

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
OCTOBER 5, 2015
5:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1) (arrived at 5:12 p.m.); Kady-Ann Davy (District 2) (arrived at 5:23 p.m.); 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
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Harold Medlock, Police Chief
Kevin Arata, Corporate Communications Director
Michael Gibson, Parks, Recreation and Maintenance Director
Victor Sharpe, Community Development Director
Scott Shuford, Planning and Code Enforcement Director
Jerry Dietzen, Environmental Services Director
Craig Harmon, Senior Planner
Anthony Chavonne, Downtown Alliance
Heidi Kelly, Downtown Alliance
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 Wright.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Crisp moved to approve the agenda.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Approaches to Downtown Panhandling - Invitation to Downtown Alliance to participate in discussion

Ms. Heidi Kelly, Downtown Alliance Member, presented this item with the aid of a PowerPoint presentation and stated the Downtown Alliance is seeking the implementation of a comprehensive panhandling/public nuisance strategy. The proposed program includes four components as follows:

- (1) Develop and implement a program to collect donations to support local meals and housing efforts to help address the homelessness and panhandling issues in downtown Fayetteville.
- (2) Develop a sustainable education effort by identifying various audiences, develop a message for each audience, develop delivery method for each targeted message and establish efforts with the Downtown Community Watch Group.

- (3) Develop and refine a reporting system to track panhandling activity and deliver regular reports on activity levels of panhandling.
- (4) Develop a comprehensive marketing plan to include introduction of a community support initiative, and provide ongoing efforts to promote the safe image of downtown, and downtown signage.

Discussion ensued.

Consensus of Council was to move this item forward, and review the program six months after its initiation.

4.02 Consolidation of the Fayetteville Board of Adjustment into the Zoning Commission.

Mr. Craig Harmon, Senior Planner, presented this item and stated in 1996 the City's Planning Department split from the joint City/County Planning Department. In 1999, the Zoning Commission for the City was designated to handle the cases of the Board of Adjustment (BOA) as well as zoning issues and special use permits. In 2000, the City created its first stand-alone Board of Adjustment. There is no conflict with the Zoning Commission serving as the Board of Adjustment according to State Statutes. From 2008 to 2011, the BOA averaged 23 cases per year. In 2012, the number of cases has decreased to 9, and over the last two years there has been an average of 4 cases per year and none to date in 2015. One of the most helpful sections of the City's Unified Development Ordinance (UDO) over the prior zoning code, is the addition of administrative adjustments that can be issued by staff. The overall updating of standards along with these adjustments have greatly lessened the need for citizens to apply for variances. Six out of the eight variances applied for in the last two years have been for an increase in square footage to commercial signs. The need for most of the other types of variances has almost been eliminated. With the limited number of current cases, interest in serving on the board wanes. Currently there are no alternates appointed to the BOA, only the five regular members. All BOA cases involving variances require a four-fifths majority to approve a case. Consequently, the declining interest and difficulty in maintaining membership, particularly with alternates, is problematic for applicants. Consolidating the BOA with the Zoning Commission would be similar to Council's prior action to consolidate three code enforcement boards into a single Board of Appeals. Currently there are five regular members and two alternates on each board. Seven of these appointment positions would be eliminated with this consolidation.

Consensus of Council was to move this item forward.

4.03 River Plan Update

Mr. Scott Shuford, Planning and Code Enforcement Director, presented this item with the aid of a PowerPoint presentation and stated City Council directed staff to prepare a River overlay district to address future development of the City's Cape Fear River area jurisdiction. Council also directed staff to treat the River area as a subset of the City's Comprehensive Plan update. Staff has developed specific concepts for the River area that we refer to as the preliminary Cape Fear River Plan. After Council review of these concepts, we intend to initiate the public discussion about these concepts including review and comment by various City boards and commissions, which, when complete, will be brought to Council for approval as (a) a zoning overlay/rezoning proposal, and (b) as a subset of the Comprehensive Plan update.

The presentation covered river history, land use issues, economic development opportunities, potential public-private partnerships, and environmental constraints and opportunities.

Discussion ensued.

Consensus of Council was to direct staff to follow the original consensus action of Council that was taken on June 1, 2015, which was to direct staff to develop an alternative land use plan in the areas adjacent to the river that provides zoning options other than Heavy Industrial (HI) and present potential options to Council.

4.04 Gateway Corridor Overlay District and Opportunities

Council Member Colvin introduced this item and stated this presentation compiles information that has been shared with the Gateways Committee; the Gateways Committee had done considerable work over the past two years.

