



FAYETTEVILLE CITY COUNCIL
AGENDA
MAY 7, 2012
5:00 P.M.
Lafayette Room, City Hall

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 APPROVAL OF AGENDA

4.0 OTHER ITEMS OF BUSINESS

- 4.1 Overview of the Fiscal Year 2012-2013 Recommended Budget and Action to Set the Dates of the Budget Public Hearing and Budget Workshops

Presented By: Kristoff T. Bauer, Interim City Manager
Steven K. Blanchard, PWC CEO/General Manager

- 4.2 Group Living Facility Separation Requirements - Discussion of options and direction to staff

Presented By: Scott Shuford, Development Services Director

- 4.3 Proposed Citizen Complaint Review Board

Presented By: Karen McDonald, City Attorney

5.0 MANAGER'S REPORT

6.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

Anyone desiring to address the Council on an item that is not a public hearing must present a written request to the City Manager by 10:00 a.m. on the Wednesday preceding the Monday meeting date.

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

Individuals wishing to speak at a public hearing must register in advance with the City Clerk. The Clerk's Office is located in the Executive Offices, Second Floor, City Hall, 433 Hay Street, and is open during normal business hours. Citizens may also register to speak immediately before the public hearing by signing in with the City Clerk in the Council Chamber between 6:30 p.m. and 7:00 p.m.

**POLICY REGARDING CITY COUNCIL MEETING PROCEDURES
SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM**

Individuals who have not made a written request to speak on a non-public hearing item may submit written materials to the City Council on the subject matter by providing twenty (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.

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. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Ron McElrath, ADA Coordinator, at rmcelrath@ci.fay.nc.us, 910-433-1696, or the Office of the City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.*

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Kristoff T. Bauer, Interim City Manager
DATE: May 7, 2012
RE: **Overview of the Fiscal Year 2012-2013 Recommended Budget and Action to Set the Dates of the Budget Public Hearing and Budget Workshops**

THE QUESTION:

The Interim City Manager and PWC General Manager will present an overview of the Fiscal Year 2012-2013 Recommended Budgets for the City and PWC. Council is asked to adopt the recommended budget calendar and set the date for the public hearing on the budget.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principles: Financially sound city government; full range of quality municipal services; services delivered in a cost effective manner.

BACKGROUND:

- The Fiscal Year 2012-2013 Recommended Budget will be officially presented to City Council at the May 14, 2012 regular council meeting.
- The recommended budget documents will be made available to the public at the office of the City Clerk and on the City and PWC websites.
- Budget workshops have been tentatively scheduled for May 16, May 23 and May 30, 2012.
- The recommended date for the required budget public hearing is May 29, 2012.

ISSUES:

Additional feedback is requested from Council as we progress through the budget deliberation process.

BUDGET IMPACT:

As presented.

OPTIONS:

Approve or revise the recommended budget calendar, and set the date for the required budget public hearing. No action is required with respect to the recommended budget at this time.

RECOMMENDED ACTION:

- Approve the recommended budget calendar to schedule the three budget workshops.
- Set the date of the public hearing on the Recommended Fiscal Year 2012-2013 Budget for May 29, 2012.

ATTACHMENTS:

Recommended Budget Calendar

City of Fayetteville
FY 2012/2013 BUDGET CALENDAR

March 2012						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April 2012						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May 2012						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

June 2012						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Regular Meeting

Work Session

Budget Workshop

Holiday

Council Retreat

Date	Location	Activity
May 7, 2012 Work Session 5:00 pm	Lafayette Room	<ul style="list-style-type: none"> Overview of budget to be recommended
May 14, 2012 Regular Meeting 7:00 pm	Council Chambers	<ul style="list-style-type: none"> Presentation of recommended City and PWC budgets
May 16, 2012 Budget Workshop 5:00 pm	Lafayette Room	<ul style="list-style-type: none"> Topics to be determined
May 23, 2012 Budget Workshop 5:00 pm	Lafayette Room	<ul style="list-style-type: none"> Topics to be determined
May 29, 2012 Regular Meeting 7:00 pm	Council Chambers	<ul style="list-style-type: none"> Public hearing
May 30, 2012 Budget Workshop 5:00 pm	Lafayette Room	<ul style="list-style-type: none"> Topics to be determined
June 11, 2012 Regular Meeting 7:00 pm	Council Chambers	<ul style="list-style-type: none"> Consider adoption of budget ordinance and related capital project ordinances

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Scott Shuford, Development Services Director
DATE: May 7, 2012
RE: **Group Living Facility Separation Requirements - Discussion of options and direction to staff**

THE QUESTION:

Should adjustments be made to the separation requirements for certain group living facilities?

