

**FAYETTEVILLE CITY COUNCIL  
AGENDA  
REGULAR MEETING  
SEPTEMBER 27, 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  
SEPTEMBER 27, 2010  
7:00 P.M.  
City Hall Council Chamber

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**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 Adopt a Resolution Declaring Jointly-Owned Real Property Surplus and Authorizing a Quitclaim of the City's Interest in Order to Expedite Cumberland County's Sale of Property
- 6.2 Case No. P10-28F. The rezoning of 1.3 acres at 424 McArthur Road from C1P Commercial Shopping Center District to C1 Commercial District. Robert Michael Warren owner.
- 6.3 Case No. P10-29F. The amendment of conditions on 1.67 acres of a 128.04 acre site for a Fire Station on the south side of Andrews Road across from Rosebank Drive to MU/CZ Mixed Use Conditional Zoning District. River Landing Center, LLC owner.
- 6.4 Special Sign Permit Request for temporary event signs for the Junior League's 2010 Holly Day Fair scheduled for November 4, 2010 to November 7, 2010.
- 6.5 Special Sign Permit Request for temporary event signs for the 2010 Spaghetti Fundraiser by the Saints Constantine & Helen Greek Orthodox Church.
- 6.6 Special Sign Permit Request for temporary event signs for the 2010 Home Builders Association of Fayetteville Parade of Homes scheduled for October 2 & 3, 2010 and October 9 & 10, 2010.
- 6.7 Supplemental Agreement to Existing Municipal Agreement with NCDOT for Sidewalk Construction

- 6.8 Budget Ordinance Amendment 2011-2 (Encumbrances, Designations, Street Lighting, and Environmental Clean-up and Remediation)
- 6.9 Capital Project Ordinance Amendment 2011-10 (Linear Park Project)
- 6.10 Special Revenue Fund Project Ordinance Amendment 2011-1 (Appropriation of Federal Forfeiture and Controlled Substance Tax Funds for Law Enforcement Purposes)
- 6.11 Special Revenue Fund Project Ordinance 2011-5 (FY 2010 Justice Assistance Grant Program)
- 6.12 Transfer Ownership of 1996 International 4700/EVI Rescue Squad Unit to Godwin - Falcon Volunteer Fire Department
- 6.13 Special Request to display 16 temporary event signs at fire stations the week preceding the time change each spring and fall as part of the Change Your Clock, Change Your Battery Campaign
- 6.14 Bid Recommendation - Installation of Arran Park and Crystal Springs Substations
- 6.15 Bid Recommendation - Contract for Annexation Phase V, Project III, Area 8-LaGrange
- 6.16 Resolution to Direct the Filing of an Application for a State Loan under the N.C. Clean Water Revolving Loan and Grant Act of 1987.

## **7.0 OTHER ITEMS OF BUSINESS**

- 7.1 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

Presenter: Robert T. Hurst, Jr., Council Member, District 5

- 7.2 National League of Cities Voting Delegates

Presenter: Dale Iman, City Manager

- 7.3 NC League of Municipalities Annual League Business Meeting Voting Delegates

Presenter: Dale Iman, City Manager

## **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  
SEPTEMBER 27, 2010 - 7:00 PM  
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED  
SEPTEMBER 29, 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](mailto:rmcelrath@ci.fay.nc.us), 910-433-1696, or the office of Rita Perry, City Clerk at [cityclerk@ci.fay.nc.us](mailto: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:** Tami Lewis, Senior Paralegal  
**DATE:** September 27, 2010  
**RE:** **Adopt a Resolution Declaring Jointly-Owned Real Property Surplus and Authorizing a Quitclaim of the City's Interest in Order to Expedite Cumberland County's Sale of Property**

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**THE QUESTION:**

How best to respond to a request from Cumberland County for assistance in expediting the sale of jointly-owned real property.

**RELATIONSHIP TO STRATEGIC PLAN:**

More Efficient City Government

**BACKGROUND:**

Cumberland County and the City of Fayetteville received joint title to the properties identified as 0428-86-2864 located at 2313 Slater Avenue and 0428-86-1952 located at 116 Phillips Street. Title to the subject properties is jointly held due to the foreclosure by the County in its role as tax administrator. The County has received an offer to purchase said property and is requesting the City declare the property surplus and quitclaim the City's interest to the County in order to expedite the sale. The County is in receipt of an offer to purchase the property for a price equaling the foreclosure bid; i.e., \$5,855.63. The City will receive its share of 2010 property taxes totaling \$122.00 and two assessments totaling \$620.65. If the present bid is declined, there is a good chance the property will remain in joint government ownership not earning taxes and requiring upkeep.

**ISSUES:**

None

**OPTIONS:**

1. Accept the County's request and quitclaim the City's title to the County.
2. Decline the County's request.

**RECOMMENDED ACTION:**

Adopt the attached resolution declaring the property surplus and authorize the City Manager to sign a quitclaim deed conveying the City's interest to the County in exchange for the City's share of overdue property taxes and assessments.

**ATTACHMENTS:**

Resolution

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

Resolution R2010\_\_\_\_\_

**RESOLUTION DECLARING PROPERTY EXCESS  
TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE  
IN THE PROPERTY TO CUMBERLAND COUNTY**

**WHEREAS**, the City of Fayetteville and the County of Cumberland jointly own real property in Cumberland County, said properties having the tax map designation of PIN 0428-86-2864 being 2313 Slater Ave. & 0428-86-1952 being 116 Phillips St.; and

**WHEREAS**, the City of Fayetteville has financial interest in the form of unpaid real property taxes plus unpaid City assessments in both parcels ; and

**WHEREAS**, the property is surplus to the needs of the City of Fayetteville; and

**WHEREAS**, the County of Cumberland has received an offer to purchase the parcel and requests that the City of Fayetteville join in the sale of the property by declaring the parcel surplus to the City's needs and quitclaiming the City's title to the County; and

**WHEREAS**, the City Council of the City of Fayetteville finds such actions to be in the public interest.

**NOW THEREFORE**, the City Council of the City of Fayetteville hereby declares that the aforesaid real property surplus to City's needs and authorizes its Manager to sign a deed quitclaiming title to the County of Cumberland.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by the City Council of the City of Fayetteville, North Carolina.

**CITY OF FAYETTEVILLE**

(SEAL)

By: \_\_\_\_\_  
DALE IMAN, City Manager

ATTEST:

\_\_\_\_\_  
Rita Perry, City Clerk

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, Planner II  
**DATE:** September 27, 2010  
**RE:** **Case No. P10-28F. The rezoning of 1.3 acres at 424 McArthur Road from C1P Commercial Shopping Center District to C1 Commercial District. Robert Michael Warren owner.**

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**THE QUESTION:**

Rezone a commercial zoning district to a different commercial zoning district to ease the setback requirements.

**RELATIONSHIP TO STRATEGIC PLAN:**

Growth and Development

**BACKGROUND:**

Owner: Robert Michael Warren  
Applicant: EC Garber, III  
Requested Action: C1P to C1  
Property Address: 424 McArthur Dr.  
City Council District: 1 (Bates)  
Status of Property: Developed.  
Size: 1.37 acres +/-  
Existing Land Use: Retail and Storage  
Adjoining Land Use & Zoning: North - C1P Commercial and M1 Industrial / South - C1P Commercial / East - R6 Single Family Residential and C1P Commercial / West R10 Single Family Residential  
2010 Land Use Plan: Heavy Commercial  
Letters Mailed: 31  
Transportation: McArthur Road is a major thoroughfare.

C1P – Identical to the C1 local business district except for setbacks and that plans as required by the subdivision chapter must be submitted to the planning agency for approval prior to development; and, mixed residential use is permitted with special limitations.

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 purpose for rezoning is to reduce the side yard setback requirements. The C1P district requires a minimum 30 foot side yard setback; the C1 district allows building to the property line with a firewall or a 3 foot setback without one.

Zoning Commission and Staff recommend Approval of the rezoning to C1 based on:

1. The 2010 Land Use Plan calls for Heavy Commercial for this property. (C1 is one of the City's Heavy Commercial Zoning Districts)
2. The property is currently zoned commercial.
3. The C1 Zoning District is less restrictive than the C1P in its setback standards.

**Options:**

1. Rezone the property to C1 (Recommended);
2. Set the item for public hearing to consider Denial or a Rezone of this property other than what is requested. Consistent with City practice, since this item is on the consent agenda, consideration of any action other than approval would require a public hearing to be set for an upcoming meeting to allow for required notice.

**RECOMMENDED ACTION:**

Zoning Commission and Staff recommend that the City Council move to APPROVE the rezoning from C1P Commercial District to C1 Commercial District based on the reasons provided above (in issues).

**ATTACHMENTS:**

Zoning Map

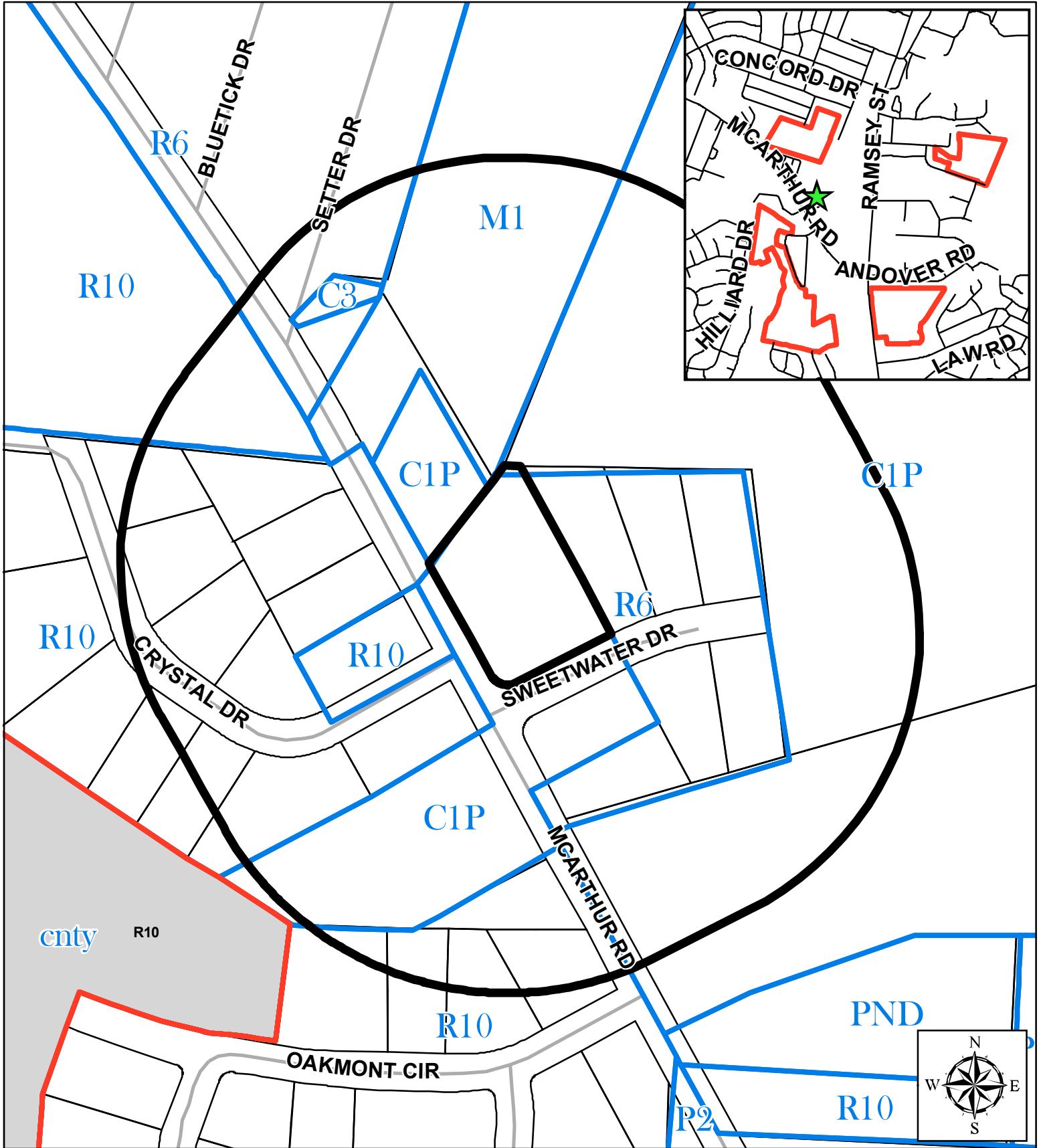
2010 Plan

Ortho Photo

Zoning Commission Minutes



**ZONING COMMISSION  
CASE NO. P10-28F**



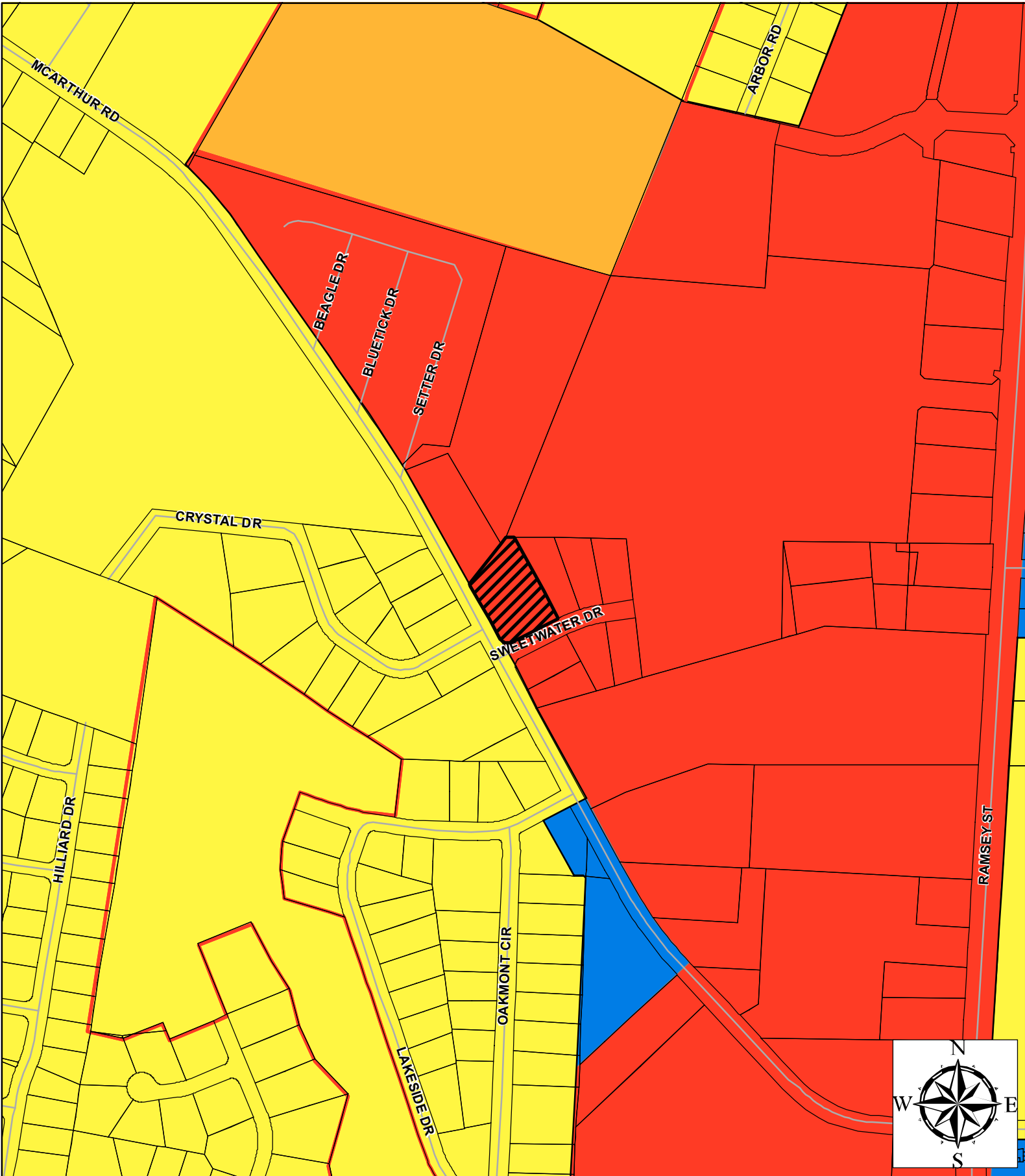
**Request: C1P to C1**  
**Location: 424 McArthur Dr.**  
**Acreage: +/- 1.3**

**Zoning Commission: 8/10/2010**    **Recommendation: \_\_\_\_\_**  
**City Council: \_\_\_\_\_**            **Final Action: \_\_\_\_\_**  
**Pin: 0439-49-3340**







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

# 2010 Land Use Plan

## Case No. P10-28F



### Legend

- |  |  |   |
|--|--|---|
|  Medium Density Residential |  Office / Institutional |  Governmental            |
|  Light Commercial           |  Heavy Commercial       |  Low Density Residential |

6-2-2-1



ZONING COMMISSION  
CASE NO. P10-28F





**CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBER  
1ST FLOOR, CITY HALL  
AUGUST 10, 2010 @ 7:00 P.M.**

**MEMBERS PRESENT**

Pete Paoni  
Steve Mannell  
John Crawley  
Lockett Tally  
Marshall Isler  
Martin J. Hendrix

**MEMBERS ABSENT**

**OTHERS PRESENT**

Karen Hilton, Planning Manager  
Craig Harmon, Planner  
Janet Smith, Asst. City Atty  
David Steinmetz, Inspections

The meeting was called to order at 7:00pm.

