

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE CONFERENCE ROOM
JANUARY 3, 2017
5:00 P.M.**

Present: Mayor Nat Robertson

Council Members Katherine K. Jensen (District 1) (arrived at 5:10 p.m.); 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) (departed at 6:25 p.m.); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Jim Palenick, Economic and Business Development Director
Rob Stone, Engineering and Infrastructure Director
Kevin Arata, Corporate Communications 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
Brad Whited, Airport Director
Rebecca Rogers-Carter, Strategic Program Analytics Director
Donald Kunish, Deputy Director, Post Disaster Programs at Tetra Tech
Jane Starling, Deputy 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 McDougald.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda with moving Item 4.05, Uniform Street Lighting, to the beginning of the agenda.

SECOND: Mayor Pro Tem Colvin

VOTE: UNANIMOUS (10-0)

4.0 OTHER ITEMS OF BUSINESS

4.05 Uniform Street and Thoroughfare Lighting Ordinance

Mr. Rob Stone, Engineering and Infrastructure Director, presented this item with the aid of a PowerPoint presentation and stated based on a Council and City Manager's Office request, staff is presenting the current Uniform Street and Thoroughfare Lighting Ordinance that covers thoroughfare and residential street lighting in the City. The existing ordinance outlines standards for the design and installation of street lighting for all four electrical utility providers serving the City. The objectives of the ordinance are to enhance traffic and pedestrian safety along public streets and roadways within the City by providing a more secure environment for the citizens of Fayetteville. The Uniform Street and Thoroughfare Lighting Ordinance was amended by Council on April 8, 2013. This amendment addressed the movement

toward LED as the preferred light source for street lighting and also included more technical specifications for LED technology. The installation of LED lighting has progressed throughout the community with the most progress being made in areas served by the PWC.

Discussion ensued.

4.01 A Park Bond Project Management - Issuance 1 Projects

Mr. Michael Gibson, Parks, Recreation, and Maintenance Director, presented this item with the aid of a PowerPoint presentation. Mr. Gibson provided an overview of Bond Program Planning and Implementation Phase 1 of Bond Issuance to include the Bond Committee Proposed Project Timelines, the Senior Center West, Existing Park Improvements, Gilmore Therapeutic Recreation Center, Splash Pads, Skateboard Park, and Grant Funding Requested.

Discussion ensued.

Consensus of Council was to support the implementation of the Bond Committee Proposed Timeline and Projects included in the first bond issuance, with the exception of the location for the tennis center.

4.02 Hazard Mitigation

Mr. Donald Kunish, Deputy Director, Post Disaster Programs at Tetra Tech, presented this item and stated City staff, FEMA representatives, Tetra Tech consultants and State officials have been working on behalf of City residents whose homes or property were damaged or destroyed. The purpose has been to gather information on costs, determine the extent of damages, and discuss potential hazard mitigation measures. The decision whether to offer buyouts is made by the state, using money that FEMA allocates to reduce losses in future disasters. FEMA has a Hazard Mitigation Grant Program that helps communities implement hazard mitigation measures. The objective is to support cost-effective measures during recovery that will reduce the risk of physical and social impacts from future disasters, because funds are limited, only projects that meet local and state priorities are forwarded to FEMA. Homeowners cannot apply directly for Hazard Mitigation Grant Program funding. Some of the benefits of incorporating hazard mitigation measures include providing risk reduction from natural hazards, increasing the strength of your home to withstand severe weather, possibly lowering insurance premiums, and possibly increasing property value. Generally, FEMA pays up to 75 percent for hazard mitigation projects. The remaining 25 percent is the responsibility of the homeowner unless the City has identified an alternative payment method. Mr. Kunish provided the FEMA Homeowner's guide to the Hazard Mitigation Grant Program.

Discussion ensued.

Consensus of Council was to direct staff to receive the report and authorize staff to participate in the grant process, hire a consultant; not to exceed \$20,000.00 without additional Council authorization, and to obtain a Request for Proposal (RFP) for total cost of entire effort.

