

**FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
LAFAYETTE CONFERENCE ROOM
JANUARY 14, 2020
5:30 P.M.**

Present: Mayor Mitch Colvin

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
Angel Wright-Lanier, Assistant City Manager
James Nolette, Assistant Police Chief
Kevin Arata, Corporate Communications Director
Sheila Thomas-Ambat, Public Services Director
Jay Toland, Chief Financial Officer
Gerald Newton, Development Services Director
Cynthia Blot, Economic and Community Development
Director
Rebecca Jackson, Strategic Planning Analytics
Director
Tracey Broyles, Budget and Evaluation Director
Dwayne Campbell, Chief Information Officer
Mike Hill, Fire Chief
John Larch, Stormwater Manager
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 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Colvin and Council Members.

4.0 APPROVAL OF THE AGENDA

MOTION: Council Member Haire moved to approve the agenda.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

5.0 OTHER ITEMS OF BUSINESS

5.01 Opportunity Zone Recruitment & Development Strategy

Mr. Walter Davis, Consultant, The Alliance, presented this item with the aid of a PowerPoint presentation and stated in August 2019 the FCEDC engaged The Alliance to determine, review and validate potential Opportunity Zone projects that would be attractive to investors. The Alliance was also asked to identify potential investors in Opportunity Zone projects. Additionally, an Investment Prospectus will be produced to market the City of Fayetteville. The Prospectus will include a narrative about Fayetteville's present condition and its future outlook with Opportunity Zone investments. After extensive review of Fayetteville's Opportunity Zones, it has been determined that an interim step was needed prior to producing a

marketing prospectus. Developing a strategy that focuses on near term projects with a longer-term vision for transformation of distressed communities. This encompasses a business and residential approach to achieving a community where all citizens want to live, work and play.

Mr. Davis briefed the Council on the following: Engagement Objectives, The Alliance, Opportunity to Leverage Assets, The Strategy, Opportunity Zone Map, Murchison Road Corridor - Catalyst Site 1, Reduced Lanes, Housing and Mixed Use Retail, Gateway Entrance, Multi Use Innovation Corridor, Investor and Investment, Private Investment Opportunities, Connectivity; Trails and Greenways, Proposed Connectivity Strategy, and Strategic Decisions that Stimulate Private Investment.

Discussion ensued.

Mayor Colvin thanked Mr. Davis for the presentation and members of The Alliance that were in attendance.

5.02 Stormwater Program Overview

Mr. John Larch, Stormwater Manager, presented this item with the aid of a PowerPoint presentation and stated Stormwater is surface water that results from rain and storm events. Stormwater runoff is generated from rain and snowmelt that flow over land or impervious surfaces. Impervious surfaces are hard surfaces that do not allow water to soak into the ground, such as paved streets, parking lots, and building rooftops. As this water flows over these areas, it picks up sediment, nutrients, bacteria, metals, pesticides, and other pollutants. Unlike sanitary sewers that go to a treatment plant, most stormwater is discharged directly into local water bodies. Development increases the amount of impervious surfaces in urban areas and reduces the ability of the water to soak into the ground. This in turn increases the potential for localized flooding on roadways and private property. In the 1970s and 1980s, Federal laws were implemented to protect surface water from pollution. During the 1990s, these laws resulted in State agencies, such as the North Carolina Department of Environmental Quality, implementing permit programs to regulate the pollutants that enter creeks and streams from stormwater. Larger municipalities such as Fayetteville were required to obtain a permit in order to ensure stormwater systems were being maintained properly. In July 1995, the City was issued a municipal stormwater discharge permit from the State and EPA. The City Stormwater Program was developed to ensure compliance with the permit. In 2007, the Fayetteville City Council implemented a Stormwater Fee for properties within the City limits to address stormwater capital projects that were not previously funded. The "drainage" fee was assessed to all developed properties (residential/non-residential/business) within the City limits. This fee supports a higher level of maintenance of the existing infrastructure, development of drainage plans and flood control measures, and funding for major capital expenses. The fee also pays for the operational costs needed to stay compliant with the NPDES permit. The current fee is \$72.00 per household which generates approximately \$11 million per year. Historically, stormwater roadway infrastructure was maintained by the City as part of its normal roadway management program. As the Program has matured, staff are including costs related to stormwater roadway infrastructure upgrades and improvements either wholly or partially as part of the Utility funds. Additionally, developers build stormwater pipes or structures as they construct neighborhoods and the infrastructure in the public right-of-way is accepted by the City annually. The stormwater program includes a Development Review Program (Water Quality and Quantity), Capital Improvement Plan (CIP), the Drainage Assistance Program, a Stormwater Right-of-Way Maintenance and Street Sweeping Program, and a NPDES Water Quality Permit Program which includes an educational outreach component. Employees include maintenance personnel, engineers, inspectors, a public information specialist, and administrative support specialists. As the stormwater program has expanded, the City has also worked with a variety of community

