

**FAYETTEVILLE CITY COUNCIL
AGENDA
WORK SESSION MEETING
LAFAYETTE ROOM
JANUARY 4, 2010
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
AGENDA
JANUARY 4, 2010
5:00 P.M.
Lafayette Room

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 OTHER ITEMS OF BUSINESS

- 3.1 Planning - Preliminary recommendations by the Fayetteville Early Child Education (ECE) Task Force regarding zoning regulations and other City standards affecting early education and care facilities (child care) in Fayetteville.**

Presented By: Eva Hansen, Partnership for Children Task Force

- 3.2 Planning - Wayfinding progress report, design and implementation strategies**

Presented By: John Bosio, MERJE (consultant) John Meroski, Convention and Visitors Bureau

- 3.3 Engineering & Infrastructure - Soil Street Paving Procedure**

Presented By: Jeffery P. Brown, PE, Engineering & Infrastructure Director

- 3.4 Environmental Services - Update of Solid Waste Ordinances**

Presented By: Jerry Dietzen, Environmental Services Director

- 3.5 Human Relations - Update American Disabilities Act (ADA)**

Presented By: Ron McElrath, Director of Human Relations and ADA

- 3.6 City Manager - FY 2011 Federal Legislative Agenda**

Presented By: Doug Hewett, Assistant City Manager

- 3.7 Council Member Request - Keith Bates: Council Terms and Election Method**

Presented By: Keith A. Bates Sr., Council Member

3.8 Council Member Request - Theodore Mohn: Fayetteville Downtown Historic District Boundary

Presented By: Theodore Mohn, Council Member

4.0 CLOSED SESSION

4.1 Consultation with the Attorney

5.0 ADJOURNMENT

CLOSING REMARKS

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 Rita Perry, 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: Karen Hilton, Planning and Zoning Division Manager Development Services Department
DATE: January 4, 2010
RE: **Planning - Preliminary recommendations by the Fayetteville Early Child Education (ECE) Task Force regarding zoning regulations and other City standards affecting early education and care facilities (child care) in Fayetteville.**

THE QUESTION:

Receive recommendations regarding zoning ordinances pertaining to child day care operations to clarify the requirements to reduce requests for special use permits that do not meet requirements and be more consistent with the state licensing agency (NC Division of Child Development). Also, to address concerns about ensuring that parents know how to identify quality child care.

RELATIONSHIP TO STRATEGIC PLAN:

Partnership of Citizens

BACKGROUND:

During the past year, planning staff has reviewed and prepared recommendations for revisions to the requirements for child day care centers that require a special use permit, and for incidental home occupations to allow one non-resident employee. During the course of this review and discussion with the public, it was noted that the requirements were unclear to the business operators who must meet the requirements to operate in the City. In response to a request from the City Council, the Partnership For Children (PFC) of Cumberland County formed a Task Force to consider these concerns and review the current requirements. The goal of the Task Force was to review the current requirements for child day care providers based on the size of the operation and location, to determine if changes to the requirements were needed and to develop a format for a guide for child day care providers to describe the requirements for operating a business or incidental home occupation within the City.

In addition, members of the Council raised concerns about quality and safety issues for children in child care. The Task Force also considered those concerns in their work.

ISSUES:

The current ordinances for child day care providers and the special use permit process have presented challenges for the individuals trying to meet the requirements who must seek approval through the Planning Commission and City Council. The request for a special use permit for certain child day care providers requires an expenditure of money and effort by the potential business owner, as well as the time required of City staff, Planning Commission and City Council members to review and consider the requests. Clarifying the requirements and process will reduce the time and money spent on requests that cannot be approved.

The Task Force has recommended specific language for definitions (Attached- Recommendations) and has reviewed and accepted the site development criteria suggested by staff (Attached-proposed application form, p. 4). The Task Force also offers additional recommendations and assistance in preparing and making available brochures or informational sheets that help describe the City's zoning, licensing and building review processes in the context of other approvals a child care provider must also secure. An outline of such a brochure or informational package was prepared. Finally, the Task Force suggests that, as part of its services to newcomers and existing residents, the City provide information on its web site about choosing a child care provider, or a link to another site with similar information.

OPTIONS:

1. Receive, provide comment, and forward the following recommendations to the appropriate departments for action or subsequent report back to City Council:
 - a) suggested language and changes to current zoning regulations;
 - b) the subsequent preparation of informational materials about City-required processes, in coordination with the Task Force or Partnership for Children;
 - c) the posting of a link or electronic copies of information regarding how to choose quality child care.
2. Request the Task Force to consider other questions and issues and return with recommendations.

RECOMMENDED ACTION:

This Work Shop item is for discussion purposes only. Council's opinions regarding the desirability of revisions to the City's current regulatory process relating to child care facilities are sought.

ATTACHMENTS:

ECE Recommendations 1-4-10

Child Care Proposed Form for SUP Applications

**Recommendations of the Early Care and Education Task Force to the
Fayetteville City Council**

January 4, 2010

Recommendation #1: Individuals and businesses that wish to be licensed with the City of Fayetteville as *child care* providers must meet state licensing standards issued by the NC Division of Child Development. It is recommended that the reference to *child day care* in the city ordinances and any related materials be changed to *child care* to be consistent with language used by the NC Division of Child Development.

Recommendation #2: The following recommendations relate to incidental child care.

- Reword proposed ordinance language (Article 4.D (d)) to clarify that incidental home care includes centers located in a home when the provider resides in the home provided that the licensed capacity of the center does not exceed 12.
- Add to the requirements in Article 4.D describing incidental child care the new provision that one non-resident employee is allowed.
- Change the term “daycare” to “child care” throughout the regulations.

Recommendation #3: Use definitions in City ordinances that included language familiar to providers and similar to the definitions used by the NC Division of Child Development.

Definitions

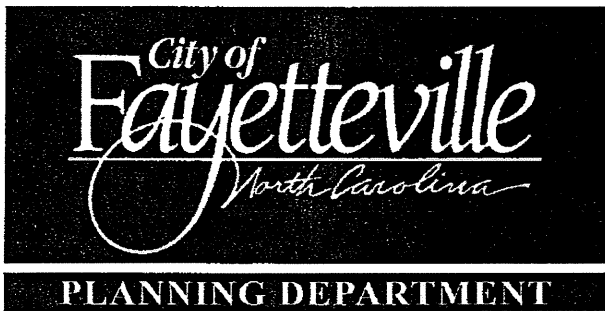
- **Family Child Care Home:** a program that is licensed by the state to serve 8 or fewer children that is operated in provider’s place of residence. Considered to be an incidental home occupation. This type home is also referred to as in-home child care in the City ordinances.
- **Child Care Center (residence):** a program that is licensed by the state to serve 12 or fewer children and is located in the provider’s place of residence. Considered to be an incidental home occupation and also referred to as in home care in the City ordinance.
- **Child Care Center (non-residence):** A commercial or non-profit program where, at any one time, three or more children under the age of 13 receive child care in a building other than a residence on a regular basis from persons other than their guardians, full-time custodians, or persons related to them by blood, marriage, or adoption.

- **Exempt programs:** Programs serving children that operate for less than 4 hours per day such as preschools, recreational programs, specialized activities such as athletics, dance, etc., public and nonpublic schools, Bible schools, and drop-in care.

Recommendation #4: The following recommendations pertain to the review of the Proposed Application for a Special Use Permit for Child Care Centers (attached).

- On page 1, it was suggested that more detail was needed about the requirement to submit a site plan so that providers would know exactly what was expected.
- On page 2 of the document, providers must indicate the section and provision of the Zoning Ordinance requiring a Special Use permit for the proposed child care center. It was suggested that the ordinance reference be included or that this blank be removed.
- On page 4 of the application packet in #8, providers are required to include the proposed maximum number of children and the days and hours of operation but there is not a space to record this information. It is suggested that this information be included on page 2 with the identifying information about the provider.

Recommendation #5: Create a guide for providers that explains the various city requirements that must be met including the need for a special use permit for certain providers, the various inspections and the business license. The recommended guide would include the forms required for request of a special use permit as well as resources to address questions about requirements. (An outline of the guide is attached.)



Deadline Date to Return _____
Zoning Commission Meeting _____
Today's Date _____
Amount Rec'd \$ _____ Rcv'd by _____ Case # _____

**APPLICATION FOR SPECIAL USE PERMIT
DAYCARE CENTER
CITY OF FAYETTEVILLE**

Upon receipt of this application, the Planning Department will place a legal ad in the paper to advertise this case as a public hearing before the Zoning Commission.

At the public hearing the Zoning Commission will make a recommendation to the City Council concerning the request. The City Council will hear the case and make the final decision. Any Special Use Permit will not be effective until after the City Council's decision.