RELATIONSHIP TO STRATEGIC PLAN:

Desirable Neighborhoods; Community Diversity

BACKGROUND:

A proposed text amendment was tabled by City Council to allow additional discussion to occur.

ISSUES:

Council input regarding whether adjustments to current separation requirements should be made.

Information on questions unresolved from the April 23 Council meeting will be provided.

BUDGET IMPACT:

None noted

OPTIONS:

-Approve as proposed -Deny -Establish a new absolute minimum separation threshold for group living facilities in nonresidential districts; continue to allow such facilities that are above that threshold to be determined by SUP-Have separate separation standards for large and small group living facilities

RECOMMENDED ACTION:

Council receive staff presentation and provide direction to staff.

ATTACHMENTS:

PowerPoint Presentation - Group Living Separation

Zoning Code Text Amendment

Modifying Separation Distances for
Group Homes, Halfway Houses and
Transitional Housing

Proposal

1. Maintain existing 2,640-foot separation distance for group homes, etc. in **residential** districts.
2. Allow separation distances for group homes, etc. in **nonresidential** districts to be determined through the special use permit process.
3. Establish transitional housing as a new group living use.

1. Group Homes, Etc. in Residential

- Code currently establishes a 2,640-foot (half-mile) separation distance between a variety of group living facilities.
- This standard cannot be varied for any reason.
- It was established to address proliferation of these facilities as state policies changed.
- **Proposal: No change to current separation requirements in residential districts.**

2. Group Homes, Etc. in Non-Residential

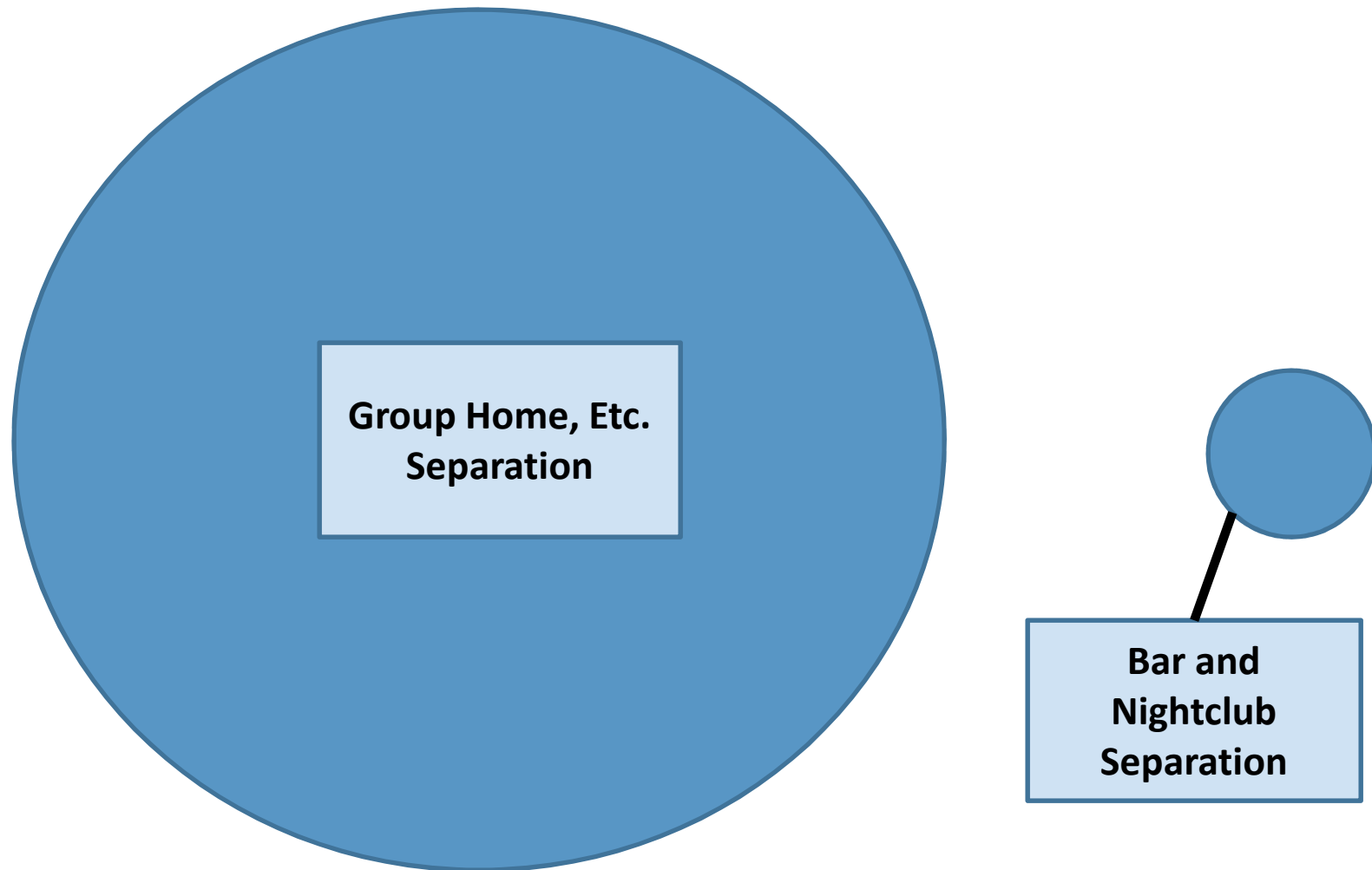
- Code currently establishes a 2,640-foot (half-mile) separation distance between a variety of group living facilities.
- This standard cannot be varied for any reason.
- Code was established to address proliferation of these facilities as state policies changed.
- **Proposal: Change current separation requirements to allow special use permit process to determine separation in non-residential districts.**

