

FAYETTEVILLE CITY COUNCIL
WORK SESSION AGENDA
TUESDAY, SEPTEMBER 6, 2011
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 Update on the Ramsey Street construction and the Ramsey Street Corridor Plan.

Presenter(s): Rusty Thompson, Interim Engineering and Infrastructure Director, Lee Jernigan, NCDOT Division Traffic Engineer, Randy Wise, NCDOT Resident Engineer, Scott Shuford, Development Services Director

- 4.2 Fayetteville-Cumberland County Chamber of Commerce (FCCCC) Contract Annual Project Update - Performance Metrics

Presenter(s): Bo Gregory, FCCCC Director of Economic Development

- 4.3 2011 Update on Community Wellness Plan

Presenter(s): Tom Bergamine, Chief of Police

- 4.4 Privilege License Update (Requested by Council Member Hurst)

Presenter(s): Karen McDonald, City Attorney

- 4.5 Options for ensuring no connectivity from the new development to the existing Cottonade neighborhood and Shawcroft Drive.

Presenter(s): Rusty Thompson, Interim, Engineering & Infrastructure Director

- 4.6 Amendments to Fayetteville Code of Ordinances Relating to Code Enforcement

Presenter(s): Bart Swanson, Housing and Code Enforcement Division

- 4.ĭ Council Concurrence for FAST to develop and issue a Request For Proposals for interested vendors to sell, install and maintain transit vehicle advertising services for purposes of generating additional revenue.

Presented By: Jeff Thompson, Chair, Fayetteville Advisory Committee on Transit Randall Hume, Transit Director

4.8 Response to Request to Donate City Lots on Mann Street

Presented By: Kecia Parker, Real Estate Manager

4.9 2011 All America City Strategic Marketing Plan

Presented By: Jennifer Lowe, Communications Officer

4.10 Amendment to Ordinance Chapter 5 Alcohol Beverages and Chapter 18 Parks and Recreation

Presented By: Michael Gibson, Parks, Recreation and Maintenance Director

4.11 Code enforcement and assistance program for tornado-damaged properties.

Presented By: Scott Shuford, Development Services Director Bart Swanson, Housing and Code Enforcement Division Manager Jerry Dietzen, Director of Environmental Services

4.12 City Council Request(s): (In order of receipt date)

(a) Mayor Chavonne - Community Cleanup & Plan to Go Forward

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 the City Clerk at cityclerk@ci.fay.nc.us, (910) 433-1989, as soon as possible but no later than 72 hours before the scheduled event.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, Interim Engineering and Infrastructure Director
DATE: September 6, 2011
RE: **Update on the Ramsey Street construction and the Ramsey Street Corridor Plan.**

THE QUESTION:

What is the status of the Ramsey Street Hazard Mitigation project and implementation of Ramsey Street corridor plan completed in 2009?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods, A Great Place to Live

BACKGROUND:

Request submitted from City (Rusty Thompson) to NCDOT (Terry Gibson) Sept. 2006
Presentation to City Council Work Session by NCDOT (Regional Traffic) May 2007
Project approved for High Hazard Elimination funding by NCDOT Board of Transportation.
October 2007
Public hearing held (College Lakes Rec Center) August 2008

Ramsey Street Corridor Plan Implementation

The Ramsey Street Corridor Plan was adopted in January 2009. It contained a number of implementation actions, including the road improvements currently underway. Other implementation actions include: zoning changes; an overlay district; landscaping, lighting and signage standards; a market study; design assistance; and economic development incentives. These implementation actions have not been pursued due to staff resource limitations.

ISSUES:

The Development Services Department has been allocated \$100,000 for contractor assistance in the current FY budget. This funding is programmed to support two Strategic Plan projects: the Ramsey Street plan implementation and the development of a new Bragg Blvd. corridor plan. These resources are not expected to be sufficient to support both projects in this fiscal year. Staff has been seeking outside funding sources to help support the Bragg Blvd. corridor plan.

BUDGET IMPACT:

There isn't sufficient funds to support both the implementation of the Ramsey Street Corridor Plan and the development of such a plan for Bragg Boulevard in the current fiscal year. As such, additional funds will be needed or prioritization by City Council as to which to pursue this year.

OPTIONS:

As this is an update, no action is required.

RECOMMENDED ACTION:

As this is an update, no action is required.

ATTACHMENTS:

Ramsey Street Summary

Ramsey Street Plan

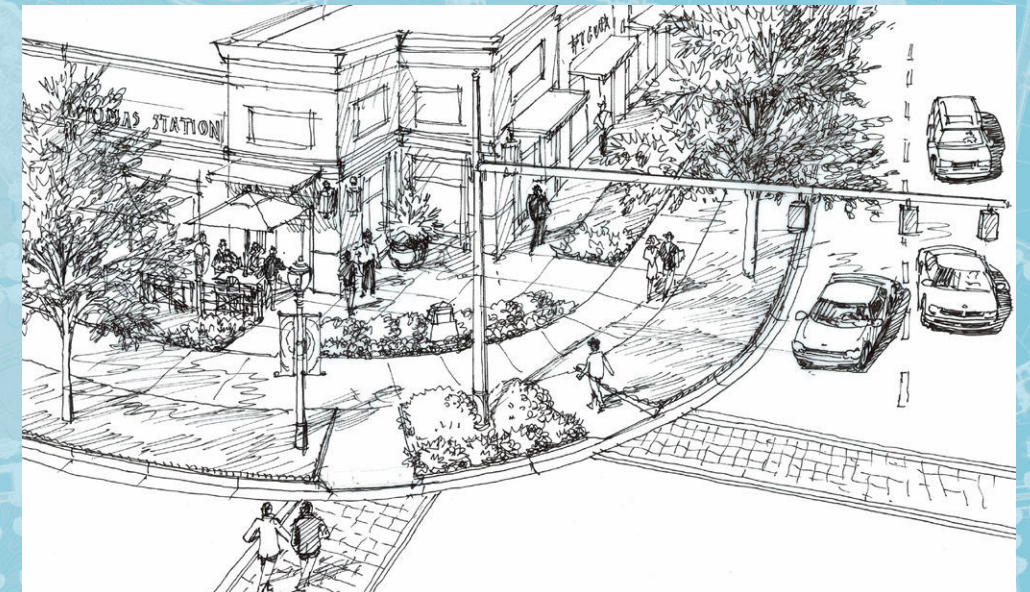
Ramsey Street Summary

- Sept. 2006 Request submitted from City (Rusty Thompson) to NCDOT (Terry Gibson)
- April 2007 Investigated by NCDOT (Regional Traffic) and submitted for funding (City to acquire R/W and adjust Utilities)
- May 7, 2007 Presentation to City Council Work Session by NCDOT (Regional Traffic)
- May 14, 2007 Resolution from City Council supporting Ramsey Street Project
- October 2007 Project approved for High Hazard Elimination funding by NCDOT Board of Transportation
- Jan. 2008 Operational study initiated to determine improvements
- May 2008 Operational study completed
- Aug. 2008 Public hearing held (College Lakes Rec Center)
- Aug. 2008 Ramsey Street Corridor Land Use Study (City Funded)
- Oct. 2010 Let for Construction
- Jan. 2011 Construction began
- Once complete Parks and Rec will be coordinating plantings and irrigation with NCDOT

CITY OF FAYETTEVILLE

RAMSEY STREET CORRIDOR PLAN

DRAFT SUMMARY REPORT
JANUARY 2009



LandDesign™



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I CORRIDOR CONDITIONS, ISSUES AND PLAN FRAMEWORK

A. INTRODUCTION

Ramsey Street is the primary roadway corridor serving residential neighborhoods, businesses and other activity nodes found within the northeastern portion of the City of Fayetteville. It is also an important gateway into the City and Downtown.

To ensure the continued health and vibrancy of the neighborhoods and commercial areas within and surrounding the corridor, the City of Fayetteville commissioned LandDesign to assemble a plan with the twin goals of:

- (1.) Establishing a guide for land use, development character and the timing of future growth; and,
- (2.) Identifying key improvement efforts along the corridor needed to enhance the overall character and quality of Ramsey Street for many years to come.

Over a six month period commencing July, 2008, LandDesign worked alongside the community to identify issues and priorities for the corridor, establish a broad planning vision and framework to guide future growth decisions, assemble a series of corridor plan alternatives, and select and refine a final plan vision for adoption. The following summary report recaps the process and results of this effort.



Views of Ramsey Street - South...



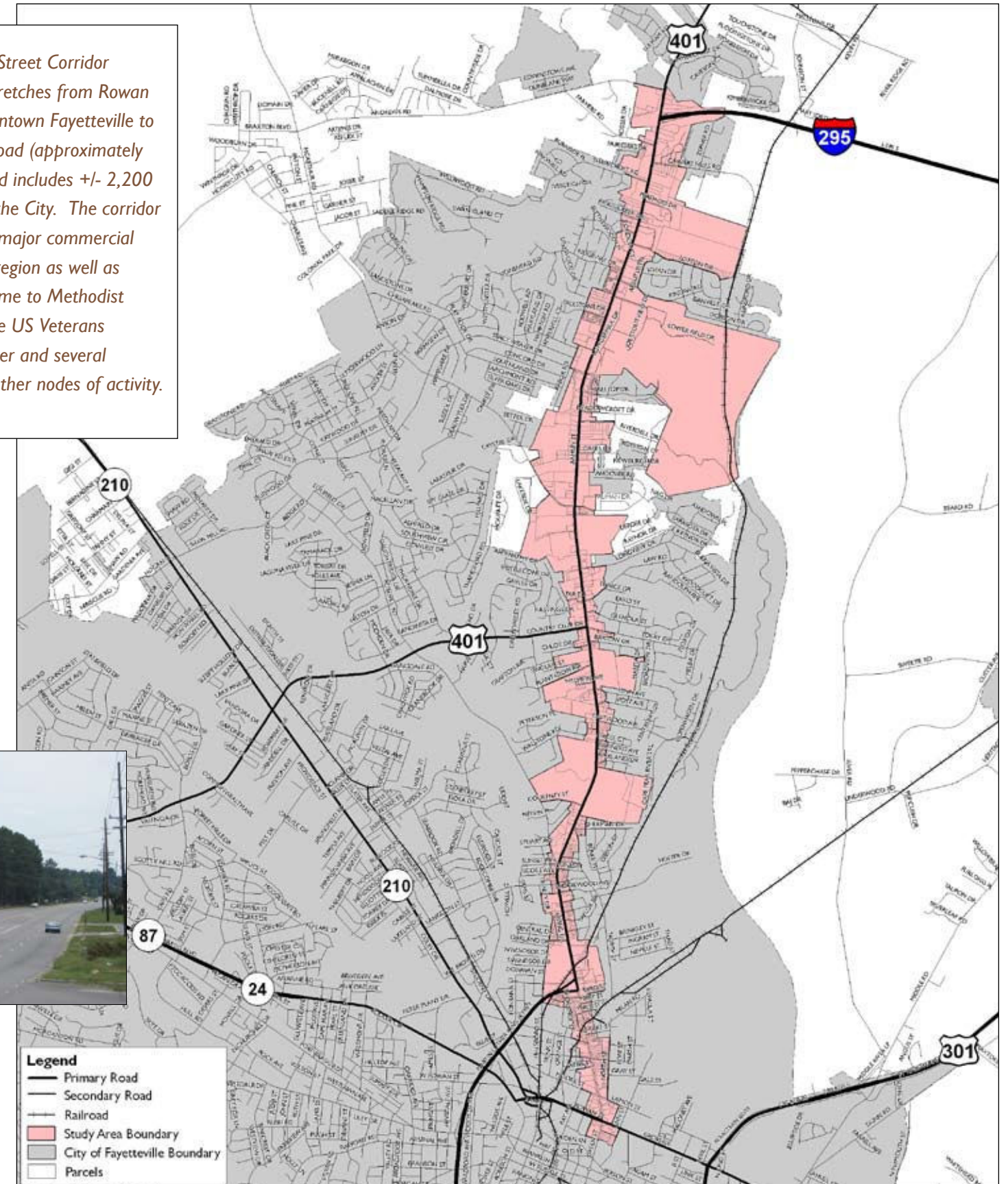
Central...



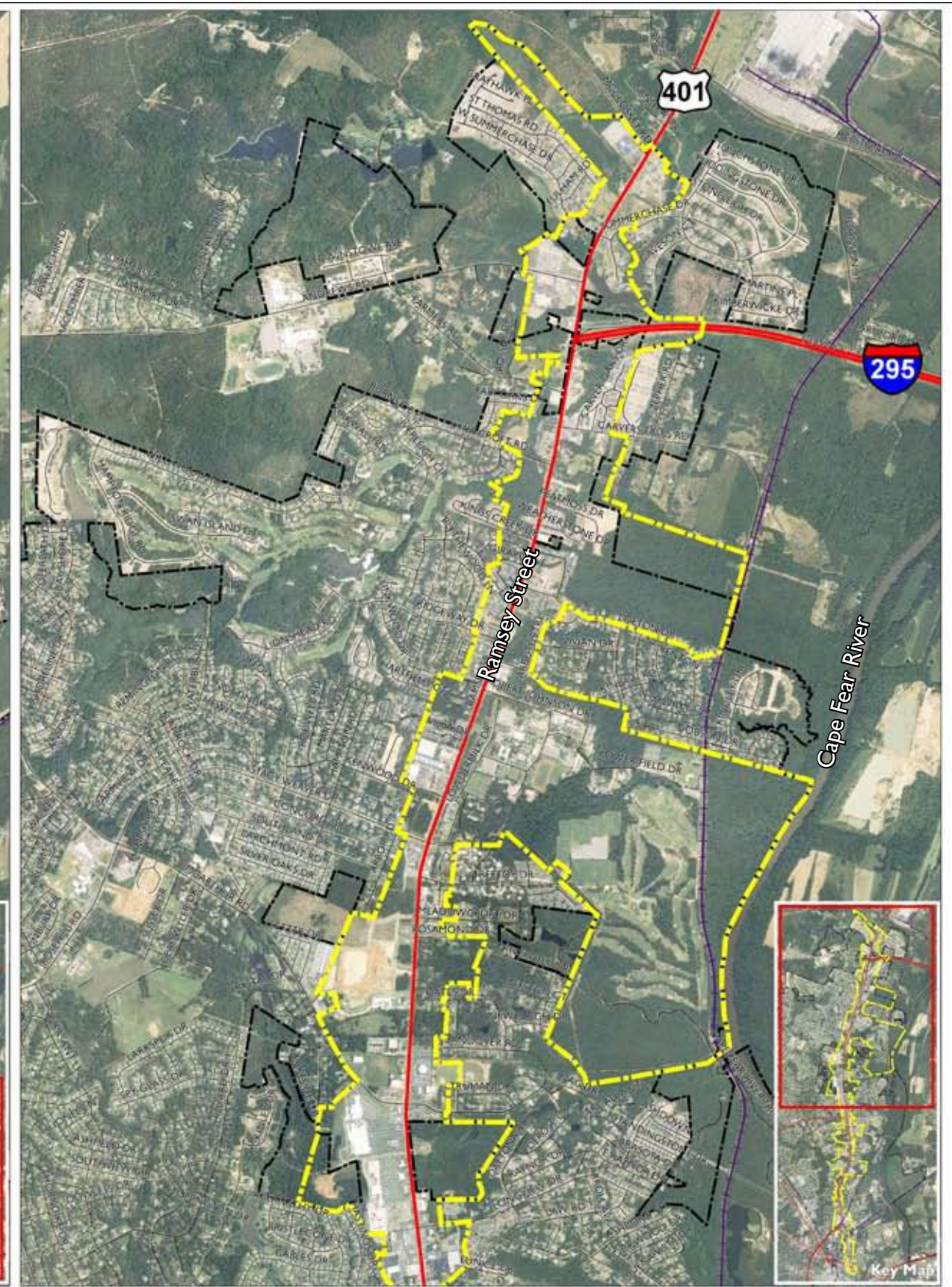
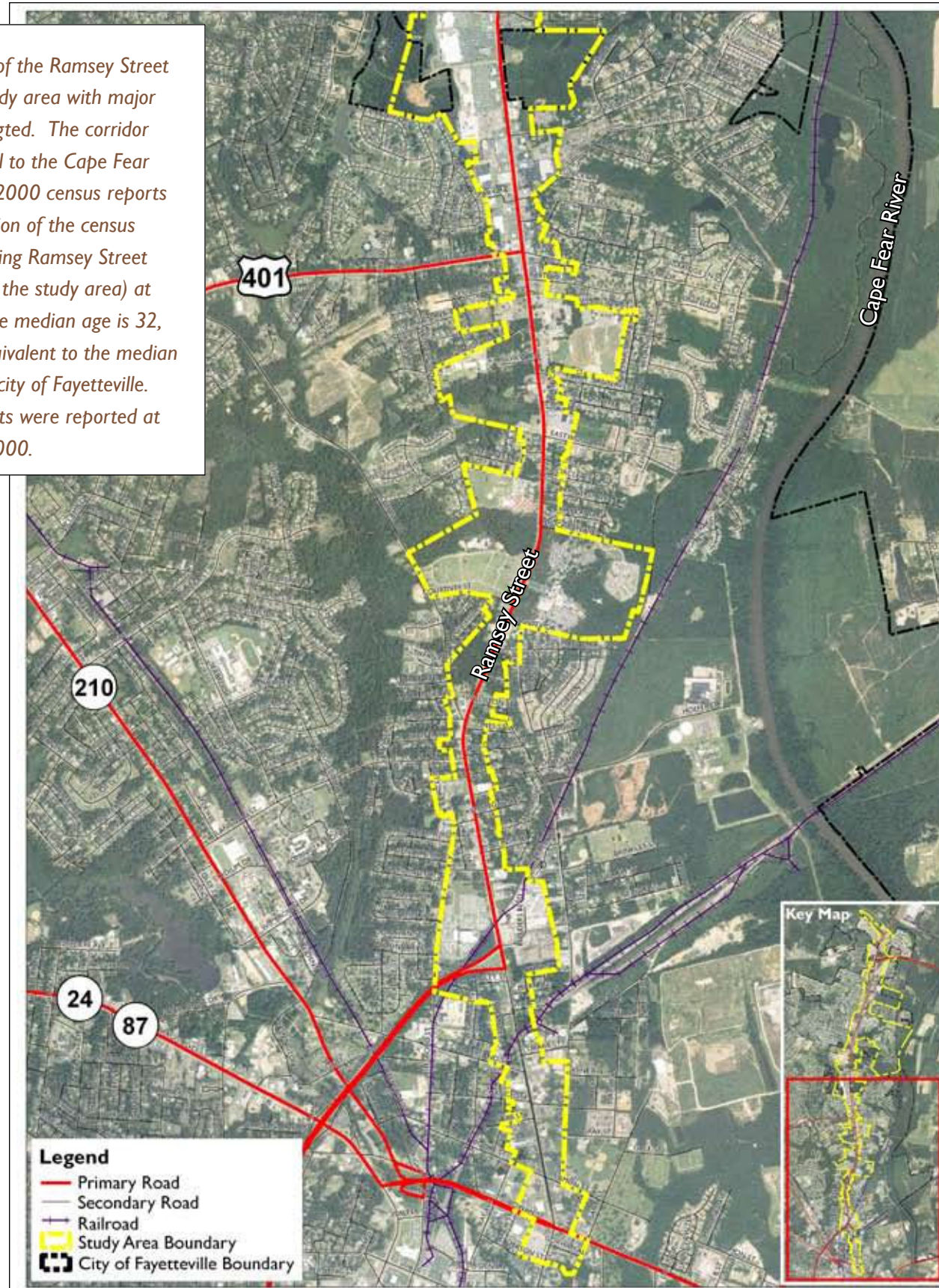
...and North.

Work and recommendations presented herein considered only existing data and reports as well as direct involvement and feedback by the community. Commercial market analysis, traffic modeling and other detailed studies were not part of this initial effort.

The Ramsey Street Corridor study area stretches from Rowan Street in downtown Fayetteville to McCloskey Road (approximately 6.5 miles) and includes +/- 2,200 acres within the City. The corridor is one of the major commercial areas in the region as well as serves as home to Methodist University, the US Veterans Medical Center and several schools and other nodes of activity.



Aerial view of the Ramsey Street Corridor study area with major roads highlighted. The corridor runs parallel to the Cape Fear River. The 2000 census reports the population of the census tracts abutting Ramsey Street (inclusive of the study area) at 30,609. The median age is 32, which is equivalent to the median age for the city of Fayetteville. Housing units were reported at 11,651 in 2000.



I CORRIDOR CONDITIONS, ISSUES AND PLAN FRAMEWORK

B. LAND USES AND DEVELOPMENT PATTERNS

The Ramsey Street Corridor presents an assemblage of several land use types, which on balance, have helped create a stable and attractive corridor with many positive attributes (refer to Page 4 inset). Institutional (35.93%, inclusive of Methodist University), commercial (15.45%) and single-family residential (12.49%) comprise a majority of active land uses found within the study area. Several pockets of vacant land are also observed, especially in the north.

Ramsey Street’s pattern of land use varies throughout the corridor. Older commercial and housing stock is arranged in a more compact, “urban” organization around downtown. Once beyond MLK Boulevard (Business 401 Route), land use arrangement gives way to a series of neighborhood clusters organized around public facilities and amenities. Country Club Drive (401 By-Pass) serves as a major transition

point, ushering in a series of older (to McArthur Road) and newer commercial strip and big box development. This area is the commercial retail nexus for Ramsey Street and the northern portion of the City. The green open spaces of Methodist University bring forward a transition into newer suburban residential neighborhoods (College Lakes, Kinwood, Kings Grant, Greystone Farms), with multi-family lining Ramsey Street in many locations and giving way to lower density, single family housing along either side. The extension of I-295 and the Fayetteville Outer Loop presents an important new transportation node in the northern portion of the study area, one that is anticipated to enhance regional connectivity but also place increased development pressure around the interchange and north beyond the study boundary.

The Cape Fear River and its respective greenway trail and adjacent

Clark Park are the primary environmental and recreational amenities in the area.

Much like the spatial arrangement of uses, the visual pattern of land uses along the corridor varies. The more traditional and older neighborhoods from downtown to Country Club Drive tend to have building massings and uses oriented directly towards Ramsey Street, creating at times a stronger sense of street presence, enclosure and visual interest. By comparison, large expanses of open parking supporting set back commercial retail line large portions of Ramsey Street from Country Club Drive to Methodist University. These areas tend to feel more cluttered, disorganized and automobile oriented. Areas north of Methodist University tend to have development set back from the road and offer more green edges and visual interest.