**I. APPROVAL OF AGENDA**

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

**II. APPROVAL OF THE MINUTES FROM THE JULY 13, 2010 MEETING**

Mr. Isler made a motion to approve the minutes from the July 13, 2010 meeting. Mr. Paoni seconded the motion. A vote was taken and passed unanimously.

**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**

**III. PUBLIC HEARINGS**

- A. Case No. P10-28F. The rezoning from C1P Commercial Shopping Center District to C1 Commercial or to a more restrictive zoning classification for property located at 424 Mc Arthur Road. Containing 1.3 acres more or less and being the property of Robert Michael Warren.**

Mr. Harmon presented the case. He 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 heavy commercial.

Mr. Harmon explained that the purpose for rezoning request is to reduce the side yard setback requirements on the property. He explained that the C1P district requires a minimum 30 foot side yard setback; the C1 district allows building to the property line with a firewall or a 3 foot setback without one.

Mr. Harmon stated that it was Planning Staff recommendation to approve the rezoning to C1 based on the following reasons:

1. The 2010 Land Use Plan calls for Heavy Commercial for this property.
2. The property is currently zoned commercial.
3. The C1 Zoning District is less restrictive than the C1P in its setback standards.

Mr. Harmon asked if there were questions for staff. Mr. Isler asked for clarification from between the C1 zoning and the C1P zoning.

The public hearing was opened.

Mr. Ned Garber appeared in favor of the request. He stated that he was available for any questions the Commission might have.

Mr. Isler asked why Mr. Garber needed the change in zoning for the property. Mr. Garber explained the tenant is going to renovate the building on the property and needed the additional footage available for with the new zoning.

Mr. Paoni asked about the set back requirements. Mr. Steinmetz explained it would be 15 feet from the right of way and not from the middle of the road.

No one appeared in opposition of the request. The public hearing was closed.

Mr. Crawley made a motion to approve the request to rezone the property from C1P Commercial Shopping Center to C1 Commercial or to a more restrictive zoning classification. Mr. Talley seconded the motion. A vote was taken and passed unanimously.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, Planner II  
**DATE:** September 27, 2010  
**RE:** **Case No. P10-29F. The amendment of conditions on 1.67 acres of a 128.04 acre site for a Fire Station on the south side of Andrews Road across from Rosebank Drive to MU/CZ Mixed Use Conditional Zoning District. River Landing Center, LLC owner.**

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**THE QUESTION:**

Amend the conditions on a portion of a site zoned MU/CZ to allow for a City of Fayetteville Firestation.

**RELATIONSHIP TO STRATEGIC PLAN:**

Growth and Development

**BACKGROUND:**

Owner: River Landing Center, LLC  
Applicant: Lawrence Walsh  
Requested Action: MU/CZ to MU/CZ (change in conditions)  
Property Address: Between 525 & 1051 Andrews Rd  
City Council District: 1 (Bates)  
Status of Property: Approved mixed use development through the County.  
Size: 1.67 of 128.04 acres +/-  
Existing Land Use: Vacant  
Adjoining Land Use & Zoning: North - PND and County / South - I-295 right-of-way, PND, R10 & County / East - County / West County  
2010 Land Use Plan: Low Density Residential and Conservation  
Letters Mailed: 142  
Transportation: Andrews Road is a major thoroughfare, with an average daily traffic count of 5,400 vehicles at its intersection with Ramsey Street.

MU - This district is designed for the flexibility of development and use of the property subject to predetermined ordinance standards and rules imposed as part of the legislative decision creating the district and applying it to the particular property.

**ISSUES:**

A Fire Station is a permitted use in most districts including residential. The MU Districts for both the City and County specifically restrict the approval of development to the uses identified by the approved conditional zoning district. A site plan is one of the approved conditions.

This property was annexed into Fayetteville's City Limits in January of 2010. Prior to that Cumberland County approved this property for a Mixed Use Development / Conditional Use District on April 20, 2009. Right-of-Way for the I-295 Bypass runs along the southern border of the property.

Although storm water facilities were designed to handle development of this site, this 1.67 acre portion of the development was left vacant with no designation as to future use when the zoning was approved by the County and subsequently by the City after annexation. The property owner is now requesting a change in conditions for the 1.67 acres in question.

If successful, the rezoning of this property would allow the City of Fayetteville to build a new Fire Station on Andrews Road. The revised conditions to this Conditional Zoning District consist of the attached site plan for the 1.67 acre site only and that the site be used by the City of Fayetteville for Government Facilities.

Zoning Commission and Staff recommend approval of the MU/CZ zoning district based on the following:

1. Public need for a new Fire Station in the Andrews Road area.
2. Andrews Road is a major thoroughfare and provides appropriate access to the area around it.
3. The Fire Station would be placed in an area adjacent to approved office buildings in the MU/CZ District.

**OPTIONS:**

1) Zone the property to MU/CZ Mixed Use Conditional Zoning with changes to conditions in accordance with the site plan (Recommended);

2) Set the item for public hearing to consider Denying the Rezone of this property or for a change in proposed conditions. (Since this item is placed on consent consistent with City practice, considering denial would require a public hearing set for an upcoming meeting to allow for required notice.)

**RECOMMENDED ACTION:**

Zoning Commission and Staff recommend that the City Council move to:

Option 1) Approve the rezoning to amend the conditions of a MU/CZ Mixed Use Conditional Zoning District based on the reasons provided above (in issues).

**ATTACHMENTS:**

Zoning Map

Site Plan

Building

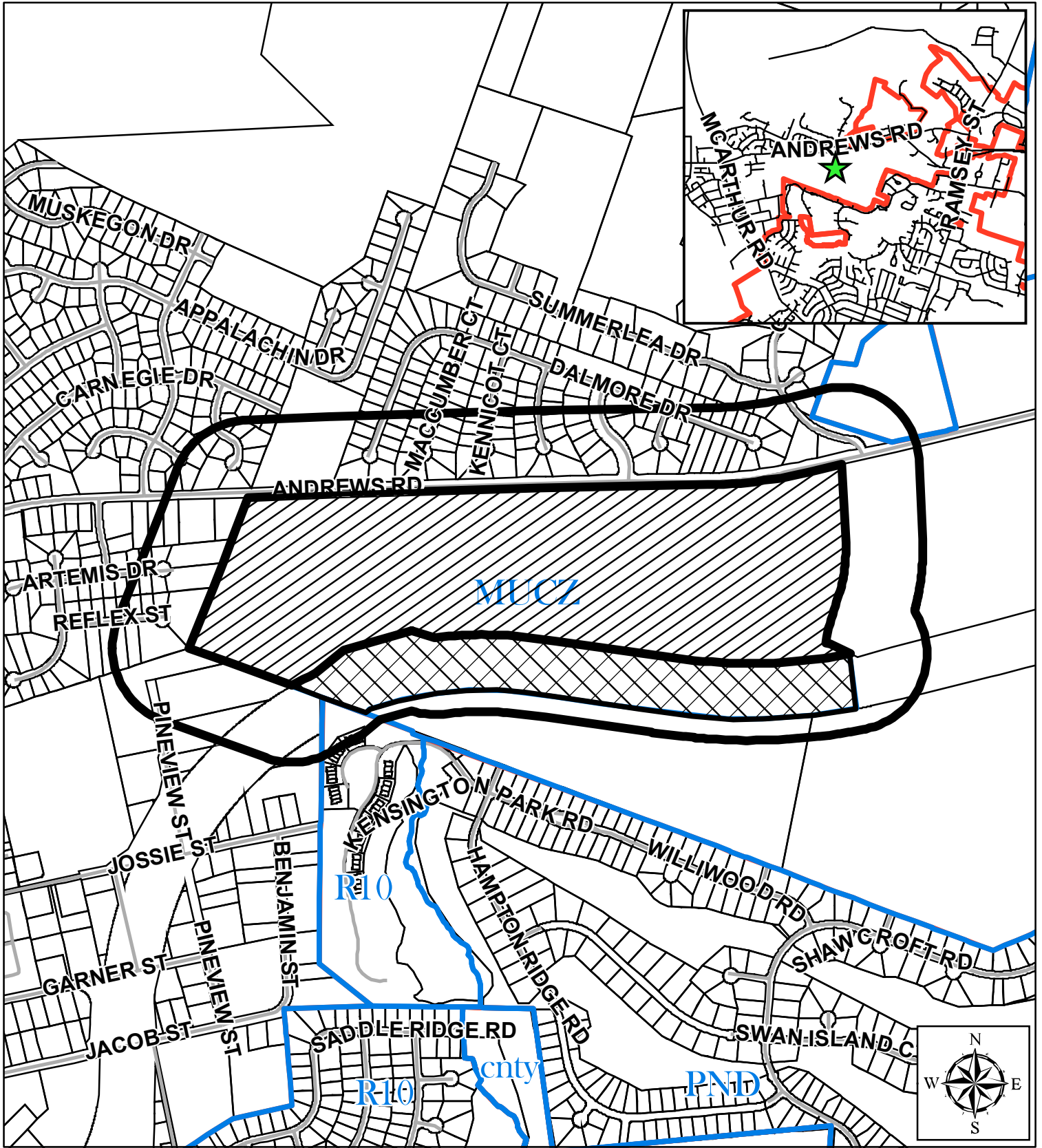
Site Plan - Original

Neighborhood Meeting Ltr

Mailing Distribution List

Zoning Commission Minutes

**ZONING COMMISSION  
CASE NO. P10-29F**



**Request:** Amendment to MU/CZ  
**Location:** Between 525 & 1051 Andrews Rd  
**Acreage:** +/- 1.67 acres of 128 acres

**Zoning Commission:** 8/10/2010    **Recommendation:** \_\_\_\_\_  
**City Council:** \_\_\_\_\_    **Final Action:** \_\_\_\_\_  
**Pin:** 0531-00-6765

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



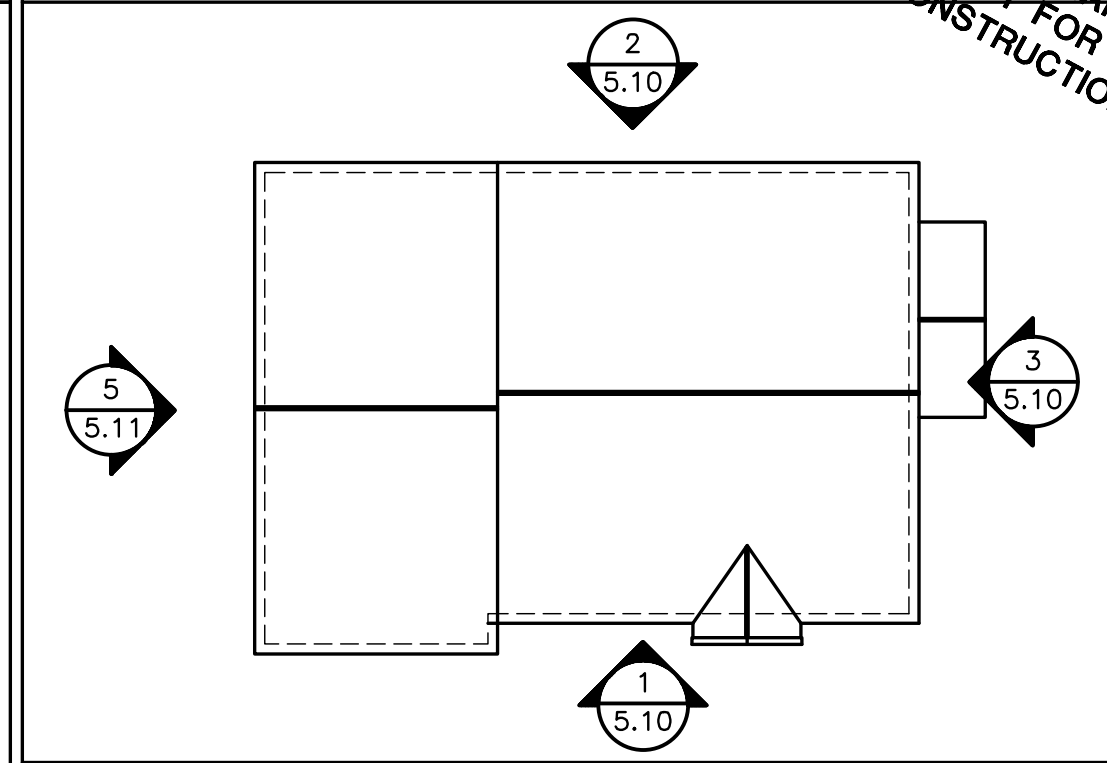


**ELEVATIONS**

SCALE AS NOTED

**KEY PLAN**

PRELIMINARY  
NOT FOR  
CONSTRUCTION



Project No.  
**1320**  
Date  
XX/XX/09  
Drawn  
J.JACKSON  
Checked  
XX  
Revisions

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8/10/2010

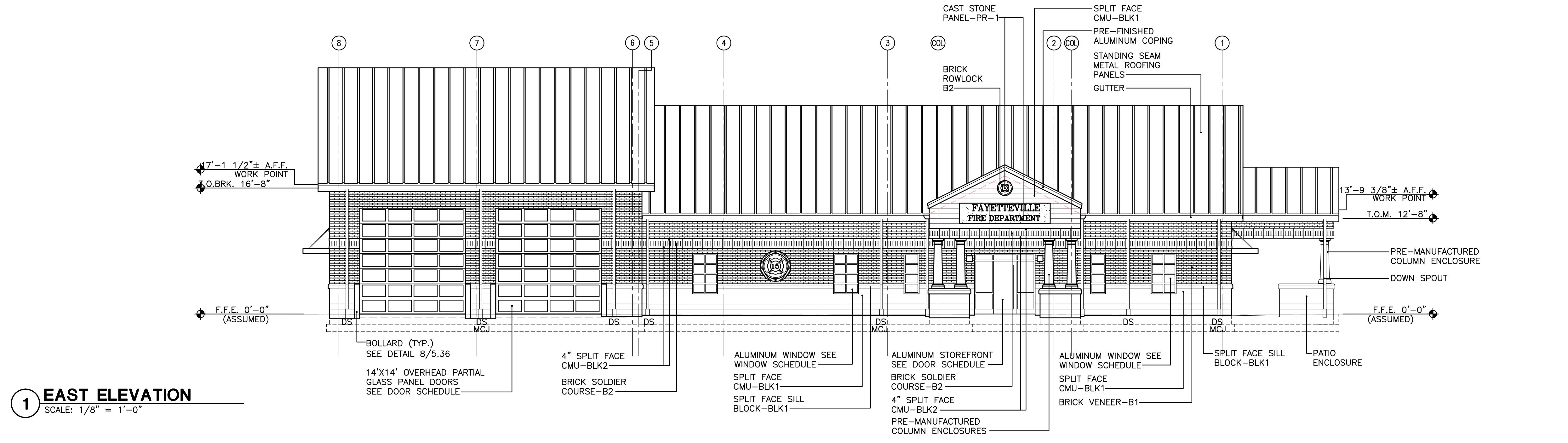
719 East Second Avenue  
Gastonia, NC 28054  
Phone: 704.865.0311  
Fax: 704.865.0646  
2016 Sumner St., Suite 202  
Columbia, SC 29201  
Phone: 803.765.9011  
Fax: 803.765.2011

