

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE CONFERENCE ROOM
NOVEMBER 4, 2019
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2); 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) (via telephone); James W. Arp (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Angel Wright-Lanier, Assistant City Manager
Gina Hawkins, Police Chief
Kevin Arata, Corporate Communications Director
Sheila Thomas-Ambat, Public Services Director
Jay Toland, Chief Financial Officer
Gerald Newton, Development Services Director
Taurus Freeman, Planning and Zoning Manager
Michael Gibson, Parks, Recreation and Maintenance Director
David Nash, Senior Planner
Tracey Broyles, Budget and Evaluation Director
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 THE AGENDA

MOTION: Council Member Arp moved to approve the agenda with the addition of Item 4.00, citizen request pertaining to a drainage easement.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

4.0 OTHER ITEMS OF BUSINESS

4.00 City Council Agenda Item Request - Drainage Easement - Council Member Arp

Council Member Arp stated he has a citizen concern regarding a NCDOT drainage easement that is having negative effects on a business on All American Freeway. The slope on the property is collapsing. Council Member Arp stated he is requesting a Resolution to both our State Representatives and to NCDOT asking them to stabilize the slope and make the necessary repairs with no cost to the property owner.

Consensus of Council was to approve Council Member Arp's request for the Resolutions.

4.01 Discussion of River Walk Overlay along Cross Creek

Mr. David Nash, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated City Council requested a proposed development and implementation of a zoning overlay along Cross Creek to the Cape Fear River for economic development that would

result in a "River Walk" business and entertainment district in 2017. On October 2, 2017, staff presented to City Council preliminary information at the work session. The proposed project would be along Cross Creek, between Grove Street and Eastern Boulevard, near the Cape Fear Botanical Garden. Recently, a linear trail had been built along the northern side of Cross Creek. There were several concerns regarding the Cross Creek Watershed. A Council member suggested that the project be linked to Festival Park but the area remained the same. The consensus was for staff to draft an overlay and bring it back at a work session in early 2018. Unfortunately, the planner assigned left the City for a new position and the project was not reassigned. This information is based on that work. The proposed subarea along Grove Street and Eastern Boulevard bordered by the Cross Creek and Linear Park Trail to the north is a large area of over 72 acres with approximately 66 separate parcels. Only six parcels in the study area are over one acre. The Fayetteville Metropolitan Housing Authority is now redeveloping Grove View Terrace into Cross Creek Pointe and has increased the number of residential units from 212 to 272. The City of Fayetteville owns a 7.69 acre tract on Grove, B and Lamon Streets that is currently home to the Fayetteville Area System of Transit (FAST) and Environmental Services.

A River Walk Overlay is proposed to address site design and future development in the proposed district in relation to building placement, parking, landscaping, lighting, signs and circulation. As drafted, the River Walk Overlay would not impact existing residences, does not allow new uses not previously permitted, does not change ownership of property, does not initiate specific development projects or replace existing permit and approval requirements. Using the overlay as a tool, staff recommends placing properties in a River Walk (RW) designation based on location and distance from water source. Staff will proceed to Planning Commission and City Council for final approval and notify property owners for compliance with state and local requirements should the City Council decide to proceed with the RW designation for this area.

Council Member Arp stated Greenville, South Carolina, has created a beautiful river walkway and it has become a real economic driver. The Cape Fear River as it runs through Fayetteville has extremely steep banks. Create zoning that maximizes and beautify the walk-way as a water feature in the downtown area.

Discussion ensued.

Mayor Pro Tem Mohn stated he will speak with FAMPO regarding potential funding assistance for this type of feature.

Council Member Arp stated he is asking Council to direct staff to do a zoning plan of this area all the way from Martin Luther King Jr. Park going north and west all the way to the Botanical Gardens at the river and have a complete zoning overlay that creates a water capability. I would like to have a board walk along the creek, so it would be a really attractive walking feature.

Consensus of Council was to agree with Council Member Arp's request to direct staff to do a zoning plan of this area all the way from Martin Luther King Jr. Park going north and west all the way to the Botanical Gardens at the river and have a complete zoning overlay that creates a water capability.

