

**FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
MARCH 22 2010
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
MARCH 22, 2010
7:00 P.M.
City Hall Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 ANNOUNCEMENTS AND RECOGNITIONS

6.0 CONSENT

6.1 Approve Minutes:

- December 7, 2009 - Inauguration
- February 22, 2010 – Regular Meeting
- March 1, 2010 – Work Session Meeting
- March 8, 2010 – Dinner & Discussion Meeting
- March 8, 2010 – Regular Meeting

6.2 Development Services (Planning & Zoning Division) –Case No. P10-01F. The rezoning of the property located at 1800 Fargo Drive and 3505 Village Drive from R10 Residential & P2 Professional to P2/CZ Professional Conditional Zoning District. Tochari Investments LLC owner

6.3 Development Services (Planning & Zoning Division) - Special Sign Permit Request for temporary event signs for the Tarheel Quilters Quilt Fest on March 26 through March 28, 2010.

6.4 Development Services (Planning & Zoning Division) - Special Sign Permit Request for temporary event signs between April 5 and April 10, 2010 for the Fayetteville Area Dogwood Exchange Club barbecue plate sale on April 9, 2010.

6.5 Development Services (Housing/Code Enforcement Division) - Condemnation- 1320 Ramsey Street

6.6 Development Services (Housing/Code Enforcement Division) - Condemnation- 2141 Southern Avenue

6.7 Development Services (Housing/Code Enforcement Division) - Condemnation- 820 Whitfield Road

- 6.8 Development Services (Housing/Code Enforcement Division) - Condemnation-206 Campbell Avenue
- 6.9 Development Services (Housing/Code Enforcement Division) - Condemnation-225 Nimocks Avenue
- 6.10 Development Services (Housing/Code Enforcement Division) - Condemnation- 317 S. Racepath Street
- 6.11 Development Services (Housing/Code Enforcement Division) - Condemnation-310 Oakland Drive (shed only)
- 6.12 Environmental Services - Bid Award for the Purchase of Two (2) Low Entry Truck Cab and Chassis with 30 Cubic Yard Rear Loading High Density Refuse Compactor Bodies
- 6.13 Finance – Approve Tax Refunds Greater Than \$100
- 6.14 Finance - Capital Project Ordinance Closeout 2010-11 (Phase V Annexation Water and Sewer Projects)
- 6.15 Finance - Capital Project Ordinance Closeout 2010-12 (FY2008 Annual Street Resurfacing Contract)
- 6.16 Finance - Capital Project Ordinance Closeout 2010-13 (Gillespie & Franklin Traffic Light and Ottis Jones Parkway Resurfacing)
- 6.17 Finance - Special Revenue Fund Project Ordinance 2010-15 (2009 Community Waste Reduction and Recycling Project)
- 6.18 Finance - Special Revenue Fund Project Ordinance 2010-16 (FY2009 Assistance to Firefighters Grant - Operations and Safety Program)
- 6.19 Finance - Capital Project Ordinance Amendment 2010-28 (Airport Fire Fighting Training Facility Upgrade)

7.0 PUBLIC HEARINGS

For certain issues, the Fayetteville City Council may sit as a quasi-judicial body that has powers resembling those of a court of law or judge. The Council will hold hearings, investigate facts, weigh evidence and draw conclusions which serve as a basis for its decisions. All persons wishing to appear before the Council should be prepared to give sworn testimony on relevant facts.

- 7.1 Development Services (Planning & Zoning Division) - Case No. P10-06F. **Appeal of Zoning Commission denial** of a request to rezone a portion of the property located at 980 Kennesaw Road from AR Agricultural Residential to C1/CZ Commercial Conditional Zoning District. Jesus Peace Ministries Inc. owner

Presenter: Craig Harmon, Planner II

- 7.2 Development Services (Inspections & Planning/Zoning Divisions) - Amendments to City Code Sections 16-368 and 22-31, and Zoning Ordinance Code Sections 30-263 and 30-320 regarding Notification of Violation and Citation Requirements

Presenter: Rob Anderson, Development Services Director

- 7.3 Engineering & Infrastructure - Public Hearing for Assessment Rolls on Soil Streets That Have Been Paved

Presenter: Jeffery Brown, Engineering & Infrastructure Director

8.0 OTHER ITEMS OF BUSINESS

- 8.1 Parks and Recreation - Special Consideration from the Gilbert Theatre to Sell Alcohol

Presenter: Michael Gibson, Parks and Recreation Director

- 8.2 Parks and Recreation - Special Consideration for the Boys and Girls Club to Consume Alcohol at Cross Creek Park

Presenter: Michael Gibson, Parks and Recreation Director

- 8.3 Parks and Recreation - Capital Project Ordinance 2010-17 (Handicapped Accessible Minibus for Parks and Recreation - Wounded Warriors Program)

Presenter: Michael Gibson, Parks and Recreation Director

- 8.4 Development Services (Planning & Zoning Division) - Amendments to policy regarding Notification Requirements for the area around a site for which a zoning or special use permit action is requested.

Presenter: Rob Anderson, Development Services Director

- 8.5 Development Services (Housing/Code Enforcement Division) - Amendment to Chapter 14 of the City of Fayetteville Code of Ordinances regarding property maintenance

Presenter: Rob Anderson, Development Services Director

9.0 ADMINISTRATIVE REPORTS

- 9.1 City Clerk - Monthly Statement of Taxes for February 2010

- 9.2 Finance-Tax Refunds of Less Than \$100

10.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

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

COUNCIL MEETING WILL BE AIRED

MARCH 22, 2010 - 7:00 PM

COMMUNITY CHANNEL 7

COUNCIL MEETING WILL BE RE-AIRED

MARCH 24, 2010 - 10:00 PM

COMMUNITY CHANNEL 7

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rita Perry, City Clerk
DATE: March 22, 2010
RE: **Approve Minutes :**
-December 7, 2009 - Inauguration
-February 22, 2010 – Regular Meeting
-March 1, 2010 – Work Session Meeting
-March 8, 2010 – Dinner & Discussion Meeting
-March 8, 2010 – Regular Meeting

THE QUESTION:

Does City Council approve the draft minutes as the official record of the proceedings and actions of the associated meetings?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Community Unity - Pride in Fayetteville; Objective 2: Goal 5: Better informed citizenry about the City and City government.

BACKGROUND:

The Fayetteville City Council conducted meeting(s) on the referenced date(s) during which they considered items of business as presented in the draft minutes.

ISSUES:

N/A

OPTIONS:

1. Approve the draft minutes as presented.
2. Revise the draft minutes and approve the draft minutes as revised.
3. Do not approve the draft minutes and provide direction to staff.

RECOMMENDED ACTION:

Approve the referenced draft minutes as presented.

ATTACHMENTS:

December 7, 2009 - Inauguration Minutes
February 22, 2010 – Regular Meeting
March 1, 2010 – Work Session Meeting
March 8, 2010 – Dinner & Discussion Meeting Minutes
March 8, 2010 – Regular Meeting

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FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
AIRBORNE AND SPECIAL OPERATIONS MUSEUM
DECEMBER 7, 2009
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Robert T. Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Jackie Tuckey, Communications Manager/Public Information Officer
Nathan Walls, Public Information Specialist
Kenneth Mayner, Graphic Designer
Brenda Barbour, Administrative Secretary to the Mayor
Linda Adams, Finance
Christine Pressley, Finance
Luis Collazo, Human Relations
Hilda Elliot, Management Services
Fire Department Staff
Bobby Jackson, Development Services
Rebecca Rogers-Carter, Management Services
Rita Perry, City Clerk
George W. Breece
Members of the Press

Mr. George W. Breece welcomed those in attendance and the Joint Fire-Police Color Guard the ceremony with the posting of the colors followed by the Pledge of Allegiance to the American Flag.

Pastor Winston Prentice Fox, Chaplain, United States Air Force (Ret.), offered the invocation.

ADMINISTRATION OF OATHS OF OFFICE

Mr. Anthony G. Chavonne was sworn in by Senator Tony Rand.

Mr. Keith A. Bates, District 1, was sworn in by The Honorable John M. Tyson, Judge, North Carolina Court of Appeals.

Ms. Kady Ann Davy, District 2, was sworn in by Mrs. Mable C. Smith, Notary Public.

Mr. Darrell J. Haire, District 4, was sworn in by Mrs. Cassandra McMillion, Notary Public.

Mr. Robert Thomas Hurst, Jr., District 5, was sworn in by The Honorable John W. Tyson, North Carolina Court of Appeals.

Mr. William J. L. Crisp, District 6, was sworn in by The Honorable Talmage S. Baggett, Jr., Judge, North Carolina District Court.

Mrs. Valencia A. Applewhite, District 7, was sworn in by The Honorable Toni King, Cumberland County District Court.

Mr. Theodore W. Mohn, District 8, was sworn in by Mayor Anthony G. Chavonne.

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Mr. Wesley A. Meredith, District 9, was sworn in by The Honorable John M. Tyson, Judge, North Carolina Court of Appeals.

FAYETTEVILLE CITY COUNCIL MEETING

1. Meeting Call to Order

Mayor Chavonne called the meeting to order.

2. Approval of Agenda

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

3. Election of Mayor Pro Tem

Mayor Chavonne called for nominations for the Mayor Pro Tempore position.

MOTION: Council Member Applewhite nominated Council Member Haire for the position of Mayor Pro Tempore.

SECOND: Council Member Massey

Nominations were closed.

VOTE: PASSED (9-1) Council Member Meredith in opposition

4. Remarks/Adjournment

Mayor Chavonne offered introductory remarks and presented Fayetteville Forward, A Citizen-focused Action Plan for Fayetteville's Future, as contained herein. The document was signed by the Mayor and Council Members.

FAYETTEVILLE FORWARD

A Citizen-Focused Action Plan for Fayetteville's Future

We, the Fayetteville City Council, recommit to a model of governance that promotes honesty, openness, mutual respect, and bonds of trust between the citizens of Fayetteville and their city government.

Each election provides the opportunity to recommit ourselves to a journey toward a greater city and to honor the actions of past Councils. That is why we, the 2009-2011 Fayetteville City Council, do hereby outline a detailed agenda that is citizen-focused for our city's growth and renewal. Let this serve as a written commitment between the Fayetteville City Council and the citizens of Fayetteville whom we proudly serve.

Therefore, the new City Council reaffirms their support and their commitment to each other and to the citizens of Fayetteville.

- **FIRST**, that City Council members shall be responsive to all the citizens of Fayetteville regardless of race, religion, social class or profession;
- **SECOND**, that City Council members shall treat fellow council members, City management staff and City employees with professional respect and courtesy, consistent with the City Council's adopted operating protocols;
- **THIRD**, that City Council members will be honest and ethical in actions, and in dealing with each other;
- **FOURTH**, that City Council members will work to promote effective communication among council members themselves, the City management staff, and between council and the citizens, and will

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honor the Council-Manager form of municipal government;

- **FIFTH**, that City Council will distinguish themselves with professional, effective and open public meetings and will represent the City of Fayetteville with the highest personal integrity and leadership.

Thereafter, within the first 100 days of this City Council's Inauguration on December 7, 2009, staff shall bring to the City Council the following issues that are consistent with the City's strategic planning goals, each to be given full and open debate, each to be given a clear and fair vote, and each to be made available for public discussion and input.

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

- **Annexation Policy:** Develop a comprehensive growth management approach to address the orderly growth inside the city's municipal influence area
- **Community Wellness Plan:** Receive and act on the police operational study recommendations and provide policy direction for emergency medical transport and consolidated E911 services
- **Residential Rental Property Program Development:** Consider adoption of an ordinance establishing a residential rental registration program and probationary rental occupancy permit.

Goal II: Greater Tax Base Diversity - Strong Local Economy

- **Murchison Road Redevelopment Plan:** Review the Murchison Road redevelopment plans for implementation
- **Economic Development Incentives:** Adopt a hotel incentive policy and evaluate the current economic development incentives
- **Non-Stop Air Service to Washington, DC:** Complete the feasibility study and act on recommendations.

Goal III: More Attractive City - Clean and Beautiful

- **Commercial & Multi-Family Recycling:** Weigh recommendations on program design and plan for implementation
- **Fayetteville Area System of Transit:** Complete renovations to administrative offices and central transfer facility
- **Uniform Residential Street Lighting Program:** Adopt an ordinance that provides for street lights throughout residential areas.

Goal IV: More Efficient City Government - Cost Effective Service Delivery

- **Legislative Agenda & Federal Relations:** Adopt the City's 2010 Federal Legislative Agenda
- **City Financial Planning:** Receive and adopt updated Capital Improvements Plan (CIP), hold an early 2010 City budget workshop and the City Council's Annual Strategic Planning Retreat.
- **Consolidated Transportation Study with Cumberland County:** Provide policy direction on the study's recommendations.

Goal V: Greater Community Unity - Pride in Fayetteville

- **Elected Officials Development:** Attend the Municipal Governance & Leadership Training
- **Ethics Commission:** Establish the City's first Ethics Commission
- **Equal Access:** Complete the ADA self-assessment and action plan for City facilities.

Goal VI: Revitalized Downtown - A Community Focal Point

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- North Carolina State Veterans Park: Award construction contracts and complete groundbreaking for Phase 1 of Veterans Park and Freedom Trail.
- Downtown Parking: Complete the downtown parking study and parking deck evaluation
- Downtown Beautification: Complete the Person Street gateway project and continuation of the downtown streetscape project along Green Street.

5. Retire the Colors

The Fayetteville Joint Fire-Police Color Guard closed the ceremony with the retiring of colors.

There being no further business, the meeting adjourned at 7:55 p.m.

6. Reception

Following adjournment of the meeting, a reception was held in the foyer of the Airborne and Special Operations Museum.

Respectfully submitted,

RITA PERRY
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
FEBRUARY 22, 2010
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Dale E. Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Patricia Bradley, Assistant City Attorney
Bradley Whited, Airport Director
Douglas Banez, InterVISTAS - Air Service Consultant
Jeffery Brown, Engineering & Infrastructure Director
Craig Harmon, Planner II
Jackie Tuckey, Public Information Officer
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Pastor Louis Leake of Cliffdale Christian Center.

3.0 PLEDGE OF ALLEGIANCE

Following the invocation, the audience was led in the Pledge of Allegiance to the American Flag.

4.0 APPROVAL OF AGENDA

MOTION: Mayor Chavonne moved to approve the agenda with the reversal of order for Items 7.1 and 7.2.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Hurst extended an invitation to the citizens to attend the Citizens' Academy scheduled for Tuesdays from March 30 through May 11, 2010, from 6:00 to 8:30 p.m., which would be available at no charge to all City of Fayetteville residents and that applications could be obtained at the City's website at cityoffayetteville.org or calling 433-1578.

Mayor Chavonne acknowledged Ms. Melissa Miller's first grade class at Glendale Acres Elementary School.

6.0 CONSENT

MOTION: Council Member Meredith moved to approve the consent agenda.
SECOND: Mayor Pro Tem Haire
VOTE: UNANIMOUS (10-0)

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- 6.1 Community Development - Release reverter clause from deeds of trust on lots donated to the Fayetteville Area Habitat for Humanity.

This item authorized the City Manager to execute the necessary documents to release the City's reverter clause from deeds of trust on land donated to the Fayetteville Area Habitat for Humanity on a case-by-case basis.

- 6.2 Development Services - Case No. P10-04F: Request to rezone the property located at the southwest corner of Bingham Drive and Bailey Lake Road from PND Planned Neighborhood Development District to C1A Area Commercial District. Rivers of Living Water Church of God, Inc., and Diane and Donald Johnson, owners.
- 6.3 Engineering & Infrastructure - Adopt resolutions setting a public hearing to consider the paving assessments of eight City streets.

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR FARRELL AVENUE (FROM DUNN ROAD 1162 FEET TO A CUL-DE-SAC). RESOLUTION NO. R2010-008.

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR MCDUFFIE STREET (FROM GUTHRIE STREET TO EASTERN BOULEVARD). RESOLUTION NO. R2010-009.

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR GUTHRIE STREET (FROM HOLT WILLIAMSON STREET TO MCDUFFIE STREET). RESOLUTION NO. R2010-010.

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR UPTON STREET (FROM STEVENS STREET 306 FEET TO A TURN-AROUND). RESOLUTION NO. R2010-011.

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR LUCAS STREET (FROM COOL SPRING STREET 436 FEET TO A TURN-AROUND). RESOLUTION NO. R2010-012.

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR CANAL STREET (FROM KENNEDY STREET TO WAYDE STREET). RESOLUTION NO. R2010-013.

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR ADAM STREET (FROM KENNEDY STREET 371 FEET TO A TURN-AROUND). RESOLUTION NO. R2010-014.

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR GURLEY STREET (FROM ROBESON STREET 377 FEET TO A DEAD-END). RESOLUTION NO. R2010-015.

- 6.4 Engineering & Infrastructure - Municipal Agreement with NCDOT for Bragg Boulevard Sidewalk.

This Municipal Agreement was for the City to reimburse NCDOT 50 percent of the estimated cost of approximately \$70,000.00 for the construction of the sidewalk on the west side of Bragg Boulevard.

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6.5 Finance - Adopt resolution to accept a report of unpaid taxes for 2009 and direct the advertisement of tax liens.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE
ADVERTISEMENT OF TAX LIENS. RESOLUTION NO. R2010-016.

6.6 Finance - Capital Project Ordinance Closeout 2010-10 (Airport Public Seating Upgrade).

6.7 Finance - Capital Project Ordinance Closeout 2010-7 (Airport Security System Installation and Upgrade Project).

6.8 Finance - Capital Project Ordinance Closeout 2010-9 (Airport Security Screening Area Upgrades Project).

6.9 Finance - Capital Project Ordinance Closeout 2010-8 (Cape Fear River Park Land Acquisition).

The projects referenced in Items 6.6 through 6.9 above were completed in a previous fiscal year and the revenues and expenditures have been audited. The purpose of the requested action is to formally authorize closure of the projects for accounting purposes.

6.10 Finance - Capital Project Ordinance Amendment 2010-27 (Sidewalk Construction along Bragg Boulevard).

This amendment appropriated \$70,000.00 for the City's commitment for the North Carolina Department of Transportation Municipal Agreement to fund 50 percent of the cost of constructing sidewalk along the west side of Bragg Boulevard from the 401 Bypass to north of Santa Fe Drive as part of an overall improvement plan to Bragg Boulevard.

6.11 PWC - Bid recommendation for bus and feeder circuit breakers.

The Public Works Commission approved the bid award for purchase of bus and feeder circuit breakers for miscellaneous substations to Siemens Energy, Wendell, NC, in the total amount of \$880,902.00 and forward to City Council for approval (budgeted in the CIP Budget in the total amount of \$1,150,000). Bids were received as follows:

<u>Bidders</u>	<u>Total Cost</u>
Siemens Energy (Wendell, NC)	\$880,902.00
ABB Power Technologies (Lake Mary, FL)	\$1,020,648.00

Bids were solicited from six vendors with two vendors responding. Siemens Energy was not classified as a DBE, minority, or woman-owned business.

6.12 PWC - Bid recommendation for one 35,000 GVWR cab and chassis with asphalt body.

The Public Works Commission approved the bid award for purchase of one 35,000 GVWR cab and chassis with asphalt body (with option to purchase additional units within a one-year period upon the agreement of both parties) to Piedmont Truck Center, Inc., Greensboro, NC, in the total amount of \$150,500.00 and forward to City Council for approval. This is a budgeted item (budgeted amount of \$165,000.00 to replace Unit No. 341). Bids were received as follows:

<u>Bidders</u>	<u>Total Cost</u>
Piedmont Truck Center, Inc. (Greensboro, NC)	\$150,500.00
Public Works Equipment & Supply (Monroe, NC)	\$151,970.00
Smith International (Fayetteville, NC)	\$152,847.00
Cooper Kenworth (Raleigh, NC)	\$158,545.00

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Bids were solicited from 18 vendors with 4 vendors responding. Piedmont Truck Center was not classified as a DBE, MBE, or woman-owned business.

6.13 PWC - Bid recommendation for prefabricated relay control houses.

The Public Works Commission approved the bid award for purchase of prefabricated relay control houses for Arran Park and Crystal Springs Substations to VFP, Inc., Roanoke, Virginia, in the total amount of \$143,845.00 and forward to City Council for approval (budgeted in the CIP Budget in the total amount of \$160,000.00). Bids were received as follows:

<u>Bidders</u>	<u>Price Per Unit</u>	<u>Total Cost</u>
VFP, Inc. (Roanoke, VA).....	\$71,922.50.....	\$143,845.00
Modular Connections, LLC (Bessemer, AL).....	\$74,894.00.....	\$149,788.00

Bids were solicited from 13 vendors with 2 vendors responding. VFP, Inc., was not classified as a DBE, minority, or woman-owned business.

7.0 PUBLIC HEARINGS

At the request of Attorney Neil Yarborough, the first item heard was Item 7.2.

7.2 Development Services - Case No. P09-50F: Appeal of a Zoning Commission denial of a request to rezone from R10 Residential District to P2 Professional District or to a more restrictive zoning classification for property located at 3405, 3409, and 3413 Village Drive. Billy R. and wife, Catherine W. Parker, owners.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He informed Council that the redesign of the Hospital facilities had changed the character of the area along Village Drive and caused an increase in rezoning requests. He stated the Zoning Commission and Planning staff recommended denial of the rezoning based on (1) a map change would facilitate a more coordinated redevelopment of both this and the corner lot, but it would also allow individual use of this single lot for office use, thus facilitating inappropriate nonresidential encroachment into the neighborhood; (2) while hospital activity and the noise of the emergency entrance drive suggested that offices were appropriate long-term uses in this immediate area, the lots along Village and Conover Drives were not big enough individually to be re-used for offices without having negative impacts on both the neighborhood behind them and the function and appearance of the corridor; (3) appropriate re-use or redevelopment in this immediate area would include a substantial buffer establishing a protective edge for the neighborhood, a landscaped streetscape, coordinated access, and an urban building pattern; and (4) individual rezoning should not occur in this one-to-two block area unless either a small area plan was completed and an overlay was in place to achieve at least the objectives in number 3 above or the application included a conditional zoning and the site plans achieved the objectives in number 3 above. He stated either approach would help assure that adequate and appropriate parking, landscaping/buffering, access, and building size/height were achievable.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:12 p.m.

Mr. Neil Yarborough, The Yarborough Law Firm, 115 East Russell Street, Fayetteville, NC, appeared in favor as legal counsel for the

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applicants and presented a summary of why the rezoning request should be approved. He also stated his clients would agree to a P1 District.

There were no speakers in opposition.

There being no one further to speak, the public hearing closed at 7:22 p.m.

MOTION: Council Member Hurst moved to defer action until the six-month Land Use Study was completed.
SECOND: Council Member Applewhite

Council inquired what the content of the Land Use Study would be. Mr. Harmon responded that the study would consist of an overlay illustrating various uses--past, present, and proposed.

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

7.1 Development Services - Case No. P09-41F: Appeal of Zoning Commission denial of request to rezone the property located at 1802 Conover Drive from R10 Residential District to P2 Professional District. KAAVU, LLC, owner.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He informed Council that the redesign of the Hospital facilities had changed the character of the area along Village Drive and caused an increase in rezoning requests. He stated the Zoning Commission and Planning staff recommended denial of the rezoning based on (1) a map change would facilitate a more coordinated redevelopment of both this and the corner lot, but it would also allow individual use of this single lot for office use, thus facilitating inappropriate non-residential encroachment into the neighborhood; (2) while hospital activity and the noise of the emergency entrance drive suggested that offices were appropriate long-term uses in this immediate area, the lots along Village and Conover Drives were not big enough individually to be re-used for offices without having negative impacts on both the neighborhood behind them and the function and appearance of the corridor; (3) appropriate re-use or redevelopment in this immediate area would include a substantial buffer establishing a protective edge for the neighborhood, a landscaped streetscape, coordinated access, and an urban building pattern; and (4) individual rezoning should not occur in this one-to-two block area unless either a small area plan was completed and an overlay was in place to achieve at least the objectives in number 3 above or the application included a conditional zoning and the site plans achieved the objectives in number 3 above. He stated either approach would help assure that adequate and appropriate parking, landscaping/buffering, access, and building size/height were achievable.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:38 p.m.

Mr. James A. McLean, III, 1233 Hunter Trail, Hope Mills, NC, appeared in favor as legal counsel for the applicant and provided a proposed site plan and requested guidance from Council.

There were no speakers in opposition.

There being no one further to speak, the public hearing closed at 7:42 p.m.

MOTION: Council Member Hurst moved to defer action until the six-month Land Use Study was completed.
SECOND: Mayor Pro Tem Haire

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Council Member Hurst inquired of the City Attorney as to whether the cost would be waived. Ms. Karen McDonald, City Attorney, responded there would be no cost since the decision had been deferred.

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

7.3 Development Services - Case No. P10-02F: Appeal of Zoning Commission denial of a request to rezone the property located at 129 North Plymouth Street from R6 Residential District to P2 Professional District. Tina Dicker and Bruce Morrison, owners.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated while the 2010 Land Use Plan calls for high-density commercial across Plymouth Street from the property, the County, per agenda packet, now looks to the 2030 Growth Vision Plan for guidance in approving rezonings. He stated that County staff, per agenda packet, had indicated that they would be unlikely to recommend a commercial rezoning on the property across the street unless it was part of a major development/concept plan. He stated rezoning a single small area in the middle of the block, contrary to the Land Use Plan and without other compelling reasons, was often viewed as spot zoning which was considered contrary to professional planning practices. He stated the Zoning Commission and Planning staff recommended denial of the rezoning based on (1) the 2010 Land Use Plan calling for medium-density residential, (2) the 2030 Growth Vision Plan calling for caution in rezoning residential area to commercial uses just because they were on or near a highway, (3) currently single-family residential (including owner occupied) and agricultural uses surrounded the property, and (4) spot zoning.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 7:48 p.m.

MOTION: Council Member Davy moved to deny the requested rezoning.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

7.4 Development Services - Case No. P10-03F: Appeal filed by an adjacent property owner regarding the recommendation of Planning staff and Zoning Commission to approve a request to rezone the property located at 4584 Carula Lane from AR Residential District to R10 Residential District. Pamela Autry and Martha West, owners.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the Zoning Commission and Planning staff recommended approval of the rezoning based on (1) the 2010 Land Use Plan called for low-density residential (R10 being one of the City's low-density districts), (2) the property abutting an already approved subdivision zoned R10, and (3) the 2030 Growth Vision Plan stating that development should occur at densities appropriate for the site. He stated the recommended zoning would be appropriate for the level of service and compatible with the proposed/existing homes in the area.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:51 p.m.

Mr. Tim Evans, 2256 Cypress Lakes Road, Hope Mills, Fayetteville, NC, appeared in favor representing the buyer and seller and stated the storm water runoff concerns had been addressed.

There were no speakers in opposition.

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There being no one further to speak, the public hearing closed at 7:55 p.m.

Council Member Meredith inquired whether there was a storm water problem. Mr. Harmon responded a neighbor had concerns which initiated the appeal being filed; however, the matter had been resolved. He stated anything built in the area would require compliance with the City's storm water regulations.

MOTION: Council Member Crisp moved to approve the requested rezoning.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

7.5 Development Services - Case No. P10-05F: Request to rezone the property located at 624, 628, 708, and 714 Dunn Road and David J Road from R6 and R10 Residential Districts to M2 Industrial District. David and Jill Soles and Gerald Bishop and Bishop Leasing, owners.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated currently there was a salvage yard in operation on the properties and it was a nonconforming use on residentially zoned property and a significant portion of the property was also within the floodplain property. He informed Council that the rezoning request was in response to an ordinance adopted by City Council in November 2008 that established a three-year amortization process to close and remove all vehicles/junk from any nonconforming salvage yard by January 1, 2012. He stated the applicant had been cited for being in violation of the first year's requirements. He stated staff was continuing to research operational aspects and stated review/inspection procedures in the case and updates would be provided where relevant. He stated the Zoning Commission recommended approval of the rezoning based on (1) the history of compatibility with surrounding properties, (2) the sufficient area and separation possible for this type of operation, (3) the loss of jobs if the salvage yard was shut down, and (4) that the applicant would have to submit an application for a Special Use Permit where specific conditions could help mitigate concerns. He stated the Planning staff recommended denial of the rezoning based on (1) the 2010 Land Use Plan recommending medium-density residential and open space or conservation uses for the properties, (2) the existing land use was a nonconforming salvage yard (rezoning to M2 would be contrary to the objectives of the recently adopted ordinance requiring the closing and removal of all vehicles from such salvage yards), (3) the M2 industrial was the least restrictive (most permissive) zoning district in the City (it would allow a variety of commercial and heavy industrial uses that would be inappropriate for the area based on the property being within the floodway or the 100-year floodplain), and (4) the applicant's intent was to receive M2 zoning in order to request a Special Use Permit to change the salvage yard from a nonconforming business to a conforming business. He stated this change would allow the salvage yard to continue operating beyond January 1, 2012, and the use was inconsistent with state law adopted in 2000 prohibiting salvage yards within 100-year floodplain areas.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:05 p.m.

The following speakers appeared in favor:

NAME	ADDRESS
Dr. Al Brice	420 Dunn Road, Fayetteville, NC 28312
Sue Cole	702 Dunn Road, Fayetteville, NC 28312
Lynda Hair	2103 Fordham Drive, Fayetteville, NC 28304
Vernon Fisher	395 Hilliard Drive, Fayetteville, NC 28311
Ted Tilson	3315 Bragg Boulevard, Fayetteville, NC 28303

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There were no speakers in opposition.

There being no one further to speak, the public hearing closed at 8:20 p.m.

A question and answer period ensued.

MOTION: Council Member Davy moved to deny the requested rezoning and to waive the one-year waiting period to allow the applicant to apply for conditional use.

SECOND: Council Member Hurst

Council Member Bates requested an explanation of the motion. Ms. Karen McDonald, City Attorney, explained the rezoning was denied, however, the motion created an opportunity for the applicant to come back and request a conditional use rezoning which meant specific conditions could be applied.

Council Member Bates inquired what the result would be should the applicant not bring it back for a conditional use by January 1, 2012. Ms. McDonald responded the applicant would be required to be in compliance.

VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.1 Airport - Brief DC Air Service Study.

Mr. Bradley Whited, Airport Director, provided a history of this item and introduced Mr. Douglas Banez, InterVISTAS, Air Service Consultant. Mr. Banez outlined the DC Air Service Study as follows:

- Air Service Study Elements
- Funding Details of the Study
- Market Study Overview
- Analytical Results
- U.S. Department of Transportation Statistics
- Business Travel Survey - Respondent Profiles
- Business Travel Survey - Fayetteville-Washington, DC, Travel Profile
- Personal Travel Survey - Respondent Profiles
- Personal Travel Survey - Fayetteville-Washington, DC, Travel Profile
- Development of Business Case to Target Airlines

8.2 Engineering & Infrastructure - Uniform Street and Thoroughfare Lighting Ordinance.

Mr. Jeffery Brown, Engineering & Infrastructure Director, provided a summary of the proposed ordinance. He stated PWC would no longer continue to make a transfer to the City to cover the cost of street lights within Progress Energy's service area beginning July 1, 2010. He conveyed to Council that the ordinance would provide uniformity in the location and spacing of street lights and consistency in the manner in which citizens pay for street lights.