Institutional Uses



Open Space and Park Uses



Residential Uses



Industrial Uses

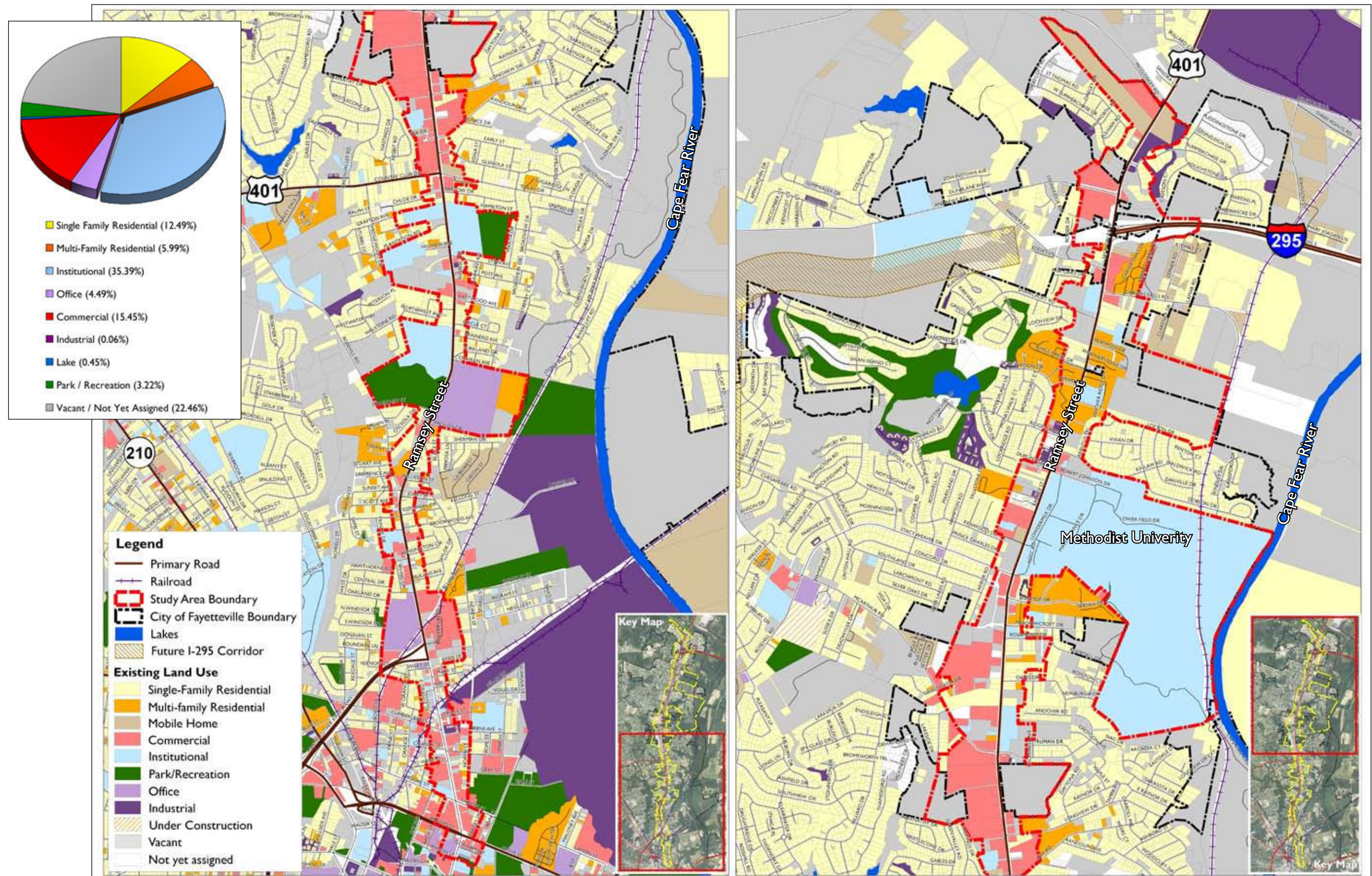


Commercial Uses



Office Uses



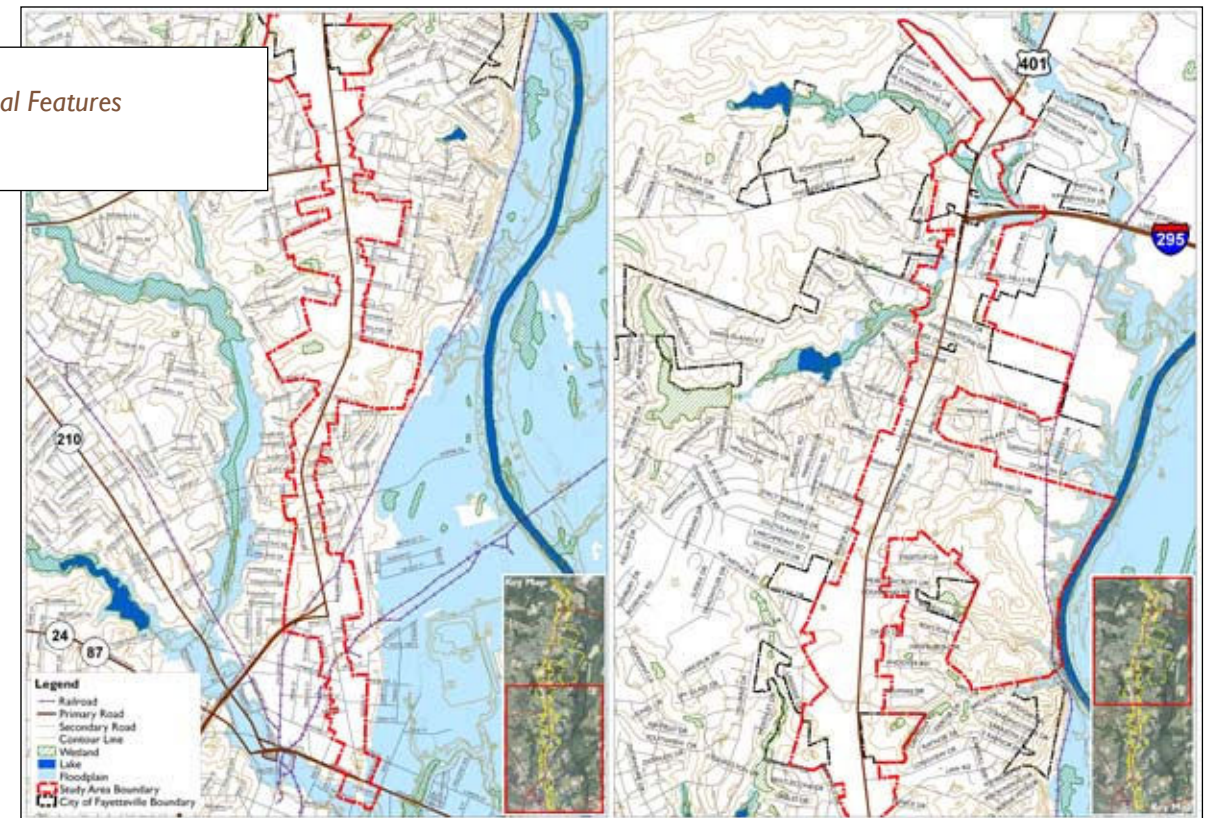


I CORRIDOR CONDITIONS, ISSUES AND PLAN FRAMEWORK

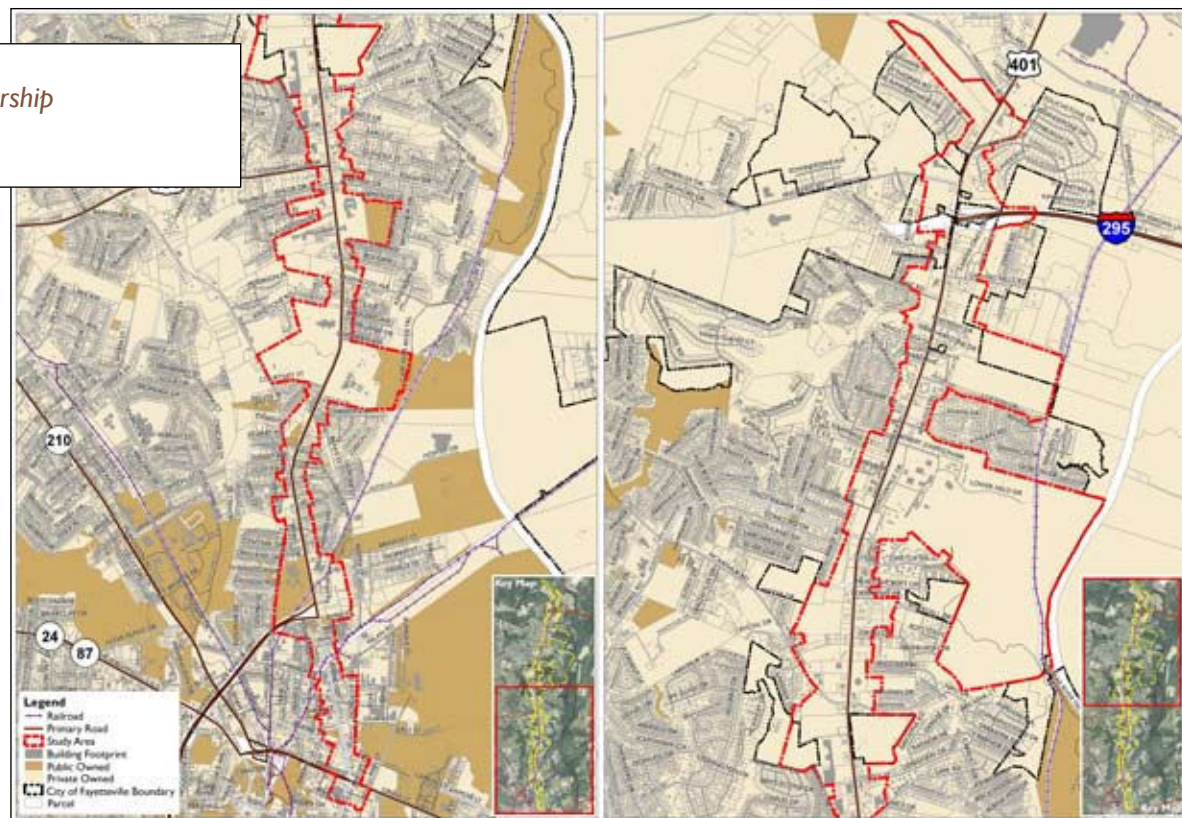
Primary Roads and
Transportation Features



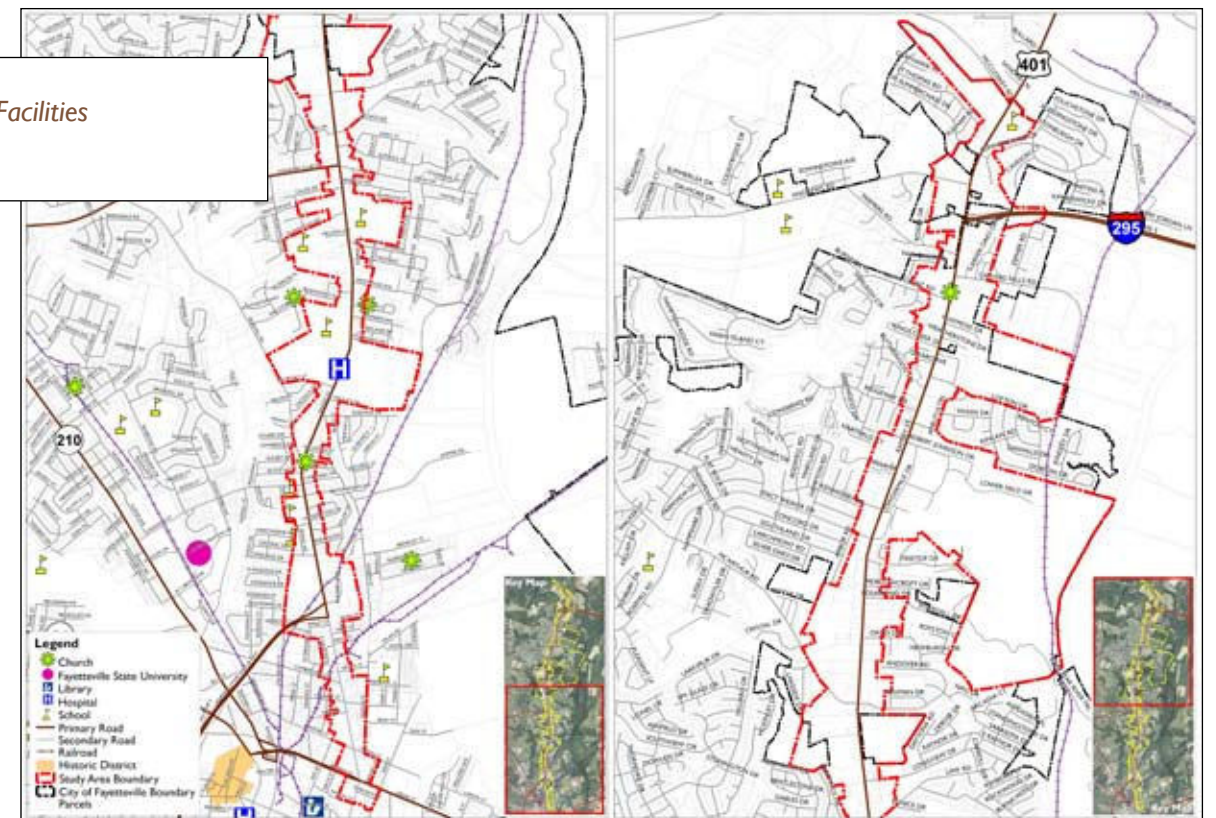
Environmental Features



Property Ownership



Community Facilities



C. PUBLICLY DEFINED ISSUES, PRIORITIES AND INTERACTION

A collaborative, open process is an important hallmark of this planning effort; the plan result presented herein could not have been achieved without active engagement and participation by residents, business owners, elected representatives, City staff and others in the community.

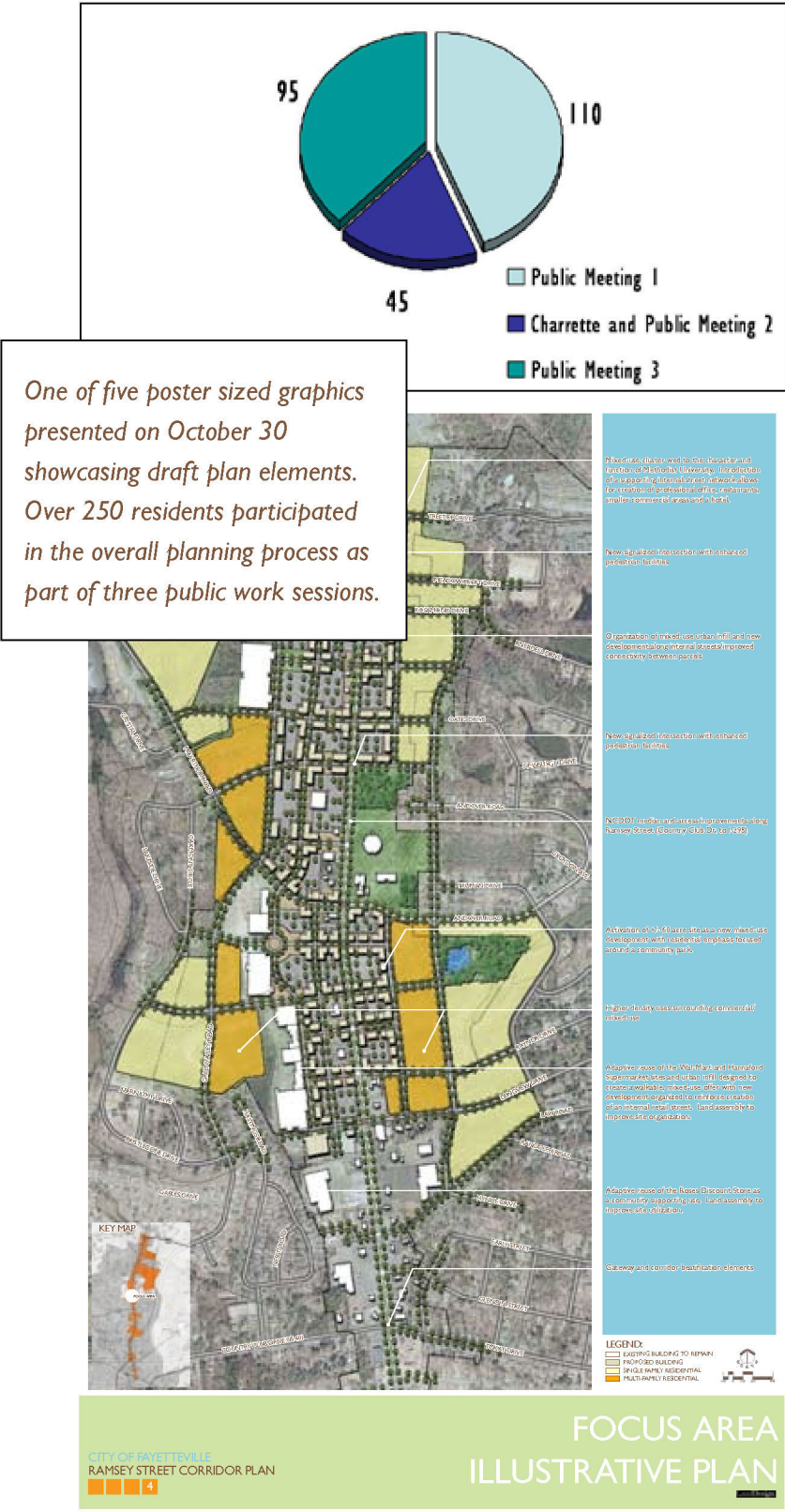
Three public opportunities for community interaction and participation were held. The first of these was conducted as an evening meeting on August 14, 2008. This meeting was designed to initially introduce and engage the community in the planning process and early data collection results as well as find out from those in attendance important issues, aspirations and priorities. A total of 110 individuals attended this first meeting. Intersection signalization, a need for a broadening of corridor connectivity and recreational features, commercial land use issues and others topics were all primary areas of discussion. The public also provided direction to ensure suggested improvements along the corridor were included and coordinated with NC DOT plans for safety and access improvements being prepared for Ramsey Street between Country Club Drive and I-295. The feedback collected from this meeting served as the foundation for development of the plan’s framework—the broad goals and elements from which initial land use plan concepts were drawn.

Following framework preparation, a three-day design workshop (design charrette) was held between September 2 through 4. This collaborative workshop was organized to develop feasible, creative land use alternatives and related concepts in a series of focused sessions. Over the three-day period, the planning team worked closely with City staff, the Ramsey Street Corridor Task Force and community members to generate a series of concepts and ideas for review and assessment. The charrette process welcomed more than 45 participants over the three-day period.

A final public workshop was held on October 30 where draft plans were presented to the community for consideration and comment. Over 95 people attended this third and final meeting, providing comments and overall support for draft plan elements presented as part of five poster sized graphics.

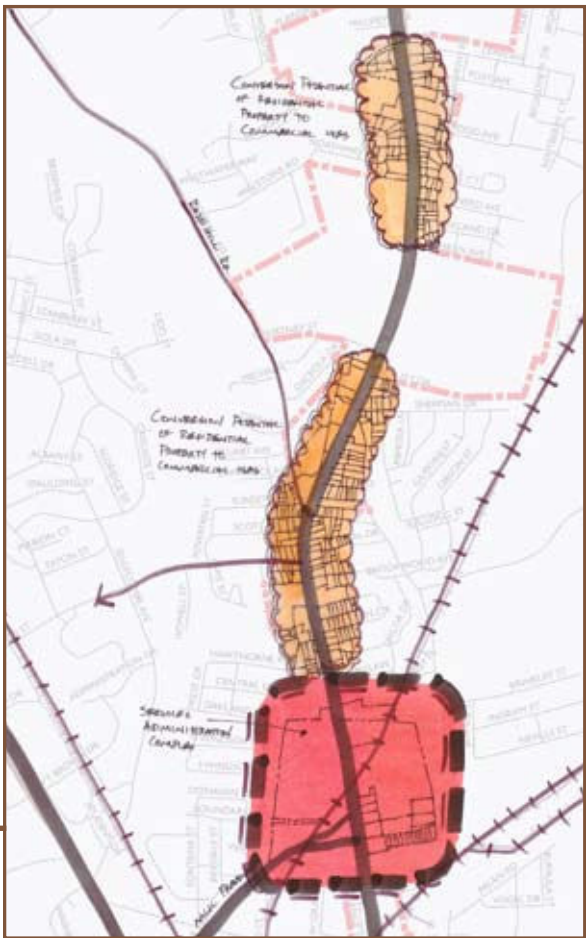
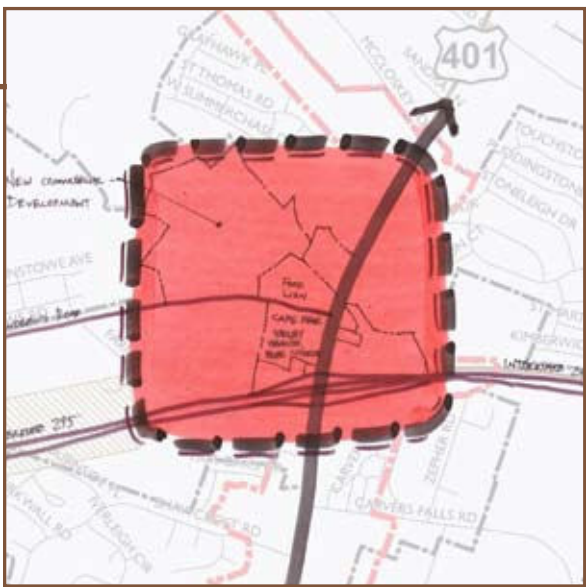
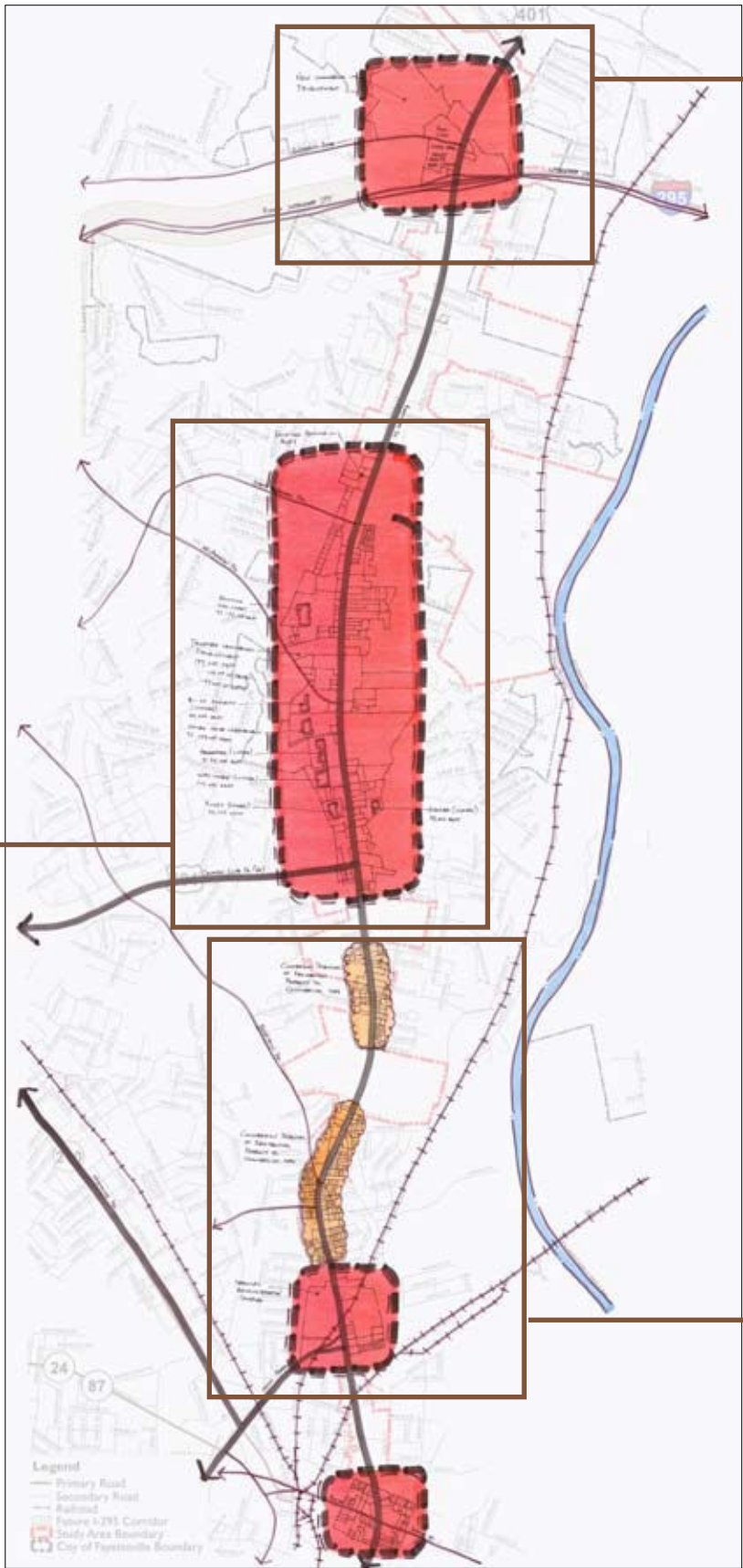
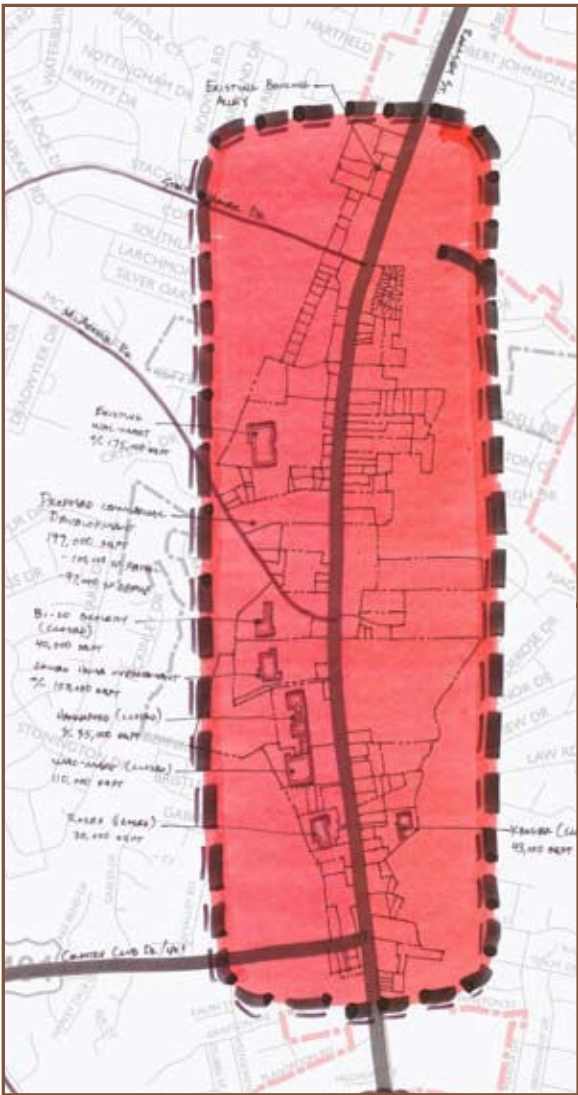
Issue / Concern	Votes
Stoplight at Shawcroft Road	16
Parks; encourage communities with community parks; large park with recreational facilities, especially tennis courts	11
How to blend DOT study with Ramsey Street Corridor Study	11
Future of empty big boxes	9
Study alternative transportation; bikes, buses, electric cars, pedestrians, bus lanes	7
Connect existing pedestrian facilities; encourage bike riding and walking by connecting and widening sidewalks	5
Study pedestrian bridges at strategic locations	5
Traffic lights need to be timed long enough to cross	5
Address speed on corridor (45 mph is ok)	4
Support landscaped medians; access control, pedestrian safety	4
Consider architectural standards	4
Consider older neighborhoods for improvements in the southern portion of the study area	4
Hotel services around hospital	4
Public safety / crime a concern; Wal-Mart kidnapping, fire station in north	4
Council to be receptive	3
Lots on Stacy Weaver for public park	3
Improved pedestrian facilities	3
Parking lot controls; code enforcement	3
Consider mixed-use development	3
Balanced and creative approach to solutions	2
Sewer lines – when?	2
Bury power lines underground	2
Don't raise taxes	2
Traffic light at Summerchase	2
Improve traffic access to currently empty properties	2
Pedestrian bridge / Drop-off in southbound lane at Reid Ross	1
Signage regulations	1
Suggestions must consider funding sources	1
Is planning study schedule too rushed	1
Improve lighting along Ramsey Street to cut down crime	1
Strong east-west connections to Cape Fear River Trail with traffic controls	1
No commercial development in specified neighborhoods	1
Bike lanes	1
Condemn / destroy units not up to code that city takes ownership	1
Marriage of/to DOT plans is paramount	1
Consider residential conversion to commercial	0
Strategic areas to be identified for TND	0
Plan to be implemented and adhered to	0
No hotel services around hospital	0
Address trailer parks in future land use policy	0
Sense of community within corridor	0
Suggest rules for certain private land	0
Study preservation of single-family detached units along corridor	0
Condemn the trailer park on Tokay Drive next to Walgreens	0

Community identified issues and priorities as part of the August 14 meeting. Each issue and priority is presented along with the corresponding number of dots placed by community members at the end of the meeting. Issues and priorities receiving zero dots during the public meeting are included in this tally since these were identified by community members during the open discussion.



