

**FAYETTEVILLE CITY COUNCIL
WORK SESSION AGENDA
TUESDAY, SEPTEMBER 7, 2010
5:00 P.M.**

VISION STATEMENT

**The City of Fayetteville
is a GREAT PLACE TO LIVE with
a choice of DESIRABLE NEIGHBORHOODS,
LEISURE OPPORTUNITIES FOR ALL,
and BEAUTY BY DESIGN.**

**Our City has a VIBRANT DOWNTOWN,
the CAPE FEAR RIVER to ENJOY, and
a STRONG LOCAL ECONOMY.**

**Our City is a PARTNERSHIP of CITIZENS
with a DIVERSE CULTURE and RICH HERITAGE,
creating a SUSTAINABLE COMMUNITY.**



FAYETTEVILLE CITY COUNCIL
WORK SESSION AGENDA
TUESDAY, SEPTEMBER 7, 2010
5:00 P.M.
LAFAYETTE CONFERENCE ROOM

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 APPROVAL OF AGENDA

4.0 OTHER ITEMS OF BUSINESS

4.1 Hospital Area Preliminary Plan Presentation

Presenter: Glenn Harbeck, Glenn Harbeck & Associates

4.2 Downtown Development Update

Presenter: Jami McLaughlin, Downtown Development Manager

4.3 Sustainability Master Plan Annual Report

Presenter: Jerry Dietzen, Environmental Services Director

4.4 Community Wellness Plan Update

Presenter: Tom Bergamine, Police Chief

4.5 Local Business Support

Presenter: Karen McDonald, City Attorney

4.6 Discussion of proposed amendments to Policy #125.1 "Drainage Revolving Loan Fund"

Presenter: Dale Iman, City Manager

4.7 Council Member Request(s): (In order of receipt date)

(a) Council Member Applegate - Youth Protection Ordinance

5.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing twenty (20) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

Notice Under the Americans with Disabilities Act (ADA): The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Ron McElrath, ADA Coordinator, at rmcelrath@ci.fay.nc.us, (910) 433-1696, or the office of Rita Perry, City Clerk at cityclerk@ci.fay.nc.us, (910) 433-1989, as soon as possible but no later than 72 hours before the scheduled event.

CITY COUNCIL ACTION MEMO

TO: Mayor and members of City Council
FROM: Rob Anderson, Chief Development Officer
DATE: September 7, 2010
RE: **Hospital Area Preliminary Plan Presentation**

THE QUESTION:

What issues or adjustments, if any, should be considered relative to the preliminary plan and development standards?

RELATIONSHIP TO STRATEGIC PLAN:

Tax Base Diversity - a strong local economy and Livable Neighborhoods - a great place to live

BACKGROUND:

Over the past three years the City Council has faced an increasing number of rezoning requests along Village and Owen Drives, to change from residential to office use or other non-residential districts. During the Spring of 2010, the City Council directed staff to seek proposals to prepare a plan and associated development standards for the area around the Cape Fear Valley Hospital. From eight proposals, the firm of Glenn Harbeck and Associates, Wilmington, NC, was selected.

The work to date has included several meetings or conversations with members of the hospital/medical community and three public meetings which were publicized through mailings to property owners, newspaper articles, and a press release on the City's website. Attendance ranged from 80 to 200 people at these three meetings.

ISSUES:

The initial community meeting generated over 100 participants, whose comments were summarized by eleven "Planning Principles" guiding the subsequent work. With further analysis and input during a day-long work session in the community, the consultants developed preliminary recommendations for discussion at the third community meeting on August 3.

The project-specific planning principles and the preliminary recommendations are available on the City's website: <http://www.ci.fayetteville.nc.us>, select Departments, select Planning, select Hospital Area Plan.

Among the greatest challenges were:

- how much to allow to convert to non-residential use;
- what standards to apply to help ensure that such change in use adds value to the area;
- how to make such changes comfortable against the homes on the edge of the neighborhoods so that those homes remain stable and hold value.

At the September 7 work session the consultant will review the preliminary recommendations, updated to incorporate the subsequent community and staff comment and further consultant work. The consultant will highlight suggested land use patterns and development standards to guide future zoning changes and redevelopment. The final plan and recommended standards/zoning is expected to be available in approximately 4-6 weeks.

OPTIONS:

Provide feedback to help inform, modify or confirm direction of the final recommendations.

Cape Fear Valley Hospital
& Surrounding Area



Owen/Village Drive
Hospital Area Plan
Preliminary Planning Response
August 3, 2010

Presenters:

Glenn R. Harbeck, AICP
Urban Planner

Karen Weston-Chien, ASLA
Landscape Architect

Jason Hamilton, PE
Transportation Engineer



Hospital Area Plan Presentation Outline

1. Why This Plan?
 2. Key Meetings/Citizen Input
 3. Planning Principles
 4. Analysis and Recommendations
 5. Discussion
 6. What's next?
-

Why this plan?

- Deal directly with dynamic change in the area.
 - Address residential/non-residential land use conflicts
 - Promote quality development.
 - Identify traffic issues and potential solutions.
-

Key Public Meetings

July 8 Community Input Meeting
MacArthur Elem School

July 20 Open House/Drop In
Bordeaux Branch Library

Aug 3 Prelim Planning Response
MacArthur Elem School

and ultimately.....

Early Fall Present Plan to City Council
City Hall



First Community Input Meeting

July 8, 2010



- 100+ citizens attended
- 500+ concerns and ideas listed
- 11 priorities emerged

Open House and Discussion

July 20, 2010

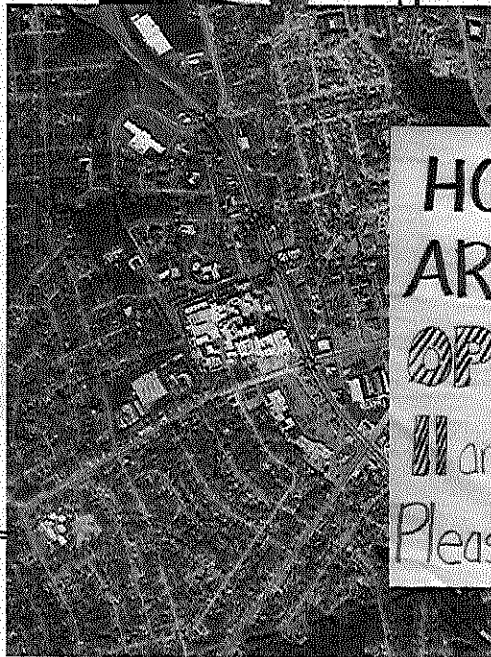


- 80+ citizens stopped by

- 11 plan principles reviewed

- detailed property & traffic issues discussed

4-1-1-6



HOSPITAL
AREA PLAN
OPEN HOUSE
11 am to 3 pm
Please come in!

Hospital Area Plan



Preliminary Planning Response

August 3, 2010

- Present draft recommendations.
- Allow for comments and more input.

4-1-1-7

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Eleven Planning “Principles”

Eleven priorities emerged from citizen comments received at a special community meeting held July 8, 2010. These priorities were distilled into Eleven Planning Principles as follows:

Principle 1. No takings or forced sale of property.



4-1-1-10

- The hospital does not have the power of eminent domain.
- The City has the power but uses it for public purposes only (e.g. roads, sewer easements, etc.)
- Therefore: Any purchase of property for redevelopment must be between a willing seller and a willing buyer at whatever the free market will bear.

Principle 2. Deal with traffic issues.



Biggest issues are:

- cut through traffic
- inadequate intersections
- speeding
- Illegal turns

Principle 3. Resolve land use and zoning conflicts



- Zoning should be planned, not piecemeal.
- Rezoning should be for *transitional* uses, to buffer nearby residential areas.
- Lot sizes must be large enough, and building footprints small enough, to accept parking, buffer, landscaping, etc.
- multi-family and strip commercial development should be limited.

Principle 4. Improve pedestrian safety.



- Identify heavy foot traffic areas.
- Focus on safety of school children.
- Install sidewalks and crosswalks where needed.

Principle 5. Clean up crime & neglected properties.



- Businesses to clean up their properties.
- Landlords to take better care of rental houses.
- Residents to re-start *Neighborhood Watch* groups
- Medical offices to start *Business Watch* group
- Greater police presence— by call or routine patrol.

Principle 6. Consider impacts of hospital's plans.



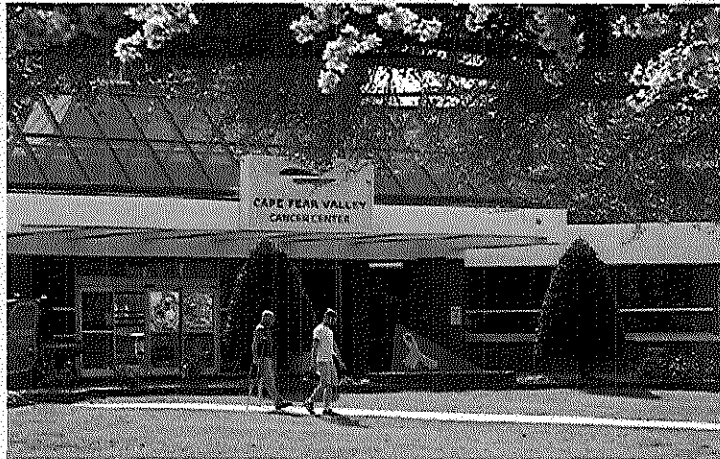
- Traffic and parking impacts.
- Visual impacts.
- Noise impacts.
- Respect the livability of surrounding neighborhoods.

Principle 7. Protect property values.



- Commit to a predictable land use pattern.
- No more piecemeal zoning.
- Create environment for reinvestment in homes.
- Help stabilize property values, with no affect on property taxes, unless windfall in value due to rezoning.

Principle 8. Promote quality development and image.



- Building designs to reflect medical area image.
- 2-3 story buildings best, depending on distance from residential.
- Better landscaping, signage, streetscapes.
- Hospital, residents, and businesses to all benefit.

Principle 9. Communicate during and after the plan.



- Identify public concerns first.
- Engage residents in plan preparation.
- Present draft plan to public and discuss.
- Present plan to City Council in public hearing.

- *After plan adoption:* Improve opportunities for public input concerning developments.

Principle 10. Use buildings and required buffers to reduce noise.



- Reduce roadway noise from cars and trucks.
- Reduce siren noise from emergency vehicles.
- Reduce noise of trash trucks emptying dumpsters.
- Reduce noise from emergency helicopter transport.

Principle 11. Preserve area neighborhoods.



- Well located, well served neighborhoods are to be valued.
- Residents feel threatened by “creeping” non-residential.
- Create a predictable land use pattern.
- Stick to the plan.

Eleven Principles Summarized...

1. No property takings.
2. Deal with traffic.
3. Resolve land use conflicts.
4. Improve pedestrian safety.
5. Reduce crime/clean up.
6. Consider hospital's plans.
7. Protect property values.
8. Promote quality development.
9. Communicate during & after.
10. Block and buffer noise.
11. Preserve neighborhoods.

4-1-1-21

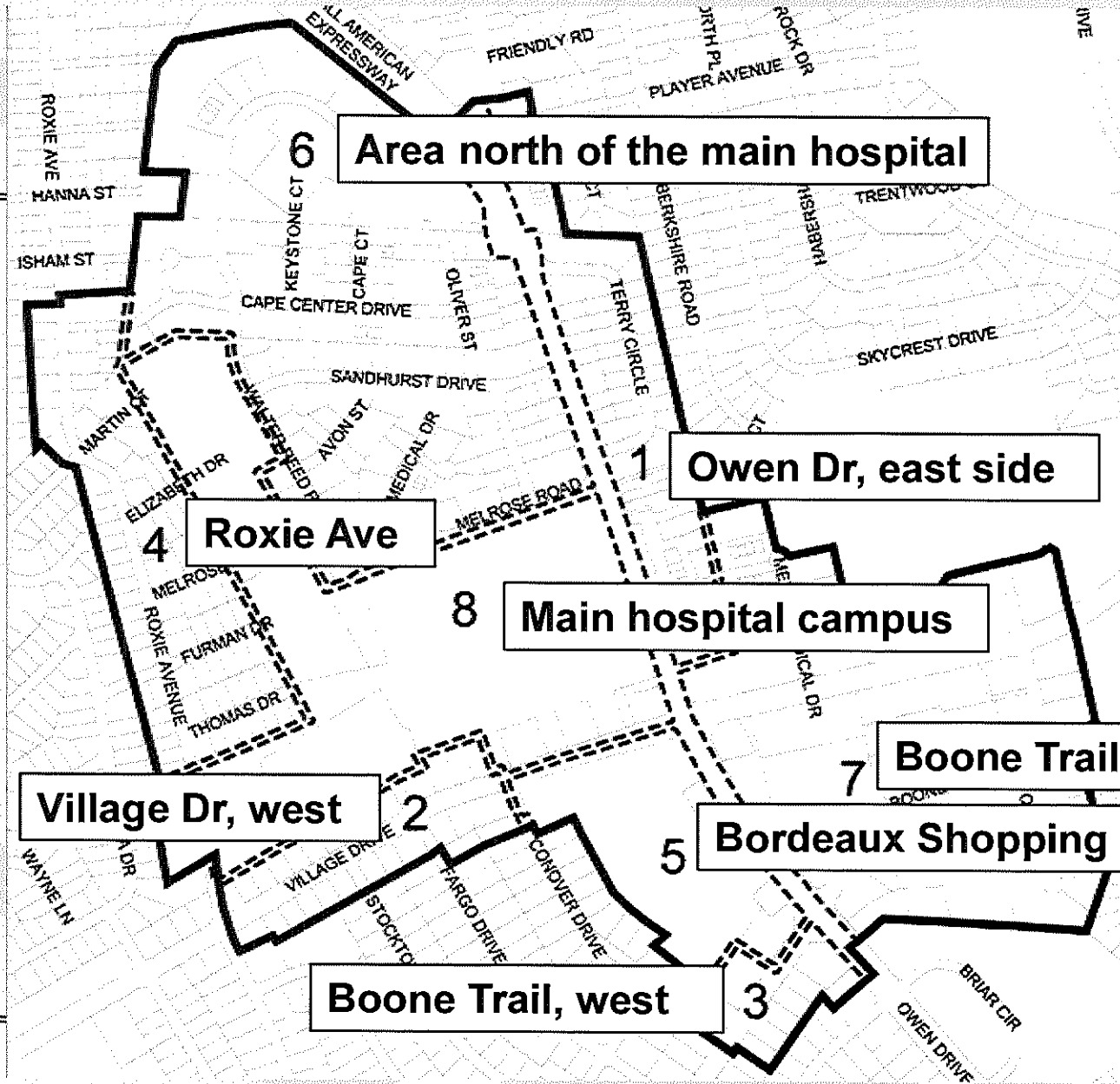
Analysis of Existing Conditions...

