

**FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
APRIL 12, 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
APRIL 12, 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 PUBLIC FORUM

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

6.0 CONSENT

- 6.1 Approve Minutes:
 - February 11, 2010 – Appointment Committee
 - February 26-27, 2010 – Strategic Planning Retreat**PAGE: 1**
- 6.2 City Attorney - Request for Legal Representation in the Matter of *Mark Pinella v. City of Fayetteville, et al.*
PAGE: 7
- 6.3 City Manager's Office - Consider Resolution to Adopt the City of Fayetteville FY 2010/2011 Budget Calendar
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- 6.4 Development Services (Planning & Zoning Division) - Special Sign Permit Request for temporary event signs on April 16, 2010 for the Cumberland County Mental Health Auxiliary/Volunteer Service fund raiser on April 16, 2010.
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- 6.5 Development Services (Planning & Zoning Division) - Special Sign Permit Request for temporary event signs for the La Leche League Baby Fair on April 28th through May 1st, 2010.
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- 6.6 Development Services (Planning & Zoning Division) - Special Sign Permit Request for Temporary Event signs between April 24 and May 1, 2010 for the Shriners Fish Fry on April 30, 2010
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- 6.7 Development Services (Planning & Zoning Division) - Special Sign Permit Request for Temporary Event signs for the Crime Stoppers BBQ on April 24, 2010
PAGE: 14
- 6.8 Development Services (Planning & Zoning Division) - Special Sign Permit Request for temporary event signs for the Southeastern North Carolina Asian Indian Association Indian Festival on April 17 through May 1, 2010.
PAGE: 15
- 6.9 Development Services (Planning & Zoning Division) - Special Sign Permit Request for temporary event signs for the Fort Bragg Fair from April 19, through May 16, 2010.
PAGE: 16
- 6.10 Development Services (Planning & Zoning Division) - Adopt Resolution Pursuant to N.C.G.S. 160A-31 Setting April 26, 2010 as a Date for a Public Hearing for a Petition-Initiated Contiguous Annexation Area (Avis Budget Car Wash – Located at 3261 Doc Bennett Road)
PAGE: 17
- 6.11 Development Services (Planning & Zoning Division) - Adopt Resolution Pursuant to N.C.G.S. 160A-58.2 Setting April 26, 2010 as a Date for a Public Hearing for a Petition-Initiated Non-Contiguous Annexation Area (Watkins Property – Located at 1645 McArthur Road)
PAGE: 23
- 6.12 Finance - Special Revenue Fund Project Ordinance Amendment 2010-4 (FY2008 Operation Ceasefire Program)
PAGE: 29
- 6.13 Finance - Special Revenue Fund Project Ordinance Amendment 2010-5 (FY2010 Operation Ceasefire Program)
PAGE: 31

- 6.14 Finance - Capital Project Ordinance Closeout 2010-14 (Airport 14 Unit T-Hangar Project)
PAGE: 33
- 6.15 Finance - Capital Project Ordinance Amendment 2010-29 (Airport Fire Fighting Training Facility Upgrade)
PAGE: 35
- 6.16 PWC - Bid Recommendation for Rehabilitation of the 54" Rockfish Creek Outfall
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- 6.17 PWC- Resolution to Amend the Electric Utility System Rate Stabilization Fund
PAGE: 41
- 6.18 PWC- Bid Recommendation for Two (2) Four-Wheel Drive Backhoe Loaders
PAGE: 46
- 6.19 Special Projects - Multimodal Center Environmental Assessment Public Comment Period Call for Public Hearing
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7.0 OTHER ITEMS OF BUSINESS

- 7.1 Keep America Beautiful Certification Presentation
PAGE: 52

Presenters: Mayor Jennie Stultz, (Gastonia) National Trainer for Keep America Beautiful
Brenda Ewadinger, NC State Director

8.0 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

APRIL 12, 2010 - 7:00 PM

COMMUNITY CHANNEL 7

COUNCIL MEETING WILL BE RE-AIRED

APRIL 14, 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: April 12, 2010
RE: **Approve Minutes :**
-February 11, 2010 - Appointment Committee Meeting
-February 26-27, 2010 – Strategic Planning Retreat Meeting

THE QUESTION:

Should 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 draft minutes as presented

ATTACHMENTS:

February 11, 2010 - Appointment Committee Meeting
February 26-27, 2010 – Strategic Planning Retreat Meeting

DRAFT

FAYETTEVILLE CITY COUNCIL
APPOINTMENT COMMITTEE MINUTES
SAINT AVOLD CONFERENCE ROOM
FEBRUARY 11, 2010
4:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Kady-Ann Davy (District 2 arrival time 4:10 p.m.); Bobby Hurst, Chair (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7)

Others Present: Doug Hewett, Assistant City Manager
Victor Sharpe, Community Development Director
Ron McElrath, Human Relations Director
Rita Perry, City Clerk

Council Member Hurst called the meeting to order at 4:00 p.m.

1. Approval of Agenda

MOTION: Council Member Hurst moved to approve the agenda.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (4-0)

Ms. Rita Perry, City Clerk, provided the following Boards/Commissions vacancies update:

Ethics Commission - University/College appointee:

Letter from Mr. Elton Hendicks, President of Methodist College dated February 4, 2010 recommending Dr. Del Crisp.

Senior Citizens Advisory Commission:

A letter of resignation was received from Mr. Jack Jester on February 1, 2010 sighting health reasons. Mary Brymer, Staff Liaison, was provided a packet which consisted of prospective appointees. The Senior Citizens Advisory Commission met on Tuesday, February 9, 2010. For that meeting the Commission requested the Appointment Committee consider Mr. Betty Brox to fill the vacancy.

From that update and following a discussion period, consensus was for the following recommendations:

BOARD/COMMISSION	RECOMMENDATION	TERM	TERM EXPIRES
Ethics Commission - University/College appointee	Dr. Del Crisp	1st	March 2012
Senior Citizens Advisory Commission	Mr. Betty Brox	Fill-in	September 2011

Council Member Hurst requested all old applications be purged out; therefore, only using the reviewed application.

2. Recommendations for Appointment to City of Fayetteville Boards and Commissions

Council Member Hurst led a review of applications for the following vacancies:

BOARD/COMMISSION	# OF VACANCIES	CATEGORY (if applicable)
Fair Housing Board	3	1 - Attorney 1 - At-Large 1 - Real Estate
Historic Resources Commission	4	2 - Category 6-At Large 2 - Historic Preservationist/Cultural or Social
Personnel Review Board	3	2 - Supervisor/Manager 1 - At-Large
Fayetteville Redevelopment Commission	2	NA

DRAFT

By consensus following a discussion period, recommendation were as follows:

BOARD/COMMISSION	RECOMMENDATION	CATEGORY (if applicable)	TERM	TERM EXPIRES
Fair Housing Board	David L. Boliek, Jr.	Attorney	1st	March 2012
	Yolanda D. Taylor	At-Large	1st	March 2012
	Larry Simmons	Realtor	1st	March 2012
Historic Resources Commission	Kenneth H Suggs	At-Large	2nd	March 2012
	Patricia B. Politowicz	At-Large	1st	March 2012
	Susan Shereff	Historic/ Preservationalist	2nd	March 2012
	Pending	Architect		March 2012
Personnel Review Board	Carl Mitchell	Supervisor/Manager	2nd	March 2012
	Annie Pope	Supervisor/Manager	1st	March 2012
	Patricia Weaver	At-Large	2nd	March 2012
Fayetteville-Redevelopment Commission	Steven C. Barnard	NA	1st	March 2015
	Lynn R. Vick	NA	1st	March 2015

3. Other Business

Mr. Doug Hewett, Assistant City Manager, provided the following Boards/Commissions vacancies update:

Public Arts Commission:

The nominations to the Public Arts Commission are made by the Arts Council of Fayetteville/Cumberland County and the Fayetteville Museum of Arts, respectively. On January 14, 2010 the Staff Liaison was provided a packet which consisted of prospective appointees. The information was forwarded to the members and recommendations are forthcoming.

