

**FAYETTEVILLE CITY COUNCIL
BUDGET WORK SESSION MINUTES
LAFAYETTE ROOM
JUNE 2, 2014
5:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1) (arrived at 5:10 p.m.); Kady-Ann Davy (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:

Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Jay Reinstein, Assistant City Manager
Karen McDonald, City Attorney
Harold Medlock, Police Chief
Ben Major, Fire Chief
Lisa Smith, Chief Finance Officer
Tracey Broyles, Budget Manager
Michael Gibson, Parks, Recreation, and Maintenance Director
Scott Shuford, Development Services Director
Rusty Thompson, Engineering and Infrastructure Director
Tracie Davis, Corporate Communications Director
Rebecca Rogers-Carter, Strategic Initiatives Manager
Steven Blanchard, PWC CEO/General Manager
Dwight Miller, PWC Chief Finance Officer
Mike Lallier, PWC Commissioner
Wick Smith, PWC Commissioner
Darsweil Rogers, PWC Commissioner
Mark Brown, PWC Customer Services Director
Doug Peters, Chamber of Commerce CEO
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 Arp moved to approve the agenda.

SECOND: Council Member Wright

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Crisp)

4.0 OTHER ITEMS OF BUSINESS

4.01 The Federal Assessment and FY 15 Agenda

Ms. Rebecca Rogers-Carter, Strategic Initiatives Manager, presented this item with the aid of a PowerPoint presentation and stated The City of Fayetteville, Cumberland County, and the Fayetteville Regional Chamber formed a partnership that works collaboratively to engage with the federal government and pursue funding assistance for strategic focus areas identified in an annual, collectively established agenda. The Partnership's combined efforts are critical to the growth and strength of our community. These efforts ensure protection and preservation of essential community assets and resources, allowing all areas of the community and surrounding metropolitan and unincorporated areas to thrive. For many years, the Partnership's federal agenda was focused on earmarks and legislation that could be amended to meet a specific need in our community. The processes by which we engaged with the federal government and

the results of that engagement have continued to evolve. The greater Fayetteville community now faces a far different environment, a situation that the Partnership began to embrace in 2013 with the adoption of a revised Memorandum of Understanding (MOU). The MOU recognizes the importance of engagement with the federal government across a variety of strategic, tactical, and policy junctures to successfully advocate for our community. In January 2014, the Partnership contracted with FaegreBD, a federal services consulting firm, to perform a federal affairs assessment and to assist in the development of a community federal agenda. The federal agenda outlines strategy to achieve the goals set forth in the Partnership's MOU and Federal Advocacy Program. The documents provided are the result of six months of collaborative work among the Partnership staff and FaegreBD and outline the highest priorities in seven key focus areas.

Ms. Rogers-Carter introduced Mr. David Gogol, Principal Vice Chair of FaegreBD. Mr. Gogol said there are very few communities of similar size to Fayetteville that are as engaged as Fayetteville is with the federal government.

MOTION: Mayor Pro Tem Davy moved to direct staff to move forward with this item; to be placed on the June 9, 2014, agenda under consent items.

SECOND: Council Member Jensen

VOTE: UNANIMOUS (10-0)

4.02 An ordinance to amend Chapter 30 Unified Development Ordinance to establish regulations regarding tobacco oriented businesses, to create definitions for cigar bar/lounge, cigarette tobacco, electronic cigarettes, hookah cafés, pipe tobacco, roll-your-own tobacco, shisha, smokeless tobacco and tobacco shops and to assign cigar bar/lounges, hookah cafés, and tobacco shop uses to zoning districts.

