

**FAYETTEVILLE CITY COUNCIL
WORK SESSION AGENDA
DECEMBER 6, 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
WORK SESSION AGENDA
DECEMBER 6, 2010
5:00 P.M.
LAFAYETTE ROOM

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 APPROVAL OF AGENDA

4.0 OTHER ITEMS OF BUSINESS

4.1 FY 2012 Federal Legislative Agenda Update

Presented By: Leslie Mozingo, Lobbyist, The Ferguson Group

4.2 Memorandum of Understanding (MOU) with Fayetteville State University (FSU) for the Historically Black Colleges and Universities (HBCU) Grant and update of City's Murchison Road Corridor projects

Presented By: Victor Sharpe, Community Development Director

4.3 Presentation of a site for the proposed HOPE VI Business Park

Presented By: Victor Sharpe, Community Development Director

4.4 Parking Deck Bid Review and Update

Presented By: Rusty Thompson, PE, PTOE, City Traffic Engineer

4.5 City's Americans with Disabilities Act Self Evaluation And Transition Plan

Presented By: Ron McElrath, Human Relations Director / ADA Coordinator

4.6 Noise Ordinance Update Regarding Nightclub Behavior

Presented By: Charles Kimble, Assistant Police Chief

4.7 Taxi Regulations Operational Changes And Results Presentation

Presented By: Kristoff T. Bauer, Assistant City Manager

4.8 Unified Development Ordinance (UDO) discussion post public hearing

Presented By: Rob Anderson, Chief Development Officer

4.9 Review of Proposed 2011 City Council Meeting Dates Calendar

Presented By: Rita Perry, City Clerk

5.0 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 nonpublic 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 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: Rebecca Rogers Carter, Management Services Manager
DATE: December 6, 2010
RE: **FY 2012 Federal Legislative Agenda Update**

THE QUESTION:

Does the attached draft FY 2012 Federal Legislative Agenda and Federal Successes meet the City Council's interest?

RELATIONSHIP TO STRATEGIC PLAN:

This item supports the goal of More Efficient City Government which seeks to efficiently invest in the City's future infrastructure, facilities and equipment.

BACKGROUND:

The City, Cumberland County and the Fayetteville-Cumberland County Chamber of Commerce have partnered with the Ferguson Group to develop a community-wide federal legislative agenda. This partnership, thanks to the consistent support from our congressional delegation, has returned more than \$46,613,900 in federal assistance to the community since its inception (2005). In order to continue these successful efforts, the partners are developing a FY 2012 federal agenda for submission to the congressional delegation when they reconvene in January.

To develop this draft agenda, a series of meetings with partnership representatives were held on November 5, 2010. During these meetings, time was allocated for elected official representatives from City Council and County Commissioners to meet with our lobbyist, Leslie Mozingo, and provide input. The attached draft 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.

ISSUES:

The attached agenda does not include state legislative issues that we will share with the NC General Assembly.

OPTIONS:

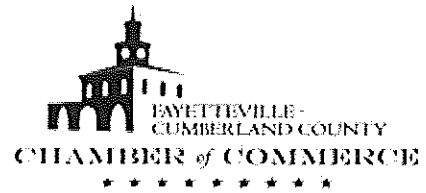
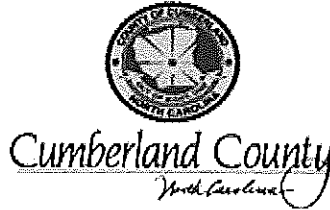
Consistent with Council Work Session ground rules, this item is for discussion. Feedback regarding the composition of the draft legislative agenda is sought in preparation for Council consideration at the next Regular Council meeting.

RECOMMENDED ACTION:

General discussion

ATTACHMENTS:

Draft Legislative Agenda
Federal Successes



**City of Fayetteville/Cumberland County/Fayetteville - Cumberland County Chamber, NC
FY 2012 FEDERAL AGENDA**

(All priorities below were chosen based on the partnership's MOU.)

