

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
FAST CONFERENCE ROOM, 505 WINSLOW STREET  
FEBRUARY 7, 2022  
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Kathy Jensen (District 1); Shakeyla Ingram (District 2); Antonio Jones (District 3); 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  
Michael Gibson, Parks, Recreation, and Maintenance Director  
Gerald Newton, Development Services Director  
Rob Stone, Construction Management Director  
Sheila Thomas-Ambat, Public Services Director  
Daniel Edwards, Assistant Public Services Director  
Taurus Freeman, Economic and Community Development Assistant Director  
Elaina Ball, PWC CEO/General Manager  
Bianca Shoneman, Cool Spring Downtown District  
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 Wright moved to approve the agenda.

**SECOND:** Council Member Davis

**VOTE:** UNANIMOUS (10-0)

**4.0 OTHER ITEMS OF BUSINESS**

**4.01 PWC Strategic Plan**

Ms. Elaina Ball, PWC CEO/General Manager, presented the PWC Strategic Plan. Ms. Ball reviewed the Vision, Mission, and Values of the PWC and the strategic priorities which included Operational Excellence, Financial Health, Engaged Employees, Customer Satisfaction, Community Engagement, Conservation, and Economic Development. The Strategic Goals and Key Performance Indicators were reviewed. Ms. Ball also reviewed the Execution and Accountability Scorecard. A brochure and handout were provided to Council and included in the agenda packet.

Discussion ensued.

Mayor Colvin thanked Ms. Ball for an excellent presentation.

**4.02 TEXFI Groundwater Remediation Assignment**

Ms. Elaina Ball, PWC CEO/General Manager, presented this item and stated the TEXFI Groundwater Remediation Assignment item will be coming to Council for formal action at the next regular Council

meeting. Staff will be requesting that Council consent to authorize the City Manager to enter into an Interlocal Assignment, Assumption and Consent Agreement on the City's behalf with the Fayetteville Public Works Commission and SynTerra Corporation to remediate groundwater contaminants at the Texfi Industries brownfield site west of the Cape Fear River and adjacent to PWC's Hoffer Water Treatment Plant. The estimated cost is \$440,000.00.

No consensus was provided for this item.

#### **4.03 City-Sponsored Juneteenth Celebration**

Ms. Bianca Shoneman, Cool Spring Downtown District CEO, presented the Juneteenth 2022 event proposal, and provided an overview of events that could be provided over the June 17-18, 2022, time frame. Events proposed are as follows: VIP Kickoff Celebration, Noted Keynote Speaker, Trolley Tours, Black-owned restaurants, food trucks, food vendors, wineries and breweries, Juneteenth Walk-About, retail vendors, Artisan Row, Local Acts, Musical Traditions, and all ending with an impressive fireworks display finale. Ms. Shoneman stated the expected budget for this event is \$110,000.00

Discussion ensued.

Consensus of Council was to direct staff to move the item forward with the following three stipulations: (1) Appropriate the \$110,000.00 request, but do not disperse; (2) create a Community Planning Committee for the coordination of this event; and (3) bring this item back to Council for regular progress report "check-ins".

#### **4.04 Solid Waste Proposed Ordinance Amendments**

Mr. Daniel Edwards, Public Services Assistant Director, presented this item with the aid of a PowerPoint presentation and stated on October 12, 2020, Solid Waste (SW) presented to Council that the City of Fayetteville has endured a steady increase of blight, non-compliant code violations, litter, illegal dumping, and other public nuisances regarding blight and trash. SW discussed with Council how the solid waste ordinance, service levels, and other considerations regarding municipal SW collection operations needed revisions. SW also highlighted that the City's SW ordinance needed a review and update for technical and operational revisions. Since then, SW has suggested, developed and/or implemented changes in operations and enforcement. Notable changes include the recent move from scheduled limb and bulky collections to routed, bi-weekly recycling, and collaboration with the Code Enforcement RAPID Team. Key suggested changes to the SW ordinance include:

##### General Updates:

- Clarifying for Consistency: Language was changed to remove outdated information and bringing predictable and consistent service expectations. Also, reference links will be updated.
- Updated Definitions: Definitions were added and/or deleted based on necessity. Definitions were inspected and clarified as needed to ensure consistency with other provisions of the ordinance, as well as operation practices.
- Operations Language: Updated Sec. 22-10 (Collection Routes, Schedules and Pickup of Solid Waste and Other Materials) to include language regarding the addition of recycling collections, construction and demolition debris, and service on private streets/driveways. SW recommends removing language referring to scheduled collections for compliant loads of limbs and bulky waste.
- Updated Solid Waste Fee Schedule: The suggested changes direct residents to the SW Fee Schedule for all paid-for

services for limbs, bulky, and construction and demolition debris, for example. The SW Fee Schedule suggested updates remove the administration fee currently published as \$100.00. SW recommends adding a flat fee of \$500.00 that will be assessed if the City corrects a violation of all non-compliant loads.

