

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
FAST CONFERENCE ROOM, 505 WINSLOW STREET
SEPTEMBER 7, 2021
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2) (via zoom, departed 8:03 p.m.); Tisha S. Waddell (District 3) (via zoom, departed 8:03 p.m.); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6) (via zoom, departed 8:03 p.m.); 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
Gina Hawkins, Police Chief
Rebecca Jackson, Chief of Staff
Sheila Thomas-Ambat, Public Services Director
Michael Gibson, Parks, Recreation and Maintenance Director
Gerald Newton, Development Services Director
Taurus Freeman, Planning and Zoning Manager
Lee Jernigan, Assistant Public Services Director
Chris Cauley, Economic and Community Development Director
Jason Miles, Assistant Public Services Director
Amid Tahami, Pavement Preservation Manager
Bianca Shoneman, Executive Director Cool Springs Downtown District, Inc.
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 5:03 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Dawkins.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda, with the addition of a Closed Session, Item 4.10 - Litigation.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Municipal Service District Annual Report to Council and Trolley Update

Ms. Bianca Shoneman, Executive Director, Cool Springs Downtown District Inc., stated the Cool Spring Downtown District (CSDD) has acquired two over-the-road trolleys for use in the downtown and is requesting an amendment to their contract to include trolley operations. CSDD is also asking to park the trolleys in a secure City-owned lot, utilize City fueling stations, and to allow for safe trolley stops in accordance with local laws and standards. As part of the effort to build a resilient city, the CSDD, working in partnership with Mr. Ralph Huff and Coldwell Banker Advantage, purchased two 2004 "Molly Trolleys". These vintage looking vehicles seat 36 passengers each. One trolley will serve as a circulator for downtown, connecting

on a loop system on specific days between the residential nodes and the Municipal Service District. The second trolley will be made available to conventions, Crown Complex events, themed tours, and private rentals.

Ms. Shoneman, Executive Director, Cool Spring Downtown District, Inc., presented the Cool Spring Downtown District quarterly report and provided an overview of the following goals:

- Economic Vitality and Development
- Art and Design Enhancements
- Promotion and Marketing
- Special Events and Programming
- Partnership and Conflict Resolution

Discussion ensued.

Consensus of Council was to accept the report and to provide parking space for the two trolleys and support the trolley routes.

4.02 New Year's Eve Event Proposal

Ms. Bianca Shoneman, Executive Director, Cool Spring Downtown District, presented this item and stated the City Council is asked to review the Cool Spring Downtown District (CSDD) proposal for New Year's Eve and provide consensus direction to staff on next steps.

Ms. Shoneman presented the proposal with the aid of a PowerPoint presentation and stated the Fiscal Year 2022 Budget adopted by City Council on June 14, 2021, included \$100,000.00 for a New Year's Eve celebration. CSDD is the City's downtown management partner and has prepared a proposal for a New Year's Eve event in Downtown Fayetteville. The Fiscal Year 2022 budget includes \$100,000.00 for this event. The current proposal by CSDD is projected to cost \$150,000.00, and would require an additional appropriation of \$50,000.00 to implement as presented. Council is asked to provide consensus to move forward with planning the New Year's Eve celebration as presented and direct staff to present a Budget Ordinance Amendment to appropriate the additional funds needed at the September 27, 2021, regular meeting of the City Council.

Discussion ensued.

Consensus of Council was to direct staff to proceed with the New Year's Eve proposal, not to exceed \$165,000.00. Council Members Waddell and Dawkins were opposed to the consensus vote.

4.03 Modification to City of Fayetteville's Human Relations Ordinance

Ms. Yamile Nazar, Interim Human Relations Director, introduced this item and stated Council is asked to adopt the proposed modification to the City's Human Relations Ordinance per a request by the Human Relations Commission. The proposed modifications would include expanding the groups identified under the City's Human Relations Ordinance to include sexual orientation, gender identity, and veterans.

