



FAYETTEVILLE CITY COUNCIL
AGENDA
SEPTEMBER 12, 2011
7:00 P.M.
CITY HALL COUNCIL CHAMBER

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 ANNOUNCEMENTS AND RECOGNITIONS

6.0 PUBLIC FORUM

Each speaker shall have up to 2 minutes to address Council on issues related to the City of Fayetteville. No time will be yielded to any speaker by another speaker. The Public Forum shall last no longer than 15 minutes. The Mayor shall have the discretion to extend the Public Forum up to 30 minutes.

7.0 CONSENT

7.1 Federal Aviation Administration (FAA) Grant Amendment & Capital Project Ordinance Amendment #2012-13 for Airport Improvement Project (AIP) #37, Rehabilitation of Taxiway A Pavement and Lighting.

7.2 2011 Airport Improvement Grant #38 & Capital Project Ordinance #2012-2 for the Design of Runway 4 area and Taxiway A, and Phase I reconstruction of airline terminal concrete apron.

7.3 Surplus 1989 Airport Rescue Fire Fighting (ARFF) Truck to Sell

7.4 Transfer of City-owned property located on Fisher Street adjacent Walker-Spivey School to Cumberland County School Board.

7.5 PWC - Phase V Annexation, Area 6 – Proposed Assessment Revision

7.6 Adopt a Resolution to set Public Hearing to Consider Closing a Portion of Farmview Drive

7.7 Approval of Amendment to Memorandum of Understanding with Fayetteville State University for the demolition of the Washington Drive School.

8.0 OTHER ITEMS OF BUSINESS

8.1 Amendment to Ordinance Chapter 5 Alcohol Beverages and Chapter 18 Parks and Recreation
Presenter(s): Michael Gibson, Parks, Recreation and Maintenance Director

8.2 2011 Update on Community Wellness Plan

Presenter(s): Tom Bergamine, Chief of Police

9.0 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.

**COUNCIL MEETING WILL BE AIRED
SEPTEMBER 12, 2011 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
SEPTEMBER 14, 2011 - 10:00 PM
COMMUNITY CHANNEL 7**

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bradley S. Whited, Airport Director
DATE: September 12, 2011
RE: **Federal Aviation Administration (FAA) Grant Amendment & Capital Project Ordinance Amendment #2012-13 for Airport Improvement Project (AIP) #37, Rehabilitation of Taxiway A Pavement and Lighting.**

THE QUESTION:

How do we maintain the facilities of the Fayetteville Regional Airport?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

In 2010 the FAA issued a grant to the City for the purpose of rehabilitation of taxiway A pavement and lighting. Earlier this year it was necessary to increase the pavement overlay from 2" to 4" resulting in an increased project cost. The FAA is providing this amendment to the original grant in the amount of \$890,536.00 for a new total Federal obligation of \$6,827,440.00. The Federal share represents 95% of the additional funding. The additional contribution from the airport fund will be \$46,870.00

ISSUES:

Approval of this FAA amendment will allow the Airport to complete the improvements on Taxiway A, with an extended pavement life.

BUDGET IMPACT:

The Federal share for AIP #37 - Rehabilitation of Taxiway A - pavement and lighting will increase by \$890,536.00 and the corresponding Airport contribution will be \$46,870.00. The Airport will include this increase in its next Passenger Facilities Charge revision.

OPTIONS:

Approve the Federal Grant Amendment and Capital Project Ordinance Amendment #2012-13.

RECOMMENDED ACTION:

The Airport Commission and Airport Management recommend approval of the FAA AIP #37 grant amendment and Capital Project Ordinance Amendment #2012-13

ATTACHMENTS:

FAA Amendment dated 8-23-2011

Capital Project Ordinance Amendment Change 2012-13 (CPO 2011-4)



U.S. Department
of Transportation
**Federal Aviation
Administration**

Airports District Office, FAA
Campus Building
1701 Columbia Avenue, Suite 2-260
College Park, Georgia 30337-2747
(404) 305-7150 FAX: (404) 305-7155

August 23, 2011

The Honorable Anthony G. Chavonne
Mayor of Fayetteville
433 Hay Street
Fayetteville, North Carolina 28301

Dear Mayor Chavonne:

This letter effects the amendment as requested for Project No. 3-37-0021-037-2010, at Fayetteville Regional Airport, Fayetteville, North Carolina, and commits the United States to the obligation of an additional amount to this project, in accordance with general condition III, H., of the master agreement accepted on August 23, 2010.

This additional amount is \$890,536. The current maximum obligation is now \$6,827,440.

Under the terms of the grant agreement, this document is incorporated into, and constitutes Amendment No. 1 to the above referenced grant agreement.

Sincerely,

Original Signed By
SCOTT L. SERITT

Scott L. Seritt
Manager

cc:
✓ Mr. Bradley S. Whited, A.A.E.
NC DOT- Division of Aviation
AMZ-110, Felicia Garnand

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2012-13 (CPO 2011-4)**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1. The project change authorized is to Capital Project Ordinance 2011-4 adopted August 23,2010, as amended, for the funding of Taxiway A Rehab project at the Airport

Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

	Listed As	Amendment	Revised
Federal Grant - Federal Aviation Administration	\$ 5,936,904	\$ 890,536	\$ 6,827,440
Local Match - Airport Operating Transfer	315,969	46,870	362,839
	\$ 6,252,873	\$ 937,406	\$ 7,190,279

Section 4. The following amounts are appropriated for the project:

Project Expenditures	\$ 6,252,873	\$ 937,406	\$ 7,190,279
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 12th day of September, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bradley S. Whited, Airport Director
DATE: September 12, 2011
RE: **2011 Airport Improvement Grant #38 & Capital Project Ordinance #2012-2 for the Design of Runway 4 area and Taxiway A, and Phase I reconstruction of airline terminal concrete apron.**

THE QUESTION:

How do we keep the Airport a primary gateway and safe facility for our community?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy.

BACKGROUND:

The Airport has applied for FAA funding to design of RW 4 safety area and taxiway A improvements, as well as reconstruction airline terminal concrete apron phase I. A capital project ordinance will need to be approved along with the grant. These projects are included in the Airport's five year capital program recommended by the Airport Commission and approved by City Council. The grant will need to be signed by the Mayor prior to close of business September 15, 2011.

ISSUES:

Given the Federal funding issues, Congress has only approved funding until September 16, 2011. We are asking City Council to approve the 2011 FAA grant, subject to receiving the FAA grant award documents.

BUDGET IMPACT:

The FAA 95% share is \$4,981,210.00 and the Airport local 5% match is \$262,169.00 included in current year airport operating funds.

OPTIONS:

Approve 2011 FAA AIP funding and Capital Project Ordinance #2012-2, subject to FAA providing the grant document to Fayetteville Regional Airport.

RECOMMENDED ACTION:

The Airport Commission and Airport Management recommend City Council authorize the Mayor to sign the 2011 Airport Improvement funding #38 and approve Capital Project Ordinance 2012-2 for the Fayetteville Regional Airport.