City of Fayetteville Linear Park, Inc.:

A letter of resignation was received from Mr. Jim Holland on February 8, 2010. Mr. Holland has requested to be considered for the Planning Board or the Board of Adjustment should vacancies arise. Michael Gibson, Staff Liaison, was contacted and requested to converse with Mr. Harry Shaw, President, for further direction prior to recommending a prospective replacement.

City of Fayetteville North Carolina Veterans Park Content Committee:

A replacement appointment is needed. Mr. Craig Hampton is researching for potential candidates.

Mayor Chavonne requested that alternate board/commission members be included in the meeting process, possibly an expansion of the Board or prior notification of the necessity to attend to alleviate alternate members attending and not participating. Mr. Hewett stated this matter was being addressed.

Mayor Chavonne questioned some applicants had not completed the supplementary questionnaire for the applicable boards/commissions. Ms. Perry stated, in the future, applications for the specific boards/commissions would be returned requesting the completion of the questionnaire.

4. Adjournment

There being no further business, the meeting adjourned at 4:30 p.m.

Respectfully submitted,

RITA PERRY
City Clerk

ANTHONY G. CHAVONNE
Mayor

21110

DRAFT

FAYETTEVILLE CITY COUNCIL
STRATEGIC PLANNING RETREAT MINUTES
FAYETTEVILLE REGIONAL AIRPORT
FIRST FLOOR CONFERENCE ROOM
FEBRUARY 26, 2010
5:30 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) (arrived at 6:00 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Lyle Sumek, Lyle Sumek Associates, Inc.
Jackie Tuckey, Public Information Officer
Rebecca Rogers-Carter, Management Analyst
Members of the Press

CALL TO ORDER

Mayor Chavonne called the meeting to order and introduced Mr. Lyle Sumek, facilitator.

Mr. Sumek provided an overview of the retreat schedule and the topics to be discussed. He began by addressing the issue of Leadership during Turbulent Times.

City Council recessed for dinner at 6:30 p.m. and reconvened at 7:10 p.m.

The meeting resumed with Mr. Sumek addressing the City's achievements for 2009 under each of the City goals. Followed by Mr. Dale Iman, City Manager, providing a review of the City's financial forecast. Council then identified major challenges of actions for 2010.

City Council recessed the strategic planning retreat at 9:00 p.m. to reconvene on Saturday, February 27, 2010, at 8:30 a.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

022610

DRAFT

FAYETTEVILLE CITY COUNCIL
STRATEGIC PLANNING RETREAT MINUTES
FAYETTEVILLE REGIONAL AIRPORT
FIRST FLOOR CONFERENCE ROOM
FEBRUARY 27, 2010
8:30 A.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); 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 Robert A. Massey, Jr. (District 3)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Lyle Sumek, Lyle Sumek Associates, Inc.
Jackie Tuckey, Public Information Officer
Rebecca Rogers-Carter, Management Analyst
Members of the Press

The strategic planning retreat reconvened at 8:30 a.m. with City Council rethinking the refinement of its Vision for 2025 and how each principle was defined.

Council Member Davy departed the meeting at 10:30 a.m.

Council reviewed the following goals for 2015 and ranked their importance:

- Growing City, Livable Neighborhoods - A Great Place to Live
- Greater Tax Base Diversity - Strong Local Economy
- More Attractive City - Clean and Beautiful
- More Efficient City Government - Cost-Effective Service Delivery
- Greater Community Unity - Pride in Fayetteville
- Revitalized Downtown - A Community Focal Point

Council then ranked their objectives under each goal, identified the challenges and opportunities for each goal, and prioritized specific actions to achieve each goal.

Council Member Haire departed the meeting at 11:30 a.m. Council Member Davy returned to the meeting at 11:50 a.m.

Council recessed for lunch at 12:35 p.m. and reconvened at 1:25 p.m.

Council continued reviewing their goals and prioritizing specific actions to achieve each goal.

Council then developed a list of topics of mutual concern with the County. After identifying the concerns, Council identified items for staff to work on and for Council to discuss with the County and/or get an update.

Consensus was that Council would discuss the downtown parking structure, County water, and joint Transportation Plan. Council would also seek updates on emergency medical and a consolidated communications center for emergency dispatch transport.

DRAFT

Council then identified the top and high-priority Policy Agenda 2010 Targets for Action as follows:

Policy Agenda

- **Top Priority:**
 - UDO: Unified Development Ordinance
 - Police Staffing: Funding
 - Rental Registration/PROP
 - Multi-Family & Commercial Recycling: Direction & Funding
 - Downtown Parking Structure
- **High Priority:**
 - Annexation of Enclaves
 - I-295 Land Use Plan: Funding
 - Bragg Boulevard Corridor Funding Plan
 - Consolidated Communication Center
 - City Funding Policy: Special Events & Non Profits

Council then identified the top and high-priority Management Agenda 2010 Targets for Action as follows:

Management Agenda

- **Top Priority:**
 - Non-Stop Air Service to Washington, DC
 - Multi-Modal Center
 - Code Enforcement Productivity
 - Fire Station 19
 - Prince Charles Hotel: City Role
- **High Priority:**
 - Sidewalk Policy & Plan
 - Murchison Road Corridor
 - Military Business Park
 - Youth Council Resurrection
 - 10-Year Plan to End Homelessness

Council was advised that staff would review, identify actions and resources, and come back to Council on March 22, 2010, prior to the regularly scheduled City Council meeting.

There being no further business, the meeting adjourned at 4:40 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

022710

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen M. McDonald, City Attorney
DATE: April 12, 2010
RE: **City Attorney - Request for Legal Representation in the Matter of *Mark Pinella v. City of Fayetteville, et al.***

THE QUESTION:

Whether to authorize the request for legal representation.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government - Cost Effective Services Delivery

BACKGROUND:

Pursuant to N.C.G.S. § 160A-197, Detective Christopher Cody has requested legal representation in the matter of *Mark Pinella v. City of Fayetteville, et al.* Detective Cody was operating within the scope and course of his employment as a detective at the time the alleged incident occurred in the complaint.

ISSUES:

None

OPTIONS:

1. Authorize the request for legal representation.
2. Reject the request for legal representation.
3. Provide additional direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council authorize the City to provide legal representation for Detective Cody in the matter of *Mark Pinella v. City of Fayetteville, et al.*

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Dale Iman, City Manager
DATE: April 12, 2010
RE: City Manager's Office - Consider Resolution to Adopt the City of Fayetteville FY 2010/2011 Budget Calendar

THE QUESTION:

Does the attached calendar reflect the interest of Council for the FY 2010/2011 Budget calendar?

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government

BACKGROUND:

To ensure that citizens are aware of all the public meetings regarding the FY 2010/2011 Budget and that the City adheres to the NC Open Meetings Law, staff has prepared the attached resolution and FY 2010/2011 Budget Calendar.

ISSUES:

NA

OPTIONS:

1. Approve resolution to adopt the meeting schedule, as presented.
2. Approve resolution to adopt the meeting schedule, as amended.
3. Take no action at this time.

RECOMMENDED ACTION:

Approve resolution to adopt the meeting schedule, as presented.

ATTACHMENTS:

Resolution- City of Fayetteville FY2010/2011 Budget Calendar
FY2010/2011 City of Fayetteville Budget Calendar

RESOLUTION NO. R2010-_____

RESOLUTION OF THE FAYETTEVILLE, NORTH CAROLINA CITY COUNCIL TO ADOPT THE CITY OF FAYETTEVILLE FY 2010/2011 BUDGET CALENDAR

WHEREAS, the Fayetteville City Council has enacted a strategic plan that promotes efficient and effective government; and

WHEREAS, the City's strategic plan includes targets for action that require significant commitments on city resources and time to complete; and

WHEREAS, the City Council is committed to ensuring that the public is informed about the issues, activities and actions of the City; the City Council

HEREBY RESOLVES to adopt the attached calendar titled City of Fayetteville FY 2010/2011 Budget Calendar; and further

RESOLVES that any deviations of these regular meetings will be done consistent with the North Carolina Open Meetings Law.

