

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

Present: Mayor Nat Robertson

Council Members Kathy 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
Rob Stone, Engineering and Infrastructure Director
Kecia Parker, Real Estate Manager
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 Reverend Kenneth Williams of Agape Fellowship Church of Fayetteville.

3.0 PLEDGE OF ALLEGIANCE

Mayor Robertson led the Pledge of Allegiance.

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Mohn announced the next meeting of the Fayetteville OutFront Community would be held on January 20, 2016, at 6:00 p.m. at the Bill Hefner Elementary School.

Council Member Hurst announced a Fayetteville Beautiful cleanup would be held on April 2, 2016, at 8:00 a.m.

Council Member Wright announced the Martin Luther King Jr. Prayer Breakfast would be held on January 18, 2016, at 8:00 a.m. at the Crown Center

5.0 APPROVAL OF AGENDA

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

6.0 CONSENT AGENDA

MOTION: Council Member McDougald moved to approve the consent agenda with the exception of Items 6.05 and 6.06, pulled for separate vote.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

**6.01 Approval of Meeting Minutes:
November 23, 2015 - Regular**

December 7, 2015 - Special
December 14, 2015 - Regular
January 4, 2016 - Special - Legislative Update

6.02 Approval of Bus Purchase from Dallas Area Rapid Transit Authority

RESOLUTION TO PURCHASE UP TO TWO (2) BUSES FROM DALLAS AREA RAPID TRANSIT AUTHORITY. RESOLUTION NO. R2016-001

6.03 Approval of a Modification of Lease Agreement for Festival Park Plaza Suite to NCI Information Systems, Incorporated

On June 17, 2011, the City of Fayetteville acquired the Festival Park Plaza Building and currently leases a portion of the building out to third parties. The building is approximately 41,414 square feet and the lease to be modified is for a space approximately 3,490 square feet that the tenant has leased since December 1, 2009. The current lease expires January 31, 2016, and the tenant would like to extend the lease agreement for three years. The current rental rate is \$5,862.36 monthly with an annual rental rate of \$70,348.32. With the amendment, the first month's rent would be \$5,863.20 for an annual rental rate of \$70,358.40, the second year would have a monthly rental rate of \$6,009.78 with an annual rental rate of \$72,117.36, and then the third year monthly rental rate would be \$6,160.02 for an annual rental rate of \$73,920.24.

6.04 Award Contract for the Purchase of One (1) 54,000 lb. GVWR Cab and Chassis with a 12 Cubic Yard Dump Body to H&H Freightliner, the lowest, responsive, responsible bidder, in the amount of \$110,402.00

Formal bids for the purchase of one 54,000 lb. GVWR Cab and Chassis with a 12 Cubic Yard Dump Body were received September 30, 2015, as follows:

H&H Freightliner, Hope Mills, NC	\$110,402.00
Smith International, Fayetteville, NC	\$111,192.00
Transource, Raleigh, NC	\$115,709.00

6.05 Pulled for discussion and separate vote by Council Member McDougald.

6.06 Pulled for discussion and separate vote by Council Member McDougald.

6.07 Tax Refunds Greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Howard, Rosalyn Curtis	2013	Corrected Assessment	\$ 140.82
Total			<u>\$140.82</u>

6.05 House Party Ordinance

Council Member McDougald pulled this item for discussion and separate vote. He stated he believes in the First Amendment right; freedom of assembly, and stated this proposed ordinance pushes in the wrong direction, and it takes away a constitutional right.

MOTION: Council Member Mohn moved to approve the amended House Party Ordinance.

SECOND: Mayor Pro Tem Colvin

VOTE: FAILED by a vote of 5 in favor to 5 in opposition (Council Members deViere, McDougald, Hurst, Crisp, and Arp)

6.06 Balloons and Special Purpose Signage

Council Member McDougald pulled this item for discussion and separate vote.

Council Member Arp stated he has been contacted by several individuals and churches regarding digital signs. Some of the signs are not in compliance with the current sign ordinance and the Unified Development Ordinance (UDO). He proposed that we go back and review the sign ordinance and make sure we are not being punitive to business and not having a negative effect on economic growth. He also stated Mayor Robertson has spoken with Chamber of Commerce staff to ask them to form a task force to review the sign ordinance. Council Member Arp further recommended he would like to initiate a moratorium during the interim.

Mayor Robertson asked what would have to take place in order to implement the proposed moratorium. Ms. Karen McDonald, City Attorney responded a public hearing would be required, public notice, and an ordinance to adopt the moratorium.

Council Member deViere asked the moratorium not be considered due to time constraints, the moratorium would add more time to the process.

Council Member Arp agreed to remove the moratorium from his motion.

Council Member deViere asked the motion be specific as to cite the section of the UDO to be reviewed.

Mr. Theodore Voorhees, City Manager, cited the sections of the UDO pertaining to signage.

MOTION: Council Member Arp moved to table this item to allow time for a task force comprised of Chamber of Commerce and City staff to review Unified Development Ordinance section 30-5, sec. L, Items 1 through 12, and report findings and recommendations to Council no later than March 1, 2016.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

RECOGNITION

Mayor Robertson read a proclamation for Ms. Evelyn Martin on the occasion of her 100th birthday. Mayor Pro Tem Colvin presented the proclamation to Ms. Martin.

9.0 PUBLIC FORUM

Ms. Kate O'Brian, 6136 Ramsey Street, Fayetteville, NC, expressed concerns regarding missed containerized yard waste at her residence, and cited an error on the Environmental Services calendar that was mailed to residents.

12.0 ADMINISTRATIVE REPORTS

12.01 Tax Refunds Less than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Hepburn, John B	2013	Illegal Tax	\$78.26
Total			<u>\$78.26</u>

13.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:30 p.m.