

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
SEPTEMBER 11, 2023
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jodi Phelps, Chief of Staff
Kemberle Braden, Police Chief
Jody Picarella, Chief Financial Officer
Byron Reeves, Assistant Public Services Director
Lisa Harper, Senior Assistant City Attorney
Lachelle Pulliam, Assistant City Attorney
Loren Bymer, Marketing & Communications Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Reverend Dr. Keith Tillet, Simon Temple AME Zion Church.

3.0 PLEDGE OF ALLEGIANCE

The Fire and Police Color Guard performed the posting of the colors. The Pledge of Allegiance to the American Flag was led by the Fire and Police Color Guard.

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Colvin presented a proclamation proclaiming September 11, 2023, as a National Day of Remembrance for those who lost their lives that terrible morning of September 11, 2001.

Council Member Haire presented a proclamation to Ms. Crystal Edmonds proclaiming the month of September 2023 as Dystonia Awareness Month.

Council Member Jensen announced the annual Greek Festival will take place on September 16, 2023, at Saints Constantine and Helen Greek Orthodox Church at 614 Oakridge Avenue.

Council Member Ingram announced this past week Mr. Steven Milburn, Airport Commissioner, passed away, and Ms. Tracey Falcon passed away today.

Mayor Colvin presented the Key to the City to Mrs. Karen M. McDonald, City Attorney, in recognition of her 24 years of service with the City of Fayetteville.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, provided an overview of the Proposed Youth Protection Ordinance, and stated the Council will hold

a special meeting on September 18, 2023, beginning at 7:00 p.m. to discuss the proposed ordinance; after which a public hearing will be held at a later date for residents to provide comments and feedback.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Benavente moved to approve the agenda, with the exception of Item 9.01 to be moved to the special meeting to be held on September 18, 2023, at 7:00 p.m.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

7.0 CONSENT AGENDA

MOTION: Council Member Banks-McLaughlin moved to approve the consent agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

7.01 Approval of Meeting Minutes:

August 7, 2023 - Work Session

August 14 - Discussion of Agenda Items

August 14, 2023 - Regular

August 16, 20223 - Special

August 23, 2023 - Agenda Briefing

August 28, 2023 - Discussion of Agenda Items

7.02 Adoption of Budget Ordinance Amendment 2024-2 to fund the upgrade of Long-Term Parking Lot Lighting and support Airport Marketing efforts

Council is asked to appropriate \$350,000.00 in additional funding to FY24 Airport Adopted Budget from Airport Reserve Fund. The Fayetteville Regional Airport has lost a bank of security lights that require immediate replacement due to age of lighting system and faulty underground infrastructure. The project will convert the current long-term parking lights to LED and enhance safety and security for passengers traveling in and out of the airport. Quote and ancillary costs return an estimate of \$150,000.00. On November 28, 2022, the Airport Director presented a new marketing initiative to City Council designed to promote ridership on signatory airlines currently serving Fayetteville Regional Airport. To better support that plan and other marketing initiatives, the airport would like to raise its current \$300,000.00 market budget to \$500,000.00 to better promote flying Fayetteville from our 11-county service area.

7.03 Adoption of Special Revenue Fund Project Ordinance 2024-8 to Appropriate Grant Award for Neville Street Drainage Improvements

The City has been awarded a North Carolina Hazard Mitigation Grant Program Grant for the Neville Street Drainage Improvement Project. The total amount of the grant is \$1,323,507.00. Staff is seeking authorization to accept the grant award and Council adoption of Special Revenue Fund Project Ordinance 2024-8 to appropriate the funding.

7.04 Adoption of Special Revenue Fund Project Ordinance 2024-9 to Appropriate Grant Award for Blounts Creek Stream Enhancement Conceptual Design

The City has been awarded a Golden LEAF grant for the conceptual design of the Blounts Creek Stream Enhancement portion of the Person and Russell Street Drainage Improvement Project. The total amount of the grant is \$200,000.00. Staff is seeking authorization to accept the grant award and Council adoption of Special Revenue Fund Project Ordinance 2024-9 to appropriate the funding.

7.05 Bid Recommendation - Slurry Seal Various Streets 2023 Phase II

Approve award of, and authorize the execution of, a contract for Slurry Seal Various Streets 2023 Phase II to Slurry Pavers, Inc., the lowest responsive, responsible bidder.

7.06 Bid Recommendation - Microsurfacing Various Streets 2023 Phase II

Approve award of contract and authorize the City Manager to execute a contract for Microsurfacing Various Streets, 2023 Phase II, to the lowest responsive, responsible bidder, Slurry Pavers, Inc., in the total amount of \$485,925.00.

7.07 Bid Recommendation - Yadkin Road Sidewalk Phase III

Approve contract award and authorize the City Manager to execute a contract for Yadkin Road Sidewalk Phase III to the lowest responsive bidder, Sellers and Sons, Inc., of Fayetteville, NC, in the total amount of \$527,817.00.

