

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
JANUARY 11, 2021
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2) (via zoom); Tisha S. Waddell (District 3) (via zoom); D. J. Haire (District 4) (via zoom); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7) (via zoom); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney (via zoom)
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Jay Toland, Interim Assistant City Manager/Chief Financial Officer
Tracey Broyles, Budget and Evaluation Director
Paul Allen, Assistant City Attorney
Cliff Isaacs, Construction Manager
Chris Cauley, Interim Economic and Community Development Director
Rebecca Jackson, Chief of Staff
Lisa Harper, Assistant City Attorney
Gina Hawkins, Police Chief
Michael Gibson, Parks, Recreation and Maintenance Director
Jennifer Ayre, Deputy City Clerk
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 Council Member Davis.

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 announced the "Black Lives Do Matter" mural at the Market House was removed today. Mayor Colvin stated he wants the public to understand, by consensus vote of the Council, the mural was a temporary fixture and in fact should have been removed a couple of weeks ago per the contract. Mayor Colvin apologized for any confusion or hurt this action may have caused.

Council Member Dawkins announced the 30th birthday of his daughter, Jill.

Council Member Banks-McLaughlin stated she wants to add an item to the agenda to demolish the Market House. Ms. Karen McDonald, City Attorney, advised Council will first have to vote on whether to add the item to the agenda or not.

MOTION: Council Member Banks-McLaughlin moved to add an item to the agenda: Demolish the Market House.

SECOND: Council Member Kinston

VOTE: **FAILED** by a vote of 4 in favor to 6 in opposition (Council Members Colvin, Jensen, Haire, Dawkins, Davis and Wright)

5.0 APPROVAL OF AGENDA

MOTION: **Mayor Pro Tem Jensen** moved to approve the agenda, with the addition of Item 7.01, Master Operations Agreement with Metro FiberNet, LLC (dba "MetroNet") and Amendments to Sections 24-11(b) and 24-11(c) of the City's Code of Ordinances.

SECOND: **Council Member Davis**

VOTE: **UNANIMOUS (10-0)**

6.0 CONSENT AGENDA

MOTION: **Council Member Ingram** moved to approve the consent agenda.

SECOND: **Council Member Dawkins**

VOTE: **UNANIMOUS (10-0)**

6.01 Approval of Meeting Minutes:

December 14, 2020 - Discussion of Agenda Items

December 14, 2020 - Regular

6.02 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 2012 Bain 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. R2021-001

6.03 Adoption of the Center City Parks and Trails Master Plan

The Center City Parks and Trails Master Plan was developed in partnership between the Parks, Recreation and Maintenance Division, Development Services, and the Linear Park Committee. The plan was developed by Urban Design Associates (UDA), with Stewart Engineering, and encompasses previous planning with future development. The study centers on the downtown area, extending north to Langdon Street, west to Glenville Avenue, east to Dunn Road, and south to Campbell Terrace Road.

6.04 Bid Recommendation - Hydrogen Sulfide Control Program at PWC Lift Stations to Cape Fear Water Solutions, Inc., the lowest responsive, responsible bidder in the total amount of \$560,670.41

NITRATE SOLUTION APPLICATION

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|---|--------------|
| Cape Fear Water solutions, Inc., Dublin, NC | \$289,132.72 |
| Pencco, Inc., San Felipe, TX | \$380,950.08 |
| Source Technologies, LLC, Lexington, KY | \$348,323.15 |
| Evoqua Water Technologies, Sarasota, FL | \$454,396.87 |

IRON SALT SOLUTION APPLICATION

| | |
|---|--------------|
| Cape Fear Water Solutions, Inc., Dublin, NC | \$271,537.69 |
| Pencco, Inc., San Felipe, TX | \$352,724.00 |
| Source Technologies LLC, Lexington, KY | \$394,387.50 |
| Evoqua Water Technologies, Sarasota, FL | \$618,076.00 |

6.05 Adoption of Special Revenue Fund Project Ordinance Amendment 2021-3 for the WORTH Court Grant from the Juvenile Crime Prevention Council of the NC Department of Public Safety

The Police Department was previously awarded a \$10,000.00 grant from the NC Department of Public Safety JCPC program, with a \$2,000.00 required local match, to fund emergency housing for juveniles to support the WORTH Court program. The Special Revenue Fund Project Ordinance appropriating the grant was adopted on September 14, 2020. On October 6, 2020, the Police Department notified the NC Juvenile

Crime Prevention Council of the intent to return those grant funds as it was determined that emergency housing would be provided through the use of Medicaid funding by the Department of Social Services.

Subsequently, on November 18, 2020, the Police Department was notified of grant award from the same funding source, at a lessor amount of \$9,360.00 requiring a local match in the amount of \$1,872.00. The revised approved scope of the grant is to provide funding to support the WORTH Court Juvenile Case Manager position. This position is contracted by Cumberland County, not by the City of Fayetteville.

The overall purpose of the WORTH Court program is to address juvenile and adult human trafficking issues within Cumberland County and remains unchanged.

6.06 Massey Hill Millhouse Preservation Project

The Massey Hill Heritage Preservation Project has acquired a turn-of-the-century Millhouse to be restored and designated as a community museum and meeting space. The Project has raised funds in excess of \$80,000.00 through private donation efforts for this endeavor. It is the intent of the group to restore the structure and donate it to the City of Fayetteville, where it will be used through its Historical Properties Division.

