

**FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
CITY HALL COUNCIL CHAMBER
NOVEMBER 18, 2013
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates (District 1) (via telephone) (departed at 9:00 p.m.); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Council Member Darrell J. Haire (District 4)(departed at 9:00 p.m.); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present:

Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Michael Gibson, Parks, Recreation and Maintenance Director
Randy Hume, Transit Director
Scott Shuford, Development Services Director
Lisa Smith, Chief Financial Officer
David Nash, Planner II
Craig Harmon, Planner II
Brian Meyer, Assistant City Attorney
Steven K. Blanchard, PWC CEO/General Manager
Tracie Davis, Corporate Communications Director
Rebecca Rogers-Carter, Strategic Initiatives Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Senior Pastor Joshua Yunkon Kim of Korean Presbyterian Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor and Council

RECOGNITION AND ANNOUNCEMENTS

Mr. Voorhees recognized Deputy City Manager, Rochelle Small-Toney for receiving a 30-year service award from the International City/County Management Association (ICAM).

Mr. George Breece recognized and presented plaques to the following city staff for their participation with the Veterans Day parade: Lee Jerigan, Dean Sears, Pat Barber, Eric Dow, Kenneth Maynard, Rebecca Rogers-Carter, Kenny Griffin, Erica Brady, Ted Voorhees, Nathan Walls and City Council Member Bobby Hurst.

Mayor Chavonne announced the groundbreaking of the Multimodal Transit Center on Wednesday, November 20, 2013 @ 2:00 p.m. at Franklin and Robeson Streets.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Fowler moved to approve the agenda with the exception of items 8.2, 8.3, 8.4, and 8.5; to be placed on the January 2014 Work Session agenda.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

5.0 PUBLIC FORUM

Mayor, Marshall Pitts, 117 Person Street, Fayetteville, NC 28301, stated he would like to see the creation of a "council notebook." In December, the city will have a new city council with several new members. For continuity sake, I think it is critical that you (Mayor Chavonne) and the current council leave a list of accomplishments and challenges during your tenure that the

incoming council can use as a reference guide. Currently, there is no single source a council member can go to that gives he or she an overall snapshot of what a previous council has done. Digging into past council meeting minutes for the specifics on particular matter serves its purpose, but it does not provide the "big picture" view needed, particularly for new members.

6.0 CONSENT

MOTION: Mayor Pro Tem Arp moved to approve the consent agenda, with the exception of item 6.1; pulled for discussion.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

6.1 Pulled for separate vote by Mayor Pro Tem Arp

6.2 Budget Ordinance Amendment 2014-4 (Advertising Grant for the Christmas in the Park Event)

This Budget Ordinance Amendment 2014-4 will appropriate a \$15,000 grant, awarded by the Cumberland County Tourism Development Authority, to advertise the Christmas in the Park event.

6.3 Call for a Special Meeting on Monday, December 2, 2013 @ 7 p.m., and cancel the Work Session scheduled for Monday, December 2, 2013 @ 5:00 p.m.

6.4 P13-37F. The rezoning of property from OI – Office and Institutional, and LC Limited Commercial to LC/CZ – Community Commercial Conditional Zoning or to a more restrictive district, located at 1907 Murchison Road, and being the property of Spurgeon D Watson.

6.5 Certification of Results from the Cumberland County Board of Elections for the November 5, 2013 Municipal Election for Mayor, City Council Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9.

The Municipal Election results for the Fayetteville City Council were as follows:

Fayetteville Mayor	Votes
Nat Robertson	11,591
Val Applewhite	11,331
Fayetteville City Council District 1	
Kathy Jensen	1,276
Jerry Reinoehl	600
Fayetteville City Council District 2	
Kady-Ann Davy	1,988
Fayetteville City Council District 3	
Sister Audrey Ray	492
Mitch Colvin	2,456
Fayetteville City Council District 4	
Chalmers McDougald	1,734
Fayetteville City Council District 5	
Bobby Hurst	3,886
Kenneth Kleiner	533
Fayetteville City Council District 6	
Mary Ferguson	626
Bill Crisp	1,657
Fayetteville City Council District 7	
Curtis Worthy	849
Larry O. Wright Sr.	1,085
Fayetteville City Council District 8	
Ted Mohn	910
Michael Pinkston	644
Fayetteville City Council District 9	
Charlotte Robinson	796
Jim Arp	1,565

6.6 Approve Meeting Minutes:

October 28, 2013 - Discussion of Agenda Items

6.7 Amended Noise Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF CHAPTER 17, OFFENSES AND MISCELLANEOUS PROVISIONS, PERTAINING TO NOISE REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2013-25

6.8 Bid Recommendation - Annexation Phase V-Project VI, Area 15-Arran Hills

Subdivision to Utilities Plus, Inc., Linden, NC the lowest responsive bidder in the total amount of \$2,318,789.62

Bids were received on August 28, 2013 as follows:

Utilities Plus, Inc., Linden, NC.....	\$2,318,789.62
State Utility Contractors, Inc., Monroe, NC.....	\$2,669,419.65
Billy Bill Grading, Inc., Fayetteville, NC.....	\$2,680,345.00
DeVere Construction, Alpena, MI.....	\$3,368,579.12

6.9 Request for Legal Representation of City Employee

Authorize the City to provide legal representation for employee Zachery Pittman.

