

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE CONFERENCE ROOM
APRIL 3, 2017
5:00 P.M.**

Present: Mayor Nat Robertson

Council Members Katherine K. Jensen (District 1) (arrived at 6:05 p.m.); Kirk deViere (District 2); H. Mitchell Colvin, Jr. (District 3) (arrived at 6:01 p.m.); 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 5:04 p.m.)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Jim Palenick, Economic and Business Development Director
Rob Stone, Engineering and Infrastructure Director
Kevin Arata, Corporate Communications Director
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
Mike Ozburn, President, Gridworx
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 McDougald.

3.0 APPROVAL OF AGENDA

MOTION: Mayor Robertson moved to approve the agenda with moving Item 4.08 to the second item on the agenda.

SECOND: Council Member Wright

VOTE: UNANIMOUS (7-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 BRIGHTspot Network Presentation

Mr. Jay Reinstein, Assistant City Manager, introduced this item and thanked Mr. Robert Van Geons, President and CEO, FCEDC, and Mr. Mike Ozburn, President, Gridworx, for their work on this project and stated in December 2015, the concept of an innovation center (corridor) anchored by a business incubator, co-working space, and a cyber security training center was developed by Council Member deViere. Conceptual discussions began with community partners and key stakeholders to gauge interest in a collaborative model. During the initial discussions, Representative John Szoka introduced Mr. Mike Ozburn of GridWorx. In February of 2016, a small working group was formed that began to rapidly develop the framework for the Innovation Center (Corridor) that included a key relationship with the Center for Defense & Homeland Security at Fayetteville State University and Fayetteville Technical Community College (FTCC) as a lead proponent for the business incubator. This framework meshed with a state level initiative in the commerce department to create innovation through

broadband initiatives. The working group expanded again to include economic development representatives in April of 2016. In May of 2016, the initiative was renamed BRIGHTspot Fayetteville with the intent to connect to a state-wide initiative called the BRIGHTspot Network. BRIGHT is an acronym formed from the label for six key markets--Broadband, Retail online services, Internet of Things, GridPower, Healthcare, and Training/Education. The board of the Fayetteville-Cumberland County Economic Development Corporation voted to take the lead after a presentation on the project. The FCEDC agreed to provide oversight and fiscal responsibility, as well as a program manager to facilitate. In July 2016, Representative John Szoka helped establish a \$250,000.00 grant-in-aid to the Fayetteville-Cumberland County Economic Development Corporation (FCEDC), "to be used for economic development activities, to include a regional small business incubator that utilizes the broadband initiative designed for communities in Tier 1 or 2 counties". This grant provided the "seed funding" to further work by a loosely organized public-private team, developing a plan for what is now called the BRIGHTspot Network, a state-wide network for entrepreneurs and innovation centered in Fayetteville. On February 9, 2017, Representative John Szoka introduced the BRIGHT Futures Act, a bill focused on accelerating digital infrastructure and economic development in rural and unserved areas of North Carolina by connecting them to opportunities in the BRIGHT market. A companion bill was also introduced by Senator Meredith.

Mr. Reinstein introduced Mr. Mike Ozburn, President, Gridworx. Mr. Ozburn stated the BRIGHTspot Network is designed for one task--connect people to opportunities so that they can thrive where they are. The BRIGHTspot Network makes it possible for each of the 3.3 million people living in North Carolina's 85 rural communities, to operate "at scale", as if they were a single market segment. On the other side of the equation, it harnesses the leading players in six key markets, making it easier to connect people in our rural markets with these large-scale opportunities. Passage of the BRIGHT Futures Act will clear the way for other cities and counties to follow Fayetteville's lead in this innovative approach to economic development. At the same time, it will also expand the "race" for these opportunities. The issue for Fayetteville is how to expeditiously take advantage of the BRIGHTspot Network opportunities. Recognizing the need to rapidly develop the digital infrastructure necessary for economic development and innovation in these key economic segments, known collectively by the acronym "BRIGHT" markets, the bill clarifies opportunities for public-private partnerships to pursue this development. The bill also directs those responsible for existing economic development programs to report directly on how effective these programs are in accelerating innovation and jobs in the BRIGHT markets. Finally, it directs the Office of Science, Technology, and Innovation within the Department of Commerce for recommendations on how best to establish a BRIGHT Futures Fund that could operate over the next five years to provide annual grants or loans to accelerate innovation and investment in BRIGHT market enterprises. An event is scheduled for April 6, 2017, at FTCC that will announce an innovation center on that campus. This is being coordinated with a planned event on May 24, 2017, in Raleigh with state-wide business leaders interested in the BRIGHT market opportunities. These will build toward a planned event in Fayetteville in the Fall. The BRIGHTspot Network team has asked the City how it would like to take advantage of these events, and the BRIGHTspot Network, to further the City's goals and objectives.

