

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER/ZOOM
MARCH 1, 2021
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2) (via zoom) (arrived at 5:10 p.m.); Tisha S. Waddell (District 3) (via zoom); 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
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Gerald Newton, Development Services Director
Michael Gibson, Parks, Recreation and Maintenance Director
Cliff Isaacs, Construction Manager
Chris Cauley, Interim Economic and Community Development Director
David Nash, Senior Planner
Rebecca Jackson, Chief of Staff
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 Council Member Haire.

PLEDGE OF ALLEGIENCE

The Pledge of Allegiance to the American Flag was led by Mayor and City Council.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Dawkins moved to approve the agenda.
SECOND: Council Member Wright
VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 160D Text Amendments: Evidentiary Hearing Publication Requirements

Mr. Craig Harmon, Senior Planner, presented this item and stated the new Chapter 160D of the North Carolina General Statutes modernizes and consolidates current development regulation statutes from other chapters into a unified chapter. The new law includes updates that must be incorporated into local development regulations. The proposed text amendments reflect these required updates to the Unified Development Ordinance (UDO).

Discussion ensued.

Council Member Haire stated he would like to see two or three signs at the sites of rezonings, special use permits, and variances.

Consensus of Council was to direct staff to proceed with the Evidentiary Public Hearing process of the text amendments to be in

compliance with North Carolina General Statutes Chapter 160D, and to have two or three signs at the sites for rezonings, special use permits, and variances.

4.02 160D Text Amendments: Evidentiary Hearing Decision-Making Board

Ms. Alicia Moore, Planner II, presented this item and stated under State law, quasi-judicial decisions may be heard and decided by the Zoning Commission (as the board of adjustment), the Planning Commission, or the City Council. Any of these boards may be so authorized, and prior review by an advisory board is not required. Moreover, an advisory board's recommendation is not evidence to be considered by the ultimate decision-making board. Under current City Code, three types of quasi-judicial matters are subject to a dual-review process by an advisory board followed by a decision-making board. The three types are special use permits (SUPs), subdivision waivers, and appeals of administrative decisions. In particular, SUPs are reviewed first by the Zoning Commission, which issues a recommendation, and then by the City Council, which renders a decision. As the City Council cannot consider the Zoning Commission's recommendation as evidence for its decision, any information that was presented to the Zoning Commission must be presented again to the City Council. Moreover, this practice generates confusion as to the basis of the ultimate decision.

To reduce confusion or legal errors, the local development ordinance may authorize single-board review, provided that quasi-judicial procedures are followed. This single-board review could be applied to SUPs, as well as to subdivision waivers and appeals of administrative decisions.

Discussion ensued.

Consensus of Council was to direct staff to draft text amendments to the City Code to provide that all Evidentiary Hearings go directly to the City Council.

Consensus of Council was to direct staff to draft text amendments to the City Code to provide that all appeals of administrative decisions go to the Zoning Commission. Council Members Haire and Kinston were in opposition to the consensus vote.

There was no consensus regarding the Subdivision Waivers

4.03 160D Text Amendments: Building Code

Mr. Jason Everage, Chief Building Official, presented this item and stated the first major overhaul of development regulations in over a hundred years, Chapter 160D clarifies and modernizes the ways that cities and counties manage local development. The endeavor was initiated in 2013 by the North Carolina Bar Association, enacted in 2019, and went through revisions (mostly to adjust to the effects of the COVID pandemic) in 2020. The deadline for local governments to conform their ordinances to the new requirements is July 1, 2021. In addition to requiring numerous updates to local ordinances, Chapter 160D authorizes local governments to make certain changes at its own discretion. The City may adopt these permissive changes if such changes would benefit the City by, for example, increasing efficiency and clarity of local procedures. There is no deadline for the adoption of the permissive changes. Unlike the mandatory changes (which must be adopted by July 1, 2021), the permissive changes may be adopted at the City's discretion. If approved, the effects of the proposed amendments will be City-wide and dynamic. The updated ordinances will require adjustments to internal City procedures and will impact the rights and responsibilities between the City and landowners, developers, and residents. By updating the Code of Ordinances, the City will be in compliance with North Carolina State law and will benefit by the modernization of local procedures.

The proposed text amendments reflect these required updates to Part 2, Chapter 7, of the City of Fayetteville's Code of Ordinances. The purpose of the item is to allow a discussion of Proposed Text Amendments to Part 2, Chapter 7, of the Code of Ordinances comply with Chapter 160D of the North Carolina General Statutes.

Discussion ensued.

