

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER
NOVEMBER 2, 2020
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); 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)

Absent: Council Member Tisha S. Waddell (District 3)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Jay Toland, Chief Financial Officer
Kevin Arata, Corporate Communications Director
Taurus Freeman, Planning and Zoning Manager
Christopher Cauley, Economic and Community Development Assistant Director
Tracey Broyles, Budget and Evaluation Director
Gerald Newton, Development Services Director
Sheila Ambat-Thomas, Public Services Director
Byron Reeves, Stormwater Manager
Kecia Parker, Real Estate Manager
Michael Gibson, Fayetteville-Cumberland Parks and Recreation Director
Justin Hembree, Executive Director, Mid-Carolina Council of Governments
Erika Brown, Senior Planner, Triangle JCOG (via zoom)
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 Wright moved to approve the agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Affordable Housing Study

Mr. Chris Cauley, Economic and Community Development Director, introduced this item and stated during the Fiscal Year 2021 Budget process, the City Manager proposed an affordable housing study similar to studies conducted throughout the state. Other studies have been conducted by the regional Council of Governments and Fayetteville has partnered with Mid-Carolina Council of Governments (MCCOG) and Triangle-J Council of Governments (TJCOG) to review past City efforts and regional data. Council is asked to engage with MCCOG and TJCOG to

provide input and direction prior to commencement of a robust community engagement campaign. TJCOG has conducted multiple affordable housing studies across the state using local data, stakeholder input, and industry best practices. They have reviewed relevant data sets available and evaluated them for the region.

Ms. Erica Brown, Senior Planner, TJCOG, presented this item via zoom, and stated MCCOG'S functions as a multi-county, planning, development, and human services organization, whose mission is to provide creative regional solutions to relevant and emerging issues in Cumberland, Harnett, and Sampson Counties, North Carolina, while providing a standard of excellence in the delivery of federal, state, and regional services for our communities. TJCOG is a 45-member governmental organization that provides regional planning expertise and houses the Area Agency on Aging. We have provided technical assistance for housing projects across the region to include the following counties:

- Chatham County
- Durham County
- Johnston County
- Orange County
- Wake County

Affordable housing can be thought of in two ways--little "a" affordable housing and big "A" affordable housing. Little "a" affordable housing refers to housing that is affordable to low- and moderate-income households but is not income-restricted. This type of housing, also called naturally occurring affordable housing (NOAH) or market-rate affordable housing, is often older, smaller, or has fewer amenities than the general housing stock and thus is less expensive. Big "A" affordable housing broadly refers to housing that is intentionally developed as affordable housing and is only available to households that meet specific income limits. Big "A" affordable housing is often referred to as legally-binding affordability restricted (LBAR) housing or income-restricted affordable housing, and its affordability is tied to its funding source and/or its ownership.

HUD defines the income limits every year by geographic area: Most affordable housing programs and policies target households making 80 percent or less of AMI, but in some communities where housing costs are particularly high, they may go up the 120 percent of AMI, which is considered workforce housing. For a family of four, 80 percent of AMI in Cumberland County is \$46,500.00. For extremely low-income households, they may live in public housing, housing built with tax credits, use vouchers to rent a home or apartment, or have a home built by Habitat for Humanity. In terms of non-subsidized housing, or naturally occurring affordable housing, they may be more likely to live in mobile homes or poor quality rentals. For low-income households, or around 50 to 60 percent of AMI, tax credit apartment projects often serve this income level, as does Habitat for Humanity, and housing voucher programs. Not all affordable housing is subsidized or income restricted; Public Housing, Section 8 Vouchers, Naturally Occurring Affordable Housing (NOAH), Community Land Trust units, Low-Income Housing Tax Credits (LIHTC).

Ms. Brown provided an overview of the rapid increase in housing values, rapid increase in housing prices, the constrained housing supply, housing diversity for newly permitted units, growth effects on wages, and community trends and costs.

