

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE ROOM and COUNCIL CHAMBER  
JANUARY 4, 2016  
5:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kirk deViere (District 2); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Theodore Mohn (District 8); James W. Arp (District 9)

Absent: Council Member Larry O. Wright, Sr. (District 7)

Others Present: Theodore Voorhees, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Rochelle Small-Toney, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Scott Shuford, Development Services Director  
Rob Stone, Engineering and Infrastructure Director  
Kevin Arata, Corporate Communications Director  
Jerry Dietzen, Environmental Services Director  
Tracey Broyles, Budget and Evaluation Director  
Lee Jernigan, Traffic Engineer  
Dwayne Campbell, Chief Information Officer  
Mark Brown, PWC Customer Relations Director  
Greg Burns, NCDOT Division Engineer  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Robertson called the meeting to order.

**MOTION:** Council Member Arp moved to relocate the meeting from the Lafayette Conference Room to the Council Chamber to accommodate the number of residents in attendance.

**SECOND:** Mayor Pro Tem Colvin

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

**2.0 INVOCATION**

The invocation was offered by Council Member McDougald.

**3.0 APPROVAL OF AGENDA**

**MOTION:** Council Member McDougald moved to approve the agenda with the removal of Item 4.09, Four-Year Staggered Terms.

**SECOND:** Mayor Pro Tem Colvin

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

**4.0 OTHER ITEMS OF BUSINESS**

**4.01 Update on NCDOT Project on Raeford Road, U-4405**

Mr. Greg Burns, NCDOT Division Engineer, introduced the NCDOT project team. Mr. Burns presented this item with the aid of a PowerPoint presentation and stated the purpose of the project is to make operational improvements to U.S. 401 (Raeford Road) between Hampton Oaks Drive and Fairway Drive. The need for the project results from growing traffic volumes along the corridor. The increased traffic volumes creates congestion issues coupled with numerous driveway openings along the corridor, amplify mobility constraints. The access management improvements include channelized median openings, extended turn lanes, installation of raised medians, reduced driveway access (where possible), bus pull out lanes, signal

timing synchronization, and sidewalks throughout the corridor along both sides of the roadway.

Discussion ensued regarding bike lanes, pedestrian crossings, medians, landscaping, and impacts on the adjacent residences and businesses.

Mayor and Council thanked Mr. Burns and his team for the update.

#### **4.02 Fiscal Year 2017 Budget Development Guidelines**

Mr. Theodore Voorhees, City Manager, presented this item and stated the draft budget development guidelines for FY 2017 have been provided to Council to review in advance of the scheduled deliberation and adoption at the Council retreat on February 19 and 20, 2016. Mr. Voorhees suggested Council schedule a special meeting for April 20, 2016, immediately following the Agenda Review meeting, to review the new initiatives.

**Consensus of Council was to place this item on a future agenda as a regular item; not consent.**

#### **4.03 Development Advocacy, Permitting and Inspections Department and FayWorx Overview and Update**

Mr. Theodore Voorhees, City Manager, introduced this item and stated this item will be presented by Ms. Rochelle Small-Toney, Deputy City Manager; Doug Hewett, Interim Inspections and Permitting Director; Dwayne Campbell, Chief Information Officer; and Scott Shuford, Planning and Code Enforcement Director.

Ms. Rochelle Small-Toney, Deputy City Manager, stated the Development Services Department was split into two separate departments in October 2015; Planning and Code Enforcement and Permitting and Inspections.

