

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
APRIL 10, 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
Kemberle Braden, Police Chief
Jodi Phelps, Chief of Staff
Paul Allen, Assistant City Attorney
Lachelle Pulliam, Assistant City Attorney
Loren Bymer, Marketing and Communication Director
Taurus Freeman, Economic and Community Development
Assistant 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 Pastor Angela Marks, With His Hands Outreach.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Colvin presented a proclamation to Ms. Faith Boehmer, Prevention and Volunteer Coordinator of the Child Advocacy Center Board, proclaiming the month of April 2023 as Child Abuse Prevention Month.

Mayor Colvin presented a proclamation to Ms. Lisa Reid, 911 Communications Manager, proclaiming April 9-15, 2023, as Public Safety Telecommunicators Week.

Council Member Ingram announced PWC will hold a public hearing on May 24, 2023, at 8:30 a.m. regarding system development fees and revisions to its service regulations and charges in the PWC Boardroom located at 955 Old Wilmington Road. Residents may attend the meeting or send in statements in advance.

Council Member Ingram announced William J Gillis donated \$750,000.00 to FSU's College of Humanities and Social Sciences to establish the Institute of Ethics and Leadership.

Council Member Banks-McLaughlin announced starting April 11, 2023, the City and Cumberland County will host basic and intermediate computer classes from 2:00 to 3:30 p.m. at the Seabrook Recreation Center.

Council Member Banks-McLaughlin stated there will be a Storybook Walk that focuses on STEM and early literacy, on April 11, 2023, at 10:00 a.m. at Lake Rim Park, located at 2214 Tar Kiln Drive, Fayetteville.

5.0 CITY MANAGER REPORT

There was no report for this meeting.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Ingram moved to approve the agenda.
SECOND: Council Member Thompson
VOTE: UNANIMOUS (10-0)

7.0 CONSENT AGENDA

MOTION: Council Member Hondros moved to approve the consent agenda.
SECOND: Council Member Benavente
VOTE: UNANIMOUS (10-0)

7.01 Approval of Meeting Minutes:
Agenda Briefing - March 22, 2023
Discussion of Agenda Items - March 23, 2023
Regular - March 23, 2023

7.02 Stormwater Control Ordinance Text Amendments for Drainage Assistance Program

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 23 STORMWATER MANAGEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2023-019

7.03 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 2618 Graham Road, 2308 Slater Avenue, and 1266 Coley Drive

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO DECLARE CITY PROPERTY SURPLUS AND QUITCLAIM CITY'S INTEREST IN JOINTLY HELD PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2023-015

7.04 Professional Service Contract Execution Recommendation - Russell & Person Street Bridge and Stream Improvement Project Design Services

Authorizing execution of an engineering service contract for professional services in the amount of \$692,000.00 for the Russell & Person Street Bridge and Stream Improvement Project to the consulting firm Arcadis G&M of North Carolina, Inc.

7.05 Bid Recommendation - Clarify Pole Mount Distribution Transformers Contract Calendar Year 2023 Quantities

Approval of the clarification of the bid award for the purchase of Pole Mount Distribution Transformers Contract Calendar Year 2023 to specify that the award allows PWC staff to increase the order quantities consistent with the bid documents.

8.0 PUBLIC FORUM

Ms. Anne Schrader, 223 Stedman Street, Fayetteville, NC, provided an overview of a City Sustainability Master Plan.

Mr. Rick Iwanski, 2308 Colgate Drive, Fayetteville, NC, expressed concerns regarding police accountability and transparency.

Mr. John Russell, 5546 Ridgecrest Drive, Fayetteville, NC, provided an overview of Youth Interactive Mentorships.

Ms. Lavern Walker, 1328 Hoke Loop Road, Fayetteville, NC, expressed concerns regarding fees charged to vacant lots.

Ms. Angela Tatum Malloy, 404 Pilot Avenue, Fayetteville, NC, expressed concerns regarding legal counsel for police officers.

Ms. Lisette Rodriguez, 1701 Cherokee Drive, Fayetteville, NC, expressed concerns regarding legal counsel for police officers and the need for an office of community safety.

Mr. Robert Walls, 1436 Valencia Drive, Fayetteville, NC, expressed concerns regarding police oversight.

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

9.01 Public Hearing to Consider Proposed Amendments to the City Charter to Change the Mode of Electing the City Council to Four-Year Staggered Terms

Ms. Karen McDonald, City Attorney, presented this item and stated the purpose of this agenda item is to receive public input on changing the mode of electing the City Council to four-year terms.

Council discussed adoption of four-year staggered terms at the March 6, 2023, work session and consensus was to move forward with four-year terms. Council adopted a resolution of intent for four-year terms at its March 13, 2023, regular meeting. Pursuant to N.C.G.S. § 160A 102, the resolution of intent set a public hearing for April 10, 2023, to receive public input on changing the mode of electing the City Council from two-year terms to four-year terms. This matter will come back to Council at the next regular meeting for action.

This the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Bobby Grantham, 3215 Rogers Drive, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Ms. Yvonne Kinston, 452 Lynhurst Drive, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Mr. Alex Rodriguez, 265 Kenwood Drive, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Ms. Kaitlyn Potts, 2940 Bakers Mill Road, Fayetteville, NC, spoke in opposition of four-year staggered terms.

