

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
SEPTEMBER 9, 2024
6:30 P.M.**

Present: Mayor Mitch Colvin

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

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jeffrey Yates, Assistant City Manager
Jodi Phelps, Assistant City Manager
Kemberle Braden, Police Chief
Kevin Dove, Fire Chief
Loren Bymer, Marketing & Communications Director
Kecia Parker, Real Estate Manager
Sheila Thomas-Ambat, Public Services Director
Willie Johnson, Chief Information Officer
Byron Reeves, Assistant Public Services Director
Brian McGill, Interim Assistant Public Services 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 Fire Captain Garrett Rogerson.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Colvin and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Hondros announced the annual Greek Festival scheduled for September 14 and 15, 2024, at Saints Constantine and Helen, 614 Oakridge Avenue.

Mayor Colvin presented a proclamation to Tyler Brandon Moore proclaiming September 9, 2024, in honor of Tyler Brandon Moore for meeting the requirements of becoming one of the youngest pilots ever licensed in North Carolina and one of the youngest licensed private pilots in the United States of America.

Mayor Colvin presented a proclamation to the Information Technology Department proclaiming September 17, 2024, as National Information Technology Professionals Day.

Mayor Colvin presented a proclamation to Fire Chief Kevin Dove and Police Chief Kemberle Braden and members of the Fire and Police Departments proclaiming September 11, 2024, National Day of Remembrance for those who lost their lives on September 11, 2001.

5.0 CITY MANAGER REPORT

Mr. Kevin Dove, Fire Chief introduced and announced Mr. Justin Thomas McLaurin, as the newly appointed Fire Marshal.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (10-0)

7.0 PUBLIC FORUM

Mr. John Giarrusso, 308 Third Street, Fayetteville, NC, expressed the need for crisis intervention in Fayetteville.

Ms. Peggy Thompson, 516 Bravery Lane, Fayetteville, NC, expressed concerns regarding housing, lack of juvenile programs in low-income areas, and mental health.

Mr. Charles Mathews, 3618 Tindall Court, Fayetteville, NC, expressed concerns regarding Rose Lake Dam.

Mr. Shaun McMillan, 6024 Goldenrain Drive, Fayetteville, NC, expressed concerns regarding public safety.

8.0A CONSENT AGENDA

MOTION: Council Member Hondros moved to approve the consent agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

8.0A1 Approval of Meeting Minutes:

August 5, 2024 - Work Session

August 12, 2024 - Discussion of Agenda Items

August 12, 2024 - Regular

August 21, 2024 - Agenda Briefing

8.0A2 Adopt Budget Ordinance Amendment 2025-5 to Accept and Appropriate \$37,617.00 Grant Funding from the Mid-Carolina Regional Council to provide support for senior centers

The City has been awarded a Home and Community Care Block Grant for Older Adults from Mid-Carolina Regional Council in the total amount of \$37,617.00 to assist with the operations of the Bill Crisp Senior Center, Senior Center East, and Spring Lake Senior Center. Each center has been awarded \$12,539.00. Staff is seeking authorization to accept the grant awards and adopt Budget Ordinance Amendment 2025-5 to appropriate the grant funding.

8.0A3 Adopt Capital Project Ordinance Amendments 2025-26, 2025-27, and 2025-28 to Fund \$1,596,633.00 for the North Street Drainage Improvement Project and Sunbury Drainage Improvement Project

Council is asked to adopt Capital Project Ordinance Amendments (CPOA) 2025-26 and 2025-27 to transfer funding from prior year stormwater enterprise funds in the amount of \$1,118,769.00 and \$477,864.00 respectively (totaling \$1,596,633.00) to CPOA 2025-28. In addition, Council is asked to adopt CPOA 2025-28 which will appropriate the \$1,596,633.00 of funds from CPOA 2025-26 and CPOA 2025-27, plus an additional \$1,794,683.00 from the Public Works Commission (PWC) for the North Street Drainage Improvement and Sunbury Drive Drainage Improvement Projects. The additional funding is for PWC utility upgrades that are not eligible for American Rescue Plan Act (ARPA) funding as well as City project-related cost over the provided ARPA funds. The City and PWC have entered into a reimbursable agreement for both projects and PWC will reimburse the City for contractor expenditures for their utility upgrades.

8.0A4 Adopt Capital Project Ordinance Amendment 2025-31 for the Pavement Preservation Program to Allocate \$5,000,000.00 of Powell Bill Funding

On June 13, 2022, the Council approved Capital Project Ordinance 2023-2 which authorized the FY2023 pavement preservation project, which included miscellaneous street improvements and other ancillary costs. In the FY2025 adopted operating budget, \$5,000,000.00 in Powell Bill Funding was budgeted. Today Council is asked to adopt Capital Project Ordinance Amendment (CPOA) 2025-31 to appropriate the \$5,000,000.00 of expenditures in the Pavement Preservation Program.