2. Group Homes, Etc. in Non-Residential

Reasons to Reduce Separation

- Topographical features
 - Rivers
 - Elevation
- Major transportation facilities
- Distance of separation from other group living facilities
- Other reasons determined by Council

2. Approximate Size Difference – 2,640-foot and 500-foot Separations

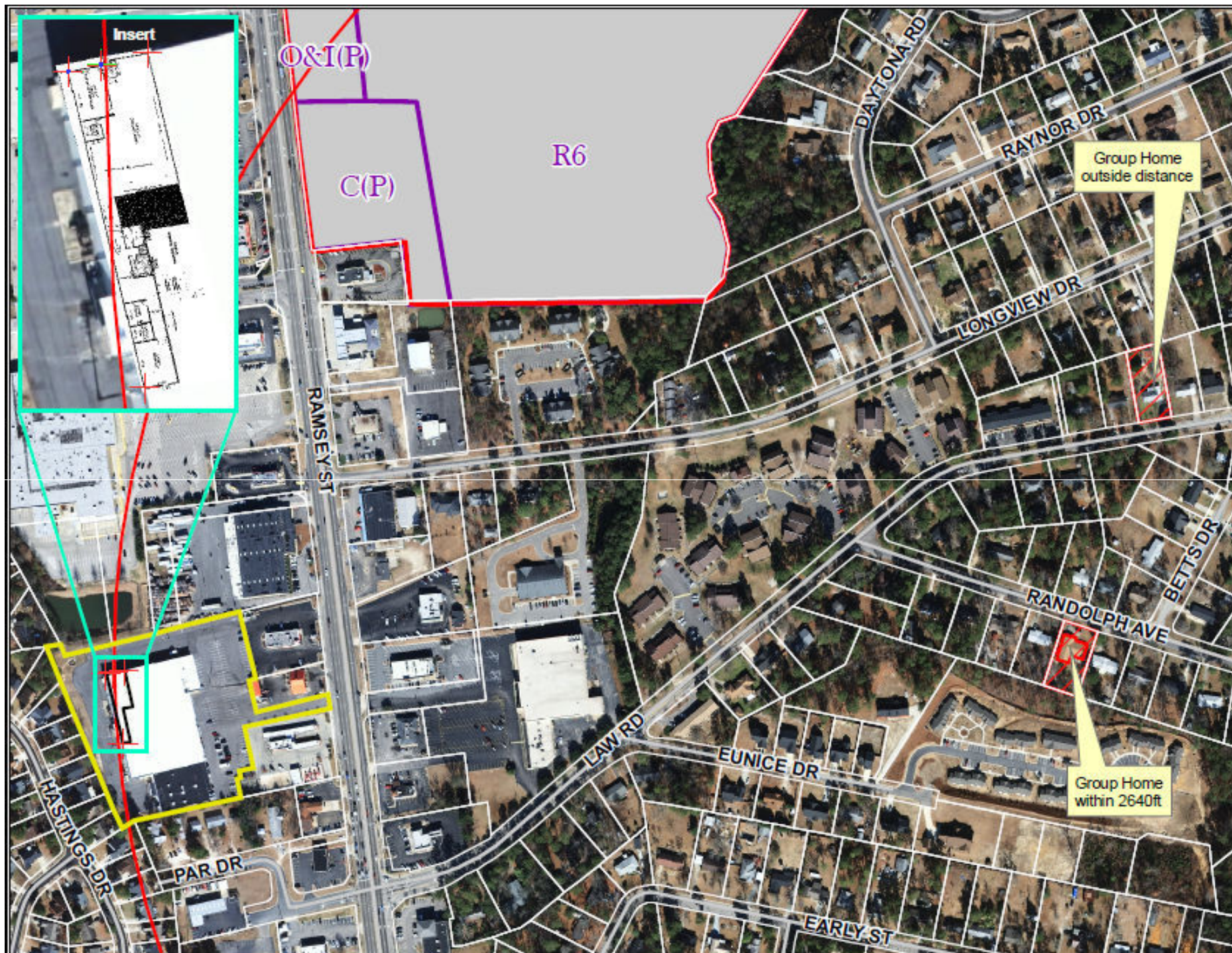


3. New Transitional Housing Use

- Other group living use definitions limit the population of those being housed to persons:
 - Having mental or physical disabilities
 - Being released from incarceration
- Transitional housing definition would address housing needs of persons without disabilities or release from incarceration.
