

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE CONFERENCE ROOM  
JANUARY 7, 2019  
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1) (arrived at 5:12 p.m.); Daniel Culliton (District 2) (arrived at 5:33 p.m.); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5) (via telephone); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp (District 9)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Telly Whitfield, Assistant City Manager  
Barbara Hill, Interim Assistant City Manager  
Gina Hawkins, Police Chief  
Jerry Newton, Development Services Director  
Sheila Thomas-Ambat, Interim Public Services Director  
Bradley Whited, Airport Director  
Kevin Arata, Corporate Communications Director  
Cindy Blot, Community and Economic Development Director  
Jay Toland, Interim Chief Financial Officer  
Alicia Young, Assistant City Attorney  
Brandon Christian, Police Attorney  
Alison Rogers, Airport Marketing Specialist  
Robert Van Geons, FCEDC President  
Doug Banz, Managing Director, Hubpoint  
Anna Stroble, Consultant, Horne Consulting  
Vicki Smith, HMGP Consultant, Horne Consulting  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Colvin called the meeting to order.

**2.0 INVOCATION**

The invocation was offered by Council Member Haire.

**3.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Crisp moved to approve the agenda with removing Item 4.06, City Council Agenda Item Request - Airport Operations and Growth, and adding a closed session item.

**SECOND:** Mayor Pro Tem Mohn

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

**4.0 OTHER ITEMS OF BUSINESS**

**4.01 Airport Brief to City Council**

Mr. Brad Whited, Airport Director, introduced this item with the aid of a PowerPoint presentation and stated the Fayetteville Regional Airport has seen its total number of passengers increase by 95 percent since 2003. The estimated number of total passengers for 2018 was 461,331. The airport is also in the midst of a \$40 million terminal modernization project. The airport has not used any general fund dollars for operational or capital expenditures since 1994. The airport established a goal to pay as we go for all operational and capital project expenditures. Rates and charges have sustained

operational expenses with slight retained earnings. Maximizing Federal and State grants have allowed for \$100 million in capital improvements from 1994 to present.

Ms. Alison Rogers, Airport Marketing Specialist, provided the marketing overview with the aid of a PowerPoint presentation and stated the marketing goals are to increase brand awareness in the Cumberland County area and increase the annual passengers that fly out of Fayetteville Regional Airport.

Mr. Robert Van Geons, FCEDC President, presented the Economic Development Initiatives with the aid of a PowerPoint presentation and stated the targeted program of work is focused on attracting increased investment and economic development at and surrounding the Fayetteville Regional Airport.

Mr. Doug Banz, Managing Director, Hubpoint Strategic Advisors, presented the Air Service Overview with the aid of a PowerPoint presentation and stated that the aviation industry trends are challenging air services in small communities and further stated that the abundance of air services at Raleigh-Durham International Airport and easy access to that airport from the Fayetteville region negatively impact Fayetteville's ability to capture passengers from its core area.

Discussion ensued.

Mr. Douglas Hewett, City Manager, thanked the Mayor and Council for their open and direct comments and questions.

#### **4.02 CDBG-DR & HMGP Updates**

Ms. Cindy Blot, Community and Economic Development Director, introduced this item and stated this item is brought before Council to provide an update on the CDBG-DR and HMGP programs from Horne Consulting.

Ms. Anna Stroble, Consultant, Horne Consulting, presented information on the HMGP program and stated North Carolina Emergency Management (NCEM) completed its analysis of nearly 3,000 structures submitted for potential mitigation throughout the Hurricane Matthew disaster zone for consideration for the HMGP program. Just under 800 properties qualified for the program throughout the impacted area based on availability of funding and eligibility criteria. She stated 33 properties within the City of Fayetteville initially qualified for the program with funding valued at \$4,700,000.00. Of those homes, 27 qualified for acquisitions, 3 qualified for elevations, and 3 qualified for reconstruction.

