

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
APRIL 9, 2018
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Tyrone Williams (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Cheryl Spivey, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Director
Rob Stone, Public Services Director
Cindy Blot, Economic and Community Development
Director
Jay Toland, Special Assistant to the City Manager
Kevin Arata, Corporate Communications Director
Mark Brown, PWC Customer Relations Manager
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 Pastor Reginald Johnson, My Father's House.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor Colvin.

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Jensen announced the Splash Pad Ribbon cutting ceremony taking place on April 14, 2018, at the Massey Hill Recreation Center.

Council Member Dawkins announced the Keep Fayetteville Clean-Up event taking place on April 21, 2018.

Mayor Colvin announced the AsOne Prayer Walk scheduled for April 13 and 14, 2018, beginning at 8:00 a.m. in downtown Fayetteville.

Council Member Jensen stated the Parkinson's Support Group meets on the second Saturday of each month at 10:00 a.m. at the Kiwanis Recreation Center, 352 Devers Street, Fayetteville.

Council Member Jensen introduced Ms. Rebecca Mitchell as the Fayetteville-Cumberland Youth Council (FCYC) President, State Council President, and a senior student at 71st High School.

Mayor Colvin presented a proclamation to Mr. and Mrs. Steve Koetter proclaiming April 2018 Parkinson's Disease Awareness Month.

Mayor Colvin presented a proclamation to a member of the Fair Housing Board proclaiming April 2018 Fair Housing Month.

Mayor Colvin presented a proclamation to Ms. Lisa Reid, Public Safety Communications Manager, Chief Gina Hawkins, Police Department, and telecommunications employees proclaiming the week of April 8-14, 2018, Public Safety Telecommunicators Week.

5.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Mohn moved to approve the agenda with the addition of Item 5.1A, Review and Approval of Ethics Commission Request for Advisory Opinion, and Item 5.1B, Review and Approval of City Council Request for Council Member Williams' resignation; the renumbering of Item 9.02 to 9.03; and the addition of Item 9.02, Reaffirm Council's previous votes regarding Project Home Run taken after December 4, 2017, and before Council Member Williams' requested recusal.

SECOND: Council Member Wright

VOTE: UNANIMOUS (9-0) (Council Member Williams not voting as the item pertained to himself.)

5.1A Review and Approval of Ethics Commission Request for Advisory Opinion

MOTION: Mayor Pro Tem Mohn moved to approve the request for the Ethics Commission Advisory Opinion as follows: We, the members of the City Council request an Advisory Opinion advising whether Mr. Tyrone Williams, District 2, Fayetteville City Council, has a conflict of interest with Prince Charles Holdings, LLC. Mr. Williams met with members of Prince Charles Holdings, LLC, on December 21, 2017, thereby possibly creating a conflict of interest. Thereafter, on March 26, 2018, he recused himself from voting on matters related to his conflict of interest. The City Council is requesting an advisory opinion as to whether he has a conflict of interest and whether his previous votes on matters regarding the Prince Charles Holdings, LLC, project violated the City of Fayetteville Conflict of Interest Ordinance.

SECOND: Council Member Dawkins

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

5.1B Review and Approval of City Council Request for Council Member Williams' resignation

Mayor Pro Tem Mohn announced signatures were just finalized before this meeting began.

MOTION: Mayor Pro Tem Mohn moved to approve the City Council request for Council Member Williams' resignation which stated as follows:

SUBJECT: Request for Resignation

Due to your actions related to Prince Charles Holdings (PCH) the below members of the Fayetteville City Council, represented by their signature, request your immediate resignation as City Council Member, District 2, Fayetteville, North Carolina. This request was signed by the nine other members of City Council.

SECOND: Council Member Waddell

Discussion ensued.

VOTE: UNANIMOUS (9-0) (Council Member Williams did not vote as the item pertains to himself.)

6.0 CONSENT AGENDA

MOTION: Council Member Wright moved to approve the consent agenda with the exception of Items 6.02 and 6.06 for discussion and separate vote.

SECOND: Council Member Williams

VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

February 12, 2018 - Discussion of Agenda Items

February 12, 2018 - Regular

February 21, 2018 - Special

February 26, 2018 - Discussion of Agenda Items

February 26, 2018 - Regular

March 5, 2018 - Work Session

March 7, 2018 - Special

March 19, 2018 - Discussion of Agenda Items

March 19, 2018 - Regular

March 26, 2018 - Discussion of Agenda Items

6.02 This item was pulled by Council Member Dawkins.

6.03 Adoption of Capital Project Ordinance Amendment 2018-51 for the Linear Park Project

Capital Project Ordinance Amendment 2018-51 will appropriate additional donations of \$6,263.00 and additional investment income of \$382.00 for the Linear Park project.

6.04 Bid Recommendation - Filter Equipment and Components for Rockfish Creek WRF to Aqua-Aerobic Systems, Inc., the lowest responsive, responsible bidder in the total amount of \$1,469,000.00.