**Stewart-Cooper-Newell Architects**  
www.scn-architects.com  
1.800.671.0621

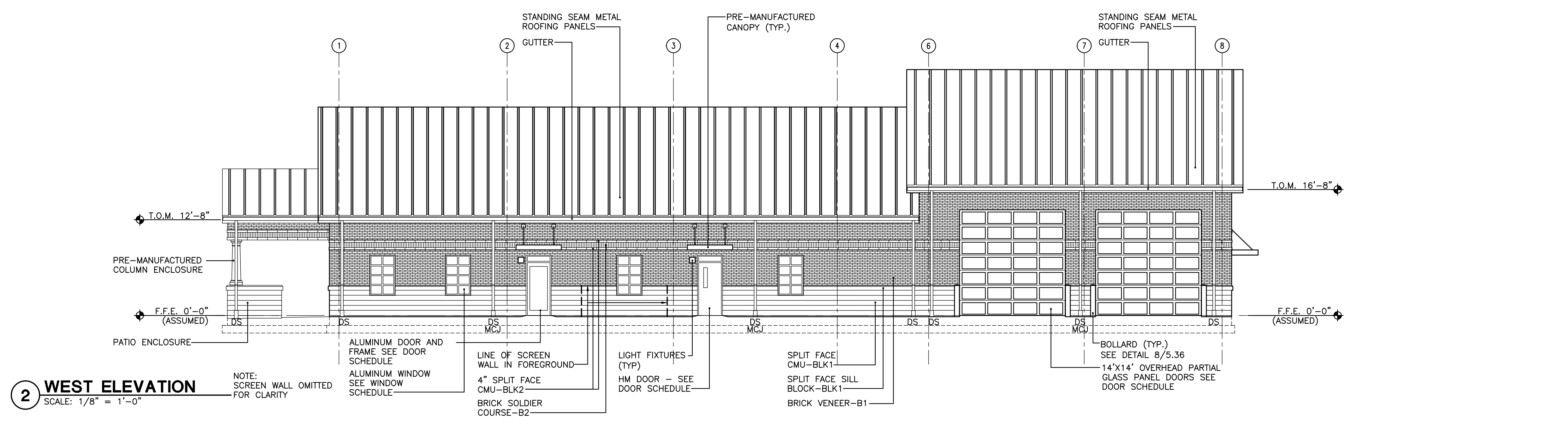
**SCHEMATIC DESIGN**

**FIRE / EMERGENCY MANAGEMENT**  
FAYETTEVILLE FIRE STATION 19  
Fayetteville, North Carolina  
BUILDING ELEVATIONS & MATERIALS

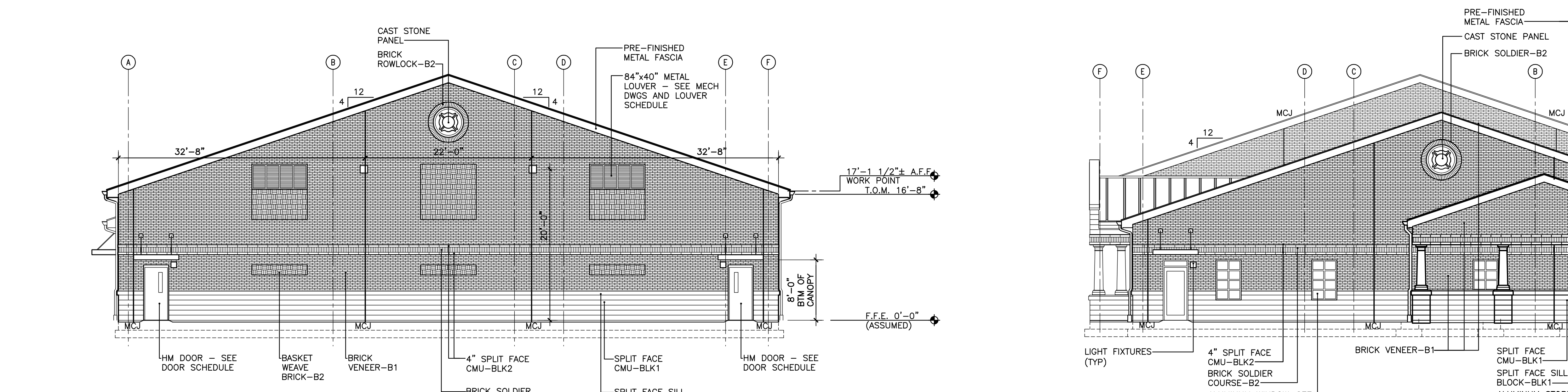
sheet  
**5.10**



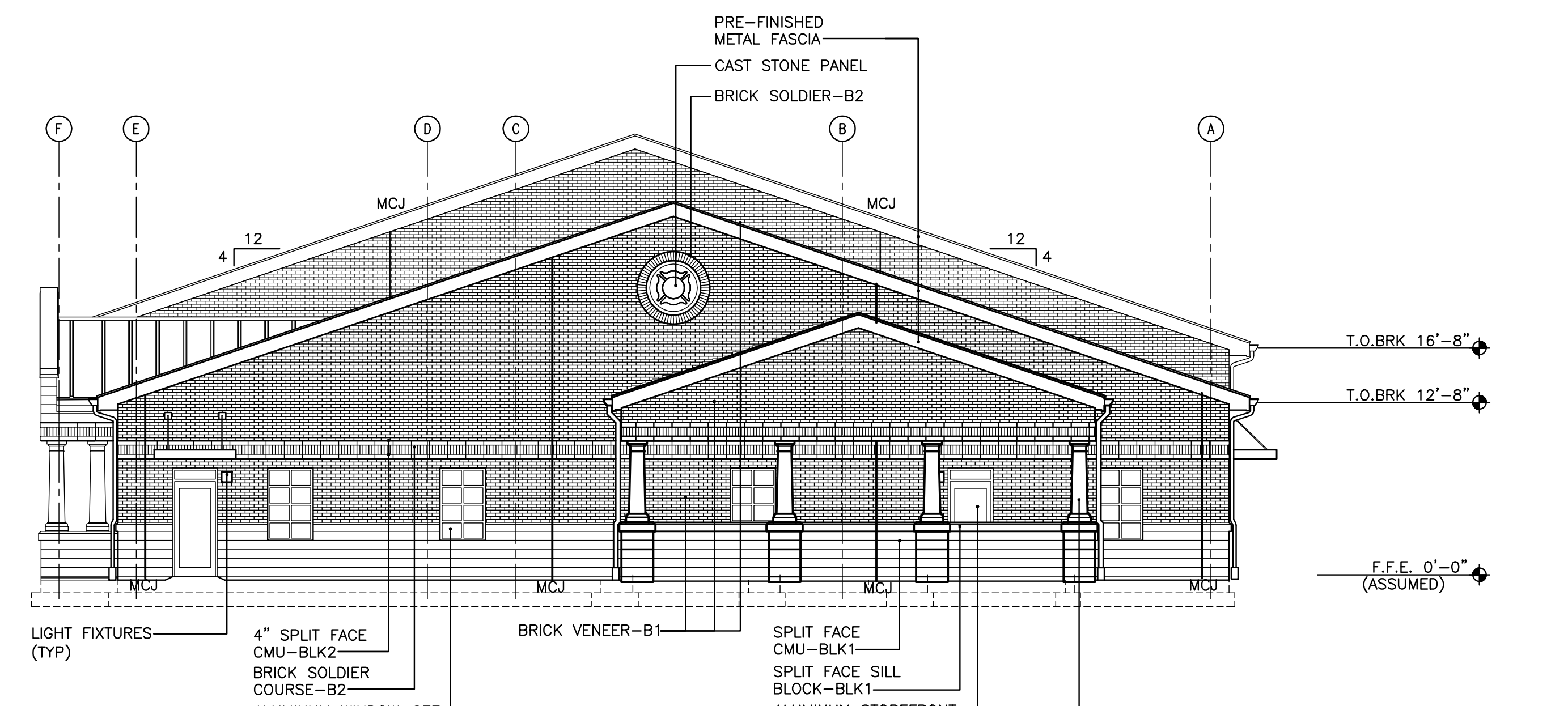
**1 EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**2 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**3 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**4 NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"

**EXTERIOR MATERIALS**

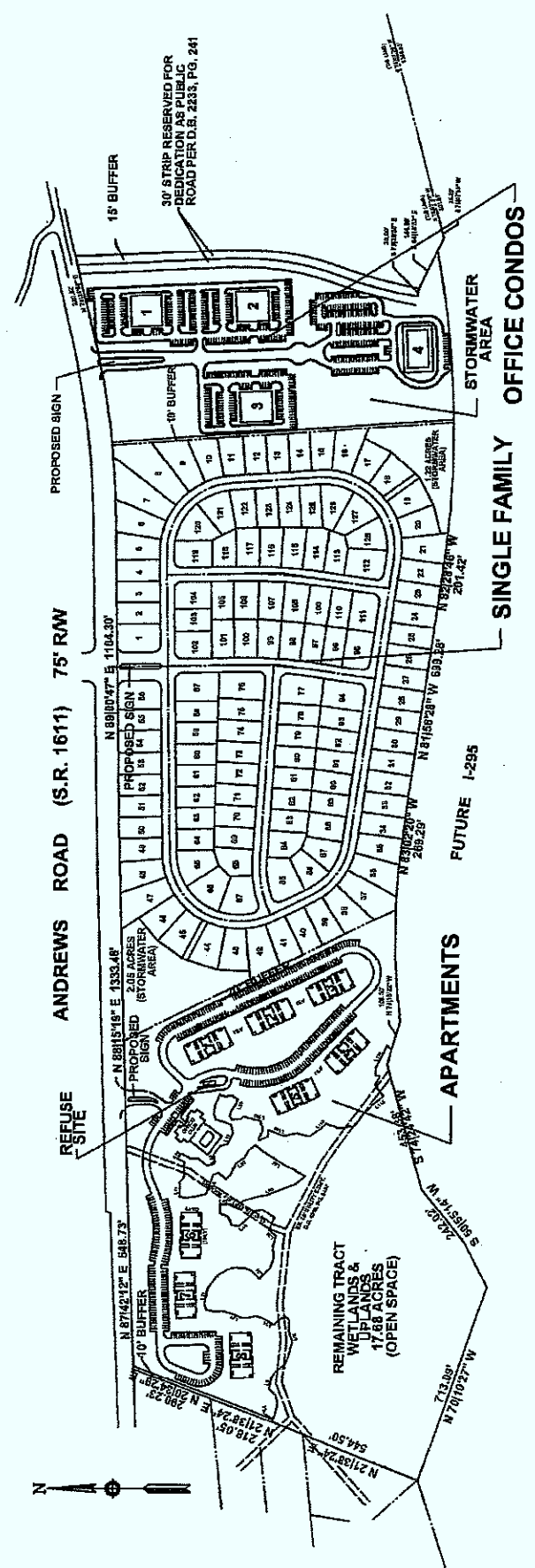
- BRICK NOTES**  
MANUF. - TRIANGLE BRICK & TAYLOR CLAY PRODUCTS (TRIANGLE REP.)  
B1 BRICK VENEER - FIELD COLOR - WILLIAMSBURG HANDFORM  
B2 BRICK VENEER - ACCENT SOLDIER - #374 AUTUMN BLEND WIRECUT
- BLOCK NOTES**  
MANUF. - METROMONT  
BLK1 SPLIT FACE CMU - WATERTABLE COLOR - #98 MANILLA TAN  
BLK2 SPLIT FACE CMU - 4" ACCENT BANDS - #93 ANTIQUE GRAY
- PRECAST NOTES**  
PR-1 MANUF. - PINEAPPLE GROVE - COLOR - COQUINA WHITE  
MORTAR - TYPE 'S'  
MORTAR - COLOR TO BE SELECTED
- HORIZ. & VERT. MORTAR JOINTS**  
TOOLED "V"-GROOVE
- MASONRY CONTROL JOINTS**  
COLOR - MATCH COLOR OF BRICK WHERE CONTROL JOINTS  
THIS WILL REQUIRE TWO (2) COLORS.
- BOLLARDS**  
COLOR - TO BE SIGNAL YELLOW
- ROOF PANEL NOTES**  
MANUF. - MBCI  
COLOR - TUNDRA  
MATCH COLOR AND MANUF. FROM EXISTING STATION #14
- OVERHEAD DOORS**  
COLOR - CLEAR NATURAL ANODIZED
- ALUMINUM COPING**  
COLOR - TO MATCH ROOF COLOR - SEAFOG
- GUTTERS & DOWNSPOUTS**  
COLOR - MATCH SEAFOG - METAL ROOF COLOR
- HOLLOW METAL DOORS**  
COLOR - MATCH SEAFOG - METAL ROOF COLOR
- HOLLOW METAL FRAMES**  
COLOR - MATCH SEAFOG - METAL ROOF COLOR
- WINDOWS**  
COLOR - CLEAR ANODIZED ALUMINUM
- STOREFRONT**  
COLOR - CLEAR ANODIZED ALUMINUM
- METAL SOFFIT**  
COLOR - WHITE
- METAL LOUVERS**  
COLOR - CLEAR ANODIZED ALUMINUM



**# OF SINGLE FAMILY:** 128 LOTS  
**# OF APARTMENTS:** 192 UNITS, (8 EACH, 3-STORY, 24 UNIT BLDGS)  
**# OF STORIES FOR OFFICE CONDOS:** 3 STORIES PER BLDG (4 BLDGS, 124,950 SQ. FT. TOTAL)

**\*Calculations based on total land area 99.63± acres**  
**18% Open Space - 17.68± acres**

**\*Calculations based on net land area of 81.95 acres**  
**56% Single Family - 45.86± Acres**  
**24% Apartments - 20.06± Acres**  
**20% Professional (Office Condos) - 16 ± Acres**



**MIXED USE DEVELOPMENT - CONDITIONAL USE DISTRICT & PERMIT**  
**CASE: P09-06 ACREAGE: 99.63±**  
**SCALE: NTS**

\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

2/26/2009  
3/10/2009

# P10-29F Public Notice Letter

August 3, 2010

PLANNING DEPARTMENT  
433 HAY ST  
FAYETTEVILLE NC 28301

Dear Resident:

River Landing Development, LLC, is proposing to amend an approved Mixed Use/Conditional Zoning (MU/CZ) to allow a City of Fayetteville Fire Station to be constructed on 1.67 acres of the 128.04 acre development. This site is located on the south side of Andrews Road across from Rosebank Drive. The conditional zoning method requires a site plan and restrictions can be placed on the development of the property. Once approved, if new buildings or major changes are proposed, the original approval plan must be amended through a similar review and approval process.

The amendment to the existing approved MU/CZ Mixed Use/Conditional Zoning is necessary for the following reasons:

1. The development was originally approved by Cumberland County for a Mixed Use/Conditional zoning. Later, the City of Fayetteville approved the petition for annexation and accepted the plans and existing zoning as MU/CZ, matching the County's zoning of the property.

2. The site plan approved as part of that rezoning did not show a future development of this 1.67 acre parcel, although its development was anticipated in the calculations of stormwater and drainage improvements for the entire project area.

3. This 1.67 acre site was offered as one of very few in the area able to meet the needs for providing quick, professional fire protection services to this growing part of the community.

4. The addition of the fire station (or any other use) on this site is treated as an amendment to the original plan, following the same process as the original approval. If approved, the new development would have to follow the site plan that is part of the application, plus any conditions accepted as part of the approval process.

The Conditional Zoning process provides for an informal neighborhood meeting to discuss the project and receive your comments and/or questions. A copy of the proposed site plan will be available at the meeting. The neighborhood meeting will take place on August 9 at 5:30 p.m. in the Lafayette Room on the first floor of City Hall at 433 Hay Street. The city planning staff and myself will be present at the meeting to address your questions.

Afterwards, the process includes a public hearing by the Fayetteville Zoning Commission on Tuesday, August 10, 2010 at 7:00 p.m. The City Planning Department will send letters regarding that meeting later this month. Another public hearing would be held by the City Council following receipt of the recommendation of the Zoning Commission. That is likely to be September 27 at 7:00; again, letters will be sent to confirm the date of that hearing.

Should you have any questions, please feel free to call me at 910-433-1786.

I look forward to seeing you on Tuesday, August 9 at 5:30.

