

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
MAY 7, 2012
5:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:45 p.m.); Robert A. Massey, Jr. (District 3); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Absent: Council Member Darrell J. Haire (District 4)

Others Present:

Kristoff Bauer, Interim City Manager
Brad Whited, Interim Assistant City Manager
Jim Westbrook, Interim Assistant City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Rebecca Tew, Business Analyst
Tom Bergamine, Police Chief
Patricia Bradley, Police Attorney
Chris Davis, Police Lt Professional Standards
Ben Major, Fire Chief
Scott Shuford, Development Services Manager
Dwayne Campbell, Chief Information Officer
John Kuhls, Human Resource Development Director
Jerry Dietzen, Environmental Services Director
Rebecca Rogers-Carter, Management Services Manager
Steven K. Blanchard, PWC CEO/General Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Arp.

3.0 APPROVAL OF AGENDA

MOTION: Mayor Chavonne moved to approve the agenda with the addition of Item 6.0, a closed session for a personnel matter.

SECOND: Council Member Massey

VOTE: UNANIMOUS (9-0)

Mayor Chavonne presented Ms. Pamela Megill, City Clerk, with a bouquet of flowers in recognition of Municipal Clerks Week and thanked her for the important services the Clerk provides to the City.

4.0 OTHER ITEMS OF BUSINESS

4.1 Overview of the Fiscal Year 2012-2013 Recommended Budget and action to set the dates of the budget public hearing and budget workshops.

Mr. Kristoff Bauer, Interim City Manager, presented this item with the aid of a power point presentation and provided an outline of the budget process. He further provided the dollar amounts for the adjustments to the General Fund since the April 10, 2012, workshop.

Ms. Lisa Smith, Chief Financial Officer, provided an overview of the General Fund revenue and recommended budget changes. She provided the following property tax revenue projections/changes:

Property Tax Revenue Projections/Changes

- Real and personal property values to increase 2.05% over FY 2012 projection
- Motor vehicle property values to increase 2.0% over FY 2012 projection
- Gates Four adds \$225.3 million in taxable value
- 3.7% overall revenue growth for FY 2013, plus distributions due to Gates Four population

Sales Tax

- FY 2012 revenues expected to be 4.7% above budget
- Projected 3.0% economic growth for FY 2013, plus distributions due to Gates Four population
- FY 2013 revenues expected to exceed FY 2012 original budget by 8.7%

Utility Tax Distributions

- Projected FY 2012 revenue to be 0.5% below FY 2012 original budget primarily due to mild weather
- Projected FY 2013 revenue to increase 15.2% from FY 2012 estimates based upon NCLM guidance, addition of Gates Four, and the PWC full requirements purchased power agreement

Fees for Service (Functional Revenues)

- FY 2013 projections include new RAMP fees (\$92K) and building permit adjustments (\$40K)

PWC Transfers

- Net transfer to City budgeted at \$7.13 million in FY 2013 compared to net transfer of \$8.50 million in FY 2012 original budget, representing a decrease of \$1.38 million or 16.2%

Other Transfers

- \$448K included from transfers from the Recycling Fund and Lake Valley Drive MSD to repay inter-fund loans
- \$25K included from the CBTD for parking debt service

Mr. Bauer stated the next steps would be to have a budget presentation on May 14, 2012. He advised the suggested budget workshop dates were May 16, 23, and 30, 2012, at 5:00 p.m.; the suggested budget public hearing date was May 29, 2012; and the anticipated budget adoption date was June 11, 2012. He requested that Council members send all budget related questions to the City Manager's office, and requested topics for the May 16 workshop be identified.

Mr. Steven Blanchard, PWC CEO/General Manager, provided an overview of the Public Works Commission Annual Budget 2012-13 with the aid of a power point presentation. He stated the total budget comprised of electric fund, water and wastewater fund, and FMISF was \$343,176,625.00. He provided information on the six-year capital improvement program and personnel costs. He stated the electric rate schedule adjustments and the water and sewer rate adjustments had been approved effective May 1, 2012. He stated the PWC commitment to support the City of Fayetteville was as follows:

- \$10,961,400.00 - Transferred from Electric Fund to the City
- \$945,000.00 - For City of Fayetteville storm drainage issues
- \$975,000.00 - Included for street lighting upgrades
- \$1,800,000.00 - Budgeted for underground conversions and gateway improvements.

Mr. Blanchard requested the Council members send all PWC budget related questions to Mr. Bauer and himself.

A brief question and answer period ensued on the subjects of merit and cost of living raises, staffing, and medical insurance benefits.

4.2 Group living facility separation requirements – discussion of options and direction to staff.

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation. He stated this item had been tabled at a previous Council meeting to allow for further discussion. He explained the zoning code text amendment was modifying separation distances for group homes, half way houses, and transitional housing. He reviewed the proposal as follows:

1. Maintain existing 2,640-foot separation distance for group homes, etc., in residential districts.
2. Allow separation distances for group homes, etc., in nonresidential districts to be determined through the special use permit process.

