

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE ROOM  
OCTOBER 6, 2014  
5:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kady-Ann Davy (District 2); H. Mitchell Colvin, Jr. (District 3); Robert T. Hurst, Jr. (District 5); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp (District 9) (arrived at 5:15 p.m.)

Absent: Council Members Chalmers McDougald (District 4); William J. L. Crisp (District 6)

Others Present:

Theodore L. Voorhees, City Manager  
Kristoff Bauer, Deputy City Manager  
Rochelle Small-Toney, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Karen McDonald, City Attorney  
Rusty Thompson, Engineering and Infrastructure Director  
Brad Whited, Airport Director  
Scott Shuford, Development Services Director  
Harold Medlock, Police Chief  
Gizelle Rodriguez, City Engineer  
Brian Meyer, Assistant City Attorney  
Jeff Bradford, Assistant City Attorney  
Karen Hilton, Planning and Zoning Manager  
Craig Harmon, Sr., Senior Planner  
Russ Rogerson, The Alliance Vice President  
Doug Peterson, Chamber of Commerce President  
Pamela Megill, City Clerk  
Members of the Press

#### **1.0 CALL TO ORDER**

Mayor Robertson called the meeting to order.

#### **2.0 INVOCATION**

The invocation was offered by Council Member Wright.

#### **3.0 APPROVAL OF AGENDA**

**MOTION: Council Member Hurst moved to approve the agenda.**

**SECOND: Council Member Wright**

**VOTE: UNANIMOUS (7-0)**

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

##### **4.1 Airport - Airport Master Plan Update - Part I - Airline Terminal Area Brief**

Mr. Brad Whited, Airport Director, introduced this item and stated the FAA has funded the Airport Master Plan Update - Part I Airline Terminal Area, which will allow the City to plan for a \$25 million facility upgrade. Mr. Whited introduced representatives from Talbert & Bright Consulting Engineers, The Wilson Group, and Gordon Johnson Architecture and stated they are here this evening to brief the City Council on the current status.

Mr. Travis Pence, Wilson Group Aviation Architects, Partner, provided an overview of the opportunities and challenges facing the Fayetteville Regional Airport and stated Airport Security and Airline Operations have changed dramatically since the original terminal construction in 1969 and the expansion of 1987. The aging buildings with aging architectural, mechanical, electrical, and communications systems are problematic. There are passenger screening and queuing space limitations, baggage screening equipment and ticketing lobby space limitations, aging/degraded architectural wall panel, glazing, curb front canopy and storefront systems, aging passenger boarding bridge and baggage claim equipment, aging and limited capacity vertical transport (stairs, elevators and escalators), and there are ADA improvements needed.

Mr. Pence stated the purpose of the study is to quantify existing and future airport activity, determine facility requirements to support demand, describe existing and future terminal area facilities, analyze terminal building and terminal area options, prioritize and phase terminal area improvements, prepare construction cost opinions, and prepare terminal area drawings.

Discussion ensued.

Consensus of Council was to move forward with this item and direct staff to continue to engage with the engineers and architects to find quantifiable energy efficiencies.

#### **4.2 NCDOT's Transportation Project Prioritization Update**

Mr. Lee Jernigan, Traffic Engineer, introduced Mr. Greg Burns, P.E., NCDOT Division 6 Engineer. Mr. Burns presented this item with the aid of a PowerPoint presentation and stated NCDOT is in the process of reviewing and prioritizing transportation projects as a result of the Strategic Transportation Investments (STI) law. STI created the Strategic Mobility Formula which uses quantitative data in addition to local input when scoring projects. NCDOT will be finalizing scores in the next couple months and determining which projects will be funded in the draft Statewide Transportation Improvement Program and will be presenting information about how local transportation projects scored in this process. Mr. Burns highlighted the list of regional needs projects of the district and the division needs projects. Mr. Burns provided a handout that included a chart that detailed the prioritization schedule for 2014 through June 2015.

Discussion ensued.

Mayor and Council thanked Mr. Burns for the update. Mayor Robertson stated his office is in regular contact with Mr. Burn's office.

