

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

Present: Mayor Nat Robertson

Council Members Katherine K. Jensen (District 1); Kirk deViere (District 2) (arrived at 5:45 p.m.); H. Mitchell Colvin, Jr. (District 3) (arrived at 5:48 p.m.); 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) (arrived at 5:18 p.m., departed at 7:02 p.m., and returned at 8:01 p.m.)

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

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Rob Stone, Public Services Director
Cheryl Spivey, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Director
Giselle Rodrigues, City Engineer
Michael Gibson, Fayetteville-Cumberland Parks and Recreation Director
Kevin Arata, Corporate Communications Director
Randy Hume, Transit Director
Eloise Sahlstrom, Urban Designer
Kecia Parker, Real Estate Manager
Robert Van Geons, President and CEO, FCEDC
Mark Brown, PWC Customer Services Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Robertson called the meeting to order.

Mr. Scott Bullard, Emergency Management Coordinator, provided an overview of Hurricane Irma.

Mr. Douglas Hewett, City Manager, introduced Dr. Telly Whitfield, the new Assistant City Manager, and welcomed him to the City of Fayetteville.

2.0 INVOCATION

The invocation was offered by Council Member McDougald.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Mohn moved to approve the agenda.
SECOND: Council Member Jensen
VOTE: UNANIMOUS (6-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Council Update on the Pedestrian Master Planning Study

Mr. Rob Stone, Public Services Director, introduced this item and stated City Council's adopted FY 2016 Strategic Plan included a Target for Action to implement pedestrian safety initiatives. To meet this

direction, staff researched opportunities and learned that NCDOT was accepting grant applications for pedestrian and bicycle planning studies. On December 14, 2015, Council approved Resolution No. 2017-075 authorizing an application for grant funding through the NCDOT Bicycle and Pedestrian Planning Grant Initiative. On March 4, 2016, staff received notification of grant approval from the NCDOT Division of Bicycle and Pedestrian Transportation. City Council approved a municipal agreement at the regular meeting on August 8, 2016, to partner with NCDOT for funding of the study. The study began on April 20, 2017, with a kickoff meeting that included a diverse group of stakeholders and was led by our consultant, Stantec. The Comprehensive Pedestrian Plan will be an integral part of developing and executing a more complete pedestrian transportation system and will guide local and state efforts to improve conditions for pedestrians and other users of our transportation network. The results will assist the City to develop construction project priorities, recommend positive changes to local policies and guidelines, develop awareness initiatives, and identify opportunities for the implementation of education, enforcement, and safety programs. The Comprehensive Pedestrian Plan is being developed by NCDOT in coordination with City of Fayetteville staff and the consultant, Stantec. The total estimated project cost is \$110,000.00, with a required City funding match of \$55,000.00 to be submitted to the NCDOT upon execution of the Municipal Agreement.

Mr. Stone introduced Mr. J. Scott Lane, AICP, CPTED, Senior Transportation Planner, Community and Transportation, Stantec. Mr. Lane gave a presentation on the Pedestrian Plan with the aid of a PowerPoint presentation, and stated the presentation was included in the agenda packet.

Discussion ensued. Mayor Robertson and Council thanked Mr. Lane for the presentation.