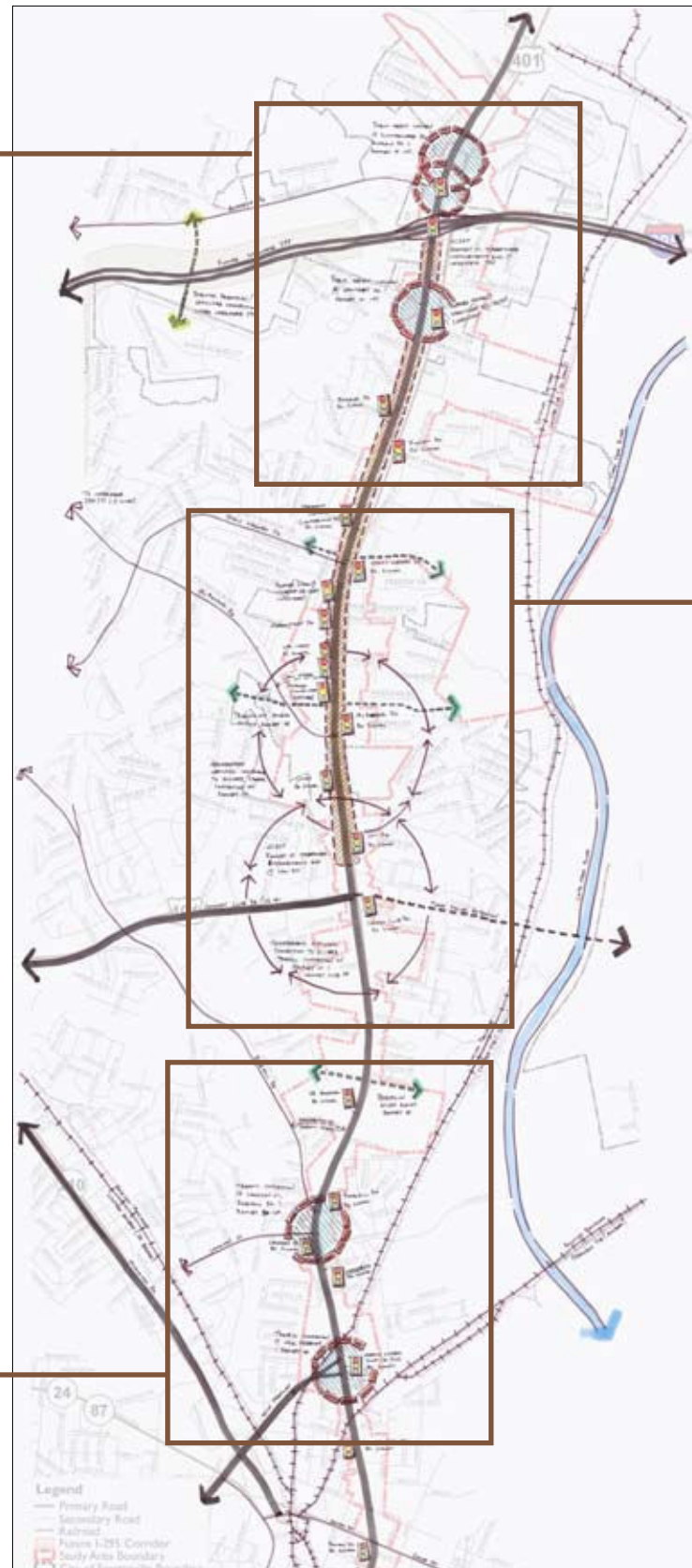
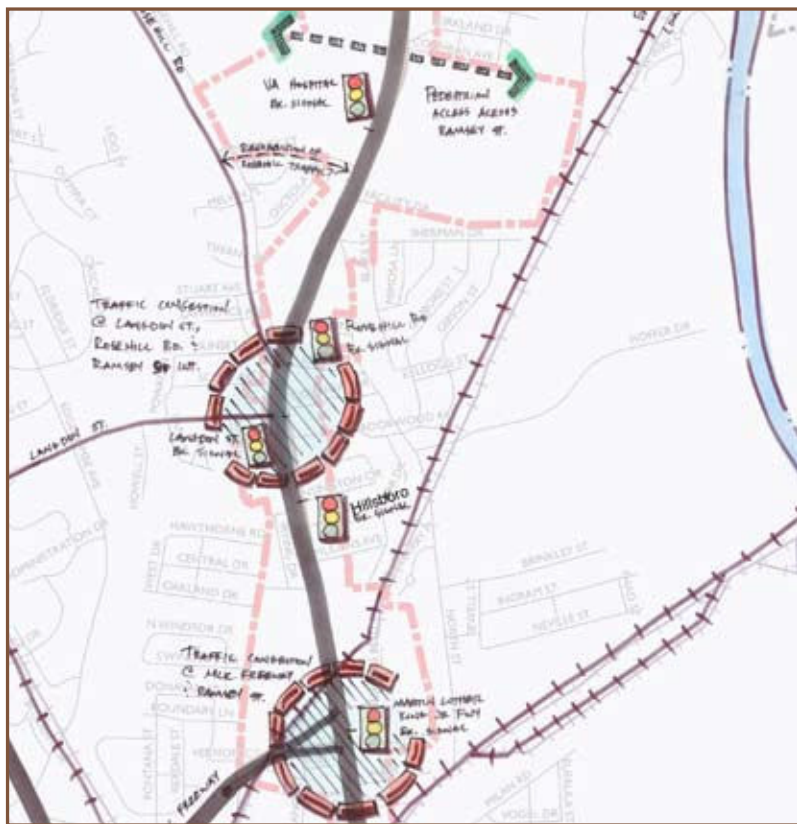
I CORRIDOR CONDITIONS, ISSUES AND PLAN FRAMEWORK

Community generated economic issues and concepts as part of the Planning Charrette, September 2 through 4, 2008. Community feedback as part of this effort was to limit expansion of commercial activities to those areas primarily serving in this capacity (shown in red).



Expanding connectivity to area parks and public facilities- especially the Cape Fear River Trail- was a high priority for the community.



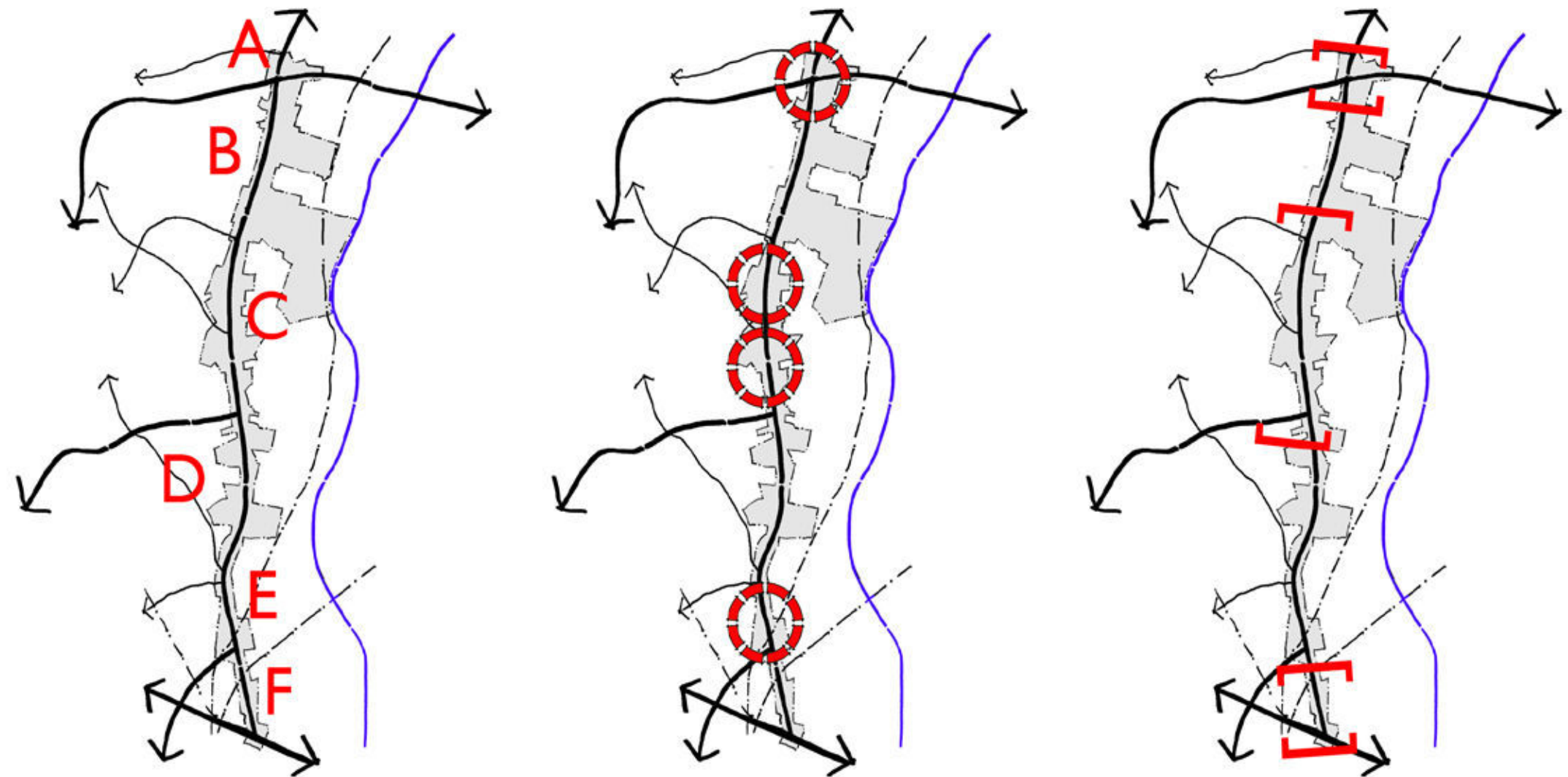


Community generated transportation issues and concepts as part of the Planning Charrette, September 2 through 4, 2008. Transportation issues were critical to the community, with many looking to add signalization, improve connectivity of the street network, reduce congestion and provide other improvements along the corridor.

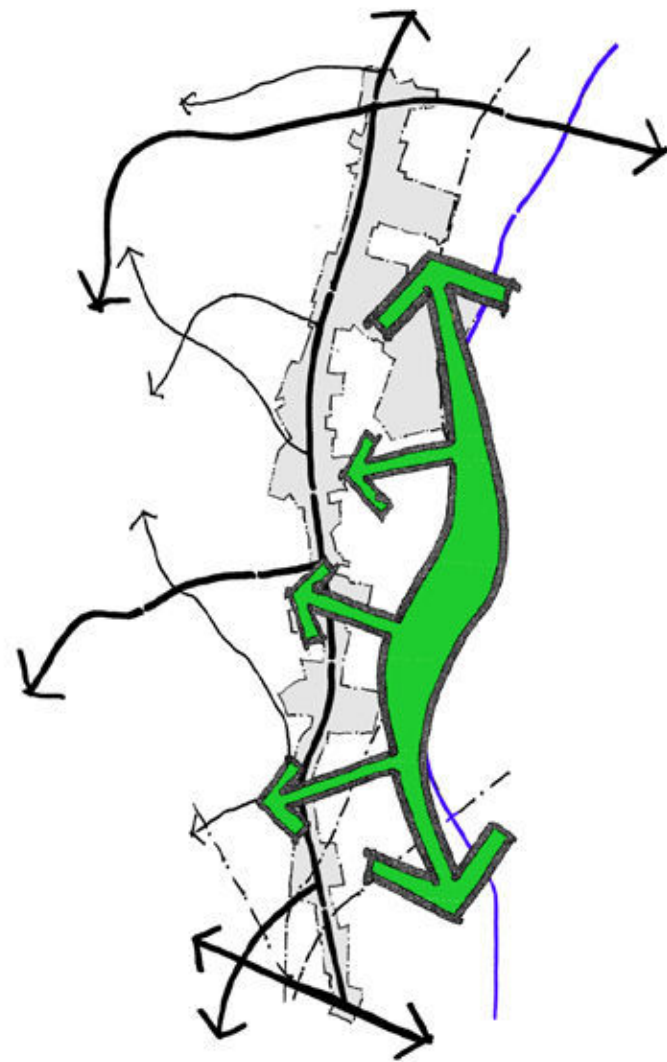
I CORRIDOR CONDITIONS, ISSUES AND PLAN FRAMEWORK

D. PLAN FRAMEWORK

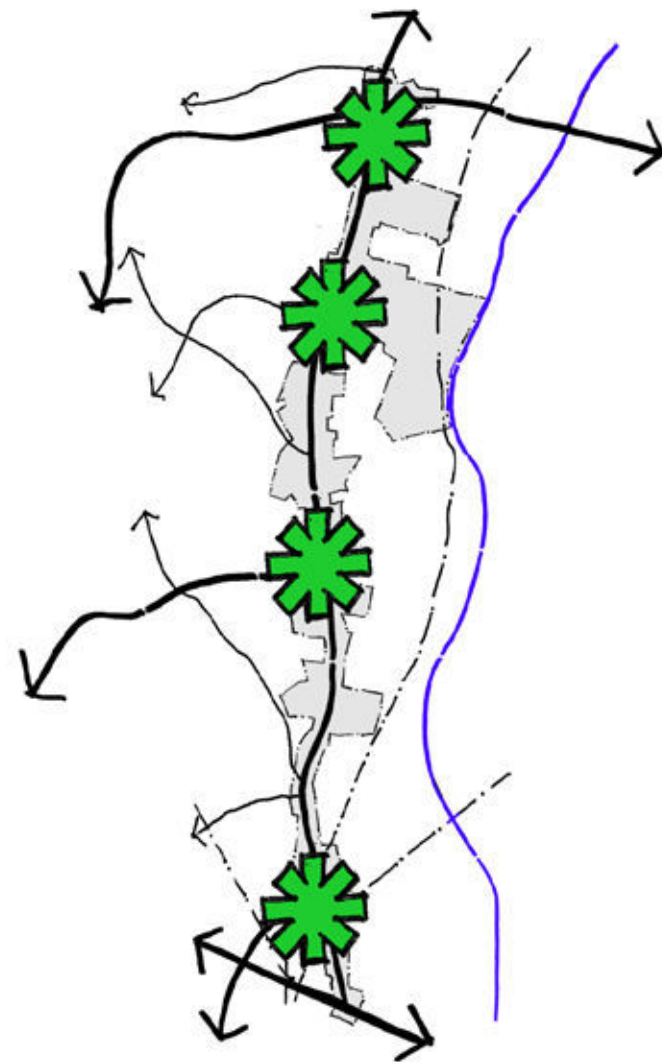
The broad planning ideas, goals and objectives provide the support, or “framework”, used as the basis for developing land use and growth management solutions. From the existing conditions assessment, and importantly, direct feedback from the Ramsey Corridor Task Force and measured community feedback, the following broad framework elements were established for the plan. These framework elements were used to guide the creation and evaluation of plan alternatives.



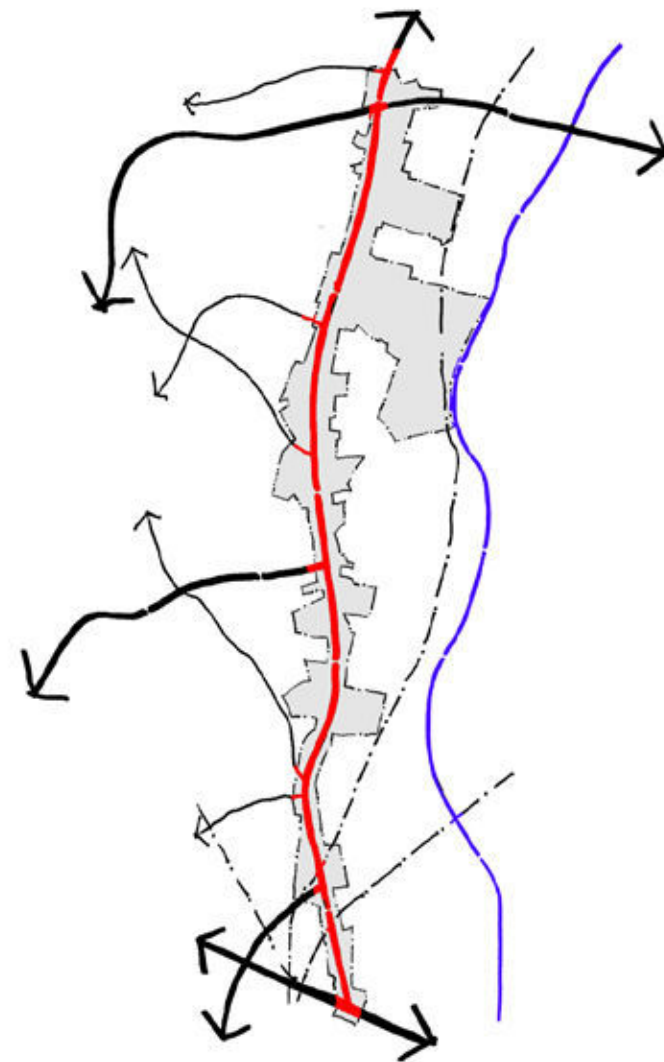
- 1. Organize land uses and elements tailored to the strengths and weaknesses of Ramsey Street’s 6 primary corridor zones. These zones include (A.) McKloskey Road to I-295, (B.) I-295 to Methodist University, (C.) Methodist University to Country Club Drive, (D.) Country Club Drive to Rosehill Road, (E.) Rosehill Road to MLK, and (F.) MLK to Rowan Street. Each of these areas is discussed in detail in Section 2.
- 2. Encourage focused activity nodes supporting a mix of uses at key points—portions of the I-295 interchange, commercial areas between Methodist University and Country Club Drive and area surrounding the services administration complex.
- 3. Limit growth of new commercial retail areas—especially larger, big box users—and focus expanded activities and vibrancy within traditional commercial areas.



4. Protect and enhance the area's environmental features and open spaces and seek opportunities for infill parks, greenways and other related, "linking" features. Ensure connectivity to the Cape Fear River Trail and other nearby amenities.



5. Establish a series of public realm improvements—gateway features, landscape zones, signage, multi-modal transportation features—designed to provide functional and visual harmony and distinction for Ramsey Street.



6. Seek transportation improvements—more logical and less numerous drives and curb cuts, new signalized intersections, more internal and peripheral connecting streets, convenient transit stops, walkable community areas—supportive of decreasing congestion, maximizing public safety and improving connections.



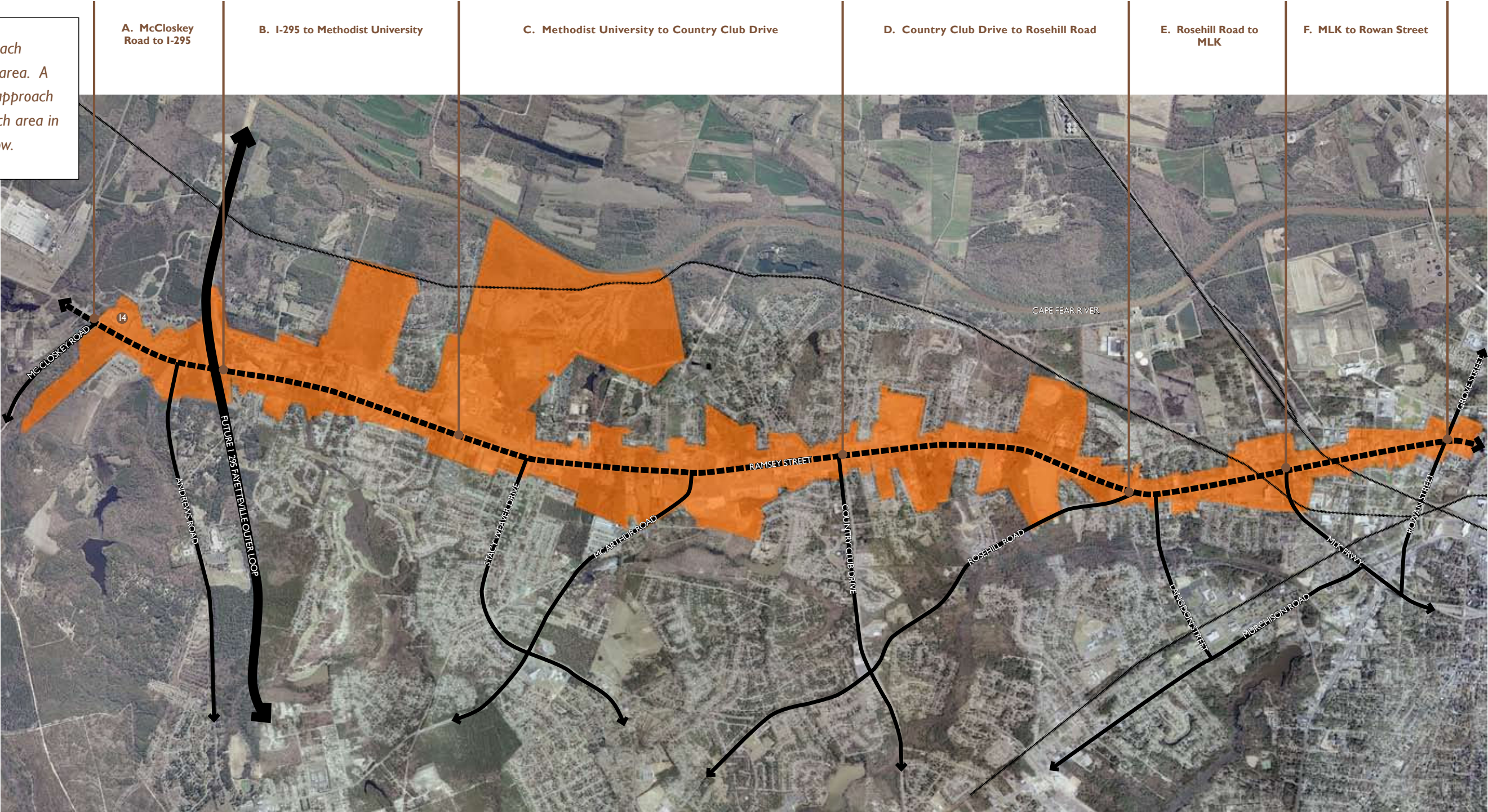
7. Ensure a balanced, pragmatic approach to plan development, inclusive of consideration for infrastructure, roads, beautification and taxes.

2 PROPOSED LAND USE PLAN

A. OVERVIEW

From community meetings and analysis, a proposed generalized land use plan and strategy for each of Ramsey Street’s primary areas and activity zones was assembled. In the pages which follow, the land use characteristics and suggestions for each zone are described.

Illustration shows each proposed land use area. A different land use approach is suggested for each area in the pages that follow.





Recommended generalized land uses for the study area are shown in the following illustration. It is important to note generalized land use categories are intended to encompass an assortment of densities and related dimensional standards. For example, single-family in some areas shown refers to a traditional single-family detached home at a low density (3 units per acre). In other areas, single-family may be more appropriate to support two- to four-family dwellings in a townhouse configuration at a moderate density (8 units per acre).

- 1

Downtown
- 2

US Veterans Medical Center (VA Hospital)
- 3

Lafayette Memorial Park
- 4

Clark Park
- 5

Tokay Park
- 6

Cape Fear River
- 7

Cape Fear Greenway Trail
- 8

Public Services Administration Complex
- 9

Methodist University
- 10

Ramsey St Alternative School/Hillsboro St Elementary School
- 11

Luther Nick Jeralds Middle School
- 12

Lucile Souders Elementary
- 13

Reid Ross Classical School
- 14

Long Hill Elementary School
- 15

Goodyear Fayetteville Plant

LEGEND:

SINGLE-FAMILY RESIDENTIAL

MULTI-FAMILY RESIDENTIAL

COMMERCIAL

GOVERNMENT OFFICE

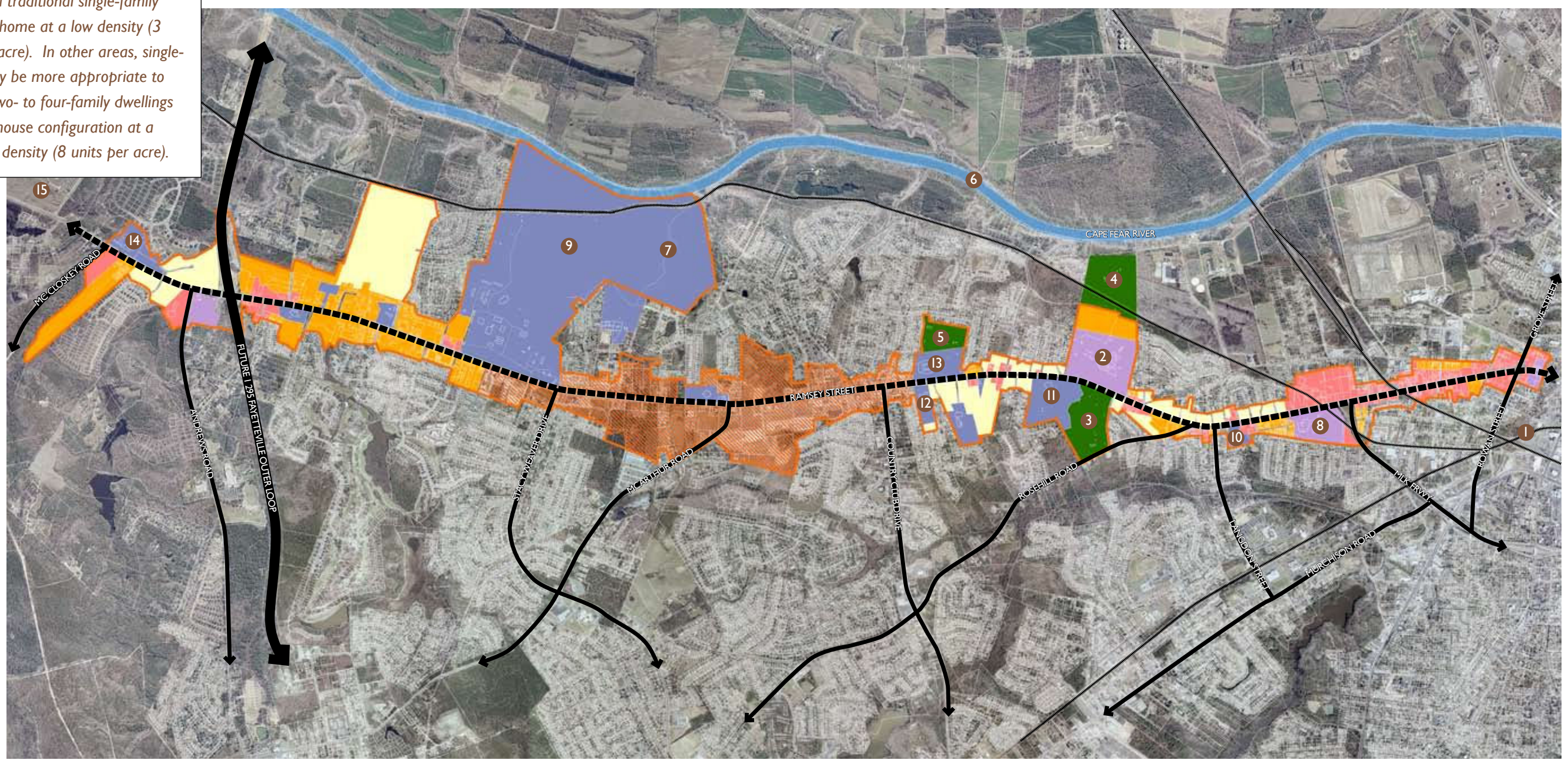
INSTITUTIONAL

PARK/OPEN SPACE

MIXED USE (FOCUS AREA)

←N

400 0 400 800 1600



3 PRIMARY CORRIDOR ZONES

AREA A: McCLOSKEY ROAD to INTERSTATE 295

The current pattern of land use for the area is shaped primarily by recent development and construction. The east side of Ramsey Street should continue to offer a single-family land use focus supported by community and institutional uses (Long Hill Elementary School). Single- and multi-family uses are appropriate to the west side of Ramsey Street. Higher densities within these land use categories should be supported to create walkable neighborhoods with access to employment, transit and recreation facilities. Office and institutional uses, especially proximate to I-295, should also be encouraged. These serve to compliment the success of the Cape Fear Valley Health Pavillion North site and build on increasingly favorable access due to the western extension of I-295. Neighborhood commercial uses should be limited to those already present in Area A.

The City should also continue to work closely with Cumberland County to discourage development sprawl north of the study area and the Goodyear Fayetteville Plant. Strategic opportunities for key regional employment centers that can leverage the logistical benefits of I-295 and the area should be encouraged.

