

**FAYETTEVILLE CITY COUNCIL
AGENDA
WORK SESSION
MARCH 2, 2009
5:00 P.M.**

VISION STATEMENT

**The City of Fayetteville
is a GREAT PLACE TO LIVE with
a choice of DESIRABLE NEIGHBORHOODS,
LEISURE OPPORTUNITIES FOR ALL,
and BEAUTY BY DESIGN.**

**Our City has a VIBRANT DOWNTOWN,
the CAPE FEAR RIVER to ENJOY, and
a STRONG LOCAL ECONOMY.**

**Our City is a PARTNERSHIP of CITIZENS
with a DIVERSE CULTURE and RICH HERITAGE,
creating a SUSTAINABLE COMMUNITY.**

**FAYETTEVILLE CITY COUNCIL
WORK SESSION AGENDA
MARCH 2, 2009
3:00 P.M.
LAFAYETTE ROOM**

CALL TO ORDER

INVOCATION

ITEM 1. APPROVAL OF AGENDA

ITEM 2. FY 2009-10 STRATEGIC PLAN DEVELOPMENT
PRESENTED BY: Lyle Sumek, Sumek and Associates, Inc.
PAGE: 4

ITEM 3. DOWNTOWN PARKING PROPOSED REVISIONS
PRESENTED BY: Bobby Teague, Engineering and Infrastructure
Director
PAGE: 5

**ITEM 4. CONSIDER AWARD OF REMAINDER OF A/E CONTRACT FOR
NC STATE VETERANS PARK**
Consideration is requested for award of the remainder of the A/E
contract for Phase 1 of the NC State Veterans Park. Pursuant to
Council instructions, staff conducted a master plan validation and
detailed scoping process with the recommended design team. This
recommendation is the result of those meetings and process.
PRESENTED BY: Craig Hampton, Special Project Director
PAGE: 10

**ITEM 5. UPDATE OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO)
PROCESS**
PRESENTED BY: Karen Hilton, Assistant Planning Director
PAGE: 14

ITEM 6. COUNCIL MEMBER REQUESTS

A. USE OF POLICE VEHICLES
REQUESTED BY: Council Member Bates
PAGE: 16

**B. MODIFICATION TO CITY COUNCIL POLICY ON PUBLIC
HEARINGS**
REQUESTED BY: Mayor Chavonne
PAGE: 17

Notice Under the Americans with Disabilities Act (ADA): The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services,

programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in the City program, service, or activity, should contact the office of Ron McElrath, Acting ADA Coordinator, at rmcelrath@ci.fay.nc.us, 910-433-1605 or 910-433-1696, or the City Clerk at cwhite@ci.fay.nc.us, or 910-433-1989, as soon as possible but no later than 48 hours before the scheduled event.

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
Through: Dale Iman, City Manager
From: Doug Hewett, Assistant City Manager
Date: March 2, 2009
Re: FY 2009-10 Strategic Plan Development

THE QUESTION: Does City Council wish to continue strategic planning discussions for the development of the FY09-10 strategic plan?

RELATIONSHIP TO STRATEGIC PLAN: Each year, City Council advances a strategic plan that articulates the vision we have for our community, our mission, core values, five-year goals for the City and one-year policy and management action agendas for the next fiscal year.

BACKGROUND:

- During the February 6th and 7th strategic planning sessions, City Council worked to develop the FY09-10 strategic plan. Council participated in strategic discussions about major issues facing the City, reprioritized the five-year goals and objectives and identified policy and management action agendas for the coming fiscal year.
- The City's strategic planning consultant returns to continue strategic planning discussions on the following topics:
 - Review and finalize the FY09-10 strategic plan document.
 - Review and finalize the policy and management one-year action agendas
 - Determine strategies for major issues impacting the community

ISSUES: None

OPTIONS: For information only

RECOMMENDATIONS: For information only

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
Thru: Jeffrey Powell, Assistant City Manager
From: Bobby B. Teague, Director of Engineering & Infrastructure
Date: March 2, 2009
Re: Downtown Parking Proposed Revisions

BBT

THE QUESTION:

- Council is asked to consider revisions to the ordinances that pertain to downtown parking as recommended in the downtown parking study report prepared by MAB / Walker Parking Consultants and previously discussed at the August 2008 Council work session. A new contract with McLaurin Parking based on the revised ordinances will also be discussed.

