

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
NOVEMBER 9, 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); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6) (via zoom); 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
Angel Wright-Lanier, Assistant City Manager
Gina Hawkins, Police Chief
Sheila Thomas-Ambat, Public Services Director
Kevin Arata, Corporate Communications Director
Jay Toland, Chief Financial Officer
Kecia Parker, Real Estate Manager
Scott Bullard, Emergency Management Coordinator
Anthony Wade, Human Relations Director
Elizabeth Somerindyke, Internal Audit Director
Mark Brown, PWC Customer Relations Manager
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 Waddell.

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

Mr. Scott Bullard, Emergency Management Coordinator, presented an update on the COVID-19 pandemic and reported the Department of Health reports 270 new COVID-19 cases and five additional deaths since the last report on November 6, 2020. Cumberland County has 7,809 total COVID-19 cases in Cumberland County since the onset of the pandemic. The death toll in Cumberland County since the onset of the pandemic is 107. A total of 6,867 cases are considered recovered.

Mayor Colvin awarded the Key to the City to Mr. Justin Mitchell, Deputy Garrison Commander, Fort Bragg, for his devoted interest and untiring commitment to Fort Bragg and the citizens of Fayetteville while serving as Deputy Commander from 2014 to 2020.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Haire moved to approve the consent agenda.

SECOND: Council Member Dawkins
VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:
October 26, 2020 - Special
October 26, 2020 - Discussion of Agenda Items
October 26, 2020 - Regular

6.02 Adopt Revised Audit Committee Charter

Currently the Audit Committee comprises of three City Council members, one member from the Fayetteville Public Works Commission and two members of the business community, all voting members of the Audit Committee. The City Manager and Internal Audit Director are ex-officio non-voting members. The revised Audit Committee Charter changes the voting composition of the Audit Committee to reflect the member of the Fayetteville Public Works Commission to be an ex-officio non-voting member.

6.03 Approval of Term Extension in Lease Agreement Amendment to Centurylink formerly known as Embarq

A RESOLUTION AUTHORIZING THE LEASE AMENDMENT TO THE CAROLINA TELEPHONE AND TELEGRAPH COMPANY, LLC DBA CENTURYLINK, FORMERLY KNOWN AS EMBARQ. RESOLUTION NO. R2020-45

6.04 Bid Recommendation - Two 67kV Delta Primary Voltage Power Transformers for Black & Decker & PO Hoffer Substation Rebuild Projects to Niagara Transformer Corp., the lowest responsive, responsible bidder, in the total amount of \$1,767,652.00.

Bids were received on August 27, 2020, as follows:

Virginia Transformer Corp., Roanoke, VA	\$718,979.00
ABB Inc., Crystal Springs, MS	\$1,000,330.00
Anixter, Apex, NC	\$1,753,730.00
Niagara Transformer Corp., Buffalo, NY	\$1,767,652.00
SPX Transformer Solutions, Inc., Waukesha, WI	\$1,855,858.00
WEG Transformers USA, Washington, MO	\$1,993,263.00
Delta Star, Inc., Lynchburg, VA	\$2,042,084.00

6.05 Bid Recommendation - Two 67kV Delta Primary Voltage Power Transformers to Virginia Transformer Corp., the lowest responsive, responsible bidder, in the total amount of \$1,437,958.00.

Bids were received on August 27, 2020, as follows:

Virginia Transformer Corp. Roanoke, VA	\$1,437,958.00
Anixter, Apex, NC	\$1,753,730.00
SPX Transformer Solutions, Inc., Waukesha, VA	\$1,855,858.00
ABB Inc., Crystal Springs, MS	\$1,945,540.00
WEG Transformers USA, Washington, MO	\$1,993,263.00
Delta Star, Inc., Lynchburg, VA	\$2,042,084.00

7.0 STAFF REPORTS

7.01 Fayetteville Police Department 2020 - 3rd Quarter Review

Ms. Gina Hawkins, Police Chief, presented the Police Department 3rd Quarter Review with the aid of a PowerPoint presentation. Chief Hawkins addressed the following items: crime statistics, aggravated assault defined, clearance rate, narcotics unit, response times, professional standards, staffing, recruiting, achievements, gang unit, community watch groups, community engagement trailer, intern program, strategic plan, traffic statistics, and human trafficking.

Discussion ensued.

MOTION: Council Member Ingram moved to accept the report.
SECOND: Council Member Banks-McLaughlin
VOTE: UNANIMOUS (10-0)

7.02 Diversity, Equity, and Inclusion Task Forces - Internal and External Updates

Dr. Telly Whitfield, Assistant City Manager, presented the Internal Committee updates and stated the Internal Committee began meeting in August of this year. Council Member Davis serves as Chair and Council Members Haire, Kinston, and Waddell are assigned to the Committee. Mayor Colvin and Mayor Pro Tem Jensen serve as co-chairs for continuity that bridges both the Internal and External Committees.