(studies that have been completed for this plan)

1. Existing land use inventory.
2. Review of traffic counts.
3. Current zoning.
4. Sidewalk inventory.
5. History of area rezonings.
6. Recent variances issued.
7. Recent site plans reviewed.
8. Property ownership patterns.
9. History of area development.
10. Photographic inventory.
11. State road plans.

4-1-1-23

Sub-Areas of Common Character



Recommendations by Sub-Areas

Each Sub-Area has 2 slides....

1. ANALYSIS slide

2. RECOMMENDATION slide:

- existing land use map
- future land use map
- more specifics

Map Color Codes

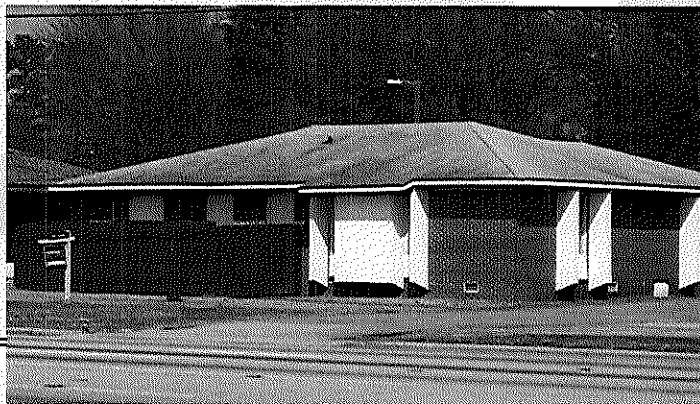
- Single Family Residential
- Multi-Family Residential
- Offices
- Institutional
- Commercial

Area 1. Owen Drive, east side, from Player to Village.

ANALYSIS



- Built as residential in 1950's on quiet road.
- Owen Drive became major thoroughfare.
- Rezoned to commercial and office in 1970's. Conversions of homes not well done.
- Numerous driveway cuts.
- Generally presents a poor image.



4-1-1-27

Area 1. Owen Drive, east side, from Player to Village.

RECOMMENDATIONS

1. Best if all of Terry Circle is zoned the same. Frontage lots on Owen too shallow for quality redevelopment.
2. Terry Circle south right turn in, north right turn out.

Question: Why not zone just 1 extra row for offices?

Answer: Homes shouldn't look across Terry at backs of businesses. Also puts access to offices opposite homes.



Existing

Proposed

Hospital Area Plan



Area 2. Village Drive, from Conover west to Roxie.

ANALYSIS

- Major land use conflict: hospital and Bordeaux neighborhood.
- Emergency entrance (noise) recently moved to Village Drive.
- Section has been converting to professional offices--piecemeal.
- Traffic heavy, reducing quality of life for those living on Village Dr.
- “Hotbed” of rezoning activity.

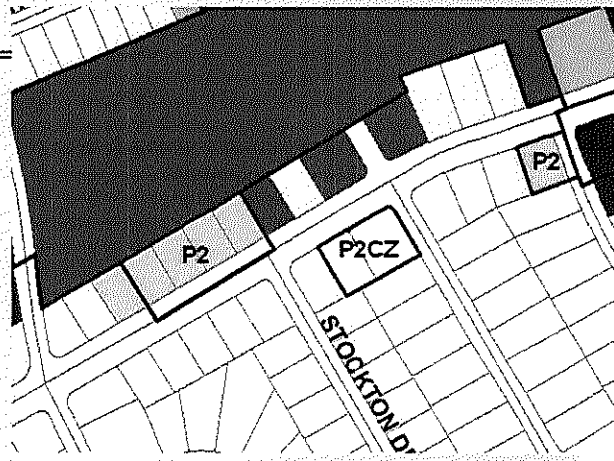


Area 2. Village Drive, from Conover west to Roxie.

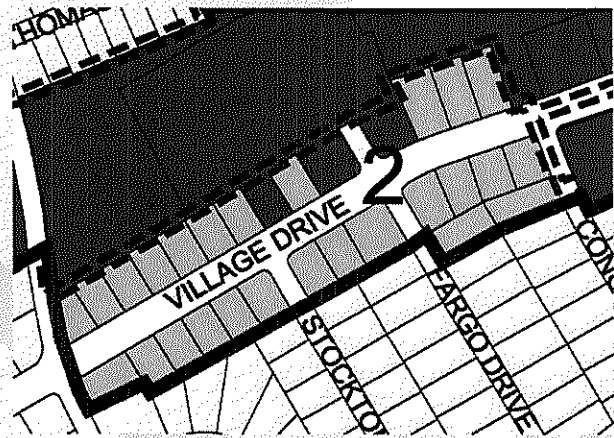
RECOMMENDATIONS

1. Most homes should not look across the street at businesses.
2. Seek to combine adjoining lots--allows for parking & landscaping.
3. Use 2-story buildings & planted buffers to help block hospital noise.
4. New buildings to create attractive gateways to enhance area image.
5. Provide relief to owners/occupants of properties fronting on Village Dr.

4-1-1-30



Existing



Proposed

Area 3. Boone Trail, west of Owen, near Bordeaux Shopping Center.

ANALYSIS



- Non-residential uses are clustered near Owen Drive.
- Boone Trail is a state-controlled road, planned for widening.
- Fargo Drive, off Boone Trail, is a major cut through.
- Offices are a good transitional land use next to the shopping center, but recent building is out of scale with nearby residential.



4-1-1-31

Area 3. Boone Trail, west of Owen, near Bordeaux Shopping Center.

RECOMMENDATIONS

4-1-1-32



1. Lots directly across the street from the new office building should also be for offices.
2. New buildings should be residentially scaled but 2 stories, to allow more room for parking.
3. Require better landscaping and buffering than as done for recent new building.
4. This transition (office) area need go no further down Boone Trail.

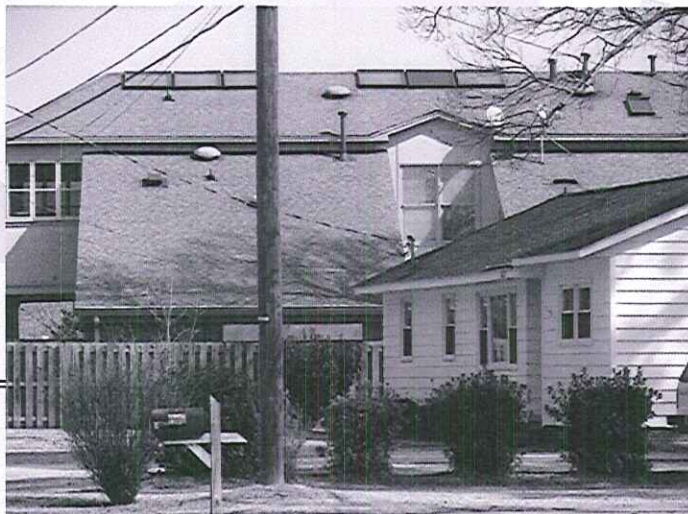


Area 4. Roxie Avenue and side streets, Cape Center to Thomas Drive.

ANALYSIS



- Roxie is designated as a north-south T-fare and truck route.
- Cape Center & Thomas Drive provide back doors into hospital. Melrose Drive access not open.
- Some new medical buildings were built without adequate buffers.



Area 4. Roxie Avenue and side streets, Cape Center to Thomas Drive.

RECOMMENDATIONS



Existing

Proposed

1. No change in extent or type of underlying zoning at present time.
2. But—area is well positioned to become part of medical area some day.
3. No future rezonings should occur unless for an entire side street at once.

Area 5. Bordeaux Shopping Center.

ANALYSIS



- First opened in 1963 as “premier” shopping locale in region.
- Changing markets--retail market is down. Health industry is up.
- Bordeaux Center’s future may be as a mixed use medical mall.
- Property is in need of upgrade.

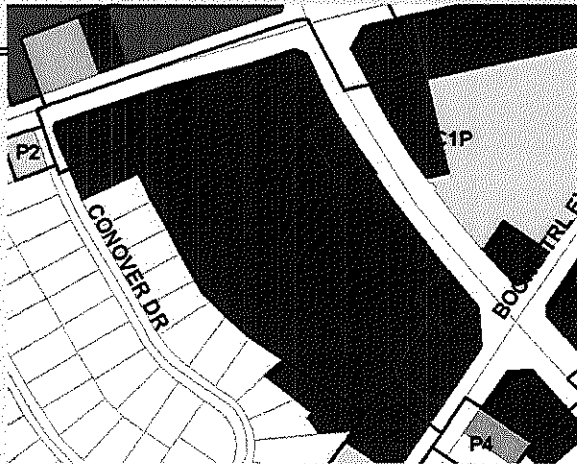


Area 5. Bordeaux Shopping Center.

RECOMMENDATIONS

1. No change in extent or type of underlying zoning.
2. Transition to a mixed use medical mall should be supported.
3. City and owner should do public-private partnership to facilitate transition.
4. Employ RFP to solicit developer bids to upgrade the center.

Existing



Proposed



Area 6. Area north of the main hospital campus.

ANALYSIS



- Mostly medical offices and a significant commercial center.
- Eclectic mix of reused former residences and new buildings.
- Confusing street pattern.
- Haphazard, poorly designed, often insufficient parking.
- Poor signage, landscaping, few street trees.

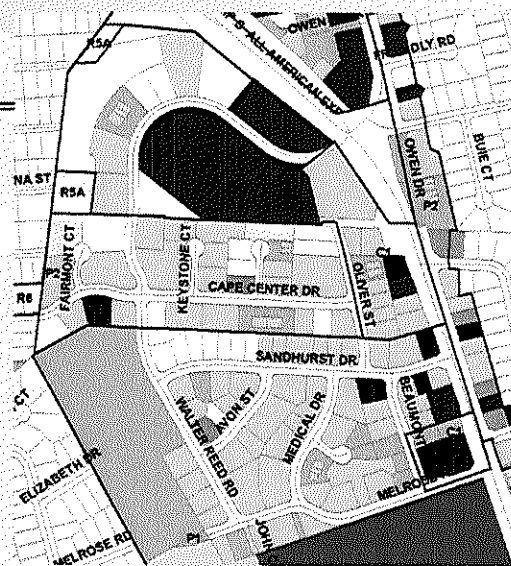


Area 6. Area north of the main hospital campus.

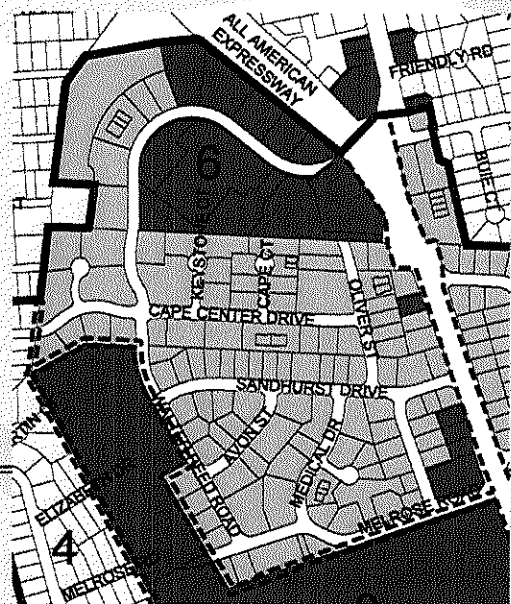
RECOMMENDATIONS

1. No change in extent or type of underlying zoning.
2. Look to replace former residential structures with new 2-3 story buildings.
3. Building heights to vary with distance from residential.
4. Use design standards to improve parking, signage, landscaping, street trees, and sidewalks.

Existing



Proposed



Area 7. Boone Trail Extension/Village Drive area.

ANALYSIS



- Bordeaux Center expansion built in mid 1970's.
- Boone Trail extended as part of the Bordeaux expansion.
- Began as an entertainment, hotel, and dining destination.
- Area could use upgrading.
- Some vacant building sites.

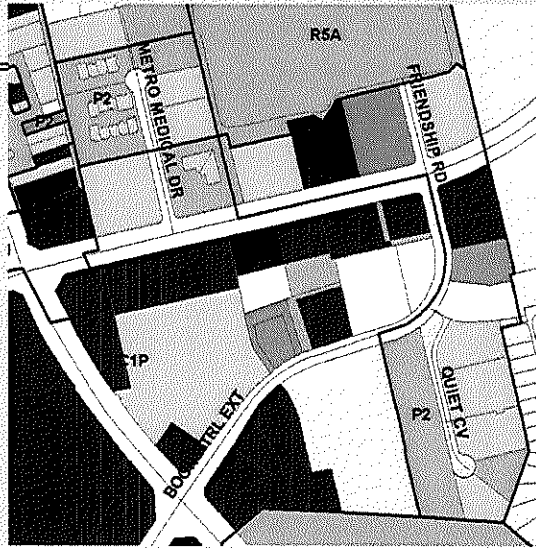


Area 7. Boone Trail Extension/Village Drive area.

RECOMMENDATIONS

1. No change in extent or type of underlying zoning.
2. As redevelopment occurs, use design standards to improve parking, signage, landscaping, street trees, and sidewalks.
3. Encourage voluntary upgrading of existing business properties, focusing on landscaping and trees.

Existing



Proposed



Area 8. Main hospital campus area.

ANALYSIS



- Hospital has grown in increments, making cohesive campus setting more difficult.
- Confusing vehicular circulation.
- Parking is poorly organized; sidewalks lacking, few trees.
- Building destinations are identified but difficult to find.

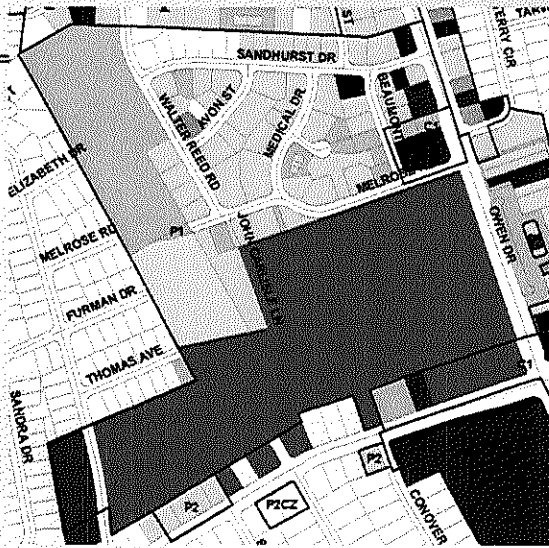


Area 8. Main hospital campus area.

