

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
SEPTEMBER 14, 2015
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kady-Ann Davy (District 2); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Theodore Voorhees, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Jay Reinstein, Assistant City Manager
Kevin Arata, Corporate Communications Director
Scott Shuford, Development Services Director
Barbara Hills, Human Resource Development Director
Victor Sharpe, Community Development Director
Elizabeth Somerindyke, Internal Audit Director
Tracey Broyles, Budget and Evaluation Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Robertson called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Mark Knight with EpiCenter Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor Robertson and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Hurst announced the Annual Cross Creek Clean Up taking place on September 19, 2015, beginning at the lower parking lot of First Presbyterian Church located at 102 Ann Street, Fayetteville.

Council Member Hurst announced the Operation Cease Fire event taking place at Pine Forest High School on the evening of September 19, 2015.

Mayor Robertson and Council Member Jensen presented Certificates of Excellence to the members of the Methodist University Men's Golf Team: Mr. Charlie Maness, Mr. Aaron Purviance, Mr. Mason Stutler, and Mr. Jeff Wells. The Methodist University Men's Golf Team won its 11th NCAA Division III National Championship at the Grandover Resort on May 15, 2015. Recognition was also given to Coach Steve Conley, a 20-time conference Coach of the Year and a 15-time regional Coach of the Year. Mr. Conley was awarded his sixth National Coach of the Year when he was named the Dave Williams National Coach of the Year for Division III in June.

Mr. Theodore Voorhees, City Manager, and Ms. Rochelle Small-Toney, Deputy City Manager, presented the Order of the Long Leaf Pine to retired Engineering and Infrastructure Director Mr. Rusty Thompson.

Mr. Thompson stated it was truly an honor to receive the award and thanked all family, friends, and colleagues in attendance.

5.0 APPROVAL OF AGENDA

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

6.0 CONSENT AGENDA

MOTION: Council Member Colvin moved to approve the consent agenda.
SECOND: Council Member McDougald
VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:

July 30, 2015 - Special
August 3, 2015 - Work Session
August 10, 2015 - Regular
August 19, 2015 - Agenda Briefing
August 19, 2015 - Special

6.02 City Sponsorship for the As One Prayer Walk

Council Member Wright requested consideration of this event to show support for the Prayer Walk's gathering of local residents. The Council discussed Council Member Wright's request during the August 3, 2015, Council work session and provided direction to staff to place a waiver on a future Council regular meeting agenda.

6.03 Resolution to Accept State Grant and Adoption of Special Revenue Fund Project Ordinance 2016-6 for the Transit Apprentice Program

RESOLUTION AUTHORIZING CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. RESOLUTION NO. R2015-053

6.04 Approval of a resolution supporting NCDOT's project on Edgecombe Drive on the Fayetteville State University Campus

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE SUPPORTING NCDOT'S UPGRADE AND MAINTENANCE ACTIVITIES ALONG EDGECOMBE DRIVE ON THE FAYETTEVILLE STATE UNIVERSITY CAMPUS. RESOLUTION NO. R2015-054

6.05 Adopt Resolution to Authorize an Internal Audit Charter and a Charter to Establish an Audit Committee

A RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA ALLOWING THE MAYOR, CITY MANAGER AND INTERNAL AUDIT DIRECTOR TO SIGN THE INTERNAL AUDIT CHARTER AND AUDIT COMMITTEE CHARTER SETTING FORTH THE PURPOSE, AUTHORITY AND RESPONSIBILITIES OF THE INTERNAL AUDIT PROGRAM AND COMMITTEE. RESOLUTION NO. R2015-055

7.0 PUBLIC FORUM

Major Robert Wallsexpressed concerns regarding excessive noise in the Cool Springs Pine neighborhood.

Mr. Jamie Pantelakos spoke in favor of the synthetic track and turf initiative.

Mr. Iman Mohammed addressed the State of Fayetteville.

Mr. Robert McWaters expressed concerns regarding harassing door-to-door sales solicitation.

Mr. Gaundi Allen spoke in favor of the synthetic track and turf initiative.

