



FAYETTEVILLE CITY COUNCIL
AGENDA
AUGUST 27, 2012
7:00 P.M.
City Hall Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 CONSENT

- 5.1 Approve State Grant Amendment and Capital Project Ordinance Amendment 2013-16 (Tree Clearing for Runways 10 & 4)
- 5.2 Approval of Transit Route and Schedule Changes
- 5.3 Community Development - Approval of acquisition of property located at 205 Deep Creek Road.
- 5.4 Community Development - Approval of acquisition of property located at 922 Ellis Street.
- 5.5 Budget Ordinance Amendment 2013-1 (General Fund)
- 5.6 Budget Ordinance Amendment 2013-2 (General Fund) and Capital Project Ordinance Amendment 2013-15 (Municipal Agreements)
- 5.7 Budget Ordinance Amendment 2013-3 (General Fund)
Capital Project Ordinance 2013-16 (FY12 Transit Capital Grant)
Special Revenue Fund Project Ordinance 2013-5 (FY12 Transit Planning Grant)
- 5.8 Capital Project Ordinance 2013-15 (2012 Justice Assistance Grant Program)
- 5.9 Capital Project Ordinance Amendment 2013-17 (Linear Park)

- 5.10 Capital Project Ordinance Amendment 2013-18 (FY2007 Transit Capital Grant)
- 5.11 Approval of a Municipal Agreement With NCDOT for Median Construction and Pedestrian Improvements on Grove Street from Green Street to the Cape Fear River Bridge and Eastern Boulevard from Grove Street to Person Street.
- 5.12 Approval of Speed Limit recommendation for speed limit along Lake Valley Drive from Skibo Road to Yadkin Road.
- 5.13 Approval of No Parking Ordinance on Kienast Drive
- 5.14 Approval of Stop Sign Ordinances
- 5.15 Approval of Yield Sign Ordinances
- 5.16 Approval of a Municipal Agreement with NCDOT for maintenance of the computerized traffic signal system
- 5.17 Municipal Agreement with NCDOT for sidewalk improvements to Legion Road from Elk Road to Owen Drive.
- 5.18 Phase V, Area 6 & 7 - Proposed Assessment Revision
- 5.19 Special Revenue Fund Project Ordinance 2013-3 (Gangs Across the Carolinas 2012)
- 5.20 Special Revenue Project Fund Ordinance 2013-4 (2012 Gang Partnership Program)
- 5.21 Special Revenue Fund Project Ordinance Amendment 2013-1 (CDBG Program) and Special Revenue Fund Project Ordinance Amendment 2013-2 (HOME Program)

6.0 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.

- 6.1 P12-38F Request for a Special Use Permit for heavy auto repair on property zoned Community Commercial and Limited Commercial located at 4429 Murchison Rd. Containing 6.5 acres more or less and being the property of Weaver Commercial Properties.
Presenter(s): Craig Harmon, AICP, CZO - Planner II

6.2 P12-39F Request for a Special Use Permit for heavy auto repair on property zoned Community Commercial located at 5130 Raeford Rd. Containing 2.66 acres more or less and being the property of DPGP Investments, LLC.

Presenter(s): Craig Harmon, AICP, CZO - Planner II

6.3 P12-40F Request for a Special Use Permit for a Mini-Storage Warehouse in a Community Commercial district on property located at 372 N. Reilly Rd. Containing 0.83 acres more or less and being the property of American Flag Reilly Road LLC.

Presenter(s): Craig Harmon, AICP, CZO - Planner II

6.4 P12-41F Request for a Special Use Permit for a Mini-Storage Warehouse in a Community Commercial district on property located at the southeast corner of Santa Fe and Jacks Ford Drives. Containing 3.01 acres more or less and being the property of Storage Kings LLC

Presenter(s): Craig Harmon, AICP, CZO - Planner II

6.5 P12-42F Request for a Special Use Permit for a Mini-Storage Warehouse on property zoned Community Commercial located at 1303 Clinton Rd. Containing 5.55 acres more or less and being the property of Pyramid Rehearsal Studio, Inc.

Presenter(s): Craig Harmon, AICP, CZO - Planner II

7.0 OTHER ITEMS OF BUSINESS

7.1 Revision of Boards and Commissions Attendance Policy # 110.1

Presenter(s): Council Member Hurst, Appointment Committee Chair

7.2 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

Presenter(s): Robert T. Hurst, Jr., Council Member, District 5

7.3 Uninhabitable Structures Demolition Recommendations

- 202 Circle Court
- 303 Cochran Avenue
- 1801 Torrey Drive

Presenter(s): Scott Shuford, Development Services Director

7.4 Boarded Houses

Presenter(s): Scott Shuford, Development Services Director

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly Statement of Taxes for July 2012

9.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

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

COUNCIL MEETING WILL BE AIRED

August 27, 2012 - 7:00 p.m.

COMMUNITY CHANNEL 7

COUNCIL MEETING WILL BE RE-AIRED

August 29, 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: Mayor and Members of City Council
FROM: Bradley Whited, Airport Director
DATE: August 27, 2012
RE: **Approve State Grant Amendment and Capital Project Ordinance Amendment 2013-16 (Tree Clearing for Runways 10 & 4)**

THE QUESTION:

How do we improve the Fayetteville Regional Airport?

RELATIONSHIP TO STRATEGIC PLAN:

Strong local economy.

BACKGROUND:

This State Grant Amendment, State Project 36244.27.10.1, provides \$29,357.00 additional State dollars towards the removal of obstructions from Runway 4 and 10. Capital Project Amendment 2013-16 will appropriate the additional state funds of \$29,357 and the associated local match of \$3,262. The Airport Operating Fund will provide the local match. If approved, the revised budget for the project will be \$282,619.

ISSUES:

None.

BUDGET IMPACT:

See background information above.

OPTIONS:

Approve amended State Grant and Capital Project Ordinance Amendment 2013-16.

RECOMMENDED ACTION:

Approve amended State Grant and Capital Project Ordinance Amendment 2013-16.

ATTACHMENTS:

CPO A 2013-16

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2013-16 (CPO 2011-2)

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

Section 1. The project change authorized is to Capital Project Ordinance 2011-2, adopted July 26, 2010, for tree clearing the runway approach to runways 10 and 4 at the Airport (NCDOT Project 36244.27.10.1).

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

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

	Listed As	Amendment	Revised
NC Department of Transportation Aviation Division	\$ 225,000	\$ 29,357	\$ 254,357
Local Match - Airport Operating Fund Transfer	25,000	3,262	28,262
	\$ 250,000	\$ 32,619	\$ 282,619

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

Project Expenditures	\$ 250,000	\$ 32,619	\$ 282,619
----------------------	------------	-----------	------------

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

Adopted this 27th day of August, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Randall J. Hume, Transit Director
DATE: August 27, 2012
RE: **Approval of Transit Route and Schedule Changes**

THE QUESTION:

Will City Council approve transit route and schedule changes for implementation?

RELATIONSHIP TO STRATEGIC PLAN:

FAST Service Improvements

BACKGROUND:

The FY 2013 Budget included funding for transit service improvements. These improvements were developed in accordance with the Transit Development Plan and recommended by the Fayetteville Advisory Committee on Transit (FACT). Federal grant provisions require proposed service changes to be made available for public comment prior to implementation.

A Public Hearing regarding the proposed changes was held on August 13, 2012. Notices of the public hearing as well as other public workshops were published in the Acento Latino and the Fayetteville Observer on July 17, 2012 and July 22, 2012 respectively. Flyers were also distributed on FAST buses and at the FAST Transfer Center.

A summary of these meetings is attached.

The recommended changes include:

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 & 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.

Subject to City Council approval these changes should be implemented implemented in late September 2012.

ISSUES:

None have been raised.

BUDGET IMPACT:

Funding for the changes are included in the FY 2013 Budget.

OPTIONS:

Approve, deny, or delay implementation of recommended service changes.

RECOMMENDED ACTION:

Approve the recommended changes

ATTACHMENTS:

FAST - Outreach Tracking Report

FAST OUTREACH TRACKING REPORT
FFY 12-13

Date	Type	Event	Event Location	Lead Agency/Organization	Purpose of Event	Cost	# of Attendees	Staff Participation	Staff Hours	Community Profile	Outreach Used
8/1	Drop-in	Service Changes	Fire Station #5, 3040 Boone Trail	FAST	Proposed Route Modifications		0	Randy-Tony-Frances	7.5	34-45% Minority	Newspaper /flyers
8/2	Drop-in	Service Changes	Cliffdale Recreation Center, 6404 Cliffdale Road	FAST	Proposed Route Modifications		2	Randy-Kelly-Frances	7.5	46-70% Minority	Newspaper /flyers
8/9	Drop-in	Service Changes	455 Grove/Adm in Office	FAST	Proposed Route Modifications		4	Randy/Frances -Mike Rutan-FAMPO	5	71-90% Minority	Newspaper /flyers
8/11	Drop-in	Service Changes	Westover Recreation Center, 267 Bonanza	FAST	Proposed Route Modifications		0	Randy/Frances	5	34-45%	Newspaper /flyers

Public Comments: 8/2: Mr. Gregory Mundy stated he would like to see transit connect to Fort Bragg.
8/9: Mr. George Williams said he would like more frequent runs and public meetings at the transfer facility.
8/9: Ms. Sonia Towe stated she would like to see FAST service connect with Fort Bragg later in the evenings.

TITLE VI OUTREACH TRACKING FORM

FAST Outreach Tracking Report

FAST OUTREACH TRACKING REPORT FFY 12-13											
Date	Type	Event	Event Location	Lead Agency/ Organization	Purpose of Event	Cost	# of Attendees	Staff Participation	Staff Hours	Community Profile	Outreach Used
8/13		City Council	433 Hay Street	City Council Regular Meeting	Public Hearing		2	Randy Hume	1		Newspaper/ Flyers

Public Comments: Mr. Archie Owens, 2313 Village Drive, Fayetteville, NC 28304
 "Mr. Owens said he likes the new routes and said he was appreciative of the services; he is without
 A vehicle and needs the City of Fayetteville transport service.

 TVI Coordinator Signature Date

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Victor Sharpe, Community Development Director
DATE: August 27, 2012
RE: **Community Development - Approval of acquisition of property located at 205 Deep Creek Road.**

THE QUESTION:

Does acquiring the lot at 205 Deep Creek Road provide opportunity for future affordable housing and redevelopment activities?

RELATIONSHIP TO STRATEGIC PLAN:

More attractive City - Clean and Beautiful and Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- The Community Development Department has received an offer to purchase a lot located at 205 Deep Creek Road through the City's Acquisition and Demolition Program.
- The owner of the property has been approved for a grant through the City's Acquisition and Demolition Program.
- The structure located on property will be demolished.
- The Acquisition and Demolition Program is a grant program designed to demolish and acquire when appropriate, property that is abandoned, unsafe, or deteriorated beyond reasonable financial cost to effectively rehabilitate. The resulting lot will be used for the construction of future affordable housing.
- The subject parcel will be added to the City's inventory of buildable residential lots that may be used for future redevelopment purposes such as the construction of affordable housing.
- When feasible the vacant lots may be made available to one of the City's Community Housing Development Organizations (CHDO).

ISSUES:

None

BUDGET IMPACT:

\$4,500 of Community Development Block Grant Funds through the Acquisition Demolition Program.

OPTIONS:

- Approve acquisition of 205 Deep Creek Road. (Recommended)
- Do not approve acquisition of 205 Deep Creek Road.
- Provide additional direction to staff.

RECOMMENDED ACTION:

Staff recommends that City Council move to approve acquisition of the lot located at 205 Deep Creek Road for the amount of \$5,000 and authorize the City Manager to execute all documents necessary to complete that acquisition.

ATTACHMENTS:

Map of 205 Deep Creek Road



205 Deep Creek Road

0447-31-6145-

0447-21-8055-

0447-31-7211-

0447-31-8163-

0447-40-2973-

COBURN ST

0447-31-6043-

0447-31-7074-

0447-30-3786-

DEEP CREEK RD

205 Deep Creek Road
0447-30-6924-

0447-30-7958-

0447-30-9937-

0447-30-7931-

0447-30-9910-

0447-30-6837-

HAIGH ST

0447-30-8895-

0447-30-7834-

0447-30-6881-

0447-30-8788-

0447-40-0853-

HAYWOOD ST

0447-30-6743-

5-3-1-1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor Sharpe, Community Development Director
DATE: August 27, 2012
RE: **Community Development - Approval of acquisition of property located at 922 Ellis Street.**

THE QUESTION:

Does acquiring the lot at 922 Ellis Street provide opportunity for future affordable housing and redevelopment activities?

RELATIONSHIP TO STRATEGIC PLAN:

More attractive City - Clean and Beautiful and Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- The Community Development Department has received an offer to purchase a lot located at 922 Ellis Street through the City's Acquisition and Demolition Program.
- The owner of the property has been approved for a grant through the City's Acquisition and Demolition Program.
- The structure located on property will be demolished.
- The Acquisition and Demolition Program is a grant program designed to demolish and acquire when appropriate, property that is abandoned, unsafe, or deteriorated beyond reasonable financial cost to effectively rehabilitate. The resulting lot will be used for the construction of future affordable housing.
- The subject parcel will be added to the City's inventory of buildable residential lots that may be used for future redevelopment purposes such as the construction of affordable housing.
- When feasible the vacant lots may be made available to one of the City's Community Housing Development Organizations (CHDO).

ISSUES:

None

BUDGET IMPACT:

\$5,000 of Community Development Block Grant funds.

OPTIONS:

- Approve acquisition of 922 Ellis Street. (Recommended)
- Do not approve acquisition of 922 Ellis Street.
- Provide additional direction to staff.

RECOMMENDED ACTION:

Staff recommends that City Council move to approve acquisition of the lot located at 922 Ellis Street for the amount of \$5,000 and authorize the City Manager to execute all documents necessary to complete that acquisition.

ATTACHMENTS:

Map of 922 Ellis Street



922 Ellis Street

922 Ellis Street
PIN: 0437-13-0321-

ELLIS ST

5-4-1-1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: August 27, 2012
RE: **Budget Ordinance Amendment 2013-1 (General Fund)**

THE QUESTION:

Council is asked to approve this budget ordinance amendment which will appropriate \$75,866 to the Parks, Recreation and Maintenance Department budget for expenditures associated with the celebration of the City's 250th anniversary. The source of funds for the amendment includes \$18,600 expected to be generated from the sale of commemorative coins, and an appropriation of \$57,266 from General Fund fund balance.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle 1: Financially Sound City Government
Vision Principle J: City with a Diverse Culture and Rich Heritage

BACKGROUND:

The fiscal year 2011-2012 General Fund budget included \$75,000 of funding for the celebration of the City's 250th anniversary. A total of \$17,734 was expended during the fiscal year for this purpose, leaving a balance of funding of \$57,266 at the fiscal year end.

Celebration activities, including a concert at the International Folk Festival, will continue into the current fiscal year and the Parks, Recreation and Maintenance department will continue to incur expenditures for this purpose. The amendment will also appropriate funding for a marker commemorating the anniversary.

This budget ordinance amendment will fund \$75,866 for expenditures for the celebration in the current fiscal year by appropriating \$57,266 from fund balance and appropriating \$18,600 in projected revenues from the sale of the commemorative coins.

ISSUES:

None

BUDGET IMPACT:

As discussed above.

OPTIONS:

- Adopt Budget Ordinance Amendment 2013-1
- Do not adopt Budget Ordinance Amendment 2013-1

RECOMMENDED ACTION:

Adopt Budget Ordinance Amendment 2013-1 as presented.

ATTACHMENTS:

Budget Ordinance Amendment 2013-1

2012-2013 BUDGET ORDINANCE AMENDMENT
CHANGE 2013-1

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>			
Other Revenues	\$ 1,787,257	\$ 18,600	\$ 1,805,857
Fund Balance Appropriation	3,877,411	57,266	3,934,677
All Other General Fund Revenues and OFS	139,306,955	-	139,306,955
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 144,971,623</u>	<u>\$ 75,866</u>	<u>\$ 145,047,489</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>			
Parks, Recreation & Maintenance	\$ 16,722,755	\$ 75,866	\$ 16,798,621
All Other General Fund Departments	128,248,868	-	128,248,868
Total Estimated General Fund Expenditures	<u>\$ 144,971,623</u>	<u>\$ 75,866</u>	<u>\$ 145,047,489</u>

Adopted this 27th day of August, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: August 27, 2012
RE: **Budget Ordinance Amendment 2013-2 (General Fund) and Capital Project Ordinance Amendment 2013-15 (Municipal Agreements)**

THE QUESTION:

Council is asked to approve this budget ordinance amendment and capital project ordinance amendment which will appropriate \$78,016 to the Engineering & Infrastructure Department budget for a municipal agreement with the North Carolina Department of Transportation, for the construction of sidewalks along Legion Road. The source of funds for this amendment will be an appropriation of \$78,016 from General Fund fund balance.