Ms. Vicki Smith, Consultant, Horne Consulting, presented information on the CDBG-DR program and stated the State of North Carolina received \$198 million of CDBG-DR funds from the Department of Housing and Urban Development (HUD) as a result of damage caused by Hurricane Matthew in October 2016. Cumberland County is expected to receive \$34,945,328.00 of this amount over a three-year period. Eligible Cumberland County residents who were directly impacted by the hurricane will have an opportunity to apply for assistance from a variety of Housing Recovery Programs.

Ms. Blot stated City staff worked with Cumberland County to develop a proposal to carry out a variety of housing and recovery programs. The proposal includes a Homeowner Recovery Program, Small Rental Repair Program, Multi-Family Rental Housing, and a Community Recovery Program that will include a Day Center and a Homeless Shelter. Businesses will have to apply directly to the North Carolina Department of Commerce for available funding. Upon further review several homes were not eligible for HMGP funds. CDBG-DR approval process is progressing.

Discussion ensued. No consensus was provided; this item was for information purposes only.

#### **4.03 2019-2020 CDBG & HOME Annual Action Plan**

Ms. Cindy Blot, Community and Economic Development Director, presented this item with the aid of a PowerPoint presentation and stated the Economic and Community Development Department prepares an Annual Action Plan to implement the Community Development Block Grant (CDBG) and the Home Investment Partnership Grant (HOME). The Annual Action Plan is based on goals and objectives of the Consolidated Plan. In November 2018 Economic and Community Development staff held four Citizen Participation meetings as a requirement of the HUD funded programs. Comments from the Citizen Participation meetings assist in determining programs staff will implement utilizing CDBG and HOME funds. The purpose of this item is to get feedback from City Council earlier than in previous years. In the past, City Council has received a draft of the Annual Action Plan at the April work session. This year, prior to developing the draft with the Fayetteville Redevelopment Commission, we would like to hear from City Council. The 2019-2020 Annual Action Plan will complete the objectives mandated in the 2015-2019 Community Development Consolidated Plan. The following are the goals and objectives identified in the 2015-2019 Consolidated Plan:

Goal 1 - Decent Affordable Housing: Provide decent, safe, and affordable housing to improve the quality of lives, households, neighborhoods and community stability.

- Objective 1.1: Preserve, improve and expand the supply of affordable housing for low- to moderate-income homeowners and renters.
- Objective 1.2: Increase homeownership opportunities.
- Objective 1.3: Create suitable living environments that promote access to quality housing, elimination of blight and the acquisition of land for future affordable housing.

Goal 2 - Suitable living environments: Create environments that promote neighborhood improvement, elimination of slum and blight, increase accessibility and support the homeless.

- Objective 2.1: Provide support to the City's efforts to extend water and sewer to newly annexed areas, pave remaining unpaved streets and various community improvements.
- Objective 2.2: Support homeless programs and services providers to reduce the number of homeless while increasing their independence and self-sufficiency.
- Objective 2.3: Provide programs that eliminate slum and blight and increase the appearance of neighborhoods.

Goal 3 - Economic Opportunities: Create community investment programs designed to support entrepreneurship, economic empowerment, retention of businesses and job creation opportunities.

- Objective 3.1: Provide loan and grant programs to support the development and expansion of small businesses.
- Objective 3.2: Create job opportunities through entrepreneurship training, job skills training and the coordination of community resources.

A new five-year Consolidated Plan (2020-2024) will be required to continue receiving funding from HUD for the two identified programs. CDGB and HOME are Federal grant programs administered by HUD. The City must file a five-year Consolidated Plan to HUD for approval and then will file annual updates that must be consistent with that approved Consolidated Plan. Now is the Council's opportunity to adjust funding priorities for the next five years within the limitations established by HUD. Changes to program allocations may impact the level of future funding available to service providers who have received funding in the past. The City contributes its required share of match to the HOME Grant. This year that amount is \$74,853.00 from the General Fund.

Discussion ensued. No consensus was provided; this item was for information purposes only.

