

**FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
APRIL 27, 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
APRIL 27, 2009
7:00 P.M.
CITY HALL COUNCIL CHAMBER**

INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS AND ANNOUNCEMENTS

ITEM 1. APPROVAL OF AGENDA

ITEM 2. CONSENT:

A. Approve Minutes:

**1. City Council Special Meeting Held on April 7, 2009
PAGE: 9**

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.

PAGE: 10

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.

PAGE: 12

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

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.

PAGE: 14

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.

PAGE: 16

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.

PAGE: 18

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

The Public Works Commission, during their meeting of April 8, 2009 approved the NC Department of Transportation Deed for Highway Right-of-Way for the taking of 14.2 acres of the Bonnie Doone Watershed Tract for the I-295 Outer Loop Highway Project and forward to City Council for approval and execution. The NC Department of Transportation is offering PWC compensation in the amount of \$143,281.

PAGE: 20

H. Bid Award – Annual Transformer Contract

The Public Works Commission, during their meeting of April 8, 2009 approved to award bid 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.

PAGE: 31

- I. Bid Award – Cross Creek WRF RAS Pump Replacement – Phase 2 (Equipment Only)**
The Public Works Commission, during their meeting of April 8, 2009 approved to award bid 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. This is a budgeted item (budgeted amount of \$200,200).
PAGE: 36
- J. Phase 5 Annexation Areas 6 and 7**
As part of the statutory requirements for annexation procedures, City Council approved Preliminary Assessment Resolution No. R2009-021 in their March 23, 2009 meeting and held a public hearing on April 13, 2009. The next statutory requirement to be completed is for City Council to approve the Resolution Directing Construction Areas 6 and 7 of the Phase 5 Annexation Utility Improvement Project Be Undertaken.
PAGE: 39
- K. Consider Resolution Authorizing Condemnation to Acquire Certain Property**
Obtain authority from City Council to file condemnation to acquire a permanent and temporary easement across property of Jody and Tasqua Lindsey to construct sewer main to serve proposed Western Elementary School on Century Circle.
PAGE: 48
- L. Military Business Park Participation Agreement**
The City of Fayetteville has been awarded federal grants in the amount of \$666,750 for the purpose of establishing a Military Business Park. In December of 2006, the Military Business Park was sited on Sante Fe Drive and Bragg Boulevard. The environmental assessments and other studies required by HUD for the grants have been completed and accepted for the sanitary sewer to serve the proposed Military Business Park. The attached agreement authorizes the City to appropriate the \$666,750 for use in constructing the sanitary sewer for the Military Business Park and designates the Fayetteville Public Works Commission (PWC) as the lead agency for engineering services, construction management and all other work required to complete the project.
PAGE: 57
- M. Adopt Resolution for Award of Construction Contract for Transportation Museum Expansion Project Subject to Final Approval by NCDOT Board**
The request to Council is to adopt the attached resolution awarding a construction contract to Thames Construction Co. Inc. of Laurinburg, NC in the amount of \$207,600. The execution of the notice to proceed is subject to concurrence of approval by the NCDOT Board since this is a NCDOT Enhancement Project.
PAGE: 65

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.

PAGE: 69

2. Approve Construction Contract with Barnhill Contracting

Barnhill was the successful bidder for the West GA Ramp Rehabilitation project with a total contract amount of \$579,558.25. The contract is supported by the NCDOT Aviation grant at a 90/10 split. Scope of this project is to phase the replacement of drainage and blacktop for this busy ramp area. It was originally constructed in the mid to late 1970s and is in need of these improvements.

PAGE: 71

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

The 2009-2010 Annual Action Plan is based on the goals set forth in the 2005-2010 Consolidated Plan which is designed to address the City's housing, economic development, community development and homeless needs for a five-year period. The annual action plan contains goals, objectives and describes projects and activities that implement strategies established in the Consolidated Plan. The plan was reviewed by City Council at its April 6, 2009 work session. The Fayetteville Redevelopment Commission held a public hearing on the proposed plan on April 9, 2009 and recommends approval of the plan to City Council. Staff recommends a revision regarding an allocation of CDBG funds for the HOPE VI project.

PAGE: 75

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

The Capital Area Metropolitan Planning Organization (CAMPO) has recently completed an analysis delineating the potential amounts of current NCDOT-maintained roadways inside North Carolina municipalities' corporate limits that would be subject to being transferred to those municipalities for maintenance, if Senate Bill 1001 and House Bill 881 become laws as currently written. This analysis indicates the City of Fayetteville could be subject to take on the additional maintenance responsibility for 428.95 lane miles and 213.34 road miles. The resolution for City Council's consideration would express the City of Fayetteville's opposition to these bills.

PAGE: 76

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

Senate Bill 1004 and House Bill 1252 have been introduced in the North Carolina Senate and House that would put prohibitive requirements on cities and towns that seek to offer broadband services to residents, especially in underserved areas. These bills would also prohibit cities and towns from receiving any of the \$4.7 billion available from the federal stimulus package for development of rural communications infrastructure. Some cities and towns want to provide this service because access to true high-speed internet is vital to economic development, educational outreach and community growth. The resolution for City Council's consideration would express the City of Fayetteville's opposition of these bills.

PAGE: 81

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

Applicant wishes to rezone vacant property along Bragg Boulevard from C3 commercial district to R5 conditional zoning to construct two large apartment buildings housing a total of 248 units. The R5 residential zoning allows approximately 345 units, but the applicant is requesting R5 conditional zoning capping the number of units at 248. The Zoning Commission and planning staff concur with the applicant's request for R5 conditional zoning with 248 apartment units. The Zoning Commission held a public hearing on this request on March 10, 2009.

PAGE: 84

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

The Cape Fear Valley Foundation is sponsoring a newspaper sale at approximately 30 business locations throughout the community. The newspaper sale is to raise money for the Foundation's charitable activities. They are requesting small signs be placed at each site to inform the public of the newspaper sale. The sign ordinance provides for temporary signage for this type of event.

PAGE: 98

ITEM 3. THIRD QUARTER REPORTS

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

The Chamber is to report on a quarterly basis its efforts toward tax base diversity, workforce development, existing industry support, and other economic development efforts.

PRESENTED BY: Douglas S. Peters, President/CEO of Fayetteville-Cumberland County Chamber of Commerce

RECOMMENDED ACTION: This presentation is for information only.

PAGE: 99

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

Each quarter staff prepares an update on the City's Strategic Plan to share with the City Council and the community. The purpose of the update is both to inform and seek direction from the City Council on items of interest contained in the Strategic Plan. This update covers the 3rd quarter of FY2008-09 and includes updates on the Policy and Management action agendas.

PRESENTED BY: Doug Hewett, Assistant City Manager

RECOMMENDED ACTION: Receive and file report.

PAGE: 114

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
APRIL 27, 2009 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
APRIL 29, 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 rmcelrath@ci.fay.nc.us, 910-433-1605 or 910-433-1696, or the City Clerk at cwhite@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
SPECIAL MEETING
LAFAYETTE ROOM
APRIL 7, 2009
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1);
Darrell J. Haire (District 4); Bobby Hurst (District 5)
(departed at 5:48 p.m.); Valencia A. Applewhite
(District 7); Wesley A. Meredith (District 9)

Absent: Council Members Charles E. Evans (District 2); Robert A.
Massey, Jr. (District 3); William J. L. Crisp (District 6);
Theodore W. Mohn (District 8)

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

The meeting was called to order at 5:00 p.m.

Ms. Peg Carlson, Facilitator, reviewed the proposed purpose for
the evaluation and provided an overview of the recommended evaluation
process.

Discussion then focused on the evaluation tool document and the
rating scale. Consensus was to use a five-point rating scale.

The following timeline was agreed upon:

Tuesday, April 14	City Attorney will complete her self- assessment and send to all Council members.
Friday, April 17	Council members will send their completed evaluation form to facilitator Peg Carlson.
Monday, April 20 5:00-7:00 p.m.	Facilitated City Attorney evaluation.
Tuesday, April 28 5:00-7:00 p.m.	Facilitated session to set goals for 2009- 2010, discuss compensation, and identify any issues for next year or upcoming City Manager evaluation.

There being no further business, the meeting adjourned at
5:50 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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ITEM 2. A. 1.

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager

From: Lisa Smith, Chief Financial Officer *LS*

Date: April 27, 2009

Re: **Capital Project Ordinance Amendment 2009-20 (Sidewalk Installations along Reilly Road, Cliffdale Road, and Ramsey Street)**

THE QUESTION: This project ordinance amendment will appropriate an additional \$245,000 for sidewalk installations along Reilly Road, Cliffdale Road, and Ramsey Street.

RELATIONSHIP TO STRATEGIC PLAN: Goal 4, Objective 1 – More Efficient City Government – Investing in the City's infrastructure, facilities and equipment.

BACKGROUND:

- This project is approved in the FY2010-FY2014 Capital Improvement Plan (CIP) for miscellaneous sidewalk improvements.
- Council previously approved a Municipal Agreement to use \$195,000 from NC Department of Transportation- State Transportation Program Direct Attributable Funds for project EL-5102 that consists of sidewalk installations at the following locations:
 - The west side of Reilly Road from Ascot Drive to Black Street for 1,880 feet
 - The south side of Cliffdale Road from Hidden Creek to Cliffdale Court for 683 feet
 - The east side of Ramsey Street from Eastwood Drive to Sunrise Circle for 528 feet
 - The east side of Ramsey street from Jones Street to the existing sidewalk for 310 feet
- The project requires a \$195,000 local match, of which \$150,000 from General Fund was appropriated by Council at the June 9, 2008 meeting.
- The funding sources for this amendment include:
 - \$195,000 from NC Department of Transportation
 - \$45,000 required local match from developer's fees in lieu of sidewalks
 - \$5,000 additional contribution from developer's fees in lieu of sidewalks
- If approved, the revised project budget will be \$395,000.
- These funds will be used to complete the sidewalk improvements as outlined in the CIP.

ISSUES:

None

OPTIONS:

- 1) Adopt Capital Project Ordinance Amendment 2009-20.
- 2) Do not adopt Capital Project Ordinance Amendment 2009-20.

RECOMMENDATIONS: Adopt Capital Project Ordinance Amendment 2009-20.

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ITEM 2.B.

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2009-20 (CPO 2009-9)

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

Section 1. The project change authorized is to Capital Project Ordinance 2009-9, adopted June 9, 2008, as amended, for sidewalk improvements along Reilly Road, Cliffdale Road, and Ramsey Street.

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

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

	Listed As	Amendment	Revised
General Fund Transfer	\$ 150,000	\$ -	\$ 150,000
NC Department of Transportation	-	195,000	195,000
Required Local Match- Developer's fees in lieu of sidewalks		45,000	45,000
Additional Contribution- Developer's fees in lieu of sidewalks	-	5,000	5,000
Total Revenues	<u>\$ 150,000</u>	<u>\$ 245,000</u>	<u>\$ 395,000</u>

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

Project Expenditures	<u>\$ 150,000</u>	<u>\$ 245,000</u>	<u>\$ 395,000</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 27th day of April, 2009.

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager

From: Lisa Smith, Chief Financial Officer



Date: April 27, 2009

Re: **Capital Project Ordinance 2009-20 (Sidewalk Construction along US 401)**

THE QUESTION: This project ordinance will establish a \$35,000 budget for the construction of a five foot sidewalk along the east side of US 401 (Ramsey Street).

RELATIONSHIP TO STRATEGIC PLAN: Goal 4, Objective 1 – More Efficient City Government – Investing in the City's infrastructure, facilities and equipment.

BACKGROUND:

- This project is approved in the FY2010-FY2014 Capital Improvement Plan (CIP) for miscellaneous sidewalk improvements.
- Council previously approved a Municipal Agreement to use \$35,000 from NC Department of Transportation Enhancement Funds for project ER-2971 F (WBS Element 3606.3.08) that consists of the construction of a five foot sidewalk along the east side of US 401 (Ramsey Street) from Jones Street to Facility Drive.
- This ordinance will formally appropriate these funds in order to complete the sidewalk construction as outlined in the CIP.

ISSUES:

None

OPTIONS:

- 1) Adopt Capital Project Ordinance 2009-20.
- 2) Do not adopt Capital Project Ordinance 2009-20.

RECOMMENDATIONS: Adopt Capital Project Ordinance 2009-20.

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ITEM 2.C.

CAPITAL PROJECT ORDINANCE
ORD 2009-20

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

Section 1. The authorized project is for the construction of a five foot sidewalk along the east side of US 401 (Ramsey Street) from Jones Street to Facility Drive.

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

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

NC Department of Transportation	<u>\$ 35,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 35,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 27th day of April, 2009.

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Lisa Smith, Chief Financial Officer *LS*
Date: April 27, 2009
Re: Capital Project Ordinance 2009-21 (Sidewalk Construction along Reilly Road and Ramsey Street)

THE QUESTION: This project ordinance will establish a \$147,000 budget for the construction of five foot sidewalks along Reilly Road and Ramsey Street.

RELATIONSHIP TO STRATEGIC PLAN: Goal 4, Objective 1 – More Efficient City Government – Investing in the City's infrastructure, facilities and equipment.

BACKGROUND:

- This project is approved in the FY2010-FY2014 Capital Improvement Plan (CIP) for miscellaneous sidewalk improvements.
- Council previously approved a Municipal Agreement to use \$147,000 from NC Department of Transportation- Safe Routes to School Funds for project SR-5001G that consists of the construction of five foot sidewalks along the following locations:
 - The east side of Reilly Road from Paxton Drive to Dandridge Drive for approximately 1,420 feet
 - The west side of Reilly Road from Ascott Avenue to Cliffbourn Drive for approximately 1,500 feet
 - The east side of Ramsey Street from Cochran Avenue to Eastwood Drive for approximately 1,515 feet
- This ordinance will formally appropriate these funds in order to complete the sidewalk construction as outlined in the CIP.

ISSUES:

None

OPTIONS:

- 1) Adopt Capital Project Ordinance 2009-21.
- 2) Do not adopt Capital Project Ordinance 2009-21.

RECOMMENDATIONS: Adopt Capital Project Ordinance 2009-21.

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ITEM 2.D.

CAPITAL PROJECT ORDINANCE
ORD 2009-21

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

Section 1. The authorized project is for the construction of five foot sidewalks along the following locations: the east side of Reilly Road from Paxton Drive to Dandridge Drive, the west side of Reilly Road from Ascott Avenue to Cliffbourn Drive, and the east side of Ramsey Street from Cochran Avenue to Eastwood Drive.

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

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

NC Department of Transportation	<u>\$ 147,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 147,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 27th day of April, 2009.

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Lisa Smith, Chief Financial Officer 
Date: April 27, 2009
Re: Capital Project Ordinance 2009-22 (Sidewalk Construction along and nearby Cliffdale Road)

THE QUESTION: This project ordinance will establish a \$60,000 budget for the construction of five foot sidewalks along and nearby Cliffdale Road.

RELATIONSHIP TO STRATEGIC PLAN: Goal 4, Objective 1 – More Efficient City Government – Investing in the City's infrastructure, facilities and equipment.

BACKGROUND:

- This project is approved in the FY2010-FY2014 Capital Improvement Plan (CIP) for miscellaneous sidewalk improvements.
- Council previously approved a Municipal Agreement to use \$60,000 from NC Department of Transportation Enhancement Funds for project ER-2971 F (WBS Element 3606.3.06) that consists of the construction of five foot sidewalks located at the following locations:
 - Cliffdale Road at the parcel to 71st School Road
 - Cliffdale Road to Hidden Creek Village
 - Hidden Creek Village east end to Bunce Road
 - Waters Edge Road on the south side of Cliffdale Road
 - Pritchett Road to Cliffdale Road across from Cliffdale Recreation Center
- This ordinance will formally appropriate these funds in order to complete the sidewalk construction as outlined in the CIP.

ISSUES:

None

OPTIONS:

- 1) Adopt Capital Project Ordinance 2009-22.
- 2) Do not adopt Capital Project Ordinance 2009-22.

RECOMMENDATIONS: Adopt Capital Project Ordinance 2009-22.

CAPITAL PROJECT ORDINANCE
ORD 2009-22

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

Section 1. The authorized project is for the construction of five foot sidewalks located at: Cliffdale Road at the parcel to 71st School Road, Cliffdale Road to Hidden Creek Village, Hidden Creek Village east end to Bunce Road, Waters Edge Road on the south side of Cliffdale Road, and Pritchett Road to Cliffdale Road across from Cliffdale Recreation Center.

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

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

NC Department of Transportation \$ 60,000

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

Project Expenditures \$ 60,000

Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 27th day of April, 2009.

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager

From: Lisa T. Smith, Chief Financial Officer *LS*

Date: April 27, 2009

Re: Budget Ordinance Amendment 2009-9 (Fire Department – SAFER Grant)

THE QUESTION: On February 9, 2009, City Council authorized the acceptance of a Staffing 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.

RELATIONSHIP TO STRATEGIC PLAN: Mission Principle 1: Financially Sound City Government; Mission Principle 2: Full Range of Quality Municipal Services.

BACKGROUND:

- The Fire Department plans to hire for the SAFER positions in early May and expects total personnel costs of \$145,310 for the current fiscal year for these positions.
- The temporary station will be situated on the grounds of Howard Hall Elementary School at 522 Andrews Rd. The move and setup of the temporary station, including necessary site improvements, is expected to cost \$75,000.
- The balance of the budget amendment (approximately \$60,000) is needed to fund additional operating costs, such as turnout gear, uniforms, supplies and pre-employment physicals.

ISSUES: None

OPTIONS:

- 1) Adopt the budget ordinance amendment to implement the SAFER grant and fund the positions and related operating costs.
- 2) Do not adopt the budget ordinance amendment.

RECOMMENDATIONS: Adopt the budget ordinance amendment.

2008-2009 BUDGET ORDINANCE AMENDMENT
CHANGE 2009-9

BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA:

That the City of Fayetteville Budget Ordinance adopted June 9, 2008 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2008, and ending June 30, 2009, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Intergovernmental Revenues	\$ 9,681,282	\$ 122,580	\$ 9,803,862
Fund Balance Appropriation	16,903,459	157,862	17,061,321
All Other General Fund Revenues and OFS	115,113,724	-	115,113,724
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 141,698,465</u>	<u>\$ 280,442</u>	<u>\$ 141,978,907</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2008, and ending June 30, 2009, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Fire & Emergency Management	\$ 20,383,159	\$ 280,442	\$ 20,663,601
All Other General Fund Department	121,315,306	-	121,315,306
Total Estimated General Fund Expenditures	<u>\$ 141,698,465</u>	<u>\$ 280,442</u>	<u>\$ 141,978,907</u>

Adopted this 27th day of April, 2009.

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager

Steven K. Blanchard

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

Date: April 8, 2009 (**Scheduled City Council Date: April 27, 2009**)

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

THE QUESTION: The Public Works Commission of the City of Fayetteville requests Council approve the NC Department of Transportation Deed for Highway Right-of-Way for the taking of 14.2 acres of the Bonnie Doone Watershed Tract for the I-295 Outer Loop Highway Project.

RELATIONSHIP TO STRATEGIC PLAN: Quality utility services.

BACKGROUND:

The Public Works Commission, during their meeting of April 8, 2009 approved the NC Department of Transportation Deed for Highway Right-of-Way for the taking of 14.2 acres of the Bonnie Doone Watershed Tract for the I-295 Outer Loop Highway Project and forward to City Council for approval and execution. The NC Department of Transportation is offering PWC compensation in the amount of \$143,281.00.

ISSUES:

RECOMMENDATIONS:

Approve and authorize the execution of the NC Department of Transportation Deed for Highway Right-of-Way.

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ITEM 2. G.



WILSON A. LACY, COMMISSIONER
 TERRI UNION, COMMISSIONER
 LUIS J. OLIVERA, COMMISSIONER
 MICHAEL G. LALLIER, COMMISSIONER
 STEVEN K. BLANCHARD, CEO/GENERAL MANAGER

PUBLIC WORKS COMMISSION
 OF THE CITY OF FAYETTEVILLE
 ELECTRIC & WATER UTILITIES

955 OLD WILMINGTON RD
 P.O. BOX 1089
 FAYETTEVILLE, NORTH CAROLINA 28302-1089
 TELEPHONE (AREA CODE 910) 483-1401
 FAX (AREA CODE 910) 829-0207

APPROVED:

MEMORANDUM

PUBLIC WORKS COMMISSION

DATE: 4-8-09

To: Steven K. Blanchard, General Manager
 From: Joe Callis, Business Planning Manager
 Subject: ***NCDOT Taking of 14.2 Acres of Bonnie Doone Watershed Tract, NCDOT X-2b Outer Loop Project***
 Date: March 31, 2009

As you are aware, NCDOT is moving forward with its right-of-way acquisitions for that part of the proposed I-295 Outer Loop highway project from east of Bragg Boulevard to 1.74 km east of Murchison Road. The proposed route skirts along the southern boundary of Fort Bragg and along the northernmost border of the PWC Bonnie Doone Watershed tract which will necessitate the taking of 14.2 acres of the watershed property. A map of the watershed tract and the area of taking is attached.

NCDOT is offering PWC compensation in the amount of \$143,281 for the proposed taking. This is based on an appraised value of \$10,000 per acre plus an additional \$1,031 to reimburse PWC its cost to relocate a Red-Cockaded Woodpecker Cavity located within the taking.

In addition to the above and as a part of the negotiated agreement, NCDOT allowed PWC timber rights to the property prior to the taking. PWC bid the cut in December, 2008 and received \$5,500 for the timber.

With water quality issues being of major concern on this project, NCDOT agreed to incorporate recommendations and input by PWC Watershed and Water Resources Engineering staff into its roadway design. The more stringent erosion and stormwater control measures to be taken are in an effort to better protect this sensitive watershed area from the impact of the anticipated additional stormwater runoff and piped drainage of surface water into the watershed as the result of the new highway.

The major portion of the existing security fencing along the northern border of the watershed tract follows an access road within the reservation and is owned by Fort Bragg. Initial plans by NCDOT were to reinstall security fencing on the north side of the controlled right-of-way of the new road and on the watershed side only install a standard 4' woven wire fence. With security of the watershed being a major concern, PWC staff successfully negotiated the commitment of NCDOT to install a minimum 6' security chain link fence in lieu of 4' woven wire along the proposed control right-of-way bordering the PWC property. This allows for the continuous security and protection of the watershed property border along the proposed new highway.

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March 31, 2009
Page 2 of 2

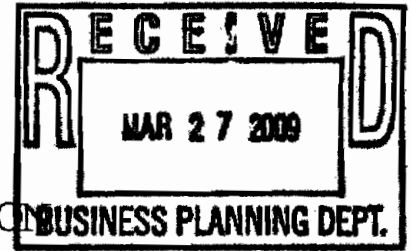
The NCDOT let date for this portion of the X-2B project is May 19, 2009 with a June 29, 2009 availability date. An Agreement for Entry was granted in September, 2008 in order to avoid NCDOT filing a claim and to allow PWC to timber the parcel.

NCDOT is now requesting that with the consent of PWC, the City of Fayetteville grant and convey in fee to NCDOT by Deed for Highway Right of Way attached the 14.2 acres described herein.

Business Planning staff recommends PWC Commission approve the deeding of the 14.2 acres for the I-295 Outer Loop Highway right-of-way for the consideration and terms stated and that the request for acquisition be forwarded to City Council for its approval and authorization to the City to execute the deed.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION BUSINESS PLANNING DEPT.



BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

March 24, 2009

State Project: 35196.2.3
ID No.: X-0002B
County: Cumberland

Mr. Jim Autry
Right of Way Supervisor
PWC
955 Old Wilmington Rd.
Fayetteville, NC 28302

SUBJECT: Claim of City of Fayetteville
Parcel 002

Dear Mr. Autry:

Pursuant to our recent conversation, please find attached Right of Way Deed, Cadd Map, and Vendor Registration Form.

Please have the Deed and Vendor Registration Form signed as indicated and returned to me at the address below. Also, in order to process this claim for payment, we will need a copy of the City Council minutes that pertain to the approval of this conveyance.

Thank you for your assistance with this matter. If additional information is needed, please let me know.

Very truly yours,

Reginald Max Abbott, Jr.
Division Right of Way Agent

RMAJr.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
225 GREEN STREET SUITE 503
FAYETTEVILLE, NC 28301

TELEPHONE: 910-486-1554
FAX: 910-486-1077
WEBSITE: WWW.NCDOT.ORG

LOCATION:
225 GREEN STREET
SUITE 503 SYSTEL BUILDING
FAYETTEVILLE, NC 28301

000023

Revenue Stamps \$ _____

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY _____

CHECKED BY _____

RETURN TO: **R.M. Abbott, Jr. Division Right of Way Agent**
NC Department of Transportation
225 Green Street Suite 503
Fayetteville NC 28301

NORTH CAROLINA

COUNTY OF Cumberland

TAX MAP AND LOT 0419-55-7633

T.I.P. No.: X-0002B

WBS ELEMENT: 35196.2.3

PARCEL NUMBER: X-0002B 002

ROUTE: I-295

THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____ 20 _____
by and between City of Fayetteville

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the Department;

WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 143,281.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE (together with any provisions relating to abutter's rights of access which may be hereinafter stated), that certain property located in Carvers Creek Township Cumberland County, North Carolina, which is particularly described as follows:

Point of beginning being S 21°31'27" W, 30.09 meters from of a Point in the Center Line of -CDR-, Sta. 53+00; thence to a point on a bearing of N 52°54'50" E, a distance of 376.61 meters (1242.2 feet); thence to a point on a bearing of N 60°12'40" E, a distance of 212.47 meters (697.1 feet); thence to a point on a bearing of N 49°26'23" E, a distance of 52.88 meters (173.5 feet); thence to a point on a bearing of S 29°05'39" E, a distance of 122.07 meters (400.5 feet); thence to a point on a bearing of S 30°51'23" E, a distance of 16.27 meters (53.4 feet); thence to a point on a bearing of S 29°17'23" E, a distance of 41.20 meters (135.2 feet); thence to a point on a bearing of S 70°16'46" W, a distance of 86.60 meters (281.5 feet); thence to a point on a bearing of S 83°47'53" W, a distance of 79.29 meters (260.1 feet); thence to a point on a bearing of N 88°31'29" W, a distance of 85.54 meters (280.7 feet); thence along a circular curve 149.50 meters (490.5 feet) and having a radius of 374.09 meters (1227.3 feet). The chord of said curve being on a bearing of S 65°06'54" W, a distance of 148.50 meters (487.2 feet); thence to a point on a bearing of N 36°19'57" W, a distance of 6.10 meters (20.0 feet); thence to a point on a bearing of S 50°47'00" W, a distance of 58.50 meters (191.9 feet); thence to a point on a bearing of S 41°36'39" W, a distance of 62.78 meters (206.0 feet); thence to a point on a bearing of S 37°42'49" W, a distance of 48.70 meters (159.8 feet); thence to a point on a bearing of S 71°07'16" W, a distance of 55.72 meters (182.8 feet); thence to a point on a bearing of S 62°35'42" W, a distance of 55.72 meters (182.8 feet); thence to a point on a bearing of N 89°30'32" W, a distance of 45.29 meters (148.6 feet); thence to a point on a bearing of S 77°02'21" W, a distance of 56.64 meters (185.8 feet); thence to a point on a bearing of N 52°55'52" E, a distance of 88.21 meters (289.4 feet); returning to the point and place of beginning.

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Cumberland County Registry in Deed Book 441 Page 161.

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The Grantors by the execution of this instrument, acknowledge that the plans for the above referenced project as they affect their remaining property have been fully explained to them or their authorized representative, and they do hereby release the Grantee, its successors and assigns from any and all claims for damages resulting from the construction of said project or from the past, present or future use of said premises herein conveyed for any purpose for which the said Department is authorized by law to subject the same.

IN ADDITION, and for the aforesaid consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

The undersigned further conveys a Temporary Construction Easement area described as follows:

Point of beginning being N 67°57'57" E, 281.41 meters from of a Point in the Center Line of -CDR-, Sta. 53+00; thence to a point on a bearing of S 32°45'58" E, a distance of 18.29 meters (60.0 feet); thence to a point on a bearing of N 58°09'54" E, a distance of 11.56 meters (37.9 feet); thence to a point on a bearing of N 30°54'14" W, a distance of 18.29 meters (60.0 feet); thence along a circular curve 12.16 meters (39.9 feet) and having a radius of 374.09 meters (1227.3 feet). The chord of said curve being on a bearing of S 58°09'54" W, a distance of 12.16 meters (39.9 feet); returning to the point and place of beginning.

SPECIAL PROVISIONS. This deed is subject to the following provisions only:

The above noted Temporary Construction Easement will expire upon the completion of the Project.

It is understood and agreed that \$1,031.00 of the total settlement sum of \$143,281.00 is for the installation of one drilled Red-Cockaded Woodpecker cavity.

IT IS UNDERSTOOD AND AGREED between the parties hereto that this conveyance is made for the purpose of constructing and establishing upon the right of way hereby conveyed a road or highway designated as State Highway Project 35196.2.3, Cumberland County, which road or highway is a controlled access facility as defined by law and the GRANTORS shall have no right of access to said road or highway, except such access as may be provided by way of local service or frontage roads and streets or specific access points as shown and designated as such on the right of way plans for said State Highway Project on file in the office of the DEPARTMENT in Raleigh, North Carolina and to be recorded in the Register of Deeds Office of Cumberland County pursuant to NCGS 136-19.4.

The access as provided is more particularly described as follows:
No means of Access to the Project is provided.

As to such local service or frontage roads and streets or specific points of access, the GRANTORS reserve unto themselves, their heirs, successors, executors and assigns for the benefit of their remaining property abutters' rights of access thereto as at common law; subject, however, to the right of the DEPARTMENT to reasonably regulate said abutters' rights of access in order to protect and safeguard the traveling public.

