

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE CONFERENCE ROOM
JUNE 3, 2019
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2) (arrived at 5:10 p.m.); Tisha S. Waddell (District 3); 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 5:15 p.m.)

Others Present: Douglas Hewett, City Manager
Lisa Harper, Assistant City Attorney
Alicia Young, Assistant City Attorney
Kristoff Bauer, Deputy City Manager
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Cynthia Blot, Economic and Community Development Director
Kevin Arata, Corporate Communications Director
Sheila Thomas-Ambat, Public Services Director
Tracey Broyles, Budget and Evaluation Director
Jay Toland, Chief Financial Officer
Gerald Newton, Development Services Director
Taurus Freeman, Planning and Zoning Manager
David Nash, Senior Planner
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 Haire moved to approve the agenda with the addition of a closed session for an attorney-client privileged matter regarding economic development.

SECOND: Council Member Wright

VOTE: UNANIMOUS (8-0)

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 5:04 p.m. The regular session reconvened at 5:22 p.m.

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

SECOND: Council Member Culliton

VOTE: UNANIMOUS (10-0)

MOTION: Mayor Pro Tem Mohn moved to move Item 4.05 before Item 4.01 on the agenda, and to discuss the moved item in the Council Chamber.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

Mayor Colvin recessed the meeting at 5:22 p.m. to move the meeting to the Council Chamber. Mayor Colvin reconvened the meeting at 5:28 p.m.

4.0 OTHER ITEMS OF BUSINESS

4.05 Discussion on Anti-Camping and Anti-Sleeping Ordinance

This item was moved before Item 4.01.

Ms. Lisa Harper, Assistant City Attorney, presented this item with the aid of a PowerPoint presentation and stated the purpose of this agenda item is to present staff's research regarding anti-camping and anti-sleeping ordinances. Council members have expressed an interest in adopting an anti-camping and anti-sleeping ordinance. Our office surveyed several North Carolina cities and found related ordinances from five peer cities. Included in the agenda packet is a comparison chart showing how the cities of Charlotte, Wilmington, Winston-Salem, Asheville and Raleigh have addressed this issue. The penalty under the majority of the ordinances cited is a misdemeanor under N.C.G.S. § 14-4. There is a proposed bill moving through the legislature (Senate Bill 584, House Bill 1010) which would decriminalize the violation of municipal ordinances. If passed, the enforcement of these types of ordinances may be adversely affected.

Discussion ensued.

Consensus of Council was to direct staff to conduct further research regarding a proposed ordinance and report the findings back at the August work session.

Mayor Colvin recessed the meeting at 6:07 p.m. to move the meeting back into the Lafayette Conference Room. Mayor Colvin reconvened the meeting at 6:10 p.m.

4.01 Future Land Use Map/Plan Update

Mr. Gerald Newton, Development Services Director, stated the City realizes the importance and necessity of an updated Land Use Map and Comprehensive Plan. In light of the State Legislation placing more emphasis on comprehensive planning, zoning requirements and development approvals, it is vital to have standards based on and consistent with the Comprehensive Plan. In February 2019 the City contracted with Stewart Inc. to begin updating the City's Future Land Use Map/Plan. The Future Land Use Map and associated recommendations is meant to function as the Land Use Element of the City Comprehensive Plan. Stewart consultants are working with members of a local firm, Crawford Design, to complete this project. This is one initiative in updating the Comprehensive Plan, another being the clean-up of the zoning map, making it parcel specific. This report is being provided as an update to Council on the progress that is being made.

Mr. Newton introduced Mr. Jake Petrosky, Planning Manager with Stewart Inc. Mr. Petrosky presented a PowerPoint and stated this project is a result of one of City Council's Targets for Action for Fiscal Year 2020 that is to update the City's Comprehensive Land Use Plan. The focus of the project is to create a new Future Land Use Plan. The Plan will include a Future Land Use Map, character area descriptions, goals and objectives and associated policies and implementation strategies. The map will be designed to reflect the City's future vision, goals, and objectives to guide growth and development in an organized, efficient, and sustainable manner with a horizon year of 2040. The plan will include feasible implementation steps and strategies and will incorporate the City's core values and Strategic Plan goals. The Plan will also be designed to be expanded and amended with future data and study area information. He stated the project consists of the following four phases:

Phase I	Project Initiation
Phase II	Analysis and Strategic Planning
Phases III	Plan Development
Phase IV	Implementation and Adoption

Mr. Petrosky further stated Phase I of the project involved the analysis of past studies to include the comprehensive analysis of 13 plans that was completed in April 2018 by Benchmark Consultants. The plans reviewed included the Cumberland County 2010 Land Use Plan and the Cumberland County 2030 Growth Vision Plan. Phase II of the project consisted of an all-day session of stakeholder meetings, four neighborhood meetings, and a survey. Phase III, the current phase, includes conducting a land use suitability analysis and mapping economic and environmental factors that affect future land use. Drafting a Future Land Use Map and character area descriptions, based on previous plans and stakeholder, staff and community input is also part of this phase. In Phase IV, as the project moves forward, policy recommendations will be finalized. A list of the top five implementation actions will be developed. The consultant team will be involved in two public hearing processes; one before the Planning Commission, held in accordance with the standards of the Code for their review and recommendation to Council; and another public hearing before City Council, held 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. We will have long-term strategies.

