

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
APRIL 25, 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, Jr. (District 9)

Others Present: Douglas Hewett, Interim City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Rochelle Small-Toney, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Ben Major, Fire Chief  
Tracey Broyles, Budget and Evaluation Director  
Kevin Arata, Corporate Communications Director  
Scott Shuford, Planning and Code Enforcement Services Director  
Victor Sharpe, Community Development Director  
Cheryl Spivey, Chief Financial Officer  
Rob Stone, Engineering and Infrastructure Director  
Jerry Dietzen, Environmental Services Director  
Randy Hume, Transit Director  
Andrew Holland, Assistant to the City Manager  
Rebecca Rogers-Carter, Strategic Performance Analytics 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 Dr. Floyd W. Johnson of First Baptist Church.

**3.0 PLEDGE OF ALLEGIANCE**

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

**4.0 ANNOUNCEMENTS AND RECOGNITION**

Mr. Douglas Hewett, Interim City Manager, congratulated Mr. Kevin Arata, Corporate Communications Director, and his staff for their achievement in receiving the North Carolina City and County Communicators' (NC3C) Excellence in Communications Awards.

Council Member Arp thanked all City employees that helped to make the Dogwood Festival a huge success this past weekend.

Mr. Douglas Hewett, Interim City Manager, congratulated Ms. Cheryl Spivey, Chief Financial Officer, and her staff for their achievement in receiving the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting.

Mayor Robertson presented a Proclamation to Ms. Beth Langley, Director of Nursing Research, and nurses from Cape Fear Valley Health System, proclaiming May 6-12, 2016, as Nurses Week in celebration of

the ways in which nurses strive to provide safe and high quality patient care and improve our health care system.

Mayor Robertson announced the International Fire Fighters Day would take place on May 4, 2016, and recognized the many fire fighters in the audience.

## 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

MOTION: Council Member Mohn moved to approve the agenda with the exception of Item 6.03, pulled for discussion and separate vote.  
SECOND: Council Member Wright  
VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:  
March 16, 2016 - Work Session

6.02 P16-06F. The rezoning from NC Neighborhood Commercial to MR-5/CZ Mixed Residential Conditional Zoning District or a more restrictive district, to be located at Identity Lane on a portion of tax map number 9487-45-3559, and being the property of Ethel Pate.

6.03 This item was pulled for discussion and separate vote by Council Member Mohn.

6.04 Resolution Authorizing the Execution and Delivery of an Equipment Installment Financing Agreement and Related Documents in connection with the Financing of Various Vehicles and Equipment for the City of Fayetteville, North Carolina

RESOLUTION ACCEPTING THE PROPOSAL OF BANC OF AMERICA PUBLIC CAPITAL CORP IN CONNECTION WITH AN INSTALLMENT FINANCING FOR VARIOUS VEHICLES AND EQUIPMENT. RESOLUTION NO. R2016-035

6.05 Text Amendment to Chapter 30-5.G and H and related sections, to remove certain design requirements for one- and two-family structures and townhouses

AN ORDINANCE TO AMEND CITY CODE ARTICLES 30-5.G AND RELATED SECTIONS TO LIMIT CERTAIN DESIGN STANDARDS AS REQUIRED ELEMENTS FOR SINGLE AND TWO FAMILY AND ATTACHED SINGLE FAMILY DEVELOPMENT. ORDINANCE NO. S2016-002

6.06 Rescind Demolition Ordinances

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2016-002. RESOLUTION NO. R2016-036

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2016-006. RESOLUTION NO. R2016-037

6.07 Adoption of a Resolution to Support Cape Fear Valley Health System's Effort to Secure Funding for the Establishment of a Residency Program

RESOLUTION TO SUPPORT CAPE FEAR VALLEY HEALTH SYSTEM'S EFFORT TO SECURE FUNDING FOR THE ESTABLISHMENT OF A RESIDENCY PROGRAM FOR UP TO 300 RESIDENTS. RESOLUTION NO. R2016-038

### **6.03 Budget Ordinance Amendment 2016-11 (General Fund)**

This item was pulled from consent for discussion and separate vote by Council Member Mohn.

**MOTION:** Council Member Mohn moved to approve the budget ordinance amendment in the amount of \$239,000.00 for the City Manager's Office in the support Services and Administration portfolio, removing the \$50,000.00 proposed for the City Manager executive search process.