This deed is subject to the following provisions only:
NONE

TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions:
NONE

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

City of Fayetteville

BY: _____ (SEAL)
Anthony G. Chavonne, Mayor

ATTEST: _____
Candice H. White, City Clerk

Corporate Seal ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY:

	STATE OF: <u>North Carolina</u> COUNTY OF: <u>Cumberland</u> I, _____, a Notary Public for _____ County, North Carolina, certify that <u>Candice H. White</u> personally came before me this day and acknowledged that she is the <u>City Clerk of City of Fayetteville</u> , a Municipal Corporation, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its Corporate Seal and attested by herself as its <u>City Clerk</u> . Witness my hand and notarial seal, this the _____ day of _____ 20_____. My Commission Expires: _____ <div style="text-align: right;">_____ Notary Public</div>
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The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered on the _____ day of _____, 20_____, in Book _____, Page _____ at _____ o'clock _____ M. _____ REGISTER OF DEEDS FOR _____ COUNTY BY: _____ Deputy/Assistant - Register of Deeds

COLOR	DESCRIPTION	SOR FT		ACRES	SOR M		HECTARES	
		FROM	TO		6203875	5765704	8763704	8763704
FROM - TO	ROW RIGHT	DISTANCE (FT/M)	BEARING	RADIUS (FT/M)	CURVE LENGTH (FT/M)			
REF - 9	087	3009	S 27°32' W					
9 - 8	1842.2	378.8	N 52°54'30" E					
8 - 7	087.1	282.47	N 60°24'40" E					
7 - 6	173.5	52.88	N 49°28'22" E					
6 - 5	400.5	122.19	S 29°05'59" E					
5 - 4	054	16.27	S 30°51'23" E					
4 - 16	136.2	4.29	S 29°17'23" E					
16 - 17	248.5	66.80	S 70°18'46" W					
17 - 18	250.1	79.69	S 89°40'53" W					
18 - 19	280.7	86.54	N 88°31'28" W					
19 - 20	487.2	148.50	S 65°16'54" W	1227.3	374.09	480.5	148.50	
20 - 21	20.0	6.10	N 36°19'57" W					
21 - 22	19.9	60.80	S 50°41'02" W					
22 - 23	206.0	62.70	S 41°36'39" W					
23 - 24	182.0	48.70	S 31°42'49" W					
24 - 25	182.0	55.72	S 77°01'42" W					
25 - 26	182.0	65.72	S 62°08'42" W					
26 - 27	148.6	45.29	N 69°30'32" W					
27 - 15	185.8	56.64	S 77°02'27" W					
15 - 9	289.4	88.21	N 52°55'52" E					

COLOR	DESCRIPTION	SOR FT		ACRES	SOR M		HECTARES	
		FROM	TO		2338693	2172726	0.02727	0.02727
FROM - TO	TCE RIGHT	DISTANCE (FT/M)	BEARING	RADIUS (FT/M)	CURVE LENGTH (FT/M)			
REF - 30	92.3	281.4	N 67°51'32" E					
30 - 31	60.0	18.89	S 58°49'58" E					
31 - 29	37.9	11.56	N 58°03'54" E					
29 - 28	60.0	18.89	N 30°44'44" W					
28 - 30	39.9	12.16	S 68°09'54" W	1227.3	374.09	389	12.16	

TYPE	COUNT	SQR FEET	SQR METERS
ROW LEFT	0	0.0	0.0
ROW RIGHT	1	620387.5	576370.0
PDE LEFT	0	0.0	0.0
PDE RIGHT	0	0.0	0.0
TCE LEFT	0	0.0	0.0
TCE RIGHT	1	23387	217.3
TDE LEFT	0	0.0	0.0
TDE RIGHT	0	0.0	0.0
TSE LEFT	0	0.0	0.0
TSE RIGHT	0	0.0	0.0
PUE LEFT	0	0.0	0.0
PUE RIGHT	0	0.0	0.0
OTHER LEFT	0	0.0	0.0
OTHER RIGHT	0	0.0	0.0

THIS MAP IS NOT A CONTRACT UNDER ANY LAW AND SHALL BE VOID IF A LOCAL GOVERNMENT ADOPTS ANY ORDINANCE THAT IS INCONSISTENT WITH THE PROVISIONS HEREIN. THE PROPERTY SHOWN ON THIS MAP WAS LOCATED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. THE PROPERTY SHOWN ON THIS MAP WAS LOCATED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. THE PROPERTY SHOWN ON THIS MAP WAS LOCATED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY BRANCH	
CITY OF FAYETTEVILLE	Wed Aug 15 13:48:44 2006
PARCEL # 002	..0000217171000026_000001.dwg
DD 44 - PD BR	UNKNOWN SCALE

SUBSTITUTE FORM W-9

VENDOR REGISTRATION FORM
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Pursuant to Internal Revenue Service (IRS) Regulations, vendors must furnish their Taxpayer Identification Number (TIN) to the State. If this number is not provided, you may be subject to a 20% withholding on each payment. To avoid this 20% withholding and to insure that accurate tax information is reported to the Internal Revenue Service and the State, please use this form to provide the requested information exactly as it appears on file with the IRS.

INDIVIDUAL AND SOLE PROPRIETOR: ENTER NAME AS SHOWN ON SOCIAL SECURITY CARD
CORPORATION OR PARTNERSHIP : ENTER YOUR LEGAL BUSINESS NAME

NAME: City of Fayetteville

MAILING ADDRESS: STREET/PO BOX:

CITY, STATE, ZIP: Fayetteville, NC 28301

DBA / TRADE NAME (IF APPLICABLE):

BUSINESS DESIGNATION: [] INDIVIDUAL (use Social Security No.) [] SOLE PROPRIETER (use SS No. or Fed ID No.)
[] CORPORATION (use Federal ID No.) [] PARTNERSHIP (use Federal ID No.)
[] ESTATE/TRUST (use Federal ID no.) [X] STATE OR LOCAL GOVT. (use Federal ID No.)
[] OTHER / SPECIFY

SOCIAL SECURITY NO. (Social Security #)

OR

FED. EMPLOYER IDENTIFICATION NO. (Employer Identification #)

COMPLETE THIS SECTION IF PAYMENTS ARE MADE TO AN ADDRESS OTHER THAN THE ONE LISTED ABOVE:

REMIT TO ADDRESS: STREET / PO BOX:

CITY, STATE, ZIP:

Participation in this section is voluntary. You are not required to complete this section to become a registered vendor. The information below will in no way affect the vendor registration process and its sole purpose is to collect statistical data on those vendors doing business with NCDOT. If you choose to participate, circle the answer that best fits your firm's group definition.

What is your firm's ethnicity? [] Prefer Not To Answer, [] African American, [] Native American, [] Caucasian American, [] Asian American, [] Hispanic American, [] Asian-Indian American, [] Other:

What is your firm's gender? [] Prefer Not to Answer, [] Male, [] Female Disabled-Owned Business? [] Prefer Not to Answer, [] Yes, [] No

IRS Certification

Under penalties of perjury, I certify that:

- 1. The number shown on this form is my correct taxpayer identification and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the IRS that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

The IRS does not require your consent to any provision of this document other than the certifications required to avoid backup withholding. For complete certification instructions please see IRS FORM W-9 at http://www.irs.gov/pub/irs-pdf/fw9.pdf.

NAME (Print or Type)

TITLE (Print or Type)

SIGNATURE

DATE

PHONE NUMBER

To avoid payment delays, completed forms should be returned promptly to:

NC Department of Transportation
R. M. Abbott, Jr.
225 Green St. Suite 503
Fayetteville, NC 28301

PHONE 910 486-1554 FAX 910 486-1077

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager

Steven K. Blanchard

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

Date: April 8, 2009 (**Scheduled City Council Date: April 27, 2009**)

Re: Bid Recommendation – Annual Transformer Contract

THE QUESTION: The Public Works Commission of the City of Fayetteville requests Council approve bid award 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

RELATIONSHIP TO STRATEGIC PLAN: Quality utility services.

BACKGROUND:

The Public Works Commission, during their meeting of April 8, 2009 approved to award bid 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 and forward to City Council for approval.

ISSUES:

- Bids were solicited from seven (7) bidders with five (5) bidders responding.
- Bids advertised in the Fayetteville Observer.
- National Transformer Sales in not classified as a DBE, minority or woman-owned business.

RECOMMENDATIONS:

Award bid to National Transformer Sales, Inc., Raleigh, NC.

000031

ITEM 2.H.

PUBLIC WORKS COMMISSION
ACTION REQUEST FORM

TO: Steve Blanchard, CEO/General Manager DATE: April 1, 2009

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award one-year contract to National Transformer Sales, Inc., Raleigh, NC, for the purchase of miscellaneous transformers as identified on the attached spreadsheet (with the option to renew contract for additional period(s) upon the agreement of both parties).

.....
BID/PROJECT NAME: Annual Transformer Contract

BID DATE: March 26, 2009 **DEPARTMENT:** Electric Inventory

.....
TOTAL BID RECOMMENDATION \$ 616,651.70

AWARD RECOMMENDED TO: National Transformer Sales, Inc., Raleigh, NC

BASIS OF AWARD: See attached

AWARD RECOMMENDED BY: Tommy Cooper and Gloria Wrench

.....
COMMENTS: Bids were solicited from seven (7) vendors with five (5) vendors responding. The bids submitted by HD Supply (representing GE and CPS non-evaluated transformers) were not compliant with our bid specifications.

.....
ACTION BY COMMISSION

APPROVED **REJECTED**
DATE 4-8-09

ACTION BY COUNCIL

APPROVED **REJECTED**
DATE _____

CONSENT
ITEM II-C

PWC ANNUAL TRANSFORMER CONTRACT RECOMMENDATIONS

PWC STOCK NO. 1-295-330 - 10KVA CSP TRANSFORMER

QUANTITY: 50

LAST PURCHASE PRICE PER UNIT: \$763.00

BIDDER	UNIT PRICE	TOTAL PRICE	TOC - UNIT PRICE	TOC-TOTAL PRICE
NATIONAL TRANSFORMER SALES	\$654.84	\$32,742.00	\$1,018.71	\$50,935.50
WESCO	\$603.15	\$30,157.50	\$1,017.76	\$50,888.00
HOWARD INDUSTRIES	\$653.00	\$32,650.00	\$1,054.99	\$52,738.00
HD SUPPLY	\$748.93	\$37,446.50	\$1,130.13	\$56,506.50
STUART C. IRBY	\$861.00	\$43,050.00	\$1,258.67	\$62,933.50

AWARD RECOMMENDED TO NATIONAL TRANSFORMER SALES, INC. IN THE AMOUNT OF \$32,742.00 BASED ON AWARD OF CONTRACT TO ONE BIDDER. NATIONAL TRANSFORMER IS THE LOW EVALUATED BIDDER ON ALL OTHER TRANSFORMERS ON THIS RECOMMENDATION.

PWC STOCK NO. 1-295-365 - 25KVA CSP TRANSFORMER

QUANTITY: 150

LAST PURCHASE PRICE PER UNIT: \$1142.00

BIDDER	UNIT PRICE	TOTAL PRICE	TOC - UNIT PRICE	TOC-TOTAL PRICE
NATIONAL TRANSFORMER SALES	\$910.57	\$136,585.50	\$1,643.31	\$246,496.50
WESCO	\$884.50	\$132,675.00	\$1,659.19	\$248,878.50
HOWARD INDUSTRIES	\$902.00	\$135,300.00	\$1,708.52	\$256,278.00
HD SUPPLY	\$920.94	\$138,141.00	\$1,715.00	\$257,250.00
STUART C. IRBY	\$1,096.00	\$164,400.00	\$1,891.00	\$283,650.00

AWARD RECOMMENDED TO NATIONAL TRANSFORMER SALES, INC. - LOW EVALUATED BIDDER - IN THE AMOUNT OF \$136,585.50

PWC STOCK NO. 1-295-395 - 50KVA CSP TRANSFORMER

QUANTITY: 50

LAST PURCHASE PRICE PER UNIT: \$1620.00

BIDDER	UNIT PRICE	TOTAL PRICE	TOC - UNIT PRICE	TOC-TOTAL PRICE
NATIONAL TRANSFORMER SALES	\$1,430.59	\$71,529.50	\$2,592.05	\$129,602.50
WESCO	\$1,313.00	\$65,650.00	\$2,619.30	\$130,965.00
HD SUPPLY	\$1,441.24	\$72,062.00	\$2,767.02	\$138,351.00
HOWARD INDUSTRIES	\$1,488.00	\$74,400.00	\$2,846.58	\$142,329.00
STUART C. IRBY	\$1,548.00	\$77,400.00	\$2,900.98	\$145,049.00

AWARD RECOMMENDED TO NATIONAL TRANSFORMER SALES, INC. - LOW EVALUATED BIDDER - IN THE AMOUNT OF \$71,529.50.

PWC STOCK NO. 1-295-630 - 50KVA 1-PH PADMOUNTED TRANSFORMER

QUANTITY: 150

LAST PURCHASE PRICE PER UNIT: \$2399.00

BIDDER	UNIT PRICE	TOTAL PRICE	TOC - UNIT PRICE	TOC-TOTAL PRICE
NATIONAL TRANSFORMER SALES	\$1,998.76	\$299,814.00	\$3,055.21	\$458,281.50
STUART C. IRBY	\$2,136.00	\$320,400.00	\$3,320.70	\$498,105.00
WESCO	\$2,114.00	\$317,100.00	\$3,373.21	\$505,981.50
HOWARD INDUSTRIES	\$2,299.00	\$344,850.00	\$3,469.62	\$520,443.00
HD SUPPLY	\$2,362.18	\$354,327.00	\$3,604.23	\$540,634.50

AWARD RECOMMENDED TO NATIONAL TRANSFORMER SALES, INC. - LOW EVALUATED BIDDER - IN THE AMOUNT OF \$299,814.00.

PWC STOCK NO. 1-295-640 - 75KVA 1-PH PADMOUNTED TRANSFORMER

QUANTITY: 30

LAST PURCHASE PRICE PER UNIT: \$2723.00

BIDDER	UNIT PRICE	TOTAL PRICE	TOC - UNIT PRICE	TOC-TOTAL PRICE
NATIONAL TRANSFORMER SALES	\$2,532.69	\$75,980.70	\$4,067.31	\$122,019.30
HD SUPPLY	\$2,854.70	\$85,641.00	\$4,514.40	\$135,432.00
HOWARD INDUSTRIES	\$2,983.00	\$89,490.00	\$4,541.27	\$136,238.10
STUART C. IRBY	\$2,960.00	\$88,800.00	\$4,569.06	\$137,071.80
WESCO	\$2,940.00	\$88,200.00	\$4,653.79	\$139,613.70

AWARD RECOMMENDED TO NATIONAL TRANSFORMER SALES, INC. - LOW EVALUATED BIDDER - IN THE AMOUNT OF \$75,980.70.

NOTE: TOC INDICATES "TOTAL OWNING COST". TRANSFORMERS ARE EVALUATED USING UNIT PRICE, NO LOAD AND LOAD LOSSES, AND WARRANTY.

BID HISTORY

ANNUAL TRANSFORMER CONTRACT BID DATE: MARCH 26, 2009

Advertisement

1. The Fayetteville Observer, Fayetteville, NC 03/07/09

List of Organizations Notified of Bid

1. NAACP Fayetteville Branch, Fayetteville, NC
2. NAWIC, Fayetteville, NC
3. N.C. Institute of Minority Economic Development, Durham, NC
4. CRIC, Fayetteville, NC
5. SEBEDP, Fayetteville, NC
6. Fayetteville Business & Professional League, Fayetteville, NC
7. SBTDC, Fayetteville, NC
8. FTCC Small Business Center, Fayetteville, NC
9. The Women's Center of Fayetteville, Fayetteville, NC
10. Fayetteville Area Chamber of Commerce, Fayetteville, NC

List of Prospective Bidders


1. WESCO Distribution, Raleigh, NC
2. National Transformer Sales, Raleigh, NC
3. Stuart C. Irby Co., Rocky Mount, NC
4. HD Supply Utilities, Wake Forest, NC
5. Kuhlman Electric, Versailles, KY
6. Howard Industries, Laurel, MS
7. Shealy Electrical, Greenville, SC

DBE/MWBE Participation

National Transformer Sales is not classified as a DBE, minority or woman-owned business.

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: April 8, 2009 (**Scheduled City Council Date: April 27, 2009**)

Re: Bid Recommendation – Cross Creek WRF RAS Pump Replacement – Phase 2 (Equipment Only)

THE QUESTION: The Public Works Commission of the City of Fayetteville requests Council approve 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 \$122,194.00.

RELATIONSHIP TO STRATEGIC PLAN: Quality utility services.

BACKGROUND:

The Public Works Commission, during their meeting of April 8, 2009 approved to award bid 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 \$122,194.00 and forward to City Council for approval. This is a budgeted item (budgeted amount of \$200,200.00). Bids were received March 19, 2009 as follows:

<u>Bidders</u>	<u>Unit Cost</u>	<u>Total Cost</u>
HD Supply Waterworks, Hickory, NC	\$61,097.00	\$122,194.00
Microtech Control & Auto., Roseboro, NC	\$65,500.00	\$131,000.00
Technology International, Lake Mary, FL	\$55,749.00	\$111,498.00

ISSUES:

- Bids were solicited from five (5) bidders with three (3) bidders responding.
- The low bid by Technology International is for pumps manufactured by Wemco. The bid submitted by HD Supply Waterworks is for pumps manufactured by Hayward-Gordon. Wemco and Hayward-Gordon are presently the only companies that manufacture pumps of this nature. The Cross Creek WRF currently utilizes both Wemco and Hayward-Gordon pumps. In the past year, the facility has had three (3) Wemco pumps that required repair and these repairs proved to be costly (approximately \$23,000). The pumps were out of service between 77 and 182 days since the repair parts for the Wemco pumps have extremely long lead times. The Rockfish Creek WRF currently utilizes only Hayward-Gordon pumps. The Hayward-Gordon pumps have proven to be more reliable and less costly to operate and maintain. Therefore, it is in the best interest of the Commission to award this bid to HD Supply Waterworks for the purchase of the Hayward-Gordon pumps due to standardization, reliability and cost efficiency.
- Bids advertised in the Fayetteville Observer.
- HD Supply Waterworks is not classified as a DBE, minority or woman-owned business.

RECOMMENDATIONS:

Award bid to HD Supply Waterworks.

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager DATE: April 2, 2009

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award bid for the purchase of two (2) Helical Screw Pumps for the Cross Creek Water Reclamation Facility
.....

BID/PROJECT NAME: Cross Creek WRF RAS Pump Replacement – Phase 2 (Equipment Only)

BID DATE: March 19, 2009 DEPARTMENT: Wastewater Treatment

BUDGETED AMOUNT: \$200,200
.....

BIDDERS	UNIT COST	TOTAL COST
<u>HD Supply Waterworks, Hickory, NC</u>	<u>\$61,097.00</u>	<u>\$122,194.00</u>
<u>Microtech Control & Auto., Roseboro, NC</u>	<u>\$65,500.00</u>	<u>\$131,000.00</u>
<u>Technology International, Lake Mary, FL</u>	<u>\$55,749.00</u>	<u>\$111,498.00</u>

.....

AWARD RECOMMENDED TO: HD Supply Waterworks, Hickory, NC

BASIS OF AWARD: See comment section below.

AWARD RECOMMENDED BY: Vance McGougan, Dickie Vinent, Vernon Madrid and Gloria Wrench
.....

COMMENTS: Bids were solicited from five (5) vendors with three (3) vendors responding. These pumps are used at the wastewater treatment plants in the Return Activated Sludge (RAS) application. The low bid by Technology International is for pumps manufactured by Wemco. The bid submitted by HD Supply Waterworks is for pumps manufactured by Hayward-Gordon. Wemco and Hayward-Gordon are presently the only companies that manufacture pumps of this nature. The Cross Creek WRF currently utilizes both Wemco and Hayward-Gordon pumps. In the past year, the facility has had three (3) Wemco pumps that required repair. Those repairs proved to be costly (approximately \$23,000) and resulted in the pumps being out of service between 77 and 182 days. In addition, repair parts for the Wemco pumps have extremely long lead times. The Rockfish Creek WRF currently utilizes only Hayward-Gordon pumps. The Hayward-Gordon pumps have proven to be more reliable and less costly to operate and maintain. Staff feels it is in the best interest of the Commission to award this bid to HD Supply Waterworks for the purchase of the Hayward-Gordon pumps due to standardization, reliability and cost efficiency.
.....

ACTION BY COMMISSION

APPROVED REJECTED
DATE 4-8-09

ACTION BY COUNCIL

APPROVED REJECTED
DATE _____

CONSENT
ITEM II - B

BID HISTORY

CROSS CREEK WRF RAS PUMP REPLACEMENT – PHASE 2 (EQUIPMENT ONLY) BID DATE: MARCH 19, 2009

Consulting Engineers

Hazen and Sawyer, PC, Raleigh, NC

Advertisement

1. The Fayetteville Observer, Fayetteville, NC 03/07/09

List of Organizations Notified of Bid

1. NAACP Fayetteville Branch, Fayetteville, NC
2. NAWIC, Fayetteville, NC
3. N.C. Institute of Minority Economic Development, Durham, NC
4. CRIC, Fayetteville, NC
5. Fayetteville Business & Professional League, Fayetteville, NC
6. SBTDC, Fayetteville, NC
7. SEBEDP, Fayetteville, NC
8. FTCC Small Business Center, Fayetteville, NC
9. The Women's Center of Fayetteville, Fayetteville, NC
10. Fayetteville Area Chamber of Commerce, Fayetteville, NC

List of Contractors Requesting Plans and Specifications

1. HD Supply Waterworks, Hickory, NC
2. Tencarva Machinery Co., Greensboro, NC
3. Eaton Corporation, Raeford, NC
4. Microtech Control and Automation, Roseboro, NC
5. Technology International, Lake Mary, FL

DBE/MWBE Participation

HD Supply Waterworks is not classified as a DBE, minority or woman-owned business.

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Joe Callis, PWC Business Planning Manager
Date: April 27, 2009
Re: Phase 5 Annexation Areas 6 and 7



THE QUESTION:

Providing sanitary sewer service to Areas 6 and 7 of the Phase 5 Annexation.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: More Efficient City Government – Cost-Effective Service Delivery.

BACKGROUND:

As part of the statutory requirements for annexation procedures, City Council approved the attached Preliminary Assessment Resolution in their meeting on March 23, 2009 referenced by Resolution Number R2009-021. This Resolution describes that the sewer will be extended in all or portions of streets within Areas 6 and 7 of the Phase 5 Annexation and the proposed assessment cost. There are no water main extensions planned for these areas. A public hearing was held on April 13, 2009 to hear public comment regarding the project.

As you will see by the attached checklist, the next item to be completed is for City Council to approve the Resolution Directing Construction Areas 6 and 7 of the Phase 5 Annexation Utility Improvement Project Be Undertaken (Item 16).

ISSUES:

N/A.

OPTIONS:

N/A.

RECOMMENDATIONS:

Authorize the attached Resolution Directing the Phase V Annexation Areas 6 and 7 Utility Improvement Projects be Undertaken.

RESOLUTION DIRECTING CONSTRUCTION AREAS 6 AND 7 OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN

WHEREAS, on the 23rd day of March, 2009, the City Council of the City of Fayetteville, North Carolina, adopted a Preliminary Assessment Resolution Providing for the Extension of its Sanitary Sewer Collection System in All or Portions of the Streets Within Areas 6 and 7 of the Phase 5 Annexation Listed on Exhibit "A".

WHEREAS, the required public hearing has been held after due notice to the public and to the owners of the affected real property.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fayetteville, North Carolina that after careful study and consideration of the matter and of all pertinent facts and circumstances, including engineering and planning studies and advice, and in the exercise of its best legislative judgment, the City Council of Fayetteville, North Carolina finds as fact that:

1. The public interest, safety, convenience, and general welfare requires the extension of the sanitary sewer collection system into all or a portion of Audrey Court, Brewster Drive, Brewster Place, Buckhead Drive, Carrollburg Drive, Channing Drive, Cliffbourne Drive, Crabapple Circle, Decatur Drive, Decatur Place, Deerwood Drive, Faraday Place, Fawn Drive, Fletcher Avenue, Greenbriar Drive, Hamburg Drive, Ingleside Drive, Jennings Lane, Overbrook Drive, Ramona Drive, and Sable Drive located within Area 6 and Avalon Drive, Dandridge Drive, Dumont Place, Fairvale Drive, Freeport Road, Godfrey Drive, N. Reilly Road, Osprey Place, Paxton Drive, Quimby Court, Redfield Court, Roundtree Drive, Squire Lane, Standish Court, Wakefield Drive, Wendell Place, and Yardley Court within Area 7 as described on Exhibit "A";

2. The resolution and order adopted at its meeting on the 23rd day of March, 2009 (R2009-021) by the City Council of the City of Fayetteville, North Carolina having been duly published on the 26th day of March, 2009 in the Fayetteville Observer, a newspaper published in the City of Fayetteville, North Carolina, giving notice of a meeting of the City Council to be held at the College Lakes Recreation Center at 7 p.m., on the 13th day of April, 2009, when all objections to the legality of making the proposed improvements were to be made in writing, signed in person or by attorney, filed with the Clerk of the City of Fayetteville at or before said time, and that any objections not so made would be waived and objections to the legality as well as to the policy or expediency of the making of said improvements have not been filed or made (or having been filed or made which objections were duly considered by said City Council and none of said objections were sustained);
3. The property abutting said streets will be benefited by the extension of such sanitary sewer collection system to the extent of the part of the cost thereof to be assessed as stated below against such abutting property.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DOES ORDER THAT:

1. The sanitary sewer collection system shall be installed in all of the aforementioned street portions to be specifically assessed upon the property receiving benefit of the sanitary sewer extension in the amount of \$5,000 for what is described as single family residential parcels requiring one sewer service lateral with remaining property being assessed at an equal rate of \$55.56 per foot of road frontage but not less than ninety (90) feet plus actual cost for service laterals as may be installed for the benefit of the non single family residential parcels. Said assessments to be paid after completion of such work and within thirty (30) days after notice of the assessments in cash with no interest or in equal annual installments over a term of ten (10) years bearing annual interest at a rate not to exceed eight percent (8%) payable annually.

ADOPTED this 27th day of April, 2009 by the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

Anthony G. Chavonne, Mayor

Candice H. White, City Clerk

The following City Council members voted for passage of the above Resolution:

The following City Council members voted against the above Resolution:

EXHIBIT "A"

Construction Area 6

<u>Street Names</u>	<u>From Intersection</u>	<u>To Intersection</u>
Audrey Court	Brewster Drive eastwardly	Street end
Brewster Drive	South of Audrey Court northwardly	Decatur Drive
Brewster Place	Brewster Drive eastwardly	Street end
Buckhead Drive	Deerwood Drive southwardly	Street end
Carrollburg Drive	Decatur Drive eastwardly	Decatur Drive
Channing Drive	Carrollburg Drive southwardly	Street end
Cliffbourne Drive	Ingleside Drive eastwardly	Decatur Drive
Crabapple Circle	Jennings Lane northwardly	Street end
Decatur Drive	Fletcher Avenue northwardly	Carrollburg Drive
Decatur Place	Decatur Drive southwardly	Street end
Deerwood Drive	Channing Drive westwardly	Street end
Faraday Place	Carrollburg Drive westwardly	Street end
Fawn Drive	Deerwood Drive southwardly	Street end
Fletcher Avenue	West end of street	East end of street
Greenbriar Drive	Deerwood Drive southwardly	Street end
Hamburg Drive	Ramona Drive westwardly	Street end
Ingleside Drive	Cliffbourne Drive northwardly	Street end
Jennings Lane	Ramona Drive westwardly	Street end
Overbrook Drive	Ingleside Drive eastwardly	Decatur Drive
Ramona Drive	Brewster Drive eastwardly	Jennings Lane
Sable Drive	Brewster Drive eastwardly	Ramona Drive

Construction Area 7

<u>Street Names</u>	<u>From Intersection</u>	<u>To Intersection</u>
Avalon Drive	Godfrey Drive eastwardly	Godfrey Drive
Dandridge Drive	N. Reilly Road eastwardly	Filyaw Road
Dumont Place	Godfrey Drive westwardly	Street end
Fairvale Drive	N. Reilly Road eastwardly	Street end
Freeport Road	Dandridge Drive eastwardly	Windy Hill Circle
Godfrey Drive	Paxton Drive northwardly	Roundtree Drive
Osprey Place	Avalon Drive northwardly	Street end
Paxton Drive	A point east of N. Reilly Road eastwardly	Godfrey Drive
Quimby Court	Godfrey Drive southwardly	Street end
Redfield Court	Dandridge Drive westwardly	Street end
N. Reilly Road	Along the east side from Paxton northwardly	Filyaw Road
Roundtree Drive	Killeen Road northwardly	Ashwood Circle
Squire Lane	South of Fairvale Drive northwardly	Street end
Standish Court	Roundtree westwardly	Street end
Wakefield Drive	Godfrey Drive northwardly	North of Dandridge Drive
Wendell Place	Godfrey Drive southwardly	Street end
Yardley Court	Dandridge Drive westwardly	Street end

ANNEXATION/ASSESSMENT CHECKLIST

Phase 5 Annexation

Area 6 and 7 - LaGrange and Summerhill

ITEM NUMBER	DATE	ITEM
1	September 8, 2003	Resolution of Intent Adoption <i>(at least 30 days before public hearing)</i>
2	September 19, 2003	Notice to Property Owners of Resolution of Intent <i>(at least 4 weeks before public hearing)</i>
3	October 20, 2003 October 28, 2003 October 30, 2003 November 3, 2003 November 6, 2003	Neighborhood Meetings Public Hearing
4	November 10, 2003	<i>(at least 60 days before adoption of ordinance)</i>
5	November 17, 2003	Deadline for Water & Sewer Extension Request from Property Owner <i>(not later than 5 days after the public hearing)</i>
6	November 24, 2003	Annexation Ordinance Adopted
7	September 30, 2005	Annexation Effective
8	October 9, 2008 (6) October 10, 2008 (7)	Survey & Appraisal Notification/Lateral Location Letters Sent
9	n/a	Utility Services Deleted Notification Letters Sent <i>(Private Streets/No Service to be installed)</i>
10	March 23, 2009	Preliminary Assessment Resolution Adopted
11	March 26, 2009	Pending Assessment List Provided to Accounting
12	March 26, 2009	Publish Notice of Adoption of Preliminary Assessment Resolution <i>(at least 10 days before public hearing)</i>
13	March 26, 2009	Mail Copies of Preliminary Assessment Resolution to Property Owners <i>(at least 10 days before public hearing)</i>
14	March 26, 2009	Certification of Mailing of Preliminary Assessment Resolution
15	April 13, 2009	Public Hearing
16	Scheduled for April 27, 2009	Resolution Directing Project be Undertaken adopted <i>(not earlier than 3 weeks nor later than 10 weeks from date of adoption of preliminary assessment resolution)</i>
17	To Be Determined	Connection notifications mailed
18	To Be Determined	Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll and Calling Public Hearing
19	To Be Determined	Publish Notice of Completion of Preliminary Assessment Roll <i>(at least 10 days before public hearing)</i>
20	To Be Determined	Mail Copies of Notice to Affected Property Owners <i>(at least 10 days before public hearing)</i>
21	To Be Determined	Certification of Mailing of Preliminary Assessment Roll
22	To Be Determined	Public Hearing
23	To Be Determined	Resolution Confirming Assessment Roll and Levying Assessments adopted
24	To Be Determined	Resolution Confirming Assessment Roll and Levying Assessments Delivered to Tax Collector
25	To Be Determined	Publish Notice Assessment Roll has been Confirmed <i>(after 20 days from confirmation of assessment roll)</i>
26	To Be Determined	Mail Individual Assessment Notices to Property Owners <i>(after 20 days from confirmation of assessment roll)</i> <i>(property owners have 30 days to pay with no interest -- after 30 days assessments will be due and payable)</i>

RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESSMENT RESOLUTION FOR THE EXTENSION OF THE SANITARY SEWER COLLECTION SYSTEM IN ALL OR A PORTION OF THE STREETS WITHIN AREAS 6 AND 7 OF THE PHASE 5 ANNEXATION LISTED ON EXHIBIT "A".

WHEREAS, The City Council of the City of Fayetteville has determined that it may be in the best interest of the City to extend its sanitary sewer collection system and that in order to provide such an extension, it would be necessary to assess part of the cost thereof upon the real property abutting thereon:

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

1. That it is intended that the sanitary sewer system of the City of Fayetteville shall be extended by constructing a sanitary sewer collection system over, along, and to the following property under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina and the procedure therein established.
2. That an assessment upon the property receiving benefit of the sanitary sewer extension in the amount of \$5,000 be hereafter assessed for what is described as single family residential parcels requiring one sewer service lateral with remaining property being assessed at an equal rate of \$55.56 per foot of road frontage but not less than ninety (90) feet plus actual cost for service laterals as may be installed for the benefit of the non-single family residential parcels.
3. That the assessment herein provided for shall be payable in cash or, if any property owner shall so elect and give notice of that fact to the City Council by and through its Public Works Commission in accordance with Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina, they shall have the option and privilege of paying the assessment over a term of ten (10) equal annual installments, said installments to bear interest at a rate not to exceed eight percent per annum.

4. That a public hearing on all matters covered by this Resolution shall be held on the 13th day of April, 2009, at the College Lakes Recreation Center located at 4945 Rosehill Road, Fayetteville, North Carolina, 28311 at 7:00 p.m.

This the 23rd day of March, 2009.



CITY OF FAYETTEVILLE

Anthony G. Chavonne
Anthony G. Chavonne, Mayor

Candice H. White
Candice H. White, City Clerk

The following City Council members voted for passage of the above Resolution:

Mayor Chavonne and Council Members Wesley A. Meredith, Keith A. Bates, Sr., Charles E. Evans, Robert A. Massey, Jr., D.J. Haire, Bobby Hurst, Valencia Applewhite and Theodore W. Mohn

The following City Council members voted against the above Resolution:

N/A

EXHIBIT "A"

Construction Area 6

Street Names	From Intersection	To Intersection
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Overbrook Drive	Ingleside Drive eastwardly	Decatur Drive
Ramona Drive	Brewster Drive eastwardly	Jennings Lane
Sable Drive	Brewster Drive eastwardly	Ramona Drive

Construction Area 7

Street Names	From Intersection	To Intersection
Avalon Drive	Godfrey Drive eastwardly	Godfrey Drive
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Fairvale Drive	N. Reilly Road eastwardly	Street end
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Wakefield Drive	Godfrey Drive northwardly	North of Dandridge Drive
Wendell Place	Godfrey Drive southwardly	Street end
Yardley Court	Dandridge Drive westwardly	Street end

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Joe Callis, PWC Business Planning Manager
Date: April 27, 2009
Re: Condemnation of Utility Easement



THE QUESTION: Obtain authority from City Council to file condemnation to acquire a permanent and temporary easement necessary to install, operate, and maintain a sanitary sewer main to serve the proposed Western Elementary School on Century Circle within the City of Fayetteville.