4.02 Comprehensive Plan Update, ULI, Haymount, Medical Village

Ms. Eloise Sahlstrom, Urban Designer, presented this item with the aid of a PowerPoint presentation and stated City Council has directed staff to prepare an update to the 2010 Plan as a strategic priority in the 2016 Strategic Plan. Staffing for an in-house update was provided in the corresponding year's budget. At Council's direction, staff's approach for this update has been to study subareas of the City that are likely to undergo significant change over the next 20 to 30 years. The first subarea studied was the Cape Fear River. The River Plan and the River Overlay District were adopted by City Council on May 23, 2016. This was followed by the adoption of a rezoning action that implemented the land use component of the River Plan on June 27, 2016. A link to the River Plan is available on the City's website. The second element completed was the Resiliency Plan. Staff utilized the Cumberland County Climate Resiliency Plan and the Cumberland-Hoke FEMA Hazard Mitigation Plan in its development. The Resiliency Plan was adopted by City Council on May 22, 2017. A link to the Resiliency Plan is available on the City's website. Currently, two other subareas are being completed: the greater Haymount area and the VA Center area in the western part of the City. The VA Health Care Center area in the western part of the City is being referred to as the Medical Village subarea. Meetings have been held in the subarea and a significant amount of public input has been collected. In the Medical Village subarea, there appears to be support for utilizing the Regional Activity Center planning tool adopted by City Council to guide development toward creating a significant medical presence in the area in support of the VA Health Care Center and a proposed medical oriented training center on 60 acres of land owned by FTCC. Staff has developed the draft of the Medical Village Plan. If approved by the Planning Commission and City Council, staff will initiate overlays and other actions as necessary to implement the future land use portion of the plan. Staff will present the specific concepts for this subset area to the Planning Commission and City Council in September for adoption as a subset of the Comprehensive

Plan. Well-attended meetings have been held in Haymount and a Technical Assistance Panel from the Urban Land Institute convened and recently provided their recommendations. The following fundamental principles have emerged:

- Protect neighborhood character;
- Increase Haymount's walkability - initiate traffic calming and improve traffic;
- Enhance the economic vitality of the commercial core;
- Recognize and preserve Haymount's history and historic architecture; and
- Leverage the NC Civil War History Center.

Ms. Sahlstrom further stated staff is incorporating the recommendations of the ULI Report and is developing the draft of the Greater Haymount Area Study. Public hearings are expected to be scheduled in October 2017. If approved by the Planning Commission and City Council, staff will initiate infill regulations, possible overlays or new zoning district, rezoning, and other actions needed to implement the goals and objectives of the plan. Staff received assistance from the 96th Civil Affairs Division in other areas of the City that are upcoming areas to be studied, including Bonnie Doone, Massey Hill, and Shaw Heights. This land use information will assist staff in crafting plans for these subareas and expediting our work products in these areas. Additionally, staff anticipates that the Downtown Urban Design Element will commence in early 2018. Recently, the City received notification from the state that we will be receiving funding for this work which will be undertaken with the assistance of a consultant.

Discussion ensued.

Consensus of Council was to direct staff to bring this item back to the October 2, 2017, work session with recommendations of the next areas for study along with parameters and borders of those areas, and to include maps.

4.03 Phase V Annexation overlay process change

Ms. Giselle Rodriguez, City Engineer, presented this item with the aid of a PowerPoint presentation and stated the street system is one of the City's largest assets impacting every citizen, employee, emergency service personnel, commuter, and visitor. At times, this asset provides a refuge for utilities serving our neighborhoods, including water and sewer. Such utilities are currently being installed and/or improved as a City Council and PWC Commission initiative for Phase V Annexation. In addition to the utility work, the resurfacing of the impacted streets has been included in the recent annexation projects and future projects moving forward. After thorough review and consideration, City and PWC staff recommend that the overlay be removed from the annexation projects and added to the City's resurfacing contract under a financial reimbursement agreement. This change will provide a better quality product, increase longevity, and improve the efficiency of both projects. Recent changes to the City/PWC Phase V Annexation agreement included a stipulation that requires PWC to do a permanent patch; however, the PWC Commission voted to do and pay for the overlay above and beyond the requirements of the agreement for the upcoming projects (Area 20 and beyond). After thorough consideration and analysis, both City and PWC staff recommend that ample time be allowed for any settlement to occur once it has been subject to vehicular traffic. The contractor will then be responsible to correct any deficiencies for the warranty period of one year. Streets within the project area will be added to the City's Resurfacing Contract under a financial reimbursement agreement with

PWC and will be resurfaced within 18 months to 2 years after completion of the project.

Some of the potential disadvantages that emerge from this change are as follows:

1. Inconveniencing the residents of the project area twice; first with the utility installation and then with the overlay.
2. Potential complaints from the property owners about the street not being resurfaced and having to pay the assessment without that benefit.

