



FAYETTEVILLE CITY COUNCIL
AGENDA
JULY 25, 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

Chief Benjmain Nichols, Fayetteville Fire Department

6.0 PUBLIC FORUM

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

7.0 CONSENT

7.1 Approve Minutes - May 23, 2011 - Dinner & Discussion Meeting

7.2 Authorization to replace Retired Fire Chief Benny Nichols with Interim Fire Chief Benjamin Major as applicant agent on behalf of the City of Fayetteville

7.3 Award Contract for LaFayette Village - Ph I, Spruce Drive Drainage Improvements Project.

7.4 Award Contract for 2012 Street Resurfacing Program

7.5 Bid Recommendation for Purchase of Galvanized Steel Poles

- 7.6 Bid Recommendation for Hydrogen Sulfide Control at PWC Lift Stations
- 7.7 Bid Recommendation for Annual Transformer Contract
- 7.8 Community Street Banners for FTCC 50th Anniversary
- 7.9 Municipal Agreement with NCDOT for Bridge Inspections
- 7.10 Capital Project Ordinance Amendment 2012-9 (Texfi Property)
- 7.11 Capital Project Ordinance Amendment 2012-11 (Storm Water Projects)
- 7.12 Capital Project Ordinance Amendment 2012-10 (Linear Park)
- 7.13 Special Revenue Fund Project Ordinance 2012-3 (FY10 Federal Homeland Security Grant)
- 7.14 Special Revenue Fund Project Ordinance 2012-4 (2011 Sobriety Court Grant)
- 7.15 2011 JAG Funding - Memorandum of Understanding with Cumberland County
- 7.16 Tax Refunds of Greater Than \$100

8.0 PUBLIC HEARINGS

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

- 8.1 Public Hearing and Adoption of Resolution to Consider the Paving Without Petition of Certain Soil Streets
Presenter(s): Jeffery P. Brown, PE, Engineering and Infrastructure Director
- 8.2 Public Hearing (Quasi-Judicial) - Request for a Waiver to make payment in-lieu of installation of 155 feet of sidewalk along Old Bunce Road, property that abuts a proposed 35 lot single-family residential subdivision.

Presenter(s): Marsha Bryant, Planner II
- 8.3 Public Hearing to consider a Petition Requesting Annexation by Baywood Point, LLC and Savvy Homes, LLC for 16.7± acres on the western side of Baywood Road.

Presenter(s): David Nash, Planner II

8.4 Consideration of an ordinance amending the Unified Development

Ordinance to address errors or clarifications.

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

8.5 Case P11-09F. The remapping of all Zoning Districts within the City of
Fayetteville to the closest matching districts within the new Unified
Development Ordinance (UDO). This affects all owners of property
within the City limits of Fayetteville.

Presenter(s): Craig Harmon, Planner II

8.6 Phase 5 Annexation Areas 10, 11, and 11-WS Public Hearing

Presenter(s): James Rose, PWC Chief Administrative Officer

9.0 ADMINISTRATIVE REPORTS

9.1 Tax Refunds of Less Than \$100

9.2 Monthly Statement of Taxes for June 2011
For Information Only

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
JULY 25, 2011 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
JULY 27, 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: City Clerk's Office
DATE: July 25, 2011
RE: **Approve Minutes - May 23, 2011 - Dinner & Discussion Meeting**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

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

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

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

RECOMMENDED ACTION:

Approve the draft minutes as presented.

ATTACHMENTS:

May 23, 2011 - Dinner & Discussion Meeting Minutes

DRAFT

**FAYETTEVILLE CITY COUNCIL
DINNER AND DISCUSSION MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
MAY 23, 2011
6:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Robert A. Massey, Jr. (District 3) (arrived at 6:10 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Absent: Council Member Darrell J. Haire (District 4); Kady-Ann Davy (District 2)

Others Present: Dale E. Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Scott Shuford, Development Services Director

Mayor Chavonne called the meeting to order.

Ms. Lisa Smith, Chief Financial Officer, distributed revised versions of the Installment Financing Agreement and Deed of Trust and explained the revisions in the documents.

Mr. Kristoff Bauer, Assistant City Manager, distributed the proposed demolition ordinance for 2006 Center Street and explained the proposed conditions contained in the ordinance. A brief discussion ensued regarding the timeline.

Mr. Bauer then acknowledged Mr. Scott Shuford, the newly hired Development Services Director, who introduced himself and expressed his appreciation to the City Manager for the confidence he had shown in hiring him.

There being no further staff presentations, the Mayor reviewed the agenda items and inquired if there were any questions or concerns on the items.

Council Member Mohn advised he would be pulling Item 6.3 and requesting an explanation of the item. He further explained that while he had been advised of the application in May, he had not heard anything else about the process and was surprised at the budget amendment that was presented at the agenda briefing.

Mayor Chavonne acknowledged that the budget had been recently developed, however, he stated Mayor Pro Tem Haire had notified all Council members of the application and no concerns had been raised.

There being no other items for discussion, the meeting concluded at 6:40 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

052311

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Benjamin Major, Interim Fire Chief
DATE: July 25, 2011
RE: **Authorization to replace Retired Fire Chief Benny Nichols with Interim Fire Chief Benjamin Major as applicant agent on behalf of the City of Fayetteville**

THE QUESTION:

Whether or not to allow Interim Fire Chief Benjamin Major authority to assume the responsibility granted to retired Chief Benny Nichols to facilitate and coordinate emergency management and recovery efforts on behalf of the City as a result of the recent tornadoes. Authorized agents will be able to file and execute applications for federal and state assistance as well as represent the City in all dealings pertaining to disaster recovery assistance.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

As a result of the tornado and weather event that occurred in April 2011, the President of the United States declared a major disaster for the State of North Carolina including Cumberland County making federal funding available to State and eligible local governments. Authorized agents able to act on behalf of the City will ensure the City's interests are addressed as funds become available. Due to his retirement, Fire Chief Benny Nichols is no longer an active participant in that process and has ceded all responsibility to Interim Chief Benjamin Major. Formal authorization from Council is required to continue all efforts smoothly.

ISSUES:

The Fire Department has been closely involved with the weather event from forecast, response, recovery to present operations. Fire representatives have participated in all aspects of recovery and have knowledge of all city resources utilized, damage assessments, as well as future costs associated with recovery efforts. New agents with no familiarity with this knowledge from the very beginning may not be able to best represent the city's interests. Interim Chief Major has been approved to assume all duties assigned to the Fire Chief.

BUDGET IMPACT:

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

OPTIONS:

- Authorize Interim Fire Chief Benjamin Major to replace retired Fire Chief Benny Nichols to act as agent on behalf of the City of Fayetteville to coordinate the reimbursement process with the State of North Carolina and FEMA related to recent storm damage. **(Recommended)**
- Authorize a new agent to act on behalf of the City of Fayetteville to coordinate the reimbursement process with the State of North Carolina and FEMA related to recent storm damage.

RECOMMENDED ACTION:

Authorize Interim Fire Chief Benjamin Major to act as agent on behalf of the City of Fayetteville to coordinate the reimbursement process with the State of North Carolina and FEMA related to recent storm damage.

ATTACHMENTS :

Applicant Agent Documents

**RESOLUTION
DESIGNATION OF APPLICANT'S AGENT**
North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) <i>The City of Fayetteville</i>	Disaster Number: <i>FEMA-1969-DR-NC</i>
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate): <i>Department of Transportation Federal Aviation Administration - 20</i>	
Applicant's Fiscal Year (FY) Start Month: <i>July</i> Day: <i>01</i>	
Applicant's Federal Employer's Identification Number <i>56-6001226</i>	
Applicant's Federal Information Processing Standards (FIPS) Number <i>051-22920-00</i> <i>Public Assistance Identification</i>	

PRIMARY AGENT	SECONDARY AGENT
Agent's Name <i>Benjamin Major</i>	Agent's Name
Organization <i>Fayetteville Fire / Emergency Mgmt</i>	Organization
Official Position <i>Interim Fire Chief</i>	Official Position
Mailing Address <i>433 Hay Street</i>	Mailing Address
City, State, Zip <i>Fayetteville NC 27332</i>	City, State, Zip
Daytime Telephone <i>(910) 433-1429</i>	Daytime Telephone
Facsimile Number <i>(910) 433-1757</i>	Facsimile Number
Pager or Cellular Number <i>(910) 322-5298</i>	Pager or Cellular Number

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

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title	Name
Name and Title	Official Position
Name and Title	Daytime Telephone

CERTIFICATION

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

Date: _____ Signature: _____

APPLICANT ASSURANCES

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

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

STATE ASSURANCES

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



Human Resource Development Department
433 Hay Street
Fayetteville, NC 28301
(910) 433-1635 Fax (910) 433-1055

MEMORANDUM

TO: Benjamin Major
FROM: John Kuhls, Human Resource Development Director 
DATE: April 26, 2011
SUBJECT: Promotion to Interim Fire Chief

I want to congratulate you on your appointment to Interim Fire Chief. With this assignment you will be eligible to receive the temporary assignment pay of _____ per year on an annualized basis) once you have completed 60 days in the Interim Fire Chief position. The temporary assignment pay will be retroactive to the start date of your assignment, Monday, April 25, 2011. The temporary assignment pay will continue until you no longer serve as Interim Fire Chief. At the conclusion of your assignment as Interim Fire Chief, you will be eligible to return to your previous job as Assistant Fire Chief. This assignment, as well as your eligibility to return to your previous position, is subject to your compliance with all City of Fayetteville Personnel Policies and Ordinances.

The position is classified with an essential driving requirement and you are currently rated with an acceptable driving status in accordance with the City of Fayetteville Driving Standard Policy. In order to retain your employment you must maintain an acceptable driving status under City Policy. You have been assigned to a safety sensitive position, in accordance with the City's Substance Abuse Policy 216 you will be subject to random drug and alcohol testing.

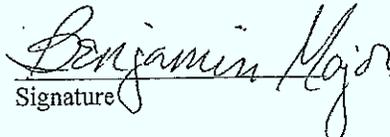
Employment with the City of Fayetteville is "at will," meaning an employee may leave employment at his or her discretion and the City may relieve the employee of his or her duties at the City's discretion.

Enclosed you will find a copy of the job description for Fire Chief and an Acknowledgment and Receipt form. Please complete the highlighted categories on the Acknowledgment and Receipt form and confirm your acceptance of this interim assignment by signing below. Return the white copy, along with a signed copy of this memorandum, to Deborah Bryant in the Human Resource Development Department as soon as possible.

cc: Kathy Lindley, Fire/Emergency Management
Personnel File

Enclosures

I agree to the terms of this promotion set forth above.

 5/2/11
Signature _____ Date

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria B. Wrench, Purchasing Manager
DATE: July 25, 2011
RE: **Award Contract for LaFayette Village - Ph I, Spruce Drive Drainage Improvements Project.**

THE QUESTION:

Staff requests approval to award a contract for LaFayette Village - Ph I, Spruce Drive Drainage Improvements Project.

RELATIONSHIP TO STRATEGIC PLAN:

Desirable Neighborhoods

BACKGROUND:

Formal bids were received June 20, 2011 as follows:

T. A. Loving Company, Goldsboro, NC	\$2,701,960.00
ES&J Enterprises, Inc., Autryville, NC	\$3,731,478.20
Triangle Grading & Paving, Inc., Burlington, NC	\$3,885,077.00

The lowest responsible, responsive bid submitted by T. A. Loving Company is recommended.

ISSUES:

None

BUDGET IMPACT:

OPTIONS:

- (1) Award contract as recommended by staff.
- (2) Not award contract

RECOMMENDED ACTION:

Award contract to the lowest responsive, responsible bidder, T.A. Loving Company, Goldsboro, NC, for the bid amount of \$2,701,960.00.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria B. Wrench, Purchasing Manager
DATE: July 25, 2011
RE: **Award Contract for 2012 Street Resurfacing Program**

THE QUESTION:

Staff requests approval to award a contract for the City's 2012 resurfacing work. This work consists of resurfacing approximately 79 streets and cape seal and micro-resurfacing (24) streets.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

The project was first advertised for bids to be opened on June 16, 2011, however, two (2) bids were received. Therefore, in accordance with North Carolina General Statutes which require three (3) bids for opening on the first advertisement, the project was readvertised and bids were opened on June 24, 2011 as follows:

Highland Paving Company, Fayetteville, NC	\$3,205,677.84
Barnhill Contracting Company, Fayetteville, NC	\$3,237,146.35

The bids received were over the budgeted amount of \$2,800,000, therefore, as allowed by North Carolina General Statutes, staff negotiated with the low bidder, Highland Paving Company, to eliminate five (5) streets in order to bring the contract within the budgeted amount. The negotiated bid amount is \$2,885,024.94.

The DBE participation goal for this project was 10% and Highland Paving Company met the 10% goal.

ISSUES:

None

BUDGET IMPACT:

OPTIONS:

- (1) Award contract as recommended by staff.
- (2) Not award contract

RECOMMENDED ACTION:

Award contract to the lowest responsive, responsible bidder, Highland Paving Company, Fayetteville, NC, for the negotiated bid amount of \$2,885,024.94.

ATTACHMENTS:

Resurface Various Streets, 2012 Street Listing

2011-2012 PROPOSED RESURFACING

Phase I

STREETS REMAINING FROM PREVIOUS YEAR

1	SHAWCROFT DR.	BURNSIDE PL.	WILLIWOOD RD.	4277	25
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PROPOSED RESURFACING STREETS

NO.	STREET	FROM	TO	LENGTH	WIDTH	
4	HOLYROOD CT.	SHAWCROFT DR.	CUL-DE-SAC	186	25	
5	LOCHVIEW DR.	SHAWCROFT DR.	CUL-DE-SAC	971	25	
6	DARROCK CT.	LOCHVIEW DR.	CUL-DE-SAC	175	25	
7	BRIGHTON RD.	REAFORD RD.	BELFORD RD.	668	32	*** Delete
9	PRIEGO PL.	PRESTIGE BLVD.	CUL-DE-SAC	287	26	
10	LARGO PL.	PRESTIGE BLVD.	CUL-DE-SAC	570	26	
11	SAN CARLOS PL.	PRESTIGE BLVD.	CLEARSPRINGS DR.	686	26	
13	CALAMAR DR.	RIM RD.	CUL-DE-SAC	4693	26	*** Delete
14	DUNBRIDGE DR.	OFFING DR.	ANONA DR.	415	25	
15	GLENCOE ST.	GLEN REILLY RD.	S. REILLY RD.	410	44	
16	RYEFIELD DR.	71 st. SCHOOL RD.	CURRY FORD DR.	1939	26	
19	PROVIDENCE ST.	DEAD END	DEAD END	1373	26	
20	CHAMBRIAN DR.	OFFING DR.	CUL-DE-SAC	1135	26	
21	SHALOAM CT.	ANONA DR.	CUL-DE-SAC	155	26	
22	GREAT ROCK RD.	S. REILLY RD.	GRIST MILL RD.	400	32	
23	NANN ST.	BEVERLY DR.	CUL-DE-SAC	1335	27	
24	RANALDI ST.	BEVERLY DR.	CUL-DE-SAC	320	27	
25	DELAWARE ST.	TRAINER DR.	DUVAL DR.	1768	25	
26	DARKBRANCH RD.	DELAWARE ST.	TRAINER DR.	935	25	
27	ROSECROFT DR.	DELAWARE ST.	DUVAL DR.	610	23	
36	SOUTHLAND DR.	STACY WEAVER DR.	ARBOR AVE.	4052	25	*** Delete
37	BARFIELD DR.	ADRRAIN DR.	HAZELHURST DR.	788	26	
38	ATMORE DR.	ADRRAIN DR.	CLAIRBORNE DR.	418	26	
39	LADONIA DR.	ADRRAIN DR.	HAZELHURST DR.	677	26	
40	HAZELHURST DR.	ADRRAIN DR.	CUL-DE-SAC	2262	26	
41	STACKHOUSE DR.	DEAD END	CUL-DE-SAC	1139	26	
42	SIPLE AVE.	BEDLOE ST.	N. ANCON DR.	1287	26	
43	N. ANCON DR.	BEDLOE ST.	BEDLOE ST.	2897	24	
44	CULPEPPER LANE	N. ANCON DR.	BUDDINGBROOK DR.	1985	26	
45	ALAGON CT.	PRESTIGE BLVD.	CUL-DE-SAC	210	26	
46	MONTORO CT.	PRESTIGE BLVD.	CUL-DE-SAC	780	26	
47	BROOKSHIRE ST.	PRESTIGE BLVD.	DAHARAN DR.	2034	22	
49	IDLEWOOD CT.	HAMPTON OAKS DR.	CUL-DE-SAC	600	18	
53	ALPINE ST.	DANBURY RD.	DEAD END	440	25	
57	EASTDALE DR.	E. RAYNOR DR.	SAROSOTA DR.	310	25	
58	OLD GATE DR.	MORGANTON RD.	MAWOOD ST.	1975	25	
59	MERRIT DR.	OLD GATE DR.	DOCIA CR.	1027	21	