RELATIONSHIP TO STRATEGIC PLAN: Quality Utility Services

BACKGROUND:

- PWC reviewed and approved utility plans on behalf of the Cumberland County Board of Education for the extension of approximately 2,500 feet of sewer main to serve the new Western Elementary School site located on Century Circle.
- Routing of the proposed main was dictated by the topographical features of the land and follows property lines, roadways, and existing rights-of-way and easements where possible. Detail plan sheets showing the utility crossing the Lindsey property and easement drawing are attached.
- PWC agreed to negotiate the acquisition of the utility easements for this project.
- The easements are being acquired in the name of the City of Fayetteville, and upon completion of the project, the sewer mains will be owned and maintained by PWC.
- PWC CEO/General Manager and PWC Commission have been made aware of this action.

ISSUES:

- PWC has successfully negotiated 3 of the 4 easements necessary to complete this project. The outstanding easement is across the land of Jody Curtis Lindsey and Tasqua Lindsey.
- The requested easement lies along the Lindsey's easternmost property line and contains 2,200 square feet. A temporary construction easement of 590 square feet is also being requested.
- The permanent easement is not a fee taking of the land and the easement area may continue to be used by the landowner for density, setbacks, parking, drives, and other such uses not in conflict with the underground utility. No permanent structures may be built within the easement area.
- The area disturbed during construction will be cleared, grubbed, graded, and seeded upon completion of the project.
- PWC Right-of-Way staff made numerous attempts to negotiate a reasonable settlement with the Lindsey's and several offers were rejected. PWC engaged the services of Crawford B. MacKethan to formally appraise the market value of the easement which he determined to be \$600. In an effort to avoid condemnation, our last offer was \$2,500 which is four times the appraised value.

OPTIONS:

- Adopt or reject the resolution

RECOMMENDATIONS: Adopt the attached resolution and authorize PWC to begin condemnation action for a permanent utility easement and a temporary construction easement.

**A RESOLUTION AUTHORIZING
CONDEMNATION TO ACQUIRE CERTAIN
PROPERTY OF JODY CURTIS LINDSEY AND WIFE, TASQUA LINDSEY**

WHEREAS, the governing body of the City of Fayetteville hereby determines that it is necessary and in the public interest to acquire certain property owned by Jody Curtis Lindsey and wife, Tasqua Lindsey for the following purposes:

To protect the public health, to provide the public with adequate and sound water and waste water distribution systems, and to improve such systems to meet the need for expanded or upgraded services, the plaintiff is condemning the herein described interest to install, operate and maintain a sanitary sewer collection and disposal system.

WHEREAS, the proper officials or representatives of the City of Fayetteville have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAYETTEVILLE THAT:

1. The City of Fayetteville shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

- (a) **STATEMENT OF PROPERTY TAKEN:** In the public interest, it is necessary that said City acquire, in, upon and over the below described land, for said systems, an easement that will vest said City with the perpetual right, easement and privilege to build, construct, lay, install, maintain and operate sewer lines, with such lines, pipes, drains, connections, manholes, and other attachments, equipment and accessories necessary or desirable in connection therewith, to have full ingress and egress thereto and therefrom over adjoining lands of the Owner, to patrol, inspect, alter, improve, repair, relocate, remove and replace any or all of such lines, pipe, drains, connections, manholes, and other attachments, equipment and accessories, to keep clear all trees, undergrowth and other encroachments located within ten feet (unless otherwise specified below) of said lines and equipment and to have all rights and privileges necessary or convenient for the full enjoyment or use of this easement in, on, under, over through and across certain land hereinafter described.

For purposes of clarification, it is to be understood that this is the taking of an easement and not fee simple title.

- (b) **DESCRIPTION OF EASEMENT:** The following easement lies within that certain parcel of land located on the north side of Century Circle (SR 1104) (60-foot right-of-way), described in Deed of Record duly recorded in Deed Book 6344, Page 530 of the Cumberland County, North Carolina Registry.

BEGINNING at the southernmost point of the tract described in Deed Book 6344, Page 530, and being the tract of which this is a part, said point also being the northwest corner of the Willie Lee McRae tract described in Deed Book 3230, Page 620; thence from said point of beginning running with the southern boundary of the tract of which this is a part, North 78 degrees 04 minutes 51 seconds West 25.39 feet to a point; thence North 00 degrees 15 minutes 12 seconds West 0.96 feet to a point; thence leaving said southern boundary North 52 degrees 39 minutes 49 seconds East 115.31 feet to a point in the northeastern boundary of the tract of which this is a part; thence with the northeastern boundary, South 49 degrees 23 minutes 46 seconds East 20.45 feet to the easternmost corner of the tract of which this is a part; thence with the southeastern boundary of said tract South 52 degrees 39 minutes, 49 seconds West 103.59 feet to the POINT AND PLACE OF BEGINNING and being a 20 foot wide permanent utility easement as shown in greater detail on PWC Drawing AS-14162C, a copy of which is attached and labeled Exhibit "A".

Also granted is a temporary construction easement 5 feet in width running along the northwest line of the above described permanent easement. Said temporary easement shall expire and revert to the herein Grantors, their assigns, successors in title or heirs upon the completion of the utility project.

2. The attorneys representing the City of Fayetteville are directed to institute the necessary proceedings under Chapter 40 of the North Carolina General Statutes to acquire the property herein described.

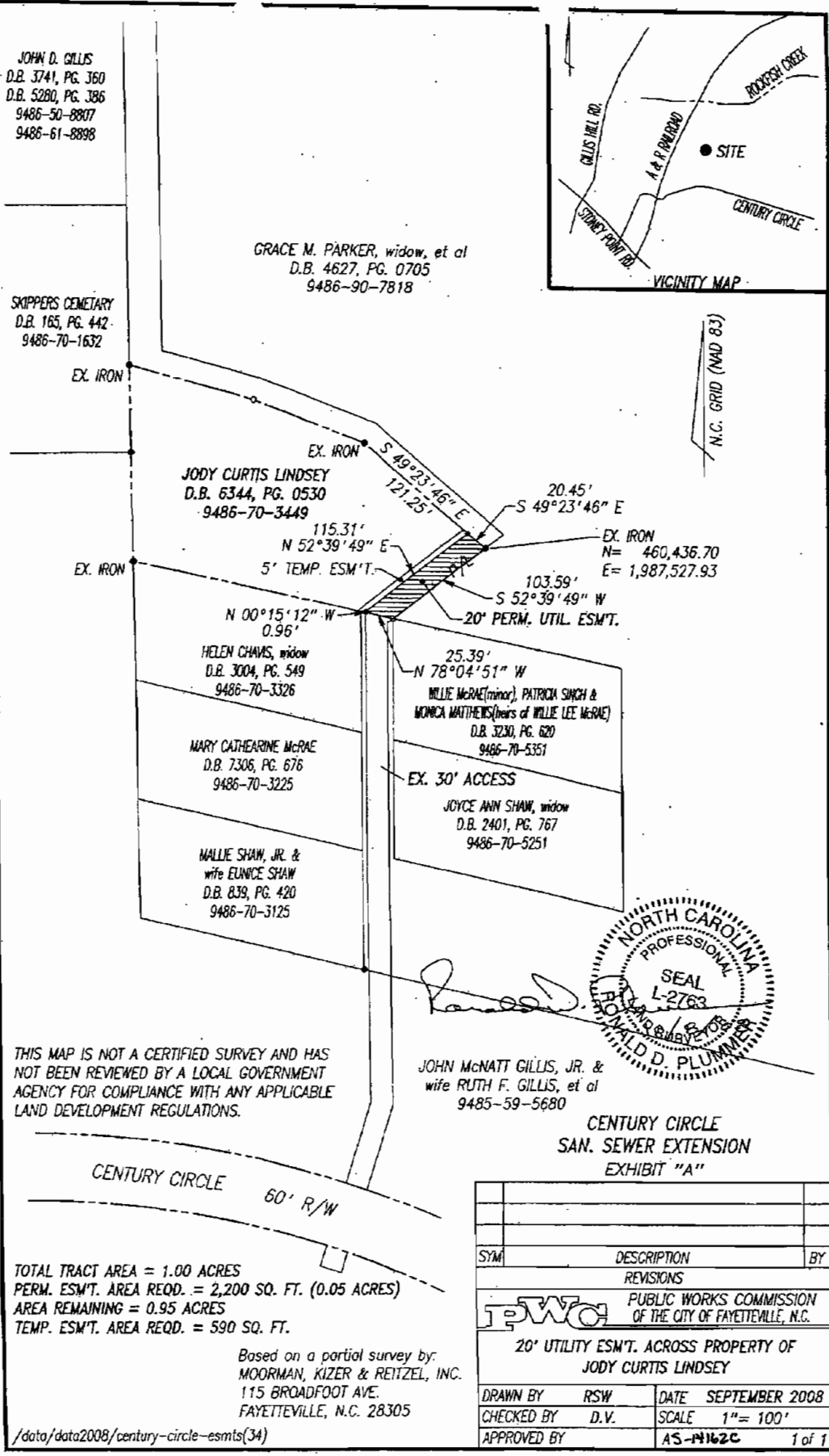
ADOPTED, THIS the _____ day of _____, 2009.

CITY OF FAYETTEVILLE

Anthony G. Chavonne, Mayor

ATTEST:

Candice H. White, City Clerk



JOHN D. GILLIS
 D.B. 3741, PG. 360
 D.B. 5280, PG. 386
 9486-50-8807
 9486-61-8898

GRACE M. PARKER, widow, et al
 D.B. 4627, PG. 0705
 9486-90-7818

SKIPPERS CEMETARY
 D.B. 165, PG. 442
 9486-70-1632

JODY CURTIS LINDSEY
 D.B. 6344, PG. 0530
 9486-70-3449

HELEN CHAVIS, widow
 D.B. 3004, PG. 549
 9486-70-3326

MARY CATHEARINE McRAE
 D.B. 7306, PG. 676
 9486-70-3225

MALLIE SHAW, JR. &
 wife EUNICE SHAW
 D.B. 839, PG. 420
 9486-70-3125

MILLIE McRAE (minor), PATRICIA SINGH &
 MONICA MATTHEWS (heirs of MILLIE LEE McRAE)
 D.B. 3230, PG. 620
 9486-70-5351

JOYCE ANN SHAW, widow
 D.B. 2401, PG. 767
 9486-70-5251

JOHN McNATT GILLIS, JR. &
 wife RUTH F. GILLIS, et al
 9485-59-5680



THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

CENTURY CIRCLE
 SAN. SEWER EXTENSION
 EXHIBIT "A"

TOTAL TRACT AREA = 1.00 ACRES
 PERM. ESM'T. AREA REQD. = 2,200 SQ. FT. (0.05 ACRES)
 AREA REMAINING = 0.95 ACRES
 TEMP. ESM'T. AREA REQD. = 590 SQ. FT.

Based on a partial survey by:
 MOORMAN, KIZER & REITZEL, INC.
 115 BROADFOOT AVE.
 FAYETTEVILLE, N.C. 28305

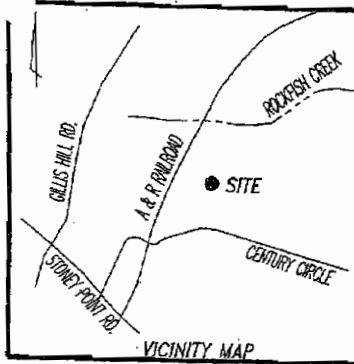
/data/data2008/century-circle-esmts(34)

SYM	DESCRIPTION	BY
	REVISIONS	
20' UTILITY ESM'T. ACROSS PROPERTY OF JODY CURTIS LINDSEY		
DRAWN BY	RSW	DATE SEPTEMBER 2008
CHECKED BY	D.V.	SCALE 1" = 100'
APPROVED BY	AS-#162C	1 of 1

JOHN D. GILLIS
 D.B. 3741, PG. 360
 D.B. 5280, PG. 386
 9486-50-8807
 9486-61-8898

GRACE M. PARKER, widow, et al
 D.B. 4627, PG. 0705
 9486-90-7818

SKIPPERS CEMETARY
 D.B. 165, PG. 442
 9486-70-1632



N.C. GRID (NAD 83)

EX. IRON

JODY CURTIS LINDSEY
 D.B. 6344, PG. 0530
 9486-70-3449

S 49°23'46" E
 121.25'
 20.45'
 S 49°23'46" E

EX. IRON
 N= 460,436.70
 E= 1,987,527.93

EX. IRON

115.31'
 N 52°39'49" E
 5' TEMP. ESM'T.

103.59'
 S 52°39'49" W
 20' PERM. UTIL ESM'T.

N 00°15'12" W
 0.96'

HELEN CHAVIS, widow
 D.B. 3604, PG. 549
 9486-70-3326

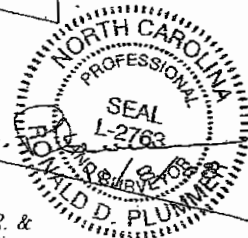
25.39'
 N 78°04'51" W
 WILLIE McRAE (maize), PATRICK SINGH &
 MONICA MATTHEWS (heirs of WILLIE LEE McRAE)
 D.B. 5230, PG. 620
 9486-70-5351

MARY CATHERINE McRAE
 D.B. 7306, PG. 676
 9486-70-3225

EX. 30' ACCESS

JOYCE ANN SHAW, widow
 D.B. 2401, PG. 767
 9486-70-5251

MALLIE SHAW, JR. &
 wife EUNICE SHAW
 D.B. 839, PG. 420
 9486-70-3125



JOHN McNATT GILLIS, JR. &
 wife RUTH F. GILLIS, et al
 9485-59-5680

CENTURY CIRCLE
 SAN. SEWER EXTENSION
 EXHIBIT "A"

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS

CENTURY CIRCLE
 60' R/W

TOTAL TRACT AREA = 1.00 ACRES
 PERM. ESM'T. AREA REQD. = 2,200 SQ. FT. (0.05 ACRES)
 AREA REMAINING = 0.95 ACRES
 TEMP. ESM'T. AREA REQD. = 590 SQ. FT.


Based on a partial survey by:
 MOORMAN, KIZER & REITZEL, INC.
 115 BROADFOOT AVE.
 FAYETTEVILLE, N.C. 28305

SYM	DESCRIPTION	BY
	REVISIONS	
PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE, N.C.		
20' UTILITY ESM'T. ACROSS PROPERTY OF JODY CURTIS LINDSEY		
DRAWN BY	RSW	DATE SEPTEMBER 2008
CHECKED BY	D.V.	SCALE 1" = 100'
APPROVED BY		AS-14162C 1 of 1

/data/data2008/century-circle-esmts(34)

000056

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Dale Iman, City Manager 
Date: April 27, 2009
Re: Military Business Park Agreement

THE QUESTION: Does the City Council approve the use of \$666,750 received from federal grants to construct sanitary sewer to the Military Business Park?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity – Strong Local Economy
More Efficient City Government

BACKGROUND: The City of Fayetteville has been awarded federal grants in the amount of \$666,750 for the purpose of establishing a Military Business Park. In December of 2006, the Military Business Park was sited on Sante Fe Drive and Bragg Boulevard. The environmental assessments and other studies required by HUD for the grants have been completed and accepted for the sanitary sewer to serve the proposed Military Business Park. The attached agreement authorizes the City to appropriate the \$666,750 for use in constructing the sanitary sewer for the Military Business Park and designates the Fayetteville Public Works Commission (PWC) as the lead agency for engineering services, construction management and all other work required to complete the project.

THE ISSUE: Does the City Council wish to enter into the participation agreement for installing sanitary sewer for the Military Business Park?

OPTIONS:

1. Accept and authorize execution of agreement.
2. Reject agreement and return federal grants.

RECOMMENDATIONS:

Authorize execution of the agreement and the use of the federal grants to support the construction of sanitary sewer to the Military Business Park.

Confidential Draft

**STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND**

**PARTICIPATION AGREEMENT
MILITARY BUSINESS PARK**

THIS AGREEMENT made this 31st day of March, 2009 by and between the City of Fayetteville, a North Carolina municipal corporation (hereinafter referred to as "CITY"), the County of Cumberland (hereinafter referred to as "COUNTY"), the Public Works Commission of the City of Fayetteville, North Carolina (hereinafter referred to as "COMMISSION"), and Dohn B. Broadwell and Nancy W Broadwell, both residents of Cumberland County, North Carolina, (hereinafter collectively referred to as "DEVELOPER").

WITNESSETH: THAT

THAT WHEREAS, the DEVELOPER proposes to develop and construct a proposed military business park to be located on Santa Fe Drive and Bragg Boulevard referenced in Cumberland County tax records by PIN nos. 0409-93-8559, 0419-04-7904, and 0419-05-5542, more particularly described in Exhibit "A" attached hereto (hereinafter referred to as the "PROJECT"), subject to approval and acceptance of the plans required for the PROJECT as presently conceived by all governmental agencies whose approval is required for receipt of funding for the main thoroughfare connecting Santa Fe Drive and Bragg Boulevard; and

WHEREAS, the environmental assessments and other studied required by HUD for the grants described below have been completed and accepted, and plans have been completed and accepted for the sanitary sewer to serve Phase I and Phase II of said proposed military business park, but the plans for the roads to service the business park and the ingress and egress thereto and there-from required for the development of the business park are being completed but have not been approved and accepted nor funding applied for; and

WHEREAS, the parties hereto have agreed to proceed with the construction of a gravity sewer from Jack's Ford Drive, under Santa Fe Drive, and on into Phase I o the park and of approximately 2,326 feet of 12 inch sanitary sewer main extending from Ridley Court south of Santa Fe Drive to Station 23 + 26 north of Santa Fe Drive north thereof as shown on Exhibit "B" attached hereto, and the construction of a lift station and of a 6 inc force main as shown on Exhibit "C" attached hereto; and

WHEREAS, the construction cost estimate for the sanitary sewer main for Phase I is \$453,499.20 and the construction cost estimate for the lift station and force main for Phase II is \$543,171.60, both of which include ten percent (10%) engineering fees and ten percent (10%) for administration fees, and the DEVELOPER and the COMMISSION are ready to proceed with the construction of that portion of the sanitary system more particularly described in Exhibit "B" and Exhibit "C" attached hereto, and

WHEREAS, the CITY has received the following four (4) federal grants: B-06-SP-NC-0607 for \$247,500.00, B-06-SP-NC-0605 for \$198,000.00, B-06-SP-NC-0586 for \$74,250.00 and B-08-SP-NC-0099 for \$147,000.00, for a total of \$666,750.00; and the COUNTY has received one (1) federal grant: B-06-SP-NC-1128 for \$74,250.00; and

WHEREAS, COUNTY and CITY, recognizing the advantages to each for participating in the PROJECT and providing sewer service to that area of the City and County, agree to contribute in the cost of such PROJECT as set forth herein. CITY shall contribute up to but not to exceed \$666,750.00, and COUNTY shall contribute up to but not to exceed \$74,250.00, for a total of \$741,000.00

NOW, THEREFORE, in consideration of the mutual benefits each of the parties shall derive from construction and extension of the PROJECT, they mutually agree as follows:

1. The recitals above are incorporated by reference and made a part of this agreement as if fully set forth herein.
2. COMMISSION or its designee operating under its supervision will be the lead agency providing contract administration for engineering services and management of the construction, right of way acquisition, contractor bidding, inspection, and other work required for the PROJECT for a fee not to exceed ten percent (10%) of the construction costs.
3. DEVELOPER has contracted or shall contract with a qualified professional engineer for services the engineer may deem necessary for design, contractor bidding, and supervision, inspection and construction approval for the PROJECT, to include preparation of erosion control plans as required by the State of North Carolina. COMMISSION shall be responsible for the submission of any erosion control and other plans required to be submitted to the State of North Carolina and any federal agencies whose approval is required. DEVELOPER shall assist the COMMISSION in obtaining the appropriate governmental approvals required for construction on and governmental approval of the PROJECT.
4. COMMISSION shall acquire all deeds or easements of conveyance for rights-of-way and encroachments necessary for said Phase I and Phase II extensions. If such easements are required from DEVELOPER, the DEVELOPER shall convey at no expense to the COMMISSION.
5. Upon satisfactory completion of construction of said PROJECT, approval of such construction by the ENGINEER, and written acceptance of such construction by COMMISSION, said utility mains shall be the property solely of the COMMISSION, and the COMMISSION will operate and maintain them.
6. Connections of structures shall not be made until the COMMISSION determines all work has been satisfactorily completed and accepts it in writing.
7. Utility services supplied to structures now or hereinafter located along the PROJECT shall be in accordance with the COMMISSION rules, regulations, and rate schedules applicable for such structures and in effect at the time of application for service and provided all customary COMMISSION fees and charges for installation and activation of such service have been paid by the applicant(s) for said services. All operating fees, charges, rates, etc. shall be solely at the COMMISSION'S discretion in accordance with its established policies which shall be subject to change by the COMMISSION.
8. Except as otherwise provided herein, upon execution of this Agreement, CITY and COUNTY agree to participate in the cost of the PROJECT in the respective amounts set forth above. Payments by CITY and COUNTY shall be from the contributions from a grant obtained and shall be based on the monthly application for payment, by the COMMISSION, certified by the ENGINEER of record based

on a pro rata share of the PROJECT cost to each the CITY and COUNTY respectively. The PROJECT cost includes construction plus the costs of acquisition of all deeds or easements of conveyance for rights-of-way and encroachments necessary for the PROJECT engineering fees and administration fees. CITY shall contribute up to, but not to exceed, \$666,750.00 and COUNTY shall contribute up to, but not to exceed, \$74,250.00, for a total of \$741,000.00, to be held and paid by the City's department in charge of administering federal grants.

9. The COMMISSION shall not be obligated to spend more than \$741,000.00 to complete PROJECT unless the DEVELOPER agrees in writing to pay for any construction costs in excess of \$741,000.00. When COMMISSION'S construction costs reach \$650,000.00, it shall promptly advise the DEVELOPER in writing whether or not its construction costs to complete the PROJECT will exceed \$741,000.00 and, if so, what its estimate of the cost to complete the PROJECT will be. The DEVELOPER shall respond to the COMMISSION within ten (10) days after receipt of the COMMISSION'S estimate of the construction cost in excess of \$741,000.00.
10. The COMMISSION agrees to comply with the ADDITIONAL CONSTRUCTION CONDITIONS AND SPECIFICATIONS attached hereto as Exhibit "D" and hereby incorporated herein.
11. COMMISSION shall hold harmless to the extent permitted by law the CITY, COUNTY, and DEVELOPER and their respective elected officials, employees, directors, successors and assigns against liability, claims, fines, or civil penalties as a result of the COMMISSION'S failure to comply with statutes, rules, regulations, and/or ordinances (local, state, and federal) or for any injury or damage caused by any act, omission or negligence of the COMMISSION, its agents, servants, employees, contractors, licensees, or invitees.
12. The DEVELOPER shall proceed promptly to complete and gain approval and acceptance for the remaining plans and permits required to develop and construct the proposed military business park, but shall not be required to proceed with further construction of the PROJECT unless and until the DEVELOPER shall have received approval, acceptance and grants or other governmental funding with which to pay for the ingresses and egresses and main thoroughfare from Santa Fe Drive to Bragg Boulevard, which the DEVELOPER deems essential and required to develop a successful military business park.
13. Nothing in this Agreement shall be construed to create a partnership or joint venture among CITY, COUNTY, COMMISSION, and DEVELOPER or any of them. The parties intend that each party shall perform its duties and obligations hereunder as an independent contractor.

14. This Agreement shall be binding upon and inure to the benefit of the parties hereto, and their respective heirs, successors, and assigns.
15. This Agreement contains the entire agreement of the parties and there are no representations, inducements, or other provisions other than those expressed herein in writing.
16. This Agreement shall be governed by the internal laws of the State of North Carolina without regard to the conflict of laws provisions thereof.

[THE REMAINDER OF THIS PAGE 5 IS INTENTIONALLY LEFT BLANK]

17. Any notice required or permitted hereunder shall be sufficient if hand-delivered or sent certified mail, return receipt requested to the:

CITY:

City of Fayetteville
433 Hay Street
Fayetteville, NC 28301
Attention: Dale Iman, City Manager

COMMISSION:

Public Works Commission
PO Box 1089
Fayetteville, NC 28302-1089
Attention: Steven K. Blanchard

COUNTY:

County of Cumberland
PO Box 1829
Fayetteville, NC 28302
Attention: James Martin, County Manager

DEVELOPER:

Dohn B. Broadwell and Nancy W. Broadwell
903 Hay Street
Fayetteville, NC 28303

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, COUNTY, CITY, COMMISSION, and DEVELOPER have executed this Agreement as of the date first above written.

DEVELOPER

Dohn B. Broadwell, Co-Owner

Nancy W. Broadwell, Co-Owner

CITY

City of Fayetteville

By: _____
Anthony G. Chavonne, Mayor

ATTEST:

Candice H. White, City Clerk

Approved for legal sufficiency:

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

Karen M. McDonald
City of Fayetteville Attorney

Lisa Smith
City of Fayetteville Chief Financial Officer

COUNTY

County of Cumberland

By: _____
_____, Chairman

ATTEST:

_____, Clerk to the Board

Approved for legal sufficiency:

This instruments has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

County Attorney

Amy Cannon, Assistant County Manager for
Finance

COMMISSION

ATTEST:

Public Works Commission of the City of
Fayetteville

Luis Olivera, Secretary

By: _____
Wilson A. Lacy, Chairman

Approved s to form this _____ day of
_____, 2009

By: _____
Richard M. Lewis, Jr
Public Works Commission Attorney

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

By: _____
J. Dwight Miller
PWC Chief Financial Officer

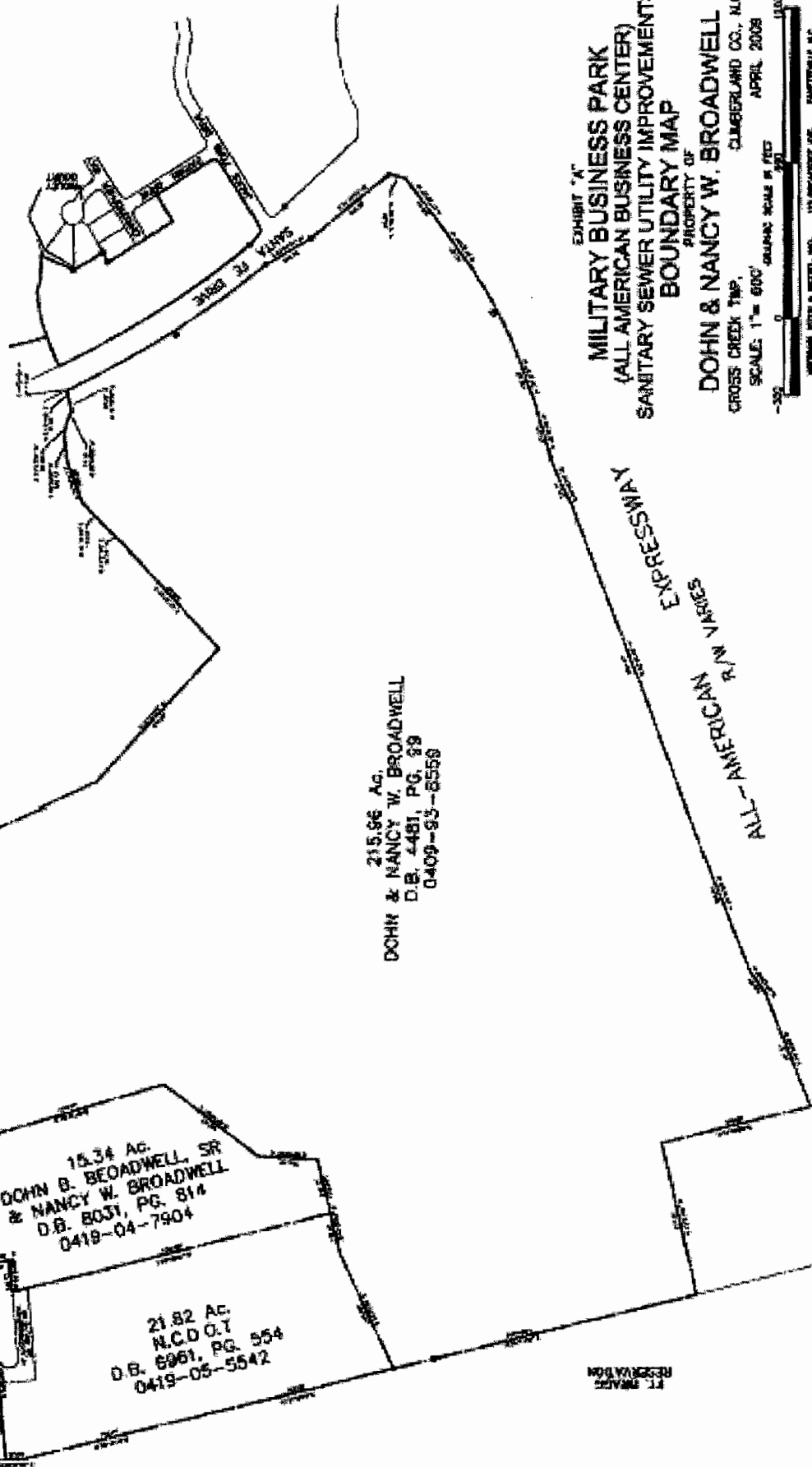
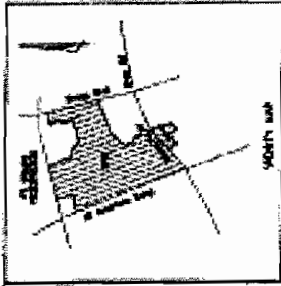
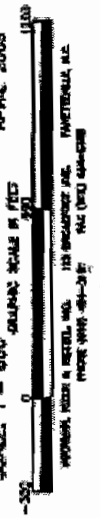


EXHIBIT "A"
MILITARY BUSINESS PARK
 (ALL AMERICAN BUSINESS CENTER)
 SANITARY SEWER UTILITY IMPROVEMENTS
BOUNDARY MAP
 PROPERTY OF
DOHN & NANCY W. BROADWELL
 CROSS CREEK TWP., CLAMBERLAND CO., N.C.
 SCALE: 1" = 600'
 APRIL 2008