RELATIONSHIP TO STRATEGIC PLAN:

Vision Principle B - Quality neighborhood infrastructure: paved streets, sidewalks and trails, underground utilities, lighting, well-maintained private roads.

BACKGROUND:

- The North Carolina Department of Transportation ("Department") has plans to make street and highway construction improvements to Legion Road, from Elk Road to Owen Drive.
- In accordance with the Department's "Guidelines for Planning Pedestrian Facilities", the Department will include provisions for the construction of sidewalks along Legion Road within the project limits in Fayetteville.
- The City's participation in the project includes 50% of the cost of the work associated with the construction of the sidewalks.
- The Department has estimated the cost of the sidewalks to be \$156,033, with the City's share estimated at \$78,016.
- Upon completion of the project, the City will be responsible for maintenance of the sidewalks.
- If this amendment is approved, the budget for various municipal agreements, including the Legion Road sidewalk project, will be \$3,723,421.

ISSUES:

None.

BUDGET IMPACT:

As stated above.

OPTIONS:

- Adopt Budget Ordinance Amendment 2013-2 and Capital Project Ordinance Amendment 2013-15 and proceed with the project.
- Do not adopt Budget Ordinance Amendment 2013-2 and Capital Project Ordinance Amendment 2013-15 and do not proceed with the project.

RECOMMENDED ACTION:

Adopt Budget Ordinance Amendment 2013-2 and Capital Project Ordinance Amendment 2013-15.

ATTACHMENTS:

Budget Ordinance Amendment 2013-2

Capital Project Ordinance Amendment 2013-15

2012-2013 BUDGET ORDINANCE AMENDMENT
CHANGE 2013-2

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	\$ 3,934,677	\$ 78,016	\$ 4,012,693
All Other General Fund Revenues and OFS	141,112,812	-	141,112,812
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 145,047,489</u>	<u>\$ 78,016</u>	<u>\$ 145,125,505</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>			
Engineering & Infrastructure	\$ 11,147,966	\$ 78,016	\$ 11,225,982
All Other General Fund Departments	133,899,523	-	133,899,523
Total Estimated General Fund Expenditures	<u>\$ 145,047,489</u>	<u>\$ 78,016</u>	<u>\$ 145,125,505</u>

Adopted this 27th day of August, 2012.

* Budget Ordinance Amendment 2013-1 is also being presented to Council for consideration at the August 27, 2012 meeting. Budget Ordinance Amendment 2013-2 assumes that 2013-1 has been approved by Council.

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2013-15 (CPO 2010-13)

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

Section 1. The project change authorized is to Capital Project Ordinance 2010-13, adopted November 9, 2009, as amended, for the funding of various transportation and railroad crossing safety improvement projects committed under Municipal Agreements with North Carolina Department of Transportation.

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

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

	Listed As	Amendment	Revised
North Carolina Department of Transportation	\$ 15,710	\$ -	\$ 15,710
Federal Highway Administration (Pass-through State TEA21 Funds)	5,000	-	5,000
General Fund Transfer	3,624,695	78,016	3,702,711
	\$ 3,645,405	\$ 78,016	\$ 3,723,421

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

Project Expenditures	\$ 3,645,405	\$ 78,016	\$ 3,723,421
----------------------	--------------	-----------	--------------

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

Adopted this 27th day of August, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: August 27, 2012
RE: **Budget Ordinance Amendment 2013-3 (General Fund)**
Capital Project Ordinance 2013-16 (FY12 Transit Capital Grant)
Special Revenue Fund Project Ordinance 2013-5 (FY12 Transit Planning Grant)

THE QUESTION:

The capital project and special revenue fund project ordinances will appropriate amounts totaling \$3,213,000 for the FY12 Transit capital and planning grant projects. The budget ordinance amendment will appropriate an additional \$187,354 from the General Fund to meet the match requirement for these projects.

RELATIONSHIP TO STRATEGIC PLAN:

Principle A: Great Place to Live – Accessible and efficient transit throughout the City.
Value – Stewardship – Looking for ways to leverage city resources and to expand revenues.

BACKGROUND:

- Transit has received a federal grant for various capital and planning items (NC-90-X514). While the NC Department of Transportation (NCDOT) typically provides a portion of the grant match, notice of an award has not been received at this time.
- To proceed with expenditures related to this grant, including the purchase of buses and vans and design/engineering costs for the Multi Modal Center, staff recommends adoption of the attached project budgets and budget amendment.
- Capital Project Ordinance 2013-16 appropriates \$2,713,000 in funding for buses and vans, design/engineering costs for the Multi Modal Center, bus shelters, equipment, and related pedestrian sidewalk construction. This project will be funded by the Federal Transit Administration (FTA) (\$2,221,700) and General Fund (\$491,300).
- Special Revenue Fund Project Ordinance 2013-5 appropriates \$500,000 for various transit planning activities and will be funded by the FTA (\$400,000) and General Fund (\$100,000).
- The City's General Fund budgets for FY12 and FY13 included a total of \$403,946 in matching funds for this grant. An additional \$187,354 is needed from the General Fund as requested in Budget Ordinance Amendment 2013-3 to meet the full match requirement for the projects since NCDOT has not awarded any funds at this time.
- If the NCDOT awards matching funds for the projects at some point, staff will request a budget action to reflect the award of the state funds and reduce the City's General Fund match by an equal amount.

ISSUES:

None

BUDGET IMPACT:

See background information above

OPTIONS:

- 1) Adopt Budget Ordinance Amendment 2013-3; Capital Project Ordinance 2013-16 and Special Revenue Fund Project Ordinance 2013-5
- 2) Do not adopt Budget Ordinance Amendment 2013-3; Capital Project Ordinance 2013-16 and Special Revenue Fund Project Ordinance 2013-5

RECOMMENDED ACTION:

Adopt Budget Ordinance Amendment 2013-3, Capital Project Ordinance 2013-16 and Special Revenue Fund Project Ordinance 2013-5

ATTACHMENTS:

BOA 2013-3

CPO 2013-16

SRO 2013-5

2012-2013 BUDGET ORDINANCE AMENDMENT
CHANGE 2013-3

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	\$ 4,012,693	\$ 187,354	\$ 4,200,047
All Other General Fund Revenues and OFS	141,112,812	-	141,112,812
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 145,125,505</u>	<u>\$ 187,354</u>	<u>\$ 145,312,859</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>			
Other Appropriations	\$ 24,238,546	\$ 187,354	\$ 24,425,900
All Other General Fund Departments	120,886,959	-	120,886,959
Total Estimated General Fund Expenditures	<u>\$ 145,125,505</u>	<u>\$ 187,354</u>	<u>\$ 145,312,859</u>

Adopted this 27th day of August, 2012.

* Budget Ordinance Amendments 2013-1 and 2013-2 are also being presented to Council for consideration on August 27, 2012. Budget Ordinance Amendment 2013-3 assumes that 2013-1 and 2013-2 have been approved by Council.

CAPITAL PROJECT ORDINANCE
ORD 2013-16

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 adopted:

Section 1. The authorized project is for the funding of the FY12 Transit Capital Grant 514, which includes funds for the replacement and expansion of buses and vans, design/engineering of the Multi Modal Center, bus shelters, equipment & related pedestrian sidewalk construction.

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:

Federal Transit Administration	\$ 2,221,700
Local Match- General Fund Transfer	<u>491,300</u>
	<u><u>\$ 2,713,000</u></u>

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

Project Expenditures	<u><u>\$ 2,713,000</u></u>
----------------------	----------------------------

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

Adopted this 27th day of August, 2012.

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2013-5

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

Section 1. The project authorized is for the funding of the FY12 Transit Planning Grant 514 awarded by the Federal Transit Administration.

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:

Federal Transit Administration	\$ 400,000
Local Match- General Fund Transfer	<u>100,000</u>
	<u><u>\$ 500,000</u></u>

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

Project Expenditures	<u><u>\$ 500,000</u></u>
----------------------	--------------------------

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

Adopted this 27th day of August, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: August 27, 2012
RE: **Capital Project Ordinance 2013-15 (2012 Justice Assistance Grant Program)**

THE QUESTION:

The FY 2012-2013 Justice Assistance Grant (JAG), totaling \$174,633, was awarded to the Fayetteville Police Department and the Cumberland County Sheriff's Office in July. This Capital Project Ordinance appropriates the City's share of \$120,053 for the JAG program.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: GROWING CITY - LIVABLE NEIGHBORHOODS - A GREAT PLACE TO LIVE
Objective 1: Consistent improvement in reducing crime rates

BACKGROUND:

- As the fiscal agent for the grant, Cumberland County filed the application on behalf of the City and County.
- A grant totaling \$174,633 was awarded to both organizations.
- The Fayetteville Police Department and Cumberland County Sheriff's Office will receive \$120,053 and \$54,580, respectively.
- A local match is not required.
- The Police Department will use their portion of the grant for 21 in-car cameras, user/operator training, one year of camera maintenance, one year of on-site trouble resolution/support, and factory trainer travel.

ISSUES:

None

BUDGET IMPACT:

See background above. A local match is not required.

OPTIONS:

- 1) Adopt Capital Project Ordinance 2013-15.
- 2) Do not adopt Capital Project Ordinance 2013-15.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance 2013-15.

ATTACHMENTS:

CPO 2013-15 (2012 JAG)

**CAPITAL PROJECT ORDINANCE
ORD 2013-15**

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 adopted:

Section 1. The authorized project is for funding of the FY12 Justice Assistance Program grant awarded by the U.S. Department of Justice

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.S. Department of Justice Grant	<u>\$ 120,053</u>
----------------------------------	-------------------

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

Project Expenditures	<u>\$ 120,053</u>
----------------------	-------------------

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

Adopted this 27th day of August, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: August 27, 2012
RE: **Capital Project Ordinance Amendment 2013-17 (Linear Park)**

THE QUESTION:

Capital Project Ordinance Amendment 2013-17 will appropriate an additional \$170,081 for the Linear Park project.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

- This amendment will appropriate additional donations of \$168,594 and additional investment income of \$1,487 for the Linear Park project.
- If approved, the revised project budget will be \$1,893,819.

ISSUES:

None.

BUDGET IMPACT:

As noted above.

OPTIONS:

- 1) Adopt Capital Project Ordinance Amendment 2013-17.
- 2) Do not adopt Capital Project Ordinance Amendment 2013-17.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Amendment 2013-17.

ATTACHMENTS:

Capital Project Ordinance Amendment 2013-17 (Linear Park)

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2013-17 (CPO 2004-3)**

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

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

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Donations	\$ 1,630,754	\$ 168,594	\$ 1,799,348
General Fund Transfer	50,000	-	50,000
Transfer from PWC	79	-	79
Investment Income	42,905	1,487	44,392
	<u>\$ 1,723,738</u>	<u>\$ 170,081</u>	<u>\$ 1,893,819</u>

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

Project Expenditures	<u>\$ 1,723,738</u>	<u>\$ 170,081</u>	<u>\$ 1,893,819</u>
----------------------	---------------------	-------------------	---------------------

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

Adopted this 27th day of August, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: August 27, 2012
RE: **Capital Project Ordinance Amendment 2013-18 (FY2007 Transit Capital Grant)**

THE QUESTION:

This capital project ordinance amendment will appropriate an additional \$206 for the FY07 Transit Capital Grant.

RELATIONSHIP TO STRATEGIC PLAN:

Principle A: Great Place to Live – Accessible and efficient transit throughout the City.

BACKGROUND:

- This project budget includes funds for replacement vans, as well as security, bus station, and automatic vehicle locator system enhancements.
- The vans have been purchased and some federal funds remain in that portion of the grant that Transit has requested, and FTA has approved, to reallocate to safety and security enhancements at bus shelters.
- This minor project change requires a small adjustment in the funding sources of the project. The NC Department of Transportation will reduce their contribution for the project by \$440 and the City's local match will increase by \$646, resulting in an overall increase in the project budget of \$206.
- The funds needed for the increase in the local match are already available in Transit's capital project fund.

ISSUES:

None

BUDGET IMPACT:

See background information above.

OPTIONS:

- 1) Adopt Capital Project Ordinance Amendment 2013-18.
- 2) Do not adopt Capital Project Ordinance Amendment 2013-18.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Amendment 2013-18.

ATTACHMENTS:

CPOA 2013-18

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2013-18 (CPO 2007-5)

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 the Capital Project Ordinance 2007-5, adopted April 9, 2007 as amended, for the funding of the FY07 Transit Capital Grant 406, which includes funds for security enhancements, bus terminal renovations, replacement vans and an automatic vehicle locator system awarded by the Federal Transit Administration.

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 Transit Administration	\$ 219,167	\$ -	\$ 219,167
NC DOT	20,000	(440)	19,560
Local Match- General Fund Transfer	31,042	646	31,688
	<u>\$ 270,209</u>	<u>\$ 206</u>	<u>\$ 270,415</u>

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

Project Expenditures	<u>\$ 270,209</u>	<u>\$ 206</u>	<u>\$ 270,415</u>
----------------------	-------------------	---------------	-------------------

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

Adopted this 27th day of August, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, P.E., PTOE, Engineering and Infrastructure Director
DATE: August 27, 2012
RE: **Approval of a Municipal Agreement With NCDOT for Median Construction and Pedestrian Improvements on Grove Street from Green Street to the Cape Fear River Bridge and Eastern Boulevard from Grove Street to Person Street.**

THE QUESTION:

Does the City Council support a Municipal Agreement with NCDOT for median construction and pedestrian improvements on Grove Street from Green Street to the Cape Fear River Bridge and Eastern Boulevard from Grove Street to Person Street.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods-A Great Place To Live

BACKGROUND:

- This is High Hazard Elimination project funded to improve safety along Grove Street and Eastern Boulevard.
- The estimated date to let to construction is May, 2013.

ISSUES:

The City is simply being asked by NCDOT to execute the attached agreement to document its support for the project.

BUDGET IMPACT:

The Municipal Agreement does not require any financial participation from the City.

OPTIONS:

- Approve the attached Municipal Agreement for the project.
- Reject the Municipal Agreement

RECOMMENDED ACTION:

Approve the attached Municipal Agreement for the project.

ATTACHMENTS:

NCDOT Municipal Agreement

Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

Entity: City of Fayetteville

County: Cumberland

TIP / WBS Element:

TIP: W-5335

WBS Element: 45428.3.1

Scope: The Project consists of improvements on NC 24/210 from Ramsey Street-Green Street to the Cape Fear River Bridge and I-95 Business/US 301 from NC 24/210 to Person Street.

Funding:

Type: Non Participation

Responsibilities:

The Department shall be responsible for all aspects of the project.

Utilities: *Note which Party is responsible for utilities denoted as True.*

Utilities are owned by a different entity: True

Maintenance: Upon completion of the project, the Department shall be responsible for maintenance.

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT
-MUNICIPAL AGREEMENT**

CUMBERLAND COUNTY

DATE: 7/31/2012

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: W-5335

AND

WBS Elements: 45428.3.1

CITY OF FAYETTEVILLE

THIS MUNICIPAL 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, a local government entity, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under TIP W-5335 in Fayetteville; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following applicable legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF THE PROJECT

1. The Project consists of improvements on NC 24/210 from Ramsey Street-Green Street to the Cape Fear River Bridge and I-95 Business/US 301 from NC 24/210 to Person Street..

PLANNING, DESIGN AND RIGHT OF WAY

2. The Department shall prepare the environmental and/or planning document, and obtain any environmental permits needed to construct the Project, and prepare the Project plans and specifications needed to construct the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.
3. The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

UTILITIES

4. It is understood that the water and sewer lines are owned by Fayetteville Public Works Commission, therefore a separate Utility Agreement may be prepared with Fayetteville Public Works Commission. The Municipality shall exercise any rights which it may have under any franchise to effect all necessary changes, adjustments, and relocations of telephone, telegraph, and electric power lines; underground cables, gas lines, and other pipelines or conduits; or any privately- or publicly-owned utilities.

CONSTRUCTION AND MAINTENANCE

5. The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.
6. It is further agreed that upon completion of the Project, the Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and departmental criteria.
7. Upon completion of the Project, the improvement(s) shall be a part of the State Highway System and owned and maintained by the Department.

