

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE CONFERENCE ROOM and  
COUNCIL CHAMBER  
JUNE 5, 2017  
5:00 P.M.**

Present: Mayor Nat Robertson

Council Members Katherine K. 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); 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  
Ben Major, Fire Chief  
Anthony Kelly, Interim Police Chief  
Rob Stone, Engineering and Infrastructure Director  
Cheryl Spivey, Chief Financial Officer  
Tracey Broyles, Budget and Evaluation Director  
Giselle Rodrigues, City Engineer  
Michael Gibson, Parks, Recreation and Maintenance Director  
Victor Sharpe, Community Development Director  
Scott Shuford, Planning and Code Enforcement Director  
Karen Hilton, Planning and Zoning Manager  
Robert Van Geons, President and CEO, FCEDC  
Deborah Mintz, Arts Council Executive Director  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Robertson called the meeting to order.

**MOTION:** Council Member Mohn moved to relocate the meeting from the Lafayette Conference Room to the Council Chamber to accommodate the many people that are here to attend the meeting.  
**SECOND:** Council Member Wright  
**VOTE:** UNANIMOUS (10-0)

**2.0 INVOCATION**

The invocation was offered by Council Member McDougald.

**3.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Wright moved to approve the agenda with the addition of two closed session items: Economic Development and Personnel Matters.  
**SECOND:** Mayor Pro Tem Colvin  
**VOTE:** UNANIMOUS (10-0)

**MOTION:** Council Member Jensen moved to go into closed session to discuss an economic development matter and personnel matters.  
**SECOND:** Council Member Arp  
**VOTE:** UNANIMOUS (10-0)

The regular session recessed at 5:06 p.m. The regular session reconvened at 5:59 p.m.

**MOTION:** Mayor Pro Tem Colvin moved to go into open session.  
**SECOND:** Council Member Arp  
**VOTE:** UNANIMOUS (10-0)

#### **4.0 OTHER ITEMS OF BUSINESS**

##### **4.01 Discussion Regarding the Fire Department Recruitment Process and Diversity Recruitment and Hiring Strategies**

Mayor Robertson announced that during the closed session the Council was unanimous in approving to release some information pertaining to Fire Fighter recruitment in 2016.

Mr. Ben Major, Fire Chief, presented this item and stated increasing diversity within the fire service is a national and local challenge. Various factors may contribute to the lack of diversity within fire departments. The Fayetteville Fire Department has continued to be challenged in terms of establishing a workforce that remotely resembles the demographic makeup of the community. Over the years, several changes and strategies have been implemented in the organization's recruitment processes, however the changes have yet to yield the immediate results for which the department has strived. Chief Major provided an overview of the statistics regarding the Fire Fighter recruitment process in 2016.

Discussion ensued.

Mayor Robertson called for a recess at 6:52 p.m. and reconvened the meeting at 6:57 p.m.

##### **4.02 Discussion of the Request for Proposal for the Enhanced Services for the Arts and Entertainment Focused Downtown Municipal Service District.**

Mr. Victor Sharpe, Community Development Director, presented this item and stated this item is for the discussion of awarding the contract for the Enhanced Services for the Arts and Entertainment Focused Downtown Municipal Service District. A process has been designed to have a contract ready for the selected vendor by July 1, 2017. A detailed copy of the Request for Proposals (RFP) is included in the agenda packet. Changes in the State's statutes invalidated the City's contract with the Downtown Alliance as the managing organization of the City's Downtown Municipal Service District. In an effort to comply with the new rules, City staff prepared a request for proposals seeking qualified agencies to contract for enhanced services in the Arts & Entertainment focused Downtown Municipal Service District. The RFP included the following five enhanced service elements: Economic Vitality and Development; Art and Design Enhancements; Promotion and Marketing; Special Events and Programming and Partnership, Organizational Support and Conflict resolution. The RFP included the following required component parts: cover letter/letter of intent; executive summary; project understanding, approach and schedule; team organization, experience and qualifications; consultants, agents and/or contractors; references; cost/fee proposal; financial information and additional proposal considerations. There were four respondents to the RFP. The proposals were evaluated on the following criteria: qualification and experience of proposed team; overall understanding as detailed in submittal; qualification and experience of proposed team; overall understanding as detailed in submittal; demonstration of prior successes/abilities; ability to measure and understand past to adapt to the future; and proposed cost. Based upon review of the proposals, staff recommends that the contract for the Enhanced Services for the Arts and Entertainment Focused Downtown Municipal Service District be awarded to the Cool Spring Downtown District. Proposals are good for 90 days. We are currently on schedule with having the contract awarded within that timeframe. The awarding of the contract will require a public hearing by City Council.