Bids were received on February 28, 2018, as follows:

Aqua-Aerobic Systems, Inc., Loves Park, IL \$1,469,000.00

Suez Treatment Solutions, Inc., Richmond, VA \$1,587,800.00

6.05 Bid Recommendation - In-Line Process Pumps award the purchase of Seven Goulds Model 3396 In-Line Process Pumps, to include materials, equipment and incidentals, to Tencarva Machinery Company, the lowest responsive, responsible bidder, in the total amount of \$104,665.27.

Bids were received on March 20, 2018, as follows:

Tencarva Machinery Company, Wilmington, NC \$104,665.27

6.06 This item was pulled by Council Member Wright.

6.07 Consideration of a Resolution Opposing a Change from the Election of Judges to the Selection of Judges

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA, OPPOSING A CHANGE FROM THE ELECTION OF JUDGES TO THE SELECTION OF JUDGES. RESOLUTION NO. R2018-019

Council Member Dawkins requested Council Member Williams be recused from voting on this item. Ms. Karen McDonald, City Attorney, stated Council can request the recusal for all items related to Project Home Run.

MOTION: Council Member Dawkins moved to recuse Council Member Williams from voting on all items related to Project Home Run and Prince Charles Holdings, LLP.

SECOND: Council Member Arp

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

6.02 Award Ballpark Materials Testing and Inspection Service Agreement to Froehling and Robertson (F&R) in an amount not to exceed \$200,025.00

MOTION: Council Member Arp moved to authorize the City Manager to execute the agreement with F and R to perform the materials testing and inspection services for the baseball park construction project.

SECOND: Council Member Dawkins

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

6.06 WrightLand Lease for Construction of the Western Senior Center

Council Member Wright pulled this item from the consent agenda and asked for a briefing on this item. Mr. Kristoff Bauer, Deputy City Manager, stated the Parks and Recreation Bond Referendum included a Western Senior Center, for construction in FY 18, and an Eastern Senior Center, for construction in FY 21. City staff identified a parcel along the bank of Lake Rim for potential placement of this project. The desired parcel, owned by the North Carolina Wildlife Resources Commission (NCWRC), runs along Old Raeford Road and lies directly across from the property currently known as Lake Rim Park. Lake Rim Park was also developed as a long-term lease of land from the NCWRC. The request for land lease of 27 acres was presented to the NCWRC on February 16, 2017. The request was moved forward to the Governor and Council of State and approved at a meeting held in Raleigh, NC, on April 4, 2017. The term of land lease is for 30 years, beginning July 1, 2017, and ending May 31, 2047.

Council Member Wright asked what the expected completion date is. Mr. Bauer responded the end of calendar year 2019.

MOTION: Council Member Wright moved to authorize the City Manager to execute the lease agreement for 27 acres along Lake Rim for development of the Western Senior Center.

SECOND: Council Member Jensen

VOTE: UNANIMOUS (10-0)

7.0 PUBLIC FORUM

Dr. Connie Lightener, 795 Asheville Drive, Fayetteville, NC, on behalf of Cumberland County United Way Board of Directors, thanked the City Council for their support and invited Council to go to the United Way website to view the survey results of the needs assessment.

Ms. Amanda Christensen, 2443 Dartmouth Drive, Fayetteville, NC, gave an overview of the Friendship Community Gardens, and requested assistance with debris service fees.

Ms. Pamela Carter, 505 Link Street, Fayetteville, NC, stated she is a member of the B Street Coalition in District 2, and stated she believes it is in the best interest of the neighborhood to have Council Member Williams to step down, and asked Council Member Williams to step down.

Mr. Gary Walker, 5505 Lawnwood Drive, Fayetteville, NC, announced the "Impact Your Health Fayetteville" will take place April 13 and 15, 2018, at the Crown Coliseum. This event will bring free health, vision, dental, and spiritual care to anyone that needs it and invited Mayor and Council to attend.

Mr. Jerry Reinoehl, 516 Deerpath Drive, Fayetteville, NC, requested the Mayor and City Council reach out to the Governor and State Legislatures to stop the efforts to change our judicial election

processes; the citizens must continue to have the right to elect judges.

Ms. Evelyn Wheatley, 3008 Hickory Hill, Fayetteville, NC, requested the return of the bus stop in her neighborhood and stated she will continue to come back until she gets the bus back into her neighborhood.

Ms. Amy Samperton, 122 Pennmark Place, Fayetteville, NC, implored Council Member Williams to resign immediately, and stated Council Member Williams is not representing District 2.

Mr. Jordan Jones, 450 Hay Street, Fayetteville, NC, stated the phone calls and text messages that were made to Council Member Williams were made at the sole direction of the FBI and further stated he must reveal this information to clear his name and that of his organization.

