

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
OCTOBER 14, 2024
6:30 P.M.**

Present: 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); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Absent: Mayor Mitch Colvin

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
Sheila Thomas-Ambat, Public Services Director
Willie Johnson, Chief Information Officer
Byron Reeves, Assistant Public Services Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Pro Tem Jensen called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Carol Dillard, Rivers of Living Water Church of God.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Jensen and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Thompson announced October is Breast Cancer Awareness Month, and announced the Alzheimer's Association of Eastern North Carolina is hosting a Walk to End Alzheimer's in Fayetteville on October 26th, at Segra Stadium, 460 Hay Street.

Council Member Banks-McLaughlin announced the Community Sustainability Workshops scheduled for October 15, at the Bill Crisp Senior Center, 7560 Raeford Road and October 16, at the Senior Center East, 917 Washington Drive.

Council Member Davis announced Harvest Family Church is hosting their Fall Community Festival on October 19, at 6575 Fisher Road.

Council Member Hondros recognized October 14, as Indigenous Peoples' Day.

Mayor Pro Tem Jensen presented a proclamation to Ms. Jelisa Montalvo in honor of her grandmother, Mrs. Dorothy McEachern, Founder of Dorothy's Catering.

Mayor Pro Tem Jensen presented a proclamation to Mr. Steve Goodson, Mr. Fred Baker, and Visionaries from the Vision Resource Center in honor of Blindness Awareness Month.

5.0 CITY MANAGER REPORT

Mr. Kevin Dove, Fire Chief, provided an update to the City Council on the community efforts to aid our family members in Western North Carolina.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.
SECOND: Council Member Banks-McLaughlin
VOTE: UNANIMOUS (9-0)

7.0 PUBLIC FORUM

Ms. Gwendolyn Fuller, 436 McPhee Drive, Fayetteville, NC, expressed concerns regarding speeding in her neighborhood.

Mr. Tasqua Lindsey, 2900 Domino Drive, Fayetteville, NC, shared information about the Outlaw Horse Education Project.

Ms. Jacqueline Danker, 700 Argyll Road, Fayetteville, NC, requested support for a police therapy dog program.

Mr. Eric Hall, 5309 Wallbrook Drive, Fayetteville, NC, expressed concerns regarding citizen rights, grants, and the workforce.

8.0A CONSENT AGENDA

MOTION: Council Member Benavente moved to approve the consent agenda, with the exception of Item 8.02; pulled for discussion and separate vote.
SECOND: Council Member Banks-McLaughlin
VOTE: UNANIMOUS (9-0)

8.0A1 Approval of Meeting Minutes:

September 18, 2024 - Agenda Briefing
September 23, 2024 - Discussion of Agenda Items
September 23, 2024 - Regular

8.0A2 Pulled for discussion and separate vote.

8.0A3 Award a \$455,510.00 contract for Transit's Real-Time Passenger Information System

Fayetteville Area System of Transit (FAST) has grant funds available to replace its existing bus passenger app for Fixed Route. The current system will expire on December 31, 2024. The City advertised for proposals on May 16, 2024, with proposals due on July 1, 2024. Four (4) proposals were received and reviewed. The proposals were reviewed by Transit staff. Based on the attached evaluation matrix, TransLoc was unanimously selected by the committee and is recommended for the award of the contract.

8.0A4 Adoption of Budget Ordinance Amendment to Appropriate a \$94,000.00 reimbursement grant for the Urban Search and Rescue Program

The Fayetteville Fire Department (FFD) is eligible to receive an annual reimbursement up to \$94,000.00 for the actual costs of any response, activation, demobilization, and reconstitution costs for State Mission consistent with the latest version of the Federal Emergency Management Agency (FEMA) Public Assistance Program and Policy Guide for Emergency Protective Measures from the North Carolina Division of Emergency Management (NCEM). Council is asked to adopt Budget Ordinance Amendment (BOA) 2025-7 to appropriate \$94,000.00 for the Fire Department Urban Search and Rescue (USAR) program for fiscal year 2025.

8.0A5 Adoption of Capital Project Ordinance 2025-25 and Special Revenue Ordinance 2025-10 to Appropriate Federal Transit Administration FY24 Grant NC-2024-075-00 and the Required Local Match.

The City has been awarded a grant from the U.S. Department of Transportation via the Federal Transit Administration (FTA) in the amount of \$3,684,000.00.

The Council is asked to adopt Capital Project Ordinance (CPO) 2025-25 and Special Revenue Ordinance (SRO) 2025-10 to appropriate \$1,080,000.00 of federal grant funding and \$270,000.00 of required local match for various capital projects, planning activities, safety related projects, and contracted services. The required local match will be provided by a transfer from the Transit Operating Fund.