Discussion ensued.

**Consensus of Council was to direct staff to schedule a public hearing for June 26, 2017, and for the City Manager to report back on contract oversight, organizational chart, etc., no later than June 19, 2017.**

#### **4.03 Professional Services for Project Management and Construction Oversight of Mirror Lake Dam and Devonwood Lower Dam Damaged During Hurricane Matthew**

Mr. Rob Stone, Engineering and Infrastructure Director, presented this item and stated Staff is recommending that Council authorize the City Manager to execute the contracts for Professional Services associated with the project management and construction oversight for Mirror Lake Dam and Devonwood Lower Dam reconstruction. Council appropriated funding anticipated to be received from the Federal Emergency Management Agency (FEMA) and the North Carolina Department of Public Safety (NC DPS) to establish project funding for the reconstruction of Mirror Lake Dam (CPO 2017-51 \$2,286,810.00) and Devonwood Lower Dam (CPO 2017-52 \$3,279,200.00) on April 24, 2017. Both dams sustained considerable damage during Hurricane Matthew. Hurricane Matthew caused severe damage to multiple roads and dams within the City. FEMA has conducted site visits to these locations and they are expected to be completely eligible for reimbursement (75 percent from FEMA and 25 percent from NC DPS). Mirror Lake Dam is classified as a high hazard dam by Dam Safety. The assessments completed after the storm revealed severe erosion on the downstream side of the embankment. Several utilities have been compromised, including several storm catch basins, manholes, underground telephone lines, curb and gutter, and a section of Mirror Lake Drive. The road is currently closed to traffic. Devonwood Lower Dam is also classified as a high hazard dam by Dam Safety. The assessments completed after the disaster revealed severe erosion on the downstream embankment that exposed some buried utilities, and a compromised section of guardrail foundation. The erosion was temporarily repaired by City crews to ensure the safety of motorists traveling on McFayden Drive and is currently open to traffic. Both dams are required to be reconstructed to current Dam Safety Standards, and a good portion of the structural components may need to be replaced to ensure the integrity of the structure. A Request for Qualifications (RFQ) for the professional services was advertised on January 17, 2017, in accordance with state and federal requirements. The firm selected for the project management and construction oversight is Freese & Nichols, Inc., located in Raleigh, NC. No Fayetteville firms responded to the RFQ. If Council allows the City Manager to execute the professional services agreement, it will allow these projects to continue in accordance with the attached schedule without further delays and will also allow for community meetings to be scheduled in June and July to discuss the process. The proposed scope also includes support for dialogues with the community regarding private dams that were also damaged by Hurricane Matthew.

Discussion ensued.

**Consensus of Council was to direct staff to move forward with the authorization for the execution of the contracts.**

#### **4.04 Bid Recommendation - Restoration of Infrastructure Damaged During Hurricane Matthew at Offing Drive**

Mr. Rob Stone, Engineering and Infrastructure Director, presented this item and stated bids were received for the contract for the restoration of infrastructure damaged during Hurricane Matthew at Offing Drive. The recommended lowest responsive, responsible bidder is Sandy's Hauling, Roseboro, NC, in the total amount of \$281,517.50. Hurricane Matthew caused severe damage to several roads within the City. FEMA has conducted site visits to the locations of the damage and these locations are expected to be eligible for reimbursement of

75 percent of repair costs from FEMA, and the remaining 25 percent from NC DPS. Offing Drive was severely damaged when McFadyen Lake overtopped the roadway during Hurricane Matthew. The storm drainage system and a large portion of the roadway were washed away and the roadway is currently closed to traffic.