The spectrum of housing challenges are housing supply, housing diversity, housing quality, housing displacement, and homelessness. In Fayetteville, households making less than \$50,000.00 per year, 69 percent are housing cost burdened. For renter households it is even higher: 75 percent are housing cost burdened. There are over 95,000 homes in Fayetteville, of which 47 percent are rented. Without much excess housing stock created, there are fewer housing choices for

households to choose from. There are even fewer affordable choices for low- and moderate-income households.

Question and answer session ensued.

Consensus of Council was to receive the report.

4.02 Wayland Drive Drainage Improvement Options

Mr. Kent Jackson, Engineering Division Manager, presented this item and stated staff opened a drainage investigation in February 2020 in response to complaints of standing water and flooding from Wayland Drive and surrounding residents and property owners. Most recently, an intense rainfall event on February 6, 2020, recorded by NOAA of more than 4 inches in a 12-hour period, resulted in inundation of the right-of-way, adjacent properties, crawlspace and shallow structure flooding. Staff's initial investigation revealed that further study and analysis was needed in order to assess the contributing factors and impacts. Gradient was engaged to conduct the Wayland Drive at South Reilly Road Study to identify measures to mitigate flooding at Wayland Drive. Upon review of the initial study, the overall study area was expanded to assess downstream impacts and to develop drainage improvement options.

Using the existing conditions as a basis for comparison, three drainage improvement options were investigated with the goal of mitigating flooding at Wayland Drive during the 10-year storm event. Each option includes a preliminary opinion of probable cost. The proposed drainage improvement options are as follows:

1. Drainage improvement option 1 proposes to construct a new drainage ditch that would divert most of the stormwater from the Wayland Drive area. This option maintains the existing, undersized 18-inch pipe underneath South Reilly Road and uses the farm field west of South Reilly Road. This option significantly reduces the flooding at Wayland Drive and would require lease or purchase of property for stormwater storage. The success of this option will depend heavily on the cooperation of the private property owners.
2. Drainage improvement option 2 also proposes to construct a new drainage ditch to divert most of the stormwater away from Wayland Drive. This option also proposes to grade a stormwater storage area in the farm field west of South Reilly Road. Option 2 extends the improvements by upgrading the pipes underneath South Reilly Road and the railroad and requires some drainage improvements east of South Reilly Road in the industrial park area to mitigate downstream flooding effects. This option significantly reduces flooding at Wayland Drive and requires more extensive drainage improvements and land lease or purchase. The success of this option will depend heavily on the cooperation of the private property owners.
3. Drainage improvement option 3 proposes to construct a new drainage ditch to divert most of the stormwater away from Wayland Drive. Option 3 does not involve storage of stormwater in the farm field west of South Reilly Road; instead this option extends the drainage improvements through the industrial park, past Seventy First School Road, and proposes to grade a designated storage area on vacant private property north of Old Bunce Road. This option significantly reduces flooding at Wayland Drive and requires more extensive drainage improvements and land lease or purchase. In order to implement this option, a significant acquisition is needed to site the stormwater storage and success will be heavily dependent on the cooperation of the private property owners.

Mr. Jackson concluded the presentation by stating that staff recommends to move forward with drainage improvement option 3, subject to our success with obtaining funding through the BRIC grant program and finalizing a firm agreement with NCDOT for its verbal commitment. Staff further recommends that NCDOT not make any improvements that could result in flooding downstream until we have fully pursued the BRIC grant funding.

Discussion ensued.

Consensus of Council was to receive the report and direct staff to move forward with Option 3.

4.03 Discussion on Request for City to Accept Donation of Six Tracts of Land off Carvers Falls Road and One Tract off Research Drive from Sandhills Area Land Trust

Ms. Kecia Parker, Real Estate Manager, presented this item and stated the Sandhills Area Land Trust has requested that the City accept the donation of seven parcels of land currently in their possession. There are six parcels located off of Carvers Falls Road and one parcel located off of Research Drive. Two of the parcels off Carvers Falls Road are within the City limits. The other parcels are in the County. The seven parcels have a combined tax value of \$794,840.00 but currently they pay no taxes due to the land being in the exemption program.