ADOPTED this _____ day of _____,

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, MAYOR

ATTEST:

RITA PERRY, CITY CLERK

City of Fayetteville
FY 2010/2011 BUDGET CALENDAR

April 2010						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May 2010						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June 2010						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Regular Meeting
Work Session

Budget Work Session
Small Group Discussions

Holiday

Date	Activity	Location
April 21, 2010, Budget Workshop 5:00 pm	<ul style="list-style-type: none"> Preliminary presentation of budget options 	Lafayette Room
April 28 & 29, 2010	<ul style="list-style-type: none"> Small group discussions of budget options Times to be determined 	Executive Conference Room
May 3, 2010 Work Session	<ul style="list-style-type: none"> Overview of budget to be recommended 	Lafayette Room
May 10, 2010 Regular Meeting	<ul style="list-style-type: none"> Recommended City budget presented to City Council 	Council Chambers
May 12, 2010 Budget Workshop 5:00 pm	<ul style="list-style-type: none"> Topics to be determined 	HRD Training Room
May 17, 2010 Budget Workshop 5:00 pm	<ul style="list-style-type: none"> Topics to be determined 	HRD Training Room
May 24, 2010 Regular Meeting	<ul style="list-style-type: none"> Public hearing 	Council Chambers
May 26, 2010	<ul style="list-style-type: none"> Small group discussions for budget questions and feedback Times to be determined 	Executive Conference Room
June 7, 2010 Work Session	<ul style="list-style-type: none"> If needed, confirm Council changes for adopted budget 	HRD Training Room
June 14, 2010 Regular Meeting	<ul style="list-style-type: none"> Consider adoption of budget ordinance and related capital project ordinances 	Council Chambers

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Steinmetz, Code Enforcement Administrator
DATE: April 12, 2010
RE: **Development Services (Planning & Zoning Division) - Special Sign Permit Request for temporary event signs on April 16, 2010 for the Cumberland County Mental Health Auxiliary/Volunteer Service fund raiser on April 16, 2010.**

THE QUESTION:

Whether or not to approve the request for temporary special event signs for the Cumberland County Mental Health Auxiliary/Volunteer Service fund raiser.

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 request is subject to the approval of the City Council for event signs, and may limit the number.

ISSUES:

The City Council has routinely approved similar requests for similar events for several years. This request is for two signs (2ft X 3ft) to be located near the event location at the Harris Teeter on Raeford Road.

OPTIONS:

1. Grant the special sign permit for 2 signs to be removed by the end to the day, April 16, 2010.
2. Grant the special sign permit with a different limit on the number or locations of signs.
3. Deny the special sign permit as requested.

RECOMMENDED ACTION:

Staff recommends that Council move to grant the special sign permit for two temporary signs to Cumberland County Mental Health Auxiliary/Volunteer Service fund raiser with the signs to be removed no later than April 17, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Steinmetz, Code Enforcement Administrator
DATE: April 12, 2010
RE: **Development Services (Planning & Zoning Division) - Special Sign Permit Request for temporary event signs for the La Leche League Baby Fair on April 28th through May 1st, 2010.**

THE QUESTION:

Whether or not to approve the special request for up to 30 temporary event signs for La Leche League Baby Fair.

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 request is subject to the approval of City Council who may limit the number. The applicant originally requested 100 signs. Staff is recommending no more than 30 signs. Locations to be negotiated by staff upon approval of the City Council.

ISSUES:

The City Council has routinely approved similar requests for similar events for several years. The Baby Fair will be held May 1, 2010 at the Holiday Inn Bordeaux.

OPTIONS:

1. Grant the special sign permit for up 30 (size 24x18) to be removed by the end of the day, May 2, 2010.
2. Grant the special sign permit with a different limit on the number of signs. Locations to be negotiated by staff.
3. Deny the special sign permit as requested.

RECOMMENDED ACTION:

Option 1: Grant the special sign permit with the signs to be removed no later than May 2, 2010

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David E. Steinmetz, Code Enforcement Administrator
DATE: April 12, 2010
RE: Development Services (Planning & Zoning Division) - Special Sign Permit Request for 20 temporary event signs between April 24 and May 1, 2010 for the Shriners Fish Fry on April 30, 2010.

THE QUESTION:

Approval of the special request for temporary special event signs for the Shriners Fish Fry.

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 request is subject to the approval of City Council for these event signs, and may limit the number. If approved, staff will negotiate the locations allowed for the 20 requested signs.

ISSUES:

The City Council has routinely approved similar requests for similar events for several years. The fish fry will be held on April 30, 2010.

OPTIONS:

1. Grant the special sign permit for signs to be removed by the end to the day, May 1, 2010.
2. Grant the special sign permit with a different limitation on the number of signs.
3. Deny the special sign permit as requested.

RECOMMENDED ACTION:

Staff recommends that Council move to grant the special sign permit for the Shriners Fish Fry on April 30th, with the signs to be removed no later than May 1, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Steinmetz, Code Enforcement Administrator
DATE: April 12, 2010
RE: **Development Services (Planning & Zoning Division) - Special Sign Permit Request for 20 temporary event signs for the Crime Stoppers BBQ on April 24, 2010.**

THE QUESTION:

Whether or not to approve the special request for temporary event signs for Crime Stoppers BBQ.

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 request is subject to the approval of the City Council who may limit the number and locations. The request is for 20 signs to be installed on April 17 and removed by the end of the day on April 24, 2010. Locations to be determined by staff.

ISSUES:

The City Council has routinely approved similar requests for similar events for several years. The Crime Stoppers BBQ on April 23, 2010.

OPTIONS:

1. Grant the special sign permit for up to 20 signs to be installed on April 17, 2010 with removal by the end to the day, April 24, 2010.
2. Grant the special sign permit with a different limit on the number of signs.
3. Deny the special sign permit as requested.

RECOMMENDED ACTION:

Staff recommends that Council move to grant the special sign permit request for the Crime Stoppers BBQ for 20 signs to be installed on April 17, 2010 and removed no later than April 24, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David E. Steinmetz, Zoning Code Enforcement Administrator
DATE: April 12, 2010
RE: Development Services (Planning & Zoning Division) - Special Sign Permit Request for temporary event signs for the Southeastern North Carolina Asian Indian Association Indian Festival on April 17 through May 1, 2010.

THE QUESTION:

Whether or not to approve the special request for temporary event signs for the Indian Festival.

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 request is subject to the approval of City Council who may limit the number. This applicant has requested permission to install up to 100 signs. Locations to be negotiated by staff.

ISSUES:

The City Council has routinely approved similar requests for similar events for several years. The Indian Festival will be held on April 17, 2010 at the Crown Coliseum.

OPTIONS:

1. Grant the special sign permit for up to 100 signs to be removed by the end of the day, April 19, 2010. Locations to be negotiated by staff.
2. Grant the special sign permit with a different limit on the number of signs. Locations to be negotiated by staff.
3. Deny the special sign permit as requested.

RECOMMENDED ACTION:

Option 2. Grant the special sign permit with a different limit on the number of signs. Locations to be negotiated by staff. Staff recommends a limit of 30 signs to be removed no later than April 19, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David E. Steinmetz, Zoning Code Enforcement Administrator
DATE: April 12, 2010
RE: **Development Services (Planning & Zoning Division) - Special Sign Permit Request for temporary event signs for the Fort Bragg Fair from April 19, through May 16, 2010.**

THE QUESTION:

Whether or not to approve the special request for temporary event signs for the Fort Bragg Fair.

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 request is subject to the approval of City Council who may limit the number. Locations to be negotiated by staff.

ISSUES:

The City Council has routinely approved similar requests for similar events for several years. The Fort Bragg Fair will be held at the Fort Bragg Fair Grounds.

