

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
OCTOBER 10, 2011
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); James W. Arp, Jr. (District 9)

Others Present:

Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Patricia Bradley, Police Attorney
Ron McElrath, Human Relations Director
John Kuhls, Human Resource Development Director
Tom Bergamine, Chief of Police
Benjamin Major, Fire Chief
Randy Thompson, Interim Engineering and Infrastructure Director
Jerry Dietzen, Environmental Services Director
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 Reverend Franklin T. Reid, Franklin Reid Ministries.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was recited by those in attendance.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda with the addition of Item 8.5; a public hearing to consider closing a portion of Farmview Drive.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

5.1 City of Fayetteville Fire Department Accreditation

Mayor Chavonne, on behalf of the City Council, congratulated the Fire Department for the achievement of attaining International Accreditation. He stated there were only 148 departments in the world that had achieved this accreditation and 10 of those were located in North Carolina. He stated this showed continual improvements and great service to the community. Mr. Benjamin Major, Fire Chief, thanked the Mayor and Council for the recognition and stated this had been a team effort. Mayor Pro Tem Haire presented Chief Major with the accreditation certificate.

Mr. Dale Iman, City Manager, announced the appointment of Mr. Benjamin Major to the permanent position of Fire Chief and presented him with a new badge. Chief Major thanked the Council and Mr. Iman and stated this was not all about himself, it was about the organization, and stated he planned to make all of his former Fire Chiefs and the City proud of him.

Council Member Crisp recognized Mr. Thompson Avornyotes who was a special visitor from Ghana, West Africa, and here to honor an invitation from the Umoja Group in partnership with Fayetteville State University to present a "Textile of Unity" exhibition. Council Member Crisp presented Mr. Avornyotes with the City Coin. Mr. Avornyotes presented two weaving gifts to the

Mayor and City and thanked all in attendance for the warm reception.

Mayor Pro Tem Haire recognized Ms. Sandra Mitchell, Cumberland County Coordinator for the Toys for Tots program. Ms. Mitchell announced the Flag Football Super Bowl was won by the Fayetteville Police Department and presented a trophy to Mr. Tom Bergamine, Chief of Police. Chief Bergamine thanked Ms. Mitchell for the trophy.

Council Member Davy announced the "Fall Into Work" job fair would be held on October 12, 2011, from 9:00 a.m. to 2:00 p.m. at the Crown Exposition Center. She stated this was a free event and open to the public.

6.0 PUBLIC FORUM

Mr. James Popp, 101 Goodyear Avenue, Fayetteville, NC 28303, reviewed a brief power point presentation on crime in neighborhoods. He requested that elected officials during the election not handicap law enforcement by seeming concerned just for votes.

Mr. Eronomy Mohammed, 2700 Murchison Road, Fayetteville, NC 28303, announced Fayetteville State University was hosting its homecoming week and requested the City be cleaned up. He also stated 100 jobs were being cut from the University.

Ms. Louise Hammond, 1600 Vienna Drive, Fayetteville, NC 28301, expressed concern for the rudeness and unprofessionalism she experienced at the Magistrate's Office and stated she was also speaking on behalf of all the North Carolina citizens who were not able to speak for themselves.

7.0 CONSENT

MOTION: Council Member Hurst moved to approve the consent agenda with the exception of Item 7.2.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

7.1 Amending Section 2-65, insurance claims review, and Section 2-66, authority to settle claims, of the City Code related to liability claims administration.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2011-011.

7.2 Pulled for discussion by Council Member Hurst.

7.3 Budget Ordinance Amendment 2012-3 (Encumbrances and Designations).

The amendment appropriated \$2,289,231.00 across several annually budgeted funds for purchase orders and contracts outstanding at the close of fiscal year 2010-2011, and \$1,659,751.00 in the General Fund for specific items designated from the fiscal year 2010-2011 budget and for unspent donations. An additional \$40,000.00 was appropriated in the Transit Fund for marketing enhancements. Funding for these expenditures was included or available in the fiscal year 2010-2011 budget and was being re-appropriated from fund balance in the various funds.

7.4 Case No. P11-16F. Request for rezoning from SF-6 Single Family Residential to CC Community Commercial on a portion of property located at 3849 Murchison Road. Containing one acre more or less and being the property of Alicia Geary.

7.5 Case No. P11-46F. Request for rezoning from HI Heavy Industrial to CC Community Commercial for properties located around the intersection for Clinton Road and Cedar Creek Road to clean up properties improperly zoned through the Unified Development Ordinance remapping process.

7.6 Case No. P11-48F. Request for rezoning from SF-6 Single Family Residential to LC Limited Commercial on property located at the northwest corner of the intersection of All American Highway and Santa Fe Drive. Containing 1.4 acres more or less and being the property of Dohn and Nancy Broadwell.

7.7 Case No. P11-51F. Request for rezoning from MR-5 Mixed Residential to OI Office and Institutional on property located at 337 Dick Street. Containing 0.52 acres more or less and being the property of Woodbridge Investment Group LLC.

7.8 Case No. P11-53F. Request for rezoning from NC Neighborhood Commercial to SF-10 Single Family on property located at 4937 Cottonwood Drive. Containing 0.26 acres more or less and being the property of Tommie W. Hodges.

7.9 Finance - Capital Project Ordinance 2012-3 (FY 2012 Transit New Freedom Grant for Pedestrian Walkways).

The ordinance appropriated the budget for the FY 2012 Transit New Freedom Grant for the construction of ADA accessible pedestrian walkways.

7.10 Finance - Capital Project Ordinance Amendments 2012-14 and 2012-15 (North Carolina Veterans Park).

The amendments appropriated an additional \$170,275.00 in projected investment income for the North Carolina Veterans Park project.