Mr. Van Geons stated FCEDC is working to finalize the location for "BRIGHTspot Fayetteville", which will serve as the local demarcation point for this state-wide network and a central hub for the community's innovation corridor. This facility will be a convergence point for local innovators, private sector partners of the broader BRIGHTspot Network and educational assets, creating a unique platform for discovery, engagement and economic creation within the BRIGHT markets.

Discussion ensued.

Consensus of Council was to accept the report and direct staff to move the item forward.

4.08 City Dam Policy Revision

Mr. Rob Stone, Engineering and Infrastructure Director, presented this item with the aid of a PowerPoint presentation and stated Hurricane Matthew resulted in unprecedented flooding in the City. Four dams supporting City streets were damaged, including Greenock Avenue (Arran Lake Dam), McFadyen Drive (Devonwood Lower Dam), Mirror Lake Drive (Mirror Lake Dam), and Siple Avenue (Rayconda Upper Dam). The current City policy directs that the City will reconstruct the roadway but will not repair the dam. That policy was followed when Siple Avenue was reconstructed without repairing the dam it used to cross. The current policy will allow the City to reconstruct a dam only if the property owners take responsibility for 90 percent of the costs in excess of that for repairing the roadway alone. It also offers a loan program that has never been used, does not provide sufficient funding to cover anticipated costs, and has not been funded for a number of years. The current policy also does not address how the availability of federal reimbursement or other grant funds would impact the City's participation in dam repairs. At a minimum, the financial tool identified in the current policy must be revised. At the January 3, 2017, City Council work session, staff briefed Council regarding this policy and its application to the roads, dams, and lakes damaged by hurricane Matthew. Staff had received and continues to receive inquiries from impacted neighborhoods regarding what role the City will play in addressing this issue. Staff sought policy clarity in advance of those discussions. The Council directed staff to prepare a revised draft of the policy for further consideration. At the February 6, 2017, City Council work session, staff provided the Council a revised policy that focused on the use of Municipal Service Districts to fund unreimbursed repair and ongoing maintenance costs. Council discussion raised a number of issues, but no consensus regarding a policy revision was achieved. Some of those issues included FEMA and other reimbursement funding, City financing capacity and methodology, and information regarding private facilities. Staff performed additional research regarding the City's financial options. The City's Bond Counsel, Mr. Paul Billow, provided an analysis and found that assessments are the only financeable method of seeking contribution from benefitted property owners. He also discusses the limitation resulting from constitutional "public purpose" restriction on the use of public funds. Staff also clarified that no private facilities, roads, dams, lakes, etc., had been assessed. No estimates of damage or repair costs are available as a result. During the March 6, 2017, work session, Mr. Tim LaBounty, Department of Environmental Quality (DEQ) Regional Engineer, provided a brief presentation of their Dam Safety program and responded to questions from Council. In regards to FEMA reimbursement, the information received to date indicates that the repair of the two dams that are owned and have been maintained by the City (Mirror Lake and Devonwood) should be a project eligible for 75 percent FEMA and 25 percent state reimbursement. There is no greater uncertainty regarding this funding than other repair project reimbursement requests. While working to respond to questions, in the absence of clear policy direction, staff has not proactively engaged the impacted neighborhoods. In addition, no progress is being made on project design, permitting, or construction. Replacement of a dam structure under the best conditions can take 18 to 24 months due to the additional scrutiny these structures receive during the permitting and construction processes. The only "public purpose" recommended by the Bond Counsel as applicable is to enhance water quality and reduce floods, that is stormwater and drainage management. A lake designed for this purpose operates differently from an amenity lake and significant design and land acquisition tasks will need to be completed. Community expectations will also need to be revised to recognize that the new

lake must now have settlement basins and a lower water level in order to allow for storage during storm events. Staff has provided assessments and funding information regarding the dam or lake projects that impacted City streets. There are dams and lakes that have been damaged that are private and have not been assessed. There are also dams that are at risk, which is they have been identified as "high hazard" and maintenance or repair has been ordered by the state. Finally, there are dams that have been breached in the past with adjacent property owners who would like those dams to be rebuilt and the lakes restored.

Discussion ensued.

Consensus of Council was to direct staff to repeal the existing policy, present a revised policy to include the three categories of private structures, public road/private dam, and public road/private dam, and place this item on the April 10, 2017, City Council regular meeting agenda. In addition, establish a Task Force on Dams.