6.1 Contract with Department of the Army, Fort Bragg Garrison, to provide custodial services for the Airborne Special Operations Museum (ASOM)

Mr. Kristoff Bauer, Deputy City Manager presented this item and stated the Airborne and Special Operations Museum (ASOM) used to be open to the public for six days a week. That schedule was reduced to one day a week in response to sequestration driven budget reductions. The City, Cumberland County, Fort Bragg Garrison command, and ASOM foundation have been working for a number of months to identify solutions that would allow ASOM to return to the previous six day operational schedule. The custodial contract that serves the ASOM is a significant operational cost. New NDAA Section 331 legislation, presented to Council at a recent work session, makes it possible for cities to partner with bases to provide basic support services. It has been difficult, however, to terminate the existing service contract which was awarded as part of a contract set aside program. The annual cost of that service approaches \$300,000. Authority to terminate this contract has been received. The parties have negotiated a contract for the City to provide custodial service to ASOM in exchange for the commitment to return the museum to its previous six day a week operation schedule. The Army has agreed to pay the City up to \$60,000 per year for this service. The City has the ability to provide the required services through supplementing the hours of existing staff assigned to facilities in the area and can initiate service delivery on short notice. City's cost for meeting the Army's scope of service is estimated to be below the \$60,000 contractual amount. The Army is still working on identifying the payment accounts and mechanism. As a result, the actual contract is not yet available. Staff is requesting Council authorization for the City Manager to execute the contract upon completion. The service contract will be for a five year term and will include non-appropriation clauses to the benefit of both parties; that is if funding is not authorized by either Congress (for the Army) or the City Council then the contract will be terminated. Council's authorization to proceed will allow the ASOM to return to a regular schedule within days of the Army's resolution of its financial transaction issues. The budget ordinance appropriates \$60,000 in revenue to the General Fund to support the cost of providing this service. The final payment schedule has not been established, but it is unlikely that the full \$60,000 contract amount will be received in FY 14. The City's cost for six to seven months of FY 14 performance will also be less than the contract amount, but the full appropriation is required in order to allow the finance officer to execute the statutorily required "preaudit" authorization.

MOTION: Mayor Pro Tem Arp moved to pass Budget Ordinance Amendment Change 2014-5 and authorize the City Manager to execute a contract with the Department of the Army for custodial services at the ASOM for the proposed cost of \$60,000.

SECOND: Council Member Davy

VOTE: UNANIMOUS (10-0)

7.0 PUBLIC HEARINGS

7.1 Amendment to Article 30-5 to modify standards for pedestrian pathways in parking lots.

Mr. Scott Shuford, Development Services Director presented this item with the aid of a PowerPoint program and stated that pedestrian pathways are required in large surface parking lots (over 200 cars) to provide safe, clearly identified walking areas and to help organize and manage vehicular circulation with the large lots. Current standards require one pedestrian pathway for every six rows. Staff recognized that six rows (which could also be described as three parking bays) is too short a distance to serve as a hard and fast requirement, and therefore provided the working interpretation of six bays until an amendment could be considered. The Planning Commission held a public hearing October 15, 2013; there were no speakers for or against. The Commission confirmed that staff received input from the development community. The Planning Commission voted unanimously to recommend approval of the revisions providing three options for pathways in large surface parking lots. Experience with site plans for larger developments and review of standards elsewhere confirmed that the six rows of parking requiring a pathway was too short an area, but 6 bays as a minimum was too great a distance (over the length of a football field). Most people prefer to continue searching for a parking space or to move a vehicle when the walking distance exceeds 200 feet to the store or a defined, attractive pathway (and particularly in more suburban developments). With input from the development community, the amendment provides: (1) three options for pathways and the potential to eliminate landscape islands along the pathway; (2) the ability to count two of the options at 100% or 150% toward open space, depending on features; (3) a more fully described objective, providing a basis for the City Manager's determinations in when the landscaped pedestrian pathway may not be required and where placement could be adjusted (4) the administrative flexibility noted in #2 above, and (5) a 15% percent allowance ("discount") for spaces in more remote, outlying areas such as in irregularly shaped lots.

This is the advertised public hearing set for this date and time. The public hearing was opened. There were no speakers. The public hearing was closed.

A brief discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30-5 TO MODIFY THE REQUIREMENTS FOR PEDESTRIAN PATHWAYS IN LARGE SURFACE PARKING LOTS. ORDINANCE NO. S2013-026

MOTION: Council Member Hurst moved to adopt the Ordinance to modify standards for pedestrian pathways in large surface parking lots

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (10-0)

7.2 Amendment to City Code Chapter 30 to modify zero lot line standards and allow it in additional zoning districts

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a PowerPoint program and stated the proposed changes to zero lot line standards reflect extensive discussion with the development community. ZLL standards are used in a relatively unique way in Fayetteville, to provide significant flexibility in setback and lot area standards and, in many instances, some increase in actual density as well as greater ease in achieving the maximum allowed density because of the increased options in lot layout. The flexibility in setback requirements is essential in (re)development of smaller sites in established areas -- "infill development." Because of concerns about infill on small lots in established residential areas and the potential to be incompatible with the existing development pattern, the current standards require a special use permit for development sites of less than three acres. Because of the time and the uncertainty associated with the two hearings for the SUP, representatives of the development community are seeking a reduction or elimination of the special use process for smaller ZLL developments. Under the former code, a neighborhood meeting and one public hearing before the Planning Commission was required for infill projects. ZLL currently is allowed

