

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER
DECEMBER 5, 2016
5:00 P.M.**

Present: Mayor Nat Robertson (departed at 6:32 p.m.)

Council Members Katherine K. Jensen (District 1) (departed at 6:32 p.m.); Kirk deViere (District 2); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4) (arrived at 5:09 p.m.); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp (District 9) (arrived at 5:11 p.m.)

Others Present: Douglas Hewett, Interim City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Ben Major, Fire Chief
Cheryl Spivey, Chief Finance Officer
James Palenick, Economic and Business Development Director
Rob Stone, Engineering and Infrastructure Director
Michael Gibson, Parks, Recreation and Maintenance Director
Victor Sharpe, Community Development Director
Tracey Broyles, Budget and Evaluation Director
Scott Shuford, Planning and Code Enforcement Director
Scott Bullard, Emergency Manager, Fire Department
Jackie Tuckey, Public Information Officer, Environmental Services Department
Bart Swanson, Code Enforcement and Housing Manager
Donald Kunish, Deputy Director, Post Disaster Programs, Tetra Tech
David Johnson, Crowder Gulf, Project Manager
Alba Polonkey, Sustainability Manager, Sustainable Sandhills
Matt Lucas, Subcontractor, Project Manager
Lexi Hasapis, Center for Economic Empowerment and Development (CEED)
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Robertson called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Wright.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Jensen moved to approve the agenda and moving Item 4.09 to earlier in the agenda.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (8-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Storm Debris Collection Update

Mr. Scott Bullard, Emergency Manager, introduced Mr. Donald Kunish, Deputy Director, Post Disaster Programs, Tetra Tech, and stated Mr. Kunish has been hired as a consultant to help with post hurricane issues. Mr. Kunish stated he will be helping the City to follow FEMA rules and regulations, and there should be plenty of

benefits. The Hazard Mitigation Grant Program can be used for Buy-Outs, staff will be meeting to discuss this program and how it operates. Mr. Hewett introduced Mr. Ray Oxendine and stated he is the staff person for all questions regarding FEMA or the litigation process.

Mr. David Johnson, Crowder Gulf Project Manager, stated the crews have collected over 53,000 cubic yards of storm debris. Tetra Tech monitors the eligibility for debris collection and measures the collection; they have everything documented.

Council Member Arp reminded citizens to contact the City for hurricane debris collection through the call center or FayWorx.

Ms. Jackie Tuckey, Public Information Officer, Environmental Services, stated she will continue to publish the daily debris collection updates.

4.02 Cumberland County Climate Resiliency Plan

Mr. Scott Shuford, Planning and Code Enforcement Director, introduced Ms. Alba Polonkey, Sustainability Manager, Sustainable Sandhills. Ms. Polonkey presented this item with the aid of a PowerPoint presentation and stated Sustainable Sandhills, in partnership with a variety of organizations and agencies, including the City of Fayetteville, prepared a Climate Resiliency Plan for Cumberland County and all municipalities therein. This plan has received a Marvin Collins Outstanding Planning Award from the North Carolina Chapter of the American Planning Association at the Chapter's 2016 Annual Conference. The plan identifies four major climate risks facing Cumberland County in the future and makes recommendations for addressing those risks. This Resiliency Plan was used to inform the FEMA Hazard Mitigation Plan adopted by City Council in 2016 and will be used to inform the Natural Hazards section of the City of Fayetteville's Resiliency Element of the City Comprehensive Plan that is under development. The four future climate risks identified in the Cumberland County Climate Resiliency Plan are increasing temperature, severe weather, heavy precipitation, and drought. Each risk has particular impacts on different populations, ecological systems, and industries. These impacts, and some strategies for addressing them, are identified in the Plan.

Mayor and Council Members thanked Ms. Polonkey for her presentation and the information.

