



FAYETTEVILLE CITY COUNCIL  
AGENDA  
OCTOBER 8, 2012  
7:00 P.M.  
Council Chamber

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**1.0 CALL TO ORDER**

**2.0 INVOCATION**

**3.0 PLEDGE OF ALLEGIANCE**

**4.0 APPROVAL OF AGENDA**

**5.0 PUBLIC FORUM**

**6.0 CONSENT**

6.1 Approve Meeting Minutes:

June 18, 2012 Special Meeting  
June 20, 2012 Agenda Briefing Meeting  
June 25, 2012 Discussion of Agenda Items  
June 25, 2012 Regular Meeting  
June 27, 2012 Special Meeting  
July 9, 2012 Discussion of Agenda Items  
July 9, 2012 Regular Meeting  
July 18, 2012 Agenda Briefing Meeting  
July 23, 2012 Discussion of Agenda Items  
July 23, 2012 Regular Meeting  
August 13, 2012 Discussion of Agenda Items

6.2 Resolution Adopting the amended North Carolina Municipal Records Retention and Disposition Schedule

6.3 Technical Correction - Ordinance to Repeal the PROP Ordinance

6.4 Budget Ordinance Amendment 2013-6 (Emergency Telephone System Fund)

6.5 Special Revenue Fund Project Ordinance 2013-6 (2012 Prescription Drug Initiative)

- 6.6 Special Revenue Fund Project Ordinance 2013-7 (Fayetteville Family Justice Center)
- 6.7 Award Contract for the Purchase and Installation of Public Safety Dispatch Console Systems
- 6.8 Award Contract for the Purchase of One (1) Cab and Chassis with a 16 Cubic Yard Refuse Body
- 6.9 P12-46F. Request for rezoning from SF-10 Single Family to O&I Office and Institutional district on property located at Cromwell Ave. Containing 1.46 acres more or less and being the property of Northwood Temple International Pentecostal Holiness Church.
- 6.10 P12-47F. Request for rezoning from HI Heavy Industrial district to LI Light Industrial district on property located at 2838 Enterprise Ave. Containing 2.02 acres more or less and being the property of John & Zoila Degreff.
- 6.11 Bid Recommendation- 33,000 GVWR Cab and Chassis with Fuel/Lube Body
- 6.12 PWC Electric, Water/Wastewater and Fleet Maintenance Internal Service Fund Budget Amendment #1 and Electric Utility System Rate Stabilization Fund Budget Amendment #14
- 6.13 Tax Refunds of Greater Than \$100

## **7.0 PUBLIC HEARINGS**

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

- 7.1 Request by Sentry Security Systems for an amendment to City Code Art. 30-5.D to permit a 10' electric fence inside another fence on any non-residential outdoor storage area.  
Presenter(s): Karen Hilton, Manager, Planning and Zoning Div.

- 7.2 Public Hearing on the Candidacy of Dimona City, Israel as a Potential Sister City

Presenter(s): Mr. Vincent Higgins, Co-Chair, Fayetteville Chapter Sister Cities and Mr. Steven Edelman, Jewish Community Representative to the Fayetteville Chapter of Sister Cities

## **8.0 OTHER ITEMS OF BUSINESS**

- 8.1 Authorizing Condemnation on Remaining Parcels for Hope VI Business Park

8.2 Resolution Making Certain Findings and Determinations and Authorizing the Filing of an Application with the Local Government Commission in Connection with the Proposed Authorization of Parks and Recreation Bonds by the City

8.3 FY 2013 Strategic Plan 1st Quarter Report

Presenter(s): Rebecca Rogers-Carter, Management Services Manager

8.4 NC League of Municipalities (NCLM) Annual League Business Meeting Voting Delegates

Presenter(s): Ted Voorhees, City Manager

8.5 Uninhabitable Structures Demolition Recommendations

2216 Edgar Street  
2009 Murchison Road  
229 Nimocks Avenue  
1517 Slater Avenue

Presenter(s): Scott Shuford, Development Services Director

## **9.0 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 non-public 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**

**October 8, 2012 - 7:00 p.m.**

**COMMUNITY CHANNEL 7**

### **COUNCIL MEETING WILL BE RE-AIRED**

**October 10, 2012 - 10:00 p.m.**

### **COMMUNITY CHANNEL 7**

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

**CITY COUNCIL ACTION MEMO**

**TO:**

**FROM:**

**DATE:** October 8, 2012

**RE:**

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**THE QUESTION:**

**RELATIONSHIP TO STRATEGIC PLAN:**

**BACKGROUND:**

**ISSUES:**

**BUDGET IMPACT:**

**OPTIONS:**

**RECOMMENDED ACTION:**

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and City Council  
**FROM:** Pamela Megill, City Clerk  
**DATE:** October 8, 2012  
**RE: Approve Meeting Minutes:**  
  
June 18, 2012 Special Meeting  
June 20, 2012 Agenda Briefing Meeting  
June 25, 2012 Discussion of Agenda Items  
June 25, 2012 Regular Meeting  
June 27, 2012 Special Meeting  
July 9, 2012 Discussion of Agenda Items  
July 9, 2012 Regular Meeting  
July 18, 2012 Agenda Briefing Meeting  
July 23, 2012 Discussion of Agenda Items  
July 23, 2012 Regular Meeting  
August 13, 2012 Discussion of Agenda Items

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**THE QUESTION:**

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

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**BACKGROUND:**

The Fayetteville City Council conducted meetings on the referenced dates 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:**

June 10, 2012 Special Meeting  
June 20, 2012 Agenda Briefing  
June 25, 2012 Discussion of Agenda Items  
June 25, 2012 Regular Meeting  
June 27, 2012 Special Meeting

July 9, 2012 Discussion of Agenda Items  
July 9, 2012 Regular Meeting  
July 18, 2012 Agenda Briefing  
July 23, 2012 Discussion of Agenda Items  
July 23, 2012 Regular Meeting  
August 13, 2012 Discussion of Agenda Items

# DRAFT

FAYETTEVILLE CITY COUNCIL  
SPECIAL MEETING MINUTES  
LAFAYETTE ROOM  
JUNE 18, 2012  
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:30 p.m.); Robert A. Massey, Jr. (District 3) (arrived at 6:30 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); James W. Arp, Jr. (District 9)

Absent: Council Member Wade Fowler (District 8)

Others Present: Kristoff Bauer, Interim City Manager  
Brad Whited, Interim Assistant City Manager  
Karen M. McDonald, City Attorney  
Michael Gibson, Parks, Recreation and Maintenance  
Director  
Pamela Megill, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

## 2.0 ITEMS OF BUSINESS

### 2.1 Parks and Recreation - Park Bond Proposal

Mr. Kristoff Bauer, Interim City Manager, and Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item with the aid of a power point presentation. Mr. Bauer stated at the Council's direction in 2005 the Strategic Plan called for an increase in Parks and Recreation opportunities. He further stated a Master Plan was developed in 2006 and the Parks and Recreation Master Plan was adopted in 2007. The City and County completed a Parks and Recreation project list in 2008 and a funding plan for the project list was created in 2009. He stated the Master Plan was approved by the Parks and Recreation Advisory Board. Finally, he stated in May 2012 the County withdrew from the joint venture, and the Master Plan was revised to become a City-only project that would be operationally self-sustaining as a package and would provide the best opportunity for community support.

Mr. Bauer then reviewed the questions he had received from Council and the responses as follows:

Q1. Can there be a list of options on the ballot?

Only issue is debt authority - separate ballot for each debt authorization - must pass independently.

Q2. Can portions of the community vote separately?

No, all General Obligation (GO) debt must be approved by a vote of the entire jurisdiction.

Q3. Can the vote be in phases?

The vote authorizes a maximum debt issuance. All debt must be incurred and spent within seven years of the vote. Any differentiation would require a separate ballot.



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Q4. Can an individual "opt out?"

No, they can vote "No". The vote is to authorize GO debt. Any GO debt issued becomes an obligation of the entire jurisdiction. The Council retains authority on how to apply any tax, but can't differentiate on an individual basis.

Q5. Were "Planning and Design" cost reduced when the proposal changed to City only?

No, there was only one County project eliminated that was estimated to need some Planning and Design resources.

Q6. Are estimated property acquisition costs included in the financial plan?

Yes, \$1.5 million.

Q7. How do we ensure local business participation?

We can provide support of local business as long as it is consistent with State law.

Council Member Haire stated he had spoken with Ms. Andrea Harris, President of the North Carolina Institute of Minority Economic Development, and offered to ask her to address the City Council at the next special meeting on June 27, 2012, regarding the parks bond proposal, specifically pertaining to a way to increase participation in the proposed parks and recreation facilities construction by minority-owned businesses. Consensus of Council was to allow Council Member Haire to request Ms. Harris address the City Council at the June 27, 2012, special meeting.

Q8. Where are the exact locations of the neighborhood pools, tennis complex, neighborhood parks, skate board parks, and greenways?

The properties for these projects have not been purchased. The proposal identifies areas and, should the issuance pass, options for each will be developed and brought back to Council for consideration. Existing City property and partnerships with other property owners will be considered during this phase of the projects. The neighborhood parks will be within the Bailey Lake Road, Montclair, and South Gate neighborhoods. The greenways have been identified (Mr. Bauer provided the Council with a map).

Q9. Can the skate park be scaled back and skate board amenities placed at the pool sites?

The pool sites have not been designed. The proposal has always been for each pool to have its own personality. It would be possible to add amenities of this kind during design within existing resources. It is not recommended, however, for all pool locations. Further, this would not meet the need identified in the Master Plan for the proposed facility.

Discussion followed the question and answer period regarding economic growth, size and location of the skateboard park, location of the multi-center, and land acquisition. There was additional discussion on whether to hold the proposed bond election in February or November of 2013.

Council Member Applewhite stated she thought the multipurpose center should be in the center of the City and not located next to I-95.

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Council Member Crisp stated he liked the location for the multipurpose center because the City already owned the property designated for the multi-center and stated there were restaurants and hotels in the vicinity. He suggested the skateboard facility be scaled down and in its place provide smaller skateboard parks in a few neighborhoods.

Mayor Pro Tem Arp presented three parks and recreation bond program alternatives; all of which could be mixed and moved around; in effect an a la cart choice and the ability to create the best match. He inquired what the objective of the item was, and stated the price tag was too big and they needed to get the best return on the investment; they have to decide what they were willing to spend and provide the best facilities for the most citizens. He stated he had a problem with seasonal facilities.

Council Member Applewhite requested the Council not make a final decision on the proposed bond package until after the new city manager had been hired, and also proposed a public safety component--a police department sub-station to be included in the bond package at an approximate cost of \$7 million.

Council Member Massey stated the Council needed to get on board with what was the most effective way to get the public's favorable vote. He stated the Police Department substation needed to be addressed and citizens needed to be safe in their environments.

Mayor Chavonne stated he did not think having the bond proposal on the November 2013 ballot was a good idea, and stated Council candidates next year would be put in the uncomfortable position of having to defend a parks bond package that would require a tax increase. He stated the council needed to focus on developing a bond package that could be put before the voters and then figure out how to promote the package. He stated further discussion of the item would take place at a special meeting on June 27, 2012, at 5:00 p.m.

### **2.2 North Carolina League of Municipalities**

Council Member Bates stated he needed a consensus from the City Council to attest to the North Carolina League of Municipalities that the City Council would like them to place items on the agenda for discussion and to hopefully follow through on. He stated the two items submitted at this point were (1) false accusations against the Police Department and (2) phases of annexation.

Mayor Chavonne requested the Council to respond with written consent to Council Member Bates via e-mail.

### **2.3 City Manager Interviews**

Mayor Pro Tem Arp announced the City Manager interview notebooks would be available sometime on June 20, 2012, at City Hall. He stated the notebooks were to be signed out and viewed at City Hall only. He also stated copying would not be permitted. He further stated the interviews would be conducted on June 28 and 29, 2012. Finally, he stated confidentiality and privacy of the candidates was to be respected.

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## 3.0 ADJOURNMENT

There being no further business, the meeting adjourned at 6:58 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk  
061812

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ANTHONY G. CHAVONNE  
Mayor

# DRAFT

FAYETTEVILLE CITY COUNCIL  
AGENDA BRIEFING MINUTES  
LAFAYETTE ROOM  
JUNE 20, 2012  
4:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Bobby Hurst (District 5); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Absent: Council Members D. J. Haire (District 4); William J. L. Crisp (District 6)

Others Present: Kristoff Bauer, Interim City Manager  
Brad Whited, Interim Assistant City Manager  
Karen McDonald, City Attorney  
Scott Shuford, Development Services Director  
Frank Lewis, Senior Code Enforcement Administrator  
Bart Swanson, Housing and Code Enforcement Division Manager  
Karen Hilton, Planning and Zoning Division Manager  
Members of the Press

Mayor Chavonne called the meeting to order at 4:05 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's June 25, 2012, agenda:

## OTHER ITEMS OF BUSINESS

### **Uninhabitable Structures Demolition Recommendations**

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and stated staff recommended adoption of the ordinances authorizing demolition of the structures. He reviewed the following demolition recommendations:

#### **603 Carthage Drive**

Mr. Swanson stated the structure was a residential home that was inspected and condemned as a dangerous structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and there was no record of utilities. He further noted within the past 24 months there had been 0 calls for 911 service and one code violations with no pending assessments. He advised the low bid for demolition of the structure was \$2,400.00.

#### **1607 Coley Drive**

Mr. Swanson stated the structure was a residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in March 2012. He further noted within the past 24 months there had been 5 calls for 911 service and four code violations with pending assessments of \$899.75. He advised the low bid for demolition of the structure was \$1,700.00.

#### **912 Weiss Avenue**

Mr. Swanson stated the structure was a residential home that was inspected and condemned as a blighted structure. He further stated

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the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2002. He further noted within the past 24 months there had been 3 calls for 911 service and 7r code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,700.00.

### CONSENT ITEMS

**Case No. P12-37F. Rezoning from CC Community Commercial to DT Downtown District located at 301 Bragg Boulevard. Containing 5.2 acres more or less and being the property of City of Fayetteville.**

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She stated the City began efforts to acquire the property in 2004 initially as the site for the State Veteran's Park. She also stated during initial design work on the Veterans' Park, several opportunities emerged that led to a larger plan, the NW Gateway Master Plan. She further stated in that context, the Veteran's Park site was moved to the east side of Bragg Boulevard behind the Airborne and Special Operations Museum as Phase 1 of a larger community park. She stated on the west side of Bragg Boulevard, the City property was envisioned for redevelopment with primarily residential uses, with the Freedom trail along the boulevard as one of the other components dramatically changing this corner of the downtown. She stated the subject property along with the museum and the new veterans' park were seen as part of downtown, although the site was currently zoned CC Community Commercial. She stated the CC district would allow residential development but encouraged a more suburban form in its other standards. She advised the Zoning Commission and staff recommended approval of the proposed downtown zoning for the following reasons:

1. The property was treated as part of downtown in previous plans, including the 2010 Land Use Plan and the Renaissance Plan.
2. The property was adjacent to DT zoning as well as CC zoning.
3. The lower-density residential development (Haymount) was separated by the severe topographic change.
4. The characteristics of the roadway, surrounding cultural facilities, and site configuration encouraged a range of uses and the dense, more urban form allowed and encouraged by the DT standards.

Ms. Hilton further advised the Zoning Commission and staff recommended approval of the rezoning of the property to DT as presented by staff.

### PUBLIC HEARING ITEMS

**Text amendment request by Dr. Alfred J. Bost, Jr., representing Koala Daycare Center, to amend City Code Section 30-4.C.3(a)(1), Child Care Centers (nonresidential), to delete the separation requirement for child care centers [from bars, nightclubs, or cocktail lounges].**

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. She stated the applicant was requesting the text amendment in an effort to reopen a daycare center that, after being closed over a year, could not reopen because it was within 500 feet of an existing bar. She stated the current use-specific standards reflected amendments adopted in late 2007 and in 2009. She stated both amendments were requested by City Council because of concerns

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regarding use compatibility associated with the proximity of child care centers and bars, nightclubs, and certain other places of entertainment as well as growing concentrations in residential areas. She stated the applicant's specific request was for "a modification/amendment to the separation requirements for child care centers regardless of location". She stated this could be broadly interpreted to include no separation from adult entertainment as well as bars or cocktail lounges, but even applying the request only to separation from bars, nightclubs, or cocktail lounges, the least change needed to meet the needs of the applicant, would have a much more sweeping, City-wide impact than a similar change in the Downtown zoning district. She stated the text amendments were to be evaluated based on the seven criteria shown on the staff report. She stated the staff and Commission agreed that the request failed to meet the following criteria as numbered in the report:

- 4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;
- 5) Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City; and
- 6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

Ms. Hilton advised the staff and Planning Commission recommended denial of the requested text amendment.

**Text amendment request by American Towers LLC to amend City Code Section 30-4.C.3(i)(4), Freestanding Towers, to allow required separation and setback standards to be considered during the special use permit process and waived or reduced by City Council upon finding good cause.**

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. She stated American Towers was a frequent provider of towers or monopoles for various cellular service providers. She further stated American Towers and other providers were finding it increasingly difficult to meet both capacity needs and tower location standards. She explained the tower location was subject to use-specific standards in Article 30-4.C. She then reviewed the separation distance and American Towers' proposal. She then reviewed staff's and the Planning Commission's proposal.

There being no further business, the meeting adjourned at 5:00 p.m.

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney

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ANTHONY G. CHAVONNE  
Mayor

062012

**FAYETTEVILLE CITY COUNCIL  
DISCUSSION OF AGENDA ITEMS MEETING MINUTES  
LAFAYETTE ROOM  
JUNE 25, 2012  
6:00 P.M.**

Present: Mayor Anthony G. Chavonne

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

Others Present: Kristoff Bauer, Interim City Manager  
Karen McDonald, City Attorney  
Colin Baenziger, Consultant  
Members of the Press

Mayor Chavonne called the meeting to order at 6:20 p.m.

**Discussion of contract for City Manager.**

Mr. Colin Baenziger, consultant with Colin Baenziger & Associates, reviewed the following information regarding any City Manager contract:

1. Annual Compensation
  - a. Any compensation (such as 401K, car allowance, and executive compensation)
  - b. No compensatory time
2. Other Benefits
  - a. Vacation accrual of 240 hours
  - b. Cell phone
  - c. Moving expenses
3. Termination/Separation
  - a. Amount of salary equal to 6 months of the termination/separation was not for cause.

Mayor Chavonne reviewed the agenda items.

Mr. Kristoff Bauer, Interim City Manager, advised staff and the applicant wanted to pull Item 6.2 to allow for expert testimony.

There being no further business, the meeting adjourned at 6:40 p.m.

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney

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ANTHONY G. CHAVONNE  
Mayor

062512

# DRAFT

FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
JUNE 25, 2012  
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Kristoff Bauer, Interim City Manager  
Brad Whited, Interim Assistant City Manager  
Karen M. McDonald, City Attorney  
Lisa Smith, Chief Financial Officer  
Rusty Thompson, Engineering & Infrastructure Director  
Scott Shuford, Development Services Director  
Victor Sharpe, Community Development Director  
Randy Hume, Transit Director  
Karen Hilton, Planning and Zoning Manager  
Bruce Daws, Historic Properties Manager  
Pamela Megill, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

## 2.0 INVOCATION

The invocation was offered by Reverend Danny McDonald, Worship Pastor of the Arran Lake Baptist Church.

## 3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by the Mayor and City Council.

## ANNOUNCEMENTS

Mr. Bruce Daws, Historic Properties Manager, announced the forthcoming events to celebrate Fayetteville's 250th anniversary in collaboration with the Arts Council and Dogwood Festival. He stated the three key components of the celebration would be celebrate, educate, and commemorate. He stated they would launch the celebration July 1, 2012, with the opening of the North Carolina Symphony in the Festival Park and the gates would open at 5:00 p.m. He stated the Mayor would be presenting a proclamation opening the 250th celebration.

## 4.0 APPROVAL OF AGENDA

**MOTION:** Council Member Applewhite moved to approve the agenda with the addition of a closed session with the City Attorney to discuss litigation in the matters of *Jarryd Rauhoff v. City of Fayetteville*, *City of Fayetteville v. Jacqueline and Dale Pfendler*; and *Darwin Johnson, et al. v. City of Fayetteville, et al.*

**SECOND:** Council Member Bates

**VOTE:** UNANIMOUS (10-0)

## 5.0 CONSENT

**MOTION:** Council Member Crisp moved to approve the consent agenda.

**SECOND:** Mayor Pro Tem Arp



**DRAFT**

**VOTE: UNANIMOUS (10-0)**

**5.1 Community Development - Approval of a second amendment to Memorandum of Understanding with Fayetteville State University for the demolition and transfer of the Washington Drive Junior High School.**

**5.2 Community Development - Approval of relocation provisions for properties acquired in the Hope VI Business Park Development.**

**5.3 Capital Project Ordinance Amendment 2012-22 (Land and Related Design/Engineering Costs for the Transit Multi-Modal Center).**

The amendment increased the budget for the Multi-Modal Transportation Center land acquisition project by \$38,375.00.

**5.4 Capital Project Ordinance Amendment 2012-23 (Transportation Municipal Agreements).**

The Amendment removed \$5,000.00 in Federal Highway Administration funds that were budgeted as part of a Municipal Agreement with the North Carolina Department of Transportation that had subsequently been deleted.

**5.5 Capital Project Ordinance Closeout 2012-9 and Special Revenue Fund Project Ordinance Closeouts 2012-6 through 2012-7.**

Annually the City closes out several projects that were completed in previous fiscal years and no longer active. The FY 2010 Street Resurfacing and FY 2010 Juvenile Restitution Program projects and the 2010 Gangs Across the Carolinas Training Conference were completed in a previous fiscal year and the revenues and expenditures related to the project were audited.

**5.6 Case No. P12-37F. Rezoning from CC Community Commercial to DT Downtown District located at 301 Bragg Boulevard. Containing 5.2 acres more or less and being the property of the City of Fayetteville.**

**5.7 Approve FAA Reimbursable Agreement and Capital Project Ordinance #2012-10 for the FAA Resident Engineer and Project Engineer during FAX's Runway 04 Safety Area Project and Taxiway "A" Extension.**

**5.8 Amendments to agreements between the City of Fayetteville and the Public Works Commission.**

Council approved Amendment #3 to "Agreement Between the City of Fayetteville and the Public Works Commission of the City of Fayetteville Establishing a Formal Agreement to Fund the Construction of Water and Sanitary Sewer Systems in the Annexed Area Referred to as Phase V" and Amendment #2 to "Agreement Between the City of Fayetteville and the Public Works Commission of the City of Fayetteville Establishing a Formal Operating Transfer".

**5.9 Bid Award - Morganton Road 16" ductile iron water main improvements awarded to R. F. Shinn Contractor, Inc., Concord, NC, in the amount of \$674,960.00.**

Bids were received as follows:

R. F. Shinn Contractor, Inc. (Concord, NC) .....	\$674,960.00
T. A. Loving (Goldsboro, NC) .....	\$693,000.00
Colt Contracting (Clinton, NC) .....	\$783,609.00
Sandy's Hauling and Backhoe Service (Roseboro, NC) ...	\$853,696.25
State Utility Contractors (Monroe, NC) .....	\$937,735.00
Sandhills Contractors, Inc. (Sanford, NC) .....	\$941,538.50
Utilities Plus (Linden, NC) .....	\$994,236.11

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- 5.10 Tentative award of contract for clearwell rehabilitation and chemical feed systems improvements for P.O. Hoffer and Glenville Lake Water Treatment Facilities, Contract No. 11, WIF #1665, to T. A. Loving, Goldsboro, NC, lowest responsive, responsible bidder, in the amount of \$4,607,000.00, and adopt resolution of tentative award.

Bids were received as follows:

T. A. Loving (Goldsboro, NC) .....	\$4,607,000.00
State Utility Contractors (Monroe, NC) .....	\$5,168,000.00
Haren Construction (Etowah, TN) .....	\$5,219,000.00

**RESOLUTION OF TENTATIVE AWARD. CLEARWELL REHABILITATION AND CHEMICAL FEED SYSTEM IMPROVEMENTS FOR P.O. HOFFER AND GLENVILLE LAKE WATER TREATMENT FACILITIES, CONTRACT NO. 11, WIF #1665. RESOLUTION NO. R2012-023.**

- 5.11 Special Revenue Fund Project Ordinances 2013-1 and 2013-2 (FY 2012-2013 CDBG and HOME Program Budgets).

The ordinances appropriated \$63,770.00 for the FY 2012-2013 Community Development Block Grant Program and \$21,417.00 for the FY 2012-2013 HOME Investment Partnership Program.

## 6.0 PUBLIC HEARINGS

- 6.1 Text amendment request by Dr. Alfred J. Bost, Jr., representing Koala Daycare Center, to amend City Code Section 30-4.C.3(a)(1), Child Care Centers (nonresidential), to delete the separation requirement for child care centers [from bars, nightclubs or cocktail lounges].

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. She stated the applicant was requesting the text amendment in an effort to reopen a daycare center that, after being closed over a year, could not reopen because it was within 500 feet of an existing bar. She stated the current use-specific standards reflected amendments adopted in late 2007 and in 2009. She stated both amendments were requested by City Council because of concerns regarding use compatibility associated with the proximity of child care centers and bars, nightclubs, and certain other places of entertainment as well as growing concentrations in residential areas. She stated the applicant's specific request was for "a modification/amendment to the separation requirements for child care centers regardless of location". She stated this could be broadly interpreted to include no separation from adult entertainment as well as bars or cocktail lounges, but even applying the request only to separation from bars, nightclubs, or cocktail lounges, the least change needed to meet the needs of the applicant, would have a much more sweeping, City-wide impact than a similar change in the Downtown zoning district. She stated the text amendments were to be evaluated based on the seven criteria shown on the staff report. She stated the staff and Commission agreed that the request failed to meet the following criteria as numbered in the report:

- 4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;
- 5) Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City; and
- 6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

# DRAFT

Ms. Hilton advised the staff and Planning Commission recommended denial of the requested text amendment.

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

Dr. Alfred Bost, Jr., 314 Covery Square, Fayetteville, NC, appeared in favor and stated he was a co-owner of Koala Day Care Centers Inc., and was appearing to address the center located at 1090 Pamalee Drive. He stated he was objecting to ordinance 30-4CA-1 and said he believed it was up to parents to decide whether they want their children to attend a certain facility or not.

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

**MOTION: Council Member Bates moved to deny the text amendment request.**

**SECOND: Council Member Haire**

**VOTE: PASSED by a vote of 9 in favor and 1 in opposition (Council Member Fowler)**

**6.2 Text amendment request by American Towers LLC to amend City Code Section 30-4.C.3(i)(4), freestanding towers, to allow required separation and setback standards to be considered during the special use permit process and waived or reduced by City Council upon finding good cause.**

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

**MOTION: Mayor Chavonne moved to continue this public hearing to the July 9, 2012, City Council meeting.**

**SECOND: Council Member Bates**

**VOTE: UNANIMOUS (10-0)**

## **7.0 OTHER ITEMS OF BUSINESS**

### **7.1 Uninhabitable Structures Demolition Recommendation**

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation and multiple photographs of the properties. He stated staff recommended adoption of the ordinances authorizing demolition of the structures. He reviewed the following demolition recommendations:

#### **603 Carthage Drive**

Mr. Shuford stated the structure was a residential home that was inspected and condemned as a dangerous structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and there was no record of utilities. He further noted within the past 24 months there had been 0 calls for 911 service and one code violations with no pending assessments. He advised the low bid for demolition of the structure was \$2,400.00.

#### **1607 Coley Drive**

Mr. Shuford stated the structure was a residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in March 2012. He further noted within the past 24 months there had been 5 calls for 911 service and four code violations with pending assessments of \$899.75. He advised the low bid for demolition of the structure was \$1,700.00.

**DRAFT**

**912 Weiss Avenue**

Mr. Swanson stated the structure was a residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2002. He further noted within the past 24 months there had been 3 calls for 911 service and 7r code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,700.00.

**AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (603 CARTHAGE DRIVE). ORDINANCE NO. NS2012-024.**

**AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (1607 COLEY DRIVE). ORDINANCE NO. NS2012-025.**

**AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (912 WEISS AVENUE). ORDINANCE NO. NS2012-026.**

**MOTION:** Council Member Haire moved to approve the demolitions by adopting the ordinances.

**SECOND:** Council Member Bates

**VOTE:** UNANIMOUS (10-0)

**8.0 ADMINISTRATIVE REPORTS**

**8.1 Monthly statement of taxes for May 2012.**

2011 Taxes .....	\$333,203.52
2011 Vehicle .....	404,643.80
2011 Taxes Revit .....	1,572.08
2011 Vehicle Revit .....	439.42
2011 FVT .....	45,375.59
2011 Transit .....	45,375.64
2011 Storm Water .....	8,268.35
2011 Fay Storm Water...	16,536.73
2011 Fay Recycle Fee .....	15,133.74
2011 Annex... ..	0.00
2010 Taxes .....	10,597.64
2010 Vehicle .....	6,096.43
2010 Taxes Revit .....	0.00
2010 Vehicle Revit .....	0.52
2010 FVT .....	1,441.44
2010 Transit .....	1,441.44
2010 Storm Water .....	164.51
2010 Fay Storm Water...	329.01
2010 Fay Recycle Fee .....	558.93
2010 Annex... ..	0.00
2009 Taxes .....	3,523.57
2009 Vehicle .....	1,267.20
2009 Taxes Revit .....	0.00
2009 Vehicle Revit .....	0.00
2009 FVT .....	399.80
2009 Transit .....	399.82
2009 Storm Water .....	60.00

**DRAFT**

2009 Fay Storm Water...	120.00
2009 Fay Recycle Fee .....	190.00
2009 Annex... ..	0.00
2008 Taxes .....	320.46
2008 Vehicle .....	822.34
2008 Taxes Revit .....	0.00
2008 Vehicle Revit .....	0.00
2008 FVT .....	222.68
2008 Transit .....	153.13
2008 Storm Water .....	70.05
2008 Fay Storm Water .....	24.00
2008 Fay Recycle .....	42.00
2008 Annex... ..	0.00
2007 and Prior Taxes .....	321.70
2007 and Prior Vehicle .....	1,895.99
2007 and Prior Taxes Revit .....	0.00
2007 and Prior Vehicle Revit .....	0.00
2007 and Prior FVT .....	380.44
2007 and Prior Storm Water .....	108.55
2007 and Prior Fay Storm Water .....	1.10
2007 and Prior Annex... ..	30.76
Interest .....	28,556.62
Revit Interest .....	70.81
Storm Water Interest .....	526.56
Fay Storm Water Interest .....	893.91
Annex Interest .....	0.41
Fay Recycle Interest .....	887.29
Fay Transit Interest .....	1,209.40
Total Tax and Interest .....	\$933,677.37

**MOTION:** Council Member Bates moved to go into closed session with the City Attorney to discuss litigation in the matters of *Jarryd Rauhoff v. City of Fayetteville, City of Fayetteville v. Jacqueline and Dale Pfendler; and Darwin Johnson, et al. v. City of Fayetteville, et al.*

**SECOND:** Council Member Haire

**VOTE:** UNANIMOUS (10-0)

The regular session recessed at 7:45 p.m. The regular session reconvened at 8:00 p.m.