7.08 Housing Opportunities for People with HIV/AIDS (HOPWA) Contract Award

Authorize the City Manager to execute a contract with the Robeson County Health Department (through Dogwood Health Care Network) to provide housing stability and support services to qualified populations within the Fayetteville/Cumberland Metropolitan Statistical Area (MSA).

7.09 Murchison Choice Neighborhood Community Center

Approve up to \$1 million in financing to acquire and rehab a facility on Murchison Road to develop a Youth Community Center to Way2Real, LLC.

7.010 Phase 5 Annexation Area 24BC Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Setting Time and Place for Public Hearing on Preliminary Assessment Roll

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL. RESOLUTION NO. R2023-035

7.011 SUP23-07: Order of Approval - Findings of Fact: Special Use Permit for monitored electrified fencing in a Community Commercial zoning district, located at 4514 Bragg Boulevard (REID # 0418468673000) and being the property of WSWN Investments LLC, represented by Danny Pitts, AMAROK, LLC.

Approval of the findings as presented by the City staff.

8.0 PUBLIC FORUM

Mr. Thomas Farmer, 6523 St. Louis Street, Fayetteville, NC, expressed concerns regarding the need to have a neighborhood ditch cleaned up.

Mr. Christian Mosley, 5313 Chesapeake Road, Fayetteville, NC, expressed concerns regarding the Youth Protection Ordinance, the stop and search rate, and illegal substances in the community.

Ms. Benay Anise Cathey, 716 Eccles Drive, Fayetteville, NC, expressed concerns regarding stormwater in Eccles Park.

Ms. Brenda Mabry, 2914 Hybart Drive, Fayetteville, NC, expressed concerns regarding yard waste collection.

Mr. Robert Walls, 1436 Valencia Drive, Fayetteville, NC, expressed concerns regarding First Amendment rights and ethics.

Mr. Brian Mellow stated he is homeless and expressed concerns from the homeless community.

Ms. Nahlee Smith, 304 Point Place, Fayetteville, NC, expressed concerns regarding the lack of community standards.

Ms. Rosemarie Harris, 631 Shea Court, Fayetteville, NC, provided some suggestions for solutions to youth crime.

Mr. Shaun McMillian, 6024 Goldenrain Drive, Fayetteville, NC, expressed his opposition to the proposed Youth Protection Ordinance.

Ms. Christina Aragues, 205 Queensberry Drive, Fayetteville, NC, expressed her opposition to the proposed Youth Protection Ordinance.

9.0 OTHER ITEMS OF BUSINESS

9.01 Youth Protection Ordinance

This item was moved to the September 18, 2023, special meeting.

MOTION: Council Member Banks-McLaughlin moved to amend the agenda; place Item 9.03 before Item 9.02.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (10-0)

9.03 Appointment Committee recommendation to remove a Parks and Recreation Advisory Board Member per Council Policy No. 110.1, Section II.A.3.a

Council Member Ingram stated the Appointment Committee met on August 22, 2023. The first item on the agenda was to discuss the removal of a Parks and Recreation Advisory Board member due to "deliberate or repeated discourteous treatment of the public or City employees". The Parks and Recreation Advisory Board is comprised of seven City Council appointed members, seven County Commission appointed members, and one School Board appointed member.

Council Member Ingram stated there have been numerous complaints, both verbal and written, regarding Mr. Darden Jenkins' deliberate and repeated discourteous treatment towards fellow Board Members and professional staff. In addition, there are two Cumberland County Commission appointed Parks and Recreation Advisory Board Members that have had the same complaints made against them. The City Council does not have the authority to remove County appointed Board Members.

Discussion ensued.

MOTION: Council Member Thompson moved to recommend the removal of Mr. Darden Jenkins from the Parks and Recreation Advisory Board per City Council Policy No. 110.1, Section II.A.3.a., and direct staff to send a letter to the Cumberland County Commissioners requesting the removal of Parks and Recreation Advisory Board Members Mr. Harold Smelcer and Ms. Vicki Mullins.

SECOND: Council Member Haire

VOTE: FAILED by a vote of 5 in favor to 5 in opposition (Council Members Colvin, Ingram, Benavente, Dawkins, and Hondros)

MOTION: Council Member Ingram moved to remand the issue back to the Appointment Committee and request the Policy Committee review the process for removal and send letter of reprimand.