4.02 Disaster Recovery Small Business Assistance Efforts

Mr. Jim Palenick, Economic and Business Development (EBD) Director, presented this item and stated following the devastating effects of Hurricane Mathew, Council Member deViere, with assistance from the EBD Department, first proposed the concept of a City-sponsored and funded Small Business Assistance Loan Program at the November 28, 2016, City Council meeting. From there the item was referred to the December 5, 2016, work session for review and discussion, to then return for possible final action at the December 12, 2016, meeting. As this process moved forward, however, and as we gathered additional information on the myriad of efforts which were being simultaneously and aggressively pursued by multiple other local, state, and federal agencies, we realized that there were no identified unmet needs of small businesses not otherwise being met by the other agencies. As such, we held off on requesting any final action to re-purpose the City's \$200,000.00 in "Redevelopment Fund" monies for a disaster assistance loan fund since it did not appear to be a pronounced need, and since the funds could better serve as capital for a more targeted small business revolving loan fund unrelated to disaster recovery.

Consensus of Council was to accept the report as provided with no further actions required.

4.03 Complete Street Maintenance Update

Mr. Rob Stone, Engineering and Infrastructure Director, presented this item and stated in an effort to address Council's concerns and improve the appearance of the City of Fayetteville, the Parks and Recreation and the Engineering and Infrastructure Departments are modifying their processes and procedures to emphasize sidewalk edging, sweeping, and cleaning of catch basins along the major thoroughfares, effective March 1, 2017. Consistent with past administrative direction and budget action, staff has implemented two operational practices that will be revised to address Council concerns. First, as NCDOT reduced and removed funding for edging and street sweeping of state roads, the City reduced and eliminated service on state roads accordingly. Second, the operational paradigm for sweeping City streets emphasized uniform service. In response to concerns expressed by Council regarding the condition of arterial streets and in an effort to improve the appearance of the City of Fayetteville, the Parks and Recreation and Engineering and Infrastructure Departments are modifying their policies and procedures. To address Council's concerns regarding the appearance of the streets within the City of Fayetteville, the proposal outlined was implemented on March 1, 2017. This process will require increased coordination and communication between the Parks and Recreation Department and the Engineering and Infrastructure Department. Increased maintenance of the major thoroughfares may mean less frequent sweepings of minor thoroughfares

and neighborhood streets; however, the "scout" function will ensure that sweeping will occur on streets that need it as opposed to all roadways getting an equal number of cycles. The early estimate is an increase of \$8,000.00 per year for tipping fees. The City is already in possession of all other equipment needed to perform the enhanced level of service.

Discussion ensued.

Mayor and Council thanked staff for the update, no consensus was provided.

4.04 City Code Amendments Recommended by Internal Audit

Consensus of Council was to not discuss this item in the absence of the Internal Audit Director and to discuss this item at the next Internal Audit Committee meeting.

4.05 Discussion of the draft 2017-2018 Community Development Annual Action Plan

Mr. Victor Sharpe, Community Development Director, presented this item and stated this item was presented to Council at the December 5, 2016, work session where the Community Development Department requested guidance and feedback from City Council as it began the development of the 2017-2018 Annual Action Plan. The consensus of Council was to direct staff to present a similar plan for next year. A draft of the programs and activities proposed for the 2017-2018 Annual Action Plan is presented to City Council tonight for discussion and feedback. Annually the Community Development Department prepares an Annual Action Plan for the use of the City's allocation of the Community Development Block Grant (CDBG) and the Home Investment Partnership Grant (HOME). The proposed 2017-2018 Annual Action Plan is the third year of the 2015-2019 Consolidated Plan. The Annual Action Plan is based on goals and objectives of the Consolidated Plan. The goals include decent affordable housing, suitable living environment, and economic opportunities. The proposed programs and activities have been designed and established to meet the objectives of these goals. The activities proposed for the upcoming year are similar to last year. The plan includes the Target Area Revitalization Program which was an interest of the Council last year. This program was postponed to address unmet housing repair needs due to damage caused by Hurricane Matthew. As adopted last year, the Target Area Revitalization Program will focus on the Bonnie Doone and B Street/Lincoln Drive areas. A program change included in the plan is to expand the department's in-house emergency home repair program. This will be accomplished by changing the Mobile Home Urgent Repair Program to the Emergency Home Repair Program and include all eligible residential emergency/urgent repairs. A portion of the funding that has previously been managed by Fayetteville Urban Ministries would be utilized to fulfill this proposal. The presentation highlights the proposed funding sources, budget and activities of the 2017-2018 Annual Action Plan. The HUD FY 17 allocations for the CDBG and HOME Grant programs have not been announced. Official notification did not come until June of last year. The funding amounts used are based on the allocations received this program year. It is likely that the amount allocated for the 2017-2018 budget will be different, in which case an amendment to the plan will be required. The Annual Action Plan is required by HUD to be submitted by May 15 of each year. There are no General Fund budget impacts. The HOME grant match requirement which would have been \$145,915.00 but has been waived because Fayetteville was named as a Presidential Declared Disaster Area.