OPTIONS:

1. Grant the special sign permit for up to 10 signs to be removed by the end of the day, May 17, 2010.
2. Grant the special sign permit with a different limit on the number of signs. Locations to be negotiated by staff.
3. Deny the special sign permit as requested.

RECOMMENDED ACTION:

Option 1: Grant the special permit for 10 signs with their removal no later than May 17, 2010

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Marsha Bryant, Planner
DATE: April 12, 2010
RE: Development Services (Planning & Zoning Division) - Adopt Resolution Pursuant to N.C.G.S. 160A-31 Setting April 26, 2010 as a Date for a Public Hearing for a Petition-Initiated Contiguous Annexation Area (Avis Budget Car Wash – Located at 3261 Doc Bennett Road)

THE QUESTION:

Setting a Public Hearing Date to consider the annexation of an area contiguous to the City Limits.

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy

BACKGROUND:

A petition requesting annexation has been received and processed through the Planning Department. The existing car wash facility currently has PWC water service and has requested sewer service from PWC.

ISSUES:

The property is contiguous to the city limits and a request for PWC sewer service has been made. A valid petition requesting annexation has also been received. City Council must hold a public hearing prior to voting on petitions requesting annexation.

OPTIONS:

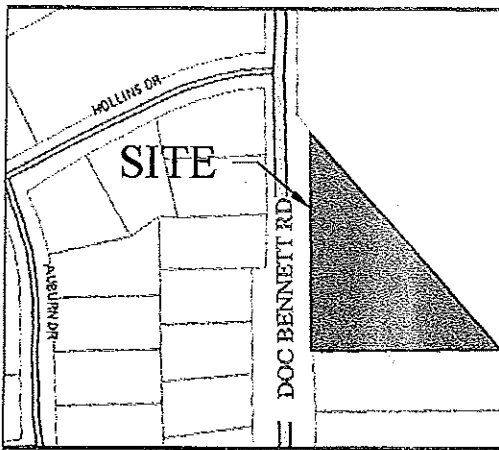
1. Set the Public Hearing Date for April 26, 2010.
2. Set a later date for a Public Hearing.

RECOMMENDED ACTION:



Staff recommends that Council move to pass the attached Resolution Setting a Public Hearing Date for the requested annexation for April 26, 2010.

ATTACHMENTS:

Map of the Property
Petition
Certificate of Sufficiency of Petition
Resolution of Intent Fixing a Public Hearing Date



VICINITY MAP (N.T.S.)

 PROPOSED ANNEXATION AREA
 CITY LIMITS



DOC BENNETT RD

N0°15'00"W

411.07'

0435-20-9473-
DB 4391 PG 0012

S41°34'00"E
547.32'

361.35'
S89°45'00"W

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

PROPOSED ANNEXATION
AVIS BUDGET CAR WASH FACILITY
STEVE AND JULIE STEFANOVICH
± 1.71 ACRES

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

DATE 01/22/10 DRAWN BY WRB
 SCALE 1" = 100' CK'D BY CSA

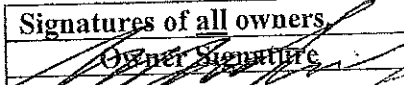
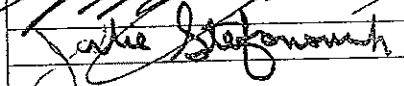
**PETITION REQUESTING ANNEXATION
(CONTIGUOUS)**

Date Received by Planning: 12-23-2009 Received by: MBryant

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

1. We the undersigned owner(s) respectfully request that the area described in the attached be annexed to the City of Fayetteville, North Carolina.
2. The area to be annexed is contiguous to the City Limits and a map indicating the boundaries of such territory is attached.
3. A map showing the proposed annexation area in relation to the existing City Limits is attached.
4. A deed of the property is attached indicating the deed book and page number.
5. A metes and bounds legal description of the proposed annexation area is attached.
6. Tax Parcel ID Number (PIN): 0435-20-9473 Acreage: 1.7
7. Location: 3261 Doc Bennett Road, Fayetteville, NC 28306
8. Have you obtained a vested right from the County Planning Department for any proposed development at this location? No

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

INDIVIDUAL			
Signatures of all owners	Print Name	Phone Number	Address
	Steve Stefanovich	910-592-2133	1615 Sunset Ave, Clinton, NC 28328
	Julie Stefanovich	"	"
CORPORATION NAME:			
Signatures of <u>all</u> Individuals, and their Title, who are required to sign for the corp.	Print Name And Title	Phone Number	Address
LIMITED LIABILITY CORPORATION NAME:			
Signatures of <u>all</u> Individuals, and their Title, who are required to sign for the corp.	Print Name And Title	Phone Number	Address
PARTNERSHIP NAME:			
Signatures of <u>all</u> Individuals, and their Title, who are required to sign for the Partnership	Print Name And Title	Phone Number	Address

**Avis Budget Car Wash - (Located
at 3261 Doc Bennett Road)**

CERTIFICATE OF SUFFICIENCY

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

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

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Fayetteville, this ____ day of _____, 2010.

(SEAL)

Rita Perry, City Clerk

**Avis Budget Car Wash - (Located
at 3261 Doc Bennett Road)**

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at City Hall Council Chambers at 7:00 p.m. on April 26, 2010.

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

*Avis Budget Car Wash
3261 Doc Bennett Road*

BEGINNING at the southwest corner of parcel 0435-20-9473 as described in Deed Book 4391, Page 12 of the Cumberland County Registry, said corner also being located on the eastern margin of Doc Bennett Road and continuing thence North 00 degrees 15 minutes 00 seconds West 411.07 feet to a point, thence South 41 degrees 34 minutes 00 seconds East 547.32 feet to a point, thence South 89 degrees 45 minutes 00 seconds West 361.35 feet to the BEGINNING, and containing approximately 1.71 acres more or less.

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

Adopted this _____ day of _____, 2010.

BY: _____

Anthony G. Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Marsha Bryant, Planner
DATE: April 12, 2010
RE: Development Services (Planning & Zoning Division) - Adopt Resolution Pursuant to N.C.G.S. 160A-58.2 Setting April 26, 2010 as a Date for a Public Hearing for a Petition-Initiated Non-Contiguous Annexation Area (Watkins Property – Located at 1645 McArthur Road)

THE QUESTION:

Setting a Public Hearing Date to consider a petitioned annexation of an area non-contiguous to the City Limits.

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy

BACKGROUND:

A Petition Requesting Annexation has been received and processed through the Planning Department. The existing commercial building had PWC water service, but approximately 12 years ago the service was disconnected. The owners have requested that PWC water service be reconnected.

ISSUES:

The property is not contiguous to the City limits, but it is within the City's MIA (Municipal Influence Area). PWC water service has been requested and a valid Petition Requesting Annexation has been received. City Council must hold a public hearing prior to voting on petitions requesting annexation.

OPTIONS:

1. Set the Public Hearing Date for April 26, 2010.
2. Set a later date for a Public Hearing.

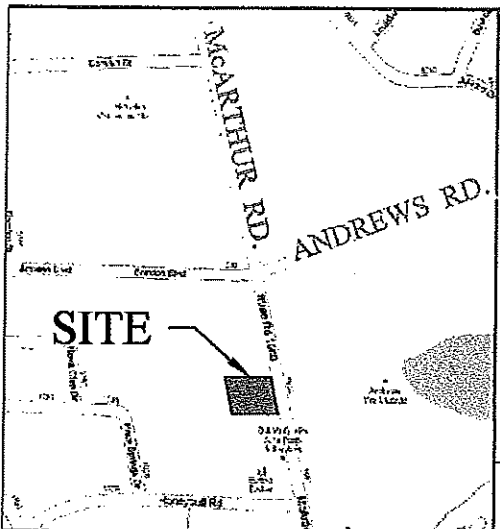
RECOMMENDED ACTION:

Staff recommends that Council move to pass the attached Resolution Setting a Public Hearing Date for the requested annexation for April 26, 2010.

