



FAYETTEVILLE CITY COUNCIL
AGENDA
NOVEMBER 13, 2012
7:00 P.M.
Council Chamber

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 Approval of a Municipal Agreement with NCDOT for maintenance of traffic signals on the State Highway System

6.2 Approval of Speed Limit recommendations along Reilly Road near Old Raeford Road and at Ben Martin Elementary School

6.3 Award Contract for Culvert Replacement on Murray Hill Road and Branson Creek

6.4 Bid Recommendation- purchase of one (1) Cab and Chassis with Service Body and PTO Mounted Compressor

6.5 Sale and redevelopment of 301 Bragg Blvd. AKA Old Days Inn site.

6.6 Budget Ordinance Amendment 2013-7 (Encumbrances, Designations and Other Items)

6.7 Capital Project Ordinance Amendment 2013-20 (Airport - Rehabilitation of Taxiway "A" Pavement and Lighting)

6.8 Resolution Introducing Bond Order Authorizing \$45,000,000 Parks and Recreation Bonds, Setting the Public Hearing thereon and Other Related Matters

6.9 Approve Meeting Minutes:

August 6, 2012 WKS
August 13, 2012 Regular

6.10 Request for Public Hearing at the November 26, 2012, 7 pm, City Council meeting on the Formation of the Citizen Review Board.

6.11 Bid Recommendation for Miscellaneous Electric Inventory Items

6.12 Resolution of The City Of Fayetteville, North Carolina Approving A State Loan Promissory Note

6.13 Award Contract for Resurface Various Streets, 2013 - Phase II

6.14 Special Revenue Fund Project Ordinance Amendment 2013-5
(Washington Drive School Site Project)

6.15 Special Revenue Fund Project Ordinance Amendment 2013-3 (CDBG Program)
Special Revenue Fund Project Ordinance Amendment 2013-4 (HOME Program)

6.16 Tax Refunds of Greater Than \$100

6.17 The Public Works Commission of the City of Fayetteville requests Council approve tentative award of contract for Outfall Rehabilitation Project.

6.18 Resolution to Adopt the 2013 Proposed City Council Meeting Dates Calendar

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 Amendment to City Code Chapter 30 to create a Business Park zoning district with related changes in use definitions and classification.

Presenter(s): Scott Shuford, Director Development Services

7.2 Amendments to City Code Chapter 30 to make corrections and minor adjustment to various sections, tables and figures, including setbacks in SF-10, SF-15 and NC districts, auto-oriented standards, parking and loading, calculating gross residential densities, zero lot line, paint/body shop standards, easements and setbacks, performance bonds, glazing in DT district, and other changes consistent with interpretations to date.

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

7.3 Request by Lamar Advertising for an amendment to City Code Chapter 30 to permit conversion of an existing billboard to a digital face with the removal of two other existing billboard faces.

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

8.0 OTHER ITEMS OF BUSINESS

8.1 National League of Cities (NLC) Conference Voting Delegates

Presenter(s): Ted Voorhees, City Manager

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly Statement of Taxes for September 2012

10.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

Individuals who have not made a written request to speak on a 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
November 13, 2012 - 7:00 p.m.
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
November 14, 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, 910-433-1696, or the Office of the City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.

CITY COUNCIL ACTION MEMO

TO:

FROM:

DATE: November 13, 2012

RE:

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lee Jernigan, P.E., City Traffic Engineer
DATE: November 13, 2012
RE: **Approval of a Municipal Agreement with NCDOT for maintenance of traffic signals on the State Highway System**

THE QUESTION:

Does the City Council support a Municipal Agreement with NCDOT for maintenance of traffic signals on the State Highway System?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - Great Place to Live

BACKGROUND:

- This is an agreement that has historically been in effect between the City and NCDOT.
- The existing agreement has expired this is the new agreement.

ISSUES:

The City is entering into this agreement to provide maintenance of traffic signals on the State Highway System.

BUDGET IMPACT:

The Municipal Agreement will provide a reimbursement from NCDOT to the City of approximately \$250,000 annually.

OPTIONS:

- Approve the Municipal Agreement
- Reject the Municipal Agreement

RECOMMENDED ACTION:

The recommended action is approval of this agreement.

ATTACHMENTS:

NCDOT Letter and Municipal Agreement



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

June 12, 2012

Mr. W. Lee Jernigan, Jr., P.E., City Traffic Engineer
City of Fayetteville
339 Alexander Street
Fayetteville, North Carolina 28301

Dear Mr. Jernigan:

This is in reference to the Schedule C, Municipal Maintenance Agreement, between the City of Fayetteville and NC DOT, Division 6 for the maintenance of traffic signals at certain intersections which are on the State's Highway System within or near the City of Fayetteville. Provision 4 of this agreement reads "the agreement shall be for a period of one (1) year with extensions contingent upon the increase of NCDOT maintenance funds by the General Assembly and may be made in one (1) year increments, incorporating any mutually agreed upon adjustments, up to a total of five years.

Based on this information, I have attached two Schedule C agreements that include a list of signals to be maintained by the City of Fayetteville for the proposed period from July 1, 2012 to June 30, 2013. If the city approves this agreement, please sign and date the agreement, as well as, page 5 of the Level C Maintenance Schedule and return the originals to me. A signed copy will be returned to the city for its records.

If we may be of further assistance, please advise.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "F. D. West, Jr.", written in black ink.

F. D. West, Jr.

Deputy Division Traffic Engineer

cc: Greg W. Burns, P.E., Division Engineer
Mike Boahn, Signal Supervisor

NORTH CAROLINA
CUMBERLAND COUNTY

**MUNICIPAL MAINTENANCE - TRAFFIC CONTROL
DEVICES
TRAFFIC SIGNALS AGREEMENT
SCHEDULE C**

DATE: 6/12/2012

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 36247.6.3

CITY OF FAYETTEVILLE

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Fayetteville, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department and the Municipality, have a mutual interest in the efficient and effective operation of traffic signals within the Municipality; and,

WHEREAS, the provisions of the North Carolina General Statutes 136-66.1 and 136-18, authorize the Municipality to contract with the Department for the installation, repair and maintenance of highway signs and markings, electric traffic signals and other traffic control devices on State Highway System streets within the Municipality; and,

WHEREAS, the Department finds it desirable and advantageous to enter into an Agreement to reimburse the Municipality for costs incurred under which the Municipality maintains and operates traffic signals at certain intersections which are on the State's Highway System within or near the City of Fayetteville; and,

WHEREAS, the Municipality finds that it is in the best public interest to maintain and operate traffic signals at certain intersections which are on the State's Highway System within or near the City of Fayetteville; and,

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

1. The Municipality shall maintain and operate the traffic signals as indicated hereinafter.

- A. The Department and the Municipality recognize that each party to this Agreement has an obligation and responsibility to provide for the safe, orderly, and efficient flow of traffic on their respective street systems.
 - B. The operation and maintenance of intersections on the State Highway System, both at the hardware and software levels, will be subject to the approval of the Department and will reflect the needs of traffic on both the State Highway System and the Municipal System. In the event the Department and the Municipality cannot agree on issues affecting the operation and maintenance of these intersections, the decision of the Department will be final.
2. The Department shall reimburse the Municipality based on an annual amount for the operation and maintenance of the traffic signals. The Department shall be billed quarterly by the Municipality at the Division Office for the maintenance and operation of traffic signals as indicated in the attached Schedule "C" on or before three months after the end of each quarterly cycle. Upon the presentation of an itemized quarterly invoice, the Department will pay for the cost of operating and maintaining traffic signals as indicated in Schedule "C". All final bills must be submitted within one (1) year after the work is performed or said work will be considered non-billable and will not be paid for by the Department. The reimbursement rates shown on the attached Schedule "C" may be increased three (3) percent each annum in consideration of recent inflation rates, subject to the availability of maintenance funds and the performance of the Municipality.
3. This Agreement shall be in full force and effect on the first day of the month following the date that this agreement is executed by the Department and the Municipality, but it may be modified by mutual agreement of the parties. Either party may terminate the said agreement upon 30 days written notice.
4. This Agreement shall be for a period of one (1) year. At the end of the year, the provisions and quality of results may be reviewed by the Department and the Municipality. Any extensions will be contingent upon the increase of NCDOT maintenance funds by the General Assembly and may be made in one (1) year increments, incorporating any mutually agreed upon adjustments, up to a total duration of five years.
5. The Municipality shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of final payment under this agreement, for inspection and audit by the Department's Financial Management Division.

- A. In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (www.whitehouse.gov/omb/circulars/a133/a133.html) dated June 27, 2003 and the Federal Single Audit Act Amendment of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.
 - B. The Municipality agrees that it shall bear all construction costs for which it is unable to substantiate actual costs.
 - C. Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than contract awarded by competitive bidding process. Written approval from the Division Engineer is required prior to the use of force account by the Municipality. Said invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in Office of Management and Budget (OMB) Circular A-87 (www.whitehouse.gov/omb/circulars/a087.html). Reimbursement shall be based on actual cost incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.
 - D. Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.
- 6. The Municipality agrees to an annual audit of the performance of intersection equipment and systems. The audit is to be performed by the Department and the Municipality.
 - 7. The Municipality shall not install any traffic control devices on any State Highway System street, which have not been approved by the Department pursuant to North Carolina General Statutes 20-169.
 - 8. The Municipality agrees not to make any traffic signal phasing changes on the State Highway System without prior approval of the Department.
 - 9. The Municipality shall maintain and operate the traffic signals in accordance with North Carolina General Statutes, the Department's current policies and guidelines, and all local codes and ordinances. If, in the opinion of the Department, the Municipality does not maintain the traffic

signals in accordance with the specified criteria, the Department shall have the right to terminate this agreement.

10. Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), as required by NCGS 136-28.4 and the North Carolina Administrative Code. The Department will provide the appropriate provisions to be contained in those contracts. Those provisions are available on the Department's website at: www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html.

- No advertisement shall be made nor any contract be entered into for services to be performed as part of this agreement without prior written approval of the advertisement or contents of the contract by the Department.
- Failure to comply with these requirements will result in funding being withheld until such time as these requirements are met.

11. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.

12. This Agreement does not transfer legal control of, or responsibility, or legal liability for the State Highway System roads described herein to the Municipality, nor does it prohibit the Department from taking any action or undertaking any responsibilities with regard to such roads. This Agreement is solely for the benefit of the Municipality and the Department and not for the benefit of any other persons, including but not limited to, members of the public or users of the State Highway System roads, and no third party rights are created, or intended to be created, by this Agreement.

13. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, in triplicate, on the part of the Department and the Municipality by authority duly given.

ATTEST: CITY OF FAYETTEVILLE
BY: _____ BY: _____
TITLE: _____ TITLE: _____
DATE: _____ DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization."

Approved by _____ of the local governing body of the City of Fayetteville as attested to by the signature of Clerk of said governing body on _____(Date)

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

(SEAL)

BY: _____
(FINANCE OFFICER)

Remittance Address:

City of Fayetteville

DEPARTMENT OF TRANSPORTATION

BY: _____
(STATE HIGHWAY ADMINISTRATOR)

DATE: _____

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: _____

ATTACHMENT A

INV.	LOCATION	OWN	MAIN	TIMED	DOT	City	Total
	Mcperson Church @ Sycamore Dairy	C	C	C	Owned	200	27
	Mcperson Church @ Mcpherson Square	C	C	C	Maintained	14	213
	Mcperson Church @ Barcelona	C	C	C	Timed	14	212
	Hillsboro @ Boundary	C	C	C			
	Hillsboro @ Cumberland	C	C	C			
	Person @ Bow	C	C	C			
	Hay @ Ray	C	C	C			
	Gillespie @ Franklin	C	C	C			
	Village @ Roxie	C	C	C			
	Village @ Conover	C	C	C			
	Village @ Metromedical	C	C	C			
	Boone @ Boone Trail	C	C	C			
	Village @ Boone Trail	C	C	C			
	Village @ Purdue	C	C	C			
	Village @ Fordham	C	C	C			
	Hay @ Woodside	C	C	C			
	Person @ B Street	C	C	C			
	Winslow @ Blount	C	C	C			
	Ft Bragg @ Hull	C	C	C			
	Ft Bragg @ Stamper	C	C	C			
	Devers @ Hull	C	C	C			
	Ft Bragg @ Devers	C	C	C			
	Ft Bragg @ Churchill	C	C	C			
	pincrest @ Rush	C	C	C			
	Sycamore @ Bargain St	C	C	C			
	Cain @ Rogers	C	C	C			
	Rosehill @ Chadwick	C	C	C			
06-0001	US 401 Bus (RAEFORD RD.) & FAIRFIELD RD.	D	C	C			
06-0002	US 401 Bus/SR 1414 (RAEFORD RD.) & US 401 Bus (ROBESON ST)/MCPHEE DR.	D	C	C			
06-0004	GILLESPIE ST. & SOUTHERN AVE.	D	C	C			
06-0006	SR 2311 (GILLESPIE ST.) & BLOUNT ST./CAMPBELL AVE	D	C	C			
06-0007	SR 1414 (RAEFORD RD.) & BROADFOOT AVE.	D	C	C			
06-0008	HAY ST. & HIGHLAND AVE.	D	C	C			
06-0010	SR 2299 (RUSSELL ST.) & SR 3828 (ROBESON ST.)	D	C	C			
06-0011	SR 2299 (RUSSELL ST.) & WINSLOW ST.	D	C	C			
06-0014	SR 2311 (GILLESPIE ST.) & SR 2299 (RUSSELL ST.)	D	C	C			
06-0015	SR 2299 (RUSSELL ST.) & OLD WILMINGTON RD.	D	C	C			
06-0016	US 301/I-95 Bus (EASTERN BLVD.) & SR 2299 (RUSSELL ST.)	D	C	C			
06-0018	SR 3828 (Bragg Blvd)/Robeson St. & SR 1404 (Hay St.)	D	C	C			
06-0019	HAY ST & WINSLOW ST.	D	C	C			
06-0029	US 301/I-95 Bus (EASTERN BLVD) & PERSON ST.	D	C	C			
06-0526	SR 3828 (ROBESON ST.) & BLOUNT ST.	D	C	C			

11.89 % City owned
88.11 % DOT owned
93.83 % City Maintained
6.17 % DOT Maintained

ATTACHMENT A

INV.	LOCATION	OWN	MAIN	TIMED	DOT	City	Total
06-0032	NC 24/NC 87 (Bragg Blvd.) & Elm St.	D	C	C			
06-0033	NC 24/NC 87 (Bragg Blvd.) & Stamper Rd.	D	C	C			
06-0037	NC 24/NC 87 (Bragg Blvd) & West Rowan	D	C	C			
06-0038	NC 24/NC 87 (Bragg Blvd) & East Rowan	D	C	C			
06-0039	NC 24/NC 210 (ROWAN ST.) AT RAY AVENUE	D	C	C			
06-0040	NC 24/NC 210 (GROVE St)/ROWAN ST AT RAMSEY/GREEN ST.	D	C	C			
06-0041	US 301/I-95 Bus (EASTERN BLVD) & NC 24/NC 210 (GROVE ST.)	D	C	C			
06-0042	NC 210 (MURCHISON RD) & LANGDON ST	D	C	C			
06-0044	US 401 Bus (RAMSEY ST.) & HILLSBORO ST.	D	C	C			
06-0047	SR 1404 (MORGANTON RD.) & CHURCHILL DR.	D	C	C			
06-0049	NC 24/NC 87 (Bragg Blvd) & Westmont Dr FLASHER	D	C	N			
06-0051	SR 1007 (OWEN DR.) & US 301/I-95 Bus(GILLESPIE ST.)(EASTERN BLVD)	D	C	C			
06-0052	US 401 Bus (ROBESON ST.) & SR 1168 (WHITFIELD ST.)	D	C	C			
06-0054	US 401 Bus (RAEFORD RD.) & MCPHERSON CHURCH RD./ Old OWEN DR.	D	C	C			
06-0055	US 401 Byp (SKIBO RD.) & SR 1415 (YADKIN RD.)/MCPHERSON CHURCH	D	C	C			
06-0056	US 401 Byp & NC 87/NC 210 (MURCHISON RD)	D	C	C			
06-0058	VILLAGE DR. & SR 1007 (OWEN DR.)	D	C	C			
06-0060	US 401 Bus (ROBESON ST.) & VILLAGE DR.	D	C	C			
06-0071	NC 210 (MURCHISON RD.) & W. ROWAN ST.	D	C	C			
06-0072	NC 53/NC 210 (CEDAR CREEK RD.) & SR 1006 (CLINTON RD.)	D	C	C			
06-0074	SR 1132 (LEGION RD.) & W. MOUNTAIN DR.	D	C	C			
06-0075	SR 1007 (OWEN DR.) & SOUTHERN AVE./SR 1132 (LEGION RD.)	D	C	C			
06-0076	NC 24 & NC 53/NC 210 (Cedar Creek Rd.)	D	C	C			
06-0079	US 401 Byp (COUNTRY CLUB DR.) AT SR 1615 (ROSEHILL)	D	C	C			
06-0081	US 401 Bus (RAMSEY ST) AT US 401 Byp (CNTRY CLUB)	D	C	C			
06-0084	US 401 Byp (COUNTRY CLUB RD) AT CAIN RD.	D	C	C			
06-0084	US 401 Byp (SKIBO RD.) & SR 1400 (CLIFFDALE RD.)	D	C	C			
06-0095	US 401 Byp (SKIBO RD.) & SR 1404 (MORGANTON RD.)	D	C	C			
06-0096	US 401 Byp (SKIBO RD.) & US 401 (RAEFORD RD.)	D	C	C			
06-0153	NC 24/NC 87 (Bragg Blvd.) & Shannon Dr.	D	C	C			
06-0155	US 401 Bus (RAEFORD RD.) & NC 59 (HOPE MILLS RD.)	D	C	C			
06-0211	US 401 (RAMSEY St) & SR 1712 (Melstone Dr) (KELLY SPRINGFIELD)	D	C	C			
06-0212	SR 1007 (OWEN DR.) & SR 1141 (CUMBERLAND RD.)	D	C	C			
06-0218	NC 24/NC 210 (GROVE ST.) & ANN ST.	D	C	C			
06-0220	SOUTHERN AVE. & SR 1168 (WHITFIELD ST.)	D	C	C			
06-0221	NC 24/NC 87 (Bragg Blvd) & Pearl St.	D	C	C			
06-0223	SR 2311 (RAMSEY ST.) & CUMBERLAND ST.	D	C	C			
06-0224	US 401 Bus (RAEFORD RD.) & PURDUE DR.	D	C	C			
06-0225	SR 1400 (CLIFFDALE RD.) & MCPHERSON CHURCH RD.	D	C	C			
06-0231	HAY ST. & US 401 Bus/NC 87 (MLK JR. WEST Ramp)	D	C	C			

ATTACHMENT A

INV.	LOCATION	OWN	MAIN	TIMED	DOT	City	Total
06-0232	HAY ST. & MLK JR. EAST	D	C	C			
06-0233	SR 1404 (MORGANTON RD.) & MCPHERSON CHURCH RD.	D	C	C			
06-0234	NC 210 (MURCHISON RD.) & JASPER ST/ PENN. AVE	D	C	C			
06-0236	NC 24/NC 87 (Bragg Blvd.) & Yadkin Rd.	D	C	C			
06-0237	US 401 (RAMSEY St.) & SR 1600 (MCARTHUR RD)	D	C	C			
06-0240	SR 1006 (PERSON ST.) & N. BROAD ST.	D	C	C			
06-0243	NC 24/NC 87 (Bragg Blvd.) & US 401 Bus. (MLK Jr. North)	D	C	C			
06-0244	NC 24/NC 87 (Bragg Blvd.) & US 401 Bus (MLK Jr. South)	D	C	C			
06-0246	SR 2311 (RAMSEY ST.) & US 401 Bus (MLK JR.)	D	C	C			
06-0247	SR 1415 (YADKIN ROAD) & SR 1437 (SANTA FE DR)	D	C	C			
06-0250	US 401 Bus (RAMSEY ST.) & LANGDON ST.	D	C	C			
06-0261	WINSLOW ST. & RANKIN ST.	D	C	C			
06-0262	FRANKLIN ST & WINSLOW ST	D	C	C			
06-0264	SR 3828 (ROBESON ST) & FRANKLIN ST CONN	D	C	C			
06-0265	NC 24/NC 87 (Bragg Blvd) & SR 1429/SR 1563 (Johnson/Mike	D	C	C			
06-0268	ROWAN ST. & HILLSBORO ST (AT BRIDGE)	D	C	C			
06-0270	SR 1007 (OWEN DR.) & SR 1149 (BOONE TRAIL)	D	C	C			
06-0274	US401 (RAEFORD ROAD) & SR 1411 (BUNCE RD)	D	C	C			
06-0278	SR 1437 (SANTA FE DR) AT SR 1007 All American NB RAMPS)	D	C	C			
06-0279	NC 24/NC 87 (Bragg Blvd) & SR 1437 (Santa Fe Dr.)	D	C	C			
06-0281	SR 1437 (SANTA FE DR) AT SB RAMPS OF SR 1007	D	C	C			
06-0289	SR 1007 (OWEN DR) & SR 1003 (CAMDEN RD)	D	C	C			
06-0290	SR 1404 (MORGANTON RD.) & PINECREST DR.	D	C	C			
06-0314	NC 24/NC 210 (GROVE ST.) & "B" ST.	D	C	C			
06-0318	US 401BYP (SKIBO RD) AT SR 1007 (ALL AMERICAN NB RAMP)	D	C	C			
06-0319	SR 1404 (MORGANTON RD) AT SR 1007 (ALL AMERICAN NB RAMP)	D	C	C			
06-0320	US 401 Bus (RAEFORD RD) AT SR 1007 (ALL AMERICAN SB RAMP)	D	C	C			
06-0321	US 401 Byp (SKIBO RD) AT SR 1007 (ALL AMERICAN SB RAMP)	D	C	C			
06-0322	SR 1404 (MORGANTON RD.) & SR 1007 (ALL AMERICAN SB RAMP)	D	C	C			
06-0323	US 401 Bus (RAEFORD RD.) & SR 1007 (ALL AMERICAN NB RAMP)	D	C	C			
06-0324	SR 1007 (OWEN DR.) & SR 1007 (ALL AMERICAN NB RAMP)	D	C	C			
06-0325	US 401 Byp (Skibo) @ SR3196 (Lake Valley Dr.)	D	C	C			
06-0327	US 401 Bus (RAEFORD RD.) & ROXIE AVE.	D	C	C			
06-0328	US 401 Bus (RAEFORD RD.) & BRIGHTON RD.	D	C	C			
06-0334	US 401 Bus (RAEFORD RD.) & MONTCLAIR DR.	D	C	C			
06-0336	US 301/+95 Bus (EASTERN BLVD.) & SR 2311 (GILLESPIE ST.)	D	C	C			
06-0346	SR 1404 (MORGANTON RD.) & SR 1596 (GLENSFORD Dr.)	D	C	C			
06-0350	SR 1404 (MORGANTON RD.) & SKYE DR.	D	C	C			
06-0351	SR 1404 (MORGANTON RD.) & SR 1400 (CLIFFDALE RD.)	D	C	C			
06-0353	SR 1219 (IRELAND Dr) & VILLAGE ST	D	C	C			
06-0355	US 401 Byp (SKIBO RD.) & SWAIN ST.	D	C	C			
06-0356	US 401 Byp (SKIBO RD.) & LOUISE ST.	D	C	C			
06-0358	US 401 (RAEFORD ROAD) & SR 1141 (BINGHAM DR)	D	C	C			

ATTACHMENT A

INV.	LOCATION	OWN	MAIN	TIMED	DOT	City	Total
06-0360	US 401 (RAMSEY STREET) & SR 1611 (ANDREWS RD)	D	C	C			
06-0361	SR 1404 (MORGANTON RD) & SYCAMORE DAIRY RD.	D	C	C			
06-0364	SR 1400 (CLIFFDALE RD) AT SR 1403 (REILLY RD)	D	C	C			
06-0369	SR 1403 (REILLY RD) AT SR 1404 (MORGANTON RD)	D	C	C			
06-0370	SR 1415 (YADKIN ROAD) & SR 1408 (BONANZA ROAD	D	C	C			
06-0371	NC 24/NC 210 (GROVE ST.) & SR 1838 (DUNN RD.)	D	C	C			
06-0422	US 401 Bus (RAEFORD RD.) & IRELAND DR.	D	C	C			
06-0425	NC 24/NC 87 (Bragg Blvd.) & Cain Rd.	D	C	C			
06-0427	US 301 & SR 1154 & SR 2283 (E Mountain Rd)	D	C	C			
06-0441	SR 1404 (MORGANTON RD) & SR 1408 (BONANZA DR)	D	C	C			
06-0443	RUSSELL ST. & COOL SPRING ST.	D	C	C			
06-0445	NC 210 (MURCHISON RD) & FILTER PLANT RD	D	C	C			
06-0448	US 401 (RAMSEY ST) & STACEY WEAVER DR	D	C	C			
06-0453	SR 1408 (BONANZA) & SR 1437 (SANTA FE DR)	D	C	C			
06-0456	SR 1141 (CUMBERLAND RD.) & NATAL RD.	D	C	C			
06-0457	SR 1007 (OWEN DR.) & MELROSE DR.	D	C	C			
06-0474	US 401 (RAMSEY ST.) & SR 1725 & PAR DRIVE, LAW	D	C	C			
06-0482	SR 1403 (REILLY RD.) & SR 1581 (KIMRIDGE RD.)	D	C	C			
06-0486	SR 1222 (COVENTRY RD) & SR 1219 (IRELAND DR.)	D	C	C			
06-0491	US 401 Bus (Raeford Rd.) & Sandelewood	D	C	C			
06-0508	SR 1415 (YADKIN RD.) & SR 1406 (FILYAW RD.)	D	C	C			
06-0516	US 401 (RAEFORD RD) & SR 1105 & SR 1409 (71st SCHOOL Rd)	D	C	C			
06-0518	SR 1404 (MORGANTON RD.) & SR 3578 (E DOBBIN) SISSORS RD.	D	C	C			
06-0521	US 401 Byp (SKIBO RD.) & CAMPGROUND Rd.	D	C	C			
06-0527	SR 1400 (CLIFFDALE RD) & SR 1592 (GLENSFORD Dr.)	D	C	C			
06-0530	SR 1404 (MORGANTON RD.) & CROSS CREEK MALL/CROSS PT.	D	C	C			
06-0540	SR 1415 (YADKIN RD.) & SR 2694 (SOUTHWICK DR.)	D	C	C			
06-0541	SR 1400 (CLIFFDALE RD) AT SR 1409 (71st SCH RD) & ENT TO PLAZA	D	C	C			
06-0542	SR 1400 (CLIFFDALE RD) AT SR 1410 (BUNCE RD)	D	C	C			
06-0543	SR 1403 (REILLY RD) AT SR 1406 (FILYAW RD)	D	C	C			
06-0544	US 401 Bus. (ROBESON ST.) & NC 87 (MLK JR. NORTHBOUND RAMP)	D	C	C			
06-0545	US 401 Bus (ROBESON ST.) & NC 87 (MLK JR. SOUTHBOUND RAMP)	D	C	C			
06-0565	NC 24 (Bragg Blvd.) AT Ames	D	C	C			
06-0573	SR 1404 (MORGANTON RD) AT SR 2783 (McFayden Dr)	D	C	C			
06-0576	US 401 Byp (SKIBO RD)/ ENT. HOME DEPOT/Richwood Ct.	D	C	C			
06-0592	US 401 (Raeford Rd.) AT SR 1256 (Revere St.)/TWC ENT.	D	C	C			
06-0596	US 401 (RAEFORD RD) AT SR 1104 (STRICKLAND BRIDGE RD)	D	C	C			
06-0609	US 401 Bus & ENT TO VET HOSPITAL AND CEMETARY	D	C	C			
06-0626	SR 1400 (CLIFFDALE RD) & TRADEWINDS DR./CASTLE RISING RD	D	C	C			
06-0688	SR 1404 (MORGANTON RD) AT SR 1458 (RURITAN RD)	D	C	C			
06-0689	SR 1404 (MORGANTON RD) AT SR 2610 (HEARTHSTONE)	D	C	C			
06-0705	US 401 Byp (SKIBO RD.) & CROSS CREEK MALL/PLAZA ENT #2	D	C	C			
06-0741	SR 1400 (CLIFFDALE RD) AT SR 1412 (PRITCHETTS ST)	D	C	C			

ATTACHMENT A

INV.	LOCATION	OWN	MAIN	TIMED	DOT	City	Total
06-0742	SR 1400 (CLIFFDALE RD) AT SR 3193 (WATERS EDGE RD)	D	C	C			
06-0748	US 401 (Ramsey St.) and SR 1615 (Rosehill Rd.)	D	C	C			
06-0751	US 401 Byp & SR 1422 (BLANTON RD.)	D	C	C			
06-0767	US 401 (RAEFORD RD) AT SR 3138 (CHILTON) & SR 3379 (RAYCONDA)	D	C	C			
06-0771	US 401 (RAMSEY St) & ENT TO NORTHGATE SHOP CNTR	D	C	C			
06-0785	US 401 (RAMSEY ST) AT S ENTRANCE TO MET COLLEG	D	C	C			
06-0845	US 401(RAEFORD RD) AT SR 3569 (OLD RAEFORD RD) Y-23	D	C	C			
06-0856	SR 1404 (MORGANTON RD) AT SR 3259 (E LOCH HAVEN DR)	D	C	C			
06-0910	US 301 (EASTERN BLVD) AT OLD WILMINGTON RD	D	C	C			
06-0915	US 401 Byp AT K-MART AND PEP BOYS ENTRANCE	D	C	C			
06-0916	US 301 (EASTERN BLVD) AT CBD LOOP RAMP C/D	D	C	C			
06-0922	SR 1408 (Bonanza Dr.) @ Glen Canyon	D	C	C			
06-0933	SR 2311 (GILLESPIE ST) AT NC 87 NB-Elementary Dr	D	C	C			
06-0934	SR 2311 (GILLESPIE ST) AT NC 87 SB-Old Etown Rd	D	C	C			
06-0936	US 301/I-95 Bus (EASTERN BLVD) AT NC 87 (MKL Jr. RAMPS A & B)	D	C	C			
06-0956	Reilly @ Riegleswood	D	C	C			
06-0979	US 401 BYP (SKIBO RD) AT CHASON RIDGE DR	D	C	C			
06-1008	SR 1596 (GLENSFORD DR EXT) & CAMPGROUND RD	D	C	C			
06-1009	SR 1596 (GLENSFORD RD EXT) & RED TIP RD EXT	D	C	C			
06-1139	US 401 (RAMSEY St) & RIDGEWAY/Aloha/Kilaw Rd.	D	C	C			
06-1148	SR 1415 (YADKIN ROAD & WAL-MART Ent.	D	C	C			
06-1161	US 401 BYP (SKIBO RD) AT WAL-MART ENTRANCE	D	C	C			
06-1169	US 401 BYP (SKIBO RD) AT RED TIP	D	C	C			
06-1182	SR 1400 (CLIFFDALE RD) & SR 1007 (AAF EAST BRIDGE)	D	C	C			
06-1183	SR 1400 (CLIFFDALE RD) & SR 1007 (AAF WEST BRIDGE)	D	C	C			
06-1193	US 401 (Ramsey St) AT US 401 Bus. (MILK)/ Concrete Plant Ent.	D	C	C			
06-1195	SR 1003 (CAMDEN RD.) & SR 1154 (W. MOUNTAIN DR.)	D	C	C			
06-1200	Ramsey @ Treetop	D	C	C			
06-1210	SR 3828 (Bragg Blvd) & Walter St.	D	C	C			
06-1223	US 401 (Ramsey St) AT I-29S (Fayetteville Outer Loop Ramp A & D)	D	C	C			
06-1224	US 401 (Ramsey St) & Entrance to LOWES	D	C	C			
06-1230	US 401 Bus (Robeson St) & Levy Dr.	D	C	C			
06-1237	SR 1408 (BONANZA DR) AT BI-LO AND SCHOOL ENTRANCE	D	C	C			
06-1257	SR 1415 (Yadkin Rd) AT SR 268S (Lake Valley Dr. Ext.)	D	C	C			
06-1265	NC 210 (Murchison Rd.) AT Coley Dr./ W.T. Brown Dr. FSU	D	C	C			
06-1274	SR 1596 (Glensford Dr.) AT Glensford Commons	D	C	C			
06-1280	US 401 (Ramsey St) AT Meadowcroft Dr. (North Ent New Wal-Mart)	D	C	C			
06-1281	US 401 (Ramsey St) AT New Wal-mart Ent. (South Ent)	D	C	C			
06-1286	US 401 @ Green Valley	D	C	C			
06-1313	Ramsey @ Shawcroft	D	C	C			
06-1314	US 401 (Ramsey) at Northwood temple entrance	D	C	C			

ATTACHMENT A

INV.	LOCATION	OWN	MAIN	TIMED	DOT	City	Total
06-0333	NC 87/NC210 (MURCHISON RD) AT SR 1614 (SHAW MILL RD)	D	C	C			
06-0452	NC 87/NC 210 (MURCHISON) & SR 1437 (SHAW RD)	D	C	C			
06-0535	NC 24 AT SR 1839 (N.PLYMOUTH ST.) SIGNAL	D	C	C			
06-1258	SR 2685 (Lake Valley Dr. Ext.) AT J Kam Ent.	D	C	C			
06-0061	NC 24/NC 87 (Bragg Blvd) & Butner Rd.	D	D	D			
06-0062	NC 24/NC 87 (Bragg Blvd) & Honeycutt Rd.	D	D	D			
06-0063	NC 24/NC 87 (Bragg Blvd) & Gruber Rd	D	D	D			
06-0064	NC 24/NC 87 (Bragg Blvd) & Randolph St.	D	D	D			
06-0065	NC 24/NC 87 (Bragg Blvd) & NC 210/Spring Avenue	D	D	D			
06-0067	NC 24/NC 87/NC 210 (Bragg Blvd) & Wilson St	D	D	D			
06-0073	NC 24/NC 87 (Bragg Blvd) & SR 1451 (Manchester Rd)	D	D	D			
06-0276	NC 24/NC 87 (Bragg Blvd) & NC 210 (Murchison Rd)	D	D	D			
06-0378	NC 24/NC 87 (Bragg Blvd) & Odell St	D	D	D			
06-0379	NC 24/NC 87 (Bragg Blvd.) AT N. Main St/Shop.Ent (Cedar Point)	D	D	D			
06-0385	NC 24/NC 87 (Bragg Blvd.) AT SR 1001 (Vass Rd.)// Service S. Ent.	D	D	D			
06-0700	NC 24/NC 87 (Bragg Blvd) AT McKenzie Rd	D	D	D			
06-0905	NC 24/NC 87 (Bragg Blvd) AT Knox St.	D	D	D			
06-0932	NC 24/NC 87 (Bragg Blvd.) AT Deerfield Dr./Service Station Ent.	D	D	D			
CCTV-01	Raeford Rd. & US401 Bypass (Skibo Rd.)						
CCTV-02	US401 Bypass (Skibo Rd.) & Morganton Rd.						
CCTV-03	US401 Bypass (Skibo Rd.) & Cliffdale Rd.						
CCTV-04	US401 Bypass (Skibo Rd.) & Yarkin Rd./McPherson Church Rd.						
CCTV-05	Raeford Rd. & Hope Mills Rd.						
CCTV-06	Raeford Rd. & All-American Expressway						
CCTV-07	Owen Dr. & Village Dr.						
CCTV-08	Grove St. & Eastern Blvd.						
CCTV-09	Robeson St./Bragg Blvd. & Hay St.						
CCTV-10	Ramsey St. & Northgate Shopping Center						
CCTV-11	Cliffdale Rd. & All-American Expressway						
CCTV-12	Bragg Blvd. & Wilson St.						
CCTV-13	Reilly Rd. & Morganton Rd.						
CCTV-14	US401 Bypass (Skibo Rd.) & Kmart/Pep Boys						
CCTV-15	US401 Bypass (Skibo Rd.) & Lake Valley Dr./Cross Creek Mall						
CCTV-16	Morganton Rd. & Glensford Dr.						
CCTV-17	US401 Bypass (Pamlee Dr./Country Club Dr.) & Murchison Rd.						
CCTV-18	Owen Dr./Wilkes Rd. & Gillespie St.						
CCTV-19	Morganton Rd. & All-American Expressway						

**MUNICIPAL MAINTENANCE AGREEMENT - TRAFFIC CONTROL DEVICES
SCHEDULE C - SIGNALS - LEVEL C (Page 1)**

The Board of Transportation will reimburse the Municipality for maintenance of traffic signals on the following schedule.

