

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
FEBRUARY 13, 2012  
7:00 P.M.**

Present: Mayor Anthony G. Chavonne  
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); 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 Meyer, Assistant City Attorney  
Lisa Smith, Chief Financial Officer  
Patricia Bradley, Police Attorney  
Jerry Dietzen, Environmental Services Director  
Scott Shuford, Development Services Director  
Greg Caison, Stormwater Manager  
Craig Harmon, Planner II  
Rebecca Rogers-Carter, Management Services 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 Council Member Fowler.

#### **3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 747, sponsored by St. James Lutheran Church.

#### **4.0 APPROVAL OF AGENDA**

**MOTION:** Mayor Pro Tem Arp moved to approve the agenda with the addition of Item 5.2, update on the traffic stop action plan timeline.

**SECOND:** Council Member Haire

**VOTE:** UNANIMOUS (10-0)

#### **5.0 PUBLIC FORUM**

##### **5.1 Public Forum Speakers**

Mr. Carey Pierce, 3363 Quarry Drive, Fayetteville, NC 28303, requested the moratorium on consent searches be dismissed. He stated consent to search was one of the many tools in the police arsenal used to fight crime.

Mr. Myron Brown, 1120 Southern Avenue, Fayetteville, NC 28301, expressed concerns for the homeless in Fayetteville. He requested the City Council work together with staff, church groups, and business owners to help solve the problem.

Mr. Chris North, 902 Penwall Court, Fayetteville, NC 28303, expressed concerns for encroachment in the Summerhill Subdivision that could result in increased population, automobiles, noise, and crime and property devaluation.

Mr. Irving Maxwell, 7113 Fillyaw Road, Fayetteville, NC 28303, stated he and his wife as Fayetteville homeowners for 30 years were opposed to rezoning property that would allow 120 apartments to be built.

Mr. Emmett Dover, 6463 Freeport Road, Fayetteville, NC 28303, stated he had resided in the Summerhill Subdivision since 1984 and was opposed to the rezoning that would allow apartments to be built. He requested Council deny the rezoning.

Ms. Wendy Michener, 223 Hillside Avenue, Fayetteville, NC 28303, informed Council there was an "Occupy Fayetteville" local group that was peaceful and law abiding and intended to attend as many City Council meetings as possible. She requested the Council adopt an ordinance that would provide preference to local businesses when a contract was out for bid.

Ms. Mary McGrue, 9079 NC Hwy 20, Lumber Bridge, NC 28357, stated she and her husband owned rental properties in the City of Fayetteville and requested the Council revisit the fines and procedures associated with the potential RAMP ordinance.

## **5.2 Police Department traffic stop action plan timeline update.**

Mr. Dale Iman, City Manager, presented this item and provided Council with a handout. Mr. Iman briefly reviewed the points of the action plan timeline as follows:

### **STEP 1**

**Action:** Identify an organization external to the Fayetteville Police Department to review all traffic stop policies, procedures, and standards of conduct. Review the Fayetteville Police Department Accreditation Process to identify training areas. Review Audit findings and determine if the issues identified were also identified in the audit for corrective action. Review and analyze all data collected to determine if biased-based policing has occurred and if so, determine if it is a departmental problem or the result of individual officers. Immediately implement acceptable CALEA Accreditation training standards and identify specific and measurable goals to ensure the conduct of traffic stops (Self-assessment and External assessment) meet the standards.

**Goal:** Initiate Self-Assessment and External Assessment. Conduct Code of Conduct training during this period for officers and the department to establish an organizational culture where any bias-based policing is immediately detected and corrected. Include citizen representative(s) for input into the training elements design and delivery.

### **STEP 2**

**Action:** Complete purchase and installation of cameras into patrol vehicles, collect audio and video data, and utilize that new technology to monitor the activities of all traffic stops and conduct additional assessment as necessary.

**Goal:** Provide the ability to record audio and video every time a traffic stop takes place to provide evidence of illegal/improper activity and to protect officers against false complaints of misconduct. Fully Mission Capable cameras should be required for all traffic patrol operations.

### **STEP 3**

**Action:** Develop a reliable and valid police-citizen contact data collection and reporting system method to collect and analyze data in a timely and cost effective fashion which would be minimally disruptive to the daily responsibilities of our officers.

**Goal:** Establish system to analyze and track the police-citizen contact data to include time, date, reason, and location of consent search requests and probable cause searches. Provide an objective and impartial analysis of the data of our officer-initiated traffic stops to identify trends (trends analysis) and institute corrective actions as necessary to meet established metrics for conduct of officers and public safety. Data shall be reportable on a monthly, quarterly, and annual basis. Identify an outside agency or organization to help design a reporting system and help ensure accurate and timely information and analysis is provided.

### **STEP 4**

**Action:** Review, revise, and implement changes to the current Citizen and Employee Complaint process that increases citizen and employee confidence in goals, objectives, policies, and practices of the Fayetteville Police Department. Ensure all complaints are investigated thoroughly and criticism is made an integral part of the department's analysis of day-to-day services. Working with the external organization identified in Step 1, fully explore an external review process for complaints.

