

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
SEPTEMBER 4, 2012
5:00 P.M.**

Present: Mayor Anthony G. Chavonne
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4) (arrived at 5:05 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (via telephone at 6:25 p.m.); Wade Fowler (District 8 (departed at 6:15 p.m.); James W. Arp, Jr. (District 9)
Absent: Council Member William J.L. Crisp (District 6)
Others Present:

Theodore Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Scott Shuford, Development Services Manager
John Kuhls, Human Resource Development Director
Katherine Bryant, Interim Police Chief
Brad Whited, Airport Director
Jerry Dietzen, Environmental Services Director
Karen Hilton, Planning and Zoning Manager
Eloise Sahlstrom, Urban Designer
Lindsay Maurer, Planning Communities LLC
Maurizia Chapman, FAMPO Transportation Planner
Steven Edelman, Fayetteville Chapter of Sister Cities
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Massey.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Residential Development Proposal for 301 Bragg Boulevard (Old Day's Inn site).

Mr. Scott Shuford, Development Services Director, presented this item and provided background information on the three issuances of request for development proposals (RFP) for the targeted site. He explained the first issuance received one submission that was immediately withdrawn and the second received no submissions. He further explained the third issuance included the allowance of complimentary commercial in an attempt to make the project more diverse and attractive to potential developers. He stated the RFP was broadly advertised and distributed and a pre-submittal conference was held with only one attendee representing a potential developer. He stated one response was received and judged to be substantially compliant with the conditions of the RFP, which was shared with the City Council via email on September 16, 2012. He stated City staff was continuing to conduct negotiations with the developer to address all conditions and/or concessions requested within the proposal and to possibly increase the number of dwelling units within the overall development and seeking consistency with existing zoning. He stated the approval process of the agreement would require a public hearing preceded by a series of public notices of the impending agreement. He advised the recommended action was to authorize staff to continue negotiations towards a successful agreement.

The consensus of Council was to direct staff to continue negotiations towards a successful agreement.

4.2 Bragg Boulevard Corridor Plan

Ms. Eloise Sahlstrom, Urban Designer, presented this item and stated a team of consultants led by Planning Communities, LLC (a woman-owned transportation and environmental planning firm), were hired to produce a corridor plan for Bragg Boulevard to enhance transportation and land use opportunities along the corridor. She stated the project was funded by both the City and the Fort Bragg Regional Alliance (FBRA). She stated Planning Communities, LLC, had involved the community in a multi-day visioning and design charrette, providing input that resulted in a draft corridor plan. She stated the plan would be presented to the City Council in a public hearing on September 24, 2012, and the Planning Commission would hold a public hearing on the plan on September 18, 2012. She introduced Ms. Lindsay Maurer of Planning Communities, LLC, and Mr. Graham Smith of DHM Design.

Ms. Maurer provided a power point presentation of the Bragg Boulevard Corridor Plan and stated the project objectives were to provide a multi-modal transportation plan, mobility options, and urban development and redevelopment. She stated the area of study consisted of 9.2 miles with the area of analysis covering land use, transportation network, access management, development patterns, demographics, economics, physical and natural resources, and cultural and community resources. She gave an overview of the stakeholder/public input process and the variety of input methods. She stated the corridor goals were to improve the safety and visual character of Bragg Boulevard; use green space to enhance the look, feel, and function of Bragg Boulevard; implement well-designed and well-placed signage to transform Bragg Boulevard into an aesthetically pleasing corridor and to improve mobility while offering more efficient access to corridor destinations; promote multi-modal transportation choices including travel by bus, bike and foot; improve the form and appearance of existing developed properties; create vibrant, mixed-use places where people want to live, work and play; and to develop collaborative partnerships to implement a shared vision for redevelopment.

A discussion period ensued on the topics of branding of buses, medians, increasing ridership of buses, and bicycle and pedestrian safety issues.

4.3 Proposed Participation in EPA's Ozone Advance Program

Ms. Maurizia Chapman, FAMPO Transportation Planner, presented this item with the aid of a power point presentation. She stated the City of Fayetteville participated in the Early Action Compact between 2003 and 2008, which was a partnership between EPA, the North Carolina Department of Environment and Natural Resources, and Cumberland County, on behalf of local governments and organizations, to implement strategies and policies that would improve the air quality in the area. She stated the program worked to bring the City into compliance with the 1997 air quality ozone standards and defer a potential non-attainment designation. She stated in the Early Action Compact ("EAC"), a member from each of the County's municipalities and other major organizations, to include Fort Bragg, were nominated to serve on the Air Quality Stakeholders Committee. She stated 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. She stated the Cumberland County Air Quality Technical Committee, the Sustainable Sandhills Air Team, and the Fort Bragg Air quality committee merged in 2006 to form the Combined Air Team (CombAT).

She stated Cumberland County met all of the requirements of the EAC and managed to remain in attainment even after the standards changed again in 2008. She further stated The EPA was set to lower the ground level Ozone limit in 2014 and implement it in 2016. She stated the new limit amount was not yet available; however, the Clean Air Scientific Advisory Council was looking at recommendations ranging between 0.60 and 0.70 parts per million. She also stated the Ozone Advance Program was voluntary and would allow the community flexibility to select and implement strategies that could help in lowering Ozone precursors. She stated Ozone Advance participants would also receive preferred status under several emission reduction grants. She stated should the City fail to meet the new standard by 2016 and become a non-

attainment community, this would trigger control measures for new businesses and those businesses wishing to expand. She stated additional restrictions would also apply to transportation projects that would increase roadway capacity. She stated the Ozone Advance Program was similar in nature to the Early Action Compact and would allow the County to work with the municipalities to recommend programs that would improve the air quality and attempt to remain in compliance at the onset of the new EPA ground level Ozone requirements in 2014.