Place a check beside the value for each maintenance function(s) the Municipality agrees to perform under any line item if all maintenance functions are not selected.

Place a check beside the value under "Total Maintenance" if the Municipality is to perform all maintenance functions for any line item.

<u>Item</u>	<u>Emergency Maintenance</u>	<u>Preventive Maintenance</u>	<u>Bench Maintenance</u>	<u>Total Maintenance</u>
A. Vehicular Signal Section(Average of 10 heads/int. or 30 section/int.)	<input type="checkbox"/>	\$1.22 <input type="checkbox"/>	\$9.94 <input type="checkbox"/>	\$11.16 <input type="checkbox"/>
B. Pedestrian Signal Head(Average of 4 heads/int.)	<input type="checkbox"/>	\$3.06 <input type="checkbox"/>	\$20.42 <input type="checkbox"/>	\$23.48 <input type="checkbox"/>
C. Fiber-Optic or LED Blank-out Sign	<input type="checkbox"/>	\$12.25 <input type="checkbox"/>	\$12.25 <input type="checkbox"/>	\$24.50 <input type="checkbox"/>
D. Pretimed Electronic Controller/Cabinet	<input type="checkbox"/>	\$73.50 <input type="checkbox"/>	\$134.75 <input type="checkbox"/>	\$222.60 <input type="checkbox"/>
E. 2-8 Assigned Phase Actuated Controller/Cabinet	<input type="checkbox"/>	\$73.50 <input type="checkbox"/>	\$489.97 <input type="checkbox"/>	\$265.00 <input type="checkbox"/>
F. 2-8 Assigned Phase Actuated Controller/Cabinet with Machine-vision Detection	<input type="checkbox"/>	\$73.50 <input type="checkbox"/>	\$489.97 <input type="checkbox"/>	\$795.00 <input type="checkbox"/>
G. Flashing Beacon Controller/Cabinet	<input type="checkbox"/>	\$12.25 <input type="checkbox"/>	\$122.49 <input type="checkbox"/>	\$134.74 <input type="checkbox"/>
H. Travel Costs for Preventive Maintenance at Signalized Intersections(not Flashers)	<input type="checkbox"/>	<input type="checkbox"/>	\$61.25 <input type="checkbox"/>	\$61.25 <input type="checkbox"/>

<u>Item</u>	<u>Lump Sum Payment</u>
CA. Replace Loop(includes labor, materials, and other costs for sawcutting and sealing) ¹	<input type="checkbox"/> \$7.36 per foot of sawcut
CB. Furnish and install Lead-in Cable	<input type="checkbox"/> \$1.96 per foot installed
CC. Furnish and install Conduit	<input type="checkbox"/> \$6.83 per foot installed
CD. Furnish and install 3/8-inch messenger cable and incidental hardware	<input type="checkbox"/> \$3.10 per foot installed
CE. Furnish and install 4 or 7-conductor signal cable	<input type="checkbox"/> \$2.93 per foot installed

MUNICIPAL MAINTENANCE AGREEMENT - TRAFFIC CONTROL DEVICES
 SCHEDULE C - SIGNALS - LEVEL C (Page 2)

<u>Item</u>	<u>Lump Sum Payment</u>
CF. Furnish and install Standard size junction box	<input type="checkbox"/> \$358.56
CG. Furnish and install cover for Standard size junction box	<input type="checkbox"/> \$58.30
CH. Furnish and install Oversized junction box	<input type="checkbox"/> \$500.00
CI. Furnish and install cover for Oversized junction box	<input type="checkbox"/> \$130.00
CJ. Furnish and install Riser	<input type="checkbox"/> \$529.00
CK. Furnish and install 40-foot Class 3 Wood Pole ²	<input type="checkbox"/> \$934.00
CL. Remove and dispose of wood pole	<input type="checkbox"/> \$196.00
CM. Furnish and install Guy/Anchor Assembly	<input type="checkbox"/> \$343.00
CN. Furnish and install Grounding System	<input type="checkbox"/> \$238.50
CO. Furnish 12-inch 3-Section Vehicular Signal Head ²	<input type="checkbox"/> \$122.95
CP. Furnish 12-inch 4-Section Vehicular Signal Head ²	<input type="checkbox"/> \$162.90
CQ. Furnish 12-inch 5-Section Vehicular Signal Head ²	<input type="checkbox"/> \$276.40
CR. Furnish 8-inch 3-Section Vehicular Signal Head ²	<input type="checkbox"/> \$106.00
CS. Furnish Pedestrian Signal Head ²	<input type="checkbox"/> \$84.00
CT. Furnish LED Indication - 12-inch RED Ball ²	<input type="checkbox"/> \$27.50
CU. Furnish LED Indication - 12-inch YELLOW Ball ²	<input type="checkbox"/> \$36.00
CV. Furnish LED Indication - 12-inch GREEN Ball ²	<input type="checkbox"/> \$36.00
CW. Furnish LED Indication - 12-inch RED Arrow ²	<input type="checkbox"/> \$26.35

Revised 5-11-11

MUNICIPAL MAINTENANCE AGREEMENT - TRAFFIC CONTROL DEVICES
 SCHEDULE C - SIGNALS - LEVEL C (Page 3)

<u>Item</u>	<u>Lump Sum Payment</u>
CX. Furnish LED Indication - 12-inch YELLOW Arrow ²	<input type="checkbox"/> \$30.00
CY. Furnish LED Indication - 12-inch GREEN Arrow ²	<input type="checkbox"/> \$33.43
CZ. Furnish LED Indication - 8-inch RED Ball ²	<input type="checkbox"/> \$25.00
DA. Furnish LED Indication - 8-inch YELLOW Ball ²	<input type="checkbox"/> \$30.00
DB. Furnish LED Indication - 8-inch GREEN Ball ²	<input type="checkbox"/> \$26.00
DC. Furnish LED Indication - 12-inch Hand	<input type="checkbox"/> \$46.25
DD. Furnish LED Indication - 12-inch Man	<input type="checkbox"/> \$85.00
DE. Furnish LED Indication - 12-inch Hand/Man Overlay	<input type="checkbox"/> \$70.00
DF. Furnish LED Indication - 16-inch Hand/Man Overlay with Countdown Module	<input type="checkbox"/> \$117.00
DG. Furnish Pretimed/Actuated Controller ²	<input type="checkbox"/> \$1,574.00
DH. Furnish Pole-Mounted Cabinet ²	<input type="checkbox"/> \$4,024.00
DI. Furnish Base-Mounted Cabinet with auxiliary file ²	<input type="checkbox"/> \$4,866.00
DJ. Furnish Base-Mounted Cabinet without auxiliary file ²	<input type="checkbox"/> \$4,595.00
DK. Furnish LED Blank-Out Sign ²	<input type="checkbox"/> \$2,118.00
DL. Furnish 3-channel NEMA-Plus Conflict Monitor ²	<input type="checkbox"/> \$230.00
DM. Furnish 6-channel NEMA-Plus Conflict Monitor ²	<input type="checkbox"/> \$437.80
DN. Furnish 12-channel NEMA-Plus Conflict Monitor ²	<input type="checkbox"/> \$537.40
DO. Furnish NEMA TS-2 Malfunction Management Unit ²	<input type="checkbox"/> \$649.80

Revised 5-11-11

MUNICIPAL MAINTENANCE AGREEMENT - TRAFFIC CONTROL DEVICES
 SCHEDULE C - SIGNALS - LEVEL C (Page 4)

Item	Lump Sum Payment
DP. Furnish Type 2010 Conflict Monitor with Absence of Red Monitoring ²	<input type="checkbox"/> \$674.00
DQ. Furnish Detection Camera/Sensor with Enclosure ²	<input type="checkbox"/> \$1,590.00
DR. Furnish Single Channel NEMA TS-1 Loop Detector Unit ²	<input type="checkbox"/> \$90.00
DS. Furnish Two-Channel NEMA TS-1 Loop Detector Unit ²	<input type="checkbox"/> \$160.00
DT. Furnish Two-Channel NEMA TS-2 Loop Detector Unit ²	<input type="checkbox"/> \$81.30
DU. Furnish Two-Channel Type 222 Loop Detector Unit ²	<input type="checkbox"/> \$44.50
DV. Furnish and install Audible Pedestrian Signal ²	<input type="checkbox"/> \$424.00
DW. Perform Annual Inspection on Railroad-Interconnected Intersections	<input type="checkbox"/> \$192.00

¹ Replacement of defective loop with loop of identical or upgraded design requires no prior approval. Upgrading of functional rectangular loops to Quadrupole design requires prior approval from Division Traffic Engineer.

² Requires prior approval from Division Traffic Engineer for reimbursement of non-emergency replacements. If item is covered under warranty, Municipality will not be reimbursed without prior approval from Division Traffic Engineer.

Emergency Maintenance: This maintenance includes all labor and incidental items to bring the operation of the intersection into reasonable conformance with the existing plan of record. Reimbursements for items CA through DV will be given for items utilized in the completion of this work. Sufficient spare equipment must be purchased at the expense of the maintaining agency to insure all intersections are continuously operating according to the plan of record.

Preventive Maintenance: This maintenance includes the labor and materials as outlined in the attached list of Minimum Tasks for Preventive Maintenance. *Reimbursements for items CA through DV will be given for items utilized in the completion of this work only upon prior approval by the Division Traffic Engineer.* Where specialty equipment is not addressed specifically in the attached schedule, manufacturer's recommendations should be followed to insure continued optimum operation. Sufficient spare equipment must be purchased at the expense of the maintaining agency to allow the completion of this work.

Bench Maintenance: This maintenance includes labor, parts and materials to repair electronic traffic signal control components. This work typically involves in-house repair of electronic assemblies by troubleshooting and replacing specific integrated circuit chips, repairing damaged printed circuit traces, and making circuit modifications. This work includes making hardware, firmware and software upgrades to equipment to insure optimum operation. This work must be completed in a timely manner to support the emergency and preventive maintenance functions.

MUNICIPAL MAINTENANCE AGREEMENT - TRAFFIC CONTROL DEVICES
 SCHEDULE C - SIGNALS - LEVEL C (Page 5)

Items included on this schedule may be added or deleted to those checked above by a request in letter form signed by the Mayor, Clerk (or Manager). The letter should be sent in quadruplicate to the Division Engineer accompanied by four (4) copies of the SCHEDULE with all appropriate items checked. If the Division Engineer approves the new SCHEDULE he should sign, as approved, all four (4) copies of the Municipality's letter of request. The Division Engineer then forwards one copy of the letter and SCHEDULE to the DOT Controller and the State Traffic Engineer, returns a copy of each to the Municipality, and retains a copy of each for his file. The new SCHEDULE will then become effective at the beginning of the next quarter for reimbursement.

The Board of Transportation reserves the right of verification that all selected maintenance functions are being properly performed. If it is determined that any authorized maintenance function is not being performed, the reimbursement will be reduced accordingly.

_____ CITY OR TOWN

 CLERK DATE

 MAYOR OR MANAGER DATE

DEPARTMENT OF TRANSPORTATION

 DIVISION ENGINEER DATE

Revised 5-11-11

- 8-10-06 Added items BT, BU, and BV
- 6-20-08 Revised rates for items AU-BC, BR, BS due to new statewide contract
- 11-14-08 Revised to show minimum PM tasks and removed Levels of Service D and F
- 5-11-11 Rearranged lump sum payment items, increased items A-H, some others by 3%, updated others with TIP bid avg. prices or term contract prices, Deleted 8" 4 and 5-sec heads, 35 ft wood pole, distinguish between various detector styles

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lee Jernigan, P.E., City Traffic Engineer
DATE: November 13, 2012
RE: **Approval of Speed Limit recommendations along Reilly Road near Old Raeford Road and at Ben Martin Elementary School**

THE QUESTION:

Does the City Council concur with the attached municipal certificates?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - Great Place to Live

BACKGROUND:

A recent safety project to realign the intersection of Reilly Road and Old Raeford Road was completed by NCDOT. NCDOT is recommending the speed limit in this area be reduced from 55 mph to 45 mph. NCDOT is requesting concurrence of a municipal certificate for this speed reduction.

NCDOT is requesting a municipal certificate for the existing 55 mph speed limit on Reilly Road between Old Raeford Road and Cliffdale Road. They are also requesting a municipal certificate for the existing 35 mph school zone that reflects the name change from Reilly Road Elementary school to Ben Martin Elementary school. The existing speed limit will remain in place at these locations.

ISSUES:

- NCDOT is requesting concurrence from the City for a reduction of the existing speed limit on Reilly Road near Old Raeford Road.
- NCDOT is updating their ordinance database and must request concurrence of existing speed limits on Reilly Road.
- If NCDOT and the City cannot agree on the speed limit for a particular street, the existing speed limit will remain in place.

BUDGET IMPACT:

The adoption of these certificates will not have an impact on the budget.

OPTIONS:

- Approve the certificates as recommended
- Reject the certificates
- Reject the certificate and request NCDOT to study further

RECOMMENDED ACTION:

Move to authorize the City Manager to execute the municipal certificates.

ATTACHMENTS:

Municipal certificates



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

September 26, 2012

Lee Jernigan, Jr., P.E.
City Traffic Engineer
City of Fayetteville
339 Alexander Street
Fayetteville, North Carolina 28301

Dear Mr. Jernigan,

This letter is in reference to the speed limits on SR 1403 (Reilly Road). Our staff has recently completed a traffic engineering investigation along this route.

This investigation was performed due to the completion of TIP Project: W-5206F. Before this project started, SR 1403 (Reilly Road) terminated at the intersection of SR 3569 (Old Raeford Road). The speed limits in this area consist of a 55-mph on SR 1403 (Reilly Road) and a 45-mph on SR 3569 (Old Raeford Road). A combination of the accident history and ADT (Average Daily Traffic) resulted in a project to realign the intersection. The predominant traffic pattern utilized SR 1403 (Reilly Road) and the western portion of SR 3569 (Old Raeford Road). These routes were realigned utilizing a curve design speed of 50-mph.

As a result of this investigation, it was recommended to modify the 55-mph speed limit on SR 1403 (Reilly Road) to a 45-mph from SR 3569 (Old Raeford Road) northward for a distance of 0.24 mile. Modifying the speed limit would accommodate the design speed, eliminate speed limit transition in the midpoint of the curve, allow adequate sign spacing and reduce signing.

In addition, other ordinances were reviewed along this route. A municipal school speed zone was identified having an incorrect name. Execution of the attached certificates will correctly identify the school name and revisions to the speed limits on SR 1403 (Reilly Road).

Lee Jernigan, Jr.
September 26, 2012
Page 2 of 2

Please present our recommendations to your City Council for their consideration for the enactment and rescission of the appropriate ordinances. Upon enactment, please execute the original certificate forms and return the original forms to Mr. P. J. Hart, Division Traffic Technician, P.O. Box 1150, Fayetteville, North Carolina, 28302.

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

Yours truly,



Phillip Hart
Division Traffic Technician /
TODS & Logo Coordinator

PJH
Attachments

cc: G. W. Burns, P.E., Division Engineer
F. D. West, Jr., Division Traffic Engineer
R. K. Wise, P.E., Resident Engineer
L. R. Hines, Jr., P.E., District Engineer
D. B. Phipps, P.E., Sandhills Regional Traffic Engineer

**Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1061025

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: SR 1403

Car: 55 MPH

Truck: 55 MPH

Description: From SR 3569 to 0.23 mile south of SR 1400.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

(signature)

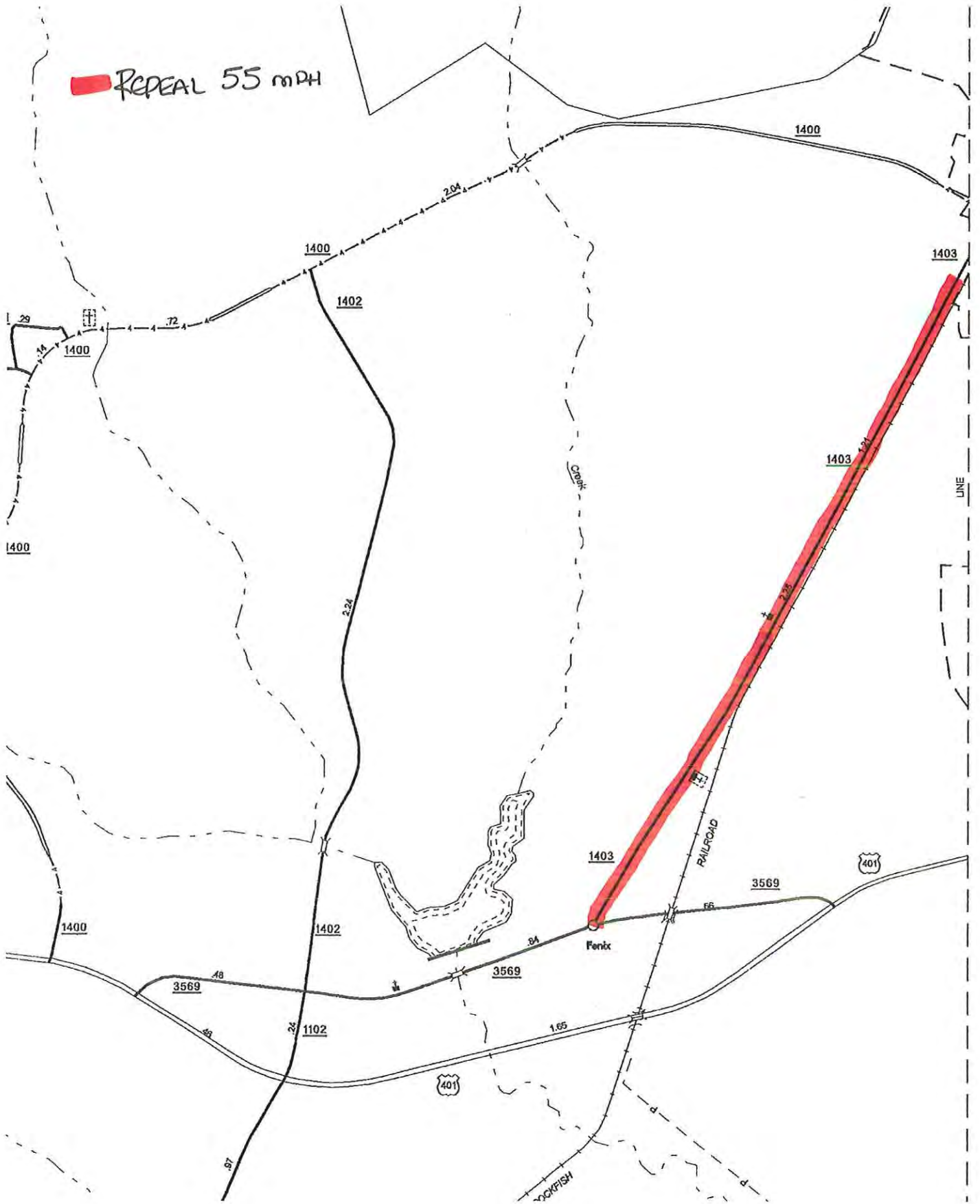
(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

REPEAL 55 MPH



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1065562

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: SR 1403

Car: 55 MPH

Truck: 55 MPH

Description: Between 0.24 mile north of SR 3569 and 0.23 mile south of SR 1400.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

(signature)

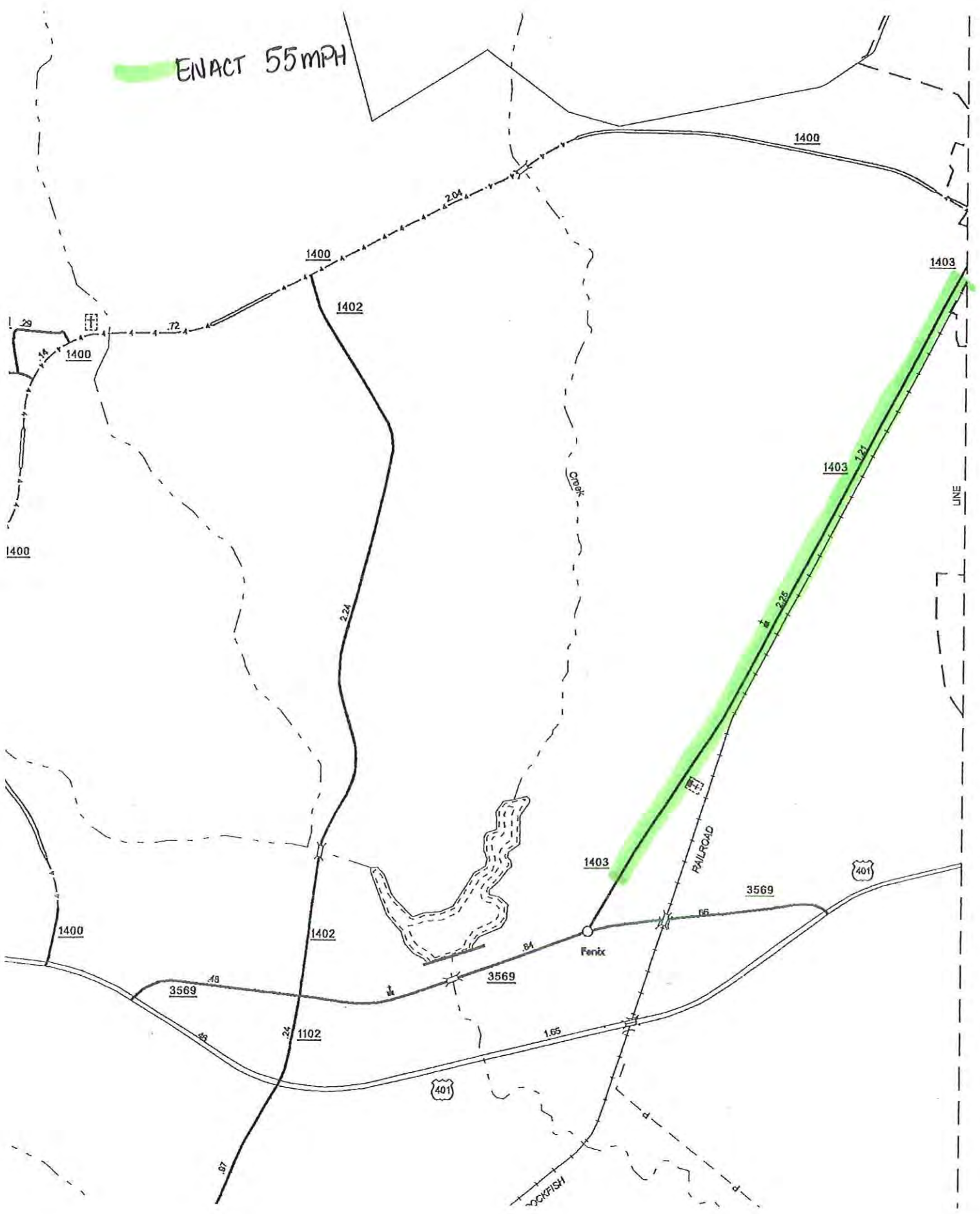
(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

ENACT 55MPH



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1065564

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: SR 1403

Car: 45 MPH

Truck: 45 MPH

Description: Between SR 3569 and 0.24 mile north of SR 3569.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

(signature)

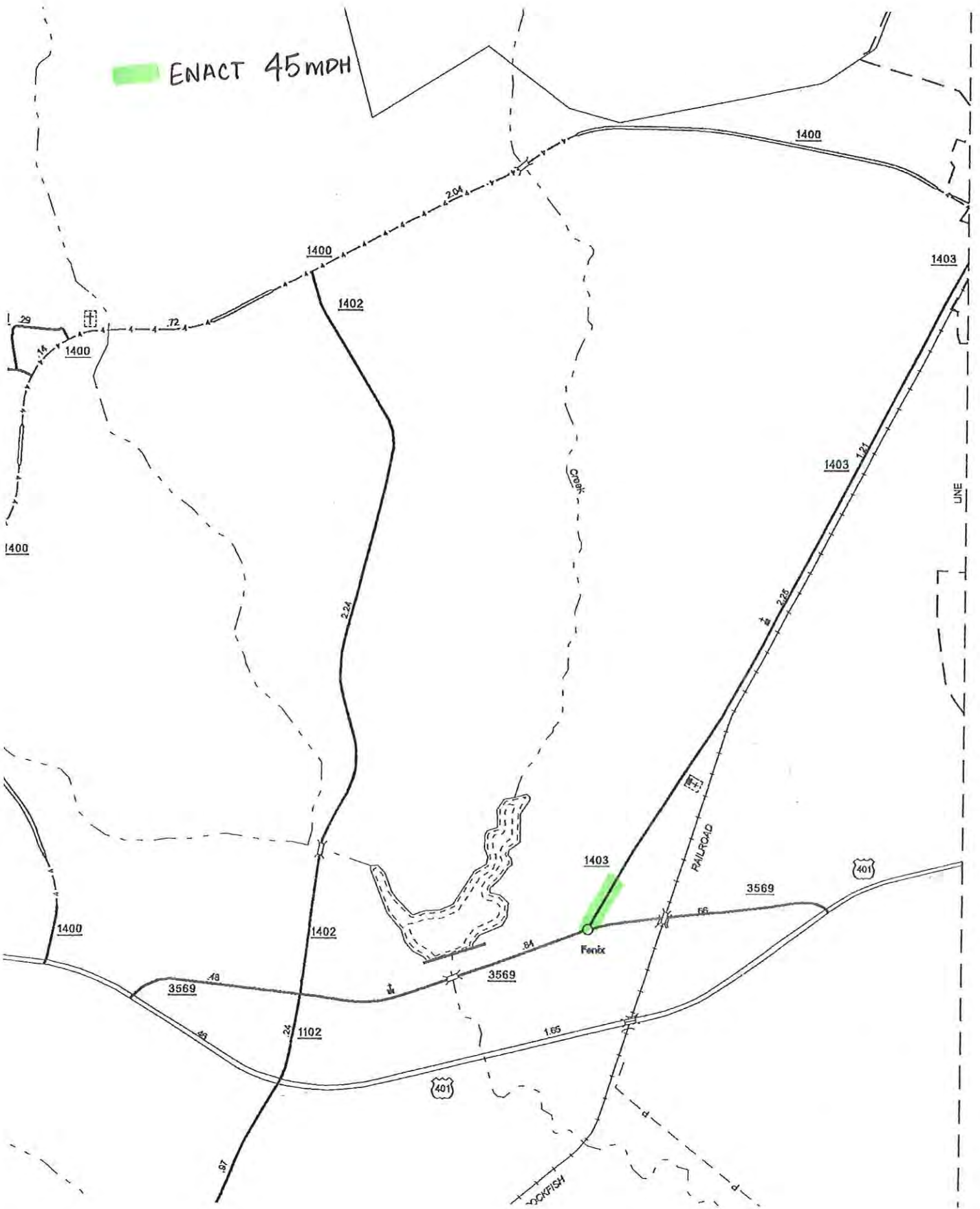
(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

ENACT 45MPH



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1065561

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: School Speed Zone - Municipal

Road: SR 1403

Car: 35 MPH

Truck: 35 MPH

Description: Between 0.60 mile south of SR 1406 and 0.27 mile south of SR 1406 (Benjamin Martin Elementary School, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

**Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1062548

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: School Speed Zone - Municipal

Road: SR 1403

Car: 35 MPH

Truck: 35 MPH

Description: Between 0.60 mile south of SR 1406 and 0.27 mile south of SR 1406 (Reilly Road Elementary School, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my

hand and the municipal seal this _____ day

of _____, 20_____.

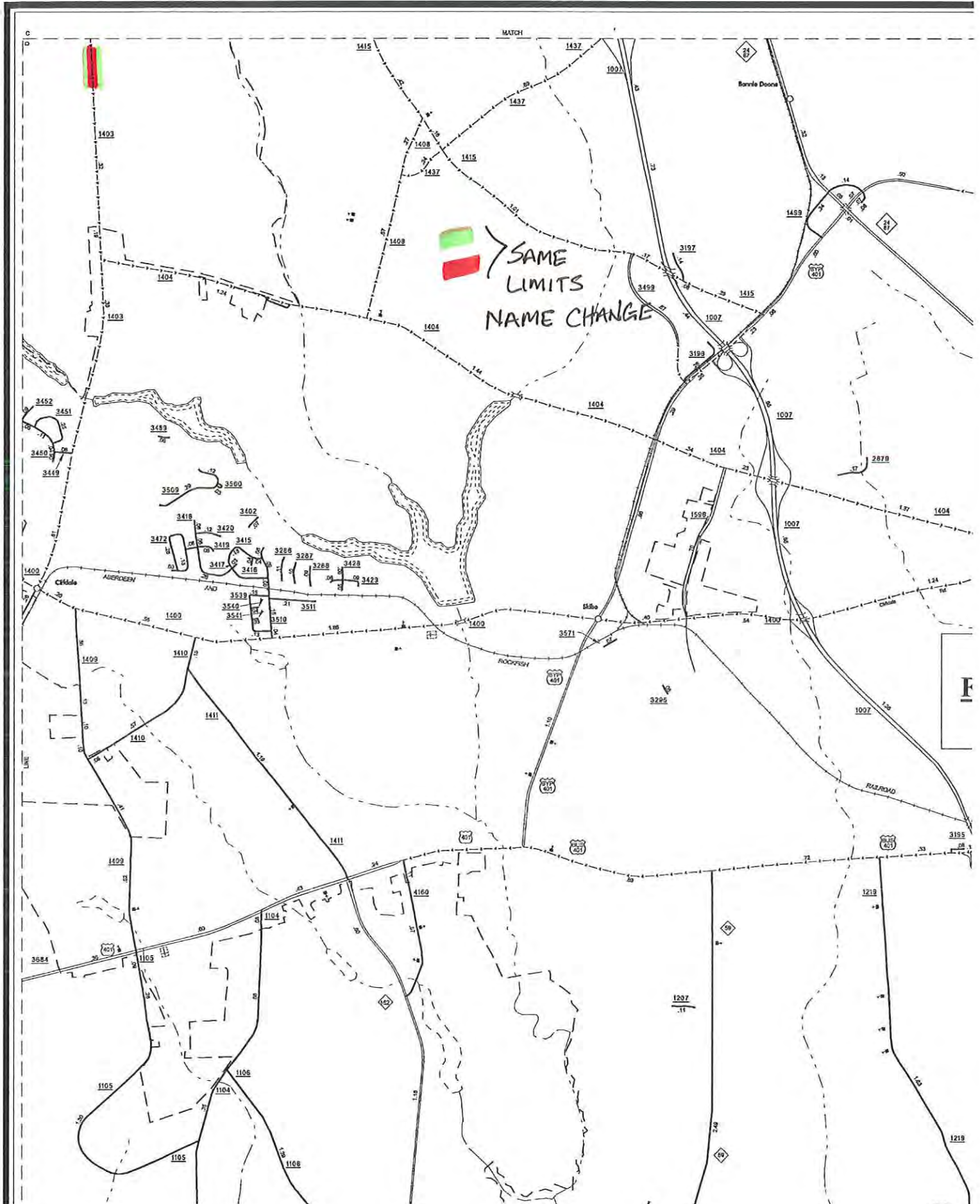
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria B. Wrench, Purchasing Manager
DATE: November 13, 2012
RE: **Award Contract for Culvert Replacement on Murray Hill Road and Branson Creek**

THE QUESTION:

Is it in the interest of Council to award a contract for the Culvert Replacement on Murray Hill Road and Branson Creek?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

Formal bids for the Culvert Replacement on Murray Hill Road and Branson Creek were received October 16, 2012. Bids were received from eight (8) bidders as shown on the attached bid tabulation. Staff recommends award to the lowest responsive, responsible bidder, Sandy's Hauling & Backhoe Service, Inc., in the amount of \$506,477.94. Sandy's Hauling & Backhoe Services, Inc., will be utilizing SDBE subcontractors for 3% of the work on this project.

ISSUES:

None

BUDGET IMPACT:

The City has \$507,390 budgeted for Murray Hill drainage. Total budget for the project, including other contract services is \$604,465.

OPTIONS:

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

RECOMMENDED ACTION:

Award contract in the amount of \$506,477.94 to the lowest responsive, responsible bidder, Sandy's Hauling & Backhoe Service, Inc., Roseboro, North Carolina.

ATTACHMENTS:

Bid Tabulation

CITY OF FAYETTEVILLE

CULVERT REPLACEMENT ON MURRAY HILL ROAD AND BRANSON CREEK

BID DATE: OCTOBER 16, 2012; 10:00 A.M.