The remaining \$2,604,000.00 of the grant award was appropriated with the adoption of the City's fiscal year 2023-2024 (FY24) Annual Operating Budget to offset fixed route and ADA paratransit operating and preventive maintenance costs incurred during that fiscal year.

8.0A6 Adoption of Capital Project Ordinance to Appropriate \$166,185.00 from the FY24 Community Policing Development Microgrants Award to Expand Geographic Information System Capacity for Crime Analysis

The City has been awarded a grant from the Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) through the Community Policing Development Microgrants program. Council is asked to adopt Capital Project Ordinance (CPO) 2025-27 to appropriate \$166,185.00 of grant proceeds for the Community Policing Development Microgrants project.

8.0A7 Adoption of Special Revenue Fund Project Ordinance to Appropriate \$500,000.00 from the Office on Violence Against Women FY2024 Local Law Enforcement Grants to the Fayetteville Police Department for Enforcement of Cybercrimes Program to Provide Training, Engage the Community, and Purchase Equipment for the Investigation of Cybercrimes

The City has been awarded a grant from the Department of Justice (DOJ) Office on Violence Against Women (OVW) through the OVW Fiscal Year 2024 Local Law Enforcement Grant for Enforcement of Cybercrimes Program. Council is asked to adopt Special Revenue Fund Project Ordinance (SRO) 2025-9 to appropriate \$500,000.00 of grant proceeds for the Law Enforcement of Cybercrimes project.

8.0A8 PWC - Approve Construction for Readvertisement Butler Warner Generation Plant Gas Line Replacement Project Bid recommendation

The bid was received for the construction of Readvertisement Butler Warner Generation Plant Gas Line Replacement Project. The lowest responsive and responsible bidder, in the best interest of PWC is Directional Services Inc., dba Cinterra, Hope Mills, NC, in the total amount of \$850,000.00.

8.0A9 PWC - Approve One Cla-Val Pump Control Valve, Two Solenoid Valves Sole Source Recommendation

Sole source recommendation for the purchase and installation of (1) one new 24 inch Cla-Val pump control valve manufactured by Cla-Val and distributed by Charles R. Underwood, Inc. for standardization and compatibility purposes.

8.0A10 PWC - Approve (10) M420D PCS/PCS Omni device kits and ten (10) M400D Single SPM-900 extensions manufactured and distributed by Xylem Sensus Sole Source Recommendation

Sole source recommendation for purchase of ten (10) M420D PCS/PCS Omni device kits and ten (10) M400D Single SPM-900 extensions manufactured and distributed by Xylem Sensus for standardization and compatibility purposes.

8.0B ITEMS PULLED FROM CONSENT

8.02A Consideration of the Fayetteville-Saint Avold Friendship Alliance Cultural and Educational Exchange - Request transportation for the St. Avold visitors

Ms. Pamela Megill, City Clerk, stated the Fayetteville-Saint Avold Friendship Alliance (FSAFA) will be hosting nine teachers and three high school students from Saint Avold, France as part of a cultural and educational exchange on October 18-30, 2024. Council is asked to provide transportation for the visiting guests.

Discussion ensued.

MOTION: Council Member Benavente moved to approve transportation only within the Fayetteville City limits.

SECOND: Council Member Banks-McLaughlin

VOTE: FAILED by a vote of 2 in favor to 7 in opposition (Council Members Jensen, Davis, Haire, Greene, Thompson, McNair, and Banks-McLaughlin)

MOTION: Council Member Thompson moved to provide the Saint Avold funding to get to and from their locations in Raleigh and to Durham.

SECOND: Council Member Davis

VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Benavente and Hondros)

9.0 STAFF REPORTS

9.01 Recreation District Cost Allocation and Funding

Mr. Michael Gibson, Parks, Recreation, and Maintenance Director, presented this item and stated Recreation services were consolidated in the City of Fayetteville and Cumberland County's Recreation District in 2004. The "recreation district" refers to those areas within the county of Cumberland that contribute their recreation tax to consolidated services. At the time of consolidation, the City and County entered into two agreements: an Interlocal Agreement and an Operation Contract. The Interlocal Agreement dictated the terms of the consolidation, to include the transfer of employees from the County to the City. The Operations Agreement defined responsibilities moving forward, to include the financial responsibility of \$60,000.00 to be paid annually from the County to the City for indirect administrative costs. That amount has remained unchanged for 20 years and is being evaluated.