A notice of the meeting will be mailed to all individuals who own property within 750 feet of the proposed Special Use Permit and a public notification sign will be posed on the site.

THE FOLLOWING ITEMS ARE TO BE SUBMITTED WITH THE COMPLETED APPLICATION:

1. A copy of the recorded deed.
2. A check made payable to the City of Fayetteville in the amount of \$700.00.
3. 20 copies of required site plan showing all existing and proposed structures, setbacks, driveways, parking, screenings, etc. (email a pdf. of large site plans to: charmon@ci.fay.nc.us)

NOTE:

1. The application fee is nonrefundable.
2. The Planning Staff is available for advice on completing this application.
3. The Planning Staff shall review the site plan and application for sufficiency. (If you have any questions, please call (910) 433-1612.
4. It is **strongly advised** that the applicant or someone representing the applicant attend the Zoning Commission and City Council meetings.

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**APPLICATION FOR SPECIAL USE PERMIT
DAYCARE CENTER
CITY OF FAYETTEVILLE**

To the Zoning Commission and the City Council of the City of Fayetteville, North Carolina

I (We), the undersigned, do hereby respectfully make application and petition to the City Council to grant a Special Use Permit as required in the Zoning Ordinance. In support of this application, the following facts are shown:

Location/Address of the Property: _____

Owner of the Property: _____

Address of the Owner: _____ Zip: _____

Owner's Home Phone: _____ Owner's Work Phone: _____

A. Section and provision of the Zoning Ordinance from which a Special Use Permit is requested:

B. The property sought for a Special Use Permit is owned by _____ as evidenced by deed, recorded in Deed Book _____, Page _____, Cumberland County Registry. (Attach a copy of (all) deed(s) as it appears in the Registry.)

C. Tax Property Identification Number (PIN#) of the property: _____

D. Acreage requested for a Special Use Permit: _____

The Fayetteville City Council has implemented standards that must be met in order for the application to be considered for approval. In addition, the City Council has established policies that provide guidance for the applicant in requesting a daycare center.

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Policy Guidance

The City Council's preferred location for daycares requiring a Special Use Permit includes properties located on thoroughfare and collector streets. These streets have higher volume of traffic than the typical residential street and often have a mixture of commercial, professional and institutional land uses. This combination is often more conducive for locating daycare centers than locations within neighborhoods where the land use is exclusively residential.

The thoroughfare and collector streets identified are as follows:

- | | | |
|------------------------|---------------------------|-------------------------------|
| 1. Andrews Road | 21. Gillespie Street | 41. Pamalee Drive |
| 2. Bingham Drive | 22. Gillis Hill Road | 42. Person Street |
| 3. Blount Street | 23. Graham Road | 43. Raeford Road |
| 4. Bonanza Drive | 24. Grimes Road | 44. Ramsey Street |
| 5. Bragg Boulevard | 25. Grove Street | 45. Reilly Road |
| 6. Bunce Road | 26. Hay Street | 46. Rim Road |
| 7. Cain Road | 27. Helen Street | 47. Robeson Street |
| 8. Camden Road | 28. Hillsboro Street | 48. Rosehill Road |
| 9. Cedar Creek Road | 29. Hoke Loop Road | 49. Rowan Street |
| 10. Century Circle | 30. Hope Mills Road | 50. Russell Street |
| 11. Cliffdale Road | 31. Ireland Drive | 51. Santa Fe Drive |
| 12. Country Club Drive | 32. Johnson Street | 52. Seventy-First School Road |
| 13. Cumberland Road | 33. King Road | 53. Shaw Road |
| 14. Deep Creek Road | 34. Lake Valley Road | 54. Shaw Mill Road |
| 15. Dunn Road | 35. Lakewood Drive | 55. Skibo Road |
| 16. Eastern Boulevard | 36. McPherson Church Road | 56. Southern Avenue |
| 17. Fillyaw Road | 37. Morganton Road | 57. Stacy Weaver Road |
| 18. Filter Plant Drive | 38. Murchison Road | 58. Stoney Point Road |
| 19. Fisher Road | 39. Old Bunce Road | 59. Strickland Bridge Road |
| 20. Fort Bragg Road | 40. Owen Drive | 60. Village Drive |
| | | 61. Whitfield Avenue |
| | | 62. Yadkin Road |

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Please note an application for a Special Use Permit for a daycare located on one of the above-mentioned streets does not infer the application will be approved nor does an application on a street not listed above result in certain denial. There may be extenuating circumstances in either situation. The purpose of the list is to provide guidance for an applicant.

REQUIRED STANDARDS

1. A minimum 500-foot separation from a bar or adult entertainment establishment. The separation shall be from exterior wall to exterior wall;
2. A minimum lot size of 20,000 square feet;
3. A minimum of four off-street parking spaces plus one parking space for each employee per shift;
4. Children's play area shall be in the side or rear yard areas;
5. All children's play area shall be enclosed with a minimum four-foot high fence;
6. All children's play area shall be a minimum of ten feet from all property lines;
7. All applications shall include a site plan of the property to include the daycare structure, play area, parking, driveway access and the floor plan of the interior of the daycare structure. Site plan shall include dimensions of play area and the interior use of the structure;
8. All applications shall include the proposed maximum number of children at any one time and the days and hours of operation;
9. All applications shall meet state and local daycare, building and fire regulations;
10. Failure to provide the necessary information results in the application being placed on-hold until such time all required information is provided.

Signature of Applicant

Address of Applicant

City

State

Zip Code

Home Phone: _____

Work Phone: _____

(for additional application forms: www.cityoffayetteville.org then visit the Planning Dept. page)

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CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Planning and Zoning Division Manager Development Services Department
DATE: January 4, 2010
RE: **Planning - Wayfinding progress report, design and implementation strategies**

THE QUESTION:

Receive an update on the Wayfinding project, design, and implementation strategies.

RELATIONSHIP TO STRATEGIC PLAN:

Diverse culture and rich heritage;
More attractive community;
Strong local economy

BACKGROUND:

The Wayfinding project is a county-wide signage/information system funded in part by a National Park Service Preserve America Grant (\$150,000) and contributions from the Convention and Visitors Bureau (\$200,000) and other in-kind support. This project will be an integral part of Fayetteville/Cumberland County's Cultural Heritage Tourism initiative, which began in January 2003. It will further the implementation of the Fayetteville Area Convention & Visitors Bureau's Cultural Heritage Tourism Strategic Plan as well as the Army-Community Heritage Partnership Program's Strategic Plan for Fayetteville/Fort Bragg.

The Steering committee providing review and approval includes the CVB, City, County, the Partnership, Fort Bragg and downtown. To date, two rounds of public meetings and stakeholder interviews have been held, along with opportunities for web-based comment.

The purpose of this project is to plan, design and implement a complete wayfinding signage system throughout Fayetteville/Cumberland County, with an emphasis on historic and cultural resources. This system will address the needs of visitors and residents using all modes of transportation. In doing so, the wayfinding system becomes a powerful marketing tool that has a positive economic return on investment.

This project will:

- foster cultural and historical education among Fayetteville/Cumberland County residents and stimulate a renewed sense of belief in the community;
- increase awareness of the area's cultural and historical resources to the surrounding communities and incoming visitors;
- elevate the importance of preserving our cultural, historical and environmental sites and resources; and
- encourage more public and private interest in and funding for revitalization and renewal of Fayetteville/Cumberland County.

The program addresses a variety of signage needs including, but not limited to:

- Gateways
- Vehicular Directional Signage
- Public Parking Signage
- Pedestrian directional Signage
- 10 themed driving trails signage
- Kiosks/Information centers
- Decorative and/or celebratory (banners)

ISSUES:

The Strategy and Administrative process for the wayfinding program will include: funding and budget analysis, phasing plans, criteria for destination inclusion, long term maintenance and management of the program. It will evaluate vehicular routing, parking and pedestrian issues in the context of priorities, sign placement, and user-friendliness; coordinate terminology; and provide for coordination of a regional system among several municipalities. Excerpts of preliminary routing and destination analysis are attached.

The design objectives were to:

- capture the Fayetteville and Cumberland County brand;
- be unique to the Fayetteville area but adaptable to the variety of municipalities and their environments and aesthetics; and
- meet the technical criteria that is required for engineering and best practices. Street level vitality, legibility, safety, maintenance and replacement costs, and coordination with DOT are all major concerns.

All comments have been considered and the designs presented are representative of the suggestions and discussions to date.

Current funding will provide for fabrication and installation of approximately 50 signs. The complete program would involve an estimated total of about 350 signs.

OPTIONS:

1. Accept the progress report, including the recommended design
2. Do not accept the progress report / design

RECOMMENDED ACTION:

No Action Required - feedback on proposed wayfinding project is sought.