RELATIONSHIP TO STRATEGIC PLAN:

- Downtown parking report and action

BACKGROUND:

- Demand for parking downtown continues to grow
- Several parking patrons ignore parking citations and owe thousands of dollars in uncollected parking fines
- Recommendations from the parking study include:
 - All off-street parking spaces to be either leased spaces or hourly/daily pay spaces
 - On-street parking to become paid parking once they achieve 85% occupancy
 - Enact booting/towing of certain vehicles with overdue fines
 - Request proposals for a new downtown parking management contract
- These concepts were discussed at the Council work session in August 2008 with direction given to move forward with the parking study recommendations
- A copy of the proposed ordinance is attached with major revisions underlined
- A team including members of staff and the Downtown Parking Committee solicited proposals and selected McLaurin Parking for a new downtown parking management contract

ISSUES:

- Free parking will no longer be the norm in downtown Fayetteville
- Booting/towing will reduce delinquent fines
- Parking revenues will increase
- Parking management costs will rise due to additional responsibilities in the contract
- Our Finance Department, the Fayetteville Parking Service, the Downtown Alliance as well as our staff all support the booting/towing proposal

OPTIONS:

- Agree to the downtown parking concepts and contract presented
- Instruct staff to develop a modified version of the concepts presented
- Take no action

RECOMMENDATION:

- Agree to the concepts and contract as presented and adopt same at an upcoming Council meeting

City Code Parking Changes

Sec. 16-313. Parking zones.

- (a) Traffic Schedule No. 13, referenced in section 16-61, is hereby designated as "downtown district parking zones." All streets designated in Schedule No. 13, are hereby designated as 1, 2 or 3 hour parking zones established in the Schedule
- (b) Unless otherwise specified, the provisions of sections 16-313 through 20-317 shall apply only to parking in the downtown district parking zones (Schedule No. 13) between the hours of 9:00 a.m. and 6:00 p.m.

(Code 1961, § 20-140)

Sec. 16-315. Free one-hour, two-hour and three-hour parking spaces.

Anyone shall be permitted to park in any designated parking zone for free for a period of time not to exceed the specified time limit.

- (a) The areas of municipal off-street parking facilities owned or leased by the city and designated for use by the public as parking facilities and streets and portions of streets described in the Schedule of Traffic Regulations shall constitute the limited time parking zones within the city. The fact that a limited time notice or sign is in place at any point within the city shall be prima facie evidence that the locality thereof is within a limited time parking zone. The term "limited time parking zone" shall mean and include any restricted street, or section of street, or off-street parking facility such as a lot, or other facility owned or leased by the city and designated for use by the public as parking facilities, upon which limited time parking signs or notices are installed and in operation.
- (b) Parking spaces may be leased within limited time parking zones. When the spaces are properly marked with "leased parking only" signs, the time limits imposed in the limited time parking zones shall not apply to those spaces leased.
- (c) On-street parking may be converted from limited time parking to pay parking once the occupancy for on street spaces has consistently reached the 85% threshold as determined by the Traffic Engineer and approved by the City Manager

(Code 1961, § 20-142)

Sec. 16-316. Miscellaneous prohibitions on parking or standing any vehicle.

It shall be unlawful for any person:

- (a) To cause, allow, permit, or suffer any vehicle registered in the name of, or operated by such person, to be parked overtime or beyond the period of legal parking time established for any parking zone as described in this article, or in violation of any schedule set forth in section 16-61.
- (b) To park any vehicle across any line or marking of a parking space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- (c) To park any vehicle within the area designated as a parking zone for the purpose of making sales of any property to any other persons on the street. This section shall not apply to the selling or delivery of goods sold within the buildings, abutting on such street.

(Code 1961, § 20-143)

Sec. 16-317. Signs to be posted by city traffic engineer.

- (a) The city traffic engineer shall cause to be posted, in a prominent place on each side of any city street block where parking zones are in place, a permanent sign, not less than 12 inches by 18 inches in size, showing the lawful time limit applicable to parking on street in such block.

(Code 1961, § 20-144)

Sec. 16-318. Off-street parking lots; hours and days of operation.

- (a) All off-street lots designated on Traffic Schedule Nos. 3,4, and 5, section 16-61, shall be operated as set forth in section 16-319 between the hours of 9:00 a.m. to 6:00 p.m. each day of the week with the following exceptions:
- (b) Unless otherwise stated in this section, all off-street lots designated on Traffic Schedule Nos. 3 and 4, section 16-61, shall be open on Saturdays, Sundays, and all municipal holidays, with no limitations as to time of parking or length of time permitted, with no charge.