BIDDERS	NC GCL	ADDENDUM #1	BID BOND	TOTAL BID
Sandy's Hauling & Backhoe Service, Inc. Roseboro, NC	64254	X	X	\$506,477.94
Utilities Plus, Inc. Linden, NC	47895	X	X	\$536,754.66
TA Loving Company Construction Services Goldsboro, NC	325	X	X	\$552,854.00
Hine Sitework, Inc. Goldsboro, NC	52225	X	X	\$554,873.00
RF Shinn Contractor, Inc. Concord, NC	10580	X	X	\$664,001.00
Triangle Grading & Paving, Inc. Burlington, NC	17456	X	X	\$748,045.10
Lanier Construction Company, Inc. Snow Hill, NC	18152	X	X	\$757,783.67
ES & J Enterprises Inc. Autryville, NC	28994	X	X	\$883,000.00

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: November 13, 2012
RE: **Bid Recommendation- purchase of one (1) Cab and Chassis with Service Body and PTO Mounted Compressor**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve bid recommendation for purchase of one (1) Cab and Chassis with Service Body and PTO Mounted Compressor 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.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of October 24, 2012 approved bid recommendation to award bid for the purchase of one (1) Cab and Chassis with Service Body and PTO Mounted Compressor (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) to Terex Equipment Services, Rock Hill, SC the lowest bidder in the total amount of \$97,481.30 and to forward to City Council for approval. This item is budgeted in the amount of \$105,000.

Bids were received September 27, 2012 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Terex Equipment Services, Rock Hill, SC	\$ 97,481.30
Terex Equipment Services, Rock Hill, SC	\$100,746.22
Smith International, Fayetteville, NC	\$101,971.00
Piedmont Truck Center, Greensboro, NC	\$112,000.00

ISSUES:

Terex Equipment Services is not classified as a SDBE, minority, or woman-owned business.

Terex submitted two bids, with a difference in the cost due to the size of the air compressor being bid.

Bids were solicited from ten (10) vendors with three (3) vendors responding.

BUDGET IMPACT:

PWC Budgeted Item

OPTIONS:

N/A

RECOMMENDED ACTION:

Award Bid to Terex Equipment Services, Rock Hill, SC the lowest bidder in the total amount of \$97,481.30.

ATTACHMENTS:

Bid Recommendation

Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** October 17, 2012

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award bid for the purchase of one (1) Cab and Chassis with Service Body and PTO Mounted Compressor (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) Cab and Chassis with Service Body and PTO Mounted Compressor

BID DATE: September 27, 2012 **DEPARTMENT:** Water Construction & Maintenance

BUDGETED AMOUNT: \$105,000 – Additional unit for Water Construction & Maintenance

.....

BIDDERS	TOTAL COST
<u>Terex Equipment Services, Rock Hill, SC</u>	<u>\$ 97,481.30</u>
<u>Terex Equipment Services, Rock Hill, SC</u>	<u>\$100,746.22</u>
<u>Smith International, Fayetteville, NC</u>	<u>\$101,971.00</u>
<u>Piedmont Truck Center, Greensboro, NC</u>	<u>\$112,000.00</u>

.....

AWARD RECOMMENDED TO: Terex Equipment Services, Rock Hill, SC

BASIS OF AWARD: Lowest bidder

AWARD RECOMMENDED BY: John McColl and Gloria Wrench

.....
COMMENTS: Bids were solicited from ten (10) vendors with three (3) vendors responding. Terex submitted two (2) bids, with a difference in cost due to the size of the air compressor being bid. The lowest bidder is recommended.

.....
ACTION BY COMMISSION
APPROVED _____ REJECTED _____
DATE _____

ACTION BY COUNCIL
APPROVED _____ REJECTED _____
DATE _____

BID HISTORY

ONE (1) CAB AND CHASSIS WITH SERVICE BODY AND PTO MOUNTED COMPRESSOR

SEPTEMBER 27, 2012; 10:00 A.M.

Advertisement

1. Public Works Commission Website 09/11/12 through 09/27/12

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. Adkins Truck Equipment, Charlotte, NC
8. Charlotte Truck Center, Charlotte, NC
9. Altec Industries, Birmingham, AL
10. Terex Equipment Services, Rock Hill, NC

SDBE/MWBE Participation

Terex Equipment Services is not classified as a SDBE, minority, or woman-owned business.

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Craig Hampton, Special Projects Director
DATE: November 13, 2012
RE: **Sale and redevelopment of 301 Bragg Blvd. AKA Old Days Inn site.**

THE QUESTION:

Does Council want to accept the negotiated offer for sale and redevelopment of this property and authorize the public notice of upset bids by adoption of the attached Resolution.

RELATIONSHIP TO STRATEGIC PLAN:

Major project listed as High Priority in Policy Agenda for FY2013 budget

BACKGROUND:

At the November 05 workshop City Council approved proceeding with the process of selling a portion of 301 Bragg Blvd. for the purposes of redevelopment for residential housing. The sale shall be by the upset bid process as allowed by NCGS160A-269. Park View of Fayetteville, LLC was the only developer that submitted a development proposal in accordance with a public RFQ process also previously approved by City Council. Attached is a Resolution authorizing the acceptance of the offer and five percent (5%) bid deposit from Park View of Fayetteville, LLC, and authorizing public notice of said offer and announcement of acceptance of upset bids, all in accordance with the requirements of NCGS1260A-269. A copy of the public notice is also attached for information purposes. If no upset bids are received within 10 days of the publication of the notice, then City Council will be asked to accept the offer and authorize the sale and execution of all documents necessary to complete the sale.

ISSUES:

No unresolved issues. Development is in accordance with the new UDO regulations.

BUDGET IMPACT:

Positive impact to Veterans Park budget due to sale of land. Positive impact to the tax base due to development of site by private developers.

OPTIONS:

1. Adopt Resolution as attached.
2. Provide other direction to staff

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the attached Resolution.

ATTACHMENTS:

Park View Development - Resolution
Public Notice of Upset Bids

RESOLUTION

**RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER TO PURCHASE
AND DEVELOP CITY OWNED PROPERTY COMMONLY KNOWN AS 301
BRAGG BOULEVARD AND AUTHORIZE PUBLICATION OF LEGAL
NOTICE OF UPSET BID PROCESS PURSUANT TO NCGS 160-269.**

WHEREAS, the City of Fayetteville, North Carolina desires to stimulate the economic development, residential density, and business prospects of the downtown Fayetteville area by facilitating the construction of a residential development project within City owned property commonly known as 301 Bragg Boulevard (the "Site"), said project being a high priority in the City of Fayetteville's Strategic Plan for fiscal year 2013; and

WHEREAS, the City of Fayetteville had issued Requests for Development Proposals (RFPs) on three (3) separate occasions in the past three (3) years seeking development proposals for the "Site" with no submittals received on the first two (2) issuances; and

WHEREAS, on June 08, 2012 the City of Fayetteville, after approval by City Council, issued another RFP, conducted a pre-submittal conference on July 12, 2012 for all potential submitters, and received RFPs until close-of-business on August 09, 2012; and

WHEREAS, the City of Fayetteville received one (1) bona fide proposal ("Offer") from Park View of Fayetteville, LLC ("Developer") to purchase the Site and conduct redevelopment within the terms and conditions of the RFP; and

WHEREAS, the City Council at a regular meeting on September 04, 2012 authorized staff to conduct any and all negotiations with the Developer necessary to arrive at a mutually agreeable development proposal and design; and

WHEREAS, the City Council, at a regular meeting on November 5, 2012 received an update of the proposed development size, layout and appearance and that negotiations had been successful and staff recommends proceeding with the sale of the Site, creation of the Master Development Agreement, and subsequent development of the Site, and City Council authorized proceeding with the next steps for completion of the sale and redevelopment; and

WHEREAS, THE CITY and the Developer have concluded negotiations to the satisfaction of both parties and wish to proceed with sale of the Site, creation of a Master Development Agreement and redevelopment of the Site as follows:

- Purchase of 4.65 acres of 301 Bragg Boulevard by Developer for the negotiated sum of \$731,950 Said amount to be secured by a 5% bid deposit and paid in full promptly after final approval of the Offer; and
- Redevelopment of the 4.65 acres into a residential subdivision consisting of at least Forty Seven (47) residential housing units with a total investment value of not less than Nine Million Dollars (\$9,000,000). Said development to be completed within Two (2) years of execution of the Master Development Agreement, not to exceed December 2014; and

WHEREAS, North Carolina General Statute 160A-269 authorizes the City of Fayetteville to solicit and receive offers on city owned property, to accept or reject such offers, and to advertise such offers for upset bid in accordance with NCGS 160A-269, and City Council has accepted the Offer and wishes to authorize legal notice publication of said offer and notice of consideration of any upset bids. Said upset bids being required to increase the offer of the sale of 301 Bragg Boulevard by at least 10% of the first \$1,000 and 5% of the remainder of the sale price of

NOVEMBER 13 2012

301 Bragg Boulevard

\$731,950 and match or exceed the estimated total value of development of Nine Million Dollars (\$9,000,000); and

WHEREAS, Section 8.22 of the City Charter provides that the City may directly acquire property for purposes of economic development and Section 8.23(2) of the City Charter provides that the City may convey property interests of property acquired by the City by private negotiation or sale; and

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

Section 1. Authorization to Notice of Acceptance of Offer and Publication of Notice of Upset Bid Process. That the City Manager or designee shall promptly, and in accordance with NCGS 160A-269 issue a public notice announcing the interest of City Council to accept the Offer and provide for acceptance of upset bids and to conduct any and all repeat actions necessary if upset bids are received or if none received to proceed with consideration of the final sale at the regular meeting of City Council on December 10, 2012.

Section 2. Effective Date. That this Resolution is effective on the date of its adoption.

Anthony G. Chavonne, Mayor

This resolution is effective upon its adoption this 13th day of November, 2012.

The motion to adopt this resolution was made by Council Member _____, seconded by Council Member _____ and passed by a vote of _____ to _____.

Mayor

ATTEST:

City Clerk

This is to certify that this is a true and accurate copy of Resolution No. _____ adopted by the Council of the City of Fayetteville on the 13th day of November, 2012.

[Deputy City Clerk]

Date

CITY OF FAYETTEVILLE
PUBLIC NOTICE OF RECEIPT OF UPSET BIDS
SALE AND REDEVLEOPMENT OF 301 BRAGG BOULEVARD

The public is hereby notified that the City of Fayetteville has solicited and received an offer from Park View of Fayetteville, LLC to purchase and redevelop certain city owned property known as 301 Bragg Boulevard (AKA Old Sheraton Motor Inn, Parcel ID 0437-35-8913). The offer is to purchase 4.65 acres of city owned property and redevelop the property by construction of at least 47 residential Townhomes and/or Condominiums with all accompanying streets, drainage, landscaping, and incidental development with an estimated value of at least \$9,000,000. Said development to be completed within 2 years of final signatures of a Master Development Agreement, but not later than December 2014. The sale of the real property is established at \$731,950.00 and the accompanying residential development is valued at \$8.2 million dollars.

Notice is hereby given that the City of Fayetteville will accept upset bids for this sale by any person within 10 days of the publication of this notice provided said offer increases the initial offer of the sale price by 10% of the first \$1,000 and 5% of the remainder, includes an acceptable deposit of said increase, and provides a bona fide residential development proposal equal to or greater than the initial offer, as described above, and submitted by Park View of Fayetteville, LLC in accordance with a Request for Development Proposal issued by the City of Fayetteville in June 2012.

Said offers and deposit to be made to the City Clerk of the City of Fayetteville, 433 Hay Street, Fayetteville, NC. Questions concerning this notice should be directed to Craig Hampton, Special Projects Director, 433 Hay Street, Fayetteville, NC 28301; phone #910-433-1786 or champton@ci.fay.nc.us

End of Public Notice.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 13, 2012
RE: **Budget Ordinance Amendment 2013-7 (Encumbrances, Designations and Other Items)**

THE QUESTION:

Council is asked to approve this budget ordinance amendment which will appropriate \$1,876,667 across several annually budgeted funds for purchase orders and contracts outstanding at the close of fiscal year 2011-2012, and \$1,200,541 in the General Fund for specific items designated from the fiscal year 2011-2012 budget and for unspent donations. Funding for these expenditures was included or available in the fiscal year 2011-2012 budget and is being reappropriated from fund balance or net assets in the various funds. The budget ordinance amendment will also appropriate an additional \$82,439 from General Fund fund balance for other items identified below.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle: Financially Sound City Government

BACKGROUND:

- Routinely, the City issues purchase orders or contracts for various items in the budget (i.e. equipment and services) but does not receive them by the June 30 fiscal year end. The City may also fund items in the current year, but for various reasons plan to actually expend those funds in future fiscal years.
- To address these circumstances and to ensure that funds are available to meet the Council's goals, the City designates funds for specific purposes and reserves funds for encumbrances and for unspent donations in the City's fund balance at the end of the fiscal year.
- When Council approves the budget for the following fiscal year, it authorizes the City to reappropriate funds reserved for encumbrances or designated for specific purposes based upon the year-end financial statements.
- Other items to be funded in the General Fund include \$8,803 to pay upfront software license costs for savings compared to lease costs, \$20,550 to conduct a community survey, \$30,000 for the Police Chief selection process, and \$23,086 for crime analysis software training for Police staff that was planned in fiscal year 2012, but not implemented.

ISSUES:

None

BUDGET IMPACT:

As presented above.

OPTIONS:

- Adopt the budget ordinance amendment as presented.
- Modify and adopt the budget ordinance amendment.
- Do not adopt the budget ordinance amendment.

RECOMMENDED ACTION:

Adopt Budget Ordinance Amendment 2013-7 as presented.

ATTACHMENTS:

Budget Amendment 2013-7

2012-2013 BUDGET ORDINANCE AMENDMENT
CHANGE 2013-7

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 A: General Fund</u>			
Fund Balance Appropriation	\$ 4,296,147	\$ 2,935,162	\$ 7,231,309
All Other General Fund Revenues and OFS	141,112,812	-	141,112,812
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 145,408,959</u>	<u>\$ 2,935,162</u>	<u>\$ 148,344,121</u>
<u>Schedule C: Central Business Tax District Fund</u>			
Fund Balance Appropriation	\$ 45,262	\$ 3,068	\$ 48,330
All Other CBTD Fund Revenues and OFS	130,757	-	130,757
Total Estimated Central Business Tax District Fund Revenues and Other Financing Sources	<u>\$ 176,019</u>	<u>\$ 3,068</u>	<u>\$ 179,087</u>
<u>Schedule E: Stormwater Management Funds</u>			
Net Assets Appropriation	\$ 3,743,088	\$ 149,055	\$ 3,892,143
All Other Stormwater Management Revenues and OFS	5,233,311	-	5,233,311
Total Estimated Stormwater Management Funds Revenues and Other Financing Sources	<u>\$ 8,976,399</u>	<u>\$ 149,055</u>	<u>\$ 9,125,454</u>
<u>Schedule G: Transit Fund</u>			
Interfund Transfers	\$ 2,513,293	\$ 18,546	\$ 2,531,839
All Other Transit Fund Revenues and OFS	3,910,443	-	3,910,443
Total Estimated Transit Fund Revenues and Other Financing Sources	<u>\$ 6,423,736</u>	<u>\$ 18,546</u>	<u>\$ 6,442,282</u>
<u>Schedule H: Airport Fund</u>			
Net Assets Appropriation	\$ 470,603	\$ 53,816	\$ 524,419
All Other Airport Fund Revenues and OFS	4,475,755	-	4,475,755
Total Estimated Airport Fund Revenues and Other Financing Sources	<u>\$ 4,946,358</u>	<u>\$ 53,816</u>	<u>\$ 5,000,174</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 A: General Fund</u>			
City Attorney's Office	\$ 1,008,373	\$ -	\$ 1,008,373
City Manager's Office	890,272	22,400	912,672
Community Development	1,483,002	318,484	1,801,486
Development Services	4,287,898	197,083	4,484,981
Engineering & Infrastructure	11,258,482	199,926	11,458,408
Environmental Services	7,915,583	470,310	8,385,893
Finance	2,564,823	59,260	2,624,083
Fire & Emergency Management	24,558,152	101,213	24,659,365
Human Relations	249,642	200	249,842
Human Resources Development	1,151,314	5,566	1,156,880
Information Technology	4,202,706	172,548	4,375,254
Management Services	800,210	76,448	876,658
Mayor & Council	552,729	32,686	585,415
Other Appropriations	24,425,900	422,864	24,848,764
Parks, Recreation & Maintenance	16,798,621	490,118	17,288,739
Police	43,261,252	366,056	43,627,308
Total Estimated General Fund Expenditures	<u>\$ 145,408,959</u>	<u>\$ 2,935,162</u>	<u>\$ 148,344,121</u>
<u>Schedule C: Central Business Tax District Fund</u>			
Total Estimated Central Business Tax District Fund Expenditures	<u>\$ 176,019</u>	<u>\$ 3,068</u>	<u>\$ 179,087</u>
<u>Schedule E: Stormwater Management Funds</u>			
Total Estimated Stormwater Management Funds Expenditures	<u>\$ 8,976,399</u>	<u>\$ 149,055</u>	<u>\$ 9,125,454</u>
<u>Schedule G: Transit Fund</u>			
Total Estimated Transit Fund Expenditures	<u>\$ 6,423,736</u>	<u>\$ 18,546</u>	<u>\$ 6,442,282</u>
<u>Schedule H: Airport Fund</u>			
Total Estimated Airport Fund Expenditures	<u>\$ 4,946,358</u>	<u>\$ 53,816</u>	<u>\$ 5,000,174</u>

Adopted this 13th day of November, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 13, 2012
RE: **Capital Project Ordinance Amendment 2013-20 (Airport - Rehabilitation of Taxiway "A" Pavement and Lighting)**

THE QUESTION:

The attached capital project ordinance amendment will appropriate \$163,250 in passenger facility charge (PFC) revenue and reduce the transfer from the Airport Operating fund by \$163,250, resulting in no change in the overall budget for this project.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2 - More Efficient City Government - Cost Effective Service Delivery - Objective 3: Investing in the City's future infrastructure, facilities and equipment.

BACKGROUND:

- The City has been authorized by the Federal Aviation Administration to use PFC revenue in the amount of \$163,250 for the Rehabilitation of Taxiway "A" Pavement and Lighting Project.
- Since these funds have been approved for this project, the City will be able to reduce its local funding from the Airport Operating Fund by \$163,250.
- If this amendment is approved, the total budget for the project will remain at \$7,190,279 with \$6,827,440 funded by the Federal Aviation Grant AIP #37, \$199,589 funded by the Airport Operating Fund, and the remaining \$163,250 funded by PFC revenue.

ISSUES:

None

BUDGET IMPACT:

See information in the background section.

OPTIONS:

1. Adopt Capital Project Ordinance Amendment 2013-20.
2. Do not adopt Capital Project Ordinance Amendment 2013-20.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Amendment 2013-20.

ATTACHMENTS:

Capital Project Ordinance Amendment 2013-20

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2013-20 (CPO 2011-4)**

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

Section 1. The project change authorized is to Capital Project Ordinance 2011-4 adopted August 23,2010, as amended, for the funding of Taxiway A Rehab project at the Airport.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Federal Grant - Federal Aviation Administration	\$ 6,827,440	\$ -	\$ 6,827,440
Local Match - Airport Operating Transfer	362,839	(163,250)	199,589
Local Match - Passenger Facility Charges	0	163,250	163,250
	<u>\$ 7,190,279</u>	<u>\$ -</u>	<u>\$ 7,190,279</u>

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

Project Expenditures	<u>\$ 7,190,279</u>	<u>\$ -</u>	<u>\$ 7,190,279</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 13th day of November, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 13, 2012
RE: **Resolution Introducing Bond Order Authorizing \$45,000,000 Parks and Recreation Bonds, Setting the Public Hearing thereon and Other Related Matters**

THE QUESTION:

Does City Council wish to set a public hearing to consider proceeding with a bond referendum for Parks and Recreation facilities by approving the introduction of the bond order 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.

On October 8, 2012, City Council adopted a resolution making certain findings regarding the proposed bonds and directing staff to file an application with the Local Government Commission for approval of the bonds in an amount not to exceed \$45,000,000.

The next step in the process is to consider the attached resolution introducing the bond order and proceedings that authorize various actions including the issuance of Parks and Recreation Bonds in a principal amount not to exceed \$45,000,000, and the levy of taxes sufficient to pay principal and interest on the bonds.

Approving the resolution will direct the City Clerk to present the City's sworn statement of debt, to publish the bond order in the Fayetteville Observer, and to schedule the public hearing for the November 26, 2012 Council meeting.

During the next few months, Council will be asked to conduct a public hearing, adopt the bond order, adopt a resolution calling for the bond referendum, 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. Pass the attached resolution introducing the bond order and setting the public hearing.
2. Do not pass the attached resolution and provide further instruction to staff.

RECOMMENDED ACTION:

Staff recommends that Council move to pass the resolution introducing the bond order authorizing

\$45,000,000 Parks and Recreation Bonds, designating the Chief Financial Officer to make and file the sworn statement of debt with the City Clerk; directing the City Clerk to present that statement, and schedule the public hearing on the bond order for November 26, 2012 at 7 pm in the Council Chambers; and direct the City Clerk to publish the bond order in the Fayetteville Observer not later than six days before the public hearing.

ATTACHMENTS:

Bond Order for \$45,000,000 and related proceedings

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 November 13, 2012.

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

Absent: Council Members

Also Present: _____

* * * * *

_____ introduced the following order authorizing bonds which was read and copies of which had been distributed to each Council Member:

ORDER AUTHORIZING \$45,000,000 PARKS AND RECREATION BONDS

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

1. That pursuant to the Local Government Bond Act, as amended, the City of Fayetteville, North Carolina is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power and authority to contract, and in evidence thereof to issue Parks and Recreation Bonds in an aggregate principal amount not exceeding \$45,000,000 for the purpose of providing funds, together with any other available funds, for acquiring, constructing and improving parks and recreational facilities inside and outside the corporate limits of said City, including, without limitation, the acquisition of any related land, rights of way and equipment.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of debt of said City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

Thereupon, the order entitled "ORDER AUTHORIZING \$45,000,000 PARKS AND RECREATION BONDS" was passed upon introduction by the following vote:

Ayes: _____

Noes: _____

The City Council thereupon designated the Chief Financial Officer to make and file with the City Clerk the sworn statement of debt of said City which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced and before the public hearing thereon.

Thereupon, the City Clerk presented the sworn statement of debt previously delivered to the City Clerk by the Chief Financial Officer as so required.

On motion duly made, seconded and carried, the City Council fixed 7:00 p.m., November 26, 2012, in the Council Chambers at the City Hall located at 433 Hay Street in Fayetteville, North Carolina, as the hour, day and place for the public hearing upon the foregoing order and directed the City Clerk to publish said order, as required by The Local Government Bond Act, as amended, once in The Fayetteville Observer not later than the sixth day before said date.

* * * * *

I, Pamela 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 November 13, 2012, as it relates in any way to the introduction and passage upon introduction of a bond order authorizing bonds of said City and the calling of a public hearing upon such order and that said proceedings are recorded in the minutes of said City Council.

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

WITNESS my hand and official seal of said City this 13th day of November, 2012.

[SEAL]

City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Pamela Megill, City Clerk
DATE: November 13, 2012
RE: **Approve Meeting Minutes:**
August 6, 2012 WKS
August 13, 2012 Regular

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:

August 6, 2012 WKS
August 13, 2012 Regular

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FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
AUGUST 6, 2012
5:00 P.M.

Present: Mayor Pro Tem James W. Arp, Jr. (District 9)

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:20 p.m.); Robert A. Massey, Jr. (District 3) (arrived at 5:07 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)

Absent: Mayor Anthony G. Chavonne

Others Present: Kristoff Bauer, Interim City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Dana Clemons, Assistant City Attorney
Scott Shuford, Development Services Manager
John Kuhls, Human Resource Development Director
Dwayne Campbell, Chief Information Officer
Katherine Bryant, Interim Police Chief
Rusty Thompson, Engineering and Infrastructure
Director
Ron McElrath, Human Relations Director
Luis Collazo, Human Relations Supervisor
Brad Whited, Airport Director
Michael Gibson, Parks, Recreation and Maintenance
Director
Randy Hume, Transit Director
Victor Sharpe, Community Development Director
Karen Hilton, Planning and Zoning Manager
Rebecca Rogers-Carter, Management Services Manager
John Richards, NCDOT Engineer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Pro Tem Arp called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Fowler.

ANNOUNCEMENTS

Council Member Hurst announced the City was seeking applicants for boards and commissions through August 12, 2012. He stated applicants must be residents of the City of Fayetteville and further information could be located on the City's website and by contacting the office of the City Clerk.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Hurst moved to approve the agenda.

SECOND: Council Member Bates

VOTE: UNANIMOUS (7-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 NCDOT would like to present the latest update to the Rowan Street Bridge project.

Mr. Rusty Thompson, Engineering and Infrastructure Director, introduced Mr. John Richards, NCDOT Engineer, and stated there were

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other NCDOT staff in attendance to assist with any questions or concerns from the Council.

Mr. John Richards presented this item with the aid of a power point presentation and visualization. He stated the purpose of the project was to replace Bridge No. 116 on NC 24-210 (Rowan Street) and to relocate existing Rowan Street in support of the Fayetteville Northwest Gateway Plan and the proposed North Carolina Veterans Park. He presented the following needs that would be addressed by the project:

- NCDOT Bridge Maintenance Unit records indicated Bridge No. 116 had a sufficiency rating of 7 out of a possible 100. The bridge was considered structurally deficient and therefore eligible for the Federal Highway Administration's Highway Bridge Replacement and Rehabilitation Program.
- Without reconfiguring the intersections of NC 24 (Rowan Street), Bragg Boulevard, NC 210 (Murchison Road), and West Rowan Street, the level of service was expected to range from E to F in the design year (2030). The level of service of a roadway was the measure of its traffic carrying ability. Levels of service could range from A to F, "A" being the best scenario with unrestricted maneuverability and operating speeds, and "F" being the worst scenario where travel on a roadway was characterized by "stop and go" conditions.
- In 2007, the City of Fayetteville approved the Northwest Gateway downtown redevelopment plan. Portions of existing NC 24-210 (Rowan Street) right-of-way were within the proposed limits of the North Carolina Veterans Park. Relocating the bridge to the north and reconfiguring the existing intersections would allow this right-of-way to be reused for the park.

Mr. Richards stated the proposed improvements were consistent with the Long Range Transportation Plans for the local municipalities within the study area. He further stated local governments with the Fayetteville Metropolitan Planning Organization, as well as NCDOT, adopted the plan. He provided an overview of the proposed project and stated the right-of-way cost would be \$12,983,850.00 and the construction cost would be \$23,400,000.00 for a total project cost of \$36,383,850.00.

A brief discussion period ensued.

Mr. Richards announced NCDOT would be holding a public hearing on August 20, 2012, at 4:00 p.m. at the Airborne and Special Operations Museum, 100 Bragg Boulevard, Fayetteville, NC.

4.2 Compensation Policy and Planning - Follow-Up

Mr. John Kuhls, Human Resource Development Director, presented this item with the aid of a power point presentation and stated the three major issues were recruitment, turnover, and progress to or towards midpoint/market pay. He explained the City was currently advertising and budgeting for hiring at the minimum of the vacancy salary grade per City ordinance. He further stated staff recommended the City advertise and hire above the minimum when appropriate which would enable department head discretion. He also stated when necessary, internal equity adjustments could be made within units subject to the City Manager's approval. He stated Council could direct the City Finance staff to budget positions at midpoint/market rate instead of minimum in the future. He stated the turnover rate was currently 10 to 11 percent which was too high. He stated the recommended proposed actions were to adjust the City's pay structures, reclassify positions below market over time, and annually review pay classification to stay competitive. He stated the City's overall

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market position and the recommendations were based on a comparison of the City of Fayetteville, Cumberland County, and PWC. He stated that currently employees were not sufficiently progressing to or towards their grade midpoint/market pay rates. He stated the City pay for performance system was not differentiating between satisfactory and top performers for pay raises. He stated the options included to (a) design and implement a pay step program like sworn police for non-sworn staff or (b) design and implement a reinvigorated approach to provide higher pay raises for top performers (rated EE) which would provide incentive and motivate employees to go above and beyond standard expectations (rated ME). He stated timing would be targeted for July 1, 2013, for the start of the new fiscal and performance evaluation year.

A brief discussion period ensued.

Consensus of the Council was to direct staff to provide further information and provide cost estimates of the proposed recommendations.

4.3 Limited English Proficiency (LEP) - Update

Mr. Ron McElrath, Human Relations Director, and Mr. Luis Collazo, Human Relations Supervisor, presented this item with the aid of a power point presentation. Mr. McElrath stated an individual with LEP was one who did not speak English as their primary language and had a limited ability to read, write, speak, or understand English because of his/her national origin. He explained the starting point to determine whether LEP assistance was required in a particular program/activity was an individualized assessment that balanced the following four factors:

- The number or proportion of LEP persons in the program's serviced area.
- The frequency of contact between the program and LEP persons.
- The nature and importance of the program or activity.
- The availability of resources.

Mr. Collazo further stated that reasonable efforts to provide written language assistance would include the recipient conducting the four-factor analysis, determining that translated documents were needed by LEPs, adopting an LEP policy that would specify translation of vital documents, and undertaking efforts to translate vital documents. He stated the next steps to take, if the four-factor analysis indicated that some form of LEP was required, would be to develop tailored procedures to address LEP responsibilities, based on both oral and written communications used in the program; train the program staff on the procedures; notify the LEP population that LEP assistance would be available; and monitor the effectiveness of LEP procedures on a periodic basis.

Mr. McElrath explained that language assistance would involve both oral and written communications with LEP individuals and could take the following forms, for example: oral interpretation through the use of either a vendor or bilingual staff, (b) telephone interpreter lines, or (c) written translation of vital documents.

Council Member Applewhite commented that the project had been two years in the making and she was very happy to see it come to fruition.

4.4 Boarded Structures - Follow-Up

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation. He stated per Section 14-39(1) of Chapter 14, vacant buildings must be secure at all

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times. He stated should it become necessary to board the windows and/or doors, boards must (1) be fitted to the openings, (2) be screwed in place, and (3) be painted a color consistent with the surrounding wall area. He provided several photographs of conforming and nonconforming structures. He stated in June 2012, the Council was provided three options to address boarded structures, and at that time Council directed staff to conduct further research. He stated a mandatory time limit on how long a property may be boarded could promote vandalism and unlawful entry which could be more problematic to a neighborhood than boarding. He stated most unlawful entry was from the side or rear of a structure and a possible solution would be to mandate that the street side of a structure be un-boarded after one year. He stated the side and rear windows and doors could remain boarded, reducing the chance of unlawful entry.

A discussion period ensued.

Council Member Fowler stated he had a problem with telling a homeowner what they could and could not do with their property.

Council Member Haire stated he liked Option 3 but stated each case should be reviewed independently.

Council directed staff to return with an ordinance regulating boarded structures that would (1) establish a three-year limitation on how long all doors and windows of a structure could remain boarded, (2) provide for a reduction in the time period for chronic code violators, and (3) offer an avenue of appeal for property owners who felt they had extenuating circumstances that justified a longer period of boarding.

4.5 River Overlay District

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation. He stated the Council denied a proposed salvage yard on the Cape Fear River and directed staff to pursue a River Overlay District. He stated staff was interested in discussing the scale and scope of what was desired so that they were able to effectively and efficiently carry out Council's desires. He stated the scale and scope of the River Overlay District would be determined by which goals Council would direct staff to pursue, to include environmental protection, river access, river amenities, development pattern, and/or other goals identified by Council. He stated no funds were currently budgeted for development of the overlay district and the cost for preparing a River Overlay District ordinance would be determined by the timing, goals, and scope of what the City Council desired to accomplish. He stated the Development Services staff was not able to take on the preparation of a River Overlay District project without consultant services.

A discussion period ensued.

Council Member Davy suggested the "Friends of the River" and other interest groups be invited to a general interest meeting to enable Council and staff to receive public input and feedback.

Further discussion ensued pertaining to funding and timing of the proposed project.

Consensus of the Council was to direct staff to use a public involvement process to explore goals and scope of a land use plan for areas along the Cape Fear River south of the Botanical Garden, and to report in spring 2013 the estimated cost for hiring a consultant to be considered as part of the fiscal year 2013-2014 budget.

4.6 Council Request - North Pavilion Hospital Overlay

Council Member Bates introduced this item and stated the City had an opportunity to be proactive on an area that would see dramatic

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development due to the Cape Fear Valley Hospital construction of a 65-bed hospital at Andrews Road and Ramsey Street. He further stated he would like to see a land use plan for that area of north Fayetteville.

Consensus of the Council was to move forward with Council Member Bates' request and to work closely with the Cumberland County Planning Department.

4.7 Council Request - Surplus Property/Property with Liens

Council Member Bates presented this item and stated he would like to see the City take ownership of properties the City had liens on, in particular demolition liens, and sell the properties to recoup taxpayer funds. He stated this would put the vacant properties on the tax roll, bring in construction related fees, increase tax base with new construction, create employment during the construction, and create affordable housing.

Consensus of the Council was to move forward with this request.

4.8 Council Request - Sales Tax

Council Member Bates presented this item and stated he would like staff to investigate the process for a sales tax to fund the Parks and Recreation Bond should it pass.

Mr. Kristoff Bauer, Interim City Manager, stated state lawmakers would not allow local governments to raise sales taxes without holding referendums on whether to grant such an increase. He stated the General Assembly's next regular session was set to start in January 2013, making it too short of a window for the City to seek a local bill and prepare to hold a sales tax referendum at the same time as the February 26, 2013, Park Bond election.

Consensus of Council was to move forward with this request and direct staff to conduct research on this item.

5.0 MANAGER'S REPORT

Mr. Kristoff Bauer, Interim City Manager, presented this item and reviewed the following information:

- Mr. Ted Voorhees, City Manager, will assume his first day of employment on August 10, 2012. There will be an informal meet and greet to be held at 4:00 p.m. in the Lafayette Room. There will be a more formal introduction and greeting later in the month.
- Council members were requested to contact the City Manager's office to schedule a tour of their respective districts.
- A Defense and Economic Development Trade Show will be taking place on August 7, 2012, at the Fayetteville Technical Community College.

Mr. Bauer announced this was his last City Council meeting as the Interim City Manager and thanked Council for the opportunity they provided him.

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6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:34 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
AUGUST 13, 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: Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Dana Clemons, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Randy Hume, Transit Director
Brad Whited, Airport Director
Craig Harmon, Planner II
Rebecca Rogers-Carter, Management Services Manager
Kecia Parker, Real Estate 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 Jose Amador of the Monte DeLos Olivos Ministry Church. The invocation was given in the Spanish language and translated into English by Reverend Amador's son, Joshua Amador.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 787.

ANNOUNCEMENTS AND RECOGNITION

Mayor Chavonne introduced Senator-Elect Ben Clark, NC Senate District 21. Mr. Clark stated he was truly supportive of the City of Fayetteville initiatives and was looking forward to working with the Mayor and City Council as a team.