Existing Area A Photos

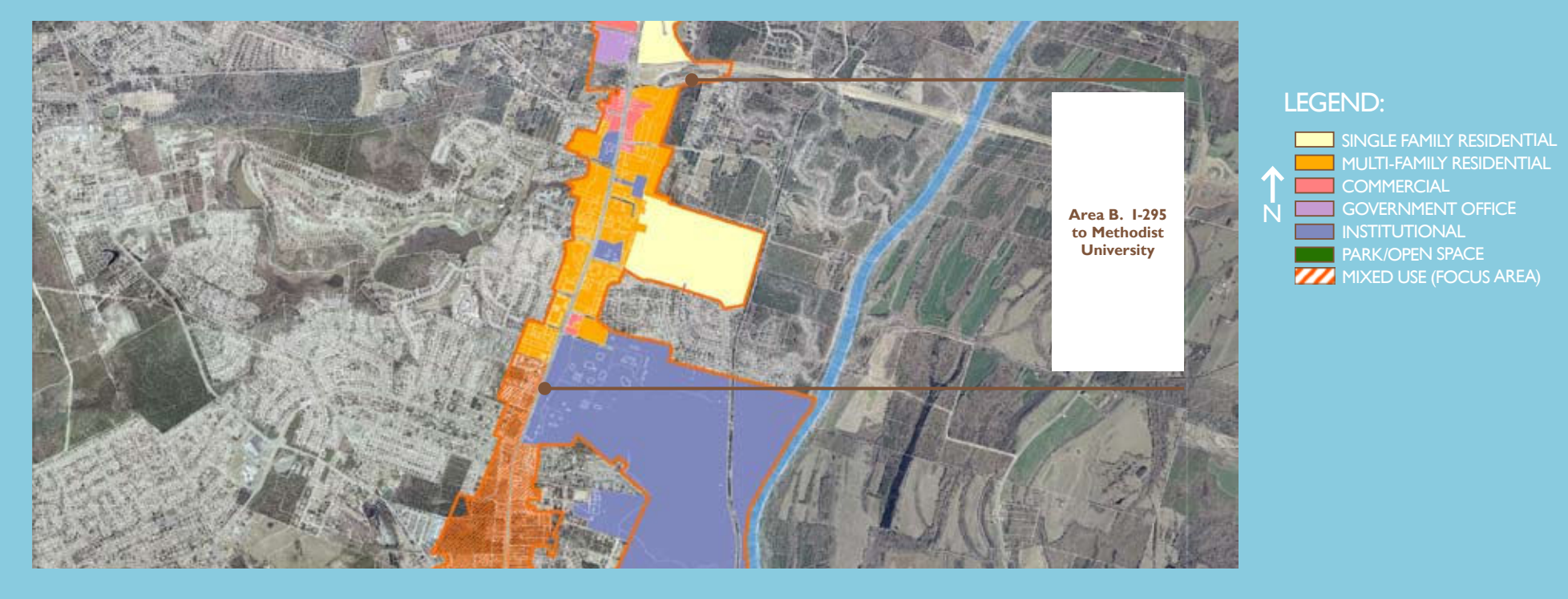


Elements of the Recommended Land Use Plan: Office and Institutional Use, Clustered Medium Density Residential, Street Trees, Hidden Parking



AREA B: INTERSTATE 295 to METHODIST UNIVERSITY

Building upon the positive attributes and anchors of the area--proximity to Methodist University, Ft. Bragg, the Goodyear Fayetteville Plant and other employment centers as well as expanded regional mobility provided by the future I-295 interchange and transit offerings--a continuation of a multi-family pattern of land use along Ramsey Street is appropriate and supported by this plan. Area B residential densities should be greatest near Methodist University and other locations where clustering can yield positive synergies associated with dedication of open space, creation of walkable neighborhoods, and adjacency to community facilities and small neighborhood commercial nodes. Similar to Area A, office and institutional uses should be encouraged near I-295. Commercial uses oriented to retail activity should be limited to those presently found in Area B.



Existing Area B Photos



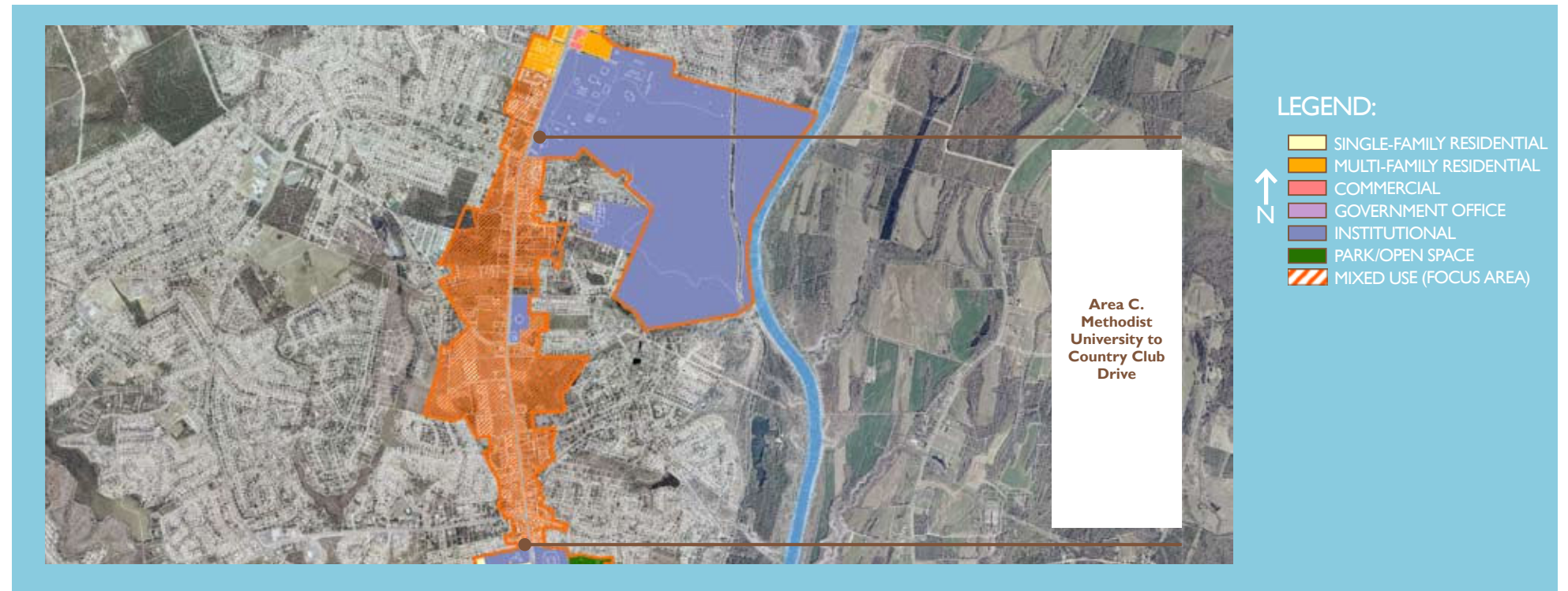
Elements of the Recommended Land Use Plan: Narrow Tree Lined Streets and Intimate Spaces, Medium Density Residential, University Village



3 PRIMARY CORRIDOR ZONES

AREA C: METHODIST UNIVERSITY to COUNTRY CLUB DRIVE/US-401

Area C underpins the ultimate success of Ramsey Street as a place. Addressing the key challenges--increasing commercial vacancies, sprawling parking, traffic congestion, deteriorating visual character--and capitalizing on the many strengths of the area over a 10- to 20-year time horizon will result in long term support for a socially and economically healthy place within Ramsey Street and the Fayetteville community overall. To this end, recasting Area C as mixed-use, urban infill district is considered essential to the plan. Mixed-use land designation will accommodate and foster the coordinated development of a compatible and balanced mix of mutually supporting living, working, shopping, educating, entertainment, and recreating uses. This district should be subject to flexible standards intended to encourage an appropriate scale and balance of uses and development to ensure district development is compatible with surrounding uses. Several other strategies--discussed in Section 4 of this report--are also considered essential for Area C and include: Reuse of vacated big box commercial spaces; corridor beautification; development and integration of vacant unincorporated parcels; expansion of connectivity; and support for smart growth oriented, urban infill clusters of diverse activities.



Existing Area C Photos



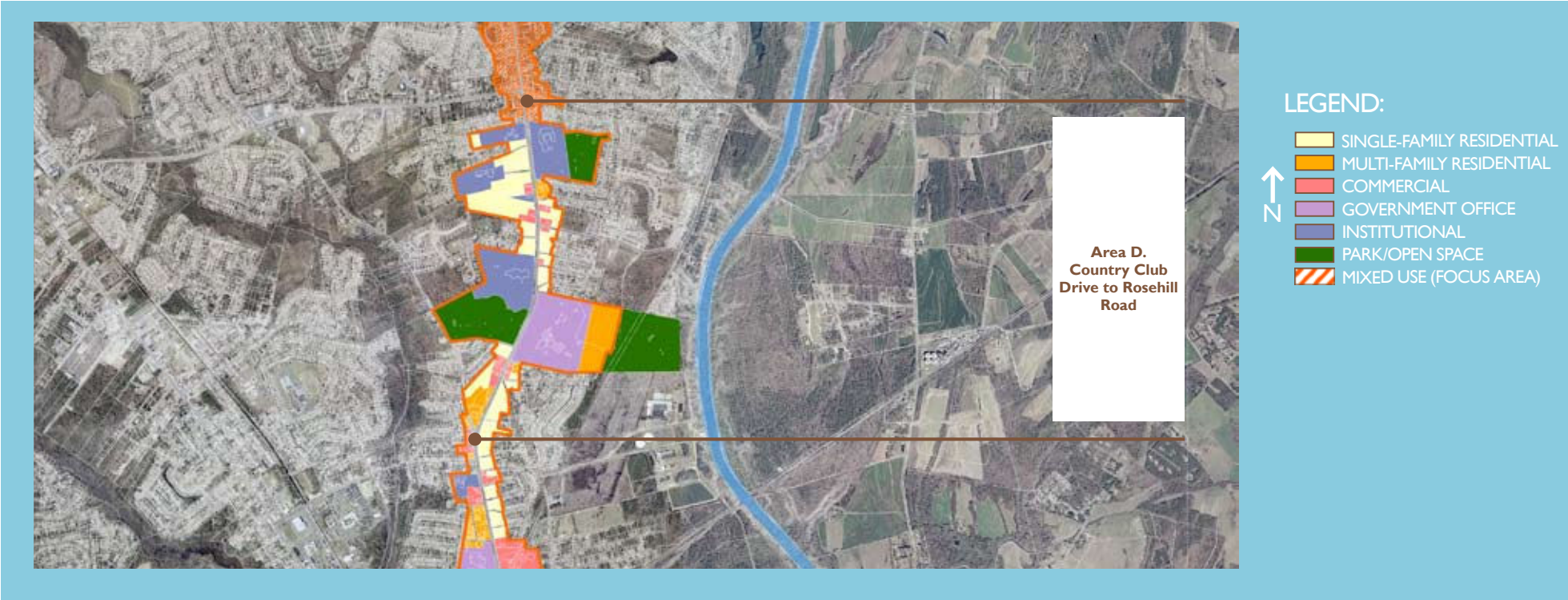
Elements of the Recommended Land Use Plan: Commerical Mixed-Use, Pedestrian Oriented Streets, Adaptive Reuse of Big Box Retail Spaces



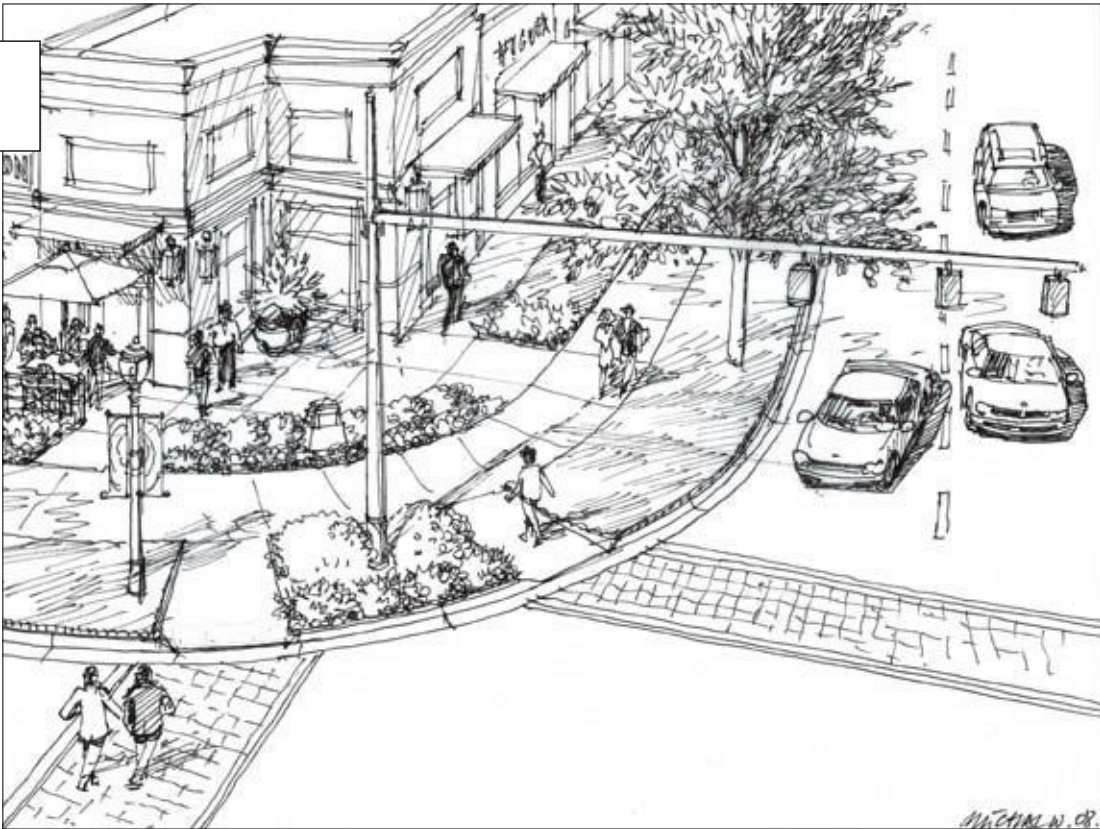
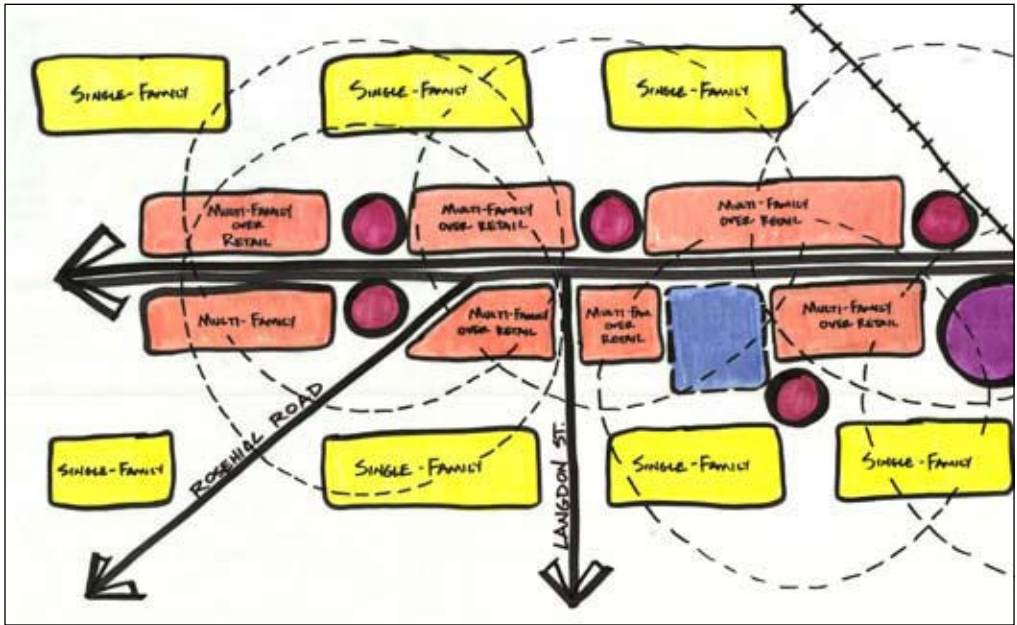
AREA D: COUNTRY CLUB DRIVE/US-401 to ROSEHILL ROAD

The land use strategy for Area D provides increased residential and commercial activity at strategic nodes along this portion of the corridor. Emphasis should be on maintaining/building walkable neighborhoods with access to small neighborhood commercial and institutional nodes. Where primary roadway intersections or major employment centers are present—Country Club Drive, Rosehill Road, and surrounding the US Veterans Medical Center—increased residential densities are desirable. Residential over commercial and similar mixed-use configurations are supported in this area, especially surrounding the Rosehill Road intersection. Improved access from Rosehill Road to Ramsey Street via Courtney Street or other link should be explored.

In remaining areas, single-family uses should continue to be maintained. Community concern exists on the potential for commercial strip development along this portion of Ramsey Street. Commercial strip development allowed unchecked would likely contribute to greater traffic congestion as well as the potential for deterioration of residential properties one or two parcels behind the potential use. Single-family residential can include moderate densities and attached dwellings. This is especially desirable where multiple smaller parcels can be combined to reduce turning movements from Ramsey Street into the parcel, move parking to small functional alleys or parking behind the structure and create more substantive pedestrian friendly massings along Ramsey Street.



Elements of the Recommended Land Use Plan: Residential Over Retail, Pedestrian Orientation at Major Intersections and Institutional Uses

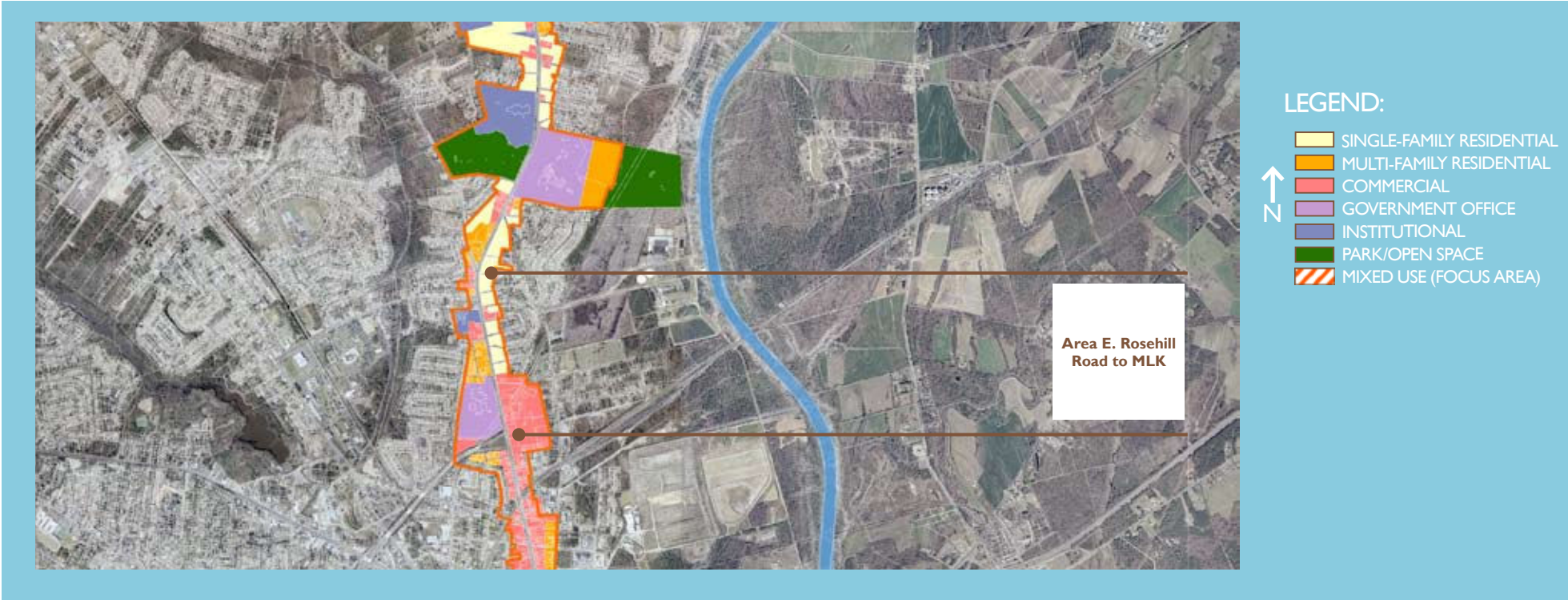


3 PRIMARY CORRIDOR ZONES

AREA E: ROSEHILL ROAD to MARTIN LUTHER KING JR. FRWY

Increased residential densities are encouraged between Hillsboro and Ramsey Streets, allowing new development to occur with walking distance of a major employment and transportation node. Similar to Area D, there is community concern about unimpeded commercial strip development along the Ramsey Street. To this end, single family uses are predominantly maintained along the eastern edge of Ramsey Street from Mullins Avenue to Rosehill Road to prevent erosion of the scale and character of surrounding neighborhoods.

The intersection of Langdon and Ramsey Streets presents a major point of congestion during peak hour traffic periods. Continued exploration of reconfiguration options for this intersection needs to occur.



Existing Area E Photos



Elements of the Recommended Land Use Plan: Street Furniture Supporting Mass Transit, Landscaping, Pedestrian Areas, Medium Density Massing



AREA F: MARTIN LUTHER KING JR. FRWY to ROWAN STREET

Area F serves as the primary transition into downtown, and as such, commercial uses supporting the business activities found within the downtown core are encouraged. Higher density, multi-family residential areas complement commercial and downtown uses. Residential over commercial and similar mixed-use configurations are supported in this area. On street parking with additional parking concealed from the street behind building massings, pedestrian facilities and street trees and street furniture are encouraged.



Existing Area F Photos



Elements of the Recommended Land Use Plan: Residential Over Retail, Medium Density Residential, Building Massings Along the Street, Street Trees

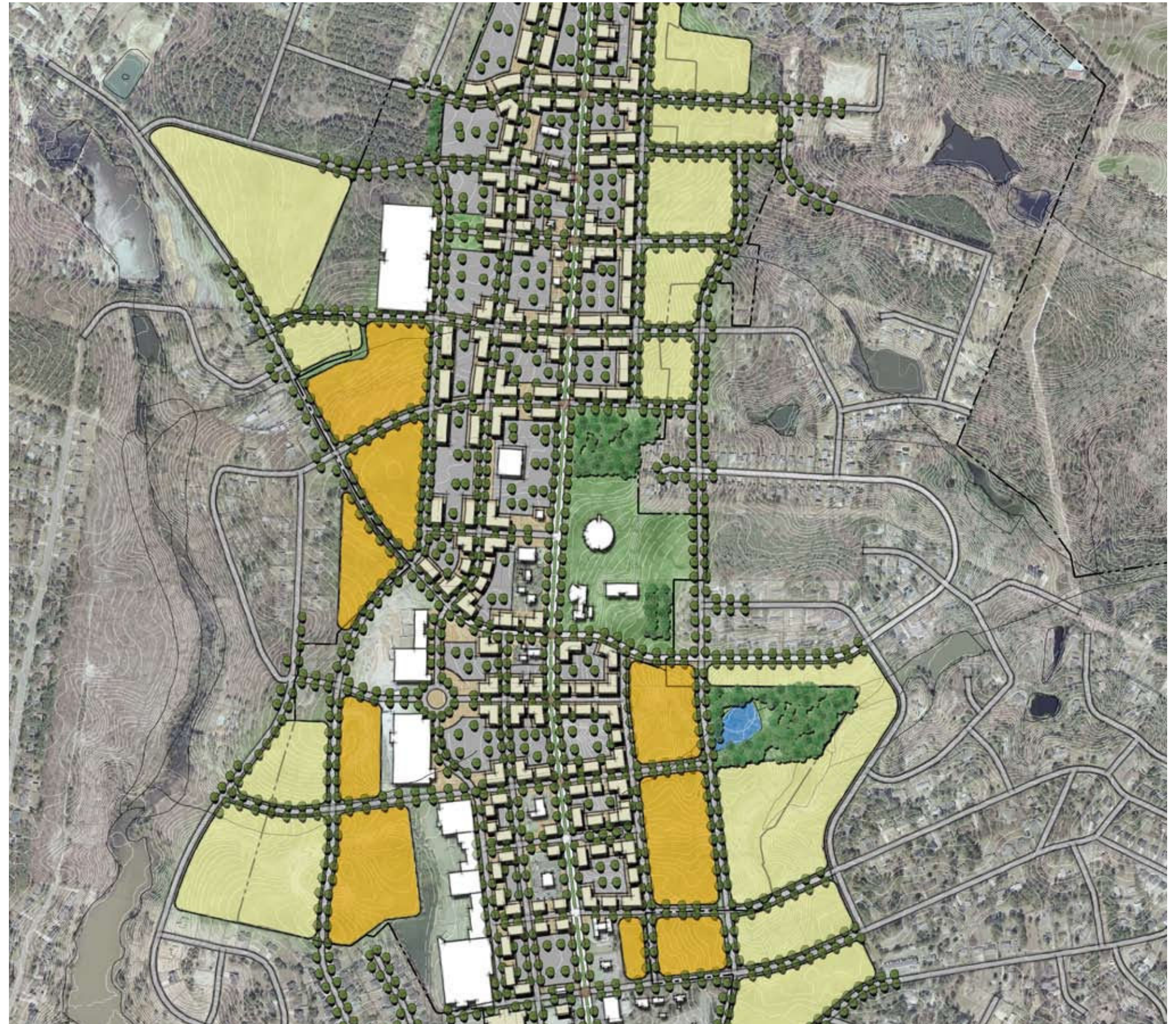


4 FOCUS AREA ILLUSTRATIVE PLAN

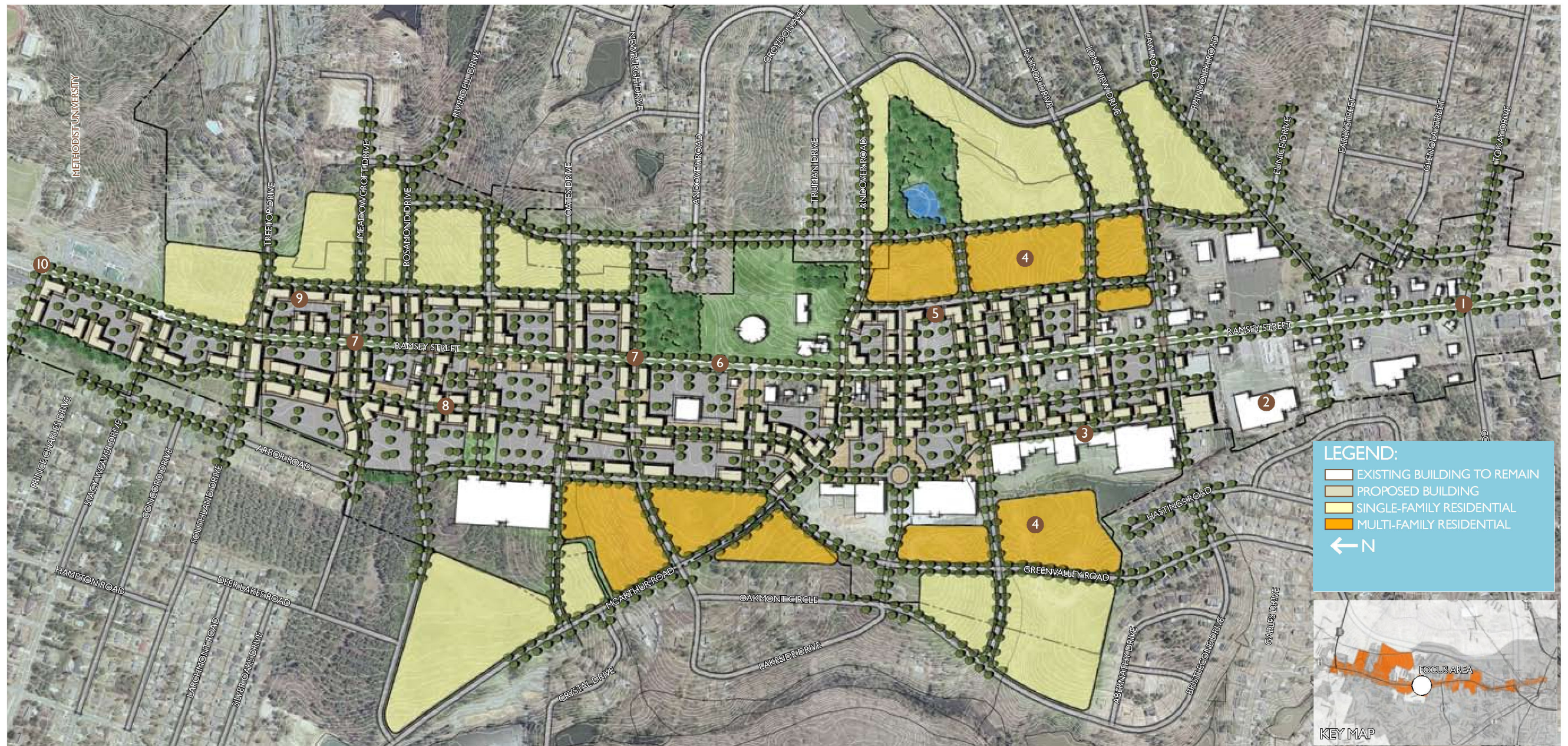
A. OVERVIEW

Through the planning process and engagement of the community as part of the first and second workshops, it became apparent that the key to long term corridor health and vitality rested in establishing a clear strategy and approach for the Area C (from Country Club Drive to Methodist University). This area was increasingly witnessing a degree of visual, social and economic degradation in the southern portion due to increased retail vacancies. This area was also to be a focus corridor investment by NC DOT to improve safety and access along the corridor. Casting a light on this area and treating it as a small area plan was felt by the planning team and community participants as an appropriate strategy that would be looked to as the model for other aspects of the corridor and City of Fayetteville overall. The result of this effort includes the detailed plans presented in this section as well as the five strategies outlined, namely:

- Reuse of vacated big box commercial spaces.
- Corridor beautification.
- Development and integration of vacant unincorporated areas.
- Expansion of connectivity.
- Support for smart growth oriented, urban infill clusters of diverse activities.