ATTACHMENTS:

Map of the Property
Petition
Certificate of Sufficiency of Petition
Resolution of Intent Fixing a Public Hearing Date

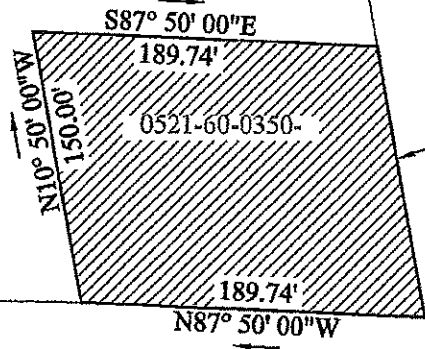
EXHIBIT 'A'



PROPOSED ANNEXATION AREA

ANDREWS RD

McARTHUR RD



S10° 50' 00"E
150.00'

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

PROPOSED ANNEXATION
 1645 McARTHUR RD., FAYETTEVILLE, NC.
 WATKINS PROPERTY
 ± 0.64 ACRES

THIS MAP IS NOT A CERTIFIED
 SURVEY AND NO RELIANCE MAY
 BE PLACED IN ITS ACCURACY

DATE 01/26/10 DRAWN BY WRB
 SCALE 1" = 100' CK'D BY CSA

SHEET 1 OF 1

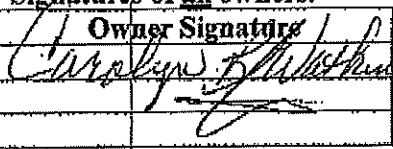
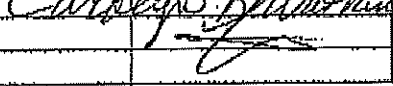
PETITION REQUESTING ANNEXATION
(NON-CONTIGUOUS)

Date Received by Planning: 1-14-2010 Received by: MBryant

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

1. We the undersigned owner(s) respectfully request that the area described in the attached be annexed to the City of Fayetteville, North Carolina.
2. The area to be annexed is non-contiguous to the City Limits and a map indicating the boundaries of such territory is attached.
3. A map showing the proposed annexation area in relation to the existing City Limits is attached.
4. A deed of the property is attached indicating the deed book and page number.
5. A metes and bounds legal description of the proposed annexation area is attached.
6. Tax Parcel ID Number (PIN): 0521-60-0350 Acreage: .66
7. Location: 1645 McArthur Road, Lot 150
8. Have you obtained a vested right from the County Planning Department for any proposed development at this location? NO

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

Signatures of all owners. INDIVIDUAL			
Owner Signature	Print Name	Phone Number	Address
	CAROLYN R. WATKINS	919/556-5773	116 SIRSB CIRCLE Rolesville, NC 275
	FRANKLIN S. WATKINS	919/697-1025	304 WATKINS FARM Rolesville, NC 2757
CORPORATION NAME:			
Signatures of all Individuals, and their Title, who are required to sign for the corp.	Print Name And Title	Phone Number	Address
LIMITED LIABILITY CORPORATION NAME:			
Signatures of all Individuals, and their Title, who are required to sign for the corp.	Print Name And Title	Phone Number	Address
PARTNERSHIP NAME:			
Signatures of all Individuals, and their Title, who are required to sign for the Partnership	Print Name And Title	Phone Number	Address

**Watkins Property – (Located
at 1645 McArthur Road)**

CERTIFICATE OF SUFFICIENCY

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

I, Rita Perry, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Fayetteville, this _____ day of _____, 2010.

(SEAL)

Rita Perry, City Clerk

**Watkins Property – (Located
at 1645 McArthur Road)**

**A RESOLUTION FIXING A DATE FOR A PUBLIC HEARING
FOR A PETITION-INITIATED NON-CONTIGUOUS ANNEXATION
AREA PURSUANT TO N.C.G.S. 160A-58.2**

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at City Hall Council Chambers at 7:00 p.m. on April 26, 2010.

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

***Watkins Property
1645 McArthur Road***

BEGINNING at a point in the western margin of McArthur Road, said point being the southeast corner of the tract described herein and found in Book 3485, Page 703 of the Cumberland County Registry having a parcel number of 0521-60-0350 and continuing thence for a first call of North 87 degrees 50 minutes 00 seconds West 189.74 feet to a point, thence North 10 degrees 50 minutes 00 seconds West 150 feet to a point, thence South 87 degrees 50 minutes 00 seconds East 189.74 feet to the western margin of McArthur Road, thence continuing with said margin South 10 degrees 50 minutes 00 seconds East 150 feet to the BEGINNING, and containing approximately 0.64 acres more or less.

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

Adopted this _____ day of _____, 2010.

BY: _____

Anthony G. Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: April 12, 2010
RE: Finance - Special Revenue Fund Project Ordinance Amendment 2010-4 (FY2008 Operation Ceasefire Program)

THE QUESTION:

This amendment will reduce the project budget for the FY2008 Operation Ceasefire Program consistent with the grant adjustment approved by the North Carolina Department of Crime Control and Public Safety.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1: Growing City, Livable Neighborhoods – A Great Place to Live
Objective 1: Low crime rate and reputation as a safe community

BACKGROUND:

- The FY2008 Operation Ceasefire Project has been completed and \$1,671 remains in the project budget.
- This amendment will reduce the budget for the project by \$1,671 consistent with the grant adjustment approved by the North Carolina Department of Crime Control and Public Safety, Division of the Governor's Crime Commission in January, 2010.

ISSUES:

None

OPTIONS:

1. Adopt Special Revenue Fund Project Ordinance Amendment 2010-4.
2. Do not adopt Special Revenue Fund Project Ordinance Amendment 2010-4.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance Amendment 2010-4.

ATTACHMENTS:

Special Revenue Fund Project Ordinance Amendment 2010-4

SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT
CHANGE 2010-4 (ORD 2008-6)

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

Section 1. The project change authorized is to the Special Revenue Project Ordinance 2008-6, adopted October 8, 2007, as amended, for the FY2008 Project Safe Neighborhoods - Operation Ceasefire Program, funded by a grant from the North Carolina Department of Crime Control and Public Safety, a division of Governor's Crime Commission.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various grant 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:

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
N.C. Governor's Crime Commission	<u>\$ 84,300</u>	<u>\$ (1,671)</u>	<u>\$ 82,629</u>

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

Project Expenditures	<u>\$ 84,300</u>	<u>\$ (1,671)</u>	<u>\$ 82,629</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 12th day of April, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: April 12, 2010
RE: Finance - Special Revenue Fund Project Ordinance Amendment 2010-5 (FY2010 Operation Ceasefire Program)

THE QUESTION:

This amendment will increase the budget for the FY2010 Operation Ceasefire Program by \$1,671 consistent with the grant adjustment approved by the North Carolina Department of Crime Control and Public Safety.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1: Growing City, Livable Neighborhoods – A Great Place to Live
Objective 1: Low crime rate and reputation as a safe community

BACKGROUND:

- The North Carolina Department of Crime Control and Public Safety, a Division of the Governor's Crime Commission, increased the City's FY2010 Operations Ceasefire grant by \$1,671 in January, 2010.
- This amendment will increase the City's budget for the FY2010 Operation Ceasefire Program, resulting in a revised project budget of \$20,251 consistent with the state grant.
- These funds will be used for supplies and other operating costs of the program.

ISSUES:

None

OPTIONS:

1. Adopt Special Revenue Fund Project Ordinance Amendment 2010-5.
2. Do not adopt Special Revenue Fund Project Ordinance Amendment 2010-5.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance Amendment 2010-5.