4.09 Youth Golf Program Partnership with Kings Grant Golf Course

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item and stated the Parks, Recreation and Maintenance Department has been contacted a number of times over the last few years by The First Tee organization seeking opportunities to develop youth golf programs to serve Fayetteville and Cumberland County. First Tee describes themselves as "The First Tee is a youth development organization introducing the game of golf and its inherent values to young people. Through after-school and in-school programs, we help shape the lives of young people from all walks of life by reinforcing values like integrity, respect and perseverance through the game of golf. And it's making a difference."

Mr. Gibson continued with the options considered in the past to include the development of a new nine hole par-3 course on the City's Tex-Fi property adjacent to the Hoffer water treatment plant and the Cape Fear River and the City taking over the Baywood golf course. These options and others considered were not found to be financially feasible. The City was contacted by Mr. Kevin Rodriguez, Director of Golf at 3DAG, LLC, on September 27, 2016. 3DAG was considering purchasing the Kings Grant Golf Course from Methodist University, and asked if the City would be willing to partner with them to improve the condition of the course and to bring in new customers. 3DAG completed

their purchase of the course on October 14, 2016. The concept discussed with 3DAG included an exchange of in-kind services provided by the Fayetteville-Cumberland Parks and Recreation for golf course use to support youth golf and other programs. Fayetteville-Cumberland Parks and Recreation would have the opportunity to develop and offer programs for youth that would include camps for beginners and seasoned players. Other programs including local golf tournaments, middle school golf teams, and cross country running events would also be developed. 3DAG also proposed offering a senior and ladies leagues and discounted rounds and access to the driving range and practice facilities for juniors, seniors, and City and County employees. He advised Council Member Jensen brought this concept to Council as a Council initiative during the November 7, 2016, Council work session. Her presentation included the importance of preserving the Kings Grant Golf Course as an amenity that enhances the property values of the surrounding area. The Council provided consensus directing staff to explore ways to partner with 3DAG to preserve the course and develop a youth golf program. While a five year agreement was discussed during the November 7, 2016, work session, staff has worked on a proposed one-year agreement with the potential to extend that program should it be successful. 3DAG has requested that the City provide "in-kind" services and offered a series of discounts in exchange. The estimated cost of the "in-kind" services is estimated to be \$42,200.00. Staff would develop the partnership agreement to specifically limit the City's contribution to these activities and this total cost. The estimated value of the discounts for the youth and other programs is estimated to be \$127,040.00 for all use with \$71,040.00 being directly supportive of the proposed golf programs. This does not include the value of an offered \$10.00 discount per round for City and County employees. The net operating revenue for the golf program is estimated to be \$460.00 per year with an additional \$38,500.00 estimated revenue potential from 5K runs held on the golf course property and summer athletic camp program. This reduces the net cost to \$41,740.00 or \$3,240.00 with the application of the revenue from cross country running events and summer camp. The "in-kind" services would be performed using a combination of temporary and permanent City employees as well as contract resources as indicated. Additional resources and careful management will be necessary to provide this benefit without negatively impacting existing service levels. The City Manager has the authority to execute service contracts of the proposed duration and cost. Council would be required to execute a budget amendment should one be necessary.

Mr. Gibson further stated the expenditures and revenues projected to enter this partnership and operate this new program are not included in the current budget appropriation. The estimates provided are for the first "year" of operation which does not align with the City's fiscal year. The division of costs and revenues between the current budget year and the next has yet to be completed. A FY 17 budget amendment may be required to implement the program. FY 18 program costs and revenues would be included in the proposed budget for Council consideration. However, as this partnership evolves the creation of a new "Golf Program," the City Council will be asked to approve any initial agreements.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward and develop an agreement; returning the item to Council for a formal vote at a regular meeting, when ready (no specific date set). Council Member McDougald was not in agreement with the consensus vote.