- 1 Gateway and corridor beatification elements.
- 2 Adaptive reuse of the Roses Discount Store as a community supporting use (e.g. school, community center). Land assembly to improve site utilization.
- 3 Adaptive reuse of the Wal-Mart and Hannaford Supermarket sites and urban infill designed to create a walkable, mixed-use offer with new development organized to reinforce creation of an internal retail street. Development up to 3 storeys. Land assembly to improve site organization.
- 4 Higher density residential uses (up to 6 storeys and 16 units per acre) uses surrounding commercial/mixed-use (up to 4 storeys).
- 5 Activation of +/- 60 acre site as a new mixed-use development with residential emphasis focused around a community park.
- 6 NCDOT median and access improvements along Ramsey Street (Country Club Dr. to I-295).
- 7 New signalized intersection with enhanced pedestrian facilities.
- 8 Organization of mixed-use urban infill and new development along internal streets/improved connectivity between parcels.
- 9 Mixed-use cluster wed to the character and function of Methodist University. Univeristy village character (3 to 4 storeys) with professional office, restaurants, smaller commercial areas, hotel and serviced apartments. Supporting internal street network allows for creation of village character and walkable fabric.
- 10 Gateway and corridor beautification elements.



5 FOCUS AREA KEY ENHANCEMENTS

A. REUSE OF VACATED BIG BOX COMMERCIAL SPACES



Approximately 253,000 square feet of commercial space is vacant within five big box sites: (1.) Kroger Supermarket (+/- 43,000 SF); (2.) Roses Discount Store (+/- 30,000 SF); (3.) Wal-Mart (+/- 100,000 SF); (4.) Hannaford Supermarket (+/- 40,000); and, (5.) Bi-Lo Supermarket (+/- 40,000). With all of these vacant stores located between Country Club Drive and McArthur Road, the corridor is “shuttered” for business. The focus area plan seeks to reverse this trend, encouraging surrounding infill development and supporting an economic and social recast of these big box sites as important points of vitality. The plan suggests:

- Work with developers to encourage flexible, diverse and forward thinking reuse options for each of the vacated big box commercial sites. Utilize tools at the City's disposal, inclusive of relaxing parking requirements for specific redevelopment approaches, tax incentives, facilitated design forums and others. City tools include a 50% tax grantback for new development or redevelopment that improves the tax assessment by \$500,000 or more and the PWC facility impact waiver.
- Consider individualized strategies for stand alone sites. For Kroger, target office and other employment generating, non-retail activities. Roses' poor retailing configuration and visibility affords consideration for the site to be reused with more community activities in mind, such as a senior center, charter/community school, church, medical, day care center or other destination. The Bi-Lo site's newness (constructed and vacated within the last five years), visibility, and proximity to the adjacent Lowes Home Improvement center suggests continued consideration of this site as a neighborhood grocer, lifestyle/home center or similar complementing commercial use.
- Reuse of the Wal-Mart and Hannaford Supermarket sites should focus around creation of a walkable, mixed-use offer with new development organized to reinforce creation of an internal retail street. In this case, subdividing large big boxes to support smaller retail, office, medical, theatre, civic and other use areas should be explored.
- Vacant commercial big boxes are not unique to Ramsey Street or Fayetteville. Fayetteville should study and/or enact growth management tools observed in use in other communities. These tools may include limiting the amount of additional areas along Ramsey Street and elsewhere, requirement of retailers over a certain size to post demolition bonds if the store becomes vacant, requirements for retailer reuse plans if a tenant leaves and others.



Elements of a New Retail Street with Big Box Adaptive Reuse

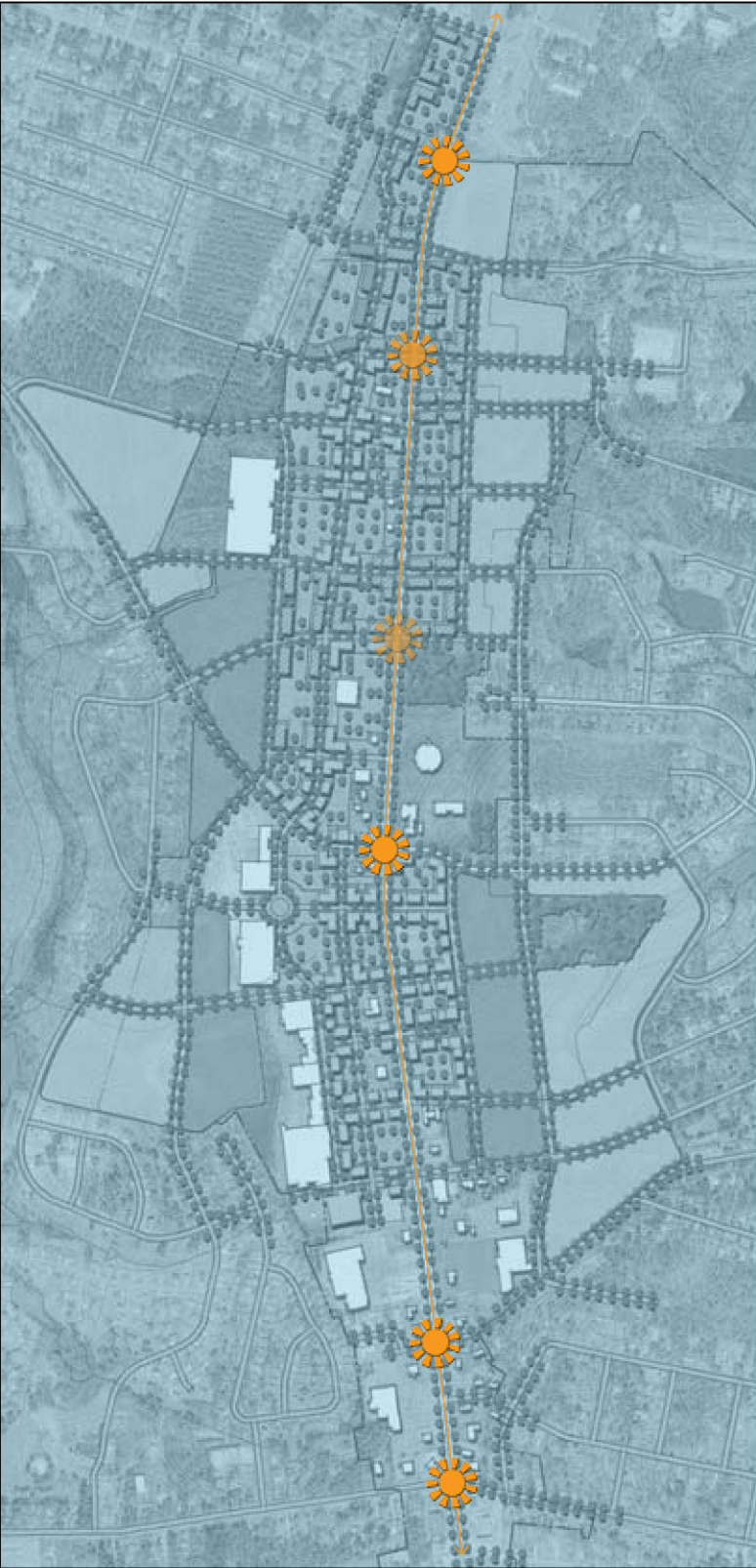


Existing Vacant Big Box Along Ramsey Street



Sugar Creek Charter School is located in a renovated K-Mart in Charlotte, NC.

B. CORRIDOR BEAUTIFICATION



A community’s story is often written by driving or walking down their streets. Care often breeds success; neglect often leads to economic and social stagnation. The story for the Ramsey Street focus area is and should continue to be positive. Strategies to this end include:

- NCDOT’s current corridor improvement study calls for introduction of medians and other treatments to improve corridor safety and access control. From this important functional foundation, beatification improvements to the roadway should also be pursued, inclusive of street trees, planting strips along the roadway and workable pedestrian crossings.
- Primary gateways into the focus area should be anchored with signage and public art. Key intersections include (from north to south): Ramsey Street and Stacy Weaver Drive; Ramsey Street and McArthur Road; and Ramsey Street and Country Club Drive.
- Along with Ramsey Street overall, the focus area should have a consistent, identifiable strategy for landscape, lighting, signage, and street furniture.
- Over the very long term, as new development occurs or other market opportunities warrant, utility lines found along both sides of the focus area should either be consolidated to a single side, or ideally, buried underground.



Existing View of Ramsey Street through the Focus Area

Corridor Beautification Elements: Landscape, Lighting, Signage and Street Furniture



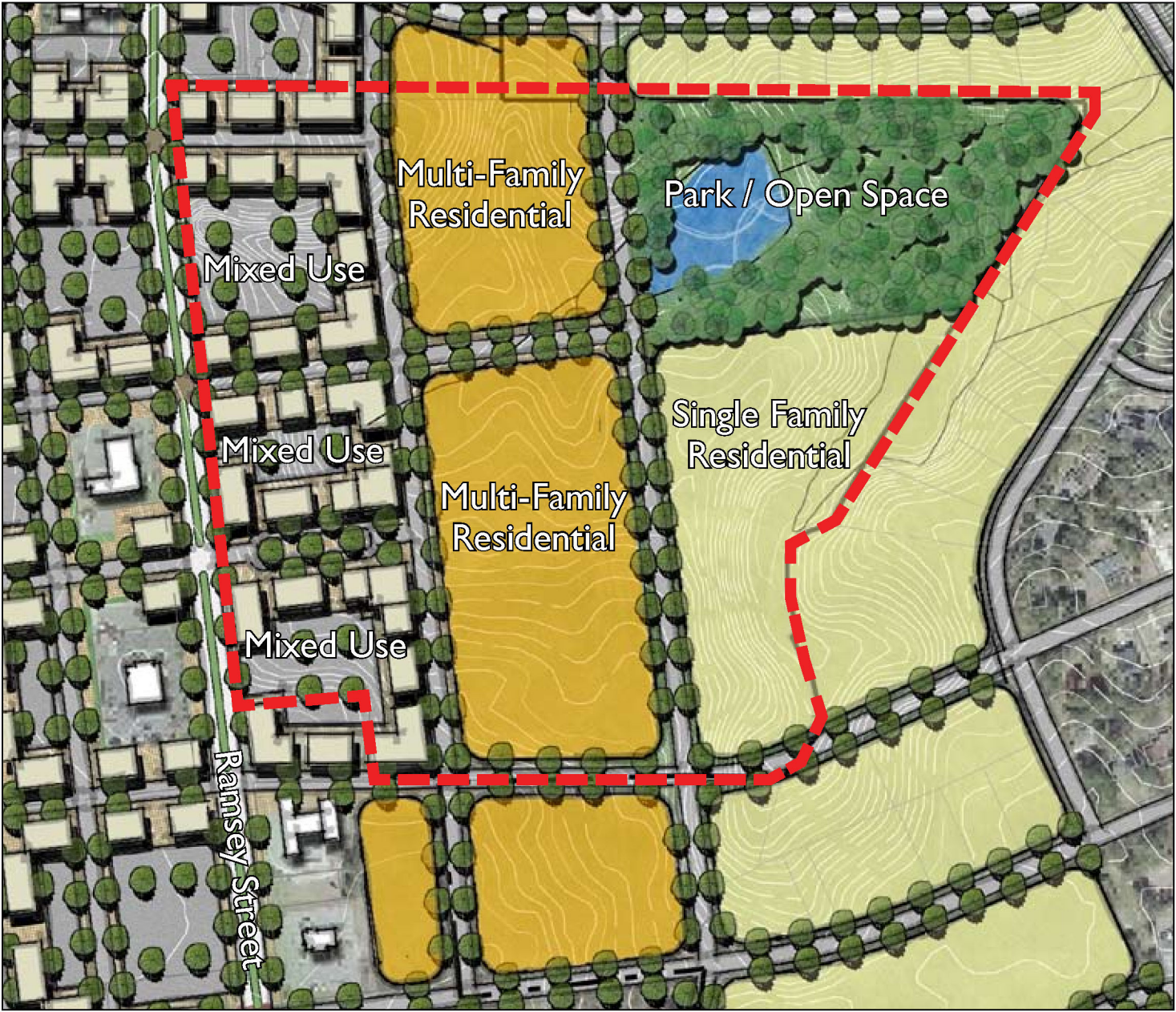
5 FOCUS AREA KEY ENHANCEMENTS

C. ACTIVATION AND INTEGRATION OF VACANT UNINCORPORATED AREAS



Somewhat unique to the focus area are four key undeveloped parcels that have not been incorporated into the City of Fayetteville. Integration of these parcels into the broader fold of the focus area plants the seeds for aspects of the long range vision of the area to be realized. While not strong retail and commercial sites, each parcel and its intrinsic qualities holds the promise of encouraging a diverse corridor and region, from open space, environmental areas and stormwater protection to mixed-use neighborhoods and activity centers. Site conditions permitting, development of these parcels will also help bolster the market potential for infill residential development contemplated under this plan.

AREA D





Town Center Example



Street Character Examples

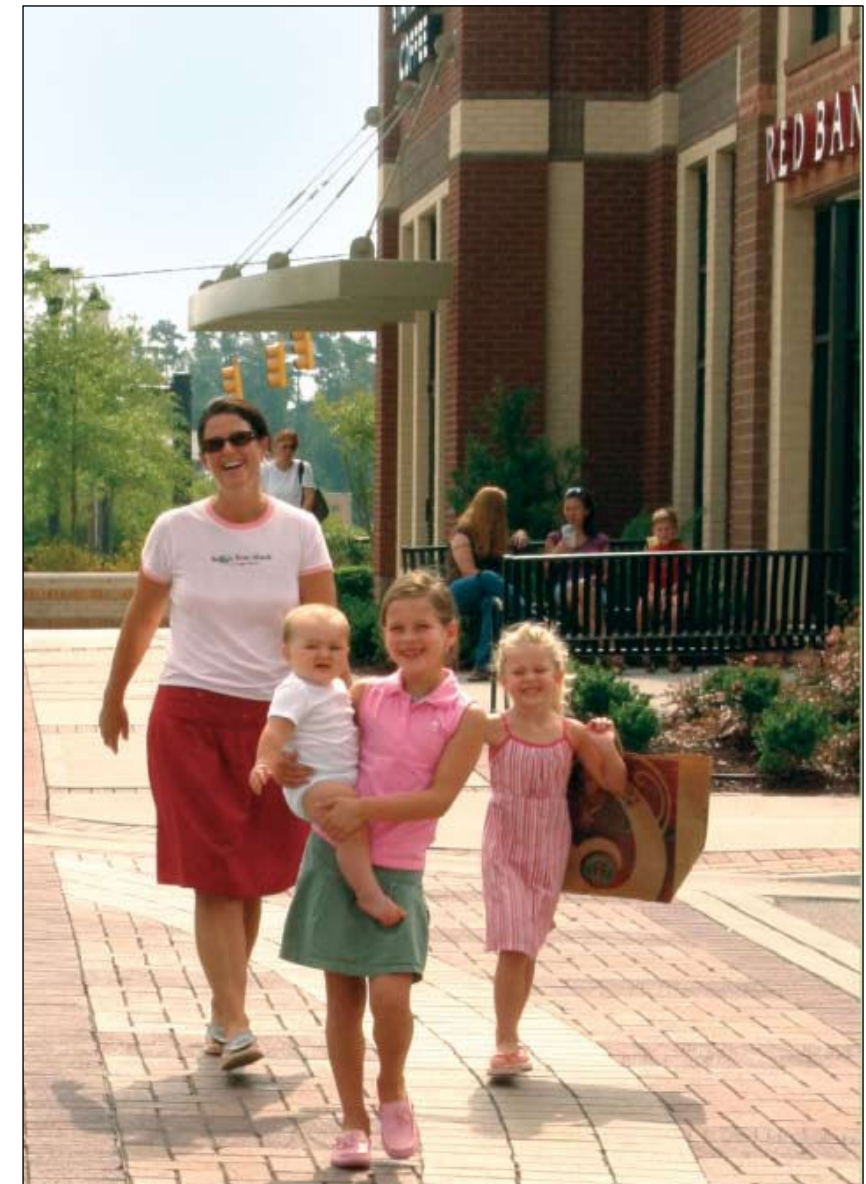
5 FOCUS AREA KEY ENHANCEMENTS

D. EXPANSION OF CONNECTIVITY



Congestion along Ramsey Street, and especially within the commercial focus area, is a key community concern. While the focus area strategy calls for smarter development along the corridor: Non-sprawling development that creates a range of housing opportunities and choices, creates walkable neighborhoods, fosters a strong sense of place, promotes mixed use, preserves usable open space. Its achievement can only occur through broadening and improving connections, encouraging internal capture of vehicle trips, and supporting walking, biking and mass transit and other congestion reduction initiatives. Aspects of this strategy for the focus area include:

- Introduction of a workable grid of access which allows circulation to occur between developments and clusters without use of Ramsey Street. The grid also allows for turning movements seeking area uses to occur at main intersections with internal circulation and not as part of a series of curb cuts along Ramsey Street.
- Introduction and funding of new traffic signalization at Ramsey at Meadowcroft Drive and Oats Drive.
- Linking where appropriate the street fabric of developments surrounding the focus area.
- Encouragement of mixed-use development intended to allow for residential uses to be proximate to shopping, employment and civic uses.



Mixed-use Development



Street Character Examples

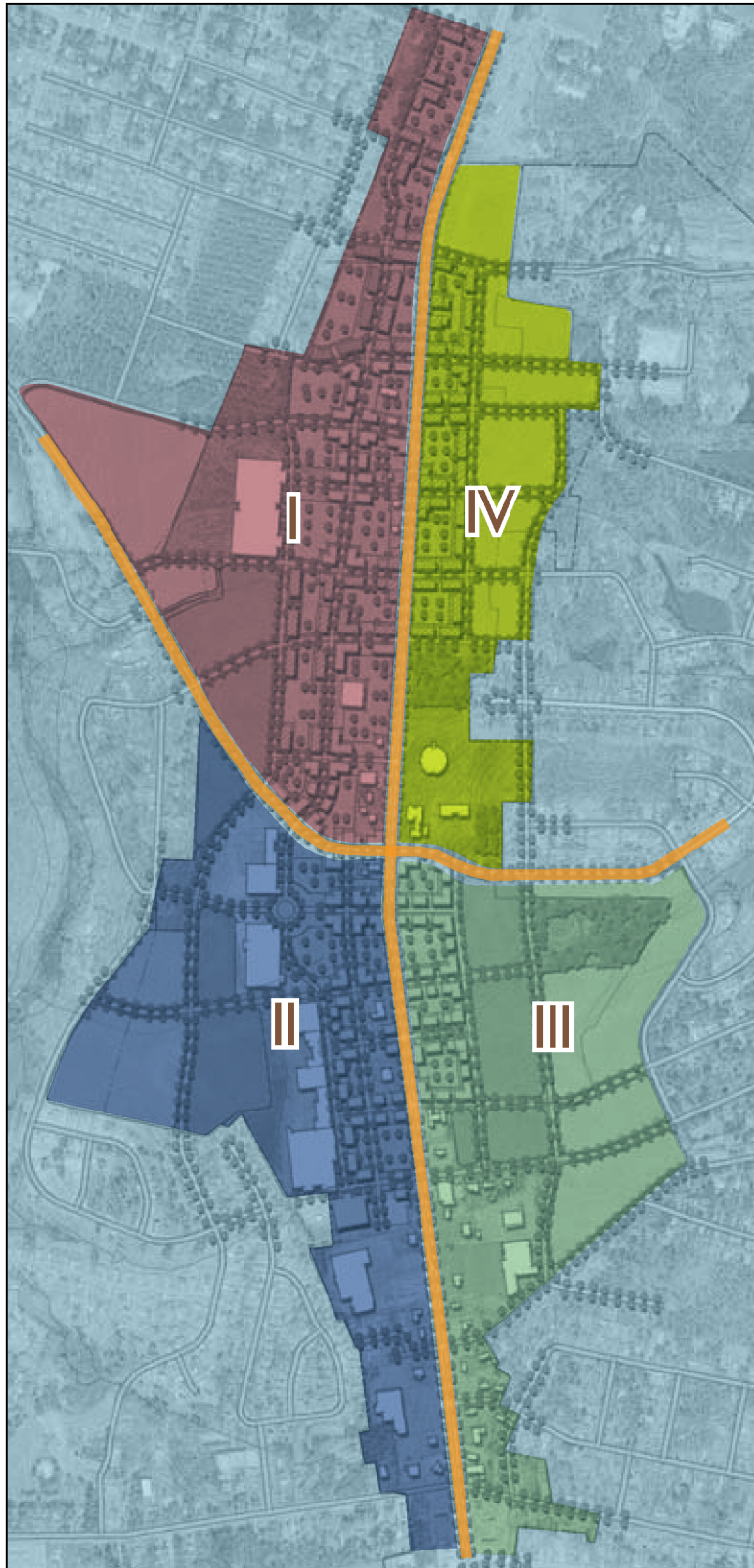


Pedestrian Connectivity Examples



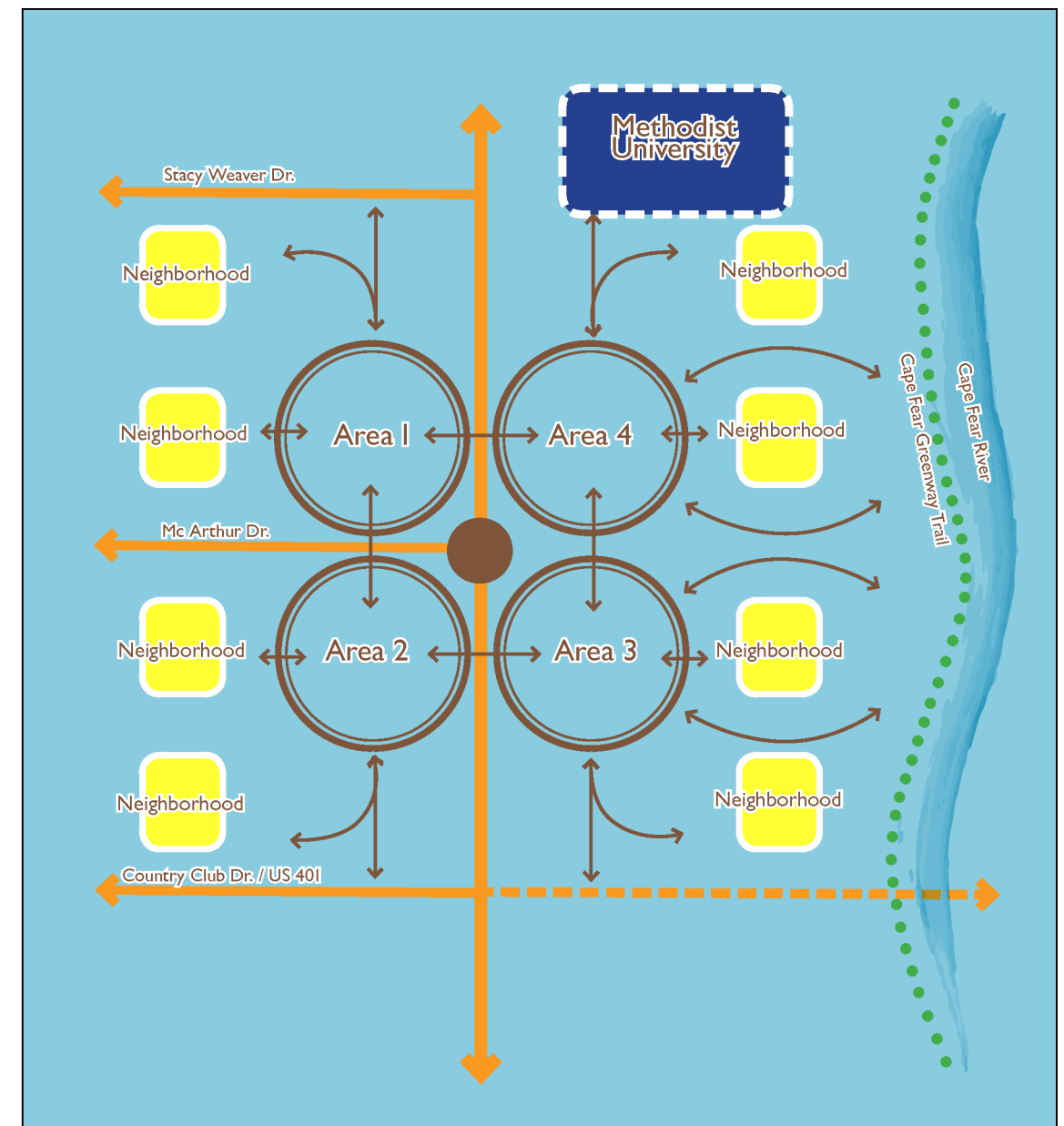
5 FOCUS AREA KEY ENHANCEMENTS

E. MULTIPLE CLUSTERS OF DIVERSE ACTIVITY



More often than not, suburban commercial areas become forgettable zones more tied to retail anchors and corner convenience areas than to the surrounding neighborhoods for which they are a part. The goal for the Ramsey Street focus area is to support the long term establishment of four functional districts. These clusters, while having a series of common components—a mix of land uses, walkability, integration of elements that adhere to principles of sustainable design—are intended to promote something different from one another in their assemblage.