Mr. Craig Harmon, Senior Planner, presented this item with the aid of PowerPoint presentation and stated approximately a year ago, Fayetteville's Police Chief asked that the Planning Division look at amending our City Code to better regulate the placement of retail stores that specialize mainly in the sale of tobacco and tobacco related products. The City of Greenville, North Carolina, had just amended its Zoning Ordinance in February of 2013 to better regulate these types of uses. Greenville's ordinance was then used as a starting point for our proposed amendments. During a twenty-two (22) month period between January of 2012 and November 2013 these business generated over 13,000 calls for service (CFS) from the City's Police Department. Ten of these locations accounted for over 50% of these calls by themselves. The calls received around these establishments run the gamut from petty crimes to felonies. Many of these establishments are also located at the entrance to or within very close proximity to residential developments. Currently there are approximately 61 establishments in Fayetteville that would qualify as a tobacco oriented business. The attached map represents the locations of each such shop in the City. As you can see, some roads and intersections have seen a clustering of these types of businesses. For instance, one can see five such shops from the intersection of Cliffdale and Reilly Roads. These proposed changes start by defining a range of tobacco related uses: tobacco shops, cigar bars, and hookah café's. Next the ordinance sets out to place standards on where these uses may be located. Each new location would require a Special Use Permit, which is approved by the City Council. The draft also proposed amortizing uses in certain more stressed areas.

Tobacco Shop Class 1 – 500 ft. from any existing or planned educational facility.

Tobacco Shop Class 2 – 500 ft. from any existing or planned educational facility, class 1, 2 or 3 tobacco shop, religious institution, day care, public park, or single family zoning district.

Tobacco Shop Class 3 - One-half mile from any existing or approved tobacco shop class 1, 2 or 3, hookah bar or cigar bar/lounge, and 500-foot from the following: an existing conforming use single-family dwelling located in any district, any single-family residential zoning district, or any existing or planned/programmed school, religious institution, park, day care, preschool or multi-family use.

Hookah Café - One-fourth mile from an existing or approved hookah café and 500 feet of an existing or planned/programmed educational facility. Cigar Bar/Lounge - 500 feet of an existing

or planned/programmed educational facility.

Mr. Harmon stated the Planning Commission held a public hearing on May 20th to hear the pros and cons of imposing tighter restrictions on the location of tobacco oriented businesses. There was one speaker in opposition, Mr. Ben Anstead of Anstead's Tobacco Company. Mr. Anstead's main objection was that Special Use Permits would be required for all classes of tobacco shops. He argued that the issues with crime were not being made by the class 1 shops. The Planning Commission tabled discussion until June and asked that staff return with amendments that include: 1. Not requiring the class 1 tobacco shops to obtain a Special Use Permit. 2. Develop an amortization schedule for tobacco oriented businesses located in zoning districts where these businesses would not be allowed in after the adoption of these changes. (Currently there are ten (10) such businesses).

A brief discussion ensued.

Consensus of Council was to direct staff to continue to work with the Planning Commission to develop text amendments to better regulate tobacco oriented businesses and to develop an amortization schedule for areas of the City where it is legally possible.

4.03 P14-13F Creation and mapping of a 205.5 ac. overlay district Coliseum Tourism Overlay District to regulate development within the area generally bounded by Owen Dr. and its projected extension, NC Hwy 87 (MLK Jr. Freeway), E. Mountain Dr., and both sides of US Hwy 301 with billboard restrictions along 301 down to even Mountain Dr.

Ms. Karen Hilton, Planning and Zoning Manager, presented this item with the aid of a PowerPoint presentation and stated the proposed overlay is the result of several recent efforts: major initiatives by Cumberland County to improve operations at the Crown, concerns about recent applications for new billboards along major approaches to the Crown, and renewed concern at all levels about the condition of the major gateways and areas around our economic engines. Most new development or significant redevelopment within the County overlay will likely involve annexation. Consequently, staff developed a set of land use standards and regulations modeled after the County ordinance but incorporating other City standards. The City's overlay would be applied as part of the initial zoning. Key issues include the boundaries, scope of uses allowed, on and off premise sign standards, and the nonconforming standards regarding when increased or complete compliance becomes required. For the City overlay, all UDO standards would be applicable except where the Overlay establishes more restrictive standards. Specific examples of changes common to both the City and County regulations include: *Boundary*: The City and County ordinances recognize the same overall overlay area, but each has separate Code regulations, as similar as possible, that can be applied to properties with their respective jurisdictions. The modified restrictions on billboards also match the area approved by the County.