(Code 1961, § 20-145)

Sec. 16-319. Fees.

- (a) Pay Parking: The fee for on and off street pay parking shall be in accordance with the fee schedule as approved by the City Council. The lots and streets listed under Schedule 5 of the Traffic Schedule shall be pay parking.
- (b) Lease Parking: The fee for on and off street lease parking shall be in accordance with the fee schedule as approved by the City Council.

(Code 1961, § 20-146)

Sec. 16-321. Overtime and illegal parking.

- (a) It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle which he owns or operates, or over which he has any control, to be parked overtime upon any parking lot listed in Traffic Schedule Nos. 3 or 4, section 16-61, or to be parked in such lots beyond the period of legal and authorized parking time applicable to the parking space in which such vehicle is parked, or to be parked in a place other than a marked parking space between the lines as designated in such lots.
- (b) The penalty for a violation of this section shall be listed in the Fee schedule as adopted by council.

(Code 1961, § 20-148)

Sec. 16-323. City Plaza parking lots.

- (a) The parking lots located at the rear of City Plaza adjacent to Franklin Street, and assigned for public parking, shall be designated City Plaza parking lots 1 and 2 as shown on Traffic Schedule No. 3, section 16-61.
- (b) The city manager shall have authority to designate certain parking spaces within city owned parking lots, including but not limited to parking for city-owned vehicles, and designated city employees and officials; any other parking spaces in City Plaza parking lots 1 and 2 not so designated shall be used solely for individuals conducting business in the City Plaza, and for purposes of this section shall be deemed public parking spaces.
- (c) It shall be unlawful for anyone to park in any parking space in City owned parking lots designated by the city manager for official use of an employee, official, or city-owned vehicle at any time unless authorized by the city manager.
- (d) It shall be unlawful for anyone to park in any public space in City owned parking lots in excess of two hours, between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday.
- (e) The city manager is authorized to grant temporary exemptions from the provisions of this section to anyone who is conducting official business in the City Plaza.
- (f) The penalty for a violation of this section shall be listed in the Fee schedule as adopted by council.

(Code 1961, § 20-150)

State law references: Off-street parking facilities, G.S. 160A-302.

Sec. 16-327 Immobilization and impoundment of certain vehicles.

***Cross reference(s)--Police-initiated tow service operations, § et seq.**

The finance director or designee(s) may authorize to be immobilized by the use of wheel locks or may tow and impound any vehicle which is illegally parked, and for which there are \$ 250 or more outstanding, unpaid and overdue parking tickets issued by the city which tickets have remained unpaid for a period of ninety (90) days.

Sec. 16-328 Procedure to immobilize/impound of certain vehicles by Parking Contractor.

- (a) If a wheel lock is attached to a vehicle, a notice shall be affixed to the windshield or any part of the vehicle so as to be readily visible. The notice shall warn that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage thereto. The city or its designee shall not be responsible for any damage to an immobilized, illegally parked vehicle resulting from unauthorized attempts to free or move the vehicle. An immobilization fee of fifty dollars (\$50.00) shall be charged for the removal of the wheel lock. The notice shall also state the total amount of civil penalties due for the overdue, unpaid parking tickets, and the fifty-dollar immobilization fee to be charged. The notice shall also list the address and telephone number of the city and or parking contractor offices to be contacted to pay the charges and to have the wheel lock removed.
- (b) If the civil penalties due and the immobilization fee of fifty dollars (\$50.00) as provided hereinabove are not paid within twenty-four (24) hours of the attachment of the wheel lock, such vehicle may be towed and impounded at the direction of the finance director or designee(s) to any impound lot permitted to tow vehicles. In addition to the civil penalties for the overdue and unpaid parking tickets, and the administrative fee for placement and removal of the wheel lock, the tow operator may charge additional fees in accordance with City Code for towing and storage of the vehicle. Once a vehicle has been impounded, the finance director or designee(s) shall mail or cause to be mailed a notice of impoundment to the registered owner of the vehicle and lien holder, if any are known, to the address or addresses reported to the city by the North Carolina Department of Motor Vehicles.

Sec. 16-329 Release of immobilized/impounded vehicles.

Upon payment of all civil penalties to the Parking Contractor for unpaid and overdue parking tickets and all other applicable charges authorized by this section including immobilization, towing and storage fees, the vehicle shall be released from impound to the owner or any other person entitled to claim possession of the vehicle by the Parking Contractor or his designee.

Sec. 16-330 Disposal of impounded vehicles.