Sincerely,

*Craig Hampton*

Craig Hampton,  
Special Projects Director

Cc: Craig Harmon/P10-29F File  
Chief Benjamin Nichols

MAIL DISTRIBUTION LIST

OWNER NAME	ST NUM	MAIL DISTRIBUTION LIST ST NAME	ST SUFIX	CITY	ST	ZIP
PLANNING DEPARTMENT	433	HAY	ST	FAYETTEVILLE	NC	28301
ANDERSON, JASON & WIFE JAIME	3500	ARRONDALE	CT	FAYETTEVILLE	NC	28311
ANDERSON, JERRY W & WIFE	728	DALMORE	DR	FAYETTEVILLE	NC	28311
ANDREWS ROAD CO	PO	BOX 58329		FAYETTEVILLE	NC	28305
ANDREWS, JACQUELINE C	1279	ANDREWS	RD	FAYETTEVILLE	NC	28311
APONTE, JOSEPH J & WIFE	964	DALMORE	DR	FAYETTEVILLE	NC	28311
ARNDT, JONATHAN W	1114	REFLEX	ST	FAYETTEVILLE	NC	28311
BARNES, MICHAEL D	952	DALMORE	DR	FAYETTEVILLE	NC	28311
BEAN, DEREK G & WIFE	6415	COUNTRYSIDE	DR	FAYETTEVILLE	NC	28311
BEELER, KEVIN	6416	COUNTRYSIDE	DR	FAYETTEVILLE	NC	28311
BEGGS, DANELLA L & HUSBAND	945	DALMORE	DR	FAYETTEVILLE	NC	28311
BELL, HENRY D & WIFE	712	DALMORE	DR	FAYETTEVILLE	NC	28311
BERRIOS, ABNER I & WIFE	724	DALMORE	DR	FAYETTEVILLE	NC	28311
BLACK, WILLIE J & WIFE	956	DALMORE	DR	FAYETTEVILLE	NC	28311
BORGEN, DEYMOS O & WIFE	3509	KENNICOT	CT	FAYETTEVILLE	NC	28311
BRILL, ANTHONY J	675	GLENOLA	ST	FAYETTEVILLE	NC	28311
CAICEDO, CARLOS E & WIFE	3513	MACCUMBER	CT	FAYETTEVILLE	NC	28311
CALDWELL, JOHN L & WIFE	717	CARNEGIE	DR	FAYETTEVILLE	NC	28311
CARTER, CAMERON K & WIFE	3541	ROSEBANK	DR	FAYETTEVILLE	NC	28311
CLAUDE, GEORGE W JR & WIFE	3501	ARRONDALE	CT	FAYETTEVILLE	NC	28311
CLUKEY, DAVID S & WIFE DAWN M	737	DALMORE	DR	FAYETTEVILLE	NC	28311
COOK, EDWARD S JR &	436	SUMMERLEA	DR	FAYETTEVILLE	NC	28311
COWARD, CLAUDE W & WIFE	918	WESTLAND RIDGE	RD	FAYETTEVILLE	NC	28311
COX, SHANNON CHARLSI	732	DALMORE	DR	FAYETTEVILLE	NC	28311
CRA HOME BUILDERS INC	PO	BOX 53646		FAYETTEVILLE	NC	28305
CUMBERLAND COUNTY BD OF ED	PO	BOX 2357		FAYETTEVILLE	NC	28302
DAVIS, JOSPEH & WIFE	721	CARNEGIE	ST	FAYETTEVILLE	NC	28311
DE LA VEGA, MARIO E	PO	BOX 26252		FAYETTEVILLE	NC	28314
DE VEYRA, EMILY J & HUSBAND	713	DALMORE	DR	FAYETTEVILLE	NC	28311
DELUCIA, DENA M	916	WESTLAND RIDGE	RD	FAYETTEVILLE	NC	28311
DEVEAULT, MICHAEL R & WIFE	745	DALMORE	DR	FAYETTEVILLE	NC	28311
DIAZ, YANIMAR	1117	REFLEX	ST	FAYETTEVILLE	NC	28311
DICIRO, TORREY & WIFE MICHELE	3546	ROSEBANK	DR	FAYETTEVILLE	NC	28311
DIVITTORIO, MICHAEL A & WIFE	3504	KENNICOT	CT	FAYETTEVILLE	NC	28311
DIXON, BRUCE W & WIFE LORI W	740	DALMORE	DR	FAYETTEVILLE	NC	28311
EDGE, GARLAND DANIEL	1102	REFLEX	ST	FAYETTEVILLE	NC	28311
ELLIOTT, BILLY L & WIFE LINDA	6611	RADCLIFF	CT	FAYETTEVILLE	NC	28311
ELLIOTT, JULIUS D	7558	TISSINGTON	CT	FAYETTEVILLE	NC	28311
ERISMAN, KERRY L & WIFE	301	SUMMERLEA	CT	FAYETTEVILLE	NC	28311
FDYFIL, CYNTHIA D	264	PACIFIC	AVE	JERSEY CITY	NJ	07304
FINCH, ANGELA CARR & HUSBAND	1111	REFLEX	ST	FAYETTEVILLE	NC	28311
FORD, LED & WIFE MARY LEARY	6335	PATTON	ST	FAYETTEVILLE	NC	28311

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FRIPP, FREDERICK A & WIFE	3513	KINNICOT	CT	FAYETTEVILLE	NC	28311
GIBSON, MICHAEL & WIFE CYNTHIA	3165	N ATLANTIC	AVE	8402 COCOA BEACH	FL	32931
GLASS, STACY A & WIFE ANITA L	3500	KENNICOT	CT	FAYETTEVILLE	NC	28311
GOLSTEYN, MATHEW L & WIFE	3510	HARBISON	CT	FAYETTEVILLE	NC	28311
GOODWIN, RICHARD T & WIFE	751	DALMORE	DR	FAYETTEVILLE	NC	28311
GREGORY, LEROY & WIFE ANNMARIE	3534	ROSEBANK	DR	FAYETTEVILLE	NC	28311
GRINDLE, JAMES P & WIFE	804	TULSA	CT	FAYETTEVILLE	NC	28311
HALE, DAVID & WIFE CHRISTINE	6615	RADCLIFFE	CT	FAYETTEVILLE	NC	28311
HAMILTON, BRIAN M & WIFE	922	WESTLAND RIDGE	RD	FAYETTEVILLE	NC	28311
HANSON, ANTHONY R & WIFE	1115	REFLEX	ST	FAYETTEVILLE	NC	28311
HARRIS, JOSEPH C & WIFE	3503	KENNICOT	CT	FAYETTEVILLE	NC	28311
HARRIS, SHERMAN W & WIFE	713	CARNEGIE	ST	FAYETTEVILLE	NC	28311
HEBERT, PETER J & WIFE	3508	KENNICOT	CT	FAYETTEVILLE	NC	28311
HERNANDEZ, BRYAN P & WIFE	3505	HARBISON	CT	FAYETTEVILLE	NC	28311
HILL, COREY D & WIFE HAYVA E	721	DALMORE	DR	FAYETTEVILLE	NC	28311
HOLMAN, SHERRILYNN & ALVIN D	3518	MACCUMBER	CT	FAYETTEVILLE	NC	28311
HOLMES, JAMES G & WIFE	961	DALMORE	DR	FAYETTEVILLE	NC	28311
HOUGH, JEREMY F & WIFE KELLY M	3516	KENNICOT	CT	FAYETTEVILLE	NC	28311
HUERTER, MICHAEL S & WIFE	3512	KENNICOT	DR	FAYETTEVILLE	NC	28311
INVERNESS ON ANDREWS	3534	ROSEBANK	DR	FAYETTEVILLE	NC	28311
INVERNESS ON ANDREWS	3771	RAMSEY	ST	109 FAYETTEVILLE	NC	28311
JACKSON, DIANE C & HUSBAND	3501	KENNICOT	CT	FAYETTEVILLE	NC	28311
JACKSON, DOMINIC T	914	WESTLAND RIDGE	RD	FAYETTEVILLE	NC	28311
JACKSON, JAMES W & WIFE	1112	ARTEMIS	DR	FAYETTEVILLE	NC	28311
JAMISON, STEPHANIE CALHOUN &	3514	MACCUMBER	CT	FAYETTEVILLE	NC	28311
JONES, ALVIN & WIFE	3517	HARBISON	CT	FAYETTEVILLE	NC	28311
JONES, KEVIN L & WIFE STACY	1101	ARTEMIS	DR	FAYETTEVILLE	NC	28311
JONI, RUTH A	748	DALMORE	DR	FAYETTEVILLE	NC	28311
JORDAN, MICHAEL & WIFE	3510	MACCUMBER	CT	FAYETTEVILLE	NC	28311
JORDAN, STUART L	912	WESTLAND RIDGE	RD	FAYETTEVILLE	NC	28311
KALOOSTIAN, MICHAEL R & WIFE	1110	REFLEX	ST	FAYETTEVILLE	NC	28311
KAMENBURY DEVELOPMENT LLC	1821	MCARTHUR	RD	FAYETTEVILLE	NC	28311
KEELING, STEPHEN E & WIFE	409	SUMMERLEA	DR	FAYETTEVILLE	NC	28311
KEENER, DANIEL A	1108	ARTEMIS	DR	FAYETTEVILLE	NC	28311
KENNEDY, MICHAEL LYNN	6604	RADCLIFF	CT	FAYETTEVILLE	NC	28311
KINGS GRANT TOWNHOME ASSOC	PO	BOX 53646		FAYETTEVILLE	NC	28305
LANDERS, ANDREW L & WIFE	741	DALMORE	DR	FAYETTEVILLE	NC	28311
LEE, ROBERT D JR & WIFE	725	DALMORE	DR	FAYETTEVILLE	NC	28311
LEVY, GARY ROBERT	920	WESTLAND	RDG	FAYETTEVILLE	NC	28311
LINCOLN, ROBERT L & WIFE	3504	ARRONDALE	CT	FAYETTEVILLE	NC	28311
LITVIN, JOHN F	3505	MACCUMBER	CT	FAYETTEVILLE	NC	28311

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MANLEY, ROBERT L III & WIFE	3509	MACCUMBER	CT	FAYETTEVILLE	NC	28311
MARGOLIN, CYNTHIA E	953	DALMORE	DR	FAYETTEVILLE	NC	28311
MARIN, LUIS D & WIFE MARIA L	1119	REFLEX	ST	FAYETTEVILLE	NC	28311
MASOTTI, JOHN B & WIFE	720	DALMORE	DR	FAYETTEVILLE	NC	28311
MAY, WILLIAM ALAN & WIFE	3537	ROSEBANK	DR	FAYETTEVILLE	NC	28311
MCDANIEL, RODERICK L & WIFE	949	DALMORE	DR	FAYETTEVILLE	NC	28311
MCGLEISH, SCOTT T & WIFE	3509	HARBISON	CT	FAYETTEVILLE	NC	28311
MCKOY, JAMES W & MARGARET G	PO	BOX 238		STERLING	VA	20167
MELVIN, ACIE J	46 D	WEDGEWOOD	DR	SPRING LAKE	NC	28390
METZINGER, DALE B &	6608	RADCLIFF	CT	FAYETTEVILLE	NC	28311
MORRIS, MICHAEL WAYNE	6612	RADCLIFFE	CT	FAYETTEVILLE	NC	28311
MORRISEY, HENRY J & WIFE	3526	MACCUMBER	CT	FAYETTEVILLE	NC	28311
MURPHY, THOMAS D JR & WIFE	4408	SAUL	RD	KENSINGTON	MD	20895
NEW, KRISTINA R	736	DALMORE	DR	FAYETTEVILLE	NC	28311
PARKER, CAROLYN G	3502	MACCUMBER	CT	FAYETTEVILLE	NC	28311
PARUCHABUTR, GITTIPOG & WIFE	1123	REFLEX	DR	FAYETTEVILLE	NC	28311
PECK, DAVID ELLIS	6610	RADCLIFFE	CT	FAYETTEVILLE	NC	28311
PERRY, BURNISE & WIFE ANNA L	733	DALMORE	DR	FAYETTEVILLE	NC	28311
PISONE, TIMMY D	3513	HARBISON	CT	FAYETTEVILLE	NC	28311
POUND, DAVID M & WIFE	3518	HARBISON	CT	FAYETTEVILLE	NC	28311
QUARTERMAIN CONSTRUCTION CO	PO	BOX 53646		FAYETTEVILLE	NC	28305
RAMIREZ, MARIO A & WIFE	1109	ARTEMIS	DR	FAYETTEVILLE	NC	28311
RIGAUD, RONALD M & WIFE	3522	MACCUMBER	CT	FAYETTEVILLE	NC	28311
ROMAN CATHOLIC DIOCESES OF RAL	715	NAZARETH	ST	RALEIGH	NC	27606
RORIE, LINDA F	6602	RADCLIFF	CT	FAYETTEVILLE	NC	28311
RUSH, VICTORIA C & HUSBAND	957	DALMORE	DR	FAYETTEVILLE	NC	28311
SATTERLEE, SUSAN M & WIFE	802	TULSA	CT	FAYETTEVILLE	NC	28311
SCHNEIDER, MARIA D & HUSBAND	3506	HARBISON	CT	FAYETTEVILLE	NC	28311
SHAW, JERRY & SHERRY	891	ANDREWS	RD	FAYETTEVILLE	NC	28311
SHENEP, PAUL T JR	3501	HARBISON	CT	FAYETTEVILLE	NC	28311
SILVA, BRIAN J & WIFE	3533	ROSEBANK	DR	FAYETTEVILLE	NC	28311
SIVLEY, JOHN C & WIFE	3514	HARBISON	CT	FAYETTEVILLE	NC	28311
SOLIS, ANGELICA	1113	ARTEMIS	DR	FAYETTEVILLE	NC	28311
SPARKS, CAROL LAUFFER &	3517	MACCUMBER	CT	FAYETTEVILLE	NC	28311
STANLEY, KATHERINE R	895	ANDREWS	RD	FAYETTEVILLE	NC	28311
STEVENS, RUDY L & WIFE	1117	ARTEMIS	DR	FAYETTEVILLE	NC	28311
SWILLEY, DARIEN K & WIFE	3506	MACCUMBER	CT	FAYETTEVILLE	NC	28311
TATE, NATHANIEL & WIFE JUDY	948	DALMOR	DR	FAYETTEVILLE	NC	28305
TAYLOR, KENNETH & WIFE RADA	960	DALMORE	DR	FAYETTEVILLE	NC	28311
TEAGLE, JOSEPH L & WIFE	965	DALMORE	DR	FAYETTEVILLE	NC	28311
THOMAS, RODNEY L & WIFE	3505	ARRONDALE	CT	FAYETTEVILLE	NC	28311

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VIDES, JOSE P & WIFE GRACIA	1106	REFLEX	ST	FAYETTEVILLE	NC	28311
VILLEGAS, ISMAEL & WIFE	3521	MACCUMBER	CT	FAYETTEVILLE	NC	28311
WEDLAKE, JEREMY M & WIFE	612	LAKE ARTESIA	LN	FUQUAY VARINA	NC	27526
WELCH, KENNEDY G & WIFE	729	DALMORE	DR	FAYETTEVILLE	NC	28311
WEST, LAMAR & WIFE DEMETRIS A	3529	ROSEBANK	DR	FAYETTEVILLE	NC	28311
WESTAN PARTNERS LLC	2706	FALKIRK	PL	GARNER	NC	27529
WHITE, TEAIA M & HUSBAND	709	CARNEGIE		FAYETTEVILLE	NC	28311
WHITTED, NORMAN ANTONIO	1114	JOSSIE	ST	FAYETTEVILLE	NC	28311
WILLMON, SAMUEL J & WIFE IN H	3505	KENNICOT	CT	FAYETTEVILLE	NC	28311
WORKS, KU CHA	6538	COUNTRYSIDE	DR	FAYETTEVILLE	NC	28311
YEARBY, ARTHUR J JR & WIFE	3502	HARBISON	CT	FAYETTEVILLE	NC	28311
YENRICK, JASON B	PO	BOX 846		FAYETTEVILLE	NC	28302
YORK, DANIEL LEE JR & WIFE	3545	ROSEBANK	DR	FAYETTEVILLE	NC	28311
ZACHERL, ANDREW & WIFE MARCY	401	SUMMERLEA	DR	FAYETTEVILLE	NC	28311



**CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBER  
1ST FLOOR, CITY HALL  
AUGUST 10, 2010 @ 7:00 P.M.**

**MEMBERS PRESENT**

Pete Paoni  
Steve Mannell  
John Crawley  
Lockett Tally  
Marshall Isler  
Martin J. Hendrix

**MEMBERS ABSENT**

**OTHERS PRESENT**

Karen Hilton, Planning Manager  
Craig Harmon, Planner  
Janet Smith, Asst. City Atty  
David Steinmetz, Inspections

The meeting was called to order at 7:00pm.

**I. APPROVAL OF AGENDA**

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

**II. APPROVAL OF THE MINUTES FROM THE JULY 13, 2010 MEETING**

Mr. Isler made a motion to approve the minutes from the July 13, 2010 meeting. Mr. Paoni seconded the motion. A vote was taken and passed unanimously.

**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**

**III. PUBLIC HEARINGS**

- B. Case No. P10-29F. The amendment of an existing MU/CZ Mixed Use/ Conditional Zoning District to allow development of a 1.67 acre site for a fire station on the south side of Andrews Road across from Rosebank Drive. Containing 1.67 acres of 128.04 acres more or less and being the property of River Landing Center.**

Mr. Harmon presented the case. He 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 and Conservation.

Mr. Harmon explained that a Fire Station is a permitted use in most districts including residential. He stated that both of the MU Districts for both the City and County specifically restrict the approval of development to the uses identified by the approved conditional zoning district and that a site plan is one of the approved

conditions.

Mr. Harmon explained that this property was annexed into Fayetteville's City Limits in January of 2010. He explained that prior to that Cumberland County approved this property for a Mixed Use Development / Conditional Use District on April 20, 2009. He shared that right-of-way for the I-295 Bypass runs along the southern border of the property.

Mr. Harmon stated that the property owner is now requesting a change in conditions for 1.67 of the total 128 acres of this project. He stated that although storm water facilities were designed to handle development of this the 1.67 acres in question was left vacant with no designation as to future use when the zoning was approved by the County and subsequently by the City after annexation.

