

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER, CITY HALL
AUGUST 5, 2024
2:00 P.M.**

Present: Mayor Mitch Colvin (departed at 2:53 p.m., returned at 3:54 p.m.)

Council Members Katherine K. Jensen (District 1); Malik Davis (District 2); Mario Benavente (District 3) (via Teams); D. J. Haire (District 4); Lynne Greene (District 5); Derrick Thompson (District 6); Brenda McNair (District 7) (arrived at 3:18 p.m.); Courtney Banks-McLaughlin (District 8) (via Teams); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, City Attorney
Kelly Olivera, Assistant City Manager
Jodi Phelps, Assistant City Manager
Kimberle Braden, Police Chief
Kevin Dove, Fire Chief
Loren Bymer, Marketing & Communications Director
Jerry Clipp, Human Resource Development Director
Rob Stone, Construction Management Director
Brian McGill, Interim Assistant Public Services Director
Gerald Newton, Development Services Director
Willie Johnson, Chief Information Officer
Joshua Hall, Police Attorney
Erin Swinney, Police Attorney
Chris Cauley, Economic and Community Development Director
Kim Toon, Purchasing Manager
Kecia Parker, Real Estate Manager
Michael Gibson, Parks, Recreation and Maintenance Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 2:00 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Haire.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Council.

MOTION: Council Member Haire moved to excuse Mayor Colvin from the meeting beginning at 3:00 p.m.

SECOND: Council Member Greene

VOTE: UNANIMOUS 9-0

4.0 CITY MANAGER'S REPORT

Mr. Douglas Hewett, City Manager, stated staff have been very busy working to finalize agreements with the Cumberland County School District for Traffic Control Officers (TCOs) and Safety Resource Officers (SROs) for 49 schools, starting on August 5, 2024.

On a sad note, during the month of July we did loose an employee, Mr. Joseph Mial, condolences and prayers to his family.

Mr. Kevin Dove, Fire Chief, and Ms. Laura Smith, Emergency Management Coordinator, provided a briefing on Hurricane Debby and the

potential impacts of the storm for the Fayetteville-Cumberland area; there could be up to 8 to 12 inches of rain over Wednesday and Thursday.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda, and call for a closed session at the August 12, 2024, discussion of agenda items meeting.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (9-0)

6.0 OTHER ITEMS OF BUSINESS

6.01 Wayfinding Plan & African American Heritage Trail

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, introduced Mr. Jake Petrosky, Practice Leader, Stewart Engineering. Mr. Jake Petrosky presented this item with the aid of a PowerPoint presentation and stated the primary purpose of a wayfinding system is to move the public through a system of varying paths (i.e., trails, greenways, roadways, sidewalks, etc.) and environments (i.e., parks, plazas, urban areas, etc.), using a concise and comprehensive family of directional, informational, and conformational messages.

The purpose is to expand upon the wayfinding recommendations in the previous Center City Parks & Trails Plan. This includes a graphic trail system map, expanded trail medallions, defined signage types and location standards, and an updated signage map. Refining the wayfinding system for the City of Fayetteville's Center City Parks and Trails must consider the complexity of the trail network, the variety of facilities and various contexts across the linear park system, as well as the various types of signage that is already in place. The system also needs to anticipate the changes that facilities and the trail network will undergo in the future.

The PowerPoint presentation included an overview of the following: vision, study area, key connections, wayfinding and signage, African American Trail, integrated visual language, Center City Trail System, and implementation.

Council Member Haire expressed concerns regarding access/connections to the trails from Mazarick Park/Murchison Road. Mr. Michael Gibson, Parks, Recreation, and Maintenance Director stated he will bring the implementation plans for Mazarick Park connection to the October work session.

Discussion ensued.

Consensus of Council was to accept the Wayfinding Plan and African American Heritage Trail with the modifications, updates to this item to be presented at the October work session.

6.02 Stormwater ARP Projects Quarterly Update

Mr. Brian McGill, Interim Assistant Public Services Director, presented this item and stated the North Carolina General Assembly identified the City as being eligible to receive ARP funding under S.L. 2021-180 for stormwater infrastructure. The amount of the funding totals \$10,550,000.00. The funding is being administered by the North Carolina Department of Environmental Quality's (NCDEQ) Division of Water Infrastructure (DWI).