only in SF-15, SF-10, SF-6, MR-5, OI, NC, LC, and CC districts. The development community has asked for ZLL to be available in the AR Agricultural District. The Planning Commission heard two speakers in favor of the proposed amendment at its meeting on September 17, 2013. The Commission voted unanimously to recommend Approval. The Planning Commission and Staff believe the ZLL standards can be accommodated in the AR district, although the Conservation Subdivision standards allow the same lot flexibilities. The proposed changes also make ZLL standards available in the two industrial districts, although it would be beneficial in relatively few instances because of the separation typically needed by industrial development. The proposed changes delete the Special Use Permit requirement for small residential developments but add standards for setbacks and, for single family development, compliance with Article 5 design standards plus additional standards for street orientation. Subsequent to the Planning Commission meeting, staff identified two additional changes of value that should be applied to all new single-family detached and attached residential developments using zero lot line standards: (1) limitations on the parking area in front of the units, and (2) Article 5 standards apply regardless of size (otherwise, certain standards only apply to larger developments). Other community members active in drafting earlier infill standards and the current UDO standards have described scenarios that may not be adequately covered by the proposed standards. City Council tabled the hearing to the November 18 meeting to allow further discussion.

A meeting was held with interested parties and opportunities for compromise were identified. All parties are in favor of continuing this item to allow additional collaborative discussions to occur.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Jimmy Kizer, 115 Broadfoot Avenue, Fayetteville, NC 28305, appeared in favor and requested Council table to a meeting in January to allow time for an additional meeting with the stakeholders.

There being no one further to speak, the public hearing was closed.

Council Member Massey stated when he voted for the UDO, it was with the understanding it was not a perfect document and will need tweaking and said he wants the citizens to be able to have input. Council Member Massey further stated we do not need the whole of the UDO revising, and we do not need to undo things that were put in there (the UDO) to create improvements in our neighborhoods.

Mayor Pro Tem Arp stated he was very much in favor of not impeding our business developments and noted many people do prefer zero lot lines and stated he did not feel we have consensus tonight to go where we want to with this issue.

MOTION: Council Member Davy moved to table the text amendment modifying zero lot line application subject to certain standards until City Council's first meeting in January, tentatively scheduled for January 13, 2014; to allow for further discussion.

SECOND: Council Member Bates

VOTE: PASSED by a vote of 6 in favor and 4 in opposition (Council Members Massey, Hurst, Crisp, and Fowler)

7.3 P13-35F. The rezoning of property from AR – Agricultural Residential and SF-10 – Single Family Residential to OI – Office and Institutional or to a more restrictive district, for property located at 7733 and 7729 Hazelwood Avenue and being the property of Barbara Donovan, Janis Patterson & Michael Kravo (formally Gillis Development Corporation).

Mr. Craig Harmon, AICP, CZO, Senior Planner presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. Mr. Harmon stated the requested action involves three properties. Two of these properties are zoned AR and have single family houses on them. The third property is split zoned LC (on Old Raeford Road) and SF-10 (on Hazelwood Avenue). Two churches, a daycare and small commercial strip center surround these properties. While

the City's Land Use Plan does call for low density residential on these properties, there is only one residence in the surrounding area. All of the residential development is on the north side of Hazelwood Avenue and is not adjacent to these properties. The City's Unified Development Ordinance calls for OI districts to be used as a buffer or transitional zoning between heavy commercial and residential zoning districts. On October 8th the Zoning Commission met and held a public hearing on this case. There were two speakers for this item, one in favor and one in opposition. After hearing arguments from both sides, the Commission voted to recommend approval 4-1. The speaker in opposition (Mr. Arreola) filed an appeal on this case. The Zoning Commission and staff recommend Approval of the proposed rezoning based on: (1) the OI zoning district is an appropriate transition district between commercial and residential uses, (2) if approved, there would be no residential development on the south side of Hazelwood Avenue, (3) the portion of this property to the south, along Old Raeford Road, is already zoned LC for commercial use.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Tim Evans, 2256 Cypress Lakes Road, Hope Mills, NC 28315; appeared in favor and requested Council approve the request for rezoning and stated the Hope Christian Church which is close to the property is in favor of the rezone, and suggested this would be a win-win for the neighborhood.

Mr. Arturo Arreola, 7733 Buttonwood, Fayetteville, NC 28313 appeared in opposition and stated he was representing the residents of Holly Chase and defending his community. He expressed concerns regarding safety, traffic and crime.

There being no one further to speak, the public hearing was closed.

Council Member Applewhite asked how many letters had been mailed out to residents in the area. Mr. Harmon responded that 49 letters had been mailed to area residents.

MOTION: Council Member Applewhite moved to approve Case P13-35F rezoning the subject property to OI - Office and Institutional as presented by staff and the current LC rezoned to O and I.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

7.4 P13-36F. The issuing of a Special Use Permit for Towing and Recovery on property located at 1234 Gillespie Street and being the property of Johnny Parker (Deacon Properties).