Mr. Harmon stated that if successful, the rezoning of this property would allow the City of Fayetteville to build a new Fire Station on Andrews Road. He stated that the revised conditions to this Conditional Zoning District consist of the attached site plan for the 1.67 acre site only and that the site be used by the City of Fayetteville for Government Facilities.

Mr. Harmon stated that the Planning Staff recommends approval of the MU/CZ zoning district based on the following:

1. Public need for a new Fire Station in the Andrews Road area.
2. Andrews Road is a major thoroughfare and provides appropriate access to the area around it.
3. The Fire Station would be placed in an area adjacent to approved office buildings in the MU/CZ District.

Mr. Harmon stated that a community meeting was held and no one showed up from the community in regard to the request.

Mr. Harmon asked if there were any questions of staff.

The public hearing was opened.

Chief Benny Nicholas appeared in favor of the request. He stated that the only protection in that area, to include the county jurisdiction is the City of Fayetteville Fire Department. He explained that they had looked at several different property locations for the permanent station and this location became the best choice for the location. Chief Nicholas explained how access to and from the property would work. He asked if there were any questions. There were none.

Mr. Jimmy Kizer appeared in favor of the request. He stated that his company was the site engineer for the project. He stated that the site was an excellent location for the fire station.

Mr. Paoni asked about buffering on the site. Mr. Kizer explained that the buffering requirements would be met just like on all the property like any other MU/CZ zoning districts requirements. Mr. Kizer explained that there would be a tree type buffering made available.

No one appeared in opposition of the request. The public hearing was closed.

Mr. Harmon and Mr. Steinmetz explained that because a fire station can go in any zoning district and there would be no buffering requirements.

Mr. Mannell made a motion to approve the amendment of an existing MU/CZ Mixed Use/ Conditional Zoning District to allow development of a 1.67 acre site for a fire station on the south side of Andrews Road across from Rosebank Drive and it is found to be in line with the City of Fayetteville's comprehensive plan. Mr. Talley seconded the motion. A vote was taken and passed unanimously.

#### **IV. OTHER**

#### **IV. ADJOURNMENT**

Mr. Talley made a motion to adjourn the meeting. Mr. Mannell 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:** September 27, 2010  
**RE:** **Special Sign Permit Request for temporary event signs for the Junior League's 2010 Holly Day Fair scheduled for November 4, 2010 to November 7, 2010.**

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**THE QUESTION:**

Whether or not to approve the special request for temporary event signs for the Holly Day 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.

**ISSUES:**

The City Council has routinely approved similar requests for similar events for several years. Thirty-six signs have been requested to be displayed from 10/4/2010 through 11/09/2010. Past practice of staff and Council has been to recommend and approve up to 25 signs for two weeks prior to the event, and therefore staff recommendation is to limit the duration of the sign installation to two weeks.

**OPTIONS:**

1. Grant the special sign permit for up to 25 signs to be installed no sooner than October 21, 2010 and to be removed by the end of the day, November 8, 2010. Locations and size to be approved by staff.
2. Grant the special sign permit with a different limit on the number or duration of signs. Locations and size to be approved by staff.
3. Deny the special sign permit as requested

**RECOMMENDED ACTION:**

Option 1: Staff recommend that Council move to grant the special sign permit for 25 temporary signs to be installed no sooner than October 21, 2010 removed no later than November 8, 2010. Locations and size to be approved by staff.

**ATTACHMENTS:**

Sign Permit Request Letter

# HOLLY DAY FAIR

September 16, 2010

Dear Mr. Steinmetz,

In preparation for the Junior League of Fayetteville's 2010 Holly Day Fair from Nov. 4 to Nov. 7, we would like to request a Special Permit for signage.

We have six 18" by 24", double-sided sandwich boards and 30 yard signs.

For the sandwich boards, we have identified the following locations:

- Smitty's Cleaners on Hay Street
- Walgreen's at the corner of Skibo & McPherson
- Wal-Mart on Ramsey Street
- Hardee's at the corner of Raeford Road & Skibo Road
- Intersection of Skibo Road and Morganton Road
- Intersection of Campground Road and Glensford Drive

We would like to request that our dates of display be Monday, Oct. 4 through Sunday, Nov. 7 with a pick up date no later than Tuesday, Nov. 9, which is a nearly identical plan to last year.

As the largest holiday gift and craft show in eastern North Carolina, we were pleased that last year's event raised over \$270,000 for this community. It is our sincere hope that we exceed those expectations year after year and are able to sustain our focus of committing programs, projects and advocacy to ensuring children ages 0 to 18 have the opportunity and services essential to their physical, intellectual, emotional, and social well being.

We appreciate your continued support.

Thank you,

Anna Haley  
Holly Day Fair Committee

*The Junior League of Fayetteville, Inc. is an organization of women committed to promoting voluntarism, developing the potential of women, and improving the community through the effective action and leadership of trained volunteers. Its purpose is exclusively educational and charitable. The Junior League of Fayetteville, Inc. reaches out to women of all races, religions, and national origins who demonstrate an interest in and a commitment to voluntarism.*

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Karen Hilton, Planning & Zoning Division Manager  
**DATE:** September 27, 2010  
**RE:** **Special Sign Permit Request for temporary event signs for the 2010 Spaghetti Fundraiser by the Saints Constantine & Helen Greek Orthodox Church.**

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**THE QUESTION:**

Whether or not to approve the special request for temporary event signs for the Spaghetti Fundraiser being held November 17, 2010.

**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.

**ISSUES:**

The City Council has routinely approved similar requests for similar events for several years. Twenty signs have been requested to be out from 10/17/2010 through 11/17/2010. Past practice of staff and Council has been to recommend and approve up to 25 signs for two weeks prior to the event, and therefore staff recommendation is to limit the duration of the signs.

**OPTIONS:**

1. Grant the special sign permit for up to 20 signs to be installed on November 3, 2010 and to be removed by the end of the day, November 18, 2010. Locations and size to be approved by staff.
2. Grant the special sign permit with a different limit on the number or duration of signs. Locations and size to be approved by staff.
3. Deny the special sign permit as requested.

**RECOMMENDED ACTION:**

Option 1: Staff recommends that Council move to grant the special sign permit for the placement of up to 20 signs to be installed no sooner than November 3, 2010, and removed no later than November 18, 2010. Locations and size to be approved by staff.

**ATTACHMENTS:**

Sign Permit Request Letter

SAINTS CONSTANTINE & HELEN GREEK ORTHODOX CHURCH  
614 Oakridge Avenue  
Fayetteville, NC 28305

September 14, 2010

Fayetteville City Council  
c/o Fayetteville City Inspections Dept.  
433 Hay Street  
Fayetteville, NC 28301

Re: Temporary Signs for 2010 Spaghetti Fundraiser, November 17, 2010

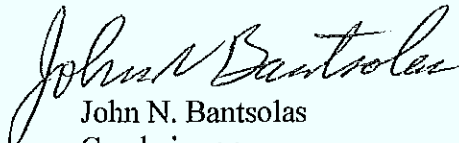
To Whom It May Concern:

The 2010 Spaghetti Fundraiser Committee requests permission to place approximately 20 temporary signs at various locations around the city (see attachment) beginning October 17, 2010, through November 17, 2010, which will announce the event. The signs are similar to real estate stick-down signs with a 36" x 24" face.

It is our understanding that the city council has to approve this request. Please contact me directly (910-977-2380) if you have any questions about the signs or our fundraiser.

Thank you for your consideration of this matter.

Sincerely,

  
John N. Bantsolas  
Co-chairman

encl

**2010 Spaghetti Fundraiser Sign Locations**

Fish & Chips, Bragg Blvd	BP Station, Morganton Rd (Hamont)
Hellenic Center, 614 Oakridge Avenue	Vick's Drive-In, Rowan St
Deno's Italian Restaurant, Grove St & Eastern Blvd	
Bar-B-Que Hut, Owen Dr	KFC, Southern Ave & Owen Dr
KFC, Raeford Rd	Baldinos, Bingham Dr (2 signs)
KFC, Morganton Rd (Cross Point Center)	Trophy House, Bragg Blvd
Miami Subs, McPherson Ch Rd	KFC, Reilly Road
Paris & Potter, Ramsey St	Pizza Palace, Hope Mills Rd
Superior Bakery, Hope Mills Rd	KFC, Hope Mills Rd & Cumberland Rd
Brick Oven, Ramsey St	George's Gyros, Yadkin Rd
Captain Jerry's, Reilly Rd	Monarch Cleaners, Ramsey St
KFC, Ramsey St	



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Member of City Council  
**FROM:** Karen Hilton, Planning & Zoning Division Manager  
**DATE:** September 27, 2010  
**RE:** **Special Sign Permit Request for temporary event signs for the 2010 Home Builders Association of Fayetteville Parade of Homes scheduled for October 2 & 3, 2010 and October 9 & 10, 2010.**

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**THE QUESTION:**

Whether or not to approve the special request for temporary event signs for the 2010 Home Builders Association of Fayetteville Parade of Homes

**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

**ISSUES:**

The City Council has routinely approved similar requests for similar events for several years. There are 26 locations participating in the Parade of Homes with approximately 10 being located in the City of Fayetteville. The applicant has requested six 18" x 24" off-site directional signs per location to be displayed 9/28/2010 through 10/11/2010. After review of the request, Staff recommends up to three 18" x 24" off-site directional signs per participating home located in the City of Fayetteville to be installed 9/28/2010 through 10/11/2010.

**OPTIONS:**

1. Grant the special sign permit for up to three 18" x 24" off-site directional signs per participating city address to be installed no sooner than September 28, 2010 and to be removed by the end of the day, October 11, 2010. Location to be approved by staff.
2. Grant the special sign permit with a different limit on the number or duration of signs. Locations to be approved by staff.
3. Deny the special sign permit as requested.

**RECOMMENDED ACTION:**

Option 1: Grant the special sign permit for up to three 18" x 24" off-site directional signs per participating city address to be installed no sooner than September 28, 2010 and to be removed by the end of the day, October 11, 2010. Location to be approved by staff.

**ATTACHMENTS:**

Sign Permit Request Letter

September 20, 2010

PARADE OF HOMES SIGN PETITION REQUEST

TO THE HONORABLE MEMBERS OF THE FAYETTEVILLE CITY COUNCIL

This letter is a formal request for a special use permit as described in section 32-59:9:1.1. of The City of Fayetteville Advertising and Sign Ordinance to allow temporary off premises signs. The purpose of the signs is to advertise the Home Builders Association of Fayetteville's Parade of Homes. The Parade of Homes will be held on the weekends of October 2, 3,9,10 at various locations inside Fayetteville and Cumberland County.

These temporary signs are 18" X 24" double sided. The signs will have the Parade of Homes logo and an arrow. The signs will be on display from Tuesday, September 28 thru Monday, October 11. Each property on the tour is allowed up to six signs.

The following are the locations of the properties on the tour:

3418 Craiglawn Drive	Gates Four
78 Spring Pond Lane	Anderson Creek Club
2017 Willowbrae Drive	Lexinton At Eastover
120 Oakridge Drive	Brownstone Farms
183 Sedona Court	Brenthaven
216 Heather Brooke Circle	Twin Creeks at Anderson Creek Club
915 Whispering Pines Drive	Anderson Creek Club
256 Rolling Pines Drive	Anderson Creek Club
3913 Stretton Woods Avenue	Estates of Camden
349 Dunblane Way	Stonegate
2901 South Bank Court	Summer Grove
6566 Running Fox Road	Roslin Farms West
6571 Running Fox Road	Roslin Farms
6026 Begonia Drive	James Creek North
14 Yancey Court	Overhills Creek
1919 Fordham Drive	The Carolina Highlands
124 Gallery Drive, Unit 204	Fairway Point
1500 St. John's Loop	Maples at Westgate
262 Eclipse Drive	Silver Hills At Springfield
71 Dexter Ridge	Whetstone West
1312 Braybrooke Place	West Park Place
2114 Ardfarn Place	Acorn Ridge
2113 Fethercombe Court	Acorn Ridge
3612 Crosswinds Drive	Crosswinds
190 Collinwood Drive	Westgate
715 Old Wilmington Road	Old Wilmington Road

Sincerely,

Natalie H. Woodbury  
Executive Officer  
Home Builders Association of Fayetteville

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Jeffery P. Brown, PE, Engineering & Infrastructure Director  
**DATE:** September 27, 2010  
**RE:** **Supplemental Agreement to Existing Municipal Agreement with NCDOT for Sidewalk Construction**

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**THE QUESTION:**

Council is being asked to approve a Supplemental Agreement to an existing Municipal Agreement with NCDOT for additional sidewalk to be constructed on the east side of Reilly Road from Morganton Road to Jeffery Street.

**RELATIONSHIP TO STRATEGIC PLAN:**

Growing City, Livable Neighborhoods - A Great Place to Live

**BACKGROUND:**

- City Council the original Municipal Agreement on April 13, 2009 for the installation of sidewalk along portions of Reilly Road, Cliffdale Road, and Ramsey Street.
- Per the original agreement NCDOT is willing to pay up to \$195,000 for the construction of sidewalk with the City matching the same amount for a total of \$390,000.
- All the sidewalk in the original Municipal Agreement has been constructed and there is remaining funds to construct additional sidewalk along Reilly Road.

**ISSUES:**

The City will have to obtain an encroachment agreement from NCDOT for the installation of the sidewalk.

**OPTIONS:**

- Approve the attached Supplemental Agreement for the construction of the sidewalk.
- Not approve the Supplemental Agreement.

**RECOMMENDED ACTION:**

Approve the attached Supplemental Agreement for the construction of sidewalk along the east side of Reilly Road from Morganton Road to Jeffery Street.

**ATTACHMENTS:**

Supplemental Agreement  
Map of Sidewalk to Install

NORTH CAROLINA  
CUMBERLAND COUNTY

**SUPPLEMENTAL AGREEMENT**

DATE: 8/30/2010

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: EL-5102

AND

WBS ELEMENTS: PE \_\_\_\_\_

R0W \_\_\_\_\_

CITY OF FAYETTEVILLE

CON 45061.3.1

OTHER FUNDING: \_\_\_\_\_

FEDERAL-AID #:

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$0

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the City of Fayetteville, hereinafter referred to as the "Municipality";

**WITNESSETH:**

WHEREAS, the Department and the Municipality, on 5/28/2009, entered into a certain Locally Administered Project Agreement for the original scope: sidewalk improvements along west side of Reilly Rd. from Ascot Drive to Black Street for 1880 feet; south side of Cliffdale Road from Hidden Creek to Cliffdale Court for 683 feet; east side of Ramsey Street from Eastwood Drive to Sunrise Circle for 528 feet and the east side of Ramsey Street from Jones Street to the existing sidewalk for 310 feet; and,

WHEREAS, the Department and Municipality have agreed to modify the scope of the project; and,

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

**SCOPE**

The Project consists of sidewalk improvements along west side of Reilly Road from Ascot Drive to Black Street for 1880 feet; south side of Cliffdale Road from Hidden Creek to Cliffdale Court for 683 feet; east side of Ramsey Street from Eastwood Drive to Sunrise Circle for 528 feet; the east side of Ramsey Street from

Jones Street to the existing sidewalk for 310 feet and the east side of Reilly Road from Morganton Road to Jeffery Street.