8.0 OTHER ITEMS OF BUSINESS

8.01 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

Council Member Hurst, Appointment Committee Chair, presented this item and stated the Appointment Committee met on September 2, 2015, to review applications for appointments to Boards and Commissions. It is from that meeting the Appointment Committee presents the recommendations for appointments to the City of Fayetteville Boards and Commissions. The following is the list of recommendations:

Airport Commission

Ms. Liza Hondros (Partial Term)	Oct 2015- March 2017
---------------------------------	----------------------

Board of Adjustment

Mr. Terry E. Malmgren (2nd Term Reg. Mem)	Oct 2015 - To be determined
Mr. George Turner (2nd Term Reg. Mem)	Oct 2015 - To be determined
Mr. William Love (2nd Term Reg. Mem)	Oct 2015 - To be determined

Board of Appeals

Ms. Stella Mullen (1st Term)	Oct 2015 - Sept 2019
Mr. Thomas Neal (1st Term)	Oct 2015 - Sept 2019
Mr. Roland Fairley (1st Term)	Oct 2015 - Sept 2018
Mr. Ronald Adams (1st Term)	Oct 2015 - Sept 2018
Mr. Lawrence Frawley (1st Term)	Oct 2015 - Sept 2018

Fayetteville City Planning Commission

Mr. David Carter (2nd Term)	Oct 2015 - Sept 2017
Mr. Daniel J Culliton (2nd Term)	Oct 2015 - Sept 2017
Mr. Edward Davidson (2nd Term)	Oct 2015 - Sept 2017
Mr. Perry Massey (1st Term)	Oct 2015 - Sept 2017
Mr. George "Mike" Dudley (1st Term)	Oct 2015 - Sept 2017

Fayetteville City Zoning Commission

Mr. Joseph Humphries (2nd Term)	Oct 2015 - Sept 2017
Mr. Benjamin Stout (2nd Term)	Oct 2015 - Sept 2017
Mr. Willis Watt (1st Term)	Oct 2015 - Sept 2017

Fayetteville Finance Corporation

Mr. William M. Brooks Jr (Term N/A)	Oct 2015 - Sept 2016
Mr. C. Keith Love (Term N/A)	Oct 2015 - Sept 2016

Fayetteville-Cumberland Human Relations Commission

Ms. Crystal Moore-McNair (2nd Term)	Oct 2015 - Sept 2017
Mr. Warren Hahn (1st Term)	Oct 2015 - Sept 2017
Mr. Kennon Jackson Jr. (1st Term)	Oct 2015 - Sept 2017

Fayetteville-Cumberland Parks and Recreation Advisory Commission

Mr. Harvey C. Jenkins (2nd Term)	Oct 2015 - Sept 2017
----------------------------------	----------------------

Fayetteville Public Works Commission

Juanita Gonzales (1st Term)	Oct 2015 - Sept 2019
-----------------------------	----------------------

Fayetteville Redevelopment Commission

Mr. Jose Coker (1st Term)	Oct 2015 - March 2019
---------------------------	-----------------------

Joint City and County Appearance Commission

Ms. Ashley Culliton (2nd Term)	Oct 2015 - Sept 2017
Mr. Carl Campbell (1st Term)	Oct 2015 - Sept 2017
Ms. Catina Rhinehart (1st Term)	Oct 2015 - Sept 2017
Mr. Bill Vurnakes (1st Term)	Oct 2015 - Sept 2017

Joint City and County Senior Citizens Advisory Commission

Ms. Catherine Vitale (1st Term)	Oct 2015 - Sept 2017
Ms. Joyce Underwood (1st Term)	Oct 2015 - Sept 2017

Ms. Iva Kelly (1st Term)	Oct 2015 - Sept 2017
Mr. Jeffrey Wren (1st Term)	Oct 2015 - Sept 2017
Mr. Joseph DeTiere (1st Term)	Oct 2015 - Sept 2017

Storm Water Advisory

Mr. Michael Douglas (1st Term)	Oct 2015 - Sept 2017
Ms. Hanah Ehrenreich (1st Term)	Oct 2015 - Sept 2017
Mr. Lee Francis (1st Term)	Oct 2015 - Sept 2017

MOTION: Council Member Hurst moved to approve the recommendations as presented.

SECOND: Council Member Crisp

FRIENDLY AMENDMENT:

Council Member Colvin made a friendly amendment to vote on all recommendations with the exception of the PWC appointment.

Council Member Hurst accepted and Council Member Crisp did not accept the friendly amendment.

VOTE: FAILED by a vote of 4 in favor to 6 in opposition (Council Members Robertson, Colvin, McDougald, Arp, Wright, and Jensen)

Council Member Mohn asked to verify that every single person recommended by the Appointment Committee was disapproved. Mayor Robertson stated that is correct.

MOTION: Council Member Colvin moved to approve all names recommended by the Appointment Committee with the exception of the PWC appointment, and to vote on the PWC appointment separately.

