



FAYETTEVILLE CITY COUNCIL
AGENDA
MARCH 4, 2013
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 NCDOT Presentation for Owen Drive Project

Presented By: Lee Jernigan, P.E., City Traffic Engineer and David Phipps, P.E., NCDOT Regional Traffic Engineer

4.2 Fayetteville Advisory Committee on Transit (FACT) Service Improvement Recommendations

Presented By: Randall Hume, Transit Director and Jeff Thompson, Chairman, Fayetteville Advisory Committee of Transit

4.3 Five Year Reauthorization of the Downtown Municipal Services District

Presented By: Karen S. Hilton, AICP, Manager, Planning and Zoning

4.4 Commercial Recycling Program Update

Presented By: Gerald Dietzen, Environmental Services Director

4.5 FY14 City Council Budget Guidelines

Presented By: Theodore L. Voorhees, City Manager

4.6 Mayor and City Council Protocol and Code of Conduct

Presented By: Theodore L. Voorhees, City Manager

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 non-public hearing item may submit written materials to the City Council on the subject matter by providing twenty (20) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lee Jernigan, P.E., City Traffic Engineer
DATE: March 4, 2013
RE: **NCDOT Presentation for Owen Drive Project**

THE QUESTION:

Presentation by NCDOT for a proposed project on Owen Drive

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - Great Place to Live

BACKGROUND:

NCDOT is proposing a project to improve the safety and operation of Owen Drive from Eastern Boulevard to the All American Expressway.

ISSUES:

NCDOT will be making a presentation describing the project scope and requesting support from Council.

BUDGET IMPACT:

Anticipated costs for sidewalk, landscaping and irrigation would be borne by the City at a future date.

OPTIONS:

Staff will place a resolution supporting the project on a future agenda for consideration.

Request changes to the design and present at another work session.

RECOMMENDED ACTION:

This is for discussion purposes only.

ATTACHMENTS:

NCDOT Owen Drive Presentation

SR 1007 (Owen Drive) Corridor Safety Project Proposal

City of Fayetteville

David B. Phipps, PE

Sandhills Regional Traffic Engineer

NCDOT

March 4, 2013



Regional Traffic Engineering Office

- Tasked with Developing Highway Safety Projects.
- Access to State Funding (Spot Safety Program) and Federal Highway Safety Improvement Program (HSIP) Funds.
- Work closely with Division 6 (NCDOT) and City Staff.



SR 1007 (Owen Drive) Study

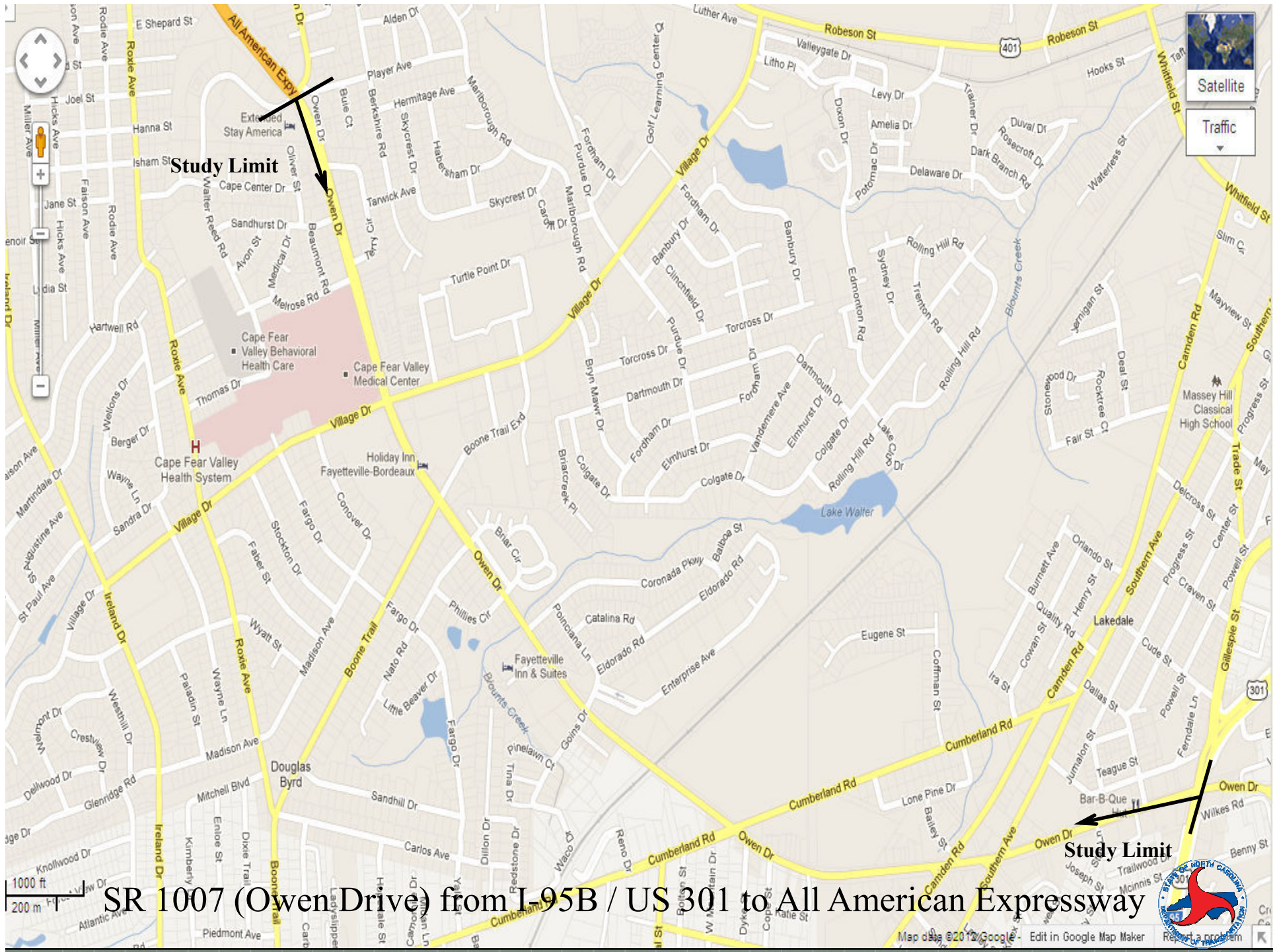
- Request for Safety Investigation Received from NCDOT Division 6.
- Investigation included: 5 Year Crash Analysis, Field Review, and Pedestrian Vehicular Volume Data.
- Project Developed in Coordination with NCDOT Division 6 and City of Fayetteville Staff.



SR 1007 (Owen Drive)

- Three Mile Section from I-95B/US301 to Walter Reed Road.
- Seven Lane Roadway with a Center Turn Lane.
- High Traffic Volume with Many Driveway Access Points.





SR 1007 (Owen Drive) Statistics

- One of the Heaviest Traveled Roadways in Fayetteville (38,000 to 60,000 Vehicles per Day).
- A total of **1092** Crashes in 5 Year Analysis, Including **8** Fatal Collisions.
- Pedestrian Activity Along Entire Corridor.



Crash Type Summary

(5 Years)

<u>Crash Type</u>	<u>Number of Crashes</u>	<u>Percent of Total</u>
Angle	213	19.51
Left Turn, Different Roadway	37	3.39
Left Turn, Same Roadway	53	4.85
Pedestrian	14	1.28
Rear-End	477	43.68
Head-On	20	1.83
Sideswipe	141	12.91
Other (Includes Various Types)	137	12.55
Total	1092	100



Project Proposal

- Construct a Grass and Concrete Median (Additional Landscaping Could be Included at the City's Cost).
- Allow Left Turns and U-Turns at Signals and Identified Median Openings.
- Provide Marked and Signalized Pedestrian Crossings.



Why A Median ?

- Medians Improve Safety and Traffic Flow.
- For Example, Ramsey Street Project Has Reduced Total Crashes Per Year by 47%.



Bottom Line – Expected Benefits on Owen Drive

- Improved Safety for Motorists (Reduced Crashes, Injuries and Fatalities).
- More Pedestrian Accommodations and Improved Safety for All Road Users.
- Better Traffic Flow and Less Delay.
- Improved Aesthetic Appeal.



Request For Support

- Project is Eligible for Federal Highway Safety Improvement Program (HSIP) Funding.
- Additional Public Outreach will be Conducted.
- NCDOT Request the Support of the City of Fayetteville in the Form of a Resolution For This Project.



Questions and Comments.



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Randall Hume, Transit Director
DATE: March 4, 2013
RE: **Fayetteville Advisory Committee on Transit (FACT) Service Improvement Recommendations**

THE QUESTION:

Proposed transit service enhancements

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government - Cost Effective Service Delivery
FAST Improvements

BACKGROUND:

In December 2008, City Council adopted the Transit Development Plan (TDP) to provide a roadmap for improving services provided by FAST in the City of Fayetteville. City Council established the Fayetteville Advisory Committee on Transit to address the public transportation needs of the City by providing recommendations for implementing the TDP. Since October 2012, FACT has been working with transit staff to develop recommendations to be considered by City Council as it prepares for the FY - 14 budget process.

The Committee's recommendations are consistent with the TDP and include enhancements that should continue to improve the availability and convenience of services to citizens and visitors. The proposed enhancements are listed below in order of preference by FACT.

New Strickland Bridge Road Route
Route 3- Early Saturday Hours
Route 4 - Early Saturday Hours
Route 12 - 60 Minute Service After 8:00 p.m. (savings)
Route 14 - Express/Limited
Route 17 - Night Service
Route 3 - Night Service
New Pamalee/Country Club Route
Fort Bragg AM-PM worktrips

A brief description of each proposed service change is attached.

ISSUES:

BUDGET IMPACT:

Preliminary cost \$394,000 to the City's General Fund after deducting estimated fare and grant revenue.

OPTIONS:

Consider budget funding for all or part of the proposed enhancements.

RECOMMENDED ACTION:

This is for discussion purposes only.

ATTACHMENTS:

Service Enhancement Descriptions

Presentation - Proposed Service Enhancements

New Route - Strickland Bridge Road

The Strickland Bridge Road corridor in west Fayetteville is an area that was identified for future expansion in the TDP. The City Council provided capital funding to construct accessible bus stops along Strickland Bridge Road in FY13. The route would operate from New Century Circle and connect with other routes near Target on Skibo Road. This change would provide new service to the area along Cliffdale Road between Pritchett and Skibo. Federal JARC funds are available to cover approximately 50% of bus operator's wages and benefits as well as fuel costs. This also requires additional ADA paratransit service.

Route 3- Saturday (Early Hours)

Route 3 provides service to eastern parts of Fayetteville including service to the Cedar Creek Road hotel/restaurant area, and Deep Creek Road and Sapona Road areas. Route 3 is the only true East Fayetteville route. On Saturday, service does not begin until 10:00 a.m. while most other routes start at 8:00 to 8:30 a.m. This initiative would add two hours of service on Saturday to begin at 8:00 a.m. Additional paratransit service would also be required.

Route 4- Saturday (Early Hours)

Route 4 provides service to neighborhoods just north of downtown including Hillsboro Street, Rosehill Road, Country Club Drive and Ramsey Street. The major weekday destinations are the DSS complex and the VA Medical Center. Weekday ridership drops significantly in the afternoon once DSS offices close. On Saturday, service does not begin until 9:30 a.m. while most other routes start at 8:00 to 8:30 a.m. This initiative would add one hour of service on Saturday to begin at 8:30 a.m. Very little extra ADA paratransit service would be required.

Route 12 – 60 Minute Service (after 8:00 p.m.) – Savings

Route 12 provides 30-minute service from 5:30 a.m. until 10:30 p.m. Route 12 is the highest ridership route in the system. This change would cut back service to one bus providing hourly service after 8:00 p.m. The savings from this change could be used to fund other improvements throughout the City.

Route 14 - Peak Hour Express (Weekdays)

Route 14 operates between downtown and the Transfer Center to Cross Creek Mall and provides service to FTCC and the Eutaw Village area. Route 14 is our second busiest route in terms of ridership and has been experiencing an increase in overloads. The route uses two buses operating on hourly frequencies. This express or limited stop service would provide 30 minute service during peak times. Route 14 was noted as one of the top priorities for 30 minute service in the TDP. No additional paratransit service would be required.

Route 17 - Night Service

Route 17 provides service between Cross Creek Mall and Walmart on Raeford Road. This route provides hourly service with two (2) buses along Yadkin Road to Fort Bragg's Yadkin gate and along Reilly, Cliffdale, Rim, Morganton and Bonanza Roads in West Fayetteville. Since the combination of the old routes 16 and 17 in October 2012, ridership had been growing and is providing 80 more trips per day (January 2013) than before the change. The route currently provides service from 5:30 a.m. until 7: 30 p.m. This initiative would extend service until approximately 10:30 p.m. Monday through Saturday with these two buses. Currently, Route 18 is the only route with evening hours serving western parts of Fayetteville. Route 18 only extends to Cliffdale and 71st School Road.

Route 3 - Night Service

Route 3 provides service to eastern parts of Fayetteville including service to the Cedar Creek Road hotel/restaurant, Deep Creek Road and Sapona Road areas. Route 3 is the only true East Fayetteville route. Route 3 service currently ends at 7:00 p.m. This change would extend service to 10:00 p.m. as in other parts of the city. Additional ADA paratransit service would be required.

New Route - Pamalee/Country Club

Currently FAST provides no regular bus service on Country Club/Pamalee except the portion between Ramsey and Rosehill. Both the TDP and the Bragg Boulevard Redevelopment Study have recommended some service along this corridor. Some additional ADA paratransit service would be required.

Ft. Bragg AM-PM work trips (Weekdays)

Fort Bragg is the major employment center in the region. This proposal would create a new route operating from the Transfer Center to the post and would focus on providing trips for jobs. The trip would be provided in the early AM and later afternoon and could be provided using the same bus that would operate on the Route 14 express. Several details still need to be coordinated with the post in order to provide this service. Federal JARC funding is available and programmed to cover 50% of operator salaries, supplies and fuel. Since this is peak hour express service no added paratransit service is required.

FY 2014 Proposed Transit Service Enhancements

Fayetteville Advisory Committee on Transit



City of
Fayetteville
North Carolina



Fayetteville Advisory Committee on Transit



Provide recommendations to City Council, management, users and the general public in an effort to create a comprehensive and cohesive transit system that responds to the community's present and future needs



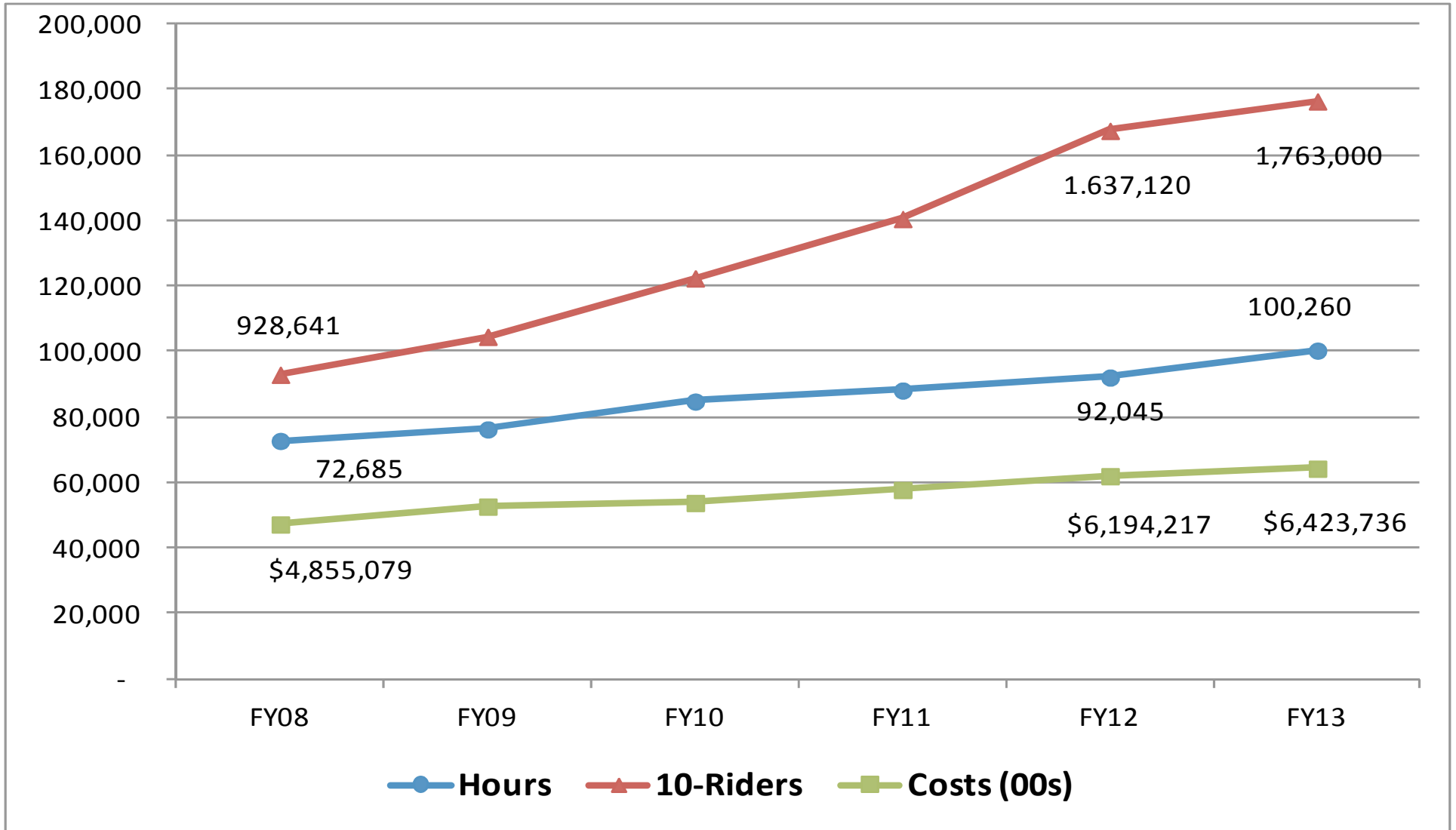
Transit Development Plan



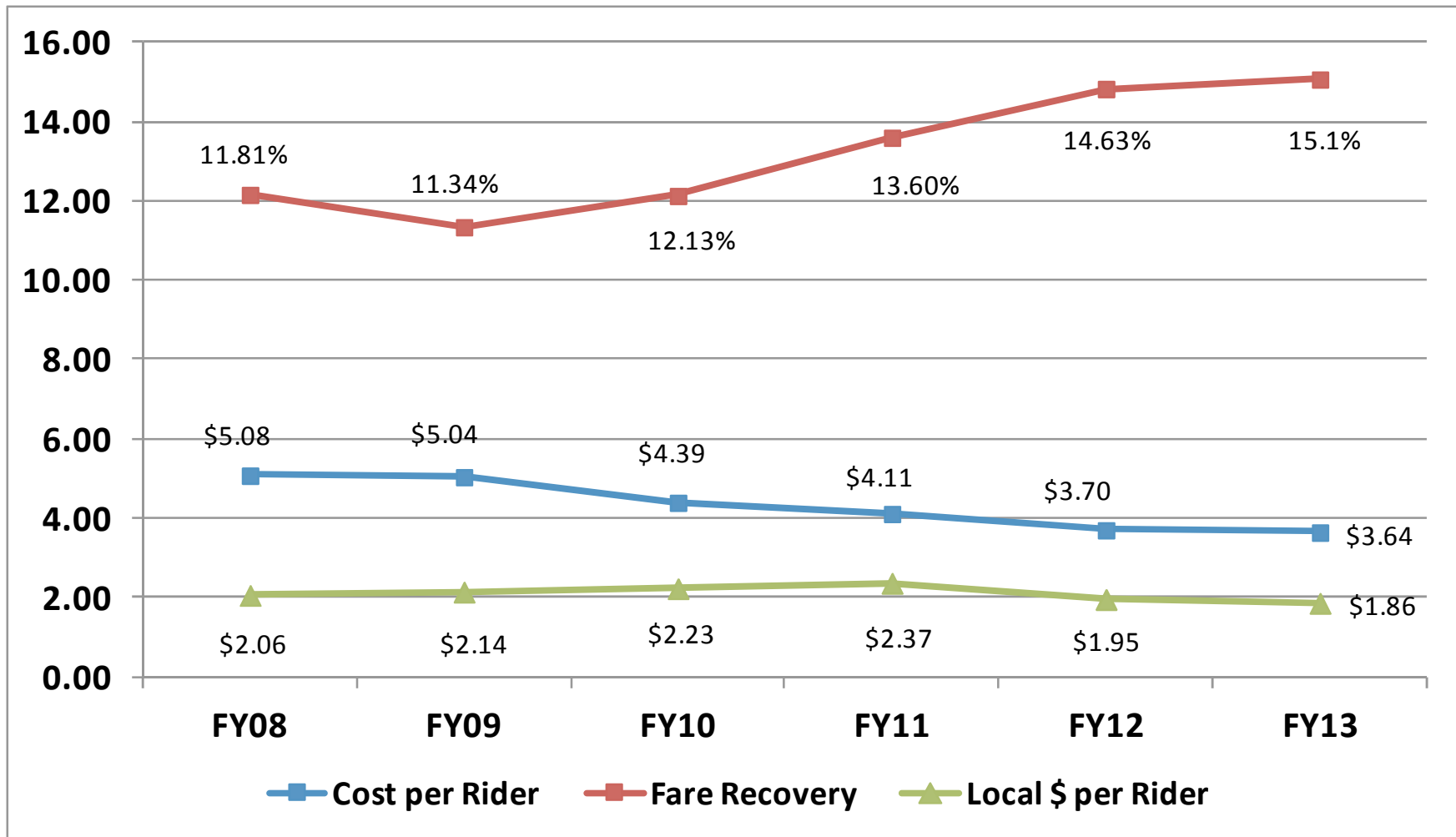
- **Adopted December 2008**
 - **Phased Plan FY2010 - FY2020**
 - **Fiscally Constrained**
 - **Plan to update during FY 2013-14**
- **Implemented Improvements**
 - **November 2009**
 - **September 2011 & January 2012**
 - **October 2012**



Ridership & Service



Service Effectiveness





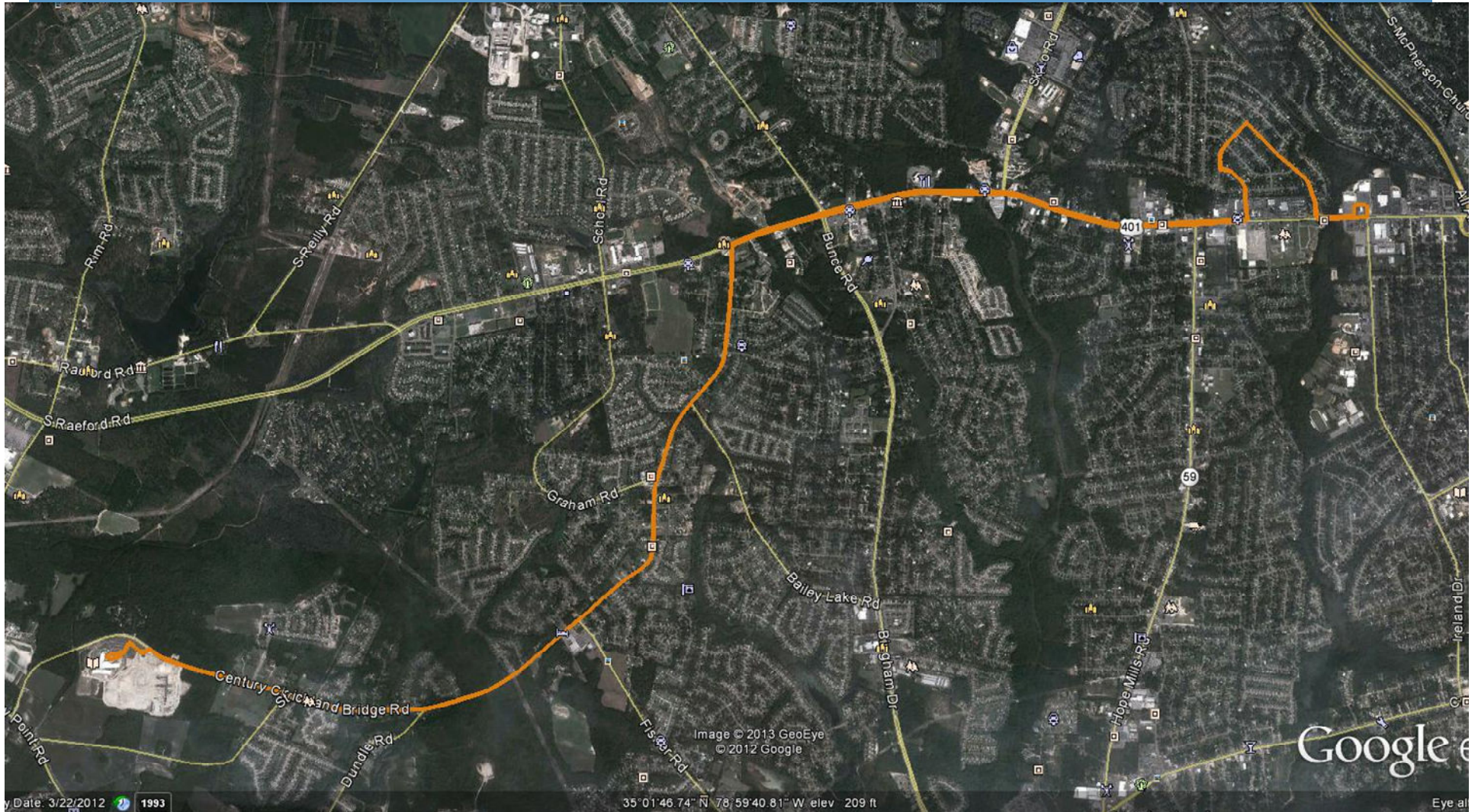
FY 2014 Recommended Enhancements



1. New Strickland Bridge Road Route *
2. Early Saturday Hours – Routes 3 & 4
-Route 12 – Late night reduction (Savings)
3. Route 14 Express/Limited *
4. Night Service – Route 17
5. Night Service – Route 3
6. New Country Club-Pamalee Route *
7. Fort Bragg AM/PM Work Trip Express *

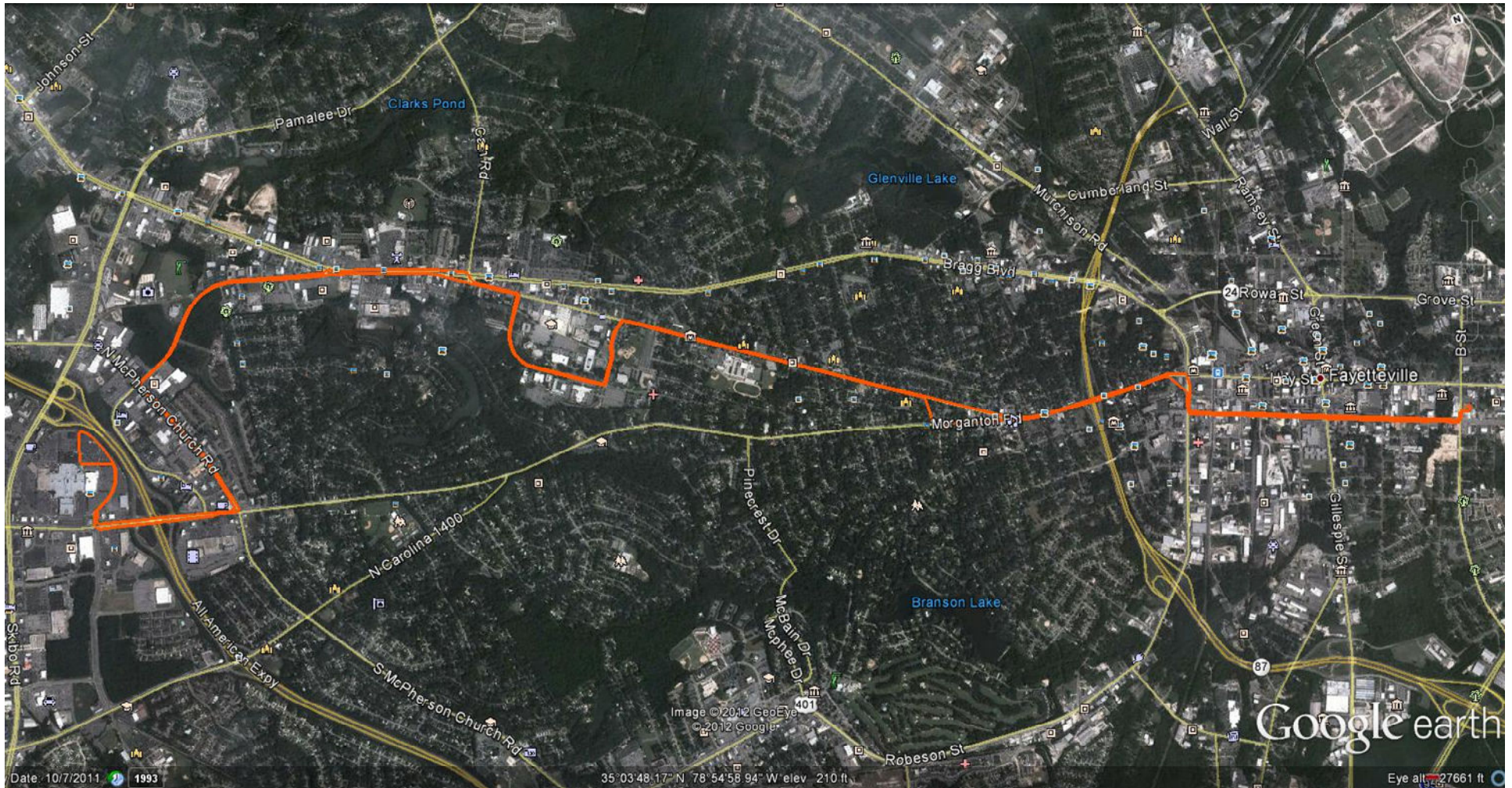
* Requires additional bus

Strickland Bridge Road

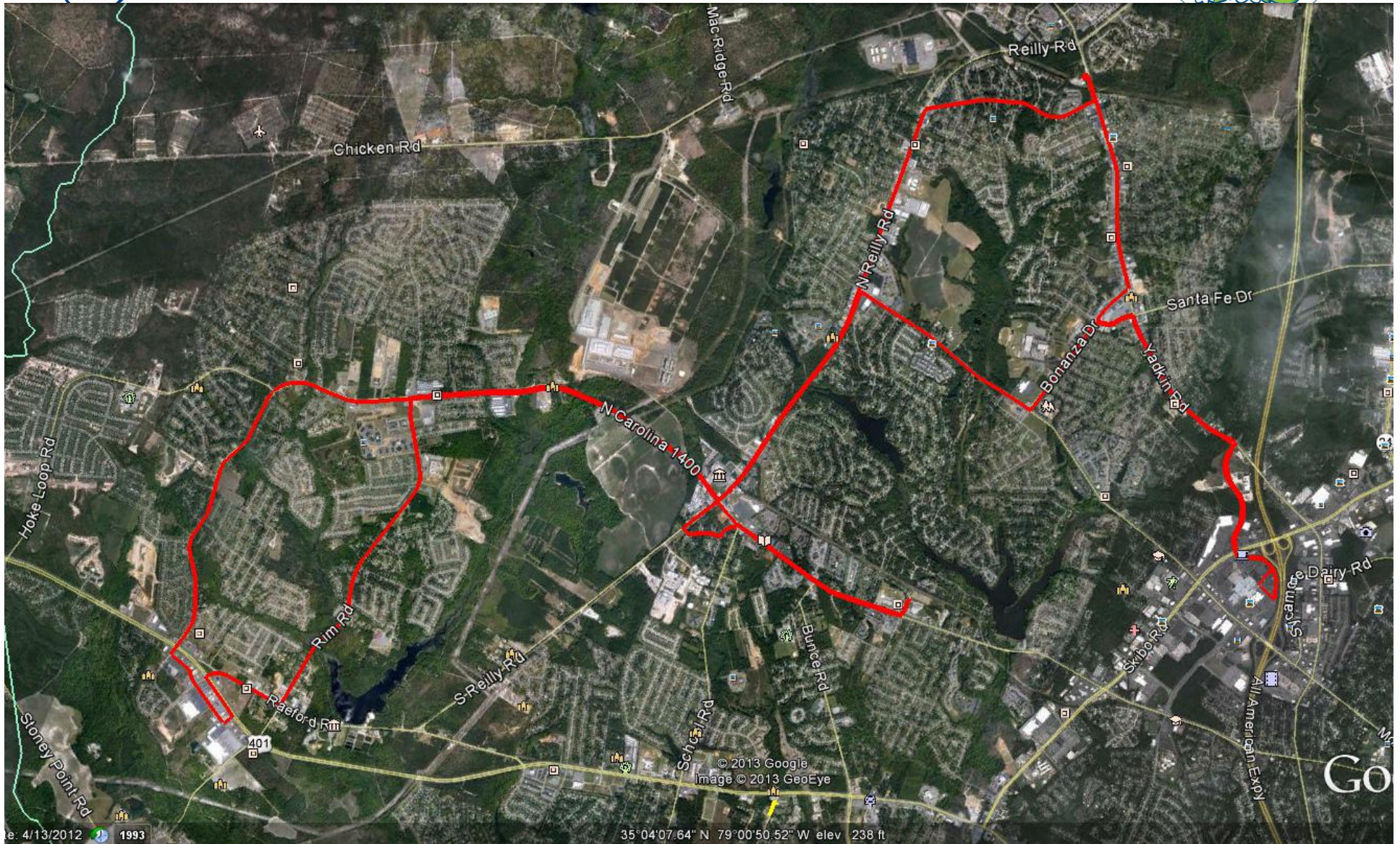




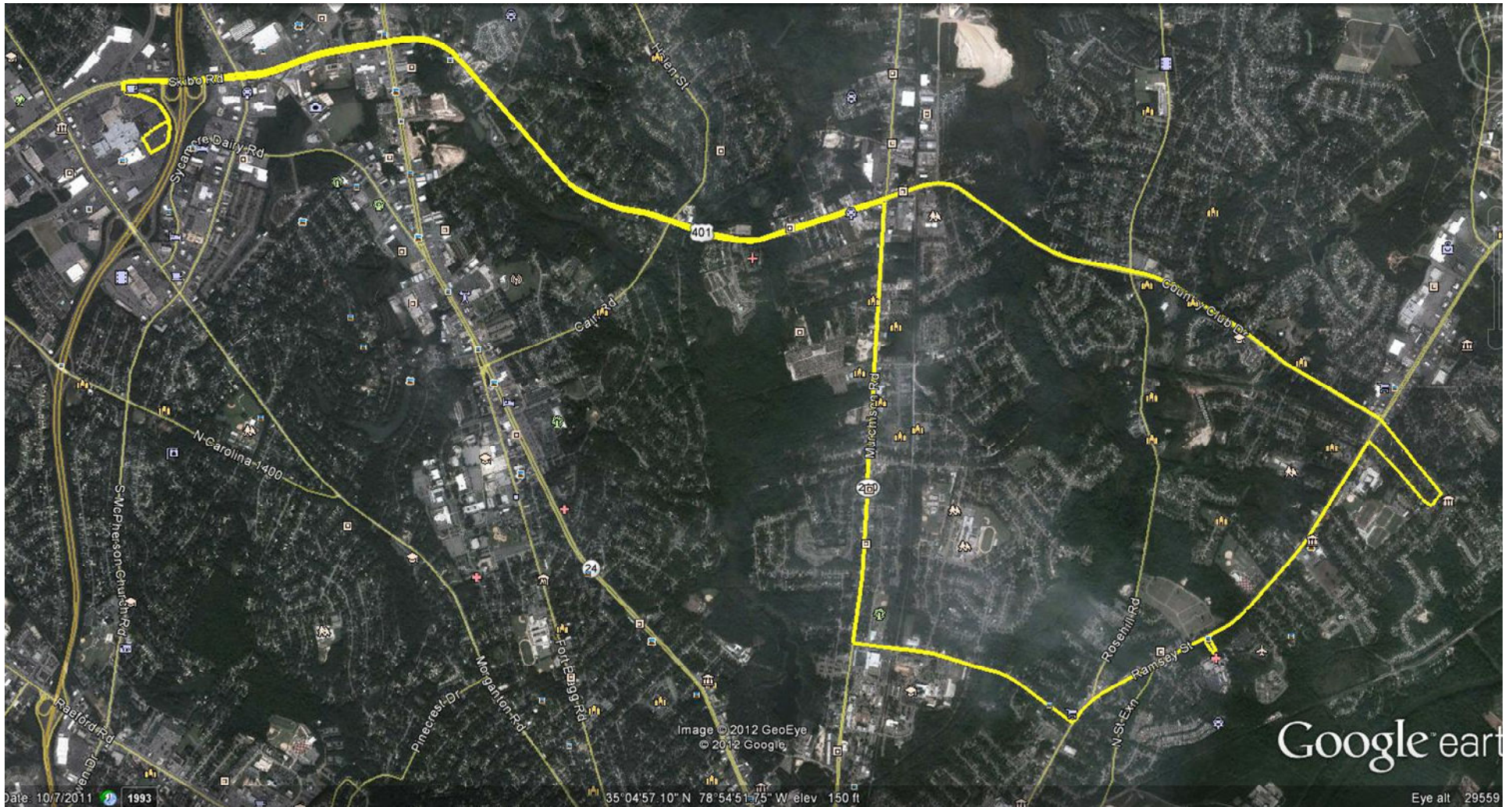
Route 14 Express/Limited



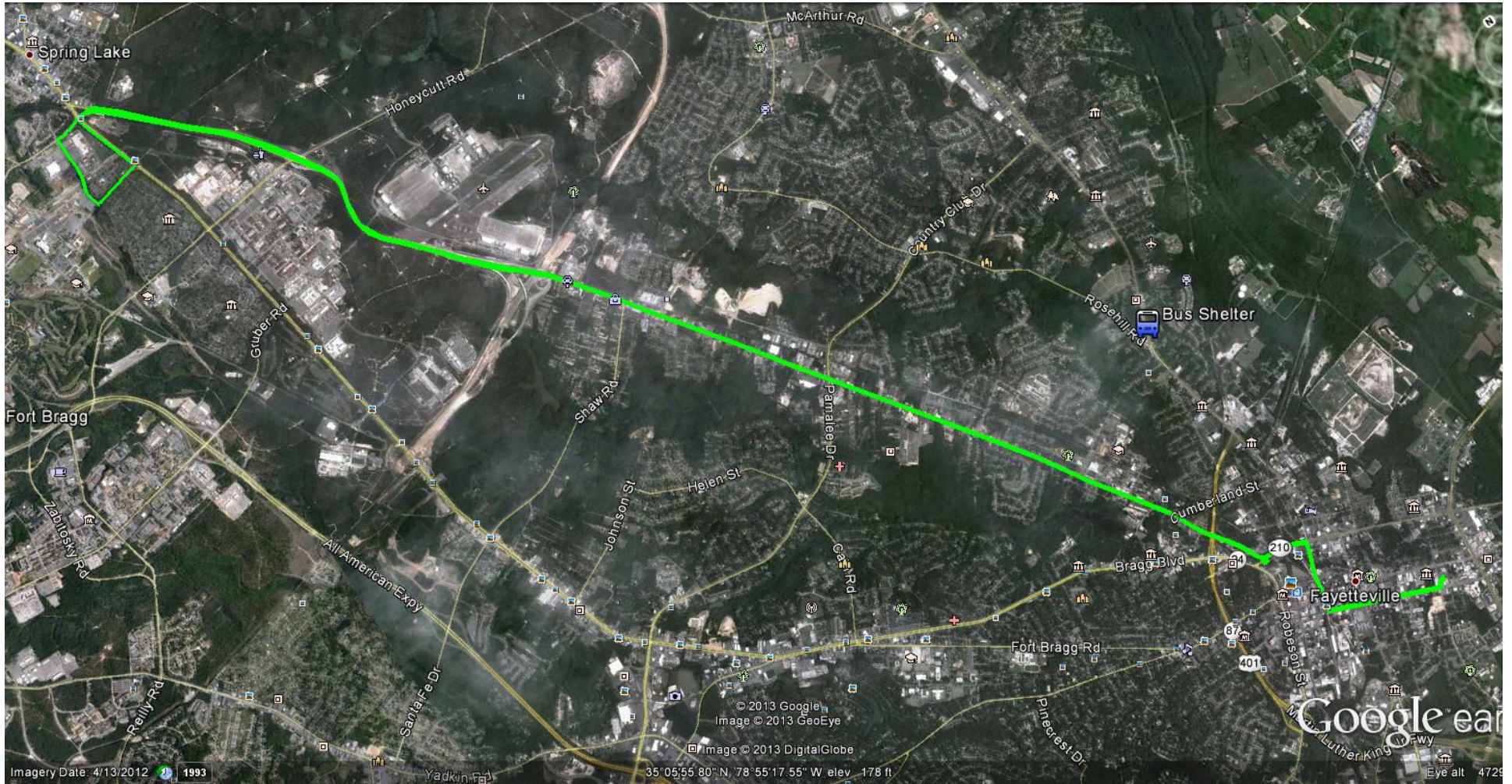
Route 17



Country Club-Pamalee



Fort Bragg Express



Net Cost of Enhancements

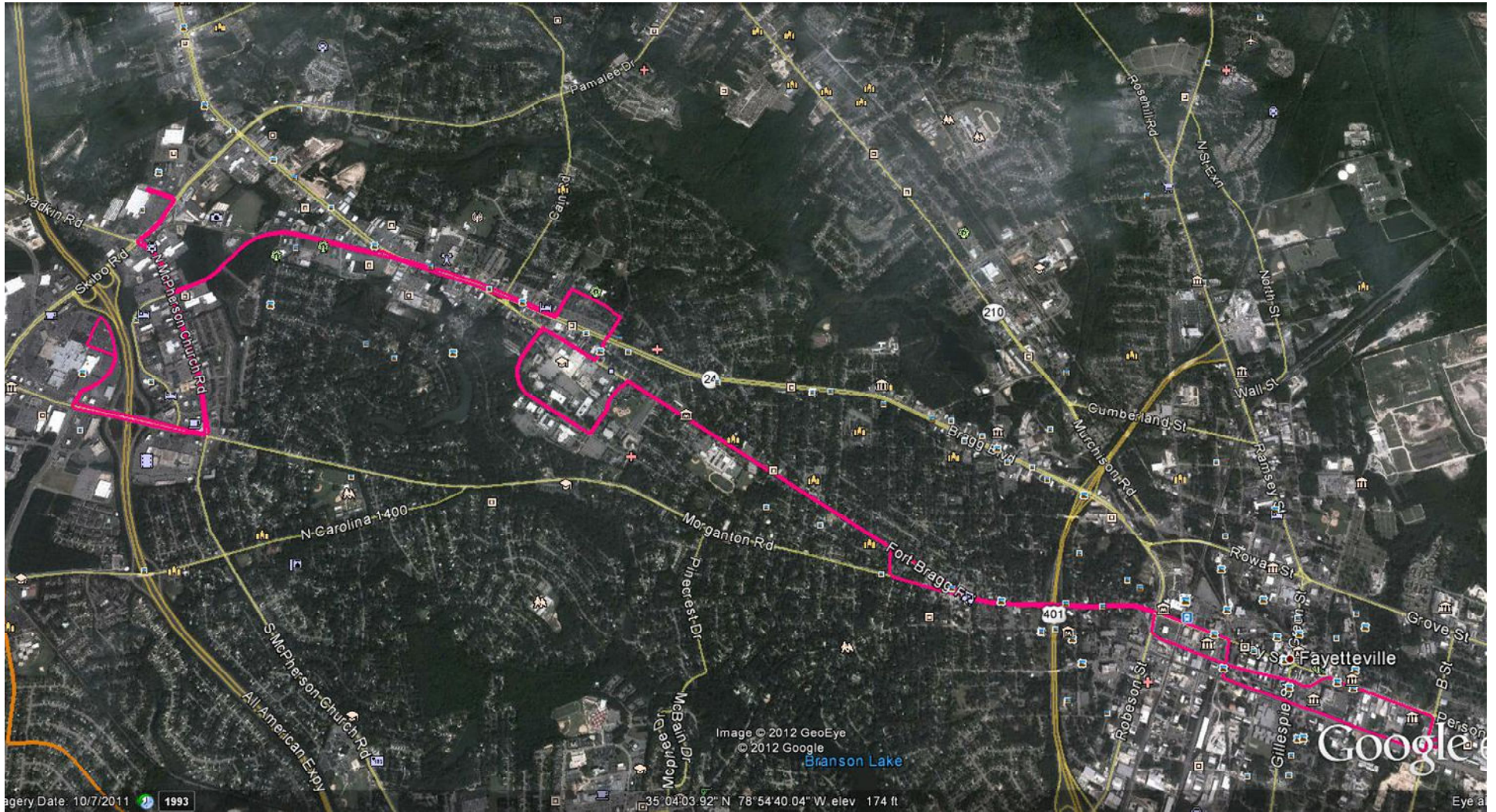
Preliminary Annual Costs

Strickland Bridge Road	\$ 152,470
Early Sat- Routes 3 & 4	11,453
Late Night - Route 12 (savings)	(22,162)
Route 14 Express/Limited	58,337
Nights- Route 17	95,178
Nights - Route 3	50,749
Country Club -Pamalee	186,932
Fort Bragg AM-PM Work Trips	55,025
Net Cost After Fares & Grants	\$ 587,982
Fare Increase	(194,000)
Additional City Subsidy	\$ 393,982

CROSS CREEK MALL

- Over Capacity
- Two Line-ups
 - Bottom of Hour (:30)- Current
 - Route 14 - Reroute to Walmart
 - Route 17
 - Route 18
 - Top of Hour (:00)
 - Route 6
 - Route 14 – Express
 - Route 15 **
 - Country Club-Pamalee (new)

Route 14 (Revised)





City of
Fayetteville
North Carolina

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CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager, Planning and Zoning
DATE: March 4, 2013
RE: **Five Year Reauthorization of the Downtown Municipal Services District**

THE QUESTION:

For information and direction:
Five year renewal of the downtown Municipal Services District

RELATIONSHIP TO STRATEGIC PLAN:

Vision: A vibrant downtown
Goal: Revitalized Downtown - A Community Focal Point

BACKGROUND:

On June 26, 1978, the Fayetteville City Council created a Municipal Service District (MSD) for the downtown area pursuant to Article 23, chapter 160A-536 of the North Carolina General Statutes (attached). The purpose of the Downtown Municipal Service District is to finance and support downtown services and activities that are in addition to or to a greater extent than those activities financed, provided, or maintained for the entire City.

This reauthorization of the district is the first of a two-part process associated with the provision of special services or activities within the MSD. The first part, the process to reauthorize the district, involves a public notice and notification to every property owner within the proposed district, a public hearing by City Council, and a resolution approving the reauthorization. The second part, separate from this action, occurs annually during the City's budget process. Each year the City establishes the tax rate for the district and identifies the proposed expenditures. For several years the tax rate has remained 10 cents per \$100. The revenues have helped support the downtown parking program and such special projects as bicycle racks, wayfinding, upgraded brick paving and related streetscape projects.

The North Carolina General Statute does not set a time limit on how long a municipal service district may exist. The Fayetteville City Council chose to limit the authorization for the Downtown MSD to five years. Since 1983 the City Council has reauthorized the district every five years. The current authorization of the District expires June 30, 2013.

The current MSD boundaries are generally Cool Spring Street (western side), Bragg Boulevard (both sides), Russell Street (both sides) and Grove/Rowan Street (both sides up to the bridge and ramps, then the southern side to Bragg Boulevard). With very minor changes, the boundaries have been the same since the initial creation of the District.

ISSUES:

Staff is not proposing any change to the existing boundaries. If the boundaries are modified after the process begins, a new public hearing would be required and additional notices mailed.

If recommendations in the update to the Renaissance Plan, or significant new projects warrant adjustment to the boundaries, the notifications and hearing process to make the boundary changes could begin at any time.

If the City Council chooses not to reauthorize the district, the tax rate cannot be levied. The revenues currently supporting special downtown services and projects would not be available.

BUDGET IMPACT:

Denial of a reauthorization of the Municipal Services District would eliminate that special revenue source for support of downtown projects and services. For the parking garage alone, at least \$25,000 would have to be provided from the General Fund or another source. Other projects or services supported by this revenue during FY13 were: parking enforcement, paver bricks, signage, a portion of the downtown manager's position, promotional materials, security cameras, and holiday decorations including replacement of flags.

OPTIONS:

Receive the information. Council may provide guidance in considering revisions of the existing annual revenue boundary.

RECOMMENDED ACTION:

No action is required; this is an informational presentation.

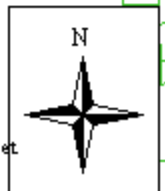
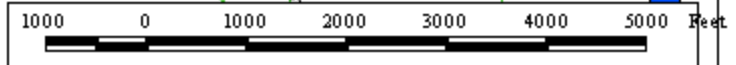
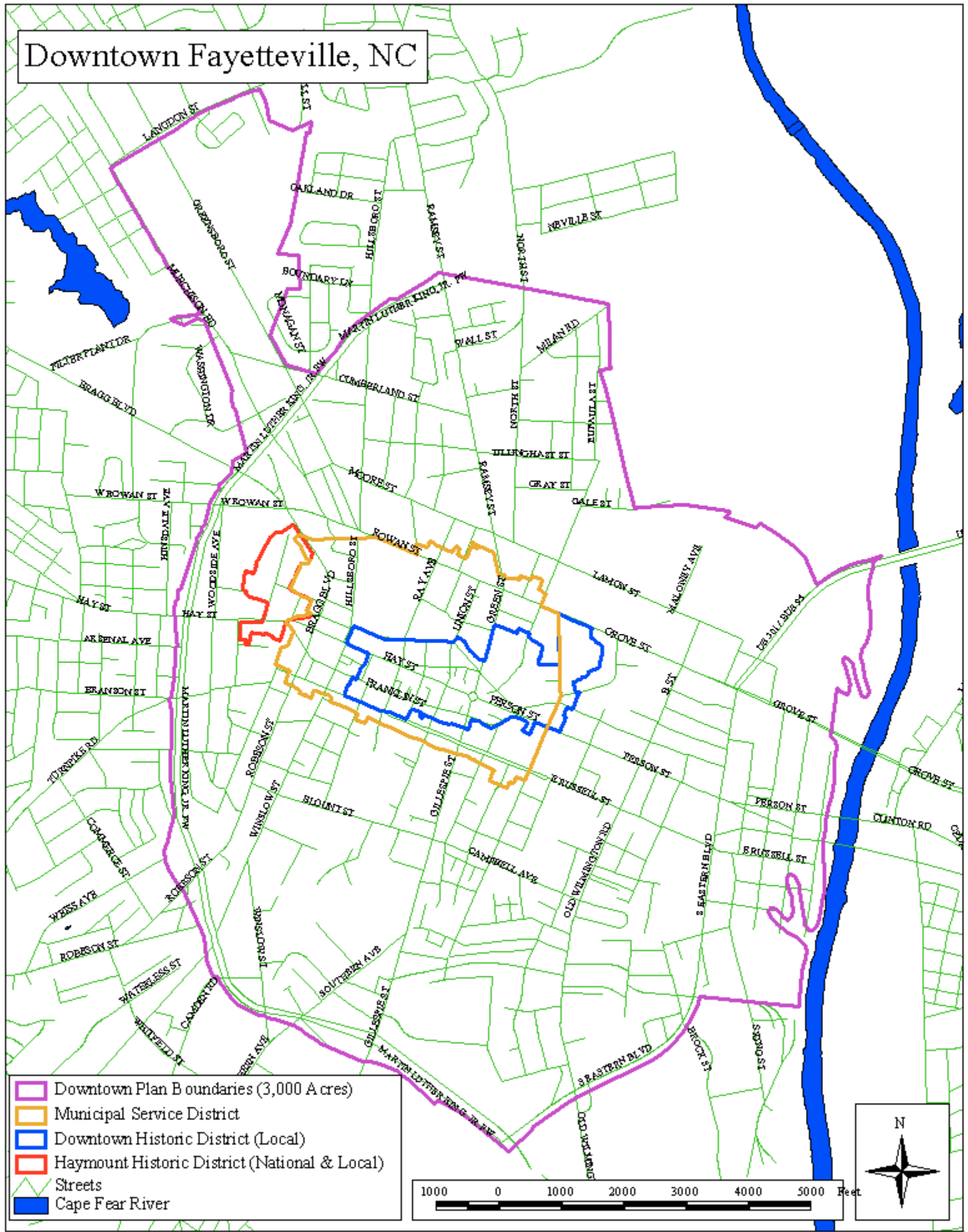
ATTACHMENTS:

Special District boundaries in Downtown

GS Art 23 Chpt 160A-536

Statement of Standards

Downtown Fayetteville, NC



NORTH CAROLINA GENERAL STATUTES

Article 23. Chapter 160A-536
Municipal Service Districts.

§ 160A-535. Title; effective date.

This Article may be cited as "The Municipal Service District Act of 1973," and is enacted pursuant to Article V, Sec. 2(4) of the Constitution of North Carolina, effective July 1, 1973. (1973, c. 655, s. 1.)

§ 160A-536. Purposes for which districts may be established.

(a) Purposes. – The city council of any city may define any number of service districts in order to finance, provide, or maintain for the districts one or more of the following services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire city:

- (1) Beach erosion control and flood and hurricane protection works.
- (1a) **(For applicability see note)** Any service, facility, or function which the municipality may by law provide in the city, and including but not limited to placement of utility wiring underground, placement of period street lighting, placement of specially designed street signs and street furniture, landscaping, specialized street and sidewalk paving, and other appropriate improvements to the rights-of-way that generally preserve the character of an historic district; provided that this subdivision only applies to a service district which, at the time of its creation, had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter.
- (2) Downtown revitalization projects.
- (2a) Urban area revitalization projects.
- (2b) Transit-oriented development projects.
- (3) Drainage projects.
- (3a) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
- (3b) **(For applicability see note)** Lighting at interstate highway interchange ramps.
- (4) Off-street parking facilities.
- (5) Watershed improvement projects, including but not limited to watershed improvement projects as defined in General Statutes Chapter 139; drainage projects, including but not limited to the drainage projects provided for by General Statutes Chapter 156; and water resources development projects, including but not limited to the federal water resources development projects provided for by General Statutes Chapter 143, Article 21.
- (6) Conversion of private residential streets to public streets as provided in subsection (e) of this section.

(b) Downtown Revitalization Defined. – As used in this section "downtown revitalization projects" are improvements, services, functions, promotions, and developmental activities intended to further the public health, safety, welfare, convenience, and economic well-being of the central city or downtown area. Exercise of the authority granted by this Article to undertake downtown revitalization projects financed by a service district do not prejudice a city's authority to undertake urban renewal projects in the same area. Examples of downtown revitalization projects include by way of illustration but not limitation all of the following:

- (1) Improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights-of-way and easements.
- (2) Construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on-street and off-street.
- (3) Construction of public buildings, restrooms, docks, visitor centers, and tourism facilities.
- (4) Improvements to relieve traffic congestion in the central city and improve pedestrian and vehicular access to it.
- (5) Improvements to reduce the incidence of crime in the central city.
- (6) Providing city services or functions in addition to or to a greater extent than those provided or maintained for the entire city.
- (7) Sponsoring festivals and markets in the downtown area, promoting business investment in the downtown area, helping to coordinate public and private actions in the downtown area, and developing and issuing publications on the downtown area.

(c) Urban Area Revitalization Defined. – As used in this section, the term "urban area revitalization projects" includes the provision within an urban area of any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section. As used in this section, the term "urban area" means an area that (i) is located within a city and (ii) meets one or more of the following conditions:

- (1) It is the central business district of the city.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.

(c1) Transit-Oriented Development Defined. – As used in this section, the term "transit-oriented development" includes the provision within a public transit area of any service or facility listed in this subsection. A public transit area is an area within

a one-fourth mile radius of any passenger stop or station located on a mass transit line. A mass transit line is a rail line along which a public transportation service operates or a busway or guideway dedicated to public transportation service. A busway is not a mass transit line if a majority of its length is also generally open to passenger cars and other private vehicles more than two days a week.

The following services and facilities are included in the definition of "transit-oriented development" if they are provided within a transit area:

- (1) Any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section.
- (2) Passenger stops and stations on a mass transit line.
- (3) Parking facilities and structures associated with passenger stops and stations on a mass transit line.
- (4) Any other service or facility, whether public or public-private, that the city may by law provide or participate in within the city, including retail, residential, and commercial facilities.

(d) **Contracts.** – A city may provide services, facilities, functions, or promotional and developmental activities in a service district with its own forces, through a contract with another governmental agency, through a contract with a private agency, or by any combination thereof. Any contracts entered into pursuant to this paragraph shall specify the purposes for which city moneys are to be used and shall require an appropriate accounting for those moneys at the end of each fiscal year or other appropriate period.

(e) **Converting Private Residential Streets to Public Streets.** – A city may establish a municipal service district for the purpose of converting private residential streets to public streets if the conditions of this subsection are met. The property tax levied in a municipal service district created for this purpose may be used only to pay the costs related to the transfer of ownership of the streets, evaluation of the condition of the private streets, and the design and construction costs related to improving the private streets to meet public street standards as approved by the governing board. Notwithstanding G.S. 160A-542, the property tax rate in a district created for this purpose may not be in excess of thirty percent (30%) of the ad valorem tax rate in effect in the city in the fiscal year prior to the establishment of the district. After the private streets have been upgraded to meet public street standards and all costs have been recovered from the tax in the district, no further tax may be levied in the district, and the city council must abolish the municipal service district as provided by G.S. 160A-541.

Notwithstanding G.S. 160A-299, if a city abandons the streets and associated rights-of-way acquired pursuant to this subsection, the street-related common elements must be returned to the owners' association from which the city acquired them in a manner that makes the owners' association's holdings in common elements as they were prior to the establishment of the municipal service district.

For a city to create a municipal service district for the purpose of converting private residential streets to public streets, all of the following conditions must be met:

- (1) The private residential road must be nongated.
- (2) The city must receive a petition signed by at least sixty percent (60%) of the lot owners of the owners' association requesting the city to establish a municipal service district for the purpose of paying the

costs related to converting private residential streets to public streets. The executive board of an owners' association for which the city has received a petition under this subsection may transfer street-related common elements to the city, notwithstanding the provisions of either the North Carolina Planned Community Act in Chapter 47F of the General Statutes or the North Carolina Condominium Act in Chapter 47C of the General Statutes, or related articles of declaration, deed covenants, or any other similar document recorded with the Register of Deeds.

- (3) The city must agree to accept the converted streets for perpetual public maintenance.
- (4) The city must meet one of the following requirements:
 - a. Located primarily in a county that has a population of 750,000 or more according to the most recent decennial federal census, and also located in an adjacent county with a population of 250,000 or more according to the most recent decennial federal census.
 - b. Located primarily in a county with a population of 250,000 or more according to the most recent decennial federal census, and also located in an adjacent county with a population of 750,000 or more according to the most recent decennial federal census. (1973, c. 655, s. 1; 1977, c. 775, ss. 1, 2; 1979, c. 595, s. 2; 1985, c. 580; 1987, c. 621, s. 1; 1999-224, s. 1; 1999-388, s. 1; 2004-151, s. 1; 2004-203, s. 5(m); 2009-385, s. 1; 2011-72, ss. 1, 2; 2011-322, s. 1; 2012-79, s. 1.11.)

§ 160A-537. Definition of service districts.

(a) Standards. – The city council of any city may by resolution define a service district upon finding that a proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536 to a demonstrably greater extent than the remainder of the city.

(b) Report. – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the proposed district, showing its proposed boundaries;
- (2) A statement showing that the proposed district meets the standards set out in subsection (a); and
- (3) A plan for providing in the district one or more of the services listed in G.S. 160A-536.

The report shall be available for public inspection in the office of the city clerk for at least four weeks before the date of the public hearing.

(c) Hearing and Notice. – The city council shall hold a public hearing before adopting any resolution defining a new service district under this section. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a map of the proposed district and a statement that the report required by subsection (b) is available for public inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In

addition, it shall be mailed at least four weeks before the date of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the proposed district. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed and his certificate is conclusive in the absence of fraud.

(d) **Effective Date.** – Except as otherwise provided in this subsection, the resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city council. If the governing body in the resolution states that general obligation bonds or special obligation bonds are anticipated to be authorized for the project, it may make the resolution effective immediately upon its adoption or as otherwise provided in the resolution. However, no ad valorem tax may be levied for a partial fiscal year.

(e) In the case of a resolution defining a service district, which is adopted during the period beginning July 1, 1981, and ending July 31, 1981, and which district is for any purpose defined in G.S. 160A-536(1), the city council may make the resolution effective for the fiscal year beginning July 1, 1981. In any such case, the report under subsection (b) of this section need only have been available for public inspection for at least two weeks before the date of the public hearing, and the notice required by subsection (c) of this section need only have been mailed at least two weeks before the date of the hearing. (1973, c. 655, s. 1; 1981, c. 53, s. 1; c. 733, s. 1; 2006-162, s. 25; 2012-156, s. 4.)

§ 160A-538. Extension of service districts.

(a) **Standards.** – The city council may by resolution annex territory to any service district upon finding that:

- (1) The area to be annexed is contiguous to the district, with at least one eighth of the area's aggregate external boundary coincident with the existing boundary of the district;
- (2) That the area to be annexed requires the services of the district.

(b) **Annexation by Petition.** – The city council may also by resolution extend by annexation the boundaries of any service district when one hundred percent (100%) of the real property owners of the area to be annexed have petitioned the council for annexation to the service district.

(c) **Report.** – Before the public hearing required by subsection (d), the council shall cause to be prepared a report containing:

- (1) A map of the service district and the adjacent territory, showing the present and proposed boundaries of the district;
- (2) A statement showing that the area to be annexed meets the standards and requirements of subsections (a) or (b); and
- (3) A plan for extending services to the area to be annexed.

The report shall be available for public inspection in the office of the city clerk for at least two weeks before the date of the public hearing.

(d) **Hearing and Notice.** – The council shall hold a public hearing before adopting any resolution extending the boundaries of a service district. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (c) is available for inspection in

the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the date of the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the area to be annexed. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(e) **Effective Date.** – The resolution extending the boundaries of the district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the council.

(f) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries extended to include territory which has been added to the historic district. (1973, c. 655, s. 1; 1981, c. 53, s. 2; 1987, c. 621, s. 2.)

§ 160A-538.1. Reduction of service districts.

(a) Upon finding that there is no longer a need to include within a particular service district any certain tract or parcel of land, the city council may by resolution redefine a service district by removing therefrom any tract or parcel of land which it has determined need no longer be included in said district. The city council shall hold a public hearing before adopting a resolution removing any tract or parcel of land from a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing.

(b) The removal of any tract or parcel of land from any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the city council.

(c) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries reduced to exclude territory which has been removed from the historic district. (1977, c. 775, s. 3; 1987, c. 621, s. 3.)

§ 160A-539. Consolidation of service districts.

(a) The city council may by resolution consolidate two or more service districts upon finding that:

- (1) The districts are contiguous or are in a continuous boundary; and
- (2) The services provided in each of the districts are substantially the same; or
- (3) If the services provided are lower for one of the districts, there is a need to increase those services for that district to the level of that enjoyed by the other districts.

(b) **Report.** – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the districts to be consolidated;
- (2) A statement showing the proposed consolidation meets the standards of subsection (a); and

- (3) If necessary, a plan for increasing the services for one or more of the districts so that they are substantially the same throughout the consolidated district.

The report shall be available in the office of the city clerk for at least two weeks before the public hearing.

(c) **Hearing and Notice.** – The city council shall hold a public hearing before adopting any resolution consolidating service districts. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a statement that the report required by subsection (b) is available for inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the consolidated district. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(d) **Effective Date.** – The consolidation of service districts shall take effect at the beginning of a fiscal year commencing after passage of the resolution of consolidation, as determined by the council. (1973, c. 655, s. 1; 1981, c. 53, s. 2.)

§ 160A-540. Required provision or maintenance of services.

(a) **New District.** – When a city defines a new service district, it shall provide, maintain, or let contracts for the services for which the residents of the district are being taxed within a reasonable time, not to exceed one year, after the effective date of the definition of the district.

(b) **Extended District.** – When a city annexes territory for a service district, it shall provide, maintain, or let contracts for the services provided or maintained throughout the district to the residents of the area annexed to the district within a reasonable time, not to exceed one year, after the effective date of the annexation.

(c) **Consolidated District.** – When a city consolidates two or more service districts, one of which has had provided or maintained a lower level of services, it shall increase the services within that district (or let contracts therefor) to a level comparable to those provided or maintained elsewhere in the consolidated district within a reasonable time, not to exceed one year, after the effective date of the consolidation. (1973, c. 655, s. 1.)

§ 160A-541. Abolition of service districts.

Upon finding that there is no longer a need for a particular service district, the city council may by resolution abolish that district. The council shall hold a public hearing before adopting a resolution abolishing a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing. The abolition of any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the council. (1973, c. 655, s. 1.)

§ 160A-542. Taxes authorized; rate limitation.

A city may levy property taxes within defined service districts in addition to those levied throughout the city, in order to finance, provide or maintain for the district services provided therein in addition to or to a greater extent than those financed, provided or maintained for the entire city. In addition, a city may allocate to a service district any other revenues whose use is not otherwise restricted by law.

Property subject to taxation in a newly established district or in an area annexed to an existing district is that subject to taxation by the city as of the preceding January 1.

Property taxes may not be levied within any district established pursuant to this Article in excess of a rate on each one hundred dollar (\$100.00) value of property subject to taxation which, when added to the rate levied city wide for purposes subject to the rate limitation, would exceed the rate limitation established in G.S. 160A-209(d), unless that portion of the rate in excess of this limitation is submitted to and approved by a majority of the qualified voters residing within the district. Any referendum held pursuant to this paragraph shall be held and conducted as provided in G.S. 160A-209.

This Article does not impair the authority of a city to levy special assessments pursuant to Article 10 of this Chapter for works authorized by G.S. 160A-491, and may be used in addition to that authority. (1973, c. 655, s. 1.)

§ 160A-543. Bonds authorized.

A city may incur debt under general law to finance services, facilities or functions provided within a service district. If a proposed general obligation bond issue is required by law to be submitted to and approved by the voters of the city, and if the proceeds of the proposed bond issue are to be used in connection with a service that is or, if the bond issue is approved, will be provided only for one or more service districts or at a higher level in service districts than city wide, the proposed bond issue must be approved concurrently by a majority of those voting throughout the entire city and by a majority of the total of those voting in all of the affected or to be affected service districts. (1973, c. 655, s. 1; 2004-151, s. 4.)

§ 160A-544. Exclusion of personal property of public service corporations.

There shall be excluded from any service district and the provisions of this Article shall not apply to the personal property of any public service corporation as defined in G.S. 160A-243(c); provided that this section shall not apply to any service district in existence on January 1, 1977. (1977, c. 775, s. 4.)

§§ 160A-545 through 160A-549. Reserved for future codification purposes.

PLAN FOR PROVIDING SERVICES IN THE DISTRICT (NCGS 160A – 537 (B) (C))

In order to support the resurgence of the downtown area economic revitalization and redevelopment, the City of Fayetteville is proposing to reauthorize the current downtown municipal service district as shown on the map accompanying this report.

Consideration of levying a special tax on properties located within the district will be determined by City Council during their annual budget deliberation in June, 2013. Any revenues produced from this tax would be used to provide funds for downtown revitalization projects and other services, facilities or functions as deemed necessary and eligible pursuant to NCGS 160A – 536. Additionally, this will include projects that generally further the public health, safety, welfare and convenience by promoting the economic health of the downtown area.

A Vibrant Revitalized Downtown – a community focal point – remains a central vision and one of the City’s six goals over the coming years. Achieving that goal involves improved access and parking, safe and well-maintained park/green space and community activity areas, a growing residential base along with more quality hotel, retail and restaurant businesses, and connections to downtown assets and distinctive adjacent areas such as the river and Fayetteville State University.

STATEMENT OF STANDARDS (NCGS 160A –537 (B) (2))

In years past the downtown area was the center of commerce in this City and represented a major portion of the tax base for the City of Fayetteville. However, as suburban shopping centers began emerging over two decades ago, the downtown area entered a prolonged period of deterioration as property values declined and businesses moved out of downtown in spite of numerous efforts to revitalize it. In the mid 1990’s the City of Fayetteville and the County of Cumberland commissioned a comprehensive effort to develop a vision plan for revitalizing the downtown area; this plan created excitement, hope and renewed public and private investment in the downtown area. The initial success in implementation of the downtown area plan was supported in part by the targeted tax revenues generated by the Downtown Municipal Services District.

Sustaining that momentum remains a challenge and requires providing an extra level of services and capital investment to help the Downtown retain its distinctive character and continue its successes toward reestablishing a strong core area economy. The update to the Renaissance Plan will provide guidance in the public and private investment to sustain that momentum.

It is considered to be in the best interest of the City of Fayetteville to continue to support this effort toward a more stable, robust downtown. Certain services, facilities and functions are needed in this area to a greater extent than the entire City in order to accomplish this goal. To that end, reauthorizing the current downtown municipal service district is proposed to provide, finance, and maintain those services, facilities and functions.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gerald Dietzen, Environmental Services Director
DATE: March 4, 2013
RE: **Commercial Recycling Program Update**

THE QUESTION:

Following the review of the information and draft Ordinance presented does City Council wish to pursue the development of a commercial and business recycling program and associated Ordinance for the City of Fayetteville.

RELATIONSHIP TO STRATEGIC PLAN:

Commercial recycling is listed as a high priority in the policy agenda for fiscal year 2013 and is a "Target for Action."

Goal 5 More attractive City - Clean and Beautiful

Objective 1. Clean and beautiful community with less trash and less visual blight

BACKGROUND:

Following the success of the curbside recycling program that began in July of 2008, City Council requested that staff develop plans to provide a recycling program for multifamily communities and for commercial business developments.

The Environmental Services Department completed research, and enlisted Sustainable Sandhills to complete stakeholder interviews and to complete surveys for the multifamily recycling program. This work was completed from the fall of 2010 through early 2011. The multifamily recycling program was approved by City Council and was implemented in August 2011. The program was to be used as a template for the commercial recycling program. Following a successful year with the multifamily recycling program we were ready to expand the program to commercial businesses.

The Environmental Services Department enlisted Fayetteville State University to assist with gathering input from the local business community about the possibility of a recycling program. Dr. Stacey Blount, Ph.D. and Dr. Nicole Lucas of the Department of Sociology with our input, developed the survey that was used for commercial/business input on the potential program. The survey was initiated in the fall of 2012 and the report was made available to us on January 4, 2013. Following the review of the report we found there to be general support for a recycling program across the business community with the request that businesses:

- be able to use their current hauler,
- that most would be willing to pay for their service, and
- that most support a reasonable fee for start-up guidance, promotion and education of the program.

The information gathered from the respondents in this survey is in line with the information we received during the multifamily recycling development process; therefore, using the multifamily recycling ordinance as a template appears to be in order.

ISSUES:

- Developing a viable list of businesses to include addresses and contacts that qualify for recycling services under the proposed Ordinance.

- Charging a small fee to each qualifying business to support the start-up assistance, recycling education element and enforcement of the Ordinance.
- Some small businesses may feel that adding this program would be an economic hardship

BUDGET IMPACT:

Advertising the program \$

Start up "How-To" booklet preparation and printing costs \$

Staff time for communications between businesses, development of materials, enforcement \$\$

OPTIONS:

1. Approve the ordinance as submitted and allow administration to develop a funding plan to cover the cost of start-up information, ongoing education materials and compliance enforcement.
2. Ask staff to revise the ordinance based upon Council's recommendations
3. Do not approve the proposed ordinance or the commercial recycling program

RECOMMENDED ACTION:

This item is for discussion purposes only.

ATTACHMENTS:

Commercial Recycling Assessment Final Report

Power point presentation

Draft Ordinance

**COMMERCIAL RECYCLING ASSESSMENT
FINAL REPORT**



Prepared For:

**DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY OF FAYETTEVILLE
FAYETTEVILLE, NORTH CAROLINA**

Prepared By:

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Tanya Mooney
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**Department of Sociology
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Fayetteville, North Carolina**

JANUARY 2013

COMMERCIAL RECYCLING ASSESSMENT FINAL REPORT

EXECUTIVE SUMMARY

INTRODUCTION

The City of Fayetteville is located in Cumberland County, North Carolina. This Executive Summary and Report summarize the attitudes of business owners toward commercial recycling and identifies strategies to improve recycling in the commercial sector.

PROJECT OVERVIEW

The research team was comprised of the following individuals: Ms. Tanya Mooney, Ms. Vonceil Rowles, Ms. Alexandria Bryant, Dr. Nicole Lucas, and Dr. Blount. Ms. Mooney and Ms. Rowles were students enrolled in the Social Research Methods course taught by Dr. Kwaku Twumasi-Ankrah in fall semester 2012. Ms. Bryant was a graduate research assistant assigned to Dr. Blount in fall semester 2012. Dr. Lucas and Dr. Blount served as faculty research mentors. These persons completed the following tasks during the execution of this project:

- **Reviewed a commercial recycling survey provided by Mr. Jerry Dietzen, Director of Environmental Services**, to confirm that questions adhered to sociological guidelines for survey construction.
- **Identified businesses** to receive the survey.
- **Contacted businesses** to ascertain business email addresses.
- **Employed Survey Monkey** to send the survey to selected businesses.
- **Analyzed data** to create a final report that will support the creation of a city ordinance for commercial recycling.

FINDINGS/CONCLUSIONS

Self-Haul (3 Respondents/Companies)

- Three businesses that self haul preferred to continue to have commercial/business recycling done on a voluntary basis.
- Three businesses were in favor of implementing an ordinance; however, business owners would like to choose their own method of recycling.
- Three businesses were least likely to support an ordinance with the recycling method mandated by the City of Fayetteville.

Contracted Hauler (4 Respondents/Companies)

- Businesses that use a contracted hauler preferred to continue to allow commercial recycling to be done on a voluntary basis.
- The businesses preferred the implementation of an ordinance with the option of choosing their method of recycling.
- Businesses that utilize a contracted hauler would be less likely to comply with the recycling method mandated by the City of Fayetteville.

No Current Recycling Program (8 Respondents/Companies)

- Of the businesses that currently do not have a recycling program, 5 of the 8 businesses were likely to prefer that recycling be done on a voluntary basis.
- Five businesses preferred the implementation of an ordinance with the option of choosing their own method of recycling.
- Five businesses preferred the implementation of an ordinance with the recycling method mandated by the City of Fayetteville.

Final Questions for all Respondents:

- Ten of the 15 businesses indicated that they would be in favor of paying an annual fee to support recycling education, assistance, and enforcement.
- Of the businesses who supported paying an annual fee for recycling education, assistance, and enforcement, four businesses were in favor of paying \$10-\$20, one business was in favor of paying \$21-\$30, three businesses were in favor of paying \$31-\$40 , and two businesses was in favor of paying \$41-\$60.
- Eight businesses indicated that they did not want to discuss the topic in the future.

Businesses made the following comments:

“I am concerned about how this ordinance will be implemented and the impact on my small business.”

“I think this is a great idea. I would like to do more to be environmentally friendly.”

“This would really have to take into consideration the needs of big and small businesses.”

“I really can’t afford for this to cost my business a lot of money...we are struggling in this economy.”

“This is a great idea.”

“Can something like this be incentive driven in some way?”

“I don’t understand. Why is this such a big deal now?”

RECOMMENDATIONS

- The ordinance should take into consideration the needs of small, medium, and large businesses. Perhaps the City of Fayetteville could create a business registration tracking tool.
- An ordinance should be created that gives businesses the option of choosing a method of recycling. Proof of documentation can include a receipt/waste invoice from a hauler or a self-haul receipt from a waste facility or recycling vendor.
- The City of Fayetteville could integrate/increase the number of recycling drop-off sites.

COMMERCIAL RECYCLING ASSESSMENT FINAL REPORT

INTRODUCTION

Fayetteville, North Carolina is located in Cumberland County, North Carolina. The city is interested in assessing attitudes of business owners toward commercial recycling and identifying strategies to improve recycling in the commercial sector. Additionally, Mr. Jerry Dietzen and staff members are interested in providing information to City Council members that will support the creation of a city ordinance that addresses commercial recycling.

BACKGROUND

In 2007, Mayor Chavonne requested that a Blue Ribbon Study Committee be formed to assess the most efficient recycling program for citizens in Fayetteville, North Carolina. This initiative was a part of the city's 100-day action plan that followed elections. The City of Fayetteville collaborated with Sustainable Sandhills, Sustainable Fort Bragg, and other interested stakeholders to assess attitudes toward recycling. As a result of the study, an award-winning curbside recycling program for single-family households began in July 2008 (Dietzen 2010).

The City of Fayetteville collaborated with Green Works Partners and Sustainable Sandhills to produce a Sustainability Master Plan. This plan was presented to City Council members and unanimously adopted in October 2009. One recommendation focused on the development of multifamily and commercial recycling programs. City Council members included recommendations to begin multifamily and commercial recycling programs in the Target for Action section of the 2009 Strategic Plan. In November 2009, a study team was formed with representatives from the City of Fayetteville, Sustainable Sandhills, and Sustainable Fort Bragg (Dietzen 2010).

Mr. Jerry Dietzen, Director of Environmental Services for the City of Fayetteville, requested that a multifamily recycling program be developed and implemented as a model for the commercial recycling program that would be developed and implemented in the future. City Council members agreed with the request of Mr. Dietzen. In 2010, the multifamily recycling program was developed based on information received from the feasibility study (Dietzen 2010).

The information gathered from the survey and follow-up interviews indicated strong interest and support for recycling in the commercial sector. Some businesses are already involved in recycling programs. According to the data, 11 of 13 respondents are currently involved in a recycling program. Six business owners were interested in a commercial recycling program. The five business owners who were not recycling but were interested in recycling stated that they would begin a recycling service if it met their needs and was affordable for them. These five respondents were not waiting for a city

mandate to begin a recycling program. Additionally, these respondents did not express preference for a city mandated recycling program versus a private hauler managed program. The variability in business size influenced the amount of money business owners were willing to pay on an annual basis. Several small businesses were willing to pay between \$25 and \$100 a month for a weekly pickup of commingled carts similar to the carts used for the single family curbside program sponsored by the City of Fayetteville. Some larger businesses desired that the additional costs for a recycling program be offset with cost savings in their waste disposal contract (Dietzen 2010). The variability in the nature of the waste streams for the commercial respondents complicates the creation of a report that summarizes the type of materials that will be collected for the recycling program. Some businesses were good fits for a simple commingled program whereas other businesses were best served by dedicated cardboard containers that are limited to the collection of bottles and cans. This limitation will offset contamination challenges. Approximately eighty percent of commercial respondents indicated that they desire assistance with the setup of a recycling program.

Members of the City Council included commercial recycling as a target for action in the 2012 Strategic Plan. The target date for developing a program is a December 2012/January 2013 time frame. Presentations to City Council members will begin in January and it is assumed that a recycling program can be approved by members of City Council for implementation in July 2013.

METHODS

Study Sample

Participants included in this research were business owners whose businesses are located in the city of Fayetteville, North Carolina. A random sample of 769 businesses was selected from the total number of 7,691 businesses on the list. Of the 769 businesses in the sample, email addresses were obtained for 65 businesses. Of the sixty-five businesses, 60 received the survey. The majority of the businesses in the sample had disconnected phone numbers, no established business email address, and/or was not interested in completing the survey.

Study Procedure

Dr. Nicole Lucas and Dr. Stacey Blount provided a tentative timeline for the completion of the research project. Ms. Tanya Mooney and Ms. Vonceil Rowles completed an online course sponsored by the National Institutes of Health (NIH). The title of the course was *Protecting Human Research Participants*. They received certificates for completing the course. Secondly, research team members submitted an Institutional Review Board (IRB) application to Fayetteville State University's IRB Human Rights in Research Committee. The IRB is charged with protecting the rights and welfare of research participants. The IRB reviews plans for research involving human subjects.

Research team members reviewed survey questions to confirm that questions adhered to sociological guidelines for survey construction. The survey included 36 questions and was divided into the following sections: (1) Business Assessment, (2) Self-Hauler Questions, (3) Contracted Recycling Hauler Questions, (4) No Recycling Program Questions, and (5) Final Questions for All Respondents. The survey was returned to Mr. Dietzen for final verification.

Dr. Lucas listed the 7,691 businesses in alphabetical order and reorganized them according to their business license number. Every 20th business was chosen to be in the sample. Dr. Lucas divided the list of businesses between the five researchers. Each research team member had approximately 150 businesses to contact for the study. The researchers were instructed to call and/or access the website to acquire the email addresses for the self-administered Web-based survey that was deployed using Survey Monkey. Survey Monkey provides software that can be used to deploy surveys by electronic means (Survey Monkey 2012). The survey included an informed consent page and question pages. Statistical Package for the Social Sciences (SPSS) software was used to analyze the data.

FINDINGS/CONCLUSIONS

Business Assessment

- Fifteen business owners responded to the survey.
- The types of businesses included the following: Auto Sales and Service, Convenience Store, Child Care Development Center/Daycare, Home-Based Business, Office (general), Restaurant, and Office (medical).
- Two businesses reported having multiple locations.
- Eight businesses reported having between 1 to 20 employees, two businesses reported having 21 to 40 employees, one business reported having 41 to 60 employees, two businesses reported having 61 to 80 employees, and two businesses reported having 81 to 100 employees.
- During a business day, three businesses served 10 to 20 customers, two businesses served 21 to 30 customers, three businesses served 31 to 40 customers, four businesses served 41 to 50 customers, and three businesses served more than 51 customers.
- Of the seven businesses that reported having a recycling program, three businesses self-haul recycling materials and four businesses use a contracted hauler to process their recycling materials.

Self-Hauler (3 Respondents/Companies)

- Of the businesses that self-haul, two businesses took their recycling materials to a Cumberland County Convenience Center and one business disposed materials in a recycling container at home.
- The business that self-hauls recycled the following items: glass containers, corrugated cardboard, computer print-out paper, newspaper, and plastic bottles.
- The businesses that self-haul used Waste Management and Waste Industries to haul their trash. Two businesses used roll carts and one business used a large dumpster. Two businesses indicated that they were satisfied with the trash container size and one business indicated that its trash container was too small. The three businesses did not share trash disposal services with other businesses.
- The three businesses that self-haul preferred to continue to have commercial/business recycling done on a voluntary basis.
- Three businesses were in favor of implementing an ordinance; however, business owners would like to choose their own method of recycling.
- The three businesses would be less likely to support an ordinance with the recycling method mandated by the City of Fayetteville.

Contracted Recycling Hauler (4 Respondents/Companies)

- Of the four businesses that reported that they used a contracted service to haul recycling materials, two businesses reported that their monthly fee falls between the \$51-\$75 dollar range, one business reported that their annual fee falls between the \$76-\$100 range, and one business reported that their monthly fee is more than \$100.
- One business reported that their containers are serviced every other week, two businesses reported that their containers are serviced once a week, and one business reported that their containers are serviced as necessary.
- Businesses that use a contracted recycling service recycle the following items: aluminum cans and articles, glass, containers, magazines, computer print-out paper, newspaper, and plastic bottles. All four businesses stated that they did not have any materials that they wanted to recycle that they were not being recycled at this time.
- Two businesses used Waste Management, one business used Waste Industries, and one business used OCS.
- Two businesses used roll carts for their recycling containers and two businesses used a large dumpster (head high) for their recycling containers. Two businesses said their containers are appropriate sizes, one business stated that its container is too small, and one business was unsure as to whether its recycling container is the appropriate size. Four businesses reported that they do not share recycling services with other businesses.
- Three businesses used Waste Management and one business used Waste Industries to haul trash. Two businesses used roll carts and two businesses used large dumpsters (head high) for their trash containers. Three businesses stated that their trash containers are the appropriate size and one business indicated that its trash container is too small. No businesses share trash disposal services with other businesses.
- Businesses that use a contracted hauler preferred to continue to allow commercial recycling to be done on a voluntary basis.
- Businesses also preferred the implementation of an ordinance with the option of choosing their method of recycling.
- Businesses that utilized a contracted hauler would be less likely to comply with the recycling method mandated by the City of Fayetteville.

No Recycling Program (8 Respondents/Companies)

- Of the eight business that indicated they do not have a recycling program, five business wanted to begin a recycling program, two businesses were undecided about beginning a recycling program, and one business indicated they did not want to start a recycling program.
- Four businesses used Waste Management to haul their trash, three businesses used Waste Industries, and one business used an unspecified company.
- Three businesses used a roll cart for their trash, two businesses used a small dumpster (waist high), three businesses used a large dumpster (head high) for their trash containers.
- Six businesses indicated their trash containers are the appropriate size. One company indicated its trash container is too small, and one business indicated its trash container is too big. None of the businesses share a trash disposal service with other businesses.
- Businesses that were undecided, disagreed, or strongly disagreed with the option to begin a recycling program listed the following as obstacles: too costly and not convenient. One business owner stated the following: “I am not sure how my business can really participate in something like this.”
- Of the businesses that did not have a recycling program, five of the eight businesses were likely to prefer that recycling be done on a voluntary basis.
- Five of eight businesses preferred the implementation of an ordinance with the option of choosing their own method of recycling.
- Five of eight businesses preferred the implementation of an ordinance with the recycling method mandated by the City of Fayetteville.

Final Questions for all Respondents

- Ten of the 15 businesses indicated that they would be in favor of paying an annual fee to support recycling education, assistance, and enforcement.
- Of the businesses who supported paying an annual fee for recycling education, assistance, and enforcement, four businesses were in favor of paying \$10-\$20, one business was in favor of paying \$21-\$30, three businesses were in favor of paying \$31-\$40 , and two businesses were in favor of paying \$41-\$60.
- Eight businesses indicated that they did not want to discuss the topic in the future.

Business made the following comments:

“I am concerned about how this ordinance will be implemented and the impact on my small business.”

“I think this is a great idea. I would like to do more to be environmentally friendly.”

“This would really have to take into consideration the needs of big and small businesses.”

“I really can’t afford for this to cost my business a lot of money...we are struggling in this economy.”

“This is a great idea.”

“Can something like this be incentive driven in some way?”

“I don’t understand. Why is this such a big deal now?”

RECOMMENDATIONS

- The ordinance should take into consideration the needs of small, medium, and large businesses. Perhaps the City of Fayetteville could create a business registration tracking tool.
- An ordinance should be created that gives businesses the option of choosing a method of recycling. Proof of documentation can include a receipt/waste invoice from a hauler or a self-haul receipt from a waste facility or recycling vendor.
- The City of Fayetteville could integrate/increase the number of recycling drop-off sites.

REFERENCES

- Adler, Emily S. and Roger Clark. 2011. *An Invitation to Social Research: How It's Done*. Belmont, CA: Wadsworth/Cengage Learning.
- Dietzen, Jerry. 2010. "City of Fayetteville Commercial Recycling Background." Department of Environmental Services, City of Fayetteville, Fayetteville, North Carolina. Unpublished manuscript.
- Fayetteville, NC Consumer Guides. 2012. "Importance of Recycling for Establishing a Healthier Environment. Retrieved December 3, 2012 (<http://www.myyp.com/guide/Fayetteville,NC/Importance-of-Recycling>).
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APPENDIX A

**City of Fayetteville, North Carolina
Commercial Recycling Project
Survey Questions
(Finalized on October 28, 2012)
Raw Data
15 Respondents Total**

1. Which of the following business types best describes your business?
 - Auto Sales and Service (1)
 - Financial Institution (0)
 - Convenience Store (1)
 - Child Care Development Center/Daycare (2)
 - Hair, Nail, Fitness (0)
 - Home-based Business (1)
 - Manufacturing (0)
 - Office (General) (3)
 - Office (Medical) (0)
 - Restaurant (4)
 - Restaurant (with ABC Permit)
 - Retail (please specify type of retail) (3)
 - Other (please specify)

2. Do you have multiple locations in Fayetteville? (If you have multiple locations, treat all locations as one location when responding to questions in this survey.)
 - Yes (2)
 - No (13)

3. How many employees work in your business?
 - 1-20 (8)
 - 21-40 (2)
 - 41-60 (1)
 - 61-80 (2)
 - 81-100 (2)
 - 101+

4. Approximately how many customers do you serve on a business day? _____
- 10-20 (3)
 - 21-30 (2)
 - 31-40 (3)
 - 41-50 (4)
 - 51+ (3)
5. Do you currently have a recycling program at your business?
- Yes (7)
 - How do you manage your recycling program at your business?
 - We **self-haul** our recycling materials. (3)
 - We use a **contracted hauler** to process our recycling materials. (4)
 - No (8)

If you **SELF-HAUL** your recycling materials, go to the section labeled **SELF-HAUL RECYCLING**.

If you use a **CONTRACTED RECYCLING HAULER**, go to the section labeled **CONTRACTED RECYCLING HAULER**.

If your response is **NO**, go to the section labeled **NO, I DO NOT HAVE A RECYCLING PROGRAM AT MY BUSINESS**.

SELF-HAUL RECYCLING

6. Which of the following descriptions best describes your recycling program?
- We collect our recycling materials and take them to a Cumberland County Convenience Center. (2)
 - We collect our recycling materials and take them to a City of Fayetteville Dropoff Center.
 - We collect our recycling materials and take them to Pratt Recycling Center on East Mountain Drive.
 - We collect our recycling materials and put them in the recycling container (provided by the City of Fayetteville) at home. (1)
 - Other (please specify)

7. What items do you recycle on a consistent basis (check all that apply)?
- aluminum cans and articles
 - scrap metal
 - glass containers (1)
 - corrugated cardboard (2)
 - magazines
 - computer print-out paper (1)
 - office/mixed paper
 - steel cans
 - newspaper (3)
 - non-chemically coated paper products
 - plastic bottles (1)
 - other (please specify)
8. Do you have items that you would like to recycle that you are not able to recycle at this time?
- Yes (please specify-for example, styrofoam, plastic film wrap, batteries, fluorescent bulbs, etc.)
 - No (3)
9. What company currently hauls your **TRASH**?
- Waste Management (2)
 - Waste Industries (1)
 - OCS
 - Other Company (please specify)
 - I do not know.
10. What is the size of your current **TRASH** container?
- roll cart (2)
 - small dumpster (waist high)
 - large dumpster (head high) (1)
 - mechanical trash compactor
 - other (please specify)
 - I do not know.
11. Do you feel that your **TRASH** container is the appropriate size?
- Yes (2)
 - No, it is too small. (1)
 - No, it is too big.
 - I am not sure.
12. Do you share **TRASH** disposal service with another business (e.g., strip mall, multi-tenant office building)?
- Yes, our business shares **TRASH** disposal service with 1-5 other businesses.
 - Yes, our business shares **TRASH** disposal service with 6 or more businesses.
 - No, we do not share **TRASH** disposal service with other businesses. (3)

13. Rank your preferences (1 = most preferred, 2 = preferred, 3 = least preferred) for the following citywide commercial recycling options:

- Continue to allow commercial/business recycling to be done on a voluntary basis. 1. (3) 2. (0) 3. (0)
- Implement an ordinance; however, allow businesses to choose their own method of recycling. 1. (2) 2. (1) 3. (0)
- Implement an ordinance that states that businesses must comply with the recycling method mandated by the City of Fayetteville. 1. (0) 2. (1) 3. (2)

WHEN YOU HAVE COMPLETED THIS SECTION, PLEASE GO TO THE SECTION LABELED FINAL QUESTIONS FOR ALL RESPONDENTS.

CONTRACTED RECYCLING HAULER

14. How much do you pay per **MONTH** for your recycling service?

- less than \$25
- \$26-\$50
- \$51-\$75 (2)
- \$76-\$100 (1)
- more than \$100 (1)

15. How often are your containers serviced by the contractor?

- every other week (1)
- once a week (2)
- twice a week
- only as needed (1)
- other (please specify)

16. What items do you recycle on a consistent basis (check all that apply)?

- aluminum cans and articles (1)
- scrap metal
- glass containers (2)
- corrugated cardboard
- magazines (2)
- computer print-out paper (1)
- office/mixed paper
- steel cans
- newspaper (3)
- non-chemically coated paper products
- plastic bottles (2)
- other (please specify)

17. Do you have items that you would like to recycle that you are not able to recycle at this time?

- Yes (please specify-for example, styrofoam, plastic film wrap, batteries, fluorescent bulbs, etc.)
- No (4)

18. What company is your current **RECYCLING** hauler?

- Waste Management (2)
- Waste Industries (1)
- OCS (1)
- Other Company (please specify)
- I do not know.

19. What size is your current **RECYCLING** container?

- roll cart (2)
- small dumpster (waist high)
- large dumpster (head high) (2)
- mechanical compactor
- other (please specify)
- I do not know.

20. Do you feel that your **RECYCLING** container is the appropriate size?

- Yes (2)
- No, it is too small. (1)
- No, it is too big.
- I am not sure. (1)

21. Do you share **RECYCLING** service with another business (e.g., strip mall, multi-tenant office building, etc.)?

- Yes, our business shares **RECYCLING** service with 1-5 other businesses.
- Yes, our business shares **RECYCLING** service with 6 or more businesses.
- No, we do not share **RECYCLING** service with other businesses. (4)

22. What company currently hauls your **TRASH**?

- Waste Management (3)
- Waste Industries (1)
- OCS
- Other Company (please specify)
- I do not know.

23. What size is your current **TRASH** container?
- roll cart (2)
 - small dumpster (waist high)
 - large dumpster (head high) (2)
 - mechanical compactor
 - other (please specify)
 - I do not know.
24. Do you feel that your **TRASH** container is the appropriate size?
- Yes (3)
 - No, it is too small. (1)
 - No, it is too big.
 - I am not sure.
25. Do you share **TRASH** disposal service with another business (e.g., strip mall, multi-tenant office building, etc.)?
- Yes, our business shares **TRASH** disposal service with 1-5 other businesses.
 - Yes, our business shares **TRASH** disposal service with 6 or more businesses.
 - No, we do not share **TRASH** disposal service with other businesses. (4)
26. Rank your preferences (1= most preferred, 2= preferred, 3= least preferred) for the following citywide commercial recycling options:
- Continue to allow commercial/business recycling to be done on a voluntary basis. 1.(2) 2.(2) 3.(0)
 - Implement an ordinance; however, allow businesses to choose their own method of recycling. 1. (2) 2. (2) 3. (0)
 - Implement an ordinance that states that businesses must comply with the recycling method mandated by the City of Fayetteville. 1. (0) 2. (2) 3.(2)

WHEN YOU HAVE COMPLETED THIS SECTION, PLEASE GO TO THE SECTION LABELED FINAL QUESTIONS FOR ALL RESPONDENTS.

NO, I DO NOT HAVE A RECYCLING PROGRAM AT MY BUSINESS.

27. I desire to begin a recycling program at my business (choose one response).

- Strongly Agree (3)
- Agree (2)
- Undecided (2)
- Disagree (1)
- Strongly Disagree

28. What company currently hauls your **TRASH**?

- Waste Management (4)
- Waste Industries (3)
- OCS
- Other Company (please specify) (1) did not specify
- I do not know.

29. What size is your current **TRASH** container?

- roll cart (3)
- small dumpster (waist high) (2)
- large dumpster (head high) (3)
- mechanical compactor
- other (please specify)
- I do not know.

30. Do you feel that your **TRASH** container is the appropriate size?

- Yes (6)
- No, it is too small. (1)
- No, it is too big. (1)
- I am not sure.

31. Do you share your **TRASH** disposal service with another business (e.g., strip mall, multi-tenant office building, etc.)?

- Yes, our business shares **TRASH** disposal service with 1-5 other businesses.
- Yes, our business shares **TRASH** disposal service with 6 or more businesses.
- No, we do not share **TRASH** disposal service with other businesses. (8)

32. If you answered **UNDECIDED, DISAGREE, OR STRONGLY DISAGREE** to **question #27**, what obstacle(s) hinder(s) you from having a recycling program at your business (check all that apply)?

- Too Costly (2)
- Not Convenient (1)
- Not Enough Space
- Other (please specify) (1)
“I am not sure how my business can really participate in something like this”

33. Rank your preferences (1 = most preferred, 2 = preferred, 3 = least preferred) for the following citywide commercial recycling options:

- Continue to allow commercial/business recycling to be done on a voluntary basis. 1.(3) 2. (2) 3.(3)
- Implement an ordinance; however, allow businesses to choose their own method of recycling. 1.(3) 2.(2) 3.(3)
- Implement an ordinance that states that businesses must comply with the recycling method mandated by the City of Fayetteville. 1. (2) 2. (3) 3. (3)

WHEN YOU HAVE COMPLETED THIS SECTION, PLEASE GO TO THE SECTION LABELED FINAL QUESTIONS FOR ALL RESPONDENTS.

FINAL QUESTIONS FOR ALL RESPONDENTS

34. Would you be in favor of paying an annual fee to support recycling education, assistance, and enforcement?

- Yes (10)
- No (5)

35. If you answered **YES** to question #34, how much would you be willing to pay on an annual basis for recycling education, assistance, and enforcement?

10-20 (4)

21-30 (1)

31-40 (3)

41-60 (2)

36. Thank you for taking the time to complete this survey. If you desire to discuss this topic in the future, please complete the contact information box and we shall follow-up with you.

- I do not desire to discuss this topic in the future. (8)
- I desire to discuss this topic in the future. I have recorded my contact information in the comment box (include your full name, business name, mailing address, business telephone number, and business email address).
- **Note: Need comment box here.**

COMMENTS:

- “I am concerned about how this ordinance will be implemented and the impact on my small business”
- “I think this is a great idea. I would like to do more to be environmentally friendly”
- “This would really have to take into consideration the needs of big and small businesses”

- “I really can’t afford for this to cost my business a lot of money...we are struggling in this economy”
- “This is a great idea”
- “Can something like this be incentive driven in some way?”
- “I don’t understand. Why is this such a big deal now?”

Commercial Recycling



City Council Work Session

March 4, 2013



Commercial Recycling

Brief review of recycling programs

Fayetteville State University survey results

Public input

Proposed plan

Ordinance

Outreach, education and enforcement

Commercial Recycling

Brief review of programs

- Curbside recycling:
 - Diverting approximately 8,900 tons per year
 - 5-year contract due for a 2-year extension
- Multifamily Recycling
 - Verifiable participation rate is +/- 35%
 - Data supports 606 tons collected last year
- Other recycling (in-house)
 - Approximately 400 tons per year
 - City facilities, carts, metal, tires and e-waste
- Volatile Market
 - Material Recovery Facility

Commercial Recycling



City of Fayetteville, NC - Environmental Services Department

Recycling report for FY 2011/2012

3-Aug-12

<u>Item Description</u>	<u>Amount (tons)</u>	<u>Remarks</u>
City curbside recycling - under contract	8900.62	Collected by Waste Management - single family
Multifamily -Private haulers	606.24	727.488 tons vol. based x .80 (dumpster avg. 80% full)
City account at Pratt	200.86	Collected from city facilities
Trash carts - damaged carts returned	38.32	Envirovisions and Otto receipts @ \$0.15 per pound
Metal recovered from bulky collection	27.85	Omnisource receipts
E-Waste Drive (May 18, 2012)	8.00	Estimated 16,000 lbs. (28,500 lbs. collected in 2011)
Tires - collected roadside	19.23	828 tires recycled at Cumberland Co. Landfill
Total	9801.12	

Commercial Recycling



COMMERCIAL RECYCLING ASSESSMENT FINAL REPORT

Prepared For:

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY OF FAYETTEVILLE
FAYETTEVILLE, NORTH CAROLINA

Prepared By:

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Tanya Mooney
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Department of Sociology
College of Arts and Sciences
Fayetteville State University
Fayetteville, North Carolina

JANUARY 2013



Commercial Recycling



FSU Commercial Recycling Survey Process

- Reviewed a commercial recycling survey to confirm that questions adhered to sociological guidelines for survey construction
- Identified businesses to receive the survey
- Contacted businesses to ascertain business email addresses
- Employed Survey Monkey to send the survey to selected businesses
- Analyzed data to create a final report that will support the creation of a city ordinance for commercial recycling

Commercial Recycling

Self-Haul (3 Respondents/Companies)

- Three businesses that self haul preferred to continue to have commercial/business recycling done on a voluntary basis.
- Three businesses were in favor of implementing an ordinance; however, business owners would like to choose their own method of recycling.
- Three businesses were least likely to support an ordinance with the recycling method mandated by the City of Fayetteville.

Commercial Recycling



Contracted Hauler (4 Respondents/Companies)

- Businesses that use a contracted hauler preferred to continue to allow commercial recycling to be done on a voluntary basis.
- The businesses preferred the implementation of an ordinance with the option of choosing their method of recycling.
- Businesses that utilize a contracted hauler would be less likely to comply with the recycling method mandated by the City of Fayetteville

Commercial Recycling

No Current Recycling Program (8 Companies Responding)

- Of the businesses that currently do not have a recycling program, 5 of the 8 businesses were likely to prefer that recycling be done on a voluntary basis.
- Five businesses preferred the implementation of an ordinance with the option of choosing their own method of recycling.
- Five businesses preferred the implementation of an ordinance with the recycling method mandated by the City of Fayetteville.



Commercial Recycling

- **RECOMMENDATIONS**
- The ordinance should take into consideration the needs of small, medium, and large businesses. Perhaps the City of Fayetteville could create a business registration tracking tool.
- An ordinance should be created that gives businesses the option of choosing a method of recycling. Proof of documentation can include a receipt/waste invoice from a hauler or a self-haul receipt from a waste facility or recycling vendor.
- The City of Fayetteville could integrate/increase the number of recycling drop-off sites.

Commercial Recycling



Proposed Plan

- Bring draft Ordinance to Council for consideration
- Council sets date to commence program
- Prepare media releases to inform businesses
- Prepare “how-to” guide and support information for businesses

Commercial Recycling

Ordinance

- Developed from respondent survey information and recommendations
- Mirrors the Ordinance for multifamily recycling



Commercial Recycling

Ordinance highlights:

- Requires businesses to provide for recycling
- Allows businesses to self-haul or hire the hauler of their choice
- Requires report of amount collected
- Provides for a fine if found in non-compliance



Commercial Recycling

Assistance and Code Enforcement:

- Establish a position for education, assistance and enforcement of existing multifamily and proposed commercial recycling Ordinances

Ordinance No.

**AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE
AMMENDING CHAPTER 22, SOLID WASTE, OF THE CODE OF
ORDINANCES OF THE CITY OF FAYETTEVILLE TO PROVIDS SPACE FOR
APPROPRIATE CONTAINERS AND THE COLLECTION OF SINGLE
STREAM RECYCLABLES FROM COMMERCIAL BUSINESSES;**

WHEREAS, The City of Fayetteville and Cumberland County must comply with the Solid Waste Management Act of 1989, and, in particular, develop programs to assist in achieving the forty percent (40%) waste reduction goal as set forth in N.C.G.S. 130A-309.04(c) (2); and

WHEREAS, recycling by the business community will assist in enabling the City of Fayetteville and Cumberland County to comply with the goals and objectives of the State of North Carolina, Solid Waste Management Act of 1989; and,

WHEREAS, the City of Fayetteville is authorized to enact this ordinance pursuant to N.C.G.S. 160A-317 and its general police powers; and

WHEREAS, the City of Fayetteville authorized Fayetteville State University to conduct a local survey and individual interviews revealing that the owners, managers and associations of local businesses want recycling to be collected and hauled by the development's current waste hauler contractors or have the option to provide their own service; and,

WHEREAS, the local survey and individual interviews revealed that local businesses want a recycling program; and,

WHEREAS, the local survey and individual interviews revealed that the local businesses are willing to pay a fee for recycling education, assistance and enforcement; and,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Fayetteville

That:

Section 1. Chapter 22 is amended by placing the current Sections through under a new Article I to be titled "In General" and reserving Sections 22-32 through 22-42 at the end of this article for future use.

Section 2. A new Article II, Commercial Recycling, is created as follows:

Article II. Commercial Recycling

Sec. 22-43. Purpose.

The purpose of this ordinance is to ensure that all existing and future businesses in the City of Fayetteville are provided access to convenient recycling containers, whether carts or dumpsters, so the businesses can recycle the same materials that are collected by the City of Fayetteville's single-family curbside recycling program.

Sec. 22-44. Definitions.

The following definitions shall apply to standards dealing with this article:

City means the City of Fayetteville, North Carolina, a municipal corporation in the state of North Carolina.

Contractor means the person, corporation or partnership, or entity awarded the contract by the multifamily community's authorized management agent which performs cart or dumpster services and/or recyclable materials collection, hauling and delivery.

Commercial/Business means...

Recyclable Processor means a recycling processor selected by the contractor to accept the recyclable materials collected by contractor under this article.

Recyclables means items included in local approved recycling programs that includes, but not limited to, newsprint and accompanying inserts, brown, clear and green glass containers; aluminum cans, steel cans, clean aluminum foil, and clean aluminum food trays; steel cans; plastic bottles and jugs; all cardboard that is not wet or waxed; magazines; office paper; residential mixed paper (office paper, junk mail, catalogs, and paper board such as cereal/food boxes); and other local recyclable processor agreed upon materials.

Recycling means the process by which recovered materials are collected, separated, processed and reused as materials for the manufacturing of new consumer products.

Recycling Collection Services means the collection and delivery of recyclable materials within the municipal limits of the City of Fayetteville.

Recycling Container means a receptacle, including, but not limited to, a cart or a dumpster, designed for the purpose of the collection of recyclable materials, and designed with an attached lid, handles, wheels if practicable, and sufficient capacity to provide weekly collection of recyclables without overflowing or spilling.

Solid Waste means accumulations consisting of any combination of garbage or refuse, business trash, wet or dry garbage, household trash, bulk items, yard waste and recyclables that are discarded and abandoned by the owner, that cannot be recycled by the local recycling processor, including solids, liquids, and semisolids, except those items excluded by federal and state statutes and acts; i.e., tires, wooden pallets, oyster shells, car batteries, etc.

Storage Area means any outside area, including a pad, privacy fenced or screened area, designated for the location of recycling carts or dumpsters for the collection and storage of solid waste or recycling prior to removal by a hauler.

Commercial/Business space: means the occupied space rented, leased, or owned by a person, persons or corporation for the purpose of doing business, , unless otherwise specified by the city.

Sec. 22-45. Existing Businesses.

The following provisions are intended to specify minimum standards for existing businesses in order to ensure full compliance with this article:

- (1) Businesses shall provide a sufficient number of containers, with a total capacity to handle a minimum of one week storage of single stream recyclables intended for transport to the recyclable processor prior to collection by the contractor.
- (2) Access to the storage area shall comply with the Americans with Disabilities Act, as amended, and containers shall not be placed in a location that obstructs pedestrian or vehicular traffic patterns within the development.
- (3) Information and education shall be provided to the tenants, renters, or owners about the recycling program and the items that are recyclable by the business management staff, including, but not limited to, flyers or other forms of communication and signs posted at each storage area where the recycling containers are placed. Information shall be provided to all employees at the start of the program, to all new employees, and periodically to existing tenants and employees after the start of the program.
- (4) A report of the amount of recycling materials collected at each business shall be provided to the Environmental Services Department. The report required under this subsection shall be provided by the business' contracted

recycling hauler or the business itself if they self-haul recyclables, on a form furnished by the Environmental Services Department. The report shall be provided no less than semi-annually with the first report due July 1 each year. The form must be returned by the City of Fayetteville Environmental Services Department, no later than 30 days following the end of each semi-annual period.

- (5) Recycling storage areas shall comply with the City of Fayetteville Zoning and Unified Development ordinances as applicable.
- (6) The recycling storage areas shall be kept clean and orderly, such that no materials shall be left on the ground around the recycling containers, and shall otherwise comply with all applicable existing solid waste ordinances.
- (7) Collection shall be provided in accordance with the existing solid waste ordinances, at a minimum on a bi-weekly basis, including arrangements for collection before and/or after holidays, and times for collection of recycling materials shall comply with existing Solid Waste Codes as amended.
- (8) The contractor's collection vehicles shall be well maintained so as not to leak hydraulic oil or other liquids from the vehicle.

Section 22-46. New Commercial/Business construction.

The following provisions are intended to indicate minimum standards in order to ensure full compliance with this article for multifamily communities constructed after the effective date of this article:

- (1) Prior to construction, every new commercial/business site plan shall provide for exterior storage for the collection of recyclables.
- (2) The exterior storage area:
 - a. Shall be co-located when possible with solid waste and shall be clearly designated with signs and markings for single stream recycling;
 - b. Shall be located within a reasonable distance to the business or business units who share the recycling storage site;
 - c. May be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the areas used for storage.
 - d. Shall otherwise comply with all applicable zoning, unified development, and solid waste ordinances then in effect;
 - e. Shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicular traffic movement on the site or on public streets adjacent to the site; and
 - f. Shall comply with the Americans with Disabilities Act, as amended.
- (3) The failure of the developer in submitting a site plan that does not include provisions for recycling storage area(s) shall result in the plans being returned for re-work and re-submission. If the resubmitted plans still do not allot

space for recycling, such omission shall constitute a violation of this article and plans will not be approved without the provisions required by this article.

Section 22-47. Jurisdiction

The provisions of this Ordinance shall apply in the municipal limits of the City of Fayetteville.

Section 22-48. Ownership of Materials.

Pursuant to G.S. 160A-317(b)(3), as may be amended from time to time, an owner of recovered materials as defined by G.S. 140A-290(a)(24) retains ownership of the recovered materials until the owner conveys, sells, donates, or otherwise transfers the recovered materials to a person, firm, company, corporation, or unit of local government. Nothing in this article requires an owner to convey, sell, donate, or otherwise transfer recovered materials to the city or its designee.

Section 22-49. Penalties.

- (a) A violation of this article shall subject the violator to a civil penalty of \$100.00 per day, and each and every day's violation shall be a separate punishable offense. The civil penalty for violation of this section shall be imposed and collected in accordance with Sec. 22-31 of this chapter.
- (b) This article may be enforced through any remedy provided by law for the enforcement of ordinances, including, but not limited to, the institution for an appropriate action for injunctive relief to restrain any actual or threatened violation of this article. The action may be brought in the Superior Court of Cumberland County, or any court of competent jurisdiction.
- (c) This article may also be enforced by any other remedy available under Article 9 of Chapter 130A of the North Carolina General Statutes, as amended from time to time, and such remedy is incorporated herein by reference.

Section 22-50. Effective Date

This article shall become effective 180 days from the date of adoption.

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

ADOPTED this day of. Effective this day of.

CITY COUNCIL ACTION MEMO

TO: Mayor & City Council
FROM: Theodore L. Voorhees, City Manager
DATE: March 4, 2013
RE: **FY14 City Council Budget Guidelines**

THE QUESTION:

Opportunity to provide the City, including utility operations, direction regarding the preparation of the proposed FY14 Budget.

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

Based on feedback from the Council during the recent strategic planning retreat, staff is recommending that Council consider adopting attached Budget Guideline documents. These will then be used by staff as foundation for the creation of the FY14 proposed budget.

The hand-outs for this item will be provided at the meeting.

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Theodore L. Voorhees, City Manager
DATE: March 4, 2013
RE: **Mayor and City Council Protocol and Code of Conduct**

THE QUESTION:

Mayor and City Council Protocol and Code of Conduct established through a new City Council Policy # 115.15

RELATIONSHIP TO STRATEGIC PLAN:

This effort reinforces the City's Core Values and supports the City's Goal 3: Greater Community Unity.

BACKGROUND:

In recent years, the City Council has reviewed the existing City Council Protocol document during their strategic planning retreats and has reached a strong consensus regarding the protocols. However, the protocols have never been formally adopted.

During the January 23 City Council session, Mr. Carl W. Stenberg, a professor of Public Administration and Government at The University of North Carolina at Chapel Hill School of Government, engaged City Council in a discussion of council-manager relations and reviewed the exiting City Council Protocols. The discussion included working with Council to clarify short and long-term objectives. The consensus of Council was to incorporate the feedback provided during the session and bring the item back as a draft for consideration.

The draft Mayor and City Council Protocol and Code of Conduct document included in this agenda provides an opportunity for the Council to establish its expectations relating to:

- * City Council Requests for Information from Staff
- * City Council Service Request from Citizens
- * City Council Staff Expectations
- * Mayor and City Council Code of Conduct.

The adoption of the Mayor and City Council Protocol and Code of Conduct will establish a new City Council Policy 115.15.

ISSUES:

If the attached reflects Council's interest, then there will also need to be an amendment to the City Code to facilitate its implementation.

BUDGET IMPACT:

There is no budget impact.

OPTIONS:

1. Request additional information or clarify interests in the Mayor and City Council Protocol and Code of Conduct.
2. Direct staff to include the Mayor and City Council Protocol and Code of Conduct on the March 25, 2013 City Council meeting consent agenda for adoption as City Council Policy # 115.15.

RECOMMENDED ACTION:

Direct Staff to include the Mayor and City Council Protocol and Code of Conduct on the March 25,

2013 City Council meeting consent agenda for adoption as City Council Policy # 115.15.

ATTACHMENTS:

Mayor and City Council Protocol and Code of Conduct

Mayor and City Council Protocol and Code of Conduct



Revised 2.26.2013

The City of Fayetteville

Mayor and City Council Protocol and Code of Conduct

City Council Requests for Information from Staff:

Protocol 1 – Simple Information (Readily available – Typically taking less than 5 minutes but occasionally up to 20 minutes)

- a. Contact the appropriate Assistant City Manager, Department Director or designated departmental employee
- b. City Manager may choose to handle matters personally whenever he/she deems it appropriate
- c. Not necessary to share with entire City Council

Protocol 2 – Complex Information or Research (Requiring staff time of more than 20 minutes)

- a. Contact the City Manager or appropriate Assistant City Manager
- b. City Manager will seek City Council direction if necessary
- c. City Manager must respond with information to entire City Council

Protocol 3 – Question on Agenda Item

- a. Contact the City Manager, appropriate Assistant City Manager or the City Attorney
- b. The City Manager’s Office or City Attorney will respond with information to entire City Council
- c. “Okay” to re-ask the question at the City Council meeting

Protocol 4 – City Council Request for Lobbying or Legislative Advocacy

- a. Council Member should submit request to City Manager for assignment to staff or lobbyist as appropriate. This ensures the City is able to coordinate efforts.
- b. City Manager shall generally use previous City Council positions, Strategic Plan, and NCLM Legislative Advocacy Goals to guide current legislative positions in the absence of specific direction
- c. In the event the City Manager determines that the legislative interest of the City is unclear, City Manager will refer the issue to City Council for direction

Protocol 5 – City Council Request of PWC for Information

- a. Council Member should submit information request to _____ for assignment to staff.

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Mayor and City Council Protocol and Code of Conduct

City Council Service Request From Citizens:

Protocol 6 – Citizen Service Requests

Intent:

- Help citizens to understand the City’s process and City Council responsibility
- Provide a timely, accurate response
- Be accountable for City actions
- Recognize that some citizens have special needs – limited capacity to learn, use the system or access to technology

Protocol:

- a. If the Citizen has not contacted the City:
 1. Refer the citizen to 433-1FAY or www.1fay.com work order system or,
 2. Link the citizen to appropriate person or department
 3. Corporate Communications Director is the City Council point of contact for follow-up tracking
- b. If the Citizen has an unresolved or unsatisfactory response to an issue:
 1. Ask citizen for name and/or department of concern
 2. Contact the Corporate Communications Director for follow up
 3. Corporate Communications Director will coordinate with appropriate Department Director or Assistant City Manager
 4. Corporate Communications Director will respond to City Council Member with resolution
- c. For police matters, contact the City Manager.

City Council Staff Expectations:

Protocol 7 – City Staff Response time

- a. Staff will acknowledge City Council email or voicemail within 48 hours (refers to business days; excludes weekends)
- b. Staff will respond with information to the entire Council if protocol 2 or 3 applies
- c. Response not required on weekends unless it is an emergency
- d. Emergency– Place call to the City Manager

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Mayor and City Council Protocol and Code of Conduct

Protocol 8 – Public Meetings Held by Staff

- a. The ranking City Council Member (Mayor, Mayor Pro Tem, District Council Member, or Senior Member) should be invited to give welcoming remarks of less than 1 minute. This also applies when staff is invited to meetings held by others.
- b. All City Council Members present should be recognized by the ranking member of City Council in the welcoming remarks. If no remarks are given, staff shall recognize members of Council present.
- c. City Council Member will not campaign or make stump speeches
- d. Complaints about City Council members breaching protocol will be directed to the City Manager's Office for referral to the Mayor and City Council as a body.

City Council Interactions:

Protocol 9 – Communication among Mayor and City Council

- a. To be determined by City Council
- b. Adhere to Code of Conduct

Protocol 10 – Work Session Agenda Items

- a. Agenda items for *new business* follow Protocol 11
- b. City Council “consensus votes” during work sessions should be focused on *process*, not policy, and are limited to the following:
 1. Bring back an item to a work session as *old business* for more information from staff or redirection from City Council
 2. Move an item forward to a Regular City Council Meeting for a formal vote on the *substance*
- c. An item may only be brought to a work session as *old business* **three** times before the item is required to move forward to a Regular City Council Meeting for a formal vote on the *substance*.

Protocol 11 – City Council Member Placing *New Business* on Work Session Agenda

- a. Contact the City Manager
- b. Present goal, intent and background in writing on appropriate form
- c. Must be submitted by 10:00 a.m. on Monday the week prior to the City Council Work Session meeting

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Protocol 12 – Votes in Work Session or Agenda Briefing on Substantive Issues

- a. “Official votes” on substantive (as opposed to procedural) matters may be taken in appropriately scheduled and advertised City Council meetings referred to as Work Sessions or Agenda Briefings only after the Council has ‘Suspended the Rules’ through appropriate parliamentary procedure.

The City of Fayetteville

Mayor and City Council Protocol and Code of Conduct

Code of Conduct

1. Adhere to the City's Core values. Serve the citizens and lead the organization with R.E.S.P.E.C.T.
2. Focus on what is "best for the City"
3. Communicate in an open, transparent, direct and truthful manner
4. Share information openly
5. Do not speak for another City Council Member
6. Treat each other with trust and respect; avoid personal criticism
7. Make direct contact with individuals for conflict resolution
8. Keep confidences
9. Focus on the future, not the past
10. Decide as a Council and support the City Council decision