#### **4.04 Legislative Priorities - Council Resolutions for 2019 NC General Assembly Long Session**

Dr. Telly Whitfield, Assistant City Manager, presented this item with the aid of a PowerPoint presentation and stated the City of Fayetteville looks forward to working with our state delegation to best meet the needs, concerns and interests of Fayetteville residents. The Legislative Priorities and Council Resolutions will articulate this agenda and serve as the guide to elected officials, staff, and our strategic partners, in their collective efforts to advocate on behalf of the City and its residents. The 2019 Legislative priorities includes the following:

- A. Legislative support to amend the City's Charter granting local authority to provide a recall procedure for local elected officials and to hold recall elections.
- B. Legislative support to strengthen local public safety agencies' ability to maintain a safe and secure community by:
  - Providing an option to destroy obtained weapons (revision to N.C.G.S. § 15-11.2);
  - Funding for the relocation of the Fort Bragg Road Fire Station;
  - Securing resources to improve network system connectivity; and
  - Ensuring public facilities have adequate generators for emergency operations.
- C. Legislative support for our local multimodal transportation network by:
  - Creating opportunities to expand existing public bus fleet operations;
  - Restoring formula funding for urban/fixed route transit systems through State Maintenance Assistance Program (SMAP);
  - Maintaining stable funding for the Aviation Trust Fund; and
  - Establishing funding for the Blanton Road extension.
- D. Legislative support for the City's long-term financial strength by:

- Pursuing an equitable solution to the redistribution of sales tax; and
  - Pursuing an equitable solution to the redistribution of food and beverage tax.
- E. Legislative support for Texfi site's Brownfield project including groundwater remediation and pilot testing activities.

Mr. Whitfield stated Council supported the following list of priorities that represent the City's legislative agenda for the 2017-2018 long session:

- Legislation to protect Fayetteville's Rental Assistance Management Program (RAMP)
- Legislation for Phase II of Veterans Park
- Legislation for Local Small Business Enterprise initiative
- Legislation for State financial assistance in funding a downtown pedestrian overpass
- Legislation for the establishment of an Aviation Trust Fund for state-wide improvement projects
- Legislation for funding Fayetteville's Consolidated 911 Center
- Legislation for Regional Emergency Preparedness Fund

A preliminary list of recommended legislative priorities for the upcoming Long Session was introduced at the November 13, 2018, dinner meeting. A special joint meeting with the State Delegation was held on November 19, 2018, to discuss priorities.

Discussion ensued.

**Consensus of Council was to direct staff to move the following items forward in Resolution format for Council's further consideration and official action to be placed on the City Council regular agenda on January 14, 2019:**

- a. **A charter amendment to allow recall procedures in the City;**
- b. **Measures to increase local public safety agencies' ability to maintain a safe and secure community;**
- c. **Additional investment in the City's local multimodal transportation network;**
- d. **Options to increase the City's long-term financial strength; and**
- e. **Texfi site's Brownfield project.**

#### **4.05 Stormwater Infrastructure Maintenance Policy**

Ms. Sheila Thomas-Ambat, Interim Public Service Director, presented this item with the aid of a PowerPoint presentation and stated the City has grown significantly over the past two decades; however, policies related to stormwater infrastructure maintenance have not kept up with this growth. The presentation this evening will be an informative presentation to Council that highlights the challenges of maintaining, repairing, and replacing stormwater infrastructure in a City of over 200,000 residents.

Ms. Thomas-Ambat explained the stormwater infrastructure consists of a network of catch basins, drop inlets, swales, pipes, and stormwater control measures (SCMs) that carry stormwater runoff away from roadways and property, ultimately discharging it into creeks and streams. A great deal of this infrastructure is maintained by the City but an even larger portion is located on private property and considered the responsibility of property owners. Responsibility for stormwater infrastructure comes at a cost for the City. Equipment, supplies, and personnel are needed to perform maintenance with a cost proportional to the size of the system being maintained. Additionally, stormwater infrastructure has a life cycle cost that typically requires greater funding for repairs with age and ultimately capital funding for full replacement after the functional life of the system is over. Peer cities of Fayetteville generally have well defined policies regarding the responsibility for stormwater infrastructure. Almost all North Carolina cities the size of Fayetteville or larger maintain stormwater infrastructure only in the public right-of-way. City staff are not currently resourced with the personnel or equipment to proactively and consistently maintain the infrastructure located within the right-of-way in accordance with a defined level-of service. Maintaining the infrastructure outside of the right-of-way would require a significant increase in the operational budget and eventually an enormous investment in capital replacement. Without adoption of ordinance and policy changes, the City is in a position to inherit a significant liability in the form of future stormwater infrastructure maintenance, repair, and replacement.