If a vehicle has been towed, and remains impounded in excess of thirty (30) days, it may be disposed of in accordance with the provisions of the city Code relating to the disposition of junked or abandoned vehicles.

Sec. 16-331 Appeal of immobilization.

- (a) The registered owner or person entitled to possession of any vehicle which has been immobilized or impounded pursuant to this article may submit a written request for a hearing to the city manager or designee by mail within seven (7) days from the receipt of the notice provided for in Section 16-328(b) above. If a request for a hearing is not made within the allotted time, the right to a hearing shall have been waived. If a hearing is requested, such hearing shall be commenced within seven (7) days of receipt by the city manager or designee of the request for such hearing. Thereafter, an informal hearing will be conducted by the city manager or designee at a time and place designated by the city manager or designee.
- (b) For the purpose of determining whether an illegally parked vehicle has \$ 250 or more overdue parking tickets which have remained unpaid for a period of ninety (90) days, it shall be sufficient if the license plate number of the illegally parked vehicle and the license plate number of the vehicle appearing on the tickets are the same.

Sec. 16-332 Unauthorized removal/destruction of immobilized unit.



It shall be unlawful for any unauthorized person, firm or corporation to remove from any vehicle a wheel lock placed thereon pursuant to this article or to remove from impound any vehicle placed therein pursuant to this article without all civil penalties and applicable charges having first been paid.

Sec. 16-358. Exceptions to prior notice requirement.

The requirement that notice be given prior to the removal of an abandoned, public nuisance, or junked motor vehicle may, as determined by the enforcement officer, be omitted in those circumstances where there is a compelling need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public health, safety or welfare. Such findings shall, in all cases, be entered by the enforcement officer or police officer in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

- (a) *Vehicles abandoned on the streets.* For vehicles left on the public streets and highways, the city hereby determines that immediate removal of such vehicles shall be warranted when they are:
- a. Obstructing traffic;
 - b. Parked in violation of an ordinance prohibiting or restricting parking;
 - c. Parked in a no-stopping or standing zone;
 - d. Parked in a loading zones;
 - e. Parking in bus zones;
 - f. Parked in violation of temporary parking restrictions imposed under code sections.
 - g. Vehicle parked in violation of a state statute or a city ordinance, except the city ordinance against overtime parking.
- (b) *Other abandoned or nuisance vehicles.* With respect to abandoned or public nuisance motor vehicles left on city-owned property, other than the streets and highways, or on private property, such vehicles may be removed without giving prior notice only in those circumstances where the enforcement officer finds a special need for prompt action to protect and maintain the public health, safety or welfare and such vehicles are blocking or obstructing ingress and egress to a business and residence, are parked in such a location or manner as to pose a traffic hazard, or are causing damage to public or private property.

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
Thru: Jeffrey Powell, Assistant City Manager 
From: Craig Hampton, Special Projects Director 
Date: March 02, 2009
Re: Recommendation for Award for A/E Services - NC State Veterans Park

THE QUESTION:

Council is being asked to authorize the city manager to negotiate and execute amendments to an existing contract for all architectural and engineering services necessary to construct the North Carolina State Veterans Park.

RELATIONSHIP TO STRATEGIC PLAN:

Meets all concepts of the Vision 2023 statement. Meets objectives of *Goal 1 - Greater Tax Base Diversity - Strong Local Economy*; *Goal 2 - More Attractive City - Clean & Beautiful*; *Goal 3 - Growing City, Livable Neighborhoods - A Great Place to live*; *Goal 5 - Greater Community Unity - Pride in Fayetteville*; *Goal 6 - Revitalized Downtown - A community Focal Point*.

BACKGROUND:

- In June 2006 the City of Fayetteville received a grant from the state of North Carolina in the amount of \$2.3 Million. This funding was specifically to be used to obtain various parcels needed to assemble land for the location of the NC State Veterans Park in downtown Fayetteville. The city spent the next year obtaining properties and conducting demolitions in anticipation of the project.
- In August 2007 the approved use of the funding was expanded to include "Tasks and expenditures associated with concept development, preliminary design, surveying, design development, construction documents and construction services".
- In September 2007 the city contracted with Vandewalle & Associates for professional services to create master park concept plans, redevelopment concept plans and opportunity analysis, and an implementation strategy for the theme and concept of the park. For almost the next year Vandewalle conducted a series of meetings, interviews with stakeholders and city staff and developed the overall master plan and concept of the park.
- In February 2008 Vandewalle made a series of presentations to city council at which time the master concept plan was approved.
- In May 2008 a bill (SB1611) was submitted for \$15 Million to construct the park.
- In June 2008 a presentation was made to members of the general assembly who unanimously endorsed the master plan and concept.
- In October 2008 the city received the 1st check for one - half of the \$14.7 Million appropriation. In January 2009 the city received an additional \$3.9MM. The remainder of the grant is to be received prior to the end of June 2009.
- In July 2008 the city issued a Request for Qualifications (RFQ) to interested A/E firms to submit for services to create final design and construction documents for the park.
- In Late September 2008 the city received 14 submittals for this work. Five (5) firms were short - listed for interviews and all interviews were held during the latter part of October.

