

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER, CITY HALL
APRIL 4, 2022
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Kathy Jensen (District 1) (arrived at 5:17 p.m.); Shakeyla Ingram (District 2) (via telephone); Antonio Jones (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7) (arrived at 5:12 p.m.); 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
Jay Toland, Assistant City Manager
Sheila Thomas-Ambat, Public Services Director
Chris Cauley, Economic and Community Development
Kelly Olivera, Budget and Evaluation Director
Jodi Phelps, Corporate Communications Director
Lee Jernigan, Assistant Public Services Director
Byron Reeves, Stormwater Manager
Dwayne Campbell, Information Technology Director
Leslie Mazingo, Strategics - Federal Lobbyist
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.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Davis moved to approve the agenda.
SECOND: Council Member Haire
VOTE: UNANIMOUS (8-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Locks Creek Watershed Master Plan Recommendations and Letter of Map Revisions Update

Ms. Sheila Thomas-Ambat, Public Services Director, presented this item with the aid of a PowerPoint presentation and stated three options (Option 1 Phase I, Option 1 Phase II, and Option 2) have been developed to mitigate flooding impacts in the Locks Creek neighborhood.

Option 1 Phase I consists of drainage improvements, additional culverts on Locks Creek Road, and increased road height of Locks Creek Road. This option also includes secondary improvements to Pasture Lane, Windmill Road, and Bridgeton Way. This option will mitigate flooding of approximately 3,200 feet of impacted lane length, and will provide emergency access for approximately 200 homes for up to the 50-year event. The improved emergency access is the primary benefit of this option. However, this option will not substantially mitigate flooding impacts of homes, mitigating flood impacts for only 1 home during the 2-year, 10-year, and 50-year storms. Total estimated cost is \$8.8 million. Given the

improved access to about 200 homes, this option is recommended for further study, and detailed design and construction.

Option 1 Phase II will include the above and in addition increase the opening under NC 53 and increase capacity of the downstream drainage channel, thereby eliminating the current bottleneck. This solution primarily mitigates road flooding, and additionally provides some mitigation of buildings in the neighborhood, along Turkey Run, Whisker Lake Drive, Pasture Lane, and some commercial property along Cedar Creek Road. While the Level of Service (LOS) will increase for several properties along the south side of Bombay Drive, the highest LOS for many buildings does not exceed the 10-year event. Even with this solution in place, 6 homes along Bombay Drive and 2 at the southern end of Turkey Run will be impacted by flooding during the 5-year storm. The total additional estimated cost for Option 1 Phase II is \$15.7 million. This option is not standalone and would only be considered in conjunction with Option 1 Phase I. Flood impacts would be mitigated for a total of 5,900 feet of roadway and 32 homes for Option 1. While this option does not mitigate all flooding impacts, it does provide additional benefits, and this is recommended for submission as possible grant funding opportunities arise.

Option 2 includes a levee and pump station, in addition to making improvements on Locks Creek Road and drainage improvements on Pasture Lane, Windmill Road, and Locks Creek Road along Bridgeton Way. Option 2 mitigates flood impacts to approximately 5,800 feet of roadway and 47 homes at an estimated cost of \$45.4 million. Property acquisition is included in this option. This option is not considered a viable option due to the high cost (\$44.2 million) compared to the benefits.

All options are planning stage only and detailed survey and Hydrologic and Hydraulic Analysis will be needed to verify if approved for design. None of the options meet the FEMA Benefit Cost Analysis of greater than 1 in order to be considered for FEMA Building Resilient Infrastructure and Communities grant funding.

Discussion ensued.

Consensus of Council was to direct staff to move forward with Option 1 Phase I to move forward with project development and design of the estimated \$8,778,700.00 proposed solution and pursue funding options.

4.02 Downtown Parking Program information about revised weekly enforcement times and special event parking operations

Ms. Kelly Olivera, Budget and Evaluation Director, and Mr. Lee Jernigan, Assistant Public Services Director, presented this item with the aid of a PowerPoint presentation. It was stated staff is providing information in response to Council Member Ingram's Council Member Requests as noted below:

1. Enforcement to manage and release usable spaces for small time periods for baseball games.
2. The length of event parking should be limited to 1 hour before baseball games and end 1/2 hour after.
3. Change the Monday through Friday paid parking times currently 9:00 a.m. to 9:00 p.m. to 8:00 a.m. to 6:00 p.m.