ADDITIONAL PROVISIONS

8. 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.
9. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
10. All terms of this Agreement are subject to available departmental funding and fiscal constraints.
11. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

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

L.S. 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)

Federal Tax Identification Number

Remittance Address:
City of Fayetteville

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lee Jernigan, P.E., City Traffic Engineer
DATE: August 27, 2012
RE: **Approval of Speed Limit recommendation for speed limit along Lake Valley Drive from Skibo Road to Yadkin Road.**

THE QUESTION:

Does the City Council concur with NCDOT's request to enact a 45 mph speed limit ordinance on Lake Valley Drive between Skibo Road and Yadkin Road?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods-A Great Place to Live

BACKGROUND:

A citizen's request was made to NCDOT to reduce the speed along SR 3499 (Lake Valley Drive) from US 401 Bypass (Skibo Road) to SR 1415 (Yadkin Road). NCDOT performed an investigation and as a result recommended to retain the existing 45 mph speed limit. There was no previously established ordinance for this speed limit; therefore they are requesting City concurrence.

ISSUES:

- NCDOT is requesting a concurring ordinance from the City for the existing speed limit.
- 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:

There is no significant impact on the budget with the adoption of this ordinance.

OPTIONS:

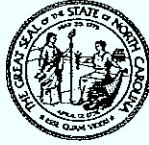
- Adopt the ordinance as recommended.
- Reject the ordinance.
- Reject the ordinance and request NCDOT and staff to study further.

RECOMMENDED ACTION:

Adopt the attached speed ordinance for concurrence with NCDOT.

ATTACHMENTS:

Letter and Municipal Speed Certificate



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

July 13, 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 limit on SR 3499 (Lake Valley Extension). Our staff has recently completed a traffic engineering investigation along this route.

As a part of this investigation, the existing conditions were reviewed. The roadway mainly consisted of a four-lane divided highway. Commercial development was fifty percent. The speed limit is posted at 45 mph. All signal timing along this corridor is based on this speed limit. In addition, these signals are also coordinated with the US 401 (Skibo Rd.) and SR 1415 (Yadkin Rd.) signal system. As a result of these conditions, it was recommended to maintain the existing 45 mph speed limit.

Please present our recommendations to your City Council for their consideration and for the enactment of the appropriate ordinance. 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,

A handwritten signature in black ink, appearing to read "Phillip Hart".

Phillip Hart
Division Traffic Technician /
TODS & Logo Coordinator

PJH
Attachment

cc: G. W. Burns, P.E., Division Engineer
L. K. Langdon, Assistant Division Traffic Engineer
L. R. Hines, Jr., P.E., District Engineer
D. B. Phipps, P.E., Sandhills Regional Traffic Engineer

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

Concurring State Ordinance Number: 1065158

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: SR 3499

Car: 45 MPH

Truck: 45 MPH

Description: Between US 401 and SR 1415.

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: _____

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lee Jernigan, P.E., City Traffic Engineer
DATE: August 27, 2012
RE: **Approval of No Parking Ordinance on Kienast Drive**

THE QUESTION:

Does the City Council concur with the enactment of a No Parking Ordinance on the north side of Kienast Drive near Kizer Drive?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods-A Great Place To Live

BACKGROUND:

This is a No Parking ordinance that was in effect when Kienast Drive was owned by NCDOT. After annexation, the street became City owned. The ordinance was investigated by staff and recommended to be in effect along Kienast Drive beginning 213 feet west of Kizer Drive for 100 feet. The No Parking signs cannot be enforced if they do not have a concurring ordinance.

ISSUES:

Chapter 16 for Motor Vehicles Traffic requires the City to amend these signing ordinances and receive Council approval for additional installations.

BUDGET IMPACT:

There is no significant impact to the budget as the maintenance will be within Traffic Services budget.

OPTIONS:

- Adopt the ordinance as recommended.
- Reject the ordinance.

RECOMMENDED ACTION:

Adopt the attached No Parking ordinance along Kienast Drive.

ATTACHMENTS:

No Parking Ordinance Certificate
map of no parking area

**AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES, AND
TRAFFIC OF THE CITY OF FAYETTEVILLE
CODE OF ORDINANCES**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina that Chapter 16, "Motor Vehicles and Traffic", is hereby amended to read as follows:

Sec. 16-11. Traffic Schedule Number 11 – Parking prohibited

Kienast Drive

No Parking along the north side of Kienast Drive starting 213 feet from back of curb of Kizer Drive for a distance of 100 feet.

Adopted this _____ day of _____, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony G. Chavonne, Mayor

ATTEST:

Pamela J. Megill, CMC, City Clerk



NO PARKING



5 - 13 - 2 - 1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lee Jernigan, P.E., City Traffic Engineer
DATE: August 27, 2012
RE: **Approval of Stop Sign Ordinances**

THE QUESTION:

Does the City Council concur with the enactment of various stop sign ordinances?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods- A Great Place To Live

BACKGROUND:

There are various new and revised intersections around the City where stop signs have been installed. These signs cannot be enforced if they do not have a concurring ordinance.

ISSUES:

Chapter 16 for Motor Vehicles and Traffic requires the City to amend these signing ordinances and receive Council approval for additional installations.

BUDGET IMPACT:

There is no significant impact to the budget as the maintenance will be within Traffic Services budget.

OPTIONS:

- Adopt the ordinances as recommended
- Reject the ordinances

RECOMMENDED ACTION:

Adopt the attached stop sign ordinances at various locations in the City.

ATTACHMENTS:

Stop Sign Ordinance Certificate

**AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES AND TRAFFIC OF THE CITY
OF FAYETTEVILLE
CODE OF ORDINANCES**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina that Chapter 16, "Motor Vehicles and Traffic", is hereby amended to read as follows:

Sec. 16-61. Traffic Schedule Number 6 – **Stop Intersections**

There is hereby added to said schedule the following:

TRAFFIC PROCEEDING ON:

SHALL STOP AT:

Baywood Drive
Bedfordshire Place
Himalayan Road

Himalayan Road
Baywood Point Drive
Raccoon Path

Jersey Drive
Maitland Drive

Heathcote Drive
Heathcote Drive

Coalition Blvd
Coalition Blvd (North bound)
Coalition Blvd (South bound)
Procurement Circle (East bound)
Procurement Circle (West bound)

Santa Fe Drive
Procurement Circle
Procurement Circle
Coalition Blvd
Coalition Blvd

Rite Aid Drive (West bound)

Forsythe Drive

Badin Lake Lane
Camson Road

Old Bunce Road
Braddy Road

Milford Road (East bound)
Milford Road (West bound)

York Road
York Road

Adopted this _____ day of _____, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony G. Chavonne, Mayor

ATTEST:

Pamela J. Megill, CMC, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lee Jernigan, P.E., City Traffic Engineer
DATE: August 27, 2012
RE: **Approval of Yield Sign Ordinances**

THE QUESTION:

Does the City Council concur with the enactment of various yield sign ordinances?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods-A Great Place to Live

BACKGROUND:

There are various new and revised intersections around the City where yield signs have been installed. These signs cannot be enforced if they do not have a concurring ordinance.

ISSUES:

Chapter 16, for Motor Vehicles and Traffic requires the City to amend these signing ordinances and receive City Council approval for additional installations.

BUDGET IMPACT:

There is no significant impact to the budget as the maintenance will be within Traffic Services budget.

OPTIONS:

- Adopt the ordinances as recommended
- Reject the ordinances

RECOMMENDED ACTION:

Adopt the attached yield ordinances at various locations in the City.

ATTACHMENTS:

Yield Sign Ordinance and Sign Location List

**AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES AND TRAFFIC
OF THE CITY OF FAYETTEVILLE
CODE OF ORDINANCES**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina that Chapter 16“Motor Vehicles and Traffic”, is hereby amended to read as follows:

Sec. 16-61. Traffic Schedule Number 14 – **Yield Right of Way**

There is hereby added to said schedule the following:

TRAFFIC PROCEEDING ON:	SHALL YIELD AT:
Fashion Lane	Hanbury Lane
N. Cool Spring Street (South bound)	Person Street
S. Cool Spring Street (North bound)	Person Street
Person Street (East bound)	N. Cool Spring Street
Person Street (West bound)	S. Cool Spring Street
Bridgehead Circle	Coalition Blvd
Civil Court	Coalition Blvd
Coalition Blvd	Bridgehead Circle
Coalition Blvd	Civil Court
Diplomat Drive	Senator Drive
Augusta Drive (East bound)	Commerce Street
Augusta Drive (West bound)	Commerce Street
Commerce Street (North bound)	Augusta Drive
Commerce Street (South bound)	Augusta Drive
Old Field Road (South bound)	Old Field Road
Qualridge Road	Old Field Road

Adopted this _____ day of _____, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony G. Chavonne, Mayor

ATTEST:

Pamela Megill, CMC, City Clerk

YIELD SIGN ORDINANCES INSIDE THE FAYETTEVILLE CITY LIMITS

<u>Installed</u>	<u>Adopted</u>	<u>On Street</u>		<u>At Street</u>	<u>Subdivision</u>
3/19/08		Diplomat Dr	Shall Yield At	Senator Dr	Robinhill
8/19/08		Old Field Rd(S.Bound)	Shall Yield At	Old Field Rd	Quailridge
8/19/08		Quailridge Rd	Shall Yield At	Old Field Rd	Quailridge
7/1/09		Person St (E.Bound)	Shall Yield At	N.Cool Spring St	Downtown
7/1/09		Person St (W.Bound)	Shall Yield At	S.Cool Spring St	Downtown
7/1/09		N.Cool Spring St (S.Bound)	Shall Yield At	Person St	Downtown
7/1/09		S.Cool Spring St (N.Bound)	Shall Yield At	Person St	Downtown
8/17/09		Augusta Dr (E.Bound)	Shall Yield At	Commerce St	Savoy Heights
8/17/09		Augusta Dr (W.Bound)	Shall Yield At	Commerce St	Savoy Heights
8/17/09		Commerce St (N.Bound)	Shall Yield At	Augusta Dr	Savoy Heights
8/17/09		Commerce St (S.Bound)	Shall Yield At	Augusta Dr	Savoy Heights
12/21/11		Coalition Blvd	Shall Yield At	Civil Ct	Military Business Park
12/21/11		Civil Ct	Shall Yield At	Coalition Blvd	Military Business Park
12/21/11		Coalition Blvd	Shall Yield At	Bridgehead Cir	Military Business Park
12/21/11		Bridgehead Cir	Shall Yield At	Coalition Blvd	Military Business Park
1/31/12		Fashion Ln	Shall Yield At	Hanbury Ln	Clairway

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lee Jernigan, P.E., City Traffic Engineer
DATE: August 27, 2012
RE: **Approval of a Municipal Agreement with NCDOT for maintenance of the computerized traffic signal system**

THE QUESTION:

Does the City Council support a Municipal Agreement with NCDOT for maintenance of the computerized traffic signal 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 and this is the new agreement.

ISSUES:

The City is entering into this agreement to provide maintenance of the computerized signal system.

BUDGET IMPACT:

The Municipal Agreement will provide a reimbursement from NCDOT to the City of \$ 82,428 annually.

OPTIONS:

- Approve the Municipal Agreement
- Reject the Municipal Agreement
- Request revisions to the Municipal Agreement

RECOMMENDED ACTION:

Approve the Municipal Agreement

ATTACHMENTS:

municipal agreement

NORTH CAROLINA
CUMBERLAND COUNTY

**MUNICIPAL MAINTENANCE – COMPUTER,
COMMUNICATIONS, EQUIPMENT, AND SYSTEM
OPERATIONS FOR COMPUTERIZED TRAFFIC SIGNAL
SYSTEM AGREEMENT
SCHEDULE D**

DATE: 6/29/2012

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, under the provisions of GS 136-18 and GS 136-66.1 the Department has the responsibility for maintenance of highways on the State Highway System,

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

WHEREAS, the provisions of the North Carolina G.S. 136-18 and G.S. 136-66.1 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 a cost reimbursement Agreement with the Municipality under which the Municipality maintains and operates that portion of the computerized traffic signal system which is on the State Highway System streets within or near the Municipality; and

WHEREAS, the Municipality is willing to contract with the Department to provide such services; and

WHEREAS, the parties do not intend through this Agreement to shift legal responsibility or liability for any portion of the State Highway System from the State to the Municipality;

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

1. The Municipality shall maintain and operate the computerized traffic signal system as defined by Appendix I and 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 Department and Municipality recognize the benefit to be derived from the periodic evaluation and development of timing plans. The Municipality shall be responsible for the evaluation and preparation of timing plans at all intersections in the traffic signal system. All traffic data needed for the evaluation and development of timing plans will be obtained by the Municipality whenever possible. The Municipality will notify the Department of any additional data that is required to evaluate and prepare the necessary timing plans. The Department shall, upon request, make available to the Municipality all current traffic count data for the existing signals. The timing plans affecting intersections on the State Highway System, utilized in system operation, will be subject to the approval of the Department and will reflect the needs of traffic on both the State Highway System and the Municipality's System. In the event the Department and the Municipality cannot agree on the selection of a given timing plan, the decision of the Department will be final.
2. The reimbursement rates in this Agreement represent the Department's pro-rata share of the operation and maintenance cost, with the Department's pro-rata share being based on the ratio of the number of State System intersections to the total number of intersections in the computerized traffic signal system. The Municipality shall maintain a current list (Attachment "A") of all traffic signals within the system, and classify as city or state owned. Attachment "A" will be used to determine the Department's and Municipality's pro-rata share.
3. The Department shall reimburse the Municipality based on the annual amount of the operation and maintenance of the computerized traffic signal system as shown in Schedule "D". This total figure includes the Department's pro-rata share of cost for the salary, payroll additives of a System Operations Engineer. This position, as a minimum, shall exhibit the qualifications and perform the duties as defined by Appendix II. The System Operations Engineer(s) costs shall also be based on the pro-rata share of time dedicated to the operation of the system.
4. The Department shall reimburse the Municipality for maintaining the Central Computer and Associated Hardware, CCTV Camera System, Communications Infrastructure, and other associated central and system field equipment. The Municipality shall be responsible for

providing all needed replacement parts. Under this Agreement, the Department will reimburse the Municipality for its pro-rata share of the replacement or repair costs.

5. The Municipality will not receive an annual reimbursement for preventive maintenance of any fiber optic communications cable. The Department will reimburse the Municipality its pro-rata share of the actual costs for the emergency restoration of fiber optic communications. This cost shall include: fiber optic cable, interconnect centers, splice trays, transceivers, labor, etc.
6. This agreement shall be for the current fiscal year, beginning July 1, 2012 and ending June 30, 2013. At the end of the fiscal year, the provision of services and quality of results may be reviewed by the Department and Municipality. The Agreement may be extended for additional fiscal years, contingent upon the increase of NCDOT maintenance funds by the General Assembly. Extensions may be made in one (1) year increments, incorporating any mutually agreed upon adjustments, with the end of the final fiscal year of service being June 30, 2018. On behalf of the Municipality, extensions may be authorized and executed by the Town Manager without further resolution of the Town Council. The agreement may be terminated by either party upon a thirty (30) day written notice.
 - A. Upon termination of each year of service, and in connection with each extension of this Agreement, the Municipality may request an adjustment of the annual rates based on actual cost records for the prior years. This request must indicate the new rate for each Schedule "D" item. Each rate must be verifiable by time sheets, salary rates, materials, equipment, and other qualifying costs in conformance with the standards of allowability of costs set forth in the Office of Management and Budget (OMB) Circular A-87. This shall be actual cost incurred with the exception of equipment owned by the Municipality. Reimbursement for the rates of equipment owned by the Municipality cannot exceed the Department's rates in effect for the time period in which the work is performed.
 - B. The cost records may be audited by the Department to determine any adjustments or revisions in the new rates.
7. The Department shall review and concur with any contract entered into by the Municipality for the purpose of maintenance of any items. The Department will reimburse the Municipality for its pro-rata share, as specified above, for any maintenance contract in which it concurs. The Department shall have access to the maintenance contractor's records and documentation for audit, which pertains to any rates billed to the Municipality for the maintenance of those items for a period of five (5) years after the close of each fiscal year.