Mayor Chavonne announced the Fayetteville Dogwood Festival Pageant celebrated its 15th year in April 2012. He stated the pageant positively touched the lives of more than 725 young ladies over the past 15 years. He recognized Pageant Director Shirley Stallings, Miss Fayetteville Dogwood Festival Queen Rahmeka Cox, Teen Miss Fayetteville Dogwood Festival Taylor Bridges, Young Miss Fayetteville Dogwood Festival Mary-Hannah Raynor, and Junior Miss Fayetteville Dogwood Festival Ella Brittain.

Mayor Chavonne introduced Mr. Charles Mullen, Vice Chairman of the Airlift Hope of North Carolina. Mr. Mullen announced he was honored to recognize Mr. Kenny Hardin, a distinguished North Carolinian and Fayetteville resident who was named Airlift Hope Pilot of the year. He stated since 2007, Mr. Hardin was a pilot with Airlift Hope using his own aircraft to fly needy patients to medical appointments in distant locations at his own expense. He stated Mr. Hardin was one of Airlift Hope's most dedicated pilots flying 31 missions in 2011. He stated the charitable organization was based in

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Virginia Beach along with its sister charity, Angel Flight Mid-Atlantic. Mr. Mullen presented an award to Mr. Hardin who received a round of applause and standing ovation from all in attendance.

Mayor Chavonne welcomed Mr. Ted Voorhees, City Manager, and stated he and the City Council were looking forward to working with him.

Council Member Applewhite announced the Aqua North Carolina meeting would take place at the Cliffdale Library on August 23, 2012, at 6:00 p.m.

Council Member Haire announced the Annual Umoja Festival would take place at Seabrook Park on August 18, 2012, beginning at noon and ending at 7:00 p.m.

4.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Arp moved to approve the agenda.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (10-0)

5.0 PUBLIC FORUM

Ms. Wendy Michener, 223 Hillside Avenue, Fayetteville, NC 28301, spoke regarding society almost always being portrayed in a rank system and many people in authoritative positions speaking in a patronizing manner to people they believed ranked lower than themselves which was insulting. Ms. Michener stated she was in favor of the Parks and Recreation Bond.

6.0 CONSENT

MOTION: Council Member Bates moved to approve the consent agenda to include the additional backup information provided prior to the Council meeting for Item 6.4.
SECOND: Council Member Hurst
VOTE: UNANIMOUS (10-0)

6.1 2012 Airport Improvement Grant #39 and Capital Project Ordinance #2013-14 for the construction of Runway 4 Runway Safety Area Improvements and Taxiway "A" Extension, and design for Runway 4/22 paved shoulders.

The Federal Aviation Administration's 90 percent share was \$4,009,670.00 and the Airport local match was \$445,519.00, which was available in the Airport Operating Fund. The local match funds were originally budgeted for the Terminal Renovations Phase IV project; however, the funds would be redirected to the project to provide the required local match.

6.2 Adopt a resolution setting a public hearing to consider the paving assessments of three City streets.

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR GRACE AVENUE (FROM OLD WILMINGTON ROAD 351 FEET TO A DEAD END). RESOLUTION NO. R2012-030.

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR SALISBURY STREET (FROM WILMA STREET 280 FEET TO A DEAD END). RESOLUTION NO. R2012-031.

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON

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PRELIMINARY ASSESSMENT ROLL FOR WILMA STREET (FROM ROOSEVELT STREET 1,128 FEET TO A CUL-DE-SAC). RESOLUTION NO. R2012-032.

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

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY. RESOLUTION NO. R2012-033.

- 6.4 FAA Grant Agreement 3-37-0021-0040-2012 and Capital Project Ordinance Amendment 2013-14.

The Federal Aviation Administration finalized Grant 3-37-0021-040-2012 to fund 90 percent of the anticipated costs (\$64,600.00) for the project.

- 6.5 Interlocal Agreement between the County of Cumberland and the City of Fayetteville, acting by and through its Public Works Commission of the City of Fayetteville, NC, for the Vander Sanitary Sewer Extension project.

- 6.6 Request by Greg and Patsy Politowicz for a change of address for the historic property formerly addressed 309 Kirkland Drive to 1825 Myrtle Hill Lane.

- 6.7 Award contract for construction of Runway 4 Runway Safety Area (RSA) Improvement and Taxiway "A" Extension and Design Runway 4/22 paved shoulders to Barnhill Contracting Company, Fayetteville, NC, in the amount of \$3,716,772.50.

Bids were received as follows:

Barnhill Contracting Company (Fayetteville, NC) \$3,716,772.50
Rifenburg Construction, Inc. (Durham, NC) \$3,881,210.87

7.0 PUBLIC HEARINGS

- 7.1 Case No. P12-25F. Request for a Special Use Permit for a communications tower on property located at 115 Duplinwood Road. Containing 0.25 acres more or less and being the property of American Towers 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 owners of the property requested the approval of a Special Use Permit to construct a cellular communication tower on the property at 115 Duplinwood Road. He advised the three major issues with the site were (1) there was already an existing cell tower on the site (which would remain) and the applicant could not meet the tower separation requirements, (2) the proposed tower could not meet the fall zone requirements in an OI district, and (3) the height of the tower was limited because Simmons Air Field and therefore the applicant could not simply replace the existing tower and still provide the needed services. He stated the proposed tower was only 42.5 feet from the nearest property line. He advised a 70-foot fall zone was required for a 140-foot tower in the OI district. He stated because of the separation and setback issues, the applicant requested a text amendment to offer relief from the requirements under certain circumstances. He stated that amendment was approved by the City Council on July 23, 2012. He advised the Zoning Commission and staff recommended approval based on (1) the required text amendment being adopted by the City Council providing some flexibility, (2) the proximity to Simmons Air Field limiting the tower height and preventing a single tower to hold all the necessary transmission equipment, and (3) the preliminary findings indicating the new structure would not create new impacts or compatibility issues. In addition, he further advised the Zoning Commission and staff recommended the following conditions be met:

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1. The proposed tower shall be capable of accommodating one additional collocation of either cellular/PCS/broadband service;
2. The facility shall comply with City codes regarding screening and buffering;
3. The tower will comply with the City setback requirements or be certified by a North Carolina Registered Professional Engineer that the tower will meet the specific breakpoint technology setback requirements;
4. The applicant shall provide documentation that the facility will comply with all FCC rules regarding interference to other radio services;
5. The applicant will request and obtain the required electrical permitting from the City needed for service;
6. The facility shall be constructed so that access is only attainable by qualified personnel;
7. The property shall not be used for storage or an employment center for any worker;
8. All support structure penetration ports are to be sealed in a manner to prevent wildlife access and or internal nesting;
9. The applicant shall submit to the City upon completion of construction a certification from North Carolina Registered Professional Engineer that the structure as built and to include planned future installations has been constructed under the EIA/TIA-222 G standards (as amended) for Cumberland County, North Carolina.

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

Mr. Tom Johnson, attorney representing American Towers, LLC, 4141 Park Lake Avenue, Raleigh, NC 27612, appeared in favor and stated as required by the City's ordinance, American Towers prepared an impact analysis of the tower. He stated Mr. Graham Herring was the Engineer that prepared the analysis and was available for questions and cross-examination. He stated the report found there were no adverse impacts by the tower on the adjoining property values because there was already a tower there. He stated he was not aware of any objections to locating on said site and there were no objections at the Zoning Commission meeting. He stated the public demand was now for data from handheld devices by using cell phones as a computer which taxes the system more than voice and becomes a capacity issue more than anything.

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

A brief question and answer period ensued between the City Council, Mr. Harmon, and Mr. Johnson.

Mr. Harmon requested clarification on the original motion.

MOTION: Council Member Bates moved to approve the request for a Special Use Permit for a cellular tower as presented by staff with a waiver of the separation standards and reduction of the required setback not less than 40 feet subject to the conditions described by staff and the findings of fact.

SECOND: Council Member Fowler

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VOTE: UNANIMOUS (10-0)

7.2 Proposed Transit route and service changes.

Mr. Randy Hume, Transit Director, presented this item and stated the FY 2013 Budget included funding for transit service improvements. He stated the improvements were developed in accordance with the Transit Development Plan and recommended by the Fayetteville Advisory Committee on Transit (FACT). He stated the Federal grant provisions required proposed service changes be made available for public comment prior to implementation. He stated notices of the public hearing as well as associated public workshops were published in the *Acento Latino* and *The Fayetteville Observer* on July 17 and 22, 2012, respectively. He stated flyers were also distributed on FAST buses and at the FAST Transfer Center. He stated written or telephone comments would be accepted until 5:00 p.m., August 14, 2012. He stated after consideration of all comments received, recommended changes would be presented for adoption at the August 27, 2012, City Council meeting. He stated if approved at that time, the service improvements would be implemented in late September 2012. He stated the proposed changes included:

- Split Route 15 to create a more direct route between Cross Creek Mall and the Cape Fear Valley Medical Center and a new route serving Hollywood Heights and parts of Cliffdale Road. This also eliminates the awkward transfer arrangement that now exists at Cliffdale and Bunce Roads.
- Combine Routes 16 and 17 into single route with two buses resulting in new service along Reilly Road between Morganton and Cliffdale Roads as well as an hourly connection with Fort Bragg's on-post shuttle via the Yadkin gate.
- Modify Route 8 to use Campbell Street instead of Russell Street between Gillespie and Old Wilmington Road to better serve the Hope VI developments. This change was not presented during budget preparations but results in no additional cost.

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

Mr. Archie Owens, 2313 Village Drive, Fayetteville, NC 28304, appeared in favor and stated he was a regular bus rider and was very appreciative of the services and likes the new proposed routes.

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

A brief question and answer period ensued.

No action was taken on this item as this was a public hearing only.

Mayor Chavonne stated this item would come before Council at a later Council meeting date for official action.

8.0 OTHER ITEMS OF BUSINESS

8.1

- a) **Fayetteville Cumberland County Chamber of Commerce Economic Development Report - 4th Quarter Report**
- b) **FY 2012 Strategic Plan's Policy and Management Action Agenda 4th Quarter Report**

Mr. Russ Rogerson, Vice President for Economic Development, Fayetteville-Cumberland County Chamber of Commerce, presented this

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item and provided a power point presentation. He stated that the Fayetteville-Cumberland Chamber of Commerce Economic Development Group consisted of a four-member team with more than 60 years combined experience in the diverse fields which make up economic development. He briefly reviewed the following priorities of the Chamber:

- Priority 1: Economic development and the creation of jobs.
- Priority 2: Leveraging the continuing BRAC build-up to improve the community's infrastructure.
- Priority 3: Enhance the quality of offerings available locally.
- Priority 4: Develop and execute effective strategies to reduce crime, beautify the community, and to improve overall livability.
- Priority 5: Better serve the growing membership of the Chamber, offering and increased return on investment, with innovative programming designed to enhance profitability for member businesses of all sizes.

He recognized new and expanding business successes and provided a recap of economic growth in the community. He provided a report of the fiscal year-to-date dashboard targets and the quarterly synchronist report. He stated the Economic Development Alliance was working with the City on some special projects, to include the Murchison Road Redevelopment Plan and the Hope VI Business Park Redevelopment.

Council Member Bates inquired why numbers were quoted for job creation on projects that had not begun. Mr. Rogerson replied it was an industry standard to report on announced projects rather than actualization.

Council Member Crisp stated that reporting figures on projects that had not come to fruition was misleading the public. Mr. Rogerson agreed that the practice was confusing but it was the industry standard.

Council Member Haire stated it was good to hear the Economic Development Alliance was working on the Murchison Road Redevelopment project, and stated the residential aspect of the project would need to be addressed.

Council Member Davy inquired when the public hearing for the Hope VI Redevelopment Plan would be held. Mr. Rogerson replied he would gather all of the details and provide that information via an email.

Council Member Fowler inquired on the definition and involvement of "touching" a project and requested further information regarding to what extent were the various projects "touched". Mr. Rogerson stated they would continue to refine future reports and provide more detail.

Council Member Applewhite inquired about the quarterly synchronist report and if the same businesses were interviewed each quarter. Mr. Rogerson responded in the affirmative and stated the same companies were contacted but the contact person would vary.

Council Member Applewhite inquired if corrective measures were being taken on items that were receiving low or falling rankings. Mr. Rogerson stated if there was a red flag the appropriate entity would be contacted.

Council Member Hurst stated from review of the report, Ms. Johnson's 83 visits to businesses, public transportation, and property tax were ranked low. He stated the City had made considerable investment and improvement to the transit system and the

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City of Fayetteville property tax was one of the lowest in the State of North Carolina. He stated the perception needed to be eradicated.

Ms. Rebecca Rogers-Cater, Management Services Manager, provided the fiscal year 2012 Strategic Plan's Policy and Management Action Agenda for the 4th Quarter with the aid of a power point presentation. She stated to support the goals of the City's Strategic Plan, the City had partnered with the Chamber of Commerce for economic development activities. She stated the Chamber was providing quarterly updates to Council. She stated the City staff also was preparing quarterly reports that detail the progress made through advancing the policy and management agenda articulated in the City's Strategic Plan. She stated this report was reinforcing and clarifying Council's vision for the community, which was the foundation of the City's Strategic Plan. She stated the City's Strategic Plan had five main areas as follows:

1. A vision statement that describes the type of community the Council would like to facilitate through policy direction and staff's work efforts.
2. A mission statement that describes our organizational purpose, "Making Fayetteville a better place for all".
3. A list of core values that describes our standards of performance which is expressed with the acronym statement to "Serve with RESPECT".
4. 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.
5. 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.

MOTION: Council Member Haire moved to accept the report.

SECOND: Council Member Davy

VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Settlement for Fiscal Year July 1, 2011, through June 30, 2012.

Charge:

Real & Personal Charge 2011	\$54,656,979.28
Storm Water Charge 2011	1,720,833.60
Fayetteville Storm Water Charge 2011	3,441,667.20
Vehicles Charge 2011	7,236,186.77
2005 Annexation in 2011 Charge	.00
Curbside Recycle Charge 2011	2,276,390.00
Added Charge Real & Personal 2011	378,379.19
Added Charge Storm Water 2011	756.00
Added Charge Fayetteville Storm Water 2011	1,512.00
Added Charge Vehicles 2011	12,381.83
Added Charge Annexation 2011	0.00
Added Charge Curbside Recycle 2011	380.00
Fayetteville Gross Receipts Vehicle Tax Current Year 2011	490,151.87
Fayetteville Gross Receipts Vehicle Tax Current Year 2011 Penalty	10.00
Fayetteville Heavy Equipment Gross Receipts 2011	79,375.76
Fayetteville Heavy Equipment Gross Receipts 2011 Penalty	.00
Total Interest Collected	332,466.68
Total Charge:	<u>\$70,627,470.18</u>

Credits:

Deposited with Finance Real & Personal 2011	\$54,437,014.91
Deposited with Finance Vehicles 2011	5,305,647.87
Deposited with Finance Annexation Taxes 2011	0.00
Deposited with Finance Storm Water 2011	1,706,791.13

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Deposited with Finance Fayetteville Storm Water 2011	3,413,582.20
Deposited with Finance Curbside Recycle 2011	2,249,118.58
Fayetteville Gross Receipts Vehicle Tax Current Year 2011 & Penalty	490,161.87
Fayetteville Heavy Equipment Gross Receipts 2011 & Penalty	79,375.76
Interest Deposited with Finance	332,466.68
Releases Real/Personal Allowed 2011	186,718.88
Releases Vehicles Allowed 2011	663,565.61
Storm Water Releases Allowed 2011	60.00
Fayetteville Storm Water Releases Allowed 2011	120.00
Annexation Releases Allowed 2011	0.00
Curbside Recycle Releases Allowed 2011	874.00
Real/Personal Balance 2011	411,624.68
Vehicles Balance 2011	1,279,355.12
Storm Water Balance 2011	14,738.47
Fayetteville Storm Water Balance 2011	29,477.00
Annexation Balance 2011	0.00
Curbside Recycle Balance 2011	26,777.42
Total Credits:	<u>\$70,627,470.18</u>

Charge:

Real & Personal 2010	\$ 472,335.34
Vehicles 2010	1,207,576.52
2005 Annexation in 2010 Charge	35.50
Storm Water 2010	11,136.84
Fayetteville Storm Water 2010	22,273.69
Curbside Recycle 2010	25,312.28
Real & Personal 2009	92,882.08
Vehicles 2009	312,555.64
2005 Annexation in 2009 Charge	294.72
Storm Water 2009	1,860.57
Fayetteville Storm Water 2009	3,721.16
Curbside Recycle 2009	5,303.91
Real & Personal 2008 & Prior	287,693.22
Vehicles 2008 & Prior	1,500,779.40
2005 Annexation in 2008 Charge	3,544.13
Storm Water 2008 & Prior	7,506.67
Fayetteville Storm Water 2008 & Prior	2,774.32
Curbside Recycle 2008 & Prior	2,711.12
Total Charge:	<u>\$3,960,297.11</u>

Barred by Statute: 2001

Barred by Statute - Real/Personal	\$ 19,421.60
Barred by Statute - Vehicles	147,258.19
Barred by Statute - Storm Water	549.91
	<u>167,229.70</u>

Credits:

Real & Personal Collections 2010	349,945.49
Vehicle Collections 2010	777,005.17
2005 Annexation in 2010 Charge Collections	0.00
Storm Water 2010 Collections	9,133.26
Fayetteville Storm Water 2010 Collections	18,266.54
Curbside Recycle 2010 Collections	20,251.23
Real & Personal Collections 2009	33,654.16
Vehicle Collections 2009	41,742.22
2005 Annexation in 2009 Charge Collections	33.08
Storm Water 2009 Collections	1,086.99
Fayetteville Storm Water 2009 Collections	2,173.99
Curbside Recycle 2009 Collections	3,120.24
Real & Personal 2008 & Prior Collections	28,846.51
Vehicle 2008 & Prior Collections	48,003.17
2005 Annexation in 2008 & Prior Collections	803.09
Storm Water 2008 & Prior Collections	1,948.50
Fayetteville Storm Water 2008 & Prior Collections	1,369.10
Curbside Recycle 2008 & Prior Collections	1,218.00
Real & Personal Releases Allowed 2010	5,641.03
Vehicles Releases Allowed 2010	126,154.10
2005 Annexation in 2010 Releases Allowed	0.00
Storm Water Releases Allowed 2010	12.00
Fayetteville Storm Water Releases Allowed 2010	24.00
Curbside Recycle Releases Allowed 2010	38.00
Real & Personal Releases Allowed 2009	172.32
Vehicles Releases Allowed 2009	10,882.91
2005 Annexation in 2009 Releases Allowed	0.00

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Storm Water Releases Allowed 2009	0.00
Fayetteville Storm Water Releases Allowed 2009	0.00
Curbside Releases Allowed 2009	0.00
Real & Personal Releases Allowed 2008 & Prior	12.24
Vehicles Releases Allowed 2008 & Prior	11,313.58
2005 Annexation in 2008 & Prior Releases Allowed	0.00
Storm Water Releases Allowed 2008 & Prior	0.00
Fayetteville Storm Water Releases Allowed 2008 & Prior	0.00
Curbside Releases Allowed 2008 & Prior	0.00
Real & Personal Balance 2010	116,748.82
Vehicles Balance 2010	304,417.25
2005 Annexation in 2010 Balance	35.50
Storm Water Balance 2010	1,991.58
Fayetteville Storm Water Balance 2010	3,983.15
Curbside Recycle Balance 2010	5,023.05
Real & Personal Balance 2009	59,055.60
Vehicles Balance 2009	259,930.51
2005 Annexation in 2009 Balance	261.64
Storm Water Balance 2009	773.58
Fayetteville Storm Water Balance 2009	1,547.17
Curbside Recycle Balance 2009	2,183.67
Real & Personal Balance 2008 & Prior	239,412.87
Vehicles Balance 2008 & Prior	1,294,204.46
2005 Annexation in 2008 & Prior Balance	2,741.04
Storm Water Balance 2008 & Prior	5,008.26
Fayetteville Storm Water Balance 2008 & Prior	1,405.22
Curbside Recycle Balance 2008 & Prior	1,493.12
Total:	<u>3,793,067.41</u>
Total Credits:	<u>\$3,960,297.11</u>

The following covered the verification of tax funds for fiscal year ended June 30, 2012:

	General Fund	CBDT	Annexation
1. Current Year Original Levy			
(Real and Personal)			
Total Property Valuation	11,950,179,300	127,716,950	0
Tax Rate Per \$100	0.456	0.10	0.3975
Amount of the Levy	54,492,817.61	127,716.95	0
Late Listings	36,254.53	190.19	
2. Discoveries and Releases			
Discoveries			
Total Property Valuation	68,431,050	270,780	0
Tax Rate Per \$100	0.456	0.10	0.3975
Amount of the Levy	312,045.59	270.78	0
Late Listings	66,018.33	44.49	0
Releases			
Total Property Valuation	(35,642,048)	(329,150)	0
Tax Rate Per \$100	0.456	0.10	0.3975
Amount of the Levy	(162,527.74)	(329.15)	0.00
Late Listings	(23,853.17)	(8.82)	0
3. Taxes remitted to the City for Tax Years:			
2011	54,312,413.80	124,601.11	0
2010	348,008.79	1,936.70	0
2009	33,617.74	36.42	0
2008 & Prior	28,835.35	11.16	803.09
4. Interest	161,719.47	607.90	294.22
5. Balance due the City at June 30, 2011,			
for:			
2011	408,341.35	3,283.33	0
2010	115,886.66	862.16	35.50
2009	58,919.23	136.37	261.64
2008 & Prior	258,680.58	153.89	2,741.04

	General Fund Vehicles	CBDT Vehicles	Vehicle License Tax	Transportation Fee
1. Current Year Original Levy				
(Vehicles)				
Total Property Valuation	1,284,260,436	4,779,180		
Tax Rate Per \$100	0.456	0.10		
Amount of the Levy	5,856,227.59	4,779.18	687,590.00	687,590.00
2. Discoveries and Releases				
Discoveries				
Total Property Valuation	2,303,511	37,820		
Tax Rate Per \$100	0.456	0.10		
Amount of the Levy	10,504.01	37.82	920.00	920.00
Releases				
Total Property Valuation	(130,830,882)	(221.79)	33,375.00	33,380.00
Tax Rate Per \$100	0.456	0.10		

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Amount of the Levy	General Fund Vehicles	CBDT Vehicles	Vehicle License Tax	Transportation Fee
	(596,588.82)	(221.79)	(33,375.00)	(33,380.00)
3. Taxes remitted to the City for Tax Years:				
2011	4,280,594.71	4,298.81	510,377.09	510,377.26
2010	592,572.24	131.42	92,148.26	92,153.25
2009	28,423.56	8.06	6,655.30	6,655.30
2008 & Prior	38,004.47	00.00	8,090.50	1,908.20
4. Interest	127,493.28	34.24		14,187.25
5. Balance due the City at June 30, 2011, for:				
2011	989,548.07	296.40	144,757.91	144,752.74
2010	219,405.70	49.57	42,481.05	42,480.93
2009	190,484.40	108.66	34,668.78	34,668.67
2008 & Prior	1,233,336.16	306.47	188,416.88	19,403.14

	Storm Water Management	Fayetteville Storm Water Management	Curbside Recycling
1. Current Year Original Levy (Real and Personal)			
Total Property Valuation			
Tax Rate Per \$100			
Amount of the Levy	1,720,833.60	3,441,667.20	2,276,390.00
2. Discoveries and Releases			
Discoveries			
Total Property Valuation			
Tax Rate Per \$100			
Amount of the Levy	756.00	1,512.00	380.00
Releases			
Total Property Valuation			
Tax Rate Per \$100			
Amount of the Levy	(60.00)	(120.00)	(874.00)
3. Taxes remitted to the City for Tax Years:			
2011	1,706,791.13	3,413,582.20	2,249,118.58
2010	9,133.26	18,266.54	20,251.23
2009	1,086.99	2,173.99	3,120.24
2008 & Prior	1,948.50	1,369.10	1,218.00
4. Interest	6,810.65	12,404.43	8,915.24
5. Balance due the City at June 30, 2011, for:			
2011	14,738.47	29,477.00	26,777.42
2010	1,991.58	3,983.15	5,023.05
2009	773.58	1,547.17	2,183.67
2008 & Prior	5,558.17	1,405.22	1,493.12

The following summarized the 2001 real/personal and vehicle taxes to be barred:

	Vehicles	Personal	Real	Public Service	Fees	Total
County	462,015.55	115,318.83	19,350.76	-	-	596,685.14
County Pets		00.00			1,222.00	
Fayetteville	128,050.84	17,884.44	1,522.10	-		147,457.38
Revit	47.88	15.06	-			62.94
Fayetteville Vehicle Fee	19,159.47					19,159.47
Hope Mills	7,079.55	1,751.95	-	-		8,831.50
Hope Mills Vehicle Fee	1,565.30					1,565.30
Hope Mills Pets					15.00	15.00
Spring Lake	12,863.22	1,884.39	-	-		14,747.61
Stedman	231.63	-	-	-		231.63
Stedman Vehicle Fee	60.00					60.00
Godwin	44.41	-	-	-		44.41
Wade	177.82	-	4.70	-		182.52
Falcon	60.03	-	-	-		60.03
Linden	57.92	19.95	-	-		77.87
Solid Waste User Fee					1,518.81	1,518.81
Storm Water Fee					549.91	549.91
Advertising Fee					765.18	765.18
Total	631,413.62	136,874.62	20,877.56	0.00	4,070.90	793,236.70
TA500 MR VEHICLES	631,413.62					
TA500 MR CC	161,823.08					
TA500 MR PS	0.00					

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Vehicles	Personal	Real	Public Service	Fees	Total
793,236.70					

9.2 Levy for 2011-2012 Fiscal Year

City of Fayetteville:	No. of Accts.	Real Value	Personal Value	**Exempt Value	Taxable Value
Real Property with Personal	93,626	11,655,442,807	589,830,071	193,456,849	12,051,816,029
*Public Service					0
Total:	93,626	11,655,442,807	589,830,071	193,456,849	12,051,816,029
Description:	Rate	Taxes	Late List	Total:	
Real Property with Personal	0.456	54,954,420.36	44,920.03	54,999,340.39	
*Public Service					
Total:		54,954,420.36	44,920.03	54,999,340.39	

Revitalization	No. of Accts	Real Value	Personal Value	***Exempt Value	Taxable Value
Real Property with Personal	832	108,748,412	14,349,0493	0	123,052,461
*Public Service			0	0	0
Total:	832	108,748,412	14,349,0493	0	123,052,461
	Rate	Taxes	Late List	Total	
Real Property with Personal	0.10	123,052.828	263.97	123,316.79	
*Public Service				0.00	
Total:		0.10	123,052.828	263.97	123,316.79

Exempt Value:	
Real	192,290,792
Personal	1,166,057
Total:	193,456,849

Revit Exempt Value:	
Real	45,000
Personal	0
Total:	45,000

Fayetteville Storm Water:	3,485,683.20
Fayetteville Recycling:	2,289,500.00
Storm Water:	1,742,841.60

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

081312

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Katherine Bryant, Interim Chief of Police
DATE: November 13, 2012
RE: **Request for Public Hearing at the November 26, 2012, 7 pm, City Council meeting on the Formation of the Citizen Review Board.**

THE QUESTION:

City Council to call for a Public Hearing on November 26, 2012 to invite comments from all stakeholders on the proposed Citizen Review Board.

RELATIONSHIP TO STRATEGIC PLAN:

Greater Community Unity - Pride in Fayetteville
Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

Interim Chief Bryant presented the proposed Citizen Review Board at the City Council Work Session on November 5, 2012. City Council requested a Public Hearing be set for November 26, 2012 in order to invite comments from all stakeholders on the proposed Citizen Review Board. Press Release will be sent to inform citizens of this opportunity.

ISSUES:

The mission of the Citizen Review Board "is to hear cases of persons who wish to appeal results of complaint investigations." A Public Hearing will provide an opportunity for stakeholders to participate in a period of public comment regarding the proposed Citizen Review Board.

BUDGET IMPACT:

N/A

OPTIONS:

- Approval for Public Hearing on November 26
- Disapproval for Public Hearing on November 26

RECOMMENDED ACTION:

Staff recommend that Council move to set a Public Hearing at the November 26, 2012, 7:00 p.m., City Council meeting on the formation of the Citizen Review Board.

ATTACHMENTS:

Citizen Review Board Procedure Manual

433 Hay Street
Fayetteville, NC 28301
www.cityoffayetteville.org
facebook.com/cityoffayetteville
Twitter @CityOfFayNC

Police Citizen Review Board Procedure Manual Update

11-5-2012





CRB Working Group

The working group for CRB Procedural Manual/Ordinance development includes the following representatives:

- City Attorney
- City Communications
- Police Attorney
- Office of Professional Standards
- Interim Chief/Assistant Chiefs

City of
Fayetteville
North Carolina



CRB Procedure Manual

- Board Mission
- Membership
- Membership Eligibility
- Term
- Confidentiality
- Board Jurisdiction
- Training
- Appeal Procedures
- Hearing Procedures

City of
Fayetteville
North Carolina

Board Mission



“In pursuit of greater transparency and accountability, a Police Citizen Review Board is established. The purpose of the board is to hear cases of persons who wish to appeal results of complaint investigations.”

City of
Fayetteville
North Carolina

Board Mission



After hearing the testimony; the Board will make the following determinations:

- Was the investigation conducted by the PD sufficient?
- Were the findings of the investigation sufficient?

City of
Fayetteville
North Carolina

Membership



- Selected by the City Manager according to the City's Appointment Committee process:
 - One member with a minimum of five years prior law enforcement professional experience;
 - One member with professional personnel management experience;
 - One member with professional human relations experience
- Selected by the City Council from the general citizenry according to the City's Appointment Committee process
 - Four members and one alternate

City of
Fayetteville
North Carolina

Membership Eligibility



All members must:

- Meet the City's Boards and Commissions appointment requirements (City Ord. 2-35, CC Policy Sec. 110)
- Be twenty-one years of age and possess a government issued ID.
- Not be convicted of a felony or have pled *nolo contendere* to a felony.
- Not be convicted of a class A1, 1 or 2 misdemeanor within three years prior to appointment to the Board.

City of
Fayetteville
North Carolina

Term



- Each member shall serve for a term of three years staggered.
- Members may only serve a maximum of two consecutive terms.
- If the alternate is required to complete the balance of a term caused by a vacancy, the alternate will serve the balance of that term.

City of
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North Carolina

Confidentiality



Prior to serving, each Board member must sign a confidentiality agreement. This agreement will require that each member maintain as confidential any information that is not in the public record, which is classified as confidential by State law, or is otherwise lawfully classified as confidential by the City.

City of
Fayetteville
North Carolina

Training Includes



- Sixteen hours in a patrol ride-along
- A comprehensive training program administered and/or conducted by the PD that will include but not be limited to the following topics:
 - CRB Rules of Procedures
 - Investigative Stops
 - Arrest, Search and Seizure
 - Use of Force
 - Review of City Ordinances

City of
Fayetteville
North Carolina

Training continued



- Professional Standards Investigation Protocol
- Media Policies and Relationships
- Police/Community Relations Perspectives
- History and Philosophy of Law Enforcement and Police Ethics
- Cultural Sensitivity
- Interviewing and Listening Skills

City of
Fayetteville
North Carolina



Board Jurisdiction

- May consider appeals of the results of investigations of a citizen complaint for:
 - Unethical conduct and/or conduct unbecoming on police department personnel
 - Arrest, search, and seizure
- The Board may only consider appeals after the investigation has been completed and with one of these final determinations:
 - Not Sustained
 - Exonerated
 - Unfounded

City of
Fayetteville
North Carolina

Appeals Procedures



- Complaint must have been filed within 45 days of incident to be eligible for appeal.
- Appeals must be filed within 7 days of receipt of notification of the complaint disposition.
- Review appeals and determine necessity for a hearing.
- Chief of Police or designee will prepare a case summary and forward it to the Board.
- When audio or video recordings exist as a part of the complaint investigative file, they will be submitted with the case summary to the Board.
- The Board, in closed session, will consider the case summary and the request for appeal. By majority vote, the Board will determine the necessity for a hearing.

City of
Fayetteville
North Carolina



Hearing Procedures

- The Board may not hear any appeal in which a claim for damages has been presented to the City or a lawsuit has been filed in any court of competent jurisdiction regarding the subject matter of the appeal before the Board
- The hearing will proceed as follows:
 - First, the Complainant will offer evidence in support of his or her appeal.
 - Second, the Police Department officer(s) against whom the complaint has been filed, if present will be asked to testify.
 - Third, the Police Department's investigating supervisor will be asked to testify.

City of
Fayetteville
North Carolina



Hearing Procedures

- All parties present for the hearing have a right to be represented by counsel or a person of their choice.
- All parties will be sequestered during the hearing.
- No evidence may be introduced that was not provided by the complainant during the initial complaint or follow up investigation.
- After all testimony and evidence has been presented to the Board, the Board will consider its findings consistent with 4.4.
- The Board will issue findings to the City Manager and the Chief of Police.

City of
Fayetteville
North Carolina



Action by City Manager

- The City Manager will review the Board's findings; take such action as he or she deems appropriate, consistent with state law, city policy and Police Department policy, and shall advise the Police Chief of any recommended action.
- The City Manager will notify all parties and the Board within fourteen days of this communication to the Chief.
- The decision of the City Manager is final and binding on all parties.

City of
Fayetteville
North Carolina

Questions



City of
Fayetteville
North Carolina

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: November 13, 2012
RE: **Bid Recommendation for Miscellaneous Electric Inventory Items**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve to award annual contract to the lowest bidders meeting specifications (per inventory item), with the option to extend contracts for additional one-year period(s) up to a maximum of four (4) additional years, upon the agreement of the parties for the purchase of miscellaneous electric inventory items (354 regularly used electric inventory items).

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

Bids were received on August 23, 2012 for the purchase of miscellaneous electric inventory items (354 regularly used electric inventory items). These contracts are to provide miscellaneous electric inventory items over a one (1) year period using quantities based on historical usage. Award of these annual contracts will decrease cost by reducing the amount of man-hours related to issuing bid requests and purchase orders, as well as the cost of handling and paying multiple invoices. It is anticipated that this contract will represent a savings of approximately \$72,079.92 over the first annual contract period. This savings is based on purchasing the items at the current average unit price versus purchasing the items at the prices bid.

During their meeting of October 10, 2012, the Public Works Commission approved to award annual contract to the lowest bidders meeting specifications (per inventory item), with the option to extend contracts for additional one-year period(s) up to a maximum of four (4) additional years, upon the agreement of the parties and forward to City Council for approval as listed below:

Contract #1: HD Supply Power Solutions, Wake Forest, NC in the amount of \$437,082.90

Contract #2: WESCO Distribution, Raleigh, NC in the amount of \$594,531.60

Contract #3: Stuart C. Irby, Rocky Mount, NC in the amount of \$587,948.56

ISSUES:

The recommended bidders are not classified as minority, SDBE or woman owned businesses.

