

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
FAST CONFERENCE ROOM  
FEBRUARY 14, 2022  
7:00 P.M.**

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

Absent: Mayor Mitch Colvin

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Telly Whitfield, Assistant City Manager  
Jay Toland, Assistant City Manager  
Gina Hawkins, Police Chief  
Jodi Phelps, Corporate Communications Director  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Pro Tem Jensen called the meeting to order.

**2.0 INVOCATION**

The invocation was offered by Council Member Wright.

**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**

Mr. Scott Bullard, Emergency Management Coordinator, provided a COVID-19 Update, and stated we are now on day 701 of the State of the Emergency.

Council Member Haire stated the Murchison Road Corridor Business Exposition took place this morning. He announced there are resources, grants, and loans for businesses interested in participating in the Murchison Road Corridor.

Council Member Ingram announced the Town Hall meeting for the second part of "Race in America", taking place on February 16, 2022, at 6:00 p.m., to be live streamed on the City of Fayetteville, NC, Government Facebook.

Council Member Wright stated Carlen Jones, a student from E.E. Smith High School, came in first place for High Jump in the North Carolina Athletic Association.

Council Member Ingram stated a constituent told her about Mr. Randy Hume, Transit Director, riding the bus to work every week. Council Member Ingram presented a Certificate of Appreciation to Mr. Randy Hume, Transit Director, on behalf of City Council.

**5.0 CITY MANAGER REPORT**

Mr. Douglas Hewett, City Manager, stated he does not have a report for this meeting.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Ingram moved to add an Item; Updating the Council Member Ingram Censure Resolution.

SECOND: Council Member Kinston

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Dawkins)

MOTION: Council Member Haire moved to add an Item: Request the Ethics Commission investigate the allegations made in former Council Member Waddell's resignation letter.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (9-0)

MOTION: Council Member Ingram moved to approve the agenda with the two additional items: Item 8.01, Updating the Council Member Ingram Censure Resolution, and Item 8.02, Request the Ethics Commission investigate the allegations made in the former Council Member Waddell's resignation letter.

SECOND: Council Member Jones

VOTE: UNANIMOUS (9-0)

7.0 CONSENT AGENDA

MOTION: Council Member Davis moved to approve the consent agenda, with the exception of Item 7.04; pulled for presentation and separate vote.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (9-0)

7.01 Approval of Meeting Minutes:

January 3, 2022 - Work Session

January 19, 2022 - Agenda Briefing

January 24, 2022 - Discussion of Agenda Items

January 24, 2022 - Regular

7.02 Bid Recommendation - Ann St. Bank Stabilization (EWP DSR #5038-502) to, FSC, LLC, dba Fred Smith Company, the lowest responsive, responsible bidder in the total amount of \$743,815.31

Bidders:

S&C Construction, LLC, Wilmington NC .....\$1,049,780.00

North State Environmental, Inc. Winston Salem, NC .....\$838,561.16

FSC, LLC dba Fred Smith Company, Raleigh, NC .....\$743,815.31

7.03 Adoption of Capital Project Ordinance Amendment 2022-49 to appropriate a \$20,000.00 Donation from the Kiwanis Club of Cape Fear for the Lake Rim Splash Pad Project

Capital Project Ordinance Amendment 2022-49 to appropriate a \$20,000.00 donation received from the Kiwanis Club of Cape Fear towards the installation of a splash pad at the Lake Rim Recreation Center/School Park.

7.04 This item was pulled from the consent agenda for presentation and separate vote.

7.05 Bid Recommendation - Resurface Various Streets 2022-Phase II to Highland Paving Company, LLC, the lowest responsive, responsible bidder.

Bids were opened on February 1, 2022.

Highland Paving, Co., LLC, Fayetteville, NC .....\$1,313,628.70

Barnhill Contracting Company, Fayetteville, NC .....\$1,359,575.70

7.06 Bid Recommendations - Purchase of Four (4) Solid Waste Knuckle Boom Trucks

Award contract for the purchase of four International HV607 Chassis with Petersen TL-3 Lighting Loader 20' w/Boom 22' 40 yard Hardox Body at a

cost of \$835,898.52 from the lowest responsive, responsible bidder, White's International Trucks; Greensboro, NC.

**7.07 Airport - Award of 8-Unit T-Hangar Construction Contract to Engineered Construction Company, and Authorization for the City Manager to Execute the Contract**

Award the construction contract to Engineered Construction Company at 900 Paverton Drive, Raleigh, NC 27615, for \$1,685,096.84; and authorize the City Manager to execute the contract.

**7.08 Adoption of Budget Ordinance Amendment 2022-6 and Capital Project Ordinance Amendment 2022-50 to Appropriate a \$250,000.00 Transfer of General Fund Fund Balance to the City Hall First Floor Renovation Project**

Budget Ordinance Amendment 2022-6 and Capital Project Ordinance Amendment 2022-50 to provide the additional funds for the project.

**7.09 Resolution of support for the NCDOT project on Murchison Road between Country Club Drive and the I-295 Outer Loop, U-4900**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SUPPORT THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PROJECT (U-4900) FOR IMPROVEMENTS ON MURCHISON ROAD. RESOLUTION NO. R2022-003**

**7.010 Equal Access Trail: Glenville Lake/Murchison Corridor**

Approval of moving forward with revising Center City Parks and Trail Master Plan to include requesting a quote on design and construction.