Mr. Doug Hewett, Interim Inspections and Permitting Director, presented this item with the aid of a PowerPoint presentation and stated in early 2015, the City trade inspectors were overwhelmed with requests for inspections of new and renovated building projects. While the largest delays were experienced with requests for electrical inspections, the issue also impacted the other trades--building, mechanical, and plumbing, too. Concerned about the backlog, management instituted a variety of initiatives to better diagnose and prevent future inspection delays, as well as to improve both the quality and timeliness of information being conveyed to citizens and contractors. A new pay plan for inspectors based on the number and levels of certification was also implemented resulting in the City being highly competitive in the market. To further provide focus to the issues, in early October 2015 the Development Services Department was split into two separate departments, with one department being Planning and Code Enforcement Services and the other being Permitting and Inspections. The restructuring was in response to the need for more focused leadership on the operations of the department, to include the implementation of the new software. Essentially, Fayworx is the backbone of the operations, and it is the host for all activities of the operation. However, as with any new enterprise resource system, there are bound to be limitations and challenges that the new software presents. While the implementation of Fayworx has not gone as planned or on schedule, the staff has continued to issue permits and conduct inspections. Again, not as efficiently as we expected, however, the services are in most instances being provided at the level promised to the development community. We are confident that with the upcoming improvements to Fayworx, we will achieve the goals of meeting industry standards that our development community requires and provide a transparent and convenient process. These goals are top priorities for the Permitting and Inspections Department. A well-defined and functioning development process is paramount to the City's economic vitality and the life safety

protections afforded to our citizens and visitors. The development process has many moving parts, all of which are regulated by City Council through its ordinances and the State of North Carolina through legislation. A project can range from the simple to the very complex, depending on the scope of work. However, all projects that fall under the City's authority will interface with any or in combination, the following City departments: Planning and Code Enforcement, Permitting and Inspections, Fire, and Engineering and Infrastructure, along with Fayetteville Public Works Commission, NCDOT, NCDEQ, and Cumberland County Schools, among others. High quality customer service increases the development community's trust and confidence in our development processes and special assistance is provided through the Development Advocacy Program implemented last year. The intent of the program is to expedite development by tracking projects from pre-application to Certificate of Occupancy. The enhanced customer service that is to be realized from the advocacy program is problem resolution, roadblocks removed, and process improvement. However, in order for development advocacy to be effective, project owners and their development team must be in direct communication with each other, that the development team is responsive to the City's requests for additional information upon review, and that the City team is responsive and timely in its review. The issuance of permits and the conduct of inspections must be efficient as efficiency is directly related to the cost of doing business and the cost of providing high quality City services. Over the past year, the staffs of Permitting and Inspections, Planning and Code Enforcement, and Information Technology have also focused on the use of technology to improve our service models by offering a single source for requesting permits, tracking the status of a project under review, requesting final inspections, and the issuance of a Certificate of Occupancy. The selected technology, known as Fayworx, whose implementation started a year ago, has not yet met the milestones that was intended and communicated to City Council in April 2015. Although the staff continued to work through and around the deficiencies, it became very clear that the issues were far greater than what could be managed or corrected internally. Subsequently, the software vendors met with our staffs on December 15, 2015, to discuss the problem areas and the plan going forward to correct them so that we can fully utilize the software and meet our service needs. Based on a more recent closer examination of the operations in Permitting and Inspections, we are revisiting the performance measures that are being tracked and comparing these measures to industry standards. The intent of the presentation is to share with City Council the changes that have been made to improve the areas in the development process and customer service, to communicate clearly the objectives for these improvements and a reasonable timeline for improvements to occur.

Discussion ensued.

Mr. Dwayne Campbell, Chief Information Officer, provided an overview of the Fayworx system, and stated staff is working with the vendor to address the operational issues: permit issuance, public portal, out of the box reporting features, and dispatching.

Mr. Scott Shuford, Planning and Code Enforcement Director, provided an overview of the Development Advocate, and stated the position's purpose is to provide the development community with a single point of contact for addressing concerns, roadblocks, and bottlenecks and to seek ways to continuously improve the development review process.

Discussion ensued.

Ms. Small-Toney stated she appreciated the candor and healthy discussion and stated staff would continue to update Council members and keep them apprised of our progress and keep you engaged.