8.0A5 Approve City Council Policy Revisions for Streets, Traffic, and Parking

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, work session. At the August 5, 2024, work session, this item received unanimous approval to move forward to consent at a regular Council Session.

8.0A6 Approve a Professional Service Contract Execution Recommendation for \$564,037.00 for the Russell & Person Street Bridge and Stream Improvement Project Management Services

Council is asked to authorize the execution of an engineering service contract for professional services in the amount of \$564,036.57 for project management services for 60 percent design of the Russell Street Bridges, Person Street Bridge, and Blounts Creek Stream Improvements for the Russell Person Blounts Bridge and Stream Improvement Project to the consulting firm AtkinsRealis USA, Inc. This qualification-based selection of AtkinsRealis USA, Inc., is utilizing the City's On-Call Professional Engineering Services for Stormwater Systems Design and Construction Administration.

8.0A7 Resolution Authorizing the Use of Outside Counsel in the Quiet Title Action for Lot 249 College Park

The Fayetteville Redevelopment Commission, having the powers and authority by Section 2-38 of the Code of the City of Fayetteville, filed a condemnation case for several lots in the subdivision known as College Park in 1973. In 1976, a judgment was filed inadvertently omitting Lot 249. This causes a cloud on the City's title for the Blue Street Senior Center which was built in 1980 and continues to operate. Staff will need to hire outside counsel to file a quiet title action to correct the issue. Caselaw suggests that a resolution may be needed if the City Attorney does not bring the action; therefore, the resolution is necessary to prevent challenges to the quiet title action on the basis that the City Attorney did not file the action.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE USE OF OUTSIDE COUNSEL IN THE QUIET TITLE ACTION FOR LOT 249 COLLEGE PARK. RESOLUTION NO. R2024-033

8.0A8 Approve Bid Recommendation for \$3,986,745.00 - Resurface Various Streets 2025 - Phase I

City Council is asked to approve award of and authorize the execution of a contract for the Resurface Various Streets 2025 Phase I project. The lowest responsive, responsible bidder, Barnhill Contracting Company, Fayetteville, NC, is recommended.

8.0A9 PWC - Approve the Bid Recommendation for \$4,149,400.00 for the Re-Bid Water Main Rehabilitation Project

The Fayetteville Public Works Commission, during their meeting on August 28, 2024, approved the award for the Re-Bid Water Main Rehabilitation project to Mainlining America, LLC, Livingston, NJ, the lowest responsive and responsible bidder, in the best interest of PWC, in the total amount of \$4,149,400.00. The Commission also approved to forward this recommendation to City Council for approval.

8.0A10 PWC - Approve the \$247,046.00 Bid Recommendation for the Purchase Substation Disconnect Switches

Bids were received for the purchase of Substation Disconnect Switches. The lowest responsive and responsible bidder, in the best interest of PWC is Royal Switchgear, Bessemer, AL, in the total amount of \$247,046.00.

8.0B ITEMS PULLED FROM CONSENT - None.

9.0 OTHER ITEMS OF BUSINESS

9.01 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

MOTION: Council Member Haire moved to table the Appointment Committee recommendations for the Ethics Commission and Linear Park, Inc.
SECOND: Council Member Hondros
VOTE: UNANIMOUS (10-0)

Council Member Haire, Appointment Committee Chair, thanked e Appointment Committee Members Mayor Colvin, Mayor Pro Tem Jensen, Council Member Hondros, and Council Member Thompson. Council Member Haire stated the Appointment Committee met on August 16, 2024, to review applications for appointments to Boards and Commissions. It is from that meeting the Appointment Committee presents the following recommendations for appointments to the City of Fayetteville Boards and Commissions:

<u>Audit Commission:</u>	
Tuyet Sykes	October 1, 2024 - March 31, 2026
<u>Board of Appeals:</u>	
Uniqueca Burney	October 1, 2024 - September 30, 2027
<u>Economic Development Board:</u>	
William Hedgepeth, II	November 30, 2024 - November 30, 2027
<u>Fayetteville Advisory Committee on Transit (FACT):</u>	
Sharon Moyer	October 1, 2024 - September 30, 2026
Stephanie Jones	October 1, 2024 - September 30, 2026
<u>Fair Housing Board:</u>	
Lawrence King, Sr.	October 1, 2024 - September 30, 2026
Melanie Shorter	October 1, 2024 - September 30, 2026
<u>Fayetteville NEXT Commission:</u>	
Camille Little	October 1, 2024 - September 30, 2026
Desmond Ashford	October 1, 2024 - September 30, 2026
Kendra Phelps	October 1, 2024 - September 30, 2026
Lqueitah Miller	October 1, 2024 - September 30, 2026
Sophia Ford	October 1, 2024 - September 30, 2026
<u>Human Relations Commission:</u>	
Crystal Edmonds	October 1, 2024 - September 30, 2026
Lynndora Thompson	October 1, 2024 - September 30, 2026
Toshiba Narcisse	October 1, 2024 - September 30, 2026

There being no further business, the meeting adjourned at 7:14 p.m.