



FAYETTEVILLE CITY COUNCIL  
AGENDA  
MAY 9, 2011  
7:00 P.M.  
CITY HALL COUNCIL CHAMBER

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**1.0 CALL TO ORDER**

**2.0 INVOCATION**

**3.0 PLEDGE OF ALLEGIANCE**

**4.0 APPROVAL OF AGENDA**

**5.0 ANNOUNCEMENTS AND RECOGNITIONS**

5.1 Federal Emergency Management Agency (FEMA) Applicant Registration Summary

Presenter(s): Sandy Thomas, FEMA Intergovernmental Affairs Specialist

**6.0 PUBLIC FORUM**

6.1 *Each speaker shall have up to 2 minutes to address Council on issues related to the City of Fayetteville. No time will be yielded to any speaker by another speaker. The Public Forum shall last no longer than 15 minutes. The Mayor shall have the discretion to extend the Public Forum up to 30 minutes.*

**7.0 CONSENT**

7.1 Approve Minutes - April 26, 2011 - Regular Meeting

7.2 Approval of acceptance of a parcel located on Campbell Street (PIN # 0428-85-9983)

7.3 Authorization of Fire Chief Benny Nichols and Battalion Commander Brian Mims to act as agents on behalf of the City of Fayetteville

7.4 A consideration to adopt an ordinance regulating open burning of debris within city limits

## **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 Public Hearing on a Proposed Installment Financing Agreement for the Purpose of Financing the Acquisition of the Festival Park Plaza Office Building and Site Acquisition, Construction and Equipping of Fire Station 19

Presenter(s): Lisa Smith, Chief Financial Officer

## **9.0 OTHER ITEMS OF BUSINESS**

9.1 Presentation of the Fiscal Year 2011-2012 Recommended Budget

Presenter(s): Dale E. Iman, City Manager

## **10.0 ADJOURNMENT**

## **CLOSING REMARKS**

### **POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS**

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

### **POLICY REGARDING PUBLIC HEARING AGENDA ITEMS**

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

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

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

**COUNCIL MEETING WILL BE AIRED  
MAY 9, 2011 - 7:00 PM  
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED  
MAY 11, 2011 - 10:00 PM  
COMMUNITY CHANNEL 7**

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

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** City Clerk's Office  
**DATE:** May 9, 2011  
**RE:** **Approve Minutes - April 26, 2011 - Regular Meeting**

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**THE QUESTION:**

Should City Council approve the draft minutes as the official record of the proceedings and actions of the associated meeting(s)?

**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:**

N/A

**OPTIONS:**

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

**RECOMMENDED ACTION:**

Approve the draft minutes as presented.

**ATTACHMENTS:**

April 26, 2011 - Regular Meeting Minutes

# DRAFT

FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
APRIL 26, 2011  
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); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Mayor Pro Tem Darrell J. Haire (District 4)

Others Present: Dale E. Iman, City Manager  
Doug Hewett, Assistant City Manager  
Brian Leonard, Assistant City Attorney  
Brian Meyer, Assistant City Attorney  
Renner Eberlein, Assistant City Attorney  
Jeffery Brown, Engineering and Infrastructure  
Director  
Lisa Smith, Chief Financial Officer  
Victor Sharpe, Community Development Director  
Craig Hampton, Special Projects Director  
Craig Harmon, Planner II  
David Nash, Planner II  
Marsha Bryant, Planner II  
Bart Swanson, Housing and Code Enforcement Division  
Manager  
Frank Lewis, Senior Code Enforcement Administrator  
Marion Wilson, Code Enforcement Administrator  
Adolph Thomas, Community Relations Specialist  
Deborah Stagner, Consultant, Tharrington Smith, LLP  
Nathan Walls, Public Information Specialist  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

## 2.0 INVOCATION

The invocation was offered by Interim Pastor Ralph Garay, Fil-Am International Community Church.

## 3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was recited by those in attendance.

## 4.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda with the removal of Item 9.1 and adding Item 7.11, Special Sign Permit requests for Crime Stoppers BBQ and Shriners' Fish Fry for Children's Hospital.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

## 5.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Chavonne requested the City Manager provide an update on the disaster recovery.

Mr. Dale Iman, City Manager, recognized the many people who worked in the recovery and stated through this adversity City and County staffs, volunteers, and state and federal agencies banded

## DRAFT

together to bring the community back on its feet. He thanked the City employees for an outstanding job in the emergency response and recovery phases. He provided information on the recovery efforts to date.

### 6.0 PUBLIC FORUM

Ms. Cathy Thomas Jones, 2100 Sunnybrook Road, Raleigh, NC 27610, spoke regarding renovation issues at 166 and 162 Lamon Street.

Mr. Michael Evans, 1113 Simpson Street, Fayetteville, NC 28305, spoke regarding a petition addressing proposed route changes to the Transit system.

Mr. Johnny Lanthorn, Vice Chair of City-County Joint Appearance Commission, 6841 Main Street, Wade, NC 28395, provided information regarding the Community Appearance Awards program sponsored by the Joint Appearance Commission.

Ms. Renee Elder, Executive Director of Veterans Empowering Veterans (VEV), 610 Person Street, Fayetteville, NC 28301, spoke regarding denial of a grant request and provided the goals, accomplishments, and the services provided to the community by the VEV.

Mr. D. D. Scott, 601 Frink Street, Fayetteville, NC 28301, spoke regarding proposed route changes to the Transit system.

### 7.0 CONSENT

**MOTION:** Council Member Davy moved to approve the consent agenda with the exception of Item 7.2.

**SECOND:** Council Member Crisp

**VOICE:** UNANIMOUS (9-0)

### 7.1 Approve Minutes

- December 13, 2010 - Regular Meeting
- January 22, 2011 - Departmental Presentations Budget Workshop
- January 24, 2011 - Dinner and Discussion Meeting
- January 24, 2011 - Regular Meeting
- February 7, 2011 - Work Session
- February 14, 2011 - Regular Meeting
- February 23, 2011 - Agenda Briefing
- March 23, 2011 - Agenda Briefing
- April 11, 2011 - Special Meeting
- April 18, 2011 - Special Meeting

7.2 Pulled for discussion by Council Member Davy.

7.3 Global Positioning System/Automatic Vehicle Location (GPS/AVL) Enterprise Solution Award.

Council previously approved a bid award to Mentor Engineering. It was subsequently determined that the bid was not in compliance with FTA DBE requirements and the bid award was rescinded and the project re-bid. A second advertisement for bids was issued and bids were solicited from 19 vendors with 1 vendor responding. Mentor Engineering, Calgary, Alberta, Canada, submitted on the re-bid and maintained the previous bid price. In addition, Mentor Engineering would be utilizing a DBE subcontractor for 5 percent of the work, and was in compliance with FTA DBE requirements.

7.4 Approve award of audio visual (A/V) contract for Veterans Park Visitor Center.

The Bid Review Committee recommended award of contract to Imagenation System, Inc., low bidder, in the amount of \$165,652.00.

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Bid documents were issued and only one bidder responded on March 29, 2011. The single bid exceeded the engineering estimate and was rejected. Bids were reissued and opened on April 14, 2011, as follows:

Imagenation System, Inc. (Raleigh, NC) ..... \$165,652.00  
Quality Sound & Video (Fayetteville, NC) ..... \$176,127.50

**7.5 Budget Ordinance Amendment 2011-11 (General Fund).**

The amendment appropriated \$76,625.00 from privilege license fees paid by electronic gaming operations to restore nonprofit funding reductions enacted with the fiscal year 2011 budget.

**7.6 Budget Ordinance Amendment 2011-12 (General Fund).**

Council was asked to approve the amendment to appropriate \$1,575,055.00 from General Fund fund balance to provide initial funding for expenditures related to the April 16, 2011, tornados. It was anticipated that approximately 75 percent of the expenditures would be eligible for reimbursement from the Federal Emergency Management Agency (FEMA) and the State could choose to reimburse a portion of the remaining costs.

**7.7 Special sign permit request for temporary event signs for the Cumberland CommuniCare Barbecue Event.**

Staff recommended Council grant the special sign permit for up to 20 signs located in accordance with staff approval and to be removed by the end of the day on May 28, 2011.

**7.8 Adopt a resolution confirming non-inclusion of a portion of an unnamed alley off of Old Wilmington Road in the City of Fayetteville Street Plan.**

RESOLUTION CONFIRMING NON-INCLUSION OF A PORTION OF AN UNNAMED ALLEY OFF OF OLD WILMINGTON ROAD IN THE CITY OF FAYETTEVILLE STREET PLAN. RESOLUTION NO. R2011-018.

**7.9 Tax refunds of greater than \$100.00.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Watson, Jo Ann	2008-2009	Corrected Assessment	\$169.02
Kocher, Anthony	2005-2008	Double Listing	295.32
Total			<u>\$464.34</u>

**7.10 Resolution accepting the financing proposal of Bank of America, N.A., for the acquisition of the site, construction and equipping of a new fire station and the acquisition of the Festival Park Plaza office building and set the public hearing for May 9, 2011.**

RESOLUTION ACCEPTING THE PROPOSAL OF BANK OF AMERICA, N.A., IN CONNECTION WITH AN INSTALLMENT FINANCING FOR THE ACQUISITION OF THE SITE, CONSTRUCTION AND EQUIPPING OF A NEW FIRE STATION AND THE ACQUISITION OF THE FESTIVAL PARK PLAZA OFFICE BUILDING BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2011-019.

**7.11 Special sign permit requests for Crime Stoppers BBQ and Shriners' Fish Fry for Children's Hospital.**

Staff recommended Council grant the special sign permit of 14 signs for the Crime Stoppers BBQ to be put out April 29, 2011, and removed by end of day April 30, 2011.

Staff recommended Council grant the special sign permit of up to 25 signs for the Shriners' Fish Fry for Children's Hospital to be put out April 29, 2011, and removed by end of day April 30, 2011.

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**7.2 Approval of the 2011-2012 Annual Community Development Action Plan.**

This item was pulled for discussion by Council Member Davy.

Mr. Victor Sharpe, Community Development Director, presented this item and provided updated estimates for the City's 2011 allocation of the Community Development Block Grant (CDBG) and the HOME Investment Partnership Grant (HOME) funds from the Department of Housing and Urban Development (HUD). He stated additional funds would go back to the Housing Rehabilitation activities.

Council Member Davy inquired if the organizations would be able to come back to receive the additional funds if pertaining to the line item. Mr. Sharpe responded in the negative.

**MOTION:** Council Member Massey moved to approve.  
**SECOND:** Council Member Hurst  
**VOTE:** PASSED by a vote of 8 in favor to 1 in opposition (Council Member Davy)

**8.0 PUBLIC HEARINGS**

**8.1 Revision to the Uniform Street and Thoroughfare and Lighting Ordinance.**

Mr. Jeffery Brown, Engineering and Infrastructure Director, presented this item and provided background information. He stated the City requested Progress Energy file a revised tariff to allow them to bill directly to residents. He stated a hearing was held before the Utilities Commission on February 22, 2011, and it was brought to the City's attention that there was language in the ordinance that was not meeting the Commission's expectations.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 24-344 OF CHAPTER 24, 29, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2011-004.**

**MOTION:** Council Member Bates moved to adopt the amendment as proposed.  
**SECOND:** Council Member Arp  
**VOTE:** UNANIMOUS (9-0)

**8.2 Consideration of a resolution to adopt a new redistricting map.**

Ms. Deborah Stagner, Consultant, Tharrington Smith, LLP, presented this item and provided background information. She stated Alternatives 1 and 3 redistricting maps were presented to Council on April 11, 2011, and Council requested a further look at Alternative 3 with revisions. She stated Alternatives 3A and 3B redistricting maps were presented to Council on April 18, 2011, and Council provided further input and suggestions thereby resulting in an Alternative 3C redistricting map which was the preferred plan.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

**RESOLUTION ADOPTING NEW DISTRICT BOUNDARIES FOR ELECTION OF CITY COUNCIL MEMBERS. RESOLUTION NO. R2011-020.**

**MOTION:** Council Member Bates moved to adopt the resolution with the Alternative 3C redistricting map.  
**SECOND:** Council Member Applewhite



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Council Member Massey inquired if attempts were made to minimize confusion for the voters. Ms. Stagner responded in the affirmative and explained there were districts that needed to gain and districts that needed to lose and she started with the existing districts and tried to follow precinct lines to the extent most possible.

**VOTE:** UNANIMOUS (9-0)

**8.3 Case No. P11-03F. Rezoning of 0.7 acres at 150 Carvers Falls Road from R6 Residential District to C3 Commercial District. Nathan Elmon Page, Jr., and wife, Cindy L. Page, 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 stated the Zoning Commission and staff recommended approval of the rezoning to C3 based on (1) the property was adjacent to similar commercial zoning and use; (2) although the 2010 Land Use Plan called for residential use on the property, staff believed that the property would serve as a natural end point to the commercial development on Carvers Falls Road; and (3) the property to the rear was currently undeveloped.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Neil Yarborough, attorney representing owners, 115 E. Russell Street, Fayetteville, NC 28301, and stated the zoning request was seeking to expand an existing C3 zone and explained the owners were wanting to use the property as off-season storage for large RVs and boats.

There being no one further to speak, the public hearing was closed.

Council raised concerns on there being no limit on the number of vehicles; no hours of operation being provided; and the possibility of environmental, drainage, and lighting issues.

A question and answer period ensued regarding the zoning under the Unified Development Ordinance (UDO) and possibly bringing this item back to Council as a conditional zoning.

**MOTION:** Council Member Bates moved to deny the rezoning and bring back as a conditional zoning waiving the one-year requirement.

**SECOND:** Council Member Applewhite

A question and answer period ensued regarding the cost of this item coming back to Council as a conditional zoning. Mr. Harmon explained the conditional zoning would be a new process and would require an application fee and advertising costs.

Discussion ensued regarding delaying action on the item until the July 1, 2011, effective date of the UDO. Mr. Harmon explained the benefit of delaying action on the item would result in the applicant not having to go back through the zoning process again.

**VOTE:** FAILED by a vote of 4 in favor (Council Members Crisp, Bates, Applewhite, and Mohn) to 5 in opposition (Council Members Hurst, Chavonne, Davy, Arp, and Massey)

**MOTION:** Council Member Mohn moved to approve the rezoning to C3 with an effective date not earlier than the effective date of the UDO.

**SECOND:** Council Member Massey

**VOTE:** PASSED by a vote of 6 in favor to 3 in opposition (Council Members Applewhite, Bates, and Crisp)

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### 8.4 Request for a waiver to make payment in lieu of installation of a sidewalk along 8736 King Road (quasi judicial).

Ms. Marsha Bryant, Planner II, presented this item. She provided background information and reviewed the site plan. She stated the Planning Commission and Engineering and Planning staff recommended approval of payment in lieu of construction based on the guardrail location, the narrowness of the bridge, and the low wetland areas.

Due to the quasi judicial nature of the request, all of the following findings of fact would have to be shown to approve the waiver request:

- a. A waiver may be granted if the developer showed that the provision would cause unnecessary hardship if strictly adhered to.
- b. A waiver may be granted due to topographical or other conditions peculiar to the site.
- c. A waiver may be granted if the intent of the ordinance was not destroyed.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

**MOTION:** Council Member Crisp moved to approve the requested sidewalk waiver and allow the payment in lieu of construction of the sidewalk in accordance with the findings of fact.

**SECOND:** Council Member Hurst

**VOTE:** UNANIMOUS (9-0)

### 8.5 Proposed Probationary Rental Occupancy Permit (PROP) Ordinance and Program.

Mr. Doug Hewett, Assistant City Manager, presented this item. He provided background information and outlined the basic elements of the program. He presented the following assumptions for the program:

#### Costs

- One time costs of \$16,400.00
  - o Initial advertising, marketing, and education
  - o Office setup and computers
- Annual reoccurring costs first year \$117,780.00
  - o 1 full-time inspector, 1 full-time paralegal, 1 part-time office assistant (95% of annual reoccurring costs)
  - o Minimal education and marketing
  - o Cell phone/training/supplies/memberships/mileage
- Costs Not Included
  - o No additional software costs
  - o No indirect costs - legal, IT, etc.

#### Revenue

- \$500.00 per year for two years per property
- 100 percent of fees are collected
- Owners enrolled in PROP are kept to a minimum
- 15 properties the first year, average 30 per year thereafter

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- Pending legislation (House Bill 554) residential building law

Mr. Hewett reviewed the budget for the first and second years of the program and presented the following proposed fees:

	First Year	Subsequent Years
PROP Application	\$200.00	N/A
PROP Permit	\$300.00	\$500.00
Arbitration for Appeal	\$145.00 per appeal filed	\$145.00
Citations		
First Violation	\$50.00 plus \$50.00 per day of noncompliance	Same as first year
Second Violation	\$250.00 plus \$100.00 per day	Same as first year
Third Violation	\$250.00 plus \$250.00 per day	Same as first year
Violation during a period of revocation	\$500.00 plus \$500.00 per day following a formal written notice	Same as first year
Failure of a licensed rental agency or duly appointed service agent to contact the City after receipt of notice of violation	\$100.00 first violation, \$250.00 each subsequent violation, \$100.00 each continuing day	Same as first year
Violation of Section 14-70 (a)	\$200.00 per violation, plus costs to the City for service orders and violations	Same as first year

Mr. Hewett stated staff was recommending there be an implementation date of July 1, 2011.

Council Member Massey inquired if members of the community should write the general assembly in relation to Bill 554. Mr. Hewett explained House Bill 554 as currently drafted would prohibit adoption or enforcement of local ordinances that would require an owner or manager of a rental property to obtain a permit or permission to rent real property. He stated there were other elements in the bill that would make it more difficult to go about normal code enforcement activities. He stated it would be beneficial to express concerns to the general assembly regarding the bill.

Council Member Arp inquired what the benefits of the PROP program were. Mr. Hewett responded the benefits were the enforcement mechanisms in place to deal with criminal activities of tenants.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. George Butterfly, 1623 Gillespie Street, Fayetteville, NC 28301, appeared in favor. He expressed concerns regarding crime fueled by drugs and quality of life issues with substandard housing and requested Council not support House Bill 554.

Ms. Stella Mullen, President of Massey Hill Community Watch, 141 May Street, Fayetteville, NC 28306, appeared in favor and expressed concerns regarding the criminal activities and blight in the neighborhoods.

Reverend Franklin Reid, 442 Old Wilmington Road, Fayetteville, NC 28301, appeared in favor and stated the landlords should be fined who keep renting to problem renters.

Mr. Anthony Paul Castillo, 106 Scott Avenue, Fayetteville, NC 28301, appeared in favor and expressed concerns regarding problem renters.

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Mr. L. A. Barner, 337 Rhew Street, Fayetteville, NC 28303, appeared in opposition and spoke regarding the problems with absentee landlords.

There being no one further to speak, the public hearing was closed.

**MOTION:** Council Member Davy moved to adopt the PROP ordinance and program with an implementation date of July 1, 2011.  
**SECOND:** Council Member Bates  
**VOTE:** UNANIMOUS (9-0)

**8.6 Taxicab fare rate increase.**

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and provided background information. He stated the last taxi rate increase was April 28, 2008. He stated a representative of the Fayetteville taxicab franchises submitted a written request to the City Council for a fare increase as follows:

	<u>Current Rate</u>	<u>Proposed Rate</u>
Drop Fee	\$2.00	\$2.10
Per Mile Fee	\$2.10	\$2.40
Per Hour Wait Time Fee	\$15.00	\$18.00

He stated Council directed staff to conduct a survey and 47 licensed taxi franchise operators received the survey. He stated 30 operators responded with 26 of those in favor of the proposed increase. He stated the Taxi Review Board heard testimony related to the proposed increase and voted in favor. He stated a survey was also conducted with other North Carolina cities.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Joseph Robinson, 890 Santiato Drive, Fayetteville, NC 28314, appeared in favor and expressed concern regarding the increase in costs for insurance, vehicle maintenance, and gas.

Mr. Darcy Neil Perry, 331 Jesse Road, Broadway, NC 27505, appeared in favor and expressed concern regarding the increase in gas cost.

Mr. Randall B. Revis, 7130 Hypony Trail, Parkton, NC 28371, appeared in favor and expressed concern regarding the increase in gas cost.

There being no one further to speak, the public hearing was closed.

**MOTION:** Council Member Bates moved to approve the fare rate increase.  
**SECOND:** Council Member Applewhite  
**VOTE:** UNANIMOUS (9-0)

**9.0 OTHER ITEMS OF BUSINESS**

**9.1 Uninhabitable structure recommended for demolition - 516 Link Street.**

This item was removed from the agenda.

**9.2 Revenue and expenditure report for annually budgeted funds for the six-month period ended December 31, 2010 and 2009.**

Ms. Lisa Smith, Chief Financial Officer, presented this item. She provided an overview of key points in the revenues and expenditures and explained the variances.

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Discussion and a question and answer period ensued regarding the information in the reports.

**9.3 Consider adoption of resolution authorizing condemnation to acquire easements and property for storm drainage improvement projects.**

Mr. Jeffery P. Brown, Engineering and Infrastructure Director, presented this item and provided an update that the easement for the Faison project was acquired and therefore three acquisitions were remaining. He stated the preliminary schedule was to seek approval from the Local Government Commission (LGC) in July for the financing of the storm drainage improvement projects and the City would need all the easements and properties acquired necessary to make the improvements prior to the LGC approving the financing package. He stated without approval of condemnation, the projects would be delayed, which in turn would delay the approval from the LGC. He provided an update on the remaining acquisitions for the Seabrook, Montclair, and Forest Hills drainage projects.

**A RESOLUTION AUTHORIZING A CONDEMNATION TO ACQUIRE CERTAIN PROPERTY (FEE SIMPLE INTEREST FOR STORM WATER DRAINAGE FOR THE FOREST HILLS DRAINAGE PROJECT). RESOLUTION NO. R2011-021.**

**A RESOLUTION AUTHORIZING A CONDEMNATION TO ACQUIRE CERTAIN PROPERTY (EASEMENT FOR STORM WATER DRAINAGE FOR THE SEABROOK DRAINAGE PROJECT). RESOLUTION NO. R2011-022.**

**A RESOLUTION AUTHORIZING A CONDEMNATION TO ACQUIRE CERTAIN PROPERTY (FEE SIMPLE INTEREST FOR STORM WATER DRAINAGE FOR THE MONTCLAIR DRAINAGE PROJECT). RESOLUTION NO. R2011-023.**

**MOTION:** Council Member Hurst moved to adopt the resolutions authorizing condemnation to acquire easements and properties for storm drainage improvement projects at Seabrook, Montclair, and Forest Hills.

**SECOND:** Council Member Applewhite

**VOTE:** UNANIMOUS (9-0)

**10. ADMINISTRATIVE REPORTS**

**10.1 Monthly statement of taxes for March 2011.**

2010 Taxes .....	\$707,796.36
2010 Vehicle Taxes .....	386,642.42
2010 Revit .....	9,742.88
2010 Vehicle Revit .....	352.51
2010 FVT .....	49,223.08
2010 Transit Tax .....	49,223.08
2010 Storm Water .....	21,279.41
2010 Fay Storm Water .....	42,558.86
2010 Recycle Fee .....	39,841.26
2010 Annex .....	43.91
2009 Taxes .....	7,752.52
2009 Vehicle Taxes .....	34,715.04
2009 Revit .....	0.00
2009 Vehicle Revit .....	( 4.77)
2009 FVT .....	5,854.25
2009 Transit Tax .....	5,854.24
2009 Storm Water .....	220.02
2009 Fay Storm Water .....	440.05
2009 Recycle Fee .....	691.42
2009 Annex .....	0.00
2008 Taxes .....	2,043.34
2008 Vehicle .....	3,709.10
2008 Revit .....	0.00
2008 Vehicle Revit .....	46.28

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2008 FVT .....	638.44
2008 Transit Tax .....	501.71
2008 Storm Water .....	148.62
2008 Fay Storm Water .....	88.18
2008 Recycle .....	154.31
2008 Annex .....	0.00
2007 Taxes .....	522.80
2007 Vehicle .....	1,865.57
2007 Revit .....	0.00
2007 Vehicle Revit .....	0.00
2007 FVT .....	357.46
2007 Storm Water .....	24.00
2007 Fay Storm Water .....	24.00
2007 Annex .....	0.00
2006 and Prior Taxes .....	689.68
2006 and Prior Vehicle .....	2,862.28
2006 and Prior Revit .....	0.00
2006 and Prior Vehicle Revit .....	0.00
2006 and Prior FVT .....	626.91
2006 and Prior Storm Water .....	60.00
2006 Annex .....	14.97
Interest .....	44,192.50
Revit Interest .....	371.02
Storm Water Interest .....	831.97
Fay Storm Water Interest .....	1,555.33
Annex Interest .....	5.81
Fay Recycle Interest .....	1,480.79
Total Tax and Interest .....	\$1,424,041.61

11. ADJOURNMENT

There being no further business, the meeting adjourned.

Respectfully submitted,

JENNIFER PENFIELD  
Deputy City Clerk

ANTHONY G. CHAVONNE  
Mayor

042611



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Victor D. Sharpe, Community Development Director  
**DATE:** May 9, 2011  
**RE:** **Approval of acceptance of a parcel located on Campbell Street (PIN # 0428-85-9983)**

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**THE QUESTION:**

Is the acceptance of the parcel on Campbell Avenue consistent with the redevelopment plans for catalyst site #3 of the Murchison Road Redevelopment Plan?

**RELATIONSHIP TO STRATEGIC PLAN:**

Growing City, Livable Neighborhoods - A Great Place to Live

**BACKGROUND:**

- The City has received an offer from owners who wish to donate the subject property located on Campbell Street to the City.
- The property is currently owned free and clear by Catherine Crouch (Life Estate Interest) and Shelia Faison, Trustee of the Crouch Revocable Management Trust (Remainder Interest).
- The size of the subject property is 50 feet by 90 feet.
- The vacant parcel is located in Catalyst Site #3 of the Murchison Road Redevelopment Plan area.

**ISSUES:**

- 2010 taxable land value is \$1,406
- 2010 taxes paid is \$16.81

**BUDGET IMPACT:**

The City will be responsible for the upkeep of the lot (mowing).

**OPTIONS:**

- Approve acceptance of parcel.
- Do not approve acceptance of parcel.
- Provide additional direction to staff.

**RECOMMENDED ACTION:**

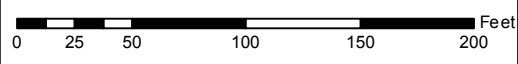
Approve acceptance of Campbell Street parcel - PIN # 0428-85-9983

**ATTACHMENTS:**

Campbell Street Site Map



# Campbell Street Site Map





## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Benjamin Nichols, Fire Chief & Benjamin Major, Interim Fire Chief  
**DATE:** May 9, 2011  
**RE:** **Authorization of Fire Chief Benny Nichols and Battalion Commander Brian Mims to act as agents on behalf of the City of Fayetteville**

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**THE QUESTION:**

Whether or not to allow Fire Department representatives authority to continue to facilitate and coordinate emergency management and recovery efforts on behalf of the City as a result of recent tornadoes. Authorized agents will be able to file and execute applications for federal and state assistance as well as represent the City in all dealings pertaining to disaster recovery assistance.

**RELATIONSHIP TO STRATEGIC PLAN:**

To promote more efficient city government  
To promote more cost effective service delivery

**BACKGROUND:**

As a result of the recent tornado and weather event, the President of the United States declared a major disaster for the State of North Carolina including Cumberland County making federal funding available to the State and eligible local governments. Authorized agents able to act on behalf of the City will ensure the City's interests are addressed as funds become available.

**ISSUES:**

The Fire Department has been closely involved with the recent weather event from forecast, response, recovery to present operations. Fire representatives have participated in all aspects of recovery and have knowledge of all city resources utilized, damage assessments, as well as future costs associated with recovery efforts. New agents unfamiliar with this knowledge from the very beginning may not be able to best represent the city's interests.

**BUDGET IMPACT:**

Timely application and knowledge of available funds will help defray the cost of recovery to the local economy.

**OPTIONS:**

1. Authorize Fire Chief Benny Nichols and Battalion Commander Brian Mims to act as agents on behalf of the City of Fayetteville to coordinate the reimbursement process with the State of North Carolina and FEMA related to recent storm damage
2. Authorize new agents to act on behalf of the City of Fayetteville to coordinate the reimbursement process with the State of North Carolina and FEMA related to recent storm damage.

**RECOMMENDED ACTION:**

1. Authorize Fire Chief Benny Nichols and Battalion Commander Brian Mims to act as Agents on behalf of the City of Fayetteville to coordinate the reimbursement process with the State of North Carolina and FEMA related to recent storm damage.

**ATTACHMENTS:**

Agent App 1  
City Emergency Doc

County Emergency Doc  
State Emergency Doc

**RESOLUTION  
DESIGNATION OF APPLICANT'S AGENT**

North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) *The City of Fayetteville* Disaster Number: *FEMA-1969-DR-NC*

Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):  
*Department of Transportation Federal Aviation Administration -20*

Applicant's Fiscal Year (FY) Start \_\_\_\_\_ Month: *July* Day: *01*

Applicant's Federal Employer's Identification Number  
*56 6001226*

Applicant's Federal Information Processing Standards (FIPS) Number

\_\_\_\_\_

PRIMARY AGENT	SECONDARY AGENT
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Agent's Name *Benjamin Nichols*

Agent's Name *Brian Mims*

Organization *Fayetteville Fire/Emergency Mgmt*

Organization *Fayetteville Fire/Emergency Mgmt*

Official Position *Fire Chief*

Official Position *Battalion Commander*

Mailing Address *433 Hay Street*

Mailing Address *433 Hay Street*

City, State, Zip *Fayetteville, NC 28301*

City, State, Zip *Fayetteville, NC 28301*

Daytime Telephone *(910) 433-1726*

Daytime Telephone *(910) 433-1729*

Facsimile Number *(910) 433-1757*

Facsimile Number *(910) 433-1757*

Pager or Cellular Number *(910) 391-7636*

Pager or Cellular Number *(910) 583-3448*

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**GOVERNING BODY**

**CERTIFYING OFFICIAL**

Name and Title

Name

Name and Title

Official Position

Name and Title

Daytime Telephone

**CERTIFICATION**

I, \_\_\_\_\_, (Name) duly appointed and \_\_\_\_\_ (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of \_\_\_\_\_ (Organization) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

## STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

CITY OF FAYETTEVILLE STATE OF EMERGENCY PROCLAMATION

A PROCLAMATION DECLARING A STATE OF EMERGENCY WITHIN THE CITY OF FAYETTEVILLE, NORTH CAROLINA, PURSUANT TO ARTICLE 36A, CHAPTER 14, N.C.G.S.; N.C.G.S. § 166A-8; AND CHAPTER 9 OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE

THAT WHEREAS, due to dangerous weather conditions caused by tornado on the 16th day of April 16, 2011, and the damage due to debris, strong winds, and other adverse weather, it is in the best interest of the public health, safety, and welfare that a STATE OF EMERGENCY be declared by the Mayor of the City of Fayetteville, North Carolina, pursuant to the authority of the Mayors set forth in ARTICLE 36A, CHAPTER 14, N.C.G.S.; N.C.G.S. § 166A-8; and CHAPTER 9 OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE;

NOW, THEREFORE, I, MAYOR DO HEREBY DECLARE A STATE OF EMERGENCY WITHIN THE CITY LIMITS OF THE CITY OF FAYETTEVILLE COMMENCING AT 6:30 P.M. ON THE 16th DAY OF April, 2011, AND CONTINUING UNTIL TERMINATED BY APPROPRIATE PROCLAMATION DECLARING THE SAME.

AND THAT FURTHER, DURING SAID STATE OF EMERGENCY, AS DECLARED HEREIN, THE FOLLOWING RESTRICTIONS SHALL BE IN EFFECT:

Sec. 1. Evacuation.

The Mayor may direct and compel the evacuation of all or part of the population of the City of Fayetteville by prescribed routes and modes of transportation, and control entry to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises therein. The areas within the City limits of the City of Fayetteville shall be immediately evacuated by following such routes, using such modes of transportation, and using such points of egress and ingress as shall be determined by the Chief of Police and/or his designee. Cumberland County Emergency Services will open emergency shelters as needed.

Citizens can call 677-5509 for shelter information.

Sec. 2. Curfew and restricting access to areas.

(A) A curfew may hereby be imposed for citizens within the City limits of the City of Fayetteville, at such time as City Emergency Management officials advise local print and broadcast media of conditions which pose a risk to the public safety, health, and welfare. This curfew shall not apply to authorized law enforcement, fire department, and other emergency personnel designated by the Chief of Police and/or his designee.

(B) Unless otherwise specified, the curfew shall continue to apply until removed by a new proclamation or until the state of emergency is terminated.

(C) Areas to which access is denied or restricted shall be designated by the Chief of Police of the City of Fayetteville and subordinates of the Chief of Police or other law enforcement officers when directed in the proclamation to do so by the Mayor/Mayor Pro Tem. When acting under this authority, the Chief of Police and subordinates may restrict or deny access to any area, street, highway, or location within the City of Fayetteville if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

**Sec. 3. Restrictions on possession, transportation, and transfer of dangerous weapons and substance.**

The sale, purchase, transportation or possession off one's own premises of any dangerous weapon or substance as defined in N.C.G.S. § 14-288.1(2) within the City limits of the City of Fayetteville during this declared state of emergency is prohibited.

**Sec. 4. Exemptions from restrictions.**

The Mayor is hereby authorized to exempt from all or any part of the restrictions imposed by the emergency proclamation those classes of persons whose exemption will benefit the public safety, health, and welfare. These persons shall be exempt from the proclamation's restrictions only while they are acting within the scope of their official duties, or are acting under the direction of emergency response/recovery force personnel. Those exempt from restrictions may include, but are not limited to, fire fighters, law enforcement personnel, EMS personnel, doctors, nurses, military personnel, communications personnel, public utilities employees, and newspaper, radio, and television employees.

**Sec. 6. Removal of prohibitions and restrictions, and proclamation termination.**

The Mayor shall, by proclamation, terminate the entire declaration of emergency or remove any of the prohibitions and restrictions when the emergency no longer requires them, or when directed to do so by the City Council. A proclamation shall expire five days after the imposition unless renewed.

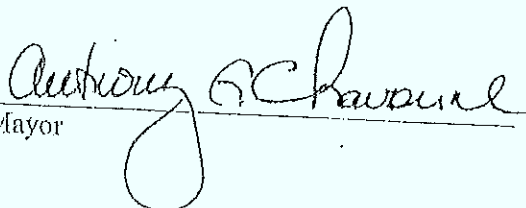
**Sec. 7. Other provisions.**

(A) The provisions of ARTICLE 36A, CHAPTER 14, N.C.G.S.; N.C.G.S. § 166A-8; and CHAPTER 9 OF THE CODE OF ORDINANCES, CITY OF FAYETTEVILLE are incorporated by references as if fully set forth herein.


(B) A copy of this Proclamation shall be posted in the City Hall lobby by the City Clerk/Deputy City Clerk. Reports of the substance of the proclamation shall be sent to the Public Information Officer for dissemination to the mass communications media that serves the affected area.

(C) In case of the absence or disability of the Mayor, the Mayor Pro Tem, or other such person as may be designated by the City Council shall have the authority to exercise all of the powers herein given the Mayor/Mayor Pro Tem.

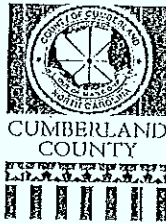
Executed and imposed this 16<sup>th</sup> day of April, 2011.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk/Deputy City Clerk  
city attorney





## COUNTY OF CUMBERLAND

EMERGENCY SERVICES DEPARTMENT

P.O. DRAWER 1829 FAYETTEVILLE, NORTH CAROLINA  
Phone (910) 678-7688 Fax (910) 677-5552

### PROCLAMATION OF A STATE OF EMERGENCY

**Section 1.** Pursuant to Cumberland County Code Chapter 5, Chapter 166A of the General Statutes and Article 36A Chapter 14 of the General Statutes, I have determined that a State of Emergency as defined in Cumberland County Code Chapter 5 exists in the County of Cumberland due to the impending and contemplated impact of tornadoes and severe thunderstorms with expected severe damage across Cumberland County.

**Section 2.** I, therefore, proclaim the existence of a State of Emergency in the County of Cumberland.

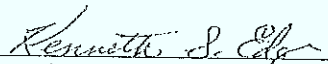
**Section 3.** I, hereby order all county law enforcement officers and employees and all other emergency management personnel subject to my control to cooperate in the enforcement and implementation of the provisions of the county emergency ordinances which are set forth below.

**Section 4.** Execution of Emergency Plan. All civilians and emergency management personnel are ordered to comply with the emergency reaction plans.

**Section 5.** Emergency Shelter Operations. Shelters for victims of the storm will be set up at Seventy First High School on Raeford Road in Fayetteville and Spring Lake Middle School on Spring Avenue in Spring Lake. For further information on shelter operations call 910-321-6732.

**Section 6.** All citizens are advised to follow weather reports and emergency updates sent to local print and broadcast media. Citizens are advised to seek shelter and avoid affected areas while emergency personnel deal with the aftermath of the storms.

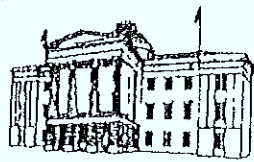
**Section 7.** This proclamation shall become effective immediately. Proclaimed this 16<sup>th</sup> day of April, 2011, at 3:20 p.m.

  
\_\_\_\_\_  
Kenneth S. Edge, Chairman  
Cumberland County Board of Commissioners





# State of North Carolina



BEVERLY EAVES PERDUE  
GOVERNOR

## EXECUTIVE ORDER NO. 87 PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

Pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina:

### Section 1.

I declare that a state of emergency exists in the State due to severe weather impacting the State including tornados, flooding and severe winds.

### Section 2.

I order all state and local government entities and agencies to cooperate in the implementation of the provisions of this proclamation and the provisions of the North Carolina Emergency Operations Plan.

### Section 3.

I delegate to Reuben F. Young, Secretary of Crime Control and Public Safety, or his designee, all power and authority granted to me and required of me by Article 1 of Chapter 166A of the General Statutes for the purpose of implementing the State's Emergency Operations Plan and to take such further action as is necessary to promote and secure the safety and protection of the populace in North Carolina.

### Section 4.

Further, Secretary Young, as chief coordinating officer for the State of North Carolina, shall exercise the powers prescribed in G. S. § 143B-476.

### Section 5.

I further direct Secretary Young to seek assistance from any and all agencies of the United States Government as may be needed to meet the emergency and seek reimbursement for costs incurred by the State in responding to this emergency.

Section 6.

I hereby order this proclamation: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) unless the circumstances of the state of emergency prevent or impede, to be promptly filed with the Secretary of Crime Control and Public Safety, the Secretary of State, and the clerks of superior court in the counties to which it applies; and (c) to be distributed to others as necessary to assure proper implementation of this proclamation.

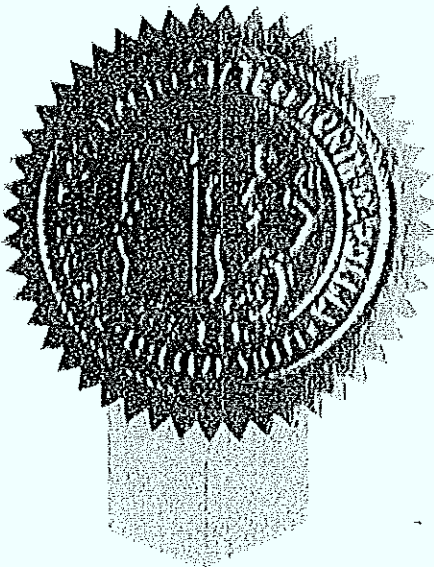
Section 7.

This order is adopted pursuant to my powers under Article 1 of Chapter 166A of the General Statutes and not under my authority under Article 36A of Chapter 14 of the General Statutes. It does not trigger the limitations on weapons in G.S. § 14-288.7 or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages.

Section 8.

This Executive Order is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this sixteenth day of April in the year of our Lord two thousand and eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.



Beverly Eaves Perdue  
Governor

ATTEST:

\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Benjamin Majors, Interim Fire Chief  
**DATE:** May 9, 2011  
**RE:** **A consideration to adopt an ordinance regulating open burning of debris within city limits**

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**THE QUESTION:**

Whether to allow un-permitted open burning of storm debris in the city limits of Fayetteville, or not.

**RELATIONSHIP TO STRATEGIC PLAN:**

To provide a safer environment and a more clean and attractive city. To provide more cost effective service delivery

**BACKGROUND:**

In response to the recent weather event that affected our area, the House has passed HB 268 which will lift burning restrictions until June, making it possible for residents within the City limits to burn storm debris. Under normal circumstances the City of Fayetteville does not allow open burning except under certain specific conditions. The ordinance under consideration would also restrict open burning of debris during future disasters, as long as debris pick up service was available. If approved the ordinance will be forwarded to the State Building Code Council for review and approval.

**ISSUES:**

- The City provides public, curbside trash pick up for debris removal. Open burning will elevate the environmental hazards for those in the immediate vicinity and the potential for serious unwanted fires to neighboring structures and woodlands.
- The potential for increased response to open burning calls could affect the availability of resources for other emergencies.
- Open burning in congested urban, and suburban, areas creates fire hazards and degrades the general quality of life for those recovering and unaffected by the storm.
- Open burning could also impact our air quality standards.

**BUDGET IMPACT:**

Without an ordinance to restrict open burning, the potential for increased responses to open burning calls would require greater fuel consumption and increased wear and tear to equipment. The adoption of an ordinance to prohibit open burning would have no budget impact beyond the expenditure of contracted removal service already in place.

**OPTIONS:**

1. Allow open burning. This would require Fire Department resources to monitor each fire to ensure it was being done safely and not creating an environmental hazard to neighbors. The Fire Department would be obligated to investigate whenever there was a complaint to recommend corrective actions.
2. Adopt an ordinance limiting and restricting open burning. This will aid in the prevention and the spread of fire. The City provides debris removal and the process has worked well to systematically remove natural vegetation from affected areas. This system utilizes available resources to have storm material removed in several weeks with out the added danger of unwanted fires in existing structures or woodlands.

**RECOMMENDED ACTION:**

2. Adopt an ordinance limiting and restricting open burning, thereby aiding in the prevention and spread of the spread of fire.

**ATTACHMENTS:**

Open Burning Ordinance

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 11, FIRE PROTECTION AND PREVENTION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, BY CREATING PROVISIONS TO REGULATE OPEN BURNING WITHIN THE CITY LIMITS OF FAYETTEVILLE, NORTH CAROLINA, AND REQUIRING NOTICE PRIOR TO OPEN BURNING**

WHEREAS, N.C.G.S. § 160A-291 authorizes the City to organize and prescribe the duties of the Fire Department; and

WHEREAS, N.C.G.S. § 160A-185 authorizes the City to regulate, restrict, or prohibit the emission or disposal of substances or effluents that tend to pollute or contaminate land, water, or air; and

WHEREAS, N.C.G.S. § 113-60.24 regulates open burning in non high hazard counties and describes when permits are required; and

WHEREAS, Section 307 of the North Carolina Fire Code prohibits open burning except as permitted; and

WHEREAS, the City provides a public, curbside, yard waste, trash and debris pick-up service for removal of solid waste under City Code Chapter 22; and

WHEREAS, on April 20, 2011, the North Carolina General Assembly passed Session Law 2011-48, House Bill 268, which temporarily allows open burning of storm-related debris until June 1, 2011, notwithstanding any permitting requirements or prohibitions on open burning related to the protection of air quality provided under State law; and

WHEREAS, N.C.G.S. § 143-138(e) authorizes the City to adopt local fire prevention codes which may become effective after being reviewed and approved by the North Carolina Building Code Council; and

WHEREAS, it is beneficial to the City of Fayetteville and its citizens to regulate open burning of yard waste, storm debris, and other trash; and

WHEREAS, it has been determined that the failure to notify the City of Fayetteville Fire Department prior to open burning creates a significant potential for danger to persons and property.

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

Section 1. A new Section 11-11, open burning regulatory authority, is created as follows:

**Sec. 11-11. Open burning regulatory authority.**

(a) *Authority.* The Fire Marshal or the Fire Marshal's designee is hereby authorized to issue open burning restrictions and open burning bans to aid in the prevention of damage to persons and property through open fires and the spreading of fire. Burning restrictions implemented by the Fire Marshal may be more restrictive, but not less, than those set by the North Carolina Department of Natural Resources (NCDNR), and shall be in conformance with and consultation with the NCDNR Division of Forestry and the NCDNR Division of Air Quality. The fire marshal is hereby authorized to consult with NCDNR Division of Forestry staff and NCDNR Division of Air Quality staff and to develop burning restriction criteria based upon the State Divisions' open burning program.

(b) *Open burning prohibited.* Except as herein otherwise provided, and as provided under North Carolina Fire Code Section 307, open burning of trash, storm debris, construction materials, building materials, and any hazardous materials as defined in N.C.G.S. § 130A-310 shall be prohibited within the City limits of the City of Fayetteville unless permitted by the State of North Carolina and as noticed to the Fire Department as required under this chapter.

(c) *Exceptions.* Open burning of the types, and subject to the conditions, as hereinafter stated, shall be exempt from the prohibition of this section:

1. Fires in authorized containers used solely for food preparation or warmth, including charcoal, gas, propane, or electric grills, camp stoves, manufactured hibachis, and wood smokers.

2. Fires under managed supervision for which an open burning permit has been obtained, but limited to the following:
  - a. Burning to dispose of vegetative matter for managing forest, prairie, or wildlife habitat, and in approved agricultural practices.
  - b. Burning to develop and maintain land and rights-of-way where chipping, composting, land spreading, or alternative methods are not practical.
  - c. Burning to dispose of diseased trees generated on site, diseased or infected nursery stock, or diseased beehives.
  - d. Fires purposely set for the instruction and training of public and industrial firefighting personnel.

2. Exemption to conduct fires under this section does not excuse a person from the consequences, damages, or injuries which may result from the burning of the fire, nor does it exempt any person from regulations promulgated by the North Carolina Air Pollution Control Agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

(d) *Duty of enforcement officials.* It shall be the duty of all city attorneys, peace officers, and other officials having authority under City Code Section 1-7 and under the North Carolina General Statutes in enforcement of general criminal laws and City Code violations to take all actions to the extent of their authority, respectively, that may be necessary or proper for the enforcement of the provisions, standards and orders implemented under this ordinance.

(e) *Notice prior to open burning.* No person or persons shall conduct any open burning within the City limits of Fayetteville, North Carolina, without first having notified the Fire Department by telephone of such intention to burn, the location of the intended burn, and the approximate times the burn will begin and end.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
ANTHONY G. CHAVONNE, Mayor

ATTEST:

\_\_\_\_\_  
JENNIFER PENFIELD, Deputy City Clerk



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** May 9, 2011  
**RE:** **Public Hearing on a Proposed Installment Financing Agreement for the Purpose of Financing the Acquisition of the Festival Park Plaza Office Building and Site Acquisition, Construction and Equipping of Fire Station 19**

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**THE QUESTION:**

Does Council wish to approve the financing of the acquisition of the Festival Park Plaza Office Building and also approve the financing for Fire Station # 19 on Andrews Road?

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 3: More Efficient City Government - Cost Effective Service Delivery; Management Agenda - Fire Station 19 Development

Goal 6: Revitalized Downtown - A Community Focal Point; Objective 5: Increase building occupancy with successful businesses

Core Value: Stewardship

**BACKGROUND:**

- At the April 26 meeting, City Council adopted a resolution accepting the financing proposal of Bank of America, N.A. for Fire Station 19 and the Festival Park Plaza Office Building (FPPOB) and set the public hearing for May 9, 2011.
- As a result of subsequent discussions with the Local Government Commission (LGC) staff and the City's financial advisor, staff recommends terminating the swap agreement and including the termination payment in the amount to be financed for the FPPOB.
- The recommendation to terminate the swap was based on the attached financial scenarios which are summarized below:
  - 1) Terminate swap and refinance existing loans with a variable rate loan  
(Estimated principal amount is \$6,104,053 and total estimated debt service is \$7,660,891)
  - 2) Assume swap and refinance existing loans with a variable rate loan  
(Estimated principal amount is \$5,284,053 and total estimated debt service is \$8,257,395)
- Estimated debt service for the FPPOB was based on Bank of America's variable rate structure that was approved by City Council on April 26. For the purpose of developing the scenarios, our financial advisor assumed that the LIBOR rate would be 1% through 2012 and the 10-year average rate afterwards ( 2.4%).
- The financing amount for Fire Station 19 is approximately \$2,700,000.
- Consistent with the updated memo provided to Council before the April 26 meeting and the public hearing notice, the total principal amount for the financing will not exceed \$9,000,000.
- To move forward with the financing, staff requests Council to approve the attached resolution.
- The attached resolution makes certain findings, authorizes and approves the filing of a financing application with the LGC, and requests their approval of the agreement and proposed financing.

**ISSUES:**

None.

**BUDGET IMPACT:**

The recommended FY2012 General Fund budget includes \$941,729 for principal and interest for the installment financing agreement for Festival Park Plaza Office Building and Fire Station 19.

**OPTIONS:**

- Proceed with the financing of the office building and fire station and adopt the attached resolution.
- Do not proceed with the financing, do not adopt the attached resolution, and direct staff to pursue financing for Fire Station 19.

**RECOMMENDED ACTION:**

Adopt the Resolution Making Certain Findings and Determinations Regarding the Financing of Various Capital Projects for the City of Fayetteville, North Carolina Pursuant to an Installment Financing Agreement and Requesting the Local Government Commission to Approve the Financing Arrangement

**ATTACHMENTS:**

Financing Resolution for FPPO Building and Fire Station 19  
Festival Park Plaza Financing Scenarios

The City Council of the City of Fayetteville, North Carolina held a regular meeting in the Council Chambers at City Hall located at 433 Hay Street in Fayetteville, North Carolina, the regular place of meeting, at 7:00 p.m. on May 9, 2011.

Present: Mayor Anthony G. Chavonne, presiding, and Council Members

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Absent: Council Members

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Also Present: \_\_\_\_\_

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\* \* \* \* \*

The Mayor announced that this was the hour and day of the public hearing on a proposed installment financing agreement to be entered into by the City pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended (the "Act"), in a principal amount not to exceed \$9,000,000 for the purpose of providing funds, together with any other available funds, to pay the costs of (a) acquiring the site for and constructing and equipping a new fire station and (b) acquiring the Festival Park Plaza Office Building located at 225 Ray Avenue in Fayetteville (collectively, the "Project"). Such financing would be secured by a deed of trust on the sites of the Project, together with all improvements and fixtures located or to be located thereon.

The Mayor acknowledged due publication of the notice of public hearing in a newspaper with a general circulation in said City as required by Section 160A-20(g) of the Act and directed the City Clerk to attach the affidavit showing publication in said paper on a date at least ten days prior to the date hereof as Exhibit A hereto.

The Mayor then announced that the City Council would immediately hear anyone who might wish to be heard on advisability of the proposed Project or the financing as so described.

A list of any persons making comments and a summary of such comments are attached as Exhibit B hereto.

All statements and comments were duly considered by the Council Members.

Thereupon, \_\_\_\_\_ introduced the following resolution the title of which was read and copies of which had been distributed to each Council Member:

**RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE FINANCING OF VARIOUS CAPITAL PROJECTS FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT**

BE IT RESOLVED by the City Council (the “City Council”) of the City of Fayetteville, North Carolina (the “City”) as follows:

Section 1. The City Council does hereby find and determine as follows:

(a) There exists in the City a need to (a) acquire the site for and construct and equip a new fire station and (b) acquire the Festival Park Plaza Office Building located on 225 Ray Avenue in Fayetteville (collectively, the “Project”).

(b) After due consideration, the City has determined to enter into an installment financing agreement (the “Agreement”) in an aggregate principal amount not to exceed \$9,000,000 to pay, together with any other available funds, the costs of the Project.

(c) The City will enter into the Agreement with Bank of America, N.A. (the “Bank”), pursuant to which Agreement the Bank will advance to the City amounts sufficient to pay the costs of the Project, and the City will repay the advancement in installments, with interest (the “Installment Payments”).

(d) In order to secure its obligations under the Agreement, the City will execute and deliver a deed of trust (the “Deed of Trust”), granting a lien on the sites of the Project, together with all improvements and fixtures located or to be located thereon.

(e) It is in the best interest of the City to enter into the Agreement and the Deed of Trust in that such transaction will result in providing financing for the Project in an efficient and cost effective manner.

(f) Entering into the Agreement is preferable to a general obligation bond and revenue bond issue in that (i) the City does not have the constitutional authority to issue non-voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution because the City has not retired a sufficient amount of debt in the preceding fiscal year to issue a sufficient amount of general obligation bonds for the Project without an election; (ii) the nature of the Project does not allow for the issuance of revenue bonds to finance the Project; (iii) the costs of the Project exceed the amount to be prudently provided from currently available appropriations and unappropriated fund balances; (iv) the circumstances existing require that funds be available to commence the acquisition and construction of the Project as soon as practicable and the time required for holding an election for the issuance of voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution and the Local Government Bond Act will delay the commencement of the acquisition and construction of the Project by several months; and (v) there can be no assurances that the Project will be approved by the voters and the necessity of such Project dictates that the Project be financed by a method that assures that such Project will be acquired and constructed in an expedient manner.

(g) It has been determined by the City Council that the cost of financing the Project through an installment financing agreement is reasonably comparable to the costs of issuing

general obligation bonds or notes or other available methods of financing and is acceptable to the City Council.

(h) Counsel to the City will render an opinion to the effect that the proposed undertaking as described above is authorized by law and is a purpose for which public funds may be expanded pursuant to the Constitution and laws of the State of North Carolina.

(i) The debt management policies of the City have been carried out in strict compliance with law, and the City is not in default under any obligation for repayment of borrowed money.

(j) No tax rate increase is expected to be necessary to pay the Installment Payments due under the Agreement.

Section 2. The City Council hereby authorizes and approves the filing of an application with the Local Government Commission for approval of the Agreement and requests the Local Government Commission to approve of the Agreement and the proposed financing in connection therewith.

Section 3. This resolution shall take effect immediately upon its passage.

Upon motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing resolution was adopted by the following vote:

Ayes: \_\_\_\_\_

\_\_\_\_\_

Noes: \_\_\_\_\_

\_\_\_\_\_

\* \* \* \* \*

I, Jennifer Penfield, Deputy City Clerk of the City of Fayetteville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of said City at a regular meeting held on May 9, 2011, as it relates in any way to the holding of a public hearing and the passage of the foregoing resolution relating to an installment financing agreement by said City and that said proceedings are recorded in the minutes of said City Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and official seal of said City this 9<sup>th</sup> day of May, 2011.

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Deputy City Clerk

[SEAL]

**EXHIBIT A**

[Attach publisher's affidavit evidencing publication of Notice of Public Hearing]



## **EXHIBIT B**

[A list of any persons making comments and a summary of such comments to be attached. If no comments are made, please insert "None".]

**CITY OF FAYETTEVILLE, NORTH CAROLINA**  
**Festival Park Plaza Analysis**  
**April 27, 2011**  
**Annual Savings Analysis**

**Scenario (1) Swap Terminated; Refinance existing loans with variable rate loan**

<b>Fiscal Year End</b>	<b>Principal</b>	<b>Interest</b>	<b>Debt Service</b>
6/30/2012	\$ 379,506	\$ 99,300	\$ 478,806
6/30/2013	\$ 309,704	\$ 169,102	\$ 478,806
6/30/2014	\$ 312,728	\$ 166,078	\$ 478,806
6/30/2015	\$ 322,722	\$ 156,084	\$ 478,806
6/30/2016	\$ 333,036	\$ 145,770	\$ 478,806
6/30/2017	\$ 343,679	\$ 135,127	\$ 478,806
6/30/2018	\$ 354,663	\$ 124,143	\$ 478,806
6/30/2019	\$ 365,997	\$ 112,808	\$ 478,806
6/30/2020	\$ 377,694	\$ 101,112	\$ 478,806
6/30/2021	\$ 389,765	\$ 89,041	\$ 478,806
6/30/2022	\$ 402,221	\$ 76,585	\$ 478,806
6/30/2023	\$ 415,076	\$ 63,730	\$ 478,806
6/30/2024	\$ 428,341	\$ 50,465	\$ 478,806
6/30/2025	\$ 442,030	\$ 36,775	\$ 478,806
6/30/2026	\$ 456,157	\$ 22,649	\$ 478,806
6/30/2027	\$ 470,735	\$ 8,071	\$ 478,806
<b>Total</b>	<b>\$ 6,104,053</b>	<b>\$ 1,556,839</b>	<b>\$ 7,660,891</b>

Loan Payoff as of 6/17/11: \$5,032,869.72  
 Note Payoff as of 6/17/11: \$176,183.11  
 Costs of Issuance: \$75,000  
 Swap Termination (Est): \$820,000  
 LIBOR = 1.00% through 2012, the 10-year average (2.40%) afterwards  
 All-In TIC of 5.24% (including swap termination)

**Scenario (2) Swap assigned to the City; Refinance existing loans with a variable loan**

<b>Principal</b>	<b>Interest</b>	<b>Debt Service</b>	<b>Savings (Cost) vs Scenario 1</b>
\$ 203,818	\$ 312,270	\$ 516,087	\$ (37,281)
\$ 214,619	\$ 301,468	\$ 516,087	\$ (37,281)
\$ 227,970	\$ 288,117	\$ 516,087	\$ (37,281)
\$ 242,151	\$ 273,936	\$ 516,087	\$ (37,281)
\$ 257,214	\$ 258,873	\$ 516,087	\$ (37,281)
\$ 273,215	\$ 242,872	\$ 516,087	\$ (37,281)
\$ 290,210	\$ 225,877	\$ 516,087	\$ (37,282)
\$ 308,263	\$ 207,824	\$ 516,087	\$ (37,281)
\$ 327,439	\$ 188,648	\$ 516,087	\$ (37,281)
\$ 347,808	\$ 168,279	\$ 516,087	\$ (37,281)
\$ 369,444	\$ 146,644	\$ 516,087	\$ (37,281)
\$ 392,425	\$ 123,662	\$ 516,087	\$ (37,281)
\$ 416,836	\$ 99,251	\$ 516,087	\$ (37,281)
\$ 442,766	\$ 73,321	\$ 516,087	\$ (37,281)
\$ 470,309	\$ 45,778	\$ 516,087	\$ (37,281)
\$ 499,565	\$ 16,522	\$ 516,087	\$ (37,282)
<b>\$ 5,284,053</b>	<b>\$ 2,973,342</b>	<b>\$ 8,257,395</b>	<b>\$ (596,503)</b>

Loan Payoff as of 6/17/11: \$5,032,869.72  
 Note Payoff as of 6/17/11: \$176,183.11  
 Costs of Issuance: \$75,000  
 Floating Arm of Swap = LIBOR plus 125bp  
 New Variable Loan: LIBOR plus 0.75% (Net fixed rate of 6.05%)  
 All-In TIC of 6.34%

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Dale E. Iman, City Manager  
**DATE:** May 9, 2011  
**RE:** **Presentation of the Fiscal Year 2011-2012 Recommended Budget**

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**THE QUESTION:**

The City Manager will present an overview of the Fiscal Year 2011-2012 Recommended Budget.

**RELATIONSHIP TO STRATEGIC PLAN:**

Mission Principles: Financially sound city government; Full range of quality municipal services; Services delivered in a cost effective manner.

**BACKGROUND:**

The Fiscal Year 2011-2012 Recommended Budget Document has been distributed to City Council and is also available for the public at the office of the City Clerk and on the city website.

Next steps scheduled for the budget deliberation process include:

- Budget workshops on May 11, 18 and 25, 2011
- Budget public hearing on May 23, 2011
- Adoption of the Fiscal Year 2011-2012 Budget on June 13, 2011

**ISSUES:**

Issues to be discussed and deliberated during scheduled budget workshops.

**BUDGET IMPACT:**

Budget impact to be discussed and deliberated during scheduled workshops.

**OPTIONS:**

N/A

**RECOMMENDED ACTION:**

No action required at this time.