Mr. Craig Harmon, AICP, CZO - Senior Planner presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. Mr. Harmon stated this project will be part of Bullard's Towing & Recovery. The property is located at 1234 Gillespie Street. Several of the properties along Gillespie Street already have auto repair oriented business on them. This property is currently zoned CC - Community Commercial. The use requirements associated with Automotive Wrecker Services (Section 30-4.C.4(j) (5)) require that the use be at least 250 feet from any residential district, school or child care center. This use is approximately 120 feet from an existing residence to the southwest. A text amendment was approved recently that allows a reduction in the separation requirements requirement through a special use permit, upon showing of good cause with supporting evidence and mitigation of impacts. The existing vegetation between this building and the residential properties to the west is enough to satisfy the City's type D buffer requirements. Also, there is no practical access from Hamlet Street to this property due to the vegetation and the change in elevation. The Zoning Commission held a public hearing on this case on October 8th. There was one speaker in favor and none in opposition. The Commission voted 5-0 to recommend approval of this SUP application. Conditions Recommended by the Zoning Commission and staff: (1) maintaining the equivalent of a Type D buffer between this property and all residential zoning district around it, (2) vehicles should be stored no closer than the rear façade of the existing building to Gillespie Street, (3) provide solid screening of stored vehicles from Gillespie Street, and (4) no vehicles shall be

stored more than 90 days on the property.

Mr. Harmon further advised that the Zoning Commission and staff recommended approval as presented by staff and based on the request being able to meet the following findings:

- 1.The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
- 2.The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- 3.The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- 4.The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- 5.The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- 6.The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- 7.The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- 8.The special use complies with all other relevant City, State, and Federal laws and regulations.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Ms. Janine Seals, 3122 Nato Road, Fayetteville, NC 28306, appeared in favor and stated she was a member of the Wrecker Review Board and requested Council approve the request for a Special Use Permit.

There being no one further to speak, the public hearing was closed.

Council Member Crisp asked Mr. Harmon where the vehicles would be stored. Mr. Harmon responded that the vehicles were required to be stored in the rear of the building.

MOTION: Council Member Davy moved to approve the Special Use Permit as presented by staff upon a finding that all of the 8 standards are met.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

7.5 Case # P13-39F. The initial zoning to CC – Community Commercial district, located at 1551 Jim Johnson Road, and being the property of Jeremy Stanley and Richard King.

Mr. Craig M. Harmon, AICP, CZO, Senior Planner presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. Mr. Harmon stated this property is a developed lot on Jim Johnson Road. It is currently zoned C3 in the County's jurisdiction. This property is adjacent to existing commercially zoned properties in the City. This property is in very close proximity to Cedar Creek Road and Interstate 95. An auto repair business has already been built on this property. City staff recommends approval of the proposed initial zoning based on (1) the City's Land Use Plan calls for this property to be part of an Activity Node, (2) this property is currently zoned C3 in the County. CC is the City's closest equivalent district and (3) this property borders existing commercial zoning in the City on two sides.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Jeremy Stanley, 1551 Jim Johnson Road, Fayetteville, NC 28312, appeared in opposition, and requested authorization for PWC water and sewer services without having to be annexed into the City.

There being no one further to speak the public hearing was closed.

Mr. Voorhees stated that PWC is owned by the City and when someone wants to avail themselves of municipal services there is a price to pay; annexation.

Council Member Applewhite asked Mr. Stanley if anyone had ever told him that in order to receive PWC water and sewer services, he would need to be annexed into the City. Mr. Stanley responded he was never told about the policy.

Council Member Applewhite asked if staff could research the history of this case. Mr. Voorhees responded staff would look into this matter.

Council Member Fowler asked if he only needed water for bathroom use. Mr. Stanley responded that was correct. Council Member Fowler suggested Mr. Stanley use the well water and therefore would not need PWC water, and stated to receive city services you have to be in the City.

MOTION: Council Member Davy moved to table this item.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (8-0)

7.6 Public Hearing to Consider Request to Annex the Stanley and King Property-1551 Jim Johnson Road

MOTION: Council Member Davy moved to table this item.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (8-0)

7.7 Transit Service Changes

Mr. Randy Hume, Transit Director presented this item with the aid of a PowerPoint presentation and stated the City Council approved funding for certain transit initiatives in the FY 2014 budget. These included two new routes, Strickland Bridge Road and Fort Bragg Express. In addition, staff had noted in its budget presentation the need to modify some routes using the Cross Creek Mall transit center due to the capacity limitations of that location, as well as to extend Saturday morning hours on Routes 3 and 4, while reducing the frequency of service on Route 12 after 8:00 p.m. In the meantime, Fort Bragg officials have agreed to allow FAST to enter post via the Yadkin Road ACP to connect with the on-post shuttles at the Reilly Road mini-mall. Due to security procedures for accessing the post, staff has proposed to split the current Route 17 into two routes with one bus each. This change would reduce the number of passengers that would otherwise have to exit the bus as it entered the Yadkin ACP and wait at the gate while the bus was traveling on post. In accordance with our Title VI Plan and route change policies, staff advertised this public hearing in the Fayetteville Observer on October 22 and 29 and the Acento Latino on November 5. In addition, staff held several public workshops between October 30 and November 12 for purposes of explaining the proposed changes and receiving feedback and suggestions. Flyers describing the proposed route changes were distributed at the Transfer Center as well as posted on buses. Following this public hearing and approval by City Council, FAST would implement the approved route changes in February 2014. Route 17 will be split into two routes in an effort to reduce the number of people that will be required to exit and wait at the Yadkin ACP while the bus travels on the post. Route 17 passengers will now be required to transfer to another bus to reach Cross Creek Mall, although the travel time will in most instances remain the same. This change will also eliminate two stops on Reilly Road between Fillyaw and Morganton Road. Route 12 services will continue until 10:30 p.m. although the frequency of buses will be changed from 30 minutes to 60 minutes after 8:00 p.m. This savings will enable FAST to provide earlier Saturday service on Routes 3 & 4. Two line-ups at Cross Creek Mall (that is, some buses at the top of the hour and some at the bottom of the hour) will change trip and waiting times for some passengers. Route 14 would be adjusted to serve Wal-Mart on Skibo Road to accommodate many of the passengers now transferring between Routes 6 and 14. Funding for the proposed changes was included in the FY 2014 budget.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Ms. Charlotte Robinson, 599 Castle Rising Road, Fayetteville, NC 28314, stated she is a former candidate of District 9 and said the public workshops were difficult to attend and more effort to reach the riders should have been made.