At the guidance of DWI, staff filled out and submitted Request for Funding Applications for multiple stormwater improvement projects for the Division to determine merit and eligibility of the projects for use of the funding. Staff was notified on February 14, 2022, that DWI had reviewed the Request for Funding and determined that the proposed projects were eligible to receive the ARP funding. The

proposed projects are as follows: Adam Street Drainage Improvements, North Street Drainage Improvements, Ray Avenue Drainage Improvements, and Sunbury Drive Drainage Improvements.

Staff then continued the process of completing the design of the aforementioned projects and submitted to DWI for their review and approval of the plans and specifications. On June 28, 2023, North Street, Ray Avenue, and Sunbury Drive received Plans and Specifications Funding Approval from DWI. On July 24, 2023, Adam Street received Plan and Specification Funding Approval from DWI. Upon receiving approval from DWI, all projects have been advertised to the public for bid opportunities and are moving forward to construction.

City Council received the quarterly update.

6.03 Arran Lake West Dam Overtopping Protection

Mr. James Talian, Capital Projects Program Manager, presented this item and stated in December 2021, Council directed staff to begin design of two projects identified in the Beaver Creek 3 Watershed Study. The two projects were the Rhemish Drive Drainage Improvements and the Rockford Drive Drainage Improvement. Both projects are currently under design. As part of the design process, staff used hydraulic models to predict the rise of stormwater elevations down gradient of the project site caused by the new infrastructure, under various storm conditions. Staff evaluates the downstream impacts as far downstream as the models show any significant increase in water surface elevations resulting from the proposed infrastructure. There are several things from this analysis that may trigger a modification to the design of the proposed project infrastructure (possibly to include acquisition or condemnation). One is if the models show the "level of service" downstream would be reduced, meaning the increased volume or velocity of water projected downstream reduces the efficiency of downstream, existing stormwater infrastructure.

Both the Rockford Drive and Rhemish Drive projects discharge into Beaver Creek Tributary B (BCTB). Downstream of BCTB is Arran Lakes West Dam (CUMBE-067) (ALWD), a private "high" hazard dam with a City-maintained roadway overtop of the dam. Downstream impacts from the proposed improvements do not lower the existing level of service of the dam, however the depth and frequency of overtopping may slightly change based off the analyses conducted. Due to this, both an impact evaluation and detention evaluation were performed looking at both localized and regional detention options.

Localized Detention was looked at for both the Rockford Drive and Rhemish Drive project locations, as well as the other ten proposed solution locations identified in the Beaver Creek 3 Watershed Study upstream of ALWD. The evaluation included preliminary sizing of outlets and basins to mitigate ten-year peak flow increases. Challenges for sizing localized detention for each site included final grading, building setbacks, and lack of adequate open space. Implementing localized detention facilities at all locations is likely to require demolition of existing homes as the amount of available open space is not sufficient for the estimated basin areas needed to limit the increases in peak flow. Overall cost for implementation of local detention facilities ranged from \$1,200,000.00 to \$6,300,000.00, with an average of \$2,700,000.00 and a total of \$33,000,000.00. With localized detention, ALWD would not receive the increase in peak flows generated from the improvements upstream. However, ALWD would still remain a high hazard dam with limited freeboard for a ten-year event.

Evaluation of regional detention initiated with confirming NC Dam Safety regulatory requirements such that any considered improvements were developed in compliance with applicable rules and regulations. Numerous scenarios were assessed to evaluate the feasibility of mitigating peak flow increases by improving either the currently breached Bailey Lake Dam (BLD) or ALWD. Improvements at ALWD

considered replacing the existing dual riser-barrel spillways with a new spillway, permanent lowering of normal pool, pre-storm drawdown of the pool, and leveling the dam top as well as providing overtopping protection. Rehabilitation of BLD was assumed to include repair of the embankment and existing breach, installation of a new combined spillway, and leveling of the dam top and installing overtopping protection.

The ALWD improvements discussed above each involve replacement of the spillway system. However, in all scenarios the Dam overtops frequently (50-year storm under existing conditions), thus any improvement also requires installation of overtopping protection to reduce the risk of erosion and associated embankment failure. Given that flow mitigation is not required by Dam Safety if this protection is added, the most cost-effective regional detention alternative to protect ALWD is to install this protection and not rely upon flow mitigation via spillway improvements. Implementation of overtopping protection is likely to cause little change in hydraulic capacity, thereby not exacerbating or creating additional flood concerns. Under this assumption, expected flows and WSEs will generally be the same as those previously presented for pre- and post-project conditions. As such, potential upstream flow increases from project implementation will be passed downstream of the Dam. However, limited development is present in this area and no impacts from project implementation were identified in this study.

