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**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
VIA ZOOM CONFERENCE CALL
JUNE 4, 2020
5:00 P.M.**

Present: Mayor Mitch Colvin (departed at 6:46 p.m.)

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Jay Toland, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Director
Gerald Newton, Development Services Director
Kevin Arata, Corporate Communications Director
Taurus Freeman, Planning and Zoning Manager
Christopher Cauley, Economic and Community
Development Assistant Director
Sheila Thomas-Ambat, Public Services
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 5:00 p.m.

2.0 INVOCATION

The invocation was offered by Mayor Colvin.

3.0 APPROVAL OF THE AGENDA

MOTION: Council Member Wright moved to approve the agenda with the addition of the following two items: 1) Outdoor dining and merchandising related to current COVID-19 Pandemic and 2) Duty to intervene.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Dawkins moved to call for a special meeting to be held on June 8, 2020, beginning at 5:00 p.m. to discuss the State of Affairs.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Stormwater Major Drainage Project Update

Ms. Sheila Thomas-Ambat, Public Services Director, presented this item with the aid of a PowerPoint presentation and stated nine major drainage projects were identified primarily through citizen complaints prior to the completion of the existing City-wide hydrologic and hydraulic (H&H) modeling studies for all watersheds. The City has been pursuing the design of these projects. Recent detailed H&H modeling and cost/benefit evaluations have prioritized eight of the nine projects based on modeling of the effectiveness of each project and available funding. Council is asked to provide concurrence with funding of the top three recommended drainage CIP projects. An

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additional project has received first phase approval for HMGP grant funds and was therefore not included in the prioritization.

The City's stormwater program and utility was initiated in 1995 to comply with the Clean Water Act to manage pollution levels in stormwater runoff and improve water quality. This program was tied directly to water quality requirements until 2007, when Council recognized the need for new and retrofitted drainage infrastructure to resolve local flooding issues and infrastructure maintenance concerns and raised the stormwater fee to provide additional resources. A Capital Improvement Program (CIP) was developed at that time. To date, capital improvements have been driven by citizen complaints and staff observations of flooded areas and/or infrastructure issues based on condition. Projects start initially in the City's Spot Repair Program but are elevated to Major CIP project status if they are determined to be more substantial in nature, and when estimated construction costs for improvements are anticipated to be greater than \$200,000.00. The primary, but not exclusive, driver for CIP projects are improvements in the public right-of-way that have the highest capacity for public good with as-needed improvements of off-right-of-way to facilitate the project. Major CIP projects historically have been scheduled based on priority and funding availability; however, funding is not sufficient to fund all of the currently identified projects.

The City currently has nine major drainage CIP projects that are in conceptual or detailed design. In the fall of 2019, the City engaged Arcadis, through their existing Program Management On-Call contract, to assist staff with proactively reviewing design information for eight of the nine projects to inform the CIP and budgeting process and help develop a more holistic way to prioritize projects to move to construction. The remaining one project has received first phase approval for HMGP grant funds and was therefore not included in the prioritization. Design consultants WK Dickson, Hazen & Sayer, and Kimley-Horn recently completed 2-dimensional (2D) H&H modeling of the eight Major CIPs to identify the extents and severity of flooding and recommend proposed improvements to meet the City's level of service for storm sewers and culvert/roadway crossings. A range of design storms (2, 10, 25 and 100 years) were evaluated for existing and future development conditions for the current infrastructure as well as the proposed drainage improvements. To better utilize available funding and implement projects with the most benefit to the community, a prioritization analysis was performed to compare projects. This simplified benefit cost analysis ranks projects on safety, proximity to critical facilities, environmental impact, economic redevelopment opportunities, etc., in addition to cost. Staff is recommending funding and moving forward with the projects that rank highest in the H&H modeling and prioritization analysis. These projects are Spruce Street, Sunbury Drive and North Street. The remaining projects of Bonnie Doone 2, Bonnie Doone 5, Breezewood Avenue, Broyhill Dive and Roxie Avenue will be removed from the existing CIP budget and prioritized with the portfolio of projects identified from the City-Wide Master Planning effort. The remaining one project of Neville Street has received first phase approval for HMGP grant funds and will continue to be funded in anticipation of matching grant contribution. Acceptance of the proposed CIP recommendations by Council will allow staff to address the drainage improvement projects with the most benefit to the community. While funding is not sufficient to meet all drainage system needs, the recommended improvement projects prioritize the anticipated budget available to move forward to construction of those projects with the greatest benefit to the community.

Discussion ensued.

MOTION: Mayor Pro Tem Jensen moved to "Suspend the Rules" for voting on this item.
SECOND: Council Member Dawkins
VOTE: UNANIMOUS (10-0)

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MOTION: Council Member Dawkins moved to approve the four projects as presented and delay the other five projects at this time to be reviewed for the next year Capital Improvement Plan (CIP).