**SECOND:** Council Member Arp

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

### **7.0 REPORTS FROM BOARDS AND COMMISSIONS**

#### **7.01 Annual Report - Personnel Review Board - Mr. Carl Mitchell, PRB Chair**

Mr. Carl Mitchell, Personnel Review Board Chair, presented the Personnel Review Board annual report with the aid of a PowerPoint presentation.

### **8.0 PUBLIC HEARINGS**

#### **8.01 Amendment to City Code 30-4 Uses to allow a special use request to consider a smaller separation between a bar and daycare, church or school in the DT Downtown district.**

Mr. Scott Shuford, Planning and Code Enforcement Services Director, presented this item with the aid of a PowerPoint presentation and stated this amendment would allow for case-by-case consideration, through the special use permit (SUP), of a smaller spacing between bars and daycares, churches or schools in the area zoned DT Downtown. A modest increase in the number of bars allowed in the Downtown area could result with approvals of individual special use permits. Currently bars must be at least 500 feet from any child care center, religious institution, or educational facility. An updated map (included in the packet) illustrates the current 500 foot separation just from churches, and shows how few options remain for new bars or nightclubs. A few years ago, City Council considered but opted not to change the standards to allow additional bars in the DT Downtown zoning district. The separation requirement remained unchanged but the standards were clarified to allow uses made nonconforming by a SUP or other process would retain its original authorities to expand or rebuild. The issue came back up in part because an existing bar wishes to relocate within the separation area required between a bar and a religious institution. There will be a companion SUP case for Council consideration in the event this amendment is approved. Bars and nightclubs help animate public space and extend the hours of activity. The successful rejuvenation of Raleigh's downtown and that of other urban centers, with restaurants, bars and nightclubs as a critical part of the business mix, encourages the City to consider modifying the local standards. A more comprehensive revision to handle microbreweries, pubs, and other related uses is recommended, but this change will provide increased options within a small area while the City-wide research is underway. The proposed amendment, through the SUP process, would allow consideration of individual circumstances that may mitigate negative impacts; it also allows the City Council to attach conditions directly related to reducing or preventing negative impacts on the religious institutions or other close-by uses. Mr. Shuford concluded by stating 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. The public hearing was opened.

Ms. Rhonda Knight, 2627 Mirror Lake Drive, Fayetteville, NC, spoke in favor of the proposed amendment.

Mr. Hank Parfitt, 112 Hay Street, Fayetteville, NC, spoke in opposition of the proposed amendment.

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

Discussion ensued.

**AN ORDINANCE TO AMEND CITY CODE ARTICLE 30-4 TO ALLOW A SPECIAL USE REQUEST TO CONSIDER A SMALLER SEPARATION BETWEEN BARS AND RELIGIOUS INSTITUTIONS IN THE DT DOWNTOWN ZONING DISTRICT. ORDINANCE NO. S2016-003A**

**MOTION:** Council Member deViere moved to approve the amendment to allow consideration of a reduced separation between bars and any daycare, religious institution, or educational facility in the downtown district through the special use permit process, as presented by staff.

**SECOND:** Council Member Crisp

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

**8.02 PWC - Phase 5 Annexation Areas 18 and 19 Public Hearing**

Mr. Mark Brown, PWC Customer Relations Director, presented this item with the aid of PowerPoint presentation and stated City Council approved the Preliminary Assessment Resolution in their meeting on March 29, 2016, for Areas 18 and 19 of the Phase 5 Annexation. The Resolution set the date of the public hearing for April 25, 2016, to hear public comment. A notice was published in The Fayetteville Observer on April 8, 2016, and copies of the Preliminary Assessment Resolution were mailed on April 14, 2016, informing the property owners of the public hearing date. After the public hearing, the next step in the process is to approve the Resolution Directing Project be Undertaken. This item will be scheduled for May 9, 2016.

This is the advertised public hearing set for this date and time. The public hearing was opened. There being no one to speak, the public hearing was closed.

**MOTION:** Council Member Arp moved to approve.

**SECOND:** Council Member Wright

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

**9.0 OTHER ITEMS OF BUSINESS**

**9.01 Consideration of the Community Development 2016-2017 Annual Action Plan**

Mr. Victor Sharpe, Community Development Director, presented this item with the aid of a PowerPoint presentation and stated annually the Community Development Department prepares an Annual Action Plan for the use of the City's allocation of the Community Development Block Grant (CDBG) and the Home Investment Partnership Grant (HOME). The proposed 2016-2017 Annual Action Plan is the second year of the 2015-2019 Consolidated Plan. The Annual Action Plan is based on goals and objectives outlined in the Consolidated Plan. The 2015-2019 Community Development Consolidated Plan was completed last fiscal year. This year and the next four year's activities are to reflect the goals and objectives of this plan. The following are those goals and objectives:

Goal 1. Decent Affordable Housing: Provide decent, safe, and affordable housing to improve the quality of lives, households, neighborhoods and community stability.