8. Items of equipment secured under the original construction contract as non-participating items by the Department (100 % Municipality costs) will continue as non-participating items with respect to maintenance.
9. The Department shall be billed quarterly by the Municipality at the Department's Division Office for the cost of maintenance and operation of the computerized traffic signal system pursuant to this agreement. The reimbursement rates shown on the Schedule "D" 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.
 - A. The Municipality shall submit an itemized invoice to the Department for said costs no later than three (3) months after the scheduled quarterly billing date. This invoice will reflect the balance between the quarterly payments issued by the Department and the total amount not to exceed \$125,000.00.
 - B. The Department shall reimburse the Municipality for the cost of maintenance and operation of the computerized signal system performed by the Municipality for the quarterly billing period upon approval by the Department's Division Engineer and the Fiscal Section.
 - C. The Municipality shall keep and maintain all cost records and supporting documentation for the work for which they bill the Department and shall make such information available to the Department upon request for audit for a period of five (5) years after closing of each fiscal year.
10. The Municipality shall furnish the Department's Division Engineer a certified quarterly status report that details the maintenance and operation of the signal system. The status report shall be certified in writing by the Systems Operations Engineer and shall indicate intersection failures, local and system detector failures, the percentage of time the computer system was off-line, the repairs that were made and the dates of said repairs/replacements. The quarterly report shall also identify any new/deleted intersections in the traffic signal system and all traffic signal timing optimization performed.
11. The Municipality shall not install any traffic control devices on any State Highway System street that have not been approved by the Department pursuant to North Carolina G.S. 20-169.
12. The Municipality shall not make any traffic signal phasing changes on the State Highway System streets without prior approval of the Department.
13. The Municipality shall maintain and operate the signal system in accordance with North Carolina General Statutes, the Department's current policies and guidelines as defined in Appendix I, and

all local codes and ordinances. If, in the opinion of the Department, the Municipality does not maintain the signal system in accordance with the specified criteria, the Department shall have the right to enter into a separate maintenance agreement with a private contractor and deduct the cost of said maintenance from the Municipality's funds allocated under G.S. 136-41.1 and Municipal Maintenance Agreement Schedule "D".

14. This Agreement does not transfer control from the Department to the Municipality of the State Highway System roads described herein, nor does it prohibit the Department from taking any action or undertaking any responsibilities with regard to such roads. This Agreement does not transfer to the Town any control over, or legal liability for, the state roads which are the subject of this Agreement. 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.
15. 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 Minority Businesses, Women Businesses, (MBE/WBE) as required by GS 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
16. 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.
17. 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 by the Department and the Municipality by authority duly given.

ATTEST: CITY OF FAYETTEVILLE

BY: _____ BY: _____

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: _____

COMPUTERIZED TRAFFIC SIGNAL SYSTEM – SCHEDULE “D”

APPENDIX I

Traffic Signal System Maintenance and Operations

Levels of Service

Level-of-service “A”

All of the signalized intersections in the Municipalities’ jurisdiction are monitored by the system. All of the signalized intersections are actively controlled for at least some periods of the day. (E.g. Timing plans are developed and implemented.)

All timing plans and day plans are evaluated on intervals of no greater than six months. Required new plans are developed and implemented within three months. On corridors with a significant annual growth in traffic volume (> 5.0%), new timing plans are developed and implemented annually.

The Municipality has an active traffic data collection program that includes turning movement counts at all signalized intersections; the collection of average daily traffic counts; and the performance of travel-time/delay studies on all subsystems a minimum of every two years. This data is used to evaluate system operations and performance.

Timing plans for newly installed intersections are implemented in conjunction with the installation of the traffic signal.

The Municipality has an active, on-going preventative maintenance program in which system communication components and central site hardware is tested and evaluated on intervals of no less than two times per year.

A minimum of 90% of all system detectors are operational at any given time. The maximum time to repair failed detection devices is 30 calendar days.

The control center is staffed by qualified personnel; during the AM & PM peak hours, and during other times of high traffic volumes. (e.g. special events).

The Municipality uses traffic responsive timing plans where appropriate and continually monitors and updates the thresholds.

Level-of-service “B”

Essentially all (+90%) of the signalized intersections in the Municipalities' jurisdiction are monitored by the system. Practically all (+95%) of the signalized intersections are actively controlled.

All timing plans and day plans are evaluated on intervals of no greater than 12 months. Required new plans are developed and implemented within three months. On corridors with a significant annual growth in traffic volume (> 5.0%), new timing plans are developed and implemented annually.

The Municipality has an active, traffic data collection program that includes turning movement counts at all signalized intersections, the collection of average daily traffic counts, and travel-time/delay studies on all subsystems at a minimum of every two years. The data is used to evaluate system operations and performance.

Timing plans for newly installed intersections are implemented in conjunction with the installation of the signal.

The Municipality has an active, on-going preventative maintenance program in which system communication components and central site hardware is tested and evaluated on intervals of no less than two times per year.

A minimum of 85% of all system detectors is operational at any given time. The maximum time to repair failed detection devices is 30 calendar days.

The control center is staffed by qualified personnel during the AM & PM peak hours. The operations staff is on-call during other times of expected high traffic volume.

The Municipality uses traffic responsive timing plans where appropriate. Threshold values are evaluated annually.

Level-of-service “C”

The vast majority (+80%) of the signalized intersections in the Municipalities' jurisdiction are monitored by the system. The only traffic signals not monitored are those whose proximity do not lend themselves to cost-effective communication. The vast majority (+80%) of the signals monitored, are actively controlled by the system.

All timing plans and day plans are evaluated on intervals of no greater than 18 months. On average, required new plans are developed and implemented within six months. On corridors with a significant annual growth in traffic volume (> 5.0%), new timing plans are developed and implemented annually.

The Municipality has an active, traffic data collection program that includes turning movement counts at all signalized intersections, average daily traffic counts, and travel-time/delay studies at a minimum of every two years. The data is used to evaluate system operations and performance.

Timing plans for newly installed intersections are implemented within 30 days.

The Municipality has an active, on-going preventative maintenance program in which system communication components and central site hardware is tested and evaluated on intervals of no less than two times per year.

A minimum of 80% of all system detectors are operational at any given time. The maximum time to repair failed detection devices is 60 days.

The control center is staffed by qualified personnel during the AM & PM peak hours and special events.

The Municipality uses traffic responsive timing plans where appropriate. Threshold values are evaluated annually.

Level-of-service “D”

Most (+60%) of the signalized intersections in the Municipalities' jurisdiction are monitored by the system. Signalized intersections, which are in close proximity to other signalized intersections (<0.5 mile), are in operation but are not monitored by the system. Most (+60%) of the signals monitored, are actively controlled by the system.

All timing plans and day plans are evaluated on intervals of no greater than 24 months. New plans are developed and implemented within 12 months. On corridors with a significant annual growth in traffic volume (> 5.0%), new timing plans are developed and implemented on intervals of no greater than two years.

The Municipality has an active traffic data collection program that includes turning movement counts at all signalized intersections, average daily traffic counts, and travel-time/delay studies at a minimum of every three years. The data is used to evaluate system operations and performance.

Timing plans for newly installed intersections are implemented within 60 days of the installation of the traffic signal.

The Municipality has an active, on-going preventative maintenance program in which system communication components and central site hardware is tested and evaluated on intervals of no less than one time per year.

A minimum of 60% of all system detectors are operational at any given time. The maximum time to repair failed detection devices is 90 calendar days.

The control center is staffed during either the AM or PM peak hour; whichever is the highest volume period.

The Municipality has not evaluated the use of traffic responsive timing plans

Level-of-service “F”

Less than half (<50%) of the signalized intersections in the Municipalities' jurisdiction are monitored by the system. Signalized intersections, which are in close proximity to other signalized intersections (<0.5 mile), are in operation but are not monitored by the system. Most (+60%) of the signals monitored, are actively controlled by the system.

All timing plans and day plans are evaluated on intervals greater than 30 months. On average, new plans are developed and implemented on intervals not to exceed 18 months. On corridors with a significant annual growth in traffic volume (> 5.0%), new timing plans are developed and implemented on intervals of no greater than two years.

The Municipality does not collect data to evaluate system performance and retune signals. All data used is provided by others.

Timing plans for newly installed intersections are implemented greater than 90 days from when the signal was first placed into operation.

The Municipality does not have an active, on-going preventative maintenance program in which system communication components and central site hardware is tested and evaluated. The Municipality provides emergency maintenance only for system communication and hardware components.

A minimum of 50% of all system detectors are operational at any given time. The maximum time to repair failed detection devices is 120 calendar days.

The control center is staffed during either the AM or PM peak hour; whichever is the highest volume period.

The Municipality has not evaluated the use of traffic responsive timing plans.

APPENDIX II

SYSTEMS OPERATIONS ENGINEER

EDUCATION AND EXPERIENCE

- Graduation from a four-year college or university with a major in Civil Engineering and a minimum of 3 years of progressive transportation engineering experience; or an equivalent combination of training and directly related experience in traffic signal operations.
- Operations experience and knowledge of ITS concepts, data communications and computerized traffic signal systems equipment.
- Outstanding planning and organizational skills. Excellent oral and written communications skills including the ability to make public presentations.
- Working knowledge of the principles and practices of traffic signal timing and microcomputer applications of traffic signal optimization software, e.g., Synchro 3.2, PASSER-II, PASSER IV, TRANSYT 7F, NETSIM.
- Working knowledge of AUTOCADD and PC-BASED programs including MS Office (Word, Excel, Access, Powerpoint); GIS and various software programs for traffic optimization and traffic analysis.

ESSENTIAL DUTIES

- Plans, organizes and directs the activities of the computerized traffic signal system operation to ensure that all required functions, activities and tasks are performed in an effective, efficient and timely manner.
- Performs field investigations, collects and analyzes traffic data and MOE's, computes traffic parameters to refine signal timing programs for optimum systems timing efficiency and develops time-space diagrams. Develops and implements new signal timing plans created by changes in traffic flow patterns, land-use and population.

- Prepares and installs timing plans (traffic responsive and time-of-day/day-of-week) for all corridors; prepares and implements special event timing plans and prepares temporary timing plans for failed detector locations.
- Maintains system databases and modifies as necessary to allow for expansion; reviews and evaluates all signalized intersections for phasing optimization; provides system data for and assists with various traffic studies and analysis projects regarding the computerized traffic signal system.
- Provides assistance to the transportation operations staff in diagnostic and maintenance activities.
- Interacts with and uses the features of the signal system control software to develop and modify timing plans using PC-based timing plan software.
- Manages the traffic signal system maintenance functions including: maintaining the graphics monitoring databases; performing periodic schedule data backup; assures the periodic image and graphic backups are accomplished and safely stored.
- Coordinates with the Department on roadway construction projects, which affect the traffic operations in the computerized traffic signal system. Develops and implements temporary timing plan strategies for construction work zones, alternate routes and incident diversion routes.
- Maintains daily control logs, event logs, timing plan ledgers and daily summary reports.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, PE, Engineering & Infrastructure Director
DATE: August 27, 2012
RE: **Municipal Agreement with NCDOT for sidewalk improvements to Legion Road from Elk Road to Owen Drive.**

THE QUESTION:

Whether or not Council wants to approve a Municipal Agreement with NCDOT for sidewalk improvements to Legion Road from Elk Road to Owen Drive.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- The roadway is to be improved by NCDOT.
- The estimated date to let to construction is September, 18 2012
- The city would be responsible for 50% of the sidewalk cost for the section constructed along both sides of the roadway in the City Limits.
- FAMPO is paying for 100% of the sidewalk between the City of Fayetteville and Hope Mills.
- Hope Mills is paying 50% of the sidewalk cost for the section constructed along both sides of the roadway in the Hope Mills City Limits.

ISSUES:

The City is being asked by NCDOT to contribute an estimated \$78,016 towards the construction of the cost for sidewalks along both sides of the Legion Road.

BUDGET IMPACT:

We would request general funds for our share of the project.

OPTIONS:

- Approve the attached Municipal Agreement for the scheduled roadway improvements.
- Not approve the Municipal Agreement

RECOMMENDED ACTION:

Approve the attached Municipal Agreement with NCDOT for the construction of sidewalk improvements to Legion Road from Elk Road to Owen Drive.

ATTACHMENTS:

letter requesting sidewalks
Area map
Legion Road municipal agreement



October 11, 2010

Kristine A. O'Connor, P.E.
Project Planning Engineer
North Carolina Department of Transportation
Project Development & Environmental Analysis Branch
1548 Mail Service Center
Raleigh, NC 27699-1548

Re: Sidewalks for Legion Road project

Dear Mrs. O'Connor:

This is to request sidewalks be installed along both sides of Legion Road (U-2809) in the Fayetteville City limits and in the MIA (see attached map). This has been coordinated with FAMPO and they support our request. This connection along with the Hope Mills section of sidewalk to be constructed will improve pedestrian accessibility along this corridor.

If we can be of further assistance, please advise.

Sincerely,

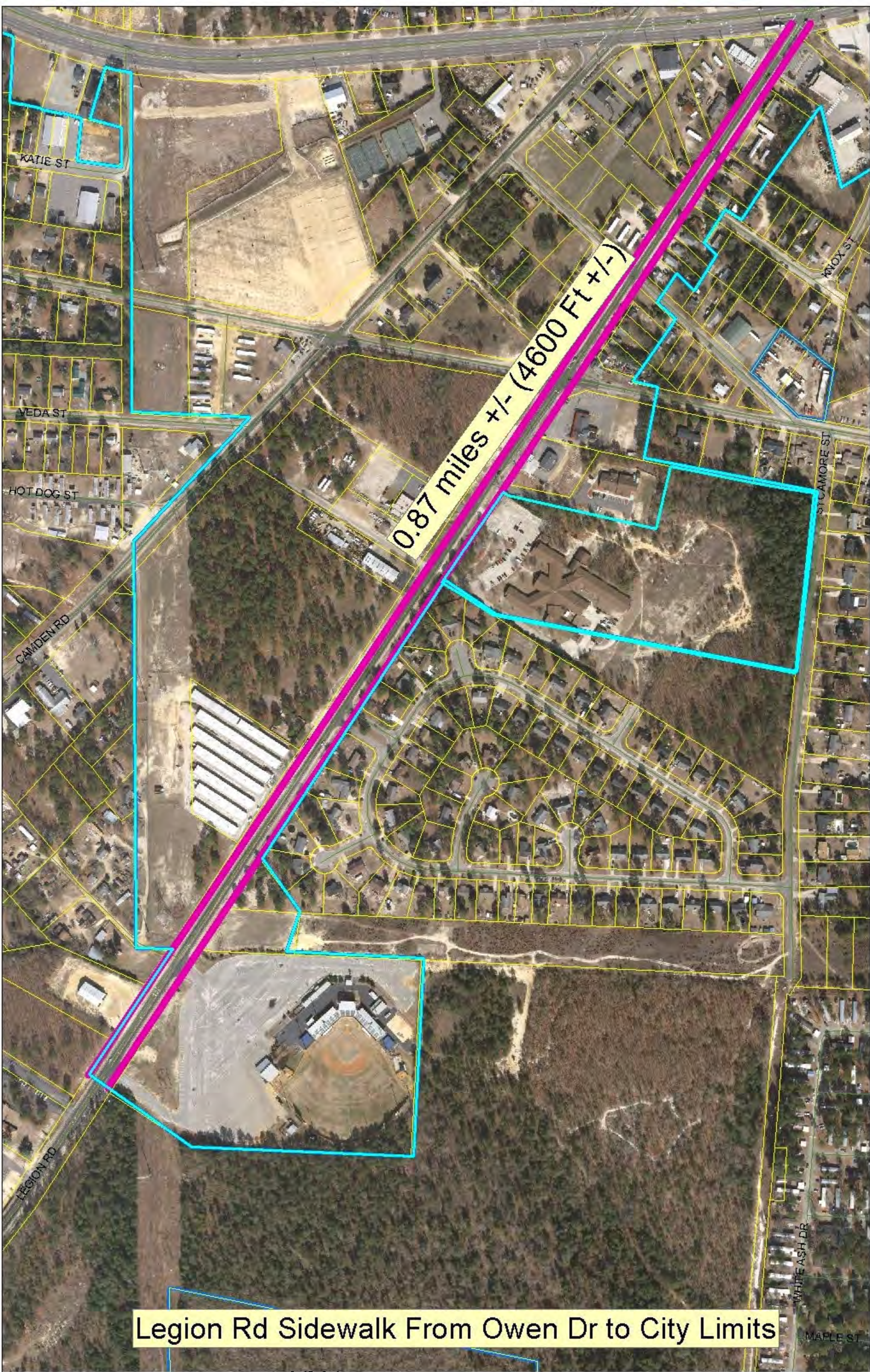
A handwritten signature in black ink that reads 'R. W. Thompson'.