ATTACHMENTS:

Capital Project Ordinance (ORD 2012-2)

**CAPITAL PROJECT ORDINANCE
ORD 2012-2**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The authorized project includes the design of Runway 4 safety area and Taxiway A improvements, as well as, reconstruction of airline terminal concrete apron phase I as authorized in the Federal Aviation Administration Project No. 38.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

Federal Grant - Federal Aviation Administration	\$ 4,981,210
Local Match - Airport Operating Fund Transfer	262,169
	<u>\$ 5,243,379</u>

Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 5,243,379</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

Adopted this 12th day of September, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bradley S. Whited, Airport Director
DATE: September 12, 2011
RE: **Surplus 1989 Airport Rescue Fire Fighting (ARFF) Truck to Sell**

THE QUESTION:

How do we fund airport capital projects? Proceeds from the sale of this truck will be used to fund the Airport share of future Federal grants.

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity -Strong Local Economy

BACKGROUND:

We have a 1989 E-one Airport Rescue Fire Fighting (ARFF) truck that was purchased with a Federal grant. The Airport recently accepted delivery of a 2011 Oshkosh Striker ARFF vehicle to replace this 1989 model, purchased under the Passenger Facilities Charge program. Now that our new truck is in place we want to advertise the 1989 for sale.

ISSUES:

FAA requires that funds obtained from the sale of former grant equipment be used for future Federal eligible items at the airport. City Council will need to approve this 1989 truck as surplus in order to ultimately transfer title to that successful bidder.

BUDGET IMPACT:

We plan to place advertise the truck for public minimum bid of \$24,000. Those funds will be designated for federal capital projects

OPTIONS:

Approve surplus status for the 1989 ARFF vehicle

RECOMMENDED ACTION:

Recommend approval of surplus status to allow for public bid for the sale of this vehicle

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor Sharpe, Community Development Director
DATE: September 12, 2011
RE: **Transfer of City-owned property located on Fisher Street adjacent Walker-Spivey School to Cumberland County School Board.**

THE QUESTION:

Does the City have use for the subject property recommended to be conveyed to the Cumberland County Board of Education?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- This request is for the transfer of two City-owned parcels to the Cumberland County Board of Education.
- The City recently transferred a portion of a City-owned parcel next to Walker-Spivey School to Fayetteville Metropolitan Housing Authority for the construction of a daycare facility.
- The remaining portion owned by the City is adjacent to the school's parking lot. There is also another very small parcel that is parallel that is being considered.

ISSUES:

The parcels include Public Works Commission easements.

BUDGET IMPACT:

Cost of recording the documents is estimated at \$35.

OPTIONS:

- Approve transfer of property (RECOMMENDED).
- Do not approve transfer of property.
- Provide further direction to staff.

RECOMMENDED ACTION:

Staff recommends approval of the attached resolution conveying the subject parcels to the Cumberland County Board of Education.

ATTACHMENTS:

Resolution
Fisher Street Aerial Map
Fisher Street Site Map

**STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND
CITY OF FAYETTEVILLE**

Resolution R2011-_____

**RESOLUTION TO CONVEY REAL PROPERTY TO THE CUMBERLAND
COUNTY BOARD OF EDUCATION**

WHEREAS, the City of Fayetteville owns two vacant lots located on the corner of Old Wilmington Road & Fisher Street, being a portion of tax map PIN 0436-89-2346 & all of PIN 0436-89-1382; and

WHEREAS, these lots are adjacent to the Walker Spivey School Campus; and

WHEREAS, the Cumberland County Board of Education, a public entity, has requested that the City of Fayetteville convey their interest in said lots for the purpose of public education; and

WHEREAS, North Carolina General Statutes §160A-274 authorizes the City to convey real property to another governmental unit with the only procedural requirement being that the governing body of the City take the action; and

NOW THEREFORE, the City Council of the City of Fayetteville does hereby resolve to convey the property, PIN 0436-89-1382 and a portion of PIN 0436-89-2346, to the Cumberland County School Board without cash consideration and subject to easements as requested by PWC. The City Manager is directed to execute such documents necessary to convey the lot.

ADOPTED this the 6th day of September, 2011 by the City Council of the City of Fayetteville, North Carolina

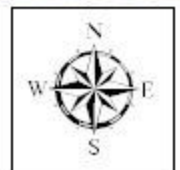
CITY OF FAYETTEVILLE

By: _____ (SEAL)
Dale Iman, City Manager

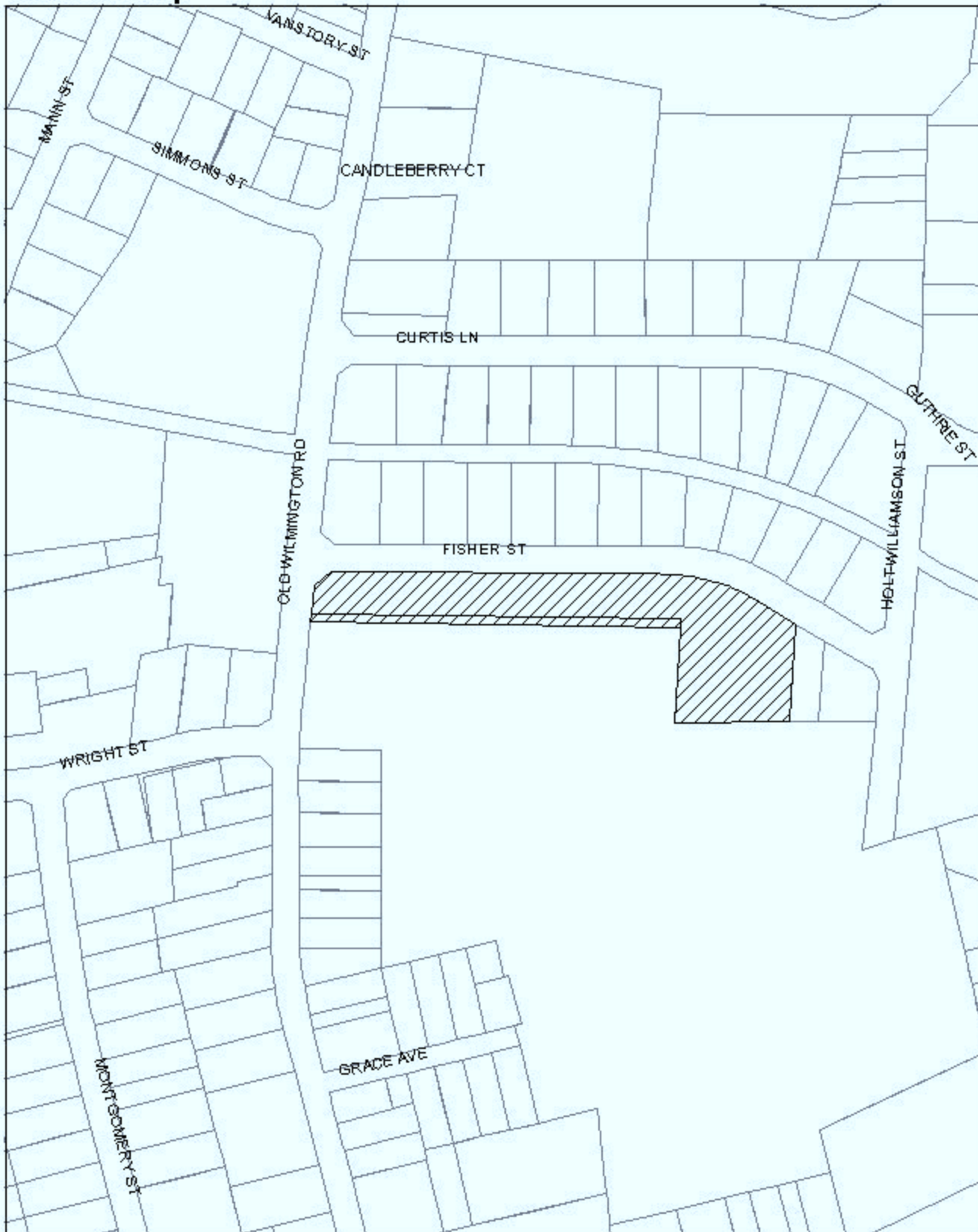
ATTEST:

_____(SEAL)
Jennifer Penfield, Deputy City Clerk

Community Development



City of Fayetteville Planning Department Location Map



PIN - 0436-89-1382
0436-89-2346

August 2011

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: September 12, 2011
RE: **PWC - Phase V Annexation, Area 6 – Proposed Assessment Revision**

THE QUESTION:

Will the City Council, as the governing body, approve the assessment reduction for the property, located at 229 Ingleside Drive, from a commercial lot assessment of \$7,081.00 to the single family residential lot assessment of \$5,000.00 as allowed by state statute?

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

On March 28, 2011 the Fayetteville City Council approved the Assessment Roll for the sanitary sewer lines provided within the Phase 5 Annexation Project for Areas 6 & 7 Lagrange and Summerhill. An assessment was made on the property located at 229 Ingleside Drive, parcel number 9498-58-0057, in the amount of \$7,081.00. PWC received a written appeal from the property owner, Christine D. Hill dated June 25, 2011, requesting that PWC reevaluate the calculated cost of the assessment and to reclassify the assessment from a commercial lot assessment, which is charged a per front foot rate of \$55.56 with a 90' minimum plus the cost of a service lateral (\$783.00), to the single family residential lot assessment of \$5,000.00. PWC Water Resource Engineers reviewed this information and agrees that the property in question was incorrectly assessed. A 6-inch sewer lateral was installed to this property during construction due to the length required. A clerical error was made in assessing the property due to it receiving a 6-inch lateral (commercial) and therefore charged on a per foot basis. Under General Statute 105-381 a tax may be released for the following (1) A tax imposed through clerical error; (2) An illegal tax, or (3) A tax levied for an illegal purpose.

ISSUES:

Whether to modify the assessment on property address 229 Ingleside Drive due to clerical error by reducing the assessment from a commercial lot (\$7,081.00) charge to a single family residential lot (\$5,000.00) charge.

BUDGET IMPACT:

Assessment revenues decrease.

OPTIONS:

- (1) Adopt recommendations
- (2) Take no action
- (3) Provide additional direction to staff

RECOMMENDED ACTION:

PWC recommends the assessment on the property located at 229 Ingleside Drive, , parcel number 9498-58-0057, be reduced from a commercial lot assessment in the amount of \$7,081.00 to a single family residential lot assessment of \$5,000.00 on the basis of clerical error pursuant to state statute 105-381.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, PE, Interim Engineering & Infrastructure Director
DATE: September 12, 2011
RE: **Adopt a Resolution to set Public Hearing to Consider Closing a Portion of Farmview Drive**

THE QUESTION:

How to respond to a petition that was received from owners of property adjoining the unopened portion of Farmview Drive requesting that this portion of the street be permanently closed?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City-Great place to live

BACKGROUND:

- NCGS§160A-299 gives the authority and procedures for the City to close a city street or alley.
- The referenced street is currently not used as a public street or alley.
- A petition signed by one of the adjoining property owners is attached along with a map of the proposed closing.

ISSUES:

Access to the adjoining properties will not be denied as a result of the closure.

BUDGET IMPACT:

There is no significant impact on the budget for this street closure.

OPTIONS:

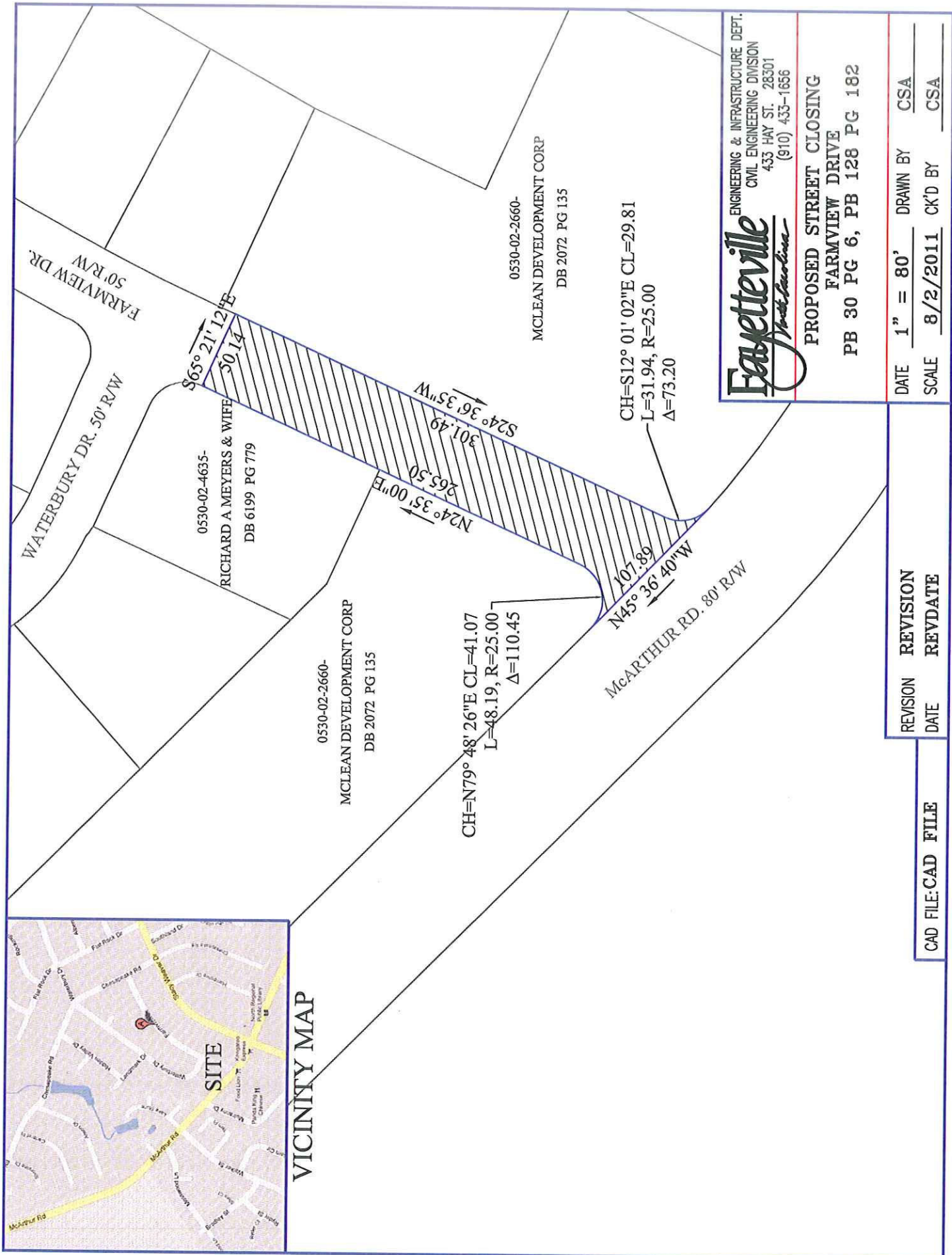
- Adopt preliminary resolution calling for a public hearing to consider street closure.
- Deny the request.