Localized Detention for Rockford Drive (\$4.6 million) and Rhemish Drive (\$4.1 million) total \$8.7 million. When considering localized detention for all improvements in the BV3 watershed, that total amount jumps to \$33 million. Overtopping Protection of ALWD totals \$8.5 million.

The overall findings when comparing Localized Detention versus Regional Detention show that overtopping protection of ALWD likely presents the most direct, effective, and economical solution to protect the facility from potential flow changes. Implementation of local detention may require facilities at each project location and do not provide direct benefit to ALWD. Instead, protection of ALWD is reliant upon design, construction, and maintenance of each detention facility. Alternatively, overtopping protection directly protects the facility and is largely unaffected by changes to secondary system drainage systems.

It is recommended that no improvements from the Beaver Creek 3 Watershed Master Plan located upstream of ALWD be implemented until the overtopping protection has been constructed.

There is no impact to the General Fund. Project will be funded by Stormwater Enterprise Funds.

Discussion ensued.

Consensus of Council was to direct staff to move forward with project development and design of the Arran Lakes West Dam Overtopping Protection project.

6.04 City Council Policy Review for Streets, Traffic, and Parking - Revisions

Mr. Brian McGill, Interim Assistant Public Services Director, presented this item with the aid of a PowerPoint presentation and stated nine City Council Policies are related to "Streets, Traffic, and Parking", of which seven are proposed to be revised or rescinded. In addition to these changes, two City Council Policies are proposed to be added, related to the Residential Traffic Management Program (RTMP). The combined changes are being proposed due to City Council Policies either conflicting or being superseded by the City Code of Ordinances or the Unified Development Ordinance (UDO). The revisions, recissions, and additions were presented to the City Council Policy

Review Committee on November 1, 2023, and again on June 26, 2024, before being unanimously moved to be submitted to the August 5, 2024, Council work session. The following background information was presented:

The nine City Council Policies that are related to "Streets, Traffic, and Parking", and some of them may either be in conflict or have superseding requirements from the City's Code of Ordinances and Unified Development Ordinance (UDO). These City Council Policies are labeled as follows:

- 160.1 - Street Improvements
- 160.2 - Sidewalk Construction & Maintenance
- 160.2.1 - Expenditure of Funds in the Sidewalk Waiver Fund
- 160.3 - Request for Speed Limit Changes
- 160.4 - Street Naming Changes
- 160.5 - Warrant Loading Unloading Zones
- 160.6 - Acceptance of Private Streets for City Maintenance
- 160.7 - Fees for Parades, Motorcades, and Special Events
- 160.8 - Street Paving for New Utility Installations

In addition to the City Council Policies identified above, two new policies are suggested for adoption, and would be identified as follows:

- 160.9 - Residential Traffic Management Program (RTMP) - Speed Humps
- 160.9.1 - Residential Traffic Management Program (RTMP) - Multi-Way Stops

Discussion ensued.

Consensus of Council was to direct staff to move this item forward to a regular meeting agenda, for an official vote.

6.05 Substantial Amendment to the Housing and Urban Development 2020 - 2024 Consolidated Plan and the 2024 - 2025 Annual Action Plan

Mr. Alex Baker, Assistant Economic and Community Development Director, 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, HOME, and HOPWA. The five-year plan includes all anticipated sources of income and proposed strategies and programs. The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan.

On May 7, 2024, following the adoption of the HUD 2024-2025 Annual Action Plan by City Council, the City received notice from HUD of an additional annual entitlement of \$155,374.00 for services under ESG. The addition of a new entitlement requires the City to amend its Consolidated Plan and AAP to accept and program the funds awarded under the ESG program.

In addition to the ESG funding, an amendment to the AAP is required to fund the City's new Homebuyer HERO program in the amount of \$200,000.00. This funding is being reduced from the HOME Affordable Housing Development activity leaving a new budget of \$1,031,522.00.

The addition of a new entitlement requires the City to amend its Consolidated Plan and AAP to accept and program the funds awarded under the ESG program. ESG funds may be used for five program components along with administration. Program components are street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and Homeless Management Information System as set forth in 24 CFR § 576.100-107. Any funding consideration shall be done after consultation with Fayetteville Cumberland County Continuum of Care (COC).