DRAFT

FUNDING (APPROPRIATIONS/GRANTS)

	PROJECT	DESCRIPTION OF REQUEST	FUNDING HISTORY
1	Regional Public Safety	\$2 million, Justice Department, COPS Technology, to purchase digital radios.	\$300,000 (FY06) \$352,500 (FY08) \$200,000 (FY09) \$300,000 (FY10)
2	Partnership for Defense Innovation (PDI)	\$4.6 million, Defense Department, Special Operations Advanced Technology Development, for Wi-Fi Laboratory Testing and Assessment Center to, research and develop cellular capabilities on the battlefield.	\$1.08 million (FY07) \$2.7 million (FY08) \$2 million (FY09) \$2.8 million (FY10) \$3 million or less pending(FY11)
3	Sanitary Sewer System	\$2 million, U.S. Army Corps of Engineers, Sec. 219, for sanitary sewer system.	\$6 million authorized by WRDA 2007
4	Multimodal Center	\$5 million, Transportation Department, Federal Transit Administration, for Multimodal Transportation Center.	\$400,000 (FY10)
5	Electronic Records Management	\$500,000, Health and Human Services Department, Health Resources and Services Administration, for County's public health records management and digitization of veteran's records.	Fourth year requested
6	Emergency Operations Center	\$1.7 million, Homeland Security Department, Federal Emergency Management Agency, for the Fayetteville-Cumberland County Emergency Operations Center.	Second year request
7	Murchison Road Right of Way Acquisition	\$34.6 million total authorization (plus-up of \$17.6 million) Department of the Army, Military Construction, Defense Access Roads, Fort Bragg.	\$21.8 million Phase I (FY09) \$17 million pending (FY11)

FUNDING (AUTHORIZATIONS)

PROJECT	DESCRIPTION OF REQUEST	FUNDING HISTORY
Military Business Park (MBP)	\$8 million, Transportation Department, Federal Highway Administration, for transportation network surrounding the MBP.	\$600,000 (FY06) \$147,000 (FY08) \$584,400 (FY10)
Sanitary Sewer System	Expand Water Resources Development Act (WRDA) authorization from \$6 million to \$20 million and modifications to language.	Authorized by WRDA 2007.

ADDITIONAL PRIORITIES AND LEGISLATIVE POLICY ITEMS

ISSUE	DESCRIPTION OF REQUEST
Competitive Grants	Keep partnership informed of potential grant opportunities for identified projects.
Direct Flight to DC	Support efforts to create direct flight(s) from Fayetteville to DC's Reagan National Airport.
Unfunded Mandates	Oppose legislation that imposes unfunded mandates on local government.
I-295 Loop	Support efforts by NC DOT to fund the I-295 Loop.
Parks and Recreation Master Plan	Support efforts to increase funding for parks and recreation facilities and programs.
Sustainability	Keep partnership informed on sustainability funding and initiatives that would help support the development of a National Sustainability Center in Fayetteville-Cumberland County.
Abandoned Home Removal	Keep partnership informed on funding available to assist in transforming vacant and blighted properties near Fort Bragg.
Air Quality	Pursue local, state and EPA agreement to reach attainment.
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 partnership efforts 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.
Broadband Access	Notify partnership of opportunities to expand access to wired and wireless broadband technology.

FOR MORE INFORMATION CONTACT:

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dbryant@tfgnet.com



Leslie Mozingo
(336) 766-1801
lmozingo@tfgnet.com



Cumberland County
North Carolina



**FEDERAL SUCCESSES
STATUS REPORT
DECEMBER 6, 2010**

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 and/or authorizations to date: \$46,613,900



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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor Sharpe, Community Development Director
DATE: December 6, 2010
RE: Memorandum of Understanding (MOU) with Fayetteville State University (FSU) for the Historically Black Colleges and Universities (HBCU) Grant and update of City's Murchison Road Corridor projects

THE QUESTION:

Does partnering with Fayetteville State University in the redevelopment and revitalization of the southern Murchison Road Corridor provide opportunity to implement Catalyst Site 2 recommended in the City of Fayetteville Land Use and Economic Development Plan for the Murchison Road Corridor?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy and Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- Fayetteville State University is in receipt of a Historically Black Colleges and Universities (HBCU) grant from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$499,602 for the redevelopment and revitalization of the southern Murchison Road Corridor.
- The proposed site for redevelopment is in Catalyst Site #2 recommended in the City of Fayetteville Land Use and Economic Development Plan.
- The Martin Luther King, Jr. Memorial Park Committee has agreed to transfer the Washington Drive School property to the City, which will later be transferred to Fayetteville State University for its redevelopment and revitalization activities to implement the HBCU grant.
- The MOU spells out the responsibilities of the Fayetteville State University and the City.
- The City will be responsible for assisting with the cost of the demolition and transferring the site to the University.

ISSUES:

- Staff has been working with the consultant to finalize the Murchison Road Redevelopment Plan for Catalyst sites #1 and #3.
- The plan will be presented before the Planning Commission and then back to City Council for adoption.
- Staff anticipate the plan being completed and presented to the Planning Commission in January 2011 and to City Council in March 2011.
- The City will move forward with the Section 108 Loan request at City Council's direction after approval of the redevelopment plan.

OPTIONS:

Receive as information.

RECOMMENDED ACTION:

Place item on City Council's December 13, 2010 meeting agenda for consideration to accept the Washington Drive School from the MLK Park Committee and approve the Memorandum of Understanding between the City of Fayetteville and Fayetteville State University.

CITY COUNCIL ACTION MEMO

TO: Mayor and Member of City Council
FROM: Victor Sharpe, Community Development Director
DATE: December 6, 2010
RE: **Presentation of a site for the proposed HOPE VI Business Park.**

THE QUESTION:

Is acquiring subject properties consistent with the City's commitment to the HOPE VI Revitalization Project?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base - Strong Local Economy and More Attractive City - Clean and Beautiful.

BACKGROUND:

- One of the City's commitment's for the HOPE VI Revitalization project includes one million dollars to acquire parcels for the development of a business campus (these funds are currently budgeted).
- The City will use a request for proposal (RFP) to solicit developers for the development of the business campus.
- The HOPE VI grant application suggest that the new business campus will support the influx of defense contractors due to Fort Bragg's expansion and will provide jobs for the residents in the neighborhood.
- This site may also provide additional retail and office space locations to support the increased number of residents that will reside in the area.
- The proposed site is 9.21 acres and includes 44 parcels (36 vacant and 8 with structures).
- The City owns one of the parcels and jointly owns three additional parcels with Cumberland County.
- The proposed site was identified as part of the Center City Industrial Park in 2005 by the Fayetteville Area Economic Development Corporation/Chamber of Commerce.

ISSUES:

- There are eight (8) structures located throughout the project area that will have to be demolished.
- Currently there are five (5) households that will have to be relocated.
- There may be some condemnation involved in acquiring some of the parcels.

OPTIONS:

This item is being presented for informational purposes.

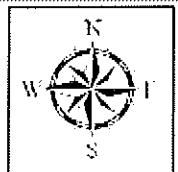
RECOMMENDED ACTION:

This item will be placed on the December 13, 2010 agenda for consideration.

ATTACHMENTS:

HOPE VI Business Park Site
Pictures of proposed HOPE VI Business Park Site

Hope VI Business Park



Proposed Site for HOPE VI Business Park





CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, PE, PTOE, City Traffic Engineer
DATE: December 6, 2010
RE: **Parking Deck Bid Review and Update**

THE QUESTION:

To give Council an overview of the bids received for the parking deck along with the projected construction schedule moving forward.

RELATIONSHIP TO STRATEGIC PLAN:

Revitalized Downtown – A Community Focal Point

BACKGROUND:

The parking deck was designed and advertised for bid to seven pre-qualified contractors. The City has received six bids and staff recommends awarding the contract to the lowest responsible, responsive bidder.

ISSUES:

Due to ARRA funding, the contract must be awarded prior to December 31, 2010.