R. W. Thompson, PE, PTOE
City Traffic Engineer

attachments

Cc: Dale Iman
Doug Hewett
Jeffery Brown
Rick Heicksen
Tracey Pittman

433 HAY STREET
FAYETTEVILLE, NC 28301-5537
(910) 433-1656 • FAX (910) 433-1058
www.cityoffayetteville.org
An Equal Opportunity Employer



0.87 miles +/- (4600 Ft +/-)

Legion Rd Sidewalk From Owen Dr to City Limits

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT –
MUNICIPAL AGREEMENT**

CUMBERLAND COUNTY

REVISED DATE: 8/8/2012

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-2809B

AND

WBS Elements: 34865.3.3

CITY OF FAYETTEVILLE

THIS MUNICIPAL 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, a local government entity, hereinafter referred to as the “Municipality”.

WITNESSETH:

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under TIP Project U-2809B in Cumberland County; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

WHEREAS, said Project is scheduled to be let to contract and awarded on September 18, 2012; however, if the Department has not received the partially executed Agreement from the Municipality by the award date, the construction of sidewalks will not be included in the work and will be deleted from the Agreement;

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF THE PROJECT

1. The Project consists of improvements to SR 1132 (Legion Road) from SR 1363 (Elk Road) to SR 1007 (Owen Drive). At the request of the Municipality, additional work to be included within the scope of the project shall include sidewalks along SR 1132 (Legion Road) in the project limits.

PLANNING, DESIGN AND RIGHT OF WAY

2. The Department shall prepare the environmental and/or planning document, and obtain any environmental permits needed to construct the Project, and prepare the Project plans and specifications needed to construct the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.
3. The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

UTILITIES

5. It is understood that the municipally-owned water and sewer lines are owned by Fayetteville Public Works Commission (PWC), therefore a separate Utility Agreement will be prepared with Fayetteville Public Works Commission (PWC). The Municipality shall exercise any rights which it may have under any franchise to effect all necessary changes, adjustments, and relocations of telephone, telegraph, and electric power lines; underground cables, gas lines, and other pipelines or conduits; or any privately - or publicly-owned utilities.

CONSTRUCTION AND MAINTENANCE

6. The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.
7. It is further agreed that upon completion of the Project, the Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the

Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the “Policy on Street and Driveway Access to North Carolina Highways”, and departmental criteria.

8. Upon completion of the Project, the improvement(s) shall be a part of the State Highway System and owned and maintained by the Department.

FUNDING

9. The Municipality shall participate in the Betterment costs of the Project as follows:
 - A. Upon completion of the work, the Municipality shall reimburse the Department fifty percent (50%), of the actual cost, including administrative costs, of the work associated with the construction of the sidewalks. The Department shall participate in fifty percent (50%) of the cost of the sidewalks of the actual total project construction cost of that portion of the project within the corporate limits, where new sidewalks are to be installed. The estimated cost of the sidewalks is \$156,033. The estimated cost to the Municipality is \$78,016. Both parties understand that this is an estimated cost and is subject to change.
 - B. Reimbursement to the Department shall be made in one final payment upon completion of the work and within sixty days of invoicing by the Department.
 - C. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality’s share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1 until such time as the Department has received payment in full under the reimbursement terms set forth in this Agreement. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23.

ADDITIONAL PROVISIONS

10. At the request of the Municipality, and in accordance with the Department’s “Guidelines for Planning Pedestrian Facilities”, the Department shall include provisions in its construction contract for the construction of sidewalks on/or along SR 1132 (Legion Road) in the project limits in Fayetteville.. Said work shall be performed in accordance with Departmental policies, procedures, standards and specifications, and the following provisions.

- A. It is understood by both parties that all sidewalk work shall be performed within the existing right of way. However, should it become necessary, the Municipality, at no expense or liability whatsoever to the Department, shall provide any needed right of way and or construction easements for the construction of the sidewalks, and remove from said rights of way all obstructions and encroachments of any kind or character. Acquisition of any needed right of way shall be performed in accordance with the following state and federal policies and procedures, "Right of Way Acquisition Policy and Land Acquisition Policy, contained in the Federal-Aid Policy Guide, Part 712, Subpart B", and the North Carolina Right of Way Manual (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). The Department shall be indemnified and held harmless from any and all damages and claims for damages associated with the acquisition of any construction easements and/or right of way.
 - B. Upon completion of the work, the Municipality shall reimburse the Department in accordance with the Funding Provision stated hereinabove.
 - C. The Municipality, at no expense to the Department, shall assume all maintenance responsibilities for the sidewalks and release the Department from all liability relating to such maintenance.
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. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
13. All terms of this Agreement are subject to available departmental funding and fiscal constraints.
14. 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).

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

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

L.S. 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)

Federal Tax Identification Number

Remittance Address:
City of Fayetteville

DEPARTMENT OF TRANSPORTATION
BY: _____
DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, CEO/General Manager Public works Commission of the City of Fayetteville
DATE: August 27, 2012
RE: **Phase V, Area 6 & 7 - Proposed Assessment Revision**

THE QUESTION:

Will the City Council, as the governing body, approve the release of assessments for properties located at 7596, 7600 and 7605 Deerwood Drive in the annexation Phase V, Area 6 & 7 as allowed by North Carolina General Statute 105-381 for a clerical error?

RELATIONSHIP TO STRATEGIC PLAN:

Quality utility services.

BACKGROUND:

On March 28, 2011 the Fayetteville City Council approved and levied the Assessment Roll for the sanitary sewer lines provided within the Phase 5 Annexation Project for Areas 6 & 7 Lagrange and Summerhill. The preliminary assessment notices were mailed to the property owners on March 2, 2011 with the final assessment notices mailed on March 30, 2011. PWC received written appeals from three property owners on Deerwood Drive stating PWC did not extend a sewer main down their private street. Rudy Studer, for property located at 7596 Deerwood Drive, parcel number 9498-49-5465; Barbara Melvin, for property located at 7600 Deerwood Drive, parcel number 9498-49-3495; and Rosina Newton, for property located at 7605 Deerwood Drive, parcel number 9498-49-3289 are requesting the sewer assessment be released from their properties. PWC determined during the design phase of this annexation area, that Deerwood Drive and Greenbriar Drive are not public rights-of-way. While the streets are platted, apparently they were never turned over to the City/County for maintenance, or the City/County never accepted them for maintenance. Since these roads are not public, the ownership of the streets is unclear. A decision was made not to pursue obtaining an easement, due to the expected difficulty in tracking down all the responsible parties (heirs) and obtaining an acceptable agreement. A clerical error was made by including the subject properties in the Assessment Roll where sewer utilities were not installed on this private street. Under General Statue 105-381 a tax (assessment) may be released for the following (1) **A tax imposed through clerical error;** (2) **An illegal tax, or** (3) **A tax levied for an illegal purpose.**

ISSUES:

Appeal by property owners to release the assessment on property addresses located at 7596,7600, and 7605 Deerwood Drive due to clerical error.

BUDGET IMPACT:

Assessment revenues decrease

OPTIONS:

1. Adopt recommendations
2. Take no action
3. Provide additional direction to staff

RECOMMENDED ACTION:

PWC recommends the following action on the basis of clerical error pursuant to state statute 105-381 for the following properties:

Release the assessment in the amount of \$5,000.00 for 7596 Deerwood Drive - Parcel Number 9498-49-5465

Release the assessment in the amount of \$5,000.00 for 7600 Deerwood Drive - Parcel Number 9498-49-3495

Release the assessment in the amount of \$5,000.00 for 7605 Deerwood Drive - Parcel Number 9498-49-3289

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: August 27, 2012
RE: **Special Revenue Fund Project Ordinance 2013-3 (Gangs Across the Carolinas 2012)**

THE QUESTION:

This ordinance appropriates \$53,299 for the Gangs Across the Carolinas Training Conference for the fiscal year 2012-2013.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: GROWING CITY, LIVABLE NEIGHBORHOODS - A GREAT PLACE TO LIVE

Objective 1: Consistent improvement in reducing crime rates

BACKGROUND:

- The North Carolina Department of Public Safety - Governor's Crime Commission has approved a grant, funded by the Federal Byrne Justice Assistance Grant Program, that will cover 75% (\$39,974) of the costs of the annual Gangs Across the Carolinas Training Conference. A local match of 25% (\$13,325) must be provided to cover the remaining costs.
- The North Carolina Gang Investigator's Association (NCGIA) will provide the local match.
- The NCGIA will coordinate the annual training conference. Gang specialists and experts for the state of North Carolina, and throughout the country, will provide needed training on issues such as the latest trends, tactics and safety concerns that are vital in combating gangs and keeping our citizens safe.
- The annual Gangs Across the Carolinas conference is a state-wide training event that over 450 state, local and federal law enforcement members attend. This is the largest conference of this type in the southeastern United States.

ISSUES:

None.

BUDGET IMPACT:

As noted above.

OPTIONS:

- 1) Adopt Special Revenue Fund Project Ordinance 2013-3.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2013-3.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2013-3.

ATTACHMENTS:

Special Revenue Fund Project Ordinance 2013-3

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2013-3

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

Section 1. The project authorized is for the funding of the Gangs Across the Carolinas Training Conference 2012.

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

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

Federal Grant passed through the NC Governor's Crime Commission	\$ 39,974
Local Match - N. C. Gang Investigator's Association	<u>13,325</u>
	<u><u>\$ 53,299</u></u>

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

Project Expenditures	<u><u>\$ 53,299</u></u>
----------------------	-------------------------

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

Adopted this 27th day of August, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: August 27, 2012
RE: **Special Revenue Project Fund Ordinance 2013-4 (2012 Gang Partnership Program)**

THE QUESTION:

This ordinance appropriates \$48,196 for the Gang Partnership Program for fiscal year 2012-2013.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: GROWING CITY, LIVABLE NEIGHBORHOODS - A GREAT PLACE TO LIVE

Objective 1: Consistent improvement in reducing crime rates

BACKGROUND:

- The North Carolina Department of Public Safety - Governor's Crime Commission has approved a grant, funded by the Federal Byrne Justice Assistance Grant Program, for the City's Gang Partnership Program.
- The program will be administered through a partnership between the Fayetteville Police Department and Cumberland County Communicare.
- The grant will cover 75% of the payroll, supplies and equipment costs for a Resource Coordinator.
- The Resource Coordinator will be hired by Cumberland County Communicare and housed at the Fayetteville Police Department.
- The role of the Resource Coordinator position will be to assist with identifying gang related incidents and opportunities for referrals, as well as facilitating placement of individuals associated with gang activity with viable programs/services within the community.
- The total project budget is \$48,196 with \$36,147 provided by the grant and a required local match of \$12,049 from the General Fund.
- The local match is included in the FY2013 budget.

ISSUES:

None.

BUDGET IMPACT:

See background information above.

OPTIONS:

- 1) Adopt Special Revenue Fund Project Ordinance 2013-4.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2013-4.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2013-4.

ATTACHMENTS:

Special Revenue Fund Project Ordinance 2013-4

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2013-4

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

Section 1. The project authorized is for the funding of the 2012 Gang Partnership program between the Fayetteville Police Department and Cumberland County Communicare to hire a Resource Coordinator.

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

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

Federal Grant passed through the NC Governor's Crime Commission	\$ 36,147
Local Match - City of Fayetteville General Fund Transfer	<u>12,049</u>
	<u><u>\$ 48,196</u></u>

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

Project Expenditures	<u><u>\$ 48,196</u></u>
----------------------	-------------------------

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

Adopted this 27th day of August, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Lisa Smith, Chief Financial Officer
DATE: August 27, 2012
RE: **Special Revenue Fund Project Ordinance Amendment 2013-1 (CDBG Program) and Special Revenue Fund Project Ordinance Amendment 2013-2 (HOME Program)**

THE QUESTION:

Council is asked to approve Special Revenue Fund Project Ordinance Amendments 2013-1 and 2013-2, which will establish the operating budgets for the Community Development Block Grant and HOME Investment Partnership programs for the FY2012-2013 program year.

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:

- This action will establish the operating budgets for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs for the FY2012-2013 program year.
- The U.S. Department of Housing and Urban Development has awarded grants in the amounts of \$1,341,047 for the CDBG program and \$646,435 for the HOME program.
- This action will appropriate the entire CDBG and HOME program income of \$220,305 and \$337,612, respectively, as outlined in the 2012-2013 Action Plan.
- The Annual Action Plan, which outlines all activities and funding sources for both CDBG and HOME, was submitted and approved by Council on April 23, 2012.

ISSUES:

None.

BUDGET IMPACT:

See background section for budget impact.

OPTIONS:

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

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance Amendments 2013-1 and 2013-2.

ATTACHMENTS:

Special Revenue Fund Project Ordinance Amendment 2013-1 (CDBG)
Special Revenue Fund Project Ordinance Amendment 2013-2 (HOME)

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

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 August 27, 2012:

Section 1. The project change authorized is to the Special Revenue Fund Project Ordinance 2013-1, adopted June 25, 2012, with an effective date of July 1, 2012, 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	\$ -	\$ 1,341,047	\$ 1,341,047
Program Income	63,770	156,535	220,305
	<u>\$ 63,770</u>	<u>\$ 1,497,582</u>	<u>\$ 1,561,352</u>

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

Project Expenditures	<u>\$ 63,770</u>	<u>\$ 1,497,582</u>	<u>\$ 1,561,352</u>
	<u>\$ 63,770</u>	<u>\$ 1,497,582</u>	<u>\$ 1,561,352</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 27th day of August, 2012.

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

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 August 27, 2012:

Section 1. The project change authorized is to the Special Revenue Fund Project Ordinance 2013-2, adopted June 25, 2012, with an effective date of July 1, 2012, 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	\$ -	\$ 646,435	\$ 646,435
Program Income	21,417	316,195	337,612
	<u>\$ 21,417</u>	<u>\$ 962,630</u>	<u>\$ 984,047</u>

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

Project Expenditures	\$ 21,417	\$ 962,630	\$ 984,047
	<u>\$ 21,417</u>	<u>\$ 962,630</u>	<u>\$ 984,047</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 27th day of August, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: August 27, 2012
RE: **P12-38F Request for a Special Use Permit for heavy auto repair on property zoned Community Commercial and Limited Commercial located at 4429 Murchison Rd. Containing 6.5 acres more or less and being the property of Weaver Commercial Properties.**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods Growth and development

BACKGROUND:

Owner: Weaver Commercial Properties
Applicant: Weaver Commercial Properties
Requested Action: SUP Heavy Auto Repair
Property Address: 4429 Murchison Rd
Council District: 4
Status of Property: Commercial
Size: 6.5 acres +/-
Existing Land Use: auto repair
Adjoining Land Use & Zoning:
North - CC, HI & SF-6
South - SF-6 & CC
East - HI & CC
West - MR-5 & SF-6
Letters Mailed: 27
Land Use Plan: Medium density residential and heavy commercial
Murchison Road Corridor Plan: Commercial Rezoned: Back 2/3rds rezoned to LC in Oct. of 2011, remaining property stayed CC

ISSUES:

This property is currently used as a light auto repair business (ie. tires, oil and battery changes, lubes and tuneups. The owners of that business would like to expand their operations to include heavy auto repair. Currently this property is split zoned. The front portion is zoned CC - Community Commercial and the back is zoned LC - Limited Commercial. General auto repair is allowed by right in the CC but heavy repairs including body work, painting, engine and transmission repairs require a SUP. There is no site plan as part of this SUP application since this is an existing business.

Conditions of the SUP:

1. Property must meet the minimum requirements of the UDO, such as parking and landscaping. Zoning Commission & Staff recommend approval of the proposed SUP based on:
 1. Front 3rd of property is currently zoned CC for heavy commercial.
 2. Property's current use is auto repair.
 3. A car lot and other commercial uses surround this property.
 4. SUP allows additional conditions be placed on the property if necessary.

A Special Use Permit shall be approved only upon a finding that all of the following standards are met:

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

BUDGET IMPACT:

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

OPTIONS:

- 1) Approval of SUP as presented by staff; (recommended)
- 2) Approval of SUP with additional conditions;
- 3) Denial of the SUP request.