4.02 Proposed Ordinance Amendment to Chapter 5, Alcoholic Beverages

Ms. Karen McDonald, City Attorney, presented this item and stated at the October 7, 2019, City Council work session, discussion was held regarding an amendment to Chapter 5, Alcoholic Beverages, of the City Code. Seeking consensus from Council, the Mayor expressed an interest in allowing consumption and possession of open containers of alcoholic beverages on public streets, alleys, or parking lots within the City which are temporarily closed to regular traffic during special events.

After discussion, City Council directed the City Attorney to revise the ordinance. The proposed amendment included in the packet reflects this directive. Any public community sponsored function or activity on streets that are closed for the attraction are the type of special events that would be considered.

Discussion ensued.

Consensus of Council was to direct the City Attorney to revise the proposed amendment of the ordinance to add the Special Event process and have a good neighbor clause. The Special Events guidelines may need to review a sunset process. Council Members Jensen, Culliton, Dawkins, Mohn, and Arp were proponents of the consensus. Council Members Waddell, Haire, Crisp, and Wright were in opposition of the consensus vote.

4.03 State and Federal Lobbyist Proposals

Ms. Angel Wright-Lanier, Assistant City Manager, presented this item and stated the City Council expressed interest in retaining lobbying assistance to advocate for the City Council's positions. Given that there are significant matters of interest to the City Council at stake, it has been suggested that a full-time lobbyist at the State and Federal levels may be a worthwhile investment for the City Council. Staff received three proposals for the State lobbyist. The proposals were evaluated by Dr. Telly Whitfield, Brittany McLaurin, and Angel Wright-Lanier. Kirkpatrick Townsend scored the highest amongst the three proposals. Staff used an evaluation tool, provided by the Finance Department, to rate each of the proposals on a variety of measures. Staff then invited Kilpatrick Townsend for an in-person interview. The interview team consisted of Mayor Pro Tem Mohn, Dr. Telly Whitfield, Brittany McLaurin, and Angel Wright-Lanier. The review team agreed to offer the contract to Kilpatrick Townsend based on their extensive experience, which was communicated during the in-person interview. There was also an evaluation team to select the Federal lobbyist. The City received four proposals that were evaluated by Dr. Telly Whitfield, Brittany McLaurin and Angel Wright-Lanier. Strategics Consulting, LLC, scored the highest amongst the four proposals. Staff used an evaluation tool, provided by the Finance Department, to rate each of the proposals on a variety of measures. Staff decided to invite the top two firms based on the numerical rankings, so The Ferguson Group was added for an in-person interview. Staff, along with Mayor Pro Tem Mohn, interviewed both groups. After computing the numerical rating sheets from the interview, Strategics Consulting, LLC, scored the highest. Based on the initial rating sheets and the interview rating sheets, Strategics is being recommended as the City of Fayetteville's Federal lobbyist. The in-person interview team consisted of Mayor Pro Tem Mohn, Dr. Telly Whitfield, Brittany McLaurin, and Angel Wright-Lanier.

State Proposals:

1. Kilpatrick Townsend
2. Nexsen/Pruet
3. The Longmire Group, LLC

Federal Proposals:

1. Strategics Consulting, LLC
2. The Ferguson Group
3. Carpi & Clay
4. Thorn Run Partners

Kilpatrick Townsend will charge a monthly flat fee of \$7,000.00 per month. One time lobbyist registration fees of \$1,260.00 will also be charged.

Strategics Consulting, LLC, will not exceed an annual fee of \$60,000.00. Travel and related business expenses will not be incurred without prior approval by an authorized City representative. Such

travel and related expenses, if approved, will not exceed \$5,000.00 annually.

Should the City Council authorize moving forward with these agreements, staff will come back to Council with a budget amendment to establish the funding for these items.

Discussion ensued.

Consensus of Council was to direct staff to not pursue a lobbyist at the State level and to move forward with engaging a Federal lobbyist.

4.04 Tree Preservation Fund Update

Dr. Telly Whitfield, Assistant City Manager, presented this item with the aid of a PowerPoint presentation and stated prior to 2010 the City had tree protection requirements with fines. A fee-in-lieu payment was introduced in 2010 to remove fines and provide credits. In 2013, the prior City Ordinance was adjusted to add a \$100.00 per caliper inch removal fee for specimen trees into the City's tree fund (30-5.B.6). Earlier in 2019, Council reduced the specimen tree removal fee from \$100.00 to \$50.00 per caliper inch. The current administrative practice involves utilizing collected funds in their respective quadrants of the City.