- Objective 1.1: Preserve, improve, and expand the supply of affordable housing for low- to moderate-income homeowners and renters.
- Objective 1.2: Increase homeownership opportunities.
- Objective 1.3: Create suitable living environments that promote access to quality housing, elimination of blight and the acquisition of land for future affordable housing.

Goal 2. Suitable Living Environments: Create environments that promote neighborhood improvement, eliminate slum and blight, increase accessibility and support the homeless.

- Objective 2.1: Provide support to the City's efforts to extend water and sewer to newly annexed areas, pave remaining streets and various community improvements.
- Objective 2.2: Support homeless programs and service providers to reduce the number of homeless while increasing their independence and self-sufficiency.
- Objective 2.3: Provide programs that eliminate slum and blight and increase the appearance of neighborhoods.

Goal 3. Economic Opportunities: Create community investment programs designed to support entrepreneurship, economic empowerment, retention of businesses and job creation opportunities.

- Objective 3.1: Provide loan and grant programs to support the development and expansion of small businesses.
- Objective 3.2: Create job opportunities through entrepreneurship training, job skills training, and the coordination of community resources.

Mr. Sharpe further stated the proposed programs and projects reflect the goals and objectives established in the 2015-2019 Consolidated Plan. The 2016-2017 Annual Action Plan includes a proposed budget of \$3,215,564.00. The proposed projects and activities are included in the presentation. A draft copy of the action plan has been made available in various locations for review and comments for 30 days from March 29, 2016, through April 27, 2016. In an effort to provide citizens an opportunity to participate in the process of developing the Community Development Annual Action Plan, staff held a series of six citizen participation meetings in various locations throughout the City. City staff held a public hearing on February 18, 2016. This item was discussed at the City Council April 4, 2016, work session. The Fayetteville Redevelopment Commission held a public hearing on April 7, 2016, and recommended approval of the proposed 2016-2017 Annual Action Plan.

Council Member Crisp asked why we are funding \$200,000.00 for the next two years for a total of \$400,000.00 for an apartment complex. Mr. Sharpe responded this type of housing program provides assistance to low-income families; providing them with affordable housing.

Mayor Pro Tem Colvin asked Mr. Sharpe what they were planning to do to address the blighted neighborhoods. Mr. Sharpe responded the acquisition and demolition program has been very successful.

Council Member Wright asked Mr. Sharpe if any of the programs address rehabilitation of ex-felons in our community. Mr. Sharpe responded he does not track whether his clients are ex-felons or not; we are limited in our ability to provide these types of programs as

our total budget is just over \$3 million. Council Member Wright suggested there may be grants available to fund this type of program.

Council Member deViere stated this item was a vigorous topic of conversation at the last work session, and further stated neighborhood revitalization is key to a growing and strong community. Council Member deViere asked if any program changes had been made between the work session and tonight. Mr. Sharpe responded there have not been any program changes.

Council Member McDougald stated he applauds Mr. Sharpe for this very comprehensive annual action plan and stated he appreciates all the hard work that has been done to create this document. He further stated we have a high concentration of poverty in this community, and the way out of poverty is through education.

Mayor Pro Tem Colvin stated we need to think out of the box and mix things up a little. I would have liked to have seen some changes in the report. Mr. Sharpe responded that he did not recall or understand that clear, specific direction had been given from Council to go in a different direction. Mayor Pro Tem Colvin stated Council had expressed they had interest in seeing more in the revitalization program, and asked if staff was expecting Council to come up with a specific plan; we want new alternatives.

Mr. Doug Hewett, Interim City Manager, stated there may be some flexibility for us to bring in some revitalization projects, and suggested he meet with Ms. Small-Toney and Mr. Sharpe and bring this item back to Council at the May 2, 2016, work session to take official action.

Council Member Mohn stated next year he would like to see the document before Council in January; a process improvement.