Ms. Betty Jones, 93 Groveview Terrance, Fayetteville, NC, requested a bus stop be placed adjacent to the Urban Ministries facility.

Ms. Marsha Jones, 3095 Enterprise Avenue, Fayetteville, NC 28306, requested the Enterprise Avenue bus route be reinstated.

Mr. Melvin Kravitz, 1808 Camden Road, Fayetteville, NC 28306, stated he approves of the recommendations and acknowledged Mr. Hume for all of his hard work on this project.

There being no one to speak, the public hearing was closed.

Council Member Massey commended Mr. Hume for his excellent work on this project and said he is aware we will never be able to satisfy everyone, and stated concerns regarding bus services in low income areas.

Mr. Hume stated he is working with the Finance Department on budgetary matters regarding increased services.

Council Member Fowler thanked Mr. Hume for his great work on this project.

MOTION: Council Member Fowler moved to approve of the modified route changes as presented by staff.

AMENDED MOTION: Council Member Crisp moved to approve of the modified route changes, with the exception of not having to get off the bus at the entrance to Fort Bragg.

Motion died for lack of a second.

MOTION RESTATED: Council Member Fowler moved to approve of the route changes as presented by staff.

SECOND: Council Member Massey

VOTE: PASSED by a vote of 7 in favor and 1 in opposition (Council Member Crisp)

8.0 OTHER ITEMS OF BUSINESS

8.1 Contract Award for Connect Program (Advanced Metering Infrastructure Program)

Ms. Susan Fritzen, PWC Chief Corporate Services Officer, presented this item and stated the Public Works Commission, during their meeting of August 28, 2013, approved awarding Phase 1 of the Connect Program to Sensus USA, Inc., authorized the General Manager to execute contracts for \$46.7 million and to forward to City Council for approval. The Connect Program is an advanced metering infrastructure program; which consists of two phases spanning over a total six years. The contract for Sensus USA, Inc. involves installation of infrastructure and advanced water and electric meters, and will take four years. This item was presented and discussed at the September 3, 2013 City Council work session and September 9, 2013 regular Council Meeting. The City Council authorized the Public Works Commission General Manager to develop a service contract with Sensus USA, Inc. for the Advanced Metering Infrastructure Program in an amount not to exceed \$46.7 million during their meeting of September 9, 2013.

Ms. Karen McDonald, City Attorney stated the need to revise the sensus contract contingent upon revisions to the Sensus contract and the subcontract form with apex to address the proper disposal and salvage value for any removed equipment, as Ms. Fritzen has not brought attention to this matter.

Mayor Chavonne asked Ms. Fritzen if she was aware of the revision Ms. McDonald is referring to. Ms. Fritzen responded she did.

MOTION: Council Member Hurst moved to authorize the PWC General Manager to execute the contract with Sensus for the Connect program contingent upon revisions to the Sensus contract and the subcontract form with apex to address the proper disposal and salvage value for any removed equipment. And to move to authorize the PWC General Manager to execute a Module Integration and Meter Sales Agreement with Landis+Gyr, as a sole source provider, in the amount of \$7,468,418 for the provision of electric meters.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (8-0)

8.2 Policy of the City Council Regarding Payment of Assessments

This item was deferred to the January 2014 Work Session.

8.3 PWC - Phase 5 Annexation Area 11WS

This item was deferred to the January 2014 Work Session.

8.4 PWC - Phase 5 Annexation Area 9 (Bedford Road/Roundtree Drive)

This item was deferred to the January 2014 Work Session.

8.5 PWC - Phase 5 Annexation Areas 10 and 11

This item was deferred to the January 2014 Work Session.

8.6 PWC Governance Resolution Update

Mr. Theodore L. Voorhees, City Manager presented this item and stated the Resolution lists a series of tasks that are further summarized by the table of tasks. The first 13 of the 14 tasks identified are assigned to staff with a variety of timing expectations. The 14th task is to initiate further study regarding “the realignment and consolidation, and improved coordination, of support services functions to include by way of example and not limitation: human resources, communications, finance and treasury, budgeting and capital planning, information technology, organizational development, strategic planning, audit, procurement, fleet management, call center, emergency management and disaster preparedness, and such other activities as may be in the best interest of the City.” In response to this direction, a Phase II contract has been executed with DavenportLawerence and their efforts are being guided by a Steering Committee consisting of the Mayor, Mayor Pro-Tem, Council PWC liaison, PWC Chair, PWC Vice-Chair, City Manager, and PWC General Manager. The Steering Committee has established an initial scope to focus on project infrastructure support, Risk Management, Communications, and Call Center services. It has also been determined that it would be best if a new neutral project manager was tasked with moving the study process forward. The managers have been tasked with identifying this individual and the cost will be allocated 50% to utility funds and 50% to the general fund.