Ms. Thomas-Ambat reported the maintenance of off right-of-way stormwater infrastructure is estimated to be nearly \$1.53 million annually and is projected to increase overtime. If the City were to take responsibility for off right-of-way infrastructure, it is estimated that capital replacement costs would be \$4.17 million annually and increase significantly over time. Options the City Council may consider are to adopt future revisions to the ordinance that articulate scope of responsibility for stormwater infrastructure maintenance based on a desired level of service, adopt a policy of performing operations and maintenance only within the City public right-of-way, and direct staff to develop a "Drainage Assistance Program" for future consideration by Council. Or to not adopt future ordinance revisions, do not direct staff to develop a "Drainage Assistance Program", and direct staff to provide specific budgetary and staffing needs to meet an alternate level of service for stormwater maintenance. Staff recommends the City Council adopt future revisions to the ordinance that articulate scope of responsibility for stormwater infrastructure maintenance based on a desired level of service, adopt a policy of performing operations and maintenance only within the city public right-of-way, and direct staff to develop a "Drainage Assistance Program" for future consideration by Council.

Discussion ensued.

**Consensus of Council was to direct staff to draft a revised ordinance for Council review and consideration at a later City Council meeting (date not specified).**

#### **4.06 City Council Agenda Item Request - Airport Operation and Growth Review - Mayor Colvin**

This item was removed from the agenda.

#### **4.07 City Council Agenda Item Request - No Horn Zone - Council Member Culliton**

Council Member Culliton presented this item and stated he is requesting support of implementing an ordinance to eliminate the substantial noise of train horns as they come through downtown Fayetteville; with the significant capital investments the City is putting in place in our downtown, we need to consider items that might

detract from the overall experience and growth of the downtown. The horns are very disruptive in growing number to downtown residents and visitors. The agenda packet included a large amount of supporting documentation on the benefits of establishing "No Horn" or "Quiet Zones" rules regarding those zones and their effect on the local area.

Discussion ensued.

**Consensus of Council was to direct staff to move this item forward to the Strategic Planning Retreat agenda, scheduled for February 1 and 2, 2019.**

**4.08 City Council Agenda Item Request - Citizen Committee for Commemorating former Mayor Hurley - Mayor Colvin, Council Members Arp and Crisp.**

Council Member Arp introduced this item and stated he, along with Mayor Colvin and Council Member Crisp, are requesting Council support to honor former Mayor Hurley with the naming of the Plaza in front of the Baseball Stadium and City Hall after him; Mayor Hurley was a tremendous baseball fan. Council Member Crisp stated Mayor Hurley's passion and drive were instrumental in the transformation process of downtown Fayetteville and the progress experienced and currently underway. He was persistent and changed the face of this City. Mayor Pro Tem Mohn stated there is a City Council policy that directs the City hold a public hearing for naming City property.

Discussion ensued.

**Consensus of Council was to direct staff to move this item forward for official action.**

**5.0 CLOSED SESSION**

**5.1 Consultation with City Attorney for an Attorney-Client Privileged Matter**

**MOTION:** Council Member Arp moved to go into closed session for an attorney-client privileged matter.

**SECOND:** Council Member Wright

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

The regular session recessed at 10:49 p.m. The regular session reconvened at 11:05 p.m.

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

**SECOND:** Mayor Pro Tem Mohn

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

**6.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 11:05 p.m.