

**FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
COUNCIL CHAMBER AND ZOOM MEETING
JULY 20, 2020
5:00 P.M.**

Present: Mayor Mitch Colvin

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

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Angel Wright-Lanier, Assistant City Manager
Gina Hawkins, Police Chief
Tracey Broyles, Budget and Evaluation Director
Pamela Megill, City Clerk
Jennifer Ayre, Deputy City Clerk
Terry Hutchens, Attorney
Scott Flowers, Attorney
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 6:00 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Waddell.

3.0 PLEDGE OF ALLIGIENACE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

5.0 OTHER ITEMS OF BUSINESS

5.1 Recommendations for Improved Accountability with the Fayetteville Police Accountability Community Taskforce (FayPACT).

Mr. Shaun McMillian, Founder of the Police Accountability Community Taskforce (PACT), presented this item with the aid of a PowerPoint presentation and stated PACT is a coalition of community groups, leaders, and nonprofit organizations committed to human rights. PACT came together in the beginning of 2015, because members knew from personal experience the need for policies that create accountability, equity, and transparency in policing. We believe racial disparities in policing and the resulting lack of trust between community members is a crisis in democracy that can only be addressed with policy reforms that put the power in the hands of community members to hold their police department accountable. PACT's recommendations address these issues at its core. Mr. McMillian provided an overview of the purpose of the Civilian Review Board and stated the staff and administration of the Civilian Review Board shall be directed by the Civilian Police Oversight Advisory. Mr. McMillian also presented on the investigatory systems, personnel files, demands for Fayetteville and Cumberland County, Board Member application example, file complaint process example, and proposed budget.

Discussion ensued.

MOTION: Council Member Banks-McLaughlin moved to establish a Civilian Police Oversight Advisory Board.

The motion died for lack of a second.

MOTION: Council Member Ingram moved to accept the PACT report and forward their recommendations to be in partnership with the community to the Mayoral appointed Internal Committee for further review.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Dawkins and Banks-McLaughlin)

5.2 Closed Session as permitted under N.C.G.S. § 143-318.11(a)(3) for consultation with the Attorney to preserve the attorney-client privilege.

MOTION: Council Member Haire moved to go into a closed session for consultation with the City Attorney for an attorney-client privileged matter.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

The regular session recessed at 7:23 p.m. The regular session reconvened at 8:47 p.m.

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

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

5.3 Budget Ordinance Amendment 2021-1

Mr. Douglas Hewett, City Manager, presented this item and stated he is requesting Council authorize Budget Ordinance Amendment 2021-1 to fund acquisition of property that was not anticipated in the recently adopted Budget Ordinance for fiscal year 2021. With this agreement the City will own the largest ground-floor condominium space under the City garage, approximately 4,500 square feet, which we intend to use to increase the economic activity in the downtown core. Every significant project in the downtown area in the last 20 years has required some level of public investment. Public investments like these have been the impetus for the success of our downtown, coupled with the hard work of business owners. We are confident that the towers above the garage will be complete at some point in the future but for the short term, the City will be able to take full advantage of putting to use the bottom floor of the parking garage to bring new businesses downtown and expand retail options for our citizens.

Ms. Tracey Broyles, Budget and Evaluation Director, stated the two Budget Ordinance Amendment options that have been identified to provide \$550,000.00 to fund acquisition of property are to (1) appropriate \$550,000.00 of additional General Fund fund balance or (2) fund through the Capital Funding Plan (CFP) by increasing the amount of vehicle financing by \$550,000.00. Council Member Dawkins asked Ms. Broyles which option she recommends. Ms. Broyles stated she recommends option 2.

MOTION: Council Member Dawkins moved to select option 2; authorize the amendments to the Parking Deck Agreement and Downtown Development Agreement as follows:

- 1. Purchase of 4,500 square foot retail space closest to the stadium for \$550,000.00 and waiver of the City's liquidated damages claim.**

2. Closing on the parking garage to be completed at the time of the purchase of the retail space, free and clear of all liens.
3. Amend the parking garage lease to reduce the number of years where the lease payment is locked in initially to three years from seven years.
4. Installation of one permanent elevator in the parking garage within 12 months to be secured by a promissory note in the amount of \$150,000.00 and deed of trust in a second lien position on the remaining retail space in the parking garage and the "air rights" as well as a guaranty from PCH.

And authorize the City Manager to execute the necessary documents to effectuate the amendments and Budget Ordinance 2021-1.

SECOND: Council Member Ingram

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Banks-McLaughlin)

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:50 p.m.