Discussion ensued.

Consensus of Council was to direct staff to continue with the program.

4.02 Prioritization discussion by City Council of remaining proposed UDO development standards, text amendments from mayoral appointed UDO Task Force.

Mr. Gerald Newton, Development Services Director, presented this item with the aid of a PowerPoint presentation and stated the City Manager was asked by Mayor Colvin to have the staff share the remaining items with the full Council at the work session for three reasons. The purposes are for the Council (a) to determine which items should proceed through the formal review process, (b) to prioritize which item(s) are to move forward immediately, and (c) to determine which items are to be folded into the work flow of the various departmental staffs to be considered in the future. Over the past year, the mayoral appointed UDO Task Force, with the assistance of City staff, has reviewed nearly 1,000 portions of the development standards of the City's Unified Development Ordinance to determine if changes should be made. The Task Force review left most of the development standards intact. A total of 37 items had suggested changes and adjustments. The processing of the first set of items was completed on April 23, 2019. An update of items was presented at the last Fayetteville City Council work session on May 6, 2019. A year-end report was shared with the City Council on May 28, 2019. Tonight's presentation is at the direction of the Mayor to prioritize the processing of the balance of items. A review of the remaining items follows in three sections. The first group of five are not yet processed. The second set are items just shared with the City Council last month by the Task Force chairman that were asked to be presented for this purpose of prioritizing before moving to the Planning Commission. The third section lists three items that do not require an amendment to the UDO or relate to other City regulations. The narrative of these three sections are supplemented by two attachments in the agenda packet that provide the details of the task force actions. Mr. Newton provided an overview of the three sections.

Discussion ensued.

Consensus of Council was to direct staff to forward this item to the Planning Commission and for Council to e-mail all questions and comments to Mayor Pro Tem Mohn, all questions and comments will be forwarded to the Planning Commission.

4.03 Stormwater Infrastructure Maintenance Policy

Ms. Sheila Thomas-Ambat, Public Services Director, presented this item and stated Stormwater infrastructure consists of a network of catch basins, drop inlets, swales, pipes, and stormwater control measures 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. City staff is seeking a Council policy decision that will define the core responsibility of the City to perform maintenance, repair, and replacement. This policy direction is necessary in order for staff to advise regarding resources required to provide that level of service.

Ms. Thomas-Ambat presented options for implementing drainage assistance programs that would provide resources to assist with drainage projects that are off the right-of-way. Three options for the drainage assistance programs for Council consideration were presented. Ms. Thomas-Ambat further stated drainage assistance programs will require the addition of one engineer and one engineering technician to implement as well as funding and personnel costs for both the maintenance and repair components. Staff is seeking Council direction regarding policy actions as well as options for the drainage assistance program. These cost estimates are based on the assumption that Council decides to define the City's core responsibilities consistent with peer organizations.

Option A - City Crew for 2-3 Day Jobs

Option B - Spot Repair Minor Projects, ROW and off ROW

Option C - One Time Consultant Contractor Model for Backlog

Discussion ensued.

Consensus of Council was to:

- 1. Accept responsibility for stormwater problems in the public right-of-way.**
- 2. Accept stormwater projects off the public right-of-way with a shared responsibility (cost sharing to be determined).**
- 3. Accept Options A, B, and C for added City crews, project design, additional engineering staff, and a consultant.**

4.04 Economic and Community Development New Programs Proposal

Ms. Cynthia Blot, Economic and Community Development Director, presented this item with the aid of a PowerPoint presentation and stated this item is for information purposes and discussion concerning new Economic and Community Development programs utilizing General Fund dollars. Staff is seeking consensus regarding which program should move forward for implementation using identified funding. One-time funds of \$500,000.00 has been included in the proposed FY 20 budget that Council will consider on June 10, 2019.

The Choice Neighborhoods Initiative program leverages significant public and private dollars to support locally driven strategies that address struggling neighborhoods with a comprehensive approach to community and housing transformation. The Good Neighbor Next Door program states homes must be located in Revitalization areas as determined by Council.

The Economic Development Programs are to create an economic development revolving loan fund and grant program to provide short-term capital in support of the City of Fayetteville's small local businesses located in targeted commercial corridors (to be determined by Council). The commercial corridor improvement program will support revitalization efforts in the City's targeted commercial corridors by stimulating private investment in high-quality improvements.

Discussion ensued.

Consensus of Council was to direct staff to move both programs forward until the funding is spent.

4.06 Student Semester Pass - Mobile Ticketing Update

This item was not presented and will be discussed at the June 19, 2019, agenda briefing meeting.

4.07 Consideration of Options for Regulating Short-Term Rentals

This item was not presented and will be discussed at the June 19, 2019, agenda briefing meeting.

4.08 Appointments Committee Update and Report

This item was not presented and will be discussed at the June 19, 2019, agenda briefing meeting.

ADJOURNMENT

There being no further business, the meeting recessed at 9:21 p.m. to reconvene at the agenda briefing meeting scheduled for June 19, 2019, at 5:00 p.m.

Respectfully submitted,