RECOMMENDATIONS

1. All lots on the north side of Village Drive east of Conover to become P1.
2. Updated campus master plan should be prepared to:
 - Improve campus circulation: vehicular and pedestrian.
 - Add parking decks with new buildings.
 - Create campus-wide wayfinding system.

Existing








Proposed



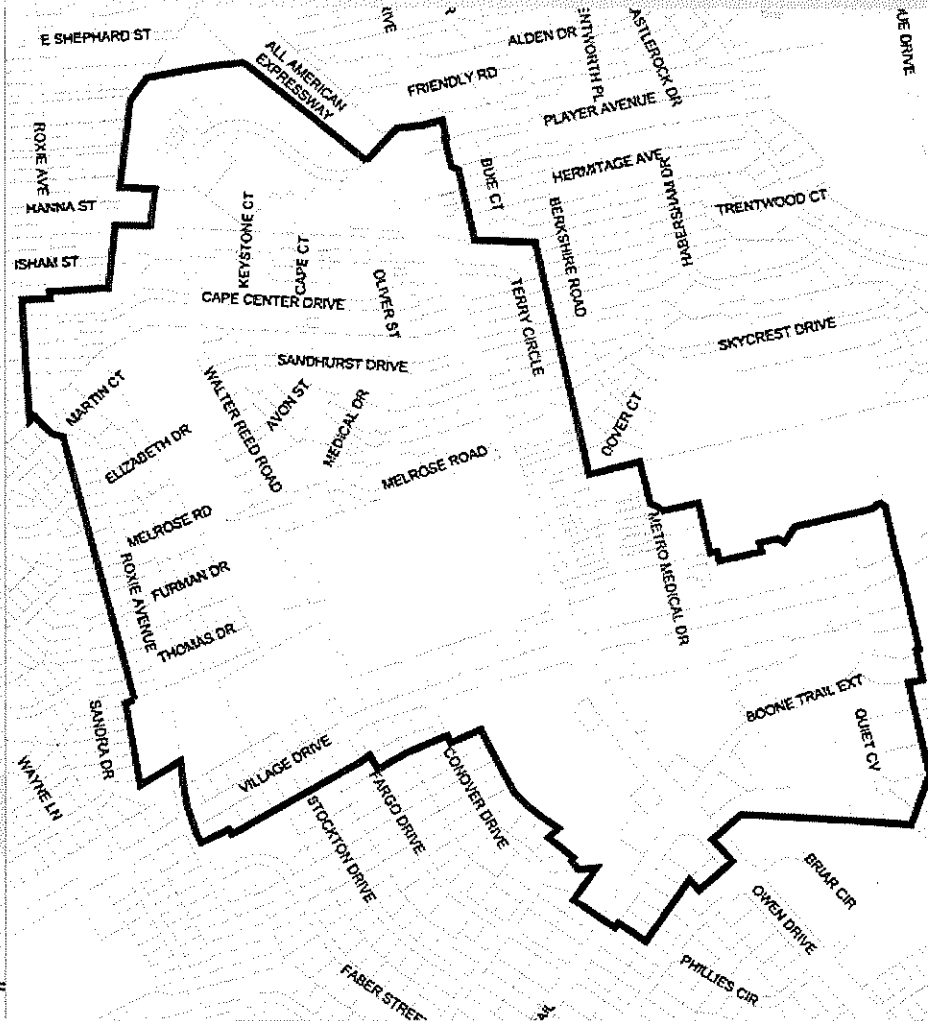


Summary of Future Land Use

-  Single Family
-  Multi-Family
-  Offices
-  Institutional
-  Commercial

Hospital Area Overlay and Design Standards

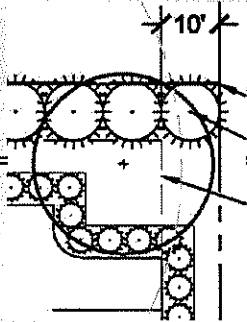
Purpose of Hospital Area Overlay



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1. To ensure a higher quality of office and commercial development.
2. To protect nearby residential properties and preserve property values.
3. To require site plan review for non-residential development proposals.

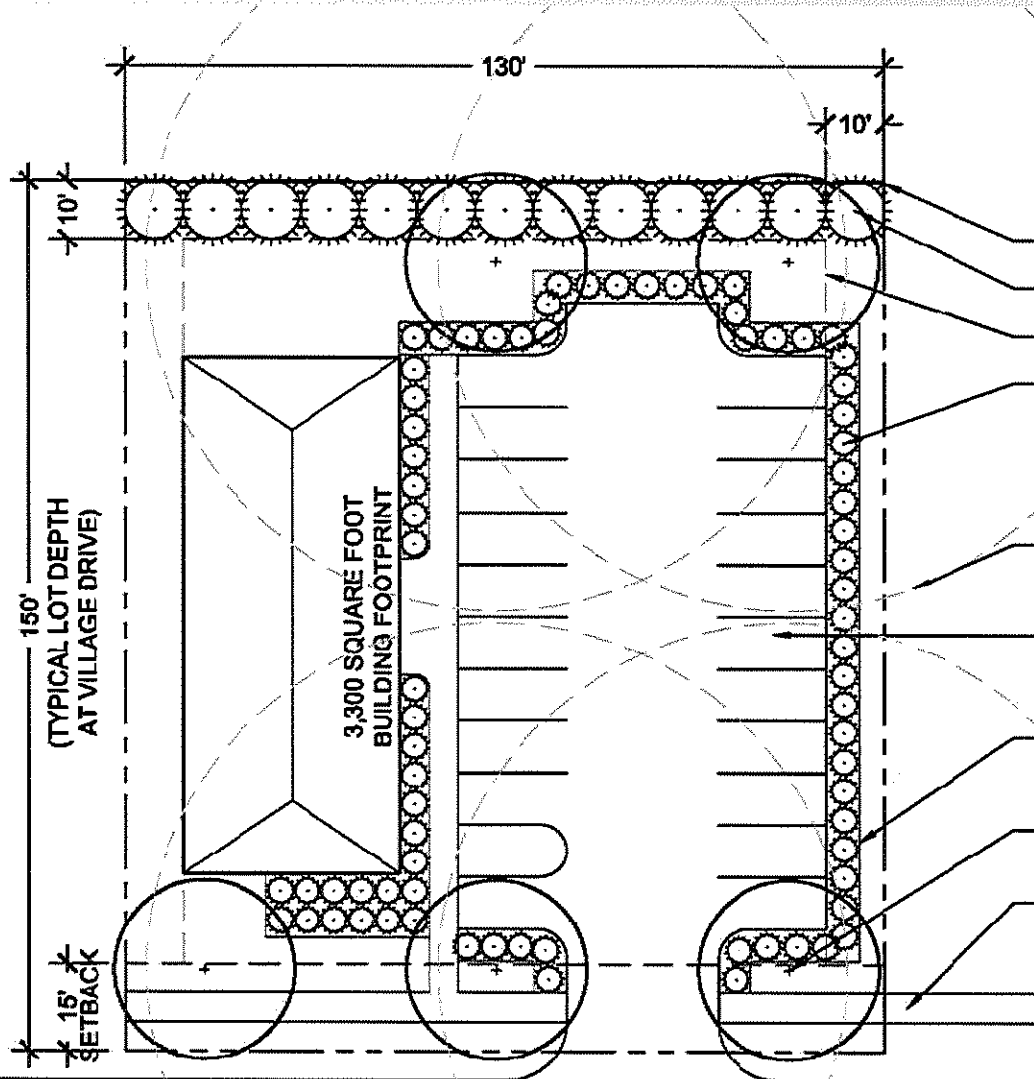
Design Standards



The design standards are intended to :

- protect surrounding neighborhoods from being adversely affected by inappropriate development.
- allow for more compact development, providing room for parking, sidewalks and landscaping.
- create more attractive, pedestrian-friendly development, less dominated by the automobile.

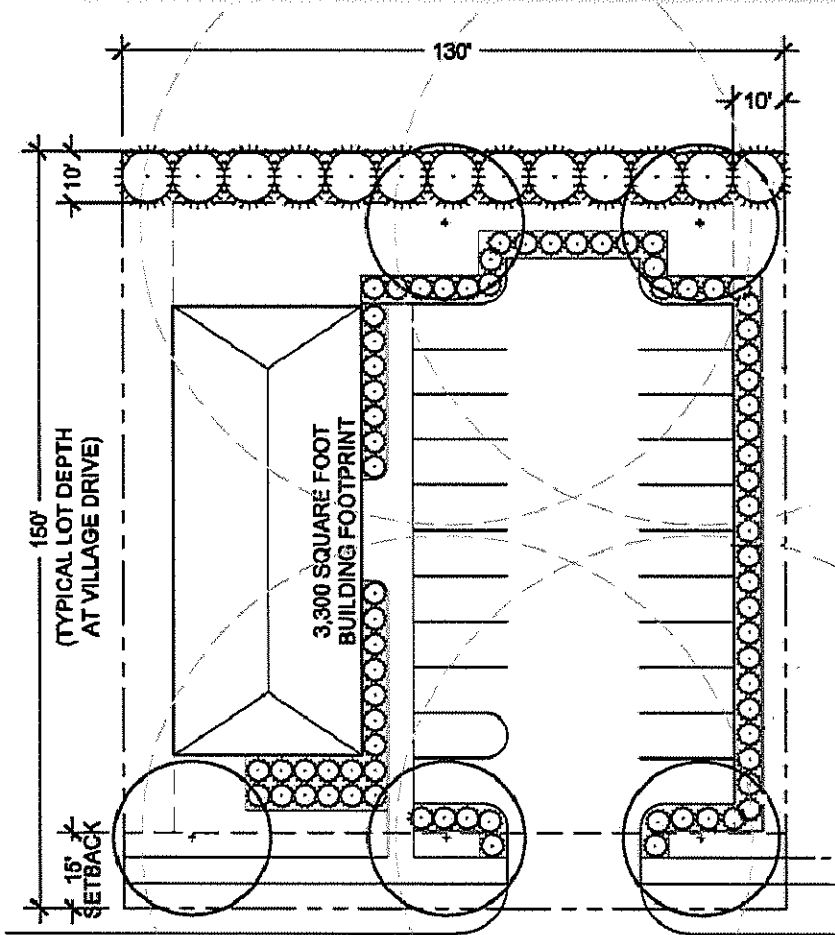
Typical office project



- 6' fence, good side toward residential.
- Evergreen plants, 25' tall w/in 5 yrs.
- 10' wide perimeter buffer.
- Parking screened with evergreen shrubs.
- All parking spaces to be w/in 60' of a shade tree.
- 3 parking spaces/1000' of building space.
- 10% of the total site area to be planted with something other than grass.
- 3 street trees: 1 for every 50' of frontage.
- 5' wide sidewalk.

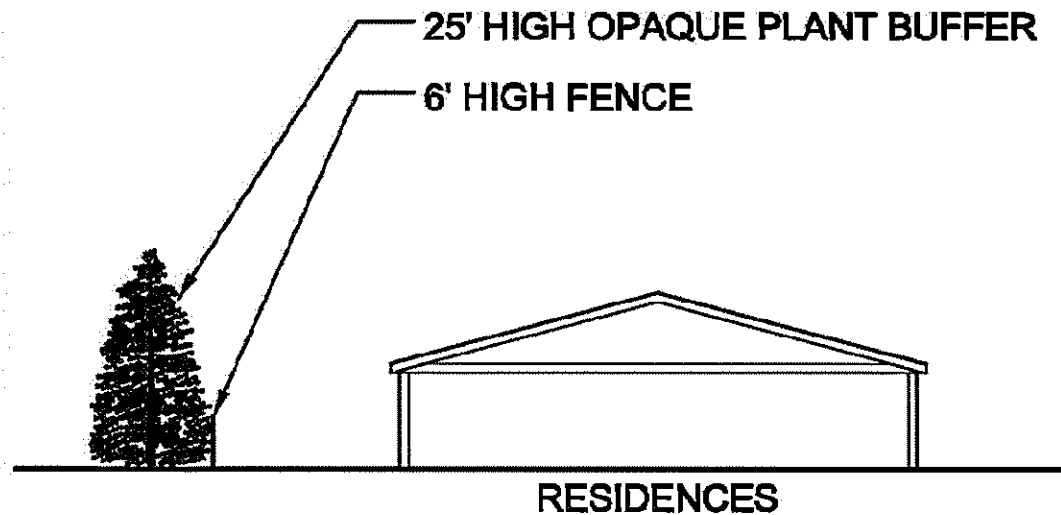
4-1-1-47

Additional design standards



- Minimum lot size: 20,000 sq ft. Reduction of up to 10% allowed.
- Max. FAR of .33 (ratio of total building sq. ft. to total site sq. ft.), if no parking underneath or in deck.
- Buildings to be set close to the street to create an attractive streetspace.
- Parking areas to be placed at the side of the building.

Buffering Requirement



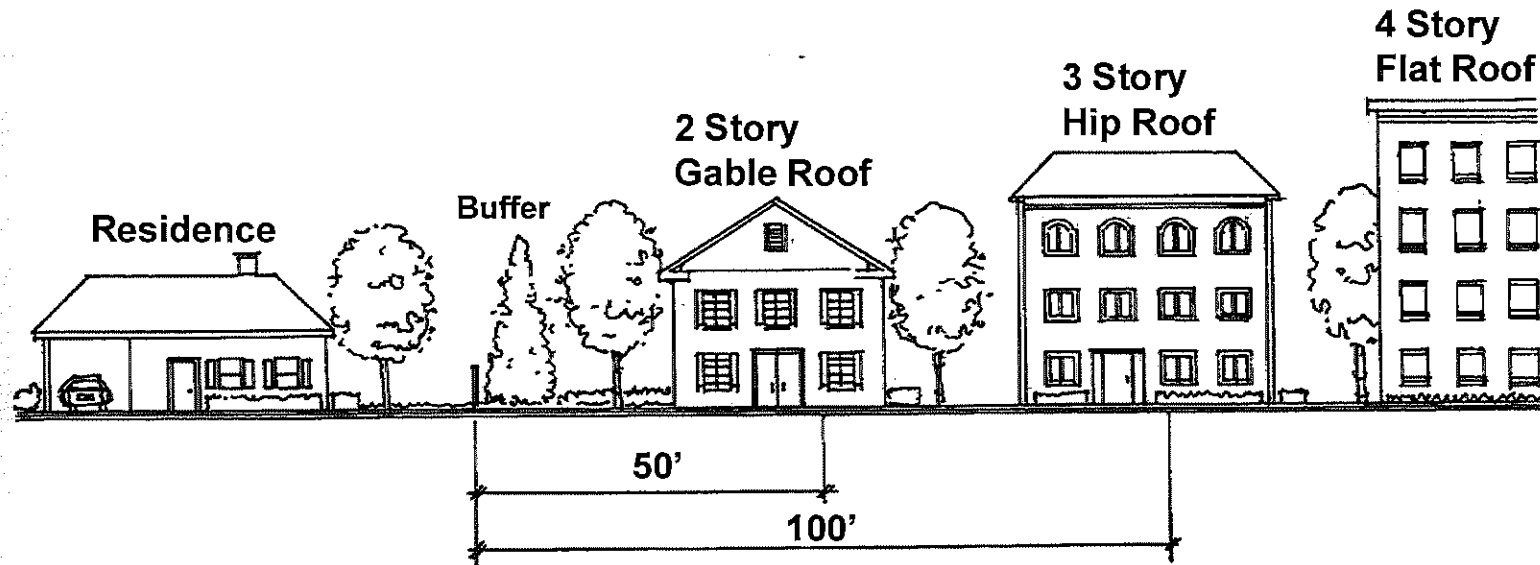
A combination fence and vegetated buffer is required along any property line adjoining a residentially zoned property.