RECOMMENDED ACTION:

Adopt the attached preliminary resolution authorizing advertisement of the Council's intent to permanently close the referenced street and setting a public hearing for October 10, 2011

ATTACHMENTS:

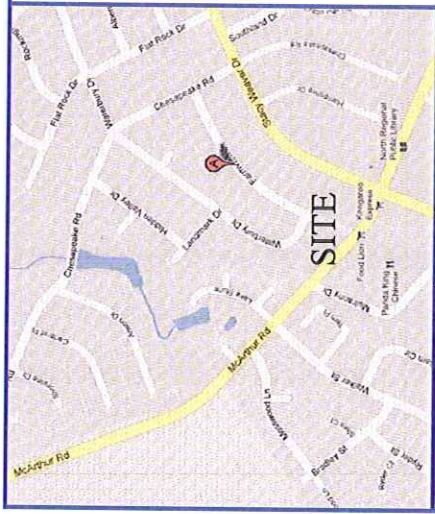
Petition and Map
Preliminary Resolution for Public Hearing



Fayetteville
 ENGINEERING & INFRASTRUCTURE DEPT.
 CIVIL ENGINEERING DIVISION
 433 HAY ST. 28301
 (910) 433-1656

PROPOSED STREET CLOSING
 FARMVIEW DRIVE
 PB 30 PG 6, PB 128 PG 182

DATE	1" = 80'	DRAWN BY	CSA
SCALE	8/2/2011	CK'D BY	CSA



VICINITY MAP

REVISION DATE	REVISION

CAD FILE: CAD FILE

NORTH CAROLINA

PETITION

CUMBERLAND COUNTY

To: The Mayor and Members of the City Council of
Fayetteville, North Carolina

1. That under a deed dated November 30, 1967 and being recorded in Deed Book 2072, Page 135, in the office of the Register of Deeds for Cumberland County, there were dedicated certain lands to be used as a public street, said street is now known as Farmview Drive.
2. That the petitioner is owner of a portion of the property adjoining said street and is desirous of closing a portion of the street as a public street, pursuant to North Carolina General Statute 160A-299.
3. That a portion of said street, although dedicated by the heretofore mentioned deed, is not now used as a street; that your petitioner believes it would be in the best interests of all parties that said street portion be closed as a public street and that your petitioner believes that the closing of said street portion would not deprive anyone of reasonable means of ingress and egress to his or her property and that the closing of said street portion will not do any harm to person known to your petitioner.

WHEREFORE, your petitioner respectfully petitions the City Council of the City of Fayetteville as follows:

- (1) That the portion of Farmview Drive from Waterbury Drive to McArthur Road, be closed pursuant to the authority of North Carolina General Statute, 160A-299.
- (2) That a hearing be held pursuant to North Carolina General Statute 160A-299 after appropriate notification of all parties as set forth in the aforesaid statute.

Filed this 29th day of July, 2011.

SIGNATURE OF PETITIONERS:

McLean Development Corp.

By: 

Alfred E. Cleveland, President

**STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND
CITY OF FAYETTEVILLE**

Resolution R2011-_____

**RESOLUTION CALLING A PUBLIC HEARING
REGARDING THE PROPOSED CLOSING OF
A PORTION OF BAYVIEW DRIVE AS A CITY STREET**

WHEREAS, the City of Fayetteville has received a request to permanently close a portion of Farmview Drive more specifically described as:

BEGINNING at an existing concrete monument located in the eastern right-of-way margin of Farmview Drive and at the northeast corner of Pin# 0530-02-2660- as shown on Plat entitled "Property of and Survey for McLean Development Corp." and being recorded in Plat Book 128 Page 182 of the Cumberland County Registry; and runs thence with said Farmview Drive South 24 degrees 36 minutes 35 seconds West 301.49 feet to a point; thence with a curve to the left having a radius of 25.00 feet and running a chord bearing and distance of South 12 degrees 01 minute 02 seconds East 29.81 feet to a point; North 45 degrees 36 minutes 40 seconds West 107.89 feet to a point; thence with a curve to the left having a radius of 48.19 feet and running a chord bearing and distance of North 79 degrees 48 minutes 26 seconds East 41.07 feet to a point; thence North 24 degrees 35 minutes 00 seconds East 265.50 feet to a point; thence South 65 degrees 21 minutes 12 seconds East 50.14 feet to the point of BEGINNING.....containing 1587 square feet.

The above description being the southern end of Farmview Drive as shown in Plat Book 128 Page 182 of the Cumberland County Registry.

AND WHEREAS, the Council intends to approve said request.

NOW THEREFORE, the City Council calls a public hearing on the question of the street closure to be held during the regular meeting of the Fayetteville City Council in Council Chambers at 433 Hay Street, 7:00 PM, October 10, 2011. Persons wishing to be heard regarding this issue must register in advance with the City Clerk in the Executive Offices, Second Floor, City Hall, 433 Hay Street, prior to the hearing date or at Council Chambers between 6:30 – 7:00 PM on the evening of the hearing.

The City Manager or his designee is directed to advertise this notice as prescribed in NCGS 160A-299 on September September 15th, 22nd, 29th and October 6, 2011.

ADOPTED this 12th day of September, 2011 by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Jennifer Penfield, Deputy City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor Sharpe, Community Development Director
DATE: September 12, 2011
RE: **Approval of Amendment to Memorandum of Understanding with Fayetteville State University for the demolition of the Washington Drive School.**

THE QUESTION:

Is amending the Memorandum of Understanding with Fayetteville State University to allow additional time necessary to demolish the Washington Drive Jr. High School in the citizen's interest?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

- On January 24, 2011, City Council approved a Memorandum of Understanding with Fayetteville State University for the demolition and transfer of the Washington Drive Jr. High School property by October 1, 2011.
- The City cannot move forward with demolition until the environmental review is completed.
- There has been a delay in Fayetteville State University getting the required environmental review completed.
- This amendment extends the deadline for completion of the demolition and transfer of the property to June 30, 2012.

ISSUES:

The amendment is necessary due to the delay in the environment review which should be completed soon.

BUDGET IMPACT:

No additional budget impacts.

OPTIONS:

Approve Amendment to Memorandum of Understanding (RECOMMENDED).
Do not approve Amendment to Memorandum of Understanding.
Provide additional direction to staff.

RECOMMENDED ACTION:

Approve amendment to Memorandum of Understanding with Fayetteville State University for additional time for the demolition and transfer of the Washington Drive Jr. High School property.