000010

ITEM

4.

- On December 08, 2008 city staff recommended the team headed by Urban Resource Group, (Raleigh, NC). URG is a division of Kimley - Horne & Associates, Inc (Raleigh, NC). The URG team also consists of architectural firms Carol R. Johnson Associates (Knoxville, TN) & Clearscapes, PA (Raleigh, NC), and engineering firms McKim & Creed (Fayetteville, NC), Fleming & Associates (Fayetteville, NC) and S&ME (Fayetteville, NC). The city selection team consisted of the city engineer, the special projects director, the engineering and infrastructure director, the assistant planning director, and the parks and recreation director.
- On December 08, 2008 City Council authorized the City Manager to proceed with the master plan validation and scoping process and to report back to council regarding the refinement of tasks and responsibilities to be performed by URG & Team and Vandewalle & Associates. City staff and the aforementioned consultants meet during the 1st week of January to conduct the process. The same group met again on February 5, 2009 to refine the scope and conducted a briefing to the recently formed Content Committee. Since that time the city and consultants have been in negotiations over final tasks and responsibilities. This action for consideration contains the recommendation for award of a contract through phase 1 of the project. A revised project schedule is attached to this action form and includes the various meetings with the content and design committees. A map of the project area is also attached.
- This recommendation is to authorize the city manager to conduct final negotiations and execute documents necessary to authorize the remainder of the work in an amount not to exceed \$1,700,000. The amount represent estimates for all services and expenses necessary for public and committee meetings, design, submittal and obtainment of various permits, other environmental testing and reports required, conceptual, developmental, and construction drawings and plans for the park, visitors center, trails, parking lot improvements, water features, landscape areas, construction managements services and all other work necessary to complete the project through phase 1. It is expected that the city will issue at least 4 separate bid packages over the next year. The recommended contract includes an amount for limited participation by Vandewalle & Associates as a consultant to URG for creative design services related to the Thematic programming, design development, construction documents, and exhibit design and fabrication. City staff and the team from URG unanimously recommend the participation of Vandewalle during the aforementioned phases of the project due to their involvement during the initial phases of the project.

ISSUES:

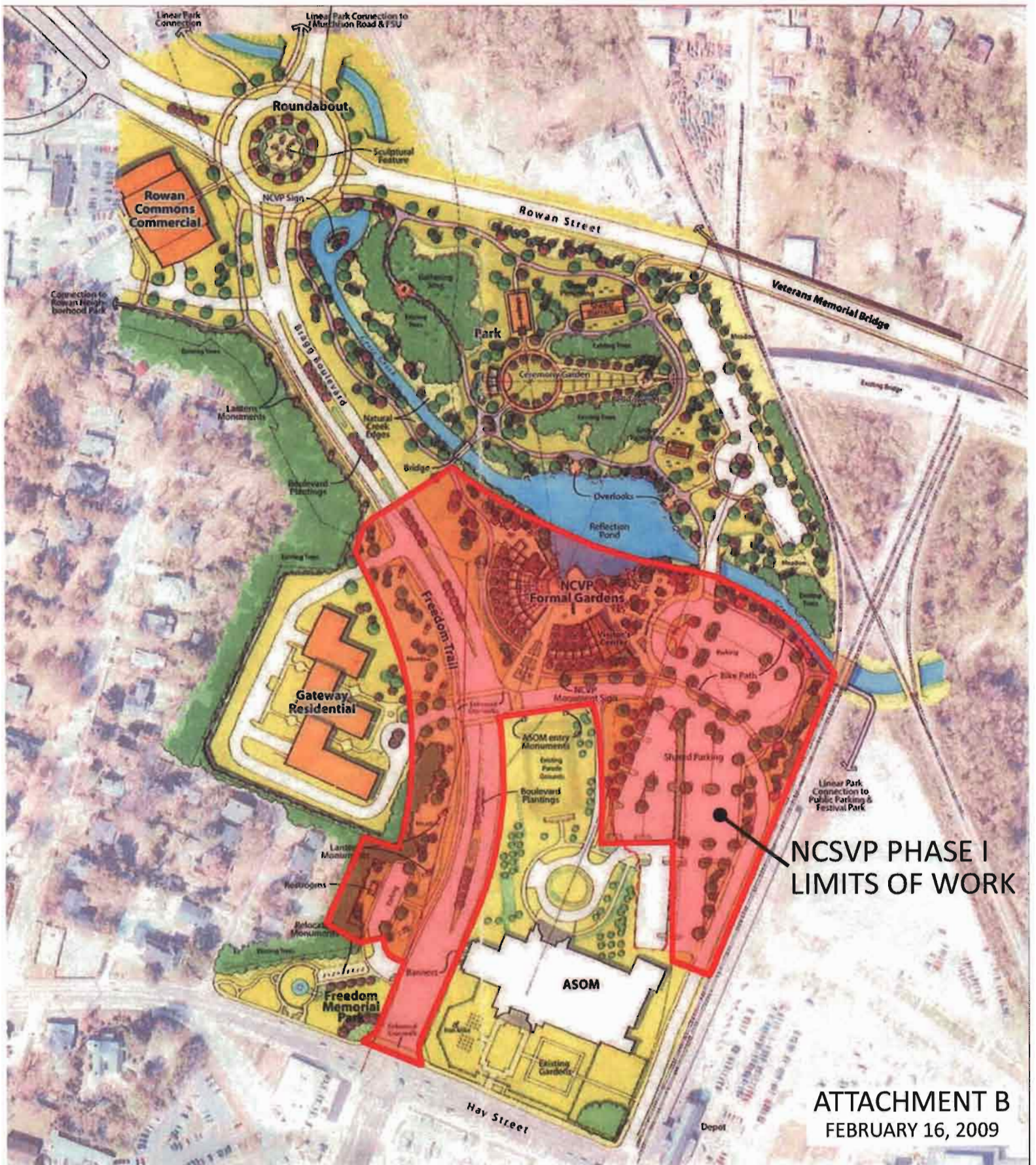
- Establishment of the members of the Design Review Committee and the Content Review Committee is complete and meetings will begin in April 2009. Membership & participation of those committees is critical to the success of the programming of the park. Some of the members of the aforementioned committees may also serve on the NC SVP Management Board who will provide guidance on the operations and use of the park after completion.
- The contract established by this action is for phase 1 of the park with some coordination services related to Phase 2 specifically as it related to coordination with NC DOT. Phase 2 of the park must be coordinated with the construction of the new bridge on Rowan Street.

OPTIONS:

- Authorize the City Manager to negotiate and execute contracts necessary to secure the A/E work in a combined amount not to exceed \$1, 700,000.
- Do not authorize the City Manager and provide guidance to staff on how to proceed.

RECOMMENDATIONS:

- Authorize the City Manager to negotiate and execute contracts necessary to secure the A/E work in a combined amount not to exceed \$1,700,000.



**NCSVP PHASE I
LIMITS OF WORK**

**ATTACHMENT B
FEBRUARY 16, 2009**

CITY COUNCIL ACTION MEMO

To: Rob Anderson, Chief Development Officer

From: Karen Hilton, Assistant Planning Director

Date: March 2, 2009

Re: UDO Update

THE QUESTION: To provide an update on the status of the project and to collaborate with council on devising a process for review approval by the city council. Staff recognizes the council's desire to achieve a clear understanding of what is different about the UDO in both process and content.

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity – Strong Local Economy
More Attractive City -- Clean and Beautiful
Growing City, Livable Neighborhoods -- a Great Place to Live
Greater Community Unity – Cost-Effective Service Delivery
More Efficient City Government – Cost Effective Service Delivery
Revitalized Downtown – A Community Focal Point

BACKGROUND:

Early in 2008 the City began a significant project to rewrite the subdivision and zoning chapters of the City Code to create a new Unified Development Ordinance (UDO) with standards aimed at encouraging the type and quality of development envisioned in the community's various plans. The first document prepared by the City's consultant Clarion, the Diagnosis and Annotated Outline (March 2008) is the primary point of reference. Drafting, adopting and implementing an ordinance of this magnitude is no small challenge. The Diagnosis is the road map for the work we are now engaged in.