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A brief question and answer period ensued.

MOTION: Council Member Bates moved to approve Uniform Street and Thoroughfare Lighting Ordinance.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

8.3 Appointment Committee - Presentation of recommendations for board/commission appointments.

MOTION: Council Member Hurst moved to approve the Appointment Committee's recommendations for boards/commissions appointments.

SECOND: Council Member Massey

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

9.0 ADMINISTRATIVE REPORTS

9.1 City Clerk - Monthly statement of taxes collected for January 2010 from the Cumberland County Tax Administrator.

2009 Taxes	\$8,054,604.41
2009 Vehicle Taxes	349,487.03
2009 Revit	36,631.77
2009 Vehicle Revit	417.53
2009 FVT	45,883.55
2009 Transit Tax	45,883.58
2009 Storm Water	267,770.59
2009 Fay Storm Water.....	535,541.28
2009 Recycle Fee	198,113.35
2008 Annex.....	53.13
2008 Taxes	5,676.96
2008 Vehicle Taxes	62,069.94
2008 Revit	0.00
2008 Vehicle Revit35
2008 FVT	7,951.71
2008 Transit Tax	7,462.21
2008 Storm Water	301.56
2008 Recycle	237.29
2008 Fay Storm Water	135.59
2008 Annex.....	0.00
2007 Taxes	1,099.02
2007 Vehicle Taxes	3,072.23
2007 Revit	0.00
2007 Vehicle Revit	0.00
2007 FVT	606.52
2007 Storm Water	101.62
2007 Fay Storm Water	72.00
2007 Annex.....	0.00
2006 Taxes	816.46
2006 Vehicle Taxes	679.07
2006 Revit	0.00
2006 Vehicle Revit.....	0.00
2006 FVT.....	172.36
2006 Storm Water	36.68
2006 Annex	112.46
2005 and Prior Taxes	2,217.09
2005 and Prior Vehicle Taxes	1,891.64
2005 and Prior Revit	0.00
2005 and Prior Vehicle Revit	0.00
2005 and Prior FVT	409.90
2005 and Prior Storm Water	99.60

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Interest 45,417.99
Interest (Revit) 194.42
Interest (Storm Water) 904.26
Interest (Fay Storm Water) 1,632.13
Interest (Annex) 44.03
Interest (Fay Recycling) 974.55

Total Collections 9,678,775.86

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at
9:23 p.m.

Respectfully submitted,

RITA PERRY
City Clerk

ANTHONY G. CHAVONNE
Mayor

022210

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FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
HUMAN RESOURCES DEVELOPMENT TRAINING ROOM
MARCH 1, 2010
5:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Janet Smith, Assistant City Attorney
Rob Anderson, Chief Development Officer
Michael Gibson, Parks & Recreation Director
Jeffery Brown, Engineering & Infrastructure Director
Steven K. Blanchard, PWC CEO/General Manager
Bruce Daws, Historical Properties Manager
Jackie Tuckey, Public Information Officer
Mike Bailey, Hope Mills Planning
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Haire.

3.0 APPROVAL OF AGENDA

MOTION: Mayor Chavonne moved to approve the agenda with a stipulation to rearrange the order of the agenda items to accommodate the citizens in attendance with an interest.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

The items were presented in the order listed below:

4.7 City Manager's Office - Residential Rental Property Program Update.

Mr. Doug Hewett, Assistant City Manager, provided background information on the item. He provided updates on the Rental Registration Program and Probationary Rental Occupancy Permit (PROP) as follows:

Rental Registration	
Program Purpose	Designed to identify all rental properties throughout the City. Enables staff and the public to see where rentals are located and provides avenues for quick distribution of information to owners.
Responsible Party	All residential property owners are required to register residential rental property annually.

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Rental Registration	
Key Components	<ul style="list-style-type: none"> • Rental residential property is a business. • All such business property must be registered annually. • 30 days after acquiring property or placing the property up for lease, the owner must register the property or change the registration. • Owners must designate a local agent within 25 miles to be able to respond in place of owner in case of violations. • Utility service shall not be provided to vacant residential rental properties that are not registered. • Violations or failure to register can result in civil penalties. • Appeals will likely be handled through Inspections, Board of Appeals on Dwellings and Buildings, and Superior Court. • Program will be paid for by the imposition of fees to all residential rental property owners. • Envision that it would be a fee per unit for 1-10 units, with owners of 10 or contiguous units being charged lesser rate per unit.

A question and answer period ensued regarding the use of the proceeds from this program. Mr. Hewett stated the fees would be used to implement the program and for educational purposes. He informed Council that the registration program would provide an efficient way to monitor rental properties and would be monitored by the City with the cost of staff being funded from the proceeds.

A brief discussed ensued after which Mr. Hewett explained the Probationary Rental Occupancy Permit (PROP).

Probationary Rental Occupancy Permit (PROP)	
Program Purpose	Designed to address residential rental properties that repeatedly break City codes or state law.
Responsible Party	Only residential property owners who have rental units that repeatedly violate City codes would be included.
Key Components	<ul style="list-style-type: none"> • Rental residential property is a business. • Entry into PROP follows repeated violations of City codes or serious criminal activity leading to convictions at residential rental property within a 2-year period. • Once a property is in the PROP program, it must remain so for a minimum of 2 years. • PROP follows the property and not the property ownership. • PROP requires inspection of unit for livability. • PROP requires owners to develop a management plan for the rental operation of their property and to take a property management course. • PROP requires the owners to notify tenants and neighbors of their property's PROP status. • Violations or failure to register can result in civil penalties and the revocation of Rental Registration Certificate for 2 years, during which time the property could not be used as a residential rental unit. • Envision that the program will be paid for entirely by annual fees.

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Mayor Pro Tem Haire requested clarification as to whether this program would address repeated violations. Mr. Hewett responded in the affirmative and when violations were within a certain timeframe.

Council Member Massey inquired whether PROP would initiate investigations into neighbors' complaints regarding violations, and when violations were proven the violators would be placed on the list. Mr. Hewett responded by confirming Council Member Massey's statement.

Council Member Davy inquired whether this program would be in conjunction with Crime Prevention. Mr. Hewett responded in the affirmative.

Mr. Hewett also informed Council of the following:

- Staff would proceed in developing these programs to be fully funded through the imposition of fees on residential rental property owners.
- Staff had initiated conversations with residential rental property owners and their agents to present these programs.
- Actual costs for the programs would be determined upon Staff's identification of a possible technology solution to allow for automated registration of residential rental properties and any staffing/resource needs to implement the programs.
- Staff had met with community watch leaders and rental property owners/managers to solicit their feedback.

Consensus of Council was for staff to move forward.

4.2 Information Technology - Update on the Fiber-to-the-Home (FTTH) Concept Exploration

Mr. Stanley Victrum, Chief Information Officer, provided a brief overview. Mr. Victrum introduced Mr. Jerry Karson, Director of Business Development, and Mr. Charlie Welsh, Senior Analyst at Hodges Associates, Inc, who presented a summary of the Fiber-to-the-Home (FTTH) study results.

Following a brief discussion, consensus of Council was to proceed with the efforts to expand the community's broadband access by (1) updating the legal assessment to confirm the City's/PWC's statutory ability to provide these types of broadband services, (2) determining the feasibility of using the FTTH strategy, (3) identifying any viable funding sources for this effort, (4) identifying any viable public-private partnerships for this effort, and (5) providing the City Council with another update at the Council work session in September 2010.

4.1 Police - Presentation of proposed ordinance revisions to Article VII, Wrecker and Tow Ordinance.

Sgt. Matthew Dow, Police Department, addressed inquiries generated by the Council members from the January 25, 2010, City Council meeting.

Council Member Applewhite inquired on the existence of multiple businesses on the same lot using various wrecker names which would allow them to receive multiple calls. Sgt. Dow informed Council there were only 13 unique addresses for the 29 wrecker services presently on the wrecker rotation list.

Mr. Dale Iman, City Manager, stated this had been the major reason for the need for this revision.

Sgt. Dow informed Council that wrecker services would have a 12-month period to get into compliance and multiple businesses on the

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same lot would be required to move to separate lots and would not be allowed to share equipment.

Council Member Applewhite expressed concerns on there being a need for wrecker services on the western side of Fayetteville. Sgt. Dow stated that the rotation list was random and the location of wrecker services had no bearing on which service was called.

Council Member Haire requested clarification of Section 24-277 regarding felony convictions. Sgt. Dow and Ms. Karen McDonald, City Attorney, explained the basis for this provision.

Consensus of Council was to direct staff to remove the cap on the number of wrecker services allowed on the rotation list and to present the revised ordinance at the March 8, 2010, City Council meeting.

4.3 Community Development - Update on the Murchison Road Redevelopment Plan.

Mr. Victor Sharpe, Community Development Director, presented this item. Mr. Sharpe stated the success of the proposed plan was contingent upon receiving the approval of the HUD Section 108 Loan Guarantee and the funding plan concept approved on September 28, 2009, recommended funding from the City's general fund beginning in the year of 2013 through 2023. He stated the total amount needed from the general fund was \$2,591,067.00. He stated this amount would need to be included in the City's Capital Improvement Plan, but no funding had been currently identified. He informed Council of other City funds which included the HUD Section 108 Loan Guarantee funds in the amount of \$2,750,000.00, which would be repaid from future Community Development Block Grant allocations and \$2,256,000.00 of HOME funds received in future years. He stated the City's total investment would be \$7,957,067.00.

Following a discussion period, consensus of Council was to move forward.

4.4 City Attorney - Update on Ethics Commission.

Ms. Karen McDonald, City Attorney, briefed Council regarding this item. She stated as part of the Fayetteville Forward Plan and consistent with the City's strategic plan, the City Council made a commitment to implement an Ethics Commission along with requisite appointments and training for commission members and directed staff to move forward with the creation of an Ethics Commission. She stated on September 28, 2009, City Council adopted an ordinance creating the Ethics Commission, and since that time, staff had been working toward implementation of this ordinance. She announced that former City Attorney Bob Cogswell had agreed to serve as the attorney for the Commission.

She informed Council that the City had a conflict of interest ordinance for many years and it may need to be updated to ensure it was consistent with state law regarding conflicts of interest and the new ethics law. She advised Council that Staff would continue implementation. Consensus of Council was to move forward.

4.5 City Manager's Office - Annexation Policy Follow-Up: Donut Holes.

Mr. Kristoff Bauer, Assistant City Manager, presented the following information on this item:

- **Annexation Policy**
- **Council Target for Action**
- **Donut Holes**

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<p>Areas #1-#4</p> <ul style="list-style-type: none">• Along Ramsey• Methodist University may request annexation• Largely vacant• Not subject to City-initiated annexation <p>Area #5</p> <ul style="list-style-type: none">• City has ownership interest• City can petition for annexation <p>Area #6</p> <ul style="list-style-type: none">• Less than 1 acre• Not subject to City-initiated annexation <p>Areas #7-#8</p> <ul style="list-style-type: none">• Area #7 is eligible for involuntary annexation, but the value is \$0• Area #8 has one residence - 295 not currently developed as shown <p>Area #9</p> <ul style="list-style-type: none">• Shaw Heights is eligible• Estimate \$264,000 in annual revenue• Estimate \$461,000 in annual costs• Estimate \$864,000 in one-time costs• Assumptions	<p>Area #10</p> <ul style="list-style-type: none">• A single large residence• Eligible for City-initiated annexation <p>Areas #11-#13</p> <ul style="list-style-type: none">• Vacant land near Cross Creek Mall• Not eligible• #12 subject of agreement to annex 60 days prior to building permits <p>Area #14</p> <ul style="list-style-type: none">• Right-of-way has been annexed surrounding property• Is eligible for City-initiated annexation <p>Area #15</p> <ul style="list-style-type: none">• Cumberland County School District bus barn• Some bus parking but largely undeveloped• Eligible <p>Area #16</p> <ul style="list-style-type: none">• Adjacent to airport• Partially owned by City• (annexation in process)
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- Policy Groups
- Next Steps

4.6 City Manager's Office - Economic Development Program.

Mr. Kristoff Bauer, Assistant City Manager, presented the following information on this item:

- Economic Development Program
- Council Target for Action
- Hotel Incentive Program Update
- What Problem?
- Proposed Program
- New Program
- FCCCC & County Feedback
- Options

A discussion period ensued.

4.8 Council Member Request (Council Member Mohn) - City Council resolution requesting additional County jail capacity.

Council Member Mohn presented this item and requested that Council send a formal request, by Council resolution, to the Cumberland County Commissioners to expand the County's jail capacity to reduce crime in the City of Fayetteville and entire County as well as help City and County law enforcement agencies keep criminals off the street while awaiting trial and attempt to reduce criminal recidivism.

Following a discussion period the below motion was presented.

MOTION: Council Member Mohn moved to send a formal request, by a Council resolution.

VOTE: FAILED by a vote of 5 in favor (Council Members Mohn, Applewhite, Crisp, Davy, and Haire) to 5 in opposition

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(Council Members Chavonne, Bates, Hurst, Meredith, and Massey)

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:54 p.m.

Respectfully submitted,

RITA PERRY
City Clerk

ANTHONY G. CHAVONNE
Mayor

030110

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FAYETTEVILLE CITY COUNCIL
DINNER AND DISCUSSION MEETING MINUTES
LAFAYETTE ROOM
MARCH 8, 2010
6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Robert A. Massey, Jr. (District 3) (arrived at 6:15 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Council Member Kady-Ann Davy (District 2)

Others Present: Dale E. Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
James Rose, PWC Chief Administrative Officer

Mayor Chavonne called the meeting to order at 6:10 p.m.

Mr. James Rose, PWC Chief Administrative Officer, provided an update on PWC's sustainability initiatives. He advised this was being initiated and coordinated by the Chamber of Commerce. He stated the Chamber of Commerce coordinated five entities that include the City of Fayetteville, Fayetteville State University, Public Works Commission, Fort Bragg, and Sustainable Sandhills. He stated the next step would be a feasibility study that would include development of a business plan. He stated the Public Works Commission authorized \$50,000.00 for this project.

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

030810

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MARCH 8, 2010
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Jerry Dietzen, Environmental Services Director
Sgt. Matthew Dow, Police Department
Jackie Tuckey, Public Information Officer
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Dr. Joanie Greene, Pastor of Christian Pentecostal Church.

3.0 PLEDGE OF ALLEGIANCE

Following the invocation, the audience was led in the Pledge of Allegiance to the American Flag by Scout Troop 747 chartered by Saint James Lutheran Church.

ANNOUNCEMENTS AND RECOGNITION

Council Member Hurst announced there were a few slots open for the City of Fayetteville Citizens' Academy which had been scheduled for Tuesdays from March 30 to May 11, 2010, from 6:00 to 8:30 p.m. He stated interested citizens could apply by contacting Jackie Tuckey at jtuckey@ci.fay.nc.us or 433-1549.

Council Members Chavonne and Haire, on behalf of the City Council and City of Fayetteville, presented a proclamation to Mr. George Quigley, President-Elect, and Ms. Jennifer Sullivan, Executive Director, both of the Cape Fear Botanical Garden Board of Directors, proclaiming the week of March 21-27, 2010, to be Arbor Week and March 25, 2010, to be Fayetteville Arbor Day in the City of Fayetteville and encouraged citizens to adopt the theme "Other holidays repose upon the past. Arbor Day proposes for the future."

Council Members Chavonne and Bates, on behalf of the City Council and City of Fayetteville, presented a proclamation to Ms. Jackie Blue, of the local Multiple Sclerosis Support Group, proclaiming the week of March 8, 2010, to be Multiple Sclerosis Aware Week in the City of Fayetteville and encouraged citizens to support the efforts to combat this chronic and disabling disease.

4.0 APPROVAL OF AGENDA

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

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5.0 PUBLIC FORUM

NAME	ADDRESS	SUBJECT/CONCERN
Brian Manning Deputy Director	Cumberland County Library	"The Big Read" Kickoff
Charlton Johnson	4908 Easley Lane Fayetteville, NC 28303	Gun law
Mark Little	2939 Breezewood Avenue, Suite 100 Fayetteville, NC 28303	Rental Registration Program
Bill Little	2939 Breezewood Avenue, Suite 100 Fayetteville, NC 28303	Rental Registration Program
Chester Oehme	2105 Pinewood Terrace Fayetteville, NC 28304	Rental Registration Program
Donna Mansfield Board Chair	Partnership for Children of Cumberland County, Inc.	Partnership for Children's Family Focus Guide
James Popp	101 Goodyear Avenue Fayetteville, NC 28303	Rental Registration Program
Mark Norton	412 W. Mountain Drive Fayetteville, NC 28306	Wrecker Ordinance

6.0 CONSENT

Council Member Mohn requested to pull Item 6.2 for discussion.

MOTION: Council Member Crisp moved to approve the consent agenda with the exception of Item 6.2 and with the revision of the following minutes:

January 25, 2010
Regular Meeting

Under Announcements and
Recognitions, change Council Member
Crisp to Council Member Massey in
the community meeting announcement.

February 8, 2010
Regular Meeting

Under Announcements and
Recognitions, change groundbreaking
time from 8:00 a.m. to 11:00 a.m.

February 17, 2010
Dinner & Discussion
Meeting

Change City Clerk to City Attorney
for Karen M. McDonald's signature
line on last page.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

6.1 Approve Minutes:

- November 23, 2009 - Regular Meeting
- December 14, 2009 - Regular Meeting
- January 4, 2010 - Work Session Meeting
- January 11, 2010 - Dinner and Discussion Meeting
- January 11, 2010 - Regular Meeting
- January 19, 2010 - Appointment Committee Meeting
- January 19, 2010 - Special Meeting
- January 20, 2010 - Agenda Briefing Meeting
- January 25, 2010 - Regular Meeting
- February 1, 2010 - Work Session Meeting
- February 6, 2010 - Budget Work Session Meeting
- February 8, 2010 - Regular Meeting
- February 17, 2010 - Special Meeting
- February 17, 2010 - Agenda Briefing Meeting
- February 22, 2010 - Dinner and Discussion Meeting

DRAFT

6.2 Pulled for discussion by Council Member Mohn.

6.3 Finance - Approve tax refunds greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Howard, Pearl M.	2007	Property Burned	\$ 136.23
DLL/AAC Acceptance, LLC	2005-2008	Listed Twice in Error	917.22
TOTAL			<u>\$1,053.45</u>

6.4 Human Resources Development - Revisions to the Personnel Ordinance.

This ordinance revision would implement changes made in the Family Medical Leave Act (FMLA) and City's Longevity Pay. Specifically in January 2009, the federal government amended the FMLA to provide unpaid leave for employees due to immediate family members' involvement in active military duty. Additionally, Longevity Pay was eliminated for employees hired on or after July 1, 2009.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF CHAPTER 19, PERSONNEL, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2010-001.

6.5 Police - Bid award for the purchase of 2010 police cars to Ilderton Dodge, Chrysler, Jeep, High Point, NC, low bidder, in the amount of \$865,817.12.

The City had the need to purchase 31 new police cars. This contract would consist of 12 marked cars, 2 marked cars with kennels, 14 marked cars with no partitions or prisoner seats, and 3 unmarked cars. The total budgeted amount for the purchase of these cars was \$1,158,000. Seven marked police cars would be funded by the COPS Hiring Recovery Program Grant.

Bids were received as follows:

Ilderton Dodge, Chrysler, Jeep (High Point, NC)	\$865,817.12
Crown Dodge (Fayetteville, NC)	\$933,565.00

6.6 PWC - Bid recommendation - electric meters.

The Public Works Commission approved the following recommended bid awards for the annual electric meter contract, with an option to extend the contract for additional one-year periods upon agreement of both parties, and forwarded to City Council for approval. Items were budgeted in the CIP Budget in the total amount of \$800,000.00 (\$400,000.00 each for FY 2010 and FY 2011).

Bids were received as follows:

1. Shealy Electrical, Greenville, SC, low bidder, meeting specifications in the total amount of \$255,750.00 for purchase of approximately 1500 Self-Contained, Form 2S, Class 200, 120-480 Volt, Solid State Demand Electric Meters. Bids were solicited from four vendors with two vendors responding.

<u>Bidders</u>	<u>Unit Price</u>	<u>Total Cost</u>
Shealy Electrical (Greenville, SC).....	\$170.50.....	\$255,750.00
HD Supply Utilities (Wake Forest, NC)....	\$183.95.....	\$275,925.00

2. Shealy Electrical, Greenville, SC, low bidder, in the amount of \$144,375.00 for purchase of approximately 3500 Form 2S, Class 200, 240 Volt, Non-Demand Electric Meters. Bids were solicited from four vendors with two vendors responding.

DRAFT

<u>Bidders</u>	<u>Unit Price</u>	<u>Total Cost</u>
Shealy Electrical (Greenville, SC).....	\$41.25.....	\$144,375.00
HD Supply Utilities (Wake Forest, NC).....	\$44.98.....	\$157,430.00

6.2 Environmental Services - Solid Waste Ordinance revisions.

This ordinance revision would officially change the name of the department to Environmental Services in the City Code and allow the department to manage curbside recycling more effectively. Also, other language would better allow for a more orderly cleanup process when a resident places piles of loose, mixed, and/or uncontainerized debris at the street and has moved out or refuses to properly prepare it for collection, as well as reinforce the current ordinance that allows the department to charge the homeowner a fee for this special cleanup if necessary.

Council Member Mohn pulled this item for discussion.

Mr. Jerry Dietzen, Environmental Services Director, presented this item. He presented photographs to illustrate the present problems and explained how the ordinance revisions would remedy the situations.

A question and answer period ensued regarding the length of time a container could be left at the curb and the location the container must be stored. Mr. Dietzen stated the situations were handled on a case-by-case basis. He stated this requirement was to keep the area clean in addition to alleviating any safety hazards.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF CHAPTER 22, SOLID WASTE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2010-002.

MOTION: Council Member Hurst moved to approve the ordinance revisions to be effective in 30 days.

SECOND: Council Member Bates

SUBSTITUTE MOTION:

Council Member Mohn moved to approve the ordinance revisions with an additional revision to Section 22-10, paragraph 5, as follows: "removal from the roadway at a minimum of 20 feet".

SECOND: Council Member Crisp

Council Member Mohn questioned the hardship senior citizens may incur by not being allowed to store the containers in front of a dwelling. Mr. Dietzen responded the objective was to keep the containers off the streets. Council Member Massey stated the City had a seniors' program which could provide assistance when needed.

SUBSTITUTE MOTION VOTE:

FAILED by a vote of 4 in favor (Council Members Crisp, Davy, Haire, and Mohn) to 6 in opposition (Council Members Chavonne, Applewhite, Bates, Hurst, Massey, and Meredith)

ORIGINAL MOTION VOTE:

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

OTHER ITEMS OF BUSINESS

7.1 Police - Presentation of proposed ordinance revisions to Article VII, Wrecker and Tow Ordinance.

Sgt. Matthew Dow, Police Department, requested the approval the ordinance revisions.

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF ARTICLE VII, CHAPTER 24, WRECKER AND TWO SERVICE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2010-003.

MOTION: Council Member Crisp moved to approve the ordinance revisions with the insurance requirement provision (Section 24-229, paragraph 1) to be effective in 60 days from adoption of ordinance revisions.

SECOND: Council Member Meredith

Council Member Mohn questioned the possibility of other changes to this ordinance. Sgt. Dow stated quarterly meetings would be held with the Wrecker Review Board for possible recommendations.

Council assured citizens this was a work in progress; therefore, other revisions could be forthcoming and citizen input was welcome and encouraged.

FRIENDLY AMENDMENT:

Council Member Applewhite made a friendly amendment to add the requirement that other provisions be effective in six months from adoption of the ordinance revisions.

Council Members Crisp and Meredith accepted the friendly amendment.

RESTATED MOTION:

Approve the ordinance revisions with the insurance requirement provision effective in 60 days and other provisions effective in 6 months from adoption of the ordinance revisions.

VOTE: UNANIMOUS (10-0)

8.0 ADMINISTRATIVE REPORTS

8.1 Finance - General Fund Revenue and Expenditure Reports for the three-month period ended September 30, 2009, and the six-month period ended December 31, 2009.

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

RITA PERRY
City Clerk

ANTHONY G. CHAVONNE
Mayor

030810

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: March 22, 2010
RE: **Development Services (Planning & Zoning Division) - Case No. P10-01F. Rezoning of property located at 1800 Fargo Drive and 3505 Village Drive from R10 Residential & P2 Professional to P2/CZ Professional Conditional Zoning District. Tochari Investments LLC owner.**

THE QUESTION:

Rezoning a transitional area under a site specific plan (conditional zoning) to encourage redevelopment in a manner likely to provide the adjacent neighborhood with an appropriate edge or buffer and complementary uses, for long term value, stability and character of the corridor, neighborhood and the hospital.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development
Livable Neighborhoods

BACKGROUND:

Owner: Tochari Investments, LLC
Applicant: Tochari Investments, LLC
Requested Action: R10 & P2 to P2/CZ
Property Address: 1800 Fargo Dr. & 3505 Village Dr.
City Council District: 5 (Hurst)
Status of Property: Occupied rental housing.
Size: 0.91 +/- acres
Existing Land Use: Single family residential
Adjoining Land Use & Zoning: North - R10 & P2 - residential and office / South - R10 - residential / East - R10 -residential (current rezoning case to office) / West - R10 - residential
2010 Land Use Plan: Low Density Residential
Letters Mailed: 65
Transportation: Village Drive is a major thoroughfare. The average daily traffic count is 15,000 vehicles. Fargo Drive is a local collector.

2030 Growth Vision Plan - Policy 9.3: OFFICE AND INSTITUTIONAL DEVELOPMENT may be encouraged to locate as a transitional land use between residential areas and activities of higher intensity, including major highways. Existing residences fronting on a once quiet roadway, now intensively traveled, may be candidates for conversion to office and institutional uses.

R10 - Primarily a single-family residential district with small lot areas required but including occasional two-family and multifamily structures on larger lots. This district would allow for a maximum of 4 units on this property.

P2 - Primarily for general office uses compatible with an area that is predominantly residential in character. The district is intended to provide a transition from high intensity use areas to residential districts. Development allowed in this district could include offices with mixed residential use and, with special use approval, a retail specialty shop area. If built as residential, P2 follows the requirements for the residential district closest to it. In this case it would be the same as the R10 as defined above.

ISSUES:

The redesign of the Hospital facilities has changed the character of the area along Village Drive and caused an increase in rezoning requests. Case P09-14F rezoned property at 1800 Fargo to P2 Professional. Cases P07-15F and P08-48F rezoned the property at the southwest corner of Village and Conover first to P1, then to P2 professional. At the Cilty Council's February 22nd meeting two additional rezoning requests were heard, P09-41F and P09-50F. These two cases sought to rezone four properties on or just off of Village Drive (one property was on Conover Dr.) from R10 residential to P2 professional. Both of these cases were denied by Council. The Council did however waive the one year restriction on reapplying for a rezoning. This waiver would become affective after a Small Area Plan is put in place for the area surrounding the hospital.

Issues, especially for reuse of individual properties, include curb cuts for non-residential traffic and meeting required parking and landscaping and providing adequate buffering for adjacent established homes.

While this applicant has made every effort to comply with staff recommendations and has submitted his rezoning as a conditional use, the proposed use may still be a pattern of development that is not consistent with the best options for this area. Council's previous actions of denying two other rezoning cases in this same area in order for a Small Area Plan to be completed may mean that all rezonings in this area should be put on hold no matter whether they are regular zonings or conditional zonings.

Zoning Commission and Staff recommend Approval of the rezoning based on:

1. A conditional map zone change, as requested, would facilitate a coordinated redevelopment of both of these properties.
2. Hospital activity and the noise of the emergency entrance drive suggest that offices are appropriate long term uses in this immediate area.
3. With the conditional zoning site plan submitted, the applicant has taken into account that the lots along Village Drive are not big enough individually to be re-used for offices. The applicant has worked with staff to mitigate any negative impacts on both the neighborhood behind them and the function and appearance of the corridor.
4. The applicant has provided for appropriate re-use or redevelopment in this immediate area with substantial buffers establishing a protective edge for the neighborhood, a landscaped streetscape, coordinated access, and an urban building pattern.

OPTIONS:

1. Zone the property to P2/CZ Professional Conditional Zoning District with conditions as agreed upon by the owner (recommended);
2. Pull this item from the consent agenda and set a public hearing.

RECOMMENDED ACTION:

Zoning Commission and Staff recommend that the City Council:

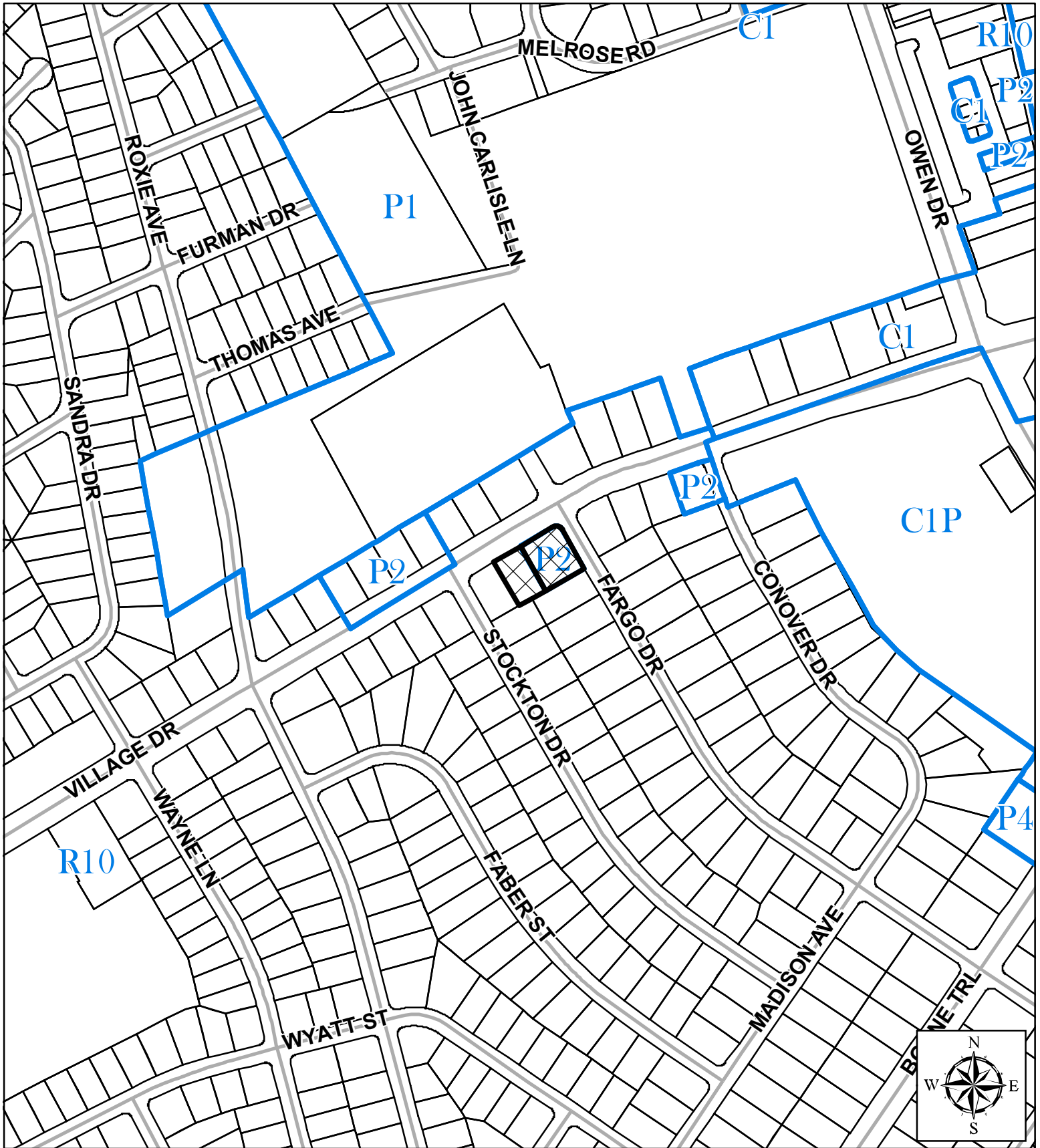
Move to approve the rezoning from R10 Residential District & P2 Professional District to P2/CZ Conditional Professional District in accordance with the submitted site plan, based on the reasons and conditions provided above (in issues).