**This item was for informational purposes only.**

#### **4.05 NCDOT Ramsey Street Railroad Trestle Retaining Wall and Landscaping Project**

Mr. Rob Stone, Engineering and Infrastructure Director, presented this item and stated NCDOT has a proposed project to replace the failing retaining wall along the west side of Ramsey Street at the CSX Railroad Trestle. The City's Gateway Committee requested NCDOT include landscaping and other enhanced design elements to improve the appearance of this gateway corridor. Originally, at their May 2, 2017, meeting, the Gateway Committee selected the option for a combination H-pile/Z-pile wall design, with landscaping. This option required participation from the City in the estimated amount of \$63,233.00. Since that time, NCDOT has determined that the H-pile/Z-pile wall type cannot be constructed and is now proposing an H-pile/concrete panel wall. Because this type wall is now required by NCDOT, the City will only be required to participate in the cost of the landscaping and will not be required to participate in any additional construction costs for the wall. This will reduce the City's proposed participation in the project to an estimated \$43,233.00.

Discussion ensued.

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

#### **4.06 Staff- or Commission-initiated Code changes to Chapter 30 Development Code, various sections, including supportive uses in a Business Park District, multi-axle trailer parking, residential densities in a Neighborhood Commercial District, Expiration Term for Certificate of Appropriateness, standards for temporary shipping containers, and administrative adjustments for certain utility needs.**

Mr. Scott Shuford, Planning and Code Enforcement Director, presented this item and stated in January the City Council approved an approach to focus staff-initiated code amendments to two times a year, spring and fall, and beginning any such amendment cycle with guidance from City Council. For the spring cycle, staff proposes changes in six topic areas. The seventh item is a table listing administrative changes to correct typos, numbering or format, and minor clarifications consistent with ordinances. The item was discussed briefly at the April 3, 2017, work session of City Council. The packet included a chart that summarized each of the six substantive changes: why it was initiated, what the change would be, and why this change was proposed. The direction was to move forward. The Planning Commission held a public hearing April 18, 2017. There were no speakers; the Commission voted unanimously to recommend approval as presented. The City Council held the public hearing on May 22, 2017, as advertised; there were no speakers for or against, and the hearing was closed. The Council deferred action, requesting that each section be made a separate ordinance and brought to the work session in June 2017. The spring bundle of staff-initiated code amendments to Chapter 30 includes (1) clarifying that parks or recreational facilities in the BP district do not count toward the limitation on supportive commercial uses, (2) allowing multi-axle trailers to park on improved surfaces in front yard areas, (3) increasing the density allowed for "all other residential uses" in the NC district, (4) making the expiration and allowed extension the same for the certificate of appropriateness as for a special use permit (one year to expiration or as specified in the approval, extension for up to six months), (5)

enabling administrative adjustments to standards that prevent utilities from effective preparation to provide or restore critical services after emergencies, (6) allowing limited temporary storage in portable shipping containers, and (7) providing a table of administrative corrections and minor clarifications for public record. While substantive, these changes have limited scope, are intended primarily to clarify or to improve the consistency across different parts of the code and most may be considered housekeeping. As requested by City Council, each item has been moved into a separate draft ordinances following the hearing on May 22, 2017.

Discussion ensued.

**Consensus of Council was to direct staff to move forward each item for a public hearing and individual vote on each of the six items at the June 26, 2017, meeting.**

#### **4.07 Retroactive Landscaping and Sign Standards**

Mr. Scott Shuford, Planning and Code Enforcement Director, presented this item and stated On January 3, 2017, while considering the proposal to establish gateway corridor overlay districts, Council asked staff to return with some options, including retroactive landscaping and sign standards. This report explores the retroactive landscaping and sign standards options relative to the ones previously provided. At the January 3, 2017, meeting and prior ones on the topic of gateway corridor overlay districts, City Council had difficulty defining a "gateway corridor". There was discussion about the effectiveness of the new sign standards and a high level of satisfaction expressed about them. Additionally, the site design standards, including landscaping, along the rapidly-redeveloping Ramsey Street corridor were held in high regard. At that time, Council interest turned to considering retroactive sign and landscaping standards for all commercial areas in the City. This concept seemed to resolve the "which corridor and how much" issue and addressed a fairness issue to businesses in the gateway corridors relative to those on other streets and roads.

Discussion ensued.

**Consensus of Council was to direct staff to develop an ordinance for sign standards specific to the major gateways outlined in the staff presentation on January 3, 2017, that includes incentives, an amortization schedule and a business assistance package. Staff to work with Gateway Committee and invite the Chamber of Commerce to participate in the discussion and bring back a recommendation. Item to be placed on the January 2018 work session.**

Mayor Robertson stated the budget item will be presented next as there are citizens in the audience waiting to hear this item.