OPTIONS:

- Direct Staff to place the approval of awarding the construction contract to the lowest responsible, responsive bidder on the December 13th agenda.
- Take no action, which will result in the City losing the available ARRA funding for the construction of this project.

RECOMMENDED ACTION:

Direct Staff to place the approval of awarding the construction contract to the lowest responsible, responsive bidder on the December 13th agenda.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Ron McElrath, Human Relations Director / ADA Coordinator
DATE: December 6, 2010
RE: City's Americans with Disabilities Act Self Evaluation And Transition Plan

THE QUESTION:

Is the City of Fayetteville in compliance with the Americans Disabilities Act and Project Civic Access?

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

BACKGROUND:

The Self Evaluation and Transition requirement is designed to help identify the city's legal obligations and basic requirements for complying with Project Civic Access and Americans with Disabilities Act (ADA) that became law in 1990. All cities were required to conduct a Self Evaluation and a Transition Plan to comply with the ADA by 1995.

City Manager Dale Iman identified that copies of the study and a transition plan were not in place. Recognizing that failure to comply could result in loss of federal funds, services, along with having heavy fines and penalties imposed on the city, he appointed an ADA Coordinator (Human Relations Director, Ron McElrath) to conduct another Self Evaluation and to make sure there is ongoing compliance planning and implementation. He also required every city department to serve on a Self Evaluation and Transition Team (SETT).

SETT members received extensive training on-line, at seminars with guest disability attorneys and specialist, and from the Governor's ADA Director among many resources. A formal self evaluation was conducted of our facilities, services, signage, curb cuts, access, communications, and accommodations for persons with all types of disabilities (whether visible or not) over the last 28 months.

The final self evaluation and transition plan includes the following basic elements:

- 1) the designation of a responsible employee to manage ADA compliance;
- 2) the posting/publishing of a notice of nondiscrimination on the basis of disability;
- 3) a grievance procedure;
- 4) A self evaluation; and
- 5) A transition plan. (Items 1-5 have been implemented since 2008 and are part of an ongoing process)

In completing the self evaluation and transition plan report SETT members also interacted with the county wide Disabilities committee chaired by Mr. Charles Yates. Tonight's update to the City Council is intended to share staff's progress to date, and to identify ongoing responsibilities.

ISSUES:

ADA requirements and Project Civic Access are ongoing requirements of federal law. They are designed to ensure that citizens, regardless of their abilities, are able to enjoy and participate fully in civic life, recreational programs, government sponsored services, etc. in their community. It is more than just the law, it is also the right thing to do. With the completion of this update and the continued support of City Council and the City Manager, we honor our Mission Statement that reads, "provides service that makes Fayetteville a better place for all."

OPTIONS:**RECOMMENDED ACTION:**

None at this time; however, we will be working on the following activities after receiving input from City Council tonight.

- Publish a formal report which can be accessed on the city website and provide a formal notification to residents.
- SETT conduct a public hearing on this plan in February to receive input from citizens and ADA advocates.
- Ensure that all future projects, programs, activities, etc. by various departments, which includes things such as sidewalk additions, construction and renovations etc., provisions to meet all ADA and Project Civic Access requirements and specifications are clearly defined and met (except where legal exception can be justified).

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Tom Bergamine, Police Chief
DATE: December 6, 2010
RE: Noise Ordinance Update Regarding Nightclub Behavior

THE QUESTION:

Update for City Council regarding the noise ordinance in relation to "Nightclub Behavior". How to regulate noise and associated behavior at night life establishments.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhood, A Great Place to Live

BACKGROUND:

On March 17, 2010, Councilman Wesley Meredith submitted a request to direct staff to research strengthening our ordinance to compliment "Nightclub Behavior".

On August 2, 2010, City Council discussed three issues: 1) Require nightclubs to provide (and/or hire off-duty sworn officers) security in AND outside their establishments during AND after closing to ensure any unacceptable behavior is better controlled; 2) To strengthen our noise ordinance, and; 3) Require the nightclubs to clean up their sites of trash and litter in the immediate area.