The good side of fence must face the residential side and be a minimum of 6' in height.

Approved vegetation must include plant material that will provide a completely opaque buffer $\geq 25'$ feet high w/in 5 years.

4-1-1-49

Building Height & Roof Form



- Buildings w/in 50' of residentially zoned property cannot exceed 2 stories, buildings 50-100' can be 3 stories, greater than 100', 4+ stories.
- Roofs of buildings w/in 100' of a residentially zoned property must have a hipped or gabled roof.

Transportation and Traffic



4-1-1-51

Hospital Area Plan



Transportation 1. Manage access to properties.

GENERAL RECOMMENDATION

Manage access to properties along Owen Drive and Village Drive by combining lots and reducing driveway cuts.



4-1-1-52

Transportation 2. Step up enforcement of speed limits.

GENERAL RECOMMENDATION



Step up enforcement of speed limits along neighborhood roads to discourage speeding and potentially lead to reduced cut-through traffic.

Transportation 3. Monitor Signal System for Efficiency.

GENERAL RECOMMENDATION

Monitor closed-loop signal system along Owen Drive to maintain efficient flow during peak periods which may increase usage of key corridors and reduce neighborhood cut-through traffic.



Transportation 4. Widening of Ireland and Boone Trail may provide some relief to other area streets.

GENERAL RECOMMENDATION



Widening of Ireland Drive and Boone Trail to four-lane divided roadways in the vicinity of the study area are a part of the NCDOT Transportation Improvement Program. However, no timeframe for design and construction has been set.

Transportation 5. Consider traffic calming measures.

GENERAL RECOMMENDATION

Consider replacing current traffic calming measures with other alternatives such as speed tables, new chokers, and mini-traffic circles. Work with area residents to conduct detailed neighborhood traffic study to determine locations.

4-1-1-56



Choker

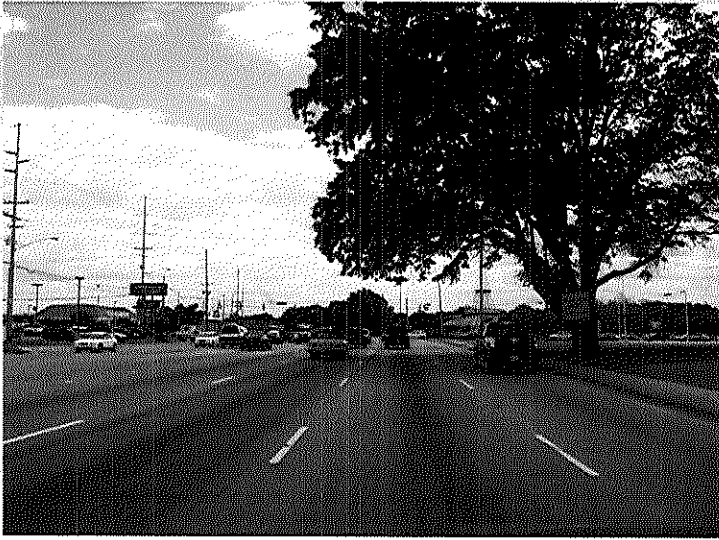


Speed Table



Mini-Traffic Circle

LOCATION-SPECIFIC RECOMMENDATIONS



Transportation: Owen Drive

1. Consider relocating traffic signal from Melrose to Sandhurst to improve spacing from Owen /Village Drive intersection.
2. If relocation of the traffic signal (above) is approved, also relocate crosswalk from Melrose to Sandhurst.

LOCATION-SPECIFIC RECOMMENDATIONS



During any potential development of non-residential uses, combine parcels, when able, to reduce the number of driveway cuts along Village Drive.

Transportation:
Village Drive



Transportation: Roxie Avenue

LOCATION-SPECIFIC RECOMMENDATIONS

1. Increase enforcement along Roxie Ave to reduce vehicular speeds.
2. Consider truck prohibition along Roxie Ave, from Village Dr to Raeford Rd.
3. Consider lowering the speed limit to 25 mph on Roxie Ave, from Village Dr to Raeford Rd.

LOCATION-SPECIFIC RECOMMENDATIONS



4-1-1-60

Transportation: Bordeaux Neighborhood Streets

1. Consider making Fargo Ave a one-way exit, from Madison Ave to Boone Trail.
 - Minimizes cut-through traffic from Boone Trail to hospital area in AM. However, does not reduce PM cut-through traffic.
 - May encourage motorists to utilize key corridors, i.e. Village Drive and Owen Drive.



LOCATION-SPECIFIC RECOMMENDATIONS



Transportation: Cape Center Drive

1. Consider roundabout at Cape Center Drive/Walter Reed intersection. Adequate footprint should be available. Could provide for traffic calming.
2. Consider widening Cape Center at Roxie. Property acquisition likely required. Monitor traffic regarding need for signal.
3. Allow on-street parking on Cape Center (where street is wide) and install sidewalks.

4-1-1-61



What's Next?

1. Post this presentation to City website.
 2. Invite additional comments.
 3. Prepare full plan document.
 4. Post full plan document to City website.
 5. Present plan to City Council in a public hearing.
 6. If adopted, begin implementation.
-
-

Thank you.
This concludes the presentation.

City Website to see presentation:
www.ci.fayetteville.nc.us/planning_department

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor D. Sharpe, Community Development Director
DATE: September 7, 2010
RE: **Downtown Development Update**

THE QUESTION:

What is the status of downtown activities?

RELATIONSHIP TO STRATEGIC PLAN:

Revitalized Downtown - A Community Focal Point and Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

A presentation will be made to provide an update on activities, projects and developments in the Downtown.

ISSUES:

NA

OPTIONS:

NA

RECOMMENDED ACTION:

For informational purpose only

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jerry Dietzen, Environmental Services Director
DATE: September 7, 2010
RE: **Sustainability Master Plan Annual Report**

THE QUESTION:

Does City Council wish to accept the annual report?

RELATIONSHIP TO STRATEGIC PLAN:

Principle D - Beauty by design

Goal 4 - More Attractive City - Clean and Beautiful

Objective 3 - Increase green spaces throughout the city

Objective 5 - Incorporate "green buildings" concepts and LEED equivalency

BACKGROUND:

In June of 2009, the City of Fayetteville hired Green Works Partners to develop a comprehensive Sustainability Master Plan which included the required energy plan for the EECBG funding process. Community stake holders were heavily involved with development of the final plan subsequently and unanimously approved by City Council on October 12, 2009.

The Sustainability Master Plan was developed based upon seven "Guiding Principals" and ultimately addresses four "Major Goals": Environmental and Natural Resources, Planning, Community and City Agencies. Each of these four goals are further subdivided into a number of current and proposed efforts, identified for action, and then assigned a short, middle or long-term time frame for implementation.

The Environmental and Natural Resources Goal addresses air quality, climate protection, energy efficiency and alternate energy sources, water efficiency and quality, recycling and management of waste.

The Planning Goal addresses green buildings, land use, open space and transportation.

The Community Goal addresses environmental and public health, economic development, social equity, community education and civic participation.

The City Agencies Goal addresses City facilities, operations and PWC

It is our intent to update Council on the progress made on these major goals over the past 11 months the plan has been in effect and to give Council some insight on what is expected over the next year.

ISSUES:

The plan addresses many areas where the City can reduce carbon emissions, improve air quality, conserve energy, avoid utility costs, address dark sky issues as well as create walkable communities to reduce overall vehicle trip generation. The plan suggests changes in current subdivision design criteria and building practices, many of which are being addressed in the City's UDO process.

OPTIONS:

Accept the annual report as presented.
Accept the annual report with exceptions.
Reject the annual report.

RECOMMENDED ACTION:

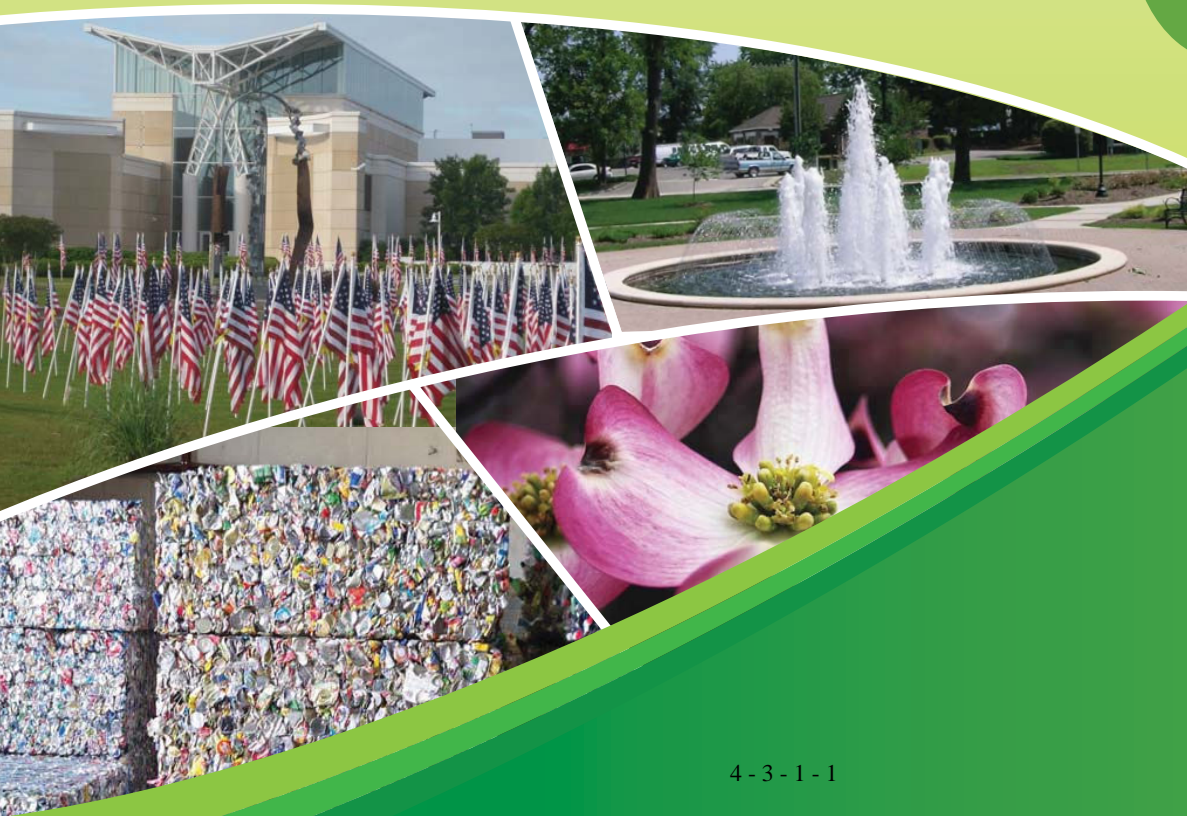
Accept the Sustainability Master Plan Annual Report as presented.

ATTACHMENTS:

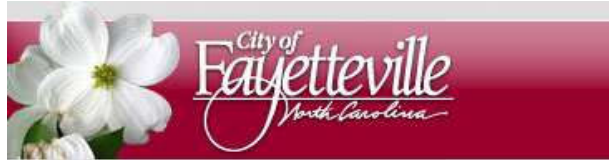
Fayetteville Sustainability Master Plan 2009-1004 FINAL

Sustainability Master Plan

October 2009



City of
Fayetteville
North Carolina



City of Fayetteville Sustainability Master Plan

October 4, 2009

Prepared by
Environmental Services Department

In cooperation with
Sustainable Sandhills
GreenWorks Partners, LLC

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i. INTRODUCTION

The City of Fayetteville Sustainability Master Plan is the result of the city's desire to become a leader in sustainability, particularly in North Carolina and the Southeast. The specific directive was the City of Fayetteville 2009 Strategic Plan, *Goal 3: More Attractive City—Clean and Beautiful, Objective 2 and 3—Green City Policy Development*.

Tie to Federal Priorities

The development of the plan was funded by a U.S. Department of Energy Energy Efficiency and Conservation Block Grant (EECBG).

The EECBG program was established as part of the 2009 Federal American Recovery and Reinvestment Act. The program's desired outcomes include:

- Increase energy efficiency, reduced energy consumption and reduced energy costs through efficiency in the building, transportation and other appropriate sectors.
- Create new jobs and increase productivity to spur economic growth and community development.
- Accelerate deployment of market-ready distributed renewable energy technologies.
- Improve air quality through reduction in use of fossil fuel.
- Improve coordination of energy-related policies and programs across jurisdictional borders.
- Increase security, resilience and reliability of energy generation and transmission infrastructure.
- Develop programs that will continue beyond the three year funding period.
- Leverage the funds through coordination with other public and private entities.

Defining Sustainability

The plan addresses the broad definition of sustainability that incorporates the environment, social equity, and the economy. This approach is often referred to as the triple bottom line. Long term sustainability depends on a careful balancing of economic, social, and environmental goals and objectives. Proposed efforts had to take into account and benefit all three objectives. If a proposed activity did not meet all three objectives, it was not included.