#### **4.04 Interlocal Agreement between Cumberland County and the City of Fayetteville to address homelessness**

Mr. Theodore Voorhees, City Manager, introduced this item and stated the proposed interlocal agreement between the City of Fayetteville and Cumberland County is to address homelessness in Fayetteville and Cumberland County. The interlocal agreement is a partnership that creates an advisory committee, establishes appropriate programs and services, and funds two positions (Homeless Coordinator and Data and Evaluation Analyst) to be jointly funded by the City and County. The City is being requested to fund an equal share (50/50) to pay for the cost of the positions, HMIS and cost of homeless services provided by an outside agency. The City's cost this year will be less because the City budgeted \$50,000.00 versus the County's budget of \$100,000.00. However, it is proposed that the City and County will budget equal amounts for next fiscal year to cover these items. The amount proposed for next year will be higher but has not been determined. City Council has adopted as one of its objectives under the goal of "Desirable Place to Live, Work and Recreate" the reduction of homelessness. This item addresses the Target for Action Top Priority item of "Develop Homelessness Solution". The City of Fayetteville and Cumberland County have adopted strategic plans to address homelessness in the community as a top priority. The joint staffs have developed an Interlocal Agreement between the City and County and propose to fill two new positions, a Homeless Coordinator and a Data and Evaluation Analyst, both to be assigned to the Cumberland County Community Development Department. The City and County collectively have budgeted \$150,000.00 in FY 16 for this endeavor (\$50,000.00 from the City and \$100,000.00 from the County). It is estimated that approximately \$63,777.00 will be utilized for salaries and benefits for the remainder of FY 16, \$9,000.00 has been committed to the Homeless Information System needed for compiling data about the homeless, and the remaining \$77,223.00 will be utilized to fill gaps in services for rapid re-housing and preventing homelessness. It is proposed that a Request for Proposals be developed to solicit the services of an agency to provide the rapid re-housing and homeless prevention services.

Council Member Crisp stated we need a centralized office. Council Member Crisp stated he did not think \$150,000.00 for the remainder of the year will be sufficient funding.

Council Member Colvin stated the two proposed hired workers will be County employees, and the program will be outsourced, and asked how would that scenario work. Mr. Voorhees responded the \$77,000.00 can be placed with an outside agency to provide direct services; it is a different role than those of the two proposed employees.

Council Member Mohn stated we are more than six months into this fiscal year, and we have not spent a dime of the funding, or hired the employees and have not identified the outsourcing agency, and suggested this item be placed on the January 11, 2016, consent agenda and get the program started.

Council Member Jensen stated she is okay with approving this item, and stated we have some great agencies in town that do a great job; we need to do this.

Council Member McDougald stated he did not know why we are wasting time and spinning wheels on this item; we need to put this item on the regular agenda and move on.

Mayor Robertson stated this item has been a priority of Council this year, and stated his issue with this item is funding larger bureaucracy, and suggested a request for proposal (RFP) be sent out to hire a local agency; Family Endeavors agency has done a great job bringing recognition of the "white flag" program, they have the capacity and resources to hit the ground running.

Council Member Crisp asked what will happen if we do not participate. Mr. Voorhees responded Council can redirect in whichever way they choose.

Council Member deViere stated we have a department that deals with these items directed by Mr. Victor Sharpe, we could allocate down the \$50,000.00 to his department, so he could use those funds now for his programs. There is also a database component to this item.

Council Member Mohn stated we need the database, and we need a person to coordinate this.

Mayor Robertson stated Family Endeavors is already running this program.

Council Member Arp asked Ms. Laressa Witt, Regional Director of Family Endeavors, to speak to Council regarding programs they operate. Ms. Witt provided an overview of the programs Family Endeavors operates.

Council Member deViere stated Family Endeavors is a potential vendor if the City issues a RFP for this item.

Council Member Mohn stated this item is not ready to go out for RFP; we have not decided or identified what we want.

Further discussion ensued.

Council Member Hurst stated we need to move quickly on this item.

**Consensus of Council was to not move ahead with participating with the County and hiring the two positions. (Council Members McDougald, Hurst, and Mohn were not in agreement).**

Council Member Arp stated we could still provide for two employees and outsource of service through a contractual basis, this would be identified in the scope of work of a RFP.

**Consensus of Council was to direct staff to develop a RFP that maximizes the abilities of existing agencies to meet these requirements (that were proposed in the preliminary interlocal agreement) through a contractual basis, with partnership with the County, they would have to stipulate how much of the funding would go to operational use and administrative use and provide the data to Council within 30 days. (Council Members McDougald and Hurst were not in agreement.)**

Mr. Voorhees asked if this item needs to be brought back for a formal vote. Council Member McDougald offered we are in a work session and we cannot make a formal vote. Council Member Crisp stated this is a request from the County and we need to address this item with a formal vote, at a regular meeting. Mayor Robertson asked for the item to appear on the next agenda for a formal vote.