Mayor Colvin established this Committee to examine our City organization as it relates to diversity, equity, and inclusion principles and efforts to determine if obstacles to opportunities exist. Our work began with the basic premise that the City of Fayetteville government is a professional organization with many structures, policies, and processes created to get the work done as efficiently and effectively as possible just like other complex business structures or public agencies. Yet, we also acknowledged that institutional and structural barriers to opportunity may exist for many in the workplace or that our practices and standards may have an undue impact on the communities we serve.

The given scope of the committee's work focused on a better understanding of three areas:

1. Current workforce demographics (including trends) and Human Resource policies in place to mitigate unfair treatment;
2. Government procurement efforts to provide small, local businesses an equal opportunity to grow and be successful by participating in all aspects of City contracting of construction projects, professional services and the purchase of goods; and
3. Police Department policies related to recruitment, citizen interaction, and departmental standards.

Over the six meetings to date, staff has provided the Committee with documents showing our current workforce data as a baseline as well as engaged in discussions about the City's organizational policies, practices, and existing training inventory. There was Council consensus on the desire for structured, implicit bias training modules for both the elected officials and senior leadership prior to incorporating into the larger organization over time.

Finally, the Committee hopes to consider a DEI lens in decision-making and in the development and delivery of future policies, programs and services.

Council Member Wright, Internal Committee Chair, stated the Internal Committee has narrowed its final conversations to five potential initiatives with the goal of making the City government an attractive and inclusive place to work. While more discussion is forthcoming, the potential initiatives include:

1. Becoming an "Employer of Choice" and incorporating the proposed pillars that support that effort. *Several of the pillars have FY 21 funding impacts.*
2. Discussing the merits of instituting Police Cadet Program. *This would have FY 21 funding impacts.*
3. Incorporating mandatory inherent or unconscious bias training for all or a portion of the workforce. This project is funded through the General Fund.

4. The Committee also affirmed an interest in learning from peer public organizations on their efforts to increase local and minority business participation in procurement process. Council members have also questioned what else can be done to maximize the statutory allowance for a local small business enterprise program given our early success in reaching the aspirational goal of 40 percent of total spend. At the same time, the Committee emphasized the need to be patient as the disparity study will take roughly two years for a complete outline of the consultant's recommendations. As part of its FY 21-25 Strategic Plan, Council included a funded TFA that authorizes staff to move forward with a Disparity Study that will assess our entire RFP process, conduct a market analysis, and evaluate our City purchases from FY 2017 through FY 2020. The consultant will cover the City's purchases during fiscal years 2017 through 2020, consistent with constitutional mandates, governing law, and MBE/WBE/DBE best practices. The consultant's final report is expected to outline the results of the disparity study and clearly and concisely offer the consultant's recommendations to the City's program consistent with the results of the disparity study and governing law.
5. Finally, Council has asked staff to provide research on peer municipalities and their adoptions of citizen police boards. Staff is expected to bring additional information to the Committee to inform their upcoming conversation about legally authorizing a Citizen Advisory and/or Citizen Review Board in the state.

Ms. Angel Wright-Lanier, Assistant City Manager, presented the External Committee updates and stated the External Committee began meeting in August of this year. The last meeting was held on November 4, 2020. Council Member Wright serves as Chair and Council Members Dawkins, Ingram, and Banks-McLaughlin are assigned to the Committee. Mayor Colvin and Mayor Pro Tem Jensen serve as co-chairs for continuity that bridges both the External and Internal Committees.

The City of Fayetteville, NC, strives to be an attractive culturally diverse and inclusive City that is safe, prosperous, innovative and unified. While the City still is a great place to live, work, and play, persistent disparities predictable by race, residential neighborhood, and other social categories exist in life outcomes such as education, employment, health, etc. There are no quick fixes to systems and structures that impact these outcomes, but we can identify where change needs to happen and take incremental steps to show progress. Mayor Colvin established this Committee to identify areas of focus that will improve the equitable opportunity for all residents to succeed--regardless of their race, color, sex, nationality, sexual orientation, religion, disability, income or zip code.

The first Committee meeting was held on August 19, 2020. During that meeting, the External Committee laid out the topics that it would discuss during its engagement. The following topics lead the work of the External Committee:

1. Police and Community Relations
2. Market House
3. Race Relations

The topics and information that were presented to the External Committee by outside experts and staff members are as follows:

September 2, 2020:

Presentation 1 - Dr. Patrick Oliver

The External Committee received a report from Dr. Patrick Oliver, the Director of the Criminal Justice Program at Cedarville University. Dr. Oliver provided a presentation on the "Recruitment, Selection, and Retention of Law Enforcement Officers". Dr. Oliver shared information on why the hiring process is critical and stated that, in the 21st century, law enforcement agencies face the great challenge of hiring contemporary law enforcement officers in a market that appears to have a diminishing number of qualified candidates.

Presentation 2 - Police Chief Gina Hawkins

The Committee received a presentation from Chief of Police Gina Hawkins. Chief Hawkins presented the Fayetteville hiring process for interested applicants. The Chief also provided an overview of the following steps in the hiring process: receive applications, preliminary background check and notification, driving history review, invitation to test, written exam, physical assessment test, interview, computer voice stress analysis, background investigation, medical and psychological examination, Chief's interview, overall review, and offer from HRD.