Staff researched the properties to make sure that they were free of liens and encumbrances and found that all but two of the parcels currently have Conservation Easements on them with the North Carolina Clean Water Management Trust Fund. Currently, the 1.9 acre tract along the river is not included in the Conservation Easement and the 83.19 acre parcel off of Research Drive is not included either. The parcels that are in the Conservation Easements are restricted as to what they can be used for. The parcels are not allowed to be combined or changed from how they are currently configured, they cannot be mitigated, and although they can be utilized as trails the issue would be access as several of the tracts do not have direct access. The Conservation Easement does not allow for any major disturbance of the natural features, plants or to any animals as that is the main purpose for placing these lands in this type of program.

The Cape Fear River Trail is located on the Methodist University tract below the parcels and the desire would be to acquire more land from Methodist University to extend the Cape Fear River Trail through the parcels that would be donated. This would require an acquisition from Methodist University and also having the plans drawn by an Engineer and approved by the NC Clean Water Management Trust Fund prior to any project beginning. The cost for this engineering work should be considered and it will take some time to acquire approval from the State as the requirements are extensive. The tract off of Research Drive contains 83.19 acres and is currently deemed wetlands. It will not be able to be used as a mitigation tool for any future projects and uses will be limited. The access road for this parcel looks to be by private road which might be problematic.

Discussion ensued.

Consensus of Council was to accept the donation of the tracts of land located off Carvers Falls Road from the Sandhills Area Land Trust (Council Member Ingram was in opposition to the consensus vote).

Consensus of Council was to not accept the donation of the tract of land located off Research Drive from the Sandhills Area Land Trust (Council Members Dawkins, Davis, and Banks-McLaughlin were in opposition to the consensus vote).

Mayor Colvin recessed the meeting at 7:19 p.m., and reconvened the meeting at 7:27 p.m.

4.04 Parks and Recreation - Project Budgets

Mr. Jay Toland, Chief Financial Officer, presented this item and stated in March 2016, Fayetteville voters passed a \$35 million bond referendum to invest in our parks and recreation amenities. Seven projects have already been completed across the City, totaling over \$3 million. The completed projects include four splash pads, renovations/improvements to several existing parks, and the Rowan Street Skate Park.

Staff is asking for Council action to close out the completed project accounts and assign any remaining balance to a contingency budget available for ongoing and future bond projects. There are six major projects currently in different stages of progress (Senior Center West, Senior Center East, McArthur Road Sports Complex, Jordan Soccer Complex, the Tennis Center at Mazarick Park, and the Cape Fear River Park).

These projects account for nearly \$29 million in public investment that will be delivered over the next three years. All of the projects are on schedule and within budget with the exception of the Senior Center West, which is currently behind schedule. Four of the projects, Senior Center East, McArthur Road Sports Complex, Jordan Soccer Complex, and the Tennis Center involve significant partnerships with other entities.

Last week, City Council approved the conceptual design for the Tennis Center and authorized the City Manager to execute (1) a lease agreement with Methodist University for the use of the Jordan Soccer Complex, (2) the proposed Memorandum of Understanding (MOU) amendment with Fayetteville State University for the development of Senior Center East, and (3) the proposed Memorandum of Agreement with Fort Bragg for the development of the McArthur Road Sport Complex; as well as to take all actions necessary to implement the agreements.

Staff recommends that the \$2.1 million +/- be allocated as follows:

- Senior Center East: \$700,000.00 for added contingency to the project. Proposed total budget \$6.2 million +/-
- Jordan Soccer Complex: \$300,000.00 to properly fund the project. Proposed total budget of \$1.8 million +/- which includes \$1 million for lighting, \$600,000.00 for updated bathrooms and ADA compliance items, and \$200,000.00 for parking lot resurfacing.
- Gilmore Therapeutic Recreation Center: \$100,000.00 to fully fund project. Proposed total budget \$400,000.00
- Splash Pad at E. Melvin Honeycutt Park (new project): \$250,000.00 +/- - Joint city/county project which Cumberland County agreed to fund 50 percent for the District.
- Park at Montclair Elementary School (new project): \$300,000.00 - Project includes playground equipment, a shelter, walking trail and fencing.
- Reserved for contingency: \$455,448.00

Discussion ensued.