**MOTION:** Council Member Fowler moved to go into open session.

**SECOND:** Council Member Applewhite

**VOTE:** UNANIMOUS (10-0)

**9.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 8:05 p.m.

Respectfully submitted,

\_\_\_\_\_  
PAMELA J. MEGILL  
City Clerk

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

062512

# DRAFT

**FAYETTEVILLE CITY COUNCIL  
SPECIAL MEETING MINUTES  
LAFAYETTE ROOM  
JUNE 27, 2012  
5:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:30 p.m.); Robert A. Massey, Jr. (District 3) (arrived at 6:30 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Kristoff Bauer, Interim City Manager  
Brad Whited, Interim Assistant City Manager  
Karen M. McDonald, City Attorney  
Lisa Smith, Chief Financial Officer  
Michael Gibson, Parks, Recreation and Maintenance  
Director  
Pamela Megill, City Clerk  
Members of the Press

## **1.0 CALL TO ORDER**

Mayor Chavonne called the meeting to order.

## **2.0 INVOCATION**

Council Member Haire offered the invocation.

## **3.0 ITEMS OF BUSINESS**

### **3.1 Parks and Recreation - Park Bond Proposal**

Mayor Chavonne welcomed and introduced Ms. Andrea L. Harris, President of the North Carolina Institute of Minority Economic Development. Ms. Harris stressed the importance of providing as much information as possible to the local businesses, and to take advantage of all resources available to ensure local businesses were aware of the bidding opportunities. She shared ways to increase outreach efforts such as pre-bid conferences.

Mayor Chavonne welcomed and introduced Mr. Jay Warshaw, President of Evolution Hoops. Mr. Warshaw provided an overview of the Evolution Hoops program and stated the company was in the process of establishing a 24,000 square foot indoor basketball facility in Wilmington and would like to establish a similar facility and program in Fayetteville. He stated the City would have to provide the land and building at a cost of \$3 million for a year-round youth basketball program. He commended the City Council for exploring positive outreach to the community.

Mr. Kristoff Bauer, Interim City Manager, initiated a telephone conference call with Mr. Tom Lee, Bond Attorney. Mr. Bauer reviewed the questions he had received from Council and the responses from the Bond Attorney as follows:

Q10. Can there be a list of options on the ballot?

Only issue is debt authority, a separate ballot is required for each debt authorization and they must pass independently. Statutory language does not permit options on the ballot. The ballot question cannot be confusing to the voters; specific dollar amount, the purpose, and a yes or no response.

# DRAFT

Q11. What language can be included on the ballot regarding the tax rate?

On General Obligation bonds we include in the ballot language that states "authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds".

Mayor Chavonne clarified that prior to the election they could educate the voters and let them know the increased tax would probably be around 2.25 percent.

Q12. Is the tax rate fixed or can it be adjusted by Council?

There is an obligation to pay debt service and City's pledge property tax revenue to meet that obligation, but if you have other options to meet that obligation (sales tax) you are permitted to do so.

Q13. Can funding for a Police Substation be included in the Parks and Recreation Bond issue?

If the Police Substation is located in a park that would be applicable, if not, the police substation would have to be listed as a separate item.

Mr. Bauer thanked Mr. Tom Lee, Bond Counsel for his responses and input. Mr. Bauer provided the following questions from Council with the staff responses.

Q14. Can we modify the existing skateboard plan to provide limited skateboard opportunities throughout the community along with the major skateboard site?

Staff would recommend taking \$125,000 from the existing budget to create three to four satellite locations TBD during design.

Q15. What is the impact of removing the freshwater aquarium from the Cape Fear River Front Park project?

Direct costs are estimated to be \$665,000. Additionally, some support areas, for example, parking lot could be reduced for a total reduction of about \$1 million for a revised project budget of \$5 million.

Q16. What organization or boards have endorsed putting the Parks and Recreation Bond proposal on the ballot in February?

The Chamber of Commerce, Parks and Recreation Advisory Board, Joint City/County Senior Citizens Advisory Commission and Association of Realtors.

A discussion period ensued and a series of questions were posed to determine if there was consensus from the Council.

Mayor Chavonne inquired if Council wanted to decrease the size of the skateboard park and provide smaller community skateboard parks. The consensus of the Council was in the affirmative.

Mayor Chavonne inquired if Council wanted to remove the freshwater aquarium from the Cape Fear River Front Park project. Consensus of the Council was in the affirmative.

Mayor Chavonne inquired if Council wanted to eliminate the remaining \$5 million Cape Fear River project and use the \$5 million for the purchase of land to facilitate the multi-center. Consensus of the Council was in the negative.

# DRAFT

Mayor Chavonne inquired if Council was interested in placing a substation item on the ballot. Consensus of the Council was in the negative.

Mayor Chavonne inquired if Council was interested in having the following two questions on the ballot: (1) Do you support Parks and Recreation Bond for X amount of dollars? and (2) Do you support building a Police sub-station at a cost of X amount of dollars? The Council consensus was in the negative.

Mayor Chavonne inquired if Council was interested in holding the proposed bond election in February 2013 or November 2013. Consensus of the Council was to hold the election in February 2013.

Mayor Chavonne inquired if Council was interested in initiating a year-round basketball facility, a \$3 million package to be added to the bond package. Consensus of the Council was in the negative.

Mayor Chavonne inquired if Council was interested in having the following two questions on the ballot: (1) Multi-purpose center and all other items (approximately \$55 million) and (2) All facilities with the exception of the multi-center (approximately \$26 million). Consensus of the Council was in the negative.

Mayor Chavonne inquired if Council was interested in having a restructured package as proposed by Mayor Pro Tem Arp for a cost of approximately \$30.2 million. Consensus of the Council was in the negative.

Council Member Crisp inquired of Mr. Michael Gibson, Parks, Recreation and Maintenance Director, as to how long the parks and recreation bond package proposal had been in the making. Mr. Gibson replied six years.

Council Member Haire stated the community had been studied and there had been numerous meetings to gather citizen input.

Mayor Chavonne stated this item would be presented again at the July 9, 2012, City Council meeting.

## 4.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:50 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

062712



**FAYETTEVILLE CITY COUNCIL  
DISCUSSION OF AGENDA ITEMS MEETING MINUTES  
EXECUTIVE CONFERENCE ROOM  
JULY 9, 2012  
6:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 6:15 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Kristoff Bauer, Interim City Manager  
Karen McDonald, City Attorney  
Gloria Wrench, PWC Purchasing Manager  
Ted Voorhees, City Manager Elect  
Members of the Press

Mayor Chavonne called the meeting to order at 6:00 p.m.

Council Member Haire explained his "Proposed Hire Fayetteville First Jobs Creation Policy". He explained the specific percentage for the goal was deleted to avoid confusion.

Mayor Pro Tem Arp proposed an amendment that would include goals be set upon completion of disparity study.

Ms. Gloria Wrench, PWC Purchasing Manager, explained the purchasing activities as it related to tracking and outreach of Disadvantaged Business Enterprises.

**MOTION: Council Member Hurst moved to go into closed session for a personnel matter.**  
**SECOND: Council Member Bates**  
**VOTE: UNANIMOUS (10-0)**

The regular session recessed at 6:20 p.m. The regular session reconvened at 6:40 p.m.

**MOTION: Council Member Fowler moved to go into open session.**  
**SECOND: Council Member Bates**  
**VOTE: UNANIMOUS (10-0)**

Mayor Chavonne then reviewed the agenda items.

There being no further business, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

\_\_\_\_\_  
KAREN M. MCDONALD  
City Attorney

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

070912

# DRAFT

FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
JULY 9, 2012  
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Kristoff Bauer, Interim City Manager  
Bradley Whited, Interim Assistant City Manager  
Karen McDonald, City Attorney  
Brian Meyer, Assistant City Attorney  
Lisa Smith, Chief Financial Officer  
Rusty Thompson, Engineering and Infrastructure Director  
Michael Gibson, Parks, Recreation and Maintenance Director  
Ben Major, Fire Chief  
Scott Shuford, Development Services Director  
John Kuhls, Human Resource Development Director  
Karen Hilton, Planning and Zoning Manager  
Rebecca Rogers-Carter, Management Services Manager  
Kecia Parker, Real Estate Manager  
Susan Rabold, CityScapes Consultants, Inc.  
Richard L. Edwards, CityScapes Consultants, Inc.  
Pamela Megill, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

## 2.0 INVOCATION

The invocation was offered by Pastor Reginald Johnson of My Father's House Christian Church.

## 3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by the Mayor and City Council.

## 4.0 APPROVAL OF AGENDA

**MOTION:** Council Member Haire moved to approve the agenda with the addition of Item 9.0, Proposed Hire Fayetteville First Jobs Creation Policy, and removal of Item 7.4.

**SECOND:** Council Member Fowler

**VOTE:** UNANIMOUS (10-0)

## 5.0 ANNOUNCEMENTS AND RECOGNITION

Mayor Chavonne recognized Ms. Sarajeon Mariner as a true American hero for her actions in the rescue of 6-year-old Jaydin Logue from a pool and performing CPR until help arrived. Fire Chief Ben Major presented Ms. Mariner with the "Chief's Coin" and a "Citizen Life Saving Award Certificate". Representatives from Engine 8 and Rescue 8 were in attendance.

Council Members Chavonne and Massey presented a proclamation to Mr. Jack Bowman, General Manager of Cape Fear Heroes, the 2012 American Indoor Football National Champion, proclaiming appreciation

## DRAFT

and admiration to the Cape Fear Heroes Professional Indoor Football Team and offering best wishes in all their future endeavors.

Council Member Applewhite announced a "Fayetteville Crime Prevention" meeting would be held on July 26, 2012, from 5:00 to 7:00 p.m., at the J.D. Fuller Recreation Center for residents in the Bunce Road area.

### 6.0 PUBLIC FORUM

. Ms. Lizzie Purdie, 5920 Waters Edge Drive, Fayetteville, NC 28314, expressed concerns regarding speeding traffic, code violations, and littering in the Waters Edge Drive community.

Pastor Victor Torres, 5835 Waters Edge Drive, Fayetteville, NC 28314, expressed concerns regarding crime and speeding traffic in the Waters Edge Drive community.

Mr. Joseph Robinson, 890 Santiato Drive, Fayetteville, NC 28314, stated he was the President of the Fayetteville City Taxicab Association, Inc., and provided the Council with a petition and survey addressing taxicab fees.

Mr. Jerry Reinoehl, 516 Deer Path Drive, Fayetteville, NC 28311, expressed opposition to the Parks and Recreation proposed bond referendum.

Ms. Joyce Malone, 516 Spalding Street, Fayetteville, NC 28301, stated she was a proponent for the Parks and Recreation proposed bond referendum.

Ms. Wendy Michener, 223 Hillside Road, Fayetteville, NC 28301, stated she was in favor of the Parks and Recreation proposed bond referendum. She requested the Mayor and City Council send a stronger letter to the State Legislature in reference to post office closures.

Mr. Eronomy Mohammed Smith, 2700 Murchison Road, Fayetteville, NC 28301, gave an address on the state of the City and stated Parks and Recreation would not need a \$45 million bond package.

Ms. Dominique Kooja, 6455 Hidden Lake Loop, Fayetteville, NC 28304, expressed concerns regarding transportation within the City and requested support for the taxicab businesses.

Mr. Moses Best, 1824 Broadell Drive, Fayetteville, NC 28301, stated he was in favor of a new police substation and that the Murchison Road area was in need of sidewalks and additional street lighting.

Mr. Arthur Duke, 151 Buckingham Avenue, Fayetteville, NC 28301, expressed opposition for the proposed Parks and Recreation bond referendum.

Rev. Floyd Johnson, 448 Hallmark Road, Fayetteville, NC 28303, stated he was in favor of the Parks and Recreation bond referendum proposal and requested they "Let the People Decide".

### 7.0 CONSENT

**MOTION:** Mayor Pro Tem Arp moved to approve the consent agenda.

**SECOND:** Council Member Massey

**VOTE:** UNANIMOUS (10-0)

7.1 **Engineering & Infrastructure/Real Estate - Adopt a resolution declaring real property owned jointly with Cumberland County surplus and authorizing a quitclaim of the City's title to the County in order to expedite sale of the land by Cumberland County.**

**DRAFT**

**RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY (538 Mayview Street and 505 Mayview Street). RESOLUTION NO. 2012-024.**

- 7.2 Award contract for 2013 resurface of various streets, Phase I, to Barnhill Contracting Company, Fayetteville, NC, lowest responsive, responsible bidder, in the amount of \$922,559.40.**

Bids were received as follows:

Barnhill Contracting Company (Fayetteville, NC) ..... \$922,559.40  
Highland Paving Company (Fayetteville, NC) ..... \$946,298.00

- 7.3 Engineering & Infrastructure - Adopt a resolution declaring real property owned jointly with Cumberland County surplus and authorizing a quitclaim of the City's title to the County in order to expedite sale of the land by Cumberland County.**

**RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY (Lots 114 and 116 Savoy Heights Section 1, Lot 216 Weiss Avenue, Lot 311 Savoy Heights, Lots 403 and 405 Savoy Heights and Vacant to Creek, Lot 104 Savoy Heights, and 4.05 acres of land adjacent to Briarwood Hills Section 3). RESOLUTION NO. 2012-025.**

- 7.4 Consider adoption of resolution authorizing condemnation for the acquisition of right-of-way for the Ramsey Street Project.**

This item was removed from the agenda.

- 7.5 Approve meeting minutes:**

April 23, 2012 - Discussion of Agenda Items  
April 23, 2012 - Regular Meeting  
May 7, 2012 - Work Session  
May 14, 2012 - Discussion of Agenda Items  
May 14, 2012 - Regular Meeting  
May 16, 2012 - Budget Workshop  
May 23, 2012 - Agenda Briefing  
May 23, 2012 - Budget Workshop  
May 29, 2012 - Discussion of Agenda Items  
May 29, 2012 - Regular Meeting  
May 30, 2012 - Budget Workshop  
June 4, 2012 - Work Session  
June 11, 2012 - Discussion of Agenda Items

- 7.6 Municipal agreement with NCDOT for bridge replacement on Strickland Bridge Road over Little Rockfish Creek.**

- 7.7 Municipal agreement with NCDOT for bridge replacement on I-95 Business over the Cape Fear River and Cross Creek.**

- 7.8 Engineering & Infrastructure/Real Estate - Adopt a resolution declaring real property owned jointly with Cumberland County surplus and authorizing a quitclaim of the City's title to the County in order to expedite sale of the land by Cumberland County.**

**RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY (1015 Henderson Avenue). RESOLUTION NO. 2012-026.**

- 7.9 Tax Refunds of Greater Than \$100.00.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
K&W Cafeterias Inc.	2005-2006	Corrected Assessment	\$ 218.02
Cherry, Karin J.	2009-2011	Corrected Assessment	5,496.44
Total			<u>\$5,714.46</u>

# DRAFT

## 8.0 PUBLIC HEARINGS

### 8.1 Text Amendment request by American Towers LLC to amend City Code Section 30-4.C.3(i)(4), Freestanding Towers, to allow required separation and setback standards to be considered during the special use permit process and waived or reduced by City Council upon finding good cause.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. She stated American Towers was a frequent provider of towers or monopoles for various cellular service providers. She further stated American Towers and other providers were finding it increasingly difficult to meet both capacity needs and tower location standards. She explained the tower location was subject to use-specific standards in Article 30-4.C. She stated in this case, the 1,500 foot separation between towers and the required setbacks were not eligible for a variance from the Board of Adjustment. She stated to increase the potential to use sites that could have less impact than a site meeting the criteria, American Towers was proposing to allow reductions in the separation and setback standards based on evaluations of specific conditions during the special use process. She stated the Planning Commission considered the proposed text amendment and, with some modifications now incorporated in the ordinance draft, recommended approval. She stated the requested text amendment was evaluated relative to the seven criteria shown on the staff report for changes proposed to Chapter 30. She advised staff and the Planning Commission supported the change to allow consideration of a reduction in or waiver of the separation requirements in individual cases based on evidence presented during the quasi-judicial hearing. She stated there were reservations about making reductions to the setback standards more broadly available. She stated at the Planning Commission meeting, staff and the Commission supported a more tightly drawn alternative that limited the possibility for reducing setbacks to certain existing conditions and to evidence from a certified structural engineer that no safety issues were created by the reduced setback. She stated key considerations were the growing demands for cellular services, the increasingly limited options for locations if the spacing standard remained inflexible, and the potential for an established site to meet increased service needs with less negative impact on the community compared to a new location. She stated a more in-depth analysis such as to better inform City Council regarding changes in the standards could be provided with additional time and resources for special expertise. She stated alternatively, information about such aspects as current location patterns, trends in usage, location needs and state of the art techniques in how those needs could be met could be requested from the applicant during the hearing. She advised staff and the Planning Commission recommended approval as modified, or, alternatively, to continue to hearing to a specific date to allow additional research or modification.

Ms. Hilton introduced Ms. Susan Rabold, Project Manager, CityScapes Consultants, Inc. Ms. Rabold provided the City Council with an overview of federal and state requirements, location patterns, trends in usage, location needs, and state of the art techniques in how those needs could be met.

Mr. Richard L. Edwards, P.E., President, CityScapes Consultants, Inc., addressed the issue of "Breakpoint Technology" and stated the primary objective for cell towers was to provide for emergency service.

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

Mr. Tom Johnson, 4141 Parklake Avenue, Suite 200, Raleigh, NC 27612, appeared in favor and stated he was the attorney representing American Towers.

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Mr. Bill Garrett, P.E., 400 Regency Forest, Cary, NC, appeared in favor and stated he was the Director of Engineering at American Tower Inc. He provided an overview of structural engineering pertaining to cell towers.

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

A brief discussion period ensued.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND PORTIONS OF CITY CODE 30-4.C(4), USE SPECIFIC STANDARDS FOR CELL TOWERS, TO ALLOW CONSIDERATION OF REDUCTIONS IN SEPARATION AND SETBACK STANDARDS. ORDINANCE NO. S2012-012.**

**MOTION:** Council Member Bates moved to approve the text amendment as recommended by staff.  
**SECOND:** Council Member Crisp  
**VOTE:** PASSED by a vote of 9 in favor and 1 in opposition (Council Member Massey)

## 9.0 OTHER ITEMS OF BUSINESS

### 9.1 Proposed Hire Fayetteville First Job Creation Policy

Council Member Haire stated this item was something they all had been working on since 2009 and he was honored to bring forth a Hire Fayetteville First Jobs Creation Policy.

**MOTION:** Council Member Haire moved to promote economic opportunity for Fayetteville/Cumberland County businesses and to support job creation in the City of Fayetteville, it would be the policy of the City of Fayetteville and the City's Public Works Commission (collectively, the "City") to use the City's spending powers in a manner that would promote fiscal responsibility and maximize the effectiveness of local tax dollars by ensuring that City spending for goods and services would provide business opportunity to businesses having a principal place of business within Fayetteville/Cumberland County, and Historically Underutilized Businesses (HUBs) as defined in N.C. General Statutes 143-48.4 and 143-128.4(a) and (b), as measures to support the local economy. To implement the policy, the City would hereby do the following: The City seeks to establish goals in the future contingent upon a disparity study for all City departments for local and HUB business participation relating to procurement of all goods and services in the following categories: locally owned businesses, women owned businesses, minority owned businesses, disabled and disadvantaged owned businesses, and veteran owned businesses.

**SECOND:** Council Member Bates

**VOTE:** UNANIMOUS (10-0)

### 9.2 Appointment of New City Manager

Mayor Chavonne stated they were honored to have the newest member of their team here. He stated he would turn the agenda item over to Mayor Pro Tem Arp who led the recruitment and selection effort for their new City Manager.

Mayor Pro Tem Arp stated they were honored to have Mr. Theodore (Ted) Voorhees with them, and he and his family had elected to accept a contingent offer from the City of Fayetteville. He stated Ted, Michelle, and their four boys ages 9 to 16, had already been to Fayetteville and found a place that they were ready to call home, and they were looking forward to moving to our community.

# DRAFT

**MOTION:** Mayor Pro Tem Arp moved to appoint Theodore L. Voorhees as the new City Manager of Fayetteville, allowing an annual salary of \$200,000.00 and authorizing the Mayor to execute an employment contract consistent with the terms previously negotiated with Mr. Voorhees; contract to be effective no later than August 10, 2012.

**SECOND:** Council Member Haire

**VOTE:** UNANIMOUS (10-0)

Mr. Voorhees stated it was a great honor for him to be here and accept appointment to be their new City Manager. He stated he knew he was following in the footsteps of some great managers who had helped to work with them and the citizens and the staff to make Fayetteville the great All-American City that it was. He wanted to note that great cities were strengthened by their diversity, but they also were unified by vision and purpose. He hoped that he could be a part of creating an informed, unified purpose to advance the cause of making Fayetteville even greater than it already was.

## 9.2 Parks and Recreation - Resolution for preliminary authorization for GO Park Bond Referendum.

Mr. Michael Gibson, Parks, Recreation & Maintenance Director, presented this item with the aid of a power point presentation. He stated over the past few weeks staff and Council had gone over the process of the parks and recreation bond package and they had shortened it slightly and made revisions. He stated staff had created what he believed were the necessary needs throughout the City with their multipurpose aquatic center, cape fear river park, tennis center, sports complex, skate park, neighborhood community parks, greenways, existing building renovations, parkland acquisitions, and planning and design. He stated the staff recommendation was for Council to adopt the resolution granting preliminary authorization to proceed with a general obligation bond referendum to finance various parks and recreation improvements for the City.

Council Member Applewhite commended Mr. Gibson and his staff for all of the hard work they had put into the project. She stated she could not support the bond package as her priorities for her district were to provide sidewalks, adequate street lighting, address youth crime, and provide adequate transportation. She stated the bond package proposal would not meet the core needs of the citizens she represents.

### RESOLUTION GRANTING PRELIMINARY AUTHORIZATION TO PROCEED WITH A GENERAL OBLIGATION BOND REFERENDUM TO FINANCE VARIOUS PARKS AND RECREATION IMPROVEMENTS FOR THE CITY. RESOLUTION NO. R2012-027.

**MOTION:** Council Member Davy moved to approve the proposed resolution directing staff to place a general obligation bond referendum to finance various parks and recreation improvements for approximately \$45 million for the City on the ballot in February 2013.

**SECOND:** Council Member Hurst

**VOTE:** PASSED by a vote of 6 in favor and 4 in opposition (Council Members Applewhite, Bates, Crisp, and Fowler)

## 10.0 ADMINISTRATIVE REPORTS

### 10.1 Tax Refunds of Less Than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Pyramid Geosciences Inc.	2010	Corrected Assessment	\$ 63.36
Rich, DJuan B.	2009-10	Duplicate Payment	47.80
			<u>\$111.16</u>

## 11.0 ADJOURNMENT

# DRAFT

There being no further business, the meeting adjourned at 9:10 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

070912



# DRAFT

FAYETTEVILLE CITY COUNCIL  
AGENDA BRIEFING MINUTES  
LAFAYETTE ROOM  
JULY 18, 2012  
4:00 P.M.

Present: Council Members Keith Bates, Sr. (District 1) (departed at 4:35 p.m.); Kady-Ann Davy (District 2) (arrived at 4:20 p.m.); D. J. Haire (District 4) (arrived at 4:25 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8)

Absent: Mayor Anthony G. Chavonne and Council Members Robert A. Massey, Jr. (District 3) and James W. Arp, Jr. (District 9)

Others Present: Kristoff Bauer, Interim City Manager  
Karen McDonald, City Attorney  
Scott Shuford, Development Services Director  
Karen Hilton, Planning and Zoning Division Manager  
Craig Harmon, Planner II  
Members of the Press

The meeting was called to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's July 23, 2012, agenda:

## CONSENT ITEMS

**Case No. P12-29F. Rezoning from AR Agricultural Residential to OI Office and Institutional District for property located at US 401 South - South Raeford Road. Containing 34.8 acres more or less and being the property of William J. Gillis.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the property was the proposed site of the new Veterans Administration Medical Center. He further explained the owner was requesting to rezone 34.8 acres of 203 total acres which would allow for a medical center. He stated it was staff's opinion that an OI district would serve as an appropriate buffer between the existing uses and the industrially zoned properties to the west. He further stated with industrial zoning on much of the property, residential development would no longer seem viable. He advised the Zoning Commission and staff recommended approval of the rezoning to an OI district based on (1) OI being a transitional district according to the UDO, (2) OI being an appropriate use at the intersection of two major roads, and (3) OI being a range of uses reasonably consistent with the Land Use plan which recommends industrial for much of the area.

**Case No. P12-30F. Rezoning from SF-10 Single Family District to OI Office and Institutional District on property located at 1804 Fargo Drive. Containing .46 acres more or less and being the property of Tochari Investments, LLC.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the owner was requesting to rezone to OI, Office and Institutional. He noted in 2009 the owner had his property at 1800 Fargo Drive rezoned to P2/CZ and constructed a 14,000 square foot medical facility and recently purchased 1804 Fargo Drive in order to use the property for additional parking. He also noted the owner applied for a Special Use Permit (SUP) to allow for office use within 100 feet of residential development. He stated there would be the opportunity to attach conditions to the project through the SUP

## DRAFT

approval process if necessary. He advised the Zoning Commission and staff recommended approval of the rezoning to OI based on (1) OI fitting with the Hospital Area Plan and (2) a SUP being required for any OI type development.

**Case No. P12-32F. Rezoning from R6 Residential District to HI/CZ Heavy Industrial Conditional Zoning District on property located at 714 Dunn Road. Containing 30 acres more or less and being the property of Bishop Leasing Inc.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the property was subject to the City's amortization requirements for salvage yards. He further explained if the applicant was not successful in getting the property rezoned, they would be forced to end their operations on the property. He stated salvage yards were not allowed in either the SF-10 or SF-6 zones. He stated the amortization process started three years ago and required nonconforming salvage yards to cease business by January 1, 2012. He stated if the applicant was granted the rezoning, then the salvage yard would be able to continue. He stated currently the owner was asking for 30 plus or minus acres to be rezoned with conditions for use as a salvage yard. He stated while the City's Land Use Plan called for medium-density residential and heavy commercial, there was industrial zoning adjacent to the property as well as Community Commercial. He stated the property had been in use as a salvage yard for 40 plus years. He stated the following conditions were offered or accepted by the owner:

1. All required screening of stored vehicles and parts shall be met within 60 days of conditional zoning approval.
2. All required buffers shall be delineated and installed within 60 days of conditional zoning approval.
3. No vehicles or parts shall be stored in the area zoned Conservation District or within 60 feet of the top of bank of the stream on the east side of the property, whichever is greater, nor shall any buildings be constructed in this area; any vehicles and parts stored in this area shall be removed within 60 days of conditional zoning approval.
4. Any general standard for salvage yards shall be met within 60 days of conditional zoning approval, including:
  - a. No motor vehicle, motor vehicle part, or junk shall be stacked higher than the screening required pursuant to this Code or in any event no higher than 7 feet high.
  - b. There shall only be one car per 162 square feet of storage area.

He advised the Zoning Commission and staff recommended approval of the rezoning to HI/CZ based on (1) although the Land Use Plan called for medium-density residential and commercial, the property had been used as a salvage yard for 40 plus years; (2) conditions being placed by the owner to come into compliance with City regulations; and (3) conditions being placed by the owner to lessen the environmental impacts on the property.

Council members inquired on the status of salvage yards that were subject to amortization. Mr. Scott Shuford, Development Services Director, advised staff would provide a report.

## DRAFT

**Case No. P12-35F. Rezoning from MR-5 Mixed Residential District to CC Community Commercial District on property located at 4938 Bragg Boulevard. Containing 1.3 acres more or less and being the property of Katty Moore Jones.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the owner requested to rezone all of the property to CC. He further explained rezoning the MR-5 portion of the property to commercial would square the zoning district off in the block and allow the property's commercial zoning to extend south to the limits of its neighboring properties. He stated the proposed rezoning was discussed during the hearing for the Bragg Boulevard Corridor Plan and seemed consistent with the emerging recommendations. He advised the Zoning Commission and staff recommended approval of the rezoning to CC based on (1) three sides of the property were zoned CC, (2) rezoning would square off the block of properties to be all commercial, and (3) the residentially zoned property to the south was undeveloped.

**Case No. P12-36F. Rezoning from MR-5 Mixed Residential District to OI Office and Institutional District on property located at Fisher Street and Holt Williamson Street. Containing 2.10 acres more or less and being the property of Fayetteville Metropolitan Housing Authority - Early Childhood Education Center.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the property was recently owned by the City of Fayetteville and the Cumberland County Board of Education and the new owner (Fayetteville Metropolitan Housing Authority) was requesting a rezoning to OI to accommodate a new early childhood education center. He stated the center would be adjacent to Walker Spivey Elementary School and the Hope VI redevelopment project. He advised the Zoning Commission and staff recommended approval of the rezoning to OI based on (1) two sides of the property being zoned OI, (2) the rezoning matching that of the school; (3) the use being appropriate for the Land Use Plan's Downtown District.