Four of the thirteen tasks have 90 day deadlines indicating Council's desire to complete each prior to year end. These include:

- A. City Attorney oversight
- B. Fleet Management Operations
- C. Purchasing Services
- D. Fiber Optic Communications

The City Attorney is already providing services to the City's utilities and is working to clarify service procedures and cost allocation to ensure effective service delivery. Fiber Optic Communications: PWC staff has installed and operated significant fiber optic communications infrastructure (the “Network”). A feasibility study completed in 1997 examined options for expanding the Network to support the provision of cable television and telecommunications services to City residents and businesses. This discussion generated a number of legal questions addressed in a Poyner & Spruill memorandum in 2001 (attached). That document describes the Network as containing approximately 53 miles of fiber backbone at that time and served utility operational uses as well as connecting other City offices. It also served a number of County locations and had, or has since leased excess dark fiber to private parties. The discussion of expanding the Network to provide broadband communication services continued with an update to the initial feasibility study and later legal analysis, but this discussion was ended by state action in the adoption of Senate Bill 511, 2011, which effectively precludes cities from providing these services “to the public.” While the 2001 memorandum does not analyze the impact of the 2011 state law change, it does establish some basic conclusions of law regarding the City, PWC, and the Network:

- The City owns the Network,
- The City has the authority to operate the Network for its uses including utility operations,
- The City, through interlocal agreements, can provide Network services to other units of government, and
- The City, not PWC, has the authority and obligation to decide how the Network is managed.

The last point is discussed at the bottom of page 14 which states in part: “...PWC cannot act as the City's agent because the PWC is not a separate legal entity from the City. The legal entity

that owns the Network, and is responsible for any liabilities or obligations arising from it, is the City. The fact that the City has constructed and managed the Network thus far through the PWC does not change that fact.” It goes on to recommend that “...the City administration ...[issue] an internal memorandum documenting ...that management of the Network has been delegated to the PWC, and addressing details regarding that delegation.” Footnote 5 at the bottom of page 15 refers to a “Fiber Use Agreement,” and makes the point that it is not possible for the City to enter into a contract with the PWC.

On July 16, 2001, the City Council approved a “Fiber Lease Policy” providing some policy guidance to the PWC regarding leasing excess fiber capacity to third parties on a temporary basis. Such leases were supposed to be approved by the City, but staff has not been able to find any record of subsequent Council action doing so. Fleet Management and Purchasing are discussed in the next section. Staff is continuing to pursue the other nine tasks consistent with the timing objectives identified and will update Council at future meetings.

Fleet and Purchasing Services: staffs are in the process of developing Service Level Standards (SLS) memoranda. There are existing memoranda on these services (attached). A number of the issues that have arisen in regards to these services either are or should have been addressed by these existing agreements, but they have not been followed in some cases or fully implemented in others. The purchasing agreement contains Attachment B, Key Initiatives to Complete for City of Fayetteville Purchasing Manager, which lists:

7. Formalize DBE Program
10. Provide Finance Procedures Training for User Depts.
11. Develop Service Level Agreement with COF & PWC

These efforts, if initiated, don't appear to have been sustained, completed, or maintained. Similarly the fleet agreement contains specific terms regarding the fees to be charged to City operations including the appropriate cost components, hourly rate, and required annual review and agreement for rate changes. It further contains a rudimentary service level agreement as Attachment D. These terms have not been followed and it is unclear how the current practices became so divergent from what was originally anticipated. Learning from this past, staff is developing more detailed Service Level Standards memoranda and is proposing to include an emphasis on communication and accountability.

Fiber Optic Services: Staffs have also discussed a service level standards (SLS) memorandum regarding the provision of Fiber Optic Services. Proposed Deal Points are attached for Council review and consideration. This service is differentiated from fleet management and purchasing 8 - services in two key ways:

1. The PWC is currently operating the Network like a utility, but its delegation under the City Charter does not include the development of a communications utility.
2. Rather than use some form of cost allocation model to recover the costs of providing this service from the operations and entities served, the PWC has established a rate that is loosely based on comparative market rates. Fiber optic communications is unique as a service. The largest cost component is the capital installation cost for the fiber. Further, the cost difference between installing one fiber and 148 is very small. New communication standards have consistently increased the data that can be pushed down a single strand over time. This means that the Network has tremendous excess capacity installed at very low marginal cost. The operational costs for the Network follow a similar paradigm; that is basic operations, necessary for utility use, have the ability to successfully manage additional access points at very low marginal cost. General fund operations have consistently paid the capital cost of extending fiber to new service locations. These practices and characteristics of service delivery support the Deal Points regarding cost recovery. The vast majority of the capital investment and ongoing operational costs for the Network are necessary for the system to fulfill the operational needs of electric, water, and wastewater operations. Charging the current market based rate to general fund operations subsidizes utility operations. Staff recommends two actions in response to the issues above; first, the passage of the ordinance delegating development and operational authority for the Network to PWC under specific terms, and,

second, the development of a SLS memorandum. An ordinance is a clearly legally sufficient means of providing a durable delegation of authority to the PWC. There is no risk that this statement of policy will be lost and less risk that it will be ignored. The SLS will be consistent with the attached Deal Points and focus on issues, like repair priority, that are not addressed in the ordinance.