Mr. Eric Olson, Human Relations Commission Chair, presented this item and stated Part II, Chapter 2, Article II, Sec. 2-39.j., of the City's Human Relations Ordinance states that the Human Relations Director may "receive, investigate and seek and adjust for and with the human relations commission, complaints or charges of discrimination within the city, based on race, color, religion, national origin, ancestry, sex, disability and age".

At the Human Relations Commission's regular meeting on June 14, 2018 (reaffirmed on August 12, 2021), the Commission unanimously voted to request that the City Council allow a modification to the

aforementioned section of the Ordinance to add sexual orientation, gender identity, and Veteran status to the groups referenced above. It is the Commission's belief that this action will underscore the City's commitment to Goal 4 involving a community that values diversity, inclusion, and equity of treatment for all.

The Human Relations Commission and City staff recommends approval of the following recommended modifications to the Human Relations Ordinance:

Part II, Chapter 2, Article II, Sec. 2-39.j., of the City's Human Relations Ordinance be modified to state that the Human Relations Director may "receive, investigate and seek and adjust for and with the Human Relations Commission, complaints or charges of discrimination within the city, based on race, color, religion, national origin, ancestry, sex, disability, age, sexual orientation, gender identity and veteran status".

The Human Relations Commission and City staff recommend that the City Council move to approve the proposed modifications to the City's Human Relations Ordinance as listed above, as presented by the staff, with the conditions listed above. The modification is consistent with the intent and spirit of the current ordinance which provides guidance to the Human Relations Commission and City staff in support of its efforts aligned with Goal 4 which promotes Fayetteville as a desirable place to live, work and recreate.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward to approve the amendments. Council Members Waddell, Wright, and Haire were opposed to the consensus vote.

4.04 Community Police Advisory Board Membership Criteria and Appointment Process

Mr. Douglas Hewett, City Manager, presented this item and stated the formal establishment of a Community Police Advisory Board (CPAB) is to enhance lines of communication between the Fayetteville Police Department and residents. The scope of authority for the board would be advisory only. City Council adopted the formation of the CPAB and recommended charter at the August 23, 2021, regular meeting. This item is to finalize the appointment process details.

At the June 7, 2021, work session, staff presented a proposed CPAB charter and Council directed staff to move forward with establishing a CPAB and to refine the details of both the Charter and appointment process. During the August 2, 2021, work session, an amended proposed CPAB charter was presented with changes in the membership criteria and application/interview process for board members. After some modifications were made during discussion, City Council consensus was reached and the item was brought back and adopted at the August 23, 2021, regular meeting.

Discussion ensued.

Consensus of Council was to direct staff to advertise the ten members, one of whom shall be an alternate, for a period of not less than 30 days; the CPAB application form to be based on the CPAB Charter. Council Members Ingram, Waddell, and Kinston were opposed to the consensus vote.

Mayor Colvin recessed the meeting at 6:33 p.m., and reconvened the meeting at 6:42 p.m.

4.05 Discussion of Micro-Mobility (electric scooters/bikes) Program

Mr. Taurus Freeman, Planning and Zoning Manager, presented this item 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, 2021, the City Council received a presentation at the work session. Staff is coming back to Council for further direction.

Discussion ensued.

Consensus of Council was to move this item forward; draft an ordinance to allow a micro-mobility program; item to be brought back to Council at the September 27, 2021, regular meeting agenda.

4.06 City of Fayetteville Pavement Preservation Program

Mr. Jason Miles, Assistant Public Services Director, and Mr. Amid Tahami, PhD, EIT, Pavement Preservation Manager, presented this item.

Mr. Miles stated the Fayetteville street system includes 747.81 center line miles and is one of the City's largest assets impacting every citizen, employee, emergency service personnel, commuter, and visitor. As development progresses and streets are constructed, it is necessary to cost-effectively maintain our roads in good condition. In the past, the pavement maintenance approach was on a "worst-first" basis, similar to most other municipalities. The focus of this approach was on streets that had already failed, but funding cannot keep up with the increasing inventory of failing streets, so the street network as a whole would steadily decline over time. As such, the City has adopted a strategy of "Pavement Preservation" like other progressive cities. This strategy combines re-surfacing (new asphalt) with pavement treatment methodologies such as asphalt rejuvenation or slurry seal to stretch funds and maintain the street network in good condition overall.