Staff negotiated a contract with Republic/Lanier Parking and Council authorized the City Manager to execute the contract at their November 25, 2019, regular meeting with the contract becoming effective on January 1, 2020. In addition, Council enacted the associated Code of Ordinance and Fee Schedule revisions to implement

changes to the Downtown Parking Program. These changes included the transition to paid downtown on-street parking and were scheduled to begin on April 1, 2020, at \$1.00 per hour between the hours of 9:00 a.m. and 9:00 p.m. Monday through Saturday. The off-street parking lots and the Franklin Street and Hay Street Parking Decks would have a rate of \$1.00 per hour with a \$5.00 daily maximum. After approval of these revisions, Council had consensus to revise the enforcement days from Monday through Saturday to Monday through Friday at their March 2, 2020, work session. The proposed schedule to initiate paid on-street parking was April 1, 2020, but was delayed due to COVID and did not begin until July 1, 2021.

Reduction in the hours of paid on-street parking and special event rates would reduce the potential for revenue collection during those hours. In addition, reduction of the special event hours from the current 2-hour prior, reduces the potential to capture a large portion from event attendees, especially for baseball games. Behavioral patterns were a strong point of consideration when the hours and locations of paid parking were set before the pandemic. Frequent changes to rules creates confusion and costs and may lead to unintended negative consequences.

Discussion ensued.

Consensus of Council was to direct staff to change the parking times from 9:00 a.m. to 7:00 p.m. (Council Members Ingram, Dawkins, Banks-McLaughlin and Kinston were in opposition to the consensus vote)

4.03 American Rescue Plan Act Committee Recommendations

Mr. Adam Lindsay, Assistant City Manager; Dr. Telly Whitfield, Assistant City Manager; and Mr. Jay Toland, Assistant City Manager, presented this item with the aid of a PowerPoint presentation.

The City of Fayetteville will receive \$40.4 million in federal funding from the American Rescue Plan Act (ARPA). Mayor Colvin established three ad hoc Council committees to produce a policy framework for eligible uses of these funds. Council members were divided into Economic and Businesses Vitality (Mayor Pro Tem Jensen, Chair), Housing & Community Livability (Council Member Wright, Chair), and Infrastructure (Council Member Dawkins, Chair) committees, which initially described the impact of COVID-19 through those lenses. Each committee was then tasked with identifying policy-level outcomes or desired long-range results and specific strategies needed to help the community emerge from the pandemic stronger through the intentional investment of the \$40 million. This agenda item will follow-up on the Council discussion from November 1, 2021, by presenting staff recommended strategies tied to the outcomes prioritized by Council under each committee focus.

On March 11, 2021, the American Rescue Plan Act was signed into law, and established the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program. This program is intended to provide support to state and local governments in responding to the economic and public health impacts of COVID-19. Localities are dealing with ways to contain lasting impacts of the pandemic on their communities, residents, and businesses. The City is a direct recipient of \$40,427,539.00 in SLFRF funds, however, the first tranche is roughly \$20 million. In June, City Council adopted Special Revenue Fund Project Ordinance 2021-21 to appropriate that first tranche of the allocation (received in May) and authorize the execution of a consulting services contract with iParametrics, LLC. Among other supportive activities, iParametrics is working with staff to ensure federal compliance with eligible uses and analyzing other effective practices from comparative jurisdictions to optimize this opportunity.

The second equal tranche of roughly \$20 million will be released 12 months following receipt of the first payment or in May 2022. Funds

received under ARPA must be obligated by December 31, 2024, and fully expended by December 31, 2026.

Guidelines and principles for determining the types of programs and services that grant recipients can fund are governed by the U.S. Treasurer's Final Rule.

Currently, there are four categories of eligible uses:

1. Public Health and Economic Impacts - Response to public health emergency with respect to COVID-19 or its negative economic impacts.
2. Premium Pay for Frontline Employees - Provide premium pay for public employers doing essential work or provide grants to eligible employers.
3. Infrastructure - Make necessary investments in water, sewer or broadband technology infrastructure.
4. Revenue Replacement - Provide government services to the extent of reduction in revenue due to COVID-19 relative to revenues collected in the most recent full fiscal year (not to exceed \$15 million).