4.03 Hurricane Matthew Impact and City Dam Policy

Mr. Rob Stone, Engineering and Infrastructure Director, presented this item with the aid of PowerPoint presentation and stated Hurricane Matthew resulted in unprecedented flooding in the City. Four dams supporting City streets were damaged, including Greenock Avenue (Arran Lake Dam), McFadyen Drive (Devonwood Lower Dam), Mirror Lake Drive (Mirror Lake Dam), and Siple Avenue (Rayconda Upper Dam). The current City policy directs that the City will reconstruct the roadway but will not repair the dam. The current policy will allow the City to reconstruct a dam only if the property owners take responsibility for

90 percent of the costs in excess of that for repairing the roadway alone. To assist the community in raising the necessary funds to repair and maintain the dam, the policy allows for the formation of a municipal service district (MSD). The City's FEMA consultant has stated that the City is eligible for 75 percent reimbursement for the cost of restoring each roadway and may also receive 75 percent reimbursement for rebuilding those dams that the City has maintained in the past--Devonwood Lower Dam and Mirror Lake Dam. Of the four dams supporting City-maintained streets damaged as a result of Hurricane Matthew, only Siple Avenue, which crosses what used to be Rayconda Upper Dam, has been repaired in order to provide emergency access. This roadway was repaired as a breach with a culvert to prevent any water impoundment. City policy allows the City to participate in the cost of repairing the dams up to 110 percent of the estimated cost of repairing the roadway alone. The policy provides a means for the residents to form a MSD to fund dam repair and maintenance, as well as providing a revolving loan fund to allow the Homeowners Associations, (HOAs) to borrow funds from the City through a Revolving Loan Account. Currently the revolving loan fund has a balance \$55,900.00 and a limit of \$500,000.00 per project which is inadequate to address the estimated repair costs. A meeting is being scheduled to provide the HOAs with the above information as well as guidance from state and federal agencies. At this time, the City does not have funds allocated for the repair of the City-maintained roadways or City-maintained dams. Consistent with the Council established policy, staff is in the process of moving forward with projects to repair the damaged roadways only. These projects will be designed to not impound any water. This represents the fastest and least expensive means of replacing the transportation infrastructure. The City has limited time to complete these projects within the FEMA guidelines for reimbursement. Any revision in policy resulting in the addition of dam design and construction would need to happen very quickly in order to comply with this deadline. The City would only be eligible for reimbursement for 75 percent of the costs associated with roadway reconstruction and, potentially, the reconstruction of Devonwood Lower Dam and Mirror Lake Dam. Funds will need to be appropriated for these projects, but the key issues before Council are for continued support for the existing policy, appropriating the 10 percent share for dam replacement consistent with the current policy should adjacent property owners form an MSD to fund 90 percent, and should Devonwood Lower Dam and Mirror Lake Dam be repaired even if the adjacent property owners do not form an MSD in exception to the existing policy. Staff will be meeting with the impacted neighborhoods beginning in the first few weeks of January. The estimated cost of the City's portion to repair the impacted roadways leaving the dams in a breached state is \$4.13 million. It is expected that these costs will be eligible for 75 percent reimbursement from FEMA and potential additional reimbursement from state funds. This estimate does not include the repair of Siple Avenue which has already been completed. The estimated increase in cost to repair the three dams assessed (Rayconda Upper Dam was not assessed as Siple Avenue has already been repaired) is \$4.6 million. Under the current policy, the HOAs' portion of the repair cost for these dams is \$4.2 million and the City's additional cost would be about \$400,000.00. There is the potential that \$2.9 million of this cost may be eligible for reimbursement by FEMA. The total cost for roadway and dam repair is estimated at \$8.71 million.

Discussion ensued.

Consensus of Council was to accept the report and direct staff to return this item to a future work session with recommended policy revisions and to provide information on which dams are maintained by the City, which dams are not maintained by the City, and the reason(s) for City maintenance.

