

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MARCH 8, 2010
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); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Jerry Dietzen, Environmental Services Director
Sgt. Matthew Dow, Police Department
Jackie Tuckey, Public Information Officer
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Dr. Joanie Greene, Pastor of Christian Pentecostal Church.

3.0 PLEDGE OF ALLEGIANCE

Following the invocation, the audience was led in the Pledge of Allegiance to the American Flag by Scout Troop 747 chartered by Saint James Lutheran Church.

ANNOUNCEMENTS AND RECOGNITION

Council Member Hurst announced there were a few slots open for the City of Fayetteville Citizens' Academy which had been scheduled for Tuesdays from March 30 to May 11, 2010, from 6:00 to 8:30 p.m. He stated interested citizens could apply by contacting Jackie Tuckey at jtuckey@ci.fay.nc.us or 433-1549.

Council Members Chavonne and Haire, on behalf of the City Council and City of Fayetteville, presented a proclamation to Mr. George Quigley, President-Elect, and Ms. Jennifer Sullivan, Executive Director, both of the Cape Fear Botanical Garden Board of Directors, proclaiming the week of March 21-27, 2010, to be Arbor Week and March 25, 2010, to be Fayetteville Arbor Day in the City of Fayetteville and encouraged citizens to adopt the theme "Other holidays repose upon the past. Arbor Day proposes for the future."

Council Members Chavonne and Bates, on behalf of the City Council and City of Fayetteville, presented a proclamation to Ms. Jackie Blue, of the local Multiple Sclerosis Support Group, proclaiming the week of March 8, 2010, to be Multiple Sclerosis Aware Week in the City of Fayetteville and encouraged citizens to support the efforts to combat this chronic and disabling disease.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

5.0 PUBLIC FORUM

NAME	ADDRESS	SUBJECT/CONCERN
Brian Manning Deputy Director	Cumberland County Library	"The Big Read" Kickoff
Charlton Johnson	4908 Easley Lane Fayetteville, NC 28303	Gun law
Mark Little	2939 Breezewood Avenue, Suite 100 Fayetteville, NC 28303	Rental Registration Program

Bill Little	2939 Breezewood Avenue, Suite 100 Fayetteville, NC 28303	Rental Registration Program
Chester Oehme	2105 Pinewood Terrace Fayetteville, NC 28304	Rental Registration Program
Donna Mansfield Board Chair	Partnership for Children of Cumberland County, Inc.	Partnership for Children's Family Focus Guide
James Popp	101 Goodyear Avenue Fayetteville, NC 28303	Rental Registration Program
Mark Norton	412 W. Mountain Drive Fayetteville, NC 28306	Wrecker Ordinance

6.0 CONSENT

Council Member Mohn requested to pull Item 6.2 for discussion.

MOTION: Council Member Crisp moved to approve the consent agenda with the exception of Item 6.2 and with the revision of the following minutes:

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| <p>January 25, 2010
Regular Meeting</p> <p>February 8, 2010
Regular Meeting</p> <p>February 17, 2010
Dinner & Discussion Meeting</p> | <p>Under Announcements and Recognitions, change Council Member Crisp to Council Member Massey in the community meeting announcement.</p> <p>Under Announcements and Recognitions, change groundbreaking time from 8:00 a.m. to 11:00 a.m.</p> <p>Change City Clerk to City Attorney for Karen M. McDonald's signature line on last page.</p> |
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SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

6.1 Approve Minutes:

- § November 23, 2009 – Regular Meeting
- § December 14, 2009 - Regular Meeting
- § January 4, 2010 - Work Session Meeting
- § January 11, 2010 - Dinner and Discussion Meeting
- § January 11, 2010 - Regular Meeting
- § January 19, 2010 - Appointment Committee Meeting
- § January 19, 2010 - Special Meeting
- § January 20, 2010 - Agenda Briefing Meeting
- § January 25, 2010 – Regular Meeting
- § February 1, 2010 - Work Session Meeting
- § February 6, 2010 – Budget Work Session Meeting
- § February 8, 2010 - Regular Meeting
- § February 17, 2010 – Special Meeting
- § February 17, 2010 - Agenda Briefing Meeting
- § February 22, 2010 – Dinner and Discussion Meeting

6.2 Pulled for discussion by Council Member Mohn.

6.3 Finance - Approve tax refunds greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Howard, Pearl M.	2007	Property Burned	\$ 136.23
DLL/AAC Acceptance, LLC	2005-2008	Listed Twice in Error	<u>917.22</u>
TOTAL			<u>\$1,053.45</u>

6.4 Human Resources Development - Revisions to the Personnel Ordinance.

This ordinance revision would implement changes made in the Family Medical Leave Act (FMLA) and City's Longevity Pay. Specifically in January 2009, the federal government amended the FMLA to provide unpaid leave for employees due to immediate family members' involvement in active military duty. Additionally, Longevity Pay was eliminated for employees

hired on or after July 1, 2009.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF CHAPTER 19, PERSONNEL, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2010-001.

6.5 Police - Bid award for the purchase of 2010 police cars to Ilderton Dodge, Chrysler, Jeep, High Point, NC, low bidder, in the amount of \$865,817.12.

