

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
SEPTEMBER 14, 2020  
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3) (via telephone); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); 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  
Angel Wright-Lanier, Assistant City Manager  
Gina Hawkins, Police Chief  
Kevin Arata, Corporate Communications Director  
Tracey Broyles, Budget and Evaluation Director  
Jay Toland, Chief Financial Officer  
Mark Brown, PWC Customer Relations Manager  
Robert Van Geons, FCEDC President/CEO  
Gregory Vogt, Attorney  
Pamela Megill, City Clerk  
Jennifer Ayre, Deputy 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 RECOGNITION**

Council Member Ingram reminded everyone to participate in the U.S. Census, September 30, 2020, is the final day.

Council Member Haire announced September is "Sickle Cell Awareness Month". In partnership with the 100 Black Men and the American Red Cross, a blood drive will be held September 16, 2020, from 11:00 a.m. until 4:00 p.m. at Smith Recreation Center. You must sign up to participate.

Council Member Wright announced there will be a food drive on September 26, 2020, from 10:00 a.m. to 2:00 p.m. for Second Harvest Food Drive at Lewis Chapel Parking lot.

Mayor Pro Tem Jensen read a proclamation recognizing August 31, 2020, as International Overdose Awareness Day 2020.

Council Member Ingram read a proclamation proclaiming September 23-26, 2020, in honor of Southeast Regional NC Poetry Festival. Mr. LeJuane Jermaine Bowens (via zoom) thanked the Mayor and Council for the proclamation and recognition for the upcoming poetry festival.

**5.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Kinston moved to approve the agenda.  
**SECOND:** Council Member Davis

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

**6.0 CONSENT AGENDA**

**MOTION: Council Member Ingram moved to approve the consent agenda, with the exception of Items 6.02, 6.03, 6.04, 6.06, and 6.07; pulled for presentation and separate vote.**

**SECOND: Council Member Banks-McLaughlin**

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

**6.01 Approval of Meeting Minutes:  
August 5, 2020 - Work Session**

**6.02 Pulled for presentation and separate vote.**

**6.03 Pulled for presentation and separate vote.**

**6.04 Pulled for presentation and separate vote.**

**6.05 Acceptance of Settlement Report From Cumberland County Tax Collector for Fiscal Year July 1, 2019, through June 30, 2020**

The City of Fayetteville has a continuing contract with Cumberland County which provides that the County Tax Collector shall act as the City Tax Collector. The Cumberland County Tax Administrator sends an annual settlement report to the City. The report includes the July 1, 2019, through June 30, 2020, Settlement Statement and the Verification of Tax Funds for Fiscal Year Ended June 30, 2020. As required by North Carolina General Statute Section 105-373, a copy of the report is on file with the Board of County Commissioners.

**6.06 Pulled for presentation and separate vote.**

**6.07 Pulled for presentation and separate vote.**

After being pulled for presentation and separate vote, the Council proceeded with the presentation of the following items:

**6.02 Special Revenue Fund Project Ordinance 2021-4 to Appropriate a Cumberland Community Foundation, Inc., Grant to the Fayetteville Police Department for Racial Equity Institute Training**

Ms. Gina Hawkins, Police Chief, presented this item and stated the Fayetteville Police Department was awarded a \$50,000.00 grant by the Cumberland County Foundation, Inc., to provide racial equity, diversity and de-escalation training for all departmental employees. The training will be taught on a virtual platform, and in-person as permitted when COVID-19 pandemic conditions improve. This training is considered to be essential given the current national state of police and community relations. This training is designed to improve community relations between the Police Department and the community while ensuring that the mutual safety and wellbeing of the general public and law enforcement are priorities.

**6.03 Adoption of Special Revenue Fund Project Ordinance 2021-5 for the FY 21 Juvenile Restitution Program**

Ms. Gina Hawkins, Police Chief, presented this item and stated the City has been awarded grant funding for fiscal year 2020-2021 for the Fayetteville-Cumberland County Juvenile Restitution Program, which is a sentencing alternative program for Fayetteville and Cumberland County youth. Special Revenue Fund Ordinance 2021-5 will appropriate \$77,714.00 needed for personnel and operating costs for fiscal year 2020-2021. The funding sources for this program include a \$53,411.00 grant awarded by the North Carolina Department of Public Safety, a local match of \$12,152.00 from Cumberland County and the City's local match of \$12,151.00.