ATTACHMENTS:

- Zoning Map
- Current Landuse
- Ortho Photo

Site Plan
Zoning Commission Minutes

**ZONING COMMISSION
CASE NO. P10-01F**

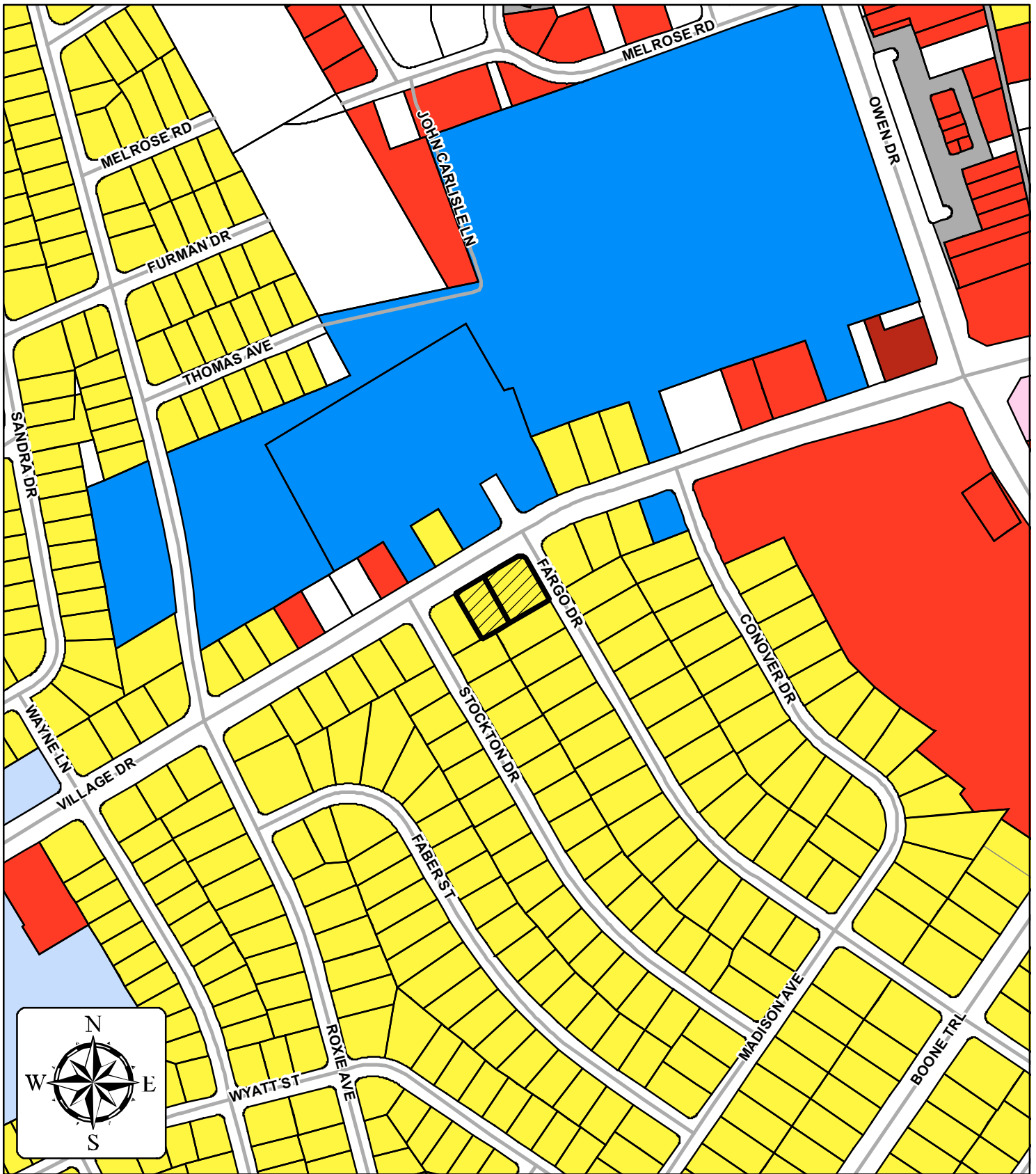


Request: R10 & P2 to P2/CZ
Location: 3505 Village & 1800 Fargo
Acreage: +/- 0.91

Zoning Commission: 2/09/2010 Recommendation: Approve
City Council: 3/22/2010 Final Action: _____
Pin: 0416-95-3338 & 0416-95-4434

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

Current Land Use
P10-01F



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	Predominantly Vacant	Vacant Land	Null PIN

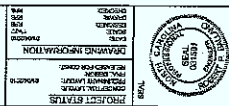
ZONING COMMISSION
CASE NO. P10-01F



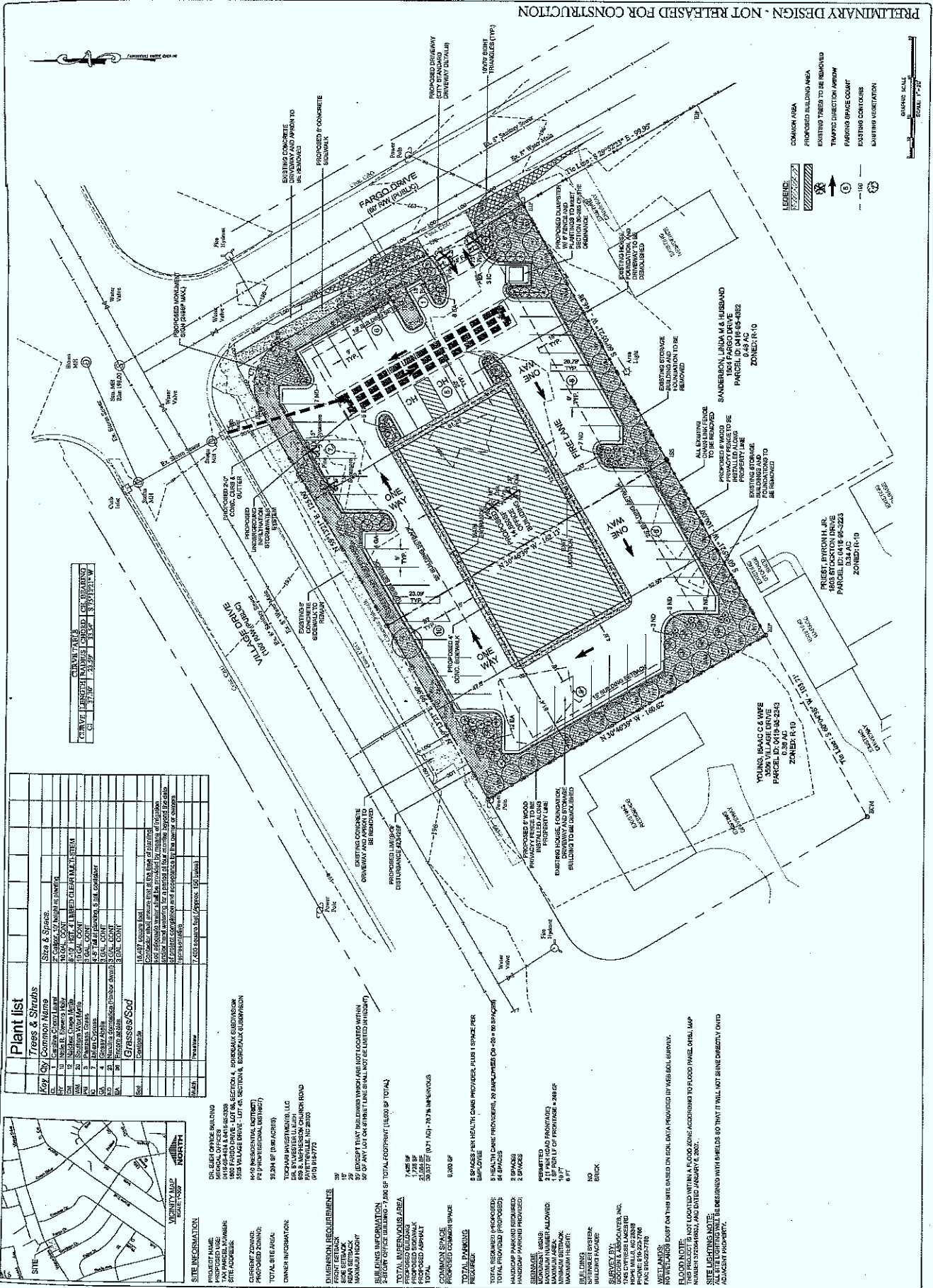
PROJECT STATUS	PROPOSED
PROPOSED INFORMATION	DATE: 01/15/2010
DATE: 01/15/2010	BY: [Signature]
PROJECT NO: 10-00000000	PROJECT NAME: [Name]
PROJECT ADDRESS: 5911 [Address]	CITY: [City]
PROJECT CONTACT: [Contact]	PHONE: [Phone]
PROJECT ARCHITECT: [Architect]	PROJECT ENGINEER: [Engineer]

PARAMOUNT
 5911 [Address] Suite 200
 Wilmington, North Carolina 28403
 (910) 791-6707 (F) (910) 791-6760 (P)
 NCLicense #: C-2846

DR. EPH OFFICE BUILDING
 CITY OF FAYETTEVILLE
 NORTH CAROLINA



C-1
 PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION



Key	Common Name	Size & Spacing
1	Large Tree	12" DBH @ 4.0' MIN HGT IN PLANTING
2	Medium Tree	8" DBH @ 4.0' MIN HGT @ 12" DBH @ 4.0' MIN HGT
3	Small Tree	4" DBH @ 4.0' MIN HGT @ 12" DBH @ 4.0' MIN HGT
4	Shrub	4" DBH @ 4.0' MIN HGT @ 12" DBH @ 4.0' MIN HGT
5	Grass	1" DBH @ 4.0' MIN HGT @ 12" DBH @ 4.0' MIN HGT
6	Grass	1" DBH @ 4.0' MIN HGT @ 12" DBH @ 4.0' MIN HGT
7	Grass	1" DBH @ 4.0' MIN HGT @ 12" DBH @ 4.0' MIN HGT
8	Grass	1" DBH @ 4.0' MIN HGT @ 12" DBH @ 4.0' MIN HGT
9	Grass	1" DBH @ 4.0' MIN HGT @ 12" DBH @ 4.0' MIN HGT
10	Grass	1" DBH @ 4.0' MIN HGT @ 12" DBH @ 4.0' MIN HGT

SITE INFORMATION
 PROJECT NAME: DR. EPH OFFICE BUILDING
 PROPOSED USE: OFFICE
 SITE ADDRESS: 5911 VILLAGE DRIVE, LOT 45, SECTION 4, WILKESBARE SUBDIVISION
 CITY: FAYETTEVILLE, NC 28403

BUILDING INFORMATION
 2-STORY OFFICE BUILDING - 71,000 SF TOTAL FLOOR AREA (14,000 SF TOTAL)
 TOTAL FLOOR AREA: 71,000 SF
 TOTAL EXTERIOR WALL AREA: 2,000 SF
 TOTAL EXTERIOR ROOF AREA: 30,000 SF (80% TYPICAL) - 1977 N. WILKESBARE SUBDIVISION

COMMON SPACE
 PROPOSED COMMON SPACE: 2 SPACES
 TOTAL COMMON SPACE: 2 SPACES

LANDSCAPING
 TOTAL TREES TO BE PLANTED: 12
 TOTAL SHRUBS TO BE PLANTED: 24
 TOTAL GRASS TO BE PLANTED: 10,000 SF

PERMITS
 REQUIRED PERMITS TO BE OBTAINED: 1. PERMITS FOR THE PROPOSED BUILDING AND EXISTING BUILDING TO BE DEMOLISHED.
 2. PERMITS FOR THE PROPOSED BUILDING AND EXISTING BUILDING TO BE REMOVED.
 3. PERMITS FOR THE PROPOSED BUILDING AND EXISTING BUILDING TO BE REMOVED.

DESIGNER
 SURVEYED BY: [Name]
 DATE: [Date]

DATE: 01/15/2010	BY: [Signature]
PROJECT NO: 10-00000000	PROJECT NAME: [Name]
PROJECT ADDRESS: 5911 [Address]	CITY: [City]
PROJECT CONTACT: [Contact]	PHONE: [Phone]
PROJECT ARCHITECT: [Architect]	PROJECT ENGINEER: [Engineer]

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
FEBRUARY 9, 2010- 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Steve Mannell
John Crawley
Lockett Tally
Marshall Isler

MEMBERS ABSENT

OTHERS PRESENT

Marsha Bryant, Planner
Craig Harmon, Planner
Janet Smith, Asst. City Atty
David Steinmetz, Inspections

Mr. Paoni explained the Commission members' job was to conduct public hearings, listening carefully to the testimony from both sides to make recommendations that would be forwarded to City Council for final action. Each side will be given fifteen (15) minutes, collectively, to speak and must be signed up prior to the meeting. Request for Special Use Permits are quasi-judicial and speakers must be sworn in before speaking. Any aggrieved party has ten (10) days from today's meeting to file an appeal with the City Clerk's Office, located on the second floor of City Hall.

I. APPROVAL OF AGENDA

Mr. Crawley made a motion to approve the agenda. Mr. Isler seconded the motion. A vote was taken and passed unanimously.

II. APPROVAL OF THE MINUTES FROM THE JANUARY 12, 2009 MEETING

Mr. Crawley made a motion to approve the minutes for the January 12, 2009 meeting. Mr. Tally seconded the motion. A vote was taken and passed unanimously.

III. PUBLIC HEARINGS

- A. Case No. P10-01F.** The rezoning from R10 Residential District and P2 Professional to P2/CZ Professional Conditional Zoning District for property located at **1800 Fargo and 3505 Village Drive**. Containing 0.37 acres more or less and being the property of Tochari Investments, LLC.

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. He stated that the 2010 land use plan called for low density residential.

Mr. Harmon explained that staff recommends approval of the rezoning based on:

1. A conditional map zone change, as requested, would facilitate a coordinated redevelopment of both of these properties.
2. Hospital activity and the noise of the emergency entrance drive suggest that offices are

appropriate long term uses in this immediate area.

3. With the conditional zoning site plan submitted, the applicant has taken into account that the lots along Village Drive are not big enough individually to be re-used for offices. The applicant has worked with staff to mitigate any negative impacts on both the neighborhood behind them and the function and appearance of the corridor.

4. The applicant has provided for appropriate re-use or redevelopment in this immediate area with substantial buffers establishing a protective edge for the neighborhood, a landscaped streetscape, coordinated access, and an urban building pattern.

Mr. Harmon provided a brief overview of the proposed project site plan.

The public hearing was opened.

Mr. Thomas Neville appeared in favor of the request. Mr. Neville stated that the previous approval of P2 for the lots was due to the transition of the property in the area. He stated that this request is the perfect reason to approve the request. He explained that his client is going a step further by incorporating a second lot. He stated the area demands a transition area between the hospital and residential.

Dr. Sylvester Ejah appeared in favor of the request. Dr. Ejah explained the history of the previous zoning request, the approval and why he has expanded his request to include the additional lot. He stated that he needs more space in order to provide the safest and best care for his patients. Dr. Ejah stated that he wants to be part of the neighborhood and has the intention to make the lots beautiful.

Mr. Charmers McCombs appeared in favor of the request. He stated that he is the general contractor on the project. He stated that his company has come up with an ascetically pleasing building for the transition area. Mr. McCombs explained the drawings of the building and the materials that would be used.

Mr. Rob Baland appeared in favor of the request. He stated that he was responsible for the site plan of the project and was present only for questions.

Mr. Henry Priest was called but yielded his time to Mr. Neville.

Ms. Leona Hill was called but yielded her time to Mr. Neville.

Ms. Donna McClean was called but yielded her time to Mr. Neville.

Mr. Neville stated that it is the right time and place for a doctor office in that location due to the transition that is occurring in that area.

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

The public hearing was closed.

Mr. Paoni asked what a conditional map zone change is. Mr. Harmon stated that the applicant is required to submit a site plan with the application and keep to the site plan if approved.

Mr. Paoni asked why the lots along Village Drive are not big enough individually to be re-used for offices. Mr. Harmon explained that the lots are not deep enough or large enough for office space.

Mr. Paoni made reference to the previous cases in the area that have asked for rezoning and were denied by City Council; he asked why staff thinks this request would be different. Mr. Harmon stated that the applicant currently has one lot already zoned P2 and could currently build an office on that property.

Mr. Isler asked what the staff recommendations had been for the previous lots. Mr. Harmon stated that staff recommendation was to deny those request. Mr. Isler asked why the recommendation was different for this request. Mr. Harmon explained that the applicant is asking for two lots, submission of site plans and requesting conditional use.

Mr. Crawley made a motion to approve the request for rezoning from R10 Residential District and P2 Professional to P2/CZ Professional Conditional Zoning District for property located at **1800 Fargo Drive and 3505 Village Drive** with the following conditions and submitted site plan:

1. A conditional map zone change, as requested, would facilitate a coordinated redevelopment of both of these properties.
2. Hospital activity and the noise of the emergency entrance drive suggest that offices are appropriate long term uses in this immediate area.
3. With the conditional zoning site plan submitted, the applicant has taken into account that the lots along Village Drive are not big enough individually to be re-used for offices. The applicant has worked with staff to mitigate any negative impacts on both the neighborhood behind them and the function and appearance of the corridor.
4. The applicant has provided for appropriate re-use or redevelopment in this immediate area with substantial buffers establishing a protective edge for the neighborhood, a landscaped streetscape, coordinated access, and an urban building pattern.

Mr. Lockett Tally seconded the motion. A vote was taken and passed unanimously.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen Hilton, Planning & Zoning Division Manager
DATE: March 22, 2010
RE: **Development Services (Planning & Zoning Division) - Special Sign Permit Request for temporary event signs for the Tarheel Quilters Quilt Fest on March 26 through March 28, 2010.**

THE QUESTION:

To approve, modify or deny the special request for temporary event signs for the Tarheel Quilters Guild Quilt Fest.

RELATIONSHIP TO STRATEGIC PLAN:

Partnership of Citizens

BACKGROUND:

The Sign Ordinance contains a provision, Section 30-259, allowing special permits for temporary on and off premises signs for festivals and major events for the purposes of giving directions and information. The City Council must approve the request for these event signs and may limit the number.

ISSUES:

The City Council has routinely approved similar requests for similar events for several years. The Quilt Fest will be held March 26-28 at the Kiwanis Recreation Center.

OPTIONS:

Option 1 - Grant the special sign permit with the stipulation for the signs to be removed by the end of the day, March 29, 2010. Also, to limit the number of signs to 25 with the locations to be approved in advance by staff.

Option 2 - Grant the special sign permit with terms other than those noted in Option 1 above.

Option 3 - Deny the special sign permit.

RECOMMENDED ACTION:

Staff recommends that Council move to grant the special sign permit with the stipulation for the signs to be removed by the end of the day, March 29, 2010. Also, to limit the number of signs to 25 with the locations to be approved in advance by staff.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen Hilton, Development Services - Planning & Zoning Division Manager
DATE: March 22, 2010
RE: **Development Services (Planning & Zoning Division) - Special Sign Permit Request for temporary event signs between April 5 and April 10, 2010 for the Fayetteville Area Dogwood Exchange Club barbecue plate sale on April 9, 2010**

THE QUESTION:

Should a special request for temporary event signs for the Fayetteville Area Dogwood Exchange Club barbecue plate sale be approved?

RELATIONSHIP TO STRATEGIC PLAN:

Partnership of Citizens

BACKGROUND:

The Sign Ordinance contains a provision, Section 30-259, allowing special permits for temporary on and off premises signs for festivals and major events for the purposes of giving directions and information. The City Council must approve the request for these event signs and may limit the number.

ISSUES:

The City Council has routinely approved similar requests for similar events for several years. The barbecue plate sale will be held on April 9, 2010, at 2900 Village Drive.

OPTIONS:

Option 1 - Grant the special sign permit with the stipulation for the signs to be removed by the end of the day, April 10, 2010. Also, to limit the number of signs to 25 with the locations to be approved in advance by staff.

Option 2 - Grant the special sign permit with terms other than those noted in Option 1 above.

Option 3 - Deny the special sign permit.

RECOMMENDED ACTION:

Staff recommends that Council move to grant the special sign permit with the stipulation for the signs to be removed by the end of the day, April 10, 2010. Also, to limit the number of signs to 25 with the locations to be approved in advance by staff.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert Anderson, Chief Development Officer
DATE: March 22, 2010
RE: **Development Services (Housing/Code Enforcement Division) - Condemnation for Demolition 1320 Ramsey Street**

THE QUESTION:

Should the structure at 1320 Ramsey Street be demolished?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City- Clean and Beautiful; Goal 3: Growing City, Livable Neighborhoods- A Great Place To Live

BACKGROUND:

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on March 16, 2009, as a dangerous or vacant/abandoned structure. A hearing was held and a period of 60 days was given to repair or demolish the structure. There was no action taken during this time frame. The owners did not attend the hearing; notice of the hearing was also advertised in the Fayetteville Observer newspaper.

ISSUES:

Since no remedial action has been taken, this property still represents a contribution to blight.

OPTIONS:

Option 1 - Adopt the ordinance and demolish the structure.
Option 2 - Take no action and allow the condition to persist.

RECOMMENDED ACTION:

Adopt the ordinance and demolish the structure.

ATTACHMENTS:

Docket- 1320 Ramsey Street
Ordinance- 1320 Ramsey Street

TO: Mayor
 City Council Members
 City Manager
 City Attorney

Under provisions of Chapter 14, titled Housing, Dwellings and Buildings of the Code of the City of Fayetteville, North Carolina, the Inspection Department is requesting the docket of the owner who has failed to comply with this Code, be presented to the City Council for action. All proceedings that are required by the Code, Section 14-61, have been complied with. We request the Council take action under the provisions of Chapter 14 of the Code and applicable NC General Statutes.

Location	1320 Ramsey Street
Property Owner(s)	Unknown Heirs of La Dean Ahhaitty, c/o Lara Armelia Hobbs & Leonard Ellington Byrd, Spring Hill, FL
Date of Inspection	March 16, 2009
Date of Hearing	May 13, 2009
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed May 14, 2009.
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since August 2006.
	Hearing was advertised in the Fayetteville Observer May 2009.
Police Calls for Service (past 2 yrs)	24

The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 22nd day of March, 2010.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City, concerning certain real property described as follows:

1320 Ramsey Street
PIN 0438-52-6763

Being all of Lot Number 30 as shown on a revised map of Hillside Court as per plat of the same recorded in Book of Plats Number 11, page 68 in the office of the Register of Deeds for Cumberland County, North Carolina, and being the same land as described in the deed dated October 19, 1955 from Charles J. Henderson and wife, Hattie R. Henderson, to Gordon W. Carlton and wife, Doris C. Carlton, of record in Book 682, page 185 in the aforesaid Public Registry.

This deed is made subject to a deed of trust from the parties of the first part to J. E. Paschall, Trustee for Branch Banking and Trust Company dated November 2, 1955 securing a \$8700.00 note recorded in Book 686, page 483, in the office of the Register of Deeds for Cumberland County, North Carolina, and the parties of the second part agree to assume and pay off the balance now due thereon according to its term and provisions.

This deed is made subject to the 1958 City and County taxes.

The owner(s) of and parties in interest in said property are:

Unknown Heirs of LaDean Ahhaitty
C/o Lara Armelia Hobbs
Leonard Ellington Byrd
5228 Baffin Circle
Spring Hill, FL 34606-5401

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before July 12, 2009.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,800.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

The Building Inspector is ordered forthwith to accomplish, with respect to said property, precisely and fully what was ordered by said Inspections Director as set forth fully above, except as modified in the following particulars:

This property is to be demolished and all debris removed from the premises, and the cost of said removal shall be a lien against the real property as described herein.

SECTION 2

The lien as ordered herein and permitted by NC General Statute 160A-443(6) shall be effective from and after the date the work is completed, and a record of the same shall be available in the office of the City of Fayetteville Finance Department, Collections Division, 2nd Floor - City, 433 Hay Street, Fayetteville, NC 28301.

SECTION 3

This ordinance shall be in full force and effect from and after its adoption.

Adopted this _____ day of _____, 2010.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert Anderson, Chief Development Officer
DATE: March 22, 2010
RE: **Development Services (Housing/Code Enforcement Division) - Condemnation for Demolition of 2141 Southern Avenue**

THE QUESTION:

Would the demolition of this structure help to enhance the quality of life in the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City-- Clean and Beautiful; Goal 3: Growing City, Livable Neighborhoods-- A Great Place To Live

BACKGROUND:

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on September 21, 2009. A hearing was held and 60 days were given to repair or demolish the structure. The owner did not attend the hearing and the modest work that has been done falls far short of addressing the dangerous and blighting conditions that persist.

ISSUES:

This property remains a blighting influence and a potential safety hazard.

OPTIONS:

Option 1 - Adopt the ordinance and demolish the structure.
Option 2 - Take no action and allow the condition to persist.

RECOMMENDED ACTION:

Option 1 - Adopt the ordinance and demolish the structure.

ATTACHMENTS:

Docket- 2141 Southern Avenue
Ordinance- 2141 Southern Avenue

TO: Mayor
 City Council Members
 City Manager
 City Attorney

Under provisions of Chapter 14, titled Housing, Dwellings and Buildings of the Code of the City of Fayetteville, North Carolina, the Inspection Department is requesting the docket of the owner who has failed to comply with this Code, be presented to the City Council for action. All proceedings that are required by the Code, Section 14-61, have been complied with. We request the Council take action under the provisions of Chapter 14 of the Code and applicable NC General Statutes.

Location	2141 Southern Avenue
Property Owner(s)	Roland S. & Susan M. Pridgen, New Bern, NC
Date of Inspection	February 26, 2007
Date of Hearing	October 1, 2009
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed October 5, 2009.
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Some utilities still active.
Police Calls for Service (past 2 yrs)	1

The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 22nd day of March, 2010.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City, concerning certain real property described as follows:

2141 Southern Avenue
PIN 0426-92-3994

That certain parcel of land located in the City of Fayetteville, Cumberland County, North Carolina, bounded on the North by the Cumberland Mills Road, on the East by Legion Road and on the West by Camden Road, more fully described as follows:

Beginning at a point of intersection of the southern margin of Cumberland Mills road and the western margin of Legion Road (allowing a right of way of 60 feet for Cumberland Mills Road and 100 feet for Legion Road) and runs as the western margin of Legion Road South 34 degrees 43 minutes West 424.36 feet; thence along a new line North 54 degrees 32.5 minutes West 245.46 feet at a concrete monument in the East margin of Camden Road; thence as said road margin North 37 degrees 29 minutes East 150.90 feet to the intersection of said road margin (right of way of the same being 60 feet) and the southern margin of Cumberland Mills Road (also having a right of way 60 feet); thence as the southern margin of Cumberland Mills Road North 76 degrees 05 minutes East 360.37 feet to the Beginning, being the southern portion of the 2.74 acre tract of land conveyed by Villetex Mills, Inc. to Servomation Caterers, Inc. by deed recorded in Book 2096, Cumberland County Registry.

The owner(s) of and parties in interest in said property are:

Roland S. & Susan M. Pridgen
49 Shoreline Drive
New Bern, NC 28562

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before November 30, 2009.

- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$36,775.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

The Building Inspector is ordered forthwith to accomplish, with respect to said property, precisely and fully what was ordered by said Inspections Director as set forth fully above, except as modified in the following particulars:

This property is to be demolished and all debris removed from the premises, and the cost of said removal shall be a lien against the real property as described herein.

SECTION 2

The lien as ordered herein and permitted by NC General Statute 160A-443(6) shall be effective from and after the date the work is completed, and a record of the same shall be available in the office of the City of Fayetteville Finance Department, Collections Division, 2nd Floor - City, 433 Hay Street, Fayetteville, NC 28301.

SECTION 3

This ordinance shall be in full force and effect from and after its adoption.

Adopted this _____ day of _____, 2010.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert Anderson, Chief Development Officer
DATE: March 22, 2010
RE: **Development Services (Housing/Code Enforcement Division) - Condemnation for Demolition of 820 Whitfield Road**

THE QUESTION:

Should the structure at 820 Whitfield Road be demolished?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City-- Clean and Beautiful; Goal 3: Growing City , Livable Neighborhoods-- A Great Place To Live

BACKGROUND:

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on March 22, 2007, as a dangerous or vacant / abandoned structure. A hearing was held with the owner and more than 60 days were given to repair or demolish the structure. No action was taken during this time frame.

ISSUES:

This property remains an unacceptable blighting influence in the neighborhood.

OPTIONS:

Option 1 - Adopt the ordinance and demolish the structure.
Option 2 - Take no action and allow the condition to persist.

RECOMMENDED ACTION:

Option 1 - Adopt the ordinance and demolish the structure.

ATTACHMENTS:

Docket- 820 Whitfield Road
Ordinance- 820 Whitfield Road

TO: Mayor
 City Council Members
 City Manager
 City Attorney

Under provisions of Chapter 14, titled Housing, Dwellings and Buildings of the Code of the City of Fayetteville, North Carolina, the Inspection Department is requesting the docket of the owner who has failed to comply with this Code, be presented to the City Council for action. All proceedings that are required by the Code, Section 14-61, have been complied with. We request the Council take action under the provisions of Chapter 14 of the Code and applicable NC General Statutes.

Location	820 Whitfield Road
Property Owner(s)	W. Edward Murphy, Fayetteville, NC
Date of Inspection	March 22, 2007
Date of Hearing	April 5, 2007
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed April 18, 2007.
Owner's Response	Applied for demolition through Community Development; application was denied.
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since August 2005.
Police Calls for Service (past 2 yrs)	None since 1999.