SECOND: Council Member Benavente

VOTE: UNANIMOUS (10-0)

9.02 Presentation of Appointments Committee Recommendations for Boards and Commissions Appointments

<u>Animal Control</u>	
Debra Barton	October 1, 2023 - September 30, 2026
<u>Community Police Advisory Board</u>	
Rick Dula	October 1, 2023 - March 31, 2024
<u>Fact Advisory Committee on Transit (FACT)*</u>	
Michael Council	October 1, 2023 - March 31, 2024
Cynthia Massie	October 1, 2023 - September 30, 2024
<u>Fayetteville NEXT Commission</u>	
Dylan Dombrowski	October 1, 2023 - September 30, 2025
Rachael Finlayson	October 1, 2023 - September 30, 2025
Tara Jackson-Smith	October 1, 2023 - September 30, 2025
Rachelle Myles	October 1, 2023 - September 30, 2025
Dymond Spain	October 1, 2023 - September 30, 2024
Ayana Washington	October 1, 2023 - September 30, 2025
Byron Williams	October 1, 2023 - September 30, 2025
Ashley Wyatt	October 1, 2023 - September 30, 2025
<u>Historic Resources Commission</u>	
Cynthia Leeks	October 1, 2023 - September 30, 2025
<u>Human Relations Commission</u>	
William Milton, II	October 1, 2023 - September 30, 2025
Peter Pappas	October 1, 2023 - September 30, 2025
Dakiesha Upchurch	October 1, 2023 - September 30, 2025
Camaron Willams	October 1, 2023 - September 30, 2025
<u>Joint City and County Appearance Commission</u>	
Willie Dorman, Jr.	October 1, 2023 - September 30, 2025
Brenda Gordon	October 1, 2023 - September 30, 2025
<u>Parks and Recreation Board</u>	
Brenda Gordon	October 1, 2023 - September 30, 2024
<u>Planning Commission</u>	
Deanna Holt	October 1, 2023 - September 30, 2025
Victoria Lemrabott	October 1, 2023 - September 30, 2025
Jerrick Mack	October 1, 2023 - September 30, 2025
Kim Medley	October 1, 2023 - September 30, 2025
<u>Public Arts Commission</u>	
Faith Mcgee	October 1, 2023 - September 30, 2025
<u>Redevelopment Commission</u>	
Dineen Morton	October 1, 2023 - September 30, 2028
<u>Senior Citizen Advisory Board</u>	
Anjanette Martinez	October 1, 2023 - September 30, 2025
Jacquelyn Washington	October 1, 2023 - September 30, 2025
<u>Stormwater Advisory Board</u>	
Patricia Archie-Jackson	October 1, 2023 - September 30, 2025
Roderick Gooden, Sr.	October 1, 2023 - September 30, 2025
Sandy Parker	October 1, 2023 - September 30, 2025
<u>Woodpeckers</u>	
Gregory Foxx	October 1, 2023 - September 30, 2025
Charles Jones	October 1, 2023 - September 30, 2025
Faith Mcgee	October 1, 2023 - September 30, 2025
William Wesley	October 1, 2023 - September 30, 2025
<u>Zoning Commission</u>	
Stephen McCorquodale	October 1, 2023 - September 30, 2025
Pavan Patel	October 1, 2023 - September 30, 2025

MOTION: Council Member Haire moved to appoint the Appointment Committee recommendations for Boards and Commissions Fall 2023 Appointments.
SECOND: Council Member Thompson
VOTE: UNANIMOUS (10-0)

9.04 Adoption of Budget Ordinance Amendment 2024-1 (Carryover of Assigned Funds from Fiscal Year 2023)

Mr. Jeffrey Yates, Assistant City Manager, presented this item and stated routinely, the City may fund items in the current fiscal year, but for various reasons do not expend or encumber those funds during the fiscal year. For instance, a planned expenditure or project may be delayed. To address these circumstances and to ensure that funds are available to meet the Council's goals, the City assigns (designates) funds for specific purposes in the City's fund balance at the end of the fiscal year. When the Council approves the budget ordinance for the following fiscal year, it authorizes the City to re-appropriate funds assigned (designated) for a specific purpose, based upon the year-end financial statements.

As of June 30, 2023, there was \$46,500.00 of fund balance in the General Fund that was appropriated for travel and training for the Mayor, Council, City Clerk's Office, and City Manager's office; and \$3,478.00 for the Millennial Commission for future-specific purposes in the financial statements.

Budget Ordinance Amendment (BOA) 2024-1 will appropriate \$49,978.00 from the general fund for outstanding financial obligations at the close of the fiscal year 2022-2023 (FY23). These appropriations are to be funded through the general fund fund balance, since these funds were not expensed in the 2022-2023 budget year and will revert back to the available fund balance until appropriated again.

MOTION: Council Member Ingram moved to adopt Budget Ordinance Amendment 2024-1.
SECOND: Council Member Thompson
VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

10.01 Administrative Report - Litter and Illegal Dumping Management Process

Mayor Colvin directed Mr. Douglas Hewett, City Manager, to place this item on the October work session agenda.

10.02 Administrative Report - Fayetteville Market House

Mayor Colvin directed Mr. Douglas Hewett, City Manager, to place this item on the October work session agenda.

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:01 p.m.