Discussion ensued.

Consensus of Council was to move this item forward to the April 24, 2017, regular City Council meeting agenda.

4.06 Property Acquisition for Tryon Drive Stormwater Improvement Project

Mr. Rob Stone, Engineering and Infrastructure Director, presented this item and stated the property located at 1743 Tryon Drive experiences flooding during significant rainfalls due to an undersized stormwater system and a large drainage area which is channeled to the property. This is the only property in the area that is experiencing a threat to the structure. An initial assessment proposed a small spot repair project to alleviate the flooding issue, however, once a more thorough study was conducted, it was determined that a major CIP project would be needed with an initial cost estimate of \$500,000.00. Based on the effect such a significant project would have on adjoining property owners, staff determined that it may be more cost effective to purchase the property that is experiencing the flooding. If the property is purchased, the house would have to be removed and the property maintained at a level that would be acceptable by the neighborhood. The property may be able to be used to construct a stormwater device that would benefit the area.

Discussion ensued.

Consensus of Council was to table this item (no specific meeting date stated).

4.07 Truck Restriction on Boone Trail

Mr. Rob Stone, Engineering and Infrastructure Director, presented this item and stated a request was received to remove the "No Through Trucks" restriction that exists along Boone Trail between Owen Drive and Village Drive. This request was prompted by the recent median construction by NCDOT along Owen Drive that limits trucks turning left from Poinciana Lane to access I-95 Business. The proposed removal of the No Through Trucks restriction would allow these trucks to turn right onto Owen Drive from Poinciana Lane, turn right onto Boone Trail, turn left onto Village Drive, and then turn back left onto Owen Drive and proceed southward to I-95 Business. NCDOT is constructing a median project along Owen Drive from Eastern Boulevard to Walter Reed Road. This project is designed to improve safety by restricting left turning movements along this roadway. Some businesses have expressed concern about the inability of their delivery trucks to make a left turn out of Poinciana Lane to access the I-95 Business corridor. One option is to allow the trucks to use Boone Trail, Village Drive, and Owen Drive as a loop to access eastbound Owen Drive towards the Crown Coliseum area. Currently, Boone Trail is signed for No Through Trucks. In order to pursue this option, Council would need to approve an ordinance revision that would remove the No Through Trucks restriction and enact a Local Truck Route along Boone Trail. There would be no impact to the budget to remove the truck restriction on Boone Trail. The funds to make the necessary signing revisions are included in the current Engineering and Infrastructure Department operating budget.

Consensus of Council was to direct staff to place an ordinance revision on the April 24, 2017, regular City Council meeting removing the No Through Truck restriction and enacting a Local Truck Route on Boone Trail.

4.09 Staff- or Commission-initiated code changes to Chapter 30, Development Code

Ms. Karen Hilton, Planning and Zoning Manager, 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 administrative changes to correct typos, numbering or format, and minor clarifications consistent with

ordinances. The spring bundle of staff-initiated Code amendments to Chapter 30 include the following:

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.

Ms. Hilton further stated explanations are provided in the Summary Chart (included in the agenda packet). The chart includes what triggered the proposed amendment and the changes involved and explains why staff considers the change to be appropriate. Inquiries have triggered four of the proposed changes. The other two changes correct previous oversights or provide for consistent timetables for similar processes in different parts of the code. The seventh item provides a public record of the specific nature of administrative changes.

Consensus of Council was an understanding that this is a work plan that will be evolving over the next 12 months, and the item will be revisited at a future work session (specific meeting date not provided).