4.03 Code Enforcement Overview

Mr. Scott Shuford, Planning and Code Enforcement Director, presented this item with the aid of a PowerPoint presentation and stated that Housing and Code Enforcement is a 13-person division in the Planning and Code Enforcement Department. City of Fayetteville code enforcement is changing. New ways for citizens to report

violations are affecting the program in positive and negative ways. Technology changes are affecting the program as well. Mr. Shuford provided an overview of the process for code enforcement violations and stated he would like to discuss some concepts for maintaining effectiveness and the potential to assume new inspection duties. Violation reporting enhancements are affecting the percentage of proactive cases versus complaint-based cases. Fewer proactive cases mean less efficient enforcement and may result in fewer cases being created. The enhancements also affect office support operations because of the volume and variety of complaints being received. Technology changes have affected the productivity of the program temporarily but adjustments to the program and by staff have led to the division's first 15,000 or more cases per year in FY 16. We are exploring some new technologies which have promise but any proposal to enhance operations requires more analysis. Mr. Shuford provided an overview of the demolition process for dangerous or blighted buildings.

Mr. Shuford provided an overview of the RAMP program and stated it was phenomenally effective, but now due to new state law S326/H530, the provisions render RAMP unworkable.

Council Member Arp stated we do not know if there is a problem yet, as this is new state law, we need to let it run its course and see if there are problems. Mr. Bart Swanson, Code Enforcement and Housing Manager, stated the RAMP program was originally set up to address chronic violations from slum landlords.

Council Member Arp asked what action staff would take with the State delegation. Mr. Shuford stated staff will monitor the program and see if we have a situation where we fall back into chronic violations, and we shall follow state law.

Council Member Crisp stated we still have a RAMP program, we do not know if it is unworkable.

Mr. Hewett thanked Mr. Shuford for his presentation.

4.04 Disaster Recovery Small Business Assistance Loan Program

Mr. James Palenick, Economic and Business Development Director, presented this item and stated this item was first prepared for the November 28, 2016, City Council meeting, where it was referred to the December 5, 2016, Council work session for review and discussion. To create an expedited response outreach to Fayetteville-based small businesses seeking access to capital in order to respond to or recover from the effects of Hurricane Matthew. The City could create a Loan Fund with the mission of fulfilling unmet needs and/or filling in or bridging possible gaps in financing assistance which might arise as small business persons work through the process of clean-up, repair, recovery and response to pre-hurricane operations--getting themselves, their businesses and/or their employees back to work and back to some measure of economic equilibrium. Working in collaboration with the Small Business Administration (SBA), the Center for Economic Empowerment and Development (CEED), the Carolina Small Business Development Fund (CSBDF), the City of Fayetteville Community Development Department, and other local and regional traditional and non-traditional lenders, the City could "seed-fund" a loan pool with \$100,000.00 as first-budgeted in the FY 2016 Economic and Business Development Department, as the "Redevelopment Project Fund", and since reserved to the FY 2017 Budget, as well as the \$100,000.00 FY 2017 allocation within this same Fund (\$200,000.00 total). Repayments to the Loan Fund could return to the City's General Fund for future use or be set aside for another identified and designated loan pool if so established by policy of City Council. A number of small local Fayetteville businesses have experienced significant hardship from damages to property and equipment, financial losses, and/or income disruption as a result of Hurricane Mathew. Not all of these damages or losses can or will be covered by insurance or assistance from State

and Federal relief agencies. To that end, to the extent that the City can provide some measure of financial assistance to "fill in the gaps" of "unmet needs" of hard-hit local businesses, then a Disaster Recovery Small Business Assistance Loan Fund will serve an important public purpose. Further, to fulfill this purpose by re-directing funds already budgeted and ear-marked for impactful economic development seems a logical and prioritized response to an otherwise-unimagined and unbudgeted need.

Discussion ensued.

Mayor Robertson asked Council for volunteers to serve on a Task Force Team. Council Members Hurst, Mohn, McDougald, and deViere volunteered to serve on the Task Force Team.

Ms. Lexi Hasapis, Center for Economic Empowerment and Development (CEED), stated she would be willing to assist the Task Force Team.

