

# DRAFT

**FAYETTEVILLE CITY COUNCIL  
SPECIAL MEETING  
COUNCIL CHAMBER  
APRIL 16, 2018  
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Tyrone Williams (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Douglas Hewett, City Manager  
Kristoff Bauer, Deputy City Manager  
Karen McDonald, City Attorney  
Gina Hawkins, Police Chief  
Kevin Arata, Corporate Communications Director  
Brandon Christian, Police Attorney  
Jeffrey Bradford, Assistant City Attorney  
Alicia Young, Assistant City Attorney  
Cindy Blot, Economic and Community Development Director  
Pamela Megill, City Clerk  
Members of the Press

## **1.0 CALL TO ORDER**

Mayor Colvin called the meeting to order at 5:01 p.m.

## **2.0 INVOCATION**

The invocation was offered by Council Member Wright.

## **3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Mayor Colvin.

## **4.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Arp moved to approve the agenda.  
**SECOND:** Council Member Wright  
**VOTE:** UNANIMOUS (10-0)

## **5.0 ITEMS OF BUSINESS**

### **4.1 Legal Options pertaining to Council Member Williams**

Ms. Karen McDonald, City Attorney, presented this item with the aid of a PowerPoint presentation and stated the process for a petition in amotion is the only mechanism to remove a Council member in North Carolina. She stated the action is taken by City Council based on just cause. The process works with the following five steps and the first three can be processed at the same time:

1. Council issues petition
2. Service of petition
3. Council sets date for hearing
4. Council holds a hearing
5. Removal is by majority vote

She stated a resolution is required to issue the petition and the City Attorney signs on behalf of the Council. The petition is served to the Council member by the City Clerk or the Chief of Police. Thirty days after the petition has been served, the date can be set for the quasi-judicial hearing. The quasi-judicial hearing must be

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fair and impartial, Council presides over the meeting with the exception of the member facing possible removal, Council is represented by the City Attorney or a designee, the rules of evidence do not apply, live testimony is given under oath, Council members cannot be called to testify, and the member facing possible removal from office may cross-examine witnesses. The decision of the Council is based only on evidence presented during the hearing. Council must be fair and impartial at the hearing, the member can only be removed upon a finding of "just cause" arising from misconduct in office, and must be by a majority of the City Council. If the member is removed, he/she is immediately unable to participate and the seat is vacated. The vacated seat cannot be filled until the period to appeal expires or appeal is denied.

Discussion ensued.

**MOTION:** Council Member Arp moved to direct staff to prepare a resolution to petition for an amotion pertaining to the conduct of Council Member Williams.

**SECOND:** Council Member Crisp

**VOTE:** UNANIMOUS (9-0) (Council Member Williams did not vote as the item pertains to himself.)

## 4.2 Opioid Litigation

Mayor Colvin introduced this item and stated the City Attorney has received three responses to the RFI for the opioid litigation. He stated this information was provided to City Council approximately two weeks ago.

**MOTION:** Mayor Pro Tem Mohn moved to authorize the City Attorney to execute the contract with the McHugh, Fuller Law Group.

**SECOND:** Council Member Haire

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

## 6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 6:07 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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MITCH COLVIN  
Mayor

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