Categorical Update:

- Parcel/Unit: SW recommends collections from parcels/units seven (7) and under, and that definition from where SW collects be made clear.
- Rollout Container: SW recommends a maximum of two (2) rollout carts for household waste and one (1) rollout cart for recycling. Also, language stating residents remove rollout carts from the curb line or rights-of-way the day they are serviced and stored on private property and not explicitly placed behind the home.
- Recycling Collection: This is a new section not previously in the original ordinance. The section states all rules and regulations for recycling collections.
- Yard Waste: SW recommends separating yard waste from large limbs to create predictable and consistent collections regarding yard waste. Along with the definition of what yard waste consists of, SW suggests that a maximum of four (4) bundles of yard waste branches/twigs be placed at the curb for any weekly collection.
- Large Limbs: The large limb section was created from different areas of Sec. 22-10 with large limb requirements. SW recommends each large limb load be no longer than five (5) feet in length, no greater than six (6) inches in diameter, and under 20 CY. Limb load exceeding the compliant load definitions must be scheduled and paid for per the current fee schedule.
- Bulky Waste: SW recommends each bulky compliant load be a maximum of five (5) items. Requests for a pick-up of more than five (5) items must be scheduled and paid for per the current fee schedule.
- Construction and Demolition: This is a new section not previously in the original ordinance. SW recommends advance scheduling, and residents refer to the SW fee schedule for collection cost, based on how much material needs collecting.
- Private Streets and Driveways: This is a new section not previously in the original ordinance. SW suggests that Council give the SW Division the authority to designate different pick-up locations for Residential Units located on private streets or driveways based on safety and operational hazards to the City's vehicles and staff. If SW determines it can provide service on the private street or driveway, the Residential Unit owner will be required to sign a waiver limiting the City's liability for damages that may occur during collection services.

Discussion ensued.

No consensus was provided. The item was for information only and will be brought back for further consideration at a later meeting; per the City Manager's direction.

#### **4.05 Solid Waste Fund Financial Update**

Ms. Kelly Olivera, Budget and Evaluation Director, presented this item with the aid of a PowerPoint presentation and stated Council is asked to receive information and provide guidance to staff regarding three items that have a financial impact to the Solid Waste Fund.

The Solid Waste Division is dedicated to providing exemplary customer service to the residents of the City of Fayetteville, and would like to update Council on three key items: scheduled bulky item collections, Solid Waste Fund fund balance, and current projections for the five-year Solid Waste Fund funding model.

In October 2021, Council approved the implementation of scheduled, every other week collections of bulky items and limbs, including the addition of two equipment operator positions and the purchase of four knuckle boom trucks. The award of the contract for the purchase of these trucks will be presented to Council at the February 14, 2022, regular Council meeting for approval.

Solid Waste collections are an essential function of city government, and ensuring the financial stability of this enterprise fund is imperative. Staff is preparing a formal fund balance policy for Council's consideration at the February 14, 2022, regular Council meeting.

In fiscal year 2019, Council approved the transition of the Solid Waste Fund to full self-sufficiency by eliminating the General Fund subsidy for solid waste operations. Continued updates to the five-year funding model are necessary for maintaining the self-sufficiency of the Fund. A Budget Ordinance Amendment to revise the Residential Solid Waste Fee included in the annual fee schedule will be presented to Council at the February 14, 2022, regular Council meeting for approval.

Discussion ensued.

No consensus for direction was provided to staff. The item will be brought back to Council for further discussion at the February 14, 2022, meeting.

#### **4.06 Small Local Business Enterprise (SLBE) Program Update**

Mr. Jay Toland, Assistant City Manager, introduced this item, and introduced Ms. Michele Jenkins, consultant with Griffin and Strong for the 2022 Disparity Study.

Ms. Jenkins provided an update of the Small Local Business Enterprise Program with the aid of a PowerPoint presentation and stated all projects, purchase orders, and procurement card purchases have a 40 percent aspirational local participation goal. Due to health and safety concerns during the COVID-19 pandemic, the City of Fayetteville did not host in-person training in 2021. However, we did participate in the Virtual Building Business Rally hosted by the Fayetteville Public Works Commission. Ms. Jenkins provided a pie chart that displayed the new vendor applications for FY 22 October through December by racial make-up and gender make-up.

Discussion ensued.

Mayor Colvin and Council members thanked Ms. Jenkins and Ms. Toon for their hard work and great information.