Total length 41912

Total Mileage 7.94

Phase II						
STREETS REMAINING FROM PREVIOUS YEAR						
2	SEABROOK RD.	LANGDON ST.	TOPEKA DR.	3978	32	
PROPOSED RESURFACING STREETS						
NO.	STREET	FROM	TO	LENGTH	WIDTH	
3	PINE ST.	S. WINSLOW ST.	DEAD END	883	23	
8	VARRENE ST.	CAIN RD.	CUL-DE-SAC	496	22	
12	MAYVIEW ST.	CAMDEN RD.	SOUTHERN AVE.	831	32	
17	MEDIA DR.	72 st. SCHOOL RD.	VARGA ST.	1518	23	
18	VARGA ST.	BRONWYN ST.	DEAD END	406	23	
28	ARGON AVE.	SPINEL DR.	RUBY RD.	1026	25	
29	ZINC CT.	RUBY RD.	CUL-DE-SAC	265	25	
30	PERIDOT CT.	AMBER DR.	CUL-DE-SAC	555	25	
31	SPINEL DR.	RUBY RD.	PLATINUM ST.	1880	25	
32	SPINEL CT.	RUBY RD.	CUL-DE-SAC	210	25	
33	MERCURY CT.	SPINEL DR.	CUL-DE-SAC	308	25	
34	CHROMIUM CT.	SPINEL DR.	CUL-DE-SAC	390	25	
35	TOUCHSTONE DR.	SUMMERCHASE DR.	STONELEIGH DR.	1636	32	
48	RANDINITA DR.	CLEARWATER DR.	ROSEHILL RD.	1330	26	*** Delete
50	W. COCHRAN AVE.	WILLIS ST.	DEAD END	1283	44	
51	LIDO ST.	GOLA DR.	DEAD END	288	32	
52	OLYMPIA CT.	GOLA DR.	CUL-DE-SAC	579	32	
54	LAMON ST.	ANN ST.	DEAD END	832	32	
55	MEADOW WOOD RD.	MIRROR LAKE DR.	WESTVIEW DR.	913	32	
56	KINGSWOOD RD.	MIRROR LAKE DR.	WESTVIEW DR.	666	32	
60	MAIDEN LANE	RAY AVE.	CUL-DE-SAC	753	32	
61	ROYSTON CT.	RUSTIC HAVEN CT.	CUL-DE-SAC	491	25	
62	BLAKE ST.	SHERMAN DR.	FACILITY DR.	409	22	
63	GRANVILLE DR.	ST. MARY'S PARKWAY	MORGANTON RD.	865	32	
64	CAMDEN RD.	WINSLOW ST.	DEAD END	250	32	
65	LOST CREEK CT.	FERNCREEK DR.	CUL-DE-SAC	154	25	
66	FERNCREEK DR.	TRADEWINDS DR.	DEAD END	401	25	
67	PINE NEEDLE CT.	TRADEWINDS DR.	CUL-DE-SAC	549	25	
68	BRITON CR.	ANDREA CT.	KINKEAD CT.	1445	25	
69	BRITON CT.	ANDREA CT.	CUL-DE-SAC	196	25	
70	FAIRWAY DR.	ROBESON ST.	RAEFORD RD.	1380	36	
71	DAVIS ST.	ARSENAL AVE.	BRANSON ST.	840	20	
72	CARVER ST.	MURCHISON RD.	DEAD END	660	22	
73	WATERLESS ST.	WHITFEILD ST.	DEAD END	964	32	
74	CAPE CENTER DR.	WALTER REED RD.	ROXIE AVE.	611	44	
75	WALTER REED RD.	CAPE CENTER DR.	CHANGE OF PAVEMENT	468	33	
76	THAD ST.	NEVILLE ST.	INGRAM ST.	374	23	
77	ROGERS DR.	CAIN RD.	SHANNON DR.	2737	32	*** Delete
78	ORMSKIRK DR.	CARNAMORE DR.	PAISLEY AVE.	1662	24	
79	WALDEN RD.	WOODFIELD RD.	DEAD END	687	25	
80	HENNESSY CT.	WALDEN RD.	CUL-DE-SAC	405	25	
81	MIRROR LAKE DR.	THORNCLIFF DR.	HARTFORD PL.	857	32	
82	THORNCLIFF DR.	MIRROR LAKE DR.	FARIFEILD DR.	776	32	
83	SUGAR CANE CR.	REGIMENT DR.	RUSTBURG DR.	999	25	
84	N. HERNDON ST.	MORGANTON RD.	ELLERSLIE DR.	694	25	
			Total length	39900		
			Total Mileage	7.56		

STREETS FOR POSSIBLE CAPE SEAL & MICRO-RESURFACING

<u>NO.</u>	<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>LENGTH</u>	<u>WIDTH</u>
1	BOSTICK DR.	BOSTICK DR.	DEAD END	1919	26
2	SEXTON CT.	SEAFORD DR.	CUL-DE-SAC	458	26
3	SEAFORD DR.	CLIFFDALE RD.	BOSTICK DR.	3253	26
4	BOSTICK CT.	SEAFORD DR.	CUL-DE-SAC	312	26
5	YEOMAN DR.	SEAFORD DR.	DEAD END	178	26
6	BANGOR CT.	BOSTICK DR.	CUL-DE-SAC	265	26
7	FORMAN DR.	BOSTICK DR.	BUTTERWOOD CR.	334	26

<u>NO.</u>	<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>LENGTH</u>	<u>WIDTH</u>
1	PADDINGTON PL.	CUL-DE-SAC	CUL-DE-SAC	847	26
2	SCOTTSDALE DR.	CLIFFDALE RD.	CHARRING CROSS	1430	26
3	BOND CT.	SCOTTSDALE DR.	CUL-DE-SAC	150	26
4	GUINEVERE CT.	SCOTTSDALE DR.	CUL-DE-SAC	573	26
5	CHARRING CROSS	CLIFFDALE RD.	CUL-DE-SAC	760	26

<u>NO.</u>	<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>LENGTH</u>	<u>WIDTH</u>
1	CORONADA PARK WAY	BALBOA ST.	OWEN DR.	1980	32
2	POINCIANA DR.	CORONADA PARKWAY	OWEN DR.	1287	32
3	CATALINA RD.	POINCIANA DR.	ELDORADO RD.	1050	25
4	ELDORADO RD.	ENTERPRISE AVE.	POINCIANA DR.	2436	32
5	BALBOA ST.	CORONADA PARKWAY	DEAD END	309	21

<u>NO.</u>	<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>LENGTH</u>	<u>WIDTH</u>
1	GRASSY BRANCH RD.	RAEFORD RD.	UMSTEAD RD.	1833	26
2	UMSTEAD RD.	GRASSY BRANCH RD.	DEAD END	1386	26

<u>NO.</u>	<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>LENGTH</u>	<u>WIDTH</u>
1	TUNBRIDE DR.	RAEFORD RD.	KINGS LYNN LOOP	230	24
2	KINGS LYNN LOOP	KINGS LYNN LOOP	CUL-DE-SAC	3320	26
3	LANDS END DR.	KINGS LYNN LOOP	KINGS LYNN LOOP	1249	26
4	NEWMARKET CT.	KINGS LYNN LOOP	KINGS LYNN LOOP	180	16
5	TRAVISSTOCK CT.	KINGS LYNN LOOP	CUL-DE-SAC	210	26

Total Cape Seal Length	25949
Total Cape Seal Mileage	4.91

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: July 25, 2011
RE: **Bid Recommendation for Purchase of Galvanized Steel Poles**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve purchase of seventy-five (75) galvanized steel poles of various sizes for the sub-transmission pole replacement project.

RELATIONSHIP TO STRATEGIC PLAN:

Quality utility services

BACKGROUND:

The Public Works Commission, during their meeting of July 13, 2011, approved bid recommendation to award bid for purchase of seventy-five (75) galvanized steel poles of various sizes for the sub-transmission pole replacement project to TransAmerican Power Products, Inc., Houston, TX, lowest bidder in the total amount of 292,953.00 and forward to City Council for approval. This is a budgeted item, FY 2012 CIP EL22 (budgeted amount of \$500,000). Bids were received June 28, 2011, as follows:

<u>Bidders</u>	<u>Total Cost</u>
TransAmerican Power Products, Inc., Houston, TX	\$292,953.00
M.D. Henry Co., Inc., Pelham, AL	\$351,285.00
April S. Lee & Associates, LLC, St. Cloud, MN	\$359,887.62
Thomas & Betts Corporation, Memphis, TN	\$379,773.00
Sabre Tubular Structures, Alvarado, TX	\$421,404.00

TransAmerican Power Products is a minority owned company.

ISSUES:

N/A

BUDGET IMPACT:

PWC Budgeted Item

OPTIONS:

N/A

RECOMMENDED ACTION:

Award bid to TransAmerican Power Products, Inc., Houston, TX, lowest bidder in the amount of \$292,953.00.

ATTACHMENTS:

Bid Recommendation

Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** July 6, 2011

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award bid for the purchase of seventy-five (75) Galvanized Steel Poles of various sizes for the Sub-Transmission Pole Replacement project.
.....

BID/PROJECT NAME: Galvanized Steel Poles

BID DATE: June 28, 2011 **DEPARTMENT:** Electric Engineering

BUDGET INFORMATION: FY2012 CIP EL22 - \$500,000
.....

BIDDERS	TOTAL COST
<u>TransAmerican Power Products, Inc., Houston, TX</u>	<u>\$292,953.00</u>
<u>M.D. Henry Co., Inc., Pelham, AL</u>	<u>\$351,285.00</u>
<u>April S. Lee & Associates, LLC, St. Cloud, MN</u>	<u>\$359,887.62</u>
<u>Thomas & Betts Corporation, Memphis, TN</u>	<u>\$379,773.00</u>
<u>Sabre Tubular Structures, Alvarado, TX</u>	<u>\$421,404.00</u>

.....
AWARD RECOMMENDED TO: TransAmerican Power Products, Inc., Houston, TX

BASIS OF AWARD: Lowest bidder

AWARD RECOMMENDED BY: Mark Bielat and Gloria Wrench
.....

COMMENTS: Bids were solicited from seven (7) vendors with five (5) vendors responding. The lowest bidder is recommended.
.....

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

GALVANIZED STEEL POLES

BID DATE: JUNE 28, 2011

Advertisement

1. Public Works Commission Website June 6, 2011 through June 28, 2011

List of Organizations Notified of Bid

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

List of Prospective Bidders

1. Thomas & Betts, Memphis, TN
2. Dis-Tran Steel Pole, LLC, Alexandria, LA
3. Valmont Industries, Valley, NE
4. Sabre Tubular Structures, Alvarado, TX
5. TransAmerican Power Products, Houston, TX
6. April S. Lee & Associates, LLC, St. Cloud, MN
7. Power-Lite Industries, Inc., Montreal, Quebec, Canada

SDBE/DBE/MWBE Participation

TransAmerican Power Products is a minority owned company.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: July 25, 2011
RE: **Bid Recommendation for Hydrogen Sulfide Control at PWC Lift Stations**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve to award one (1) year contract for labor, materials and equipment to provide Hydrogen Sulfide Control at PWC Lift Stations, with the option to extend contract for additional one (1) year periods upon the agreement of both parties.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of July 13, 2011, approved bid recommendation to award one (1) year contract for labor, materials and equipment to provide Hydrogen Sulfide Control at PWC Lift Stations, with the option to extend contract for additional one (1) year periods upon the agreement of both parties to Siemens Industry, Inc., Sarasota, Florida (lowest bidder) in the total amount of \$198,886.00 and forward to City Council for approval. Extensions will be limited to a maximum of three (1) year periods. This item is budgeted in FY 2012 (budgeted amount of \$235,000). Bids were received June 20, 2011 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Siemens Industry, Inc., Sarasota, FL	\$198,886.00
Cape Fear Water Solutions, Dublin, NC	\$224,375.00
Southeastern Waste Water, Fayetteville, NC	\$257,011.35

Note: Bids were solicited from five (5) vendors with (4) vendors responding. A bid was received from P.K. Chatterjee Consulting, Columbus, GA, however, the bid has been deemed non-responsive as the bidder did not quote on a nitrate oxygen solution as specified. Additionally, P.K. Chatterjee did not provide all the requested information on the bid proposal sheet; therefore, the total amount of their bid could not be determined. This was a joint bid between PWC and Cumberland County, with PWC acting as the lead agency.

ISSUES:

Siemens Industry, Inc., Sarasota, FL is not classified as a SDBE, DBE, minority or woman-owned business

BUDGET IMPACT:

PWC Budgeted Item

OPTIONS:

N/A

RECOMMENDED ACTION:

Award contract to Siemens Industry, Inc., Sarasota, FL

ATTACHMENTS:

Bid Recommendation
Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** July 6, 2011

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award one (1) year contract for labor, materials and equipment to provide Hydrogen Sulfide Control at PWC Lift Stations, with the option to extend contract for additional one (1) year periods upon the agreement of both parties. Extensions will be limited to a maximum of three (1) year periods.
.....

BID/PROJECT NAME: Hydrogen Sulfide Control

BID DATE: June 20, 2011 **DEPARTMENT:** Water/Wastewater Facilities Maintenance

BUDGET INFORMATION: FY2012 - \$235,000

.....

BIDDERS	TOTAL COST
<u>Siemens Industry, Inc., Sarasota, FL</u>	<u>\$198,886.00</u>
<u>Cape Fear Water Solutions, Dublin, NC</u>	<u>\$224,375.00</u>
<u>Southeastern Waste Water, Fayetteville, NC</u>	<u>\$257,011.35</u>

.....

AWARD RECOMMENDED TO: Siemens Industry, Inc., Sarasota, FL

BASIS OF AWARD: Lowest bidder

AWARD RECOMMENDED BY: Vernon Madrid and Gloria Wrench

.....

COMMENTS: Bids were solicited from five (5) vendors with (4) vendors responding. Vendor will provide all materials, labor, and equipment to treat PWC lift station sites with a nitrate oxygen solution to control hydrogen sulfide odor and corrosion. A bid was received from P.K. Chatterjee Consulting, Columbus, GA, however, the bid has been deemed non-responsive as the bidder did not quote on a nitrate oxygen solution as specified. Additionally, P.K. Chatterjee did not provide all the requested information on the bid proposal sheet; therefore, we were not able to determine the total amount of their bid. This was a joint bid between PWC and Cumberland County, with PWC acting as the lead agency. The low bidder is recommended.
.....

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

HYDROGEN SULFIDE CONTROL

Advertisement

1. Public Works Commission Website 06/07/11 through 06/20/11

List of Organizations Notified of Bid

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

List of Prospective Bidders

1. Siemens Industry, Inc. Sarasota, FL
2. Cape Fear Water Solutions, Dublin, NC
3. Atlantic Environmental Associates, Apex, NC
4. Southeastern Waste Water Solutions, Fayetteville, NC
5. P.K. Chatterjee Consulting, Columbus, GA

SDBE/DBE/MWBE Participation

Siemens Industry, Inc. is not classified as a SDBE, DBE, minority, or woman-owned business.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: July 25, 2011
RE: **Bid Recommendation for Annual Transformer Contract**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council annual transformer contract (approximately 560 transformers of different types and sizes to be purchased over a twelve-month period) with the option to order additional quantities within the twelve-month period at the unit prices and with the option to extend the agreement for additional one-year period(s) upon the agreement of both parties.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services.

BACKGROUND:

The Public Works Commission, during their meeting of July 13, 2011, approved bid recommendation for annual transformer contract (approximately 560 transformers of different types and sizes to be purchased over a twelve-month period) with the option to order additional quantities within the twelve-month period at the unit prices and with the option to extend the agreement for additional one-year period(s) upon the agreement of both parties to Ermco c/o National Transformer Sales, Inc., Raleigh, NC, low bidder in the total amount of \$1,050,801.00. The transformers are electric inventory items. Bids were received May 11, 2011 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Ermco c/o National Transformer Sales, Raleigh, NC	\$1,050,801.00
HD Supply, Wake Forest, NC	\$1,188,315.85
Stuart C. Irby, Rocky Mount, NC	\$1,196,308.00
WESCO, Raleigh, NC	\$1,211,059.00
Howard Industries, Laurel, MS	\$1,267,812.00

ISSUES:

National Transformer Sales is not classified as a SDBE, DBE, minority or woman-owned business.

BUDGET IMPACT:

PWC Budgeted Item

OPTIONS:

N/A

RECOMMENDED ACTION:

Award contract to Ermco/co National Transformer Sales, Inc., Raleigh, NC

ATTACHMENTS:

Bid recommendation
Bid history
Annual Contract List

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager DATE: July 5, 2011

FROM: Gloria Wrench, Purchasing Manager

ACTION REQUESTED: Award bid for Annual Transformer Contract (approximately 560 transformers of different types and sizes to be purchased over a twelve-month period), with the option to order additional quantities within the twelve-month period at the unit prices bid, and with the option to extend the agreement for additional one-year period(s) upon the agreement of both parties.

BID/PROJECT NAME: Annual Transformer Contract

BID DATE: May 11, 2011 DEPARTMENT: Electric Inventory

BUDGET INFORMATION: Electric Inventory – see attached spreadsheet showing current bid price, last purchase price and last purchase date.

BIDDERS	TOTAL COST
<u>Ermco c/o</u>	
<u>National Transformer Sales, Raleigh, NC</u>	<u>\$1,050,801.00</u>
<u>HD Supply, Wake Forest, NC</u>	<u>\$1,188,315.85</u>
<u>Stuart C. Irby, Rocky Mount, NC</u>	<u>\$1,196,308.00</u>
<u>WESCO, Raleigh, NC</u>	<u>\$1,211,059.00</u>
<u>Howard Industries, Laurel, MS</u>	<u>\$1,267,812.00</u>

AWARD RECOMMENDED TO: Ermco c/o National Transformer Sales, Inc., Raleigh, NC

BASIS OF AWARD: Low bidder

AWARD RECOMMENDED BY: Mark Bielat and Gloria Wrench

COMMENTS: Bids were solicited from eight (8) vendors with five (5) vendors responding. The lowest bid is recommended. Additionally, the bid from National Transformer Sales also represents the lowest evaluated bid using total cost of ownership.

ACTION BY COMMISSION

APPROVED _____ REJECTED _____
DATE: _____

ACTION BY COUNCIL

APPROVED _____ REJECTED _____
DATE: _____

BID HISTORY

ANNUAL TRANSFORMER CONTRACT

BID DATE: MAY 11, 2011

Advertisement

1. Public Works Commission Website April 7, 2011 through May 5, 2011

List of Organizations Notified of Bid

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

List of Prospective Bidders

1. WESCO Distribution, Raleigh, NC
2. Ermco c/o National Transformer Sales, Raleigh, NC
3. Stuart C. Irby Co., Rocky Mount, NC
4. HD Supply Utilities, Wake Forest, NC
5. Kuhlman Electric, Versailles, KY
6. Howard Industries, Laurel, MS
7. Shealy Electrical, Greenville, SC
8. Utility Resource Associates, Dalzell, SC

SDBE/DBE/MWBE Participation

National Transformer Sales is not classified as a SDBE, DBE, minority or woman-owned business.