Consensus of Council was for the Task Force Team to bring this item back with a proposed funding plan to the January 3, 2017, work session.

Mayor Robertson stated he wished to recess the meeting and reconvene it on December 8, 2016. Discussion ensued. Consensus of Council was to continue the meeting.

MOTION: Council Member Arp moved to recuse Mayor Robertson and Council Member Jensen in order for them to attend the Cumberland County Commissioners inauguration ceremony.
SECOND: Council Member McDougald
VOTE: UNANIMOUS (10-0)

4.05 Amendment to City Code Chapter 30 to consider reduced separation standards for group homes in residential districts.

Mayor Pro Tem Colvin stated this item is not a Council initiative.

Council Member Arp stated he would like to have this item tabled because this is not a directive from Council; there is no intent from the current Council to change this code.

Consensus of Council was to table the text amendment item.

Council Member Crisp stated he wanted to hear the information regarding the Jubilee House located on Langford Road. Mr. Scott Shuford, Planning and Code Enforcement Director, stated the Jubilee House was originally built as a duplex; it never was intended as a group home. It would not qualify for a Special Use Permit to operate as a group home, as there are other similar establishments within the separation requirements of a residential district. This is a group home as opposed to transitional housing.

Council Member Wright stated the Jubilee House serves the need of female veterans, and a lot of work has been put into this facility. Family Endeavors has a great track record and they have assured me the facility will be used for female veterans and their families. I think we should bring this item back to a work session and allow Family Endeavors to explain their plan to the Council.

Council Member Arp stated this item came to us to receive the report, with very little data. One of the most desirable things in our strategic plan is livable neighborhoods; this is not good staff work, and I want to kill it; you are asking us to take action on something we did not direct.

Mr. Douglas Hewett, City Manager, stated he has a request from Family Endeavors to waive the fee for a Special Use Permit request; it is a mute request unless you consider the proposed text amendment,

because without the text amendment, they cannot operate as a group home.

Council Member deViere stated I am very protective of our neighborhoods, but we have to have a text amendment first, to even consider a Special Use Permit request. This text amendment would provide a crack.

Council Member Crisp cautioned opening a Pandora's Box, and asked the City Manager how we are going to get out of this mess.

Council Member Arp stated he does not have a problem with Jubilee House, but not everybody wants a group home in their neighborhood. I advocate we be very judicious on this process.

Mr. Hewett stated staff was trying to be responsive to homeless female veterans, and asked Council to give staff a chance to explain, and if there are questions over the weekend, to please call staff.

4.06 Discussion of the proposed donation of the Dr. E. E. Smith House to Fayetteville State University.

Mr. Victor Sharpe, Community Development Director, presented this item and stated Fayetteville State University (FSU) has expressed an interest in having the Dr. E. E. Smith House located at 135 Blount Street moved to its campus area. On October 3, 2016, City Council reached a consensus to move forward with the consideration of donating the Dr. E. E. Smith House to Fayetteville State University and moving it to FSU's campus. This includes the transfer of the title to the structure and the transporting of the structure to a site determined by FSU at the City's cost. Fayetteville State University will be responsible for the construction of the foundation, reattaching the structure and the overall renovation of the structure. The City of Fayetteville acquired the Dr. E. E. Smith House in May of 2011 as part of the overall acquisition of land for the Centre City Business Park in connection with the HOPE VI Revitalization Project. Once it was made known that the house once belonged to Dr. Smith, a decision was made to apply to have the property listed on the National Register of Historic Places. On May 13, 2015, the property was formally listed. Moving the structure from its current location could jeopardize its national register status. If the FSU wishes to have the building remain on the national register throughout and after the move, documentation must be submitted, reviewed and approved by the National Register Advisory Committee and then to the National Park Service prior to the move. The proposal to move the Dr. E. E. Smith House will involve lifting it off the top floor of the structure and moving it separately from the bottom floor. The front porch and back room will also be detached and moved separately. The contractor will coordinate placing the house on the foundation once it has been constructed. The amount budgeted to renovate the Dr. E. E. Smith House is \$250,600.00. The estimated cost to move the structure is \$62,500.00 with additional costs to install a foundation and reattach the top floor, front porch and back room. FSU's Board of Trustees of the Endowment Fund will formally consider the acceptance of the structure at its meeting on December 8, 2016.