Ms. Rodriguez further stated recognizing these valid concerns, staff believes that communication is the key. PWC currently has an effective communication plan to deliver information related to the utility installation projects in annexed areas. Partnering with PWC to include the message in the printed materials and at public meetings will keep the property owners aware of the process and sequence of events to expect. The City and PWC will have multiple opportunities to communicate with the affected residents of the City's paving schedule. Currently PWC does five separate mailings, holds three meetings in the community, and has a portion of its website dedicated to annexation related projects. By moving the overlay from the utility installation project to the resurfacing contract we expect the following benefits:

1. Addressing any settlement as it occurs, usually during the first 6 to 12 months after the project. By waiting to resurface the streets after this time period, repairs will not impact a newly paved road.
2. Extended pavement longevity by reducing maintenance needs. This is a result of allowing any potential settlement to occur and holding the contractor responsible.
3. Increasing the asphalt quantities on the resurfacing contract could result in lower prices per unit.
4. Better quality product to the citizens of Fayetteville.

Ms. Rodriguez further stated a financial reimbursement agreement will be executed by PWC for every project.

Discussion ensued.

Consensus of Council was to move this item forward.

Mayor Robertson recessed the meeting at 7:09 p.m. Mayor Robertson reconvened the meeting at 7:19 p.m.

4.04 Presentation of City-Owned Property List and Potential Disposal

Ms. Kecia Parker, Real Estate Manager, presented this item and stated Council Member Crisp submitted a request for staff to prepare and provide a list of City-owned property. That list of City-owned property, including property jointly owned by the County and the City which has been tax foreclosed and the County manages, PWC managed property owned in the City's name, and property held for the various departments within the City, has been updated and is available for Council review and discussion. Staff has created a City Inventory list that identifies properties that are in the City's name. Currently staff is going through the list of properties and identifying any parcels that could be considered surplus and adding which projects the parcels have been identified for. Staff has identified four parcels that Council may determine are surplus. They are 1613 Coley Drive, 2021 Newark Avenue, 127 Byrd Street, and the Festival Park Plaza building. The property on Newark Avenue was put

up for auction in October of 2016 and received no bids. Festival Park Plaza is scheduled to be sold in the near future. The North Carolina General Statute requires local municipalities to receive fair market value for any property they choose to sale as surplus. These strict rules make it hard for local municipalities to sell that property. Currently, Real Estate is working with the City Attorney's Office to try to develop a way to make the process more effective. For this reason the City does not generally have surplus property. Property that is tax foreclosed and on the list is identified as Cumberland County and the City and surpluses by the County in their role as tax administrator. PWC property is identified on the list but is managed by PWC's Real Estate Division, not by the City of Fayetteville. All other property is identified by the department it is assigned to. Community Development has all of the Economic Business Development departments. For example, 68 of the parcels listed are Murchison Road Catalyst Site 1. When the City purchases property there is a project associated with it such as a future park project, for example, River Park on Water Street or City Centre Business Park on Gillespie Street. The City also has many parcels that are along creeks which have been purchased as stormwater facilities later to be turned into creek trails for the Fayetteville-Cumberland Parks and Recreation Department. When requests are received by the public to purchase City property, the procedure is for the Real Estate Division to contact the director of the department the property is assigned to and determine if in fact the property should be sold or if the project it was purchased for is still a viable one. Staff has been working to develop an online portal that will allow easy access to the City's property inventory. If the identified surplus property is sold, it could be added back to the tax rolls.

Discussion ensued. No consensus was given.