### PUBLIC HEARINGS

**Case No. P12-31F. Request for a Special Use Permit for office use within 100 feet of residential development in the Hospital Overlay on property located at 1804 Fargo Drive. Containing 0.46 acres more or less and being the property of Tochari Investments, LLC; contingent on rezoning to OI.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the owner of the property had requested a Special Use Permit to allow for office use within 100 feet of residential development in the Hospital Area Overlay. He noted in 2009 the owner had his property at 1800 Fargo Drive rezoned to P2/CZ and constructed a 14,000 square foot medical facility and recently purchased 1804 Fargo Drive in order to use the property for additional parking. He also noted the owner applied for a Special Use Permit (SUP) to allow for office use within 100 feet of residential development. He advised the Zoning Commission and staff recommended issuance of the SUP based on (1) OI fitting with the Hospital Area Plan and (2) conditions being added to the SUP approval if needed. He further advised the Zoning Commission and staff recommended approval of the SUP based on the submitted site plan and upon a finding that all of the following standards were met:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;

## DRAFT

- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

**Case No. P12-33F. Request for a Special Use Permit for a utility substation in a SF-10 district located at 5311 Redwood Drive, property of City of Fayetteville.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the Public Works Commission (PWC) wished to expand an existing power substation on Redwood Drive. He stated the expansion would occur completely within the boundaries of the existing facility. He stated since the substation was at the back of a neighborhood, staff would not recommend additional conditions such as a paved entrance, like was required on the last Special Use Permit case heard for a substation. He advised the Zoning Commission and staff recommended approval of the SUP based on (1) it not expanding the physical size of the project, only increase the internal components; and (2) conditions being added to the SUP approval if needed. He further advised that a Special Use Permit would only be approved upon a finding that all of the following standards were met:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;

## DRAFT

- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

**Case No. P12-34F. Rezoning from LC Limited Commercial District and OI Office and Institutional District to all LC Limited Commercial District for property located at 1907 Murchison Road. Containing 1.14 acres more or less and being the property of Spurgeon D. Watson.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained property was split zoned and the owner was requesting all of the property be zoned to LC. He advised the Zoning Commission recommended approval of the rezoning to LC based on (1) the size of the area currently zoned LC would limit commercial development and (2) redevelopment of an existing commercial property. He further advised that staff recommended denial of the rezoning to LC based on (1) the Land Use Plan calling for Medium-Density Residential on the portion to be rezoned, (2) Murchison Road Corridor Plan calling for Single-Family Residential, and (3) rezoning to LC would extend commercial zoning to the adjacent residential neighborhood. He stated additional considerations included the extension toward the neighborhood would encourage similar change from OI to commercial for the other properties along the back of the block fronting Murchison; there was limited development (parking) currently on the property and only smaller scale, scattered residential and non-residential uses beside and across Murchison from the property; and there was a significant amount of undeveloped or underdeveloped commercial property along Murchison Road, which led to the emphasis in the Corridor Plan on not expanding strip commercial but rather concentrating on strengthening and redeveloping the nodes (the area a little north of this site and especially across the street, around Jasper, is recommended as one such neighborhood scale commercial node).

Council Member Haire inquired about the Murchison Road Corridor Plan.

There being no further business, the meeting adjourned at 4:55 p.m.

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney

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ANTHONY G. CHAVONNE  
Mayor

071812

**FAYETTEVILLE CITY COUNCIL  
DISCUSSION OF AGENDA ITEMS MEETING MINUTES  
EXECUTIVE CONFERENCE ROOM  
JULY 23, 2012  
6:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8);

Absent: Council Members Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); James W. Arp, Jr. (District 9)

Others Present: Kristoff Bauer, Interim City Manager  
Karen McDonald, City Attorney  
Nancy Robles, Executive Assistant  
Brenda Barbour, Administrative Secretary  
Pamela Megill, City Clerk  
Members of the Press

Mayor Chavonne called the meeting to order at 6:00 p.m.

Mayor Chavonne recognized Ms. Brenda Barbour, Administrative Secretary in the Mayor's office, for 25 years of service to the City. Council members expressed their personal appreciation for her assistance.

Mayor Chavonne proceeded to review the agenda items.

**MOTION: Council Member Haire moved to go into closed session for consultation with the attorney.**

**SECOND: Council Member Fowler**

**VOTE: UNANIMOUS (7-0)**

The regular session recessed at 6:50 p.m. The regular session reconvened at 6:50 p.m.

**MOTION: Council Member Fowler moved to go into open session.**

**SECOND: Council Member Haire**

**VOTE: UNANIMOUS (7-0)**

There being no further business, the meeting adjourned at 6:51 p.m.

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney

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ANTHONY G. CHAVONNE  
Mayor

072312

# DRAFT

FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
JULY 23, 2012  
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9) (via telephone)

Absent: Council Member Kady-Ann Davy (District 2)

Others Present: Kristoff Bauer, Interim City Manager  
Karen McDonald, City Attorney  
Dana Clemons, Assistant City Attorney  
Lisa Smith, Chief Financial Officer  
Ben Major, Fire Chief  
Scott Shuford, Development Services Director  
Craig Harmon, Planner II  
Pamela Megill, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

## 2.0 INVOCATION

The invocation was offered by Council Member Haire.

## 3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by the Mayor and City Council.

## 4.0 APPROVAL OF AGENDA

**MOTION:** Council Member Hurst moved to approve the agenda.

**SECOND:** Council Member Fowler

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

## 5.0 CONSENT

**MOTION:** Council Member Hurst moved to approve the consent agenda.

**SECOND:** Council Member Massey

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

## 5.1 Addition of certain streets to the City of Fayetteville system of streets.

Council was asked to officially accept the dedication of streets for maintenance and addition to the City of Fayetteville system of streets. The list included eight paved streets adding up to a total of 1.1 miles.

## 5.2 Capital Project Ordinance Amendment 2013-13 (FY 2012 Street Resurfacing Project).

The amendment appropriated an additional \$120,038.00 for the FY 2012 Street Resurfacing Project.

## 5.3 Case No. P12-29F. Rezoning from AR Agricultural Residential to OI Office and Institutional District, for property located at US

# DRAFT

401 South - South Raeford Road. Containing 34.8 acres more or less and being the property of William J. Gillis.

- 5.4 Case No. P12-30F. Rezoning from SF-10 Single Family District to OI Office and Institutional District, on property located at 1804 Fargo Drive. Containing .46 acres more or less and being the property of Tochari Investments, LLC.
- 5.5 Case No. P12-32F. Rezoning from R6 Residential District to HI/CZ Heavy Industrial Conditional Zoning District located at 714 Dunn Road. Containing 30 acres more or less and being the property of Bishop Leasing Inc.
- 5.6 Case No. P12-35F. Rezoning from MR-5 Mixed Residential District to CC Community Commercial District located at 4938 Bragg Boulevard. Containing 1.3 acres more or less and being the property of Katty Moore Jones.
- 5.7 Case No. P12-36F. Rezoning from MR-5 Mixed Residential District to OI Office and Institutional District located at Fisher Street and Holt Williamson Street. Containing 2.10 acres more or less and being the property of Fayetteville Metropolitan Housing Authority - Early Childhood Education Center.
- 5.8 Bid recommendation for galvanized steel poles to award bid to TransAmerican Power Products, Inc., Houston, TX, lowest bidder, in the total amount of \$174,395.00.

Bids were received as follows:

TransAmerican Power Products, Inc. (Houston, TX)	\$174,395.00
CHM Industries dba Keystone Poles (Saginaw, TX)	\$181,591.00
Power-Lite Industries, Inc. (Montreal, Quebec, Canada)	\$189,450.00
Dis-Tran Steel (Pineville, LA)	\$221,360.00
Valmont Newmark (Tulsa, OK)	\$224,735.00
M.D. Henry (Pelham, AL)	\$231,780.00
Thomas & Betts (Memphis, TN)	\$291,005.00
Sabre Tubular Structures (Alvarado, TX)	\$409,180.00

- 5.9 Bid Recommendation for tubular steel structures to award bid to TransAmerican Power Products, Inc., Houston, TX, lowest bidder, in the total amount of \$366,823.00.

Bids were received as follows:

TransAmerican Power Products, Inc. (Houston, TX)	\$366,823.00
Dis-Tran Steel, LLC (Pineville, LA)	\$445,136.00
Sabre Tubular Structures (Alvarado, TX)	\$480,734.00
M. D. Henry (Pelham, AL)	\$421,656.00
Bridgewell Resources, LLC (Tigard, OR)	\$555,380.00

- 5.10 PWC Capital Project Fund resolutions and budgets.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO ESTABLISH A 2012 EDGEWATER/NORTHVIEW STATE REVOLVING LOAN CAPITAL FUND. RESOLUTION NO. R2012-028.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO ESTABLISH A 2012 WTF CLEARWELL AND CHEMICAL FEED IMPROVEMENTS STATE REVOLVING LOAN CAPITAL PROJECT FUND. RESOLUTION NO. R2012-029.

- 6.0 PUBLIC HEARINGS

- 6.1 Case No. P12-31F. Request for a Special Use Permit for office use within 100 feet of residential development in the Hospital Overlay, on property located at 1804 Fargo Drive. Containing 0.46 acres more or less and being the property of Tochari Investments, LLC; contingent on rezoning to OI.



## DRAFT

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the owner of the property had requested a Special Use Permit to allow for office use within 100 feet of residential development in the Hospital Area Overlay. He noted in 2009 the owner had his property at 1800 Fargo Drive rezoned to P2/CZ and constructed a 14,000 square foot medical facility and recently purchased 1804 Fargo Drive in order to use the property for additional parking. He also noted the owner applied for a Special Use Permit (SUP) to allow for office use within 100 feet of residential development. He advised the Zoning Commission and staff recommended issuance of the SUP based on (1) OI fitting with the Hospital Area Plan and (2) conditions being added to the SUP approval if needed. He further advised the Zoning Commission and staff recommended approval of the SUP as presented by staff, based on the submitted site plan, and upon a finding that all of the following standards were met:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

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

Mr. Scott Brown, 409 Chicago Drive, Suite 112, Fayetteville, NC, appeared in favor and stated he was the civil engineer representing the owner and requested approval of the special use permit.

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

**MOTION:** Council Member Hurst moved to approve the Special Use Permit as presented by staff, based on the submitted site plan, and upon a finding that all the standards were met.

**SECOND:** Council Member Crisp

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

**6.2 Case No. P12-33F. Request for a Special Use Permit for a utility substation in a SF-10 district located at 5311 Redwood Drive, property of City of Fayetteville.**

## DRAFT

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the Public Works Commission (PWC) wished to expand an existing power substation on Redwood Drive. He stated the expansion would occur completely within the boundaries of the existing facility. He stated since the substation was at the back of a neighborhood, staff would not recommend additional conditions such as a paved entrance, like was required on the last Special Use Permit case heard for a substation. He advised the Zoning Commission and staff recommended approval of the SUP based on (1) it not expanding the physical size of the project, only increase the internal components; and (2) conditions being added to the SUP approval if needed. He further advised that a Special Use Permit would only be approved upon a finding that all of the following standards were met:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

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

Mr. Scott Brown, 409 Chicago Drive, Suite 112, Fayetteville, NC, appeared in favor and stated he was the civil engineer representing the owner and requested approval of the special use permit.

Mr. John Sidebotham, 955 Old Wilmington Road, Fayetteville, NC, appeared in favor and stated he was the electrical engineer representing PWC.

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

**MOTION:** Council Member Hurst moved to approve the special use permit as presented by staff, based on the submitted site plan, and upon a finding that all the standards were met.

**SECOND:** Council Member Crisp

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

**6.3 Case No. P12-34F. Rezoning from LC Limited Commercial District and OI Office and Institutional District to all LC Limited Commercial District located at 1907 Murchison Road. Containing**

# DRAFT

## **1.14 acres more or less and being the property of Spurgeon D. Watson.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained property was split zoned and the owner was requesting all of the property be zoned to LC. He advised the Zoning Commission recommended approval of the rezoning to LC based on (1) the size of the area currently zoned LC would limit commercial development and (2) redevelopment of an existing commercial property. He further advised that staff recommended denial of the rezoning to LC based on (1) the Land Use Plan calling for Medium-Density Residential on the portion to be rezoned, (2) Murchison Road Corridor Plan calling for Single-Family Residential, and (3) rezoning to LC would extend commercial zoning to the adjacent residential neighborhood. He stated additional considerations included the extension toward the neighborhood would encourage similar change from OI to commercial for the other properties along the back of the block fronting Murchison; there was limited development (parking) currently on the property and only smaller scale, scattered residential and non-residential uses beside and across Murchison from the property; and there was a significant amount of undeveloped or underdeveloped commercial property along Murchison Road, which led to the emphasis in the Corridor Plan on not expanding strip commercial but rather concentrating on strengthening and redeveloping the nodes (the area a little north of this site and especially across the street, around Jasper, is recommended as one such neighborhood scale commercial node).

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

Mr. David Gladney, 7030 Darnell Street, Fayetteville, NC 28314, appeared in favor and stated he had requested rezoning for lots adjacent to the ones displayed and documented by staff. He provided a map that indicated the lots he was seeking to be rezoned.

Ms. Sandra Mitchell, 1634 Rudolf Street, Fayetteville, NC 28301, appeared in opposition and stated as they considered the Murchison Road revitalization, to please keep in mind that the Murchison Road Corridor Plan had already been implemented; this potential rezoning for the property was not in the best interests of the community and respectfully requested that Council deny the rezoning.

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

A discussion period ensued regarding the parcels of land Mr. Gladney was requesting to be rezoned.

Mayor Chavonne inquired of Mr. Gladney if he had initiated the request for the rezoning. Mr. Gladney responded in the affirmative.

Mr. Harmon clarified that staff had acted on the information provided on the initial application.

**MOTION:** Council Member Haire moved to table the item and bring it back for further discussion and possible action at the August 13, 2012, City Council meeting.

**SECOND:** Council Member Bates

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

**MOTION:** Council Member Haire moved to deny the rezoning request.

**SECOND:** Council Member Hurst

**VOTE:** PASSED by a vote of 7 in favor to 2 in opposition (Council Members Massey and Arp)

**DRAFT**

**7.0 ADMINISTRATIVE REPORTS**

**7.1 Monthly statement of taxes for June 2012.**

2011 Taxes .....	\$254,401.50
2011 Vehicle .....	370,842.53
2011 Taxes Revit .....	361.82
2011 Vehicle Revit .....	492.18
2011 FVT .....	42,978.06
2011 Transit .....	42,978.03
2011 Storm Water .....	5,840.73
2011 Fay Storm Water...	11,681.55
2011 Fay Recycle Fee .....	12,184.64
2011 Annex... ..	0.00
2010 Taxes .....	6,373.02
2010 Vehicle .....	5,174.03
2010 Taxes Revit .....	3.13
2010 Vehicle Revit .....	1.36
2010 FVT .....	1,126.39
2010 Transit .....	1,126.41
2010 Storm Water .....	135.32
2010 Fay Storm Water...	270.65
2010 Fay Recycle Fee .....	390.53
2010 Annex... ..	0.00
2009 Taxes .....	1,043.57
2009 Vehicle .....	1,032.46
2009 Taxes Revit .....	0.00
2009 Vehicle Revit .....	0.00
2009 FVT .....	302.45
2009 Transit .....	302.43
2009 Storm Water .....	60.00
2009 Fay Storm Water...	120.00
2009 Fay Recycle Fee .....	152.00
2009 Annex... ..	0.00
2008 Taxes .....	573.12
2008 Vehicle .....	930.75
2008 Taxes Revit .....	0.00
2008 Vehicle Revit .....	0.00
2008 FVT .....	161.66
2008 Transit .....	126.64
2008 Storm Water .....	24.00
2008 Fay Storm Water .....	24.00
2008 Fay Recycle .....	0.00
2008 Annex... ..	0.00
2007 and Prior Taxes .....	470.48
2007 and Prior Vehicle .....	2,170.85
2007 and Prior Taxes Revit .....	0.00
2007 and Prior Vehicle Revit .....	0.00
2007 and Prior FVT .....	382.63
2007 and Prior Storm Water .....	24.00
2007 and Prior Fay Storm Water .....	0.00
2007 and Prior Annex... ..	14.15
Interest .....	23,591.24
Revit Interest .....	28.76
Storm Water Interest .....	376.70
Fay Storm Water Interest .....	721.64
Annex Interest .....	1.61
Fay Recycle Interest .....	765.00
Fay Transit Interest .....	1,165.49
Total Tax and Interest .....	\$790,927.51

# DRAFT

## 8.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:54 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

072312

# DRAFT

FAYETTEVILLE CITY COUNCIL  
DISCUSSION OF AGENDA ITEMS MEETING MINUTES  
EXECUTIVE CONFERENCE ROOM  
AUGUST 13, 2012  
6:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Theodore Voorhees, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen McDonald, City Attorney  
Russ Rogerson, Executive Vice President for Economic Development, Fayetteville-Cumberland County Chamber of Commerce  
Catherine Johnson, Manager for Existing Industry, Fayetteville-Cumberland County Chamber of Commerce  
Members of the Press

Mayor Chavonne called the meeting to order at 6:10 p.m.

**MOTION:** Council Member Bates moved to go into closed session to discuss an economic development matter.  
**SECOND:** Council Member Hurst  
**VOTE:** UNANIMOUS (10-0)

The regular session recessed at 6:10 p.m. The regular session reconvened at 6:30 p.m.

**MOTION:** Council Member Fowler moved to go into open session.  
**SECOND:** Council Member Bates  
**VOTE:** UNANIMOUS (10-0)

Mayor Chavonne reviewed the agenda items and advised of the public hearings.

No concerns or issues were raised for the agenda items.

There being no further business, the meeting adjourned at 6:35 p.m.

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney

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ANTHONY G. CHAVONNE  
Mayor

081312

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of the City Council  
**FROM:** Pamela Megill, City Clerk  
**DATE:** October 8, 2012  
**RE:** **Resolution Adopting the amended North Carolina Municipal Records Retention and Disposition Schedule**

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**THE QUESTION:**

Will the City Council adopt the State mandated Municipal Records Retention and Disposition Schedule dated September 10, 2012?

**RELATIONSHIP TO STRATEGIC PLAN:**

More Efficient City Government

**BACKGROUND:**

In accordance with North Carolina General Statutes 121 and 132, the City is directed to comply with the updated guidance for Municipal Records Retention and Disposition Schedule issued by the North Carolina Department of Cultural Resources. This schedule is periodically updated. The last update was May 2009.

**ISSUES:**

None.

**BUDGET IMPACT:**

None.

**OPTIONS:**

1. Adopt the State mandated Municipal Records Retention and Disposition Schedule by approving the attached Resolution.
2. Take no action at this time.

**RECOMMENDED ACTION:**

Move to approve the Resolution adopting the North Carolina Department of Cultural Resources Municipal Records Retention and Disposition Schedule, dated September 10, 2012.

**ATTACHMENTS:**

Resoluion - Adopting NC Municipal Records Retention and DispositionSchedule, 091012  
Signature Page

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE APPROVING THE MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE AMENDMENT ON SEPTEMBER 10, 2012**

**WHEREAS**, the North Carolina Division of Archives and History of the Department of Cultural Resources is responsible for assisting local governments in records management, including the destruction of obsolete records and the protection of essential records as provided by Chapters 121 and 132 of the General Statutes of North Carolina, and;

**WHEREAS**, the municipal records management program provides advice, service and training in the control, maintenance, preservation and disposal of official public records in the custody of local governmental units, and;

**WHEREAS** “Public Record” means any document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data processing record, artifact or other documentary material made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of the North Carolina government or its subdivisions, and;

**WHEREAS**, the Department of Cultural Resources has issued an amendment to the Records Retention Schedule date September 10, 2012, and;

**WHEREAS**, the Municipal Records Retention and Disposition Schedule is endorsed by the North Carolina Department of Cultural Resources, Division of Historical Resources, Archives and Records Section, Government Records Branch;

**NOW, THEREFORE, BE IT RESOLVED** by the City of Fayetteville City Council that the Council adopts the North Carolina Municipal Records Retention and Disposition Schedule, as updated by the North Carolina Department of Cultural Resources in accordance with the provision of Chapters 121 and 132 of the General Statutes of North Carolina, dated September 10, 2012, a copy of which is on file in the office of the City Clerk.

**BE IT FURTHER RESOLVED** this schedule is to remain in effect from the date of approval until it is reviewed and updated

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**, on this, the 8<sup>th</sup> day of October, 2012; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.



CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

**MUNICIPAL  
Records Retention and Disposition Schedule**

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provision of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. **Public records including electronic records not listed in this schedule are not authorized to be destroyed.**

This local government agency and the Department of Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow these records to be destroyed when "*administrative value ends.*" The local government agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "*destroy when administrative value ends.*" If a municipality does not establish internal policies and retention periods, the municipality is not complying with the provisions of this retention schedule and is not authorized by the Department of Cultural Resources to destroy the records with the disposition instruction "*destroy when administrative value ends.*"

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

**APPROVAL RECOMMENDED**

\_\_\_\_\_  
City/Town Clerk

\_\_\_\_\_  
Chief Administrative Officer/  
City Manager

*Sarah E. Koonts*

\_\_\_\_\_  
Sarah E. Koonts, Director  
Division of Archives and Records

**APPROVED**

\_\_\_\_\_  
Mayor

*Linda A. Carlisle*

\_\_\_\_\_  
Linda A. Carlisle, Secretary  
Department of Cultural Resources

September 10, 2012

Municipality: \_\_\_\_\_

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Pamela Megill, City Clerk  
**DATE:** October 8, 2012  
**RE:** **Technical Correction - Ordinance to Repeal the PROP Ordinance**

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**THE QUESTION:**

Will the Council adopt the ordinance repealing the PROP ordinance from the City Code?

**RELATIONSHIP TO STRATEGIC PLAN:**

More Efficient City Government.

**BACKGROUND:**

All amendments to the City Code are codified by Municipal Code Corporation through an ordinance adopted by Council. Although Council repealed the PROP ordinance on August 8, 2011 (see attached excerpt from meeting), an ordinance is needed for codification. The attached ordinance will allow Municipal Code Corporation to repeal the PROP ordinance.

**ISSUES:**

None.

**BUDGET IMPACT:**

**OPTIONS:**

Adopt the ordinance repealing the PROP ordinance.

**RECOMMENDED ACTION:**

Adopt the ordinance repealing the PROP ordinance from the City Code.

**ATTACHMENTS:**

080811 Meeting Minutes  
Ordinance - Repeal

**2011 - MEETING MINUTES CITY OF FAYETTEVILLE NORTH CAROLINA /  
REGULAR MEETING AUGUST 8, 2011 / 9.0 OTHER ITEMS OF BUSINESS / 9.3  
Legislative update on Senate Bill 683 and its impact on PROP.**

**9.3 Legislative update on Senate Bill 683 and its impact on PROP.**

Mr. Brian Meyer, Assistant City Attorney, presented this item and provided background on the PROP program which was to be implemented July 1, 2011. He stated in June 2011 Senate Bill 683 was adopted which limited the City's ability to regulate rental property. He stated it also prohibited a City from adopting or enforcing an ordinance that would require a rental property owner to obtain a permit in order to rent their property and would call into question the ability of the city to require a fee for that permit. He stated as the ordinance was not enforceable as currently drafted, staff was recommending that Council rescind the ordinance and direct staff to develop another program that would be more consistent with Senate Bill 683 and with Council's goals.

Council Member Davy inquired why option 1 would not work which was to direct staff to revise the ordinance to eliminate those provisions that were inconsistent with Senate Bill 683 and proceed with implementation of the program. Mr. Meyer responded with option 1 only one condition would exist and they would have to eliminate a significant percentage of the actual ordinance. He stated to revise it would be to rewrite it.

Council Member Arp inquired if the PROP ordinance were rescinded and staff was directed to develop a program that would be consistent with Senate Bill 683, what kind of timeline were they looking at. Mr. Doug Hewett, Assistant City Manager, responded they were looking at completing the research and coming back to the Council at the work session in October with some program designs and options and depending on whether or not the Council agreed with those or made modifications, they would then recommend going back to the stakeholders group and to hold community meetings. He stated the implementation window would probably be in January.

Council Member Davy requested Mr. Meyer to explain the top 10 percent. Mr. Meyer explained it was based on Charlotte's program which only regulated criminal activity on rental properties and clarified it was 4 percent rather than 10 percent. He stated they assign the type of crime a number which was a multiplier and multiply the number of times the crime occurs by that value. He stated the top 4 percent of problem properties were required to register with the city. He stated after registration, they have to go to the Police Department and develop a plan to remediate the problems. He stated there would be another review after six months and if the problem was fixed they would be removed from the program. He stated if the problem were not fixed, they would have another 6 months to work on a new program. He stated after a year and a half, if they have not made the improvements, then the rental registration would be stripped and

**City of Fayetteville, North Carolina Official Meeting Minutes**

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they could not rent the property anymore.

Council Member Applewhite inquired if the violations had to be criminal. Mr. Meyer responded in the negative and stated there could be housing code violations, noise violations, etc.

**MOTION: Council Member Davy moved to direct staff to revise the PROP ordinance, to eliminate those provisions that are inconsistent with Senate Bill 683, and proceed with implementation of the program.**

Motion died due to lack of a second.

**MOTION: Council Member Crisp moved to rescind the ordinance and direct staff to bring back a new program proposal in October.**

**SECOND: Council Member Applewhite**

**VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Davy)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REPEALING ARTICLE V, PROBATIONARY RENTAL OCCUPANCY PERMIT, OF CHAPTER 14, HOUSING, BUILDINGS AND DWELLINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE**

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

Section 1. Article V, Probationary Rental Occupancy Permit, of Chapter 14 of the Code of Ordinances of the City of Fayetteville is repealed in its entirety.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF FAYETTEVILLE

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

ATTEST:

\_\_\_\_\_  
PAMELA G. MEGILL, City Clerk

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** October 8, 2012  
**RE:** **Budget Ordinance Amendment 2013-6 (Emergency Telephone System Fund)**

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**THE QUESTION:**

Council is asked to approve this budget ordinance amendment which will appropriate \$155,340 to the Emergency Telephone System Fund budget for the purchase of replacement dispatch consoles. The source of funds for the amendment is an appropriation of \$155,340 from Emergency Telephone System Fund fund balance.

**RELATIONSHIP TO STRATEGIC PLAN:**

Mission Principle 1: Financially Sound City Government

**BACKGROUND:**

Council will be asked to award a contract for the purchase and installation of public safety dispatch consoles with a total cost of \$277,065. The replacement of these consoles was originally funded in Fiscal Year 2012, however, the bid process was not completed by the fiscal year end.

The Fiscal Year 2013 Emergency Telephone System Fund budget has funding totalling \$121,725 that may be used for this purchase. This ordinance amendment will appropriate the \$155,340 balance of funding needed from Emergency Telephone System Fund fund balance, of which \$472,850 was available as of June 30, 2012.

**ISSUES:**

None

**BUDGET IMPACT:**

As presented above.

**OPTIONS:**

- Adopt Budget Ordinance Amendment 2013-6 to move forward with the purchase of the consoles.
- Do not adopt Budget Ordinance Amendment 2013-6.

**RECOMMENDED ACTION:**

Adopt Budget Ordinance Amendment 2013-6 as presented.

**ATTACHMENTS:**

Budget Ordinance Amendment 2013-6

2012-2013 BUDGET ORDINANCE AMENDMENT  
CHANGE 2013-6

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

That the City of Fayetteville Budget Ordinance adopted June 11, 2012 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2012, and ending June 30, 2013, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule F: Emergency Telephone System Fund</u>			
Intergovernmental Revenues	\$ 775,752	\$ -	\$ 775,752
Investment Earnings	1,000	-	1,000
Fund Balance Appropriation	-	155,340	155,340
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 776,752</u>	<u>\$ 155,340</u>	<u>\$ 932,092</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2012, and ending June 30, 2013, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule F: Emergency Telephone System Fund</u>			
Total Estimated Emergency Telephone System Fund Expenditures	<u>\$ 776,752</u>	<u>\$ 155,340</u>	<u>\$ 932,092</u>

Adopted this 8th day of October, 2012.



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** October 8, 2012  
**RE:** **Special Revenue Fund Project Ordinance 2013-6 (2012 Prescription Drug Initiative)**

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**THE QUESTION:**

This ordinance appropriates \$59,936 for the Prescription Drug Initiative for fiscal year (FY) 2012-2013.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 4: Growing City, Livable Neighborhoods - A Great Place to Live  
Objective 1: Consistent improvement in reducing crime rates

**BACKGROUND:**

- The North Carolina Department of Public Safety - Governor's Crime Commission has approved a grant, funded by the Federal Byrne Justice Assistance Grant Program, for the City's Prescription Drug Initiative.
- The project will allow the Police Department to purchase equipment and attend training for illegal prescription drug investigations.
- The total project budget is \$59,936, with \$44,952 provided by the grant and a required local match of \$14,984 from the General Fund.
- The local match is included in the FY2012-2013 budget.

**ISSUES:**

None.

**BUDGET IMPACT:**

See background information above.

**OPTIONS:**

- 1) Adopt Special Revenue Fund Project Ordinance 2013-6.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2013-6.

**RECOMMENDED ACTION:**

Adopt Special Revenue Fund Project Ordinance 2013-6.

**ATTACHMENTS:**

Special Revenue Fund Project Ordinance 2013-6

SPECIAL REVENUE FUND PROJECT ORDINANCE  
ORD 2013-6

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

Section 1. The project authorized is for the funding of the 2012 Prescription Drug Initiative program awarded by the North Carolina Department of Public Safety - Governor's Crime Commission, as a pass through from the 2012 Byrne Justice Assistance Grants.

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

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

Federal Grant passed through the NC Governor's Crime Commission	\$ 44,952
Local Match - City of Fayetteville General Fund Transfer	14,984
	<u>\$ 59,936</u>

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

Project Expenditures	<u>\$ 59,936</u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 8th day of October, 2012.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** October 8, 2012  
**RE:** **Special Revenue Fund Project Ordinance 2013-7 (Fayetteville Family Justice Center)**

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**THE QUESTION:**

This ordinance appropriates \$42,913 for the Fayetteville Family Justice Center project.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 4: Growing City, Livable Neighborhoods - A Great Place to Live

Objective 1: Consistent improvement in reducing crime rates

**BACKGROUND:**

- The North Carolina Department of Public Safety - Governor's Crime Commission has approved a grant, funded by the Federal American Reinvestment and Recovery Act - Violence Against Women Formula Grants.
- The program will be administered through a partnership between the Fayetteville Police Department and the Fayetteville Family Justice Center.
- The grant will cover 75% of the payroll, supplies and equipment costs for an Intake Coordinator.
- The Intake Coordinator will be hired by the City and housed at the Family Justice Center.
- The Intake Coordinator will be the point of contact for all victims seeking assistance from the Family Justice Center, and will perform the initial interview in order to direct the victim to appropriate services.
- The total project budget is \$42,913, with \$32,185 provided by the grant and a required local match of \$10,728 from the General Fund.
- The local match is included in the FY2013 budget.