4.04 Discussion of Sales Tax Distribution Interlocal Agreement

Mr. Douglas Hewett, City Manager, presented this item with the aid of a PowerPoint presentation and stated in February 2016 City Council authorized a three-year extension of the Sales Tax Distribution Interlocal Agreement with the County and other local municipalities. That agreement included a provision that the "parties will begin discussing a new Sales Tax Distribution Interlocal Agreement no later than January, 2017". Staff is seeking direction as to how City Council wishes to proceed with the discussions. A three member Council Committee was appointed in January 2016 to lead discussions of the latest extension. Members of that committee included Council Members Colvin, Arp and deViere. 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. 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 four times. The current extension was approved in February 2016 for fiscal years 2017 through 2020 and included a provision that the parties would begin discussions of a new agreement not later than January 2017. There have been no legislative changes impacting sales tax distributions since the January 2016 discussions. The PowerPoint presentation from the January 4, 2016, City Council work session is attached for reference purposes. Prior calculations based upon fiscal year 2015 data had estimated a financial loss of \$4.6 million per year for Fayetteville if the County were to change to the ad valorem basis of sales tax distributions.

Discussion ensued.

Consensus of Council was to re-establish the Sales Tax Committee, the committee to be comprised of Council Members Robertson, Colvin, Arp and deViere.

4.06 Development of the Fayetteville-Cumberland Parks and Recreation Department Sponsorship Policy

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item and stated the Parks, Recreation and Maintenance Department receive inquiries from local and national organizations and/or individuals wishing to sponsor departmental programming, equipment or facilities. Currently no policy exists to guide staff in processing these requests. A proposed policy has been developed to best meet the needs of the organization in responding to requests and entering into potential partnership agreements. Fayetteville-Cumberland Parks and Recreation (FCPR) staff has recently been approached by multiple national retailers in regard to sponsorship agreements for sporting goods supplies and other items. FCPR researched pre-existing policies and determined that a policy was not in place to guide staff on entering into sponsorship agreements. FCPR staff has pulled examples from other communities to create the draft policy (included in the agenda packet) for use in assessing sponsorship proposals and entering into sponsorship agreements. The attached Sponsorship Policy was created to address the need for a policy when receiving future requests. The Council does have an

existing policy relating to the naming of public facilities. This policy will need to be revised to reflect the restrictions of that existing policy. Staff is seeking Council's feedback regarding the general terms and process outlined in the attached draft policy. Staff will refine this draft based on that feedback and bring it forward for future consideration and approval.

Discussion ensued.

Consensus of Council was to have this item further researched by the Parks and Recreation Bond Projects Committee.

4.07 Authorization to Access Inter-Local Cooperative Purchasing Agreements to Obtain Competitive Pricing for Goods and Services

Ms. Kim Toon, Purchasing Manager, presented this item and stated the Purchasing Division is requesting authorization to access Inter-local Cooperative Purchasing agreements to obtain competitive pricing for goods and services. In 2010, the Public Works Commission began purchasing services and goods through cooperative purchasing agencies that have competitive bidding processes with various manufacturers. When the City's Purchasing Department was reestablished as their own division, the National Cooperative Purchasing Alliance (NCPA), National Purchasing Partners (NPP), US Communities Government Purchasing Alliances, NC Sheriffs' Association Cooperative Bid and National Joint Powers Alliance (NJPA) cooperative agreements were not transferrable from PWC to the City. The City's new Purchasing Division is requesting authorization to enter into the above referenced cooperative agreements to purchase of goods and services through these agreements. On August 8, 2016, City Council authorized staff to continue to purchase fire apparatus through the Houston-Galveston Area Council (HGAC) Inter-local contract, which is similar to the above referenced cooperative agreements. Ms. Toon reviewed the following advantages of purchasing through the inter-local agreement:

- Provides efficient delivery of products and services;
- Maintains public confidence through ethical and transparent procurement practices;
- Obtains best value through competition;
- Offers fair and equitable competitive contracting opportunities; and
- Offers contract administration and additional resources.

All purchases of goods and services procured through cooperative purchasing agencies will have been budgeted prior to being procured.

Discussion ensued.

Consensus of Council was to authorize the City Manager to enter into cooperative agreements for the purchase of goods and services after shopping local first.