Through Powell Bill Program allocations, a state funding program for the building and maintenance of city streets, the City is able to perform substantial re-surfacing and treatment functions in addition to addressing other qualifying needs (ADA ramps, etc.). However, the City recognized that additional funding would be needed to reverse the decline of the overall street network condition, so an additional \$2 million was allocated for FY 22. Staff anticipates the current funding level of \$6.575 million to provide for 47 miles of re-surfacing (new asphalt) and preventive treatments (slurry and cape seal/rejuvenation) in FY 22.

Mr. Amid Tahami, PhD, EIT, Pavement Preservation Manager, stated each year the state allocates funds through the Powell Bill Program to municipalities throughout North Carolina for the purpose of maintaining municipal street networks. Staff selection of streets for maintenance each fiscal year is largely based on Pavement Condition Rating (PCR), but other factors are considered as well such as future utility work, volume of traffic, etc. City Council has established a goal of 75 percent of City streets to have a minimum PCR of 75 to ensure the City street network remains in good condition. Based on

current data, approximately 78 percent of City streets meet the minimum rating of 75. In order to maintain this level of success, staff recognized that a modern approach was needed to enhance the City's pavement preservation program and stretch available funds. As such, the City now employs an optimization approach versus the traditional "worst-first" approach from the past. This optimization approach allows for substantially more annual maintenance mileage of the street network than the traditional approach by applying various pavement treatment methodologies at the appropriate time in the life of the pavement. This will result in timely maintenance turnover of the entire City street network and extended life cycle of pavement, saving the City millions of dollars. To get there, City Council must continue to provide appropriate investment in the pavement preservation methodologies deployed by staff.

Please note that Pavement Condition Rating (PCR) is the past methodology for rating City streets. The City is now moving toward the use of Pavement Condition Index (PCI) as the methodology of the future which is addressed in further detail in the presentation. These rating methodologies are similar in purpose but not correlated. PCI is adopted by the American Public Works Association (APWA) and is based on American Society for Testing and Materials (ASTM) D6433.

Mr. Miles stated concerns sometimes arise as to how City streets are selected for pavement preservation. As the staff presentation will demonstrate, the primary selection factor is the Pavement Condition Rating (PCR), but other factors are considered as well to include future utility work, traffic volume, etc. Based on the pavement preservation work that has been tracked since 2008, the selection of streets has been distributed throughout the City, but the lean has traditionally been toward re-surfacing streets in dire need of repair/rehabilitation. The optimized approach now deployed by staff allows for re-surfacing and treatment techniques to be performed at the appropriate time in the life cycle of the pavement. With the upgraded pavement condition and asset survey forthcoming in FY 22, staff will have a substantially more robust tool to provide analyses and projections for future street maintenance.

Although the annual funds received from the Powell Bill Program typically increase year to year, these funds result in reduced street maintenance due to inflation and higher costs associated with an accelerated decline of pavement network condition. In order to maintain a good overall street network (75 percent of streets with minimum PCR of 75), it may be necessary for City Council to supplement the Powell Bill funds for a period of time. Staff will be able to provide more accurate projections in future years through analyses utilizing the new pavement condition survey and data management system forthcoming in FY 22.

The FY 22 budget is approved, this item is for only presenting the methodologies of the City's pavement preservation program.

4.07 Project Update - Dorothy Gilmore Therapeutic Center

Mr. Michael Gibson, Parks and Recreation Director, presented this item and stated City Council is asked to provide direction to move forward with the Dorothy Gilmore Therapeutic Center Project with the reallocation of additional funds to fully fund the building addition and renovations.

The Parks and Recreation Bond Referendum included an addition and renovations to the Dorothy Gilmore Therapeutic Center. Cromwell Architects has produced final construction drawings for the addition and renovations to the center.

