

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
APRIL 11, 2016  
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Katherine K. Jensen (District 1); Kirk deViere (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 (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  
Tracey Broyles, Budget and Evaluation Director  
Scott Shuford, Planning and Code Enforcement Director  
Cheryl Spivey, Chief Financial Officer  
Anthony Wade, Human Relations Director  
Mark Brown, PWC Customer Relations Director  
Jane Starling, Deputy City Clerk  
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 Council Member McDougald.

**3.0 PLEDGE OF ALLEGIANCE**

Mayor Robertson led the Pledge of Allegiance.

**4.0 ANNOUNCEMENTS AND RECOGNITION**

Lt. Col. Adam Frederick, Commander, 1st Squadron, 17th Regiment Cavalry, announced the Flight of the Valkyrie Ceremony would take place on April 15, 2016. He stated a squadron of 30 Kiowas Warrior helicopters will perform a farewell flyover in the vicinity of the Airborne and Special Operations Museum. Council Member Arp presented a City Flag to Lt. Col Frederick which will be flown over the City during the presentation.

Council Member Wright announced the "Loading of Water" event would take place on April 16, 2016, at 414 Hall Street. He stated over 2,500 cases of water have been collected for the citizens of Flint, Michigan.

Council Member deViere provided further information on the Flight of the Valkyrie Ceremony. He stated residents are invited to the Airborne and Special Operations Museum (ASOM) to view a flyover of a 30-ship formation of OH 58D Kiowa helicopters from the 1st Squadron, 17th Cavalry Regiment, on April 15, 2016, at 10:30 a.m. as they conduct their final training flight from Simmons Army Airfield. Those attending are asked to gather near the City of Fayetteville ladder truck in the ASOM parking lot near the Iron Mike statue. The overflight will occur around 11:00 a.m., but could occur earlier. The fire truck will be flying a large American flag to honor our Soldiers as they fly overhead. The multi-ship flight will honor past and present service members who have had the privilege of operating and

maintaining the Kiowa Warrior. The flyover is also the 82nd Combat Aviation Brigade's way of saying thank you to the community for their support over the years. The flyover will represent one of the last flights of the U.S. Army Kiowa Warrior Squadrons. Residents are encouraged to bring signs and flags to show their support, although that is not needed to attend. We encourage all of you to attend this great event to show your support for our Soldiers. The ASOM is located at 100 Bragg Boulevard in Fayetteville.

Mr. Theodore Voorhees, City Manager, introduced Dr. Anthony Wade, the new Human Relations Director. Dr. Wade stated he is humbled and honored to have been selected to serve the citizens of Fayetteville.

Mr. Chris Mitchell, Joint Appearance Commission, Vice President, announced the 8th Annual Community Appearance Awards Program. He stated the purpose of this program is to recognize properties in Cumberland County that are improving the appearance of our community.

Mayor Robertson presented a proclamation to Mr. Mike Chandler honorably congratulating The Karen Chandler Trust on their never-ending efforts to assist those battling cancer and make their lives a bit more worry-free. He explained the non-profit organization was established after local musician Karen Chandler's death to assist others in the community deal with the financial burden of living with cancer. Mr. Chandler thanked Mayor Robertson and Council.

Mayor Robertson presented a proclamation to Ms. Lisa York, an auctioneer with Adcock and Associates, proclaiming April 16, 2016, as National Auctioneers Day. Ms. York provided a demonstration of her skills as an auctioneer.

## **5.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Crisp moved to approve the agenda with the addition of Item 9.02, Closed Session to discuss a personnel matter.

**SECOND:** Council Member deViere

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

## **6.0 CONSENT AGENDA**

**MOTION:** Council Member Crisp moved to approve the consent agenda with the exception of Items 6.04, 6.05, 6.06, and 6.07, pulled for separate vote.