2011 ANNUAL TRANSFORMER CONTRACT LIST

PWC STOCK NO.	DESCRIPTION	CURRENT BID PRICE	LAST PURCHASE PRICE	LAST PURCHASE DATE
1-295-330	10KVA CSP TRANSFORMER 12.47GRDY/7.2-120/240	\$616.00	\$654.84	3/9/2011
1-295-365	25KVA CSP TRANSFORMER 12.47GRDY/7.2-120/240	\$872.00	\$910.57	3/9/2011
1-295-395	50KVA CSP TRANSFORMER 12.47GRDY/7.2-120/240	\$1,286.00	\$1,430.59	3/9/2011
1-295-630	50KVA PADMOUNT TRANSFORMER 1-PH 24.94GRDY/14.4X12.47GRDY/7.2-240/120	\$1,954.00	\$1,998.76	3/9/2011
1-295-640	75KVA PADMOUNT TRANSFORMER 1-PH 24.94GRDY/14.4X12.47GRDY/7.2-240/120	\$2,720.00	\$2,532.69	3/9/2011
1-295-046	25KVA CONVENTIONAL TRANSFORMER 7.2/12.47Y-240/480	\$745.00	\$970.00	4/21/2008
1-295-066	50KVA CONVENTIONAL TRANSFORMER 14.4/24.94YX7.2/12.47Y-277	\$1,259.00	\$1,363.18	12/16/2010
1-295-100	100KVA CONVENTIONAL TRANSFORMER 7.2/12.47Y-120/240	\$2,102.00	\$1,822.00	10/19/2007
1-295-106	100KVA CONVENTIONAL TRANSFORMER 14.4/24.94YX7.2/12.47Y-277	\$2,216.00	\$2,511.29	5/1/2009
1-295-125	100KVA CONVENTIONAL TRANSFORMER 14.4/24/94Y-120/240	\$2,287.00	\$2,515.00	7/25/2008
1-295-142	167KVA CONVENTIONAL TRANSFORMER 7.2/12.47Y-120/240	\$3,072.00	\$2,898.00	10/19/2007
1-295-332	10KVA CSP TRANSFORMER 24.94GRDY/14.4-120/240	\$669.00	\$720.11	5/1/2009
1-295-380	25KVA CSP TRANSFORMER 24.94GRDY/14.4-120/240	\$909.00	\$1,277.00	10/20/2008
1-295-405	50KVA CSP TRANSFORMER 24.94GRDY/14.4-120/240	\$1,405.00	\$1,324.00	8/29/2007
1-295-415	75KVA CSP TRANSFORMER 12.47GRDY/7.2-120/240	\$2,078.00	\$2,382.89	6/1/2010
1-295-418	100KVA CSP TRANSFORMER 12.47GRDY/7.2-120/240	\$2,448.00	\$2,589.40	3/9/2011
1-295-610	25KVA PADMOUNT TRANSFORMER 1-PH 24.94GRDY/14.4X12.47GRDY/7.2-240/120	\$1,561.00	\$1,595.37	12/16/2010
1-295-613	25KVA PADMOUNT TRANSFORMER 1-PH 24.94GRDY/14.4X12.47GRDY/7.2-480/240	\$1,661.00	\$1,589.00	5/14/2007
1-295-655	100KVA PADMOUNT TRANSFORMER 1-PH 24.94GRDY/14.4X12.47GRDY/7.2-240/120	\$3,173.00	\$3,258.15	7/19/2010
1-295-695	167 KVA PADMOUNT TRANSFORMER	\$4,428.00	\$4,158.00	5/4/2009
1-295-670	150KVA PADMOUNT TRANSFORMER 3-PH 24.94GRDY/14.4X12.47GRDY/7.2-208Y/120	\$6,243.00	\$6,575.15	2/7/2011
1-295-677	150KVA PADMOUNT TRANSFORMER 3-PH 24.94GRDY/14.4X12.47GRDY/7.2-480Y/277	\$6,358.00	\$8,000.00	2/29/2008
1-295-701	300KVA PADMOUNT TRANSFORMER 3-PH 24.94GRDY/14.4X12.47GRDY/7.2-208Y/120	\$11,002.00	\$9,454.52	12/16/2010
1-295-706	300KVA PADMOUNT TRANSFORMER 3-PH 24.94GRDY/14.4X12.47GRDY/7.2-480Y/277	\$8,083.00	\$8,549.30	8/5/2010
1-295-721	500KVA PADMOUNT TRANSFORMER 3-PH 24.94GRDY/14.4X12.47GRDY/7.2-208Y/120	\$12,776.00	\$15,699.00	12/3/2007
1-295-732	500KVA PADMOUNT TRANSFORMER 3-PH 24.94GRDY/14.4X12.47GRDY/7.2-480Y/277	\$12,407.00	\$10,843.38	12/16/2010
1-295-741	750KVA PADMOUNT TRANSFORMER, 3-PH 24.94GRDY/14.4X12.47GRDY/7.2-480Y/277	\$12,938.00	\$14,425.74	12/16/2010
1-295-747	750KVA PADMOUNT TRANSFORMER, 3-PH 24.94GRDY/14.4X12.47GRDY/7.2-208Y/120	\$13,301.00	\$17,438.00	3/22/2007
1-295-755	1000KVA PADMOUNT TRANSFORMER 3-PH 24.94GRDY/14.4X12.47GRDY/7.2-480Y/277	\$13,817.00	\$19,283.00	9/19/2007
1-295-770	1500KVA PADMOUNT TRANSFORMER 3-PH 24.94GRDY/14.4X12.47GRDY/7.2-480Y/277	\$19,007.00	\$22,488.54	12/13/2005

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen Hilton, Planning & Zoning Division Manager
DATE: July 25, 2011
RE: **Community Street Banners for FTCC 50th Anniversary**

THE QUESTION:

Whether or not to approve the special request for Community Street banners for FTCC.

RELATIONSHIP TO STRATEGIC PLAN:

Partnership of Citizens

BACKGROUND:

The Code of Ordinances contains a provision, Section 30-259(4), allowing special permits for temporary community event banners. The Ordinance requires the banners be up for at least 90 days but no more than 180 days and be 2 feet by 6 feet. The request is subject to the approval of City Council who may limit the number.

ISSUES:

The City Council has approved similar requests for similar events in the past. The banners will depict the College's 50th Anniversary logo and are limited by Ordinance to 24 inches wide by 72 inches high. The applicant has asked to attach a total of 36 banners to utility poles on the FTCC campus and the Botanical Gardens location on Eastern Blvd. The applicant has stated they have contacted PWC for approval to attach the banners to the utility poles.

BUDGET IMPACT:

OPTIONS:

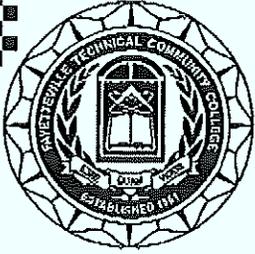
1. Grant the special request for up to 36 community street banners for the FTCC 50th anniversary from September 15, 2011 through March 12, 2012. **(Recommended)**
2. Grant the special sign permit with a different limit on the number of banners and time frame.
3. Deny the special request.

RECOMMENDED ACTION:

Staff recommends that Council move to grant the special request for up to 36 community street banners for the FTCC 50th anniversary from September 15, 2011 through March 12, 2012.

ATTACHMENTS:

FTCC Banner Request



FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE
P.O. BOX 35236 • FAYETTEVILLE, NORTH CAROLINA 28303-0236

Dr. J. Larry Keen, President

June 1, 2011

Mr. David Steinmetz
Senior Code Enforcement Administrator
Planning and Development Department
City of Fayetteville
Fayetteville, NC

Dear Dave:

Thank you for returning my telephone call concerning the upcoming Fayetteville Technical Community College 50th Anniversary celebration. As discussed, we need your assistance with the following:

- The College would like to display 50th anniversary banners from August 8, 2011, to May 14, 2012, on utility poles in the following areas:
 - Along the portion of Hull Road that runs through the campus
 - On several utility poles in the parking lot at FTCC's Center for Business & Industry, Fort Bragg Road
 - On several utility poles at the parking lot of the Horticulture Educational Center adjacent to the Cape Fear Botanical Garden on Eastern Boulevard/Highway 301
- The banners will depict the College's 50th Anniversary logo (serving from years 1961 to 2011).
- The banners being designed are 30 inches wide by 84 inches long and will be attached to the poles at the top and bottom of each banner.
- We have ordered a few extra banners to replace any that may become damaged.
- We have contacted Mr. Alan Smith, Fayetteville Tech's PWC account manager, to seek permission to display the banners on PWC's utility poles.

Thank you for your help with this important event for Fayetteville Tech, the city of Fayetteville, and Cumberland County. I can be reached at (910) 678-8209 or at michaelb@faytechcc.edu.

Sincerely,

Brent Michaels
wcl

Brent Michaels
Vice President, Institutional Advancement

Delivered to recipient via facsimile (910.433.1588)

BOARD OF TRUSTEES

Board Chair Mr. Charles J. Harrell • Vice-Chair Mr. William S. Wellons, Jr. • Secretary Mrs. Esther R. Thompson
Members Dr. Mike W. Choe, Mr. Ronald C. Crosby, Jr., Dr. Dallas M. Freeman, Dr. Marye J. Jeffries
Mr. Charles E. Koonce, Mr. John M. Lennon, Mrs. Sheryl J. Lewis, Mr. David McCune, Mrs. Susie S. Pugh

MAIN CAMPUS: PHONE (910) 678-8400 • FAX (910) 484-6600
SPRING LAKE CAMPUS: PHONE (910) 678-1000 • FAX (910) 436-5184

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Received Time Jun. 1. 2011 1:32PM No. 1708

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: July 25, 2011
RE: **Municipal Agreement with NCDOT for Bridge Inspections**

THE QUESTION:

Council is being asked to approve a Municipal Agreement with NCDOT to allow NCDOT to employ a qualified private engineering firm to perform the inspection and analysis as well as prepare the required forms for submission to the Federal Highway Administration.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- The Federal Transportation Act requires that the Department of Transportation assure that municipal bridges are inspected and analyzed every two years.
- The City of Fayetteville has 18 bridges/culverts that require inspection.
- These inspections will be conducted in the Spring of 2012.

ISSUES:

- The City is responsible for paying 20% of the total cost (approximately \$9,360) while the Federal Highway Administration pays the remaining 80%.
- Reimbursement to NCDOT shall be made within 60 days of the invoice date.

BUDGET IMPACT:

Cost has been included in the operating budget

OPTIONS:

- Approve the attached Municipal Agreement.
- Not approve the Municipal Agreement.

RECOMMENDED ACTION:

Approve the attached Municipal Agreement with NCDOT-Bridge Maintenance Unit to allow the consultant hired by NCDOT to complete the required inspections.

ATTACHMENTS:

Municipal Agreement

North Carolina

_____ County

North Carolina Department of Transportation and the City/Town of _____
Municipal Agreement
Inspection of Bridges on the Municipal Street System
F.A. Project BRZ-NBIS (17)

THIS AGREEMENT is made and entered into on the last date executed below, by and between the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the Department, and the City/Town of _____, a municipal corporation hereinafter referred to as the Municipality;

Witnesseth:

WHEREAS, 23 U.S.C. 144, Sections 1101, 1114 and 1805 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A legacy for Users (SAFETEA – LU), which require that federal funds be available for certain specified Federal-Aid Highway Bridge Replacement and Rehabilitation program; and

WHEREAS, the Highway Bridge Replacement and Rehabilitation portion of the law requires that all structures defined as bridges located on public roads must be inspected on a cycle, not to exceed two years in accordance with National Bridge Inspection Standards (NBIS); and

WHEREAS, the Municipality has requested the Department or a Consultant retained by the Department to inspect and analyze all public bridges located on its Municipal Street System in compliance with the National Bridge Inspection Standards; and

WHEREAS, the Department and the Municipality are authorized to enter into an agreement for such work under the provisions of G.S. 136-18(12), G.S. 136-41.3, and G.S. 136-66.1; and,

WHEREAS, the Appropriate Official of the Municipality has approved the herein above referenced inspections and analysis and has agreed to participate in certain costs thereof in the manner and to the extent as hereinafter set out.

NOW, THEREFORE, the Department and the Municipality agree as follows:

1. The Department or a Consulting Engineering firm retained by the Department shall inspect, load rate, and prepare the necessary inspection reports for all bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards.
2. All work shall be done in compliance with the following documents.
 - a. National Bridge Inspection Standards (23 CFR, Chapter 1 Part 650)
 - b. AASHTO Manual for Bridge Evaluation-2008 including all Interim Revisions.
 - c. Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges – December, 1988.
3. The Municipality shall furnish all data in the possession of the Municipality that can be released that will help the Department or its Consultant in the accomplishment of the work including but not limited to appropriate municipal maps showing the location of the bridges, plans for the bridges when available, and any prior inspection reports.
4. During the inspection process, some repairs may be discovered that require immediate attention or repair, or a regulatory sign may be missing, damaged, or incorrect. A Critical Finding Notice, Priority Maintenance Notice or Regulatory Sign Notice will be issued in these cases. It is required that the Municipality resolve or notify the

Department of their plans to resolve Priority Maintenance Notices and Regulatory Sign Notices within thirty (30) days of issuance. Critical Findings require a response within seven (7) days of notice.

5. The Municipality shall designate a responsible Municipal official with whom the Department or its Consultant will coordinate the work.
6. It is understood by the parties hereto that the Federal Highway Administration, through the Department, is to participate in the costs of the work to the extent of eighty (80) percent of actual costs, subject to compliance with all applicable federal policy and procedural rules and regulations. All costs not participated in by the Federal Highway Administration shall be borne by the Municipality.
7. Upon completion of the bridge inspection, and load rating work, the Department shall invoice the Municipality for accumulated project costs not participated in by the Federal Highway Administration. Upon FHWA final audit, the Department shall invoice/refund the Municipality any differences in the amount previously invoiced and the actual costs not participated in by the Federal Highway Administration. Reimbursement shall be made by the Municipality within sixty (60) days of the invoice date. After the due date, a late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23 and G.S. 105-241.21 (I). It is anticipated that the cost to the municipality will be approximately \$520 per structure. The actual cost is based on the work being performed therefore, the final invoice amount will not be known until the work is complete.
8. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, the Municipality hereby authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, until such a time as the Department has received payment in full.
9. It is the policy of the Department not to enter into any Agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this Agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by a Federal or State Department or Agency.
10. This Agreement shall have an effective term of ten (10) years beginning when executed by the State Highway Administrator and ending on the same date ten (10) years later, subject to the following termination conditions:
 - (A) At any time either party may cancel the Agreement with a thirty (30) day written notice to the opposite party. On behalf of the Municipality, this Agreement may be canceled by the City Manager and/or his designee.
 - (B) Upon the effective date of the cancellation, neither party shall owe any obligations under this Agreement, except that all obligations performed under this Agreement, including but not limited to invoicing, record retention, and payment for work performed prior to the effective date of cancellation, shall remain in effect.
11. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa T. Smith, Chief Financial Officer
DATE: July 25, 2011
RE: **Capital Project Ordinance Amendment 2012-9 (Texfi Property)**

THE QUESTION:

This amendment will appropriate an additional \$11,243 from Cumberland County for the development and use of the Texfi property.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: More Attractive City - Clean and Beautiful

BACKGROUND:

- The acquisition of the former Texfi property, located adjacent to Clark Park and Hoffer Drive Water Treatment Plant, has been completed.
- The original estimated contribution from Cumberland County was \$239,000 for this project, with an understanding that the actual contribution from Cumberland County would equal the amount of county taxes the City had to pay to acquire the property.
- Since county taxes for the property totaled \$250,243, an additional \$11,243 was received from Cumberland County.
- This amendment will appropriate the additional \$11,243 and the total revised budget for the project will be \$588,619.

ISSUES:

None

BUDGET IMPACT:

See background information above.

OPTIONS:

- Adopt Capital Project Ordinance Amendment 2012-9.
- Do not adopt Capital Project Ordinance Amendment 2012-9.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Amendment 2012-9.

ATTACHMENTS:

Capital Project Ordinance Amendment 2012-9

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2012-9 (CPO 2009-4)**

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

Section 1. The project change authorized is to Capital Project Ordinance 2009-4, adopted June 9, 2008, as amended, for the funding of Texfi property acquisition and development.

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
General Fund Transfer	\$ 338,376		\$ 338,376
Cumberland County	239,000	11,243	250,243
	<u>\$ 577,376</u>	<u>\$ 11,243</u>	<u>\$ 588,619</u>

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

Project Expenditures	<u>\$ 577,376</u>	<u>\$ 11,243</u>	<u>\$ 588,619</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 25th day of July, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa T. Smith, Chief Financial Officer
DATE: July 25, 2011
RE: **Capital Project Ordinance Amendment 2012-11 (Storm Water Projects)**

THE QUESTION:

This project ordinance amendment will appropriate \$11,845,761 for storm water drainage improvement projects.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- This project ordinance amendment will appropriate \$11,845,761 for storm water drainage improvement projects.
- The source of funds for the amendment is the \$10,595,000 planned issuance of storm water system revenue bonds and a \$1,250,761 transfer from the Storm Water Operating Fund.
- The application for the revenue bonds has been submitted to the Local Government Commission for their August 2, 2011 meeting.
- Council's last action related to the revenue bonds is adoption of the bond order at the August 8, 2011 meeting.
- The closing date for the bond issue is currently scheduled for August 11, 2011.
- The amendment is needed at this point, because several of the projects have been bid and the budget must be established before the contracts can be executed.
- These actions are consistent with the five-year capital improvement plan approved by City Council.

ISSUES:

None.

BUDGET IMPACT:

See background above.

OPTIONS:

1. Adopt the project ordinance amendment.
2. Do not adopt the project ordinance amendment and do not move forward with the storm water projects.

RECOMMENDED ACTION:

Staff recommends that Council move to adopt Capital Project Ordinance Amendment 2012-11.

ATTACHMENTS:

CPOA 2012-11

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2012-11 (CPO 2011-11)**

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 20011-11, adopted June 13, 2011, for the funding of Stormwater Drainage Improvements.

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:

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Interfund Transfer from the Stormwater Fund	\$ 3,126,007	\$ 1,250,761	\$ 4,376,768
Revenue Bond Proceeds	-	10,595,000	10,595,000
	<u>\$ 3,126,007</u>	<u>\$ 11,845,761</u>	<u>\$ 14,971,768</u>

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

Project Expenditures	<u>\$ 3,126,007</u>	<u>\$ 11,845,761</u>	<u>\$ 14,971,768</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 25th day of July, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: July 25, 2011
RE: **Capital Project Ordinance Amendment 2012-10 (Linear Park)**

THE QUESTION:

Capital Project Ordinance Amendment 2012-10 will appropriate an additional \$12,140 for the Linear Park Project.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

- This amendment will appropriate additional donations of \$12,140 for the Linear Park project.
- If approved, the revised project budget will be \$1,723,738.