Indirect cost allocation involves distributing shared administrative expenses (like HR, IT, or finance) to various departments or programs that benefit from these services. Since these costs cannot be directly linked to a single department, the City uses an accepted accounting standard and a third party (Maximus) to calculate them. This ensures a fair distribution of overhead costs, allowing each department to account for its share when budgeting or seeking grants. It also complies with state and federal reporting requirements, ensuring transparency and accurate cost tracking.

As per the Interlocal Agreement, the County pays direct costs for operating expense components supported by the County Recreation District. This includes facilities and positions located in the County Recreation District, the administrative positions the City absorbed from the County, and any additional positions the County agreed to

fund following the consolidation. Administrative positions funded annually total \$1,200,000.00 (including benefits and insurance).

In recognition of the specialty facilities (senior centers, aquatic centers, and the adaptive recreation center) located in the City of Fayetteville, but utilized by residents in the County Recreation District, the County also provides direct cost reallocation annually to fund 50 percent of the operations for those facilities. Shared operating costs for each organization total approximately \$850,000.00 annually.

City staff notified County staff of the need to update the annual cost allocation amount on April 25, 2023. On June 12, 2023, Council directed City staff to meet with County staff to discuss the Operating Agreement and return to Council with recommended options. Communication between City and County continued throughout the remainder of 2023 and 2024.

On April 16, 2024, City staff met with County staff to discuss the desired updates to the operating agreement from each party, in recognition of the need for an update to the indirect administrative costs paid annually based on a fair market value of services provided. Updates desired by both parties included not only the increase in indirect administrative costs, but the removal of references to J.P. Riddle Stadium from the agreement (as it is no longer a County asset), and also the set timeframe of 10 years for the updating of the Parks and Recreation Master Plan (a timeframe was not previously included).

City staff presented a proposed amendment to the Fayetteville-Cumberland Parks and Recreation Operating Agreement to City Council on May 6, 2024, at the scheduled Work Session. The presentation was informational to ensure awareness, as a final document incorporating changes was still to come for Council consent. The proposed agreement references the indirect cost analysis tool provided annually by a third party. At that meeting there was a consensus vote taken to let the County know that the City needs these changes in order to continue the partnership as currently operating.

Maximus, of Richmond, Virginia, provided the City an updated and comprehensive Cost Allocation Plan. This plan was created based on actual expenditures for the fiscal year ending June 30, 2023. Via the Cost Allocation Plan, Maximus determined that the amount applicable for the County Recreation District is \$580,804.00. A copy of the draft Cost Allocation Plan including that amount was shared with County staff on September 9, 2024. City staff received feedback from County staff September 27, 2024, about their need for clarity and their intention to share their proposal.

Since the middle of 2023 to present the County has received all documents that they have requested in order to analyze the proposed amendment. Some of the documents were delayed but the City believes it was responsive. The City initiated all follow-up on this topic. While the numbers changed, because point-in-time data is constantly changing, the methodology has not changed since first shared in mid-2023.

Since 2004, several new facilities and numerous programs and services have been added to a very successfully consolidated department that serves almost the entire population that resides within Cumberland County and everyone within Fayetteville. Our third partner, Cumberland County School System, is also a significant part of the great success. Consolidated services are a tremendous benefit to the community served, but both the City and the County will need to work together to ensure continued success in these operations.

Discussion ensued.

MOTION: Council Member Hondros moved that we accept this staff report and have Director Gibson present the proposed 2024 amended agreement and ask for its approval from the County Commissioners and determine that they want to continue the excellent consolidated parks and recreation partnership created 20 years ago. This action will take place on the next available County Commissioner meeting agenda, but no later than within 45 days.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (9-0)

9.02 Glenville Lake Crossing & East Shore Trail - Update

Mr. Michael Gibson, Parks, Recreation, and Maintenance Director, presented this item with the aid of a PowerPoint presentation. Mr. Gibson stated the Mazarick Park Neighborhood Connections Plan continues the City of Fayetteville's vision of creating an interconnected system of parks and greenways that provides amenities for residents and destinations for visitors. This effort focuses on how to improve neighborhood connections to Mazarick Park and better connect the Murchison Road Corridor and Fayetteville State University to the Cross Creek Linear Park, Downtown Fayetteville, Methodist University, the Cape Fear River Trail, and other attractions.

The completion of the Glenville Lake Crossing and East Shore Trail will provide a seamless and safe route for pedestrians and bicyclists to travel from neighborhoods located along the east side of Glenville Lake to Murchison Road, Fayetteville State University, and a number of existing bus stops and sidewalks.

Design proposals were received in late September. The next step in the project is the selection and contracting of a qualified engineer to complete the design and potentially oversee the future construction phase.

