

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JULY 9, 2012
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); Wade Fowler (District 8); James W. Arp, Jr. (District 9)
Others Present:

Kristoff Bauer, Interim City Manager
Bradley Whited, Interim Assistant City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering and Infrastructure Director
Michael Gibson, Parks, Recreation and Maintenance Director
Ben Major, Fire Chief
Scott Shuford, Development Services Director
John Kuhls, Human Resource Development Director
Karen Hilton, Planning and Zoning Manager
Rebecca Rogers-Carter, Management Services Manager
Kecia Parker, Real Estate Manager
Susan Rabold, CityScapes Consultants, Inc.
Richard L. Edwards, CityScapes Consultants, Inc.
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 Pastor Reginald Johnson of My Father's House Christian Church.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda with the addition of Item 9.0, Proposed Hire Fayetteville First Jobs Creation Policy, and removal of Item 7.4.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITION

Mayor Chavonne recognized Ms. Sarajeon Mariner as a true American hero for her actions in the rescue of 6-year-old Jaydin Logue from a pool and performing CPR until help arrived. Fire Chief Ben Major presented Ms. Mariner with the "Chief's Coin" and a "Citizen Life Saving Award Certificate". Representatives from Engine 8 and Rescue 8 were in attendance.

Council Members Chavonne and Massey presented a proclamation to Mr. Jack Bowman, General Manager of Cape Fear Heroes, the 2012 American Indoor Football National Champion, proclaiming appreciation and admiration to the Cape Fear Heroes Professional Indoor Football Team and offering best wishes in all their future endeavors.

Council Member Applewhite announced a "Fayetteville Crime Prevention" meeting would be held on July 26, 2012, from 5:00 to 7:00 p.m., at the J.D. Fuller Recreation Center for residents in the Bunce Road area.

6.0 PUBLIC FORUM

Ms. Lizzie Purdie, 5920 Waters Edge Drive, Fayetteville, NC 28314, expressed concerns regarding speeding traffic, code violations, and littering in the Waters Edge Drive community.

Pastor Victor Torres, 5835 Waters Edge Drive, Fayetteville, NC 28314, expressed concerns regarding crime and speeding traffic in the Waters Edge Drive community.

Mr. Joseph Robinson, 890 Santiato Drive, Fayetteville, NC 28314, stated he was the President of the Fayetteville City Taxicab Association, Inc., and provided the Council with a petition and survey addressing taxicab fees.

Mr. Jerry Reinoehl, 516 Deer Path Drive, Fayetteville, NC 28311, expressed opposition to the Parks and Recreation proposed bond referendum.

Ms. Joyce Malone, 516 Spalding Street, Fayetteville, NC 28301, stated she was a proponent for the Parks and Recreation proposed bond referendum.

Ms. Wendy Michener, 223 Hillside Road, Fayetteville, NC 28301, stated she was in favor of the Parks and Recreation proposed bond referendum. She requested the Mayor and City Council send a stronger letter to the State Legislature in reference to post office closures.

Mr. Eronomy Mohammed Smith, 2700 Murchison Road, Fayetteville, NC 28301, gave an address on the state of the City and stated Parks and Recreation would not need a \$45 million bond package.

Ms. Dominique Kooja, 6455 Hidden Lake Loop, Fayetteville, NC 28304, expressed concerns regarding transportation within the City and requested support for the taxicab businesses.

Mr. Moses Best, 1824 Broadell Drive, Fayetteville, NC 28301, stated he was in favor of a new police substation and that the Murchison Road area was in need of sidewalks and additional street lighting.

Mr. Arthur Duke, 151 Buckingham Avenue, Fayetteville, NC 28301, expressed opposition for the proposed Parks and Recreation bond referendum.

Rev. Floyd Johnson, 448 Hallmark Road, Fayetteville, NC 28303, stated he was in favor of the Parks and Recreation bond referendum proposal and requested they "Let the People Decide".

7.0 CONSENT

MOTION: Mayor Pro Tem Arp moved to approve the consent agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

7.1 Engineering & Infrastructure/Real Estate - Adopt a resolution declaring real property owned jointly with Cumberland County surplus and authorizing a quitclaim of the City's title to the County in order to expedite sale of the land by Cumberland County.

RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY (538 Mayview Street and 505 Mayview Street). RESOLUTION NO. 2012-024.

7.2 Award contract for 2013 resurface of various streets, Phase I, to Barnhill Contracting Company, Fayetteville, NC, lowest responsive, responsible bidder, in the amount of \$922,559.40.

Bids were received as follows:

Barnhill Contracting Company (Fayetteville, NC)..... \$922,559.40

Highland Paving Company (Fayetteville, NC)..... \$946,298.00

7.3 Engineering & Infrastructure - Adopt a resolution declaring real property owned jointly with Cumberland County surplus and authorizing a quitclaim of the City's title to the County in order to expedite sale of the land by Cumberland County.

RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY (Lots 114 and 116 Savoy Heights Section 1, Lot 216 Weiss Avenue, Lot 311 Savoy Heights, Lots 403 and 405 Savoy Heights and Vacant to Creek, Lot 104 Savoy Heights, and 4.05 acres of land adjacent to Briarwood Hills Section 3). RESOLUTION NO. 2012-025.

7.4 Consider adoption of resolution authorizing condemnation for the acquisition of right-of-way for the Ramsey Street Project.

This item was removed from the agenda.

7.5 Approve meeting minutes:

April 23, 2012 - Discussion of Agenda Items
 April 23, 2012 - Regular Meeting
 May 7, 2012 - Work Session
 May 14, 2012 - Discussion of Agenda Items
 May 14, 2012 - Regular Meeting
 May 16, 2012 - Budget Workshop
 May 23, 2012 - Agenda Briefing
 May 23, 2012 - Budget Workshop
 May 29, 2012 - Discussion of Agenda Items
 May 29, 2012 - Regular Meeting
 May 30, 2012 - Budget Workshop
 June 4, 2012 – Work Session
 June 11, 2012 - Discussion of Agenda Items

7.6 Municipal agreement with NCDOT for bridge replacement on Strickland Bridge Road over Little Rockfish Creek.

7.7 Municipal agreement with NCDOT for bridge replacement on I-95 Business over the Cape Fear River and Cross Creek.

7.8 Engineering & Infrastructure/Real Estate - Adopt a resolution declaring real property owned jointly with Cumberland County surplus and authorizing a quitclaim of the City's title to the County in order to expedite sale of the land by Cumberland County.

**RESOLUTION DECLARING PROPERTY EXCESS TO CITY’S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY (1015 Henderson Avenue).
 RESOLUTION NO. 2012-026.**

7.9 Tax Refunds of Greater Than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
K&W Cafeterias Inc.	2005-2006	Corrected Assessment	\$ 218.02
Cherry, Karin J.	2009-2011	Corrected Assessment	5,496.44
Total			<u>\$5,714.46</u>

8.0 PUBLIC HEARINGS

8.1 Text Amendment request by American Towers LLC to amend City Code Section 30-4.C.3(i)(4), Freestanding Towers, to allow required separation and setback standards to be considered during the special use permit process and waived or reduced by City Council upon finding good cause.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. She stated American Towers was a frequent provider of towers or monopoles for various cellular service providers. She further stated American Towers and other providers were finding it increasingly difficult to meet both capacity needs and tower location standards. She explained the tower location was subject to use-specific standards in Article 30-4.C. She stated in this case, the 1,500 foot separation between towers and the required setbacks were not eligible for a variance from the Board of Adjustment. She stated to increase the potential to use sites that could have less impact than a site meeting the criteria, American Towers was proposing to allow reductions in the separation and setback standards based on evaluations of specific conditions during the special use process. She stated the Planning Commission considered the proposed text amendment and, with some modifications now incorporated in the ordinance draft, recommended approval. She stated the requested text amendment was evaluated relative to the seven criteria shown on the staff report for changes proposed to Chapter 30. She advised staff and the Planning Commission supported the change to allow consideration of a reduction in or waiver of the separation requirements in individual cases based on evidence presented during the quasi-judicial hearing. She stated there were reservations about making reductions to the setback standards more broadly available. She stated at the Planning Commission meeting, staff and the Commission supported a more tightly drawn alternative that limited the possibility for reducing setbacks to certain existing conditions and to evidence from a certified structural engineer that no safety issues were created by the reduced setback. She stated key

considerations were the growing demands for cellular services, the increasingly limited options for locations if the spacing standard remained inflexible, and the potential for an established site to meet increased service needs with less negative impact on the community compared to a new location. She stated a more in-depth analysis such as to better inform City Council regarding changes in the standards could be provided with additional time and resources for special expertise. She stated alternatively, information about such aspects as current location patterns, trends in usage, location needs and state of the art techniques in how those needs could be met could be requested from the applicant during the hearing. She advised staff and the Planning Commission recommended approval as modified, or, alternatively, to continue to hearing to a specific date to allow additional research or modification.

Ms. Hilton introduced Ms. Susan Rabold, Project Manager, CityScapes Consultants, Inc. Ms. Rabold provided the City Council with an overview of federal and state requirements, location patterns, trends in usage, location needs, and state of the art techniques in how those needs could be met.

Mr. Richard L. Edwards, P.E., President, CityScapes Consultants, Inc., addressed the issue of "Breakpoint Technology" and stated the primary objective for cell towers was to provide for emergency service.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Tom Johnson, 4141 Parklake Avenue, Suite 200, Raleigh, NC 27612, appeared in favor and stated he was the attorney representing American Towers.

Mr. Bill Garrett, P.E., 400 Regency Forest, Cary, NC, appeared in favor and stated he was the Director of Engineering at American Tower Inc. He provided an overview of structural engineering pertaining to cell towers.