## **RESPONSIBILITIES**

### **GIFT BAN**

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

Except as hereinabove provided, the Agreement heretofore executed by the Department, and the Municipality on the 5/28/2009, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

ATTEST: CITY OF FAYETTEVILLE

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by \_\_\_\_\_ (Governing Board) of the City of Fayetteville as attested to by the signature of \_\_\_\_\_, Clerk of the \_\_\_\_\_ (Governing Board) on \_\_\_\_\_ (Date)

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

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_

Remittance Address:

City of Fayetteville

\_\_\_\_\_

\_\_\_\_\_

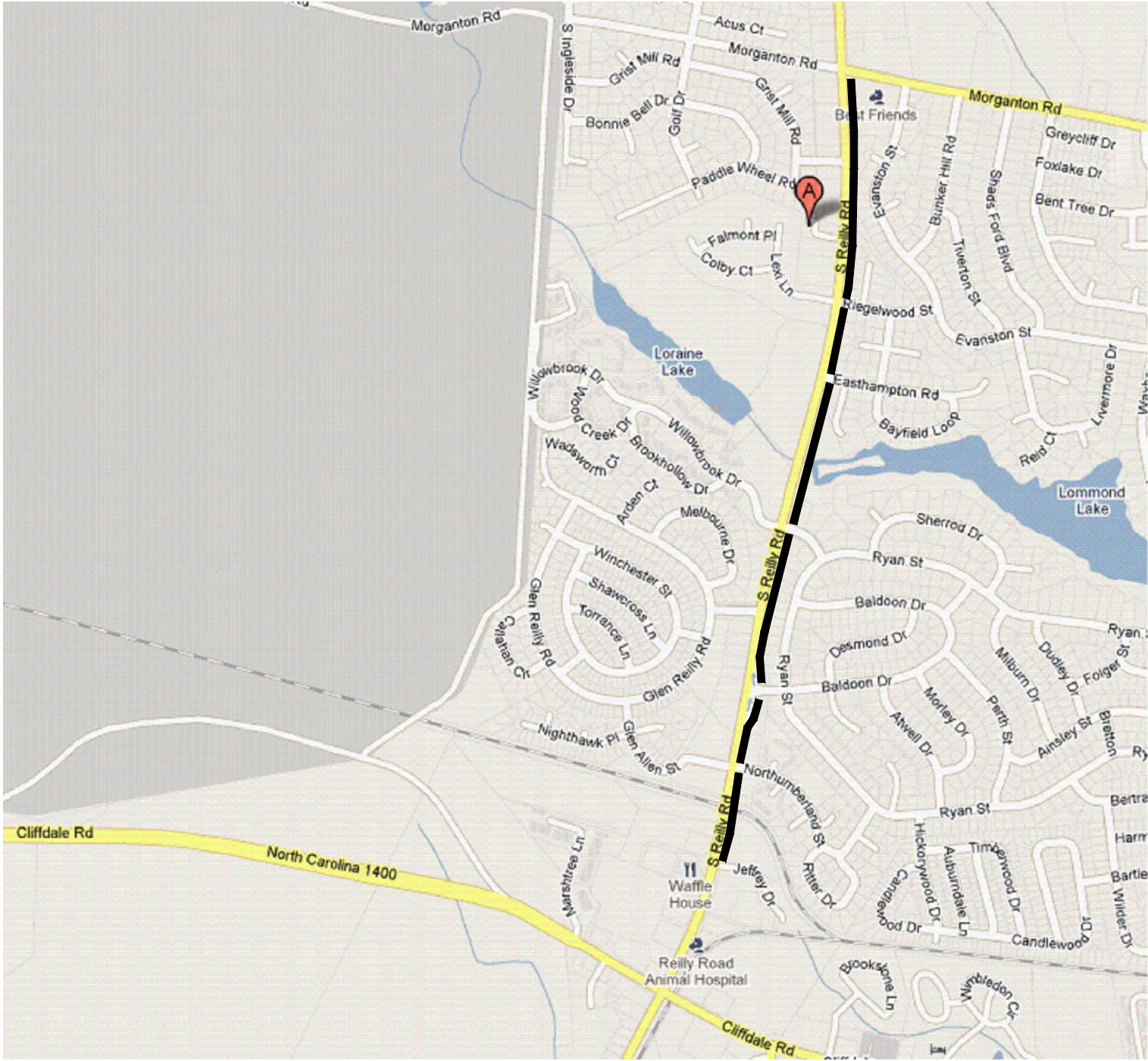
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_

(STATE HIGHWAY ADMINISTRATOR)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)





## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** September 27, 2010  
**RE:** **Budget Ordinance Amendment 2011-2 (Encumbrances, Designations, Street Lighting, and Environmental Clean-up and Remediation)**

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**THE QUESTION:**

This budget ordinance amendment will reappropriate \$4,010,515 across several annually budgeted funds for purchase orders and contracts outstanding at the close of fiscal year 2009-2010, and \$3,713,496 in the General Fund and Stormwater Funds for specific items designated from the fiscal year 2009-2010 budget and for unspent donations. Funding for these expenditures was included or available in the fiscal year 2009-2010 budget, and is being reappropriated from fund balance or net assets for the various funds. In addition, \$410,000 is being appropriated from General Fund fund balance to fund unbudgeted expenditures of \$260,000 for residential street light utilities for the Progress Energy service area and related legal expenses, and \$150,000 for environmental clean-up and remediation of the Transit fuel site.

**RELATIONSHIP TO STRATEGIC PLAN:**

Mission Principle: Financially Sound City Government

**BACKGROUND:**

- Routinely, the City issues purchase orders for various items in the budget (i.e. equipment and services) but does not receive them by the June 30 fiscal year end. The City may also fund items in the current year, but for various reasons plan to actually expend those funds in future fiscal years.
- To address these circumstances and to ensure that funds are available to meet the Council's goals, the City designates funds for specific purposes and reserves funds for encumbrances in the City's fund balance at the fiscal year end.
- When City Council approves the budget for the following fiscal year, it authorizes the City to reappropriate funds reserved for encumbrances or designated for specific purposes based upon the year-end financial statements.
- For fiscal year 2010-2011, funding for street light utility expenditures was budgeted assuming the implementation of the uniform residential street lighting ordinance adopted by Council. To date, the provisions of that ordinance have not been able to be implemented for the Progress Energy service area. Staff continues to work with attorneys and Progress Energy to resolve these issues. This budget ordinance amendment would appropriate \$20,000 for attorney fees and \$240,000 for estimated annual utility invoices for this service area.
- On August 2, 2010, a fuel spill occurred at the Transit fueling site. Total costs for clean-up and recommended remediation improvements at the fuel site are estimated to total \$150,000. This budget ordinance amendment would appropriate \$150,000 from General Fund fund balance to transfer to the Transit Fund to fund these expenditures.

**ISSUES:**

None

**OPTIONS:**

- Adopt the Budget Ordinance Amendment.
- Do not adopt the Budget Ordinance Amendment.



**RECOMMENDED ACTION:**

Adopt the Budget Ordinance Amendment.

**ATTACHMENTS:**

Budget Ordinance Amendment 2011-2

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

That the City of Fayetteville Budget Ordinance adopted June 28, 2010 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2010, and ending June 30, 2011, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Fund Balance Appropriation	\$ 2,953,070	\$ 4,206,037	\$ 7,159,107
All Other General Fund Revenues and OFS	131,300,279	-	131,300,279
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 134,253,349</u>	<u>\$ 4,206,037</u>	<u>\$ 138,459,386</u>
<u>Schedule C: Central Business Tax District Fund</u>			
Fund Balance Appropriation	\$ 74,091	\$ 17,090	\$ 91,181
All Other CBTD Fund Revenues and OFS	132,127	-	132,127
Total Estimated Central Business Tax District Fund Revenues and Other Financing Sources	<u>\$ 206,218</u>	<u>\$ 17,090</u>	<u>\$ 223,308</u>
<u>Schedule D: Stormwater Management Funds</u>			
Fund Balance Appropriation	\$ 1,025,386	\$ 3,659,799	\$ 4,685,185
All Other Stormwater Fund Revenues and OFS	5,165,846	-	5,165,846
Total Estimated Stormwater Management Funds Revenues and Other Financing Sources	<u>\$ 6,191,232</u>	<u>\$ 3,659,799</u>	<u>\$ 9,851,031</u>
<u>Schedule E: Emergency Telephone System Fund</u>			
Fund Balance Appropriation	\$ -	\$ 148,870	\$ 148,870
All Other Emergency Telephone System Fund Revenues and OFS	1,070,806	-	1,070,806
Total Estimated Emergency Telephone System Fund Revenues and Other Financing Sources	<u>\$ 1,070,806</u>	<u>\$ 148,870</u>	<u>\$ 1,219,676</u>
<u>Schedule F: Transit Fund</u>			
Interfund Transfer	\$ 2,710,048	\$ 164,051	\$ 2,874,099
All Other Transit Fund Revenues and OFS	2,995,310	-	2,995,310
Total Estimated Transit Fund Revenues and Other Financing Sources	<u>\$ 5,705,358</u>	<u>\$ 164,051</u>	<u>\$ 5,869,409</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2010, and ending June 30, 2011, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
City Attorney's Office	\$ 1,131,964	\$ 20,000	\$ 1,151,964
City Manager's Office	883,524	-	883,524
Community Development	1,069,596	21,700	1,091,296
Development Services	3,774,490	238,028	4,012,518
Engineering & Infrastructure	10,428,935	448,076	10,877,011
Environmental Services	8,242,806	416,381	8,659,187
Finance	2,519,388	63,605	2,582,993
Fire & Emergency Management	23,041,486	134,238	23,175,724
Human Relations	254,529	1,150	255,679
Human Resources Development	1,200,754	106,860	1,307,614
Information Technology	3,215,286	324,415	3,539,701
Management Services	741,805	28,525	770,330
Mayor & Council	538,317	22,298	560,615
Other Appropriations	20,017,567	315,758	20,333,325
Parks, Recreation & Maintenance	15,274,750	630,971	15,905,721
Police	41,918,152	1,434,032	43,352,184
Total Estimated General Fund Expenditures	<u>\$ 134,253,349</u>	<u>\$ 4,206,037</u>	<u>\$ 138,459,386</u>
<u>Schedule C: Central Business Tax District Fund</u>			
Total Estimated Central Business Tax District Fund Expenditures	<u>\$ 206,218</u>	<u>\$ 17,090</u>	<u>\$ 223,308</u>
<u>Schedule D: Stormwater Management Funds</u>			
Total Estimated Stormwater Management Funds Expenditures	<u>\$ 6,191,232</u>	<u>\$ 3,659,799</u>	<u>\$ 9,851,031</u>
<u>Schedule E: Emergency Telephone System Fund</u>			
Total Estimated Emergency Telephone System Fund Expenditures	<u>\$ 1,070,806</u>	<u>\$ 148,870</u>	<u>\$ 1,219,676</u>
<u>Schedule F: Transit Fund</u>			
Total Estimated Transit Fund Expenditures	<u>\$ 5,705,358</u>	<u>\$ 164,051</u>	<u>\$ 5,869,409</u>

BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, THAT PURSUANT TO SECTION 13.1 OF CHAPTER 159, OF THE GENERAL STATUTES OF NORTH CAROLINA, THE FOLLOWING FINANCIAL PLAN IS HEREBY ADOPTED:

Section 14. It is estimated that the following revenues and other financing sources will be available through the Budget Ordinance Appropriation and other revenues during the fiscal year beginning July 1, 2010, and ending June 30, 2011, to meet the appropriation listed in Section 15.

Item

Schedule A: Internal Service Fund - Warranty Vehicle Lease Fund

Net Assets Appropriation	\$ 102,215
Total Estimated Redistribution to Warranty Vehicle Lease Fund and Other Revenues and Financing Sources	<u>\$ 102,215</u>

Section 15. The following amounts are hereby appropriated for the operation of the Warranty Vehicle Lease Fund and its activities for the fiscal year beginning July 1, 2010, and ending June 30, 2011, according to the following schedule.

Item

Schedule A: Internal Service Fund - Warranty Vehicle Lease Fund

Total Estimated Warranty Vehicle Lease Fund Expenditures	<u>\$ 102,215</u>
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Adopted this 27th day of September, 2010.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** September 27, 2010  
**RE:** **Capital Project Ordinance Amendment 2011-10 (Linear Park Project)**

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**THE QUESTION:**

Capital Project Ordinance Amendment 2011-10 will appropriate an additional \$129,547 for the Linear Park project.

**RELATIONSHIP TO STRATEGIC PLAN:**

Vision Principle E: Vibrant Downtown - 5. Downtown linked to river and Fayetteville State University

**BACKGROUND:**

- This amendment will appropriate an additional \$129,547. The source of funds for this amendment consist of \$125,250 in donations, \$4,218 in investment income, and \$79 in a transfer from PWC.
- If this amendment is approved, the revised budget for the project will be \$1,711,598.

**ISSUES:**

None

**OPTIONS:**

1. Adopt Capital Project Ordinance Amendment 2011-10.
2. Do not adopt Capital Project Ordinance Amendment 2011-10.

**RECOMMENDED ACTION:**

Adopt Capital Project Ordinance Amendment 2011-10.

**ATTACHMENTS:**

CPOA 2011-10 Linear Park Project Ordinance

CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2011-10 (CPO 2004-3)

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 2004-3, adopted November 17, 2003, as amended, for the funding of the Linear Park project.

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
Donations	\$ 1,493,364	\$ 125,250	\$ 1,618,614
General Fund Transfer	50,000	-	50,000
Transfer from PWC	-	79	79
Investment Income	38,687	4,218	42,905
	\$ 1,582,051	\$ 129,547	\$ 1,711,598

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

Project Expenditures	\$ 1,582,051	\$ 129,547	\$ 1,711,598
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 27th day of September, 2010.

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** September 27, 2010  
**RE:** **Special Revenue Fund Project Ordinance Amendment 2011-1 (Appropriation of Federal Forfeiture and Controlled Substance Tax Funds for Law Enforcement Purposes)**

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**THE QUESTION:**

This amendment will appropriate \$299,221 in controlled substance tax revenues and federal forfeiture funds to increase resources for law enforcement purposes.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 2: GROWING CITY, LIVABLE NEIGHBORHOODS - A GREAT PLACE TO LIVE  
OBJECTIVE 1: CONSISTENT IMPROVEMENT IN REDUCING CRIME RATES

**BACKGROUND:**

- The Fayetteville Police Department has requested that \$149,611 be used for the training center, \$74,805 be used for equipment, and \$74,805 be used for training.
- The funds must be used for law enforcement purposes.

**ISSUES:**

None

**OPTIONS:**

- 1) Approve the amendment.
- 2) Do not approve the amendment.

**RECOMMENDED ACTION:**

Approve Special Revenue Fund Project Ordinance Amendment 2011-1.

**ATTACHMENTS:**

SROA 2011-1 Appropriation of Federal and State Forfeiture Funds

SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT  
CHANGE 2011-1 (ORD 92-1)

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 special revenue project ordinance is hereby amended:

Section 1. The project change authorized is to the Special Revenue Project Ordinance 92-1, adopted on January 21, 1992, as amended, for Fayetteville Police Department utilizing Federal Forfeiture Funds and Controlled Substance Tax Revenue from the State.

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>
Controlled Substance Tax Revenue	\$ 761,052	\$ 163,461	\$ 924,513
Federal Forfeiture Funds	1,004,150	108,404	1,112,554
Sale of Assets/Auction Proceeds	625	-	625
Interest	49,183	27,057	76,240
Public Safety Fund Transfer In		299	299
	\$ 1,815,010	\$ 299,221	\$ 2,114,231

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

Project Expenditures	\$ 1,815,010	\$ 299,221	\$ 2,114,231
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Section 5. Copies of this special revenue project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 27th day of September, 2010.



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** September 27, 2010  
**RE:** **Special Revenue Fund Project Ordinance 2011-5 (FY 2010 Justice Assistance Grant Program)**

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**THE QUESTION:**

The FY2010 Justice Assistance Grant (JAG), totalling \$260,238, was awarded to the Fayetteville Police Department and Cumberland County Sheriff's Office. This Special Revenue Fund Project Ordinance will appropriate the City's share of \$180,443 for the JAG Program.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 2: GROWING CITY, LIVABLE NEIGHBORHOODS - A GREAT PLACE TO LIVE  
Objective 1: Consistent improvement in reducing crime rates

**BACKGROUND:**

- As the fiscal agent for the grant, Cumberland County filed the grant application on behalf of the City and County.
- A grant totaling \$260,238 was awarded to the City and County.
- The Police Department and the County Sheriff's Office will receive \$180,443 and \$79,795, respectively.
- A local match is not required.
- The Police Department will use their portion of the grant for the following:
  - Police training (\$44,071)
  - Safe Surrender Project (\$12,600)
  - community and media outreach (\$13,000)
  - recon scout robot (\$13,150), night vision scopes (\$18,735), dive equipment (\$20,000), digital cameras for the forensics unit (\$20,148), and various other equipment (\$31,739)
  - Supplies and materials for gang awareness presentations (\$7,000)

**ISSUES:**

None

**OPTIONS:**

- 1) Adopt the Special Revenue Project Ordinance.
- 2) Do not adopt the Special Revenue Project Ordinance.

**RECOMMENDED ACTION:**

Adopt the Special Revenue Project Ordinance.

**ATTACHMENTS:**

SRO 2011-5 FY 2010 Justice Assistance Program Ordinance

SPECIAL REVENUE FUND PROJECT ORDINANCE  
ORD 2011-5

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 special revenue project ordinance is hereby adopted:

Section 1. The project authorized is for the funding of the FY 10 Justice Assistance Program funded by the U.S. Department of Justice.

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:

U.S. Department of Justice	<u>\$ 180,443</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 180,443</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 27th day of September, 2010.

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of the City Council  
**FROM:** B.E. Nichols, Fire Chief  
**DATE:** September 27, 2010  
**RE:** **Transfer Ownership of 1996 International 4700/EVI Rescue Squad Unit to Godwin - Falcon Volunteer Fire Department**

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**THE QUESTION:**

The Godwin-Falcon Volunteer Fire Department has requested a transfer of FFD surplus unit 1996 International 4700/EVI Rescue Unit. If approved this unit will serve as a service/rescue unit and carry additional extrication equipment. This will aid them on their calls and particularly along the interstate highway which runs through their area of response.

