



FAYETTEVILLE CITY COUNCIL
AGENDA
JUNE 27, 2011
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 Chief Benjamin Nichols, Fayetteville Fire Department

6.0 CONSENT

6.1 Adopt a Resolution Setting a Public Hearing to Consider the Paving Without Petition of Certain Soil Streets

6.2 Addition of Streets to the City of Fayetteville's System of Streets

6.3 Adoption of a Fund Balance Policy (Resubmitted with Attachment)

6.4 Budget Ordinance Amendment 2011-17 (General Fund and Emergency Telephone System Fund)

6.5 Capital Project Ordinance Amendment 2011-22 (Series 2005 Bond Issue for Various Infrastructure Improvements, Land Acquisition and FSU Fire Station)

6.6 Special Revenue Fund Project Ordinance 2011-13 (2011 Badges for Baseball Program)

6.7 Special Revenue Fund Project Ordinances 2012-1 and 2012-2 (FY2011-2012 HOME and CDBG Program Budgets)

7.0 PUBLIC HEARINGS

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

7.1 Case P11-08F. The remapping of Zoning Districts within the City of Fayetteville to the closest matching or appropriate districts within the new Unified Development Ordinance (UDO) (hearing cycle 2). This cycle of hearings affects the remaining 390 properties.

Presenter(s): Craig Harmon, Planner II

7.2 Consideration of an ordinance amending the Unified Development Ordinance to address errors or clarifications of a number of areas including provisions related to internet sweepstakes uses.

Presenter(s): Karen S. Hilton, AICP, Manager, Planning and Zoning Division

7.3 Donation request from Fayetteville Area Operation Inasmuch for a City-owned lot at 538 Frink Street for transitional housing for the homeless.

Presenter(s): Victor Sharpe, Community Development Director

8.0 OTHER ITEMS OF BUSINESS

8.1 Uninhabitable Structure Demolition Recommendation

Presenter(s): Bart Swanson, Housing and Code Enforcement Division Manager

8.2 Ordinance Amending Chapter 1, General Provisions, and Chapter 22, Solid Waste, related to notice and appeal of code violations.

Presenter(s): Bart Swanson, Housing and Code Enforcement Division Manager

8.3 Contract for Economic Development Services with the Fayetteville Cumberland County Chamber of Commerce

Presenter(s): Kristoff T. Bauer, Assistant City Manager

8.4 Request by Fayetteville Metropolitan Housing Authority to transfer City-owned land to them for the construction of a childcare facility located on Fisher Street adjacent to Walker-Spivey School.

Presenter(s): Victor Sharpe, Community Development Director

8.5 Consider Resolution Making Certain Findings and Determinations, Authorizing the Filing of an Application with the Local Government Commission, Requesting the Local Government Commission to Sell Bonds at Private Sale and Authorizing and Approving the Selection of the Financing Team in Connection with the Issuance and Sale of Revenue Bonds of the City (Storm Water Projects)

Presenter(s): Lisa Smith, Chief Financial Officer

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly Statement of Taxes for May 2011
For Information Only

9.2 Revenue and Expenditure Report for Annually Budgeted Funds for the
Nine-Month Period Ended March 31, 2011

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
JUNE 27, 2011 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
JUNE 29, 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, (910) 433-1696, or the office of the 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: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: June 27, 2011
RE: **Adopt a Resolution Setting a Public Hearing to Consider the Paving Without Petition of Certain Soil Streets**

THE QUESTION:

Whether Council wants to set a public hearing for July 25th to consider the paving without petition of Wilma Street from Roosevelt Street to cul-de-sac and Grace Avenue from Old Wilmington Road to dead end.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods, A Great Place to Live

BACKGROUND:

- In 2007 Council established a program to pave remaining soil streets over a three year period.
- Wilma Street was previously approved by Council for paving on July 27, 2009, however the street is being extended from the original design which now impacts an additional property.
- Council previously delayed taking action on Grace Avenue due to the Hope VI project. Habitat for Humanity has contacted the City and requested that this street be paved.
- Both of these streets are proposed to be paved including concrete curb & gutter at an assessment rate of \$25/LF.

ISSUES:

Chapter 160A, Article 10 of the North Carolina General Statutes outlines the procedure for special assessments for street paving.

BUDGET IMPACT:

The paving of Wilma Street is included within the budget since it was previously approved by Council, however additional funds will have to be allocated for the paving of Grace Avenue.

OPTIONS:

- Adopt the attached resolution setting a public hearing for June 25, 2011 for requiring the paving without petition of certain soil streets.
- Do not set a public hearing or approve the resolution.

RECOMMENDED ACTION:

Adopt the attached resolution setting a public hearing for June 25, 2011 for requiring the paving without petition of certain soil streets.

ATTACHMENTS:

Resolution Setting Public Hearing

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

**NOTICE OF MEETING OF
CITY COUNCIL**

Notice is hereby given of a meeting of the City Council at the time and place and for the purpose stated in the following resolution and order:

**PRELIMINARY RESOLUTION
REQUIRING THE PAVING WITHOUT PETITION OF**

Grace Avenue from Old Wilmington Road 351 feet to a dead end; Wilma Street from Roosevelt Street 1128 feet to a cul-de-sac.

After careful study and consideration of the matter and all pertinent facts and circumstances, including engineering and planning studies and advice, and the exercise of its best legislative judgment, the City Council of Fayetteville, North Carolina finds as fact that:

The public interest, safety, convenience and general welfare requires the paving and other below described improvements of: Grace Avenue from Old Wilmington Road 351 feet to a dead end; Wilma Street from Roosevelt Street 1128 feet to a cul-de-sac.

AND

1. The property abutting on said streets to be so paved and improved will be benefited by such pavement and improvement to the extent of the part of the cost thereof to be assessed, as stated below, against such abutting properties.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DOES ORDER THAT:

1. Grace Avenue From Old Wilmington Road 351 feet to a dead end; Wilma Street from Roosevelt Street 1128 feet to a cul-de-sac and the cost of such improvements (exclusive of so much of said cost as is incurred at street intersections) to be specially assessed in an amount not to exceed ***TWENTY-FIVE DOLLARS*** (\$25.00) thereof upon the lots and parcels of land abutting upon said improved street portions according to the extent of the respective frontage thereon by an equal rate per foot of such frontage, to be paid after completion of such work and within thirty (30) days after notice of assessment, in cash with no interest, or in ten (10) equal annual installments, bearing annual interest at a rate not to exceed eight percent (8%), payable annually.
2. Pursuant to the policy of the City Council adopted on December 7, 1992, the annual interest rate on the unpaid installments may be adjusted at the discretion of City Council at the time of the confirmation of the assessment

roll, to a rate equal to the rate on the ten-year Treasury Note, not to exceed the maximum allowed by law.

3. A meeting of the City Council of Fayetteville will be held on the 25th day of July, 2011, at the Fayetteville City Hall, at 7:00 p.m., on the proposed improvements, when all objections to the legality of making the proposed improvements shall be made in writing, signed in person or by attorney, and filed with the Clerk of said City at or before such time, and that any such objections not so made will be waived.
4. Individuals desiring to speak at this public hearing shall sign up with the City Clerk, by name and home address (in writing or in person) before 5:00 p.m. on or before the scheduled public hearing date, at 433 Hay Street, 2nd floor, or between 6:30 and 7:00 p.m. on the public hearing date at City Hall Council Chamber.
5. This **RESOLUTION** shall be published once in the Fayetteville Observer, a newspaper published in the City of Fayetteville, ten (10) days before the time fixed for said meeting.

ADOPTED this the 27th day of June 2011 by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

By: _____
Anthony G. Chavonne, Mayor

ATTEST:

Jennifer Penfield, Deputy City Clerk

PUBLISH: July 7, 2011

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: June 27, 2011
RE: **Addition of Streets to the City of Fayetteville's System of Streets**

THE QUESTION:

Council is being asked to accept the dedication of the attached list of streets for maintenance and addition to the City of Fayetteville system of streets.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods, A Great Place to Live

BACKGROUND:

- Staff has identified several subdivision streets throughout the City that are now acceptable for addition to the City of Fayetteville system of streets.
- These streets are subdivision streets that have been constructed over the last year.

ISSUES:

These streets need to be officially accepted and added to City of Fayetteville system of streets for us to begin providing maintenance services on them and for them to be included in our 2012 Powell Bill appropriation.

BUDGET IMPACT:

None.

OPTIONS:

- Approve the attached list for inclusion in the City of Fayetteville system of streets.
- Modify the list, then approve.
- Do not accept these streets for maintenance.

RECOMMENDED ACTION:

Approve the attached list of subdivision streets for inclusion in the City's system of streets.

ATTACHMENTS:

List of Streets

2/4/11

**NEW STREETS FOR
COUNCIL APPROVAL
JUNE 2011**

STREET NAME	FROM	TO	LENGTH TO BE ACCEPTED
Beaubien Dr	NW Corner lot 14	Altgero Ave	0.04
Oblu Ct	Altgero Ave	Cul-De-Sac	0.03
Schick Pl	Altgero Ave	Cul-De-Sac	0.06
Limwert Ln	Altgero Ave	Cul-De-Sac	0.10
Altgero Ave	SE Corner lot 102	SE Corner lot 15	0.21
Ellie Ave	NE Corner lot 62	SE Corner lot 308	0.13
Crown Ridge	Ellie Ave	Cul-De-Sac	0.19
Ingate St	Crown Ridge	Daybrook Ct	0.06
Daybrook Ct	Ellie Ave	Cul-De-Sac	0.19
TOTALS			1.01

9 STREETS TOTAL

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: June 27, 2011
RE: **Adoption of a Fund Balance Policy (Resubmitted with Attachment)**

THE QUESTION:

Does Council wish to establish a formal fund balance policy consistent with the requirements of Governmental Accounting Standards Board Statement #54 and the City's long standing practices?

This action memorandum was originally included and approved by Council on the June 13 agenda; however, due to a technical system error, the website link did not include the attached policy. The City Attorney recommended that the item be resubmitted on the June 27 agenda for approval.

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

- The Governmental Accounting Standards Board (GASB) adopted Statement #54 to enhance the usefulness of fund balance information by providing clearer fund balance classifications as well as clarify governmental fund type definitions.
- The statement establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints on the use of the resources reported in governmental funds.
- The hierarchy of resources and fund balance are: nonspendable, restricted, committed, assigned and unassigned. The attached recommended policy outlines the definition for each category.
- The policy will provide formal guidance to staff to determine whether restricted, committed, assigned, and unassigned amounts are considered to have been spent.
- The attached policy is consistent with the City's current practices and includes the following key points:
 1. The City's practice of maintaining an undesignated fund balance of 10% in the General Fund would now be formalized in the Council policy and identified under the new description as unassigned fund balance of 10%. The proposed policy also states that the City would develop a plan to restore the minimum fund balance within two years if it fell below the minimum amount.
 2. The City Manager has historically designated funds at the end of the fiscal year, as reflected in the annual audit report and referenced in the City's annual budget ordinance. The designations have included items such as unspent council travel budgets consistent with council policy, funds set aside for the capital improvement plan and funds set aside for the infrastructure revolving loan fund as directed by Council. The proposed policy would authorize the City to continue this administrative practice.
 3. The proposed policy also formalizes the City's long standing practice of spending restricted funds before using unrestricted funds unless legal or grant requirements disallow it. A good example of this guideline is using grant funds first before the City's general funds are used for a project, if permissible. The policy also allows the Chief Financial Officer to deviate from this policy, if it is in the best interest of the City.

The recommended policy was discussed at the June 6 Council work session.

ISSUES:

None

BUDGET IMPACT:

Not applicable.

OPTIONS:

1. Adopt the fund balance policy as recommended.
2. Adopt an amended policy consistent with Council's interest.

RECOMMENDED ACTION:

Staff recommends adoption of the attached fund balance policy.

ATTACHMENTS:

Proposed Fund Balance Policy

SUBJECT – CITY COUNCIL Fund Balance Policy	Number 115.13	Revised	Proposed Effective Date 6-27-2011	Page 1 of 3
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The Fund Balance Policy is intended to provide guidelines during the preparation and execution of the annual budget to ensure that sufficient reserves are maintained for unanticipated expenditures or revenue shortfalls. It also is intended to preserve flexibility throughout the fiscal year to make adjustments in funding for programs approved in connection with the annual budget. The Fund Balance Policy should be established based upon a long-term perspective recognizing that stated thresholds are considered minimum balances. The main objective of establishing and maintaining a Fund Balance Policy is for the City to be in a strong fiscal position that will allow for better position to withstand negative economic trends.

The Fund Balance consists of five categories: Nonspendable, Restricted, Committed, Assigned, and Unassigned.

- **Nonspendable Fund Balance** consists of funds that cannot be spent due to their form (e.g. inventories and prepaid amounts) or funds that legally or contractually must be maintained intact.
- **Restricted Fund Balance** consists of funds that are mandated for a specific purpose by external parties, constitutional provisions or enabling legislation.
- **Committed Fund Balance** consists of funds that are set aside for a specific purpose by the City’s highest level of decision making authority (City Council). Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations placed on the funds.
- **Assigned Fund Balance** consists of funds that are set aside with the intent to be used for a specific purpose by the City’s highest level of decision making authority or a body or official that has been given the authority to assign funds. Assigned funds cannot cause a deficit in unassigned fund balance.
- **Unassigned Fund Balance** consists of excess funds that have not been classified in the previous four categories. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls.

SUBJECT – CITY COUNCIL Fund Balance Policy	Number 115.13	Revised	Proposed Effective Date 6-27-2011	Page 2 of 3
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Classifying Fund Balance Amounts

When both restricted and unrestricted funds are available for expenditure, restricted funds should be spent first unless legal or grant requirements disallow it. When committed, assigned and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds second, and unassigned funds last; unless the City Council has provided otherwise in its commitment or assignment actions. The Chief Financial Officer has the authority to deviate from this policy if it is in the best interest of the City.

Authority to Commit Funds

The City Council has the authority to set aside funds for a specific purpose. Any funds set aside as Committed Fund Balance requires the passage of a resolution by a simple majority vote. The passage of a resolution must take place prior to June 30th of the applicable fiscal year. If the actual amount of the commitment is not available by June 30th, the resolution must state the process or formula necessary to calculate the actual amount as soon as information is available.

Authority to Assign Funds

Amounts that are constrained by the City’s intent to be used for specific purposes and capital projects, but are neither restricted nor committed, should be reported as assigned fund balance. This policy hereby delegates the authority to assign amounts to be used for specific purposes and capital projects to the City Manager or their designee for the purpose of reporting these amounts in the annual financial statements.

Unassigned Fund Balance

Unassigned Fund Balance is the residual amount of Fund Balance in the General Fund. It represents the resources available for future spending. An appropriate level of Unassigned Fund Balance should be maintained in the General Fund in order to cover unexpected expenditures and revenue shortfalls.

SUBJECT – CITY COUNCIL Fund Balance Policy	Number 115.13	Revised	Proposed Effective Date 6-27-2011	Page 3 of 3
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Unassigned Fund Balance may be accessed in the event of unexpected expenditures up to the minimum established level upon approval of a budget amendment by the City Council. In the event of projected revenue shortfalls, it is the responsibility of the City Manager to report the projections to the City Council on a quarterly basis and shall be recorded in the minutes.

Any budget amendment that will result in the Unassigned Fund Balance dropping below the minimum level will require a simple majority vote of the City Council.

The Fund Balance Policy establishes a minimum General Fund Unassigned Fund Balance of at least 10% of the succeeding year’s General Fund expenditure budget, excluding the budgets for the County Recreation Program and JP Riddle Stadium. In the event that the balance drops below the established minimum level, the City Council will develop a plan to replenish the fund balance to the established minimum level within two years.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa T. Smith, Chief Financial Officer
DATE: June 27, 2011
RE: **Budget Ordinance Amendment 2011-17 (General Fund and Emergency Telephone System Fund)**

THE QUESTION:

Council is asked to approve this budget ordinance amendment to appropriate \$370,000 from General Fund fund balance to provide additional funding for debris clean-up expenditures related to the April 16, 2011 tornadoes. It is anticipated that the majority of the total debris removal expenditures will ultimately be eligible for reimbursement from the Federal and State governments. In addition, this budget ordinance amendment will appropriate a \$972 transfer from the General Fund to the Emergency Telephone System Fund for fund expenditures that were not eligible for use of State E-911 funds.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle: Financially Sound City Government

Vision Principle A: A Great Place to Live - Means a clean and safe community

BACKGROUND:

Estimates for the cost of debris clean-up activities, including contracted collection and disposal, required monitoring of the collection process and restoration of the collection site have increased by \$370,000. As of May 23, 2011, \$2,454,755 has been appropriated to the Environmental Services department budget for the costs associated with debris removal.

An expenditure made from the Emergency Telephone System Fund was determined to be ineligible for use of state funds. The \$972 transfer from the General Fund will fund the ineligible expenditure in the Emergency Telephone System Fund.

ISSUES:

None

BUDGET IMPACT:

As outlined above.

OPTIONS:

- Adopt the budget ordinance amendment.
- Do not adopt the budget ordinance amendment.

RECOMMENDED ACTION:

Staff recommends that Council adopt the budget ordinance amendment as presented.

ATTACHMENTS:

Budget Ordinance Amendment 2011-17

2010-2011 BUDGET ORDINANCE AMENDMENT
CHANGE 2011-17

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

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

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

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Fund Balance Appropriation	\$ 9,381,158	\$ 370,000	\$ 9,751,158
All Other General Fund Revenues and OFS	133,975,639	-	133,975,639
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 143,356,797</u>	<u>\$ 370,000</u>	<u>\$ 143,726,797</u>

Schedule E: Emergency Telephone System Fund

Interfund Transfer	\$ -	\$ 972	\$ 972
Fund Balance Appropriation	342,894	(972)	341,922
All Other Emergency Telephone System Fund Revenues and OFS	1,070,806	-	1,070,806
Total Estimated Emergency Telephone System Fund Revenues and Other Financing Sources	<u>\$ 1,413,700</u>	<u>\$ -</u>	<u>\$ 1,413,700</u>

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

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Environmental Services	\$ 11,120,034	\$ 370,000	\$ 11,490,034
All Other General Fund Departments	132,236,763	-	132,236,763
Total Estimated General Fund Expenditures	<u>\$ 143,356,797</u>	<u>\$ 370,000</u>	<u>\$ 143,726,797</u>

Schedule E: Emergency Telephone System Fund

Total Estimated Emergency Telephone System Fund Expenditures	<u>\$ 1,413,700</u>	<u>\$ -</u>	<u>\$ 1,413,700</u>
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Adopted this 27th day of June, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: June 27, 2011
RE: **Capital Project Ordinance Amendment 2011-22 (Series 2005 Bond Issue for Various Infrastructure Improvements, Land Acquisition and FSU Fire Station)**

THE QUESTION:

This capital project ordinance amendment will appropriate an additional \$17,000 to the project for project related expenditures that are beyond the authorized scope for use of the bond proceeds.

RELATIONSHIP TO STRATEGIC PLAN:

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

Objective 3: Investing in the City's future infrastructure, facilities and equipment

BACKGROUND:

- This amendment will appropriate a \$17,000 transfer from the General Fund to cover project related expenditures that are not eligible for reimbursement from bond proceeds.
- Since the bond projects have essentially been completed, the bond proceeds that remain in the fund will be used to make principal payments on the outstanding bond issue. As the principal payments would have been paid from the General Fund, there will not be an impact on General Fund resources.
- These actions will allow this bond fund to be closed out after the fiscal year 2010-2011 audit process is completed.

ISSUES:

None.

BUDGET IMPACT:

As discussed above.

OPTIONS:

1. Adopt the capital project ordinance amendment.
2. Do not adopt the capital project ordinance amendment.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Amendment 2011-22 as presented.

ATTACHMENTS:

Capital Project Ordinance Amendment 2011-22

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2011-22 (CPO 2005-2)

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

Section 1. The project change authorized is to Capital Project Ordinance 2005-2, adopted September 27, 2004, as amended, for the funding of Street and Sidewalk Improvements, Drainage Improvements, Park Land Acquisition, the Fayetteville State University Fire Station and Training Facility Project, and associated bond principal payments.

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

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

	Listed As	Amendment	Revised
Bond Proceeds	\$ 8,450,000	\$ -	\$ 8,450,000
General Fund Transfer	341,000	17,000	358,000
Investment Income	453,801	-	453,801
Total Revenues	<u>\$ 9,244,801</u>	<u>\$ 17,000</u>	<u>\$ 9,261,801</u>

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

Bond Administration	\$ 54,476	-	\$ 54,476
Street and Sidewalk Improvements	3,784,436	17,000	3,801,436
Drainage Improvements	645,027	-	645,027
Park Land Acquisition	1,030,253	-	1,030,253
FSU Fire Station	3,730,609	-	3,730,609
Total Expenditures	<u>\$ 9,244,801</u>	<u>\$ 17,000</u>	<u>\$ 9,261,801</u>

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

Adopted this 27th day of June, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members City of Council
FROM: Lisa Smith, Chief Financial Officer
DATE: June 27, 2011
RE: **Special Revenue Fund Project Ordinance 2011-13 (2011 Badges for Baseball Program)**

THE QUESTION:

The ordinance appropriates \$23,331 for the 2011 Badges for Baseball Program.

RELATIONSHIP TO STRATEGIC PLAN:

Principle A: Great Place to Live - 1. A clean and safe community.

Principle C: Leisure Opportunities For All - 2. Leisure facilities, programs and services for all family generations.

BACKGROUND:

- This program is a multi-faceted crime prevention and mentoring program that conveys the tenets of "The Ripken Way" to young people through a variety of programs including Healthy Choices, Healthy Children and baseball/softball themed activities.
- The current funding sources consist of a \$20,000 cash award and \$3,331 of in-kind donations from the Federal Office of Juvenile Justice and Delinquency Prevention and the State of North Carolina Department of Justice passing through the Cal Ripken, Sr. Foundation.
- The attached ordinance will formally establish the budget for this program.

ISSUES:

None

BUDGET IMPACT:

No local match required.

OPTIONS:

- 1) Adopt Special Revenue Fund Project Ordinance 2011-13.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2011-13.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2011-13.

ATTACHMENTS:

SRO 2011-13 (2011 Badges for Baseball)

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2011-13

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 adopted:

Section 1. The project authorized is for the funding of the 2011 Badges for Baseball Program awarded by the Cal Ripken, Sr. Foundation.

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

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

Federal Office of Juvenile Justice and Delinquency Prevention and State of North Carolina Department of Justice pass through Cal Ripken, Sr. Foundation in-kind award	\$ 3,331
pass through Cal Ripken, Sr. Foundation cash award	<u>\$ 20,000</u>
	<u><u>\$ 23,331</u></u>

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

Project Expenditures	<u><u>\$ 23,331</u></u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 27th day of June, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members City of Council
FROM: Lisa Smith, Chief Financial Officer
DATE: June 27, 2011
RE: **Special Revenue Fund Project Ordinances 2012-1 and 2012-2 (FY2011-2012 HOME and CDBG Program Budgets)**

THE QUESTION:

The ordinances appropriate \$1,284,730 for the FY2011-2012 HOME Investment Partnership Program and \$1,750,271 for the FY2011-2012 Community Development Block Grant Program.

RELATIONSHIP TO STRATEGIC PLAN:

Principle A: Great Place to Live - Means Quality Affordable Housing

BACKGROUND:

- Provides FY2011-2012 funding for the HOME Investment Partnership Program and the Community Development Block Grant Program.
- The U.S. Department of Housing and Urban Development is expected to provide federal grants of \$815,954 for the HOME program and \$1,398,075 for the CDBG program.
- The City of Fayetteville will provide a local match of \$163,199 for the HOME program. A local match is not required for the CDBG program.
- HOME and CDBG program income of \$305,577 and \$352,196, respectively, will also be appropriated in combination with the grants and local match.
- All projects, activities and funding sources were included in the FY2011-2012 Annual Action Plan, which was approved by City Council on April 26, 2011. However, federal HOME and CDBG funds were \$40 less and \$29 more, respectively, than projected in the action plan. The program expenditure budgets outlined in the action plan have been adjusted to reflect these minor changes.

ISSUES:

None

BUDGET IMPACT:

See background section above for budget impact.

OPTIONS:

- 1) Adopt the ordinances for the projects to continue.
- 2) Do not adopt the ordinances.

RECOMMENDED ACTION:

Adopt the project ordinances.

ATTACHMENTS:

SRO 2012-1
SRO 2012-2

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2012-1

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby adopted effective July 1, 2011:

Section 1. The project authorized is for the funding of the FY2011-2012 appropriation for the HOME Investment Partnership Program awarded by the U.S. Department of Housing and Urban Development.

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

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

HUD-HOME Investment Partnership Program	\$ 815,954
Local Match-General Fund	163,199
Program Income	305,577
	<u>\$ 1,284,730</u>

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

Project Expenditures	<u>\$ 1,284,730</u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 27th day of June, 2011.

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2012-2

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby adopted effective July 1, 2011:

Section 1. The project authorized is for the funding of the FY2011-2012 appropriation for various Community Development Block Grant Programs awarded by the U.S. Department of Housing and Urban Development.

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

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

CDBG - HUD	\$ 1,398,075
Program Income	352,196
	<u>\$ 1,750,271</u>

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

Project Expenditures	<u>\$ 1,750,271</u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 27th day of June, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: June 27, 2011
RE: **Case P11-08F. The remapping of Zoning Districts within the City of Fayetteville to the closest matching or appropriate districts within the new Unified Development Ordinance (UDO) (hearing cycle 2). This cycle of hearings affects the remaining 390 properties.**

THE QUESTION:

Does the proposed systematic translation to new UDO Zoning Districts provide the closest reasonable match to the current Zoning Districts being replaced?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: All owners of properties that were moved to the June hearing cycle for the UDO remapping.

Applicant: City of Fayetteville

Requested Action: The remapping of properties remaining from the May public hearings

Property Address: Remaining 390 properties

2010 Land Use Plan: Applicable when more than 1 reasonable matching district is available...this is a 1 to 1 remapping project

Postcards, letters and advertising:

Postcards: 57,296 postcards were mailed the week of March 20th to the owners of each property within the City Limits of Fayetteville. These advertised three (3) community meetings and the four public hearings (two each for Zoning Commission and City Council).

Letters: 4,921 letters regarding the public hearings were mailed April 29th to property owners living outside of the general circulation area for the Fayetteville Observer newspaper.

Advertisement: One half page advertisement ran twice in the Fayetteville Observer, on June 3rd and on June 9th.

Purpose:

With adoption of the new Unified Development Ordinance (UDO), the existing zoning for all property in the City must be changed to an appropriate new zoning district. The UDO regulations, which replace Chapters 25-Subdivisions and 30-Zoning in the City Code, govern the use and development of land in the City of Fayetteville. The June cycle of public hearings will consider all properties remaining after the May public hearings.

Community Meetings:

On March 29th, 31st and April 5th over 126 citizens participated in a series of community meetings at both the Kiwanis Community Center and Fayetteville City Hall. At these meetings, staff members were available for each quadrant to discuss large maps of both the existing and proposed zoning districts. For citizens that had additional questions or were unhappy with the translation of their zoning district, information sheets were available to be filled out and to request a follow up phone call or individual meeting with staff.

Individual Meetings and Resulting Zoning Map:

The City's community meetings, radio spots, and advertising generated over 100 calls, emails and individual meetings. Following these conversations, staff prepared the proposed zoning map for consideration at the May public hearings. Since the May public hearings, staff has met with approximately 15 additional property owners in an attempt to settle translation disputes. The attached chart lists these properties plus requests for June consideration after the map was

prepared and prior to City Council action in May on cycle 1 properties.

Remapping/Translation Process:

As a result of all of the public input that the City has received, 3 main issues or concerns have emerged.

1. **Commercial Translation** - The translation of the C1P commercial district. This district poses many problems in remapping because in the past it has been used for everything from Cross Creek Mall to small neighborhood gas stations. The reason for this is that while C1 and C1P allow virtually the same uses, the C1P has been looked at as providing more protection to surrounding development because of increased setbacks and the requirement of site plan approval through the Technical Review Committee (TRC). The new zoning scheme has uniform site plan review requirements (everything over 2,500 square feet), distinct use provisions, and development standards that are generally more protective of adjacent development. This has meant that the C1P district has been the most difficult for staff to translate and remap; that is, providing the appropriate zoning (NC, LC, or CC) that will allow commercial development that is not likely to conflict with adjacent uses. This is particularly difficult when dealing with raw land.

2. **Rezoning/Changes of Use** - The second issue is that of voluntary down zoning or requests for rezonings that reflect a change of use; from residential to commercial or single family to multifamily for example. The biggest request of this kind is to take properties from their current zone down to a Conservation District (CD). While on the surface this may seem like a very simple issue, one must keep in mind that whether the zoning goes up or down it is still a rezoning and should not be part of this remapping process. If we allow rezonings of any type then we open ourselves up to having to allow rezoning of all types in this process. While staff has gone to great lengths to involve the public, what has not been done is individual rezoning notices of the risk of a change of use to surrounding properties owners in these areas where up or down rezoning is being requested. While many of these requests are logical and would help clean up the City's zoning districts, this project has been advertised as a translation/remapping process and thus we do not have the latitude to get into rezoning or changing the use of property.

3. **Multifamily Development** - The last issue relates to the translation of the existing R6 residential districts to SF-6 districts under the UDO. The current R6 district allows multi-family development by right. Under the new SF-6 district multi-family is only allowed through a Special Use Permit (SUP) process. The increased protection of single family neighborhoods through closer scrutiny of proposed multifamily projects was a key objective of the UDO development process. In order to avoid nonconforming properties in the future staff is recommending that current R6 properties on major thoroughfares that are already developed as multi-family be translated to MR-5 (Mixed Residential). This leaves all undeveloped R6 property in the City as single family until the owner receives a SUP or rezones the property. A map of all R6 districts is attached to show the extent of R6 zoned property.

ISSUES:

After starting with approximately 75,000 parcels we are now left with just 390 left to remap. During our two public hearings in May the Zoning Commission and City Council voted to move these parcels to be heard in June.

Guidelines used in remapping:

- A. 1:1 match wherever possible
- B. Avoid creating a non-conforming use if other standards are met (viable alternative district, result is not a 'reverse' spot zone, adequate & appropriate access, consistent with surrounding development...)
- C. Consider surrounding uses and development patterns, lot sizes, access, area plans, the 2010 Land Use Plan, objectives of the 2030 Growth Vision Plan and similar factors when there are choices.
- D. Conservative recommendation if there are choices
- E. **NOT an opportunity**
 - to fix existing non-conforming uses,
 - to proactively implement a plan, or
 - to rezone in the normal sense.

All advertising and public information has emphasized that the new zoning map is not an

opportunity to make existing non-conforming uses conforming, to change the use of a property like a standard rezoning, or to correct what may appear to be an improper or undesirable zoning.

Staff has separated the 390 parcels in question into four (4) different categories (example maps of each category are attached as part of this agenda packet).