Consensus of Council was to receive the report and direct staff to include an additional splash pad to be located at Lake Rim recreation center. Council Members Colvin, Haire, Jensen and Dawkins were in opposition to the consensus vote.

4.05 Council Agenda Item Requests for Further Discussion: 1. Blue Box Clothes Donations 2. Red Light Cameras

1. Blue Box Clothes Donations

Mr. David Steinmetz, Assistant Development Services Director, presented this item and stated Council Member Haire had originally submitted an agenda item request to ask Council to direct staff to research the donation clothing boxes that are located at various locations all over the City. The donation boxes are frequently an eye-sore; unkempt with trash littering adjacent to the boxes. Mr. Steinmetz confirmed that if the donation boxes are unsightly and have debris and trash around them, the property owner of the business receives a notice of violation and cited, not the owners of the donation boxes.

Discussion ensued.

Consensus of Council was to direct staff to (1) send this item to the Planning Department for drafting an ordinance to regulate the use of donation boxes, (2) send to Planning Department for drafting an ordinance to prohibit donation boxes within the City limits, (3) send to Planning Department and Economic and Community Development Department to look at working in collaboration with entities that assist the homeless.

2. Red Light Cameras

Mr. Lee Jernigan, Traffic Engineer, presented this item and stated Council Member Kinston had originally submitted an agenda item request to ask Council to direct staff to review the Red Light Camera program and report back with statistics. The updated data was provided to Council on the October 12, 2020, agenda under Administrative Reports.

Council Member Kinston requested a red light camera be installed at the intersection of Cliffdale Road and Water's Edge Drive. Mr. Jernigan stated if the City moves ahead with the installation of another camera, the contract will need to be extended an additional five (5) years.

Consensus of Council was to direct staff to request an additional red light camera at the Cliffdale Road and Water's Edge Drive intersection.

4.06 Council Member Agenda Item Request - Savoy Heights: Lot Mitigation Options for Residents on Dwain Drive - Council Member Ingram

Council Member Ingram presented this item and requested Council direct staff to research how we can clear out this parcel of land. Mr. Douglas Hewett, City Manager, reported that this is private property and the City does not have the authority to touch it.

Discussion ensued.

No consensus was attained on this item.

4.07 Council Member Agenda Item Request - Franklin Street Parking Deck; Provide Security Options - Council Member Ingram

Council Member Ingram presented this item and requested Council direct staff to provide additional security and adequate warning signage. Ms. Gina Hawkins, Police Chief, stated that police officers are patrolling the area along with all of downtown, and an additional security patrol was added this past week.

Discussion ensued.

No consensus was attained on this item.

4.08 Council Member Agenda Item Request - Homeless Encampments - Council Member Ingram

Council Member Ingram presented this item and requested Council direct staff to provide options for relocating persons camping under the Gillespie Street bridge to a safe environment. Ms. Karen McDonald, City Attorney, stated the City is working with the NC Department of Transportation to prohibit camping under the bridge and making that activity to be illegal.

Discussion ensued.

No consensus was attained on this item.

4.09 Council Member Agenda Item Request - Fayetteville Police Fire Arm Directives and Procedures - Council Member Kinston

Council Member Kinston presented this item and requested Council direct staff to ask the State Lobbyist to work on this item alongside other municipalities.

Discussion ensued.

Consensus of Council was to direct staff to send this item to the State Lobbyists.

4.010 Council Member Agenda Item Request - Red Light Camera Review - Administrative Report - Council Member Kinston

Council Member Kinston presented this item and requested Council direct staff to ask the State Lobbyist to work on this item; provide options regarding funds to assist with traffic areas that have high amounts of accidents to pay for repair and maintenance of those intersections.

Discussion ensued.

Consensus of Council was to direct staff to send this item to the State Lobbyists.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:59 p.m.