**ISSUES:**

None.

**BUDGET IMPACT:**

See background information above.

**OPTIONS:**

- 1) Adopt Special Revenue Fund Project Ordinance 2013-7.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2013-7.

**RECOMMENDED ACTION:**

Adopt Special Revenue Fund Project Ordinance 2013-7.

**ATTACHMENTS:**

Special Revenue Fund Project Ordinance 2013-7

SPECIAL REVENUE FUND PROJECT ORDINANCE  
ORD 2013-7

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

- Section 1. The project authorized is for the funding of the 2012 Fayetteville Family Justice Center project, which will fund the payroll, equipment and supplies for an Intake Coordinator position for fiscal year 2012-2013.
- Section 2. The project director is hereby directed to proceed with the project within the terms of the various contract agreements executed with the Federal and State governments and within the funds appropriated herein.
- Section 3. The following revenues are anticipated to be available to the City to complete the project:

Federal Grant passed through the NC Governor's Crime Commission	\$ 32,185
Local Match - City of Fayetteville General Fund Transfer	<u>10,728</u>
	<u><u>\$ 42,913</u></u>

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

Project Expenditures	<u><u>\$ 42,913</u></u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 8th day of October, 2012.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Gloria Wrench, Purchasing Manager  
**DATE:** October 8, 2012  
**RE:** **Award Contract for the Purchase and Installation of Public Safety Dispatch Console Systems**

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**THE QUESTION:**

Is it in the interest of Council to approve a contract for the purchase and installation of fifteen (15) Public Safety Dispatch Console Systems?

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**BACKGROUND:**

Formal bids were solicited for the purchase of fifteen (15) Public Safety Dispatch Console Systems to include (9) Dispatcher consoles; (5) Call Taker consoles; and (1) Supervisor console. In addition to price, vendors were asked to submit detailed designs for console systems that would best meet the City's space and operational requirements, based on the City's specifications. Bids were received August 8, 2012. (see attached for bid tabulation).

This bid represents the second advertisement for bids for these consoles. After review of the first bids received, Staff decided to reject all bids and revise the bid specifications in an effort to make them less restrictive and therefore provide an opportunity for participation by additional bidders.

After a thorough evaluation, staff recommends award to Evans Consoles, Calgary, AB, Canada, the sole bidder meeting all specifications. A copy of the evaluation matrix is attached.

The existing console furniture is over ten (10) years old and consists mostly of office style cubicle furniture, instead of furnishings designed specifically for dispatch applications. The City currently has two (2) Eaton/Wright Line consoles; both of which have issues with broken lifts and inoperable environmental systems. The current furniture has been in a state of disrepair for several years.

**ISSUES:**

None

**BUDGET IMPACT:**

A budget ordinance amendment is included on Council's agenda to provide sufficient funding for this contract from E 9-1-1 funds.

**OPTIONS:**

(1) Award contract according to staff recommendation. (2) Not award contract.

**RECOMMENDED ACTION:**

Award contract for the purchase of fifteen (15) Public Safety Dispatch Console Systems to Evans Consoles, Calgary, AB, Canada, in the amount of \$277,065.00.

**ATTACHMENTS:**

Bid Tabulation  
Evaluation Matrix



**CITY OF FAYETTEVILLE**

**BID FOR FIFTEEN (15) PUBLIC SAFETY DISPATCH CONSOLES**

**AUGUST 8, 2012; 2:00 P.M.**

<b>BIDDER</b>	<b>TOTAL PRICE</b>
EVANS CONSOLES CALGARY, AB, CANADA	277,065.00
EATON'S WRIGHT LINE WORCESTER, MA	191,609.60
CENTURYLINK ROCKY MOUNT, NC	217,014.53







YES=1

NO=3

N/A=1 (Does not originally comply with spec and therefore cannot be considered as y or n)

YES/conditional=2 (Does not comply with the spec as written but would be considered)

Low score is best.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Gloria Wrench, Purchasing Manager  
**DATE:** October 8, 2012  
**RE:** **Award Contract for the Purchase of One (1) Cab and Chassis with a 16 Cubic Yard Refuse Body**

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**THE QUESTION:**

Is it in the interest of Council to approve a contract for the purchase of one (1) cab and chassis with a 16 cubic yard refuse body?

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**BACKGROUND:**

The City's Environmental Services Department has the need to purchase one (1) cab and chassis with a 16 cubic yard refuse body. Formal bids were received August 31, 2012 (see attached bid tabulation). Staff is requesting approval of the bid from Carolina Environmental Systems (CES), Kernersville, NC for the following reasons:

The bid from Carolina Environmental Systems (CES) most closely meets the bid specifications.

- \* The CES unit consists of a Freightliner cab and chassis built in Mount Holly, NC and Heil body built in Ft. Payne, AL.
- \* The CES unit is the same manufacturer as our existing trucks; therefore, parts would be standardized

Smith International, Fayetteville, NC, took exception to the specifications and bid a Pac-Mor body with a trough floor.

- \* The Smith International unit consists of an International cab and chassis built in Springfield, OH and a Pac-Mor body built in Mexico.
- \* The Pac-Mor body does not meet bid specifications by offering a trough-floor configuration.
- \* A trough-floor body causes weakness in the frame and significantly increases the likelihood of costly floor repairs.
- \* A trough-floor holds garbage liquids that tend to leak onto the pavement more readily in this configuration.

Smith International's second bid took exception by offering a New Way Viper trough-floor body.

- \* The New Way body does not meet bid specifications.
- \* The New Way body is made in Scranton, IA.

**ISSUES:**

None

**BUDGET IMPACT:**

\$145,000 was included in the FY2012-2013 budget for the purchase of this truck.

**OPTIONS:**

(1) Award bid according to staff recommendation. (2) Not award bid.

**RECOMMENDED ACTION:**

Award bid for the purchase of one (1) Cab and Chassis with a 16 cubic yard Refuse Body to Carolina Environmental Systems, Kernersville, NC, in the amount of \$129,417.00.

**ATTACHMENTS:**

Bid Tabulation

<b>CITY OF FAYETTEVILLE</b>				
<b>BID FOR ONE (1) CAB AND CHASSIS WITH 16YD REFUSE BODY</b>				
<b>AUGUST 31, 2012; 10:00 A.M.</b>				
<b>BIDDER</b>	<b>TOTAL BID PRICE</b>	<b>CAB/CHASSIS MANUFACTURER</b>	<b>REFUSE BODY MANUFACTURER</b>	<b>DELIVERY</b>
SMITH INTERNATIONAL FAYETTEVILLE, NC	\$126,856.74	INTERNATIONAL 7400	PACMOR RC116B	180 DAYS
CAROLINA ENVIRONMENTAL KERNERSVILLE, NC	\$129,217.00	FREIGHTLINER 108SD	HEIL FORMULA 4000	120-180 DAYS
SMITH INTERNATIONAL FAYETTEVILLE, NC	\$129,923.74	INTERNATIONAL 7400	NEW WAY VIPER	180 DAYS

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, AICP, CZO - Planner II  
**DATE:** October 8, 2012  
**RE:** **P12-46F. Request for rezoning from SF-10 Single Family to O&I Office and Institutional district on property located at Cromwell Ave. Containing 1.46 acres more or less and being the property of Northwood Temple International Pentecostal Holiness Church.**

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**THE QUESTION:**

Does the requested rezoning fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

**RELATIONSHIP TO STRATEGIC PLAN:**

Livable Neighborhoods  
Growth and development

**BACKGROUND:**

Owner: Northwood Temple International Pentecostal Holiness Church  
Applicant: Northwood Temple International Pentecostal Holiness Church  
Requested Action: SF-10 to OI  
Property Address: Lots 42-45 Cromwell Ave (West side)  
Council District: 1  
Status of Property: Residential  
Size: 1.46 acres +/-  
Existing Land Use: Vacant  
Adjoining Land Use & Zoning:  
North - OI  
South - OI & SF-10  
East - SF-10  
West - OI  
Letters Mailed: 27  
Land Use Plan: Low density residential  
Ramsey Street Corridor Plan: Mixed Use Development

**ISSUES:**

This property is owned by Northwood Temple International Pentecostal Holiness Church. Currently they have a school and church located at the corner of Ramsey Street and McArthur/Andover Roads. The church would like to use these four lots that are currently zoned for residential use as an area to expand their existing school facility. Although the land use plan calls for low density residential, it is staff's opinion that an expansion of the school and church facilities is in keeping with the character of the surrounding area. The Ramsey Street Corridor plan calls for mixed use development.

Zoning Commission and Staff recommend approval of the proposed rezoning based on:

1. OI borders the property to the north and west currently.
2. Cromwell Ave. separates the church property from the existing single family neighborhood.
3. Ramsey Street Corridor plan calls for mixed use development.

**BUDGET IMPACT:**

Any increase in public services would be limited relative to current activity.

**OPTIONS:**

- 1) Approval of the rezoning as presented by staff; (recommended)
- 2) Approval of the rezoning to a more restrictive district;
- 3) Denial of the rezoning request.

**RECOMMENDED ACTION:**

**Zoning Commission and Staff Recommend:** That the City Council move to APPROVE the rezoning to Office and Institutional, as presented by staff.

**ATTACHMENTS:**

Zoning Map

Current Land Use

Land Use Plan

**ZONING COMMISSION**  
**CASE NO. P12-46F**



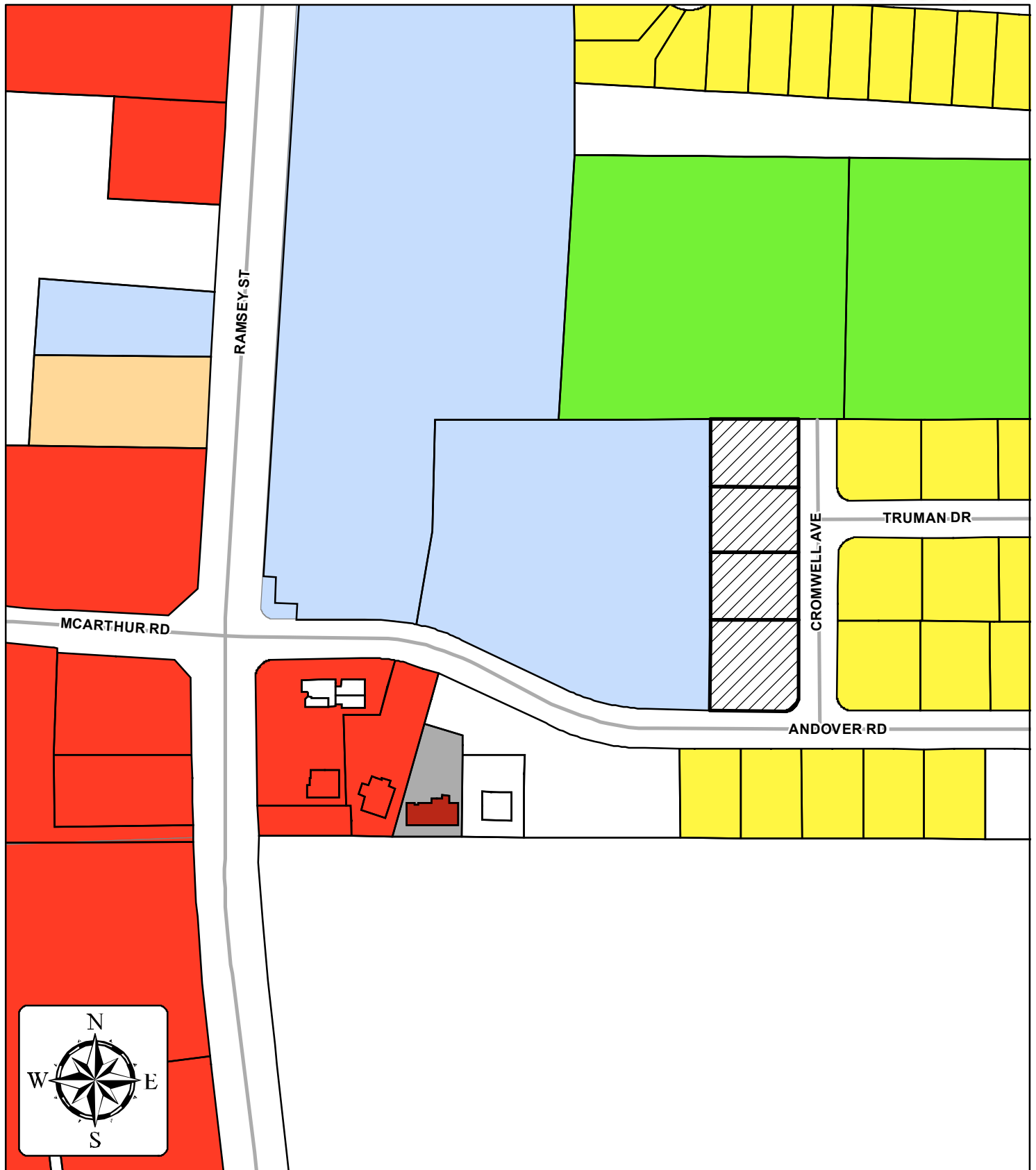
**Request:** SF-10 to OI  
**Location:** West side of Cromwell Ave  
**Acreage:** 1.46 +/- acres

**Zoning Commission:** 09/11/2012    **Recommendation:** \_\_\_\_\_  
**City Council:** \_\_\_\_\_    **Final Action:** \_\_\_\_\_  
**Pin:** 0439-67-7519, 0439-67-7619, 0439-67-7416, 0439-67-7719



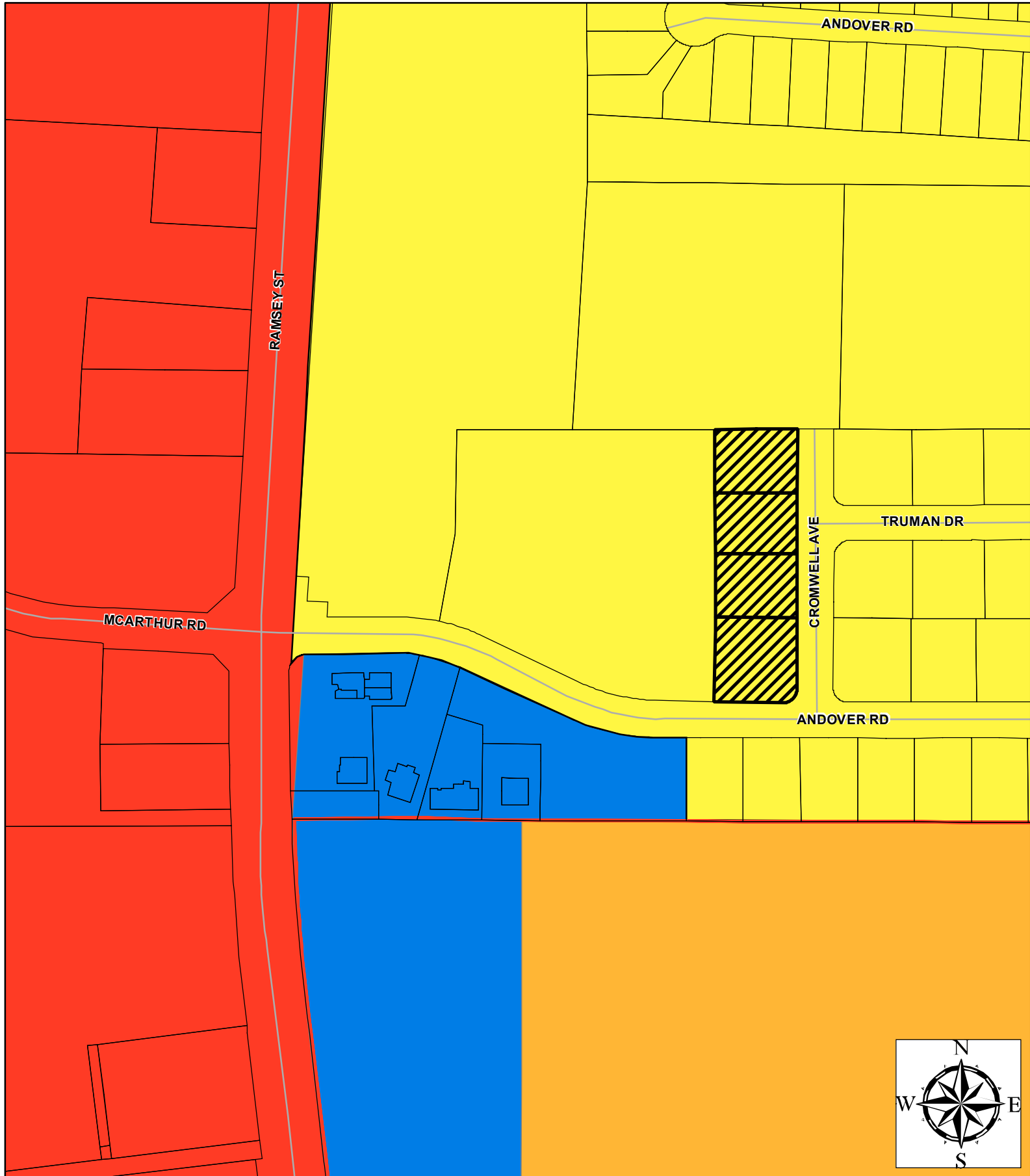
# Current Land Use

## P12-46F



Legend

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, AICP, CZO - Planner II  
**DATE:** October 8, 2012  
**RE:** **P12-47F. Request for rezoning from HI Heavy Industrial district to LI Light Industrial district on property located at 2838 Enterprise Ave. Containing 2.02 acres more or less and being the property of John & Zoila Degreff.**

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**THE QUESTION:**

Does the requested rezoning fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

**RELATIONSHIP TO STRATEGIC PLAN:**

Livable Neighborhoods  
Growth and development

**BACKGROUND:**

Owner: John & Zoila Degreff  
Applicant: John & Zoila Degreff  
Requested Action: HI to LI  
Property Address: 2838 Enterprise Ave  
Council District: 5  
Status of Property: Industrial  
Size: 2.02 acres +/-  
Existing Land Use: Warehouse and Auto Repair  
Adjoining Land Use & Zoning:  
North - SF-10  
South - HI  
East - MR-5  
West - HI  
Letters Mailed: 49  
Land Use Plan: Heavy Industrial

**ISSUES:**

This property currently is used for warehousing and auto repair. The owners would like to down zone their property to allow for car sales as well. The property is currently zoned for heavy industrial and would allow the uses permitted under that district. The property is currently used to warehouse vending machines and for auto repair/restoration. A change to LI would allow the owners to also sell cars that they have restored on the property. The land use plan calls for heavy industrial on this property but staff recommends a change to the Light Industrial since the property backs up to a single family residential development and is beside property zoned for mixed residential.

The owners would not be required to comply with the new Development Code standards unless they renovate the property over 25% of its value.

Zoning Commission and Staff recommend approval of the proposed rezoning based on:

1. Land use plan calls for industrial uses on this property.
2. LI allows less intense uses than the current HI.
3. Two sides of this property already have industrial zoning and uses.
4. The property in question already has industrial uses on it.

**BUDGET IMPACT:**

The City would be required to provide an increase in public services that should be offset by the increase this development would bring to the City's tax base.

**OPTIONS:**

- 1) Approval of the rezoning as presented by staff; (recommended)
- 2) Approval of the rezoning to a more restrictive district;
- 3) Denial of the rezoning request.

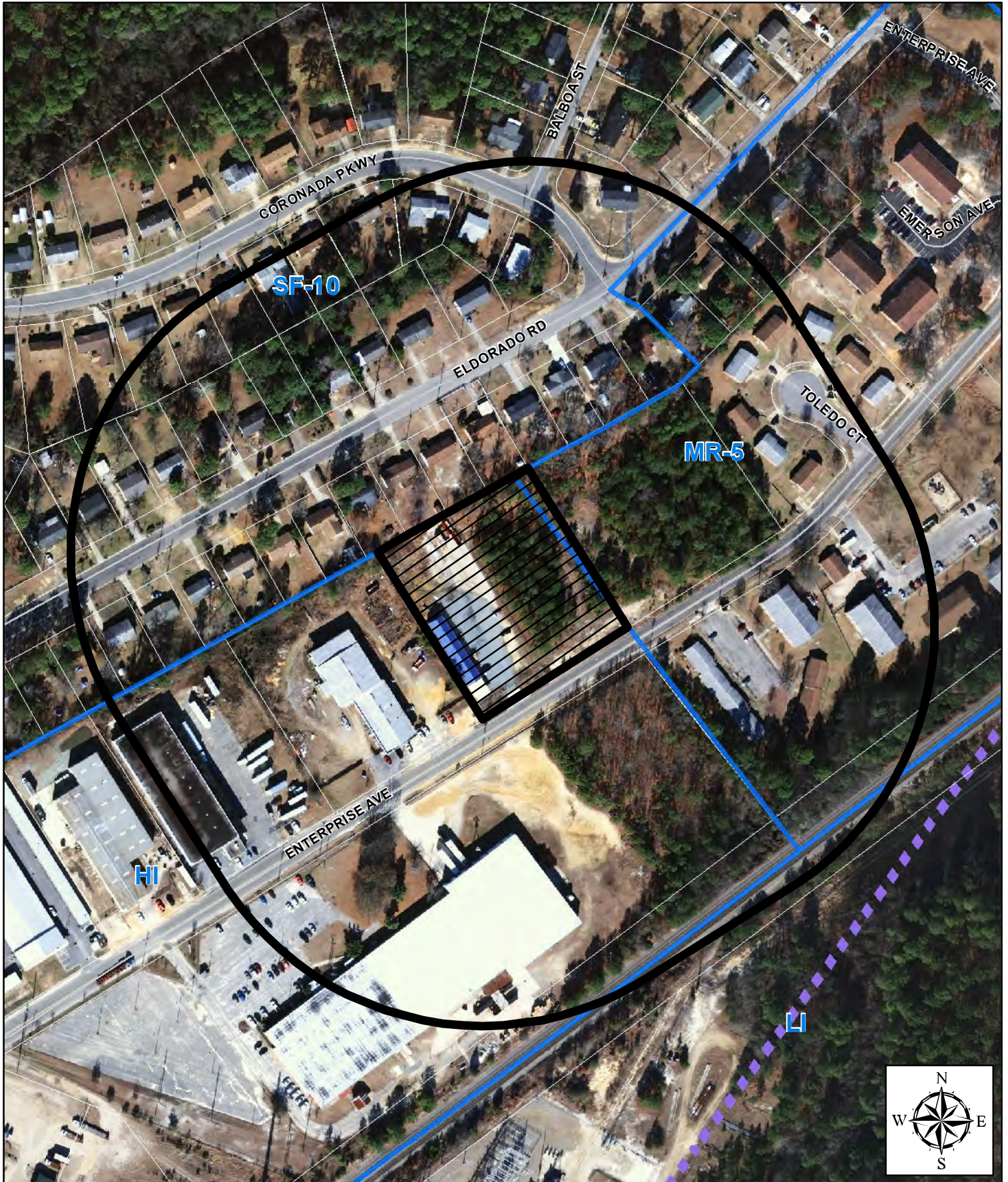
**RECOMMENDED ACTION:**

**Zoning Commission and Staff Recommend:** That the City Council move to APPROVE the rezoning to Light Industrial, as presented by staff.

**ATTACHMENTS:**

Zoning Map  
Current Land Use  
Land Use Plan

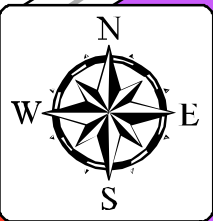
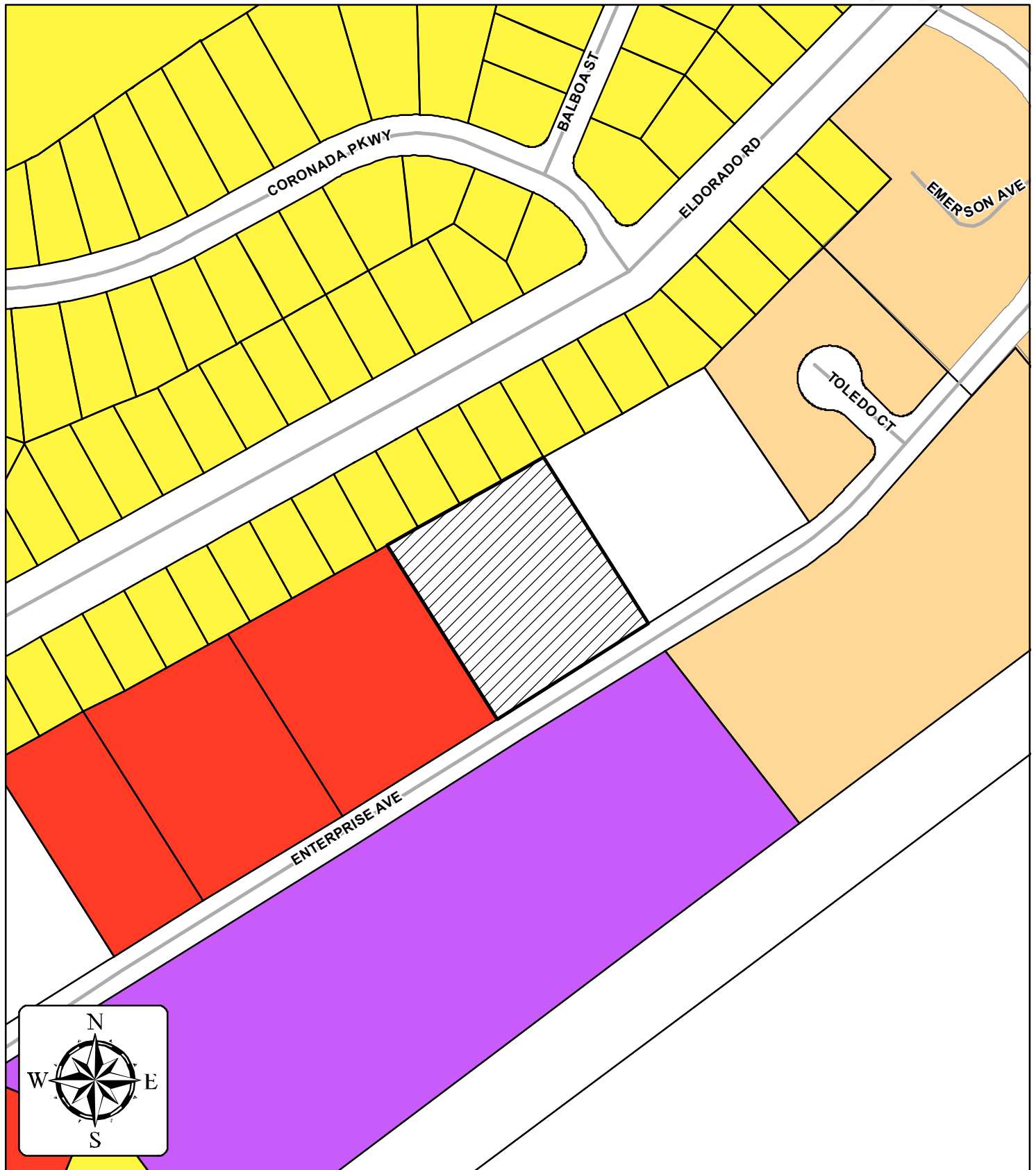
**ZONING COMMISSION**  
**CASE NO. P12-47F**



**Request:** HI to LI  
**Location:** 2838 Enterprise Ave.  
**Acreage:** 2.2 +/- acres

**Zoning Commission:** 09/11/2012    **Recommendation:** \_\_\_\_\_  
**City Council:** \_\_\_\_\_    **Final Action:** \_\_\_\_\_  
**Pin:** 0426-53-0804

Current Land Use  
P12-47F

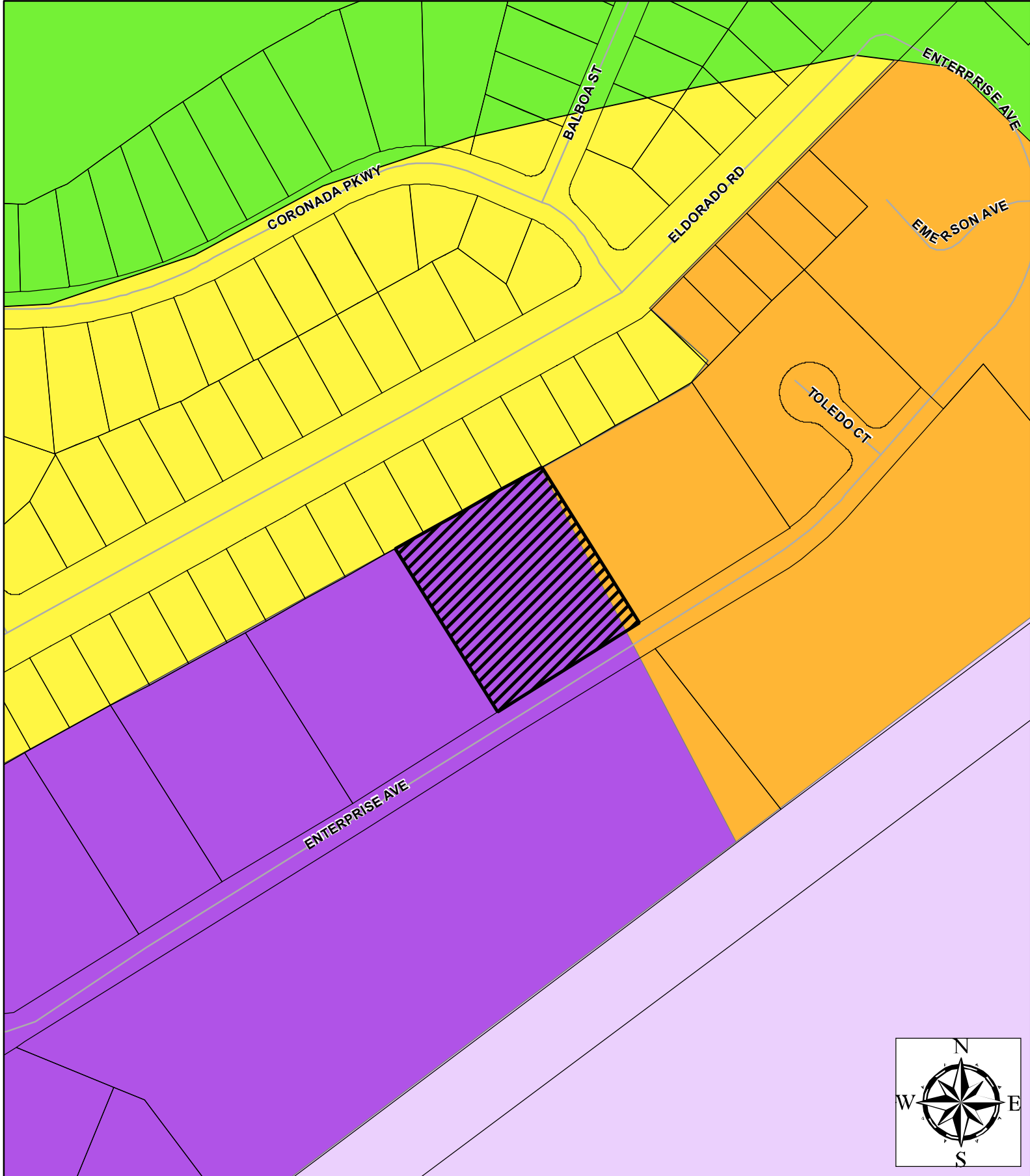


Legend

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

# Land Use Plan

Case No. P12-47F



**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of Council  
**FROM:** Steven K. Blanchard, CEO/General Manager  
**DATE:** October 8, 2012  
**RE:** **Bid Recommendation- 33,000 GVWR Cab and Chassis with Fuel/Lube Body**

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**THE QUESTION:**

The Public Works Commission of the City of Fayetteville requests Council approve bid recommendation for purchase of one (1) 33,000 GVWR Cab and Chassis with Fuel/Lube Body.

