

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER/ZOOM
MAY 3, 2021
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2) (via zoom) (departed at 9:52 p.m.); Tisha S. Waddell (District 3) (departed and attended via zoom 7:32 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); 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
Gerald Newton, Development Services Director
Sheila Thomas-Ambat, Public Services Director
Michael Gibson, Parks, Recreation and Maintenance Director
Cliff Isaacs, Construction Management Director
Chris Cauley, Interim Economic and Community Development Director
Gina Hawkins, Police Chief
Mike Hill, Fire Chief
Kevin Arata, Corporate Communications Director
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 5:01 p.m.

2.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

CLOSED SESSION

MOTION: Council Member Wright moved to go into a closed session for attorney-client privileged matters
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

The regular session recessed at 5:04 p.m. The regular session reconvened at 6:18 p.m.

MOTION: Council Member Wright moved to go into open session.
SECOND: Council Member Davis
VOTE: UNANIMOUS (9-0)

MOTION: Council Member Dawkins moved to issue a Special Use Permit (SUP) to allow an automotive wrecker service located at 4800 and 4802 Murchison Road; property owned by Steven McBride.
SECOND: Council Member Davis
VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Haire and Kinston)

5.0 OTHER ITEMS OF BUSINESS

5.01 Presentation of Cumberland - Hoke Regional Hazard Mitigation Plan

Mr. Scott Bullard, Emergency Management Coordinator, presented this item with the aid of a PowerPoint presentation and stated the City of Fayetteville is required to periodically update its FEMA Hazard Mitigation Plan. Traditionally, the City has partnered with Cumberland and Hoke counties in the preparation of a regional plan. Over the past year, the consultant preparing the plan, AECOM, has worked with local stakeholders and staff members in producing a plan that meets the requirements of FEMA. The final draft version of the Cumberland-Hoke Regional Hazard Mitigation Plan was sent to NCEM and FEMA for review and has been subsequently approved (*pending adoption by affected local jurisdictions*) by FEMA.

Mr. Bullard presented the draft plan and stated the plan will be presented to Council again for formal adoption at Council's regular meeting of May 10, 2021. A copy of the plan is included in the agenda packet and has also been placed on the City webpage for public review.

Mayor Colvin thanked Mr. Bullard for the presentation.

4.02 City-wide Watershed Master Plan: Storage Screening and Downtown Riverine Flood Assessment

Ms. Sheila Thomas-Ambat, Public Services Director, introduced this item and stated consultants from Freese and Nichols will be presenting the master plan. Mr. Mike Wayts, P.E., CFM, Vice President/Principal, Mid-Atlantic Division Manager, Freese and Nichols, Inc., presented the PowerPoint presentation and stated two regional-scale studies, Storage Screening and Downtown Riverine Flood Assessment, were conducted to augment the ongoing detailed City-wide watershed modeling. The goal for the Storage Screening assessment was to evaluate each of the 57 state-regulated public and private dams within the City boundaries for its potential to increase available flood storage. The results of this study were incorporated into the Downtown Riverine Flood Assessment, which was undertaken to evaluate potential regional-scale solutions that could alleviate downtown flooding impacts. After a high-level review of several alternatives, the recommendation was made to further evaluate and develop benefit cost ratio for three potential solutions--divert flow using a tunnel/channel option, increase flood storage at three lakes (Kornbow Lake, Country Club Lake, and Roses Lake), and increase flood storage at Roses Lake only. Storage enhancement was identified as one of the most efficient strategies to mitigate the flooding impacts from Cross Creek in and near the downtown area. Potential funding avenues and next steps are recommended.

1. Based on preliminary BCA of 1.825 for "Roses Lake" option and BCA of 1.023 for "Combined Dam" option, conduct meeting and submit a letter of request for assistance to the USACE Wilmington District initiating the potential Section 205 study. Pending verification on availability of funds and Council direction, staff is recommending \$50,000.00 be allocated from the Stormwater Fund.
2. Based on preliminary BCA of 1.825 for "Roses Lake" option (in parallel), begin CoF preliminary analysis (30% design). Pending verification on availability of funds and Council direction, staff is recommending \$200,000.00 be allocated from Stormwater Fund.
3. Conduct meeting with NCEM staff, prioritize grant applications and apply for alternate funding for example FEMA BRIC grant. Pending verification on availability of funds and Council direction, staff is recommending \$100,000.00 be allocated from the Stormwater Fund.