RECOMMENDED ACTION:

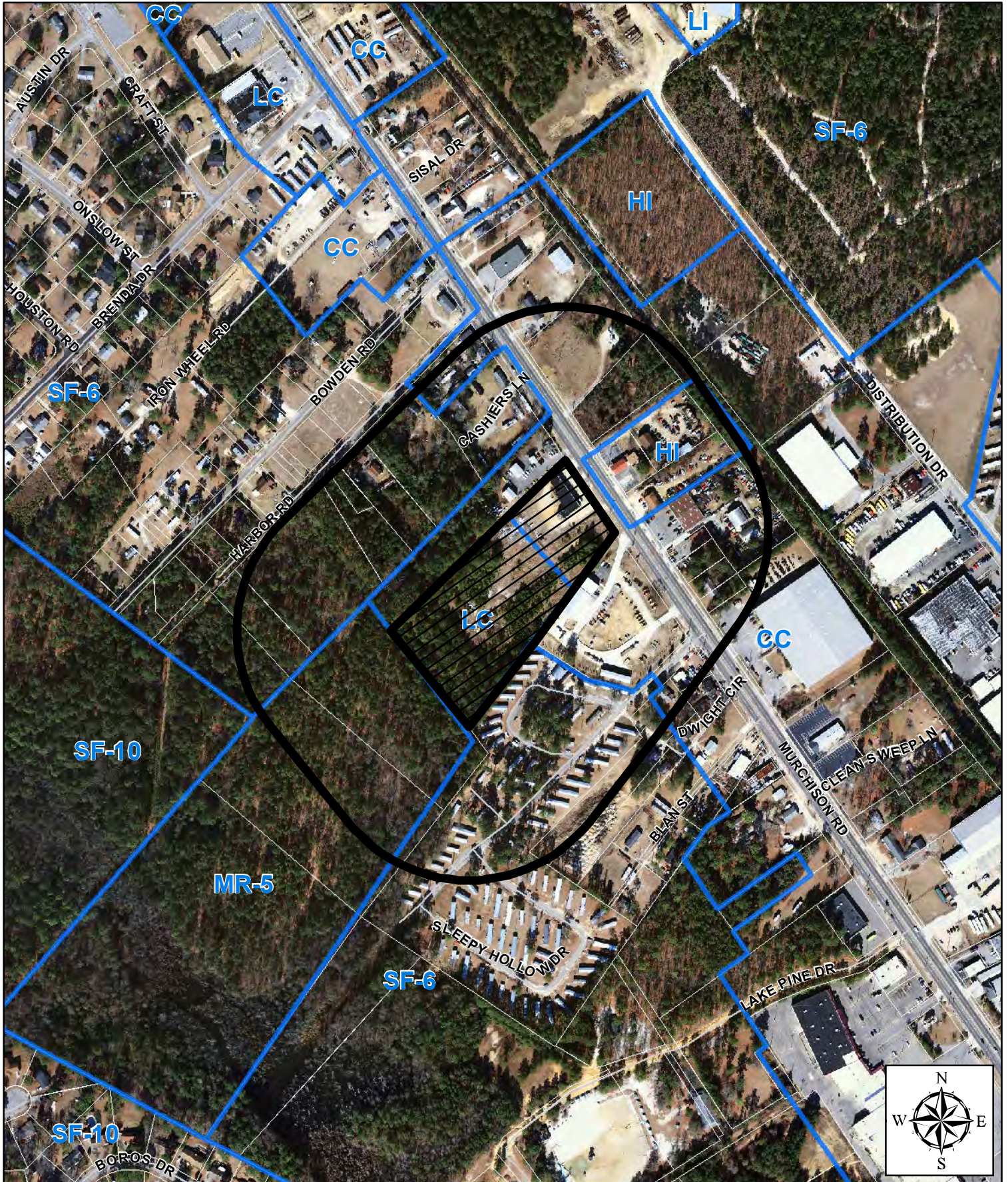
Zoning Commission and Staff Recommend: That the City Council move to APPROVE the Special Use Permit (SUP) for heavy auto repair, as presented by staff, based on these findings:

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

ATTACHMENTS:

Zoning Map
Current Land Use
Land Use Plan

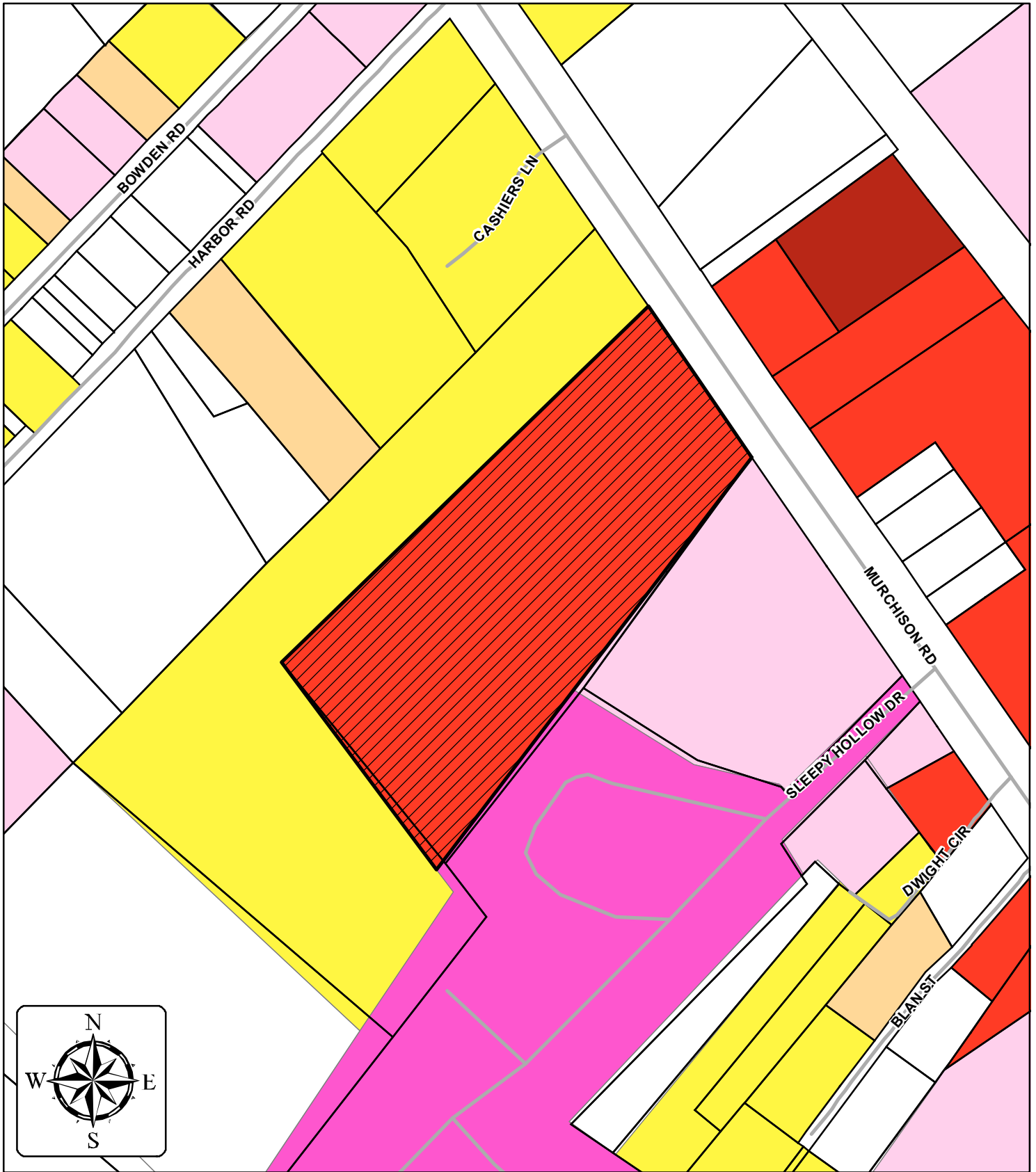
**ZONING COMMISSION
CASE NO. P12-38F**



Request: SUP Heavy Auto Repair
Location: 4429 Murchison Rd
Acreage: portion of 6.5 +/- acres

Zoning Commission: 07/10/2012 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 0429-32-2325- (a portion of)

Current Land Use
P12-38F

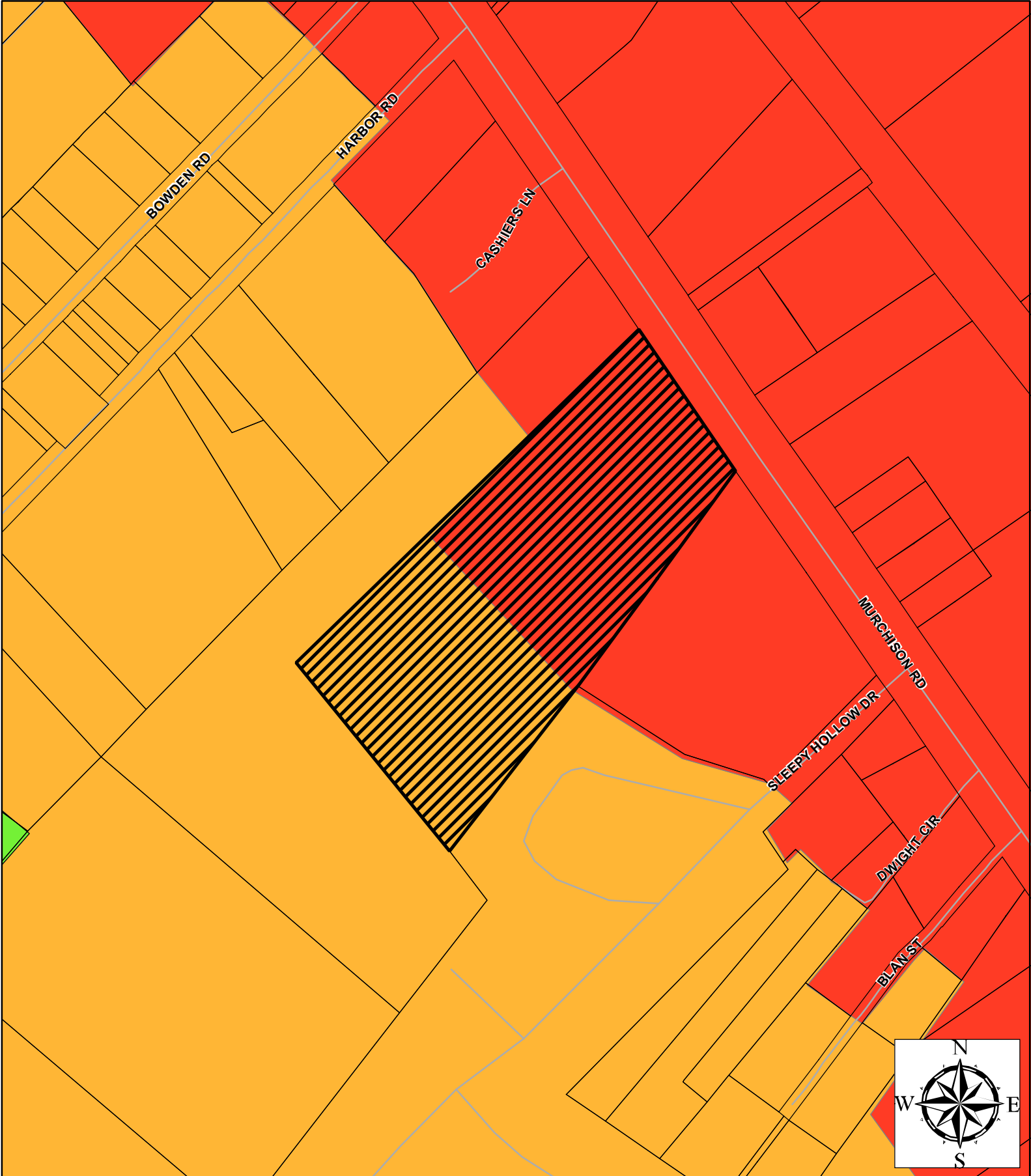


Legend

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

2010 Land Use Plan

Case No. P12-38F



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: August 27, 2012
RE: **P12-39F Request for a Special Use Permit for heavy auto repair on property zoned Community Commercial located at 5130 Raeford Rd. Containing 2.66 acres more or less and being the property of DPGP Investments, LLC.**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: DPGP Investments, LLC
Applicant: DPGP Investments, LLC
Requested Action: SUP Heavy Auto Repair
Property Address: 5130 Raeford Rd
Council District: 9
Status of Property: Commercial
Size: 2.66 acres +/-
Existing Land Use: Vacant building
Adjoining Land Use & Zoning:
North - SF-10
South - CC
East - CC
West - CC
Letters Mailed: 28

Land Use Plan: Heavy Commercial

ISSUES:

This property has a large vacant building. Currently this property is zoned CC and is mostly surrounded by CC with the exception of SF-10 being to the North. This SF-10 district area is mainly undeveloped. Everything else around this property is developed as heavy commercial. General auto repair is allowed by right in the CC, but heavy repairs including body work, painting, engine and transmission repairs, require a SUP.

During the Zoning Commission meeting there were concerns regarding access to the back of the property along a private road, Morris Dr. The main concern was the use of that road for wrecker access, especially on the weekends.

Conditions of the SUP suggested by the Zoning Commission:

1. Property must meet the minimum requirements of the Development Code, such as parking and landscaping to name a few.

2. Type D buffer along Morris St.
3. 12 inch trees and 36 inch high shrubs with 10' buffer.
4. Chain link fence to remain.
5. Join the street maintenance association.
6. Hours of operation 7am - 6pm Monday to Friday and 7am to 3pm Saturdays.
7. Bring Moore St. up to City standards to their property entrance.

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

1. Property is currently zoned CC for heavy commercial.
2. A large car lot and other commercial uses surround this property.
3. SUP allows to additional conditions be placed on the property.
4. Reuse of an existing vacant building.

A Special Use Permit shall be approved only upon a finding that all of the following standards are met:

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

BUDGET IMPACT:

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

OPTIONS:

- 1) Approval of SUP as presented by staff; (recommended)
- 2) Approval of SUP with additional conditions;
- 3) Denial of the SUP request.

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to APPROVE the Special Use Permit (SUP) for heavy auto repair, as presented by staff, based on these eight (8) findings and seven (7) conditions.

Findings:

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

to develop the uses permitted in the zoning district; and
(8) The special use complies with all other relevant City, State, and Federal laws and regulations.

Conditions:

1. Property must meet the minimum requirements of the UDO, such as parking and landscaping to name a few.
2. Type D buffer along Morris St.
3. 12 inch trees and 36 inch high shrubs with 10' buffer
4. Chain link fence to remain
5. Join the street maintenance association
6. Hours of operation 7am - 6pm Monday to Friday and 7am to 3pm Saturdays
7. Bring Moore St. up to City standards to their property entrance.