This central guiding document is organized under six themes describing the major objectives of the UDO project. The Diagnosis also explains the reasons for the changes. In the introduction of each Theme, the reasons are summarized, and in the Appendices, the policy directions provided by approved plans (including the 2030 Vision Plan and the City Council's Strategic Plan) are linked with the regulations that would implement the policy.

The draft regulations are being prepared in three sections, with each referred to as a Module. Module 1, Administration, and Module 2, Zoning Districts and Uses, have been received. The final module, covering all the development and design standards (parking, landscaping, open space, fencing, community form, tree preservation, and so forth), is expected for public review in late March or early April.

After each Module has circulated for a few weeks, Clarion meets with the UDO Advisory Committee and the City Council (often a Joint Meeting with the Planning Commission) to review the material, highlighting the changes from current practice, and to discuss the draft. Staff and Clarion capture the comments and begin identifying adjustments that might be most appropriate. There are complex technical relationships among all parts of the UDO. As a result, final edits of the first two modules cannot be achieved until all three modules are

available. That said, when major issues have been raised the staff continues to work with the Advisory Committee to clarify issues and refine options so that the final review and revision process can be more manageable.

In Module 1, several major changes clearly were welcomed: format, consolidation of procedures into one chapter, clarity of process from start to finish, and clearer lists of criteria to guide various decisions are examples. "Welcomed with caution" items included required pre-application conferences and required neighborhood meetings for certain types of proposed development -- the cautions were to keep in mind the balancing acts involved in achieving higher standards, more neighborhood input and, for developers, efficiency and predictability. The addition of a Chief Development Officer likely will trigger adjustments to the review and administrative approval procedures.

In Module 2, at this stage there are several areas where additional discussion continues. The UDO Advisory Committee and other stakeholder groups such as Downtown Alliance, Homebuilders, Chamber of Commerce, and so forth are being engaged or invited in these discussions.

ISSUES:

1. Significant changes in the current process will likely slow progress toward a complete draft, either extending the project timetable or its cost or both.
2. Partial approval or ratification may promote a better understanding of the document and reduce some discussion time once the entire document is under final review.
3. Partial adoption or ratification/endorsement of components during the process has competing considerations:
 - could speed final reviews by having put several components "to rest"
 - could reduce staff time to help in preparing and reviewing new materials and in working with community/professional groups
 - could limit Council and Planning Commission time to review and comment on new materials
 - patience will be required as "finished" portions may need to be revisited and adjusted to make the document internally consistent. Those changes will be easy to identify via "redline" and "strikethrough."

OPTIONS:

1. Accept the three-part recommendation below
2. Devise alternative approaches in collaboration with staff.

RECOMMENDATION:

Measure the draft UDO documents by comparing them with the aspirations and objectives contained in the Diagnosis and Annotated Outline.

Be prepared to make difficult choices associated with the balance between pursuit of a different built environment and long term quality of life in Fayetteville as compared to the reasonable demands on the development community to achieve that outcome.

Continue to schedule work sessions with staff to move towards adoption of the Unified Development Ordinance.

Date of Request: 17 FEB 09

Name of Requester: K BATES

Agenda Item Title: USE OF POLICE VEHICLES

What do you want to accomplish with this item?

POLICE VEHICLES STAY INSIDE CITY LIMITS

How does this item connect to the City's Strategic Plan?

PRINCIPLE A

MEANS 8

GOAL 3

short term challenge # 1,

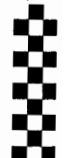
GOAL 5 objective 1

Comments:

I CONTINUE TO SEE CITY POLICE CARS

PARKED IN ANOTHER CITY PERSONNEL

RESIDENCE.





**City Council Agenda
Item Request**

Date of Request: February 24, 2009

Name of Requester: Tony Chavonne

Agenda Item Title: Modification to City Council Policy on Public Hearings

What do you want to accomplish with this item?

To modify the City Council Policy on Public Hearings to make it consistent with the policy used by Cumberland County and ensure that every citizen desiring to speak has an equal opportunity during Public Hearings.

How does this item connect to the City's Strategic Plan?

More Efficient City Government - Cost-Effective Service Delivery.
High level of customer satisfaction with city services.

Comments:

CC-101 (3/07)

CITY COUNCIL Public Hearings

CURRENT

Revised 12-15-97 Effective 1-5-87

A. Public Hearings

(2) Fifteen minutes will be allowed to each side of the Issue at a public hearing, and individual speakers will be limited to 5 minutes each unless by previous arrangement a single spokesman is designated, in which case the spokesman may use the entire 15 minutes. Time used in response to a question from a Council member will not be counted against the allotted 15 minutes.