4. Based on preliminarily BCA of 1.023 for "Combined Dam" option, staff is not recommending any further targeted internal action for this alternative at this time.
5. Based on recommendation by third-party review, have Individual Watershed Consultants look at local mitigation strategies as part of watershed studies.

Consensus of Council was to direct staff to allocate \$600,000.00 from the Stormwater fund for the five recommendations from staff.

Mayor Colvin recessed the meeting at 7:32 p.m., and reconvened the meeting at 7:42 p.m.

4.03 Discussion of Proposed Revisions to Halfway House Definition and Regulations

Mr. David Nash, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated staff was directed to submit research for the possible changes to the definition and regulation requirements for Halfway House, as listed in Article 30 of the Unified Development Ordinance.

The current definition "Halfway House: A licensed home for juveniles or adult persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently." (UDO Sec. 30-9.D Definitions). It is currently allowed in six districts with a Special Use Permit. These six districts include MR-5, OI, LC, CC, MU, and DT. The burden is on the applicant to show that the general standards which apply to all special use permit cases have been met. It is also allowed by right in two planned development districts--PD-R and PD-TN. Additional requirements are from Section 30-4.C.3.d.2 which sets forth the following "separation requirements": "A halfway house shall be located at least 2,640 feet (approximately one-half mile) from any other group home, therapeutic home, halfway house, or transitional housing if located in a residential zoning district. If located in a business zoning district, the 2,640-foot separation standard may be reduced or waived through the special use permit process based on mitigating circumstances" which are listed in the UDO. There are no limits for the number of residents.

Perhaps because of the use of the word "house" in the name and the use of the word "home" in the definition, there is a perception that a Halfway House is a "residential" use, rather than a transitional use and a nonresidential use.

It is suggested that the following revisions are needed:

Name Change

A suggested new name is "Community Reintegration Center."

Change of Definition

Based on definitions in publications of the American Planning Association, the following definition is suggested:

Community Reintegration Center: A secured facility that provides temporary housing and supportive services for persons transitioning from an institutional or custodial setting, or as an alternative to such a setting, wherein residents receive supervision, rehabilitation, and counseling to assist their readjustment into society and achievement of personal independence. Residents may receive services for purposes that include, but are not limited to: (a) recuperation from addiction or psychiatric disorders (a disability); (b) reentering

society while under the constraints of alternatives to imprisonment including, but not limited to, prerelease, work release, or probationary programs (not a disability); or (c) assistance with family or school adjustment problems that require specialized attention (not a disability).

Permitted Districts

Currently, the use is allowed in six districts with a Special Use Permit. It is suggested that the use not be allowed in the MR-5 district or in the DT-Downtown District.

Number of Residents

Currently, there are no limits. Some limits need to be added. It is suggested that Fayetteville consider some of the limits currently used by Greensboro. Greensboro currently limits a Group Care Facility to a maximum of 30 residents in some of its high-density residential districts and in an Office and Mixed Use District. Greensboro sets its limit at 40 residents in its CB-Central Business District and PI-Public Institutional District. (However, it should be noted that so far, it has not been possible to verify whether Greensboro's Group Care Facility use is the same as a Halfway House use.) If Fayetteville is willing to set limits based on the lower limits used in Greensboro, then Fayetteville could set its limit at 30 residents per facility.

Reduce the resident limits, if a new Community Reintegration Center is proposed adjacent to existing residential development. If a Community Reintegration Center is proposed adjacent to existing residential development, then the maximum number of residents allowed should be reduced.

Discussion ensued.

Consensus of Council was to direct staff to prepare changes as presented as proposed text amendments for consideration by the Planning Commission. Council Member Kinston was in opposition to the consensus vote.

4.04 2021-2022 Housing and Urban Development Annual Action Plan for Community Development Block Grant and HOME Investment Partnerships Programs - Draft Review

Mr. Chris Cauley, Interim Economic and Community Development Director, introduced Ms. Debra Newton, Chair, Redevelopment Commission. Ms. Newton presented this item and stated the current Five-Year Consolidated Plan was adopted by City Council for the program year period from 2020 to 2024. The Consolidated Plan is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from CDBG and HOME.

The Annual Action Plan describes projects and activities that implement the Consolidated Plan. It sets forth a description of activities for the use of funds that are expected to become available in the upcoming fiscal year. The 2021-2022 AAP is based on priorities, goals, and objectives of the 2020-2024 Consolidated Plan. The plan contains goals, objectives, and implementation strategies for each of the activities to be funded or implemented.