ATTACHMENTS:

Special Revenue Fund Project Ordinance Amendment 2010-5

SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT
CHANGE 2010-5 (ORD 2010-12)

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 amended:

Section 1. The project change authorized is to the Special Revenue Project Ordinance 2010-12, adopted November 23, 2009, as amended, for the FY2010 Project Safe Neighborhoods - Operation Ceasefire Program, funded by a grant from the North Carolina Department of Crime Control and Public Safety, a division of Governor's Crime Commission.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various grant 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:

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
N.C. Governor's Crime Commission	\$ 18,580	\$ 1,671	\$ 20,251

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

Project Expenditures	<u>\$ 18,580</u>	<u>\$ 1,671</u>	<u>\$ 20,251</u>
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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 12th day of April, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: April 12, 2010
RE: Finance - Capital Project Ordinance Closeout 2010-14 (Airport 14 Unit T-Hangar Project)

THE QUESTION:

Staff requests Council to approve the closeout of a completed capital project ordinance for a 14 unit T-hangar at the airport.

RELATIONSHIP TO STRATEGIC PLAN:

Mission: 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, actual revenues, and actual expenditures for the project.

ISSUES:

None

OPTIONS:

1. Adopt Capital Project Ordinance Closeout 2010-14.
2. Do not adopt Capital Project Ordinance Closeout 2010-14.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Closeout 2010-14.

ATTACHMENTS:

CLO 2010-14 Airport 14 Unit T-Hangar Project

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2010-14 (CPO 2006-9)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2006-9, adopted April 10, 2006, as amended, for the funding of the new 14 Unit T-Hangar at the Fayetteville Regional Airport.

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	\$294,183	\$280,861
Local Match - Airport Operating Fund	-	-
Local Match - Landmark Aviation	<u>294,183</u>	<u>280,862</u>
Total Revenues	<u>\$588,366</u>	<u>\$561,723</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$588,366</u>	<u>\$561,723</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 12th day of April, 2010

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: April 12, 2010
RE: **Finance - Capital Project Ordinance Amendment 2010-29 (Airport Fire Fighting Training Facility Upgrade)**

THE QUESTION:

Staff requests adoption of Capital Project Ordinance Amendment 2010-29 (Airport Fire Fighting Training Facility Upgrade).

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4- More Efficient City Government - Cost Effective Service Delivery - Investing in the City's future infrastructure, facilities and equipment.

BACKGROUND:

- The City has been granted an additional \$75,705 from the Federal Aviation Administration (FAA) to complete the funding of the Airport Fire Fighting Training Facility Upgrade.
- With the approved funding, the City will be able to reduce its local funding from the Airport Operating Fund by \$36,647 and reduce its use of passenger facility charge (PFC) revenue by \$21,437.
- The approved amendment will increase the total project budget to \$1,267,875, with \$1,203,114 funded by a grant from the FAA, \$62,900 funded by PFC revenue, and \$1,861 funded by an Airport Operating Fund transfer.
- Additionally, the Airport Operating Fund will be reimbursed \$6,284 to cover an expenditure that was paid for out of the Airport Operating Fund in a prior fiscal year.

ISSUES:

None

OPTIONS:

- Adopt Capital Project Ordinance Amendment 2010-29.
- Do not adopt Capital Project Ordinance Amendment 2010-29.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Amendment (CPOA) 2010-29.

ATTACHMENTS:

Capital Project Ordinance Amendment 2010-29

CPOA 2010-28 Airport Fire Fighting Training Facility Upgrade Award Amendment Letter

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2010-29 (CPO 2006-5)

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 2006-5, adopted January 9, 2006, as amended, for the funding of Rehabilitating the Fayetteville Regional Airport Fire Fighting Training Facility.

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 Aviation Administration Grant	\$ 1,127,409	\$ 75,705	\$ 1,203,114
Passenger Facility Charges	84,337	(21,437)	62,900
Airport Operating Fund Transfer	38,508	(36,647)	1,861
	<u>\$ 1,250,254</u>	<u>\$ 17,621</u>	<u>\$ 1,267,875</u>

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

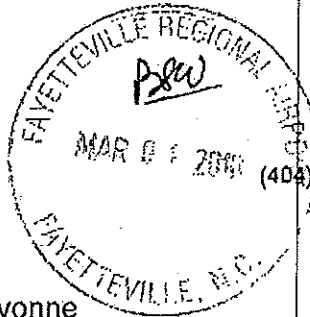
Project Expenditures	\$ 1,250,254	\$ 11,337	\$ 1,261,591
Transfer to Airport Operating	-	6,284	6,284
Project Expenditures	<u>\$ 1,250,254</u>	<u>\$ 17,621</u>	<u>\$ 1,267,875</u>

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 12th day of April, 2010.



U.S. Department
of Transportation
Federal Aviation
Administration



Airports District Office, FAA
Campus Building
1701 Columbia Avenue, Suite 2-280
College Park, Georgia 30337-2747
(404) 305-7150 FAX: (404) 305-7155

February 24, 2010

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


Dear Mr. Chavonne:

This letter effects the amendment as requested for Project No. 3-37-0021-31-2006, at Fayetteville Regional Airport, North Carolina, and commits the United States to the obligation of an additional amount to this project, in accordance with general condition III, H., of the master agreement accepted on August 30, 2006. This additional amount is \$75,705. The current maximum obligation is now \$1,203,114.

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

Sincerely,

Original Signed By
Larry F. Clark

 Scott L. Seritt
Manager

✓ cc: Mr. Bradley S. Whited, A.A.E.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: April 12, 2010
RE: PWC - Bid Recommendation for Rehabilitation of the 54" Rockfish Creek Outfall

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve to award contract for Rehabilitation of the 54" Rockfish Creek Outfall.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of March 24, 2010, approved to award contract for Rehabilitation of the 54" Rockfish Creek Outfall to Insituform Technologies, Chesterfield, MO, low bidder in the total amount of \$742,785.60 and forward to City Council for approval. This item is budgeted as WS-65 in the CIP Budget (budgeted amount of \$900,000) Plans and specifications were requested from sixteen (16) contractors with two (2) contractors responding. Bids were received February 10, 2010 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Insituform Technologies, Chesterfield, MO	\$742,785.60
Reynolds Inliner, LLC, Charlotte, NC	\$875,429.00

ISSUES:

Insituform Technologies will not be utilizing DBE or MWBE subcontractors on this project. After review of Insituform's good faith effort documentation, staff has determined that Insituform did make a good faith effort to solicit DBE and/or MWBE participation in accordance with North Carolina General Statute requirements.

OPTIONS:

N/A

RECOMMENDED ACTION:

Award contract to Insituform Technologies.

ATTACHMENTS:

Bid Recommendation
Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager DATE: March 2, 2010

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award contract for Rehabilitation of the 54" Rockfish Creek Outfall
.....

BID/PROJECT NAME: Rehabilitation of the 54" Rockfish Creek Outfall

BID DATE: February 10, 2010 DEPARTMENT: Water Resources Engineering

BUDGET INFORMATION: CIP (WS 65) Budget Amount is \$900,000
.....

BIDDERS	TOTAL COST
<u>Insituform Technologies, Chesterfield, MO</u>	<u>\$742,785.60</u>
<u>Reynolds Inliner, LLC, Charlotte, NC</u>	<u>\$875,429.00</u>

.....

AWARD RECOMMENDED TO: Insituform Technologies, Chesterfield, MO

BASIS OF AWARD: Low bidder

AWARD RECOMMENDED BY: John Allen, Joe Glass and Gloria Wrench
.....

COMMENTS: Plans and specifications were requested by sixteen (16) contractors with two (2) contractors responding. Bids were originally due to be opened on 02/02/10; however, only two (2) bids were received, therefore bids could not be opened. NC General Statutes require that three (3) bids be received for formal construction projects in order to open on the first advertisement. The project was re-advertised and bids were opened on 02/10/10, with two (2) bidders responding. The low bid is recommended.
.....