4.08 Gateway Corridor Overlay District

Mr. Scott Shuford, Planning and Code Enforcement Director, presented this item with the aid of a PowerPoint presentation. At its December 6, 2016, meeting, the Gateway Committee directed staff to bring forward for consideration options for implementing a Gateway Corridor Overlay District approach for several of the City's gateways. Much work has been done to date by the Gateway Committee in identifying public projects to enhance gateways, including public gateway signage. Additionally, financial incentives for improving the appearance of businesses along gateways have been developed. The next step would be to provide regulatory guidance to property owners in the

form of corridor-specific overlay districts which may limit certain types of uses and establish specific standards for freestanding signs in a manner similar to what was done with the Crown Coliseum Overlay District. Under this approach, certain uses would be prohibited, including most outdoor storage uses, one- or two-story motels having individual unit access directly to the outdoors, and used car lots. These uses were selected because they were also prohibited in the Crown Coliseum Overlay District. Additionally, pole signs would not be allowed as freestanding signs. Only ground signs could be utilized. This particular approach is not as onerous as it sounds, as City Council has increased the area and height allowances for ground signs in the recent sign code update. If this approach is accepted along certain corridors, each overlay district would provide for these limitations. The second issue City Council is requested to provide direction on involves the use of amortization. Amortization is the eventual discontinuance of a nonconforming use or site feature according to a plan. A recent local example is the amortization of nonconforming salvage yards across the City. Time was provided to bring these uses into conformity or to discontinue them and the approach was successfully implemented.

Discussion ensued regarding implementing a more restrictive order for signs on gateway corridors.

Mayor Pro Tem Colvin stated this is an item (signs) that the Gateway Committee has researched, but does not have the authority to implement; this is only a proposal for Council to consider. He stated we need to make some tough decisions; do you want to clean up and target these problem areas.

Council Member Arp stated we need to clean up the City signs as you enter the city of Fayetteville.

Discussion continued pertaining to signs, gateways, and types of businesses permitted on gateways.

Consensus of Council was to have staff further investigate creating overlay in the City's corridor areas with more specific definitions and provide recommendations regarding City-wide amortization, and to bring this item back to Council at a future work session.

4.09 City Council Agenda Item Request - International Farmers Market

Mayor Robertson introduced this item and asked if Council has an interest to pursue this item.

Discussion ensued regarding Catalyst Site 1 potential uses.

Consensus of Council was to allow further research of having an International Farmers Market locate in Fayetteville.

4.10 City Council Agenda Item Request - E. E. Smith House

Mr. Douglas Hewett, City Manager, presented this item and stated Fayetteville State University is no longer interested in receiving the donation of the Dr. E. E. Smith House due to the cost associated with restoring the property to a condition that would make it usable for University purposes would be too costly. Many repairs are necessary to complete the renovation.

Consensus of Council was to move forward with the restoration as was the original plan; providing Council with the cost of the restoration prior to any work taking place.

4.11 City Council Member Agenda Item Request - Pathway for Economic Mobility

Council Member deViere presented this item with the aid of a PowerPoint presentation and stated the in-depth reporting on poverty in Fayetteville in *The Fayetteville Observer* has catalyzed several conversations about the importance of a local effort to address poverty and build a stronger economy. Fayetteville, along with Charlotte where a Task Force on Economic Mobility has already convened, can increase engagement by more North Carolinians in anti-poverty efforts and provide a testing ground for proven ideas that move people and places out of poverty. Ultimately, we know what works to move people and places out of poverty. The challenge is often aligning the understanding; support and will to act to ensure our public systems and private efforts reflect the best evidence and build the framework for moving out of poverty. The concept is to first create a community conversation around poverty and focus initial efforts in one or two target high-distress neighborhoods. We will demonstrate how a local community can use a series of pilot projects in neighborhoods to align systems, enact policies and leverage public and private investments to reduce poverty in these neighborhoods. We will leverage existing assets and key stakeholders on the ground to act to build an inclusive economy. As we know from years of best (and worst) practices in urban revitalization, it is crucial for the planning process to use broad-based community input and sophisticated research and analysis to identify the aspects of poverty most pressing to community members, set measurable policy goals for addressing these problems, and clearly outline policy recommendations that are supported by the community and are most likely to succeed. Without such a planning process, any policy recommendations would lack comprehensiveness and connection to local community interests—shallow roots that would likely generate initial interest and then loose interest over time. There are ultimately wide arrays of issues that must be considered in order to drive change in the economic outcomes of Fayetteville residents. These issues include looking at wages and assets, jobs and social services, public institutions and private sector industry, infrastructure both human and physical and existing barriers for certain residents—those with criminal records, those leaving the military—and neighborhoods of concentrated poverty. At the outset, we believe that once target neighborhoods are identified, an effective antipoverty reduction planning process would begin with a locally-rooted and organized Neighborhood Revitalization Task Force that involves a broad cross-section of the community in these neighborhoods, including neighborhood associations, churches, nonprofit service organizations, elected officials, military personnel, permanent City (and County) staff, and any other groups representing citizens. This Neighborhood Revitalization Task Force would coordinate the planning process in target neighborhoods and ensure that the fullest range of citizen voices would be involved, ideally generating consensus, building community buy-in, identifying key benchmarks and ensuring focused attention to implementation.