ISSUES:

None

BUDGET IMPACT:

As noted above.

OPTIONS:

- 1) Adopt Capital Project Ordinance Amendment 2012-10.
- 2) Do not adopt Capital Project Ordinance Amendment 2012-10.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Amendment 2012-10.

ATTACHMENTS:

Capital Project Ordinance Amendment 2012-10 (Linear Park)

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2012-10 (CPO 2004-3)**

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

Section 1. The project change authorized is to Capital Project Ordinance 2004-3, adopted November 17, 2003, as amended, for the funding of the Linear Park project.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Donations	\$ 1,618,614	\$ 12,140	\$ 1,630,754
General Fund Transfer	50,000	-	50,000
Transfer from PWC	79	-	79
Investment Income	42,905	-	42,905
	<u>\$ 1,711,598</u>	<u>\$ 12,140</u>	<u>\$ 1,723,738</u>

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

Project Expenditures	<u>\$ 1,711,598</u>	<u>\$ 12,140</u>	<u>\$ 1,723,738</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 25th day of July, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa T. Smith, Chief Financial Officer
DATE: July 25, 2011
RE: **Special Revenue Fund Project Ordinance 2012-3 (FY10 Federal Homeland Security Grant)**

THE QUESTION:

This ordinance will establish the budget for the FY10 Federal Homeland Security Grant awarded to the Fire Department through the North Carolina Department of Crime Control and Public Safety Division of Emergency Management.

RELATIONSHIP TO STRATEGIC PLAN:

Principle B: Desirable Neighborhoods – Neighborhoods where people are safe and secure.

BACKGROUND:

- The purpose of the \$51,429 grant is to provide funding for equipment to be used on-scene by first responders to prepare for a threatened or actual weapon of mass destruction event, domestic terrorist attacks, major disasters and other emergencies to protect human life, property and the environment.
- This project is funded 100% through the federal grant.

ISSUES:

None.

BUDGET IMPACT:

As presented above.

OPTIONS:

1. Adopt Special Revenue Fund Project Ordinance 2012-3.
2. Do not adopt Special Revenue Fund Project Ordinance 2012-3.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2012-3.

ATTACHMENTS:

SRO 2012-3

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2012-3

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

Section 1. The authorized project is for the funding of the FY10 Federal Homeland Security Grant awarded through the North Carolina Department of Crime Control and Public Safety Division of Emergency Management.

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

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

Federal Grant (Passed through N.C. Department of Crime Control and Public Safety)	<u>\$ 51,429</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 51,429</u>
----------------------	------------------

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

Adopted this 25th day of July, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: July 25, 2011
RE: **Special Revenue Fund Project Ordinance 2012-4 (2011 Sobriety Court Grant)**

THE QUESTION:

This ordinance appropriates \$48,839 for the 2011 Sobriety Court Program.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: GROWING CITY, LIVABLE NEIGHBORHOODS - A GREAT PLACE TO LIVE

Objective 1: Consistent improvement in reducing crime rates

BACKGROUND:

- The funding sources for this program are a \$41,513 federal grant award through the NC Governor's Highway Safety Program and a \$7,326 in-kind match for salaries from the City of Fayetteville.
- The Sobriety Court is a problem solving court using a supervised treatment system to treat high risk DWI offenders who demonstrate destructive behaviors coupled with alcohol abuse.
- This ordinance will appropriate the funds needed to provide monitoring units to pre-trial, high risk offenders and personnel costs for the Sobriety Court Program.

ISSUES:

None

BUDGET IMPACT:

See background above.

OPTIONS:

- 1) Adopt Special Revenue Fund Project Ordinance 2012-4.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2012-4.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2012-4.

ATTACHMENTS:

Special Revenue Project Ordinance 2012-4

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2012-4

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

Section 1. The authorized project is for the funding for the 2011 Sobriety Court Program awarded by the National Highway Traffic Safety Administration through the Governor's Highway Safety Program

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:

Governor's Highway Safety Program	\$ 41,513
Local In-Kind Match - City of Fayetteville	7,326
	<u>\$ 48,839</u>

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

Project Expenditures	<u>\$ 48,839</u>
----------------------	------------------

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

Adopted this 25th day of July, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Tom Bergamine, Chief of Police
DATE: July 25, 2011
RE: **2011 JAG Funding - Memorandum of Understanding with Cumberland County**

THE QUESTION:

As the fiscal agent for Justice Assistance Grant funding, the Cumberland County Sheriff's Office is submitting an application for JAG funding on behalf of the CCSO and the Fayetteville Police Department. This year the JAG allocation for Cumberland County is \$218,773. Of that, the City has been allocated \$150,830. The FPD plans to use these funds to purchase in-car cameras. The Memorandum of Understanding between the County and the City outlines the allocation amounts and responsibilities of each party as they pertain to the grant requirements.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods
Desirable Neighborhoods: safe and secure neighborhoods
Greater Community Unity: collaborative working relationships

BACKGROUND:

This is a recurring process. Each year, the County serves as the fiscal agent for JAG funding and files a single joint application to apply for the awarding of the funds. This MOU is required for the application.

ISSUES:

None

BUDGET IMPACT:

No match required. The grant is for \$150,830.

OPTIONS:

- Approve Memorandum of Understanding with the County.
- Do not approve Memorandum of Understanding with the County.

RECOMMENDED ACTION:

Approve the Memorandum of Understanding with the County to apply for 2011 JAG funding.

ATTACHMENTS:

MOU for 2011 JAG Grant

THE STATE OF NORTH CAROLINA

KNOW ALL BY THESE PRESENT

COUNTY OF CUMBERLAND

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF FAYETTEVILLE, NC AND COUNTY OF CUMBERLAND,
NC**

2011 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this 18th day of July, 2011, by and between The COUNTY of CUMBERLAND, acting by and through its governing body, the Cumberland County Board of Commissioners, hereinafter referred to as COUNTY, and the CITY of FAYETTEVILLE, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Cumberland County, State of North Carolina, witnesseth:

WHEREAS, this Agreement is made under the authority of Sections 153A-14 and 160A-17.1 of the North Carolina General Statutes: and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interest of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS, the COUNTY agrees to serve as the fiscal agent and will file a single joint application to apply for the awarding of the FY 2011 JAG funds.

NOW THEREFORE, both parties agree as follows:

Section 1.

The COUNTY agrees to provide the CITY their allocated funding amount of One Hundred Fifty-thousand, Eight-hundred Thirty (\$150,830), as computed by the US Department of Justice.

Section 2.

The COUNTY, acting as fiscal agent, will not request funding to cover administrative costs. The COUNTY, acting as fiscal agent, will submit quarterly programmatic and financial reports to the US Department of Justice. The CITY agrees to forward pertinent data regarding the CITY'S program initiatives related to this grant award to assist the COUNTY in completing the aforementioned reports.

Section 3.

The COUNTY intends to use its share for communications and the CITY intends to use its share for equipment.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims brought against the CITY, other than claims for which liability may be imposed by the State Tort Claims Act.

Section 5.

Nothing in the performance of this Agreement shall impose any liability for claims brought against the COUNTY other than claims for which liability may be imposed by the State Tort Claims Act.

Section 6.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 7.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 8.

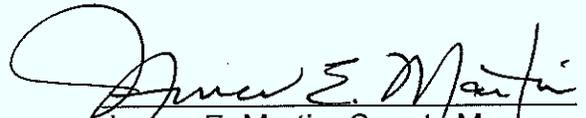
By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

This Memorandum of Understanding shall be effective on October 1, 2011 and expire upon the 30th day of September, 2014.

CITY OF FAYETTEVILLE

COUNTY OF CUMBERLAND


Dale Iman, City Manager


James E. Martin, County Manager

ATTEST:


Jennifer Penfield, Deputy City Clerk

ATTEST:


Candice White, County Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:


Patricia Bradley
City of Fayetteville Police Attorney


Rick Moorefield
Cumberland County Attorney

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: July 25, 2011
RE: **Tax Refunds of Greater Than \$100**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Not applicable.

BACKGROUND:

Approved by the Cumberland County Special Board of Equalization for the month of June, 2011.

ISSUES:

None.

BUDGET IMPACT:

The tax refund is \$3,065.53.

OPTIONS:

Approve the refund.

RECOMMENDED ACTION:

Approval.

ATTACHMENTS:

Tax Refunds of Greater Than \$100



July 25, 2011

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable *NP*

RE: Tax Refunds of Greater Than \$100

The tax refunds listed below for greater than \$100 were approved by the Cumberland County Special Board of Equalization for the month of June, 2011.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Cape Fear Siteworks, Inc.	3008644	2006-2008	Clerical Error	3065.53
TOTAL				\$3065.53

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE, Engineering and Infrastructure Director
DATE: July 25, 2011
RE: **Public Hearing and Adoption of Resolution to Consider the Paving Without Petition of Certain Soil Streets**

THE QUESTION:

Whether Council wants to adopt a resolution requiring 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:

- Wilma Street and Salisbury Street were previously approved by Council for paving on July 27, 2009, however due to some design changes in the layout of Wilma Street additional parcels are being impacted thus requiring Council to take further action.
- Grace Avenue was previously taken to Council; however Council delayed taking action 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.
- The public hearing was advertised in the local newspaper on July 7th.
- A large parcel to the east was initially left on the initial assessment roll and was not notified that Wilma Street was to be paved back in 2009.
- The property owners abutting these streets have been notified via regular mail. Property owners who qualify can receive assistance from the Community Development Department for the assessment cost.

BUDGET IMPACT:

The majority of the funding has been identified since Wilma Street was previously approved for paving. Some additional funding will be needed since Grace Avenue was not included in the list of streets to be paved.

OPTIONS:

- Adopt the attached resolution requiring the Paving of Soil Streets without Petition.
- Do not adopt the resolution.

RECOMMENDED ACTION:

Adopt the attached resolution requiring the Paving of Soil Streets without Petition.

ATTACHMENTS:

Resolution Requiring the Paving

***FINAL RESOLUTION REQUIRING THE PAVING
WITHOUT PETITION OF:***

Grace Avenue from Old Wilmington Road 351 feet to a Dead End; **Wilma Street** from Roosevelt Drive 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 in the exercise of its best legislative judgment, the City of Fayetteville, North Carolina finds as fact that:

1. 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

2. THE RESOLUTION AND ORDER adopted at its meeting on the 27th day of June, 2011, by the City Council of the City of Fayetteville, North Carolina, entitled PRELIMINARY RESOLUTION RQUIRING 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

Having been duly published on the 7th day of July, 2011, in the Fayetteville Observer-Times, a newspaper published in the City of Fayetteville, North Carolina, giving notice of a meeting of the City Council to be held on the 25th day of July, 2011, at 7:00 P.M. in the Council Chamber at City Hall of Fayetteville, North Carolina, when all objections to the legality of making the proposed improvement were to be made in writing, signed in person or by Attorney, filed with the Clerk of the City of Fayetteville, at or before said time, and that any such objections not so made would be waived, and objections to the legality, as well as to the policy or expediency, of the making of said improvements not having been filed or made, or having been filed or made, with objections were duly considered by said City Council, and none of said objections were sustained.

3. 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 property.

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

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

ADOPTED this 25th day of July 2011 by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Jennifer K. Penfield, Deputy City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Marsha Bryant, Planner II
DATE: July 25, 2011
RE: **Public Hearing (Quasi-Judicial) - Request for a Waiver to make payment in-lieu of installation of 155 feet of sidewalk along Old Bunce Road, property that abuts a proposed 35 lot single-family residential subdivision.**

THE QUESTION:

Is there evidence to support the requested sidewalk waiver and allow payment in-lieu of construction of 155 feet of required sidewalk along Old Bunce Road? (This is a quasi-judicial public hearing.)

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods

BACKGROUND:

The developer submitted plans to construct a 35 lot single-family residential subdivision on Old Bunce Road. At the time of subdivision review by the Technical Review Committee the owners were informed that a sidewalk would be required along the entire road frontage of the property (331.7 feet) where the subdivision is to be located. The developer has indicated that he would like to construct 177 feet of the sidewalk and would like to make payment in lieu of constructing the remaining 155 feet. The developer has indicated that approximately 3,169 sq. ft. of wetlands and 27 linear feet of a blue line stream area would be impacted by the 155 feet of sidewalk. The developer's engineer, 4 D Site Solutions, has indicated that approval by the Army Corp of Engineers would be required and that they believe it would be difficult and expensive to obtain.

The City's Engineering Dept. initially indicated that they support the payment in-lieu of the construction of the 155 feet of sidewalk. The Engineering staff continue to evaluate the conditions and may have an update at the meeting.

The Planning Commission considered the waiver request at its meeting on June 16th and recommended approval of the request allowing payment in-lieu of the construction of the 155 feet of sidewalk along Old Bunce Road and requiring construction of the 177 feet of sidewalk along the remaining portion of the frontage.

ISSUES:

During the hearing and Planning Commission discussion, staff and applicant noted that:

- Because there is no curb to separate a sidewalk from the street, DOT does not allow a sidewalk in the road ROW.
- There are wetlands and a blue line stream in the area where the sidewalk would be required.
- There is an approximate 7 foot drop-off of the property at this location.
- NPDES approval would be required if the sidewalk would impact the wetlands and stream.
- Based on preliminary review, the City's Engineering Department supported the request to allow payment in-lieu of construction in this area due to the wetland and blue line stream areas.

Planning Commission members did note that there are public activity centers (schools, recreation areas) not far from this site but on the other side of the wetlands area, and if it was possible the sidewalk should continue in some manner.

Engineering staff are currently reviewing other possible approaches for a pedestrian

pathway/sidewalk that would minimize wetlands/stream impact and will report on those approaches at the public hearing.

Due to the quasi-judicial nature of this request all of the following findings of fact must be shown to approve the waiver request:

- A waiver may be granted if the developer can show that the provision would cause unnecessary hardship if strictly adhered to.
- A waiver may be granted due to topographical or other conditions peculiar to the site.
- A waiver may be granted if the intent of the ordinance is not destroyed.

BUDGET IMPACT:

Payment in-lieu of construction of the 155 feet sidewalk would be approximately \$5,027. This fee would be placed in the sidewalk fund. These funds are allocated to install sidewalks within Fayetteville City limits.

OPTIONS:

1. Make a motion to approve the request and state the required findings of fact that were met to approve the payment in-lieu of installation of the 155 feet of sidewalk. **(Recommended)**
2. Make a motion to deny the request and state the required findings of fact that were not met, therefore requiring the sidewalk to be installed along the entire road frontage of the property where the subdivision will be located.

RECOMMENDED ACTION:

City Staff and the Planning Commission recommend that City Council move to approve the requested sidewalk waiver based on stated findings and allow the payment in-lieu of construction of the 155 feet of sidewalk.

ATTACHMENTS:

- Staff Report
- Vicinity Map
- Zoning Map
- Site Plan
- Engineers Request Letter
- City Engineer Support Letter
- Picture
- Picture

STAFF REPORT
JULY 25, 2011
11-12F
SIDEWALK WAIVER REQUEST

Owner: WBM, LLC

Engineer: 4 D Site Solutions

Location: Old Bunce Road between Bunce Road and 71st School Road

Zoning: R6 and R5A Residential Districts

Acreage: 15.47

Proposed Number of Lots: 35

Maximum Number of Units Allowed: 94 (R6 Density)
103 (R5A Density)

Summary: The proposed development has been reviewed by the Technical Review Committee and Conditions of Approval have been prepared.

The request was heard by the Planning Commission on June 16, 2011. The Planning Commission recommended approval of the waiver request allowing payment in lieu of construction of 155 feet of the required sidewalk.

The Council's Authority: The Council may recommend approval or denial of the request based on:

- Will the requirement cause an unnecessary hardship,
- Is the waiver due to other conditions (topographical or peculiar to the site), **And**
- Can a departure from the requirement be made without destroying the intent of the requirement.

Staff Assessment and Suggestions:

This property has 331.7' of road frontage. Development of this property requires a 5 foot sidewalk to be installed across the frontage of the property. The northern portion of the subject property requires a 155 foot long sidewalk segment. The applicant is requesting a waiver from this portion of the required sidewalk due to the fact that the sidewalk along this segment of frontage would cross wetlands and a blue line stream. Approximately 3,169 sq. ft. of wetlands and 27 linear feet of existing blue line stream would be impacted by the construction.