ATTACHMENTS:

Amended MOU-FSU

STATE OF NORTH CAROLINA

FIRST AMENDMENT TO

CITY OF FAYETTEVILLE

MEMORANDUM OF UNDERSTANDING

THIS FIRST AMENDMENT to the MEMORANDUM OF UNDERSTANDING between Fayetteville State University and the City of Fayetteville is made and entered into this the _____ day of _____, 2011, by and between the CITY OF FAYETTEVILLE, a municipal corporation duly organized and existing under the laws of the State of North Carolina (hereinafter referred to as "CITY"), and FAYETTEVILLE STATE UNIVERSITY, a constituent institution of the University of North Carolina, (hereinafter referred to as "UNIVERSITY"):

WITNESSETH:

The CITY and UNIVERSITY entered into a certain Memorandum of Understanding (hereinafter "Agreement") on January 24th, 2011; and

The CITY and UNIVERSITY recognize that due to circumstances beyond the parties' control which delayed the completion of the environmental review required for the demolition of the Washington Drive Jr. High School site, the transfer of the Washington Drive Jr. High School site is necessarily delayed; and

The CITY and UNIVERSITY desire to amend Section A. 6. of the Agreement to amend the date by which CITY will transfer the site to UNIVERSITY and extend the transfer date by eight months,

THEREFORE, in consideration of the mutual premises, covenants, and undertakings set forth herein, the CITY and UNIVERSITY agree to amend the Agreement entered into on January 24th, 2011, by revising Section A. 6. to read as follows:

Amended Section A. 6.

Contingent upon the funding and approvals described in Paragraphs B.1. and B.2. of the Agreement executed by the parties on January 24th, 2011, the CITY shall Transfer the Washington Drive Jr. high School site at no cost to University or one of its affiliates no later than June 30th, 2012, after having completed the demolition work according to the terms set forth in Section A. of the January 24th, 2011, Agreement.

THE PARTIES FURTHER AGREE that all other terms of the January 24th, 2011, Agreement remain in effect as stated in the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

ATTEST:

CITY OF FAYETTEVILLE

Fayetteville City Clerk

By: _____
DALE IMAN, City Manager
City of Fayetteville, North Carolina

Approved for legal sufficiency:

By: _____
RENNER EBERLEIN, Asst. City Attorney

FAYETTEVILLE STATE UNIVERSITY

By: _____
ROBERT BOTLEY, Vice Chancellor
For Business and Finance

Approved for legal sufficiency:

Dated _____

By: _____
WANDA JENKINS, General Counsel

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

LISA T. SMITH, Chief Financial Officer

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Michael Gibson, Parks, Recreation and Maintenance Director
DATE: September 12, 2011
RE: **Amendment to Ordinance Chapter 5 Alcohol Beverages and Chapter 18 Parks and Recreation**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Goal 6 - Revitalized Downtown - A Community Focal Point

BACKGROUND:

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

ISSUES:

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

BUDGET IMPACT:

NA

OPTIONS:

NA

RECOMMENDED ACTION:

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

ATTACHMENTS:

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

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

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

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

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

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

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

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

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

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

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

ADOPTED this _____ day of _____, 2011.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

JENNIFER PENFIELD, Deputy City Clerk

Sec. 24-132. - Definitions.

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

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

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

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

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

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

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

Public assembly means:

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

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

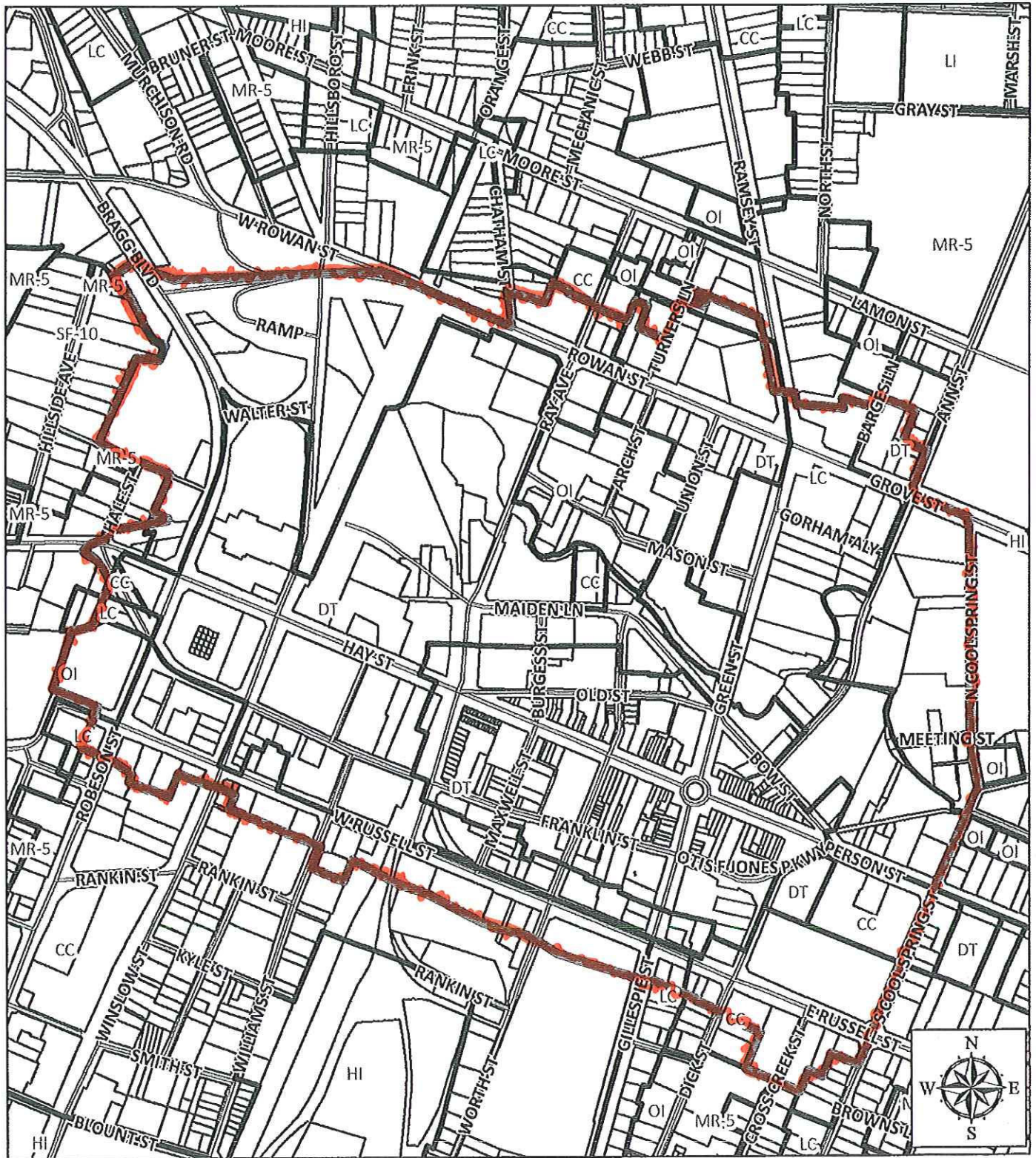
Pushcart means any wheeled vehicle which may be moved by one person without the assistance of a motor and which is used for displaying, keeping or storing any food, beverages or other articles for sale by a vendor or peddler.

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

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

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

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



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Tom Bergamine, Chief of Police
DATE: September 12, 2011
RE: **2011 Update on Community Wellness Plan**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

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

ISSUES:

Yearly update - introduce new initiatives to the plan.