**SECOND:** Council Member Arp

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

### **6.01 Certification of the Results of the Referendum on March 15, 2016 - Approving \$35,000,000 City of Fayetteville Parks and Recreation Bond**

**RESOLUTION DECLARING THE RESULT OF THE BOND REFERENDUM HELD IN THE CITY OF FAYETTEVILLE, NORTH CAROLINA ON MARCH 15, 2016, UPON THE QUESTION OF APPROVING \$35,000,000 PARKS AND RECREATION BONDS. RESOLUTION NO. R2016-031**

### **6.02 P16-07F. The rezoning of property from MR-5 Mixed Residential and SF-6 Single-Family Residential to OI Office and Institutional Zoning District or to a more restrictive district, to be located at 2109 Murchison Road, and being the property of Krystal Tucker and Mary Lucas.**

### **6.03 Resolution to Accept State Grant and Adoption of Special Revenue Fund Project Ordinance 2016-15 for the FY 17 Transit Apprentice Program**

**RESOLUTION AUTHORIZING CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. RESOLUTION NO. R2016-032**

- 6.04 Pulled for discussion and separate vote by Council Member Crisp.
- 6.05 Pulled for discussion and separate vote by Council Member Crisp.
- 6.06 Pulled for discussion and separate vote by Council Member Crisp.
- 6.07 Pulled for discussion and separate vote by Council Member Crisp.
- 6.08 Resolution Promoting the Use of the City Seal and City Logo

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE IN  
SUPPORT OF THE USES OF THE CITY SEAL AND CITY LOGO.  
RESOLUTION NO. R2016-033

6.09 Tax Refunds of Greater than \$100.00

| <u>Name</u>      | <u>Year</u> | <u>Basis</u>         | <u>City Refund</u> |
|------------------|-------------|----------------------|--------------------|
| King Jong        | 2012-2014   | Corrected Assessment | \$ 551.95          |
| Par Ventures Inc | 2011-2014   | Corrected Assessment | 198.93             |
| Par Ventures Inc | 2011-2014   | Corrected Assessment | 1,224.22           |
| TOTAL            |             |                      | <u>\$1,975.10</u>  |

6.04 Fee increase request for Wrecker Services to the Public and for  
City Fees to Wrecker Businesses

This item was pulled for a separate vote by Council Member Crisp.

- MOTION: Council Member Crisp moved to adopt the Cumberland County Wrecker Fee Schedule, therefore having consistency.
- SECOND: Council Member Arp
- VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Jensen, McDougald, and Mohn)

6.05 Reduction in Assessment - Owen Drive Property

This item was pulled for a separate vote by Council Member Crisp.

- MOTION: Council Member Crisp moved to approve the item with the exception of the ten-year moratorium of what can be built on that property.

The motion died due to lack of a second.

Discussion ensued.

- MOTION: Council Member McDougald moved to approve the agreement as presented.
- SECOND: Council Member deViere
- VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Robertson, Colvin, and Crisp)

6.06 Proposed Revision of City Council Policy No. 110.3 - Boards and  
Commissions - Voting on Nominees

This item was pulled for a separate vote by Council Member Crisp.

- MOTION: Council Member Hurst moved to approve the proposed revision of City Council Policy No. 110.3, Boards and Commissions - Voting on Nominees, with an amendment to remove the sentence pertaining to representatives from the City Manager's Office and City Attorney's Office.
- SECOND: Council Member McDougald

Discussion ensued.

**FRIENDLY AMENDMENT:**

Council Member McDougald made a friendly amendment to remove the last sentence of the proposed revised policy "nominations from the floor shall not be permitted".

Council Member Hurst did not accept the friendly amendment. Council Member McDougald withdrew his second.

**SECOND:** Council Member Jensen

**VOTE:** FAILED by a vote of 2 in favor to 8 in opposition (Council Members Robertson, deViere, Colvin, McDougald, Crisp, Wright, Mohn, and Arp)

**MOTION:** Council Member Wright moved to bring this item to a work session for further discussion at a later date.

**SECOND:** Mayor Pro Tem Colvin

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

**6.07 Consider Adoption of a Prequalified Policy for Construction and Repair Work**

This item was pulled for a separate vote by Council Member Crisp.

**MOTION:** Mayor Pro Tem Colvin moved to approve the policy specific to the Airport project only and authorize City staff to utilize the prequalification bid).

**SECOND:** Council Member Wright

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

**7.0 PUBLIC FORUM**

Mr. Albert Grant, 325 Sugar Bush Lane, Fayetteville, NC 28311, requested Council implement Sunday transit services.

Mr. Lamont Clark, 1015 Cedar Creek Road, Fayetteville, NC 28312, requested police presence in night club parking lots.

Mr. Don Patton, 111 Layman Street, Fayetteville, NC 28301, requested police presence in night club parking lots, and expressed concerns regarding crime.