#### **4.05 House Party Ordinance**

Ms. Karen McDonald, City Attorney, stated this item is on the agenda for Council to provide direction.

**Consensus of Council was to direct staff to place this item on the January 11, 2016, regular agenda for a formal vote. (Council Member McDougald was not in agreement.)**

#### **4.06 Sales Tax Reimbursement Options**

Mr. Theodore Voorhees, City Manager, introduced this item and stated state statute authorizes the County to choose the distribution method for sales tax revenues using either the per capita (population based) method or the ad valorem (tax levy based) method. The County

must decide in April of each year which method will be used for distribution for the next fiscal year. Historically, sales taxes within Cumberland County have been distributed on a per capita basis.

Ms. Tracey Broyles, Budget and Evaluation Director, presented a PowerPoint presentation and stated as municipal populations grew through annexation, the County's relative share of per capita distributions declined. In October 2003 the County and each of the local municipalities reached an interlocal agreement under which municipalities reimburse the County and other municipalities for 50 percent of lost sales tax revenues due to annexations in exchange for the County maintaining the per capita basis of distribution. Modifications to the agreement have included a provision to reimburse the County 100 percent for sales tax distribution impacts of the annexed population on Fort Bragg, and the addition of Eastover at its initial incorporation and its subsequent release from required reimbursements due to its population at the time of incorporation. The original agreement was effective for a three-year term, and has been renewed three times. The City has approached the County regarding a reduction in the amount of the reimbursement. Cumberland County has requested that all municipalities approve an extension of the current agreement by January 31, 2016. If the extension is not approved, the County plans to discuss alternatives at a February 4, 2016, committee meeting and bring recommendations to the full Board of Commissioners on March 7, 2016. If the ad valorem distribution method had been in place in FY 2015, the net impact to the City would have been a \$4.7 million reduction in budgetary resources.

Discussion ensued.

**Consensus of Council was to appoint three Council members (Council Members deViere, Colvin, and Arp) to a Committee to work with the County Commissioners and representatives of the Town of Spring Lake to work on the Sales Tax item.**

Town of Spring Lake Mayor Chris Ray stated he was speaking on behalf of the Mayor's Coalition, and appreciates the scenarios that were provided, and appreciates the leadership of the City Council, and welcomes an opportunity to work with the County on this issue.

#### **4.07 West Fayetteville Garbage Collection Outsourcing Pilot**

Mr. Jerry Deitzen, Environmental Services Director, presented this item with the aid of a PowerPoint presentation and stated at the October 2015 City Council work session, Council directed staff to prepare an RFP for an outsourcing pilot project in west Fayetteville. Staff committed to provide a timeline for the process during this meeting and is prepared to do so. Staff has also prepared three alternative scopes of service for the RFP and is seeking guidance from Council in order to ensure that the RFP conforms to Council's interests. An outsourcing pilot was developed in early 2012 for the garbage collection services to 15,000 households and reported out to Council at the March 2012 work session. The result of that request for proposals pilot indicated that it would be less costly for the City to continue offering the service than it would be to have a private contractor do the work. Council consensus was not to pursue the outsourcing option. In the budget process for 2014-15 Council requested that a comprehensive study be conducted by a reputable firm specializing in solid waste studies to determine if the City's solid waste and recycling programs are efficient and cost effective or whether outsourcing should be reconsidered. The City contracted with Gershman, Brickner and Bratton, Inc. (GBB) via a request for qualifications (RFQ) process. GBB reported out in May 2015 in a 210-page document that the current program is efficient, cost effective, and provides very good customer service as it relates to other municipalities and the private industry in North Carolina. The report indicated that the City was going in the right direction by using Route Smart for efficient routing, FleetMind for monitoring trucks and integrating that with CityWorks for accountability. The study also