Next Steps: The Council's resolution delegated to the City Manager and PWC the work of clarifying and revising the operational relationships for existing shared services; fleet management, purchasing, and fiber services. Discussions have not progressed as hoped in a few key areas. Staff will continue to work toward the development of SLS memoranda consistent with Council interests and best practices. It may be necessary, however, for the Council to clarify its policy direction to the PWC should this effort fail to achieve the desired results. To date in FY 14, General Fund operations have been charged \$79,568 by PWC for monthly fiber charges. It is estimated that an additional \$159,136 will be charged by PWC to General Fund operations during the remainder of the fiscal year. Should Council pass the ordinance, this obligation would end. Alternative charges or payments may, however, be provided for in the SLS consistent with that ordinance and the Deal Points.

This item was for informational purposes only no discussion or action took place.

8.7 Fayetteville's Community Conversation

Mr. Ron McElrath, Director Human Relations presented this item and stated City Council appropriated \$19,500 to the Human Relations Department (and Commission) to initiate a version of community engagement/dialogue program (formerly known as Study Circles and presently known as Everyday Democracy). The Human Relations Department contracted with Michael Hines of Illumine, Inc. Fayetteville, NC. And Gwen Wright of Change Matters Fayetteville United who has been trained to set up Study Circles by the national organization. Ms. Wright also worked for The National League of Cities and the Colin Powell Foundation after having worked with Fayetteville's Study Circles and Human Relations project from 1999-2002. There are several steps leading up to the community-wide conversation kickoff in January 2014.

The initiative, led by the Human Relations Commission, is underway with city-wide partnerships being formed with higher learning institutions, Greater Fayetteville United, United Way, Fayetteville Cumberland County Ministerial Council, WIDU radio, and various other organizations. Several persons from these groups and other citizens will be formally trained to participate as facilitators and recorders for an upcoming focus group session. The goal of the focus group step is to prepare for the community conversation by identifying and gaining insight and understanding about community issues. The focus group is scheduled for Thursday, November 21, 2013 at Fayetteville Technical Community College from 6:00 pm - 7:30 pm. The community conversation kick-off, "Working Together for Fayetteville's Success" is scheduled to coincide with the Martin Luther King, Jr. celebration on January 20, 2014 at the Crown Coliseum from 11:30 am to 2:00 pm. A final report of the findings from the community conversation will be presented to City Council in February 2014.

This item was for informational purposes only no discussion or action took place.

8.8 Parks and Recreation - Outdoor Adoption Program/Gateways

Mr. Michael Gibson, Parks, Recreation and Maintenance Director presented this item and stated the department received a request from an organization to adopt a bridge in memory of a child and the current Adopt-A-Street and Adopt-A-Facility program was updated to include an Adopt-A-Gateway and Adopt-An Area provision. Adopt-A-Gateway allows groups or individuals to provide landscaping and maintenance on gateways into the City limits and into neighborhoods; safety regulations must be followed for these areas. Adopt-An Area Program allows groups or individuals to adopt a component of a park or gateway in memory, or in honor of someone or as a community service; areas that can be adopted include a bench, playground, picnic shelter, a section of a trail, or a bridge on a trail. Once the adoption fee is paid, an agreement is signed with FCPR to provide general care and maintenance around the adopted area. Adoption fees are not charged for gateways. Signage (sign, plaque or plate) will be provided by FCPR and attached to the component for the adoption period. Adopt-A-Street and

Adopt-A-Gateway signs shall be placed consistent with the City of Fayetteville and NC Department of Transportation regulations. The adoption fee includes application/administration fee that could be used by FCPR should, in the sole opinion of the department, an area need additional maintenance or cleanup. Individuals/groups will be able to "adopt" via the FCPR website, which will include application forms, interactive maps and ability to pay fees. The "Fee Ordinance" will be amended if approved. This is a separate ordinance amendment action, and will need to come back before Council. The public information campaign includes Parks & Recreation Outdoor Adoption Program webpage linked from City website Descriptions of each program area Program requirements.

A brief discussion took place.

MOTION: Council Member Crisp moved to approve the Outdoor Adoption Program and Public Information Campaign

SECOND: Council Member Massey

VOTE: UNANIMOUS (8-0)

8.9 Uninhabitable Structures Demolition Recommendations

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a PowerPoint presentation and multiple photographs of the properties. He stated staff recommends adoption of the ordinances authorizing the demolition of the structures. He reviewed the following demolition recommendations:

512 Fair Street

Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a blighted structure on June 27, 2012. A hearing on the condition of the structure was conducted on July 18, 2012, in which one of the heirs attended. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on July 19, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since August 2011. In the past 24 months there have been 7 calls for 911 service to the property. There have been 15 code violation cases with no pending assessments. The low bid for demolition is \$2,900.00.

606 Matthews Street

Mr. Shuford stated the structure is a vacant residential home that was inspected as a blighted structure on June 19, 2012. A hearing on the condition of the structure was conducted on July 11, 2012 in which the owner did not attend. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on July 12, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since January 2008. In the past 24 months there have been no calls for 911 service to the property. There have been no code violation cases and no pending assessments. The low bid for demolition is \$2,720.00.