**Goal:** Develop and implement a plan for internal reviews of complaints and resolutions on a regular basis. Fully explore an external review process for citizen complaints (by an organization external to the Fayetteville Police Department such as a modified Ethics Commission).

Mayor Pro Tem Arp thanked Mr. Iman for the update and inquired if camera installation would be completed by March 1, 2012. Mr. Iman responded in the affirmative.

Mayor Pro Tem Arp inquired if Council would receive an update from NOBLEE on March 12, 2012. Mr. Iman responded in the affirmative.

Mayor Chavonne requested Mr. Iman explain Step 3 relating to recent reporting issues. Mr. Iman explained he was developing a report on the issue and hoped to have it completed within the next couple of days.

**6.0 CONSENT**

**MOTION: Council Member Haire moved to approve the consent agenda with the exception of Items 6.4 and 6.8 for discussion.**

**SECOND: Council Member Fowler**

**VOTE: UNANIMOUS (10-0)**

**6.1 Approve Meeting Minutes:**

- November 28, 2011 - Regular Meeting
- December 7, 2011 - Special Agenda Briefing
- December 12, 2011 - Discussion of Agenda Items
- December 12, 2011 - Regular Meeting

**6.2 Adoption of the Federal Legislative agenda.**

**6.3 Authorizing a drainage easement to NCDOT for the upcoming bridge replacement project along US 301 Business over Cross Creek.**

**6.4 Pulled for discussion by Council Member Haire.**

**6.5 Adopt resolution to declare City foreclosed property surplus, sale by sealed bid, and award and accept highest bid.**

**RESOLUTION TO DECLARE CITY FORECLOSED PROPERTY SURPLUS, SALE BY SEALED BID, AND TO AWARD AND ACCEPT HIGHEST BID. RESOLUTION NO. R2012-006.**

**6.6 Award contract for the purchase of eight mini-hybrid thermal management system kits to Clarke Power Services, Greensboro, NC, in the amount of \$168,000.00.**

Bids were received as follows:

Clarke Power Services (Greensboro, NC)..... \$168,000.00  
 Engineered Machined Products (Escanaba, MI)..... \$172,000.00

**6.7 Finance - Tax Refunds of Greater Than \$100.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>	
Natural Pleasures, LLC	2009-2010	Corrected Assessment	\$	333.47
Rouse, JB	2006-2010	Corrected Assessment		108.86
Systel Business Equipment	2008-2010	Corrected Assessment		7,863.76
Wingate, Addie	2010	Corrected Assessment		176.23
Burkhead-Devane Printing	2006	Corrected Assessment		<u>923.46</u>
Total				
				<u>\$9,405.78</u>

**6.8 Pulled for discussion by Council Member Haire.**

**6.9 Revisions to City Council Policy 150.2, provision of water and sewer to municipal influence area, relating to annexation requirements.**

**6.4 Amendment to the City's fees and charges eliminating the fee for more than six bulky item collections at one residence.**

This item was pulled for discussion by Council Member Haire.

Mr. Jerry Dietzen, Environmental Services Director, presented this item. He stated as an element of several changes to the service provided by the Environmental Services Department, a fee of \$50.00 was approved by Council for residents who had more than six bulky item collections per year at one address. He stated the intent was to reduce the number of persons taking advantage of the service for business or other reasons and other residents supplementing their use or abuse of the service. He stated residents had voiced their concern over the restriction and that it was causing illegal dumping and others were not calling in a bulky

item for fear they would be charged the fee.

Council members requested that the fee be removed.

**MOTION: Council Member Bates moved to approve the item.**

**SECOND: Council Member Haire**

**VOTE: UNANIMOUS (10-0)**

### **6.8 Capital Project Ordinance Amendment 2012-19 and Capital Project Ordinance 2012-9 (Century Circle Park Facilities and Joint-Use Facilities at Cumberland County Schools)**

This item was pulled for discussion by Council Member Haire.

Mr. Michael Gibson, Parks and Recreation Director, presented this item and stated in 2007 Council approved a project budget of \$800,000.00 for a park project at a school site in the western area of Fayetteville. He stated the project was part of the service plan for the area that was annexed on September 30, 2005. He stated the City's General Fund was the source of funds for the project. He stated the City was currently in the process of constructing the improvements at the new Century Circle Middle School. He stated Cumberland County Schools requested to reimburse the City \$441,000.00 for the parks and recreation project at Century Circle Middle School since they had surplus funds that were restricted for improvements at the school site. He stated in exchange, the school system requested that the City agree to make certain improvements and reimburse the school system for improvements at various middle and high schools located in the City in an amount not to exceed \$431,000.00. He stated the improvements would be at Nick Jeralds, Westover, Max Abbott, and Douglas Byrd Middle Schools and E.E. Smith, Westover, Terry Sanford, Reid Ross Classical, and Pine Forest High Schools. He stated the improvements would include baseball dugouts, gym bleachers, parking lot and track paving, scoreboards, tennis court and football field improvements, and air conditioning and irrigation systems improvements. He stated the net impact to the City would be a \$10,000.00 savings and was a unique opportunity to extend taxpayer dollars.