included a recommendation that the City look at a mixed-waste processing facility (MWPF) as a way to increase overall recycling rates and potentially reduce overall cost. The facility that GBB recommended using to pattern was a newly opened MWPF in Montgomery, Alabama. That facility has recently closed due to the recent drop in recycling product values. Council consensus was to accept the report. No further action was directed at that time. Staff initiated a number of service changes based on the GBB report recommendations and staff analysis. In July, for example, all of Strickland Bridge Road on one route, changing one route from Friday to Tuesday reducing some of the pressure on Friday collections created as a result of the expansion of home building in the area, and the distance from the landfill. Unusually high turnover during the summer months due to the recovering economy and fleet maintenance challenges led to some service disruption in August and September and Council requested an update during the October 2015 work session. After staff provided an update, Council consensus directed staff to prepare an RFP to outsource service in western Fayetteville and bring back a schedule for issuing the RFP and awarding the contract in January 2016. While turnover remains an issue, fleet availability issues have improved and service reliability is even better than the strong performance reported in the GBB report. The department tracks 125,680 collection points per week across the City. In the past several months, the department has improved the successful collection rate to 99.99 percent (averaging fewer than 16 service errors per week over the last 30 days). For the RFP Scope the key issues that must be clarified in order to solicit proposals from potential service providers include:

1. The service area (households) that are the basis for proposals;
2. The types of collection (recycling, solid waste, yard waste, bulky, etc.);
3. The expected days of service; and
4. Term of service.

Feedback from potential providers is that the service scope should be large enough to require at least one truck and one full-time operator. Staff has developed three alternative scopes based on Council's expressed interest to focus on service in western Fayetteville and in minimizing disruption to existing service.

Option 1 - Two Western Friday Solid Waste Routes: This option would include 1,916 customers who currently receive solid waste and recycling service on Fridays. This would minimize rebalancing required for remaining City customers. Capacity freed up on Fridays would be refocused to address illegal dumping or other service needs. Potential contractors would, however, find this scope the least attractive.

Option 2 - Three Western Friday and Tuesday Solid Waste Routes: This option would include 2,948 residents currently served on Friday and Tuesday. This option would require more extensive rebalancing of service routes remaining with the City and may result in different collection days for Solid Waste and Recycling for some customers.

Option 3 - Two Solid Waste Routes Per Day: This option would affect two routes on every collection day of the week, Monday, Tuesday, Thursday and Friday; approximately 8,085 service addresses. This option may be more attractive for bidders since it may make use of the same equipment and personnel on each day of collection; however this option will affect the most residents and be the most disruptive to existing service.

Staff is seeking direction from Council regarding which scope to include in the RFP. Staff is recommending a minimum five-year term

with the potential for a few renewal terms. Any shorter term would make the amortization of equipment difficult for potential responders. Other key terms will be included as well.

Council Member Mohn stated Option 1 is basically Districts 6 and 8, and stated he does not receive many complaints regarding solid waste.

Council Member Colvin asked how many households we service. Mr. Dietzen replied approximately 62,000. Council Member Colvin expressed concerns regarding the low numbers for pick-ups quoted in the scenarios, and asked if we would get the same level of interest. Mr. Dietzen stated the smaller collection numbers will appeal to smaller businesses.

Council Member Arp asked what would be a quantifiable number for companies like Waste Management to compete, and asked if Mr. Dietzen had contacted Waste Management to ask them what minimum number they would look for. Mr. Dietzen stated he did not contact Waste Management. Council Member Arp stated staff has shaped the scenarios to be losers; this is disingenuous.

Council Member Crisp stated he has been asking for help with solid waste collection in his district and asked why the scenarios are located in District 8; the pilot program should be for Strickland Bridge Road, District 6.

Mr. Voorhees stated staff is here to receive direction from Council; how big do you want the pilot to be and what is the objective.

Council Member deViere asked if there has been a citizen survey for District 6. Mr. Voorhees responded the survey results should be available next week.

Mayor Robertson stated staff should prepare a RFP for the entire District 6, and clearly define the parameters, while leaving them loose enough for creativity.

Council Member Crisp stated we need to become much more efficient, and stated he does not get many complaints for recycling.