**7.011 Texfi Groundwater Remediation Interlocal Assignment, Assumption, and Consent Agreement**

Authorization of the City Manager to enter into an Interlocal Assignment, Assumption and Consent Agreement on the City's behalf with the Fayetteville Public Works Commission and SynTerra Corporation to remediate groundwater contaminants at the Texfi Industries brownfield site west of the Cape Fear River and adjacent to PWC's Hoffer Water Treatment Plant.

**7.04 Bid Recommendation - Annexation Phase V, Project XV, Construction Area 32 East, Section I**

Mr. Mark Brown, PWC, Customer Services Director, presented this item and stated the Fayetteville Public Works Commission, during their meeting on January 26, 2022, approved the bid recommendation to award the contract for the Readvertisement for the Annexation Phase V, Project XV, Construction Area 32 East, Section I, to T. A. Loving Company, Goldsboro, NC, the lowest responsive, responsible bidder, in the total amount of \$14,735,075.00 and authorized staff to forward this recommendation to City Council for approval.

Bids were received on December 8, 2021, as follows:

J. Smith Civil, LLC, Goldsboro, NC .....	\$13,155,618.20
T. A. Loving Company, Goldsboro, NC .....	\$14,735,075.00

Notice of the bid was advertised through PWC's normal procedures on October 15, 2021, with an initial bid opening date of November 16, 2021. Addendum No. 1 was issued on November 11, 2021, in part, to extend the bid opening date to November 24, 2021. PWC did not receive the requisite three (3) bids. Notice of the bid readvertisement through PWC's normal procedures occurred on November 24, 2021, with a bid opening date of December 8, 2021. PWC received two (2) bids, which were timely opened and evaluated by PWC Water Resources Engineering for this project.

PWC staff requested interviews of the references submitted by the lowest bidder, J. Smith Civil, LLC. After evaluation of the reference interviews, bid, and prior performance of the contractor, PWC staff

determined that J. Smith Civil, LLC was a non-responsible bidder for the size and scope of this project. PWC staff then requested interviews of the references submitted by the second lowest bidder, T.A. Loving Company. After evaluation of the reference interviews, bid, and prior performance, PWC staff concluded that T.A. Loving Company was the lowest responsive, responsible bidder for this project. It is therefore PWC staff's recommendation to award this project to the lowest responsive, responsible bidder, T.A. Loving Company, Goldsboro, NC.

**MOTION:** Council Member Davis moved to approve to award the Readvertisement for Annexation Phase V, Project XV, Construction Area 32 East Section I, to T. A. Loving Company, Goldsboro, NC, the lowest responsive, responsible bidder, in the total amount of \$14,735,075.00.

**SECOND:** Council Member Wright

**VOTE:** UNANIMOUS (9-0)

## **8.0 PUBLIC FORUM**

Ms. Kathleen McCabe, 2125 Rock Avenue, Fayetteville NC 28303, expressed concerns regarding the death of Mr. Jason Walker.

Mr. Nyrell Melvin, 1720 Renwick Drive, Apt 203, Fayetteville, NC, expressed concerns regarding the Rental Assistance Program and requested a special election be called for the municipal election.

Ms. Kathy Greggs, 4607 Woodline Drive, Fayetteville, NC, expressed concerns regarding the Community Police Advisory Board and the Rental Assistance Program.

Mr. Shaun McMillian, 6024 Goldenrain Drive, Fayetteville, NC, expressed concerns regarding Jason Walker and establishing an Independent Oversight Committee of the Fayetteville Police Department.

Mr. Nero Coleman, 352-5 Bubble Creek Court, Fayetteville, NC, expressed concerns regarding calling for an independent investigation of former Council Member Waddell's allegations.

Mr. Jose Alex Rodriguez, 256 Kenwood Drive, Fayetteville, NC, requested Council call for a special municipal election.

### **8.01 Updating the Council Member Ingram Censure Resolution**

**MOTION:** Council Member Ingram moved to request that her Censure related to the City Council work session from December 6, 2022, be amended, to include what actually happened and the verbiage that was used and when.

**SECOND:** Council Member Kinston

Discussion ensued.

Council Member Ingram withdrew her motion.

Discussion ensued.

**MOTION:** Council Member Wright moved to direct the City Clerk to review the incident (December 14, 2021), and provide that the Resolution reflects what happened, the words used, what time it happened; that it will be an accurate document.

**SECOND:** Council Member Kinston

**VOTE:** UNANIMOUS (9-0)

### **8.02 Request the Ethics Commission investigate the allegations made in former Council Member Waddell's resignation letter**

Council Member Haire presented this item and asked for Council to request the Ethics Commission investigate the allegations made by former Council Member Waddell.

Discussion ensued.

**MOTION:** Council Member Haire moved to request the Ethics Commission investigate the allegations made by former Council Member Waddell's resignation letter

**SECOND:** Council Member Wright

**VOTE:** UNANIMOUS (9-0)

#### **9.0 ADMINISTRATIVE REPORTS**

##### **9.01 Residential Solid Waste Five-Year Funding Model**

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

#### **10.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 8:16 p.m.