2A. Uncontested: Districts that are still a straight translation. (example R10 to SF-10) These were pulled at the May public hearings to give the owners more time to see how the UDO would affect their property. These translations appear to be uncontested. (147 Parcels)

2B. Preventing New Nonconformity: Districts where a straight translation would create a nonconformity but where a viable alternative district meeting the standards discussed above was available. These instances mainly involved multifamily development in lower density zoning districts or commercial development in industrial districts. (example, current R10 or R6 multifamily developments located on a major thoroughfare). These translations also appear to be uncontested. (155 Parcels)

2C. Density/Intensity Choices: Areas where a straight translation was not available or there were multiple choices that could fit and staff had to make a judgment call based on criteria set at the start of the remapping process. (example, C1 and C1P commercial districts which, depending on current use, location, lot size, the 2010 Plan or other criteria, could be translated to any of three new districts: NC - Neighborhood Commercial, LC - Limited Commercial or CC - Community Commercial). (40 Parcels)

2D. Rezoning Requests: Requests by property owners that are clearly not translation issues but instead are traditional rezoning requests (example: a residential district requested to go to a commercial district). Some of these are existing non-conforming situations. These requests should come back to the Council at a later date as a rezoning request in order to provide the appropriate notification to adjacent property owners and allow full analysis by staff. These requests are not recommended by staff. (48 Parcels)

Zoning Commission:

The Zoning Commission held a public hearing June 14, 2011 to discuss this case. There were 19 speakers who signed up for the public hearing, of which only 6 spoke. The rest waived their right to speak or yielded their time to another speaker. The speakers' concerns centered on 26 properties, many of which were adjacent to each other. These properties are highlighted on the attached spreadsheet and maps depicting areas where these properties are located. The starting number corresponds with the associated number on the spreadsheet and maps.

32 - Kingdom Impact Global Ministries property on Murchison Road. This request involves 3 properties with 3 different zoning districts C1P/R6/R10. Staff recommendation is for a straight translation to LC/SF-6/SF-10. The speaker asked that all 3 properties be rezoned to LC. This request would be a traditional rezoning and would not fit with the parameters of the remapping process.

99 & 111 - Joe Riddle property behind Walmart on Ramsey Street. This request involves 2 properties currently zoned R6 and R10. Staff recommendation is for a straight translation to SF-6 and SF-10. The speaker asked that both properties be rezoned to MR-5 because they are adjacent to R5A county property that allows multi-family. This request would be a traditional rezoning and would not fit with the parameters of the remapping process. Multi-family development is allowed in the SF-6 district with a SUP.

106-108 - Joe Riddle property on Alleghany Road. This request involves 3 properties currently zoned R10. Staff recommendation is for a straight translation to SF-10. The speaker asked that all 3 properties be rezoned to CD because they are wetlands and floodplain. This request would be a traditional rezoning and would not fit with the parameters of the remapping process.

123 - March Riddle property on Lakeridge Drive. This request involves one property currently zoned R10. Staff recommendation is for a straight translation to SF-10. The speaker asked that this property be rezoned to CD because they are wetlands and floodplain. This request would be a traditional rezoning and would not fit with the parameters of the remapping process.

124 - March Riddle property near Cimarron Drive. This request involves one property currently zoned R10. Staff recommendation is for a straight translation to SF-10. The speaker asked

that this property be rezoned to CD because they are wetlands and floodplain. This request would be a traditional rezoning and would not fit with the parameters of the remapping process.

127 - March Riddle property on All American. This request involves one property currently zoned R10. Staff recommendation is for a straight translation to SF-10. The speaker asked that this property be rezoned to O&I because it is adjacent to All American Freeway. This request would be a traditional rezoning and would not fit with the parameters of the remapping process.

128 - March Riddle property near Portsmouth Drive. This request involves one property currently zoned R10. Staff recommendation is for a straight translation to SF-10. The speaker asked that this property be rezoned to MR-5 because it is adjacent to multi-family and it has limited access points. This request would be a traditional rezoning and would not fit with the parameters of the remapping process.

131 - March Riddle property on Dundle Road. This request involves one property currently zoned R6. Staff recommendation is for a straight translation to SF-6. The speaker asked that this property be rezoned to MR-5 because multi-family is currently a permitted use by right. This request would be a traditional rezoning and would not fit with the parameters of the remapping process. Multi-family development is allowed in the SF-6 district with a SUP.

294 - Ed Blanchard property on Boone Trail. This request involves one property currently zoned C1. Staff recommendation is for a straight translation to NC. The speaker asked that this property be remapped to LC or CC because of other commercial development in the County's jurisdiction on Boone Trail. While this request is a translation issue, it is staff's opinion that because of proximity to single family development and because the nearest commercially zoned is already zoned C1A which is the current Neighborhood Commercial district, the NC district is the most appropriate for this property for the foreseeable future.

301 - Joe Riddle property on Sycamore Dairy Road. This request involves one property currently zoned C1P. Staff recommendation is for a straight translation to LC based on location and proximity to other LC districts. The speaker asked that this property be remapped to CC because location.

314-316 - John Gillis property on Gillis Hill Road. This request involves 3 properties currently zoned C1P. Staff recommendation is for a straight translation to LC based on location and proximity to an existing CD district and residential development. The speaker asked that this property be remapped to CC because of location and proximity to a large scale retail area.

326 - March Riddle property at the end of Shephard Street. This request involves one property currently multi-zoned C1P/R10/R5A. Staff recommendation is for a straight translation to LC/CC/SF-10/MR-5. The speaker asked that this property be rezoned to all O&I to clean up the zoning and because it is adjacent to commercial and fronts All American Freeway. This request would be a traditional rezoning and would not fit with the parameters of the remapping process.

342-348 - Belvia and Andrew Williams property on Bonnie Street. This request involves 7 properties currently zoned R5A/M (M for manufactured housing). Staff recommendation is for a straight translation to MR-5/MHO. The speaker asked that this property be rezoned to all CC to extend commercial property from Bragg Boulevard. This request would be a traditional rezoning and would not fit with the parameters of the remapping process.

387-388 - Westover Volunteer Fire Department property on Rosehill Road. This request involves 2 properties currently zoned R6. Staff recommendation is for a straight translation to SF-6. The speaker asked that this property be rezoned to all O&I because it is an out of service fire station and has never been residential and there is also professional zoning across the street currently. This request would be a traditional rezoning and would not fit with the parameters of the remapping process.

Zoning Commission Recommendation:

Approval of the remapping of properties held over from the May public hearings as recommended and presented by staff.

Vote: 3-2 in favor. (Hendrix and Speight in opposition)

BUDGET IMPACT:

This is a one to one remapping process and there should be no increase in cost of providing public services and this should not affect the City's tax base.

OPTIONS:

- 1) Approval of remapping as recommended by Zoning Commission and staff (Recommended);
- 2) Approval of remapping with changes;
- 3) Denial of the remapping and provide direction regarding desired changes.

RECOMMENDED ACTION:

Zoning Commission and staff recommend that the City Council move to APPROVE the remapping of all zoning districts within the City Limits as presented by staff.

ATTACHMENTS:

- R6-SF6 Translation Guide
- R6 Zoning
- Commercial Guide
- Remapping requests spreadsheet
- Remapping request 32
- Remapping request 99 111
- Remapping request 106-108
- Remapping request 123
- Remapping request 124
- Remapping request 127
- Remapping request 128
- Remapping request 131
- Remapping request 294
- Remapping request 301
- Remapping request 314-316
- Remapping request 326
- Remapping request 342-348
- Remapping request 387-388

City of Fayetteville

Zoning District Translation Summary Sheet

Zoning district in current Zoning Ordinance:	Comparable district in new UDO:
R6 →	SF-6
PERMITTED USES	
((S) = Special use permit required)	
Agricultural Uses	Agricultural Uses
Crop and tree farming, greenhouse and truck gardening, including the sale of products raised on the premises	
Residential Uses	Residential Uses
Manufactured home park (prior to January 1, 1999)	
	Live/work (S)
Multi-family	Multi-family (S)
Single-family	Single-family attached (S)
	Single-family detached
	Two-to-four-family dwelling (S)
	Upper story
	Therapeutic home
Family care and group homes	Group home, large (7 or more residents) (S)
	Group home, small (up to 6 residents)
	Rooming or boarding house (S)
Institutional Uses	Institutional Uses
Medical and dental clinics (S)	
Orphanages and charitable institutions (S)	
	Community center
Libraries, museums, and art museums not conducted for profit	Cultural facility (S)
	Library (S)
	Museum (S)
	Senior center (S)
	Youth club facility (S)
	Adult day care center (S)
Homes for the care of children and adults (S)	Child care center (S)
Public grade schools and private schools	Elementary school (S)

City of Fayetteville

Zoning District Translation Summary Sheet

		Middle school (S)
		High school (S)
		Government maintenance, storage, or distribution facility (S)
		Government office (S)
Convalescent, nursing homes and independent living facilities (S)		Assisted living facility (S)
		Nursing home (S)
Churches and other places of worship		Religious institution (P/S)
		Arboretum or botanical garden
Cemeteries		Cemetery, columbaria, mausoleum (S)
		Community garden
		Public golf course (S)
		Greenway, square or plaza
Grounds and facilities for recreational and community center buildings, lakes, parks, and other similar facilities; Grounds and facilities for private country clubs, golf courses, equestrian centers, and lakes for profit or nonprofit (S)		Park, public or private
		Fire or EMS station (S)
Police and fire stations		Police substation
		Police station (S)
		Telecommunication antenna (on existing tower or building)
Dish antenna; Towers (S)		Freestanding telecommunication tower (S)
Public utilities		Minor utility
Commercial Uses		Commercial Uses
		Private golf course (S)
		Athletic field/clubhouse (S)
Swimming pools, private		Swimming pool, private
Swimming clubs, nonprofit		Swimming pool, (public or nonprofit)
		Tennis court
Bed and breakfast (S)		Bed and breakfast (S)
DIMENSIONAL REQUIREMENTS		
Lot Area	6,000 square feet (first unit); 5,000 square feet (second, third, and fourth unit); 4,000 square feet (excess	6,000 square feet (single-family detached); 5,000 square feet (single-family attached & two-to-four-family);

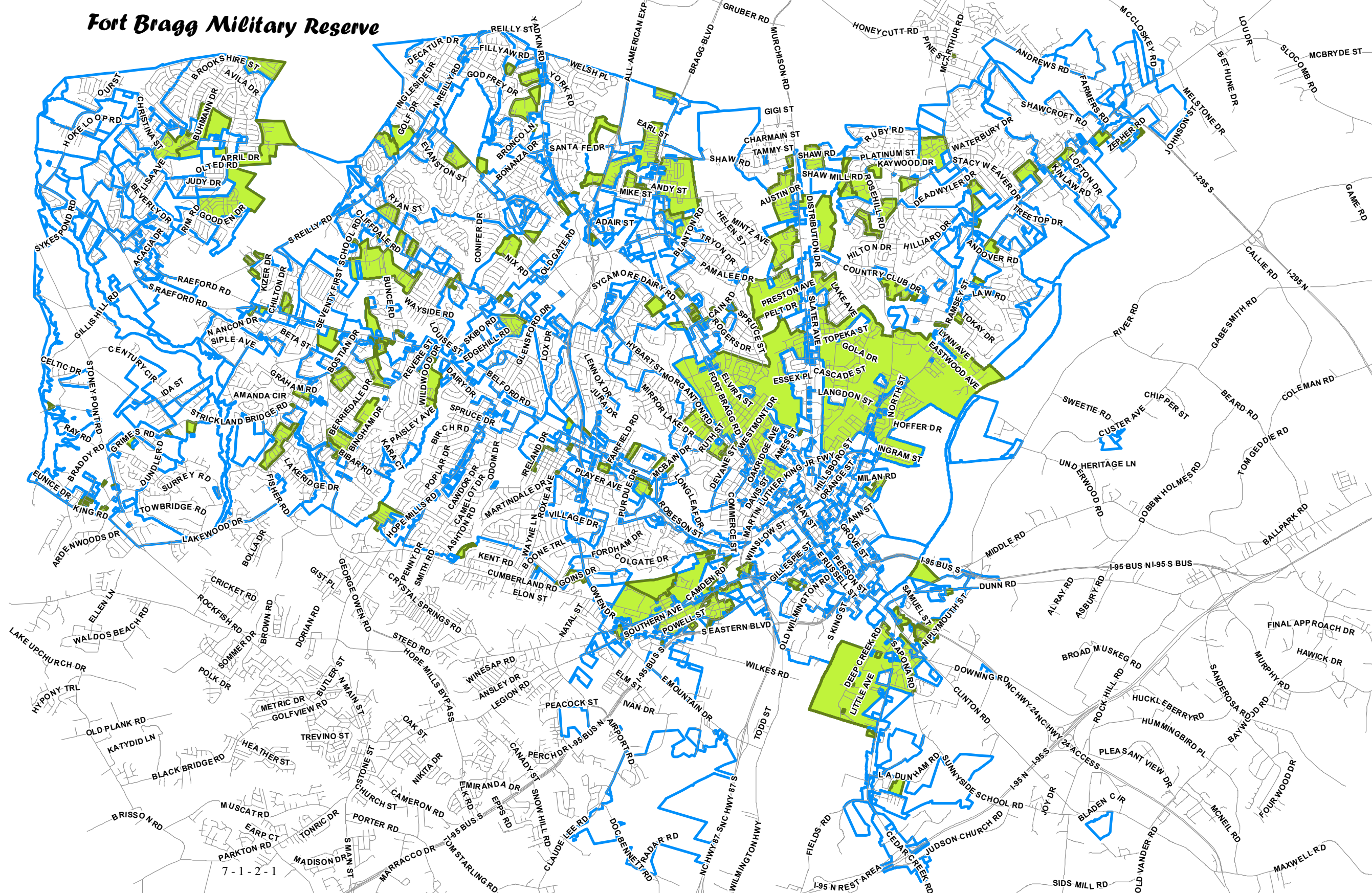
R6 → SF-6
Page 2 of 3

City of Fayetteville

Zoning District Translation Summary Sheet

	of four units) 5,000 square feet (zero lot line, less than five units); 4,000 square feet (zero lot line, five or more units)	6,000 square feet (all other principal uses)
Lot Width	60 feet	60 feet
Max. Density	Not specified	9.6 units/acre (10.9 for zero lot line development)
Max. Lot Coverage	35%	40% of lot
Max. Height	35 feet	35 feet
Front Setback	25 feet from R-O-W or 50 feet from centerline whichever is greater; 25 feet from cul-de-sac streets	25 feet; 50 from street centerline
Corner Side Setback	15 feet	25 feet; 50 feet from street centerline
Side Setback	10 feet (one story) 12 feet (two story)	10 feet
Rear Setback	30 feet	30 feet; 15 when corner side setback is 25 feet or more
Open Space	Not specified	Residential uses: 20%; Public, commercial, and mixed-uses: 10%; Industrial uses: 5%

Fort Bragg Military Reserve



City of Fayetteville

Zoning District Translation Summary Sheet

UDO District: NC		UDO District: LC		UDO District: CC	
		PERMITTED USES ([S] = Special use permit required)		Agricultural Uses	Agricultural Uses
Agricultural Uses		Agricultural Uses		All other agricultural support and services [S]	
Residential Uses		Residential Uses		Residential Uses	
		Dwelling, live/work		Dwelling, live/work	
		Dwelling, multi-family		Dwelling, multi-family	
		Dwelling, single-family attached		Dwelling, single-family attached	
		Dwelling, single-family detached[S]		Dwelling, upper story	
Two-to-four-family dwelling		Dwelling, Two-four family [S]		Group home large[S]	
		Dwelling, upper story		Group home small [S]	
		Dormitory [S]		Rooming or boarding house	
		Therapeutic home [S]			Institutional Uses
Group home, large (7 or more residents) [S]		Fraternity or sorority [S]		Community Center	
Group home, small (up to 6 residents) [S]		Group home large[S]		Cultural facility	
		Group home small[S]		Library	
Institutional Uses		Rooming or boarding house		Museum	
				Senior center	
Community center		Institutional Uses		Youth Club facility	

C1 → NC
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City of Fayetteville

Zoning District Translation Summary Sheet

Cultural facility [S]	Community center	Adult day care center
Library	Cultural facility	Child care center
Museum	Library	College or university
Senior center	Museum	School, elementary, middle, high
Youth club facility [S]	Senior center	Vocational or Trade
Adult day care center	Youth club facility	Government maintenance, storage or distribution
Child care center	Adult day care	Government office
College or university [S]	Child care center	Post office
Elementary school	College or university	Blood/tissue collection facility
Middle school [S]	Elementary school	Drug or alcohol treatment facility
High school [S]	School, middle	Hospital
Vocational or trade school [S]	School, high	Medical or dental clinic
Government maintenance, storage, or distribution facility [S]	Vocational or trade school	Medical treatment facility
Government office	Government maintenance, storage, or distribution facility [S]	Outpatient facility
Post office	Government office	Assisted living facility
Medical or dental clinic [S]	Post office	Auditorium
Medical treatment facility	Drug or alcohol treatment facility	Club or lodge
Outpatient facility	Medical or dental clinic	Convention Center
Assisted living facility	Medical or dental lab	Halfway House (S)
Auditorium	Medical treatment facility	Nursing Home
Club or lodge	Outpatient facility	Psychiatric treatment facility (S)
Nursing home [S]	Assisted living facility	Religious institution
Religious institution	Auditorium	Arboretum or botanical garden
Arboretum or botanical garden	Club or lodge	Cemetery, columbaria, mausoleum
Cemetery, columbaria, mausoleum [S]	Halfway House (S)	Community garden
Community garden	Nursing home	Golf Course, public
Greenway, square or plaza	Psychiatric treatment facility (S)	Greenway

C1 → NC

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City of Fayetteville

Zoning District Translation Summary Sheet

Park, public or private	Religious institution	Park, public or private
Fire or EMS station	Arboretum or botanical garden	Public square or private
Police substation	Cemetery, columbaria, mausoleum (S)	Public square or plaza
Police station	Community garden	Fire or EMS facility
Passenger terminal, surface transportation [S]	Golf Course, public	Police substation
Telecommunication antenna (on existing tower or building)	Greenway	Police station
Freestanding telecommunication tower [S]	Park, public or private	Helicopter landing facility (S)
Major utility [S]	Public square or plaza	Passenger terminal, surface transportation
Minor utility	Fire or EMS facility	Telecommunications antenna, collocation on existing tower
Commercial Uses	Police substation	Telecommunications antenna, placement on existing building
Animal grooming	Police station	Telecommunications Tower, freestanding (S)
Indoor kennel [S]	Helicopter landing facility (S)	Utility, major (S)
Veterinary clinic [S]	Passenger terminal, surface transportation	Utility, minor
Conference or training center	Telecommunications antenna, collocation on existing tower	Commercial Uses
Dinner theater	Telecommunications antenna, placement on existing building	Animal grooming
Restaurant, with indoor or outdoor seating	Telecommunications Tower, freestanding (S)	Animal shelter [S]
Specialty eating establishment	Utility, major (S)	Kennel, indoor
	Utility, major (S)	Kennel, outdoor (S)
	Commercial Uses	Veterinary clinic
	Animal grooming	Conference or training center
		Dinner theater

City of Fayetteville

Zoning District Translation Summary Sheet

Business services	Kennel, indoor (\$) [S]	Restaurant, W/indoor, outdoor seating
Financial services	Veterinary clinic	Restaurant, with drive through service
Professional services	Conference or training center	Specialty eating establishment
Sales (including real estate)	Dinner theater	Business services
Parking lot [S]	Restaurant, W/indoor, outdoor seating	Financial services
Parking structure [S]	Restaurant, with drive through service	Professional services
Commercial recreation, indoor [S]	Specialty eating establishment	Radio and television broadcasting studio
Theater [S]	Business services	Sales(including real estate)
Athletic field/clubhouse	Financial services	Parking lot
Swimming pool, private	Professional services	Parking structure
Swimming pool, (public or nonprofit)	Radio and television broadcasting studio (\$)	Commercial recreation, indoor
	Sales(including real estate)	Theater
Tennis court	Parking lot	Arena, amphitheater or stadium
Other commercial recreation, outdoor [S]	Parking structure	Golf course, private
Entertainment establishment [S]	Commercial recreation, indoor	Athletic field and clubhouse
Gasoline sales [S]		Golf driving range
Financial institution, without drive-through service		Swimming pool private
Financial institution, with drive-through service [S]		Swimming pool, nonprofit
Laundromat		Tennis court
Personal services establishment		Other commercial recreation, outdoor (\$)
Repair establishment		Bar, nightclub or cocktail lounge
Convenience store, without gas sales		Entertainment establishment
Convenience store, with gas sales [S]		Gasoline sales
Drug store or pharmacy, without drive-through service		
Drug store or pharmacy, with drive-through service [S]		
Grocery store [P/S]		
Other retail sales establishments [S]		
Bed and breakfast		

City of Fayetteville

Zoning District Translation Summary Sheet

Tourist home	<p>Crematory (S) Financial institution w/o drive-through Financial institution with drive-through Funeral home Laundromat Personal services establishment Tattoo parlor/body piercing establishment Repair establishment Convenience store w/o gas Convenience store with gas Drug Store or pharmacy w/o drive-through Drug Store or pharmacy with drive-through Flea Market (S) Grocery Store Liquor Store Retail sales establishment, large (S) Internet Sweepstakes Other retail sales establishments Mini-warehouse (S) Boat and marine rental and sales Automotive parts and installation Automobile repair and servicing w/o paint and body (S) Automobile sales or rentals Car wash or auto detailing</p>	<p>Laundromat Personal services establishment Tattoo parlor/body piercing establishment Repair establishment Convenience store w/o gas Convenience store with gas Drug Store or pharmacy w/o drive-through Drug Store or pharmacy with drive-through Flea Market (S) Grocery Store Liquor Store Retail sales establishment, large Internet Sweepstakes (S) Other retail sales establishments Mini-warehouse (S) Automotive painting/body shop (S) Automotive wrecker service (S) Transmission shop [S] Boat and marine rental and sales Truck stop (S) Automotive parts and installation Automobile repair and servicing w/o paint and body Automobile sales or rentals Car wash or auto detailing</p>
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C1 → NC

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City of Fayetteville

Zoning District Translation Summary Sheet

	Taxicab service (\$)	Taxicab service
	Tire/muffler sales and mounting	Tire/muffler sales and mounting
	Bed and breakfast inn	Bed and breakfast inn
	Hotel or motel	Hotel or motel
	Tourist home	Tourist home
Industrial U ses	Industrial U ses	Industrial U ses
		Building, heating, plumbing or electrical contractor (\$)
		Electric motor repair [S]
		Heavy equipment sales, rental or storage (\$)
		Laundry, dry cleaning and carpet cleaning plants
		Machine shop (\$)
Repair of scientific or professional instruments [S]	Repair of scientific or professional instruments	Repair of scientific or professional instruments
	Research and development	Research and development
		Tool repair
		Manufacturing, light (\$)
		Outdoor storage (as a principle use) (\$)
		Parcel services
		Warehouse (distribution) [S]
		Landfill, land clearing and inert debris or construction debris (\$)
Recycling drop-off center	Recycling drop-off center	Recycling drop-off center

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City of Fayetteville

Zoning District Translation Summary Sheet

DIMENSIONAL REQUIREMENTS		DIMENSIONAL REQUIREMENTS	Wholesale sales (S) DIMENSIONAL REQUIREMENTS
Lot Area	10,000 square feet (nonresidential); 8,000 square feet (mixed-use); 5,000 square feet per unit (single-family); 15,000 per site (other residential);	20,000 nonresidential, 15000 mixed-use, all other 8,000	10,000 nonresidential, 8,000 mixed-use, all other 15,000
Lot Width	45 feet 60 feet (other residential)	45 feet	45 feet
Max. Density	8 units/acre (nonresidential) 10 units/acre (mixed-use) 8 units/acre (single-family) 6 units/acre (other residential)	12 NR, 16 MU,	10 NR, 16 MU, 12 all others
Max. Lot Coverage	55% of lot (nonresidential and mixed use) 45% of lot (single-family and other residential)	55% of lot, Residential 45%	65% of lot
Max. Height	50 feet (nonresidential and mixed use) 35 feet (single-family and other residential)	50 feet, Residential 35 feet	65 feet
Front Setback	Within 5 feet of average for lots on same block face, no less than 10 feet	25 feet / 50 feet from street centerline	25 feet / 60 feet from street centerline
Corner Side Setback	Within 5 feet of average for lots on same block face, no less than 10 feet	15 feet	25 feet / 60 feet from street centerline

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City of Fayetteville

Zoning District Translation Summary Sheet

<p>Side Setback</p>	<p>3 feet; 15 feet when abutting single-family zoning or use (nonresidential and mixed-use) 5 feet (single-family) 10 feet (other residential)</p>	<p>3/ 15 where abutting alley or SF zoning district or use</p>	<p>3/ 15 where abutting SF zoning district or use</p>
<p>Rear Setback</p>	<p>20 feet</p>	<p>10/ 20 where abutting alley or SF zoning district or use</p>	<p>3/ 20 where abutting alley or SF zoning district or use</p>

Remapping Requests - June 15, 2011

	Applicant	Address	PIN	Current Zone	UDO Zone	Requested Zone	Staff Recommends	Category
1	Butch Dumlup	512 McPherson Church Road	0418-42-0324	C1P	CC		Straight Translation	2A
2	Butch Dumlup	Sycamore Dairy Road	0418-42-2598	C1P	CC		Straight Translation	2A
3	Butch Dumlup	Cliffdale Road	0417-07-5002	M2	HI		Straight Translation	2A
4	Butch Dumlup	5600 Cliffdale Road	0407-96-8604	M2	HI		Straight Translation	2A
5	Butch Dumlup	N/A	9497-48-4978	R5A/C3	MR-5/CC		Straight Translation	2A
6	Butch Dumlup	818 B Bedrock Drive	0408-38-7090	R10	SF-10		Straight Translation	2A
7	Butch Dumlup	321 Hilliard Drive	0439-29-8125	R10	SF-10		Straight Translation	2A
8	Butch Dumlup	N/A	0439-39-1808	R10	SF-10		Straight Translation	2A
9	Butch Dumlup	437 Crystal Drive	0439-39-5400	R10	SF-10	MR-5	Straight Translation	2C
10	Butch Dumlup	443 Crystal Drive	0439-39-2365	R10	SF-10	MR-5	Straight Translation	2C
11	Butch Dumlup	N/A	0531-43-5273	PND	PND		Valid PND Plan on File	2A
12	Butch Dumlup	N/A	0531-63-0191	PND	PND		Valid PND Plan on File	2A
13	Butch Dumlup	502 Setter Drive	0530-30-8380	R6	SF-6	MR-5	Straight Translation	2C
14	Chris Manning	Shawcroft Road	0530-48-9041	PND	PND		Straight Translation	2A
15	Chris Manning	347 Shawcroft Road	0530-57-2629	PND	PND		Straight Translation	2A
16	Chris Manning	N/A	0439-31-3613	R10	SF-10		Straight Translation	2A
17	Chris Manning	Bombay Drive	0456-10-4048	R10	SF-10		Straight Translation	2A
18	Chris Manning	Oiled Road	9487-33-9006	R10	SF-10		Straight Translation	2A
19	Chris Manning	8506 Oiled Road	9487-33-7848	R10	SF-10		Straight Translation	2A
20	Chris Manning	Preston Avenue	0428-46-9409	R6	SF-6		Straight Translation	2A
21	Chris Manning	N/A	9487-75-7051	R6	SF-6		Straight Translation	2A
22	Chris Manning	N/A	9487-74-7238	R6	SF-6		Straight Translation	2A
23	Chris Manning	Schult Drive	9487-83-6743	R6	SF-6		Straight Translation	2A
24	Chris Manning	Schult Drive	9487-83-1476	R6	SF-6		Straight Translation	2A
25	Chris Manning	Cliffdale Road	9487-34-3260	R6	SF-6		Straight Translation	2A
26	Chris Manning	Candlelight Drive	0530-53-7831	R6	SF-6		Straight Translation	2A
27	Don Broadwell	Military Bus. Park	0409-93-8559	M2	HI		Straight Translation	2A
28	Don Broadwell	Military Bus. Park	0419-01-4924	M2	HI		Straight Translation	2A
29	Don Broadwell	Military Bus. Park	0419-02-0486	M2	HI		Straight Translation	2A
30	Don Broadwell	Military Bus. Park	0419-04-5374	M2	HI		Straight Translation	2A
31	Don Broadwell	Military Bus. Park	0419-04-7904	M2	HI		Straight Translation	2A
32	Kingdom Impact Global Ministries	2503 Murchison Road	0428-65-3950	C1P/R6/R10	LC/SF-6/SF-10	CC/MR-5	Straight Translation	2A
33	Hospital (Andrews Rd)	199 Andrews Road	0531-72-9323	C1	CC		Straight Translation	2A
34	Hospital (Andrews Rd)	201 Andrews Road	0531-71-8969	C1	CC		Straight Translation	2A
35	Hospital (Andrews Rd)	N/A	0531-71-8760	C1	CC		Straight Translation	2A
36	Hospital (Andrews Rd)	6387 Rosser Drive	0531-71-7651	C1	CC		Straight Translation	2A
37	Hospital (Andrews Rd)	6369 Rosser Drive	0531-71-6373	C1	CC		Straight Translation	2A
38	Hospital (Andrews Rd)	N/A	0531-81-1498	C1	CC		Straight Translation	2A
39	Hospital (Andrews Rd)	N/A	0531-81-0323	C1	CC		Straight Translation	2A
40	Jared Fryer	1901 Owen Drive	0426-15-7231	C1P	CC		Straight Translation	2A
41	Jared Fryer	3186 Village Drive	0426-16-2454	C1P	CC		Straight Translation	2A
42	Jared Fryer	2950 101 Village Drive	0426-16-5541-201	C1P	CC		Straight Translation	2A
43	Jared Fryer	2950 201 Village Drive	0426-16-5541-101	C1P	CC		Straight Translation	2A
44	Jared Fryer	N/A	0426-59-9389	C1P	CC		Straight Translation	2A
45	Jared Fryer	2209 Robeson Street/ 1991 Village Dr (Village Green Development)	0426-49-9537-0426-48-5703-0426-48-0123-	C1P	CC	CC	Straight Translation	2A
46	Jared Fryer	3104 Turtle Point Drive	0426-27-1114	R5A	MR-5		Straight Translation	2A
47	Jared Fryer	1767 Metromedical Drive	0426-16-4991	P2	OI		Straight Translation	2A
48	Jared Fryer	1781 Metromedical Drive	0426-16-5725	P2	OI		Straight Translation	2A
49	Joe Fiddle	Glensford Drive	0417-28-2611	C1P	CC		Straight Translation	2A
50	Joe Fiddle	N/A	0418-30-8588	C1P	CC		Straight Translation	2A
51	Joe Fiddle	Meadowcroft Drive	0530-50-5600	C1P	CC		Straight Translation	2A
52	Joe Fiddle	Meadowcroft Drive	0530-40-9691	C1P	CC		Straight Translation	2A

