

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE ROOM  
FEBRUARY 5, 2015  
5:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kady-Ann Davy (District 2) (arrived at 5:36 p.m.); 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) (arrived at 5:20 p.m.)

Others Present:

Theodore Voorhees, City Manager  
Kristoff Bauer, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Karen McDonald, City Attorney  
Harold Medlock, Police Chief  
Rusty Thompson, Engineering and Infrastructure Director  
Dwayne Campbell, Chief Information and Technology Officer  
Bradley Whited, Airport Director  
Scott Shuford, Development Services Director  
Brian Meyer, Assistant City Attorney  
Michael Gibson, Parks, Recreation and Maintenance Director  
Elizabeth Somerindyke, Internal Audit Director  
Tracey Broyles, Budget and Evaluation Director  
Craig Harmon, Senior Planner  
Steven Blanchard, PWC CEO/General Manager  
Dwight Miller, PWC Chief Financial Officer  
Mark Brown, PWC Customer Relations Director  
Eric Stumph, Project Manager, Talbert & Bright  
Hannah Ehrenreich, Executive Director, Sustainable Sandhills  
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 Mohn moved to approve the agenda.**

**SECOND: Council Member Wright**

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

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

##### **4.01 Final Brief: Airport Master Plan Phase I (Airline Terminal Area Conceptual Plan)**

Mr. Bradley Whited, Airport Director, introduced Mr. Eric Stumph, Project Manager, Talbert & Bright.

Mr. Stumph presented this item with the aid of a PowerPoint presentation and stated in August 2014, the FAA provided grant funding for the Airport Master Plan, Phase I, Airline Terminal Area. The focus of Phase I is to produce concept drawing to improve efficiency of space, passenger flow, and planning cost estimates. Mr. Stumph provided an overview of the recent project activities that included two additional meetings with stakeholders and the Airport Commission; coordination with airlines, TSA, Airport and FAA; structural, fire protection, HVAC, and plumbing system reviews; energy efficiency review and analysis; and refinement of terminal improvements concept. Mr. Stumph stated the next steps are to prepare the final planning report, to continue working with the FAA to refine the terminal improvements program scope, to

continue working with the FAA to secure federal funding, to continue planning for local share of program cost, and to develop the project phasing and schedule. Mr. Stumph provided maps of proposed parking expansion and loop road modules.

Mr. Whited stated Fayetteville Regional Airport expects the FAA to issue a design grant in July or August of 2015. At that point, City Council will be asked to approve the design grant and authorize the airport's 10 percent matching funds. Bidding is anticipated in mid-2016 prior to the FAA issuing approximately \$7 million in August of 2016 and approximately \$13 million in August of 2017, both construction grants and construction contracts will require approval by City Council.

Discussion ensued.

This item was for information only. Mayor Robertson thanked the members of the design team for the presentation.

#### **4.02 Annual Air Quality Report**

Mr. Jerry Dietzen, Environmental Services Director, introduced Ms. Hannah Ehrenreich, Executive Director, Sustainable Sandhills.

Ms. Ehrenreich presented this item with the aid of a PowerPoint presentation and stated the City of Fayetteville participated in EPA's Early Action Compact between 2000 and 2008. This was a program to report air quality levels to the community and recommend actions to improve our air quality with a goal of attaining and remaining in attainment of EPA's 2008 ground level Ozone requirement of .075 parts per million. In the Early Action Compact, a member from each of the County's municipalities was nominated to serve on the Air Quality Stakeholders committee. Cumberland County and its municipalities developed a staff committee to make recommendations, do the work and to recommend actionable items for the Air Quality Stakeholders to take back to their respective boards for action. Later the staff members of the municipalities and Cumberland County combined to form the Combined Air Team (CombAT). Cumberland County has managed to remain in attainment with the EPA ozone levels to date. The City Council voted by resolution on September 4, 2012, to join the Ozone Advance Program of Cumberland County. The Ozone Advance Program is a voluntary program, similar in nature to the Early Action Compact and allows Cumberland County to work with its municipalities to recommend programs that will improve our air quality and attempt to remain in compliance at the onset of the new EPA ground level Ozone requirements. A list of possible strategies developed in November 2012 included increased efforts in urban reforestation, promote/support local food efforts, promote alternative energy production, and explore use of alternative clean-burning fuels for vehicles and equipment. The EPA is set to lower the ground level Ozone to a level within the range of 0.065 to 0.070 parts per million (ppm), and to revise the secondary ozone standard to within the range of 0.065 to 0.070 ppm for a three-year period average. The EPA will have several hearings in January 2015 about the proposed ozone level and will take comments until March 17, 2015. The decision to amend the limits will be made sometime following that date. Being in nonattainment will impact the community by triggering control measures for new businesses and those businesses wishing to expand. Additional restrictions will apply to the fuel types we use which will increase our cost of doing business. Ms. Ehrenreich concluded the presentation by announcing the Air Quality Stakeholders meeting will be held at 6:00 p.m. on February 12, 2015, at the Historic Courthouse.

Discussion ensued.