Approval of a resolution to donate a 1996 International 4700 Rescue Squad Unit to Godwin-Falcon Volunteer Fire Department.

**RELATIONSHIP TO STRATEGIC PLAN:**

Help to provide a more efficient response with the equipment on hand in stead of waiting on other units to arrive before starting extrication. This also shows a more efficient and cost-effective service delivery.

The unit being considered for donation is a 1996 International 4700/EVI Rescue Unit and has met its useful life with the City of Fayetteville Fire Department.

**BACKGROUND:**

The apparatus is a surplus 14 year- old unit. The FFD started using the unit in 1996 as a rescue squad and changed over to smaller units

**ISSUES:**

No current identified issues affecting this recommendation.

**OPTIONS:**

Approve request for donation of the 1996 International 4700/EVI Unit to Godwin-Falcon Volunteer Fire Department.

Disapprove the donation of the 1996 International 4700/EVI Unit ot Godwin-Falcon Volunteer Fire Department.

**RECOMMENDED ACTION:**

Approve request for the donation of the 1996 International 4700/EVI Unit to Godwin-Falcon Volunteer Fire Department.

**ATTACHMENTS:**

Godwin-Falcon Volunteer FD Request  
Resolution to Transfer Ownership of Unit

**Thomas Allen**

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**From:** Benjamin Nichols  
**Sent:** Friday, August 20, 2010 6:49 PM  
**To:** Thomas Allen  
**Cc:** Fire Assistant Chiefs; Michael Hill; Kenneth Hall  
**Subject:** FW: CSAR unit

Chief Allen,  
Please follow-up and advise.

---

**From:** Godwin-Falcon [mailto:gffd1701@nc.rr.com]  
**Sent:** Thu 8/19/2010 8:24 PM  
**To:** Benjamin Nichols  
**Subject:** CSAR unit

It has been brought to my attention that a former CSAR unit may be available. I would like to enquire as to the possibility of this unit being made available to the Godwin-Falcon Fire Dept to possibly serve as a service/rescue unit and at present we do not have a suitable unit to serve this purpose. As this time we have no space to carry any type of extrication equipment. Many of our calls , particulary on the Interstate highway system, require this equipment.

Thank you for your consideration

wayne g lucas,chief  
Godwin-Falcon Fire Dept  
910 980-1066  
fax 910 980-1766

**A RESOLUTION AUTHORIZING THE CONVEYANCE OF PERSONAL PROPERTY ITEMS TO FIRE DEPARTMENTS/GOVERNMENTAL AGENCIES.**

**WHEREAS**, the City of Fayetteville ("City") has removed its 1996 International 4700 EVI Service Unit/apparatus from service;

**WHEREAS**, a volunteer unit is in need of said property and the Fayetteville Fire Department agreed to donate the old unit for service as a rescue/extrication unit to carry all of their extrication equipment;

**WHEREAS**, North Carolina General Statute 160A-274 authorizes the sale of personal property to another governmental unit, with or without consideration, upon terms and conditions as the governing body deems wise and;

**WHEREAS**, the Fire Chief in consultation with the City Manager has determined these units to be surplus to the needs of the City;

**NOW, THEREFORE**, be it resolved by the City Council of the City of Fayetteville:

1. That the Fire Chief is hereby authorized to execute any documents necessary to facilitate the donation of the above mentioned property, described as the 1996 International 4700 EVI Service Unit.
2. That the property be donated to Godwin-Falcon Volunteer Fire Department and governmental agencies as determined by the Fire Chief with the explicit understanding that none of the equipment is warranted to be in good condition.
3. Receiving departments and governmental agencies to sign a waiver releasing the city from any claims arising from the use of said equipment.
4. A complete accounting of all donations is to be maintained.

ADOPTED this the \_\_\_\_\_ day of September, 2010

\_\_\_\_\_  
Dale Iman, Mayor

ATTEST: (SEAL)

\_\_\_\_\_  
CITY CLERK

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Ronald G Lewis, Fire Marshal  
**DATE:** September 27, 2010  
**RE:** **Special Request to display 16 temporary event signs at fire stations the week preceding the time change each spring and fall as part of the Change Your Clock, Change Your Battery Campaign**

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**THE QUESTION:**

Approval of the special request for temporary event signs for the Change Your Clock, Change Your Battery Campaign. Approval of special request for temporary event sign for The Annual Fall Safety Day

**RELATIONSHIP TO STRATEGIC PLAN:**

To engage our 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.

The Fire Department recommends changing batteries in smoke detectors twice a year in conjunction with when people change their clocks. We have participated in this effort for several years. The banners 4 ft x 10 ft and are placed on the exterior, street facing side of each fire station. These signs will be placed on all City of Fayetteville Fire Stations twice a year, one week prior to the date the time changes each spring and fall. They will be removed the day after the time officially changes.

The Fayetteville Fire Department sponsors an annual Fall Safety Day that is the culminating event for Fire Prevention Week each year. A 6 x 20 banner is requested to be flown from the event site identifying the event in the parking lot of Market Fair Mall so as to be visible from Skibo Rd. The request is for ongoing permission to use banners at these events.

**ISSUES:**

City Council has approved requests for the Change Your Battery/Change Your Clock campaign for several years.

This is the first year a request has been made to post a banner for Fall Safety Day

**OPTIONS:**

1. Grant both special sign permits as requested.
2. Grant the special sign permits with limitations on the number of locations.
3. Grant the special sign permit only for the current year.
4. Grant only one special sign permit
5. Deny both special sign permit.

**RECOMMENDED ACTION:**

Option 1: Grant both special sign permits as requested.

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Steven K. Blanchard, PWC CEO/General Manager  
**DATE:** September 27, 2010  
**RE:** **Bid Recommendation - Installation of Arran Park and Crystal Springs Substations**

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**THE QUESTION:**

The Public Works Commission of the City of Fayetteville requests Council approve bid recommendation to award contract for installation of Arran Park and Crystal Springs Substations.

**RELATIONSHIP TO STRATEGIC PLAN:**

Quality Utility Services

**BACKGROUND:**

During their meeting of September 8, 2010 the Public Works Commission approved to award contract for installation of the Arran Park and Crystal Springs substations to Aubrey Silvey Enterprises, Carrollton, Georgia the lowest responsive, responsible bidder in the total amount of \$1,034,000.00 and forward to City Council for approval. This is a budgeted item. Amount budgeted per substation is \$550,000.00, for a total budgeted amount of \$1,100,000.00. Bids were received August 14, 2010 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Aubrey Silvey Enterprises, Carrollton, Georgia	\$1,034,000.00
E&R, Inc., Kinston, NC	\$1,098,030.00
Pike Electric, Mt. Airy, NC	\$1,383,545.00
New River Electric, Cloverdale, VA	\$1,436,019.72

Bids were solicited from seven (7) contractors with four (4) contractors responding.

**ISSUES:**

Aubrey Silvey Enterprises will use SDBE/MWBE subcontractors for approximately 9.7% of the work on this project. Aubrey Silvey was required to submit their good faith efforts to solicit SDBE/MWBE participation on this project and, upon review; staff verified that Aubrey Silvey did make a good faith effort in accordance with NCGS 143-128.2.

**OPTIONS:**

N/A

**RECOMMENDED ACTION:**

Award contract to Aubrey Silvey Enterprises for installation of the Arran Park and Crystal Springs substations.

**ATTACHMENTS:**

Bid Recommendation  
Bid History

**PUBLIC WORKS COMMISSION  
ACTION REQUEST FORM**

**TO:** Steve Blanchard, CEO/General Manager                      **DATE:** September 1, 2010

**FROM:** Gloria Wrench, Purchasing Manager

.....  
**ACTION REQUESTED:** Award contract for installation of the Arran Park and Crystal Springs 69 to 15 x 25kV Substations

.....  
**BID/PROJECT NAME:** Installation of the Arran Park and Crystal Springs 69 to 15 x 25kV Substations

**BID DATE:** August 14, 2010                      **DEPARTMENT:** Electric Substations

**BUDGET INFORMATION:** CIP EL16 - Arran Park - \$750,000 & CIP EL19 - Crystal Springs - \$1,500,000.  
Total available budget for both projects is \$2,250,000.

.....  
**BIDDERS**

**TOTAL COST**

<u>Aubrey Silvey Enterprises, Carrollton, GA</u>	<u>\$1,034,000.00</u>
<u>E&amp;R, Inc., Kinston, NC</u>	<u>\$1,098,030.00</u>
<u>Pike Electric, Inc., Mt. Airy, NC</u>	<u>\$1,383,545.00</u>
<u>New River Electric, Cloverdale, VA</u>	<u>\$1,436,019.72</u>

.....  
**AWARD RECOMMENDED TO:** Aubrey Silvey Enterprises, Inc., Carrollton, GA

**BASIS OF AWARD:** Lowest responsive, responsible bidder

**AWARD RECOMMENDED BY:** Michael Clements, PE, Booth & Associates; Rick Anderson, PE, PWC; and Gloria Wrench

.....  
**COMMENTS:** Bids were solicited from seven (7) contractors with four (4) contractors responding. The lowest responsive, responsible bidder is recommended.

.....  
**ACTION BY COMMISSION**

**APPROVED** \_\_\_\_\_ **REJECTED** \_\_\_\_\_  
**DATE** \_\_\_\_\_

**ACTION BY COUNCIL**

**APPROVED** \_\_\_\_\_ **REJECTED** \_\_\_\_\_  
**DATE** \_\_\_\_\_



## **BID HISTORY**

### **INSTALLATION OF ARRAN PARK AND CRYSTAL SPRINGS 69 TO 15 X 25Kv SUBSTATIONS BID DATE: AUGUST 14, 2010**

#### **Consulting Engineer**

Booth and Associates, Raleigh, NC

#### **Advertisement**

1. PWC Website 08/03/10 through 08/14/10

#### **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. SEBEDP, Fayetteville, NC
5. Fayetteville Business & Professional League, Fayetteville, NC
6. SBTDC, Fayetteville, NC
7. FTCC Small Business Center, Fayetteville, NC
8. Fayetteville Area Chamber of Commerce, Fayetteville, NC
9. Carolinas AGC, Fayetteville, NC

#### **List of Prospective Bidders**

1. E&R, Inc., Kinston, NC
2. New River Electrical, Cloverdale, VA
3. Pike Energy Solutions, Charlotte, NC
4. Lee Electrical Construction, Inc., Aberdeen, NC
5. Richardson-Wayland Electrical Corp., Roanoke, VA
6. Aubrey Silvey Enterprises, Inc., Carrollton, GA
7. Sumter Utilities, Inc., Sumter, SC

#### **SDBE/MWBE Participation**

Aubrey Silvey Enterprises will use SDBE/MWBE subcontractors for 9.7% of the work on this project. Aubrey Silvey was required to submit their good faith efforts to solicit SDBE/MWBE participation on this project and, upon review, staff has verified that Aubrey Silvey did make a good faith effort in accordance with NCGS 143-128.2.

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Steven K. Blanchard, PWC CEO/General Manager  
**DATE:** September 27, 2010  
**RE:** **Bid Recommendation - Contract for Annexation Phase V, Project III, Area 8-LaGrange**

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**THE QUESTION:**

The Public Works Commission of the City of Fayetteville requests Council approve bid recommendation to award contract for Annexation Phase V, Project III, Area 8-LaGrange.

**RELATIONSHIP TO STRATEGIC PLAN:**

Quality Utility Services.

**BACKGROUND:**

During their meeting of September 8, 2010 the Public Works Commission approved to award contract for Annexation, Phase V, Project III, Area 8-LaGrange to Billy Bill Grading Company, the lowest responsive, responsible bidder in the total amount of \$2,496,108.00 and forward to City Council for approval. This is a budgeted item (CIP WS-47) with a budgeted amount of \$3,100,000.00 for Area 8 - LaGrange. Bids were received August 18, 2010 as follows:

Bidders	Total Cost
Billy Bill Grading Co., Fayetteville, NC	\$2,496,108.00
T.A. Loving Co., Goldsboro, NC	\$2,716,708.00
State Utility Contractors, Monroe, NC	\$2,728,026.70
ES&J Enterprises, Autryville, NC	\$2,813,050.90
R.H. Moore, Murrells Inlet, SC	\$3,827,513.00

Plans and specifications were requested by fifteen (15) contractors with five (5) contractors submitting bids.

**ISSUES:**

Billy Bill Grading will use SDBE/MWBE subcontractors for approximately 2.1% of the work on this project. Billy Bill was required to submit their good faith efforts to solicit SDBE/MWBE participation on this project and, upon review; staff verified that Billy Bill Grading did make a good faith effort in accordance with NCGS 143-128.2.

**OPTIONS:**

N/A

**RECOMMENDED ACTION:**

Award contract to Billy Bill Grading Company, Fayetteville, NC for Annexation, Phase V, Project III, Area 8-LaGrange.

**ATTACHMENTS:**

Bid recommendation  
Bid History

**PUBLIC WORKS COMMISSION  
ACTION REQUEST FORM**

**TO:** Steve Blanchard, CEO/General Manager                      **DATE:** September 1, 2010

**FROM:** Gloria Wrench, Purchasing Manager

.....  
**ACTION REQUESTED:** Award contract for Annexation Phase V – Project III, Area 8 – Lagrange

**BID/PROJECT NAME:** Annexation Phase V – Project III, Area 8 – Lagrange

**BID DATE:** August 18, 2010                      **DEPARTMENT:** Water Resources Engineering

**BUDGET INFORMATION:** CIP WS47 – Total of \$5,578,200 for Area 8 (Lagrange) and Area 9 (Summerhill)

.....

BIDDERS	TOTAL COST
<u>Billy Bill Grading Co., Fayetteville, NC</u>	<u>\$2,496,108.00</u>
<u>T. A. Loving Co., Goldsboro, NC</u>	<u>\$2,716,708.00</u>
<u>State Utility Contractors, Monroe, NC</u>	<u>\$2,728,026.70</u>
<u>ES&amp;J Enterprises, Autryville, NC</u>	<u>\$2,813,050.90</u>
<u>R. H. Moore, Murrells Inlet, SC</u>	<u>\$3,827,513.00</u>

.....

**AWARD RECOMMENDED TO:** Billy Bill Grading Company, Fayetteville, NC

**BASIS OF AWARD:** Lowest responsive, responsible bidder

**AWARD RECOMMENDED BY:** Water Resources Engineering and Gloria Wrench

.....

**COMMENTS:** Plans and specifications were requested by fifteen (15) contractors with five (5) contractors submitting bids. In addition to pricing, bidders were required to submit qualification information for review and evaluation. Based on the qualification information and pricing received, staff recommends contract award to the lowest responsive, responsible bidder, Billy Bill Grading Co., Fayetteville, NC. Billy Bill Grading submitted all required qualification information and upon review, staff has determined they are sufficiently qualified to perform the work.

.....

**ACTION BY COMMISSION**

**APPROVED** \_\_\_\_\_ **REJECTED** \_\_\_\_\_  
**DATE** \_\_\_\_\_

**ACTION BY COUNCIL**

**APPROVED** \_\_\_\_\_ **REJECTED** \_\_\_\_\_  
**DATE** \_\_\_\_\_

## **BID HISTORY**

### **ANNEXATION PHASE V – PROJECT III, AREA 8 – LAGRANGE BID DATE: AUGUST 18, 2010**

#### **Consulting Engineer**

Moorman, Kizer & Retizel, Inc., Fayetteville, NC

#### **Advertisement**

1. PWC Website 07/22/10 through 08/18/10
2. Greater Diversity News 07/29/10

#### **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. Fayetteville Area Chamber of Commerce, Fayetteville, NC
9. Carolinas AGC, Fayetteville and Raleigh, NC
10. McGraw Hill/Dodge Reports, Raleigh, NC
11. Hispanic Contractors Association, Raleigh, NC
12. The Raleigh Black Chamber of Commerce, Raleigh, NC

#### **List of Contractors Requesting Plans and Specifications**

1. RH Moore Co., Inc., Murrells Inlet, SC
2. Sanford Contractors, Sanford, NC
3. Park Construction, Morrisville, NC
4. State Utility Contractors, Monroe, NC
5. Triangle Grading & Paving, Burlington, NC
6. T.A. Loving, Goldsboro, NC
7. ES&J Enterprises, Autryville, NC
8. McClam & Associates, Little Mountain, SC
9. Colt Contracting, Clinton, NC
10. S.J. Louis Construction, Inc., Rockville, MD
11. McArthur Construction, Lumberton, NC
12. Monroe Roadways Contractors, Inc., Denver, NC
13. Billy Bill Grading, Fayetteville, NC
14. Ralph Hodge Construction, Wilson, NC
15. L-J, Inc., Columbia, SC

#### **SDBE/MWBE Participation**

Billy Bill Grading will use SDBE/MWBE subcontractors for approximately 2.1% of the work on this project. Billy Bill was required to submit their good faith efforts to solicit SDBE/MWBE participation on this project and, upon review; staff has verified that Billy Bill Grading did make a good faith effort in accordance with NCGS 143-128.2.