PROPOSED (similar to County policy. See attached)
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B. Public Hearings Time Limits

(2) Ten minutes will be allowed to each side of the Issue at a public hearing, and individual speakers will be limited to 3 minutes each unless by previous arrangement a single spokesman is designated, in which case the spokesman may use the entire 10 minutes. Time used in response to a question from a Council member will not be counted against the allotted 10 minutes.

SUBJECT - CITY COUNCIL Hearings (Public and Non-Public)	Number 1202	Revised 12-15-97	Effective Date 1-5-98	Page 1 of 2
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The City Council of the City of Fayetteville, North Carolina, will apply the following Rules of Procedure at regular City Council meetings for citizens wishing to address the City Council:

A. Public Hearings

- (1) Individuals desiring to speak at a public hearing shall sign up with the City Clerk, by name and home address, before 7:00 p.m. on the date of the scheduled public hearing;
- (2) Fifteen minutes will be allowed to each side of the issue at a public hearing, and individual speakers will be limited to 5 minutes each unless by previous arrangement a single spokesman is designated, in which case the spokesman may use the entire 15 minutes. Time used in response to a question from a Council member will not be counted against the allotted 15 minutes; and
- (3) ~~No one in the audience will be permitted to speak during Council discussion and debate except in response to a question from a Council member recognized by the Chair.~~

B. Nonpublic Hearing Items

On nonpublic hearing items, the agenda shall indicate by whom the matter will be presented, and only members of staff, the presenter, or the presenter's designated representative shall be permitted to address the City Council. This paragraph is not subject to suspension under Roberts Rules of Order. Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing 20 copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

(b) The Board of Commissioners reserves the right to limit the length of public hearings. After the County Manager announces the close of a public hearing, no member of the public may address the issue to the Board.

(c) Persons desiring to speak at a public hearing must register with the Clerk to the Board prior to the commencement of the meeting.

Quorum at Public Hearings.

Rule 28.

A quorum of the Board must be present at all public hearings required by law.

Minutes.

Rule 29.

Minutes shall be kept of all Board meetings.

Appointments.

Rule 30.

The Board shall fill County Commissioner vacancies in accordance with G.S. 153A-21. The Board shall fill a Register of Deeds vacancy in accordance with G.S. 161-5 and a Sheriff vacancy in accordance with G.S. 162-5. The Board shall use the following procedure to make appointments to fill vacancies in other Boards, Commissions, and Committees over which the Board has power of appointment:

(a) Any citizen of Cumberland County is eligible to serve on appointed Boards/Commissions/Committees of the County where such appointment is not prohibited by state statute.

(b) All Board members must maintain residence in Cumberland County while serving on said Board.

(c) All appointments will be made in accordance to the Statute or Ordinance that created the Board/Commission/Committee.

(d) No citizen may serve more than two appointed positions simultaneously.

(e) No citizen may serve more than two consecutive terms on any Board/Committee/Commission.

(f) If a person is appointed to fill someone's unexpired term and serves less than half of a full term, he/she is eligible to serve two full terms.

copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Rule 24.

Introduction of Ordinances, Resolutions, and Orders.

A proposed ordinance shall be deemed introduced at the first meeting where it is on the agenda, regardless of whether it is actually considered by the Board, and its introduction shall be recorded in the Minutes.

Rule 25.

Adoption, Amendment, or Repeal of Ordinances.

To be adopted at the meeting where it is first introduced, an ordinance or an action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order or another ordinance requiring a public hearing before adoption) must be approved by all members of the Board of Commissioners. If the proposed measure is approved by a majority, but not by all the members of the Board, or if the measure is not voted on at that meeting, it shall be considered at the next regular meeting of the Board. If it then or at any time thereafter within one hundred (100) days of its introduction receives a majority of the votes cast, the measure is adopted.

Rule 26.

Quorum

A majority of the Board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members, he/she shall be counted as present for the purposes of determining whether a quorum is present. The Board may compel the attendance of an absent member by ordering the Sheriff to take the member into custody.

Rule 27.

Public Hearing Time Limits.

(a) The time limits for speakers at zoning public hearings shall be ten (10) minutes for the proponent and ten (10) minutes for the opponent; the time may be apportioned among speakers for that side. The time limits for speakers at other public hearings shall be three (3) minutes per speaker.

CUMBERLAND COUNTY