Ms. Chapman concluded by stating entering into the Ozone Advance program, EPA would assist the community in developing a plan to reduce the Ozone and other toxins over time in order for them to ultimately comply with EPA's proposed Ozone levels.

Mr. Jerry Dietzen, Environmental Services Director, advised the recommendation was for Council to approve a resolution enabling Fayetteville to participate as a member in the Ozone Advance Program at the September 10, 2012, regular City Council meeting.

Consensus from the Council was to consider the resolution at the September 10, 2012, meeting.

4.4 Candidacy of Dimona City, Israel, as a Potential Sister City

Mr. Steven Edelman, Jewish Community Representative to the Fayetteville Chapter of Sister Cities, presented this item and stated the City of Dimona, Israel, is a southern city in Israel that has begun the process of transforming itself. He stated under the forward, creative thinking of its current mayor, Dimona was attracting business, university students, dynamic young families, and housing projects. He stated it was projected that by 2020, the city would double its size to 80,000 residents. He stated surrounded by the natural beauty of the desert, and bolstered by the increasing level of excellence in its school system, the town was reaching beyond its humble beginnings to establish itself as a leading city in the south. He stated many of Dimona's residents work at the Dead Sea factories, the Rotem chemical plant, or in the tourist industry. He stated Dimona had won an award for being one of the ten most beautiful cities in the country. Mayor Chavonne inquired how the City of Dimona had responded to the potential for becoming a sister city of Fayetteville. Mr. Edelman responded they were very excited about the cultural enrichment and sharing.

Council Member Davy stated the Fayetteville Sister Cities approval process went very smoothly. Consensus of the Council was to bring this item back for a formal vote at a future regular City Council meeting.

4.5 Citizen Review Board

Ms. Katherine Bryant, Interim Chief of Police, presented this item and stated as a result of the study conducted by NOBLE, a recommendation was made for the implementation of a Citizen Review Board. She stated the establishment of a board would require special legislation for the City of Fayetteville to permit members of the board to have access to the citizen complaint file.

She stated other cities had established Citizen Review Boards once the special legislation was adopted. She further stated the workgroup was formed to develop a procedural manual/City ordinance for a Citizen Review Board (CRB) to support the request for the legislative change in early 2013. She also stated the working group was comprised of the City Attorney, City Communications, Police Attorney, Office of Professional Standards, and the Interim Chief/Assistant Chiefs. Finally she stated the CRB Procedure Manual would contain the board mission, membership composition, membership eligibility, terms of office, and confidentiality and training requirements.

A brief question and answer period ensued,

Consensus of the Council was for workgroup to continue moving forward with the process.

4.6 Status of Hire Fayetteville First Job Creation Program

Mr. Kristoff Bauer, Assistant City Manager, presented this item. He stated on July 9, 2012, Council acted to establish the Fayetteville First program. He stated the program directed staff to conduct a disparity study in order to establish procurement goals consistent with the program.

He stated staff conducted lengthy discussions with the City of Charlotte and the County of Charleston, SC, in regards to the studies that were conducted by both agencies. He provided the Council with the scope of work section of Charlotte's study and stated the scope had not included elements such as "local" or "veteran." He provided a preliminary schedule showing

various tasks involved in the solicitation process to obtain proposals for a Fayetteville study. Mayor Chavonne inquired why staff was proposing to spend money on a disparity study survey, and stated the survey would be of no real value. Mr. Bauer responded that under federal law, a municipality could not implement a program to correct bias, for example race and/or gender, without a study to back up the criteria they had identified. He stated if the Council wanted to eliminate the disparity study, the policy could be revised.

A discussion period ensued and consensus of the Council was to revisit the item at the October 1, 2012, City Council work session.

4.7 2013 Holiday Schedule

Mr. Ted Voorhees, City Manager, presented this item and stated December 25, 2013, would fall on a Wednesday. He inquired if the Council wished to implement a proposed three-day Christmas Holiday Observance in 2013. He explained every 5 or 6 years the Christmas Holiday fell on a Wednesday. He stated in order to be consistent with other organizations (e.g., the State of North Carolina), he proposed implementing a three-day holiday observance in the years when December 25 fell on a Wednesday. He stated for clarification per ordinance, the City would observe 11 paid holidays each year, and the proposal, if implemented, would result in 12 holidays being observed in 2013, 2019, 2024, and 2030 and thereafter every 5 or 6 years. He stated the ordinance also stated City Hall would be closed on . . . "other such days as the City Council may designate", and allowed for the City Manager to approve scheduled closings by department or division in variance to the schedule due to operational necessity. He stated staff was finalizing budget impact estimates and would provide further information.

Consensus of the Council was to implement a three-day Christmas Holiday observance for those years when December 25 fell on a Wednesday and to place on the consent section of the September 24, 2012, City Council regular meeting agenda for official action.

5.0 MANAGER'S REPORT

Mr. Theodore Voorhees, City Manager, presented this item and stated the search for Fayetteville's next Police Chief would be officially underway on September 5, 2012. He stated the Police Chief job would be posted and would close on October 5, 2012. He stated the public would factor into the selection of the City's next Police Chief. He stated the City hired Developmental Associates to assist in the selection process and they would be hearing from community members on September 6, 2012, as part of an organizational assessment that would guide the process. He stated the general public was invited to meetings on September 13, 2012, from 6:30 to 7:30 p.m. in the City Hall Council Chamber and on September 25, 2012, from 6:30 to 7:30 p.m. at Westover Recreation Center. He stated at both meetings he would address submitted questions and attendees would have the opportunity to speak.

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:15 p.m.