September 16, 2020:

Police Chief Gina Hawkins presented information regarding the following:

1. Traffic unit versus patrol officers
2. Traffic stops and reasons, accident fatalities, road fatality locations, traffic stops: speeding.

October 7, 2020:

Special Meeting to Discuss Community Policing

The full City Council received a report regarding Community Policing from Dr. Robert R. Friedmann, Ph.D. Dr. Friedmann is the founding director of Georgia International Law Enforcement Exchange (GILEE) and a Professor at Andrew Young School of Policy Studies at Georgia State University. He is co-chair of the Community Policing Committee of the International Association of Chiefs of Police (IACP). Dr. Friedman gave a very thorough presentation that discussed Community Policing. *Community policing is a comprehensive philosophy that guides policy and strategy aimed at achieving more effective and efficient crime control, reduced fear of crime, improved quality of life, and improved police services and police legitimacy through a proactive reliance on community resources that seeks to change crime-causing conditions.*

October 21, 2020:

Human Relations Director Dr. Anthony Wade presented information involving options for community feedback related to the future of the Market House.

1. Options and challenges were discussed by the Committee related to hosting Zoom Community Town Hall meetings.
2. The Committee discussed allowing the Human Relations Commission to lead the Town Hall meetings.

November 4, 2020:

1. After researching options, staff members presented three options for organizations qualified to conduct citizen surveys. The Council recommended that staff

seek out a contract with ETC Institute. ETC conducts surveys for Durham, Winston-Salem, and Mooresville, NC.

2. After researching options for feedback through community engagement, staff recommended that the Human Relations Commission take the lead on facilitation for the Community Town Hall sessions.

Issues/Analysis:

During the first meeting, the External Committee members laid out the topical areas that would frame their discussions. The areas are as follows:

1. Police and Community Relations
2. Market House
3. Race Relations

Budget Impact:

The Committee will share any proposed costs for implementing any of the recommendations that receive consensus to move forward to the entire City Council.

Council Member Wright, External Committee Chair, stated the External Committee has narrowed its final conversations with the goal of making the City of Fayetteville a more equitable and inclusive community in which to live. To that end, the Committee submits the following recommendations:

1. Allow staff to pursue a contract with ETC Institute located in Olathe, Kansas, to conduct a survey to serve as a baseline for community discussions related to race relations and the Market House. *This work would impact the FY 21 funding involving this initiative.*
2. The External Committee would also like to recommend that the Human Relations Commission be tasked with facilitating a series of Town Halls to discuss the results of the survey.

Council Member Kinston stated she had proposed the Bias Workshop as a Council Agenda Item Request at the August 5, 2020 Work Session.

Discussion ensued.

MOTION: Council Member Davis moved to accept the Internal Committee recommendations: (1) Initiate mandatory conscious/inherent bias training for staff and City Council, (2) review and evaluate peer jurisdictions on their efforts to increase Local and Minority Small Businesses participation in the procurement process; and (3) continue dialogue regarding the City Council's interest to establish a Citizens Review/Advisory Board.

SECOND: Council Member Kinston
VOTE: UNANIMOUS (10-0)

MOTION: Council Member Wright moved to accept the External Committee recommendations: (1) Allow staff to pursue a contract with ETC Institute to conduct a survey to serve as a baseline for community discussions related to race relations and the future of the Market House; (2) recommend the Human Relations Commission be tasked with facilitating a series of virtual Town Halls, hosted via Zoom given our current COVID environment, to discuss the results of the survey; and (3) support in-person meetings to discuss the future of the Market House and race relations.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (10-0)

Mayor Colvin recessed the meeting at 9:02 p.m., and reconvened the meeting at 9:13 p.m.

8.0 PUBLIC FORUM

Mr. Robert Walls, 1436 Valencia Drive, Fayetteville, NC, expressed concerns regarding the Police Department and racial issues.

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

Ms. Mary Harris, 1044 Crayton Circle, Fayetteville, NC, expressed concerns regarding a Code Enforcement fine she received.

Ms. Carolyn Hamilton, 363 Tucson Drive, Fayetteville, NC, expressed concerns regarding being victimized in the City of Fayetteville.

Mr. Jonathan Seaman, 1570 Alabaster Way, Fayetteville, NC, expressed concerns regarding the Police Department.

Ms. Sandy Scarboro, 3336 Rogers Drive, Fayetteville, NC, expressed concerns regarding the potential Dismas Halfway House.

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

Mr. David Wilkes, 5308 Linton Hall, Fayetteville, NC, expressed concerns regarding the City Event Committee.

9.0 PUBLIC HEARINGS

9.01 Phase 5 Annexation Utility Improvement Project Area 20 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 holding a public hearing to receive public comment for Annexation Areas is part of the statutory requirement process.

Preliminary assessment notices were mailed on October 22, 2020, informing property owners of their assessments and public hearing date. A notice was published in The Fayetteville Observer on October 23, 2020, for the preparation of the preliminary assessment roll and public hearing.

This is the advertised public hearing set for this date and time. There being no one present to speak, the public hearing was opened and closed.

No action was taken on this item.

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:49 p.m.