- Area I. Destination commercial retail, office and multifamily cluster, with emphasis placed on circulation and parking systems supportive of larger users such as Wal-Mart and other destination office. Residential intermingled within and/or above commercial and office.
- Area II. Redevelopment yields a main street feel and places that encourage families and other residents to dwell. Smaller retail, office, civic and other spaces encouraged. Pocket park(s) and other value adding amenities establish this cluster as a year-round destination. New and established residential uses and neighborhoods are encouraged to flourish surrounding the cluster.
- Area III. Large undeveloped tract allows a strong mixed-use development to be presented with emphasis placed toward traditional, smaller lot residential homes and townhomes tied to an office and commercial frontage along Ramsey Street. Site topography and environmental assets present an opportunity for creation a distinctive area park as part of this offer, possibly linked to the nearby Cape Fear River Trail.
- Area IV. Mixed-use cluster closely wed to the character and function of Methodist University. Introduction of a supporting internal street network allows for creation of professional office, restaurants, and smaller commercial areas organized along Ramsey Street, giving way to single family one block behind this zone. An area hotel with smaller conference facilities should also be considered for this cluster.



Relationship Diagram Showing Focus Area Clusters

6 IMPLEMENTATION

A. OVERVIEW

In the following section, we chart the course for implementation efforts for the Ramsey Street Corridor Plan. Each implementation effort is organized around an action item and an accompanying list of suggested responsible parties to guide delivery. These include, but are not limited to, the following:

- M - City Council / City Manager's Office
- RSCTF – Ramsey Street Corridor Working Group (see Action Item 3 below)
- PD – Planning Department
- EI – Engineering and Infrastructure
- CD – Community Development
- PR – Parks and Recreation
- MPO / DOT – Fayetteville MPO / NCDOT
- ED – Economic Development Community / Fayetteville-Cumberland County Chamber of Commerce
- D – Development Community
- O – Others to be defined

B. ACTION ITEMS

Action Item 1 - Plan Adoption

Responsible Parties - M, PD | Priority – High

Adopt the Ramsey Street Corridor Plan, allowing it to serve in the role of guiding land use decisions for the area and setting the stage for commencing improvement efforts identified for the corridor. The plan should be updated every five years to maintain its relevance and allow for flexibility given changing market conditions and City and community priorities.

Action Item 2 – Plan Coordination with the NCDOT

Responsible Parties – PD, MPO / DOT | Priority – High

After plan adoption, follow-on coordination should occur between the City and NC DOT to make sure safety and roadway improvements for the area between Country Club Drive and I-295 take into account Ramsey Street Corridor Plan recommendations.

Action Item 3 – Create the Ramsey Street Corridor Working Group (RSCWG)

Responsible Parties – M, PD | Priority – High

Create a working group responsible for (1.) coordination and prioritization of plan efforts, (2.) identification of funding opportunities, and (3.) project outreach, education and advocacy efforts. The working group should be comprised of City staff from Planning, Community Development, Parks and Recreation, Engineering and Infrastructure as well as representatives from the Fayetteville MPO, NC DOT, economic development entities and others. Interested participants from the Ramsey Street Corridor Task Force should also be considered for inclusion in the RSCWG .

Action Item 4 – Modify Zoning

Task 4.1 – Strategize Rezoning to Facilitate Change and Follow Plan Recommendations

Responsible Parties – M, PD | Priority – High

Conduct a zoning analysis of the corridor and identify key areas for zoning modifications consistent with the objectives and recommendations of the Ramsey Street Corridor Plan.

Task 4.2 – Apply Mixed-Use District Designation to Area C

Responsible Parties – M, PD | Priority – High

Review, and as appropriate, apply the new requirements under the City's mixed-use district to Area C as defined in the plan. As presented previously, the goal of the mixed-use designation for this area is to:

- Encourage redevelopment and urban infill, especially in areas where retail big box vacancies are a problem;
- Promote development flexibility, inclusive of parking requirements;
- Entice development of vacant, unincorporated areas within Area C;
- Improve connectivity between parcels; and,
- Foster the coordinated development of a compatible and balanced mix of mutually supporting living, working, shopping, educating, entertainment, and recreating uses.

Task 4.3 – Create a Form-Based Overlay District for the Ramsey Street Focus Area

Responsible Parties – M, PD, RSCTF | Priority – Medium

A form-based overlay district should be created to help guide regulations instructional for achievement of the long term vision for Area C. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. They are very useful in guiding the intricacies of a community vision presented for the focus area (refer to Section 4).

The focus area is a mix of infill and new development. As such, the form-based code for the area should cover the following:

- Building disposition (required);
- Building configuration (required);
- Building function (required);
- Parking standards (required);
- Landscape standards (required);
- Signage standards (required);
- Connectivity standards (required);
- Architectural standards (optional);
- Environmental standards (optional – assumed covered under other aspects of the City's code);
- Ambient standards (optional); and,
- Visitability standards (optional).

Consideration should be made under the form-based code process to establish measures that will off-set increased development costs associated with these requirements. The introduction of a form-based code needs to be weighed against the potential for creating disincentives for new and/or infill development.

Task 4.4 – Extend Analysis and Design Requirements to Buffer the Ramsey Street Corridor

Responsible Parties – PD, RSCTF | Priority – Medium

Consider the extension of the analysis and design requirements beyond the boundaries of the Ramsey Street Corridor Plan study area, especially immediately surrounding Area C. This is intended to limit any drop-off in the development quality of adjacent areas.

Action Item 5 - Improve Circulation

Task 5.1 – New Signalization

Responsible Parties – PD, RSCTF, MPO / DOT | Priority – High

Planned signalized improvements for the area—a primary objective of citizens participating in the planning process—should be pursued following NC DOT and plan recommendations.

Task 5.2 – Improve Connectivity

Responsible Parties – PD, RSCTF, MPO / DOT | Priority – High

As presented previously, congestion along Ramsey Street, and especially within the project focus area, is a key community concern. Community participation supported new and infill development patterns that create a range of housing opportunities and choices, walkable neighborhoods, a strong sense of place, mixed-use and usable open space. Working to broaden and improve connections, encouraging internal capture of vehicle trips, and supporting walking, biking and mass transit and other congestion reduction initiatives are important to plan success. To this end, actions should explore constructing connections to expand options at Rosehill Road and Ramsey Street as well as a series of network improvements to local streets from Country Club Drive to, and beyond, Stacy Weaver Drive. Improvements should allow more internal circulation to activities and neighborhoods by all transportation modes without forcing these activities directly onto Ramsey Street. Connectivity improvements should occur through redevelopment efforts (privately funded) and/or through City, Fayetteville MPO or NCDOT funded efforts. Pedestrian connections should also be encouraged as part of this effort, with key pedestrian crossings established to allow individuals to move safely across Ramsey Street within the focus area, at Methodist University, and around schools and the services administration complex in the southern portion of the study area.

Building upon NCDOT’s current effort, additional work should also undertaken to explore and manage access along the entirety of Ramsey Street. This can be accomplished through NCDOT coordination, encouragement of shared driveways and cross easements and other efforts.

Action Item 6 - Corridor Beatification

Task 6.1 – Gateway Plans

Responsible Parties – PD, RSCTF, PR | Priority – Medium

Gateways and public art can assist in creating a sense of arrival and community definition. To this end, gateway improvement plans should be prepared for key locations for Ramsey Street, including the I-295 / Ramsey Street interchange, transition to/from Downtown, and entry points to/from the focus area (Ramsey Street / McArthur Road and Ramsey Street / Country Club Drive). Plans should explore specific design options and define specifically the features to be incorporated in future development / redevelopment efforts. As appropriate, incorporate standards of the form-based overlay district to facilitate such improvements.

Task 6.2 – Landscape, Lighting and Signage Standards

Responsible Parties – PD, RSCTF, PR | Priority – Medium

Establish a landscaping, lighting and signage plan for the corridor. Signage elements should follow as appropriate the City’s ongoing design effort. As appropriate, incorporate standards of the form-based overlay district to facilitate such improvements. Standards should consider providing differing elements for each of the plan’s primary areas. For example, different blooming tree species or signage ornamentation could be considered for each zone.

Task 6.3 – Street Trees and Pedestrian Improvements

Responsible Parties – PD, RSCTF, EI, MPO / DOT | Priority – High

Ensure NC DOT planned safety and access improvements along Ramsey Street include street trees, planting strips and pedestrian crossings at key signalized intersections. Given the presence of power lines running along the length of each side of Ramsey Street, street trees should be prioritized for the center median where appropriate. Tree species for consideration include the Crepe Myrtle, Dogwood, Redbud, Chinese Pistache, Yaupon Holly and Kwanzan Cherry.

Task 6.4 – Utilities Relocation

Responsible Parties – PD, RSCTF, EI | Priority – Low

Look for opportunities as new development occurs or other market opportunities warrant to consolidate to a single side, or ideally, bury underground utility lines found along both sides of Ramsey Street.

Action Item 7 - Open Space Plan Development

Responsible Parties – PD, RSCTF, PR | Priority – Medium

Following community direction and ideas generated as part of the Ramsey Street Corridor effort, prepare a more specific open space plan that clearly defines opportunities for a variety of parks and other publically accessible spaces linked by trails and corridors. The system should connect to the Cape Fear River Trail to make this amenity a stronger component of the Ramsey Street Corridor. The effort should include connection/activation of the unincorporated parcel B and coordination with Methodist University. Exploration of improved linkages should include consultation with key area stakeholders, including Northwood Temple.

Action Item 8 - Real Estate Market Study

Responsible Parties – PD, RSCTF, ED, D | Priority – Medium

Conduct a focused market study to determine (1.) specific uses that could be supported in each of the 5 adaptive reuse opportunities for big-boxes, and (2.) market potential for vacant, unincorporated areas within Area C. For item 2, the real estate market study is an important opportunity to work with key property owners of unincorporated tracts to learn of current considerations for these sites and specific challenges and barriers to development.

Action Item 9 - Limit Community and Neighborhood Commercial Development Within and Adjacent to the Corridor

Responsible Parties – PD, RSCTF | Priority – High

Significant expansion of community commercial and neighborhood commercial development within and adjacent to the study area has the potential to negatively impact the economic stability and community quality of the corridor in the future. To this end, continued work and study should be undertaken to weigh the benefits and costs to enacting growth management tools observed in use in other communities for controlling

big box development. These tools may include limiting the amount of additional areas along Ramsey Street and elsewhere, requirement of retailers over a certain size to post demolition bonds if the store becomes vacant, requirements for retailer reuse plans if a tenant leaves and others.

Specific policies intended to ensure commercial uses in the southern portion of the study area do not erode established neighborhoods should also be studied.

Action Item 10 - Funding and Incentives

Responsible Parties – PD, RSCTF, ED | Priority – High

Early on, assess short and long term funding available Ramsey Street Corridor Improvements. Utilize tools at the City’s disposal (e.g., a 50% tax grantback for new development or redevelopment that improves the tax assessment by \$500,000 or more and the PWC facility impact waiver) that move development and redevelopment in a direction in concert with the recommendations of this planning effort. Design assistance, flexible parking standards and other incentives should be explored.

Review and assess elements and efforts envisioned under the plan for applicability for funding from several sources, including but not limited to the following:

- Revenue Bonds
- General Obligation Bonds
- Special Assessment Bonds
- State Revolving Fund Loans
- Installment Purchase Agreement
- Stormwater Utility Fees
- Local Option Sales Tax
- Local Option Excise Tax
- Local Tax Increment Financing (TIF)
- Impact Fee / Developer Contribution
- Private Individual Donations
- Corporate Donations
- Corporate Sponsorships
- Foundation Grants (e.g., NC Golden Leaf Foundation)
- Federal Grants (e.g., EDA Grants, CDBG Grants)

- State Grants (e.g., NCDOT Transportation Enhancement Grant, NC Housing Finance Agency)
- Local Grants
- Land Trust Acquisition and Donation
- Local Budget Yearly Contributions
- Transportation Development Tax Credits
- In Lieu of Fees
- Industrial Development Funds



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bo Gregory, FCCCC Director of Economic Development
DATE: September 6, 2011
RE: **Fayetteville-Cumberland County Chamber of Commerce (FCCCC) Contract Annual Project Update - Performance Metrics**

THE QUESTION:

What information would be most helpful to the Council in understanding the City's economic performance and the effectiveness of economic development programs and efforts?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1 - Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

The City has partnered with PWC and Cumberland County to contract with the Fayetteville Cumberland County Chamber of Commerce to lead economic development efforts for the community. The City negotiated a new contract with the Chamber this year which identifies five specific projects that should be the focus of their efforts. These are:

1. Hope VI Business Park
2. Murchison Road Corridor Redevelopment Plan
3. Economic Development Metrics
4. All America City Marketing
5. PWC Sustainability Campus

This list of projects can be revised annually by the City. The Contract requires the Chamber to report on progress related to these projects as least quarterly.

ISSUES:

Annual Project 3 is described below:

Economic Development Metrics: The objective of this project is for the AGENCY to engage its economic development partners, including the CITY, in the exploration of performance metrics for future reporting purposes. The major objective is to achieve concurrence from the City Council on a consistent and supportive set of metrics to be tracked over a significant period of years into the future.

Mr. Gregory will present some initial information to start the discussion regarding performance metric to be reported on in the future.

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

This is for discussion purposes only.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Tom Bergamine, Chief of Police
DATE: September 6, 2011
RE: **2011 Update on Community Wellness Plan**

THE QUESTION:

Introduction/Explanation of new initiatives to be added to the Community Wellness Plan.

RELATIONSHIP TO STRATEGIC PLAN:

- Growing City, Liveable Neighborhoods - A Great Place to Live
- More Attractive City - Clean & Beautiful
- Greater Community Unity - Pride in Fayetteville
- Revitalized Downtown - A Community Focal Point

BACKGROUND:

The Community Wellness Plan was presented to City Council and citizens in April 2009. The plan is a broad range Community Policing plan based on our guiding principles: Operational Efficiency, Community Partnerships, Crime Prevention, and Information Technology. A spreadsheet is provided to the City Manager each month to report progresses within the Community Wellness Plan. An update was presented to City Council in September 2010.

ISSUES:

Yearly update - introduce new initiatives to the plan.

BUDGET IMPACT:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Continue the course with the Community Wellness Plan. Stay consistent on the use of data, trends, partnerships, and team effort on the various social issues which cause crime.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen McDonald, City Attorney
DATE: September 6, 2011
RE: **Privilege License Update (Requested by Council Member Hurst)**

THE QUESTION:

Whether the City Council can waive prior year privilege license taxes, penalties and interest, and create classifications for rental management companies.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government – Services Delivered in a Cost-Effective Manner

BACKGROUND:

The Finance Department contracted with MuniServices, LLC, to assist the Department in the efficient and effective enforcement of the privilege license ordinance.

Under state law, there are certain businesses which are exempt from payment of the privilege license tax. There are other businesses for which state law limits the amount which cities may charge for a privilege license. In the absence of a specific limitation by state law, every person, engaging in any business, trade, profession, or doing any act for which a city license is required, must obtain a privilege license. The City's ordinance exempts active duty military service members from the entire privilege license ordinance.

Section 15-62 of the City's privilege license ordinance allows the City to charge rental management companies, as well as individuals who engage in the day-to-day management of rental property, a privilege license tax. Currently, the standard fee under our ordinance is \$50.00 for gross receipts under \$500,000.00, plus an additional amount per \$1,000.00 of gross receipts over \$500,000.00. Under state law and the City's ordinance, taxpayers are subject to late penalties of 5 percent per month up to a maximum of 25 percent of gross receipts. For taxpayers with gross receipts under \$500,000.00, the maximum late penalty is \$12.50.

City Council at the August work session expressed an interest in waiving prior year privilege license fees, penalties and interest, and creating classifications for rental management companies. As a result, staff has researched the state law, reviewed the City's current ordinance, and contacted other municipalities regarding privilege licenses for rental property.

I. Refund and Release of Prior Year Obligations, Interest, and Penalties

a. Research: Under state law, the City is free to either adopt state law provisions for refund and release, or to develop its own policies and procedures for refund and release, of outstanding privilege license tax obligations. Currently, the City's ordinance provides for release of tax obligations based on miscalculation or an error in the interpretation of the privilege license ordinance.

b. Options: Based on our research, Council has the following options for release and refund of previous tax obligations:

- (1) Amend its privilege license ordinance to provide for refund and release of privilege license tax obligations owed by rental management companies;
- (2) Require the payment of the delinquent tax obligations by the taxpayer; or
- (3) Not require a privilege license for this activity.

c. Recommendation: If Council is so inclined to release rental property owners from prior year tax obligations and all penalties, then our office recommends that the ordinance be amended.

II. Classification of Rental Properties

a. Research: Under state law, cities may provide distinct classifications for the purposes of taxation, as long as there is a rational basis and the classification is reasonably related to such basis. Additionally, of the cities contacted by staff, none had adopted classifications for rental properties in their privilege license ordinances.

b. Options: Based on our research, the City Council has the following options for creating classifications of rental properties:

(1) Amend the City's ordinance to include a minimum number of units that would be subject to the privilege license tax;

(2) Continue levying the privilege license tax, based on gross receipts, against rental management companies and property owners who are involved in the day-to-day management of their rental property, regardless of the number of properties; or

(3) Amend its privilege license ordinance to exempt residential rental property management from the privilege license tax altogether for the discovery tax year, and future tax years.

c. Recommendations: If Council is so inclined to create classifications for rental management, then it is the recommendation of the City Attorney's Office that the Council direct staff to bring back an ordinance amendment consistent with its interest.

ISSUES:

1. Whether the City Council should release rental property taxpayers from outstanding privilege license taxes, interest, and penalties for previous tax years while not releasing other categories.
2. How to develop classifications for rental property management.

BUDGET IMPACT:

Based on research provided by the Finance Department, the City has collected a total of \$34,469.43 for rental activities through August 19, 2011. Of this amount, \$14,382.09 represents the privilege license taxes that were due in the discovery tax year, including penalties. Meanwhile, \$20,087.34 represents privilege license taxes and penalties collected for prior tax years. Thus, if the Council's decision is to release rental property taxpayers from prior years' taxes, and all penalties, then the City would have to refund the total prior year receipts, plus penalties for the discovery tax year.

OPTIONS:

1. Make no changes to the Privilege License Ordinance.
2. Direct staff to revise the Privilege License Ordinance consistent with Council's interest.
3. Provide further direction to staff.

RECOMMENDED ACTION:

Consider the information presented and provide direction to staff.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, Interim Engineering and Infrastructure Director
DATE: September 6, 2011
RE: **Options for ensuring no connectivity from the new development to the existing Cottonade neighborhood and Shawcroft Drive.**

THE QUESTION:

How to ensure that Southwick Drive and Shawcroft Drive will not be connected to new development?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods, A Great Place to Live

BACKGROUND:

- This is in response to a question from Council regarding connectivity from the Cottonade subdivision and a new development.
- This is in response to a question from Council regarding connectivity from the Kings Grant neighborhood and a new development.

ISSUES:

- Cottonade residents thru a public hearing have spoken against any additional connectivity to the neighborhood.
- King's Grant neighborhood has expressed safety concerns with additional traffic caused by the additional development.
- Closing the existing connections may landlock property owners.

BUDGET IMPACT:

None.

OPTIONS:

- Close the last portion of Southwick Drive and the connections to Shawcroft that would connect to the proposed developments and landlocking the property owners.
- Not close the roadway and review no connectivity thru the UDO process.

RECOMMENDED ACTION:

Retain ownership of the roadway connections thereby keeping the control with the City and addressing connections thru the UDO in the future.

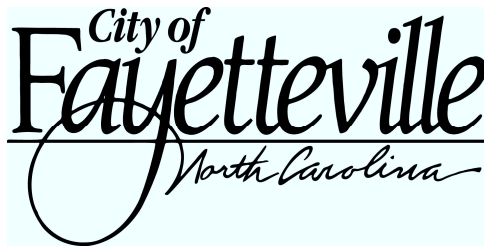
ATTACHMENTS:

memo

aerial photo of Southwick Drive

King's Grant Memo

King's Grant Development



MEMORANDUM

TO: Doug Hewett, Assistant City Manager

FROM: Rusty Thompson, PE, PTOE, Interim Engineering & Infrastructure Director

DATE: August 22, 2011

SUBJECT: Southwick Drive Closure

The Question is "How to ensure that Southwick will not be connected to new development?"

There are two options:

Option A: Close the last portion of Southwick Drive that would connect to the proposed development.

Our research has shown that the City could close a portion of the street. (Attached) However in this scenario, the property owners abutting this portion of the street would then own the property that was the street and the city would have less control over what they could do with it. There is also a cost incurred with a street closing and under normal procedures a property owner has to petition and pay the city to close the street.

In addition, moving forward with this closure would land lock the existing property owners.

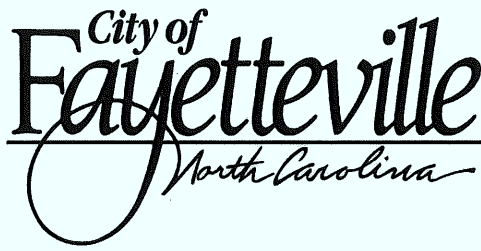
Option B: The City retains ownership of the roadway.

In researching the new UDO, there is a clear process on how a new street is connected to an existing street. The process requires a neighborhood meeting first and then the Technical Review Committee has to approve the connecting of the streets. If a connection is recommended it then would have a public hearing and be presented to council for their approval.

It is staff's recommendation to retain ownership of the property thereby keeping the control in the City and address any connection through the UDO in the future.

Southwick Drive Street Closing





MEMORANDUM

TO: Doug Hewett, Assistant City Manager

FROM: Rusty Thompson, PE, PTOE, Interim Engineering & Infrastructure Director

DATE: August 22, 2011

SUBJECT: Shawcroft Drive Closure

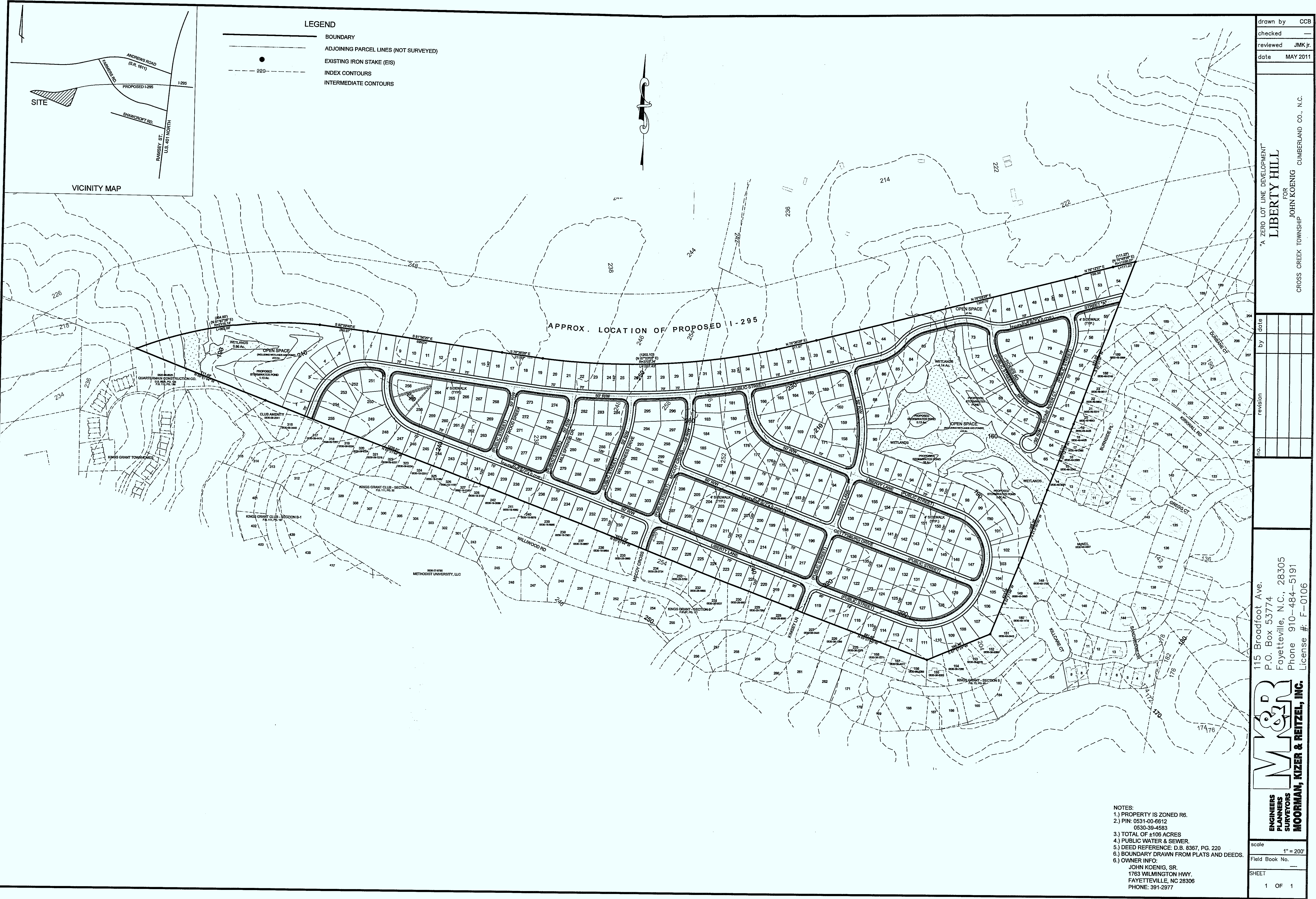
The Question is "Can access be denied to the new development in King's Grant?"

Our research has shown that the City can not deny access to this development. The only access available to this development is thru city maintained streets in King's Grant subdivision. It is bordered by the Fayetteville Outer Loop limiting any other access points.

In researching the new UDO, there is a clear process on how a new street is connected to an existing street. The process requires a neighborhood meeting first and then the Technical Review Committee has to approve the connecting of the streets. When a Site Plan or Subdivision Plan approved by the Technical Review Committee will result in a new street connection to an existing street or street stub in an existing single-family neighborhood (see Section 30-5.F.4.G, External Street Connectivity), the City Manager shall prepare a notice of the street connection and deliver the notice via first class mail to all landowners in the single-family neighborhood within 500 linear feet of the street connection. In addition, a posted notice shall be located beside the existing street or street stub where a new street connection is proposed.