7.11 Finance - Special Revenue Fund Project Ordinance Amendment 2012-3 (Community Gardens Project).

The amendment appropriated a total of \$261.00 in interest earned on donated funds.

7.12 Surplus 1994 HME Boardman pumper/fire engine to sell.

7.13 PWC - Bid recommendation for purchase of one 35,000 GVWR crew cab and chassis with enclosed service body and air compressor provision awarded to Piedmont Truck Center, Greensboro, NC, low bidder, in the amount of \$96,795.00.

Bids were received August 31, 2011, as follows:

Piedmont Truck Center (Greensboro, NC)..... \$96,795.00

Tri-Point Truck Center (Raleigh, NC)..... \$102,864.00

Rush International (Charlotte, NC)..... \$103,764.27

7.14 PWC – Bid recommendation – Annual contract for purchase of miscellaneous water and sewer inventory items awarded to HD Supply Waterworks, Inc., Fayetteville, NC, low bidder, in the amount of \$544,283.97.

Bids were received August 11, 2011, as follows:

HD Supply Waterworks, Inc. (Fayetteville, NC)..... \$544,283.97

Water Works, Inc. (Fayetteville, NC)..... \$718,731.94

7.2 Amending Section 15-33, exemptions from chapter provisions; catalogue sales.

This item was pulled for discussion by Council Member Hurst.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 15, LICENSES, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2011- 012.

MOTION: Council Member Hurst moved to waive and reimburse the fees, penalties, and taxes for the rental management category and to adopt the ordinance amendment pertaining to catalogue sales.

SECOND: Council Member Arp

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Bates)

8.0 OTHER ITEMS OF BUSINESS

8.1 Police – Consent Search Suggestions

Mr. Dale Iman, City Manager, presented this item and stated at the October 3, 2011, Council meeting, Mr. Tom Bergamine, Chief of Police, provided a presentation regarding the traffic stop consent search procedures that were currently in place. He stated at the conclusion of that presentation, the City Council indicated a majority concurrence with the recommendations of the Fayetteville Police Department and Chief Bergamine with regards to the modifications of the traffic stop consent search procedures. He stated the recommendation was in five parts as follows:

- 1.From this date forward police officers would document an articulable reason for conducting a consent search or asking for consent search.
- 2.The Police Department would start tracking the location and the time when consent searches took place and where.
- 3.The City would move forward at an aggressive pace of putting in-car cameras in all police cars. The department applied for two grants totaling \$150,000.00, which should enable them

- to equip the entire fleet with cameras.
- 4.Reinstitute study circles. Mr. McElrath initiated that process and identified the budget necessary to carry that out.
- 5.Develop an implementation plan and schedule for putting the above items in place and the timeline for doing so.

A discussion period ensued regarding the recommendations.

MOTION: Council Member Applewhite moved to approve with the inclusion of (1) documenting the articulable reason for the consent search, (2) tracking the location and time of the consent searches, (3) moving forward with the purchase of additional in-car cameras, (4) reinstituting the study circles, and (5) developing an implementation plan and schedule and also providing monthly updates at the Council work sessions.

SECOND: Council Member Hurst

SUBSTITUTE MOTION: Council Member Massey moved to encompass the five elements listed by Council Member Applewhite with the addition of the re-application of the 1999 consensus search form which was to be signed by taxpaying citizens granting permission for the Fayetteville Police Officers to search residents, person, property, and all motor vehicles allowing officers to take whatever items or property they deem pertinent to the investigations.

SECOND Mayor Pro Tem Haire

VOTE: FAILED by a vote of 3 in favor (Council Members Massey, Haire, and Davy) to 7 in opposition (Council Members Crisp, Bates, Applewhite, Hurst, Mohn, Arp, and Chavonne)

ORIGINAL MOTION VOTE: UNANIMOUS (10-0)

8.2 Update of the City’s Sustainability Plan

Mr. Jerry Dietzen, Environmental Services Director, gave an annual report on the Sustainability Master Plan for the City and provided a power point presentation.

MOTION: Council Member Arp moved to accept the annual report.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

8.3 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

Council Member Hurst, Appointment Committee Chair, stated the Appointment Committee met to decide on recommendations to four boards and commissions that were in need of additional members. He requested the City Council accept the following recommendations for the vacancies:

BOARDS/COMMISSIONS	RECOMMENDATIONS
Fayetteville-Cumberland Human Relations Commission (4)	Tanya Stanley
Cathy Waddell	Joseph Williams
Bruce Lee	JointCity and County Appearance Commission (2)
Joseph Humphries	Jerome Bell, Sr.
JointCity and County Senior Citizens Advisory Commission (5)	Willie Wright
Wayne Wampler	LawrenceAshton
ivia Funkhouser	Bessie Magby

MOTION: Council Member Hurst moved to approve the recommendations.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

8.4 Sister City Approval Process

Mayor Chavonne stated that this item was a follow up from the October 3, 2011, work session. He stated Council Member Mohn had led the Council through the approval process for adopting a Sister City program.

MOTION: Council Member Mohn moved to approve.

SECOND: Council Member Massey

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

8.5 Public hearing to consider closing a portion of Farmview Drive.

Mr. Rusty Thompson, Interim Engineering and Infrastructure Director, presented this item. He stated access to the adjacent properties would not be denied as a result of the closure, the paved portion of Farmview Drive would remain open, and none of the portion requested for closing was paved. He stated all of the area being closed would be retained by the City as easements for drainage and other utilities.

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.

RESOLUTION AND ORDER CLOSING A PORTION OF FARMVIEW DRIVE. RESOLUTION NO. R2011-46

MOTION: Council Member Bates move to approve.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (10-0)

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:25 p.m.