BUDGET IMPACT:

PWC budgeted item

OPTIONS:

N/A

RECOMMENDED ACTION:

Award Annual Contracts for purchase of miscellaneous electric inventory items as recommended by PWC as listed below:

Contract #1: HD Supply Power Solutions, Wake Forest, NC in the amount of \$437,082.90

Contract #2: WESCO Distribution, Raleigh, NC in the amount of \$594,531.60

Contract #3: Stuart C. Irby, Rocky Mount, NC in the amount of \$587,948.56

ATTACHMENTS:

Bid Recommendation

Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** October 3, 2012

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award annual contracts for the purchase of miscellaneous electric inventory items, with the option to extend contracts for additional one-year period(s) up to a maximum of four (4) additional years, upon the agreement of the parties.
.....

BID/PROJECT NAME: Annual Contract for Miscellaneous Electric Inventory Items

BID DATE: August 23, 2012 **DEPARTMENT:** Electric Inventory

BUDGET INFORMATION: Electric Inventory – see comments section

.....
Staff recommends that contracts be awarded to three (3) vendors as follows:

Contract #1 <u>HD Supply Power Solutions, Wake Forest, NC</u>	<u>\$437,082.90</u>
Contract #2 <u>WESCO Distribution, Raleigh, NC</u>	<u>\$594,531.60</u>
Contract #3 <u>Stuart C. Irby, Rocky Mount, NC</u>	<u>\$587,948.56</u>

.....
BASIS OF AWARD: Lowest bidders meeting specifications (per inventory item)

AWARD RECOMMENDED BY: Mark Bielat, Chris McKinney and Gloria Wrench

.....
COMMENTS: Bids were solicited from four (4) vendors with four (4) vendors responding. These contracts are to provide miscellaneous electric inventory items over a one (1) year period using quantities based on historical usage. The contracts consist of 354 regularly used electric inventory items. Award of these annual contracts will decrease cost by reducing the amount of man-hours related to issuing bid requests and purchase orders, as well as the cost of handling and paying multiple invoices. Purchases made under these contracts will be billed and paid once per month. Additionally, it is anticipated that this contract will represent a savings of approximately \$72,079.92 over the first annual contract period. This savings is based on purchasing the items at the current average unit price versus purchasing the items at the prices bid.
.....

ACTION BY COMMISSION
APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL
APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

ANNUAL CONTRACT – MISCELLANEOUS ELECTRIC INVENTORY ITEMS BID DATE: AUGUST 23, 2012

Advertisement

1. Public Works Commission Website – October 30, 2012 through August 23, 2012

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. HD Supply Power Solutions, Wake Forest, NC
2. Stuart C. Irby, Rocky Mount, NC
3. WESCO Distribution, Raleigh, NC
4. Shealy Electrical Wholesalers, Greenville, SC

SDBE/DBE/MWBE Participation

The recommended bidders are not classified as minority, SDBE or woman owned businesses.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: November 13, 2012
RE: **Resolution of The City Of Fayetteville, North Carolina Approving A State Loan Promissory Note**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests that Council Adopt a Resolution approving a State Loan Promissory Note for construction of the Water Treatment Facility Clearwell and Chemical Feed Improvements.

RELATIONSHIP TO STRATEGIC PLAN:

Lowest Responsible Rates, Most Financially Sound Utility

BACKGROUND:

The Public Works Commission, during their meeting of October 24, 2012 adopted Resolution PWC 2012.13 of the Public Works Commission of the City of Fayetteville, North Carolina approving a State Loan Promissory Note for construction of the Water Treatment Facility Clearwell and Chemical Feed Improvements and authorized the General Manager to execute a promissory note with the State of North Carolina in the amount of \$5,216,071 on behalf of the Commission and approved to request that City Council adopt a similar resolution at its meeting on November 13, 2012.

A State Loan application was filed in 2010 and the project was approved for the loan in May 2012. The project is underway with the construction contract being awarded in July 2012. PWC is ready to proceed with reimbursements from this loan. The actual loan terms are 20 years, 0% interest and 2% closing fee. The closing fee for this loan will be financed with proceeds from the loan itself.

ISSUES:

N/A

BUDGET IMPACT:

PWC Budget

OPTIONS:

N/A

RECOMMENDED ACTION:

Adopt a Resolution of The City Of Fayetteville, North Carolina approving a State Loan Promissory Note

ATTACHMENTS:

Letter
PWC Resolution
City Resolution



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 (910) 483-1401
WWW.FAYPWC.COM

October 17, 2012

MEMO TO: Steven K. Blanchard, CEO

MEMO FROM: J. Dwight Miller, CFO

SUBJECT: Execute Promissory Note for State Loan

PWC wishes to execute a promissory note with the State of North Carolina for the Water Treatment Facility Clearwell and Chemical Feed Improvements Project in the amount of \$5,216,071. A State Loan application was filed in 2010 and the project was approved for the loan in May 2012. The project is underway with the construction contract being awarded in July 2012. We are ready to proceed with reimbursements from this loan.

Actual loan terms are 20 years, 0% interest and 2% closing fee. The closing fee for this loan will be financed with proceeds from the loan itself.

Staff request that the Commission approve Resolution PWC2012.13 authorizing the General Manager to execute the promissory note and request that City Council adopt a similar resolution at its meeting on November 13, 2012.

BUILDING COMMUNITY CONNECTIONS SINCE 1905

AN EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

**RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE
CITY OF FAYETTEVILLE, NORTH CAROLINA APPROVING A
STATE LOAN PROMISSORY NOTE**

WHEREAS, on September 8, 2010 and September 27, 2010 the Public Works Commission (COMMISSION) of the City of Fayetteville, NC (CITY), respectively, approved filing applications for state loans under the NC Clean Water Revolving Loan and Grant Act of 1987 to finance the cost of construction of drinking water system improvements, and

WHEREAS, in May 2012 the COMMISSION was awarded a low-interest loan offer from the State of North Carolina Department of Environment and Natural Resources (“NCDENR”) for construction of the Water Treatment Facility Clearwell and Chemical Feed Improvements (the “PROJECT”), and

WHEREAS, on July 11, 2012 and July 23, 2012 the COMMISSION and CITY, respectively, established a capital project fund in accordance with G.S 159-13.2 for the purposes of accounting for and reporting of the PROJECT, and

WHEREAS, the COMMISSION intends to execute a 20-year, 0% interest promissory note with the State of North Carolina for \$5,216,071 to fund the PROJECT and the associated 2% closing fee.

WHEREAS, the loan is payable solely from the revenues of the COMMISSION and is subordinate to COMMISSION’s outstanding revenue bonds.

NOW, THEREFORE, be it resolved by the COMMISSION that:

Section 1. The COMMISSION hereby authorizes Steven K. Blanchard, General Manager to execute a promissory note with the State of North Carolina in the amount of \$5,216,071.

Section 2. The City Council of the City of Fayetteville is hereby requested to adopt this Resolution in the form presented above.

Section 3. This Resolution shall become effective upon its adoption.

ADOPTED, this the 24th day of October, 2012.

PUBLIC WORKS COMMISSION

Wilson A. Lacy, Chairman

Attest:

Luis J. Olivera, Secretary

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH
CAROLINA APPROVING A STATE LOAN PROMISSORY NOTE**

WHEREAS, on September 8, 2010 and September 27, 2010 the Public Works Commission (COMMISSION) of the City of Fayetteville, NC (CITY), respectively, approved filing applications for state loans under the NC Clean Water Revolving Loan and Grant Act of 1987 to finance the cost of construction of drinking water system improvements, and

WHEREAS, in May 2012 the COMMISSION was awarded a low-interest loan offer from the State of North Carolina Department of Environment and Natural Resources (“NCDENR”) for construction of the Water Treatment Facility Clearwell and Chemical Feed Improvements (the “PROJECT”), and

WHEREAS, on July 11, 2012 and July 23, 2012 the COMMISSION and CITY, respectively, established a capital project fund in accordance with G.S 159-13.2 for the purposes of accounting for and reporting of the PROJECT, and

WHEREAS, the CITY intends to execute a 20-year, 0% interest promissory note with the State of North Carolina for \$5,216,071 to fund the PROJECT and the associated 2% closing fee.

WHEREAS, the loan is payable solely from the revenues of the COMMISSION and is subordinate to COMMISSION’s outstanding revenue bonds.

NOW, THEREFORE, be it resolved by the CITY that:

Section 1. The CITY hereby authorizes Steven K. Blanchard, General Manager to execute a promissory note with the State of North Carolina in the amount of \$5,216,071.

Section 2. This Resolution shall become effective upon its adoption.

ADOPTED, this the 13th day of November, 2012.

CITY OF FAYETTEVILLE

Mayor

Attest:

City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Gloria B. Wrench, Purchasing Manager
DATE: November 13, 2012
RE: **Award Contract for Resurface Various Streets, 2013 - Phase II**

THE QUESTION:

Staff requests approval to award a contract for the City's resurfacing work. This work consists of resurfacing approximately 43 streets (list of streets is attached).

RELATIONSHIP TO STRATEGIC PLAN:

Goal #3 - Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

Bids were received November 1, 2012 as follows:

Highland Paving Company LLC - Fayetteville, NC	\$1,966,095.19
Barnhill Contracting Company, Fayetteville, NC	\$2,213,111.35
Zoladz Construction Co., Inc. - Fuquay Varina, NC	\$2,454,875.70

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

ISSUES:

None

BUDGET IMPACT:

The available budget is \$2,577,440.60.

OPTIONS:

- 1) Approve award of contract as recommended.
- 2) Not approve award of contract.

RECOMMENDED ACTION:

Award contract to the lowest responsive, responsible bidder, Highland Paving Company, LLC, Fayetteville, NC, in the amount of \$1,966,095.19.

ATTACHMENTS:

List of Streets

2012-2013 Resurfacing Streets - Phase 2

Streets from left from previous year

<u>NO.</u>	<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>RATING</u>
1	BRIGHTON RD.	REAFORD RD.	BELFORD RD.	668	32	53 Avg.
4	RANDINITA DR.	CLEARWATER DR.	ROSEHILL RD.	1330	26	51 Avg.
5	ROGERS DR.	CAIN RD.	SHANNON DR.	2737	32	78 Avg.

Proposed Resurfacing Streets

<u>NO.</u>	<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>RATING</u>
101	WESTHAVEN DR.	WESTVIEW DR.	CUL-DE-SAC	596	32	2 AVG.
102	WINDING CREEK RD.	EXECUTIVE PL.	BRIGADOON LANE	447	25	7
103	HYDE PL.	ENTERPRISE AVE.	CUL-DE-SAC	182	25	15 AVG.
104	N. KING ST.	GROVE ST.	ALFALFA ST.	806	32	17 AVG.
105	CIMMARRON DR.	YADKIN RD.	N. PLATTE RD.	2406	24	20 AVG.
106	DWIREWOOD DR.	MURRY HILL RD.	LENNOX DR.	1284	32	24 AVG.
107	GLENRIDGE RD.	IRELAND DR.	VILLAGE DR.	2152	32	26 AVG.
108	JOHNSON ST.	HELEN ST.	DEAD END	1632	22	20 AVG.
109	KINGSBERRY LANE	OLD SPEARS RD.	BENT PINE DR.	986	24	26 AVG.
110	LELAND DR.	STRICKLAND BRIDGE RD.	DEAD END	738	22	21 AVG.
111	MORGANTON RD EXT.	MORGANTON RD.	DEAD END	1058	22	25 AVG.
112	NORTH PLATTE RD.	YADKIN RD.	CIMARRON DR.	2930	25	27 AVG.
113	BUDDINGBROOK DR.	DEAD END	DEAD END	966	26	26 AVG.
114	SKYVIEW DR.	CUL-DE-SAC	CUL-DE-SAC	1058	22	21 AVG.
115	STAR HILL AVE.	REAFORD RD.	DEAD END	1207	32	29 AVG.
116	APPLEWHITE RD.	APPLEWHITE RD.	DEAD END	3117	26	35 AVG.
117	BEAUMONT RD.	SANDHURST DR.	MELROSE RD.	654	35	33 AVG.
118	BLOOMFIELD DR.	HILLIARD DR.	WALKING LANE	683	25	38 AVG.
119	CARTMAN DR.	HODHAT DR.	MARRACO CT.	520	26	36 AVG.
120	DUVAL DR.	DARK BRANCH RD.	CUL-DE-SAC	1343	25	37 AVG.
121	EXECUTIVE PL.	RAVENHILL RD.	REAFORD RD.	2449	32	32 AVG.
122	GAELIC DR.	STONEY POINT RD.	CELTIC DR.	3391	26	39 AVG.
123	GLENBARRY CR.	HARLOW DR.	HARLOW DR.	1556	25	39 AVG.
124	HACKNEY LOOP	STRICKLAND BRIDGE RD.	STRICKLAND BRIDGE RD.	1730	26	38 AVG.
125	HARLOW DR.	KINGSFORD RD.	LEVENHALL DR.	2400	25	38 AVG.
126	HAWLEY LANE	N. COOL SPRINGS ST.	GROVE ST.	767	32	34 AVG.
127	HICKERYWOOD DR.	RYAN ST.	DEAD END	781	26	36 AVG.
128	KODIAK DR.	RAYCONDA RD.	CUL-DE-SAC	1511	26	30 AVG.
129	LINCOLNSHIRE PL.	CHAMBLEE DR.	CUL-DE-SAC	545	26	39 AVG.
130	LINKWOOD DR.	LOCKRIDGE RD.	HARTSHORNE CT.	894	25	39 AVG.
131	LIONSHEAD RD.	RIDGEWAY DR.	CHERRYSTONE DR.	1517	25	37 AVG.
132	NIX RD.	BUIE CR.	DEAD END	3189	26	34 AVG.
133	OVERTON PL.	CLIFFDALE CT.	CUL-DE-SAC	452	25	32 AVG.
134	PONY RUN DR.	KINGSBERRY LANE	TOLGATE RD.	791	23	36 AVG.
135	SCOTT AVE.	RAMSEY ST.	POWATAN ST.	1272	32	38 AVG.
136	THELBERT DR.	ERNEST ST.	ESSEX PL.	2479	32	39 AVG.
137	MORGANTON DR.	N. REILLY RD.	MORGANTON RD. EXT.	1321	24	47 AVG.
138	MELROSE RD.	MEDICAL DR.	END OF MAINT.	521	32	39 AVG.
139	KINGSFORD DR.	HARLOW DR.	CUL-DE-SAC	2640	25	48 Avg.
140	GLENBARRY PL.	GLENBARRY CR.	CUL-DE-SAC	141	25	28

Total length **59847**
Total mileage **11.33**

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Lisa T. Smith, Chief Financial Officer
DATE: November 13, 2012
RE: **Special Revenue Fund Project Ordinance Amendment 2013-5 (Washington Drive School Site Project)**

THE QUESTION:

This Special Revenue Fund Project Ordinance Amendment will add an additional \$12,245 to the project budget for demolition and asbestos abatement.

RELATIONSHIP TO STRATEGIC PLAN:

Principle D: Beauty by Design

BACKGROUND:

- On January 24, 2011, City Council approved a Memorandum of Understanding with FSU for the acceptance and demolition of the Washington Drive Jr. High School property.
- On March 28, 2011, a budget was established in the amount of \$235,000 for the gateway feature and a portion of the demolition work.
- An initial budget of \$175,000 was established for a portion of the demolition and clearing work and \$60,000 for the Gateway feature.
- This amendment will add an additional \$12,245 to the project budget for demolition, due to erosion control and asbestos abatement costs in excess of original contract allowances.
- The funding source for this project change ordinance is from Fayetteville State University's HUD funds.

ISSUES:

None.

BUDGET IMPACT:

See background information.

OPTIONS:

1. Adopt Special Revenue Fund Project Ordinance Amendment 2013-5.
2. Do not adopt Special Revenue Fund Project Ordinance Amendment 2013-5.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance Amendment 2013-5.

ATTACHMENTS:

Special Revenue Fund Project Ordinance Amendment 2013-5 (Washington Drive School)

SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT
CHANGE 2013-5 (ORD 2011-11)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby amended effective November 13, 2012:

Section 1. The project change authorized is to the Special Revenue Project Ordinance 2011-11, adopted March 28, 2011, for the funding of the Washington Drive School site project, to include, but not limited to, asbestos abatement, demolition and the development of a gateway feature.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Cumberland County	\$ 25,000	\$ -	\$ 25,000
Fayetteville State University	210,000	12,245	222,245
	\$ 235,000	\$ 12,245	\$ 247,245

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

Project Expenditures	\$ 235,000	\$ 12,245	\$ 247,245
	\$ 235,000	\$ 12,245	\$ 247,245

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

Adopted this 13th day of November, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 13, 2012
RE: **Special Revenue Fund Project Ordinance Amendment 2013-3 (CDBG Program)**
Special Revenue Fund Project Ordinance Amendment 2013-4 (HOME Program)

THE QUESTION:

Council is asked to approve Special Revenue Fund Project Ordinance Amendments 2013-3 and 2013-4 which will appropriate program income for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME) in the amounts of \$131,383 and \$56,123, respectively.

RELATIONSHIP TO STRATEGIC PLAN:

Vision Principles:

Great Place to Live - Quality affordable housing
Beauty by Design - Clean community with visual appeal
Strong Local Economy

BACKGROUND:

- Both the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME) receive program income directly generated from the use of CDBG and HOME funds in many of its activities.
- The amount of program income to be received is estimated at the time the annual action plan and current budget is prepared.
- This action will appropriate an additional \$131,383 in program income for the CDBG Program, and an additional \$56,123 for the HOME Program, which represents amounts received in excess of amounts budgeted.

ISSUES:

None.

BUDGET IMPACT:

See background section for budget impact.

OPTIONS:

1. Adopt Special Revenue Fund Project Ordinance Amendments 2013-3 and 2013-4.
2. Do not adopt Special Revenue Fund Project Ordinance Amendments 2013-3 and 2013-4.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance Amendments 2013-3 and 2013-4.

ATTACHMENTS:

Special Revenue Fund Project Ordinance Amendment 2013-3 (CDBG)
Special Revenue Fund Project Ordinance Amendment 2013-4 (HOME)

SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT
CHANGE 2013-3 (ORD 2012-2)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby amended effective November 13, 2012:

Section 1. The project change authorized is to the Special Revenue Project Ordinance 2012-2, adopted June 27, 2011, with an effective date of July 1, 2011, for the funding of the Community Development Block Grant Program (CDBG) awarded by the U.S. Department of Housing and Urban Development.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
CDBG - HUD	\$ 1,398,075	\$ -	\$ 1,398,075
Program Income	352,196	131,383	483,579
	<u>\$ 1,750,271</u>	<u>\$ 131,383</u>	<u>\$ 1,881,654</u>

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

Project Expenditures	\$ 1,750,271	\$ 131,383	\$ 1,881,654
	<u>\$ 1,750,271</u>	<u>\$ 131,383</u>	<u>\$ 1,881,654</u>

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

Adopted this 13th day of November, 2012.

SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT
CHANGE 2013-4 (ORD 2012-1)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby amended effective November 13, 2012:

Section 1. The project change authorized is to the Special Revenue Project Ordinance 2012-1, adopted June 27, 2011, with an effective date of July 1, 2011, for the funding of the HOME Investment Partnership Program awarded by the U.S. Department of Housing and Urban Development.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
HOME - HUD	\$ 815,954	\$ -	\$ 815,954
Local Match - General Fund	163,199	-	163,199
Program Income	305,577	56,123	361,700
	\$ 1,284,730	\$ 56,123	\$ 1,340,853

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

Project Expenditures	\$ 1,284,730	\$ 56,123	\$ 1,340,853
	\$ 1,284,730	\$ 56,123	\$ 1,340,853

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

Adopted this 13th day of November, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 13, 2012
RE: **Tax Refunds of Greater Than \$100**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

The attached list of refunds was approved by the Cumberland County Special Board of Equalization for the month of October 2012.

ISSUES:

None.

BUDGET IMPACT:

The budget impact is \$511.59.

OPTIONS:

Approve the refunds.

RECOMMENDED ACTION:

Approval.

ATTACHMENTS:

Tax Refunds of Greater Than \$100



November 13, 2012

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: *NJP* 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 October 2012.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
ActivCare Physical Therapy, LLC	2632105	2011	Corrected Assessment	224.16
Mansour, MA	1986958	2011	Corrected Assessment	287.43
TOTAL				\$511.59

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: November 13, 2012
RE: **The Public Works Commission of the City of Fayetteville requests Council approve tentative award of contract for Outfall Rehabilitation Project.**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services.

BACKGROUND:

The Public Works Commission, during their meeting of October 24, 2012 approved tentative award of contract for Outfall Rehabilitation to Insituform Technologies, Chesterfield, MO, lowest responsive, responsible bidder in the amount of \$2,736,171.00 and also adopted Resolution PWC2012.14 titled "Resolution of Tentative Award – Outfall Rehabilitation" in accordance with the requirements of the State of North Carolina Department of Environment and Natural Resources - Division of Water Quality State Revolving Loan Offer. The Public Works Commission also approved to forward bid to City Council for tentative bid award and adoption of a similar resolution.

This project is a budgeted item – FY2013 & FY2014 – WS70 - \$1,500,000 and FY2013 & FY2014 - WS73 - \$2,756,500. PWC has accepted a State Revolving Loan from the State of North Carolina's Department of Environment and Natural Resources - Division of Water Quality in the amount of \$4,774,500 to fund this project. Construction of this project is expected to be completed in FY2014. Bids were received October 11, 2012 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Insituform Technologies, Chesterfield, MO	\$2,736,171.00
SAK Construction, LLC, O'Fallon, MO	\$3,355,120.00
Layne Inliner, LLC, Charlotte, NC	\$3,779,400.00
Am-Liner East, Berryville, VA	\$4,320,499.00

ISSUES:

Consistent with the loan requirements, the State will provide PWC written authorization to award the contract after their approval.

Plans and Specifications were requested by nineteen (19) contractors with four (4) contractors responding.

Insituform Technologies will not be utilizing MBE/WBE subcontractors on this project. The PWC Purchasing staff has reviewed Insituform's "good faith efforts" and has determined that Insituform did meet the "good faith effort" requirements to solicit MBE/WBE participation for this work.

BUDGET IMPACT:

PWC Budgeted Item

OPTIONS:

N/A

RECOMMENDED ACTION:

Tentatively award contract to Insituform Technologies, Chesterfield, MO, lowest responsive, responsible bidder in the amount of \$2,736,171.00 and adopt Resolution

ATTACHMENTS:

Bid Recommendation

Bid History

PWC Resolution

City Resolution

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** October 17, 2012

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Approve tentative award of contract for Outfall Rehabilitation and adopt the attached Resolution of Tentative Award (PWC2012.14) in accordance with the requirements of the State of North Carolina Department of Environment and Natural Resources - Division of Water Quality State Revolving Loan offer and forward to City Council to approve tentative award and adopt a similar Resolution.
.....

BID/PROJECT NAME: Outfall Rehabilitation

BID DATE: October 11, 2012 **DEPARTMENT:** Water Resources Engineering

BUDGET INFORMATION: FY2013 & FY2014 – WS70 - \$1,500,000 and FY2013 & FY2014 - WS73 - \$2,756,500; PWC has accepted a State Revolving Loan from the State of North Carolina’s Department of Environment and Natural Resources - Division of Water Quality in the amount of \$4,774,500 to fund this project. Construction of this project is expected to be completed in FY2014.
.....

BIDDERS	TOTAL COST
<u>Insituform Technologies, Chesterfield, MO</u>	<u>\$2,736,171.00</u>
<u>SAK Construction, LLC, O’Fallon, MO</u>	<u>\$3,355,120.00</u>
<u>Layne Inliner, LLC, Charlotte, NC</u>	<u>\$3,779,400.00</u>
<u>Am-Liner East, Berryville, VA</u>	<u>\$4,320,499.00</u>

.....

AWARD RECOMMENDED TO: Insituform Technologies, Chesterfield, MO

BASIS OF AWARD: Lowest responsive, responsible bidder

AWARD RECOMMENDED BY: John Allen, PE, Water Resources Engineering

.....
COMMENTS: Plans and specifications were requested by nineteen (19) contractors with four (4) contractors responding. The lowest responsive, responsible bidder is recommended. The State of North Carolina Department of Environment and Natural Resources - Division of Water Quality requires adoption of the attached Resolution of Tentative Award (PWC 2012.14) by the Commission.
.....

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

OUTFALL REHABILITATION BID DATE: OCTOBER 11, 2012; 2:00 P.M.

Consulting Engineer

None

Advertisement

1. PWC Website 09/12/12 through 10/11/12
2. Greater Diversity News, Wilmington, NC 09/13/12

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
9. Carolinas AGC, Charlotte, NC
10. Hispanic Contractors Association, Raleigh, NC

List of Contractors Requesting Plans and Specifications

1. Lanier Construction, Snow Hill, NC
2. Jymco, Smithfield, NC
3. Intercoastal Contracting, Castle Hayne, NC
4. Pipeline Utilities, Raleigh, NC
5. R.F. Shinn Contracting, Inc., Concord, NC
6. Porter Scientific, Pembroke, NC
7. SAK Construction, LLC, O'Fallon, MO
8. Layne Inliner, LLC, Charlotte, NC
9. Insituform Technologies, Inc., Chesterfield, MO
10. Am-Liner East, Inc., Berryville, VA
11. Sandy's Hauling & Backhoe Service, Roseboro, NC
12. T.A. Loving, Goldsboro, NC
13. Sandhills Contracting, Sanford, NC
14. Country Construction, Benson, NC
15. JENNS, LLC, Wilmington, NC
16. Improved Technologies Group, Knoxville, TN
17. Backwater Environmental, Pittsboro, NC
18. Orion Marine Construction, Tampa, FL
19. Tristate Utilities, Chesapeake, VA

MBE/WBE Participation

Insituform Technologies will not be utilizing MBE/WBE subcontractors on this project. Purchasing staff has reviewed Insituform's "good faith efforts" and has determined that Insituform did meet the "good faith effort" requirements to solicit MBE/WBE participation for this work.

RESOLUTION OF TENTATIVE AWARD

OUTFALL REHABILITATION

WHEREAS, the Public Works Commission of the City of Fayetteville, hereinafter referred to as Commission, has received bids, pursuant to duly advertised notice therefore, for construction of the project known as Outfall Rehabilitation; and

WHEREAS, the Commission's engineers have reviewed the bids; and

WHEREAS, Insituform Technologies, LLC, Chesterfield, MO, was the lowest bidder for the Outfall Rehabilitation, in the total bid amount of \$2,736,171.00, and;

WHEREAS, the Commission's engineers recommend **TENTATIVE AWARD** to the lowest bidder.

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION THAT TENTATIVE AWARD is made to the lowest bidder, Insituform Technologies, LLC, in the total bid amount of \$2,736,171.00.

BE IT FURTHER RESOLVED that such **TENTATIVE AWARD** be contingent upon the approval of the North Carolina Department of Environment and Natural Resources.

Upon motion of _____, seconded by _____, the above **RESOLUTION** was unanimously adopted this _____ day of _____, 2012, at Fayetteville, North Carolina.

**PUBLIC WORKS COMMISSION OF THE
CITY OF FAYETTEVILLE, NORTH CAROLINA**

Wilson A. Lacy, Chairman

ATTEST:

Luis J. Olivera, Secretary

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

Resolution R2012-_____

RESOLUTION OF TENTATIVE AWARD

OUTFALL REHABILITATION

WHEREAS, the City of Fayetteville, North Carolina, acting by and through the Public Works Commission, hereinafter referred to as City, has received bids, pursuant to duly advertised notice therefore, for construction of the project entitled Outfall Rehabilitation; and

WHEREAS, the City's engineers have reviewed the bids; and

WHEREAS, Insituform Technologies, LLC, Chesterfield, MO, was the lowest bidder for Outfall Rehabilitation, in the total bid amount of \$2,736,171.00, and;

WHEREAS, the City's engineers recommend **TENTATIVE AWARD** to the lowest bidder; and

WHEREAS, the Public Works Commission of the City of Fayetteville approved and adopted a Resolution of Tentative Award at its regular meeting of Wednesday, October 24, 2012.

NOW THEREFORE BE IT RESOLVED BY THE CITY THAT TENTATIVE AWARD is made to the lowest bidder Insituform Technologies, LLC, in the total bid amount of \$2,736,171.00.

BE IT FURTHER RESOLVED that such **TENTATIVE AWARD** be contingent upon the approval of the North Carolina Department of Environment and Natural Resources.

Upon motion of _____, seconded by _____, the above **RESOLUTION** was unanimously adopted this _____ day of _____, 2012, at Fayetteville, North Carolina.

CITY OF FAYETTEVILLE, NORTH CAROLINA

(SEAL)

By: _____
Anthony G. Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Pamela Megill, City Clerk
DATE: November 13, 2012
RE: **Resolution to Adopt the 2013 Proposed City Council Meeting Dates Calendar**

THE QUESTION:

Does the proposed calendar reflect the interest of the City Council for meetings in 2013?

RELATIONSHIP TO STRATEGIC PLAN:

More efficient City government.

BACKGROUND:

To ensure that citizens are aware of all the public meetings and events for 2013 and the City adheres to the NC Open Meetings Act. Staff has prepared the attached 2013 City Council Meeting Dates Calendar. The calendar takes into account all City holidays, Council retreats and conferences identified by staff.

Should the proposed calendar meet with Council's preference; staff requests Council approve the attached resolution; adopting the 2013 City Council Meeting Dates Calendar

ISSUES:

BUDGET IMPACT:

OPTIONS:

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

RECOMMENDED ACTION:

Approve the resolution to adopt the City Council Meeting Dates Calendar.

ATTACHMENTS:

Resolution - 2013 City Council Meeting Dates
Proposed 2013 Meeting Dates Calendar

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2013 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS

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

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

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

NOW THEREFORE, BE IT RESOLVED to adopt the attached calendar titled City Council Meeting Dates to clarify the time and location of the City Council regular meetings for 2013; and **RESOLVES** that any deviations of these regular meetings will be done consistent with the North Carolina Open Meetings Law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, this the ____ day of _____, 2012; such meeting was held in compliance with the Open Meetings Act at which a quorum was present and voting

By: _____
ANTHONY G. CHAVONNE, MAYOR

ATTEST:

PAMELEA J. MEGILL, CITY CLERK

Proposed 2013 Fayetteville City Council Meeting Schedule

JANUARY	
Tues, Jan. 1	New Year Holiday
Mon., Jan 7	Council Work Session, 5 p.m., Lafayette Room
Mon., Jan. 14	Regular Council Meeting
Mon., Jan. 21	MLK Holiday
Wed., Jan. 23	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Jan. 28	Regular Council Meeting
FEBRUARY	
Mon., Feb. 4	Council Work Session (CIP& ITP), 5 p.m., Lafayette Room
Mon., Feb. 11	Regular Council Meeting
Fri. and Sat Feb. 15-16	Strategic Planning Retreat and Agenda Briefing
Mon., Feb. 25	Regular Council Meeting
MARCH	
Mon., March 4	Council Work Session (Strategic Plan), 5 p.m., Lafayette Room
Mon-Sat-Wed., March 9-13	NLC Congressional Cities Conference, Washington, D.C.
Wed., March 20	Agenda Briefing, 4 p.m., Lafayette Room
Mon., March 25	Regular Council Meeting
Wed., March 27	NCLM Town Hall Day, Raleigh, NC
Fri., March 29	Good Friday Holiday
APRIL	
Tue., April 2	Council Work Session, 5 p.m., Lafayette Room
Mon., April 8	Regular Council Meeting
Wed., April 10	Budget Work Session, 5 p.m.
Wed., April 17	Agenda Briefing, 4 p.m., Lafayette Room
Mon., April 22	Regular Council Meeting
MAY	
Mon., May 6	Council Work Session, 5 p.m., Lafayette Room
Wed., May 8	Budget Work Session, 5 p.m.
Mon., May 13	Regular Council Meeting (Presentation of Recommended Budget)
Wed., May 15	Budget Work Session, 5 p.m.
Wed., May 22	Agenda Briefing & Budget Work Session 4 p.m., Lafayette Room
Mon., May 27	Memorial Day – City Offices Closed
Tues., May 28	Regular Council Meeting
Wed., May 29	Budget Work Session, 5 p.m. (if needed)
JUNE	
Mon., June 3	Council Work Session, 5 p.m., Lafayette Room
Mon., June 10	Regular Council Meeting, (Budget Adoption)
Wed., June 19	Agenda Briefing, 4 p.m., Lafayette Room
Mon., June 24	Regular Council Meeting
JULY	
Mon., July 22	Regular Council Meeting
AUGUST	
Mon., Aug. 5	Council Work Session, 5 p.m., Lafayette Room
Mon., Aug. 12	Regular Council Meeting
Wed., Aug. 21	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Aug. 26	Regular Council Meeting
SEPTEMBER	
Mon., Sept. 2	Labor Day- City Offices Closed
Tues., Sept. 3	Council Work Session, 5 p.m., Lafayette Room
Mon., Sept. 9	Regular Council Meeting
Wed., Sept. 18	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Sept. 23	Regular Council Meeting
OCTOBER	
Mon., Oct. 7	Council Work Session, 5 p.m., Lafayette Room
Mon-Wed., Oct 13-15	NCLM Annual Conference, Hickory, NC
Wed., Oct. 23	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Oct. 28	Regular Council Meeting
NOVEMBER	
Tues., Nov. 5	Election
Mon., Nov. 11	Veterans Day – City Offices Closed
Tues-Sat., Nov 12 –16	NLC - Congress of Cities and Exposition, Seattle, WA
Wed., Nov. 20	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Nov. 25	Regular Council Meeting
Nov., 28-29	Thanksgiving Holiday – City Offices Closed
DECEMBER	
Mon., Dec. 2	Council Work Session, Oath of Office, 5 p.m., Lafayette Room
Mon., Dec. 9	Regular Council Meeting
Dec., 25,26, & 27	Christmas – City Offices Closed

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Scott Shuford, Director Development Services
DATE: November 13, 2012
RE: **Amendment to City Code Chapter 30 to create a Business Park zoning district with related changes in use definitions and classification.**

THE QUESTION:

Is creation of a new zoning district, Business Park (BP), consistent with community goals and objectives and supportive of the general public health, safety and welfare? Do the proposed regulations meet the standards of Article 30-2 for text amendments (see attached staff report)?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The proposed amendment was drafted as a new Business Park zoning district to define allowed principal and accessory uses, development standards, sign regulations, and other related standards for development under that district. The district would be placed on a property of 50 acres or more only through the normal map change (rezoning) process. It may be accompanied by a conditional zoning request to establish more specific standards or list of uses.