53	Joe Riddle	103 S. McPherson Church Road	0417-49-8073-	C1P	CC	Straight Translation	2A
54	Joe Riddle	2303 Gillespie Street	0436-12-4155-	C3	CC	Straight Translation	2A
55	Joe Riddle	301 N. McPherson Church Road	0418-41-0172-	C1P	CC	Straight Translation	2A
56	Joe Riddle	231 N. McPherson Church Road	0418-40-1762-	C1P	CC	Straight Translation	2A
57	Joe Riddle	4200 Morganton Road	0417-39-9845-	C1P	CC	Straight Translation	2A
58	Joe Riddle	255 Glensford Road	0417-28-5323-	C1P	CC	Straight Translation	2A
59	Joe Riddle	181 Glensford Drive	0417-29-5049-	C1P	CC	Straight Translation	2A
60	Joe Riddle	1240 Ireland Drive	0417-50-5281-	C1P	CC	Straight Translation	2A
61	Joe Riddle	4129 Raeford Road	0417-50-3624-	C1P	CC	Straight Translation	2A
62	Joe Riddle	4121 Raeford Road	0417-50-4654-	C1P	CC	Straight Translation	2A
63	Joe Riddle	4115 Raeford Road	0417-50-5695-	C1P	CC	Straight Translation	2A
64	Joe Riddle	Ramsey Street	0530-50-9719-	C1P	CC	Straight Translation	2A
65	Joe Riddle	4611 Ramsey Street	0530-50-8150-	C1P	CC	Straight Translation	2A
66	Joe Riddle	4621 Ramsey Street	0530-50-8268-	C1P	CC	Straight Translation	2A
67	Joe Riddle	4509 Ramsey Street	0439-59-8515-	C1P	CC	Straight Translation	2A
68	Joe Riddle	4515 Ramsey Street	0439-59-8721-	C1P	CC	Straight Translation	2A
69	Joe Riddle	2560 Owen Drive	0426-60-8911-	C1P	CC	Straight Translation	2A
70	Joe Riddle	Owen Drive	0426-61-5144-	C1P	CC	Straight Translation	2A
71	Joe Riddle	2800 Camden Road	0426-70-2802-	C1	CC	Straight Translation	2A
72	Joe Riddle	5701 Yadkin Road	0408-47-6632-	C1P	CC	Straight Translation	2A
73	Joe Riddle	4604 Yadkin Road	0418-24-1230-	C3	CC	Straight Translation	2A
74	Joe Riddle	4600 Yadkin Road	0418-24-1169-	C3	CC	Straight Translation	2A
75	Joe Riddle	4610 Yadkin Road	0418-24-0282-	C3	CC	Straight Translation	2A
76	Joe Riddle	4151 Sycamore Dairy Road	0418-30-6817-	C1P	CC	Straight Translation	2A
77	Joe Riddle	4195 Sycamore Dairy Road	0418-40-3004-	C1P	CC	Straight Translation	2A
78	Joe Riddle	155 N. McPherson Church Road	0418-40-5008-	C1P	CC	Straight Translation	2A
79	Joe Riddle	Sycamore Dairy Road	0418-22-8447-	C1P	CC	Straight Translation	2A
80	Joe Riddle	4417 Ramsey Street	0439-59-8207-	C1P	CC	Straight Translation	2A
81	Joe Riddle	N/A	0439-59-6476-	C1P	CC	Straight Translation	2A
82	Joe Riddle	4503 Ramsey Street	0439-59-8329-	C1P	CC	Straight Translation	2A
83	Joe Riddle	552 N. McPherson Church Road	0418-33-2804-	C1P	CC	Straight Translation	2A
84	Joe Riddle	Cliffdale Road	0407-96-3695-	C1P	CC	Straight Translation	2A
85	Joe Riddle	501 N. McPherson Church Road	0418-31-8698-	C1P	CC	Straight Translation	2A
86	Joe Riddle	1590 Skibo Road	0418-23-8934-	C1P	CC	Straight Translation	2A
87	Joe Riddle	4560 Yadkin Road	0418-24-3623-	C3/M1	CC/LI	Straight Translation	2A
88	Joe Riddle	N/A	9485-34-2425-	CD	CD	Straight Translation	2A
89	Joe Riddle	Kenleigh Drive	0416-29-2125-	RSA	MR-5	Straight Translation	2A
90	Joe Riddle	Watauga Road	0416-29-7713-	RSA	MR-5	Straight Translation	2A
91	Joe Riddle	Glensford Drive	0417-26-2808-	P2	OI	Straight Translation	2A
92	Joe Riddle	N/A	0417-48-9851-	P2/C1P	O/CC	Straight Translation	2A
93	Joe Riddle	3709 Morganton Road	0417-59-0018-	P2/C1P	O/CC	Straight Translation	2A
94	Joe Riddle	N/A	0406-95-3296-	R10	SF-10	Straight Translation	2A
95	Joe Riddle	1913 Billmore Drive	0406-93-5449-	R10	SF-10	Straight Translation	2A
96	Joe Riddle	N/A	0406-93-9361-	R10	SF-10	Straight Translation	2A
97	Joe Riddle	5800 Rivercroft Drive	0406-12-5924-	R10	SF-10	Straight Translation	2A
98	Joe Riddle	6152 Lonestar Road	0408-16-7319-	PND	SF-10	Straight Translation	2A
99	Joe Riddle	N/A	0530-41-9723-	R10	SF-10	MR-5/loss of multi family	2C
100	Joe Riddle	Arbor Drive	0530-51-3017-	R10	SF-10	Straight Translation	2A
101	Joe Riddle	Arbor Drive	0530-51-4313-	R10	SF-10	Straight Translation	2A
102	Joe Riddle	4632 Ramsey Street	0530-60-2285-	R10	SF-10	Straight Translation	2A
103	Joe Riddle	Ramsey Street	0439-69-6808-	R10	SF-10	Straight Translation	2A
104	Joe Riddle	Lakewell Circle	9495-87-7694-	R10	SF-10	Straight Translation	2A
105	Joe Riddle	Lakewell Circle	9495-87-8712-	R10	SF-10	Straight Translation	2A
106	Joe Riddle	Alleghany Road	0416-37-7799-	R10	SF-10	MR-5 or CD	2C
107	Joe Riddle	N/A	0416-47-0684-	R10	SF-10	MR-5 or CD	2A
108	Joe Riddle	N/A	0416-49-5192-	R10	SF-10	MR-5 or CD	2A
109	Joe Riddle	N/A	9495-19-8098-	R15	SF-15	Straight Translation	2A
110	Joe Riddle	2407 Latwood Drive	9496-30-0954-	R15	SF-15	Straight Translation	2A

111	Joe Riddle	700 McArthur Road	0530-31-2280- 9495-36-4773-	R6	SF-6	MR-5/loss of multi family	Straight Translation	2C
112	March Riddle	N/A		AR	SF-15		To comply with existing setbacks in approved subdivision.	2C
113	March Riddle	N/A	0455-57-0862-	C1P/M2	CC/HI		Straight Translation	2A
114	March Riddle	2345 Dundie Road	9495-47-0022-	CD	CD	SF-10	Straight Translation	2C
115	March Riddle	5604 Cliffdale Road	0407-96-6586-	M2	HI		Straight Translation	2A
116	March Riddle	N/A	0407-96-7754-	M2	HI		Straight Translation	2A
117	March Riddle	238 N. McPherson Church Road	0418-41-5152-	P2	OI		Straight Translation	2A
118	March Riddle	3926 Doon Valley Drive	9495-25-5702-	R10	SF-10		Straight Translation	2A
119	March Riddle	3330 Broomsgrove Drive	9495-11-5899-	R10	SF-10		Straight Translation	2A
120	March Riddle	N/A	0405-36-2868-	R10	SF-10		Straight Translation	2A
121	March Riddle	5696 Lake Trail Drive	0405-37-5287-	R10	SF-10		Straight Translation	2A
122	March Riddle	N/A	0405-37-7348-	R10	SF-10		Straight Translation	2A
123	March Riddle	Lakeridge Drive	0405-47-0315-	R10	SF-10	CD	Straight Translation	2A
124	March Riddle	N/A	0408-79-6617-	R10	SF-10	CD	Straight Translation	2A
125	March Riddle	N/A	0408-82-2846-	R10	SF-10		Straight Translation	2A
126	March Riddle	5213 Killdeer Drive	0408-83-1007-	R10	SF-10		Straight Translation	2A
127	March Riddle	Marshall Road	0417-80-0261-	R10	SF-10	O & I	Straight Translation	2A
128	March Riddle	N/A	9497-91-3688-	R10	SF-10	MR-5	Straight Translation	2C
129	March Riddle	N/A	0406-02-3100-	R10/CD	SF-10/CD		Straight Translation	2A
130	March Riddle	Gamberly Drive	9495-36-5312-	R10/COUNTY	SF-10/COUNTY		Straight Translation	2A
131	March Riddle	2377 Dundie Road	9495-57-7365-	R6	SF-6	MR-5/loss of multi family	Straight Translation	2A
132	March Riddle	N/A	0429-53-4492-	R6/R10/C1P	SF-6R-10/CC		Straight Translation	2A
133	Thomas Barker	2274 Gillis Hill Road	9486-45-7083-	C1	CC		Secondary commercial area	2A
134	Thomas Barker	7603 RaeFord Road	9486-55-1866-	C1P	LC		Secondary commercial area	2A
135	Thomas Barker	2321 Gillis Hill Road	9486-34-9273-	PND/C1P	SF-10/CC		No PND plan on file	2A
136	Cape Fear Plaza	713 Grove Street	0447-04-9199-	M2	CC	CC	Prevent Nonconformity	2B
137	Cape Fear Plaza	360 Eastern Boulevard	0447-03-7976-	M2	CC	CC	Prevent Nonconformity	2B
138	Cape Fear Plaza	344 Eastern Boulevard	0447-03-6680-	M2	CC	CC	Prevent Nonconformity	2B
139	Cape Fear Plaza	316 Eastern Boulevard	0447-03-6475-	M2	CC	CC	Prevent Nonconformity	2B
140	Cape Fear Plaza	330 Eastern Boulevard	0447-13-0551-	M2	CC	CC	Prevent Nonconformity	2B
141	Cape Fear Plaza	321 Eastern Boulevard	0447-03-2725-	M2	CC	CC	Prevent Nonconformity	2B
142	Cape Fear Plaza	315 Eastern Boulevard	0447-03-3589-	M2	CC	CC	Prevent Nonconformity	2B
143	Jared Fryer	1725 Metromedical Drive	0426-17-4124-	P2/R10	MR-5	MR-5	MR-5 Prevent Nonconformity	2B
144	Johnson - St James Place	Gus Drive	9496-20-0401-	AR	SF-15	SF-15	Prevent Nonconformity	2B
145	Johnson - St James Place	Gus Drive	9496-20-0401-	AR	SF-15	SF-15	Prevent Nonconformity	2B
146	Multi-Family (prevent non-conformity)	6321 RaeFord Road	0406-39-9602-	C1P	MR-5	N/A	Prevent Nonconformity	2B
147	Multi-Family (prevent non-conformity)	6317 RaeFord Road	0406-49-1725-	C1P	MR-5	N/A	Prevent Nonconformity	2B
148	Multi-Family (prevent non-conformity)	6315 RaeFord Road	0406-49-1913-	C1P	MR-5	N/A	Prevent Nonconformity	2B
149	Multi-Family (prevent non-conformity)	422 Alfred Street	0437-60-9784-	C1	MR-5	N/A	Prevent Nonconformity	2B
150	Multi-Family (prevent non-conformity)	433 Alfred Street	0437-70-2664-	C1	MR-5	N/A	Prevent Nonconformity	2B
151	Multi-Family (prevent non-conformity)	Alfred Street	0437-70-2559-	C1	MR-5	N/A	Prevent Nonconformity	2B
152	Multi-Family (prevent non-conformity)	Vanstory Street	0437-70-2555-	C1	MR-5	N/A	Prevent Nonconformity	2B
153	Multi-Family (prevent non-conformity)	403 Vanstory Street	0437-70-3640-	C1	MR-5	N/A	Prevent Nonconformity	2B
154	Multi-Family (prevent non-conformity)	N/A	9498-42-3868-	PND	MR-5	N/A	Prevent Nonconformity	2B
155	Multi-Family (prevent non-conformity)	Stewarts Creek Drive	9498-42-4717-	PND	MR-5	N/A	Prevent Nonconformity	2B
156	Multi-Family (prevent non-conformity)	Stewarts Creek Drive	9498-43-6050-	PND	MR-5	N/A	Prevent Nonconformity	2B
157	Multi-Family (prevent non-conformity)	N/A	9498-42-6912-	PND	MR-5	N/A	Prevent Nonconformity	2B
158	Multi-Family (prevent non-conformity)	Stewarts Creek Drive	9498-42-5805-	PND	MR-5	N/A	Prevent Nonconformity	2B
159	Multi-Family (prevent non-conformity)	N/A	9498-43-6111-	PND	MR-5	N/A	Prevent Nonconformity	2B
160	Multi-Family (prevent non-conformity)	N/A	9498-43-4144-	PND	MR-5	N/A	Prevent Nonconformity	2B
161	Multi-Family (prevent non-conformity)	Stewarts Creek Drive	9498-43-3391-	PND	MR-5	N/A	Prevent Nonconformity	2B
162	Multi-Family (prevent non-conformity)	N/A	9498-42-9948-	PND	MR-5	N/A	Prevent Nonconformity	2B
163	Multi-Family (prevent non-conformity)	Stewarts Creek Drive	9498-43-5257-	PND	MR-5	N/A	Prevent Nonconformity	2B
164	Multi-Family (prevent non-conformity)	N/A	9496-47-1046-	PND	MR-5	N/A	Prevent Nonconformity	2B
165	Multi-Family (prevent non-conformity)	4050 Bardstown Court	9496-36-3605-	PND	MR-5	N/A	Prevent Nonconformity	2B
166	Multi-Family (prevent non-conformity)	3930 Bardstown Court	9496-36-5962-	PND	MR-5	N/A	Prevent Nonconformity	2B
167	Multi-Family (prevent non-conformity)	3910 Bardstown Court	9496-36-2991-	PND	MR-5	N/A	Prevent Nonconformity	2B

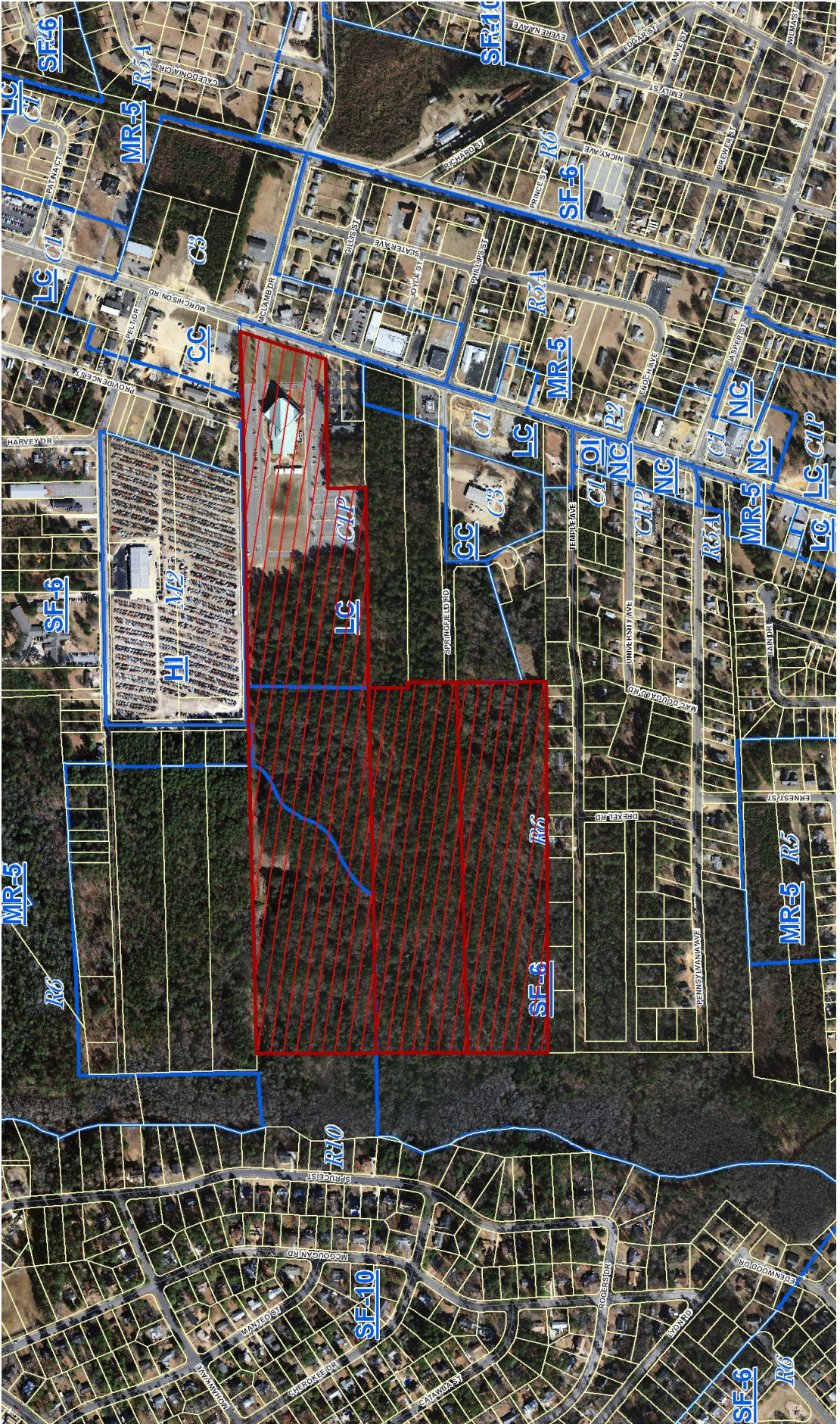
168	Multi-Family (prevent non-conformity)	Bardstown Court	9496-36-5666-	PND	MR-5	N/A	Prevent Nonconformity	2B
169	Multi-Family (prevent non-conformity)	4020 Bardstown Court	9496-36-6896-	PND	MR-5	N/A	Prevent Nonconformity	2B
170	Multi-Family (prevent non-conformity)	3920 Bardstown Court	9496-36-4933-	PND	MR-5	N/A	Prevent Nonconformity	2B
171	Multi-Family (prevent non-conformity)	1916 Rayconda Road	9496-46-1742-	PND	MR-5	N/A	Prevent Nonconformity	2B
172	Multi-Family (prevent non-conformity)	Bardstown Court	9496-36-8831-	PND	MR-5	N/A	Prevent Nonconformity	2B
173	Multi-Family (prevent non-conformity)	Bardstown Court	9496-36-6985-	PND	MR-5	N/A	Prevent Nonconformity	2B
174	Multi-Family (prevent non-conformity)	Bardstown Court	9496-36-4645-	PND	MR-5	N/A	Prevent Nonconformity	2B
175	Multi-Family (prevent non-conformity)	1000 Lauren McNeill Loop	0418-69-9172-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
176	Multi-Family (prevent non-conformity)	1136 Lauren McNeill Loop	0418-78-6637-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
177	Multi-Family (prevent non-conformity)	1901 Wenona Loop	0418-88-2515-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
178	Multi-Family (prevent non-conformity)	523 Coronation Drive	0530-77-1594-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
179	Multi-Family (prevent non-conformity)	110 Girard Avenue	0530-77-8325-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
180	Multi-Family (prevent non-conformity)	111 Homeplace Court	0537-77-8502-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
181	Multi-Family (prevent non-conformity)	100 Girard Avenue	0530-77-9370-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
182	Multi-Family (prevent non-conformity)	101 Homeplace Court	0530-77-9495-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
183	Multi-Family (prevent non-conformity)	100 Homeplace Court	0530-87-0538-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
184	Multi-Family (prevent non-conformity)	119 Homeplace Court	0530-77-6562-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
185	Multi-Family (prevent non-conformity)	150 Homeplace Court	0530-77-2687-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
186	Multi-Family (prevent non-conformity)	118 Girard Avenue	0530-77-6358-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
187	Multi-Family (prevent non-conformity)	128 Girard Avenue	0530-77-4375-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
188	Multi-Family (prevent non-conformity)	129 Homeplace Court	0530-77-4561-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
189	Multi-Family (prevent non-conformity)	531 Coronation Drive	0530-77-3326-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
190	Multi-Family (prevent non-conformity)	120 Homeplace Court	0530-77-6750-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
191	Multi-Family (prevent non-conformity)	110 Homeplace Court	0530-77-8624-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
192	Multi-Family (prevent non-conformity)	140 Homeplace Court	0530-77-3748-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
193	Multi-Family (prevent non-conformity)	130 Homeplace Court	0530-77-4786-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
194	Multi-Family (prevent non-conformity)	244 Wickford Court	9498-61-7990-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
195	Multi-Family (prevent non-conformity)	2630 Adams Lake Drive	0405-26-4813-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
196	Multi-Family (prevent non-conformity)	6400 Ezras Court	9496-92-0482-	R10	MR-5	N/A	MR5 to Prevent Nonconformity	2B
197	Multi-Family (prevent non-conformity)	5811 Ramsey Street	0530-76-5794-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
198	Multi-Family (prevent non-conformity)	124 Ridgeway Drive	0530-76-1197-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
199	Multi-Family (prevent non-conformity)	197 Aloha Drive	0530-75-1363-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
200	Multi-Family (prevent non-conformity)	198 Aloha Drive	0530-75-2770-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
201	Multi-Family (prevent non-conformity)	117 Longview Drive	0439-65-7682-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
202	Multi-Family (prevent non-conformity)	1945 Sardonyx Road	0418-58-6034-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
203	Multi-Family (prevent non-conformity)	1131 Oakwood Road	0418-57-9817-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
204	Multi-Family (prevent non-conformity)	1821 Sardonyx Road	0418-58-7511-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
205	Multi-Family (prevent non-conformity)	1113 Oakwood Street	0418-57-6858-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
206	Multi-Family (prevent non-conformity)	1921 Sardonyx Road	0418-68-0327-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
207	Multi-Family (prevent non-conformity)	Sardonyx Road	0418-57-4928-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
208	Multi-Family (prevent non-conformity)	N/A	0418-58-7240-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
209	Multi-Family (prevent non-conformity)	Sardonyx Road	0418-58-7141-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
210	Multi-Family (prevent non-conformity)	Sardonyx Road	0418-58-9585-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
211	Multi-Family (prevent non-conformity)	Sardonyx Road	0418-58-9227-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
212	Multi-Family (prevent non-conformity)	Sardonyx Road	0418-68-1567-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
213	Multi-Family (prevent non-conformity)	Sardonyx Road	0418-68-1426-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
214	Multi-Family (prevent non-conformity)	Sardonyx Road	0418-68-0732-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
215	Multi-Family (prevent non-conformity)	N/A	0418-58-6254-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
216	Multi-Family (prevent non-conformity)	Sardonyx Road	0418-58-8791-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
217	Multi-Family (prevent non-conformity)	Sardonyx Road	0418-58-8484-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
218	Multi-Family (prevent non-conformity)	Sardonyx Road	0418-58-7394-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
219	Multi-Family (prevent non-conformity)	Oakwood Street	0418-58-3095-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
220	Multi-Family (prevent non-conformity)	3605 Sapphires Place	0418-58-1204-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
221	Multi-Family (prevent non-conformity)	Londonberry Place	0428-37-4008-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
222	Multi-Family (prevent non-conformity)	Londonberry Place	0428-37-2233-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
223	Multi-Family (prevent non-conformity)	N/A	0428-37-0490-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
224	Multi-Family (prevent non-conformity)	Commonwealth Avenue	0428-47-2053-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
225	Multi-Family (prevent non-conformity)	921 Enclave Drive	0428-46-3234-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B

226	Multi-Family (prevent non-conformity)	1901 King George Drive	0418-83-8854-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
227	Multi-Family (prevent non-conformity)	N/A	9497-96-8809-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
228	Multi-Family (prevent non-conformity)	N/A	9497-97-4217-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
229	Multi-Family (prevent non-conformity)	6586 Cliffdale Road	9497-96-7271-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
230	Multi-Family (prevent non-conformity)	6582 Cliffdale Road	9497-96-8425-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
231	Multi-Family (prevent non-conformity)	N/A	9497-97-7265-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
232	Multi-Family (prevent non-conformity)	6590 Cliffdale Road	9497-96-6108-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
233	Multi-Family (prevent non-conformity)	N/A	9497-97-5049-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
234	Multi-Family (prevent non-conformity)	N/A	9497-97-7031-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
235	Multi-Family (prevent non-conformity)	N/A	9497-97-6655-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
236	Multi-Family (prevent non-conformity)	N/A	9497-96-3946-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
237	Multi-Family (prevent non-conformity)	N/A	9497-96-5812-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
238	Multi-Family (prevent non-conformity)	N/A	9497-96-3797-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
239	Multi-Family (prevent non-conformity)	Barbons Landing Place	9497-96-5562-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
240	Multi-Family (prevent non-conformity)	N/A	9498-52-4195-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
241	Multi-Family (prevent non-conformity)	N/A	9498-42-8608-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
242	Multi-Family (prevent non-conformity)	4260 Tatum Drive	9498-52-7947-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
243	Multi-Family (prevent non-conformity)	N/A	9498-52-3383-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
244	Multi-Family (prevent non-conformity)	N/A	9498-42-7239-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
245	Multi-Family (prevent non-conformity)	N/A	9498-52-2058-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
246	Multi-Family (prevent non-conformity)	Wood Creek Drive	9498-42-6123-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
247	Multi-Family (prevent non-conformity)	N/A	9498-51-8773-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
248	Multi-Family (prevent non-conformity)	N/A	9498-51-2931-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
249	Multi-Family (prevent non-conformity)	N/A	9498-51-6653-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
250	Multi-Family (prevent non-conformity)	N/A	9498-52-2452-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
251	Multi-Family (prevent non-conformity)	N/A	9498-51-8496-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
252	Multi-Family (prevent non-conformity)	1025 Wood Creek Drive	9498-42-6345-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
253	Multi-Family (prevent non-conformity)	N/A	9498-41-8987-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
254	Multi-Family (prevent non-conformity)	Willowbrook Drive	9498-42-3562-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
255	Multi-Family (prevent non-conformity)	N/A	9498-52-8316-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
256	Multi-Family (prevent non-conformity)	Willowbrook Drive	9498-42-4119-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
257	Multi-Family (prevent non-conformity)	N/A	9498-52-0176-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
258	Multi-Family (prevent non-conformity)	6511 Lexi Lane	9498-63-0332-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
259	Multi-Family (prevent non-conformity)	1002 Brookhollow Drive	9498-51-7564-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
260	Multi-Family (prevent non-conformity)	Willowbrook Drive	9498-42-5485-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
261	Multi-Family (prevent non-conformity)	N/A	9498-51-5763-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
262	Multi-Family (prevent non-conformity)	Willowbrook Drive	9498-42-3249-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
263	Multi-Family (prevent non-conformity)	N/A	9498-52-6015-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
264	Multi-Family (prevent non-conformity)	Willowbrook Drive	9498-42-4045-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
265	Multi-Family (prevent non-conformity)	Willowbrook Drive	9498-42-5631-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
266	Multi-Family (prevent non-conformity)	N/A	9498-52-0040-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
267	Multi-Family (prevent non-conformity)	N/A	9498-42-8268-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
268	Multi-Family (prevent non-conformity)	N/A	9498-42-7601-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
269	Multi-Family (prevent non-conformity)	N/A	9498-51-3870-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
270	Multi-Family (prevent non-conformity)	N/A	9498-51-7990-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
271	Multi-Family (prevent non-conformity)	N/A	9498-52-1506-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
272	Multi-Family (prevent non-conformity)	N/A	9498-51-9806-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
273	Multi-Family (prevent non-conformity)	N/A	9498-52-0710-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
274	Multi-Family (prevent non-conformity)	N/A	9498-42-4411-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
275	Multi-Family (prevent non-conformity)	Willowbrook Drive	9498-61-0731-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
276	Multi-Family (prevent non-conformity)	N/A	9498-42-7160-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
277	Multi-Family (prevent non-conformity)	107 Grande Oaks Drive	9498-93-7880-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
278	Multi-Family (prevent non-conformity)	6205 Morgantown Road	0408-03-5961-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
279	Multi-Family (prevent non-conformity)	6301 Morgantown Road	0408-04-1123-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
280	Multi-Family (prevent non-conformity)	3812 Holly Oak Drive	0408-04-2067-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
281	Multi-Family (prevent non-conformity)	5440 Basking Ridge Drive	0408-71-5999-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
282	Multi-Family (prevent non-conformity)	N/A	9496-37-7214-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
283	Multi-Family (prevent non-conformity)	Benitridge Lane	9496-36-0845-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B

284	Multi-Family (prevent non-conformity)	1141 Glen Iris Drive	9487-37-9039-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
285	Multi-Family (prevent non-conformity)	1231 Braybrooke Place	9487-46-3899-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
286	Multi-Family (prevent non-conformity)	1184 Rim Road	9487-55-2521-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
287	Multi-Family (prevent non-conformity)	4810 Canyon Crest Circle	9487-78-8304-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
288	Multi-Family (prevent non-conformity)	6700 Bone Creek Drive	9487-79-8268-	R6	MR-5	N/A	MR5 to Prevent Nonconformity	2B
289	Roger Harris	350 N Eastern Blvd	0447-03-7810-	M2	HI	CC	Prevent Nonconformity	2B
290	Butch Dunlap	Sycamore Dairy Road	0418-42-4656-	C1P	LC		Proximity to residential development	2C
291	Butch Dunlap	N/A	0407-87-4885-	C1P	LC		Distance from Skibo and proximity to residential development	2C
292	Chris Manning	5215 Arbor Road	0530-53-6361-	C1P	LC	CC	Undeveloped... Proximity to residential development	2C
293	Dawn Driggers	500 Fisher Street	0436-88-4845-	M2	OI	OI	To prevent a nonconforming school	2C
294	Ed Blanchard	3530 Boone Trail	0416-92-4201-	C1	NC	LC or CC	Proximity to residential development	2C
295	Jared Fryer	2014 Litho Street	0426-59-7345-	C1P	LC		conforms to existing use	2C
296	Jared Fryer	Robeson Street	0426-48-0123-	C1P	LC		Proximity to other LC and property is cut off by rail road tracts from other property	2C
297	Jared Fryer	418 Ray Avenue	0437-66-1541-	R5/P2/C2P/C3	MR-5/OI/CC/DT		conforms to existing use	2C
298	Joe Riddle	Duncastle Road	0417-17-5787-	C1P	CC		Straight Rezoning	2A
299	Joe Riddle	420 Owen Drive	0416-98-9401-	C1	LC		Straight Translation, new hospital area plan call for this to be O&I	2C
300	Joe Riddle	6017 Raeferd Road	0407-60-3855-	C1P	LC	Owner ok with LC	Proximity to other recommended LC, limited access and fits with existing use	2C
301	Joe Riddle	Sycamore Dairy Road	0418-53-3255-	C1P	LC		Proximity to residential development	2C
302	Joe Riddle	Ramsey Street	0530-51-8477-	C1P	LC		Buffer between CC and Residential	2A
303	Joe Riddle	Ramsey Street	0530-51-9133-	C1P	LC		Buffer between CC and Residential	2A
304	Joe Riddle	Ramsey Street	0530-51-6470-	C1P	LC		Buffer between CC and Residential	2A
305	Joe Riddle	Duncastle Road	0417-17-8758-	C1P	CC		Straight Rezoning	2A
306	Joe Riddle	Raeferd Road	0416-49-7936-	C1P	CC		Straight Rezoning	2A
307	Joe Riddle	Raeferd Road	0417-50-1264-	C1P	CC		Straight Rezoning	2A
308	Joe Riddle	5500 Yaddin Road	0408-57-9008-	C1P	LC	Owner ok with LC	Lot sizes and proximity to residential development	2A
309	Joe Riddle	160 N. McPherson Church Road	0418-40-7250-	C1P	LC		Lot sizes and proximity to residential development	2C
310	Joe Riddle	2800 Ramsey Street	0438-69-9909-	C1P	LC		Proximity to residential development	2C
311	Joe Riddle	208 Owen Drive	0417-90-1303-	C1/C1P	CC		Only a small portion currently zoned C1.	2A
312	Joe Riddle	3317 Bragg Boulevard	0418-81-6369-	R10/C1P	SF-10/LC		SF-10 and CC per existing uses	2A
313	John Gillis		9486-46-9227-	C1P	LC	CC	Distance from Hwy 401...boarders Conservation District.	2C
314	John Gillis	Gillis Hill Road	9486-33-1108-	C1P	LC	CC	Distance from Hwy 401...boarders Conservation District.	2C
315	John Gillis	N/A	9486-24-3086-	C1P	LC	CC	Distance from Hwy 401...boarders Conservation District.	2C
316	John Gillis	2561 Gillis Hill Road	9486-22-8663-	C1P/CD	LC/CD	CC/CD	Distance from Hwy 401...boarders Conservation District.	2C
317	John Gillis	7593 Raeferd Road	9486-55-3779-	C1P	LC	CC	Secondary commercial area	2A
318	John Gillis	2148 Rim Road	9486-46-9665-	C1P	LC	CC	Secondary commercial area	2A
319	John Gillis	7604 Raeferd Road	9486-56-1164-	C1P	LC	CC	Secondary commercial area	2A
320	Jonathan Elliot	6525 Raeferd Road	0406-19-3590-	C1P	LC		Secondary commercial area...current use ok	2C
321	Jonathan Elliot	6529 Raeferd Road	0406-19-2508-	C1P	MU		Currently mixed use commercial and residential	2C
322	Jonathan Elliot	6353 Applecross Avenue	0406-19-5436-	R6/C1P	SF-6/LC		Secondary commercial area...current use ok	2C
323	March Riddle	Santa Fe Drive	0408-46-8951-	C1	LC		Buffer between CC and Residential	2C
324	March Riddle	N/A	0408-85-0108-	C1P	LC		Proximity to residential development	2C