Discussion ensued.

Consensus of Council was to direct staff to bring this item back to the January 3, 2017, work session.

4.07 Discussion of 2017-2018 Community Development Annual Action Plan activities.

Mr. Victor Sharpe, Community Development Director, presented this item and stated the Community Development Department is requesting guidance and feedback from City Council as it begins the development of the 2017-2018 Annual Action Plan. Annually the Community Development Department develops an Annual Action Plan based on the

most recent Consolidated Plan. During the discussions this past year, staff committed to bring this item to City Council to receive Council's guidance early in the planning process. On November 28, 2016, City Council approved the reprogramming of the funds for the Target Area Revitalization Program to establish the Disaster Recovery Housing Repair Program. The Target Area Revitalization Program which is a new program would have been implemented this program year. Given the interest in establishing such a program, staff will recommend the continuation of the Target Revitalization Program for the 2017-2018 program year. It is anticipated that the recommended plan for the upcoming year will be similar to the current year plan.

Consensus of Council was to direct staff to present a similar plan for next year.

4.08 Discussion to donate modular unit to the Cotton Volunteer Fire Department

Mr. Ben Major, Fire Chief, presented this item and stated the Cotton Volunteer Fire Department (CVFD) participates in the Cumberland County Mutual Aid Agreement. CVFD was flooded on October 8, 2016, during Hurricane Matthew leaving them without a station from which to offer services. CVFD has expressed an interest in the City of Fayetteville donating the modular building no longer used by the Fayetteville Fire/Emergency Management Department (FFD) to CVFD. CVFD is included in the Cumberland County Mutual Aid Agreement to assist other fire departments as needed during times of emergencies. On October 8, 2016, the CVFD was flooded during Hurricane Matthew. The event rendered their station inoperable as a facility from which to provide services. They were able to temporarily secure a vacant warehouse within their fire district to utilize as a location for storage on from which to operate. However, they are unable to secure a long term lease for the location and must vacate the structure by December 31, 2016. CVFD has requested the City of Fayetteville to donate the modular building no longer used by FFD to be used as a station from which they will operate. The modular build, a 28' x 64' unit currently stored behind Fire Station 17, was City Council approved to be disposed of through public auction. CVFD will bear the cost of moving and setting up the modular building. There will be no negative budgetary impact to the City.

Consensus of Council was to direct staff to place the Resolution of Support for this item on the December 12, 2016, regular City Council meeting agenda.

4.10 City Council Agenda Item Request - Fayetteville, GA, Sister City Request

4.11 City Council Agenda Item Request - Consideration of Sindelfingen, Germany, as a Sister City

Council Member Arp presented both Items 4.10 and 4.11 on behalf of Mayor Robertson and himself, and stated Mayor Robertson has requested Council approval of Fayetteville, Georgia, becoming a Sister City; this may be a good option for the City to consider.

Council Member Mohn stated he had provided Council with an email over the past weekend regarding research on adopting Sister Cities. City taxpayers do not pay for Sister Cities, a local nonprofit has to take the lead on these types of requests.

Council Member Arp suggested a Sister City Committee be created to review the Sister City process and explore finding a sponsor. Council Member Mohn stated adopting a Sister City could be a 12- to 18-month process.

Council Member Hurst stated he is not in favor of adopting Fayetteville, Georgia, as a Sister City.

Consensus of Council was to create a Sister City Committee with Council Members Mohn, Arp, and Hurst to serve on said Committee.

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:36 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

NAT ROBERTSON
Mayor