The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 22nd day of March, 2010.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City, concerning certain real property described as follows:

820 Whitfield Road
PIN 0436-09-9367

All those certain lots or parcels of land situated, lying and being at the Northeastern intersection of Washington and Lincoln Streets in the City of Fayetteville, N.C. and known and designated as Lots No. 50, 51, 52, 53, 54, 55 and 56 of Section 3 of Pleasant View as surveyed and plotted by F.Y. Carlisle on November 4, 1946, and which lots are more particularly described as Beginning at a stake in the said intersection and running thence along the North property line of Washington Street North 58 deg. 50' East 154.6 feet to a stake, a corner of Lot No. 57; running thence with the line of said lot North 17 deg. 22' West 165 feet, more or less, to a stake, a corner of Lot No. 49; running thence with the line of the said lot South 70 deg. 57' West 150 feet, more or less, to a stake in the East line of Lincoln Street; running thence with the line of the said street South 19 deg. 03' East 50 feet to a stake and South 17 deg. 22' East 150 feet to the beginning.

The owner(s) of and parties in interest in said property are:

W. Edward Murphy
1103 Murchison Road
Fayetteville, NC 28301

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before June 4, 2007.

- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$4,5000.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

The Building Inspector is ordered forthwith to accomplish, with respect to said property, precisely and fully what was ordered by said Inspections Director as set forth fully above, except as modified in the following particulars:

This property is to be demolished and all debris removed from the premises, and the cost of said removal shall be a lien against the real property as described herein.

SECTION 2

The lien as ordered herein and permitted by NC General Statute 160A-443(6) shall be effective from and after the date the work is completed, and a record of the same shall be available in the office of the City of Fayetteville Finance Department, Collections Division, 2nd Floor - City, 433 Hay Street, Fayetteville, NC 28301.

SECTION 3

This ordinance shall be in full force and effect from and after its adoption.

Adopted this _____ day of _____, 2010.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert Anderson, Chief Development Officer
DATE: March 22, 2010
RE: **Development Services (Housing/Code Enforcement Division) - Condemnation for Demolition of 206 Campbell Avenue**

THE QUESTION:

Should the Structures at 206 Campbell Avenue be demolished?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City- Clean and Beautiful; Goal 3: Growing City, Livable Neighborhoods- A Great Place To Live

BACKGROUND:

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on August 24, 2009, as a dangerous or vacant / abandoned structure. A hearing was held and a period no less than 60 days was given to repair or demolish the structure. The owners did not attend the hearing and the only known work that has been done is painting.

ISSUES:

Should the primary and accessory structure be demolished?

OPTIONS:

Option 1 - Adopt the ordinance and demolish the structure.
Option 2 - Take no action and allow the conditions to persist.

RECOMMENDED ACTION:

Option 1 - Adopt the ordinance and demolish the structure.

ATTACHMENTS:

Docket- 206 Campbell Avenue
Ordinance-206 Campbell Avenue

TO: Mayor
 City Council Members
 City Manager
 City Attorney

Under provisions of Chapter 14, titled Housing, Dwellings and Buildings of the Code of the City of Fayetteville, North Carolina, the Inspection Department is requesting the docket of the owner who has failed to comply with this Code, be presented to the City Council for action. All proceedings that are required by the Code, Section 14-61, have been complied with. We request the Council take action under the provisions of Chapter 14 of the Code and applicable NC General Statutes.

Location	206 Campbell Avenue
Property Owner(s)	Robert C. & Mary Jo Anderson, Fayetteville, NC
Date of Inspection	August 24, 2009
Date of Hearing	September 24, 2009
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed September 24, 2009.
Owner's Response	Owner painted one structure, no other visible improvements; no changes to second structure.
Appeal Taken (Board of Appeals)	No
Other	Utilities still on.
Police Calls for Service (past 2 yrs)	1

The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 22nd day of March, 2010.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City, concerning certain real property described as follows:

206 Campbell Avenue
PIN 0437-61-1518

TRACT ONE: BEGINNING at a stake in the intersection of the Northern margin of Campbell Avenue with the Eastern margin of Dick Street, and running thence with the Eastern margin of Dick Street 91.4 feet to a stake, the Southwest corner of Lot No. 10; thence with the Southern line of Lot No. 10, 162.5 feet to a stake in the Northern line of Lot 26; thence with the Northern line of Lot No. 26, 90.1 feet to a stake in the Northern margin of Campbell Avenue; thence with the Northern margin of Campbell Avenue to the beginning.

BEING Lots Nos. 11, 12 and 25 of the M. C. Nimocks land as appears from platted survey of the same of record in Book of Plats "S" #7, Page 801, Cumberland County Registry, also being the same lots in deed of Q. K. Nimocks, Trustee, to A. B. Nimocks, of record in Book 282, page 370, Cumberland County Registry, reference to which said plat and deed is hereby made for a more full and complete description of the lots hereby conveyed, and being the same property described in a deed dated March 28, 1939 from A. B. Nimocks and Eloise B. Nimocks to Eunice Bowles as recorded in Book 410, Page 166, Cumberland County Registry.

Property Address: 361 Dick Street, Fayetteville, NC

TRACT TWO: BEGINNING at a stake in the Northern margin of Campbell Avenue 162.5 feet East of its intersection with Dick Street, and running thence with the Northern margin of said Avenue, South 67 degrees 52 minutes East 50 feet to a stake, a corner of Lot No. 27; thence with the line of Lot No. 27 North 22 degrees 35 minutes East 109.7 feet to a stake in the line of Lot No. 24; thence parallel with Campbell Avenue and with the line of Lot No. 24, North 67 degrees 52 minutes West 50 feet to a stake in the line of Lot No. 10; thence parallel with the second line and with the line of Lots Nos. 10 and 25 South 22 degrees 35 minutes West 110.1 feet to the beginning, being Lot No. 26 in the division of the M. C. Nimocks lands

as per plat recorded in Book of Plats S No. 7, Page 83A; and the same being also described in Book 337, Page 95; and Book 388, Page 245 and Book 409, Page 108, Cumberland County Registry.
Being all of Lot 26, Nimocks Land, as described in Deed recorded in Book 2418, Page 130, Cumberland County, North Carolina Registry.
Property Address: 209 Campbell Avenue, Fayetteville, NC

TRACT THREE: BEGINNING at a stake in the northern margin of Campbell Avenue 212.5 feet east of its intersection with Dick Street; and runs thence with the northern margin of said Avenue South 67 degrees, 52 minutes East 50 feet to a stake, a corner of Lot #28; thence with the line of Lot # 28 North 22 degrees 35 minutes East 109.2 feet to a stake in the line of Lot #24; thence parallel Campbell Avenue and with the line of Lot #24 North 67 degrees 52 minutes West 50 feet to a line of Lot #26 South 22 degrees 35 minutes West 109.7 feet to the BEGINNING, and being Lot #27 in the division of M. G. Nimocks land as shown by plat duly registered in Book of Plats "S" No. 7, Page 83A in the Office of the Register of Deeds of Cumberland County.
Being all of Lot 27, Nimocks Land, as described in Deed recorded in Book 3637, Page 848, Cumberland County, North Carolina Registry.
Property Address: 211 Campbell Avenue, Fayetteville, NC

TRACT FOUR: BEING all of Lot No. 5, Block "B" in a subdivision known as Cumberland Place, according to a plat of the same duly recorded in Plat Book F6, Page 271, Cumberland County, North Carolina Registry.
Property Address: 208 Campbell Avenue, Fayetteville, NC

The owner(s) of and parties in interest in said property are:

Robert C. & Mary Jo Anderson
115 Argyll Road
Fayetteville, NC 28303

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before November 23, 2009.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$14,500.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

The Building Inspector is ordered forthwith to accomplish, with respect to said property, precisely and fully what was ordered by said Inspections Director as set forth fully above, except as modified in the following particulars:

This property is to be demolished and all debris removed from the premises, and the cost of said removal shall be a lien against the real property as described herein.

SECTION 2

The lien as ordered herein and permitted by NC General Statute 160A-443(6) shall be effective from and after the date the work is completed, and a record of the same shall be available in the office of the City of Fayetteville Finance Department, Collections Division, 2nd Floor - City, 433 Hay Street, Fayetteville, NC 28301.

SECTION 3

This ordinance shall be in full force and effect from and after its adoption.

Adopted this _____ day of _____, 2010.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert Anderson, Chief Development Officer
DATE: March 22, 2010
RE: **Development Services (Housing/Code Enforcement Division) -Condemnation 225 Nimocks Avenue**

THE QUESTION:

Would the demolition of this structure help to enhance the quality of life in the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City- Clean and Beautiful; Goal 3: Growing City, Livable Neighborhoods- A Great Place To Live

BACKGROUND:

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on December 10, 2008, as a dangerous or vacant/abandoned structure. A hearing was held , which the owner did not attend. Although a building permit was issued for the property on February 6, 2009, no progress has been made to date. Meanwhile, in the past 24 months there have been 38 calls for service at this address.

ISSUES:

Although the property owner was given more than adequate opportunity to bring the property into compliance with the code, 225 Nimocks Avenue still is a blighting influence on the neighborhood.

OPTIONS:

RECOMMENDED ACTION:

Adopt the ordinance and demolish the structure.

ATTACHMENTS:

Docket- 225 Nimocks Avenue
Ordinance- 225 Nimocks Avenue

TO: Mayor
 City Council Members
 City Manager
 City Attorney

Under provisions of Chapter 14, titled Housing, Dwellings and Buildings of the Code of the City of Fayetteville, North Carolina, the Inspection Department is requesting the docket of the owner who has failed to comply with this Code, be presented to the City Council for action. All proceedings that are required by the Code, Section 14-61, have been complied with. We request the Council take action under the provisions of Chapter 14 of the Code and applicable NC General Statutes.

Location	225 Nimocks Avenue
Property Owner(s)	Abraham Washington, Fayetteville, NC
Date of Inspection	December 10, 2008
Date of Hearing	February 9, 2009
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed February 11, 2009
Owner's Response	Obtained permit February 6, 2009, but made no further actions.
Appeal Taken (Board of Appeals)	No
Other	No record of utilities disconnected.
Police Calls for Service (past 2 yrs)	38

The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 22nd day of March, 2010.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City, concerning certain real property described as follows:

225 Nimocks Avenue
PIN 0437-61-7911

BEGINNING in the northern margin of Nimocks Avenue at a point 112.5 feet West of the intersection of the northern margin of Nimocks Avenue with the western margin of Cool Spring Street, and running thence North 22 degrees 35 minutes East 90 feet to a stake; thence North 67 degrees 25 minutes West 50.0 feet to a stake; thence South 22 degrees 35 minutes West 90 feet to the northern margin of Nimocks Avenue; thence as the northern margin of Nimocks Avenue South 67 degrees 25 minutes East 50.0 feet to the BEGINNING.

The owner(s) of and parties in interest in said property are:

Abraham Washington
828 Wilbon Drive
Fayetteville, NC 28305-5457

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before April 12, 2010.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$2,400.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

The Building Inspector is ordered forthwith to accomplish, with respect to said property, precisely and fully what was ordered by said Inspections Director as set forth fully above, except as modified in the following particulars:

This property is to be demolished and all debris removed from the premises, and the cost of said removal shall be a lien against the real property as described herein.

SECTION 2

The lien as ordered herein and permitted by NC General Statute 160A-443(6) shall be effective from and after the date the work is completed, and a record of the same shall be available in the office of the City of Fayetteville Finance Department, Collections Division, 2nd Floor - City, 433 Hay Street, Fayetteville, NC 28301.

SECTION 3

This ordinance shall be in full force and effect from and after its adoption.

Adopted this _____ day of _____, 2010.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert Anderson, Chief Development Officer
DATE: March 22, 2010
RE: **Development Services (Housing/Code Enforcement Division) - Condemnation for demolition of 317 S. Racepath Street**

THE QUESTION:

Should 317 S. Racepath be demolished?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City- Clean and Beautiful; Goal 3: Growing City, Livable Neighborhoods- A Great Place To Live

BACKGROUND:

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was initially inspected and condemned on October 23, 2008 , as a dangerous or vacant / abandoned structure. A hearing was held and a period of 60 days was given to repair or demolish the structure. There has been no action taken during this time frame, and no one attended the hearing.

ISSUES:

This property owner has been given more than adequate time to remedy the deficiencies cited for this property. As of this writing, the 317 S. Racepath still is a clear contribution to blight in the neighborhood.

OPTIONS:

- Option 1 - Adopt the ordinance and demolish the structure.
- Option 2 - Choose not take action and allow the condition to persist.

RECOMMENDED ACTION:

- Option 1 - Adopt the ordinance and demolish the structure.

ATTACHMENTS:

- Docket- 317 S. Racepath Street
- Ordinance- 317 S. Racepath Street

TO: Mayor
 City Council Members
 City Manager
 City Attorney

Under provisions of Chapter 14, titled Housing, Dwellings and Buildings of the Code of the City of Fayetteville, North Carolina, the Inspection Department is requesting the docket of the owner who has failed to comply with this Code, be presented to the City Council for action. All proceedings that are required by the Code, Section 14-61, have been complied with. We request the Council take action under the provisions of Chapter 14 of the Code and applicable NC General Statutes.

Location	317 S. Racepath Street
Property Owner(s)	Cumberland Interfaith Hospitality Network, Fayetteville, NC
Date of Inspection	December 4, 2008
Date of Hearing	December 15, 2008
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed December 23, 2008.
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since August 2004.
Police Calls for Service (past 2 yrs)	15

The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 22nd day of March, 2010.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City, concerning certain real property described as follows:

317 S. Racepath Street
PIN 0447-10-0734

BEING that property located at 317 Racepath Street, Fayetteville, North Carolina, and being a lot 66 feet in width and 111 feet in depth, and being described by metes and bounds as follows:

BEGINNING at an iron pipe at the intersection of the northern right-of-way margin of Locus Street, (66 ft. R/W) and the eastern right-of-way margin of Racepath Street, Second St., (66 ft. R/W), and runs thence with said margin of Racepath Street, North 05 degrees, 00' East 66.0 feet to an iron pipe; thence South 85 degrees 00' East, 111.0 feet to an iron pipe; thence South 05 degrees 00' West, 66.0 feet to an iron pipe on the northern right-of-way margin of Locust Street; thence with said margin North 85 degrees 00' West, 111.0 feet to the BEGINNING.

And being a western portion of Lot # 36 of "Map of Campbelton", as recorded in Plat Book No. 7, page 89 ½ Cumberland County Registry, and being described in accordance with a physical survey made by Sol C. Rose, Registered Surveyor, dated April 28, 1978.

And being the same property conveyed to the Home Federal Savings and Loan Association of Fayetteville, grantor herein, by Trustee's Deed from Herbert H. Thorp, Substitute Trustee, dated September 2, 1980 and recorded in Book No.2783, Page 357, Cumberland County Registry.

To which said plat and deed, and the deeds therein referred to, reference is hereby made for further description and easements for drainage and utility as may appear of record.

The owner(s) of and parties in interest in said property are:

Cumberland Interfaith Hospitality Network
PO Box 449
Fayetteville, NC 28302

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before February 13, 2009.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$4,850.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

The Building Inspector is ordered forthwith to accomplish, with respect to said property, precisely and fully what was ordered by said Inspections Director as set forth fully above, except as modified in the following particulars:

This property is to be demolished and all debris removed from the premises, and the cost of said removal shall be a lien against the real property as described herein.

SECTION 2

The lien as ordered herein and permitted by NC General Statute 160A-443(6) shall be effective from and after the date the work is completed, and a record of the same shall be available in the office of the City of Fayetteville Finance Department, Collections Division, 2nd Floor - City, 433 Hay Street, Fayetteville, NC 28301.

SECTION 3

This ordinance shall be in full force and effect from and after its adoption.

Adopted this _____ day of _____, 2010.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert Anderson, Chief Development Officer
DATE: March 22, 2010
RE: **Development Services (Housing/Code Enforcement Division) - Condemnation for Demolition of 310 Oakland Drive (shed only)**

THE QUESTION:

Should the shed structure at 310 Oakland Drive be demolished?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City- Clean and Beautiful; Goal 3: Growing City, Livable Neighborhoods- A Great Place To Live

BACKGROUND:

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on February 9, 2009, as a dangerous or vacant/abandoned structure. A hearing was held, which the owner did not attend. A period exceeding 60 days was given to repair or demolish the structure- no action was taken during this time frame. The hearing was also advertised in the Fayetteville Observer newspaper.

ISSUES:

Since no remedial action has been taken, this property present a potential safety hazard and remains a contribution to blight in the neighborhood.

OPTIONS:

Option 1 - Adopt the ordinance and demolish the structure.
Option 2 - Take no action and allow the condition to persist.

RECOMMENDED ACTION:

Option 1 - Adopt the ordinance and demolish the structure.

ATTACHMENTS:

Docket- 310 Oakland Drive
Ordinance- 310 Oakland Drive

TO: Mayor
 City Council Members
 City Manager
 City Attorney

Under provisions of Chapter 14, titled Housing, Dwellings and Buildings of the Code of the City of Fayetteville, North Carolina, the Inspection Department is requesting the docket of the owner who has failed to comply with this Code, be presented to the City Council for action. All proceedings that are required by the Code, Section 14-61, have been complied with. We request the Council take action under the provisions of Chapter 14 of the Code and applicable NC General Statutes.

Location	310 Oakland Drive (shed only)
Property Owner(s)	Frederick Elliott, Fort Washington, MD
Date of Inspection	February 9, 2009
Date of Hearing	April 8, 2009
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed April 9, 2009.
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	No utilities on record.
	Hearing was advertised in the Fayetteville Observer April 2009.
Police Calls for Service (past 2 yrs)	0

The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 22nd day of March, 2010.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City, concerning certain real property described as follows:

310 Oakland Drive (shed only)
PIN 0438-32-8199

Shed located on the property at:

Beginning at a point in the northern margin of Oakland Drive at its intersection with the eastern margin of West Drive, and runs as the northern margin of Oakland Drive South 81 degrees 50 minutes East 71 feet to the southwest corner of Lot 5 of the J.V. Jessup property in Windsor Terrace, Section 4; thence North 8 degrees 10 minutes East 150 feet; thence North 81 degrees 50 minutes West 67 feet to the east margin of West Drive; thence as said drive margin South 9 degrees 40 minutes West 150.1 feet to the point of beginning being Lot 6 of the J.V. Jessup property in Windsor Terrace Section 4 as shown on survey by Sol C. Rose, Surveyor, and being the same property described in deed from J.V. Jessup and wife, to Edward A. Ford and wife, recorded in Book 565, Page 210, Cumberland County, and also the same property described in deed from Edward A. Ford and wife, Adele Ford, to Thurney L. Ridgen and wife, Melre A. Ridgen, duly recorded in the Office of the Register of Deeds for Cumberland County, North Carolina. See Book 5327, Page 835, Cumberland County Registry for Power of Attorney for Charles W. Ridgen.

The owner(s) of and parties in interest in said property are:

Frederick Elliott
303 Beverly Court
Fort Washington, MD 20744-5012

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before June 7, 2009.

- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,000.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

The Building Inspector is ordered forthwith to accomplish, with respect to said property, precisely and fully what was ordered by said Inspections Director as set forth fully above, except as modified in the following particulars:

This property is to be demolished and all debris removed from the premises, and the cost of said removal shall be a lien against the real property as described herein.

SECTION 2

The lien as ordered herein and permitted by NC General Statute 160A-443(6) shall be effective from and after the date the work is completed, and a record of the same shall be available in the office of the City of Fayetteville Finance Department, Collections Division, 2nd Floor - City, 433 Hay Street, Fayetteville, NC 28301.

SECTION 3

This ordinance shall be in full force and effect from and after its adoption.

Adopted this _____ day of _____, 2010.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: March 22, 2010
RE: **Environmental Services - Bid Award for the Purchase of Two (2) Low Entry Truck Cab and Chassis with 30 Cubic Yard Rear Loading High Density Refuse Compactor Bodies**

THE QUESTION:

Staff requests approval to award a contract for the purchase of two (2) low entry truck cab and chassis with 30 cubic yard rear loading high density refuse compactor bodies for use by the Environmental Services Department.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government - Cost Effective Service Delivery

BACKGROUND:

Currently, Environmental Services has the need to purchase two (2) low entry truck cab and chassis with compactor bodies. These units are budgeted replacements for Unit #93/410 and Unit #2000/4013. The total budgeted amount is \$373,000.00.

Formal bids were received February 18, 2010 as follows:

BIDDER	UNIT PRICE	TOTAL PRICE
Transource, Inc., Raleigh, NC	\$169,561.00	\$339,561.00
Transource, Inc., Raleigh, NC	\$175,965.00	\$351,930.00
Amick Equipment, Lexington, SC	\$191,413.00	\$382,826.00
Volvo & GMC Truck Center, Charlotte, NC	\$193,209.00	\$386,418.00
Southern Truck Service, Inc., Charlotte, NC	\$195,657.00	\$391,314.00
Carolina Environmental, Kernersville, NC	\$196,600.00	\$393,200.00
Volvo & GMC Truck Center, Charlotte, NC	\$196,613.00	\$393,226.00
Lodal South, Rockingham, NC	\$201,476.00	\$402,952.00
Peterbilt, Dunn, NC	\$229,076.00	\$458,152.00
Peterbilt, Dunn, NC	\$235,884.00	\$471,768.00

All bids received contained some exceptions or variations to the bid specifications. PWC fleet and City environmental services personnel thoroughly evaluated all bids, to include consideration of all exceptions and variations. The compactor body on the lowest bid submitted by Transource was determined to be unacceptable for the needs of the City. The cab and chassis and compactor body submitted by Transource (second lowest bid) was visually and physically inspected by PWC fleet and City environmental services staff and was found to be acceptable to the needs of the department. Therefore, the second lowest bid is recommended. In addition, the price listed above

for this unit includes phone-booth style doors (bi-fold) on both sides of the unit, which were priced as an option in their bid.

ISSUES:

None

OPTIONS:

(1) Award bid according to staff recommendation. (2) Not award bid.

RECOMMENDED ACTION:

Award bid for the purchase of two (2) low entry truck cab and chassis with 30 cubic yard rear loading high density refuse compactor bodies to Transource, Inc., Raleigh, NC, in the amount of \$351,930.00.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: March 22, 2010
RE: **Finance - Tax Refunds of Greater Than \$100**

THE QUESTION:

City Council approval is required to issue tax refund checks for \$100 or greater.

RELATIONSHIP TO STRATEGIC PLAN:

Not applicable.

BACKGROUND:

Approved by the Cumberland County Special Board of Equalization for the month of February, 2010.

ISSUES:

None

OPTIONS:

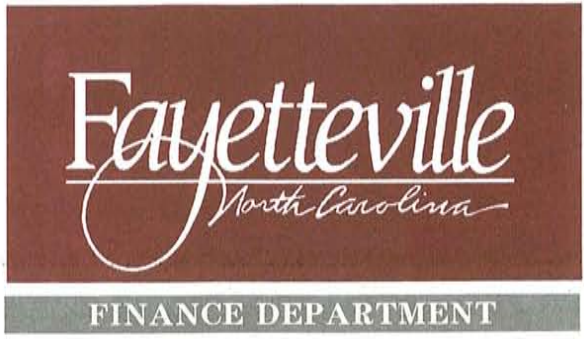
Approve the refund.

RECOMMENDED ACTION:

Approval

ATTACHMENTS:

Tax Refunds of Greater Than \$100



March 22, 2010

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable *N/P*

RE: Tax Refunds of Greater Than \$100

The tax refunds listed below for greater than \$100 were approved by the Cumberland County Special Board of Equalization for the month of February, 2010.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Williams, Clayton S. & Wife Doris	2439688	2004-2008	Clerical Error	227.90
TOTAL				\$227.90

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: March 22, 2010
RE: **Finance - Capital Project Ordinance Closeout 2010-11 (Phase V Annexation Water and Sewer Projects)**

THE QUESTION:

Staff requests Council to closeout the Phase V Water and Sewer Projects capital project ordinance.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principal 6: Well Designed and Well Maintained Infrastructure and Facilities

BACKGROUND:

- Annually, the City closes out several projects that have been completed in previous fiscal years and that are no longer active.
- The project referenced above has been completed in a previous fiscal year and the revenues and expenditures related to this project have been audited.
- The attached ordinance closeout details the budget and actual revenues and expenditures for the project.

ISSUES:

None

OPTIONS:

- 1) Adopt Capital Project Ordinance Closeout 2010-11.
- 2) Do not adopt Capital Project Ordinance Closeout 2010-11.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Closeout 2010-11.

ATTACHMENTS:

Capital Project Ordinance Closeout 2010-11

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2010-11 (CPO 2007-7)

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 closed:

Section 1. The project closing authorized is to Capital Project Ordinance 2007-7, adopted June 25, 2007, as amended, for funding a portion of the City's share of Phase V annexation water and sewer system improvements.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Revenues from the LREMC Territorial Agreement	\$ 3,449,709	\$ 3,449,709
Investment Income	272,000	271,303
	\$ 3,721,709	\$ 3,721,012

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Transfer to PWC	\$ 3,721,709	\$ 3,721,012

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

Adopted this 22nd day of March, 2010

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: March 22, 2010
RE: **Finance - Capital Project Ordinance Closeout 2010-12 (FY2008 Annual Street Resurfacing Contract)**

THE QUESTION:

Staff requests Council to closeout the FY2008 Annual Street Resurfacing Project capital project ordinance.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principal 6: Well Designed and Well Maintained Infrastructure and Facilities

BACKGROUND:

- Annually, the City closes out several projects that have been completed in previous fiscal years and that are no longer active.
- The project referenced above has been completed in a previous fiscal year and the revenues and expenditures related to this project have been audited.
- The attached ordinance closeout details the budget and actual revenues and expenditures for the project.

ISSUES:

None

OPTIONS:

- 1) Adopt Capital Project Ordinance Closeout 2010-12.
- 2) Do not adopt Capital Project Ordinance Closeout 2010-12.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Closeout 2010-12.

ATTACHMENTS:

Capital Project Ordinance Closeout 2010-12

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2010-12 (CPO 2008-1)

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 closed:

Section 1. The project closing authorized is to Capital Project Ordinance 2008-1, adopted July 23, 2007, for the funding of the FY2008 Annual Street Resurfacing Project.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
General Fund Transfer	<u>\$ 3,500,000</u>	<u>\$ 3,463,016</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 3,500,000</u>	<u>\$ 3,463,016</u>

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

Adopted this 22nd day of March, 2010

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: March 22, 2010
RE: **Finance - Capital Project Ordinance Closeout 2010-13 (Gillespie & Franklin Traffic Light and Ottis Jones Parkway Resurfacing)**

THE QUESTION:

Staff requests Council to closeout the Gillespie & Franklin Traffic Light and Ottis Jones Parkway Resurfacing capital project ordinance.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principal 6: Well Designed and Well Maintained Infrastructure and Facilities

BACKGROUND:

- Annually, the City closes out several projects that have been completed in previous fiscal years and that are no longer active.
- The project referenced above has been completed in a previous fiscal year and the revenues and expenditures related to this project have been audited.
- The attached ordinance closeout details the budget and actual revenues and expenditures for the project.

ISSUES:

None

OPTIONS:

- 1) Adopt Capital Project Ordinance Closeout 2010-13.
- 2) Do not adopt Capital Project Ordinance Closeout 2010-13.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Closeout 2010-13.

ATTACHMENTS:

Capital Project Ordinance Closeout 2010-13 (Gillespie & Franklin Traffic Light and Ottis Jones Parkway Resurfacing)

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2010-13 (CPO 2007-2)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2007-2, adopted December 11, 2006, for the funding of a new traffic light system at Gillespie and Franklin Streets; as well as the resurfacing and restriping of Ottis Jones Parkway, converting it to two-way traffic.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
North Carolina Department of Transportation	\$ 150,000	\$ 144,745

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	\$ 150,000	\$ 144,745

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

Adopted this 22nd day of March, 2010

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: March 22, 2010
RE: **Finance - Special Revenue Fund Project Ordinance 2010-15 (2009 Community Waste Reduction and Recycling Project)**

THE QUESTION:

The ordinance appropriates \$26,458 for the 2009 Community Waste Reduction and Recycling Project.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3 - More Attractive City - Clean and Beautiful - Cleaner community with less trash and less visual blight.

BACKGROUND:

- The funding sources for this project will be a \$22,000 grant awarded by the NC Department of Environment and Natural Resources, \$3,458 in a transfer from the Recycling Fund, a \$500 match from the Fayetteville/Cumberland Arts Council, and a \$500 match from Pratt Industries, USA.
- The 2009 Community Waste Reduction and Recycling Project will assist the City in expanding, improving and implementing waste reduction programs.
- This ordinance will appropriate the funds needed for the purchase of 96-gallon roll carts to be placed at public events and buildings. There will also be 96-gallon roll carts given away during festivals and other venues, which can be utilized for educating the public about the City's curbside recycling program.

ISSUES:

None

OPTIONS:

1. Adopt Special Revenue Fund Project Ordinance 2010-15.
2. Do not adopt Special Revenue Fund Project Ordinance 2010-15.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2010-15.

ATTACHMENTS:

SRO 2010-15 2009 Community Waste Reduction and Recycling Project Ordinance

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2010-15

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 special revenue project ordinance is hereby adopted:

Section 1. The authorized project is the funding for the 2009 Community Waste Reduction and Recycling Grant awarded by the N.C. Department of Environment and Natural Resources.

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:

N.C. Department of Environment and Natural Resources	\$ 22,000
Recycling Fund Transfer	3,458
Local Match - Fayetteville/Cumberland Arts Council	500
Local Match - Pratt Industries, USA	500
	<u>\$ 26,458</u>

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

Project Expenditures	<u>\$ 26,458</u>
----------------------	------------------

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

Adopted this 22nd day of March, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: March 22, 2010
RE: **Finance - Special Revenue Fund Project Ordinance 2010-16 (FY2009 Assistance to Firefighters Grant - Operations and Safety Program)**

THE QUESTION:

This ordinance appropriates a federal grant of \$115,848, awarded through the FY2009 Assistance to Firefighters Grant, and a required local match from the General Fund of \$28,962. The funds will be used to purchase structural protective clothing and operational equipment.

RELATIONSHIP TO STRATEGIC PLAN:

Principle B: Desirable Neighborhoods – Neighborhoods where people are safe and secure

BACKGROUND:

- Special Revenue Fund Project Ordinance 2010-16 will appropriate the budget for a grant awarded to the City's Fire Department from the U.S. Department of Homeland Security. The grant will be administered through the Federal Emergency Management Agency (FEMA). The total project is estimated to cost \$144,810.
- The project will be funded as follows:
 - 80% federal funds (\$115,848) and 20% local match (\$28,962).
 - The funds will be used to:
 - Purchase 24 sets of structural protective clothing.
 - Purchase operational equipment to include: SCBA masks, traffic vests, RIT packs, RIT bags, search ropes and thermal imaging cameras.

ISSUES:

None

OPTIONS:

- 1) Adopt Special Revenue Fund Ordinance 2010-16.
- 2) Do not adopt Special Revenue Fund Ordinance 2010-16.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2010-16.

ATTACHMENTS:

SRO 2010-16

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2010-16

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 special revenue project ordinance is hereby adopted:

Section 1. The project authorized is for the funding of the FY2009 Assistance to Firefighters Grant awarded by the U.S. Department of Homeland Security and administered through FEMA for the purchase of structural protective clothing and operational equipment.