8.0 PUBLIC HEARINGS

8.01 Public Hearing on a Bond Order Authorizing the Issuance of Limited Obligation Bonds to Finance a Baseball Stadium and a Parking Deck, and a Resolution Making Certain Findings and Requesting the Local Government Commission to approve the Financing

Ms. Cheryl Spivey, Chief Financial Officer, presented this item and stated on March 26, 2018, City Council called for a public hearing to be held at tonight's City Council meeting. This public hearing has been set to receive comments on a financing agreement in the form of limited obligation bonds to be entered into by the City pursuant to Section 160A-20 of the General Statutes of North Carolina in a principal amount not to exceed \$52,000,000.00. The purpose of the financing is to provide funds to pay the costs of acquiring, constructing, and equipping a baseball stadium and a parking deck. If the City enters into the proposed agreement, it will secure its obligations by executing and delivering a deed of trust granting a lien on the site of the baseball stadium, together with all improvements or fixtures located or to be located thereon. Section 160A-20(g) of the General Statutes of North Carolina requires the City hold a public hearing prior to entering into the agreement. A notice advertising the public hearing was published in the Fayetteville Observer on March 30, 2018.

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

**RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE PROPOSED FINANCING BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A BASEBALL STADIUM AND PARKING DECK AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT.
RESOLUTION NO. R2018-020**

MOTION: Council Member Wright move to authorize and approve the filing of an application with the Local Government Commission for approval of bonds and the trust agreement and request the Local Government Commission to approve the bonds and trust agreement and the proposed financing.
SECOND: Council Member Haire
VOTE: UNANIMOUS (9-0) (Council Member Haire recused from voting.)

9.0 OTHER ITEMS OF BUSINESS

9.01 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

Council Member Crisp presented this item and stated the Appointment Committee met on April 3, 2018, to review applications for appointments to boards and commissions. It is from that meeting the Appointment Committee presents the recommendations for appointments to the City of Fayetteville boards and commissions. The Appointment Committee approved the following appointments:

Fayetteville Advisory Committee on Transit

Mr. Michael Worrell (1st term Business Representative) April 2018-March 2020

Fayetteville-Cumberland Parks and Recreation Advisory Commission

Ms. Crystal Moore-McNair (Partial term) April 2018-Sept. 2020

Fayetteville City Zoning Commission

Dr. Bryant Edwards (1st Term Alternate) April 2018-Sept. 2020

Fayetteville Redevelopment Commission

Mr. Romnick Capapas (Partial term) April 2018-March 2019

Personnel Review Board

Rev. Dorothy McNeil (1st term Manager/Supervisor) April 2018-March 2020

MOTION: Council Member Crisp moved to approve the Appointment Committee recommendations.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

9.02 Reaffirm Council's previous votes regarding Project Home Run taken after December 4, 2017, and before Council Member Williams' requested recusal.

MOTION: Mayor Pro Tem Mohn moved to Reaffirm Council's previous votes regarding Project Home Run taken after December 4, 2017, and before Council Member Williams' requested recusal:

- A. December 11, 2017: Prince Charles Holding ("PCH") Downtown Development Agreement - Third Amendment, Garage Contract, Construction Project Ordinance 2018-32**
- B. January 22, 2018: Stadium Construction Manager At Risk ("CM@R") Contract With Barton Malow Second Amendment**
- C. March 7, 2018: Stadium Construction Manager at Risk ("CM@R") Contract with Barton Malow Third Amendment**
- D. March 7, 2018: Prince Charles Holding ("PCH") Parking Lease, Set Public Hearing for March 19, 2018**
- E. March 19, 2018: Stadium Construction Manager at Risk ("CM@R") Contract with Barton Malow Fourth Amendment, Capital Project Ordinance Amendment 2018-50**

SECOND: Council Member Dawkins

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

9.03 Prince Charles Holding ("PCH") Downtown Development Agreement - Fourth Amendment, Property Purchase Option Assignment

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated the City has executed a Downtown Development Agreement ("DDA") with Prince Charles Holding, LLC. ("PCH"), relating to the stadium, plaza, and garage/hotel developments, the Prince Charles Hotel redevelopment project and Festival Park Plaza sale. The Council has approved the execution of the third amendment to the DDA and the Garage Contract on December 11, 2017. A discrepancy was discovered

during the implementation of the final agreements to execute the purpose of that agreement regarding the tax value payment guarantee ("Gap Contribution"). A fourth amendment is proposed to clarify the guarantee language to be recorded with each parcel that is subject to the DDA. This also amends the two remaining property purchase options to correct for the names of the purchasing parties.

MOTION: Council Member Crisp moved to approve authorizing the City Manager to execute the fourth amendment to the Downtown Development Agreement (DDA) and other closing documents necessary to comply with all terms of the DDA.

SECOND: Council Member Wright

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

10.0 ADMINISTRATIVE REPORTS

10.01 Traffic Safety - Review of Cliffdale Road

This item was for information only.

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:37 p.m.