4.10 Vacant Property Ordinance

Mr. Scott Shuford, Planning and Code Enforcement Director, presented this item and stated the Downtown Alliance requested that the City develop a vacant property ordinance for the City's Primary Fire District. Staff prepared one version which received considerable review by downtown stakeholders, the Chamber of Commerce Government Liaison Committee, and the Fayetteville Regional Board of Realtors ("FRBR"). This review was extended through the fall of 2016 to allow pro bono input from two area attorneys. On March 15, 2017, the Chamber's Government Affairs Committee met, including the FRBR and stakeholder representatives. The Committee and other group members went over the March 7 and March 8, 2016, letters from Ms. Anne Evans and Mr. Neil Yarborough, respectively. These letters contained the information that had been prepared at the Committee's request in 2016. Based on the concerns raised, City staff and the Downtown Alliance President suggested that the ordinance be limited to establishing appropriate definitions, requiring vacant buildings in the Primary Fire District to be registered, and, if not locally owned, a local representative be designated. There was agreement among the group that these requirements, when paired with a twice-yearly fire inspection, balanced the safety needs of all property owners in the Primary Fire District with the property rights of owners of vacant structures. The draft ordinance (included in the agenda packet) is recommended for approval by all groups. The City's Primary Fire District has an urban, closely-spaced development pattern that

presents special public safety concerns. Vacant properties increase risk for adjoining structures and the public in general due to this development pattern. Maintenance issues not visible from the exterior, occupancy by vagrants, and similar issues are part of this risk. The proposed ordinance addresses these problems by requiring registration of vacant properties and listing of a local agent for out-of-town owners. Separate from this ordinance, the Fire Department will schedule life-safety code inspections on a twice-yearly basis, allowing problems to be identified early so that risk is minimized. After extensive study that postponed City Council consideration of this ordinance in the Fall of 2016, agreement was reached by the Downtown Alliance, downtown stakeholders, the Chamber of Commerce Government Liaison Committee and the FRBR that the draft ordinance provided an appropriate balance between property rights and public safety.

Discussion ensued.

Consensus of Council was not to proceed with this item. Council Members deViere, McDougald, Hurst, Wright and Mohn requested to proceed. Council Members Robertson, Jensen, Colvin, and Arp requested to not proceed. FAILED by a vote of 5 in favor to 5 in opposition

4.11 Discussion of the expansion and prioritization of the boundaries of Murchison Road Catalyst Site 1.

Mr. Victor Sharpe, Community Development Director, presented this item and stated an update was provided to City Council on February 6, 2017, regarding the status of the acquisition of property in Catalyst Sites 1 and 1A. At that time, it was established that Catalyst Sites 1 and 1A had been previously identified and funded for acquisition by the City. There has been interest expressed in acquiring additional land in the immediate area. Also, the construction of the Rowan Street Bridge presents additional opportunities for the revitalization of the areas surrounding the future reconfigured intersection at Bragg Boulevard, Rowan Street, and Murchison Road. Currently all of the owners in Catalyst Site 1A are interested in selling their property to the City. A total of \$687,725.00 remains in the budget for this activity. It is recommended that the Council create and add Catalyst Sites 1B and 1C adjacent to the already established Catalyst Sites 1 and 1A and then prioritize the order in which they should be acquired.

Consensus of Council was to move this item forward to the April 10, 2017, City Council regular meeting agenda.

4.12 City Council Agenda Item Request - Food Truck Festival Wednesday - Mayor Robertson

Mayor Robertson presented this item and stated, in partnership with CEED, he would like the City Council to consider co-sponsoring a weekly Food Truck Festival every Wednesday in Festival Park. The City's involvement would be limited to provide power for the trucks to hook up to, clean up, and emptying trash cans. CEED would be responsible for marketing the weekly event. I would also like to see the event advertised on FayTV7. It is proposed the event will run from the first Wednesday in May through the last Wednesday in October.

Discussion ensued.

Consensus of Council was to move this item forward to the April 24, 2017, City Council regular meeting and direct staff to provide an estimate of cost to the City.

4.13 City Council Agenda Item Request - Four-Year Staggered Term of Office - Larry Wright, Council Member

Council Member Wright presented this item and stated he was very disappointed that Council voted to not allow this item to go to a referendum vote when it was last discussed at the May 9, 2016, regular

City Council meeting, and further stated he thinks it is the best interest to have four-year staggered terms of office.

Mayor Pro Tem Colvin stated he believes the public should have an opportunity to have their say on this matter, so we know where they are.

Council Member Arp stated he suggests holding a public hearing.

Ms. Karen McDonald, City Attorney, stated we have already held a public hearing on this item.

Discussion ensued.

Consensus of Council was to not move this item forward. Council Members deViere, Colvin, McDougald, Wright and Mohn voting to move forward. Council Members Robertson, Jensen, Hurst, Crisp, and Arp voting not to move forward. FAILED by a vote of 5 in favor to 5 in opposition.

4.14 City Council Agenda Item Request - Play Ball - Mayor Robertson

Mayor Robertson stated Mr. Kevin Arata, Corporate Communications Director, had placed this item on the agenda, and asked if anyone knew why the item was on the agenda. The item was not presented and no consensus was provided.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:43 p.m.