The Technical Review Committee's decision on a new street connection to an existing street or street stub in an existing single-family residential neighborhood may be appealed to the City Council (see Section 30-2.C.18, Appeal) if 25 percent or more of those persons required to receive notice in accordance with Section 30-2.B.12.c.1.b initiate an appeal within 30 days of the date the notice is mailed by the City Manager.

It is staff's recommendation to not deny access to Shawcroft Drive and address any connection through the UDO in the future.



LEGEND

BOUNDARY

ADJOINING PARCEL LINES (NOT SURVEYED)

EXISTING IRON STAKE (EIS)

INDEX CONTOURS

INTERMEDIATE CONTOURS

APPROX. LOCATION OF PROPOSED I-295

NOTES:

1.) PROPERTY IS ZONED R6.

2.) PIN: 0531-00-6612

0530-39-4583

3.) TOTAL OF 3108 ACRES

4.) PUBLIC WATER & SEWER

5.) DEED REFERENCE: D.B. 8367, PG. 220

6.) BOUNDARY DRAWN FROM PLATS AND DEEDS.

7.) OWNER INFO:

JOHN KOENIG, SR.

1763 WILMINGTON HWY.

FAYETTEVILLE, NC 28306

PHONE: 391-2977

drawn by CCB

checked

reviewed JMK jr.

date MAY 2011

"A ZERO LOT LINE DEVELOPMENT"

LIBERTY HILL

FOR

JOHN KOENIG

CROSS CREEK TOWNSHIP

CUMBERLAND CO., N.C.

no.

revision

by

date

115 Broadfoot Ave.

P.O. Box 53774

Fayetteville, N.C., 28305

Phone 910-484-5191

License #: F-0106

ENGINEERS

PLANNERS

SURVEYORS

MOORMAN, KIZER & REITZEL, INC.

scale 1" = 200'

Field Book No.

SHEET

1 OF 1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: September 6, 2011
RE: **Amendments To Fayetteville Code of Ordinances Relating to Code Enforcement**

THE QUESTION:

Should Fayetteville Code of Ordinances Sections 1-9, Appeals of Civil Penalties, and Sections 22-31, Solid Waste, be amended to provide for a concise time period to appeal or pay a civil penalty citation and to add Chapter 7, Building Code, Chapter 14, Housing, Dwellings and Buildings, and Chapter 30, Zoning, to the appeal process already defined in Sec 1-9.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City – Clean and Beautiful; Goal 3: Growing City, Livable Neighborhoods-A Great Place To Live

BACKGROUND:

At the City Council meeting of June 27, 2011, staff presented proposed text amendments to Fayetteville Code of Ordinances Section 1-9 and Section 22-31 relating to the time period to appeal or pay a citation fine and establishing a statutory appeal process for cited violations of Fayetteville Code of Ordinances Chapters 7, 14, and 30. The City Council directed staff to bring the proposed text amendment back before the City Council at a Work Session for further discussion.

Notice Period

Fayetteville Code of Ordinances Section 1-9 defines the appeal process for the recipient of a civil penalty citation. This section provides that the recipient of the citation may make a written request to the City Attorney's Office for a hearing within **ten days of receipt** of the citation to be heard by the administrative hearing officer. Section 1-7 (h) provides that civil penalty citations may be served by U.S. first-class mail to the last known address of the recipient. Section 22-31, Solid Waste, provides that if a Civil Citation Penalty is not paid within **ten days of receipt** of the citation, the penalty shall be collected by civil action in the nature of a debt. This section also provides that civil penalty citation may be served by U.S. first-class mail to the last known address of the recipient.

Appeal Process

Section 1-9 defines the appeal process for various City of Fayetteville Code of Ordinances Chapters that are subject to the civil penalty process. However, Section 1-9 does not include Chapter 7, Building Code, or Chapter 14, Housing, Dwelling and Buildings. Both of these Chapters provide for the issuance of civil penalty citations for respective code violations without a statutory appeal process. In the lack of a process, the appeal process of Section 1-9 is currently being used for citation appeals relating to cited violations of these Chapters, but the authority to do so is unclear.

On December 13, 2010, the City Council adopted the Unified Development Ordinance (UDO) as Chapter 30 of the Code of Ordinances of the City of Fayetteville. On July 25, 2011, the City Council adopted Ordinance No. S2011-008 (Section 3.) adding a new item (e) to section 30-8.F.3 of the UDO. Item (e) provides that a civil penalty may be appealed in accordance with the procedures and timetables established in Section 1-9 of the Fayetteville Code of Ordinances.

ISSUES:

Notice Period

By the use of U.S. first-class mail as a means of serving a Civil Penalty Citation, there is no way to absolutely determine when the citation is actually received as required by code sections to start the

notice period of **ten days of receipt**. This has causes problems for staff when recipients file appeals or pay the citation penalties several months after the issuance date of a citation claiming that they had just received the citation with the last 10 days. Staff recommend changing the notice period from **ten days of receipt** to **ten working days from issuance** of the citation. This would provide more certainty for enforcement.

Appeal Process

There is currently **no** statutory appeal process for recipients of citations issued for violations of Chapter 7 and Chapter 14. The proposed text amendments would require that appeals of citations and payment of citation penalties under Chapter 22, be made within 10 working days of the issuance of the citation, thus establishing a definitive date to act on the citation. Adding Chapter 7, Chapter 14 and Chapter 30 to Section 1-9 will provide a statutory appeal process for citations issued under those chapters.

BUDGET IMPACT:

Increased efficiency- no known impact on the budget.

OPTIONS:

- Adopt the proposed text amendment to Fayetteville Code of Ordinances Sections 1-9 and 22-31.
- Revise the proposed text amendment to Fayetteville Code of Ordinances Sections 1-9 and 22-31.
- Reject the proposed text amendment to Fayetteville Code of Ordinances Sections 1-9 and 22-31.

RECOMMENDED ACTION:

Adopt the proposed code amendment to Fayetteville Code of Ordinances Sections 1-9 and 22-31.

ATTACHMENTS:

Fayetteville Ordinance No. S2011-008, Section 3

Sec 1-7- General Penalty; Enforcement of Ordinances, Continuing Violations

Sec 1-9 & 22-31 Proposed Text Amendment

Draft Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO ADDRESS ERRORS OR CLARIFICATIONS AFFECTING DRIVE AISLE WIDTHS; PRIVATE STREETS; APPEAL OF CIVIL PENALTIES; STANDARD FOR SEPARATION REQUIREMENTS; INCLUSION OF THE LC DISTRICT IN VARIOUS LISTINGS; REFERENCES TO THE INCENTIVE AREA OVERLAY; NURSING HOMES IN THE OI DISTRICT; HEAVY MANUFACTURING; SIGNS FOR HOME OCCUPATIONS; RENUMBERING SECTION ON SUBDIVISION SIGNS; INTERNET SWEEPSTAKES; USES NOT LISTED IN THE UDO; AGRICULTURAL USES; AND HEIGHT STANDARDS IN LC AND CC DISTRICTS.

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that the Unified Development Ordinance adopted December 13, 2010 as Chapter 30 of the Code of Ordinances of the City of Fayetteville be amended as follows:

Section 1. Change the standards shown in both Table 30-5.A.8 and Figure 30-5.A.8 to show 24 feet width for two-way drive aisles with 90 degree parking.

Section 2. Change UDO sections in 30-5.F.4 Private Streets, as follows:

Sec. 2.1: In 4(a)(7) Private Streets, Item a.i, delete the sentence "A variety of construction materials may be used if approved by the City Manager."

Sec. 2.2: In 4(a)(7)d Certificate of Construction, third line, replace "registered engineer or professional land surveyor" with "registered professional designated for such approvals." In the sixth line, replace "registered engineer's or professional land surveyor's seal" with "the seal of the registered professional".

Section 3. Add a new item (e) to section 30-8.F.3 of the UDO, to make appeals of civil penalties associated with Chapter 30 violations subject to the procedures of

City	Code	Section	1-9.
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[new] (e) Appeal of Civil Penalty
A Civil Penalty may be appealed in accordance with the procedures and timetables established in Sec. 1-9 of the Fayetteville Code of Ordinances.

Section 4. Add a new item in the Measurements section of UDO 30-9 Definitions to provide a default standard to measure a required separation of uses:

[new] 3. COMPUTATION OF SEPARATION REQUIREMENTS

Sec. 1-7. - General penalty; enforcement of ordinances; continuing violations.

(a) Unless otherwise specifically provided, violation of any provision of this Code or any other city ordinance shall subject the offender to a civil penalty; except, that where the General Statutes of North Carolina provide specific remedies for violations of provisions of this Code adopted pursuant to such statutes, such remedies available to the city for enforcement of this Code shall be in addition to the remedies hereinafter stated. Where no specific penalty is provided therefore, the violation of any such provision of this Code or any such ordinance shall subject the offender to a fine in accordance with the fee schedule adopted by the city council.

(b) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other city ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the city for equitable relief that there is an adequate remedy at law.

(c) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other city ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the city may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(d) The provisions of this Code and any other city ordinances may be enforced by one, or all or a combination of the remedies authorized and prescribed by this section.

(e) Except as otherwise specifically provided, each day's continuing violation of any provision of this Code or any other city ordinance shall be a separate and distinct offense.

(f) Any ordinances hereafter adopted by the council of the city, the violation of which shall incur a penalty, shall specify whether the enforcement shall be pursuant to the civil penalty or criminal penal provisions of this section.

(g) Upon determination of a violation of any section of this Code, the penalty for which is a civil penalty, the city may cause a warning citation to be issued to the violator, setting out the nature of the violation, the section violated, the date of the violation and an order to immediately cease the violation or, if the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, stating the reasonable period of time in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty.

(h) Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the appropriate official of the city and either served directly on the violator or his duly designated agent, or registered agent if a corporation, in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the county, or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of such citation. The citation shall direct the violator to appear at city hall, within the prescribed time cited in the citation or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

(Code 1961, [§ 1-7](#) ; Ord. No. S2007-018, §§ 1, 2, 5-29-2007)

The following amendments pertain to appeal of civil penalties. Please note the following provisions are not the entire chapters. The only sections that follow are those being amended.

Chapter 1

GENERAL PROVISIONS

Sec. 1-9. Appeal of civil penalties.

Whenever the recipient of a citation for a violation of chapter 4, alarm systems regulations; [chapter 7, Building Code](#); chapter 11, fire protection and prevention; [chapter 14, Housing, Dwellings and Buildings](#); article XI of chapter 16, abandoned, junked, and nuisance vehicles; article X of chapter 16, parking; chapter 17, offenses and miscellaneous provisions; chapter 18, parks and recreations; chapter 22, solid waste; chapter 24, streets and sidewalks; chapter 26, taxicabs; and [chapter 30, Zoning](#); has failed to pay a civil penalty as a result of the violation, prior to the initiation of the civil action to enforce the city's remedy, the recipient of the citation shall be notified in writing that:

- (1) The case may be reviewed by an administrative hearing officer to determine the validity of the civil penalty provided the recipient of the citation makes a written request to the city attorney's office for the hearing within ten [working](#) days of ~~receipt~~ of the ~~notice~~ [issuance date of the citation](#) of the opportunity to be heard by the administrative hearing officer;
- (2) The written request for the hearing shall be on a form to be provided with the written notice and the hearing shall be held within 14 days of the receipt of the written request;
- (3) The decision of the hearing officer if in favor of the individual receiving the citation shall be final, but if the hearing officer shall determine that in his opinion the civil penalty is due, then the city may proceed to initiate the civil action, but the decision of the hearing officer shall not be admissible by the city in the prosecution of the action; and
- (4) The hearing officer shall be one of the safelight appeals hearing officers.

Chapter 22

SOLID WASTE

Sec. 22-31. - Penalties for violations.

(a) A violation of section 22-30 shall subject the violator to a civil penalty in accordance with the fee and penalty schedule as approved by city council. A violation of any section of this chapter not specifically addressed in the separate fee and penalty schedule, shall subject the violator to a civil penalty of \$100.00 per violation. Pursuant to G.S. 160A-175(g), each and every day's continuing violation shall be deemed a separate punishable offense. The civil penalty shall be imposed by citation served personally upon the violator by those individuals authorized in section 22-29, or delivered by first class mail followed by delivery confirmation if the first notice is returned within ten working days. The citation shall set forth the specific violation, the amount of the penalty, that each and

every day's violation is a separately punishable offense, and that if the penalty is not paid within ten [working](#) days of ~~receipt of the~~ [issuance date of the](#) citation, the penalty shall be collected by civil action in the nature of a debt.

(b) If the penalty as set forth in the citation issued pursuant to subsection (a) of this section is not paid within the prescribed time, then the matter shall be referred to the office of the city attorney, who shall institute an action in the nature of a debt in a court of competent jurisdiction to collect the civil penalty.

(Code 1961, [§ 14-31](#) ; Ord. No. S2010-003A, § 1, 3-22-2010)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AMENDING CHAPTER 1, GENERAL PROVISIONS, AND CHAPTER 22, SOLID
WASTE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Section 1-9, appeal of civil penalties, is amended as follows:

- (a) In the second line of the first paragraph, insert the words “chapter 7, Building Code;” before the words “chapter 11” and insert the words “chapter 14, Housing, Dwellings and Buildings;” before the words “article XI”;
- (c) In the fifth line of the first paragraph, delete the word “and” before the words “chapter 26” and insert the words “and chapter 30, zoning,” after the word “taxicabs;”; and
- (e) In the third line of paragraph (1), insert the word “working” after the word “ten” and substitute the words “receipt of the notice” with the words “the issuance date of the citation”.

Section 2. Section 22-31, penalties for violations, is amended as follows:

- (a) In the tenth line of paragraph (a), insert the word “working” after the word “ten” and substitute the word “receipt” with the words “the issuance date”.

Section 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

Adopted this _____ day of September, 2011.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

JENNIFER PENFIELD, Deputy City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Randall J. Hume, Transit Director
DATE: September 6, 2011
RE: **Council Concurrence for FAST to develop and issue a Request For Proposals for interested vendors to sell, install and maintain transit vehicle advertising services for purposes of generating additional revenue.**

THE QUESTION:

Should transit vehicles be used for advertising commercial products and services in order to generate additional operating revenue?

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government-Cost Effective Service Delivery
FAST Improvements

BACKGROUND:

The Transit Development Plan identified significant improvements to FAST services. Operating costs are generally covered by passenger fares, state and federal grants, and vehicle registration fees with the majority of local funding provided as a transfer from the City's general fund. In FY 2012, the general fund transfer is expected to fund just over 47% of operating expenses. Since placing its 13 new buses into service, FAST has not accepted advertising or placed advertising on the exterior of its buses.

Recognizing the need for additional operating support to expand services, The Fayetteville Advisory Committee of Transit (FACT) has investigated the potential revenue opportunity available to FAST by reinstituting bus advertising. The FACT committee has passed a motion in support of pursuing this opportunity. It is projected advertising would generate between \$20,000 to \$50,000 annually in additional revenue.

There are local advertising companies that have interest in providing advertising services with a commission to FAST/The City as well as provide a minimum revenue guarantee.

ISSUES:

The issue is whether advertising produces sufficient revenue to offset any negative aspects related to on-board advertising. The bus fleet would lose some of its "brand" image associated with a uniform design and paint scheme. Part of the improvement made to Transit's image in Fayetteville in recent years has been attributed to a clean, well maintained and recognizable bus fleet.

The other issue relates to acceptable content. Transit would be expected to represent the overall community values yet ensure an advertiser's constitutional freedom of expression is not infringed upon. Generally speaking advertising contracts allow transit operators to reject any advertising, but such rejections can lead to court challenges.

BUDGET IMPACT:

Advertising is not included in the current budget. Any revenues generated in FY 2012 would either reduce the general fund transfer or be made available for additional system improvements.

OPTIONS:

Direct Transit to prepare and issue a Request for Proposals for bus advertising services or continue to maintain its fleet without advertising.

RECOMMENDED ACTION:

Recommend issuing a Request for Proposals.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, Interim Engineering & Infrastructure Director
DATE: September 6, 2011
RE: **Response to Request to Donate City Lots on Mann Street**

THE QUESTION:

How best to respond to a request by St. Paul Full Gospel Baptist Church for the City to donate three parcels to the church for a Family Life Center.

RELATIONSHIP TO STRATEGIC PLAN:

A Growing City- Great Place to Live

BACKGROUND:

Parcels #1, a portion of Parcel #2 and Parcel #3 were acquired as part of the Southeast Fayetteville Redevelopment plan. A Portion of Parcel #2 was acquired through a street closing and is a part of the current Community Garden project.

In April of 2007 St. Paul Full Gospel Baptist Church made an offer of \$100.00 each for Parcel #1 and Parcel #3. At that time Council rejected the offer due to it being below the tax value.

The City is now in receipt of another letter from St. Paul Full Gospel Baptist Church to have three City owned parcels donated for a Community Life Center. Staff has circulated among the Senior Management Team and found no need for the parcels by any city department, except for Parcel #2 which is needed for the Community Gardens Project. The combined values for the parcels is \$23,150.00.

ISSUES:

- Parcels #1 and #3 are undeveloped and currently not needed by any City agency.
- Parcel #2 is an odd shaped parcel which is a part of the current Community Garden project.
- Parcels #1 and #3 are currently zoned MR-5 which would allow for a Community Life Center.
- Parcel #2 is currently split zoned SF-6 and MR-5 which would allow for a Community Life Center.
- North Carolina General Statute §160A-279 provides authority and the method for response to a request for City owned property to be donated and allows for disposal at private sale.
- The City would incur the cost of publication of the approved Resolution in the local newspaper once Council approved at a regular Council meeting and said cost would be approximately \$500.00 to \$1,000.00.
- The tax value of Parcel 1 is \$15,750.00; Parcel 2 is \$1,400.00; and Parcel 3 is \$6,000.00. Parcels shown on attached map.
- The compensation for the parcels would be the value of the public services offered and would be addressed as restrictions in the deed that would mandate the property be used for a public purpose and revert back to the City in the event it ceases to be used as such.
- Due to the tax exempt status of the church no future taxes will be collected if property is donated.

BUDGET IMPACT:

The City will be responsible for the publication cost if the resolution is approved.

OPTIONS:

- Direct staff to continue with appropriate procedure for adopting resolution to donate property as outlined by NCGS §160A-279 .
- Reject the request to consider donation.
- Provide additional direction to staff.

RECOMMENDED ACTION:

Provide direction to staff as to how proceed.

ATTACHMENTS:

Letter from St Paul Full Gospel Baptist Church

Map of Mann Street Lots

Prior Letter Mann Street



St Paul Full Gospel Baptist Church

Street Address

602 Mann Street Fayetteville, North Carolina 28301
Business Phone: (910) 486-0202 * Fax (910) 486-0787

Mailing Address

P. O. Box 1652 Fayetteville, North Carolina 28302
Email Address: stpaulfullgbc@msn.com

Trustee Ministry Chairperson
Elder John L. Johnson
Deacon Ministry Chairperson
Deacon Norman Spikes
Church Secretary
Kimberly S. Hardison

Dr. Robert L. & First Lady Gladys Bronson
Residence
1364 Doc Brown Road
Raeford, North Carolina 28376
910-848-1568

To the City of Fayetteville Community Development Department

The Senior Pastor, Executive Advisory Board, Officers and Members of the St. Paul Full Gospel Baptist Church located at 602 Mann Street in Fayetteville are requesting surplus property owned by the City of Fayetteville. The use of this property would be for the placement of a family life center which would serve the members of the community.

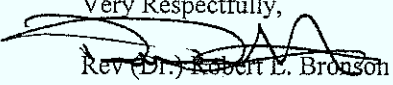
This community was documented in the 2000 Census as one of the most impoverished areas of our great city. It is our desire to establish a family life center which will offer activities that are not currently available to the members of the community such as counseling services and life coaching. The counseling services would offer tutoring for school aged members, GED skills help, resume building, job hunting assistance, and computer familiarization. We will also provide marriage, family and other counseling services to include drug/alcohol abuse and addictions. We currently operate a food and clothing closets, but are limited in space. From this community life center we will provide meals to those who are in need. It is our desire to build up the community by building up its people because the Mission/Vision of our Church is "...to educate, train, and motivate its members and non members through basic bible truth and to lead those individuals towards maintenance of a life-long, continuous commitment of obedience..." The family life center will also have a gymnasium, an indoor running/walking track, and an Olympic size swimming pool for swimming laps and fun and fitness. There currently is not a public swimming facility located in the surrounding area.

We are requesting the below properties which have been identified as excess property owned by the City of Fayetteville. It is our understanding that the City of Fayetteville does not have any good or intended use for these parcels of land. Below is the list of parcel numbers and legal descriptions of the properties that are being requested:

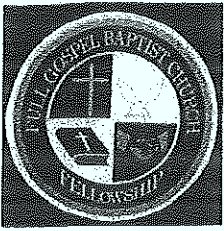
- | | | | |
|----|---------------|---|------------|
| 1. | 0436-79-1759- | MAJ PT LT 4 BLK C SOUTHEAST FAY REDEV SEC 1 MANN ST | 1.00 acres |
| 2. | 0436-79-2925- | LT 1 BLK C SOUTHEAST FAY REDEV SEC 1 MANN ST | 2.25 acres |
| 3. | 0437-79-0996- | 0.13 AC JACK HATWOOD LD | 0.50 acres |

We appreciate your consideration in this matter. Please contact Randy Franklin with questions pertaining to this matter at (910) 818-0751 or the church secretary Mrs. Kimberly Hardison at (910) 486-0202.

Very Respectfully,


Rev. Dr. Robert L. Bronson
Senior Pastor
St Paul Full Gospel Baptist Church





ST PAUL FULL GOSPEL BAPTIST CHURCH

602 Mann Street

POST OFFICE BOX 1652

FAYETTEVILLE, NORTH CAROLINA 28302

(910) 486-0202 Fax: 486-0787

DR. ROBERT L. BRONSON, PASTOR

LeRoy McCullough
Chairman Trustee Board
Kimberly S. Hardison
Executive Secretary

Pastor's Residence
1364 Doc Brown Rd.
Raeford, NC 28376
(910) 875-3649
Roshonda Smith
Clerk

April 17, 2007

Mayor and City Council Members
City Of Fayetteville
433 Hay Street
Fayetteville, NC 28301-5537

Dear City Council,

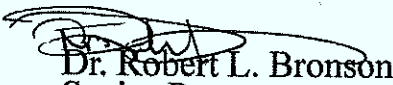
The Pastor and members of the St. Paul Full Gospel Baptist Church would like to request that the following city owned property be declared surplus:

Parcel ID: 0436-79-1759
Address: 000000 Mann ST FAY

We would also like to make an offer to purchase the property. We are offering to purchase the property for \$100.00 and have included with this request the 5% deposit of \$20.00.

Thank you for your consideration in this matter. If there are any questions, please contact Randy Franklin at (910) 850-7079.

Sincerely,


Dr. Robert L. Bronson
Senior Pastor
St. Paul Full Gospel Baptist Church



ST PAUL FULL GOSPEL BAPTIST CHURCH

602 Mann Street

POST OFFICE BOX 1652

FAYETTEVILLE, NORTH CAROLINA 28302

(910) 486-0202 Fax: 486-0787

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Roshonda Smith
Clerk

April 17, 2007

Mayor and City Council Members
City Of Fayetteville
433 Hay Street
Fayetteville, NC 28301-5537

Dear City Council,


The Pastor and members of the St. Paul Full Gospel Baptist Church would like to request that the following city owned property be declared surplus:

Parcel ID: 0436-79-2925
Address: 000000 Mann ST FAY

We would also like to make an offer to purchase the property. We are offering to purchase the property for \$100.00 and have included with this request the 5% deposit of \$20.00.

Thank you for your consideration in this matter. If there are any questions, please contact Randy Franklin at (910) 850-7079.

Sincerely,


Dr. Robert L. Bronson
Senior Pastor
St. Paul Full Gospel Baptist Church

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jennifer Lowe, Communications Officer
DATE: September 6, 2011
RE: 2011 All America City Strategic Marketing Plan

THE QUESTION:

Has the City Council's interest been met in staff's planning and initial implementation of the All-America City marketing plan? The attached marketing plan is provided to detail the plan and the initial progress of the year-long communications initiative so that City Council members can either concur that the plans meet their interests or direct the City Manager to modify the plan.

RELATIONSHIP TO STRATEGIC PLAN:

The plan outlines a marketing strategy that promotes the communication of Council's vision for our community, which is the foundation of the City's Strategic Plan and the basis on which the City was named by the National Civic League (NCL) as a 2011 All-America City.

BACKGROUND:

In June, the City of Fayetteville was selected as an All-America City Award winner for the third time in its history. A delegation of approximately 60 people, including local officials, community leaders, children and the 82nd Airborne All-American Chorus described to a panel how Fayetteville has shed its former "Fayettenam" image and became a cleaner, thriving community with a strong economy. Fayetteville's pitch for the All-America City award focused on the transformation of the city through civic engagement and the community's solid ties with the military.

Prior to developing this plan, it should be noted that all documents related to the bid for the award, past proposed marketing plans for the award, recommendations by the National Civic League for marketing and communications upon winning, best practices employed by previous winners, and input from stakeholders and the community, were all carefully reviewed and considered. Council provided resources in the amount of \$83,000 to advance a marketing campaign. The goals are three-fold:

1. Increase citizen engagement
2. Align perception of City with reality (progressive, diverse, young, now, full of opportunity)
3. Take control of telling our own story

The plan is comprised of two campaigns that are separate in message but work in tandem with one another:

1. All-America City Branding: Live. Thrive. Prosper: The American Dream Lives Here (citizen engagement, strong economy)
2. Telling our own story: City news from its source (inform citizens first via social media platforms)

ISSUES:

While remaining in compliance with NCL's graphic standards, do the strategies and tools of the All-America City marketing plan represent the diversity of our community, promote increased civic engagement, and highlight that for which the city received this designation (elevated image, strong economy, collaborations that support our youth)? Do the strategy and course of action outlined in this plan move our community closer to the desired vision identified and articulated by the City Council?

BUDGET IMPACT:

FY 12 budget allocation of \$83,000 for the 2011 All-America City marketing campaign.

OPTIONS:

1. Accept the plan as provided with guidance to the City Manager on areas of interest
2. Request additional information on items listed in the plan
3. Clarify interests in the plan and action agenda

RECOMMENDED ACTION:

Receive and file this report.

ATTACHMENTS:

2011 All-America City Strategic Marketing Plan & Chart

2011 All-America City Award Strategic Marketing Plan

Prior to creating and beginning to articulate this marketing plan it should be acknowledged that all documents related to the City of Fayetteville's bid for the 2011 All-America City Award, past proposed marketing plans for this award, recommendations by the issuing organization for marketing and communications upon winning, best practices employed by previous winners, and input from stakeholders and the community, were all carefully reviewed and considered.

TARGET AUDIENCE

The target audience for this campaign is internal and external as in order to effectively increase pride in and understanding of the City buy-in from both employees and the community are important factors mitigating its success. In our specific case, target audiences necessitating particular consideration include: the local community, surrounding communities, military (both here and at large), youth, college graduates, business professionals, NC residents, prospective residents and tourists, and the media.