Council Member McDougald stated he thinks Council should take action on this item tonight; most of the programs require some type of partnership and 21 days is not enough time to reconfigure those programs.

Council Member Arp asked if the Council votes no, what would be the outcome. Mr. Sharpe responded that was unheard of, but if it was a no vote, the city would not receive the grant. Council Member Arp stated it is disingenuous to vote yes to something we are not in agreement with.

Council Member Crisp stated delaying this item by one week will serve little purpose, and further stated Mr. Sharpe is not the villain, but Council is not happy with the current program, and make changes in the future.

Council Member Hurst thanked Mr. Sharpe for the presentation and stated he appreciates the hard work of Mr. Sharpe and his staff. He also stated that Cumberland County has a program entitled "Road to Re-Entry"; a program helping formerly incarcerated persons get back on their feet.

**MOTION: Council Member Arp moved to table this item to the May 2, 2016, work session.**

**SECOND: Council Member Wright**

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

## **9.02 Fiscal Year 2017 Budget Preview**

Ms. Tracey Broyles, Budget and Evaluation Director, presented this item with the aid of a PowerPoint presentation and stated at the January 4, 2016, work session, City Council requested that staff provide a preview of new initiatives to be proposed in the recommended budget earlier in the budget process. To meet that interest, a

special meeting was scheduled to be held on April 20, 2016. At the April 18, 2016, special meeting, Council requested that the April 20, 2016, meeting be cancelled and that the budget preview be provided at the April 25, 2016, regular meeting. Ms. Broyles further stated as provided in the PowerPoint presentation, the recommended budget being prepared for presentation in May includes approximately \$5.9 million for the new initiatives and other compensation items presented. Approximately \$5.3 million is proposed for funding from unrestricted General Fund revenues. No action is necessary this evening, Council direction will be sought during upcoming budget deliberations.

**This item was for information only, no action was taken.**

## **10.0 ADMINISTRATIVE REPORTS**

### **10.01 Monthly Statement of Taxes - March 2016**

2015 Taxes .....	598,715.72
2015 Vehicle .....	559.86
2015 Taxes Revit .....	1,387.65
2015 Vehicle Revit .....	0.00
2015 FVT .....	5.00
2015 FTT .....	5.00
2015 Storm Water .....	24,655.42
2015 Fay Storm Water .....	49,310.82
2015 Fay Solid Waste Fee .....	35,286.23
2015 Annex .....	0.00
2014 Taxes .....	12,118.73
2014 Vehicle .....	16.15
2014 Taxes Revit .....	0.68
2014 Vehicle Revit .....	0.00
2014 FVT .....	0.00
2014 FTT .....	0.00
2014 Storm Water .....	250.04
2014 Fay Storm Water .....	450.07
2014 Fay Solid Waste Fee .....	630.07
2014 Annex .....	0.00
2013 Taxes .....	3,326.03
2013 Vehicle .....	1,760.85
2013 Taxes Revit .....	1.36
2013 Vehicle Revit .....	0.00
2013 FVT .....	222.35
2013 FTT .....	222.34
2013 Storm Water .....	69.63
2013 Fay Storm Water .....	139.27
2013 Fay S Waste Fee .....	182.51
2013 Annex .....	0.00
2012 Taxes .....	1,375.82
2012 Vehicle .....	1,660.95
2012 Taxes Revit .....	0.65
2012 Vehicle Revit .....	0.00
2012 FVT .....	276.01
2012 FTT .....	276.01
2012 Storm Water .....	24.00
2012 Fay Storm Water .....	48.00
2012 Fay S Waste Fee .....	76.00
2012 Annex .....	0.00
2011 and Prior Taxes .....	1,115.64
2011 and Prior Vehicle .....	2,524.92
2011 and Prior Taxes Revit .....	0.00
2011 and Prior Vehicle Revit .....	0.00
2011 and Prior FVT .....	539.05
2011 and Prior FTT .....	325.89
2011 and Prior Storm Water .....	48.00
2011 and Prior Fay Storm Water .....	96.00

2011 and Prior Fay S Waste Fee .....	152.00
2011 and Prior Annex .....	0.00
Interest .....	27,537.45
Revit Interest .....	41.31
Storm Water Interest .....	918.36
Fay Storm Water Interest .....	1,831.54
Annex Interest .....	0.00
Solid Waste Interest .....	1,408.40
Fay Transit Interest .....	314.97
Total Tax and Interest .....	\$769,906.75

**12.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:28 p.m.