#### **4.013 Changes to the Fiscal Year 2018 Recommended Budget for Council Adoption on June 12, 2017**

Ms. Tracey Broyles, Budget and Evaluation Director, presented this item and stated at the last of the three scheduled budget work sessions on May 25, 2017, City Council provided consensus on changes to the City Manager's Recommended Budget. Staff was requested to document those changes for final review on June 5, 2017, so that the budget presented for Council consideration for adoption on June 12, 2017, will be prepared consistent with Council direction. Those changes are itemized in the background section and in the proposed revised project plan for stormwater capital projects for the five-year planning period. Ms. Broyles asked City Council if there are any further changes, questions or comments. There were none. Ms. Broyles stated the budget item and ordinance will be prepared and ready for adoption on June 12, 2017. Mayor Robertson responded "perfect".

**Consensus of Council was to move this item forward to the June 12, 2017, regular meeting.**

**4.08 Proposed approach to define and regulate brewpubs, microbreweries, and related uses in various zoning districts**

Mr. Scott Shuford, Planning and Code Enforcement Director, presented this item and stated over the past few years three separate studies emphasized the importance of increasing the hours of activity downtown to the extent that an arts and entertainment district is proposed. "Bars" and restaurants are frequently part of such a mix, along with unique entertainment venues such as the proposed ballpark or a performing arts center. Separation standards have, to date, limited the number of bar/nightclub uses downtown and in that way helped to manage their impact. Spacing can be effective in minimizing conflicts with sensitive uses in more suburban areas, but rigid standards can be hard to apply and less effective in densely developed areas like the downtown. Examples of problems relying on separation standards downtown include Capital Partners' efforts in 2012 to open a charter school and the difficulty a long-standing local pub had relocating from a site facing major renovations. Consequently, in March 2015 and again in April 2016 the standards were amended, first to remove the separation requirement for the protected uses (schools, churches, etc.), then, in the DT district, to allow a reduced separation through the special use permit if there were no negative impacts or the impacts could be mitigated through conditions of approval. With the latter change, downtown residents, business owners and City Council members asked for standards that would allow new opportunities, but also provide greater protection from unintended negative impacts.

Discussion ensued.

**Consensus of Council was to direct staff to move forward with carefully defining brew pubs and defining the correct zoning.**

**4.09 Variance Request - Big Cross Creek Greenway**

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated Fayetteville-Cumberland Parks and Recreation has contracted Stewart Engineering to develop the Big Cross Creek Greenway Design and Structure. The Greenway will connect the Little Cross Creek to Smith Lake. There are several streams adjacent and crossing the properties where the Greenway will be constructed. The City's Stormwater Ordinance requires that a built-upon area be at a minimum 75 feet landward stream buffer. A variance petition has been submitted by staff requesting a partial reduction from the 75 feet stream buffer requirements to a 50 feet buffer from the top of bank on existing creek.

**Consensus of Council was to direct staff to move this item forward to allow greenways in the buffer.**

**4.010 Discussion of the Interlocal Agreement on Homelessness with Cumberland County.**

Mr. Victor Sharpe, Community Development Director, presented this item and stated on February 22, 2016, City Council approved an Interlocal Agreement with Cumberland County concerning homelessness. The agreement was amended from the County's original proposal. The City's changes included only funding one position, the Data and Evaluation Analyst, and adding a member of City Council and the County Commissioners to the Homeless Advisory Committee. The motion to approve the Interlocal Agreement also included that the Council form a resolution with the County and Continuum of Care for providing a more formal structure for strategic goals and community efforts. Subsequently, at the Cumberland County Commission meeting on April 18, 2016, they voted not to take action on the Interlocal Agreement. However, they did vote to approve the hire of the Data and Evaluation

Analyst position to fully implement the Homeless Management Information System (HMIS). This item has been brought back to City Council to revisit the motion approved by Council for the Interlocal Agreement with Cumberland County on homelessness. The goal is to forward the Interlocal Agreement back to the County for full execution separate from the action of providing a more formal structure for strategic goals and community efforts on homelessness.

Discussion ensued.