ACTION BY COMMISSION

APPROVED _____ REJECTED _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ REJECTED _____
DATE _____

BID HISTORY

REHABILITATION OF THE 54" ROCKFISH CREEK OUTFALL BID DATE: FEBRUARY 10, 2010

Advertisement

Public Works Commission Website 12/21/09 through 02/02/10

Re-Advertisement

Public Works Commission Website 02/02/10 through 02/10/10

List of Organizations Notified of Bid

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

List of Contractors Requesting Plans and Specifications

1. Insituform Technologies, Chesterfield, MO
2. Reynolds Inliner, Charlotte, NC
3. Utilities Plus, Linden, NC
4. Colt Contracting Co., Clinton, NC
5. CK Andrews, Fayetteville, NC
6. McClam & Associates, Little Mountain, SC
7. Hinkle Contracting, Lexington, KY
8. Rain for Rent, Charlotte, NC
9. Locklear Boring, Inc., Creedmoor, NC
10. Action Backhoe & Construction, Clinton, NC
11. Sandy's Hauling & Backhoe, Roseboro, NC
12. Am-Liner East, Inc., Sterling, VA
13. TriState Utilities, Chesapeake, VA
14. TA Loving Co., Goldsboro, NC
15. Paul Howard Construction, Greensboro, NC
16. Triangle Grading & Paving, Burlington, NC

DBE/MWBE Participation

Insituform Technologies will not be utilizing DBE or MWBE subcontractors on this project. After review of Insituform's good faith effort documentation, staff has determined that Insituform did make a good faith effort to solicit DBE and/or MWBE participation in accordance with North Carolina General Statute requirements.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: April 12, 2010
RE: **PWC- Resolution to Amend the Electric Utility System Rate Stabilization Fund**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council adopt a Resolution to Amend the Electric Utility System Rate Stabilization Fund.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of March 24, 2010, approved and adopted Resolution Number PWC2010.01 which amends the Electric Utility System Rate Stabilization Fund to increase the annual maximum contribution limit from 5% to 15% and the accumulated balance from 20% to 40% of the gross electric sales.

The Public Works Commission operates a Rate Stabilization Fund for the purpose of maintaining rate competitiveness and rate stability by mitigating cost increases that would otherwise be passed along to the customers of the electric utility.

ISSUES:

None

OPTIONS:

None

RECOMMENDED ACTION:

Adopt Resolution

ATTACHMENTS:

Transmittal Letter from D. Miller
PWC Resolution 2010.01
City Resolution



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

PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE

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

ELECTRIC & WATER UTILITIES

March 17, 2010

MEMO TO: Steven K. Blanchard, CEO

MEMO FROM: J. Dwight Miller, CFO

SUBJECT: Resolution to Amend the Electric Utility System Rate Stabilization Fund

The attached resolution number PWC 2010.01 amends the Electric Utility System Rate Stabilization Fund adopted on March 24, 1999. The basic changes increase the annual maximum contribution limit from 5% to 15% and the accumulated balance from 20% to 40% of the gross electric sales.

The increased maximum annual contribution and accumulated balance is necessary to utilize the rate stabilization fund as planned. The fund will be used to mitigate the power cost increase due to the new power supply contract.

Staff recommends that the Commission approve Resolution PWC2010.01 and request that City Council approve this resolution in the form presented.

**RESOLUTION TO AMEND THE ELECTRIC UTILITY
SYSTEM RATE STABILIZATION FUND**

WHEREAS, the Public Works Commission of the City of Fayetteville, hereinafter referred to as the Commission, desires to maintain rates competitive with other utilities, mitigate increasing cost and provide rate stability for the customers of the Electric Utility System, and

WHEREAS, the Commission established an Electric Utility System Rate Stabilization Fund, as amended (Resolution No. 1999.03), hereinafter referred to as the Rate Stabilization Fund, on March 24, 1999 for this purpose, and

WHEREAS, the annual appropriations from the Electric Fund to the Rate Stabilization fund is currently defined by resolution as an amount not to exceed 5% of the annual gross electric sales with a minimum of \$250,000 to the Rate Stabilization Fund and accumulate credits from the approved fuel adjustment and true-up fuel adjustment charges, provided the accumulated balance does not exceed 20% of the average annual gross electric sales for the preceding 3 years (as reported in the most recent Annual Audited Financial Reports)

WHEREAS, the Commission has determined the need to increase the annual funding to and accumulated balance of the Rate Stabilization Fund, and

NOW, THEREFORE, be it resolved by the Commission that:

Section 1. The Commission operates a Rate Stabilization Fund for the purpose of maintaining rate competitiveness and rate stability by mitigating cost increases that would otherwise be passed along to the customers of the Electric Utility.

Section 2. This fund will remain operational until the Commission determines that the need for such fund no longer exists.

Section 3. The Commission will appropriate each year from the Electric Fund an amount not to exceed 15% of the annual gross electric sales with a minimum of \$250,000 to the Rate Stabilization Fund, provided the accumulated balance does not exceed 40% of the average annual gross electric sales for the preceding 3 years (as reported in the most recent Annual Audited Financial Reports).

Section 4. The Commission authorizes the General Manager and Chief Financial Officer of the Public Works Commission, collectively, to withdraw funds from the Rate Stabilization Fund in accordance with Section 1 of this Resolution.

Resolution No. PWC 2010.01

Section 5. The Commission requests the City Council of the City of Fayetteville to approve this Resolution in the form presented above.

ADOPTED, this the 24th day of March, 2010.

PUBLIC WORKS COMMISSION

Terri Union, Chairman

ATTEST:

Michael G. Lallier, Secretary

**RESOLUTION TO AMEND THE ELECTRIC UTILITY
SYSTEM RATE STABILIZATION FUND**

WHEREAS, the City of Fayetteville, North Carolina acting by and through the Public Works Commission of the City of Fayetteville, hereinafter referred to as the City, desires to maintain rates competitive with other utilities, mitigate increasing cost and provide rate stability for the customers of the Electric Utility System, and

WHEREAS, the City established an Electric Utility System Rate Stabilization Fund, as amended (Resolution No. R1999-053), hereinafter referred to as the Rate Stabilization Fund, on July 19, 1999 for this purpose, and

WHEREAS, the annual appropriations from the Electric Fund to the Rate Stabilization fund is currently defined by resolution as an amount not to exceed 5% of the annual gross electric sales with a minimum of \$250,000 to the Rate Stabilization Fund and accumulate credits from the approved fuel adjustment and true-up fuel adjustment charges, provided the accumulated balance does not exceed 20% of the average annual gross electric sales for the preceding 3 years (as reported in the most recent Annual Audited Financial Reports), and

WHEREAS, the City has determined the need to increase the annual funding to and accumulated balance of the Rate Stabilization Fund, and

NOW, THEREFORE, be it resolved by the City that:

Section 1. The City operates a Rate Stabilization Fund for the purpose of maintaining rate competitiveness and rate stability by mitigating cost increases that would otherwise be passed along to the customers of the Electric Utility.

Section 2. This fund will remain operational until the Public Works Commission, determines that the need for such fund no longer exists.

Section 3. The City will appropriate each year from the Electric Fund an amount not to exceed 15% of the annual gross electric sales with a minimum of \$250,000 to the Rate Stabilization Fund, provided the accumulated balance does not exceed 40% of the average annual gross electric sales for the preceding 3 years (as reported in the most recent Annual Audited Financial Reports).

Section 4. The City authorizes the General Manager and Chief Financial Officer of the Public Works Commission, collectively, to withdraw funds from the Rate Stabilization Fund in accordance with Section 1 of this resolution.

Section 5. This resolution shall become effective upon its adoption.

ADOPTED, this the 12th day of April, 2010.

CITY OF FAYETTEVILLE

Mayor

ATTEST:

City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: April 12, 2010
RE: PWC- Bid Recommendation for Two (2) Four-Wheel Drive Backhoe Loaders

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve bid award for purchase of two (2) Four-Wheel Drive Backhoe Loaders.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services.