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

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

Federal Emergency Management Agency	\$ 115,848
General Fund Transfer	28,962
	<u>\$ 144,810</u>

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

Project Expenditures	<u>\$ 144,810</u>
----------------------	-------------------

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

Adopted this 22nd day of March, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: March 22, 2010
RE: **Finance - Capital Project Ordinance Amendment 2010-28 (American Recovery and Reinvestment Act (ARRA) Grant for Hybrid Electric Buses and Security Plan Development)**

THE QUESTION:

This amendment will appropriate an additional \$31,290 to build ADA compliant pedestrian access walkways.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: More Efficient City Government – Cost-Effective Service Delivery.
Objective 1: Investing in City’s future infrastructure, facilities and equipment.

Principle A: Great Place to Live – Accessible and efficient transit throughout the City.

BACKGROUND:

- Originally, Transit received a federal grant from the Federal Transit Administration (FTA) under the American Recovery and Reinvestment Act (ARRA) for fleet replacement and the development of an updated security plan.
- The original ordinance was approved by City Council on August 24, 2009 and FTA funded 100% of the \$3,097,720 project.
- Recently, the FTA increased the grant by \$31,290 to allow Transit to construct ADA compliant pedestrian access walkways.
- This amendment will appropriate those funds and revise the total project budget to \$3,129,010.

ISSUES:

None

OPTIONS:

- 1) Adopt Capital Project Ordinance Amendment 2010-28.
- 2) Do not adopt Capital Project Ordinance Amendment 2010-28.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Amendment 2010-28

ATTACHMENTS:

CPOA 2010-28 (ARRA Grant for Buses and Various Items)

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2010-28 (CPO 2010-10)

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 2010-10, adopted August 24, 2009, as amended, for the funding of the FY2010 American Recovery and Reinvestment Act (ARRA) Transit Grant, which includes funds for the purchase of hybrid electric buses and development of new security plans, awarded by the Federal Transit Administration. This amendment includes funding for ADA compliant pedestrian access walkways.

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

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

	Listed As	Amendment	Revised
Federal Transit Administration	<u>\$ 3,097,720</u>	<u>\$ 31,290</u>	<u>\$ 3,129,010</u>
	<u>\$ 3,097,720</u>	- <u>\$ 31,290</u>	<u>\$ 3,129,010</u>

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

Project Expenditures	<u>\$ 3,097,720</u>	<u>\$ 31,290</u>	<u>\$ 3,129,010</u>
Project Expenditures	<u>\$ 3,097,720</u>	<u>\$ 31,290</u>	<u>\$ 3,129,010</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 22nd day of March, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: March 22, 2010
RE: **Development Services (Planning & Zoning Division) - Case No. P10-06F. Appeal of Zoning Commission denial of a request to rezone a portion of the property located at 980 Kennesaw Road from AR Agricultural Residential to C1/CZ Commercial Conditional Zoning District. Jesus Peace Ministries Inc. owner.**

THE QUESTION:

What is the appropriate zoning and use for property that is accessed through a single family residential neighborhood and surrounded by residential zoning?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

Owner: Jesus Peace Ministries Inc.
Applicant: James McGrady Sr.
Requested Action: AR to C1/CZ
Property Address: 980 Kennesaw Rd.
Status of Property: Developed
Size: 1.5 +/- acres (to be rezoned of 8.9 acres)
Existing Land Use: Church
Adjoining Land Use & Zoning: North - R15 Residential / South - AR Residential / East - AR Residential / West - AR Residential 2010 Land Use Plan: Medium Density Residential
Letters Mailed: 98
Transportation: Kennesaw Road is a collector street that connects through a subdivision to Rim Road. Kennesaw Road also dead ends at the church's property.

2030 Growth Vision Plan: Policy 8.3: ACCESS TO HIGHER INTENSITY DEVELOPMENT shall generally not be permitted through an area of lower intensity development. For example, access to a large multi-family development, major new park facility, or other large traffic generator shall not be permitted through a single-family residential area.

AR - This district is designed for rural use to include agricultural use and low-density residential use.

C1 - Primarily for the conduct of retail trade in outlying shopping areas with emphasis on daily necessities for the convenience of surrounding residential areas.

ISSUES:

The owners of this property would like to use their old church and fellowship hall as after school care and a day treatment center (substance abuse program). Both of these uses would be run by a business put together by church members, but not part of the church itself. In order to run a private day treatment center the minimum zoning district for that type of use would be a C1 commercial district. As for after school care, that type of use could be done as a private business in a R15 or greater residential district with a Special Use Permit (SUP) or in any of the City's commercial districts. Again please note that these requirements for both uses on the church's property relate to the fact that a private business and not the church would be running these.

There are also several properties located to the south and west of the church that access Kennesaw Road through the church's property.

Conditions of approval offered by the applicant:

1. Hours of operation 6:00am to 6:00pm for both after school care and day treatment facility.
2. No more than 15 substance abuse patient at any one time.
3. No more than 24 after school kids at any one time.
4. Condition down the C1 zoning to only allow for a Day Treatment Center and an After School Care facility.
5. The facilities would use the current access and parking areas provided by the church.

Zoning Commission and Staff recommend denial based on:

1. 2010 Land Use Plan calls for medium density residential on this property and the properties surrounding it on three sides. The fourth side should have low density residential.
2. The only access to this property is through a low density single family development.
3. The 2030 Growth Vision Plan states that higher intensity development shall generally not be permitted through an area of lower intensity development.
4. It is staffs opinion that a day treatment facility is not a good mix of use for property located in the middle of residential development.

OPTIONS:

- Deny the rezoning of this property (Recommended by Staff);
- Zone the property to C1/CZ Commercial Conditional Zoning District, with conditions as presented or approved by the developer.

RECOMMENDED ACTION:

The Zoning Commission and Staff recommend that City Council:

Move to deny the rezoning from AR Agricultural Residential District to C1/CZ Commercial Conditional Zoning District based on the reasons provided above (in issues).

ATTACHMENTS:

Vicinity Map

Zoning Map

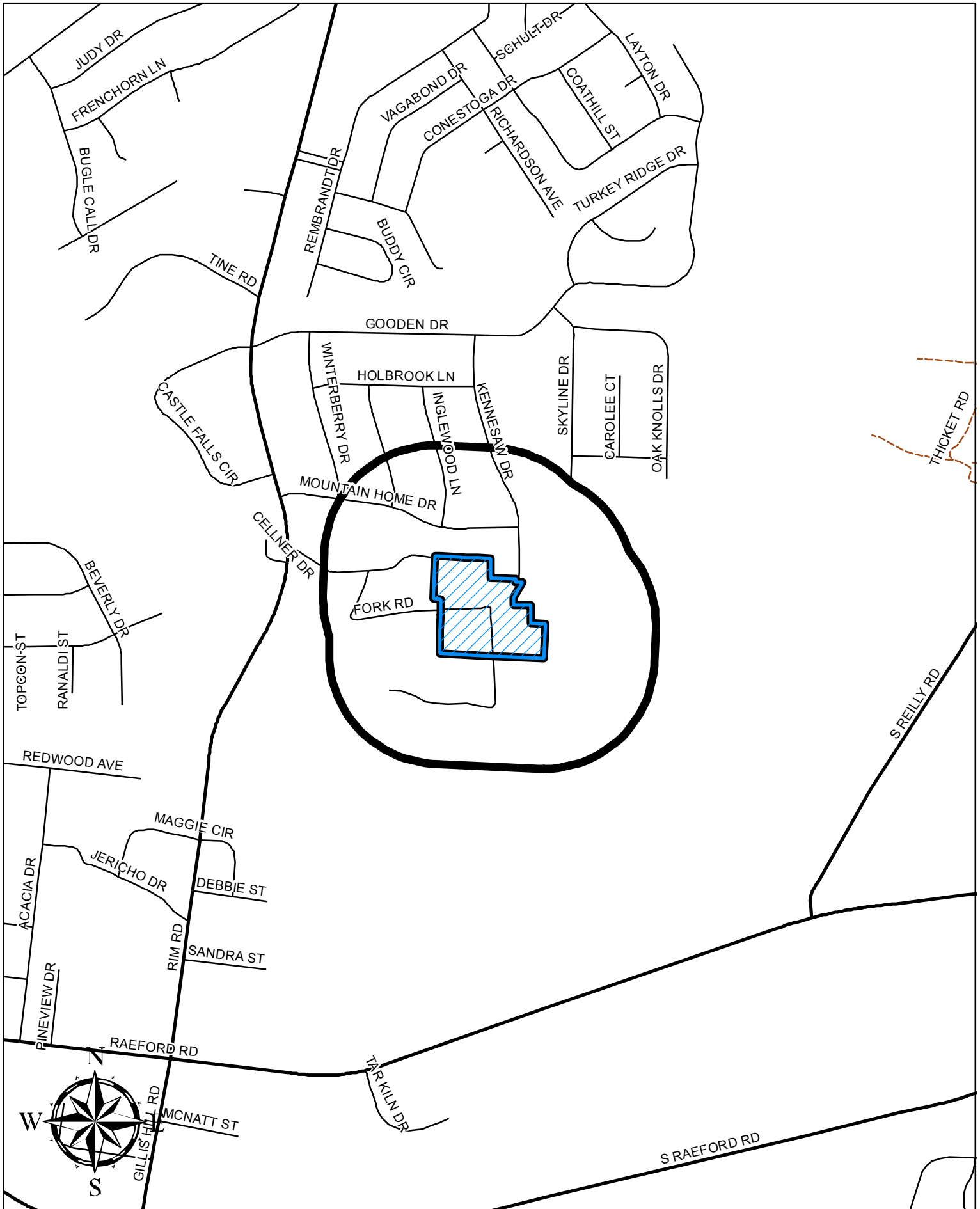
Current Landuse

Site Map

Zoning Commission Minutes

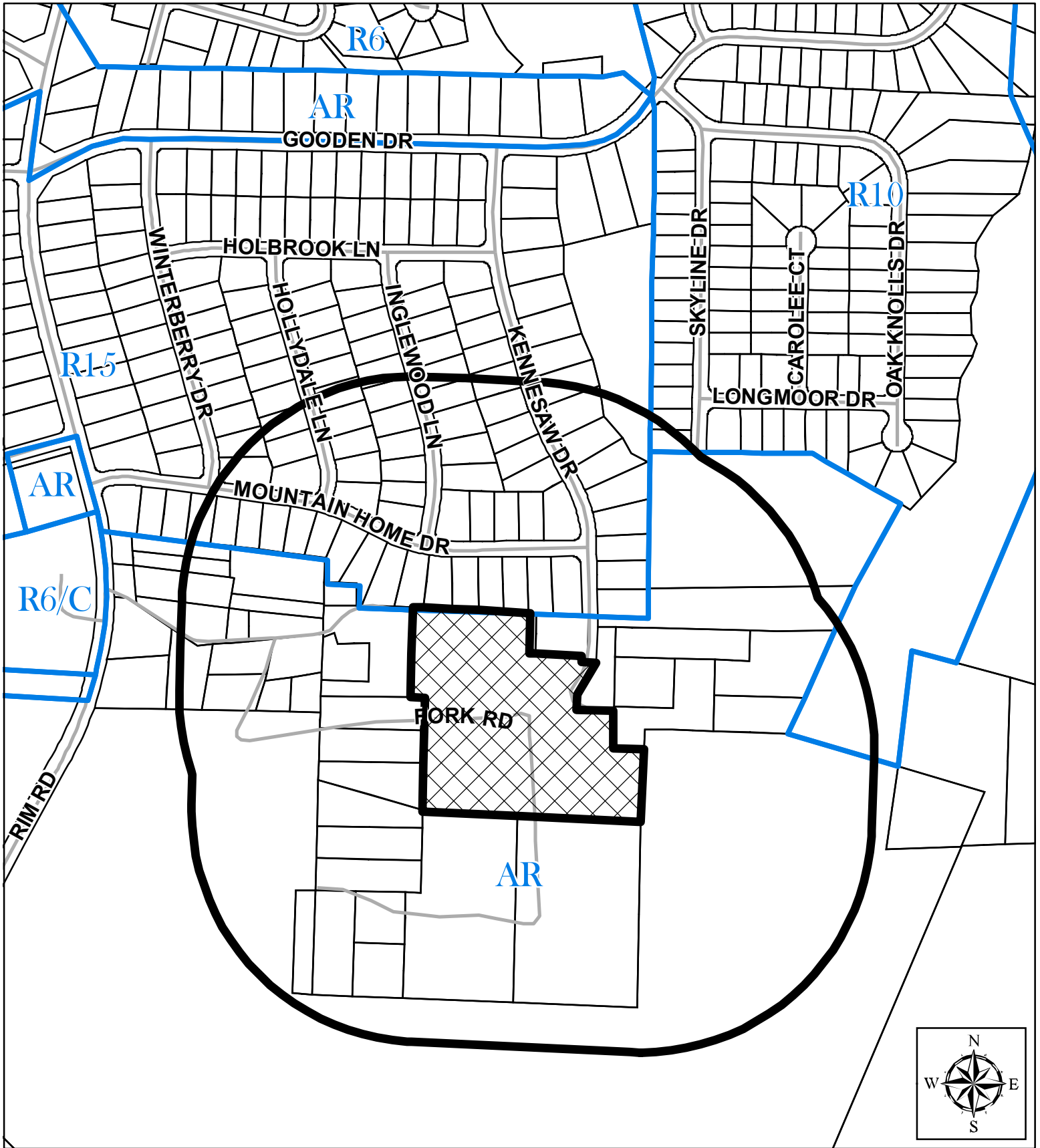
Zoning Commission - Vicinity Map

Case No. P10-06F



ZONING COMMISSION

Case No. P10-06F



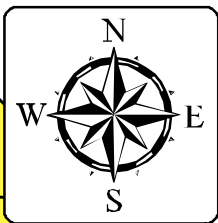
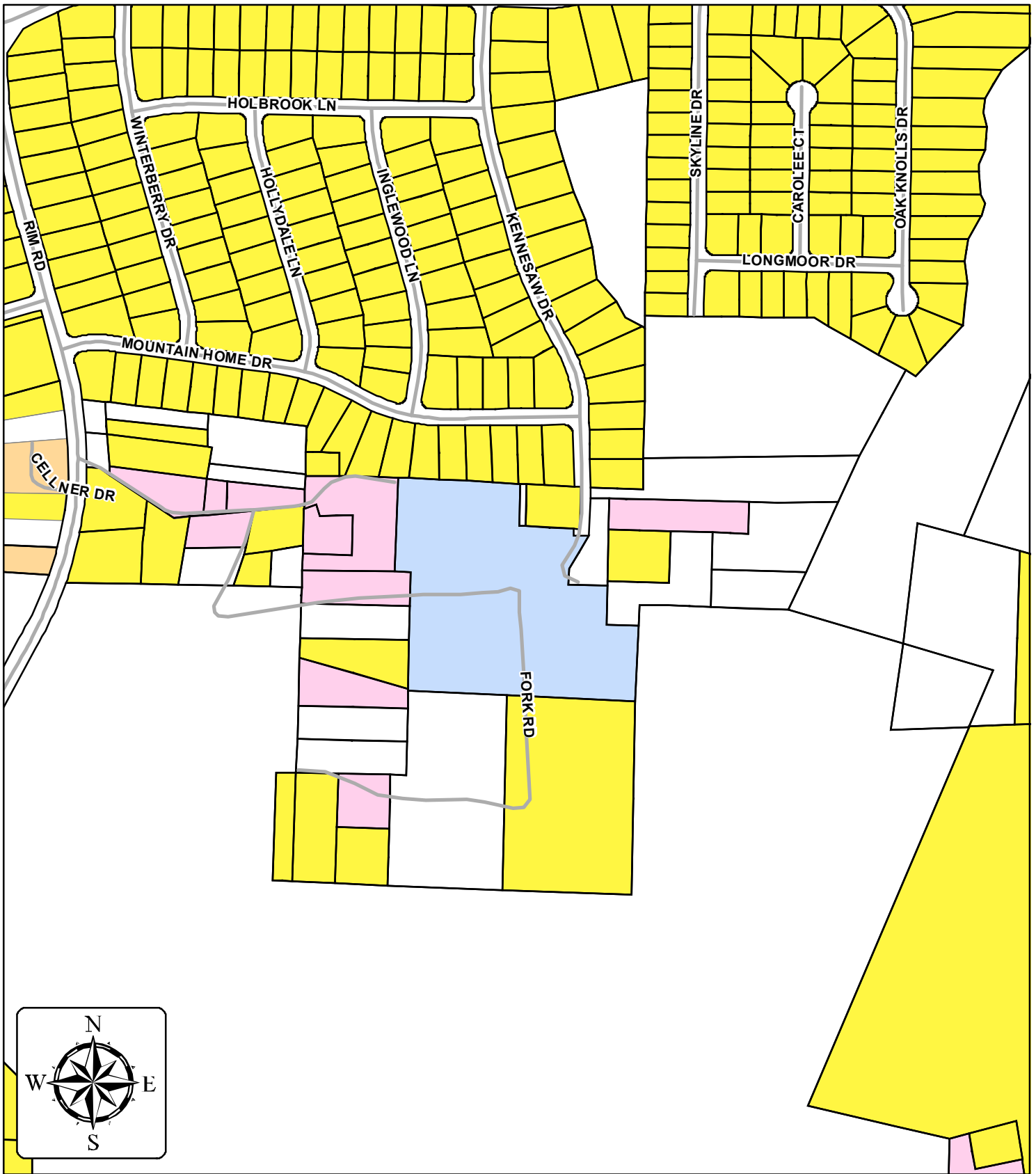
Request: AR to C1/CZ
 Location: 980 Kennesaw Rd.
 Acreage: +/- 0.5 acres

Zoning Commission: 2/9/2010 Recommendation: _____
 City Council: 3/22/2010 Final Action: _____
 Pin: 9486-78-4913

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

Current Land Use

P10-06F



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	Predominantly Vacant	Vacant Land	Null PIN



Request: AR to C1/CZ
Location: 980 Kennesaw Rd.
Acreage: +/- 0.5 acres

Zoning Commission: 2/9/2010 Recommendation: _____
City Council: 3/22/2010 Final Action: _____
Pin: 9486-78-4913

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

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
FEBRUARY 9, 2010- 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Steve Mannell
John Crawley
Lockett Tally
Marshall Isler

MEMBERS ABSENT

OTHERS PRESENT

Marsha Bryant, Planner
Craig Harmon, Planner
Janet Smith, Asst. City Atty
David Steinmetz, Inspections

Mr. Paoni explained the Commission members' job was to conduct public hearings, listening carefully to the testimony from both sides to make recommendations that would be forwarded to City Council for final action. Each side will be given fifteen (15) minutes, collectively, to speak and must be signed up prior to the meeting. Request for Special Use Permits are quasi-judicial and speakers must be sworn in before speaking. Any aggrieved party has ten (10) days from today's meeting to file an appeal with the City Clerk's Office, located on the second floor of City Hall.

I. APPROVAL OF AGENDA

Mr. Crawley made a motion to approve the agenda. Mr. Isler seconded the motion. A vote was taken and passed unanimously.

II. APPROVAL OF THE MINUTES FROM THE JANUARY 12, 2009 MEETING

Mr. Crawley made a motion to approve the minutes for the January 12, 2009 meeting. Mr. Tally seconded the motion. A vote was taken and passed unanimously.

III. PUBLIC HEARINGS

- B. Case No. P10-06.** The rezoning from AR Agricultural Residential District to C1/CZ Commercial Conditional Zoning District for property located at **980 Kennesaw Rd.** Containing 0.5 acres more or less and being the property of Jesus Peace Ministries Inc.

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. He stated that the 2010 land use plan called for low density residential.

Mr. Harmon stated that the owners of this property would like to use their old church and fellowship hall as after school care and day treatment (substance abuse program). He explained that both of these uses would be run by a business put together by church members, but not part of

the church itself.

Mr. Harmon explained that during the application process there were conditions of the facility that was offered by the applicant; those conditions include:

1. Hours of operation 6:00am to 6:00pm for both after school care and day treatment facility.
2. No more than 15 substance abuse patient at any one time.
3. No more than 24 after school kids at any one time.
4. Condition down the C1 zoning to only allow for a Day Treatment Center and an After School Care facility.
5. The facilities would use the current access and parking areas provided by the church.

Mr. Harmon explained that staff recommends denial of the request. Mr. Harmon stated that the decision was based up the following reasons:

1. 2010 Land Use Plan calls for medium density residential on this property and the properties surrounding it on three sides. The fourth side should have low density residential.
2. The only access to this property is through a low density single family development.
3. The 2030 Growth Vision Plan states that higher intensity development shall generally not be permitted through an area of lower intensity development.
4. It is staffs opinion that a day treatment facility is not a good mix of use for property located in the middle of residential development.

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

The public hearing was opened.

Ms. Christine Elliott was called but was no longer present.

Mr. James McGrady Jr., appeared in favor of the request. He stated that he is the Pastor of the Church. He explained that the church is currently providing child care and counseling services but because of the growth of the church and the community. He stated that he is requesting the rezoning to assist in separating the services from the church and to separate the buildings.

Mr. Curtis Worthy appeared in favor of the request. He stated that he is the church's tax consultant. He stated that he has a copy of the Articles of Incorporation where the Pastor and his wife set up a Multicultural Research Center. He stated that he advised the Pastor that it would be in the best of interest of the church to separate the entities. Mr. Worthy stated that the rezoning is to help with the liability issues.

Mr. Paoni asked if about the treatment center. Mr. Worthy stated that currently the applicant is only counseling substance abuse patients.

Mr. Isler asked why the rezoning is necessary. He stated that he doesn't understand why the rezoning. Mr. Worthy stated that the City of Fayetteville told them they have to request the rezoning because it the business is a nonrelated entity.

Ms. Marsha McGrady was called but yielded her time to Mr. Worthy.

Mr. LaDon Gooden appeared in opposition of the request. Mr. Gooden stated that he has been in the neighborhood a long time. He stated that he is concerned about the burdened increase of traffic, the security of the neighborhood, welfare and property. He stated that that he had a letter and the signatures from people in the neighborhood and submitted the list to the Commission.

Mr. Gooden stated that with 2 miles from his house and the church there are three commercial daycare centers operating and the elementary school that offers Primetime.

Ms. Deloris Clayton was called but did not answer.

Ms. Angela Shaw appeared in opposition of the request. She stated that she lived in the area her entire life. Ms. Shaw stated that the daycare and substance abuse program is not a good idea. She said the roads are muddy and it's a mess back there on the church's property.

Mr. Worthy stated that the Pastor of the church has been counseling for a substance abuse program for 13 years and the fact that the neighbors didn't know it shows that the counseling isn't a problem. Mr. Worthy stated that it's private, it's personal and confidential.

Mr. Worthy stated that the other daycares located in the area are irrelevant. He stated that the daycare will be certified and licensed by the state.

Mr. Paoni asked Mr. Harmon about the zoning. Mr. Harmon explained that the C1 is the least zoning that allowed for the day treatment and childcare center.

Mr. Gooden utilized the oppositions remaining time for rebuttal. Mr. Gooden stated that he stated he was shocked because the neighbors had not been notified that substance abuse counseling was currently going on at the church. He stated that he request the Commission to deny the request.

Mr. Worthy stated that the he didn't want the community to think that the church concerned about them. He stated that the church is seeking a rezoning because the City of Fayetteville told them to.

The public hearing was closed.

Mr. Isler asked about the services being rendered at the church. Mr. Steinmetz stated that the church is able to run a day care but that his understanding was that the counseling services would be done from a leased space and not a church function.

Mr. Paoni asked Pastor McGrady if the counselors would be licensed. Pastor McGrady stated that he has a degree but he has some of the people do not have any formal training at all. He stated that he just wants to make sure that there is no liability on the church. Pastor McGrady stated that he isn't requesting a fee for the services they provide as a function of the church, but after the rezoning it would be a business.

Mr. Isler asked about the traffic about traveling through a low density area to get to a high density area. Mr. Harmon stated that 2030 Growth Vision Plan: Policy 8.3: access to higher intensity development shall generally not be permitted through an area of lower intensity development. For example, access to a large multi-family development, major new park facility, or other large traffic generator shall not be permitted through a single-family residential area.

Mr. Harmon stated that the intensity isn't based necessarily on the volume of cars but an increase in the intensity of the use of the property.

Mr. Isler and Mr. Steinmetz discussed the fact that there are differences between counseling members of the church as a service of the church and counseling the public for a fee.

Mr. Paoni made a motion to deny the request of the rezoning based upon the following reasons:

1. 2010 Land Use Plan calls for medium density residential on this property and the properties surrounding it on three sides. The fourth side should have low density residential.
2. The only access to this property is through a low density single family development.
3. The 2030 Growth Vision Plan states that higher intensity development shall generally not be permitted through an area of lower intensity development.
4. It is staffs opinion that a day treatment facility is not a good mix of use for property located in the middle of residential development.

The motion was seconded by John Crawley. A vote was taken and passed with a vote of 4 to 1 with Mr. Isler voting in opposition.

Mr. Harmon explained to the applicant the appeal process and could be heard on the March 22, 2010 as a public hearing.

IV. OTHER

Mr. Harmon provided an overview of the previous cases that have gone before the Zoning Commission for recommendation.

V. ADJOURNMENT

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rob Anderson, Chief Development Officer Development Services
DATE: March 22, 2010
RE: **Development Services (Inspections & Planning/Zoning Divisions) - Amendments to City Code Sections 16-368 and 22-31, and Zoning Ordinance Code Sections 30-263 and 30-320 regarding Notification of Violation and Citation Requirements**

THE QUESTION:

Do the proposed modifications, which would change how notices and citations for code violations are made, provide cost effective and efficient service while still meeting legal and public interest objectives?

RELATIONSHIP TO STRATEGIC PLAN:

Efficient City Government - Cost Effective Service Delivery

BACKGROUND:

Development Services is charged with enforcement in several portions of City Code. Most of those regulations require using registered or certified mail to notify owners of a violation or for delivery of a citation. The typical process is to hand deliver or mail the first notice by first class mail. If the violation is not abated, a citation must be sent by certified or registered mail; if the notice is not receipted, then hand delivery is attempted.

Amending Chapter 30, Zoning, requires a hearing by the Planning Commission prior to consideration by the City Council. The sections of Chapter 30 which have the requirements for delivery by certified mail are: Sec. 30-263(b)(1) and (4)b, and Sec. 30-320 (Public Tree Preservation). Other Code sections proposed for modification are 16-368 and 22-31. The Legal Department was consulted in preparing this recommendation.

ISSUES:

Development Services has difficulty getting many violators to accept registered or certified mail. The result is several weeks waiting for eventual return of the certified mail document, then conducting on-site visits, often with law enforcement officials, to attempt delivery of a violation or citation notice. If the property owner is carefully evasive or is out of town, the notice or citation sent by registered / certified mail may never get receipted.

At a Public Hearing held February 16, the Planning Commission considered the proposed changes to the type of notice for violations of standards in Chapter 30 and recommended replacing the requirement for registered or certified mail with one requiring first class mail followed by delivery confirmation if the initial mail is returned within ten working days.

The recommended changes should be consistent across all of the sections listed above.

OPTIONS:

- Option 1 - Approve as recommended by Development Services staff and Planning Commission
- Option 2 - Modify and approve
- Option 3 - Deny the proposed amendments

RECOMMENDED ACTION:

Option 1 - Move to approve as recommended, to replace the requirement for certified or registered mail in the referenced sections of the City Code with first class mail followed by delivery confirmation if the initial mailing is returned within ten working days.

ATTACHMENTS:

City Code sections with proposed amendments

Minutes of Planning Comm Mtg 2-16-10

Proposed Amendments to City Code Sections To Modify Method of Notice of Violations

Chapter 16:

Sec. 16-368. Penalties.

(a) A violation of this article shall subject the violator to a civil penalty of \$250.00 per violation. Each day's continuing violation is deemed a separate violation. The civil penalty shall be imposed by citation served personally on the violator by the enforcement officer or delivered by first class mail followed by delivery confirmation if the first notice is returned within ten working days.

Chapter 22:

Sec. 22-31. Penalties for violations.

(a) A violation of section 22-30 shall subject the violator to a civil penalty in accordance with the fee and penalty schedule as approved by city council. A violation of any section of this chapter not specifically addressed in the separate fee and penalty schedule shall subject the violator to a civil penalty of \$100.00 per violation. Pursuant to G.S. 160A-175(g), each and every day's continuing violation shall be deemed a separate punishable offense. The civil penalty shall be imposed by citation served personally upon the violator by those individuals authorized in section 22-29 or delivered by first class mail followed by delivery confirmation if the first notice is returned within ten working days. The citation shall set forth the specific violation, the amount of the penalty, that each and every day's violation is a separately punishable offense, and that if the penalty is not paid within ten days of receipt of the citation, the penalty shall be collected by civil action in the nature of a debt.

Chapter 30 Zoning:

Article VIII, Advertising and Signs

Sec. 30-263. Administration and enforcement.

(b) Enforcement

1) *Violation notice.* The inspections director or his designee shall have the authority to issue a violation notice for any violation of this article. Such violation notice shall constitute a warning citation. The violation notice shall be delivered by personal service or by ~~certified~~ first class mail followed by delivery confirmation if the first notice is returned within ten working days., ~~return receipt requested~~ to the owner of the sign. Whenever the owner of the sign cannot be located, this notice shall be delivered to the owner of record of the real property whereon the sign is located. If neither can be located, affixing a copy of the notice to the sign, sign structure or building for a period of five days shall be sufficient. The time period provided in this subsection shall commence upon receipt of or five days after posting of such violation notice. The violation notice shall identify the sign and shall describe the nature of the violation, the date of the violation, refer to the section of this article violated, specify in detail what action must be taken to correct the violation and specify a reasonable time limit of up to 30 working days within which the violation must be corrected. The violation notice or warning citation shall specify that a second citation shall incur a civil penalty, together with costs.

....

....

(4) Penalties.

b. Whenever the inspections director or his designee finds that action has not been taken to correct a violation of this article by the time limit specified in a violation notice, the inspection director or his designee shall issue a civil citation to the owner of the sign or of the owner of the property upon which

the sign is located by personal service or by ~~certified mail, return receipt requested~~ or by first class mail followed by delivery confirmation mail if the first notice is returned within ten working days. Such citation shall specify the nature of the violation and the provision of this article violated, and further notify the offender that the civil penalty for such violation is \$500.00 to be paid to the finance director, City Hall, 433 Hay Street, Fayetteville, North Carolina, within ten days. Failure to pay the civil penalty within the prescribed period of time shall subject the offender to a civil action in the nature of a debt to recover the civil penalty due.

Article X, Public Tree Preservation

Sec. 30-320. Service of notice.

The notice required by section 30-319 shall be served upon the owner of the property either personally or by ~~certified mail~~ first class mail, followed by delivery confirmation if the first notice is returned within ten working days. Any such notice may be served by any authorized representative of the inspection department or by any police officer of the city when so authorized through the inspection office.

**MINUTES
CITY OF FAYETTEVILLE
FAYETTEVILLE PLANNING COMMISSION
REGULAR MEETING
TUESDAY, FEBRUARY 16, 2010
7:00 PM
LAFAYETTE CONFERENCE ROOM
CITY HALL**

MEMBERS PRESENT

**Jim Smith
Mary Lavoie
Larry Boney
Jack Cox
Mark Ledger
Ronald Michael
Tom Speight
Sara Bialeschki
Charles Astrike
Jack Cox**

Bill Snuggs, Alt.