The zoning district is intended to address the need for a wide mix of uses consistent with models of successful industrial or business parks. For instance, industrial parks attracting higher technology research and application or testing may involve a heavy manufacturing activity such as testing and refitting large vehicles but often need overnight lodging and food services that are not allowed in the industrial districts.

There were no speakers in support or opposition at the Planning Commission hearing October 16, 2012. The Commission did discuss advantages and disadvantages of an overlay versus a new base district, and the members recommended a base district format as presented in the attached draft ordinance.

ISSUES:

The two primary issues are: (1) a district with a sufficiently wide range of allowed uses and less stringent setback standards, and (2) a framework of development standards that encourages compatibility among such diverse uses but also allows the developer room to establish more specific standards to create the identity and unifying features important to such parks.

The principal and accessory uses allowed in the proposed district are drawn from the industrial, commercial and office districts, guided by the mix of uses often found in such business parks. The proposed district includes basic setback, buffer and related standards that focus on compatibility with adjacent development and the public realm.

The Planning Commission voted unanimously to recommend the standards as a new base zoning district. The new district would be applied to specific areas through the zoning (map amendment) process for sites at least 50 acres in size.

BUDGET IMPACT:

No direct impact but should facilitate more diverse economic investment.

OPTIONS:

1. Adopt the draft ordinance to establish a new Business Park base zoning district, as presented (Recommended).
2. Modify and adopt the draft ordinance.
3. Defer or table action on the draft ordinance and provide guidance for further research.
4. Deny adoption of the proposed ordinance.

RECOMMENDED ACTION:

The Planning Commission and staff recommend that the City Council moves to adopt the proposed ordinance as presented creating a new Business Park base zoning district, based upon the finding that all seven standards for review of zoning text amendments listed in Article 30-2 have been met.

ATTACHMENTS:

Staff Report - Evaluation Criteria

Draft Ordinance - Business Park District

Business Park PP

**Staff Report
Proposed Text Amendment**

Proposed amendment: Staff-initiated text amendment to create a new zoning district, Business Park (BP) District.

Background: The proposed amendment would establish a new district to define allowed principal and accessory uses, development standards, sign regulations, and other related standards for development. The district would be placed on a property of 50 acres or more through the normal map change (rezoning) process. It may be accompanied by a conditional zoning request to establish more specific standards or list of uses.

The proposed mix of land uses would be consistent with models of successful industrial or business parks. For instance, industrial parks attracting higher technology research and application or testing often are accompanied by overnight lodging and food services, but such uses are not allowed in the industrial districts.

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 how each standard applies to the proposed changes in the use listings, definitions and description of the use categories.

Standard	Analysis
1) Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable;	Supports Strategic Plan goals for strong local economy and more attractive city.
2) Whether the proposed amendment is in conflict with any provision of this Ordinance, and related City regulations;	No direct conflict is apparent.
3) Whether and the extent to which there are changed conditions that require an amendment;	The City has been experiencing BRAC-related development that ranges from what might be called flex space or heavy office or office-warehouse, to testing new systems or materials and providing some retrofitting services. These uses may vary from outdoor storage, regional-scale office centers, and heavily secured areas, to food service and visitor accommodation, a mix of uses not found in the OI, CC or either of the industrial districts. Where this new district is best applied would be determined during a separate remapping (rezoning) process for a proposed site.
4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;	The City has been experiencing BRAC-related development that ranges from what might be called flex space or heavy office or office-warehouse, to testing new systems or materials and providing some retrofitting services. These uses may vary from outdoor storage, regional-scale office centers, and heavily secured areas, to food service and visitor accommodation, a mix of uses not found in the OI, CC or either of the industrial districts. Where this new district is best applied would be determined during a separate remapping (rezoning) process for a proposed site.

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;	No existing base district meets the current needs of facilities generally more industrial in nature but often involving major components more typically located in high tech centers or campus-like office parks. The proposed district maintains the design standards in the development code but allows the flexibility in use and location within the business park to remain compatible with adjacent uses.
6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and	The impact of the new district on development patterns would be considered during a request to apply it to a specific area of fifty acres or more.
7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment	The impact of the new district on the natural environment would be considered during a request to apply it to a specific area of fifty acres or more.

Recommendation: The Planning Commission and staff recommend approval of the text amendment establishing a new Business Park district in City Code Chapter 30, Article 3.

Options:

- Approval of the text amendment to create a new zoning district – Art. 30-3.E.8 Business Park (BP) district (recommended by Planning Commission and staff).
- Approval with modifications of the proposed text amendment for a Business Park (BP) district.
- Denial of the proposed text amendment for a Business Park (BP) district.
- Continue the hearing to a date certain with direction for further research or change.

Attachments: Draft Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH A BUSINESS PARK ZONING DISTRICT; TO CREATE DEFINITIONS FOR CORPORATE HEADQUARTERS, CARETAKER’S DWELLING, DEVELOPABLE AREA, AND OFFICE-WAREHOUSE; AND TO ASSIGN CORPORATE HEADQUARTERS, CARETAKER’S DWELLING, AND OFFICE-WAREHOUSE USES TO ZONING DISTRICTS.

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

Section 1. Revise Article 30-3 to add Business Park Zoning District (BP) as a new Section between 30-3.E.7 Downtown and 30-3.E.8 Light Industrial Zoning Districts Established.

[new] **BUSINESS PARK (BP) DISTRICT**

(a) Purpose

The Business Park (BP) District is established and intended to accommodate large-scale “campus” type development containing “core” uses that include light and heavy industrial, research and development, corporate headquarters, office-warehouse, assembly, business incubation, and vocational and training school uses, along with supportive uses that include general office, visitor accommodation, restaurant and retail uses. The district is subject to standards intended to minimize overdevelopment of supportive uses relative to core uses, as well as to minimize adverse impacts on surrounding uses.

(b) Dimensional and Design Standards for BP District

BP DIMENSIONAL AND DESIGN STANDARDS

Dimensional Standard	Principal Uses	Accessory Uses
Minimum area to establish a Business Park zoning district	50 acres	
Minimum lot area	50,000 ft. ²	n/a
Minimum lot width	120 feet	n/a
Maximum lot coverage	85%	n/a
Maximum height	100 feet	65 feet
Minimum front and corner setback	40 feet	Not allowed in front, side or corner side yard areas
Minimum side setback	30 feet	
Minimum rear setback	30 feet	30 feet
Minimum spacing between buildings	20 feet	20 feet

NOTES:

1. Development standards for Business Park developments:
 - Except as noted explicitly in this or other sections of this code development shall meet the parking, loading, tree protection, landscaping, open space, parkland, fencing, and lighting standards of Article 30-5 applicable to the industrial districts.
 - Business Park development plans may specify a common approach to meeting

stormwater management, tree preservation and parkland/open space requirements so that the requirements do not have to be met fully on a lot-by-lot basis.

2. Development adjacent to a street forming the boundary of a Business Park or as otherwise specified by the Additional Requirements in Table 30-4.A is subject to the commercial, office, and mixed-use design standards of Article 30-5.I unless an alternative comprehensive set of design standards is approved as part of the initial zoning establishing specific Business Park districts. These alternative design standards shall address building orientation, building facades, parking location, loading and storage location, and vacancy contingencies. Alternative design standards shall be enforced through conditional zoning condition approvals and/or through recorded property covenants with the City of Fayetteville named as a party.
3. Signage for Business Park developments shall be as follows:
 - Signage approved as a signage plan under the provisions of Section 30-5.L.10(f), Large Development Alternative Signage Plan.
 - Signage approved by City Council simultaneously with the BP zoning designation in conformance with the application submittal provisions of Section 30-5.L.10(f)(3), Large Development Alternative Signage Plan.

Section 2. Revise Table 30-3.B.1 Base Districts Established to insert the new BP Business Park District between DT Downtown and LI Light Industrial.

Section 3. Revise Table 30-3.B.2 Zero Lot Line Applicability to add BP to the fifth entry under Development Type, as shown below:

Nonresidential or mixed-use development on a tract or site less than 40,000 square feet in area located in OI, NC, LC, CC, MU, DT, BP, LI, and HI districts as a permitted use in Table 30-4.A, Use Table	Allowed - Special Use Permit also required - Comply with Commercial, Office, and Mixed-Use; Large Retail; and Transitional Design Standards, as applicable
---	--

Section 4. Revise Table 30-3.F.1 Conditional Zoning Districts Established to correct the format so that each conditional zoning district appears as [district]/CZ. Further, insert a new entry as follows, for Conditional Business Park:

DT/CZ	Conditional Downtown
BP/CZ	Conditional Business Park
LI/CZ	Conditional Light Industrial

Section 5. Create a new column in Table 30-4.A to establish the principal uses permitted in a Business Park (BP) District as P Permitted, S Special Use, or MP Subject to a Planned Development Master Plan, with Additional Requirements, all as follow. The uses in Table 30-4.A that are not listed below for BP are to be shown as / Prohibited in the BP district in the revised table.

BPO USE STANDARDS

Use Category	Use Type	BP	Additional Requirements
Day Care	Child care center	S	
Educational Facilities	Vocational or Trade School	P	
Government Facilities	Government maintenance, storage or distribution facility	P	
	Government office	P	
Health Care Facilities	Medical or dental clinic	S	
	Medical or dental lab	P	
Parks and Open Space	Greenway	P	
	Park, public or private	P	
	Public square or plaza	P	
Public Safety	Fire or EMS facility	P	
	Police substation	P	
Transportation/Communication	Helicopter landing facility	P	
	Passenger terminal, surface transportation	P	
	Telecommunications antenna, collocation on existing tower	P	
	Telecommunications antenna, placement on existing building	P	
	Telecommunications tower, freestanding	S	
	Utility, major	P	
	Utility, minor	P	
Conference and Training Centers	Conference or training center	P	
Eating Establishments	Restaurant, with indoor or outdoor seating	P	In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total overlay area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses shall be located on the periphery of the Business Park development or at a
	Specialty eating establishment	P	

			major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Design Standards.
Offices	Business services	P	
	Financial services	P	
	Professional services	P	
	Radio and television broadcasting studio	P	
Parking, commercial	Parking structure	P	
Retail Sales & Services	Financial institution, without drive-through service	P	In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total overlay area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Design Standards.
	Financial institution, with drive-through service	P	
	Convenience store, with gas sales	P	
	Drug store or pharmacy, without drive-through service	P	
	Drug store or pharmacy, with drive-through service	P	
	Retail sales establishment, large	S	
	Other retail sales establishments	P	
Visitor Accommodations	Hotel or motel	P	In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total overlay area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park

			district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Design Standards.
Industrial Services	General industrial service	P	
	Heavy equipment servicing and repair	P	
	Repair of scientific or professional instruments	P	
	Research and development	P	
	Tool repair	P	
Manufacturing and Production	Manufacturing, heavy	P	
	Manufacturing, high impact/hazardous	S	
	Manufacturing, light	P	
Freight Movement	Outdoor storage (as a principal use)	P	
	Warehouse (distribution)	P	
	Warehouse (storage)	P	
Waste-Related Services	Energy recovery plant	S	
	Incinerator	S	
Wholesale Sales	All uses	S	

Section 6. Revise Article 30-4.A Use Table to add Corporate headquarters as a Use Type in the Offices Use Category. Further, revise the table to prohibit Corporate headquarters in the Special Districts, Residential Districts, NC and the PD-R district; to allow Corporate headquarters as a permitted use in the LC, CC, MU, DT, BP, LI and HI districts; and to allow Corporate headquarters as a use subject to MP in the PD-EC and PD-TN districts.

Section 7. Revise Article 30-4.A Use Table to add Office-warehouse as a Use Type in the Industrial Services Use Category. Further, revise the table to prohibit office-warehouses in the Special Districts, Residential Districts, NC and the PD-R district; to allow office-warehouses as a permitted use in the LC, CC, MU, DT, BP, LI and HI districts; and to allow office-warehouses subject to MP in the PD-EC and PD-TN districts.

Section 8. Revise Table 30-4.C.3 Freestanding Telecommunications Tower Setback Standards, to add BP to the second row (CC, MU, LI, HI, LC) as shown below:

TABLE 30-4.C.3: FREESTANDING TELECOMMUNICATIONS TOWER SETBACK STANDARDS

ZONING DISTRICT [1]	MINIMUM SETBACK
CD, AR, SF-15, SF-10, SF-6, MR-5, MH, OI, NC	Tower height
CC, MU, BP, LI, HI, LC	Greater of: ½ tower height; or 50 feet

NOTES:

[1] New freestanding telecommunications towers are not permitted in the DT zoning district.

Section 9. Revise Table 30-4.D.2(e) Table of Permitted Accessory Uses to make Accessory Dwelling Units a permitted use (“P”) for the BP, LI and HI districts (they would be subject to the same additional requirements as for other districts).

Section 10. Create a new column in Table 30-4.D Permitted Accessory Uses to establish the accessory uses permitted in a Business Park (BP) District as P Permitted, S Special Use, or MP Subject to a Planned Development Master Plan as follows. Additional Requirements listed for these uses shall also apply to the BP district. The uses in Table 30-4.D that are not listed below for BP are to be shown as / Prohibited in the BP district in the revised table.

Accessory Uses (uses continue to be subject to any Additional Requirements in Table 30-4.D)	<ul style="list-style-type: none"> • Canopies • Accessory Dwelling Units - Caretaker’s Quarters • Outdoor Storage • Rainwater Cisterns • Satellite Dishes • Small-Scale Wind Turbines • Solar Energy Equipment • Storage/Parking of Heavy Equipment, Trucks or Trailers • Swimming Pool/Hot Tub
--	--

Section 11. Revise Article 30-4.D.3 Specific Standards for Certain Accessory Uses to add a new standard allowing Caretaker’s quarters as the only permitted accessory dwelling use allowed in BP, LI and HI districts, as follows:

30-4.D.3. (a) Accessory Dwelling Units

Accessory dwelling units shall comply with the following standards:

- (1) Not more than one accessory dwelling unit per lot is permitted, and the only type of accessory dwelling unit permitted in the BP, LI and HI districts is Caretaker’s Quarters.
- (2) Accessory dwelling units shall be located

Section 12. Revise Article 30-4.D.3(c) Specific Standards for Certain Accessory Uses - Canopies to delete entirely the first item in the list (“(1) Canopies shall be attached to a principal structure ...”) and renumber remaining items.

Section 13. Revise Article 30-4.D.3(l) Specific Standards for Certain Accessory Uses – Outdoor Storage to modify item (4) to add a phrase at the beginning, to read as follows: **“Except in the HI district** when the storage area is not adjacent to a street or a more restrictive district, each outdoor storage area shall be screened from view from all property lines”

Section 14. Revise Table 30-5.B.4(d)(5) Buffer Type Application to add the BP Business Park District as shown below:

TABLE 30-5.B.4.D.5: BUFFER TYPE APPLICATION [1]								
A = TYPE A BUFFER B = TYPE B BUFFER C = TYPE C BUFFER D = TYPE D BUFFER								
N/A = NOT APPLICABLE (NO BUFFER REQUIRED)								
ZONING CLASSIFICATION OF PROPOSED DEVELOPMENT SITE [2]	ZONING CLASSIFICATION OF ADJACENT PROPERTY							
	CD AR	SF-15, SF-10, SF-6 OR EXISTING SINGLE-FAMILY DEVELOPMENT	MR-5 MH	OI NC MU	LC CC	BP	LI	HI
CD, AR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SF-15, SF-10, SF-6	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MR-5, MH [3]	A	A	N/A	N/A	N/A	N/A	N/A	N/A
OI, NC, MU	B	B	A	N/A	N/A	N/A	N/A	N/A
LC, CC	D	D	C	A	N/A	N/A	N/A	N/A
BP, LI	D	D	C	B	A	A	N/A	N/A
HI	D	D	D	D	B	A	N/A	N/A

Section 15. Revise Table 30-5.C.3 Required Open Space/Parkland Dedication to include the BP district in the “Industrial” category except where the Additional Requirements in Table 30-4.A are applicable to the BP district.

TABLE 30-5.C.3: REQUIRED OPEN SPACE/PARKLAND DEDICATION		
USE CLASSIFICATION [1]	MINIMUM OPEN SPACE/PARKLAND AREA (AS PERCENTAGE OF DEVELOPMENT SITE AREA)	
	HLO ZONING DISTRICT NOT WITHIN DOWNTOWN (DT) [2]	ALL OTHER ZONING DISTRICTS
Residential [3]	5%	10%
Public and Institutional Use	5%	10%
Commercial and Mixed-Use	5%	10%
Industrial[4]	5%	5%
All allowed uses in the CD district	50%	

NOTES:

[1] See Table 30-4.A, Use Table.

[2] Downtown (DT) district including any HLO district within it is exempt from the open space dedication requirements.

TABLE 30-5.C.3: REQUIRED OPEN SPACE/PARKLAND DEDICATION

USE CLASSIFICATION [1]	MINIMUM OPEN SPACE/PARKLAND AREA (AS PERCENTAGE OF DEVELOPMENT SITE AREA)	
	HLO ZONING DISTRICT NOT WITHIN DOWNTOWN (DT) [2]	ALL OTHER ZONING DISTRICTS

[3] New residential development with three or fewer units shall be exempt from these requirements, as well as conservation subdivisions. Conservation subdivisions remain subject to the conservation area standards of Section 30-6.D, Conservation Subdivisions.

[4] Includes the BP Business Park district except as otherwise noted in Table 30-4.A Use Table.

Section 16. Revise Table 30-5.F.4(i) Minimum Street Connectivity Index to add BP to the first row of Districts (with SF=15, SF-10, LI and HI):

TABLE 30-5.F.4.I: MINIMUM STREET CONNECTIVITY INDEX

DISTRICT WHERE DEVELOPMENT IS PROPOSED	MINIMUM CONNECTIVITY INDEX SCORE
SF-15, SF-10, BP, LI, HI	1.40
SF-6, MH, PD-EC	1.50
MR-5, OI, NC, LC, MU, CC, PD-R, PD-TN	1.60

Section 17. Revise Table 30-5.L.8(a) Permitted Signs in Non-Residential Zoning Districts to add “BP” to the last column, with the list “LC, CC, MU, DT, LI, HI”.

Section 18. Revise Table 30-9.C Abbreviations to correct the format for conditional districts consistent with Section 4 above. Further, insert the following new listings:

BP	Business Park District
BP/CZ	Conditional Business Park District

Section 19. Revise Article 30-9.D. by adding the following new definitions:

CORPORATE HEADQUARTERS

A use that contains the functions necessary to direct the corporate management and policymaking of an multinational-, national-, or multistate-registered corporation, such as senior management, strategic planning, corporate communications, marketing, finance, human resources, and/or information technology.

DEVELOPABLE AREA

The portion of a site that excludes public or private rights-of-way, delineated wetlands or floodways, publicly-dedicated parks or open space, stormwater detention areas serving more than one property and other areas where development is precluded by natural features or public use.

OFFICE-WAREHOUSE

A land use that includes offices that support showroom, research and development, distribution or warehouse uses; also known as flex space.

Section 20. **Revise Section 30-4.C.5(b) Industrial Services, Item 1 Electrical Motor Repair, ..., to add BP in the first sentence, as follows: "In any authorized district other than BP, LI or HI, repair of ..."**

Section 21. **Revise Article 30-5.E.5 Design Standards for Exterior Lighting, Item () (1), to add BP as follows:**

30-5.E.5. Design Standards for Exterior Lighting

All exterior lighting shall meet the following standards:

(a) Maximum Lighting Height

(1) Except for athletic fields or performance areas, the height of outdoor lighting, whether mounted on poles, walls, or by other means, shall be no greater than 20 feet in residential districts and OI, NC, MU, and DT districts, and no greater than 30 feet in LC, CC, BP and industrial districts.

Section 22. **Revise Article 30-2.B.5 Item (c) Applicability to add BP to the list of applicable zoning districts for which a Neighborhood Meeting would be required if the requested rezoning is proposed to be from a CD Conservation zoning to one of these mixed residential or business districts.**

Section 23. **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 24. **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 13th day of November, 2012.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

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City of
Fayetteville
North Carolina



Public Hearing 11/13/2012

Business Park zoning district



Request by: Development Services - Planning

Request to: Amend Article 30 to create a Business Park zoning district with related changes in use definitions and classification.

City of
Fayetteville
North Carolina

Background



- Business Parks -- a blend of uses from service commercial (food and lodging) to heavier industrial uses.
- Current OI, CC, LI and HI districts do not include this wide a range.
- Setback and related standards in LI and HI are demanding, to protect the adjacent uses which may not be industrial.

City of
Fayetteville
North Carolina

Specific Standards



1. Purpose
2. Minimum area – 50 acres
3. Basic development standards (setbacks, individual site area...)
4. Principal Uses (and some new uses and definitions)
5. Standards for more public / service oriented uses
6. Accessory Uses
7. Other applicable development standards



Seven Evaluation Standards



1. Consistent with City-adopted plans
2. Any conflict with other regulations
3. Changed conditions requiring amendment
4. Community need demonstrated
5. Consistent with purpose of districts, improves compatibility of uses...
6. Contributes to logical, orderly development
7. Minimal/no impacts on natural environment



City Council Options



Options:

1. Approve as presented (recommended by the Planning Commission and staff)
2. Modify and approve
3. Defer or table action and provide guidance for further research
4. Deny the text amendment

City of
Fayetteville
North Carolina

Recommendation



The Planning Commission and Staff recommend that City Council move to:

- **APPROVE Option 1**, the amendment to create a new Business Park base zoning district as presented, based on the finding that all seven review standards provided in Article 30-2 for text amendments have been met.



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager Planning and Zoning Division
DATE: November 13, 2012
RE: **Amendments to City Code Chapter 30 to make corrections and minor adjustment to various sections, tables and figures, including setbacks in SF-10, SF-15 and NC districts, auto-oriented standards, parking and loading, calculating gross residential densities, zero lot line, paint/body shop standards, easements and setbacks, performance bonds, glazing in DT district, and other changes consistent with interpretations to date.**

THE QUESTION:

Are the proposed changes consistent with the overall community objectives and public health, safety and welfare? (Also see the attached report with the seven standards for considering amendments to Chapter 30.)

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base diversity - Strong Local Economy
Livable Neighborhoods

BACKGROUND:

The staff has identified additional corrections and minor changes or cleanup through regular use of the new Development Code and comments received from the private sector users.

ISSUES:

The UDO provides seven standards of review for proposed text amendments. The attached Ordinance is consistent with those standards, as provided in the attached staff report.

BUDGET IMPACT:

None.

OPTIONS:

1. Adopt the ordinance to correct and adjust various sections of Article 30, as presented by staff (Recommended).
2. Modify and adopt the ordinance.
3. Defer or table the ordinance and provide guidance for further research.
4. Deny adoption of the proposed ordinance.

RECOMMENDED ACTION:

The Planning Commission and staff recommend that the City Council moves to adopt the amendment as presented by staff based on the finding that all seven review standards provided in Article 30-2 for text amendments have been met.

ATTACHMENTS:

Staff Report - Evaluation Criteria
Draft Ordinance - Clean Up Set 6

**Staff Report
Proposed Text Amendment
Various Corrections and Adjustments (Set 6)**

Proposed amendment: Staff-initiated text amendment collectively referred to as Set 6 to adjust and correct numerous sections of City Code Chapter 30:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO MAKE MINOR CORRECTIONS AND ADJUSTMENTS INCLUDING SETBACKS IN NC DISTRICT, AUTO-ORIENTED DEVELOPMENT STANDARDS, PARKING AND LOADING STANDARDS, CALCULATION OF GROSS RESIDENTIAL DENSITIES, ZERO LOT LINE, RESIDENTIAL CORNER SIDE AND REAR SETBACKS, PAINT AND BODY SHOP STANDARDS, SETBACK COMPLIANCE AND EASEMENTS, PERFORMANCE BONDS, GLAZING IN DOWNTOWN DISTRICT, AND OTHER CHANGES CONSISTENT WITH INTERPRETATIONS TO DATE AS WELL AS OTHER CORRECTIONS INCLUDING NUMEROUS FIGURES [collectively referred to as Set 6].

Background: The proposed amendments reflect corrections staff has been accumulating, or adjustments that staff considers minor that have emerged during daily application of the new development code. This is part of an on-going overall fine-tuning and correcting typical of completely re-written codes.

Analysis: The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the following table, although with so many corrections and minor adjustments, the analysis is only relevant in a few situations or very generally.

Standard	Analysis
1) Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable;	Supports Strategic Plan goals for strong local economy and more attractive city.
2) Whether the proposed amendment is in conflict with any provision of this Ordinance, and related City regulations;	No direct conflict is apparent.
3) Whether and the extent to which there are changed conditions that require an amendment;	Observation and daily application have helped in identifying minor adjusts such as parking and loading standards, performance bond items, and so forth.
4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;	These corrections and adjustments should remove some conflicts or areas of confusion and more accurately reflect current development needs such as loading and parking.
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;	These corrections and adjustments should remove some conflicts or areas of confusion and more accurately reflect current development needs such as loading and parking.

6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and	These corrections and adjustments should remove some conflicts or areas of confusion and more accurately reflect current development needs such as loading and parking.
7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment	There should not be negative environmental impacts.

Recommendation. The Planning Commission and staff recommend approval of the draft text amendments collectively referred to as Set 6.

Options:

- Approval of the text amendment referred to as Set 6, to adjust and correct several sections of City Code Chapter 30 (recommended by Planning Commission and staff)
- Approval with modifications of the proposed text amendments (Set 6).
- Denial of the proposed text amendments.
- Continue the hearing to a date certain with direction for further research or change.

Attachments: Draft Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO MAKE MINOR CORRECTIONS AND ADJUSTMENTS INCLUDING SETBACKS IN NC DISTRICT, AUTO-ORIENTED DEVELOPMENT STANDARDS, PARKING AND LOADING STANDARDS, CALCULATION OF GROSS RESIDENTIAL DENSITIES, ZERO LOT LINE, RESIDENTIAL CORNER SIDE AND REAR SETBACKS, PAINT AND BODY SHOP STANDARDS, SETBACK COMPLIANCE AND EASEMENTS, PERFORMANCE BONDS, GLAZING IN DOWNTOWN DISTRICT, AND OTHER CHANGES CONSISTENT WITH INTERPRETATIONS TO DATE AS WELL AS OTHER CORRECTIONS INCLUDING NUMEROUS FIGURES [collectively referred to as Set 6].

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 Sec. 30-3.E.3 Neighborhood Commercial (NC) District to change the minimum front and corner side setbacks from “Within 5 of average for lots on same block face, but no less than 10” [ft] to “10”.

30-3.E.3. Neighborhood Commercial (NC) District

DIMENSIONAL STANDARD	NONRESIDENTIAL	MIXED-USE	SINGLE-FAMILY DWELLINGS	ALL OTHER RESIDENTIAL USES	ACCESSORY STRUCTURES

Front and corner side setback, min. (ft) [3]	10				Not allowed in front, side, or corner side yard areas
Side setback, min. (ft) [3]	3; 15 when abutting single-family zoning or use		5	10	

Explanation: While the relationship to setbacks of existing development normally is desirable, this standard is inadvertently having exactly the opposite impact as portions of the city transition to higher density and more walkable areas. Parking standards for the NC district require parking to be to the side or rear for one-story development in NC, and the ten foot front and corner side setback allows maximum use of the property in the context of more pedestrian, neighborhood-scale development. The current relational setback standard can force a neighborhood scale shop to mimic an adjacent building set back 100 feet or more.

Section 2. Revise Sec. 30-5.I.3(g) Auto-Oriented Uses as follows to clarify that on corner lots, auto-oriented features are only prohibited on the front, between the

building and the principal street, rather than on both the front and corner sides.

30-5.1.3. (g) Auto-Oriented Uses

Automobile-oriented uses or facilities include but are not limited to gas pumps, drive-throughs, pick-up windows, or other accessory uses intended for access while inside a vehicle. In no instance shall an auto-oriented feature be located between a building and the principal street it fronts.

Explanation: The first part of this section appears to conflict with the last part, at least with regard to arterial and collector streets. Staff interpretation in April 2012 was that the emphasis should be on keeping auto-oriented features of a building from being located on the side fronting the principal street. This revision is consistent with that interpretation.

Section 3. Correct the second word in item b of Sec. 30-4.C.2(b)(3) Group Home, Small, from “large” to “small”.

30-4.C.2. (b) (3) Group Home, Small

- a. ...**
- b. A small group home shall be located at least 2,640 feet (approximately one-half mile) from any other group home or therapeutic home.**

Section 4. Revise Article 30-5.A.10 to add the following sentence at the end of item (a):

30-5.A.10

- (a) “...than those required by this section. The intent of these standards is to prevent commercial loading and unloading activities from occurring on public or private streets or blocking other vehicular circulation.”**

Section 5. Revise Table 30-5.A.10 Required Off-Street Loading Spaces to change the heading currently titled “Gross Floor Area (GFA)” to read “Units or Gross Floor Area (GFA)”. Further, add an item “Visitor Accommodations” under Use or Activity, starting at 50 units or more and establish the minimum number of loading spaces required for Visitor Accommodations as 1 space plus 1 per each additional 100 units. Further, modify the standards as shown below for other Use or Activity categories, specifically :

TABLE 30-5.A.10: REQUIRED OFF-STREET LOADING SPACES [1]		
USE OR ACTIVITY [2]	UNITS OR GROSS FLOOR AREA (GFA)	MINIMUM NUMBER OF LOADING SPACES

TABLE 30-5.A.10: REQUIRED OFF-STREET LOADING SPACES [1]

USE OR ACTIVITY [2]	UNITS OR GROSS FLOOR AREA (GFA)	MINIMUM NUMBER OF LOADING SPACES
Offices and personal service establishments	15,000 sf or more	1
Visitor Accommodations	50 – 149 units	1 plus 1 per each additional 100 units above 149 units
Space used by, designed for, or adaptable to a retail sales and services use	10,000 – 19,999 sf	1
	20,000 sf – 49,999 sf	2
	50,000 – 99,999 sf	3
	100,000 sf or more	4 + 1 per every 100,000 sf GFA above 100,000 sf GFA
Wholesale and manufacturing uses	Up to 15,000 sf	1
	15,000 – 49,999 sf	2
	50,000 sf or more	3 + 1 per every 50,000 sf GFA above 50,000 sf GFA
All other Commercial and Industrial Uses	15,000 sf – 39,999 sf	1
	40,000 – 99,999 sf	2
	100,000 – 159,999 sf	3
	160,000 – 239,999 sf	4
	240,000 – 319,999 sf	5
	320,000 – 399,999 sf	6
	400,000 sf or more	7 + 1 per every 100,000 sf GFA above 400,000 sf GFA

NOTES:

Explanation: Practice with the new standards indicates that fewer loading spaces are required for most of these categories. One new category of use/activity is recommended, “Visitor Accommodations,” and the initial point at which any dedicated loading space is required is raised in several other categories.

Section 6. Revise Sec. 30-9.B.1(d) Gross Residential Density Measurement by adding a new paragraph at the end of Item (1), as shown below, to help distinguish between mixed use and a development with different uses in different parts of the site.

30-9. B. 1. (d) Gross Residential Density Measurement

- (1)** Gross residential density (the number of dwelling units per gross acre of land) is determined by dividing the number of dwelling units by the total

area of land within the boundaries of a parcel of land, including existing streets, dedicated right-of-way, and open space set-asides, except as otherwise provided in this Ordinance.

When the different uses on a large parcel are in separate areas, as in a PUD Planned Development and a higher density is allowed for “mixed use” in that district, the higher density rate may be used but only the acreage attributable to the residential use shall be used to calculate gross residential density. When the different uses are functionally integrated, either horizontally or vertically, both the higher rate and the entire acreage may be used to calculate gross residential density.

- (2) In cases where a site’s acreage allows a gross density that exceeds a whole number by 0.6 or more, the total density may be rounded upwards to the next whole number, thus allowing an additional dwelling unit to be located on a site.

Explanation: There is no guidance as to what acreage may be included. Since the local PND allows mixed use but in the discretely separated areas, the interpretation has been to allow the higher density but only for the acreage occupied by the residential uses in the development. In a mixed use development in which the different uses are fully integrated either horizontally or vertically, the higher density rate may be applied to the acreage of the entire site. These changes codify the interpretation made in June 2012.

Section 7. Revise Table 30-5.A.4.b Minimum Off-Street Parking Standards, to change the minimum parking required for Self-Service Storage – Mini-Warehouse, from 1 per 100 units to 5 for the first 100 units plus 1 per each additional 100 units.

TABLE 30-5.A.4.B: MINIMUM OFF-STREET PARKING STANDARDS		
USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES [1]
AGRICULTURAL USE CLASSIFICATION		

COMMERCIAL USE CLASSIFICATION		
Uses in the commercial use classification shall not provide more than 140 percent of the minimum number of spaces required except through an approved alternative parking plan (see Section 30-5.A.8).		

Self-Service Storage	Mini-warehouse	5 for the first 100 units plus 1 per each additional 100 units

The minimum parking of 1 per 100 units, capped at 140% for maximum spaces allowed, does not even allow for one handicap space plus the manager and any visitor/employer.

Section 8: Delete Figure 30-3.B.2 Zero Lot Line Development. Further, revise Article 30-3.B.2(c)(2) to delete (2)a. Required Setbacks in its entirety and replace with the following:

30-3.B.2(c) Standards

(1) Density

(2) Required Setbacks

- a. Lots and yard setbacks internal to a zero lot line development may deviate from the minimum yard and lot area requirements, but perimeter lots must meet the front setbacks of the properties across the street right of way or of adjacent property(s) not in the zero lot line development.
- b. Setbacks associated with an overlay district or any applicable setbacks from natural resources shall apply to all lots within a zero lot line development.

(3) Compliance with Design Standards

All zero lot line development shall comply with all applicable development standards in Article 30-5: Development Standards, including the single-family, multi-family, commercial, office, and mixed-use, large retail, and transitional standards in Article 30-5: Development Standards.

Explanation: There are conflicting standards in the Figure and the text associated with Zero Lot Line (ZLL) development. While additional changes may be prepared for ZLL regulations in the near future, these changes eliminate the conflicts and preserve the compatibility with adjacent non-ZLL properties and those across a street.