To provide an opportunity for community feedback from the COC, community partners, and the general public, the City conducted a survey and posted a public notice and received comments on the Substantial Amendment for 30 days from June 26, 2024, through July 29, 2024. Recommendations were developed for funding based upon the survey and any comments submitted to the City.

The City's current year allocations are \$1,708,868.00 for CDBG, \$874,315.00 for HOME, \$878,892.00 for HOPWA, and now \$155,374.00 for ESG. Program income is anticipated in the amount of \$308,453.00 and the City's required HOME match is \$218,579.00. The addition of the ESG allows the City \$155,374.00 to assist in funding responses that offer solutions or preventions to homelessness. The movement of \$200,000.00 in HOME Partnership funds for HOME Affordable Housing Development activity to initiate a HOME Homebuyer Assistance program allows for a downpayment assistance program without a match requirement from applicants.

Discussion ensued.

Consensus of Council was to receive the report and accept the substantial amendment.

6.06 Council Consideration of Receiving City Surplus Real Property Interest List and Consideration of Directing Staff to Publish

Ms. Kecia Parker, Real Estate Manager, presented this item and stated the purpose of this agenda item is to confirm and publish an interest list of City-owned real properties that can later be declared surplus and returned to the tax rolls.

At the June 5, 2023, City Council work session, staff was directed to identify the City surplus real properties and provide a list of properties that could possibly be returned to the tax rolls. Staff reviewed 684 City properties and identified their use or future purpose. Staff identified 57 City properties that were identified as possible surplus properties.

Pursuant to City Policy 155.1, to determine if a property is surplus to the City's needs, Real Estate staff performs a search to identify if there are any restrictions on the deed that prohibit sale. Finance must be contacted to determine how the property was purchased and if the funding source is restricted. Once determined, Real Estate staff contacts the Director for the department the asset belongs to, for a determination of whether the property is needed. If it is needed, the parcel is not declared surplus. If it is determined that the property is not needed by that department, it is sent out to the Senior Management Team and PWC to determine if it may be needed for any future project. If the City and PWC are not in need of the property, then N.C.G.S. § 160A, Article 12, determines the procedure for declaring property as surplus and being sold.

The list in the agenda packet of properties can be published on an interest list. If a person shows interest in a property, the City can start the surplus property disposal process. The process as dictated by North Carolina General Statute requires that the property is sold for the fair market value by either public auction, sealed bid, or negotiated offer and upset bid process. These processes require the City Council to declare a specific property surplus and start a bid process, publish the bids and then finally accept or reject the bids that have been placed by adoption of a Resolution.

An interest list would have no impact on the budget until the properties generate interest and are later returned to the tax rolls when sold.

Staff recommends that Council receive the interest list and provide additional direction to staff as to Council's interest, if any.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward; publish the list and send out a Request for Proposal (RFP).

6.07 City Council Agenda Item Request - Create a CIP fund for Property Ownership - Council Member Thompson

Council Member Thompson presented this item and stated he would like for staff to create a CIP fund to support the purchasing of properties instead of leasing properties for City business. Council Member Thompson offered the following proposals:

1. Staff to identify properties in advance that we are currently leasing, that we could purchase.
2. Find optimal relocations for sub-stations and other departments that are renting.
3. Create a CIP fund for this Council and future Councils to support purchasing properties.
4. Use discretion on how we move forward, and to be good stewards of our citizen's funds.

Discussion ensued.

Consensus of Council was to have staff to come back with an option to purchase properties instead of leasing properties, find optimal relocations for sub-stations and other departments that are renting, create a CIP fund for this Council and those of future Councils to support purchasing properties.

6.08 City Council Agenda Item Request - Release of Body Camera and IPWDA Report Re: K9 Unit Video - Council Member Benavente

Council Member Benavente presented this item and stated there have been over 6,000 e-mails regarding a video that went viral regarding a police officer hitting a K-9. I am asking for the release of the body camera video of this incident. Body camera videos are to promote trust.

Ms. Lachelle Pulliam, City Attorney, stated all body camera footage requires a petition to the Court for the release. Council Member Haire asked if there was more than was shown on social media. Mr. Kemberle Braden, Police Chief, said there is more than what was shown on social media.

Consensus of Council was to direct staff to petition the court for the release of the body camera footage.

Ms. Lachelle Pulliam, City Attorney, stated this item will come back to full Council at the next regular meeting for official action.

6.0 ADJOURNMENT

There being no further business, the meeting was adjourned at 4:21 p.m.