#### **4.3 Private Streets Study**

Mr. Rusty Thompson, Infrastructure and Engineering Director, introduced Mr. Jeff Bridle, Construction Manager, and said Mr. Bridle was also available to answer questions pertaining to this item. Mr. Thompson presented this item with the aid of a PowerPoint presentation and stated previous Council asked staff to conduct a study to determine the amount of private streets that are in the City along with the type and condition. Council also asked staff to provide recommendations as it relates to policy to change private streets from privately maintained to City maintained. In addition, Council had interest in the estimated cost to improve these streets to a level the City would accept for maintenance. Some of the issues identified with this process are existing/future utilities, private property versus public right-of-way, construction methods and drainage. Another question identified in prior discussions related to how the private streets would compete against others waiting to be resurfaced currently maintained by the City. This project was funded in the Capital Improvement Program (CIP) for \$90,000.00 and our actual contract cost was \$44,220.00. Mr. Thompson stated the evaluation process consisted of the Pavement Surface Evaluation and Rating Process used that was very similar to our current public street process. The data collected included all surface types, number of existing homes, businesses, are sidewalks present, drainage issues, and emergency accessibility. The asphalt streets were based on a 1-10 scale with 10 being the highest. The gravel and unimproved (soil) streets were based on a 1-5 scale with 5 being the highest. Mr. Thompson stated the roads studied were 62.2 miles of mostly residential (included apartment complexes) asphalt streets with an average condition of 5. The highest rating was 8; 5.8 miles of gravel streets with an average condition of 3, 9.8 miles of unimproved (soil) streets with an average condition of 3, 25.5 miles of gated (private community) streets not rated, and 32.0 miles undeveloped(not built) not rated. Mr. Thompson provided photographs of samples of the data (asphalt, gravel, and soil streets). Mr. Thompson provided an overview of the private asphalt street proposal and stated it would require that a private street dedicate at least 40 feet of public right-of-way to qualify for assistance to improve the street to City standards and submit a petition to be assessed for the costs associated for City acceptance. The City would assist by designing, repairing, or administering the necessary work. This cost could be recovered through an assessment or municipal service district. Cost would be determined on a case-by-case basis due to the variables with the infrastructure. The gravel/soil street acceptance proposed policy would

require that a private street dedicate at least 40 feet of public right-of-way, submission of a petition requesting City acceptance for annual maintenance to provide access for emergency response. The petition would include agreement for assessment once the road is paved. The City's maintenance would consist of grading the road a minimum of once per year. Mr. Thompson concluded by stating the estimated cost to improve private asphalt road to meet City standards for acceptance is \$13.6 million, and the estimated cost to improve gravel/soil roads to meet City standards for acceptance is \$9.3 million.

Discussion ensued.

Consensus of Council was to direct staff to prepare a letter and brochure, similar to the Onslow County letter and brochure, and have staff identify the dangerous roads (pertaining to slides 8 and 9) and bring this item back to Council in policy format.

#### **4.4 Combat Wounded/Purple Heart Reserved Parking Signs**

Mr. Lee Jernigan, Traffic Engineer, presented this item and stated the Wounded Warriors Family Support Foundation donated 50 Combat Wounded/Purple Heart Reserved Parking Signs to the City for our distribution to business and parking lot owners. The signs can be posted by the business to reserve a parking space for combat wounded service men or women. The signs will be distributed on a first-come first-serve basis by the Traffic Services Division. Each business owner will be limited to one sign in order to equally distribute the signs. Business owners can contact Traffic Services and receive an application. The completed application will be returned to Traffic Services and reviewed for approval. After approval of the application, the business owner can pick up their sign. The business owner will then be responsible for installing their sign. The application process is being implemented due to the Wounded Warriors Support Foundation's requirement to know the locations of the posted signs. Engineering and Infrastructure staff has also coordinated with Corporate Communications to develop a Marketing Plan outlining notification to the public and the process to apply for the signs. This is an opportunity to distribute signage to local businesses to provide reserved parking for combat wounded service men or women in the area. There is no budget impact with the distribution of the 50 donated signs. An additional 24 signs were purchased by the City to install at various City-owned facilities. These signs were purchased using funds from the Engineering and Infrastructure operating budget, therefore there is no additional budget impact. Mr. Jernigan concluded his presentation by stating he and his staff plan to start implementing this program later this week.

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

#### **4.5 Proposed text amendments to Chapter 24-Article II - Excavations in the Right of Way**

Ms. Gizelle Rodriguez, City Engineer, presented this item with the aid of a PowerPoint presentation and stated Article II of Chapter 24 of the Code of Ordinances was adopted in 1999. Our streets system is one of the City's largest assets impacting every citizen, employee, emergency service personnel, commuter, and visitors. Its condition affects our quality of life, efficiency, timely response, national ranking, and benchmarks. In 2013, 985 excavation permits were issued and 720 in 2014 so far. Most permits are obtained on a "per block" basis, meaning that more than one cut is permitted. There is a need to improve the overall condition of our streets. The proposed amendments will encourage good planning, improve communication, improve notification to the City, improve aesthetics and reduce the degradation to our streets. It will allow the City to require restoration when the street has been degraded more than 25 percent between intersections, extend warranty period, and protect the streets that have been resurfaced or constructed in less than three years. Utility cuts are degrading our infrastructure at an unsustainable rate. Improved standards will add a layer of protection that the current ordinance does not. Amendment to this article will also impact the operations of our crews. Additional cost for compaction and restoration will be included in the budget. Ms. Rodriguez provided an overview of the proposed amendments:

- Groundcover properly established no later than seven days, currently not addressed.