Ms. Val Applewhite, 5823 Mondavi Place, Fayetteville, NC 28314, thanked council for supporting "My Brother's Keeper" challenge, and spoke in favor of providing summer employment for youths.

**8.0 PUBLIC HEARINGS**

**8.01 Public Input Regarding Four-Year Staggered Terms for the Election of the Mayor and Members of City Council**

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

Mr. Jerry Reinoehl, 516 Deer Path Drive, Fayetteville, NC 28311, spoke in opposition.

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

**8.02 Code amendment to address vacant display windows and storefronts in the DT Downtown district**

Mr. Scott Shuford, Planning and Code Enforcement Director, presented this item and stated this amendment is one in a series of action items identified by downtown merchants, property owners, and other interested parties committed to improving the downtown for residential and commercial activity. The Downtown Alliance has worked with the Public Arts Council and others to identify ways to

significantly reduce the negative impact of vacant display areas and storefront in the Downtown zoning district. The Planning Commission held a public hearing on February 15, 2016. One person spoke in favor, representing the Downtown Alliance. The Commission recommends approval of the amendment. Vacant storefronts are uninteresting at best and often negatively impact the sense of safety, value, and marketability of the area. To help protect the property values and stability of the area, the amendment provides five options to avoid an empty display area or storefront for more than 30 days. All of the options provide flexibility, especially the fifth (subject only to the approval of the Planning and Code Enforcement Director or designee). Tools are in place to help property owners manage the vacant storefronts. The PowerPoint provides examples of both vacant display areas and some that have temporary displays, ranging from artwork with a drape screening the rest of the vacant shop, to an elaborate display depicting farmers' produce and market activities. The amendment would be consistent with recommendations in the update to the Renaissance Plan, the technical assistance plan prepared by the regional Urban Land Institute Panel, and the action plans of the Downtown Alliance.

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 TO AMEND CITY CODE ARTICLE 30-5.1 COMMERCIAL, OFFICE, AND MIXED-USE DESIGN STANDARDS, TO ADD STANDARDS FOR VACAN DISPLAY WINDOWS OR STOREFRONTS IN THE DT DOWNTOWN ZONING DISTRICT. ORDINANCE NO. S2016-002**

**MOTION:** Council Member deViere moved to adopt the amendment to address window display areas of vacant shops in the Downtown district.

**SECOND:** Council Member Wright

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

**9.0 OTHER ITEMS OF BUSINESS**

**9.01 Direction to Staff Regarding Sign Code**

Mr. Scott Shuford, Planning and Code Enforcement Director, presented this item and stated City Council received a report from the Chamber of Commerce Sign Task Force and requested that City staff prepare code text amendments to implement the Task Force recommendations. This action is to provide formal direction to staff toward this end.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DIRECTING CITY STAFF TO PROCEED WITH AMENDMENTS TO CHAPTER 30 OF THE CODE OF ORDINANCES FOR THE CITY OF FAYETTEVILLE TO IMPLEMENT PARTIAL RECOMMENDATIONS FROM THE FAYETTEVILLE REGIONAL CHAMBER OF COMMERCE SIGN TASK FORCE. RESOLUTION NO. R2016-034**

**MOTION:** Council Member Arp moved to adopt the resolution.

**SECOND:** Council Member McDougald

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

Mayor Robertson recessed the meeting at 8:21 p.m. Mayor Robertson reconvened the meeting at 8:26 p.m.

**9.02 Closed Session**

The Council went into closed session. The regular meeting reconvened at 10:33 p.m.

Mayor Robertson announced the City Council had received and accepted the resignation of Mr. Theodore Voorhees, City Manager, effective April 12, 2016, at noon.

MOTION: Council Member deViere moved to authorize the Mayor to negotiate an agreement with an Interim City Manager.  
SECOND: Council Member Hurst  
VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

10.01 Tax Refunds Less than \$100.00

| <u>Name</u>    | <u>Year</u> | <u>Basis</u>         | <u>City Refund</u> |
|----------------|-------------|----------------------|--------------------|
| Johnson, Laura | 2012-2014   | Corrected Assessment | \$49.98            |
| TOTAL          |             |                      | <u>\$49.98</u>     |

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:35 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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NAT ROBERTSON  
Mayor

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