215.96 Ac.
DOHN & NANCY W. BROADWELL
 D.B. 4481, PG. 38
 0409-93-2558

15.34 Ac.
DOHN B. BROADWELL, SR
& NANCY W. BROADWELL
 D.B. 8031, PG. 814
 0419-04-7904

21.82 Ac.
 N.C.D.O.T.
 D.B. 6961, PG. 954
 0419-05-5542

FT. SWANSON
 RESERVATION

ALL-AMERICAN
 EXPRESSWAY
 R/W VARIES

BRADY BULLEARD

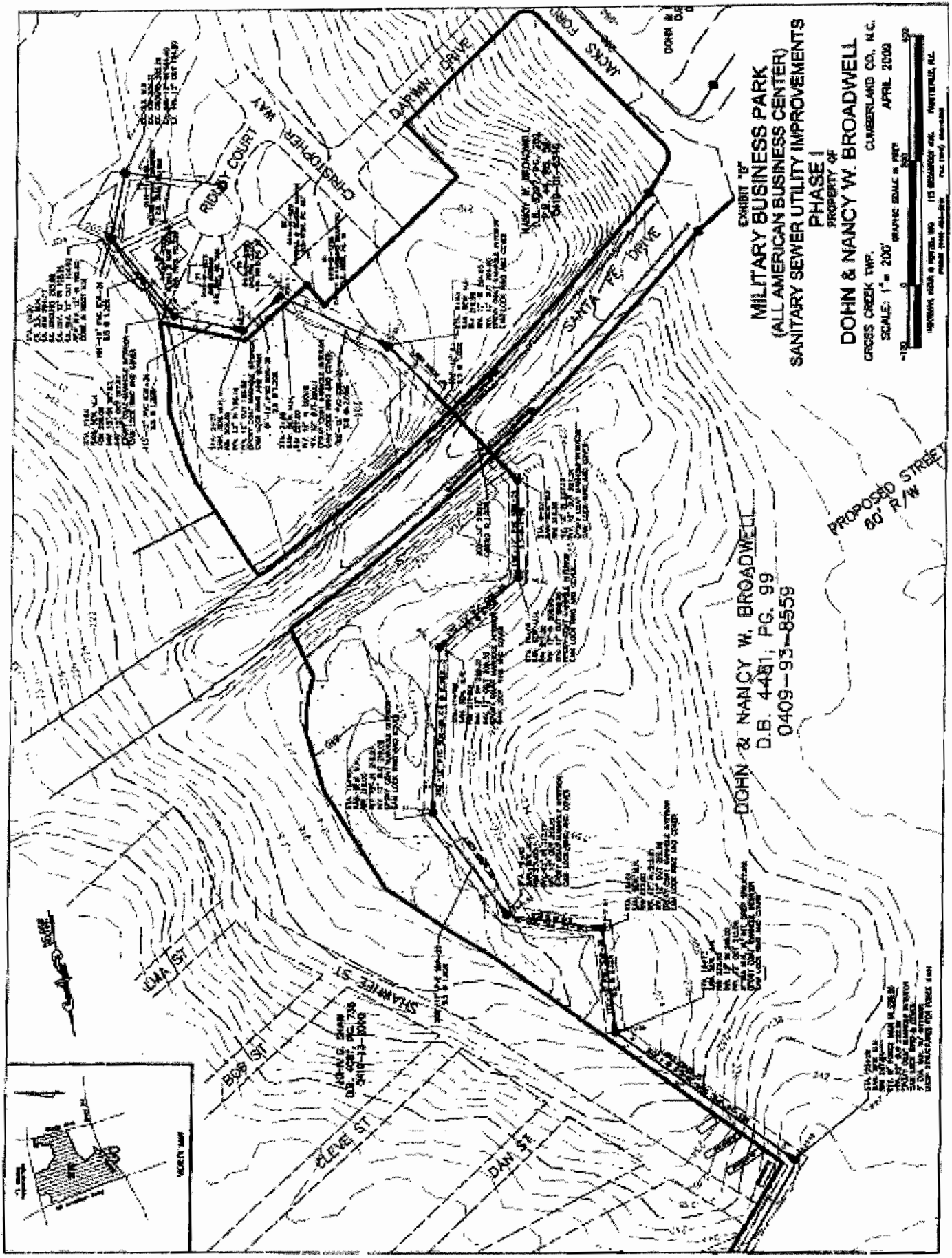


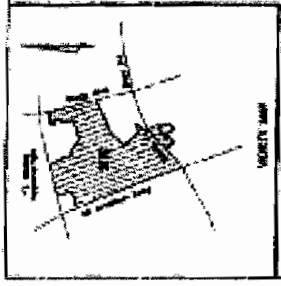
EXHIBIT 'D'
MILITARY BUSINESS PARK
 (ALL AMERICAN BUSINESS CENTER)
SANITARY SEWER UTILITY IMPROVEMENTS
 PHASE I
 PROPERTY OF

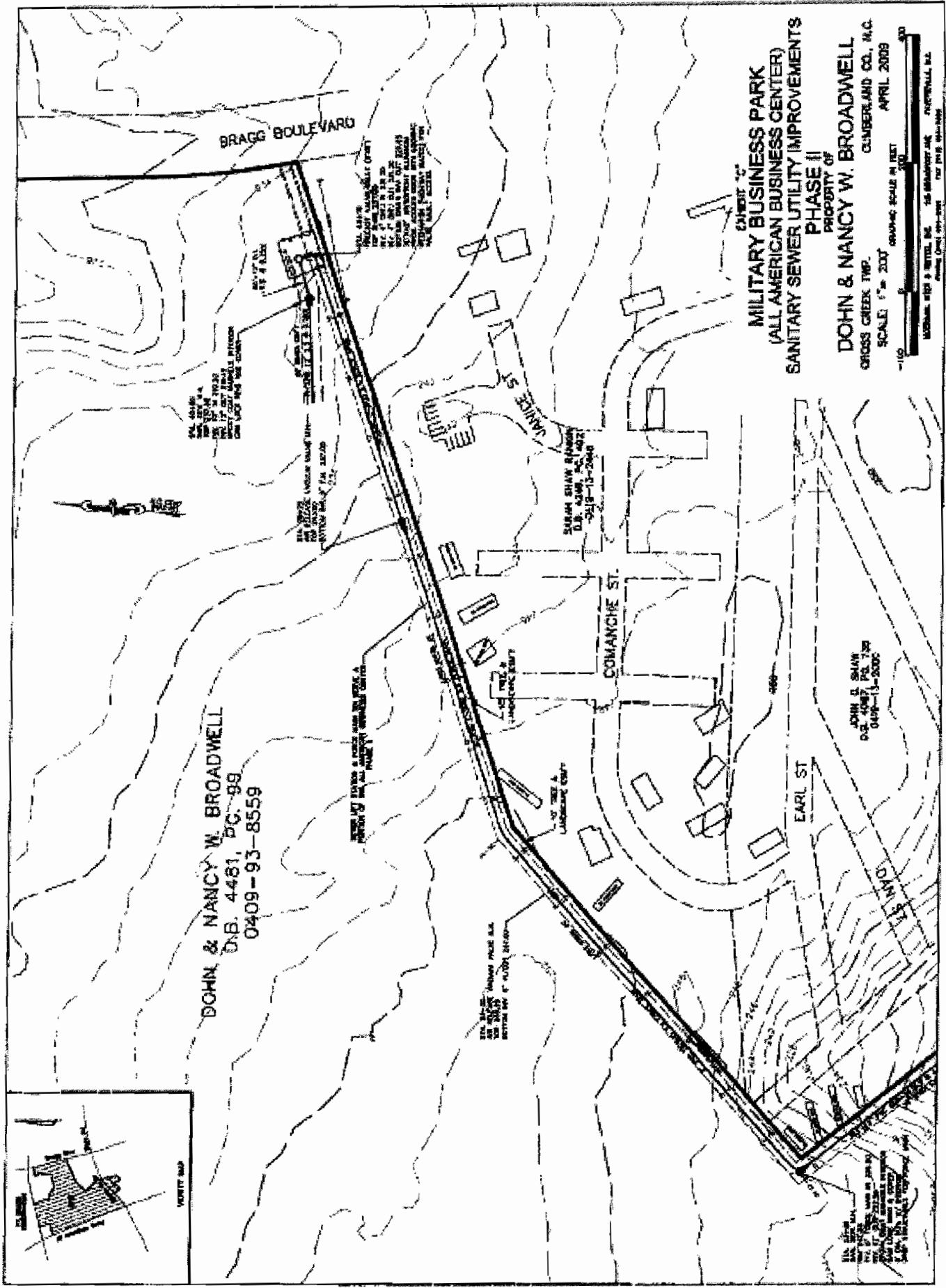
DOHN & NANCY W. BROADWELL
 CROSS CREEK TWP.
 CUMBERLAND CO., N.C.
 SCALE: 1" = 200'
 GRAPHIC SCALE IN FEET
 APRIL 2000



DOHN & NANCY W. BROADWELL
 D.B. 4481; PG. 99
 0409-93-8559

PROPOSED STREET
 80' R/W





DOHN & NANCY W. BROADWELL
 D.B. 4461, P.C. -89
 0409-93-8559

CHART 'C'
MILITARY BUSINESS PARK
 (ALL AMERICAN BUSINESS CENTER)
SANITARY SEWER UTILITY IMPROVEMENTS
PHASE II
 PROPERTY OF
DOHN & NANCY W. BROADWELL
 CLUMBERLAND CO., N.C.
 CROSS CREEK TWP.
 SCALE: 1" = 200' GRADE: SCALE IN FEET
 APRIL 2009

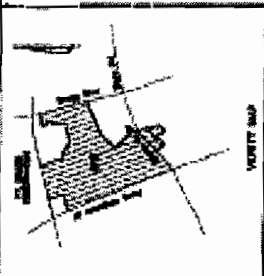


EXHIBIT D

ADDITIONAL CONSTRUCTION CONDITIONS AND SPECIFICATIONS

COMPENSATION/PAYMENT SCHEDULE:

It is expressly agreed and understood that the total amount to be paid by the City and County to Commission is and shall not exceed under this contract \$741,000.00

PAYMENT	PERCENT COMPLETE	AMOUNT RELEASED
1	25%	\$170,000.00
2	50%	\$170,000.00
3	75%	\$170,000.00
4	100%	\$231,000.00
TOTAL		\$741,000.00

Inspections

The percentage of work completed shall be verified by documented onsite inspections conducted by the City and authorization for release of fund shall be provided by the City and County Managers.

Request for payment shall be made in writing directly to the attention of the City Manager and County Manager and shall be signed by the Commission's authorized representative.

Debarment and Suspension

As required by 24 CFR part 24, Commission certified that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation from the covered transaction for any reason.

Conflict of Interest

The City and County covenant that in the performance of the Agreement no person having a financial interest therein shall be employed or retained by the City or County hereunder. These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the City or County.

CIVIL RIGHTS:

Compliance

The Commission agrees to comply with Title VI of the Civil Rights Act of 1964 as amended, Title VII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990, The Age Discrimination Act of 1975, Executive Order 11063, and with Executive Order 11246 as amended by Executive Orders 11375 and 12086.

Nondiscrimination

The Commission shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. The Commission shall take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff termination, rates of pay or other forms of compensation, and selection from training, including apprenticeship. The Commission agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting agency setting forth the provisions of this nondiscrimination clause.

Debarment and Suspension

As required by 24 CFR part 24, Commission certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation from the covered transaction for any reason.

Section 504

The Commission agrees to comply with any Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of (1973 29 U.S.C. 706), which prohibits discrimination against the handicapped in any Federally assisted program.

The City and County shall provide the Commission with any guidelines necessary for compliance with that portion of the regulations in force during the term of this contract.

EEO Statement

The Commission shall, in all solicitations or advertisements for employees placed by or on behalf of the Commission, state that it is an Equal Opportunity Employer.

Subcontract Provisions

The Developer shall include the provisions of Paragraph VI.A. Civil Rights in every subcontract or purchase order, specifically or by reference, so that such provisions shall be binding upon each of its own subrecipients or subcontractors.

Section 3 Clause

Compliance

Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135 and dated May 1, 1996, and all applicable rules and orders issued hereunder prior to the execution of this contract, shall be a condition of the Federal financial assistance provided under this contract and binding upon the Grantee, the Developer and any of the Developer's subrecipients and subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which Federal assistance is provided. The Developer certifies and agrees that no contractual or other disability exists which would prevent compliance with these requirements.

The Developer further agrees to comply with these "Section 3" requirements and to include the following language in all subcontracts executed under this Agreement:

"The work to be performed under this contract is a project assisted under a program providing direct Federal Financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given to low and very low income residents of the project area and contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for low and very low income persons residing in the metropolitan area in which the project is located."

The Developer further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead based paint hazards), housing construction, or other public construction project are given to low and very low income persons residing within the metropolitan area in which the HOME-funded project is located; where feasible, priority should be given to low and very low income persons within the service area of the project or the neighborhood in which the project is located, and to low and very low income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead based paint hazards, housing construction, or other public construction) project are given to business concerns that provide economic opportunities for low and very low income persons residing within the metropolitan area in which the HOME-funded project is located; where feasible, priority should be given to business concerns which provide economic opportunities to low and very low income residents within the service area of the neighborhood in which the project is located, and to low and very low income participants in other HUD programs.

The Developer certifies and agrees that no contractual or other legal incapacity exists which would prevent compliance with these requirements.

Notifications

The Developer agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract of understanding, if any, a notice advising said labor organization or worker's representative of its commitments under this Section 3 Clause and shall post copies of the notice conspicuous places available to employees and applicants for employment or training.

Subcontracts

The Developer shall include this Section 3 Clause in every subcontract and shall take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the grantor agency. The Developer shall not subcontract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and shall not let any subcontract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

Hatch Act

The Developer agrees that no funds provided, nor personnel employed under this contract, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V United States Code.

Lobbying

The Developer hereby certifies that:

- A) Federal appropriated funds have been paid or shall be paid, by or on behalf of it, to any person for influencing or attempting to influence 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 agreements;
- B) Any funds other than Federal appropriated funds have been paid or shall 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 shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- C) It shall require that the language of paragraph (d) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, and

contracts, under grants, loans, and cooperative agreements) and that all Developers shall certify and disclose accordingly.

LEAD-BASED PAINT

The Developer agrees that any construction or rehabilitation of residential structures with assistance provided under this contract shall be subject to HUD Lead Based Paint regulations at 24 CFR Part 92.355 and Part 35. Such regulations pertain to all HUD assisted housing and require that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead based paint poisoning and the advisability and availability of blood lead level screening for children under seven (7). The notice should also point out that if lead based paint is found on the property, abatement measures may be taken.

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
CC: Jeffrey Powell, Assistant City Manager
From: Craig Hampton, Special Projects Director
Date: April 27, 2009
Re: Adopt Resolution for Award of Construction Contract for Transportation Museum

THE QUESTION:

The request to Council is to adopt the attached resolution awarding a construction contract to Thames Construction Co., Inc. Laurinburg, NC in the Amount of \$ 207,600. The execution of the notice to proceed is subject to concurrence of approval by the NC DOT Board since this is a DOT Enhancement Division funded project.

RELATIONSHIP TO STRATEGIC PLAN:

Meets City Vision Plan most Guiding Principles; Alive Vibrant Downtown and City Mission of Well Designed and Well Maintained Infrastructure and Facilities. Meets Goals #3-More Attractive City and #6-Revitalized Downtown.

BACKGROUND:

In July 2008 the city received supplemental funding for expansion of the transportation Museum into a portion of the adjacent city owned building housing Cape Fear Studios. The expansion is necessary due to the limited space of the primary building to house the automotive section of the Transportation Museum. A floor plan is attached to this request. Since that time the city has finalized the plans and specifications and conducted a bid process that resulted in the receipt of 11 bidders. All bids were rejected to noncompliance with the Disadvantaged Business Enterprise rules and requirements. The city issued a rebid of the project, conducted an extensive prebid conference with potential bidders regarding the DBE requirements, and received bids. The certified bid tabulation is attached to this request. The low bidder is not recommended due to non-compliance with the DBE goals. The next low bidder is recommended for award. The attached Resolution represents the recommendation of award for that process. This contract is subject to final approval and concurrence by the NC DOT board. It is expected that work will begin within 60 days and take 90 days or less to complete. The recommended bidder, Thames Construction Co., Inc. achieved a 21% DBE participation rate for this contract.

ISSUES:

There are no outstanding or unresolved issues.

OPTIONS:

- Do not adopt resolution
- Adopt attached Resolution

RECOMMENDATIONS:

Adopt attached Resolution

000065

ITEM 2.M.

RESOLUTION NUMBER _____

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, N.C. FOR THE PROJECT KNOWN AS:

Fayetteville Area Transportation Museum Expansion NC DOT TIP#E-4118

WHEREAS, The North Carolina Department of Transportation (NC DOT) has awarded a grant to the City of Fayetteville (City) for the purposes of expanding the existing Transportation Museum, and City has properly issued request for bids for the work associated with the expansion and has properly advertised and notified potential bidders of this work, and

WHEREAS, City has received qualified bids for this work and the recommended bid award is correct and complete in it's submission and the amount bid is within the budgeted funds for this project

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

The Mayor of the City of Fayetteville, NC is hereby authorized to execute on behalf of the City of Fayetteville, NC a standard city contract with Thames Construction Co. Inc. of Laurinburg, NC in the amount of \$207,600 and any change orders within the budgeted amount for the Fayetteville Area Transportation Museum Expansion NC DOT TIP#E-4118, pending concurrence with award by the North Carolina Department of Transportation.

Read, approved and adopted this _____ day of _____, 200__.

CITY CLERK

MAYOR

APPROVED AS TO FORM

CITY ATTORNEY

GORDON JOHNSON

Architecture

Fayetteville Area Transportation Museum Annex Renovation

APN 0632

Owner: City of Fayetteville
 Architect: Gordon Johnson Architecture
 Bid Date & Time: March 31, 2009 5:00 p.m.

Add 1,2,3	NCA Fms.	DBE Fms.	Base Bid	Alt. No. G1	Sub-Contractors
Harry H. Cummings, Inc.					P) Town & Country Plumbing \$19,300
√	X	0%	\$197,000	\$21,450	M) Tempco \$5,395 E) Allman Electric \$41,169
Thames Construction Co., Inc.					P) Town & Country Plumbing \$19,300
√	√	21%	\$207,600	\$29,000	M) Tempco \$5,395 E) M-R Electrical \$44,100
HBS Contractors, Inc.					P) Plumbing & Pipe Technologies \$17,500
√	√	28.7%	\$215,331	\$26,600	M) Tempco \$4,948 E) M-R Electrical \$44,100
M & E Contracting, Inc.					P) Town & Country Plumbing \$19,300
√	√	0.1%	\$221,500	\$29,075	M) Tempco \$5,395 E) Allman Electric \$41,169
Hayes, Inc.					P) Town & Country Plumbing \$19,300
√	√	2.4%	\$230,000	\$34,200	M) Bass \$6,746 E) Intelect \$54,320
WECC, Inc.					P) Town & Country Plumbing \$19,300
√	√	11%	\$235,395	\$26,000	M) Sanford Heating & Air \$5,250 E) Intelect \$54,320
Shaw Construction Co., Inc.					P) Town & Country Plumbing \$19,300
√	√	0%	\$243,166	\$28,000	M) Total Systems \$3,455 E) Allman Electric \$41,000

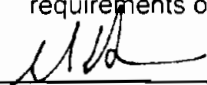
Notes:

Harry H. Cummings, Inc. was disqualified for not submitting a Non-Collusion Affidavit Form
 Hayes, Inc.'s DBE is not certified by the NCDOT as a "DBE".

Apparent low bidder is listed in bold awaiting confirmation of bid qualifications.

I certify that the bids represented herein (with exceptions noted) were properly submitted in accordance with requirements of the General Statutes of North Carolina, G.S. 143-131.

Signed:



Gordon E. Johnson

4-1-2009


Date



000087

4-1-2009

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Lisa T. Smith, Chief Financial Officer 
Date: April 27, 2009
Re: Capital Project Ordinance Amendment 2009-19 (West General Aviation Ramp Rehabilitation)

THE QUESTION: This project ordinance amendment will appropriate an additional \$191,055 awarded by the North Carolina Department of Transportation (NCDOT) for this project and increase the local match required by \$22,051, resulting in a revised total project budget of \$672,277.

RELATIONSHIP TO STRATEGIC PLAN: Goal 1 - Greater Tax Base Diversity – Strong Local Economy – Improve transportation access to commercial and industrial areas.

BACKGROUND:

- The original grant was approved by City Council in March 2008 for this project.
- Project bids received in March 2009 require an increase in the project budget; therefore, a request to increase the NCDOT grant by \$191,055 has been approved.
- In addition, the local funding for the project must be increased by \$22,051 to meet the grant match requirements and cover an ancillary charge not currently included in the grant.

ISSUES: None.

OPTIONS:

- 1.) Adopt Capital Project Ordinance Amendment 2009-19.
- 2.) Do not adopt Capital Project Ordinance Amendment 2009-19 and do not proceed with the project as currently planned.

RECOMMENDATIONS: Adopt Capital Project Ordinance Amendment 2009-19.

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2009-19 (CPO 2008-6)

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

Section 1. The project change authorized is to Capital Project Ordinance 2008-6, adopted March 17, 2008, as amended, for West General Aviation Lower Ramp Rehabilitation.

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

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

	Listed As	Amendment	Revised
NC Department of Transportation	\$ 413,254	\$ 191,055	\$ 604,309
Required Local Match- Airport Operating Fund Transfer	45,917	22,051	67,968
Total Revenues	<u>\$ 459,171</u>	<u>\$ 213,106</u>	<u>\$ 672,277</u>

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

Project Expenditures	<u>\$ 459,171</u>	<u>\$ 213,106</u>	<u>\$ 672,277</u>
----------------------	-------------------	-------------------	-------------------

Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 27th day of April, 2009.

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Bradley S. Whited, Airport Director *4/28/09*
Date: April 27, 2009
Re: Bid Recommendation – West General Aviation Ramp Rehabilitation

THE QUESTION: Staff requests approval to award a contract for the West General Aviation Ramp Rehabilitation at the Fayetteville Regional Airport.

RELATIONSHIP TO STRATEGIC PLAN: Greater Tax Base Diversity – Strong Local Economy

BACKGROUND: Formal bids were received at 9:00 a.m., Monday, March 25, 2009. The low bid is recommended.

Bids received are as follows:

Bamhill Contracting Company, Fayetteville, NC	\$579,558.25
Highland Paving Co., LLC, Fayetteville, NC	\$589,617.50
Triangle Grading & Paving, Burlington, NC	\$628,795.00
ES&J Enterprises, Inc., Autryville, NC	\$691,283.50

DBE participation: Under the State guidelines, bidders were only allowed to use subcontractors certified as DBE's through NCDOT, toward their goal. Bamhill was able to contract with DBE's certified through NCDOT and submitted DBE participation in excess of the 5% MBE and 5% WBE goals. Bamhill submitted participation of 5.4% MBE and 5.2% WBE.

ISSUES: None

OPTIONS: (1) Award contract according to staff recommendation. (2) Reject bid and not award contract.

RECOMMENDATIONS: Award a contract to Bamhill Construction Company, Fayetteville, NC, in the amount of \$579,558.25.

CONTRACT

THIS CONTRACT, made this 14th day of April 2009 by and between Barnhill Contracting Company, PO Box 1529, Tarboro, North Carolina 27886, through its local office at 1100 Roberson Street, Fayetteville, North Carolina 28306, hereinafter called Contractor, and the City of Fayetteville, North Carolina, hereinafter called City.

WITNESSETH

THAT WHEREAS, a Contract for West General Aviation Lower Ramp Rehabilitation at the Fayetteville Regional Airport, Schedules I and II has recently been awarded to Contractor by City at and for \$579,558.25, a sum equal to the projected aggregate cost of the work to be done and for labor, materials, equipment, apparatus, and supplies furnished at the prices and rates respectively named therefore in the Proposal attached herewith;

AND WHEREAS, it was provided in said Award that a formal contract would be executed by and between Contractor and City, evidencing the terms of said Award.

NOW, THEREFORE, Contractor doth hereby covenant and agree with City that it will well and faithfully perform and execute such work and furnish such labor, materials, equipment, apparatus and supplies, in accordance with each and every one of the conditions, covenants, stipulations, terms, and provisions contained in the Contract Documents and in accordance with the Plans, at and for a sum equal to the aggregate cost of the work done and labor, materials, equipment, apparatus and supplies furnished at the prices and rates respectively named therefore in the proposal attached thereto, and will well and faithfully comply with and perform each and every obligation imposed upon it by said Contract Documents and the terms of said Award.

All work shall be completed within the Contract Time as stipulated in the Special Provisions, as may be modified under the terms of the Contract Documents. Liquidated Damages shall be assessed against the Contractor for failure to complete the work within the Contract Time and under other circumstances as provided in the Contract Documents.

Contractor shall promptly make payments to all persons supplying materials in the prosecution of the work and to all laborers and others employed thereon.

Contractor shall be responsible for all damages to property of the City of Fayetteville, North Carolina, that may be consequent upon the normal procedure of its work or that may be caused by or result from the negligence of Contractor, its employees or agents, during the progress of or connected with the prosecution of the work, whether within the limits of the work or elsewhere. Contractor must restore all property so injured to a condition as good as it was when Contractor entered upon the work.

Contractor shall furthermore be responsible for and required to make good at its expense any and all damages of whatever nature to persons or property arising during the period of the Contract, caused by carelessness, neglect, or want of due precaution on the part of Contractor, its agents, employees or workmen. Contractor shall also indemnify and save harmless the City of

CONTRACT

THIS CONTRACT, made this 14th day of April 2009 by and between Barnhill Contracting Company, PO Box 1529, Tarboro, North Carolina 27886, through its local office at 1100 Roberson Street, Fayetteville, North Carolina 28306, hereinafter called Contractor, and the City of Fayetteville, North Carolina, hereinafter called City.

WITNESSETH

THAT WHEREAS, a Contract for West General Aviation Lower Ramp Rehabilitation at the Fayetteville Regional Airport, Schedules I and II has recently been awarded to Contractor by City at and for \$579,558.25, a sum equal to the projected aggregate cost of the work to be done and for labor, materials, equipment, apparatus, and supplies furnished at the prices and rates respectively named therefore in the Proposal attached herewith;

AND WHEREAS, it was provided in said Award that a formal contract would be executed by and between Contractor and City, evidencing the terms of said Award.

NOW, THEREFORE, Contractor doth hereby covenant and agree with City that it will well and faithfully perform and execute such work and furnish such labor, materials, equipment, apparatus and supplies, in accordance with each and every one of the conditions, covenants, stipulations, terms, and provisions contained in the Contract Documents and in accordance with the Plans, at and for a sum equal to the aggregate cost of the work done and labor, materials, equipment, apparatus and supplies furnished at the prices and rates respectively named therefore in the proposal attached thereto, and will well and faithfully comply with and perform each and every obligation imposed upon it by said Contract Documents and the terms of said Award.

All work shall be completed within the Contract Time as stipulated in the Special Provisions, as may be modified under the terms of the Contract Documents. Liquidated Damages shall be assessed against the Contractor for failure to complete the work within the Contract Time and under other circumstances as provided in the Contract Documents.

Contractor shall promptly make payments to all persons supplying materials in the prosecution of the work and to all laborers and others employed thereon.

Contractor shall be responsible for all damages to property of the City of Fayetteville, North Carolina, that may be consequent upon the normal procedure of its work or that may be caused by or result from the negligence of Contractor, its employees or agents, during the progress of or connected with the prosecution of the work, whether within the limits of the work or elsewhere. Contractor must restore all property so injured to a condition as good as it was when Contractor entered upon the work.

Contractor shall furthermore be responsible for and required to make good at its expense any and all damages of whatever nature to persons or property arising during the period of the Contract, caused by carelessness, neglect, or want of due precaution on the part of Contractor, its agents, employees or workmen. Contractor shall also indemnify and save harmless the City of

Fayetteville, North Carolina, and the officers and agents thereof from all claims, suits, and proceedings of every name and description which may be brought against the City of Fayetteville, North Carolina, or the officers and agents thereof, for or on account of any injuries or damages to persons or property received or sustained by any person or persons, firm or corporation, or by or in consequence of any materials used in said work or by or on account of any improper material or workmanship in its construction, or by or on account of any accident, or of any other act or omission of Contractor, its agents, employees, servants or workmen.

It is agreed and understood that the all of the components of the Contract Documents enumerated herein are parts and parcels of this Contract to the same extent as if incorporated herein in full. The Contract Documents shall include:

Notice to Bidders
Instructions to Bidders
General Conditions (Sections 5 through 95)
Supplemental General Conditions
Project Special Provisions
Technical Specifications
Performance and Payment Bonds
Appendix C
Bid Proposal (Pages B-1 through B-7, Bid Form Pages 1 through 6 and 4 sheet listing of MBE/WBE Subcontractors)
Addendum No. 1, dated March 19, 2009
Project Plans, dated March 2009 and listed on the covers sheet thereof

It is further mutually agreed that if at any time after the execution of this agreement and the surety bonds hereto attached for its faithful performance, City shall deem the surety or sureties upon such bonds to be unsatisfactory, or if, for any reason, such bonds cease to be adequate to cover performance and payment of the work, Contractor shall, at its expense, within five days after the receipt of notice from the City so to do, furnish an additional bond or bonds in such form and amount, and with such surety or sureties as shall be satisfactory to City. In such event, no further payment to Contractor shall be deemed to be due under this agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to City.

It is further agreed that the Contractor will not discriminate against any employee or applicant because of race, color, creed, sex, or religion.

And City doth hereby covenant and agree with Contractor that it will pay to Contractor, when due payable under the terms of said Contract Documents and said Award, the above mentioned sum, and that it will well and faithfully comply with and perform each and every obligation imposed upon it by said Specifications and the terms of said Award.

It is also agreed that if the City shall determine that it is in the City's best interest, the City shall notify the Contractor to terminate the work within seven (7) days. The Contractor shall be entitled to compensation for all work properly executed and any expenses incurred in terminating the contract and vacating the construction site. No claim shall be made by the

Contractor for any change order or termination, by reason of any variation between the approximate quantities and the quantity of work as done, or for lost profits.

Contractor shall furnish with each pay application on City provided forms, beginning not later than the second application for payment, an affidavit certifying the total cost of materials and North Carolina Sales Tax paid on such materials which are included in the application for payment.

Whenever used herein, the singular shall include the plural, the plural the singular and the use of any gender shall be applicable to all genders as the context may require.

IN WITNESS WHEREOF, said Contractor has hereunto set its hand and seal (or) has caused these presents to be signed in its corporate name by its corporate seal to be hereto affixed and attested by its Secretary and the City of Fayetteville, North Carolina, has caused these presents to be signed in its corporate name by its authorized representative and seal to be hereto affixed and duly attested by its City Clerk, by authority of the City Council duly given, all as of the day and year first above written.

(Corporate Seal)

BARNHILL CONTRACTING COMPANY

(SEAL)

ATTEST:

BY: _____

Secretary

TITLE: _____

CITY OF FAYETTEVILLE, NC

ATTEST:

By: _____

TITLE: DALE IMAN, CITY MANAGER

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

LISA SMITH, CHIEF FINANCIAL OFFICER

This is to certify that I have examined the attached contract documents, that after such examination I am of the opinion that such documents conform to the laws of the State of North Carolina, that the execution of the contract and the contract bonds are in due and proper form and that the foregoing agreements constitute valid and binding obligations on such parties.

KAREN M. MCDONALD, ATTORNEY FOR THE CITY OF FAYETTEVILLE, NC

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Victor D. Sharpe, Community Development Director
Date: April 27, 2009
Re: 2009-2010 Annual Action Plan

THE QUESTION: Does the 2009-2010 Annual Action Plan address the goals and objectives of the 2005-2010 Consolidated 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 2009-2010 Annual Action Plan is based on the goals set forth in the 2005-2010 Consolidated Plan. The Consolidated Plan is designed to address the City's housing, economic development, community development and homeless needs for a five-year period.
- The annual action plan contains goals and objectives and describes projects and activities that implement strategies established in the consolidated plan. It sets forth a description of activities for the use of funds that are expected to become available in the upcoming fiscal year.
- In an effort to provide citizens an opportunity to participate in the process of developing our action plan, the Community Development Staff held a series of six citizen participation meetings in various locations throughout the City. The Fayetteville Redevelopment Commission held a public hearing on April 9, 2009.
- A draft copy of the action plan is being made available in various locations for review and comments for 30 days from March 31 – April 29, 2009.

ISSUES: This item was discussed at the City Council Work Session on April 6, 2009. The latest version of the plan includes a revision for the commitment of Community Development Block Grant funds for the HOPE VI project for land acquisition for the development of single family housing.

RECOMMENDATIONS: The Fayetteville Redevelopment Commission recommends the adoption of the proposed 2009-2010 Annual Action Plan. Staff is recommending adoption of the plan to include a revision regarding an allocation of CDBG funds for the HOPE VI project.

ATTACHMENT:

2009-2010 Annual Action Plan

000075

ITEM 2.0.

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Dale Iman, City Manager
Date: April 27, 2009
Re: Roads and Municipalities Resolution

THE QUESTION: Does the City Council wish to adopt the resolution opposing Senate Bill 1001 and House Bill 881?