Ms. Christina Aragues, 205 Queensberry Drive, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Mr. Melvin Lewis, 7512 Quebec Court, Fayetteville, appeared in favor of four-year staggered terms.

Ms. Rose Gallagher, 413 York Road, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Ms. Debra Barton, 507 Halifax Drive, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Mr. Peter Pappas, 1603 Fort Bragg Road, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Mr. Richard Van Wy, 1413 Paisley Avenue, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Mr. Robert Walls, 1436 Valencia Drive, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Ms. Lisette Rodriguez, 1701 Cherokee Drive, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Mr. Carey Berg, 3213 Mesquite Drive, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Ms. Bobbie Burgess, 2108 Constitution Drive, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Mr. Charles Evans, 926 Fleetwood Drive, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Mr. John Czajkowski, 5973 Tamworth Court, Fayetteville, NC, appeared in favor of four-year staggered terms.

Mr. Joseph Windley, 2082 Loganberry Drive, Fayetteville, NC, appeared in favor of four-year staggered terms.

Ms. Janet Smith, 6525 Vaughn Road, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Ms. Angela Tatum Malloy, 404 Pilot Avenue, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Ms. Sheila Cuffee, 6619 Brannan Way, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Mr. Richard Whigham, 1920 Oakview Drive, Fayetteville, NC, appeared in favor of four-year staggered terms.

Ms. Cynthia Leeks, 715 Topeka Street, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Ms. Peggy Thompson, 516 Bravery Lane, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Ms. Nubian Mitchell, 137 Timberlake Drive, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Mr. Christian Mosley, 5315 Chesapeake Road, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Mr. Jerry Reinoehl, 516 Deerpath Drive, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Ms. Carrie Jackson, 205 Queensberry Drive, Fayetteville, NC, appeared in opposition of four-year staggered terms.

Ms. Juanita Gonzalez, 222 WickfoRoad Court, Fayetteville, NC, appeared in opposition of four-year staggered terms.

There being no one further to speak, the public hearing was closed.

Mayor Colvin recessed the meeting at 8:58 p.m. and reconvened the meeting at 9:09 p.m.

9.02 Adoption of the 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 and stated City Council is asked to adopt a text amendment to Article VIII of the Code of Ordinances to create a one-year pilot of the Shared Active Transportation Program.

In August 2018, the City Council heard a request regarding bike sharing at the work session. At that time, a bike-sharing program was being utilized at Fayetteville State University, which subsequently ended in 2019.

On April 6, September 7, and November 22 of 2021, the City Council received presentations regarding the Shared Active Transportation Program. At the latter, the City Council directed staff to draft an ordinance for consideration.

Several cities in North Carolina, such as Raleigh, Durham, and Charlotte, have enacted local laws pertaining to motorized scooters and electric-assisted bicycles. Some cities have banned scooters/bike share entirely, while others have allowed them. Most municipalities polled in North Carolina thus far have not adopted an ordinance.

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 are just some of the concerns.

The City Council can enact rules and regulations for the program with the passage of the proposed 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 in the proposed ordinance:

- Defines set parameters for potential vendor(s);
- Limits the number of vendors/scooters in the City limits;
- Requires 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.

Several departments, such as Public Services, City Attorney's Office, and Economic & Community Development, provided input in the drafting of this ordinance.

There are no budget impacts anticipated as Micro-mobility programs are typically instituted by vendors that provide their vehicles and associated maintenance at no cost to the City.

Discussion ensued.

MOTION: Council Member Ingram moved to deny adopting the ordinance and to direct staff to further research, and have a more aggressive reach to downtown businesses to gather their input.

SECOND: Council Member Jensen

VOTE: FAILED by a vote of 2 in favor to 8 in opposition (Council Members Colvin, Benavente, Haire, Dawkins, Thompson, McNair, Banks-McLaughlin and Hondros)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 16, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF

**ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE
NO. S2023-020**

MOTION: Council Member Benavente moved to adopt the ordinance for Shared Active Transportation System for the period of one (1) year.

SECOND: Council Member Banks-McLaughlin

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Ingram and Jensen)

9.03 Phase 5 Annexation Utility Improvement Project Area 23.2 Public Hearing on the Preliminary Assessment Roll

Ms. Janelle Rocket, PWC Interim Marketing/Customer Programs Manager, presented this item and stated holding a public hearing to receive public comment for annexation areas is part of the statutory requirement process.

Preliminary assessment notices were mailed on March 20, 2023, informing property owners of their assessments and public hearing date. A noticed was published in The Fayetteville Observer on March 31, 2023, for the preparation of the preliminary assessment roll and public hearing.

This the advertised public hearing set for this date and time. There being no one present to speak, the public hearing was opened and closed.

9.04 Phase 5 Annexation Utility Improvement Project Area 24A Public Hearing on the Preliminary Assessment Roll

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10.0 ADMINISTRATIVE REPORTS

10.01 Audit Committee Annual Report to City Council

This item was for information only, and was not presented.

10.02 City Manager's Update - City Council Agenda Item Requests

This item was for information only, and was not presented.

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:58 p.m.