Section 9. In Article 30-3.D.2 and 30-3.D.3, revise the rear setback standard for corner lots in the SF-10 and SF-15 residential zoning districts to allow for a reduction of 15 feet in the minimum rear yard setback when the corner side setback is 25 feet or more, as follows:

30-3.D.2. Single-Family Residential 15 (SF-15) District

DIMENSIONAL STANDARDS				
DIMENSIONAL STANDARD	SINGLE-FAMILY DETACHED DWELLINGS	TWO- TO FOUR-FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES	ACCESSORY STRUCTURES
Rear setback, min. (ft) [3]	35; 15 when corner side setback is 25 or more		5	

30-3.D.3. Single-Family Residential 10 (SF-10) District

DIMENSIONAL STANDARDS					
DIMENSIONAL STANDARD	SINGLE-FAMILY DETACHED DWELLINGS	SINGLE-FAMILY ATTACHED DWELLINGS	TWO- TO FOUR-FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES	ACCESSORY STRUCTURES
Rear setback, min. (ft) [3]	35; 15 when corner side setback is 25 or more				5

Explanation: SF-6 already includes previous regulation that allowed the rear setback to be reduced to 15 feet when the corner side yard setback is 25 feet or more. This reduction is not replicated in the other single family residential districts. The reduction recognizes that when the corner side yard meets the larger front setback standard, more of the remaining property may be required for building area. This change is consistent with the Interpretation made April 9, 2012 and would reduce the number of non-conforming situations.

Section 10. Revise Article 30-4.C.4(j)(1) Automotive Painting/Body Shop to change the separation requirements in Item a as follows, to require the separation when the shop is a permitted use and allow it to be determined during the process when it is allowed only through special use permit:

30-4.C.4. (j) (1) Automotive Painting/Body Shop

Automobile painting/body shop uses shall comply with the following standards:

- a. In districts where the use is permitted, the use shall be located at least 250 feet from any residential building, educational facility (except vocational schools), or child care center. When the use is allowed subject to a special use permit, the appropriate distance can be determined based on site conditions.

Explanation: Use specific standards in C.4(j)(1)a require a 250 foot separation from residential uses, educational facilities or child care centers. Article 4 standards cannot be varied. Since the use is permitted in LI and HI districts, a minimum separation from residential uses, educational facilities or child care centers continues to be appropriate to provide protection for those uses but otherwise allow the automotive paint/body shop to go forward under standard requirements and review. Since automotive paint and body shops require a Special Use Permit in CC community commercial, the appropriate separation can be a condition of approval and related directly to the conditions around the use. This change would be consistent with the Interpretation made April 25, 2012.

Section 11. Correct Article 20-5.K.3 to insert the word “not” in the phrase ‘shall be configured to ...’, as shown below:

30-5.K.3. (e) Off-Street Parking Areas

- (1) ---
- (2) ---
- (3) Parking structure facades adjacent to single-family detached development shall not be configured to appear as solid building walls, to soften their visual impact.

Section 12. Revise Article 30-6.C.1(a)(1) to read as follows by removing the phrase “potable water facilities, wastewater facilities, street lights”:

- (1) To ensure the completion of public infrastructure improvements that are required as part of an approved Subdivision Plan (e.g., streets, sidewalks, stormwater management facilities,), but are not approved by the City Manager as complete before application for approval of a final plat (section 30-2.C.6.d.4);

Explanation: This change clarifies this section by deleting public infrastructure improvements already included in Article 30-6.C.1(b).

Section 13. Revise Article 30-6.C.1(b) to read as follows by removing the stricken language:

- (b) **Utilities and Street Lights**
Public utilities, including potable water, sanitary sewer, , and street lights may not be subject to a performance guarantee in accordance with this ordinance. The PWC or other relevant utility service provider shall administer performance guarantees for their respective utilities.

Explanation: This change clarifies this section by deleting stormwater facilities already included in Article 30-6.C.1(a)(1).

Section 14. In 30-3.A General Provisions, add a new item titled “Compliance Relative to Utility or Transportation ROW”, to allow development to begin at the nearest reasonable building line when an existing ROW or new ROW essential to public service levels (such as a widened roadway or high tension transmission line) precludes compliance with the district setback standards.

30-3.A. General Provisions

- 1. **TYPES OF ZONING DISTRICTS**

- 2. **COMPLIANCE WITH DISTRICT STANDARDS**

3. **COMPLIANCE RELATIVE TO UTILITY OR TRANSPORTATION RIGHT OF WAY**
 When an existing Right-of-Way or new Right-of-Way (ROW) essential to public service levels (such as a widened roadway or high tension transmission line) precludes compliance with **maximum** district setback standards, the City Manager may authorize development to begin at the nearest reasonable building line.

Section 15. In Article 30-3.E.7 Downtown District Dimensional Standards Table, revise the row titled “Percentage of first-floor wall occupied by glazing/doors (min %)” to include the following additional language in the columns for Principal Uses and for Accessory Structures: 30 for residential uses .

30-3.E.7. Downtown (DT) District

DIMENSIONAL STANDARDS		
DIMENSIONAL STANDARD	PRINCIPAL USES	ACCESSORY STRUCTURES
Percentage of first-floor wall occupied by glazing/doors (min. %)	50 when abutting a street; 30 for residential uses	50 when abutting a street

Explanation: Residential uses typically are not expected to include as much glazing on the ground floor as other non-residential uses. NOTE: This incorporates previous amendments.

Section 16. Revise the figures as listed below to correct references, modify standards shown in the figures to better illustrate or be consistent with the text, or to otherwise modify as necessary or useful in illustrating the regulation(s). The following graphic designations as well as any textual reference to these graphics shall be amended as follows:

Existing Graphic Designation

Revised Graphic

Figure 30-1.G.4

Figure 30-1.G.4: Zoning Line Interpretation

Figure 30-2.C.1: Valid Protest Petitions

Figure 30-2.C.1.f: Valid Protest Petitions

Figure 30-3.B.2 Zero Lot Line Development

~~Figure 30-3.B.2 Zero Lot Line Development~~

Figure 30-3.E.3.c: NC Typical Building/Lot Configuration

Figure 30-3.E.3.c: NC Typical Building/Lot Configuration [Note- See revised graphic below.]

Figure 30-3.E.5.a: MU Typical Lot Pattern (reserved)

Figure 30-3.E.6.a: MU Typical Lot Pattern (reserved)

Figure 30-3.E.5.b: MU Typical Building Form

Figure 30-3.E.6.b: MU Typical Building Form

Figure 30-3.G.5: Walking Distance

Figure 30-3.G.5.a: Walking Distance

TABLE 30-3.H.1: OVERLAY ZONING DISTRICTS ESTABLISHED TABLE 30-3.H.1.B: OVERLAY ZONING DISTRICTS ESTABLISHED

TABLE 30-4.A USE TABLE

TABLE 30-4.A.2: USE TABLE

TABLE 30-4.D: TABLE OF PERMITTED ACCESSORY USES TABLE 30-4.D.2.E: TABLE OF PERMITTED ACCESSORY USES

Figure 30-5.A.5: Maximum Vehicular Use Area

Figure 30-5.A.5.b: Maximum Vehicular Use Area

TABLE 30-5.A.4.C OFF-STREET PARKING STANDARDS FOR SELECTED INDUSTRIAL USES

TABLE 30-5.A.4.C: OFF-STREET PARKING STANDARDS FOR SELECTED INDUSTRIAL USES

TABLE 30-5.A.8: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

TABLE 30-5.A.7: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

Figure 30-5.A.8: Parking Stall Measurement

Figure 30-5.A.7: Parking Stall Measurement [*Note- See revised graphic below.*]

Figure 30-5.A.10: Loading Spaces

Figure 30-5.A.10: Loading Spaces

TABLE 30-5.A.11.A: REQUIRED STACKING/STANDING SPACES TABLE 30-5.A.11.B: REQUIRED STACKING/STANDING SPACES

Figure 30-5.A.11.a: Parking Lot Entrances

Figure 30-5.A.11.c: Parking Lot Entrances

Figure 30-5.A.11: Stacking Spaces

Figure 30-5.A.11.b: Stacking Spaces [*Note- See revised graphic below.*]

TABLE 30-5.A.11.**B** STACKING LANES FOR PARKING LOTS TABLE 30-5.A.11.**C**:
STACKING LANES FOR
PARKING LOTS

Figure 30-5.A.**12**: Primary Drive Aisles
Aisles

Figure 30-5.A.**11.e**: Primary Drive

Figure 30-5.A.**13**: Pedestrian Pathways

Figure 30-5.A.**11.f**: Pedestrian
Pathways

Figure 30-5.B.4.b: Site & Building Landscaping Placement Figure 30-5.B.4.b: Site & Building
Landscaping Placement [*Note- See
revised graphic below.*]

Figure 30-5.B.4.c: Vehicular Use Area Landscaping

Figure 30-5.B.4.c: Vehicular Use
Area Landscaping

Figure 30-5.D.9.**e**: Fence Appearance

Figure 30-5.D.9.**b**: Fence
Appearance

Figure 30-5.E.5.b: Awning Illumination

Figure 30-5.E.5.b.**3**: Awning
Illumination

TABLE 30-5.E.5: MAXIMUM ILLUMINATION LEVELS TABLE 30-5.E.5.**C**:
MAXIMUM ILLUMINATION
LEVELS

Figure 30-5.F.4.**i**: Sight Distance Triangles

Figure 30-5.F.4.**c**: Sight Distance
Triangles

Figure 30-5.F.4.**ii**: Street Connectivity Index

Figure 30-5.F.4.**f.2**: Street
Connectivity Index

TABLE 30-5.F.4.**F**: MINIMUM STREET CONNECTIVITY INDEX TABLE 30-5.F.4.**F**:
MINIMUM STREET
CONNECTIVITY INDEX

Figure 30-5.F.4.**iii**: Pedestrian Connections

Figure 30-5.F.4.**f.4**: Pedestrian
Connections

Figure 30-5.F.4.**k**: Traffic Calming

Figure 30-5.F.4.**h**: Traffic Calming

Figure 30-5.H.4.**g**: Multi-family Parking Location

Figure 30-5.H.4.**e**: Multi-Family
Parking Location

Figure 30-5.J.5.**1**: Façade Treatments

Figure 30-5.J.5.**a.1**: Façade
Treatments

Figure 30-5.J.5.2: Large Retail Facades

Figure 30-5.J.5.b: Large Retail Facades [Note- See revised graphic below.]

Figure 30-5.K.3.b: Building Facades in Transitional Areas

Figure 30-5.K.3.b: Building Facades in Transitional Areas

TABLE 30-6.A.4: STREET RIGHT-OF-WAY WIDTHS

TABLE 30-6.A.4.A.1: STREET RIGHT-OF-WAY WIDTHS

Figure 30-6.A.4.e: Street Intersections

Figure 30-6.A.4.a.2: Street Intersections



Figure 30-3.B.2 Zero Lot Line Development

Lots and yard setbacks internal to a zero lot line development may deviate from minimum yard and lot area requirements, but perimeter yard setbacks shall comply with minimum yard standards.

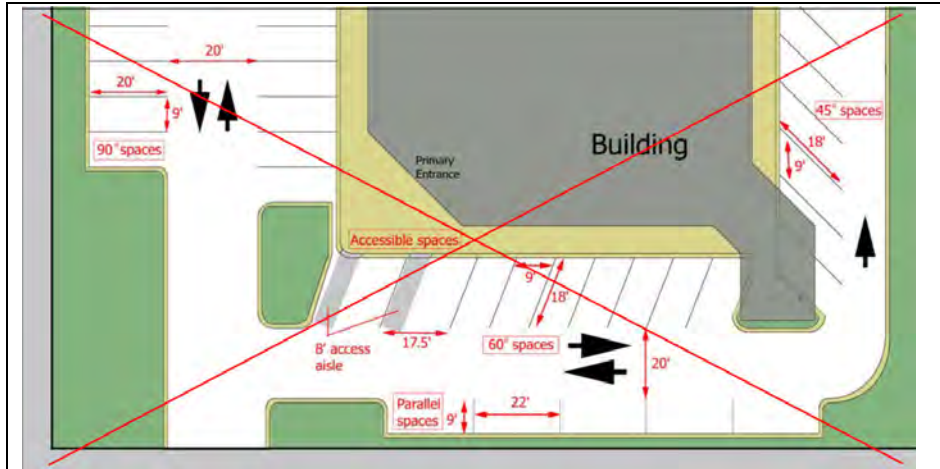


Figure 30-5.A.8: Parking Stall Measurement

Parking stall width and length is measured from the face of the curb, or the inside edge of the striping, as appropriate.

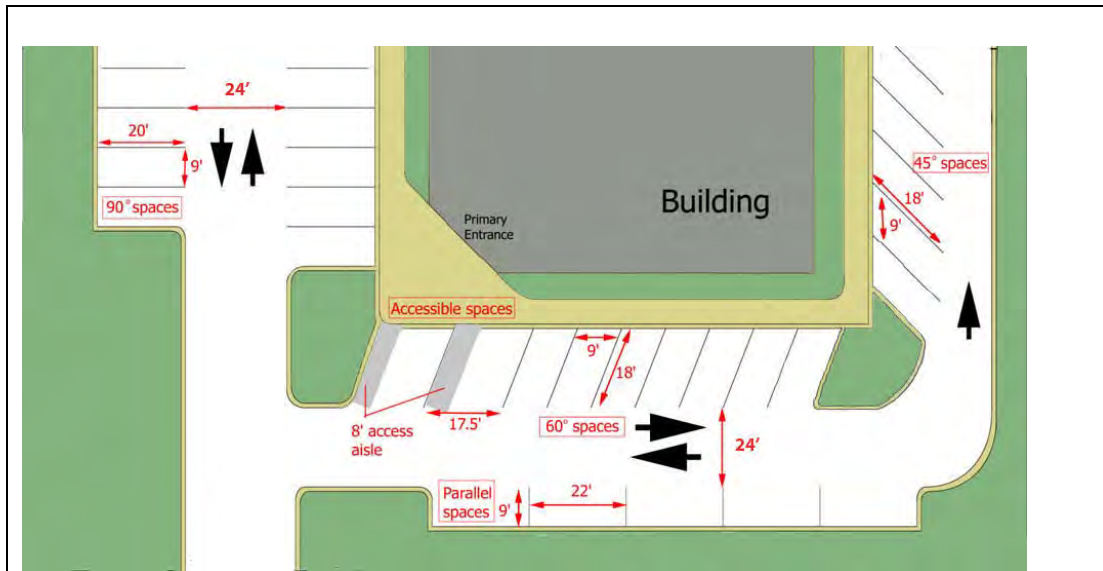


Figure 30-5.A.7: Parking Stall Measurement

Parking stall width and length is measured from the face of the curb, or the inside edge of the striping, as appropriate.

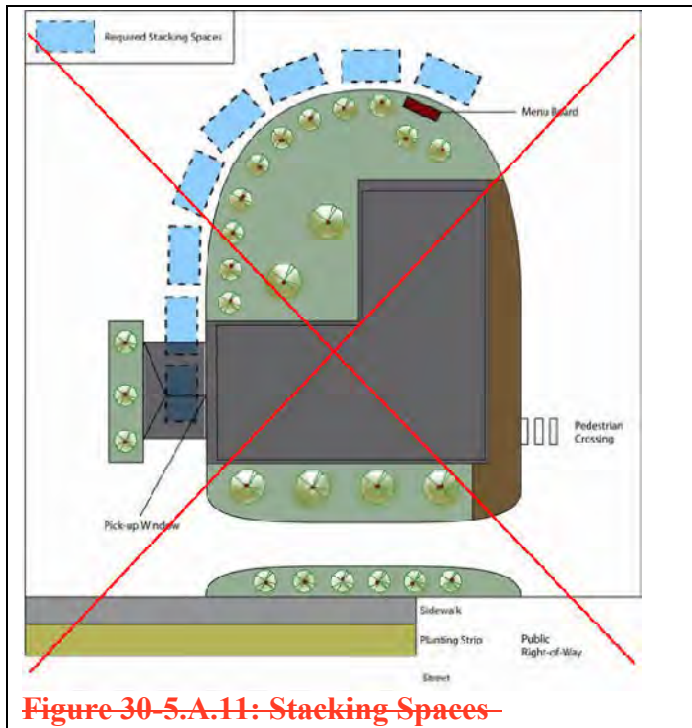


Figure 30-5.A.11: Stacking Spaces

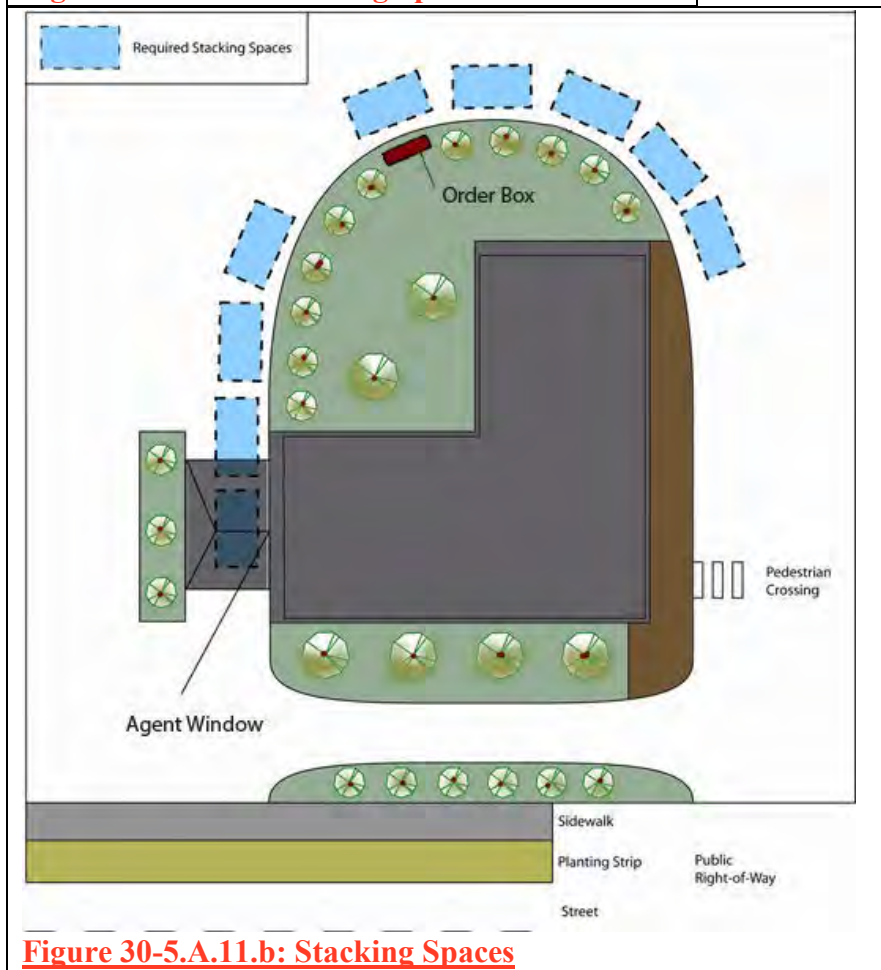


Figure 30-5.A.11.b: Stacking Spaces

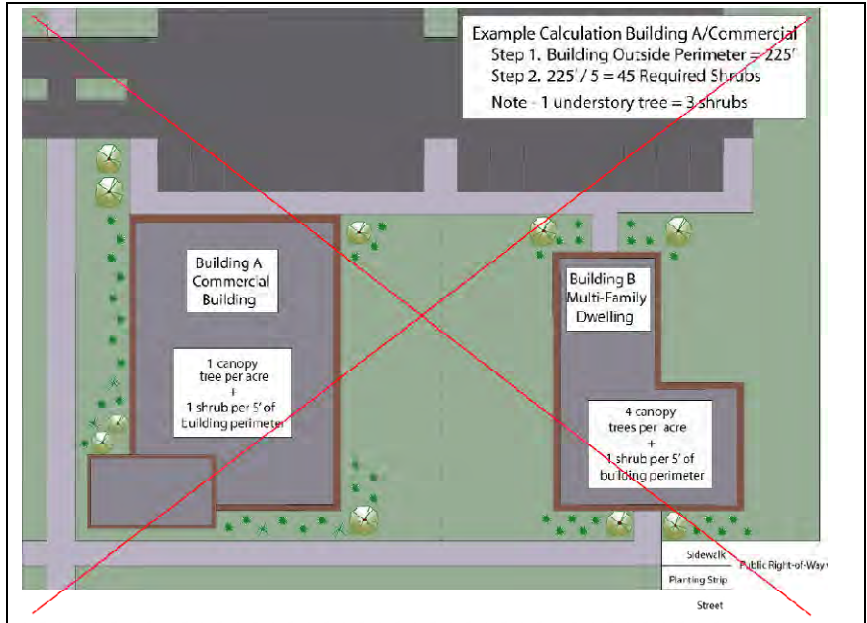


Figure 30-5.B.4.b: Site & Building Landscaping Placement
 Site landscaping includes foundation plantings and trees dispersed across a development site.

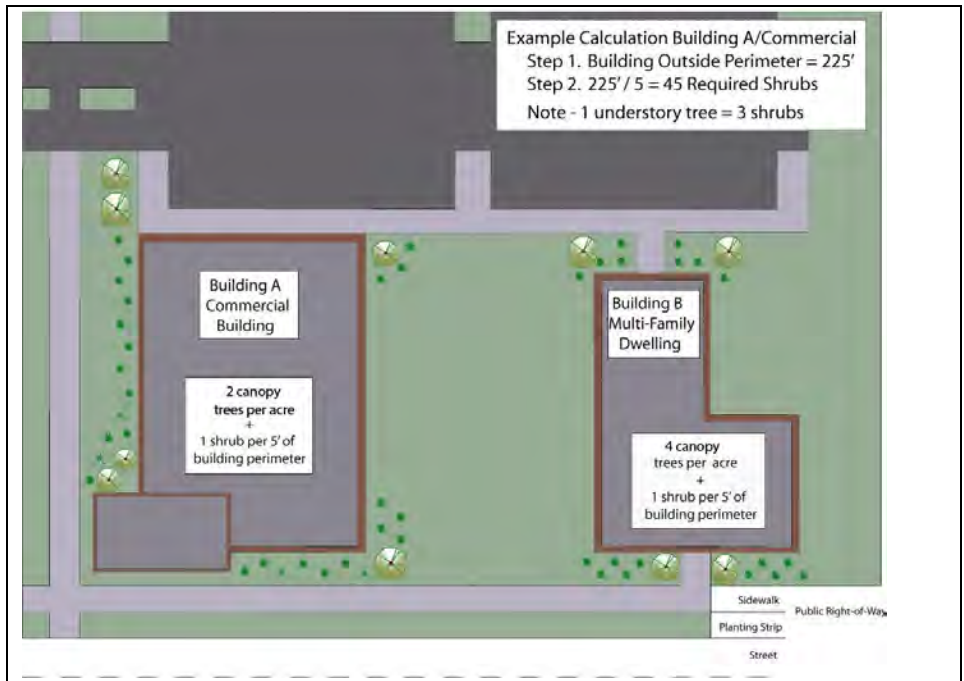
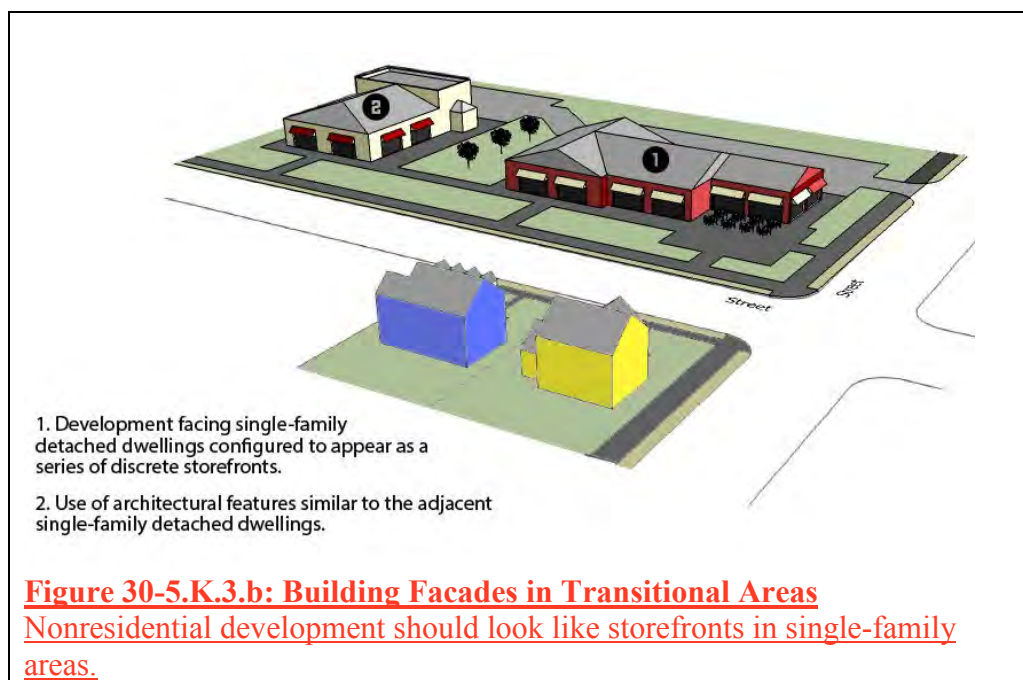
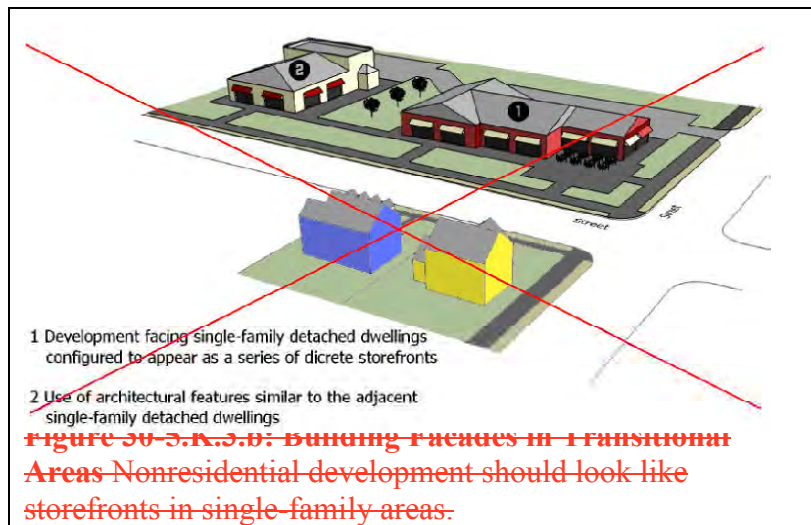


Figure 30-5.B.4.b: Site & Building Landscaping Placement
 Site landscaping includes foundation plantings and trees dispersed across a development site.



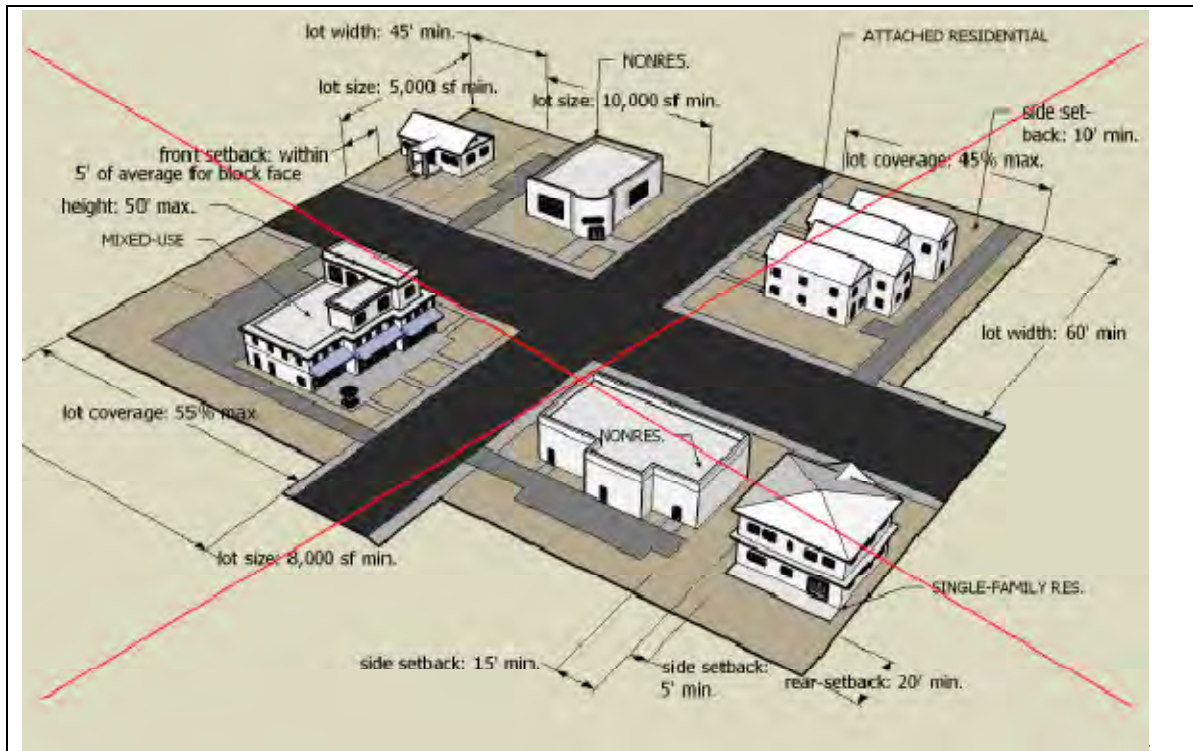


Figure 30-3.E.3.e: NC Typical Building/Lot Configuration

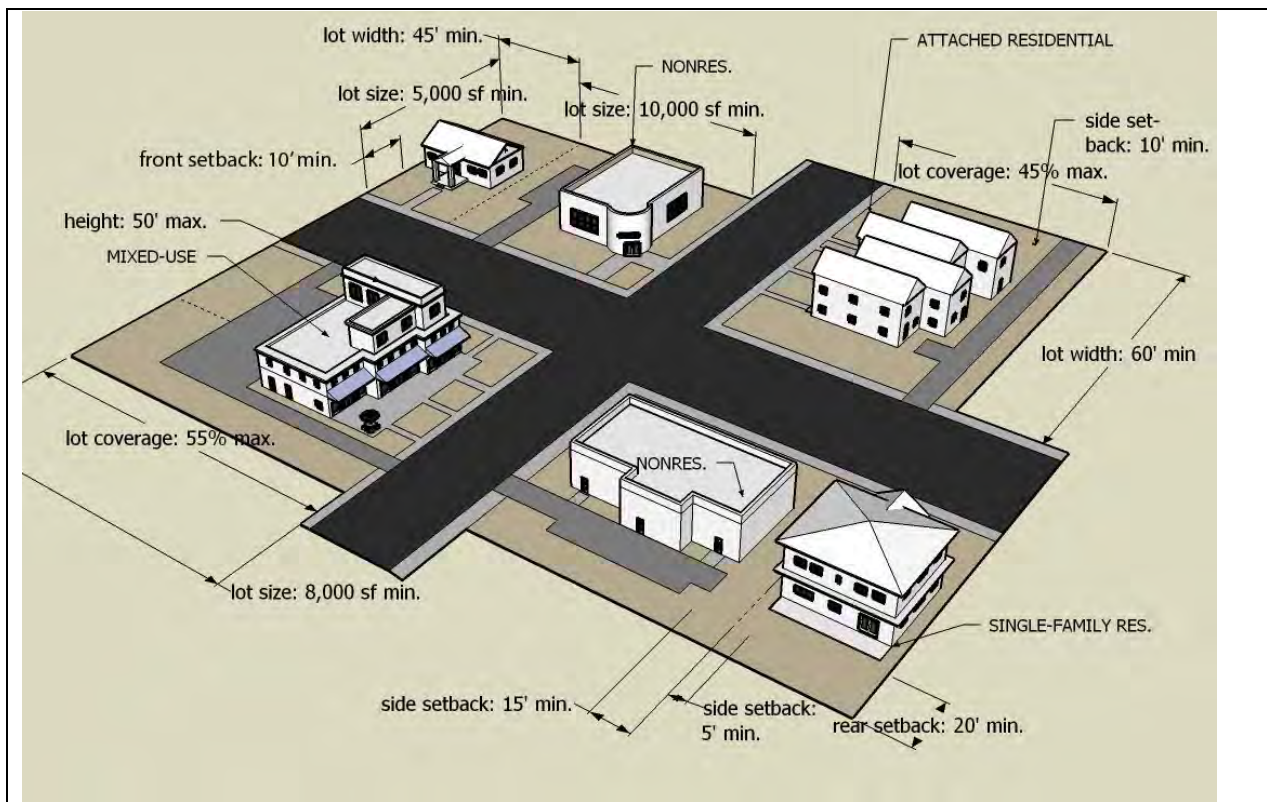


Figure 30-3.E.3.c: NC Typical Building/Lot Configuration

Section 17. 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 18. 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 Members of City Council
FROM: Karen S. Hilton, AICP, Manager, Planning and Zoning Division
DATE: November 13, 2012
RE: **Request by Lamar Advertising for an amendment to City Code Chapter 30 to permit conversion of an existing billboard to a digital face with the removal of two other existing billboard faces.**

THE QUESTION:

Is allowing the conversion to digital billboards, with removal of others, consistent with community goals and objectives? (Also see enclosed report addressing seven standards for text amendments.)

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - Great Place to Live
Greater Tax Base Diversity - Strong Local Economy
More Attractive City - Clean and Beautiful

BACKGROUND:

Staff has received a privately-initiated text amendment by attorney Neil Yarborough on behalf of Lamar Outdoor Advertising that would allow the installation of a single digital billboard to replace three conventional billboard faces (including the face being upgraded to digital). Several standards for light levels, size, placement, separation from other billboards, height and related standards are included.

Current regulations do not permit digital billboards. New billboards are only allowed in LI and HI industrial districts and only if they meet specific standards for spacing (2000 feet from another billboard and 500 feet from residential zoning districts).

Currently, nonconforming billboards (most of the billboards in the city) may be upgraded under certain standards, including removal of one face for each face that is upgraded, through a hearing process at the Planning Commission. All faces remain static, however. The objective is the public benefit of the gradual reduction in number, in exchange for those that remain being better-maintained, stronger, and more attractive.

The few existing digital billboards in the City are the result of a 2008 agreement between the City and Lamar Advertising. That agreement allowed one nonconforming billboard face to upgrade to digital with removal of three other nonconforming billboard faces.

The requested change by Lamar Advertising would explicitly allow digital billboard faces under certain conditions, including a trade-off system similar to that described above but at a lower rate. In this request, the focus on nonconforming signs is deleted, to allow the upgrade of a conforming billboard face to digital with the removal of any two other existing billboard faces.

At the Planning Commission hearing on October 15, there was no opposition. There were three representatives of Lamar Advertising speaking in favor of the amendment, including the changes recommended by staff except for the higher trade-off ratio of 3 for 1. Among discussion items, the Planning Commission considered the potential of a more rapid upgrading to digital with the lower trade-off rate.