The plan builds on previous studies, including the Fayetteville Center City Parks and Trails Plan, and maps out projects that will address missing links. Key recommendations include a multiuse path along the east side of Glenville Lake, a bridge to connect neighborhoods to the existing trails on the west side of the lake, and priority improvements at Mazarick Park and other nearby properties owned by the City.

\$350,000.00 of the budget has been allocated to go towards the project. There has also been a Locally Administered Projects Program (LAPP) grant application submitted for the project. We are currently awaiting confirmation on whether the grant will be approved. There are not any current impacts to the budget.

MOTION: Council Member Haire moved to receive the report.

SECOND: Council Member Davis

VOTE: UNANIMOUS (9-0)

10.0 OTHER ITEMS OF BUSINESS

10.01 Discussion of a Potential Emergency Watershed Protection (EWP) Grant

Mr. Byron Reeves, Assistant Public Services Director, presented this item and stated staff is seeking Council guidance on pursuing a United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) grant for Emergency Watershed Protection (EWP) to assist with debris and sediment removal and stabilization of the embankment under the former Siple Avenue. Through EWP, NRCS may pay up to 75 percent of the construction cost of eligible recovery measures. The City would need to identify the remaining 25 percent in cost, with potential funding sources being state grant funds or funds provided by the property owners.

Discussion ensued.

MOTION: Council Member Thompson moved to direct staff to submit a request for assistance to USDA-NRCS for EWP funds as a result of damages caused by Tropical Storm Debby and ask the State for the additional 25 percent funding.

SECOND: Council Member Benavente

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Greene)

10.02 NEXT Commission - Amendment of By-Laws - Membership

Council Member Haire stated the Fayetteville NEXT Commission made a request for the Appointments Committee to consider adjusting their membership number from 30 to 20. The Appointments Committee supported the request and the proposed bylaw revision regarding membership was reviewed by members of the City Manager's Office and the City Attorney. The recommendation will decrease the number of members from 30 to 20 regular members and 5 alternates to be appointed in the event of a vacancy.

MOTION: Council Member Haire moved to approve the Fayetteville NEXT Advisory Commission amended bylaws.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (9-0)

10.03 Appointment Committee Recommendations for Boards and Commissions Appointments

Council Member Haire presented this item and stated the Appointment Committee met on September 30, 2024, to review applications for appointments to Boards and Commissions. It is from that meeting the Appointment Committee presents the recommendations for appointments to the City of Fayetteville Boards and Commissions.

The Appointment Committee met on October 7, 2024, and unanimously voted to recommend appointing former Fire Chief, Mr. Ben Major, to the NC Firefighter's Relief Fund.

The Appointment Committee consists of the following members: Mayor Colvin, Mayor Pro Tem Jensen, Council Member Haire (Chair), Council Member Hondros, and Council Member Thompson.

The Appointment Committee approved the following appointments:

Board of Appeals

David Perschbacher	October 14, 2024 - September 30, 2027
Jacqueline Tuckey	October 14, 2024 - September 30, 2025
VACANT	October 14, 2024 - September 30, 2025

Fayetteville NEXT Commission

Aria Spears	October 14, 2024 - September 30, 2026
Celeste' Gholston	October 14, 2024 - September 30, 2026
Ernesto Hansen	October 14, 2024 - September 30, 2026
Frederick Lowe	October 14, 2024 - September 30, 2026
James House, Jr. (Alt)	October 14, 2024 - September 30, 2026
Jessica Tandler	October 14, 2024 - September 30, 2026
Maya Martin	October 14, 2024 - September 30, 2026
Roxy Eppinger	October 14, 2024 - September 30, 2026
Sara Bandurraga	October 14, 2024 - September 30, 2026
Tiera Beale (Alt)	October 14, 2024 - September 30, 2026
Timothy Jacobs, (Alt)	October 14, 2024 - September 30, 2026

Joint Appearance Commission

VACANT	October 14, 2024 - September 30, 2026
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Planning Commission

Alexander Keith October 14, 2024 - September 30, 2026
Ernest Logan III October 14, 2024 - September 30, 2026
Heather Holmes October 14, 2024 - September 30, 2026

N.C Firefighter's Relief Fund Board of Trustees

Benjamin Major October 14, 2024 - September 30, 2026

Zoning Commission

VACANT October 14, 2024 - September 30, 2026
VACANT October 14, 2024 - September 30, 2026

**MOTION: Council Member Haire moved to approve the Appointment
 Committee's recommendations for appointments**

SECOND: Council Member Davis

VOTE: UNANIMOUS (9-0)

11.0 ADJOURNMENT

 There being no further business, the meeting adjourned at
8:18 p.m.