

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER/ZOOM
JUNE 7, 2021
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3) (via zoom at 6:18 p.m.); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8) (arrived at 5:20 p.m.); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Jay Toland, Assistant City Manager
Adam Lindsay, Assistant City Manager
Sheila Thomas-Ambat, Public Services Director
Gina Hawkins, Police Chief
Michael Whyte, Police Attorney
Lee Jernigan, Assistant Public Services Director
Kevin Arata, Corporate Communications Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 5:02 p.m.

2.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda, with the addition of Item 5.06, Code Enforcement Violation Time Frames.
SECOND: Council Member Wright
VOTE: UNANIMOUS (8-0)

CLOSED SESSION

MOTION: Council Member Davis moved to go into a closed session for attorney-client privileged matters.
SECOND: Council Member Dawkins
VOTE: UNANIMOUS (8-0)

The regular session recessed at 5:06 p.m. The regular session reconvened at 6:18 p.m.

MOTION: Council Member Wright moved to go into open session.
SECOND: Council Member Banks-McLaughlin
VOTE: UNANIMOUS (10-0)

5.0 OTHER ITEMS OF BUSINESS

5.01 Lock's Creek Flood Study and LOMR Guidance

Mr. Byron Reeves, P.E., Stormwater Manager, presented this item and stated the City has developed preliminary floodplain and floodway mapping for the Locks Creek drainage basin that identify the 100-year floodplain and floodway. Structures and vacant parcels located within these boundaries have also been identified. From a regulatory standpoint, the 100-year floodplain and floodway are known as the Special Flood Hazard Area (SFHA).

Inclusion in a regulated SFHA has significant impacts to property owners. This includes more stringent development standards be adhered

to, mandatory purchase of flood insurance for government back mortgages on all new home purchases and refinances, and the potential for lender required purchase of flood insurance for existing homeowners. Inclusion in the SFHA also provides property owners the opportunity to qualify for Hazard Mitigation Assistance funding to elevate existing structures or participate in a buyout program.

Staff seeks concurrence from City Council to move forward with submitting the technical data and mapping of the study to the North Carolina Flood Mapping Program (NCFPM) as a request for a Letter of Map Revision (LOMR) or Physical Map Revision (PMR). A LOMR or PMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). A revision to the effective FIRM panel would bring the structures and parcels identified in the flood study into the regulated SFHA.

Mr. Steve McGugan, State Hazard Mitigation Officer, Assistant Director/Mitigation Section Chief Division of Emergency Management, NC Department of Public Safety, provided an overview of the three FEMA programs he manages.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward; to finalize and submit a formal Letter of Map Revision (LOMR) or Physical Map Revision (PMR) application to the North Carolina Flood Mapping Program (NCFPM) with the intent to revise the current FEMA FIRM panel for the study area within Locks Creek. The item to be brought back to Council at a later meeting date for formal adoption.

5.02 Stormwater Ordinance and Administrative Manual Review, Revisions, and Recommendations

Mr. Byron Reeves, P.E., Stormwater Manager, presented this item with the aid of a PowerPoint presentation and stated in May of 2020, the City contracted with the firm Raftelis Financial Consultants, Inc., to conduct an independent review of the Stormwater Ordinance and its companion document, the Administrative Manual. The subsequent background and analysis provide details to the approach in identifying inconsistencies between the two documents and outline a number of proposed changes and updates to both the City's Stormwater Control Ordinance and Administrative Manual.

Staff seeks concurrence from City Council on the proposed Ordinance changes detailed below, to include a major policy decision to remove the option that allows for newly permitted residential subdivisions to transfer functional maintenance responsibilities of their SCMs over to the City.

Council Member Dawkins stated he wants this item to be presented to the Mayor appointed Stormwater Committee prior to full Council.

Consensus of Council was to direct staff to present this item to the Stormwater Committee at a meeting to be scheduled for a date in June 2021.

