

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE CONFERENCE ROOM  
MAY 6, 2019  
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1) (departed at 6:20 p.m.); Daniel Culliton (District 2); Tisha S. Waddell (District 3) (departed at 6:20 p.m.); D. J. Haire (District 4); Johnny Dawkins (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 5:55 p.m.)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Telly Whitfield, Assistant City Manager  
Gina Hawkins, Police Chief  
Hieu Sifford, Assistant Fire Chief  
Kevin Arata, Corporate Communications Director  
Sheila Thomas-Ambat, Public Services Director  
Tracey Broyles, Budget and Evaluation Director  
Jay Toland, Chief Financial Officer  
Alicia Young, Assistant City Attorney  
Rebecca Jackson, Strategic Performance Analytics Director  
Gerald Newton, Development Services Director  
Taurus Freeman, Planning and Zoning Manager  
David Nash, Senior Planner  
Sharon Williams, Senior Planner  
MG (Ret) Al Aycock, MG  
Robert Van Geons, FCEDC President  
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 Crisp.

**3.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Wright moved to approve the agenda with the addition of a closed session for an economic development matter.

**SECOND:** Council Member Haire

**VOTE:** UNANIMOUS (9-0)

**CLOSED SESSION**

**MOTION:** Council Member Wright moved to go into closed session to discuss an economic development matter.

**SECOND:** Council Member Haire

**VOTE:** UNANIMOUS (9-0)

The regular session recessed at 6:03 p.m. The regular session reconvened at 6:16 p.m.

**MOTION:** Mayor Pro Tem Mohn moved to go into open session.

**SECOND:** Council Member Culliton

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

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

Item 4.06 was presented at this time.

##### **4.06 Fayetteville Cumberland Reentry Council (FCRC) Presentation**

Reverend Jessie Garner, Local Reentry Coordinator, presented this item with the aid of a PowerPoint presentation and stated the FCRC was officially formed in January 2015 by Ms. Jessie Garner and Ms. Lisa Jayne of the Fayetteville Police Department's Operation Cease Fire, bringing together several partnering agencies from the County and the State. State funding was received in November 2017 making the FCRC the 14th Reentry Council in North Carolina. The mission is to empower, support, and encourage individuals with past criminal records and those reentering the community from incarceration by utilizing a comprehensive network of service providers. Reverend Garner provided an overview of the client report for the past year.

Discussion ensued.

**Consensus of Council was to direct FCRC to provide a specific layout of requested funding.**

##### **4.01 TA 19-042 to TA 19-050 - Proposed Text Amendments to the Unified Development Ordinance (UDO) as requested by the UDO Task Force.**

MG (Ret) Al Aycock, UDO Task Force Chair, presented this item and stated the following nine amendments to the Unified Development Ordinance (UDO) are recommended by the UDO Task Force, an ad-hoc Mayoral appointed citizen committee. The advisory group was established to review and recommend amendments to the UDO. The UDO Task Force began meeting in May 2018. The first group of 18 amendments proposed by the task force were approved by City Council on April 23, 2019; this is the second group of nine proposed text amendments, which includes the following:

- 42. 30-5.F.4.d.1 - Cul-de-Sac and Street Stubs
- 43. 30-5.F.8.a.1 - Maximum Driveway
- 44. 30-5.F.9.a.4 - Sidewalks
- 45. 30-5.F.9.d - Sidewalks; Performance Guarantees
- 46. 30-5.G.3.b.2.a - Design Standards; Fronting Open Space
- 47. 30-5.I.3.b.4 and 5 - Design Standards
- 48. 30-5.I.3.e.2 - Design Standards
- 49. 30-5.I.3.g - Auto-Oriented Uses
- 50. 30-5.I.3.h.4 and 5 - Display Windows for Vacant Commercial Establishments in DT Downtown

If City Council directs staff to move these items forward, a public hearing before the Planning Commission shall be held in accordance with the standards of the Code for their review and recommendation to Council. A public hearing before City Council in accordance with the standards of the Code shall be held for Council to review the Planning Commission's recommendation and other relevant factors prior to the rendering of the final determination.