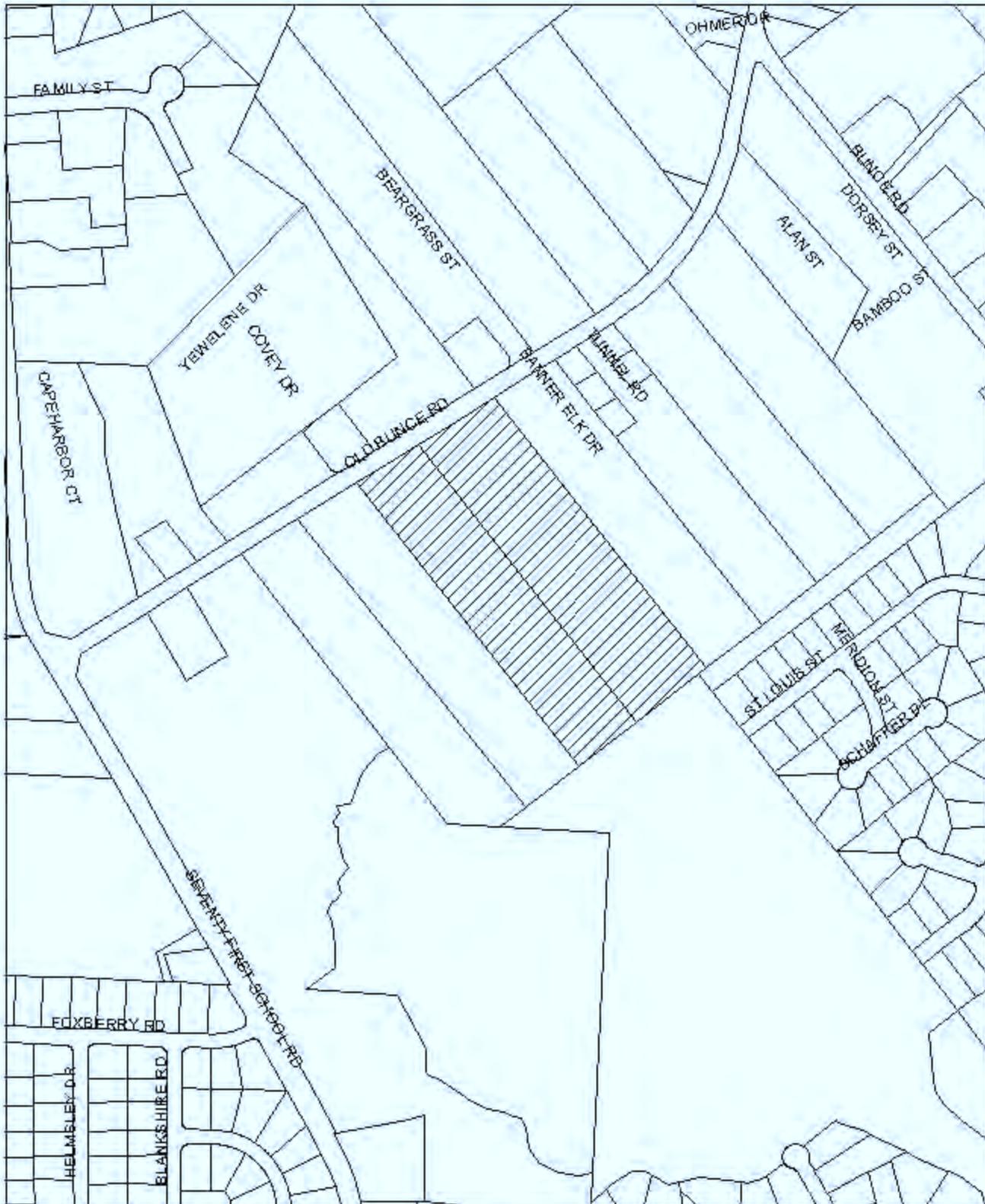
The applicant has indicated that they would like to make payment in lieu of construction for the 155 foot portion of the sidewalk and construct the remaining 177 feet. The payment in lieu of construction of the 155 feet would be \$5,027.00.

Based on the information received thus far:

- Staff and the Planning Commission recommends approval of this request based on the potential impact of the required 155 foot sidewalk segment along the northern portion of frontage past the subdivision entrance.

Attachments: Map and Site Plan of the area
Pictures
Letter from the City Engineering Department
TRC Conditions of Approval

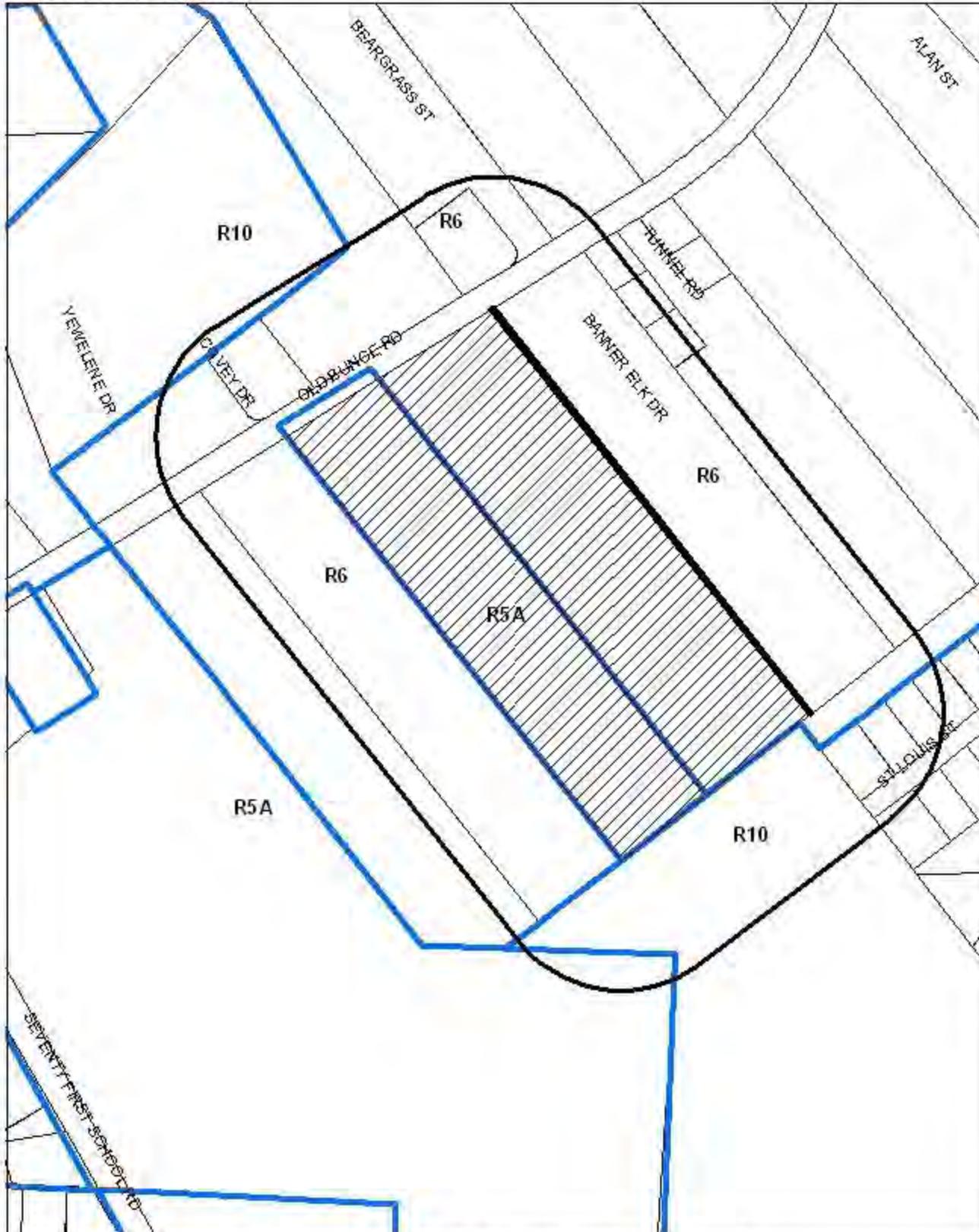
**Planning Commission - Waiver Request
Bunce Road Subdivision - Case No. 11-12F**



**Request: Wavier to not install a sidewalk
Location: Old Bunce Road**

Pin : 9497-83-1378 and 9497-83-4504

**REQUEST: SIDEWALK WAIVER
CASE NO. 11-12F**



Request: Construct a sidewalk along 177.7 feet of road frontage and make payment in lieu of construction of the remaining 154 feet.

Location: Southern side of Old Bunge Road

PIN: 9497-83-1378 and 9497-83-4504

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



4D SITE SOLUTIONS, INC.



May 10, 2011

ENGINEERING
LAND SURVEYING
CONSTRUCTION LAYOUT
GPS SERVICES
LAND DEVELOPMENT

Marsha Bryant
City of Fayetteville Planning
433 Hay Street
Fayetteville, NC 28301

RE: OLD BUNCE ROAD SUBDIVISION WAIVER REQUEST

Marsha;

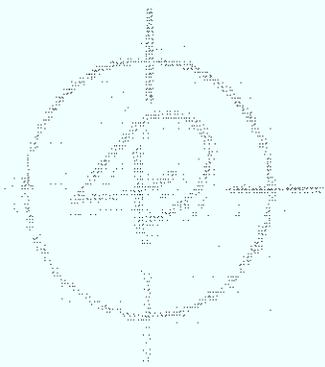
This project contains 331.7' of road frontage. The development of this property requires that a ⁵4' sidewalk be constructed across the frontage of the property, with the exception of the entrance road. The frontage of the property is generally split by the new subdivision road that serves this development. To the north of the new road 154' of sidewalk would be required. We would like to request a waiver from the sidewalk requirement for this portion of this project where the sidewalk construction would cross wetlands and a blue line stream. In order to install this section of sidewalk approximately 3169sqft of wetlands and 27LF of stream would be impacted. We would like to pay in lieu of construction for the 154' portion of the sidewalk that is to the north of the entrance road.

Sincerely,
4D Site Solutions Inc.

Chris Pusey
2011.05.10 13:47:56
-04'00'

Chris Pusey
Professional Land Surveyor

Enclosure



409 CHICAGO DRIVE
SUITE 112
FAYETTEVILLE NC 28306
PHONE 910 426-6777
FAX 910 426-5777





MEMORANDUM

TO: Karen Hilton, Planning and Zoning Division Manager

FROM: Giselle Rodríguez, PE, Interim City Engineer *GR*

DATE: May 23, 2011

SUBJECT: Recommendations for payment in-lieu of sidewalk installation – Old Bunce Rd Subdivision

After reviewing the proposed development on Old Bunce Rd. for single-family subdivision it is my recommendation that payment in-lieu of the construction of the required sidewalk be provided by the owner. In order to install the sidewalk, 3169 sq.ft. of wetlands will have to be impacted to include 27 ft of stream. At this location the road is at least 7 ft higher than the sidewalk. The installation of the sidewalk will not promote effective pedestrian traffic. It will greatly benefit the City as well as the citizens of Fayetteville to use this money to construct sidewalk in a location where there is high pedestrian traffic.





CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Nash, Planner II
DATE: July 25, 2011
RE: **Public Hearing to consider a Petition Requesting Annexation by Baywood Point, LLC and Savvy Homes, LLC for 16.7± acres on the western side of Baywood Road.**

THE QUESTION:

Should a non-contiguous area scheduled to receive PWC sewer and water services and being developed for a 30 lot single-family residential subdivision be annexed into the City limits?

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy

BACKGROUND:

The property consists of 16.7 acres. The property is located within the City's MIA area and because PWC water and sewer services were requested, a Petition Requesting Annexation was required. Plans have been reviewed and approved by the County Planning Department for a 30 lot single-family residential subdivision. Fifteen of those lots were platted in January 2011. Several homes have been constructed or are in the process of being constructed in the area. This subdivision is accessed off Baywood Road through the entrance of Baywood Village Subdivision. Baywood Village is a 71 lot subdivision platted in January 2008, prior to the MIA being adopted in March and May of 2008.

ISSUES:

Sufficiency: The petition was deemed sufficient when submitted. Staff is working with the current owners to limit any sufficiency issues during Council consideration.

Services: Staff from various City departments have had the opportunity to review and discuss their ability to provide City services to this location. There are no identified problems extending services to the petitioned properties.

Effective Date: Staff is recommending an effective date of December 31, 2011. This will allow time for the annexed area to be assigned to a council election district, it will allow time for the assignment to be submitted to the Justice Department, and it will allow time for the Justice Department to preclear the assignment. These steps must be completed before residents of the area will be able to vote in a city election.

BUDGET IMPACT:

It is expected that the fiscal impact of annexing this area will be positive for the City.

OPTIONS:

1. Adopt the Annexation Ordinance with an Effective Date of July 25, 2011
 2. Adopt the Annexation Ordinance with an Effective Date of December 31, 2011
- (Recommended)**
3. Do not adopt the Annexation Ordinance and the property will remain outside the city limits.

RECOMMENDED ACTION:

Staff recommends that Council adopt the Annexation Ordinance approving the requested annexation with an effective date of December 31, 2011.

ATTACHMENTS:

Basic Information About the Area

Legal Description

Legal Description Map

Proposed Ordinance

BASIC INFORMATION ABOUT THE AREA

Information Updated as of: July 15, 2011

Date Petition Received: March 16, 2011

Annexation Date: Effective Date:

Annexation Number:

1. Name of Area:	Baywood Point Subdivision
2. Original Petitioner: Later Petitioners:	W.A. Meredith, Member/Manager of Baywood Point, LLC (Received March 16, 2011) Darrell Daigree and George Aiken, Members of Savvy Homes, LLC (Received June 21, 2011)
3. Location:	South of NC 24 and West of Baywood Road
4. Tax Identification Number (PIN):	0466-79-0743- (Original parent parcel)
5. Fire Department Affected by Annexation:	Vander
6. Is the Area Contiguous:	No
7. Type of Annexation:	Petitioned Non-Contiguous Annexation
8. Background:	The subdivision petitioning for annexation is known as Baywood Point. It has 30 lots. It was approved by the County Planning Dept. in August 2010. Located to the south is an older subdivision known as Baywood Village. It has 71 lots. For the Baywood Point subdivision, a waiver to not require curb and gutter or sidewalks was approved, so that these last 30 lots in Baywood Point could be developed in the same manner in the previous Baywood Village.
9. Reason the Annexation was Proposed:	PWC water and sewer services
10. Number of Acres in Area:	16.7
11. Type of Development in Area: As of Original Petition As of July 15, 2011	Vacant Under development
12. Present Conditions: (as of July 15, 2011)	a. <u>Present Land Use:</u> Being developed as resid b. <u>Present Number of Housing Units:</u> 5 SF units completed (2 assumed to be occupied; other 3 are vacant-1 has been sold, 2 are for sale); construction has started on 6 other units. c. <u>Present Demographics:</u> Total Pop=5 d. <u>Present Streets:</u> Built
13. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> Construction of the Baywood Point Subdivision (30 lots) b. <u>Development Controls</u> 1. <u>Land Use Plan</u> a. <u>2010 Plan:</u> Residential 2. <u>Zoning</u> a. <u>Current Zoning in County:</u> RR Rural Residential District b. <u>Likely Zoning After Annexation:</u> AR Agricultural Residential District c. <u>Maximum number of units allowed based on the zoning:</u> 96
14. Expected Future Conditions:	a. <u>Future Land Use:</u> Single Family Residential b. <u>Future Number of Housing Units:</u> 30 c. <u>Future Demographics:</u> 75 d. <u>Future Streets:</u> a continuation of a public street (Himalayan Road) and 2 new public cul-de-sac streets (Mildenhall Road and Bedfordshire Place) e. <u>Water and Sewer Service:</u> PWC Water and Sewer f. <u>Electric Service:</u> Progress Energy
15. Tax Value of Land and Buildings:	\$47,637=Land Value of Parent Parcel-(Updated values for recently-platted lots not yet available)

BASIC INFORMATION ABOUT THE AREA

Information Updated as of: July 15, 2011

Date Petition Received: March 16, 2011

Annexation Date: Effective Date:

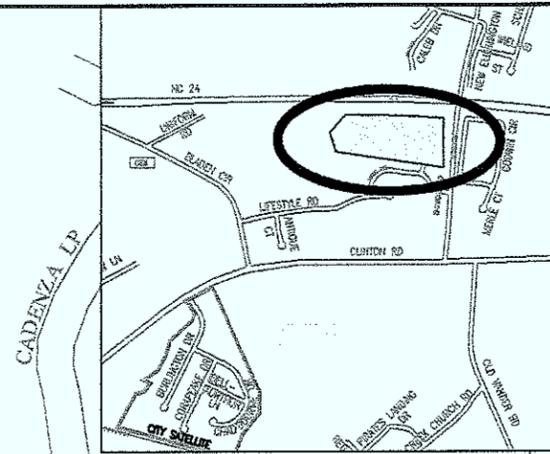
Annexation Number: _____

BAYWOOD POINT SUBDIVISION
(South of NC Hwy 24 and West of Baywood Road)

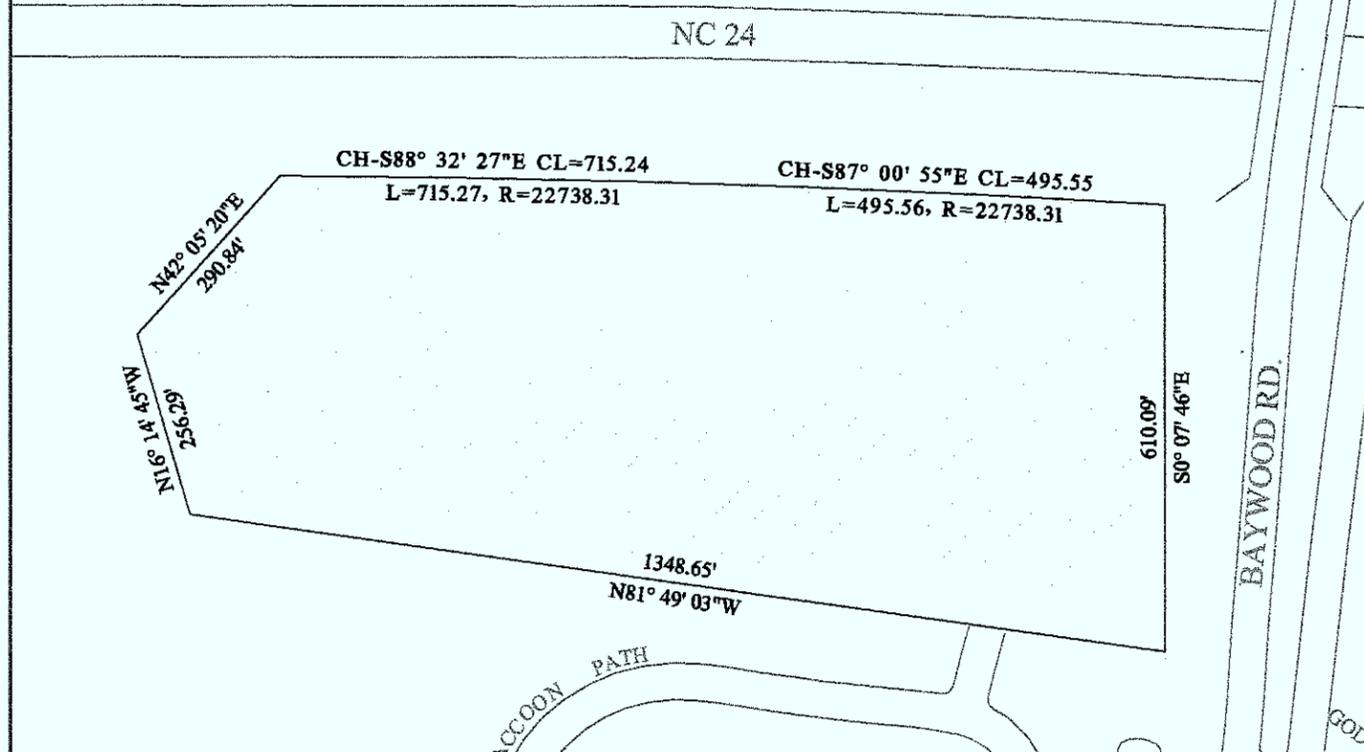
BEGINNING at the northeast corner of Lot 70 of Baywood Village Section One and continuing thence for a first call North 81 degrees 49 minutes 03 seconds West 1348.65 feet to a point, thence North 16 degrees 14 minutes 45 seconds West 256.29 feet to a point, thence North 42 degrees 05 minutes 20 seconds East 290.84 feet to a point, thence with a curve to the right having a radius of 22738.31 with a chord bearing and distance of South 88 degrees 32 minutes 27 seconds East 715.24 feet to a point, thence with another curve to the right having a radius of 22738.31 with a chord bearing and distance of South 87 degrees 00 minutes 55 seconds East 495.55 feet to a point, thence South 00 degrees 07 minutes 46 seconds East 610.09 feet to the point of BEGINNING and containing approximately 16.70 acres.