MEMBERS ABSENT

Bill Watt, Alt.

OTHERS PRESENT

**Janet Smith, Asst. City Atty.
Tim Waggy, Dev. Svcs. staff
Dave Steinmetz, Enf. Off.
David Nash, Planner
Karen Hilton, Planning Manager**

ITEM 1. Approval of the Agenda

Mr. Cox made a motion to approve the agenda and Mr. Ledger seconded the motion. A vote was taken and passed unanimously.

.....

ITEM 3. Public Hearing – Proposed Changes to the Standards for Notification of Violation

Ms. Hilton and Mr. Steinmetz presented the proposed changes, which would delete the current requirements for using certified mail to notify someone of a violation. Mr. Steinmetz reviewed the kinds of costs – direct and in manpower – to attempt certified mail delivery, and the extended delays that occur while waiting for notice of failure to deliver and the follow-up attempts to deliver a notice. The proposed language, per discussion at the previous meeting, would provide for the first notice by first class mail, followed by a notice sent by delivery confirmation if the first class notice was returned within two weeks (ten working days). This is the sequence followed in annexation notifications.

Mr. Cox asked why a hearing was necessary for what appears to be an administrative matter. Ms. Hilton explained that any amendment to Chapter 30, as part of the Zoning Ordinance, is required to be considered by public hearing by both the Commission and the City Council. There are other parts of the City Code where similar changes are being proposed. While all the changes will go before City Council on the same night, these in Chapter 30 require the additional hearing and recommendation by the Planning Commission.

Mr. Speight asked how the \$500 fine was established or calculated. Ms. Hilton indicated that the fine was not something they could change at this meeting. In response to Mr. Speight's

request for clarification, Ms. Smith, City Attorney's office, reminded the Commission that the only item advertised for discussion and action was the method of notification. That is the only aspect on the table tonight. Mr. Steinmetz provided some background to the fine, for general information: At one point it was \$100, but that was low enough that many people disregarded the regulations. Compliance increased when the fine was raised to \$500.

Mr. Smith opened the public hearing. There being no speakers, the hearing was closed.

Mr. Astrike motioned for approval of the recommended changes, seconded by Mr. Speight. Ms. Smith indicated she was not in favor of the proposed language, which generated extended discussion and the withdrawal of the motion and second. Ms. Smith mentioned her interest in 'deemed delivered if not returned within ten working days.' Mr. Ledger noted that, as currently drafted, if the first class notice is not returned within two weeks (ten working days), implicitly it is considered delivered. Mr. Astrike and Mr. Smith asked if the City Attorney's office considered the proposed change legal. Ms. Smith indicated it was and withdrew her concern.

Mr. Astrike made a motion to approve the proposed language as drafted, seconded by Mr. Cox. Mr. Speight suggested the action could be deferred to the next meeting to allow the City Attorney's office time to coordinate with Planning staff. The motion was approved 7-1, with Mr. Speight voting no.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: March 22, 2010
RE: **Engineering & Infrastructure - Public Hearing for Assessment Rolls on Soil Streets That Have Been Paved**

THE QUESTION:

- Council is scheduled to conduct a public hearing to hear comments concerning the assessment for curb & gutter and paving of the following streets: **Adam Street** (from Kennedy St to turn-around), **Canal Street** (from Kennedy St to Wayde St), **Gurley Street** (from Robeson St to end), **Guthrie Street** (from Holt Williamson St to McDuffie St), **McDuffie Street** (from Guthrie St to Eastern Blvd), **Lucas Street** (from Cool Spring St to turn-around), and **Upton Street** (from Stevens St to turn-around); and paving only for **Farrell Avenue** (from Dunn Rd to cule-de-sac).
- Following the public hearing, Council is asked to take action confirming the assessment rolls.

RELATIONSHIP TO STRATEGIC PLAN:

- Paving of soil streets

BACKGROUND:

- Paving of these streets as authorized by Council on February 25, 2008 is now complete.
- At its meeting on February 22, 2010, Council set March 22, 2010 as the date for the required public hearing to receive comments from property owners along these streets concerning the preliminary assessment rolls.
- Property owners have been duly notified of the pending assessments and their opportunity to speak at the public hearing.

ISSUES:

- Chapter 160A, Article 10 of the North Carolina General Statute outlines the procedure for special assessments for street paving.
- These procedures require a preliminary assessment roll be completed and a public hearing held.
- The current assessment rate as outlined in Council Policy 160.1 is not to exceed \$10.00 per linear foot for strip pavement and \$25.00 per linear foot for pavement with concrete curb and gutter for each side of the street.

OPTIONS:

After conducting the public hearing:

- Adopt resolutions confirming assessment rolls as presented.
- Consider other funding options or assessment rates.

RECOMMENDED ACTION:

- Adopt the attached resolutions confirming assessment rolls for these streets.

ATTACHMENTS:

Adam Street Resolution

Canal Street Resolution

Farrell Avenue Resolution

Gurley Street Resolution

Guthrie Street Resolution

Lucas Street Resolution

McDuffie Street Resolution

Upton Street Resolution

**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS**

WHEREAS, the City Council of City of Fayetteville has on March 22, 2010, held a public hearing after due notice as required by law, on the Assessment Roll for the improvement of Adam Street (from Kennedy Street 371 feet to a turn-around) for paving;

WHEREAS, the City Council has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

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

1. The Assessment Roll for the improvement of Adam Street (from Kennedy Street 371 feet to a turn-around) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statues of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll. A copy of the Assessment Roll is on file in the City Finance Department and the City Attorney's office.
3. The City Attorney is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
4. The Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Section 232 and 233, of the General Statues of North Carolina.
5. The Deputy Tax Collector is hereby further directed to publish once on the 12th day of April, 2010, the notice required by Chapter 160A, Section 229, of the General Statues of North Carolina.

ADOPTED this the ____nd day of March, 2010.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G.CHAVONNE, Mayor

ATTEST:

Rita Perry, City Clerk

**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS**

WHEREAS, the City Council of City of Fayetteville has on March 22, 2010, held a public hearing after due notice as required by law, on the Assessment Roll for the improvement of Canal Street (from Kennedy Street to Wayde Street) for paving;

WHEREAS, the City Council has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

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

1. The Assessment Roll for the improvement of Canal Street (from Kennedy Street to Wayde Street) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll. A copy of the Assessment Roll is on file in the City Finance Department and the City Attorney's office.
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ADOPTED this the ____nd day of March, 2010.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G.CHAVONNE, Mayor

ATTEST:

Rita Perry, City Clerk

**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS**

WHEREAS, the City Council of City of Fayetteville has on March 22, 2010, held a public hearing after due notice as required by law, on the Assessment Roll for the improvement of Farrell Avenue (from Dunn Road 1162 feet to a cul-de-sac) for paving;

WHEREAS, the City Council has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

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

1. The Assessment Roll for the improvement of Farrell Avenue (from Dunn Road 1162 feet to a cul-de-sac) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll. A copy of the Assessment Roll is on file in the City Finance Department and the City Attorney's office.
3. The City Attorney is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
4. The Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Section 232 and 233, of the General Statutes of North Carolina.
5. The Deputy Tax Collector is hereby further directed to publish once on the 12th day of April, 2010, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

ADOPTED this the ____nd day of March, 2010.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G.CHAVONNE, Mayor

ATTEST:

Rita Perry, City Clerk

**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS**

WHEREAS, the City Council of City of Fayetteville has on March 22, 2010, held a public hearing after due notice as required by law, on the Assessment Roll for the improvement of Gurley Street (from Robeson Street 377 feet to a dead-end) for paving;

WHEREAS, the City Council has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

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

1. The Assessment Roll for the improvement of Gurley Street (from Robeson Street 377 feet to a dead-end) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll. A copy of the Assessment Roll is on file in the City Finance Department and the City Attorney's office.
3. The City Attorney is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
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5. The Deputy Tax Collector is hereby further directed to publish once on the 12th day of April, 2010, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

ADOPTED this the ____nd day of March, 2010.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G.CHAVONNE, Mayor

ATTEST:

Rita Perry, City Clerk

**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS**

WHEREAS, the City Council of City of Fayetteville has on March 22, 2010, held a public hearing after due notice as required by law, on the Assessment Roll for the improvement of Guthrie Street (from Holt Williamson Street to McDuffie Street) for paving;

WHEREAS, the City Council has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

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

1. The Assessment Roll for the improvement of Guthrie Street (from Holt Williamson Street to McDuffie Street) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statues of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll. A copy of the Assessment Roll is on file in the City Finance Department and the City Attorney’s office.
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ADOPTED this the ____nd day of March, 2010.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G.CHAVONNE, Mayor

ATTEST:

Rita Perry, City Clerk

**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS**

WHEREAS, the City Council of City of Fayetteville has on March 22, 2010, held a public hearing after due notice as required by law, on the Assessment Roll for the improvement of Lucas Street (from Cool Spring Street 436 feet to a turn-around) for paving;

WHEREAS, the City Council has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

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

1. The Assessment Roll for the improvement of Lucas Street (from Cool Spring Street 436 feet to a turn-around) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll. A copy of the Assessment Roll is on file in the City Finance Department and the City Attorney's office.
3. The City Attorney is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
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5. The Deputy Tax Collector is hereby further directed to publish once on the 12th day of April, 2010, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

ADOPTED this the ____nd day of March, 2010.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G.CHAVONNE, Mayor

ATTEST:

Rita Perry, City Clerk

**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS**

WHEREAS, the City Council of City of Fayetteville has on March 22, 2010, held a public hearing after due notice as required by law, on the Assessment Roll for the improvement of McDuffie Street (from Guthrie Street to Eastern Blvd) for paving;

WHEREAS, the City Council has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

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

1. The Assessment Roll for the improvement of McDuffie Street (from Guthrie Street to Eastern Blvd) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll. A copy of the Assessment Roll is on file in the City Finance Department and the City Attorney's office.
3. The City Attorney is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
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5. The Deputy Tax Collector is hereby further directed to publish once on the 12th day of April, 2010, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

ADOPTED this the ____nd day of March, 2010.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G.CHAVONNE, Mayor

ATTEST:

Rita Perry, City Clerk

**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS**

WHEREAS, the City Council of City of Fayetteville has on March 22, 2010, held a public hearing after due notice as required by law, on the Assessment Roll for the improvement of Upton Street (from Stevens Street 306 feet to a turn-around) for paving;

WHEREAS, the City Council has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

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

1. The Assessment Roll for the improvement of Upton Street (from Stevens Street 306 feet to a turn-around) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll. A copy of the Assessment Roll is on file in the City Finance Department and the City Attorney's office.
3. The City Attorney is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
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5. The Deputy Tax Collector is hereby further directed to publish once on the 12th day of April, 2010, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

ADOPTED this the ____nd day of March, 2010.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G.CHAVONNE, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Michael Gibson, Parks & Recreation Director
DATE: March 22, 2010
RE: **Parks & Recreation - Special Consideration from the Gilbert Theatre to Sell Alcohol**

THE QUESTION:

Can the Gilbert Theatre sell alcohol during the pre-show and intermission periods of performances on the second floor of the "old" City Hall, 116 Green Street.

RELATIONSHIP TO STRATEGIC PLAN:

Not applicable.

BACKGROUND:

The Gilbert Theatre has submitted a request to sell alcohol during the pre-show and intermission periods of performances on the second floor of the "old" City Hall, 116 Green Street.

ISSUES:

OPTIONS:

- To Approve Request
- To Deny Request

RECOMMENDED ACTION:

As directed by City Council.

ATTACHMENTS:

Letter of Request from Gilbert Theatre



Gilbert Theater
P.O. Box 53704
Fayetteville, NC 28305
www.gilberttheater.com
gilberttheater@aol.com
(910) 678-7186

Date 3/2/10

Mr. Dale Iman, City Manager
433 Hay Street
Fayetteville, NC 28301

Dear Mr. Iman,

In accordance with **City Ordinance Sec. 5-5 : Consumption of Alcoholic Beverages on City Property**, the Board of Directors of the **Gilbert Theater** (a non-profit corporation) wish to petition the City and City Council for its permission for the privilege to sell alcoholic beverages (wine & beer) during the “pre-show” and intermission periods of its performances of the four or five theatrical productions (with a total of approximately sixty-five performances) produced each year at the **Gilbert Theater** thru a perpetual or annually renewable multi-event permit pursuant to **Sec. 5-5, Item (d)-(2) or (d)-(3)**.

The **Gilbert Theater** is located in the Heart of Historic Downtown Fayetteville close to the Market House in a portion of the second floor of the “old” City Hall at 116 Green Street. This building has been assigned by the City of Fayetteville for the use of the **Fascinate-U Museum**. Recognizing the many merits and need for a “live theater” of the caliber and out-standing reputation of the **Gilbert** in the center of Downtown, the Director and Board of the **Museum** have given the **Gilbert** a renewable 4-year permit to use a portion of the previously unused upper floor of the Museum. In return, the **Gilbert Theater** has given the **Museum** its permission for unlimited free usage of those portions of this floor (which had been abandoned for many years) which the **Gilbert** has restored for use as an Auditorium and a “Pre-show and Intermission Lobby”. In addition, the **Gilbert Theater** has offered an occasional free “Children’s Show” for the visitors of the **Fascinate-U Museum**.

At the request of many of its patrons for the availability of wine (now universally available to modern theater-goers during the “pre-show” and Intermission periods of the performances of “live Theater”), the **Gilbert** (as a non-profit corporation depending upon the support of its Patrons and the attendance fees/donations to its performances) will use the profits generated by such sales to help finance the rising costs of such productions. Thus the current low admission costs can be maintained allowing the enjoyment of “live” theater to the greatest number of people in all socio-economic levels.

Pending the granting of our request, it is the decision of the **Gilbert** Board that alcoholic beverages will not be sold during any times that the **Fascinate-U Museum** is open to children, or during Sunday Performances.

The Board of the **Gilbert** has previously met with a representative of the State ABC Board, and pending the City's permit, is fully intent to obtain all necessary licenses, pay all necessary fees, and strictly abide by all requirements imposed by the State and required for the sale of alcohol beverages.

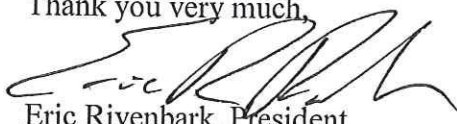
The Gilbert Theater is a non-profit Community Theater that has been delighting theater patrons in Fayetteville, North Carolina since 1994. Founded by Lynn Pryer, **The Gilbert Theater** – (named in honor of the Marquis de Lafayette -born Marie-Joseph Paul Yves Roch Gilbert du Motier) - has provided quality contemporary and classical theatrical productions for our diverse community, including children, the elderly, minorities, and the economically disadvantaged. **The Gilbert** has been a member in good standing of the American Association of Community Theater since 1999.

The stated **Mission of the Gilbert Theater** is to give local artists, actors and musicians a place to showcase their unique talents. We involve students whenever possible both on stage and off.

We have produced more than 80 contemporary and classical theatrical productions, ranging from the popular shows like *Cabaret* and *A Midsummer Night's Dream* to edgier shows like, *The Laramie Project*. **The Gilbert** has also produced several benefit performances , such as Eve Ensler's, *The Vagina Monologues* -to raise funds and awareness for the local Rape Crisis Center and C.A.R.E. Battered Women's Shelter, and has produced & presented Charles Dickens' *-A Christmas Carol*, -plus providing actors during the Downtown Christmas Pageant each year. In addition, the diversity of our community is served through our diverse projects and productions which have included, creation of a standing company of Commedia dell'Arte actors, a children's puppet show, a special performance for a blind/non-sighted audience, staged readings, and workshops on the various aspects of theater production lead by experts in their fields. . **The Gilbert** has featured the work of many up and coming playwrights, and. has received state-wide recognition for its creation and implementation of a state-wide original playwriting competition and recognition of outstanding new writers, and for its production of original local/regional plays.

The Board of the **Gilbert Theater** hopes that you and the City Council will consider the merits of our request as presented above, and will grant permission for its implementation in a timely manner.

Thank you very much,



Eric Rivenbark, President

Board of Directors of **The Gilbert Theater**

Sec. 5-5. Consumption of alcoholic beverages on city property.

(a) It shall be unlawful to consume alcoholic beverages on public streets in the city by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by the city.

(b) It shall be unlawful to possess an open container of alcoholic beverages on public streets in the city by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by the city.

(c) It shall be unlawful to possess alcoholic beverages on public streets, alleys, or parking lots within the city which are temporarily closed to regular traffic for special events as permitted in section 24-133 and article VIII of chapter 24 of this Code.

(d) The provisions of this section shall not apply to the following locations and/or events, upon obtaining a valid ABC permit:

(1) Restaurants, private lounges, or receptions in areas designated by the Fayetteville Regional Airport Commission at the Fayetteville Regional Airport (Grannis Field);

(2) Receptions, fundraising events, or other events and activities designated by the city manager or designee at the Arts Center on Hay Street, the Robert C. Williams Business Center, the Horne House, the Municipal Market Complex, and the Festival Park; and

(3) Receptions, fund-raising events, or other activities conducted by a unit of government or a nonprofit corporation on the Olde Fayetteville Commons upon approval of a special events permit pursuant to section 24-133.

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

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

(Code 1961, § 5-17; Ord. No. S2000-015, § 1, 9-25-2000; Ord. No. S2001-012, § 1, 6-25-2001; Ord. No S2007-004, § 1, 1-22-2007)

Cross references: Streets and sidewalks, ch. 24.

Sec. 24-132. Definitions.

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

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

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

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

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

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

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

Public assembly means:

(1) A special event which is reasonably anticipated to obstruct the normal flow of traffic upon any public street and that is collected together in one place; or

(2) A special event at Festival Park or any other city-controlled park.

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

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

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

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

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

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

Sec. 24-133. Scope.

Except as a permit may be issued pursuant to this article for locations in the Core Downtown Area, it shall be unlawful for any person to sell, offer for sale, exhibit or demonstrate any goods, wares, merchandise, mechanical devices, animals or any article or any kind whatsoever, by whatever name called, upon any public street, road, sidewalk, square, avenue or alley within the corporate limits of the city.

(Ord. No. S2005-001, § 1, 10-24-2005)

Sec. 24-134.

Pertains to transportation of beverages

Sec. 24-135. Special events.

(a) *Permits required.* It shall be unlawful for any person to conduct a special event or public assembly within the city or knowingly participate in any such special event or public assembly unless or until a permit to conduct such special event or public assembly has been obtained pursuant to this chapter. Except that sidewalk sales shall only be permitted by or under the sponsorship of nonprofit organizations with a current letter of exemption from the Internal Revenue Service.

(b) *Permit procedure.* The permit procedure is set forth in sections 24-275 through 24-281 of the City Code. (*Pertains to parades, rallies, marches – see below*)

(c) Any person issued a special event permit under the provisions of this article shall be responsible for any and all injuries; damages to the mall surface, fixtures or plantings; and for the removal of excess trash, litter and debris that may occur as a result of such use. In consideration for the issuance of a permit under this section, any person issued a special event permit shall be responsible for any and all claims and liability for personal injury or property damage as a result of the negligent acts or omissions of the person issued the permit or any participant.

(d) No person shall be permitted to sell, exchange, solicit orders or contributions, or otherwise participate in retail activity or food sales in the core downtown area during a special event unless:

(1) The person has secured permission from the special event sponsor to sell, exchange, solicit orders or contributions, or otherwise participate in retail activity or food sales; or

(2) The person is an owner or lessee of property abutting the Core Downtown Area.

(e) Except for exempt individuals or organizations **under section 15-33 (See below)**, any person participating in a special event that does not possess a city privilege license issued under chapter 15 of this Code, shall be required to obtain a special event business license. The fee for the license shall be in accordance with the fee schedule adopted by the city council, but the total amount (in dollars) of the license purchased by any person in any fiscal year (July 1 through June 30) shall not exceed the privilege license fee for that occupation under section 15-62.

(f) The special event business license and an identifiable decal or card issued by the sponsor of the special event shall be displayed at all times during the special event.

(g) The sponsor of a special event may purchase special event business licenses in advance of a special event on behalf of its approved or prospective participants and shall be entitled to a refund for any unused licenses.

(Ord. No. S2005-001, § 1, 10-24-2005; Ord. No. S2007-024, §§ 1, 2, 6-11-2007; Ord. No. S2008-013, § 3, 8-11-2008)

Sec. 24-275. Procedures for obtaining permit.

Any applicant for a **parade, motorcade, or public assembly** shall be made in writing to the permit official at least 30 days in advance of the date of the proposed parade, motorcade, or public assembly. Notwithstanding the preceding sentence, the permit official shall consider an application that is filed less than 30 days before the commencement of the proposed event where the purpose of such event is a spontaneous response to a current event occasioned by news or affairs coming into public knowledge, or where other good and compelling causes are shown, provided the organizer gives written notice to the city at least 24 hours prior to such event. No permit shall be issued more than one year in

advance of the parade, motorcade, or public assembly. The application must be in writing and contain the following information:

- (1) The name, if any, of the organization or group sponsoring or proposing the parade, motorcade, or public assembly;

Sec. 15-3. License to be procured before beginning business.

Every person engaging in any business, trade, profession, or doing any act for which a city license is required and a tax is to be paid under the provisions of this chapter shall, annually in advance, on or before July 1 of each year, or before engaging in such business, trade, profession, or doing such act, make application for, as required in section 15-4, and obtain from the city tax collector a city license for the privilege of engaging in such business, trade, profession, or doing such act, and shall pay the tax levied therefor.

(Code 1961, § 17-3)

Sec. 15-4. License application; contents.

(a) Every person desiring to obtain a city license for the privilege of engaging in any business, trade, employment, profession, **or of the doing of any act for which a city license is required, except as required by article III of this chapter** (*Pertains to Adult Bookstores, Theaters, & Hotels*), shall, unless otherwise provided by law, make application therefor in writing to the deputy city tax collector which shall state:

- (1) The definite place therein where the business, trade, employment, or profession is to be exercised;
- (2) The name and residence address of the applicant;
- (3) Whether the applicant is an individual, firm, or corporation;
- (4) The nature of the business, trade, employment, or profession;
- (5) The number of years applicant has conducted such business, trade, employment, or profession in this state;
- (6) The gross receipts of the business for the most recently completed tax year, if applicable; and
- (7) Such other information as the deputy city tax collector determines to be necessary.

The application shall be accompanied by the license tax prescribed in this chapter.

(b) Each new application or an established business moving to a new location must be approved as to zoning requirements by the city before such license shall be issued. Each applicant must comply with other sections of this article

concerning health, police, fire or building standards department requirements as provided before such license shall be issued.

(Code 1961, § 17-4)

State law references: Power to regulate businesses, trades, etc., G.S. 160A-194.

Sec. 15-33. Exemptions from chapter provisions; free licenses.

(a) Any person who engages in business within this city for religious, nonprofit educational or charitable purposes shall be exempt from paying any privilege license tax levied by this article.

(b) Any blind person engaging in business within this city shall be exempt from paying any privilege license tax levied by this article, to the extent provided by G.S. 105-249.

(c) Any person serving in any branch of the armed forces of the United States or in the Merchant Marines, and desiring to engage in business within the city, shall be exempt from paying any privilege license tax levied by this article during the period of such service, to the extent provided by G.S. 105-249.1.

(d) Any person participating in a special event on property owned by the **county** shall be exempt from the taxes imposed by this chapter.

(Code 1961, § 17-23; Ord. No. S2001-007, § 1, 4-2-2001)



2009-2010 Season

Whispers on the Wind

Book & Lyrics by John B. Kuntz, Music by Lor Crane
September 24 - October 11, 2009

A whimsical coming of age musical for the whole family. Reminiscent of *The Fantasticks* and *Our Town*, *Whispers on the Wind* is a story of growing up in the 1950s and 1960s, following a young man from his childhood in a small town in Ohio through his adulthood as he encounters the complex world of business, love, romance, and marriage in a big city.

A Christmas Carol

Written by Charles Dickens, Adaptation by Kent Smith and Marcela Casals
November 27 - December 13, 2009

This holiday classic that tells the tale of Ebenezer Scrooge, a hardhearted miser who is visited by a series of spirits who take him through time and Victorian London to learn about humanity and the Christmas spirit. Dickens's beloved and heartwarming story returns this season and will open during Fayetteville's annual Downtown Dickens Festival.

Play Balls

Written by Mark Brownell
February 11 - 28, 2010

A comedy about a feisty young woman who tries to break into the male-dominated world of professional baseball umpiring, based on the true-life experiences of Pam Postema and Bernice Gera.

Lysistrata

Written by Aristophanes
April 15 - May 2, 2010

This classic Greek comedy tells the story of one woman's mission to end the Peloponnesian War by convincing the women of Greece to withhold sexual privileges from their husbands as a means of forcing the men to negotiate a peace. Lysistrata's strategy incites a battle between the sexes until reconciliation is achieved at the end.

Madame Melville

Written by Richard Nelson
June 10 - 27, 2010

A charming memory play in which lonely, poetry-writing Carl, the 15-year-old son of an American businessman in Paris, is initiated into manhood by his literature teacher, the *soignée* Claudie Melville. "Nelson revels in and shrewdly manipulates the conventions of the memory play in ways that are hard to resist." -Ben Brantley, *The New York Times*

Department of the Treasury
Director, Exempt Organizations
Rulings and Agreements

Internal Revenue Service
P.O. Box 2508
Cincinnati, OH 45201

Date: JAN 16 2003

Employer Identification Number:
56-1945526
Document Locator Number:
17053 292 72806 2
Contact Person - ID Number:
Mr Scian, ID#31-03914
Contact Telephone Number:
(877) 829-5500

The Gilbert Theatre
647 Brandts Lane
Fayetteville, North Carolina 28301

Dear Sir or Madam:

Based on the information you recently submitted, we have classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Internal Revenue Code. You are not a private foundation because you are an organization of the type described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect.

This classification is based on the assumption that your operations will continue as you have stated. If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status.

This letter supersedes any previous letter or notice we have issued in which your organization was presumed to be a private foundation.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

The law requires you to make your annual return available for public inspection without charge for three years after the due date of the return. You are also required to make available for public inspection a copy of your exemption application, any supporting documents and this exemption letter to any individual who requests such documents in person or in writing. You can charge only a reasonable fee for reproduction and actual postage costs for the copied materials. The law does not require you to provide copies of public inspection documents that are made widely available, such as by posting them on the Internet (World Wide Web). You may be liable for a penalty of \$20 a day for each day you do not make these documents available for public inspection (up to a maximum of \$10,000 in the case of an annual return).

Letter 1078 (DO/CG) Modified


The Gilbert Theatre

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

If you have any questions, please contact the person whose name, identification number and telephone number are shown in the heading of this letter.

Sincerely yours,



Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Letter 1078 (DO/CG) Modified

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Michael Gibson, Parks & Recreation Director
DATE: March 22, 2010
RE: **Parks and Recreation - Special Consideration for the Boys and Girls Club to Consume Alcohol at Cross Creek Park**

THE QUESTION:

Can the Boys & Girls Club serve alcohol at their special event fundraiser at Cross Creek Park on Friday, April 23 from 1-5pm.

RELATIONSHIP TO STRATEGIC PLAN:

Not applicable.

BACKGROUND:

The Boys & Girls Club has submitted a request for special consideration to allow them to serve alcohol at their special event fundraiser at Cross Creek Park on Friday, April 23 from 1- 5pm.

ISSUES:

None

OPTIONS:

- To approve request
- To deny request

RECOMMENDED ACTION:

As directed by City Council.

ATTACHMENTS:

Letter of request from the Boys and Girls Club



**BOYS & GIRLS CLUB
OF CUMBERLAND COUNTY**

March 4, 2010

Erica Brady & Dale Iman
Special Events Committee
Fayetteville-Cumberland Parks & Recreation
121 Lamon Street
Fayetteville, NC 28301-5537

Boys & Girls Club
of Cumberland County
P. O. Box 48155
Cumberland, NC 28331
Tel 910-484-2639
Fax 910-425-1267
www.ccbgc.org

Dear Erica Brady,

The Boys & Girls Clubs of Cumberland County, Inc. was established in 1968. At that time, we applied for and granted charter with the Boys & Girls Club of America. In 1972 we became a United Way agency and received our first allocation. This paved the way for the growth we have experienced throughout our 39 year history. In 1982 we changed our name from the Boys Club of Cumberland County to the Boys & Girls Club of Cumberland County, Inc. Our primary mission has always been to inspire and enable all young people, especially those who need us the most to realize their full potential as productive and caring citizens. We are only able to do this with funds that are donated to us from people in our community.

This letter is written to request permission for the Boys & Girls Clubs of Cumberland County to provide wine and beer at their Garden Party Event. This event will take place on April 23, 2010 at Cross Creek Park, which is located at 317 Mason Street. This event is being held to raise money so that we can continue to provide services to youth in our community. This is an official Dogwood Event and we are hoping to make it an annual event. If you have any questions please do not hesitate to ask.

Sincerely,

Precious M. Monroe
Director of Operations
Boys & Girls Clubs of Cumberland County
3475 Cumberland Road
Fayetteville, NC 28306

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Michael Gibson, Parks and Recreation Director
DATE: March 22, 2010
RE: **Parks and Recreation - Capital Project Ordinance 2010-17 (Handicapped Accessible Minibus for Parks and Recreation - Wounded Warriors Program)**

THE QUESTION:

Staff requests Council approval of a project budget for a handicapped accessible minibus for Parks and Recreation. The minibus will be used for the Wounded Warriors Program.

RELATIONSHIP TO STRATEGIC PLAN:

Principle C: Leisure Opportunities for All

BACKGROUND:

- The adopted vehicle replacement plan for Parks and Recreation includes partial funding for the purchase of a handicapped accessible minibus.
- This ordinance will appropriate funding for that vehicle. The vehicle will be used for the Wounded Warriors Program.
- If approved, the total budget for this purchase will be \$65,000, with \$25,000 funded by a grant from the National Recreation and Park Association and \$40,000 funded from a General Fund transfer.

ISSUES:

None

OPTIONS:

1. Adopt Capital Project Ordinance 2010-17.
2. Do not adopt Capital Project Ordinance 2010-17.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance (CPO) 2010-17.

ATTACHMENTS:

CPO 2010-17 Handicapped Accessible Minibus Ordinance
CPO 2010-17 National Recreation and Park Assoc Award Letter

CAPITAL PROJECT ORDINANCE
ORD 2010-17

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 funding of a handicapped accessible minibus for Parks and Recreation.

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:

National Recreation and Park Association Grant	\$ 25,000
Local Match - General Fund Transfer	\$ 40,000
	<u>\$ 65,000</u>

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

Project Expenditures	<u>\$ 65,000</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 22nd day of March, 2010.



National Recreation and Park Association

December 15, 2009

Karen Brady
Fayetteville-Cumberland Parks and Recreation Department
121 Lamon Street
Fayetteville, NC 28348

Dear Karen Brady,

The National Recreation and Park Association (NRPA) considered over 125 applicants from park and recreation agencies around the country for the grant opportunity to Promote Physical Activity of Injured Service Members. We are pleased to inform you that Fayetteville-Cumberland Parks and Recreation Department has been selected to receive a grant in the amount of \$25,000. Congratulations!