ATTACHMENTS:

Wayfinding-Excerpts from Preliminary Analyses

Wayfinding Project Schedule

DRAFT
FOR DISCUSSION PURPOSES ONLY

3-2-1-1



OBJECTIVES AND PHILOSOPHY

OBJECTIVES:

To create and implement a user-friendly and visible navigational system that will guide visitors and residents to and from their destinations and promote the city.

To increase awareness of Fayetteville's many assets and help direct visitors to downtown from the major arteries.

To strengthen the working relationship and foster ties between the City, stakeholders and residents of Fayetteville.

PHILOSOPHY:

Brand Standards

- Image is a culmination of rich historical tradition and the excitement of the opportunities that lie ahead making Fayetteville a welcoming and lively destination.

- First impressions—The Region is well planned, organized, safe and caring.

- Provides direction and enhance the Fayetteville Brand.

Master the Assets of Fayetteville's

- Provides validation that a destination is worth visiting.

- Encourage pedestrian circulation and use of parking facilities.

- Enable visitors to discover the unique aspects of the city and smaller surrounding communities.

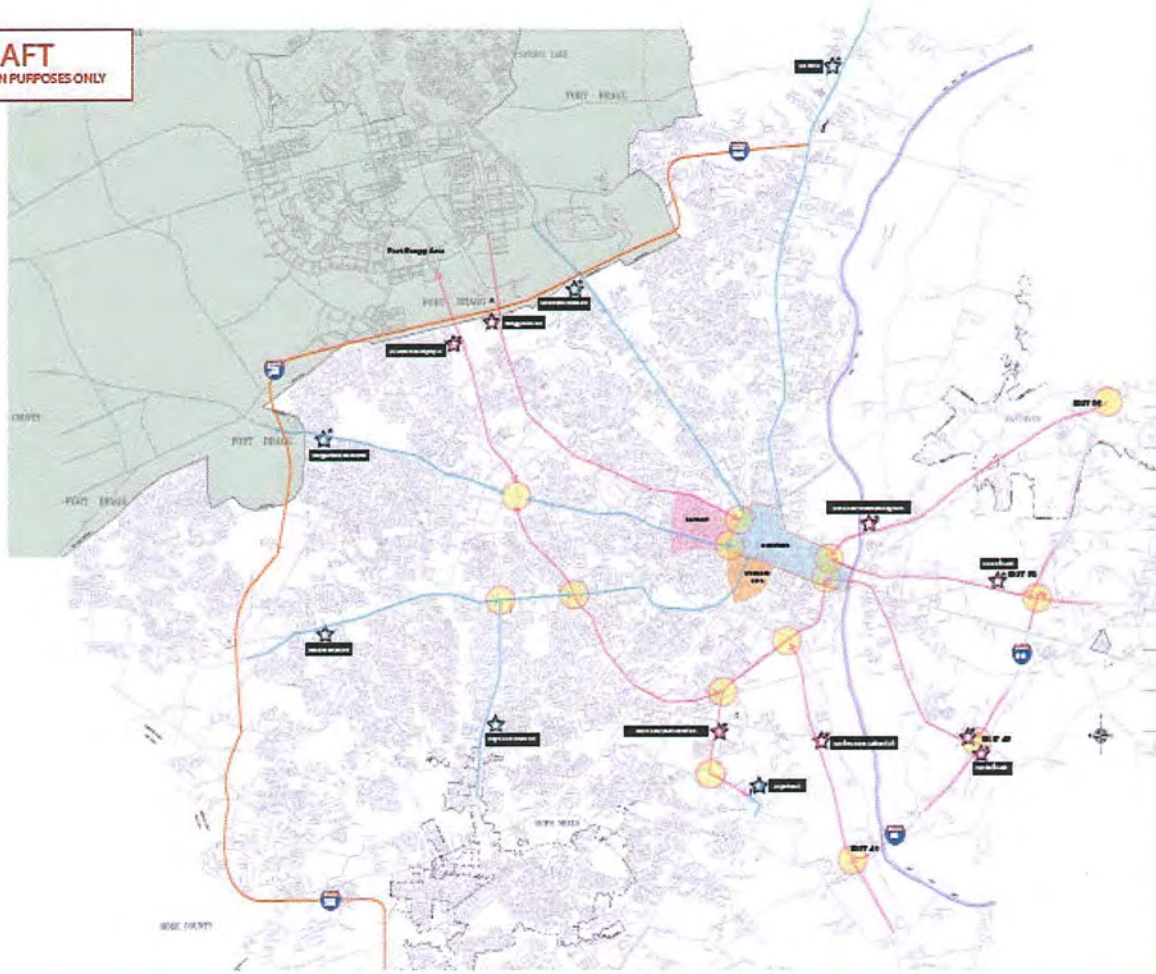
Build Relationships

- Create teamwork among the participants to reach the goal.

- Build consensus to aid the approval process.

- Design for adaptability into the greater Cumberland County Region.

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FOR DISCUSSION PURPOSES ONLY



CITY ARRIVAL AND GATEWAYS

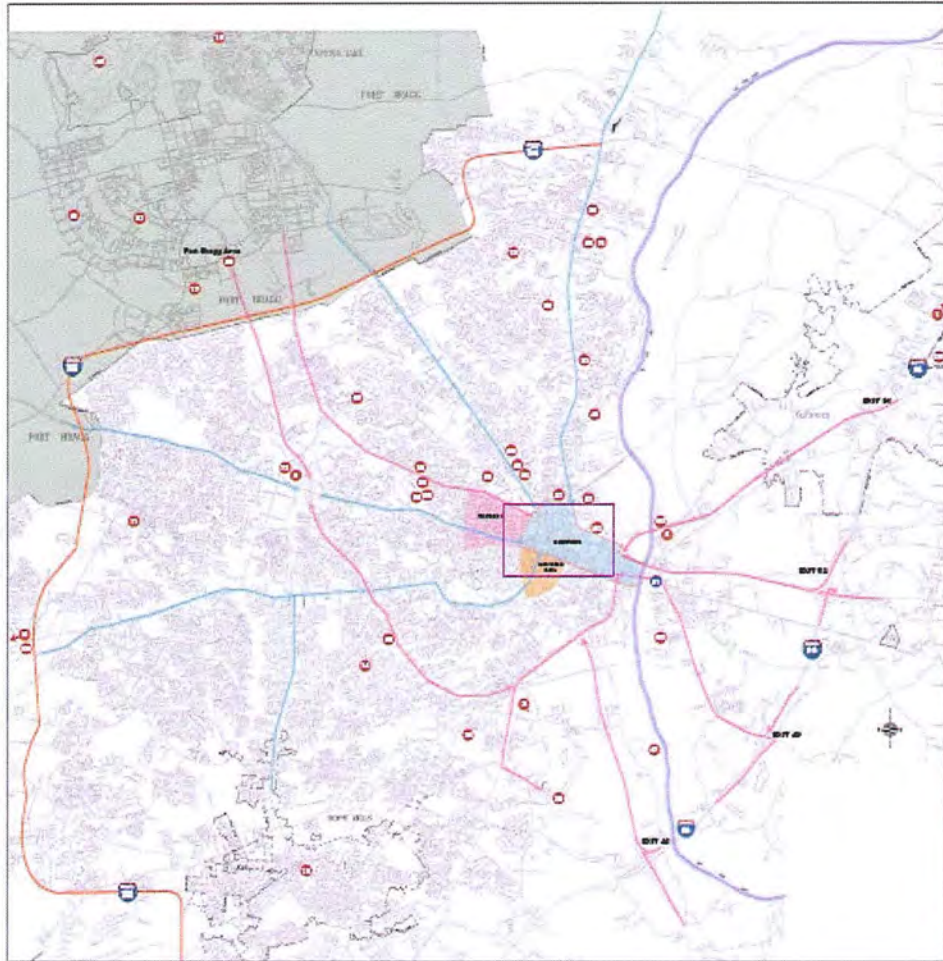
PRIMARY GATEWAYS:
Primary gateways are located at the main points of visitor entry into Fayetteville. While the function of the gateway is to welcome visitors, it can be more than just a sign. The design can include landscaping, lighting, and/or public art in addition to conveying the city's brand message.

SECONDARY GATEWAYS:
Secondary gateways are located at the other points of visitor entry into Fayetteville. These signs welcome visitors and convey the city's brand message at a smaller scale. They can be designed as a sign only, or a sign with some landscaping and lighting.

Tertiary gateways: are located at entry points that are mostly local. Their function is more as a boundary marker than a celebratory gateway, and so the design is typically a simpler sign panel only version.