#### **4.07 Parks and Recreation Bond Report Card**

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item with the aid of a PowerPoint presentation and provided an overview on the status of each of the following current projects: Bill Crisp Senior Center, Senior Center East, McArthur Road

Sports Complex, Jordan Soccer Complex, Tennis Center, Dorothy Gilmore Recreation Center, Mable C. Smith Park, Dr. Martin Luther King Jr. Park, and the Cape Fear River Park.

Discussion ensued.

Mayor Colvin and Council members thanked Mr. Gibson and Mr. Stone for all of their hard work on these multiple projects.

#### **4.08 Shared Active Transportation Program (Micro-Mobility: electric scooters/bikes) Text Amendment to Article VIII of the Code of Ordinances**

Mr. Taurus Freeman, Economic and Community Development Assistant Director, presented this item with the aid of a PowerPoint presentation and stated over the past several months, City staff has been contacted by two companies, Bird Corporation and Spunk Scooter, requesting permits to operate a micro-mobility program in the City. The vendors would like multiple locations throughout the City to be operated on public roadways. Micro-mobility programs are used within many municipalities, universities, and business campuses nation-wide. Micro-mobility refers to a range of small, lightweight vehicles operating at speeds typically below 20 miles per hour and driven by users personally. Micro-mobility devices include bicycles, e-bikes, electric scooters, electric skateboards, shared bicycles, and electric pedal-assisted bicycles.

In August 2018, the City Council heard a similar request regarding bike sharing at the work session. At the time, bike-sharing was being utilized at Fayetteville State University, which lasted until 2019. The Council directed staff to follow the City of Durham Ordinance model and bring the proposed ordinance back to Council for official action for a future regular meeting.

On April 6 and September 7, 2021, the City Council received presentations at the work sessions. Staff was directed to draft an ordinance for possible action during the latter.

The speed of micro-mobility infusion has not come without growing pains. Some cities were caught off guard with the sudden influx of shared dock and dockless vehicles, especially after companies launched their fleets without municipal approval. Cities like Raleigh, Durham, and Charlotte have enacted local laws pertaining to e-scooters. Some cities have banned the scooters/bike share entirely, while others have allowed them. Most municipalities polled in North Carolina thus far have not taken the ordinance route. The vehicles can encourage multi-modal access to specific areas/districts, events, and the downtown. In addition to walking, driving, using bike racks, and electric vehicle charging stations, a micro-mobility program could provide additional transportation means to the public. Yet, public safety, liabilities, the minimum age to ride, and traffic guidelines were just some of the concerns. The City Council can enact rules and regulations for the program with the passage of an ordinance that allows for multi-modal transportation in the City.

In an effort to control micro-mobility vehicles in the City, staff has drafted an ordinance to allow the use of electric assisted bicycles and motorized scooters. The following are key elements that have been addressed or in question by departments in the proposed ordinance:

- Defines set parameters for potential vendor(s);
- Limiting the number of vendors/scooters in the City limits;
- Require formal application/permit process for possible vendors;

- Hours of operations;
- Age requirement;
- How to staff/manage at the City level;
- Penalties against vendors civil; and/or
- Enforcement and violations.

Upon review by numerous departments, Public Services, Development Services, City Attorney's Office, and Economic & Community Development, there are several concerns regarding implementation and enforcement due to the City's current infrastructure. This includes the designated department administrating the program, logistics for enforcement and civil penalties, hours of operation, vehicle placement on sidewalks, and designated areas of operation.

Discussion ensued.

Consensus of Council was to direct staff to reach out to vendors and ask if they have an interest to participate in a pilot program, and for staff also to communicate with the Downtown Alliance and Cool Spring Downtown District to collect their respective comments, concerns and suggestions regarding the potential program.

#### **4.09 City Council Agenda Item Request - Discussion Recommendations from the Audit and Finance Committee - Council Members Kinston and Dawkins**

Mayor Colvin recused himself from taking any part in this item.

Council Member Kinston presented this item and stated the Audit and Finance Committee unanimously approved a motion to request the City Council discuss whether to recommend an outside agency to investigate the allegations made by former Council Member Waddell, in regard to Mayor Colvin.

Mayor Pro Tem Jensen stated former Council Member Waddell's resignation letter made allegations towards the Mayor and five Council members by name.

Discussion ensued.

**Council Member Kinston on behalf of the Audit and Finance Committee moved for a consensus vote to investigate all allegations made by former Council Member Waddell in her resignation letter (November 9, 2021). The consensus motion failed (4 in favor to 5 in opposition). Voting in favor: Council Members Ingram, Jones, Banks-McLaughlin and Kinston. Voting in opposition: Council Members Jensen, Haire, Dawkins, Davis, and Wright.**

#### **5.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:20 p.m.