Consensus of Council was to approve the proposed amendments.

4.04 160D Text Amendments: Code Enforcement

Mr. James Rutherford, Housing and Code Enforcement Division Manager, presented this item and stated the proposed text amendments comprise mandatory changes made necessary due to the relocation of sections of North Carolina General Statutes Chapter 160A to North Carolina General Statutes Chapter 160D. There are a total of 13 North Carolina General Statute references in the existing Part 2, Chapter 14, of the City of Fayetteville Code of Ordinances that must be updated. The material content of the code sections is unchanged and all changes are limited to reference numbers only.

The City of Fayetteville's Code of Ordinances in Part 2, Chapter 14, govern Housing, Dwellings, and Buildings within the City of Fayetteville.

Consensus of Council was to approve the proposed amendments.

4.05 Proposed Annexation of Property Adjacent to Arran Lakes West

Mr. David Nash, Senior Planner, presented this item and stated the City has received a request to annex property that is adjacent to Arran Lakes West, west of Bingham Drive. This property is contiguous to the City, but the existing Fayetteville-Hope Mills Annexation Agreement designates this area for annexation by the Town of Hope Mills. The purpose of this item is to make City Council aware of this situation, and to seek guidance from Council on whether to initiate discussions with the Town of Hope Mills regarding a modification of the agreement, which is permitted according to Section 9 of the Agreement.

Discussion ensued.

Consensus of Council was to direct staff to contact the Hope Mills staff to request a meeting to discuss this situation. This meeting will hopefully result in a consensus that the Fayetteville-Hope Mills Annexation Agreement needs to be modified, in order to allow Fayetteville to annex the area requested for annexation. The Fayetteville City Council and the Hope Mills Town Board would need to eventually modify the agreement.

4.06 Presentation of findings from the Historic Resources Program Study by Hanbury Preservation Consulting

Mr. Taurus Freeman, Planning and Zoning Manager, introduced this item and stated the City of Fayetteville sought the services of a qualified consultant or consultant team with knowledge of or experience in evaluating and identifying Best Practice methods related to the Historic Preservation Commission (HRC) and a historic resource program (HRP). The selected firm, Hanbury Preservation Consulting, was responsible for evaluating the current HRC and HRP for the City, identifying deficiencies (if any), and making sound, sustainable recommendations to improve the HRC and/or HRP.

Ms. Mary Ruffin-Hanbury, Hanbury Preservation Consulting, presented the report via zoom with the aid of a PowerPoint presentation and stated, while local preservation commissions in North Carolina all work within the state enabling legislation parameters, they are by no means all alike. This document seeks to address the

expectations outlined in the City's RFP and integrate suggestions based on best practices and experiences drawn from other communities.

The report is primarily organized around specific concerns articulated in the RFP:

- Composition of Historic Resource Commission
- Analysis of Local & National Historic Landmarks, Evaluation of Historic Districts, and Analysis of Contributing and Noncontributing Structures
 - o National Designations
 - o Local Designations
- Review for Compliance with State and Federal Regulations
 - o Purpose
 - o Local Commission
 - o Designations
 - o Certificate of Appropriateness
 - o Demolition and Demolition by Neglect
- Certified Local Government and Other Federal Considerations
- Review of By-Laws
- Review of Economic Impact
- Evaluation of Certificate of Appropriateness Process
 - o Coordination with HPO
 - o Webpages with Examples of Other Best Practices

Discussion ensued.

Mr. Douglas Hewett, City Manager, invited Council to have further discussion on this item with Mr. Freeman and Ms. Hanbury.

Consensus of Council was to receive the report and implement results with preceding activities for the Historic Resources Program. Council Member Kinston was in opposition to the consensus vote.

Mayor Colvin recessed the meeting at 7:00 p.m., and reconvened the meeting at 7:11 p.m.

4.07 FAST Planning Updates and Possible West Fayetteville Route Enhancements

Mr. Randy Hume, Transit Director, presented this item and stated the Transit Development Plan (TDP) is the guiding document Transit staff relies on as improvements are presented for funding. The TDP establishes the five- to ten-year framework for future service improvements. The most recent TDP was completed in 2014 and an update to this TDP is scheduled to begin soon. This plan is a key focus area of the Fayetteville Advisory Committee on Transit (FACT). FACT functions as a sounding board for updates to the TDP and is to provide recommendations consistent with the adopted TDP within fiscal constraints.

