

FAYETTEVILLE CITY COUNCIL
AMENDED AGENDA
REGULAR MEETING
DECEMBER 13, 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.**



AMENDED AGENDA
FAYETTEVILLE CITY COUNCIL
AGENDA
DECEMBER 13, 2010
7:00 P.M.
CITY HALL COUNCIL CHAMBER

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 ANNOUNCEMENTS AND RECOGNITIONS

5.1 Recognition of Wesley Meredith

5.2 City Council District 9 Replacement
A. District 9 Candidates to Address City Council
B. City Council Vote on District 9 Replacement

5.3 Recognition of Doug Hewett, Assistant City Manager, ICMA

6.0 PUBLIC FORUM

7.0 CONSENT

7.1 Approve Minutes:
- August 18, 2010 – Agenda Briefing Meeting
- September 13, 2010 – Regular Meeting
- September 22, 2010 – Agenda Briefing Meeting
- September 27, 2010 – Regular Meeting
- October 4, 2010 – Regular Meeting

7.2 Resolution Adopting the 2011 City Council Meeting Dates Calendar

7.3 Request to surplus used airfield regulators.

7.4 Community Development - Approval of a site for the proposed HOPE VI Business Park.

7.5 Authorize the Mayor to Execute a Contract with Cherry, Bekaert and Holland to Audit Accounts for Fiscal Year 2010-2011

- 7.6 Capital Project Ordinance Closeouts 2011-7 thru 2011-12 (Transit Capital Projects and Street Resurfacing), Capital Project Ordinance Partial Closeout 2011-13 (FY2008 and FY2009 Street Paving Projects) and Special Revenue Fund Project Ordinance Closeouts 2011-3 through 2011-5 (Homeland Security, COPS Technology, and Gangs Across the Carolinas Grants)
- 7.7 Tax Refunds of Greater Than \$100
- 7.8 Approval of FY2012 Federal Legislative Agenda

8.0 PUBLIC HEARINGS

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

- 8.1 Consideration of the Hospital Area Plan for the Owen Drive / Village Drive area

Presenter(s): Glenn Harbeck, consultant, Harbeck & Associates
David Nash, Planner II

- 8.2 Consideration of the Hospital Area Overlay Ordinance for the Owen Drive / Village Drive area

Presenter(s): Glenn Harbeck, consultant, Harbeck & Associates
Karen Hilton, Manager, Planning and Zoning

- 8.3 Public Hearing to consider a Voluntary Annexation Petition requested by Atlantic Multifamily, LLC for 17.56+ acres on Black and Decker Road

Presenter(s): Marsha Bryant, Planner

- 8.4 Public Hearing to consider a Voluntary Annexation Petition - Fullblock, Inc. - 135 Airport Road

Presenter(s): Marsha Bryant, Planner

9.0 OTHER ITEMS OF BUSINESS

- 9.1 Consideration of the Unified Development Ordinance November 2010 Council Draft, which would amend the City Code by replacing Chapter 25 Subdivision and Chapter 30 Zoning with a new Chapter 30 Unified Development Ordinance (UDO)

Presenter(s): Rob Anderson, Chief Development Officer

9.2 Uninhabitable Structures Recommended for Demolition

- 1031 Bunce Road
- 725 Bunce Road
- 6768 Bailey Lake Road

Presenter(s): Rob Anderson, Chief Development Officer

9.3 Approval of Construction Contract for Franklin Street Parking Deck

Presenter(s): Rusty Thompson, PE, PTOE, City Traffic Engineer

9.4 Adoption of Municipal Speed Ordinances

Presenter(s): Rusty Thompson, PE, PTOE, City Traffic Engineer

9.5 Consider Adoption of Resolution Authorizing Condemnation to Acquire Easements for the Hoke Loop Road Sidewalk Project

Presenter(s): Jeffery P. Brown, PE, Engineering & Infrastructure Director

9.6 Presentation of the Appointment Committee Recommendation to the Board of Appeals on Dwellings and Buildings

Presenter(s): Bobby Hurst, City Council Member

10.0 ADMINISTRATIVE REPORTS

10.1 Revenue and Expenditure Report for Annually Budgeted Funds for the Three-Month Period Ended September 30, 2010 and 2009

Presenter(s): Lisa Smith, Chief Financial Officer

10.2 Tax Refunds of Less Than \$100

10.3 Monthly Statement of Taxes for November 2010

11.0 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
DECEMBER 13, 2010 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
DECEMBER 15, 2010 - 10:00 PM
COMMUNITY CHANNEL 7**

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rita Perry, City Clerk
DATE: December 13, 2010
RE: **Approve Minutes :**
- **August 18, 2010 – Agenda Briefing Meeting**
- **September 13, 2010 – Regular Meeting**
- **September 22, 2010 – Agenda Briefing Meeting**
- **September 27, 2010 – Regular Meeting**
- **October 4, 2010 – Regular Meeting**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

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

ISSUES:

N/A

BUDGET IMPACT:

OPTIONS:

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

RECOMMENDED ACTION:

Approve the draft minutes as presented

ATTACHMENTS:

August 18, 2010 - Agenda Briefing
September 13, 2010 - Regular Meeting
September 22, 2010 - Agenda Briefing
September 27, 2010 - Regular Meeting
October 04, 2010 - Work Session Meeting

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FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
AUGUST 18, 2010
4:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Rob Anderson, Development Services Director
Karen Hilton, Planning Division Manager
Craig Harmon, Planner II
Dwight Miller, PWC Chief Finance Officer
Press

City staff presented the following items scheduled for the Fayetteville City Council's August 23, 2010, agenda:

PUBLIC HEARING ITEMS:

Case No. P10-26F. The rezoning of 0.97 acres at 6576 Cliffdale Road from R10 Residential District to C1 Commercial District or to a more restrictive zoning classification. Kim O. Miller-Nakamoto and George M. Nakamoto, owners.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the property was currently being used as a single-family detached residential unit and the applicants wanted to open a beauty salon/barbershop and retail store. He stated the Zoning Commission recommended approval of the rezoning to P2 Professional, instead of C1 as requested by the applicant, based on the following: (1) the rezoning was in keeping with the character of the neighborhood, (2) Cliffdale Road was a major thoroughfare, and (3) the proposed use was needed because of the multi-family development around the property. He stated staff recommended denial of the rezoning to C1 to the Zoning Commission based on the following: (1) the 2010 Land Use Plan called for medium-density residential for the property, (2) the 2030 Plan cautioned against rezoning properties to commercial mainly because it was on a major thoroughfare, and (3) the property was surrounded by residential zoning and uses.

Case No. P10-27F. The rezoning of 0.34 acres at 7762 Hazelwood Avenue from AR Residential District to P4/CZ Professional Conditional Zoning District. Willie McNeil, owner.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the property was surrounded by residentially compatible uses and that it was part of a residential subdivision that was on three sides of the property. He stated that contrary to 2030 policies that would support a zoning to a nonresidential district, the property was within a subdivision and was not in a transition area. He stated it was staff's opinion that the request would constitute an impermissible "spot zoning". He stated the owner had offered the following conditions of approval: (1) limiting office hours to 9:00 a.m. to 5:00 p.m. and (2) limiting the use to an outpatient care

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office. He stated the Zoning Commission recommended approval of the rezoning to P4/CZ based on the following: (1) the rezoning was compatible with the character of the neighborhood and (2) that P4 zoning would stand as a transition buffer in the future if commercial properties continue to move north from Raeford Road. He stated staff recommended denial of the rezoning to P4/Cz to the Zoning Commission based on the following: (1) the 2010 Land Use Plan called for low-density residential for the property; (2) the 2030 Plan stated that offices may be used as transitional uses, but in this case, the property was not located in a transitional area and Hazelwood was not an intensively traveled road; and (3) the property was surrounded by residential zoning and compatible uses.

OTHER ITEMS OF BUSINESS:

Phase 5, Areas 4 and 5, proposed assessment revisions.

Mr. Dwight Miller, PWC Chief Finance Officer, presented this item and provided background information on the assessment roll for Phase 5, Areas 4 and 5, Arran Lakes East and West annexation. He stated there were four assessments the PWC staff had researched and determined a revision was needed to the assessment amount due to being served by grinder pump or gravity. He then proceeded to provide background information and recommended revisions on each parcel.

There being no further business, the meeting adjourned at 5:55 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
SEPTEMBER 13, 2010
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Douglas S. Peters, FCCCC President
Rusty Thompson, City Engineer
Lisa Smith, Chief Financial Officer
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

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

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Haire.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Crisp moved to approve the agenda with the addition of Item 7.6, special sign permit request for temporary event signs for the Cumberland County Agricultural Fair September 16-27, 2010. This request was for up to 25 signs to be removed by the end of the day on September 27, 2010.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Chavonne recognized and welcomed the visiting International military officers present in the audience.

6.0 PUBLIC FORUM

NAME/ADDRESS	SUBJECT/CONCERN
Charlton Johnson 4908 Easley Lane Fayetteville, NC 28303	Community Awareness
Joseph A. Robinson 890 Santiato Drive Fayetteville, NC 28303	Taxicab rate increase
Gwen York	Thanked the Council for the Special Victims Unit
Carolyn Culbeth 6317 Whitehall Drive Fayetteville, NC 28303	Veterans Issues - Vietnam as a sister city to Fayetteville

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NAME/ADDRESS	SUBJECT/CONCERN
Imam Eronomy Mohammad 2700 Murchison Road Fayetteville, NC	State of Fayetteville
Anthony Castillo 106 Scott Avenue Fayetteville, NC 28301	Community Watch & the rental registration program

7.0 CONSENT

MOTION: Council Member Bates moved to approve the consent agenda with the exception of Item 7.5.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

7.1 Approval of Minutes

- June 21, 2010 - Special Meeting
- June 23, 2010 - Agenda Briefing Meeting
- June 28, 2010 - Regular Meeting
- July 12, 2010 - Regular Meeting
- July 21, 2010 - Agenda Briefing Meeting
- July 26, 2010 - Dinner and Discussion Meeting
- July 26, 2010 - Regular Meeting
- July 29, 2010 - Special Meeting

7.2 Consider adoption of amendments to City Council Policy #125.1, "Drainage Revolving Loan Fund".

7.3 Capital Project Ordinance 2011-5 (FY 2011 New Freedom Grant for Pedestrian Walkways).

7.4 Tax Refunds of greater than \$100.00.

Name	Year	Basis	City Refund
Willie King	2008	Corrected Assessment	<u>\$100.41</u>
TOTAL			<u>\$100.41</u>

7.5 Approve "Sole Source" purchase for bus shelters and associated solar security lighting and benches.

This item was pulled by Council Member Bates.

Mr. Doug Hewett, Assistant City Manager, explained the City's need to purchase 8 bus shelters, 25 solar security lighting kits, and 28 benches with backs. Mr. Hewett stated since 2006, the City has purchased Tolar Manufacturing's Sierra style bus shelters and the associated solar lighting kits and benches since to replace older, glass type shelters and they were the sole source provider of the Sierra style shelter. Mr. Hewett noted that there were 36 shelters of this type installed throughout the City and 12 additional shelters in stock and the existing shelters had proven to be reliable and of good structural construction. He presented the following cost breakdown for the purchase of the equipment:

- 8 Shelters at \$6,790.00 each for a total of \$54,320.00
- 25 Solar Lighting Kits at \$1,740.00 each for a total of \$43,500.00
- 28 Benches with Backs at \$1,070.00 each for a total of \$29,960.00
- Shipping Cost at \$6,250.00

Mr. Hewett stated the total cost of the equipment to be purchased, including shipping, would be \$134,030.00.

Council Member Bates inquired why this was an allowed exception to the bidding requirements. Mr. Hewett responded by statute an

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exception is allowed when (1) the performance or price competition for a product are not available, (2) a needed product is available from only one source of supply, or (3) when standardization or compatibility is the overriding consideration.

Council Member Massey inquired whether any portion of the \$134,000.00 was state or federal government funding and was solar lighting needed because of later transit services being offered. Mr. Hewett explained the funds to be used were part of the \$519,000.00 transit funds and responded in the affirmative to the latter.

Council Member Applewhite expressed issues regarding Tolar being the only company which manufactured this style as it related to limitations of the City's options. Mr. Hewett stated the use of different styles was a possibility and could be reviewed.

MOTION: Council Member Massey moved to approve "Sole Source" purchase for bus shelters and associated solar security lighting and benches.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

8.0 PUBLIC HEARING

8.1 Public hearing to consider economic development incentives for Five Points Hospitality, Inc., to construct an Embassy Suites Hotel and Conference Center.

Mr. Douglas Peters, FCCCC, outlined the following aspects of the proposed Embassy Suites and Conference Center.

- Design
- Project scope
- Conference
- Benefits to Fayetteville
 - o New potential revenues of \$224,000,000.00 or more over 20 years
 - o Creation of new jobs with new payroll dollars in the community
 - o New tax revenues from real estate, revenue, payroll
 - o New tax revenues from disposable income
 - o Increased meeting and leisure business
 - o New business to malls, shops, restaurants and retail
 - o Over 160 new jobs
- Tax revenue summary
 - o Hotel Sales Tax \$13.6 Million
 - o Hotel Guest Tax Generation 25.0 Million
 - o Payroll Taxes 16.2 Million
 - o Employee Household Taxes 8.5 Million
 - o TOTAL \$63.3 Million

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Mr. Dale Iman, City Manager, presented the economic development incentives as follows:

City and County

- Four Financial Incentives
 1. Property Tax Grantback - 5 years (60% for Years 1-2, 55% for Years 3-4, and 50% for Year 5)
 2. Low Interest Loan - Wetland Mitigation (\$500,000.00 - 10 Year Term - Assessment)
 3. Reduce City Permit Fees by 50%
 4. Install Bus Stop Shelter (Developer to Construct Needed Access)

PWC Utility of Choice Program

Only available when customer has a service alternative and selects PWC for all three services

- Water and Wastewater
 - o Facility Investment Fee (FIF) Waived
- Electricity
 - o Installation (including transformer) without charge
 - o 10% reduction in fee for 10 years

Mayor Pro Tem Haire inquired whether the migration pipe for the two different locations would be closed in and connected. Mr. Iman responded in the affirmative and stated once this was accomplished, the area would not be considered wetland.

Council Member Bates inquired how the City would be protected. Mr. Iman responded there would be a lien on the property similar to that of a tax lien. Council Member Bates inquired whether City Engineers would inspect the site once pipes were connected and water was discharged in the basin. Mr. Iman responded in the affirmative.

Council Member Meredith inquired why the state had not offered grantback incentives. Mr. Peters responded an application for economic recovery bonds for the project were submitted; however, it had not met the requirement state wide.

Council Member Applewhite requested an estimated dollar amount for the 10 percent reduction. Mr. Iman explained water Facility Investment Fees (FIF) waived would equal \$27,500.00, sewer FIF waived would equal \$64,100.00, and 10 percent over 500 kilowatts. He stated a service provision of shoebox style lighting installation would be \$26.73 per light per month. Council Member Applewhite inquired as to the reason for offering a free transformer. Mr. Iman responded it was needed to extend the electrical distribution system.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 7:50 p.m.

MOTION: Council Member Bates moved to approve the proposed economic incentives.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (10-0)

9.0 OTHER ITEMS OF BUSINESS

9.1 Request for non-compliant speed hump installation on Pettigrew Street.

Mr. Rusty Thompson, City Engineer, presented this item and briefed Council. He stated Mr. Wayne Knox, a resident on Pettigrew

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Drive, requested that speed humps be installed on the street. He stated staff evaluated the request and informed Mr. Knox that speed humps were not warranted as outlined in the Residential Traffic Management Program. Mr. Thompson stated Mr. Knox elected to proceed with a non-complaint procedure and submitted a petition with a 76 percent signature rate (75 percent minimum was required). Mr. Thompson stated there were requirements and the applicant would have to pay for the removal of the speed humps should they wish to remove them.

Council Member Applewhite requested accident data and inquired if there was a process to identify petition signers as property owners or renters. Mr. Thompson stated there were no accidents where speed humps would have helped prevent them and answered in the negative to the latter. Mayor Chavonne clarified that should Council approve a request based on a petition signed by renters, Council could be charging property owners who had not signed.

Council Member Meredith inquired whether this was an assessment or would the City be paid prior to the installation. Mr. Thompson explained the following options: (1) citizens could pay the City for installation or (2) citizens could pay a contractor and the City would inspect.

Council Member Crisp inquired how many requested speed humps were made per year. Mr. Thompson responded 30 to 50 per year.

MOTION: Council Member Meredith moved to approve the locations and allow the neighborhood to install at their cost.
SECOND: Council Member Crisp

A discussion period ensued regarding possible future issues. Mr. Thompson reviewed the proposed design and stated staff could not find any benefits of speed hump installations on Pettigrew Street.

RESTATED MOTION: Council Member Meredith moved to approve the locations and allow the neighborhood to install at their cost.
SECOND: Council Member Crisp
VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Applewhite, Bates, and Davy)

10.0 ADMINISTRATIVE REPORTS

10.1 Monthly statement of taxes for August 2010 from the Cumberland County Tax Administrator.

2010 Taxes	\$2,263,331.72
2010 Vehicle	283,020.57
2010 Revit	3,185.45
2010 Vehicle Revit	274.76
2010 FVT	35,156.08
2010 Transit	35,156.11
2010 Storm Water	101,129.35
2010 Fay Storm Water...	202,258.62
2010 Fay Recycle Fee	107,335.94
2010 Annex...	20.73
2009 Taxes	44,077.62
2009 Vehicle	103,057.06
2009 Revit	85.95
2009 Vehicle Revit	(9.33)
2009 FVT	15,613.16
2009 Transit	15,613.16
2009 Storm Water	1,249.35
2009 Fay Storm Water...	2,498.68
2009 Fay Recycle Fee	2,724.61
2009 Annex...	0.00

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2008 Taxes	2,099.93
2008 Vehicle	5,319.24
2008 Revit	0.00
2008 Vehicle Revit	0.00
2008 FVT	978.49
2008 Transit	756.24
2008 Storm Water	234.50
2008 Fay Storm Water...	73.63
2008 Fay Recycle Fee	128.85
2008 Annex... ..	0.00
2007 Taxes	696.78
2007 Vehicle	1,501.20
2007 Revit	0.00
2007 Vehicle Revit	0.00
2007 FVT	287.28
2007 Storm Water	142.62
2007 Fay Storm Water	45.24
2007 Annex... ..	0.00
2006 and Prior Taxes	1,017.39
2006 and Prior Vehicle	2,762.61
2006 and Prior Revit	0.00
2006 and Prior Vehicle Revit	0.00
2006 and Prior FVT	606.42
2006 and Prior Storm Water	150.37
2006 Annex... ..	73.60
Interest	15,498.55
Revit Interest	5.09
Storm Water Interest	222.99
Fay Storm Water Interest	197.49
Annex Interest	0.86
Fay Recycle Interest	214.32
Total Tax and Interest	\$3,248,793.28

10.2 Revenue and expenditure report for annually budgeted funds for the month ended July 31, 2010.

Ms. Lisa Smith, Chief Financial Officer, presented this item and stated the purpose of the report was to provide monthly revenue and expenditure information for the City's annually budgeted funds. She reviewed the contents of the report and explained the report consists of two main sections as follows: (1) revenues by major category by fund and (2) expenditures by major category by fund. She stated the expenditure section of the report provided expenditure data by department for the General Fund; included revenue and expenditure data for the current fiscal year (column labeled "FY2011 Actual thru July"), with comparison columns for the current year's budget (column labeled "FY2011 Budget as of July"), and revenue and expenditure data through the same period in last fiscal year (column labeled "FY2010 Actual thru July). Ms. Smith noted the expenditure section of the report included a column for "Encumbrances" which represented commitments by the City to obtain items or services or other expenditures for which payments have not yet been made. Ms. Smith explained the revenues and expenditures were generally recorded on a cash basis throughout the year and accounting adjustments were made at year-end to account for revenues and expenditures that needed to be recorded back to the fiscal year before it was formally closed. She added that since monthly sales taxes and quarterly utility taxes were received from the State approximately 75 days after the period to which they applied, sales tax revenues would not initially appear until the October 31, 2010, report and utility taxes would not appear until the December 31, 2010, report. She stated for comparison purposes, the report would also not show prior year actuals for the revenues until the revenue data for the current fiscal year was also available for the same period.

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Periodically through Ms. Smith's presentation, questions were posed by Council and addressed by Ms. Smith.

11.0 ADJOURNMENT

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

Respectfully submitted,

RITA PERRY
City Clerk

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
SEPTEMBER 22, 2010
4:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Kady-Ann Davy (District 2); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7)

Absent: Council Members Robert A. Massey, Jr. (District 3); Wesley A. Meredith (District 9); Theodore W. Mohn (District 8)

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Doug Peters, President, CEO Fayetteville-Cumberland County Chamber of Commerce
Rob Anderson, Development Services Director
Karen Hilton, Planning & Zoning Division Manager
Craig Harmon, Planner II
Press

City staff presented the following items scheduled for the Fayetteville City Council's September 27, 2010, agenda:

CONSENT ITEMS:

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.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He clarified that C1P was identical to the C1 Local Business District except for setbacks, and that plans were required by the subdivision chapter to be submitted to the planning agency for approval prior to development. He stated mixed residential use would be permitted with special limitations. He also clarified that C1 was primarily for the conduct of retail trade in outlying shopping areas with emphasis on daily necessities for the convenience of surrounding residential areas. Mr. Harmon explained the owner would like to expand the existing structure and the purpose for rezoning was to reduce the side-yard setback requirements. He stated the C1P district required a minimum 30-foot side-yard setback and the C1 district would allow building to the property line with a firewall or a 3-foot setback without one. He stated the Zoning Commission and staff recommended approval of the rezoning to C1 based on the following: (1) the 2010 Land Use Plan called for Heavy Commercial for the property with C1 being one of the City's Heavy Commercial Zoning Districts, (2) the property was currently zoned commercial, and (3) the C1 Zoning District was less restrictive than the C1P in its setback standards.

Council Member Bates questioned whether this would be a right-of-way encroachment. Mr. Harmon replied in the negative.

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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.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the MU district was 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. He stated a fire station was a permitted use in most districts including residential. He stated the Zoning Commission and staff recommended approval of the MU/CZ zoning district based on the following: (1) the public need for a new fire station in the Andrews Road area, (2) Andrews Road was a major thoroughfare and would provide appropriate access to the area around it, and (3) the fire station would be placed in an area adjacent to approved office buildings in the MU/CZ District.

Special sign permit request for temporary event signs for the Junior League's 2010 Holly Day Fair scheduled for November 4-7, 2010.

Mr. Rob Anderson, Chief Development Officer, presented this item.

Special sign permit request for temporary event signs for the 2010 Spaghetti Fundraiser by the Saints Constantine and Helen Greek Orthodox Church.

Mr. Rob Anderson, Chief Development Officer, presented this item.

Special sign permit request for temporary event signs for the 2010 Home Builders Association of Fayetteville Parade of Homes scheduled for October 2, 3, 9, and 10, 2010.

Mr. Rob Anderson, Chief Development Officer, presented this item. He reviewed the proposed UDO allowances and stated the sign permit would allow for three signs per City address and there were ten houses located in the City limits. Mr. Anderson explained the size and location of the proposed signs.

OTHER DISCUSSION:

Council Member Bates questioned why Item 6.7, supplemental agreement to existing municipal agreement with NCDOT for sidewalk construction, was being presented to Council. Mr. Doug Hewett, Assistant City Manager, explained the project was completed with money left over and the purpose for the supplementary agreement was to use the money.

Closed session to discuss an economic development project.

MOTION: Mayor Chavonne moved to go into closed session to discuss an economic development project.

VOTE: UNANIMOUS (7-0)

The regular session recessed at 3:58 p.m. The regular session reconvened at 4:28 p.m.

MOTION: Mayor Chavonne moved to go into open session.

VOTE: UNANIMOUS (7-0)

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There being no further business, the meeting adjourned at
4:28 p.m.

Respectfully submitted,

RITA PERRY
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
SEPTEMBER 27, 2010
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Douglas S. Peters, FCCC President
Rusty Thompson, City Engineer
Lisa Smith, Chief Financial Officer
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

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

2.0 INVOCATION

The invocation was offered by Pastor Micah Royal of the Blessed Family of God Church.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda with the addition of Item 6.17, resolution setting a public hearing to consider economic development incentives for a proposed office space redevelopment project with Strategic Solutions Unlimited.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Chavonne, on behalf of the City Council and City of Fayetteville, presented a proclamation to Mr. Roosevelt D. Odom, Jr., proclaiming September 27 through October 1, 2010, to be Deaf Awareness Week. Comments followed.

6.0 CONSENT

MOTION: Council Member Meredith moved to approve the consent agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

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.

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

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(2313 SLATER AVENUE AND 116 PHILLIPS STREET). RESOLUTION NO. R2010-073.

- 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 to November 7, 2010.
 - 6.5 Special sign permit request for temporary event signs for the 2010 Spaghetti Fundraiser by the Saints Constantine and 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 and 3, 2010, and October 9 and 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.
- A RESOLUTION AUTHORIZING THE CONVEYANCE OF PERSONAL PROPERTY ITEMS TO FIRE DEPARTMENTS/GOVERNMENTAL AGENCIES. RESOLUTION NO. R2010-074.
- 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.

The Public Works Commission approved the award of a 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 forwarded to City Council for approval. This was a budgeted item. The amount budgeted per substation was \$550,000.00, for a total budgeted amount of \$1,100,000.00. Bids were received August 14, 2010, as follows:

Aubrey Silvey Enterprises (Carrollton, GA)	\$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 contractors with four contractors responding.

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6.15 Bid Recommendation - Contract for Annexation Phase V, Project III, Area 8 - LaGrange.

The Public Works Commission approved to award contract for Annexation, Phase V, Project III, Billy Bill Grading Company, the lowest responsive, responsible bidder in the total amount of \$2,496,108.00 and forwarded to City Council for approval. This was 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:

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 (Auntryville, NC) \$2,813,050.90
 R.H. Moore (Murrells Inlet, SC) \$3,827,513.00

Plans and specifications were requested by 15 contractors with 5 contractors submitting bids.

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.

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. RESOLUTION NO. R2010-075.

6.17 Resolution setting a public hearing to consider economic development incentives for a proposed office space redevelopment project with Strategic Solutions Unlimited.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE SETTING A PUBLIC HEARING TO CONSIDER ECONOMIC DEVELOPMENT INCENTIVES FOR A PROPOSED OFFICE SPACE REDEVELOPMENT PROJECT WITH STRATEGIC SOLUTIONS UNLIMITED. RESOLUTION NO. R2010-076.

7.0 OTHER ITEMS OF BUSINESS

7.1 Presentation of Appointment Committee recommendations for boards and commissions appointments.

Council Member Hurst, Appointment Committee Chair, provided highlights of the September 20, 2010, Appointment Committee meeting and presented the following appointment recommendations:

Boards/Commission	Recommendation
Fayetteville Advisory Committee on Transit (FACT)	Rick Heicksen - FAMPO Director/designee
	Sharon Collins - ADA rider or representative
	Mary Bunny English - Bus rider
	Jeff Thompson - Citizen within service area
	Scott Gibson - Citizen outside service area
	Todd Lyden - Citizen outside service area
Fayetteville Planning Commission	William J. Fiden
Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission	Frank R. Till
Fayetteville-Cumberland Human Relations Commission	William Moreno
Public Works Commission	Terri Union

Council Member Hurst announced the City was seeking additional applicants for the Fayetteville Advisory Committee on Transit (FACT) to fill positions designated for ADA and transportation industry

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representatives and applicants for the Taxicab Review Board to fill positions designated for taxi industry representatives.

Mayor Pro Tem Haire questioned the status of Mr. Davis as a recommendation. Ms. Rita Perry, City Clerk, explained it was the consensus of the Appointment Committee for the recommendation listed.

MOTION: Council Member Mohn moved to approve the appointment recommendations with the exception of the PWC recommendation and to allow for a presentation regarding the appointment process.
SECOND: Council Member Applewhite
VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Crisp and Massey)

Mr. Doug Hewett, Assistant City Manager, provided a synopsis of the process utilized to address the September 2010 vacancies. He stated at the August 18, 2010, meeting the Appointment Committee requested re-advertisement for the PWC vacancy to include an extensive questionnaire. Mr. Hewett reviewed the PWC questionnaire, which included questions provided by PWC and Council.

A discussion period ensued regarding resume submittals, attendance calculations, and conference call meetings and possible policy amendment to address conference calls.

MOTION: Council Member Applewhite moved to approve the appointment of Mr. Wick Smith to the Public Works Commission.
SECOND: Council Member Mohn

Further discussion ensued regarding applicants' qualifications, application completion requirements and board/commission members' behavior. Ms. Rita Perry, City Clerk, explained the application intake/review process. Mr. Hewett further stated the rules of protocol as well as the City Council Fayetteville Forward would be an added component of the member orientation.

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

MOTION: Council Member Bates moved to approve the reappointment of Mrs. Terri Union to the Public Works Commission.
SECOND: Council Member Massey
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Applewhite)

7.2 National League of Cities voting delegates.

Mr. Dale Iman, City Manager, presented this item.

MOTION: Council Member Bates moved to designate Council Member Massey the alternate voting delegate and Council Member Bates the voting delegate.
SECOND: Council Member Meredith
VOTE: UNANIMOUS (10-0)

7.3 NC League of Municipalities Annual League Business meeting voting delegates.

Mr. Dale Iman, City Manager, presented this item.

MOTION: Council Member Bates moved to designate Council Member Massey the alternate voting delegate and Council Member Hurst the voting delegate.
SECOND: Council Member Meredith
VOTE: UNANIMOUS (10-0)

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8.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:58 p.m.

Respectfully submitted,

RITA PERRY
City Clerk

ANTHONY G. CHAVONNE
Mayor

092710

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FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
CITY HALL COUNCIL CHAMBER
OCTOBER 4, 2010
5:00 P.M.