This item was for information only. Mayor Robertson thanked Ms. Ehrenreich for the presentation.

**4.03 An ordinance to amend Chapter 30, Unified Development Ordinance, to establish regulations regarding tobacco oriented businesses, to create definitions for cigar bar/lounge, cigarette tobacco, electronic cigarettes, hookah cafés, pipe tobacco, roll-your-own tobacco, shisha, smokeless tobacco and tobacco shops and to assign cigar bar/lounges, hookah cafés, and tobacco shop uses to zoning districts. (This item was tabled from the Council's December 8, 2014, agenda.)**

Mr. Craig Harmon, Senior Planner, presented this item with the aid of PowerPoint presentation and stated this item was tabled from the Council's December 8, 2014, agenda to allow additional negotiation with affected businesses to occur. Positive progress has been made with several business owners who have expressed willingness to work voluntarily with the Police Department to address issues of concern by adding police-monitored cameras and removing temporary window signs that block visibility into the shops. Some of the issues of concern are not able to be addressed by zoning regulation. For example, the sale of loose cigarettes is a criminal offense, not something that can be affected by zoning standards. We can, however, use zoning to classify types of tobacco shop uses to gain more control over locations where smoking paraphernalia like bongos are sold. From our conversations with cooperating business owners, it appears that there is general acceptance of much of our proposed ordinance, with the chief areas of concern being the inclusion of vapor shops in the regulations and the amortization provisions. Shop owners are now better educated with regard to steps they can take to minimize or even eliminate the application of these regulations to their operations. City staff has already removed vapor shops from regulation. As to amortization, there are a variety of options that can be pursued; however, staff suggests that the amortization provisions be removed and the ordinance be allowed to work for a period of 18 months to observe its effectiveness. If problems still exist in the Neighborhood Commercial and downtown areas where amortization was proposed, such a step can be reconsidered. Staff does suggest an addition to the Special Use Permit requirements for new tobacco shops which would require such permits--the requirement that police-monitored cameras be installed as recommended by the Police Department. Mr. Harmon stated it is important to note this provision would only apply to certain newly-established tobacco shops, not to existing ones where such camera installation would be voluntary. Mr. Harmon concluded his presentation by stating if Council is amenable to these suggested changes, staff will make the adjustments to the ordinance and bring it forward for Council approval.

Discussion ensued pertaining to security cameras.

Consensus of Council was to direct staff to work on further amendments to the ordinance (pertaining to security cameras) and to bring this item back as a public hearing item in March 2015.

#### **4.04 Recommended Capital Improvement and Information Technology Plans for Fiscal Years 2016 through 2020**

Mr. Rusty Thompson, Engineering and Infrastructure Director, presented this item with the aid of a PowerPoint presentation and provided an overview of the process for Capital Planning, Informational Technology Planning, and Capital Funding Planning. Mr. Thompson provided the Capital Improvement Plan definitions, and provided an overview of the additional fund balance to be appropriated in the General Fund for three projects in the current fiscal year (street resurfacing, bridge replacements, and temporary fire station 16). Mr. Thompson listed the FY 2016-2020 CIP project highlights.

Mr. Dwayne Campbell, Chief Information and Technology Officer, gave an overview of the ITP project definition, goals, planning process, and ITP benefits to date.

This item was for information only.

#### **4.05 Fayetteville Public Works Commission Draft CIP Budget for FY 2016**

Mr. Steven Blanchard, PWC CEO/General Manager, presented this item with the aid of a PowerPoint presentation and stated the City Manager had requested that the Fayetteville Public Works Commission (FPWC) provide information to the City Council on its FY 2016 Capital Improvement Program (CIP). While the FY 2016 CIP has not been finalized, nor has the FPWC approved the updated program, we are furnishing preliminary information on FPWC's CIP for FY 2016. Review by the FPWC will occur at a later date along with a funding plan. Each year FPWC updates its six-year CIP documents. We provide plans for capital projects for the new fiscal year's budget plus five years of projected projects and cost. These documents are normally finalized in conjunction with the operating budget for the new fiscal year. Funding availability is determined at that time for each project and a project may be expedited, delayed,

or cancelled at the time of final review. This presentation is an opportunity for the City Council to review FPWC plans and provide input for the FPWC's consideration. Mr. Blanchard provided an overview of CIP funding, Plant/System Improvements, Smart Grid-Connect, Annexation, Rehabilitation, NCDOT Projects, Sub-Stations/Electric Systems, Lighting, New Services, City of Fayetteville Projects, and Building and Improvements.

Discussion ensued.

This item was for information only. Mayor Robertson thanked Mr. Blanchard for the presentation.

#### **4.06 EnCode 360 - Introduction to the web-based City Code**

Ms. Karen Hilton, Planning and Zoning Manager, presented this item with the aid of a PowerPoint presentation and stated maintenance and use of Chapter 30 in MuniCode created numerous problems for anyone who depended on easy and timely access to any part of the current standards. The City initially used "VIC" for a parallel, web-based version that was very well received by staff and the development community. However, it did not have the range of features or capacity for the closer integration with GIS. EnCode was developed by a nationally recognized planning firm and thus anticipates the unique needs such as graphics, calculations, and links to GIS associated with the development code portion of City Codes. Greensboro recently celebrated the move of its development standards from MuniCode to EnCode.