SECOND: Council Member Wright

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Hurst, Mohn, and Crisp)

Council Member Crisp stated Council is currently in dispute with the PWC and that is why he wanted a separate vote.

Council Member Mohn stated on August 14, 2015, the Deputy City Clerk e-mailed the Appointment Committee binder that contained the 66 applications for various positions, is it Council policy to accept nominations from the floor that are included in the packet and are timely. Ms. Pamela Megill, City Clerk, responded that a deadline is established with each appointment cycle to allow staff time to coordinate the packet that can be in excess of 300 pages, and to provide Council with ample time to review the applications.

Council Member Crisp stated that although there may not be a written procedure, it had been his experience over the past several years that nominations are only considered from those that have been submitted within the announced timeline. He also stated if we accept nominations from persons that do not have a current application on file, we are setting a dangerous precedent.

Council Member Colvin asked how we can bind this current Council to an unwritten rule or policy that was established back in the 1990s.

Council Member Wright stated his concern is the Appointment Committee chooses members based on merit yet, we have a policy that allows for nominations from the floor, because there is no policy or anything on writing, how can this Council operate with unwritten rules.

Council Member Crisp stated if an applicant is notified their application will not be considered as it did not meet the deadline, and then the Council considers and appoints someone to a board or commission whose application was late, that person may well accuse the

City of bias and prejudicial treatment, which could end up in a court of law.

Council Member Hurst stated the system for appointing board and commission members years ago was virtually chaos and gave way to political patronage. A new system was developed and implemented in 2007 and this system does and has worked well. We have deadlines and timelines that are set by the Clerk's office and everyone is aware. Council Member Hurst further stated he sees disregarding the deadline and timeline as an attack on his leadership of the Appointment Committee. We work hard to make sure the best qualified are appointed to our Boards and Commissions.

Council Member Mohn stated he had 30 days to review all seven applications for the PWC appointment and no time to review this additional application that was placed in front of him for the first time at the dinner meeting this evening. The published deadline was July 31, 2015, and stated he would not consider an application that was not submitted until August 14, 2015.

Council Member McDougald thanked the City Clerk and Council Member Hurst for all their hard work with the appointment process and further stated the recommendation should come from the will of the collective Council, whether or not we pull someone from the audience.

Council Member Colvin stated this board should make the final recommendation, and should not circumvent the democratic process by way of a committee.

Council Member Jensen stated Council Member Hurst does an excellent job as Chair of the Appointment Committee, but we have unchartered waters when it comes to the appointments for PWC; I do not think the Appointment Committee should make a recommendation for this specific board.

Council Member Arp asked if there is a pressing reason to suspend the vote on this issue this evening, this is an important decision this Council has to make, and there is no harm in tabling this item.

MOTION: Council Member Arp moved to table the vote on the PWC appointment until the September 28, 2015, City Council regular meeting.

The motion died due to lack of a second.

Mayor Pro Tem Davy asked Council Member Arp if his reason to delay the vote is because we are waiting on the General Assembly to make a decision, and if that is so, the General Assembly does not wait on municipalities to make a decision; this nomination process should not be any different from any other nomination.

Council Member Arp stated there is a pending opportunity the General Assembly may give us an amended charter and if they do we may need to appoint two members to the PWC, so there is validity on waiting to make this appointment.

Council Member Crisp stated we have three names that have been mentioned--Lynn Green, Juanita Gonzalez, and Evelyn Shaw--we do not need to delay this appointment.

Council Member Hurst stated it is unfair to consider Ms. Shaw as a nomination because her application was late, when we have other applicants that also applied late, and are not being considered this evening.

MOTION: Council Member McDougald moved to consider Juanita Gonzalez, Lynn Greene, and Evelyn Shaw for appointment to the Public Works Commission.

SECOND: Council Member Wright

Council Member Hurst stated this Council is setting tonight that there are no deadlines; we are changing the timeline we have adhered to, Council has hand-picked who they want to vote on.

Council Member Jensen asked if we are only considering women candidates to fill a position currently held by a woman, and asked if the other late filing candidates would have been considered if they were women.

Council Member Colvin stated for this Council to be bound by unwritten rules is ludicrous; thankfully this is a democratic process, we do not need a filtering process.

Council Member Mohn stated after this Council working together for 22 months, this item is the most disjointed and stated he would like to make a privileged motion.

MOTION: Council Member Mohn moved to adjourn.
SECOND: Council Member Crisp
VOTE: FAILED by a vote of 5 in favor to 5 in opposition (Council Members Robertson, Colvin, McDougald, Davy and Wright)

Council Member Wright stated the Council has nominated from the floor in the past, and stated he believes the vote needs to take place and not be delayed.