**RELATIONSHIP TO STRATEGIC PLAN:**

Quality utility services

**BACKGROUND:**

The Public Works Commission, during their meeting of September 26, 2012 approved the bid recommendation to award bid for purchase of one (1) 33,000 GVWR Cab and Chassis with Fuel/Lube Body (with option to purchase additional units up to a period of three (3) years from the original bid award date, upon the agreement of both parties) to Piedmont Truck Center, Greensboro, NC, lowest bidder meeting specifications, in the total amount of \$148,900.00 and forward to City Council for approval. This is a budgeted item (budgeted amount of \$160,000 to replace Unit #78). Bids were received August 14, 2012 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Piedmont Truck Center, Greensboro, NC	\$148,900.00
Smith International, Fayetteville, NC	\$151,279.00

**ISSUES:**

Piedmont Truck Center is not classified as a SDBE, minority, or woman-owned business.

**BUDGET IMPACT:**

PWC Budgeted item

**OPTIONS:**

N/A

**RECOMMENDED ACTION:**

Award Bid to Piedmont Truck Center, Greensboro, NC

**ATTACHMENTS:**

Bid recommendation

Bid History



**PUBLIC WORKS COMMISSION  
ACTION REQUEST FORM**

**TO:** Steve Blanchard, CEO/General Manager **DATE:** September 19, 2012

**FROM:** Gloria Wrench, Purchasing Manager

.....  
**ACTION REQUESTED:** Award bid for the purchase of one (1) 33,000 GVWR Cab and Chassis with Fuel/Lube Body (with the option to purchase additional units up to a period of three (3) years from the original bid award date, upon the agreement of both parties).

.....  
**BID/PROJECT NAME:** One (1) 33,000 GVWR Cab and Chassis with Fuel/Lube Body

**BID DATE:** August 14, 2012 **DEPARTMENT:** Fleet Maintenance

**BUDGETED AMOUNT:** \$160,000 to replace Unit #78

.....

BIDDERS	TOTAL COST
<u>Piedmont Truck Center, Greensboro, NC</u>	<u>\$148,900.00</u>
<u>Smith International, Fayetteville, NC</u>	<u>\$151,279.00</u>

.....

**AWARD RECOMMENDED TO:** Piedmont Truck Center, Greensboro, NC

**BASIS OF AWARD:** Lowest bidder meeting specifications

**AWARD RECOMMENDED BY:** John McColl and Gloria Wrench

.....  
**COMMENTS:** Bids were solicited from eight (8) vendors with three (3) vendors responding. A bid was received from Cooper Kenworth, Raleigh, NC, however, upon review it was determined to be non-compliant as they were unable to furnish the 98 gallon unleaded fuel tank on the truck body as required in our specifications. The lowest bidder meeting specifications is recommended.

**ACTION BY COMMISSION**

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

**ACTION BY COUNCIL**

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

## **BID HISTORY**

### **ONE (1) 33,000 GVWR CAB AND CHASSIS WITH FUEL/LUBE BODY**

#### **Advertisement**

1. Public Works Commission Website 07/26/12 through 08/14/12

#### **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. Advantage Truck Center, Charlotte, NC
2. Cooper Kenworth Trucks, Raleigh, NC
3. Smith International, Fayetteville, NC
4. Piedmont Truck Center, Greensboro, NC
5. Transource, Inc., Raleigh, NC
6. Tri-Point Truck Center, Raleigh, NC
7. Peterbilt of Dunn, Dunn, NC
8. Charlotte Truck Center, Charlotte, NC

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

Piedmont Truck Center is not classified as a SDBE, minority, or woman-owned business.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of Council  
**FROM:** Steven K. Blanchard, PWC CEO/General Manager  
**DATE:** October 8, 2012  
**RE:** **PWC Electric, Water/Wastewater and Fleet Maintenance Internal Service Fund Budget Amendment #1 and Electric Utility System Rate Stabilization Fund Budget Amendment #14**

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**THE QUESTION:**

The Public Works Commission of the City of Fayetteville requests City Council adopt the PWC Electric, Water/Wastewater and Fleet Maintenance Internal Service Fund Amendment #1 Budget Ordinance and the Electric Utility System Rate Stabilization Fund Budget Amendment #14.

**RELATIONSHIP TO STRATEGIC PLAN:**

Lowest Responsible Rates, Most Financially Sound Utility

**BACKGROUND:**

During their regular meeting of September 26, 2012, the Public Works Commission adopted the Electric, Water/Wastewater & Fleet Maintenance Internal Service Fund Amendment #1 Budget Ordinance and the Electric Utility System Rate Stabilization Fund Budget Amendment #14 and approved to forward to City Council for adoption. Highlights of the Budget Amendments are as follows:

**General Fund Amendment #1 Budget Ordinance**

The original adopted General Fund Budget for Fiscal Year 2013 is \$343,176,625. A proposed increase of \$7,325,900 will bring the Fiscal Year 2013 budget to \$350,502,525. The following items make up the requested changes:

1. Electric Fund Budget decrease of \$9,177,500
2. Water and Wastewater Budget increase of \$16,444,400
3. Fleet Maintenance Internal Service Fund has an increase for the purchase of Computer Software in the amount of \$59,000 (amount transferred from the above funds).

**Electric Utility System Rate Stabilization Fund Budget Amendment #14**

Amend the Electric Rate Stabilization Fund Budget as follows:

- A. Loan to the Water/Wastewater fund \$15,414,900
- B. Add back \$9,036,235 that was projected to be paid by 2012 Bond Proceeds

PWC had previously anticipated issuing bonds later this year. Our current projections are to delay the 2012 bond issue until late 2013.

**ISSUES:**

None

**BUDGET IMPACT:**

PWC Budget

**OPTIONS:**

N/A

**RECOMMENDED ACTION:**

Adopt FY 2013 Amendment #1 Budget Ordinance and the Electric Utility System Rate Stabilization Fund Budget Amendment #14

**ATTACHMENTS:**

Transmittal Letter

Budget Amendments



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

September 20, 2012

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

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

**SUBJECT:** Electric, Water/Wastewater and Fleet Maintenance Internal Service Fund Budget Amendment #1 and Electric Utility System Rate Stabilization Fund Budget Amendment #14

The original adopted General Fund Budget for Fiscal Year 2013 is \$343,176,625. A proposed increase of \$7,325,900 will bring the Fiscal Year 2013 budget to \$350,502,525. The following items make up the requested changes:

1. Electric Fund Budget decrease of \$9,177,500 due to:
  - a. Removing \$7,944,960 from revenues (BWGP reimbursable costs) and from the expense of natural gas for electric generation
  - b. Reducing the amount received for the sale of Generation Fuel Inventory by \$1,232,540 and the related Appropriation to the Fuel Inventory Reserve (\$1,195,350) and decrease to Generation Fuel Inventory (\$37,190).
  - c. Adding a Hope VI expenditure of \$157,400
  - d. Transferring \$29,500 to the FMISF for the purchase of computer software
  - e. Decreasing the Appropriation to Electric Net Assets by \$186,900 to \$1,311,745
2. Water and Wastewater Budget increase of \$16,444,400 is the result of:
  - a. Revenue increases from:
    - i. Advance from Electric RSF; \$15,414,900
    - ii. Local Government Contribution; \$469,200
    - iii. Reserve for W/WW Capital Projects; \$530,800
    - iv. Appropriation from W/WW Net Assets; \$29,500
  - b. Proposed Expenders:
    - i. Budget projects; the funding source is being changed from the 2012 Bond Proceeds to the ERSF
    - ii. Adding an unbudgeted \$1 million Sewer project (Morty Pride)
    - iii. A transfer to the FMISF will be taken from Net Assets increasing the appropriation from W/WW Net Assets to \$89,975
3. Fleet Maintenance Internal Service Fund has an increase for the purchase of Computer Software in the amount of \$59,000 (amount transferred from the above funds).

**BUILDING COMMUNITY CONNECTIONS SINCE 1905**

AN EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION EMPLOYER

Memo To: Steve Blanchard  
September 20, 2012  
Page 2

4. Amend the Electric Rate Stabilization Fund Budget:
  - a. Loan to the Water/Wastewater fund \$15,414,900
  - b. Add back \$9,036,235 that was projected to be paid by 2012 Bond Proceeds

We had previously anticipated issuing bonds later this year. Our current projections are to delay the 2012 bond issue until late 2013.

Staff recommends that the Commission adopt the attached General Fund Fiscal Year 2013 Amendment #1 Budget Ordinance and the Electric Utility System Rate Stabilization Fund budget Amendment #14 and forward both to City Council for adoption during their October 8, 2012 meeting.

Please call me if you have any questions.

## FY 2013 AMENDMENT #1 BUDGET ORDINANCE

### PUBLIC WORKS COMMISSION REVENUE

#### **Electric Fund**

Operating and Other Revenue	\$229,613,300
Customer Contributions	2,005,000
Transfer from City	20,900
Budgetary Appropriations	7,275,000
<b>Total Estimated Electric Fund Revenue</b>	<b>\$238,914,200</b>

#### **Water and Wastewater Fund**

Operating and Other Revenue	\$77,542,500
Customer Contributions	4,210,200
Transfer from City	759,000
Budgetary Appropriations	21,271,925
<b>Total Estimated Water and Wastewater Fund Revenue</b>	<b>\$103,783,625</b>

#### **Fleet Maintenance Internal Service Fund**

Operating and Other Revenue	\$7,524,700
Budgetary Appropriations	280,000
<b>Total Estimated Fleet Maintenance Internal Service Fund Revenue</b>	<b>\$7,804,700</b>

**TOTAL ESTIMATED PWC REVENUE** **\$350,502,525**

### PUBLIC WORKS COMMISSION EXPENDITURES

#### **Electric Fund**

Operating Expenses	\$188,675,005
Capital	30,881,700
Transfer to City	10,961,400
Budgetary Appropriations	8,396,095
<b>Total Estimated Electric Fund Expenses</b>	<b>\$238,914,200</b>

#### **Water and Wastewater Fund**

Operating Expenses	\$62,717,525
Capital	37,537,000
Budgetary Appropriations	3,529,100
<b>Total Estimated Water and Wastewater Fund Expenses</b>	<b>\$103,783,625</b>

#### **Fleet Maintenance Internal Service Fund**

**Total Estimated Fleet Maintenance Internal Service Fund Expenses** **\$7,804,700**

**TOTAL ESTIMATED PWC ELECTRIC, W/WW & FMISF EXPENSES** **\$350,502,525**

**CITY OF FAYETTEVILLE PUBLIC WORKS COMMISSION  
Electric Utility System Rate Stabilization Fund  
From Inception through Fiscal Year 2013**

**Amendment #14**

	<b>Current Approved Budget</b>	<b>Amendment #14 Fiscal Year 2013</b>	<b>Recommended Inception to Date Budget</b>
<b>Estimated Revenues and Other Funding Sources</b>			
Transfer from Electric General Fund	\$ 68,377,155	\$ -	\$ 68,377,155
Rate Stabilization Transfer	4,169,725	-	4,169,725
Interest Income	3,575,000	-	3,575,000
<b>Total Revenues and Other Funding Sources</b>	<b>\$ 76,121,880</b>	<b>\$ -</b>	<b>\$ 76,121,880</b>
<b>Estimated Expenditures and Other Uses</b>			
Transfer to Electric Fund - Pre-2013	\$ 5,000,000	\$ -	\$ 5,000,000
Transfer to Electric Fund - 2013 and forward	-	-	-
Loan to Annexation Phase V Reserve Fund	-	9,036,235	9,036,235
Loan to Electric and W/WW General Fund	2,171,250	15,414,900	17,586,150
Appropriated Net Assets	68,950,630	(24,451,135)	44,499,495
<b>Total Expenditures and Other Uses</b>	<b>\$ 76,121,880</b>	<b>\$ -</b>	<b>\$ 76,121,880</b>

ADOPTED BY COMMISSION  
ADOPTED BY CITY COUNCIL

May 23, 2012

June 11, 2012

Proposed:

Proposed:

September 26, 2012

October 8, 2012



**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** October 8, 2012  
**RE:** **Tax Refunds of Greater Than \$100**

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**THE QUESTION:**

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

**RELATIONSHIP TO STRATEGIC PLAN:**

Core Value: Stewardship.

**BACKGROUND:**

Approved by the Cumberland County Special Board of Equalization for the month of September, 2012.

**ISSUES:**

None.

**BUDGET IMPACT:**

The budget impact is \$346.77.

**OPTIONS:**

Approve the refund.

**RECOMMENDED ACTION:**

Approval.

**ATTACHMENTS:**

Tax Refund Greater Than \$100



October 8, 2012

**MEMORANDUM**

TO: Lisa Smith, Chief Financial Officer

*LC Smith*  
*N/P*

FROM: Nancy Peters, Accounts Payable

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 September, 2012.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Sprye, Leland W. & Audrey B.	2666668	2010	Bill Correction	346.77
<b>TOTAL</b>				<b>\$346.77</b>

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Karen Hilton, Manager, Planning and Zoning Division  
**DATE:** October 8, 2012  
**RE:** **Request by Sentry Security Systems for an amendment to City Code Art. 30-5.D to permit a 10' electric fence inside another fence on any non-residential outdoor storage area.**

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**THE QUESTION:**

Is the amendment to allow electrified fences in some circumstances consistent with approved community plans and the public health, safety and welfare? (also see the 7 standards for text amendments, in the attached report)

**RELATIONSHIP TO STRATEGIC PLAN:**

A great place to live.  
A strong local economy.

**BACKGROUND:**

Applicant proposes allowing uses with outdoor storage to install an electric fence and monitoring system, much like a building security system. Outdoor storage areas are often the most exposed portions of an industry or business, and these systems are presented as an effective deterrent to burglary and vandalism. They are installed inside another fence, up to 10' high (2' higher than the perimeter fence), accompanied by bright yellow/black warning signs, and monitored 24 hours. Access by authorized emergency personnel (fire, police, EMS, etc.) is handled similarly to locked gates. Applicant provided information on the Sentry system. There may be other vendors if the amendment is approved.

Current regulations do not allow electric fences or barbed/razor-wire fences although certain uses such as some governmental facilities or utility services are exempted from some standards and can request approval of different fence heights and materials through a Security Plan. Applicant is requesting a change to allow use of the electric fence system for any permitted outdoor storage in a nonresidential zoning district.

Ms. Cindy Gsell, a representative of Sentry Security Systems, was the only speaker at the public hearing by the Planning Commission on September 19, 2012.

**ISSUES:**

Staff recommended a conservative approach of denial or a more limited scope. Staff concerns included that the yellow and black warning signs nullified the less intrusive appearance of the electric wire compared to barbed/razor wire, and the high visibility of the warning signs may exaggerate any perception of the city as an unsafe place to live or do business.

The Planning Commission recommended modified approval, limiting use of the electrified fence system to the two industrial zoning districts and, as a Special Use Permit, to the CC Community Commercial district where outdoor storage or warehouse-type uses are authorized. Reasons included:

- The system could help local businesses and industry feel more secure in the city;
- The system does not appear very visually intrusive, especially in industrial areas;
- The system does not appear to represent safety concerns; and
- Industrial / heavy commercial areas are where the system appears both most effective or applicable and away from more intense general public activity.

Following the Commission meeting, staff identified and recommends an administrative alternative to the Special Use Permit process for uses in the CC district. It involves a modification of the existing Security Plan approach. Please see the attached draft ordinance for labeled Alternative 2; the substantive difference from the Planning Commission recommendation (Alternative 1) is found in the subsection (8) regarding the process.

**BUDGET IMPACT:**

No direct impact.

**OPTIONS:**

1. Approve the change to allow electric fences for outdoor storage in any non-residential zoning district, as requested by applicant.
2. Approve the amendment labeled Alternative 1 - SUP, as recommended by Planning Commission (with the SUP process for requests in the CC district).
3. Approve the amendment labeled Alternative 2 - Security Plan, as recommended by Staff (with the administrative approval of a Security Plan for requests in the CC district).
4. Deny the requested amendment.
5. Defer (to date certain) and provide guidance for further work by staff or applicant.

**RECOMMENDED ACTION:**

Option 2: The Planning Commission recommends that the City Council move to APPROVE the text amendment labeled Alternative 1 - SUP, to permit a monitored electric fence system in industrial zoning districts by right and by Special Use Permit for allowed outdoor storage and warehouse-type uses in the CC district.

Option 3: The Planning Staff recommend APPROVAL of the text amendment labeled Alternative 2 - Security Plan, to permit a monitored electric fence system in industrial zoning districts by right and by administrative review of a Security Plan for allowed outdoor storage and warehouse-type uses in the CC district.

**ATTACHMENTS:**

staff rpt - Approval Criteria  
Application and model ordinance  
Draft Ord -Alt 1 - Plng Comm - SUP process  
Draft Ord - Alt 2 - staff - security plan process

**Staff Report**  
**Proposed Text Amendment**  
**To Allow a 10' Electric Security Fence for**  
**Non-residential Outdoor Storage Areas**

Proposed amendment: Request by Sentry Security Systems for an amendment to City Code Art. 30-5.D to permit a 10' electric fence inside another fence on any non-residential outdoor storage area.

Background: Applicant proposes allowing uses with outdoor storage to install electric security fence installation and monitoring, much like a building security system. Outdoor storage areas are often the most exposed portions of an industry or business, and these systems are presented as an effective deterrent to burglary and vandalism. They are installed inside another fence, 10' high to make it even more difficult to bridge the gap from the 6 or 8' outside fence, accompanied by bright yellow/black warning signs, and monitored 24 hours. Access by authorized emergency personnel (fire, police, EMS, etc.) is handled similarly to locked gates. Applicant has provided background on the system (enclosed).

Current regulations do not allow electric fences or barbed/razor-wire fences, although certain uses such as certain governmental facilities or utility services are exempted from some standards and can request approval of a Security Plan including different heights and materials. Applicant is requesting broad permission to use the electric fence system for any permitted outdoor storage, regardless of the zoning district.

**30-5.D.5. Exemption for Security Plan**

An owner or tenant or a representative of an agency responsible to or for a government facility, park and open area, public safety, or other use where sensitive, dangerous, or military-related activities take place may submit a site Security Plan to the City for consideration. A Security Plan may propose fences or walls taller than those permitted by this subsection, the use of barbed or concertina wire atop a fence or wall, or "K-4" fencing. The City Manager shall approve or approve with conditions, the Security Plan and its proposed exemption of fences or walls from the standards of this subsection, upon finding that:

- (a) The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without a taller fence or the use of barbed or concertina wire atop a fence or wall; and
- (b) The proposed taller fences or wall or use of barbed or concertina wire will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

-----

**30-5.D.8. Prohibited Fences**

**(a) Barbed Wire, Concertina Wire, and Aboveground Electrified Fences**

In all zoning districts, fences using barbed or concertina wire and aboveground electrified fences shall be prohibited unless allowed through an approved Security Plan (see Section 30-5.D.5, Exemption for Security Plan). Underground electric fences designed for control of domestic animals are allowed.

Analysis. The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the following table, along with staff analysis of each standard relative to the proposed changes.

<b>Standard</b>	<b>Analysis</b>
1) Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable;	To the extent such additional security is deemed essential to continuing business in the City, allowing such a system may be supportive of a strong local economy. To the extent such visible security systems are associated with a less secure, desirable, or safe community regardless of need or effectiveness, allowing such a system would be counter to the overall attractiveness and perception of the city as a great place to live. Applicant indicates systems are more unobtrusive and have less liability than some other security measures.
2) Whether the proposed amendment is in conflict with any provision of this Ordinance, and related City regulations;	Applicant reports favorable responses from emergency providers. Permits staff has reviewed the request and believe the Code can accommodate the systems.
3) Whether and the extent to which there are changed conditions that require an amendment;	Reported increases in rates of burglary and vandalism may be considered changed conditions warranting such an amendment.
4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;	See above. While the electric fence may meet a perceived need, staff believes such security needs can be met in other less intrusive, less visible ways, thus better balancing the conflicts in (1) above.
5) Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City;	The bold yellow/black signs undercut the more attractive electric wire compared to razor wire. However, razor wire is also prohibited with limited exceptions. The system does not appear to support the goals of a more attractive, livable, urban city.
6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and	N/A
7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment . . . .	N/A (Applicant does note that solar panels provide the system power.)

Recommendation. Based on staff research and evaluation of the request to allow 10’ electric fences for security around outdoor storage areas, staff recommends DENIAL of the requested code amendment.

If the Commission wishes to consider a favorable recommendation, staff suggests that an electric security fence system be allowed by right only within the LI and HI industrial districts, under the standards proposed plus a requirement that an opaque fence and Type D landscape buffer be provided when adjacent to any district other than AR, CD, LI or HI.

The Commission may also consider recommending that the electric fence systems could be allowed under a Special Use Permit in CC districts for outdoor storage for uses listed in the categories of: Vehicle Sales Services, Heavy or Light; Extractive Industry; Industrial Services; Manufacturing and Production; Warehouse and Freight Movement; and Waste-Related Services. This would allow electric fences in CC districts when one of these uses is permitted or permitted as SUP.

Options.

- Approve the text amendment to allow electronic security fences as requested by the applicant.
- Modify and approve the requested text amendment.
- Deny the requested text amendment (recommended).
- Continue the hearing or discussion to a specified date.

Attachments: Application for the Text Amendment  
Draft Ordinance and supporting material



# Text Amendment Application Form

[www.ci.fayetteville.nc.us/planning\\_department/](http://www.ci.fayetteville.nc.us/planning_department/)

433 Hay Street, Fayetteville, North Carolina 28301

910-433-1612 Fax # 910-433-1776

**Notes:**

- Any proposed text changes that relate to a historic district must be reviewed by the Historic Resources Commission (HRC) prior to the Planning Commission review.

**1. General Amendment Information**

Applicant Name: Sentry Security Systems, LLC Ardey Gsell

UDO Sections proposed for amendment: Section 30-5.D.5

**2. Written Description of Request -- Answer all the questions under this section (attach additional pages as needed)**

A) Describe how the proposed amendment is consistent with all City-adopted plans that are applicable.

Aesthetically unobtrusive - less liability than other security measures of guard dogs, razor or barbed wire.

B) Indicate if the proposed amendment is in conflict with any provision of the UDO or other City regulations.

no conflicts.

C) Describe any changed conditions that require an amendment.

no changed conditions. Allows more technologically advanced, safer & effective means of security.

D) How does the proposed amendment address a demonstrated community need?



Provides effective perimeter security, deterring crime ~~and~~ thus freeing up Public Safety Responders to patrol other residential + business areas.

E) Describe how this amendment would improve compatibility among uses and ensure efficient development within the City.

Allows tax paying business to remain viable + continue to be located within city limits.

F) Describe how the proposed amendment will help result in a logical and orderly development pattern

No change to developmental pattern except that as business can deter crime + protect their assets, they can remain a viable part of Fayetteville's tax base.

G) Indicate if and how the proposed amendment will result in significantly adverse impacts on the natural environment (including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment).

no impact.  
Powered by solar panel, therefore "green energy"

### 3. Submittal Requirement Checklist

(Submittals should include  copies of listed items, unless otherwise stated.)

- Text Amendment Application Form
- Copy of an approved Certificate of Appropriateness (COA) if located within the HLO district
- Application fee
- A copy of the draft text amendment language - see attached manual "Model Ordinance"
- Any additional information determined to be necessary by the Development Services Department

### Primary Point of Contact Information for the Pre-application Conference

Primary Point of Contact Name:	Cindy Gsell		Columbia, SC 29210
Mailing Address:	121 Executive Center Dr. Suite 230	Fax No.:	803-786-6458
Phone No.:	919-740-5033	Email:	cgsell@electricguarddog.com

## MODEL ELECTRIC FENCE ORDINANCE

A. The construction and use of electric fences shall be allowed in the city only as provided in this section, subject to the following standards:

1. Electrification:
  - (a) The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However the solar panel may be augmented by a commercial trickle charger.
  - (b) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electro technical Commission (IEC) Standard No. 60335-2-76.
2. Perimeter fence or wall:
  - (a) No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet.
3. Location: Electric fences shall be permitted on any non-residential outdoor storage areas.
4. Height: Electric fences shall have a height of 10 feet.
5. Warning signs: Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than sixty feet.
6. Permitting: Electric fences shall be governed and regulated under xxx regulations and permitted as such. (common options used for regulating and permitting are Building, Fence, Burglar alarm, Low voltage)
7. Accessibility: A Knox Box shall be required and installed per the standards and direction of the Fire Department (optional)

B. It shall be unlawful for any person to install, maintain or operate an electric fence in violation of this section.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH STANDARDS FOR THE USE AND OPERATION OF ELECTRIFIED FENCES AND TO DESIGNATE IN WHICH ZONING DISTRICTS AND UNDER WHAT PROCEDURES SUCH FENCES MAY BE PERMITTED.**

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.       Revise the section heading of Article 30-5.D.5 Exemption for Security Plan, add a new subsection for monitored electrified fences, and revise the outline structure as follows:**

**30-5.D.5.       Exemptions**

(a)       **Security Plan:** An owner or tenant or a representative of an agency responsible to or for a government facility, park and open area, public safety, or other use where sensitive, dangerous, or military-related activities take place may submit a site Security Plan to the City for consideration. A Security Plan may propose fences or walls taller than those permitted by this subsection, the use of barbed or concertina wire atop a fence or wall, or “K-4” fencing. The City Manager shall approve or approve with conditions, the Security Plan and its proposed exemption of fences or walls from the standards of this subsection, upon finding that:

- (1)       The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without a taller fence or the use of barbed or concertina wire atop a fence or wall; and
- (2)       The proposed taller fences or wall or use of barbed or concertina wire will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

(b)       **Monitored Electrified Fences:**

The construction and use of monitored electrified fences shall be permitted in the LI and HI industrial districts and may be approved through a Special Use Permit for electric security around permitted outdoor storage or warehouse-type activity in the CC district provided the following standards are met:

- (1)       Electrification - The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 V DC. Additionally, the electric charge produced by the fence upon contact shall not exceed the energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of the International Electro Technical Commission (IEC) Standard No. 60335-2-76.
- (2)       Perimeter fence or wall - No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is not less than six feet in height. In no case shall the nonelectrical fence or wall exceed the

maximum height allowed in the underlying zoning district for such structures, and in no case shall the electric fence be taller than two feet higher than the nonelectrical fence.

- (3) Location - Electric fences shall be restricted in location to the same areas where other fences are allowed in the underlying zoning district except that in no instance other than outdoor storage as a principal use shall electric fences be placed in the front setback area or between the front building façade and street.
- (4) Warning signs - Electric fences shall be clearly identified with warning signs that are spaced 60 feet apart. Such signs shall not exceed one square foot in area.
- (5) Accessibility - If required by the Fire Department, a Knox box shall be required and installed to support emergency access to properties contained within electric fences.
- (6) Monitoring – Electric fences shall be equipped with a monitoring alarm system activated simultaneously with the electrification of the fence.
- (7) Hold harmless/indemnification agreement - The owner of the electric fence and/or the owner of the property on which such fence is located shall provide the City with a hold harmless/indemnification agreement in a form satisfactory to the City Attorney prior to installation of the electric fence.
- (8) When allowed as a Special Use in the CC district, a monitored electrified fence shall be limited to enclosing permitted outdoor storage areas or warehouse type uses or upon determination of site-specific characteristics, such as compatibility with adjacent uses, preponderance of criminal activity, site design issues such as isolated location or easy access to building entry, or criminally-targeted uses involving indoor storage of chemicals, pharmaceuticals, and similar materials that require the specialized protection of an electric fence. All other standards in this section shall be met.

**Section 2.       Revise Article 30-5.D.8 Fences and Walls – Prohibited Fences, to add the phrase “consistent with standards in Section 30-5.D.5 or...” and change the heading, as shown below:**

**30-5.D.8.       Prohibited Fences**

**(a)       Barbed Wire, Concertina Wire, and Aboveground Electrified Fences**

In all zoning districts, fences using barbed or concertina wire and aboveground electrified fences shall be prohibited unless allowed consistent with standards in Section 30-5.D.5 or through an approved Security Plan (see Section 30-5.D.5, Exemptions). Underground electric fences designed for control of domestic animals are allowed.

**(b)       Debris, Junk, Rolled Plastic, Sheet Metal, Plywood, or Other Waste Materials**

.....

.....