1900 Slater Avenue

Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a blighted structure on June 6, 2012. A hearing on the condition of the structure was conducted on June 21, 2012, in which the owner attended. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on June 22, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since November 2010. In the past 24 months there have been 30 calls for 911 service to the property. There have been 10 code violation cases with no pending assessments. The low bid for demolition is \$1,900.00.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (512 Fair Street, PIN 0436-06-6142). ORDINANCE NO. NS2013-041.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (606 Matthews Street, PIN 0438-01-9588). ORDINANCE NO. NS2013-042.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (1900 Slater Avenue, PIN 0428-94-5991). ORDINANCE NO. NS2013-043.

MOTION: Mayor Pro Tem Arp moved to adopt the ordinances authorizing demolition of the structures

SECOND: Council Member Massey

VOTE: UNANIMOUS (8-0)

8.10 Report on the Federal Advocacy Program

Ms. Rebecca Rogers-Carter, Strategic Initiatives Manager, presented this item and stated the City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber have a federal advocacy partnership that has worked collaboratively through a contracted lobbying firm to pursue federal legislative advocacy and funding assistance for strategic focus areas identified in an annual, collectively established federal agenda. Federal funding and policy decisions are critical to the growth and strength of our community. In the best interest of their constituents, the partners have prioritized infrastructure, technology, and programmatic needs. The combined advocacy efforts protect and preserve essential community assets and resources, allowing Fort Bragg and its surrounding metropolitan and unincorporated areas to thrive. The partnership adopted a new Federal Advocacy Partnership Memorandum of Understanding (MOU) to more effectively respond to the new federal funding paradigm, which reflects a change in focus from legislative earmarks to administrative allocation through competitive grants. The partnership's coordinating committee, Rebecca Rogers Carter, Russ Rogerson, and Sally Shutt, have collaborated on the development of a Federal Advocacy Program based on the partnership's Memorandum of Understanding. The partnership's coordinating committee is seeking direction on how to proceed with the Federal Advocacy Program. The Chamber issued a request for proposals for federal legislative consulting services and received two responses. FaegreBD quoted \$7,500 per month or \$90,000 for twelve month contract. The company would seek reimbursements for business-related reimbursable expenses. The Ferguson Group quoted \$144,000 per year for professional services and \$8,000 for business related reimbursable expenses, the same fee it has been charging the partnership since 2008. The committee met several times to discuss and evaluate the two proposals. Based on these discussions the committee recommends contracting with FaegreBD for six months starting in January or February 2014 to develop the community federal advocacy agenda and a strategy to achieve the goals set forth in the MOU and Federal Advocacy Program. The committee also recommends tying the federal advocacy agenda setting process to the fiscal year as opposed to the calendar year and holding the next federal agenda-setting workshop on or about February 18, 2014. This change will assist the partnership with future program performance evaluation and resulting budget and contract decisions.

Council Member Massey stated this program prepares us, and moves us in the right direction.

MOTION: Council Member Massey moved to adopt the Federal Advocacy Program based on the partnership's Memorandum of Understanding and proceed with the action plan as presented

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly Statement of Taxes for October 2013

2013 Taxes.....	\$4,192,763.46
2013 Vehicle.....	409,065.89
2013 Taxes Revit.....	13,034.63
2013 Vehicle Revit.....	342.77
2013 FVT.....	43,157.57
2013 FTT.....	43,157.60
2013 Storm Water.....	108,786.12
2013 Fay Storm Water.....	217,572.22
2013 Fay Solid Waste Fee.....	223,282.83
2013 Annex.....	0.00
2012 Taxes.....	35,796.31
2012 Vehicle.....	60,044.91
2012 Taxes Revit.....	34.99
2012 Vehicle Revit.....	2.58
2012 FVT.....	7,965.44
2012 FTT.....	7,965.39
2012 Storm Water.....	1,659.72
2012 Fay Storm Water.....	3,322.95
2012 Fay Recycle Fee.....	2,221.54
2012 Annex.....	0.00
2011 Taxes.....	4,347.97
2011 Vehicle.....	1,814.51
2011 Taxes Revit.....	0.00
2011 Vehicle Revit.....	0.00
2011 FVT.....	493.70
2011 FTT.....	493.72
2011 Storm Water.....	118.68
2011 Fay Storm Water.....	237.35
2011 Fay Recycle Fee.....	375.81
2011 Annex.....	0.00
2010 Taxes.....	1,691.48
2010 Vehicle.....	606.31
2010 Taxes Revit.....	0.00
2010 Vehicle Revit.....	0.00
2010 FVT.....	159.09
2010 FTT.....	159.09
2010 Storm Water.....	121.48
2010 Fay Storm Water.....	242.96
2010 Fay Recycle.....	114.13
2010 Annex.....	0.00
2009 and Prior Taxes.....	1,200.22
2009 and Prior Vehicle.....	3,141.59
2009 and Prior Taxes Revit.....	0.00
2009 and Prior Vehicle Revit.....	0.00
2009 and Prior FVT.....	505.69
2009 and Prior FTT.....	219.42
2009 and Prior Storm Water.....	30.09
2009 and Prior Fay Storm Water.....	0.00
2009 and Prior Fay Recycle Fee.....	0.00
2009 and Prior Annex.....	36.85
Interest.....	18,950.94
Revit Interest.....	5.73

Storm Water Interest.....	204.54
Fay Storm Water Interest.....	383.45
Annex Interest.....	1.34
Fay Recycle Interest.....	284.44
Fay Transit Interest.....	1,508.81
Total Tax and Interest.....	\$5,407,626.31

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:43 p.m.