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Steven K. Blanchard, PWC CEO/General Manager  
**DATE:** September 27, 2010  
**RE:** **Resolution to Direct the Filing of an Application for a State Loan under the N.C. Clean Water Revolving Loan and Grant Act of 1987.**

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**THE QUESTION:**

The Public Works Commission of the City of Fayetteville requests Council adopt a Resolution to Direct the Filing of an Application for a State Loan under the N.C. Clean Water Revolving Loan and Grant Act of 1987.

**RELATIONSHIP TO STRATEGIC PLAN:**

Quality Utility Services

**BACKGROUND:**

During their meeting of September 8, 2010 the Public Works Commission adopted Resolution No. PWC2010.05 of the Public Works Commission of the City of Fayetteville, NC to Direct the Filing of an Application for a State Loan under the NC Clean Water Revolving Loan and Grant Act of 1987 and request City Council adopt a similar resolution.

The Public Works Commission intends to request state loan assistance in an amount not to exceed \$12,000,000 for specific water projects outlined in the application. Applications are due September 30, 2010 with notification of award in late December or January. Currently State Loans carry a 2.22% interest rate and no interest during project construction up to 24 months.

**ISSUES:**

N/A

**OPTIONS:**

N/A

**RECOMMENDED ACTION:**

Adopt "Resolution of the City of Fayetteville, North Carolina to Direct the Filing of an Application for a State Loan Under the NC Clean Water Revolving Loan and Grant Act of 1987".

**ATTACHMENTS:**

Information Letter - D. Miller  
PWC Resolution  
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  
**ELECTRIC & WATER UTILITIES**

955 OLD WILMINGTON RD  
P.O. BOX 1089  
FAYETTEVILLE, NORTH CAROLINA 28302 1089  
TELEPHONE (910) 483-1401  
WWW.FAYPWC.COM

September 2, 2010

**MEMO TO:** Steven K. Blanchard, CEO

**MEMO FROM:** J. Dwight Miller, CFO

**SUBJECT:** Application for a State Loan

This resolution authorizes the General Manager to execute and file an application for a State Revolving Loan for Water projects listed (Exhibit A) in the Resolution not to exceed \$12 million. Currently State Loans carry a 2.22% interest rate and no interest during project construction up to 24 months.

Applications are due September 30, 2010 with notification of award in late December or January. Staff feels that a number of current and future listed CIP projects will be viewed favorably if loan money is available.

Staff request that the Commission adopt Resolution No. PWC2010.05 of the Public Works Commission of the City of Fayetteville, NC to Direct the Filing of an Application for a State Loan Under the NC Clean Water Revolving Loan and Grant Act of 1987 and request City Council adopt a similar resolution.

**BUILDING COMMUNITY CONNECTIONS SINCE 1905**

**AN EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER**

**RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO DIRECT THE FILING OF AN APPLICATION FOR A STATE LOAN UNDER THE NC CLEAN WATER REVOLVING LOAN AND GRANT ACT OF 1987**

WHEREAS, The Federal Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements, and

WHEREAS, The Public Works Commission of the City of Fayetteville, North Carolina (the "COMMISSION") has need for and intends to construct drinking water system projects listed in Exhibit A (the "PROJECTS") to address concerns with aging infrastructure that will provide long term compliance with established regulations as well as addressing projected customer demands, and

WHEREAS, The COMMISSION intends to request state loan assistance in an amount not to exceed \$12,000,000 for the PROJECTS.

**NOW THEREFORE BE IT RESOLVED, BY THE COMMISSION:**

That the COMMISSION will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the COMMISSION will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the COMMISSION agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the COMMISSION to make scheduled repayment of the loan, to withhold from the COMMISSION any State funds that would otherwise be distributed to the COMMISSION in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the COMMISSION will provide for efficient operation and maintenance of the PROJECTS on completion of construction thereof.

That Steven K. Blanchard, General Manager of the COMMISSION (the "**Authorized Official**"), and successors so titled, is hereby authorized to execute and file an application on behalf of the COMMISSION with the State of North Carolina for a loan to aid in the construction of the PROJECTS described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application for the PROJECTS, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application.

That the COMMISSION has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the PROJECTS and to Federal and State grants and loans pertaining thereto.

That the COMMISSION requests the City Council of the City of Fayetteville to adopt this Resolution in the form presented above.

Adopted this the **8<sup>th</sup> day of September 2010** at Fayetteville, North Carolina.

PUBLIC WORKS COMMISSION OF THE CITY  
OF FAYETTEVILLE, NORTH CAROLINA

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Terri Union, Chairman

ATTEST:

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Michael G. Lallier, Secretary



Exhibit A

State Revolving Loan Projects

Glenville Lake Dam Spillway Replacement	\$	3,972,200
12 MG Clearwell Rehabilitation/Ferric Sulfate Conversion		3,300,000
US 301 Water Main Replacement		982,000
Doc Bennett Road Transmission Main		<u>1,475,000</u>
Total	\$	<u>9,729,200</u>

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA  
TO DIRECT THE FILING OF AN APPLICATION FOR A STATE LOAN  
UNDER THE NC CLEAN WATER REVOLVING LOAN AND GRANT  
ACT OF 1987**

WHEREAS, The Federal Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements, and

WHEREAS, The City of Fayetteville acting by and through the Public Works Commission of the City of Fayetteville, North Carolina (the "CITY") has need for and intends to construct drinking water system projects listed in Exhibit A (the "PROJECTS") to address concerns with aging infrastructure that will provide long term compliance with established regulations as well as addressing projected customer demands, and

WHEREAS, The CITY intends to request state loan assistance in an amount not to exceed \$12,000,000 for the PROJECTS.

**NOW THEREFORE BE IT RESOLVED, BY THE CITY:**

That the CITY will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the CITY will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the CITY agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the CITY to make scheduled repayment of the loan, to withhold from the CITY any State funds that would otherwise be distributed to the CITY in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the CITY will provide for efficient operation and maintenance of the PROJECTS on completion of construction thereof.

That Steven K. Blanchard, General Manager of the Public Works Commiccion (the "**Authorized Official**"), and successors so titled, is hereby authorized to execute and file an application on behalf of the CITY with the State of North Carolina for a loan to aid in the construction of the PROJECTS described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application for the PROJECTS, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application.

That the CITY has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the PROJECTS and to Federal and State grants and loans pertaining thereto.

Adopted this the 27<sup>th</sup> day of September 2010 at Fayetteville, North Carolina.

CITY OF FAYETTEVILLE, NORTH CAROLINA

\_\_\_\_\_  
Mayor

**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting (title of officer) of the (unit of government) does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the (name of governing body of applicant) duly held on the \_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Signature of Recording Officer)

\_\_\_\_\_  
(Title of Recording Officer)

State Revolving Loan Projects

Glenville Lake Dam Spillway Replacement	\$	3,972,200
12 MG Clearwell Rehabilitation/Ferric Sulfate Conversion		3,300,000
US 301 Water Main Replacement		982,000
Doc Bennett Road Transmission Main		<u>1,475,000</u>
Total	\$	<u>9,729,200</u>

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Robert T. Hurst, Jr., Council Member, District 5  
**DATE:** September 27, 2010  
**RE:** **Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments**

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**THE QUESTION:**

Do the attached recommendations from the City Council's Appointment Committee meet the City Council's approval?

**RELATIONSHIP TO STRATEGIC PLAN:**

- Partnership of Citizens - Citizens Volunteering to help the City
- Greater Community Unity - Pride of Fayetteville
- Diverse Culture and Rich Heritage - Diverse people working together with a single vision and common goals

**BACKGROUND:**

The Appointment Committee met on Monday, September 20, 2010 to review applications for appointments to boards and commissions. It is from that meeting that the Appointment Committee provides the attached recommendations for appointments to the City of Fayetteville boards and commissions. Consistent with the City Council's wishes, the Appointment Committee's recommendations for appointments are indicated on the attachment.

**ISSUES:**

N/A

**OPTIONS:**

1. Approve Appointment Committee recommendations to fill the board and commission vacancies as indicated on the attachment.
2. Approve Appointment Committee recommendations to fill some board and commission vacancies and provide further direction.
3. Do not approve Appointment Committee recommendations to fill the board and commission vacancies and provide further direction.

**RECOMMENDED ACTION:**

Approve Appointment Committee recommendations for board and commission appointments.

**ATTACHMENTS:**

Appointment Committee Recommendations

## FAYETTEVILLE CITY COUNCIL BOARD/COMMISSION APPOINTMENTS

*September 27, 2010*

BOARDS/COMMISSIONS	RECOMMENDATION	TERM
<b>1. Fayetteville Advisory Committee on Transit (FACT)</b> ❖ 7 Appointments, 2* Remaining Vacancies	Rick Heicksen -FAMPO Director/designee	1 <sup>st</sup> (2 year term)
	Sharon Collins - ADA rider or representative	1 <sup>st</sup> (2 year term)
	Mary Bunny English – Bus rider	1 <sup>st</sup> (2 year term)
	Jeff Thompson – within service area	1 <sup>st</sup> (1 year term)
	Scott Gibson - outside service area	1 <sup>st</sup> (1 year term)
	Todd Lyden - outside service area	1 <sup>st</sup> (2 year term)
	Warner Whitehead - FAST driver/operator	1 <sup>st</sup> (1 year term)
	<b>2. Fayetteville Planning Commission</b> ❖ 1 fill-in Appointment	William J. Fiden
<b>3. Joint Fayetteville – Cumberland County Senior Citizens Advisory Commission</b> ❖ 1 fill-in Appointment	Frank R. Till	Fill-in
<b>4. Fayetteville- Cumberland Human Relations Commission</b> 1 fill-in Appointment	William Moreno	Fill-in
<b>5. Public Works Commission</b> ❖ 1 Reappointment	Terri Union	4 <sup>th</sup>

\* At the direction of the Appointment Committee, staff is seeking additional applicants for the FACT to fill positions designated for ADA and transportation industry representatives.

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Dale Iman, City Manager  
**DATE:** September 27, 2010  
**RE:** **National League of Cities Voting Delegates**

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**THE QUESTION:**

Who will be the voting delegates to represent the City of Fayetteville at the National League of Cities Annual Business Meeting Saturday, December 4, 2010?

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 3 - More Efficient City Government - Cost-Effective Service Delivery

**BACKGROUND:**

Each year one voting delegate and one alternate voting delegate may be selected to represent the City at the National League of Cities Annual Business Meeting. (Please see attached memo).

**ISSUES:**

N/A

**OPTIONS:**

Designate one voting delegate and/or one alternate voting delegate.

**RECOMMENDED ACTION:**

City Council designate one voting delegate and/or one alternate voting delegate to represent the City of Fayetteville at the National League of Cities Annual Business meeting.

**ATTACHMENTS:**

NLC Voting Delegates

To strengthen  
and promote  
cities as centers  
of opportunity,  
leadership, and  
governance.



National League of Cities

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Executive Director

Donald J. Borut

August 20, 2010

Ms. Rita Perry  
City Clerk  
City of Fayetteville  
433 Hay St 2nd Floor  
Fayetteville, NC 28301-5537

Dear Ms. Perry:

The National League of Cities (NLC) Annual Business Meeting will be held on Saturday, December 4, 2010, at the conclusion of the Congress of Cities and Exposition in Denver, CO. As a direct member city, your city is entitled to vote at this meeting. Based on the population as of the 2000 Census, each member city casts between one and twenty votes. The number of votes for each population range can be found on the table on the reverse of the credentials form.

To be eligible to cast a city's vote, a voting delegate and alternate must be officially designated by the city using the enclosed credentials form. This form will be forwarded to NLC Credentials Committee. NLC bylaws expressly prohibit voting by proxy. City elected officials should be made aware of this request so that decisions can be made as to who will be the voting delegate and alternate(s).

At the Congress of Cities, the voting delegate must pick up the city's voting card at the Credentials Booth before the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote. The Credentials Booth will be open during scheduled times throughout the Congress of Cities.

**Please return the completed form to NLC by fax 202-626-3109 on or before October 30, 2010.** If you have any questions, please contact Tata Sidibe, [sidibe@nlc.org](mailto:sidibe@nlc.org) or 202-626-3188 or Mae Davis, [mdavis@nlc.org](mailto:mdavis@nlc.org), 202-626-3150.

Thank you,

Donald J. Borut  
Executive Director





**CREDENTIALS FORM**

**NATIONAL LEAGUE OF CITIES · 2010 CONGRESS OF CITIES · DENVER, COLORADO**

At the Annual Business Meeting on Saturday, December 4, 2010, each direct member city of NLC is entitled to cast from one to 20 votes based upon the city's population per the 2000 census, through its designated voting delegate. Please indicate below your city and state, voting delegate and alternate(s), and sign and date the form. The form should be faxed to NLC at 202-626-3109, by the October 30, 2010, deadline.

The official voting delegate and alternate(s) for the city/town of:

**City of Fayetteville NC 121015 (4)**

*(type or print the name of your city/town and state)*

**VOTING DELEGATE:**

1. NAME \_\_\_\_\_

TITLE \_\_\_\_\_

**ALTERNATE VOTING DELEGATE(S):**

2. NAME \_\_\_\_\_ TITLE \_\_\_\_\_

3. NAME \_\_\_\_\_ TITLE \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b> <b>(DO NOT WRITE IN THIS SPACE)</b>		
<i>Voting card issued to:</i>		
_____ (signature)		
Votes: _____	1 _____ 2 _____ 3 _____	

**PLEASE SIGN AND FAX THIS FORM TO NLC BY OCTOBER 30, 2010**  
**ATTENTION: TATA SIDIBE, MEMBERSHIP RELATIONS ASSISTANT**  
**FAX: 202-626-3109**

Signature (city representative): \_\_\_\_\_



**NATIONAL LEAGUE OF CITIES  
2010 CONGRESS OF CITIES  
DENVER, COLORADO**

**Number of Votes – Annual Business Meeting**

**Direct Member Cities**

Article IV, Section 2 of the National League of Cities bylaws specifies the number of votes that each NLC direct member city is entitled to cast at the Annual Business Meeting at the Congress of Cities. Member cities are required by the bylaws to cast unanimous votes.

CITY POPULATION (per 2000 Census)	NUMBER OF VOTES
Under 50,000	1 vote
50,000 – 99,999	2 votes
100,000 – 199,999	4 votes
200,000 – 299,999	6 votes
300,000 – 399,999	8 votes
400,000 – 499,999	10 votes
500,000 – 599,999	12 votes
600,000 – 699,999	14 votes
700,000 – 799,999	16 votes
800,000 – 899,999	18 votes
900,000 and above	20 votes

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Dale Iman, City Manager  
**DATE:** September 27, 2010  
**RE:** **NC League of Municipalities Annual League Business Meeting Voting Delegates**

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**THE QUESTION:**

Who will be the voting delegates to represent the City of Fayetteville at the NCLM's Annual Business Meeting Monday, October 25, 2010?

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 3 - More Efficient City Government - Cost-Effective Service Delivery

**BACKGROUND:**

Each year one voting delegate and one alternate voting delegate may be selected to represent the City at the NCLM Annual Business Meeting. (Please see attached memo).

**ISSUES:**

N/A

**OPTIONS:**

Designate one voting delegate and/or one alternate voting delegate.

**RECOMMENDED ACTION:**

City Council designate one voting delegate and/or one alternate voting delegate to represent the City of Fayetteville at the NCLM Annual Business meeting.

**ATTACHMENTS:**

NCLM Voting Delegates

**IMPORTANT VOTING INFORMATION  
PLEASE READ**

**TO:** Managers/Clerks *Pre-registered* for Conference

**FROM:** S. Ellis Hankins, Executive Director

**DATE:** September 2010

**SUBJECT:** Designation of Voting Delegate for 2010 Annual League Business Meeting

Under the League Constitution and the voting procedure established by the League Board of Directors, each member municipality sending delegates to the Annual Conference is required to designate one voting delegate and one alternate voting delegate. The vote of your municipality at the League's Annual Business Meeting on **Monday, October 25, 2010, at 1:45 p.m.** may be cast only by a designated voting delegate or alternate voting delegate.

*Please use the enclosed reply postcard to indicate the delegates designated by your governing board, and return it in time to reach the League office no later than Friday, October 15, 2010.*

Voting delegates may pick up their voting cards from the League's Voting Credentials Desk in the M.C. Benton Convention Center, during registration hours on Saturday, October 23, Sunday, October 24, or Monday, October 25 prior to the Business Meeting. We encourage you to designate a voting delegate in advance as it saves waiting in line and will avoid confusion prior to the start of the Business Session. Thanks.

Enclosure