Local stakeholders requested that they develop their own definition of sustainability unique to the City of Fayetteville's cultural and regional characteristics. The following is the agreed upon definition: *Living today in a way that permits future generations to live the same way or better.*

The Process

The City of Fayetteville Sustainability Master Plan is the culmination of a multi-step transparent process:

1. A knowledge base of existing efforts was developed through research and interviews.

2. Stakeholders representing the public and private sectors were interviewed, including key leaders from academia, business, Fort Bragg, the City and public utilities. Interviews focused on learning about current sustainability efforts and soliciting ideas for the city's plan.
3. National best practices were identified are appropriate for Fayetteville
4. Guiding principles were developed that reflect Federal priorities. These principles set the foundation for the plan.
5. Goals for each of the four major topics.
6. Proposed efforts were drafted that reflect the principles, help implement the goals, compliment existing activities, fit culturally, and match public policy trends at both the state and federal levels.

Once drafted, the Sustainability Master Plan was reviewed internally and distributed to Departmental Managers and City Staff for their review and input. Comments were collected and then a revised version was distributed to the Mayor and City Council. The plan was then distributed to a group of key stakeholders, the Sustainability Task Force. The Task Force's stakeholders represented a wide variety of interests similar to those interviewed.

The Sustainability Task Force reviewed the plan in detail, deleted redundant goals and edited added and deleted proposed efforts. Next, they prioritized each effort, dividing them into short, middle and long term measures, and further prioritized the short term efforts. Finally a glossary and a definition of sustainability were added.

The revised plan and outcomes of the stakeholder meetings were presented to the Mayor and City Council at their September 8, 2009 work session. The Council vote unanimously to continue the development of the plan.

The plan was posted on the City's website for review and comment. The City held four public meetings on September 22, 24, 28 and 29 to solicit public comment. The plan was again revised based on the public input from these meetings.

The plan is scheduled to be presented for adoption by the City Council on October 12. Once adopted, it will be submitted to the U.S. Department of Energy as part of the city EEBG grant proposal.

Plan Format

The Sustainability Master Plan focuses on four areas:

- Environment and Natural Resources
- Planning
- Community
- City Agencies

Each focus area has overarching goals, is subdivided into specific sustainability topics, and is further divided into current and proposed efforts. Each effort is prioritized as short, middle or long term, identifies the responsible City department and includes a brief status.

The format was selected because it mirrors the City's Strategic Plan and will therefore be easy to incorporate as an addendum. In addition, the matrix format is action-oriented and can be used as a management tool.

Implementation

The plan identifies the top priority efforts, which focus on low or no cost organizational steps to lay a foundation for future progress. Another initial step should be to calculate the carbon footprint of City operations and facilities by measuring the carbon emissions from the City's energy and fuel use, and to utilize this data to set quantifiable targets.

Implementation of the Sustainability Master Plan will be the responsibility of senior city managers. Each responsible manager will assign staff and budget accordingly to implement the proposed efforts that fall within their departmental areas. Progress towards reaching goals and implementing proposed efforts will be tracked as part of monthly management meetings. Implementation of the plan will also be an element of each manager's annual review.

Implementation will be monitored to ensure financial viability and effectiveness of each initiative. The status of the Sustainability Master Plan will be reviewed in an annual report to be submitted to the Mayor and City Council. The plan is not intended to be a static document; rather it will be revised and the bar raised on an ongoing basis to reinforce the Fayetteville's role as a leader in the Southeast.

Note: Bold efforts represent the highest priority initiatives as determined by the Sustainability Task Force.

ii. ACKNOWLEDGEMENTS

The following people contributed to the development of this Plan. The City wishes to thank them for their contribution.

Sustainability Task Force

Bill Berry, City of Fayetteville Public Works Commission
Amanda Blue, Sustainable Sandhills
Maurizia Chapman, FAMPO
Jerry Dietzen, City of Fayetteville Department of Environmental Services
John Gillis, Home Builders Association of Fayetteville
Eva Hansen, Partnership for Children
Heidi Johnson, Sustainable Sandhills
Dale Iman, City Manager, City of Fayetteville
Karl Legatski, Sandhills Area Land Trust
Julia Love, Sustainable Fort Bragg

Keith Lynch, City of Fayetteville Public Works Commission
Dr. John Maddox, Fayetteville State University
Karen Moore, City of Fayetteville Department of Environmental Services
Jon Parsons, Sustainable Sandhills
Jody Risacher, Cumberland County Public Library
Laurie Shrauger, City of Fayetteville Public Works Commission
Terri Union, City of Fayetteville Public Works Commission
James Wilson, TREC Enterprises
Natalie Woodbury, Homebuilders Association of Fayetteville

Stakeholder Interviews

Rick Anderson, City of Fayetteville Public Works Commission
Rob Anderson, City of Fayetteville Development Services
Don Belk, BRAC Regional Task Force
Bill Berry, Fayetteville Public Works Commission
H. Jay Blausler, Fayetteville State University
Kathy Boyer, Triangle J Council of Governments
Sanford Cain, Fayetteville Technical Community College
Rudolph Cardenas, Fayetteville State University
Maurizia Chapman, FAMPO
Tony Chavonne, Mayor, City of Fayetteville

Dawn Driggers, Fayetteville Metropolitan Housing Authority
Erica Gordon, Cumberland Community Foundation
David Heins, Fort Bragg Environmental Sustainment Division
Jim Hickman, State of North Carolina Depart. of Energy & Natural Resources
Bobby Howard, Cumberland County Solid Waste Management
Bobby Hurst, Fayetteville Beautiful
Keith Lynch, Fayetteville Public Works Commission
Dr. John Maddox, Fayetteville State University
John Meroski, Fayetteville Area Convention & Visitors Bureau
Kathy Miller, Cumberland County Schools
John Monaghan, Piedmont Natural Gas
Jon Parsons, Sustainable Sandhills
Doug Peters, Fayetteville-Cumberland Chamber of Commerce
James Rose, City of Fayetteville Public Works Commission
Victor Sharpe, City of Fayetteville Community Development
Laurie Shrauger, Fayetteville Public Works Commission
Mike Stout, Fayetteville Metropolitan Housing Authority
Bob Stranger, Cumberland County engineer?
Terri Union, City of Fayetteville Public Works Commission
Candace Williams, Sustainable Area Land Trust
Brian Wilson, Pratt Industries
Natalie Woodbury, Homebuilders Association of Fayetteville

Glossary & Resources

1. ASHRAE 90.1 energy efficiency building code, American Society of Heating, Refrigerating and Air Conditioning Engineers, ashrae.org,
2. Combined Air Team, a group of organizations and agencies working collaboratively to reduce greenhouse gas emissions and improve air quality in the Greater Cumberland County and Fayetteville area
3. Eat Smart Move More: North Carolina movement that promotes increased opportunities for healthy eating and physical activity wherever people live, learn, earn, play and pray, eatsmartmovemorenc.com
4. East Coast Greenway, greenway.org
5. FAMPO, Fayetteville Area Metropolitan Planning Organization, fampo.org
6. FAST, Fayetteville Area System of Transit, ridefast.org
7. Environmental Services Department, City of Fayetteville, ci.fayetteville.nc.us/portal/sanitation/
8. Greater Fayetteville Futures II, greaterfayettevillefutures.org/
9. International Energy Conservation Code (IECC), iccsafe.org
10. LEED, Leadership in Energy & Environmental Design, a green building rating system, usgbc.org
11. Mid-Carolina COG, mccog.org
12. NCDENR/DAQ, North Carolina Department of Environmental and Natural Resources, Division of Air Quality, daq.state.nc.us
13. Plug-in Hybrid Electric Vehicles (PHEV), hybridconsortium.org
14. Plug-in Partners, pluginpartners.org
15. Project NC Get Ready!, projectgetready.com/
16. PWC, Public Works Commission, City of Fayetteville, faypwc.com
17. Sustainable Sandhills, sustainablesandhills.org
18. UDO, Unified Development Ordinance, City of Fayetteville, ci.fayetteville.nc.us/files/14/unified_development_ordinance/default.aspx

iv. GUIDING PRINCIPLES

Sustainability = Living today in a way that permits future generations to live the same way or better.

The following seven guiding principles, in alignment with the Federal Sustainable Communities Initiative, provide the foundation of the Fayetteville Sustainability Master Plan.

1. Promote national energy independence, reduce carbon emissions & contribute to a healthier environment: Establish sustainability goals and objectives to reverse the effects of climate change and achieve “absolute” reductions in carbon emissions through achieving federal, state and local priorities. These priorities include 1) allocating resources to infrastructure that will reduce vehicle miles traveled by promoting public transit, walking and biking and linking commercial and housing development with transit; and 2) by promoting the adoption of energy efficiency and renewable energy practices and technology.
2. Increase competitiveness & produce economic benefits: 1) Support regional multimodal transportation systems that provide access, mobility and connectivity throughout the region by leveraging modal efficiencies, existing infrastructure and development that encourages alternative forms of transportation; 2) improve opportunities for green jobs; and 3) support the development of clean energy and recycling industries.
3. Promote regional cooperation: Educate, involve and create partnerships with all stakeholders including individual citizens, community and regional based organizations, businesses, Fort Bragg, the School District, colleges and universities, the County and the State to take an active part in reaching sustainability goals and towards achieving a sustainable community.
4. Preserve neighborhoods & maintain housing affordability: Create affordable housing policies so that development utilizes existing infrastructure, encourages the use of alternative forms of transportation and incorporates green strategies that maximize energy and water efficiency and ensure occupant health.
5. Develop healthier communities & social equity: 1) Allocate resources to activities that improve air quality; 2) create public green space, including trails, alongside environmentally responsible and sustainable development that promotes improvements in public health and active lifestyles; and 3) ensure that residents, businesses and other stakeholders have access to the benefits of a sustainable community.
6. Lead by example: Serve as a model for the state and region by 1) integrating financially responsible sustainability into all appropriate city decision making in order to maximize environmental benefits and reduce or eliminate negative environmental impacts; 2) exploring, utilizing and sharing best practices with the community; and 3) meeting all environmental mandates while striving to exceed them to the extent practical.
7. Utilize performance metrics & ensure accountability: 1) Establish measurable sustainability goals and objectives; 2) regularly evaluate, measure and report the program’s status to ensure that resources are being utilized to their highest and best use and that the city is achieving national, state and local performance measures; and 3) determine each initiative’s cost effectiveness utilizing a life cycle assessment that incorporates all environmental, economic and social costs and benefits.

1. ENVIRONMENTAL AND NATURAL RESOURCES					
<p>Goals:</p> <p>Minimize air pollution, including climate-impacting emissions.</p> <p>Increase the awareness of projected adverse climate change impacts.</p> <p>Maximize energy and water efficiency and the use of alternative sources in the City operations and the community.</p> <p>Protect the Cape Fear River watershed.</p> <p>Minimize the generation of waste and maximize the use of recycled and regional content materials.</p> <p>Create an environment that expects the use of sustainability best practices and promotes the development of model programs.</p> <p>Embrace the sustainability principle that recognizes and takes advantage of the life cycle of goods and materials.</p>					
Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
a. Air Quality & Climate Protection					
Current Efforts					
1. Continue to work with Sustainable Sandhills, Sustainable Fort Bragg, FAMPO, NCDENR/DAQ, PWC, FAST, Mid-Carolina COG and others on the Combined Air Team, to plan and implement projects to improve air quality, reduce greenhouse gas emissions and avoid non-attainment status for ground level ozone.					
2. See 2.c. Transportation					
3. See 4.a. City Facilities & Operations					
4. The city has joined the Triangle Clean Cities Coalition					
5. Fayetteville Technical Community College has signed the American College & University Presidents Climate Commitment					
Proposed Efforts					
1. Adopt model city operations and citywide sustainability and green building programs that incorporate best practices utilized by other agencies and institutions such as the Sustainable Fort Bragg program	X				
2. Join and support additional appropriate local, regional and state sustainability-related organizations and partnerships	X				
3. Encourage local institutions to make sustainability commitments through signing protocols appropriate to their function	X				
4. Adopt a program to limit city and commercial vehicle idling time, including delivery and construction vehicles, such as adopted by the School District	X				

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
5. Develop an urban forestry plan, including parking lot standards, to protect and expand the city's tree resources and to minimize the urban heat island effect (lower local temperatures); adopt ordinances, such as UDO, that assists with implementation and requires reforestation as a stormwater/air quality mitigation for tree removal	X				
b. Energy Efficiency & Alternate Energy Sources					
Current Efforts					
1. See 4.b Public Works Commission, below					
Proposed Efforts					
1. Maximize cost effective energy efficiency and the use of alternative energy sources in city facilities and operations (see 4.a City Facilities & Operations)		X			
2. Maximize cost effective energy efficiency and the use of alternative energy sources by the community through Public Works Commission initiatives (see 4.b Public Works Commission)		X			
3. Adopt minimum energy efficiency standards for all new buildings and modernization projects, such as the International Energy Conservation Code (IECC) or ASHRAE 90.1; identify key areas of opportunity such as parking lots		X			
4. Collaborate with local stakeholders to develop an integrated alternate fuels strategy for public and private vehicles, including <ul style="list-style-type: none"> a. Maximizing the use of locally derived fuels b. Ensuring the development of required alternate fuel infrastructure such as electric vehicle charging stations 		X			
c. Water Efficiency & Quality					
Current Efforts					
1. Enforce the Water Shortage Response Ordinance that mandates an odd/even irrigation schedule and modify as necessary to meet the adopted goals					
2. The Stormwater Management Utility Ordinance, effective January 1, 2009, includes <ul style="list-style-type: none"> a. Programs designed to protect and manage water quality and quantity by controlling the level of point and non-point pollutants in stormwater runoff, and the quantity and rate of stormwater received and conveyed by structural and natural stormwater and drainage systems of all types b. Establishes a schedule of charges c. Defines the control, collection, and disbursal of funds d. Sets forth penalties, methods of appeals and exemptions 					

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
3. Water rates are structured to encourage efficiency through charging more for higher, non-essential potable water uses such as ornamental water uses; residential lawn irrigation; non-commercial washing of motor vehicles; washdown of impervious services; recreational pools serving less than 25 residential units; public parks; and serving water in restaurants except by request					
Proposed Efforts					
1. Prepare and implement an integrated water resources plan that evaluates and plans for the use of water in City operations and communitywide. An integrated plan: a. Addresses all water issues in a unified manner to maximize water efficiency b. Maximizes the use of alternative sources of water (recycled water, gray water, stormwater and groundwater) which otherwise enters the stormwater system due to the dewatering of subterranean structures c. Protects groundwater and the watershed d. Ensures that the City's water infrastructure is maintained in a manner that minimizes leakage and ensures adequate supply		X			
2. Work with other stakeholders to protect the Cape Fear River watershed, including the uplands, to ensure the future availability and quality of the city's water supply and its biological integrity		X			
3. Adopt minimum water efficiency standards in the building code that go beyond Federal standards such as water fixture maximum flow rates	X				
4. Maximize the cost effective water efficiency and use of alternative water sources in City facilities and operations (see 4.a City Facilities & Operations)			X		
d. Recycling, Waste Management & Materials					
Current Efforts					
1. City facility and operations recycling program has 100% participation					
2. Commingled recyclables collected from single family residences with 70% participation					
3. October 1, 2009 State plastic bottle recycling requirement					
4. DAK industries plant (see 3.b Economic Development)					
Proposed Efforts					
1. Develop an integrated waste management plan that includes long range recycling and reuse goals, using treated waste to create clean energy and public education		X			
2. Expand the city's existing recycling program by adding multi-family residential , commercial and industrial buildings, parks and other public facilities		X			