At the meeting on August 2, 2010, A/C Kimble presented an information plan to council and answered some of Councilman Meredith's questions. Per police policy and State Alcohol Beverage Control rules, police officers are not allowed to work inside nightclub establishments that serve strictly alcohol (FPD General Order 2.2.7). Councilman Meredith clarified that the main issue he wanted staff to research was issue # 2) noise ordinance; noise emanating from the nightlife establishments and the noise of the patrons who frequent the establishments. A work group has been formed including members of the City of Fayetteville, local nightlife industry representatives, effected citizens and business owners to research this topic and present the findings at the work session on December 6, 2010.

ISSUES:

To strengthen our noise ordinance.

OPTIONS:

Present information obtained through research to City Council.

RECOMMENDED ACTION:

Enforce current city ordinances by requesting that a criminal summons be issued by the Magistrate's Office to bring the individual or business offenders into Environmental Court for failing to comply with the City noise ordinance. Excessive noise is an environmental issue. The Fayetteville City Code, Section 17-7, recognizes that excessive and unnecessary noise endangers the physical and emotional health and welfare of the people, interferes with legitimate business and recreational activity, increases construction costs, depresses property values, offends the senses, creates public nuisances, and in other respects, reduces the quality of life. Officers have unsuccessfully been attempting to resolve noise complaints while on the scene. The enforcement authority provided by the code allows officers to arrest violators who refuse to cease illegal activity and allows all environmental noncompliance cases to be heard in a specialized court. If

convicted, the offender may be sentenced to a probationary judgment, or in some circumstances, prison. We believe that stronger enforcement of the current ordinance is the best remedy and will resolve many of the existing noise complaints.

The police department will continue to work with the nightlife industry and other stakeholders to develop best practices for nightlife businesses for noise and associated behavior at these establishments.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Kristoff Bauer, Assistant City Manager
DATE: December 6, 2010
RE: Taxi Regulations Operational Changes And Results Presentation

THE QUESTION:

Should current policies and regulations in the Taxi Ordinance be revised to ensure that citizens and visitors to Fayetteville are provided a safe, clean and professional environment when using the private-sector tax services in the community.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

Mayor Chavonne submitted a Council Agenda Item Request on March 1, 2010, suggesting that "The Ordinance needs to be reviewed and updated to reflect a growing community." The conversation at that time included concerns shared by citizens and visitors regarding the conditions of taxis in the City and illegal activity being conducted in or facilitated by local taxis.

As described in the attached memorandum, staff focused first on improving the enforcement of existing regulations through revised operational practices. It is staff's belief that these changes have effectively addressed the concerns raised.

ISSUES:

Staff believes that the issues that prompted this request have been addressed through operational changes. If true, then some technical ordinance revisions may be brought forward to ease enforcement, but the ordinance would not go through a complete review to consider revising existing policies articulated therein. Feedback from Council is sought to confirm this belief or clarify Council's desired outcome.

OPTIONS:

RECOMMENDED ACTION:

This is for discussion only.

ATTACHMENTS:

Taxi Regulation Update Memo



City Manager's Office

To: Dale Iman, City Manager

CC: Tom Bergamine, Police Chief
Rob Anderson, Development Services Director

From: Kristoff Bauer, Assistant City Manager

Date: September 24, 2010

Re: Taxi Regulations Operational Changes And Results

On May 19th, the Council directed staff to take a look at the current practices for regulation of taxi cabs within the City in response to complaints regarding the condition of and alleged criminal activity occurring in taxis. In anticipation of this concern, staff met in March to brainstorm regarding operational changes that could be made to improve the effectiveness of existing regulations. Staff met recently to follow up on these changes in order to judge effectiveness and discuss recommendations regarding next steps.

Background:

Currently, taxi regulations and quarterly inspections are administered by Development Services. These operations are typically 8-5 from Monday through Friday. This is not optimal for ensuring compliance in the evening and weekends during which taxi operations are highest. Further, coordination between Development Services staff and Police staff, who have greater authority and capability to address criminal activity, has not been strong.