RESTATED MOTION:
Council Member McDougald moved to consider Juanita Gonzalez, Lynn Greene, and Evelyn Shaw for appointment to the Public Works Commission.

SECOND: Council Member Wright
VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Hurst, Davy, Mohn, and Crisp)

Discussion ensued to vote on each applicant individually.

GONZALEZ VOTE:
FAILED by a vote of 4 in favor to 6 in opposition (Council Members Robertson, Jensen, Colvin, McDougald, Arp, and Wright)

GREEN VOTE:
FAILED by a vote of 4 in favor to 6 in opposition (Council Members Colvin, Hurst, McDougald, Davy, Wright, and Crisp)

SHAW VOTE:
PASSED by a vote of 6 in favor to 4 in opposition (Council Members Hurst, Mohn, Davy, and Crisp)

Mayor Robertson announced the following appointment:

Fayetteville Public Works Commission
Evelyn Shaw (1st Term)

Oct 2015 - Sept 2019

8.02 Code Amendment for parking standards for trailers, campers and recreational vehicles in residential zoning districts

Mr. Scott Shuford, Development Services Director, presented this item and stated regulation of trailers and recreational vehicles has been a challenge for City Council for years. In 2008 the Council required all RVs to be parked in the rear yard or off site with some exceptions for temporary use. Most recently, in November 2014 staff proposed changes addressing utility trailers in a set of miscellaneous changes; the change would have allowed one single-axle trailer to be parked in the front yard if there was no reasonable access to the rear yard. That portion of the miscellaneous changes was pulled and eventually denied in December 2014. City Council discussed the topic three more times in April and May 2015. Staff believes the amendment

represents the direction from Council in May 2015 to allow recreational vehicles and single-axle boats and utility trailers in front and corner side yards provided they are parked on asphalt or concrete surfaces, with multi-axle boats or utility trailers able to be considered and allowed through a waiver process. A chart summarizing standards in some other North Carolina communities is included in the packet. Existing regulations, located in three different chapters of the City Code, were also presented for reference along with the draft amendment. A fourth section, Section 30-5.A, limits the allowed parking area (see amendment adopted August 10, 2015). Since the total parking area is limited, staff does not propose a maximum number of vehicles allowed. The Planning Commission heard from one speaker at the public hearing on July 21, 2015. He preferred the initial amendment as better for neighborhoods, but believes the current draft will still help as some standards are needed. There were no speakers at the City Council hearing August 24, 2015, and given the late hour, the City Council tabled the item to the next meeting. Issues include where and on what surfaces, how many, condition, and what types and sizes of vehicles. Concerns expressed at the public hearings included the negative impacts on adjacent property values and quality of life when outsized trucks or RVs and poorly maintained trailers with miscellaneous equipment piled on them were evident in front and side yards in a neighborhood. Others noted the benefits of having ready access to the repair or yard maintenance equipment for small businesses run from the home. The Joint Appearance Commission recommended limited parking of trailers or RVs, of modest size and only one, in the front or corner side yards. The process for requests to park multi-axle trailers/vehicles in front or side yards should include opportunities for adjacent property owners to comment. It cannot be viewed as a hardship, so it needs a process other than a variance or appeal to the Board of Adjustment. The Neighborhood Compatibility Permit appears most appropriate. That involves notices to adjacent property owners, a hearing at the Planning Commission, and a relatively quick decision-making process, with compatibility with the community as a primary goal and the ability to set conditions to mitigate specific impacts.

Council Member Arp asked if this change in the code is more restrictive than the code the City of Raleigh currently adheres to. Mr. Shuford responded it is similar to what is allowed in Raleigh.

Council Member Crisp asked under this proposed ordinance would it be permissible to park a 20-foot recreational vehicle on cinder blocks if the driveway has an incline. Mr. Shuford responded that would be permissible, but the vehicle would still need to be operable.

AN ORDINANCE TO AMEND CITY CODE ARTICLES 30-4.D and 16-311 TO ALLOW PARKING OF RECREATIONAL VEHICLES, CAMPERS AND SINGLE AXLE BOAT AND UTILITY TRAILERS UNDER CERTAIN CONDITIONS IN RESIDENTIAL DISTRICTS. ORDINANCE NO. S2015-014

MOTION: Council Member Mohn moved to adopt the proposed ordinance as providing standards for parking of trailers, campers and RVs in residential zoning districts, consistent with the direction from Council provided in May 2015.

