

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE ROOM  
DECEMBER 3, 2012  
5:00 P.M.**

Present: Mayor Anthony G. Chavonne  
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:15 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite; (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present:

Ted Voorhees, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen McDonald, City Attorney  
Brian Meyer, Assistant City Attorney  
Dana Clemons, Assistant City Attorney  
Lisa Smith, Chief Financial Officer  
Scott Shuford, Development Services Director  
Bruce Daws, Historic Properties Manager  
David Nash, Planner II  
Rusty Thompson, Engineering and Infrastructure Director  
Lee Jernigan, Traffic Engineer  
Greg Caison, Stormwater Manager  
Bradley Whited, Airport Director  
Victor Sharpe, Community Development Director  
Jami McLaughlin, Downtown Development Manager  
David Winslow, Consultant  
William Grimes, Studio Cascade  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Chavonne called the meeting to order.

**2.0 INVOCATION**

The invocation was offered by Council Member Haire.

**3.0 APPROVAL OF AGENDA**

**MOTION:** Mayor Pro Tem Arp moved to approve the agenda with the addition of Item 4.7, closed session.

**SECOND:** Council Member Massey

**VOTE:** UNANIMOUS (10-0)

**4.0 OTHER ITEMS OF BUSINESS**

**4.1 Informational Briefing on Proposed Civil War Museum**

Mr. Bruce Daws, Historic Properties Manager, presented this item. He stated the Museum of the Cape Fear Historical Complex located at 801 Arsenal Avenue was part of the North Carolina Department of Cultural Resources, Division of State History Museums, and were supported in part by a museum foundation. He introduced Mr. David Winslow, Consultant, who was retained by the museum foundation to explore a new direction for the Museum of the Cape Fear.

Mr. Winslow stated a project such as this would traditionally take seven to ten years and hoped the ground breaking would begin in the spring of 2015. He further stated this would be an extraordinary state of the art facility and would be approximately 60,000 square feet. He announced the tentative name for the facility was the "North Carolina Civil War History Center". Council Member Bates inquired if the funding for the museum would come from the state level. Mr. Winslow responded the state would provide funding for the operation, staffing, and maintenance of the building.

Council Member Bates inquired what type of assistance was needed from the City. Mr. Winslow responded he would need a demonstration of local support.

#### **4.2 Community Development - Update on the Progress of the Downtown Plan**

Ms. Jami McLaughlin, Downtown Development Manager, introduced Mr. William Grimes, Studio Cascade.

Mr. Grimes presented this item with the aid of a power point presentation and stated they had spent time interviewing various stakeholders for the downtown, met with the Planning Commission twice, and were working to develop a draft of goals, policies, and action items. He announced a "Storefront Studio" would be held December 4-6, 2012, at 100 Hay Street, which would be a public workshop to solicit feedback on input received from various focus groups and the public on the vision, priorities, and aspirations. He reviewed the demographic snapshot of Fayetteville and stated the City was a slightly younger community which was mainly influenced by the presence of active duty military and was very racially diverse. He highlighted ideas and suggestions from the downtown stakeholders and stated partnering with Fayetteville State University would be a key element.

A brief discussion period ensued regarding living in the downtown area.

Mr. Grimes concluded his presentation by providing an overview of the Renaissance Plan questionnaire.

#### **4.3 Target for Action - Speed Limits: Review**

Mr. Lee Jernigan, City Traffic Engineer, presented this item with the aid of a power point presentation. He reported the City was maintaining approximately 730 miles of roadways and the North Carolina Department of Transportation (NCDOT) approximately 172 miles, which included most of the main routes through town. He explained NCDOT required municipal concurrence for speed limit revisions and the existing speed limit remained if there was no municipal concurrence. He further explained speed limits were determined by roadway characteristics such as roadway surface, land width, grade, horizontal and vertical alignment, traffic volume, and number of driveways. He advised that shoulder characteristics were also a determining factor and accident history and accident patterns could also warrant speed limit revisions. He further advised that a speed limit investigation could be initiated by an external customer request such as NCDOT, citizens, and elected officials or by an internal customer request such as Engineering and Infrastructure, Transit, and other departments. He stated speed limit investigations for City-maintained roadways were conducted by the Traffic Services Division of the Engineering and Infrastructure Department and NCDOT-maintained roadways were investigated by NCDOT Division 6, Fayetteville, Division Traffic Engineer. He further stated for newly annexed roadways the existing speed limit remained in effect until NCDOT revised the ordinance and requested the municipality concur with the change.

A brief discussion period ensued.