Operational Changes:

- **Staff Responsibility:** Within Development Services, this function was moved from Zoning Enforcement staff to two specific Code Enforcement officers. This has increased the focus and effective availability of staff resources to engage in enforcement activities.
- **Communication:** The Police Dept. assigned a specific Lieutenant to coordinate enforcement activities with Code Enforcement staff. This has improved communication and coordination.
- **K-9 Inspections:** City Police K-9 staff has been assigned to assist Code Enforcement staff during the quarterly inspection of taxis. This had an immediate and dramatic impact. During the second quarter 2010 inspection, which included K-9's for the first time, some evidence of narcotics was found and many taxis simply did not show up for inspection. This step and others has effectively reduced the current number of licensed taxis by near 30% to just over 100.

- **Improved Training:** Staff has worked to improve the training of Police officers to ensure that they understand and can enforce taxi regulations within the City effectively extending the enforcement resources which had been limited to Development Services staff. Further, staff's increased awareness and focus on enforcement has prompted increased complaints from licensed taxis against unlicensed operators.
- **Airport Officer Training:** Police officers assigned to the Airport have been given specific training related to taxi regulation and their responsibility and authority to patrol this function at the Airport. This provides a new focus and resource specific to this important area of taxi operations.
- **Background Checks:** Code enforcement staff has gotten more aggressive in checking taxi drivers for warrants and past criminal activity. This has resulted in removal of a number of drivers.

Result: Staff has observed a significant reduction in the number of licensed cabs and an improvement in the appearance, cleanliness, and operations of taxis in the community based on improved regulation tactics that have been implemented. Further improvement is anticipated through the tactics above and those mentioned in the next section.

Next Steps: Code Enforcement personnel are in the process of implementing a flex schedule that will provide limited evening and weekend Code Enforcement resources. Police staff is working on the coordination of covert operations to not only address the activity of unlicensed taxis, but to also focus on illegal activity that is often facilitated by the use of taxis, prostitution for example.

In the long-term, there is a need to revise the existing code to clarify enforcement authority, procedures, and penalties. It is anticipated that these changes would not include revisions to existing standards or regulatory requirements, but simply to make enforcement more effective and efficient. This would be a legal review and it is not anticipated that an advisory committee would be utilized.

Direction Needed: The Council had anticipated the need to revise the existing standards and policies related to taxis in the process of addressing the concerns that were raised. Staff believes that operational improvements, planned and already implemented, have, and will continue, to improve the quality of taxis in the City. These actions may be sufficient to address Council's concerns making revisions to the policies and procedures expressed in the current regulations unnecessary.

Recommendation: A presentation to Council at a near term Council Work Shop to describe the changes and results above and get direction regarding scope of continued work on this issue in response to the initial complaint.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rob Anderson, Chief Development Officer
DATE: December 6, 2010
RE: Unified Development Ordinance (UDO) discussion post public hearing

THE QUESTION:

Is the City Council prepared to approve the Unified Development Ordinance?

RELATIONSHIP TO STRATEGIC PLAN:

The UDO speaks to nearly every major goal of the Strategic Plan, but most particularly:

- Greater Tax Base Diversity - Strong Local Economy
- Growing City, Livable Neighborhoods - A Great Place to Live
- More Attractive City - Clean and Beautiful

BACKGROUND:

Work on the new Unified Development Ordinance (UDO), which combines the zoning and subdivision regulations, officially began in 2008 with a series of interviews with stakeholders and with a community to hear what issues and needs should be addressed in the new regulations. A broadly representative group was established to provide advice throughout the drafting process; that group has met over 25 times.