The Fayetteville-Cumberland County Juvenile Restitution Program focuses on making juvenile offenders, typically between the ages of 11 and 17, accountable to the community and/or victim(s) through community service work. Youth are referred to the program to complete court-ordered community service and/or restitution requirements. The program provides meaningful work opportunities for juveniles to teach them accountability and to accept responsibility for their actions. In addition, the program focuses on changing the juvenile's attitude and negative behavior through positive reinforcement and life experiences. It is the goal of the program to decrease future criminal misbehavior by those served.

**6.04 Adoption of Special Revenue Fund Project Ordinance 2021-6 for the WORTH Court Grant from the Juvenile Crime Prevention Council of the N.C. Department of Public Safety**

Ms. Gina Hawkins, Police Chief, presented this item and stated the North Carolina Department of Public Safety, through its Juvenile Crime Prevention Council (JCPC) program, has awarded the City a \$10,000.00 grant to support the Cumberland County WORTH Court program. The grant funds, along with a \$2,000.00 required local match, will provide resources for temporary housing for juveniles who are victims of human trafficking. Special Revenue Fund Ordinance 2021-6 will appropriate the noted funding for the \$12,000.00 program budget.

WORTH Court is a pilot project created to address juvenile and adult human trafficking issues within Cumberland County. WORTH translates to "We Overcome Recidivism Thru Healing". This is a diversion court, in that, a victim/survivor of human trafficking can enter into an agreement with the court system to engage in supportive care, treatment, counselling, focus interventions, and measured outcomes for a period of six to twenty-four months. Outcomes are reported back to the Court and may impact decisions of initial legal charge(s). The Fayetteville Police Department has a standing partnership with the Cumberland County District Court and the JCPC. The grant received by the Police Department will be used to fund temporary, emergency housing for juveniles who are victims of human trafficking.

**6.06 Authorization to Accept the FY 2020 Historic Preservation Fund Grant and Adoption of Special Revenue Fund Project Ordinance 2021-7**

Mr. Taurus Freeman, Planning and Zoning Manager, stated Council is asked to authorize the acceptance of the FY 2020 Historic Preservation Fund Grant to update and revise design guidelines for Fayetteville's historic districts and local landmarks. The award provides \$18,000.00 of federal grant funds, passed through the Historic Preservation Office of the North Carolina Department of Natural & Cultural Resources, and requires a local match of \$10,000.00. Special Revenue Fund Project Ordinance 2021-7 will provide a total project appropriation of \$28,000.00, including the grant and the local match provided by a transfer from the General Fund.

**6.07 Approval of FAST's 2016-2020 Equal Employment Opportunity (EEO) Program**

Mr. Randy Hume, Transit Director, presented this item and stated on October 31, 2016, the Federal Transit Administration (FTA) issued a new Equal Employment Opportunities (EEO) Circular 4704.1A. This document provides guidance to FTA grant recipients necessary to carry out FTA's Equal Employment Opportunity requirements and prepare EEO Programs. An EEO Program is a detailed set of procedures and employment information designed to ensure entities meet federal EEO requirements. As an FTA recipient who employs more than 50 transit-related employees and requests/receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year (or requests or receives planning assistance in excess of \$250,000.00

in the previous Federal fiscal year), FAST is required to submit an EEO Program every four years and implement all of the EEO Program elements.

The EEO Program (included in the packet) for FAST has been developed to ensure compliance with the FTA Circular. Transit is requesting adoption of the Plan by City Council and authorization to submit to FTA.

**MOTION:** Council Member Ingram moved to approve Items 6.02, 6.03, 6.04, 6.06, and 6.07.

**SECOND:** Council Member Banks-McLaughlin

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

## **7.0 PUBLIC FORUM**

Mr. Michael Pinkston, 7019 Calamar Drive, Fayetteville, NC, expressed concerns regarding the Market House.

Ms. Dawn Adkins-Hurley, 1904 Manteo Street, Fayetteville, NC, expressed concerns regarding the Market House.

Ms. April Straughn, 71 Kirby Lane, Spring Lake, NC, read a proclamation in support of Safe Jobs Save Lives.

Mr. Darryl Walker, 5705 Marriage Court, Fayetteville, NC, expressed concerns regarding Safe Jobs Save Lives.

Mr. Clifford Conners, 654 Georgetown Circle, Fayetteville, NC, expressed several concerns regarding code enforcement, and mowing in the right-of-way.

## **8.0 PUBLIC HEARINGS**

### **8.01 Phase 5 Annexation Utility Improvement Project Area 22 Public Hearing on Preliminary Assessment Roll**

Mr. Mark Brown, PWC Customer Relations Manager, presented this item with the aid of a PowerPoint presentation and stated this item is to hold a public hearing to receive public comment for annexation areas that is part of the statutory requirement process. Preliminary assessment notices were mailed on August 28, 2020, informing property owners of their assessments and public hearing date. A notice was published in The Fayetteville Observer on August 28, 2020, for the preparation of the preliminary assessment roll and public hearing.