Mr. Ted Voorhees, City Manager, stated that staff had a best practice in place with regards to speed limits.

#### **4.4 Conversion of Private Streets to Public Streets**

Mr. Rusty Thompson, Engineering and Infrastructure Director, presented this item with the aid of a power point presentation and stated on October 8, 2012, Council requested staff investigate the process to convert a private street to a public street. He reported staff identified more than 691 private streets in Fayetteville for which the condition, length, or ownership were not known. He explained a process was not provided in the current ordinance for acceptance of existing private streets. He further explained the law would not allow expenditure of public funds on private properties. He reviewed the following five options:

##### **Option 1**

Legislative – G.S. § 160A-536 - An act to authorize cities to establish a municipal service district for the purpose of converting private residential streets to public streets.

1.A city may establish a municipal service district for the purpose of converting private residential streets to public streets if conditions in the statute are met.

2. A municipal service district, commonly referred to as a Business Improvement District, is a financing mechanism used to provide revenue for a variety of services that enhance, not replace, existing city services.

3. North Carolina has 49 improvement districts and is sixth in the nation for the most districts.

#### **Option 2**

1. Amend the Development Ordinance.

2. Any developer or property owner who desires to engage in one or more of the following shall be required to upgrade the entire private street to conform to the UDO standard for new private streets:

- a. If one or more lots are being added to an existing nonconforming private street;
- b. If subdividing a lot; or
- c. If extending or connecting to an existing nonconforming private street.

#### **Option 3**

1. Rescind the existing 1994 policy.

2. Create a new policy to include an assessment process that would cover the cost for the evaluation of the streets, design, property acquisition to include condemnation, and construction costs related to improving the street to an acceptable standard.

3. Include options for improvement the community could select upon petition such as paving with sidewalks and curb and gutter, paving with curb and gutter, strip paving with sidewalks with drainage ditches, and strip paving with drainage ditches.

#### **Option 4**

Include the paving/re-building of the private street during the water and sewer installation as an option and include in the assessment.

#### **Option 5**

Take no action and allow private property owners to improve/ maintain their private street as needed.

A discussion period ensued.

Mr. Voorhees advised this could be an item for Council to debate during the strategic planning process. He stated the City could take a progressive series of steps to rectify this issue beginning with the least amount of government involvement.

Council Member Applewhite stated she did not want this item to become a non-issue. Mr. Voorhees acknowledged that staff was in agreement that they had to invest in what they had now, and bring back some serious options for correcting the issue.

Consensus of Council was to place this item on the Strategic Planning agenda.

### **4.5 Consideration of Adoption of Revisions to Chapter 23, Article III, Stormwater Management Ordinance**

Mr. Greg Caison, Stormwater Manager, presented this item and reported the Stormwater Management Ordinance became effective January 2009 and established minimum requirements to control the adverse effects of increased stormwater quantity and runoff quality. He further reported changes were adopted in February 2012 to allow for additional state-mandated Phase II regulations, performance guarantee adjustments, and other technical revisions. He stated as City staff and users in the community continued to apply the ordinance and gain experience, administrative and procedural changes had been identified that could be refined and implemented to gain efficiencies for all users. He further stated City staff and affected users wrestled at times with matters surrounding the Best Management Practice (BMP) for installation and performance. He also stated the Homebuilder's Association approached staff to discuss continued concerns regarding the bonding process typically required for BMP performance guarantees, particularly in single-family residential subdivisions. He explained the performance guarantee effectively ensures that stormwater BMPs were constructed and installed according to engineering design. He stated users had expressed difficulty in obtaining financing for bonding without necessary permits as the process was currently written and staff agreed this could be unnecessarily burdensome. He further stated staff was also seeking to relax the performance guarantee on commercial properties since those projects were usually of short-

term duration and protected by the Certificate of Occupancy issuance process. He reviewed the following specific changes being proposed to make the performance guarantee process more user-friendly and less burdensome:

1.Single-family residential subdivisions. The performance guarantee now required for stormwater BMPs in single-family subdivisions was 75 percent of the estimated construction cost prior to issuance of a permit. Changes were proposed to require a performance guarantee of 100 percent of the total estimated construction cost of converting the erosion control measure to the stormwater BMP approved under the permit and due at the approval of final plat. The conversion cost was usually much lower than the initial construction cost.

2.Commercial Developments. The performance guarantee that was now required for stormwater BMPs on commercial properties would become more site specific. Requirements could be waived by the City Engineer if conditions were warranted thereby also eliminating the administrative requirements associated with the handling of the performance guarantee.