The planning process itself would involve the following steps:

- (a) Identification of target neighborhoods using analysis of range of poverty related indicators at the census tract level;
- (b) Assessment of current conditions/trends;
- (c) Identification of assets/threats/opportunities;
- (d) Uses (a) and (b) to define the core policy areas/problems that needs to be addressed;
- (e) Identifies anti-poverty goals and key benchmarks of success;

- (f) Examines how other similar communities have addressed similar problems;
- (g) Identification of policy recommendations; and
- (h) Space for significant community involvement in each of these pieces, especially in identifying core problems and potential solutions.

Outside expertise plays an important part in ensuring that this kind of citizen-oriented planning process actually yields concrete results. Accordingly, we look to engage university or community college assets as a consultant to serve as facilitator and technical expert to help guide this community-led process. Guided by the leadership of the Neighborhood Revitalization Task Force, this neutral consultant would facilitate the process of soliciting community input and integrating this input with research and analysis on relevant economic and demographic trends into a comprehensive plan for reducing poverty. This consultant will need experience conducting this kind of community economic development and anti-poverty planning process and with a particular focus on the skills needed to gather community input and carry forward the work to implementation.

Key Milestones:

1. Identification of target neighborhoods.
2. Assessing conditions and trends
3. Identifying core problem areas (policy/systems/program design and outreach)
4. Identifying indicators and benchmarks of success
5. Identifying best practices in other communities
6. Identifying policy recommendations
7. Identifying public funding streams (federal/state/local options)

Key Stakeholders:

Organizations with whom we would look to engage and support the planning process are local neighborhood associations, the United Way of Greater Fayetteville, Action Pathways, Community Blueprint, Greater Fayetteville United, Communities in Schools, Cumberland County Schools, The Partnership for Children, economic developers and the Chamber. Additionally, engage with the North Carolina Justice Center to leverage expertise and resources.

Given the unique trends and issues in Fayetteville, we believe that stakeholders in the business, military, faith, particularly ministerial association, and academic communities must be engaged early on and that service providers and affected people from diverse backgrounds also be central to the stakeholder engagement process.

Council Member McDougald stated we all need to get very serious about education.

Council Member Arp stated this is certainly a conversation we need to have; poverty is a significant issue, it impacts our City to be able to grow and prosper, we need hope and opportunities.

Council Member Wright stated he hopes this will not be a sound bite or a political platform for reelection, I am 100 percent behind this, and it is something we should do.

Mayor Pro Tem Colvin stated poverty is a community issue; we need to team ourselves as a community, let us follow this item up.

Council Member Jensen stated we can make a change, and we need to look at how the red light camera revenue is dispersed.

Consensus of Council was to move forward with this item (Option 3) and receive a presentation and take action to create a "Call to Action" to (a) adopt a Council resolution with a commitment to address economic mobility, (b) serve as the community convener to address economic mobility and poverty in our community which is a critical step outlined in the "North Carolina's Economic Imperative: Building an Infrastructure of Opportunity" Report, and (c) send a formal invitation to the County to ask them to work together as the community convener.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:58 p.m.