- LEGEND**
- PRIMARY ARRIVAL ROUTE
 - SECONDARY ARRIVAL ROUTE
 - ★ PRIMARY GATEWAY
 - ★ SECONDARY GATEWAY
 - ★ TERTIARY GATEWAY
 - DISTRICT
 - VISITOR POINT

3-2-1-2

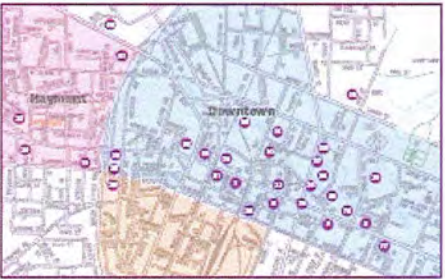


- ATTRACTIONS**
 - ✓ American Battlefield
 - ✓ CF Memorial Garden
 - ✓ Crown Coliseum
 - ✓ Cross Creek Mill
 - ✓ Hay Street
 - ✓ Pedestrian Drop Zone
- COMMUNITY**
 - ✓ City Hall
 - ✓ State Banking House
 - ✓ County Courthouse
 - ✓ Headquarters Library
 - ✓ Circle Branch Library
 - ✓ East Regional Branch Library
 - ✓ North Regional Branch Library
 - ✓ Bonanza Branch Library
 - ✓ Hope Mills Branch Library
 - ✓ Spring Lake Branch Library
- CULTURAL, MUSEUM & ARTS**
 - ✓ First Arkansas Museum
 - ✓ Arkansas & Special Ops Museum
 - ✓ Arsenal Park
 - ✓ Cape Fear Regional Theatre
 - ✓ Arts Center
 - ✓ Children's Museum
 - ✓ Light Infantry Armory & Museum
 - ✓ Transportation Local Hist. Museum
 - ✓ Museum of Art
 - ✓ Museum of the Cape Fear
 - ✓ Gilbert Theater
 - ✓ JFK Special Warfare Museum
 - ✓ Cape Fear Hist. Complex
 - ✓ NC Veterans Park
 - ✓ Spring Lake Heritage Center
- EDUCATIONAL**
 - ✓ Fayetteville State University
 - ✓ Fayetteville Tech. Comm. College
 - ✓ Methodist University
- HISTORIC**
 - ✓ Flett's Grove
 - ✓ Hill Fox House
 - ✓ Orange St. School
 - ✓ Liberty Row
 - ✓ The Mineral House
- HOSPITAL**
 - ✓ Cape Fear Valley Medical Center
- MEMORIALS**
 - ✓ 40th Airborne War Memorial
 - ✓ G.E. Smith Monument
 - ✓ Von Mike Statue
 - ✓ Marquis de Lafayette Statue
- MILITARY**
 - ✓ Fort Drapp
 - ✓ Pope AFB
- PARKS & RECREATIONAL**
 - ✓ Amato Park
 - ✓ Clark Park
 - ✓ Cape Fear River Trail
 - ✓ College Lake Park
 - ✓ Campbellton Landing
 - ✓ Cross Creek Park
 - ✓ Gasoway Comm. Park
 - ✓ Rose Garden
 - ✓ Festival Park
 - ✓ Freedom Memorial Park
 - ✓ Hill Park
 - ✓ Honeycutt Park
 - ✓ Lake Rim Park
 - ✓ Lamon Jr. Park
 - ✓ Linear Park
 - ✓ Noble C. Smith Park
 - ✓ Mueseler Park
 - ✓ NUK Park
 - ✓ Riverside Dog Park
 - ✓ Rose Garden
 - ✓ Rowan Park
 - ✓ Roy G. Turner Jr. Park
 - ✓ Seaboard Park and Pool
 - ✓ Stone Parkland Forest
- PROFESSIONALS**
 - ✓ Jordan Sobor Condos
 - ✓ J.R. Finkle Condom
- TOURIST SERVICES**
 - ✓ Tourist Info. Center
 - ✓ Conventon & Visitor Guides
- TRANSPORTATION**
 - ✓ Fayette Regional Airport
 - ✓ Train Station
 - ✓ Bus Station

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FOR DISCUSSION PURPOSES ONLY

DESTINATIONS

- regional
- downtown
- downtown rail

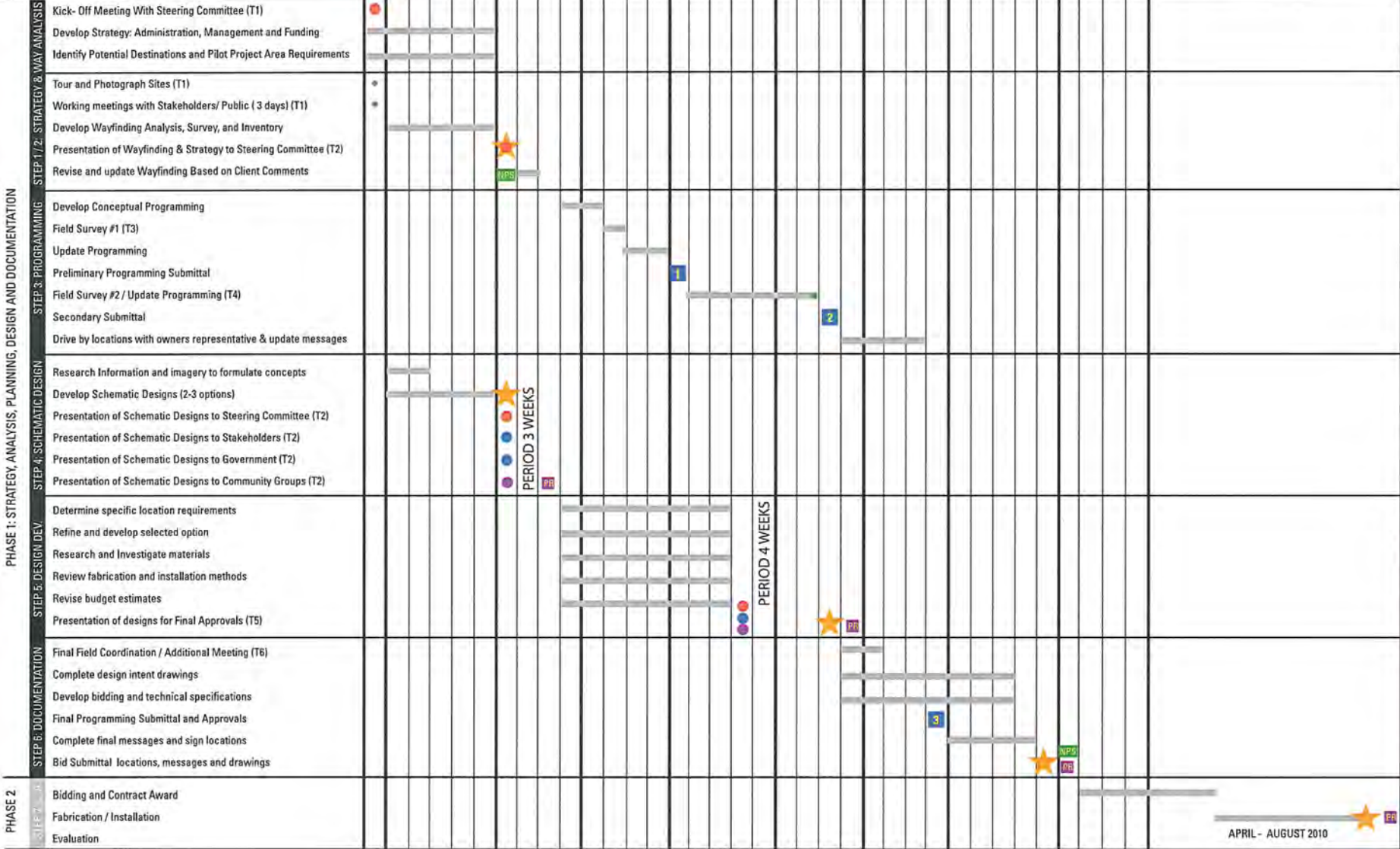


Fayetteville Area Wayfinding Program

PHASE 1: STRATEGY, ANALYSIS, PLANNING, DESIGN AND DOCUMENTATION

PHASE 2: BIDDING AND CONST. ADMIN

JUNE 26 3 10 17 24 31 7 AUGUST 14 21 28 4 SEPT 11 18 25 2 OCT 9 16 23 30 6 NOV 13 20 27 4 DEC 11 18 25 1 JAN 8 15 22 29 FEB 4 11 18 25 MARCH - AUGUST 2010



PROJECT SCHEDULE

- KEY**
- Meeting
 - Steering
 - Stakeholders
 - Community
 - Submittal
 - Stages Complete
 - PR Opportunity
 - NPS Grant Report
- Schedule shown illustrates typical timeframes for tasks provide by MERJL.
- Client approvals, including State, County and City are difficult to predict and generally have a significant effect on the ultimate completion date of the project.
- We will work directly with you to develop a revised project schedule once we have a better understanding of the complexity or simplicity of the project and your internal approval requirements.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: January 4, 2010
RE: **Engineering & Infrastructure - Soil Street Paving Procedure**

THE QUESTION:

To determine if the current procedure that the City uses in the paving of soil streets is still the most effective and efficient way in getting streets paved.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods – A Great Place to Live

BACKGROUND:

In 2005 the City Council directed staff to develop a program to pave all soil streets within Fayetteville in 3 years. Consistent with that direction, the City has paved 1.92 miles of soil streets.