Staff is always willing to respond to new service suggestions whether or not these have been included in the TDP. Budgeting the resources needed to operate and equip a new route remains the strategic question. The merit of a new route like this also needs to be measured against needs in other underserved areas of the City or areas that may offer more ridership. To gain this information FAST tries to engage key stakeholders to gain a clear understanding of the request plus it reviews demographic data for the area such as overall population, number of households, private vehicle ownership, and age groups that are generally more likely to use transit.

Council Member Banks-McLaughlin requested a review of the prospect of adding bus services to Hoke Loop Road. Staff reviewed a similar request a few years ago with the suggestion Route 17 use Hoke

Loop Road instead of Cliffdale Road for its return trip to the Reilly Road/Cliffdale Road transfer point near the Cookout Grill. Stop activity reports indicate the Cliffdale Road stops between Raeford Road and Hoke Loop Road are used an average 18 times per day. A look at population data within one-half mile of the Hoke Loop Road versus the current Cliffdale Road segment does not indicate FAST would achieve significant ridership gains by rerouting Route 17, in addition we would be inconveniencing 18 existing customers.

Staff agrees there are needs in this area as the current Route 17 configuration is limited in its ability to meet the needs of this growing area. Additional resources (an added bus with a new route or an added bus and a reconfigured Route 17) are needed to effectively address this need.

Staff engaged the Cliffdale West Neighborhood watch group along with the New Life Christian Academy and New Life Bible Church to gain a better understanding of the need and desired destinations of those along Hoke Loop Road. Staff attended the December 2020 neighborhood watch meeting and presented some route concepts as well as introduced a survey for residents to assist staff in developing a potential new route and assess interest for a new route. Staff received 51 survey responses. There was interest in one of the initial concepts presented that connected the Hoke Loop Road corridor to the retail center near Gillis Hill Road as well as to Lake Rim Park (new pool and future Senior Center) and the Hoke County Medical facilities along Raeford Road.

Mr. Hume presented a brief overview of transit operations and planning, including an overview of routes and ridership which have been impacted by COVID-19 as well as information related to placement of benches and shelters.

A new west Fayetteville route was not included in the current TDP. A potential route as well as looking at other ways this need could be addressed will certainly be part of the update to the TDP. Those findings and recommendations should be completed in the fall 2021 for consideration for the FY23 budget. Staff did submit a placeholder new initiative as part of our FY22 budget development process.

Discussion ensued.

Consensus of Council was to accept the report and direct staff to budget for the requested Hoke Loop bus route.

4.08 Parks and Recreation Re-Opening Plan and Proposed Discounted Program Fees for Online Recreation Registration

Mr. James McMillan, Recreation Division Manager, presented this item and stated Recreation programming was halted in March 2020 in response to the Executive Order issued by the Governor with regard to COVID-19. At that time, after-school programming and spring sports were suspended. Summer camp programming was not held and athletics have not been conducted since. As restrictions have eased, programming has resumed on a small scale. The department is currently looking to resume after-school and athletic programming in mid-March, to coincide with the potential re-opening of Cumberland County Schools (currently set for March 15, 2021). In an effort to minimize crowding in the recreation centers due to an influx of in-person registrations, the department is proposing a reduction/discount of fees for those registering online.

It is the intent of the department to offer a return to in-person programming for children with spring programming adhering to the COVID-19 guidelines set in place. The option for discounted registration fees online can help ensure social distancing guidelines are adhered to in recreation facilities. Following the conclusion of spring after-school programs and athletics, the department would

conduct summer camps, and summer athletics. The option for discounted registration fees is proposed through the remainder of the fiscal year.

Discussion ensued.

Consensus of Council was to accept the report and to direct staff to pursue on-line registration and discounted fees.

4.09 1st Floor City Hall and Council Chambers Renovations

Mr. Kevin Arata, Corporate Communications Director, presented this item with the aid of a PowerPoint presentation and stated the City Hall's 1st floor and Council Chamber are not conducive to allowing residents to access those areas under COVID restrictions and guidelines. Renovating these areas will allow them to be open to the public in a COVID-friendly manner to better serve residents.

The City has received \$900,000.00 in CARES Act funding that can be used to create spaces that are in line with COVID guidelines for resident engagement. City staff have contracted with an architectural firm to design a customer service area and Council Chamber where residents can safely interact with City staff and elected officials.

Mr. Cliff Isaac, Construction Management Director, stated the renovation of the 1st floor customer service area is estimated to take four months and the Council Chamber renovations are estimated to take two months. Staff is working now to develop bid documents as the architect finalizes drawings and specifications. The renovations include updating restrooms, the addition of cubicles in what was previously open spaces, new furnishings, and an updated security area, all to help protect against COVID. The result will be spaces that more efficiently and safely allow residents to conduct business with the City and its elected officials.