ATTACHMENTS:

Zoning Map

Current Land Use

Land Use Plan

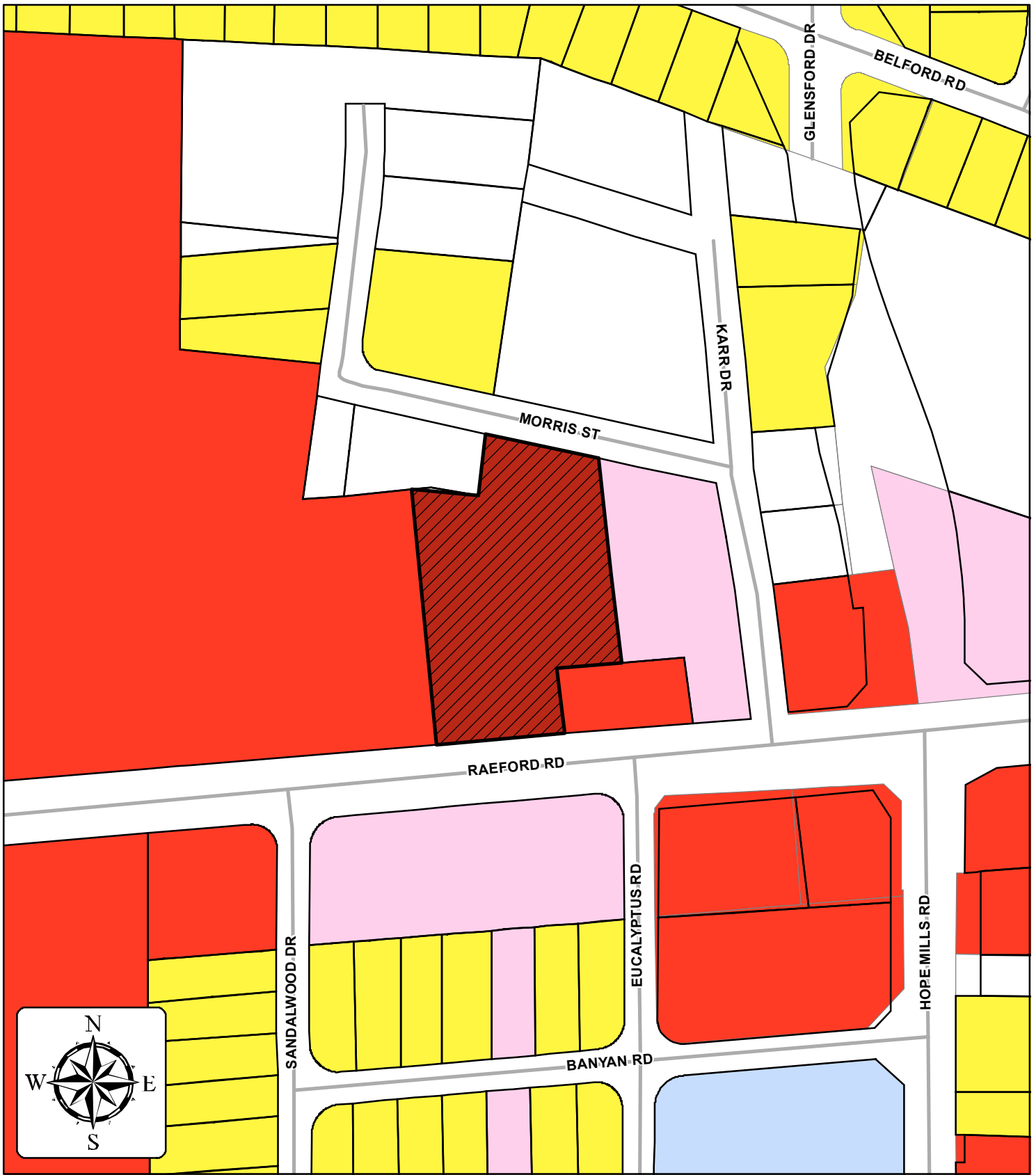
ZONING COMMISSION
CASE NO. P12-39F



Request: SUP Heavy Auto Repair
Location: 5130 Raeford Dr
Acreage: 2.66 +/- acres

Zoning Commission: 07/10/2012 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0417-10-0735

Current Land Use
P12-39F

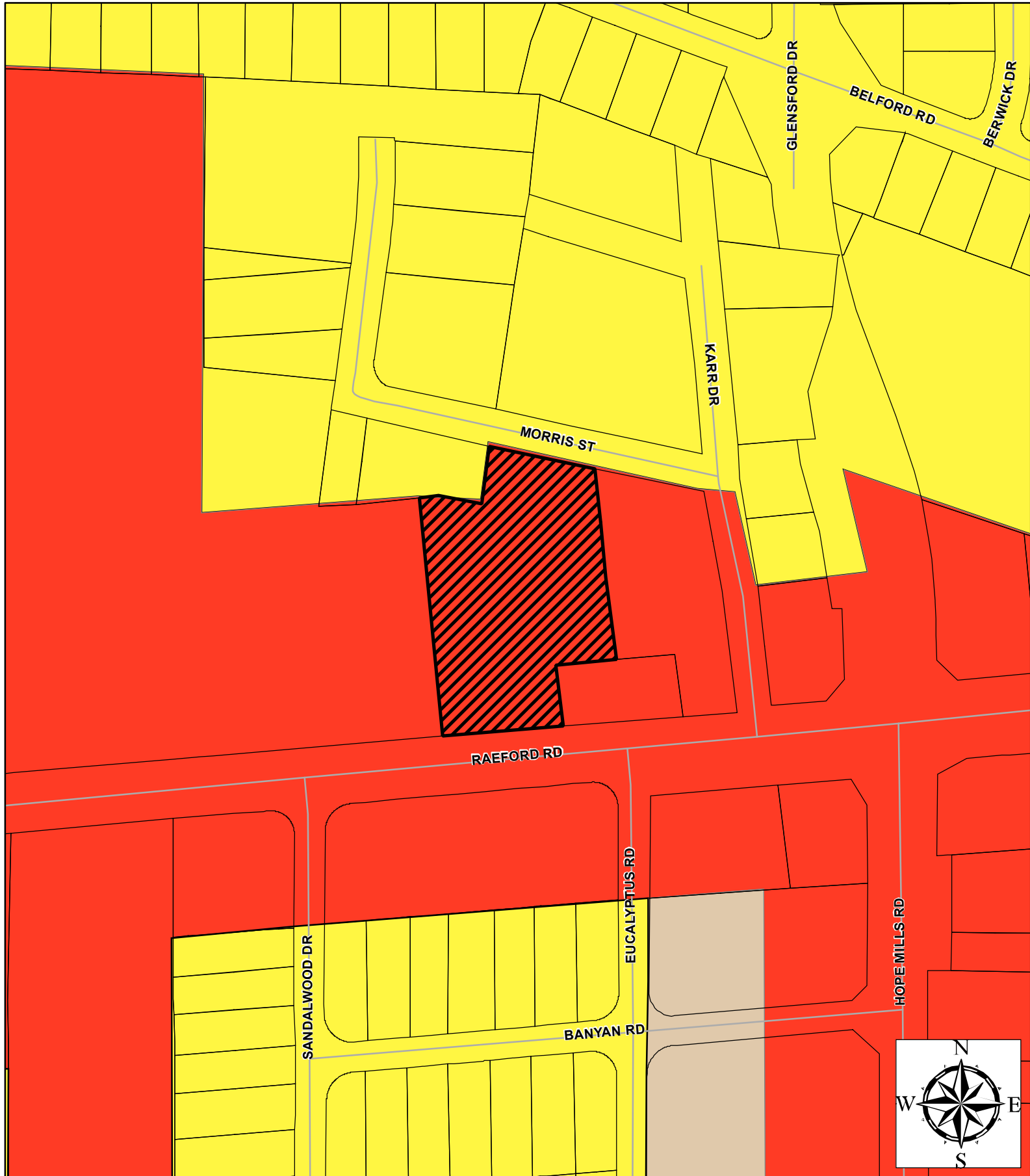


Legend

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

2010 Land Use Plan

Case No. P12-39F



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: August 27, 2012
RE: **P12-40F Request for a Special Use Permit for a Mini-Storage Warehouse in a Community Commercial district on property located at 372 N. Reilly Rd. Containing 0.83 acres more or less and being the property of American Flag Reilly Road LLC.**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: American Flag Reilly Road LLC
Applicant: American Flag Reilly Road LLC
Requested Action: SUP Mini Storage Warehouse
Property Address: 372 N. Reilly Rd
Council District: 9
Status of Property: Commercial
Size: 0.83 acres +/-
Existing Land Use: Retail Space
Adjoining Land Use & Zoning:
North - SF-10
South - CC & OI
East - CC
West - LC
Letters Mailed: 25

Land Use Plan: Office & Institutional

ISSUES:

This property has a building used for retail space currently. It is zoned CC and it has commercial or office zoning around it, with the exception of SF-10 being to the North. This SF-10 district is a school site. Everything else around this property is developed as heavy commercial. Mini-Storage Warehousing requires an SUP in the CC district. While the land use plan calls for office use, the property is already used commercially.

Conditions of the SUP:

1. Property must meet the minimum requirements of the UDO, such as parking and landscaping to name a few.
2. Consistent with reviewed site plan and TRC conditions of approval.

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

1. Property is currently zoned CC for heavy commercial.
2. A large mini-storage complex is to the east.
3. SUP allows additional conditions be placed on the property.

4. Reuse of an existing building.

A Special Use Permit shall be approved only upon a finding that all of the following standards are met:

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

BUDGET IMPACT:

This existing facility would require minimal additional public services.

OPTIONS:

- 1) Approval of SUP with conditions as presented by staff; (recommended)
- 2) Approval of SUP with additional conditions;
- 3) Denial of the SUP request.

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to APPROVE the Special Use Permit (SUP) for Mini-Storage Warehousing, as presented by staff, based on these findings:

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

ATTACHMENTS:

Zoning
Current Land Use
Land Use Plan
Site Plan

**ZONING COMMISSION
CASE NO. P12-40F**

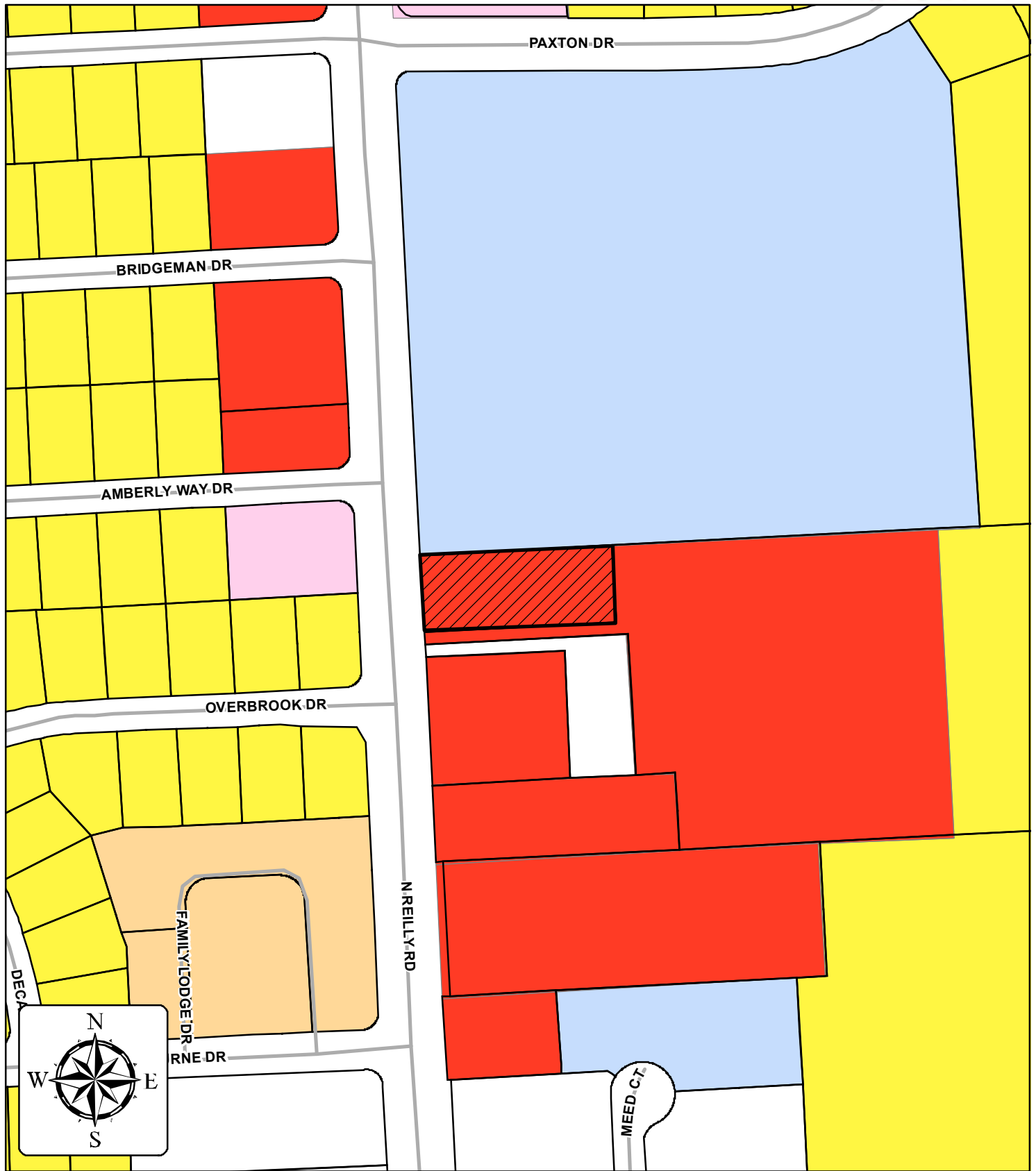


Request: SUP Mini Storage Warehouse
Location: 372 N. Reilly Rd.
Acreage: portion of .83 +/- acres

Zoning Commission: 07/10/2012 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 9498-68-9288

Current Land Use

P12-40F

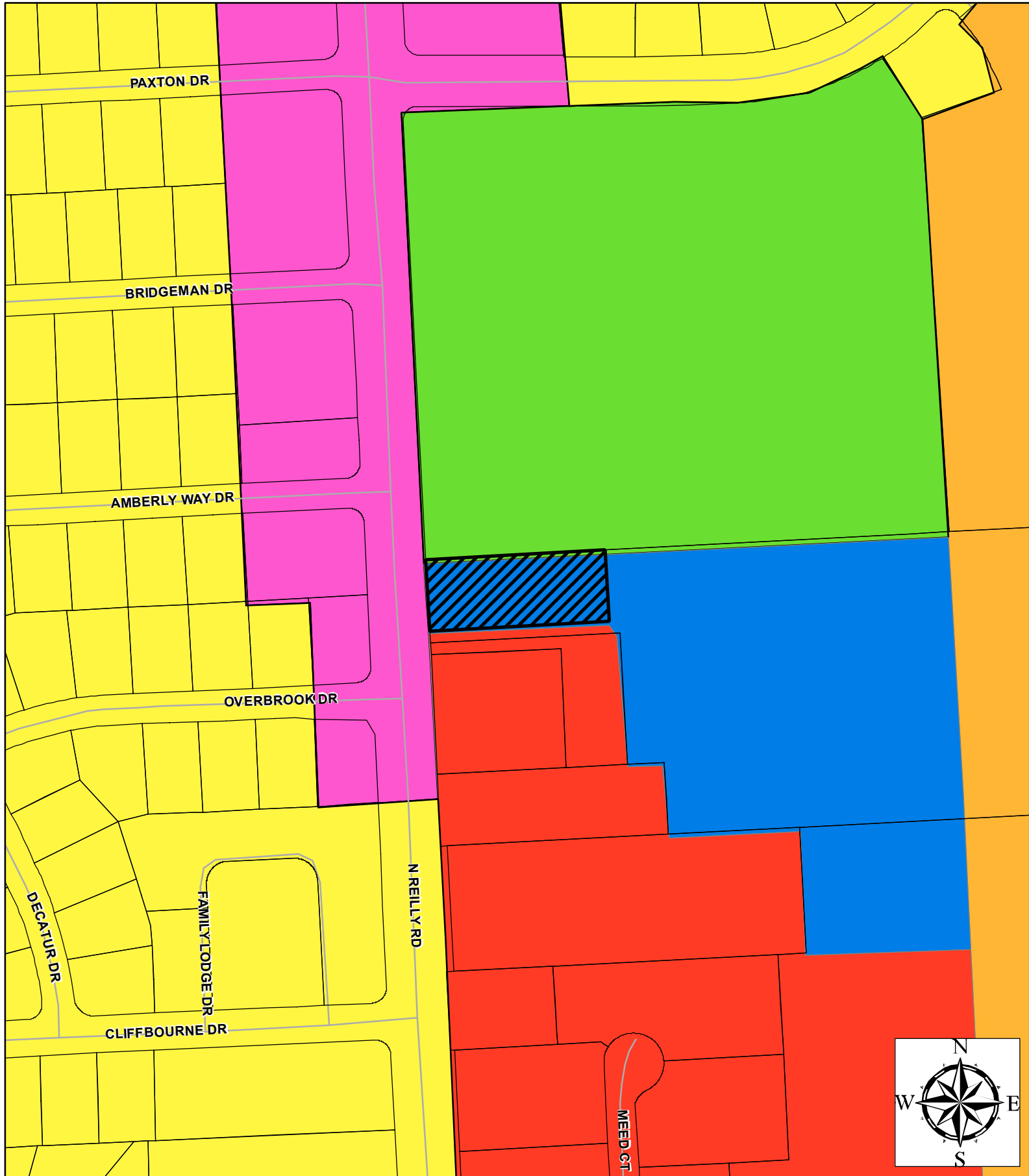


Legend

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

2010 Land Use Plan

Case No. P12-40F



- NOTES:
1. SITE ZONED "CC". PIN #9498-78-4103-
 2. CONTAINS 0.83 ACRE +/-.
 3. WATER & SEWER BY PWC.
 4. PROPOSED ONE STORY BUILDING
 5. EXISTING IMPERVIOUS AREA = 30,705 SQ.FT.
PROPOSED IMPERVIOUS AREA = 23,350 SQ.FT.
 6. NUMBER OF PARKING = 12 (INCLUDE H/C).
 7. DEED REFERENCE: D.B.7945, PG.548.
 8. EXISTING DRIVEWAY CUTS TO REMAIN.
 9. SITE ADDRESS IS 372 N. REILLY ROAD, FAYETTEVILLE 28303.
 10. DUMPSTER IS NOT NEEDED FOR THIS PROJECT. RENTERS ARE REQUIRED TO REMOVE THEIR TRASH FROM THIS SITE PER RENTAL CONTRACT. A ROLL OUT CART WILL BE USED BY OFFICE EMPLOYEE.