325	March Riddle	N/A	0416-29-1776-	R5A/C1P	MR5/LC				2C
326	March Riddle	Shepherd Street	0416-89-5706-	C1P/R10/R5A	MR5/LC/CC/SF-10	O&I?	Buffer between CC and Residential / limited access to property.	2C	
327	March Riddle	Reilly Road	9498-62-4124-	C1P	LC		Need for small scale commercial in the area	2C	
328	March Riddle	Reilly Road	9498-62-4781-	C1P	LC		Need for small scale commercial in the area	2C	
329	Neil Grant	510 McPherson Church Road	0418-42-1405-	C1P	LC	CC	Straight Translation	2A	
330	Neil Grant	504 McPherson Church Road	0418-42-1279-	C1P	LC	CC	Straight Translation	2A	
331	Neil Grant	McPherson Church Road	0418-42-6343-	C1P	LC	CC	Straight Translation	2A	
332	Neil Grant	490 McPherson Church Road	0418-42-1141-	C1P	LC	CC	Straight Translation	2A	
333	Neil Grant	482 McPherson Church Road	0418-42-1080-	C1P	LC	CC	Straight Translation	2A	
334	Neil Grant	N/A	0418-42-3059-	C1P	LC	CC	Straight Translation	2A	
335	Neil Grant	N/A	0418-42-4158-	C1P	LC	CC	Straight Translation	2A	
336	Thomas Barker	N/A	9486-54-2995-	CD/PND	GD/SF-10		No PND plan on file	2C	
337	Thomas Barker	N/A	9486-85-5073-	PND	SF-10		No PND plan on file	2C	
338	Thomas Barker	N/A	9486-85-0161-	PND	SF-10		No PND plan on file	2C	
339	Thomas Barker	N/A	9486-95-0597-	PND	SF-10		No PND plan on file	2C	
340	Tommy Bradford	McPherson Church Road	0417-81-9543-	C1P	LC		Secondary commercial area	2C	
341	Tommy Bradford	639 Executive Place	0427-82-6502-	C1P	LC	CC	Secondary commercial/office area	2C	
342	Belvia & Andrew Williams	McCarthy Street	0418-29-4945-	R5A/M	MR-5/MHO	CC	This is a rezoning and not a translation	2D	
343	Belvia & Andrew Williams	N/A	0418-29-5338-	R5A/M	MR-5/MHO	CC	This is a rezoning and not a translation	2D	
344	Belvia & Andrew Williams	N/A	0419-20-6031-	R5A/M	MR-5/MHO	CC	This is a rezoning and not a translation	2D	
345	Belvia & Andrew Williams	409 Bonnie Street	0418-29-4862-	R5A/M	MR-5/MHO	CC	This is a rezoning and not a translation	2D	
346	Belvia & Andrew Williams	N/A	0418-29-5844-	R5A/M	MR-5/MHO	CC	This is a rezoning and not a translation	2D	
347	Belvia & Andrew Williams	114 Bonnie Street	0418-29-6837-	R5A/M	MR-5/MHO	CC	This is a rezoning and not a translation	2D	
348	Belvia & Andrew Williams	110 Bonnie Street	0418-29-7819-	R5A/M	MR-5/MHO	CC	This is a rezoning and not a translation	2D	
349	Cam Stout	Boone Trail Extension	0426-25-5453-	P2	OI		This is a rezoning and not a translation	2D	
350	Cam Stout	4207 Sweetwater Drive	0439-49-6388-	R6	SF-6	CC	This is a rezoning and not a translation	2D	
351	Cam Stout	4202 Sweetwater Drive	0439-49-6029-	R6	SF-6	CC	This is a rezoning and not a translation	2D	
352	Cam Stout	4204 Sweetwater Drive	0439-49-7120-	R6	SF-6	CC	This is a rezoning and not a translation	2D	
353	Debbie Liebers	3439 Dundie Road	9495-10-6231-	C1	NC		This is a rezoning and not a translation	2D	
354	Dharmesh Patel	7383 Stony Point Road	9495-10-6440-	AR	AR	LC	This is a rezoning and not a translation	2D	
355	Don Broadwell	110 Lamb Street	0427-86-7155-	R15	SF-15		This is a rezoning and not a translation	2D	
356	Habitat for Humanity	509 Grace Avenue	0436-98-0615-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
357	Habitat for Humanity	Grace Avenue	0436-98-0667-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
358	Habitat for Humanity	515 Grace Avenue	0436-98-1618-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
359	Habitat for Humanity	N/A	0436-98-1753-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
360	Habitat for Humanity	517 Grace Avenue	0436-98-1676-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
361	Habitat for Humanity	510 Grace Avenue	0436-98-0468-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
362	Habitat for Humanity	Grace Avenue	0436-98-1419-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
363	Habitat for Humanity	516 Grace Avenue	0436-98-1550-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
364	Habitat for Humanity	520 Grace Avenue	0436-98-2502-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
365	Ronald Richardson	720 Teachers Drive	0436-99-3010-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
366	Ronald Richardson	719 Teachers Drive	0436-95-3855-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
367	Ronald Richardson	706 Bullard Street	0436-98-3784-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
368	Ronald Richardson	801 Teachers Drive	0436-98-2822-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
369	Ronald Richardson	811 Teachers Drive	0436-98-2746-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
370	Ronald Richardson	811 Teachers Drive	0436-98-2750-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
371	Ronald Richardson	813 Teachers Drive	0436-98-2675-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
372	Ronald Richardson	815 Teachers Drive	0436-98-2589-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
373	Ronald Richardson	817 Teachers Drive	0436-98-2583-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
374	Ronald Richardson	818 Teachers Drive	0436-98-1511-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
375	Ronald Richardson	822 Teachers Drive	0436-98-1415-	M2	HI	MR-5	This is a rezoning and not a translation	2D	
376	Tommy Bradford	1540 Purdue Drive	0427-20-6631-	P2	OI	CC	This is a rezoning and not a translation	2D	
377	Tommy Bradford	2919 Breezewood Avenue	0427-20-2768-	P2	OI	CC	This is a rezoning and not a translation	2D	
378	Walter C. Moorman	1607 Pugh Street	0427-75-6080-	R15	SF-15	SF-6	This is a rezoning and not a translation	2D	
379	Walter C. Moorman	1609 Pugh Street	0427-74-6917-	R15	SF-15	SF-6	This is a rezoning and not a translation	2D	

380	Walter C. Moorman	1611 Pugh Street	0427-74-5938-	R15	SF-15	SF-6	This is a rezoning and not a translation	2D
381	Walter C. Moorman	1701 Pugh Street	0427-74-4938-	R15	SF-15	SF-6	This is a rezoning and not a translation	2D
382	Walter C. Moorman	1705 Pugh Street	0427-74-3929-	R15	SF-15	SF-6	This is a rezoning and not a translation	2D
383	Walter C. Moorman	1707 Pugh Street	0427-74-2959-	R15	SF-15	SF-6	This is a rezoning and not a translation	2D
384	Walter C. Moorman	1709 Pugh Street	0427-74-1989-	R15	SF-15	SF-6	This is a rezoning and not a translation	2D
385	Walter C. Moorman	1711 Pugh Street	0427-74-1919-	R15	SF-15	SF-6	This is a rezoning and not a translation	2D
386	Walter C. Moorman	1713 Pugh Street	0427-75-0021-	R15	SF-15	SF-6	This is a rezoning and not a translation	2D
387	Westover VFD	4820 Rosehill Road	0429-99-1496-	R6	SF-6	to commercial or professional	This is a rezoning and not a translation	2D
388	Westover VFD	N/A	0429-99-1599-	R6	SF-6	to commercial or professional	This is a rezoning and not a translation	2D



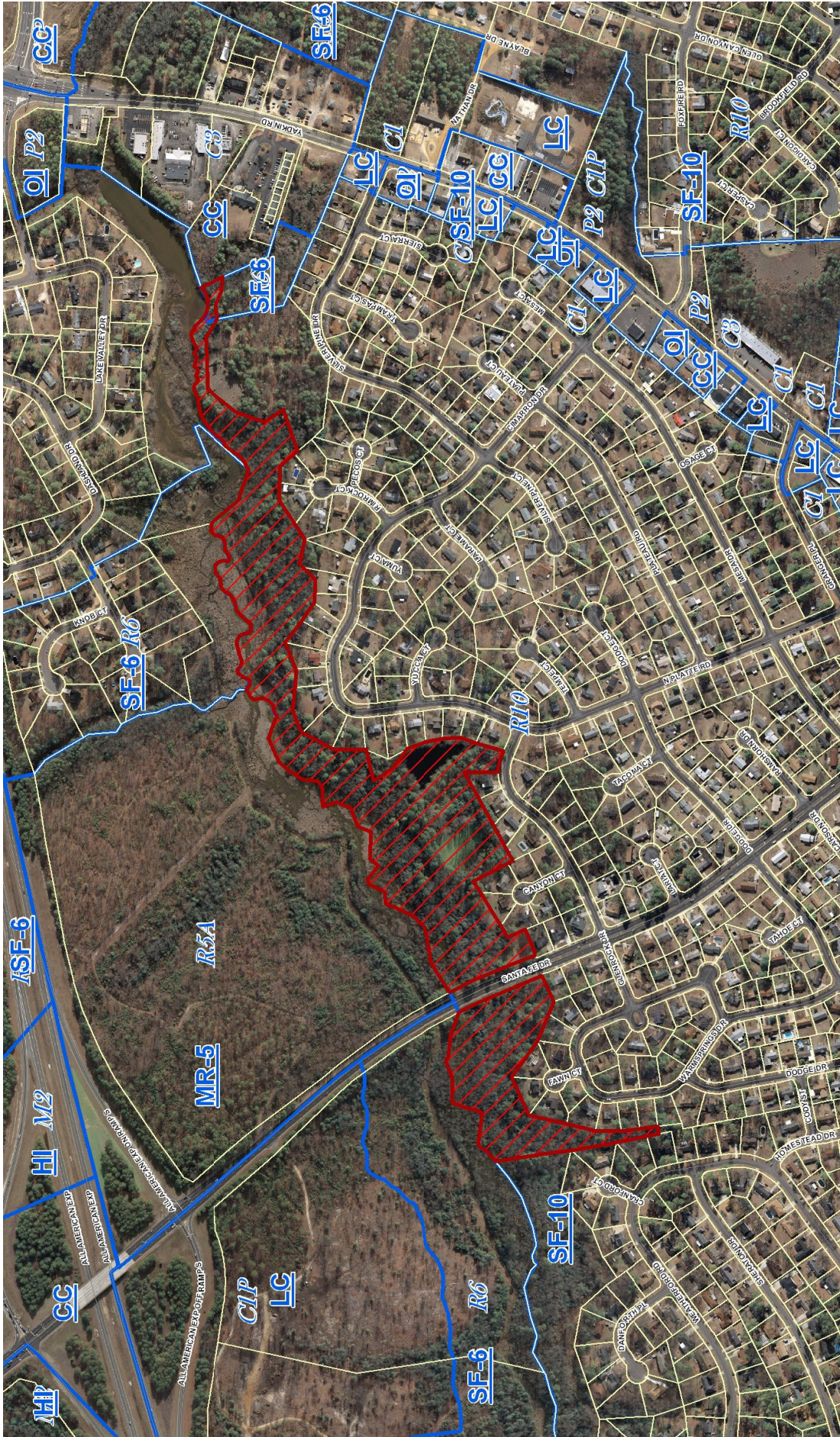
99 & 111

ZC & staff recommendation – Straight remapping to SF-6 (111) & SF-10 (99)

Requested – Both MR-5

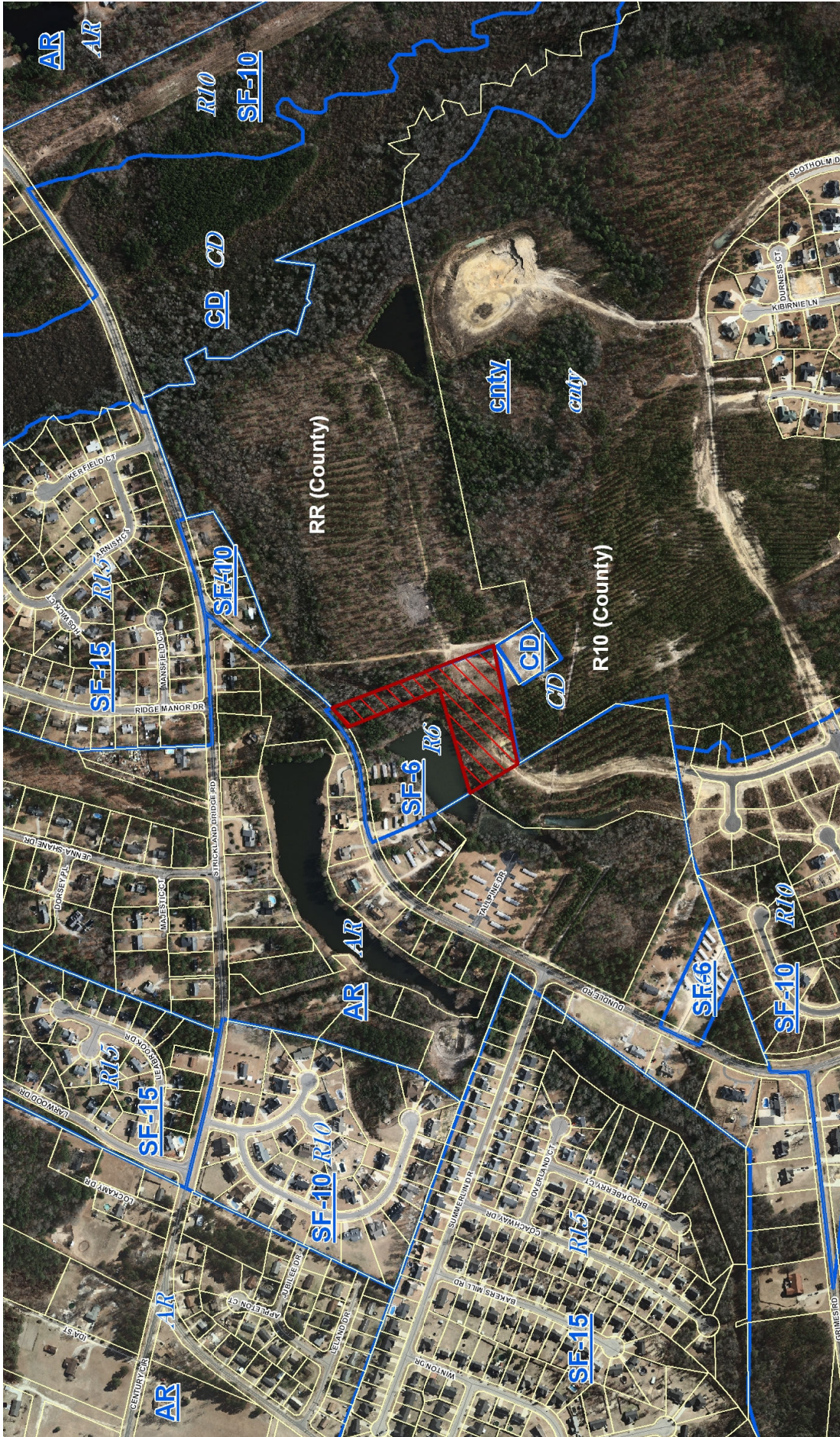


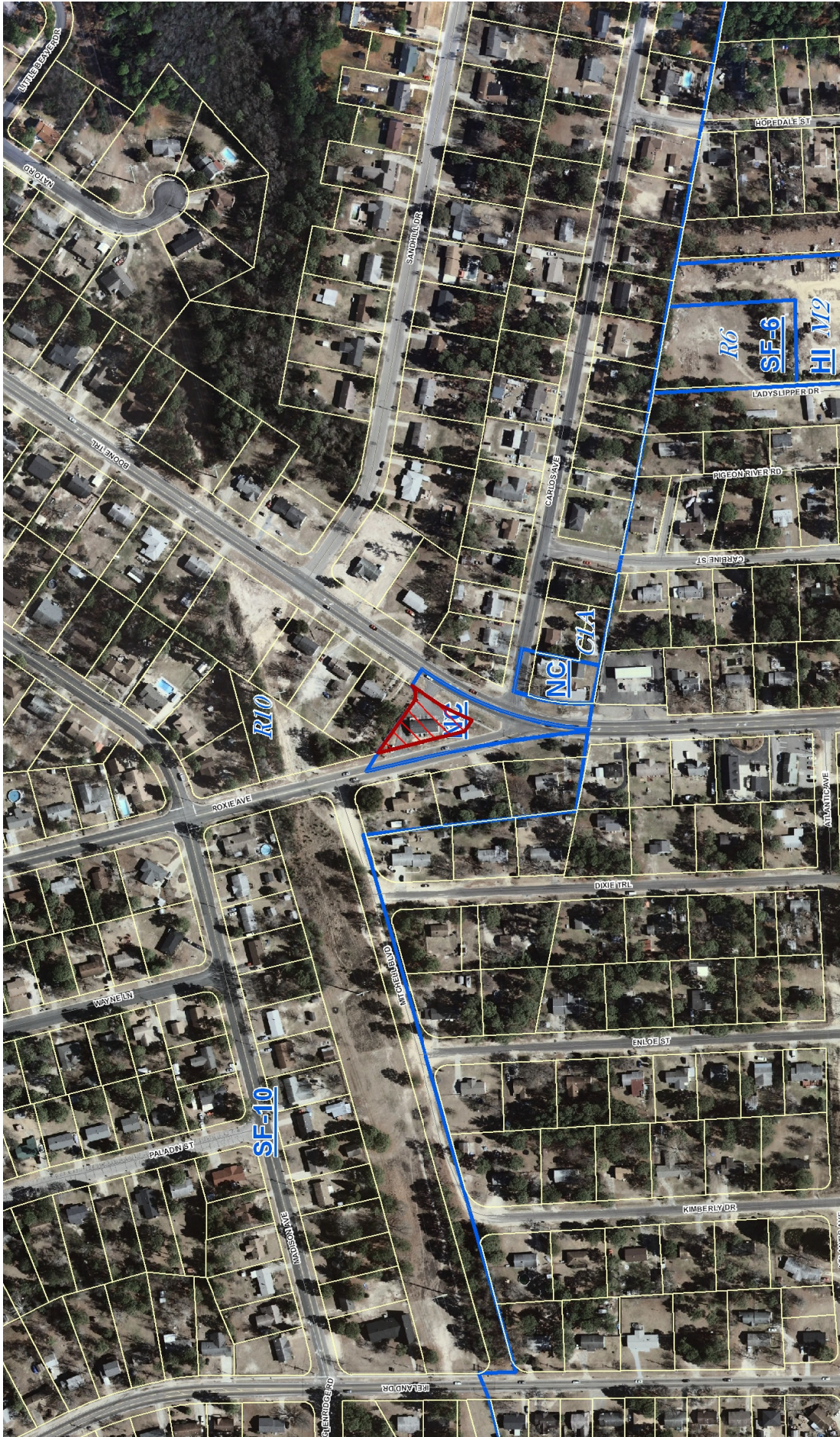












301 ZC & staff recommendation – Straight remapping to LC

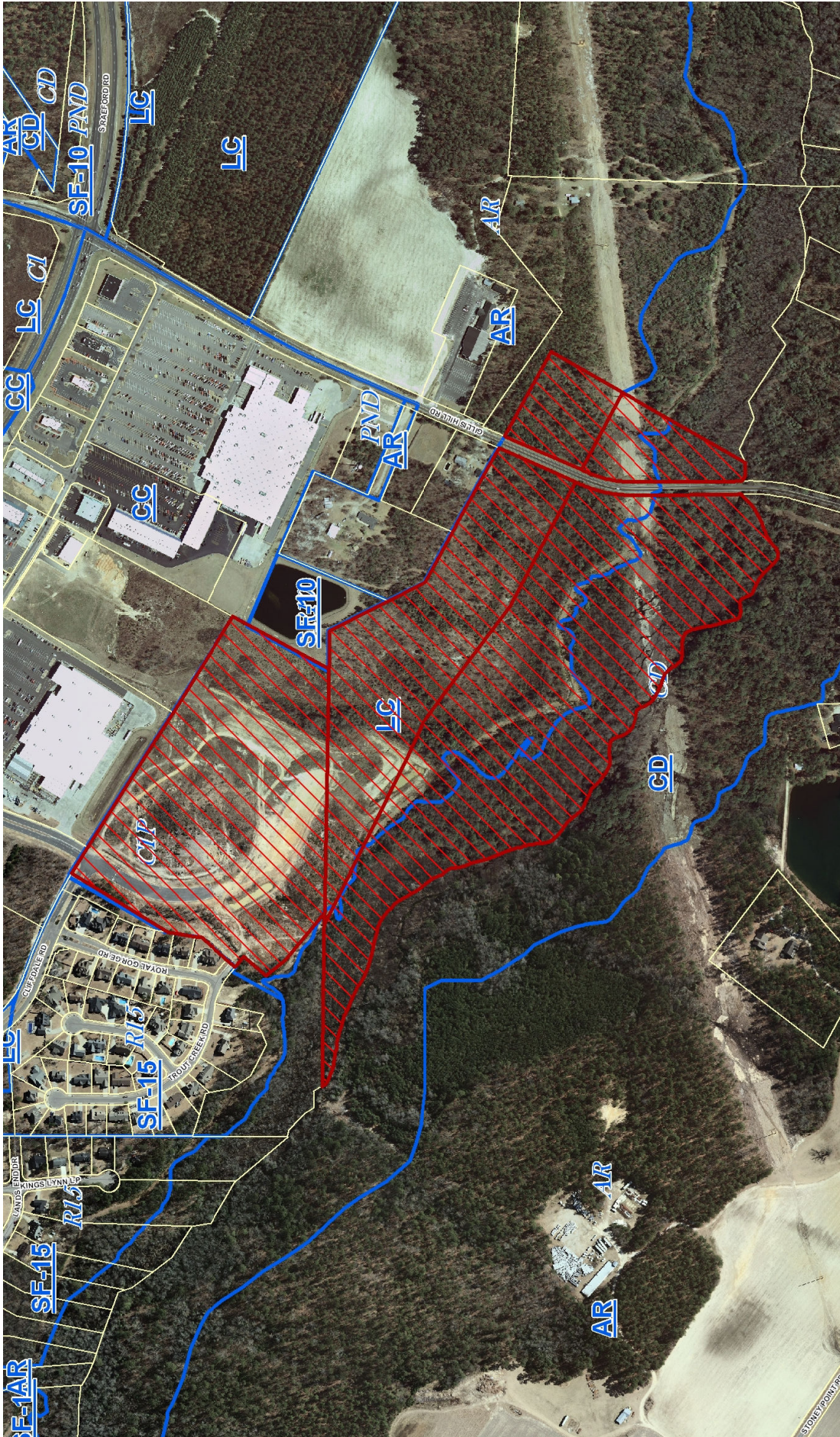
Requested – CC

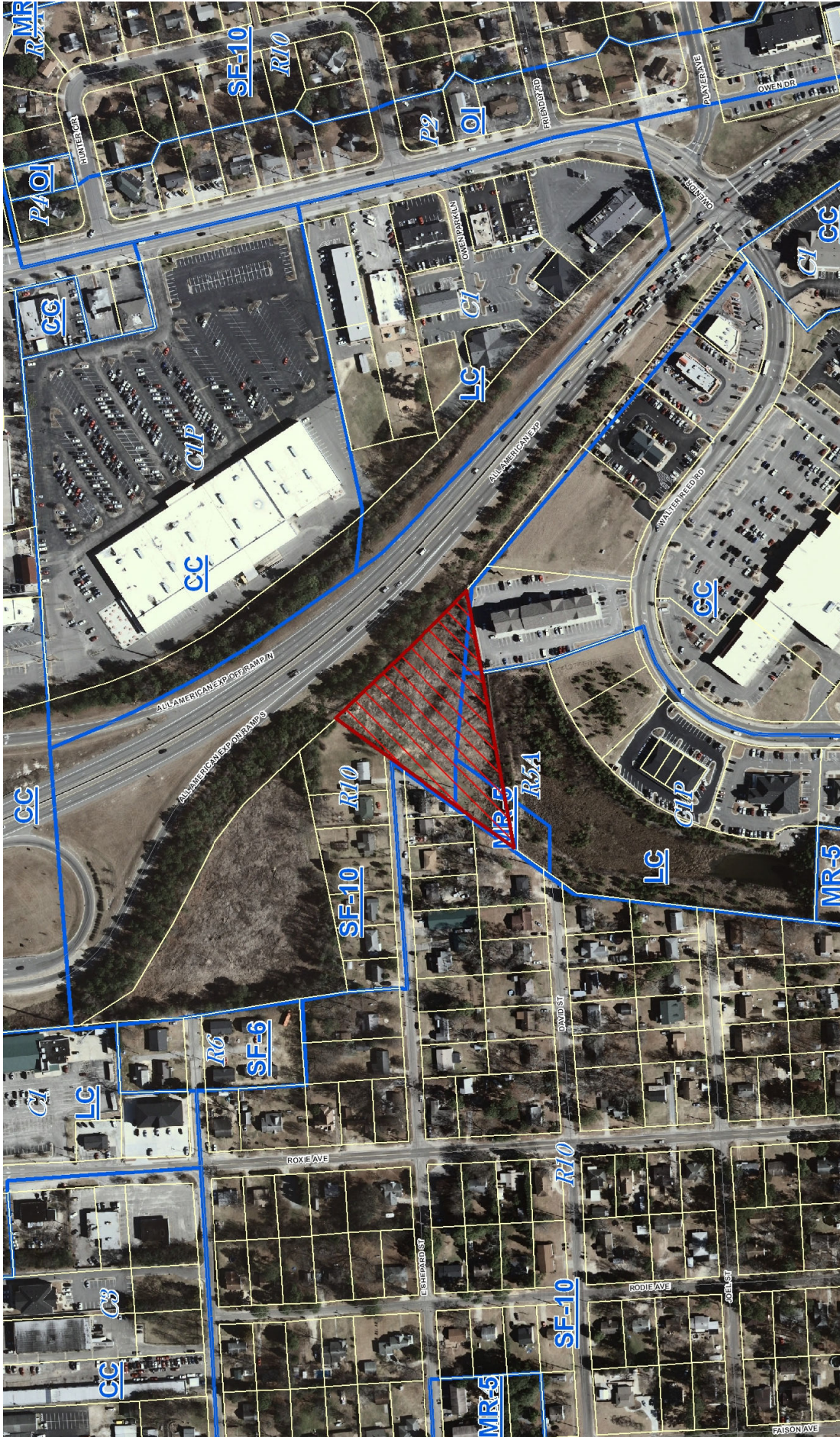


314-316

ZC & staff recommendation – Straight remapping to LC/CD

Requested – CC/CD

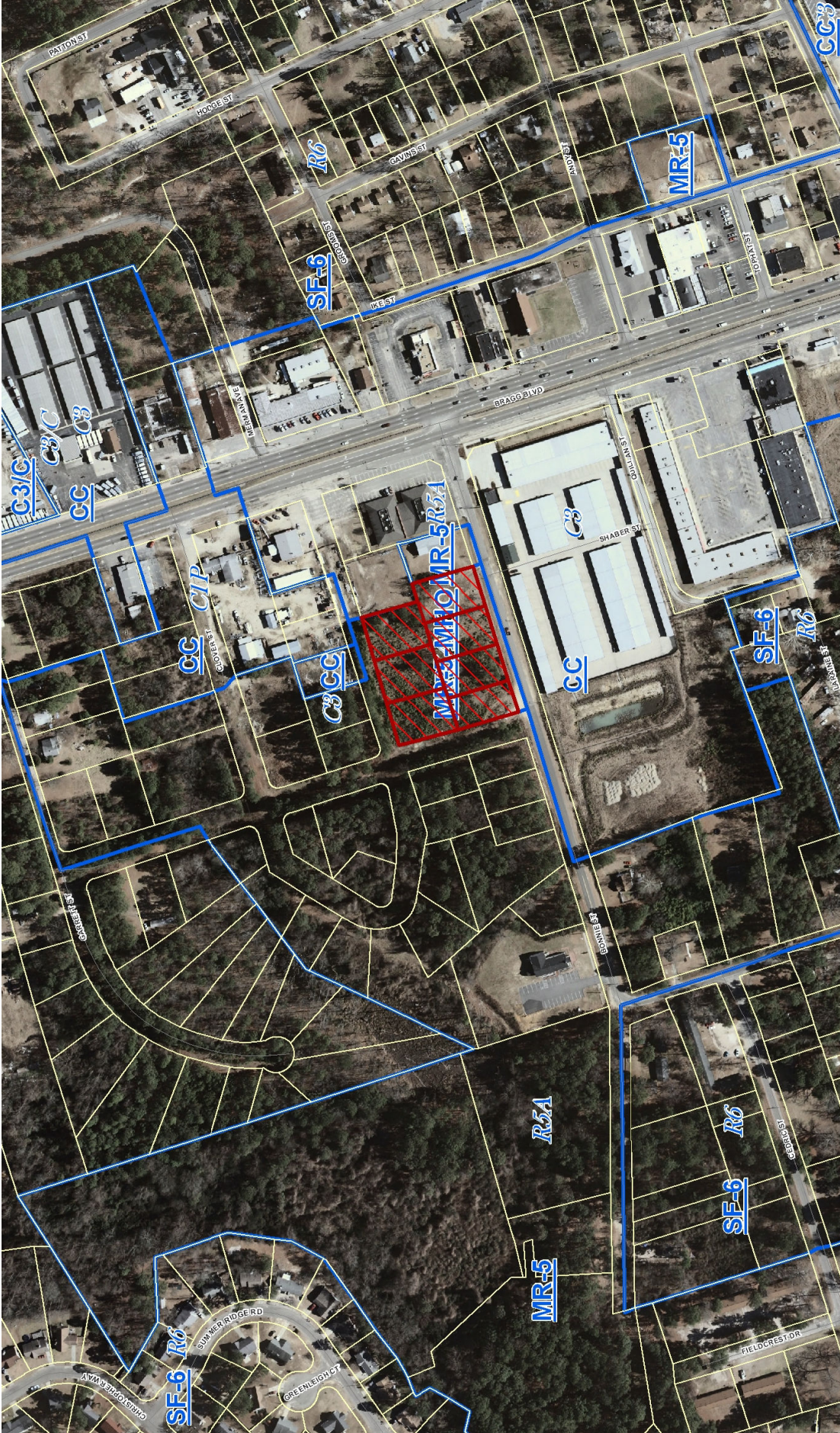




342-348

ZC & staff recommendation – Straight remapping to MR-5 MHO

Requested – CC



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, Manager, Planning and Zoning Division
DATE: June 27, 2011
RE: **Consideration of an ordinance amending the Unified Development Ordinance to address errors or clarifications of a number of areas including provisions related to internet sweepstakes uses.**

THE QUESTION:

Does the proposed ordinance amending the UDO appropriately correct the identified omissions and/or conflicts improving clarity and consistency with Council's desired policy objectives?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods
More Attractive City

BACKGROUND:

The Unified Development Ordinance (UDO) was adopted December 13, 2010, after which the staff focused on the translation of existing zoning districts to the closest new UDO district. During the last few months of work on remapping and practice application on various plans, staff has identified a handful of items in the text that for the most part are errors or minor adjustments rather than substantive policy items. To be clear about the changes, however, all items have been advertised and are presented for a hearing.