Mr. Caison concluded by stating the recommendation represented a procedural change that would be of little or no consequence to budget. He recommended Council set a public hearing for consideration and voting on the proposed revisions to the Stormwater Control Ordinance, Article III of Chapter 23 of the City Code of Ordinances.

A brief discussion period ensued.

Consensus of Council was to set a public hearing on the proposed revisions to the Stormwater Control Ordinance, Article III of Chapter 23 of the City Code of Ordinances.

#### **4.6 Hire Fayetteville First - Near Term Actions/Policy Revision**

Mr. Kristoff Bauer, Assistant City Manager, presented this item with the aid of a power point presentation.

Council Member Haire made opening remarks and expressed frustration that the item had been "kicked down the road" for the past three to four months since this initiative was introduced.

Mr. Bauer stated he was working with staff from the Public Works Commission and Information Technology and Finance Departments to finalize the web site and other related matters. He reported Council adopted City Council Policy No. 135.2, Hire Fayetteville First Jobs Creation Policy, on July 9, 2012. He further reported that staff presented a timeline and action plan for implementing the program at the September 4, 2012, work session and the timeline included the steps necessary to complete a disparity study as directed by the policy. He also reported that on October 1, 2012, the Council discussed the definition of "Locally Owned Businesses" to be used in the adopted policy. He stated staff developed the following definition based on that conversation: "Local Business shall be those that demonstrate they pay business, personal, or real property taxes to Cumberland County; hold a valid City of Fayetteville Privilege License if applicable; and have their principle place of business in Cumberland County or employ at least two Cumberland County residents at a place of business within Cumberland County". He stated at the November 5, 2012, work session, Council discussed and confirmed the definition of "Locally Owned Business" and staff presented a scope of work and cost estimate for the disparity study and recommending a \$300,000.00 budget amendment. He further stated the majority of Council present did not support moving forward with the budget amendment and requested staff instead return at the December 3, 2012, work session with the following:

- 1.Recommended revisions to City Council Policy No. 135.2 consistent with Council discussion; and
- 2.Identification of specific actions that could be taken in pursuit of improving accountability of City purchasing practices and easing and promoting participation of local businesses in that process.

Mr. Bauer presented a draft revision of City Council Policy No. 135.2 and stated the draft was intended to support Council's discussion.

Mr. Voorhees stated the process followed to this point seemed to miss a few fundamental steps. He stated the condition of current purchasing practices, Council and community concerns regarding the same, and clear objectives for the initiative all remained poorly defined. He stated staff would review a number of operational changes that could be implemented in January that

would provide significantly more information regarding the outcomes and participants in the City's purchasing system. He stated limitations of those efforts would also be discussed. He further stated the efforts could move forward even should the Council agree to step back slightly to engage in a more directed conversation regarding what was possible and what was desirable. He further stated there was an issue of scale as Fayetteville was the sixth largest City in the state but their scale of operation was not here, they grew very quickly and it would be hard to make adjustments, "you do not send in a battalion to do a brigade job", we need to resource and prioritize appropriately. He continued that they needed to bring in an expert consultant and have them build a program.

A discussion period ensued.

Consensus of Council was to have staff report back the estimated number of months and estimated amount of money it would take to move the project forward to become operational.

#### **City Manager's Report**

Mr. Ted Voorhees, City Manager, presented this item and announced the following:

- The employee survey was completed and a report of the findings would be provided to Council.
- The Comprehensive Annual Finance Report was provided to Council this evening, appreciation was extended to the Finance Department and Print Shop.
- Meeting and working with Interim Police Chief Katherine Bryant and the Assistant City Manager on the issue of gun violence. There would be a press conference at 1:00 p.m. on December 6, 2012, outside the Police Department.
- Great progress was made toward narrowing down the candidates for selection of a Police Chief.
- Conversations took place with PWC staff pertaining to the strategic planning process and the City using a different facilitator.

#### **4.7 Closed session for the purpose of discussing litigation in the matter of *Matthew Bases v. Vernia Murchison*.**

**MOTION:** Mayor Pro Tem Arp moved to go into closed session.

**SECOND:** Council Member Massey

**VOTE:** UNANIMOUS (10-0)

The regular session recessed at 8:15 p.m. The regular session reconvened at 9:15 p.m.

**MOTION:** Council Member Hurst moved to go into open session and to approve the settlement of the *Matthew Bases v. Vernia Murchison* case for \$30,000.00.

**SECOND:** Council Member Bates

**VOTE:** UNANIMOUS (10-0)

#### **5.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:15 p.m.