BACKGROUND:

The Public Works Commission, during their meeting of March 24, 2010, approved to award bid for purchase of two (2) Four-Wheel Drive Backhoe Loaders (with the option to purchase additional unit (s) within a one-year period if agreed upon by both parties) to Gregory Poole Equipment, Hope Mills, NC, low bidder in the total amount of \$149,036.00 and forward to City Council for approval. Bids were solicited from eight (8) vendors with two vendors responding. This is a budgeted item to replace Backhoes #979 and #737 (budgeted amount of \$165,000). Bids were received March 2, 2010 as follows:

<u>Bidders</u>	<u>Unit Price</u>	<u>Total Cost</u>
Gregory Poole Equipment, Hope Mills, NC	\$74,518.00	\$149,036.00
R. W. Moore, Raleigh, NC	\$75,426.91	\$150,853.82

ISSUES:

Gregory Poole Equipment is not a DBE, minority or woman-owned business.

OPTIONS:

N/A

RECOMMENDED ACTION:

Award bid to Gregory Poole Equipment, low bidder.

ATTACHMENTS:

Bid Recommendation
Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager DATE: March 3, 2010

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award bid for the purchase of two (2) Four-Wheel Drive Backhoe Loaders
(with the option to purchase additional unit(s) within a one-year period if agreed upon by both parties).

BID/PROJECT NAME: Two (2) Four-Wheel Drive Backhoe Loaders

BID DATE: March 2, 2010 **DEPARTMENT:** Water/Sewer Const. & Maintenance

BUDGETED AMOUNT: \$165,000 – funds originally budgeted to replace Unit #341 (Asphalt Truck);
however, Asphalt Truck has been carried over to FY2011 budget due to delivery time. These funds will
now be used to replace Backhoes #979 and #737.

.....

BIDDERS	UNIT PRICE	TOTAL COST
<u>Gregory Poole Equipment, Hope Mills, NC</u>	<u>\$74,518.00</u>	<u>\$149,036.00</u>
<u>R.W. Moore, Raleigh, NC</u>	<u>\$75,426.91</u>	<u>\$150,853.82</u>

.....

AWARD RECOMMENDED TO: Gregory Poole Equipment, Hope Mills, NC

BASIS OF AWARD: Low bidder

AWARD RECOMMENDED BY: John McColl and Gloria Wrench

.....
COMMENTS: Bids were solicited from eight (8) vendors with two (2) vendors responding. The low
bidder is recommended.

ACTION BY COMMISSION

APPROVED _____ REJECTED _____
 DATE _____

ACTION BY COUNCIL

APPROVED _____ REJECTED _____
 DATE _____

BID HISTORY

TWO (2) FOUR-WHEEL DRIVE BACKHOE LOADERS

Advertisement

Public Works Commission Website

02/23/10 through 03/02/10

List of Organizations Notified of Bid

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

List of Prospective Bidders

1. Vause Equipment Co., Fayetteville, NC
2. Gregory Poole Equipment Co., Hope Mills, NC
3. R.W. Moore Equipment Co., Raleigh, NC
4. Linder Industrial Machinery, Raleigh, NC
5. Rob's Hydraulics, Grimesland, NC
6. Southland Rental & Supply, Fayetteville, NC
7. ASC Construction Equipment, Garner, NC
8. Terex Utilities, Charlotte, NC

DBE/MWBE Participation

Gregory Poole Equipment Co. is not a DBE, minority, or woman-owned business.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Hampton, Special Projects Director
DATE: April 12, 2010
RE: **Special Projects - Multimodal Center Environmental Assessment Public Comment Period Call for Public Hearing**

THE QUESTION:

Does council wish to call for the public hearing on the regular council meeting of April 26, 2010 as required as part of the public comment period regarding the findings of the Environmental Assessment conducted on the site of the proposed Multimodal Transfer Center?

RELATIONSHIP TO STRATEGIC PLAN:

Listed as Top Priority in 2010-2011 Management Agenda of Strategic Plan. Meets most long term goals of plan.

BACKGROUND:

This action is to call for and conduct a public hearing at the regular city council on March 26, 2010. The public hearing is part of the public input process to receive public comments on the findings of the Environmental Assessment (EA), as required by Federal Transit Administration (FTA) regulations and the National Environmental Policy Act (NEPA) that was conducted on this project. The EA considers the effect the project will have on various aspects of the community and the project site and surrounding area of influence. The NEPA EA report will also be available for public review at the main library downtown, and on the city of Fayetteville website and the FAST website. The findings and conclusion of the report indicated the project will not have a negative impact on any of the criteria used for evaluation. This public hearing is to receive comments which will be incorporated into the final document, along with the response from the city, and submitted to FTA. A separate public notice of this public hearing will be placed in the Fayetteville Observer and is attached to this action form.

ISSUES:

The city has received several opposing comments regarding placement of this facility at this location. The criteria used in the EA indicates there is no negative impact of the project proposed. All comments received will receive a reply and will be documented into the final version of the EA that will be submitted to FTA.

OPTIONS:

- Call for the public hearing and receive comments
- Do not call for the public hearing and provide additional guidance to staff

RECOMMENDED ACTION:

- Call for the public hearing and receive comments

ATTACHMENTS:

Public Advertisement for public comment period



FAYETTEVILLE CITY COUNCIL WILL HOLD A PUBLIC HEARING FOR THE FOLLOWING PUBLIC TRANSPORTATION RELATED ITEM:

PROJECT: City of Fayetteville, Fayetteville Area System of Transit (FAST) Multi-Modal Public Transportation Transfer Center

OWNER: City of Fayetteville, NC

DATE, TIME AND LOCATION OF PUBLIC HEARING

Monday, April 26, 2010, 7:00 PM in the Council Chamber, 1st Floor, City Hall, 433 Hay Street, Fayetteville, NC

PURPOSE: Receive comments from the public regarding the Environmental Assessment Report (EA) as required by the National Environmental Policy Act (NEPA). The EA was conducted and issued for public review and comment and covers all requirements of the Act. The EA satisfies the requirement of the NEPA and the City of Fayetteville will request an issuance of a Finding of No Significant Impact (FONSI) from the granting federal agency, Federal Transit Administration (FTA).

The public may view the above mentioned EA at the following locations through May 14, 2010.

- The City of Fayetteville website; <http://www.ci.fayetteville.nc.us>
- The FAST website; <http://www.ridefast.net/>
- The Cumberland County Public Library and Information Center located at 300 Maiden Lane in Fayetteville, North Carolina. The documents may be found in the Reference Section of the library.
- At City Hall, 433 Hay Street, during normal working days and hours; Contact Craig Hampton, Special Projects Director, 910-433-1786 or champton@ci.fay.nc.us Written comments regarding this report should also be sent to the aforementioned at 433 Hay Street, Fayetteville, NC 28301.

PUBLIC HEARING POLICY:

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.

Fifteen minutes will be allowed for each side of the issue at a public hearing. The City Council in its discretion may extend the time. Individual speakers will be limited to 3 minutes each unless by previous arrangement a single spokesman is designated, in which case the spokesman may use the entire 15 minutes. Time used in response to a question from a Council member will not be counted against the allotted 15 minutes.

No one in the audience will be permitted to speak during Council discussion and debate except in response to a question from a Council member recognized by the Chair.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Mayor Jeannie Stultz (Gastonia) National Trainer for Keep America Beautiful & Brenda Ewadinger, NC State Director
DATE: April 12, 2010
RE: **Keep America Beautiful Certification Presentation**

THE QUESTION:

NA

RELATIONSHIP TO STRATEGIC PLAN:

- Great Place To Live
- Desirable Neighborhood
- Beauty By Design

BACKGROUND:

Keep America Beautiful (KAB) believes everyone holds an obligation to preserve and protect our environment. In 2006 the City of Fayetteville formed a Board to Gain Community-wide Support in its desire to contribute towards this effort. A Pre-certification Workshop was held, all KAB Certification Requirements were completed and the Board of Directors were provided Certification Training.

ISSUES:

NA

OPTIONS:

NA

RECOMMENDED ACTION:

NA