Uses: The range of permitted uses is restricted to encourage those that complement and strengthen the event / tourism activity center anchored by the Crown Coliseum. Because single family residential is not permitted, the County removed the existing Dogwood Acres subdivision from the overlay and exempted existing residential uses from the overlay standards. The City's draft includes those provisions. *Signs*: The County's C1(P) sign size standards are applied to the Overlay and the ordinance has been adjusted to incorporate the City/County standards directly rather than by reference. It also incorporates County standards restricting billboards to roadways with limited or full-control of access as well as a 1000' setback along Gillespie from Owen Drive to Seven Mountain Road. *Nonconforming Standards*: The ordinance matches the County's amendment in reducing the time to 180 days that a use could remain inactive before being required to comply with any new standards. Compliance is also triggered when damages or cost of repairs/renovations exceed 40 percent of the structure's reproducible value or its bulk (including foundations).

Consensus of Council was to direct staff to place this item on the June 9, 2014, agenda.

4.04 Proposed Revenue Bond Issue

Mr. Dwight Miller, PWC Chief Finance Officer, presented this item with the aid of a PowerPoint presentation and stated this session is to inform the Council of the proposed bond

issuance and outline the process to complete the issuance of debt. The Fayetteville Public Works Commission proposes to issue Series 2014 Revenue Bonds in August 2014. At the Council's January 27, 2014 meeting Womble Carlyle Sandridge and Rice was approved to continue as Bond Counsel for this issuance. Various capital projects will be constructed with the proceeds. Mr. Miller stated the PWC Budget currently accounts for the projects and funding sources.

A brief discussion ensued.

Consensus of Council was to bring this item back to the August 4, 2014, Work Session for a formal vote.

4.05 City Council Agenda Item Request - Approval of Agenda Items

Council Member, Ted Mohn, presented this item and stated he would like to determine if the collective city council wants to consider a council/manager protocol where any and all agenda items for any council agenda must receive pre-approval of the Mayor and/or Mayor Pro-Tempore. Council Member Mohn stated from previous discussions it has been made note of items being placed on the agenda that had not been reviewed by the Mayor. Mayor Robertson stated there have been things on the agenda he has never seen before. Council Member Colvin stated the Mayor and Mayor Pro Tem should not have the authority to deny items be placed on the agenda. Council Member McDougald stated he objected to the Mayor/Mayor Pro Tem having more information on agenda items than the rest of the Council, and did not want them to serve as gatekeepers for what goes on or off the agenda. Council Member Mohn said he was looking for a modification of the policies and ordinances related to setting the agenda.

Consensus of Council was to direct the City Attorney to revise the policy and bring this item back for further discussion at a future Work Session. Council Members McDougald and Crisp were in opposition to the consensus.

4.06 Council Agenda Item Request - Contract for Grass Mowing

Council Member Arp presented this item and stated he recently met with the City Manager and Mayor to discuss contract mowing. He stated many organizations have transitioned to contract mowing, and recommended the City contract Parks and Recreation Grass Cutting Operations (parks and roadway rights of way) to private business. Two objectives would be 1) Free up funding for Parks and Recreation operations towards youth programs to have an impact on crime, and 2) Provide business opportunities for small businesses to contract with the City of Fayetteville. Council Member Arp stated PWC moved to contract grass cutting and tree trimming to achieve efficiencies, and the City of Spring Lake contracts their right of way grass trimming. This is a way to provide better services to the customer (taxpayers) and help small businesses win contract work with the City of Fayetteville.

Discussion ensued.

MOTION: Council Member Arp moved to direct staff to move forward with contracting for grass mowing at the I-295 Inter-changes, Martin Luther King Express Way, All American, and all other major thoroughfares in the City.

SECOND: Council Member Hurst

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

4.07 Creation of City Budget Department Follow-Up

MOTION: Mayor Pro Tem Davy moved to table this item to the August 4, 2014 Work Session.

SECOND: Council Member Hurst

FRIENDLY AMENDMENT MOTION: Council Member Colvin asked MPT Davy to consider amending the motion to table the item to June 18, 2014 – Agenda Briefing meeting. MPT Davy declined to accept the friendly amendment

VOTE: PASSED by a vote of 6 voting in favor to 4 voting in opposition (Council Members Hurst, Wright, McDougald, and Colvin).

5.0 ADJOURNMENT

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