ISSUES:

The amendments address errors, conflicts or clarifications on the following items in the UDO: drive aisle widths; private streets; appeal of civil penalties; default standard for separation requirements; inclusion of the LC district in various listings; references to the Incentive Area Overlay; Nursing Homes in the OI district; Heavy Manufacturing description and definition; signs for home occupations; renumbering of sections on subdivision signs; internet sweepstakes standards and definition; and handling of uses not listed in the UDO.

The Planning Commission held public hearings on May 17 and June 16 to consider the recommended changes. The minutes of these two meetings provide a brief explanation of each item and the specific language recommended (See Attached). There were no speakers for or against any of the items. The Planning Commission recommended approval of all items. While considered individually by the Planning Commission, these items have been combined in the attached ordinance amending the UDO.

BUDGET IMPACT:

None.

OPTIONS:

1. Approve the ordinance (RECOMMENDED).
2. Approve the ordinance with modifications to one or more of the sections.
3. Deny (or defer) the ordinance and provide guidance for changes.

RECOMMENDED ACTION:

The Planning Commission and Staff recommend approval of the ordinance amending the Unified Development Ordinance.

ATTACHMENTS:

Minutes of PIng Comm 5-17-11
Minutes of the PIng Com mtg 6-16-11
Draft Statutory Ordinance

MINUTES
CITY OF FAYETTEVILLE
FAYETTEVILLE PLANNING COMMISSION
TUESDAY, MAY 17, 2011
7:00 PM
LAFAYETTE ROOM, CITY HALL
433 Hay St., Fayetteville, NC

MEMBERS PRESENT

Charles Astrike , Chair
Jack Cox, Vice Chair
Dr. William Fiden
Mary Lavoie
Larnie McClung (alt.)
Bill Snuggs
Bill Watt
Maurice Wren (alt.)

MEMBERS ABSENT OTHERS PRESENT

Ronald Michael
Jimmy Holland
Brian Myers, Asst City Atty.
Karen Hilton, Planning Mgr.
David Nash, Planner

Item 1: Approval of the Agenda

Mr. Cox made a motion to approve the Agenda, seconded by Mr. Watt and approved unanimously. Mr. Astrike explained that he needed to leave by a specific time and, in anticipation of his leaving during the hearings, he asked the Commission to allow the vice chair, Mr. Cox, to preside over the meeting. Mr. Watt motioned approval, seconded by Mr. Wren and approved unanimously.

Item 2: Public Hearings:

After explaining the rules for speakers and the role of the Planning Commission, Mr. Cox opened the hearings. He noted that there were no speakers signed up for any of the items to be considered and asked if the items could be heard and acted upon as one unit. Mr. Myers explained that it would be preferable to address each amendment independently, consistent with the Agenda.

Mr. Cox asked Ms. Hilton to present the cases. She explained that, during the last few months of work on remapping and plan reviews, staff has identified a handful of items in the text that for the most part are errors or minor adjustments rather than substantive policy items. To be clear about the changes, however, all items have been advertised and are presented for a hearing.

After her presentation of the information and reasons for staff recommendation for each of the ten items, the Commission members took the following action on each item, approving all staff recommendations as presented.

Item 2A: To amend UDO 30-3 to delete the reference to incentive overlay district in footnotes to multiple zoning districts. (Case P11-01T)

Staff recommended DELETING the reference to an incentive overlay district appearing in footnotes in the district tables (SF-15, SF-10, SF-6, OI, LC, CC and MU) and in any other location in which the reference is found. The incentive overlay no longer exists as part of the zoning ordinance.

Mr. Astrike motioned to delete the reference to incentive overlay district in footnotes to multiple zoning districts, seconded by Mr. Wren, approved unanimously.

Item 2B. To amend UDO 30-4 (Table of Uses) to add Nursing Home as a permitted use in OI Office/Institutional. (Case P11-02T)

Nursing homes appear to have been omitted by accident from the OI Office / Institutional District. The OI encompasses most of the current “P” districts, which allow Nursing Homes. Hospitals, which are a much more intense use, are permitted in the OI district.

Staff recommended correcting this omission by permitting Nursing Homes in the OI district.

Mr. Bill Watt motioned to add Nursing Home as a permitted use in OI Office/Institutional, seconded by Mr. Snuggs, and the item was approved unanimously.

Item 2C. To amend UDO 30-4.D.3(h) to allow up to a two square foot wall sign for home occupations, consistent with UDO 30-5.L.6 Table and existing regulations. (Case P11-03T)

There are contradicting standards in the UDO as adopted, with the standards for home occupations in Article 4 prohibiting any advertising devices including signs, and the standards in Table 30-5.L.6 allowing up to 2 square feet for a wall sign (which is the current standard). There are no apparent problems with appearance or intrusive character from the current standards and the small sign does facilitate the proper identification of the activity.

Staff recommended modifying item 30-4.D.3(h)(8) (page 4-47) by referring to the sign standards in Table 30-5.L.6. The recommended language is:

(8) Except as may be provided for in Table 30-5.L.6, there are no advertising devices on the property, ~~or other signs of the home occupation,~~ which are visible from outside the dwelling or accessory building.

Dr. Fiden noted that the page reference should be 4-57 instead of 4-47. Mr. Wren motioned to allow up to a two square foot wall sign for home occupations, consistent with the UDO 30-5.L.6 Table and existing regulations, seconded by Mr. Astrike, and the item was approved unanimously.

Item 2D. To amend UDO 30-5.A.8 (Table and Figure) to change the aisle width from 20 to 24 feet for 90 degree parking. (Case P11-04T)

Engineering advises that the table for two-way drive aisles with 90 degree parking should be 24', not the 20' shown in the table. Staff recommended changing the standards shown in both Table 30-5.A.8 and Figure 30-5.A.8 to show 24 feet width for two-way drive aisles with 90 degree parking. Mr. Wren noted that he generally sees 25' used for two-way drive aisles, but 24' works.

Dr. Fiden motioned to change the aisle width from 20 to 24 feet for 90 degree parking, seconded by Mr. McClung, and the item was approved unanimously.

Item 2E. To amend UDO 30-5.F.4 to provide consistent language referencing private streets and standards. (Case P11-05T)

Section 30-5.F.4 begins a series of street standards that includes standards for private streets. The UDO generally requires that all private streets meet the same standards as public streets. Instances where the references to standards appear contradictory or confusing are proposed for cleanup (specifically, see page 5-64 top). The initial paragraph specifies the street shall be to the same

standard as public streets; to the extent public street standards may use a variety of construction materials, so may the private streets.

In the section regarding inspection and Certificate of Construction (page 5-64), the Engineering Department has advised that certain other professionals may be authorized to submit a stamped Certificate of Construction for facilities associated with a private street. Therefore, a broader reference to approved registered professionals is requested.

Staff recommended approval of the following changes to the UDO sections in 30-5.F.4:

In 4(a)(7) Private Streets, Item a.i, delete the sentence “A variety of construction materials may be used if approved by the City Manager.”

In 4(a)(7)d Certificate of Construction, third line, replace “registered engineer or professional land surveyor” with “registered professional designated for such approvals.” In the sixth line, replace “registered engineer’s or professional land surveyor’s seal” with “the seal of the registered professional”.

Mr. Watt motioned to accept staff recommendations to provide consistent language referencing private streets and standards, seconded by Mr. Astrike, and the item was approved unanimously.

Item 2F. To amend UDO 30-5.L.10 to renumber Item (e)(4) to be Item (f) consistent with the adopted language. (Case P11-06T)

When the final draft was approved in December 2010, a new item regarding certain ground-based (monument) signs for subdivisions had been included in the list of signs permitted by special approval. The final edit put it under item (e) Community Banners within the Municipal Service District instead of as a new item “f”. Clearly the ground-based subdivision sign is not related to Item (e).

The purpose of the item about certain subdivision signs is not in question, only its position within the section. Moving it to be its own listing, “Subdivision Signs Outside the Subdivision”, enables all readers to identify the standard.

Staff recommended approval of the renumbering of Item (e)(4) to a new Item (f).

Mr. Wren motioned to renumber Item (e)(4) to be Item (f) consistent with the adopted language, seconded by Mr. Watt; the item was approved unanimously.

Item 2G. To amend UDO 30-8.F.3 to add Item (e) to clarify that Appeal of Civil Penalty is through the City Code Section 1-9. ((Case P11-07T)

Fayetteville Code of Ordinances Section 1-9 defines the appeal process for the recipient of a civil penalty citation. This section provides that the recipient of the citation may make a written request to the city attorney’s office for a hearing within ten days of receipt of the citation to be heard by the administrative hearing officer. Section 1-7 (h) provides that civil penalty citations may be served by U.S. first-class mail to the last known address of the recipient.

Section 1-9 stipulates various chapters that are subject to the civil penalty process. However, Section 1-9 does not include Chapter 14, Housing, Dwelling and Buildings or Chapter 30, Zoning.

Both of these Chapters provide for the issuance of civil penalty citations for respective code violations.

Adding Chapter 30 to the listing in this section of the City Code (Section 1-9) will provide the required appeal process for citations issued under the Unified Development Ordinance. The code changes for Section 1-9 have already been initiated, including changes clarifying how to establish a definitive date for issuance and for appeal of the citation. As a separate action, the language in Chapter 30 needs to be adjusted to direct the appeal of civil penalties to that Section 1-9.

Staff recommended approval of the changes as shown in the following, adding a new item (e) to section 30-8.F.3 of the UDO, to make appeals of civil penalties associated with Chapter 30 violations subject to the procedures of City Code 1-9.

Mr. Watt motioned to add Item (e) to clarify that Appeal of Civil Penalty is to City Code Sec. 1-9, seconded by Dr. Fiden; the item was approved unanimously.

Item 2H. To amend UDO 30-9.B to add Item 3 to measure separation between uses (nearest corner to nearest corner) when not otherwise specified. (Case P11-08T)

The Unified Development Ordinance includes a section about measurements in Article 9, prior to beginning the definitions. Staff recommended adding a new item under Measurements in Article 9, to provide guidance as to how to measure a required separation if a measure is not specifically stated in the standards for that particular use. The default measure of separation between certain uses would be to measure from nearest wall to nearest wall.

The proposed language is:

[new] **3. COMPUTATION OF SEPARATION REQUIREMENTS**

When not otherwise specified in the standards of this ordinance, a required separation between uses shall be calculated by measuring from the nearest wall of the proposed use (or corner of the lot if no building is established) to the nearest wall of the other use.

Mr. Astrike motioned to add Item 3 to measure separation between uses (nearest corner to nearest corner) when not otherwise specified, seconded by Mr. Wren, and the item was approved unanimously.

Item 2I. To amend UDO 30-9.D Manufacturing, Heavy, to delete the text following the reference to 30-4.B.6, to conform to adopted language. (Case P11-09T)

When the reformatted, clean adopted copy was prepared, the language in the Definitions was not deleted as shown during adoption, creating a contradiction between the examples of Heavy Manufacturing in Article 4 and the definition of “Manufacturing, Heavy” in Article 9.

Staff recommended deleting the portion in the definition, as shown on the November draft below, thus restoring that section to the way it was adopted and resolving the contradiction.

Ms. Lavoie motioned for approval of the change as recommended by staff, seconded by Mr. Astrike, and the item was approved unanimously.

2J. UDO--various sections, to add LC Limited Commercial to the listing of zoning districts in various locations throughout the ordinance (e.g. 30-4.C.3 Table). (Case P11-10T)

When the LC Limited Commercial zoning district was added to the new UDO districts, it was late in the drafting process. In some instances the LC district inadvertently was omitted from a list of several zoning districts for which a standard is applicable. One example that has been identified is shown below. Generally, the LC district would be grouped with the CC district in such references.

Staff is recommending approval of the addition of the LC Limited Commercial district to Table 30-4.C.3 as part of the listing with CC, and elsewhere when it has been omitted from a listing of districts and it is a logical addition to the group including the CC Community Commercial district.

Mr. McClung motioned to approve the change to various sections, to add LC Limited Commercial to the listing of zoning districts in various locations throughout the ordinance (e.g. 30-4.C.3 Table), seconded by Mr. Snuggs, and the item was approved unanimously.

Item 3: Upcoming Meetings

June 21, 2011 *[Subsequently, this regular meeting was cancelled and a special meeting scheduled for June 16, 2011]*

One subdivision waiver

Update on the UDO implementation status and process

July 19, 2011 to be determined

Item 4: Other Business -- None

Item 5: Adjournment

Mr. Astrike's motion for adjournment was seconded, and the meeting was adjourned at approximately 7:55 p.m.

Karen S. Hilton

Prepared by Karen S. Hilton, AICP

Approved at Meeting of _____

MINUTES
CITY OF FAYETTEVILLE
FAYETTEVILLE PLANNING COMMISSION
THURSDAY, JUNE 16, 2011
5:15 PM
LAFAYETTE ROOM, CITY HALL
433 Hay St., Fayetteville, NC

MEMBERS PRESENT

Bill Watt
Jack Cox, Vice Chair
Bill Snuggs
Jimmy Holland
Mary Lavoie
Larnie McClung (alt.)
Ronald Michael

MEMBERS ABSENT

Charles Astrike , Chair
[Maurice Wren, Alt.]
Dr. William Fiden

OTHERS PRESENT

Brian Myers, Asst City Atty.
Karen Hilton, Planning Mgr.
Scott Shuford, Director, Dev. Svcs.
Marsha Bryant, Planner

Item 1: Approval of the Agenda

Mr. Cox made a motion to approve the Agenda, seconded by Mr. Holland and approved unanimously.

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Item 5: PUBLIC HEARING to consider an amendment to the Unified Development Ordinance to modify the definition, classification and use-specific standards for Internet Sweepstakes uses. (UDO Case No. 11-11T)

Ms. Hilton summarized the changes recommended by the City Attorney's office. Because the use currently called "Internet Sweepstakes" in the Unified Development Ordinance is evolving on an almost daily basis, a change in the name of the use is recommended, accompanied by a new definition. "Internet Sweepstakes" would become one example of the broader use "Electronic Gaming Operations". Changes in the use-specific standards are recommended at least for the short term, to recognize the broader description and to allow for further legal review to ensure compliance with other city and state regulations. Other sections of the UDO that would be need to be amended include the listing in the Use Table and in the Parking Tables. In conjunction with the evolving character, a change in the parking standard is also being recommended. The specific changes recommended are:

(1) In 30-9.D Definitions, delete "Internet Sweepstakes" and add:

ELECTRONIC GAMING OPERATION

Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to, computers and gaming terminals, to conduct games, including sweepstakes, where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina, electronic video game establishments as defined by N.C.G.S. 105-66.1, or any nonprofit operation that is otherwise lawful under state law, such as, for example, church or civic fundraisers.

(2) Replace the term "Internet Sweepstakes" with "Electronic Gaming Operation" in the following locations:

- a. 30-4.A Use Table (Retail Sales and Services Category)
- b. 30-4.C Use-Specific Standards (Retail Sales and Services Category)
- c. 30-5.A.4 Development Standards (Minimum Off-Street Parking Standards)

(3) Modify the parking standard for Electronic Gaming Operation in 30-5.A.4.B to read:

the greater of 1 per machine or one space per 150 gross square feet, + 1 per employee on largest shift.

(4) Modify the use-specific standards in 30-4.C.4(h)(12) as follows:

(12) ~~Internet Sweepstakes~~ **Electronic Gaming Operation**

- a. No ~~internet sweepstakes establishment~~ **electronic gaming operation** may be located within 500 linear feet of a residential use, educational facility, or religious institution.
- b. No ~~internet sweepstakes use~~ **electronic gaming operation** may be permitted within 1,000 linear feet of any other ~~internet sweepstakes use~~ **electronic gaming operation.**
- ~~c. There shall be no more than 20 gaming machines within any single internet sweepstakes use.~~
- ~~d. Alcoholic beverages may not be sold or consumed on site.~~
- ~~e. An internet sweepstakes use may not be permitted as an accessory use to another principal use.~~

Mr. Cox opened and closed the public hearing after noting that there were no speakers signed up on this case. There being no speakers or discussion, Mr. Watt moved approval of the recommended changes. Mr. McClung seconded the motion which was approved unanimously.

Item 6: PUBLIC HEARING to consider an amendment to the Unified Development Ordinance to clarify that uses not specifically listed or determined to be substantially similar to a listed use are prohibited. (UDO Case No. 11-12T)

The Commission formally voted to reseal Mr. Holland.

Ms. Hilton explained that inevitably someone would seek a use that was not listed in the ordinance and could not be considered similar enough to group it with other listed uses. The convention in such situations is to then consider the use not permitted. This amendment makes that explicit. Ms. Lavoie asked if staff could provide an example. Although it wasn't a situation where the staff couldn't find a classification, Ms. Hilton explained the process using a request for an interactive theater as an example.

Mr. Cox noted that there were no speakers signed up for the item. He opened and closed the hearing. Mr. Holland made a motion for approve, seconded by Mr. Snuggs and approved unanimously.

.....

Karen S. Hilton
 Prepared by Karen S. Hilton, AICP

Approved at Meeting of _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO ADDRESS ERRORS OR CLARIFICATIONS AFFECTING DRIVE AISLE WIDTHS; PRIVATE STREETS; APPEAL OF CIVIL PENALTIES; STANDARD FOR SEPARATION REQUIREMENTS; INCLUSION OF THE LC DISTRICT IN VARIOUS LISTINGS; REFERENCES TO THE INCENTIVE AREA OVERLAY; NURSING HOMES IN THE OI DISTRICT; HEAVY MANUFACTURING; SIGNS FOR HOME OCCUPATIONS; RENUMBERING SECTION ON SUBDIVISION SIGNS; INTERNET SWEEPSTAKES; AND USES NOT LISTED IN THE UDO.

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that the Unified Development Ordinance adopted December 13, 2010 as Chapter 30 of the Code of Ordinances of the City of Fayetteville be amended as follows:

Section 1. Change the standards shown in both Table 30-5.A.8 and Figure 30-5.A.8 to show 24 feet width for two-way drive aisles with 90 degree parking.

Section 2. Change UDO sections in 30-5.F.4 Private Streets, as follows:

Sec. 2.1: In 4(a)(7) Private Streets, Item a.i, delete the sentence "A variety of construction materials may be used if approved by the City Manager."

Sec. 2.2: In 4(a)(7)d Certificate of Construction, third line, replace "registered engineer or professional land surveyor" with "registered professional designated for such approvals." In the sixth line, replace "registered engineer's or professional land surveyor's seal" with "the seal of the registered professional".

Section 3. Add a new item (e) to section 30-8.F.3 of the UDO, to make appeals of civil penalties associated with Chapter 30 violations subject to the procedures of

City	Code	Section	1-9.
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[new] (e) Appeal of Civil Penalty
A Civil Penalty may be appealed in accordance with the procedures and timetables established in Sec. 1-9 of the Fayetteville Code of Ordinances.

Section 4. Add a new item in the Measurements section of UDO 30-9 Definitions to provide a default standard to measure a required separation of uses:

[new] 3. COMPUTATION OF SEPARATION REQUIREMENTS

When not otherwise specified in the standards of this ordinance, a required separation between uses shall be calculated by measuring from the nearest wall of the proposed use (or corner of the lot if no building is established) to the nearest wall of the other use.

Section 5. Add the LC Limited Commercial district to Table 30-4.C.3 as part of the listing with CC, and elsewhere when it has been omitted from a listing of districts and it is a logical addition to the group including the CC Community Commercial district.

Section 6. Delete the reference to an incentive overlay district appearing in footnotes in the district tables in Article 3 of the UDO (specifically, in the tables for SF-15, SF-10, SF-6, OI, LC, CC and MU) and in any other location in which the reference is found.

Section 7. Add Nursing Home to the OI district as a permitted use in the UDO Table 30-4.A.

Section 8. Delete the remainder of the definition of Manufacturing, Heavy in Article 9 beginning with the phrase “include but are not limited...”.

Section 9. Modify item 30-4.D.3(h)(8) Home Occupations to refer to the sign standards in Table 30-5.L.6. as follows:

(8) Except as may be provided for in Table 30-5.L.6, there are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building.

Section 10. Renumber UDO 30-5.L.10(e)(4) to be Item 30-5.L.10(f) consistent with the adopted language, to distinguish subdivision signs from the previous section.

Section 11. Modify the following sections of the UDO to clarify the handling of uses that are not listed and are not similar to other listed uses:

Sec. 11.1: Modify UDO 30-4.A.1.i Unlisted Uses to add a sentence as follows:

The City Manager shall determine whether or not an unlisted use is part of an existing use category or use type defined in Section 30-4.B, Use Classifications, Categories, and Types, or is substantially similar to an already defined use type, using the standards in Section 30-4.B.1.d, Interpretation of Unlisted Uses. Uses that are not part of or substantially similar to an existing use type are prohibited.

Sec. 11.2: Insert a new Item (a) in 30-4.B.1.d. Interpretation of Unlisted Uses and renumber as follows:

(1) Procedure for Interpreting Unlisted Uses as Permitted

(a) Unless interpreted as a permitted use in accordance with (b) below, unlisted uses are prohibited.

(b) The City Manager may interpret a particular land use not expressly listed in the use table as allowed in a particular zoning district, in accordance with the procedure in Section 30-2.C.17, Interpretation, and based on the standards in Section 30-4.B.1.d.2, Standards for Approving Unlisted Uses as Permitted.

Section 12. Change the term from Internet Sweepstakes to Electronic Gaming Operation and modifying the references and use-specific standards as follows:

Sec. 12.1: In 30-9.D Definitions, delete “Internet Sweepstakes” and its definition and add:

Electronic gaming operation

Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to, computers and gaming terminals, to conduct games, including sweepstakes, where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina, electronic video game establishments as defined by N.C.G.S. 105-66.1, or any nonprofit operation that is otherwise lawful under state law, such as, for example, church or civic fundraisers.

Sec. 12.2: Replace the term “Internet Sweepstakes” with “Electronic Gaming Operation” in the following locations:

Sec. 12.2.a: UDO 30-4.A Use Table (Retail Sales and Services Category)

Sec. 12.2.b: UDO 30-4.C Use-Specific Standards (Retail Sales and Services Category)

Sec. 12.2.c: UDO 30-5.A.4 Development Standards (Minimum Off-Street Parking Standards)

Sec. 12.3: Modify the parking standard for Electronic Gaming Operation in 30-5.A.4.B to read:

the greater of 1 per machine or one space per 150 gross square feet, + 1 per employee on largest shift.

Sec. 12.4: Modify the use-specific standards in 30-4.C.4(h)(12) as follows:

(12) ~~Internet Sweepstakes~~ Electronic Gaming Operation

- a. No ~~internet sweepstakes establishment~~ electronic gaming operation may be located within 500 linear feet of a residential use, educational facility, or religious institution.
- b. No ~~internet sweepstakes use~~ electronic gaming operation may be permitted within 1,000 linear feet of any other ~~internet sweepstakes use~~ electronic gaming operation.
- c. ~~There shall be no more than 20 gaming machines within any single internet sweepstakes use.~~
- d. ~~Alcoholic beverages may not be sold or consumed on site.~~
- e. ~~An internet sweepstakes use may not be permitted as an accessory use to another principal use.~~

Section 13. 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 14. 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 27th day of June , 2011.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

Deputy City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor Sharpe, Community Development Director
DATE: June 27, 2011
RE: **Donation request from Fayetteville Area Operation Inasmuch for a City-owned lot at 538 Frink Street for transitional housing for the homeless.**

THE QUESTION:

Does donating the City-owned vacant lot at 538 Frink Street to Fayetteville Area Operation Inasmuch for transitional housing for the homeless meet the interest intended through the City's Acquisition and Demolition Program and zoning ordinance?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- The City demolished the structure and acquired the resulting lot at 538 Frink Street through the City's Acquisition and Demolition Program.
- Fayetteville Area Operation Inasmuch (FAOIAM) has requested the City to donate them the vacant lot located at 538 Frink Street.
- The City previously donated a house at 601 Frink Street to FAOIAM which was renovated by the organization and it currently houses 5 formerly homeless men.
- The purpose of the lot at 538 Frink Street is to move a modular home with a permanent foundation on to the site.
- The modular home will be used to house 5 homeless persons.
- Also on Frink Street, FAOIAM is currently constructing a duplex that will house 5 homeless women in each unit.
- This item was discussed at the City Council Work Session on June 5, 2011.
- A public hearing is being held to allow comments from the surrounding property owners.
- The public hearing has been advertised and letters were mailed to property owners within a 500 feet radius as well as the remaining property owners that front Frink Street.

ISSUES:

- It is Fayetteville Area Operation Inasmuch's goal to create a neighborhood of transitional housing with 5 homeless persons in each of its units along Frink Street.
- When the City acquired the lot at 538 Frink Street, staff envisioned single family housing as part of the redevelopment of that area by making the lot available to one of the City's Community Housing Development Organization (CHDO).

BUDGET IMPACT:

The City has invested \$3,500 in CDBG funds for the acquisition and clearing of the lot in question.

OPTIONS:

- Approve donation of the property.
- Do not approve donation of the property (RECOMMENDED).
- Sell the lot to FAOIAM to recapture Community Development Block Grant funds spent to acquire the property in the amount of \$3,500.
- Provide further direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council not approve donation of the property at 538 Frink Street.

ATTACHMENTS:

Map of 538 Frink Street

FAOIAM Letter

**COMMUNITY DEVELOPMENT SERVICES
538 FRINK STREET**



PIN: 0437-57-1986

Circle indicates 500 foot buffer around the subject property

FAYETTEVILLE AREA
**OPERATION
INASMUCH**
Matthew 25:40

"Truly I say to you, inasmuch as you have done it to one of the least of these my brethren, you have done it to me."

531 Hillsboro St. • Fayetteville, North Carolina 28301-4634
910-433-2161 • fax 910-433-2170 • sue@faoiam.org
www.faoiam.org

February 9, 2011

Mr. Victor Sharpe
Community Development
433 Hay Street
Fayetteville, NC 28301

Dear Mr. Sharpe,

First of all, thank you for making it possible for Inasmuch to be given the house at 601 Frink St. The lives of the five men living there are changing before our eyes...because life has a normalcy about it for the first time in years.

I am now requesting that the vacant lot at 538 Frink St. be donated also to Fayetteville Area Operation Inasmuch for the purpose of building a home or placing a modular home with a permanent foundation on the site.

Our vision for Frink St. is to transform a littered, drug infested, prostitution area into a neighborhood where community spirit can live once again. The history of this area is steeped in strong families that contributed to the building of this city that we call home.

This area can be changed ...five people at a time in housing that we will build along the street. That housing will consist of single homes or duplex/triplex design in order to meet Planning Board requirements. We have met with the Planning Department to insure our compliance with city code.

It is with commitment to the homeless and struggling of our city that I make this request...and gratitude to you for all you are doing to walk along beside us.


Sue Byrd

Board Of Directors

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Susie Reeder - Secretary
Larry Bass - Treasurer
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Larry Sessoms
J.P. Smith
John Welch

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: June 27, 2011
RE: **Uninhabitable Structure Demolition Recommendation**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

504 Carteret Place

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a residence that received severe structural damage as a result of a fire in late 2010. The structure was inspected and condemned as a dangerous structure on October 4, 2010. A hearing on the condition of the structure was held on April 6, 2011, which the owners did not attend; notice of the hearing was also published in the Fayetteville Observer newspaper on March 27, 2011. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owners on April 6, 2011. To date there have been no repairs to the structure, no permits issued, nor any contact with the owners. The utilities to the structure have been disconnected since October 2010. In the past 24 months there have been 9 calls for 911 service at the property. There has been one code violation that resulted in a City caused abatement, with a pending assessment of \$250.20 for lot cleaning. The low bid for demolition is \$3,500.00.

ISSUES:

The subject property is sub-standard and detrimental to the surrounding neighborhood, which is contrary to the City's Strategic Plan.

BUDGET IMPACT:

The demolition of the structure will be \$3,500.00; there will be additional costs for asbestos testing and abatement if needed.

OPTIONS:

- Adopt the ordinance and demolish the structure (Recommended).
- Abstain from any action and allow the structure to remain.
- Defer any action to a later date.