EXHIBIT 'A'

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



VICINITY MAP (N.T.S.)



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

**ANNEXATION PROPOSAL
BAYWOOD POINT
BAYWOOD POINT, LLC
± 16.70 ACRES**

DATE 3/16/2011 DRAWN BY CSA
SCALE 1" = 250' CK'D BY CSA

CAD FILE:

Annexation Ordinance No: _____

Baywood Point Subdivision – (Located on the South side of NC 24, West of Baywood Road)

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

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

WHEREAS, the City of Fayetteville has investigated the sufficiency of the petition; and

WHEREAS, the City of Fayetteville has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on July 25, 2011, after due notice by publication on July 15, 2011; and

WHEREAS, the legislation incorporating the Town of Eastover adopted by the North Carolina General Assembly in 2007 (H1191) specified an area within which the Town of Eastover would not extend its boundaries by annexation or otherwise, and the area described below is located within the area not to be annexed by Eastover; and

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

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

corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Fayetteville;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous property owned by Baywood Point, LLC and Savvy Homes, LLC is hereby annexed and made part of the City of Fayetteville of North Carolina as of December 31, 2011:

BAYWOOD POINT SUBDIVISION
(South of NC Hwy 24 and West of Baywood Road)

BEGINNING at the northeast corner of Lot 70 of Baywood Village Section One and continuing thence for a first call North 81 degrees 49 minutes 03 seconds West 1348.65 feet to a point, thence North 16 degrees 14 minutes 45 seconds West 256.29 feet to a point, thence North 42 degrees 05 minutes 20 seconds East 290.84 feet to a point, thence with a curve the right having a radius of 22738.31 with a chord bearing and distance of South 88 degrees 32 minutes 27 seconds East 715.24 feet to a point, thence with another curve to the right having a radius of 22738.31 with a chord bearing and distance of South 87 degrees 00 minutes 55 seconds East 495.55 feet to a point, thence South 00 degrees 07 minutes 46 seconds East 610.09 feet to the point of BEGINNING and containing approximately 16.70 acres.

Section 2. Upon and after December 31, 2011, the above-described area and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville of North Carolina and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville of North Carolina. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Adopted this ___ day of _____, 2011.

Anthony G. Chavonne, Mayor

ATTEST:

Jennifer Penfield, Deputy City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager, Planning and Zoning Division
DATE: July 25, 2011
RE: **Consideration of an ordinance amending the Unified Development Ordinance to address errors or clarifications.**

THE QUESTION:

Does the proposed ordinance amending the UDO appropriately correct the identified omissions, conflicts, or ambiguities?

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 text amendments that will correct errors or ambiguities. All items have been advertised and are presented for a hearing.

The Planning Commission held public hearings on May 17 and June 16 to consider the recommended changes. 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. On July 19 the Planning Commission will consider the last two items (agricultural uses and height standards); the Commission recommendations will be presented at the City Council meeting.

ISSUES:

The amendments address 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 minutes of these two meetings provide a brief explanation of each item and the specific language recommended. The specific language is also captured in the Proposed Ordinance attached.

The proposed changes and staff explanation for the last two items (agricultural uses, and height standards in LC and CC districts) are shown in two other attachments. These are being considered at the Planning Commission meeting Tuesday, July 19.

BUDGET IMPACT:

None.

OPTIONS:

1. Approve the ordinance as 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:

Ordinance Amending UDO

Minutes PC Mtg 5-2011

Minutes PC Mtg 6-2011

Draft changes in Agricultural Uses

Draft changes in LC and CC Height Stds

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; USES NOT LISTED IN THE UDO; AGRICULTURAL USES; AND HEIGHT STANDARDS IN LC AND CC DISTRICTS.

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 modify the references, parking 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.

Modify the description of Other Agricultural Services, the listings in Accessory Uses, and the Use-Specific standards to eliminate conflict with other City Code sections and to clarify the horticultural / agricultural uses, including related uses such as Community Gardens, allowed in residential districts.

Sec. 13.1: Amend Article 30-4.B.2(b)(2) to insert the underlined text:

(2) Examples

Example use types include agricultural processing for on-site uses; agri-education, agri-tourism, and agri-entertainment, including associated incidental retail sales and lodging; farm co-op operations; agricultural research facilities; animal care uses; stables; equestrian facilities; and fairgrounds.

Sec. 13.2: Amend Article 30-4.D.2(e), Table of Permitted Accessory Uses, to delete the text in the table cell containing “Housing for Poultry” and replace it with “Horticulture and Agriculture.”

Sec. 13.3: Amend Article 30-4.D.3(i) by deleting the existing wording regarding “Housing for Poultry” standards in its entirety and replacing it with:

(i) Horticulture and Agriculture

Horticultural and agricultural uses include home gardens, fruit trees, ornamental ponds, ponds used for aquaculture, bee-keeping, keeping of animals and fowl, and similar uses. The horticulture and agriculture use shall comply with the following standards:

(1) Such uses shall be conducted in conformance with the requirements of Chapter 6 of the City of Fayetteville Code of Ordinances, entitled *Animals and Fowl*, as applicable.

(2) Only permanent structures associated with these uses, such as stables or coops, shall be required to comply with the provisions of this section pertaining to location and lot coverage.

Sec. 13.4: Amend Article 30-4.D.3(f), Community Gardens, by adding an additional subsection (8) as follows:

(8) Only permanent structures associated with these uses, such as storage buildings or potting sheds, shall be required to comply with the provisions of this section pertaining to location and lot coverage.

Section 14. Amend Articles 30-3.E.4 and E.5 to modify and clarify height standards in the LC and CC commercial districts.

Sec. 14.1: Amend Article 30-3.E.4 LC Limited Commercial District, Height, to delete “(ft.)” in the Dimensional Standard for Height, max.; replace “50” with “the greater of four (4) stories or 55 ft.”; and replace “35” with “the lesser of three (3) stories or 40 ft.”.

Sec. 14.2: Amend Article 30-3.E.5 CC Community Commercial District, Height, to delete “(ft.)” in the Dimensional Standard for Height, max., and replace “65” with “the greater of six (6) stories or up to 75 feet”.

Section 15. 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 16. 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 25th day of July, 2011.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

City Clerk

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.

Item 2: Approval of the Minutes of the March 22, 2011 meeting.

Mr. McClung motioned approval, seconded by Mr. Holland and approved unanimously.

Item 3: Approval of the Minutes of the April 19, 2011 meeting.

Mr. Watt motioned approval, seconded by Mr. McClung and approved unanimously.

After explaining the rules for speakers and the role of the Planning Commission, Mr. Cox opened the hearings.

Item 4: PUBLIC HEARING to consider Case No. 11-12F: A request by WBM, LLC for a waiver from the Condition of Approval that requires a sidewalk to be constructed along the entire length of the property fronting Old Bunce Road where the proposed subdivision will be located.

Ms. Bryant, planner, explained the request, which involved a proposal to construct 177' of the required 5' sidewalk along Old Bunce Road, but a request to waive the 154' for the remainder fronting on the public road because this portion intruded into a wetland area. The entire project involved 15.47 acres currently zoned R5A and R6 Residential.

She explained that the Commission members needed to consider: Was there an unnecessary hardship; were there conditions peculiar to the site and not the fault of the owner/developer; and can the intent of the requirement still be met? She indicated the City's Engineering Department had submitted a letter confirming the difficulties and recommending accepting payment in lieu of construction of the sidewalk in this section.

Mr. Holland explained that he needed to recuse himself from this case. Mr. Watt made the motion and Mr. Michael seconded the motion to recuse Mr. Holland. The motion passed unanimously.

The public hearing was opened and Mr. Cox called the first, and only, speaker signed up to speak, Mr. Chris Pusey with 4D Site Solutions Engineers. He confirmed the situation described by Ms. Bryant. Following questions about the nature of the difficulty, he indicated that, based on his experience, it was extremely unlikely they could secure a Corps of Engineers permit to construct a sidewalk across the wetlands and stream.

Mr. McClung expressed concern about the gap in public bicycle or pedestrian access that would be created from here to the recreation center and the closest convenience store up Bunce Road. In response to questions about other alternatives, such as using the right-of-way, Mr. Pusey explained that the ROW in this area was about eight feet but there was no curb and gutter. When there is no barrier such as a curb, DOT does not allow sidewalk within the ROW. He explained that once you moved outside the ROW area onto private property, the area of fill and stream/wetland alteration that would be required became quite large and that seldom did the Corps approve such requests.

Mr. Watt made a motion to recommend approval of the waiver and instead accept in-lieu payment. The motion was seconded and approved with Mr. McClung voting in opposition.

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.

Item 7: Upcoming Meetings

July 19, 2011 -- After discussion, members agreed that if no other cases required their attention, this would be a good opportunity for a meeting with the County Planning Commission.

Item 8: Other Business -- None

Item 9: Adjournment

Mr. Cox's motion for adjournment was seconded, and the meeting adjourned at 5:50 p.m.

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

Approved at Meeting of _____

Proposed Urban Agriculture Amendments to the UDO

Amend Article 30-4.B.2(b)(2) to insert the underlined text:

- (2) Examples
Example use types include agricultural processing for on-site uses; agri-education, agri-tourism, and agri-entertainment, including associated incidental retail sales and lodging; farm co-op operations; agricultural research facilities; animal care uses; stables; equestrian facilities; and fairgrounds.

Commentary: These changes are intended to include “agri-tourism” as an example of an Agricultural Support and Services use and to ensure that incidental retail sales, such as selling corkscrews at a winery, or incidental lodging, such as providing bunking for guests at a dude ranch, are accommodated.

Amend Article 30-4.D.2(e), Table of Permitted Accessory Uses, to delete the text in the table cell containing “Housing for Poultry” and replace it with “Horticulture and Agriculture.”

Amend Article 30-4.D.3(i) by deleting the existing wording regarding “Housing for Poultry” standards in its entirety and replacing it with:

- (i) **Horticulture and Agriculture**
Horticultural and agricultural uses include home gardens, fruit trees, ornamental ponds, ponds used for aquaculture, bee-keeping, keeping of animals and fowl, and similar uses. The horticulture and agriculture use shall comply with the following standards:
- (1) Such uses shall be conducted in conformance with the requirements of Chapter 6 of the City of Fayetteville Code of Ordinances, entitled *Animals and Fowl*, as applicable.
 - (2) Only permanent structures associated with these uses, such as stables or coops, shall be required to comply with the provisions of this section pertaining to location and lot coverage.

Commentary: These changes are to clarify that urban agriculture, gardening and such uses are clearly allowed provided that they are properly managed, and that the less-restrictive provisions of Chapter 6 govern the number of rabbits and poultry allowed to be kept. Gardens, beehives, ponds, fruit trees, etc. can be placed anywhere on the lot, but permanent structures need to comply with accessory use location and lot coverage standards.

Amend Article 30-4.D.3(f), Community Gardens, by adding an additional subsection (8) as follows:

- (8) Only permanent structures associated with these uses, such as storage buildings or potting sheds, shall be required to comply with the provisions of this section pertaining to location and lot coverage.

Commentary: This change is to clarify that gardens, fruit trees, etc. can be placed anywhere on the lot, but permanent structures need to comply with accessory use location and lot coverage standards.

Proposed Height Standard Amendments to the UDO

Amend Article 30-3.E.4 LC Limited Commercial District, Height, to delete “(ft.)” in the Dimensional Standard for Height, max., replace “50” with “the greater of four (4) stories or 55 ft.”, and replace “35” with “the lesser of three (3) stories or 40 ft.”.

Commentary: In discussions during the preparation of the UDO, staff described the type of development allowed by right in the LC Limited Commercial district as typically between 2 and 4 stories. Some existing four-story office/commercial developments exceed the 50 foot maximum height standard for the LC district. Modifying the allowed height to clearly allow four stories and the potential for up to five stories for commercial or mixed use development, depending on site characteristics, provides the needed flexibility while still achieving the desired character of development. Adjustment to the height limit for residential is intended to allow up to three stories by right, with taller buildings and higher density available through the mixed use approach in the LC district.

Amend Article 30-3.E.5 CC Community Commercial District to delete “(ft.)” in the Dimensional Standard for Height, max., and replace “65” with “the greater of six (6) stories or up to 75 feet”.

Commentary: The recommended increase in height in the CC district reflects expectations that this district contains more intense and dense development. The recommended maximum height recognizes the change to high-rise building standards for buildings 75 feet or more in height. Staff recommends the cap of 75 feet because true high-rise development should be encouraged only in carefully selected activity centers where transportation modes and other services can accommodate the development intensity.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: July 25, 2011
RE: **Case P11-09F. The remapping of all Zoning Districts within the City of Fayetteville to the closest matching districts within the new Unified Development Ordinance (UDO). This affects all owners of property within the City limits of Fayetteville.**

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 property within Fayetteville's City Limits

Applicant: City of Fayetteville

Requested Action: Appropriate translation to the closest matching new UDO districts

Property Address: All properties within Fayetteville's City Limits (over 75,000 parcels)

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

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.

Additional information such as maps of the existing and proposed zoning, the UDO text, translation guides and frequently asked questions may be found on the City's website at http://www.ci.fayetteville.nc.us/new_udo_zoning/

ISSUES:

In May and June of this year a series of 4 public hearings were held, 2 by the Zoning Commission and 2 by the City Council. These public hearings allowed the Council and Commission to look at the zoning districts as a whole throughout the city and to focus on individual properties that were of specific concern to their owners. From these public hearings staff has revised and compiled a final UDO Zoning Map. This final map incorporates all zoning districts from throughout the city. The map also incorporates changes and omissions that have occurred during the remapping process to this date.

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 zoning of a property in the sense of a standard rezoning, or to correct what may appear to be an improper or undesirable zoning.

Correction of Translation Errors:

During the public hearings of the past few weeks, staff heard from several property owners whose properties were either incorrectly designated or could make a compelling case for a different designation under the procedures followed by staff in the remapping process. These situations are described below and have been resolved in the proposed zoning map.

Owner	Address	Change
Hendrick Toyota	1969 Skibo Rd	changed to CC to prevent nonconformity
Tommy Bradford	2350 Bentrige	changed to LC to prevent nonconformity
John Gillis	2561 Gillis Hill	changed to CC based on planned road improvements and surrounding development
John Gillis	Gillis Hill area	changed to CC based on planned road improvements and surrounding development
John Gillis	Gillis Hill area	changed to CC based on planned road improvements and surrounding development

Zoning Commission Recommendation:

The Zoning Commission heard from eight speakers on July 12, 2011, representing approximately 50 parcels, including the 39 properties listed in the protest petition (June hearing). The Zoning Commission decided to recommend that all these properties be rezoned as requested by the speakers. Vote: 3-2 in favor. (Tally and Mannell in opposition)

Staff is evaluating each of the properties that were identified in the public hearing at the July 12 Zoning Commission meeting using our guidelines for translation. As a result, at the City Council meeting, we expect to have a few additional properties that we would recommend being addressed in the remapping motion. Staff notes that roughly half of the list considered by the Zoning Commission has already been accommodated in the remapping proposed by staff, and that most of the remaining properties on the list are proposed for a clear change in zoning or are part of the primary remaining issue addressed in the following paragraph, both of which are violations of the translation guidelines we have been using. Consequently, we can support only a portion of what the Zoning Commission has proposed.

The foremost remaining issue from the limited number of property owners who are concerned about the UDO is the fact that the UDO will prohibit multi-family development in the SF-15 and SF-10 zoning districts and require a special use permit for such development in the SF-6 zoning district. Since the initiation of the UDO process, limitations on widespread and unrestricted allowance of multifamily development within and proximate to single family neighborhoods have been a desired and expected result of the UDO. Staff has consistently followed this approach in assigning zoning classifications for such properties.