- Allowed in the same districts as Large Group Homes.
- Special use permit required.

Issues and Options

- **Issue 1 – Is the Ramsey Street Halfway House Location Within the 2,640-foot Separation Distance?**
- **Issue 2 – Did the UDO Create a New Separation Requirement for Halfway Houses?**
- **Options – Approve, Deny, or Alternatives**



Issues and Options

Issue 2 – Did the UDO Create a New Separation Requirement for Halfway Houses?

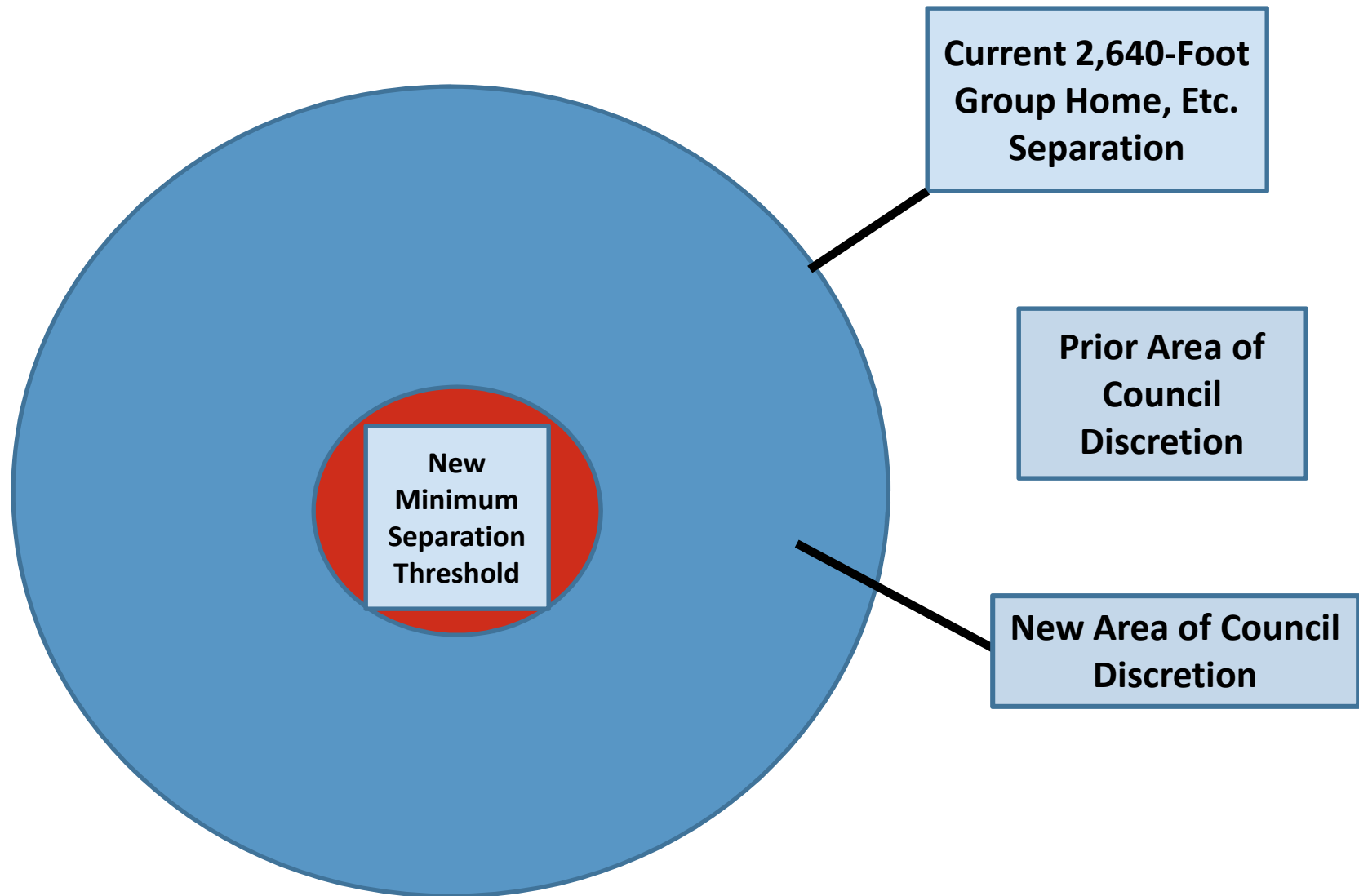
- No – It created a new use (Halfway House) which was formerly covered under the Group Home category.