This grant opportunity is an outgrowth of a partnership between NRPA and the United States Olympic Committee, Paralympic Division to provide resources at the local level that will increase physical activity opportunities for injured service members.

Over the year as a grantee, Fayetteville-Cumberland Parks and Recreation Department is expected to:

- Deploy a local press release (boiler plate to be provided by NRPA).
- Submit three progress reports (March 1, June 1, Sept. 1) and one final report (Dec. 1) that include the following information (a template will be provided by NRPA):
 - Program description – A brief overview of the program and use of funds
 - Program details – Specifics on progress and accomplishments of the program (including participant information)
 - Evaluation – The impact the program and funds have, including how wounded service members are being served
 - Partners – The inclusion and involvement of partners in the program
 - Sustainability – Plans for continuing activities
 - Funding – Updates on how the grant funds are being spent including a budget
 - Press/Communication – Include any newspaper articles, quotes, testimonials, photos or video
- Present at least two updates to your local government officials (city council, boards, etc.) and partnering military service organization(s) during the project period to inform them of efforts being made



National Recreation and Park Association

locally to enhance physical activity opportunities for injured service members.

- Assist in developing content for *Parks & Recreation* magazine, NRPA Express (e-newsletter), and other NRPA and USOC communication channels as requested.



National Recreation and Park Association

Please acknowledge your agreement to the terms above by signing below. Upon receipt of this signed form, a check will be issued for your grant funds and sent via certified mail.

Name of Agency

Signature

Printed Name

NRPA will send you the program report template and guidelines via e-mail within the next 45 days. NRPA is looking forward to working with all agencies on this project and watching your program grow and succeed in serving our injured service members.

Please do not hesitate to contact me should you have any questions at (703) 858-4730 or via email hmelancon@nrpa.org.

Sincerely,

A handwritten signature in cursive script that reads "Heidi Melancon".

Heidi Melancon
Senior Manager, Strategic Health Initiatives
National Recreation and Park Association

This U.S. Paralympics grant administered by the National Recreation and Park Association is sponsored by the Office of the Secretary of Defense, Director, Office of Administration and Management. The content of this promotional material does not necessarily reflect the position or policy of the Government, and no official endorsement should be inferred.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rob Anderson, Chief Development Officer
DATE: March 22, 2010
RE: **Development Services (Planning & Zoning Division) - Amendments to policy regarding Notification Requirements for the area around a site for which a zoning or special use permit action is requested.**

THE QUESTION:

Shall the notification requirements for zoning (including conditional zoning) and special permit actions be modified to provide more cost effective and efficient service while still meeting legal and public interest objectives?

RELATIONSHIP TO STRATEGIC PLAN:

Efficient City Government - Cost Effective Service Delivery

BACKGROUND:

This aspect of notification relates to informing property owners in the vicinity of a proposed rezoning, initial zoning or special use permit (SUP) request. In conjunction with newspaper ads and a sign on the property, State statutes require a notification letter to adjacent property owners. Before July 2008 the administrative policy of the City called for a notice to be sent to owners of property within 500 feet in radius from the subject property. In 2008 the City Council expressed concern about making more people aware of a proposed rezoning or SUP. As a result, effective July 1, 2008, the notice area changed to a 750 foot radius.

While there are a number of variables making comparisons difficult, it appears that increasing the notification distance has doubled the letters mailed but not increased citizen participation. For instance, during the first six months of 2008, when the notice area was 500 feet, 2217 letters were mailed for 39 cases. When comparing the number of speakers/respondents to the number of letters, the participation rate was an average of 3.3% for the 500 foot notification area. For the same period in 2009, 2130 letters were mailed for properties within 750 feet of 19 cases, yet the participation rate dropped to 2.5%. When staff evaluated a few of the more heavily attended meetings, they found no speakers from the area between the 500 foot radius and the 750 foot radius.

ISSUES:

The increased radius for notifying surrounding property owners has not resulted in any change in the number of speakers on zoning cases. Staff time and direct cost for these mailings to the larger area are significantly higher - nearly double. The proposal to return to a 500 foot radius is still a significantly higher standard than the required by the State (adjacent property owners) or recommended by the American Planning Association (300 feet).

The Planning Commission considered the policy at its meeting on January 19, 2010 and recommended a return to the 500 foot radius for notification letters, further noting that a sign on the property is often the most effective approach to make the surrounding community aware of the proposed change. Even with the proposed change, we would continue the practice of posting on site.

One suggestion from the Planning Commission was to increase the number of signs on a lot when it was either a corner lot or a larger lot. Staff can address that issue administratively on a case by case basis.

OPTIONS:

Option 1 - Approve the proposed policy change to reduce the notification area of zoning cases to 500 feet. (recommended by Planning Commission & Staff).

Option 2 - Deny the proposal and make no change in notification requirements.

RECOMMENDED ACTION:

Staff and the Planning Commission recommend that Council move to approve the proposed policy change to reduce the notification area of zoning cases to 500 feet.

ATTACHMENTS:

Citizen Participation

<u>500 feet mailing requirement</u>		January - June 2008		
<u>Month</u>	<u>Number of Cases</u>	<u>Amount of Letters Mailed</u>	<u>Citizens Present to Speak</u>	<u>Average Participation</u>
January	4	168	6	3.6%
February*	6	308	10	3.2%
March*	5	315	10	3.2%
April*	8	409	15	3.7%
May*	7	296	14	4.7%
June*	9	721	12	1.7%
TOTALS	39	2217	67	3.3%

<u>750 feet mailing requirement</u>		January - June 2009		
<u>Month</u>	<u>Number of Cases</u>	<u>Amount of Letters Mailed</u>	<u>Citizens Present to Speak</u>	<u>Average Participation</u>
January*	6	997	25	2.5%
February*	3	233	6	2.6%
March	1	192	4	2.1%
April*	4	313	9	2.9%
May	0	0	0	0.0%
June*	5	395	10	2.5%
TOTALS	19	2130	54	2.5%

*Indicates bulk mailing which adds additional 2 hours staff time to include sorting, counting, and organizing letters by zip code

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert Anderson, Chief Development Officer
DATE: March 22, 2010
RE: **Development Services (Housing/Code Enforcement Division) - Amendment to Chapter 14 of the City of Fayetteville Code of Ordinances regarding property maintenance.**

THE QUESTION:

Whether or not to amend Chapter 14 of the City of Fayetteville Code of Ordinances to clearly include non-residential structures in the requirements for Property Maintenance.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City - Clean and Beautiful

BACKGROUND:

The current Chapter 14 wording does not clearly allow the City Inspector to enforce minimum standards on non-residential structures; dangerous or unsafe conditions are currently enforced through the state building code. The proposed changes would enable inspectors to order the owner(s) of these properties to make repairs to improve the appearance, condition and safety of non-residential structures.

ISSUES:

High profile commercial corridors are not currently scrutinized by inspectors because the language of our current property maintenance code is focused on residential property. It is the recommendation of staff that we strengthen the relevant language to provide for increased maintenance of non-residential facilities.

OPTIONS:

Option 1 - Approve the proposed amendment to Chapter 14 of the City of Fayetteville Code of Ordinances to broaden property maintenance authority of the City.
Option 2 - Deny the requested amendment to Chapter 14 of the City of Fayetteville Code of Ordinances to maintain the status quo.

RECOMMENDED ACTION:

Option 1 - Approve the proposed changes to Chapter 14 of the City of Fayetteville Code of Ordinances to broaden property maintenance authority of the City.

ATTACHMENTS:

Code Changes Chapter 14 Revision 31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 14, HOUSING, DWELLINGS AND BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1: Chapter 14, Housing, Dwellings and Buildings, is amended by inserting the underlined portion and deleting the strike out portion:

ARTICLE I. IN GENERAL

Sec. 14-1. How chapter designated and cited.

The provisions, rules and regulations prescribed by this chapter shall be known and cited as "The Dwellings and Buildings Minimum Standards Code of the City of Fayetteville, N.C."

(Code 1961, § 16-1)

Sec. 14-2. Findings as to structures ~~dwellings~~ unfit for human occupancy ~~habitation~~.

It is found as a fact that there exist in the city dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, and due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the city.

(Code 1961, § 16-2)

Charter references: Power to condemn and remove unsafe or unfit buildings, § 7(11).

State law references: Minimum housing standards, G.S. 160A-149 et seq.

Sec. 14-3. Findings as to structures or dwellings ~~buildings~~ which are dangerous.

It is found as a fact that there exist in the city buildings which are dangerous due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, and due to other conditions rendering such buildings unsafe, insanitary or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the city.

(Code 1961, § 16-3)

Sec. 14-4. Scope of this chapter.

The provisions of this chapter shall apply to any structure, dwelling, apartment, apartment house or rooming house, and when the context indicates, any building irrespective of when such structure was constructed, altered, or repaired. Portable, mobile or demountable structures, including trailers, when used or intended for use for housing or occupancy within the city shall be subject to the applicable provisions of this chapter.

(Code 1961, § 16-4)

Sec. 14-5. Definitions.

The following terms whenever used or referred to in this chapter shall have the following respective meanings for the purposes of this chapter, unless a different meaning appears from the context:

Basement means that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling, provided, however, that the distance from grade to ceiling shall be at least four feet six inches.

Board means the board of appeals on dwellings and buildings established by this chapter.

Building means any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory hereto, and also tents, lunch wagons, dining cars, trailers, freestanding billboards and signs, fences and similar structures whether stationary or movable.

Dwelling means any structure, or part thereof, used and occupied for human habitation or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Dwelling unit means a habitable space or spaces occupied or intended for occupation as a single housekeeping unit with facilities which are used or intended for use for living, sleeping, cooking, and eating.

Exit means a clear and unobstructed way of departure from the interior of a structure to the exterior at street or grade level.

Extermination means the control and elimination of insects, rodents, and other pests: by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and lawful pest elimination methods approved by the inspector.

Family means one or more persons living together and having common housekeeping facilities.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable space and *habitable room* mean any room or enclosed floor space in a structure used or intended for use for living, sleeping, cooking or eating, including kitchens and basements, but excluding bathrooms, toilets, halls, corridors, pantries, storage space, closets, laundries, and other spaces not used frequently or during extended periods.

House and *housing* mean any dwelling, multifamily dwelling, apartment, rooming house, boardinghouse or similar structure or part thereof containing habitable space, except for transient occupancy.

Infestation means the presence within or around any housing of any insects, rodents or other pests.

Inspection division means the city building inspector and his duly authorized agents.

Inspector means the building inspector of the city or any agent of the inspector authorized to enforce the provisions of this code.

Multifamily dwelling means a structure occupied or intended for occupation as the home or residence of more than two families living independently of each other, and doing their own cooking within their respective dwelling unit.

Occupant means any person over one year of age, living, cooking or eating in, or having actual possession of a structure or part thereof.

Operator means any person who has charge, care or control of a structure or part thereof in which space is let.

Owner means the holder of the title in fee simple and includes the owner's duly authorized agent or attorney and any other persons having of record a vested or contingent interest in the property in question.

Parties in interest means all individuals, associations, corporations and other who have interests of record in a structure and the occupant or occupants, and the operator or operators.

Plumbing means the water supply system, the sanitary sewer system, the vent system, fixtures and traps and shall include their respective connections, devices, appliances, and appurtenances within the property lines of the premises.

Public authority means any housing authority, or any officer who is in charge of any department or branch of the government of the city, the county, or state relating to health, fire, building regulations, or to other activities concerning structures in the city.

Public area means that space within or about any structure which is open to use or access by the general public.

Removal means the demolition and removal of the entire structure, leaving the property free and clear of debris and without holes or pockets which may retain water.

Rooming house means any housing or part of any housing containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not members of the family of the owner or operator.

Rooming unit means a habitable space or spaces occupied or intended for occupation for living and sleeping, but not for cooking or eating purposes.

Rubbish means combustible and noncombustible waste materials except garbage; the term includes, but not be limited to, the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and including immobilized vehicles or parts thereof.

Story means that part of a structure comprised between a floor and the floor or roof next above.

Structure means anything constructed or erected, the use of which requires location on the land, or attachment to or something having a permanent location on the land. The term "structure" shall be construed as if followed by the words, "or part thereof."

Ventilation means the adequate supply and removal of air to and from a space through windows, skylights, doors, louvers, grilles, ducts, or other similar devices.

(Code 1961, § 16-5)

Cross references: Definitions generally, § 1-2.

Sec. 14-6. Conflicts between this chapter and other laws, codes or ordinances pertaining to dwellings or buildings.

The provisions of this chapter shall not be construed to conflict with any other applicable laws, codes, or ordinances pertaining to dwellings or buildings, but are supplemental thereto and where the provisions of this chapter are similar to provisions of other applicable laws, codes or ordinances, the more stringent provision shall apply.

(Code 1961, § 16-6)

Sec. 14-7. Penalty for violation of chapter provisions.

In addition to the remedies provided otherwise in this code for its enforcement, and in addition to the violation detailed in section 14-62, it shall be a violation of this chapter if any owner or other person responsible under this chapter, after being notified by the building inspector or the board, shall allow to continue any condition, with respect to any

dwelling or building, prohibited by or not complying with this chapter, or any provision thereof, and such violation shall be a civil penalty of \$50.00 collectible in the nature of a debt per G.S. 160A-175 and each day's continuance of any such condition shall constitute a separate offense.

(Code 1961, § 16-7)

Sec. 14-8. Administration--Powers and duties of building inspector.

(a) *Powers and duties.* The building inspector of the city is hereby designated and appointed to exercise the powers and perform the duties prescribed by this chapter, except for those specifically given to the board.

(b) *Finding of unfit conditions.* The building inspector may determine that a dwelling is unfit for human habitation or a building is dangerous if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety, or morals of the occupants of such structure, the occupants of neighboring structures or other residents of the city; such conditions may include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation, disrepair, structural defects, uncleanness; or any violation of sections 14-31 through 14-39.

(Code 1961, § 16-8)

Cross references: Administration, ch. 2.

Sec. 14-9. Same--Board of appeals on dwellings and buildings established; powers and duties.

(a) *Board established.* To perform the function in this chapter assigned to it and to be vested with all authority in this chapter given it, there is hereby established by the city council a board to be called the board of appeals on dwellings and buildings, which shall consist of five members, as heretofore created and appointed. The terms of appointment shall be for terms of three years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the board shall, at the discretion of the city council, render any such member liable to immediate removal from office. Three members of the board shall constitute a quorum; no board member shall act in a case in which he has a personal interest. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet as required to dispatch its business.

(b) *Powers and duties.* The board, after a hearing, may vary the application of any provision of this chapter to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this chapter or public interest, or when, in its opinion the interpretation of the building inspector should be modified or reversed. A decision of the board to vary the application of any provision of this chapter or to modify an order of the building inspector shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor. Every decision of the board shall be in writing, and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the building inspector and shall be open to public inspection. The board shall in every case reach a decision without unreasonable or unnecessary delay. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building inspector,

or, varies the application of any provision of this chapter, the building inspector shall immediately take action in accordance with such decision.

(Code 1961, § 16-9)

Sec. 14-10. Additional powers of board and building inspector.

The board and building inspector are hereby further authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others granted in this chapter:

(1) To investigate the housing conditions and structures in the city in order to determine which housing therein is unfit for human habitation and which structures are dangerous.

(2) To administer oaths, affirmations, examine witnesses and receive evidence.

(3) To enter upon premises for the purpose of making examinations; provided, that such entries shall be made at reasonable times and in such manner as to cause the least possible inconveniences to the persons in possession.

(4) To appoint and fix the duties of such officers, agents and employees as it or he deems necessary to carry out the purposes of this chapter, subject to the authority of the city council and the city manager.

(5) With respect to the building inspector, to delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

(Code 1961, § 16-10)

Secs. 14-11--14-30. Reserved

ARTICLE II. STANDARDS OF FITNESS AND RESPONSIBILITIES OF OWNERS AND OCCUPANTS*

***State law references:** Minimum housing standards, G.S. 160A-444 et seq.

Sec. 14-31. Space and use standards.

(a) Every dwelling unit shall contain the following:

(1) A principal room of not less than 120 square feet.

(2) A kitchen-dining room combination, if any, of not less than 80 square feet.

(3) Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area.

(4) Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(5) At least 70 square feet in each habitable room.

(6) At least 150 square feet of floor space in habitable rooms for the first occupant; at least 100 square feet for each of the next three occupants; and at least 75 square feet for each additional occupant over the number of four.

(b) Every habitable room in every dwelling unit shall be at least seven feet wide in any part with at least one-half of the floor area having a ceiling height of at least seven feet six inches. That portion of any room where the ceiling height is less than five feet shall not be considered as a part of the floor area.

(c) No basement space shall be used as a habitable room unless:

- (1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - (2) The total window area in each room is equal to at least the window area sizes prescribed in this chapter for habitable rooms (see section 14-32, light and ventilation standards).
 - (3) The total openable window area in each room is equal to at least the area prescribed in this chapter for habitable rooms (see section 14-32, light and ventilation standards), except where other approved ventilation is provided.
 - (d) Toilet and bathing facilities shall be enclosed so as to provide privacy to a person within such toilet and bathing facilities.
 - (e) Access shall be provided to all rooms within a dwelling unit without passing through a public area.
 - (f) Doors shall be provided at all doorways leading to bedrooms, toilet rooms and bathrooms, and all rooms adjoining a public area.
- (Code 1961, § 16-21)

Sec. 14-32. Light and ventilation standards.

- (a) Window area in each habitable room shall not be less than eight percent of the room floor area, unless lighted by at least 6 footcandles of artificial lighting and ventilated.
 - (b) Openable window area in each habitable room shall be equal to at least one-half of the required window area and face directly to the outside, unless the room is served by other approved ventilation.
 - (c) In all dwellings operable and openable windows and doors opening to the outside shall be adequately screened and each such door equipped with a self-closing device, during the period from May 1 to November 1 of each year unless the dwelling is served by other approved ventilation.
 - (d) Windows shall be reasonably weathertight with no broken glass.
 - (e) Openable window area in each toilet room and bathroom shall be at least three square feet, unless served by other approved ventilation.
- (Code 1961, § 16-22)

Sec. 14-33. Exit standards.

- (a) Every dwelling or other structure shall have exits which are in compliance with North Carolina State Building Code.
 - (b) Platforms and/or steps shall be provided to serve exits and shall be maintained in a safe condition.
 - (c) Safe, continuous and unobstructed exit shall be provided from interior of structure to the exterior at street or grade level.
- (Code 1961, § 16-23; Ord. No. S2008-014, § 1, 8-25-2008)

Sec. 14-34. Structural standards.

- (a) *Foundation.*
 - (1) Every dwelling unit or other structure shall be on firm ground. No water shall be permitted to stand under such dwelling or structure.
 - (2) Footings shall be sound with adequate bearing.
 - (3) Piers shall be sound.
 - (4) No piers shall be used for support in which plumbline from top center falls outside middle one-third of base of pier.
 - (5) No isolated masonry piers exceeding in height ten times least dimension of pier shall be permitted.
- (b) *Floors.*

- (1) Broken, overloaded, decayed, or excessively sagging sills, beams, girders, and joists shall be prohibited.
 - (2) Flooring shall be reasonably smooth, not rotten or worn through, and without holes or excessive cracks which permit air to penetrate rooms.
 - (3) Flooring shall not be loose.
- (c) *Walls, exterior.*
- (1) Any wall in which plumbline from top center of studs falls outside base plate at any point along the wall shall be prohibited.
 - (2) Studs shall provide sufficient support for sheathing or exterior finish.
 - (3) All exterior finish shall be weathertight without excessive holes, cracks or rotted boards which permit air or water to penetrate rooms.
- (d) *Walls, interior.*
- (1) Interior finish shall be free of holes and excessive cracks which permit air to penetrate rooms.
 - (2) Any wall in which plumbline from top center of studs falls outside base plate at any point along the wall shall be prohibited.
 - (3) Excessive loose plaster, loose boards, or other loose wall materials shall be prohibited.
 - (4) Cardboard, newspaper or other highly combustible or improper wall finish shall be prohibited.
 - (5) Studs shall provide sufficient support for the interior wall.
- (e) *Ceilings.*
- (1) Joists and supporting members shall provide sufficient support for the ceiling.
 - (2) No holes or excessive cracks which permit air to penetrate rooms shall be permitted.
 - (3) Plaster, boards, sheetrock or other ceiling finish shall not be excessively loose.
 - (4) Cardboard or other highly combustible finishes shall be prohibited.
- (f) *Roof.*
- (1) No rafters shall be rotted, broken, sagging excessively or having improperly supported ends.
 - (2) Attic shall have proper ventilation.
 - (3) Sheathing shall not be rotted, loose or sagging excessively.
 - (4) Roof covering shall not be loose nor have holes or leaks.
 - (5) Proper flashing shall be provided at walls or chimneys.
- (g) *Porches.*
- (1) Foundation, floor, ceiling and roof shall be equal to standards as set forth above, except: sills and joists need not be level if providing drainage of floors; floors need not be weathertight; floors need not be level if providing for drainage; minimum ceiling height shall be seven feet zero inches and the attic need not have ventilation.
 - (2) Adequate posts and railings, not rotted, broken or termite damaged, shall be provided. Every porch which is more than three feet high shall have rails not less than 30 inches above the floor.
- (h) *Stairs and steps.*
- (1) Stairs and steps shall be free of holes, grooves and cracks large enough to constitute accident hazards.
 - (2) Every exterior flight of stairs which is more than four feet high shall have rails not less than two feet six inches, measured vertically from the nose of the treads to the top of the rail.
 - (3) No flight of stairs shall be settled more than one inch out of its intended position or pulled away from supporting or adjacent members.
 - (4) Supports shall not be rotting, sagging or deteriorating.
 - (5) Every stair tread shall be uniform in width, and risers uniform in height, sound and securely fastened in position and strong enough to bear a concentrated load of at least 400 pounds without danger of breaking through.

(Code 1961, § 16-24; Ord. No. S2008-014, § 2, 8-25-2008)

Sec. 14-35. Property maintenance.

(a) *Structures.* Floors, walls, ceilings, and fixtures shall be maintained in a clean and sanitary condition.

(b) *Open areas.*

(1) Surface and subsurface water shall be appropriately drained to protect structures and to prevent development of stagnant ponds.

(2) Fences and all accessory structures shall be maintained in a safe and substantial condition.

(3) Yards and courts shall be kept clean and free of physical hazards, rubbish, trash and garbage.

(4) Heavy undergrowths or accumulations of plant growth which are noxious or detrimental to health shall be prohibited on the lot on which the structure is located.

(c) *Infestation.*

(1) Grounds and structures shall be maintained free of insect vermin and rodent harborage and infestation by generally accepted methods of extermination.

(2) Every basement window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

(d) *Garbage and rubbish.* Adequate sanitary facilities and methods shall be provided and used by the occupant for the storage, handling and disposal of garbage and rubbish.

(e) *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(Code 1961, § 16-25; Ord. No. S2008-014, § 3, 8-25-2008)

Sec. 14-36. Electrical standards.

(a) All receptacles, ceiling fixtures or other fixtures shall be securely attached.

(b) All switches and fixtures shall be safely operable, or else sealed off and disconnected.

(c) No flexible cords shall be: used as a substitute for the fixed wiring; run through holes in walls, ceiling, or floors; run through doorways, windows, or similar openings; attached to building surfaces; concealed behind building walls, ceilings, or floors.

(d) At least two convenient outlets shall be installed in each habitable room or one outlet and one ceiling fixture.

(e) At least one ceiling or wall-type electric light fixture shall be installed in each bathroom.

(f) Circuits shall not be overloaded.

(g) Fuses shall be sized correctly and not bridged out.

(h) Every public hall and stairway in every multifamily dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an

adequate lighting system which may be turned on when needed, instead of full-time lighting.

(i) Any other dangerous or hazardous electrical conditions shall also be prohibited.

(j) All electric wiring, device, appliances and fixtures shall be installed and maintained in accordance with the current issues of the city and state electrical codes, except as stated in this chapter.

(Code 1961, § 16-26)

Sec. 14-37. Plumbing standards.

(a) Every structure for occupancy or dwelling unit shall be connected to city water supply and/or sanitary sewer system where they are available; unless a private water supply and sanitary sewer system for each house is approved by the county health department.

(b) Every dwelling unit used or intended for use as human habitation shall have a bathroom complete with commode, tub or shower, and lavatory and shall have also a kitchen sink, all of which shall be connected with such water and sewer mains or other approved system and operable.

(c) All fixtures shall be in proper working condition with no leaks existing.

(d) No fixtures shall be cracked, broken or badly chipped.

(e) Hopper bowl toilets are hereby prohibited.

(f) Access to toilet and bathing facilities shall be through a weathertight area.

(g) Every water closet compartment floor surface and bathroom floor surface shall be so constructed and maintained as to be reasonably impervious to water and so as to permit such floor to be readily kept in a clean and sanitary condition.

(h) All water piping shall be protected from freezing by proper installation in enclosed or concealed areas.

(i) At least one three-inch minimum size main plumbing vent shall be properly installed for each building.

(j) Sewer and water lines shall be properly supported with no broken leaking lines.

(k) Water-heating facilities shall be provided which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines to each tub, shower, lavatory, and kitchen sink, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required sink, lavatory, basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water-heating facilities shall be capable of meeting the requirements of the subsection when the dwelling or dwelling unit heating facilities required under the provisions of subsection 14-38(a) are not in operation.

(l) At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the building inspector and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of such facilities; provided, that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities required in this subsection shall be located in a basement, but nothing in this chapter shall prohibit the installation of such facilities in a basement in addition to those required in this section.

(m) All plumbing shall be installed and maintained in accordance with the regulation contained in the plumbing code of the city.

(Code 1961, § 16-27)

Sec. 14-38. Heating standards.

- (a) *Required heating.* Every structure for occupancy dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68 degrees Fahrenheit (20 degrees Celsius) at a point three feet (914 mm) above the floor and two feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.
- (b) Liquid fuel shall be stored in accordance with the city fire prevention and building codes. (See chapters 7 and 11.)
- (c) Chimneys shall be tight and safe, and capable of maintaining proper draft for carriage of combustion byproducts to outside air.
- (d) No holes shall be permitted in flue except for necessary vent connections and cleanout doors.
- (e) All existing hanging masonry chimneys shall be removed.
- (f) Thimbles shall be grouted-in tight.
- (g) Thimbles shall be located high enough to provide proper draft for the heating appliance served thereby.
- (h) Fireplaces shall be used only for supplemental heat and not for basic heating.
- (i) Hearths shall be of noncombustible material, and shall extend at least 12 inches beyond face and six inches beyond each side of the fireplace opening.
- (j) No combustible materials shall be permitted within seven inches of the top and seven inches of either side of the fireplace opening.
- (k) Where the fireplace is closed and converted to other use, there shall be masonry closure of face and proper lining or vent installed in chimney where proper lining or vent does not exist.
- (l) Any stove within a dwelling shall be within six feet of thimble serving it.
- (m) No combustible materials shall be within six inches of stovepipe at the thimble connection.
- (n) No stovepipe shall be placed through combustible walls.
- (o) Heating appliances and facilities shall be installed in accordance with the building code and shall be maintained in a safe and good working condition.
(Code 1961, § 16-28; Ord. No. S2008-014, § 4, 8-25-2008)

Sec. 14-39. Responsibilities of owners and occupants.

- (a) *Shared or public areas.* Every owner of a multifamily dwelling containing four or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (b) *Area occupied or controlled.* Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.
- (c) *Garbage.* Every occupant of a dwelling or dwelling unit shall dispose of all his garbage, rubbish, and any other organic waste in a clean and sanitary manner, by placing it in the disposal facilities or storage containers required by subsection 14-35(d) and chapter 22.
- (d) *Extermination insects, rodent or other pests.* Every occupant of a house containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a house containing more than one dwelling unit shall be responsible for such extermination wherever his dwelling unit is the only one infested. Notwithstanding the provisions of the first sentence of this subsection, wherever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Wherever infestation exists in two or more of the dwelling units in any house, or in the shared public parts of

any house containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(e) *Plumbing fixtures.* Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(f) *Dwellings to be fit for human occupancy.* No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is reasonably clean, sanitary, and fit for human occupancy.

(g) *Disconnection of services, utilities.* No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this chapter, to be removed or shut off from, or discontinued for any occupied **structure or dwelling** housing let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the building inspector.

(h) *Screens.* It shall be the responsibility of the owner to furnish and install all required screens, and it shall be the duty of the occupant to thereafter maintain the screens in good condition, reasonable wear and tear excepted.

(i) *Buildings to be secured.* It shall be the owner's responsibility to keep a vacant building secure at all times. Should it become necessary to board the windows and/or doors, it must be done with boards fitted to the openings, screwed in place and painted a color consistent with the surrounding wall area.

(Code 1961, § 16-36; Ord. No. S2002-019, § 1, 12-9-2002)

Secs. 14-40--14-60. Reserved.

ARTICLE II. STANDARDS OF FITNESS AND RESPONSIBILITIES OF OWNERS AND OCCUPANTS*

***State law references:** Minimum housing standards, G.S. 160A-444 et seq.

Sec. 14-31. Space and use standards.

(a) Every dwelling unit shall contain the following:

(1) A principal room of not less than 120 square feet.

(2) A kitchen-dining room combination, if any, of not less than 80 square feet.

(3) Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area.

(4) Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(5) At least 70 square feet in each habitable room.

(6) At least 150 square feet of floor space in habitable rooms for the first occupant; at least 100 square feet for each of the next three occupants; and at least 75 square feet for each additional occupant over the number of four.

(b) Every habitable room in every dwelling unit shall be at least seven feet wide in any part with at least one-half of the floor area having a ceiling height of at least seven feet six inches. That portion of any room where the ceiling height is less than five feet shall not be considered as a part of the floor area.

(c) No basement space shall be used as a habitable room unless:

(1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

- (2) The total window area in each room is equal to at least the window area sizes prescribed in this chapter for habitable rooms (see section 14-32, light and ventilation standards).
 - (3) The total openable window area in each room is equal to at least the area prescribed in this chapter for habitable rooms (see section 14-32, light and ventilation standards), except where other approved ventilation is provided.
 - (d) Toilet and bathing facilities shall be enclosed so as to provide privacy to a person within such toilet and bathing facilities.
 - (e) Access shall be provided to all rooms within a dwelling unit without passing through a public area.
 - (f) Doors shall be provided at all doorways leading to bedrooms, toilet rooms and bathrooms, and all rooms adjoining a public area.
- (Code 1961, § 16-21)

Sec. 14-32. Light and ventilation standards.

- (a) Window area in each habitable room shall not be less than eight percent of the room floor area, unless lighted by at least 6 footcandles of artificial lighting and ventilated.
 - (b) Openable window area in each habitable room shall be equal to at least one-half of the required window area and face directly to the outside, unless the room is served by other approved ventilation.
 - (c) In all dwellings operable and openable windows and doors opening to the outside shall be adequately screened and each such door equipped with a self-closing device, during the period from May 1 to November 1 of each year unless the dwelling is served by other approved ventilation.
 - (d) Windows shall be reasonably weathertight with no broken glass.
 - (e) Openable window area in each toilet room and bathroom shall be at least three square feet, unless served by other approved ventilation.
- (Code 1961, § 16-22)

Sec. 14-33. Exit standards.