RELATIONSHIP TO STRATEGIC PLAN: Greater Tax Base Diversity – Strong Local Economy

BACKGROUND: Attached for your information is an analysis the Capital Area Metropolitan Planning Organization completed delineating the potential amounts of current NCDOT-maintained roadways inside North Carolina municipalities' corporate limits that would be subject to being transferred to those municipalities for maintenance, if Senate Bill 1001 and House Bill 881 become laws as currently written. This analysis indicates the City of Fayetteville could be subject to take on the additional maintenance responsibility for 428.95 lane miles and 213.34 road miles.

The attached resolution for City Council's consideration would express the City of Fayetteville's opposition of these bills.

THE ISSUE:

The resolution is being presented to the City Council for their consideration.

OPTIONS:

1. Adopt the resolution.
2. Don't adopt the resolution.

RECOMMENDATIONS:

Adopt the resolution and send copies to our North Carolina delegates and the North Carolina League of Municipalities.

**SB1001 Miles Transferred
by Municipality**

MUNICIPALITY	UNIT	ARTERIALS	MINOR	TOTAL
		AND MAJOR COLLECTORS (TO REMAIN NCDOT)	COLLECTOR & LOCALS (SUBJECT TO TRANSFER)	
	ROAD MILES	1.84	6.88	8.72
Ellerbe	LANE MILES	4.05	10.22	14.26
	ROAD MILES	2.02	5.11	7.13
Elm City	LANE MILES	0.00	13.66	13.66
	ROAD MILES	0.00	6.83	6.83
Elon	LANE MILES	19.57	3.39	22.96
	ROAD MILES	9.78	1.70	11.48
Emerald Isle	LANE MILES	21.41	0.18	21.59
	ROAD MILES	10.40	0.09	10.49
Enfield	LANE MILES	7.09	1.75	8.85
	ROAD MILES	4.09	0.88	4.97
Erwin	LANE MILES	30.10	7.75	37.84
	ROAD MILES	14.27	3.87	18.14
Eureka	LANE MILES	2.22	6.20	8.42
	ROAD MILES	1.11	3.10	4.21
Everetts	LANE MILES	2.28	3.03	5.31
	ROAD MILES	1.14	1.51	2.66
Fair Bluff	LANE MILES	10.48	1.92	12.40
	ROAD MILES	4.37	0.96	5.33
Fairmont	LANE MILES	12.69	8.73	21.42
	ROAD MILES	6.34	4.37	10.71
Fairview	LANE MILES	36.63	118.40	155.03
	ROAD MILES	18.28	60.22	78.50
Faison	LANE MILES	4.01	0.00	4.01
	ROAD MILES	2.07	0.00	2.07
Faith	LANE MILES	7.63	4.20	11.83
	ROAD MILES	3.07	2.10	5.17
Falcon	LANE MILES	2.73	2.85	5.57
	ROAD MILES	1.36	1.42	2.79
Falkland	LANE MILES	1.97	1.60	3.57
	ROAD MILES	0.99	0.80	1.79
Fallston	LANE MILES	8.52	8.96	17.48
	ROAD MILES	4.26	4.48	8.74
Farmville	LANE MILES	25.30	6.17	31.47
	ROAD MILES	9.91	3.09	12.99
Fayetteville	LANE MILES	506.58	428.95	935.52
	ROAD MILES	175.47	213.34	388.81
Flat Rock	LANE MILES	13.05	54.97	68.01
	ROAD MILES	6.48	27.48	33.96
Fletcher	LANE MILES	17.76	23.74	41.50
	ROAD MILES	7.18	11.87	19.05
Forest City	LANE MILES	36.85	40.06	76.90
	ROAD MILES	16.63	18.36	34.99
Forest Hills	LANE MILES	0.00	3.87	3.87
	ROAD MILES	0.00	1.94	1.94
Fountain	LANE MILES	5.04	2.21	7.25
	ROAD MILES	2.52	1.11	3.62
Four Oaks	LANE MILES	13.09	17.07	30.16
	ROAD MILES	6.73	8.54	15.27
Foxfire Village	LANE MILES	2.49	3.06	5.55
	ROAD MILES	1.24	1.53	2.77
Franklin	LANE MILES	23.19	17.57	40.77
	ROAD MILES	11.33	8.79	20.11
Franklinton	LANE MILES	8.75	5.62	14.37
	ROAD MILES	4.61	2.81	7.41
Franklinville	LANE MILES	7.15	8.04	15.19
	ROAD MILES	2.68	4.02	6.70
Fremont	LANE MILES	5.07	6.52	11.58
	ROAD MILES	2.53	3.26	5.79
Fuquay-Varina	LANE MILES	51.67	37.82	89.48

SB1001 Miles Transferred by County

4/9/2009

COUNTY	UNITS	ARTERIALS AND MAJOR COLLECTORS (TO REMAIN NCDOT)		MINOR COLLECTOR & LOCALS (SUBJECT TO TRANSFER)	TOTAL
CHOWAN	LANE MILES	25.54	6.06		31.60
	ROAD MILES	11.19	3.03		14.22
CLAY	LANE MILES	1.94	8.64		10.59
	ROAD MILES	0.97	4.32		5.29
CLEVELAND	LANE MILES	281.86	240.66		522.52
	ROAD MILES	136.03	120.33		256.36
COLUMBUS	LANE MILES	145.24	91.08		236.32
	ROAD MILES	68.31	45.54		113.85
CRAVEN	LANE MILES	186.14	85.28		271.42
	ROAD MILES	75.44	42.40		117.84
CUMBERLAND	LANE MILES	645.54	532.98		1,178.52
	ROAD MILES	241.84	264.89		506.74
CURRITUCK	LANE MILES	0.00	0.00		0.00
	ROAD MILES	0.00	0.00		0.00
DARE	LANE MILES	133.73	52.44		186.17
	ROAD MILES	50.36	26.22		76.58
DAVIDSON	LANE MILES	329.58	252.26		581.84
	ROAD MILES	151.04	125.46		276.50
DAVIE	LANE MILES	22.20	17.71		39.91
	ROAD MILES	10.96	8.86		19.81
DUPLIN	LANE MILES	81.77	82.54		164.31
	ROAD MILES	34.33	40.96		75.29
DURHAM	LANE MILES	623.04	138.00		761.05
	ROAD MILES	290.67	68.40		359.07
EDGECOMBE	LANE MILES	181.19	68.12		249.32
	ROAD MILES	82.90	33.96		116.86
FORSYTH	LANE MILES	931.91	417.95		1,349.86
	ROAD MILES	457.47	207.79		665.26
FRANKLIN	LANE MILES	47.51	42.79		90.30
	ROAD MILES	22.93	21.40		44.32
GASTON	LANE MILES	579.72	137.78		717.50
	ROAD MILES	245.72	68.54		314.26
GATES	LANE MILES	7.23	0.71		7.94
	ROAD MILES	3.61	0.35		3.97
GRAHAM	LANE MILES	4.09	3.94		8.03
	ROAD MILES	2.05	1.97		4.01
GRANVILLE	LANE MILES	119.17	93.03		212.20
	ROAD MILES	61.14	46.31		107.45
GREENE	LANE MILES	13.67	8.29		21.96
	ROAD MILES	6.84	4.15		10.98
GUILFORD	LANE MILES	1,083.58	614.83		1,698.40
	ROAD MILES	471.14	299.69		770.83
HALIFAX	LANE MILES	91.62	40.31		131.92
	ROAD MILES	38.79	19.94		58.72
HARNETT	LANE MILES	120.08	55.93		176.02
	ROAD MILES	53.62	27.97		81.59
HAYWOOD	LANE MILES	83.52	57.70		141.22
	ROAD MILES	33.71	28.05		61.76
HENDERSON	LANE MILES	122.89	210.58		333.47
	ROAD MILES	57.71	105.29		163.00
HERTFORD	LANE MILES	37.83	38.89		76.73
	ROAD MILES	17.76	19.45		37.21
HOKE	LANE MILES	17.67	14.47		32.14
	ROAD MILES	8.79	7.24		16.03
IREDELL	LANE MILES	215.46	114.68		330.14

**A RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA
EXPRESSING OPPOSITION TO PENDING LEGISLATION TRANSFERRING
RESPONSIBILITY FOR STATE ROADS TO LOCAL GOVERNMENTS**

WHEREAS, Senate Bill 1001, identical House Bill 881, and Senate Bill 758 are pending in the North Carolina General Assembly; **AND**

WHEREAS, these bills are an attempt by the North Carolina Department of Transportation (NCDOT) to shift the financial responsibility for thousands of miles of state roads from the State of North Carolina to local governments, reversing the state policy adopted by the General Assembly in the 1930s under which the State assumed control of the state highway system from local governments and North Carolina became known as the "Good Roads State;" **AND**

WHEREAS, the current effort to divest the State from its responsibility for large portions of the state's road system represents a shortsighted abdication of responsibility caused by the State's inability or refusal to finance and manage it effectively, and merely shifts the responsibility back to local governments which lack the capacity to maintain the system; **AND**

WHEREAS, the efforts to shift the State's responsibility to local governments as set out in these bills include:

- transferring tens of thousands of miles of state roads from NCDOT to local governments for improvement and maintenance without sufficient resources, essentially insuring the acceleration and degree of deterioration of the existing road system;
- delaying payment of Powell Bill Funds to municipalities next year in order to cover State budget deficiencies, which will lead to deterioration of municipal streets and is contrary to national efforts to spur construction activity;
- eviscerating the 50-year-old Powell Bill municipal road maintenance support system by making payments under it optional by the State and therefore illusory, even as the State shifts its road responsibilities to local governments; **AND**

WHEREAS, local governments face their own daunting challenges in providing existing essential services with strained revenue sources without this attempted new unfunded mandate; **AND**

WHEREAS, the state's road system is fundamental and critical to the economic health of the State and the well being of its citizens, and it should not be sacrificed or abandoned for lack of determination by the State to continue to maintain its historical responsibility and stewardship.

CITY OF FAYETTEVILLE RESOLUTION

Page 2

April 27, 2009

NOW, THEREFORE, BE IT RESOLVED by the Mayor and members of the Fayetteville City Council that the North Carolina General Assembly is respectfully and urgently requested to reject proposals such as those in Senate Bill 1001, House Bill 881, and Senate Bill 758 which would transfer responsibility for large portions of the state's road system to local governments, and weaken or dismantle municipal Powell Bill street maintenance funding.; **AND**

BE IT FURTHER RESOLVED that the City of Fayetteville recognizes and respects the challenges facing the General Assembly in its responsibility for the state's road system and pledges its support for leadership leading to solutions for the benefit of all citizens.

Adopted this 27th day of April 2009.

CITY OF FAYETTEVILLE, NORTH CAROLINA

Anthony G. Chavonne, Mayor

ATTEST:

Candice H. White, City Clerk

000080

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Dale Iman, City Manager
Date: April 27, 2009
Re: Broadband Resolution

THE QUESTION: Does the City Council wish to adopt the resolution opposing Senate Bill 1004 and House Bill 1252?

RELATIONSHIP TO STRATEGIC PLAN: Greater Tax Base Diversity – Strong Local Economy

BACKGROUND: Senate Bill 1004 and House Bill 1252 have been introduced in the North Carolina Senate and House that would put prohibitive requirements on cities and towns that seek to offer broadband services to residents, especially in underserved areas. These bills would also prohibit cities and towns from receiving any of the \$4.7 billion available from the federal stimulus package for development of rural communications infrastructure. Some cities and towns want to provide this service because access to true high-speed internet is vital to economic development, educational outreach and community growth.

The attached resolution for City Council's consideration would express the City of Fayetteville's opposition of these bills.

THE ISSUE:

The resolution is being presented to the City Council for their consideration.

OPTIONS:

1. Adopt the resolution.
2. Don't adopt the resolution.

RECOMMENDATIONS:

Adopt the resolution and send copies to our North Carolina delegation and the North Carolina Mayor's Coalition.

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA
AGAINST SENATE BILL 1004 and HOUSE BILL 1252
*Level Playing Field Act***

WHEREAS, Senate Bill 1004 and House Bill 1252 (*The Level Playing Field Act*) have been introduced in the 2009 Session of the General Assembly of North Carolina and referred to the Senate Commerce Committee and House Committee on Science and Technology, respectively; **AND**

WHEREAS, these bills do not provide a “level playing field” to cities, towns and counties, but greatly hinder local governments from providing needed communications services, especially advanced high-speed broadband services in underserved areas; **AND**

WHEREAS, these bills impose numerous obligations on cities and towns that private broadband companies do not have to meet; **AND**

WHEREAS, private companies, despite having received favorable regulatory and tax treatment to enable broadband investment, have chosen to avoid the financial commitment necessary to provide top quality services and instead are offering lesser quality, slow non-state-of-the-art infrastructure technologies that are not even available to all residents; **AND**

WHEREAS, while private companies declare top quality service is cost-prohibitive in our country, the United States continues to lose ground to other nations in broadband access, cost and growth in number of users, thereby falling behind the United Kingdom, Korea, France, Japan and Canada to name a few, and Japan has internet access that is at least 500 times faster than what is considered high-speed in the United States and at a lesser cost; **AND**

WHEREAS, the U.S. Congress provided funds in the American Recovery and Reinvestment Act (federal stimulus) to reverse our country’s catastrophic broadband decline by making local and state governments – not private communication companies – directly eligible for \$4.7 billion in federal grants to provide affordable access to high capacity broadband services in unserved and underserved areas; **AND**

WHEREAS, these bills would prohibit North Carolina cities and towns from using federal grant funds to deploy or operate locally owned or operated broadband systems, thereby denying North Carolina residents access to billions of dollars of federal assistance available to the rest of the country and hindering employment opportunities; **AND**

WHEREAS, deployment of a true high-speed broadband internet is a new public utility vital to the future economic development, educational outreach, and community growth in North Carolina as well as being necessary to replace the lost textile, tobacco, furniture and manufacturing jobs; **AND**

WHEREAS, the General Assembly has already established 1) statutory provisions for Public Enterprises (NCGS Chapter 160A, Article 16); 2) conservation finance provisions in the Budget and Fiscal Control Act (NCGS Chapter, 159 Article 3); and 3) oversight by the Local Government Commission (NCGS Chapter, Article 2) and a local government must comply with all of those requirements in order to undertake providing an enterprise service to its community; **AND**

CITY OF FAYETTEVILLE RESOLUTION

Page 2

April 27, 2009

WHEREAS, the bills are counter to the Local Development Act of 1925 in NCGS Chapter 158 that allows local governments to aid and encourage economic development in communities throughout North Carolina; **AND**

WHEREAS, North Carolina law has long permitted local governments to engage in public enterprises and there is no justification for treating communications enterprises differently from other public enterprises that are essential for a sound economy; **AND**

WHEREAS, historically, it was government that funded much of the current corporate telecommunications infrastructure in the United States and government paid for and developed the Internet; **AND**

WHEREAS, there are telecommunications designers, equipment manufacturers and suppliers in North Carolina who will be negatively affected if local governments are not allowed to provide the needed communications services, meaning that **North Carolina will stand to lose more jobs by not investing** in top-quality broadband infrastructure than it will lose due to government provision of such services; **AND**

WHEREAS, many for-profit companies with operations in North Carolina have joined our local governments in opposing these bills.

NOW THEREFORE BE IT RESOLVED that the Mayor and members of the Fayetteville City Council oppose Senate Bill 1004 and House Bill 1252 and urge all members of the North Carolina General Assembly to vote "no" in committee and, if necessary, on the floor of the General Assembly.

Adopted this 27th day of April 2009.

CITY OF FAYETTEVILLE, NORTH CAROLINA

Anthony G. Chavonne, Mayor

ATTEST:

Candice H. White, City Clerk

000083

CITY COUNCIL ACTION MEMO

To: Rob Anderson, Chief Development Officer

RAA, D

From: Craig Harmon, Planner II

CH

Date: April 27, 2009

Case No. P09-11F

THE QUESTION: Rezone from C3 Commercial District to R5\CZ Residential District\Conditional Zoning to allow an apartment complex with 248 units

RELATIONSHIP TO STRATEGIC PLAN: Growth and Development

BACKGROUND:

Owner: 3701 Limited Partnership

Applicant: Rajan Shamdasani

Council District: District 4 – Haire

Requested Action: Rezone from C3 to R5\Conditional Zoning

Existing Zoning: C3 District

Size: +/- 12.32 (of 31.72 acres)

Existing Land Use: Vacant

Adjoining Land Use & Zoning:
North – R5 Residential and C1 Commercial
South – C3 Commercial
East – C3 Commercial and R5 Residential
West – C3 Commercial

2010 Land Use Plan: Heavy Commercial

Letters Mailed: 191

000084

ITEM 2.R.

SPECIAL INFORMATION:

Applicant agrees to the following conditions:

1. Build a portion of Blanton Road from Bragg Boulevard to apartment complex entrance, two-lane road;
2. Right turn lane from Bragg Boulevard onto Blanton;
3. Maximum height of five stories for building type 2;
4. Maximum height of four stories for building type 1 & 3;
5. 4 acres of open space where only 2.85 acres is required;
6. A total of three buildings;
7. A maximum of 248 apartment units;
8. A gated development;
9. Installation of elevators;
10. Exterior of buildings constructed of brick or stucco;
11. A ten-foot buffer north of the property;
12. No access to the Tropical Motel property.

Public Utilities:

Water:

PWC

Sanitary Sewer:

PWC

Transportation:

Bragg Boulevard is a major thoroughfare. The average daily traffic count is 27,000 vehicles at the intersection with Swain Street and 25,000 vehicles at Sycamore Dairy Road.

OPTIONS:

1. Rezone the property to R5\CZ Residential District\Conditional Zoning in conformance with the site plan and any additions or changes accepted by the applicant subject to final revisions or development requirements established by the City and NCDOT;
2. Set a public hearing to consider other options.

RECOMMENDATIONS:

Zoning Commission & Planning staff recommend approval of R5\CZ residential zoning\conditional zoning:

1. Although the 2010 Land Use Plan recommends Heavy Commercial uses for this property, it is staff's opinion that High Density Residential is appropriate for the back portion of this property;
2. High Density Residential borders this property on one side and Heavy Commercial on the other. Staff believes that this property should be left as a transition property to buffer between the commercial and other types of uses;
3. Rezoning to R5 residential would be compatible with the surrounding uses and Zoning Districts;
4. The conditional zoning limits the maximum number of apartment units to 248 where 345 units are allowed with an R5 zoning with conditions;
5. The applicant has also included conditions to buffer the development from surrounding properties.

ATTACHMENTS:

1. Application for Rezoning
2. Site Plan
3. Vicinity Map
3. Zoning Map
4. Current Land Use Map
5. Zoning Commission Minutes

**APPLICATION FOR CONDITIONAL ZONING
CITY OF FAYETTEVILLE**

To the Zoning Commission and the City Council of the City of Fayetteville, North Carolina

I (We), the undersigned, do hereby respectfully make application and petition to the City Council to grant Conditional Zoning. In support of this application, the following facts are shown:

Location/Address of the Property: Between 4006 & 4306 Bragg Blvd Zip 28302

Owner of the Property: 3701 Limited Partnership

Owner's Home Phone: NA Owner's Work Phone: 323-1336

A. Section and provision of the Zoning Ordinance from which the Conditional Zoning is requested:

Sec 30-156 R5 Residential District

B. The property sought for Conditional Zoning is owned by _____ as evidenced by deed, recorded in Deed Book 03770, Page 00699, Cumberland County Registry. (Attach a copy of (all) deed(s) as it appears in Registry.)

C. Tax Property Identification Number(s) (PIN#): 0418-65-7732

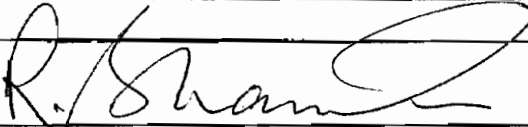
D. Acreage requested for Conditional Zoning: 12.32 acres

E. It is requested that the property be rezoned:

From: C3 To: R5 (Conditional Zoning)

F. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail to include hours of operation, screening, number of residential units or square footage of nonresidential uses, access points, phasing if applicable, parking and circulation pattern.)

Proposed luxury apartment complex with proposed 228 units, 423 parking spaces, with access to Bragg Blvd.


Signature of Owner
3701 Limited Partnership
PO Box 564

Address

Fayetteville

NC

28302

City

State

Zip Code

Home Phone: NA

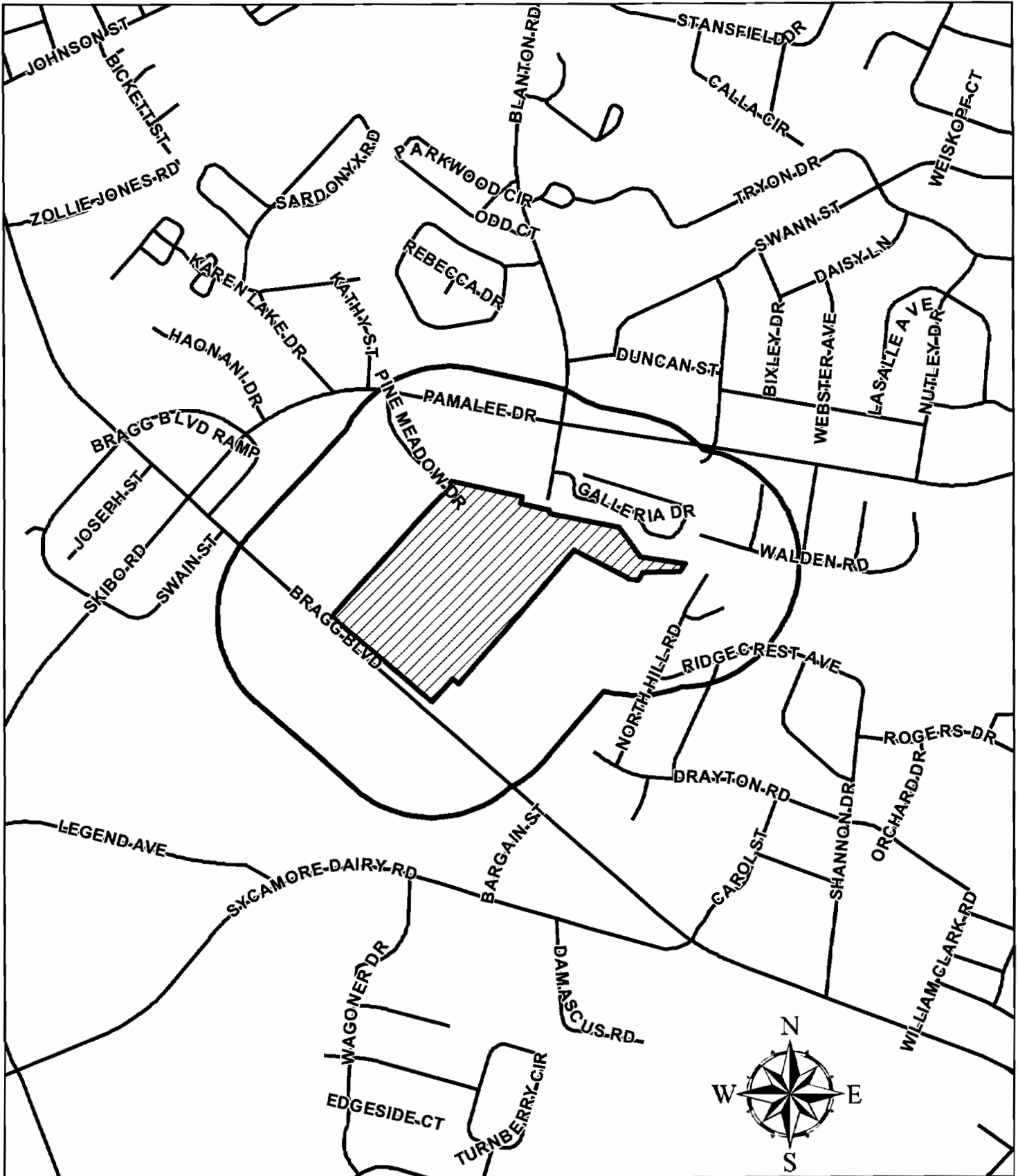
Work Phone: 323-1336

(for additional application forms: www.cityoffayetteville.org then visit the Planning Dept. page)

000087

Zoning Commission - Vicinity Map

Case No. P09-11F



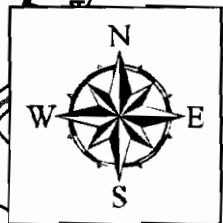
Request: C3 Commercial to R5 (Conditional) Residential
Location: Between 4006 & 4306 Bragg Blvd.
Pin: 0418-65-7732

**ZONING COMMISSION
CASE NO. P09-11F**



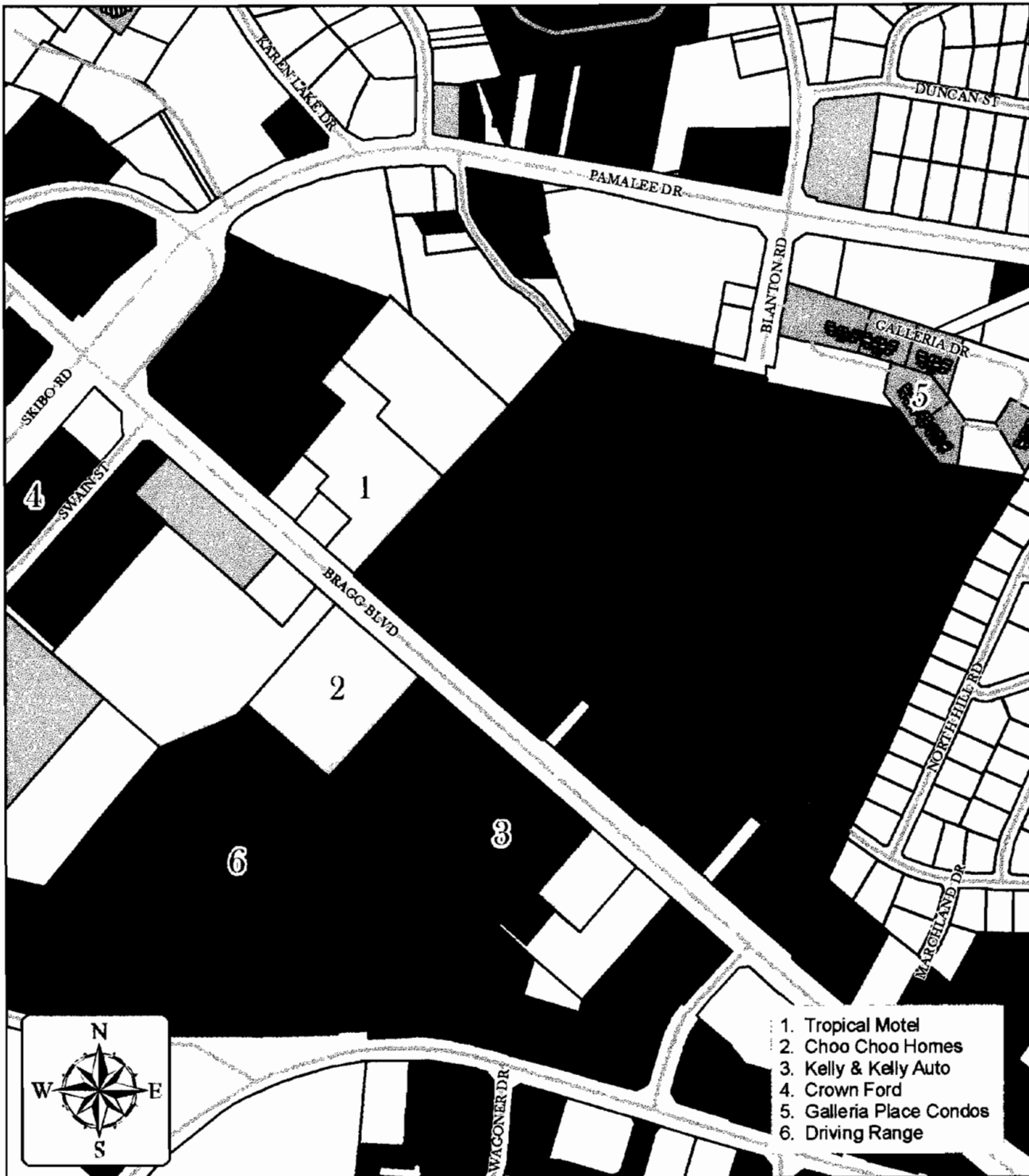
Request: C3 to R5 (conditional)
Location: Between - 4006-4306 Bragg Blvd.
Acreage: +/- 12.32 (of 31.72)

Zoning Commission: 3/10/2009 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 0418-65-7732



Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

**Current Land Use
P09-11F**



- 1. Tropical Motel
- 2. Choo Choo Homes
- 3. Kelly & Kelly Auto
- 4. Crown Ford
- 5. Galleria Place Condos
- 6. Driving Range

Legend

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Preponderantly Vacant	Vacant Land	Null PIN



**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
MARCH 10, 2009- 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Jeannie Nelson

MEMBERS ABSENT

Lockett Tally

OTHERS PRESENT

Jimmy Teal, Planning Dir.
Craig Harmon, Planner
Janet Smith, Asst. City Atty.
Karen Hilton, Asst. Plan Dir.

The meeting was called to order at 7:01 pm.

Mr. Paoni welcomed everyone to the meeting and gave a brief overview of what the purposes of the Zoning Commission meeting were.

I. APPROVAL OF AGENDA

Mr. West made a motion to approve the agenda. Mr. Crawley seconded the motion.

A vote was taken and it passed unanimously.

II. APPROVAL OF THE MINUTES FROM THE FEBRUARY 10, 2009 MEETING

Mr. Crawley stated that on page 4, page 6 and page 7 is needed to be changed for Mr. Crawley to Mr. West. He stated that they were only corrections he saw.

Mr. Crawley made a motion to approve the changes. Mr. West seconded the motion.

A vote was taken and it passed unanimously.

III. PUBLIC HEARINGS

Mr. Paoni stated that each side would have fifteen minutes to speak their case. He stated that it was a total of fifteen minutes combined. He gave an example on how the time would be split between multiple speakers and explained that time needed to be reserved for the opportunity to rebuttal.

- A. Case No. P09-11F.** The rezoning from C3 Commercial District to R5 Residential District or to a less restrictive zoning classification for property located between 4006 & 4306 Bragg Blvd. Containing 12.32 acres (of a 31.72 acre tract) more or less and being the property of 3701 Limited Partnership.

Mr. Harmon gave an overview of the case. He stated that the request is to rezone only a portion of the property from C3 Commercial to R5 Residential. He stated that the current land use is

vacant and is surrounded by commercial and higher density residential. He stated that the Planning Department mailed out 191 letters. He stated that under a R5 zoning without the conditional use request the applicant would be allowed up to 352 units on the property. Mr. Harmon showed the property's location and surrounding zonings. He stated that the current land uses in the area including a motel, mobile home sales lot, car lot and condominiums. He stated that the 2010 land use plan calls for heavy commercial.

Mr. Harmon stated that there are some wetlands and a pond located towards the back of the property. He stated that there is no official floodplain. He showed the Commission an aerial view of the property. Mr. Harmon stated that there is water and sewer available for the property.

Mr. Harmon showed the Commission several snapshots of the property including its surrounding properties.

Mr. Harmon stated that the applicant has offered a few conditions to the property as part of his conditional zoning. He stated that the applicant may even have a few more when he comes to speak that he is willing to offer as well.

Mr. Harmon stated that it would be a maximum of 248 units. He stated that the applicant is almost 100 under what the maximum allowable units are with a standard R5 zoning. He stated that he would have no more than three buildings in the apartment complex and he would have 4 acres of open space which would include his detention ponds and recreation areas.

Mr. Harmon stated that there would be a four story maximum height on the type one building and a maximum five story height on the type two building. He stated that there are slight variations to the version currently available to the Commission. Mr. Harmon stated that the applicant may offset the buildings a little so that they are not lined up one behind the other. He stated that the reason the type two building would be five stories as opposed to the others only being four stories is because of the topography of the land. Mr. Harmon stated that the height on all the buildings would virtually be the same. He stated that the one building would have an extra floor because of the slant of the ground and it would basically be like a basement floor.

Mr. Paoni stated the heights would be all the same but it would be off set by the slope. Mr. Harmon replied yes, the visual height would be the same, but the height as far as the number of floors would vary slightly in the one building.