Present: Mayor Anthony G. Chavonne

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

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

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Jerry Dietzen, Environmental Services Director
Rich Garrity, RLS & Associates
Ron Macaluso, Transit Director
Ben Nichols, Fire Chief
Ben Majors, Assistant Fire Chief
Brian Mims, Battalion Commander
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Meredith.

Mayor Chavonne explained the work session proceedings.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Residential Rental Property Programs Update

Mr. Doug Hewett, Assistant City Manager, presented this item and provided a summary of the issues, history, and stakeholder outreach efforts. Mr. Hewett outlined the Rental Registration Program benefits, key components, required resources, and fee structure. He also outlined the Probationary Rental Occupancy Permit (PROP) benefits, key components, violation factors, required resources, and fee structure.

Council Member Bates inquired whether rental agencies had a database to track renters. Mr. Hewett responded this was attempted by realtors and HUD with possible profiling concerns; however, a large property management firm could implement this within their agency.

Mayor Chavonne inquired on the initiative for owners to register their properties and the tracking method. Mr. Hewett explained the responsible landlords would register and noncompliance would be a violation. He stated tracking would be through utility services.

Council Member Mohn inquired on how many additional inspectors would be needed. Mr. Hewett responded the City had budget shortfalls;

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therefore the programs would have to pay for themselves. He explained the inspectors' roles would be to address problems and maintain databases which would support PROP, and the Housing Inspector would be the Rental Registration Coordinator.

Mayor Pro Tem Haire inquired whether fees could be waived for property owners who registered within a certain time period. Mr. Hewett responded that was not a consideration because the programs would be supported by fees.

Council Member Davy inquired on staff accessibility to meet with landlords on a case-by-case basis regarding violations. Mr. Hewett responded the proposed model included a very strong property owner education component.

Council Member Bates proposed a reward to waive fees should rental properties have no calls within a certain timeframe. Mr. Hewett stated waiving of future fees was not contemplated.

Council Member Massey stated PROP was the common factor between Fayetteville and Raleigh; however, Raleigh had no revenue source. Mr. Hewett stated there was a value to identifying rental property owners and owners would be required to obtain certification that the property meets minimal housing code regulations.

Council Member Applewhite inquired whether the City had a minimal housing code. Mr. Hewett responded in the affirmative. He explained violations were either cited by code enforcement or complaints were received.

Council Member Mohn stated these programs could not exist with funding sources. He requested staff provide a list of cuts needed to implement a program changing additional yearly fees, should Council place this as a higher priority. Mr. Hewett stated the programs had been a part of the strategic plan for a number of years. He stated Council's direction had been that the programs had to be self-supporting.

Council Member Applewhite inquired where the City would get funding should Council reprioritize. Mr. Dale Iman, City Manager, stated there was no increase in revenue; therefore elimination would be necessary if Council reprioritized. He stated reduction in services should not be an option and fees were needed to pay for services.

Council Member Applewhite inquired whether the PROP would punish responsible owners. Mr. Hewett responded in the negative.

Mayor Chavonne stated the registration would follow the property, not ownership, and suggested owners be monitored for repeat offenders. Mr. Hewett explained the interest was to specify the location and not allow the problem property to be passed onto family members.

Mayor Chavonne affirmed Council's concerns with problem properties and suggested the people creating the problems be defined by the implementation of higher fees for continuous violators.

Council Member Haire stated PROP would address the problems and requested discussion for one versus the other. Mr. Hewett explained the benefits of the Rental Registration Program in conjunction with PROP.

Council Member Bates inquired why landlords could not police their own properties. Mr. Hewett responded that the responsible landlords try; however, there were repeated problems on the same properties.

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Council Member Bates inquired whether fees could be waived for good landlords. Mr. Hewett responded the fees would support the program.

Council Member Bates requested PROP be brought back to Council at a future work session to include a revised financial model which would provide incentives for landlords in compliance and higher fees for violators. Mr. Hewett clarified Council's direction had been to be self-supporting. He stated to have a successful PROP would require a registration program, and in order to track, educate, and certify code staff it was recommended both programs be adopted. He stated to split the financial model for PROP would be cumbersome.

The consensus of Council was to review the PROP program only.

4.2 Multifamily Recycling Program Update

Mr. Jerry Dietzen, Environmental Services Director, presented this item and provided a summary of the history. Mr. Dietzen provided an overview of relative current data, stakeholder input results, and benefits. He stated staff recommended the development of an ordinance requiring multifamily complexes to provide recycling services for the residents with a target start date of July 2011 which would include (1) recommended capacity to handle the volume for the number of units to be served, (2) weekly collection schedule, (3) compliance with Zoning/UDO regulations, (4) recommended postings and information, (5) easy resident access to the recycle area, and (6) compliance with existing solid waste ordinances. Mr. Dietzen reviewed the suggested timeline as follows:

- December 6, 2010 - Return to Council work session with draft ordinance.
- December 13, 2010 - Regular Council meeting - Adopt ordinance or set a public hearing.
- January-June 2011 - City staff to notify multifamily complexes and provide technical assistance.
- July 2011 - Program target start-up.

Following a question and answer period regarding notification signage, enforcement, contamination, incentives, and holiday pickup scheduling, the consensus of Council was to follow the recommended timeline.

4.3 RLS Presentation - City/County Consolidated Transportation Plan

Mr. Ron Macaluso, Transit Director, presented this item and provided a brief history and introduced Rich Garrity, RLS & Associates. Mr. Garrity reviewed the consolidated plan as follows:

Study Goals

- Provide Rider Benefits
- Provide the Most Efficient, Effective and Safe Countywide Transportation Services
- Create More Effective Mechanism to Address Countywide Problems
- Create Greater Opportunities for Creation of Local Dedicated Funding Sources for Transit
- Economies of Scale
- Develop Specialized Staff

Phase I and II Study Milestones

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Work Program

- Phase I
 - Inventory
 - Feasibility Determination
- Phase II
 - Organizational Structure
 - Cost Sharing
 - Five-Year Budget

Governance/Operational Models

- Overview of Three Operating Scenarios
 - Option 1: Centralized Operation with all Public Transportation Services Consolidated Under the City
 - Option 2: Decentralized Administrative Functions/Some Operations Functions Handled by the County
 - Option 3: Decentralized Administrative Functions/Demand Response Operations for Both City and County Centralized Under the County
- Recommended Option 1

Interlocal Agreement Description

- Benefits to the City
 - Introduction of New Cost Allocation Methodologies
 - Reduced Administrative/Staff Expenses by Split Funding Between City and CCCTP Funds
 - Reduced Administrative/Staff Expenses by Reclassification of Some Positions From 100% City Funded to 80% Federally Funded Under Mobility Management
 - Consolidates Grant-Making to a Single Recipient
 - Expansion of Passenger Base by Including Human Service Transportation
 - Utilize Sections 5316 and 5317 Funds Without Additional City Outlay of Matching Funds
- Benefits to the County
 - Reduced Staffing Costs
 - Piggy-Back on City's Paratransit Software Purchase
 - Unified Customer Call Center
 - Seamless Experience for all Transit Consumers
 - Enhanced Coordination of Service Delivery Through Mobility Management
 - Coordination Consistent with NCDOT Objectives
- City/County Execution of Agreement Pursuant to N.C.G.S. § 160--A, Article 20
- Merger of CCCTP with Expanded FAST Mobility Services Unit, incorporating ADA Service, Human Service Agency Transportation, and Rural Public Transportation
- July 1, 2011 - Transition Milestone
- Key Factors in Decision-Making
 - Efficiency in Administrative Structure
 - Modest Administrative Efficiencies
 - Creation of Seamless Customer Experience
 - Enhanced use of Technology
 - Opportunity to Maximize Federal and State Apportionments

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A discussion period ensued regarding County transportation programs, FAST paratransit, County quality of service concerns, accounting mechanisms via NCDOT, employment elimination, County community transportation requirements.

The consensus of Council was to receive the report and draft a letter to the County expressing the City's interest to proceed.

4.4 Fayetteville Fire/Emergency Management Strategic Plan

Mr. Ben Nichols, Fire Chief, presented this item and stated approval of the Fayetteville Fire/Emergency Management Department's Strategic Plan and Standard of Response Cover would enable the department to continue with the accreditation process. He introduced Mr. Ben Majors, Assistant Fire Chief.

Mr. Majors presented the self-assessment, challenges, opportunities, weaknesses, and strengths aspects of the strategic plan and reviewed the mission statement. He introduced Mr. Brian Mims, Battalion Commander.

Mr. Mims outlined the standard of cover elements of the plan.

A question and answered period ensued regarding responses mechanisms, adjoining collaboration with Fort Bragg, and citizen awareness.

RESOLUTION ADOPTING FAYETTEVILLE FIRE/EMERGENCY MANAGEMENT DEPARTMENT'S STRATEGIC PLAN AND STANDARD OF RESPONSE COVER. RESOLUTION NO. R2010-077.

MOTION: Council Member Massey moved to adopt the resolution approving the Fayetteville Fire/Emergency Management Department's Strategic Plan and Standard of Response Cover which would enable the department to continue with the accreditation process.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:57 p.m.

Respectfully submitted,

RITA PERRY
City Clerk

ANTHONY G. CHAVONNE
Mayor

100410

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rita Perry, City Clerk
DATE: December 13, 2010
RE: Resolution Adopting the 2011 City Council Meeting Dates Calendar

THE QUESTION:

Does the proposed calendar reflect the interest of Council for meetings in 2011?

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government

BACKGROUND:

To ensure that citizens are aware of all the public meetings and events for 2011 and the City adheres to the NC Open Meetings, staff has prepared the attached 2011 City Council Meeting Dates Calendar. The calendar takes into account all City holidays, Council retreats and conferences identified by staff.

Staff proposes that the generally scheduled Monday, April 25, 2011 regular meeting be held on Tuesday, April 26, 2011 due to Good Friday and for Council to forego the July 2011 work session meeting, which customarily follows the budget review and adoption process.

The calendar was modified with the revisions provided by Council at the December 6, 2011 work session. Therefore, staff requests Council to approve the resolution adopting the 2011 City Council Meeting Dates Schedule.

ISSUES:

BUDGET IMPACT:

OPTIONS:

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

RECOMMENDED ACTION:

Approve resolution to adopt the meeting schedule, as presented.

ATTACHMENTS:

Resolution-2011 City Council Calendar
Proposed 2011 City Council Meeting Dates Schedule

RESOLUTION NO. R2010-_____

RESOLUTION OF THE FAYETTEVILLE, NORTH CAROLINA CITY COUNCIL TO ADOPT THE 2011 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF CITY COUNCIL REGULAR MEETINGS FOR 2011

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

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

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

HEREBY RESOLVES to adopt the attached calendar titled 2011 City Council Meeting Dates to clarify the time and location of City Council regular meetings for 2010; and further

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

ADOPTED this _____ day of _____,

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, MAYOR

ATTEST:

RITA PERRY, CITY CLERK

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bradley S. Whited, Airport Director
DATE: December 13, 2010
RE: Request to surplus used airfield regulators.

THE QUESTION:

How do we properly dispose of surplus equipment?

RELATIONSHIP TO STRATEGIC PLAN:

n/a

BACKGROUND:

These regulators were salvaged from our former airport electrical vault. They were originally purchased using Federal Aviation Airport Improvement funding. The FAA allows us to transfer this equipment to other airport facilities. While they have no re-sale value, they can be used as backup equipment or spare parts for airports that have similar regulators. We are requesting City Council approval to surplus this equipment and allow us to transfer to other airports.

ISSUES:

- Airport Commission approved recommendation to City Council to surplus items at its November 30, 2010 meeting.
- City Council approval required to transfer equipment to other airports.
- Action would comply with FAA grant assurances.

BUDGET IMPACT:

OPTIONS:

1. Approve request to surplus regulators.

RECOMMENDED ACTION:

1. Approve request to surplus regulators recommended by Airport Commission.

ATTACHMENTS:

List of Airfield Regulators

Fayetteville Regional Airport, NC
Used airport lighting regulators – Surplus list

November 15, 2010

1) Crouse-Hinds
Constant Current Regulator
FAA-L-828
30 KW, 5 step
480 volt, single phase input, 6.6 amp output
120 volt control
Oil filled

2) ADB-ALNACO
Constant Current Regulator
FAA-L-828
15 KW, 3 step
480 volt, single phase input, 6.6 amp output
120 volt control
Dry

3) ADB-ALNACO
Constant Current Regulator
FAA-L-828
15 KW, 3 step
480 volt, single phase input, 6.6 amp output
120 volt control
Dry

4) Heavy Duty
Constant Current Regulator
FAA-L-828 10D
7.5 KW, 3 step
240 volt, single phase input, 6.6 amp output
120 volt control
Dry

5) Heavy Duty
Constant Current Regulator
FAA-L-828 10D
7.5 KW, 3 step
240 volt, single phase input, 6.6 amp output
120 volt control
Dry

6) Siemens
Constant Current Regulator
FAA-L-828
10 KW, 3 step
480 volt, single phase input, 6.6 amp output
120 volt control
Dry

7) Heavy Duty
Constant Current Regulator
FAA-L-828 10D
4 KW, 1 step
240 volt, single phase input, 6.6 amp output
120 volt control
Dry

8) Heavy Duty
Constant Current Regulator
FAA-L-828 10D
4 KW, 1 step
240 volt, single phase input, 6.6 amp output
120 volt control
Dry

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor D. Sharpe, Community Development Director
DATE: December 13, 2010
RE: **Community Development - Approval of a site for the proposed HOPE VI Business Park.**

THE QUESTION:

Is acquiring subject properties consistent with the City's commitment to the HOPE VI Revitalization Project?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base - Strong Local Economy and More Attractive City - Clean and Beautiful.

BACKGROUND:

One of the City's commitments for the HOPE VI Revitalization project includes one million dollars to acquire parcels for the development of a business campus (these funds are currently budgeted). The City will use a request for proposal (RFP) to solicit developers for the development of the business campus. The HOPE VI grant application suggests that the new business campus will support the influx of defense contractors due to Fort Bragg's expansion and will provide jobs for the additional residents that will reside in the area.

Recommended Site (Attached Map):

- The proposed site is 9.21 acres and includes 44 parcels (36 vacant and 8 with structures).
- The City owns one of the parcels and jointly owns three parcels with Cumberland County.
- The proposed site was identified as part of the Center City Industrial Park in 2005 by the Fayetteville Area Economic Development Corporation /Chamber of Commerce.
- There are eight (8) structures located throughout the project area that will have to be demolished.
- Currently there are four households and one business that will have to be relocated. According to the tax records, **all** of these properties are **renter-occupied**.
- There may be some condemnation involved in acquiring some of the parcels.

Site Considered, But Not Recommended:

- The other site considered is located at Russell Street and Eastern Boulevard (former Holt-Williamson Mill)
- It includes 2 parcels containing approximately 11.51 acres.

The recommendation for the Gillespie site is based on its proximity to the downtown, inclusion in the Center City Industrial Park Plan, available utilities, the amount of vacant land, and the City ownership of property at this site. Further, conversations with the current owner of this alternative site indicated that they had made significant investments in that site and had development plans in the works that would lead to revitalization and increased land value without the City's assistance.

ISSUES:

City Council passed a resolution on November 24, 2008 that granted the City Manager or his designee the authority to negotiate and acquire property in the HOPE VI Revitalization area in support of the 2007 HOPE VI Grant for the Old Wilmington Road community. Should Council take the recommended action, this resolution will authorize the City Manager to acquire property for the HOPE VI Business Park. Any condemnation action would require further Council consideration.

BUDGET IMPACT:

OPTIONS:

- Approve proposed site.
- Do not approve proposed site.
- Provide additional direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council move to approve acquisition of property for the HOPE VI Business Park located at Gillespie Street, Blount Street and Chase Street as indicated on the attached map.

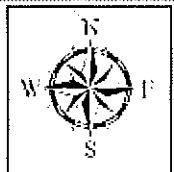
ATTACHMENTS:

HOPE VI Business Park Site - Gillespie Street

Picture of Proposed HOPE VI Business Park Site - Gillespie Street

Russell Street Site

Hope VI
Business Park

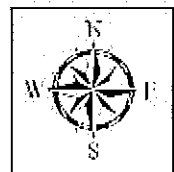
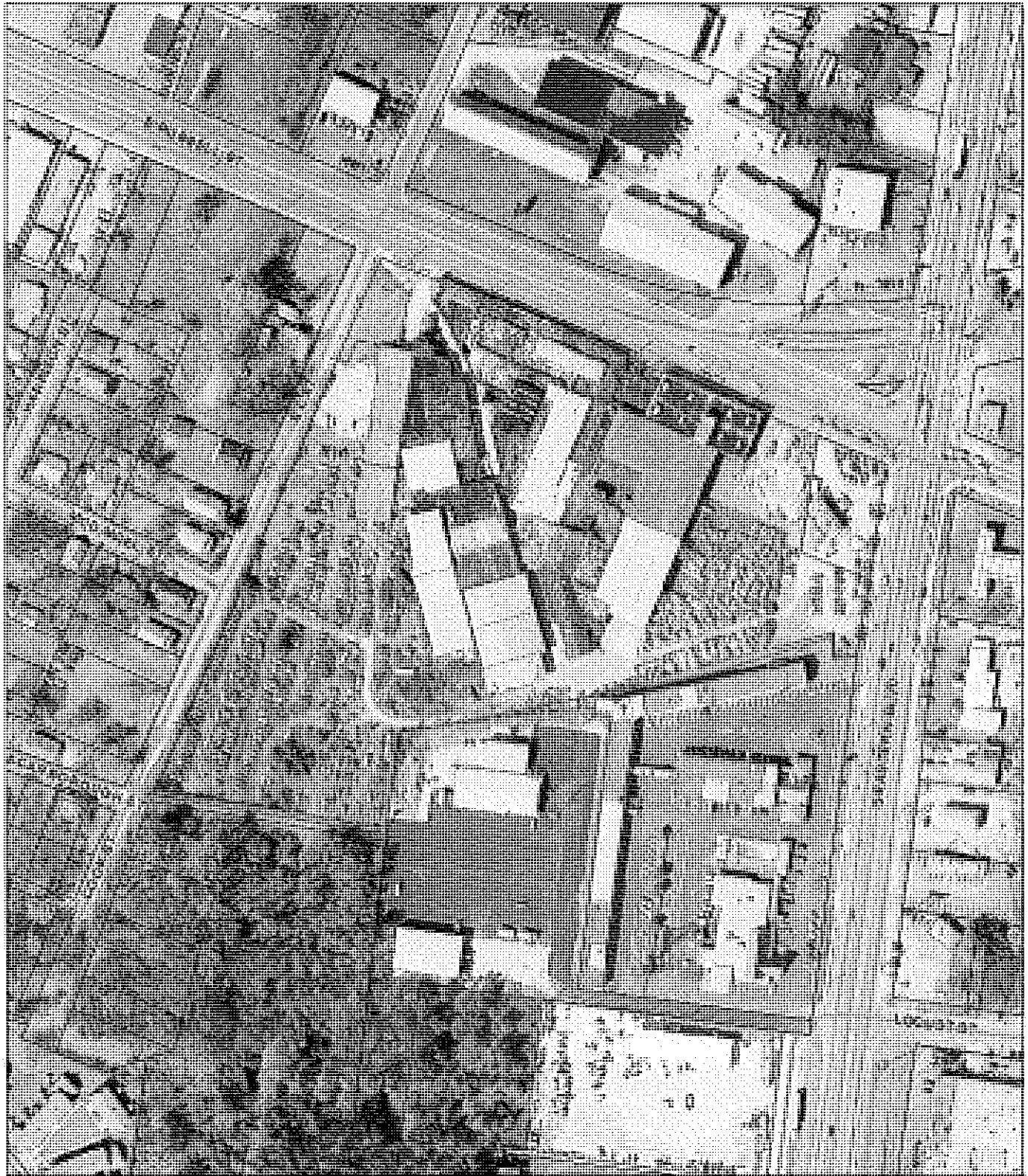


Proposed Site for HOPE VI Business Park





**Hope VI
Business Park**



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: December 13, 2010
RE: **Authorize the Mayor to Execute a Contract with Cherry, Bekaert and Holland to Audit Accounts for Fiscal Year 2010-2011**

THE QUESTION:

City and PWC staff request Council approval to execute the audit contract for Fiscal Year 2010-2011 with Cherry Bekaert & Holland (CB&H).

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

- CB&H has provided excellent and timely audit services to the City and its PWC.
- As stated last fiscal year, CB&H has agreed to provide Fiscal Year 2010-2011 through 2011-2012 audit services to the City and its PWC for a total amount not to exceed \$100,000 per fiscal year.
- This fee covers the audit work that is performed at the City's offices and its Public Works Commission. The City's share of the contract is \$60,000 and PWC's share is \$40,000.
- This annual fee is \$22,720 less than the fee for Fiscal Year 2008-2009, which is primarily due to City staff's commitment to internally produce the comprehensive annual financial report.
- FY2011 will be the second year that City staff will internally generate the comprehensive annual financial report.

ISSUES:

None

BUDGET IMPACT:

OPTIONS:

1. Authorize the Mayor to execute the Contract to Audit Accounts with CB&H for Fiscal Year 2010-2011.
2. Do not authorize the Mayor to execute the contract and direct staff to conduct a RFP process.

RECOMMENDED ACTION:

Authorize the Mayor to execute the Contract to Audit Accounts with CB&H for Fiscal Year 2010-2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: December 13, 2010
RE: **Capital Project Ordinance Closeouts 2011-7 thru 2011-12 (Transit Capital Projects and Street Resurfacing), Capital Project Ordinance Partial Closeout 2011-13 (FY2008 and FY2009 Street Paving Projects) and Special Revenue Fund Project Ordinance Closeouts 2011-3 through 2011-5 (Homeland Security, COPS Technology, and Gangs Across the Carolinas Grants)**

THE QUESTION:

Staff requests Council to closeout seven Capital Project Ordinances and three Special Revenue Fund Project Ordinances as follows:

- Capital Project Ordinance Closeout 2011-7 (Transit Signage and Support Vehicles)
- Capital Project Ordinance Closeout 2011-8 (Transit Enhancements)
- Capital Project Ordinance Closeout 2011-9 (Transit Buses and Signage)
- Capital Project Ordinance Closeout 2011-10 (Transit Signage, Bus Shelters and Buses)
- Capital Project Ordinance Closeout 2011-11 (Transit Vehicles)
- Capital Project Ordinance Closeout 2011-12 (FY2009 Street Resurfacing)
- Capital Project Ordinance Partial Closeout 2011-13 (FY2008 and FY2009 Street Paving Projects)
- Special Revenue Fund Project Ordinance Closeout 2011-3 (FY2007 Homeland Security Grant)
- Special Revenue Fund Project Ordinance Closeout 2011-4 (FY2009 COPS Technology Grant)
- Special Revenue Fund Project Ordinance Closeout 2011-5 (2009 Gangs Across the Carolinas Conference)

RELATIONSHIP TO STRATEGIC PLAN:

Principle A: Great Place to Live – Accessible and efficient transit throughout the City
Value – Stewardship – Looking for ways to leverage city resources and to expand revenues
Goal 3: More Efficient City Government - Cost-Effective Service Delivery
Objective 3: Investing in City's future infrastructure, facilities and equipment

BACKGROUND:

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

ISSUES:

None

BUDGET IMPACT:

OPTIONS:

- 1) Adopt the project closeouts.
- 2) Do not adopt the project closeouts.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Closeouts 2011-7 thru 2011-12, Capital Project Ordinance Partial Closeout 2011-13 and Special Revenue Fund Project Ordinance Closeouts 2011-3 thru 2011-5.

ATTACHMENTS:

Capital Project CLO 2011-7 through 2011-13
Special Revenue CLO 2011-3 through 2011-5

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2011-7 (CPO 2009-16)

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

- Section 1. The project closing authorized is to Capital Project Ordinance 2009-16, adopted October 20, 2008, for the funding of signage and support vehicles awarded by the Federal Transit Administration.
- Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.
- Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Transit Administration	\$ 93,932	\$ 93,193
Local Match - General Fund Transfer	23,484	23,299
Total Revenues	<u>\$ 117,416</u>	<u>\$ 116,492</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 117,416</u>	<u>\$ 116,492</u>

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

Adopted this 13th day of December, 2010.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2011-8 (CPO 2006-7)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2006-7, adopted April 10, 2006, for the funding of Transit enhancements including lighting for bus stop signage and shelters awarded by the Federal Transit Administration.

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

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

	<u>Budget</u>	<u>Actual</u>
Federal Transit Administration	\$ 16,000	\$ 16,000
Local Match - General Fund Transfer	4,000	4,000
Total Revenues	<u>\$ 20,000</u>	<u>\$ 20,000</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 20,000</u>	<u>\$ 20,000</u>

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

Adopted this 13th day of December, 2010.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2011-9 (CPO 2006-4)

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

- Section 1. The project closing authorized is to Capital Project Ordinance 2006-4, adopted January 9, 2006, for the funding of two 30-foot buses and signage awarded by the Federal Transit Administration.
- Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.
- Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Transit Administration	\$ 460,170	\$ 459,937
North Carolina Department of Transportation	43,120	43,097
Local Match - General Fund Transfer	51,710	51,684
Total Revenues	<u>\$ 555,000</u>	<u>\$ 554,718</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 555,000</u>	<u>\$ 554,718</u>

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

Adopted this 13th day of December, 2010.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2011-10 (CPO 2003-5)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2003-5, adopted June 9, 2003, for the funding of signage, bus shelters and three replacement buses, awarded by the Federal Transit Administration.

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

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

	<u>Budget</u>	<u>Actual</u>
Federal Transit Administration	\$ 1,024,827	\$ 1,024,825
North Carolina Department of Transportation	88,754	88,716
Local Match - Donations	-	5,974
Local Match - General Fund Transfer	125,849	119,915
Total Revenues	\$ 1,239,430	\$ 1,239,430

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	\$ 1,239,430	\$ 1,239,430

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

Adopted this 13th day of December, 2010.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2011-11 (CPO 2001-4)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2001-4, adopted March 5, 2001, as amended, for the funding of replacement Transit vehicles, awarded by the Federal Transit Administration.

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

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

	<u>Budget</u>	<u>Actual</u>
Federal Transit Administration	\$ 990,848	\$ 990,823
North Carolina Department of Transportation	105,631	104,197
Local Match - Donations	-	2,187
Local Match - General Fund Transfer	142,081	141,321
Total Revenues	<u>\$ 1,238,560</u>	<u>\$ 1,238,528</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 1,238,560</u>	<u>\$ 1,238,528</u>

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

Adopted this 13th day of December, 2010.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2011-12 (CPO 2009-8)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2009-8, adopted June 9, 2008, for the FY2009 street resurfacing project and miscellaneous street improvements.

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

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

	<u>Budget</u>	<u>Actual</u>
General Fund Transfer	<u>\$ 3,000,000</u>	<u>\$ 2,682,721</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 3,000,000</u>	<u>\$ 2,682,721</u>

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

Adopted this 13th day of December, 2010.

CAPITAL PROJECT ORDINANCE PARTIAL CLOSEOUT
CLO 2011-13 (CPO 2009-13)

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 partially closed:

Section 1. The project partial closing authorized is to Capital Project Ordinance 2009-13, adopted August 11, 2008, as amended, for the paving of various soil streets and related ancillary costs.

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

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

	Budget	Budget Closeout	Remaining Project Budget	Actual Closeout
General Fund Transfer	\$ 900,000	\$ 553,958	\$ 346,042	\$ 553,956

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

	Budget	Budget Closeout	Remaining Project Budget	Actual Closeout
Project Expenditures	\$ 900,000	\$ 553,958	\$ 346,042	\$ 553,956

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

Adopted this 13th day of December, 2010.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT
 CLO 2011-3 (SRO 2008-13)

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 closed:

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2008-13, adopted April 28, 2008, for the funding of the FY07 State Homeland Security Grant awarded by the North Carolina Department of Crime Control and Public Safety Division of Emergency Management.

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

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

	<u>Budget</u>	<u>Actual</u>
N.C. Department of Crime Control and Public Safety	<u>\$ 251,571</u>	<u>\$ 251,567</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 251,571</u>	<u>\$ 251,567</u>

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

Adopted this 13th day of December, 2010.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT
CLO 2011-4 (SRO 2010-10)

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

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2010-10, adopted November 9, 2009, for the funding of the FY09 COPS Technology Grant awarded by the U.S. Department of Justice.

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

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

	<u>Budget</u>	<u>Actual</u>
U.S. Department of Justice	<u>\$ 100,000</u>	<u>\$ 99,591</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 100,000</u>	<u>\$ 99,591</u>

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

Adopted this 13th day of December, 2010.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT
CLO 2011-5 (SRO 2010-4)

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 closed:

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2010-4, adopted August 10, 2009, for the funding of the 2009 Gangs Across the Carolinas conference awarded by the N.C. Governor's Crime Commission along with a local match by the N.C. Gang Investigator's Association.

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

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

	<u>Budget</u>	<u>Actual</u>
N.C. Governor's Crime Commission Grant	\$ 69,879	\$ 66,339
Local Match - N.C. Gang Investigator's Association	<u>23,293</u>	<u>26,816</u>
	<u>\$ 93,172</u>	<u>\$ 93,155</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 93,172</u>	<u>\$ 93,155</u>

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

Adopted this 13th day of December, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: December 13, 2010
RE: **Tax Refunds of Greater Than \$100**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Not applicable.

BACKGROUND:

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

ISSUES:

None.

BUDGET IMPACT:

OPTIONS:

Approve the refund.

RECOMMENDED ACTION:

Approval.

ATTACHMENTS:

Tax Refunds Of Greater Than \$100.



November 22, 2010

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable *NAP*

RE: Tax Refunds of Greater Than \$100

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

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Cape Fear Supply Co. Inc. T/A Comtech	1261686	2005-2009	Corrected Assessment	1082.23
TOTAL				\$1082.23

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rebecca Rogers Carter, Management Services Manager
DATE: December 13, 2010
RE: **Approval of FY2012 Federal Legislative Agenda**

THE QUESTION:

Does the attached FY 2012 Federal Legislative Draft Agenda and FY2011 Status Report meet the City Council's interest?