RECOMMENDED ACTION:

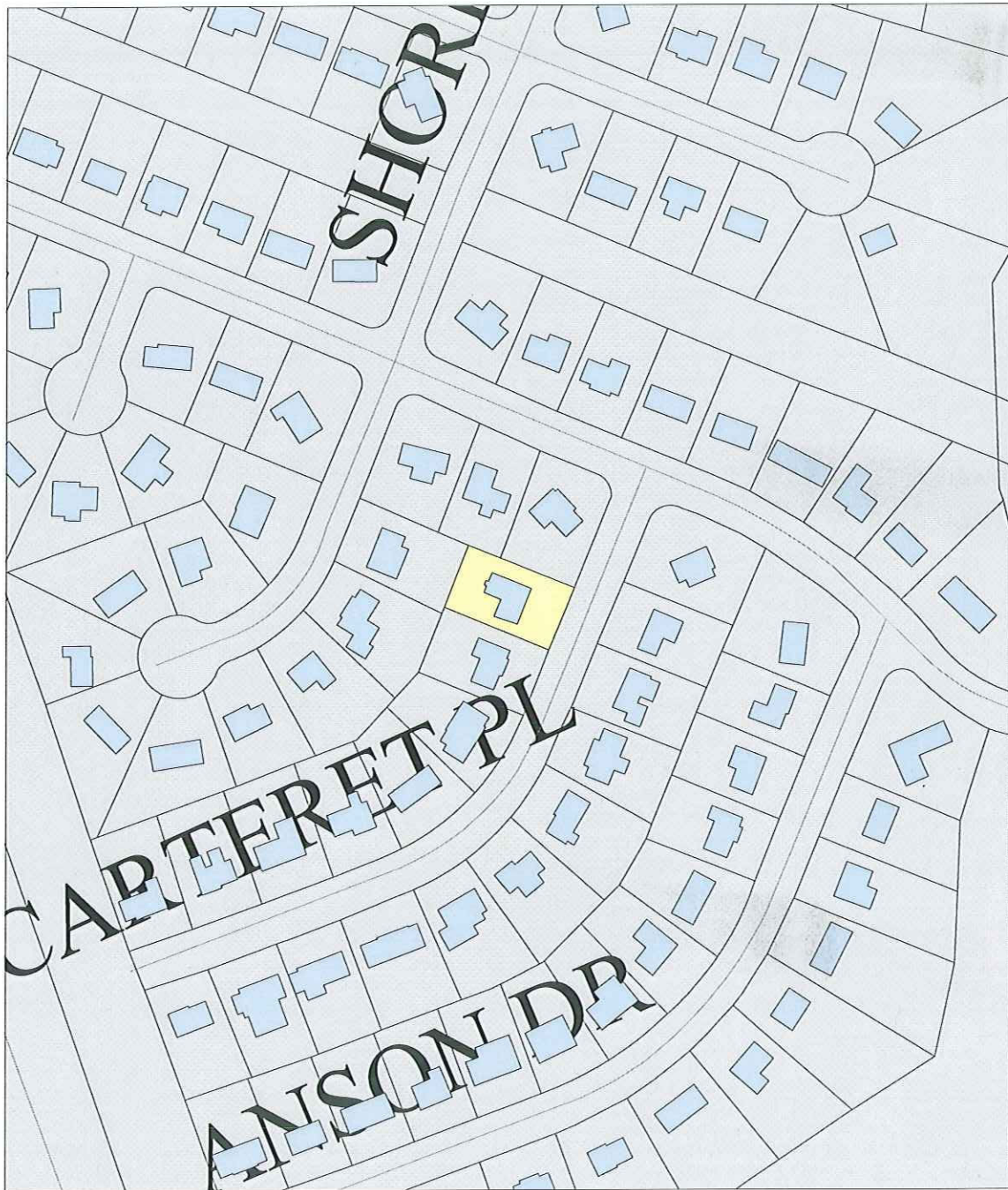
Staff recommends that Council move to adopt the attached ordinance and directing the demolition of the subject structure.

ATTACHMENTS:

Aerial Map-- 504 Carteret Place
Docket
Ordinance

photo 1
photo 2
photo 3

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	513 Link Street
Property Owner(s)	Glen Faircloth (aka Tony/Tyrone Faircloth), Fayetteville, NC
Date of Inspection	February 6, 2008
Date of Hearing	February 11, 2009
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed February 17, 2009
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since September 2003.
	Hearing was advertised in the Fayetteville Observer February 2009.
Police Calls for Service (past 2 yrs)	48

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 27th day of July, 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:

504 Carteret Place
PIN 0520-94-5534

Being all of Lot 350, College Lakes, Section X, Part A, according to a plat of same duly recorded in Book Of Plats 32, Page 44, Cumberland County Registry.

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

Spencer Muldrow, Katherine & S.J. Muldrow
2311 Addison Road NE
Marietta, Ga. 30066-6407

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before June 6, 2011.
- (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 \$ 3,500.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 27th day of June, 2011.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Jennifer Penfield, Deputy City Clerk



8-1-4-1



8-1-5-1



8-1-6-1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: June 27, 2011
RE: **Ordinance Amending Chapter 1, General Provisions, and Chapter 22, Solid Waste, related to notice and appeal of code violations.**

THE QUESTION:

Should Fayetteville Code of Ordinances Sections 1-9, appeals of Civil Penalties, and Sections 22-31, Solid Waste, be amended to provide for a concise time period to appeal or pay a civil penalty citation and to add Chapter 7, Building Code, Chapter 14, Dwellings and Buildings, and Chapter 30, Zoning, to the appeal process stipulated in Sec 1-9?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

Fayetteville Code of Ordinances Section 1-9 defines the appeal process for the recipient of a civil penalty citation. This section provides that the recipient of the citation may make a written request to the City Attorney's office for a hearing within ten days of receipt of the citation to be heard by the administrative hearing officer. Section 1-7 (h) provides that civil penalty citations may be served by U.S. first-class mail to the last known address of the recipient.

Section 22-31, Solid Waste, provides that if a Civil Citation Penalty is not paid within ten days of receipt of the citation, the penalty shall be collected by civil action in the nature of a debt. This section also provides that civil penalty citation may be served by U.S. first-class mail to the last known address of the recipient.

Section 1-9 stipulates various Fayetteville Code of Ordinances Chapters that are subject to the civil penalty appeal process. Section 1-9 does not include Chapter 7, Building Code, Chapter 14, Housing, Dwelling and Buildings or Chapter 30, Zoning. Section 1-7 provides for the issuance of civil penalty citations for violations of these chapters, however this in no statutory appeal process for Chapters 7 and 14. Chapter 30 is the only chapter that provides for a civil citation appeal hearing before the Board of Adjustment rather than the City Administrative Hearing Officer.

ISSUES:

By the use of U.S. first-class mail as a means of serving a Civil Penalty Citation, there is no way to absolutely determine when a recipient actually received the citation as required by these code sections. This has caused problems for staff when recipients file appeals or pay the citation penalties several months after the issuance date of a citation, claiming that they had just received the citation within the last 10 days.

Further, there is currently no statutory appeal process for recipients of citations issued for violations of Chapter 7 and 14.

The proposed code amendments would require that appeals of citations and payment of citation penalties under Chapter 22, be made within 10 working days of the issuance of the citation rather than upon receipt of the citation. This will establish a definitive time period for payment appeal or payment of the citation.

Adding Chapter 7, Chapter 14 and Chapter 30 to Section 1-9 will provide the required appeal process for citations issued under these chapters. Appeal hearings for Chapter 30 citations would go before the City Administrative Hearing Officer rather than the Board of Adjustment.

BUDGET IMPACT:

Approximately \$175.00 in publication and postage costs would be saved for a zoning violation civil citation appeal that is brought before City Administrative Hearing Officer rather than the Board of Adjustment

OPTIONS:

1. Adopt the proposed code amendment to Fayetteville Code of Ordinances Sections 1-9 and 22-31 (RECOMMENDED);
2. Revise the proposed code amendment to Fayetteville Code of Ordinances Sections 1-9 and 22-31;
3. Reject the proposed code amendment to Fayetteville Code of Ordinances Sections 1-9 and 22-31;

RECOMMENDED ACTION:

Staff recommend that Council move to pass the proposed ordinance amending Fayetteville Code of Ordinances Sections 1-9 and 22-31.

ATTACHMENTS:

Fay

Proposed Amendments to Fayetteville Code of Ordinances Sections 1-9 and 22-31

Draft Ordinance

Sec. 1-7. - General penalty; enforcement of ordinances; continuing violations.

(a) Unless otherwise specifically provided, violation of any provision of this Code or any other city ordinance shall subject the offender to a civil penalty; except, that where the General Statutes of North Carolina provide specific remedies for violations of provisions of this Code adopted pursuant to such statutes, such remedies available to the city for enforcement of this Code shall be in addition to the remedies hereinafter stated. Where no specific penalty is provided therefore, the violation of any such provision of this Code or any such ordinance shall subject the offender to a fine in accordance with the fee schedule adopted by the city council.

(b) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other city ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the city for equitable relief that there is an adequate remedy at law.

(c) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other city ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the city may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(d) The provisions of this Code and any other city ordinances may be enforced by one, or all or a combination of the remedies authorized and prescribed by this section.

(e) Except as otherwise specifically provided, each day's continuing violation of any provision of this Code or any other city ordinance shall be a separate and distinct offense.

(f) Any ordinances hereafter adopted by the council of the city, the violation of which shall incur a penalty, shall specify whether the enforcement shall be pursuant to the civil penalty or criminal penal provisions of this section.

(g) Upon determination of a violation of any section of this Code, the penalty for which is a civil penalty, the city may cause a warning citation to be issued to the violator, setting out the nature of the violation, the section violated, the date of the violation and an order to immediately cease the violation or, if the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, stating the reasonable period of time in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty.

(h) Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the appropriate official of the city and either served directly on the violator or his duly designated agent, or registered agent if a corporation, in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the county, or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of such citation. The citation shall direct the violator to appear at city hall, within the prescribed time cited in the citation or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

(Code 1961, [§ 1-7](#) ; Ord. No. S2007-018, §§ 1, 2, 5-29-2007)

The following amendments pertain to appeal of civil penalties. Please note the following provisions are not the entire chapters. The only sections that follow are those being amended.

Chapter 1

GENERAL PROVISIONS

Sec. 1-9. Appeal of civil penalties.

Whenever the recipient of a citation for a violation of chapter 4, alarm systems regulations; [chapter 7, Building Code](#); chapter 11, fire protection and prevention; [chapter 14, Housing, Dwellings and Buildings](#); article XI of chapter 16, abandoned, junked, and nuisance vehicles; article X of chapter 16, parking; chapter 17, offenses and miscellaneous provisions; chapter 18, parks and recreations; chapter 22, solid waste; chapter 24, streets and sidewalks; chapter 26, taxicabs; and [chapter 30, Zoning](#); has failed to pay a civil penalty as a result of the violation, prior to the initiation of the civil action to enforce the city's remedy, the recipient of the citation shall be notified in writing that:

- (1) The case may be reviewed by an administrative hearing officer to determine the validity of the civil penalty provided the recipient of the citation makes a written request to the city attorney's office for the hearing within ten [working](#) days of ~~receipt~~ [issuance date of the citation](#) of the opportunity to be heard by the administrative hearing officer;
- (2) The written request for the hearing shall be on a form to be provided with the written notice and the hearing shall be held within 14 days of the receipt of the written request;
- (3) The decision of the hearing officer if in favor of the individual receiving the citation shall be final, but if the hearing officer shall determine that in his opinion the civil penalty is due, then the city may proceed to initiate the civil action, but the decision of the hearing officer shall not be admissible by the city in the prosecution of the action; and
- (4) The hearing officer shall be one of the safelight appeals hearing officers.

Chapter 22

SOLID WASTE

Sec. 22-31. - Penalties for violations.

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

every day's violation is a separately punishable offense, and that if the penalty is not paid within ten working days of ~~receipt~~ of the issuance date of the citation, the penalty shall be collected by civil action in the nature of a debt.

(b) If the penalty as set forth in the citation issued pursuant to subsection (a) of this section is not paid within the prescribed time, then the matter shall be referred to the office of the city attorney, who shall institute an action in the nature of a debt in a court of competent jurisdiction to collect the civil penalty.

(Code 1961, § 14-31 ; Ord. No. S2010-003A, § 1, 3-22-2010)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 1, GENERAL PROVISIONS, AND CHAPTER 22, SOLID WASTE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE

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

Section 1. Section 1-9, appeal of civil penalties, is amended as follows:

- (a) In the second line of the first paragraph, insert the words “chapter 7, Building Code;” before the words “chapter 11” and insert the words “chapter 14, Housing, Dwellings and Buildings;” before the words “article XI”;
- (c) In the fifth line of the first paragraph, delete the word “and” before the words “chapter 26” and insert the words “and chapter 30, zoning,” after the word “taxicabs;”; and
- (e) In the third line of paragraph (1), insert the word “working” after the word “ten” and substitute the words “receipt of the notice” with the words “the issuance date of the citation”.

Section 2. Section 22-31, penalties for violations, is amended as follows:

- (a) In the tenth line of paragraph (a), insert the word “working” after the word “ten” and substitute the word “receipt” with the words “the issuance date”.

Section 3. 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 June, 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: Kristoff T. Bauer, Assistant City Manager
DATE: June 27, 2011
RE: **Contract for Economic Development Services with the Fayetteville Cumberland County Chamber of Commerce**

THE QUESTION:

Should the Council approve a revised Economic Development Services contract with the Fayetteville Cumberland County Chamber of Commerce ("FCCCC")?

RELATIONSHIP TO STRATEGIC PLAN:

The City's economic development program, operated by the FCCCC, is a critical element in the City's efforts to pursue economic vitality and growth in the community consistent with Goal 1: "Greater Tax Base - Strong Local Economy." The high priority policy action under this goal for FY12 is the "Economic Development Contract with Chamber of Commerce."

BACKGROUND:

In 2009, the City contracted with the FCCCC to provide economic development services (Attachment A) based on resources provided jointly by the City and PWC. That contract has been amended slightly and renewed through the current fiscal year. It is eligible under the most recent renewal to extend for another year through June 30, 2012 without action by the parties.

During the Council's strategic planning retreat, there was discussion regarding the desirability of revisiting this relationship to address some specific concerns and interests including:

- Reporting requirements necessary to provide a higher level of accountability for the expenditure of resources provided under the agreement;
- The development of performance metrics to measure success of economic development efforts; and
- Specific requirements for the FCCCC to support a set of economic development related projects identified by the City.

ISSUES:

The City's existing contract with the FCCCC for economic development services will renew for an additional year beginning July 1, 2011, if this replacement contract is not executed.

The proposed contract contains three significant changes. First, Section 2 "Services to be Performed" is revised to describe Example Activities (Section 2.A) that are permissive and Required Activities (Section 2.B). Second, Required Activities, which also contains specific actions required to support the adopted Economic Development Program, refers to a new work item; Annual Projects (Exhibit A to the proposed contract). The Annual Project exhibit allows the City to identify specific efforts that the FCCCC will work and report on throughout the next fiscal year. This exhibit can be revised annually through an administrative process. The five projects identified for the next fiscal year are: 1. Hope VI Business Park, 2. Murchison Road Corridor Redevelopment, 3. Economic Development Metrics, 4. All America City Marketing, and 5. PWC Sustainability Campus.

The third change is the revision and clarification of Section 3 "Reports and Deliverables." The proposed section requires specific information regarding the allocation of resources provided under the contract to the work activities authorized and required by the contract.

BUDGET IMPACT:

The expenditure required by the proposed contract: \$100,000 to the FCCCC and \$28,125 for

CEED (Exhibit B), is consistent with resources budgeted for FY12.

OPTIONS:

1. Approve the proposed contract (RECOMMENDED) - this will replace the current agreement with the attached contract.
2. Disapprove the proposed contract - the existing contract will continue in effect for the next fiscal year unless terminated or replaced by subsequent action.

RECOMMENDED ACTION:

Staff recommends that Council move to approve the proposed replacement contract with the FCCCC for Economic Development Services.

ATTACHMENTS:

Current Contract

Proposed Replacement Contract

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

AGREEMENT FOR SERVICES
WITH OUTSIDE AGENCY

THIS AGREEMENT, entered into as of the _____ day of June, 2009, by and between the CITY OF FAYETTEVILLE (hereinafter referred to as "CITY"), and the FAYETTEVILLE-CUMBERLAND COUNTY CHAMBER OF COMMERCE (hereinafter referred to as "AGENCY").

WITNESSETH:

WHEREAS, the CITY desires to enter into an agreement for economic development services; and

WHEREAS, the AGENCY has agreed to perform certain economic development services for the CITY.

NOW, THEREFORE, it is mutually agreed and understood between the parties as follows:

1. **TERM OF AGREEMENT.** This Agreement shall commence July 1, 2009, and terminate June 30, 2010, unless sooner terminated as provided for in Section 5 below. The CITY, in its discretion, may terminate this Agreement at anytime prior to its normal expiration date upon sixty (60) days advance written notice to the AGENCY. If AGENCY shall at anytime breach any part of this Agreement, this Agreement shall immediately terminate upon receipt of written notice of the same, signed by the CITY, and AGENCY shall submit any unused funds to CITY within five (5) banking days. Unused funds shall mean, for purposes of this Agreement, any FUNDS appropriated by CITY that are not needed to satisfy any outstanding indebtedness of the AGENCY associated with Section 2, Services to be Performed, as validated by CITY, on the date of the breach and/or termination as provided herein.

2. **SERVICES TO BE PERFORMED.** AGENCY, in and for the consideration recited in Paragraph 3 below, agrees to perform those services stated below. In general, the CITY agrees to contract with the AGENCY for the full range of services typically provided by nonprofit agencies engaged in economic development activities on behalf of a municipality in the State of North Carolina. Examples of the range of activities typically associated with traditional economic development include, but are not limited to:

A. Economic Development Activities:

1. Retention/expansion visits to existing companies.
2. Serve as resource to existing and prospective companies for the full range of services typical to the Economic Development Industry such as maintaining up-to-date demographics, market conditions, infrastructure availability, property availability, state and local assistance availability, workforce characteristics, etc.

3. Maintain thorough knowledge of federal, state, and local Economic Development tools available including workforce development, financial incentives, etc.
 4. Devise and implement appropriate marketing and outreach strategies, activities, materials, and events to foster the increase of jobs, access to goods and services, and overall investment and economic activity in Fayetteville. (See "B.1." below)
 5. Serve as consultant/advocate to assist firms with preparing Job Training Partnership and other applications for benefits that lead to the retention, expansion, and /or upgrade of job opportunities in Fayetteville.
 6. Participate in local, regional, statewide, and/or national events as appropriate to strategically and effectively network, market, and promote the decision of firms to locate and invest in Fayetteville.
 7. Nurture a strong working relationship with state and local officials, utility companies, lenders, real estate professionals, and others to enable an efficient team approach to promoting investment in Fayetteville.
 8. Periodically carry out formal or informal impediments analysis and make recommendations to the City of Fayetteville Public Works Commission (hereinafter referred to as "COMMISSION") and the CITY to devise policies to take advantage of opportunities to become more competitive in retaining and attracting business investment desired by the CITY as identified in its Strategic Plan.
 9. Prepare presentations and host site visits by investors, location consultants, and business officials to attract additional economic activity in Fayetteville.
 10. Collaborate with CITY staff to devise and implement strategies for development/redevelopment of high profile, high priority corridors and target sites.
- B. Pass through of funding for the Fayetteville/Cumberland County Women's Center in the amount of \$9,375 per quarter with a total disbursement to the Women's Center of \$37,500.

C. Deliverables:

1. Within thirty (30) days of commencement of this Agreement, the AGENCY shall prepare a comprehensive strategic plan of action for the year covered by the Agreement. The action plan shall address the proposed allocation of resources among the various items in Section "A" above. The action plan is subject to the approval of the CITY and may be modified by the AGENCY as conditions, opportunities, and circumstances arise. Changes in excess of ten percent (10%) of the total Agreement budget shall be submitted to the CITY for review and approval.
2. The AGENCY shall no less frequently than quarterly provide reports on the following activities with the level of detail determined by AGENCY taking into consideration confidentiality and related professional standards:

- a. Number of retention visits and any noteworthy follow-ups/results.
- b. Number of site visits and noteworthy follow-ups/results.
- c. Referrals from state agencies.
- d. Noteworthy successes from direct involvement by AGENCY staff for investment, new/expanded business, and jobs.
- e. Basic demographics, statistical, property availability, workforce data, etc., as used in presentation for hosting site visits. Highlight notable trends, changes, etc.
- f. General observations, recommendations, opportunities, and challenges on strategic positioning by Fayetteville if applicable.

3. **PAYMENT.** From their respective fiscal year July 1, 2009, to June 30, 2010, the CITY has allocated \$137,500.00 (with \$37,500.00 to pass through to the Women's Center) and the COMMISSION has allocated \$315,000.00 for a combined total of \$452,500.00 for economic development services. The CITY agrees to pay four (4) equal quarterly payments of \$25,000.00 for the AGENCY plus \$9,375.00 for the Women's Center resulting in equal quarterly payments from the CITY to the AGENCY of \$34,375.00, and the COMMISSION agrees to pay the AGENCY four (4) equal quarterly payments of \$78,750.00 for a total of \$315,000.00; during the CITY's and COMMISSION's 2009-2010 fiscal year, said monies to be paid out of the CITY's 2009-2010 budget will be as follows: the first quarterly payment within twenty-one (21) days of the execution of this Agreement by all parties and the remaining balance in three (3) equal payments at the beginning of each subsequent quarter. For the purposes of receiving payments, the mailing address of the AGENCY shall be: P.O. Box 9, Fayetteville, NC 28302.

Request for funding shall be submitted during the first ten (10) days of the quarter to the CITY's Finance Department.

4. **FINANCIAL RECORDS AND REPORTS.**

- A. AGENCY shall maintain financial records of economic development activities separate and distinct from other services the AGENCY may provide.
- B. Monthly financial activity reports shall be made available for review by the CITY.
- C. Quarterly operational activity reports shall be presented to the City Council in a public forum in such detail as required by the CITY. Nonetheless, it is recognized that primary economic development functions of the AGENCY involve proprietary information that must be protected and released to the public only at appropriate times.
- D. Prior to receiving any funds, said AGENCY shall submit to the CITY Finance Department of the City of Fayetteville, a copy of its by-laws, a list of the members of the governing board, a copy of its approved budget, a copy of its articles of incorporation, and a copy of its current tax exempt letter from the Internal Revenue Service.

5. **AUDIT.** The AGENCY agrees that it will provide the CITY with a certified audit, a copy of the management letter, and management's response to the auditor recommendations, by independent auditors for the fiscal year period ending or including June 30, 2010. The audit will specifically state whether or not the CITY's funds were used exclusively for those purposes stated in Section 2 and the associated work plan described under 2.B.1., Deliverables. The audit will specifically describe any exceptions and the amount of exception. It is understood that such audits may not be available upon the commencement of this Agreement. The audit is due to the CITY ninety (90) days after the AGENCY year-end. If at any time the CITY determines the AGENCY is not in compliance with either this Agreement or N.C.G.S. Chapter 159, or any other federal, state, or local law, policy, or regulation affecting the expenditure of public funds, the AGENCY shall be notified in writing as to the nature of the deficiency. It is the responsibility of the AGENCY at its expense to rectify and/or reconcile any material deficiencies identified by audit or monthly review of financial activity by the CITY. Failure to cure a material deficiency in compliance with N.G.C.S. Chapter 159 or the terms of this Agreement within thirty (30) days of receipt of a written notice from the CITY shall constitute a default and may be cause for termination of this Agreement. At anytime the CITY deems it necessary or appropriate, the AGENCY agrees that an internal audit by the CITY may be made of the AGENCY's books or records to assess the current financial condition of the AGENCY and compliance with this Agreement.

6. **INDEPENDENT CONTRACTOR.** AGENCY is a non-profit corporation of the State of North Carolina and is an independent contractor. AGENCY is not an agent, officer, or employee of the CITY and shall have no authority to act as an agent of the CITY, nor enter any agreement for or on behalf of the CITY. AGENCY shall at all times provide CITY with satisfactory proof of its status as a non-profit corporation organized to do business in the State of North Carolina.

7. **ASSIGNMENT.** The AGENCY shall not assign its contract rights under this Agreement nor any part thereof, nor delegate or subcontract any performances hereunder in excess of ten percent (10%) of the total contract budget herein, without first obtaining the CITY's written approval thereof.

8. **AGENCY AND AUTHORITY.** The CITY hereby designates the City Manager or his/her designee as its exclusive agent with respect to this Agreement. The City Manager or his/her designee is authorized, on behalf of the CITY, to negotiate directly with the AGENCY on all matters pertaining to this Agreement. The AGENCY agrees that all of its dealings with the CITY in respect to the terms and conditions of this Agreement shall be exclusively with the City Manager or his/her designee. Further, the AGENCY specifically agrees that it shall not implement any requested modifications in the specifications of any of the services subject to this Agreement except in the manner described in the paragraph entitled MODIFICATION.

9. **MODIFICATION.** This Agreement may be modified only by an instrument duly executed by the parties or their respective successors.

10. **NOTICES.** Any notices to be given by either party to the other under the terms of this Agreement shall be in writing and shall be deemed to have been sufficiently given if delivered by hand, with written acknowledgment of receipt, or mailed by registered or certified mail to the other party at the following addresses or to such other addresses as either party hereafter from time to time designates in writing to the other party for the receipt of notice:

AGENCY: Douglas S. Peters, IOM
President & CEO
Fayetteville-Cumberland County Chamber of Commerce
P.O. Box 9 201 Hay Street
Fayetteville, NC 28302 Fayetteville, NC 28301

Telephone: (910) 484-4242, Ext. 228
Facsimile: (910) 483-4042
Cell Phone: (910) 580-4870
Email: dpeters@fayettevillencchamber.org

CITY: Dale E. Iman
City Manager
PO Drawer D
Fayetteville, NC 28302
(910) 433-1990

Such notice, if mailed, shall be deemed to have been received by the other party on the date contained in the receipt.

11. CHANGES IN BYLAWS, INSURANCE POLICIES, OR BOARD MEMBERSHIP.

In the event of any change in the AGENCY's bylaws, governing body membership, or insurance policies, AGENCY agrees that it shall immediately notify the CITY. AGENCY shall make compliance with this Agreement a part of its bylaws or have this Agreement approved by its Board of Directors with a copy of the minutes approving this Agreement being submitted to the CITY at the time of execution.

12. CERTIFICATION.

- A. The CITY, by the signature of the City Manager affixed to this Agreement, certifies that the funds stated in Paragraph 1 above were approved as part of the 2009-2010 budget of the CITY and are available for the AGENCY's use consistent with the terms of this Agreement.
- B. AGENCY, by the signature of its chief executive officer affixed hereto, certifies that it has complied, or will comply with all requirements of this Agreement prior to the application for any approved funds, and further agrees that the CITY is under no obligation to pay any funds pursuant to this Agreement until such requirements have been met.

13. OTHER TERMS AND CONDITIONS.

- A. If this Agreement is terminated in any manner, AGENCY agrees that upon the termination it shall return all unused funds, if any, to the CITY within five (5) banking days.

14. STATUTORY FUNDING AUTHORIZATION.

- A. Funding in support of AGENCY programs described in Section 2 shall be authorized by general statute.

- B. Limitation: No expenditure to a non-CITY agency shall be made until the CITY has approved the same, and all such expenditures shall be accounted for by the AGENCY at the end of the fiscal year.
-

The remainder of this page intentionally left blank.

IN WITNESS WHEREOF, the CITY and AGENCY have executed this Agreement and caused their seals to be affixed and attested as of the day and year first above written.

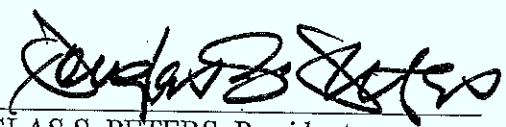
CITY OF FAYETTEVILLE

BY: 
DALE E. IMAN, City Manager

ATTEST:


JENNIFER K. PENFIELD
Deputy City Clerk

FAYETTEVILLE-CUMBERLAND
COUNTY CHAMBER OF COMMERCE

BY: 
DOUGLAS S. PETERS, President

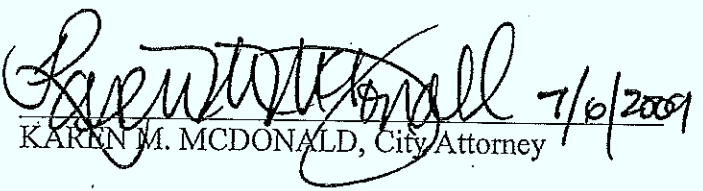
ATTEST:

Secretary

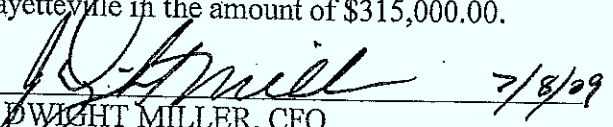
This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act in the amount of \$137,500.00.

APPROVED AS TO FORM:

 7/1/2009
LISA T. SMITH, Chief Financial Officer

 7/10/2009
KAREN M. MCDONALD, City Attorney

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act for the Public Works Commission of the City of Fayetteville in the amount of \$315,000.00.

 7/8/09
J. DWIGHT MILLER, CFO
Public Works Commission

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

**AGREEMENT FOR SERVICES
WITH FCCCC**

THIS AGREEMENT, entered into this 1ST day of July, 2011, by and between the CITY OF FAYETTEVILLE, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter the "CITY"), and FAYETTEVILLE CUMBERLAND COUNTY CHAMBER OF COMMERCE (hereinafter the "AGENCY");

WITNESSETH:

WHEREAS, CITY has contracted with AGENCY for economic development services since July 1, 2009;

WHEREAS, the most recent contract extension expires June 30, 2011 ("Prior Agreement"). It renews for an additional one (1) year term, however, unless terminated in writing prior to June 1, 2011;

WHEREAS, the CITY desires to revise and clarify a number of the terms of the Prior Agreement; and

WHEREAS, CITY and AGENCY are desirous of entering into a new agreement for economic development services replacing the Prior Agreement with this new services agreement.

NOW, THEREFORE, it is mutually agreed and understood between the parties as follows:

1. **TERM OF AGREEMENT:** This Agreement shall supersede and replace all prior agreements and commence July 1, 2011, and terminate June 30, 2012, (Anniversary Date) unless sooner terminated or renewed as provided for herein.

A. **EARLY TERMINATION:** The CITY, in its discretion, may terminate this Agreement at anytime prior to its normal expiration date upon sixty (60) days advance written notice to the AGENCY. If AGENCY shall at anytime breach any part of this Agreement, this Agreement shall immediately terminate upon receipt of written notice of the same, signed by the CITY, and AGENCY shall refund any unused funds to CITY within five (5) banking days. Unused funds shall mean, for the purposes of this Agreement, any FUNDS appropriated by CITY that are not needed to satisfy any outstanding indebtedness of the AGENCY associated with Section 2, Services to be Performed, as validated by CITY, on the date of breach and/or termination as provided herein.

B. **AUTOMATIC RENEWAL:** This Agreement shall renew automatically upon the Anniversary Date for up to two (2) additional one (1) year terms unless the CITY provides notice on intent not to renew at least thirty (30) days prior to the Anniversary Date.

2. **SERVICES TO BE PERFORMED:** AGENCY, in and for the consideration recited in Paragraph 3 herein, agrees to perform those services stated below. In general, the CITY agrees to contract with the AGENCY for the full range of services typically provided by nonprofit agencies engaged in economic development activities on behalf of a municipality in the State of North Carolina.

A. **ECONOMIC DEVELOPMENT EXAMPLE ACTIVITIES:**

i. Retention/expansion visits to existing companies.