Mr. Harmon stated that the applicant would be putting in a right turn lane on Bragg Blvd. as you head north. He stated that the applicant is also looking to build the Blanton Road extension from Bragg Blvd. into the entrance of this particular apartment complex at this time as a two lane road.

Mr. Paoni asked for Mr. Harmon to explain his statement. Mr. Harmon stated that currently Blanton Road comes off of Pamalee Drive in the back. He stated that there is no entrance to it off of Bragg Blvd. He stated that it is in the transportation plans for the future. Mr. Harmon stated that in the first project they would build the portion of Blanton Road from Bragg Blvd. coming onto the property to where their entrance is as a two lane road. He stated that this was what they were conditioning now and then in the future as more things are built the road would continue to be built out.

Mr. Harmon asked if there were any questions from members of the Board.

Mr. Paoni stated that Mr. Harmon said there was no official floodplain at this time and he wanted to know why. Mr. Harmon stated that when the flood study was done for the area due to the small creek in the area FEMA detected such a minute floodplain it would not show up on the maps. He stated that if it were to rain enough there could possibly be a little flooding there but it would not get up to the magnitude of the one hundred year category after the pond.

Mr. Paoni asked if there were any questions. There were none.

The public hearing was opened.

Mr. Shamdasani appeared in favor of the request. He stated that he has been in the area for over forty years and that he has owned this particular piece of property for twenty years. He stated that they have had several different plans for the property but by the time the planning was complete the market changed and the plans had to be shelved. He stated that about a year ago he decided to proceed with the Bellagio Apartments. He stated that the apartment market in this area is strong and he wants to do something that is different and something to take pride in.

Mr. Shamdasani stated that he is planning on taking elements from both Bellagio, Italy and from the Bellagio Hotel in Las Vegas and combining them to provide a similar feel for the current area, market and consumers. He stated that he wanted to do something with a wow factor. He stated that an entire design team went to Vegas and stayed at the Bellagio Hotel for design ideas that were affordable in this community.

Mr. Shamdasani stated that the varying aspects of what he would be able to afford is to give his apartment complex the desired look and appeal he is trying to achieve. He cited the use of fountains, Italian Cypress trees and the nice trim details featured on the Bellagio. He stated that these are the little nuances that Bellagio has which could be used in this community. He stated that while he could go to three hundred and fifty units with a standard R5 zoning, he decided to just do two hundred and forty-eight units.

Mr. Shamdasani stated that at the end of the day this community is going to offer a gated community that provides a wow factor. He stated that it was what the Bellagio concept was all about and that it will work very well in this community and he hopes that the Zoning Commission will grant the request.

Mr. Shamdasani asked if there were any questions. There were none.

Mr. Kizer appeared in favor of the request. He stated that storm water is always an issue. He stated that this project will be under the current storm water regulations of the city. He stated that it is also in the water shed so detention ponds are required which are already planned into the design. He stated that traffic is always a concern with any new project. He stated that this site as been looked at in the past as an over all commercial sites based on the previous and current zoning.

Mr. Kizer stated that current transportation impact analysis has been done based on the commercial look and are now in the process of reassessing that based on the multifamily component added into the overall site. He stated that specifically Blanton Road and ultimately the cut through that Blanton would be from Bragg Blvd. over to the by-pass. He stated that all that dove tails into the future with the transfer of traffic over to Murchison Road from Bragg Blvd with I-295 coming in.

Mr. Kizer stated that these were some of the key elements. He stated that it was a multifamily project and all of the codes the City requires will be followed.

Mr. Kizer stated that he would be happy to answer any questions the Commission may have.

Mr. Paoni asked if the commercial property up front is part of the 12.32 acres asking to be rezoned. Mr. Kizer replied no. Mr. Paoni stated that it is part of the 32 acres and will remain commercial. Mr. Kizer replied yes. Mr. Paoni asked Mr. Kizer to explain how far off of Bragg Boulevard is the project. Mr. Kizer stated it is 275 feet from Bragg Boulevard.

Mr. Paoni asked if there were any more questions of Mr. Kizer.

Mr. Crawley asked if they could ask Mr. Shamdasani a question. Mr. Shamdasani came forward.

Mr. Crawley asked how much the apartment would rent for. Mr. Shamdasani stated that a one bedroom apartment would rent for approximately \$850.00 a month; a two bedroom apartment would rent for \$950.00 a month and three bedrooms about \$1075.00 to \$1100.00 a month.

Mr. Paoni asked if they were all rentals. Mr. Shamdasani replied yes.

Mr. Paoni asked if there were any more questions of Mr. Shamdasani. There were none.

Mr. Spence appeared in opposition of the request. He stated that he is legal representation for Mr. Edge. He stated that he and Mr. Edge had spoke with Mr. Shamdasani for the last hour prior to the meeting. He stated that he wasn't sure if listing himself and his client in opposition of the request was accurate but they need to be listed one way or the other. He stated that while they are enthused about many aspects of the project what they have asked is that there be assurances regarding the project.

Mr. Spence stated that the concerns started initially with the fact that there were no site plans and no submitted elevations and no conditions that assure that this project would be like this at all. He stated that Mr. Edge is very concerned about the fact that there are vagrants on the property and that it is an issue. He stated that the upscale apartments would be great for this area. He stated that he spoke with Mr. Shamdasani in an attempt to retrieve more conditions to assure the property does not become easily accessible, lower entry rental from Bragg Blvd.

Mr. Spence compared the proposed project to the Galleria Apartments stating that it is his clients concern that erecting those types of apartments may encourage the wrong type of traffic. He stated that if it is a gated community that is going to eliminate a lot of traffic problems. He stated that while they are not against low income people, these apartments are not overly expensive. He asked that the commission add as conditions that it be a gated community using card access to enter the premises they feel that the property will be protected from street trafficking. Mr. Spence stated that another condition to the property is the addition of elevators and that the exterior of the building be construct of stucco, brick or hardy plank.

Mr. Spence stated that he and his client are attempting to get conditions that either Mr. Shamdasani or the Commission would agree to ensure that this will be an area that will add solid people to this particular community and will improve the value of the neighboring properties.

Mr. Spence stated that Mr. Shamdasani agreed prior to the meeting that at the north of his property where there is a boundary to Mr. Edge's property that it remain a closed boundary and that there be no access either from the commercial or the residential area across those two properties so that if they develop there will be no access issues to deal with.

Mr. Spence stated that he and his client, Mr. Edge are asking that you add the following conditions to the project: that it be gated, that it have elevators, that the project does not get flipped into a cheap apartment complex, that outside construction be either stucco, brick or hardy plank, that the ten foot buffer zone is kept between properties and that there be no right of access from his property to the clients property.

Mr. Paoni asked Mr. Spence about the meeting he had with Mr. Shamdasani. Mr. Paoni asked about the availability of sites plans and such. Mr. Spence stated that they are not available and his concern is that the property could get flipped later and end up with something different that what is being described now. Mr. Spence stated that if the building ends up being as attractive as it is being portrayed tonight he and his client will be delighted and certainly would not want to be in opposition.

Mr. Spence stated that he has spoken with the Planning Department in length about his client's concerns about the project. He reiterated his concerns about the project and that fact that in the current conditions there is no control of the possibility of the project changing. He stated that there are no elevations, no footprint and no sight plans. He stated that there is no commitment that it will look like what the sketch shows. He stated that if the Commission is unable or unwilling to require those specific conditions he asked that they would have something to ensure that it is an upscale property.

Mr. West asked what Mr. Spence meant exactly by saying asking for a gated community, does it guarantee that there is going to be a gate around the perimeter or will there just be a gate and the perimeter will be wide open?

Mr. Spence stated that it is his understanding that there will be fencing all around the unit except for the back where there is a wetlands area. He stated that to get your car into the complex it would be the same as if you were entering a gated subdivision with a gate that requires a specific card to obtain access. He stated that the units themselves would be closed and required a card to gain access.

Mr. West asked Mr. Harmon what it means exactly when you say a community is gated. He stated that the closest example he can come up with is Gates Four. He asked if there needs to be a condition listed to ensure that it is what is going to happen.

Mr. Harmon stated that he believes that is what Mr. Spence's client is asking for. He stated that the request needs to come from Mr. Shamdasani. He stated that Mr. Shamdasani, Mr. Spence and Mr. Edge have discussed this all before the meeting. Mr. Harmon using a map, showed the Commission the where various aspects of the property are planned to be built.

Mr. Paoni asked about the entrances. Mr. Harmon stated that the only entrance would be off Blanton Road. Mr. Paoni asked about the secondary entrance off Blanton Road and he asked if that was what Mr. Harmon was talking about. Mr. Harmon, using another map, explained in detail the plans the entrance into the apartment complex and how the gates would be set up to separate the apartments from the clubhouse.

Mr. Teal stated to the Chairman that he would recommend the Commission finish the public hearing and once they have gathered all the information, any conditions they would like to add then they can put them on there and the applicant would have to agree to them.

Mr. Paoni asked for Mr. Edge to come forward. Mr. Edge chose to reserve the time. Mr. Paoni asked Mr. Edge where his property was located. Mr. Edge stated that it was the Tropical Motel just north of the property.

Mr. Paoni asked that Mr. Monsour come forward. Mr. Monsour appeared in opposition of the request. He stated that while he is not against the project, he is concerned about the flood plan. He stated that the City said there was no flood plan and Mr. Kizer stated that they have made arrangements for a flood plan but when it rains real hard out that way his sewer system backs up.

Mr. Monsour stated that his property is 3.7 acres and he has flooding problems on his property. Mr. Monsour also expressed concern about traffic in the area. Mr. Paoni asked if Mr. Monsour could point to his property. Mr. Monsour showed the pie shape lot.

Mr. Spence asked for five conditions:

1. gated
2. elevators
3. exterior being constructed of brick or stucco
4. ten buffer zone to the north
5. no access to the Edge property

Mr. Spence asked the Zoning Commission to ask the applicant to agree to the five conditions.

Mr. Paoni closed the public hearing.

Mr. Harmon stated that planning staff recommends approval of the rezoning. This is a down zoning from the current C3 commercial district. The applicant has submitted plans that will improve the area. The conditional zoning requires the applicant to follow the site plan as submitted.

The commission members discussed floodplain and flooding issues brought up by Mr. Monsour. Mr. Harmon and Mr. Kizeer stated that Mr. Monsour's property is upstream from the property.

Mr. Paoni asked if Mr. Shamdasani if he accepted the five conditions stated by Mr. Spence. Mr. Samdasani stated that he accepted the five conditiona as brought forth by Mr. Spence as well as the seven conditions that he initially offered.

Mr. West asked if the City could address Mr. Monsour's drainage concerns. Mr. Teal stated that he would have someone from City Engineering to contact Mr. Monsour about his property.

Mr. West made a motion to recommend to City Council the R5 conditional zoning request with the seven conditions initially presented by Mr. Shamdasani and the five presented tonight by Mr. Spence and accepted by Mr. Shamdasani. Mr. Paoni seconded the motion.

The motion passed unanimously.

Mr. Teal stated this case would go forward to the April 27th City Council meeting as a consent item unless appealed. Mr. Teal explained the appeal process.

IV. OTHER

V. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:10 PM.

CITY COUNCIL ACTION MEMO

To: Rob Anderson, Chief Development Officer *RA*
From: Jimmy Teal, Planning Director *JT*
Date: April 27, 2009
Re: Sign Permit – Cape Fear Valley Foundation's Newspaper Sale for Charity *D*

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 Cape Fear Valley Foundation is selling newspapers at approximately 30 businesses in the community on May 21st as part of a charitable fundraiser for the Foundation. Small signs approximately 2 feet by 2 feet are posted at these locations on the day of the event, May 21st, and removed at the end of the day.

ISSUES:

The City Council has routinely approved similar requests for charitable activities.

OPTIONS:

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

RECOMMENDATION:

Option 1 – Grant the permit.

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
Through: Dale Iman, City Manager
From: Doug Peters, Fayetteville Cumberland County Chamber of Commerce
Date: April 27, 2009
Re: 3rd Quarter Reports

THE QUESTION: Chambers 3rd Quarter Update to City Council

RELATIONSHIP TO STRATEGIC PLAN:
Greater Tax Base Diversity – Strong Local Economy.

BACKGROUND: The Chamber is to report on a quarterly basis, its efforts toward tax base diversity, workforce development, existing industry support, and other economic development efforts.

THE ISSUE: None – only a report

OPTIONS: N/A

RECOMMENDATIONS: This presentation is for information only.

000099

ITEM 3.A.

Economic Development & Workforce Efforts

Report to City of Fayetteville

Third Quarter 2008-09 FY

March 31, 2009



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Focus Areas:

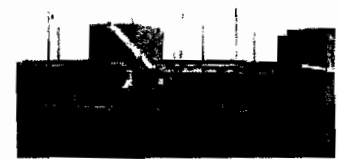
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- Research conducted on selected communities and entities regarding the incentive programs offered on the local level. Locations included: **Buncombe, Cabarrus, Catawba, Mecklenburg, and Randolph counties.**
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CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Doug Hewett, Assistant City Manager
Date: April 27, 2009
Re: FY 2008-2009 Strategic Plan's Policy and Management Action Agenda- 3rd Quarter Report

THE QUESTION: Has City Council's interest been met in staff's advancement of the policy and management action agenda for the 3rd quarter? The attached reports are provided to detail progress made during the 3rd quarter of this fiscal year, so that City Council members can either concur that the actions meet their interests or direct staff to modify their course.

RELATIONSHIP TO STRATEGIC PLAN: This report, like previous reports, reinforces and clarifies Council's vision for our community, which is the foundation of the City's Strategic Plan.

BACKGROUND: The City's Strategic Plan has three main areas:

- A fifteen-year vision statement that describes the type of community the Council would like to facilitate through its and staff's work efforts;
- Five-year goals that provide an intermediate focus for the work of staff and further outlines the activities Council believes are necessary to realize the ten-year vision; and
- A one-year action agenda that identifies issues that Council needs to address by providing policy direction and/or necessary actions that the City staff should complete during the current fiscal year. The attached report focuses on this one-year action plan.

ISSUES: Do the 3rd quarter work efforts reflect the overall direction articulated by the City Council in the FY 2008-09 Strategic Plan? Does the progress highlighted in this report move the community closer to the desired fifteen-year vision previously identified by the City Council?

OPTIONS:

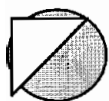
- 1.) Accept the report as provided with guidance to the City Manager/staff on areas of interest.
- 2.) Request additional information on items listed in the report.
- 3.) Modify/clarify interests in report and Strategic Plan.

RECOMMENDATIONS: Receive and file this report.



***FY 2009 Strategic Plan
Policy and Management
Action Agenda
Third Quarter Report***

In Narrative Form



Policy Agenda

Top Priority

Northwest Gateway
Murchison Road Corridor Study
Sidewalk Policy Implementation
NC Veterans Park
BRAC Opportunities

High Priority

Sign Ordinance
Workforce Development Plan
Funding Plan for Parks and Recreation
Downtown Parking Actions
Diverse Tax Base Strategy

Management Agenda

Top Priority

Unified Development Ordinance
Strategy to Deter Neighborhood Speeding
Community Watch Expansion
Telling the City's Story: Action Plan

High Priority

HOPE VI
Fire Training Tower
Consolidated Marketing Program
Performance Based Compensation

Continuing Priority

Transit System Improvements

Policy Agenda- Top

Northwest Gateway Development

The commitment of the NC state government to construct a park in Fayetteville honoring North Carolina veterans of all branches enabled the City to begin assembling land and preparing a concept plan for the new NC Veterans' Park behind ASOM, along Cross Creek in the downtown area. In assessing design options and realizing that DOT was just beginning design of the Rowan St. Bridge replacement, the consultants recommended a realignment of the bridge and Rowan St., in turn enabling a dynamic new gateway area.

This gateway concept would bring Rowan St., Bragg Blvd., and Murchison Rd. together in a more functional, attractive way and free up several acres for the Veterans' Park. It also would create a setting for new private sector development, including the potential for new housing on City-owned property on Bragg Boulevard across from ASOM and the new park. The concept also includes extending a greenway from the new park northward along Cross Creek to provide a pedestrian and bicycle connection to MLK Park and, eventually, to Fayetteville State University and Mazarick Park.

Realization of the bridge and roadway realignments, reconnection of Murchison Road to Rowan Street, private redevelopment on the enhanced sites and the greenway extension are multi-year undertakings. Success in the next 12 months would include a completed "signature" bridge design with incorporated roadway improvements. The \$4 million currently on the TIP plan for the upper portion of Murchison Road, through the MPO process, is re-allocated to facilitate the road realignments under the Gateway concept (including the re-connection of Murchison Road to the new "Gateway"). The environmental impacts would be understood and mitigation plans would be coordinated to support both the Murchison Road and the Veterans' Park projects. Arrangements with NC DOT would allow land freed up by removal of the ramps to become a part of the new park, and there would be a coordinated City and DOT plan regarding relocation issues.

Such successes would help achieve the City goals of:

- More Attractive City – Clean and Beautiful
- Revitalized Downtown – A Community Focal Point

Vandewalle and Associates completed the vision and conceptual design of the Northwest Gateway, and the City Council approved the plan (except housing within Rowan Park) on March 17, 2008.

Additional funding to support the enhanced bridge design and/or special features of the new roundabout or intersection would need to be acquired through the MPO process and /or contributory funding by the City of Fayetteville.

Team members include representatives from the following:

- City of Fayetteville, Traffic Engineering
- City of Fayetteville, Special Projects
- City of Fayetteville, Parks and Recreation
- City of Fayetteville, Planning
- City of Fayetteville, Community Development
- FAMPO
- NC DOT

- CCBC – Downtown

Staff Liaison: Residential: Craig Hampton

Commercial (and round-about): Karen Hilton/Rusty Thompson

Email Address: champton@ci.fay.nc.us

khilton@ci.fay.nc.us; rthompson@ci.fay.nc.us

Phone Number: 433-1786; 433-1437; 433-1153

Action Plan (Residential and Commercial elements become distinctly separate projects beginning in 2009) * = dependent on NC DOT schedule	Estimated Completion
Complete and coordinate results of Murchison Corridor plans	Feb 2009
Determine roundabout feasibility*	Early 2009
Rowan Bridge design & roadway alignment*	Early 2010
-- Coordination with NCVF Phase II land availability and -- Cross Creek rerouting plan and permitting -- Coordination regarding land acquisition/assembly/relocation	2009-2010
Assist with integrating freedom trail and creek trail extensions along/through the commercial area and new roundabout/intersection.	2009-2010
Prepare detailed task schedules and responsibilities: -- Residential -- Commercial	Early 2009 Mid 2009
Site appraisals, assembly, relocations -- Roadway related -- Commercial related	Late 2009 TBD
RFP, development process -- Residential -- Commercial	Spring 2009 TBD

First Quarter Update:

- Traffic Engineering coordinated local input to DOT on traffic patterns and volumes and design ideas
- Based on local input, DOT began reassessing traffic volumes and feasibility of a roundabout or standard intersection

Upcoming Activities:

- Provide local feedback on DOT reassessment of the roundabout or intersection for Rowan,

Murchison and Bragg Blvd. (conference call expected in October)

- Assist in providing firm(s) selected for NCVP the background information needed to begin refining design elements and understanding options and timetables associated with Rowan Bridge and roadway

Second Quarter Update:

- Provided local feedback on DOT reassessment of the roundabout or intersection for Rowan, Murchison and Bragg Blvd. (results of revised analysis expected in mid/late January)
- Murchison Phase II final draft completed in December

Upcoming Activities:

- Participate throughout the week-long scoping charrette with the design teams, January 5-9, 2009
- Continue to work closely with NCDOT in assessing Rowan St. bridge replacement (and potential re-use of existing bridge), road alignment, ramp removal/use, and intersection or roundabout traffic and design approaches
- Assist in providing firm(s) selected for NCVP the information needed to refine design elements and understand options and timetables associated with Rowan Bridge and roadway
- Establish responsibilities and prepare and issue RFQ/RFP for residential development

Third Quarter Update:

- Participated throughout the week-long scoping charrette with the design teams, January 5-9, 2009
- Continued to work closely with NCDOT in assessing Rowan St. bridge replacement, road alignment, ramp removal/use, and intersection or roundabout traffic and design approaches
- Assisted with providing the URG team the information needed to refine design elements and understand options and timetables associated with Rowan Bridge and roadway
- After assessing the current market, local conditions, and the NC Veterans Park project impacts, the decision was made to proceed this spring with the issue of an RFQ/RFP for residential development. Craig Hampton will assume lead responsibility for the Housing component

Upcoming Activities:

- Housing RFP/development will begin this Spring

Policy Agenda- Top

Murchison Road Corridor Study

In FY 2008, the City identified a five mile section of Murchison Road as needing a corridor plan to provide guidance regarding appropriate land use patterns, development standards, opportunities for economic development and local recommendations regarding street design. Murchison was a high priority because of numerous pending changes.

- Closure of Bragg Blvd. as thoroughfare from Spring Lake to Fayetteville in 2011; which will make Murchison Rd. the major east/west roadway
- Expansion plans at Fayetteville State University
- Council goal of FSU connection to downtown (FY 2008 Strategic Plan)

The first phase focused on land use and economic development, with general recommendations about street patterns and form. An appointed 17 member community task force helped guide the work led by LandDesign and its economic consultant Basille, Bauman, Probst and Cole. The final report was presented to the City Council on June 9, 2008 and approved. Phase II, which began in early June 2008, includes FAMPO funding for a more detailed analysis of transportation improvements and alternatives in the context of the recommended land use and development plans from Phase I. Phase II will be led by Kimley Horn and Associates, consultants, with input from a core advisory committee drawn from the initial task force plus opportunities for other task force members, stakeholders and general community involvement.

Success for the next 12 months would be completion and Council adoption of a complete package of zoning, development and street design options coordinated with NC DOT needs and projects and compatible with community and business objectives. Task force and other community members will continue to assist with subsequent implementation projects and roadway design options. New development standards will guide infill and reinvestment in the catalytic development sites. The plans and program for action will help achieve the City's goals of:

- Greater Tax Base Diversity – Strong Local Economy
- More Attractive City – Clean and Beautiful
- Growing City, Livable Neighborhoods – A Great Place to Live

Phase I involved a \$57,300 with LandDesign; Phase II involves a \$125,000 contract with Kimley-Horn and Associates for the transportation-focused analysis and design options (\$100,000 provided by FAMPO).

Project staff includes representatives from the City's Planning, Manager's Office and Traffic Engineering Departments.

Phase I also included extensive involvement of staff from Fayetteville – Cumberland County Chamber of Commerce (formerly CCBC), while Phase II includes NC DOT and FAMPO staff on the project team.

Staff Liaison: Karen Hilton (lead, Phase I); Rusty Thompson (lead, Phase II)

Email Address: khilton@ci.fay.nc.us; rthompson@ci.fay.nc.us

Phone Number: 433-1437 / 433-1153

Action Plan	Estimated Completion
Complete preliminary land use study and get community input (Phase I)	Apr 2008
Select consultant for transportation corridor study (Phase II)	Apr 2008
Finalize land use study and report (Phase I)	May 2008
Execute contract with consultants for Phase II	May 2008
Present Phase I study to Mayor and Council for approval	Jun 2008
Conduct research, start-up and community visioning for Phase II	Jun 2008
Refine conceptual designs; test alternatives; get feedback for revisions	Aug 2008
Draft action plan and funding strategies	Sept 2008
Prepare preliminary report; get feedback at final public work shop	Oct 2008
Presentation of Phase II final report	Nov 2008

First Quarter Update:

- Over 125 community members participated in a visioning charrette late in the last quarter, June 23-26, 2008, to identify preferred alternatives for the roadway design
- On July 15, 2008, lead consultant participated in a WIDU radio show discussing economic development along the Murchison corridor area and the Phase II project
- On August 11, project team members met with lead consultants to explore the implementation timetable and specific directions to pursue with certain catalyst sites
- On August 13, staff members made a presentation to the Fayetteville Business and Professional League regarding Murchison corridor projects and timetables
- Project liaison staff met with Police Department staff to explore redevelopment activities, timetables and related considerations associated with security programs along the corridor
- Project staff reviewed a preliminary draft plan which will be revised and presented to the

stakeholders in October, 2008

Upcoming Activities:

- A preliminary report will be presented for stakeholder review in October
- A final report will be prepared and presented in November for consideration by City Council

Second Quarter Update:

- Project staff reviewed a preliminary draft plan which was revised and received as a final report in December 2008
- Recommendations for roadway improvement and preferred design were incorporated in discussions about I-295 extension and service to support new BRAC-related facilities and personnel

Upcoming Activities:

- The final report will be presented in February for consideration by City Council
- Coordination with NCDOT and MPO regarding costs and priorities to get improvements in line for funding
- Coordination with NCDOT regarding connections with other improvement projects (e.g. I-295, Rowan St. Bridge and roadway)

Third Quarter Update:

- The final report of Phase II, which focused on transportation improvements, was presented January 26 for consideration by City Council, and approved
- With the description of the preferred design concepts, efforts continued in coordination with NCDOT and MPO regarding costs and priorities to get improvements in line for funding
- Staff from Engineering and Planning worked with FTCC to develop a 3-D model of the corridor roadway improvements and I-295, for the Greater Fayetteville Futures conference
- Efforts continued in coordination with NCDOT regarding connections with other improvement projects (e.g. I-295, Rowan St. Bridge and roadway). Staff provided information and participated in various meetings and phone calls to explain and re-establish the high priority for I-295 funding DOT and stimulus funding
- Stimulus funds (\$64 m) were committed to portions of I-295: the bridges and ramps, which have the longest lead construction time, are funded and construction is expected to start this summer
- Community Development oversaw completion of the consultant contract to explain the new development expectations and opportunities and to facilitate market interests along the corridor

Upcoming Activities:

- Continued coordination among agencies and research to identify resources for specific projects

Policy Agenda- Top

Sidewalk Policy and Funding

Council adopted the current Sidewalk Policy in May 2003 with minor revisions since then. The priority project list has not been officially updated to remove completed projects and add needs in the area annexed in 2005 and locations requested by Cumberland Co. Schools. This Target for Action will be to review/revise policies & ordinances, set priorities and identify all funding sources.

Success for FY 09 will be the adoption of a revised plan that:

- Is easy to understand and implement
- Best utilizes all available resources
- Prioritizes sidewalk needs that are eligible for the various funding sources and has a means to stay updated
- Includes an updated sidewalk inventory
- In 12 months we can revise/adopt a new plan.

Resources currently being committed to this Target for Action include:

- Developer installed sidewalks
- Fee-in-lieu funds
- Approved CIP includes \$150,000 per year
- NCDOT Enhancement Funds and funds included in DOT road improvement projects
- Safe Routes to School funds

The plan can be revised without additional resources. Additional CIP funds, for example, will be needed to make good progress in completing the plan.

Team members will include:

- City Engineering & Infrastructure Director
- City Engineer
- City Traffic Engineer
- City Construction Manager
- City Planning Director
- Sr. Code Enforcement Administrator
- NCDOT Assistant District Engineer

Staff Liaison: Bobby Teague

Email Address: bbteague@ci.fay.nc.us

Phone Number: 433-1630

Action Plan	Estimated Completion
Review existing policy	Apr. 2008- Sep. 2008
Finalize report	Dec. 2008
Present report to Mayor and Council and receive feedback	Feb. 2009
Adoption	Mar. 2009

First Quarter Update:

- Identified \$417,000 in additional funding and received commitment for:
 - NCDOT Enhancement Funds - \$95,000
 - Safe Routes to School Funds - \$147,000
 - STP-DA Funds through FAMPO - \$150,000
 - NCDOT / FSU Funds - \$25,000
- Developed a plan to construct 3.2 miles of sidewalk utilizing the City's \$200,000 and the \$417,000 in additional funding (total of \$617,000)
- Held three Sidewalk Policy and Funding TFA team meetings to discuss use of current year funds and proposed changes to the current sidewalk policies

Upcoming Activities:

- Continue to hold team meetings bi-weekly to discuss policy changes
- Identify sidewalk priorities for future sidewalk funds

Second Quarter Update:

- A presentation was made to Council at the Oct. 6 Work Session on the available funds and proposed projects for those funds in the current fiscal year
- FAMPO has offered another \$45,000 matching funds (all of that \$195,000 has been approved by the TAC and is to be approved by NCDOT for the TIP in early 2009). That brings the total available funds to \$662,000 and the total length of new sidewalk to 3.65 miles
- Included representatives from PWC at one of our team meetings to get input on the location of utilities relative to curbs and sidewalks
- The team has completed a DRAFT Sidewalk Policy
- Plans are being made to submit an application for funding directly from Safe Routes to School (previous awards have been through NCDOT)

Upcoming Activities:

- Consider strategies for developing and funding a comprehensive sidewalk inventory
- Finalize the report and present to Council

Third Quarter Update:

- Have identified a significant overlap between the work of this committee and the UDO; therefore, we have delayed finalizing this document until we get in full agreement with the proposed UDO. Several members of our team are also on the UDO review team
- We are still considering strategies for developing and funding a comprehensive sidewalk inventory. With the tight budget and the capabilities of our GPS equipment, we are looking favorably at gathering the sidewalk inventory information with our own personnel and entering it into GIS
- Construction Management is putting together a bid package for approximately \$157,000 of work to be let in April while we get the necessary approvals from NCDOT for the remainder of the proposed projects

Upcoming Activities:

- Continue working with the UDO review team to get a unified set of standards for sidewalk pertaining to new development
- Finalize report and present to Council

Policy Agenda- Top

NC Veterans Park

This Target for Action describes the development of the NC Veterans Park. The project establishes a world-class, twenty-first century park honoring the sacrifices of members of the Armed Services and recognizes the special place that the military occupies in the lives of the citizens of this state.

The city planning and review team is in place for the park. Citizen sounding boards are active in gathering stakeholder input and approval. The City Council has reviewed and approved the park concept plan and endorsed a resolution to request state funding.

The future of this work plan is contingent on state funding by the North Carolina General Assembly. All actions listed below operate under the assumption that funding will be secured. Property acquisition and DOT bridge replacement and road realignment are additional resources needed to complete this TFA.

Staff Liaison: Dale Iman/Michael Gibson/Craig Hampton

Email Address: diman@ci.fay.nc.us

Phone Number: 433-1990/433-1538

Action Plan	Estimated Completion
Request for proposal - solicit for final design (engineering, surveying etc.)	Aug. 2008
Award contract	Sept. 2008
Final construction documents (plan specifications)	Apr. 2009
Final plan approval by City Council	May 2009
Begin construction	June 2009

First Quarter Update:

- In July, the City was awarded \$15 million in state funding for the NC State Veteran's Park project
- Completed and published RFP for design and engineering Phase I (construction documents)
 - Proposal includes several elements of design such as engineering and architecture, landscape architecture, static displays and exhibit design
 - Deadline to respond to RFP was Sept. 29

- Held technical committee meetings of key City staff and community stakeholders
- Continued to coordinate with Northwest Gateway project team liaisons as it relates to this project
 - Challenging the NC DOT roundabout assessment

Upcoming Activities:

- Awaiting the funding agreement from the state for the award
- Advancing the engineering and design phase of the project
 - Issue a recommendation for award of the A & E contract to develop construction documents
 - Target date for award is December
- Gateway residential development
 - Issue an RFP for developer selection

Second Quarter Update:

- Received 50% of the \$14.7 million award from the State of North Carolina
- Advancing the engineering and design phase of the project
 - Received 13 packages from firms submitting statements of qualifications
 - Conducted shortlist evaluation and selected five submittals for interviews
 - Recommend award of contract to City Council in December 2008
- Gateway residential development
 - The release of the RFP is on hold pending better market conditions

Upcoming Activities:

- Advancing the engineering and design phase of the project
 - Award final contracts for design documents for phase 1
 - Establish content committee members for appointment by City Council
 - Conduct various meetings with design team, City staff and assigned design and content committees
 - Conduct master plan validation and scoping meeting with design team
 - Conduct survey of entire project area for creation of design documents
 - Begin design development & schematic design portion of the contract
 - Revise development schedule to show six month extension to Phase 1 project completion date (July 4, 2011)

Third Quarter Update:

- Design Contract approved by City Council on March 9, 2009
- Design Contract executed by city and design consultants in March 2009

Upcoming Activities:

- Conduct monthly meetings, for the next 4 months, with Project Management Team (PMT),

Design Review Committee, & Content Committee

- Continue process to obtain final parcel of land needed for the park
- Submit application for some of the state and national development permits that may be required

Policy Agenda- Top

BRAC Opportunities

Base Realignment and Closure, (BRAC) refers to our nation's effort to streamline the military and increase efficiency of operations. According to the BRAC Regional Task Force (RTF), this process will bring to Ft. Bragg an estimated 2,651 active duty soldiers and 6,207 civilian employees and defense contractors, or a total of 8,858 positions. Together with their family members, reservists and economic migrants, an estimated 40,800 new residents could move to the surrounding area. This influx is also estimated to create approximately 19,200 jobs with the two largest sectors in government and construction.