*Explanation: The electric fence can provide effective and safe outdoor security when installed consistent with these standards and as an integral part of a monitored security system. It is most often used to protect materials or items stored outside, which most typically occurs with industrial uses and a few uses in the CC Community Commercial district. These areas also generally have low public activity levels.*

*Although less intrusive visually than razor/barbed wire (also currently prohibited), the deterrent value of the electric fence also depends on visibility – the warning signs every sixty feet or so and the fence height (usually between eight and ten feet), making it less appropriate as a part of the residential, office and general retail / commercial districts.*

**Section 3. The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future text amendments as long as doing so does not alter the material terms of the Unified Development Ordinance.**

**Section 4. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.**

ADOPTED this the \_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF FAYETTEVILLE

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

ATTEST:

\_\_\_\_\_  
City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH STANDARDS FOR THE USE AND OPERATION OF ELECTRIFIED FENCES AND TO DESIGNATE IN WHICH ZONING DISTRICTS AND UNDER WHAT PROCEDURES SUCH FENCES MAY BE PERMITTED.**

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:

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**30-5.D.5.       Exemptions**

(a)       **Security Plan:** An owner or tenant or a representative of an agency responsible to or for a government facility, park and open area, public safety, or other use where sensitive, dangerous, or military-related activities take place may submit a site Security Plan to the City for consideration. A Security Plan may propose fences or walls taller than those permitted by this subsection, the use of barbed or concertina wire atop a fence or wall, or “K-4” fencing. The City Manager shall approve or approve with conditions, the Security Plan and its proposed exemption of fences or walls from the standards of this subsection, upon finding that:

- (1)       The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without a taller fence or the use of barbed or concertina wire atop a fence or wall; and
- (2)       The proposed taller fences or wall or use of barbed or concertina wire will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

(b)       **Monitored Electrified Fences:**

The construction and use of monitored electrified fences shall be permitted in the LI and HI industrial districts and may be approved through a Security Plan for monitored electrified fencing around permitted outdoor storage or warehouse-type activity in the CC district provided the following standards are met:

- (1)       Electrification - The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 V DC. Additionally, the electric charge produced by the fence upon contact shall not exceed the energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of the International Electro Technical Commission (IEC) Standard No. 60335-2-76.
- (2)       Perimeter fence or wall - No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is not less than six feet in height. In no case shall the nonelectrical fence or wall exceed the

maximum height allowed in the underlying zoning district for such structures, and in no case shall the electric fence be taller than two feet higher than the nonelectrical fence.

- (3) Location - Electric fences shall be restricted in location to the same areas where other fences are allowed in the underlying zoning district except that in no instance other than outdoor storage as a principal use shall electric fences be placed in the front setback area or between the front building façade and street.
- (4) Warning signs - Electric fences shall be clearly identified with warning signs that are spaced 60 feet apart. Such signs shall not exceed one square foot in area.
- (5) Accessibility - If required by the Fire Department, a Knox box shall be required and installed to support emergency access to properties contained within electric fences.
- (6) Monitoring – Electric fences shall be equipped with a monitoring alarm system activated simultaneously with the electrification of the fence.
- (7) Hold harmless/indemnification agreement - The owner of the electric fence and/or the owner of the property on which such fence is located shall provide the City with a hold harmless/indemnification agreement in a form satisfactory to the City Attorney prior to installation of the electric fence.
- (8) A Security Plan involving a monitored electrified fence may be requested in the CC district but shall be limited to enclosing permitted outdoor storage areas or warehouse type uses or upon determination of site-specific characteristics, such as compatibility with adjacent uses, preponderance of criminal activity, site design issues such as isolated location or easy access to building entry, or criminally-targeted uses involving indoor storage of chemicals, pharmaceuticals, and similar materials that require the specialized protection of an electric fence. All other standards in this section shall be met.

**Section 2.       Revise Article 30-5.D.8 Fences and Walls – Prohibited Fences, to add the phrase “consistent with standards in Section 30-5.D.5 or...” as shown below:**

**30-5.D.8.       Prohibited Fences**

**(a)       Barbed Wire, Concertina Wire, and Aboveground Electrified Fences**

In all zoning districts, fences using barbed or concertina wire and aboveground electrified fences shall be prohibited unless allowed consistent with standards in Section 30-5.D.5 or through an approved Security Plan (see Section 30-5.D.5, Exemptions). Underground electric fences designed for control of domestic animals are allowed.

**(b)       Debris, Junk, Rolled Plastic, Sheet Metal, Plywood, or Other Waste Materials**

.....

.....  
*Explanation: The electric fence can provide effective and safe outdoor security when installed consistent with these standards and as an integral part of a monitored security system. It is most often used to protect materials or items stored outside, which most typically occurs with industrial uses and a few uses in the CC Community Commercial district. Although less intrusive visually than razor/barbed wire (also*

*currently prohibited), the deterrent value of the electric fence also depends on visibility – the warning signs every sixty feet or so and the fence height (usually between eight and ten feet), making it less appropriate as a part of the residential, office and general retail / commercial districts.*

**Section 3. The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future text amendments as long as doing so does not alter the material terms of the Unified Development Ordinance.**

**Section 4. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.**

ADOPTED this the \_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF FAYETTEVILLE

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

ATTEST:

\_\_\_\_\_  
City Clerk



**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Council Members  
**FROM:** Anthony G. Chavonne, Mayor  
**DATE:** October 8, 2012  
**RE:** **Public Hearing on the Candidacy of Dimona City, Israel as a Potential Sister City**

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**THE QUESTION:**

Does the City Council wish to adopt Dimona City, Israel as a Sister City?

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 5 - Greater Community Unity - Pride in Fayetteville

**BACKGROUND:**

From time to time the City of Fayetteville receives requests to adopt various cities as our Sister City. Please see the attached flow chart that outlines the approval process that was adopted on October 10, 2011. This item was presented to the City Council on Tuesday, September 4, 2012 at the City Council Workshop and on Monday, September 24, 2012 at the City Council Regular Meeting. At the September 24, 2012 meeting Council approved a motion to set a Public Hearing for this item on October 8, 2012 to allow for public comments on the candidacy of Dimona, Israel as a sister city. Notice of this public hearing appeared twice in the legal section of the Fayetteville Observer (Friday, September 28, 2012 and Friday, October 5, 2012).

**ISSUES:**

Dimona City, Israel has applied to be our Sister City. Mr. Steven Edelman, Jewish Community Representative to the Fayetteville Chapter of Sister Cities International will be providing a presentation at this meeting.

**BUDGET IMPACT:**

None known at this time.

**OPTIONS:**

1. Adopt Dimona City, Israel as a Sister City.
2. Do not adopt Dimona City, Israel as a Sister City.

**RECOMMENDED ACTION:**

At Council direction, staff has prepared a Resolution Adopting Dimona City, Israel as a Sister City for consideration at the October 8, 2012, City Council meeting.

**ATTACHMENTS:**

SCI Cover Letter  
Sister City Dimona  
Sister City Schematic Diagram  
Resolution Dimona City, Israel

345 Loch Stone Court  
Fayetteville, NC 28303-5139  
January 29, 2012

Sister Cities International

Dear Sir or Madam:

I am the Jewish Community representative to the Fayetteville Chapter of Sister Cities International.

My community enthusiastically endorses the application of the Fayetteville SCI to be a sister city with Dimona, Israel. Please give all due consideration to the attached application and approve it.

Sincerely yours,

Steven R. Edelman  
Cell: 910 578-4598  
Home: 910 868-6565

## **Dimona, Israel**

### **Introduction:**

This southern city in Israel has begun process of transforming itself. Under the forward, creative thinking of its current mayor, Dimona is attracting business, university students, dynamic young families and exciting housing projects. It is projected that by 2020, the city will double its size to 80,000 residents. Surrounded by the natural beauty of the desert, and bolstered by the increasing level of excellence in its school system, this town is reaching beyond its humble beginnings to establish itself as a leading city in the south.

### **Local Employment:**

Many of Dimona's residents work at the Dead Sea factories, the Rotem chemical plant or in the tourist industry. Government funds are being poured into the region the cutting-edge, hi-tech parks. Because it is a southern city, the government provides residents with a 20% tax reduction on income tax payments.

### **Education:**

In 2008, Dimona won the national award of Excellence in Education for its schools. In the mayor's words, "I don't want a child to ever grow up here and say, 'I wish I was raised in Tel Aviv.'" Money and creative energy is invested in the schools to ensure that children are able to attain their highest levels of learning.

The Leiman High School, for example, has a joint program with Soroka hospital in Beer Sheva, where selected students participate in medical studies within the hospital. The Nave Music High School affords students the chance to acquire their own musical instruments as they study an intense course of music. The Techni High School has a joint program with the National Air Force Base in Beer Sheva to educate students in the applied sciences. There are 4 secular high schools in Dimona, and all 4 principals were educated in, and graduated from, the Dimona educational system.

All schools in Dimona have an extended school day. Environmental awareness is stressed in all the schools.

### **Transportation:**

The train runs every 20 minutes to areas in the south and center of the country. Buses leave every 10 minutes to destinations outside of the city, and special 10-passenger cabs travel throughout the day to Beer Sheva, which is a 40 minute car trip.

### **Services for newcomers**

While English-speaking migrants to this town are virtually nonexistent, the city is very experienced in welcoming immigrants from other countries. Each new family is given an adopted family to help with the transition to Dimona, and language assistance for both adults and children in facilities throughout the city.

### **Amenities/Services:**

The Dimona Critical Care Medical Center is the center for dialysis and shock trauma care for the region. This new facility is equipped to handle all emergency needs as first intervention.

A large Cinemateque, sports parks (in many of the neighborhoods) and expanded shopping areas, are all part of the growth that is marked throughout the city.

Dimona is involved in one of the largest water recycling projects in the country.

**Community and Religious Life:**

There are 69 synagogues in use throughout the city, catering to a wide range of religious needs of the city's residents. All stores are closed on Saturday.

The city offers an annual Communications and Movie Festival, an annual International Dance Festival, and an annual Faith Festival.

**Neighborhoods:**

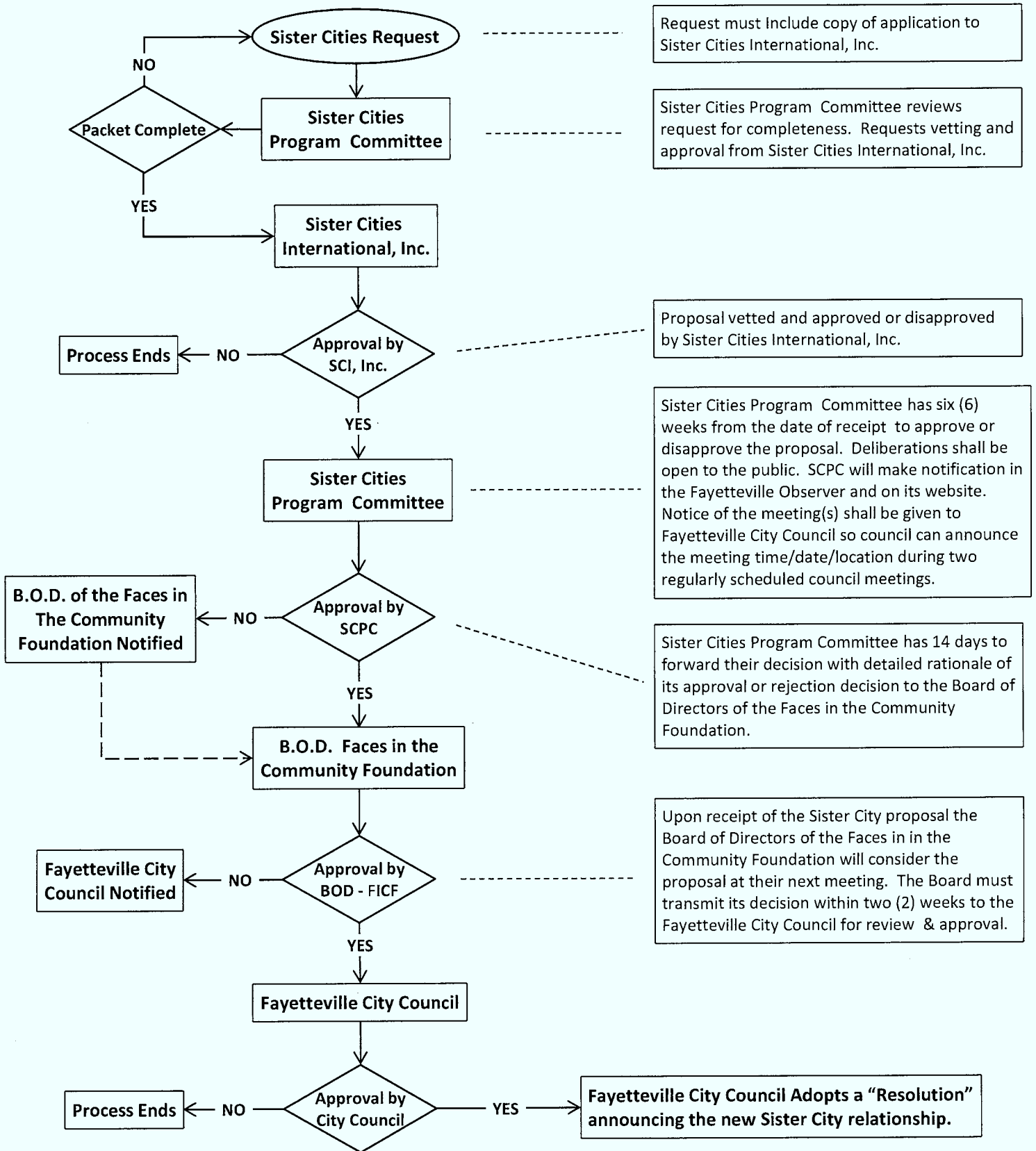
Every neighborhood has its own nursery school, youth club, and sports complex.

In an innovative move, the mayor opened up housing for university students that offers reduced rental payments in exchange for 300 hours of volunteer work in the community. This arrangement is being expanded to all more students to participate.

Dimona won an award for being one of the ten most beautiful cities in the country.

**Updated:** December 2010

# FAYETTEVILLE SISTER CITIES APPROVAL PROCESS



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE SISTER CITY DIMONA, ISRAEL**

**WHEREAS**, the “People to People” Program was inaugurated by the President of the United States in 1956 to establish greater friendship and understanding between the people of the United States and other nations through the medium of direct personal contact, and;

**WHEREAS**, many countries have endorsed this program and have joined with numerous cities of the United States in adopting and implementing programs for the exchange of ideas and visitations of people, and;

**WHEREAS**, the National League of Cities and cities, large and small, have enthusiastically endorsed, accepted and adopted the SISTER CITY concept, and;

**WHEREAS**, City of Fayetteville has established a Sister Cities Program Committee to consider requests to establish Sister City relationships through Sister Cities International, in conjunction with the Faces in the Community Foundation, and;

**WHEREAS**, the Sister Cities Program Committee and the Faces in the Community Foundation Board of Directors recommend establishing a lasting friendship between the people of Dimona, Israel and the people of Fayetteville, and;

**NOW, THEREFORE, BE IT RESOLVED** on behalf of the people of Fayetteville, this Council does hereby resolve that the City of Fayetteville, North Carolina, and the City of Dimona, Israel, become sister cities.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**, on this, the 8<sup>th</sup> day of October, 2012; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

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ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Kecia Parker, Real Estate Manager  
**DATE:** October 8, 2012  
**RE:** **Authorizing Condemnation on Remaining Parcels for Hope VI Business Park**

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**THE QUESTION:**

Is Council willing to authorize acquisition of the remaining parcels necessary for the Hope VI Business Park through condemnation pursuant to North Carolina General Statute due to numerous title issues.

**RELATIONSHIP TO STRATEGIC PLAN:**

Growing City, Livable Neighborhoods-A Great Place to Live

**BACKGROUND:**

- On November 24, 2008 a Resolution was approved authorizing the City Manager or his designees the authority to negotiate and acquire property in the Hope VI revitalization area.
- On December 13, 2010 City Council approved the site and concept for the Hope VI Business Park.
- Council has allotted \$1,000,000 to date for the property acquisition for the Hope VI Business Park.
- City staff has acquired 23 parcels to date for the project.
- City staff has performed research on the remaining 18 parcels but has not acquired them to date.

**ISSUES:**

- Due to title issues that inhibit the City from getting proper title to the properties that are left, staff is asking for City Council's opinion and approval to begin condemnation actions.
- If Condemnation action is initiated the problems would be cleared through that process and would allow the City to have clear title to the property.
- The title issues involve unknown heirs in the majority of the parcels.
- In the Condemnation action a guardian ad litem will be appointed by the Clerk of Court to represent the unknown heirs.
- By going through this process the City is ensuring that no impropriety exists and all interests are represented.

**BUDGET IMPACT:**

The money has already been allocated for the acquisitions for this project.

**OPTIONS:**

- Direct staff to continue with appropriate procedure for adopting resolution to authorize condemnation procedures.
- Decline to authorize the condemnation procedure and direct staff as to how to proceed with project.

**RECOMMENDED ACTION:**

Adopt the attached Resolution which would allow completion of the project.



**ATTACHMENTS:**

Resolution

Hope VI Business Map

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

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

***A Business Park in the Hope VI Area***

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

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

- 1. The City of Fayetteville shall acquire by condemnation, for the purpose stated above, the property and interest as shown on the attached map sheet;

PARCEL	OWNER
0437-51-0764	Frankie L. Gilbert
0437-51-1723	Louis P. and Stanley Smith Heirs
0437-51-1619	Louis P. and Stanley Smith Heirs
0437-51-0695	John Cromartie Heirs
0437-51-0579	David Earl McNeil
0437-51-2627	Archie Hector Malloy, Jr.
0437-51-2602	Archie Malloy
0437-51-1593	Valerie Therisa Young
0437-51-0474	James W. and wife, Gertrude McKoy
0437-51-3890	Mary McAllister Evans
0437-51-3597	Sallie B. Murphy Heirs
0437-51-3572	Dr. ML Perry Heirs
0437-51-2467	David and wife, Patricia Mullins
0437-51-3435	David and wife, Patricia Mullins
0437-51-4432	Katie McMillan Heirs
0437-51-5476	Ethel B. Harvey Heirs
0437-51-3207	David J. L. Gause
0437-51-5504	Sallie B. Murphy Heirs

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

**ADOPTED** this the 8<sup>TH</sup> day of October, 2012, by the City Council of the City of Fayetteville, North Carolina.

***CITY OF FAYETTEVILLE***

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

**ATTEST:**

\_\_\_\_\_  
Pamela Megill, City Clerk



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** October 8, 2012  
**RE:** **Resolution Making Certain Findings and Determinations and Authorizing the Filing of an Application with the Local Government Commission in Connection with the Proposed Authorization of Parks and Recreation Bonds by the City**

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**THE QUESTION:**

Does City Council wish to proceed with a bond referendum for Parks and Recreation facilities by adopting the attached resolution?

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 4: Growing City, Livable Neighborhoods - A Great Place to Live  
Policy Actions for FY2013: Park Bond Referendum

**BACKGROUND:**

On July 9, 2012, City Council directed staff to commence procedures necessary to authorize the issuance of up to \$45,000,000 of General Obligation Parks and Recreation Bonds to finance various parks and recreation improvements within the City.

Consistent with that guidance, the attached resolution has been prepared and its findings include:

- 1) preliminary studies have been completed to demonstrate the need to finance various parks and recreation improvements,
- 2) Council wishes to commence procedures for the authorization of parks and recreation bonds,
- 3) the projects are necessary and the amount of the proposed bonds is adequate and not excessive, and
- 4) any increase in taxes will not be excessive.

The resolution also directs the City Manager or the Chief Financial Officer to file an application with the Local Government Commission for approval of the Parks and Recreation Bonds in an amount not to exceed \$45 million.

Adoption of the resolution represents City Council's first formal action, as required by state law, to initiate the bond authorization process. In the next few months, Council will be asked to introduce the bond order, conduct a public hearing and adopt the bond order, and declare the results of the referendum.

**ISSUES:**

None.

**BUDGET IMPACT:**

It is estimated that an increase of 2.25 cents on the City's general tax rate will be required to fund the debt service on the proposed bonds.

**OPTIONS:**

1. Adopt the attached resolution and proceed to the next step in the bond authorization process.

2. Do not adopt the resolution.

**RECOMMENDED ACTION:**

Adopt the attached resolution.

**ATTACHMENTS:**

Preliminary Findings Resolution

The City Council of the City of Fayetteville, North Carolina held a regular meeting in the Council Chambers at City Hall located at 433 Hay Street in Fayetteville, North Carolina, the regular place of meeting, at 7:00 p.m. on October 8, 2012.

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

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Absent: Council Members

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

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\* \* \* \* \*

The following resolution the title of which was included in City Council's consent agenda and copies of which had been previously distributed to each Council Member:

**RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED AUTHORIZATION OF PARKS AND RECREATION BONDS BY THE CITY**

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

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

(a) Preliminary studies have been completed to demonstrate the need for financing the cost of acquiring, constructing and improving parks and recreational facilities inside and outside the corporate limits of the City, including, without limitation, the acquisition of any related land, rights of way and equipment.

(b) The City Council wishes to commence the procedures for the authorization of parks and recreation bonds to provide financing for such capital projects.

(c) The capital projects to be funded by the proposed bonds are necessary and expedient, and the amount of the proposed bonds is adequate and not excessive to fund said capital projects.

(d) The debt management and the budgetary and fiscal management policies of the City have been carried out in compliance with applicable law.

(e) The increase in taxes, if any, necessary to service the proposed debt will not be excessive.

Section 2. The City Manager or the Chief Financial Officer of the City, as the case may be, is hereby directed to file an application of the City with the North Carolina Local Government Commission for approval of not exceeding \$45,000,000 Parks and Recreation Bonds of the City. The City Clerk is hereby authorized to publish a notice of intent to file such application in the manner provided by law, and any action heretofore taken to publish such notice is hereby approved, ratified and confirmed.

Section 3. The appropriate officers of the City are hereby authorized and directed to do any and all things necessary, appropriate or convenient to carry into effect the provisions of this resolution.

Section 4. This resolution shall take effect immediately upon its passage.

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing resolution entitled “RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED AUTHORIZATION OF PARKS AND RECREATION BONDS BY THE CITY” was passed by the following vote:



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

\_\_\_\_\_

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

\_\_\_\_\_

\* \* \* \* \*

I, Pam Megill, City Clerk of the City of Fayetteville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of said City at a regular meeting held on October 8, 2012, as relates in any way to the introduction and passage of the foregoing resolution and that said proceedings are recorded in minutes of said City Council.

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

WITNESS my hand and official seal of said City this 8<sup>th</sup> day of October, 2012.

\_\_\_\_\_

City Clerk

[SEAL]

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council  
**FROM:** Rebecca Rogers-Carter, Management Services Manager  
**DATE:** October 8, 2012  
**RE:** **FY 2013 Strategic Plan 1st Quarter Report**

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**THE QUESTION:**

Has City Council's interest been met in the work efforts reflected in the FY 2013 Strategic Plan 1st Quarter Report?

**RELATIONSHIP TO STRATEGIC PLAN:**

This report reinforces and clarifies Council's vision for our community, which is the foundation of the City's Strategic Plan.

**BACKGROUND:**

The City is committed to the advancing policy and management agendas articulated in the City's Strategic Plan as developed by the City Council during their strategic plan retreat. In addition, City staff prepares a report that details the progress made each quarter. This year, in an effort to promote greater accountability for results and transparency, the quarterly report focuses on meeting objectives of the City's goals. Staff will work to incorporate performance measurement and benchmarking indicators in the future as resources allow.

The City's Strategic Plan has five main areas:

- \* A vision statement that describes the type of community the Council would like to facilitate through policy direction and staff's work efforts
- \* A mission statement that describes our organizational purpose, "making Fayetteville a better place for all"
- \* A list of core values that describes our standards of performance which is expressed with the acronym statement to "Serve with RESPECT"
- \* Multi-year goals that provide an intermediate focus for the work of City Council and staff, and further outlines the activities Council believes are necessary to realize the vision
- \* A one-year action plan that identifies issues that Council wishes to address by providing policy direction and the necessary actions that the City management should complete during the upcoming fiscal year.

**ISSUES:**

None.

**BUDGET IMPACT:**

**OPTIONS:**

1. Accept the report as provided with guidance to the City Manager on areas of interest
2. Request additional information on items listed in the report
3. Clarify interests in report and the action agenda.

**RECOMMENDED ACTION:**

Accept the report as provided with guidance to the City Manager on areas of interest.

**ATTACHMENTS:**








# FY 2012-2013 Strategic Plan



First Quarter Report  
Sept. 30, 2012

City of  
*Fayetteville*  
North Carolina

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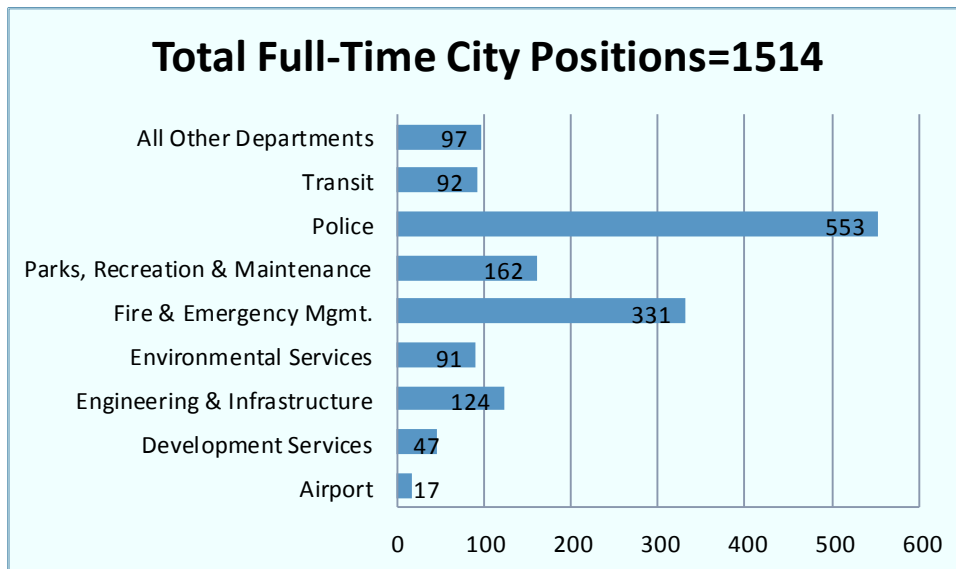
# City of Fayetteville Organizational Profile

The City of Fayetteville operates under the Council-Manager form of government. Under this form, citizens elect the City Council and the City Council appoints a City Manager. The City Council performs legislative functions, by representing the citizens and establishing laws and policies. The City of Fayetteville celebrates its 250th anniversary in 2012. We are a thriving community that has been recognized three times as an All America City by the National Civic League. The City of Fayetteville continues to grow with pride and diversity.

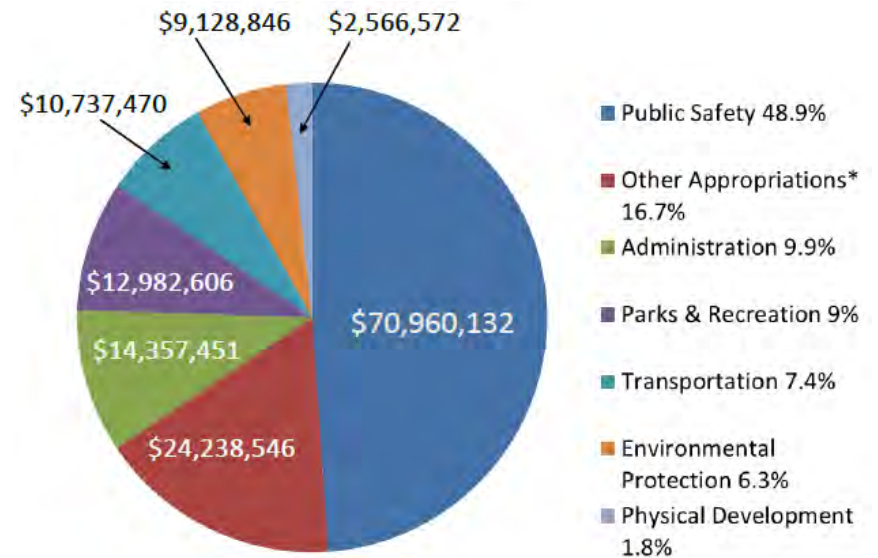
Recently, the City has been recognized as the #1 "Job Market in the Country" for recent college graduates by The Daily Beast, the #2 "Highest Per Capita Income in North Carolina", by the Bureau of Economic Analysis and the #5 "Strongest Housing Market in the US", by the Bloomberg Businessweek.

The City provides its citizens a full range of municipal services. The City Manager provides administrative leadership to all departments and is responsible for managing the employees and resources. Processes are in place to ensure that the City government is financially sound and provides quality services, that are valued by our customers - the 208,000 citizens of Fayetteville - and delivered by a dedicated workforce in a cost-effective manner. To accomplish the mission, the City adopts a General Fund operating budget of approximately \$144,971,623 and authorizes about 1,500 full-time positions.

## Number of Authorized Positions



## FY 2013 Budget Expenditures by Service



Total Expenditures: \$144,971,623

# Strategic Plan Report

The City of Fayetteville is guided by a comprehensive strategic planning process. City Council meets annually to refine the items that comprise the City's Strategic Plan and ensures that it is reflective of the changing needs of a growing community. The Strategic Plan has five main areas that represent a commitment to serving the community. The plan is comprised of the following components; the Vision for the community, the organizational Mission and Core Values, 5-Year Goals and annual Targets for Action (TFA) that articulate the current fiscal year's policy and management agendas.

This model aligns City programs and spending with long-term goals, brings critical needs into focus and provides an organizational roadmap for success. The strategic plan is an organizational blueprint which guides decision making and resource allocation.

Quarterly reports are provided on the advancement of strategic plan to ensure results and accountability.

## The City's Mission

The City government provides service that makes Fayetteville a better place for all.

The City government is financially sound, and provides a full range of quality municipal services, that are valued by our customers, and delivered by a dedicated workforce in a cost-effective manner.

The City has well designed and well maintained infrastructure and facilities.

The City engages our citizens, and is recognized as a state and regional leader.