- (a) Every dwelling or other structure shall have exits which are in compliance with North Carolina State Building Code.
 - (b) Platforms and/or steps shall be provided to serve exits and shall be maintained in a safe condition.
 - (c) Safe, continuous and unobstructed exit shall be provided from interior of structure to the exterior at street or grade level.
- (Code 1961, § 16-23; Ord. No. S2008-014, § 1, 8-25-2008)

Sec. 14-34. Structural standards.

- (a) *Foundation.*
 - (1) Every dwelling unit or other structure shall be on firm ground. No water shall be permitted to stand under such dwelling or structure.
 - (2) Footings shall be sound with adequate bearing.
 - (3) Piers shall be sound.
 - (4) No piers shall be used for support in which plumbline from top center falls outside middle one-third of base of pier.
 - (5) No isolated masonry piers exceeding in height ten times least dimension of pier shall be permitted.
- (b) *Floors.*
 - (1) Broken, overloaded, decayed, or excessively sagging sills, beams, girders, and joists shall be prohibited.

- (2) Flooring shall be reasonably smooth, not rotten or worn through, and without holes or excessive cracks which permit air to penetrate rooms.
 - (3) Flooring shall not be loose.
- (c) *Walls, exterior.*
- (1) Any wall in which plumbline from top center of studs falls outside base plate at any point along the wall shall be prohibited.
 - (2) Studs shall provide sufficient support for sheathing or exterior finish.
 - (3) All exterior finish shall be weathertight without excessive holes, cracks or rotted boards which permit air or water to penetrate rooms.
- (d) *Walls, interior.*
- (1) Interior finish shall be free of holes and excessive cracks which permit air to penetrate rooms.
 - (2) Any wall in which plumbline from top center of studs falls outside base plate at any point along the wall shall be prohibited.
 - (3) Excessive loose plaster, loose boards, or other loose wall materials shall be prohibited.
 - (4) Cardboard, newspaper or other highly combustible or improper wall finish shall be prohibited.
 - (5) Studs shall provide sufficient support for the interior wall.
- (e) *Ceilings.*
- (1) Joists and supporting members shall provide sufficient support for the ceiling.
 - (2) No holes or excessive cracks which permit air to penetrate rooms shall be permitted.
 - (3) Plaster, boards, sheetrock or other ceiling finish shall not be excessively loose.
 - (4) Cardboard or other highly combustible finishes shall be prohibited.
- (f) *Roof.*
- (1) No rafters shall be rotted, broken, sagging excessively or having improperly supported ends.
 - (2) Attic shall have proper ventilation.
 - (3) Sheathing shall not be rotted, loose or sagging excessively.
 - (4) Roof covering shall not be loose nor have holes or leaks.
 - (5) Proper flashing shall be provided at walls or chimneys.
- (g) *Porches.*
- (1) Foundation, floor, ceiling and roof shall be equal to standards as set forth above, except: sills and joists need not be level if providing drainage of floors; floors need not be weathertight; floors need not be level if providing for drainage; minimum ceiling height shall be seven feet zero inches and the attic need not have ventilation.
 - (2) Adequate posts and railings, not rotted, broken or termite damaged, shall be provided. Every porch which is more than three feet high shall have rails not less than 30 inches above the floor.
- (h) *Stairs and steps.*
- (1) Stairs and steps shall be free of holes, grooves and cracks large enough to constitute accident hazards.
 - (2) Every exterior flight of stairs which is more than four feet high shall have rails not less than two feet six inches, measured vertically from the nose of the treads to the top of the rail.
 - (3) No flight of stairs shall be settled more than one inch out of its intended position or pulled away from supporting or adjacent members.
 - (4) Supports shall not be rotting, sagging or deteriorating.
 - (5) Every stair tread shall be uniform in width, and risers uniform in height, sound and securely fastened in position and strong enough to bear a concentrated load of at least 400 pounds without danger of breaking through.

(Code 1961, § 16-24; Ord. No. S2008-014, § 2, 8-25-2008)

Sec. 14-35. Property maintenance.

(a) *Structures.* Floors, walls, ceilings, and fixtures shall be maintained in a clean and sanitary condition.

(b) *Open areas.*

(1) Surface and subsurface water shall be appropriately drained to protect structures and to prevent development of stagnant ponds.

(2) Fences and all accessory structures shall be maintained in a safe and substantial condition.

(3) Yards and courts shall be kept clean and free of physical hazards, rubbish, trash and garbage.

(4) Heavy undergrowths or accumulations of plant growth which are noxious or detrimental to health shall be prohibited on the lot on which the structure is located.

(c) *Infestation.*

(1) Grounds and structures shall be maintained free of insect vermin and rodent harborage and infestation by generally accepted methods of extermination.

(2) Every basement window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

(d) *Garbage and rubbish.* Adequate sanitary facilities and methods shall be provided and used by the occupant for the storage, handling and disposal of garbage and rubbish.

(e) *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(Code 1961, § 16-25; Ord. No. S2008-014, § 3, 8-25-2008)

Sec. 14-36. Electrical standards.

(a) All receptacles, ceiling fixtures or other fixtures shall be securely attached.

(b) All switches and fixtures shall be safely operable, or else sealed off and disconnected.

(c) No flexible cords shall be: used as a substitute for the fixed wiring; run through holes in walls, ceiling, or floors; run through doorways, windows, or similar openings; attached to building surfaces; concealed behind building walls, ceilings, or floors.

(d) At least two convenient outlets shall be installed in each habitable room or one outlet and one ceiling fixture.

(e) At least one ceiling or wall-type electric light fixture shall be installed in each bathroom.

(f) Circuits shall not be overloaded.

(g) Fuses shall be sized correctly and not bridged out.

(h) Every public hall and stairway in every multifamily dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an

adequate lighting system which may be turned on when needed, instead of full-time lighting.

(i) Any other dangerous or hazardous electrical conditions shall also be prohibited.

(j) All electric wiring, device, appliances and fixtures shall be installed and maintained in accordance with the current issues of the city and state electrical codes, except as stated in this chapter.

(Code 1961, § 16-26)

Sec. 14-37. Plumbing standards.

(a) Every structure for occupancy ~~dwelling unit~~ shall be connected to city water supply and/or sanitary sewer system where they are available; unless a private water supply and sanitary sewer system for each house is approved by the county health department.

(b) Every dwelling unit used or intended for use as human habitation shall have a bathroom complete with commode, tub or shower, and lavatory and shall have also a kitchen sink, all of which shall be connected with such water and sewer mains or other approved system and operable.

(c) All fixtures shall be in proper working condition with no leaks existing.

(d) No fixtures shall be cracked, broken or badly chipped.

(e) Hopper bowl toilets are hereby prohibited.

(f) Access to toilet and bathing facilities shall be through a weathertight area.

(g) Every water closet compartment floor surface and bathroom floor surface shall be so constructed and maintained as to be reasonably impervious to water and so as to permit such floor to be readily kept in a clean and sanitary condition.

(h) All water piping shall be protected from freezing by proper installation in enclosed or concealed areas.

(i) At least one three-inch minimum size main plumbing vent shall be properly installed for each building.

(j) Sewer and water lines shall be properly supported with no broken leaking lines.

(k) Water-heating facilities shall be provided which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines to each tub, shower, lavatory, and kitchen sink, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required sink, lavatory, basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water-heating facilities shall be capable of meeting the requirements of the subsection when the dwelling or dwelling unit heating facilities required under the provisions of subsection 14-38(a) are not in operation.

(l) At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the building inspector and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of such facilities; provided, that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities required in this subsection shall be located in a basement, but nothing in this chapter shall prohibit the installation of such facilities in a basement in addition to those required in this section.

(m) All plumbing shall be installed and maintained in accordance with the regulation contained in the plumbing code of the city.

(Code 1961, § 16-27)

Sec. 14-38. Heating standards.

- (a) *Required heating.* Every structure for occupancy dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68 degrees Fahrenheit (20 degrees Celsius) at a point three feet (914 mm) above the floor and two feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.
- (b) Liquid fuel shall be stored in accordance with the city fire prevention and building codes. (See chapters 7 and 11.)
- (c) Chimneys shall be tight and safe, and capable of maintaining proper draft for carriage of combustion byproducts to outside air.
- (d) No holes shall be permitted in flue except for necessary vent connections and cleanout doors.
- (e) All existing hanging masonry chimneys shall be removed.
- (f) Thimbles shall be grouted-in tight.
- (g) Thimbles shall be located high enough to provide proper draft for the heating appliance served thereby.
- (h) Fireplaces shall be used only for supplemental heat and not for basic heating.
- (i) Hearths shall be of noncombustible material, and shall extend at least 12 inches beyond face and six inches beyond each side of the fireplace opening.
- (j) No combustible materials shall be permitted within seven inches of the top and seven inches of either side of the fireplace opening.
- (k) Where the fireplace is closed and converted to other use, there shall be masonry closure of face and proper lining or vent installed in chimney where proper lining or vent does not exist.
- (l) Any stove within a dwelling shall be within six feet of thimble serving it.
- (m) No combustible materials shall be within six inches of stovepipe at the thimble connection.
- (n) No stovepipe shall be placed through combustible walls.
- (o) Heating appliances and facilities shall be installed in accordance with the building code and shall be maintained in a safe and good working condition.
(Code 1961, § 16-28; Ord. No. S2008-014, § 4, 8-25-2008)

Sec. 14-39. Responsibilities of owners and occupants.

- (a) *Shared or public areas.* Every owner of a multifamily dwelling containing four or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (b) *Area occupied or controlled.* Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.
- (c) *Garbage.* Every occupant of a dwelling or dwelling unit shall dispose of all his garbage, rubbish, and any other organic waste in a clean and sanitary manner, by placing it in the disposal facilities or storage containers required by subsection 14-35(d) and chapter 22.
- (d) *Extermination insects, rodent or other pests.* Every occupant of a house containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a house containing more than one dwelling unit shall be responsible for such extermination wherever his dwelling unit is the only one infested. Notwithstanding the provisions of the first sentence of this subsection, wherever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Wherever infestation exists in two or more of the dwelling units in any house, or in the shared public parts of

any house containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(e) *Plumbing fixtures.* Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(f) *Dwellings to be fit for human occupancy.* No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is reasonably clean, sanitary, and fit for human occupancy.

(g) *Disconnection of services, utilities.* No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this chapter, to be removed or shut off from, or discontinued for any occupied housing let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the building inspector.

(h) *Screens.* It shall be the responsibility of the owner to furnish and install all required screens, and it shall be the duty of the occupant to thereafter maintain the screens in good condition, reasonable wear and tear excepted.

(i) *Buildings to be secured.* It shall be the owner's responsibility to keep a vacant building secure at all times. Should it become necessary to board the windows and/or doors, it must be done with boards fitted to the openings, screwed in place and painted a color consistent with the surrounding wall area.

(Code 1961, § 16-36; Ord. No. S2002-019, § 1, 12-9-2002)

Secs. 14-40--14-60. Reserved.

ARTICLE III. ENFORCEMENT*

***State law references:** Exercise of police power enforcing minimum housing standard, G.S. 160A-441 et seq.

Sec. 14-61. Informal and formal complaint and notice; issuance forms and service, pursuant to G.S. 160A-443; unsafe residential buildings in community development target areas.

(a) *Issuance of a formal complaint.* Wherever a petition is filed with the building inspector by a public authority, or by at least five residents of the city charging that any dwelling is unfit for human habitation, or that any building is dangerous or wherever it appears to the building inspector, on his own motion, that any dwelling is unfit for human habitation or that any building is dangerous, the inspector shall, if his preliminary investigation discloses a basis for such charge, have the authority to initiate and carry out those procedures prescribed in G.S. 160A-443, which are incorporated by reference as if fully set forth in this section.

(b) *Informal complaint.* Provided, however, that before initiating procedures pursuant to G.S. 160A-443, the building inspector may issue an informal complaint and cause the complaint to be served upon the owner or any parties in interest in such structure, giving them such time as the building inspector considers reasonable to correct such conditions. No extensions of this time shall be made by the inspector.

(c) *Formal complaint and proof of service.* If such informal complaint is used, and the conditions are not corrected, the building inspector shall proceed in accordance with subsection (a) of this section.

(d) *Prevailing law.* It is the intent of this section that the procedures in G.S. 160A-443 be carried out consistent therewith, and in the event of any inconsistency between this section and such statute, the provisions of the statute shall prevail.

(e) *Unsafe residential buildings in community development target areas.* In addition to the foregoing authority, the building inspector shall have authority with respect to unsafe residential buildings located in community development target areas to initiate and carry out those procedures prescribed in G.S. 160A-425.1 and G.S. 160A-432, however recodified or renumbered, which are incorporated by reference as if fully set forth in this section.

(Code 1961, § 16-46; Ord. No. S2002-017, §§ 1, 2, 10-28-2002; Ord. No. S2007-019, § 1, 5-29-2007)

Sec. 14-62. Continued occupancy or collection of rents; penalty.

(a) The receiving of any rentals, or the offering for rent of such structure, or the continued occupancy by or allowed by an owner of such structure after it has been posted pursuant to G.S. 160A-443(4), shall subject the owner to a civil penalty in the nature of a debt not to exceed the sum of \$100.00, and each separate day after the posting of the property as specified in this section that the owner continues to receive rentals, offer for rent, or occupy or allow to be occupied the premises for rent shall be deemed a separate offense. If such a penalty is not paid within seven days, the city may initiate a civil action in the nature of a debt and collect the penalty plus court costs, pursuant to G.S. 160A-175(c).

(b) The civil penalty mentioned in subsection (a) of this section is not deemed to be in lieu of the sanction provided by G.S. 160A-443(4), but is considered to be an alternative remedy.

(Code 1961, § 16-47; Ord. No. S2008-014, § 5, 8-25-2008)

Secs. 14-63--14-80. Reserved.

ARTICLE IV. EMERGENCIES*

***State law references:** Additional powers, G.S. 160A-448.

Sec. 14-81. Conditions constituting public nuisance.

The existence of any of the following conditions for a period of more than 72 hours on any parcel of real property within the corporate limits of the city is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (1) Any building or dwelling whose roof or ceiling, or parts thereof, have collapsed or begun to collapse;
- (2) Any building or dwelling with broken windows in close proximity or adjacent to public sidewalks or streets making unauthorized entry readily accessible to pedestrians;
- (3) Any building or dwelling whose plumbing has failed, allowing raw sewage or water to leak out into the premises, or is emitting noxious odors; and
- (4) Any building or dwelling upon which there is a violation of the state building code that constitutes a life threatening situation.

(Code 1961, § 16-54)

Sec. 14-82. Investigation.

The city building inspector upon notice from any person of the possible existence of any of the conditions described in section 14-81 shall cause to be made an investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in section 14-81. If such nuisance is found, the inspector is authorized to initiate and carry out those procedures prescribed in G.S. 160A-428--160A-431.
(Code 1961, § 16-55)

Sec. 14-83. Alternative enforcement.

In addition to those remedies provided in G.S. 160A-431, if the owner of the building or structure fails to comply with an order issued pursuant to G.S. 160A-429 from which no appeal has been taken, or fails to comply with an order of the city council following an appeal, he shall be subject to a civil penalty in the nature of a debt in an amount not to exceed the sum of \$50.00, and each separate day that the owner fails to comply with the order shall be considered a separate offense. If such penalty is not paid within seven days, the city may initiate a civil action in the nature of a debt and collect the penalty, plus court costs, pursuant to G.S. 160A-175(c).
(Code 1961, § 16-56)

Sec. 14-84. Remedies at law.

The procedure set forth in this article shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this article shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this article as provided in G.S. 14-4.
(Code 1961, § 16-61)

Sec. 14-85. Proof of notice.

Where any provision of this article requires written notice, either (i) an affidavit of the party responsible for issuing such notice that the notice was deposited in the United States mail, first class postage prepaid to the last known address of the property owner or (ii) a signed return receipt for certified mail (PS Form 3811) by the property owner or his agent shall be deemed compliance with such notice requirement without further proof. For purpose of this article, the term "agent" shall include any person, firm, or corporation, with whom the owner has contracted to manage the property.
(Code 1961, § 16-62)

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

Adopted this the _____ day of _____, 2010.

CITY OF FAYETTEVILLE

ATTEST:

ANTHONY G. CHAVONNE, Mayor

RITA PERRY, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rita Perry, City Clerk
DATE: March 22, 2010
RE: **City Clerk - Monthly Statement of Taxes for February 2010**

THE QUESTION:

For information only.

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

Attached is the report that has been furnished to the Mayor and City Council by the Cumberland County Tax Administrator for the month of February 2010

ISSUES:

N/A

OPTIONS:

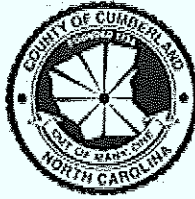
N/A

RECOMMENDED ACTION:

For information only

ATTACHMENTS:


Monthly Statement of Taxes - February 2010



OFFICE OF THE TAX ADMINISTRATOR

117 Dick Street, 5th Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302
Phone: 910-678-7507 • Fax: 910-678-7582 • www.co.cumberland.nc.us

MEMORANDUM

TO: Rita Perry, Fayetteville City Clerk
FROM: Aaron Donaldson, Tax Administrator 
DATE: March 1, 2010
RE: MONTHLY STATEMENT OF TAXES

Attached hereto is the report that has been furnished to the Mayor and governing body of your municipality for the month of February 2010.

This report separates the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

Should you have any questions regarding this report, please contact me at 678-7587.

AD/sn
Attachments

Celebrating Our Past...Embracing Our Future

EASTOVER - FALCON - FAYETTEVILLE - GODWIN - HOPE MILLS - LINDEN - SPRING LAKE - STEDMAN - WADE

**FAYETTEVILLE MACC LEDGER
1999-2009**

DATE	REPORT #	REMITTED TO FINANCE	2009 CC	2009 VEHICLE	2009 REVIT	2009 VEHICLE REVIT	2009 FVT	2009 TRANSIT TAX	2009 STORM WATER	2009 FAY STORM WATER
02/01/10	2010-153	CLOSED - ICE DAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
02/02/10	2010-154	199,125.27	122,498.72	34,509.97	314.53	4.41	4,289.13	4,289.12	3,989.55	7,979.12
02/03/10	2010-155	108,807.72	65,243.74	16,449.03	862.74	12.28	2,342.35	2,342.33	2,809.78	5,619.54
02/04/10	2010-156	81,070.33	40,089.81	21,398.08	5.02	(29.34)	3,411.06	3,411.07	1,160.37	2,320.73
02/05/10	2010-157	121,063.93	73,040.95	18,486.62	479.42	7.41	2,673.48	2,673.50	2,276.55	4,553.13
02/08/10	2010-158	127,757.36	72,965.80	24,707.27	0.00	0.00	3,470.00	3,470.00	3,278.68	6,557.37
02/09/10	2010-159	87,105.72	47,955.58	19,243.19	42.19	0.00	2,645.00	2,645.00	1,023.48	2,046.97
02/10/10	2010-160	78,839.34	41,674.74	17,606.68	596.28	15.63	2,520.00	2,520.00	1,484.34	2,968.67
02/11/10	2010-161	95,133.52	51,669.87	19,100.57	0.00	15.89	2,642.97	2,642.97	1,730.51	3,461.01
02/12/10	2010-162	172,143.85	112,158.86	19,257.45	0.00	7.46	2,431.51	2,431.51	6,664.69	13,329.39
02/15/10	2010-163	83,897.35	47,076.28	16,139.51	823.73	0.00	1,852.30	1,852.31	1,427.60	2,855.17
02/16/10	2010-164	82,398.28	35,035.44	23,871.99	554.61	0.00	3,064.13	3,064.14	1,112.16	2,224.31
02/17/10	2010-165	90,190.13	55,954.31	14,631.49	17.78	3.66	1,786.99	1,787.00	1,585.12	3,170.24
02/18/10	2010-166	81,778.79	42,126.76	19,568.62	243.87	3.49	2,520.15	2,520.15	1,626.25	3,252.49
02/19/10	2010-167	71,574.69	37,384.48	15,338.80	0.00	21.38	2,060.79	2,060.78	1,215.63	2,431.29
02/22/10	2010-168	123,183.01	66,329.75	28,691.54	384.22	0.00	3,333.17	3,333.19	2,478.69	4,957.40
02/23/10	2010-169	88,078.60	51,626.59	13,994.42	464.70	0.00	1,749.97	1,749.98	2,447.80	4,895.61
02/24/10	2010-170	91,231.67	56,497.39	13,747.70	387.32	0.00	1,922.70	1,922.69	2,371.89	4,743.79
02/25/10	2010-171	97,531.12	60,961.39	14,520.31	0.00	0.00	1,845.86	1,845.87	2,022.08	4,044.16
02/26/10	2010-172	196,998.68	140,897.90	17,573.15	1,594.75	9.31	2,310.66	2,310.67	4,043.12	8,086.26
TOTALS		2,077,909.36	1,221,188.36	368,836.39	6,771.16	71.58	48,872.22	48,872.28	44,748.29	89,496.65

TRUE
MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)
CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

FAYETTEVILLE MACC LEDGER
1999-2009

FEBRUARY 2010

2009 RECYCLE FEE	2009 ANNEX	2008 CC	2008 VEHICLE	2008 REVIT	2008 VEHICLE REVIT	2008 FVT	2008 TRANSIT TAX	2008 STORM WATER	2008 RECYCLE	2008 FAY STORM WATER	2008 ANNEX	2007 CC
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,971.61	0.00	1,041.07	5,673.20	0.00	0.00	729.02	709.01	36.00	84.00	48.00	0.00	138.35
4,101.94	0.00	68.09	3,537.29	0.00	0.00	481.76	446.76	0.00	0.00	0.00	0.00	0.00
2,748.08	0.00	46.83	3,214.84	0.00	0.00	386.28	361.28	0.00	0.00	0.00	0.00	28.19
5,005.10	0.00	419.23	5,341.97	0.00	0.00	625.51	570.50	49.75	48.10	27.49	0.00	73.91
3,998.49	0.00	152.83	4,116.50	0.00	0.00	620.03	595.03	11.42	0.00	0.00	0.00	17.12
3,042.43	0.00	322.51	3,213.32	0.00	0.00	460.00	435.00	24.00	42.00	24.00	0.00	256.52
2,520.10	0.00	20.52	2,854.60	0.00	0.00	428.24	398.24	0.00	0.00	0.00	0.00	41.92
3,085.93	0.00	385.62	3,873.63	0.00	0.00	541.83	521.75	36.00	42.00	24.00	0.00	0.00
2,641.85	0.00	406.70	5,806.57	0.00	0.00	800.00	765.00	0.00	0.00	0.00	0.00	0.00
2,240.69	0.00	51.61	4,315.36	0.00	0.00	550.00	530.00	24.00	0.00	0.00	0.00	0.00
2,837.84	0.00	823.97	4,473.24	0.00	0.00	660.00	625.00	24.00	84.00	48.00	0.00	36.94
3,503.98	0.00	283.64	2,979.62	0.00	0.00	454.51	430.25	11.50	40.25	23.00	0.00	365.17
3,503.62	0.00	234.74	2,681.07	0.00	0.00	435.00	405.00	12.00	0.00	0.00	0.00	66.76
3,146.51	0.00	354.09	4,166.52	0.00	0.00	468.75	443.74	12.35	42.00	24.00	0.00	26.95
4,391.19	0.00	588.03	3,458.06	0.00	0.00	475.00	440.00	14.32	8.14	4.65	0.00	6.04
3,835.38	0.00	869.69	2,422.75	0.00	0.00	388.57	358.58	0.00	0.00	0.00	0.00	0.00
3,415.57	20.57	333.69	1,619.18	0.00	0.00	324.92	304.93	3.91	13.69	7.83	0.00	6.17
4,086.73	0.00	4.73	2,631.42	0.00	0.00	385.00	360.00	11.73	0.00	0.00	0.00	0.00
7,027.24	0.00	293.63	4,308.59	0.00	0.00	585.00	535.00	0.00	0.00	0.00	0.00	39.66
72,104.28	20.57	6,701.22	70,687.73	0.00	0.00	9,799.42	9,235.07	270.98	404.18	230.97	0.00	1,103.70

FAYETTEVILLE MACC LEDGER
1999-2009

2007 VEHICLE	2007 REVIT	2007 VEHICLE REVIT	2007 FVT	2007 STORM WATER	2007 FAY STORM WATER	2007 ANNEX	2006 CC	2006 VEHICLE	2006 REVIT	2006 VEHICLE REVIT	2006 FVT	2006 STORM WATER	2006 ANNEX
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
281.64	0.00	0.00	65.00	0.00	0.00	0.00	191.21	115.03	0.00	0.00	40.00	0.00	0.00
393.26	0.00	0.00	60.00	0.00	0.00	0.00	11.42	204.74	0.00	0.00	35.00	0.00	0.00
78.23	0.00	0.00	20.00	0.00	0.00	0.00	14.55	16.76	0.00	0.00	10.00	11.32	0.00
298.25	0.00	0.00	65.00	24.00	0.00	0.00	0.00	81.01	0.00	0.00	22.85	0.00	0.00
(27.56)	0.00	0.00	64.94	3.40	0.00	0.00	6.44	(178.17)	0.00	0.00	5.00	0.00	0.00
418.70	0.00	0.00	75.00	12.00	24.00	0.00	76.80	49.83	0.00	0.00	25.00	0.00	0.00
288.47	0.00	0.00	68.01	0.00	0.00	0.00	61.56	10.33	0.00	0.00	15.00	0.00	42.76
183.46	0.00	0.00	40.00	12.00	0.00	0.00	0.00	216.87	0.00	0.00	42.80	0.00	0.00
77.27	0.00	0.00	30.00	0.00	0.00	0.00	0.00	52.00	0.00	0.00	20.00	0.00	0.00
284.72	0.00	0.00	40.00	12.00	0.00	0.00	254.63	91.45	0.00	0.00	15.00	12.00	0.00
447.55	0.00	0.00	80.00	0.00	0.00	0.00	0.00	97.90	0.00	0.00	20.00	0.00	0.00
173.30	0.00	0.00	15.00	12.00	24.00	0.00	110.54	89.60	0.00	0.00	20.00	0.00	0.00
121.76	0.00	0.00	50.00	0.00	0.00	0.00	0.00	12.51	0.00	0.00	10.00	0.00	0.00
42.95	0.00	0.00	14.64	0.00	0.00	0.00	0.00	(79.51)	0.00	0.00	5.00	0.00	0.00
288.31	0.00	0.00	70.00	0.00	0.00	0.00	0.00	264.17	0.00	0.00	41.04	0.00	0.00
349.32	0.00	0.00	53.28	0.00	0.00	0.00	0.00	48.55	0.00	0.00	10.00	0.00	0.00
161.02	0.00	0.00	25.00	14.52	29.04	0.00	0.00	67.83	0.00	0.00	15.00	0.00	335.93
477.29	0.00	6.71	95.00	0.00	0.00	0.00	0.00	58.40	0.00	0.00	10.00	0.00	0.00
446.57	0.00	0.00	85.77	0.00	0.00	0.00	0.00	302.32	0.00	0.00	35.00	0.00	33.20
4,784.51	0.00	6.71	1,016.64	89.92	77.04	0.00	727.15	1,521.62	0.00	0.00	396.69	23.32	411.89

FAYETTEVILLE MACC LEDGER
1999-2009

FEBRUARY 2010

2005 CC & PRIOR	2005 VEHICLE & PRIOR	2005 REVIT & PRIOR	2005 VEHICLE REVIT & PRIOR	2005 FVT & PRIOR	2005 & PRIOR STORM WATER	INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	TOTAL TAX & INTEREST
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
60.80	197.78	0.00	0.00	45.00	0.00	4,405.95	6.22	85.65	170.74	0.00	155.44	199,125.27
0.00	262.34	0.00	0.00	80.00	0.00	3,084.44	49.34	68.93	137.87	0.00	102.75	108,807.72
0.00	126.25	0.00	0.00	35.00	0.00	2,042.34	0.14	29.89	59.65	0.00	73.90	81,070.33
74.76	41.63	0.00	0.00	20.00	0.00	3,729.40	12.56	70.72	128.26	0.00	142.87	121,063.93
26.69	53.99	0.00	0.00	30.00	0.00	3,434.55	0.00	89.52	177.67	0.00	110.35	127,757.36
50.58	177.40	0.00	0.00	54.40	0.00	2,537.30	0.85	32.99	63.17	0.00	86.51	87,105.72
284.40	56.70	0.00	0.00	9.53	0.00	2,136.16	16.39	41.03	82.07	6.95	70.02	78,839.34
59.82	1,059.74	0.00	0.00	190.00	0.00	3,304.70	0.00	56.09	100.86	0.00	92.63	95,133.52
13.12	27.97	0.00	0.00	30.00	0.00	4,572.94	0.00	182.75	365.51	0.00	71.30	172,143.85
61.06	238.20	0.00	0.00	102.07	0.00	2,834.49	22.55	48.56	79.28	0.00	62.78	83,897.35
0.00	156.61	0.00	0.00	45.47	0.00	2,781.05	15.24	37.72	75.43	0.00	101.54	82,398.28
0.00	170.48	0.00	0.00	25.00	0.00	2,300.52	0.49	43.77	87.54	0.00	89.38	90,190.13
0.00	126.77	0.00	0.00	50.00	1.70	1,961.51	6.71	52.10	89.31	0.00	96.45	81,778.79
10.45	77.50	0.00	0.00	30.00	0.00	2,077.00	0.00	35.27	70.50	0.00	92.83	71,574.69
74.47	65.62	0.00	0.00	35.00	0.00	3,115.57	10.57	68.47	134.03	0.00	122.37	123,183.01
0.00	165.27	0.00	0.00	45.00	0.00	2,284.16	12.78	67.63	134.02	0.00	104.55	88,078.60
0.00	166.26	0.00	0.00	30.00	0.00	2,369.26	15.32	66.69	133.37	54.35	94.52	91,231.67
0.00	684.33	0.00	0.00	106.05	0.00	3,089.17	1.14	57.52	112.22	0.00	114.01	97,531.12
119.73	438.67	0.00	0.00	105.00	0.00	5,242.09	44.65	111.19	222.38	3.91	193.26	196,998.68
835.88	4,293.51	0.00	9.62	1,067.52	1.70	57,302.60	214.95	1,246.49	2,423.88	65.21	1,977.46	2,077,909.36

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Finance Officer
DATE: March 22, 2010
RE: **Finance - Tax Refunds of Less Than \$100**

THE QUESTION:

None

RELATIONSHIP TO STRATEGIC PLAN:

Not applicable.

BACKGROUND:

Approved by the Cumberland County Special Board of Equalization for the month of February, 2010.

ISSUES:

None

OPTIONS:

N/A

RECOMMENDED ACTION:

Information only. No action required.

ATTACHMENTS:

Tax Refunds of Less Than \$100



March 22, 2010

TO: Lisa Smith, Chief Financial Officer

Handwritten initials in purple ink, "LS" and "NP", are written over the recipient and sender information respectively.

FROM: Nancy Peters, Accounts Payable

RE: Tax Refunds of Less Than \$100

The tax refunds listed below for less than \$100 were approved by the Cumberland County Special Board of Equalization for the month of February, 2010.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Poveromo, Nicole M.	6496315	2008	Corrected Assessment	32.86
TOTAL				\$32.86