The paving of these streets was funded with approximately 70% general fund dollars with property owner assessments making up the remaining 30%. All of the streets that have been paved following Council's direction have used this funding formula.

Through this process some of the streets recommended for paving have been removed from the paving list due to financial concerns of residents or because the residents preferred for the roads to remain unpaved. As such, there are still about 3 miles of soil streets within the City.

At their September 8, 2009 Work Session, City Council requested staff evaluate the procedure for the paving of soil streets and how they are financed. The evaluation is complete and staff is ready to share the results with the City Council and seek their direction.

ISSUES:

- There are a limited number of soil streets within the City - approximately 3 miles of soil streets.
- Many citizens who own property along those soil streets desire to have those roads paved; however, they do not feel that they should be assessed a portion of the paving cost. The City currently assesses all property owners that have frontage on a soil street approximately 30% of the costs while the City covers 70% of the paving costs.
- Council implemented a plan to pave soil streets over a three year period. All streets that have been approved by Council are scheduled to be paved by July 2010.

OPTIONS:

- Make changes to the existing procedure for paving soil streets.
- Keep existing procedure in place for paving soil streets.

RECOMMENDED ACTION:

Keep existing procedure in place for paving soil streets.

ATTACHMENTS:

List of Soil Streets

SOIL STREETS

Last Two Thirds Bond Contra

These streets were approved for paving by Council on July 23, 2007. Construction has been completed.

<u><i>Street Name</i></u>	<u><i>Street Length</i></u>
Meeting Street	273
Church Street	192
Seminole Street	583
Oscar Street	347
Milan Road	1756

First CIP Contract (2008):

These streets were approved for paving by Council on February 25, 2008. Construction has been completed.

<u><i>Street Name</i></u>	<u><i>Street Length</i></u>
Farrell Street	1070
McDuffie Street	635
Guthrie Street	650
Upton Street	307
Lucas Street	425
Canal Street	356
Adam Street	371
Gurley Street	377

Second CIP Contract (2009):

These streets were approved for paving by Council on November 24, 2008. Construction nearing completion.

<u><i>Street Name</i></u>	<u><i>Street Length</i></u>
Williston Drive	624
McIver Street	325
Silk Lane	263
Stella Street	195
S. Kenleigh Drive	1261

Third CIP Group (2010):

These streets were approved for paving by Council on July 27, 2009. Construction to start in spring of 2010.

<u><i>Street Name</i></u>	<u><i>Street Length</i></u>
Greensboro Street	2140
Wilma Street	931
Salisbury Street	298

Streets On Hold Near Hope VI:

<u>Street Name</u>	<u>Street Length</u>
Grace Avenue	235
Carbonton Street	490

Streets Recently Denied by Council:

<u>Street Name</u>	<u>Street Length</u>
Como Street	274
Woodsdale Drive	620
Plummers Lane	276
Betts Drive	415
Evergreen Street	337
Mimosa Lane	739
Emmett Street	390
Drexel Street	545
Quillian Street	560
Morgan Lane	930

Streets Not Proposed For Paving:

<u>Street Name</u>	<u>Street Length</u>
Richard Street	795
Fledger Street	724
Telegraph Circle	645
Greensboro Street (off Moore St)	1053
Cool Spring Street	304
Philadelphia Street	404
Monticello Avenue	320
Springfield Street	801
Stackpole Drive	313
Carlyle Drive	658
Sage & Staley Street	807
Cedar Street	844
Lock Trail	225
Hill Street	293
Keithville Drive	800
Juliet Street	1120

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jerry Dietzen, Environmental Services Director
DATE: January 4, 2010
RE: **Environmental Services - Update of Solid Waste Ordinances**

THE QUESTION:

Does the City wish to update the Solid Waste Code of Ordinances to change the name of the department, to help improve the appearance of the roadways and to assist the Department in being more efficient in their operations?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3 - More Attractive City (3) Cleaner community with less trash and less visual blight.
Goal 4 - More Efficient City Government - Cost Effective Service Delivery (3) Services delivered in a cost effective manner.

BACKGROUND:

The Fayetteville Code of Ordinances for Solid Waste have been modified over the years and are not easy to follow in some sections. Wording in the Solid Waste Ordinance is also redundant in some sections. There are areas in the Ordinance that need clarification to allow the supervisory staff of the Environmental Services to better communicate to residents how to prepare their items for collection and where to place their carts to reduce unsightly conditions in the neighborhoods. Adjusting the wording in the ordinance it would allow for more clarity and can be used as a better compliance tool.

ISSUES:

Some garbage, recycling and yard waste carts are being left too close to the street following collection. The ordinance does not specify where to return the roll carts, just that they are pulled back from the curb. Some citizens are not concerned with how their street appears or for other reasons are leaving their carts within a few feet of the right-of-way. The department cannot cite these residents since they are technically in compliance with the ordinance. There is redundant wording in the ordinance and we are recommending changes to correct those occurrences so the ordinance is easier to understand. The Ordinance refers to the Solid Waste Department and since the department name has changed to Environmental Services, we recommend making those name changes were appropriate.

OPTIONS:

Approve the recommended changes in the Code of Ordinances with or without adjustments. Make no changes and leave the ordinance as is.

RECOMMENDED ACTION:

Approval of recommended changes to the Solid Waste Code of Ordinances.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Ron McElrath, Director of Human Relations and ADA
DATE: January 4, 2010
RE: **Human Relations - Update American Disabilities Act (ADA)**

THE QUESTION:

What must the City of Fayetteville continue to do to comply with Title II of the Americans Disabilities Act and Project Civic Access of the DOJ?

RELATIONSHIP TO STRATEGIC PLAN:

- Partnership of Citizens – The City in partnership with citizen disability groups (including the disabled veterans and citizens of our communities having full accessibility to City services, programs, and projects)
- Greater Community Unity – Pride In Fayetteville
- Update on the City's ADA Plan

BACKGROUND:

Access to civic life by people with disabilities is a fundamental goal of the Americans with Disabilities Act (ADA). To ensure that this goal is met, **Title II** of the ADA **requires State and local governments** to make their programs and services accessible to persons with disabilities.

This requirement extends not only to physical access at government facilities, programs, and events -- but also to policy changes that governmental entities must make to ensure that all people with disabilities can take part in, and benefit from, the programs and services of State and local governments. In addition, governmental entities must ensure effective communication -- including the provision of necessary auxiliary aids and services -- so that individuals with disabilities can participate in civic life.

One important way to ensure that **Title II's** requirements are being met in cities of all sizes is through **self-evaluation** and **transition plans**, which are required by the ADA regulations. Self-evaluation enables local governments to pinpoint the facilities, programs and services that must be modified or relocated to ensure that local governments are complying with the ADA. The City Manager directed that staff update our previous self-evaluation document that was prepared in 1993. Over the past several months (October 2008-September 2009) staff from all City departments have conducted a self-evaluation of our policies and facilities to determine if there were any barriers to citizens with disabilities. Tonight's update to the City Council is intended to share staff's progress to date.

The next steps include:

1. Following tonight's briefing with City Council the ADA SETT (Self-Evaluation and Transition Team), staff will hold at least two Public Hearings in 2010 on the various things completed to provide public access for the disabled community under Title II of the ADA and to solicit comment from them.
2. Finally, staff will publish a formal report which can be accessed on the city website and provide a formal notification to residents.

ISSUES:

City funding of ADA requirements.

OPTIONS:

This item is being presented for informational purposes only at this time and requires no formal action of City Council.

RECOMMENDED ACTION:

This item is being presented for informational purposes only at this time and requires no formal action of City Council.

ATTACHMENTS:

ADA Self-Evaluation and Transition Summary

CITY OF FAYETTEVILLE, N.C.

ADA Self-Evaluation & Transition Plan

City of Fayetteville Executive Summary

ADA Self-Evaluation and Transition Update

Executive Summary

Introduction

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications. The City of Fayetteville has undertaken a comprehensive evaluation of its policies, programs, and facilities to determine the extent to which individuals with disabilities may be restricted in their access to City services and activities.