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

A brief discussion period ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND PORTIONS OF CITY CODE 30-4.C(4), USE SPECIFIC STANDARDS FOR CELL TOWERS, TO ALLOW CONSIDERATION OF REDUCTIONS IN SEPARATION AND SETBACK STANDARDS. ORDINANCE NO. S2012-012.

MOTION: Council Member Bates moved to approve the text amendment as recommended by staff.

SECOND: Council Member Crisp

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

9.0 OTHER ITEMS OF BUSINESS

9.1 Proposed Hire Fayetteville First Job Creation Policy

Council Member Haire stated this item was something they all had been working on since 2009 and he was honored to bring forth a Hire Fayetteville First Jobs Creation Policy.

MOTION: Council Member Haire moved to promote economic opportunity for Fayetteville/Cumberland County businesses and to support job creation in the City of Fayetteville, it would be the policy of the City of Fayetteville and the City's Public Works Commission (collectively, the "City") to use the City's spending powers in a manner that would promote fiscal responsibility and maximize the effectiveness of local tax dollars by ensuring that City spending for goods and services would provide business opportunity to businesses having a principal place of business within Fayetteville/Cumberland County, and Historically Underutilized Businesses (HUBs) as defined in N.C. General Statutes 143-48.4 and 143-128.4(a) and (b), as measures to support the local economy. To implement the policy, the City would hereby do the following: The City seeks to establish goals in the future contingent upon a disparity study for all City departments for local and HUB business participation relating to procurement of all goods and services in the following categories: locally owned businesses, women owned businesses, minority owned businesses, disabled and disadvantaged owned businesses, and veteran owned businesses.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

9.2 Appointment of New City Manager

Mayor Chavonne stated they were honored to have the newest member of their team here. He stated he would turn the agenda item over to Mayor Pro Tem Arp who led the recruitment and selection effort for their new City Manager.

Mayor Pro Tem Arp stated they were honored to have Mr. Theodore (Ted) Voorhees with them, and he and his family had elected to accept a contingent offer from the City of Fayetteville. He stated Ted, Michelle, and their four boys ages 9 to 16, had already been to Fayetteville and found a place that they were ready to call home, and they were looking forward to moving to our community.

MOTION: Mayor Pro Tem Arp moved to appoint Theodore L. Voorhees as the new City Manager of Fayetteville, allowing an annual salary of \$200,000.00 and authorizing the Mayor to execute an employment contract consistent with the terms previously negotiated with Mr. Voorhees; contract to be effective no later than August 10, 2012.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

Mr. Voorhees stated it was a great honor for him to be here and accept appointment to be their new City Manager. He stated he knew he was following in the footsteps of some great managers who had helped to work with them and the citizens and the staff to make Fayetteville the great All-American City that it was. He wanted to note that great cities were strengthened by their diversity, but they also were unified by vision and purpose. He hoped that he could be a part of creating an informed, unified purpose to advance the cause of making Fayetteville even greater than it already was.

9.2 Parks and Recreation - Resolution for preliminary authorization for GO Park Bond Referendum.

Mr. Michael Gibson, Parks, Recreation & Maintenance Director, presented this item with the aid of a power point presentation. He stated over the past few weeks staff and Council had gone over the process of the parks and recreation bond package and they had shortened it slightly and made revisions. He stated staff had created what he believed were the necessary needs throughout the City with their multipurpose aquatic center, cape fear river park, tennis center, sports complex, skate park, neighborhood community parks, greenways, existing building renovations, parkland acquisitions, and planning and design. He stated the staff recommendation was for Council to adopt the resolution granting preliminary authorization to proceed with a general obligation bond referendum to finance various parks and recreation improvements for the City.

Council Member Applewhite commended Mr. Gibson and his staff for all of the hard work they had put into the project. She stated she could not support the bond package as her priorities for her district were to provide sidewalks, adequate street lighting, address youth crime, and provide adequate transportation. She stated the bond package proposal would not meet the core needs of the citizens she represents.

RESOLUTION GRANTING PRELIMINARY AUTHORIZATION TO PROCEED WITH A GENERAL OBLIGATION BOND REFERENDUM TO FINANCE VARIOUS PARKS AND RECREATION IMPROVEMENTS FOR THE CITY. RESOLUTION NO. R2012-027.

MOTION: Council Member Davy moved to approve the proposed resolution directing staff to place a general obligation bond referendum to finance various parks and recreation improvements for approximately \$45 million for the City on the ballot in February 2013.

SECOND: Council Member Hurst

VOTE: PASSED by a vote of 6 in favor and 4 in opposition (Council Members Applewhite, Bates, Crisp, and Fowler)

10.0 ADMINISTRATIVE REPORTS

10.1 Tax Refunds of Less Than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Pyramid Geosciences Inc.	2010	Corrected Assessment	\$ 63.36
Rich, DJuan B.	2009-10	Duplicate Payment	<u>47.80</u>
			<u>\$111.16</u>

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:10 p.m.