Greensboro did not opt for the link with MLS at start-up but is considering it as a future feature. The two critical features that MuniCode does not provide are the ability to move around within Chapter 30 and the importance of receiving updated standards quickly. In MuniCode, except for going to the start of each of the nine articles in Chapter 30, the user must go through it page by page to find the relevant sections. At best, MuniCode incorporates the amendments on a quarterly basis. In EnCode, the user can quickly see the range of subsections and immediately move to any one of them, or jump to another section referenced within the standards. It can be updated as quickly as the day following action by the City Council on an amendment that has been drafted within EnCode. EnCode not only solves those problems for Chapter 30 but also makes other sections of the City Code as accessible. The same abilities exist for other departments to customize and enhance use of relevant sections of the Code, such as by adding examples, calculations, or links to videos or handbooks. Public release, including emailed notifications to the local development community, presentations to local professional groups, and new web page information, is imminent. Active connections between the zoning map and text and the map and the MLS listings should be available a month or two later. The annual maintenance fee is \$7,500.00, which includes hosting the document, software updates, and eight hours of technical support. Any printing would be additional.

Discussion ensued.

This item was for information only. Mayor Robertson thanked Ms. Hilton for the presentation.

#### **4.07 Request for Proposals for Right-of-Way Maintenance**

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item with the aid of a PowerPoint presentation and stated NC Department of Transportation currently contracts with Fayetteville for vegetative maintenance on major roads within the City limits. The level of service established in that contract is for six mowing services per year on each identified street. Litter collection is not included in the contract. The City's level of service is for a minimum of eight mowing services per year with litter collection occurring just prior to the mowing and on an on-call basis. Mr. Gibson provided an overview of the three zones for right-of-way crew management purposes. The level of service options were addressed, along with service level cost comparisons.

Discussion ensued.

Consensus of Council was to direct staff to prepare a list of the five most trash littered streets and the five streets with the heaviest traffic use; the lists to be forwarded to the Gateway Committee for further review.

#### **4.08 City Council Agenda Item Request - Council Member Colvin – House Party Registration**

Council Member Colvin requested consideration of an agenda item to address the possibility of establishing a type of registration or notification process with the Police Department in regards to house parties or large gatherings.

Discussion ensued.

Consensus of Council was to direct the City Attorney and Police Chief to work together on further research of this item and report the findings back to the City Council.

#### **4.09 Signage for 82nd Airborne Association and Disabled Veterans of America**

Council Member Arp requested consideration of an agenda item to address establishing signage similar to other signage provided by the City for the 82nd Airborne Division Association.

Discussion ensued.

Consensus of Council was to direct staff to erect signage for the 82nd Airborne Association and Disabled Veterans of America.

#### **4.10 Council Member Agenda Item Request - Council Member Arp**

##### **Meeting Times for City Council during the work day.**

Council Member Arp requested consideration of an agenda item to address the issue that City Council membership is not full-time employment; therefore many Council members have full-time jobs that require them to be at work from 8:00 a.m. to 5:00 p.m. daily. Scheduling meetings during the workday creates a hardship in that Council members have to use vacation time to attend meetings or are not able to attend due to conflict with work. By scheduling meetings either first thing in the morning or late in the afternoon, the impact can be lessened and reduce the hardship on working Council members.

Discussion ensued.

Consensus of Council was to direct the City Clerk to poll the Council for early morning or late afternoon meeting times, prior to setting the meeting time.

#### **4.11 Council Member Agenda Item Request – Council Member Mohn**

##### **City Code Modification - Small Boat Parking in Neighborhoods**

Council Member Mohn requested consideration of an agenda item to address updating Article 30-4, Section D, subsection 3(t)(3), of the City Code to allow residents of our City to park and store small boats in their driveways and/or side yards.

Discussion ensued.

Consensus of Council was to direct staff to update the Unified Development Ordinance to accommodate for boat parking on residential property and bring draft back to Council.

#### **4.12 Council Member Agenda Item Request - Council Member Crisp**

##### **Prohibit Board/Commission Appointees from Contributing to Elected Official's Campaigns**

Council Member Crisp expressed concerns pertaining to board and commission members contributing to City Council campaign funding; which may give the appearance of the recipient elected official being beholden to the contributor(s). Mr. Crisp further stated everybody that gives you (elected officials) something expects to receive something in return.

Discussion ensued.

#### **4.13 City Council Agenda Item Request – Council Member Arp**

##### **Establish a Systematic Monthly Status Report on Council's Strategic Priorities**

Council Member Arp requested consideration of an agenda item to address establishing a systematic monthly status report and briefing on staff's efforts to achieve the City Council's Strategic Priorities for FY 2015.

Discussion ensued.

Council Member Arp acquiesced to Council members' objections to the request.

## **6.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:32 p.m.