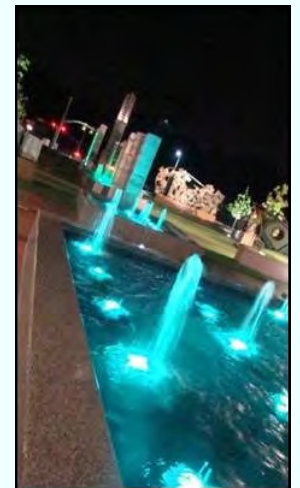


## Vision 2027

The City of Fayetteville is a great place to live with a choice of desirable neighborhoods, leisure opportunities for all and beauty by design.

Our City has a lively downtown, vibrant major corridors and the Cape Fear River to enjoy, and a strong local economy.

Our City is a partnership of citizens with a diverse culture and rich heritage. This creates a sustainable community.



# Core Values

We, the Mayor, City Council, Managers,  
Supervisors and Employees

SERVE with

**R**esponsibility

**E**thics

**S**tewardship

**P**rofessionalism

**E**ntrepreneurial Spirit

**C**ommitment

**T**eamwork



to safeguard and  
enhance the public trust in City government.



# Goals 2017



**Greater Tax Base Diversity -  
Strong Local Economy**



**More Efficient City Government -  
Cost-Effective Service Delivery**



**Greater Community Unity -  
Pride In Fayetteville**



**Growing City, Livable Neighborhoods-  
A Great Place to Live**



**More Attractive City -  
Clean and Beautiful**



**Revitalized Downtown -  
A Community Focal Point**












# GOAL 1: Greater Tax Base Diversity - Strong Local Economy



**Objectives:** Retain and grow current businesses and jobs; increase industrial and commercial tax base within the city; add more jobs with higher wages; increase per capita income; attract more military-based industries; increase occupancy of vacant retail spaces and office spaces.

Targets For Action	Action Plan	Results
<p><b>Bragg Boulevard Corridor Development Plan</b> </p> <p>Top Priority Policy Agenda</p> <p>This project focuses on developing transportation and redevelopment options and priorities for Bragg Boulevard from Hay Street to Ft. Bragg. This corridor is essential to Fayetteville's transportation infrastructure, especially as I-295 is constructed and Bragg Boulevard public access through Fort Bragg is terminated.</p> <p><b>Project Liaison:</b> Development Services Director  <b>Key Partners:</b> Fort Bragg Regional Alliance, FAMPO, NCDOT, Transit and E&amp;I Directors</p>	<p>1 Consultant work and plan completion - 2nd Quarter</p>  <p>2 Council Decision: Adoption - 2nd Quarter</p> <p>4 Implementation - Spans over 20 year period. Projects and work programs will be brought forward to Council as we move forward</p>	<p>Completed in the 1st Quarter. In cooperation with the Fort Bragg Regional Alliance, Planning Communities was retained as the consultant for this project.</p> <p>Completed in the 1st Quarter. Council adopted the Bragg Blvd Corridor plan Sept. 24 with the addition of a feasibility study for bicycle lanes.</p> <p>Pending</p> 
<p><b>Murchison Road Corridor Development</b> </p> <p>Top Priority Management Agenda</p> <p>The project calls for partnerships with developers in an effort to promote economic development along the Murchison Road corridor.</p> <p><b>Project Liaison:</b> Community Development Director  <b>Key Partner:</b> Chamber of Commerce - Contracted to manage land assembly.</p>	<p>1 Meet with Chamber on land acquisition strategy in catalyst sites I, II, and III (\$200,000) - 1st Quarter</p> <p>2 Catalyst Site II: Washington Drive Elementary School Demolition - 2nd Quarter</p> <p>3 Gateway Development to Martin Luther King Park - 2nd Quarter</p> <p>4 City demolition (\$66,000) - TBD after land acquisition</p>	<p>Completed in the 1st Quarter. Contract executed. Met with Chamber. Chamber to report on progress quarterly. Will focus on acquisition of land in catalyst site I.</p> <p>In progress</p> <p>In progress</p> <p>Pending</p> 

**Target Measures:**



At or Above Target



Slightly Below Target



Below Target



Target Pending



# GOAL 1: Greater Tax Base Diversity - Strong Local Economy



Objectives: Retain and grow current businesses and jobs; increase industrial and commercial tax base within the city; add more jobs with higher wages; increase per capita income; attract more military-based industries; increase occupancy of vacant retail spaces and office spaces.

## Other Advancements

### Ramsey Street Corridor Development

Consultants will complete their work next quarter. We will then involve the community in the zoning overlay district work and we're hoping that we'll have an zoning overlay district by the end of the year for Council consideration.



### Economic Development

The City contracts with the Fayetteville Cumberland County Chamber of Commerce for economic development activities.



### Hotel and Conference Center Completion

Embassy Suites and Conference Center celebrated their opening ceremony on September 26. The opening is a success for the joint City and Chamber of Commerce goal for economic growth.



### Hope VI Business Park:

In partnership with the Chamber, the City is working to address economic development activities in the HOPE VI area.

A plan for redevelopment is underway. This quarter, the City is working to gain clear title on land yet to be acquired.








# GOAL 2: More Efficient Government - Cost Effective Service Delivery



Objectives: Greater accountability for performance; results and transparency; services delivered in a cost-effective manner; investing in the City's future infrastructure, facilities and equipment; producing results following the strategic plan and budget; high level of customer satisfaction with City services; elimination or merging of service duplication of local and state government.

Targets For Action	Action Plan	Results
<p><b>City Manager Selection</b> </p> <p>Top Priority Policy Agenda</p> <p>This target for action follows the City Manager selection process.</p> <p><b>Project Liaisons:</b> Mayor and City Council</p>	<p>1 Council Decision - 1st Quarter</p> 	<p>Completed in the 1st Quarter.</p> <p>The Fayetteville City Council selected Colin Baenziger &amp; Associates as its search firm to hire Fayetteville's next city manager. Fayetteville utilized a nationwide search that netted 120 applicants before choosing Ted Voorhees as city manager. Mr. Voorhees first day on the job was Aug 10th.</p>
<p><b>Comprehensive Classification and Compensation Plan</b> </p> <p>Top Priority Policy Agenda</p> <p>This project focuses on an implementation plan for an effective classification and compensation system with a results-based performance and reward system. This will lead to recruitment and retention of a top quality workforce and more effective levels of service.</p> <p><b>Project Liaison:</b> Human Resource Development Director</p>	<p>1 Conduct departmental meetings with directors to discuss results of the study and receive feedback - 1st Quarter</p> <p>2 Review departmental feedback including consensus recommendations; common themes; and individual department perspectives with the City Manager. Share preliminary costs of salary structure adjustments related to recommended changes - 1st Quarter</p> <p>3 City Manager review, consider and prioritize implementation recommendations - 2nd Quarter</p> <p>4 Report to Council on implementation actions where necessary and informing them of budget implications - 2nd Quarter</p>	<p>Completed Sept. 2012.</p> <p>Completed Sept. 2012</p> <p>In progress</p> <p>Pending</p>

Target Measures:



At or Above Target



Slightly Below Target




Below Target




Target Pending

**GOAL 2: More Efficient Government - Cost Effective Service Delivery**

Objectives: Greater accountability for performance; results and transparency; services delivered in a cost-effective manner; investing in the City's future infrastructure, facilities and equipment; producing results following the strategic plan and budget; high level of customer satisfaction with City services; elimination or merging of service duplication of local and state government.

Targets For Action	Action Plan	Results
<p><b>FAST Improvements</b> </p> <p>Top Priority Policy Agenda</p> <p>The Fayetteville Area System of Transit will engage in planning and evaluation studies to identify further operational improvements and work to implement FY 2013 approved operational adjustments and system improvements.</p> <p><b>Project Liaison:</b> Transit Director</p>	<ol style="list-style-type: none"> <li>1 Transportation Development Plan (TDP) RFP, draft, presentation - 2nd Quarter Council direction- 3rd Quarter</li> <li>2 Report of evaluation of paratransit expansion with alternative delivery methods and Council decision - 3rd Quarter</li> <li>3 Fare Increase : Evaluation - 1st Quarter Council decision - 3rd Quarter</li> <li>4 Full implementation of approved FY 2013 transit improvements - 4th Quarter</li> </ol>	<p>The RFP was prepared and will be issued by PWC in October with award expected in late November.</p> <p>The item is included in the scope of work for TDP.</p> <p>FACT approved a new Fare Policy to be recommended to City Council for adoption. FACT will consider a fare change recommendation at its October meeting. This item is scheduled for presentation to Council at November work session.</p> <p>Split Route 15 into two routes, combine routes 16 &amp; 17 into a single route with Ft. Bragg stop – Implementation scheduled for October 15.</p> <p>Bus stop locations for future Strickland Bridge Road Route have been reviewed with E&amp;I for presentation to NCDOT.</p>





Target Measures:  At or Above Target  Slightly Below Target  Below Target  Target Pending



## GOAL 2: More Efficient Government - Cost Effective Service Delivery



Objectives: Greater accountability for performance; results and transparency; services delivered in a cost-effective manner; investing in the City's future infrastructure, facilities and equipment; producing results following the strategic plan and budget; high level of customer satisfaction with City services; elimination or merging of service duplication of local and state government.

Targets For Action	Action Plan	Results
<b>City and PWC Service Consolidation</b>  <p>High Priority Policy Agenda In an effort to reduce operational costs and increase efficiency, City Council requested a consolidation study of City and PWC functions.</p> <p><b>Project Liaison:</b> Assistant City Manager <b>Key Partner:</b> PWC</p>	1 Research and investigation into functional areas that have the potential to be consolidated and options for an appropriate consultants - 2nd Quarter	In process
	2 Identify options for consultant - 3rd Quarter	In process
	3 Report to council on results, receive direction on short term direction and long term strategy - 3rd Quarter	Pending
	4 RFP process - 4th Quarter	Pending
<b>City Owned Property, Buildings and Facilities: Potential Disposal</b>  <p>High Priority Policy Agenda</p> <p>In an effort to safeguard and maintain the City's real estate assets, staff will develop and implement a process for disposal of City surplus property.</p> <p><b>Project Liaison:</b> E &amp; I Director</p>	1 Prepare inventory analysis - 2nd Quarter	Staff worked to identify current or future use of City real estate inventory.
	2 Prepare presentation outlining process and identifying surplus property and receive feedback from Council - 3th Quarter	Pending
	3 Implement Council's recommendations and carryout target for action - 4th Quarter	Pending



Target Measures:



At or Above Target



Slightly Below Target



Below Target





Target Pending



## GOAL 2: More Efficient Government - Cost Effective Service Delivery



Objectives: Greater accountability for performance; results and transparency; services delivered in a cost-effective manner; investing in the City's future infrastructure, facilities and equipment; producing results following the strategic plan and budget; high level of customer satisfaction with City services; elimination or merging of service duplication of local and state government.

Targets For Action	Action Plan	Results
<p><b>Sales Tax Distribution</b> </p> <p>High Priority Policy Agenda</p> <p>To ensure an equitable allocation of sales tax revenues within Cumberland County and its municipalities, the interlocal sales tax agreement, set to expire on June 30, 2013, needs to be reviewed with Cumberland County and a new agreement reached regarding the future allocation of sales tax revenues.</p> <p><b>Project Liaisons:</b> City Manager and Chief Financial Officer</p> <p><b>Key Partner:</b> Cumberland County</p>	<ol style="list-style-type: none"> <li>1 Interlocal Agreement: Evaluation and Negotiation with Cumberland County - 2nd Quarter</li> <li>2 Council Decision: Agreement Approval - 3rd Quarter</li> </ol>	<p>Ongoing collaboration with the County.</p> <p>Pending</p>
<p><b>Alternative Revenue Sources</b> </p> <p>High Priority Policy Agenda</p> <p>To keep up with the demand of City services for an increasing population without affecting property tax rates, alternate revenue sources need to be explored to supplement the general fund.</p> <p><b>Project Liaison:</b> Chief Financial Officer</p>	<ol style="list-style-type: none"> <li>1 Research and evaluation of other municipalities and counties policies and procedures - 2nd Quarter</li> <li>2 Report: Identification with recommendations - 2nd Quarter</li> <li>3 Council feedback and decision: New Revenue in budget process - 3rd Quarter</li> <li>4 Advocacy to protect revenue source (including privilege licenses) - Ongoing.</li> </ol>	<p>Pending</p> <p>Pending</p> <p>Pending</p> <p>In the 1st quarter, staff provided the NCLM advocacy proposal which calls for the protection of local government revenues. Staff also attended a NCLM sponsored meeting to provide feedback on tax reform.</p>

Target Measures:



At or Above Target



Slightly Below Target



Below Target







Target Pending



# GOAL 2: More Efficient Government - Cost Effective Service Delivery



Objectives: Greater accountability for performance; results and transparency; services delivered in a cost-effective manner; investing in the City's future infrastructure, facilities and equipment; producing results following the strategic plan and budget; high level of customer satisfaction with City services; elimination or merging of service duplication of local and state government.

Targets For Action	Action Plan	Results
<p><b>Police Staffing</b> </p> <p><b>(PERF Recommendations)</b></p> <p>Top Priority Management Agenda</p> <p>In Feb. 2010, an operational study of the City's Police department, conducted by the Police Executive Research Forum (PERF), was presented to the City. PERF recommended that the City add 24 officers.</p> <p><b>Project Liaison:</b> Police Chief</p>	<p>1 Develop plan to fund additional police positions - 4th Quarter FY 2012</p>  <p>2 Recruit, hire and train - Ongoing</p>	<p>Completed 1st Quarter.</p> <p>Staff shared the need for additional police officers and a funding strategy for a 5-year phased implementation plan that funds a total of 28 positions. Council approved the plan with the adoption of the FY 2013 budget. The plans utilizes resources freed up from debt restructuring. In 2013, the City will add 7 patrol officer and 3 communications positions.</p> <p>Ongoing efforts to recruit lateral entry and police officer candidates. Began BLET with 25 police cadets. Graduate in Dec and enter field training. Strong recruitment network. Currently the police department has a 93% strength. Communications has 87% strength.</p>
<p><b>City Buildings and Facilities</b> </p> <p><b>Maintenance Plan</b></p> <p>High Priority Management Agenda</p> <p>In an effort to promote a sustainable and efficient City government, staff will conduct an assessment of the condition and use of City-owned facilities and buildings. The study will help identify deficiencies and/or ways to maximize assets for more efficient and citizen-focused programs and services.</p>	<p>1 Complete Study: Evaluation of facilities ensuring efficient use of space, addressing needs and considering future growth - 2nd Quarter</p> <p>2 Develop recommendations - 2nd Quarter</p> <p>2 Report to council Maintenance and Upgrade Plan - 3rd Quarter</p> <p>3 Decision: Funding (Budget) - 3rd Quarter</p>	<p>Completed 1st Quarter. Departmental submission of Space Needs and Planning Study worksheets.</p> <p>Ongoing: Consultant analysis and review</p> <p>Pending</p> <p>Pending</p> <p>Pending</p> 

Target Measures



At or Above Target



Slightly Below Target



Below Target




Target Pending

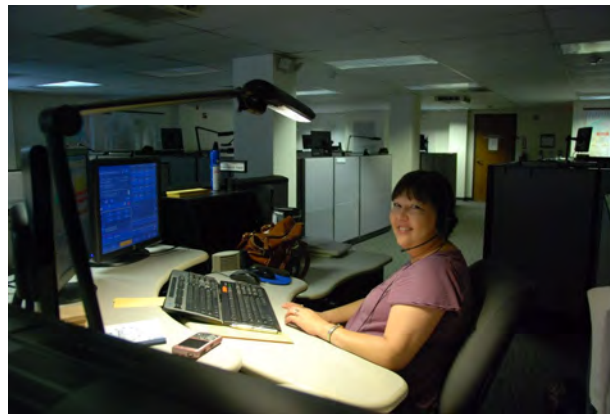


# GOAL 2: More Efficient Government - Cost Effective Service Delivery



Objectives: Greater accountability for performance; results and transparency; services delivered in a cost-effective manner; investing in the City's future infrastructure, facilities and equipment; producing results following the strategic plan and budget; high level of customer satisfaction with City services; elimination or merging of service duplication of local and state government.

Targets For Action	Action Plan	Results
<p><b>City Customer Service Feedback Mechanism</b> </p> <p>High Priority Management Agenda</p> <p>To meet the needs of a growing and diversified community, as well as achieve greater internal accountability, the City will implement software that will easily allow the citizens of Fayetteville to quickly and easily communicate issues to City staff and receive status updates on communicated issues.</p> <p><b>Project Liaisons:</b> Chief Information Officer</p>	<p>1 Work with directors to identify, evaluate and categorize citizen requests for information and complaints - 1st Quarter</p>	<p>Completed 1st Quarter</p>
	<p>2 Soft launch and training for CRM: See, Click, Fix internally - 2nd Quarter</p>	<p>In progress</p>
	<p>3 Advertisement and launch of See Click Fix to the public - 4th Quarter</p>	<p>Pending</p>



Target Measures:



At or Above Target



Slightly Below Target



Below Target



Target Pending





# GOAL 2: More Efficient Government - Cost Effective Service Delivery



Objectives: Greater accountability for performance; results and transparency; services delivered in a cost-effective manner; investing in the City's future infrastructure, facilities and equipment; producing results following the strategic plan and budget; high level of customer satisfaction with City services; elimination or merging of service duplication of local and state government.

## Other Advancements

### The Strategic Planning Process:

In the 1st quarter, city staff met in strategic planning sessions to develop action plans for the Targets for Action. We also developed the quarterly report and focused our efforts on meeting the objectives of the City's goals. We hope to incorporate performance measurement and benchmarking indicators as resources allow. We are committed to advancing the Targets for Action and producing results.



### Police Chief Selection:

The Police Chief position has been posted and will close Oct. 5. We've contracted with Developmental Associates to assist in the selection process. Public meetings were held on Sept. 13, and Sept. 25. City Manager Ted Voorhees listened and responded to submitted questions. Attendees had the opportunity to speak. Police chief job applications are scheduled to be reviewed in October.



### Employee Survey:

The City of Fayetteville plans to conduct its first employee survey since 2002. During the 1st quarter, arrangements were made with the North Carolina Department of Commerce to conduct a free employee opinion survey during the 2nd quarter of FY 2013. An employee survey would allow the City to gather information from our employees to identify what the City is doing well and what services and procedures the city needs to improve upon to increase employee satisfaction, efficiency, productivity and retention.



Target Measures



At or Above Target



Slightly Below Target



Below Target



Target Pending



# Goal 3: Greater Community Unity – Pride in Fayetteville



Objectives: Better informed citizenry about City government; increase community dialogue on major issues; develop and maintain collaborative working relations among various governmental units; increase trust and confidence in City government; marketing the City.

Targets For Action	Action Plan	Results
<p><b>City Communications Plan</b> <span style="color: blue;">●</span></p> <p>High Priority Management Agenda</p> <p>Develop a written plan that outlines best practices for internal and external communications and recommend a series of administration policies needed for implementation.</p> <p><b>Project Liaison:</b> Public Information Officer</p>	<p>1 Development of administrative policies in support of communications best practices (Records and Communication Policy) - 3rd Quarter</p>	<p>Drafted public records request policy in collaboration with clerk</p> <p>Drafted digital records retention and purging procedure for approval</p>
	<p>2 Develop and implement graphic standards guide - 3rd Quarter</p>	<p>Pending</p>
	<p>3 Development of comprehensive Communications Plan that includes protocol - 4th Quarter</p>	<p>Drafted communications plan component scaffolding for CMO review</p>
	<p>4 Council update - 4th Quarter.</p>	<p>Pending</p>



Target Measures: ◆ At or Above Target ▶ Slightly Below Target ● Below Target ● Target Pending



# Goal 3: Greater Community Unity – Pride in Fayetteville



Objectives: Better informed citizenry about City government; increase community dialogue on major issues; develop and maintain collaborative working relations among various governmental units; increase trust and confidence in City government; marketing the City.

## Other Advancements

### Citizen Engagement Strategy:

The first quarter of FY 2013 provided new opportunities to engage citizens. City Manager Ted Voorhees interacted with citizens during two police chief search public forums and the bi-annual Citizens' Academy was revamped. Citizen's academy begins in Oct.

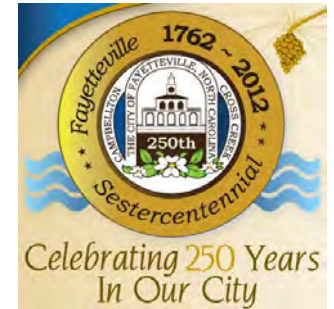
Be sure to follow the City on Facebook and Twitter and watch



the City show Kaleidoscope airing on TWC Community channel and posted on the web.

### City of Fayetteville 250th Celebration

Fayetteville 250 is an opportunity for citizens to celebrate the City's 250th anniversary. Aaron Neville performed as part of the celebration during the International Folk Festival. We featured City services and Park Bond information. Downtown street banners promoted the Fayetteville 250 celebration. The celebration runs through the end of calendar year 2012 and will also feature a commemorative marker near Market Square and a special exhibit at the Market House. For more information, click on the Fay 250 button at the top of the City's homepage.



### Police Community Educational Series

The Community Educational Series is the result of collaboration between the City of Fayetteville, the Fayetteville Branch N.A.A.C.P. and other community advocacy groups. Approximately 200 people, including media, attended meetings held May 24 at FSU and Aug. 30 at Kingdom Impact Global Ministries. The first meeting focused on traffic stops and second meeting was about complaints, cameras and courts. A traffic stop procedures video was shown to the community at meetings. For more information click on the Community Educational Series Button at the top of the City's homepage.

[www.ci.fayetteville.nc.us](http://www.ci.fayetteville.nc.us)

### Boards and Commissions

Fayetteville has more than 20 active Board and Commissions that aid the Mayor and City Council in governing effectively. This quarter we were proud to appoint more than 60 citizens who will volunteer their time to be the link that connects the public to its governing body.








# Goal 4: Growing City, Livable Neighborhoods – A Great Place to Live



Objectives: Consistent improvement in reducing crime rates; well-organized neighborhoods, safe streets; manage the City's future growth and development with quality development and redevelopment; improve mobility within the city, increase recreation and leisure for all.

Targets For Action	Action Plan	Results
<p><b>Park Bond Referendum</b> </p> <p>Top Priority Policy Agenda</p> <p>City Council seeks to increase recreational resources throughout the City by developing capital projects that would enhance economic activity and citizens' quality of life. The overall \$54.6 million bond, of which \$45 million would be borrowed, would pay for a multipurpose aquatic and senior center with field house, skateboard parks, four community pools, neighborhood and community parks, tennis center, sports complex, Cape Fear River Park, expansions of community greenways and improvements to existing facilities.</p> <p><b>Project Liaison:</b> Parks and Recreation Director</p>	<ol style="list-style-type: none"> <li data-bbox="663 345 1310 410">1 Council resolution- 1st Quarter</li> <li data-bbox="663 410 1310 800">2 Informational and Educational Campaign and Council participation and involvement- 1st through 3rd Quarter </li> <li data-bbox="663 800 1310 906">3 Preparation for Bond Referendum Feb. 26, 2013- 2nd and 3rd Quarters</li> <li data-bbox="663 906 1310 979">4 Preparation of RFP to implement Park Bond Referendum plans - 4th Quarter</li> </ol>	<p>Completed</p> <p>Since Aug 1, staff has provided information to more than 1000 citizens during 22 speaking engagements. The information presented and contained in the City's brochure, video, PowerPoint and other collateral is designed to present an overview of the projects and describe how the package was developed in response to the community vision and service deficiencies. It addresses the financial impact. It does not advocate passage or defeat of the referendum and is intended for informational and educational purposes only.</p> <p>City Council voted to place the Parks and Recreation Capital Projects Bond Package on the ballot for a referendum Tuesday, Feb. 26, 2013.</p> <p>Pending</p>
<p><b>Police Substations</b> </p> <p>Top Priority Policy Agenda</p> <p>City Council considered the feasibility of adding Police substations in locations throughout the city.</p> <p><b>Project Liaison:</b> Police Chief</p>	<p>Refer to City Buildings and Facilities Maintenance Plan Target for Action.</p>	<p>Completed. In FY 2012, staff worked with a consultant to analyze and provide options. No action was taken by City Council to provide resources to construct police substations during budget deliberations. However, the Fayetteville Police Department needs are being identified through the Buildings and Facilities Maintenance Plan Target for Action.</p>

Target Measures



At or Above Target



Slightly Below Target



Below Target





Target Pending







# Goal 4: Growing City, Livable Neighborhoods – A Great Place to Live



Objectives: Consistent improvement in reducing crime rates; well-organized neighborhoods, safe streets; manage the City’s future growth and development with quality development and redevelopment; improve mobility within the city, increase recreation and leisure for all.

Targets For Action	Action Plan	Results
<p><b>PWC Service to Non-city Residents</b> </p> <p>High Priority Policy Agenda</p> <p>This TFA seeks to support and encourage efforts to develop and implement a differential utility rate structure for non city residents.</p> <p><b>Project Liaison:</b> Assistant City Manager</p> <p><b>Key Partner:</b> Public Works Commission</p>	<p>1 Engage in conversation with City Council to clarify direction on preferred rate differential policy - 2nd Quarter</p> <p>2 Report from PWC: Differential Utility Rate Structure and Council direction - 4th Quarter</p>	<p>Pending</p> <p>Pending</p>
<p><b>Growth Plan for Municipal Influence Area (MIA)</b> </p> <p>Top Priority Management Agenda</p> <p>In an effort to accommodate and prepare for the continued growth of the City, the City will coordinate with Cumberland County to develop a prefer growth pattern that takes into account operations and capital planning for the future of the MIA.</p> <p><b>Project Liaison:</b> Development Services Director</p> <p><b>Key Partner:</b> Public Works Commission,</p>	<p>1 Coordination with Cumberland County - 2nd Quarter</p> <p>2 Stakeholder Involvement - TBD</p> <p>3 Study completion - FY 2014</p> <p>4 Council: Adoption - FY 2014</p>	<p>Pending</p> <p>Pending</p> <p>Pending</p> <p>Pending</p>





Target Measures:  At or Above Target  Slightly Below Target  Below Target  Target Pending



# Goal 4: Growing City, Livable Neighborhoods – A Great Place to Live



Objectives: Consistent improvement in reducing crime rates; well-organized neighborhoods, safe streets; manage the City’s future growth and development with quality development and redevelopment; improve mobility within the city, increase recreation and leisure for all.

Targets For Action	Action Plan	Results
<p><b>Rental Action Management Program (RAMP)</b> </p> <p>Top Priority Policy Agenda</p> <p>This target for action follows the implementation of a new City program, effective July 1, which seeks to identify and better manage negative impacts of residential rental property citywide.</p> <p><b>Project Liaisons:</b> Development Services Director and Chief of Police</p>	<ol style="list-style-type: none"> <li>Complete recruitment for personnel</li> <li>Establish operating procedures and protocol.</li> <li>Identification of properties for inclusion into RAMP due to code violations and crime rankings</li> </ol> 	<p>Completed. Development Services and Police Departments have RAMP staff on board.</p> <p>Collaboration between Development Services and the Police Department continues. Protocols and procedures have been developed. Implementation of shared software program is underway.</p> <p>Staff has begun the process of evaluating, analyzing and tracking properties for inclusion into RAMP. To date, there have been 12 warning notices sent to properties for code violations. Police Department is establishing the database necessary to implement criminal activity RAMP violations.</p>
<p><b>Community Wellness Plan: Reclaiming Neighborhoods</b> </p> <p>Top Priority Management Agenda</p> <p>The Reclaiming Neighborhoods Project is a component of the Community Wellness Program. It takes a holistic approach to the problems in specific neighborhoods. Working through the community and in the community, this initiative helps ensure neighborhoods are safe, clean and nuisance free.</p> <p><b>Project Liaison:</b> Police Chief</p>	<ol style="list-style-type: none"> <li>Continued law enforcement activity: Community walk downs, warrant specials and other vice operations, high visibility patrols</li> </ol> <p>Community engagement.</p> <p>Coordination with departments: Quarterly meetings conducted to provide updated information from each department and assess progress.</p> 	<p><b>Bunce Road:</b></p> <p>Community Crime Meeting Kick Off Event: Educated and informed citizens on City services</p> <p>Community Awareness Day went very well: 24 partner agencies sent a representatives and set up a displays to inform residents of opportunities available to them.</p> <p><b>Murchison Road/Jasper Street:</b></p> <p>Patrols maintaining a highly visible stance in the area, interacting with citizens and deterring criminal activity by increased presence.</p> <p>Conducted investigations resulting in multiple arrests</p> <p>Collaboration with outside agencies: Reviewing activities at alcohol related establishments; Seeking enhanced prosecution for crimes.</p>

Target Measures:



At or Above Target



Slightly Below Target



Below Target



Target Pending







# Goal 4: Growing City, Livable Neighborhoods – A Great Place to Live



Objectives: Consistent improvement in reducing crime rates; well-organized neighborhoods, safe streets; manage the City's future growth and development with quality development and redevelopment; improve mobility within the city, increase recreation and leisure for all.

Targets For Action	Action Plan	Results
<p><b>Speed Limits: Review</b></p> <p>High Priority Management Agenda</p> <p>To ensure safe and orderly neighborhoods and main thoroughfares, the City Council has requested a study and revision of posted speed limits.</p> <p><b>Project Liaison:</b> E&amp;I Director</p> <p><b>Key Partners:</b> NCDOT, Fayetteville Police Department</p>	<p>1 Receive feedback from key partners on specific problematic corridors - 2nd Quarter</p>	<p>Pending</p>
	<p>2 Meet with stakeholders and key partners to discuss evaluation - 2nd Quarter</p>	<p>Pending</p>
	<p>3 Prepare evaluation and report with options - 3rd Quarter</p>	<p>Pending</p>
	<p>4 Council decision: Direction and actions - 3rd Quarter</p>	<p>Pending</p>



Target Measures:  At or Above Target  Slightly Below Target  Below Target  Target Pending



# Goal 4: Growing City, Livable Neighborhoods – A Great Place to Live



Objectives: Consistent improvement in reducing crime rates; well-organized neighborhoods, safe streets; manage the City's future growth and development with quality development and redevelopment; improve mobility within the city, increase recreation and leisure for all.