The City had the need to purchase 31 new police cars. This contract would consist of 12 marked cars, 2 marked cars with kennels, 14 marked cars with no partitions or prisoner seats, and 3 unmarked cars. The total budgeted amount for the purchase of these cars was \$1,158,000. Seven marked police cars would be funded by the COPS Hiring Recovery Program Grant.

Bids were received as follows:

Ilderton Dodge, Chrysler, Jeep (High Point, NC).....	\$865,817.12
Crown Dodge (Fayetteville, NC).....	\$933,565.00

6.6 PWC - Bid recommendation - electric meters.

The Public Works Commission approved the following recommended bid awards for the annual electric meter contract, with an option to extend the contract for additional one-year periods upon agreement of both parties, and forwarded to City Council for approval. Items were budgeted in the CIP Budget in the total amount of \$800,000.00 (\$400,000.00 each for FY 2010 and FY 2011).

Bids were received as follows:

1. Shealy Electrical, Greenville, SC, low bidder, meeting specifications in the total amount of \$255,750.00 for purchase of approximately 1500 Self-Contained, Form 2S, Class 200, 120-480 Volt, Solid State Demand Electric Meters. Bids were solicited from four vendors with two vendors responding.

Bidders Unit Price Total Cost

Shealy Electrical (Greenville, SC).....	\$170.50.....	\$255,750.00
HD Supply Utilities (Wake Forest, NC).....	\$183.95.....	\$275,925.00

2. Shealy Electrical, Greenville, SC, low bidder, in the amount of \$144,375.00 for purchase of approximately 3500 Form 2S, Class 200, 240 Volt, Non-Demand Electric Meters. Bids were solicited from four vendors with two vendors responding.

Bidders Unit Price Total Cost

Shealy Electrical (Greenville, SC).....	\$41.25.....	\$144,375.00
HD Supply Utilities (Wake Forest, NC).....	\$44.98.....	\$157,430.00

6.2 Environmental Services - Solid Waste Ordinance revisions.

This ordinance revision would officially change the name of the department to Environmental Services in the City Code and allow the department to manage curbside recycling more effectively. Also, other language would better allow for a more orderly cleanup process when a resident places piles of loose, mixed, and/or uncontainerized debris at the street and has moved out or refuses to properly prepare it for collection, as well as reinforce the current ordinance that allows the department to charge the homeowner a fee for this special cleanup if necessary.

Council Member Mohn pulled this item for discussion.

Mr. Jerry Dietzen, **Environmental Services Director**, presented this item. He presented photographs to illustrate the present problems and explained how the ordinance revisions would remedy the situations.

A question and answer period ensued regarding the length of time a container could be left at the curb and the location the container must be stored. Mr. Dietzen stated the situations were handled on a case-by-case basis. He stated this requirement was to keep the area clean in addition to alleviating any safety hazards.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF CHAPTER 22, SOLID WASTE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2010-002.

MOTION: Council Member Hurst moved to approve the ordinance revisions to be effective in 30 days.

SECOND: Council Member Bates

SUBSTITUTE MOTION:

Council Member Mohn moved to approve the ordinance revisions with an additional revision to Section 22-10, paragraph 5, as follows: "removal from the roadway at a minimum of 20 feet".

SECOND: Council Member Crisp

Council Member Mohn questioned the hardship senior citizens may incur by not being allowed to store the containers in front of a dwelling. Mr. Dietzen responded the objective was to keep the containers off the streets. Council Member Massey stated the City had a seniors' program which could provide assistance when needed.

SUBSTITUTE MOTION VOTE:

FAILED by a vote of 4 in favor (Council Members Crisp, Davy, Haire, and Mohn) to 6 in opposition (Council Members Chavonne, Applewhite, Bates, Hurst, Massey, and Meredith)

ORIGINAL MOTION VOTE:

PASSED by a vote of 8 in favor to 2 in opposition (Council Members Crisp and Mohn)

OTHER ITEMS OF BUSINESS

7.1 Police – Presentation of proposed ordinance revisions to Article VII, Wrecker and Tow Ordinance.

Sgt. Matthew Dow, Police Department, requested the approval the ordinance revisions.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF ARTICLE VII, CHAPTER 24, WRECKER AND TWO SERVICE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2010-003.

MOTION: Council Member Crisp moved to approve the ordinance revisions with the insurance requirement provision (Section 24-229, paragraph 1) to be effective in 60 days from adoption of ordinance revisions.

SECOND: Council Member Meredith

Council Member Mohn questioned the possibility of other changes to this ordinance. Sgt. Dow stated quarterly meetings would be held with the Wrecker Review Board for possible recommendations.

Council assured citizens this was a work in progress; therefore, other revisions could be forthcoming and citizen input was welcome and encouraged.

FRIENDLY AMENDMENT:

Council Member Applewhite made a friendly amendment to add the requirement that other provisions be effective in six months from adoption of the ordinance revisions.

Council Members Crisp and Meredith accepted the friendly amendment.

RESTATED MOTION:

Approve the ordinance revisions with the insurance requirement provision effective in 60 days and other provisions effective in 6 months from adoption of the ordinance revisions.

VOTE: UNANIMOUS (10-0)

8.0 ADMINISTRATIVE REPORTS

8.1 Finance - General Fund Revenue and Expenditure Reports for the three-month period ended September 30, 2009, and the six-month period ended December 31, 2009.

There being no further business, the meeting adjourned at 8:00 p.m.