- Repairs requested by City must be completed in 30 days, currently 10 days.
- Proper compaction or flowable fill, currently not addressed.
- All work performed with appropriate traffic control, currently not addressed.
- Eliminate bond requirement, currently bond is required.
- Repairs to be guaranteed until roads are resurfaced, currently 36 months.
- Excavation shall be restored as determined by City, currently optional.
- Any street that is degraded 25 percent or greater between intersections shall be overlaid with a minimum of 1 1/2 inch of asphalt for the entire length between the intersecting streets. Temporary patch for one year to allow settlement prior to final asphalt layer. Warranty required for one year. No utility will be exempt, currently not addressed.
- Steel plating could be considered during periods of no work activity. Limited to two days unless otherwise approved, currently not addressed.
- No permits if street has been constructed or resurfaced in less than three years. Exceptions could be allowed for emergency work with acceptable justification. If an exception is granted the degradation cost will be five times the standard fee, currently not addressed.
- Compaction test required for any utility installation on new roads or existing roads scheduled for resurfacing within 12 months, currently not addressed.
- No additional permits will be issued for any utility until it is in compliance with the provisions of this article.
- July 1, 2015 - Utilities to account for additional cost as part of their budget process, including ourselves (i.e., storm drainage and signal loops).

Discussion ensued.

Consensus of Council was to direct staff to move forward with this item and bring it back to Council for further discussion (meeting date not specified).

#### **4.6 Upcoming text amendments for the Development Code (Chapter 30)**

##### **Tobacco Shops**

Mr. Craig Harmon, Senior Planner, presented this item and stated the regulation of tobacco shops began at the request of the Police Department to help reduce the numbers and negative impacts on the community. Approximately 62 such stores were responsible for 1,300 calls for service (CFS) during a recent 18-month period, with 10 stores responsible for over half the calls. The Police Department is pursuing nuisance cases with two of the stores, but such an approach is so time-consuming as to be limited in its effectiveness. Although the impact through zoning regulation is slower, the City of Greenville recently enacted an ordinance to help restrict the numbers and locations of such stores. Staff has drafted the proposed ordinance using Greenville's regulations as a basis. To slow the rapid increase in number of stores and minimize their negative impacts on schools, parks, churches, day cares, and residential areas, some key features of the draft regulations are:

1. Defining cigar bars, hookah bars, three classes of tobacco shops, and related aspects of such uses;
2. Using spacing and, possibly, hours of operation;
3. Prohibiting certain classes of tobacco shops in neighborhood commercial or downtown zoning districts and amortizing those that already exist;
4. Requiring approval as a special use permit (SUP) for certain uses; and
5. Allowing only three months for vacant nonconforming shops to reopen.

Mr. Harmon stated at the recent Planning Commission meeting, members asked staff to research and consider the following adjustments. Additional guidance from the City Council is sought prior to preparing the final draft for hearings.

Consensus of Council regarding Tobacco Shops was to direct staff to move forward with this item and bring it back to Council for further discussion and direction.

##### **New Overlays for Activity Centers**

Ms. Karen Hilton, Planning and Zoning Manager, presented this item and stated two upcoming amendments create new overlays for activity centers along major corridors. They are part of the bundle of tools in the "Redevelopment Toolbox". Having grown out of the work on

Phase II of the Ramsey Corridor plans, the overlays help implement the adopted corridor plans. The Suburban Activity Center Overlay (SACO) emphasizes the more compact, intense, urban form of mixed use or commercial development and/or redevelopment on the corridors. The Regional Activity Center Overlay (RACO) emphasizes the compatible, complementary uses that define the proposed center and the development features unique to those uses. In both overlays there is additional administrative flexibility, and certain standards may be reduced as incentives. Ms. Hilton concluded by stating the fourth amendment will involve a handful of smaller but important changes. The ordinance is still being drafted that will allow signs in the median on private streets and, under certain, limited circumstances, in public medians; will limit the number and placement of utility trailers in residential districts, and will modify fence standards to improve practicality in certain circumstances and adjust setbacks and landscaping requirements.

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

#### **4.7 Demolition Ordinances on Consent Agenda**

Consensus of Council was to defer this item to the City Council October 22, 2014, agenda briefing meeting and to place this item on the October 27, 2014, regular meeting, under the consent section of the agenda.