3. Establish transitional housing as a new group living use.

Mr. Shuford stated the code currently established a 2,640 foot separation distance between a variety of group living facilities and the standard could not be varied for any reason. He explained it was established to address proliferation of these facilities as state policies changed and the proposal was no change to current separation requirements in residential districts. He further explained for group homes in non-residential districts, the code currently established a 2,640 foot separation distance between a variety of group living facilities and the standard could not be varied for any reason. He explained the proposal was to change the current separation requirements to allow the special use permit process to determine separation in non-residential districts. He stated the new transitional housing use and other group living use definitions limit the population of those being housed to persons having mental or physical disabilities and/or being released from incarceration. He stated the transitional housing definition would address housing needs of persons without disabilities or release from incarceration and they would be allowed in the same districts as large group homes and would require a special use permit. He explained the four suggested options were to (1) approve as proposed, (2) deny, (3) establish a new absolute minimum separation threshold for group living facilities in nonresidential districts but allow such facilities that were above that threshold to be determined by a special use permit, or (4) have separate separation standards for large and small group living facilities.

A discussion period ensued.

Mayor Pro Tem Arp stated option one provided the most flexibility for the Council.

Council Member Crisp stated he was opposed to the proposal.

Mayor Chavonne asked for a show of hands for option one. The majority of the Council was in favor of option one--approve as proposed.

4.3 Proposed Citizen Complaint Review Board

Ms. Karen McDonald, City Attorney, presented this item with the aid of a power point presentation. She explained in response to claims of racial profiling during traffic stops, the City Council engaged the National Organization of Black Law Enforcement (NOBLE) to review the Police Department's traffic stop policies, procedures, and standards of conduct and the full report was presented to Council on March 12, 2012. She reviewed recommendation 12 of the report. Citing the report, she further it was an opportunity to display transparency and show that investigations were accomplished in a fair, logical, and thoughtful manner. Moreover, she stated it showed the actions of employees were measured against established policies and rules. She explained consistent with the recommendation, and in an effort to develop options for Council's consideration, City staff reviewed the Citizen Complaint Review Boards of Charlotte, Greensboro, Winston-Salem, and Durham. She provided an overview of the membership, scope, and reporting from the citizen review boards of those cities listed. She also provided an overview of the current complaint process and stated the Office of Professional Standards and Inspections investigates complaints of criminal misconduct, serious allegations of misconduct, and use of force resulting in serious injury or death. She stated supervisors conduct internal investigations for less serious infractions. She briefly reviewed the complaint process as follows:

- Complaints can be filed in person, by phone, in writing or through the department's website.
- Completed investigations are forwarded for review and recommendation through the employee's chain of command and Police Attorney.
- Police Chief reviews the investigation and makes a final decision as to the disposition of the complaint.
- Complainant is notified in writing of the decision consistent with state law.

Ms. McDonald presented the proposed citizen complaint review board guidelines and stated the membership could consist of at least seven members appointed by the Mayor and Council. She stated the members would be required to complete eight hours of patrol car ride-along, graduation from Police Citizens Academy or Citizens Academy, and additional training specific to the board. She stated there would be a background/criminal record check and the membership term could run for three years. She stated a staff liaison would be identified to

assist with all administrative duties related to the board and its members.

A discussion period ensued regarding potential membership, scope, and reporting of the proposed Fayetteville Citizen Complaint Review Board.

Ms. McDonald stated that special legislation was needed to grant access to the portion of the employee's personnel record that was the subject of a complaint.

A question and answer period ensued with Ms. McDonald and Chief Bergamine responding to questions.

Consensus of the Council was to direct staff to proceed with conducting further research and requesting special legislation from the General Assembly.

5.0 MANAGER'S REPORT

Mr. Kristoff Bauer, Interim City Manager, presented this item and stated there would not be a closed session as the information he was to present did not fall under the closed session requirements.

Mr. Bauer announced the following items:

- Town Hall day will be held in Raleigh on June 6, 2012.
- Ethics Training will be held in Spring Lake on May 16, 2012, at 10:00 a.m.
- Community Meeting on Traffic Stops will be held at Fayetteville State University in the Seabrook Auditorium on May 24, 2012 at 6:00 p.m.
- County Commissioners meeting on May 11, 2012, at 8:00 a.m. will include an item on the Parks and Recreation Bond.

In response to questions posed by Council members about the Risk Management Department, Mr. Bauer stated after many months of research on best practices, management has re-organized the Risk Management Department. He stated some of the functions of the Department had been outsourced to the North Carolina League of Municipalities and the City Nurse position had been identified as a reduction in force.

A brief discussion period ensued.

Mayor Pro Tem Arp stated he viewed the re-organization as a functional migration of duties. Council Member Applewhite expressed her concerns regarding employee morale.

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:43 p.m.