SECOND: Council Member Wright

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

9.0 ADMINISTRATIVE REPORTS

9.01 Monthly Statement of Taxes - July 2015

2015 Taxes	140,731.40
2015 Vehicle	0.00
2015 Taxes Revit	163.44
2015 Vehicle Revit	0.00
2015 FVT	0.00
2015 FTT	0.00

2015 Storm Water	9,026.45
2015 Fay Storm Water	18,052.99
2015 Fay S Waste Fee	19,398.29
2015 Annex	0.00
2014 Taxes	66,194.64
2014 Vehicle	0.00
2014 Taxes Revit	36.04
2014 Vehicle Revit	0.00
2014 FVT	0.00
2014 FTT	0.00
2014 Storm Water	2,857.18
2014 Fay Storm Water	5,142.96
2014 Fay S Waste Fee	868.86
2014 Annex	0.00
2013 Taxes	8,664.92
2013 Vehicle	1,762.54
2013 Taxes Revit	0.00
2013 Vehicle Revit	0.00
2013 FVT	273.01
2013 FTT	273.03
2013 Storm Water	274.34
2013 Fay Storm Water	548.71
2013 Fay Recycle Fee	754.78
2013 Annex	0.00
2012 Taxes	3,736.47
2012 Vehicle	696.89
2012 Taxes Revit	0.00
2012 Vehicle Revit	0.00
2012 FVT	102.16
2012 FTT	102.16
2012 Storm Water	200.47
2012 Fay Storm Water	400.95
2012 Fay S Waste	329.19
2012 Annex	0.00
2011 and Prior Taxes	622.14
2011 and Prior Vehicle	1,770.31
2011 and Prior Taxes Revit	0.00
2011 and Prior Vehicle Revit	0.00
2011 and Prior FVT	291.17
2011 and Prior FTT	181.18
2011 and Prior Storm Water	0.00
2011 and Prior Fay Storm Water	0.00
2011 and Prior Fay Recycle Fee	0.00
2011 and Prior Annex	0.00
Interest	8,473.86
Revit Interest	2.12
Storm Water Interest	287.01
Fay Storm Water Interest	522.86
Annex Interest	0.00
Solid Waste Interest	610.72
Fay Transit Interest	167.72
Total Tax and Interest	\$299,092.97

This item was for information only.

9.02 Monthly Statement of Taxes - August 2015

2015 Taxes	2,999,223.22
2015 Vehicle	0.00
2015 Taxes Revit	6,669.80
2015 Vehicle Revit	0.00
2015 FVT	0.00
2015 FTT	0.00

2015 Storm Water	126,840.10
2015 Fay Storm Water	253,665.18
2015 Fay S Waste Fee	133,184.80
2015 Annex	0.00
2014 Taxes	39,972.51
2014 Vehicle	17.71
2014 Taxes Revit	21.88
2014 Vehicle Revit	0.00
2014 FVT	5.00
2014 FTT	5.00
2014 Storm Water	1,113.67
2014 Fay Storm Water	2,040.59
2014 Fay S Waste Fee	3,145.46
2014 Annex	0.00
2013 Taxes	3,519.48
2013 Vehicle	1,522.68
2013 Taxes Revit	0.00
2013 Vehicle Revit	0.00
2013 FVT	247.35
2013 FTT	247.34
2013 Storm Water	106.98
2013 Fay Storm Water	213.96
2013 Fay S Waste Fee	414.77
2013 Annex	0.00
2012 Taxes	1,398.80
2012 Vehicle	784.94
2012 Taxes Revit	0.00
2012 Vehicle Revit	0.00
2012 FVT	130.00
2012 FTT	130.00
2012 Storm Water	31.26
2012 Fay Storm Water	62.51
2012 Fay S Waste	38.00
2012 Annex	0.00
2011 and Prior Taxes	627.10
2011 and Prior Vehicle	1,353.70
2011 and Prior Taxes Revit	0.00
2011 and Prior Vehicle Revit	0.00
2011 and Prior FVT	244.52
2011 and Prior FTT	159.52
2011 and Prior Storm Water	14.16
2011 and Prior Fay Storm Water	28.33
2011 and Prior Fay S Waste Fee	48.85
2011 and Prior Annex	0.00
Interest	6,216.06
Revit Interest	1.42
Storm Water Interest	116.19
Fay Storm Water Interest	215.41
Annex Interest	0.00
Solid Waste Interest	346.94
Fay Transit Interest	171.42
Total Tax and Interest	\$3,584,316.61

This item was for information only.

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.