ISSUES:

Nonconforming Focus: The staff and the Planning Commission recommend that the transfer / upgrade process be placed in the Nonconformities chapter (Art. 30-7) because nearly all upgrades or transfers will be nonconforming signs. The fundamental objective would continue to be

to amortize nonconforming billboards, steadily reducing the number while allowing maintenance that acknowledges changes in technologies.

Review/Approval Process with Standards: An administrative permit process is recommended instead of the public hearing. The most intrusive billboards in our gateway areas were removed during the initial years of the transfer process and guidelines will continue to focus on removal in key areas of our gateway corridors. There have been no complaints, the existing digital billboards have been well managed in terms of light levels and frequency of change, and specific standards will help ensure those things would continue.

Rate of Transfer or Conversion: Staff recommended a 3 for 1 transfer for an upgrade to a digital face for the following reasons:

1. The upgrade enables a disproportionate increase in the number of advertisements capable of being displayed on the upgraded digital face during any given period versus the static faces.
2. The 3:1 exchange reduces the overall number of billboards a little more rapidly and has the effect of capping the total number of digital billboards in the future at a slightly lower level.
3. While this is a different situation, the 3:1 transfer rate seemed effective during the settlement period.

The Planning Commission reasoned that the requested 2:1 trade-off would encourage a more rapid upgrading of the existing nonconforming billboards around the community while continuing to reduce the total number of billboards.

BUDGET IMPACT:
None anticipated.

OPTIONS:

1. Approve the requested amendment to allow as requested by the applicant. (See enclosed Application.)
2. Approve the modified amendment to include the change in the review process, move the standards to Chapter 30-7 Nonconformities, and allow conversion of one existing billboard face to digital with the removal of two other billboard faces (trade-off of 2:1), with additional standards, as recommended by the Planning Commission. (See enclosed Ordinance draft.)
3. Approve the modified amendment in Option 2 above except with the trade-off of 3:1 (three static faces removed for each static face converted to digital), as provided for in the Settlement Agreement.
4. Defer action with direction for additional research by staff or applicant.
5. Denial of the request with the issue being considered as part of the Sign Code Update (recommended by staff).

RECOMMENDED ACTION:

Planning Commission recommends that the City Council move to:

- APPROVE Option 2 with other changes and the trade-off of 2:1 for each upgrade to digital (two static faces removed for each face upgraded to digital) (recommended by Planning Commission).

Planning Staff recommends that the City Council move to:

- DENY the request based on finding the proposed ordinance to be INCONSISTENT with the standards of Article 30-2 and with direction to staff to consider the issue of digital billboards as part of the Sign Code update project.

ATTACHMENTS:

- Application and requested text change
- Draft Ordinance - Digital Billboards - PC recomm
- Power Point - Digital Billboards

Rec'd 8/8/2012
\$500.

Text Amendment Application Form

Submittal Date:

Approval/Denial Date:

Notes:

1. 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: Lamar Advertising

UDO Sections proposed for amendment: Section L, Subsection 12, Sign maintenance, repair, removal and disposal of signs.

2. Written Description of Request – Answer all the questions under this section

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

The purpose of the City's sign ordinances (and the plans under which they are adopted) are to provide standards to safeguard life, public health, safety, property, and welfare by guiding, coordinating, and regulating the type, number, placement and scale (size and height) of signs referenced to different zoning districts, as well as the quality of material, construction, erection, alteration illumination display, use, maintenance and removal of signs in the City. Among other things, the sign ordinances are designed to reduce excess signage and sign clutter, encourage the innovative use of design, and promote both renovation and proper maintenance to assure that permitted signs do not become a hazard or nuisance.

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

This amendment is not in conflict with any provisions of the UDO. It supplements the sign ordinance to address emerging technology and the City's desire to reduce the total number of billboards within its jurisdiction. It is also consistent with prior action of the City Council relating to digital billboards.

- C. Describe any changed conditions that require an amendment.

The use of digital signs for advertising local business interests is gaining wide-spread acceptance and utilization throughout the State of North Carolina and the nation as a whole. For the City of Fayetteville to remain attractive and competitive in recruitment of new business and industry investments, it is necessary that we keep pace with innovative advertising methods.

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

The City has expressed a desire to reduce the number of current billboards within its jurisdiction. This proposal would provide for the reduction of certain older billboards and replace them with modern, monopole digital structures at a favorable ratio to the City. Additionally, as noted above, it would help modernize the outdoor

advertisement landscape within the City of Fayetteville for the attraction of outside investment and the enhancement of local business interests. Furthermore, from a community safety perspective, digital signs are available for immediate broadcasting of Amber Alerts, Emergency Preparedness Warnings and the like.

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

Other than the encouragement of economic development as noted above and the reduction of certain outdoor signage, this amendment would have no direct effect on development activities within the City.

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

Other than the impacts noted above, this amendment would have no direct impact on development patterns within the City.

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 adverse impacts.

3. Submittal Requirement Checklist

- 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
- 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: Neil Yarborough
Mailing Address: PO Box 705, Fayetteville, NC 28302
Phone No.: 910-433-4433

Fax No.: 910-433-2233
E-mail: gnyesq@ywnlaw.com

12. Sign Maintenance, Repair Removal, and Disposal of Signs

(a) Maintenance Required

Every sign and its support, braces, guys, anchors and electrical equipment shall be maintained in safe condition at all times. All signs shall be kept in a state of good repair and aesthetic condition, free from defective, rusting or missing parts (e.g., broken sign facing, broken supports, loose appendages or struts, disfigured, cracked, ripped or peeling paint or poster paper) or missing letters or numbers and shall be able to withstand the wind pressure as prescribed in the state building code. Illuminated signs shall not be allowed to operate with only partial illumination. The area within ten feet in all directions of the base of a freestanding sign shall be kept clear of debris and undergrowth. The message of a sign face may be changed at any time. Subject to the provisions of Subsection 32-262 of the City Code, a sign face or sign structure may be disassembled and taken down temporarily for the purposes of maintenance provided such sign face and/or structure are reassembled to their original location and position within a period of no more than 60 days. A permit shall be required for such purpose.

(b) Conversion of static billboards to digital billboards

Notwithstanding any other provision of this section, the owner of a static billboard sign may apply to the City Inspections Department for a permit to convert a static billboard to a digital billboard under the following conditions:

1. *No digitally converted billboard shall be of a height greater than 30 feet above the road grade adjacent to the billboard.*
2. *An existing static billboard may be converted to a digital billboard of no greater than 400 square feet of copy area after said conversion.*
3. *Digitally converted billboards shall be a minimum of 5,000 linear feet apart from any other digital billboard on the same road facing in the same direction of travel.*
4. *The placement of digitally converted billboards shall be at a distance no greater than 100 feet from the location of the existing billboard and no closer to the street right-of-way than the existing billboard. Notwithstanding the foregoing, no digitally converted billboard shall be placed within any street right-of-way.*
5. *No moving, rotating, fluttering, blinking, flashing or animation, messages shall be allowed on a digitally converted billboard.*
6. *Each digital message shall remain fixed in a static position for a minimum of 8 seconds.*
7. *The change sequence shall be accomplished within an interval of 2 seconds.*
8. *Digital billboards shall have lighting levels of no more 0.3 foot candles above the level of the surrounding ambient light conditions. Each digital billboard shall be monitored by a light sensing device at all times and the display brightness shall be automatically adjusted to the 0.3 standard as ambient light levels change, i.e. the brightness will be decreased during nighttime hours. All illumination devices shall be effectively shielded to prevent direct beams of light from being aimed at any portion of a street or at any residential use.*
9. *The conversion from a static billboard to a digital billboard requires the removal of three static billboard faces (including the face being removed for conversion) within the City for each digital billboard face installed within the City.*

10. *As a part of the digital conversion permitting process, the owner of a static billboard sign must identify in its application the following: the location of the static billboard face to be replaced, the size of the static face to be replaced, the size of the digital billboard face being installed, any minor changes in pole location (pursuant to subparagraph 4 above) and the location of the two additional static billboard faces being removed.*

(c) Repair or Removal of Improperly-Maintained Signs; Actions by the City Manager

The City Manager or his designee shall possess the authority to order the painting, repair, or alteration of any sign which constitutes a hazard to the health, safety, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. The City Manager may order the removal of any sign that is not maintained in accordance with the provisions of this article. Such removal shall be at the expense of the owner. Signs that are not repaired or removed as required by the City Manager shall be cause to take legal action to effectuate such repair or removal.

(d) Removal of Discontinued Signs

If a nonconforming sign, other than a billboard sign, advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign and sign structure including, but not limited to, the supporting braces, anchors or similar components shall be considered discontinued regardless of reason or intent and shall, within 120 days after such discontinuation, be removed by the owner of the property where the sign is located. This subsection shall not be construed to alter the effect of Section 30-7.E, Nonconforming Signs, nor shall this subsection be construed to prevent the changing of the message of a sign. This subsection shall apply to all related signs located both on and off the premises. For conforming signs, all advertising must be removed and a blank opaque sign face must be installed and maintained with like material within 30 days of the closing of a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO ALLOW CONVERSION OF AN EXISTING NONCONFORMING STATIC BILLBOARD FACE TO A DIGITAL BILLBOARD FACE UNDER CERTAIN CONDITIONS.

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 Article 30-7.E.7 Transfer During Amortization regarding allowable upgrade of a nonconforming billboard, to speak explicitly only to billboards with static faces, as follows:**

30-7.E.7. Transfer During Amortization – Static Billboards

The owner of a non-conforming billboard sign with static face(s) may apply to the **Development Services Department** for the purpose of approving an application for transfer. Transfer under this section would allow the owner of a sign to voluntarily and permanently remove a static billboard face in the City in exchange for the one-time opportunity to change or replace a billboard or billboard face on a non-conforming billboard within the City providing the face(s) remain static. The billboard owner may request enlarging the copy area or increasing the height of the billboard. However, no copy area may be increased more than 135 percent of the current copy area nor shall any copy area be greater than 400 square feet. In addition, no billboard height may be increased above 30 feet **above road grade adjacent to the billboard**. Billboards taller than 30 feet may remain above 30 feet in height at the discretion of City **Manager**. One-sided non-conforming billboards may be upgraded to allow two-sided billboards, provided at least two existing billboard faces are removed to compensate for the upgrade.

Section 2. **Replace all of Section 30-7.E.8 with a new section to provide for a transfer process regarding allowable upgrade of a nonconforming billboard, to speak explicitly to conversion to a digital billboard face under specified conditions, as follows:**

30-7.E.8. Transfer During Amortization – Digital Billboards

Notwithstanding any other provision of this section, the owner of a static billboard sign may apply to the **Development Services Department** for a permit to convert a static billboard to a digital billboard under the following conditions. **The purpose of this conversion is to enable the maintenance and upgrading of certain billboards to digital format in return for the overall reduction in nonconforming billboards in a manner**

that improves community gateways, overall appearance, and compatibility with adjacent uses.

- a. No digitally converted billboard shall be of a height greater than 30 feet above the road grade adjacent to the billboard.
- b. No digital face area may be increased more than 135 percent of the average copy area of the faces being removed, and no digital billboard face shall be greater than 400 square feet of copy area after said conversion.
- c. Digitally converted billboards shall be a minimum of 5,000 linear feet apart from any other digital billboard on the same road facing in the same direction of travel.
- d. The placement of digitally converted billboards shall be at a distance no greater than 100 feet from the location of the existing billboard and no closer to the street right of way than the existing billboard. Notwithstanding the foregoing, no digitally converted billboard shall be placed within any street right-of-way or prescribed line of sight.
- e. No moving, rotating, fluttering, blinking, flashing or animation messages shall be allowed on a digitally converted billboard.
- f. Each digital message shall remain fixed in a static position for a minimum of 8 seconds.
- g. The change sequence shall be accomplished within an interval of two seconds.
- h. Digital billboards shall have lighting levels of no more than 0.3 foot candles above the level of the surrounding ambient light conditions. Each digital billboard shall be monitored by a light sensing device at all times and the display brightness shall be automatically adjusted to the 0.3 standard as ambient light levels change, i.e. the brightness will be decreased during nighttime hours. All illumination devices shall be effectively shielded to prevent direct beams of light from being aimed at any portion of a street or at any residential use.
- i. The conversion from a static billboard to a digital billboard requires the removal of **two** static billboard faces within the City for each digital billboard face installed within the City. **Each request shall be evaluated by staff for the following:**
 - (1) The transfer promotes the appearance of either a gateway into or property located in the City;**
 - (2) The proposed improvements to or replacement of an existing billboard fit within the character of the surrounding properties or existing structures, will not interfere with the movement of traffic, and do not otherwise hinder the safety of those that use that road; and**
 - (3) The transfer does not conflict with the stated purpose of this section.**
- j. As part of the digital conversion permitting process, the owner of a static billboard sign must identify in its application the following:
 - (1) the location of the static billboard face to be replaced,
 - (2) the size of the static face to be replaced,
 - (3) the size of the digital billboard face being installed,
 - (4) any minor changes in pole location (pursuant to subparagraph “d” above) and
 - (5) the location of the **two** other static billboard faces being removed.

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



Digital Billboards

Fayetteville City Council
Meeting

November 13, 2012

City of
Fayetteville
North Carolina

Current Status



- Digital billboards are currently prohibited
- The ones in place were permitted under a mediated settlement agreement from 2009
 - The settlement allowed seven digital billboard faces to replace 21 static faces at specified locations in the City
 - Standards were established regarding size, placement, illumination intensity and other factors

City of
Fayetteville
North Carolina

Proposed: Privately-Requested Code Amendment



- The amendment would allow any static billboard in the City to be converted to a digital billboard
- Similar standards as those established in the settlement agreement with two major exceptions:
 - Greater objectivity in the illumination intensity standard
 - Face replacement on a 2:1 basis instead of 3:1

City of
Fayetteville
North Carolina

Planning Commission



- Recommended approval of the proposed amendment with changes (appear acceptable to applicant)
- Accepted the 2:1 face replacement ratio as an inducement to upgrade existing billboards

City of
Fayetteville
North Carolina

Effect of Code Change



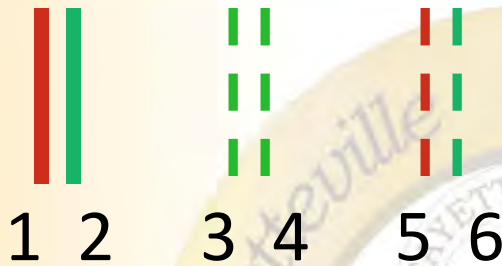
- There are about 136 billboard faces in the City today
- Seven faces are digital
- Under the applicant's proposal, there could be between 25-35 digital faces if static faces were converted to digital
- Under the settlement ratio, there could be a total of 20-25 digital faces if static faces were converted to digital

City of
Fayetteville
North Carolina

Conversion / Transfer Standard



Settlement 3:1



Request 2:1



Red => digital

Green => static

Blue => no change

City of
Fayetteville
North Carolina

Options



- Approve Amendment as Requested
- Approve Amendment as Recommended by Planning Commission
- Approve Amendment with Further Modifications
- Table the Amendment
- **Deny the Amendment and Address in the Sign Code Update**

City of
Fayetteville
North Carolina

Specific Standards



- Focus – Nonconformities
- Separation / Location standards
- Size and Height standards
- Operating standards
- Conversion / Transfer standard
- Review and approval process and criteria
 - Hearing?
 - Administrative?

City of
Fayetteville
North Carolina

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Ted Voorhees, City Manager
DATE: November 13, 2012
RE: **National League of Cities (NLC) Conference Voting Delegates**

THE QUESTION:

Which of the City Council members attending the NLC Conference November 27 - December 1, 2012 will be selected as Voting Delegate and Alternate Voting Delegate?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 5 - Greater Community Unity - Pride in Fayetteville

BACKGROUND:

The NLC's Annual Business Meeting will be held on December 1, 2012. As a direct member city, Fayetteville is entitled to vote at this meeting. In order to cast votes on behalf of the City of Fayetteville, the City Council must select one Voting Delegate and one Alternate Voting Delegate. Please see the attachment for more details.

City Council members attending this years' conference are:

Mayor Chavonne
Council Member Keith Bates
Council Member Kady-Ann Davy
Council Member Wade Fowler

ISSUES:

None at this time.

BUDGET IMPACT:

None known at this time.

OPTIONS:

Vote to select one Voting Delegate and one Alternate Voting Delegate.

RECOMMENDED ACTION:

Vote to select one Voting Delegate and one Alternate Voting Delegate.

ATTACHMENTS:

NLC Conference Voting Delegates

NATIONAL LEAGUE of CITIES

2012 Officers

President
Ted Ellis
Mayor
Bluffton, Indiana

First Vice President
Marie Lopez Rogers
Mayor
Avondale, Arizona

Second Vice President
Chris Coleman
Mayor
Saint Paul, Minnesota

Immediate Past President
James E. Mitchell, Jr.
Council Member
Charlotte, North Carolina

Executive Director
Donald J. Borut

August 30, 2012

Rita Perry
City Clerk
City of Fayetteville
433 Hay St 2nd Floor
Fayetteville, NC 28301-5537

Dear City Clerk Perry:

The National League of Cities (NLC) Annual Business Meeting will be held on Saturday, December 1, 2012, at the conclusion of the Congress of Cities and Exposition in Boston, Massachusetts. As a direct member city, your city is entitled to vote at this meeting. Based on population as of the 2010 Census, each member city casts between one and twenty votes. The number of votes for each population range can be found below.

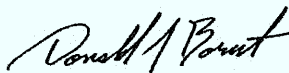
POPULATION	VOTES	POPULATION	VOTES
Under 50,000	1 vote	500,000 – 599,999	12 votes
50,000 – 99,999	2 votes	600,000 – 699,999	14 votes
100,000 – 199,999	4 votes	700,000 – 799,999	16 votes
200,000 – 299,999	6 votes	800,000 – 899,999	18 votes
300,000 – 399,999	8 votes	900,000 and above	20 votes
400,000 – 499,999	10 votes		

To be eligible to cast a city's vote, a voting delegate and alternate must be officially designated by the city using the enclosed credentials form. This form will be forwarded to NLC's Credentials Committee. NLC bylaws expressly prohibit voting by proxy. City elected officials should be made aware of this request so that decisions can be made as to who will be the voting delegate and alternate(s).

At the Congress of Cities, the voting delegate must pick up and sign for the city's voting card at the Credentials Booth before the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote. The Credentials Booth will be open during scheduled times throughout the Congress of Cities and Exposition.

Please return the completed form to NLC by fax (202-626-3109) before October 31, 2012, and keep the original for your files. If you have any questions, please contact Mae Davis, Member Relations Representative at mdavis@nlc.org or 202-626-3150; or contact Gail Remy, Director of Member Relations at remy@nlc.org, or 202-626-3026.

Thank you,



Donald J. Borut
Executive Director





CREDENTIALS FORM

NATIONAL LEAGUE OF CITIES · 2012 CONGRESS OF CITIES AND EXPOSITION · BOSTON, MASSACHUSETTS

At the Annual Business Meeting on Saturday, December 1, 2012, from 2:30 p.m. to 4:30 p.m., each direct member city of the National League of Cities (NLC) is entitled to cast from one to 20 votes based upon the city's population per the 2010 census, through its designated voting delegate. Please indicate below your city and state, your voting delegate and alternate(s), and sign and date the form. The form should be faxed to NLC at 202-626-3109, by the October 30, 2012, deadline.

The official voting delegate and alternate(s) for the city/town/village of:

Fayetteville, NC (6)

VOTING DELEGATE:

1. NAME: _____

TITLE: _____

ALTERNATE VOTING DELEGATE(S):

2. NAME: _____

TITLE: _____

3. NAME: _____

TITLE: _____

FOR OFFICE USE ONLY
(DO NOT WRITE IN THIS SPACE)

Voting card issued to:

_____ (signature)

Votes: (6)

1 _____ 2 _____ 3 _____

PLEASE SIGN AND FAX THIS FORM TO NLC BY OCTOBER 30, 2012
ATTENTION: MAE DAVIS, MEMBER RELATIONS REPRESENTATIVE
FAX: 202-626-3109

Signature (city representative): _____

Title: _____ Date: _____

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Pamela Megill, City Clerk
DATE: November 13, 2012
RE: **Monthly Statement of Taxes for September 2012**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS:

Tax Statement - September 2012



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

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

MEMORANDUM

To: Pamela Megill, Fayetteville City Clerk

From: Aaron Donaldson, Tax Administrator *AD*

Date: October 1, 2012

Re: Monthly Statement of Taxes

Attached hereto is the report that has been furnished to the Mayor and governing body of your municipality for the month of September 2012. This report separates the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

Should you have questions regarding this report, please contact Catherine Carter at 678-7587.

AD/cc
Attachment

Celebrating Our Past...Embracing Our Future

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

FAYETTEVILLE MACC LEDGER

2002-2012

10/1/2012

DATE	REPORT #	REMITTED TO FINANCE	2012 CC	2012 VEHICLE	2012 CC REVIT	2012 VEHICLE REVIT	2012 FVT	2012 TRANSIT	2012 STORM WATER	2012 FAY STORM WATER	2012 FAY RECYCLE FEE	2012 ANNEX	2011 CC
09/03/12	2012-046	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/04/12	2012-047	526,557.60	423,700.72	24,259.13	383.36	6.00	2,860.00	2,860.00	14,082.21	28,230.90	17,813.12	0.00	2,986.45
09/05/12	2012-048	189,233.12	148,384.03	6,673.51	135.41	0.00	905.00	905.00	3,949.44	8,014.35	7,280.01	0.00	1,049.96
09/06/12	2012-049	85,401.43	62,898.88	4,267.50	7.71	0.00	567.26	567.26	1,610.73	3,294.98	4,039.18	0.00	3,211.84
09/07/12	2012-050	173,592.60	129,083.40	12,453.40	96.23	0.00	1,495.00	1,495.00	4,500.92	9,001.74	8,476.79	0.00	1,465.88
09/10/12	2012-051	422,577.69	296,470.00	48,659.51	1,755.90	39.59	6,590.00	6,590.00	13,278.08	26,556.12	13,914.53	0.00	1,065.88
09/11/12	2012-052	86,531.11	57,490.40	10,195.45	0.00	9.03	1,353.49	1,353.49	2,936.86	5,873.71	2,460.04	0.00	792.36
09/12/12	2012-053	56,674.75	35,187.39	7,387.62	9.47	4.53	865.00	865.00	1,881.60	3,763.17	1,928.91	0.00	620.38
09/13/12	2012-054	115,945.36	62,949.59	18,604.76	204.18	0.55	2,265.00	2,265.00	5,763.00	11,526.03	4,075.53	0.00	2,268.29
09/14/12	2012-055	153,339.88	108,788.30	16,864.30	107.90	86.28	2,088.63	2,088.63	3,100.49	6,200.96	4,726.21	0.00	1,724.75
09/17/12	2012-056	276,907.27	199,570.14	31,324.66	1,337.35	26.36	3,853.75	3,853.75	6,137.68	12,275.32	10,581.96	0.00	901.56
09/18/12	2012-057	111,486.89	70,403.51	18,652.20	0.00	1.71	1,512.45	1,512.45	1,841.55	3,683.10	3,623.35	0.00	2,177.24
09/19/12	2012-058	37,218.23	20,356.06	4,421.40	0.00	0.00	565.00	565.00	847.53	1,695.06	1,505.83	0.00	2,617.08
09/20/12	2012-059	107,540.88	76,518.82	11,839.28	10.67	0.00	1,447.11	1,447.11	2,266.50	4,533.00	3,377.27	0.00	1,220.33
09/21/12	2012-060	43,460.14	25,028.15	8,220.00	21.96	21.83	815.00	815.00	561.65	1,123.31	1,740.58	0.00	1,295.45
09/24/12	2012-061	274,551.59	196,579.52	33,058.53	415.27	19.72	3,697.89	3,697.89	7,697.97	15,395.93	7,817.08	0.00	1,344.57
09/25/12	2012-062	70,925.09	45,807.41	11,785.16	27.10	0.00	1,375.00	1,375.00	896.89	1,793.78	2,308.14	0.00	1,153.14
09/26/12	2012-063	83,420.85	59,796.26	7,040.24	216.80	0.00	780.00	780.00	2,496.00	4,992.00	1,672.00	0.00	1,650.81
09/27/12	2012-064	106,445.96	73,660.59	16,463.39	7.50	0.00	1,925.00	1,925.00	1,530.92	3,061.86	3,213.93	0.00	1,136.98
09/28/12	2012-065	121,174.96	72,179.86	19,498.52	0.00	0.00	2,205.00	2,205.00	3,483.17	6,966.35	3,830.14	0.00	3,021.91
TOTALS		3,042,985.40	2,164,853.03	311,668.56	4,736.81	215.60	37,165.58	37,165.58	78,863.19	157,981.67	104,384.60	0.00	31,704.86

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

TRUE
 MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)
 CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FAYETTEVILLE MACC LEDGER
2002-2012

2011 VEHICLE	2011 CC REVIT	2011 VEH REVIT	2011 FVT	2011 TRANSIT	2011 STORM WATER	2011 FAY STORM WATER	2011 FAY RECYCLE FEE	2011 ANNEX	2010 CC	2010 VEHICLE	2010 CC REVIT	2010 VEHICLE REVIT	2010 FVT	2010 TRANSIT	2010 STORM WATER
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5,304.83	0.00	0.00	854.02	854.02	54.18	108.36	171.56	0.00	140.10	280.39	0.00	0.00	52.02	52.03	0.00
3,035.82	0.00	0.00	442.03	442.03	18.30	36.61	0.00	0.00	103.76	58.26	0.00	0.00	30.00	30.00	4.81
2,294.35	0.00	0.00	348.42	348.43	100.16	200.33	241.18	0.00	197.32	106.03	0.00	0.00	20.00	20.00	15.35
3,432.88	0.00	0.00	470.89	470.88	24.00	48.00	76.00	0.00	36.85	121.56	0.00	0.00	45.00	45.00	0.00
4,159.43	0.00	0.00	574.72	574.70	237.58	475.16	144.35	0.00	62.99	258.88	0.00	4.21	35.00	35.00	41.50
2,727.81	0.00	0.00	382.31	382.31	0.00	0.00	0.00	0.00	3.96	(16.90)	0.00	0.00	15.00	15.00	0.00
1,781.58	0.00	0.00	233.39	233.39	26.61	53.22	84.27	0.00	267.67	286.85	0.00	0.00	55.00	55.00	12.00
3,640.03	0.00	0.00	548.52	548.51	(12.00)	(24.00)	(38.00)	0.00	97.85	334.26	0.00	0.00	70.00	70.00	3.08
4,382.53	22.26	0.00	628.67	628.67	41.44	82.88	131.22	0.00	225.15	116.07	0.00	0.00	45.00	45.00	11.51
4,034.23	0.00	0.00	635.00	635.00	47.47	94.95	150.33	0.00	69.88	197.68	0.00	0.00	35.00	35.00	0.00
5,824.77	0.00	0.00	556.05	556.05	39.46	78.91	124.95	0.00	0.00	(89.13)	0.00	0.00	(5.00)	(5.00)	0.00
2,397.77	0.00	0.00	340.00	340.00	72.00	144.00	228.00	0.00	0.00	189.01	0.00	0.00	15.00	15.00	0.00
2,612.21	0.00	0.00	341.90	341.90	36.00	72.00	114.00	0.00	292.32	175.23	55.97	0.00	39.29	39.30	12.00
2,296.50	0.00	0.00	345.98	345.98	36.00	72.00	76.00	0.00	52.42	88.54	0.00	0.00	19.36	19.36	0.00
3,000.22	0.00	0.00	422.71	422.72	29.65	59.30	76.00	0.00	94.82	35.79	0.00	0.00	10.00	10.00	0.00
2,402.85	0.00	0.00	330.00	330.00	28.79	57.58	91.16	0.00	374.93	100.35	0.00	0.00	25.00	25.00	0.00
2,405.84	0.00	0.00	275.00	275.00	42.75	85.50	135.39	0.00	8.33	203.88	0.00	0.00	35.00	35.00	0.00
2,373.17	0.00	0.00	258.72	258.72	26.18	52.37	82.91	0.00	0.00	22.57	0.00	0.00	10.00	10.00	0.00
3,109.15	0.00	0.00	474.00	474.02	127.07	254.12	222.26	0.00	651.58	238.16	0.00	0.00	60.00	60.00	12.00
61,215.97	22.26	0.00	8,462.33	8,462.31	975.64	1,951.29	2,111.58	0.00	2,679.93	2,707.48	55.97	4.21	610.67	610.69	112.25

FAYETTEVILLE MACC LEDGER
2002-2012

September 2012

2010 FAY STORM WATER	2010 FAY RECYCLE FEE	2010 ANNEX	2009 CC	2009 VEHICLE	2009 CC REVIT	2009 VEH REVIT	2009 FVT	2009 TRANSIT	2009 STORM WATER	2009 STORM WATER	2009 FAY STORM WATER	2009 FAY RECYCLE	2009 ANNEX	2008 & PRIOR CC	2008 & PRIOR VEH	2008 & PRIOR REVIT
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	207.20	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	0.00	0.00	123.14	0.00
9.62	15.23	0.00	0.00	(64.20)	(5.00)	(5.00)	(5.00)	(5.00)	0.00	0.00	0.00	0.00	0.00	7,260.95	19.97	0.00
30.69	48.60	0.00	131.79	22.89	5.00	5.00	5.00	5.00	12.00	24.00	38.00	0.00	0.00	0.00	31.22	0.00
0.00	0.00	0.00	0.00	22.08	10.00	10.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	24.36	35.43	0.00
83.00	0.00	0.00	0.00	23.50	10.00	10.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	23.34	73.22	0.00
0.00	0.00	0.00	4.11	62.85	0.00	15.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	4.77	13.69	0.00
24.00	38.00	0.00	0.00	92.16	0.00	15.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	26.78	174.39	0.00
6.16	9.74	0.00	0.00	67.28	0.00	5.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	25.81	0.00
23.02	36.44	0.00	0.00	5.25	10.00	10.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	162.31	0.00
0.00	0.00	0.00	25.08	43.60	0.00	20.00	20.00	20.00	0.00	0.00	0.00	0.00	0.00	28.39	56.35	0.00
0.00	0.00	0.00	0.00	56.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	70.29	0.00
0.00	0.00	0.00	0.00	20.32	0.00	5.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	172.20	0.00
24.00	0.00	0.00	0.00	46.50	0.00	10.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	35.94	0.00
0.00	0.00	0.00	0.00	6.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.88	65.11	0.00
0.00	0.00	0.00	0.00	25.02	0.00	13.91	13.91	13.91	0.00	0.00	0.00	0.00	0.00	25.26	40.41	0.00
0.00	0.00	0.00	94.49	(58.63)	0.00	9.10	9.11	9.11	0.00	0.00	0.00	0.00	0.00	4.31	86.61	0.00
0.00	0.00	0.00	0.00	13.78	0.00	14.20	14.21	14.21	0.00	0.00	0.00	0.00	0.00	0.00	39.27	0.00
0.00	0.00	0.00	0.00	31.06	0.00	10.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	2.72	0.00
24.00	38.00	0.00	499.49	104.69	0.00	10.00	10.00	10.00	12.00	24.00	38.00	0.00	0.00	0.00	195.22	0.00
224.49	186.01	0.00	754.96	727.86	0.00	197.21	197.23	24.00	48.00	76.00	0.00	7,400.04	1,422.30	0.00	0.00	0.00

FAYETTEVILLE MACC LEDGER
2002-2012

September 2012

2008 & PRIOR VEH REVIT	2008 & PRIOR FVT	2008 & PRIOR TRANSIT	2008 & PRIOR STORM WATER	2008 & PRIOR FAY STORM WATER	2008 & PRIOR FAY RECYCLE FEE	2008 & PRIOR ANNEX	INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	FAY TRANSIT INTEREST	TOTAL TAX & INTEREST
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	5.00	0.00	9.28	0.00	0.00	0.00	982.55	0.13	10.71	8.58	0.00	13.56	84.05	526,557.60
0.00	10.00	10.00	0.00	0.00	0.00	0.00	435.83	0.00	0.15	0.30	0.00	0.47	46.47	189,233.12
0.00	10.00	0.00	0.00	0.00	0.00	0.00	580.87	0.00	12.80	25.58	0.00	34.36	31.72	85,401.43
0.00	10.41	5.00	0.00	0.00	0.00	0.00	568.94	0.00	1.75	3.50	0.00	5.55	56.16	173,592.60
0.00	18.50	8.51	0.00	0.00	0.00	0.00	664.80	0.56	18.80	37.59	0.00	6.51	76.23	422,577.69
0.00	5.00	0.00	0.00	0.00	0.00	0.00	393.10	0.13	0.00	0.00	0.00	0.00	43.15	86,531.11
0.00	45.00	15.00	0.00	0.00	0.00	0.00	555.36	0.00	4.97	9.94	0.00	15.73	41.37	56,674.75
0.00	10.00	0.00	0.00	0.00	0.00	0.00	594.03	0.00	(0.16)	(0.30)	0.00	(0.01)	62.63	115,945.36
0.00	31.09	16.49	0.00	0.00	0.00	0.00	797.69	0.60	4.93	9.87	0.00	15.64	79.71	153,339.88
0.00	20.00	15.00	0.00	0.00	0.00	0.00	773.36	0.00	2.96	5.92	0.00	9.35	91.19	276,907.27
0.00	25.00	0.00	0.00	0.00	0.00	0.00	755.61	0.03	2.95	5.89	0.00	9.31	52.70	111,486.89
0.00	25.00	0.00	0.00	0.00	0.00	0.00	604.96	0.00	6.39	12.77	0.00	20.22	32.63	37,218.23
0.00	8.18	8.19	0.00	0.00	0.00	0.00	517.58	16.60	6.75	13.52	0.00	9.20	42.20	107,540.88
0.00	15.00	10.00	0.00	0.00	0.00	0.00	320.60	0.00	2.97	5.93	0.00	6.22	31.36	43,460.14
0.00	10.00	5.00	0.00	0.00	0.00	0.00	471.41	0.00	3.09	6.17	0.00	9.63	42.21	274,551.59
0.00	15.00	10.00	0.00	0.00	0.00	6.71	402.23	0.00	2.91	5.83	0.64	9.23	40.27	70,925.09
0.00	5.83	0.00	0.00	0.00	0.00	0.00	359.26	0.00	3.01	6.03	0.00	9.55	29.91	83,420.85
0.00	5.00	0.00	0.00	0.00	0.00	0.00	322.21	0.00	2.92	5.82	0.00	9.23	27.19	106,445.96
0.00	28.80	1.81	0.00	0.00	0.00	0.00	971.00	0.00	17.48	34.94	0.00	40.14	53.08	121,174.96
0.00	302.81	105.00	9.28	0.00	0.00	6.71	11,071.39	18.05	105.38	197.88	0.64	223.89	964.23	3,042,985.40