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

4.02 Discussion of Unified Development Ordinance Text Amendments: UDO Task Force Recommendations

Dr. Gerald Newton, Development Services Director, presented this item with the aid of a PowerPoint presentation and stated the following three text amendments to the Unified Development Ordinance (UDO) were part of six amendments that were heard by the City Council on November 25, 2019. At the meeting, a public hearing was held and three recommendations from the UDO Task Force were remanded back to staff for further review. Per City Council, the amendments would also be remitted back to the Planning Commission for review, before final action by the City Council. The recommendations include the following:

- TA19-037: 30-5.B.2.a, Nonconformities
- TA19-046: 30-5.F.9.d, Sidewalk Bonds
- TA19-057: 30-7.F, Two-acres or Less for Nonconforming Sites

After further analysis, staff recommends that TA19-037 and TA19--057 move forward as recommended by the Task Force with some modifications, and TA19-046 have no further action be taken due to no legal authority for the City to implement the recommendation of the Task Force. If there are no concerns raised by Council after reviewing this administrative report, then staff will place TA19-037 and TA19-057 on a future consent agenda for consideration of adoption.

Discussion ensued.

Consensus of Council was to direct staff to bring this item to a regular meeting on consent for an official vote.

4.03 Unified Development Ordinance (UDO) Chapter 30 proposed amendments

Ms. Alicia Moore, Planner II, presented this item with the aid of a PowerPoint presentation and stated recently passed Chapter 160D of the North Carolina General Statutes recodifies and modernizes municipal development regulations. The new Chapter 160D consolidates city and county enabling statutes for development regulations (previously in Chapters 153A and 160A) into a single, unified chapter. To provide time for the development, consideration, and adoption of necessary amendments to conform local ordinances to this new law, Chapter 160D is not effective until August 1, 2021. All city zoning, subdivision, and other development regulations, including the Unified Development Ordinance, which must be updated by the aforementioned date to conform to the new regulations.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward with the required changes.

4.04 Authorization for the City Manager to Engage State Lobbying Firm

Mr. Douglas Hewett, City Manager, presented this item and stated during a Council work session in late 2019, the City Council authorized the City Manager to post a Request for Proposal (RFP) to seek two lobbyists--one for the State Legislature and the other for the Federal level. City staff, and one Council member, evaluated the proposals and would like to move forward with the selection of two firms to represent the City's interests. On November 4, 2019, City staff presented a federal and a state lobbying firm. At the time, the

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City Council did not want to move forward with the state lobbyist. Recently, there has been renewed interest in securing a State lobbying firm to represent the City's interest at the State Legislature in Raleigh.

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 State lobbyists may now 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. Kilpatrick Townsend will charge a monthly flat fee of \$7,000.00 per month. A one-time lobbyist registration fee of \$1,260.00 will also be charged. Staff recommends Council authorize the City Manager to proceed with hiring the selected lobbying firm.

Consensus of Council was to direct staff to move this item forward.

4.05 Council Member Agenda Item Request - Outdoor Dining and Merchandising related to current COVID-19 Pandemic

Council Member Ingram introduced this item and stated Ms. Bianca Shoneman, President and CEO of Cool Spring Downtown District, is on the phone to brief Council on this item. Ms. Shoneman stated the Cool Spring Downtown District believes there is strong interest in expanding space for dining, retail, and services into the public realm. Given public health regulations around reduced capacities and some reluctance from public to be in tight spaces, more room is needed for businesses to operate and survive the crisis.

Dr. Gerald Newton, Development Services Director, stated businesses outside of the downtown area already have permission to expand. This is different because the City owns the sidewalks.

MOTION: Council Member Ingram moved to "Suspend the Rules" for this item.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

MOTION: Council Member Ingram moved to approve creating a resolution in support of an expedited review process for drawing of site plans, waiving of fees, allowing restaurants and retailers the ability to encroach on adjoining businesses with permission and NCDHHS compliance, allowing restaurants and retailers to submit a site plan for a pedlet, allowing for temporary signage including floor decals (to be removed ten days after Phase 2 expires), and work in partnership with the Cool Spring Downtown District to close a street for an evening of outdoor dining on June 26, 2020, the expected end of Phase 2.

SECOND: Council Member Wright

VOTE: UNANIMOUS (9-0)

4.06 Council Member Agenda Item Request - Duty to Intervene

Council Member Kinston presented this item and stated she is seeking consensus from Council to allow staff to review the Fayetteville Police Department Written Directives and Operating

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Procedures, Section 5.0, Violation of Law, to include the wording "Duty to Intervene"; to allow staff to add a definition and expand of what that means.

Mr. Hewett stated staff can come back with an implementation policy and will further discuss with Police Chief Hawkins.

Consensus of Council was to direct staff to move this item forward.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:22 p.m.