MG (Ret) Aycock thanked the UDO Committee members, Council Liaisons Haire and Dawkins, and Development Services professional staff for all of their hard work and commitment for this past year working on this project.

Discussion ensued.

**Consensus of Council was to direct staff to move all of the proposed amendments through the process of required public hearings.**

#### **4.02 Review Public Safety Needs Assessment - 5-Year Capital Improvement Planning**

Mr. Kristoff Bauer, Deputy City Manager, stated the number and diversity of public safety related capital project requests has grown as the City has continued to develop and existing facilities have aged. Many of the City's current fire stations were constructed in the distant past for a smaller City or inherited from County fire district volunteer operations. These facilities in many cases no longer support modern equipment or operations, or they may be poorly located to adequately respond to current and future development, or they may simply suffer from the ravages of age, or all of the above. Similarly, police operations have grown and evolved along with the community they serve, but supporting facilities have not always kept pace with changing operational needs and standards for emergency operations. Council funded a study to review the capital needs for both police and fire operations. The initial results of that work will be presented by Mr. David Shrader (Police Safety Needs) and Mr. Mike Esposito, Fire Specialist.

Mr. David Shrader stated six Police and six Fire facilities were the subject of the study. The goal was to evaluate facilities and identify deficiencies. The study recommends solutions and alternatives that address the facility needs identified by the Facility Needs Assessment. The team conducted full facility assessments of each facility, focused on a 15-year potential growth, attempted to "right size" space where applicable, focused on best practices in law enforcement complex design, and provided an addition/renovation option and a new construction option in most cases. Mr. Shrader provided a summary of options and estimated costs for the following: Headquarters Complex, Cross Creek District, Central District, Training Complex, Equipment Installation Facility, and 9-1-1 Communications Center.

Mr. Esposito stated the Fire Station Team conducted full facility assessments of Fire Stations 3, 6, 7, 9, and 11. Fire Station 4 was assessed separately at a high level by ADW Architects. Other existing fire stations beyond the list of stations listed were not assessed at this time. We focused on a 15-year future growth. Each station was reviewed with the Fire Chief and Assistant Fire Chief, logistics division. Mr. Esposito provided a summary of options for the Fire Stations listed with estimated costs of the projects.

Discussion ensued.

**Consensus of Council was to receive the report; the full report to be presented to Council in June 2019.**

#### **4.03 TA19-01: An amendment to the Design Guidelines for Fayetteville's Historic District and Local Landmarks to add language regulating murals in the City's Historic/Landmark Overlay (HLO) Districts.**

Ms. Sharon Williams, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated on September 25, 2018, the Historic Resources Commission (HRC) heard a request to paint a mural on the rear wall of 126 Hay Street (COA# 18-030). A discussion held between the applicant, staff, and the HRC revealed that no process existed for regulating murals in the City of Fayetteville. At the request of the Commission, members of the Planning staff researched the process used by other localities in North Carolina to regulate murals in historic districts. The findings were presented to the HRC and discussions were held over the course of several months. At its February 26, 2019, meeting, the HRC recommended a request be forwarded to City Council so a public hearing could be set to receive citizen comments on a proposed amendment to the Design Guidelines for Fayetteville's Historic District and Local Landmarks that would regulate murals in the HLO. Numerous cities and towns in North Carolina allow murals, including in historic districts. They include Raleigh, Greensboro, Hillsboro, Matthews, Winston-Salem and Durham, to

name a few. While the review and approval process for each varies, most require an administrative review for the repainting of formerly painted walls or noncontributing walls in historic districts. The painting of previously unpainted contributing surfaces requires the approval of the local Historic Board/Commission. The commonality amongst the local government ordinances and processes reviewed was that they specifically define artwork. Most exempt murals from being defined as signage, since they contain no graphics nor text, which advertises businesses, products or services offered on the premises. Murals are solely artistic in nature. The City of Fayetteville does not prohibit, permit, or regulate "art" in the Design Guidelines for Fayetteville's Historic Districts and Local Landmarks manual. As it is silent, this ambiguity could call into question the City's authority to review murals in Historic/Landmark Overlay (HLO) Districts. Adding additional language would provide clarity. Ms. Williams displayed photographs of murals from other cities in North Carolina.