The completed plans and specifications have been sent to the City for approval and a permit will be ready to be issued in the coming weeks. Using these plans, bids were recently received for the construction of a 3,000 square foot addition, renovations to the

existing building including updating the restrooms, adding a remote restroom, and the removal of the greenhouse on the existing building.

The current allocation by City Council for the Dorothy Gilmore Therapeutic Center is \$400,000.00, which \$100,000.00 comes through contributions from Cumberland County. This includes an increase of \$100,000.00 by Council on November 23, 2020, through a CPOA. Unfortunately, based on the latest bids received, the project cannot be completed from the approved funding. This is due in part to the rapid increase of material and labor costs experienced over the year. Not providing additional funds for the renovation of the Dorothy Gilmore Therapeutic Center would reduce the ability for the center to service the community. Construction of the addition and renovations to the existing building at a later date would be expected to result in higher costs due to rapidly increasing material and labor prices.

A Council approved CIP project is in place for this project funded through the Parks and Recreation Bond Referendum appropriated for \$400,000.00. Any funds needed to construct the addition and renovations at the Dorothy Gilmore Therapeutic Center would need to be reallocated from other Parks and Recreation Bond projects or the general fund as directed by Council.

Currently, expenditures to the project include staff time and the Architectural/Engineering contract encumbrances. The total amount available in the project for construction is \$318,000.00.

Staff recommends that Council direct staff to bring back at a future Council meeting a reallocation for the needed funds of \$475,000.00 to the Dorothy Gilmore Therapeutic Center project, and award the general construction to the lowest responsible bidder.

Discussion ensued.

Consensus of Council was to direct staff to bring back at a future Council meeting a reallocation for the needed funds of \$475,000.00 to the Dorothy Gilmore Therapeutic Center Project, and award the general construction to the lowest responsible bidder. Council Member Waddell was opposed to the consensus vote.

4.08 City Council Agenda Item Request - Ordinance regarding gyms in residential neighborhoods - Council Member Dawkins

Council Member Dawkins presented this item and stated he is requesting support from the City Council to direct staff to research other North Carolina city ordinances pertaining to commercially operated businesses in residential neighborhoods.

There is a current case where a gym is operated out of a private home, the additional amount of traffic from customers attending the gym is not in keeping with the normal amount of traffic for a neighborhood or cul-de-sac; the additional amount of traffic is a concern to the residents in that vicinity.

The goal is to protect the viability of the neighborhood for the public's safety.

Discussion ensued.

Consensus of Council was to direct staff to conduct the appropriate research as requested, and bring the findings back to Council as an Administrative Report. Council Members Banks-McLaughlin and Kinston were opposed to the consensus vote.

4.09 City Council Agenda Item Request - Affordable Housing - Council Member Haire

Council Member Haire presented this item and stated he is seeking Council support to prioritize affordable housing as part of the ARP and dedicate a portion of that funding to that effort.

Discussion ensued.

Council Member Wright stated the Mayor has appointed him as the Chair of the ARP - Housing and Community Livability Council Committee, and stated the Committee will certainly take Council Member Haire's request under consideration, and invited Council Member Haire to attend the Committee meetings.

Council Member Haire accepted and thanked Council Member Wright for the invitation.

4.10 CLOSED SESSION

MOTION: Council Member Wright moved to go into a closed session for attorney-client privileged and confidential matters; City of Fayetteville v. Thomas and Katrina Watkins.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (7-0)

The regular session recessed at 8:03 p.m. The regular session reconvened at 8:23 p.m.

MOTION: Council Member Wright moved to go into open session.

SECOND: Council Member Davis

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Dawkins moved to authorize payment of the judgment; the City of Fayetteville v. Watkins, and all necessary fees, per a budget ordinance amendment.

SECOND: Mayor Pro Tem Jensen

VOTE: PASSED by a vote of 5 in favor to 2 in opposition (Council Members Haire and Banks-McLaughlin)

MOTION: Council Member Dawkins moved to authorize the City Manager to acquire a property located at 458 Russell Street, Fayetteville, NC.

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (7-0)

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:24 p.m.