4.05 Development of the Fayetteville-Cumberland Parks and Recreation Department Banner Policy

Mr. Michael Gibson, Fayetteville-Cumberland Parks and Recreation Director, presented this item with the aid of a PowerPoint presentation and stated at the January 26, 2016, Council work session, Mayor Robertson expressed interest in establishing a banner program based on events in the major corridors. Fayetteville State University (FSU) homecoming was an example of an event that may be interested in such a program. In April 2016, Parks and Recreation Department staff contacted local vendors to get general information on banners (i.e., hardware, price, and material). Research was completed by staff to gather examples of banners. In May 2016, Mr. Gibson stated he met with FSU to get clarity regarding banner interest. On October 14, 2016, the Parks and Recreation Department presented a PowerPoint about hardware to attach banners on power poles to the Gateway Committee. On December 5, 2016, the Gateway Committee discussed the parameters of the banners. The Committee agreed that the banners would be mounted on street lights and lamp posts at the same height. The streets to hang the banner would be decided on at a later date. On April 28, 2017, the Purchasing Department posted an Invitation to Bid on the installation of hardware for 200 gateway banners. At the May 2, 2017, Gateway Committee meeting, Mr. Gibson stated the request for proposals for the banner project has gone out and addendums were made to it to clarify the PWC stipulation that only licensed electricians are able to move electricity on the poles. Mr. Mark Brown, PWC Customer Relations, stated that in addition to having the language in the contract, that the contractor should be observed to make sure they comply. On May 11, 2017, the lowest vendor, All Signs and Graphics, quoted \$15,000.00 to install the hardware for 200 banners. On May 19, 2017, Mark Brown from PWC sent an email to Parks and Recreation confirming that PWC will do the initial installation of the banner brackets at no charge to the City. Installing and removing banners would be the responsibility of the entity requesting the banners. At the June 6, 2017, Gateway's meeting, it was requested that staff provide some design options and sample policies for allowing others to install banners on the City's hardware. At the Gateway's meeting on

August 1, 2017, Mr. Mark Brown, PWC Customer Relations, stated that the banners will have to go on street light poles because there are no exposed conductors which make it a safer installation and a cleaner look. Mayor Pro Tem Colvin, Chairperson, requested the Committee submit a policy recommendation to Council. The attached Banner Policy was created to address the need for hanging, changing, and replacing the banners. PWC has provided a map of all available poles for Council to choose where to install the hardware for 200 banners. In light of recent events regarding free speech, staff would like to perform additional due diligence before presenting Council with a final proposed policy on this issue. It may also be advisable to clarify how this policy works with the City's sign code. The cost of the brackets is within available budget. PWC has agreed to install them without charging the City General Fund. There is no funding identified to design or purchase banners, or to install and uninstall the same.

Discussion ensued.

Consensus of Council was to move this item forward.

4.06 Joint 911 and Emergency Operations Center Intergovernmental Agreement with Cumberland County

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated in March 2015, the Council authorized a partnership with Cumberland County to fund a study considering the co-location of City and County 911 Public Safety Answering Points ("PSAP"). That study was completed in February 2016 and presented to the City/County Joint Committee. The Needs Assessment and Programming studies recommended consolidation and that the City and County formed an Executive Steering Committee to explore financing, governance, and other key issues in pursuing that objective. The County Commission had a follow-up presentation of the report findings provided by the report author, MCP. The County subsequently expressed an interest in pursuing full consolidation of PSAP's and brought the issue to the City/County Joint Committee for consideration in May 2016. The Joint Committee voted to move the issue forward by creating an Executive Steering Committee as recommended by the study. A joint resolution was adopted by both policy bodies in June 2016. The City and County have jointly funded continuing support by MCP for the effort of developing a grant application to the 911 Board to support the communications consolidation portion of the project. That grant application was submitted, but on August 25, 2017, the 911 Board announced its decision to reject all grants. It will reopen the grant application process from September 15 to early December 2017. They stated that entities can re-apply if they can clear up identified issues and their new applications are consistent with their funding priorities--that is PSAP Consolidation. They specifically responded to questions regarding the Cumberland grant application stating that a clarity regarding governance, funding, and operational responsibility must be addressed for a further application to be successful. MCP has facilitated the work of 911 Consolidation Steering Committee, consisting of elected officials from each policy body, and a staff work group over the last several months. The work has focused on exploring issues such as location and governance that are elements of the grant application. That work, however, has not led to agreement between the parties. Cumberland County has been provided a copy of the IGA versions. They provided a response the morning of August 28, 2017. The agreement and clarity regarding the issues identified by the state 911 Board will be required in order for either entity to submit a successful grant application. There is time as that application will not be due until at least the end of November 2017. The information included for the CIP reflects contributions from all parties (City/County/PWC). For FY 18, the total projected is \$1,548,147.00, with \$465,371.00 to be funded from the City's General Fund, and the balance to be provided from the County (\$997,326.00) and PWC (\$85,450.00). The costs are allocated on a projected square footage basis based upon the preliminary study. This is likely to be