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
3. Establish minimum construction and demolition waste recycling requirements for all development projects, including requirements for the appropriate disposal of hazardous materials such as mercury		X			
4. Work with local stakeholders to develop a regional deconstruction program to maximize the reuse of components from demolished buildings		X			
5. Work with local stakeholders to establish a regional electronic waste recycling and disposal program		X			
6. Work with local stakeholders to encourage the growth of markets for recycled content products		X			
7. Maximize the cost effective use of low emitting and recycled content materials and the recycling of waste in City facilities and operations (see 4.a. City Facilities & Operations, below)		X			

2. PLANNING					
Goals:					
Maximize the appropriate incorporation of green building and other sustainability practices into the City's building, land use and transportation policies, ordinances and regulations.					
Maximize the use of smart growth and urbaninfill for the City's future development.					
Maximize the use of alternate sources of transportation including transit, ridesharing, bicycling and walking.					
Promote the development of infrastructure and land use planning to incorporate clean energy technology.					
Encourage and promote mixed use development throughout the community.					
Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
a. Green Buildings					
Current Efforts					
1. Draft Unified Development Ordinance (UDO) (June 2009) offers sustainable development practices incentives in Mixed Residential 5 (MR-5) and Downtown (DT) districts; projects providing required number of sustainable features are eligible for a density bonus of up to 20 percent beyond the maximum allowable gross residential density and increases in the maximum allowable height up to two stories beyond the maximum allowable height in the base zoning district; 12 eligible features range from renewable energy to LEED Silver certification to community gardens.					
2. New Century International School will be a new green school					
3. As a pilot program, PWC attaches monitoring devices to customer's HVAC and water heaters. This allows PWC to measure efficiency fo HVAC, Water heater and home. PWC can notify customer of inefficiencies and offer suggestions to become more efficient thus saving customer money and reducing environmental footprint.					
Proposed Efforts					
1. Require that all new City buildings over 7,500 square feet meet LEED Silver or equivalent standards, as required by the Department of Defense for all military construction		X			
2. Expand the availability of incentives in the UDO for the incorporation of sustainability features to include additional appropriate districts	X				
3. Ensure that the UDO's "Menu of Sustainability Features" reflects the city's priorities and that the individual items are weighted to their environmental value or of equal environmental value as determined through a life cycle assessment	X				
4. Develop a program to achieve LEED for Existing Buildings Certified standards or equivalent for all City buildings of at least 25,000 square feet			X		

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
5. Ensure that all City regulations, codes, rates structures and other programs do not impede and, where possible, provide incentives for the adoption of sustainable products and strategies by the City, businesses and residents		X			
6. Conduct green building training for community housing development organizations (CHUDOs) which receive City financing assistance to build and rehabilitate low-income affordable housing. Incorporate a module on energy and water efficiency, indoor air quality and other green building strategies for contractors working under the City's Community Development programs	X				
7. Work with vendors on securing best prices for energy and water efficient appliances and components (doors, windows, toilets) for replacements made under Fayetteville Urban Ministry Emergency Repair Program	X				
8. Build all low-income affordable housing financed with City resources to the Enterprise Community Green Building Criteria		X			
9. Encourage and support the development of affordable housing that maximizes green building strategies focused on indoor air quality and minimizing utility costs	X				
b. Land Use & Open Space					
Current Efforts					
1. All new development is required to include 500 square feet of open space per residential unit					
2. Fayetteville and Cumberland County have adopted the 2030 Growth Vision Plan					
Proposed Efforts					
1. In the Draft Unified Development Ordinance (UDO): a. Incorporate smart growth and school centered community principals b. Prioritize urban infill, transit oriented and walkable development c. Incorporate the planning and development of park and ride facilities to support existing and future transit d. Incorporate the planning and development of "complete streets" that accommodate all forms of transportation along appropriate corridors e. Incorporate pedestrian-oriented sidewalks design standards, such as the separation of sidewalks & traffic lanes f. Encourage the protection of the city's historic integrity while incorporating sustainable practices, including both buildings and neighborhoods	X				

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
g. Incorporate low impact development standards					
h. Incorporate strategies to minimize surface parking lots					
i. Incorporate tree preservation and reforestation plan					
j. Adopt development standards that separate, buffer and protect sensitive receptors (e.g. school facilities, child care, health facilities, residential units located on major arterials, and senior facilities) from significant sources of pollution to the greatest extent possible					
2. Work with stakeholders to develop an integrated regional comprehensive development plan		X			
3. Evaluate rezoning incorporating suitability and sustainability issues using resources such as the 2030 Plan, the Sand Hills Suitability maps etc	X				
4. Create an inventory of all brownfield properties in the city and establish goals, priorities and procedures for their abatement and reuse		X			
c. Transportation					
Current Efforts					
1. Continue to work with local stakeholders to maximize the utility of the local transit system; develop programs and educate employers about employee rideshare and transit; and promote mass transit ridership through careful planning of routes, headways, origins and destinations, and types of vehicles					
2. Greater Fayetteville Futures II Objective 6 is Traditional Connectivity Infrastructure (transportation).					
3. New and improved bus routes and later scheduling will better align transit with employee work hours and locations					
4. Signal lights are being synchronized at all appropriate intersections					
5. City has joined Plug-in Partners, a national grass-roots initiative to demonstrate to automakers that a market for flexible fuel Plug-in Hybrid Electric Vehicles (PHEV) exists today.					
6. Traffic circles are being utilized as traffic calming and safety devices					
Proposed Efforts					
1. Develop a program to connect and assist potential ridesharers	X				
2. Promote the use of high mileage, alternative fueled and low emitting vehicles by businesses and residents, including through participation in Project NC Get Ready! to facilitate the adoption of electric and plug-in electric vehicles		X			
3. Create a bicycle master plan consistent with the regional Connectivity Report		X			
4. Increase the availability of safe pedestrian cross walks		X			

3. COMMUNITY

Goals:

Protect and enhance environmental and public health by minimizing the levels of pollutants entering the air, soil and water and, whenever possible, eliminating the use of hazardous or toxic materials by the City, residents and businesses.

Encourage residents to improve their health by increasing access to a diverse mix of wellness activities and fresh, locally produced, organic food.

Ensure that all socioeconomic groups in the City are equally protected from environmental pollution.

Nurture a diverse and stable local economy that supports the provision of basic needs for all segments of the community.

Encourage the efficient and sustainable use of all resources to maximize the retention of dollars in the local economy.

Encourage all local businesses, organizations and public agencies to adopt sustainable practices, led by City example.

Encourage businesses with services and products that increase sustainability to locate within the City.

Ensure that all members of the community are able to meet their basic needs and are empowered to enhance the quality of their lives.

Promote access for all members of the community to beneficial housing, health services, education, economic opportunity and cultural and recreational resources.

Communicate the City's sustainability commitment and goals to staff and the community through ongoing educational programs including providing information on how staff and residents can adopt sustainability practices in their lives.

Provide every citizen with access to high speed broad band.

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
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a. Environmental & Public Health

Current Efforts

1. Better Health Cumberland County's has an Eat Smart Move More campaign.					
2. Greater Fayetteville Futures II Objective 7 is Improve and Sustain Health Services and Wellness					
3. The Fayetteville Community Garden was established in 2009					

Proposed Efforts

1. Ensure public access to local rivers for recreation and other uses; develop a maintenance and "leave no trace" education plan for public use areas		X			
2. Connect state park lands into an integrated whole, i.e., Long Valley Farm & the River Oaks Preserve			X		
3. Support and promote recreational activities and community gardens in every District with priority on low income areas.		X			
4. Educate residents and businesses about safe alternatives to the use of toxic and hazardous and non-recyclable materials.	X				
5. Work with stakeholders to strengthen and promote the programs to safely collect and dispose of toxic and hazardous waste	X				

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
6. Identify and implement ways to reduce unnecessary pesticide application and irrigation through the use of Integrated Pest Management and the use of native plants		X			
7. Promote the use of green chemistry in business practices.	X				
8. Promote and support programs that encourage residents to maintain and improve their health through recreation, healthy eating and other similar activities	X				
9. Construct a permanent farmer's market structure.		X			
b. Economic Development					
Current Efforts					
1. Greater Fayetteville Futures II Objectives encourage economic development, including Objective 1 – Model Education System including high quality early care and education; Objective 2 – Economic Development; Objective 4 – Improved Public Services; Objective 8 - Grow and Sustain a "Green" Community; and Objective 10 – Cultural and Recreational Resources.					
2. The East Coast Greenway, a bicycle and hiking trail, which in Fayetteville includes the Cape Fear River Trail and other local trails, connects Fayetteville with other North Carolina cities and other states and can be utilized for economic development, including ecotourism including linear park system					
3. DAK America is developing a plastic bottle recycling plant; the recycled material will be utilized to manufacture carpeting, among other products					
4. Sustainable Sandhills' Certified Green Business program provides recognition and technical assistance. The program is being expanded to schools, with Fayetteville State University serving as the model, and to cities with this Sustainability Master Plan the model					
Proposed Efforts					
1. Survey green companies as to factors that contributed to their locating in the city	X				
2. Develop an inventory of the existing workforce and industry for potential conversion to green economy and identify gaps.	X				
3. Establish sustainability, green jobs and sourcing local green products and services, including food, as a priority economic development strategy; work with stakeholders to develop and implement a green jobs training strategy, and develop a strategy and offer incentives as appropriate to attract green economy companies to the city		X			
4. Develop a cultural and historic preservation strategy in conjunction with energy efficient renovations to preserve the city's key cultural assets in a sustainable manner		X			

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
5. Enhance a the "State of the Chamber Report" and the City's "Annual Report" by adding a sustainable development component	X				
6. Expand existing fiber optic network to allow high sped internet access for the purposes of economic growth and telecommuting		X			
7. Work with local education stakeholders and others to develop and offer green jobs training programs		X			
c. Social Equity					
Current Efforts					
1. Greater Fayetteville Futures II objectives include Objective 3 – Security and Safety for All and Objective 6 – Connectivity (broadband access)					
Proposed Efforts					
1. To ensure excellent customer services to all citizens the city's policies and programs will be reviewed and compared to best practices	X				
2. Incorporate environmental and economic sustainability into the city's quality of life and human resources programs	X				
d. Community Education & Civic Participation					
Current Efforts					
1. Fayetteville recently established the Environmental Services Department; the Department's webpage provides consumer information					
2. Sustainable Sandhills' programs encourage and support the adoption of sustainability practices					
3. Greater Fayetteville Futures II process encourages community participation supports and supports education on sustainability and other topics of importance to the region					
4. Ft. Bragg was the first Army installation to accept the challenge to approach long-term planning using sustainable principles and concepts.					
5. Establish benchmarks and measurable goals for both City operations and facilities and the community as a whole for all key sustainability topics including energy, water, transportation, waste, economic diversity, jobs/housing balance, business reinvestment in the community and the quality of jobs created; use common data for both the baseline data and the goal year					
6. Establish auditing methods to evaluate the extent of success in meeting the goals as well as the effectiveness of the programs, strategies and technologies					

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
7. Report at least annually to the City Council and community on the status of the Sustainability a. Sustainability indicators b. Costs and benefits c. Successes, challenges and strategies d. Funding opportunities					
8. Work in concert with current partners and identify additional appropriate partnerships to further the implementation of the Sustainability Master Plan, including with the County, School District, business community, Fort Bragg and community based organizations					
9. Continue to support and expand as beneficial the Sustainable Sandhills Green Business Program that recognizes and certifies green businesses					
10. Coordinate educational efforts between PWC and the City's Community Development program, i.e., disseminate energy saving tips etc at neighborhood meetings, community development week and other marketing programs					
Proposed Efforts					
1. Tie the sustainability efforts into the City's marketing and branding programs		X			

4. CITY AGENCIES					
Goals:					
The City, including the Public Works Commission, should create a model and lead by example with programs and strategies that successfully incorporate sustainability principles into the City's facilities and operations.					
Educate internal and external stakeholders on the benefits of sustainable efforts, products and programs.					
The Public Works Commission should continue serving as a model utility in sustainability practices, including energy efficiency, load management and the use of alternate sources of power and water for both its facilities and operations and for its customers.					
Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
a. City Facilities & Operations					
Current Efforts					
1. Develop and implement a comprehensive, integrated City facilities and operations sustainability strategy, including baseline information (carbon footprint; energy and water use; waste production), measurable goals, policies, strategies and timelines; report at least annually on the strategy's status					
2. Utilize the Sustainability Task Force convened to develop the Sustainability Master Plan to work on and report the status of its implementation					
3. Develop a funding strategy to support the implementation of sustainability initiatives, especially capital investments; analyze all available options including in-house and outside capital sources and a revolving fund that is repaid through utility cost savings					
4. Fire Station #19 and Veteran's Park are being designed to LEED standards					
5. LED (light emitting diode) streetlights are being studied					
6. The City uses grass mulching mowers (mowers that leave the clippings in place) on all City property					
Proposed Efforts					
1. Assist residents, businesses and institutions in implementing sustainability practices wherever joint efforts would help implement the Plan's goals, through strategies as assisting large landowners with stormwater management programs.	X				
2. Make success in implementing the Sustainability Master Plan an element in departmental manager reviews	X				
3. Provide adequate staff and other needed support to implement the Plan's goals and policies; ensure adequate staff training on sustainability principles; utilize volunteers where possible, particularly for the outreach campaign	X				