- ii. Serve as a resource to existing and prospective companies for the full range of services typical to the Economic Development industry such as maintaining up to date demographics, market conditions, infrastructure availability, property availability, state and local assistance programs, workforce characteristics, etc..
 - iii. Maintain thorough knowledge of federal, state, and local Economic Development tools available including workforce development, financial incentives, etc..
 - iv. Devise and implement appropriate marketing and outreach strategies, activities, materials, and events to foster the increase of jobs, access to goods and services, and overall investment and economic activity in the CITY.
 - v. Serve as consultant/advocate to assist firms with preparing Job Training Partnerships and other applications for benefits that lead to the retention, expansion, and/or upgrade of job opportunities in the CITY.
 - vi. Participate in local, regional, statewide, and/or national events as appropriate to strategically and effectively network, market, and promote the decision of firms to locate and invest in the CITY.
 - vii. Nurture a strong working relationship with state and local officials, utility companies, lenders, real estate professionals, and others to enable an efficient team approach to promoting investment in the CITY.
 - viii. Periodically carry out formal or informal impediments analysis and make recommendations to the City of Fayetteville Public Works Commission (“Commission”) and the CITY to devise policies to take advantage of opportunities to become more competitive in retaining and attracting business investment desired by the CITY as identified in its Strategic Plan.
 - ix. Prepare presentations and host site visits by investors, location consultants, and business officials to attract additional economic activity in the CITY.
 - x. Collaborate with CITY staff to devise and implement strategies for development or redevelopment of high profile, high priority corridors and target sites.
- B. REQUIRED ACTIVITIES: The following economic development activities will be performed consistently:
- i. Administration of the Fayetteville Cumberland County Economic Development program including:
 - a) Promoting the program to potential applicants;
 - b) Working with the CITY and CumberlandCounty to revise the program as necessary to clarify and/or improve its operation;
 - c) Process all applications for incentives under the program including the development of all necessary agreements and reports necessary to obtain approval from the CITY; and
 - d) Monitor Economic Development Incentive Agreements for compliance and submit all payment requests and documentation necessary for the CITY to meet its obligations under those agreements.
 - ii. Work toward the completion of Annual Projects (Exhibit A). If the Agreement is extended then the CITY may update the Annual Projects Exhibit by providing AGENCY a revised Exhibit A prior to the Anniversary Date.

- iii. Convey to partner economic development service providers support payments as funded by the CITY consistent with the schedule included in the Economic Development Transfer Payments exhibit (Exhibit B). If the Agreement is extended then the CITY may update the Economic Development Transfer Payments exhibit by providing AGENCY a revised Exhibit B prior to the Anniversary Date.

3. **REPORTS AND DELIVERABLES:** At least annually, within thirty (30) days of Anniversary Date, the AGENCY shall communicate to the CITY its Action Plan for the following year. The Action Plan will include identification of the specific allocation of all financial resources provided through this agreement to support the services to be provided by the AGENCY. The Action Plan is subject to the approval of the CITY and may be modified by the AGENCY as conditions, opportunities, and circumstances arise. Changes in excess of ten percent (10%) of the total Agreement budget shall be submitted to the CITY for review and approval.

- A. The Action Plan shall include, at a minimum, the identification of the following:
 - i. The specific individual responsible for significant categories of work activities including associated payroll or similar expenses;
 - ii. The identification of specific positions assigned to work activities including associated payroll or similar expenses;
 - iii. Resources to be used for purchasing services or assets in support of work activities identified by expense category; and
 - iv. Resources to be allocated to overhead expenses such as rent or office support identified by expense category.
- B. **QUARTERLY REPORTS:** The AGENCY shall no less frequently than quarterly provide reports on the following activities with the level of detail determined by AGENCY taking into consideration confidentiality and related professional standards:
 - i. Actions taken toward completing the Annual Projects (Exhibit A).
 - ii. Number of retention visits and any noteworthy follow-ups/results.
 - iii. Number of site visits and noteworthy follow-ups/results.
 - iv. Referrals from state agencies.
 - v. Noteworthy successes from direct involvement by AGENCY staff for investment, new/expanded business, and jobs.
 - vi. Basic demographics, statistical, property availability, workforce data, etc., as used in presentation for hosting site visits. Highlight notable trends, changes, etc.
 - vii. General observations, recommendations, opportunities, and challenges on strategic positioning by Fayetteville if applicable.

4. **PAYMENT:** The CITY will provide financial support to the AGENCY on an annual basis paid in four (4) equal quarterly payments within twenty-one (21) days of receipt of payment request from the AGENCY which shall be submitted during the first ten (10) days of the quarter to the CITY's Finance Department. Payment shall be conditioned upon the satisfactory submission of all required reports and deliverables. The CITY's payment shall be that authorized by the City Council in the budget for the

relevant period (\$100,000 for the fiscal year beginning July 1, 2011). The COMMISSION will make payment under the same terms and conditions (\$315,000 for the fiscal year beginning July 1, 2011).

5. **FINANCIAL RECORDS AND REPORTS:** AGENCY shall maintain financial records of economic development activities separate and distinct from other services the AGENCY may provide.

- A. Monthly financial activity reports shall be made available for review by the CITY.
- B. Quarterly operational activity reports shall be presented to the City Council in a public forum in such detail as required by the CITY. Nonetheless, it is recognized that primary economic development functions of the AGENCY involve proprietary information that must be protected and released to the public only at appropriate times.

6. **AUDIT:** The AGENCY agrees that it will provide the CITY with a certified audit, a copy of the management letter, and management's response to the auditor recommendations, by independent auditors for the fiscal year period ending or including June 30, 2010. The audit will specifically state whether or not the CITY's funds were used exclusively for those purposes stated in Section 2. The audit will specifically describe any exceptions and the amount of exception. It is understood that such audits may not be available upon the commencement of this Agreement. The audit is due to the CITY ninety (90) days after the AGENCY year-end. If at any time the CITY determines the AGENCY is not in compliance with either this Agreement or N.C.G.S. Chapter 159, or any other federal, state, or local law, policy, or regulation affecting the expenditure of public funds, the AGENCY shall be notified in writing as to the nature of the deficiency. It is the responsibility of the AGENCY at its expense to rectify and/or reconcile any material deficiencies identified by audit or monthly review of financial activity by the CITY. Failure to cure a material deficiency in compliance with N.C.G.S. Chapter 159 or the terms of this Agreement within thirty (30) days of receipt of a written notice from the CITY shall constitute a default and may be cause for termination of this Agreement. At anytime the CITY deems it necessary or appropriate, the AGENCY agrees that an internal audit by the CITY may be made of the AGENCY's books or records to assess the current financial condition of the AGENCY and compliance with this Agreement.

7. **INDEPENDENT CONTRACTOR:** AGENCY is a non-profit corporation of the State of North Carolina and is an independent contractor. AGENCY is not an agent, officer, or employee of the CITY and shall have no authority to act as an agent of the CITY, nor enter any agreement for or on behalf of the CITY. AGENCY shall at all times provide CITY with satisfactory proof of its status as a non-profit corporation organized to do business in the State of North Carolina.

8. **ASSIGNMENT:** The AGENCY shall not assign its contract rights under this Agreement nor any part thereof, nor delegate or subcontract any performances hereunder in excess of ten percent (10%) of the total contract budget herein, without first obtaining the CITY's written approval thereof.

9. **AGENCY AND AUTHORITY:** The CITY hereby designates the City Manager or his/her designee as its exclusive agent with respect to this Agreement. The City Manager or his/her designee is authorized, on behalf of the CITY, to negotiate directly with the AGENCY on all matters pertaining to this Agreement. The AGENCY agrees that all of its dealings with the CITY in respect to the terms and conditions of this Agreement shall be exclusively with the City Manager or his/her designee. Further, the AGENCY specifically agrees that it shall not implement any requested modifications in the specifications of any of the services subject to this Agreement except in the manner described in the paragraph entitled MODIFICATION.

10. **MODIFICATION:** This Agreement may be modified only by an instrument duly executed by the parties or their respective successors.

11. **NOTICES:** Any notices to be given by either party to the other under the terms of this Agreement shall be in writing and shall be deemed to have been sufficiently given if delivered by hand,

with written acknowledgment of receipt, or mailed by registered or certified mail to the other party at the following addresses or to such other addresses as either party hereafter from time to time designates in writing to the other party for the receipt of notice:

AGENCY:

Douglas S. Peters, IOM
President & CEO
Fayetteville-Cumberland County Chamber of Commerce
P.O. Box 9 1019 Hay Street
Fayetteville, NC 28302 Fayetteville, NC 28305
Telephone: (910) 484-4242, Ext. 228
Facsimile: (910) 483-4042
Cell Phone: (910) 922-0255
Email: dpeters@fayettevillencchamber.org

CITY:

Dale E. Iman
City Manager
PO Drawer D
Fayetteville, NC 28302
Telephone: (910) 433-1990
Cell Phone: (910) 224-1250
Email: diman@ci.fay.nc.us

Such notice, if mailed, shall be deemed to have been received by the other party on the date contained in the receipt.

12. **CHANGES IN BYLAWS, INSURANCE POLICIES, OR BOARD MEMBERSHIP:** In the event of any change in the AGENCY's bylaws, governing body membership, or insurance policies, AGENCY agrees that it shall immediately notify the CITY. AGENCY shall make compliance with this Agreement a part of its bylaws or have this Agreement approved by its Board of Directors with a copy of the minutes approving this Agreement being submitted to the CITY at the time of execution.

IN WITNESS WHEREOF, the CITY and AGENCY have executed this Agreement and caused their seals to be affixed and attested as of the day and year first above written.

ATTEST:

**FAYETTEVILLE - CUMBERLAND
COUNTY CHAMBER OF COMMERCE**

Secretary

By: _____
DOUGLAS S. PETERS, President

ATTEST:

CITY OF FAYETTEVILLE

, City Clerk

By: _____
DALE E. IMAN, City Manager

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

APPROVED AS TO FORM:

LISA T. SMITH, CFO
City of Fayetteville

KAREN M. MCDONALD, City Attorney

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

J DWIGHT MILLER, CFO
Public Works Commission

Annual Projects:

1. **Hope VI Business Park:** The CITY is in the process of acquiring property situated at Gillespie Street, Blount Street and Chase Street as part of the Old Wilmington Road Hope VI Revitalization Grant program with the purpose of establishing, through a public/private partnership a development that creates job opportunities for residents of that project. The AGENCY will develop a plan for soliciting proposals to serve project objectives and, upon CITY concurrence, implement that plan.
2. **Murchison Road Corridor Redevelopment Plan:** The CITY has adopted a development plan for the Murchison Road corridor which includes a number of catalyst sites that are proposed for acquisition by the CITY in support of future public/private redevelopment projects. The AGENCY will work to identify and acquire target properties within these catalyst sites based upon resources provided by the CITY on an annual basis for this purpose. The objective of this project is to acquire, operate, and maintain properties in the catalyst site areas working toward a critical mass of property ownership in these areas over time sufficient to support and/or incent redevelopment consistent with the redevelopment plan.
3. **Economic Development Metrics:** The objective of this project is for the AGENCY to engage its economic development partners, including the CITY, in the exploration of performance metrics for future reporting purposes. The major objective is to achieve concurrence from the City Council on a consistent and supportive set of metrics to be tracked over a significant period of years into the future.
4. **All American City Marketing:** Work with the CVB to develop a marketing plan for the purpose of using the City's status as an "All American City" to promote business growth and to identify funding to implement that plan.
5. **PWC Sustainability Campus:** Work with COMMISSION, staff and the Sustainable Communities Foundation to generate or confirm a development plan for the Campus and a marketing plan to attract private or governmental partners to locate facilities and/or operations on the Campus. Implement that marketing plan.

Economic Development Transfer Payments:

- **CEED:**Center for Economic Empowerment and Development, Sylvia G. Ray, Founder/CEO, 230 Hay St., Fayetteville, NC 28301; to be funded in the total amount of \$28,125 in equal quarterly payments.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor Sharpe, Community Development Director
DATE: June 27, 2011
RE: **Request by Fayetteville Metropolitan Housing Authority to transfer City-owned land to them for the construction of a childcare facility located on Fisher Street adjacent to Walker-Spivey School.**

THE QUESTION:

Does transferring property on Fisher Street enhance the HOPE VI Revitalization project by providing a childcare facility in the Old Wilmington Road community?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- FMHA would like to apply for funding to construct a childcare facility on Fisher Street adjacent to Walker-Spivey School.
- The project could be competitive for a 2011 Capital Fund Education and Training Facilities Grant in the amount of \$5 million dollars to construct the facility, but the project needs a site and the grant application is due July 21, 2011.
- Fayetteville Metropolitan Housing Authority (FMHA) is requesting the City to transfer them two parcels of land located on Fisher Street (PIN # 0436-89-7270 & a portion of PIN # 0436-89-2346).
- The childcare facility will be operated as a Headstart by Cumberland Community Action Program.
- Staff has discussed this proposal with the School District and they are supportive.
- Recreational facilities impacted by the transfer and construction of the project can be relocated on site as a cost of the project and new recreational amenities would be created and made available to the public as a part of that project.

ISSUES:

- The property owned by the City will have to be subdivided to create one of the parcels to be transferred and to avoid any impact on the School District operation of Spivey School (see attached survey with revised boundary line recommendation).
- There is a lot that the School District will also need to donate.
- The property was zoned R5A and Council acted on May 23rd to translate the zoning to MR-5. That zone will not support an early education or childcare use as proposed. If the Housing Authority successfully obtains funding for this project, then the Council will need to consider a rezone of the property to OI, which is the zone being recommended for the adjacent Spivey School property in the zoning item also on the June 27th agenda for consideration.

BUDGET IMPACT:

If the Council supports staff's recommendation to transfer the property and initiate a rezone

consideration, then there will be some advertising and other expenses incurred in an amount estimated to be less than \$1,000.

OPTIONS:

- Approve donation of property and direct staff to subdivide the property and bring forward a rezone for Council consideration (RECOMMENDED).
- Do not approve donation of property.
- Provide further direction to staff.

RECOMMENDED ACTION:

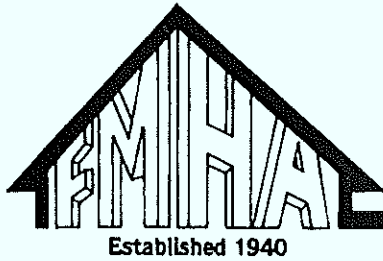
Staff recommends that Council move to authorize staff to take all actions necessary to divide and transfer the subject parcels with the condition that the property revert back to the City if a childcare facility is not constructed within a reasonable period and direct staff to initiate a rezoning of the site for Council consideration.

ATTACHMENTS:

Letter from FMHA

Fisher Street Property

Fisher Street property survey



FAYETTEVILLE METROPOLITAN HOUSING AUTHORITY

1000 Ramsey Street
Post Office Drawer 2349
Fayetteville, North Carolina 28302
Phone/TDD (910) 483-3648

DAWN DRIGGERS
Executive Director

June 16, 2011

CALVIN POOLE
Chairman

Mr. Victor Sharpe
Director of Community Development
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301

JOYCE TUCKER
Vice Chairman

Dear Victor:

MARGARET STANTON
Commissioner

Re: Request for City Property

IRMA YOUNG
Commissioner

The Fayetteville Metropolitan Housing Authority has planned for several years to construct a Daycare Facility as part of the HOPE VI Program. Recently, a potential location for this facility was identified on City owned property between Fisher Street and Walker Spivey School. The City owns two (2) lots – parcel ID # 0436-89-2346 and parcel ID # 0436-89-7270 that we are interested in obtaining ownership of for the purpose of constructing the Daycare Facility. We are partnering with Headstart, which is administered by the Cumberland Community Action Program to operate the facility and provide early childhood education and childcare services.

CYNTHIA WILSON
Commissioner

RICHARD ELLIS
Commissioner

ESTHER THOMPSON
Commissioner

In early June, 2011, the Housing Authority learned that HUD had issued a Notice of Funding Availability (NOFA) for the 2011 Capital Fund Education and Training Community Facilities (CFCF) Grant Program. HUD has set aside a total of \$15 million dollars for this grant program. The maximum grant award per applicant is \$5 million dollars and the application deadline is July 21, 2011. The purpose of this grant is to develop facilities to provide one of the following programs or a combination of the following programs: early childhood education, adult education and/or job training programs. Although the primary participants are to be public housing residents, other participants are also welcome. Because the

eligible grant activities are identical to the Housing Authority's original plans for developing and constructing a Daycare Facility that will provide early childhood education, we will be pursuing this grant opportunity.

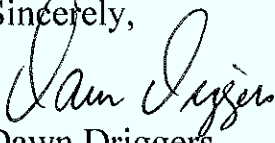
Basically, we are estimating that the size of the Daycare Facility without the new CFCF grant funding would be approximately 7,500 sq.ft. With receipt of the new CFCF grant funding, the estimated size of the Daycare Facility would be approximately 14,000 sq. ft. Either way, the Housing Authority is committed to developing and constructing a Daycare Facility on the City's property and is requesting that the ownership of the property be conveyed to the Fayetteville Metropolitan Housing Authority at the June, 2011 City Council Meeting. Gaining ownership of the property will assist the Housing Authority in meeting the eligibility requirements of the CFCF grant.

Currently, the Housing Authority has procured a surveyor to identify the property that we are requesting ownership of. He is to show a division of parcel # 0436-89-2346 and provide a legal description for the portion we are requesting ownership of. I have attached a map that will identify the property.

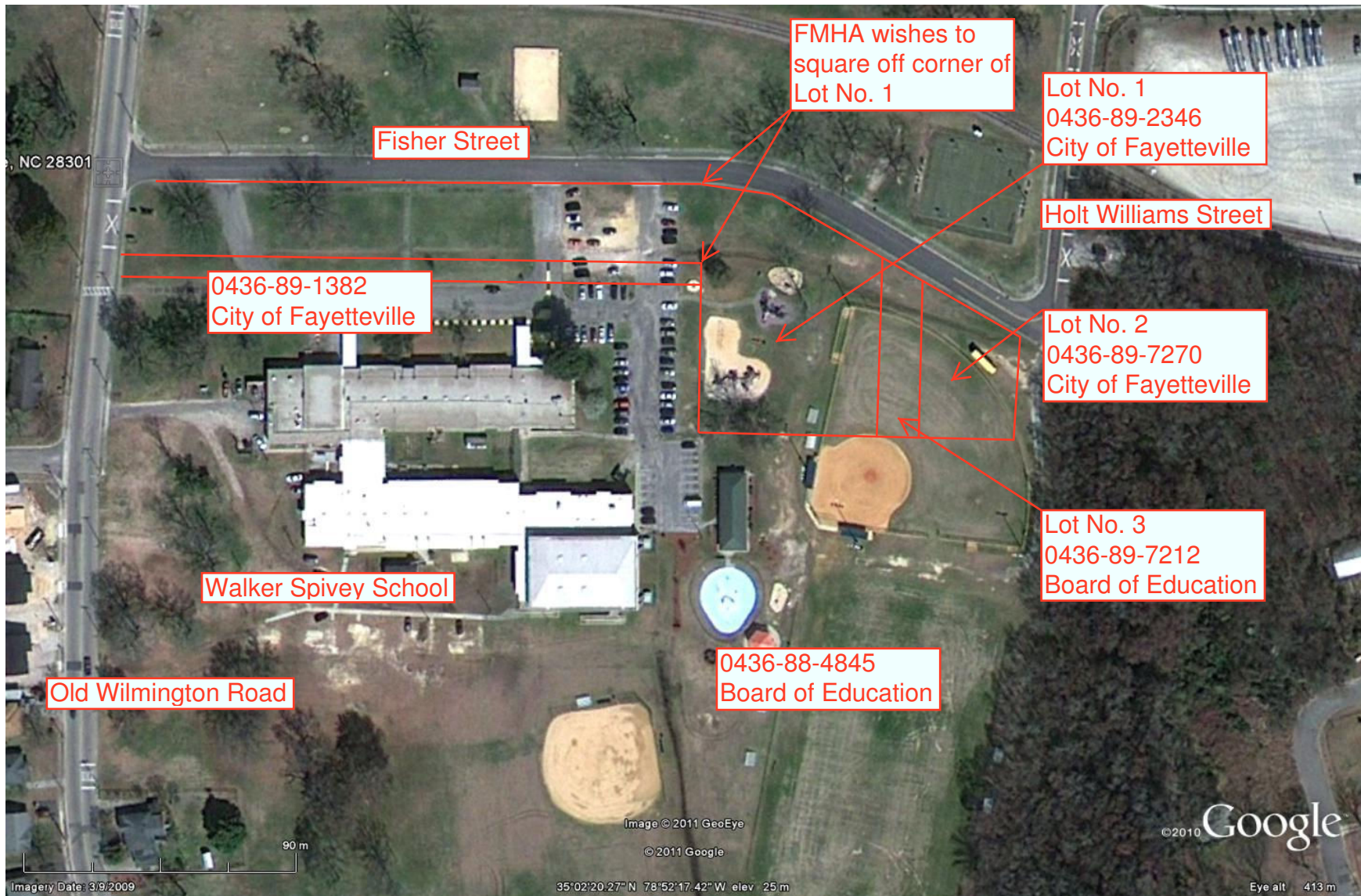
The Housing Authority will also be pursuing ownership of property from the Cumberland County Board of Education that will also be used for the Daycare Facility.

Should you have any questions, please don't hesitate to contact me.

Sincerely,



Dawn Driggers
Executive Director



FMHA wishes to square off corner of Lot No. 1

Lot No. 1
0436-89-2346
City of Fayetteville

Fisher Street

Holt Williams Street

0436-89-1382
City of Fayetteville

Lot No. 2
0436-89-7270
City of Fayetteville

Walker Spivey School

Lot No. 3
0436-89-7212
Board of Education

Old Wilmington Road

0436-88-4845
Board of Education

Image © 2011 GeoEye

© 2011 Google

© 2010 Google

Imagery Date: 3/9/2009

35°02'20.27"N 78°52'17.42"W elev 25m

Eye alt 413m

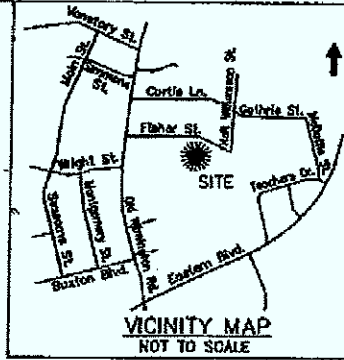
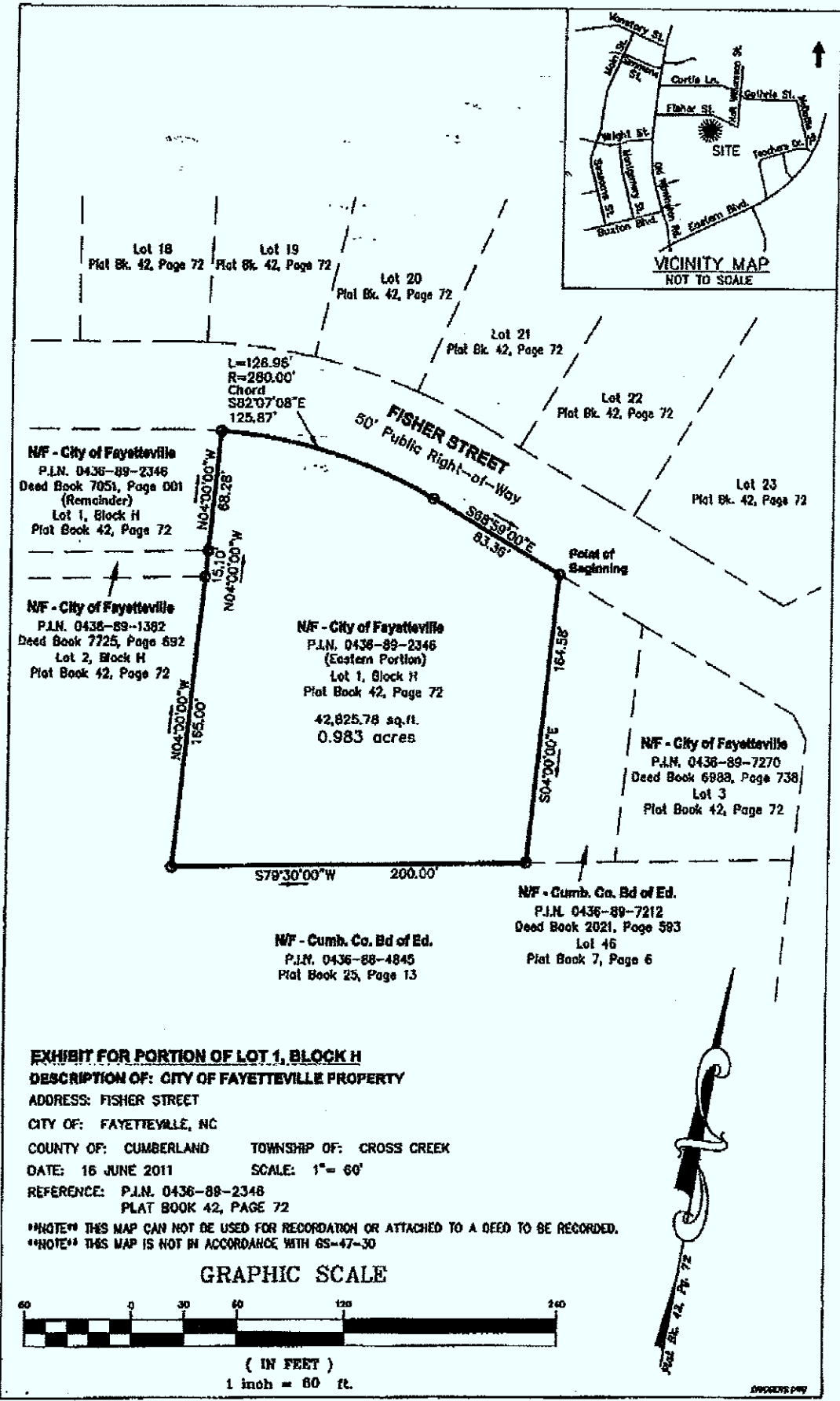
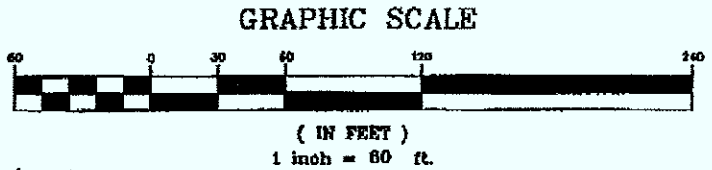


EXHIBIT FOR PORTION OF LOT 1, BLOCK H
DESCRIPTION OF: CITY OF FAYETTEVILLE PROPERTY
ADDRESS: FISHER STREET
CITY OF: FAYETTEVILLE, NC
COUNTY OF: CUMBERLAND TOWNSHIP OF: CROSS CREEK
DATE: 16 JUNE 2011 SCALE: 1" = 60'
REFERENCE: P.I.N. 0436-88-2348
PLAT BOOK 42, PAGE 72

****NOTE** THIS MAP CAN NOT BE USED FOR RECORDATION OR ATTACHED TO A DEED TO BE RECORDED.**
****NOTE** THIS MAP IS NOT IN ACCORDANCE WITH 65-47-30**



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: June 27, 2011
RE: **Consider Resolution Making Certain Findings and Determinations, Authorizing the Filing of an Application with the Local Government Commission, Requesting the Local Government Commission to Sell Bonds at Private Sale and Authorizing and Approving the Selection of the Financing Team in Connection with the Issuance and Sale of Revenue Bonds of the City (Storm Water Projects)**

THE QUESTION:

Does City Council wish to move forward with the issuance of bonds to provide funds for storm water system improvements?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: More Efficient City Government - Cost Effective Service Delivery. Objective 3: Investing in City's future infrastructure, facilities and equipment.

Storm water projects appear on the Major Projects List for 2010-2011

BACKGROUND:

- City staff has worked with the City's bond counsel, financial advisor and feasibility consultant to develop a trust agreement, feasibility study and request for financing proposals for an upcoming storm water revenue bond issue.
- At this time, the City expects to issue approximately \$10,595,000 in revenue bonds to provide funds for the construction of various storm water projects.
- The bond issue is consistent with the five-year capital improvement plan adopted by Council on June 13, 2011.
- The attached resolution is the first formal step required to issue the bonds.
- The resolution makes certain required findings related to the storm water projects and the financing, authorizes the filing of an application for an amount not to exceed \$11,000,000 with the Local Government Commission (LGC), requests the LGC to sell the bonds, and formally approves the selection of the financing team for the bond issue.
- The financing team members are: Womble Carlyle Sandridge & Rice (bond counsel), First Southwest Company (financial advisor), Utility Network Advisor (feasibility consultant), and Regions Bank (trustee).
- In addition, Council is asked to authorize the Chief Financial Officer to select the financing proposal that best meets the terms and needs of the City. It is important to note that the selection of the winning bidder (financial institution) is subject to the adoption of the bond order and final approval of documentation by the City Council at a subsequent meeting.
- The financing application is scheduled to be considered by the LGC at their August 2, 2011 meeting.
- Council is scheduled to consider the final bond order on August 8, 2011 and the City expects to close the bond issue no later than August 12, 2011.

ISSUES:

None.

BUDGET IMPACT:

The expected repayment period for the bonds is 15 years. The FY2012 storm water budget includes \$471,900 for debt service for this bond issue.

OPTIONS:

1. Adopt the resolution and move forward with the financing.
2. Do not adopt the resolution and do not move forward with the financing.

RECOMMENDED ACTION:

Adopt the resolution.

ATTACHMENTS:

Storm Water Revenue Bond Resolution

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 June 27, 2011.

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

Absent: Council Members

Also Present: _____

* * * * *

_____ introduced the following resolution the title of which was read and copies of which had been previously distributed to each Council Member:

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION, REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL BONDS AT PRIVATE SALE AND AUTHORIZING AND APPROVING THE SELECTION OF THE FINANCING TEAM IN CONNECTION WITH THE ISSUANCE AND SALE OF REVENUE BONDS OF THE CITY

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

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

(a) The City currently owns and operates a natural and structural stormwater and drainage system (the “System”) which provides service to the residents of the City and its environs.

(b) In order to better serve and provide for the future needs of the residents of the City and its environs, the City desires to acquire, construct and equip certain improvements to the

System, including, without limitation, erosion control projects, drainage projects, culverts, outfalls and the acquisition of any related land, rights of way and equipment (collectively, the “Project”).

(c) The Project is necessary to help secure adequate and reliable natural and structural stormwater and drainage services and to promote the present and future welfare of the residents of the City and its environs.

(d) The City wishes to commence procedures at this time for the issuance of stormwater system revenue bonds of the City in an aggregate principal amount not to exceed \$11,000,000 (the “Bonds”) for the purpose of providing funds, together with any other available funds, to (i) pay the costs of the Project and (ii) pay certain fees and expenses associated with the issuance and sale of the Bonds.

(e) The City intends to issue the Bonds pursuant to a Trust Agreement, to be dated as of August 1, 2011 (the “Trust Agreement”), between the City and Regions Bank, as trustee (the “Trustee”). Pursuant to the Trust Agreement, the Bonds will be secured by a pledge of the net receipts of the System as provided in the Trust Agreement.

(f) The City is soliciting proposals from various financial institutions to provide the financing for the Project through a private negotiated sale of the Bonds.

(h) The amount of the proposed Bonds will be sufficient, but not excessive, for the purpose of paying the costs associated with the Project.

(i) The proposed Project is feasible.

(j) The annual audits of the City show the City to be in strict compliance with debt management policies, and the budgetary and fiscal management policies of the City are in compliance with law.

(k) The proposed Bonds can be marketed at a reasonable interest cost to the City.

(l) The projected rate increases, if any, for natural and structural stormwater and drainage service in connection with the issuance of the proposed Bonds will be reasonable.

Section 2. The City Manager and the Chief Financial Officer of the City are each hereby authorized and directed to file an application with the Local Government Commission of North Carolina for approval of the issuance of the Bonds in an aggregate principal amount not to exceed \$11,000,000 for the purpose of providing funds, together with any other available funds, to (a) pay the cost of the Project and (b) pay certain fees and expenses associated with the issuance and sale of the Bonds.