A brief question and answer period ensued.

**MOTION: Council Member Haire moved to approve.**

**SECOND: Council Member Crisp**

**VOTE: UNANIMOUS (10-0)**

### **7.0 PUBLIC HEARINGS**

#### **7.1 Case No. P12-05F. Rezoning from SF-15 Single Family District to OI Office and Institutional District, or a more restrictive district, on property located on the south side of Kinlaw Road. Containing 9 acres more or less and being the property of The Methodist University, Inc.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He also stated Methodist University had a straight translation of R15 to SF-15 given to them and the new district would not allow universities as a use. He further stated Methodist University was looking to build dormitories on the properties. He stated the Zoning Commission encouraged the University to meet with the neighbors to discuss the future building plans. Finally, He stated the Zoning Commission and staff recommended approval of the OI district based on (1) the Land Use Plan calling for Office and Institutional, (2) the dorm rooms already existing on one of the two properties, and (3) universities not being allowed in the SF-15 district.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Dr. Ben Hancock, 234 Kinlaw Road, Fayetteville, NC 28311, appeared in favor and stated Methodist University was growing and in need of expansion and had the additional residence hall. He stated if they were not able to proceed with the project at this time, they would have approximately 80 students they would not be able to house this coming fall. He respectfully requested the rezoning be approved.

Mr. Dale Crawford, President of Crawford Design Company, 116 Cool Spring Street, Fayetteville, NC 28301, appeared in favor and stated his company was currently working with SFLA Architects and the University to expand the campus with dormitories.

Mr. Eric Lindstrom, 233 Old Street, Fayetteville, NC 28301, appeared in favor and stated he was the architect on record for the first two phases of the Methodist University project and was here tonight to answer any technical questions.

Mr. Harvey Wright, Chairman of the Board of Trustees of Methodist University, appeared in favor.

Ms. Mary Lynn Bryan, 505 Valley Road, Fayetteville, NC 28305, appeared in favor and stated she was the Vice Chair of the Board of Trustees for Methodist University.

Mr. Bill Little, 235 Kinlaw Road, Fayetteville, NC 28311, stated he had signed up to speak in opposition but had extensive conversations with Dr. Ben Hancock, Methodist University President, and that he no longer objected.

There being no one further to speak, the public hearing was closed.

**MOTION: Council Member Bates moved to approve the rezoning from SF-15 Single Family District to OI Office and Institutional District.**

**SECOND: Council Member Massey**

**VOTE: UNANIMOUS (10-0)**

## **7.2 Public hearing and consideration of adoption of revisions to Chapter 23, Article III, Stormwater Management Ordinance.**

Mr. Greg Caison, Stormwater Manager, presented this item and stated the Stormwater Management Ordinance, also referred to as Article III, Stormwater Control, initially became effective January 1, 2009, and established minimum requirements and procedures for new development to control the adverse effects of increased stormwater quantity and runoff quality. Mr. Caison also stated the ordinance included state-mandated stormwater requirements developed directly from language as contained in the state's stormwater model ordinance. He reported to continue to maintain the municipal NPDES stormwater permit compliance, and as part of the NC Division of Water Quality's (DWQ) recent review, the City was required to add specific new language as contained in the state's model ordinance to meet Phase II requirements. He stated when adopted, the ordinance would better align with the State's Stormwater Phase II Model Ordinance, and the state agreed to immediately delegate authority to the City to administer post-construction requirements. He stated doing so would provide for internal and external efficiencies, eliminating a duplication of services between the City and local NC DENR office, thereby allowing developers to need only a single (stormwater) permit rather than two. Mr. Caison continued a performance guarantee was required by the ordinance to effectively ensure that stormwater BMPs were built/installed in accordance with the engineering design. He stated the Stormwater Advisory Board unanimously requested that the changes be adopted. The City also received a letter from the Home Builders Association of Fayetteville in support of the changes. He requested the Council set a public hearing for consideration and voting on the proposed revisions to the Stormwater Control Ordinance, Article III of Chapter 23 of the City Code of Ordinances.

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.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 23, ARTICLE iii, STORMWATER CONTROL, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO COMPLY WITH STATE PHASE II STORMWATER REQUIREMENTS, TO ADJUST BMP PERFORMANCE GUARANTEE, AND TO PROVIDE FOR TECHNICAL CLARIFICATION. ORDINANCE NO. S2012-002.**

**MOTION: Council Member Bates moved to approve the adoption of the revisions to Chapter 23, Article III, Stormwater Management Ordinance.**

**SECOND: Council Member Davy**

**VOTE: UNANIMOUS (10-0)**

## **8.0 OTHER ITEMS OF BUSINESS**

### **8.1 City of Fayetteville 2011 Annual Report to the community.**

This item was not presented.

## **9.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 8:10 p.m.