However, SLFRF funds have several restrictions or ineligible uses. For example, these funds are not able to be used to fulfill federal match requirements, to fund employee pensions, be allocated as rainy day funds or to enhance annual financial reserves. Elected bodies also cannot use the funds as a budgeting tool to directly or indirectly offset a reduction in the net tax revenue resulting from a change in law, regulation, or administrative interpretation. The ability to fund debt service, legal settlements, or judgment is prohibited as well. Finally, general infrastructure spending is not considered as an eligible use outside of water, sewer, and broadband investments or the amount already allocated under the revenue loss provision.

Following the feedback from Council in November, staff have worked in tandem with the consultants to determine project and program funding opportunities to best leverage these dollars in order to respond to the opportunities and challenges that emerged during the pandemic. You will hear three presentations related to the three committees and outcomes established. While focused on the first tranche of dollars allocated, the presentations will also provide a window into staff's recommendation on how to allocate the next tranche.

Business and Economic Vitality Outcomes and Strategies - Council Members Jensen, Ingram, Haire, Colvin

1. Investment in workforce
2. Investment in business development
3. Investment in government support operations

Housing and Neighborhood Livability Outcomes and Strategies - Council Members Wright, Banks-McLaughlin, Kinston, Colvin

1. Resilient residents
2. Thriving communities
3. Expanded community capacity

Infrastructure Outcomes and Strategies - Council Members Dawkins, Davis, Waddell, Colvin

1. Multimodal accessibility
2. Safer communities
3. Investment in target growth areas
4. Public health resiliency

Council prioritization gave policy direction to staff on the types of projects and programs that are best aligned with outcomes for greatest impact. Staff used a strategy filter and project tiers to identify specific projects in conjunction with the Fiscal Year 2023 budget process. The strategy filter verifies a project's APRA eligibility, validates funding amounts and staffing capacity needed to complete, and the ability to start within three years with completion in five. Finally, staff will ensure that projects are aligned with the City's Strategic Plan. Future discussions will reconcile current items that are listed in the City's CIP/TIP plans as well as seek to leverage other state and federal funding streams or local partnerships to ensure maximization.

The project tiers will be used to categorize opportunities as either enhancing existing projects, expediting planned but not fully funded projects, or exploring new creative approaches. ARPA Funds available are \$40.4 million. Up to \$15 million can be used for revenue replacement.

Discussion ensued.

Consensus of Council was to accept the ARPA strategies as presented and request staff to bring formal funding approvals forward.

Ms. Leslie Mazingo, Federal Lobbyist, provided an update on Federal Funding.

4.04 Fiscal Year 2023-2027 Recommended Capital and Technology Improvement Plans

Ms. Kelly Olivera, Budget and Evaluation Director, and Mr. Dwayne Campbell, Information Technology Director, presented this item with the aid of a PowerPoint presentation.

Staff presented the annual update of the five-year Capital and Technology Improvement Plans (CIP and TIP) for fiscal years 2023 through 2027 for Council's consideration.

Ms. Olivera stated, annually, the City updates its five-year plans for future capital and technology improvements. City departments submit updates for existing projects and additional requests for consideration for funding during the planning period. Project requests are reviewed and prioritized by appointed review committees, consisting of City staff, with ranking recommendations submitted to the City Manager's Office. City management reviews the projects against projected available funding and develops recommended plans for City Council's consideration.

The recommended plan will be updated based upon Council direction and any revisions will be incorporated in final plan documents to be presented for Council adoption with the adoption of the fiscal year 2023 budget ordinance.

Mayor Colvin thanked staff for the presentation and information.

4.05 City Council Member Agenda Item Request - Shopping Carts - Council Member Kinston

Council Member Kinston presented this item and stated she has noticed an increase in abandoned shopping carts across the City and would like staff to review the cost of retrieving the carts.

Mayor Colvin stated this item had been reviewed a couple of years ago at his request.

Mr. Douglas Hewett, City Manager, stated he will re-engage the group of staff members that worked on this item and will report back.

Consensus of Council was to direct staff to revisit this item and report back to City Council with findings.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 p.m.