BUDGET IMPACT:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

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

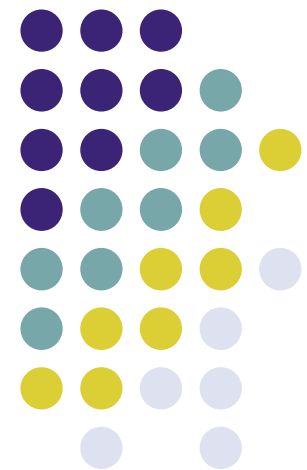
ATTACHMENTS:

Police - Community Wellness Plan Update 2011

Community Wellness

September, 2011

An overview of: Business Watch Groups, The Veterans Court, Juvenile Repeat Offenders, Risk Based Analysis, The Burglary Task Force and The Radio Show , Homelessness and Smart Start.

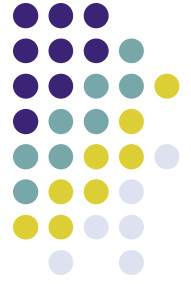


Veterans Court: (Veterans Court to be integrated with Mental Health Court)



- **Mission:** to successfully habilitate Justice Involved Veterans (JIV) by diverting them from traditional criminal justice and providing them with treatment and counseling needed to reintegrate them into the community.
 - **Program Goals:**
 - Identify Justice Involved Veterans
 - Assess their needs
 - Manage their care
 - Resolution of criminal cases
 - Reintegrate into the community

Veterans Court (Criteria & Referrals)



- **Participation Criteria:**
 - **A current or former member of the US Armed Forces including the Reserves and or National Guard**
 - **Have a current criminal case pending in Cumberland County**
 - **Clinical Diagnosis of a brain injury, mental illness, or mental disorder including post-traumatic stress disorder, that resulted from military service in a combat zone or other similar hazardous duty area, and materially affected the JIV criminal conduct at issue in the case.**
- **Program Referrals:**
 - **Court Officials, Law Enforcement, Jail Staff, DA's Office, Public Defender's Office, Veterans Administration, Mental Health**

Veteran's Court (Structure, Funding and Members)



- **Program Structure:**

- 12-18 month program
- Supervision and Monitoring
- Compliance Hearings (Hearings every two weeks)
- Disposition of court cases upon successful completion of program

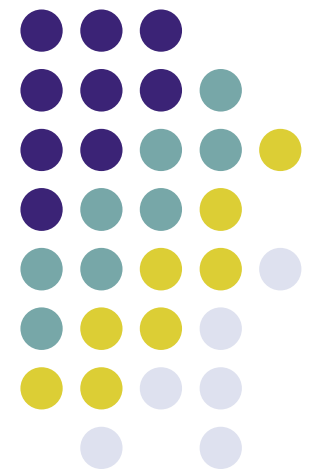
Funding:

- Judge Keever plans to apply for a Bureau of Justice Administration Grant in the spring of 2012 with a target start date if awarded sometime in the fall of 2012.

- **Team Members:**

- Cumberland County Judicial officials
- Veterans Treatment Court Coordinator (To be determined)
- Veterans Treatment Court Prosecutor (DA Representative)
- Veterans Treatment Court Defense counsel (Public Defender Representative)
- Veterans Treatment Court Treatment Care Providers (Various Providers)
- Veterans Treatment Court Community Supervision Representatives (Probation Parole etc)
- Veterans Treatment Court Law Enforcement Representatives (Local Law Enforcement)
- Veterans Treatment Court VA outreach Coordinator (Veterans Administration)

Radio Show

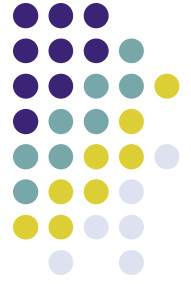


Radio Show



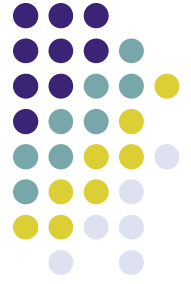
- **Mission:**
 - This radio program will be utilized to reach out to members of the community who are not traditionally served by television or internet.
- **The first recording for the season is scheduled for September 13, 2011. The topic will be relevant to the crime trends that we are seeing.**
 - The segment will run on the “Klaus and Company” show on 91.9 FM WFSS. The “Klaus and Company” airs on Friday Mornings from 9 to 9:30. At this time, we are planning for a monthly segment, seven to ten minutes in length, that will run during the show.
 - Topics that are chosen will reflect current patterns or trends (in regards to crime and events).
 - We will discuss and answer questions from the public that are submitted via our Facebook page.
 - Invite different individuals to talk on the show such as :Crime Prevention Specialist’s, Detectives, Law Enforcement & Judicial officials.
 - Success equates to more air time.

Radio Show: Advantages



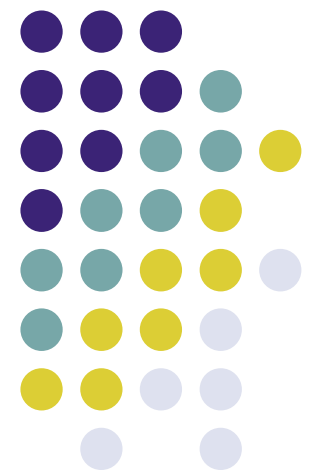
- **Flexibility approach**: based on resources, events and trends.
- **Audience**: We can tap into an audience that is already well established.
- **Resources**: By easing into it, we can adapt and learn as we go. In addition, WFSS will be editing the show and providing the recording studio, freeing up Departmental resources and Police personnel.
- **Web Broadcasts**: All shows are streamed online and are available for download on the internet for the public to listen to from their desktop computer or MP3 player.
- **Social Media**: Use the radio program to help promote the social media websites. Listeners can submit questions via Facebook or email.
- **Cost**: None, other than the time of personnel.

Radio Show: Goal

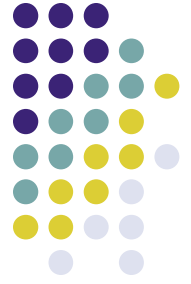


- **To provide information that is timely and unfiltered by conventional media outlets. The intention is not only inform the public, but to help build trust and understanding by hosting an open dialogue session.**

Business Watch Groups



Business Watch Group



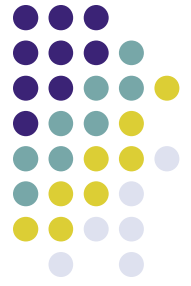
- Mission:
 - To successfully prevent and reduce crime and the perception of crime through a community based problem solving approach.
- Program Goals:
 - Educate managers and/or business owners on security issues that may affect them while providing methods to improve personal, motor vehicle and building security.
 - Promote a partnership between the Police Department, managers and business owners by utilizing a problem solving approach to crime reduction.
 - Increase communication amongst the Police Department and the community to include reporting crime and suspicious activity.

Business Watch Group



- **Participation Criteria**
 - **Manager or designated representative of a hotel or reputable business in the immediate area.**
 - **Team Members:**
 - **Crime Prevention Specialist**
 - **Zone Detective – as called upon**
 - **Forensic Video Media Specialist – as called upon**
 - **Zone Officer**
- **Program Structure**
 - **Group must meet at least once a year with their Crime Prevention Specialist to be recognized as an active business watch group.**
 - **Group will be encouraged to meet on a quarterly basis.**
 - **Group will have a liaison/coordinator responsible for disseminating information received from their Crime Prevention Specialist.**
 - **Group will receive hot spot information as disseminated by the Crime Analysis.**
 - **Group will be informed of any trends in and around their areas of concern.**

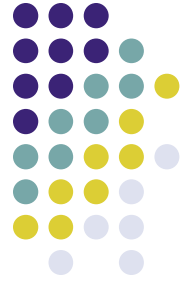
Business Watch Group



Ideas for Business Watch:

- Citizens can subscribe to receive Business Watch email alerts and other informational emails on the Police Department's website at BetheBadge.com
- Conduct CPTED surveys and provide them with Video Done Right information.
- Provide business watch signs and decals to participating businesses.
- Encourage the use of Data Dots to prevent theft and recover stolen property.