To provide an opportunity for community feedback, two virtual meetings were held on the 16th and 25th of March. This was done later in the process this year to allow the public to view and comment on staff recommendations for funding. Meetings were virtual due to COVID-19 limitations. A press release, social media campaign, and

YouTube were used to promote awareness. For the first time, the City translated the public notices into Spanish and published them in a local Spanish newspaper, beginning a trend towards greater inclusivity. A draft copy of the plan was made available online (due to COVID-19) for review and comments for 30 days from March 6, 2021, through April 6, 2021.

The City's CDBG allocation for next year is \$1,598,665.00 compared to \$1,534,192.00 for the current year. The HOME allocation for next year is \$937,431.00 compared to \$904,982.00 for the current year. This results in an increase of \$96,922.00 for both programs. Program Income is anticipated in the amount of \$993,396.00.

Discussion ensued.

Mr. Chris Cauley stated this item will come back to Council at the May 24, 2021, City Council meeting for consideration and formal action.

4.05 Parks and Recreation - Park Bond Report Card

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item and stated in March 2016, Fayetteville voters passed a \$35 million bond referendum for parks and recreation. To date, seven substantial projects have been completed totaling over \$3 million. The completed projects include several splash pads, renovations to several parks, and the Rowan Street Skateboard Park. The major projects currently in progress include Senior Center West, Senior Center East, McArthur Road Sports Complex, Jordan Soccer Complex, the Tennis Center, and D. Gilmore T. Center. Of these six projects, only Senior Center West is slightly behind schedule, but all others are on schedule and within budget following the reallocation of funds for Senior Center West. Four of the remaining projects, Senior Center East, McArthur Road Sports Complex, Jordan Soccer Complex, and the Tennis Center, involve partnerships with other entities.

The major projects currently in progress include Senior Center West, Senior Center East, McArthur Road Sports Complex, Jordan Soccer Complex, the Tennis Center, and D. Gilmore T. Center. From time to time, these projects will come before the Council for guidance related to project concept approval, contracts, approval of Memorandums of Understandings (MOU) or Memorandums of Agreements (MOA), and lease agreements with partnering entities.

Analysis on Senior Center East shows that there will be a negative impact to the schedule and budget if the site is moved from the current location at Murchison and Filter Plant Roads.

Discussion ensued.

Council Member Ingram motioned for a consensus vote to have the Senior Center East remain at the current location and release funding for the proposed splash pad at Lake Rim. The consensus vote failed. Mayor Colvin stated the funding for the Lake Rim project had been placed on hold until we are certain all other projects have been fully funded.

Consensus of Council was to direct staff to keep the Senior Center East at the current location and accept the report as presented. Council Member Waddell was in opposition to the consensus vote.

4.06 City Council Agenda Item Request - Homeless Shelter - Council Member Banks-McLaughlin

Council Member Banks-McLaughlin presented this item and stated she is seeking consensus from Council to direct staff to build a Homeless Shelter, and further stated the Salvation Army facility

closed during the COVID pandemic; Fayetteville needs a Homeless Shelter.

Discussion ensued.

Consensus vote for this request failed by a vote of 2 in favor to 7 in opposition (Council Members Colvin, Jensen, Waddell, Haire, Dawkins, Davis, and Wright).

4.07 City Council Agenda Item Request - Childcare Services - Council Member Banks-McLaughlin

Council Member Banks-McLaughlin presented this item and stated she is seeking consensus from Council to direct staff to develop options to support providing childcare for essential City staff.

Discussion ensued.

Consensus of Council was to direct staff to research the need and feasibility of providing childcare services for essential City staff. Council Member Dawkins was in opposition to the consensus vote.

4.08 City Council Agenda Item Request - UDO Sign Ordinance - Mayor Colvin

Mayor Colvin presented this item and stated he is seeking consensus from Council to direct staff to amend the current UDO regarding sign replacement for damaged signs. The amendment would allow for signs damaged at more than 50 percent, to be grandfathered and allowed to be restored to their preexisting condition.

Discussion ensued.

Consensus of Council was to direct staff to amend the current UDO regarding sign replacement for damaged signs. The amendment would allow for signs damaged at more than 50 percent, to be grandfathered and allowed to be restored to their preexisting condition. Council Members Waddell and Banks-McLaughlin were in opposition to the consensus vote.

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:12 p.m.