6.07 Regional Branding Launch

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO SUPPORT THE ADOPTION OF REGIONAL BRANDING, AN EFFORT LED BY FAYETTEVILLE-CUMBERLAND ECONOMIC DEVELOPMENT CORPORATION, WHICH INCLUDED THE CITY OF FAYETTEVILLE AND CUMBERLAND COUNTY AND OTHER PARTNERS AS LISTED BELOW. RESOLUTION NO. R2021-002

6.08 Award the Design Contract for Senior Center East to SFL+A Architects

Authorizing staff to award and execute a contract with SFL+A Architects for the design of Senior Center East.

6.09 Award Contract for Resurface Various Streets 2021-Phase II to Barnhill Contracting Company, the lowest responsive, responsible bidder, in the total amount of \$2,055,312.95

The project was first advertised for bids to be opened on December 10, 2020; however, only two (bids were received. Therefore, in accordance with North Carolina General Statutes, which require three bids in order to open the first advertisement, the project was re-advertised and bids were opened on December 22, 2020.

Barnhill Contracting Company, Fayetteville, NC ... \$2,055,312.95
Highland Paving, Co., LLC, Fayetteville, NC \$2,281,797.45

7.0 PUBLIC FORUM

Mr. Wayne Dee, 5022 Summer Ridge Road, Fayetteville, NC 28303, expressed concerns regarding numerous community issues.

Ms. Kathy Greggs, 4607 Woodline Drive, Fayetteville, NC, stated the City Council need to establish a Police Department Citizen Review Board.

Mr. Nathan Cuffee, 719 Market View Court, Fayetteville, NC 28301, expressed concerns regarding the mural around the Market House.

Mr. Mario Benavente, 3549 Hastings Drive, Fayetteville, NC 28311, expressed concerns regarding the removal of the mural around the Market House.

Mr. Shaun McMillan, 6024 Goldenrain Drive, Fayetteville, NC 28314, stated City Council needs to establish a Civilian Police Oversight Committee.

Ms. Myahtaeyarra "Myah" Warren, 969 Bassman Lane, Fayetteville, NC 28314, expressed opposition regarding the removal of the mural around the Market House.

Ms. Pandora Harrington, 3815 John Marshall Road, Fayetteville, NC 28304, expressed opposition regarding the removal of the mural around the Market House.

Ms. Pamela Carter, 505 Link Street, Fayetteville, NC 28301, expressed concerns regarding the B Street neighborhood.

Ms. Thretha Chance (no address provided) expressed opposition regarding the removal of the mural around the Market House.

Ms. Angela Tatum Malloy, 404 Pilot Avenue, Fayetteville, NC 28303, expressed opposition regarding the removal of the mural around the Market House.

Mr. Chilleko Hurst, 425 McCarry Street, Fayetteville, NC, expressed opposition regarding the removal of the mural around the Market House.

7.01 Master Operations Agreement with Metro FiberNet, LLC (dba "MetroNet") and Amendments to Sections 24-11(b) and 24-11(c) of the City's Code of Ordinances

This item was added to the agenda.

MOTION: Council Member Ingram moved to recuse Council Member Kinston from participating on this item.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (9-0) (Council Member Kinston recused from voting)

Mr. Robert Van Geons, FCEDC President/CEO, presented this item and stated as part of the City's efforts to support broadband deployment for use by our citizens, City Council adopted an amendment to Chapter 24, "Streets and Sidewalks", at the September 14, 2020, regular meeting. The City has the legal authority to manage the public right-of-way to include the maintenance and erection of poles in the public right-of-way. State law also requires municipal-owned utilities to allow new entities to access its poles, including moving and rearranging facilities to accommodate the new entity. The new ordinance sets forth a provision to facilitate the efficient attachment and construction of facilities on utility poles, including moving and rearranging existing facilities to safely accommodate additional entities that may want to attach to the poles.

As City Staff, MetroNet and relevant parties (including PWC) worked to finalize all required agreements, certain items were identified as requiring revision. With the proposed amendments to Chapter 24 and execution of the attached Master Agreement, all parties are prepared to move forward. After months of discussion, the proposed Master Operations Agreement and Amendments to Chapter 24 are agreeable to all relevant parties.

This project represents a substantial private investment in our community, exceeding \$70 million. Additionally, economic activity and increased property values will positively impact the City's tax base. Conversely, this project will require a significant amount of staff resources to permit, monitor, and ensure compliance. As such, associated personal costs may be incurred. MetroNet and the City have agreed to cooperatively address unforeseen issues or costs that arise.

Discussion ensued.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AMENDING CHAPTER 24, STREETS AND SIDEWALKS, OF THE CODE OF
ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE
NO. S2021-001**

MOTION: Mayor Pro Tem Jensen moved to adopt the Master Operations Agreement and proposed Ordinance Amendment.
SECOND: Council Member Ingram
VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.01 Senior Center West Project Update

Mr. Cliff Isaacs, Construction Management Department Director, presented this item and stated City Council is asked to provide direction regarding an additional allocation of funds for the construction of Senior Center West located adjacent to Lake Rim and Old Raeford Road in Fayetteville, NC. Based upon a completed bid process, an additional project appropriation of \$1,300,338.00 will be needed to move forward with the construction of the facility as currently designed.

Discussion ensued.

MOTION: Council Member Wright moved to reallocate bond proceeds to provide the \$1.3 million needed to complete Senior Center West.
SECOND: Council Member Banks-McLaughlin
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Waddell)

9.0 ADMINISTRATIVE REPORTS

9.01 Downtown Parking Update, Including Recommendation to Begin Paid On-Street Parking on July 1, 2021

This item was for information only and was not presented.

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.