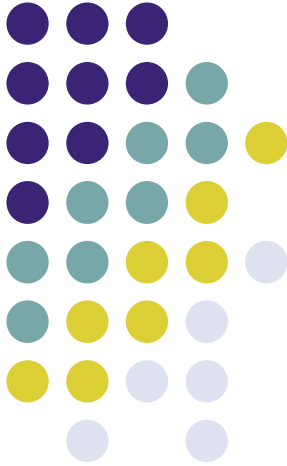
Business Watch Group



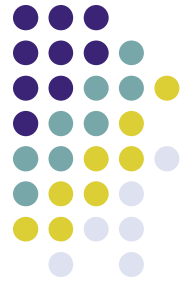
Cont..

- Use the media and other social networking sites to bring awareness about Business Watch.
- Provide management with a list of repeat shoplifting offenders.
- Organize a "kickoff" event. Invite the media and neighboring residents to celebrate the beginning of the program. This lets the city know your district is getting tough on crime

Risk Based Analysis/Predictive Analysis



Risk Based Analysis/Predictive Analysis

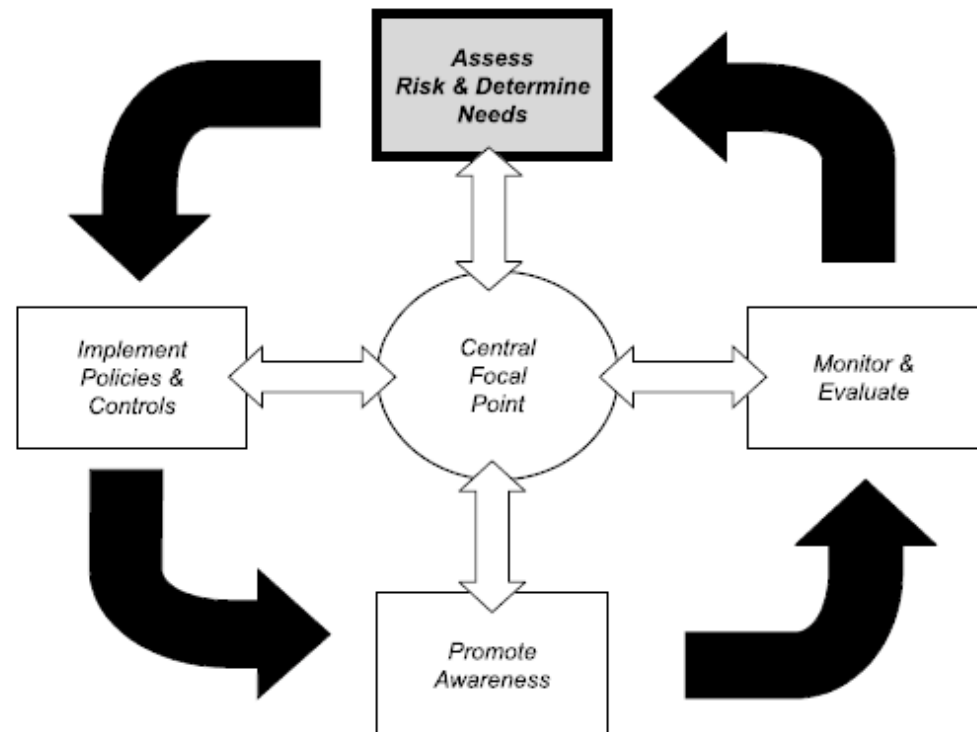


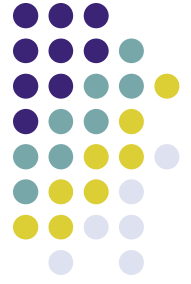
- **What is Risk Based Analysis:**
 - The ability to identify and characterize events or attributes associated with an increased threat level or risk gives agencies an analytical “crystal ball” to use for strategic deployment, crime prevention, special operations and protective details, threat assessment, and forecasting.
 - The process of identifying, assessing, and reducing risks to an acceptable level.
 - Defines and controls threats and vulnerabilities.
 - Implements risk reduction measures.
- **An analytic discipline with three parts:**
 - Risk assessment: determine where and what risks affect our area
 - Risk management: evaluating alternatives for mitigating the risk.
 - Risk communication: presenting the material in a manner that is understood by the agency as well the public.

Benefits of Risk Analysis/Predictive Analysis



- Assurance that greatest risks have been identified and addressed
- Increased understanding of risks
- Support for needed controls
- Means for communicating results

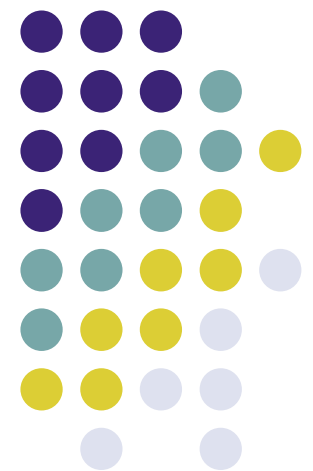




Risk Based Analysis/Predictive Analysis

- **The ability to actively work cases or brainstorm with live data enables operational and analytical personnel to put more science (and less fiction) into analytical, operational, and policy decisions**
- **The department will use data mining (extraction of information from data bases) to identify and characterize crime patterns and events associated with an increased risk or escalation of violence.**
- **Identifying a crime or series of crimes. Helping with deployment and resource allocation decisions, and possibly interrupting a crime series before serious escalation occurs. Thereby arresting the offenders and preventing future crimes.**

Juvenile Repeat Offenders



Juvenile Repeat Offenders



- **Mission**
 - **To identify the serious and/or habitual juvenile offenders in Fayetteville and through a coordinated case management system to improve public safety by holding these juveniles accountable, increasing supervision, and helping them become successful.**

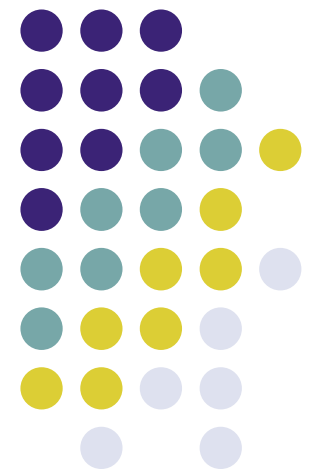


Juvenile Repeat Offenders

- **NC Juvenile Justice**
 - **Juvenile Court Counselors**
 - **Starting point for programming and services for juveniles and their families**
- **Fayetteville Police Youth Services**
 - **Will provide a youth services contact form for each juvenile that is petitioned**
 - **Lists all contacts whether the juvenile is a victim, witness or suspect**
 - **Provides information on cases whereas the juvenile was not petitioned**

Risk Based Assessment

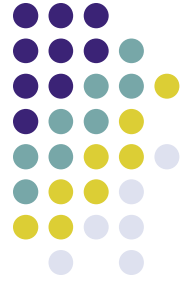
Burglary Task Force Recommendations



Goal and Objective



- **Reduce crime within the target area.**
- **Use a multi-faceted ALL crimes investigative approach to develop criminal conspiracy cases for Federal or State prosecution.**
- **Develop a multi-phase operation in the target area.**