revised based upon the proposed agreement which proposes an allocation based on incidents. The FY 19 costs of \$20,663,038.00 are for the entire construction project, with the City to issue debt (part of the first group of projects for the proposed public safety bond), with each of the three parties funding the debt service costs on the basis of the facility square footage allocation. Finally, there is also a TIP project for FY 19 for \$6,704,674.00, proposed to be funded primarily from E911 grants (\$5,996,385.00) with the balance rolled into the use of bond proceeds with the debt service costs shared by the City and County. This budget impact analysis was based on preliminary estimates of project costs and the City taking operational lead and supporting a majority of the capital and operating costs.

Discussion ensued.

Consensus of Council was to direct the Deputy City Manager to continue to work with County staff towards having an agreement. Council Members Wright and Arp were absent from the consensus vote.

4.07 Downtown Parking Program Temporary Delegation of Authority

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated the construction of the stadium and associated redevelopment and development projects will have significant impact on parking availability downtown. Staff is recommending that the Council provide a temporary delegation to the City Manager during this construction period to temporarily revise fees and parking policy in the downtown area. If supported, staff will bring forward a bounded delegation to Council at a regular Council meeting for consideration. The pending demolition of the Maiden Lane, Amtrak, Prince Charles, and AIT lots (all currently owned by the City and open to the public) will displace over 500 current parking spaces. The most immediate challenges created thereby include satisfying minimum parking commitments under the Festival Park Plaza lease with Blue Cross Blue Shield, satisfying minimum parking commitments under the Amtrak lease, providing parking for City employees, and addressing the need for construction parking. Certain elements of the parking policy are currently enacted by City ordinance; parking fees for example. Staff is working on a number of strategies to address parking capacity long-term and will be initiating a downtown parking study this fiscal year. In the interim, however, there will be changes to fees and policy necessary or beneficial to address the issues above and others that may arise. Staff recommends that the Council delegate authority to make short-term adjustments with notice to the Council during the transitional period. With Council's support, staff will develop a bounded delegation proposal for Council consideration at a future regular meeting.

Discussion ensued.

Consensus of Council was to delegate the authority to staff; bringing this item back for formal consideration and approval at a future regular meeting.

4.08 City Council Member Agenda Item Request - Resolution in Support of Community in Action - Council Members Colvin and Wright

Mayor Pro Tem Colvin stated he was withdrawing this item and moving it to the October work session, as council Member Wright was unable to attend the meeting this evening.

4.09 City Council Member Agenda Item Request - Discussion of UDO Committee - Council Member Crisp

Council Member Crisp presented this item and stated it has been some time since the Unified Development Ordinance (UDO) has been reviewed and there have been some problems related to chain link fences, Haymont Grill, etc., and we need to put a task force together

to study the UDO and make recommendations for changes; we have to do better for user-friendly ordinances.

Discussion ensued pertaining to the composition of the proposed task force.

Consensus of Council was to determine in the near future what the composition of the proposed task force would be.

4.010 City Council Member Agenda Item Request - Additional Lighting and Cameras for City Parks - Mayor Pro Tem Colvin

Mayor Pro Tem Colvin presented this item and stated he is requesting Council support for additional lighting and cameras in our neighborhood parks, and basketball courts. Council Member McDougald stated we need to find the funding to support this initiative. Mr. Douglas Hewett, City Manager, stated staff will comprise a report to present to Council.

Consensus of Council was to move this item forward.

4.011 City Council Member Agenda Item Request - Transit Route 17 - Council Member Mohn

Council Member Mohn presented this item and stated he is seeking support from Council to consider the pros and cons of modifying FAST Route 17 by rerouting a portion of the outbound segment from Cliffdale Road to Hope Loop Road. Hope Loop Road has two schools, two recreation centers, and a new neighborhood Walmart.

Discussion ensued.

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

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:18 p.m.