In response to this growth, the City of Fayetteville and Cumberland County have partnered with the BRAC Regional Task Force. The task force represents 11 counties that are planning and preparing for the influx of personnel and capital to the region. Its purpose is to engage in regional planning to maximize the potential benefits of the BRAC-related changes and to cooperate with federal and state agencies, military departments and the installation to support transition actions, minimize the negative impact on the community and maximize the economic growth potential. The Task Force has contracted with Training and Development Associates of Laurinburg, NC (TDA) to develop a Comprehensive Regional Growth Plan to prepare for BRAC-related developments.

On the local level, a *BRAC Project Committee* was established by the leadership of Fayetteville and Cumberland County to *promote* the Fayetteville/Cumberland County area as an appealing location for incoming families to reside.

Enhancing and promoting the availability of housing, healthcare, transportation, perception of safety, educational opportunities and leisure offerings are important methods for realizing this goal.

An important facet of the local effort will be to support the action plan outlined in the "Comprehensive Regional Growth Plan" which enhances the City's readiness to be a destination for military-related businesses and the City's ability to respond to the coming changes for our community. In this regard, the *BRAC Opportunities* target for action coincides with all of the FY09 Policy Agenda's top priorities as well as other FY09 targets for action such as the *Workforce Development Plan*, *Diverse Tax Base Strategies*, *Unified Development Ordinance* and *Transit Improvements*. BRAC Opportunities target for action also supports the City's ongoing project, the All American Business Park. Together, these efforts will encourage the development of opportunities to support and improve the City's ability to provide quality services to its citizens and the growing community.

A second important facet of the local effort will be to reach out to those preparing to relocate into the area and to promote the availability of housing, healthcare, transportation, perception of safety, educational opportunities and leisure offerings within the City of Fayetteville and Cumberland County. City Council adopted a marketing plan that includes the efforts of the Army's Army, an approach designed to market the amenities of Cumberland County and the City of Fayetteville to individuals moving to this region in relation to the military. The target audience includes military and their families as well as defense and federal contractors and their families.

If these goals are accomplished it will help to meet the City's larger goals:

- Greater Tax Base Diversity – Strong Local Economy

- Growing City, Livable Neighborhoods – A Great Place to Live

Overall, this target for action seeks to monitor and augment the City's ongoing efforts related to BRAC changes and the work of the Cumberland County/Fayetteville area BRAC task force.

Staff Liaison: Dale Iman

Email Address: diman@ci.fay.nc.us

Phone Number: 433-1990

Action Plan (excluding actions identified in other TFA's)	Estimated Completion
Review TDA Study (Comprehensive Regional Growth Plan) and present report to the community	June 2008
All American Business Park- Finalize agreement with developer and proceed with design of sanitary sewer	Aug. 2008
Marketing Effort- Identify BRAC priorities for the City and continue supporting effort	Sept. 2008
All American Business Park- Construction begins	Oct. 2008
All American Business Park- Construction complete	March 2009

First Quarter Update:

- City management staff reviewed the draft Comprehensive Regional Growth Plan (CRGP) provided by the TDA and offered feedback to the City Manager with reference to their respective areas
 - Awaiting the final CRGP

- BRAC Executive Committee met July 15, Aug. 19 & Sept. 16
 - Took part in frequent recruitment drives for the Army's Army
 - On September 5, 2008, at a ground breaking ceremony at the Fayetteville Independent Light Infantry Armory, US Congressman Robin Hayes and local dignitaries declared Fayetteville & Cumberland County the world's first sanctuary for soldiers and their families

- All American Business Center: A high-tech business site for military contractors moving into the area due to the BRAC changes
 - Site selection complete
 - Wetlands have been delineated

Upcoming Activities:

- Ground breaking for the All American Business Center - October 2
 - Construction for the first phase to begin in October
- Continue to support marketing efforts through the Army's Army
- Continue partnering with the BRAC RTF and coordinating with other community leaders in taking a proactive approach to sustainable growth

Second Quarter Update:

- Attended the ground breaking for the Military Business Park All American Business Center on October 2
 - A high-tech business site for military contractors moving into the area due to the BRAC changes
- City staff attended the BRAC Regional Task Force annual meeting October 30
- City management staff reviewed the final Comprehensive Regional Growth Plan (CRGP) provided by the TDA
- City staff attended the Municipal Service Partnership kick off meeting on Ft. Bragg.
- BRAC Executive Committee met monthly
- Attended the ground breaking ceremony held at Fort Bragg for the new FORSCOM/USARC Headquarters building in December
- Defended and supported I-295 construction following speculation about the possible diversion of funds earmarked for the project that was scheduled to begin in 2009. City staff and Council worked to address the critical need for the completion of I-295 given anticipated economic and population growth associated with the relocation of FORSCOM and the U.S. Army Reserve Command to Fort Bragg.

Upcoming Activities:

- City management staff meeting scheduled for Jan 21 to:
 - Provide feedback to the City Manager on City related actions included in the CRGP
 - Prepare staff for representation at an upcoming BRAC community meeting
 - Plan for City Council's strategic planning process in February
- Continue to support marketing efforts through the Army's Army
- Continue partnering with the BRAC RTF and coordinating with other community leaders in taking a proactive approach to sustainable growth
 - Represent the City at a community meeting January 31 to review the final report in detail, to verify facts and discuss specific action items
- Continued support of the Municipal Service Partnership

Third Quarter Update:

- City staff personnel met with the American Society of Military Controller's Sandhills Chapter Professional Development on March 11, 2009 at Ft Bragg and provided three sessions titled Fayetteville Future Initiatives covering:
 - City growth, including recent Fort Bragg annexation, and major planning initiatives
 - Transportation improvements associated with Murchison and Ramsey corridors, I-295, airport growth and transit improvement
 - Hope VI
 - UDO and its relevance to all residents
 - Evolution of Downtown
 - NC Veterans Park and Gateway projects
- City staff and Ft Bragg representatives coordinated and participated in follow-up meetings for the Municipal Services Partnership study
- City management staff attended the Greater Fayetteville Futures II event held at the Crown Coliseum March 28th and were available to provide support

Upcoming Activities:

- City staff and Ft Bragg representatives continue to support and provide direction for the Municipal Services Partnership study
- City staff will continue to support the BRAC RTF and Greater Fayetteville Futures II planning initiatives

Policy Agenda- High

Sign Ordinance

The Target for Action for the City's new sign ordinance is to improve the overall impact that signage has on the community from an aesthetic, economic, community appearance and land use perspective. This is to be accomplished through a revision of the existing ordinance, making the final product easy to interpret, implement and enforce, while reducing "sign clutter" along our streets, thoroughfares and gateways.

When implemented, this new sign ordinance will create a more visually appealing community as well as a more comprehensive approach in regulating signage and outdoor advertising.

The original sign ordinance was developed in 1961 with a major revision adopted in 1997. Since 1997, several updates have occurred to address specific issues. Twelve months are anticipated for completion for the revision of the sign ordinance.

Staff time and effort are the current resources needed for this process. It is also anticipated that the Planning Commission will spend considerable time on this issue due to its controversial nature and a major change in City policy.

A recommended stakeholder committee would also be convened of a representative from the following:

- The City of Fayetteville: City Attorney, Inspections (Zoning), Human Relations and Planning Departments
- External: Chamber of Commerce, a member of the business community, a sign company representative and two members of the Planning Commission

Staff Liaison: Jimmy Teal

Email Address: jteal@ci.fay.nc.us

Phone Number: 433-1996

Action Plan	Estimated Completion
Prepare report	April 2008
Present report at workshop <ul style="list-style-type: none"> a. Identify b. Framework c. Interim actions 	May 2008
Determine direction	May 2008
Establish stakeholder committee to begin revision of ordinance	July 2008
Present report on proposed sign ordinance	Jan. 2009
Adoption of the revised sign ordinance	June 2009

First Quarter Update:

- Established a committee consisting of members from the business community, sign industry, city staff and city commission members to review and make recommendations on developing a new sign ordinance

Upcoming Activities:

- The first meeting of the sign committee will take place on Thursday, October 2 at noon in the Lafayette Room of City Hall. The committee plans to meet every two or three weeks and have preliminary recommendations by the end of the quarter

Second Quarter Update:

- Developed a sign ordinance draft that the sign committee reviewed and refined in meetings in October, November and December

Upcoming Activities:

- Continue to refine the sign ordinance draft and present draft to City Council for comments

Third Quarter Update:

- Continued to refine sign ordinance draft based on comments from committee members and staff

Upcoming Activities:

- Meet with sign committee to finalize comments and present draft to City Council at the June 1st work session

Policy Agenda- High

Workforce Development Plan

The Cumberland County workforce has a number of deficiencies related to skills, work ethic, and personal traits identified in a study commissioned by the Chamber of Commerce. In order to grow the local economy, the workforce deficiencies will need to be corrected. Success would ultimately consist of improving the quality of the workforce. The City is not currently devoting resources to workforce development. However, the Chamber of Commerce has presented a proposal to address workforce development in FY 08-09 through a contract with the City for \$80,697. In the next 12 months, success would consist of developing and implementing a strategy for addressing workforce quality.

The team for this project would consist of business leaders and educators working with Fayetteville – Cumberland County Chamber of Commerce staff.

Staff Liaison: Dale Iman

Email Address: diman@ci.fay.nc.us

Phone Number: 433-1993

Action Plan	Estimated Completion
Determine direction on City participation and funding on Fayetteville – Cumberland County Chamber of Commerce study	July 2008
Conduct survey of business community	Dec. 2008
Conduct community summit to discuss possible business strategies	Feb. 2009
Develop strategy for workforce development	April 2009

First Quarter Update:

- The Fayetteville – Cumberland County Chamber of Commerce will provide a full report on a quarterly basis to Council on the following projects:
 - Business community survey and analysis
 - Summit with business leaders and educators
 - Develop strategy
 - Plan for implementation of strategy
- Brief updates on progress to date:
 - Participate in the Cumberland County Workforce Development Board
 - Function as a liaison for the Board to area plant managers
 - Prepared a presentation for schools to share with students
 - FTCC's Work Keys effort was presented to the committee

- Principal Shadowing was conducted earlier this year and efforts are underway to have school principals go out to industry
 - Working with FTCC on the Construction Career Days 2008
 - Working with Cumberland County Schools on other creative methods to educate for industrial jobs in our school system
 - Staff visited schools to recruit the non-college bound student and learn about well-paid job opportunities in our community
- The Chamber has purchased Synchronist Software and is implementing its use in the survey of all plant visits
 - Discussions are underway to revive the area plant tours by educators that were once held each summer to learn first hand the skills required by industry
 - FTCC representative coordinates with area plants for training needs
 - Industries are being referred to the ESC and FTCC for testing of applicants to determine math, reading, writing, computer skills and more

Second Quarter Update:

- The City's IT Department has implemented a new intern program to promote workforce development in the community. Two interns from FTCC have recently been invited to join the City's IT team. The goals of the City IT Internship Program include giving the students the opportunity to gain real-world IT experience, giving the City the opportunity to enhance the IT support provided by the Help Desk and providing the City & FTCC the opportunity to strengthen their partnership in the effort to make Fayetteville a better place for all.
- The City's Management Services Department partnered with a UNCP Management Information Systems class to develop a customized database for the City's print shop. This project gave the students an opportunity to gain real-world experience which better prepares them for employment and provided the City the opportunity to establish relationships within the community while improving the service it provides in the print shop.
- Progress made through the partnership with The Fayetteville – Cumberland County Chamber of Commerce
 - The Chamber provides a full report on a quarterly basis to Council on the following projects:
 - Business community survey and analysis
 - Summit with business leaders and educators
 - Develop strategy
 - Plan for implementation of strategy

Third Quarter Update:

- City staff and the Fayetteville – Cumberland County Chamber personnel continue to meet and discuss the Chamber of Commerce contract and identify key elements in the contract that are linked to the City's Strategic plan

Policy Agenda- High

Funding Plan for Parks and Rec. Master Plan

The Parks and Recreation Advisory Commission presented a projects list with cost estimates of construction, operations, and maintenance to a joint meeting of the City Council and County Commissioners on April 8, 2008. The list included city projects, county projects and jointly funded projects. At the May 26, 2008 meeting, the City Council approved a resolution endorsing the joint bond referendum with the County in November. The resolution asked the County Commissioners to respond by July 1, 2008 if they would vote to endorse a November parks bond ballot. While the County Commissioners voted at their June 16, 2008 meeting not to endorse a November parks bond ballot, work will continue to identify other funding options available.

Staff Liaison: Michael Gibson & Lisa Smith

Email Address: mgibson@ci.fay.nc.us / lsmith@ci.fay.nc.us

Phone Number: 433-1557/433-1682

Action Plan	Estimated Completion
Collaborate with Cumberland County and Parks and Recreation Advisory Commission on possible funding alternatives for the parks improvement plan.	TBD

First Quarter Update:

- On September 2, 2008 the Parks and Recreation Advisory Commission was briefed by Don Belk, BRAC Regional Planner as to the possible impact for Parks and Recreation within our region and the need for additional facilities and programs
- On September 4, 2008, City and County staff met to discuss park and recreation projects and explore possible funding alternatives. It was determined that the next step is for the County to identify the projects for which there was County interest and develop suggestions for proposed funding alternatives in support of the continuation of the parks improvement plan

Second Quarter Update:

- On October 30, 2008, City and County staff met with liaisons from the City Council and Board of County Commissioners to discuss proposed requirements for jointly-funded projects, 5 cost-sharing options for those projects and potential funding sources. In addition, the group discussed the current method of funding the operations of the joint parks and recreation program. The group concluded that the next step was to have City

and County staff review the current cost sharing methodology for funding the joint parks and recreation program and determine strategies for moving to a single funding source for the program.

- On November 18 and December 11, 2008, City and County staff met to review the current funding sources for the joint parks and recreation program and options available to move toward a single funding source. At the December 11 meeting, City and County staff concluded that due to the current state of the economy, now would not be the time to seek additional tax revenues for parks and recreation projects or consolidate the current tax resources into a single county-wide tax for parks and recreation program operations.

Third Quarter Update:

- No action taken in the 3rd quarter

Upcoming Activities:

- Create a recommended action plan for Council's FY10 Policy agenda item: Parks and Recreation Service

Policy Agenda- High

Downtown Parking Actions

A City/County committee has been reviewing downtown parking needs as identified in a comprehensive downtown parking study completed in FY 2007. The study, prepared by a consultant, recommended parking changes downtown including charging for off-street parking and building a parking deck.

Success would consist of two primary elements. The first would be to adopt parking management changes proposed by the consultant. The most important of these would be to begin charging off-street parking in city owned and operated lots. The second would be to adopt a financing plan for development of the parking deck. Realistically, the first element could be implemented in FY 09. Implementation of the second element will be dependent on further analysis and discussion between the City and the County.

Staff time is currently being committed to this project however; additional resources will be needed to construct the parking deck. The estimated cost of the deck is \$9.7 Million.

City team members include representatives from the City's Traffic Services, Engineering and Infrastructure and City Manager's departments. County staff will participate in further analysis of deck financing options.

Staff Liaison: Rusty Thompson

Email Address: rthompspn@ci.fay.nc.us

Phone Number: 433-1993/ 433-1153

Action Plan	Estimated Completion
Adopt ordinance for paid off street parking	Feb 2009
Implement off street parking	Mar 2009
Determine direction on parking deck County commitment	Feb 2009
Determine direction for City on parking deck	Apr 2009

First Quarter Update:

- During the August work session, staff presented to Council recommendations from the downtown parking study to include sending out a Request for Proposal (RFP) for parking service firms to provide equipment, maintenance and enforcement contingent on direction by Council
- Council approved in concept, the plan to shift City owned lots to paid parking

- The city has leased the BB&T lot on 100 block of Hay Street for 22 years so the public could use the spaces, but the bank has decided to sell the lot.. The bank wanted \$395,000 for it. On September 2nd, Council voted not to purchase BB&T lot
- Completed and published RFP for parking services contract
- Staff met with County to talk about financing concepts for a parking deck

Upcoming Activities:

- Receive RFP's for parking contract by Oct. 7
 - Review RFP's and conduct interviews during October
 - Select firm in December
- Develop ordinance for paid off street parking
 - Council adoption by December
- Implement paid off street parking – Jan 2009
- Continue to coordinate with County on financing alternatives for parking deck

Second Quarter Update:

- Interviewed 2 firms for the parking services contract on January 12th, 2009
- Confirming financial statements and references. Selection by January 23rd

Upcoming Activities:

- Negotiate final contract
- Develop ordinance for paid off street parking with Council adoption by February
- Implement paid off street parking March 2009
- Determine direction on parking deck County commitment- February 2009
- Determine direction for City on parking deck - April 2009

Third Quarter Update:

- Contract for parking services is being executed

Upcoming Activities:

- Implementation of off street paid parking by June 1, 2009

Policy Agenda- High

Diverse Tax Base Strategy

The City's goal is to enhance and expand its tax base by maintaining awareness of surrounding influences and taking advantage of opportunities that arise. Currently, less than 1% of the tax base is industrial. One element specific to tax base diversification is the identification of industrial and rural manufacturing expansion inside the City of Fayetteville. The All American Business Park, BRAC Strategies, and the continuation of the City's contract with Fayetteville – Cumberland County Chamber of Commerce (formerly CCBC) in support of the City's "Economic Development Policy and Structure" are some examples of the tangible projects and agendas the City is currently undertaking to help develop and diversify the tax base.

Staff Liaison: Dale Iman

Email Address: diman@ci.fay.nc.us

Phone Number: 433-1990

Action Plan	Estimated Completion
Ft. Bragg annexation	Jul 2008
Fayetteville – Cumberland County Chamber of Commerce – Analyze growth and identify target businesses right for City	Nov 2008
Fayetteville – Cumberland County Chamber of Commerce - Complete analysis and develop report	Jan 2009
Determine actions for City	Feb 2009

First Quarter Update:

- In July 2008, state legislators passed a bill extending Fayetteville's city limits to Ft. Bragg
 - The annexation was effective September 1, 2008 and raises the City population figure to approximately 206,000, encouraging developers and promoting business relocations to the area
 - Negotiations with Spring Lake - Interlocal Agreement complete
 - PWC preparing design for water line to serve Ft. Bragg
- Development of a staff team to explore annexation by evaluating areas currently surrounded by City limits
- Progress in Gates Four annexation
 - Council passed the Resolution of Intent July 28
 - Council approved Annexation Report and Plan of Services August 11
 - Held Public Information Meeting September 18 and Public Hearing September 29

- The City has partnered with the Fayetteville – Cumberland County Chamber of Commerce to analyze and develop a report on recruitment of industries and businesses. The Chamber will provide a full report to Council on the progress of their work
 - Target Industries:
 - Defense contractors
 - Distribution
 - Automotive
 - Back office/call center
 - Biotech pharmaceutical
 - Plastics
 - Non-woven textiles

Upcoming Activities:

- Adoption of Annexation Ordinance for Gates Four is scheduled for October 20, 2008
- Fayetteville – Cumberland County Chamber of Commerce to analyze growth and identify target businesses right for City- Nov 2008

Second Quarter Update:

- Adoption of Annexation Ordinance for Gates Four area October 20
- Staff developed a team to explore annexation by evaluating areas currently surrounded by City limits
 - Initial analysis was done of island areas (areas surrounded by City limits) and annexation standards
 - Team meeting was held to present data to group, discussion and receive direction
 - Additional field studies are ongoing
- Staff participated in the Joint Committee on Municipal Annexation meetings where they discussed possible changing annexation law
- The City has partnered with the Fayetteville – Cumberland County Chamber of Commerce to analyze and develop a report on recruitment of industries and businesses. The Chamber will provide a full report to Council on the progress of their work
 - Target Industries:
 - Defense contractors
 - Distribution
 - Automotive
 - Back office/call center
 - Biotech pharmaceutical
 - Plastics
 - Non-woven textiles

Upcoming Activities:

- Progress in the evaluation of island areas for possible annexation
- Continued participation in the efforts of the Joint Committee on Municipal Annexation

Third Quarter Update:

- City staff participated in the Joint Committee on Municipal Annexation and met several times to formulate numerous recommendations for the NC General Assembly
- City staff prepared supporting information for the Gates Four annexation
- The City has partnered with the Fayetteville – Cumberland County Chamber of Commerce to analyze and develop a report on recruitment of industries and businesses. The Chamber will provide a full report to Council on the progress of their work

Upcoming Activities:

- City staff and the Fayetteville – Cumberland County Chamber personnel continue to meet and discuss the Chamber of Commerce contract and identify key elements in the contract that are linked to the City's Strategic plan

Management Agenda- Top

Unified Development Ordinance

In order to implement the 2010 Plan and the anticipated 2030 Growth Vision Plan and to help implement the City's Strategic Plan, revisions of the zoning and development regulations need to take place. The City's existing development ordinances have not been comprehensively revised since the 1960's. Piecemeal amendments have kept the regulations functional but disjointed, hard to use, occasionally contradictory, often outdated and without the internal focus or coordination to help achieve community goals.

In FY '07-08 Clarion Associates was selected as consultant for the 16-month project to create a new Unified Development Ordinance. Guided by the Vision Plan and other current adopted plans, and by conversations with stakeholders, staff, and elected officials, Clarion prepared a Diagnosis and Annotated Outline assessing the current ordinances and proposing how to revise these regulations. The proposed changes were summarized by six themes: Increase User Friendliness; Streamline Procedural Efficiency; Modernize Zoning Districts and Uses; Improve Development Quality; Establish a New Downtown District; Incorporate Sustainable Development Practices.

The City Council and Planning Commission, at a joint meeting in April 2008, directed Clarion to begin drafting the procedures and zoning districts in line with changes described by the first three themes of the Diagnosis. Subsequent review will establish the direction of work for the remaining portions (development and design standards). The final draft would be presented in April or May 2009.

Success would be measured by adoption of a new unified development code that is more "user-friendly" and that incorporates current best practices from planning and related professions. It will modernize the zoning districts, establish minimum development standards and encourage high-quality physical development. The zoning and subdivision codes would be unified into one document. All portions of the code would be coordinated and focused in ways that help achieve community goals expressed in Fayetteville's comprehensive plans and its Strategic Plan Goals, especially the following:

- More Attractive City – Clean and Beautiful
- Growing City, Livable Neighborhoods – A Great Place to Live

Staff includes the City Manager's Office, Engineering, Inspections/Codes, Legal, Fire and Planning. In addition, an Advisory Committee represents a cross-section of user groups with experience with development codes – neighborhood/community, engineering/surveying, home building, real estate and legal, developers, architects, environment and related perspectives.

The City departments will need to continue to dedicate staff time to the research, community discussion and review of specific standards and procedures throughout the process. Significant changes to the standards for signs or street design or certain overlays would be the responsibility of City staff or other consultant efforts.

This TFA also entails significant administrative changes (forms, staff responsibilities, internal procedures, fees, record-keeping, and so forth) and the process of mapping the new zoning districts before the new UDO is fully effective. Additional funds would be required for consultant assistance in any of these tasks.

Staff Liaison: Jimmy Teal/Karen Hilton

Email Address: jteal@ci.fay.nc.us/khilton@ci.fay.nc.us

Phone Number: 433-1996/433-1437

Action Plan	Estimated Completion
Complete assessment: Proposal for change	Apr 2008
Complete administration and procedures	Jul 2008
Complete zoning districts and standards	Nov 2008
Complete overlays and design standards	Feb 2009
Prepare final ordinance	Apr 2009
Review ordinance and adoption	May 2009
Final formatting for computer/web (VIC codes)	Aug. 2009

First Quarter Update:

- Funding was approved in FY 08-09 Budget for remaining elements
- Module 1, administration and procedures, was presented and discussed with the advisory committee and the City Council July 14
- Staff briefed City management (9/10) on status of work and discussed possible issues or directions such as how to quickly reduce the number of non-conformities that exist or that might be created with the new UDO
- Staff communicated with the consultant to refine understanding of current practices and discuss specific approaches to new standards, especially regarding zero lot subdivisions and infill tools and practices and a work shop preparing for Module 3

Upcoming Activities:

- Internal review sessions during the first 2 weeks of October for Module 2 -- zoning districts, use lists and standards resulting in a draft for public review and comment in November
- An advisory committee and a special City Council meeting are scheduled for November 19, for presentation and discussion of the Module 2 draft regulations
- Clarion will schedule workshop(s) with staff in Oct. or Nov. to refine an approach to design & development standards, downtown zoning and to explore the related tools, training and implementation considerations

- Clarion and staff will begin concentrated work on the design and development standards (Module 3) in December

Second Quarter Update:

- Clarion and staff from several departments met in a 5 hour work session format to provide more detail for upcoming design and development standards
- Staff held five internal work sessions as the draft of Module 2 was prepared for public review
- Staff provided the photos and parcel maps for each proposed zoning district (the new UDO includes photos, drawings, and illustrative parcel maps for each district)
- The draft Module 2, covering the new zoning districts, standards and uses, and the updated definitions, was received and began circulating for public review on November 11
- Clarion and planning staff presented the draft Module to the Advisory Committee and to a Special Joint Meeting of the City Council and the Planning Commission on Wednesday, November 19. Additional discussion is expected with regard to the commercial districts, residential standards, zero lot line standards and procedures, and the downtown district
- Staff forwarded additional background information to Planning Commission and Advisory Committee members and scheduled a work session for January 13 to continue discussion of specific aspects of Module 2

Upcoming Activities:

- An internal work session is anticipated, perhaps late in the coming quarter, to begin detailing administrative procedures and needed changes in forms, thus beginning the preparation of the Administrative Manual that will accompany implementation of the new UDO
- Interested members of the Advisory Committee and the Planning Commission will meet January 13 to continue discussion on the residential standards and on zero lot line regulations
- Two alternative dates, January 15 and January 20, have been offered for continued discussion. Additional ways to secure broader community involvement may follow as the Advisory Committee finishes its review of Module 2
- Module 3, the design and development standards, is anticipated in February or early March

Issues and Other Considerations:

- UDO Funding Requirements: Additional funding of up to \$170,300 was provided in the FY 08-09 Budget to complete and draft the new Unified Development Ordinance
- Staff resources during drafting of the new UDO: Each of the key departments, Planning, Engineering, Inspections, and Legal, should anticipate the need to commit some staff time

not only to the review and comment process but also to unexpected research needs of widely varying types

- Preparing for Implementation: Implementation steps include (1) mapping the new zoning districts; (2) staff training, (3) user training or orientation, (4) administrative preparations
- Limiting Continued Piecemeal Amendments to the Current Ordinance: Consistent with staff recommendations, very few new text amendments have been introduced in the last few months. As more of the draft UDO is prepared, it becomes increasingly difficult to fold any new amendments into the UDO in a timely and seamless way. Instead of initiating new amendments, staff works with Clarion to incorporate the ideas into appropriate sections of the draft UDO.
- Administrative Handbook: The City may wish to consider outside assistance in preparing an administrative handbook. The handbook would include such items as process flow charts, application forms and checklists, examples, and internal procedures and policies. To start the process, over the next few months staff will begin preparing detailed internal charts for procedures and outlines for changes in forms. The new software program for the Inspections Department may help provide structure for the review and approval processes.

Third Quarter Update:

- Members of the Advisory Committee and Planning Commission met to discuss the residential standards, zero lot line regulations and the new office and commercial districts January 13, February 10 and February 26
- Several of the UDO staff participated in the Greater Fayetteville Futures conference on March 28 to include UDO ideas in the group discussions and to see how well the draft standards are fitting with identified initiatives
- Internal work sessions were held on a variety of topics:
 - The "TRC" met three times to start detailing administrative procedures and needed changes in forms, thus beginning the preparation of the Administrative Manual to accompany implementation of the new UDO
 - Staff held 12 internal work sessions to review the rough draft of Module 3 prior to general circulation and comment
 - Internal work group met March 23 to identify recommended changes to draft regulations for the new commercial zoning districts and use lists
 - Internal work group, with stakeholders input, met to identify alternatives for locations of sidewalk, landscape planting strip, and utility trench(s)
- The following meetings were held to extend community awareness of the project and to seek specific ideas and comments from stakeholder groups
 - Staff held small working group meetings with Council members, professional groups and various stakeholders, including the local Homebuilders Association, the City Council work session on March 3, individual applicants or interested developers as they came in for pre-application or mid-project reviews, and the Downtown Alliance board members on February 17
 - Staff made presentations at the following events:
 - March 10 – Downtown Alliance general member meeting

- March 11 – local chapter of the American Society of Military Comptrollers, at Fort Bragg (staff made 3 presentations at the annual day-long training seminar with approx. 180 registrants (approx. 100-115 attended the UDO sessions))
- March 24 – Historic Resources Commission
- March – quarterly luncheon meeting of the local Homebuilders Association (approx. 60-65 attending)

Upcoming Activities:

- Additional work sessions are being scheduled with the Advisory Committee April 14
- Presentations and discussion with various stakeholder, civic and professional groups are being scheduled (e.g., April 14 local Professional Engineers; May 7 Greater Fayetteville Futures green initiatives)
- The Planning Commission is holding a special meeting April 7, 2009 to review the Module 1 elements of the UDO; continued discussion on this and subsequent elements is tentatively set for April 21 at its regular meeting
- Staff comments on the rough draft of Module 3 will be transmitted to enable Clarion to return a public review draft as soon as possible
- Staff will schedule a presentation by Clarion of Module 3 Development Standards in May, to begin community discussion of that portion
- Community information sheets are being prepared, a Kaleidoscope segment is scheduled for May, and community meetings/open houses are being anticipated for May and June during final reviews of the draft materials
- Optimal schedule would have the Planning Commission considering the complete draft by the first week of June, and the City Council considering it in late June or early July

Management Agenda- Top

Strategy to Deter Neighborhood Speeding

Neighborhoods and communities discuss complaints of speeding at Community Watch meetings. This past year the City experienced an overall reduction of crashes (5.5%) and traffic fatalities (24%). However, the development of long-range strategies will aid in the reduction of neighborhood speeding concerns.

Success for this target for action:

- A comprehensive speeding reduction plan, which includes prevention, education and enforcement.
- Form a cohesive partnership with citizens within the community to work with the police and the City of Fayetteville.

Different strategies will be formed within the next 12 months. Our challenge will include active participation from the citizens of Fayetteville.

Resources currently committed to this target for action:

- Personnel: Patrol zone officers, traffic officers, civilian crash investigators, and department-wide initiative and two additional civilian crash investigators starting July 1, 2008.
- Equipment: Radar, speed sentry signs, vehicles, mounted patrol units, crime prevention specialists.