Issues and Options

Options

- 1) Approve as proposed
- 2) Deny
- 3) Establish a new absolute minimum separation threshold for group living facilities in nonresidential districts but allow such facilities that are above that threshold to be determined by SUP
- 4) Have separate separation standards for large and small group living facilities

Option 3



Option 4

Maintain the 2,640-foot separation but distinguish between **facility scales**

- Small Group Homes and Therapeutic Homes
- Large Group Homes, Halfway Houses and Transitional Housing

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Karen McDonald, City Attorney
DATE: May 7, 2012
RE: **Proposed Citizen Complaint Review Board**

THE QUESTION:

Is the City Council interested in creating a Citizen Complaint Review Board as an external review process for citizen complaints of the Fayetteville Police Department (FPD)?

RELATIONSHIP TO STRATEGIC PLAN:

This item supports the City's Principle 3 of the City of Fayetteville's Mission to be valued by our customers by being responsive to citizen concerns and problems.

BACKGROUND:

In response to claims of racial profiling, the City Council engaged the National Organization of Black Law Enforcement (NOBLE) to review the Police Department's traffic stop policies, procedures and standards of conduct. The full report was presented to Council on March 12, 2012. Recommendation #12 of the report states:

The concept of a review team is recommended and may be beneficial to the FPD in the disposition of investigations into allegations of misconduct by FPD officers. This concept is a model that can be configured to suit the specific needs of FPD. It is an opportunity to display transparency and show that investigations are accomplished in a fair, logical and thoughtful manner. Moreover, it shows the actions of employees are measured against established policies and rules.

Consistent with this recommendation, and in an effort to develop options for Council's consideration, City staff reviewed the Citizen Complaint Review Board's of Charlotte, Greensboro, Winston-Salem and Durham.

ISSUES:

Special legislation is needed to grant access to the personnel records of the employees that are the subject of a complaint.

BUDGET IMPACT:

The potential increase in staff work load associated with supporting the board.

OPTIONS:

1. Direct staff to proceed with the creation of a Citizen Complaint Review Board and request special legislation granting limited personnel record access to board members for consideration in the short session by members of the local delegation of the General Assembly.
2. Do not proceed with the creation of a Citizen Complaint Review Board.
3. Provide direction to staff.

RECOMMENDED ACTION:

Consider the information presented and provide direction to staff.