5.03 Street Sweeping Operations Update

Mr. Lee Jernigan, P.E., Assistant Public Services Director, presented this item and stated during a presentation at Council's regular meeting on April 12, 2021, about Illegal Dumping, Council asked questions regarding the Public Services Department Street Sweeping Operations. Staff advised they would return at an upcoming work session to provide information about street sweeping resources and operations. Staff has prepared an update to City Council on street sweeping operations in the City. Mr. Jernigan presented the following: existing resources, sweeping operations, and challenges encountered.

Discussion ensued.

Consensus of Council was to accept the report and direct staff to market the program and street sweeping information to the residents.

5.04 TA21-005: Text Amendments to Article 30 of the Unified Development Ordinance regarding Donation Boxes.

Mr. Taurus Freeman, Planning and Zoning Manager, presented this item and stated Development Services staff provided research on donation boxes sporadically placed throughout the City on September 8, 2020, at the City Council work session.

Per the Unified Development Ordinance (UDO) definition, a recycling drop-off center is "a small collection facility where recyclable materials are purchased or accepted from the public. Typical uses include neighborhood recycling stations and thrift store collection trucks." Recycling Drop-Off Centers, a.k.a. "donation boxes", are allowed by land use in Office and Institutional (OI), Neighborhood Commercial (NC), Limited Commercial (LC), Community Commercial (CC), Mixed-Use (MU), Downtown (DT), Limited Industrial (LI), and Heavy Industrial (HI) zoning districts. A Special Use Permit is required in Single-Family 6 (SF-6), Mixed Residential 5 (MR-5), and Manufactured Home (MH) district, according to Table 30-4.A.2. Yet, there is no permitting process under the current City Code.

Staff is requesting City Council provide policy direction on the potential text amendments to the UDO regarding Recycling Drop-Off Boxes.

Discussion ensued.

Council Member Haire stated his preference is that they are allowed but then no longer permitted when boxes are not kept in good, clean order and prohibit third-party vendors from operating within the City and all to be removed after a designated time.

Mr. Freeman stated this item will come back to Council as a public hearing item on the June 28, 2021, City Council meeting agenda.

5.05 Citizens Advisory Board Proposal

Ms. Michael Whyte, Police Attorney, presented this item and stated City Council gave consensus direction to staff to formally establish a Citizens Advisory Board at the March 2021 work session in an effort to enhance lines of communication between the Fayetteville Police Department and residents. Staff has conducted research and identified options for a proposed charter and selection criteria. Previously, staff provided information on various board types at the November 9, 2020, regular meeting and January 4, 2021, work session as part of the Diversity Equity and Inclusion (DEI) Committee work. Staff now seeks Council direction on the next steps.

The City Council passed Resolution No. 2021-018 on March 8, 2021, indicating its support and advocacy for special legislation from the General Assembly to allow the City to establish a Citizen Review Board that would provide greater transparency and accountability.

Under current law, records of criminal investigation and law enforcement agency recordings are not public records. Additionally, City personnel files are not public records and cannot be accessed except in minimal circumstances. The board would only have access to those records deemed a public record as set out in N.C.G.S. §132.

Staff researched current law and analyzed examples of active citizen board across the state to make recommendations for the City of Fayetteville.

Given the legal constraints, the board should have a clearly defined mission.

The mission of the Community Police Advisory Board (C.P.A.B.) is to provide sound advice and recommendations to the City Council, City Manager, and Police Chief to improve the quality of policing in Fayetteville in a cooperative effort between the community and the police by reviewing and recommending policy enhancement to meet the needs of the community better, provide and support a training curriculum that allows for police and community experiences to both be shared and understood with greater context, and analyzing existing public records all of which results in improved perception of procedural justice, and enhanced trust of the police.

City Council will also need to approve the membership composition, qualifications and procedure for the board.

Discussion ensued.

Consensus of Council was to direct staff to move forward with establishing a Citizens Advisory Board, and to flush out the details of both the Charter and appointment process.

5.06 Time Frames for Code Enforcement Violations

Council Member Haire stated he is seeking consensus from Council to direct staff to bring back options on how to shorten the time frames for code enforcement violations.

Consensus of Council was to direct staff to bring back options on how to shorten the time frames for code enforcement violations.

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:07 p.m.