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

RECOMMENDED ACTION:

Zoning Commission Recommendation:

The Zoning Commission recommends that the City Council move to APPROVE the remapping of all zoning districts within the City Limits as shown on the attached City of Fayetteville UDO Zoning Map and with changes as shown on the attached list. (Option 2)

Staff Recommendation: The staff recommends that the City Council move to

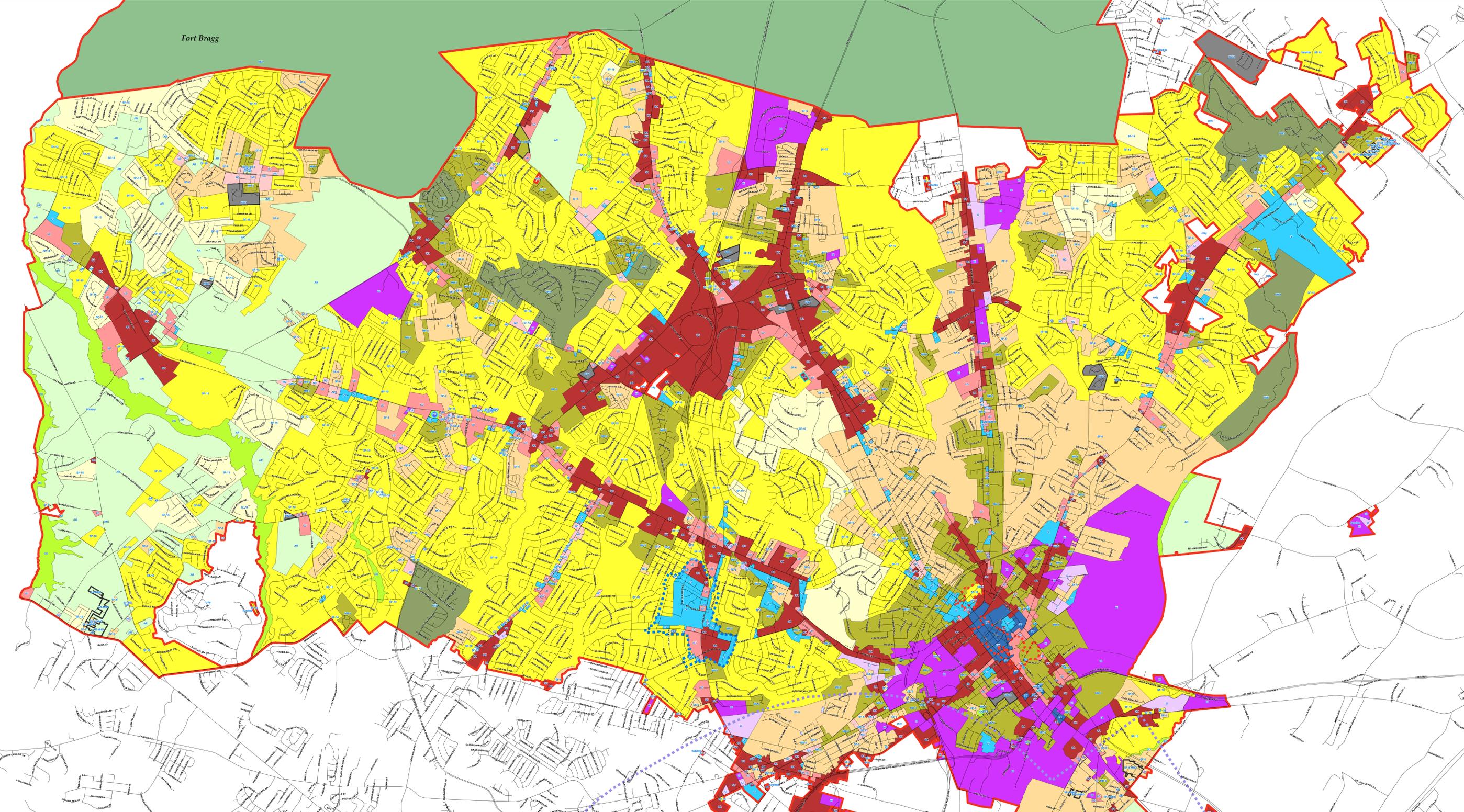
APPROVE the remapping of all zoning districts within the City Limits as shown on the attached City of Fayetteville UDO Zoning Map. (Option 1)

ATTACHMENTS:

Official UDO Zoning Map

Properties Protested at ZC 7-12-2011

Fort Bragg



City of Fayetteville UDO Zoning Map

Legend

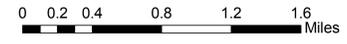
Streets	AR	CD	M/A	MU	PND	SF-15
APO	AR-MHO	DT	M2/Conditional	MU/Conditional	R5/Conditional	SF-15-MHO
HAO	C1/Conditional	HI	MHO	NC	R6/Conditional	SF-6
HLO	C3/Conditional	LC	MR-5	OI	SF-10	SF-6-MHO
HLO	CC	LI	MR-5-MHO	P2/Conditional	SF-10-MHO	County
City Limits						

*MHO is a Manufactured Housing Overlay District

Map Updated: 7/1/2011

Disclaimer: This map is for informational purposes only. The map is NOT of land survey quality and is NOT suitable for such use. The City of Fayetteville assumes no liability arising from the use of the map.

This map was created by the Planning Division of the City of Fayetteville's Development Services Department to show the zoning districts of Fayetteville. The information shown is current as of the date indicated. Please note the map disclaimer. Should you have questions, concerns or corrections to this map, please contact the City of Fayetteville Planning Office at 910.433.1612.



Zoning Change Requests - Yarborough Protest Petition

Owner	Address	PIN	Current Zone	UDO Zone	Requested Zone	Staff Comments
1 Butch Dunlap	502 Setter Drive	0530-30-8380-	R6	SF-6	MR-5	Straight Translation
2 Joe Riddle	Glensford Drive	0417-26-2808-	P2	OI	?	Straight Translation
3 Joe Riddle	N/A	0530-41-9723-	R10	SF-10	MR-5	Straight Translation
4 Joe Riddle	Alleghany Road	0416-37-7799-	R10	SF-10	MR-5 or CD	Straight Translation
5 Joe Riddle	N/A	0416-47-0684-	R10	SF-10	MR-5 or CD	Straight Translation
6 Joe Riddle	N/A	0416-49-5192-	R10	SF-10	MR-5 or CD	Straight Translation
7 Joe Riddle	700 McArthur Road	0530-31-2280-	R6	SF-6	MR-5	Straight Translation
8 March Riddle	N/A	9495-36-4773-	AR	SF-15	SF-15	To comply with existing setbacks in approved subdivision. (changed after meeting with owner)
9 March Riddle	2345 Dundle Road	9495-47-0022-	CD	CD	SF-10	Straight Translation
10 March Riddle	3330 Broomsgrove Drive	9495-11-5899-	R10	SF-10	?	Straight Translation
11 March Riddle	Lakeridge Drive	0405-47-0315-	R10	SF-10	CD	Straight Translation
12 March Riddle	N/A	0408-82-2846-	R10	SF-10	?	Straight Translation
13 March Riddle	Marshall Road	0417-80-0261-	R10	SF-10	OI	Straight Translation
14 March Riddle	N/A	9497-91-3688-	R10	SF-10	MR-5	Straight Translation
15 March Riddle	2377 Dundle Road	9495-37-7365-	R6	SF-6	MR-5	Straight Translation
16 March Riddle	N/A	0429-53-4492-	R6/R10/C1P	SF-6/R-10/CC	?	Straight Translation
17 Joe Riddle	Duncastle Road	0417-17-5787-	C1P	CC	?	Resolved - CC is most intense commercial zone
18 Joe Riddle	6017 Raeform Road	0407-60-3855-	C1P	LC	Owner ok with LC	Resolved
19 Joe Riddle	Sycamore Dairy Road	0418-53-3255-	C1P	LC	CC	Proximity to residential development
20 Joe Riddle	Ramsey Street	0530-51-8477-	C1P	LC	Owner ok with LC	Buffer between CC and Residential
21 Joe Riddle	Joe Riddle	0530-51-9133-	C1P	LC	Owner ok with LC	Buffer between CC and Residential
22 Joe Riddle	Ramsey Street	0530-51-6470-	C1P	LC	Owner ok with LC	Buffer between CC and Residential
23 Joe Riddle	Duncastle Road	0417-17-8758-	C1P	CC	?	Resolved - CC is most intense commercial zone
24 Joe Riddle	5500 Yadkin Road	0408-57-9008-	C1P	LC	Owner ok with LC	Resolved
25 Joe Riddle	160 N. McPherson Church Road	0418-40-7250-	C1P	LC	Owner ok with LC	Lot sizes and proximity to residential development
26 Joe Riddle	3317 Bragg Boulevard	0418-81-6969-	R10/C1P	SF-10/CC	SF-10/CC	Staff changed to SF-10 and CC per existing uses
27 John Gillis	?	9486-46-9227-	C1P	CC	CC	Resolved - CC is most intense commercial zone
28 John Gillis	Gillis Hill Road	9486-33-1108-	C1P	CC	CC	Resolved - Staff agrees with owner after reviewing circumstances
29 John Gillis	N/A	9486-24-3086-	C1P	CC	CC	Resolved - Staff agrees with owner after reviewing circumstances
30 John Gillis	2561 Gillis Hill Road	9486-22-8663-	C1P/CD	CC	CC	Resolved - Staff agrees with owner after reviewing circumstances
31 John Gillis	7593 Raeform Road	9486-55-3779-	C1P	LC	Owner ok with LC	Secondary commercial area
32 John Gillis	2148 Rim Road	9486-46-9665-	C1P	LC	Owner ok with LC	Secondary commercial area
33 John Gillis	7604 Raeform Road	9486-56-1164-	C1P	LC	Owner ok with LC	Secondary commercial area
34 March Riddle	Santa Fe Drive	0408-46-8951-	C1	LC	Owner ok with LC	Buffer between CC and Residential
35 March Riddle	N/A	0408-85-0108-	C1P	LC	Owner ok with LC	Proximity to residential development
36 March Riddle	Shepherd Street	0416-89-5706-	C1P/R10	MR5/LC/CC/SF-10	OI	Buffer between CC and Residential
37 March Riddle	Reilly Road	9498-62-4124-	C1P	LC	LC	Agreed to LC as requested by owner
38 March Riddle	Reilly Road	9498-62-4781-	C1P	LC	LC	Agreed to LC as requested by owner
39 Cam Stout	Boone Trail Extension	0426-25-5453-	P2	OI	CC	This is a rezoning and not a translation

Zoning Change Requests - ZC Public Hearing - July 15, 2011

Owner	Address	PIN	Current Zone	UDO Zone	Requested Zone	Staff Comments
1	John Williams Jr West Raeford Rd.	9476-95-3701-	R10	SF-10	MR-5	Property rezoned 2 years ago to R10 from AR. Property has an AR subdivision to the west, a R15 subdivision to the east and a conservation district to the south. Parking and storage area for concrete block manufacturing plant.
2	Bob Allen 1108 Ramsey St	0438-60-3972-	C3	CC	LI	
	Bob Allen 1108 Ramsey St	0438-60-7892-	C3	CC	LI	
	Bob Allen 1108 Ramsey St	0438-60-7548-	C3	CC	LI	
	Bob Allen 1108 Ramsey St	0438-60-4546-	C3	CC	LI	
3	John Tyson 3611 Ramsey Rd	0438-60-7408-	C3	CC	LI	
4	John Tyson 590-600 Cedar Creek Rd	0439-54-6895-	C1P	LC	CC	Warehouse facility
	John Tyson 590-600 Cedar Creek Rd	0446-57-6549-	C1P	NC	CC	Strip mall with grocery store.
	John Tyson 590-600 Cedar Creek Rd	0446-58-7258-	C1P	NC	CC	
	John Tyson 590-600 Cedar Creek Rd	0446-59-6004-	C1P	NC	CC	
	John Tyson 590-600 Cedar Creek Rd	0446-67-0460-	C1P	NC	CC	
5	John Tyson 645 Hay Street	0446-67-0517-	C1P	NC	CC	Stone Manor - Text amendment more appropriate than change in zoning.
		0437-35-3142-	P2	O&I	LC	

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: James Rose, PWC Chief Administrative Officer
DATE: July 25, 2011
RE: **Phase 5 Annexation Areas 10, 11, and 11-WS Public Hearing**

THE QUESTION:

Providing utility services to Areas 10, 11, and 11-WS of the Phase 5 Annexation.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: More Efficient City Government – Cost-Effective Service Delivery

BACKGROUND:

City Council approved the Preliminary Assessment Resolutions in their meeting on June 13, 2011 for Areas 10, 11, and 11-WS of the Phase 5 Annexation. The Resolutions set the date of the public hearing for Monday, July 11, 2011 to hear public comment. Due to that City Council meeting being cancelled, the public hearing is now scheduled for July 25, 2011.

A notice was published in the Fayetteville Observer regarding the public hearing and the preliminary assessment letters were mailed June 20, 2011 informing the property owners of the public hearing date. I have attached the certificates of mailing as well as the newsletter mailed to the residents notifying them of the change of the public hearing date. After the public hearing, the next step in the process is to approve the Resolution Directing Project be Undertaken. This item will be scheduled for August 8, 2011, for consideration.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Hold public hearing on July 25, 2011 for the purpose of receiving public comments regarding the Preliminary Assessment Resolution. No action is appropriate at this meeting.

ATTACHMENTS:

Certificates of Mailing
Newsletter
Powerpoint Presentation

CERTIFICATE OF MAILING OF PRELIMINARY ASSESSMENT RESOLUTIONS
Phase V Annexation, Areas 10 and 11

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF FAYETTEVILLE:

I, Cheryl Jones, do hereby certify that copies of the Preliminary Assessment Resolution providing for the proposed extension of its sanitary sewer collection system in all or a portion of Ayton Place, Bailey Lake Road, Barwick Drive, Bostian Drive, Carloway Drive, Carloway Place, Cullen Drive, Dunham Drive, Elkins Drive, Gairloch Drive, Glanis Drive, Kilmory Drive, Kincross Avenue, Larkhall Drive, Norton Drive, Rannock Court, Rannock Drive, Rutherglen Drive, Strathdon Avenue, Strickland Bridge Road, and Torchie Street in Area 10 and Artesian Court, Atwick Drive, Berriedale Drive, Darvel Avenue, Doncaster Drive, Gairloch Drive, Glanis Drive, Glanis Place, Kincross Avenue, Larkhall Drive, Marykirk Drive, Mathau Court, Rannock Drive, Rutherglen Drive, and Tarbert Avenue in Area 11 adopted on the 13th day of June, 2011 were mailed by first class mail on the 20th day of June, 2011 to the owners of all real property subject to assessment should the project be undertaken.

IN WITNESS WHEREOF, I have hereunto signed and sealed this instrument,

Cheryl Jones
Signature

6-20-11
Date

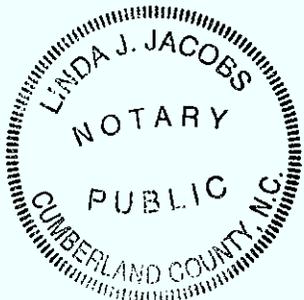
NORTH CAROLINA -- CUMBERLAND COUNTY

I, Linda J. Jacobs, a Notary Public of said County and State, certify that Cheryl Jones came before me this day and acknowledged that she accomplished the mailing in compliance with North Carolina GS 160A-224.

Witness my hand and Notarial Seal, this the 20th day of June, 2011.

My Commission expires: 5-10-2014

Linda J. Jacobs
Notary Public



**CERTIFICATE OF MAILING OF PRELIMINARY ASSESSMENT RESOLUTIONS
Phase V Annexation, Area 11-WS**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF FAYETTEVILLE:

I, Cheryl Jones, do hereby certify that copies of the Preliminary Assessment Resolution providing for the proposed extension of its sanitary sewer collection system and, where necessary, a water distribution system in all or a portion of Arran Circle and Bingham Place within Area 11-WS adopted on the 13th day of June, 2011 were mailed by first class mail on the 20th day of June, 2011 to the owners of all real property subject to assessment should the project be undertaken.

IN WITNESS WHEREOF, I have hereunto signed and sealed this instrument,

Cheryl Jones
Signature

6-20-11
Date

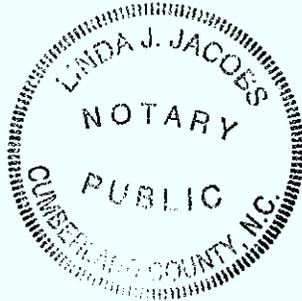
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Linda J. Jacobs
Notary Public





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

PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE
ELECTRIC & WATER UTILITIES

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

June 27, 2011

PUBLIC HEARING DATE CHANGE

Please note the public hearing scheduled for Monday, July 11, 2011 has been rescheduled for Monday, July 25, 2011. The City Council will hold a public hearing at 7 p.m. for the purpose of receiving public comments regarding the recommendations for Preliminary Assessment Resolution for Areas 10, 11, and 11-WS for the Arran Hills and Arran Park areas of the Phase 5 Annexation. Information regarding the public hearing was originally mailed on June 20, 2011.

Individuals wishing to speak at a public hearing may 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 between 6:30 p.m. and 7:00 p.m. on July 25, 2011 in Council Chambers of City Hall.