This report describes the process developed to complete the evaluation of the City of Fayetteville's activities, provides policy and program recommendations, and presents a Transition Plan for the modification of facilities and programs to ensure accessibility.

This document will guide the planning and implementation of necessary program and facility modifications over the next several years. The ADA Self-Evaluation and Transition Plan is significant in that it establishes the City's commitment to the development and maintenance of policies, programs, and facilities that include all of its citizenry.

Federal Accessibility Requirements

The City of Fayetteville is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs, and services; any parts of Titles IV and V that apply to the City and its programs, services, or facilities; and all requirements specified in the ADA Accessibility Guidelines (ADAAG) that apply to facilities and other physical holdings (e.g., streets, sidewalks, and pedestrian rights-of-way). Title II has the broadest impact on the City. Included in Title II are administrative requirements for all government entities employing more than fifty people. These administrative requirements are:

- Completion of a self-evaluation;**
- Development of an ADA grievance procedure;**
- Designation of a person who is responsible for overseeing Title II compliance; and**
- Development of a transition plan if the self-evaluation identifies any structural modifications necessary for compliance.**

The City's Approach

In an effort to comply with the ADA, the City began a self-evaluation of its facilities in November 1993. At that time, the City Manager appointed the then Director of Personnel Services as the City's ADA Coordinator, and the Manager formed an ADA Compliance Task Force comprised of employees from various City departments. The Task Force discussed procedures for evaluating the City's facilities and began surveying those facilities most likely in need of ADA improvements. However, due to changes in personnel and fluctuating workloads, the evaluation process was not completed. Most file records from that effort were lost. Those records that were located indicated that a few facilities had been evaluated and some ADA improvements had been made on an ad hoc basis, with priority given to those facilities most in need of improvement and/or associated with projects completed as part of the City's overall Capital Improvement Program.

Recognizing the importance of continually working toward making the city facilities totally accessible to all persons including persons covered under the ADA (while the goals of completing the self evaluation by 1995 were met), an ongoing transition plan was not in place to meet ADA requirements. He appointed the Human Relations Director to develop a transition team and plan that would include representatives from each department.

ADA Self-Evaluation and Transition Plan Development Process

The process developed for the follow up to the original ADA Self-Evaluation and Transition Plan will include program and policy review and prioritization of architectural barriers for removal.

In addition guidelines and information provided by the US DOJ and all federal contracts , the city **Human Relations Department**, the **Governor's ADA Director** and **Disabilities Rights of NC** has provided training to the City's ADA Self Evaluation Transition Team regarding the ADA and the city's responsibilities under the law.

Policies, Programs, and Procedures

When the City began a re-evaluation of its policies, programs, and procedures to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for persons with disabilities. A review of department information on the nature of their programs, forms and methods used to advertise the program's services and activities, a profile of current participants, the types of equipment and materials used, the level of staff training, and any special modifications provided. City ADA staff, some city council members, and several department heads attended meetings held by the citywide ADA Advisory Council and other citizen groups with concerns about the city complying with the ADA to listen to concerns and recommendations from the public regarding accessibility issues. Information provided in some of the meetings with City staff attending, and input gathered at the public meetings revealed that some of the City's existing policies, programs, and procedures sometimes could present barriers to accessibility for people with disabilities. Our ADA staff provided department representatives to attend and address concerns of the ADA group.

The City ADASETT (ADA Self Evaluation and transition Team) is addressing the following citywide programmatic accessibility barriers in the following areas:

- Customer service,
- Outreach and printed information
- City of Fayetteville website,
- Training and staffing,
- Public meetings,
- Facility information and signage,
- Public telephones and communication devices
- Purchasing accessible/adaptive equipment,
- Emergency evacuation procedures, and
- Maintaining accessible programs.

Additionally, when a policy, program, or procedure creates an accessibility barrier that is unique to a department or a certain program, the City's ADA Coordinator will coordinate with the department head or program manager to address the matter in the most reasonable and accommodating manner. Through the development of Administrative Directives, Policies and possibly an ordinance, the city can assure the public of its commitment to providing accessibility to all persons.

Buildings, Facilities, and Parks

The City ADASETT conducted a survey of architectural/access barriers in its buildings, facilities, and parks. All areas open to the public were surveyed. The surveys provided the City an overview of the architectural barriers that prevent people with disabilities from using its facilities and participating in its programs.

Facility Surveys

The surveys identified physical barriers in City buildings, facilities, and parks based on ADAAG and Title 24 standards. The exercise provided a visual reference for evaluating the physical and programmatic barriers posed by each architectural barrier.

Grievance Procedure

As part of the Self-Evaluation and Transition Plan process, the City of Fayetteville will create and adopt a uniform complaint procedure to resolve complaints related to discrimination under the ADA. This information has been placed on the city website.

Undue Burden

The City does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden. The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Doug Hewett, Assistant City Manager
DATE: January 4, 2010
RE: **City Manager - FY 2011 Federal Legislative Agenda**

THE QUESTION:

Does the attached FY 2011 Federal Legislative Draft Agenda and FY2010 Status Report meet the City Council's interest?

RELATIONSHIP TO STRATEGIC PLAN:

This is a high priority policy agenda item for the City goal of More Efficient City Government.

BACKGROUND:

The City, County of Cumberland and Fayetteville-Cumberland County Chamber of Commerce have partnered with the Ferguson Group to develop a community-wide federal legislative agenda. Our efforts have aided in the authorization of more than \$4 million in federal appropriations this year including: \$300,000 for Public Safety Communications, \$584,400 for the Military Business Park, \$2.8 million for the Defense and Security Technology Accelerator and \$400,000 for the Multimodal Center. Moreover, this partnership has returned more than \$46,613,900 in federal assistance to the community since its inception. In order to continue these successful efforts, the partners are developing a FY 2011 federal agenda for submission to our federal legislative delegation in February.

To develop this draft agenda, a series of meetings were held on November 13 with representatives from the City, County, Chamber, Public Works Commission representatives and other local agencies. During these meetings, time was allocated for representatives from the City Council and County Commissioners to meet with our lobbyist, Leslie Mazingo, and provide input. Since that time, our legislative partners have refined and listed agenda as reflected on the attached document.

ISSUES:

The federal agenda is based on projects and issues which the partners have identified as priorities for our community AND which our lobbyist feels we can successfully acquire federal assistance. The attached agenda does not include legislative issues that we will share with the NC General Assembly.

OPTIONS:

Consistent with Council Work Session ground rules, this item is for discussion. Feedback regarding the composition of the draft legislative agenda is sought in preparation for Council consideration at the next Regular Council meeting.

RECOMMENDED ACTION:

General discussion.

ATTACHMENTS:

FY 2011 Federal Legislative Agenda (Draft)
Federal Successes



Cumberland County
North Carolina



**City of Fayetteville/Cumberland County/Fayetteville - Cumberland County Chamber, NC
2010 (FY 2011) FEDERAL AGENDA**

DRAFT

APPROPRIATIONS

	PROJECT	DESCRIPTION OF REQUEST	FUNDING HISTORY
1	Military Business Park (MBP)	\$1 million in Transportation Appropriations (FHWA), Transportation, Community and System Preservation, for transportation improvements to the MBP.	\$600,000 (FY06) \$147,000 (FY08) \$584,400 (FY10)
2	Regional Public Safety	\$2 million in Justice Appropriations, COPS Technology, to merge regional communications, including purchase of interoperable radios.	\$300,000 (FY06) \$352,500 (FY08) \$200,000 (FY09) \$300,000 (FY10)
3	Sanitary Sewer System	\$2 million in Energy and Water Appropriations, Corps of Engineers, Sec. 219, for sanitary sewer system.	\$6 million authorized by WRDA 2007
4	Partnership for Defense Innovation (PDI)	\$4 million for PDI Wi-Fi Test Lab, Defense Appropriations, Special Operations Advanced Technology Development, for completion, testing and validation of a Tactical Psychological Operations (PSYOP) Situational Awareness System (TPSS).	\$1.08 million (FY07) \$2.7 million (FY08) \$2 million (FY09) \$2.8 million (FY10)
5	Murchison Road	\$34.6 million in Military Construction Appropriations, Department of the Army, for Fort Bragg Access Roads, Phase II.	\$21.8 million in FY09 (Phase I)
6	Hybrid Transit Buses	\$2 million in Transportation Appropriations and SAFETEA-LU, Bus and Bus Facilities, for the purchase of hybrid buses.	\$3,129,010 from ARRA
7	Multimodal Center	\$5 million in Transportation Appropriations, Bus and Bus Facilities, for Multimodal Transportation.	\$400,000 (FY10)
8	Electronic Records Management	\$500,000 in Health and Human Services Appropriations, Health Resources and Services Administration, for County's public health records management and digitization of veteran's records.	Third year requested
9	Abandoned Home Removal	\$1 million in HUD Appropriations, EDI, to transform vacant and blighted properties near Fort Bragg.	Fifth year requested
10	Traffic Safety Cameras	\$400,000 in Transportation Appropriations (FHWA), Transportation, Community and System Preservation, for video surveillance cameras.	Second year requested