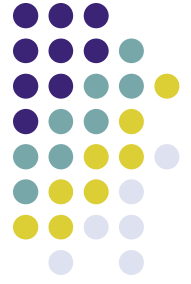
Task Force Development

- **Cross Creek**
 - **Investigative Research in specific target areas**
 - **Resources**
 - **To be determined commitment**
 - **Time frame**
 - **Reevaluate**
- **Campbellton**
 - **Investigative Research in specific target areas**
 - **Resources**
 - **To be determined commitment**
 - **Time frame**
 - **Reevaluate**



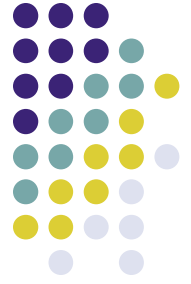
Task Force Strategies

- **Risk Based Approach**
 - **Assess the risk of the citizens and who is most likely to commit crimes within the target area**
 - **Operation Pinpoint**
 - **Who knows best about crime?**
 - **Warrant service coupled with Probation searches in targeted area**
 - **Everyone is debriefed**
 - **Crime Prevention**
 - **Explore the development of community courts in the target areas**



What has worked?

- Property Crimes Task Force worked well for a short period of time
 - Many arrests
- Narco -based approach, finding the outlets where the narcotics are being sold and stolen property may be traded for drugs
- Warrant Services in specific geographic areas
 - Modeled after Operation Pin Point



What has not worked

- **Shotgun approaches to the pandemic of Residential B&E's**
- **Warrant services city-wide**
- **No buy in from the DA's Office**
- **Operations for short periods of time**

Recommendations



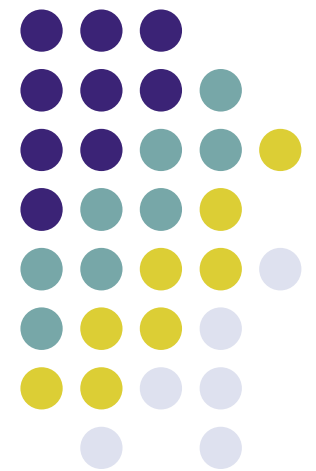
- **This is not an indictment on any previous plans or operations**
- **Each stakeholder must commit resources**
- **Each stakeholder must be willing to be open minded**

Investigative research on stolen guns



- **Review each case whereas a target is listed as a victim, witness or suspect.**
- **Review each case where a firearm was stolen**
- **Obtain serial number from report or contact victim for serial number or where purchased.**
- **Provide list of stolen serial numbers to FPD Firearms Tracer**
 - **Plot where the firearms are recovered**
 - **Research if the serial number was run by another agency**
 - **Was the firearm involved in a crime in another jurisdiction**

Homelessness

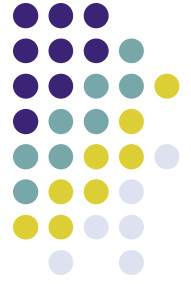




Homelessness: Initiative

- **Mission:**
 - **Accelerate the 10yr plan: to reduce homelessness in Fayetteville.**
- **Continues to be a community issue that has a negative effect on the quality of life and contributes to crime rate.**
 - **The cost to FPD**
 - 2009 was \$74,887.28
 - 2010 was \$226,779.74.
 - **That is an increase of \$151,892.46**

Homelessness in Fayetteville



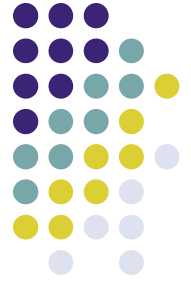
- **Not having Affordable Housing**
- **Children that age out of Children's home.**
- **Being medically discharged from the military with no place to go (PTSD).**
- **Being dropped off by Assisted living/Nursing Homes when family can't pay their bills.**
- **Suffering from Mental illness or Substance Abuse and has no one to take care of them.**
- **Divorce (Lost their wife, children, and home) or Family Death (with whom they reside with).**
- **Eviction (Average rental home costs \$725 monthly)**



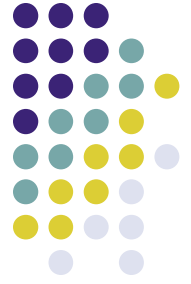
Programs in Fayetteville

- **Ten Year Steering Plan-No growth, on the 6th year.**
- **Continuum of Care-Not finding more housing in the area.**
- **City/County Community Development-No supportive of housing for homeless.**
- **Mental Health-No inpatient treatment facilities**
- **Substance Abuse rehab-No treatment facilities (methadone clinics only).**
- **(PATH) Projects for Assistance in Transition from Homelessness-Not housing enough homeless with mental illness.**
- **Section 8-Not housing enough homeless (Average time on the waiting list is 2 years)**
- **Veterans Affairs-Has no homes/shelter in Fayetteville for homeless and Veterans must have 24 months of consecutive service to qualify for benefits.**
- **Churches, Business', and Community are not coming together to alleviate the problem.**
- **No emergency shelter for families, children, and individuals- after the 1st week they must pay weekly \$75.**

Successful Felicities for Homelessness in other areas.



- **24 Hour Day Resource Centers.**
- **100,000 Homes for the Homeless Campaign: Nationally known, campaign that will run from August 2010 that will house 100,000 homeless throughout the U.S. and will end July 2013. Campaign is working! Started August 2010 and has currently housed 10,569.**
- **Currently is working in Raleigh, Charlotte, and Forsythe County.**
 - **Step 1- Building the local team**
 - **Step 2- Clarifying the demand (statistics)**
 - **Step 3- Lining up the supply**
 - **Step 4- Moving people in**
 - **Step 5- Keeping people housed**
 - **Step 6- Locking in the systems change.**



Successful Felicities for Homelessness in other areas.

- **Healing Place- Raleigh, NC. 2 year Re-hab facility ran by previous homeless, paid for through the city, state and donations, high success rate.**
- **Transitions- Columbia, SC-(Formerly Operate by Salvation Army). POC: Daniel Long 1-803-708-4861 or Larry Arney Ext. 201. www.transitionssc.org**

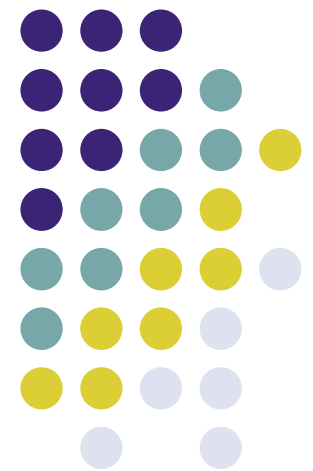
Homelessness

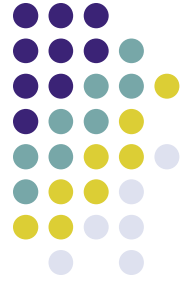


SUCCESS

- **Success will emerge only when we have developed a strong partnership with the Community, Non-Profits, other Government Entities and the Business Community.**

Partnership-Initiatives





Smart Start-Partnership

- **Partner with Smart Start and Daycares (only those daycares with the most need).**
- **Offer officer visits**
- **Officer demonstrations**
- **Work on formulating an Adopt a cop with particular daycares.**

Questions