#### **4.8 Renewal of an Agreement between the City of Fayetteville and the Fayetteville-Cumberland County Chamber of Commerce for Economic Development Services**

Ms. Rochelle Small-Toney, Deputy City Manager, presented this item and stated the City of Fayetteville has contracted with the Fayetteville-Cumberland County Chamber of Commerce for economic development services since 2009. In 2012 The Fayetteville-Cumberland Chamber of Commerce established The North Carolina Alliance as its economic development division. The Alliance, in partnership with the City of Fayetteville, Cumberland County, and the Chamber of Commerce, work diligently to maximize our local talents and resources that promote opportunities for new industries and businesses to locate or expand in our community. The City of Fayetteville financially supports the mission of The Alliance and allocates funding in its General Fund and its Public Works Commission. The most previous Agreement expired on June 30, 2014. In order to continue funding The Alliance it is a requirement for the City Council to authorize a new Agreement. The proposed Agreement provides for an allocation of \$100,000.00 from the General Fund and \$315,000.00 from the Public Works Commission for a total level of annual support of \$415,000.00, beginning in FY 2015. This funding level was approved by City Council in the adoption of the FY 15 Budget. The proposed Agreement has an automatic annual renewal clause for an additional two years. There are no changes between the last Agreement (2011) and the proposed Agreement. Additionally, Exhibit A is attached to the Agreement and outlines the program focus areas for the City of Fayetteville for FY 15. These focus areas are incorporated in The Alliance's Work Plan. The Alliance updates the City Council quarterly on the progress that they are making on these focus areas. In Years 2 and 3, the City of Fayetteville and The Alliance may change the focus areas to reflect the objectives for each year and will report this information to City Council. No Council action is needed in Year 2 or 3, pending no change in the Agreement. Funds are budgeted and available in FY 2015 in the amount of \$100,000.00 from the City of Fayetteville's General Fund and \$315,000.00 from the Public Works Commission to support The Alliance's economic development initiatives.

Discussion ensued.

Consensus of Council was to approve the contract as is, for a six-month term only and make payment retroactive from July 1, 2014, and direct staff to return this item to Council for further discussion at the November 3, 2014, work session.

#### **4.9 Forfeiture Funds Grants for Mentoring Month**

Mr. Harold Medlock, Police Chief, presented this item and stated October has been identified as "Crime Prevention" and "Mentoring Month" as many community organizations are working to increase participation in community youth mentoring programs. The City does not have a mentoring program. It is permissible to utilize federal forfeiture funds to subcontract with community nonprofit organizations to provide crime intervention programs. Staff proposes to

use a portion of these funds to provide one-time support for a number of youth intervention and mentoring programs beginning in October. Staff proposes to solicit program proposals and funding request beginning on Tuesday, October 7, 2014, through Friday, October 17, 2014.

Programs will be considered based on the attached criteria and awarded funds in priority until the identified resources are fully allocated. The programs will be scored and ranked by Crime Prevention staff with a final recommendation by the Police Chief. Service contracts for the provision of the proposed programs will be developed with each agency and executed by the City Manager to ensure accountability and grant compliance. Staff has identified \$55,000.00 in federal forfeiture funds for this purpose. No budget amendment is required at this time. Chief Medlock concluded by stating no formal Council action is required for this effort to move forward. This use of forfeiture funds is appropriate and the modest funding agreements are within budget and administrative signature authority.

Discussion ensued.

Consensus of Council was to move forward with this item.

#### **4.10 City Council Agenda Item Request - Local Option Sales Tax**

Council Member Mohn introduced this item and asked for Council consensus to direct staff to ask our local delegation to introduce bills in the North Carolina House and Senate to allow Fayetteville to have a 1/4 cent local option sales tax for our fiscal year 2016 budget and following years.

Mr. Ted Voorhees, City Manager, stated that the General Assembly has been reluctant to grant local sales tax options to independent municipalities.

Council Member Kathy Jensen, stated she was opposed to the local option sales tax, as it would deter shoppers from coming to Fayetteville.

Consensus of Council was to instruct staff to put a proposal/presentation together for the November or December City Council work session, and try to schedule a meeting with our legislative delegation in the meantime.

#### **4.11 City Council Agenda Item Request - Review of Contracting Process**

Council Member Colvin introduced this item and stated he was seeking consensus from Council to direct staff to provide a presentation that reviews the procurement process.

Consensus of Council was to direct staff to provide a presentation on the procurement process at the December 1, 2014, City Council work session.

### **5.0 CLOSED SESSION**

**MOTION: Council Member Colvin moved to go into closed session for consultation with the attorney for an attorney-client privileged matter.**

**SECOND: Council Member Arp**

**VOTE: UNANIMOUS (8-0)**

The regular session recessed at 9:15 p.m. The regular session reconvened at 9:30 p.m.

**MOTION: Council Member Mohn moved to go into open session.**

**SECOND: Council Member Arp**

**VOTE: UNANIMOUS (8-0)**

### **6.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:30 p.m.