Mr. Brown stated he is requesting that City Council continue the Phase V Area 22 assessment public hearing until their regular meeting on September 28, 2020. Council has done this previously in order to give property owners more time to express their concerns about the assessment to the Council. Mr. Brown stated he is requesting this because during the normal statutory process for assessments we received a question regarding one of the assessments. This is a normal process where property owners contact us and we explain and, if necessary, review the proposed assessment. We do this to ensure that the assessments are accurate, in compliance with the Phase V agreement and consistent with the previous assessments in Phase V. In answering the question we received, we found an error in that assessment due to an unusual situation where the sanitary sewer main serving the property was not located in the road, but rather in an easement on private property. We have seen this before and have consistently determined assessments in these situations. However, for the property in question I did not discover this situation until last week.

In these situations, the location of the main can and often does result in a different assessment. I have seen situations where it reduced the assessment from \$50,000.00 to \$10,000.00. It is also possible for the assessment to increase. Based on the location of this easement, we are reviewing all of the properties that are in the

non-single-family assessment category in Area 22. Since we have not been able to complete our review prior to Monday's public hearing, we would like to continue the hearing to the regular Council meeting on September 28, 2020. This will allow us to complete our review, notify the property owners of any changes in the proposed assessment in time for them to speak at the continued public hearing on the 28th. We will notice the continuance as required by state law and will notify all the property owners on the second opportunity to speak to the Council. By taking this approach, we can eliminate the need for an appeal of the assessment.

Discussion ensued.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was continued to September 28, 2020.

## **9.0 OTHER ITEMS OF BUSINESS**

### **9.01 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments**

Mayor Pro Tem Jensen presented this item and stated the Appointment Committee met on September 9, 2020, to review applications for appointments to boards and commissions. It is from that meeting the Appointment Committee presents the following recommendations for 20 appointments to 6 City of Fayetteville boards and commissions. The Appointment Committee unanimously approved the following appointments:

#### Fayetteville - Cumberland Human Relations Commission

Donna Pelham	October 1, 2020 - September 30, 2022
Dwight Palmer	October 1, 2020 - September 30, 2022
William Milton	October 1, 2020 - September 30, 2022
Peter Pappas	October 1, 2020 - September 30, 2022
Tammy Six	October 1, 2020 - September 30, 2022
Mya Warren	October 1, 2020 - September 30, 2022

#### Fayetteville Planning Commission

Dwight Thompson	October 1, 2020 - September 30, 2022
Michael Cleary	October 1, 2020 - September 30, 2022
Carolyn McLaurin	October 1, 2020 - September 30, 2022
Dwight "Wells" Alderman	October 1, 2020 - September 30, 2022
Dymond Spain	October 1, 2020 - September 30, 2021
Jamie Tilke	October 1, 2020 - September 30, 2021
Paul Toolan	October 1, 2020 - September 30, 2021

#### Fayetteville Zoning Commission

Bryant Edwards	October 1, 2020 - September 30, 2022
Parker Lee	October 1, 2020 - September 30, 2022
Dineen Morton	October 1, 2020 - September 30, 2022
Willis Wyatt (Alternate)	October 1, 2020 - September 30, 2022

#### Fayetteville - Cumberland Economic Development Commission

Catherine Cox	November 30, 2020 - November 30, 2023
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**MOTION: Council Member Jensen moved to accept the Appointment Committee recommendations for boards and commissions appointments.**

**SECOND: Council Member Kinston**

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

### **9.02 Discussion of Pole Attachment Ordinance**

Ms. Karen McDonald, City Attorney, presented this item and stated attorney Mr. Gregory Vogt helped craft the ordinance and he is in attendance via zoom if anyone has any questions. The purpose of this agenda item is to present to Council an ordinance that would regulate the attachment of facilities on poles located in public rights-of-way to minimize public disruption and promote safety and efficiency.

The City has the legal authority to manage the public rights-of-way to include the maintenance and erection of poles in the public rights-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 proposed ordinance sets forth provisions 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.

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. S2020-007**

**MOTION:** Council Member Davis moved to approve the ordinance as presented.  
**SECOND:** Council Member Wright  
**VOTE:** UNANIMOUS (10-0)

**10.0 ADMINISTRATIVE REPORTS**

**10.01 Administrative Report for the Central Campbellton Neighborhood Plan**

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

**11.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 8:15 p.m.