Team members:

- Operational support lieutenant
- Traffic sergeant
- Patrol representation from both Districts
- Volunteers

Staff Liaison: Tom Bergamine

E-Mail Address: tbergamine@ci.fay.nc.us

Phone Number: 433-1819

Action Plan	Estimated Completion
Evaluate bike lanes on residential streets and potential locations and determine direction	Aug 2008
Hire additional Civilian Crash Investigators	Sept 2008
Develop public information and marketing materials	Sept 2008
Reduce parameters for Traffic Administrative Court	Jan 2009
Develop comprehensive speed reduction plan	May 2009
Implementation	Jun 2009
Continue active traffic enforcement	Ongoing

First Quarter Update:

- Developed public information and marketing materials for Safety Over Speed (SOS) and distributed them at Community Watch meetings
- Held a SOS school campaign press conference on August 12 at Benjamin Martin Elementary School
- Heavy enforcement in school zones beginning August 25, first day of traditional calendar year; 214 citations issued in the past month in school zones in city limits
- Traffic safety classes at Fort Bragg (Sept. 11 & 18); more dates calendared for October
- Speed Sentry signs distributed in various neighborhoods across the city
- SOS meeting held on September 24; discussed initiatives regarding pedestrian traffic within the city and crosswalks
- Three new Civilian Crash Investigators hired and will begin training soon
- Planned additional sidewalks at Ben Martin School

Upcoming Activities:

- Police Department to participate with Fire Department in Fall Safety Day, October 11, 2008 at Cross Creek Mall
- Examine methods of evaluating bike lanes –new projected date Jan 2009
- Continue efforts of the first quarter

Second Quarter Update:

- Fall Safety Day on October 11, 2008 at Cross Creek Mall
- Safety Over Speed (SOS) meeting held on November 5, 2008
- Three new Civilian Crash Investigators hired and began training in November 2008
- Traffic Safety classes and “booze buggy” presentations at Fort Bragg on a weekly basis
- Applying for traffic grant to deal with driving awareness/safety
- Enhance ways to educate the general public about crossing major highways
- Holiday Safety Campaign - Increase presence in shopping areas, changing scheduling to maximize police enforcement for traffic, robberies, motor vehicle break-ins, etc.
- Increase public safety announcements to keep the public informed and educated about our crime prevention efforts
- Applied for GHSP Traffic Safety Grant (2 driving simulators to be used for high school/Fort Bragg)
- Purchased and trained patrol personnel on 15 dual antenna radar systems (November)
- Started a monthly radio show with KISS 106 about traffic safety issues (December)
- Continue with CPTV stories on Traffic Safety issues (i.e. school zones, neighborhood speeding, Cross Creek Mall traffic, pedestrian safety)
- Attend monthly Highway Incident Management/DOT meetings
- Continued success with Traffic Administrative Court
- Continue with use of speed sentry signs and post info. on police website

Upcoming Activities:

- Reduce parameters for Traffic Administrative Court
- Develop and implement a comprehensive speed reduction plan
- Attend a SOS legislative committee during the General Assembly Long Session to assign school zone fines to match construction zone fines
- Continue active traffic enforcement

Third Quarter Update:

- Submitted proposal to receive monies from JAG grant to start "Collision Avoidance Training" for teen drivers
- Hired and trained three new Civilian Crash Investigators in February 2009
- Traffic Safety classes and "booze buggy" presentations at Fort Bragg on a weekly basis
- Applied for traffic grant to deal with driving awareness/safety
- Increase public safety announcements to keep the public informed and educated about our crime prevention efforts
- Conduct ongoing selective traffic enforcement specials on weeknights and weekends
- Submitted budget proposal for 20 additional dual antenna RADAR units
- Participated in a monthly radio show with KISS 106 about traffic safety issues
- Continued with CPTV stories on Traffic Safety issues (i.e. school zones, neighborhood speeding, Cross Creek Mall traffic, pedestrian safety)

Upcoming Activities:

- Planning two Ghost Out programs for local high schools
- Develop comprehensive speed reduction plan
- Implementation of speed reduction plan
- SOS – Legislative Committee
- Assign school zone fines to match construction zone fines
- Continue active traffic enforcement

Management Agenda- Top

Community Watch Expansion

Community Watch is a philosophy and strategy of policing that allows law enforcement and citizens to work together to solve crime and social problems associated with crime. Currently, the city has 109 active and 48 inactive Community Watch groups spread across the city. The city is currently 91 square miles and there are many new neighborhoods being developed. Active community watch groups meet regularly to discuss crime and community needs.

Success for this target for action is to continue to develop Community Watch as a relevant and modern crime prevention tool. By bringing the Community Watch concept up-to-date with current social and technological advances, we should be able to increase the effectiveness of Community Watch and maintain its relevance. By the end of FY 2009 a functional crime prevention blog should be established as well as an operational e-newsletter through the City Watch system.

This Target for Action should look to build upon what the Police Department has already done. Currently we are soliciting through our web site for people to become involved in City Watch. People are being asked to submit their email addresses so that they can receive a newsletter about crime in their area. However, this program has not been completely developed and currently no newsletters are being sent. A crime prevention specialist could post the questions from City Watch on a blog along with the response.

Another underutilized resource is our reverse 911 system. This system could be used in conjunction with crime mapping to inform the public of current crime trends in specific areas.

Currently, our crime prevention specialists are working with Fort Bragg to engage new soldiers about becoming involved in Community Watch.

Team to work on this Target for Action:

- Crime prevention specialists
- Public information officer
- Computer operations
- Crime mapping
- Parks and Recreation representatives
- Inspections
- Animal Control
- Representatives from the Community Watch groups (two from Cambellton and two from Cross Creek Districts)

Staff Liaison: Tom Bergamine

E-Mail Address: tbergamine@ci.fay.nc.us

Phone Number: 433-1819

Action Plan	Estimated Completion
Develop outreach strategy for new members (Internet, etc.)	Sept. 2008
Develop crime prevention blog	Apr 2009
Train City employees on Safe Watch program	Jul 2009
Develop newsletter	TBD in 1 st Q
Crime mapping	TBD in 1 st Q

First Quarter Update:

- Three Community Watch (CW) groups have resumed this quarter: Blanton Green, Nighthawk Place & Devonwood West
- 5 new Community Watch groups have been formed this quarter: Engelwood, Hampton Oaks, Lake Francis, Beacon Hill & Woodglen
- Collaborated with business community to form Business Watches: Exit 49 & Cross Creek Mall
- Completed a 35 page informational booklet on Community Watch program to be distributed via hard copy/internet
- Met with local ministry to possibly form a Church Watch within neighborhoods
- Crime prevention specialist attended Ft. Bragg town hall meeting in conjunction with crime prevention personnel from Ft. Bragg

Upcoming Activities:

- City Watch projected kickoff time: end of January 2009
 - Citizens may start enrolling now
- Alternatives for advertising and outreach program will be discussed at next CW Expansion meeting

Second Quarter Update:

- Community Watch (CW) groups have increased by 45%, or the addition of 38 active groups this fiscal year
- Implement plan for zone officers to visit at least two CW coordinators per month starting in January 2009

- Media blast of CW info- We are working closely with the Fayetteville Observer to better promote the message of CW and with CPTV for new CW segments.
- We now have active Business Watch Groups at Exit 49 and Cross Creek Mall and are working with the business community for success at Cliffdale Plaza and along the Skibo Road corridor.
- Fort Bragg Family Readiness Group (FRG) Support – Police department CW representatives have attended Fort Bragg FRG meetings to present safety information to soldiers and their dependants.
- Patrol officer support of the CW program- Patrol officers are meeting twice a month with CW coordinators to gather information and maintain a healthy relationship between the FPD and CW groups. They are also distributing information packets on safety and CW Start-up in areas without a CW group or to residents during a call. After action includes forwarding information exchanges to the Crime Prevention Specialist for follow up with citizens to encourage the CW program.

Upcoming Activities:

- Citywatch Notification System- This program will allow for mass information distribution to areas with high crime or current high crime trends and is projected to begin in January.
- Continued media blast of CW information
- Continued Business Watch start up
- Ft. Bragg FRG start ups (3 per month)
- Crime Prevention Forums (chat rooms with Campbellton & Cross Creek Bureaus)
- Banners for CW advertisement for events
- Develop crime prevention blog- April 2009
- Train City employees on Safe Watch program- July 2009

Third Quarter Update:

- 6 new groups were added this quarter
- Worked with Ft. Bragg ACS continues (safety presentations, referrals, CW info)
- Development of Apartment Managers Network (Community Watches involving staff at Multi-family housing units, not just tenants)
- Added a statement on letters to B&E victims to start or join the neighborhood Community Watch
- Continued to conduct Safety Presentations and adding benefits of Community Watch
- Compiled stats for new city residents and soldiers wanting to find safe neighborhoods

- Held Community Meetings in hot spot areas to alert citizens of crime trends

Upcoming Activities:

- Continue efforts of first & second quarters
- Development of Apartment Managers Network (Community Watches involving staff at Multi-family housing units, not just tenants)

Management Agenda- Top

Telling the City's Positive Story

The City, like many organizations, has numerous constituents, internal and external, with whom it needs to communicate. The Target for Action describes the communication efforts of the City to meet the varying needs of its constituents, especially the citizens of Fayetteville.

In this effort, the City's Communications office has partnered with the local media, PWC, Fayetteville – Cumberland County Chamber of Commerce as well as various local advertising agencies to enhance our communication efforts. Promoting the City of Fayetteville as a great place to live involves projects and resources such as the Kaleidoscope program and City website. Measures of success would include timely and accurate information distribution to the citizens of Fayetteville, a constructive biennial survey and an updated website, all with the goal of enhancing our proactive approach to communicating the City's positive stories.

Additional resources would be needed to produce a higher level of visibility of good-will events in community.

Team to work on this Target for Action:

- City Communications Team
- Senior Management Team
- City Council
- Media
- Various local advertising agencies
- PWC
- Fayetteville – Cumberland County Chamber of Commerce

Staff Liaison: Doug Hewett/Jackie Tuckey

Email Address: dhewett@ci.fay.nc.us/jtuckey@ci.fay.nc.us

Phone Number: 433-1978/433-1549

Action Plan	Estimated Completion
Research past community-information/marketing efforts	May 2008
Identify key messages we wish to communicate	Sept 2008
Identify likely vehicles for message dissemination	Oct 2008
Train community partners on key messages and tactics	Jan 2009
Implement community message program including a comprehensive update of the city's website	Feb 2009
Measure and evaluate message penetration	Jun 2009

First Quarter Update:

- Met with City Communications Team on July 30 to discuss suggestions for streamlining communications and guidelines for standardized emails, memos, etc.
- Met with Cumberland County PIO, Chamber PIO and Hodges & Associates Advertising to brainstorm ideas and new ways to tell the City's story – ideas became the basis for the City Communications Plan
- Completed Panhandling Guide and will begin community awareness campaign this month
- Established a City sponsor table at the International Folk Festival on September 28. According to City employees who attended, there was a very positive response to programs and the City in general. Handouts included those from Stormwater, Recycling, and hand fans that promoted Kaleidoscope, PWC Connections, 433-1FAY, and recycling
- Developed timeline for production of the City's annual report
- Participating in Beasley Broadcasting's Energy Expo with a recycling booth

Upcoming Activities:

- Researching and developing plan for citizens' academy
- Locating a trainer and scheduling media training for SMT and Council
- Name for e-newsletter and new design rolls out in October
- Campaign to increase subscribers to e-newsletter
- New design for City web site continues; expected launch is January 2009.
- Begin work on newcomers' guide to city services – print version; section on new web site

for newcomers

Second Quarter Update:

- Met with Communications Team on November 5. Discussion included standardizing email format for use by all City employees thus providing a consistent and professional look to all correspondence both internal and external
- After seeing the new business card size promotions for Kaleidoscope and 433-1FAY, three departments whose employees' jobs take them out in neighborhoods ordered the cards for distribution to residents.
- "Promote Real Change, Not Spare Change" was done in December to inform residents that it often does more good to donate to a non-profit that helps the homeless and others in need than to give money to panhandlers
- Collected, edited and designed annual report selections; final report will be finished in mid-January 2009
- Attended the first Energy Expo at the Crown Expo Center with booth on recycling; attendance was good
- Completed research on starting a citizens' academy for the City of Fayetteville
- Staff was trained on new broadcast equipment and other Council Chamber upgrades; included new graphics system for televised meetings, etc
- Assisted Museum of Art Task Force with public meeting
- Prepared media release, icon and information for web site, and set up radio and television interviews to advertise sales of new 96-gallon recycling carts
- Debuted new name, Fayetteville Focus, and banner head for City's e-newsletter to citizens

Upcoming Activities:

- Campaign to increase subscribers to e-newsletter
- New web site design continues
- Complete and distribute Annual Report
- Complete Citizens' Academy plan and publicize application process
- Complete work on the City Services guide
- Recruiting for boards and commissions

Third Quarter Update:

- Citizens' Academy kicked off in March with 42 participants; 7-week session to learn more about City government and how to get involved

- Focused on increasing number of subscribers to Fayetteville Focus newsletter; steady increase each month; up 150 subscribers (11%)
- Began closed captioning services during live broadcasts of Council meetings on March 23rd
- Researched feasibility of operating City government access channel
- Developed Talking Points Cards for communicating City successes
- Developed and distributed 2-3 media releases each week
- Completed revisions to City Services Guide 2009 and posted to website

Upcoming Activities:

- Prepare for City booth at Dogwood Festival
- Recycling and Police Dept with Seat Belt Convincer
- Work with Planning on UDO community involvement/feedback projects
- Finish Citizens' Academy in May with graduation ceremony
- Work on bi-weekly or monthly City news brief for employees

Management Agenda- High

HOPE VI- Implementation

The Fayetteville Metropolitan Housing Authority has been awarded a \$20 million HOPE VI Grant from the U.S. Department of Housing and Urban Development (HUD). The HOPE VI Grant will allow FMHA to redevelop the Old Wilmington Road area by demolishing Campbell Terrace and Delona Garden Apartments, relocate residents of the apartments and to rebuild the area with a mix of market-rate and subsidized housing. Approximately 850 new low-income, workforce and market rate housing units will be built as a result of the HOPE VI Grant.

The HOPE VI program serves a vital role in HUD's efforts to transform Public Housing. The specific elements of public housing transformation that have proven vital to the HOPE VI program include:

- Changing the physical shape of public housing
- Establishing positive incentives for resident self-sufficiency and comprehensive services that empower residents
- Lessening concentrations of poverty by placing public housing in non-poverty neighborhoods and promoting mixed-income communities
- Forging partnerships with other agencies, local governments, nonprofit organizations, and private businesses to leverage support and resources

The HOPE VI project will invest \$130 million into the Old Wilmington Road neighborhood and downtown area to provide building, relocation, infrastructure repair, outdoor space and community services. Significant and positive change is expected during a five-year implementation period. Completion of this project will help the City to meet its goals:

- Growing City, Livable Neighborhoods – A Great Place to Live
- Revitalized Downtown – A Community Focal Point

Funds have been made available for the project in the 2009 fiscal year. The City will participate in the HOPE VI project through various financial commitments.

Staff Liaison: Victor Sharpe

Email Address: vsharpe@ci.fay.nc.us

Phone Number: 433-1933

Action Plan	Estimated Completion
Revise revitalization plan	September 2008
Develop plan for property acquisition for infill housing Current year budget includes \$1 million	December 2008
Develop plan for property acquisition for business park Current year budget includes \$1 million	December 2008
Develop 1 st phase of Community Gardens – install irrigation lines and roadway) Current year budget includes \$5,000	December 2008
Allocate funding for infrastructure (\$2,773,779)	January 2009
Design, and implement improvements along Blount Creek Current year budget includes \$250,000	January 2009
Submit LIHTC application for Campbell Avenue (72 elderly units)	January 2009
Start relocation of residents	April 2009
Development of Bunce Road family housing – 72 units Current year budget includes \$350,000	State Application July 2008 Construction Summer 2009
Development of Curtis Lane family housing and Alfred Street senior housing – 218 units	State Application July 2008 Construction Summer 2009

First Quarter Update:

- City Staff met with Fayetteville Metropolitan Housing Authority for project updates
- City staff began development of list of properties for acquisition for infill development and business park
- Developer was awarded funding by the North Carolina Housing Finance Agency (NCHFA) for 2009 Low Income Housing Tax Credits for 72 elderly units for the Bunce East project in July 2008. Construction expected to start summer 2009
- Developer submitted applications in July 2008 to NCHFA for bonds inducements for the Alfred Street project (46 senior units) and the Curtis Lane project (184 family units). Construction expected to start summer 2009
- FMHA submitted the Community and Supportive Services Plan to HUD in August 2008
- FMHA submitted supplemental grant information to HUD in September 2008

Upcoming Activities:

- FMHA will begin provision of community and supportive services to Delona Gardens and Campbell Terrace residents

- FMHA will develop resident relocation plan for sites for 2009 (Vouchers and other FMHA sites with relocation benefits)
- City staff will begin property acquisition

Second Quarter Update:

- City Staff met with Fayetteville Metropolitan Housing Authority for project updates
- City Council approved acquisition of 7 parcels from Cumberland County
- City Manager was granted authority to negotiate land acquisitions for the HOPE VI project
- Began work on the environmental review for the community garden project
- Completed environmental review and request for release of funds from HUD for the Alfred Street Senior Housing project, Curtis Lane Family project and the Bunce East Family Housing project
- FMHA completed the hiring of staff for the community and support services component of the project. FMHA staff is currently working with the residents of Delona Gardens and Campbell Terrace to prepare them for upcoming activities. Their offices are located in the Old Wilmington Road Neighborhood Resource Center

Upcoming Activities:

- Transfer of property to FMHA is scheduled for January 2009
- FMHA will begin the relocation of residents on April 1, 2009
- Property acquisition is scheduled for the upcoming quarter
- Construction of the Alfred Street Senior Housing project, Curtis Lane Family project and the Bunce East Family Housing project are scheduled to begin late spring/early summer

Third Quarter Update:

- City Staff met with Fayetteville Metropolitan Housing Authority for project updates
- Acquired a total of 12 parcels for infill housing
- Received Release of Funds from HUD through the environment review process for the Community Garden Project, the Alfred Street Senior Housing project, Curtis Lane Family project and the Bunce East Family Housing project
- Completed the transfer of City property (30.99 acres) to FMHA
- The City received \$28,000 in grant funds from Sandhills Area Land Trust (SALT) for the construction of the road in the Community Gardens Project. These funds are being used in conjunction with \$5,000 from the Community Development Department budget for the irrigation system. The Parks and Recreation Department is coordinating the project

- The Parks and Recreation Department began the survey work for the easements for the Blounts Creek Trail

Upcoming Activities:

- FMHA will continue the relocation of residents of the Campbell Terrace and Delona Garden Apartments
- Obtain easements and begin the design work for the Blounts Creek Trail
- The City will continue to work with SALT to continue the development of the Community Garden Project
- The City will continue to acquire property for infill development and a business park
- Construction of the Alfred Street Senior Housing project, Curtis Lane Family project and the Bunce East Family Housing project are scheduled to begin this summer

Management Agenda- High

Fire Training Tower

The existing fire tower located on Eastern Blvd. adjacent to the Fayetteville Botanical Gardens, was built in the late 1950s. It has begun to show signs of structural issues which limit the types of training that are conducted at the facility. Currently no live fire training is conducted at the facility. Live fire training is conducted away from the training facility in structures that are marked for demolition. While efforts are made to control potential risks during the live fire training, the training in acquired structures is less safe for the firefighter recruit and the community.

In addition to the limited use of the existing fire tower, the Botanical Garden has expressed an interest in obtaining the property on which the existing fire tower is located. They plan to develop a pavilion complex which will enhance the gateway corridor leading to downtown. However, the fire department continues to receive credit towards its ISO rating based on the tower and its current availability. Relinquishing the property and the fire training tower would necessitate building a new tower in order to maintain ISO credits.

Success for this Target for Action includes identification of funding and culminates in the completion of the new fire tower. We plan to work with FSU and FTCC who could potentially provide funding and/or other types of assistance, to include site and project preparation. The tower would be built at the Fayetteville Regional Airport Training Facility which serves as a base for a wide range of basic and specialized training. This Target for Action is dependant upon receiving state funds for construction of new facility; if not received this Target for Action will be delayed.

Team:

- Fayetteville Regional Airport representation
- Fayetteville Fire Department staff
- Special Project manager
- Fayetteville State University representation
- Fayetteville Technical Community College
- Botanical Gardens

Staff Liaison: Ben Major

Email Address: bmajor@ci.fay.nc.us

Phone Number: 433-1429

Action Plan	Estimated Completion
Obtain updated costs of constructing fire training tower	July 2008
Identify funding sources	Jan. 2009
Complete agreement with Botanical Garden	Apr. 2009
Design building	Apr. 2009
Demolish existing tower	Apr. 2009
Complete tower construction	July 2009

First Quarter Update:

- The total project is estimated at \$950,000 which includes design, construction and demolition of existing tower
- Identify Funding Sources:
 - The Director of Community & Government Affairs Office of the Chancellor confirmed that \$400,000 of state funding is currently designated for the fire training tower and will pass through FSU. Further discussions will be held with FSU to address administrative fees that the University would typically charge for management of the \$400,000
 - Additional resources for this project may also be included Veteran's Park project funding, but at present no further details are available. A follow up meeting is being scheduled with Rep. Rick Glazier for additional information
 - Overall issues that may impact funding for the fire training tower project include a 2% cut in the State's budget as recommended by Governor Easley and the influence the national economy on state and local funding resources
- Complete Agreement with Botanical Garden:
 - A lease has been drafted allowing the Botanical Garden the use of the current training tower property located at Eastern Blvd. The lease is expected to be signed by all parties by the end of October. The Botanical Gardens will use the property for parking during the construction phase of one of their projects

Upcoming Activities:

- Fire Department staff will continue to communicate with team members in a collaborative effort to identify funding and progress in the development of this project

Second Quarter Update:

- Staff is working with FSU to transfer funding allocated to the project

- Fire Department staff continues explore possible sources of funding for the project and ways to reduce the cost of the project, to include requiring the Botanical Gardens to be responsible for the demolition of the existing tower, preparation of the site and all related costs
- The Botanical Garden group has made a request for the property (with the exception of the footprint of the fire training facility and the structure itself drill tower itself) to be deeded to the Botanical Garden. The move will enable them to gain permits required to begin construction on their projects

Upcoming Activities:

- Continue discussions with City, FSU and Botanical Gardens representatives and explore opportunities they may present additional funding or cost savings for this project

Third Quarter Update:

- Received \$400,000 from FSU as a part of funding for construction of the training tower
- Met with team to discuss next steps. The steps include developing a project timeline delegating task responsibilities, updating cost information, completing a project checklist through purchasing (PWC) and beginning site preparations

Upcoming Activities:

- Developing the project ordinance to appropriate the budget for the design and construction cost of the training tower in the amount of \$500,000, which includes the \$400,000 transferred from FSU and \$100,000 from the City. The plan is to present the action to Council during the April 27th meeting

Management Agenda- High

Consolidated Marketing Program with PWC

The City and PWC jointly sponsor a variety of community events each year, such as the Dogwood Festival, International Folk Festival, Grinding of the Greens, etc. This Target for Action (TFA) is designed to effectively utilize limited marketing funds for support of these community projects. The goal is for the City and PWC to realize a shared benefit working together in their marketing efforts. Recognizing that PWC services are different in nature than the service provided at the City, this TFA will strive to look for opportunities where we can maximize our commonality in ways to enhance marketing efforts.

Staff Liaison: Doug Hewett/Jackie Tuckey

Email Address: dhewett@ci.fay.nc.us/jtuckey@ci.fay.nc.us

Phone Number: 433-1978/433-1549

Action Plan	Estimated Completion
Identify joint marketing/sponsorship opportunities	Aug 2008
Identify joint marketing/communication opportunities and vehicles, i.e. PWC newsletter, organizational websites, and TV shows	Aug 2008
Develop marketing agreement that specifies communication and marketing messages/tactics to be used by both organizations	Nov 2008

First Quarter Update:

- Met with PWC PIO to discuss joint marketing efforts & possible opportunities for a bill stuffer in PWC bills
- Collaborated in cross promotion of Kaleidoscope and PWC Connections TV programs. Examples include:
 - Cross promotions at the end of the programs
 - Cross promotions in PWC and City newsletters
 - City business cards advertised Kaleidoscope on one side and PWC Connections on the reverse; distribution at every opportunity
 - City hand fans advertised PWC Connections & were distributed at the International Folk Festival
- During Hurricane Hanna the City developed a special edition e-newsletter (Eye on Hanna) which PWC linked from their web site
- City has a link to the PWC website and will feature it more prominently on our new web site

Upcoming Activities:

- Continue to meet with PWC PIO and brainstorm other activities and opportunities for partnerships and cross promotions

Second Quarter Update:

- Cross-promoting Kaleidoscope and PWC Connections television shows through business card size promotions distributed throughout the city
- Promoting important City issues in the PWC customer newsletter
- Promoted Grinding of the Greens (joint City / PWC project) in City employee newsletter and Fayetteville Focus citizen e-newsletter

Upcoming Activities:

- Continue to meet with PWC PIO and brainstorm other activities and opportunities for partnerships and cross promotions
 - Possibly work together to promote activities as sponsors of the Fayetteville Dogwood Festival

Third Quarter Update:

- Cross-promotion of services through our respective websites
- Cross-promoting Kaleidoscope and PWC Connections television shows through business card size promotions distributed throughout the city
- Promoting important City issues in the PWC customer newsletter

Upcoming Activities

- Work together to promote City and PWC services through our sponsorships of the Dogwood Festival

Management Agenda- High

Performance Based Compensation

A successful performance based compensation system will include:

- clearly-defined expectations that are reasonable to obtain and shared with employees
- appropriately defined rating levels of performance for each job
- well trained supervisors
- ongoing feedback to employees regarding their performance
- appropriate review and controls
- adequate funding to reward employees for different level of performance

The outcome of this system is that the employees in the organization assist with achieving the objectives outlined in the strategic plan and departmental plans.

Staff Liaison: Terrie Hutaff

Email Address: thutaff@ci.fay.nc.us

Phone Number: 433-1643

Action Plan	Estimated Completion
Communicate to employees and supervisors the decision to move to a Pay-for-Performance System	June 2008
Develop a pay for performance system a. Levels of performance b. Dates of evaluation c. Funding	June 2008
Mandatory training for supervisors	Aug 2008
Conduct evaluations	July 2009
Finalized budget and funding for PFP	May 2009
Enter evaluation pay record into system	Aug 2009
Audit evaluation and pay	Aug. 2009

First Quarter Update:

- In June 2008, the City Manager's Budget Message communicated the decision to move to pay-for-performance to all City employees

- The pay-for-performance system was recommended by the HRD Director and approved by the City Manager, which outlined levels of performance and dates of the evaluation period. Funding to be determined during the budget process
- Supervisors attended a mandatory phase I training class on City's pay-for-performance system in August 2008
- Supervisors began attending a mandatory phase II training class on performance management

Upcoming Activities:

- October 2008 – January 2009: Supervisors continue to attend a mandatory phase II training class on performance management
- October 2008: Employees will receive a brochure outlining the City's pay-for-performance system

Second Quarter Update:

- October 2008: Employees received a brochure outlining the City's pay-for-performance system
- 100% supervisors have attended phase I training on performance management. Supervisors continue to attend a mandatory phase II training class. Currently approximately 80% of supervisors have completed the training thus far.
- Completed a survey of FY10 pay recommendations for Cities in our market
- Conducting mid-cycle evaluations for employees

Upcoming Activities:

- Evaluating funding for FY10 employee raises
- Conducting departmental training on an automated personnel system. This training will cover instructions in the necessary steps to process employee performance evaluations
- Entering employee's performance evaluations into the automated personnel system

Third Quarter Update:

- Jan./Feb. 2009: Mid-Cycle evaluations conducted for all eligible employees
- March 2009: Mid-Cycle evaluations entered into the automated personnel system
- March 2009: City Manager sent memorandum to all employees notifying them of the lack of adequate funding for the pay-for-performance raises

Upcoming Activities:

- Analysis conducted of Mid-Cycle evaluations

- Annual evaluations to be conducted for all eligible employees in June/July 2009
- Analysis conducted of Annual evaluations
- Feedback and/or re-retraining given to supervisors regarding improvements for managing employees' performance and conducting effective employee performance evaluations

Continuing Priority

Transit System Improvements

The Fayetteville Area System of Transit (F.A.S.T.) has a mission to provide safe, efficient, reliable, courteous, and innovative public transportation to the citizens of Fayetteville. To that end, the City hired a consultant to perform a management performance review in FY 2007. This review was all encompassing, covering the topics of management staff, condition of the fleet, condition of the facilities, number of operators required, the route structure, condition of the maintenance department and other topics, but of less significance, still needing attention. The results of this study were shared with the City management team and the City Council in January 2008. The Transit team then prepared a plan of action that would take into account the recommendations from this review.

The City Council has also pledged to get F.A.S.T to the state-wide funding level of other comparable NC cities within three years. Consistent with that goal and the findings in the management review, the following actions are planned:

- Management resources required have been identified and budgeted for in FY09;
- Replacement of the bus fleet has begun – five new units have been received and will be placed into service in July 2008;
- Replacement of the ADA van fleet has begun – seven vans have been ordered, five have been received and placed into service in June 2008;
- Additional orders for new equipment will be placed in FY09;
- An RFP will be generated for the Transportation Development Plan or Route Study;
- Evaluate the study results and present to the citizens via public hearings regarding future changes to the transit system;
- Implement the recommended changes to the F.A.S.T. system by July 2009

Staff Liaison: Ron Macaluso

Email Address: rmacaluso@ci.fay.nc.us

Phone Number: 433-1011

Action Plan	Estimated Completion
Identify required management positions per Management Performance Report	Mar 2008
Receive approved transit budget to include management positions	July 2008
Create RFP, select consultant for development of TDP or route study	Oct 2008
Public hearings as a result of the TDP study	May 2009
Implement recommendations of TDP within FY09 fiscal constraints	July 2009

First Quarter Update:

- Personnel: The management positions for the operations superintendent and para transit supervisor have been filled. Three dispatcher positions have been filled. The safety/training coordinator interviews are in progress
- The consultant completed the Phase I segment of the Joint City/County Transit Consolidation Study
- The Transportation Development Plan (TDP) Request for Proposal (RFP) was completed and published. Proposals were received on September 5, 2000
- A grant was awarded for flex funds from the NC Department of Transportation (NCDOT) in the amount of \$1,254,000 for equipment; and \$296,000 for Admin/Main facility renovation
- A grant was awarded by the FTA in the amount of \$1,354,000 for maintenance, ADA and small equipment
- Ridership for the first quarter FY09 has increased an average of 15.6% over the same time period one year ago

Upcoming Activities:

- Select TDP Consultant
- Select the site for the multi-modal center
- Fill the remaining management positions
- Order three new full size buses, four small buses and four vans

Second Quarter Update:

- Personnel: The Safety/Training Coordinator has been hired. They have compiled a bus operator Training Manual and successfully completed the first training class for 5 new operators. A second class of 3 new operators is in process. We have filled the 5th street supervisor position
- Joint City/County Transit Consolidation Study: The consultant is authorized to proceed with phase II. Anticipated completion of this segment is June 2009
- The Transportation Development Plan (TDP) consultant has been selected and has begun work. The study is expected to take 6 months
- Ridership for the second quarter FY09 has increased an average of 11.4% over the same time period one year ago
- The site for the future multi-modal center was selected. Activities are now underway for the initial actions of property owner discussions, appraisals, environmental studies, and grant applications for funds

- Vehicles on order: Three 35' buses, four 30' buses, four vans, supervisor support vehicles, and maintenance service trucks

Upcoming Activities:

- Support the TDP Consultant during the course of the study
- Continue with the activities required for the multi-modal center site

Third Quarter Update:

- Joint City/County Transit Consolidation Study: Continued to provide support to the study. Anticipated completion of Phase II is July 2009
- Continued to provide support to the Transportation Development Plan consultant during the course of the study. The first 3 tech memos will be released by the end of the 3rd Quarter
- Ridership for this quarter has decreased an average of 2.8% over the same time period one year ago. The decrease is attributed to the winter weather event
- The site for the future multi-modal center was selected. Activities are now underway for the initial actions of property owner discussions, appraisals, environmental studies, and grant applications for funds
- Grant application has been submitted to provide funds for a replacement mobile unit for the Transfer Center. The grant was awarded by the FTA on March 27, 2009
- Transit received an appropriation of \$3,129,010 in stimulus funds from the FTA for purchase of hybrid buses

Upcoming Activities:

- Support the TDP Consultant during the course of the study
- Continue with the activities required for the multi-modal center site
- Receive vehicles on order in the 4th quarter: Three 35' buses, four 20' LTVs, four 25' LTVs, supervisor support vehicles and maintenance service trucks
- Begin activities to replace the existing Transfer Center building with a new unit