In preparing the final draft for City Council consideration, the recent efforts to consider the many different interests and objectives have included:

- two public hearings by the Planning Commission, 6/15, 6/24, followed by a third on 8/17.
- preparation of the revised final draft dated August 2010 incorporating responses to suggestions and issues raised during the hearings and Advisory Committee meetings.
- a third public hearing by the Planning Commission, 8/17. A "tracking chart" was prepared capturing the comments, the source(s) of the comments, changes, and reasons for the changes made in the August 2010.
- three more UDO Advisory (Stakeholder) Committee meetings, 8/31, 9/9/ and 9/23, after which staff prepared a new tracking form and final recommendations.
- two Planning Commission meetings, 10/19 and 10/21, to discuss the August 2010 draft and final staff recommendations and prepare recommendations to the City Council.
- three Council briefings (5/19 Agenda Briefing Meeting, 6/1 Joint Council/Planning Commission Special Meeting and 11/1 Council Work Session) and a public hearing on 11/22.

ISSUES:

The Planning Commission has considered staff recommendations and development community responses to the recommendations from the Advisory Committee and others. At a special meeting on Thursday, October 21, the Commission prepared and approved its recommendations for City Council consideration.

Staff distributed the final draft and required notices for the 11/22 public hearing. Staff provided five recommended amendments to that draft just prior to that public hearing. Staff is working on responses to Council's questions and will have more information later this week and present additional information during the Council Work Session.

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rita Perry, City Clerk
DATE: December 6, 2010
RE: Review of Proposed 2011 City Council Meeting Dates Calendar

THE QUESTION:

Does the proposed calendar reflect the interest of Council for meetings in 2011?

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government

BACKGROUND:

To ensure that citizens are aware of all the public meetings and events for 2011 and the City adheres to the NC Open Meetings, staff has prepared the attached 2011 City Council Meeting Dates Calendar. The calendar takes into account all City holidays, Council retreats and conferences identified by staff.

Staff proposes that the generally scheduled Monday, April 25, 2011 regular meeting be held on Tuesday, April 26, 2011 due to Good Friday and for Council to forego the July 2011 work session meeting, which customarily follows the budget review and adoption process.

Should the proposed schedule meet with Council's preference, a resolution to adopt the 2011 City Council Meeting Dates Schedule will be presented to Council for consideration at the Monday, December 13, 2010 meeting.

ISSUES:

NA

OPTIONS:

Input regarding the proposed 2011 City Council Meeting Dates schedule is requested in preparation for Council consideration at the Monday, December 13, 2010 meeting.

RECOMMENDED ACTION:

For discussion purposes only

ATTACHMENTS:

Proposed 2011 City Council Meeting Dates Schedule
Resolution-2011 City Council Calendar

2011 City Council Meeting Dates

[illegible]

City Council Work Session/Meeting Information

- Work Sessions are held at 5 p.m. in the Lafayette Room, City Hall, generally on the first Monday of each month.
- Regular Meetings are held at 7 p.m. in Council Chambers, City Hall. Council's Discussion of Agenda Items is held at 6 p.m. preceding their Regular Meetings in the Manager's Conference Room, City Hall. Regular Meetings are broadcast live on Community Channel 7 and are rebroadcast on Wednesdays following the meetings at 10 p.m.
- Agenda briefings are held at 4 p.m. in the Lafayette Room, City Hall, generally on the third Wednesday of each month.

RESOLUTION NO. R2010-_____

RESOLUTION OF THE FAYETTEVILLE, NORTH CAROLINA CITY COUNCIL TO
ADOPT THE 2011 CITY COUNCIL MEETING DATES CALENDAR TO
CLARIFY THE TIME AND LOCATION OF CITY COUNCIL REGULAR MEETINGS
FOR 2011

WHEREAS, the Fayetteville City Council has enacted a strategic plan that
promotes efficient and effective government; and

WHEREAS, the City's strategic plan includes targets for action that require
significant commitments on city resources and time to complete; and

WHEREAS, the City Council is committed to ensuring that the public is informed
about the issues, activities and actions of the City; the City Council

HEREBY RESOLVES to adopt the attached calendar titled 2011 City
Council Meeting Dates to clarify the time and location of City Council regular meetings
for 2010; and further

RESOLVES that any deviations of these regular meetings will be done consistent
with the North Carolina Open Meetings Law.

ADOPTED this _____ day of _____,

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, MAYOR

ATTEST:

RITA PERRY, CITY CLERK