An administrative report was provided at the October 14, 2019, regular meeting detailing the City's use of the Tree Preservation Fund for landscape and streetscape improvements. Staff was asked to provide additional information regarding the existing payments collected and resources spent. This item will also address the history of tree preservation activities in Fayetteville and information received from a review of efforts in peer communities across the state. Lastly, staff will introduce options for City Council to set policy direction for future revenues and expenditures on planting and a process for moving forward. From 2013 through the first quarter of FY 2020, \$412,070.00 has been collected through 39 payments in the tree preservation fund. The average payment is \$10,565.90, however, the median value or 50th percentile collected is \$4,200.00. It should be noted that 49 percent of the payments received to date have been generated from three projects--Walmart on I-95 Business (\$99,600.00 in 2014); Fayetteville Town Center (\$77,300.00 in 2016); and Oakridge Estates (\$24,770.00 in 2019)--given that the tree ordinance only applies to the removal of specimen trees over 30 caliper inches. Over the past two fiscal years, fees have been collected for only three projects. In May 2015, \$159,826.00 of the revenue collected was appropriated to a capital project ordinance. Staff has expenditures totaling roughly \$99,999.46 since that appropriation. This leaves a balance of \$312,070.54 which includes \$59,826.54 in appropriated and \$252,244.00 in unappropriated funds. Please see the documentation included in the packet for details.

As mentioned, there is currently \$312,070.54 (\$59,826.54 appropriated and \$252,244.00 unappropriated) available in the tree preservation fund. Staff is requesting City Council provide policy guidance on the next steps with the fund and tree planting process.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward by developing a tree planting plan to spend the money, to include the larger specimen trees (not crepe myrtles) and report back to the City Council within a 60-day time frame.

4.05 City Council Agenda Item Request - Ingress to Skate Board Park - Council Member Dawkins

Council Member Dawkins stated he is requesting a Resolution be sent to both the Governor and the State Delegation requesting a right-hand turn lane into the Skate Board Park.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward to the November 12, 2019, regular meeting.

Following the meeting, Mr. Kristoff Bauer, Deputy City Manager, provided Council Member Dawkins with a recent map of the area. Upon review of the map, Council Member Dawkins stated no further action at this time is necessary and withdrew his request.

4.06 City Council Agenda Item Request - Tree Policy / Greenspace Initiative - Mayor Colvin

Mayor Colvin withdrew his item and it was not presented or discussed.

4.07 City Council Agenda Item Request - Discussion on Bond Counsel - Council Member Crisp

Council Member Crisp presented this item and stated for the past 12 years the City has engaged a bond counsel outside of the City and the County when we have a qualified local firm. We do not receive any tax return on income from firms outside of our City. Local hire benefits the City via tax revenue.

Discussion ensued.

Consensus of Council was to allow staff to research and bring this item back to Council at the November 12, 2019, regular meeting.

4.08 City Council Agenda Item Request - Amending the Animal Ordinance to include Roosters - Mayor Colvin

Mayor Colvin presented this item and stated he would like for staff to review the Animal Ordinance as he has received many complaints regarding roosters in the City. Council Member Dawkins requested goats be included in the review.

Discussion ensued.

Consensus of Council was to direct staff to review the Animal Ordinance and bring the item back to Council with optional modifications within the next 30 to 60 days.

4.09 City Council Agenda Item Request - Stop Light for Morganton and Northview Intersection - Council Member

Council Member Dawkins presented this item and stated he is requesting a Resolution be sent to the Governor and the State Delegation to request a stop light at the Morganton and Northview intersection. Council Member Waddell stated she would like to see equitable treatment across the City; Rosehill at the Trinity School area also needs a stop light.

Council Member Jensen stated she also had intersections in her District that she would like to request stop lights.

Discussion ensued.

Consensus of Council was to table this item until the November 12, 2019, discussion of agenda items meeting.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:03 p.m.