RELATIONSHIP TO STRATEGIC PLAN:

This item supports the goal of More Efficient City Government which seeks to efficiently invest in the City's future infrastructure, facilities and equipment.

BACKGROUND:

The City, Cumberland County and the Fayetteville-Cumberland County Chamber of Commerce have partnered with the Ferguson Group to develop a community-wide federal legislative agenda. This partnership has returned more than \$46,613,900 in federal assistance to the community since its inception. In order to continue these successful efforts, the partners are developing a FY 2012 federal agenda for submission to the federal legislative delegation when they convene in January.

To develop this draft agenda, a series of meetings with partnership representatives were held on November 5, 2010. During these meetings, time was allocated for elected official representatives from City Council and County Commissioners to meet with our lobbyist, Leslie Mazingo, and provide input. The attached draft federal agenda is based on projects and issues which the partners have identified as priorities for our community AND which our lobbyist feels we can successfully acquire federal assistance.

ISSUES:

The attached agenda does not include state legislative issues that we will share with the NC General Assembly.

BUDGET IMPACT:

OPTIONS:

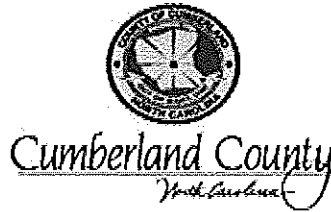
1. Approve, modify or reject recommendations
2. Take no action at this time.

RECOMMENDED ACTION:

Approve the FY 2012 state legislative agenda for presentation to the City's legislative delegation for their review and action.

ATTACHMENTS:

Draft Legislative Agenda
Federal Successes



**City of Fayetteville/Cumberland County/Fayetteville - Cumberland County Chamber, NC
FY 2012 FEDERAL LEGISLATIVE AGENDA**

DRAFT

APPROPRIATIONS

PROJECT	DESCRIPTION OF REQUEST	FUNDING HISTORY
1 Regional Public Safety	\$2 million in Justice Appropriations, COPS Technology, to merge regional communications, including purchase of interoperable radios.	\$300,000 (FY06) \$352,500 (FY08) \$200,000 (FY09) \$300,000 (FY10)
2 Partnership for Defense Innovation (PDI)	\$4.6 million for PDI Wi-Fi Laboratory Testing and Assessment Center, Defense Appropriations, Special Operations Advanced Technology Development for research and development of cellular capabilities on the battlefield.	\$1.08 million (FY07) \$2.7 million (FY08) \$2 million (FY09) \$2.8 million (FY10) Possible funding (FY11)
3 Sanitary Sewer System	\$2 million in Energy and Water Appropriations, Corps of Engineers, Sec. 219, for sanitary sewer system.	\$6 million authorized by WRDA 2007
4 Multimodal Center	\$5 million in Transportation Appropriations, Bus and Bus Facilities, for Multimodal Transportation.	\$400,000 (FY10)
5 Electronic Records Management	\$500,000 in Health and Human Services Appropriations, Health Resources and Services Administration, for County's public health records management and digitization of veteran's records.	Fourth year requested
6 Emergency Operations Center	\$1.7 million in Department of Homeland Security Appropriations, FEMA Emergency Operations Centers, for Fayetteville-Cumberland County Emergency Operations Center.	Second year request
7 Murchison Road Right of Way Acquisition	\$34.6 million total authorization in Armed Services bill and plus-up of \$17.6 million in Military Construction Appropriations, Department of the Army, Defense Access Roads, Fort Bragg.	\$21.8 million Phase I (FY09); President's FY11 budget \$17 million

AUTHORIZATIONS

PROJECT	DESCRIPTION OF REQUEST	FUNDING HISTORY
Military Business Park (MBP)	\$1 million in Transportation Appropriations (FHWA), Transportation, Community and System Preservation, for transportation improvements to the MBP.	\$600,000 (FY06) \$147,000 (FY08) \$584,400 (FY10)
Sanitary Sewer System	Expand Water Resources Development Act (WRDA) authorization from \$6 million to \$20 million and modifications to language.	Authorized by WRDA 2007.

ADDITIONAL PRIORITIES AND LEGISLATIVE POLICY ITEMS

ISSUE	DESCRIPTION OF REQUEST
Grant opportunities	Keep partnership informed of potential grant opportunities for identified projects.
Unfunded Mandates	Oppose legislation that imposes unfunded mandates on local government.
I-295 Loop	Support efforts by NC DOT to fund the I-295 Loop.
Parks and Recreation Master Plan	Support efforts to increase funding for parks and recreation facilities and programs.
Sustainability	Keep partnership informed on sustainability funding and initiatives that would help support the development of a National Sustainability Center in Fayetteville-Cumberland County.
Abandoned Home Removal	Keep partnership informed on funding available to assist in transforming vacant and blighted properties near Fort Bragg.
Air Quality	Pursue local, state and EPA agreement to reach attainment.
Homelessness	Develop awareness of City's 10-Year Plan to end chronic homelessness and pursue funds for same, as well as specifically for homeless veterans.
Murchison Road Redevelopment	Support partnership efforts for grants and low interest loans to help fund redevelopment of the Murchison Road Corridor.
Crime	Support cops on the streets, gang resistance and education, and crime prevention funding.
Sidewalks	Support Safe Route to Schools.
Broadband Access	Notify partnership of opportunities to expand access to wired and wireless broadband technology.

FOR MORE INFORMATION CONTACT:

Debra Bryant
(202) 331-8500
dbryant@tfgnet.com



Leslie Mozingo
(336) 766-1801
lmozingo@tfgnet.com



Cumberland County
With Excellence



**FEDERAL SUCCESSES
STATUS REPORT
DECEMBER 6, 2010**

PROJECT	AMOUNT	ACCOUNT	Non-Federal MATCH
Rail Relocation	\$8.8 million	SAFETEA-LU	20 percent
Pembroke Rail Study	\$350,000	FY06 Transportation Appropriations, TCSP	20 percent
Public Safety Communications	\$300,000 \$352,500 \$200,000 \$300,000	FY06 COPS Tech Appropriations FY08 COPS Tech Appropriations FY09 COPS Tech Appropriations FY10 COPS Tech Appropriations	None
Military Business Park	\$600,000 \$147,000 \$584,400	FY06 HUD-EDI Appropriations FY08 HUD-EDI Appropriations FY10 HUD-EDI Appropriations	None
Defense and Security Technology Accelerator	\$1.08 million \$2.7 million \$2 million \$2.8 million	FY07 Defense Appropriations FY08 Defense Appropriations FY09 Defense Appropriations FY10 Defense Appropriations	None
Multimodal Center	\$400,000	FY10 Transportation Appropriations, BBF	20 percent
Water and Sewer Improvements	\$6 million authorization	Water Resources Development Act of 2007	25 percent
HOPE VI	\$20 million	Housing and Urban Development 2008 Grant	None

Total funding and/or authorizations to date: \$46,613,900



For more information contact: Leslie Mazingo, The Ferguson Group, (336) 766-1801 or lmazingo@tfgnet.com

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rob Anderson, Chief Development Officer
DATE: December 13, 2010
RE: **Consideration of the Hospital Area Plan for the Owen Drive / Village Drive area**

THE QUESTION:

Should the City Council adopt the proposed Hospital Area Plan with the guidance it provides for future development patterns in the area, particularly adjacent to residential areas?

This is the first of two related items on this agenda; the Hospital Area Plan and the Hospital Area Overlay. The Plan must be considered first and the Overlay can only be approved if and after the Plan is passed.

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy
Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

The Hospital Area Plan dated October 18, 2010 is distributed separately. The City Council requested the preparation of this plan because of several rezoning requests along neighborhood edges, particularly along Village Drive where the new emergency entrance has impacted residential uses. Major objectives of the plan were to support the hospital area as one of the most important economic centers in the region, but to protect and minimize negative impacts on neighborhoods along the growth edges.

During the summer of 2010, several meetings were held in the area to give residents and property owners an opportunity to be involved in the preparation of the Plan. Eight distinct subareas were identified, and the Plan makes specific recommendations for each as well as for the Overlay for the entire area.

On November 16, the Planning Commission held a public hearing on the plan at Mary McArthur Elementary School. Following the hearing, the Planning Commission recommended that the plan be adopted, with Option B for the Village Drive area (Subarea #2).

ISSUES:

The primary issues were associated with the plan boundaries. Along Village Drive (Subarea #2), Options A and B emerged during the community meetings and were part of the final community presentation and the Planning Commission Public Hearing. No similar option was identified along Boone Trail. The plan did discuss reasons that the boundary of Area #3 should not be extended westward.

During the Planning Commission hearing, several speakers requested that the boundaries of the plan be adjusted along Boone Trail as well as Village Drive. For Village Drive, staff recommended Option A (stopping office uses at Roxie Avenue) because the remaining residential properties could continue as an integral part of the neighborhood and the adjacent library and their lot depth made conversion to office use a challenge. For Boone Trail, the staff pointed out that since neither the Plan itself nor the notices sent to property owners reflected a larger boundary along Boone Trail, it was uncertain whether others near Boone Trail would support such changes to the Plan and, by extension, to the Overlay Ordinance and future base zoning district changes. Further, extending higher density zoning further down Boone Trail is not recommended due to its distance from the Hospital core area and the character of the area. The previous zone change along Boone Trail was noted as inconsistent with the existing development pattern and the

property across the street recommended only due to its proximity to this previous rezone decision.

Based on concern about community awareness of possible changes along Boone Trail, the Planning Commission did not recommend adjusting the boundaries of Area #3 at this time. The Commission did recommend Option B along Village Drive, expressing concern that a few remaining residences would be hard to sustain as residential uses along this western edge.

BUDGET IMPACT:

OPTIONS:

Option 1: Approve the Hospital Area Plan as drafted with Option A boundary (to Roxie Avenue as recommended by staff)

Option 2: Approve the Hospital Area Plan with Option B boundary (to Wayne Lane as recommended by the Planning Commission)

Option 3: Approve the Hospital Area Plan with a boundary other than that recommended by the Planning Commission or Staff

Option 4: Approve the Hospital Area Plan with modifications to aspects of the plan,

Option 5: Table action with specific direction to staff regarding additional research or issues to address for further consideration.

Option 6: Deny the Hospital Area Plan, leaving in place the existing 2010 Land Use Plan which calls for residential development along the south side of Village Drive and behind the properties fronting Owen Drive.

RECOMMENDED ACTION:

The Planning Commission recommends the Council move to approve the Hospital Area Plan as drafted with Option B as the boundary along Village Drive.

ATTACHMENTS:

PC Minutes Hospital Area Plan 11-16-10

Hospital Area PHrg Map

DRAFT MINUTES
CITY OF FAYETTEVILLE
FAYETTEVILLE PLANNING COMMISSION
TUESDAY, NOVEMBER 16, 2010
7:00 PM
MARY MCARTHUR ELEMENTARY SCHOOL
3809 VILLAGE DRIVE
FAYETTEVILLE, NC

MEMBERS PRESENT

Charles Astrike
Sara Bialeschki
Jack Cox
Mary Lavoie
Bill Watt
Tom Speight
Bill Snuggs, Alt.
Ronald Michael
Larnie McClung (alt.)
Jimmy Holland

MEMBERS ABSENT

Dr. William Fiden

OTHERS PRESENT

Brian Leonard, Ast City Atty.
Craig Harmon, Planner
Karen Hilton, Planning Mgr.
David Nash, Planner

ITEM 1. Approval of the Agenda

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

ITEM 2. Approval of the Minutes from October 21, 2010.

Mr. Cox made a motion to approve the minutes from the October 21, 2010 meeting. Mr. Holland seconded the motion. A vote was taken and passed unanimously.

Mr. Astrike explained that regarding the public hearings the speakers will be limited to three minutes and that the hearings will be restricted to one hour each. He acknowledged and expressed appreciation of the attendance of Mayor Chavonne and Council Member Hurst in the audience.

ITEM 3. PUBLIC HEARING: Hospital Area Plan

Planner David Nash appeared before the Commission to present the plan. Mr. Nash explained that during the spring of 2010, the City Council authorized the preparation of a detailed small area plan for the area around the Cape Fear Hospital. A consulting firm, Glenn Harbeck Associates (of Wilmington, NC) was hired to prepare an associated overlay ordinance to implement the plan.

Mr. Nash explained that several rezoning requests had triggered the City Council requested a plan for the hospital area. He explained that the major objectives were to support the hospital area as one of the most important economic centers in the region, but

to protect and minimize negative impacts on neighborhoods along the growth edges. Mr. Nash explained during the summer of 2010, several very-well attended meetings were held in the area to give residents and property owners an opportunity to be involved in the preparation of the plan.

Mr. Nash summarized the several major issues or priorities of the study, the eleven planning principles the consultant developed from community discussion and the eight sub areas defined within the study.

Mr. Nash gave a brief overview of each sub area, a history, current status and recommended possible future plans for each area to provide the Commission with a broad overview of the general area. Mr. Nash gave the recommendations of the study for each area on future land use pattern. He explained that there were two alternative that would be available known as Option A and Option B along Village Drive. He explained them both to the Commission.

Mr. Nash reviewed the traffic issues and recommendations in the area. He explained that the study suggested a variety of techniques to slow and (re)direct traffic. Mr. Nash stated that the staff's recommendation is to approve the plan with Option A along Village Drive.

Mr. Astrike opened the public hearing. He explained that each speaker would have three minutes to speak and that the hearing would last no longer than one hour.

Ms. Dallas Franklin was called to speak but never responded.

Mr. Richmond Franklin was called to speak but never responded.

Mr. William Cain expressed his concerns about where the cut off lines were drawn with the plan. His concern was that the line on Boone Trail wasn't brought to the intersection of Fargo Road allowing four additional lots to act as a buffer zone.

Mr. Ken Winchell addressed the Commission about the Hospital plan. Mr. Winchell explained that his first question was answered during Mr. Nash's presentation. Mr. Winchell asked who would be benefit from the overlay and area plan and asked about the name of the study.

Mr. Nash stated that it depends on which properties were going to be developed and how it could either be the hospital or private business. Ms. Hilton explained that the name of the plan is descriptive in nature but the objective is a plat that established a clear direction for changes while establishing residential edges; all parties involved should have benefit from the plan and overlay.

Angela Grey spoke about her concerns about the traffic in the area. She also said that several parcels in the area are not currently being maintained and she is asking how the

standards will be upheld. Mr. Nash explained that the DOT would be responsible for the traffic and further into the study more information would be available.

Ms. Jane Carlyle appeared before the Commission. She addressed her concerns about the effect on the value the homes in the area have in direct relation to the overlay. She asked about the options of resale for residential property. Mr. Nash explained that there would be no instant zoning changes.

Mr. Roy Duke addressed the Commission about extending the cut off line at the library on Village Drive. Mr. Astrike explained that it would be part of Option B study.

Mr. Johnny Jones addressed the Commission. He explained that he had several properties within the study area. He asked about the lots on Terry Circle.

Mr. Jerry Good addressed the Commission and asked for clarification on Terry Circle. He was concerned about rezoning the property and tax increase. Ms. Hilton explained that neither the plan nor the overlay will affect the current base zoning of the properties. She explained that the overlay will add additional standards or guideline to the area.

Ms. Marilyn Sweat appeared before the Commission. Ms. Sweat asked about the sidewalks proposed for Roxie Avenue. Ms. Sweat was concerned about the lack of room. Mr. Nash explained that the right of way would be used for any sidewalk installation.

The public hearing was closed.

The Commission discussed the options available for recommending the study to include option B for Village Drive.

Mr. Watts made a motion to recommend Option B for Village Drive. A vote was taken and the motion passed unanimously.

Mr. Watt made a motion to extend the study to include the Boone Trail area to Fargo on both sides of the street. Mr. McClung seconded the motion.

The Commission discussed the options available. Mr. McClung addressed his concern about stopping the study midway down that road.

Mr. Astrike called for the vote. The vote was taken; 3 in favor and 5 against with Mr. Michael, Ms. Bialeschki, Ms. Lavoie, Mr. Cox, and Mr. Astrike voting in opposition.

Mr. Watt made a motion to approve the Hospital Area Plan. A vote was taken and the motion passed unanimously.

Hospital Area Plan
 Overall Study Area Boundary
 and
 Boundary of Proposed Overlay District
 (With Option B Along Village Drive)



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rob Anderson, Chief Development Officer
DATE: December 13, 2010
RE: **Consideration of the Hospital Area Overlay Ordinance for the Owen Drive / Village Drive area**

THE QUESTION:

Should the Hospital Area Overlay Ordinance be approved to set standards for future development in the hospital area and particularly along the edges adjacent to low density residential neighborhoods?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy
Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

The Hospital Area Overlay Ordinance is a primary tool to implement the Hospital Area Plan. During work on the Hospital Area Plan, the consultant and staff prepared standards for any future development within the study area, with particular attention to the areas where changes have been sought adjacent to established residential neighborhoods. These edges have been problematic because the residential lots being converted to office use have been too small to handle the increased parking and still provide an attractive street landscaping on the public edges and an effective buffer on the residential edges.

The boundaries and scope of the regulations were an integral part of the community discussions as the plan was drafted. As currently drafted, the standards in the proposed Overlay District remain the same as those discussed with the community (except for translation to fit the current zoning ordinance). Application of the standards has been focused more specifically on properties adjacent to residentially zoning property.

Because the Overlay Ordinance is implementing the recommendations of the plan, its proposed (and advertised) boundaries have mirrored those presented in the draft plan.

ISSUES:

There are two major aspects to the Overlay Ordinance -- the boundary of the overlay district, and the standards established by the overlay district. The boundary issues were presented more fully in the public hearing on the Plan. The limitations on boundary considerations for the Overlay Ordinance are related to the area described in advertisements and notices -- the boundary can be reduced but should not be enlarged because surrounding residents would not have known enlargement of the boundary for non-residential development was contemplated.

The standards were initially drafted to fit into the Unified Development Ordinance. The attached Hospital Area Overlay Ordinance standards are red-lined to show the adjustments made to fit into the current zoning ordinance. The overlay district fits over the existing base zoning districts, which would not change with approval of the overlay ordinance. The overlay modifies the uses in two areas where more limited office use types are recommended because of their lower impact. The overlay adds standards for development that would be adjacent to residentially zoned property, and the Special Use process is required adjacent to residential uses. The overlay uses setbacks, height limits within certain distances from residentially zoned lots, and buffer standards to improve compatibility with the adjacent neighborhoods. It also requires landscaping of the parking areas and a minimum lot size of 20,000 square feet to accommodate office uses and their required parking, landscaping and buffering. To minimize curb cuts along Owen and Village Drives, cross access between parking lots is required wherever feasible.

At the Planning Commission meeting November 16, 2010, there were no speakers in opposition to the proposed Hospital Area Overlay Ordinance.

BUDGET IMPACT:

OPTIONS:

- Option 1: Approve the Hospital Area Overlay Ordinance as drafted with Option A boundary (to Roxie Avenue as recommended by staff)
- Option 2: Approve the Hospital Area Overlay Ordinance with Option B boundary (to Wayne Lane as recommended by the Planning Commission)
- Option 3: Approve the Hospital Area Overlay Ordinance with a boundary other than that recommended by the Planning Commission or Staff
- Option 4: Approve the Hospital Area Overlay Ordinance with modifications to the proposed standards,
- Option 5: Table action with specific direction to staff regarding additional research or issues to address for further consideration.
- Option 6: Deny the Hospital Area Overlay Ordinance, leaving in place the existing zoning and associated standards.

RECOMMENDED ACTION:

The Planning Commission recommends that Council move to approve the Hospital Area Overlay Ordinance as drafted with Boundary Option B.

ATTACHMENTS:

- Hospital Area Overlay standards
- PC Minutes - Overlay Ordinance 11-16-10
- Adopting Ordinance

HOSPITAL AREA OVERLAY (HAO) DISTRICT (12/13/10)

(a) Purpose

The purpose of this district is to protect the public health, safety and welfare in the vicinity of the Cape Fear Valley Hospital by lessening conflicts between residential and non-residential land uses and by promoting compatible quality development. Specifically, the requirements of the overlay are intended to:

- (1) Protect surrounding neighborhoods from being adversely affected by inappropriate or poor quality development.
- (2) Allow for compact development, providing adequate room for parking, landscaping and buffering.
- (3) Create more attractive, pedestrian-friendly developments, less dominated by the automobile.
- (4) Minimize traffic impacts through specified land uses, access management, traffic calming, street improvements, intersection improvements and other means.

(b) Applicability and Permits Required

- (1) The provisions of this section shall apply to all new non-residential development within the Hospital Area Overlay District (HAO) and any addition, remodeling, relocation or construction of non-residential property requiring a zoning permit or a building permit.
- (2) No zoning or building permit may be issued until the City Manager determines that the proposal complies with all design standards of this overlay district, as well as those of the underlying zoning district.
- (3) A Special Use Permit shall also be required for non-residential development within 100 feet of a lot occupied by a single family dwelling.
- (4) In the case of conflict between these standards and other design standards of this Ordinance, the design standards of this overlay shall control.
- (5) The boundary of the Hospital Area Overlay (HAO) District is hereby established as shown on the map included on the Introduction page of Appendix 7.4 of the Hospital Area Plan. This map is hereby declared to be a part of this chapter. A copy of this map is on file in the office of the city clerk. The boundary of the HAO is also established as a layer on the Official Zoning Map in digital format and is hereby adopted and incorporated into these provisions.

(c) Permitted Land Uses and General Requirements

All land uses permitted in the underlying zoning districts shall continue as a permitted use within the overlay area except as noted in paragraph (d) below. All district, area, yard and height regulations, and all additional requirements for underlying districts shall continue to apply except as otherwise noted in this section.

(d) Certain Streets Reserved for Offices and Single Family Residences Only

While the P1, P2, and P4 Districts of this Ordinance allow for uses other than offices, some street segments within the Overlay area zoned for P1, P2, and P4 shall be reserved only for existing single family residences

and an appropriate range of office and medical uses. Specifically, the following types of office and medical facilities, in addition to existing single family residences, are permitted along certain street segments when zoned P1, P2 or P4 within the Overlay area.

- **Medical or Dental Clinic***

An establishment where patients are admitted for examination and treatment by one or more physicians, dentists or psychologists and where patients are not usually lodged overnight.

- **Medical or Dental Lab**

Facilities and offices for performing diagnostic or therapeutic medical procedures of a nonsurgical nature.

- **Medical Treatment Facility**

A small-scale facility which may or may not be located in a converted dwelling or residence for the short term care and treatment of up to 20 chronically or terminally ill patients on an overnight basis. Such facilities may include sleeping rooms for care workers and members of patient's families.

- **Office, Business Services**

A room, or group of rooms used for conducting the affairs of a general business establishment, other than financial services and professional services. Examples of business services office uses include offices for retail and wholesale establishments.

- **Office, Professional Services**

A room or group of rooms used for conducting the affairs of a business, profession, or service industry. Examples of professional services offices include offices for lawyers, accountants, engineers, architects, doctors, dentists, and similar professions.

- **Office, Sales**

A room or group of rooms used for conducting the affairs of a business engaged in the buying and/or selling of real or personal property, services, or other products, such as real estate sales, artwork, artifacts, or other specialized services.

Other types of typically larger or more intensive uses are specifically not permitted so as to protect nearby residential neighborhoods from encroachment by incompatible land uses. The intent of this range of uses is to (a) allow existing residents to continue to live in and enjoy their homes, (b) provide for and encourage office and medical uses supportive of the economy of this sector of the City, and (c) provide for an appropriate transitional use between the hospital and nearby neighborhoods. The specific locations reserved for these uses are identified below and on the zoning map:

(1) Village Drive

from Conover Drive west to Roxie Avenue.

(2) Owen Drive and Terry Circle

from one lot north of Player Avenue to the south entrance of Terry Circle.

(e) **Numerical Performance Standards**

(1) **Minimum Lot Size**

The minimum lot size shall be twenty thousand (20,000) square feet. A reduction in the minimum lot size of up to ten percent (10%) may be approved administratively, provided that this meets the purpose and other standards of the overlay.

(2) **Maximum Floor Area Ratio**

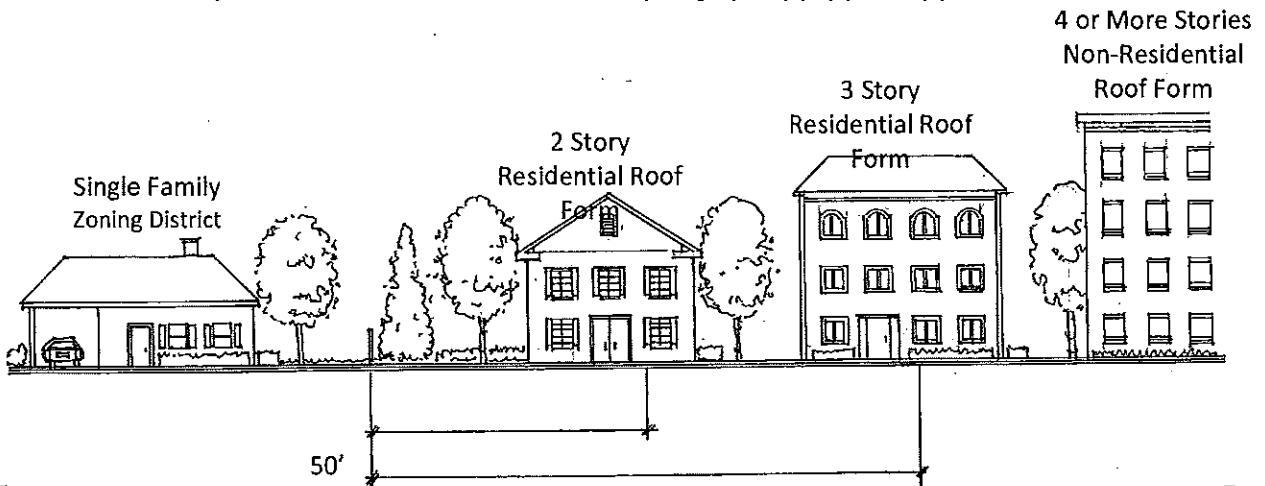
A maximum floor area ratio (FAR) of .33 (i.e. thirty-three hundred (3300) square feet of heated building space for every ten thousand (10,000) square feet of lot area) shall apply when surface parking is employed. Developments with parking under the building or in a parking deck may exceed the maximum FAR, provided that all parking, landscaping and buffering requirements can still be met.

(3) **Front Yard "Build To" Line**

The front face of the principal building shall be placed at a "build to" line ten (10) feet from the front yard street right of way. A greater setback of up to fifteen (15) feet from the right of way may be approved administratively.

(f) **Building Heights and Roof Forms (See illustration below)**

- (1) Any non-residential building located within fifty (50) feet of a lot line shared with an existing single family zoning district shall not exceed two (2) stories or thirty-five (35) feet in height and shall have a residential style roof form (i.e. hipped or gabled).
- (2) Any non-residential building located between fifty (50) and one hundred (100) feet of a lot line shared with an existing single family zoning district shall not exceed three (3) stories or forty-five (45) feet in height and shall have a residential style roof form (i.e. hipped or gabled).
- (3) Any non-residential building located over one hundred (100) feet from a lot line shared with an existing single family zoning district may be four (4) or more stories in height and may have a non-residential style roof form (i.e. flat or other).
- (4) Buildings may have sections stepped in height so long as each section is built in compliance with the height/distance standards set forth under paragraphs (1), (2), and (3) above.



(g) Parking

(1) Number of Parking Spaces

a. **Office Uses.** There shall be three (3) parking spaces for every one thousand (1000) square feet of heated office space. This requirement shall supersede the parking requirements for offices specified in other sections of this Ordinance.

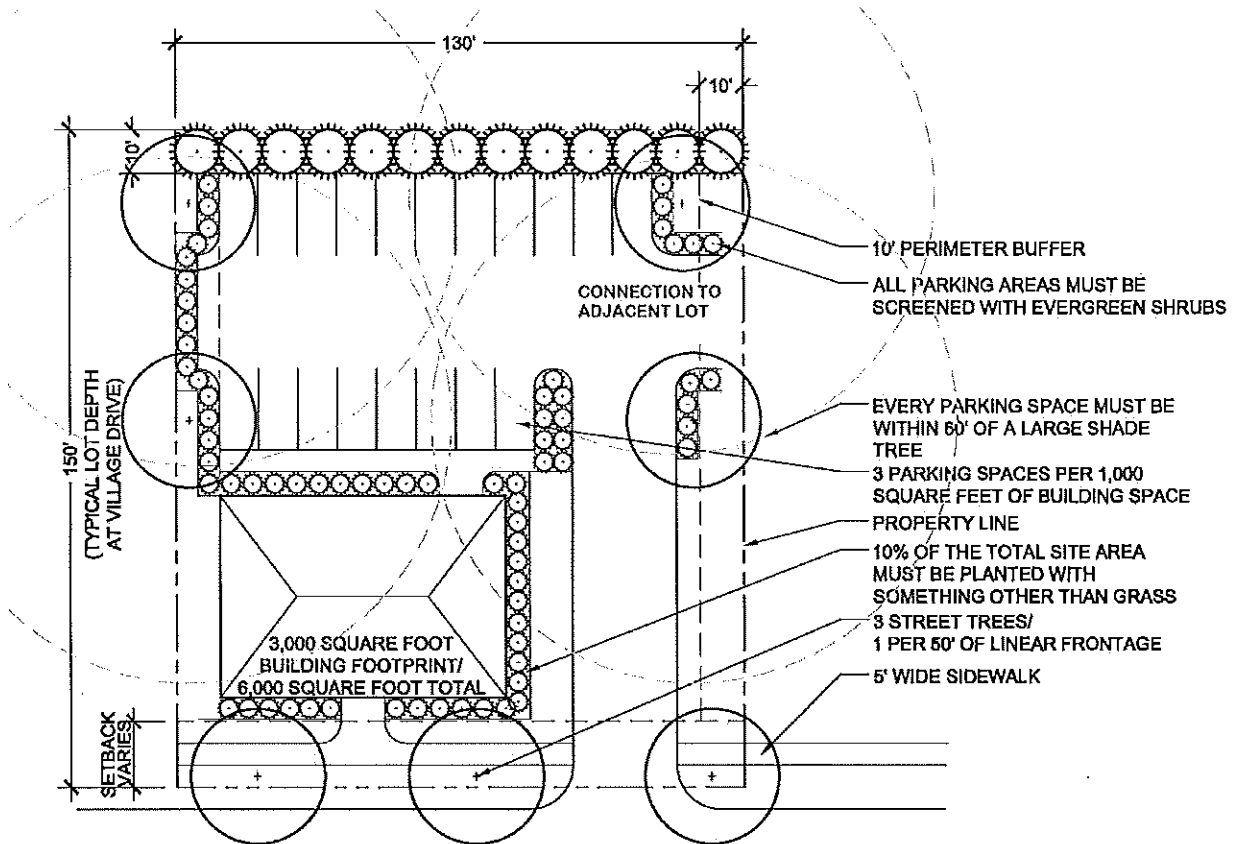
b. **All Other Non-Residential Uses.** Parking requirements for all non-residential uses other than offices, including health care facilities, shall comply with the parking requirements of other sections of this Ordinance.