**City of Fayetteville/Cumberland County/Fayetteville - Cumberland County Chamber, NC
2010 (FY 2011) FEDERAL AGENDA**

DRAFT

AUTHORIZATIONS

PROJECT	DESCRIPTION OF REQUEST	FUNDING HISTORY
Multimodal Center	\$10,672,000 requested in surface transportation reauthorization , Federal Transit Administration, High Priority Projects, Bus and Bus Facilities, for Multimodal Transportation.	Second year requested.
Traffic Safety Cameras	\$400,000 requested in surface transportation reauthorization , Federal-Aid Highways, High Priority Projects, for video surveillance cameras.	Second year requested.
Sanitary Sewer System	Expand Water Resources Development Act (WRDA) authorization from \$6 million to \$20 million and modifications to language.	Authorized by WRDA 2007.

LEGISLATIVE INITIATIVES

PROJECT	DESCRIPTION OF REQUEST
Stimulus	Work with City and County to effectively compete for stimulus funding.
Air Quality	Pursue local, state and EPA agreement to reach attainment.
Sustainability	Work with partnership to effectively compete for sustainability funding.
Homelessness	Develop awareness of City's 10-Year Plan to end chronic homelessness and pursue funds for same, as well as specifically for homeless veterans.
Murchison Road Redevelopment	Support City's effort for grants and low interest loans to help fund redevelopment of the Murchison Road Corridor.
Crime	Support cops on the streets, gang resistance and education, and crime prevention funding.
Sidewalks	Support Safe Route to Schools.
Collective Bargaining	Opposition to the collective bargaining bill.
Locks and Dams	Support efforts to sponsor legislation funding locks and dams on the Cape Fear River.



For more information contact: Leslie Mazingo, The Ferguson Group, (336) 766-1801 or lmazingo@tfgnet.com



FEDERAL SUCCESSES

PROJECT	AMOUNT	ACCOUNT	Non-Federal MATCH
Rail Relocation	\$8.8 million	SAFETEA-LU	20 percent
Pembroke Rail Study	\$350,000	FY06 Transportation Appropriations, TCSP	20 percent
Public Safety Communications	\$300,000 \$352,500 \$200,000 \$300,000	FY06 COPS Tech Appropriations FY08 COPS Tech Appropriations FY09 COPS Tech Appropriations FY10 COPS Tech Appropriations	None
Military Business Park	\$600,000 \$147,000 \$584,400	FY06 HUD-EDI Appropriations FY08 HUD-EDI Appropriations FY10 HUD-EDI Appropriations	None
Defense and Security Technology Accelerator	\$1.08 million \$2.7 million \$2 million \$2.8 million	FY07 Defense Appropriations FY08 Defense Appropriations FY09 Defense Appropriations FY10 Defense Appropriations	None
Multimodal Center	\$400,000	FY10 Transportation Appropriations, BBF	20 percent
Water and Sewer Improvements	\$6 million authorization	Water Resources Development Act of 2007	25 percent
HOPE VI	\$20 million	Housing and Urban Development 2008 Grant	None

Total funding to date: \$46,613,900



For more information contact: Leslie Mozingo, The Ferguson Group, (336) 766-1801 or lmozingo@tfgnet.com

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Council Member Keith Bates - District 1
DATE: January 4, 2010
RE: **Council Member Request - Keith Bates: Council Terms and Election Method**

THE QUESTION:

Save tax payers dollars.

RELATIONSHIP TO STRATEGIC PLAN:

- Partnership of Citizens
- Being Fiscally responsible.

BACKGROUND:

NA

ISSUES:

NA

OPTIONS:

NA

RECOMMENDED ACTION:

By going to a four-year term and no Primary, the city will save \$110,000 per Primary and \$110,000 per General Election that is not held.

ATTACHMENTS:

Council Member Request-Council Terms and Election Method

Received Time Nov. 16, 2009 11:03AM No. 3614

JAN WORK SESSION



City Council Agenda Item Request

Date of Request: 15 NOV 09

Name of Requester: Bates, Keith

Agenda Item Title: Council terms and election method

What do you want to accomplish with this item?

Save tax payers dollars

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

Principle H
Being Fisically responsible.

Comments:

By going to a four year term and no primary the city will save \$110,000 per primary and \$110,000 per ~~primary~~ that is not held.
GENERAL ELECTION



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Council Member Theodore Mohn - District 8
DATE: January 4, 2010
RE: **Council Member Request - Theodore Mohn: Fayetteville Downtown Historic District Boundary**

THE QUESTION:

Should the existing Downtown Historic Boundary be modified to better encourage investment and private development downtown?

RELATIONSHIP TO STRATEGIC PLAN:

- Vibrant Downtown
- Strong Local Economy
- Well Planned Residential and Commercial Mixed-Use Development
- People Living in Downtown Area -Balanced and Compatible Urban Development
- Attractive Commercial Buildings Meeting Defined Standards
- Residential Opportunities for All Incomes

BACKGROUND:

See attached document concerning my request to have discussion(s) concerning the Fayetteville Downtown Historic District.

ISSUES:

OPTIONS:

RECOMMENDED ACTION:

Obtain consensus for a presentation to City Council by the Historic Resources Commission and or Historic Properties Manager concerning the boundary of the Fayetteville Downtown Historic District.

After the presentation have a discussion to determine if City Council would like to look into modifying the existing Downtown Historic Boundary to better encourage investment and private development downtown.

ATTACHMENTS:

- Agenda Request Form for 4 January 2010
- Historic Downtown Agenda Request Document



City Council Agenda Item Request

Date of Request: 28 December 2009

Name of Requester: Ted Mohn

Agenda Item Title: Fayetteville Downtown Historic District Boundary

What do you want to accomplish with this item?

Obtain consensus for a presentation to City Council by the Historic Resources Commission and or Historic Properties Manager concerning the boundary of the Fayetteville Downtown Historic District.

After the presentation have a discussion to determine if City Council would like to look into modifying the existing Downtown Historic Boundary to better encourage investment and private development downtown.

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

- Vibrant Downtown
- Strong Local Economy
- Well Planned Residential and Commercial Mixed-Use Development
- People Living in Downtown Area
- Balanced and Compatible Urban Development
- Attractive Commercial Buildings Meeting Defined Standards
- Residential Opportunities for All Incomes

Comments:

See attached document concerning my request to have discussion(s) concerning the Fayetteville Downtown Historic District.

SUBJECT: Attachment to Councilmember Agenda Request (Fayetteville Downtown Historic District Boundary)
28 December 2009

I ask for consensus to have formal discussion(s) concerning the "Downtown Historic District".

FIRST. I'm requesting a presentation to council from the Historic Properties Manager and/or Historic Resources Commission. The intent of this presentation is to provide council and our fellow citizens a better understanding of the justification(s) used to determine the current boundary of our locally approved Downtown Historic District.

SECOND. With council permission, follow-on discussion(s) should include City Staff, City Council, the Historic Properties Manager, Historic Resources Commission, Downtown Alliance and other interested parties if it's determined the current boundary is overly restrictive to additional private investment and the continued downtown revitalization. Below is an excerpt from our municipal code, Chapter 30 - Zoning; Article XV - Historic Preservation; Section 30-454.

Sec. 30-454. Establishment of historic district.

(a) Historic districts are hereby established as districts which overlap with other zoning districts. All uses permitted in any such district, whether by right or as a special use, shall be permitted in the historic district.

(b) Historic districts, as provided for in this section, may from time to time be designated, amended or repealed, provided, however, that no district shall be recommended for designation unless it is deemed to be of special significance in terms of its historical, prehistorical, architectural or cultural importance. Such district must also possess integrity of design, setting, workmanship, materials, feeling and/or association. No district shall be designated, amended or repealed until the following procedure has been carried out:

(1) An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared; and

(2) The department of cultural resources, acting through the state historic preservation officer or his designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the department to submit its written analysis and recommendations to the city council within 30 calendar days after a written request for such analysis has been received by the department of cultural resources shall relieve the city council of any responsibility for awaiting such analysis, and the city council may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.

(c) The city council may also, in its discretion, refer the report and the proposed boundaries to any other interested body for its recommendations prior to taking action to amend the zoning ordinance.

