

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MARCH 12, 2012
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (via telephone); Robert A. Massey, Jr. (District 3) (via telephone); Darrell J. Haire (District 4); 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)

Others Present:

Dale E. Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Leonard, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Tom Bergamine, Police Chief
Patricia Bradley, Police Attorney
Rusty Thompson, Engineering and Infrastructure Director
John Kuhls, Human Resources Development Director
Scott Shuford, Development Services Director
Jennifer Lowe, Public Information Officer
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 Abdul Haneef, Faith Dialogue Committee Member.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Girl Scout Troop 1481.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (10-0)

RECOGNITIONS

Mayor Chavonne presented a proclamation to Ms. Gwen Barham, Girl Scout Troop 1085 Leader, and Ms. Cindy Rose, Girl Scout Troop 1481 Leader, proclaiming March 11-17, 2012, Girl Scout Week.

Mayor Chavonne presented a proclamation to Ms. Victoria Raleigh, Executive Director, and Ms. Susan Mills and Dr. Jonas Okeagu, Board Members, proclaiming March 2012 American Red Cross Month.

Ms. Roberta Waddle, National Organization of Women (NOW), was present to give recognition to Police Department Officer Sanders. Due to Ms. Sanders' absence, Ms. Waddle requested the presentation be rescheduled.

Mayor Chavonne and Mayor Pro Tem Arp presented a Certificate of Excellence for the Cape Fear Grange to Mr. Jimmy Gentry, North Carolina State Grange President. Mayor Chavonne stated the Cape Fear Grange was a community based, non-profit organization dedicated to making a positive difference in Cumberland County.

5.0 PUBLIC FORUM

Mr. Roosevelt Odom, Fayetteville, NC, through an interpreter, addressed the need for a facility in Fayetteville to assist the deaf and hearing impaired community. He requested support from Council in his endeavor.

Ms. Deborah Godwin, Town of Godwin Mayor, 4924 Markham Street, Godwin, NC 28344, thanked the Mayor, Council, and City for all the support for the new Godwin Park. She invited everyone to attend the Grand Ribbon Cutting Ceremony scheduled for March 30, 2012, at 10:00 a.m.

Minister Eronomy Mohammed Smith, 2700 Murchison Road, Fayetteville, NC 28301, stated he was proud of being a Vietnam Veteran and that America was the greatest country on earth, and he was hoping the City would hire an African American Police Chief.

Ms. Wendy Michener, 223 Hillside Avenue, Fayetteville, NC 28302, stated she would like the City to adopt an ordinance that would provide for privileged consideration of awarding contracts to local businesses. She provided the Council with a handout.

Mr. Charles Fager, 223 Hillside Avenue, Fayetteville, NC 28302, expressed opposition to the proposed tolls on I-95, and stated these types of tolls would affect the low-income citizens the hardest. He requested the support of Council to officially oppose the implementation of toll fees on I-95.

Pastor Mark Rowden, 987 Eastman Road, Fayetteville, NC 28314, stated he would like to see the community of Fayetteville come together and grow together, and commended Police Chief Tom Bergamine for having dealt with tough and sensitive issues, and expressed appreciation for the Mayor and Council taking bold steps. He stated he was proud to be a Fayetteville citizen.

Pastor Calvin Brewington, 7572 Raeford Road, Fayetteville, NC 28314, expressed respect and deep appreciation for the Fayetteville Police Department and stated he was proud of the City.

Pastor Jeffrey White, 1933 Windlock Drive, Fayetteville, NC 28304, stated he had lived in the community for 11 years and raised three sons and a daughter here. He made a complaint that he believed two of his sons were racially profiled. He expressed support of the Mayor and Council, and requested the City move forward as a whole community.

6.0 CONSENT

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

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (10-0)

6.1 Compensation Study Implementation

6.2 Award of contract to the lowest responsible responsive bidder for Fort Bragg Road rehabilitation.

Contract was awarded to Highland Construction, low bidder, in the amount of \$557,026.36.

6.3 PWC - Bid recommendation to award contract for relay and control switchboards and SCADA switchboards to Schweitzer Engineering Laboratories, Pullman, WA, lowest bidder, in the amount of \$197,540.00

Bids were received as follows:

Schweitzer Engineering Laboratories (Pullman, WA).....	\$197,540.00
BirminghamControl Systems (Birmingham, AL).....	\$243,960.00
Electrical Power Products (Des Moines, IA).....	\$250,432.00
Kemco Industries (Sanford, FL).....	\$256,092.00

6.4 PWC - Bid recommendation to award contract for 230kV circuit with optional revenue metering CTs to Siemens Energy, c/o National Transformer Sales, Raleigh, NC, lowest bidder, in the amount of \$91,100.00.