Council Member McDougald stated the whole system does not need to be replaced; the person responsible needs to be replaced.

Discussion ensued.

**Consensus of Council was to bring this item back to Council at the February 1, 2016, work session.**

#### **4.08 Board and Commission Member Appointment Process**

Mr. Jay Reinstein, Assistant City Manager, and Ms. Pamela Megill, City Clerk, presented this item with the aid of a PowerPoint presentation. Mr. Reinstein stated at the September 14, 2015, Council meeting, a discussion developed around the application deadline process, more specifically one application being considered for the PWC board. This particular application was submitted and did not meet the July 31, 2015, deadline; however, several Council members asked that it be included in the applicant pool so it could be voted on at the meeting. At the City Council work session conducted on October 5, 2015, Council discussed the existing Boards and Commissions nomination process initiated by a council item request submitted by Council Member Arp. Following a lengthy discussion about the nomination process protocol, along with the pros and cons regarding application deadlines, the issue was raised about a need to have a formalized policy that addresses nominations from the floor. The City Clerk's office has completed a "peer cities" (Durham, Cary, Greenville, and High Point) benchmarking analysis of boards and commissions' policies



to include a "best practice" policy from the School of Government. No policies reviewed included language that referred to nominations from the floor. The appointment of members to Boards and Commissions has been a non-formalized (not governed by an ordinance or policy) process, that the Appointment Committee and staff has followed in recent years. In prior appointment cycles, applications received after the deadline was not included in the notebook. The applicant was informed that their application would not be considered for the current round of appointments; however, it would be kept on file in the City Clerk's Office for consideration in the next round of appointments. Several Council members have expressed an interest in expanding the process to include consideration of late applications by way of nominating from the floor during the Council meeting for applications received in the Clerk's Office after the posted deadline.

Ms. Pamela Megill, City Clerk, stated the School of Government publication "Creating and Maintaining Effective Local Government Citizen Advisory Committees" has been provided to each Council member.

Discussion ensued.

**Consensus of Council was to not allow nominations from the floor.**

**Consensus of Council was to not allow late applications to be included for consideration in the appointment packet.**

**Consensus of Council was not to bring the appointment recommendations to a work session, prior to Council action at a regular meeting.**

#### **4.09 Four-Year Staggered Terms Community Development 2016-2017 Annual Action Plan**

This item was pulled from the agenda by Council Member McDougald.

#### **4.10 Community Development 2016-2017 Annual Action Plan**

Mr. Victor Sharpe, Community Development Director, presented this item and stated annually the Community Development Department prepares an Annual Action Plan for the use of the City's allocation of the Community Development Block Grant (CDBG) and the Home Investment Partnership Grant (HOME). The Annual Action Plan is based on goals and objectives of the Consolidated Plan. The purpose of this item is to receive feedback from the Council.

**Consensus of Council was to bring this item back to the February 2016 work session.**

#### **4.11 Council Agenda Item Request - Mayor Robertson - Balloon citation**

Mayor Robertson asked Council for consensus to agree to a letter going out from the Mayor's office to the Chamber, asking Retired General Anderson and the Greater Fayetteville Chamber of Commerce to form a task force to bring back modification involving the City's Unified Development Ordinance (UDO), specifically areas that may impact signage and common sense usage of signs, balloons, banners, flags, pennants and streamers, and ask the findings be brought back to Council at the March work session so that we may move forward in making it easier for businesses to do business in our great City.

**Consensus vote was 8 in favor to 1 in opposition (Council Member Hurst).**

#### **4.12 Council Agenda Item Request - Mayor Robertson - Waive Fee for Veterans Park Rental**

Mayor Robertson stated the Men of the Medal is a proposed network TV series that tells the stories of Medal of Honor recipients; wherever possible in their own words and voices. The network is

interested in Fayetteville and Fort Bragg because of the storied history and unique nexus of military operations. This request is to waive the fees associated with using the Veterans Park building and grounds while filming in Fayetteville, it is estimated this will be a three to five days of filming.

**Consensus vote to waive the fees was 6 in favor to 3 in opposition (Council Members deViere, Hurst and Crisp)**

#### **5.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 10:57 p.m.