Mr. Scott Shuford, Planning and Code Enforcement Director, presented this item with the aid of a PowerPoint presentation and stated Gateway corridors are important barometers of community character, informing tourists, developers, business people and citizens about the quality of life and economic expectations of the community. The City-County Gateway Committee has been created to provide guidance on gateway issues. Many communities have special regulations and design standards for gateways. For example, the City of Fayetteville and Cumberland County have adopted a Crown Coliseum Overlay District that, in some ways, functions like a corridor overlay district. Communities adopt corridor overlay districts to establish special standards for a variety of issues, including special sign standards, special landscaping standards, special property use standards, special property access standards, special building design standards, special public lighting and street furniture standards, and special public signage standards. Mr. Shuford also briefed the Council on opportunities for working with the NC Department of Transportation and railroad companies to create gateway features via partnerships.

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented slides on landscaping, street furniture, public art, and suggested gateway signage designs.

Discussion ensued.

Consensus of Council was to move this item forward.

4.05 House Party Ordinance

Ms. Karen McDonald, City Attorney, presented this item and stated Council expressed an interest in the development of a House Party Ordinance. At the August 3, 2015, work session, Council directed staff to draft an ordinance to bring back to Council for review; the draft ordinance in the agenda packet reflects this directive. Ms. McDonald further stated we are trying to create responsibility; we are trying to decrease the number of parties that result in some form of violence.

Discussion ensued regarding the issuance of citations and applying civil penalties for violation of the ordinance; tenants shall be subject to a civil penalty in the amount of five hundred dollars (\$500.00) each if police respond to a second call for service at a house party within a 12 hour period

Consensus of Council was to move this item forward. Council Member Crisp was not in agreement with the consensus.

4.06 City Uniforms

Mr. Kristoff Bauer, Deputy City Manager, presented this item with a PowerPoint presentation and stated a number of Council members have asked questions regarding the nature of uniforms used throughout the organization; the PowerPoint presentation is a visual tour of various

types of uniforms. Mr. Bauer also stated the City has a general workplace dress policy that establishes a basic standard for all operations.

Discussion ensued.

This item was for information only. No direction was given.

4.07 Council Member Mohn - Agenda Item Request - Council Meeting Recordings Uploaded to City's Website

Council Member Mohn presented this item and stated he is seeking Council approval to have all audio recordings of open Council meetings uploaded/posted to the City of Fayetteville's website. Council Member Mohn further stated that Council is aware all meetings are recorded and asked for reconsideration of this request; that the audio recordings be hosted on our City website. Mr. Voorhees, City Manager, stated the audio recording could be tagged with the agenda link, and this new process should be available in approximately 60 days.

Consensus of Council was to approve uploading audio recordings of meetings to the City's web site.

4.08 Council Member Arp - Agenda Item Request - Establish a Council Policy and Written Protocol for Nomination for Boards and Commissions

Council Member Arp presented this item and stated at the August 4, 2015, Council meeting, the issue was raised that Council does not have a written policy on how the Council conducts notifications from the floor for boards and commissions. To ensure we conduct business in a manner consistent with our Core Values, I recommend we develop a Policy and Protocol Procedure for process of making nominations from the floor.

Council Member Crisp stated the Appointment Committee has been meticulous regarding not considering late applications; the applications need to be timely.

Council Member Colvin stated the Appointment Committee is so powerful; it can circumvent the rest of the Council.

Council Member McDougald stated he thought the Appointment Committee was prejudicial.

Council Member Wright stated there are flaws in the nomination process and we need to fine tune the procedure; Robert's Rules of Order permit nominations from the floor.

Mayor Robertson provided a handout that outlined a method for appointing board and commission members by allowing each Council member one selectee for each board and commission.

Council Member Mohn stated there should be a cutoff date.

Council Member Arp stated there does need to be a deadline.

Council Member Hurst stated he agrees with Council Member Arp and that there does need to be a timeline established, and also stated the vetting is important.

Council Member Jensen stated she liked the idea of background checks, and further stated serving on the Appointment Committee is a lot of work.

Consensus of Council was to bring this item back to the November 2, 2015, work session and discuss best practices.

4.09 City Council Request - Solid Waste Update

Mr. Jerry Dietzen, Environmental Services Director, introduced this item, and stated at the September 28, 2015, City Council meeting Council approved the purchase of new 95-Gallon Schaefer Refuse Containers for Environmental Services and approved this item be placed on the October 5, 2015, City Council work session agenda for further discussion.

Council Member Mohn stated he was the one that made the motion; the discussion was for potential outsourcing of solid waste collection for a small piece of the city.

Discussion ensued.

Consensus of Council was to have the City Manager direct staff to prepare a draft Request for Proposal (RFP) to contract a portion of west Fayetteville for garbage collection only, and to have the draft RFP available for Council for review and discussion at the January 4, 2016, City Council work session.

5.0 CLOSED SESSION

MOTION: Council Member Wright moved to go into closed session for an economic development matter and litigation in the matter of *Public Works Commission, et al. v. City of Fayetteville, et al.*

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

The regular session recessed at 8:50 p.m. The regular session reconvened at 9:25 p.m.

MOTION: Council Member Mohn moved to go into open session.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:25 p.m.

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