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
4. As an element of the City facilities and operations sustainability plan, generate a baseline of city facility and operations energy and water usage and cost and include these costs as line items in the budget with projected price increases; develop a plan, including goals and a timeline, to maximize energy and water efficiency and the use of cost effective alternate sources; and work with and identify best practices from local stakeholders such as Cumberland County		X			
5. See 2.a Green Buildings, Proposed Efforts Measure 1, Green buildings for City facilities		X			
6. Design new City buildings to maximize, on a cost effective basis, their energy and water efficiency and the use of renewable resources		X			
7. Continue to maintain and upgrade the City's facilities according to the existing plan utilizing schedules based on the anticipated life of each system, while adopting proven practices and technologies that will advance environmental sustainability goals, maintain high quality standards and reduce long-term costs.	X				
8. Develop a utility infrastructure plan to maintain and improve the storm drainage system, streets and sidewalks and other systems based on the anticipated life of each system, while adopting proven practices and technologies that will advance environmental sustainability goals, maintain high quality standards and reduce long-term costs.	X				
9. Develop and implement an environmentally and socially green procurement program for all products and services utilizing life cycle assessment that incorporates, at a minimum, the following elements: a. Purchase recycled and regional content and low emitting products wherever viable, including b. Minimize the waste and maximize the recycling from all City services and operations c. Utilize green cleaning practices and products in city facilities d. Install cool roofs whenever a roof on a city facility is upgraded e. Purchase vehicles which are the most efficient in their class and which use alternate fuels to the maximum extent viable f. Purchase electric powered equipment such as mowers whenever possible	X				
10. Incorporate sustainability principals into all city services, including: a. Minimize the emissions of all city vehicles through strategies such as installing diesel particulate traps and after-market small engine diesel emission controls b. Develop an alternate fuels strategy for city vehicles, including biodiesel blend B20	X				

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
<p>c. Utilize integrated pest management strategies for all city owned facilities and open space to minimize the use of toxic chemicals</p> <p>d. Provide incentives for City employees to carpool, use transit and walk or bike to work and pursue a partnership with Share the Ride NC</p> <p>e. Develop a green space maintenance strategy which classifies lawn areas into standard mowing (once per month), high visibility mowing (once per week) and no mow areas, such as done at Ft. Bragg</p>					
b. Public Works Commission					
Current Efforts					
<p>1. Sustainable community, one of six PWC Strategic Plan goals adopted in February 2009, has the following objectives</p> <ul style="list-style-type: none"> a. Reduce customer use of water and electricity b. Develop models for environmentally sensitive buildings and programs c. Increase the use of renewable energy resources at the Public Works Commission and in the community d. Work with the City to develop policies and to become designated as a “Green City” e. Become responsible environmental stewards f. Reduce vehicle emissions by 10% over the next five years 					
<p>2. Current programs</p> <ul style="list-style-type: none"> a. Energy and water audits in partnership with Sustainable Sandhills Green Business Program b. Fleet maintenance, including for City vehicles, to ensure clean burning engines c. Biosolid recycling from water reclamation facilities d. Tree planting and watershed tree planting programs e. Water wise landscaping at operations complex f. Purchase, restore and manage land for watershed protection g. Operations Complex includes numerous green elements h. New Customer Service Center, under construction, will be LEED certified i. Butler-Warner Generation Plant upgrades proposed to improve environmental performance j. Internal recycling program 					

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
<p>k. To meet North Carolina mandate that 10% of all retail sales stem from renewable resources by 2018, evaluating emission credits, carbon credits and renewable energy market opportunities with the focus on solar projects, waste-to-energy applications and various energy efficiency measures</p> <p>l. Developing 10-year Electric Division Sustainability Business Plan</p> <p>m. Established alternative fuels/hybrid vehicle program, including conversion of PWC's diesel fuel to a Biodiesel Blend (B20)</p> <p>n. Sustainability public education and outreach program, and community partnerships</p> <p>o. Participating member in Sustainable Sandhills Green Business Program that recognizes and certifies green businesses</p> <p>p. Offer customers opportunity to participate in NC GreenPower, a voluntary environmental program through which customers can purchase blocks of green (renewable) power</p> <p>q. Participates in Good Sense Housing Program which promotes the construction of new energy efficient housing</p> <p>r. Developing a smart grid demonstration project with the goal of reducing on-peak electricity consumption to minimize demand charges</p> <p>s. Analyzing the potential for a methane fired boiler at the PWC waste water treatment plant</p>					
Proposed Efforts					
<p>1. Implement an aggressive program to educate all PWC customers about the projected electric rate increases due to the Progress Energy Full Requirements Contract taking effect in 2012, and how these increases can be mitigated through energy efficiency technical and behavioral measures (i.e., adjusting indoor temperature, and turning off lights and phantom loads such as televisions); within this initiative develop targeted programs for key sectors such as residential, hotel, retail and industry</p>	X				
<p>2. Provide a model for the community through the maximum cost effective utilization of energy and water efficiency, renewable energy and other sustainability practices and technologies in PWC facilities</p>	X				
<p>3. Develop and adopt a strategy to fund aggressive energy and water efficiency and renewable energy programs</p>	X				

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
<p>4. Strengthen PWC’s residential, commercial and industrial energy efficiency programs to encourage the installation of cost effective technologies; as part of this effort:</p> <p>a. Increase program funding</p> <p>b. Establish energy efficiency or energy use reduction goals by sector</p> <p>c. Offer incentives</p> <p>d. Provide electronic and consolidated billing and energy use history upon request</p> <p>e. Evaluate the benefits and efficiencies of PWC customers installing electric and water submeters in their facilities, and encourage if feasible</p> <p>f. Coordinate energy efficiency retrofit and weatherization efforts between PWC, City Community Development Office and Cumberland County Community Action Team, including sharing information from smart grid demonstration</p>	X				
<p>5. Strengthen PWC’s program to encourage PWC customers to use renewable energy power; as part of this effort:</p> <p>a. Increase program funding</p> <p>b. Finalize and adopt the proposed renewable energy system interconnection agreement to establish requirements</p>		X			
<p>6. Establish residential and commercial water efficiency incentive programs to encourage the installation of cost effective technologies such as plumbing fixtures more efficient than required under Federal standards and water efficient irrigation strategies such as smart irrigation controllers; as part of this effort establish water efficiency goals by sector</p>		X			
<p>7. Establish a program that encourages Fayetteville’s many short term residential property owners to weatherize and install energy and water efficiency measures (the average Fayetteville home is only owned for three years)</p>	X				
<p>8. Establish a smart grid program that explores regional opportunities and, among other initiatives:</p> <p>a. Expands the existing fiber optic network system to deploy smart grid functionality</p> <p>b. Incorporates electric vehicle charging stations</p>		X			
<p>9. Assist the City with its proposed energy efficiency and sustainability initiative, including the implementation of the proposed street light LED demonstration project and fee abatements for projects that incorporate sustainability measures</p>	X				

Sustainable Initiative	Short	Middle	Long	Department	Status (New, Complete or Ongoing)
10. Implement at PWC sites and work with the City, County and other stakeholders on developing renewable energy systems such as the proposed: <ul style="list-style-type: none"> a. Solar farm at the Butler-Warner Generation Plant b. In-line hydroelectric generators c. Methane powered electricity plant at the County landfill d. Alternate energy systems at the water and wastewater treatment plants e. Non-oxidation waste to energy plant 			X		
11. Undertake a fleet utilization study to maximize the efficiency of city and PWC vehicles and trucks through efficient routing and the use vehicles appropriate for their tasks	X				
12. Establish a pilot program to minimize “unaccounted for energy” such as system losses and theft		X			
13. Monitor developing energy and water efficiency technologies, including smart grids, LEDs for lighting, renewable energy technology, fuel cell for combined heat and power (CHP) and smart irrigation controllers	X				

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Tom Bergamine, Police Chief
DATE: September 7, 2010
RE: **Community Wellness Plan Update (one year anniversary date/last update/September 2009)**

THE QUESTION:

One year anniversary from last update.

RELATIONSHIP TO STRATEGIC PLAN:

- Growing City, Livable Neighborhoods - A Great Place to Live
- More Attractive City - Clean and 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. Since the inception of this plan, the City of Fayetteville has experienced a substantial decrease in violent crime and an overall reduction in Part I crime.

ISSUES:

Yearly update - introduce new initiatives to the plan.

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 7, 2010
RE: **Local Business Support**

THE QUESTION:

How to assist local small business owners receive a larger percentage of City contracts.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government – Cost Effective Services Delivery

BACKGROUND:

In February of 2010, Governor Beverly Purdue issued Executive Order No. 50, "Enhanced Purchasing Opportunities for North Carolina Businesses". This Executive Order among other things created a price-matching preference for North Carolina bidders on state contracts. Thereafter, Council during its May work session directed staff to establish a policy to help our local small business owners to receive a larger percentage of City contracts. In light of the statutory requirements for certain types of contracts, and that there is no specific statutory authority for local preferences at the local government level, City staff along with PWC Purchasing and the Chamber of Commerce staff have met to discuss how Council's interest can be met.

For contracts that are subject to either the formal or informal bidding limits, state law requires that those contracts be awarded to a lowest responsible, responsive bidder. For contracts that are not subject to bidding such as service contracts and contracts that are below the \$30,000.00 minimum for informal bidding, local governments may be able to create a local preference. With that in mind, staff is preparing a proposed policy for Council's consideration at the work session.

ISSUES:

Is the establishment of a policy consistent with Council's interest of helping local small business owners.

OPTIONS:

1. Direct staff to finalize the proposed policy for adoption.
2. Direct staff to explore other options or policies.

RECOMMENDED ACTION:

Provide direction to staff regarding the proposed policy.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Dale Iman, City Manager
DATE: September 7, 2010
RE: **Discussion of proposed amendments to Policy #125.1 "Drainage Revolving Loan Fund"**

THE QUESTION:

Does the City Council wish to adopt revisions to Policy #125.1 - Drainage Revolving Loan Fund?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2 - Growing City, Livable Neighborhoods - A Great Place to Live

Objective 4 - Manage the City's future growth and development with quality development and redevelopment reflecting, plans, policies and standards.

BACKGROUND:

On Monday, August 23, 2010 the City Council received a briefing on the proposed economic development incentives for the Embassy Suites Hotel and Conference Center project. One of the proposed incentives includes providing a \$500,000 revolving loan to the development team to be used to address wetland mitigation at the site. It is recommended that the revolving loan, use as a source of funding, the existing "Drainage Revolving Loan Fund". The existing policy restricts the use of the "Drainage Revolving Loan Fund" to loans for the improvement of public lakes. This proposed revised Policy Number 125.1 will expand the eligibility criteria of the "Drainage Revolving Loan Fund" to permit the fund to be used for wetland mitigation projects in addition to the repair of privately-owned dams supporting City streets.

ISSUES:

Expand the eligibility criteria of the Revolving Loan Fund to include wetland projects and wetland mitigation activities.

OPTIONS:

Schedule revised Policy 125.1 for the September 13, 2010 meeting.

Recommend and consider additional policy amendments for consideration at the September 13, 2010 meeting.

RECOMMENDED ACTION:

Schedule the revised Policy 125.1 for the September 13, 2010 meeting for consideration and adoption.

ATTACHMENTS:

Policy 125.1 Proposed Revisions

SUBJECT - DRAINAGE <u>Revolving Loan Fund</u> Private Lakes	Number 125.1	Revised 5-7-90	Effective Date 5-12-80	Page 1 of 6
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In the case of ~~privately-owned~~ lakes, wetlands, and dams within the City of Fayetteville, it shall be the policy of the City Council that City involvement in the maintenance, repair, mitigation, and upgrade of ~~the lakes~~, wetlands, dams embankment, and associated infrastructure shall include the following:

I. Privately Owned Lakes-Body:

All improvements to privately-owned lake bodies including, but not limited to, the construction and maintenance of sedimentation catch basins and the dredging of said lakes shall be performed through private contract and funded entirely by the owners of the lake.

II. Dams with Private Streets, NCDOT Roadways, or No Street Over Them:

All improvements to the dam including, but not limited to, the embankment, pipes and other drainage structures, and any State or private roadway over the dam, shall be performed and funded entirely by the owners of the lake and/or the owner of the roadway over the dam. The City of Fayetteville shall not be involved in the improvements to these facilities nor shall the provisions of Section III of this policy apply.

III. Privately-Owned Dams Supporting City Streets:

Recognizing the public safety value in having a policy to ensure that dams that support City streets are designed, constructed, and maintained properly; and recognizing that the existence of a public street over a dam may impact the classification of a dam; the City Council agrees to participate in the repair of and improvements to privately-owned dams when a City street is supported by the dam as outlined herein:

a) If the lake is permanently drained, the City shall bear the cost to repair, replace, or maintain the storm drain facilities necessary to safely maintain the embankment to support the public street.

b) If the North Carolina Department of Environment and Natural Resources (NCDENR) or other applicable State agency determines that major repairs are required for the dam to continue to impound water and the affected property owners desire to repair the dam, the City shall contribute an amount equal to 110 percent of the expense necessary to preserve the structural integrity of the street including repairs to the pavement, curbs, guardrail, other facilities on top of the dam from shoulder point to shoulder point, street drainage facilities, and the drain pipe beneath the embankment; but not including emergency spillway facilities. The remaining cost of necessary improvements may be funded through the Revolving Loan Fund (RLF).

SUBJECT - DRAINAGE <u>Revolving Loan Fund</u> Private Lakes	Number 125.1	Revised 5-7-90	Effective Date 5-12-80	Page 2 of 6
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c) The City of Fayetteville will provide project management and other in-kind assistance such as surveying and roadway design to the extent of expertise and availability of City staff.

IV. Wetland Mitigation:

As part of an economic development incentive package, approved consistent with state and local statute, the City may participate in the cost of wetland mitigation permitted by NCDENR and other relevant agencies. The City's support shall be through the RLF under the terms set out herein.

V. Revolving Loan Fund:

ea) The City of Fayetteville shall designate \$1 million toward the establishment of a "~~Dam Repair~~-Revolving Loan Fund" or RLF.

eb) Funds from the ~~Dam Repair~~-RLF will be made available for projects consistent with the terms of this Policy under the repair of eligible dams (as identified above) which have been determined by NCDENR or other applicable State agency to be in need of repair; the following terms and conditions apply for the use of these funds:

1. A minimum of 51 percent of the affected property owners must petition the City Council for the creation of a Municipal Service District (MSD) or Special Assessment District (Assessment) to finance the repayment of the project cost (less ~~the aforementioned any~~ City contribution) using the RLF;

2. The City shall calculate the repayment to the RLF at a rate equal to the daily compound effective yield for investments held in the North Carolina Capital Management Trust Cash Portfolio Fund 047 determined on the date a petition is circulated to create the Municipal Service District or in place at the time the Assessment is authorized by Council. The repayment period shall not exceed 15 years and shall be in accordance with applicable North Carolina laws;

3. The affected property owner(s) shall be responsible for ~~organizing the affected property owners and~~ submitting a proposed MSD or Assessment plan, and a properly signed petition, all in accordance with items 1 and 2 above and any applicable laws (City staff will assist by providing the organizing parties with the proper forms on which to make submittals and will provide lists of property owners for the petition or petitions);

4. Each MSD or Assessment proposal must be approved by the City Council;

5. The maximum amount of funds from the ~~Dam Repair~~-RLF that may be used for any one project is \$500,000.00 or the balance available in the RLF, whichever is smaller; and

SUBJECT - DRAINAGE <u>Revolving Loan Fund</u> Private Lakes	Number 125.1	Revised 5-7-90	Effective Date 5-12-80	Page 3 of 6
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6. All revenues (principle and interest) received through the MSD or Assessment shall revolve back into the ~~Dam Repair~~ RLF to replenish the fund and provide a source of funding for other eligible ~~dam repair~~ projects, which may occur in the future.