## Other Advancements

### Sidewalks

During recent years, with sidewalk construction costs lower than usual, the City has been fortunate to add to its sidewalk inventory. During 1st quarter FY 2013, a piece of Murchison Road sidewalk was constructed from Lakeland Street to south of Langdon Street. City staff also let for bid on sidewalk for another portion of Murchison Road from Country Club Drive to the I-295 Outer Loop.



### Grove Street Safety Project

PWC is adjusting utilities and putting them underneath Grove Street. DOT will start work in June of 2013 to add raised medians and upgrade signals to crosswalks.



### Stormwater

A new Murray Hill Road culvert was designed and advertised for bid. A portion of Murray Hill Road near Dwirewood Drive has been closed until the project has been completed. A drainage project in the Summerhill subdivision was finished.

### Cross Creek Linear Park

Bridge and abutment design was completed for phase three of Cross Creek Linear Park for a bridge that will go under the new Grove Street bridge.

A bid package for the bridge project was also completed.







# Goal 5: More Attractive City - Clean and Beautiful



Objectives: A clean and beautiful community; to develop, adopt and support standards that buffer differing land uses and assure attractive buildings; increase green spaces; have signage reflecting the community's character; incorporate green building concepts and LEED equivalency.

Targets For Action	Action Plan	Results
<b>Commercial Recycling</b> High Priority Policy Agenda <span style="color: green;">◆</span>  In an effort to build a green and sustainable community, City Council has requested recommendations from staff to expand the curbside and multifamily recycling ordinances to include commercial facilities.  <b>Project Liaison:</b> Environmental Services Director	1 Develop scope of work and hold public and stakeholder meetings - 1st Quarter	Engaged Fayetteville State University to complete community and stakeholder surveys. Surveys are ongoing
	2 Draft collection program and ordinances necessary to facilitate program - 2nd Quarter	Pending
	3 Brief council, receive feedback - 3rd Quarter	Pending
	4 Council decision and program implementation - 4th Quarter	Pending



Target Measures



At or Above Target



Slightly Below Target



Below Target



Target Pending



# Goal 5: More Attractive City - Clean and Beautiful



Objectives: A clean and beautiful community; to develop, adopt and support standards that buffer differing land uses and assure attractive buildings; increase green spaces; have signage reflecting the community's character; incorporate green building concepts and LEED equivalency.

## Other Advancements

### Graffiti Removal

The graffiti removal program was implemented in an effort to beautify the city. Businesses can apply for the program and pay a \$100 fee for each graffiti removal.



### Cape Fear River Trail

Plans on sections A and B of phase two, which is located between Clark Park and the Cape Fear Botanical Garden, have been submitted to DOT. Erosion control permits and right-of-way certifications have been approved.

### Sign Ordinance Update

Stakeholder engagement with focus groups will continue through the fiscal year. Ordinance development for Council consideration will occur in FY 2014.



### Texfi

Some demolition has been done on buildings at the Texfi location. Additional remedial activities have been conducted. DENR has approved a brown fields agreement to go into the public comment period. The City is applying for a brown fields cleanup grant for Texfi.

### Fayetteville Beautiful

The Cross Creek Cleanup was held Sept. 8 from Festival Park to the Cape Fear Botanical Garden. A citizens also cleaned up Hurley pots that day. The N.C. Big Sweep Litter pickup has been planned for Oct. 6 on Bragg Boulevard and the MLK. On Oct, 6, plantings will be planted at Honeycutt Park. A November cleanup event is being planned.

[www.fayettevillebeautiful.com](http://www.fayettevillebeautiful.com)








# Goal 6: Revitalized Downtown – A Community Focal Point



Objectives: Convenient access to downtown; a financially self-sustaining Museum of Art; expand the N.C. Veterans Park; make downtown a viable neighborhood with available services; increase building occupancy with successful businesses; increase downtown residents.

Targets For Action	Action Plan	Results
<p><b>“Old Days Inn” Site Development</b> High Priority Policy Agenda </p> <p>This target for action follows the NC Veterans Park master plan that was developed for the area surrounding the park, including the Army Special Operations Museum and Rowan Park. The land was purchased as part of the development of the NC Veterans Park. The City seeks to develop a mixed use development plan in the area.</p> <p><b>Project Liaison:</b> Special Projects Director</p>	<ol style="list-style-type: none"> <li>1 Complete RFQ process to retain developer for project: Review and provide recommendation to City Manager - 2nd Quarter</li> <li>2 Council Decision: Award development contract - 2nd Quarter</li> <li>3 Complete development contract - 2nd Quarter</li> </ol>	<p>The RFQ was revised and reissued at the end of last fiscal year. In the first quarter, staff has reviewed the submissions and provided a recommendation to the City Manager.</p> <p>We are currently in negotiations.</p> <p>Pending</p>
<p><b>Prince Charles Hotel</b> Top Priority Management Agenda </p> <p>The property is a historic landmark. The building was declared dangerous and unsafe and ordered vacated in 2010. Staff will continue efforts to enforce compliance to bring resolution and encourage occupancy.</p> <p><b>Project Liaisons:</b> Development Services Director and City Attorney</p>	<ol style="list-style-type: none"> <li>1 Enforce code compliance and collection process - ongoing</li> <li>2 Monitoring of legal proceedings by the City Attorney’s Office and assess recourse actions - ongoing</li> </ol> 	<p>Code violations continue to accrue and efforts to collect continue.</p> <p>Auction forestalled by bankruptcy filing by owner and staff continues to monitor legal proceedings and recommend options to the City Manager.</p>

Target Measures:



At or Above Target



Slightly Below Target



Below Target



Target Pending



# Goal 6: Revitalized Downtown – A Community Focal Point



Objectives: Convenient access to downtown; a financially self-sustaining Museum of Art; expand the N.C. Veterans Park; make downtown a viable neighborhood with available services; increase building occupancy with successful businesses; increase downtown residents.

## Other Advancements

### Downtown Plan:

This quarter, the consultant was selected and work is underway to develop a downtown plan. The consultant met with stakeholders and is expected to brief Council in the 2nd Quarter.



### Way Finding Signs

The City continues to progress toward completing the installation of way finding signs. Receipt of inventory is 85% complete, with the final delivery scheduled to be received by the end of October. Actual installation will begin by mid November 2012.



### Multimodal Center

The City of Fayetteville was awarded a Federal Transit Administration (FTA) grant for \$8 million, which is 80 percent of the cost, to construct the downtown Multimodal Transit Center. In July, the FTA Administrator Peter Rogoff presented the grant award to the City. The Multimodal Transit Center's future site is across from the Medical Arts Center in downtown Fayetteville located along Robeson Street in the block bounded by Franklin, Winslow, and Russell streets.



# The Strategic Planning Process

FY 2013 Strategic Planning Calendar	
January-February	Senior Management Team (SMT) provides City Council a service report which includes successes, critical needs, ongoing projects and short and long term goals
	City Council strategic plan retreat: Review, evaluate and refine the City's strategic planning elements– Vision, Mission, Core Values and Goals. Draft work plan for next fiscal year. Targets for Action (TFA)
March– April	SMT reviews outcome of City council retreat and provides input into prioritization of the TFA; providing budget and resource considerations
	City Council meets to prioritize the TFA and finalize the policy and management agendas
May- June	TFA are aligned with the budget
	Strategic Plan adopted
July - August	Strategic planning sessions with SMT: Develop action plans for TFA's
	Develop strategic plan report
	Advance the action plans
Reports: October, January and August (Final)	Continue advancing action plans throughout the year
	Evaluate: Tracking the outcome
	City Council is provided reports on progress made toward advancing the action plans and meeting objectives in the strategic plan. Council provides direction or clarification.



# Implementing the Strategic Plan



## Strategic Plan Liaisons

### City Manager

Ted Voorhees

### Assistant City Manager

Kristoff Bauer

### Chief Information Officer

Dwayne Campbell

### Community Development

#### Director

Victor Sharpe

### Development Services

#### Director

Scott Shuford

### Engineering & Infrastructure Director

Rusty Thompson

### Finance Director

Lisa Smith

### Transit Director

Randy Hume

### Interim Police Chief

Katherine Bryant

### Special Projects Director

Craig Hampton

### Management Services

#### Manager

Rebecca Rogers Carter

### Environmental Services Director

Jerry Dietzen

### Human Resource Development

#### Director

John Kuhls

### Human Relations Director

Ron McElrath

### Public Information Officer

Jennifer Lowe



City of  
*Fayetteville*  
*North Carolina*

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Twitter @CityOfFayNC



**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Ted Voorhees, City Manager  
**DATE:** October 8, 2012  
**RE:** **NC League of Municipalities (NCLM) Annual League Business Meeting Voting Delegates**

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**THE QUESTION:**

Who will be the voting delegates to represent the City of Fayetteville at the NCLM's Annual Business Meeting Tuesday, October 23, 2012?

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**BACKGROUND:**

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

**ISSUES:**

N/A

**BUDGET IMPACT:**

**OPTIONS:**

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

**RECOMMENDED ACTION:**

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

**ATTACHMENTS:**

NCLM Voting Delegate



**IMPORTANT VOTING INFORMATION**  
**PLEASE READ**

TO: Managers/Clerks *Pre-registered* for Conference  
FROM: S. Ellis Hankins, Executive Director  
Regan Brown Reynolds, Senior Executive Assistant  
DATE: September 2012  
SUBJECT: Designation of Voting Delegate for 2012 Annual League Business Meeting

Under the League Constitution and the voting procedure established by the League Board of Directors, each member municipality sending delegates to the Annual Conference is required to designate one voting delegate and one alternate voting delegate. The vote of your municipality at the League's Annual Business Meeting on **Tuesday, October 23, 2012, at 8:30 a.m.** may be cast only by a designated voting delegate or alternate voting delegate.

***Please use the enclosed reply postcard to indicate the delegates designated by your governing board, and return it in time to reach the League office no later than Friday, October 14, 2012.***

Voting delegates may pick up their voting cards from the League's Voting Credentials Desk in the Charlotte Convention Center, during registration hours on Sunday, October 21, Monday, October 22, or Tuesday, October 23 prior to the Business Meeting. We encourage you to designate a voting delegate in advance as it saves waiting in line and will avoid confusion prior to the start of the Business Session.

*Enclosure*

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council  
**FROM:** Bart Swanson, Housing and Code Enforcement Division Manager  
**DATE:** October 8, 2012  
**RE:** **Uninhabitable Structures Demolition Recommendations**  
**2216 Edgar Street**  
**2009 Murchison Road**  
**229 Nimocks Avenue**  
**1517 Slater Avenue**

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**THE QUESTION:**

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

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**BACKGROUND:**

**2216 Edgar Street**

The City Inspector is required to correct conditions found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on June 6, 2012. A hearing on the condition of the structure was conducted on June 27, 2012, in which the owners did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure was issued and mailed to the owners on June 28, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since August 2009. In the past 24 months there has been 1 call for 911 service to the property. There have been no code violation cases and no pending assessments. The low bid for demolition is \$1,400.00.

**2009 Murchison Road**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant commercial building that was inspected and condemned as a blighted structure on June 6, 2012. A hearing on the condition of the structure was conducted on July 11, 2012, in which the owner did not attend. A notice of the hearing was also published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on July 12, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since October 2008. In the past 24 months there have been no calls for 911 service to the property. There have been 8 code violation cases with pending assessments of \$532.53 for lot cleanings. The low bid for demolition is \$3,500.00.

**229 Nimocks Avenue**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on June 13, 2012. A hearing on the condition of the structure was conducted on July 5, 2012, in which the owner did not attend. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on July 9, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since May 2009. In the past 24 months there have been 26 calls for 911 service to the property. There have been 4 code violation cases with no pending assessments. The low bid for demolition is \$1,800.00.

**1517 Slater Avenue**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on April 11, 2012. A hearing on the condition of the

structure was conducted on May 30, 2012, in which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on May 31, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since December 2004. In the past 24 months there have been no calls for 911 service at the property. There has been 1 code violation case with no pending assessments. The low bid for demolition is \$1,450.00.

**ISSUES:**

All subject properties are sub-standard and detrimental to the surrounding neighborhood and promote nuisances and blight, contrary to the City's Strategic Plan.

**BUDGET IMPACT:**

The demolition of these structures will be \$8,150.00 ; there will be additional costs for asbestos testing and abatement if needed.

**OPTIONS:**

- Adopt the ordinances and demolish the structures
- Abstain from any action and allow the structures to remain
- Defer any action to a later date

**RECOMMENDED ACTION:**

Staff recommends that Council move to adopt the ordinances authorizing demolition of the structures.

**ATTACHMENTS:**

Aerial Map-- 2216 Edgar Street

Docket-- 2216 Edgar Street

Ordinance-- 2216 Edgar Street

Photo 1- 2216 Edgar Street

Photo 2- 2216 Edgar Street

Photo 3- 2216 Edgar Street

Photo 4- 2216 Edgar Street

Photo 5- 2216 Edgar Street

Aerial Map-- 2009 Murchison Road

Docket-- 2009 Murchison Road

Ordinance-- 2009 Murchison Road

Photo 1- 2009 Murchison Road

Photo 2- 2009 Murchison Road

Photo 3- 2009 Murchison Road

Photo 4- 2009 Murchison Road

Photo 5- 2009 Murchison Road

Aerial Map-- 229 Nimocks Avenue

Docket-- 229 Nimocks Avenue

Ordinance-- 229 Nimocks Avenue

Photo 1-- 229 Nimocks Avenue

Photo 2-- 229 Nimocks Avenue

Photo 3-- 229 Nimocks Avenue

Photo 4-- 229 Nimocks Avenue

Photo 5-- 229 Nimocks Avenue

Aerial Map-- 1517 Slater Avenue

Docket-- 1517 Slater Avenue

Ordinance-- 1517 Slater Avenue

Photo 1- 1517 Slater Avenue

Photo 2- 1517 Slater Avenue

Photo 3- 1517 Slater Avenue

Photo 4- 1517 Slater Avenue

Photo 5- 1517 Slater Avenue



TO: Mayor  
 City Council Members  
 City Manager  
 City Attorney

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

<b>Location</b>	<b>2216 Edgar Street</b>
<b>Property Owner(s)</b>	Irving Veazie Heirs, Hollywood,FL and Ylene Veazie Heirs, Fayetteville, NC
<b>Date of Inspection</b>	June 6, 2012
<b>Date of Hearing</b>	June 27, 2012
<b>Finding/Facts of Scheduled Hearing</b>	Notice to repair/demolish the structure within 60 days mailed June 28, 2012
<b>Owner's Response</b>	None
<b>Appeal Taken (Board of Appeals)</b>	No
<b>Other</b>	Utilities disconnected since August 2009.
	Hearing was advertised in the Fayetteville Observer June 2012.
<b>Police Calls for Service (past 2 yrs)</b>	1

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

This is the 8th day of October, 2012.

*Frank Lewis, Jr.*  
 \_\_\_\_\_  
 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

2216 Edgar Street  
PIN 0428-97-8370

Beginning at the intersection of the Northeastern margin of James Avenue with the Northwestern margin of Dewey Street, and runs thence with the margin of said James Avenue North 25 degrees 20 minutes West 71.16 feet to a stake, then corner of lot # 31; thence with the line of lot #31 North 64 degrees 40 minutes East 150 feet to the corner in the line of Lot # 16; thence with the line of Lot # 16 South 25 degrees 20 minutes East 19.5 feet to the corner in the margin of Dewey Street; thence with the said Dewey Street margin South 45 degrees 39 minutes West 150.5 feet to the BEGINNING, and being all of Lot 30; as shown on map recorded in map book # 13, page 56, in the office of the Register of Deeds for Cumberland County.

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

Irving Veazie, Heirs  
2173 NW 78<sup>th</sup> Avenue  
Hollywood, FL 33024

Ylene Veazie, Heirs  
1707 Patterson Circle  
Fayetteville, NC 28301

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before August 28, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.

- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,400.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

#### SECTION 1

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

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

#### SECTION 2

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

#### SECTION 3

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

Adopted this \_\_8th\_\_ day of \_\_October\_\_\_\_\_, 2012.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony Chavonne, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk





8-5-4-1

**DANGER**



8-5-5-1



8-5-6-1



DANGER

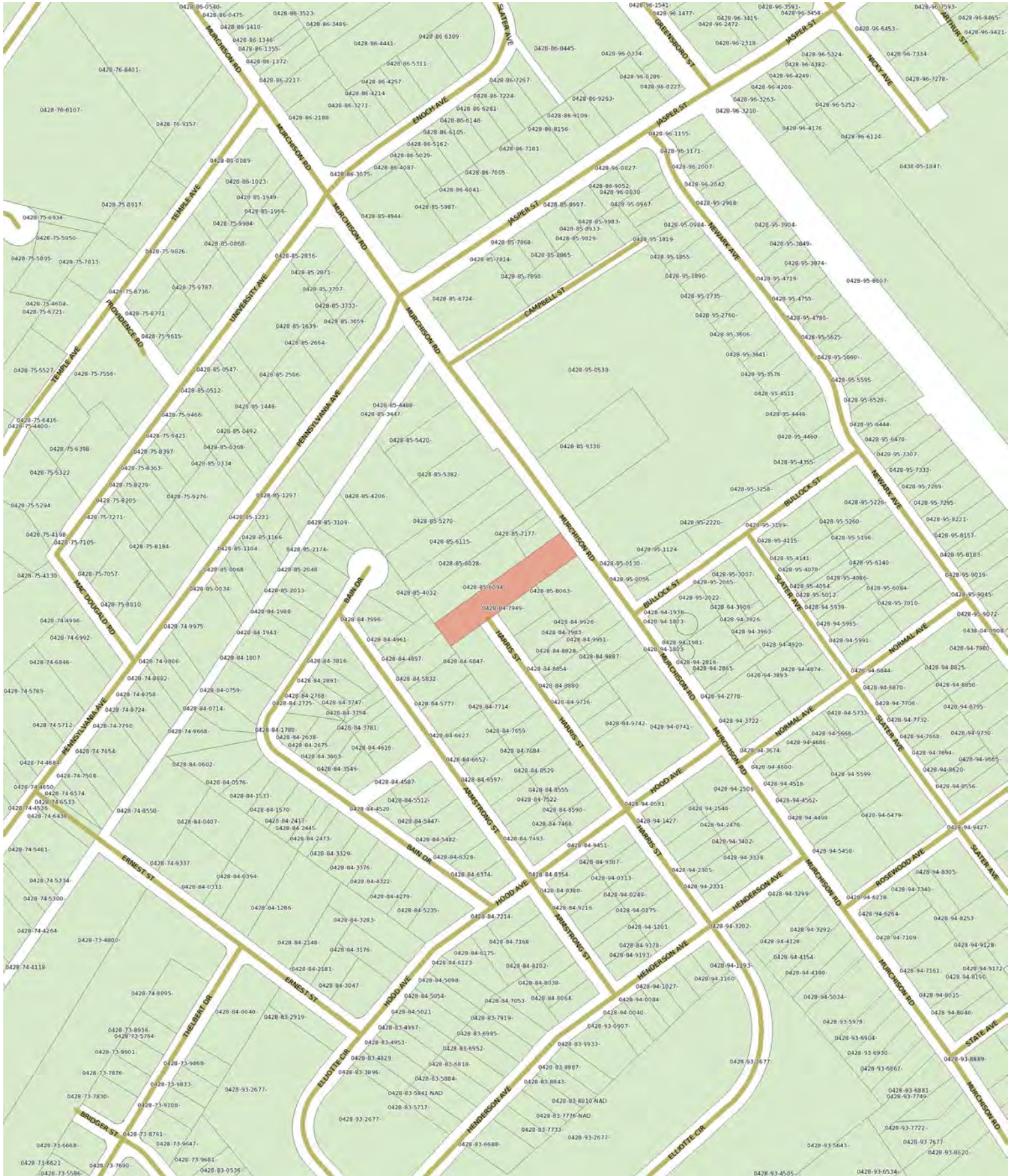
8-5-7-1



2216

**Current Parcel: 0428-85-6094-**

Address: 2009 Murchison Rd Fayetteville, NC (0428-85-6094-)



TO: Mayor  
 City Council Members  
 City Manager  
 City Attorney

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

<b>Location</b>	<b>2009 Murchison Road</b>
<b>Property Owner(s)</b>	Johnny C. Edwards, Fayetteville, NC
<b>Date of Inspection</b>	June 6, 2012
<b>Date of Hearing</b>	July 11, 2012
<b>Finding/Facts of Scheduled Hearing</b>	Notice to repair/demolish the structure within 60 days mailed July 12, 2012
<b>Owner's Response</b>	None
<b>Appeal Taken (Board of Appeals)</b>	No
<b>Other</b>	Utilities disconnected since October 2008.
	Hearing was advertised in the Fayetteville Observer July 2012.
<b>Police Calls for Service (past 2 yrs)</b>	0

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

This is the 8th day of October, 2012.

*Frank Lewis, Jr.*  
 \_\_\_\_\_  
 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

2009 Murchison Road  
PIN 0428-85-6094

BEGINNING at an iron stake in the middle of Murchison Road, the beginning corner of Lot # 5, in the division of Lucy Ann Payne Lane, the said point being the fourth corner of the tract of which it is a part, and running, thence South 54 degrees 15 minutes West 409.2 feet to a stake in the old line; thence with said old line North 35 degrees 45 minutes West 69.3 feet to a stake; thence South 35 degrees 45 minutes East 409.2 feet to a stake in Murchison Road, thence with said road South 35 degrees 4 minutes East 69.3 feet to the BEGINNING.

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

Johnny C. Edwards  
604 Westmont Drive  
Fayetteville, NC 28305

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before September 12, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.



- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$3,500 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

#### SECTION 1

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

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

#### SECTION 2

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

#### SECTION 3

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

Adopted this \_\_8th\_\_ day of \_\_October\_\_\_\_\_, 2012.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony Chavonne, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk



8-5-12-1





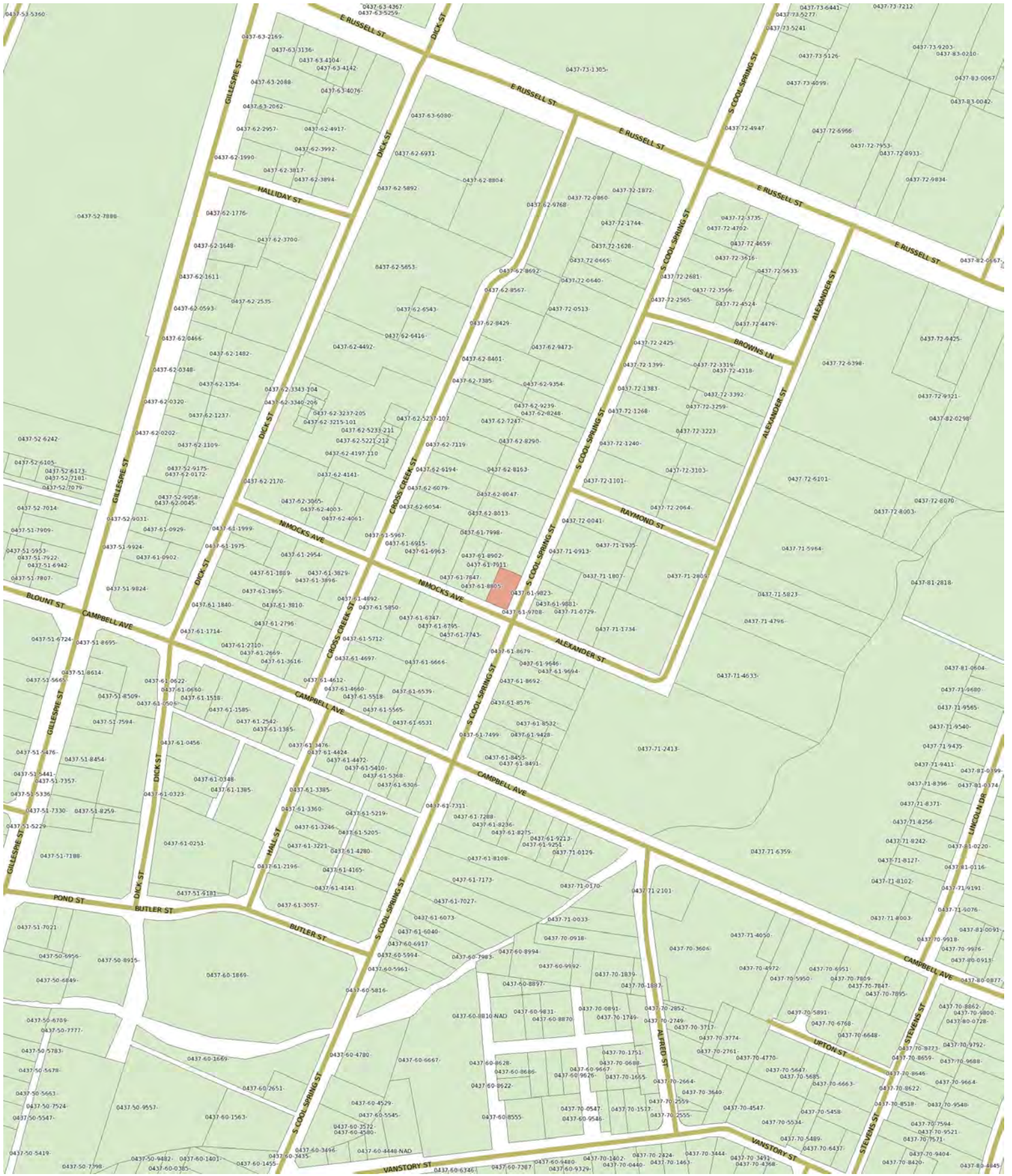
8-5-14-1





# Current Parcel: 0437-61-8805-

Address: 229 Nimocks Ave Fayetteville, NC (0437-61-8805-)



TO: Mayor  
 City Council Members  
 City Manager  
 City Attorney

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

<b>Location</b>	<b>229 Nimocks Avenue</b>
<b>Property Owner(s)</b>	Webster Newman, Fayetteville, NC
<b>Date of Inspection</b>	June 13, 2012
<b>Date of Hearing</b>	July 5, 2012
<b>Finding/Facts of Scheduled Hearing</b>	Notice to repair/demolish the structure within 60 days mailed July 9, 2012
<b>Owner's Response</b>	None
<b>Appeal Taken (Board of Appeals)</b>	No
<b>Other</b>	Utilities disconnected since May 2009.
<b>Police Calls for Service (past 2 yrs)</b>	26

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

This is the 8th day of October, 2012.

*Frank Lewis, Jr.*  
 \_\_\_\_\_  
 Sr. Code Enforcement Administrator (Housing)



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

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

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

The City Council finds the following facts:

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

229 Nimocks Avenue  
PIN 0437-61-8805

Beginning at the intersection of the northern margin of Nimocks Avenue with the western margin of Cool Spring Street, North 22 degrees 35 minutes East 90 feet to a stake; thence North 67 degrees 25 minutes West 57 feet to a stake; thence South 22 degrees 35 minutes West 90 feet to the northern margin of Nimocks Avenue; thence as the northern margin of Nimocks Avenue, South 67 degrees 25 minutes East 57 feet to the Beginning.

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

Webster Newman  
1703 Patterson Circle  
Fayetteville, NC 28301

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before September 9, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1, 800.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this \_\_8th\_\_ day of \_\_October\_\_, 2012.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony Chavonne, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk



80CST7A

NO  
TRESPASSING

229

**DANGER**  
This property is under construction. All work is to be done within the boundaries of the site. No unauthorized access is permitted. Please do not enter the site. If you do, you will be liable for any damage or injury. Thank you for your cooperation.



8-5-22-1





8-5-24-1

# Current Parcel: 0438-03-4255-

Address: 1517 Slater Ave Fayetteville, NC (0438-03-4255-)



0438-03-4255-02 04



TO: Mayor  
 City Council Members  
 City Manager  
 City Attorney

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

<b>Location</b>	<b>1517 Slater Avenue</b>
<b>Property Owner(s)</b>	Taria L. Archie, Fayetteville, NC
<b>Date of Inspection</b>	April 4, 2012
<b>Date of Hearing</b>	May 30, 2012
<b>Finding/Facts of Scheduled Hearing</b>	Notice to repair/demolish the structure within 60 days mailed May 31, 2012
<b>Owner's Response</b>	None
<b>Appeal Taken (Board of Appeals)</b>	No
<b>Other</b>	Utilities disconnected since December 2004.
	Advertised in Fayetteville Observer newspaper May, 2012.
<b>Police Calls for Service (past 2 yrs)</b>	0

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

This is the 8th day of October, 2012.

*Frank Lewis, Jr.*  
 \_\_\_\_\_  
 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

1517 Slater Avenue  
PIN 0438-03-4255

Being in Cumberland County, Cross Creek Township, and in the city of Fayetteville, and being on the Southwestern margin of a new street, which street is parallel with the Murchison Road and 250 feet North 61 deg. 45 min. East from the Eastern margin thereof, and Beginning on the Southwestern margin of said new street at a point 600 feet North 28 deg. 15 min. West from the intersection of said Southwestern margin of said new street with the Northwest margin of Seabrook Road, which point is the Northwest corner of Lot No. 36; and runs thence with the Southwestern margin of said new street North 28 deg. 15 min. West 50 feet; thence South 61 deg. 45 min. West 100 feet to the Northwest corner of Lot No. 13; thence with the dividing line between Lots Nos. 13 and 37 South 28 deg. 15 min. East 50 feet to the Northwest corner of Lot No. 12; thence with the dividing line between Lots Nos. 36 and 37 North 61 deg. 45 min. East 100 feet to the beginning on the Southwest margin of said new street and being Lot No. 37 according to plat and survey of Nannie L. (Mrs. E.E. Smith) Lots on the Murchison Road, made in November, 1936, by F.M. Averitt, Surveyor, and revised in October, 1943, and being of record in the office of the Register of Deeds for Cumberland County in Book of Plats #10, page 65 and being the property conveyed to E.E. Smith and wife, Nannie L. Smith, by G.B. Patterson and wife, on January 24<sup>th</sup>, 1912, by deed registered in the office of the Register of Deeds for Cumberland County in Book "R", #7, page 550.

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

Taria L. Archie  
1516 Murchison Road  
Fayetteville, NC 28301

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before September 9, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:  
  
None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,450.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

#### SECTION 1

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

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

#### SECTION 2

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

#### SECTION 3

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

Adopted this \_\_8th\_\_\_\_ day of \_\_October\_\_\_\_, 2012.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony Chavonne, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk







8-5-30-1





8-5-32-1