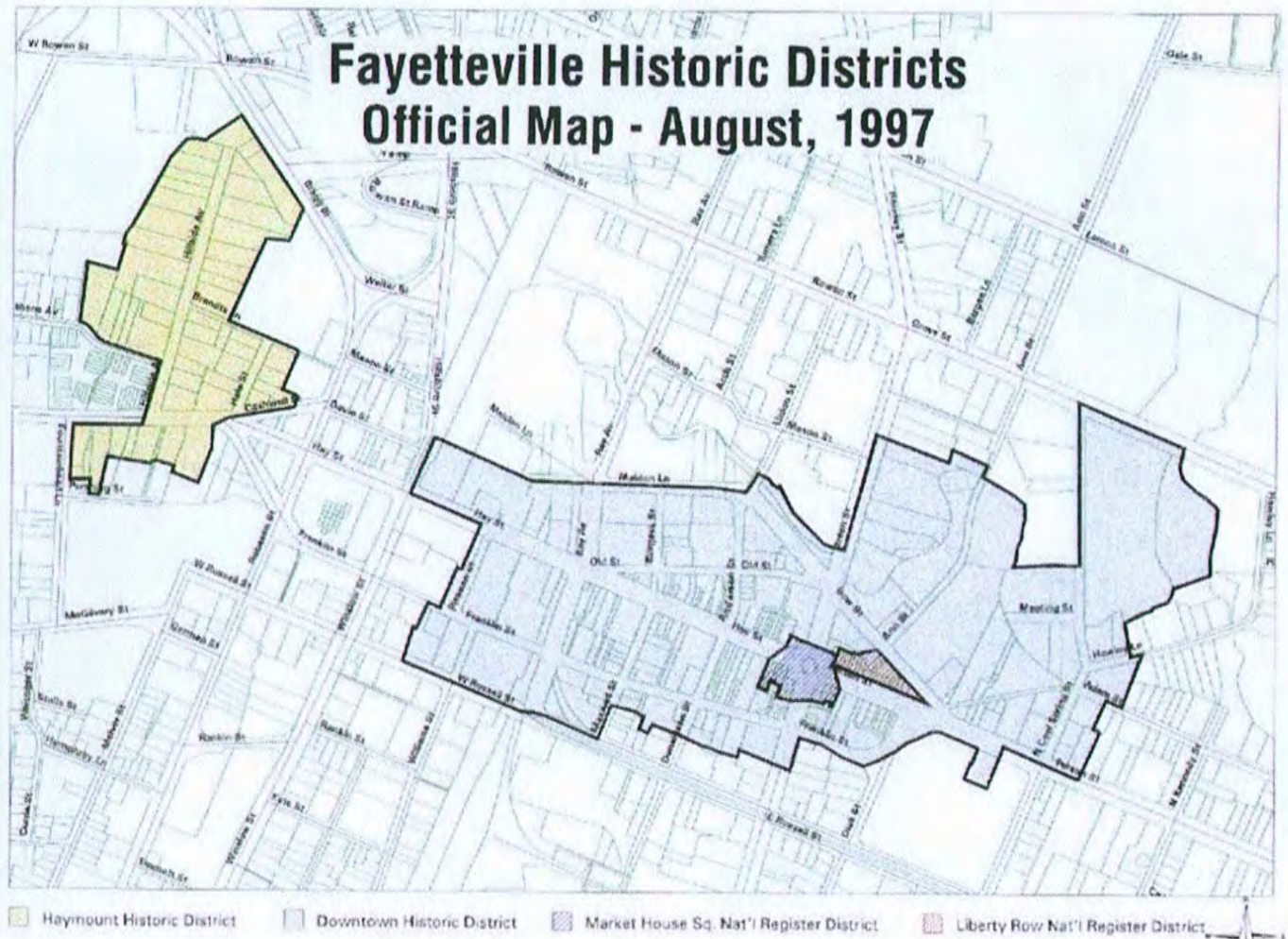
(d) With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by subsection (b)(1) of this section shall be prepared by the historic resources commission and shall be referred to the planning commission for its review and comment according to the procedures set forth in the zoning ordinance. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the department of cultural resources in accordance with the provisions of subsection (b)(2) of this section.

(e) Upon receipt of these reports and recommendations the city council may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate zoning ordinance provisions.

(Code 1961, § 32-83)

SUBJECT: Attachment to Councilmember Agenda Request (Fayetteville Downtown Historic District Boundary)
28 December 2009

The map below shows the current boundaries of the Downtown Historic District (light blue).



To help visualize the "Downtown Historic District" I've taken 2008 aerial imagery from the County's GIS webpage and did my best to recreate the district's boundary on top of the County's 2008 aerial imagery. That image is on the next page.

To better visualize the area, I've taken twenty (20) random pictures of buildings located in the "Downtown Historic District." Those 20 pictures are tied (referenced) to the numbers in yellow boxes on the image on the next page.

Many buildings throughout the Downtown Historic District have a mix match of wooden/metal/vinyl/aluminum/glass block type windows and doors. I request an explanation as to why this is/was allowed on some buildings and not other buildings.

SUBJECT: Attachment to Councilmember Agenda Request (Fayetteville Downtown Historic District Boundary)
28 December 2009



IMAGE 3



IMAGE 4



IMAGE 5



IMAGE 6



IMAGE 7



IMAGE 8



IMAGE 9



IMAGE 10

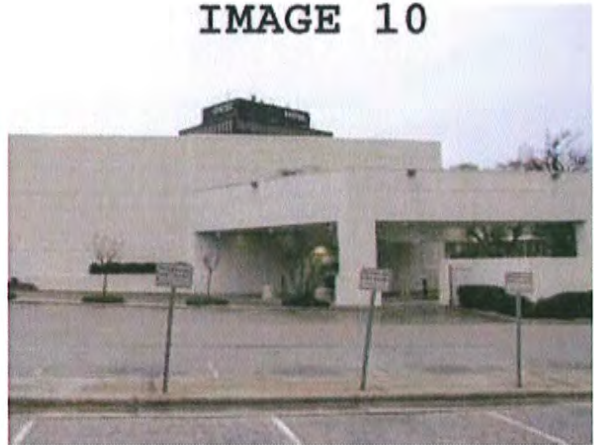


IMAGE 11



IMAGE 12



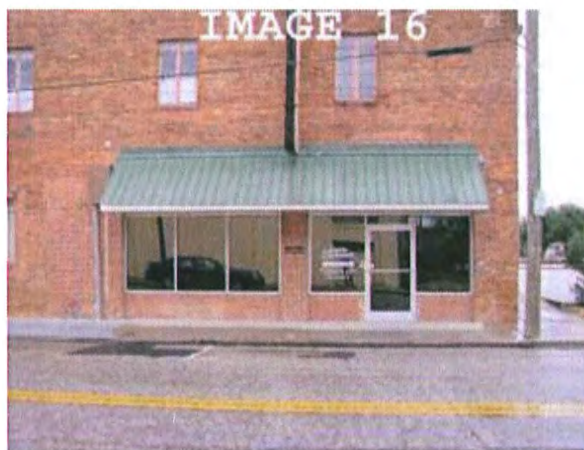
IMAGE 13



IMAGE 14



SUBJECT: Attachment to Councilmember Agenda Request (Fayetteville Downtown Historic District Boundary)
28 December 2009



SUBJECT: Attachment to Councilmember Agenda Request (Fayetteville Downtown Historic District Boundary)
28 December 2009

THIRD. Several buildings in the Downtown Historic District have boarded windows and doors. I would like staff to provide and update for each of these buildings concerning their certificate of appropriateness and timeline to conform to current standards for our Downtown Historic District. Below is an excerpt from our municipal code dealing with this subject in our Downtown Historic District.

Sec. 30-469. Boarded-up windows and barricades.

(a) Boarded-up windows and street barricades are, as a general rule, prohibited in the historic districts. Temporary exceptions to this regulation can only be authorized by a certificate of appropriateness that is approved by the historic resources commission. An emergency approval may be granted by the inspections director. All emergency approvals by city staff must be made pursuant to a certificate of appropriateness, which sets forth a specific limited time period. All temporary boarded-up windows and barricades which will remain in place for more than a month must be painted as specified and authorized in the certificate of appropriateness.

(b) Authorized exceptions to this regulation will only be granted by a certificate of appropriateness for a short specified time period, in order to protect the structure against further deterioration pending the replacement of windows, doors, or storefronts.

(c) Property owners in the downtown historic district who currently have windows or doors boarded-up or have protective barricades must have them replaced pursuant to a certificate of appropriateness, within six months of the effective date of the ordinance from which this article is derived.

(Code 1961, § 32-98)