SUBJECT - DRAINAGE <u>Revolving Loan Fund</u> Private Lakes	Number 125.1	Revised 5-7-90	Effective Date 5-12-80	Page 4 of 6
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~~e) The City of Fayetteville will provide project management and other in-kind assistance such as surveying and roadway design to the extent of the expertise and availability of City staff.~~

IV. City Owned Dams:

In cases where the City owns in fee-simple the complete dam structure:

a) The City of Fayetteville shall provide routine maintenance and repairs to the dam and associated facilities; and

b) If a Notice of Deficiency is received from NCDENR or the City Council otherwise determines that upgrades are required to the dam and associated facilities and it is the desire of the City Council and the affected property owners that the dam continue to impound water, all or part of the upgrade improvements shall be accomplished as outlined in Section III above.

SUBJECT - DRAINAGE <u>Revolving Loan Fund</u> Private Lakes	Number 125.1	Revised 5-7-90	Effective Date 5-12-80	Page 5 of 6
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RECEIVED: _____

PETITION FOR THE FORMATION OF A MUNICIPAL SERVICES DISTRICT FOR A REVOLVING LOAN FUND REPAIR OF PRIVATE LAKE or DAM

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

Pursuant to and in accordance with the City of Fayetteville Policy on ~~Repair~~/Drainage Revolving Loan Fund~~of Private~~

~~Lakes~~ (Policy 125.1), the undersigned property owners having interest in ~~repairs to~~ _____ ~~Private Lake/Dam~~ located at _____, do

hereby

petition the Honorable Mayor and City Council to contract for and carry out a ~~private lake/dam repair~~ project to include, but not limited to, _____

of the above described ~~facility~~private lake/dam. The undersigned agree that when the improvement project is

completed, the repayment of the cost of the project, less the agreed upon City contribution will be levied against the property owners having interest in said ~~facility~~private lake/dam as stated in Policy 125.1.

It is further understood by each of the undersigned property owners that no improvement project shall be initiated by the Fayetteville City Council unless the following conditions are met:

1. A minimum of fifty-one percent (51%) of the affected property owners must petition the City Council for the creation of a Municipal Service District(s) (hereafter, "MSD" or multiple MSDs) to finance the repayment of the project cost (less the aforementioned City contribution) using the Revolving Loan Fund (hereafter "RLF");
2. The City shall calculate the repayment to the RLF as outlined in Policy 125.1. The repayment period shall be _____ years (not to exceed 15 years) and in accordance with applicable North Carolina laws;
3. The affected property owners shall be responsible for organizing the affected property owners and submitting a proposed MSD plan and properly signed petition, all in accordance with items 1 and 2 above and any applicable laws;
4. Each MSD proposal must be approved by the City Council;
5. The maximum amount of funds from the ~~Dam Repair~~-RLF that may be used for any one project is \$500,000.

The City of Fayetteville will provide project management and other in-kind assistance such as

surveying and roadway design to the extent of the expertise and availability of City staff.

PLEASE SUBMIT THIS PETITION AND ACCOMPANYING SIGNATURES TO: _____

LOT	DEED BK PAGE NO.	TAX ID NUMBER	STREET ADDRESS	TAX VALUE	ANTICIPATED MSD RATE

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Applicable City Council Member(s)
DATE: September 7, 2010
RE: **City Council Request(s): (In order of date of receipt)**
(a) Council Member Applewhite - Youth Protection Ordinance

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:

NA

ISSUES:

NA

OPTIONS:

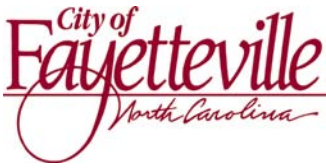
NA

RECOMMENDED ACTION:

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

ATTACHMENTS:

(a) Council Member Applewhite - Youth Protection Ordinance



City Council Agenda Item Request

Date of Request: August 27, 2010

Name of Requestor: Councilmember Val Applewhite – District 7

Agenda Item Title: Youth Protection Ordinance

What do you want to accomplish with this item?

Consideration of an Ordinance for the City of Fayetteville that will address establishing a curfew for minors with the intent of protecting them from violent acts and reducing their criminal activity in our community. In addition to a curfew, consideration of provisions that will limit loitering for the purpose of engaging in related drug activity. This could be integrated into our Community Policing Strategy.

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

Great Place to Live – A clean and safe community; consistent improvement in reducing crime

Desirable Neighborhoods – Neighborhoods where people are safe and secure

Partnership of Citizens – Citizens taken responsibility and sharing ownership for the community

Greater Community Unity – Develop and maintain collaborative working relations among various governmental units

Comments: The establishment of a curfew for minors in the City of Fayetteville has been a major topic of discussion for citizens throughout the city, particularly during Community Watch meetings for years. As this is not a new discussion, the road block appears to be the difficulty in enforcement and the potential burden on the police department. As we continue to address the growing rates of property crime and demand on the judicial system and jail, we cannot continue to overlook the activities of the youth in this community. It must be a collaborative effort – first and foremost of parental involvement, our faith based community, school systems, social services, businesses, non-profits and law enforcement. This effort could be incorporated into this city's successful Community Based Policing Strategy.

Although the County has a curfew, without like efforts on behalf of the City of Fayetteville it is challenged to be successful. Consideration of this ordinance could be another opportunity to collaborate on an issue with the County that could improve the safety and quality of life in our city.

ORDINANCE NO. _____
AN ORDINANCE AMENDING TITLE 12 OF THE GREENVILLE
CITY CODE ESTABLISHING A YOUTH PROTECTION ORDINANCE
IMPOSING CERTAIN RESTRICTIONS UPON JUVENILES
DURING SPECIFIED HOURS.

WHEREAS, the City Council has determined that there has been an increase in juvenile violence, juvenile gang activity and crime by persons under the age of 16 years in the City of Greenville; and

WHEREAS, persons under the age of 16 years are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

WHEREAS, the offensive activities of juveniles are not easily controlled by existing laws and ordinances; and

WHEREAS, a curfew for those under the age of 16 years will be in the interest of the public health, safety, and general welfare and will help attain the forgoing objectives and to diminish the undesirable impact of such conduct on the citizens of Greenville and will promote the public health, safety and welfare; and

WHEREAS, North Carolina General Statute §160A-198 authorizes the City of Greenville by an appropriate ordinance to impose a curfew on persons under the age of 16 years.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA:

Section 1: That Title 12 of the Code of Ordinances, City of Greenville, North Carolina is hereby amended by the addition of Chapter 7, to read as follows:

CHAPTER 7. YOUTH PROTECTION.

Sec. 12-7-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the following meanings:

CURFEW HOURS means:

- (a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- (b) 12:01 a.m. until 6:00 a.m. on any Friday or Saturday.

DIRECT ROUTE means the shortest reasonable path of travel or a commonly used route to reach a final destination without any detour or stop along the way.

EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to any place of amusement, entertainment, or eating place.

GUARDIAN means:

- (a) a person who, under court order, is the guardian of the person of a minor, or
- (b) a public or private agency with whom a minor has been placed by a court.

JUVENILE OR MINOR means any person under the age of 16 years.

OPERATOR means any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment, including the members or partners of an association or partnership and the officers of a corporation.

PARENT means:

- (a) a natural parent, adoptive parent, or step-parent of another person, or
- (b) a person 18 years of age or older who has written authorization by a parent, guardian or the courts to have the care and custody of a minor.

PUBLIC PLACE means any place to which the public has access, including but not limited to, streets, highways, alleys, rights-of-way, schools and school grounds, hospitals, apartment houses, office buildings, transport facilities, shops, theaters, bowling alleys, arcades, playgrounds, parks and eating places, the common areas of any of the above-mentioned locations, and other establishments open to the public for the conduct of business.

REMAIN means to linger or stay or to fail to leave the premises when requested to do so by a police officer or the operator of the premises.

SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 12-7-2. Curfew for Juveniles.

It shall be unlawful for a juvenile to be present in or remain in any public place within the city or on the premises of any establishment within the city during curfew hours.

Sec. 12-7-3. Exceptions

The following shall constitute valid exceptions to the operation of the provisions of this chapter:

- (a) When a juvenile is accompanied by a parent or guardian of such juvenile.
- (b) When a juvenile is accompanied by an adult 18 years of age or older who has written authorization by a parent or guardian of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and purpose within a specified area.
- (c) When a juvenile is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.
- (d) When a juvenile is on the property where the juvenile resides or on the sidewalk immediately adjacent to the property where the juvenile resides.
- (e) When a juvenile is returning home by direct route (without any unnecessary detour or stop) from and within one (1) hour of the termination of an activity conducted or sponsored by a public or private school, such as a sporting event, play, concert, or dance.
- (f) When the juvenile is engaged in a lawful employment activity or using a direct route to and from a place of employment.
- (g) When the juvenile is, with parental consent, engaged in normal interstate travel through the city or originating or terminating in the city.
- (h) When the juvenile is married or emancipated.
- (i) When the juvenile is reacting or responding to an emergency.
- (j) When authorized, by special permit from the Chief of Police carried on the person of the juvenile thus authorized, as hereinafter provided. When necessary nighttime activities of a juvenile may be inadequately provided for by other provisions of this chapter, then recourse may be had to the Chief of Police, either for a regulation as provided in subsection (k) or for a special permit as the circumstances warrant. Upon the findings of reasonable necessity for the use of a public place to the extent warranted by a written application signed by a juvenile and by a parent or guardian of the juvenile, if feasible, stating (1) the name, age and address

of the juvenile; (2) the name, address, and telephone number of a parent or guardian thereof; (3) the height, weight, sex, color of eyes and hair and other physical characteristics of the juvenile; (4) the necessity that requires the juvenile to remain upon a public place during the curfew hours otherwise applicable; (5) the public place; and (6) the beginning and ending of the period of time involved by date and hour, the Chief of Police may grant a permit in writing for the juvenile's use of a public place at such hours as in the opinion of the Chief of Police may reasonably be necessary and consistent with the purposes of this chapter. In an emergency this may be handled by telephone or other effective communication, with a corresponding record being made contemporaneously to the Chief of Police or to the person designated by the Chief of Police to receive such record.

(k) When authorized, by regulation issued by the Chief of Police in other similar cases of reasonable necessity, similarly handled but adapted to reasonably necessary night time activities of more juveniles than can readily be dealt with on an individual special permit basis. Normally such regulation by the Chief of Police permitting use of public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the public places permitted, the period of time involved not to extend more than one (1) hour beyond the time for termination of the activity, and the reason for finding that the regulation is reasonably necessary and is consistent with the purposes of this chapter.

Sec. 12-7-4. Parental Responsibility.

(a). It shall be unlawful for a parent or guardian having legal custody of a juvenile knowingly to permit or by inefficient control to allow the juvenile to remain in any public place within the city or on the premises of any establishment within the city under circumstances not constituting an exception to, or otherwise beyond the scope of, this chapter. The term "knowingly" includes knowledge that a parent or guardian should reasonably be expected to have concerning the whereabouts of a juvenile in that parent or guardian's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

(b). It shall be unlawful for any parent or guardian to refuse to take custody when requested by a police officer during the curfew hours of a juvenile for whom the parent or guardian is responsible.

Sec. 12-7-5. Operator Responsibility.

It shall be unlawful for any operator of an establishment to knowingly permit a juvenile to remain at the establishment under circumstances not constituting an exception to this chapter unless the operator has notified the police that a juvenile was present on the premises of the establishment during curfew hours and refused to leave. The term "knowingly" includes knowledge that an operator should reasonably be expected to have concerning the patrons of

the establishment. The standard for “knowingly” shall be applied through an objective test: whether a reasonable person in the operator’s position should have known that the patron was a juvenile in violation of this chapter.

Sec. 12-7-6. Aiding and Abetting.

It shall be unlawful for any person 16 years of age or older to aid or abet a juvenile in the violation of this chapter.

Sec. 12-7-7. Enforcement.

Before taking any enforcement action for curfew violations under this chapter, a police officer shall ask the apparent juvenile offender’s age and reason for being in the public place or establishment during curfew hours. The officer shall notify the parent or guardian that there has been a curfew violation, and request the parent or guardian to take custody of the juvenile. The officer shall document this accordingly. If the parent or guardian is not available or refuses to take custody of the juvenile, then, the officer, consistent with the provisions of Chapter 7B of the North Carolina General Statutes, may proceed to place the juvenile in temporary custody and initiate such actions that may be necessary for placement of the juvenile.

Sec. 12-7-8 Penalties.

(a) A juvenile who violates any provision of this chapter shall be guilty of a misdemeanor as provided in North Carolina General Statute §14-4 and is subject to being adjudicated delinquent. The court may, in its discretion, impose any dispositional alternatives that are provided in the North Carolina General Statutes for a juvenile who is delinquent.

(b) Any person other than a juvenile who violates any provision of this chapter shall be guilty of a misdemeanor as provided in North Carolina General Statute §14-4.

(c) In addition to any other penalty provided by this section, the parent or guardian having custody of a juvenile subject to this chapter shall be liable and responsible for all costs incurred by the City of Greenville for providing personnel to remain in the company of the juvenile who has been detained as a curfew violator where the parent or guardian does not pick up the juvenile within one (1) hour after receiving notice from the City of Greenville that the City of Greenville is detaining the juvenile for a curfew violation. The amount to be paid by the parent or guardian shall be based on the hourly wage of the City of Greenville employee who is assigned to remain with the juvenile plus the costs of the benefits for that employee. The City of Greenville may collect the amounts due by any manner provided by law, including initiation of litigation to recover such amounts due and owing, plus reasonable attorneys fees and costs incurred.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 4. This ordinance will become effective on the 1st day of September, 2008.

This the 14th day of August, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk