

**FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
MAY 11, 2009
7:00 P.M.**

VISION STATEMENT

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

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

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

**FAYETTEVILLE CITY COUNCIL
AGENDA
MAY 11, 2009
7:00 P.M.
CITY HALL COUNCIL CHAMBER**

INVOCATION

PLEDGE OF ALLEGIANCE

ITEM 1. APPROVAL OF AGENDA

ITEM 2. PUBLIC FORUM:

A. Announcements and Recognition

B. Comment Period

The public forum is designed to invite citizen input and discussion. The public forum is held on the second Monday of every month and shall be the first item of business after the Approval of the Agenda. The public forum shall last no longer than 15 minutes. The Mayor shall have the discretion to extend the public forum up to 30 minutes. Each speaker shall have up to two (2) minutes to speak. Anyone desiring to speak may sign up in advance with the City Clerk located on the Second Floor, City Hall, 433 Hay Street, Fayetteville, N.C., by FAX at (910) 433-1980, or by e-mail at cityclerk@ci.fay.nc.us. If speakers provide the subject matter ahead of the meeting, the City staff can ensure that appropriate information is available at the meeting. This information, however, is not required.

ITEM 3. CONSENT:

A. Approve Minutes:

- 1. City Council Work Session Held on April 6, 2009
PAGE: 8**
- 2. City Council Meeting Held on April 13, 2009
PAGE: 11**
- 3. City Council Special Meeting Held on April 20,
2009
PAGE: 16**

The page numbers on this outline refer to the agenda packet of complete information for each item. This complete packet is available to you at the City web page, www.cityoffayetteville.org

4. **City Council Agenda Briefing Held on April 23, 2009**
PAGE: 17
5. **City Council Dinner and Discussion of Agenda Items Meeting Held on April 27, 2009**
PAGE: 19
6. **City Council Meeting Held on April 27, 2009**
PAGE: 20
7. **City Council Special Meeting Held on April 28, 2009**
PAGE: 24

B. Adopt Resolution of the Fayetteville City Council Authorizing the Execution of a Contract for Loan Guarantee Assistance and the Issuance of a Note Through the Section 108 Loan Guarantee Program

Section 108 is the loan guarantee provision of the Community Development Block Grant (CDBG) program. It provides communities with a source of financing for economic development, housing rehabilitation, public facilities and large-scale physical development projects. City Council authorized the filing of an application for the HUD Section 108 loan in the amount of \$750,000 to meet the City's commitment to the Capitol Family Entertainment Project. The City's application has been approved and Council is required to adopt a resolution authorizing the execution of certain documents if it wishes to proceed with the loan. Approval of the loan documents is consistent with the FY 2009 budget approved by Council and the City's financial plan for this project.

PAGE: 25

C. Approval of a Budget Amendment to the 2009-2010 Community Development Annual Action Plan Regarding the 2009 CDBG and HOME Allocations of Funds

The purpose of this item is to amend the Community Development 2009-2010 Annual Action Plan that was approved by City Council on April 27, 2009. The City recently received information on its funding allocations from HUD. The City will receive \$1,447,994 for its CDBG allocation and \$899,979 for its HOME allocation. These amounts represent increases of \$28,235 (CDBG) and \$92,392 (HOME). The City will not receive funding through the American Dream Down Payment Initiative. This represents a decrease of \$6,298 as represented in the adopted plan. The additional funds will be applied to the City's Housing Rehabilitation Program activities.

PAGE: 28

- D. Adopt a Resolution Abandoning Portions of a Drainage Easement and Utility Easement**
The resolution for consideration is the partial abandonment of a drainage easement as evidenced in Plat Book 47, Page 73 and the partial abandonment of a utility easement as described in Deed Book 1099, Page 443. The entire easement area is no longer needed by the City or the Public Works Commission. Abandonment of portions of the easements will allow for development of the property.
PAGE: 31
- E. Approve Edward Byrne Justice Assistance Grant**
The Fayetteville Police Department (FPD) is eligible to apply jointly with the Cumberland County Sheriff's Department for United States Department of Justice (USDOJ) funding through the Edward Byrne Memorial Assistance Grant. Cumberland County received an allocation in the amount of \$1,043,441. The Fayetteville Police Department's share of this allocation is \$708,976, which will be used for first year salary/expenses of 4 new civilian employees, equipment and training. No matching funds are required for this grant proposal.
PAGE: 37
- F. Approve Amendment of the Consolidated Plan 2008-2009 Annual Action Plan for the Homeless Prevention and Rapid Re-housing Program**
The City of Fayetteville has been allocated \$589,648 for the Homeless Prevention and Rapid Re-housing Program through the American Reinvestment and Recovery Act of 2009. A substantial amendment to the City's Consolidated Plan 2008-2009 Annual Plan is required in order to receive the funds. The purpose of the HPRP is to provide homeless prevention assistance to households who would otherwise become homeless and to provide assistance to rapidly re-house people who are experiencing homelessness.
PAGE: 46
- G. Approve Resolution in Support of a HUD Section 202 Affordable Housing Development for the Elderly by the Evrytanian Association of America**
The Evrytanian Association of America - Velouchi #2 has requested a resolution in support of their application to HUD for Section 202 funding to construct 50 affordable apartment units for the elderly. The proposed project will be located at the corner of Sapona Road and Plymouth Street on a site that is slightly over 5 acres. The project is consistent with the Community Development Consolidated plan and will serve the elderly whose incomes are at or below 50% of the area median income.
PAGE: 91

- H. Consider Revision to City Council Policy 102.2 Regarding Public Hearings**
In an effort to allow a greater number of citizens to be heard on issues, the proposed revision limits the time of individual speakers to 3 minutes.
PAGE: 93
- I. Consider Revisions to 2009 City Council Meeting Dates Calendar**
City Council at their December 8, 2008 meeting adopted the 2009 City Council Meeting Dates calendar. Since that time, staff have identified a need for revisions to the calendar and are seeking City Council approval of the same.
PAGE: 96
- J. No Parking Ordinance - Skye Drive**
Traffic Services is requesting approval of the attached No Parking Ordinance on Skye Drive.
PAGE: 98
- K. Adopt a Resolution Setting a Public Hearing to Consider the Paving Assessments of Six City Streets**
Adopt resolutions setting a public hearing for June 22, 2009 to consider the assessment of the following streets: Barges Lane, Meeting Street, Church Street, Seminole Street, Oscar Street, and Milan Road. The paving of these streets has been completed and the assessment of the streets will complete the process.
PAGE: 101
- L. Set Public Hearing to Consider Amendments to Chapter 23, Stormwater Management, of the City Code of Ordinances**
Council is asked to call for a public hearing on May 26, 2009 to hear public comments on proposed amendments to Chapter 23, Stormwater Management, of the City Code of Ordinances. The proposed amendments are due to the County no longer being in the utility.
PAGE: 108
- M. Adopt Resolution Pursuant to N.C.G.S 160A-58.2 Setting May 26, 2008 as a Date for a Public Hearing for a Petition-Initiated Contiguous Annexation Area (Longhill Pointe – Located on the Northwest Corner of McCloskey Road and Ramsey Street)**
The annexation petition is submitted in order to receive PWC water and sewer service as outlined in City Council Policy 150.2.
PAGE: 109

N. Approve Sign Permit for the Fayetteville Guard for Their Football Games on May 30th, June 6th and June 27th at the Crown Center

The Fayetteville Guard is requesting approximately 20 signs in various locations throughout the community be placed four days prior to each football game and removed the day after each game.

PAGE: 117

ITEM 4. PWC FISCAL YEAR 2009-2010 BUDGET

An overview of the Fiscal Year 2009-2010 PWC Budget will be presented as part of the City Council budget deliberation process.

PRESENTED BY: Steven K. Blanchard, PWC CEO/General Manager

RECOMMENDED ACTION: No action required.

PAGE: 118

ITEM 5. PRESENTATION OF THE IMPLEMENTATION FEASIBILITY ANALYSIS FOR THE LAND USE AND ECONOMIC DEVELOPMENT PLAN FOR THE MURCHISON ROAD CORRIDOR

The City contracted with Marshall Isler to prepare an implementation plan as a follow up to the Land Use and Economic Development Plan for the Murchison Road Corridor (Development Plan). The study addresses sites #1, #3 and #6 of the nine catalyst sites identified in the Development Plan. It also defines specific development concepts based on the recommendations of the Development Plan and discussions with major land and business owners; demonstrates the economic feasibility of the recommended concepts; and defines public economic incentives necessary to make the proposed development attractive to developers.

PRESENTED BY: Marshall A. Isler, Real Estate Development and Acquisition Consultant

RECOMMENDED ACTION: Receive report as information. Staff will report back with an action plan for implementation in 90 days.

PAGE: 119

ITEM 6. CLOSED SESSION

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 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.

**COUNCIL MEETING WILL BE AIRED
MAY 11, 2009 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
MAY 13, 2009 - 10:00 PM
COMMUNITY CHANNEL 7**

Notice Under the Americans with Disabilities Act (ADA): *The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in the City program, service, or activity, should contact the office of Ron McElrath, Acting ADA Coordinator, at mcelrath@ci.fay.nc.us, 910-433-1605 or 910-433-1696, or the City Clerk at cityclerk@ci.fay.nc.us, or 910-433-1989, as soon as possible but no later than 48 hours before the scheduled event.*

DRAFT

FAYETTEVILLE CITY COUNCIL
MINUTES
APRIL 6, 2009
5:00 P.M.
CITY HALL COUNCIL CHAMBERS

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Council Member William J. L. Crisp (District 6)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Jeffrey Powell, Assistant City Manager
Karen M. McDonald, City Attorney
Tom Bergamine, Chief of Police
Victor Sharpe, Community Development Director
Rob Anderson, Chief Development Officer
Jackie Tuckey, Communications Manager/Public Information Officer
Ed Grannis, District Attorney
Earl "Moose" Butler, Cumberland County Sheriff
Press

CALL TO ORDER

Mayor Chavonne called the meeting to order at 5:00 p.m.

INVOCATION

Council Member Haire provided the invocation followed by the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

Council Member Evans requested the agenda be amended to include discussion regarding the Museum of Art.

MOTION: Council Member Evans moved to approve the agenda with the addition of discussion regarding the Museum of Art.

SECOND: Council Member Massey

Council Member Mohn suggested that the matter be referred to a future work session as a regular agenda item. Discussion ensued.

VOTE: FAILED by a vote of 2 in favor (Council Members Evans and Massey) to 7 in opposition.

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (9-0)

2. DISCUSSION OF THE DRAFT 2009-2010 COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN

Victor Sharpe, Community Development Director, provided information regarding National Community Development Week, a celebration of the 35th anniversary of the Community Development Block Grant, and local activities beginning the week of Monday, April 13, 2009.

000008

ITEM 3.A.1.

DRAFT

Mr. Sharpe provided background information regarding the draft 2009-2010 Community Development Annual Action Plan and stated the action plan was based on the goals set forth in the 2005-2010 Consolidated Plan. Mr. Sharpe reviewed highlights of the draft action plan to include activities to be funded or implemented during the program year. Mr. Sharpe responded to questions.

Council consensus was for the action plan to be forwarded to the April 27, 2009 meeting for further consideration of approval.

3. CRIME STRATEGY REPORT

Tom Bergamine, Chief of Police, recognized Ed Grannis, District Attorney; Earl "Moose" Butler, Cumberland County Sheriff; and community partners. Chief Bergamine introduced the 2009 Fayetteville Police Department's Community Wellness Plan and stated the plan was based on the guiding principles of: intelligence led policing; operational efficiency; community partnerships; and crime prevention. Chief Bergamine provided an overview of the guiding principles and new crime strategy initiatives contained therein. Chief Bergamine closed his presentation by speaking to measures communities could implement to be successful and ways in which to measure success. Chief Bergamine responded to questions and stated the Community Wellness Plan had been posted to the Fayetteville Police Department's website.

Mr. Grannis responded to questions related to the Cumberland County jail facility.

Following a brief discussion regarding police recruitment and retention efforts, consensus of Council was for staff to provide Council with possible solutions during their budget deliberations.

4. EVALUATION OF CITY'S LEASED PROPERTIES

Dale E. Iman, City Manager, reviewed staff recommendations for changes to the City's lease policy, to include lease rates and lease terms, for city-owned commercial properties in the downtown area. Mr. Iman then reviewed month-to-month leases with non-profit and for-profit organizations. Mr. Iman responded to questions that followed.

Consensus of Council was to forward to the April 13, 2009 meeting for further consideration of approval.

5. UPDATE ON GOVERNMENT ACCESS CHANNEL CONCEPT, COUNCIL CHAMBER IMPROVEMENTS AND TELEVISIONING CITY COUNCIL WORK SESSIONS

Doug Hewett, Assistant City Manager, reviewed issues associated with and the results of staff investigation of televising City Council work sessions. Mr. Hewett responded to questions regarding streaming video for City Council meetings. Following discussion, consensus of Council was to televise City Council work sessions and for staff to research streaming video for City Council and City Council work session meetings.

Mr. Hewett provided an update on considerations involved with the development of a City operated Government Access Channel on the local Time-Warner Cable System to include recurring operational and additional capital costs and sustainability of a government access channel.

Consensus of Council was for staff to continue their research and provide additional information.

DRAFT

6. CHANGES TO THE CITY'S PROPERTY TAX GRANTBACK PROGRAM FOR THE CITY'S ECONOMIC DEVELOPMENT ZONE

Rob Anderson, Chief Development Officer, covered background information associated with the City's Property Tax Grantback Program and stated there were areas outside of the current Economic Development Zone in need of economic stimulation. Mr. Anderson reviewed highlights of proposed text and map amendments to the current Property Tax Grantback Program designed to promote development along the Bragg Boulevard corridor. Mr. Anderson responded to questions and discussion followed.

Consensus of Council was to forward to a future meeting for further consideration and action.

7. COUNCIL MEMBER REQUESTS

A. 2009-2010 CITY COUNCIL BUDGET GUIDANCE TO THE CITY MANAGER AND STAFF

Council Member Mohn requested Council consideration for staff to provide a revenue neutral budget. Mr. Iman provided information regarding formulas as spelled out in the North Carolina General Statutes and the budget message to include a revenue neutral tax rate. Following a brief discussion, consensus did not support Council Member Mohn's request.

B. CITY COUNCIL PAY RAISE

Council Member Bates requested Council consideration to direct City staff to formulate a budget for FY 2009-2010 without pay raises for the Mayor and City Council members. Mr. Iman responded to questions regarding cost of living increases and the upcoming budget. Following a brief discussion, consensus did not support Council Member Bates' request.

There being no further business, the meeting adjourned at 8:53 p.m.

Respectfully submitted,

CANDICE H. WHITE
City Clerk

ANTHONY G. CHAVONNE
Mayor

040609

DRAFT

FAYETTEVILLE CITY COUNCIL

MINUTES

APRIL 13, 2009

7:00 P.M.

COLLEGE LAKES RECREATION CENTER

4945 ROSEHILL ROAD

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3) (arrived at 7:08 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Jeffrey Powell, Assistant City Manager
Karen M. McDonald, City Attorney
B. E. (Benny) Nichols, Fire/Emergency Management Chief
Ben Major, Fire/Emergency Management Assistant Chief
Rob Anderson, Chief Development Officer
Jimmy Teal, Planning Director
Karen Hilton, Assistant Planning Director
Michael Gibson, Parks and Recreation Director
Victor Sharpe, Community Development Director
Rusty Thompson, City Traffic Engineer
Jackie Tuckey, Communications Manager/Public Information Officer
Joe Glass, PWC Engineering Manager
Joe Callis, PWC Business Planning Manager
Cheryl Jones, PWC Project Analyst
Candice H. White, City Clerk
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Chaplain Darwyn Hudson, Fayetteville Police Department, followed by the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

2. PUBLIC FORUM:

A. Announcements and Recognition

Council Member Hurst encouraged citizens to participate in the third annual citywide cleanup that would commence at 9:00 a.m. on Saturday, April 18, 2009.

Council Member Haire invited citizens to Dancing with the Fayetteville Stars at 5:00 p.m. on Saturday, April 18, 2009 at the Women's Center.

Mayor Chavonne welcomed the return of Council Member Crisp following his brief absence.

Mayor Chavonne, on behalf of the City Council and City of Fayetteville, read a proclamation proclaiming the week of April 12, 2009 through April 18, 2009 as Community Development Week. Victor Sharpe, Community Development Director, spoke to local

000011

ITEM 3.A.2.

DRAFT

activities during the week and encouraged citizens to attend in order to obtain information related to the programs administered by the Community Development Department.

B. Comment Period

Mayor Chavonne opened the public comment period.

E. Rick Richards, 400 Andrews Road, Fayetteville, NC 28314 spoke regarding a Northwest Estates meeting, which was attended by some of the Council Members, and thanked City Council for their hard work.

Mark Ledger, 430 Lionshead Road, Fayetteville, NC 28311 spoke regarding the Fayetteville Police Department's efforts to reduce crime to include their work with community agencies.

Gwen York, 5703 Cypress Road, Fayetteville, NC 28304 spoke regarding domestic violence issues.

Carl Jones, 270 Ramona Drive, Fayetteville, NC 28303 spoke regarding the public transportation needs of his disabled spouse.

3. CONSENT:

A. Approve Minutes:

1. City Council Meeting Held on March 9, 2009
2. Agenda Briefing Meeting Held on March 19, 2009
3. City Council Meeting Held On March 23, 2009

A. Adopt Capital Project Ordinance 2009-19 and a Reimbursement Resolution for the Financing of a Fire Station (Fire Station #19 - Andrews Road)

This capital project ordinance will establish a \$235,000 budget for the design and associated preparation costs of Fire Station #19 on Andrews Road. Once the design is complete, Council will be asked to approve an ordinance amendment to appropriate funding for the construction of the fire station. Consistent with the City's adopted capital improvement plan, staff recommends using financing proceeds for the design, as well as future construction, of the fire station. The associated reimbursement resolution will allow the City to reimburse itself from the financing proceeds for any expenditures paid prior to the acquisition of the financing. The total amount expected to be financed for the fire station is \$2,974,600.

B. Adopt Special Revenue Fund Project Ordinance Amendment 2009-10 (Community Gardens Project)

This amendment will appropriate \$28,000 for the development of a community garden for the residents of the Old Wilmington Road Community. The source of funds for this project is a contribution from the Sandhills Area Land Trust. The funds will be used for water installation and a road within the garden.

C. Approve Tax Refunds Greater Than \$100

Name	Bill No.	Year	Basis	City Refund
Murphy, Katrina Yolanda	8956488	2006	Corrected	
		2007	Assessment	\$ 418.35
Davis, Sherman C.	8921064	2007	Double Billed	\$ 150.50
Liberty Square, LLC	0255434	2007	Clerical Error	\$ 976.12
TOTAL				\$1,293.94

D. Waiver of Tent Permit Fees for the Dogwood Festival

DRAFT

F. Consider Adoption of Resolution Declaring Property Surplus

RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2009-023

G. Municipal Agreement with NCDOT for the Installation of Sidewalks on Reilly Road, Cliffdale Road and Ramsey Street

H. Approve Sign Permit for the Annual Dogwood Festival to be Held April 24th through April 26th

I. Approve Sign Permit for the La Leche League Baby Fair at the Holiday Inn - Bordeaux Center on Saturday, May 30th

J. Approve Sign Permit for the Crown Center for Upcoming Concert on April 24th

K. Local Proclamation to Support Air Quality Awareness Week; April 26 - May 2, 2009

RESOLUTION TO PROCLAIM THE WEEK OF APRIL 26 THROUGH MAY 2, 2009 AS "AIR QUALITY AWARENESS WEEK". RESOLUTION NO. R2009-024

L. Evaluation of City's Leased Properties

4. PUBLIC HEARING:

A. LaGrange and Summerhill (Phase 5 Annexation)

Joe Callis, PWC Business Planning Manager, provided an overview of the project schedule to extend sanitary sewer to the LaGrange and Summerhill areas of the Phase 5 Annexation and outlined associated costs to property owners. Mr. Callis stated following the public hearing, the next step in the process would be to approve the Resolution Directing Project Be Undertaken, which was scheduled for Council's April 27, 2009 meeting.

Joe Glass, PWC Engineering Manager, responded to questions posed by Council Member Haire regarding street cuts and resurfacing as a result of the utility installation.

Dale E. Iman, City Manager, responded to questions regarding prepayment options, interest on prepayment balances, and interest rate and issuance costs. Discussion followed.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:40 p.m.

No one appeared in favor.

Carl Jones, 270 Ramona Drive, Fayetteville, NC 28303 expressed concern for the assessment and additional out-of-pocket costs to property owners for connection to the sanitary sewer collection system.

There was no one further to speak and the public hearing closed at 7:43 p.m.

Council Member Evans inquired regarding options available to Council. Karen M. McDonald, City Attorney, explained the process involved with the assessment roll and levying of assessments.

5. CHANGES TO THE CITY'S PROPERTY TAX GRANTBACK PROGRAM FOR THE CITY'S ECONOMIC DEVELOPMENT ZONE

Rob Anderson, Chief Development Officer, reviewed highlights of the proposed text amendments to the Property Tax Grantback Program and map amendments to the Economic Development Zone as presented at the April 6, 2009 work session. Mr.

DRAFT

Anderson then provided information regarding average daily traffic counts and analyses as well as current PWC water and sewer locations within the economic development zone and new proposed zone extensions. Mr. Anderson responded to questions related to incentive payments and requirements of grantees during the incentive payment period. A brief discussion followed regarding current usage of the program, ways in which the program could be expanded and ways in which to promote and market the program.

MOTION: Council Member Meredith moved to approve changes to the Property Tax Grantback Program and the Economic Development Zone as presented by staff.
SECOND: Council Member Haire
VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Mohn, Bates and Applewhite)

INFORMATION ITEMS:

1. Statement of Taxes Collected for the Month of March 2009 from the Cumberland County Tax Administrator

2008 Taxes	\$692,167.75
2008 Vehicle Taxes	470,226.17
2008 Revit	1,197.42
2008 Vehicle Revit	289.94
2008 FVT	50,906.15
2008 Transit Fee	43,134.96
2008 Storm Water	36,166.78
2008 Fay Storm Water	41,179.04
2008 Recycle Fee	45,964.54
2008 Annex	58.72
2007 Taxes	\$8,649.03
2007 Vehicle Taxes	42,475.08
2007 Revit	0.00
2007 Vehicle Revit	39.12
2007 FVT	5,646.60
2007 Storm Water	409.70
2007 Fay Storm Water	345.87
2007 Annex	13.63
2006 Annex	\$8,777.59
2006 Taxes	2,545.11
2006 Vehicle Taxes	2,783.06
2006 Revit	0.00
200 Vehicle Revit	0.00
2006 FVT	590.00
2006 Storm Water	127.00
2005 Taxes	\$1,815.74
2005 Vehicle Taxes	1,782.69
2005 Revit	0.00
2005 Vehicle Revit	0.00
2005 FVT	393.88
2005 Storm Water	65.07
2004 and Prior Taxes	\$1,297.27
2004 and Prior Vehicle Taxes	3,778.70
2004 and Prior Revit and Prior	0.00
2004 and Prior Vehicle Revit and Prior	0.00
2004 and Prior Vehicle FVT and Prior	641.37
2004 and Prior Stormwater	90.85
Interest	\$42,894.68
Interest (Revit)	60.07
Interest (Storm Water)	1,356.64
Interest (Fay Storm Water)	1,424.84
Interest (Annex)	504.20
Interest (Fay Recycling)	1,650.10
Total Collections	\$1,511,449.36

DRAFT

2. Tax Refunds Less Than \$100

There being no further business, the meeting adjourned at 8:18 p.m.

Respectfully submitted,

CANDICE H. WHITE
City Clerk

ANTHONY G. CHAVONNE
Mayor

041309

000015

DRAFT

FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING
LAFAYETTE ROOM
APRIL 20, 2009
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3) (arrived at 5:22 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6) (via telephone); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Karen M. McDonald, City Attorney
Peg Carlson, Facilitator

Mayor Chavonne called the meeting to order at 5:05 p.m.

Closed session for Personnel Matter

MOTION: Council Member Applewhite moved to go into closed session for a personnel matter.
SECOND: Council Member Mohn
VOTE: UNANIMOUS (9-0)

The regular session recessed at 5:06 p.m. The regular session reconvened at 7:30 p.m.

MOTION: Mayor Pro Tem Meredith moved to go into open session.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

There being no further business, the meeting adjourned at 7:30 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

042009

000016

ITEM 3.A.3.

DRAFT

FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
APRIL 23, 2009
4:00 P.M.
LAFAYETTE ROOM

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1);
Darrell J. Haire (District 4); Bobby Hurst (District 5);
William J. L. Crisp (District 6);

Absent: Council Members Charles E. Evans (District 2); Robert A.
Massey, Jr. (District 3); Valencia A. Applewhite (District
7); Theodore W. Mohn (District 8); Wesley A. Meredith
(District 9)

Others Present: Dale E. Iman, City Manager
Jeffrey Powell, Assistant City Manager
Karen McDonald, City Attorney
Rob Anderson, Chief Development Officer
Craig Hampton, Planner II
Frank Barrow, PWC Director of Business Planning,
Development and Logistics
Joe Callis, PWC Business Planning Manager
Joe Glass, PWC Engineering Manager
Jim Autry, Right of Way Supervisor
Jim Nance, PWC Legal Counsel

Staff provided overviews of the following items scheduled for the
April 27, 2009 City Council meeting:

**Approve the rezoning from C3 commercial district to R5\CZ
residential district\conditional zoning to allow an apartment complex
allowing a maximum of 248 units for property located between 4006 and
4306 Bragg Boulevard. Containing 12.32 acres more or less and being
the property of 3701 Limited Partnership. Case Number P09-11F**

Craig Harmon, Planner II, showed a vicinity map and gave an
overview of the current land use, current zoning, surrounding land use
and zoning, and 2010 Land Use Plan. Mr. Harmon stated the applicant
wished to rezone vacant property along Bragg Boulevard from C3
commercial district to R5 conditional zoning in order to construct two
large apartment buildings housing a total of 248 units. Mr. Harmon
explained the R5 residential zoning allowed approximately 345 units,
but the applicant requested R5 conditional zoning capping the number
of units at 248. Mr. Harmon stated the Zoning Commission and planning
staff concurred with the applicant's request for R5 conditional zoning
with 248 apartment units. Mr. Harmon further stated the Zoning
Commission held a public hearing on this request on March 10, 2009.

Council Member Bates inquired regarding access for fire and
safety and ingress and egress. Mr. Harmon explained conditions
pertinent to the case. Rob Anderson, Chief Development Officer, added
that the developer planned to landscape the entire Bragg Boulevard
frontage and remove the existing impervious surfaces.

**Consider Resolution Authorizing Condemnation to Acquire Certain
Property**

Joe Callis, PWC Business Planning Manager, explained an easement
was needed to construct a sewer main to serve the proposed Western
Elementary School on Century Circle. Mr. Callis further explained
they had been unable to reach an agreement with the property owners
and were therefore requesting a resolution to authorize condemnation
to acquire the necessary easements. Mr. Callis outlined negotiations
that had been involved with the acquisition of the utility right-of-
way easement.

000017

ITEM 3.A.4.

DRAFT

Military Business Park Participation Agreement

Dale E. Iman, City Manager, explained in December of 2006, the Military Business Park was sited on Sante Fe Drive and Bragg Boulevard. Mr. Iman also explained the City of Fayetteville had been awarded federal grants in the amount of \$666,750 for the purpose of establishing a Military Business Park. Mr. Iman stated the agreement would authorize the City to appropriate the \$666,750 for use in constructing the sanitary sewer for the Military Business Park and would designate the Fayetteville Public Works Commission (PWC) as the lead agency for engineering services, construction management and all other work required to complete the project.

There being no further business, the meeting adjourned at 4:45 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

042309

DRAFT

FAYETTEVILLE CITY COUNCIL
DINNER AND DISCUSSION MEETING MINUTES
LAFAYETTE ROOM
APRIL 27, 2009
6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2) (via telephone); Robert A. Massey, Jr. (District 3); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Council Member Darrell J. Haire (District 4)

Others Present: Dale E. Iman, City Manager
Karen M. McDonald, City Attorney
Michael G. Lallier, Public Works Commission
Terrie Union, Public Works Commission
Steve Blanchard, PWC CEO/General Manager
Susie Gibbons, PWC Legal Counsel

Mayor Chavonne called the meeting to order.

Closed session for consultation with attorney.

MOTION: Council Member Bates moved to go into closed session for consultation with the attorney.
SECOND: Council Member Massey
VOTE: UNANIMOUS (9-0)

The regular session recessed at 6:05 p.m. The regular session reconvened at 6:40 p.m.

MOTION: Council Member Applewhite moved to go into open session.
SECOND: Mayor Pro Tem Meredith
VOTE: UNANIMOUS (9-0)

There being no further business, the meeting adjourned at 6:40 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

042709

DRAFT

FAYETTEVILLE CITY COUNCIL
MINUTES
APRIL 27, 2009
7:00 P.M.
CITY HALL COUNCIL CHAMBER

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2) (by teleconference); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Jeffrey Powell, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
B. E. (Benny) Nichols, Fire/Emergency Management Chief
Lisa Smith, Chief Financial Officer
Rob Anderson, Chief Development Officer
Bradley Whited, Airport Director
Victor Sharpe, Community Development Director
Bobby Teague, Engineering and Infrastructure Director
Jimmy Teal, Planning Director
Craig Harmon, Planner II
Craig Hampton, Special Project Director
Gloria Wrench, PWC Purchasing Manager
Joe Glass, PWC Engineering Manager
Joe Callis, PWC Business Planning Manager
Cheryl Jones, PWC Project Analyst
Jim Nance, PWC Legal Counsel,
Jackie Tuckey, Communications Manager/Public Information Officer
Candice H. White, City Clerk

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Elder Larry Bellamy, Pastor of Rhema Ministries, Church of God in Christ, followed by the Pledge of Allegiance to the American Flag led by Boy Scout Troop 6.

RECOGNITIONS AND ANNOUNCEMENTS

1. APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda.
SECOND: Council Member Mohn
VOTE: UNANIMOUS (10-0)

2. CONSENT:

Council Member Mohn requested Item 2.K. removed for discussion.

Council Member Bates requested Item 2.Q. removed for discussion.

MOTION: Council Member Mohn moved to approve the consent agenda with the exception of Item 2.K. and Item 2.Q.
SECOND: Council Member Meredith
VOTE: UNANIMOUS (10-0)

The following items were approved:

A. Approve Minutes:

1. City Council Special Meeting Held on April 7, 2009

000020

ITEM 3.A.6.

DRAFT

B. Capital Project Ordinance Amendment 2009-20 (Sidewalk Installations along Reilly Road, Cliffdale Road and Ramsey Street)

This amendment will appropriate an additional \$245,000 for sidewalk improvements along Reilly Road, Cliffdale Road and Ramsey Street as reflected in the approved Capital Improvement Plan. The funding sources for this amendment consist of \$195,000 from the NC Department of Transportation and \$50,000 from developer's fees in lieu of sidewalks. If approved, the revised project budget will be \$395,000.

C. Capital Project Ordinance 2009-20 (Sidewalk Construction along US 401)

This project ordinance establishes the budget for the construction of a five foot sidewalk along the east side of US 401 (Ramsey Street). The funding source for this ordinance is \$35,000 from NC Department of Transportation Enhancement Funds.

D. Capital Project Ordinance 2009-21 (Sidewalk Construction along Reilly Road and Ramsey Street)

This project ordinance establishes the budget for the construction of five foot sidewalks along Reilly Road and Ramsey Street. The funding source for this ordinance is \$147,000 from NC Department of Transportation - Safe Routes to School Funds.

E. Capital Project Ordinance 2009-22 (Sidewalk Construction along and nearby Cliffdale Road)

This project ordinance establishes the budget for the construction of five foot sidewalks along and nearby Cliffdale Road. The funding source for this ordinance is \$60,000 from NC Department of Transportation Enhancement Funds.

F. Budget Ordinance Amendment 2009-9 (Fire Department - SAFER Grant)

On February 9, 2009, City Council authorized the acceptance of a Staffing for Adequate Fire and Emergency Response grant (SAFER grant) to partially fund 24 additional positions in the Fire Department. Fifteen of these positions will staff the new Fire Station 19 in north Fayetteville, which will operate out of a temporary station pending construction of the permanent station. This \$280,442 budget ordinance amendment will appropriate \$122,580 of grant proceeds and \$157,862 General Fund fund balance to fund personnel and operating costs through June 30, 2009, including the relocation and setup of the temporary station.

G. NC DOT Taking of 14.2 Acres of Bonnie Doone Watershed Tract for the I-295 Outer Loop Highway Project

H. Bid Award - Annual Transformer Contract

Bid award for annual transformer contract for purchase of miscellaneous transformers to National Transformer Sales, Inc., Raleigh, NC, for a one year contract (with the option to renew contract for additional period(s) upon the agreement of both parties) in the total bid amount of \$616,651.70.

I. Bid Award - Cross Creek WRF RAS Pump Replacement - Phase 2 (Equipment Only)

Bid award for purchase of two (2) Helical Screw Pumps for the Cross Creek Water Reclamation Facility to HD Supply Waterworks, Hickory, NC in the total amount of \$122,194.

J. Phase 5 Annexation Areas 6 and 7

RESOLUTION DIRECTING CONSTRUCTION AREAS 6 AND 7 OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN. RESOLUTION NO. R2009-025

DRAFT

K. Pulled at the request of Council Member Mohn.

L. **Military Business Park Participation Agreement**

M. **Adopt Resolution for Award of Construction Contract for Transportation Museum Expansion Project Subject to Final Approval by NCDOT Board**

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF FAYETTEVILLE, NC A CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH THAMES CONSTRUCTION CO., INC. OF LAURINBURG, NC FOR THE PROJECT KNOWN AS: FAYETTEVILLE AREA TRANSPORTATION MUSEUM EXPANSION NC DOT TIP#E-4118. RESOLUTION NO. R2009-029

N. **Fayetteville Regional Airport**

1. **Adopt Capital Project Ordinance Amendment 2009-19 (West General Aviation Ramp Rehabilitation Project)**

This amendment will appropriate an additional \$191,055 from a NC Department of Transportation grant and an additional \$22,051 local match from the Airport Operating Fund to cover the cost of this project. If approved, the total budget for this project will be \$672,277.

2. **Approve Construction Contract with Barnhill Contracting**

Bid award to Barnhill Contracting for the West GA Ramp Rehabilitation project in a total contract amount of \$579,558.25.

O. **Approval of the 2009-2010 Community Development Annual Action Plan**

P. **Consider Adoption of Resolution Opposing Senate Bill 1001 and House Bill 881**

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA EXPRESSING OPPOSITION TO PENDING LEGISLATION TRANSFERRING RESPONSIBILITY FOR STATE ROADS TO LOCAL GOVERNMENTS. RESOLUTION NO. R2009-027

Q. Pulled at the request of Council Member Bates.

R. **Approve the rezoning from C3 commercial district to R5\CZ residential district\conditional zoning to allow an apartment complex allowing a maximum of 248 units for property located between 4006 and 4306 Bragg Boulevard. Containing 12.32 acres more or less and being the property of 3701 Limited Partnership. Case Number P09-11F**

S. **Approve Sign Permit for Cape Fear Valley Foundation's Newspaper Sale on Thursday, May 21st**

2.K. **Consider Resolution Authorizing Condemnation to Acquire Certain Property**

Joe Callis, PWC Business Planning Manager, provided background information related to the provision of a sanitary sewer main to serve the proposed Western Elementary School on Century Circle. Mr. Callis then outlined negotiations involved with the acquisition of the utility right-of-way easement for the same. Mr. Callis and Jim Nance, PWC Legal Counsel, responded to questions.

RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF JODY CURTIS LINDSEY AND WIFE, TASQUA LINDSEY. RESOLUTION NO. R2009-026

MOTION: Council Member Mohn moved to consider resolution authorizing condemnation to acquire certain property, specifically to obtain authority from City Council to file condemnation to acquire a permanent and temporary easement across property of Jody and Tasqua Lindsey to construct

DRAFT

sewer main to serve proposed Western Elementary School on Century Circle.

SECOND: Council Member Evans

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Bates)

2.Q. Consider Adoption of Resolution Opposing Senate Bill 1004 and House Bill 1252

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AGAINST SENATE BILL 1004 AND HOUSE BILL 1252 (LEVEL PLAYING FIELD ACT). RESOLUTION NO. R2009-028

Dale E. Iman, City Manager, explained both bills had been introduced and would put prohibitive requirements on municipalities were they to seek to offer broadband services to their residents, particularly in underserved areas. Mr. Iman further explained the bills would prohibit municipalities from receiving stimulus funds to develop rural communication infrastructure. Mr. Iman responded to questions and further explained the significance of the resolution under consideration. Discussion ensued.

MOTION: Council Member Meredith moved to adopt the resolution opposing Senate Bill 1004 and House Bill 1252.

SECOND: Council Member Crisp

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Bates and Mohn)

3. THIRD QUARTER REPORTS

A. Fayetteville-Cumberland County Chamber of Commerce Third Quarter Report

Douglas S. Peters, President/CEO of the Fayetteville-Cumberland County Chamber of Commerce, provided the third quarter report of the Chamber's efforts toward tax base diversity, workforce development, existing industry support and other economic development efforts.

B. FY 2008-09 Strategic Plan 3rd Quarter Report

Doug Hewett, Assistant City Manager, outlined the three main areas of the city's Strategic Plan and reviewed the Strategic Plan third quarter report to include the status of Top and High Policy Agenda targets for action and the status of Top and High Management Agenda targets for action. Mr. Hewett responded to questions and provided information regarding the upcoming Transportation Development Plan (TDP).

MOTION: Council Member Haire moved to accept the third quarter Strategic Plan report.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

CANDICE H. WHITE
City Clerk

ANTHONY G. CHAVONNE
Mayor

042709

000023

DRAFT

FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING
HUMAN RESOURCES DEVELOPMENT
TRAINING ROOM
APRIL 28, 2009
4:30 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2) (via telephone); Robert A. Massey, Jr. (District 3) (arrived at 4:45 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Karen M. McDonald, City Attorney
Peg Carlson, Facilitator

Mayor Chavonne called the meeting to order at 4:35 p.m.

Closed session for Personnel Matter

MOTION: Council Member Bates moved to go into closed session for a personnel matter.
SECOND: Council Member Hurst
VOTE: UNANIMOUS (9-0)

The regular session recessed at 4:36 p.m. The regular session reconvened at 6:25 p.m.

MOTION: Council Member Haire moved to go into open session.
SECOND: Council Member Applewhite
VOTE: UNANIMOUS (8-0)

There being no further business, the meeting adjourned at 6:25 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

042809

000024

ITEM 3.A.7

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager

From: Lisa Smith, Chief Financial Officer



Date: May 11, 2009

Re: Section 108 Loan for the Capitol Family Entertainment Project

THE QUESTION: Will City Council authorize the City to execute all documents necessary to obtain a Section 108 Loan through the U.S. Department of Housing and Urban Development (HUD) for the Capitol Project?

RELATIONSHIP TO STRATEGIC PLAN: Goal: Revitalized Downtown – A Community Focal Point

BACKGROUND:

- Section 108 is the loan guarantee provision of the Community Development Block Grant (CDBG) program. It provides communities with a source of financing for economic development, housing rehabilitation, public facilities and large-scale physical development projects.
- City Council adopted a resolution on March 31, 2005 approving the economic development incentives for the Capitol Project.
- In addition, City Council authorized the filing of an application for the HUD Section 108 loan in the amount of \$750,000 to assist in meeting the City's commitment to the Capitol Project.
- The City's application has been approved and Council is required to adopt a resolution authorizing the execution of certain documents if it wishes to proceed with the loan.
- Approval of the loan documents is consistent with the FY2009 budget approved by Council and the City's financial plan for this project.
- Consistent with past practice, a copy of the contract, note and other documents associated with the Section 108 loan will be available for Council's review in the City Clerk's Office.

ISSUES: None

OPTIONS:

- 1) Adopt the resolution and proceed with the loan.
- 2) Do not adopt the resolution and do not proceed with the loan.

RECOMMENDATIONS: Adopt the resolution.

000025

ITEM 3.B.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL
AUTHORIZING THE EXECUTION OF A CONTRACT FOR LOAN GUARANTEE
ASSISTANCE AND THE ISSUANCE OF A NOTE THROUGH THE SECTION 108
LOAN GUARANTEE PROGRAM

WHEREAS, the City of Fayetteville (the "City") is committed to the revitalization of downtown Fayetteville; and

WHEREAS, the City assisted the Capitol Entertainment, LLC with economic development incentives pursuant to the provisions of 24 CFR Part 570.203 (b); and

WHEREAS, the City Council determined that economic development incentives to Capitol Entertainment, LLC constitute a public purpose and promote the City's best interest by enhancing the economic development and revitalization of the City and the general economic welfare of the citizens of the City; and

WHEREAS, the City of Fayetteville is an entitlement public entity and has the legal authority to make a pledge of its Community Development Block grant as required by 24 CFR Part 570.705 (b) (2); and

WHEREAS, the City has submitted an application for assistance and is authorized to use the guaranteed loan funds in accordance with 24 CFR Subpart M, Loan Guarantee; and

WHEREAS, the U.S. Department of Housing and Urban Development has approved a loan guarantee through the Section 108 Loan Guarantee Program for the Capitol Family Entertainment Project in the amount of \$750,000; and

WHEREAS, it is recognized that the Federal contract for such financial assistance will impose certain obligations and responsibility upon the City, as well as the execution of certain documents;

NOW THEREFORE, BE IT RESOLVED BY THE FAYETTEVILLE CITY COUNCIL:

That the execution of the Contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development Act of 1974, as amended, (the "Contract") and the issuance of a Variable/Fixed Rate Note through the Section 108 Loan Guarantee Program (the "Note") in the amount of \$750,000 is hereby approved, and the Mayor, City Manager and Chief Financial Officer of the City of Fayetteville are hereby authorized and directed to execute the Contract, the Note and all other necessary documents necessary or desirable to complete the transaction.

ADOPTED this the _____ day of May 2009.

Anthony G. Chavonne, Mayor

ATTEST:

Candice White, City Clerk

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Victor D. Sharpe, Community Development Director
Date: May 11, 2009
Re: 2009-2010 Annual Action Plan Budget Amendment

THE QUESTION: Does the 2009-2010 Annual Action Plan local amendment meet the requirement of the City's Citizen Participation Plan?

RELATIONSHIP TO STRATEGIC PLAN: More Attractive City – Clean and Beautiful, Revitalized Downtown – A Community Focal Point, Growing City, Livable Neighborhoods – A Great Place To Live and Greater Tax Base Diversity- Strong Local Economy.

BACKGROUND:

- The purpose of this item is to amend the Community Development 2009-2010 Annual Action Plan that was approved by City Council on April 27, 2009.
- During the presentation, City Council was informed that the City was awaiting the CDBG and HOME funding allocations from HUD for the 2009 fiscal year.
- The City received information on the allocations from HUD on May 4, 2009.
- The City will receive \$1,447,994 for its CDBG allocation and \$899,979 for its HOME allocation. These amounts represent increases of \$28,235 (CDBG) and \$92,392 (HOME). The City will not receive funding through the American Dream Down Payment Initiative. This represents a decrease of \$6,298 as represented in the adopted plan.
- The additional funds will be applied to the City's Housing Rehabilitation Program activities.

ISSUES:

The City received notification of allocations of the 2009 CDBG and HOME funds on May 4, 2009.

OPTIONS:

Approve amendment.
Modify amendment.

RECOMMENDATIONS:

Approve amendment of the 2009-2010 Community Development Annual Action Plan regarding the receipt of the 2009 CDBG and HOME funding allocations from HUD.

ATTACHMENT:

Funding Sources page and Summary of Projects page from the 2009-2010 Annual Action Plan.

One year Action Plan

The 2009-2010 One-Year Action Plan describes the activities to be funded or implemented during the program year. The plan contains goals, objectives, and description of projects and activities that implement the strategies established in the Consolidated Plan. Also included are the appropriate forms required by the US Department of Housing and Urban Development. The One-Year Action Plan constitutes the annual plan of the five-year Consolidated Plan. It sets forth a description of activities for the use of funds that are expected to become available during the coming fiscal year and establishes goals and objectives for those activities. The City expects the following resources to be available to implement its community development strategies during the 2009-2010 program year.

2009-2010 Funding Sources	Amount
Community Development Block Grant (CDBG)	\$ 1,447,994
CDBG Program Income	\$ 227,694
HOME Investment Partnership (HOME)	\$ 899,979
HOME Program Income	\$ 188,765
CDBG & HOME Prior Year	\$ 1,339,060
Prior Year Program Income	\$ 356,000
City (HOME match)	\$ 181,698
Section 108 Loan Payment (General Fund)	\$ 29,188
Total	\$ 4,670,378

These funds are used to develop a coordinated and comprehensive means of addressing the core goals identified in the plan.

The City's One-Year Action Plan describes 31 projects to be undertaken during the program year: the projects and activities proposed for 2009- 2010 are summarized below:

Summary of 2009-2010 Proposed Action Plan Projects

<u>Housing Activities</u>	<u>Budget</u>	<u>Benchmark</u>	<u>Activity Type</u>	<u>Funding</u>
Down payment Assistance Program	15,000	5	Homes purchased	HOME/ADDI
Mortgage Assistance Program	75,000	5	Homes purchased	HOME
Housing Rehabilitation Program	1,075,148	163	Homes repaired	HOME/CDBG
Replacement Housing Program	100,000	2	Homes replaced	HOME
Acquisition & Demolition Program	70,000	10	Houses acquired/demolished	CDBG
Demolition Recovery & Infill Housing Program	50,000	10	Homes Rehabilitated/built	CDBG/HOME
Maple Ridge Apartments III	400,000	80	Apartments built	HOME
CHDO Activities	292,980	9	Homes built	HOME
Homebuyers Education	7,250	175	Persons assisted	CDBG
HOPE VI Affordable Housing Project	700,000	60	Apartments built	HOME
HOPE VI property acquisition	187,000		Acquisition	CDBG
IDA Program	5,000	5	Persons Assisted	CDBG
Total	2,977,378	524		
<u>Economic Development</u>				
Business Assistance Program	375,000	6	Jobs created	CDBG
Downtown Loan Pool	450,000	7	Jobs created	CDBG
Women's Center of Fayetteville	44,000	35	Clients Assisted	CDBG
Façade Grant Program	50,000	10	Jobs	CDBG
FSU/Fayetteville Business Center	20,000	75	Clients Assisted	CDBG
Section 108 Payment - Capitol Project	55,000	2	Loan Payments	CDBG
Total	994,000	135		
<u>Community Development</u>				
Neighborhood Resource Centers	180,000	10,000	Client Visits	CDBG
Beautification	10,000	5	Projects completed	CDBG
Street Paving Assessment Fee Assistance	10,000	10	Persons assisted	CDBG
Water and Sewer Assessment Fee Assistance	30,000	20	Persons assisted	CDBG
Deep Creek Road Community Gateway Project	5,000	1	Project completed	CDBG
Community Gardens Project	20,000	1	Project completed	CDBG
Total	255,000	10,037		
<u>Homeless Services</u>				
Homeless Shelter Assistance Program	10,000	25	Utility assistance provided	CDBG
Utility Deposit Assistance Program	2,000	10	Clients assisted	CDBG
Homeless Client Assistance Program	2,000	25	Clients assisted	CDBG
Hope Center Homeless Shelter	10,000	250	Clients served	CDBG
Operation Inasmuch Day Center	30,000	22,100	Clients served	CDBG
Salvation Army Homeless Shelter	15,000	1,200	Clients served	
Total	69,000	23,610		
Program Administration	375,000			HOME/CDBG
Total All Projects and Activities	4,670,378	38,306	Benchmark	

All of the projects will be located within the municipal limits with the majority taking place within low to moderate-income communities through out the City.

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council

Thru: Dale Iman, City Manager

From: Cindy Preas, Real Estate Manager *CP*

Date: May 11, 2009

Re: Consider Adoption of a Resolution Abandoning Portion of a Drainage Easement and Utility Easement.

THE QUESTION: How to respond to a request from James D. Smith to abandon a portion of a utility easement as described in Deed Book 1099, Page 443, Cumberland County Register of Deeds, and the partial abandonment of a drainage easement as evidenced in Plat Book 47, Page 73, Cumberland County Register of Deeds.

RELATIONSHIP TO STRATEGIC PLAN: Growing City- A great Place to Live

BACKGROUND: A twenty-foot (20') wide utility easement was acquired by the City of Fayetteville by and through its Public Works Commission on February 10, 1965, as recorded in Deed Book 1099, Page 443, Cumberland County Register of Deeds. Said easement runs along the western property line of Lot 6, Greenwood Homes, Section 5, Part 3, as recorded in Plat Book 47, Page 73. A second easement (drainage) traverses said Lot 6 (the property), as shown on the aforementioned plat. Current property owner now desires to develop this property.

ISSUES:

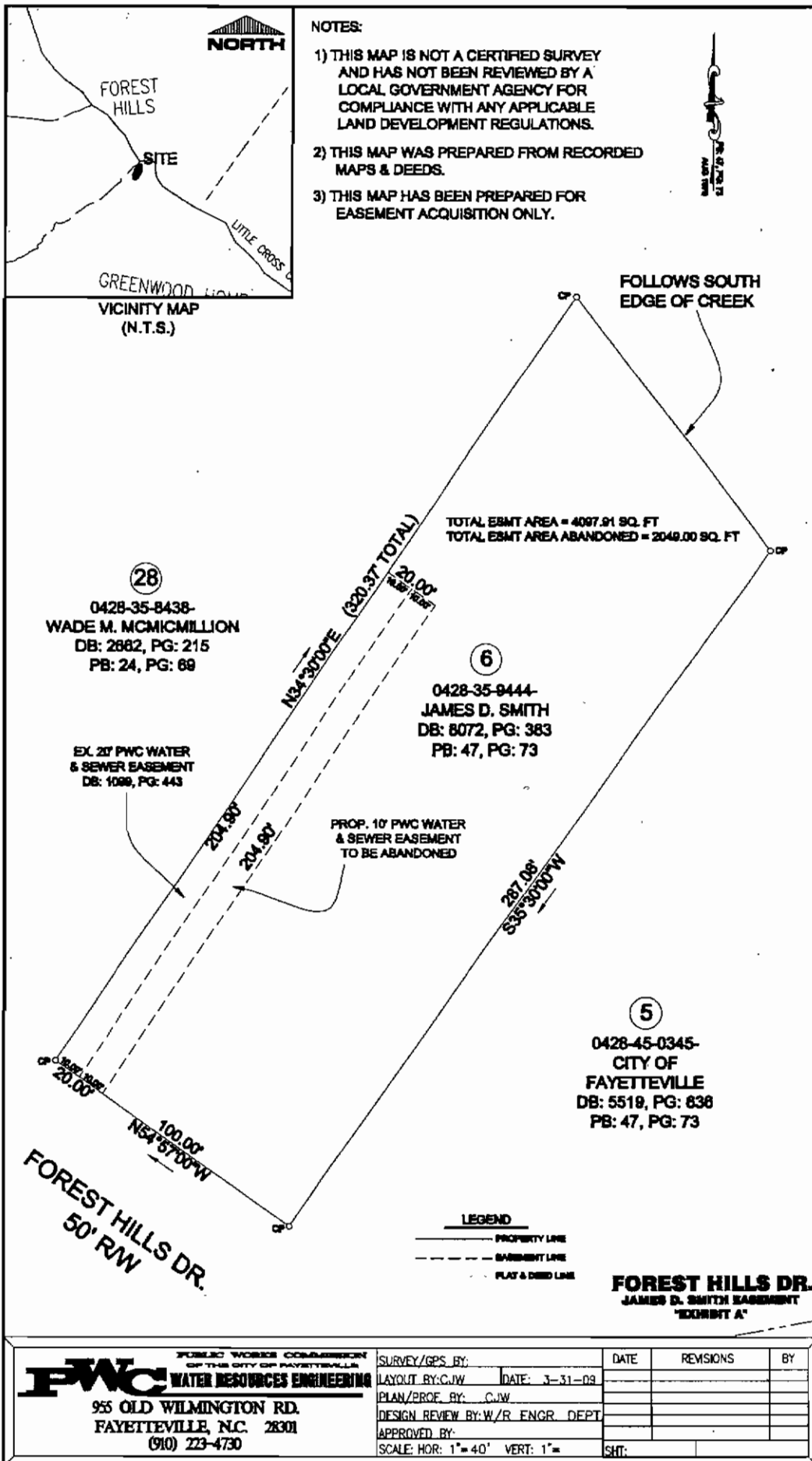
- The entire twenty-foot (20') utility easement is no longer needed by the PWC. They have agreed to release ten-feet (10') of the utility easement as shown on Exhibit A.
- The City of Fayetteville Storm Water Services no longer has a need for the entire drainage easement as shown on Plat Book 47, Page 73. They have agreed to release a portion of the drainage easement as shown on Exhibit B.
- Release of portions of the easements will allow for the residential development of the property.

OPTIONS:

- Approve the request
- Deny the request

RECOMMENDATIONS: Adopt the attached resolution releasing that portion of the easements as shown on Exhibits A and B, and authorize the Manager to sign a Release of easement conveying the City's interest to the owners of the land.

Exhibit A



PWC PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE
WATER RESOURCES ENGINEERING
955 OLD WILMINGTON RD.
FAYETTEVILLE, N.C. 28301
(910) 223-4730

SURVEY/GPS BY:	DATE:	REVISIONS	BY
LAYOUT BY: C.J.W.	DATE: 3-31-09		
PLAN/PROF. BY: C.J.W.			
DESIGN REVIEW BY: W/R ENGR. DEPT.			
APPROVED BY:			
SCALE: HOR: 1"=40' VERT: 1"=	SHT:		

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

Resolution R2009_____

**RESOLUTION OF ABANDONMENT OF
PORTIONS OF A DRAINAGE EASMENT
AND UTILITY EASEMENT**

WHEREAS, there is a twenty-foot (20') Utility Easement along the western property line of Lot 6, Greenwood Homes, Section 5, Part 3 as described in Deed Book 1099, Page 443, Cumberland County Register of Deeds; and

WHEREAS, there is a plated Drainage Easement traversing said Lot 6 as evidenced in Plat Book 47, Page 73, Cumberland County Register of Deeds; and

WHEREAS, the City of Fayetteville by and through it's Public Works Commission no longer has a need for the entire utility easement area (Exhibit A); and

WHEREAS, the City of Fayetteville no longer has a need for the entire drainage easement area (Exhibit B); and

WHEREAS, the current property owner's desire to develop the parcel; and

WHEREAS, the City of Fayetteville has no foreseeable need for the entire easement areas.

NOW THEREFORE, be it hereby resolved by the City Council of the City of Fayetteville that the City by and through its Public Works Commission hereby abandons that portion of a twenty-foot (20') Utility Easement as shown on attached Exhibit A and the City further abandons that portion of a Drainage Easement as shown on attached Exhibit B and authorizes its Manager to sign a partial Release of Easement on behalf of the City.

ADOPTED this ____ day of _____, 2009 by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Candice H. White, City Clerk

Exhibit A

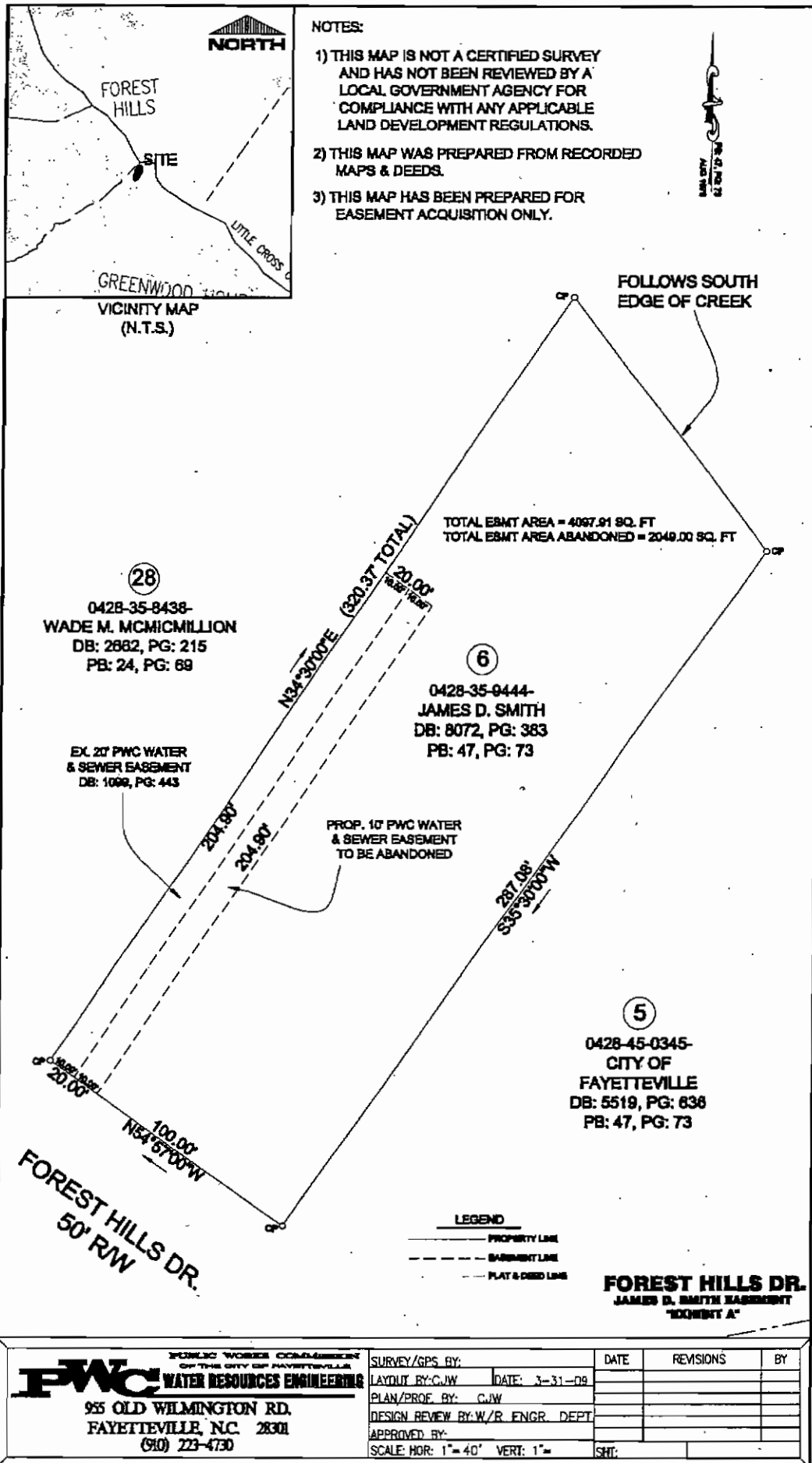
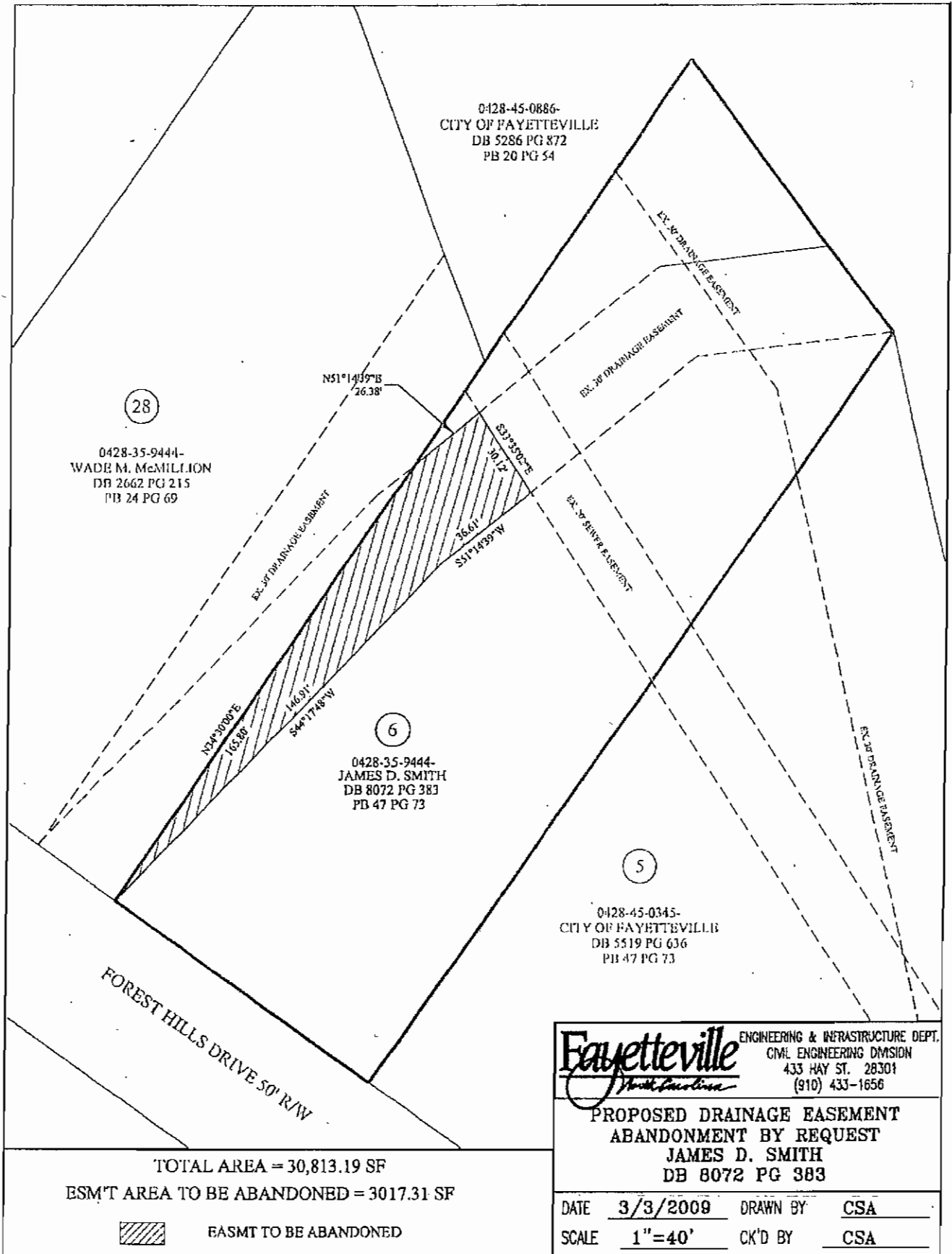


Exhibit B



CITY COUNCIL ACTION MEMO

TO: Dale Iman, City Manager
FROM: Tom Bergamine, Chief of Police
DATE: May 11, 2009
RE: Edward Byrne Justice Assistance Grant (JAG)

THE QUESTION:

Does the Council wish to approve the application for funding through the Edward Byrne Justice Assistance Grant?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: Growing City, Livable Neighborhoods – A Great Place to Live – Low crime rate and reputation as a safe community.

BACKGROUND:

The Fayetteville Police Department is eligible to apply for United States Department of Justice funding through the Edward Byrne Memorial Assistance Grant. This Grant continues the Department of Justice effort to support law enforcement at the local level. The funds will be used for first year personnel salary/expenses, equipment and training. The positions and certain related equipment, and the associated grant funds, requested in this proposal have been included in the Fiscal Year 2009-2010 Recommended Budget.

This year, the Cumberland County Sheriffs Office and the City of Fayetteville Police Department must submit a joint application. Even though the application is joint, each agency may use the funds for their own priorities.

The Sheriffs Office will take the lead for this project. A Memo of Understanding, required by the USDOJ, is being prepared.

The Department of Justice uses crime statistics and population to compute the award.

The Sheriff's Office share is \$334,465 and the City Police Department's share is \$708,976. Under the JAG Grant there is no match fund.

ISSUES:

None.

OPTIONS:

None.

RECOMMENDATIONS:

Approve the JAG Application.

A. City of Fayetteville Programs using Byrne Funds

The Fayetteville Police Department will use 2009 Byrne funds to preserve and create jobs promoting economic recovery, improve the effectiveness and efficiency of the criminal justice system and provide advanced training for our personnel.

Program Area 1

The department will use \$165,484 to hire two (2) additional Forensic Technicians. The objective is to lessen the number of Forensic Techs per capita, which in turn would lessen the burden on each Forensic Tech, improve service delivery, and increase the opportunity for advanced training. In 1996, the population of the City was 84,000 and the Forensic Unit operated with 8 road technicians, 1 photo lab technician, and 1 latent print examiner. By 2004, the City's population had grown to 129,500, but the staffing level for the Unit remained the same, greatly increasing the demand of each member. Due to the increased demand for services, the Unit was authorized 2 additional positions in 2004. However, between 2004 and 2008 the City's population grew to over 200,000 which offset the 2 additional positions. Over the course of the last 12 years the ratio of forensic techs to citizens has risen from 1 tech for every 8,400 citizens (1996) to 1 tech for every 20,000 citizens (2008).

With the influence of shows like CSI on potential jurors, it is imperative that we continue to provide a high level of forensic services to the citizens of our City. At some point, the quality of our service will determine if a guilty suspect is sent to prison or if an innocent person gets found not guilty. The addition of 2 additional techs would enhance our ability to deliver a quality service to the citizens of Fayetteville. Namely, by decreasing the number of techs per citizens, and allowing greater flexibility with training opportunities.

Funding will consist of one year's (12 months) salary, benefits, uniform expenses, equipment and supplies for two Technicians and *two fully equipped Forensic Technician Vans. At the conclusion of 12 months of grant funding for this position, the City of Fayetteville has committed to retain all positions within departmental budget. ***The purchase of two Forensic Technician vans is essential to the day to day function of these positions for response to crime scenes. There currently are not enough vehicles in the department's fleet to provide a vehicle for these positions.**

Program Area 1 – Contingency Plan

As instructed by our State Policy Advisor, the department has a contingency plan should this certification not be granted. The department will use the \$64,000 originally designated for the purchase of two Forensic Technician Vans and associated fuel/vehicle maintenance costs under Program Area 1, to send fifteen (15) Forensic Technicians to advanced training in Forensic Science. Technicians will return to the department with advanced training in a multitude of areas to include DNA processing, clandestine graves, Luminol photography, Toxicology, Fingerprint and Palm Print Comparison Techniques, Digital Forensics and Courtroom Testimony. The FPD will schedule the training as it

becomes available and program funds would be used in accordance with federal guidelines for hotel, per diem, registration and travel expenses.

Program Area 2

The department will use \$162,014 to hire two (2) additional Crime Prevention Specialists to be assigned to the Cross Creek and Campbellton Patrol Districts, to enhance the function of the Crime Prevention Program. Currently there are two Crime Prevention Specialist on staff for each district; however, they are heavily tasked with current work load. By adding two additional Crime Prevention Specialists the districts would benefit from the added opportunities that would come from having a more concentrated effort to form community watch groups, provide for crime prevention surveys, tips, community functions, etc.

Crime prevention strategies rely on educating members of the community through a variety of programs offered by our department. The department is committed to educating the public on crime prevention measures which enables citizens to become active stakeholders in their neighborhoods and workplaces. The department continually seeks opportunities to work with citizen groups in residential and business areas in an effort to identify and address crime that is inherent to their specific area. An adequately staffed Crime Prevention program is essential in keeping our commitment to identify and implement crime prevention strategies to increase awareness, reduce crime, and provide citizens with tools and resources to feel safe in our community.

Funding will consist of one year's salary, benefits, uniform expenses, equipment and supplies for two Crime prevention Specialist and *two Crime Prevention vans. Crime Prevention Specialists spend much of their time developing community partnerships with residents and businesses in an effort to educate and prevent people from becoming a victim of crime. Community Watch groups are very effective in reducing crime in areas where members are committed to becoming involved. Each year, the department seeks to increase the number of community watch groups and the level of participation by the residents within their neighborhoods. The Department has 101 active community watch groups. Meetings are conducted at a frequency determined by the group. ***The approval of the purchase of two Crime Prevention Specialist vehicles through this program are essential to the positions in that it provides a means for Specialists to travel to community watch groups and various community functions to disseminate statistical information, crime trend information, and prevention information to all the groups in an effort to educate citizens on current crime trends and provide tools for them to assist with preventing crime.**

***Program Area 2 – Contingency Plan**

As instructed by our State Policy Advisor, the department has a contingency plan should this certification not be granted. The department will use the \$61,920 originally designated for the purchase of two Crime Prevention Specialist vehicles and associated fuel/vehicle maintenance costs under Program Area 2, to fund training for six (6) Crime Prevention Specialist, for each year of grant award period. Personnel will return with advanced training on crime prevention strategies to include Crime Prevention through Environmental Design. The FPD will schedule the training as it becomes available and

program funds would be used in accordance with federal guidelines for hotel, per diem, registration and travel expenses.

Program Area 3

The department will use \$38,730 for the purchase of a new Nexlab system for the Photo Lab. The Photo Lab is currently maintaining operation but the current equipment is extremely outdated and the backup system, a stand-alone computer, is several years old. Both systems have server issues and have crashed a number of times over the last 24 months causing the photo lab to come to a halt for 1-3 week intervals on sever occasions. With the NexLab being the backbone of the Photo Lab for the printing of photographs and photographic CDs, it is imperative that the department keep a current, up to date working system. Additionally, the purchase of the new NexLab will avoid the department from being placed in a position of outsourcing all photographic work, at a great cost.

Program Area 4

The department will use \$20,500 to go toward the purchase of a new IBIS Shoot Tank. Currently the Fayetteville Police Department and the Cumberland County Sheriffs Department share the use of the IBIS Shoot Tank, housed at the Law Enforcement Center. The present tank continues to rust and grows mold. Additionally it must be emptied and cleaned approximately every two months and this means using about 650 gallons of water to refill the tank. With the purchase of a new stainless tank and accessories, we will not longer be required to change the water every two months as the filtering system will keep the water clean, saving on water. The CCSO has agreed to assume the other half of the cost for the new tank. The new tank would be placed in the basement of the Law Enforcement Center, where a sound proof room would be constructed and plumbing needed for the tank would be supplied.

Program Area 5

The department will use \$8,500 to fund the Collision Avoidance Training for the Teen Driver (CAT) Program. This program is designed to reach the 16-18 yoa drivers and educate them on the effects of drinking and driving and also includes drivers training on crash avoidance and safe driving habits. With 13 High Schools in our area and the increase of crashes involving teen drivers, we believe this is a much needed program. This program will be offered to our High Schools, civic groups, court system, etc. We currently do not have a driving program of this nature. This will provide us with another tool to reach the young drivers in our community. The CAT program is a product of the National Traffic Safety Academy and is being successfully utilized by many law enforcement agencies in the southeast with impressive statistics by teen drivers who complete the training. The initial cost will fund a train the trainer, marketing material, legal documents, and enough training material to conduct the first three classes. Subsequent classes are funded by an \$80-\$150 per student tuition.

Program Area 6

The Fayetteville Police Department purchased a PRISM system (firearms simulator) with JAG monies in 2007/2008. The system cost in excess of \$65,000 and is a high quality training tool. While the system is portable, it has a much greater benefit to the department when it is permanently set-up for use. The PRISM requires a space of 35 x 35 feet to be effectively used for one or multiple shooters. The department does not have the space to permanently house the system so it is frequently stored while classroom space is being used for mandatory In-Service training and BLET. The department will use \$74,000 to purchase a prefabricated modular building to house the system which will increase the availability of the system for training purposes. The system also has a shoot back cannon and tends to damage the classroom walls with small indentations as well as any other equipment that may be located in the classroom (computers, TV's, etc). The modular building **is not a construction project** or cost but just a delivery and set-up cost as it is a prefabricated building. The modular building can be padded with proper padding on the walls and floor that allow officers to take cover without risk of injury and prevent damage to the walls and equipment. The PRISM is an excellent tool for judgment training but only if it is used to its fullest capacity and that can be only be done with a space to permanently "house" the system.

Program Area 7

The FPD has implemented bicycle patrols in areas where crime trends have been recognized. Having officers patrol on bicycles increases officers' ability to interact with the residents in the neighborhood. Officers will more frequently stop and speak with residents and residents may feel more comfortable approaching the officers. It is anticipated this will increase the flow of information between the officers and the residents about crime trends in their neighborhoods, crime prevention tips, and information leading to the prosecution of criminal offenders. The department will use \$5,100 towards the purchase of six (6) bicycles and helmets for the FPD Bicycle Program.

Program Area 8

The department will use \$34,200 to purchase eighteen (18) laptop computers for Detectives and Detective Division supervisors. This funding would allow for the replacement of outdated equipment in support of our Detective Division to work efficiently and effectively at investigating and solving crime.

Program Area 9

The department will use \$60,000 to purchase a Digital 3D Laser Scene Scanner. A digital 3D laser scene scanner would enable us to better document crime scenes while reducing the amount of time needed for processing. This equipment generates 3D models of crime scenes and structures while provided accurate measurements that are traditional done using a measuring tape. This equipment would allow juries and investigators to move through a 3D model of a crime scene to gain a better perspective of the evidence. The 3D laser scanner can also be used to conduct building surveys such as schools, banks and government offices to create a 3D model that can be used by first responders to familiarize themselves with the structure during critical incidents.

Program Area 10

*The department will use \$14,301 to purchase a Kubota RTV 900G for use by our Park Officers assigned to work the River Trail. The park officers will use the Kubota RTV 900G as their police cruiser to patrol the River Trail. The River Trail has many walking paths, some intended for public use by the parks staff, and others made by the utilities companies that are not intended for public use. Additionally there are some animal trails and paths made by citizens who live near the trail that are not intended for public use but are being used as "get away" paths and routes to ferry stolen goods by criminals and persons using trail improperly (i.e. people riding motorcycles, 4-wheelers, etc.) The Kubota RTV 900G is actually a 4-wheel drive, diesel utility vehicle, not an ATV that makes it possible to patrol the river trail and these unintended paths where patrol cars and trucks cannot access. The Kubota has a pick-up truck style bed and a bicycle rack that facilitates the transportation of evidence, stolen items, and even injured citizens on the trail.

***Program Area 10 – Contingency Plan**

As instructed by our State Policy Advisor, the department has a contingency plan should this certification not be granted. The department will use the \$14,301 originally designated for the purchase of the Kubota RTV 900G for equipment and training for Park Officers. The department would use \$6,000 towards the three day rental cost of a towable scissor lift. This is a raised observation platform that would be rented and used by Park Officers for future highly populated special events. This would allow for eight (8) future events. The department would use the remaining \$8,301 to send 10 Park Officers to training on Large Crowd Control Techniques. The FPD will schedule the training as it becomes available and program funds would be used in accordance with federal guidelines for hotel, per diem, registration and travel expenses.

Program Area 11

The Training Unit is in the process of remodeling the police gym with up-to-date equipment to encourage more officers to improve their level of fitness. Once the remodel is complete, the Training staff will begin fitness classes that demonstrate the proper use of the equipment and work-out techniques. The goal is to improve the overall health of the officers, reduce injuries and stress, and improve the quality of life in a very stressful profession. The department will use \$6,280 to purchase an elliptical machine an additional tool to be used in this program.

Program Area 12

The department will use \$98,305 to purchase a tactical robot that will enhance safety and effectiveness of the Emergency Response and Crisis Negotiation Teams. The robot will be utilized to help keep police officers out of harm's way during initial negotiations, hostage phone delivery, surveillance, building clearing, less lethal weapon's delivery and explosives identification/removal. Utilizing a robot for some of the mentioned tasks would be a force multiplier, allowing officers to complete other required tasks such as containment, forming arrest teams, forming chemical teams and conducting evacuation operations.

Program Area 13

The department will use \$4,800 to fund Organized Crime Drug Enforcement Task Force training for sixteen (16) members of the department's Task Force Unit. Participants will return with training on the latest successful drug investigation techniques as well as advanced training of officer safety in undercover operations. The FPD will schedule the training as it becomes available and program funds would be used in accordance with federal guidelines for hotel, per diem, registration and travel expenses.

Program Area 14

The department will use \$3,905 to send 7 Sergeants to training in Managing Police Discipline. The participants will return with training on dealing effectively with discipline in a straightforward manner, emphasizing practical, positive and proactive solutions within the law enforcement agency. The FPD will schedule the training as it becomes available and program funds would be used in accordance with federal guidelines for hotel, per diem, registration and travel expenses.

Program Area 15

The department will use \$2,250 to send 6 Traffic Investigators to Advance Traffic Investigation training. Participants will return with advanced training in traffic investigations, traffic collision reconstruction and pedestrian traffic crash investigations. The FPD will schedule the training as it becomes available and program funds would be used in accordance with federal guidelines for hotel, per diem, registration and travel expenses.

Program Area 16

The department used Byrne funds in 2006 to deploy the LEADS Online Program. This program utilizes an on-line database to process pawnshop tickets. This move to a paperless pawnshop ticket system has proven to be a huge success and has reduced staff time need to enter pawn tickets and enabled the department to access real time data from participating pawn shops. The department will use \$1,102 to send our Property Crimes Lieutenant to Advanced Training on this program to provide our department with the latest investigative techniques associated with the LEADS Online System. The FPD will schedule the training as it becomes available and program funds would be used in accordance with federal guidelines for hotel, per diem, registration and travel expenses.

Program Area 17

The department will use \$4,600 to send 1 Lieutenant to training in Administrative Office Management. The FPD will schedule the training as it becomes available and program funds would be used in accordance with federal guidelines for hotel, per diem, registration and travel expenses.

Program Area 18

The department will use \$4,905 to send 3 detectives to CVSA Certification School. This will increase the number of detectives available to conduct CVSA Examinations within our department. The FPD will schedule the training as it becomes available and program

funds would be used in accordance with federal guidelines for hotel, per diem, registration and travel expenses.

**City of Fayetteville
FY 2009 JAG Grant**

Budget Summary

A. PERSONNEL	\$ 135,254.00
B. BENEFITS	\$ 44,523.00
C. TRAVEL	\$ 24,061.00
D. EQUIPMENT	\$ 480,869.00
E. SUPPLIES	\$ 23,473.00
F. CONSTRUCTION	\$ -
G. CONSULTANTS/ CONTRACT	\$ -
H. OTHER	\$ 796.00
TOTAL DIRECT	\$ 708,976.00
TOTAL PROJECT COST FOR CITY ALLOCATION	\$ 708,976.00

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Victor D. Sharpe, Community Development Director
Date: May 11, 2009
Re: Homeless Prevention and Rapid Re-housing Program (HPRP) – Consolidated Plan 2008-2009
Action Plan Amendment

THE QUESTION: Does the proposed amendment meet the guidelines set by the Department of Housing and Urban Development for the Homeless Prevention and Rapid Re-housing Program through the American Reinvestment and Recovery Act of 2009?

RELATIONSHIP TO STRATEGIC PLAN: Growing City, Livable Neighborhoods – A Great Place To Live and Greater Community Unity, Pride in Fayetteville

BACKGROUND:

- The City of Fayetteville has been allocated \$589,648 for the Homeless Prevention and Rapid Re-housing Program through the American Reinvestment and Recovery Act of 2009.
- The City is required to make a substantial amendment to its Consolidated Plan 2008-2009 Annual Plan in order to receive the funds.
- The purpose of the HPRP is to provide homeless prevention assistance to households who would otherwise become homeless and to provide assistance to rapidly re-house people who are experiencing homelessness.
- Requests for proposals will be submitted for non-profit and other public agencies to provide eligible services under the requirement and rules of the program.
- Program activities will include financial assistance, housing relocation and stabilization services, data collection and administrative costs.
- Eligible individuals and households must be at or below 50 percent of area median income.
- A draft copy of the amendment has been made available in various locations for review and comments for 15 days, April 21, 2009 through May 5, 2009
- The Fayetteville Redevelopment Commission held a public hearing on April 28, 2009 at 7:00 pm.
- This item was presented at the City Council May 4, 2009 Work Session.

ISSUES: Amendments must be completed and submitted to HUD by May 18, 2009.

OPTIONS:

Approve amendment.
Modify amendment.

RECOMMENDATIONS: Approve the Substantial Amendment to the Consolidated Plan 2008-2009 Annual Action for the Homeless Prevention and Rapid Re-housing Program and authorize the Mayor to execute documents pertaining to the Homeless Prevention and Rapid Re-housing Program.

ATTACHMENTS: Homeless Prevention and Rapid Re-housing Plan/Amendment to the Consolidated Plan 2008-2009 Annual Plan



**Substantial Amendment to the
Consolidated 2008-2009 Action Plan
Homelessness Prevention and
Rapid Re-Housing Program
(HPRP)**

City of Fayetteville
Community Development Department
433 Hay Street
Fayetteville, NC 28301
(910) 433-1590

www.cityoffayetteville.org

000048



TABLE OF CONTENTS

Homeless Prevention and Rapid Re-housing Plan.....

Substantial Amendment – HUD Form 40119.....

Standard Form 424.....

Certifications.....

Public Hearing Notice.....

City of Fayetteville
Homeless Prevention and Rapid Re- Housing Plan

Executive Summary

The City of Fayetteville has seen homelessness as a major challenge for the Fayetteville/Cumberland County community. There are no simple solutions to this issue as the roots of homelessness are changing in social, economic, political and cultural conditions. Following the initiative of the National Alliance to End Homelessness (NAEH), homeless service providers in Fayetteville and Cumberland County have stepped forward in making the homeless assistance system more outcome-driven by tailoring solution-oriented approaches more directly to the needs of the various sub-populations of the homeless.

The City of Fayetteville, Cumberland County, the Cumberland County Continuum of Care Planning Council and a wide assortment of community leaders, service agencies, homeless individuals, and concerned citizens developed a Ten-Year Plan to End Homelessness in an effort to focus community attention to homelessness and work as a community to develop solutions that address the needs of the homeless population. The Ten-Year plan describes ten priorities that will increase homeless services and provide faster housing opportunities.

Concerns regarding panhandling, losses of services to the homeless, and increasing numbers of homeless persons becoming visible in the community have resulted in ordinances being developed to curtail panhandling and although this is one aspect of homelessness, the City is aware that there are many faces of homelessness with many contributing factors related to becoming homeless.

In the 2009 Point-in-Time survey (PIT) conducted by the Fayetteville/Cumberland County Continuum of Care (CoC), it was reported that there were 965 homeless people counted in the Fayetteville/Cumberland County area. The total number of persons living in households with dependents was 554. Of that number, 367 were unsheltered. The total number of people without dependents was 411, and of this group, 335 were unsheltered. The PIT count includes single males, single females, families and veterans. These points are direct indicators of the need for homeless prevention programs and housing opportunities. The largest sub-population in the city/county is families with children. According to the PIT survey, respondents stated that the lack of employment or underemployment as a reason for homelessness. Other reasons just as important were substance abuse, low education, and lack of affordable housing. The city is also working to improve the discharge planning of those released from public institutions or public systems of care.

Recently there has been a large number of housing problems with evictions, due to the cost of utilities (water, electric and gas), lack of employment or underemployment and rising rental rates. Current programs that help to prevent homelessness include utility assistance programs provided by the Salvation Army, the City and some of the local churches. Rental assistance is

currently only offered through the Department of Mental Health P.A.T.H. program for patients that are being served through the agency. Some local churches provide assistance with rent on a case by case basis.

The need for more affordable housing continues to be part of preventing homelessness in Fayetteville. Organizations that offer affordable housing maintain long waiting list with more request each month. The Metropolitan Housing Authority recently reported a waiting list of up to one year. This includes programs such as section 8 and other subsidized rental apartments. It is listed as one of the priorities in the Ten Year Plan to End Homelessness.

Homeless Prevention and Rapid Re-housing

An effective prevention and re-housing system has three layers: prevention, shelter diversion, and rapid re-housing. Homelessness prevention serves a large number of people who are at risk of homelessness and is the least expensive intervention on a per client basis. If prevention fails to identify somebody at risk of homelessness or fails to prevent a person's homelessness, that person may contact and enter the shelter system. Diversion is essentially an eleventh hour effort to prevent homelessness by assisting people who apply for shelter by identifying other safe housing options and resources, even if they are temporary. If prevention and diversion fail, and people become homeless, then Rapid Re-housing minimizes their stay in homelessness by quickly helping them move into permanent housing. On average, the interventions should get progressively more intensive, although the level of assistance for an individual household will depend greatly on the specific circumstances of that household.

Though prevention, diversion, and re-housing target distinct populations, many of the activities are similar. It is entirely possible, and in some cases preferable, to have a single program or provider perform two or three of those functions.

Prevention

Prevention serves a high number of people at risk and on average is less intensive than other interventions. Effective prevention programs typically assess immediate housing needs, explore housing options and resources, provide flexible financial assistance, and, when appropriate, offer voluntary case management services focused on housing stabilization. Mandating case management usually offers no added benefit. In cases where the current housing situation cannot be stabilized, housing location and short-term rental assistance may be necessary to help find a new housing unit. (Activities—Housing Location, Flexible Financial Assistance, Rental Assistance, and Case Management—are described below).

Prevention assistance must be carefully targeted to have a meaningful impact on homelessness, as most people who have a housing crisis do not become homeless. At a minimum, prevention resources should be targeted to people who have extremely low incomes (below 30 percent of the area median income), who have a demonstrated housing crisis (e.g. request to vacate doubled up situation), and who lack protective factors, such as friends or family members who can help them. If possible, Homeless Management Information System (HMIS) data or other data about homelessness in the community should be assessed to identify additional factors that would help

target resources to those most at risk of homelessness. In the absence of local data, programs should use risk factors described later in this document.

Diversion

Diversion serves people who apply for shelter; more intensive than prevention. Diversion programs attempt to prevent homelessness for people who are applying for shelter. Diversion programs try to help people return to the housing they just left or move in with friends or family using financial incentives or mediation. If that situation cannot be made permanent, then the diversion program will work to immediately locate other housing. Targeting is clearer with diversion programs because people applying for shelter are at high risk. As with prevention programs, diversion programs typically involve one-time financial assistance and the offer of brief case management. When that is not sufficient, then housing location and short-term rental assistance may be necessary.

Rapid Re-housing

Re-housing serves homeless people with the most intensive needs. Re-housing programs work with people who are already homeless to help them quickly move into rental housing. Rapid Re-housing programs tend to be short-term (1 – 12 months) and involve housing location, financial assistance, and an offer of case management. Short-term rental assistance is provided when necessary. When serving people with significant disabilities or with very limited income capacity, Rapid Re-housing programs must coordinate with other community resources to ensure that participants are linked to ongoing assistance, such as housing vouchers, intensive case management, or assertive community treatment.

Prevention, Diversion, and Re-housing Functions

Housing Location: Housing locators identify affordable housing and encourage landlords to rent to people who are homeless or at risk of homelessness. They also help negotiate reasonable rents and lease terms and work to address credit issues with a potential tenant. Housing locators are generally available to the landlord and tenant in case there are problems.

Flexible Financial Assistance: This activity includes assistance for first and last months' rent, deposits, utilities, rental assistance for a final month at a location, moving cost assistance, or other activities that will directly help a person stay in his or her current housing situation or quickly move to a new location. Disbursements should be requested by a staff person or case manager working with the household and based on whether funding will help overcome an immediate barrier to entering or maintaining housing. Grants will average approximately \$1,500, but depend greatly on the circumstances and the community.

Short/Medium-Term Rental Assistance: Rental assistance is provided for 1-18 months depending on the needs of the household. Rental assistance may be deep (tenant contributes no more than 30 percent of income for rent) or shallow (subsidy pays for a smaller portion of the rent). Rental

assistance should target people who will likely not be able to move quickly into permanent housing without it.

Case Management: Case Managers (sometimes referred to as service coordinators) work with people to ensure that their housing situation is stable and that they access the benefits and services they need. Case managers also help mediate disputes between tenants and landlords. Case managers should refer participants to other community providers that can better address other service or self-sufficiency needs.

Goals

The following are the goals of the City's Homeless Prevention and Rapid Re-housing Program:

1. Prevent people from becoming homeless.
2. Divert people who are applying for shelter, when appropriate, into other housing.
3. Help people who become homeless to quickly move into permanent housing.

Goal 1. Prevent people from becoming homeless.

Prevention requires extensive community outreach to identify people at risk of becoming homeless. It also requires good targeting of prevention resources to ensure that resources reach people most likely to become homeless. Focus will be placed on outreach, targeting, and effectiveness.

- A. Outreach—The City will work with organization and agencies that serve people at risk of becoming homeless. Most people who are at high risk of homelessness do not seek prevention assistance. They may have trouble navigating social service networks or not realize the danger they are in. To reach the community's diverse populations, the City will implement following strategies below and work with other organizations and agencies that serve people at risk of homelessness, including:
 - Direct outreach in high-need neighborhoods
 - Public agencies that serve people in poverty or at risk of homelessness
 - Health care programs, including hospitals, mental health, substance use treatment, and health clinics
 - Housing Agencies
 - Property managers/landlords
 - Faith and community-based organizations

As part of their regular work, these organizations should ask basic questions about a person's housing stability to see if a referral to a homelessness prevention program is warranted.

- B. Targeting—There should be a process to ensure that people being targeted for assistance would likely become homeless without assistance. The best way to do this is to analyze homelessness data (from HMIS, surveys, or another source) to determine the characteristics (living situation, income level, level of disability, level of supports, education, etc) of people who become homeless and create risk

assessment criteria. In the absence of good information about the characteristics of homeless people in the community, targeting should be based on risk factors identified by research in other communities, including people who—

- Have income below 15 percent of the area median income
- Are families with children and a secondary tenant (doubled up)
- Have experienced 2 or more moves in the past year
- Have a young child (under age 2)
- Are under age 24 and were in foster care at some point
- Have a prior episode of homelessness
- Have an eviction from public or assisted housing
- Have experienced domestic violence in the past 30 days
- History of non-compliance (e.g. missed appointments with caseworkers)
- Have a severe and persistent mental illness

- C Effectiveness—Prevention programs should measure the effectiveness of their programs, but their measures should consider the risk level of the population they are serving. Very high success rates may indicate that the program is “creaming”—serving people who are not really at high risk of homelessness. Programs should strive to provide just enough assistance to prevent homelessness. In this way, resources will serve more people and prevent more episodes of homelessness. The plan should address how rental assistance and flexible financial assistance will be provided and how programs will ensure that these resources are used efficiently. The plan should address how prevention programs will be measured to ensure that they do not cream. It should also measure the cost effectiveness of the program. The plan should also address how these measures will account for varying levels of risk to ensure that providers have incentive to serve people at the highest risk of homelessness.

Goal 1 – Measures

- Number of households identified as having a housing problem that warrant a referral to a homelessness prevention program
- Number and percentage of people served who are at the highest risk of homelessness (stratify by risk factors such as income, housing situation, etc.)
- Number and percentage of highest-risk households served who do not become homeless within 12 months
- Cost per household assisted
- Overall number of people who become homeless in the community

Goal 2. Divert people who are applying for shelter, when appropriate, into other housing.

When people apply for shelter, they should automatically be assessed for the possibility of remaining in their current housing or staying in alternative accommodations, even for a few days or weeks, while more stable housing is identified. Because of the immediacy of the crisis, it is

imperative that flexible financial assistance be readily available and that it can be used for a variety of needs, including payments to friends/family/roommates who agree to house a person

or family, if appropriate, until a more permanent housing solution can be secured. The success of diversion may depend on local laws and ordinances, whether landlords have an incentive to keep tenants because of low demand, and other factors. The reward for a successful diversion is high. Diversion candidates would almost certainly become homeless without assistance, and avoiding a homeless episode can save tens of thousands of dollars with tremendous benefit for the individuals or family.

There are times when diversion programs are not appropriate as listed below:

- The safety of a family or individual must be considered. People who flee domestic violence or another dangerous situation should not be encouraged to return to the same housing unless the threat has been mitigated.
- Diversion should not prevent entry into shelter for people who are literally homeless with no other safe options. Denying shelter entry is not the same as diverting people from shelter to other realistic alternatives.

Goal 2 - Measures

- Number and percentage of households who apply for shelter or other homeless assistance and are assessed for diversion
- Number and percentage of households that are successfully diverted from homelessness
- Number and percentage of households that are diverted and become homeless within 12 months
- Cost per household assisted

Goal 3. Help people who become homeless quickly move into permanent housing.

Most people who become homeless can exit homelessness quickly with assistance. Attention will be given as to how people will be assessed, within a few days of entering shelter, for their strengths, resources, and barriers to exiting homelessness, focusing on credit problems, prior evictions, income, and any other factors that are immediate obstacles to renting an apartment or returning to family/friends. The housing search process should begin as soon as possible.

Goal 3 – Measures

- Number and percentage of households that are assessed for their barriers to housing within 7 days of shelter entry
- Average length of time people are homeless (for all homeless people in the system and for those served by a re-housing program)
- Percentage of households who receive re-housing services and do not become homeless again within 12 months
- Overall number of people in shelter

- Number of landlords and the number of housing units that participate in the re-housing program

Homelessness Prevention and Rapid Re-Housing Program (HPRP)

1. Program Overview

The Homelessness Prevention and Rapid Re-Housing Program (HPRP) is funded by the Homeless Prevention Fund (HPF) created under Title XII of Division A of the American Recovery and Reinvestment Act (Recovery Act) of 2009. The City of Fayetteville is a grantee of the Department of Housing and Urban Development (HUD) and will administer this award for eligible agencies serving the population within city limits.

The purpose of the HPRP is to provide homelessness prevention assistance to households who would otherwise become homeless - many due to the economic crisis - and to provide assistance to rapidly re-house persons who are experiencing homelessness. The funds under this program are intended to target individuals and families who would be homeless but for this assistance. The funds will provide for a variety of assistance, including: short-term or medium-term rental assistance and housing relocation and stabilization services, including such activities as mediation, credit counseling, security or utility deposits, utility payments, moving cost assistance, and case management

2. Eligibility for Assistance – Who can receive support from the HPRP grant funds?

There are two populations facing housing instability that are eligible for assistance.

Prevention Eligible Individuals and Households: These people are currently in housing but are at risk of becoming homeless and need temporary rent or utility assistance to prevent them from becoming homeless.

Rapid Re-Housing Eligible Individuals and Households: These people are experiencing homelessness (living in an emergency shelter or on the street) and need temporary assistance in order to obtain housing and retain it.

There are two initial intake criteria that apply to both populations:

- **Income Eligibility:** The individual or household must be at or below 50 percent of the Area Median Income (AMI). The following table can be utilized to determine the most recent income guidelines. The Housing Choice Voucher program (formerly Section 8) uses specific guidelines and data sets to determine eligibility and document income.

2009 INCOME GUIDELINES

Family Size	Very Low Income 30% of Median	Low Income 50% of Median	60% of Median	Moderate Income 80% of Median
1	10,850	18,050	21,700	28,900
2	12,400	20,650	24,800	33,050
3	13,950	23,200	27,900	37,150
4	15,500	25,800	31,000	41,300
5	16,750	27,850	33,500	44,600
6	18,000	29,950	36,000	47,900
7	19,200	32,000	38,400	51,200
8	20,450	34,050	40,900	54,500

- **Assessment:** A Subgrantee providing assistance should utilize a process to assess, for all potential program participants, their level of service need, other resources available to them, and the appropriateness of their participation in the prevention or rapid re-housing assistance portion of HPRP. Program participants who require longer-term housing assistance and services should be directed to programs that can provide the requisite services and financial assistance.

Identified below are the eligibility requirements for an individual or household to receive assistance.

A. Prevention Eligible Individuals and Households

To be eligible individuals and households must meet both of the following circumstances: (1) no appropriate subsequent housing options have been identified; AND (2) the household lacks the financial resources and support networks needed to obtain immediate housing or remain in its existing housing.

Additionally, a Subgrantee must target prevention assistance to those individuals and households at the greatest risk of becoming homeless, and who would otherwise be homeless but for this assistance. In order for a program participant to be eligible for financial assistance, including: short-term rental assistance (1 to 3 months), rental arrears (up to 6 months), security and utility deposits, utility payments (up to 3 months), moving cost assistance, and motel and hotel vouchers, **program participants must meet two of the following risk factors for homelessness:**

- 1) Sudden and significant increase in utility costs;
- 2) Mental health and substance abuse issues;
- 3) Physical disabilities and other chronic health issues, including HIV/AIDS;
- 4) Severe housing cost burden (greater than 50 percent of income for housing costs);

- 5) Homeless in last 12 months;
- 6) Young head of household (under 25 with children or pregnant);
- 7) Current or past involvement with child welfare, including foster care;
- 8) Pending foreclosure of rental housing;
- 9) Extremely low income (less than 30 percent of Area Median Income);
- 10) Past institutional care (prison, treatment facility, hospital);
- 11) Recent traumatic life event, such as death of a spouse or primary care provider, or recent health crisis that prevented the household from meeting its financial responsibilities;
- 12) Credit problems that preclude obtaining of housing; or
- 13) Significant amount of medical debt.

In order for a program participant to be eligible for financial assistance beyond 1-3 months, including: medium-term rental assistance (4 to 18 months), rental arrears (3 to 6 months), and utility payments (3 to 18 months) they must meet one of the following most urgent risk factors for homelessness:

- 1) Eviction within 2 weeks from a private dwelling (including housing provided by family or friends);
- 2) Discharge within 2 weeks from an institution in which the person has been a resident for more than 180 days (including prisons, mental health institutions, hospitals);
- 3) Residency in housing that has been condemned by housing officials and is no longer meant for human habitation; or
- 4) Sudden and significant loss of income.

And two of the following risk factors for homelessness:

- 1) Sudden and significant increase in utility costs;
- 2) Mental health and substance abuse issues;
- 3) Physical disabilities and other chronic health issues, including HIV/AIDS;
- 4) Severe housing cost burden (greater than 50 percent of income for housing costs);
- 5) Homeless in last 12 months;
- 6) Young head of household (under 25 with children or pregnant);
- 7) Current or past involvement with child welfare, including foster care;
- 8) Pending foreclosure of rental housing;
- 9) Extremely low income (less than 30 percent of Area Median Income);
- 10) High overcrowding (the number of persons exceeds health and/or safety standards for the housing unit size);
- 11) Past institutional care (prison, treatment facility, hospital);
- 12) Recent traumatic life event, such as death of a spouse or primary care provider, or recent health crisis that prevented the household from meeting its financial responsibilities;
- 13) Credit problems that preclude obtaining of housing; or
- 14) Significant amount of medical debt.

B. Rapid Re-Housing Eligible Individuals and Households

To be eligible individuals and households must meet both of the following circumstances: (1) no appropriate subsequent housing options have been identified; AND (2) the household lacks the financial resources and support networks needed to obtain immediate housing or remain in its existing housing.

Eligible individuals and households must also meet one of the following criteria:

- 1) Sleeping in an emergency shelter;
- 2) Sleeping in a place not meant for human habitation such as cars, parks, abandoned building, streets/sidewalks;
- 3) Staying in a hospital or other institution for up to 180 days and was sleeping in an emergency shelter or other place not meant for human habitation (cars, parks, streets, etc.) immediately prior to entry into the hospital or institution;
- 4) Graduating from, or timing out of a transitional housing program; and
- 5) Victims of domestic violence.

3. Eligible Program Activities and Expenses – What can HPRP pay for?

HPRP assistance is not intended to provide long-term support for program participants, nor will it be able to address all of the financial and supportive services needs of households that affect housing stability. Rather, assistance should be focused on housing stabilization, linking program participants to community resources and mainstream benefits, and helping them develop a plan for preventing future housing instability. Lead Agency programs should therefore ensure that there is a clear process for determining the type, level, and duration of assistance for each program participant.

In order for individuals or households to receive HPRP support, financial assistance or housing relocation and stabilization services, participants must have at least an initial consultation with a case manager or other authorized representative who can determine the appropriate type of assistance to meet their needs.

There are four categories of eligible program activities and expenses, described in detail below:

- A. Financial Assistance**
- B. Housing Relocation and Stabilization Services**
- C. Data Collection and Evaluation**
- D. Administrative costs**

These eligible activities are intentionally focused on housing: financial assistance to help pay for housing, or services designed to keep people in housing or to find housing. Generally, the intent of HPRP assistance is to rapidly transition program participants to stability, either through their own means or through public assistance, as appropriate.

A. Financial Assistance

Subgrantees are responsible for verifying and documenting all payments made on behalf of the client whether it is rent, utilities, moving costs, hotel or motel payments in an easily identifiable manner which will be reviewed during grant monitoring by the City of Fayetteville Community Development Department.

Subgrantees must not make payments directly to program participants, but only to third parties, such as landlords or utility companies. In addition, an assisted property may not be owned by the Lead Agency, or the parent, subsidiary or affiliated organization of the Lead Agency.

There are several types of eligible Financial Assistance outlined below.

- 1) Rental Assistance**
- 2) Security and Utility Deposits**
- 3) Utility Payments**
- 4) Moving Costs**
- 5) Hotel/Motel Vouchers**
- 6) Other costs, if approved by the City of Fayetteville Community Development Department**

1) Rental Assistance

Tenant-based rental assistance can be for individuals and households to remain in their existing rental units (prevention) or to help them obtain and remain in rental units they select (rapid re-housing).

- A lease must be in place and the program participant must be on the lease.
- Subgrantee must certify income eligibility at least once every three months.

The following rental assistance is available:

Short-term rental assistance – Costs may not exceed rental costs accrued over a period of 1 to 3 months. After 3 months, if program participants receiving short-term rental assistance need additional financial assistance to remain housed, they must be evaluated for eligibility to receive up to 15 additional months of medium-term rental assistance, for a total of 18 months.

Medium-term rental assistance – Costs may not exceed rental costs accrued over a period of 4 to 18 months. No program participant may receive more than 18 months of rental assistance.

Amount of rental assistance - Subgrantee determine the amount of short-term and medium-term rental assistance provided, such as "shallow subsidies" (payment of a portion of the rent), payment of 100 percent of the rent charged, or graduated/declining subsidies. A Subgrantee may also set a maximum amount of assistance that a single individual or family

may receive from HPRP funds, or may set a maximum number of times that an individual or family may receive assistance, as long as the total amount of assistance that any individual or family receives does not exceed an amount equal to 18 months of rental assistance. The Community Development Department will request the Subgrantee's emergency rental assistance policies and procedures with their funding application and will monitor each agency's performance against those documents.

Rental Arrears – Rental assistance may also be used to pay for up to 6 months of rental arrears for eligible program participants. Rental arrears may be paid if the payment enables the program participant to remain in the housing unit for which the arrears are being paid or move to another unit. If HPRP funds are used to pay rental arrears, arrears must be included in determining the total period of the program participant's rental assistance, which may not exceed 18 months.

Tenant Rent Share

Subgrantees may require program participants to share in the costs of rent, utilities, security and utility deposits, moving, hotel or motel, and other expenses as a condition of receiving HPRP financial assistance. For example, a program may require a program participant to pay a portion of the rent expense for a unit. HPRP assistance should be "needs-based," meaning that Subgrantee should determine the amount of assistance based on the minimum amount needed to prevent the program participant from becoming homeless or returning to homelessness in the near term. This will also help communities to utilize program resources efficiently to serve as many households as possible.

When a participant resides with other persons (except a spouse, domestic partner, or other dependents) in a single unit, the combined rent and utilities paid by the participant and program must not exceed a prorated share of the total rent. For example: A unit rents for \$900/month and there are three persons sharing the unit. Only one of the renters is participating in HPRP. The combined rent and utilities, paid by the program and participant, must not exceed \$300 or 1/3 of the total rent.

Rent Reasonableness

The rental assistance paid cannot exceed the actual rental cost, which must be in compliance with HUD's standard of "rent reasonableness." "Rent reasonableness" means that the total rent charged for a unit must be reasonable in relation to the rents being charged during the same time period for comparable units in the private unassisted market and must not be in excess of rents being charged by the owner during the same time period for comparable non-luxury unassisted units. To make this determination, the Subgrantee should consider (a) the location, quality, size, type, and age of the unit; and (b) any amenities, housing services, maintenance and utilities to be provided by the owner. Comparable rents can be checked by using a market study, by reviewing comparable units advertised for rent, or with a note from the property owner verifying the comparability of charged rents to other units owned (for example, the landlord would document the rents paid in other units). For more information, see HUD's worksheet on rent reasonableness at:

Rental assistance payments cannot be made on behalf of eligible individuals or households for the same period of time and for the same cost types that are being provided through another federal, state or local housing subsidy program.

2) Security and Utility Deposits

HPRP funds may be used to pay for security deposits, including utility deposits, for eligible program participants.

3) Utility Payments

HPRP funds may be used for up to 18 months of utility payments, including up to 6 months of utility payments in arrears, for each program participant, provided that the program participant or a member of his/her household has an account in his/her name with a utility company or proof of responsibility to make utility payments, such as cancelled checks or receipts in his/her name from a utility company.

4) Moving Costs

HPRP funds may be used for reasonable moving costs, such as truck rental, hiring a moving company, or short-term storage fees for a maximum of 3 months or until the program participant is in housing, whichever is shorter.

5) Motel and Hotel Vouchers

HPRP funds may be used for reasonable and appropriate motel and hotel vouchers for up to 30 days if no appropriate shelter beds are available and subsequent rental housing has been identified but is not immediately available for move-in by the program participants.

6) Staff costs to issue Financial Assistance

7) Inspections for Habitability Standards

B. Housing Relocation and Stabilization Services

HPRP funds may be used for services that assist program participants with housing stability and placement. These services are limited to the following eligible activities:

- 1) Case Management**
- 2) Outreach and Engagement**
- 3) Housing Search and Placement**
- 4) Legal Services**
- 5) Credit Repair**
- 6) Other costs**

1) Case Management

HPRP case management funds may be used for activities for the arrangement, coordination, monitoring, and delivery of services related to meeting the housing needs of program participants and helping them obtain housing stability. Services and activities may include: counseling; developing, securing, and coordinating services; monitoring and evaluating program participant progress; assuring that program participants' rights are protected; and developing an individualized housing and service plan, including a path to permanent housing stability subsequent to HPRP financial assistance.

2) Outreach and Engagement

HPRP funds may be used for services or assistance designed to publicize the availability of programs to make persons who are homeless or almost homeless aware of these and other available services and programs.

3) Housing Search and Placement

HPRP housing search and placement funds may be used for services or activities designed to assist individuals or households in locating, obtaining, and retaining suitable housing. Services or activities may include: tenant counseling, assisting individuals and households to understand leases, securing utilities, making moving arrangements, representative payee services concerning rent and utilities, and mediation and outreach to property owners related to locating or retaining housing.

4) Legal Services

HPRP funds may be used for legal services to help people stay in their homes, such as services or activities provided by a lawyer or other person(s) under the supervision of a lawyer to assist program participants with legal advice and representation in administrative or court proceedings related to tenant/landlord matters or housing issues. Legal services related to mortgages are not eligible.

5) Credit Repair

HPRP funds may be used for services that are targeted to assist program participants with critical skills related to household budgeting, money management, accessing a free personal credit report, and resolving personal credit issues.

C. Data Collection and Evaluation

Federal rules require each Subgrantee to enter client data into a Homeless Management Information System (HMIS). If you are not currently entering client data into an HMIS system with a data sharing agreement with the Fayetteville/Cumberland County Continuum of Care, to receive funds you must have a specific implementation plan to begin entering client data into

an HMIS no later than July 30, 2009. The City of Fayetteville Community Development Department can help you identify who is managing the HMIS in Cumberland County.

Eligible costs include data collection, entry and analysis and staffing associated with the operation of the HMIS, including training costs directly associated with the HPRP.

Grant recipients not using an HMIS must collect the client data used in the HMIS on paper or by other means; so that it can be entered into the HMIS once the organization is connected. The City of Fayetteville Community Development Department will provide an Excel template that collects the required client data.

Organizations using the HMIS administered by Fayetteville/Cumberland County Continuum of Care will be instructed on how to enter the required client data by Community Development staff. HMIS users are responsible for ensuring that they enter the following data elements into the HMIS for the clients they serve:

Universal Data Elements

- 2.1 Name
- 2.3 Date of Birth
- 2.4 Ethnicity and Race
- 2.5 Gender
- 2.6 Veterans Status
- 2.7 Disabling Condition
- 2.8 Residence Prior to Program Entrance
- 2.9 Zip Code of last permanent address
- 2.10 Program Entry Date
- 2.11 Program Exit Date

Program-Specific Data Elements

- 3.1 Income and Sources
- 3.2 Non-cash Benefits
- 3.2 Physical Disability
- 3.4 Developmental Disability
- 3.6 Mental Status
- 3.7 Substance Abuse
- 3.8 Domestic Violence
- 3.9 Services Received Including number of days and dollar amount of rental assistance provided
- 3.10 Destination

Program participants receiving HPRP assistance must be enrolled in a distinct program in the HMIS, so that a count of clients served by the program includes only clients received housing or services funded by HPRP.

Each Subgrantee must follow all state and federal laws governing HMIS, including collecting informed written consent from clients, not denying service based solely on client refusal to

provide data to an HMIS, protecting client confidentiality, not collecting personally identifying information from clients that are victims of domestic violence, and other requirements.

Client data collected by HMIS systems will be transmitted to Fayetteville/Cumberland County Continuum of Care and the City of Fayetteville Community Development Department. Written client consent forms should reflect this data transmittal. Client data will be used for research purposes only and only viewed by research staff and HMIS system administrators. Client data will not be disclosed to staff involved in determining program eligibility, or used in any way to determine program eligibility.

Subgrantee may be required to collect basic identifying information from people turned away from service, as part of a research effort to measure program effectiveness.

D. Administrative Costs

Administrative expenses are also sometimes called indirect or overhead. Such expenses can include, but are not limited to the following: Executive Director/accounting/human resource salaries, benefits, supplies, space, equipment, etc.; general agency insurance; audits; preparing reports; board expenses; membership or association fees, dues and training for staff who will administer the program or case managers who will serve program participants, as long as this training is directly dated to learning about HPRP.

In cost reimbursement contracts, grants or interagency agreements, administration/indirect/overhead expenses can be charged to the funding sources using either a cost allocation plan or a federally approved indirect cost rate. Regardless of the method used, the rate of reimbursement shall not exceed that specified in the contract. All reimbursements shall be based on actual expenses.

Administrative costs *do not* include the costs of issuing financial assistance, providing housing relocation and stabilization services, or carrying out eligible data collection and evaluation activities, such as Subgrantee staff salaries, costs of conducting housing inspections, and other operating costs. These costs should be included under one of the three other eligible activity categories.

4. Ineligible and Prohibited Activities

- Mortgage costs or any homeowner costs needed to assist with any fees, taxes, or other costs of refinancing a mortgage to make it affordable**
- Charging a program participant a fee for service
- Issuing funds directly to program participant
- Rental assistance exceeding 18 months
- Construction or rehabilitation
- Credit card bills or other consumer debt
- Car repair or other transportation costs
- Travel costs
- Food

- Medical or dental care and medicines
- Clothing and grooming
- Home furnishings
- Child care
- Pet care
- Entertainment activities
- Work or education related materials
- Cash assistance to program participants
- Employment training
- Certifications, licenses, and general training classes (training for case managers and program administrators is an eligible administrative cost as long as it is directly related to HPRP program operations)

****HPRP is not a mortgage assistance program. However, homeowners who become homeless are eligible for all HPRP activities; provide they meet the other eligibility criteria. Homeowners who are housed but are at risk of becoming homeless and meet all other eligibility criteria (consultation with a case manager, below 50% AMI, and at risk of becoming homeless with not housing options and lack financial resources) may be assisted with the following: utility payments (including arrears but excluding deposits) and housing relocation and stabilization services (including credit repair, case management, and housing search/placement but excluding legal services).**

5. Coordination with Recovery Act Resources and Other Resources

The Subgrantee is strongly encouraged, as part of local planning, to maximize all resources that may be available with Recovery Act funds other than HPRP. A Sub grantee's local plan for spending HPRP funds should coordinate closely with other Recovery Act funding streams, so that eligible activities under other Recovery Act programs are aligned with HPRP funds to create a comprehensive package of housing and service options available to eligible program participants. Case managers should work to link program participants to these other resources.

The Subgrantee must ensure that the individuals and households receiving service are not also receiving duplicated assistance from the Cumberland County Department of Social Services, the Department of Veterans Affairs or assistance from the North Carolina State Low-Income Home Energy Assistance Program.

6. Income Eligibility and Income Verification

Income Eligibility: The individual or household must be at or below 50 percent of Area Median Income (AMI).

If the agency/agencies do not have a process for calculating Income Eligibility, then Community Development Department requests that the Housing Choice Voucher program (formerly Section 8) specific guidelines and data sets to determine eligibility and document

income are utilized. Verification Guidance can be found on HUD's website at: <http://www.hud.gov/offices/pih/publications/notices/04/verifguidance.pdf>

Income Verification: All income must be verified and documented by the contractor. Verification of income eligibility may include pay stubs, tax statements, verification from employers, DSHS/Employment Security/Social Security documents, or other verification approved by Community Development Department.

There are four acceptable methods of documenting Income Eligibility (in order of preference):

- 1) **Written:** The contractor gets third-party written verification directly from the information source; i.e., employer, CCDSS, Employment Security, Social Security, Veteran's Affairs.
- 2) **Oral:** If verification is oral, the contractor must document the conversation in the program participant's file. This documentation should include the name, telephone number, and position or title of the third party, the date and time of the conversation, and the name of the person requesting the verification.
- 3) **Documented:** This type of verification is used when the information desired does not require verification by a third party, such as birth certificates or social security cards.
- 4) **Self-Declared:** Program participant written statements or affidavits are acceptable only when other verifications are not available. Since this method is self-serving, it should be viewed with caution and accepted only as a last resort.

7. Documentation

A. Documentation needed for Homeless Prevention activities

The Subgrantee is required to maintain adequate and easily identifiable documentation to determine the eligibility of program participants served. A copy of the documentation for any Financial Assistance (as described under **Eligible Program Activities and Expenses – What can HPRP pay for?**) must also be maintained in the client file. At a minimum, documentation should include the following:

Situation	Documentation
Eviction	Eviction notice from landlord and copy of payment made on behalf of client.
Utility shut off	Notice of termination from the utility provider and copy of payment made on behalf of client.
Individual or family leaving shelter and needing any combination of first/last months rent, rent, security deposit, screening fee	Copy of payment(s) made on behalf of client.

B. Homelessness or At Risk of Homelessness Verification and Documentation

The Subgrantee is required to maintain adequate documentation of homelessness to determine the eligibility of persons served. A copy of the documentation must be maintained in the client file. Documentation should be as follows:

Situation	Documentation
Persons living on the street or in short-term emergency shelter	Information should be obtained to indicate that the participant is living on the street or in short-term emergency shelter. This may include names of organizations or outreach workers who have assisted them in the past, whether the client receives any general assistance checks and where the checks are delivered, or any other information regarding the participant's activities in the recent past that might provide documentation. If unable to verify that the person is living on the street or in short-term emergency shelter, the participant or a staff person may prepare a short written statement about the participant's previous living place. The participant should sign the statement and date it.
Persons coming from transitional housing for homeless persons	Obtain written verification from the transitional housing staff that the participant has been residing at the transitional housing facility. The verification should be signed and dated by the referring agency personnel.
Persons being evicted from a private dwelling	Obtain evidence of formal eviction notice indicating that the participant was being evicted within a week before receiving homeless assistance. If the participant's friends or family is evicting, a statement describing the reason for eviction must be signed by the friend or family member and dated. In other cases where there is no formal eviction process, persons are considered evicted when they are forced out of the dwelling unit by circumstances beyond their control. In those instances, obtain a signed and dated statement from the participant describing the situation. The Lead Agency must make efforts to confirm that these circumstances are true and have written verification describing the efforts and attesting to their validity. The verification should be signed and dated.
Persons being released from jail or prison, or leaving an inpatient mental health facility or chemical-dependency treatment facility	Obtain evidence from the referring facility's case manager or other authorized staff that the participant is being or was released/exited and has no identified housing option.
Persons fleeing domestic violence	Obtain written verification from the participant that he/she is fleeing a domestic violence situation. If a participant is unable to prepare verification, the case manager may prepare a written statement about the participant's previous living situation for the participant to sign and date.

8. Termination of Participation, Denial and Grievance Procedures

A. Termination of Participation and Grievance Procedures

Causes for termination from the program may include, but are not limited to, failure to abide by the program requirements. The Subgrantee may resume assistance to a program participant whose assistance was previously terminated. In terminating assistance to a program participant, the Subgrantee must provide a formal process that recognizes the rights of individuals receiving assistance to due process of law. This process, at a minimum, must consist of:

- 1) Written notice to the program participant containing a clear statement of the reasons for termination;
- 2) A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
- 3) Prompt written notice of the final decision to the program participant.

B. Applicant Denial and Grievance Procedures

Causes of denial of assistance include, but are not limited to, the individual or household's ineligibility for the program or failure to provide verifiable evidence of eligibility, etc. Subgrantee must have in place a procedure that governs applicant denial and grievance process. These procedures should describe the program requirements and in which an applicant may not qualify or be denied. The grievance procedure could be the same as a program participant terminated. This would include, for example, allowing applicants to request a hearing regarding the termination of their denial.

The termination, denial, and grievance procedures should be readily available to participants either in written information or by posting the policy in a public place. It is important to effectively communicate these procedures to program participants and ensure that the procedures are fully understood.

9. Nondiscrimination and Equal Opportunity Requirements

The Subgrantee must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a). In addition, Subgrantee must make known that HPRP rental assistance and services are available to all on a nondiscriminatory basis and ensure that all citizens have equal access to information about HPRP and equal access to the financial assistance and services provided under this program. Among other things, this means that each Subgrantee must take reasonable steps to ensure meaningful access to programs to persons with limited English proficiency (LEP), pursuant to Title VI of the Civil Rights Act of 1964. This may mean providing language assistance or ensuring that program information is available in the appropriate languages for the geographic area served by the jurisdiction and that limited English

proficient persons have meaningful access to HPRP assistance. This will be a particular issue for state Subgrantees that may not be aware of LEP speaking populations in jurisdictions that are not normally served with Emergency Shelter Grant (ESG) funds. To assist Subgrantees, the Department published the "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (72 Federal Register 2732; January 22, 2007). In addition, all notices and communications shall be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR 8.6. If the procedures that the Subgrantee intends to use to make known the availability of the rental assistance and services are unlikely to reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for such rental assistance and services, the Subgrantee must establish additional procedures that will ensure that such persons are made aware of the rental assistance and services.

10. Affirmatively Furthering Fair Housing

Under section 808(e)(5) of the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing. HUD requires the same of its funding recipients. Subgrantees will have a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes include race, color, national origin, religion, sex, disability, and familial status. Examples of affirmatively furthering fair housing include: (1) marketing the program to all eligible persons, including persons with disabilities and persons with limited English proficiency; (2) making buildings and communications that facilitate applications and service delivery accessible to persons with disabilities (see, for example, HUD's rule on effective communications at 24 CFR 8.6); (3) providing fair housing counseling services or referrals to fair housing agencies; (4) informing participants of how to file a housing discrimination complaint, including providing the toll-free number for the Housing Discrimination Hotline: 1- 800-669-9777; and (5) recruiting landlords and service providers in areas that expand housing choice to program participants.

11. Lead-Based Paint Requirements

The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.), as amended by the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.) and implementing regulations at 24 CFR part 35, subparts A, B, M, and R shall apply to housing occupied by households receiving assistance through HPRP.

12. Drug-Free Workplace Requirements

The Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et seq.) and HUD'S implementing regulations at 24 CFR part 21 apply to HPRP.

13. Equal Participation of Religious Organizations

Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to participate in HPRP. Neither the federal government nor a Subgrantee shall discriminate against an organization on the basis of the organization's religious character or affiliation.

Organizations that are directly funded under HPRP may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under HPRP. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under WRP, and participation must be voluntary for the program participants.

A religious organization that participates in HPRP will retain its independence from federal, state, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct HPRP funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide HPRP-funded services, without removing religious art, icons, scriptures, or other religious symbols. In addition, a HPRP-funded religious organization retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.

An organization that participates in the HPRP program shall not, in providing program assistance, discriminate against a program participant or prospective program participant on the basis of religion or religious belief.

If a state or local government voluntarily contributes its own funds to supplement federally funded activities, the state or local government has the option to segregate the federal funds or commingle them. However, if the funds are commingled, the requirements listed above apply to all of the commingled funds.

14. Lobbying and Disclosure Requirements

The disclosure requirements and prohibitions of section 319 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (the Byrd Amendment), and implementing regulations at 24 CFR part 87, apply to HPRP. Applicants must disclose, using Standard Form LLL (SF-LLL), "Disclosure of Lobbying Activities," any funds, other than federally appropriated funds, that will be or have been used to influence federal employees, members of Congress, or congressional staff regarding specific grants or contracts.

15. Confidentiality of Client Records

The Subgrantee must have policies and procedures ensuring client records are maintained in a confidential manner, and that the address or location of any assisted housing will not be made public, except to the extent that this prohibition contradicts a preexisting privacy policy of the

Grantee. To comply with this requirement, Subgrantee should, for example, keep written records or files pertaining to clients under lock and key with designated personnel granted access to those files.

16. Criminal Background Checks

The Subgrantee must initiate criminal history background checks on all prospective employees and volunteers who may have unsupervised access to children.

17. Habitability Standards and Inspections

Organizations providing rental assistance with HPRP funds will be required to conduct initial and any appropriate follow-up inspections of housing units into which a program participant will be moving. Units should be inspected on an annual basis and upon a change of tenancy. The minimum habitability standards are listed in Appendix A.

Complete records of inspections and follow-up actions must be maintained in client files.

Tenants must receive a copy of the North Carolina Landlord-Tenant law, Chapter 42 Article I. General Provisions & the City of Fayetteville Fair Housing Ordinance, and be informed on how to use this law when problems arise. Copies of the law are available at the City of Fayetteville Human Relations Department at 433 Hay Street, Fayetteville, NC 28301 or call at (910) 433-1696.

18. Program Administration

A. Subgrantee Eligibility

An eligible Subgrantee must:

- 1.) Be a unit of local government in the state, and/or
- 2.) Be a private non-profit organization or housing authority, if the local government for the locality in which the program is located certifies that it approves the program.

Organizations that are religious or faith-based are eligible, on the same basis as any other organization. However, organizations may not engage in inherently religious activities, such as worship, religious instruction or proselytization as part of the programs or services funded under HPRP. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under HPRP, and participation must be voluntary for the program participants. An organization that participates in the HPRP program shall not, in providing program assistance, discriminate against a program participant or prospective program participant on the basis of religion or religious belief.

B. Subgrantee's Responsibilities

1) Subgrantee contracts

A Subgrantee cannot subgrant work or services contemplated under this program without prior authorization from City of Fayetteville. It is the responsibility of the Lead Agency to ensure that subgrantees meet eligibility requirements. The intent to subcontract shall be included in the Lead Agency's application to City of Fayetteville. Approval of the Lead Agency's application, including the intent to subcontract, shall constitute authorization.

Subgrantee(s) must enter into legally binding written grant agreements to ensure that all City of Fayetteville grant terms and conditions are passed on to subgrantees. This must include a signed grant that details the budget to be reimbursed and all of the City of Fayetteville grant terms and conditions.

2) Deadlines for Using Grant Award

Each Subgrantee must draw down 70 percent of the award amount within the first two years of the date signed on the executed contract with The City of Fayetteville, and 100 percent of the award amount within three years of this date.

3) Monitoring and Compliance of Subgrantees

It is the responsibility of the City of Fayetteville to monitor subgrantees at a minimum of once every program year. The monitoring may consist of either a desk monitor or on-site visit. Terms and conditions of the grant and program guidelines need to be reviewed for compliance. At least one month of back up documentation needs to be reviewed to substantiate charges made to the program.

The City of Fayetteville must review the accounting practices of subgrantees that do not have an independent audit.

The Subgrantee must ensure all funds are expended in a timely manner, and according to the terms and conditions of the grant.

C. Billing Procedures

Subgrantee must bill the City of Fayetteville no more than monthly for reimbursement of allowable costs, using the provided reporting method prescribed by City. Payment will be made upon receipt of all required documents and reports. If required reports are not submitted in a timely manner, the City will delay payment until the reports are received. If the Subgrantee fails to file an invoice within a two-month period, without a reasonable explanation, The City will not authorize payment and may elect to terminate the contract.

Lead Agencies may be paid in advance pursuant to procedures outlined in 24 CFR 84.22 for non-profit organizations and 24 CFR 85.21 for units of government.

D. Financial Records

The Subgrantee must maintain copies of all reimbursement requests and backup documentation including those from subgrantees. The Subgrantee must maintain records that disclose all costs, including subgrantee costs, charged to the City contract.

E. Reports

The Subgrantee is responsible for submitting required reports by the dates due using required forms. The reports include, but are not limited to, the following:

Report	Due Date
Invoice Voucher	No more than monthly, due on the 15 th of month following the provision of services.
Client Data Report	To be determined
Quarterly Performance Report	To be determined

F. Budget Amendments

The approved budget will be identified in the contract documents. Budget revisions require a contract amendment. Requests must be submitted to, and approved by, the City before the Subgrantee submits expenditure reports reflecting the revisions.

G. Subgrantee Monitoring

A monitoring schedule will be sent to the City by the end of 2009 outlining desk and on-site visits for the contract period. At a minimum, a Subgrantee can expect desk monitoring once a year.

H. Changes to Guidelines

The City may issue revised or new guidelines at any time. All Subgrantee(s) will be sent revised copies as they are published. It is the City's responsibility to pass on the revisions to subgrantees.

Organizations providing rental assistance with HPRP funds will be required to conduct initial and any appropriate follow-up inspections of housing units into which a program participant will be moving. Following are the habitability standards that Subgrantees must follow:

- (1) State and local requirements. Each Subgrantee under this Notice must ensure that housing occupied by a family or individual receiving HPRP assistance is in compliance with all applicable state and local housing codes, licensing requirements, and any other requirements in the jurisdiction in which the housing is located regarding the condition of the structure and the operation of the housing or services.
- (2) Habitability standards. Except for less stringent variations as are proposed by the City or Subgrantee and approved by HUD, housing occupied by a family or individual receiving

HPRP assistance must meet the following minimum requirements:

- (1) Structure and materials. The structures must be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the residents from the elements.
- (2) Access. The housing must be accessible and capable of being utilized without unauthorized use of other private properties. Structures must provide alternate means of egress in case of fire.
- (3) Space and security. Each resident must be afforded adequate space and security for themselves and their belongings. Each resident must be provided an acceptable place to sleep.
- (4) Interior air quality. Every room or space must be provided with natural or mechanical ventilation. Structures must be free of pollutants in the air at levels that threaten the health of residents.
- (5) Water supply. The water supply must be free from contamination.
- (6) Sanitary facilities. Residents must have access to sufficient sanitary facilities that are in proper operating condition, may be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.
- (7) Thermal environment. The housing must have adequate heating and/or cooling facilities in proper operating condition.
- (8) Illumination and electricity. The housing must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of residents. Sufficient electrical sources must be provided to permit use of essential electrical appliances while assuring safety from fire.
- (9) Food preparation and refuse disposal. All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner.

(10) Sanitary condition. The housing and any equipment must be maintained in sanitary condition.

(11) Fire safety.

(a) Each unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each occupied level of the unit. Smoke detectors must be located, to the extent practicable, in a hallway adjacent to a bedroom. If the unit is occupied by hearing-impaired persons, smoke detectors must have an alarm system designed for hearing-impaired persons in each bedroom occupied by a hearing-impaired person.

(b) The public areas of all housing must be equipped with a sufficient number, but not less than one for each area, of battery-operated or hard-wired smoke detectors. Public areas include, but are not limited to, laundry rooms, community rooms, day care centers, hallways, stairwells, and other common areas.

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

Grantees eligible to receive funds under the Homelessness Prevention and Rapid Re-Housing Program (HPRP) are required to complete a substantial amendment to their Consolidated Plan 2008 Action Plan. This form sets forth the required format for this substantial amendment. A completed form is due to HUD within 60 days of the publication of the HUD HPRP notice.

To aid grantees in meeting this submission deadline, the HPRP Notice reduces the requirement for a 30-day public comment period to no less than 12 calendar days for this substantial amendment. With this exception, HPRP grantees are required to follow their Consolidated Plan's citizen participation process, including consultation with the Continuum of Care (CoC) in the appropriate jurisdiction(s). Grantees are also required to coordinate HPRP activities with the CoC's strategies for homeless prevention and ending homelessness. To maximize transparency, HUD strongly recommends that each grantee post its substantial amendment materials on the grantee's official website as the materials are developed.

A complete submission contains the following three documents:

- 1) A signed and dated SF-424,
- 2) A completed form HUD-40119 (this form), and
- 3) Signed and dated General Consolidated Plan and HPRP certifications.

For additional information regarding the HPRP program, visit the HUD Homelessness Resource Exchange (www.hudhre.info). This site will be regularly updated to include HPRP resources developed by HUD and its technical assistance providers.

The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Public reporting burden for this collection of information is estimated to be 16 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is required to obtain benefits. To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the substantial amendment to the Consolidated Plan 2008 Action Plan does not request the submission of such information.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

**Substantial Amendment to the Consolidated Plan 2008 Action Plan for the
Homelessness Prevention and Rapid Re-Housing Program (HPRP)**

A. General Information

Grantee Name	City of Fayetteville
Name of Entity or Department Administering Funds	Community Development Department
HPRP Contact Person (person to answer questions about this amendment and HPRP)	Victor D. Sharpe
Title	Community Development Director
Address Line 1	433 Hay Street
Address Line 2	Suite 309
City, State, Zip Code	Fayetteville, NC 28301
Telephone	(910) 433-1933
Fax	(910) 433-1592
Email Address	vsharpe@ci.fay.nc.us
Authorized Official (if different from Contact Person)	Dale Iman
Title	City Manager
Address Line 1	433 Hay Street
Address Line 2	
City, State, Zip Code	Fayetteville, NC 28301
Telephone	(910) 433-1990
Fax	(910) 433-1948
Email Address	diman@ci.fay.nc.us
Web Address where this Form is Posted	www.cityoffayetteville.org

Amount Grantee is Eligible to Receive*	\$ 589,648.00
Amount Grantee is Requesting	\$ 589,648.00

*Amounts are available at <http://www.hud.gov/recovery/homelesspreventrecov.xls>

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

B. Citizen Participation and Public Comment

1. Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment (limit 250 words).

Response: The Community Development Department published a Public Notice on April 18, 2009, in the Fayetteville Observer announcing that the City will hold a Public Hearing on April 28, 2009 in the City Council Chambers at 7:00 p.m. regarding the Substantial Amendment to the City's Consolidated Plan 2008-2009 Annual Action Plan. A proposed plan was submitted for Public Comment from April 21 through May 5, 2009. The proposed plan was made available for review and comment throughout the City in the following locations: Community Development Department, City Hall, 433 Hay Street, 3rd Floor, Rm. 309; Recreation Centers located at: Myers, 1018 Rochester Street; J.S. Spivey, 500 Fisher Street; Massey Hill 1612 Camden Road, Smith, 1520 Slater Avenue and Westover, 277 Bonanza Drive; Neighborhood Resource Centers at Old Wilmington Road, 500 Campbell Avenue and Seabrook Park, 708 Langdon Street. All comments will be reviewed and considered by the Fayetteville Redevelopment Commission and the Fayetteville City Council.

2. Provide the appropriate response regarding this substantial amendment by checking one of the following options:

- Grantee did not receive public comments.
- Grantee received and accepted all public comments.
- Grantee received public comments and did not accept one or more of the comments.

3. Provide a summary of the public comments regarding this substantial amendment. Include a summary of any comments or views not accepted and the reasons for non-acceptance.

Response: Public comments will be attached to the substantial amendment prior to the submittal to HUD.

C. Distribution and Administration of Funds

Reminder: The HPRP grant will be made by means of a grant agreement executed by HUD and the grantee. The three-year deadline to expend funds begins when HUD signs the grant agreement. Grantees should ensure that sufficient planning is in place to begin to expend funds shortly after grant agreement.

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

1. Check the process (es) that the grantee plans to use to select sub-grantees. Note that a sub-grantee is defined as the organization to which the grantee provides HPRP funds.

Competitive Process

Formula Allocation

Other (Specify: _____)

2. Briefly describe the process(es) indicated in question 1 above (limit 250 words).

Response: The City of Fayetteville Community Development Department will send out a Request for Proposal to members of the Fayetteville/Cumberland County Continuum of Care, non-profits and other governmental agencies that provide services consistent with the needs of the Homeless Prevention and Rapid Re-housing Program describing the programs and services needed for implementation. Proposal responses will be scored based on the strength of the proposal, organization performance and capacity, and program complexity.

3. Briefly describe the process the grantee plans to use, once HUD signs the grant agreement, to allocate funds available to sub-grantees by September 30, 2009, as required by the HPRP Notice (limit 250 words).

Response: Once HUD has signed the grant agreement, the City of Fayetteville will allocate HPRP grant funds based on a competitive basis. The City of Fayetteville anticipates that the Request for Proposal process will start no later than July1, 2009. All funds will be allocated by the September 30, 2009 deadline. Grants will be awarded to those sub-grantees identified as high ranking according to the results of the competitive process.

Eligible activities, program policies and guidelines have been established through the City's Homeless Prevention and Rapid Re-housing Program. The City will enter into contract with the sub-grantees that are selected for an award. The Grant agreements between the City of Fayetteville and the sub-grantees will outline the sub-grantees responsibilities and reporting requirements in compliance with the City of Fayetteville and HPRP guidelines and requirements.

4. Describe the grantee's plan for ensuring the effective and timely use of HPRP grant funds on eligible activities, as outlined in the HPRP Notice. Include a description of how the grantee plans to oversee and monitor the administration and use of its own HPRP funds, as well as those used by its sub-grantees (limit 500 words).

**Substantial Amendment to the Consolidated Plan 2008 Action Plan for the
Homelessness Prevention and Rapid Re-Housing Program (HPRP)**

Response: The City of Fayetteville has been working diligently in the efforts of addressing the homeless needs in the Fayetteville/Cumberland area. The Community Development Department is currently working to implement the Ten Year Plan to End Homelessness along with the Plan's Steering Committee. The Community Development Department also works with the Fayetteville/Cumberland County Continuum of Care to identify homeless needs. The Community Development Department has experience in monitoring sub-grantees for compliance with both financial and programmatic requirements.

All grant agreements will describe thorough instructions on sub-grantees responsibilities and requirements for reporting the outcomes on a monthly basis, instructions on fund disbursements and periodic site monitoring visits. On-site monitoring visits will include review of sub-grantees financial management systems, supporting documentation and client records. Any discrepancies found, sub-grantees will have instructions that outline a specified amount of time to make any required corrections. Technical assistance will also be a part of the process.

Community Development staff will meet with sub-grantees regularly to monitor status of services being provided.

D. Collaboration

1. Briefly describe how the grantee plans to collaborate with the local agencies that can serve similar target populations, which received funds under the American Recovery and Reinvestment Act of 2009 from other Federal agencies, including the U.S. Departments of Education, Health and Human Services, Homeland Security, and Labor (limit 250 words).

Response: The City of Fayetteville Community Development serves as a member of the Fayetteville/Cumberland County Continuum of Care (COC) and the 10-yr Plan to End Homelessness Steering Committee. The Community Development Department is also in direct collaboration with the Salvation Army of Fayetteville, the Operation Inasmuch Homeless Day Center and the HOPE Center homeless shelter of Fayetteville.

The Request for Proposals will ask for information to identify agencies that are receiving funding through the American Recovery and Reinvestment Action of 2009 (ARRA). Proposals will be sent to those organizations that may receive funds through ARRA.

2. Briefly describe how the grantee plans to collaborate with appropriate Continuum(s) of Care and mainstream resources regarding HPRP activities (limit 250 words).

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

Response: The City of Fayetteville Community Development met with and provided information on the substantial amendment to the members of the Fayetteville/Cumberland County Continuum of Care. The COC membership includes human service providers, public agencies, and nonprofit organizations. The COC has responded with needs in accordance to the 2009 Point & Time survey and data collected for the services that currently they provide to homeless clients.

Program and services will be made available to the members of the Continuum of Care. It is our hope that the members of the COC will be awarded grants to provide certain services. The City will publish and announce available services to the Continuum of Care and the general public.

3. Briefly describe how HPRP grant funds for financial assistance and housing relocation/stabilization services will be used in a manner that is consistent with the grantee's Consolidated Plan (limit 250 words).

Response: The City of Fayetteville Consolidated plan, "Develop programs designed to break the cycle of homelessness; and develop a Ten Year Plan to End Homelessness." In the Ten Year Plan the goals include, "the support of limited assistance to residents leaving transitional housing for private rental." The HPRP will be consistent with the goals placed for the Consolidated Plan.

**Substantial Amendment to the Consolidated Plan 2008 Action Plan for the
Homelessness Prevention and Rapid Re-Housing Program (HPRP)**

E. Estimated Budget Summary

HUD requires the grantee to complete the following table so that participants in the citizen participation process may see the grantee's preliminary estimated amounts for various HPRP activities. Enter the estimated budget amounts for each activity in the appropriate column and row. The grantee will be required to report actual amounts in subsequent reporting.

HPRP Estimated Budget Summary			
	Homelessness Prevention	Rapid Re- housing	Total Amount Budgeted
Financial Assistance ¹	\$ 229,514	\$ 114,757	\$ 344,272
Housing Relocation and Stabilization Services ²	\$ 137,584	\$ 68,793	\$ 206,376
Subtotal (add previous two rows)	\$ 367,098	\$ 183,550	\$ 550,648
Data Collection and Evaluation ³			\$ 10,000
Administration (up to 5% of allocation)			\$ 29,000
Total HPRP Amount Budgeted⁴			\$ 589,648

¹Financial assistance includes the following activities as detailed in the HPRP Notice: short-term rental assistance, medium-term rental assistance, security deposits, utility deposits, utility payments, moving cost assistance, and motel or hotel vouchers.

²Housing relocation and stabilization services include the following activities as detailed in the HPRP Notice: case management, outreach, housing search and placement, legal services, mediation, and credit repair.

³Data collection and evaluation includes costs associated with operating HUD-approved homeless management information systems for purposes of collecting unduplicated counts of homeless persons and analyzing patterns of use of HPRP funds.

⁴This amount must match the amount entered in the cell on the table in Section A titled "Amount Grantee is Requesting."

**Substantial Amendment to the Consolidated Plan 2008 Action Plan for the
Homelessness Prevention and Rapid Re-Housing Program (HPRP)**

F. Authorized Signature

By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete, and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

Signature/Authorized Official

Date

Title

**Homelessness Prevention and Rapid Re-Housing Program (HPRP)
Certifications**

The HPRP Grantee certifies that:

Consolidated Plan – It is following a current HUD-approved Consolidated Plan or CHAS.

Consistency with Plan – The housing activities to be undertaken with HPRP funds are consistent with the strategic plan.

Confidentiality – It will develop and implement procedures to ensure:

- (1) The confidentiality of records pertaining to any individual provided with assistance; and
- (2) That the address or location of any assisted housing will not be made public, except to the extent that this prohibition contradicts a preexisting privacy policy of the grantee.

Discharge Policy – A certification that the State or jurisdiction has established a policy for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.

HMIS – It will comply with HUD's standards for participation in a local Homeless Management Information System and the collection and reporting of client-level information.

Signature/Authorized Official

Date

Title

GENERAL CERTIFICATIONS FOR STATE OR LOCAL GOVERNMENT FOR THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP)

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the state, territory, or local government certifies that:

Affirmatively Further Fair Housing – The state, territory, or local government will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction or state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Drug-Free Workplace – It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about:
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

- (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state, or local health, law enforcement, or other appropriate agency;
- 7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the state, territory, or local government's knowledge and belief:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- 3. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Local Government, State, or Territory -- The submission of the consolidated plan is authorized under state law and local law (as applicable) and the jurisdiction or state possesses the legal authority to carry out the programs under the consolidated plan for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with Plan -- The housing activities to be undertaken with HPRP funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The Grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Public Notice

Public Comment Period Substantial Amendment to the Consolidated Plan 2008-2009 Action Plan Homeless Prevention and Rapid Re-Housing Program (HRRP)

The City of Fayetteville has prepared a draft of the Homeless Prevention and Rapid Re-Housing Program (HRRP) Substantial Amendment to the Consolidated 2008-2009 Action Plan. The substantial amendment describes the various initiatives that the City intends to undertake, in utilizing HRRP funds recovered through the American Recovery Act of 2009. The substantial amendment, which focuses on serving very low income housing needs, will provide financial assistance and services to either prevent individuals and families from becoming homeless or help those who are experiencing homelessness to be quickly re-housed and stabilized.

On April 21, 2009 the Community Development Department will make available for public review and comment, a draft of the proposed substantial amendment for the HRRP Plan. The period of public comment will be 15 days beginning April 21, May 5, 2009. The comments may be given Monday-Friday from 8:30 AM-4:30PM at Community Development, City Hall, 433 Hay Street, 3rd Floor, Rm. 308, 1st Floor; and Headquarters Library, 300 Maiden Lane. The plan may also be viewed at the following recreation centers: Myers, 1018 Rochester Street; J.S. Spivey, 500 Fisher Street; Massey Hill, 1612 Camden Road; Smith, 1520 Slater Avenue and Westover, 277 Bonanza Drive. During this same period of time, they may be viewed from 1:30 p.m. - 4:30 p.m. at the following Neighborhood Resource Centers: Old Wilmington Road, 500 Campbell Avenue and Seabrook Park, 708 Landgon Street.

Public Hearing

On April 28, 2009 at 7:00 PM, you are invited to attend a Public Hearing in the City Council Chambers, City Hall, First Floor, on the Substantial Amendment to the Consolidated Plan 2008 Action Plan for the HRRP plan. The plan outlines homeless prevention and re-housing activities. Your input is welcomed.

The City of Fayetteville Community Development will receive comments on the Homeless Prevention and Rapid Re-Housing Program Substantial Amendment to the Consolidated Plan until May 5, 2009.

www.cityoffayetteville.org

12103421



CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Victor D. Sharpe, Community Development Director *V. Sharpe*
Date: May 11, 2009
Re: Resolution supporting a HUD Section 202 Affordable Housing Development for the elderly by the Evrytanian Association of America – Velouchi #2

THE QUESTION: Is the proposed HUD Section 202 Affordable Housing Development for the elderly consistent with the City's Consolidated Plan?

RELATIONSHIP TO STRATEGIC PLAN: More Attractive City Clean and Beautiful and Growing City, Livable Neighborhoods – A Great Place to Live

BACKGROUND:

- The Evrytanian Association of America - Velouchi #2 is applying for HUD Section 202 funding for affordable housing for the elderly. The project is also co-sponsored by the North Carolina Housing Foundation, Inc.
- The Velouchi is a philanthropic organization that has been serving the Fayetteville Community for many years.
- The proposed project will be located at the corner Sapona Road and Plymouth Street on a site that is slightly over 5 acres and will allow approximately 50 units.
- The Section 202 development will serve the elderly, with incomes at or below 50% of the area median income.
- This project is consistent with the City's Consolidated Plan, which identifies the need for affordable housing for the elderly.

ISSUES:

The proposed resolution does not provide financial support. However, the organization may apply during the next funding cycle for consideration through the Affordable Housing Program administered by the Community Development Department.

OPTIONS:

Approve resolution.
Modify resolution.

RECOMMENDATIONS: Adopt a resolution in support of the Section 202 application by the Evrytanian Association of America – Velouchi #2 and provide a letter of support.

ATTACHMENTS:

Resolution

RESOLUTION IN SUPPORT OF A HUD SECTION 202 AFFORDABLE HOUSING DEVELOPMENT BY THE EVRYTANIAN ASSOCIATION OF AMERICA – VELOUCHI #2

WHEREAS, the City of Fayetteville identified increasing the supply of affordable housing as a primary goal in its Community Development Consolidated Plan; and

WHEREAS, the Evrytanian Association of America - Velouchi #2 and the North Carolina Housing Foundation, Inc. are applying for HUD Section 202 funding to construct 50 affordable apartment units for the elderly; and

WHEREAS, the project will provide affordable housing in the City of Fayetteville and will benefit residents with incomes at or below 50% of the area median income; and

WHEREAS, the proposed project will be ideally located at the corner of Sapona Road and Plymouth Street on a site that is slightly over 5 acres in a mixed use neighborhood that is primarily residential in nature, but in close proximity to many amenities;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Fayetteville hereby supports the efforts of the Evrytanian Association of America - Velouchi #2 and the North Carolina Housing Foundation, Inc. to develop 50 affordable housing units for the elderly.

ADOPTED this the 11th day of May, 2009.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

CANDICE H. WHITE, City Clerk

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Karen M. McDonald, City Attorney
Date: May 11, 2009
Re: Consider Revision to City Council Policy 120.2 Regarding Public Hearings

THE QUESTION: Does the attached policy reflect Council's interest regarding public hearings?

RELATIONSHIP TO STRATEGIC PLAN: More Efficient City Government – Cost Effective Services Delivery

BACKGROUND: At the March 2, 2009, City Council work session, Council discussed revising the public hearing policy. Council's current policy for public hearings allows 15 minutes per side for an issue. There is no time limit for individual speakers. In an effort to allow a greater number of citizens to be heard on issues, the attached policy limits the time of individual speakers to 3 minutes. Council reviewed the proposed policy during the May 4, 2009 work session. Consensus of Council was to present the proposed policy for further consideration.

ISSUES: Whether the proposed revision meets Council's interest.

OPTIONS:

- Accept the revision and direct staff to place the revision on a future agenda for approval.
- Reject the revision and do not make any changes to the policy.
- Provide staff with additional direction regarding revision to the policy.

RECOMMENDATIONS: Consider the proposed revision to City Council Policy 120.2 and direct staff.

000093

ITEM 3.H.

PROPOSED POLICY REVISION

SUBJECT – CITY COUNCIL Hearings (Public and Non-Public)	Number 120.2	Revised 12-15-97	Effective Date 1-5-87	Page 1 of 2
--	-------------------------	-----------------------------	--------------------------------------	--------------------

The City Council of the City of Fayetteville, North Carolina, will apply the following Rules of Procedure at regular City Council meetings for citizens wishing to address the City Council:

A. Public Hearings

- (1) Individuals desiring to speak at a public hearing shall sign up with the City Clerk, by name and home address, before 7:00 p.m. on the date of the scheduled public hearing; and
- (2) Fifteen minutes will be allowed ~~to~~ for each side of the issue at a public hearing, ~~and~~. The City Council in its discretion may extend the time. Individual speakers will be limited to ~~5~~ 3 minutes each unless by previous arrangement a single spokesman is designated, in which case the spokesman may use the entire 15 minutes. Time used in response to a question from a Council member will not be counted against the allotted 15 minutes; and
- (3) No one in the audience will be permitted to speak during Council discussion and debate except in response to a question from a Council member recognized by the Chair.

B. Nonpublic Hearing Items

On nonpublic hearing items, the agenda shall indicate by whom the matter will be presented, and only members of staff, the presenter, or the presenter's designated representative shall be permitted to address the City Council. This paragraph is not subject to suspension under Roberts Rules of Order. Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing 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.

PROPOSED POLICY REVISION

SUBJECT – CITY COUNCIL Hearings (Public and Non-Public)	Number 120.2	Revised 12-15-97	Effective Date 1-5-87	Page 2 of 2
--	-------------------------	-----------------------------	--------------------------------------	--------------------

C. Announcements

All announcements not addressed by any particular agenda item shall be made at the end of the meeting, prior to adjournment, by the Mayor or the presiding officer, unless otherwise prearranged with the Mayor or presiding officer.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Candice H. White, City Clerk *cu* *R*
DATE: May 11, 2009
RE: Consider Revisions to the 2009 City Council Meeting Dates Calendar

THE QUESTION:

Does the revised 2009 City Council Meeting Dates calendar reflect the interests of Council?

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government

BACKGROUND:

City Council at their December 8, 2008 meeting adopted the 2009 City Council Meeting Dates calendar, which took into account all City holidays, meetings, conferences, and community activities that staff could identify as of that date.

Since that time, staff have identified a need for revisions to the 2009 City Council Meeting Dates calendar as follows:

- City Council work sessions to be held in the Council Chamber;
- Budget work session for May 13, 2009 at 5:00 p.m. to be added to the budget schedule;
- Budget work session for May 20, 2009 at 5:00 p.m. to be added to the budget schedule.

ISSUES:

None.

OPTIONS:

1. Approve the revised 2009 City Council Meeting Dates calendar, as presented.
2. Approve the revised 2009 City Council Meeting Dates calendar, as amended.
3. Take no action at this time.

RECOMMENDATION:

Approve the revised 2009 City Council Meeting Dates calendar, as presented.

january

S	M	T	W	Th	F	S
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JANUARY
 Thurs, Jan 1, New Year's Day
 Mon, Jan 5, Work Session
 Mon, Jan 12, Regular Meeting - Myers Recreation Center
 Mon, Jan 19, MLK Jr Day
 Wed, Jan 21, Agenda Briefing
 Mon, Jan 26, Regular Meeting, Dinner & Discussion of Agenda Items

february

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY
 Mon, Feb 2, Work Session
 Feb 6-7, City Council Annual Retreat - Fayetteville Regional Airport
 Feb 6 at 5:30 p.m., Feb. 7 at 8:30 a.m.
 Mon, Feb 9, Regular Meeting, Dinner & Discussion of Agenda Items
 Wed, Feb 18, Agenda Briefing
 Mon, Feb 23, Regular Meeting, Dinner & Discussion of Agenda Items

march

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

MARCH
 Mon, Mar 2, Work Session
 Mon, Mar 9, Regular Meeting, Dinner & Discussion of Agenda Items
 Mar 14-18, NLC Congressional City Conference, Washington, D.C.
 Thur, Mar 19, Agenda Briefing
 Mon, Mar 23, Regular Meeting, Dinner & Discussion of Agenda Items

april

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL
 Mon, Apr 6, Work Session
 Tues, Apr 7, Breakfast Meeting, Crown Coliseum - Hospitality Room
 8 a.m. (Country to host this meeting)
 Fri, Apr 10, Good Friday
 Mon, Apr 13, Regular Meeting - College Lakes Recreation Center
 Thur, Apr 23, Agenda Briefing
 Mon, Apr 27, Regular Meeting, Dinner & Discussion of Agenda Items

may

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

MAY
 Mon, May 4, Work Session
 Wed, May 6, NCLM Town Hall Day
 Mon, May 11, Regular Meeting, Dinner & Discussion of Agenda Items
 Wed, May 13, Budget Work Session - 5 p.m.
 Wed, May 20, Agenda Briefing - 4 p.m. / Budget Work Session - 5 p.m.
 Mon, May 25, Memorial Day
 Tues, May 26, Regular Meeting, Dinner & Discussion of Agenda Items

june

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JUNE
 Mon, June 1, Work Session
 Mon, June 8, Regular Meeting, Dinner & Discussion of Agenda Items
 Wed, June 17, Agenda Briefing
 Mon, June 22, Regular Meeting, Dinner & Discussion of Agenda Items

july

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JULY
 Fri, July 3, Independence Day
 Mon, July 6, Work Session
 Mon, July 13, Regular Meeting - Fuller Recreation Center
 Wed, July 22, Agenda Briefing
 Mon, July 27, Regular Meeting, Dinner & Discussion of Agenda Items

august

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST
 Mon, Aug 3, Work Session
 Mon, Aug 10, Regular Meeting, Dinner & Discussion of Agenda Items
 Wed, Aug 19, Agenda Briefing
 Mon, Aug 24, Regular Meeting, Dinner & Discussion of Agenda Items

september

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER
 Mon, Sept 7, Labor Day
 Mon, Sept 7, Work Session
 Tues, Sept 8, Regular Meeting, Dinner & Discussion of Agenda Items
 Mon, Sept 14, Agenda Briefing
 Wed, Sept 23, Regular Meeting, Dinner & Discussion of Agenda Items
 Mon, Sept 28, Regular Meeting, Dinner & Discussion of Agenda Items

october

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

OCTOBER
 Mon, Oct 5, Work Session
 Tues, Oct 6, Election Primary
 Tues, Oct 13, Breakfast Meeting, Crown Coliseum - Hospitality Room
 Mon, Oct 12, 8 a.m. (City to host this meeting)
 Oct 25-27, Regular Meeting - Fire Station #15
 NCLM Annual Conference - Greenville, NC

november

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOVEMBER
 Mon, Nov 2, Work Session
 Tues, Nov 3, General Election
 Mon, Nov 9, Regular Meeting, Dinner & Discussion of Agenda Items
 Wed, Nov 11, Veterans Day
 Nov 10-14, NLC Congress of Cities and Exposition - San Antonio, TX
 Wed, Nov 18, Agenda Briefing
 Mon, Nov 23, Regular Meeting, Dinner & Discussion of Agenda Items
 Thur & Fri, Nov 26 & 27, Thanksgiving

december

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

DECEMBER
 Mon, Dec 7, City Council Inauguration
 Mon, Dec 14, Regular Meeting, Dinner & Discussion of Agenda Items
 Thur & Fri, Dec 24 & 25, Winter Holidays

2009 City Council Meeting Dates

City Council Work Session/Meeting Information

- All Regular Council meetings begin at 7 p.m. and all Work Sessions begin at 5 p.m. and are broadcast live on Community Channel 7 unless otherwise posted. Rebroadcast on Wednesdays at 10 p.m. Located in Council Chamber, 1st Floor
- All Agenda Briefing Meetings begin at 4 p.m. in the Lafayette Room
- All Dinner and Discussion of Agenda Items begin at 6 p.m. in the 2nd Floor Executive Conference Room

Budget Schedule

Work Session, May 4, Presentation of FY 2010 Recommended Budget and Set Public Hearing, 5 p.m. in the Council Chamber

Work Session, May 13, Presentation of FY 2010 Transit and Stormwater Recommended Budgets, 5 p.m. in the Lafayette Room

Work Session, May 20, Presentation of FY 2010 Police and Fire Recommended Budgets, 5 p.m. in the Lafayette Room

Regular Meeting, May 26, Budget Overview and Public Hearing on FY 2010 Recommended Budget

Regular Meeting, June 8 Adoption of FY 2010 Budget

- Election Primary
- General Election
- Council Inauguration
- NCLM Town Hall Day
- NCLM Annual Conference
- City/County Joint Meetings

november

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

december

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

january

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

february

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

march

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Regular Meetings
 Work Sessions
 Agenda Briefing Meetings
 Council Retreats
 Holidays
 City Council Conferences

000097

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
Thru: Jeffrey Powell, Assistant City Manager *Paul 4/30/09*
Bobby B. Teague, Director of Engineering & Infrastructure
From: Rusty Thompson, City Traffic Engineer
Date: May 11, 2009
Re: No Parking Ordinance – Skye Drive

THE QUESTION:

- Traffic Services is requesting approval of the attached No Parking Ordinance on Skye Drive.

RELATIONSHIP TO STRATEGIC PLAN:

- Growing City; great place to live

BACKGROUND:

- Mr. Maxwell has requested No Parking on Skye Drive in front of his property due to citizens parking in front of his property and on his grass to assess the lake there.
- He states they are ruining his landscaping and leaving trash on his property.
- We have investigated this request and recommend placing 2 signs and painting No Parking on the curb and gutter in between.

ISSUES:

- Enforcement of the No Parking signs require legal ordinances
- The Police department stated they need an ordinance before they can enforce No Parking.

OPTIONS:

- Adopt ordinances as recommended.
- Reject the ordinances.

RECOMMENDATIONS:

- Adopt the attached No Parking ordinance and amend Sec. 16-11 of the City of Fayetteville Code of Ordinances.

**AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES, AND TRAFFIC OF
THE CITY OF FAYETTEVILLE
CODE OF ORDINANCES**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina that Chapter 16, "Motor Vehicles and Traffic", is hereby amended to read as follows:

Sec. 16-11. Traffic Schedule Number 11 – Parking prohibited

No Parking

Skye Drive

Along the south side of Skye Drive, from a point 250 feet east of Summertime Drive, eastward to a point 450 feet east for a distance of 200 feet.

This ordinance shall be adopted in full force and effective _____, 2009

CITY OF FAYETTEVILLE

BY: _____
Anthony G. Chavonne, Mayor

ATTEST:

Candice H. White, City Clerk



000200

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
Thru: Jeffrey Powell, Assistant City Manager
From: Jeffery P. Brown, City Engineer
Date: May 11, 2009
Re: Adopt a resolution setting a public hearing to consider the paving assessments of six city streets.

THE QUESTION:

- Adopt resolutions setting a public hearing for June 22, 2009 to consider the assessment of the following streets: Barges Lane, Meeting Street, Church Street, Seminole Street, Oscar Street, and Milan Road. The paving of these streets has been completed and the assessment of the streets will complete the process.

RELATIONSHIP TO STRATEGIC PLAN:

- Livable Neighborhoods

BACKGROUND:

- On April 12, 2004 Council ordered the paving of Barges Lane (from Lamont St to existing pavement) with an assessment rate of \$10.00 per foot of property frontage for paving with concrete curb and gutter.
- On July 23, 2007 Council ordered the paving of Meeting Street (from N. Cool Spring St to Dead End), Church Street (from Lakeland St to Dead End), and Seminole Street (from Goins Dr to Dead End) with an assessment rate of \$25.00 per foot of property frontage for paving with concrete curb and gutter.
- On July 23, 2007 Council ordered the paving of Oscar Street (from Fairview St to Blackwell St) and Milan Road (from North Street to Dead End) with an assessment rate of \$10.00 per foot of property frontage for ribbon paved streets.

ISSUES:

- Chapter 160A, Article 10 of the North Carolina General Statutes outlines the procedure for special assessments for street paving.
- A public hearing is required to allow citizens to speak before completing the assessment process.
- The Community Development Department offers grants up to \$1,000 to low-moderate income eligible homeowners to assist with street paving assessments.

OPTIONS:

- Adopt the resolutions setting a public hearing.
- Do not set the public hearing.

RECOMMENDATION:

- Adopt the attached resolutions setting a public hearing for June 22, 2009 to consider paving assessments for the above-mentioned streets.

000101

ITEM 3.K.

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR BARGES LANE (FROM LAMON STREET TO EXISTING PAVEMENT)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 12th day of April, 2004, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Fayetteville, North Carolina:

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Engineer is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 22nd day of June, 2009.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 22nd day of June, 2009, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Engineer is hereby directed to issue public notice of the above-described public hearing, to be published on the 22nd day of May, 2009, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. That the City Engineer is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the _____ day of May, 2009.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

CANDICE H. WHITE, City Clerk

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR CHURCH STREET (FROM THE CENTERLINE OF LAKELAND STREET SOUTHEASTERLY APPROXIMATELY 215.57 FEET)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 23RD day of July, 2007, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Fayetteville, North Carolina:

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Engineer is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 22nd day of June, 2009.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 22nd day of June, 2009, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Engineer is hereby directed to issue public notice of the above-described public hearing, to be published on the 22nd day of May, 2009, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. That the City Engineer is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the _____ day of May, 2009.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

CANDICE H. WHITE, City Clerk

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR MEETING STREET (FROM N. COOL SPRING STREET TO DEAD END)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 23rd day of July, 2007, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Fayetteville, North Carolina:

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Engineer is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 22nd day of June, 2009.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 22nd day of June, 2009, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Engineer is hereby directed to issue public notice of the above-described public hearing, to be published on the 22nd day of May, 2009, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. That the City Engineer is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the _____ day of May, 2009.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

CANDICE H. WHITE, City Clerk

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR MILAN ROAD (FROM NORTH STREET TO DEAD END)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 23RD day of July, 2007, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Fayetteville, North Carolina:

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Engineer is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 22nd day of June, 2009.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 22nd day of June, 2009, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Engineer is hereby directed to issue public notice of the above-described public hearing, to be published on the 22nd day of May, 2009, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. That the City Engineer is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the _____ day of May, 2009.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

CANDICE H. WHITE, City Clerk

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR OSCAR STREET (FROM BLACKWELL STREET TO FAIRVIEW STREET)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 23rd day of July, 2007, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Fayetteville, North Carolina:

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Engineer is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 22nd day of June, 2009.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 22nd day of June, 2009, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Engineer is hereby directed to issue public notice of the above-described public hearing, to be published on the 22nd day of May, 2009, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. That the City Engineer is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the 22nd day of May, 2009.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

CANDICE H. WHITE, City Clerk

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR SEMINOLE DRIVE (FROM GOINS DRIVE TO DEAD END)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 23rd day of July, 2007, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Fayetteville, North Carolina:

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Engineer is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 22nd day of June, 2009.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 22nd day of June, 2009, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Engineer is hereby directed to issue public notice of the above-described public hearing, to be published on the 22nd day of May, 2009, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. That the City Engineer is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the 22nd day of May, 2009.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

CANDICE H. WHITE, City Clerk

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
Thru: Jeffrey Powell, Assistant City Manager *JP 4/28/09*
From: Bobby B. Teague, Director of Engineering & Infrastructure
Date: May 11, 2009
Re: Set Public Hearing to consider amendments to Chapter 23, Stormwater Management, of the City Code of Ordinances

THE QUESTION:

- Council is asked to call for a public hearing on May 26, 2009 to hear public comments on proposed amendments to Chapter 23, Stormwater Management, of the City Code of Ordinances

RELATIONSHIP TO STRATEGIC PLAN:

- Partnership of Citizens – Citizens involved and engaged in City government
- Sustainable Community – Conserving and protecting community natural resources

BACKGROUND:

- Chapter 23 is our Stormwater Management Ordinance. It includes a joint utility with Cumberland County as well as Stormwater Control in the City only
- Cumberland County is no longer required to meet the same permit requirements as the City and has elected to withdraw from the joint utility. As a result, a City utility to fund both permit requirements and infrastructure improvement projects will be established in the amended ordinance.

ISSUES:

- The City now needs to amend Chapter 23 to establish a Stormwater Ordinance and utility separate from the County
- Revenues generated by stormwater fees from county residents and businesses will no longer be available to help support the stormwater utility and permit required programs.
- Stormwater fees for properties within the City will remain unchanged.

OPTIONS:

- Call for a public hearing on May 26, 2009 to consider amendments to Chapter 23, Stormwater Management, of the City Code of Ordinances
- Do not call for a public hearing

RECOMMENDATIONS:

- Call for a public hearing on May 26, 2009 to consider amendments to Chapter 23, Stormwater Management, of the City Code of Ordinances

CITY COUNCIL ACTION MEMO

To: Rob Anderson, Chief Development Officer *RAA, J*
From: Jimmy Teal, Planning Director *JT*
Date: May 11, 2009
Re: Annexation Petition – Longhill Pointe

THE QUESTION: Setting a public hearing to consider annexation for an area contiguous to the city.

RELATIONSHIP TO STRATEGIC PLAN: Strong local economy

BACKGROUND:

Owner:	Fayetteville Longhill Pointe, LLC
Applicant:	Britt Simon
Status of Property:	Contiguous to the City
Size:	18.30 Acres
Existing Land Use:	Vacant
Utilities	Requesting PWC Service

ISSUES:

Britt Simon is the Manager Member of Fayetteville Longhill Pointe, LLC. Their corporation is the owner of a tract of land at the corner of Ramsey Street and McCloskey Road. They have submitted plans to PWC and Cumberland County for developing a 234 unit apartment complex. It is contiguous to the city and they are using PWC service, therefore they are required to petition for annexation per City Council policy. City Council must hold a public hearing prior to voting on the annexation petition.

OPTIONS:

1. Set public hearing for May 26th;
2. Set public hearing for a different date.

RECOMMENDATIONS:

Option 1. Set public hearing for May 26, 2009 meeting.

**PETITION REQUESTING ANNEXATION
(CONTIGUOUS)**

Date Received by Planning: 8-12-2008

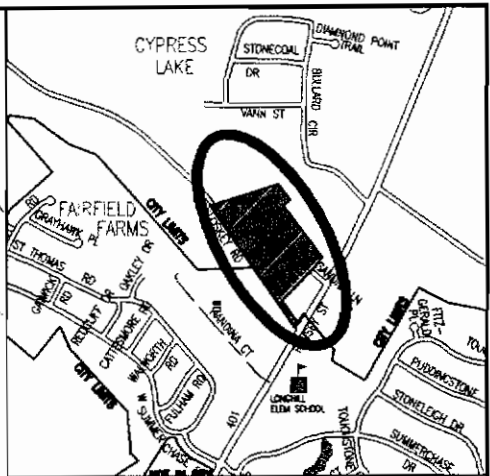
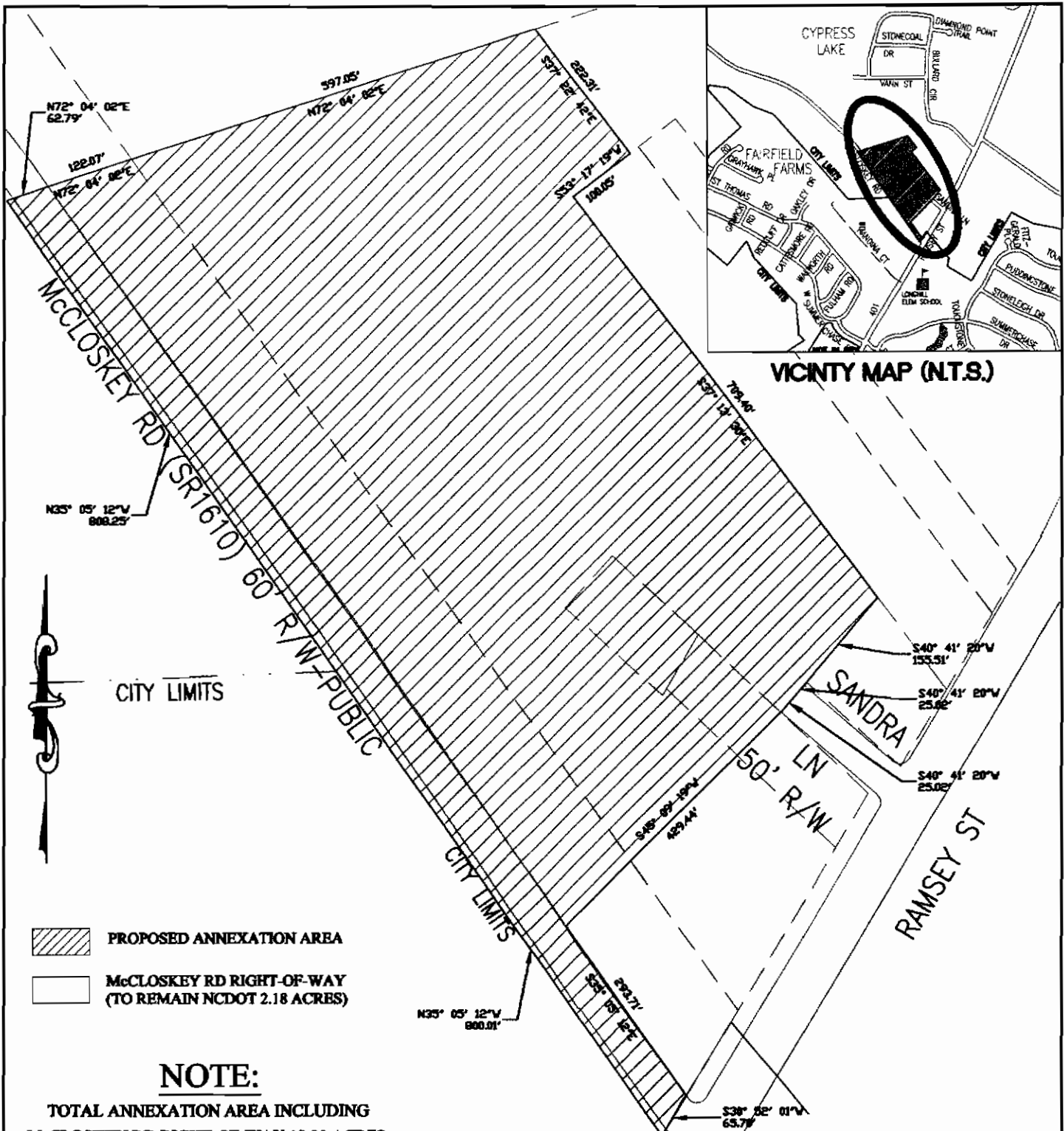
Received by: MBryant

To the Mayor and City Council of the City of Fayetteville, North Carolina.

- We the undersigned owner(s) respectfully request that the area described in the attached be annexed to the City of Fayetteville, North Carolina.
- The area to be annexed is contiguous to the City Limits and a map indicating the boundaries of such territory is attached.
- A map showing the proposed annexation area in relation to the existing City Limits is attached.
- A deed of the property is attached indicating the deed book and page number. 7732/347 7910/404
7734/010 7910/407
- A metes and bounds legal description of the proposed annexation area is attached.
- Tax Parcel ID Number (PIN): 0541-05-0506 0541-05-1321 - all 16.18 AN
0531-95-8239 0541-05-3122 Acreage: 16.12
- Location: McCloskey Rd. + Ramsey St. a portion of each new pin: 0531-95-9544 Total acreage 18.5

Please fill in the name of the Corporation, LLC, or Partnership and sign your name and title below:



Signatures of all owners. INDIVIDUAL			
Owner Signature	Print Name	Phone Number	Address
CORPORATION NAME:			
Signatures of all Individuals, and their Title, who are required to sign for the corp.	Print Name(s) And Title	Phone Number	Address
LIMITED LIABILITY CORPORATION NAME: <u>FAYETTEVILLE LONGHILL POINTE LLC</u>			
Signatures of all Individuals, with their Title, who are required to sign for the corp.	Print Name(s) And Title	Phone Number	Address
<u>BBK DECENDANTS</u>		<u>757-340-3669</u>	<u>397 Little Neck Rd.</u>
<u>BSimon</u>	<u>BRITT SIMON, MANG. MEMBER</u>		<u>3400 Bldg, Suite 300</u>
			<u>Virginia Beach, VA</u>
			<u>23452</u>
PARTNERSHIP NAME:			
Signatures of all Individuals, with their Title, who are required to sign for the Partnership	Print Name And Title	Phone Number	Address



VICINITY MAP (N.T.S.)



CITY LIMITS

-  PROPOSED ANNEXATION AREA
-  McCLOSKEY RD RIGHT-OF-WAY (TO REMAIN NCDOT 2.18 ACRES)

NOTE:

TOTAL ANNEXATION AREA INCLUDING McCLOSKEY RD RIGHT-OF-WAY 18.30 ACRES.

EXHIBIT 'A'

THIS MAP IS NOT A CERTIFIED SURVEY AND NO RELIANCE MAY BE PLACED IN IT'S ACCURACY.

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

**ANNEXATION PROPOSAL
 LONGHILL POINTE
 FAYETTEVILLE LONGHILL POINTE, LLC
 ± 16.12 ACRES**

DATE 9/15/08 DRAWN BY CSA
 SCALE 1" = 200' CK'D BY CSA

CAD FILE:

ANNEXATION:

**Longhill Pointe - (Located on the
Northwest Corner of McCloskey
Road and Ramsey Street)**

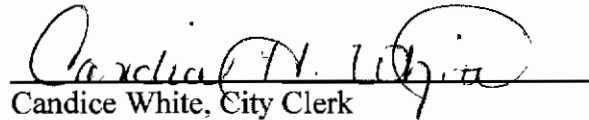
CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Fayetteville, North Carolina.

I, Candice White, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Fayetteville, this 27th day of April, 2009.




Candice White, City Clerk

LONGHILL POINTE
Northwest Corner of McCloskey Road and Ramsey Street
16.12 Acres
McCloskey Road Right-of-Way
Portion Thereof
2.18 Acres

BEGINNING at a point in the city limit line as established by Annex 2004-04-464; said point being at the eastern margin of McCloskey Road (SR 1610) 60' Right-of-Way as it intersects with the northern margin of Ramsey Street (U.S. 401 North) 100' Right-of-Way; said point also being the southwest corner of property described and recorded in Deed Book 7734, Page 10, of the Cumberland County Registry; running thence with the city limit line and the western margin of Ramsey Street South 30 degrees 52 minutes 01 seconds West 65.70 feet to the western right-of-way margin of McCloskey Road; thence continuing with the city limit line and the western right-of-way margin of McCloskey Road North 35 degrees 05 minutes 12 seconds West 800.01 feet to an existing iron stake; thence leaving said city limit line, but continuing along said right-of-way North 35 degrees 05 minutes 12 seconds West 808.25 feet to a point; thence crossing said right-of-way North 72 degrees 04 seconds 02 seconds East 62.79 feet to the eastern right of way of McCloskey Road, said point being the northwest corner of property described and recorded in Deed Book 7734, Page 10, being part of 100 acre tract of land as recorded in Plat Book 104, Page 4 of the Cumberland County Registry; thence North 72 degrees 04 minutes 02 seconds East 122.07 feet to an existing iron pipe, said point being the northeast corner of said Deed Book 7734, Page 10 and the northwest corner of property as described and recorded in Deed Book 7732, Page 347, Cumberland County Registry; thence North 72 degrees 04 minutes 02 seconds East 597.05 feet to an existing pump pipe, said pump pipe being the northeast corner of said Deed Book 7732, Page 347; thence South 37 degrees 22 minutes 42 seconds East 222.31 feet to an existing iron pipe, said iron pipe being located on the northern line of a tract of land as described and recorded in Deed Book 1114, Page 353; thence South 53 degrees 17 minutes 19 seconds West 100.05 feet to a 2-inch pipe, said 2-inch pipe being the northwest corner of said Deed Book 1114, Page 353; thence South 37 degrees 13 minutes 30 seconds East 709.40 feet to an existing iron pipe, said iron pipe being the southeast corner of said Deed Book 7734, Page 10, said iron pipe also being the northeast corner of a tract of land as described and recorded in Deed Book 978, Page 624; thence South 40 degrees 41 minutes 20 seconds West 155.51 feet to an existing concrete monument, said concrete monument located on the eastern line of the former right-of-way of Sandra Lane; thence South 40 degrees 41 minutes 20 seconds West 25.02 to an iron stake set; thence South 40 degrees 41 minutes 20 seconds West 25.02 to an iron stake set; thence South 45 degrees 09 minutes 19 seconds West 429.44 feet to an iron stake set, said iron stake being located in the western line of Deed Book 7734, Page 10, said iron stake also being located on the eastern right-of-way of McCloskey Road; thence continuing with the eastern right-of-way of McCloskey Road South 35 degrees 05 minutes 12 seconds East 293.71 feet to the point and place of BEGINNING.....containing 18.30 acres more or less. Said 18.30 acres consists of 16.12 acres per annexation proposal submitted by Fayetteville Longhill Pointe, LLC; and 2.18 acres representing a portion of McCloskey Road Right-of-Way.

minutes 02 seconds East 122.07 feet to an existing iron pipe, said point being the northeast corner of said Deed Book 7734, Page 10 and the northwest corner of property as described and recorded in Deed Book 7732, Page 347, Cumberland County Registry; thence North 72 degrees 04 minutes 02 seconds East 597.05 feet to an existing pump pipe, said pump pipe being the northeast corner of said Deed Book 7732, Page 347; thence South 37 degrees 22 minutes 42 seconds East 222.31 feet to an existing iron pipe, said iron pipe being located on the northern line of a tract of land as described and recorded in Deed Book 1114, Page 353; thence South 53 degrees 17 minutes 19 seconds West 100.05 feet to a 2-inch pipe, said 2-inch pipe being the northwest corner of said Deed Book 1114, Page 353; thence South 37 degrees 13 minutes 30 seconds East 709.40 feet to an existing iron pipe, said iron pipe being the southeast corner of said Deed Book 7734, Page 10, said iron pipe also being the northeast corner of a tract of land as described and recorded in Deed Book 978, Page 624; thence South 40 degrees 41 minutes 20 seconds West 155.51 feet to an existing concrete monument, said concrete monument located on the eastern line of the former right-of-way of Sandra Lane; thence South 40 degrees 41 minutes 20 seconds West 25.02 to an iron stake set; thence South 40 degrees 41 minutes 20 seconds West 25.02 to an iron stake set; thence South 45 degrees 09 minutes 19 seconds West 429.44 feet to an iron stake set, said iron stake being located in the western line of Deed Book 7734, Page 10, said iron stake also being located on the eastern right-of-way of McCloskey Road; thence continuing with the eastern right-of-way of McCloskey Road South 35 degrees 05 minutes 12 seconds East 293.71 feet to the point and place of BEGINNING.....containing 18.30 acres more or less. Said 18.30 acres consists of 16.12 acres per annexation proposal submitted by Fayetteville Longhill Pointe, LLC; and 2.18 acres representing a portion of McCloskey Road Right-of-Way.

Section 3. Notice of the public hearing shall be published in the Fayetteville Observer Times, a newspaper having general circulation in the City of Fayetteville of North Carolina, at least ten (10) days prior to the date of the public hearing.

Adopted this _____ day of _____, 2009.

BY: _____

Anthony G. Chavonne, Mayor

ATTEST:

Candice White, City Clerk

**Longhill Pointe - (Located on the
Northwest Corner of McCloskey
Road and Ramsey Street)**

**A RESOLUTION FIXING A DATE FOR A PUBLIC HEARING
FOR A PETITION-INITIATED CONTIGUOUS ANNEXATION
AREA PURSUANT TO N.C.G.S. 160A-31**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, certification by the Clerk of the City of Fayetteville as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fayetteville of North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at City Hall Council Chambers at 7:00 p.m. on May 26, 2009.

Section 2. The area proposed for annexation is described as follows:

***LONGHILL POINTE
Northwest Corner of McCloskey Road and Ramsey Street
16.12 Acres
McCloskey Road Right-of-Way
Portion Thereof
2.18 Acres***

BEGINNING at a point in the city limit line as established by Annex 2004-04-464; said point being at the eastern margin of McCloskey Road (SR 1610) 60' Right-of-Way as it intersects with the northern margin of Ramsey Street (U.S. 401 North) 100' Right-of-Way; said point also being the southwest corner of property described and recorded in Deed Book 7734, Page 10, of the Cumberland County Registry; running thence with the city limit line and the western margin of Ramsey Street South 30 degrees 52 minutes 01 seconds West 65.70 feet to the western right-of-way margin of McCloskey Road; thence continuing with the city limit line and the western right-of-way margin of McCloskey Road North 35 degrees 05 minutes 12 seconds West 800.01 feet to an existing iron stake; thence leaving said city limit line, but continuing along said right-of-way North 35 degrees 05 minutes 12 seconds West 808.25 feet to a point; thence crossing said right-of-way North 72 degrees 04 seconds 02 seconds East 62.79 feet to the eastern right of way of McCloskey Road, said point being the northwest corner of property described and recorded in Deed Book 7734, Page 10, being part of 100 acre tract of land as recorded in Plat Book 104, Page 4 of the Cumberland County Registry; thence North 72 degrees 04

minutes 02 seconds East 122.07 feet to an existing iron pipe, said point being the northeast corner of said Deed Book 7734, Page 10 and the northwest corner of property as described and recorded in Deed Book 7732, Page 347, Cumberland County Registry; thence North 72 degrees 04 minutes 02 seconds East 597.05 feet to an existing pump pipe, said pump pipe being the northeast corner of said Deed Book 7732, Page 347; thence South 37 degrees 22 minutes 42 seconds East 222.31 feet to an existing iron pipe, said iron pipe being located on the northern line of a tract of land as described and recorded in Deed Book 1114, Page 353; thence South 53 degrees 17 minutes 19 seconds West 100.05 feet to a 2-inch pipe, said 2-inch pipe being the northwest corner of said Deed Book 1114, Page 353; thence South 37 degrees 13 minutes 30 seconds East 709.40 feet to an existing iron pipe, said iron pipe being the southeast corner of said Deed Book 7734, Page 10, said iron pipe also being the northeast corner of a tract of land as described and recorded in Deed Book 978, Page 624; thence South 40 degrees 41 minutes 20 seconds West 155.51 feet to an existing concrete monument, said concrete monument located on the eastern line of the former right-of-way of Sandra Lane; thence South 40 degrees 41 minutes 20 seconds West 25.02 to an iron stake set; thence South 40 degrees 41 minutes 20 seconds West 25.02 to an iron stake set; thence South 45 degrees 09 minutes 19 seconds West 429.44 feet to an iron stake set, said iron stake being located in the western line of Deed Book 7734, Page 10, said iron stake also being located on the eastern right-of-way of McCloskey Road; thence continuing with the eastern right-of-way of McCloskey Road South 35 degrees 05 minutes 12 seconds East 293.71 feet to the point and place of BEGINNING.....containing 18.30 acres more or less. Said 18.30 acres consists of 16.12 acres per annexation proposal submitted by Fayetteville Longhill Pointe, LLC; and 2.18 acres representing a portion of McCloskey Road Right-of-Way.

Section 3. Notice of the public hearing shall be published in the Fayetteville Observer Times, a newspaper having general circulation in the City of Fayetteville of North Carolina, at least ten (10) days prior to the date of the public hearing.

Adopted this _____ day of _____, 2009.

BY: _____

Anthony G. Chavonne, Mayor

ATTEST:

Candice White, City Clerk

CITY COUNCIL ACTION MEMO

To: Rob Anderson, Chief Development Officer *RAA, D*
From: Jimmy Teal, Planning Director *JT*
Date: May 11, 2009
Re: Sign Permit – Fayetteville Guard Football Team

THE QUESTION: Approval of Sign Permit

RELATIONSHIP TO STRATEGIC PLAN: Partnership of Citizens

BACKGROUND:

The Sign Ordinance contains a provision allowing special signs for festivals and major events for the purpose of giving directions and information to include temporary on-premises and off-premises signs. These signs are subject to a special permit granted by City Council.

The Fayetteville Guard football team has requested the posting of twenty signs in various locations throughout the community to inform the public of their upcoming games at the Crown Center. The signs are scheduled to be posted four days before each game and removed the day after each game. The remaining Fayetteville Guard home games are May 30th, June 6th and June 27th.

ISSUES:

The City Council has routinely approved similar sign requests.

OPTIONS:

1. Grant the sign permit as requested.
2. Deny the request.

RECOMMENDATION:

Option 1 – Grant the permit.

000117

ITEM 3.N.

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager



From: Steven K. Blanchard, CEO/General Manager
Public Works Commission of the City of Fayetteville

Date: May 4, 2009 (Scheduled City Council Date: May 11, 2009)

Re: Overview of the PWC FY 2009-2010 Budget

THE QUESTION: The PWC CEO/General Manager will present an overview of the FY 2009-2010 PWC Budget to the City Council as part of the City Council budget deliberation process.

RELATIONSHIP TO STRATEGIC PLAN: Most Financially Sound Utility, Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of April 22, 2009, adopted the Fiscal Year 2009-2010 PWC Budget and authorized staff to forward the Budget Ordinance to City Council for adoption. The total recommended PWC budget for FY 2009-2010 is \$266,716,085.

Note: Backup material (PWC FY 2009-2010 Budget) was delivered to City staff on May 4, 2009 for distribution to City Council.

RECOMMENDATIONS: No action required.

000118

ITEM 4.

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Victor D. Sharpe, Community Development Director *D*
Date: May 11, 2009
Re: Implementation Feasibility Analysis for the Land Use and Economic Development Plan for the Murchison Road Corridor.

THE QUESTION: Does the Implementation Feasibility Analysis for the Land Use and Economic Development Plan for the Murchison Road Corridor provide redevelopment opportunities?

RELATIONSHIP TO STRATEGIC PLAN: Greater Tax Base Diversity – Strong Local Economy and More Attractive City Clean and Beautiful.

BACKGROUND:

- This report follows the City of Fayetteville Land Use and Economic Development Plan for the Murchison Road Corridor prepared by LandDesign, Inc. and Basile Baumann Prost Cole & Associates, Inc.
- The City contracted with Marshall Isler to prepare an implementation plan as a follow up to the Land Use and Economic Development Plan for the Murchison Road Corridor (Development Plan).
- The Murchison Road Corridor defined in the report runs from Rowan Street to the south to the intersection of the planned Outer Loop or Fort Bragg to the north.
- The report addresses sites #1, #3 and #6 of the nine catalyst sites identified in the Development Plan. It also defines specific development concepts based on the recommendations of the Development Plan and discussions with major land and business owners; demonstrates the economic feasibility of the recommended concepts; and defines public economic incentives necessary to make the proposed development attractive to developers.

ISSUES:

- The report has financial implications for the City. It is recommended that the City play the role of land developer with an estimated cost of \$3.6 million. It also recommends that the City will provide subordinated development loans in the amount of \$1.32 million for gap financing, \$1.35 million in rent subsidies, and \$2.26 million to create affordable housing.
- The City's total investment is estimated at \$8.53 million over a 14 year period with about \$5 million required during the first 5 years.
- The City could expect to receive approximately \$12 million in property taxes and loan payments over a 25 year period.

OPTIONS:

Approve recommendation.
Modify recommendation.

RECOMMENDATIONS: Receive report as information. Staff will report back with an action plan for implementation within 90 days.

ATTACHMENTS:

Copy of Implementation Feasibility Analysis Report for the Land Use and Economic Development Plan for the Murchison Road Corridor.