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

#### **4.011 PWC Outsourcing of Fleet Maintenance Services**

Mr. Jay Reinstein, Assistant City Manager, introduced this item and stated the Fayetteville Public Works Commission (PWC) approved the outsourcing of their Fleet Parts to Mancon, LLC, of Virginia Beach, VA, during their April 12, 2017, Commission meeting. Only two bids were received, one from Mancon, LLC, and the other from Southeastern Automotive (NAPA). At the May 8, 2017, City Council meeting, City Council voted 7 to 3 not to accept the PWC Commissioner's recommendation to authorize their CEO/General Manager to enter into a contract with Mancon, LLC, to provide parts services to the PWC and the City's fleet operations. The PWC Commissioners, after careful deliberation at their May 10, 2017, meeting, have decided to defer any action until the City makes a decision related to the future service arrangement of PWC providing fleet services for the City of Fayetteville.

**Consensus of Council was to select three Council members to serve on the PWC Exploratory Committee to devise a way ahead and how to move forward. The three Council members selected to serve on the committee were Council Members Arp to serve as chair and Council Members Crisp and Mohn.**

#### **4.012 Prince Charles Holding ("PCH") Master Development Agreement Amendment and Prince Charles Hotel Temporary Construction Easement**

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated the City has executed a Master Development Agreement ("MDA") with Prince Charles Holding, LLC ("PCH"), relating to the stadium development and Prince Charles Hotel redevelopment projects and Festival Park Plaza sale. The MDA focused predominantly on land transactions. Additional amendments were anticipated. Staff will present the first amendment focusing on the management of the development of the plaza area of the project. In addition, PCH has requested a temporary construction easement for an area adjacent to the Prince Charles on land that the City acquired as a result of the MDA. Mr. Bauer stated the easement and amendment will be two separate items on the June 12, 2017, regular City Council meeting agenda.

**Consensus of Council was to direct staff to move the item forward and establish a temporary easement.**

#### **4.014 City Council Agenda Item Request - Transfer Center on Old Wilmington Road**

Council Member McDougald withdrew his request to have this item considered and requested it be addressed at a later date.

#### **4.015 City Council Agenda Item Request - Review Scoring of Street Paving Policy**

Mayor Pro Tem Colvin presented this item and asked if the street paving policy on scoring could be reviewed. He stated he had sent several photographs to Council members earlier today.

Council Member Crisp stated he would like to see a priority list. Mayor Robertson asked if staff could organize a road trip to look at some of the problem areas. Mr. Hewett responded staff could do that.

**Consensus of Council was to direct staff to move this item forward to the August 2017 work session.**

**4.016 City Council Member Agenda Item Request - Resolution to Support Cumberland County Ozone Advanced**

Council Member Mohn presented this item and stated Mayor Pro Tem Colvin and himself as members of FAMPO have agreed to sponsor this request for a resolution. He stated Ms. Denise Bruce on behalf of the Air Quality Stakeholders of the Fayetteville Area Metropolitan Planning Organization has requested a council resolution. She states "as part of Air Quality Awareness, we are seeking continued support of the Ozone Advanced program along with the adoption of the attached resolution at the next scheduled meeting. In addition to adopting the resolution, I would like to speak on the success of the Cumberland County Ozone Advance program."

**Consensus of Council was to direct staff to move this item forward and approve the FAMPO Resolution.**

**4.017 City Council Agenda Item Request - Development of a zoning overlay for a "River Walk District" along Cross Creek.**

Council Member Arp presented this item and stated he is seeking consideration of a development and implementation of a zoning overlay along the Cross Creek to the Cape Fear River for economic development that results in a "River Walk" business and entertainment district. City Council has expressed interest in creation of a "River Walk" environment for business and entertainment development alongside a moving water feature. The banks of the Cape Fear make this an improbable scenario. However, Cross Creek offers a viable alternative and a "River Walk" environment could be achieved that would tie in nicely with downtown improvements, Cape Fear Overlay District, and trails.

Discussion ensued.

**Consensus of Council was to direct staff to move this item forward and research if there is feasibility.**

**4.018 City Council Agenda Item Request - Shaw Heights, Next Steps**

Council Member deViere presented this item and stated he would like to know if there is interest to create an alternative course of action if NC House Bill 109 fails to pass this current legislative session to accomplish the same goals of the City of Fayetteville's Resolution.

Discussion ensued.

**Consensus of Council was to ask the Shaw Heights Committee to meet and discuss next steps and options.**



## **5.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:26 p.m.