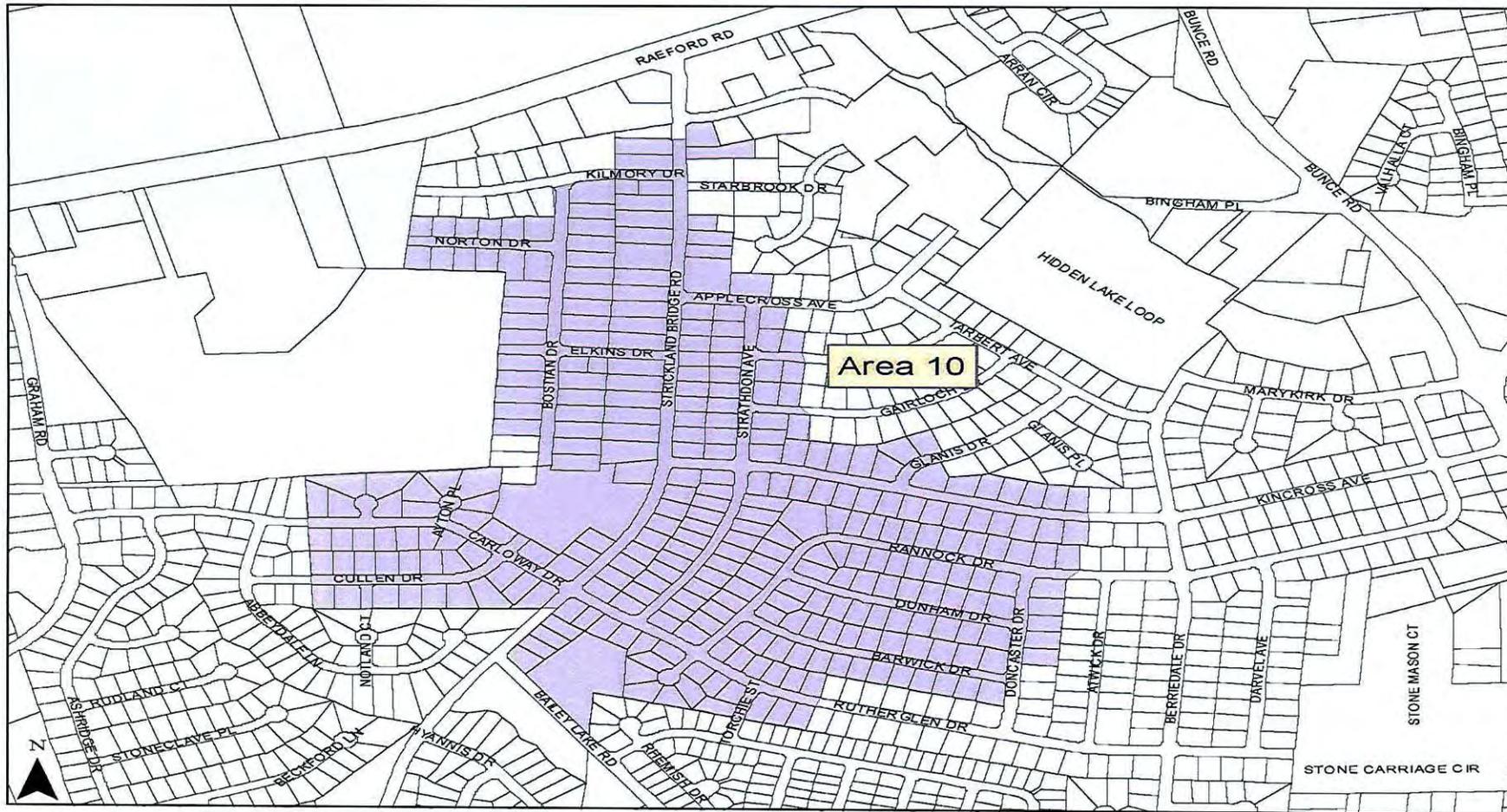


Phase V Annexation

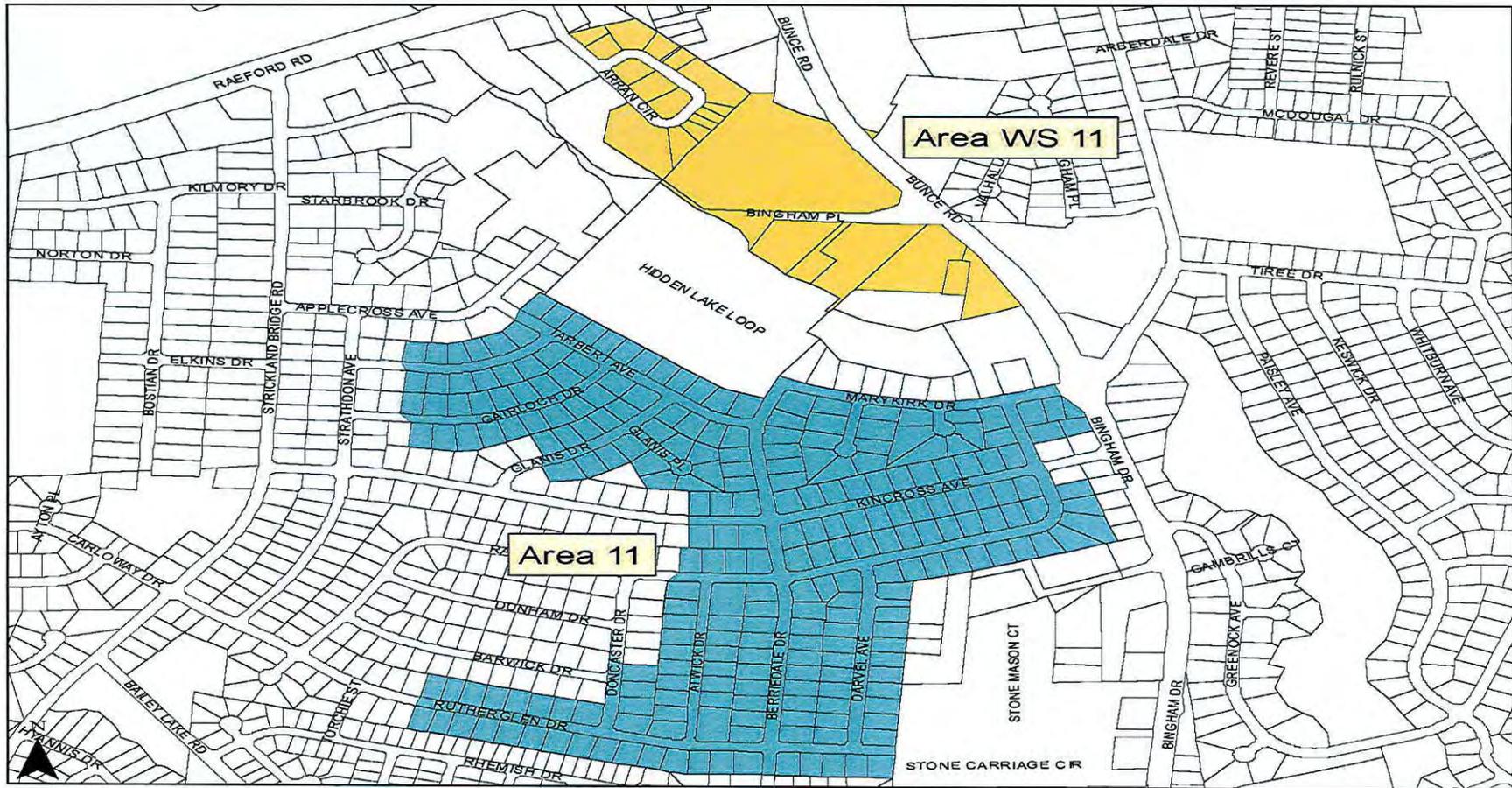
Construction Areas 10, 11, and 11-WS

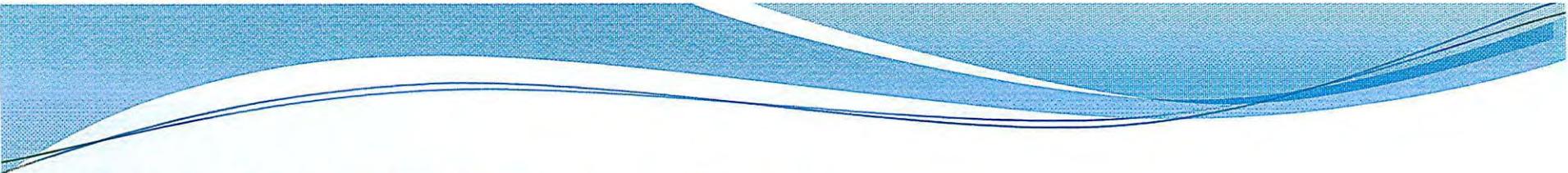
**Public Hearing
July 25, 2011**

Construction Area 10



Construction Area 11 and 11-WS





Project Overview

- Events To Date
- Proposed Project Schedule
- Cost to Property Owners
- Financing Options



Events To Date

- September 29, 2010 - Survey & Appraisal Notification Letters Mailed to Property Owners
- June 13, 2011 - Council Adopted the Preliminary Assessment Resolution
- June 20, 2011 - Copies of Resolution Mailed to Property Owners



Proposed Project Schedule

- Advertise and Award Construction Bids – August, 2011
- Construction Complete – October, 2012
- Preliminary Assessment Roll – January, 2013
- Confirm Assessments – February, 2013



Cost to Property Owners

- Residential: Typical single family residential lot: \$5,000
- Non-Residential: For all other properties, a per front foot rate of \$55.56 with a 90' minimum plus the average lateral charge
- No payment due until construction is complete and assessment roll adopted
- Financial assistance available for those that qualify



Payment Options

- Pre Pay
- In Full (No interest within 30 days from notice)
- Financing
 - 10 year term at a an interest rate not to exceed 8% *
 - Annual or monthly installments
 - Example: \$65 per month based on 10 years at 8%

Questions



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: July 25, 2011
RE: **Tax Refunds of Less Than \$100**

THE QUESTION:

No action required. Information only.

RELATIONSHIP TO STRATEGIC PLAN:

Not applicable.

BACKGROUND:

Approved by the Cumberland County Special Board of Equalization for the month of June, 2011.

ISSUES:

None.

BUDGET IMPACT:

The tax refund is \$69.85.

OPTIONS:

Not applicable

RECOMMENDED ACTION:

Information only. No action required.

ATTACHMENTS:

Tax Refunds of Less Than \$100



July 25, 2011

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable *NW*

RE: Tax Refunds of Less Than \$100

The tax refunds listed below for less than \$100 were approved by the Cumberland County Special Board of Equalization for the month of June, 2011.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Prime Mortgage Lending Inc.	6843174	2008-2010	Duplicate Listing	69.85
TOTAL				\$69.85

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: City Clerk's Office
DATE: July 25, 2011
RE: **Monthly Statement of Taxes for June 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 June 2011.

ISSUES:
N/A

BUDGET IMPACT:
N/A

OPTIONS:
For information only

RECOMMENDED ACTION:
For information only

ATTACHMENTS:
Monthly Statement of Taxes for June 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: July 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 June 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**

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
27.41	322.87	0.00	0.00	60.00	60.00	0.00	0.00	0.00	0.00
324.22	312.81	0.00	0.00	55.00	55.00	12.00	24.00	38.00	0.00
30.41	706.53	0.00	0.00	95.00	95.00	0.00	0.00	0.00	0.00
0.00	286.37	0.00	0.00	70.00	70.00	0.00	0.00	0.00	0.00
547.36	323.90	0.00	0.00	70.00	70.00	24.00	48.00	76.00	0.00
237.67	165.18	0.00	0.00	45.00	45.00	11.15	22.30	35.30	0.00
2.03	143.87	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00
400.82	469.34	0.00	0.00	109.09	109.08	12.00	24.00	38.00	0.00
75.34	422.19	0.00	0.00	105.00	105.00	0.00	0.00	0.00	0.00
135.44	298.05	0.00	0.00	63.45	63.45	0.00	0.00	0.00	0.00
9.50	480.88	0.00	0.00	80.00	80.00	0.00	0.00	0.00	0.00
0.00	308.32	0.00	0.00	53.41	53.40	0.00	0.00	0.00	0.00
1,150.03	(102.09)	0.00	0.00	10.00	10.00	36.00	72.00	114.00	0.00
241.13	198.27	0.00	0.00	47.17	47.17	12.00	24.00	38.00	0.00
236.56	(15.02)	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00
5.42	243.55	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00
4.56	291.33	0.00	0.00	40.00	40.00	0.00	0.00	0.00	0.00
604.41	157.91	0.00	0.00	35.00	35.00	36.00	72.00	152.00	0.00
392.48	300.41	0.00	0.00	52.83	52.83	17.18	34.37	45.83	0.00
238.60	27.45	0.00	0.00	20.00	20.00	12.00	24.00	38.00	0.00
363.02	234.23	22.29	0.00	15.00	15.00	14.87	29.74	47.10	0.00
322.39	543.71	0.00	0.00	68.89	68.90	24.00	48.00	76.00	0.00
5,348.80	6,120.06	22.29	0.00	1,189.84	1,189.83	211.20	422.41	698.23	0.00

FAYETTEVILLE MACC LEDGER
2000-2010

2008 CC	2008 VEHICLE	2008 CC REVIT	2008 VEHICLE REVIT	2008 FVT	2008 TRANSIT	2008 STORM WATER	2008 FAY STORM WATER	2008 FAY RECYCLE FEE	2008 ANNEX	2007 CC	2007 VEHICLE	2007 CC REVIT
0.00	109.98	0.00	0.00	22.53	17.54	0.00	0.00	0.00	0.00	19.66	84.42	0.00
0.00	242.35	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	0.00	62.12	0.00
0.00	40.91	0.00	0.00	25.31	10.31	0.00	0.00	0.00	0.00	0.00	(63.02)	0.00
0.00	8.27	0.00	0.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	114.78	0.00
204.05	93.86	0.00	0.00	15.00	0.00	12.00	24.00	42.00	0.00	0.00	18.94	0.00
92.86	73.36	0.00	0.00	10.00	5.00	0.00	0.00	0.00	0.00	0.00	5.47	0.00
248.86	80.01	0.00	0.00	20.00	20.00	0.00	0.00	0.00	0.00	0.00	3.14	0.00
5.27	150.34	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	271.98	0.00
10.31	303.87	0.00	0.00	22.47	22.46	0.00	0.00	0.00	0.00	0.00	5.35	0.00
0.00	99.26	0.00	0.00	15.00	10.00	0.00	0.00	0.00	0.00	0.00	20.71	0.00
0.00	0.00	0.00	0.00	4.88	0.00	0.00	0.00	0.00	0.00	0.00	30.98	0.00
0.00	90.28	0.00	0.00	10.00	10.00	12.00	0.00	0.00	0.00	0.00	10.07	0.00
142.18	250.07	0.00	18.52	25.00	15.00	12.00	24.00	42.00	0.00	0.00	46.85	0.00
4.81	88.21	0.00	0.00	15.00	5.00	0.00	0.00	0.00	0.00	0.00	41.87	0.00
35.67	(101.81)	0.00	0.00	0.00	5.00	0.00	0.00	0.00	0.00	0.00	45.91	0.00
0.00	20.41	0.00	0.00	20.00	15.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
44.64	7.16	0.00	0.00	5.00	5.00	36.00	0.00	0.00	0.00	44.33	33.25	0.00
611.67	98.74	0.00	0.00	25.00	20.00	24.00	48.00	84.00	0.00	0.00	25.71	0.00
37.05	56.89	0.00	0.00	25.00	10.00	0.00	0.00	0.00	0.00	1.31	54.06	0.00
0.00	44.37	0.00	0.00	6.43	1.43	0.00	0.00	0.00	0.00	0.00	55.72	0.00
281.65	47.59	0.00	0.00	5.00	5.00	12.00	24.00	42.00	0.00	0.00	38.72	0.00
404.20	69.19	0.00	0.00	20.00	10.00	24.00	48.00	84.00	0.00	0.00	4.29	0.00
2,123.22	1,873.31	0.00	18.52	341.62	231.74	132.00	168.00	294.00	0.00	65.30	911.32	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 REVIT	2006 & PRIOR CC REVIT	2006 & PRIOR VEH	2006 & PRIOR REVIT	2006 & PRIOR FVT	2006 & PRIOR STORM WATER	2006 ANNEX
0.00	24.74	0.00	0.00	0.00	33.02	28.71	0.00	0.00	0.00	0.00	11.93	0.00	0.00
0.00	15.00	0.00	0.00	0.00	660.30	18.21	0.00	0.00	0.00	0.00	5.00	0.00	0.00
0.00	15.00	0.00	0.00	0.00	0.00	109.02	0.00	0.00	0.00	0.00	25.00	0.00	0.00
0.00	10.00	0.00	0.00	0.00	0.00	107.84	0.00	0.00	0.00	0.00	25.00	0.00	0.00
0.00	10.00	12.00	0.00	0.00	24.09	48.65	0.00	0.00	0.00	0.00	25.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	21.63	0.00	0.00	0.00	0.00	10.00	0.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	127.92	0.00	0.00	0.00	0.00	10.00	0.00	0.00
0.00	20.00	0.00	0.00	0.00	5.73	81.10	0.00	0.00	0.00	0.00	15.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	17.62	118.74	0.00	0.00	0.00	0.00	15.00	0.00	19.64
0.00	0.00	0.00	0.00	0.00	43.42	11.70	0.00	0.00	0.00	0.00	13.07	0.00	0.00
0.00	10.00	0.00	0.00	0.00	0.00	143.45	0.00	0.00	0.00	0.00	15.00	2.70	0.00
0.00	5.00	0.00	0.00	0.00	0.00	253.85	0.00	0.00	0.00	0.00	20.00	0.00	0.00
0.00	10.00	0.00	0.00	0.00	25.39	197.76	0.00	0.00	0.00	0.00	20.00	0.00	0.00
0.00	5.00	0.00	0.00	0.00	30.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	15.00	0.00	0.00	0.00	0.00	67.52	0.00	0.00	0.00	0.00	10.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	42.64	0.00	0.00	0.00	0.00	17.58	0.00	0.00
0.00	0.00	12.00	0.00	0.00	0.00	17.24	0.00	0.00	0.00	0.00	0.00	12.00	0.00
0.00	10.00	0.00	0.00	0.00	0.00	77.96	0.00	0.00	0.00	0.00	20.00	0.00	0.00
0.00	15.00	0.00	0.00	0.00	18.80	95.62	0.00	0.00	0.00	0.00	35.00	0.00	0.00
0.00	15.00	0.00	0.00	0.00	0.00	75.97	0.00	0.00	0.00	0.00	40.00	0.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	14.63	0.00	0.00	0.00	0.00	5.00	0.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	84.05	0.00	0.00	0.00	0.00	15.00	36.00	0.00
0.00	194.74	24.00	0.00	0.00	858.63	1,744.21	0.00	0.00	0.00	0.00	352.58	50.70	19.64

FAYETTEVILLE MACC LEDGER
2000-2010

INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	TOTAL TAX & INTEREST
1,762.13	0.00	27.51	55.01	0.00	47.34	40,637.92
1,456.64	5.08	23.05	46.10	0.00	33.56	33,887.17
1,083.27	6.25	6.41	12.83	0.52	22.51	27,472.07
1,534.06	3.44	58.69	117.36	4.56	59.10	71,350.35
1,181.61	2.67	24.93	42.03	0.00	67.71	29,999.28
687.81	0.90	7.12	14.28	0.00	20.37	31,427.89
469.41	0.01	11.40	22.79	0.00	36.00	25,001.52
1,922.03	0.00	51.70	103.50	0.00	45.85	47,321.86
1,484.34	0.72	16.89	33.84	6.27	51.21	52,848.90
878.90	8.88	16.52	26.61	0.00	37.79	20,863.60
1,031.23	0.90	14.63	18.81	0.00	30.06	37,339.72
1,047.20	2.55	13.92	22.18	0.00	35.10	32,199.35
1,542.58	8.03	32.68	65.46	0.00	73.88	36,087.99
1,328.32	1.88	24.34	48.73	0.00	98.41	48,600.52
572.58	0.00	3.13	6.27	0.00	7.68	16,271.34
548.08	0.00	7.00	13.96	0.00	22.09	19,552.46
833.85	0.00	24.34	12.48	0.00	19.76	22,880.76
1,313.48	0.17	49.30	98.51	0.00	97.91	42,523.35
955.12	0.00	15.52	30.03	0.00	39.90	39,430.12
849.10	0.00	20.08	40.11	0.00	56.21	32,379.69
805.84	0.61	30.29	60.56	0.00	64.06	29,794.96
1,266.47	0.44	67.97	79.99	0.00	122.03	48,737.80
24,554.05	42.53	547.42	971.44	11.35	1,088.53	786,608.62