Section 3. The Local Government Commission is hereby requested to sell the proposed revenue bonds at private sale without advertisement.

Section 4. The Chief Financial Officer is hereby authorized to solicit proposals from various financial institutions for the purchase of the Bonds at private negotiated sale and, with the advice of counsel and the City's financial advisor, to select the winning bidder that best meets the terms and needs of the City, subject to the adoption of the bond order and the final approvals of documentation related to the Bonds by the City Council at a subsequent meeting. Each of the City Manager and the Chief Financial Officer are hereby authorized to execute and deliver such documentation as may be necessary to accept the proposal of the winning bidder. All actions heretofore taken by the Chief Financial Officer in connection with the solicitation of proposals from various financial institutions for the purchase of the Bonds at private negotiated sale are hereby authorized, ratified and confirmed.

Section 5. Womble Carlyle Sandridge & Rice, PLLC is hereby appointed to serve as bond counsel to the City, First Southwest Company is hereby appointed to serve as financial

advisor to the City, Regions Bank is hereby appointed to serve as Trustee and Utility Advisors' Network, Inc. is hereby appointed as the feasibility consultant in connection with the issuance and sale of the Bonds.

Section 6. This resolution shall take effect immediately upon its passage.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing resolution entitled "RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION, REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL BONDS AT PRIVATE SALE AND AUTHORIZING AND APPROVING THE SELECTION OF THE FINANCING TEAM IN CONNECTION WITH THE ISSUANCE AND SALE OF REVENUE BONDS OF THE CITY" was passed 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 and accurate copy of so much of the proceedings of the City Council of said City at a regular meeting held on June 27, 2011, as relates in any way to the adoption of the foregoing resolution and that said proceedings are recorded in minute books 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 the official seal of the City this 27th day of June, 2011.

Deputy City Clerk

[SEAL]

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: City Clerk's Office
DATE: June 27, 2011
RE: **Monthly Statement of Taxes for May 2011
For Information Only**

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 Tax Administrator for the month of May 2011.

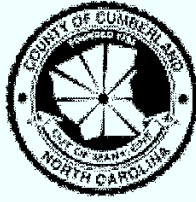
ISSUES:
N/A

BUDGET IMPACT:
N/A

OPTIONS:
For information only

RECOMMENDED ACTION:
For information only

ATTACHMENTS:
Monthly Statement of Taxes - May 2011



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: Fayetteville City Clerk

FROM: Aaron Donaldson, Tax Administrator *AD*

DATE: June 1, 2011

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 May 2011. 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
2000-2010**

MAY 2011

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
264.91	443.50	27.03	0.00	130.00	130.00	4.16	8.32	13.16	0.00
861.49	579.07	0.00	0.00	143.75	143.75	12.00	24.00	38.00	0.00
100.84	187.91	0.00	0.00	60.97	60.97	0.00	0.00	0.00	0.00
326.88	299.00	1.28	0.00	65.00	65.00	18.44	36.87	58.38	0.00
117.42	396.36	0.00	0.00	90.00	90.00	13.20	26.40	41.80	0.00
20.36	381.22	0.00	0.00	77.81	77.81	0.00	0.00	0.00	0.00
195.98	177.95	0.00	0.00	55.00	55.00	0.00	0.00	0.00	0.00
240.32	228.04	0.00	0.00	40.00	40.00	0.00	0.00	0.00	0.00
47.42	419.35	0.00	0.00	65.00	65.00	0.00	0.00	0.00	0.00
962.80	430.24	0.00	0.00	95.97	95.97	24.00	48.00	0.00	0.00
903.06	518.00	0.00	0.00	81.25	81.25	12.00	24.00	38.00	0.00
14.52	317.08	0.00	0.00	67.19	67.19	0.00	0.00	0.00	0.00
722.39	208.52	0.00	0.00	40.00	40.00	24.00	48.00	76.00	0.00
51.10	466.17	0.00	0.00	80.00	80.00	0.00	0.00	0.00	0.00
269.90	660.65	0.00	0.00	108.33	108.33	19.73	39.45	80.39	0.00
1,141.86	550.94	0.00	0.00	95.65	95.64	22.25	44.50	70.47	0.00
1,042.33	206.47	0.00	0.00	40.00	40.00	36.00	72.00	114.00	0.00
2.67	376.49	0.00	0.00	60.00	60.00	0.00	0.00	0.00	0.00
242.27	311.64	0.00	0.00	40.59	40.59	0.86	1.72	2.71	0.00
694.29	394.41	0.00	0.00	70.00	70.00	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
81.81	252.94	0.00	0.00	55.00	55.00	84.33	168.66	0.00	0.00
8,304.62	7,805.95	28.31	0.00	1,561.51	1,561.50	270.97	541.92	532.91	0.00

FAYETTEVILLE MACC LEDGER
2000-2010

2007 VEH REVIT	2007 FVT	2007 STORM WATER	2007 FAY STORM WATER	2007 ANNEX	2006 & PRIOR CC	2006 & PRIOR VEH	2006 & PRIOR CC REVIT	2006 & PRIOR VEH REVIT	2006 & PRIOR FVT	2006 & PRIOR STORM WATER
0.00	20.00	0.00	0.00	0.00	32.77	105.75	0.00	0.00	25.82	0.00
0.00	30.00	12.00	0.00	0.00	40.84	128.13	0.00	0.00	25.00	0.00
0.00	0.00	0.00	0.00	0.00	18.80	2.60	0.00	0.00	5.00	0.00
0.00	(5.00)	0.00	0.00	0.00	0.00	44.76	0.00	0.00	0.00	0.00
0.00	10.00	0.00	0.00	0.00	0.00	19.26	0.00	0.00	15.00	0.00
0.00	0.00	0.00	0.00	0.00	24.41	100.83	0.00	0.00	35.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	29.70	0.00	0.00	5.00	0.00
0.00	5.00	0.00	0.00	0.00	18.56	72.65	0.00	0.00	45.00	0.00
0.00	15.00	0.00	0.00	0.00	0.00	15.34	0.00	0.00	5.00	0.00
0.00	15.00	24.00	48.00	0.00	7,088.25	55.13	0.00	0.00	19.41	169.45
0.00	10.00	0.00	0.00	0.00	16.14	79.32	0.00	0.00	10.00	0.00
0.00	10.00	0.00	0.00	0.00	0.00	43.76	0.00	0.00	25.00	0.00
0.00	10.00	24.00	24.00	0.00	36.69	160.55	0.00	0.00	10.00	24.00
0.00	10.00	12.00	24.00	0.00	50.45	7.44	0.00	0.00	5.00	12.00
0.00	10.00	0.00	0.00	0.00	0.00	15.56	0.00	0.00	5.00	0.00
0.00	0.00	0.00	0.00	0.00	24.02	385.87	0.00	0.00	25.00	0.00
0.00	10.00	0.00	0.00	0.00	0.00	104.67	0.00	0.00	20.00	0.00
0.00	(10.00)	0.00	0.00	0.00	26.05	(500.02)	0.00	0.00	(5.00)	0.00
0.00	5.00	0.00	0.00	0.00	0.00	42.45	0.00	0.00	10.00	0.00
0.00	0.00	12.00	0.00	0.00	0.00	47.60	0.00	0.00	20.00	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	20.26	0.00	0.00	0.00	26.37	51.92	0.00	0.00	10.00	2.64
0.00	170.26	84.00	96.00	0.00	7,403.35	1,013.27	0.00	0.00	315.23	232.09

FAYETTEVILLE MACC LEDGER

MAY 2011

2000-2010

2006 ANNEX	INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	TOTAL TAX & INTEREST
0.00	1,600.38	15.61	31.25	61.53	0.00	46.81	73,052.89
0.00	1,482.10	0.34	23.99	24.00	0.00	38.03	31,313.46
0.00	756.83	0.00	7.92	15.88	0.00	21.30	46,481.70
0.00	973.07	0.23	8.30	16.63	0.00	28.26	36,294.79
0.00	856.13	0.00	12.52	25.12	0.00	45.46	31,663.83
0.00	1,329.00	2.88	13.73	27.49	0.00	40.65	54,014.91
0.00	881.70	0.00	5.80	11.63	0.00	21.97	22,719.56
0.00	2,028.78	0.00	40.58	78.08	0.00	5.74	51,852.14
0.00	1,202.95	0.00	48.80	97.67	0.00	49.96	39,661.06
0.00	7,954.02	0.00	169.93	109.56	0.00	61.43	87,009.09
0.00	1,550.15	0.15	14.14	28.28	0.00	41.94	53,856.89
0.00	708.54	0.15	6.19	12.43	0.00	17.76	17,890.32
0.00	1,169.53	0.00	52.24	68.85	0.00	64.80	32,176.93
0.00	710.26	0.00	17.54	22.64	0.00	17.13	45,199.22
0.00	976.28	0.00	24.77	49.62	0.00	57.44	27,711.14
0.00	1,193.48	0.00	12.25	23.85	0.00	34.30	42,223.82
0.00	925.07	0.00	15.14	24.73	0.00	37.22	18,778.58
0.00	669.27	0.00	9.20	14.49	0.00	19.13	21,206.77
0.00	778.99	1.65	24.31	43.83	0.00	31.39	26,961.91
0.00	1,243.94	0.00	27.97	20.78	0.00	32.89	36,034.08
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	1,984.03	0.00	61.16	121.39	0.00	55.50	70,453.66
0.00	30,974.50	21.01	627.73	898.48	0.00	769.11	866,556.75

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: June 27, 2011
RE: **Revenue and Expenditure Report for Annually Budgeted Funds for the Nine-Month Period Ended March 31, 2011**

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 nine-month period ended March 31, 2011 and 2010. The report consists of two main sections:

- revenues by major category by fund, and
- expenditures by major category by fund.

The report provides:

- Revenue and expenditure data for the current fiscal year (column "Actuals thru March 2011")
- Comparison data for the current year's budget (columns "Annual Budget as of March 2011" and "Allocated Budget as of March 2011")
- Comparison data for revenues and expenditures through the same period in last fiscal year (column "Actuals thru March 2010")
- Totals for "Encumbrances" which represent commitments by the City to obtain items or services or other expenditures for which payments have not yet been made
- Calculated positive or negative variances between the "Allocated Budget As of March 2011" column and the "Actuals thru March 2011" column
- Expenditure data by department for the General Fund

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.

Sales taxes include revenues for the nine-month period ended March 31, 2011 for the current fiscal year, and for comparative purposes, for the nine-month period ended March 31, 2010 for the prior fiscal year in this report.

Also, quarterly utility taxes are received from the State approximately 75 days after the period to which they apply; therefore, utility tax revenues are included through the quarter ended March 31, 2011 for the current fiscal year, and for comparative purposes, for the quarter ended March 31, 2010 for the prior fiscal year in this report.

ISSUES:

None.

BUDGET IMPACT:

Not applicable. Information report only.

OPTIONS:

Not applicable.

RECOMMENDED ACTION:

No action required.

ATTACHMENTS:

Revenue and Expenditure Report as of March 31, 2011

**General Fund Revenue Report
For the Period Ended
March 31, 2011**

<u>Description</u>	<u>Actuals thru March 2010</u>	<u>Annual Budget As Of March 2011</u>	<u>Allocated Budget As Of March 2011*</u>	<u>Actuals thru March 2011</u>	<u>Allocated Budget Variance Positive / (Negative)</u>
Ad Valorem Taxes					
Current Year Taxes	55,144,400	57,288,982	55,300,977	55,443,814	142,837
Prior Year Taxes	1,043,523	1,026,000	956,464	1,009,093	52,629
Penalties & Interest	241,843	318,000	236,351	278,450	42,099
Other Taxes					
Vehicle License Tax	489,705	619,500	480,892	484,889	3,997
Privilege License Tax	966,950	1,066,450	1,048,881	1,082,338	33,457
Franchise Fees	179,242	323,817	155,931	219,318	63,387
Vehicle Gross Receipts	298,858	464,000	290,174	358,396	68,222
Intergovernmental Revenues					
Federal	659,418	763,229	591,384	665,496	74,112
State					
Sales Taxes	22,543,351	30,754,690	22,781,730	23,152,254	370,524
Utility Taxes	7,663,769	9,850,241	7,515,984	7,659,973	143,989
Other	5,331,566	6,133,351	5,134,152	5,351,389	217,237
Local	3,807,485	4,053,757	3,600,054	3,856,960	256,906
Functional Revenues					
Permits and Fees	1,375,636	2,219,425	1,623,764	2,104,680	480,916
Property Leases	221,826	582,414	383,101	153,647	(229,454)
Engineering/Planning Services	265,817	373,050	265,349	344,498	79,149
Public Safety Services	617,175	1,204,574	918,918	778,269	(140,649)
Environmental Services	55,950	73,293	54,633	74,599	19,966
Parks & Recreation Fees	793,833	1,094,800	730,813	833,417	102,604
Other Fees and Services	65,717	90,221	67,632	57,797	(9,835)
Other Revenues					
Refunds and Sundry	566,292	830,490	682,578	503,883	(178,695)
Indirect Cost Allocation	812,216	1,157,958	840,420	864,780	24,360
Special Use Assessment	130,914	170,000	112,342	165,028	52,686
Sale of Assets & Materials	114,112	180,500	94,209	239,488	145,279
Investment Income	12,974	750,000	15,117	26,848	11,731
Other Financing Sources					
Proceeds from Bonds	-	-	-	-	-
Proceeds from Refunding Bonds	8,759,246	-	-	-	-
Proceeds from Loans	750,000	-	-	-	-
Interfund Transfers	6,517,458	11,470,887	8,857,965	8,835,641	(22,324)
Capital Leases	-	-	-	-	-
Fund Balance Appropriation	-	8,101,862	-	-	-
TOTAL	<u>119,429,276</u>	<u>140,961,491</u>	<u>112,739,815</u>	<u>114,544,945</u>	<u>1,805,130</u>

* The budget for March is generally allocated based on the annual percentage of revenue received as of March 31, 2010, with the exception of Investment Income, Other Financing Sources and Fund Balance Appropriation.

**Operating Funds Revenue Report
For the Period Ended
March 31, 2011**

Description	Actuals thru March 2010	Annual Budget As Of March 2011	Allocated Budget As Of March 2011*	Actuals thru March 2011	Allocated Budget Variance Positive / (Negative)
Parking Fund					
Functional Revenues	240,468	329,185	253,631	241,867	(11,764)
Other Revenues	-	-	-	-	-
Investment Income	-	3,000	-	-	-
Total	240,468	332,185	253,631	241,867	(11,764)
Lake Valley Drive MSD Fund					
Interfund Transfers	-	500,000	-	-	-
Total	-	500,000	-	-	-
Central Business Tax District Fund					
Ad Valorem Taxes	125,401	131,287	128,217	128,847	630
Investment Income	-	840	-	-	-
Fund Balance	-	91,181	-	-	-
Total	125,401	223,308	128,217	128,847	630
Stormwater Fund					
Stormwater Fees	5,034,684	5,099,839	5,021,832	5,104,029	82,197
Intergovernmental	20,000	-	-	-	-
Other Functional Revenues	-	-	-	-	-
Other Revenues	10,777	-	-	-	-
Investment Income	-	66,007	-	-	-
Interfund Transfers	-	-	-	-	-
Fund Balance	-	4,685,185	-	-	-
Total	5,065,461	9,851,031	5,021,832	5,104,029	82,197
Emergency Telephone System Fund					
Intergovernmental	706,871	1,060,306	706,871	706,871	-
Investment Income	-	10,500	-	-	-
Interfund Transfers	5,999	-	-	-	-
Fund Balance	-	342,894	-	-	-
Total	712,870	1,413,700	706,871	706,871	-
Risk Management Funds					
Interfund Charges	8,654,702	14,000,438	10,658,483	8,450,258	(2,208,225)
Other Revenues					
Employee Contributions	1,952,432	3,304,633	2,486,539	2,053,707	(432,832)
Refunds and Sundry	260,256	93,067	55,882	282,880	226,998
Investment Income	-	309,000	-	-	-
Interfund Transfers	1,921,100	-	-	401,000	401,000
Fund Balance	-	19,409	-	-	-
Total	12,788,490	17,726,547	13,200,904	11,187,845	(2,013,059)
Transit Fund					
Other Taxes	466,096	608,300	470,752	475,144	4,392
Federal Operating Grant	827,403	1,153,128	903,946	816,970	(86,976)
State Operating Grant	533,998	533,998	533,998	587,762	53,764
Bus Fares	516,657	679,241	495,760	587,463	91,703
Contract Transportation	116,824	-	-	69,704	69,704
Other Revenue	27,466	20,643	12,885	10,220	(2,665)
Interfund Transfers	2,002,503	2,874,099	2,775,413	2,032,536	(742,877)
Total	4,490,947	5,869,409	5,192,754	4,579,799	(612,955)

**Operating Funds Revenue Report
For the Period Ended
March 31, 2011**

Description	Actuals thru March 2010	Annual Budget As Of March 2011	Allocated Budget As Of March 2011*	Actuals thru March 2011	Allocated Budget Variance Positive / (Negative)
Airport Fund					
Intergovernmental Revenues	123,230	145,995	110,649	115,294	4,645
Property Leases	1,371,558	2,010,100	1,383,781	1,548,400	164,619
Franchise Fees	736,231	998,322	665,017	866,931	201,914
Landing Fees	293,403	397,685	300,707	277,500	(23,207)
Training Facility Fees	20,850	19,850	16,424	25,750	9,326
Other Revenues	155,103	178,489	133,162	157,632	24,470
Public Safety Reimbursements	63,223	84,297	63,223	63,223	-
Investment Income	-	67,000	-	-	-
Interfund Transfers	-	-	-	30,076	30,076
Fund Balance	-	873,359	-	-	-
Total	2,763,598	4,775,097	2,672,963	3,084,806	411,843
Recycling Fund					
Recycling Fees	2,194,441	2,253,910	2,195,668	2,212,458	16,790
Intergovernmental	222,090	296,130	222,097	223,504	1,407
Other Revenues	3,725	1,400	1,282	105,398	104,116
Investment Income	-	19,000	-	-	-
Interfund Transfers	-	-	-	-	-
Total	2,420,256	2,570,440	2,419,047	2,541,360	122,313
LEOSSA Fund					
Interfund Charges	373,489	499,573	364,469	506,031	141,562
Investment Income	-	42,000	-	-	-
Fund Balance	-	12,537	-	-	-
Total	373,489	554,110	364,469	506,031	141,562
City of Fayetteville Finance Corporation					
Investment Income	537	-	-	31	31
Property Leases	1,772,090	1,449,475	1,446,245	1,446,245	-
Total	1,772,627	1,449,475	1,446,245	1,446,276	31
Warranty Vehicle Lease Fund					
Interfund Charges	214,459	-	-	-	-
Other Revenues	-	-	-	-	-
Investment Income	-	-	-	-	-
Fund Balance	-	102,215	-	-	-
Total	214,459	102,215	-	-	-

* The budget for March is generally allocated based on the annual percentage of revenue received as of March 31, 2010, with the exception of Investment Income, Other Financing Sources and Fund Balance Appropriation.

**General Fund Expenditure Report
For the Period Ended
March 31, 2011**

Description	Actuals thru March 2010	Annual Budget As Of March 2011	Allocated Budget As Of March 2011*	Actuals thru March 2011	Allocated Budget Variance Positive / (Negative)	Encumbrances thru March 2011
City Attorney						
Personnel	397,956	580,211	430,376	362,643	67,733	-
Operating / Contract Services	490,685	465,525	373,555	390,664	(17,109)	-
Capital	-	-	-	-	-	-
Other	207	300	221	390	(169)	-
Total	888,848	1,046,036	804,152	753,697	50,455	-
City Manager						
Personnel	602,894	844,942	626,743	613,644	13,099	-
Operating / Contract Services	33,793	36,082	29,667	28,431	1,236	-
Capital	-	-	-	-	-	-
Other	2,048	2,500	2,417	1,711	706	-
Total	638,735	883,524	658,827	643,786	15,041	-
Community Development						
Personnel	103,047	143,368	106,345	105,581	764	-
Operating / Contract Services	526,981	1,619,886	1,619,886	1,075,716	544,170	429,604
Capital	-	-	-	-	-	-
Other	182,873	148,641	148,641	156,077	(7,436)	-
Total	812,901	1,911,895	1,874,872	1,337,374	537,498	429,604
Development Services						
Personnel	1,967,501	2,770,917	2,055,349	1,929,268	126,081	-
Operating / Contract Services	353,679	1,197,825	828,052	619,648	208,404	135,889
Capital	42,087	37,955	37,955	12,636	25,319	-
Other	9,120	5,821	5,821	901	4,920	-
Total	2,372,387	4,012,518	2,927,177	2,562,453	364,724	135,889
Engineering & Infrastructure						
Personnel	2,842,904	4,247,283	3,150,455	2,802,624	347,831	-
Operating / Contract Services	2,190,112	2,558,789	1,920,535	1,575,145	345,390	159,767
Capital	299,013	441,300	441,300	215,261	226,039	-
Other	6,197,049	3,843,567	3,836,584	3,570,551	266,033	-
Total	11,529,078	11,090,939	9,348,874	8,163,581	1,185,293	159,767
Environmental Services						
Personnel	3,076,020	4,592,569	3,406,574	3,068,326	338,248	-
Operating / Contract Services	1,333,404	2,017,228	1,378,703	1,630,517	(251,814)	24,392
Capital	428,458	1,606,665	1,606,665	356,665	1,250,000	945,849
Other	477,348	448,817	342,717	377,388	(34,671)	-
Total	5,315,230	8,665,279	6,734,659	5,432,896	1,301,763	970,241
Finance						
Personnel	883,783	1,294,284	960,046	905,990	54,056	-
Operating / Contract Services	871,693	1,288,709	954,864	869,115	85,749	141,892
Capital	20,200	-	-	-	-	-
Other	-	-	-	-	-	-
Total	1,775,676	2,582,993	1,914,910	1,775,105	139,805	141,892
Fire & Emergency Management						
Personnel	13,380,486	19,023,244	14,110,638	13,933,546	177,092	-
Operating / Contract Services	1,697,597	2,453,760	1,730,516	1,879,156	(148,640)	5,188
Capital	1,035,467	1,473,042	1,473,042	982,614	490,428	-
Other	516,062	225,678	198,428	216,010	(17,582)	-
Total	16,629,612	23,175,724	17,512,624	17,011,326	501,298	5,188
Human Relations						
Personnel	154,223	217,439	161,288	159,062	2,226	-
Operating / Contract Services	11,948	33,040	19,443	11,321	8,122	-
Capital	-	-	-	-	-	-
Other	-	5,200	-	583	(583)	-
Total	166,171	255,679	180,731	170,966	9,765	-

**General Fund Expenditure Report
For the Period Ended
March 31, 2011**

Description	Actuals thru March 2010	Annual Budget As Of March 2011	Allocated Budget As Of March 2011*	Actuals thru March 2011	Allocated Budget Variance Positive / (Negative)	Encumbrances thru March 2011
Human Resource Development						
Personnel	616,059	984,569	730,312	632,545	97,767	-
Operating / Contract Services	139,672	271,764	151,779	138,656	13,123	18,403
Capital	-	50,000	50,000	-	50,000	-
Other	886	1,281	1,281	177	1,104	-
Total	756,617	1,307,614	933,372	771,378	161,994	18,403
Information Technology						
Personnel	845,193	1,344,961	997,636	920,341	77,295	-
Operating / Contract Services	765,328	1,551,643	1,246,067	906,476	339,591	38,538
Capital	50,660	344,597	344,597	195,219	149,378	-
Other	320,209	283,500	218,110	283,500	(65,390)	-
Total	1,981,390	3,524,701	2,806,410	2,305,536	500,874	38,538
Management Services						
Personnel	365,260	594,164	440,726	374,694	66,032	-
Operating / Contract Services	140,010	212,666	142,671	112,427	30,244	34,839
Capital	-	-	-	-	-	-
Other	(31,352)	(36,500)	(27,857)	(14,303)	(13,554)	2,198
Total	473,918	770,330	555,540	472,818	82,722	37,037
Mayor & Council						
Personnel	197,316	320,633	237,832	206,432	31,400	-
Operating / Contract Services	388,214	237,932	231,221	158,252	72,969	5,363
Capital	-	-	-	-	-	-
Other	1,671	2,050	1,734	2,196	(462)	-
Total	587,201	560,615	470,787	366,880	103,907	5,363
Other Appropriations						
Personnel	33,308	32,368	24,010	27,711	(3,701)	-
Operating / Contract Services	6,116,717	10,223,932	7,685,847	7,041,591	644,256	1,682,929
Capital	-	-	-	-	-	-
Other	15,972,130	11,650,531	8,692,837	8,033,400	659,437	14,063
Total	22,122,155	21,906,831	16,402,694	15,102,702	1,299,992	1,696,992
Parks, Recreation & Maintenance						
Personnel	6,427,170	9,021,262	6,691,591	6,296,797	394,794	-
Operating / Contract Services	3,694,121	5,336,811	3,990,372	3,880,638	109,734	81,450
Capital	101,776	825,287	825,287	287,657	537,630	229,416
Other	432,054	716,269	547,698	356,204	191,494	-
Total	10,655,121	15,899,629	12,054,948	10,821,296	1,233,652	310,866
Police						
Personnel	24,696,445	35,703,321	26,483,213	24,745,228	1,737,985	61,916
Operating / Contract Services	3,442,782	4,714,119	3,549,359	3,647,470	(98,111)	18,746
Capital	678,847	2,445,089	2,445,089	2,132,193	312,896	-
Other	794,433	504,655	403,742	182,109	221,633	-
Total	29,612,507	43,367,184	32,881,403	30,707,000	2,174,403	80,662
Total General Fund						
Personnel	56,589,565	81,715,535	60,613,134	57,084,432	3,528,702	61,916
Operating / Contract Services	22,196,736	34,219,711	25,852,537	23,965,223	1,887,314	2,777,000
Capital	2,656,508	7,223,935	7,223,935	4,182,245	3,041,690	1,175,265
Other	24,874,738	17,802,310	14,372,374	13,166,894	1,205,480	16,261
Total	106,317,547	140,961,491	108,061,980	98,398,794	9,663,186	4,030,442

* The personnel budget for March is allocated based on the number of pay periods which have occurred through that date. Capital is allocated at 100%. Operating, Contract Services and Other are generally allocated based on the annual percentage of expenditures as of March 31, 2010.

**Operating Funds Expenditure Report
For the Period Ended
March 31, 2011**

Description	Actuals thru March 2010	Annual Budget As Of March 2011	Allocated Budget As Of March 2011*	Actuals thru March 2011	Allocated Budget Variance Positive / (Negative)	Encumbrances thru March 2011
Parking Fund						
Personnel	-	-	-	-	-	-
Operating / Contract Services	219,688	317,634	244,230	253,488	(9,258)	-
Capital	-	-	-	-	-	-
Other	-	14,551	14,551	-	14,551	-
Total	219,688	332,185	258,781	253,488	5,293	-
Lake Valley Drive MSD Fund						
Personnel	-	-	-	-	-	-
Operating / Contract Services	-	500,000	-	-	-	-
Capital	-	-	-	-	-	-
Other	-	-	-	-	-	-
Total	-	500,000	-	-	-	-
Central Business Tax District Fund						
Personnel	-	-	-	-	-	-
Operating / Contract Services	54,045	88,424	82,243	45,340	36,903	2,400
Capital	-	54,790	54,790	-	54,790	-
Other	50,000	80,094	53,396	72,658	(19,262)	-
Total	104,045	223,308	190,429	117,998	72,431	2,400
Stormwater Fund						
Personnel	1,081,555	1,487,735	1,103,539	1,022,508	81,031	-
Operating / Contract Services	567,464	2,653,865	1,414,839	1,284,349	130,490	703,083
Capital	900,873	5,410,162	5,410,162	498,402	4,911,760	553,152
Other	295,607	299,269	299,269	92,041	207,228	-
Total	2,845,499	9,851,031	8,227,809	2,897,300	5,330,509	1,256,235
Emergency Telephone System Fund						
Personnel	40,549	-	-	-	-	-
Operating / Contract Services	438,035	714,604	515,795	503,530	12,265	129
Capital	254,330	654,389	654,389	290,189	364,200	254
Other	-	44,707	44,707	8,164	36,543	-
Total	732,914	1,413,700	1,214,891	801,883	413,008	383
Risk Management Funds						
Personnel	285,303	384,989	285,569	243,811	41,758	-
Operating / Contract Services	10,210,531	17,333,058	13,191,019	9,524,070	3,666,949	286,044
Capital	-	8,000	8,000	-	8,000	-
Other	2,576,435	500	500	-	500	-
Total	13,072,269	17,726,547	13,485,088	9,767,881	3,717,207	286,044
Transit Fund						
Personnel	2,442,878	3,663,180	2,717,192	2,694,114	23,078	-
Operating / Contract Services	1,067,898	1,687,934	1,259,922	1,207,107	52,815	100,255
Capital	-	-	-	-	-	-
Other	317,483	518,295	368,427	400,720	(32,293)	-
Total	3,828,259	5,869,409	4,345,541	4,301,941	43,600	100,255
Airport Fund						
Personnel	807,684	1,276,200	946,632	902,985	43,647	-
Operating / Contract Services	906,814	1,392,208	980,532	833,985	146,547	37,345
Capital	48,095	199,255	199,255	192,388	6,867	-
Other	441,680	1,907,434	1,591,676	1,178,025	413,651	-
Total	2,204,273	4,775,097	3,718,095	3,107,383	610,712	37,345

**Operating Funds Expenditure Report
For the Period Ended
March 31, 2011**

Description	Actuals thru March 2010	Annual Budget As Of March 2011	Allocated Budget As Of March 2011*	Actuals thru March 2011	Allocated Budget Variance Positive / (Negative)	Encumbrances thru March 2011
Recycling Fund						
Personnel	-	-	-	-	-	-
Operating / Contract Services	1,253,910	1,988,810	1,315,890	1,411,342	(95,452)	157,331
Capital	-	55,000	55,000	-	55,000	-
Other	3,458	526,630	394,972	338,964	56,008	-
Total	1,257,368	2,570,440	1,765,862	1,750,306	15,556	157,331
LEOSSA Fund						
Personnel	346,457	554,110	411,016	373,339	37,677	-
Operating / Contract Services	-	-	-	-	-	-
Capital	-	-	-	-	-	-
Other	-	-	-	-	-	-
Total	346,457	554,110	411,016	373,339	37,677	-
City of Fayetteville Finance Corporation						
Personnel	-	-	-	-	-	-
Operating / Contract Services	-	-	-	-	-	-
Capital	-	-	-	-	-	-
Other	1,806,170	1,449,475	1,449,475	1,449,475	-	-
Total	1,806,170	1,449,475	1,449,475	1,449,475	-	-
Warranty Vehicle Lease Fund						
Personnel	-	-	-	-	-	-
Operating / Contract Services	116,003	12	12	12	-	-
Capital	-	102,203	102,203	102,203	-	-
Other	-	-	-	-	-	-
Total	116,003	102,215	102,215	102,215	-	-

* The personnel budget for March is allocated based on the number of pay periods which have occurred through that date. Capital is allocated at 100%. Operating, Contract Services and Other are generally allocated based on the annual percentage of expenditures as of March 31, 2010.