Discussion ensued.

Consensus of Council was to approve the conceptual design of the 1st floor of City Hall renovations, to include the Council Chamber, and allow the City Manager to continue with the necessary actions to continue the renovation design process, and to approve the color/walls/flooring color scheme.

4.010 Council Member Agenda Item Request - Fayetteville Community Policing Advisory Board - Council Member Davis

Council Member Davis presented this item and stated he would like to gain consensus to formally establish a Citizens Advisory Board in partnership with citizens. To work with staff to facilitate the charter and selection criteria, to include goals and objectives. To create a consistent, transparent, open and honest line of communication between the Fayetteville Police Department and citizen representatives. To improve community and police relationships through information sharing and collaborative problem solving, and to set a target launch date for four to six months.

Discussion ensued.

Consensus of Council was to accept Council Member Davis' request. Council Members Ingram and Kinston were opposed to the consensus vote.

4.011 Council Agenda Item Request - Housing Down Payment Assistance Program Expansion - Mayor Mitch Colvin

Mayor Colvin presented this item and stated he is seeking Council consensus to expand the Housing Down Payment Assistance Program to include First Responders and Health Care Workers, and requested the expansion of the areas with which they are allowed to purchase housing.

Discussion ensued.

Consensus of Council was to accept Mayor Colvin's request.

4.012 City Council Agenda Item Request - Signature Technology - Council Member Kinston

Council Member Kinston presented this item and stated she is seeking Council consensus to direct staff to investigate a more effective way to meet the needs of citizens without having to approach strangers, when collecting signatures for petitions.

Discussion ensued.

Consensus of Council was to accept Council Member Kinston's request.

4.013 City Council Member Agenda Item Request - National Clean-Up Day - Council Member Kinston

Council Member Kinston presented this item and stated she is seeking Council consensus to participate in National Clean Up Day, on September 18, 2021. I would like Council's support to organize a City clean-up day with community partners, organizations, churches, etc. This will allow groups six months to prepare for the event; participating in this special day shows you are sending a message to your communities that you care about keeping our City, streets, and neighborhoods clean.

Discussion ensued.

Consensus of Council was to accept Council Member Kinston's request. Council Member Dawkins was in opposition to the consensus vote.

4.014 City Council Agenda Item Request - Resolution in support of the Omnibus Act and Omnibus Bill - Council Member Ingram

This item was not presented, Council Member Ingram stated she will discuss this item with staff.

4.015 City Council Agenda Item Request - Resolution in support of the Crown Act - Council Members Ingram, Waddell, Banks-McLaughlin, and Kinston

Council Member Ingram presented this item and stated she is seeking Council consensus to:

1. Establish and pass a resolution in support of the adoption of the Crown Act or other legislation prohibiting race-based hair discrimination in the workplace of City of Fayetteville, NC, and the State of North Carolina.
2. Direct City staff to review and update its personnel policies that will reflect prohibiting discrimination in employment, public accommodations, and fair housing access against individuals who wear "protected hairstyles" as current state and federal law prohibit discrimination on the basis of race and ethnicity in employment, housing, and in schools, but does not offer protection to individuals with specific hair styles or texture related to race or ethnicity.
3. Direct City staff to craft a resolution that will request the North Carolina General Assembly to review and update its state law to offer protection to individuals with specific hair styles or texture related to race or ethnicity as current state and federal law prohibit

discrimination on the basis of race and ethnicity in employment, housing, and in schools.

Discussion ensued.

Consensus of Council was to direct staff to research this item and report back; moving this item forward. Council Member Dawkins was in opposition to the consensus vote.

4.016 Council Agenda Item Request - Amendment to Legislative Agenda - Council Member Waddell

Council Member Waddell presented this item and stated she is seeking Council consensus to direct staff to create a resolution to place dollar amounts and specifically around the asks to our State Delegation, and to request an amount for not less than \$22 million to help fund infrastructure improvements. Council Member Waddell stated she had spoken with members of the Delegation and Senator deViere, Senator Clark, Representative Lucas and Representative Wheatley and all indicated they would be in support of this request, and further stated the County provide very specific asks to the State Delegation with specific asks.

Discussion ensued.

Consensus of Council was to direct staff to send a letter to the delegation by Council, we would like to amend our State Action Plan to include a specific request for no less than \$22 million to the item under Public Infrastructure titled "Identify and seek DOT funding opportunities to support sidewalk maintenance, repairs and resurfacing".

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:10 p.m.