



## Legislation Details (With Text)

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**On agenda:** 10/2/2017      **Final action:**  
**Title:** Professional Services Contract for Engineering Evaluation of Privately Owned Dams Damaged During Hurricane Matthew  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Fayetteville Private Dam Evaluation Scope with 4 Dams

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Members of City Council  
**THRU:** Kristoff Bauer, ICMA - CM, Deputy City Manager  
**FROM:** Rob Stone, P.E., Public Services Director  
**DATE:** October 2, 2017

**RE:**  
Professional Services Contract for Engineering Evaluation of Privately Owned Dams Damaged During Hurricane Matthew

**COUNCIL DISTRICT(S):**  
6,7

### Relationship To Strategic Plan:

Goal 3: High Quality Built Environment  
Goal 4: Desirable Place to Live, Work and Recreate

### Executive Summary:

Home Owners Associations representing four private dams (Strickland Bridge Dam, Rayconda Upper Dam, Rayconda Lower Dam, and Arran Lakes Dam) and 3 DAG LLC (a private corporation that owns Wooded Lake Dam) have petitioned the City to conduct an engineering evaluation of their dams. Staff is recommending that Council direct staff to prepare a Capital Project Ordinance and authorize the City Manager to execute a contract for Professional Services associated with the engineering evaluation of the four private dams belonging to the Home Owners Associations. No funding is currently budgeted for these evaluations. Staff has negotiated a contract to perform the four evaluations identified at a cost of \$200,600 with the work being complete June 1, 2018.

**Background:**

Hurricane Matthew floodwaters damaged dams throughout the City. The Federal Emergency Management Agency (FEMA) agreed to provide Public Assistance to repair City maintained dams; however, privately owned dams were not eligible for FEMA funding.

In an effort to help rebuild the community following Hurricane Matthew, City staff researched state law for mechanisms to assist. City staff found that under North Carolina General Statute 160A-216, the City could potentially assist in the repair of private dams as long as there was a public benefit provided by the dam and/or lake. The City can fund the design & construction of dam repairs and recoup the funding through a special tax assessment levied on benefited property owners.

In July 2017, the City held a series of meetings to reach out to the neighborhoods affected by dams damaged from Hurricane Matthew. The City explained that helping repair private dams would be a multi-step process, beginning with an engineering evaluation of the dam and a determination of the repair costs. The City asked impacted Home Owners Associations (HOA's) to poll their members and see if there was support for moving forward with the process. If supported by their members, HOA's were instructed to submit a petition to the City by August 31, 2017.

Petitions were received from the following owners of four private dams requesting that the City perform an engineering evaluation of their dams:

Strickland Bridge Dam - Strickland Bridge HOA  
Rayconda Upper Dam - Rayconda HOA  
Rayconda Lower Dam - Rayconda HOA  
Arran Lake Dam - Arran Lake HOA

A petition was also received from 3 DAG LLC, a private corporation that owns Wooded Lake Dam at the Kings Grant Golf Course, however staff is not recommending this dam be included for consideration in the process. A cursory inspection revealed that the Wooded Lake Dam appears to have sustained little to no damage from Hurricane Matthew. The petition submitted to the City indicates that repairs have been done to the dam, so it is unclear why City assistance would be required. 3 DAG LLC is a for-profit corporation that owns Wooded Lake Dam which serves a private golf course (Kings Grant), with no apparent benefit for the citizens that would justify City involvement in improvements to this dam.

To begin the process of assisting the HOA's with damaged dams, City staff is recommending that the City Manager be authorized to execute a professional services contract to perform the engineering evaluations of these private dams.

A Request for Qualifications (RFQ) for post-Hurricane Matthew professional services was advertised on January 17, 2017, in accordance with state and federal requirements. The firm selected for the project management and construction oversight function was Freese & Nichols, Inc. (FNI) located in Raleigh, NC. No Fayetteville firms responded to the RFQ. Staff proposes to extend the services FNI in include the requested evaluations at a cost of \$200,600. This cost could be recovered from assessment funds should the project move forward.

This contract would be limited to the initial evaluation of the dams and would determine:

- The cost to repair the private dams
- Identify a public function for the dams
- Identify benefited property owners
- Develop a plan for how the repairs could be paid for through a special tax assessment of the benefited property owners.

Once the benefited property owners are identified and a cost is determined, the property owners would then petition to determine if a majority of benefited property owners are in favor of a special tax assessment before any further engineering or construction work is undertaken. These future petitions would be brought before the City Council at a later date for consent. If property owners petitioned in favor of moving forward and the City Council approved the request, City staff would proceed with the project in a manner similar to other City projects. Engineering design services would be performed by a firm to be selected through an RFQ process and a construction firm would be selected through a public bidding process.

### **Issues/Analysis:**

The cost of the evaluation for each dam is as follows:

Strickland Bridge Dam - \$54,940  
Rayconda Upper Dam - \$54,740  
Rayconda Lower Dam - \$55,940  
Arran Lake Dam - \$34,980

### **Budget Impact:**

The City does not anticipate being able to obtain any FEMA reimbursement or State reimbursement for the cost of the engineering evaluations. If, upon completion of the evaluations, the property owners petition against moving forward with the special assessment for design & repair of the dam, the City would have no way to recoup the initial engineering evaluation cost from the dam owners.

### **Options:**

1. Direct staff to prepare the necessary Capital Project Ordinance for the dam evaluation contract at the next available regular meeting. Authorize the City Manager to execute the contract for Professional Services associated with the engineering evaluation of the four private dams.
2. Do not direct staff to prepare the necessary Capital Project Ordinance for the dam evaluation contract at the next available regular meeting and do not authorize the City Manager to execute the contract for Professional Services associated with the engineering evaluation of the four private dams. Provide further direction to staff.

### **Recommended Action:**

This item is for discussion purposes.

### **Attachments:**

Scope of Services for Private Dam Evaluations