Discussion ensued.

**Consensus of Council was to direct staff to initiate the UDO text amendment process to establish a process for the review and approval of murals in the City of Fayetteville.**

#### **4.04 Discussion regarding the current Historic Districts and Standards.**

Mayor Pro Tem Mohn introduced this item and stated a discussion of several updates to the Historic Resources Commission (HRC) was requested by the City Council. First, the City's current Design Guidelines for Fayetteville's Historic Districts and Local Landmarks is 18 years old and was approved by City Council in December 2000. A review and update is highly recommended to ensure that the document is current and meets the needs of the community and its future.

Mr. Taurus Freeman, Planning and Zoning Manager, stated with the present changes unfolding within the City, the proper protection of historically significant properties should be balanced with new development. Not all old buildings are considered as historically significant as later explained. With limited conversations happening over the past several years over this balance of old and new, this agenda item is designed to reinvigorate the conversation so the City is intentional in its design. It is also important to realize that the existing HRC is involved in more than the downtown and reaches to other parts of the City through an overlay district. The title Design Guidelines for Fayetteville's Historic Districts and Local Landmarks is not fully accurate as portions of the "guidelines" serve as a City ordinance through reference from Chapter 30 of the City Code of Ordinances. Other parts of the City likely have important and historically significant structures but are not presently covered by the City ordinances. The structure of the ordinance requires certain activities to be reviewed and approved by the Historic Resources Commission with any appeals moving to the Zoning Commission and then to the court system. All actions of the HRC do not come back the City Council under present organizational designs. Other items of changes to structures are staff reviewed and approved. These actions and approvals are covered with issued Major and Minor Certificates of Appropriateness. The current system requires all properties under the historic district to have some review and action. Other communities require the review of the significant and contributing structures and features. Any adjustments to the review and approval, procedural organizational structure, and modifications to the various authorities are within the Fayetteville City Council's authority as City ordinances. Any action should be measured with impact on the City's designation as a Certified Local Government, the community's long-term values, and the individual property owners affected. The following covers these areas in some detail. The HRC is responsible for reviewing and approving all exterior changes within the designated historic districts. Items of maintenance are not under any approval

and are exempt from HRC review. HRC is also responsible for conducting public awareness and education programs concerning historic properties and districts within the City of Fayetteville.

Discussion ensued.

**Consensus of Council was to receive the initial report and direct staff to explore options to modify, amend, and incorporate any City Council policies to balance the development and preservation activities.**

#### **4.05 Review the Draft City of Fayetteville FY 2030 Strategic Plan and the FY 2020 Targets for Action**

Ms. Rebecca Jackson, Strategic Performance Analytics Director, presented this item and stated this agenda item is a review of the draft FY 2030 Strategic Plan, developed by City Council to include the FY 2020 Targets for Action (TFA). Staff is seeking Council consideration of the draft City of Fayetteville FY 2030 Strategic Plan and consensus for the FY 2020 TFA. Commitment to performance management and strategic planning strengthens the operations of the City of Fayetteville, ensuring excellent services and a high quality of life for residents. It allows for long-range planning at the organizational level with alignment to departmental operations and performance expectations. With this system in place, the City is able to allocate resources appropriately and build strategies for continuous improvement. Over the last 12 months, the City Council has worked very diligently to commit this organization to high performance and to use data and stakeholder input to create a strategic plan for the City that is forward thinking, progressive, relevant and outcome based. The Mayor, City Council, and staff share a duty to ensure that the actions of public officials, employees, contractors, and volunteers of the City are carried out in the most responsible manner possible and that City policy, budgets, goals, and objectives are fully implemented. The City Council's Strategic Plan Vision 2030 will be adopted in coordination with the annual budget ordinance in June. The City's Strategic Plan 2030 will include TFA for the upcoming fiscal year. TFA are projects or initiatives identified by Council to move the needle toward defined outcomes laid out in the Council's strategic plan. TFA are defined by a one-year action plan with milestones to focus the work of Council and staff. The City Manager's Office has directed the Office of Strategic and Performance Analytics to meet regularly with teams to advance the Council's TFA and to report progress to City Council on a quarterly basis during a City Council meeting. She reviewed the following FY 2020 Targets for Action:

1. Redevelopment and business growth of the Murchison Road corridor.
2. Job creation and retention for the local workforce through an internship program.
3. Developing Smart City capacity, specifically through pursuing the installation of broadband across the City.
4. Collaboration and empowerment by developing a Young Adult Engagement Program.
5. Working to develop a quality stormwater program.
6. Managing the City's future growth through a comprehensive land use plan.
7. Improving connectivity by assessing the feasibility of railroad crossing safety at at-grade crossings.
8. Elevating the conversation about how to combat poverty across the City.

9. Advancing community revitalization efforts, to include residential and commercial properties.

Discussion ensued.

Ms. Jackson requested Council to e-mail suggestions for revising the Key Performance Indicators (KPI). There are over 300 KPIs in TracStat.

**Consensus of Council was to direct staff to review the KPIs, receive input from the Council, and report back to Council between now and June 2019.**

**4.06 City Council Agenda Item Request - Re-Entry Program Council Presentation - Mayor Colvin**

This item was presented before Item 4.01.

**4.07 City Council Agenda Item Request - UDO Change - Placement of Vapor Stores - Council Members Crisp and Wright**

Council Member Crisp stated he has received complaints from some of his constituents regarding vapor stores opening in close proximity to schools and day care centers. Council Member Wright stated these stores sell liquid nicotine, and all types of smoking paraphernalia; and further stated he does not approve of these types of businesses locating close to schools.

Discussion ensued.

**Consensus of Council was to direct staff to review and report back with findings.**

**4.08 City Council Agenda Item Request - Eliminate Agenda Briefing Meetings and Replace with Second Work Session - Mayor Colvin**

Mayor Colvin stated he believes the Council does their best work at meetings that take no more than three to three and a half hours; when we have 15 to 20 items on a work session and the meeting lasts for more than five hours, I doubt we are getting our best work out of those meetings. As the agenda briefing meetings have been poorly attended in recent months, I suggest we use the agenda briefing meetings for some of the work session items.

Council Member Crisp stated he likes the way the meetings are set and would like to keep it that way.

Council Member Arp suggested Council direct the City Manager to not allow meetings to exceed a three to three and a half hour length of time; when the meetings are lengthy, it makes it difficult for Council to apply due diligence.

Council Member Crisp stated Council needs an agenda for the agenda briefing meetings.

Council Member Dawkins said he was in agreement to adding work session items to the agenda briefing meetings.

**Consensus of Council was to leave the structure as it is, and have an agenda for the agenda briefing meetings.**

**4.09 City Council Agenda Item Request - Stormwater Policy for Repairs of City-Owned Pipes - Council Member Dawkins**

Council Member Dawkins asked how far off the Right-of-Way (ROW) should the City maintain water pipes. Mr. Douglas Hewett, City Manager, stated this item will be addressed during the June 3, 2019, City Council work session; part of this is a legal issue and has a financial impact. Mr. Hewett asked Council to send all Stormwater

questions to himself, so they can be addressed at the June work session. Council Member Dawkins stated all of these stormwater issues are expensive.

**Consensus of Council was for this item to be placed on the City Council June 3, 2019, work session.**

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:28 p.m.