Bids were received as follows:

Siemens Energy, c/o National Transformer Sales (Raleigh, NC).....	\$91,100.00
HVB AE Power Systems, Inc. (Suwanee, GA).....	\$91,650.00
ABB, c/o Utility Service Agency (Wake Forest, NC).....	\$97,235.00
*Alstom Grid, Inc. (Charleroi, PA).....	\$87,440.00
*Pennsylvania Breaker, LLC (Canonsburg, PA).....	\$90,620.00

* The low bid submitted by Alstom Grid, Inc., was found to be noncompliant with PWC specifications. The second low bidder, Pennsylvania Breaker, was relatively new to the circuit breaker market and experienced notable problems with their first generation of breakers. Additionally, the purchase of the equipment was made up of two components: (1) the 230kV

circuit breaker and (2) revenue metering CTs. Progress Energy would be reimbursing PWC for the cost of the revenue metering CTs. Due to the cost breakdown of the bids, by awarding the bid to Siemens PWC would actually be paying less for the circuit breaker, than if the bid were awarded to Pennsylvania Breaker.

6.5 Community streetbanners for FTCC 50th Anniversary.

Staff recommended Council approve the special request for up to 36 community street banners for the FTCC 50th anniversary from March 12, 2012, through June 12, 2012.

6.6 Special Revenue Fund Project Ordinance 2012-14 (Project Safe Neighborhoods - Law Enforcement Training Consortium – additional funding).

The ordinance appropriated \$2,492.00 for the Police Department's Law Enforcement Training Consortium for fiscal year 2012.

6.7 Braddy Roads speed reduction ordinance.

CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1111 (BRADDY ROAD) – CAR (55 MPH) AND TRUCK (55 MPH)]. NS ORDINANCE NO. NS2012-009.

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1111 (BRADDY ROAD) – CAR (45 MPH) AND TRUCK (45 MPH)]. NS ORDINANCE NO. NS2012-010.

7.0 OTHER ITEMS OF BUSINESS

7.1 Consideration of National Organization of Black Law Enforcement Executives (NOBLE) findings regarding allegations of biased-based policing by the Fayetteville Police Department.

Mr. Dale Iman, City Manager, introduced retired Chief Jimmy Wilson, Lead Consultant of the NOBLE consulting firm, and Mr. Andrew Cannady, a NOBLE consultant and a retired Greensboro Assistant Police Chief.

Mr. Jimmy Wilson, Lead Consultant of NOBLE, stated the project team for the report consisted of five individuals. He stated CALEA (Commission of Accreditation for Law Enforcement) would be mentioned throughout the report. He stated as a result of the PERF Operational Study of the Fayetteville Police Department, modifications were recommended to better align the Police Department with the national best practices. He stated there were 53 recommendations and the Police Department addressed all in an ongoing process. He stated the concerns expressed by community leaders was that there had been 38,950 traffic stops in 2010 with 89 of those being consensual searches, three times as many African Americans were stopped, and there was no review of traffic stop data and timely statistics were not submitted to the State by the Police Department. He stated community leaders were also concerned that searches had been conducted without consent, Caucasians were ticketed for objective stops and African Americans stopped for subjective stops, and the driver was not informed of the articulable reason for the stop. He stated the community steps for resolution were to address all issues thoroughly, investigate police misconduct and take actions, gain the confidence of the African American community, change the culture of the Police Department and engage in true community policing, participate in community awareness training, and accept the training offered by the ACLU. He stated the community leaders also believed there was an under-representation of African Americans in the Fayetteville Police Department. He stated professional traffic stops were researched and the Police Department exceeded the standards.

Mr. Andrew Cannady, a NOBLE consultant, stated the state law that required reporting of traffic stops was where some of the problems actually lay. He stated the traffic stop report was required by state law and a separate portion of that dealt with consent searches. He stated that had been the source of the beginning of this as they understood it. He stated it was the data being either inaccurate or skewed so that it raised concerns. He stated part of the problem was that the traffic stop report document did not have a place for the location of the traffic stop; and when confronted with that question, the Police Department was forced to try to explain why six times as many African Americans were stopped more, searched more, and where that was likely to be occurring. He stated the Department was not able to do that to the Council's satisfaction.

He stated relying purely on the traffic stop report was not the way to go. He stated the results from the NOBLE Study indicated that the Fayetteville Police Department had earned a status of a CALEA accredited law enforcement agency by achieving recertification for the seventh time. He stated it added to its professional status by requesting and undergoing an Operational Study of the Department conducted by PERF. However, he stated the finding of racial disparity in the number of African Americans subjected to traffic stops and consensual searches was a highly charged and divisive issue in the community. He stated interviews with community and City leaders indicated both recognized there was a problem that required attention. He stated whether the problems were real or perceived, they had become reality and should be directed towards resolution. He stated this was encouraging and reflected well on the City of Fayetteville and its residents. He stated to assist the City with moving forward, NOBLE listed 24 specific recommendations in the recommendation section of the report and several other suggestions in other sections throughout the report.

Following the report, a brief question and answer period ensued.

MOTION: Council Member Crisp moved to accept the report.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

8.0 ADMINISTRATIVE REPORTS

8.1 Tax refunds of less than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Wheeler, Donald E.	2009-2010	Incorrectly Listed	\$ 9.12
Wheeler, Donald E.	2006-2010	Incorrectly Listed	<u>25.54</u>
TOTAL			<u>\$34.66</u>

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:50 p.m.