PURPOSE

This campaign affords Fayetteville the opportunity to define what it means to be an All-America City (AAC) and the three prong approach expressed in the City's application and delegation presentation in Kansas City suit this purpose perfectly. As our City embraces diversity, encourages doing business in Fayetteville, and wants to further encourage people to raise their families here, return from college to live and work here, own and operate businesses here, and retire here, we must show that our City embodies that for which we won the award from the National Civic League. A strong economy, an improved image, and community engagement are what won Fayetteville the AAC designation and should be the foundation on which its marketing message is built.

Towards these ends this campaign needs to be about our citizens as what makes this City All American is its people. Marketing efforts need to highlight people's stories (like the posts to the All-America City awards page in support of the video Fayetteville to FayetteNOW).

GOALS

1. Increase citizen engagement
2. Align perception of City with reality (progressive, diverse, young, now, full of opportunity)
3. Take control of telling our own story

The City of Fayetteville needs to be seen as its own news source – we need to train the public and the media to go to our social networking sites for the latest information (the only way to do this is to continuously pump relevant, accurate, and timely information out to our Facebook and Twitter pages). Only through gaining the trust of followers will we succeed in establishing a growing reputation for transparency, responsiveness, and continuous quality improvement.

KEY MESSAGING

There are actually two campaigns here that need to be separate in message but work in tandem with each other

All America City Branding:

Live. Thrive. Prosper. The American Dream Lives Here

(increasing citizen engagement, strengthen economy, embody image of today's Fayetteville)

Drive traffic to Facebook page:

City news from its source

(inform public directly)

COMMUNICATION TOOLS

In order for our City to truly reap the benefits offered by this esteemed designation it is necessary that the campaign reach out to segments of our community who have historically been disengaged. The success of this marketing plan lies heavily on the necessity of all designs focusing on portraying images of diversity and inclusivity.

In choosing the practical vehicles for the message all available options were researched and considered and tools were chosen largely for their association with the designated target markets, and the highest projected impact combined with most affordable monetary cost.

Print opportunities have been identified by focusing on target market, scope, and duration of circulation.

Promotional items identified have been selected for their relevancy to designated target markets, capacity for visibility at events and beyond, and financial prudence.

Communication Tool	Target Audience	Team Member Responsible	Evaluative Tool	Budget
PRINT				
Media Releases AAC logo on releases Releases about related events (win, community celebration, quilt visit, partnerships, etc.)	Media General public	Information Specialist Communications Officer	Press coverage	NA
Op-Eds	Local community (military and civilian) Readers of Fayetteville Observer	Communications Officer	Anecdotal feedback	NA
Paraglide articles	Military	Information Specialist Communications Officer	Increased traffic to Facebook and Twitter	NA
Accents Magazine Article about AAC designation				NA
Up & Coming Weekly Front cover and story for win Half page ad for community celebration Bi-weekly Focus on Fayetteville section Articles about AAC win, continuing explanation, citizen testimonials, and logo placement Feature issue – AAC designation explanation and update	Local community	Management Services Manager Graphic Designer Information Specialist Communications Officer	Attendance at community celebration	NA (Community celebration budget) NA \$6,000
Making Rounds	Employees and families of Cape Fear Valley Health System Citizens who are patients of physicians who have admitting privileges at Cape Fear Citizens who are patients of Cape Fear clinics	Graphic Designer Information Specialist Communications Officer	Increased traffic to City Facebook and Twitter	NA
Fayetteville Feed	Local younger demographic	Graphic Designer Information Specialist Communications Officer Full page – 3 months	Increased traffic to City Facebook and Twitter	\$2,325

Communication Tool	Target Audience	Team Member Responsible	Evaluative Tool	Budget
Fayetteville Press	Local community	Graphic Designer Information Specialist Communications Officer Human Relations Half page	Increased engagement from community	\$900
Accento Latino	Spanish speaking community	Graphic Designer Information Specialist Communications Officer Human Relations	Increased engagement from community	\$800
CityView	Local community	Graphic Designer Information Specialist Communications Officer Half page		\$1,790
Elite Magazine	Local military	Graphic Designer Information Specialist Communications Officer Quarter page		\$1,100
Discover Fayetteville	State-wide	Graphic Designer Information Specialist Full page		\$1,662
Relocation Guide	Newcomers	Graphic Designer Half page		\$1,220
Destination Guide	Tourists	Graphic Designer Information Specialist Communications Officer Full page		\$1,525

DIGITAL				
Up-dates to City web page	Newcomers, Potential visitors, Military	Information Specialist Graphic Designer Web master	Traffic to site	NA
Facebook Design, launch, update, and establish as news source News Events Employment opportunities Notes Photos Video Citizen testimonials	Local community, people looking to relocate to Fayetteville	Graphic designer Information Specialist Communications Officer	Number of fans Amount of interaction with posts (likes, comments, etc.)	NA

Communication Tool	Target Audience	Team Member Responsible	Evaluative Tool	Budget
Twitter Design, launch, update, and establish as news source	Stakeholders Tech savvy citizens Media	Graphic designer Information Specialist Communications Officer	Number and reach of followers Number of re-tweets	NA
YouTube Channel Delegation presentation Delegation returning to airport FayetteNOW Citizen testimonials	General public, Military, Newcomers, Potential visitors	Information Specialist Graphic Designer Communications Officer	Number of views Comments	NA
Issuu.com Design and post an issue on each section of the AAC win	Young professionals	Information Specialist Graphic Designer Communications Officer	Views and downloads	NA
FayetteNOW video Post link online	Audiences of: Fayetteville Observer, WTVD, NBC17, WRAL 5, all Beasley and Cumulus stations	Information Specialist	Anecdotal feedback	NA
Fayetteville Focus E-News Articles about AAC win and continuing explanation and initiatives	Citizens	Information Specialist Graphic Designer	Number of subscribers	NA
Video interviews of citizens At events and around town (AAC Community Celebration, International Folk Festival, etc.)	Local community People looking to relocate	Information Specialist Graphic Designer	Experience of interviewees Comments on posts	NA
Digital Live Thrive Prosper Guide	Media Citizens	Information Specialist Graphic Designer Communications Officer	Views and downloads	NA
Digital Live Thrive Prosper Guide for College Students	College students FSU, Methodist, FTCC	Information Specialist Graphic Designer Communications Officer	Views and downloads	NA
Digital Live Thrive Prosper Guide for High School students	Public, private, and home schooled high school aged students	Information Specialist Graphic Designer Communications Officer	Views and downloads	NA
Digital Live Thrive Prosper Coloring Book for Elementary School students	Public, private, and home schooled elementary school aged students	Information Specialist Graphic Designer Communications Officer	Views and downloads	NA
Professional photographer at International Folk Festival Capture images to use to promote AAC element of diversity in AAC visual promotional materials	Local community People looking to relocate to Fayetteville	Graphic Designer to bid and recommend Communications Officer to hire	Quality, impact, and design integrity of images	\$500

Communication Tool	Target Audience	Team Member Responsible	Evaluative Tool	Budget
Online advertising Banner on Fayetteville Observer home page FB ads				\$1,000 \$2,000
CITY STATIONARY				
Business cards Departmental letterhead and envelopes Email signature lines	Stakeholders	Graphic Designer	Eagerness of staff to utilize	(Charged to individual departments)
PRINTING				
Information cards explaining concept of AAC award	Citizens	Information Specialist Graphic Designer Communications Officer	Increase in general understanding of meaning of award in community (evidenced by comments on social media, online forums, blogs, and posts, on air discussion)	\$600
Spanish Language Information postcards explaining concept of AAC award and ways to get engaged with City	Spanish speaking citizens Attendees at International Folk Festival	Information Specialist Graphic Designer Communications Officer HRD Translator	Increased engagement of Spanish speaking community (attendance at Council meetings, FB and Twitter followers, etc.)	\$300 \$150
Facebook/Twitter cards – leave behinds Available at Information desk in City Hall	Local community	Graphic Designer Communications Officer	Continual increase in number of followers on FB and Twitter	\$500
PROMOTIONAL ITEMS				
T-shirts	Engaged citizens – volunteers at AAC events	Communications Officer	Feedback from volunteers	(Community celebration budget)

Communication Tool	Target Audience	Team Member Responsible	Evaluative Tool	Budget
Note pads	Community	Graphic Designer Communications Officer	Visibility	\$1,000
Church fans	Attendees of the Dogwood and International Folk Festivals	Graphic Designer Communications Officer	Reception Visibility at events	\$1,500
Paper clip dispensers	Business professionals	Graphic Designer Communications Officer	Visibility and usage	\$1,000
Cinch up back packs	students	Communications Officer	Visibility in community Increase in number of followers on FB and Twitter	\$2,000
Sport bottles	Attendees of the Dogwood and International Folk Festivals	Communications Officer	Reception Visibility in community	\$6,000

SIGNAGE				
Signage at <i>Reading Rocks!</i> walk-a-thon and on event T-shirts	Schools, families	CCS		NA
Road Signs Interstate Gateway Primary roads	Residents and visitors	Communications Officer City sign shop		\$3,450
Window Clings Distributed at community celebration Sent to each recreation center Made available to employees Distributed to downtown businesses Available at Information desk in City Hall	Citizens and local businesses	Graphic Designer Communications Officer		\$ 1,200
Car Decals Applied to all City and PWC cars Made available to employees Distributed at community celebration Available at Information desk in City Hall Distributed by CM	Local community	Graphic Designer Communications Officer		\$1,300

Communication Tool	Target Audience	Team Member Responsible	Evaluative Tool	Budget
Send with letter to all Taxi cabs				
ACC-type Pennants – one for each year of AAC designation (1985, 2001, 2011) hung in City Hall lobby	Visitors to City Hall	Communications Officer		\$1,500
Vinyl Banners NCVP Trolley Festival Park stage Amtrak station Greyhound station Public hallway in City Hall Airport Cross Creek Mall	Travelers to and from community Patrons of events at Festival Park	Graphic Designer Information Specialist Communications Officer		(Community celebration budget) \$2,000
Signage for Events		Graphic Designer Information Specialist Communications Officer	Number of people who stop and seek information	\$1,000
OUTDOOR				
Billboards	Local community I-95 travelers	Graphic Designer Communications Officer		\$12,000
Mobile Ads	Local community, families at ball parks, festival attendees	Graphic Designer Communications Officer		\$2,250
RADIO				
Beasley “Thank you citizens” spot “Get Engaged” spot “Live Thrive Prosper” spot “Follow the City on FB and Twitter” spot	citizens	Communications Officer		\$4,000
WIDU Interviews with AAC updates “Thank you citizens” spot “Get Engaged” spot “Live Thrive Prosper” spot “Follow the City on FB and Twitter” spot	Local community			NA \$2,000

Communication Tool	Target Audience	Team Member Responsible	Evaluative Tool	Budget
WFSS Interviews with AAC updates “Thank you citizens” spot “Get Engaged” spot “Live Thrive Prosper” spot “Follow the City on FB and Twitter” spot	Local community			NA \$2,000
Personal requests to individual on air DJs to refer to Fayetteville as the “All America City”	Audiences of Cumulus, Beasley, Christian, and WFSS radio stations	Graphic designer Information Specialist Communications Officer		NA
TV				
Time Warner Cable Slides	Local community Newcomers	Graphic Designer		NA
Interviews with local media	Audience of News 14, WTVD, and NBC17	Communications Officer		NA
Kaleidoscope	Kaleidoscope audience Visitors to City Hall lobby	Moonlight Communications Assistant City Manager		NA
UNC TV Feature on NCVF mentioning AAC designation	State - wide	Communications Officer City Manager		NA
OUTREACH				
Talking Points	Citizens Business Community	Information Specialist Communications Officer	Audience response	NA
Presentation of All-America City Delegation’s performance and FayetteNOW videos	Community leaders (Mortgage Brokers Assoc., FYP)	Information Specialist Management Services Manager City manager	Anecdotal response and feedback	NA
Involvement in Local Festivals Signage Promotional Items for distribution Delegation representing USA in Parade of Nations	4 th Friday attendees Dogwood Festival patrons International Folk Festival parade audience	Environmental Services PR Graphic Designer Communications Officer AAC Delegation	Reception Response	 \$1,000 \$2,500

Communication Tool	Target Audience	Team Member Responsible	Evaluative Tool	Budget
MICELLANEOUS				
City Song Record version by 82 nd airborne chorus	Council meeting attendees Citizens put on hold calling City	Communications Officer	Anecdotal feedback	
Interview with City View Art Director (states that the AAC award influenced his decision to take the position at CityView)	Professionals considering relocation	Information Specialist		NA
Senate Resolution 791	State-wide	Information Specialist		NA

TOTAL ALLOCATIONS	\$70,072
To Be Determined	\$12,928
Total Budget	\$83,000

PARTNERSHIP CONTRIBUTIONS

CCS

AAC Logo on *Reading Rocks!* event signage and T-shirts

Chamber of Commerce (submitted by Chamber President and CEO D. Peters)

Accents Magazine

2011/2012 Membership Directory

2011/2012 Manufacture's Directory

2011/2012 Wage and Benefits Survey

Expansion Management Magazine

Expansion Solutions magazine

Site Selection Magazine

Friends of North Carolina (NC Department of Commerce)

Other periodicals as market dictates

Convention and Visitors Bureau (submitted by CVB CEO J. P. Meroski)

CVB and its sister web sites AA and FWY

PR built around other events such as heroes' crusade and Heroes Homecoming

Already done pre PR and will continue as pitching community

Additional to trails promotion

Gave 8k for image survey

Spent several million on the image piece of AAC effort

Heroes Homecoming external advertising

Ads created that would be a good fit

Part of media kits where appropriate

Social components as needed

Produced and incorporated into 30 second external commercial

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Michael Gibson, Parks, Recreation and Maintenance Director
DATE: September 6, 2011
RE: **Amendment to Ordinance Chapter 5 Alcohol Beverages and Chapter 18 Parks and Recreation**

THE QUESTION:

Allow the consumption of alcoholic beverages in all City-owned parks and facilities located within the Core Downtown Area as defined in Section 24-132 of the Code of Ordinance of the City of Fayetteville, NC

RELATIONSHIP TO STRATEGIC PLAN:

Goal 6 - Revitalized Downtown - A Community Focal Point

BACKGROUND:

- When citizens and/or vendors request the desire to serve and/or sell alcoholic beverages in the downtown City parks, they must obtain approval from the Mayor and City Council prior to meeting with the Special Events Committee.
- Repeated requests for exceptions to the policy.

ISSUES:

- Timeliness in receiving response from Council.
- Timeliness in meeting with Special Events Committee due to their monthly scheduled meeting date.
- Delayed response to citizen to meet the date of their event.
- The proposed amendment would grant the City Manager the authority to authorize the use of alcohol in City parks and facilities in the downtown core through the standard event permit process.

BUDGET IMPACT:

NA

OPTIONS:

NA

RECOMMENDED ACTION:

The Parks and Recreation Department recommends to Council to approve the amendment to the ordinance.

ATTACHMENTS:

Ord. Amending Chapter 5, Alc. Beverages
Sec 24-132
Downtown Core Map

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 5, ALCOHOLIC BEVERAGES, AND CHAPTER 18, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1: Section 5-5 is amended by deleting the portions struck through and inserting the underlined portion:

- (a) It shall be unlawful to consume alcoholic beverages on public streets in the city by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by the city.
- (b) It shall be unlawful to possess an open container of alcoholic beverages on public streets in the city by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by the city.
- (c) It shall be unlawful to possess alcoholic beverages on public streets, alleys, or parking lots within the city which are temporarily closed to regular traffic for special events as permitted in section 24-133 and article VIII of chapter 24 of this Code.
- (d) The provisions of this section shall not apply to the following locations and/or events, upon obtaining a valid ABC permit:
 - (1) Restaurants, private lounges, or receptions in areas designated by the Fayetteville Regional Airport Commission at the Fayetteville Regional Airport (Grannis Field);
 - (2) Receptions, fundraising events, or other events and activities designated by the city manager or designee at ~~the Arts Center on Hay Street, the Robert C. Williams Business Center~~, the Horne House, ~~the Municipal Market Complex, and the Festival Park and all City-owned parks and facilities located within the Core Downtown Area, as defined by Section 24-132 of this Code~~; and
 - (3) Receptions, fund-raising events, or other activities conducted by a unit of government or a nonprofit corporation ~~on at the Olde Fayetteville Commons~~ all City-owned parks and facilities located within the Core Downtown Area, as defined by Section 24-132 of this Code, upon approval of a special events permit pursuant to section 24-133

(4) Permittees under section 24-134 of this Code.

(e) For purposes of this section, an open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container.

Section 2: Section 18-13 is amended by inserting the underlined portion:

(a) It shall be unlawful for any person to possess, consume or display publicly any beer, wine, or alcoholic beverage in any city park, except as provided in Section 5-5 of this Code.

(b) It shall be unlawful for any person to be under the influence of an impairing substance as defined by G.S. 20-4.01(14a) within any city park.

Section 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this _____ day of _____, 2011.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

JENNIFER PENFIELD, Deputy City Clerk

Sec. 24-132. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial exhibition means the exhibition of a product that would encourage or result in sales at another location.

Core Downtown Area means property located in the Municipal Service District as approved by the city council pursuant to G.S. 160A-537.

Delivery service means any person, firm, or corporation that is in the business of delivering the goods of another for hire by bicycles, roller skates, roller blades, and other nonmotorized or self-propelled coasters, scooters, skateboards, and similar devices.

Historic resources commission means a commission whose duty it is to review and make recommendations relative to applicants for outdoor use in the Downtown Historic District.

Merchandise includes, but is not limited to, plants, flowers, wearing apparel, jewelry, ornaments, art work, household or office supplies, food or beverages of any kind, whether or not for immediate consumption, or other goods or wares.

Outdoor dining area means an area in front of or adjacent to a restaurant and located on a public sidewalk or square whereon tables, chairs or benches are placed for dining purposes.

Public assembly means:

- (1) A special event which is reasonably anticipated to obstruct the normal flow of traffic upon any public street and that is collected together in one place; or
- (2) A special event at Festival Park or any other city-controlled park.

Public service exhibition means the exhibition of a service or product that contributes a public service to the community.

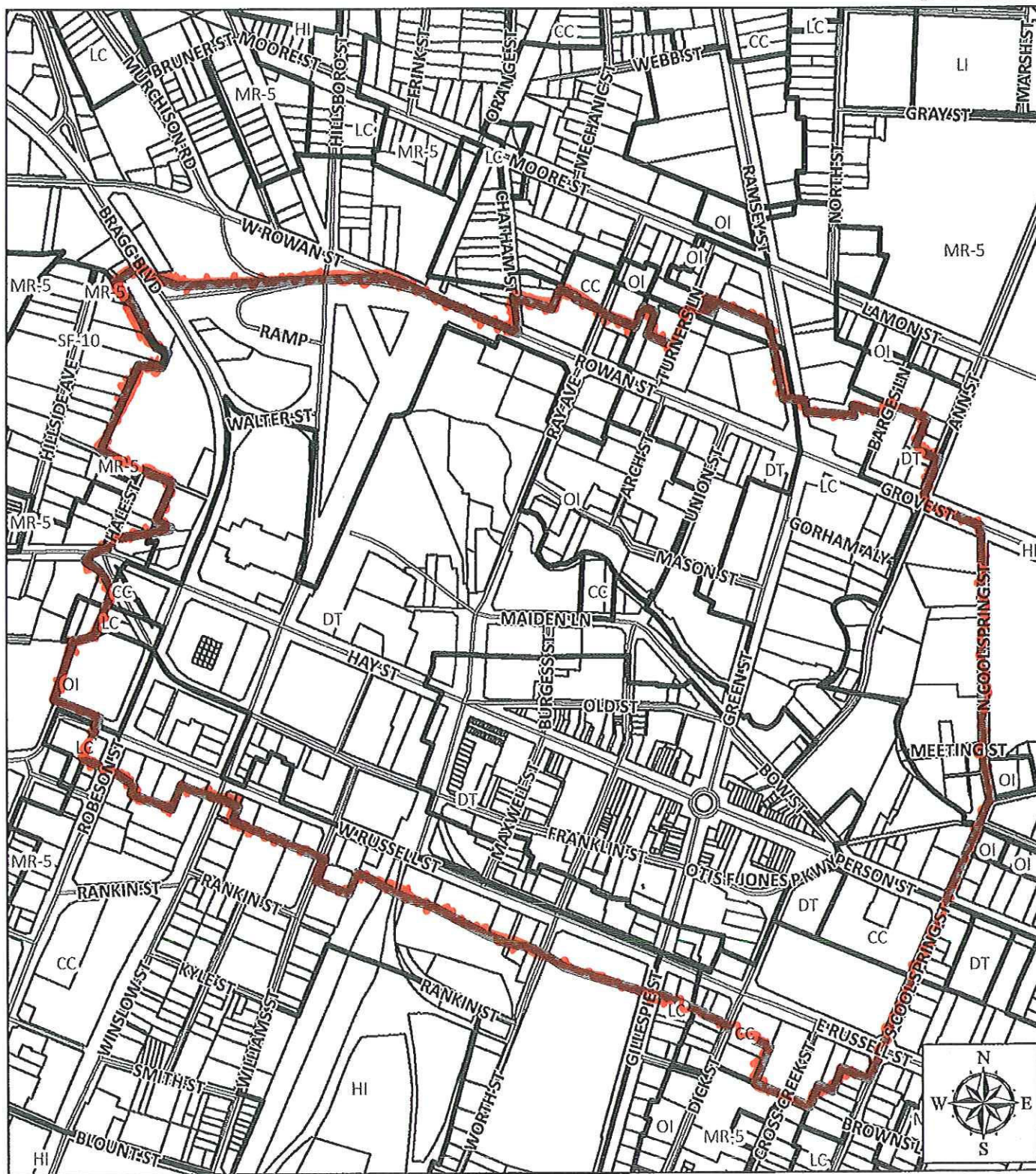
Pushcart means any wheeled vehicle which may be moved by one person without the assistance of a motor and which is used for displaying, keeping or storing any food, beverages or other articles for sale by a vendor or peddler.

Sidewalk means all that area legally open to public use as a pedestrian public way between the curb line and the public right-of-way boundary along the abutting property.

Sidewalk entertainment means performances which may include, but not be limited to, music, dance, mimes, magicians, clowns, jugglers, and theatrical presentations, but specifically excluding speeches, lectures and sermons.

Special event means a concert, fair, festival, promotion, community event, block party, or similar event.

(Ord. No. S2005-001, § 1, 10-24-2005, Ord. No. S2007-007, § 1, 1-22-2007; Ord. No. S2008-013, § 2, 8-11-2008)



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: September 6, 2011
RE: **Code enforcement and assistance program for tornado-damaged properties.**

THE QUESTION:

Does the City Council agree with the enforcement and assistance program that will be presented by staff?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City – Clean and Beautiful

Goal 3: Growing City, Livable Neighborhoods-A Great Place To Live

BACKGROUND:

Staff has initiated courtesy enforcement of properties affected by the April tornado where cleanup issues still remain. These issues include vegetative and construction debris remaining on the property or at curbside, as well as structural damage that has not been addressed.

Of 86 property owners contacted, 25 are now in compliance or actively pursuing compliance. Of the 61 remaining properties, compliance issues are roughly evenly divided between vegetative debris, construction debris and structural issues.

Staff has learned of possible avenues of assistance for some property owners through an organization called Cumberland Disaster Recovery Coalition (CDRC).

More information about the extent of the problem and CDRC is provided on the attached PowerPoint presentation.

ISSUES:

Timing of enforcement action - Has sufficient time been provided to property owners to complete cleanup and help their neighborhoods "return to normal?" Staff intends to work with cooperative property owners who face difficulties such as delayed insurance payments or busy contractors. Properties owned by deployed military will also receive delayed enforcement, as appropriate.

Priority of enforcement - Staff will present a plan for enforcement by level of priority. We would like to receive direction about this prioritization.

Approach - Staff will present a program of enforcement and assistance. We would like to receive direction about this approach.

BUDGET IMPACT:

None noted under staff-recommended approach. Other options may require funding.

OPTIONS:

Direct staff to pursue enforcement and assistance under the proposed approach (recommended). Provide other direction to staff with regard to tornado-related damage enforcement and assistance.

RECOMMENDED ACTION:

Provide direction to staff with regard to tornado-related damage enforcement and assistance.

ATTACHMENTS:

Tornado-Related Enforcement PowerPoint Presentation

Tornado-Related Violations

Examples

Status

Priority Order of Enforcement

Opportunities for Assistance

Recommended Approach

EXAMPLES OF REMAINING PROBLEMS

Housing and Solid Waste Debris



Vegetative Debris



Vegetative Debris



Housing and Vegetative Debris



Housing and Vegetative Debris



Status of Courtesy Enforcement

- 86 property owners received courtesy enforcement letters (an initial 67 indentified through proactive enforcement, with an additional 19 reported by neighbors)
- 25 have abated their violations or are actively pursuing abatement
- 61 remain in violation

Violation Types

- 17 - Vegetative Debris Only
- 2 - Vegetative Debris and Housing
- 16 - Housing Only
- 17 - Solid Waste Only
- 9 - Housing and Solid Waste

Property Owner Information

- 3 property owners responded to the courtesy letter and indicated that they are still waiting for insurance money
- 4 property owners have been reported deceased and their property is subject to heirs or foreclosure
- 1 property owner reported a military deployment
- 2 properties have demolition permits that have not been acted on
- 3 properties have history of two or more pre-storm housing or property maintenance violations

Priority Order of Enforcement

1. Properties where housing defects and debris are questionable as to whether they were caused by the storm (likely pre- or post- tornado violations)
2. Properties with a history of code violations
3. Properties under foreclosure or deceased owner (will require title searched which will take time)
4. Properties with non-abated storm damage and debris
5. Properties with deployed military owners

Opportunities for Assistance

- Community Development Demolition Grants
- U.S. Military (for military owners only)
- Cumberland Disaster Recovery Coalition (CDRC)

Recommended Approach

- Facilitate Information-Sharing about Opportunities for Assistance
- Assist CDRC with Tipping Fee Waivers from the County
- Pursue Enforcement in Recommended Order of Priority, Taking Individual Circumstances into Account (e.g., slow insurance settlements)

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Applicable City Council Member(s)
DATE: September 6, 2011
RE: **City Council Request(s): (In order of receipt date)**
(a) Mayor Chavonne - Community Cleanup & Plan to Go Forward

THE QUESTION:

As stated on attached City Council Agenda Item Request Form(s)

RELATIONSHIP TO STRATEGIC PLAN:

As stated on attached City Council Agenda Item Request Form(s)

BACKGROUND:

N/A

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

As stated on attached City Council Agenda Item Request Form(s)

ATTACHMENTS:

Mayor Chavonne's Agenda Item Request



City Council Agenda Item Request

Date of Request: August 21, 2011

Name of Requester: Mayor Tony Chavonne

Agenda Item Title: Community Cleanup & Plan to Go Forward

What do you want to accomplish with this item?

Take aggressive steps to clean up the excessive cases of yard debris and trash piles on the streets of Fayetteville. Review the factors that are contributing to the increased level of this visual blight issue and prepare recommendations for Council to consider to address the issue.

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

Goal 4: More Attractive City - Clean and Beautiful

Comments:

Include a review of any service level reductions Council might have made during recent budget deliberations that could have negatively impacted the cleanliness of our city.