(2) Location of Parking

New buildings shall have parking generally located behind the rear building face of the principal building on the lot. Up to 25% of parking spaces may be located at the side of the building rearward of the front building face.

(3) Parking Lot Cross-Access

Cross-access between adjoining lots shall be provided in accordance with the drawing below and other sections of this Ordinance.



(h) Landscaping Requirements

(1) General.

Ten percent (10%) of the total site area must be planted with something other than grass. Required planting materials shall correspond to the approved materials listed in Section 30-296 of this Ordinance.

(2) Street Trees

There shall be an approved street tree for every fifty (50) feet of street frontage, including both front and side streets.

(3) Parking Lot Shade Trees

No parking space shall be separated from the trunk of a shade or canopy tree by more than sixty (60) feet.

(4) Parking Lot Perimeter Landscape Screen

The edge of all areas containing parking spaces shall be planted with a continuous evergreen landscape screen of a type that will reach thirty-six (36) inches in height at maturity within five (5) years of building occupancy.

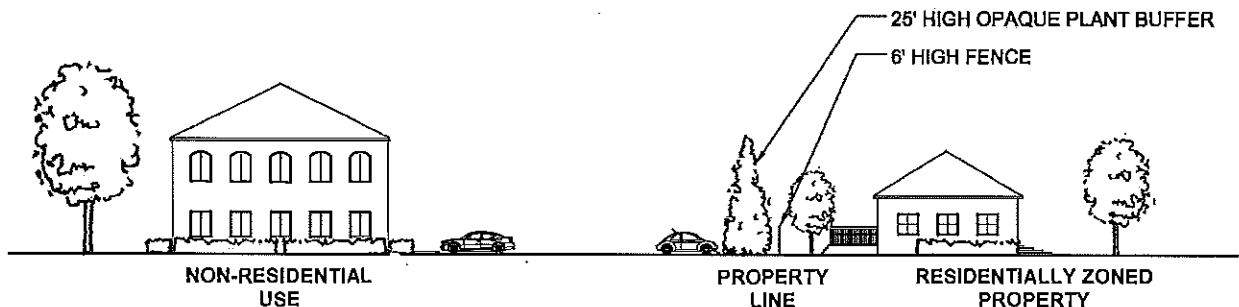
(i) Buffering Requirements

(1) Perimeter Buffer

There shall be a ten (10) foot wide perimeter buffer along all property lines, regardless of the adjoining land use. No buildings or parking areas may encroach into the perimeter buffer. Permitted encroachments (e.g. fences) are as specified in other sections of this Ordinance..

(2) Residential Buffer

A combination fence and vegetated buffer shall be required along any property line adjoining a residentially zoned property.



- a. **Fence.** The good side of the fence must face the residential side and be a minimum of six (6) feet in height.
- b. **Vegetation.** Approved vegetation must include evergreen plant material of a type that will provide a completely opaque buffer greater than or equal to twenty-five (25) feet in height within five (5) years of building occupancy.

(j) Sidewalks

Upon development activity reviewed under the requirements of this overlay, a sidewalk no less than five (5) feet in width shall be provided along the street faces of all non-residentially zoned properties within the overlay district.

DRAFT MINUTES
CITY OF FAYETTEVILLE
FAYETTEVILLE PLANNING COMMISSION
TUESDAY, NOVEMBER 16, 2010
7:00 PM
MARY MCARTHUR ELEMENTARY SCHOOL
3809 VILLAGE DRIVE
FAYETTEVILLE, NC

MEMBERS PRESENT

Charles Astrike
Sara Bialeschki
Jack Cox
Mary Lavoie
Bill Watt
Tom Speight
Bill Snuggs, Alt.
Ronald Michael
Larnie McClung (alt.)
Jimmy Holland

MEMBERS ABSENT

Dr. William Fiden

OTHERS PRESENT

Brian Leonard, Ast City Atty.
Craig Harmon, Planner
Karen Hilton, Planning Mgr.
David Nash, Planner

ITEM 1. Approval of the Agenda

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

ITEM 2. Approval of the Minutes from October 21, 2010.

Mr. Cox made a motion to approve the minutes from the October 21, 2010 meeting. Mr. Holland seconded the motion. A vote was taken and passed unanimously.

Mr. Astrike explained that regarding the public hearings the speakers will be limited to three minutes and that the hearings will be restricted to one hour each. He acknowledged and expressed appreciation of the attendance of Mayor Chavonne and Council Member Hurst in the audience.

ITEM 4. PUBLIC HEARING: Hospital Area Plan Overlay Ordinance

Ms. Karen Hilton presented the information. She explained that the hearing is on The Overlay Ordinance, which is an amendment to Chapter 30, the City's Zoning Ordinance, and is a primary step in implementing the Hospital Area Plan. She explained that the Overlay district would modify the underlying non-residential zoning districts by establishing development standards for parking, access and height, and, adjacent to residential zoning districts, by requiring buffers, height restrictions and roof design standards and a more limited range of uses in a few areas. She reviewed slides illustrating specific standards Ms. Hilton explained that the objective is to enable transition to

professional offices in designated areas but prevent negative impacts on the adjacent neighborhoods and traffic circulation.

The public hearing was opened.

Mr. Roy Duke was called but declined to speak.

Ms. Roberta Darden was called but did not answer.

Angela Gray was called but did not answer.

Jerry Guin was called but did not answer.

Dallas Franklin was called but did not answer.

Richmond Franklin was called but did not answer.

Camille Webber was called but did not answer.

The public hearing was closed.

Ms. Hilton advised the Commission that the matter would go before City Council on December 13, 2010.

The Commission discussed the requirements for the plan. Mr. Cox asked about the illustrations in the draft ordinance which showed different style roof tops and his concerns for the roofing being used in the area.

Mr. Watt made a motion to amend the boundary of the overlay district to include Option B on Village Drive. Mr. McClung seconded the motion. A vote was taken and the motion passed unanimously.

Mr. Cox made a motion to approve the amended overlay ordinance. A vote was taken and the motion passed unanimously.

ITEM 5. Upcoming Meetings

Mr. Watts made a motion to cancel the December 21st meeting. The motion was seconded by Mr. Cox. The matter was voted on and passed unanimously.

The next regularly scheduled meeting is January 18, 2011

ITEM 6. Other Business

2011 Regular Meeting Dates

ITEM 7. Adjournment at 9:20 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW SECTION IN CHAPTER 30 ZONING ORDINANCE OF THE CITY OF FAYETTEVILLE, TO CREATE A HOSPITAL AREA OVERLAY DISTRICT.

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that the Code of Ordinances of the City of Fayetteville be amended as follows:

- Section 1.** Chapter 30, Zoning, is amended by adding a new section titled “HAO Hospital Area Overlay District” in Article V. District Dimensional Regulations.
- Section 2.** The attached HAO Hospital Area Overlay District standards shall be inserted as the new Section 30-151.1.
- Section 3.** The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance as long as doing so does not alter the material terms of the attached Hospital Overlay District.
- Section 4.** It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, effective immediately, and the sections of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2010.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

RITA PERRY, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Marsha Bryant, Planner
DATE: December 13, 2010
RE: **Public Hearing to consider a Voluntary Annexation Petition requested by Atlantic Multifamily, LLC for 17.56± acres on Black and Decker Road**

THE QUESTION:

Should a non-contiguous area scheduled to receive sewer and water services and being developed for apartments be annexed into the city limits?

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy

BACKGROUND:

The property consists of 17.56 acres. The property is located within the City's MIA area and because PWC water and sewer services were requested, a Petition Requesting Annexation was required. Plans have been reviewed and approved by the County Planning Department for a 272 unit apartment complex.

ISSUES:

Staff from various City departments reviewed the proposed annexation and had no concerns regarding provision of City services.

BUDGET IMPACT:

OPTIONS:

1. Adopt the Annexation Ordinance with the Effective Date of December 13, 2010 (Recommended)
2. Adopt the Annexation Ordinance with the Effective Date after December 13, 2010.
3. Do not adopt the Annexation Ordinance and the property will remain outside the city limits.

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the Annexation Ordinance approving the requested annexation with the effective date of December 13, 2010.

ATTACHMENTS:

Basic Information about the site
Legal Description of the Property
Map of the Property
Atlantic MFR-Ordinance to extend

BASIC INFORMATION ABOUT THE AREA

Date Petition Received: October 15, 2010

Annexation Date: Effective Date:

Annexation Number:

1. Name of Area:	Atlantic Multifamily, LLC
2. Petitioner:	William H. Thorne, Member/Manager
3. Location:	Black and Decker Road, East of Legion Road
4. Tax Identification Number (PIN):	0425-66-9466
5. Fire Department Affected by Annexation:	Pearces Mill
6. Is the Area Contiguous:	No
7. Type of Annexation:	Petitioned Non-Contiguous Annexation
8. Background:	Plans have been submitted to the County Planning Department for Astoria Apartments, a 272 unit complex. The county approved these plans in April 2010.
9. Reason the Annexation was Proposed:	PWC water and sewer services
10. Number of Acres in Area:	20.43
11. Type of Development in Area:	<input type="checkbox"/> New <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Vacant
12. Present Conditions:	a. <u>Present Land Use:</u> vacant b. <u>Present Number of Housing Units:</u> 0 c. <u>Present Demographics:</u> 0 d. <u>Present Streets:</u> none
13. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> 272 Unit Apartment Complex b. <u>Development Controls</u> 1. <u>Land Use Plan</u> a. <u>2010 Plan:</u> Heavy Industrial 2. <u>Zoning</u> a. <u>Current Zoning in County:</u> 17.56 acres is R5 Residential District and 2.88 acres is C(P) Commercial b. <u>Likely Zoning After Annexation:</u> R5 Residential District c. <u>Maximum number of apartment units allowed based on the zoning:</u> within the residential district area: 504
14. Expected Future Conditions:	a. <u>Future Land Use:</u> Apartments b. <u>Future Number of Housing Units:</u> 272 c. <u>Future Demographics:</u> 680 d. <u>Future Streets:</u> Private (internal to the apartment complex) e. <u>Water and Sewer Service:</u> PWC Water and Sewer f. <u>Electric Service:</u> PWC
15. Tax Value of Land and Buildings:	\$287,283 Land Value

BASIC INFORMATION ABOUT THE AREA

Date Petition Received: October 15, 2010

Annexation Date: Effective Date:

Annexation Number: _____

Please complete an annexation evaluation form for this area. I need to receive your evaluation form by **Tuesday, November 9**. You may send your form by either E-Mail or by printing the form and sending it through interdepartmental mail.

The form is located on the City's Web Page: <http://cofweb/> - then go to City Forms, and the form name is Annex Annexation Evaluation Form. (If you have questions about opening the form, feel free to contact me at 433-1416 or by email.)

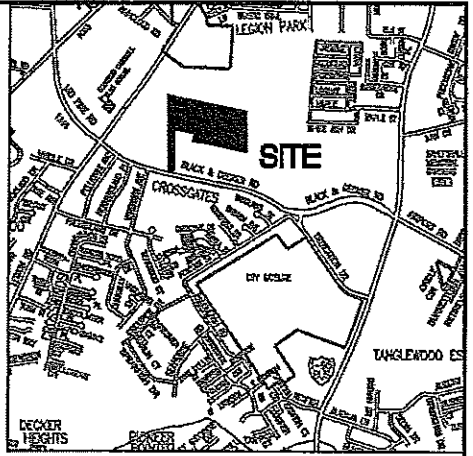
This petition will be reviewed at the Technical Review Committee's meeting on **Wednesday, November 10th at 9:00 a.m.** in the Cape Fear Conference Room. Feel free to attend this meeting if you have any questions or concerns.

Thank you in advance for your assistance.

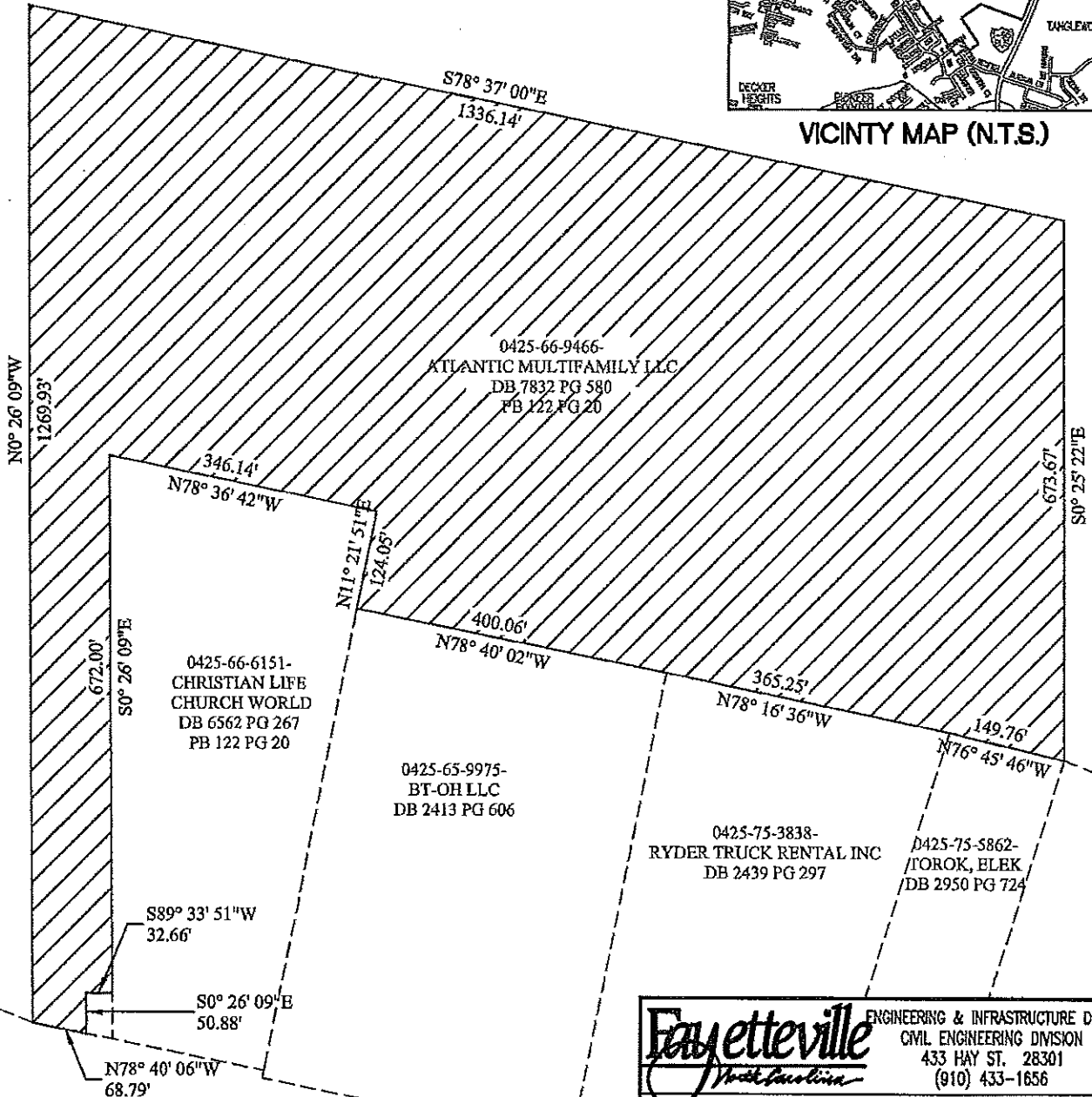
ATLANTIC MULTIFAMILY, LLC
(Black and Decker Road, East of Legion Road)

BEGINNING at the southwestern corner of that parcel described in Deed Book 5662, Page 267 of the Cumberland County Registry and the northern right of way margin of Black & Decker Road and continuing thence for a first call of North 78 degrees 40 minutes 06 seconds West 68.79 feet to a point, thence North 00 degrees 26 minutes 09 seconds West 1269.93 feet to a point, thence South 78 degrees 37 minutes 00 seconds East 1336.14 feet to a point, thence South 00 degrees 25 minutes 22 seconds East 673.67 feet to a point, thence North 76 degrees 45 minutes 46 seconds West 149.76 feet to a point, thence North 78 degrees 16 minutes 36 seconds West 365.25 feet to a point, thence North 78 degrees 40 minutes 02 seconds West 400.06 feet, thence North 11 degrees 21 minutes 51 seconds East 124.05 feet to a point, thence North 78 degrees 36 minutes 42 seconds West 346.14 feet to a point, thence South 00 degrees 26 minutes 09 seconds East 672.00 feet to a point, thence South 89 degrees 33 minutes 51 seconds West 32.66 feet to a point, thence South 00 degrees 26 minutes 09 seconds East 50.88 feet to the BEGINNING, and containing approximately 20.44 acres.

0425-77-0293-
 JOSEPH P RIDDLE III & WIFE
 DB 8473 PG 802
 PB 9 PG 30



VICINITY MAP (N.T.S.)



BLACK & DECKER ROAD

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

PROPOSED ANNEXATION
 ATLANTIC MULTIFAMILY, LLC
 BLACK & DECKER ROAD
 ± 20.44 ACRES

DATE 10/25/10 DRAWN BY CSA
 SCALE 1" = 200' CK'D BY CSA

CAD FILE:

**Annexation Ordinance No. _____
Atlantic Multifamily, LLC (Astoria Apartments) –
(Located on Black and Decker Road, East of Legion
Road)**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF FAYETTEVILLE, NORTH CAROLINA**

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City of Fayetteville Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City of Fayetteville Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on December 13, 2010, after due notice by publication on December 3, 2010; and

WHEREAS, the City Council further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City of Fayetteville;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the City of Fayetteville;
- c. The area described is so situated that the City of Fayetteville will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Fayetteville;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous property owned by Atlantic Multifamily, LLC is hereby annexed and made part of the City of Fayetteville of North Carolina as of December 13, 2010:

ATLANTIC MULTIFAMILY, LLC
(Black and Decker Road, East of Legion Road)

BEGINNING at the southwestern corner of that parcel described in Deed Book 5662, Page 267 of the Cumberland County Registry and the northern right of way margin of Black & Decker Road and continuing thence for a first call of North 78 degrees 40 minutes 06 seconds West 68.79 feet to a point, thence North 00 degrees 26 minutes 09 seconds West 1269.93 feet to a point, thence South 78 degrees 37 minutes 00 seconds East 1336.14 feet to a point, thence South 00 degrees 25 minutes 22 seconds East 673.67 feet to a point, thence North 76 degrees 45 minutes 46 seconds West 149.76 feet to a point, thence North 78 degrees 16 minutes 36 seconds West 365.25 feet to a point, thence North 78 degrees 40 minutes 02 seconds West 400.06 feet, thence North 11 degrees 21 minutes 51 seconds East 124.05 feet to a point, thence North 78 degrees 36 minutes 42 seconds West 346.14 feet to a point, thence South 00 degrees 26 minutes 09 seconds East 672.00 feet to a point, thence South 89 degrees 33 minutes 51 seconds West 32.66 feet to a point, thence South 00 degrees 26 minutes 09 seconds East 50.88 feet to the BEGINNING, and containing approximately 20.44 acres.

Section 2. Upon and after December 13, 2010, the above-described area and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville of North Carolina and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville of North Carolina. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor and City of Fayetteville of North Carolina shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed area, described in Section 1, together with a certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections as required by G.S. 163-288.1.

Adopted this ____ day of _____, 2010.

Anthony G. Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Marsha Bryant, Planner
DATE: December 13, 2010
RE: **Public Hearing to consider a Voluntary Annexation Petition - Fullblock, Inc. - 135 Airport Road**

THE QUESTION:

Should the City approve a petition for annexation of a non-contiguous area into the city limits?

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy

BACKGROUND:

The property consists of 2.14 acres. A warehouse with an office is being constructed on the property. Applicant received approval of plans from Cumberland County.

ISSUES:

The property is located within the City's MIA area and because PWC water and sewer service was requested, a Petition Requesting Annexation was submitted. Staff from various City departments reviewed the proposed annexation and had no concerns about the proposed annexation.

BUDGET IMPACT:

OPTIONS:

1. Adopt the Annexation Ordinance with the Effective Date of December 13, 2010 (Recommended)
2. Adopt the Annexation Ordinance with the Effective Date after December 13, 2010.
3. Don't adopt the Annexation Ordinance and the property will remain outside the city limits.

RECOMMENDED ACTION:

Option 1 - Staff recommends that Council move to adopt the Annexation Ordinance approving the requested annexation with the effective date of December 13, 2010.

ATTACHMENTS:

Basic Information about the site
Legal Description of the Property
Map of the Property
Fullblock-Ordinance to extend

BASIC INFORMATION ABOUT THE AREA

Date Petition Received: August 10, 2010

Annexation Date: Effective Date:

Annexation Number:

1. Name of Area:	Fullblock, Inc.
2. Petitioner:	William B. Fuller, Jr., Member/Manager
3. Location:	135 Airport Road
4. Tax Identification Number (PIN):	0435-14-1782
5. Fire Department Affected by Annexation:	Pearces Mill
6. Is the Area Contiguous:	No
7. Type of Annexation:	Petitioned Non-Contiguous Annexation
8. Background:	This is a corner lots located within the Airport Commerce Park area. Plans have been submitted to the County Planning Department for a 7,000 sq. ft. warehouse and a 4,900 sq. ft. office area. The county approved these plans in May 2010.
9. Reason the Annexation was Proposed:	PWC water and sewer services
10. Number of Acres in Area:	2.14
11. Type of Development in Area:	___ New ___ Existing <u>__X__</u> Vacant
12. Present Conditions:	a. <u>Present Land Use:</u> vacant and wooded b. <u>Present Number of Housing Units:</u> 0 c. <u>Present Demographics:</u> 0 d. <u>Present Streets:</u> none
13. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> Construction of a warehouse with an office area. b. <u>Development Controls</u> 1. <u>Land Use Plan</u> a. <u>2010 Plan:</u> Heavy Industrial 2. <u>Zoning</u> a. <u>Current Zoning in County:</u> M(P) Industrial District b. <u>Likely Zoning After Annexation:</u> M2 Industrial District c. <u>Maximum number of units allowed based on the zoning:</u> n/a
14. Expected Future Conditions:	a. <u>Future Land Use:</u> warehouse b. <u>Future Number of Housing Units:</u> none c. <u>Future Demographics:</u> none d. <u>Future Streets:</u> none e. <u>Water and Sewer Service:</u> PWC Water and Sewer f. <u>Electric Service:</u> PWC
15. Tax Value of Land and Buildings:	\$52,202 Land Value

BASIC INFORMATION ABOUT THE AREA

Date Petition Received: August 10, 2010

Annexation Date: Effective Date:

Annexation Number: _____

Please complete an annexation evaluation form for this area. I need to receive your evaluation form by **Tuesday, November 9**. You may send your form by either E-Mail or by printing the form and sending it through interdepartmental mail.

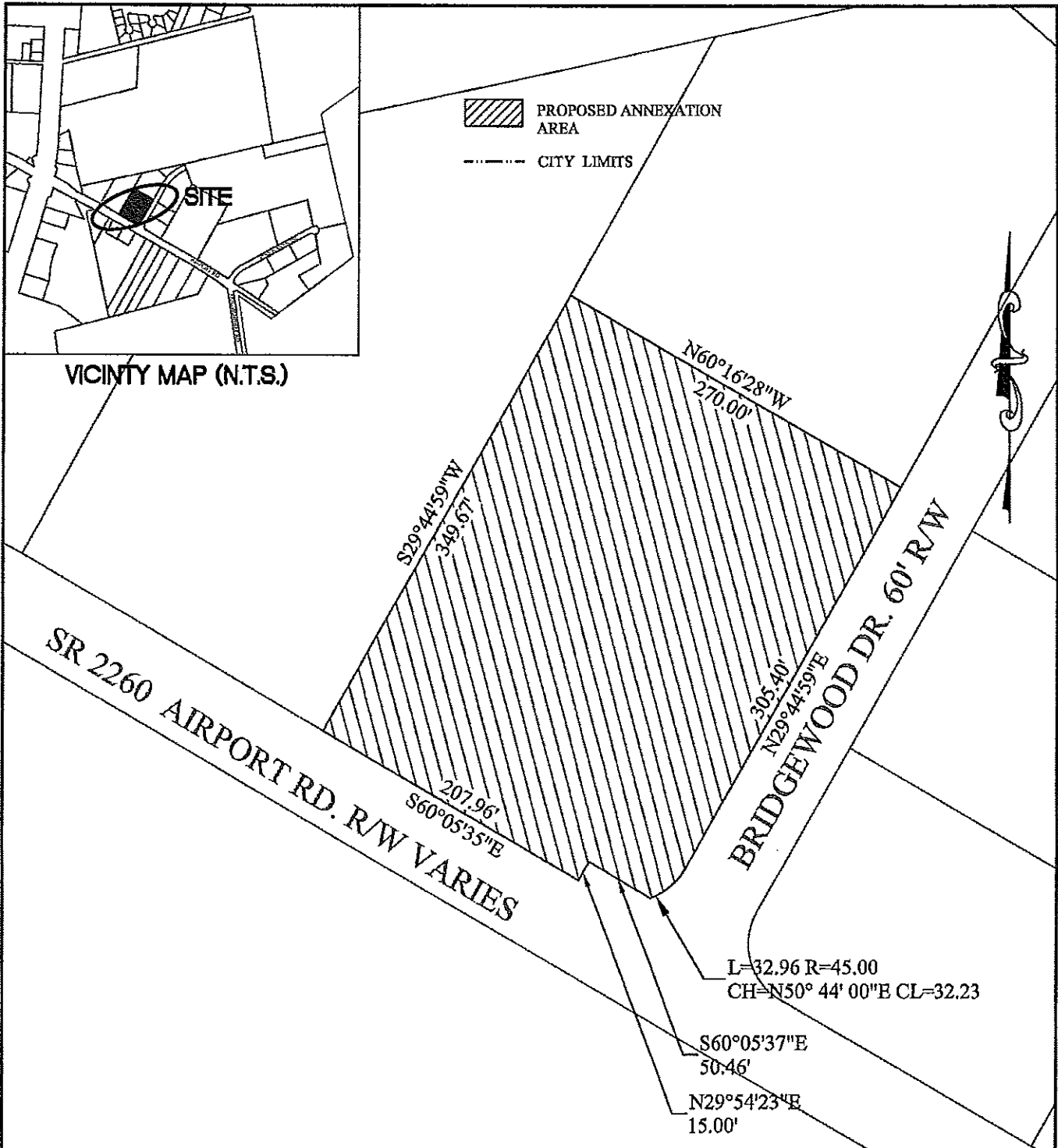
The form is located on the City's Web Page: <http://cofweb/> - then go to City Forms, and the form name is Annex Annexation Evaluation Form. (If you have questions about opening the form, feel free to contact me at 433-1416 or by email.)

This petition will be reviewed at the Technical Review Committee's meeting on **Wednesday, November 10th at 9:00 a.m.** in the Cape Fear Conference Room. Feel free to attend this meeting if you have any questions or concerns.

Thank you in advance for your assistance.

FULLBLOCK, INC.
(135 Airport Road)

BEGINNING at the southwestern corner of Lot 2 as shown on Plat entitled "Airport Commerce Park Phase I" recorded in Plat Book 97, Page 153 of the Cumberland County Registry and continuing thence South 60 degrees 05 minutes 35 seconds East 207.96 feet to a point, thence North 29 degrees 54 minutes 23 seconds East 15 feet to a point, thence South 60 degrees 05 minutes 37 seconds East 50.46 feet to a point, thence with a curve to the left having an arc length of 32.96 with a radius of 45 and having a chord bearing and distance of North 50 degrees 44 minutes 00 seconds East 32.23 feet to a point, thence North 29 degrees 44 minutes 59 seconds East 305.40 feet to a point, thence North 60 degrees 16 minutes 28 seconds West 270 feet to a point, thence South 29 degrees 44 minutes 59 seconds West 349.67 feet to the point of BEGINNING, and containing approximately 2.14 acres more or less.



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

PROPOSED ANNEXATION
135 AIRPORT ROAD
FULLBLOCK, INC.
± 2.14 ACRES

SHEET 1 OF 1

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

DATE 8/19/2010 DRAWN BY CSA
 SCALE 1" = 100' CK'D BY CSA

Annexation Ordinance No. _____
Fullblock, Inc. – (Located at 135 Airport Road)

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF FAYETTEVILLE, NORTH CAROLINA**

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City of Fayetteville Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City of Fayetteville Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on December 13, 2010, after due notice by publication on December 3, 2010; and

WHEREAS, the City Council further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City of Fayetteville;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the City of Fayetteville;
- c. The area described is so situated that the City of Fayetteville will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Fayetteville;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous property owned by Fullblock, Inc. is hereby annexed and made part of the City of Fayetteville of North Carolina as of December 13, 2010:

FULLBLOCK, INC.
(135 Airport Road)

BEGINNING at the southwestern corner of Lot 2 as shown on Plat entitled "Airport Commerce Park Phase I" recorded in Plat Book 97, Page 153 of the Cumberland County Registry and continuing thence South 60 degrees 05 minutes 35 seconds East 207.96 feet to a point, thence North 29 degrees 54 minutes 23 seconds East 15 feet to a point, thence South 60 degrees 05 minutes 37 seconds East 50.46 feet to a point, thence with a curve to the left having an arc length of 32.96 with a radius of 45 and having a chord bearing and distance of North 50 degrees 44 minutes 00 seconds East 32.23 feet to a point, thence North 29 degrees 44 minutes 59 seconds East 305.40 feet to a point, thence North 60 degrees 16 minutes 28 seconds West 270 feet to a point, thence South 29 degrees 44 minutes 59 seconds West 349.67 feet to the point of BEGINNING, and containing approximately 2.14 acres more or less.