partners and other agencies to improve the services provided to the citizens. The City Council appoints the Stormwater Advisory Board which is a board of nine citizens who provide recommendations on stormwater issues. In 2019, the Mayor established a City Council Stormwater Committee that explores stormwater issues in more depth and provides feedback to the City Council.

Discussion ensued.

5.03 Stormwater Master Plan Update

Mr. Mike Wayts, Program Director, Freese and Nichols, presented this item with the aid of a PowerPoint presentation and provided an update on the following items: Program Team Members, Plan Driven by Data, Risk Assessment, Modeling Concept, Citywide Rain on Mesh Model, Validation, Hurricanes Mathew and Florence, Model Limitations, and Prioritization. Mr. Wayts stated the objective is to create analytical and defensible process, determine priorities for the City's resources, address historical and persistent flooding issues, and proactively plan for the future. Mr. Wayts provided an overview of the scoring criteria and watershed prioritization.

Discussion ensued.

Mayor Colvin recessed the meeting at 7:00 p.m. and reconvened the meeting at 7:10 p.m.

5.04 Drainage Assistance Program Update

Mr. John Larch, Stormwater Manager, presented this item with the aid of a PowerPoint presentation and stated Stormwater infrastructure consists of a network of catch basins, drop inlets, swales, pipes, and stormwater control measures (SCMs) that carry stormwater runoff away from roadways and property, ultimately discharging it into creeks and streams. A high level preliminary analysis of City stormwater records indicates approximately 52 percent of stormwater pipes and network structures are in the public right-of-way and 48 percent are outside the City right-of-way. Approximately 94 percent of streams and ditches are outside the City right-of-way.

In June 2019, Council approved a revision to the Stormwater ordinance that makes it clear that the City's responsibility is to maintain stormwater infrastructure within the City right-of-way. In September 2019, Council approved the Drainage Assistance Program to address stormwater problems outside of the City right-of-way. The program, described in an ordinance amendment, outlines specific standardized eligibility criteria. It also established two categories of projects: Smaller projects that can be completed with City maintenance staff in two to three days and larger projects that require design and will be completed by a contractor. The more complex projects found to meet the criteria will be prioritized and provided to the Stormwater Advisory Board (SWAB) for review and approval on an annual basis. Upon approval, projects will be designed and constructed as part of the existing stormwater project management process.

Upon approval of the Drainage Assistance Program, City staff negotiated a contract with a local engineering consulting firm, Gradient, to start up the program until staff could be put in place to assume full responsibility. The initial efforts have been focused in identifying projects as either "eligible" or "not eligible". At the start of this effort, there were approximately 160 requests for assistance which had been back logged with additional requests being presented daily. As of January 13, 2020, there were 307 requests on the list. Gradient has been evaluating these projects since late September and had submitted initial reports for 260 of the requests as of January 13, 2020. Approximately 67 percent of the drainage assistance requests evaluated so far have been determined to be ineligible under the criteria Council adopted in the ordinance. This

news may be seen as unfavorable by some citizens. Notification letters to individual citizens will begin going out in late January 2020. An initial list of eligible projects will be presented to the Stormwater Advisory Board for review and approval in February 2020.

The fiscal year 2020 budget includes \$1.8 million for the program. Early indications are that there will be approximately \$1.00 to \$2 million of projects from the eligible requests provided since September 2018. This includes consulting costs for design and contract management. This cost estimate does not include any of the approximately 67 percent of projects deemed ineligible. Until the City has moved through a full annual cycle of running this program, it is difficult to estimate an appropriate budget request to support it for the long term. However, assuming a fully staffed City maintenance crew is in place by July 2020, an appropriation of \$500,000.00 may be suitable for FY 2021. Council will set the budget for this program as part of the annual budget process. The current storm water budget model does not include funding for the Drainage Assistance Program. Staff is seeking guidance on an appropriate amount of funding moving forward.

Discussion ensued.

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:47 p.m.