and stated current research suggests that regulating or establishing a registration of existing and future short-term rentals (STRs) continues to have varying interpretations of if and how it might be allowed by the state statutes. The UNC School of Government cautiously suggests that a form of a land use regulation (probably zoning with defined standards) may work as a regulatory mechanism but housing code enforcement is no longer an effective option for STR regulation.

G.S 160D-1207 states that local governments cannot do any of the following:

- (1) Adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission from the city to lease or rent residential real property or to register rental property with the city, except for those individual rental units that have either more than four verified violations in a rolling 12-month period or two or more verified violations in a rolling 30-day period, or upon the property being identified within the top 10 percent of properties with crime or disorder problems as set forth in a local ordinance.
- (2) Require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a certificate of occupancy.
- (3) Levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties, unless expressly authorized by general law or applicable only to an individual rental unit or property described in a subdivision of this subsection and the fee does not exceed \$500.00 in any 12-month period in which the unit or property is found to have verified violations.
- (4) Provide that any violation of a rental registration ordinance is punishable as a criminal offense.
- (5) Require any owner or manager of rental property to submit to an inspection before receiving any utility service provided by the city.

This means that the City of Fayetteville cannot legally mandate owners of STRs to participate in a registry or database. Furthermore, the City of Fayetteville cannot collect any fees associated with this.

Discussion ensued.

**Consensus of Council was to direct staff to refrain from any action until after this item is discussed by the General Assembly. Depending on the action or inaction of the General Assembly, the City Administration would be able to update the City Council of new options. Council Member Dawkins was in opposition to the consensus.**

#### **4.05 Pavement Management Program Overview**

Mr. Rob Stone, Engineer, Volkert, presented this item with the aid of a PowerPoint and stated the City's goal for the condition of its street system is for 75 percent of City-maintained streets to have a pavement condition rating (PCR) of 75 or better. The PCR is based on a range of 0 to 100 and points are deducted based on observed pavement defects. Currently the City does not allocate any resources from the General Fund for pavement management other than resurfacing efforts that are specific to CIP street projects. The primary source of funds for the City's pavement management program is from the Street-Aid (Powell Bill) program administered through the North Carolina Department of Transportation (NCDOT) which are distributed to qualifying municipalities based on population and street system miles. From 2009 to 2019, the City has received an average of \$5.34 million and has utilized approximately \$4.45 million (FY 16, 17, 18 average) of the funds annually for resurfacing and CIP Street projects. The City currently utilizes a "worst first" approach to its resurfacing program and only resurfaces the lowest rated streets. This approach does not permit the City to reach its pavement condition goal and in fact will produce a steady decline in the overall pavement condition of the City's street network.

The City's current pavement management program of only resurfacing its streets with the lowest rated pavement condition will not permit it to reach its goal of having 75 percent of its street network to have a PCR of 75 or greater. The analysis performed by Volkert, Inc., demonstrated that maintaining the current practice at the current funding rate will result in a decline of the overall pavement condition in the next 10 years from the current estimated 70.4 percent of the pavement scoring 75 or greater to an estimated 44.0 percent by 2030. The study also revealed that it will take an additional \$5.0 million annually for a total of \$9.45 million per year over the next 10 years to reach the PCR goal if the current "worst first" approach to pavement management is continued. Among the various recommendations presented in the study, the most significant include adding a pavement manager position, incorporating relatively inexpensive pavement preservation treatment options at the appropriate time in the pavement's life cycle, and adding an additional \$0.5 million annually to the current pavement management/resurfacing budget for a total of \$4.95 million.

All recommendations analyzed included a 2.1 percent inflation cost for the cost of repaving and pavement management strategies. The calculation for future conditions, pavement treatment selection, funding scenarios, and what-if analysis is most effectively determined using a pavement management system software program designed specifically for managing pavements. The analysis included in this report was developed using pavement condition survey data from the City's 2012 and 2016 surveys using excel spreadsheets. It is recommended that a pavement management system software be used for future management and more accurate costing and condition assessments to augment the findings in the report.

Discussion ensued.

**Consensus of Council was to direct staff to move forward with this item; contract with Volkert, pavement management software, and Pavement Manager hire.**

#### **4.06 Public Safety, Infrastructure, and Facility Financing Options**

Mr. Jay Toland, Chief Financial Officer, presented this item and stated the agenda packet includes a draft of a proposed calendar for a referendum to be held in November 2020. If the council gives further direction staff will contact the board of elections, bond counsel, and financial advisors to finalize the calendar of action items needed.

The first action for a referendum will need to take place in the first couple weeks of April. If Council chooses to move to the next step which would be preliminary findings resolution. The resolution would indicate the amount and uses of a potential general obligation bond. The amounts in the resolution could only be lowered throughout the process and other uses would be ineligible to add.

Discussion ensued.

**Consensus of Council was to direct staff to schedule another meeting for further discussion of this item.**

#### **4.07 Safety and Security Operations for City Facilities**

Mr. Moisbiell Alvarez, Deputy Fire Chief, presented this item and stated the City Manager directed the establishment of an internal workgroup representative of functional City departments to evaluate the current safety and security posture of daily operations. Coordination of this effort was tasked to the Emergency Management Division of the Fire Department. The work group discovered several vulnerabilities and has made recommendations on security improvement initiatives.

Work place violence has become an ever increasing concern that impacts the public and private sector alike. Unfortunately, active assailant events have become almost a daily occurrence across the Country, predominately appearing in the work place. The City of Fayetteville (COF) recognizes its responsibility of providing a safe and secure working environment for employees, visitors and customers. Establishment of an internal workgroup to conduct threat assessments, identify vulnerabilities, implement short-term security enhancements and develop long-term strategic security goals is a proactive step in meeting the Council's goal of realizing a Safe and Secure Community.

The initial analysis revealed gaps in the current security posture including, but not limited to, lack of a centric organizational security model, a significant number of cyber-attacks attempted daily upon the COF technology infrastructure, lack of control and accountability of individual access to COF facilities, lack of legal controls to prohibit weapons from entering COF facilities, lack of an employee notification system, the need for codified security protocols and the opportunity for increased employee training.

There will be a future budgetary impact as the COF implements enhanced security measures. Recommendations for improvement include, but are not limited to, the addition of a FTE to coordinate safety and security initiatives, upgrades to access control systems at COF facilities, weapons screening system for City Hall and installation of camera systems in all COF operated facilities.

Discussion ensued.

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

#### **4.08 City Manager Updates**

Ms. Cynthia Blot, Economic and Community Development Director, provided an update of the proposed Day Resource Center and stated the State would like for the City of Fayetteville to move forward with this project.

Discussion ensued.

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

#### **5.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:02 p.m.