Section 2. Upon and after December 13, 2010, the above-described area and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville of North Carolina and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville of North Carolina. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor and City of Fayetteville of North Carolina shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed area, described in Section 1, together with a certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections as required by G.S. 163-288.1.

Adopted this ___ day of _____, 2010.

Anthony G. Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rob Anderson, Chief Development Officer
DATE: December 13, 2010
RE: **Consideration of the Unified Development Ordinance November 2010 Council Draft, which would amend the City Code by replacing Chapter 25 Subdivision and Chapter 30 Zoning with a new Chapter 30 Unified Development Ordinance (UDO)**

THE QUESTION:

Should the existing subdivision and zoning regulations be replaced with the Unified Development Ordinance November 2010 Council Draft as a step to guide development toward more fully achieving the goals of the City's Strategic Plan, Vision 2030 and other adopted plans?

RELATIONSHIP TO STRATEGIC PLAN:

Adoption of the UDO will positively impact nearly every one of the Guiding Principles contained the City of Fayetteville Vision 2025 Strategic Plan. The UDO is perhaps the most important tool the City could employ to achieve the 2015 Goals associated with the 2025 Strategic Plan. The stated goals are:

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

BACKGROUND:

This is the culmination of a 2 year process to craft a set of codes unique to the needs and aspirations of the City of Fayetteville. Countless hours of staff time and hundreds of hours of volunteer participation have resulted in a carefully conceived document. Both the Planning Commission and City Council have held public hearings in an effort to ensure the UDO is reasonable and appropriate for the City of Fayetteville today and into the future.

ISSUES:

Just prior to the public hearing held by City Council on November 22, staff identified some intended changes that had not been captured in the November UDO Public Hearing Draft. A memo was distributed at the hearing listing those five items and describing the intended change and, in some cases, attaching the 'redlined' ordinance with changes. Attached is a copy of all five amendments described in the November 22 memo.

Based on subsequent discussion with Council members, a few additional amendments are being prepared and being forwarded as quickly as possible. Some remaining editing will be done by the consultant as part of final formatting and clean-up, such as adding the word buffers to the heading and table of contents, and correction of several diagrams.

Adoption of the ordinance as recommended, with the changes noted above, would result in full implementation effective July 1, 2011 or at the conclusion of the remapping, whichever is later. During the interim period, developers may choose to develop under the old codes or the new UDO.

In addition, during the period between adoption and full implementation, no individual zone map amendments will be processed. Rather, requests for map amendments will be considered as part of the city-wide remapping effort which is an essential step in implementing the new UDO. All requests will be considered as soon as practical as part of this task and will be considered only in the context of the criteria and code classifications contained in the UDO and their consistency with approved plans.

BUDGET IMPACT:

OPTIONS:

The proposed text of the UDO has been provided to Council under separate cover and is not included in this packet. Attached is a proposed ordinance repealing existing development regulations and authorizing their replacement with the UDO.

Option 1: Approve the attached ordinance repealing existing development regulations and replacing them with the Unified Development Ordinance November 2010 draft (fully effective July 1, 2011 or at conclusion of remapping, whichever is later).

Option 2: Approve the implementing ordinance with modifications to the UDO November 2010 draft.

Option 3: Continue Council discussion to a specified regular or special meeting with guidance to staff regarding information or alternatives needed for consideration.

Option 4: Deny the proposal to replace the existing subdivision and zoning regulations.

RECOMMENDED ACTION:

Staff and Planning Commission recommend that Council move to adopt the attached ordinance, with the attached amendments, repealing existing development regulations and replacing them with the Unified Development Ordinance November 2010 draft fully effective July 1, 2011 or upon conclusion of remapping, whichever is later.

ATTACHMENTS:

Amendment Cover Memo 11-22-10

Amendment A

Amendment B

Amendment C

Amendment D

Amendment E

UDO Adopting Ordinance



City Manager's Office

To: City Council

CC: Dale Iman, City Manager
Karen McDonald, City Attorney
Rob Anderson, Development Services Director
Rita Perry, City Clerk

From: Kristoff Bauer, Assistant City Manager

Date: November 22, 2010

Re: UDO Amendment

Staff has prepared five potential amendments for consideration along with the UDO this evening based upon Council comment and inquiries.

A. Salvage and Junkyard

- This amendment removes standards that are inconsistent with existing standards. If approved, staff will replace the removed language with current regulations in order to maintain the status quo.

B. Pedestrian Connectivity

- This would ensure that a pedestrian connection will not be required from a new subdivision into an existing residential subdivision.

C. Vehicle Signs

- This clarifies the application to rental trucks

D. Sidewalk Performance Bonds

- This reduces the current bond requirement of 150% to 75%, clarifies enforcement, and allows for release of portions of the bond after 25% of the sidewalk has been installed.

E. Multi-Family Parkland Dedication In-Lieu Fee Credit

- This allows for a credit of up to 20%, which is 5% greater than previously recommended and a pool has been added as an amenity that will support a credit.

Council may adopt the UDO with one or more of these amendments by making the following motion:

"I move to adopt the attached ordinance repealing existing development regulations and replacing them with the Unified Development Ordinance November 10 draft amended to as indicated in Amendments ____, effective July 1, 2011"

- d. All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- e. No filling associated with a landfill shall take place within in any flood hazard area, drainage ways, or utility easements.

(4) Recycling Center

A recycling center shall comply with the following standards:

- a. The center shall be on a parcel with an area of at least five acres.
- b. The center shall be located at least 250 feet from any residential district, schools, or day care center
- c. Except for a freestanding office, no part of the center shall be located within 50 feet of any property line.
- d. All storage areas shall be effectively screened from view by walls, fences, or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from right-of-way or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas exceed 20 feet or the height of the principal building on the lot, whichever is greater.
- e. All outdoor storage areas shall be surrounded by a solid fence that is at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property.
- f. Recyclable materials shall be contained within a leak-proof bin or trailer, and not stored on the ground.
- g. Only limited sorting, separation, or other processing of deposited materials shall occur on the site.
- h. There shall be no collection or storage of hazardous or biodegradable wastes on the site.

(5) Recycling Drop-Off Centers

A recycling drop-off center shall comply with the following standards:

- a. The collection bin shall be located in or adjacent to an off-street parking area, and shall not occupy more than five percent of the total on-site parking spaces. The mobility of the collection bin shall be retained.
- b. The bin and adjacent area shall be maintained in good appearance and free from trash.
- c. There shall be no collection or storage of hazardous or biodegradable wastes on the site.

(6) Salvage and Junkyard; Tire Disposal or Recycling

a. In General

A salvage and junkyard or tire disposal or recycling facility shall comply with the following standards:

- ~~i. The facility shall be located on a parcel with an area of at least three acres.~~
- ~~ii. The facility shall be located at least 250 feet from any residential district, school, or day care center.~~
- ~~iii. The facility shall not be located within 50 feet of any property line (except for a freestanding office).~~
- ~~iv. The facility shall be screened with a wooden fence or masonry wall no less than eight feet in height in accordance with Section 30-5.D, Fences and Walls. The height of materials and equipment stored shall not exceed seven feet.~~

b. Nonconforming Salvage Yards and Junkyards

Nonconforming salvage yards or junkyards determined to be nonconforming prior to January 1, 2009, shall be subject to the following provisions:

- i. By January 1, 2010, no items stored within a nonconforming salvage yard or junkyard may be located within 50 feet of the front lot line or within 35 feet from all other lot lines.
- ii. By January 1, 2011, no items stored within a nonconforming salvage yard or junkyard may be located within 150 feet of the front lot line or within 100 feet from all other lot lines.
- iii. Nonconforming salvage yards or junkyard uses shall terminated and be removed from the premises, or made conforming by January 1, 2012.
- iv. Failure to comply with these standards shall be a violation of this Ordinance subject to the remedies and penalties in Article 30-8: Enforcement.
- v. Nonconforming salvage yards and junkyards subject to the provisions of this subsection shall be exempt from the screening requirements in (a)(iv) above and the screening requirements in Section 30-5.B.1.f, Perimeter Buffers.

(f) Wholesale Sales

Any outdoor storage component of a wholesale sales use shall comply with the standards in Section 30-4.D.3.i, Outdoor Storage.

D. ACCESSORY USE STANDARDS

1. PURPOSE

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, and so long as they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

(f) Internal Street Connectivity

- (1) Except in the AR and DT districts, all development shall achieve an internal street connectivity score in accordance with Table 30-5.F.4.i, Minimum Street Connectivity Index:

TABLE 30-5.F.4.I: MINIMUM STREET CONNECTIVITY INDEX	
DISTRICT WHERE DEVELOPMENT IS PROPOSED	MINIMUM CONNECTIVITY INDEX SCORE
SF-15, SF-10, LI, HI	1.40
SF-6, MH, PD-EC	1.50
MR-5, OI, NC, LC, MU, CC, PD-R, PD-TN	1.60

- (2) The connectivity index for a development is calculated by dividing its links by its nodes. The figure below provides an example of how to calculate the connectivity index. Nodes (stars) exist at street intersections and cul-de-sac heads within the development. Links (circles) are stretches of road that connect nodes. Street stub-outs are considered as links, but temporary dead-end streets internal to a development or alleys are not counted as links. One link beyond every node that exists in the development and provides access to the street system outside the development shall be included in the index calculation. In the diagram, there are 36 links (circles) and 21 nodes (stars); therefore the connectivity index is 1.71 ($36/21 = 1.71$). Mid-Block pedestrian access required in accordance with Section 3-5:F.(c) will also be considered as a connection for the purposes of calculating the connectivity index.

- (3) The minimum connectivity index score may be reduced if the owner/developer demonstrates it is impossible to achieve due to topographic conditions, natural features, existing road configurations, or adjacent existing development patterns.

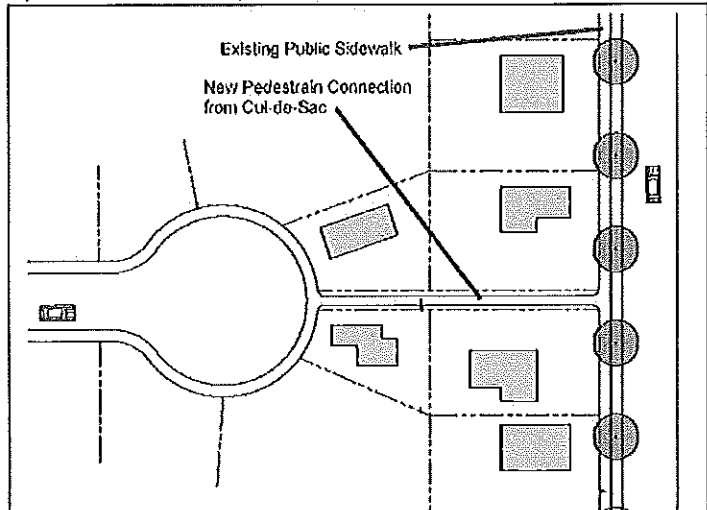


Figure 30-5.F.4.II: Pedestrian Connections
 Connecting cul-de-sac heads with the greater sidewalk/trail network increases pedestrian connectivity.

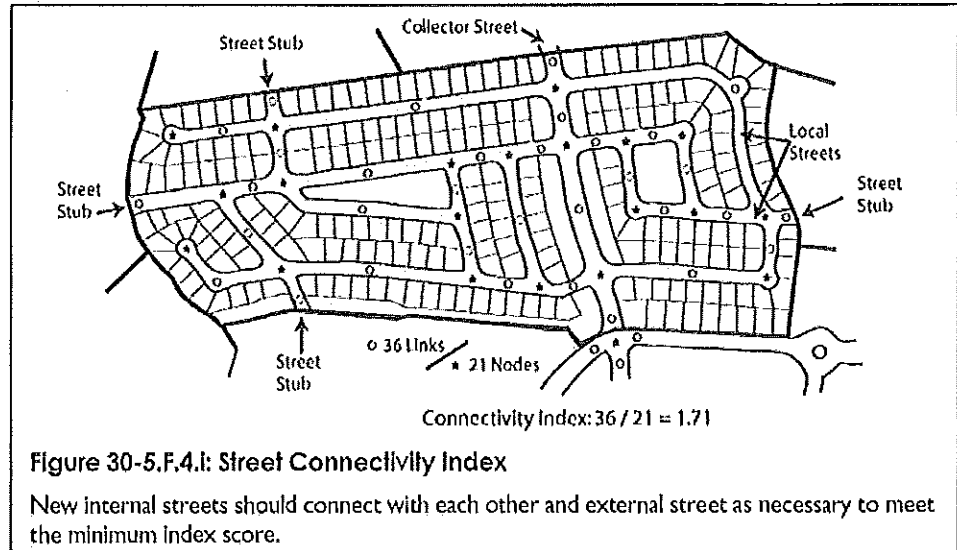
- (4) Whenever the City Manager determines a proposed cul-de-sac street
- a. is in close proximity with significant pedestrian generators or destinations, such as schools, parks, trails, employment centers, etc. or;

Article 30-5: Development Standards

Section F: Community Form Standards

Subsection 4: Streets

b. ~~creates an unreasonable impediment to pedestrian circulation, an eight-foot-wide pedestrian access easement a right-of-way 20 feet wide for pedestrian/bicycle access~~ may be required, between a cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian pathway. When this occurs, this pedestrian connection will count as a connection for the purpose of calculating the connectivity index. A pedestrian/bicycle access will not be required between a new subdivision and the residential street of a residential subdivision platted more than 12 months prior thereto.



(g) External Street Connectivity

- (1) The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and intended for future development or in which the adjoining lands are developed and include opportunities for such connections.
- (2) Street right-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development which abuts vacant lands.
- (3) At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" to inform property owners.
- (4) The Final Plat (See Section 30-5.C.6.e, Final Plat) shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped property.

(h) Traffic Calming Measures

- (1) Minimal street widths, short block lengths, on-street parking, controlled intersections, roundabouts, and other traffic calming measures are encouraged on all local, and sub-collector streets provided they do not interfere with

(y) Object or Device Attached to Items For Sale

Any object or device made of any material that is displayed, affixed, attached, in any manner on items that are intended for sale, including, but not limited to, banners, official or unofficial flags, pennants, balloons, and streamers.

(z) Vehicles with Large Signs Parked Near the ROW

Except when in the process of loading or unloading or generally carrying out activities associated with the normal conduct of business (except advertising) vehicles and trailers with signs exceeding eight (8) square feet on any one side are prohibited from parking within 50 feet of a public right-of-way.

In cases where the inventory of a business (such as rental trucks) greatly relies on the storage area within the subject 50 foot zone, exceptions to this requirement may be allowed through the administrative adjustment process.

5. EXEMPT SIGNS

The following signs and devices shall be exempt from the standards in this section:

(a) Public (Governmental or Utility) Signs

Signs erected by, on behalf of, or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic warning, directional, or regulatory signs. Also, official signs of a noncommercial nature erected by public utilities, including safety, warning, and informational signs.

(b) Warning (Health, Safety, Hazard) Signs

Temporary or permanent signs erected by government agencies, public utility companies, or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices or signs providing directions around such conditions.

(c) Signs not Legible Off-Premises

Signs which are not legible from the boundaries of the lot or parcel upon which they are located, or from any street right-of-way.

(d) Internal Signs

Signs located on the interior of buildings, courts, lobbies, stadiums or other structures which are not intended to be seen from the exterior of such buildings or structures.

(e) Flags (Non-advertising and Non-Informational)

(1) Flags of the United States, North Carolina, County or City jurisdictions, foreign nations having diplomatic relations with the United States, organization of nations; flags of any religious, civic or fraternal organization, or any educational or cultural facility; any one corporate flag per lot; or any other flags adopted or sanctioned by the City Council, subject to United States Congressional protocol; except when such are used in connection with a commercial promotion or as an advertising device or as an integral part of a sign regulated under this section; provided not more than five such flags shall be flown on any lot or parcel, and provided such flags are displayed on permanent pole structures. Failure to display such flags in a manner which meets Congressional protocol will be a violation of this Ordinance.

Article 30-6: Subdivisions

Section B: Zero Lot Line Development

~~Subsection 3: Zero Lot Line Development Standards~~ Section B: Zero Lot Line Development Subsection 3: Zero Lot Line Development Standards

areas, and payment of assessments for public and private capital improvements made to or for the benefit of the common areas located within the development. Any such assessments not paid by an owner of a building site shall constitute a lien on the building site of the owner.

- (5) Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas and for parking areas shall be granted to each owner of a building site.
- (6) All common walls between buildings shall be party walls, and provisions for the maintenance of the party walls, and their restoration in the event of destruction or damage, shall be established.

(e) Proof of ~~Subordinate Mortgage~~ Clear Title

The developer shall submit, along with the Final Plat, documents showing proof that ~~any mortgage on the property or facility is subject to all easements or property rights that may be transferred~~ and clear title provided to the individual building site owner(s), in the case of condominium projects, or to the property owners association, in the case of common area assets.

(f) Final Plat

A Final Plat prepared in accordance with Section 30-2.C.6.e, Final Plat, shall include the following additional items:

- (1) Numbering of all building sites, bearings and distances for their boundaries, and any building(s) erected on each.
- (2) Labeling of all common areas as such, with an indication of the facilities located on each.
- (3) Any notes as required under this section, including any required maintenance easements.

(g) Compliance with State Unit Ownership Act Provisions

All ~~zero-lot-line~~ condominium developments shall comply with the following sections of the North Carolina Unit Ownership Act, N.C.G.S. 47A-1 et seq., as if the development has been submitted to the provisions of that act:

- (1) G.S. 47A-7, Common areas and facilities not subject to partition or division;
- (2) G.S. 47A-8, Use of common areas and facilities;
- (3) G.S. 47A-9, Maintenance, repair, and improvements to common area and facilities; access to units for repairs;
- (4) G.S. 47A-10, Compliance with bylaws, regulations, and covenants, damages; injunctions;
- (5) G.S. 47A-11, Unit owners not to jeopardize safety of property or impair easements;
- (6) G.S. 47A-18, Bylaws; annexed to declaration; amendments;
- (7) G.S. 47A-19, Bylaws; contents;

Article 30-6: Subdivisions

Section C: Performance and Maintenance Guarantees

Subsection I: Performance Guarantees

Section C: Performance and Maintenance Guarantees
Subsection I: Performance Guarantees

(d) Form of Performance Guarantee

- (1) Where required, the owner or developer shall furnish a performance guarantee in any of the following acceptable forms:
 - a. Cash deposit with the City;
 - b. Certified check from a North Carolina lender based upon a cash deposit, in a form acceptable to the City Attorney;
 - c. Irrevocable letter of credit from a North Carolina banking institution in a form acceptable to the City Attorney; or
 - d. Surety bond from a North Carolina surety bonding company in a form acceptable to the City Attorney.
- (2) The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee. Performance guarantees shall provide that in case of the owner's or developer's failure to complete the guaranteed improvements, the City shall be able to immediately obtain the funds necessary to complete installation of the improvements.
- (3) No home shall receive a certificate of occupancy without the required sidewalk in place for each subject property. Homebuilders shall be notified of this requirement upon receiving a driveway permit. Home purchasers shall be notified of this requirement by the developer placing appropriate language in the subject property deed.

(e) Amount of Performance Guarantee

- (1) Performance guarantees for required improvements shall be in an amount equal to at least ~~150~~ **75%** percent of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.
- (2) Estimated costs for completing installation of required public infrastructure improvements shall be itemized by improvement type and certified by the owner's or developer's licensed professional engineer, and are subject to approval by the City Manager. Estimated costs for completing installation of required landscaping shall be itemized and certified by the owner's or developer's contractor, and are subject to approval by the City Manager.
- (3) If the guarantee is renewed, the City Manager may require the amount of the performance guarantee be updated to reflect cost increases over time.

(f) Release or Reduction of Performance Guarantees

(1) Requirements for Release or Reduction

The City Manager shall release or reduce a performance guarantee only after:

- a. The owner or developer has submitted to the City Manager a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or landscape architect, whichever is

appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications;

- b. City staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications;
- c. The owner or developer has reimbursed the City for all costs associated with conducting any inspection that finds the guaranteed improvements have not been installed in accordance with approved plans and specifications;
- d. The owner or developer has provided the City Manager assurances that liens against guaranteed public infrastructure improvements will not be filed after their acceptance by the City (e.g., through affidavits, releases, or waivers of liens from all contractors and subcontractors);
- e. The owner or developer has provided the City Manager any required maintenance guarantee for the same public infrastructure improvements (Section 30-6.C.2); and
- f. No adjustments in performance guarantee will be considered until more than 25% of the work is in place and approved.

(2) Limits on Reductions

No performance guarantee for public infrastructure improvements (including street trees planted within a public ROW) shall be reduced to less than 50 percent of the full amount of the performance guarantee until all guaranteed public infrastructure improvements have been completed by the owner or developer. No performance guarantee for required landscaping shall be reduced to less than 75 percent of the full amount of the performance guarantee, until all guaranteed private site improvements have been completed by the owner or developer.

(3) Releases Shall be Documented

The City shall provide written notice of the City's final acceptance of the public infrastructure improvements.

(g) Default and Forfeiture of Performance Guarantee

(1) Notice of Failure to Install or Complete Improvements

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the City Manager shall give the owner or developer 30 days written notice of the default by certified mail.

(2) City Completion of Improvements

After the 30-day notice period expires, the City may draw on the security and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the City shall provide a complete accounting of the expenditures to the owner or developer and, as applicable, refund all unused security deposited, without interest.

decide if it is in the best interest of the community to either require dedication of parkland or a payment-in-lieu. Subsequently, any ~~submit any and all~~ recommendations concerning the dedication of parkland shall be presented ~~payment of fees in-lieu of parkland to the TRC or to the City Council for approval, as appropriate.~~

(c) Time of Payment

The fees-in-lieu shall be paid prior to recording the first Final Plat for the subdivision of the development to which the fees relate.

(1) Amount of Payment

The payment-in-lieu shall be calculated based upon the square footage of land required for dedication consistent with the requirements of Table 30-6.E.1 Parkland Dedication Requirements. The Land Value Factor contained in the Fee Schedule adopted annually by the City Council will be applied to the land area required for dedication to arrive at the payment-in-lieu amount.

~~a. Where the payment of fees to the City is to be made in-lieu of parkland, the developer shall provide to the City, at the developer's cost, the assessed value of the land to be developed and the land that would be required to be dedicated as parkland.~~

~~b. The documentation of the land's assessed value, along with other evidence that, in the City's opinion, aids in the determination of assessed value of the land required to be dedicated may be used in the determination of the amount of a payment-in-lieu.~~

~~c. The TRC, City Manager, or City Council, as appropriate, shall determine the in-lieu fee based upon this material, a recommendation of the Parks and Recreation Department, and any other relevant information.~~

(2) Use of Funds

In-lieu fees received in accordance with this subsection shall be used only for the acquisition or development of recreation, park, and open space sites that serve the development consistent with the requirements of North Carolina General Statutes Section 160A-372(c).

(d) Credit for On-Site Amenities

The following credits towards the Parkland Dedication requirement shall be allowed for facilities developed as part of a project. The percentages apply to the financial obligation when a payment-in-lieu is requested and approved. In no case shall the credit for any category exceed the actual cost of design and construction of the amenity. The cumulative total available credit shall not exceed 20%.

(1) Walking trails/pathways greater than ¼ mile in length if not connecting to an off-site public facility such as open space, a park or school (5%);

- (2) Walking trails/pathways greater than 500 feet in length if connecting to an off-site public facility such as open space, a park, or school (10%);
- (3) Dog park (5%);
- (4) Basketball courts when constructed to recreation league standards (10%);
- (5) Tennis courts when constructed to regulation size and standards (10%); _____
- (6) Swimming pools (20%).

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW UNIFIED DEVELOPMENT ORDINANCE BY RESCINDING CHAPTER 25, SUBDIVISIONS, AND AMENDING CHAPTER 30, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that the Code of Ordinances of the City of Fayetteville be amended as follows:

- Section 1. Chapter 30, Zoning, is deleted in its entirety and the attached Unified Development Ordinance is hereby adopted as the new Chapter 30 of the Code of Ordinances of the City of Fayetteville; and
- Section 2. Chapter 25, Subdivisions, is hereby rescinded in its entirety and reserved for future use; and
- Section 3. Chapter 30 is to be known as the Unified Development Ordinance of the City of Fayetteville and shall become effective on the later of July 1, 2011, or the first day of the month following adoption of the Official Unified Development Ordinance Zoning Map for the City of Fayetteville; and
- Section 4. Prior to the effective date of this ordinance nothing will preclude development from seeking approval to operate or be considered under the Unified Development Ordinance, consistent with the following:
1. The request to proceed under this Unified Development Ordinance must be submitted to and approved by the Chief Development Officer.
 2. All requirements of the Unified Development Ordinance must be met under this optional approach;
 3. The development will be subject to enforcement under the provisions of the Unified Development Ordinance as if fully effective.
 4. For Rezoning Requests:
 - a. Any complete application for rezoning submitted prior to the date of approval of this ordinance may continue through the rezoning process and, if approved, the standards of the zoning and subdivision ordinances effective at the time of that approval will be applied to any detailed site plan or a building permit approval for which the application is complete prior to the effective date of this ordinance. Any development under existing regulations may become non-conforming under the Unified Development Ordinance and be subject to the standards of Article 7.

- b. Any rezoning application submitted after the date of approval of this ordinance shall be considered only as part of the remapping process associated with implementation of the Unified Development Ordinance. Such application will be considered as soon as practical as part of this remapping task and will be considered only in the context of the criteria and code classifications contained in the UDO and their consistency with approved plans.

Section 5. The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future text amendments as long as doing so does not alter the material terms of the Unified Development Ordinance.

Section 6. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2010.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

RITA PERRY, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rob Anderson, Chief Development Officer
DATE: December 13, 2010
RE: Uninhabitable Structures Recommended for Demolition

- 1031 Bunce Road
- 725 Bunce Road
- 6768 Bailey Lake Road

THE QUESTION:

Would the demolition of these structures help to enhance the quality of life in the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

1031 Bunce Road

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on August 24, 2009, as a dangerous or vacant/abandoned structure. A hearing was held which the owner did not attend; a notice of the hearing was also published in the Fayetteville Observer newspaper due to unknown heirs having partial ownership. A period of 60 days was given to repair or demolish the building; there has been no progress made. There has been 1 call for 911 service in the past 12 months.

725 Bunce Road

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on February 8, 2010, as a dangerous or vacant/abandoned structure. A hearing was held, which the owner did not attend. There were two structures on this property. One of the structures has since been destroyed by fire. There is no record of utilities or any calls for service.

6768 Bailey Lake Road

The City Inspector is required to correct all conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on June 6, 2009, as a dangerous or vacant/abandoned structure. A hearing was held, which the owner did not attend; notice of the hearing was also published in the newspaper due to one of the owners living out of state. A period of 60 days was given to repair or demolish the building. No repairs made to date, no permits issued. There have been 11 calls for 911 service, and 2 drug raids at this address in the past 12 months.

ISSUES:

1031 Bunce Road

The one-half interest owner has expressed his desire to demolish the building. Due to the unknown heirs, a demolition waiver or use of the Community Development Demolition Program cannot be used.

725 Bunce Road

There were two structures on this site that have been vacant for some time. One structure has substantial fire damage. The remaining building has major structural problems. There has been no response from the owner at any time.

6768 Bailey Lake Road

The owner of this building has been unable to repair or get assistance in making repairs. Power was disconnected at request of Code Enforcement due to electrical code violations

BUDGET IMPACT:

OPTIONS:

Adopt the ordinances and demolish the structures or allow them to remain.

RECOMMENDED ACTION:

Adopt the ordinances and demolish the structures.

ATTACHMENTS:

Docket- 1031 Bunce Road

Ordinance- 1031 Bunce Road

P8240008

P8240010

Aerial Map 1031 Bunce Road

Docket- 725 Bunce Road

Ordinance- 725 Bunce Road

P2080017

P208018

2010-11-12 Aerial Map 725 Bunce Road

Docket- 6768 Bailey Lake Road

Ordinance- 6768 Bailey Lake Road

2010-11-12 6768 Bailey Lake Road Photo 1

2010-11-12 6768 Bailey Lake Road Photo 02

2010-11-12 Aerial Map 6768 Bailey Lake Road

TO: Mayor
 City Council Members
 City Manager
 City Attorney

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

Location	1031 Bunce Road
Property Owner(s)	Kenneth L and wife Kelli A Pires, Unknown Heirs of Alma Nunn McQuaig, Unknown Heirs of Samuel McQuaig, Unknown Heirs of Lovie Nunn
Date of Inspection	August 24, 2009
Date of Hearing	February 3, 2010
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed February 3, 2010
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	No record of utilities
	Hearing was advertised in the Fayetteville Observer January 24, 2010..
Police Calls for Service (past 2 yrs)	1

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

This is the 13th day of December, 2010.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

1031 Bunce Road
PIN# 0407-21-1637

Beginning at an iron stake, North 35 degrees 00 minutes West 405.0 feet from the intersection of the Eastern right of way margin of the Graham Road with the Northern right of way margin of Frederick Road, said beginning point being also located in 71st Township, Cumberland County, North Carolina, which map was prepared by Alfred Cheney, R.S., on February 2, 1963, and running thence North 55 degrees 00 minutes East 250.0 feet to an iron stake; thence North 35 degrees 00 minutes West 71.05 feet to an iron stake; thence South 66 degrees 55 minutes West 123.11 feet to an iron stake; thence South 56 degrees 27 minutes West 129.08 feet to an iron stake in the Eastern right of way margin of Graham Road; thence with the Eastern right of way margin of Graham Road South 35 degrees 00 minutes East 100.0 feet to the point or place of beginning, containing one-half acre, more or less, being lot number 6 as shown on that certain map of the Mike E. Bobbitt property prepared by Alfred Cheney, R.S., February 2, 1963, and being the same land described in the deed dated February 18, 1963, from Mike E. Bobbitt and wife Elizabeth J. Bobbitt, to Luther E. Buie and Hiram P. Edwards, partners trading and doing business as Ebco Constructors, of record in Book 973, Page 146, in the Office of the Register of Deeds for Cumberland County, North Carolina, and being the same land conveyed by Hiram P. Edwards, et al to Robert J. Harper and wife, by deed dated December 9, 1963, and recorded in Book 1023 at Page 11, Cumberland County Registry.

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

Kenneth L. and Kelli A. Pires	Unknown Heirs of Alma Nunn McQuaig
2028 King Cobra Ct. Apt. B	Unknown Heirs of Samuel McQuaig
Hampton, Va. 23665-1329	Unknown Heirs of Lovie Nunn

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

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$4,200.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 13th day of December, 2010.

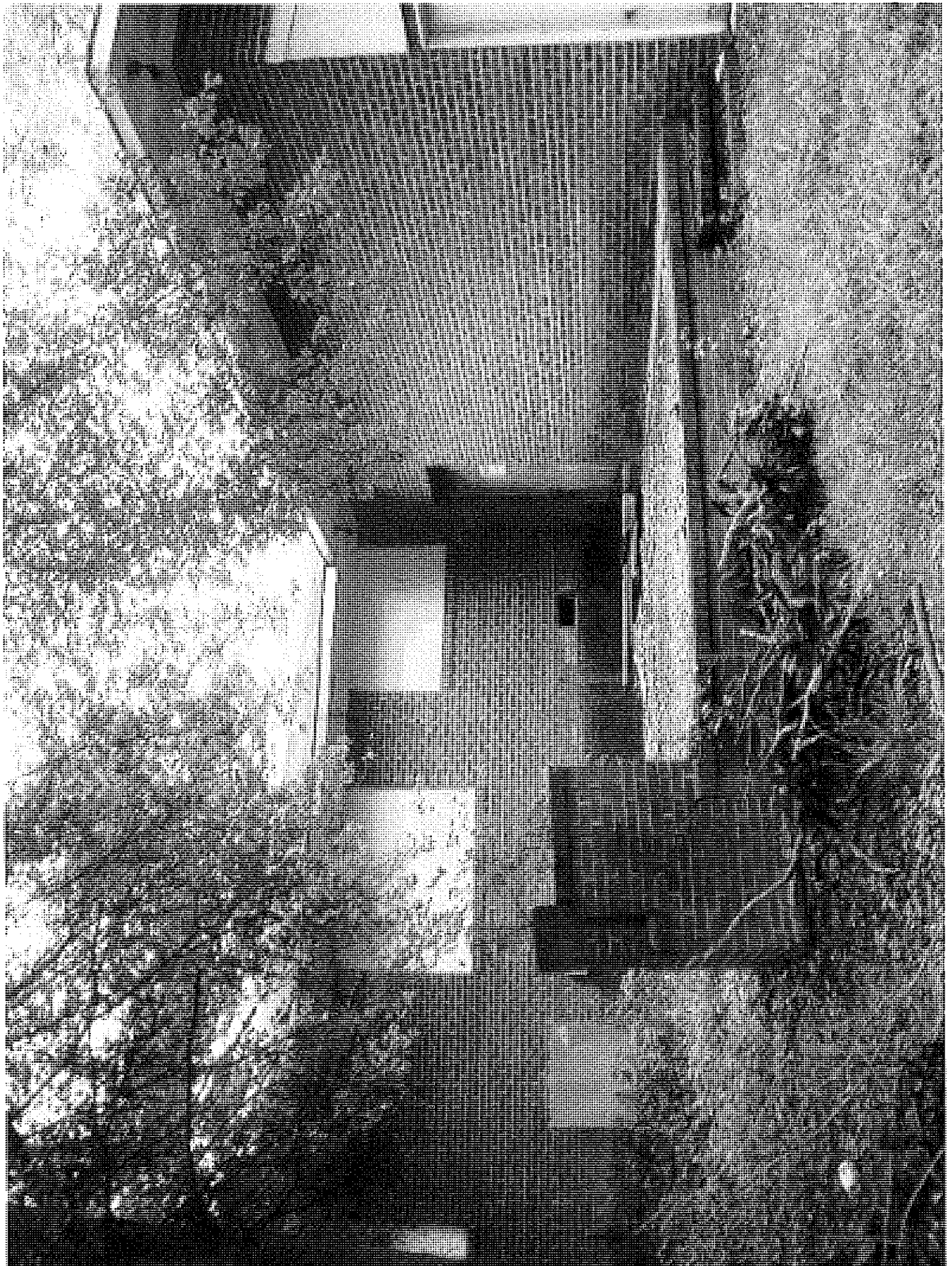
CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

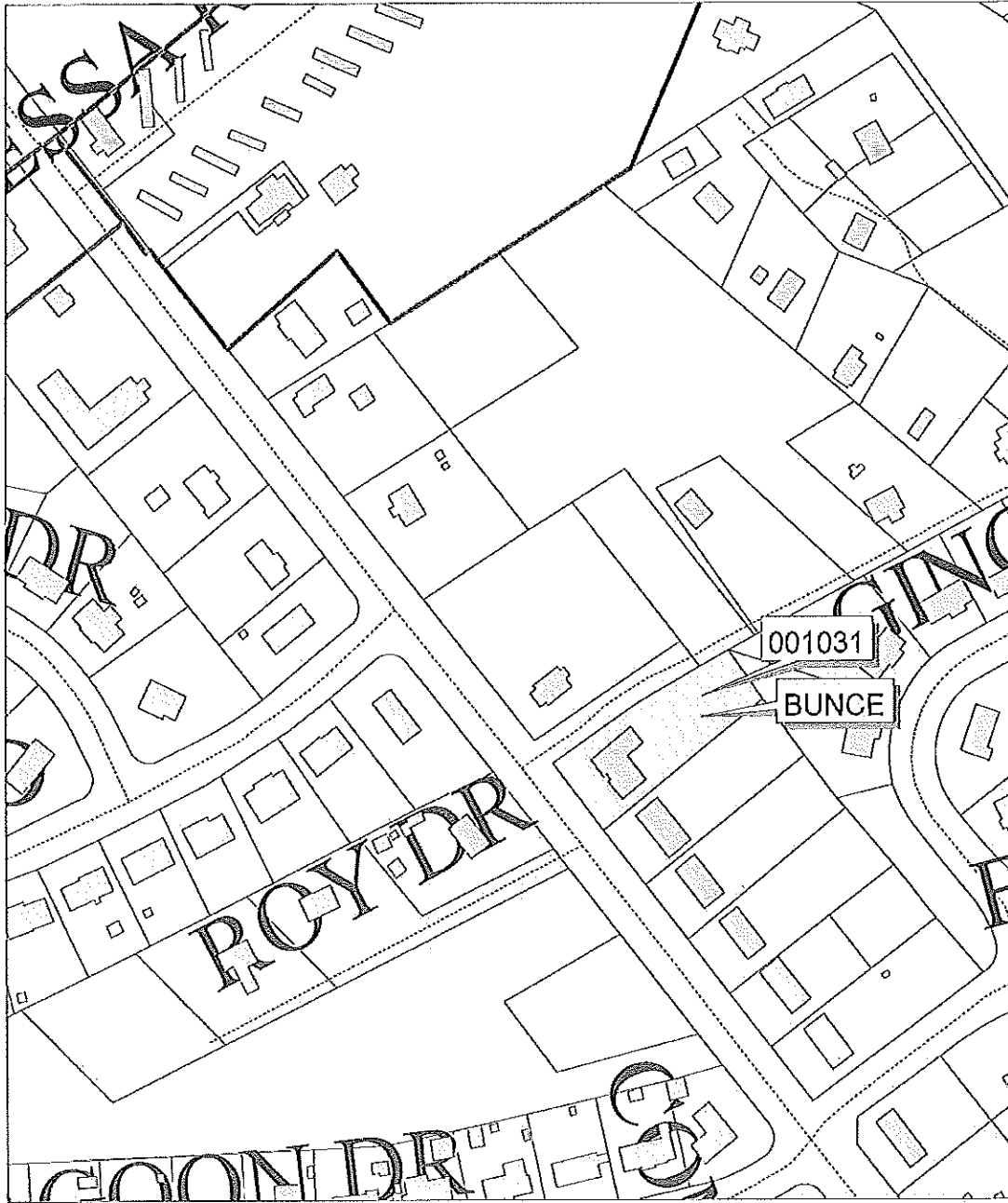
ATTEST:

Rita Perry, City Clerk





City Of Fayetteville Inspections Department



Legend



Streets



Zoning



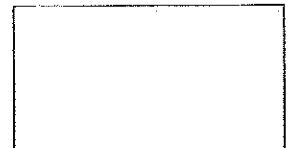
Parcels

Text

Street Name



Group Homes



TO: Mayor
City Council Members
City Manager
City Attorney

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

Location	725 Bunce Road
Property Owner(s)	Jesse Lemons, Hope Mills, NC
Date of Inspection	February 8, 2010
Date of Hearing	February 18, 2010
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed February 18, 2010
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	No record of utilities.
Police Calls for Service (past 2 yrs)	None

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

This is the 13th day of December, 2010.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

725 Bunce Road
PIN# 9497-94-9481

Beginning at an iron stake in the most northern margin of Bunce Road, S.R. 1411, the said beginning point being North 38 degrees 20 minutes 33 seconds West 207.08 feet , more or less, from the intersecting point of the northern margin of Bunce Road and the most western line of the Empie L. Bunce tract known as Lot No. 4 and recorded in Book 445, Page 129, of the Cumberland County Registry of which this is the remaining part, and runs thence with the northern margin of Bunce Road, North 38 Degrees 20 minutes 33 seconds West 216.06 feet to an iron stake, being the southwestern corner of Marjorie Agathia Bunce McNeil Edwards lot recorded in Book 973, Page 531, in the Cumberland County Registry, and runs thence with her line and beyond, North 40 degrees, 42 minutes East 258.40 feet to an iron stake; thence South 44 degrees 22 minutes 32 seconds East 232.72 feet to an iron stake; thence South 44 degrees 44 minutes 25 seconds West 280.19 feet to the point and place of Beginning, containing 1.377 acres as surveyed by Jimmy Bunce, RLS, L- 1271, August 1982. Together with improvements located thereon, said property formerly known as 207 Bunce Road.

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

Jesse Lemons and wife
5815 LaBonte Road
Hope Mills, NC 28348-2183

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before April 18, 2010.

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

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$2,788.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 13th day of December, 2010.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

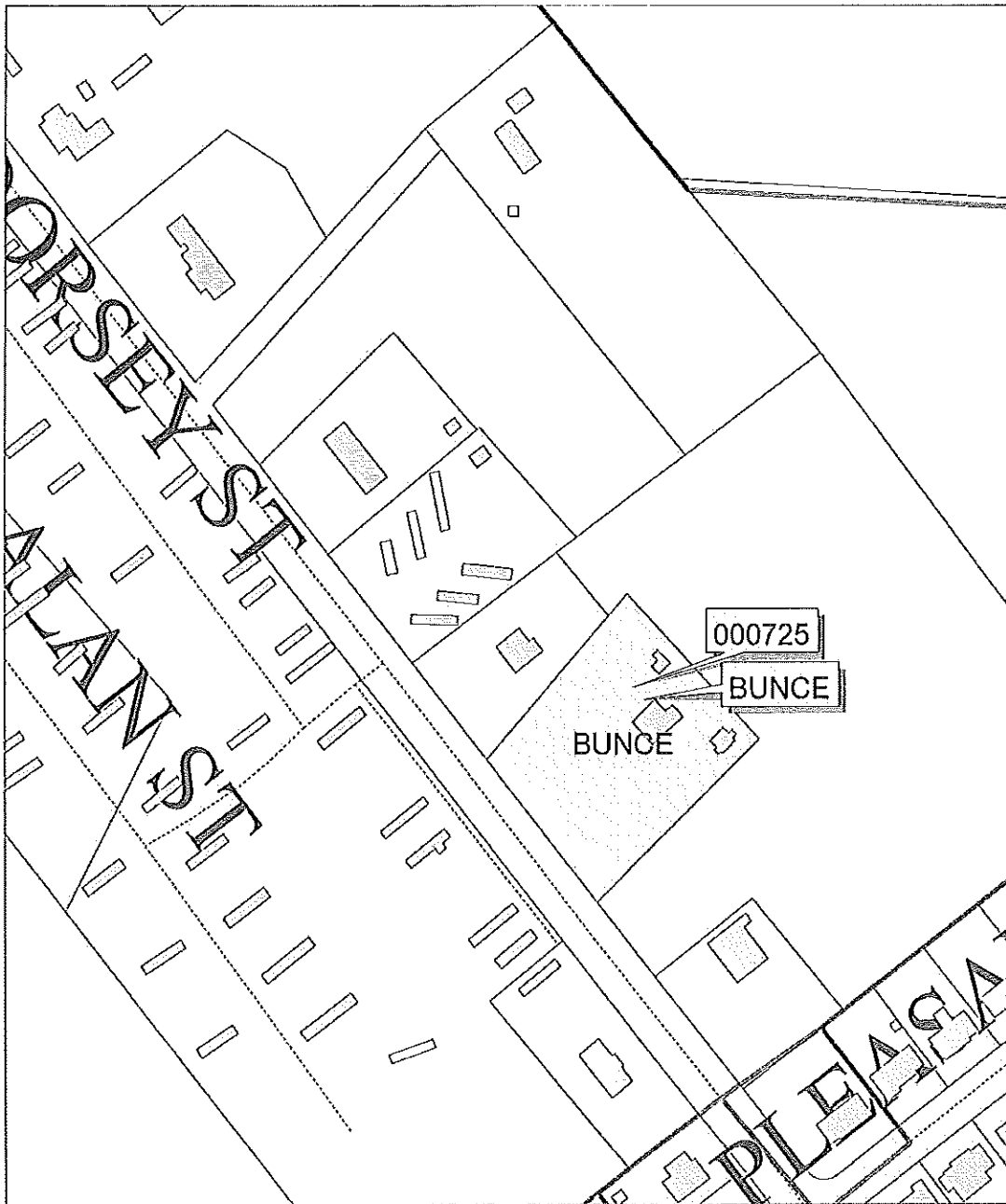
ATTEST:

Rita Perry, City Clerk





City Of Fayetteville Inspections Department



Legend



Streets



Zoning



Parcels

Text

Street Name



Group Homes



TO: Mayor
 City Council Members
 City Manager
 City Attorney

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

Location	6768 Bailey Lake Road
Property Owner(s)	Helen McNeill Green and Cornell Green
Date of Inspection	June 5, 2009
Date of Hearing	August 19, 2009
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed August 19, 2009
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since June, 2009
	Hearing was advertised in the Fayetteville Observer August 9, 2009
Police Calls for Service (past 2 yrs)	11

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

This is the 13th day of December, 2010.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

6768 Bailey Lake Road
PIN# 0406-14-3007

Beginning at an iron stake in the eastern margin of NC State Road 1106 (60 foot right of way), the intersecting point at the eastern margin of NC State Road 1106 and the northern line of Lashley McNeill's original 13 acre tract recorded in DB 2051 at 369, Cumb. Cnty. Reg., of which this is a part and runs thence with the northern line of the original tract S 82 Deg 52 Min E for 347.63 feet to the northeastern corner of the original tract, thence with the eastern line of the original tract S 07 Deg 11 Min W for 90 feet to an iron stake in that line, thence a new line S 85 Deg 55 Min W for 286.86 feet to an iron stake in the eastern margin of NC State Road 1106 N 17 Deg 49 Min W for 45.52 feet to an iron stake, thence N 16 Deg 58 Min W for 114.48 feet to the point and place of beginning, containing 0.87 acres, more or less, as surveyed by Jimmy Bunce, RLS, L-1271, September 1984.

The property hereinabove described was acquired as follows: See DB 3036 at P 43, Cumberland County Registry.

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

Helen McNeill Green	Cornell Green
6768 Bailey Lake Road	114 Plumcreek Lane
Fayetteville, NC 28304-4725	Enoree, SC 29335

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before October 19, 2009.

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

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$3,200.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 13th day of December, 2010.

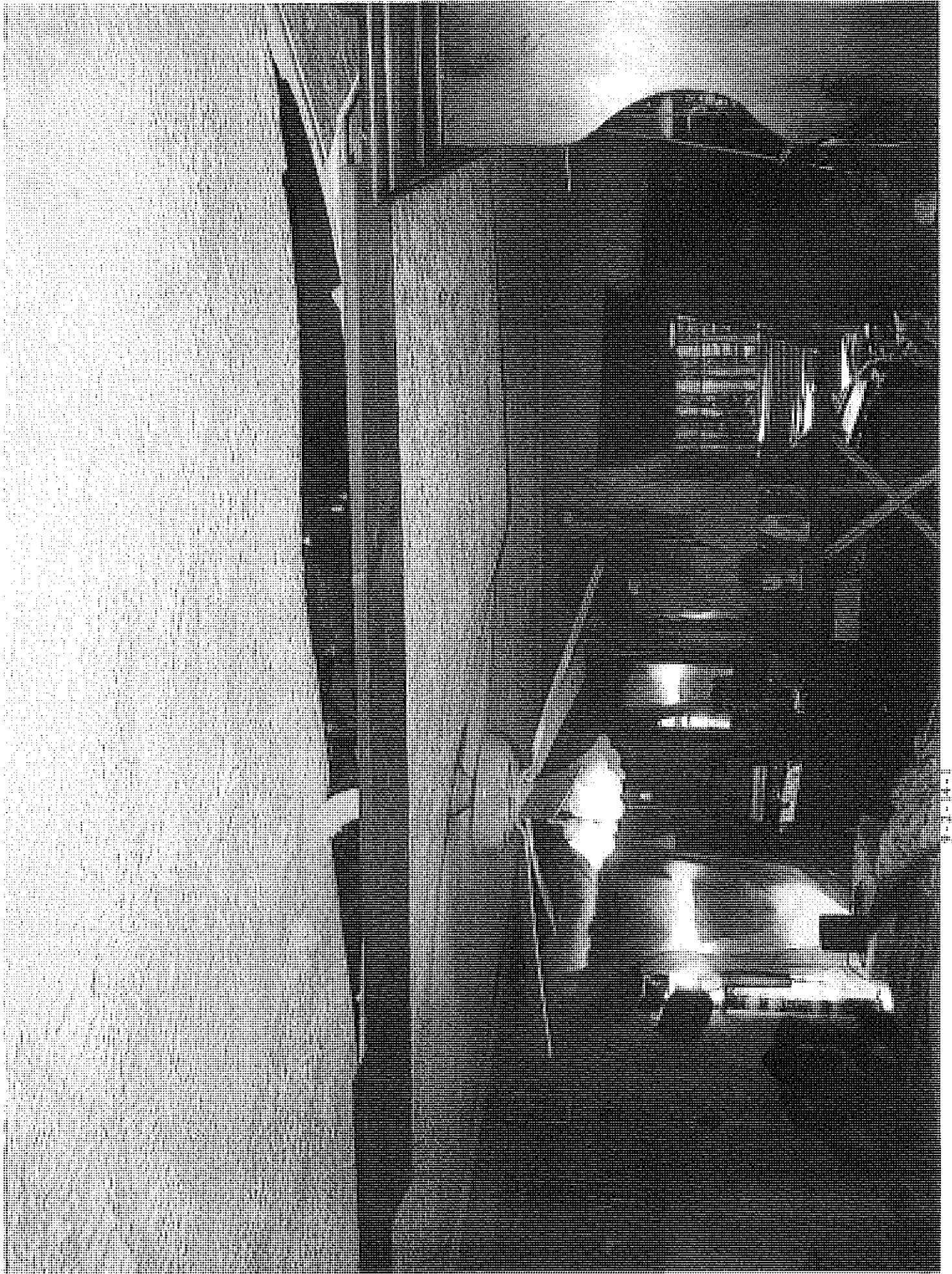
CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

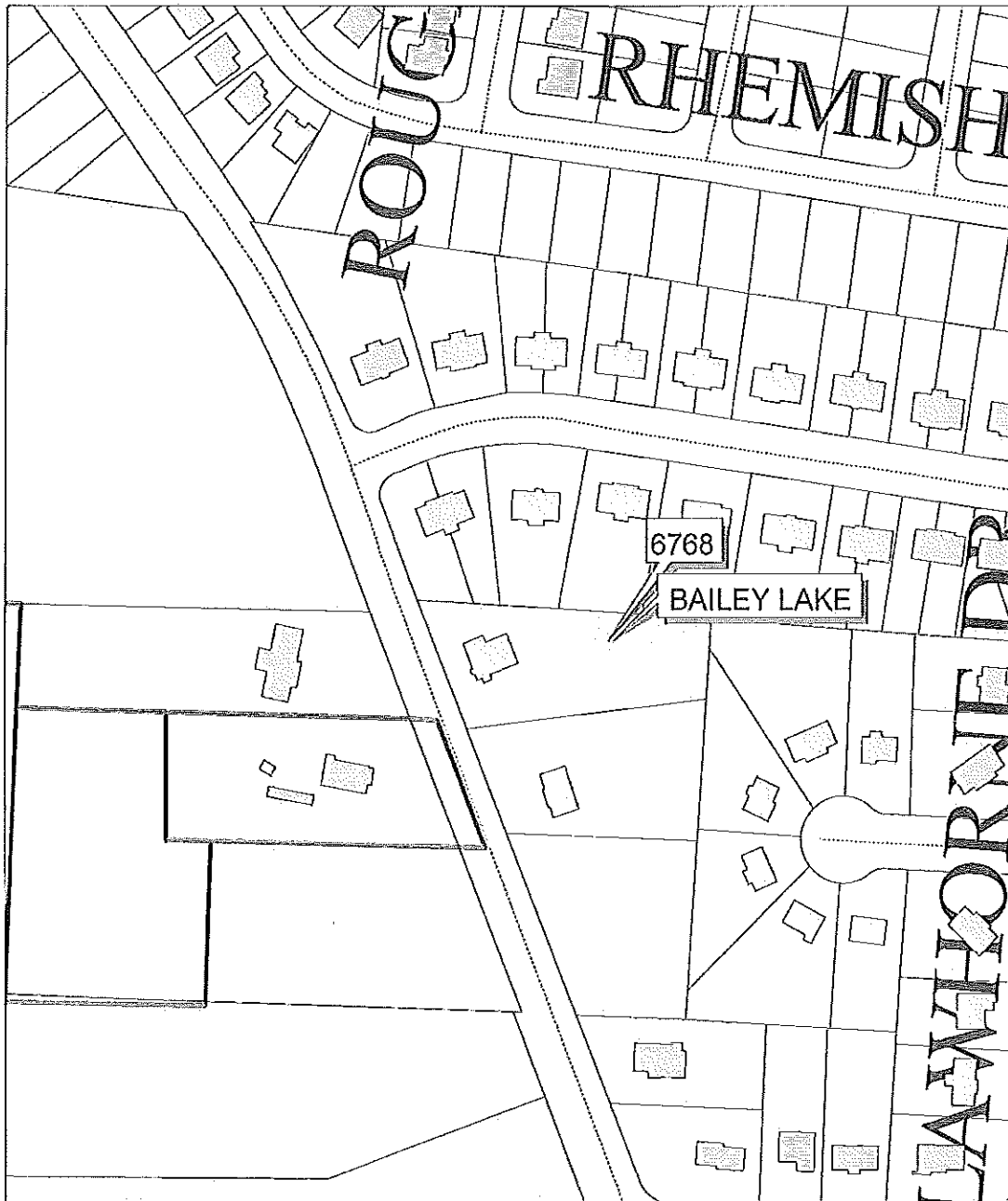
ATTEST:

Rita Perry, City Clerk





City Of Fayetteville Inspections Department



Legend



Streets



Zoning



Parcels

Text

Street Name



Group Homes



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, PE, PTOE, City Traffic Engineer
DATE: December 13, 2010
RE: **Approval of Construction Contract for Franklin Street Parking Deck**

THE QUESTION:

Does Council want to move forward with the construction of the Franklin Street Parking Deck by approving the construction contract to the lowest, responsible, responsive bidder?

RELATIONSHIP TO STRATEGIC PLAN:

Revitalized Downtown - A Community Focal Point

BACKGROUND:

- Council authorized the City Manager to enter a contract for the design of the parking deck at the May 24, 2010 regularly scheduled meeting.
- The parking deck was designed and advertised for bid to seven pre-qualified contractors.

The following bids were received on November 23, 2010:

<u>Bidders</u>	<u>Total Cost</u>
LeChase (Durham, NC)	\$6,132,000.00
Rodgers Builders (Charlotte, NC).....	\$6,248,500.00
JeDunn Construction(Charlotte, NC).....	\$6,411,700.00
JM Thompson (Raleigh, NC).....	\$6,568,300.00
Barnhill Contracting (Raleigh, NC).....	\$6,688,200.00
Donley's (Richmond, VA).....	\$6,873,700.00

Bids were solicited from seven (7) contractors with six (6) contractors responding. Staff recommends awarding the contract to the lowest, responsible, responsive bidder which is LeChase Construction Services, LLC based out of Durham, NC with a total bid of \$6,132,000.

ISSUES:

Due to ARRA funding, the contract must be awarded prior to December 31, 2010.

BUDGET IMPACT:

OPTIONS:

- Approve the award of the construction contract to LeChase Construction Services, LLC in the amount of \$6,132,000 which is the lowest,, responsive bid received by the City.
- Do not award the construction contract.

RECOMMENDED ACTION:

Approve the award of the construction contract to LeChase Construction Services, LLC in the amount of \$6,132,000 which is the lowest, responsive bid received by the City.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: December 13, 2010
RE: **Adoption of Municipal Speed Ordinances**

THE QUESTION:

Does the City Council concur with NCDOT's request to enact municipal speed limit ordinances on NCDOT maintained streets? Many of these locations are streets that were previously covered by County statutory ordinances that are now within the city limits and have not been updated previously following Phase V annexation.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place To Live

BACKGROUND:

- These speed ordinances were presented to Council on June 14, 2010 and Council directed staff to ask NCDOT to restudy some of the areas.
- Most of these ordinances will maintain the speed limit in areas recently annexed.
- Others are a "house cleaning" effort to consolidate the NCDOT speed ordinance database. These are the ordinances in which Council is being asked to repeal.
- A portion of Dundle from Strickland Bridge to King Road, Galatia Church from Stoney Point to Gillis Hill, Gillis Hill from Hoke County line to 0.21 mile south of US 401 (Raeford Road) (to the existing reduced speed zone) would all be reduced from a 55 mph to 45 mph speed limit.

ISSUES:

- Location of Interest: A school zone is proposed for the new elementary school on Century Circle (0.33 miles west of Strickland Bridge to 0.28 miles east of Stoney Point Road). This will be a 45 mph reduction in effect 30 minutes before and after school days begin and end.
- Council requested NCDOT to study several roads and NCDOT has done so.
- If NCDOT and the City cannot agree on modifying the speed limit for a particular street the existing speed limit will remain in place.

BUDGET IMPACT:

OPTIONS:

- Adopt ordinances as recommended.
- Reject the ordinances.
- Reject specific ordinances until NCDOT has studied for further reduction.

RECOMMENDED ACTION:

Adopt the attached speed ordinances for concurrence for NCDOT.

ATTACHMENTS:

Summary of Speed Ordinance Changes
NCDOT LETTER

Road Name	Description	Existing	Recommended	Comments
	Recommended Reductions in the Speed Limit			
Gillis Hill Rd.	From the Hoke County Line to 0.21 mile south of US 401.	55	45	ENACT
Galatia Church Rd.	From Stoney Point Rd. to Gillis Hill Rd.	65	45	ENACT
Century Circle	From 0.33 mile west of Strickland Bridge Rd. to 0.28 mile east of Stoney Point Rd. (School)	55	45	ENACT
Dundie Rd.	From Strickland Bridge Rd. to King Rd.	55	45	ENACT
	Recommended No Changes in the Speed Limit			
Galatia Church Rd.	From the Hoke County Line to Stoney Point Rd.	55	55	ENACT
Century Circle	From Strickland Bridge Rd. to Stoney Point Rd.	55	55	ENACT
Graham Rd.	From Strickland Bridge Rd. to US 401 (Raeford Rd.)	45	45	ENACT
Lakewood Dr.	From Fisher Rd. to 0.28 mile north of Stoney Point Rd.	45	45	ENACT
King Rd.	From 0.28 mile south of Stoney Point Rd. to the Hoke County Line.	45	45	ENACT
Grimes Rd.	From Dundie Rd. to Stoney Point Rd.	45	45	ENACT
Braddy Rd.	From Stoney Point Rd. to King Rd.	45	45	ENACT
Stoney Point Rd.	From 0.28 mile west of Lakewood Dr. to 0.15 west of Dundie Rd.	55	55	ENACT
Stoney Point Rd.	From 0.15 mile west of Dundie Rd. to Hoke County Line.	45	45	ENACT
Barfoot Rd.	From Stoney Point Rd. to Hoke County Line.	55	55	ENACT
Cumberland Rd.	From 0.04 mile east of Bolton Dr. to 0.18 mile west of Camden Rd.	55	45	ENACT
NC 162	From 0.24 mile west of Silverbell Loop to US 401 (Raeford Rd.)	45	45	ENACT
Cliffdale Rd.	From US 401 (Raeford Rd.) to Reilly Rd.	50	50	ENACT
Cliffdale Rd.	From Reilly Rd. to 0.29 mile east of All-American Freeway.	45	45	ENACT
Cliffdale Rd.	From 0.61 mile west of Morganton Rd. to 0.35 mile west of Morganton Rd. (School)	45	45	ENACT
Cliffdale Rd.	From 0.33 mile east of Old Bunce Rd. to 0.63 mile east of Old Bunce Rd. (School)	25	25	ENACT
Rim Rd.	From 0.40 mile north of Old Raeford Rd. to Cliffdale Rd.	35	35	ENACT
Reilly Rd.	From Old Raeford Rd. to 0.23 mile south of Cliffdale Rd.	45	45	ENACT
Reilly Rd.	From 0.23 mile south of Cliffdale Rd. to 0.38 mile north of Fillyaw Rd.	55	55	ENACT
71st School Rd.	From Cliffdale Rd. to US 401 (Raeford Rd.)	45	45	ENACT
71st School Rd.	From 0.28 mile north of US 401 (Raeford Rd.) to US 401. (School)	45	45	ENACT
Yadkin Rd.	From US 401 (Sikibo Rd.) to Fillyaw Rd.	35	35	ENACT
Sante Fe Dr./Shaw Rd.	From 0.495 mile north of Yadkin Rd. to 0.265 mile south of Holland St. (Municipal Limits)	40	40	ENACT
McArthur Rd.	From 0.35 mile north of Oakmont Circle to 0.48 mile south of Jacob St.	45	45	ENACT
East Mountain Dr.	From 0.35 mile east of Memorial Auditorium to US 301.	45/55	45	ENACT
Old Raeford Rd.	From 0.57 mile west of Rim Rd. to 0.77 mile east of Reilly Rd.	45	45	ENACT
US 301	From 0.05 mile south of East Mountain Dr. to 0.25 mile north of Owen Dr.	45	45	ENACT
US 301	From 1.20 miles south of Russell St. to 0.16 mile south of Russel St.	45	45	ENACT
US 301	From 0.12 mile north of NC 24 to 1.10 miles north of NC 24.	55	55	ENACT
	Recommended repeal of outdated Speed Limits			
Owen Drive	From US 301 northward to Owen Dr./All-American Freeway	45		REPEAL
All-American Fwy	From Owen Dr. to US 401 (Raeford Rd.) in southbound travel lanes only	45		REPEAL
All-American Fwy	From US 401 (Raeford Rd.) to the northern corporate limits, appx. 0.15 mile for southbound only	55		REPEAL
All-American Fwy	From Owen Dr. to the northern corporate limits, appx. 0.55 mile for the northbound travel lanes only	55		REPEAL
Cumberland Rd.	From 0.13 mile east of Owen Dr. eastward to a point 0.43 mile east of Owen Dr.	45		REPEAL
Cumberland Rd.	From 0.43 mile east of Owen Dr. to a point 0.60 mile east of Owen Dr.	45		REPEAL
Cliffdale Rd.	From the western corporate limit appx. 0.24 mile west of All-American Freeway eastward to McPherson Ch. Rd.	45		REPEAL
Shaw Rd.	From the corporate limit, appx. East of Old Shaw Rd. (?) to the corporate limit appx. 0.67 mile east of Old Shaw Rd.	45		REPEAL
I-95	From NC 87 to a point 500 feet southwest of Old Wilmington Rd.	45		REPEAL
I-95	From a point 1000 feet north of Old Wilmington Rd. to Locust St.	45		REPEAL
I-95	From a point 500 feet south of Old Wilmington Rd., northeastward for 1000 feet.	45		REPEAL



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

December 1, 2010

Jeffery P. Brown, P.E.
Engineering & Infrastructure Director
City of Fayetteville
339 Alexander Street
Fayetteville, North Carolina 28301

Dear Mr. Brown,

This is in response to your request to investigate concerns expressed at the Cumberland County Citizens United meeting to Council Member Crisp, concerning speed limits in western Fayetteville. Our staff has recently performed traffic engineering investigations at these locations.

As a part of these investigations, several characteristics are reviewed to determine if the roadway warrants a reduction in the speed limit. A few examples are; the type of route, roadway alignment, pavement markings, pavement cross-section, shoulder widths, existing traffic control devices, signalized and non-signalized intersections, roadside development, access locations, reported accident history, average daily traffic (ADT) and the 85th percentile speed. The 85th percentile speed is the speed at which 85 percent of all motorists feel comfort and safe driving given their surroundings. The establishment of a speed limit less than that of the 85th percentile speed, typically results in noncompliance of the posted speed by motorists and increases the accident potential of the roadway. To further reduce the speed limit will have little, if any effect upon speeding motorists. This type problem is best addressed through local law enforcement. Investigations have been completed at the following locations with our recommendations proceeding.

- Speed reduction- Along SR 1139 (Barefoot Rd.), from SR 1112 (Stoney Point Rd.) to the Hoke County Line. This section of roadway measured 0.70 mile. The pavement structure consisted of a two-lane, two-way road. The vertical and horizontal alignments were reviewed. The roadway consisted of a 19.5 feet pavement cross-section and various grass shoulder widths ranging from 8 to 12 feet. The roadway was delineated with painted pavement markings. Traffic devices approaching the intersection of SR 1112 (Stoney Point Rd.) included 2 - 36 inch stop ahead warning signs and 2 - 36 inch stop signs. The horizontal alignment was delineated with curve warning signs supplemented with 35 mph and three sets of chevrons. In addition, a 55 mph speed limit sign is posted near the intersection of SR 1112 (Stoney Point Rd.) and the Hoke County Line. All of these signs were installed or updated in recent years and were noted in adequate condition. The reported accident history was researched over the most recent five year period revealing eight accidents. In addition, traffic counters were placed to acquire the ADT and 85th percentile speed. The study revealed an ADT of 2,513 vehicles. The 85th percentile speed was 53.70 mph in the northbound lane and

50.69 mph in the southbound lane. Based on the roadway characteristics, it is recommended to reduce the speed limit to 45 mph along this route.

- Speed reduction- SR 1112 (Stoney Point Rd.), from 0.15 mile west of SR 1109 (Dundle Rd.) to the Hoke County Line. The pavement structure consisted mainly of a two-lane, two-way road with the exception of multiple lane sections at the signalized intersection of SR 1102 (Gillis Hill Rd.) and newly constructed turn lanes at the intersection of SR 1104 (Century Circle). The newly constructed turn lanes are a result of the New Century Elementary and Middle School construction, which was designed to accommodate the 55 mph speed limit and future school volumes. The roadway consisted of 23 feet pavement cross-section and various grass shoulder widths ranging from 6 to 12 feet. The roadway was delineated with thermoplastic pavement markings and raised reflective pavement markers. All appropriate regulatory and warning signs were present. This section of roadway was noted less than 50 percent developed. The reported accident history did not reveal a pattern correctable by the reduction of the 55 mph speed limit. In addition, multiple speed studies were conducted and revealed an ADT of 7,532 vehicles. The average 85th percentile speed was 52.98 mph in the southbound lane and 53.78 mph in the northbound lane. Based on the roadway characteristics, 85th percentile speed, and recent improvements, it is recommended to maintain the posted 55 mph speed limit.
- Speed reduction- SR 1111 (Braddy Rd.), from SR 1112 (Stoney Point Rd.) to SR 1108 (King Rd.). This section of road measured 0.95 mile in length. The pavement structure consisted of a two-lane, two-way road with one horizontal curve. The roadway consisted of 21 feet pavement cross-section and various grass shoulder widths ranging from 6 to 12 feet. The travel lanes were delineated with painted pavement markings. Residential development was 60 percent. The horizontal curve was posted with curve warning signs that were installed in 2008. Traffic devices included: 1 - 30-inch stop sign posted at the intersection of SR 1112 (Stoney Point Rd.) and 1 - 36-inch stop sign at the intersection of SR 1108 (King Rd.). The reported accident history was researched over the most recent five year period. The history revealed eight accidents. All of these accidents took place at the intersection SR 1112 (Stoney Point Rd.). A speed study revealed an ADT of 877 vehicles. The average 85th percentile speed was 50.82 mph in the northbound lane and 55.45 mph in the southbound lane. As a result of this investigation, it was recommended to install additional traffic control devices at the intersection of SR 1112 (Stoney Point Rd.). This intersection was upgraded with the replacement of the existing stop sign, the addition of 1 - 30 inch stop sign and supplemented by a stop ahead warning sign. Based on the roadway characteristics, the 85th percentile speed, and recent improvements, we do not recommend a reduction of the existing 55 mph speed limit at this time.
- Speed reduction- SR 1109 (Dundle Rd.), from SR 1112 (Stoney Point Rd.) to SR 1104 (Strickland Bridge Rd.). The pavement structure consisted of a two-lane, two-way road with several horizontal curves. The roadway consisted of 25 feet pavement cross-section and various grass shoulder widths ranging from 6 to 10 feet. The travel lanes were delineated with painted pavement markings. The access locations and existing traffic devices were reviewed along this route. All curves along this route were signed with curve warning signs. The majority of curves were supplemented with advisory speed panels and chevrons along the outer perimeters. A school bus stop

ahead warning sign was also posted along this route. A stop ahead warning sign and 36 inch stop signs were present approaching the intersection of SR 1104 (Strickland Bridge Rd.). All signs were noted in good condition. The reported accident history was researched over the most recent five year period. The history revealed several accidents. The majority of these accidents took place at the intersection of SR 1112 (Stoney Point Rd.). As a result of this accident pattern, a signal was recently installed at this intersection. A speed study revealed an average 85th percentile speed of 52.40 mph in the northbound lane and 52.46 mph in the southbound lane. Based on the roadway alignment and access, it is recommended to reduce the speed limit to 45 mph.

- Speed reduction- SR 1104 (Century Cir.), from SR 1104 (Strickland Bridge Rd.) to SR 1112 (Stoney Point Rd.). The pavement structure mainly consisted of a two-lane, two-way road with additional widening at the New Century Elementary and Middle School Driveway. The roadway alignment noted vertical and horizontal curvature. The roadway consisted of 20 feet pavement cross-section and various grass shoulders widths ranging from 6 to 12 feet. The pavement was delineated with painted pavement markings. Development along this route was less than 50 percent. Traffic devices included: 2 - curve warning supplemented with 45 mph advisory speed panels, 2 - reverse curve warning signs, 2 -littering is illegal \$1000.00 fine, 1 - stop ahead warning sign, and 2 - RXR warning signs. The speed limit was posted at 55 mph, with a 45 mph school speed zone limit supplemented by *SCHOOL* pavement markings. The reported accident history revealed two accidents; both were classified as "run off road." A speed study revealed an ADT of 2,035 vehicles. The study also revealed an average 85th percentile speed of 59.90 mph in the westbound lane and 55.13 mph in the eastbound lane. Based on the number of accidents, recent improvements and the 85th percentile speed of motorists, we do not recommend the reducing the 55 mph speed limit at this time.
- Speed reduction- SR 1103 (Galatia Church Rd.), from SR 1112 (Stoney Point Rd.) to SR 1102 (Gillis Hill Rd.). This section of roadway measured 0.46 miles. The pavement structure consisted of a two-lane, two-way road with one horizontal curve. The roadway consisted of 20 feet pavement cross-section and various grass shoulder widths ranging from 4 to 6 feet. The travel lanes were delineated with painted pavement markings. Traffic devices included: 2 - curve warning signs supplemented with 35 mph advisory speed panels, 1 - stop ahead warning sign, and 2 - 36 inch stop signs. All signs were installed or updated in recent years and noted in good condition. The reported accident history revealed sixteen accidents; all at the intersection SR 1102 (Gillis Hill Rd.). Based on the number of accidents and roadway characteristics, we recommend a reduction to 45 mph on SR 1103 (Galatia Church Rd.), between SR 1102 (Gillis Hill Rd.) and SR 1112 (Stoney Point Rd.).
- Speed reduction- SR 1103 (Galatia Church Rd.), from the Hoke County Line to SR 1112 (Stoney Point Rd.). The pavement structure consisted of a two-lane, two-way road. The roadway consisted of 20 feet pavement cross-section and various grass shoulders from 4 to 6 feet. The travel lanes were delineated with painted pavement markings. Traffic devices included: 1 - 36 inch stop sign and a 55 mph speed limit posted at the county line. All signs were installed or updated in recent years and noted in good condition. The accident history for the most recent five year period was also researched. The accident history revealed one accident; an angle collision at the intersection of SR 1103 (Galatia Church Rd.) and SR 1112 (Stoney Point Rd.). A speed study was conducted

south of SR 1112 (Stoney Point Rd.). The study revealed an ADT of 1,622 vehicles. The study also revealed an 85th percentile speed of 62.03 mph in the northbound lane and 56.47 mph in the southbound lane. Based on the reported accident history, roadway characteristics and the 85th percentile speed of motorists, it is recommended to maintain the current 55 mph speed limit at this time.

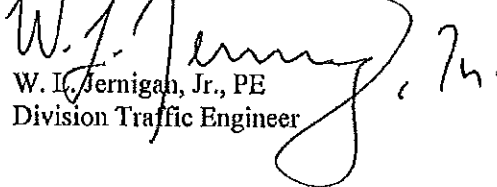
- Speed reduction- SR 1102 (Gillis Hill Rd.), from the Hoke County Line to 0.21 mile south of US 401 (Raeford Rd.). The pavement structure consisted mainly of a two-lane, two-way road with several vertical and horizontal curves. The roadway mainly consisted of 28.5 feet pavement cross-section with 8 feet grass shoulders. Travel lanes were delineated with thermoplastic pavement markings and raised pavement markers. The development along the roadway was 30 percent. Traffic devices included: signal warning signs, winding road warning signs with advisory speed limit of 35 mph, T-intersection warning signs with advisory speed limit of 35 mph, tractor signs, reversed curve warning signs with advisory speed limit of 35 mph, seven sets of chevrons, and curve warning signs with advisory speed limit of 45 mph. These signs were installed in recent years and noted in adequate condition. A section of guardrail was present along both shoulders involving vertical and horizontal alignment in combination with a water hazard. The AADT for this roadway is 12,500 vehicles. The 85th percentile speeds were unable to be acquired due to the vertical and horizontal alignments. Based on the vertical and horizontal alignments we recommend reducing the speed limit to 45 mph.

Mr. Brown, we appreciate the council's interest in the safety of our highways. Although we cannot comply with all of their requests, we trust they will understand our position in these matters. Should conditions change in these areas, we can conduct additional investigations as necessary.

Please present our recommendations to your City Council for their consideration and for enactment of the appropriate ordinances. Upon enactment, please execute the original certificate forms and return the original forms to Mr. W. L. Jernigan, Jr., P.E., Division Traffic Engineer, P.O. Box 1150, Fayetteville, North Carolina, 28302.

If further information is requested, or you have any questions, please feel free to contact me at (910) 486-1452.

Yours very truly,


W. L. Jernigan, Jr., PE
Division Traffic Engineer

WLJ:pjh
Attachments

cc: G. W. Burns, P.E., Division Engineer
R. L. Hines, Jr., P.E., District Engineer
L. K. Langdon, Assistant Division Traffic Engineer
D. B. Phipps, P.E., Regional Traffic Engineer
R. W. Thompson, P.E., P.T.O.E., City Traffic Engineer
P. H. Daughtry, III, P.E., CPM, Eastern Regional Operations Engineer

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: December 13, 2010
RE: **Consider Adoption of Resolution Authorizing Condemnation to Acquire Easements for the Hoke Loop Road Sidewalk Project**

THE QUESTION:

Whether Council is willing to authorize condemnation pursuant to North Carolina General Statute of the necessary easements required for the sidewalk along Hoke Loop Road.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods – A Great Place to Live

BACKGROUND:

- Hoke Loop Road is one of the priority locations for sidewalks identified in the City's Capital Improvement Plan (CIP).
- The plan is to construct a sidewalk along the north western side of Hoke Loop Road from Treyburn Boulevard to Christina Drive.
- Along this section, the developer for James Creek North along with New Life Bible Fellowship Church will be constructing sidewalks as part of their overall development plan.

ISSUES:

- City Staff hasn't been able to acquire the needed easements for this project. Some property owners have expressed to the City that they have no intentions of working with the City by selling the necessary easements.
- The City has applied to the Safe Routes to School Program through NCDOT for a grant to fund the majority of this project.
- The City cannot receive the grant without the necessary easements acquired for the construction of the sidewalk.

BUDGET IMPACT:

OPTIONS:

- Adopt the resolution authorizing of the necessary easements for the project through condemnation in order to keep the project moving forward.
- Do not adopt the resolution which will delay the project while alternative options are evaluated.

RECOMMENDED ACTION:

Adopt the resolution authorizing of the necessary easements for the project through condemnation in order to keep the project moving forward.

ATTACHMENTS:

Condemnation Resolution
Map of Properties

Resolution Number 2010_____

**A RESOLUTION AUTHORIZING CONDEMNATION
TO ACQUIRE CERTAIN PROPERTY**

WHEREAS, the governing body of the City of Fayetteville hereby determines that it is necessary and in the public interest to acquire certain property for the following public purpose:

**SIDEWALK IMPROVEMENTS, COMMONLY KNOWN AS THE HOKE LOOP ROAD
SIDEWALK PROJECT**

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

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

1. The City of Fayetteville shall acquire by condemnation, for the purpose stated above, the property and interest listed below;

PARCEL

9477-63-6498	Freddy and Kanice McLean	2784.57 SF
9477-63-9585	Robin McLauchlin Hudson	2783.24 SF
0477-63-8507	William and Sherry McLauchlin	
	Robin M. and Walter Hudson	267.30 SF
9477-73-1577	Christel D. Bryant	
	Robin McLauchlin Hudson	1610.20 SF
9477-83-2883	William V. and Naomi Melvin	2072.96 SF
9477-63-5590	Dorothy Mainor Ross Heirs	19.52 SF

2. The City Attorney is directed to institute the necessary proceedings under North Carolina General Statute § 40A-42 to acquire the property herein described.

ADOPTED this the 13th day of December, 2010, by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Rita Perry, City Clerk

Freddie McLean & wife Kanice
9477-63-6498-
DB 5899 PG 18



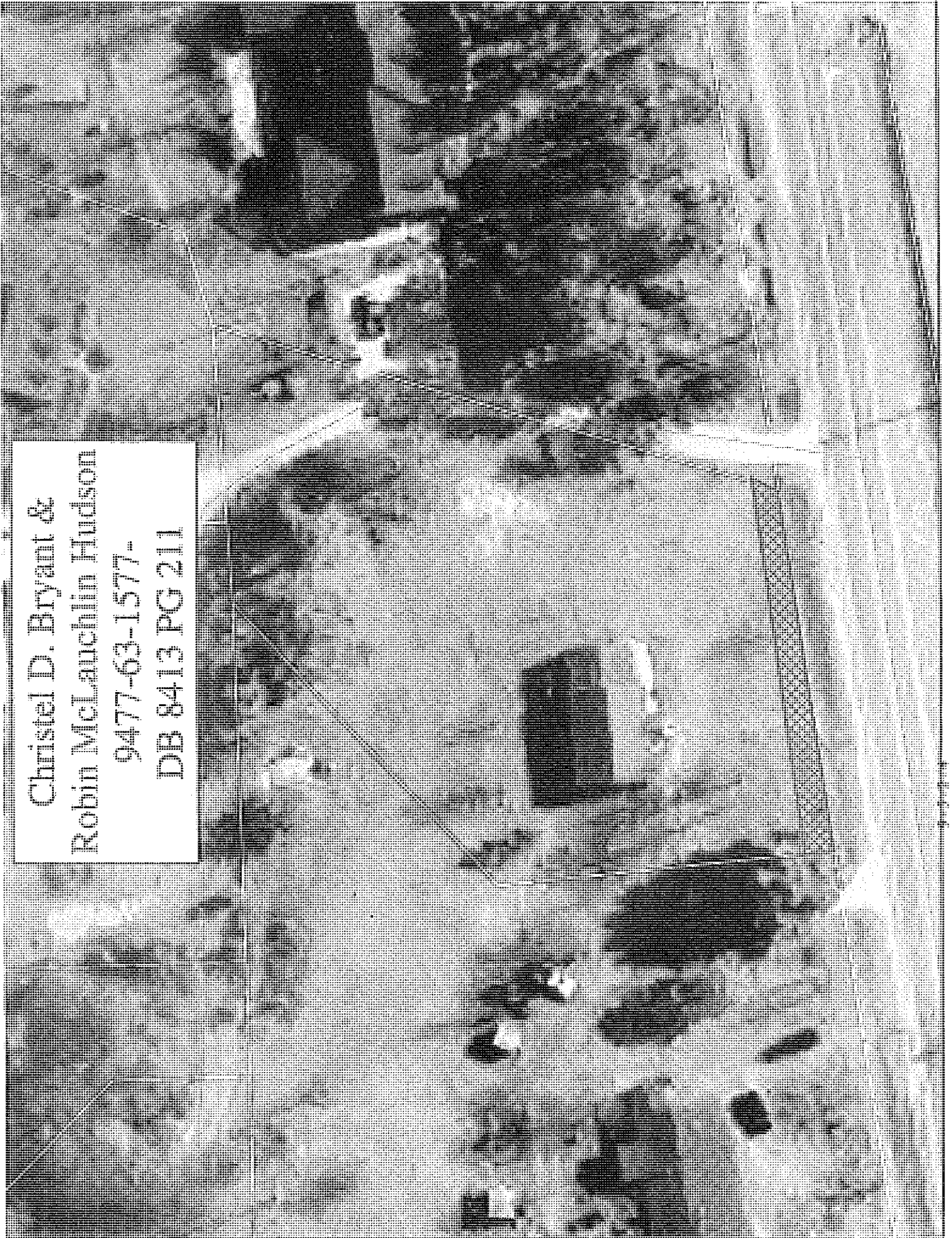
Robin McLaughlin Hudson
9477-63-9585-
DB 4640 PG 73



William & Sherry McLaughlin
Robin M. & Walter Hudson
9477-63-8507-
DB 4640 PG 73



Christel D. Bryant &
Robin McLaughlin Hudson
9477-63-1577-
DB 8413 PG 211



William V. & Naomi Melvin
9477-83-2883-
DB 775 PG 35



Dorothy Mainor Ross Heirs
9477-63-5590-
DB 3751 PG 620



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Council Member Bobby Hurst - District 5
DATE: December 13, 2010
RE: **Presentation of the Appointment Committee Recommendation to the Board of Appeals on Dwellings and Buildings**

THE QUESTION:

Does the recommendation to the Board of Appeals on Dwellings and Buildings 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 Wednesday, December 6, 2010 to review applications to address a vacancy on the Board of Appeals on Dwellings and Buildings. It is from that meeting that the Appointment Committee recommends the appointment of Jon H. Hunt to the Board of Appeals on Dwellings and Buildings.

Additionally, to maintain regularity, it was the consensus of the Appointment Committee to direct staff to establish a regular meeting date and time by polling the members of the Board of Appeals on Dwellings and Buildings for their availability.

ISSUES:

NA

BUDGET IMPACT:

OPTIONS:

1. Approve the Appointment Committee recommendation to appoint Jon H. Hunt to fill the Board of Appeals on Dwellings and Buildings vacancy.
2. Do not approve Appointment Committee recommendation to appoint Jon H. Hunt fill the Board of Appeals on Dwellings and Buildings vacancy.

RECOMMENDED ACTION:

Approve the Appointment Committee recommendation to appoint Jon H. Hunt to fill the Board of Appeals on Dwellings and Buildings vacancy.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: December 13, 2010
RE: **Revenue and Expenditure Report for Annually Budgeted Funds for the Three-Month Period Ended September 30, 2010 and 2009**

THE QUESTION:

Information Report Only

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

Goal 3: More Efficient City Government - Cost Effective Service Delivery. Objective 1: Greater accountability for performance, results and transparency.

BACKGROUND:

- This report provides cumulative revenue and expenditure information for the City's annually budgeted funds for the three-month period ended September 30, 2010 and 2009. The report consists of two main sections: 1) revenues by major category by fund and 2) expenditures by major category by fund. The expenditure section of the report also provides expenditure data by department for the General Fund.
- The report includes revenue and expenditure data for the current fiscal year (column "FY2011 Actual thru September"), with comparison columns for the current year's budget (column "FY2011 Annual Budget as of September") and revenue and expenditure data through the same period in last fiscal year (column "FY2010 Actual thru September"). The expenditure section of the report also includes a column for "Encumbrances" which represents commitments by the City to obtain items or services or other expenditures for which payments have not yet been made.
- The report also includes % columns that state the percentage of the budget that has been obtained in the revenues section and the percentage of the budget that has been spent in the expenditures section.
- An "Actual % Change over Last Year" column is also provided that shows the percentage change in current fiscal year-to-date actual revenues and expenditures when compared to prior year-to-date revenues and expenditures through the same period (September 2010 compared to September 2009).
- Revenues and expenditures are generally recorded on a cash basis throughout the year and accounting adjustments are made at year-end to account for revenues and expenditures that need to be recorded back to the fiscal year before it is formally closed.
- Since monthly sales taxes are received from the State approximately 75 days after the period to which they apply, we have only included sales tax revenues through the month of August 2010, and for comparative purposes sales taxes through the month of August 2009, in this report.
- Also, quarterly utility taxes are received from the State approximately 75 days after the period to which they apply; therefore, utility taxes are not reflected in this report.

ISSUES:

None

BUDGET IMPACT:

OPTIONS:

Not applicable.

RECOMMENDED ACTION:

No action required. Information report only.

ATTACHMENTS:

September 2010 Revenue and Expenditure Report

**General Fund Revenue Report
For the Period Ended
September 30, 2010**

Description	FY2010 Actual thru September	FY2011 Annual Budget As Of September	FY2011 Actual thru September	FY2011 % of Budget Obtained	Actual % Change Over Last Year
Ad Valorem Taxes					
Current Year Taxes	5,288,776.23	57,288,982.00	5,465,623.40	9.54%	3.74%
Prior Year Taxes	513,290.33	1,028,000.00	496,529.49	48.42%	-3.21%
Penalties & Interest	47,958.34	318,000.00	46,167.81	14.52%	-3.73%
Other Taxes					
Vehicle License Tax	148,284.87	619,500.00	154,217.79	24.89%	4.00%
Privilege License Tax	878,944.46	1,068,450.00	885,491.54	83.03%	0.74%
Franchise Fees	-	323,817.00	-	0.00%	N/A
Vehicle Gross Receipts	74,578.83	464,000.00	88,937.85	18.74%	16.57%
Intergovernmental Revenues					
Federal	226,706.87	694,953.00	198,958.44	28.63%	-12.24%
State					
Sales Taxes	4,976,399.78	30,754,690.00	4,979,848.38	18.19%	0.07%
Utility Taxes	-	9,850,241.00	-	0.00%	N/A
Other	5,173,125.62	6,133,351.00	5,028,508.05	81.99%	-2.80%
Local	293,689.44	4,053,757.00	299,881.51	7.40%	2.11%
Functional Revenues					
Permits and Fees	480,786.18	1,918,200.00	692,311.85	36.09%	44.00%
Property Leases	81,613.87	582,414.00	53,380.92	9.17%	-34.59%
Engineering/Planning Services	82,234.45	373,050.00	93,476.18	25.06%	13.67%
Public Safety Services	190,255.24	1,204,574.00	188,438.79	15.64%	-0.96%
Environmental Services	19,704.80	73,293.00	18,906.78	25.80%	-4.05%
Parks & Recreation Fees	283,129.02	1,094,800.00	307,210.07	28.06%	8.51%
Other Fees and Services	20,550.05	90,221.00	13,903.44	15.41%	-32.34%
Other Revenues					
Refunds and Sundry	255,973.03	632,156.00	171,589.70	27.14%	-32.97%
Indirect Cost Allocation	270,738.78	1,157,958.00	289,489.44	25.00%	6.93%
Special use assessment	52,688.56	170,000.00	80,483.13	47.33%	52.78%
Sale of Assets & Materials	33,116.57	180,500.00	76,854.30	42.58%	132.07%
Investment Income	3,168.38	750,000.00	8,675.76	1.16%	173.82%
Other Financing Sources					
Proceeds from Bonds	-	-	-	N/A	N/A
Proceeds from Loans	750,000.00	-	-	N/A	-100.00%
Interfund Transfers	2,172,406.14	10,479,372.00	3,357,414.22	32.04%	54.55%
Capital Leases	-	-	-	N/A	N/A
Fund Balance Appropriation	-	7,159,107.00	-	0.00%	N/A
TOTAL	<u>22,298,099.84</u>	<u>138,459,386.00</u>	<u>22,994,576.62</u>	<u>16.61%</u>	<u>3.12%</u>

**Operating Funds Revenue Report
For the Period Ended
September 30, 2010**

Description	FY2010 Actual thru September	FY2011 Annual Budget As Of September	FY2011 Actual thru September	FY2011 % of Budget Obtained	Actual % Change Over Last Year
Parking Fund					
Functional Revenues	73,112.99	329,185.00	72,715.04	22.09%	-0.54%
Other Revenues	-	-	-	N/A	N/A
Investment Income	-	3,000.00	-	0.00%	N/A
Total	73,112.99	332,185.00	72,715.04	21.89%	-0.54%
Central Business Tax District Fund					
Ad Valorem Taxes	14,856.54	131,287.00	11,933.21	9.09%	-19.68%
Investment Income	-	840.00	-	0.00%	N/A
Fund Balance	-	91,181.00	-	0.00%	N/A
Total	14,856.54	223,308.00	11,933.21	5.34%	-19.66%
Stormwater Fund					
Stormwater Fees	633,511.89	5,099,839.00	604,604.71	11.86%	-4.53%
Other Revenues	6,156.25	-	-	N/A	-100.00%
Investment Income	-	86,007.00	-	0.00%	N/A
Fund Balance	-	4,685,185.00	-	0.00%	N/A
Total	639,668.14	9,851,031.00	604,604.71	6.14%	-5.45%
Emergency Telephone System Fund					
Intergovernmental	176,717.66	1,060,306.00	176,717.66	16.67%	0.00%
Investment Income	-	10,500.00	-	0.00%	N/A
Interfund Transfers	5,988.46	-	-	N/A	-100.00%
Fund Balance	-	148,870.00	-	0.00%	N/A
Total	182,716.14	1,219,676.00	176,717.66	14.49%	-3.28%
Risk Management Funds					
Interfund Charges	2,735,539.98	14,022,088.00	2,833,468.45	20.21%	3.58%
Other Revenues					
Employee Contributions	652,971.50	3,304,633.00	883,283.94	26.68%	4.64%
Refunds and Sundry	221,384.64	71,417.00	67,437.92	94.43%	-89.54%
Investment Income	-	309,000.00	-	0.00%	N/A
Interfund Transfers	1,821,100.00	-	401,000.00	N/A	-79.13%
Fund Balance	-	19,409.00	-	0.00%	N/A
Total	5,530,996.12	17,726,547.00	3,985,190.31	22.48%	-27.95%
Transit Fund					
Other Taxes	137,754.72	608,300.00	122,686.43	20.17%	-10.94%
Federal Operating Grant	105,581.00	1,153,128.00	203,985.00	17.69%	93.20%
State Operating Grant	-	533,998.00	-	0.00%	N/A
Bus Fares	149,903.06	679,241.00	208,889.97	30.75%	39.35%
Contract Transportation	40,881.27	-	-	N/A	-100.00%
Other Revenue	2,603.60	20,843.00	3,257.67	15.78%	25.12%
Interfund Transfers	667,500.99	2,874,099.00	677,511.99	23.57%	1.50%
Total	1,104,224.64	5,869,409.00	1,216,331.06	20.72%	10.15%
Airport Fund					
Intergovernmental Revenues	36,739.20	145,995.00	52,605.70	36.03%	43.19%
Property Leases	418,649.33	2,010,100.00	447,988.60	22.29%	7.00%
Franchise Fees	219,922.65	998,322.00	235,562.81	23.60%	7.11%
Landing Fees	96,315.88	397,685.00	99,100.63	24.67%	1.85%
Training Facility Fees	10,760.00	19,850.00	12,250.00	61.71%	13.95%
Other Revenues	40,604.58	178,489.00	44,159.71	24.74%	8.22%
Public Safety Reimbursements	21,074.25	84,297.00	21,074.24	25.00%	0.00%
Investment Income	-	67,000.00	-	0.00%	N/A
Interfund Transfers	-	-	30,075.55	N/A	100.00%
Fund Balance	-	-	-	N/A	N/A
Total	844,255.87	3,901,736.00	941,797.24	24.14%	11.55%
Recycling Fund					
Recycling Fees	224,528.69	2,253,910.00	244,727.97	10.88%	9.00%
Intergovernmental	78,110.00	296,130.00	74,501.25	25.16%	-4.82%
Other Revenues	3,113.71	1,400.00	178.50	12.75%	-94.27%
Investment Income	-	19,000.00	-	0.00%	N/A
Interfund Transfers	-	-	-	N/A	N/A
Total	305,752.40	2,570,440.00	319,407.72	12.43%	4.47%

**Operating Funds Revenue Report
For the Period Ended
September 30, 2010**

<u>Description</u>	FY2010 Actual thru September	FY2011 Annual Budget As Of September	FY2011 Actual thru September	FY2011 % of Budget Obtained	Actual % Change Over Last Year
LEOSSA Fund					
Interfund Charges	116,091.04	499,573.00	144,527.43	28.93%	24.49%
Investment Income	-	42,000.00	-	0.00%	N/A
Fund Balance	-	12,537.00	-	0.00%	N/A
Total	<u>116,091.04</u>	<u>554,110.00</u>	<u>144,527.43</u>	<u>26.08%</u>	<u>24.49%</u>
City of Fayetteville Finance Corporation					
Investment Income	314.24	-	-	N/A	-100.00%
Property Leases	245,825.00	1,449,475.00	163,125.00	11.25%	-33.59%
Total	<u>245,939.24</u>	<u>1,449,475.00</u>	<u>163,125.00</u>	<u>11.25%</u>	<u>-33.67%</u>
Vehicle Lease Fund					
Interfund Charges	84,997.43	-	-	N/A	-100.00%
Fund Balance	-	102,215.00	-	0.00%	N/A
Total	<u>64,997.43</u>	<u>102,215.00</u>	<u>-</u>	<u>0.00%</u>	<u>-100.00%</u>

**General Fund Expenditure Report
For the Period Ended
September 30, 2010**

Description	FY2010 Actual thru September	FY2011 Annual Budget As Of September	FY2011 Actual thru September	FY2011 Encumbrances thru September	FY2011 % of Budget Expended	Actual % Change Over Last Year
City Attorney						
Personnel	166,318.79	785,934.00	172,426.73	-	21.94%	3.67%
Operating / Contract Services	286,453.17	365,730.00	161,852.63	-	44.20%	-43.57%
Capital	-	-	-	-	N/A	N/A
Other	58.14	300.00	85.79	-	28.60%	47.56%
Total	452,830.10	1,151,964.00	334,167.15	-	29.01%	-26.20%
City Manager						
Personnel	183,908.19	844,942.00	200,210.75	-	23.70%	8.66%
Operating / Contract Services	10,685.42	36,082.00	16,001.37	-	44.35%	49.75%
Capital	-	-	-	-	N/A	N/A
Other	1,216.35	2,500.00	275.14	-	11.01%	-77.38%
Total	195,809.98	883,524.00	216,487.26	-	24.50%	10.56%
Community Development						
Personnel	35,632.84	143,368.00	34,741.69	-	24.23%	-2.50%
Operating / Contract Services	122,155.65	799,287.00	101,574.75	725,349.81	12.71%	-16.85%
Capital	-	-	-	-	N/A	N/A
Other	181,698.00	148,641.00	178,735.00	-	120.25%	-1.83%
Total	339,486.49	1,091,296.00	315,051.44	725,349.81	28.87%	-7.20%
Development Services						
Personnel	690,987.94	2,844,708.00	630,859.77	-	22.18%	-8.70%
Operating / Contract Services	140,243.61	1,118,034.00	170,360.82	91,100.00	15.24%	21.47%
Capital	42,087.42	43,955.00	6,876.28	-	15.64%	-83.66%
Other	6,059.35	5,821.00	830.70	-	10.63%	-92.17%
Total	881,378.32	4,012,518.00	808,727.57	91,100.00	20.18%	-8.24%
Engineering & Infrastructure						
Personnel	803,073.92	4,040,549.00	878,016.51	-	21.75%	-2.66%
Operating / Contract Services	1,090,084.61	2,516,733.00	511,192.87	28,286.12	20.31%	-53.11%
Capital	2,077.00	476,300.00	-	34,184.07	0.00%	-100.00%
Other	3,737,027.55	3,843,428.00	3,507,380.43	91,265.00	91.26%	-6.15%
Total	5,732,263.08	10,877,011.00	4,897,589.81	62,450.19	45.03%	-14.56%
Environmental Services						
Personnel	1,057,355.90	4,592,569.00	1,000,009.14	-	21.77%	-5.42%
Operating / Contract Services	399,824.92	2,012,328.00	558,237.85	20,026.75	27.74%	39.69%
Capital	356,398.00	1,606,665.00	2,735.00	-	0.17%	-99.23%
Other	160,177.73	447,627.00	122,348.13	17,946.45	27.33%	-23.62%
Total	1,973,554.55	8,659,187.00	1,683,329.92	37,973.20	19.44%	-14.71%
Finance						
Personnel	293,060.20	1,294,284.00	306,621.29	-	23.69%	4.83%
Operating / Contract Services	305,479.37	1,288,709.00	294,954.30	173,371.00	22.89%	-3.45%
Capital	20,200.00	-	-	-	N/A	-100.00%
Other	-	-	-	-	N/A	N/A
Total	618,739.57	2,582,993.00	601,575.59	173,371.00	23.28%	-2.77%
Fire & Emergency Management						
Personnel	4,401,959.27	19,023,244.00	4,538,974.30	-	23.86%	3.11%
Operating / Contract Services	715,552.58	2,453,761.00	556,390.84	237,923.05	22.68%	-22.24%
Capital	674,562.00	1,473,041.00	510,033.51	366,052.00	34.62%	-24.39%
Other	192,527.98	225,678.00	119,336.82	-	52.88%	-38.02%
Total	5,984,601.83	23,175,724.00	5,724,735.47	603,975.05	24.70%	-4.34%
Human Relations						
Personnel	50,897.40	217,439.00	51,429.49	-	23.65%	1.05%
Operating / Contract Services	3,439.34	39,040.00	752.61	-	2.28%	-78.12%
Capital	-	-	-	-	N/A	N/A
Other	-	5,200.00	-	-	0.00%	N/A
Total	54,336.74	255,679.00	52,182.10	-	20.41%	-3.97%

**General Fund Expenditure Report
For the Period Ended
September 30, 2010**

Description	FY2010 Actual thru September	FY2011 Annual Budget As Of September	FY2011 Actual thru September	FY2011 Encumbrances thru September	FY2011 % of Budget Expended	Actual % Change Over Last Year
Human Resource Development						
Personnel	209,629.95	984,669.00	206,725.81	-	21.00%	-1.39%
Operating / Contract Services	61,120.09	272,295.00	67,581.47	30,120.12	24.82%	10.57%
Capital	-	50,000.00	-	-	0.00%	N/A
Other	139.01	750.00	77.06	-	10.27%	-44.57%
Total	270,889.05	1,307,614.00	274,384.34	30,120.12	20.96%	1.29%
Information Technology						
Personnel	261,617.30	1,381,435.00	315,238.98	17,213.50	23.15%	20.50%
Operating / Contract Services	301,990.43	1,550,169.00	550,431.64	67,712.00	35.51%	82.27%
Capital	50,660.00	344,597.00	64,540.08	-	18.73%	27.40%
Other	288,662.00	283,500.00	283,500.00	-	100.00%	-1.79%
Total	902,919.73	3,539,701.00	1,213,710.70	84,925.50	34.28%	34.42%
Management Services						
Personnel	125,217.66	594,164.00	117,135.49	-	19.71%	-6.45%
Operating / Contract Services	61,560.83	212,666.00	43,385.61	40,814.00	20.40%	-29.52%
Capital	-	-	-	-	N/A	N/A
Other	(855.53)	(36,500.00)	(407.11)	2,631.78	1.12%	-52.41%
Total	185,923.08	770,330.00	160,113.99	43,445.78	20.79%	-13.88%
Mayor & Council						
Personnel	65,033.39	320,633.00	61,197.73	-	19.09%	-5.90%
Operating / Contract Services	103,801.34	237,362.00	108,303.02	38,688.71	45.62%	4.34%
Capital	-	-	-	-	N/A	N/A
Other	795.85	2,600.00	465.67	-	16.68%	-38.97%
Total	169,630.58	560,615.00	169,966.42	38,688.71	30.32%	0.21%
Other Appropriations						
Personnel	5,088.76	32,368.00	5,198.84	-	16.06%	2.16%
Operating / Contract Services	95,031.13	10,223,932.00	213,243.19	-	2.09%	124.39%
Capital	-	-	-	-	N/A	N/A
Other	1,612,973.86	10,077,025.00	2,030,841.84	64,062.50	20.15%	25.91%
Total	1,713,093.75	20,333,325.00	2,249,383.87	64,062.50	11.06%	31.31%
Parks, Recreation & Maintenance						
Personnel	2,241,142.62	9,021,262.00	2,202,989.61	1,581.60	24.42%	-1.70%
Operating / Contract Services	1,393,188.82	5,311,765.00	1,465,219.00	172,494.09	27.58%	5.17%
Capital	62,816.00	612,139.00	101,720.34	-	12.52%	61.89%
Other	319,691.48	760,635.00	315,194.12	-	41.44%	-1.41%
Total	4,016,838.72	15,905,721.00	4,085,123.07	174,075.69	25.68%	1.70%
Police						
Personnel	8,222,896.19	35,688,321.00	7,997,374.55	-	22.41%	-2.74%
Operating / Contract Services	1,295,149.59	4,703,078.00	1,336,913.82	151,516.62	26.43%	3.22%
Capital	660,040.80	2,456,705.00	927,377.09	670,301.34	37.75%	65.59%
Other	267,399.79	504,060.00	20,166.89	-	4.00%	-92.46%
Total	10,345,486.37	43,352,164.00	10,281,832.55	821,817.96	23.72%	-0.62%
Total General Fund						
Personnel	18,913,920.14	81,789,789.00	18,720,152.68	18,795.10	22.89%	-1.02%
Operating / Contract Services	6,385,549.00	33,135,009.00	6,156,195.69	1,777,402.27	18.58%	-3.59%
Capital	1,766,839.22	7,263,402.00	1,613,282.30	1,070,517.41	22.21%	-8.79%
Other	6,769,571.56	16,271,186.00	6,578,750.58	84,640.73	40.43%	-2.82%
Total	33,837,779.92	138,459,386.00	33,068,381.25	2,951,355.51	23.88%	-2.27%

**Operating Funds Expenditure Report
For the Period Ended
September 30, 2010**

Description	FY2010 Actual thru September	FY2011 Annual Budget As Of September	FY2011 Actual thru September	FY2011 Encumbrances thru September	FY2011 % of Budget Expended	Actual % Change Over Last Year
Parking Fund						
Personnel	-	-	-	-	N/A	N/A
Operating / Contract Services	89,099.14	314,929.00	122,857.56	120,621.58	39.01%	37.89%
Capital	-	-	-	-	N/A	N/A
Other	-	17,256.00	-	-	0.00%	N/A
Total	89,099.14	332,185.00	122,857.56	120,621.58	36.98%	37.89%
Central Business Tax District Fund						
Personnel	-	-	-	-	N/A	N/A
Operating / Contract Services	60,000.00	67,384.00	25,000.00	-	37.10%	-50.00%
Capital	-	75,830.00	-	-	0.00%	N/A
Other	60,000.00	80,094.00	50,000.00	-	62.43%	0.00%
Total	100,000.00	223,308.00	75,000.00	-	33.59%	-25.00%
Stormwater Fund						
Personnel	373,738.65	1,487,735.00	331,538.07	-	22.26%	-11.29%
Operating / Contract Services	206,002.43	2,652,365.00	626,883.30	89,055.66	19.86%	155.87%
Capital	517,753.32	5,411,662.00	85,491.31	20,047.00	1.58%	-83.49%
Other	102,238.10	289,269.00	30,561.99	-	10.21%	-70.11%
Total	1,189,732.50	9,851,031.00	974,272.67	109,102.68	9.89%	-18.79%
Emergency Telephone System Fund						
Personnel	13,531.14	54,964.00	13,178.81	-	23.98%	-2.80%
Operating / Contract Services	127,805.93	632,240.00	165,839.91	-	26.23%	29.76%
Capital	156,982.38	446,561.00	154,691.49	253.79	34.64%	-1.48%
Other	-	85,911.00	-	-	0.00%	N/A
Total	298,319.45	1,219,676.00	333,710.21	253.79	27.36%	11.88%
Risk Management Funds						
Personnel	104,362.36	384,889.00	82,516.26	-	21.43%	-20.93%
Operating / Contract Services	3,787,862.52	17,329,621.00	3,529,300.31	1,103,441.40	20.37%	-8.83%
Capital	-	8,000.00	-	-	0.00%	N/A
Other	364.60	3,937.00	-	-	0.00%	-100.00%
Total	3,892,609.48	17,726,547.00	3,611,818.57	1,103,441.40	20.38%	-7.21%
Transit Fund						
Personnel	747,760.22	3,663,180.00	858,369.91	-	23.43%	14.79%
Operating / Contract Services	288,819.68	1,690,822.00	388,215.99	165,013.29	22.84%	34.65%
Capital	-	-	-	-	N/A	N/A
Other	84,502.04	515,407.00	133,507.84	-	25.90%	41.28%
Total	1,129,081.94	5,869,409.00	1,378,093.74	165,013.29	23.48%	22.05%
Airport Fund						
Personnel	275,419.75	1,298,137.00	272,529.17	-	21.03%	-1.05%
Operating / Contract Services	239,108.48	1,452,110.00	259,178.24	83,945.00	17.85%	8.39%
Capital	48,095.00	265,895.00	87,438.67	7,711.80	32.88%	81.80%
Other	381,763.09	887,596.00	144,590.88	-	16.28%	-60.03%
Total	924,384.32	3,901,738.00	763,734.96	91,656.80	19.57%	-17.38%
Recycling Fund						
Personnel	-	-	-	-	N/A	N/A
Operating / Contract Services	468,362.88	1,988,810.00	477,372.00	1,258,649.60	24.00%	1.92%
Capital	-	55,090.00	-	-	0.00%	N/A
Other	-	528,830.00	110,879.67	-	21.05%	100.00%
Total	468,362.88	2,570,440.00	588,251.67	1,258,649.60	22.89%	25.60%
LEOSSA Fund						
Personnel	111,698.68	554,110.00	117,693.13	-	21.24%	5.37%
Operating / Contract Services	-	-	-	-	N/A	N/A
Capital	-	-	-	-	N/A	N/A
Other	-	-	-	-	N/A	N/A
Total	111,698.68	554,110.00	117,693.13	-	21.24%	5.37%
City of Fayetteville Finance Corporation						
Personnel	-	-	-	-	N/A	N/A
Operating / Contract Services	-	-	-	-	N/A	N/A
Capital	-	-	-	-	N/A	N/A
Other	247,265.00	1,449,475.00	163,125.00	-	11.25%	-34.03%
Total	247,265.00	1,449,475.00	163,125.00	-	11.25%	-34.03%

**Operating Funds Expenditure Report
For the Period Ended
September 30, 2010**

<u>Description</u>	FY2010 Actual thru September	FY2011 Annual Budget As Of September	FY2011 Actual thru September	FY2011 Encumbrances thru September	FY2011 % of Budget Expended	Actual % Change Over Last Year
Vehicle Lease Fund						
Personnel	-	-	-	-	N/A	N/A
Operating / Contract Services	38,133.49	12.00	48,031.44	-	383595.33%	20.71%
Capital	-	102,203.00	102,202.78	-	100.00%	100.00%
Other	-	-	-	-	N/A	N/A
Total	<u>38,133.49</u>	<u>102,215.00</u>	<u>148,234.22</u>	<u>-</u>	<u>145.02%</u>	<u>288.72%</u>

* These charges will be removed from this fund and allocated out to benefitting departments.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: December 13, 2010
RE: **Tax Refunds Of Less Than \$100**

THE QUESTION:

No action required. Information only.

RELATIONSHIP TO STRATEGIC PLAN:

Not applicable.

BACKGROUND:

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

ISSUES:

None.

BUDGET IMPACT:

OPTIONS:

Not applicable.

RECOMMENDED ACTION:

Information only. No action required.

ATTACHMENTS:

Finance - Tax Refunds Of Less Than \$100



November 22, 2010

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable *NP*

RE: Tax Refunds of Less Than \$100

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

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
BB&T Equipment Finance	3689569	2009	Taxes Paid In Wrong County	93.43
TOTAL				\$93.43

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rita Perry, City Clerk
DATE: December 13, 2010
RE: **Monthly Statement of Taxes for November 2010**

THE QUESTION:
For information only.

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

BACKGROUND:
Attached is the report that has been furnished to the Mayor and City Council by the Cumberland County Tax Administrator for the month of November 2010.

ISSUES:
N/A

BUDGET IMPACT:

OPTIONS:
N/A

RECOMMENDED ACTION:
For information only.

ATTACHMENTS:
Monthly Statement of Taxes for November 2010



OFFICE OF THE TAX ADMINISTRATOR

117 Dick Street, 5th Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302
Phone: 910-678-7507 • Fax: 910-678-7582 • www.co.cumberland.nc.us

MEMORANDUM

TO: Rita Perry, Fayetteville City Clerk

FROM: Aaron Donaldson, Tax Administrator *AD*

DATE: December 1, 2010

RE: MONTHLY STATEMENT OF TAXES

Attached hereto is the report that has been furnished to the Mayor and governing body of your municipality for the month of November 2010. This report separates the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

Should you have any questions regarding this report, please contact me at 678-7587.

AD/sn
Attachments

Celebrating Our Past... Embracing Our Future

EASTOVER - FALCON - FAYETTEVILLE - GODWIN - HOPE MILLS - LINDEN - SPRING LAKE - STEDMAN - WADE

FAYETTEVILLE MACC LEDGER

NOVEMBER 2010

2000-2010

2010 FAY RECYCLE FEE	2010 ANNEX	2009 CC	2009 VEHICLE	2009 CC REVIT	2009 VEH REVIT	2009 FVT	2009 TRANSIT	2009 STORM WATER	2009 FAY STORM WATER	2009 FAY RECYCLE FEE	2009 ANNEX
5,212.99	0.00	976.51	4,447.78	0.00	0.00	585.00	585.00	116.67	233.35	0.00	0.00
6,872.67	10.95	1,567.59	1,790.64	0.00	0.00	337.66	337.67	24.00	48.00	38.00	0.00
325,730.87	0.00	519.07	2,458.39	0.00	0.00	364.50	364.51	12.00	24.00	38.00	0.00
13,400.14	0.00	435.51	1,789.01	0.00	0.00	287.70	287.69	11.48	22.95	36.34	0.00
247,821.98	0.00	3,381.42	2,303.21	0.00	0.00	372.30	372.31	73.10	146.20	231.48	0.00
5,990.99	0.00	600.36	3,096.25	0.00	0.00	500.87	500.88	12.77	25.54	40.43	0.00
3,617.05	0.00	541.82	2,123.05	0.00	0.00	309.44	309.45	19.18	38.35	60.72	0.00
4,432.17	0.00	295.87	1,918.48	0.00	0.00	368.11	368.10	12.00	24.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
64,590.66	0.00	203.65	3,740.45	0.00	0.00	581.50	581.50	0.00	0.00	0.00	0.00
47,268.82	0.00	817.40	4,774.38	0.00	10.48	732.89	732.90	14.66	29.32	46.43	17.92
478,389.87	0.00	1,458.98	2,247.16	0.00	0.00	362.32	362.31	24.00	48.00	76.00	0.00
5,314.77	0.00	181.94	1,813.80	0.00	0.47	300.00	295.00	0.00	0.00	0.00	0.00
3,939.06	0.00	296.06	1,580.17	0.00	0.00	267.76	267.76	0.00	0.00	0.00	0.00
3,648.00	0.00	235.57	2,259.32	0.00	0.00	365.87	365.87	0.00	0.00	0.00	0.00
4,533.54	0.00	1,093.71	2,752.43	0.00	0.00	393.72	393.71	0.00	0.00	0.00	0.00
3,363.40	0.00	843.05	1,917.05	48.87	0.00	319.36	319.37	16.60	33.21	38.00	0.00
3,527.15	0.00	507.38	1,820.94	0.00	0.00	305.00	305.00	3.68	7.36	11.67	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,582.50	0.00	1,538.80	3,094.15	0.00	0.00	504.06	504.06	57.34	114.68	181.57	0.00
4,346.60	0.00	1,069.78	2,660.77	0.00	0.00	425.00	425.00	20.31	40.62	64.31	0.00
1,238,583.23	10.95	16,564.47	48,587.43	48.87	10.95	7,683.06	7,678.09	417.79	835.58	862.95	17.92

FAYETTEVILLE MACC LEDGER

2000-2010

NOVEMBER 2010

2008 CC	2008 VEHICLE	2008 CC REVIT	2008 VEHICLE REVIT	2008 FVT	2008 TRANSIT	2008 STORM WATER	2008 FAY STORM WATER	2008 FAY RECYCLE FEE	2008 ANNEX	2007 CC	2007 VEHICLE	2007 CC REVIT
10.80	102.50	0.00	0.00	34.25	10.00	0.00	0.00	0.00	0.00	0.00	69.62	0.00
368.44	99.72	0.00	0.00	35.00	10.00	12.00	24.00	42.00	0.00	28.08	25.06	0.00
0.00	194.41	0.00	0.00	22.14	17.14	24.00	0.00	0.00	0.00	0.00	40.44	0.00
37.57	95.79	0.00	0.00	19.51	14.51	0.00	0.00	0.00	0.00	0.00	101.36	0.00
362.27	287.67	0.00	0.00	50.00	40.00	36.00	24.00	42.00	0.00	0.00	145.98	0.00
307.49	69.81	0.00	0.00	24.11	8.35	6.70	0.00	0.00	0.00	48.28	107.85	0.00
0.00	110.14	0.00	0.00	40.00	25.00	0.00	0.00	0.00	0.00	295.21	31.36	0.00
0.00	118.20	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	0.00	20.12	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
26.51	105.16	0.00	0.00	30.00	30.00	12.00	0.00	0.00	0.00	0.00	20.62	0.00
221.45	299.57	0.00	0.00	52.29	42.30	0.00	0.00	0.00	0.00	137.93	107.05	0.00
19.37	323.28	0.00	0.00	45.00	45.00	2.17	0.00	0.00	0.00	14.38	188.90	0.00
0.00	49.17	0.00	0.00	20.00	15.00	0.00	0.00	0.00	0.00	0.00	48.10	0.00
49.69	277.08	0.00	0.00	45.00	35.00	15.63	0.00	0.00	0.00	0.00	183.35	0.00
46.84	68.99	0.00	0.00	17.97	10.00	0.00	0.00	0.00	0.00	0.00	28.22	0.00
0.00	141.69	0.00	0.00	25.00	20.00	0.00	0.00	0.00	0.00	0.00	140.27	0.00
0.00	219.79	0.00	0.00	32.72	20.00	0.00	0.00	0.00	0.00	0.00	(35.16)	0.00
41.86	30.75	0.00	0.00	20.00	5.00	0.00	0.00	0.00	0.00	0.00	67.97	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	594.65	0.00	0.00	63.29	53.28	0.00	0.00	0.00	0.00	11.02	130.58	0.00
365.46	96.35	0.00	0.00	15.00	10.00	21.83	0.00	0.00	0.00	0.00	26.55	0.00
1,857.75	3,284.72	0.00	0.00	616.28	435.58	130.33	48.00	84.00	0.00	534.90	1,448.24	0.00

FAYETTEVILLE MACC LEDGER

NOVEMBER 2010

2000-2010

2007 VEH REVIT	2007 FVT	2007 STORM WATER	2007 FAY STORM WATER	2007 ANNEX	2006 & PRIOR CC	2006 & PRIOR VEH	2006 & PRIOR REVIT	2006 & PRIOR VEH REVIT	2006 & PRIOR FVT	2006 & PRIOR STORM WATER	2006 ANNEX
0.00	12.83	0.00	0.00	0.00	20.10	67.55	0.00	0.00	21.79	19.71	0.00
0.00	8.68	0.00	0.00	0.00	18.04	278.43	0.00	0.00	38.52	0.00	0.00
0.00	10.00	12.00	0.00	0.00	94.05	42.54	0.00	0.00	6.76	12.00	0.00
0.00	10.00	0.00	0.00	0.00	30.38	58.11	0.00	0.00	15.00	0.00	0.00
0.00	20.00	0.00	0.00	0.00	0.00	71.96	0.00	0.00	19.71	0.00	0.00
0.00	20.00	0.00	0.00	0.00	964.07	227.14	0.00	0.00	36.54	0.00	0.00
0.00	10.00	0.00	0.00	0.00	0.00	9.75	0.00	0.00	5.00	0.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	188.68	0.00	0.00	44.86	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	5.00	0.00	0.00	0.00	192.68	21.75	0.00	0.00	25.00	0.00	0.00
0.00	20.00	0.00	0.00	0.00	113.13	87.85	0.00	0.00	38.24	0.00	0.00
0.00	15.00	14.81	0.00	0.00	37.14	172.24	0.00	0.00	35.00	0.00	0.00
0.00	25.00	0.00	0.00	0.00	24.10	147.60	0.00	0.00	20.00	0.00	0.00
0.00	25.00	12.00	0.00	0.00	0.00	206.15	0.00	0.00	40.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	67.22	0.00	0.00	0.00	0.00	0.00
0.00	15.00	0.00	0.00	0.00	7.27	159.11	0.00	0.00	41.54	0.00	0.00
0.00	10.00	0.00	0.00	0.00	0.00	233.78	0.00	0.00	37.58	0.00	0.00
0.00	10.00	0.00	0.00	0.00	18.04	3.65	0.00	0.00	5.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	20.00	24.00	0.00	0.00	0.00	255.68	0.00	0.00	64.41	0.00	0.00
0.00	7.17	(2.81)	0.00	0.00	16.92	83.75	0.00	0.00	10.00	1.92	0.00
0.00	248.68	60.00	0.00	0.00	1,535.92	2,382.94	0.00	0.00	504.95	33.63	0.00

FAYETTEVILLE MACC LEDGER

NOVEMBER 2010

2000-2010

INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	TOTAL TAX & INTEREST
736.21	0.00	20.60	1.75	0.00	0.00	171,771.73
763.17	0.00	4.35	8.70	0.00	11.13	182,766.09
481.28	0.00	10.61	2.30	0.00	3.65	6,431,110.43
442.54	0.00	1.10	2.21	0.00	3.49	224,830.69
956.42	0.00	12.92	16.69	0.00	27.14	4,577,711.99
1,396.93	0.00	0.93	1.65	0.00	2.62	298,911.09
523.34	0.00	1.74	3.48	0.00	5.52	124,773.43
645.05	0.00	1.15	2.31	0.00	0.00	158,000.87
0.00	0.00	0.00	0.00	0.00	0.00	0.00
1,045.24	0.00	9.50	3.41	0.00	5.96	1,278,137.37
1,213.96	1.35	2.28	4.55	1.56	7.21	957,164.74
620.06	0.00	7.79	4.09	0.00	6.48	9,346,307.96
506.07	0.20	0.00	0.00	0.00	0.00	188,279.99
577.49	0.16	7.96	0.00	0.00	0.00	185,503.90
396.53	0.00	0.00	0.00	0.00	0.00	158,954.21
643.24	0.00	1.09	2.17	0.00	3.44	271,678.08
597.88	4.34	1.56	3.12	0.00	3.65	129,270.53
355.11	0.00	0.00	0.00	0.00	0.00	89,245.01
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
968.88	0.00	9.55	9.22	0.00	14.57	227,643.31
670.88	0.00	8.99	4.59	0.00	7.26	200,787.10
13,540.28	6.05	102.12	70.24	1.56	102.12	25,202,848.52