Pin.#9498-78-2753-
REILLY ROAD
ELEMENTARY SCHOOL
D.B. 1145, PG. 381
Zoned "SF-10"

Pin.#9498-78-4103-
AMERICAN FLAG - REILLY ROAD LLC
(MINI-STORAGE SITE)
D.B. 7945, PG. 548
Zoned "CC"

C.T. & T.
P.B. 68, PG. 82
Zoned "O&I"
Pin.#9498-78-0181-

Pin.#9498-68-9058-
JDG CORP.
D.B. 7030, PG. 477
2A
P.B. 68, PG. 82
Zoned "CC"

NOTE
THIS IS AN EXISTING SITE THAT WAS DEVELOPED AS A SMALL SHOPPING CENTER (APPROXIMATELY YEAR 2000). BUILDING WAS DESTROYED BY TORNADO OF 2011.

"EXISTING & PROPOSED SITE PLAN"
AMERICAN FLAG STORAGE
PROPERTY OF
AMERICAN FLAG REILLY ROAD, L.L.C.

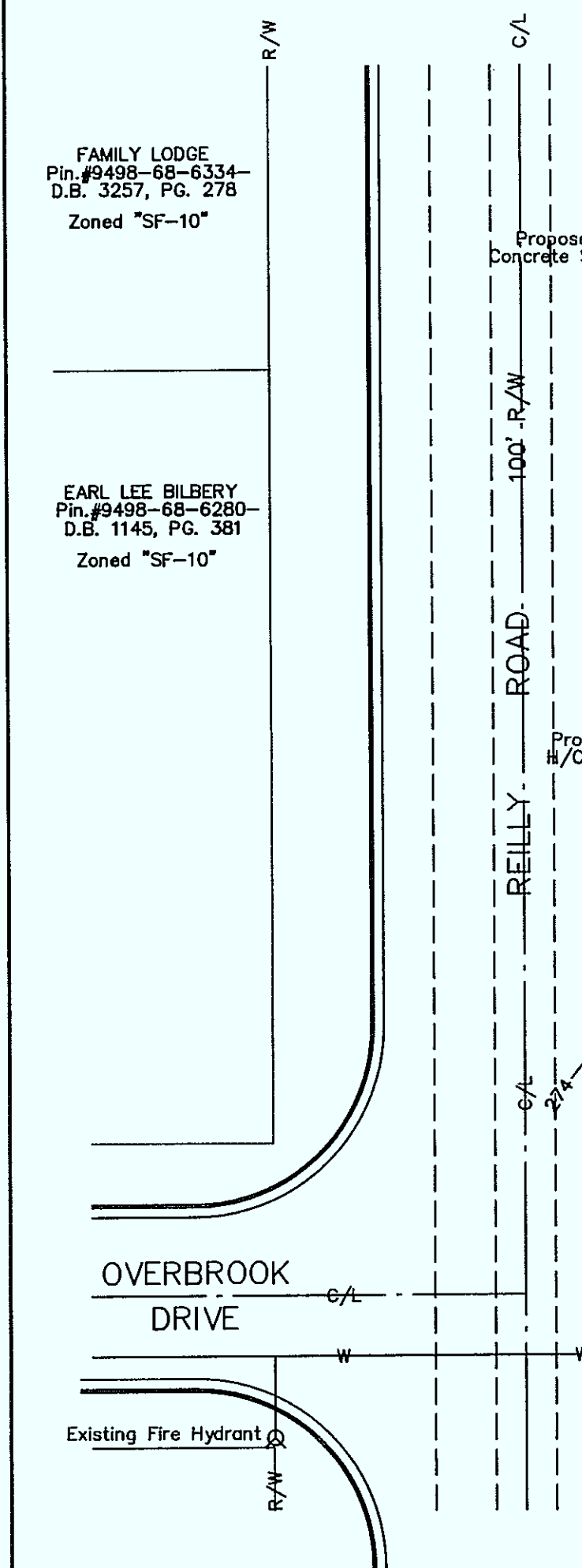
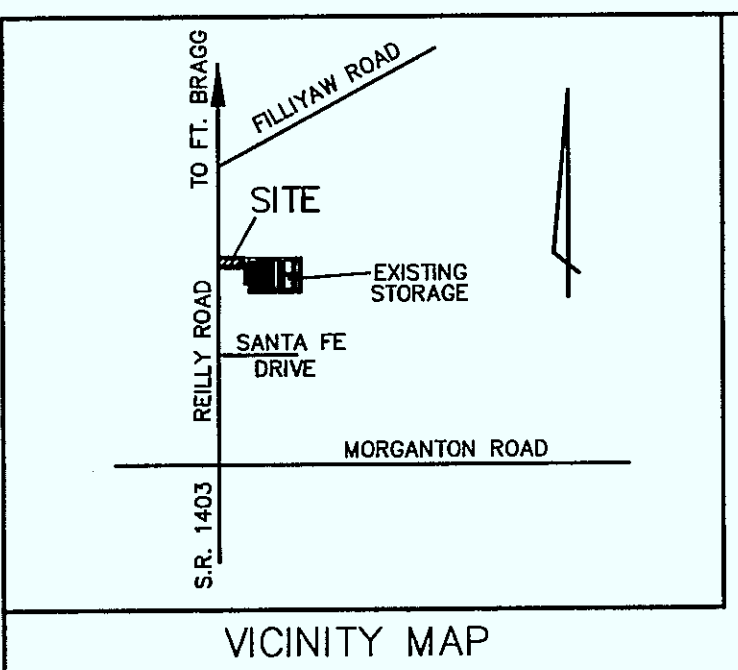
CROSS CREEK TWP. CUMBERLAND CO., N.C.
SCALE: 1" = 30'
MAY 2012

NOTE:
Existing Site Conditions Are Shown From Original Approved Site Plan, On-Site Pictures & Other Information. No Actual Site Survey Was Performed.

ENGINEERS
PLANNERS
SURVEYORS
MOORMAN, KIZER & REITZEL, INC.



MOORMAN, KIZER & REITZEL, INC. 115 BROADFOOT AVE. FAYETTEVILLE, N.C.
PHONE (910) 484-5191 FAX (910) 484-0388 FIRM LICENSE NO. F-0106
SHEET 1 OF 2



LEGEND

Existing	Proposed	Concrete Curb & Gutter
		Asphalt Pavement
		Concrete

LANDSCAPE LEGEND

○	SMALL SHRUB
⊗	INTERMEDIATE TREE
⊕	LARGE CANOPY TREE

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: August 27, 2012
RE: **P12-41F Request for a Special Use Permit for a Mini-Storage Warehouse in a Community Commercial district on property located at the southeast corner of Santa Fe and Jacks Ford Drives. Containing 3.01 acres more or less and being the property of Storage Kings LLC**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Storage Kings LLC
Applicant: Storage Kings LLC
Requested Action: SUP Mini Storage Warehouse
Property Address: southeast corner of Santa Fe and Jacks Ford Drives
Council District: 4
Status of Property: Vacant Wooded
Size: 3.03 acres +/-
Existing Land Use: Commercial
Adjoining Land Use & Zoning:
North - HI
South - CC & SF-6
East - CC & SF-6
West - CC
Letters Mailed: 33

Land Use Plan: Heavy Commercial

ISSUES:

This property is vacant and wooded currently. It is zoned CC and it has commercial and industrial zoning mostly around it, with the exception of SF-6 being to the Southeast. This SF-6 district is developed residential. Everything else directly around this property is undeveloped. Mini-Storage Warehousing requires an SUP in the CC district. The City's land use plan does call for heavy commercial on this property.

Conditions of the SUP:

1. Property must meet the minimum requirements of the UDO, such as parking and landscaping to name a few.
2. Consistent with the site plan and conditions of approval by the TRC

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

1. Property is currently zoned CC for heavy commercial.
2. A large mini-storage complex is to the Southwest on Jacks Ford.
3. SUP allows for additional conditions to be placed on the property.

A Special Use Permit shall be approved only upon a finding that all of the following standards are met:

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

BUDGET IMPACT:

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

OPTIONS:

- 1) Approval of SUP with conditions as presented by staff; (recommended)
- 2) Approval of SUP with additional conditions;
- 3) Denial of the SUP request.

RECOMMENDED ACTION:

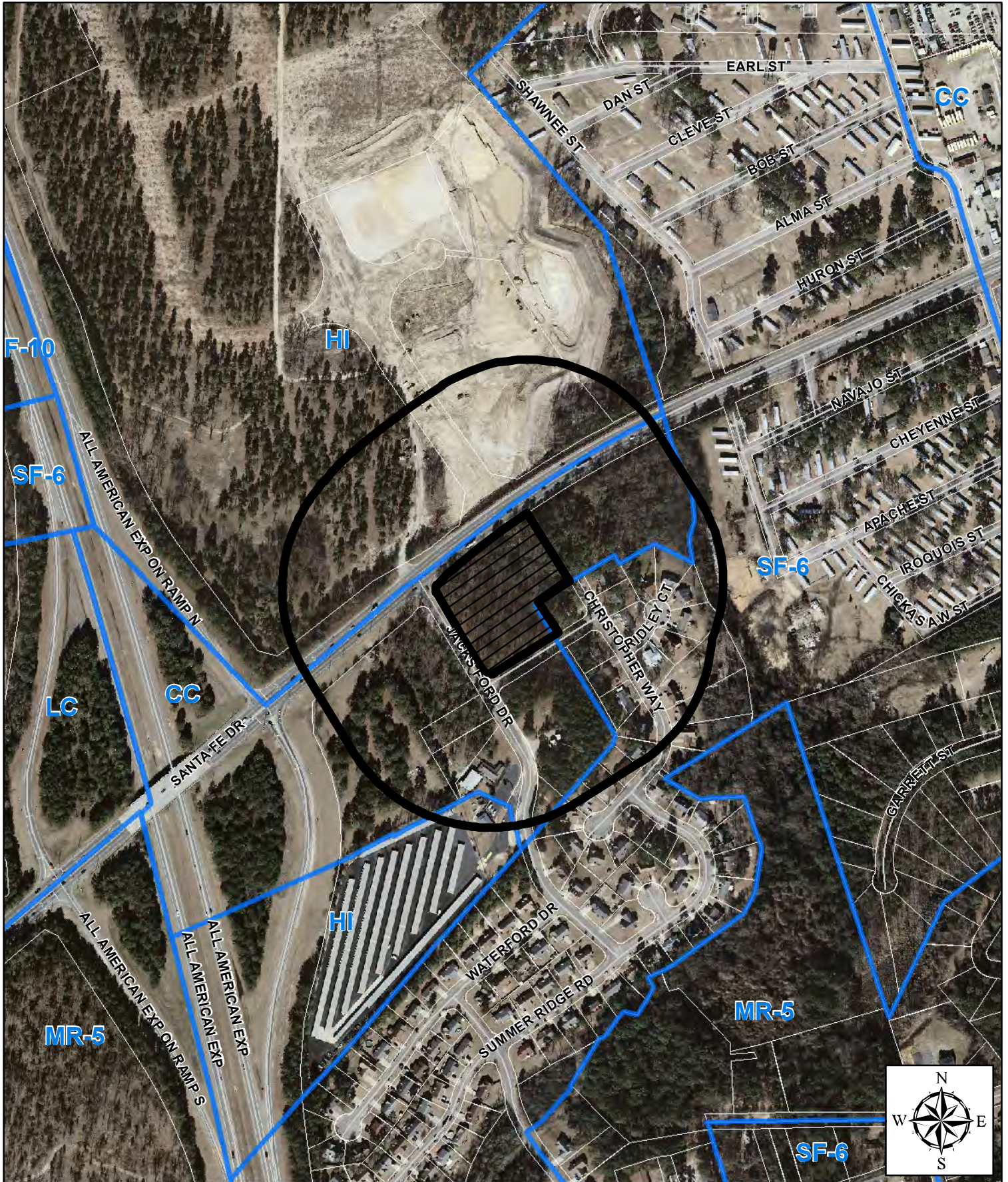
Zoning Commission and Staff Recommend: That the City Council move to APPROVE the Special Use Permit (SUP) for Mini-Storage Warehousing, with the two conditions as presented by staff, based on these findings:

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

ATTACHMENTS:

Zoning Map
Current Land Use
Land Use Plan
Site Plan

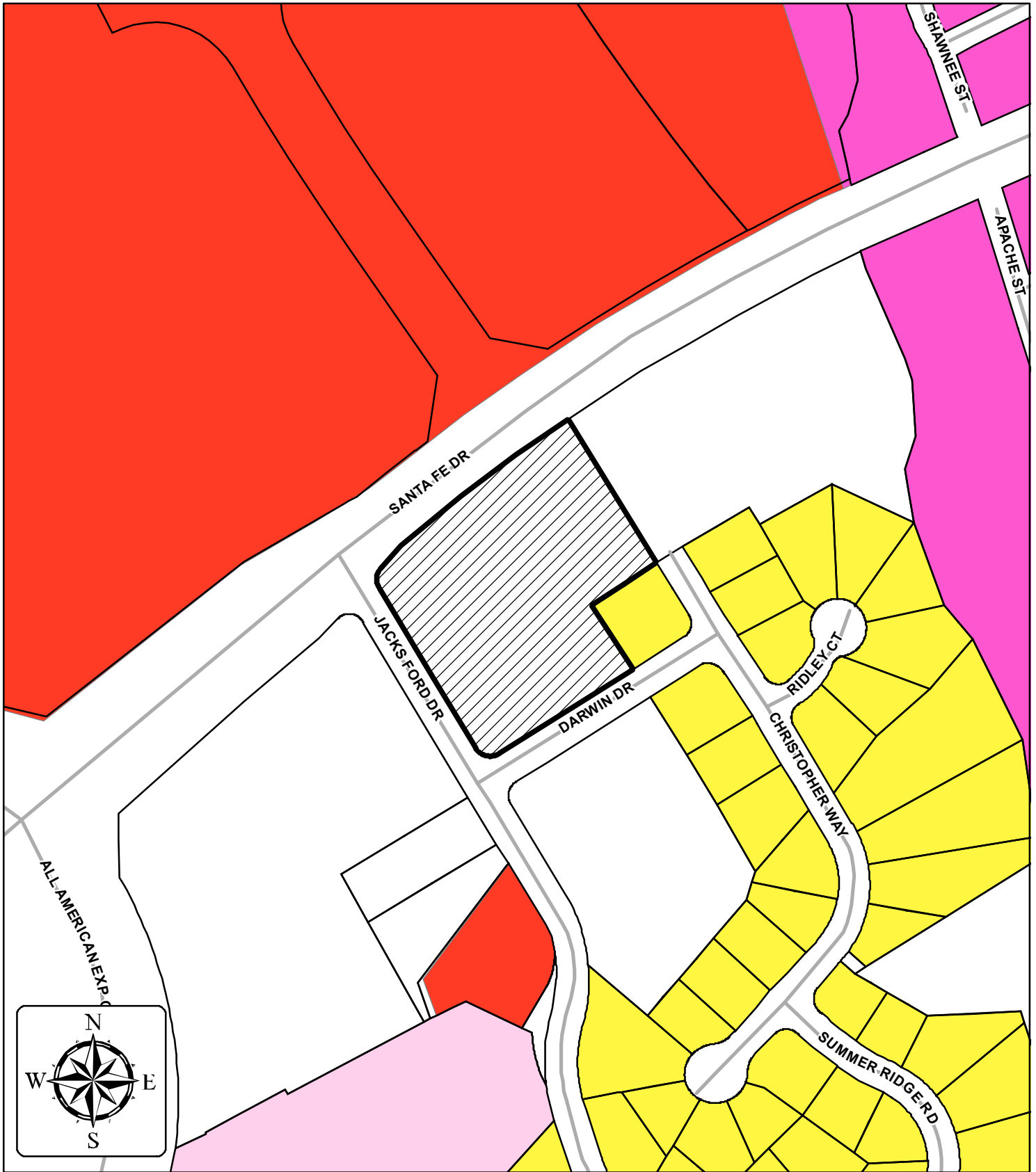
**ZONING COMMISSION
CASE NO. P12-41F**



Request: SUP Mini Storage Warehouse
Location: Corner Santa Fe & Jacks Ford
Acreage: 3.01 +/- acres

Zoning Commission: 07/10/2012 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 0419-01-4241-

Current Land Use
P12-41F

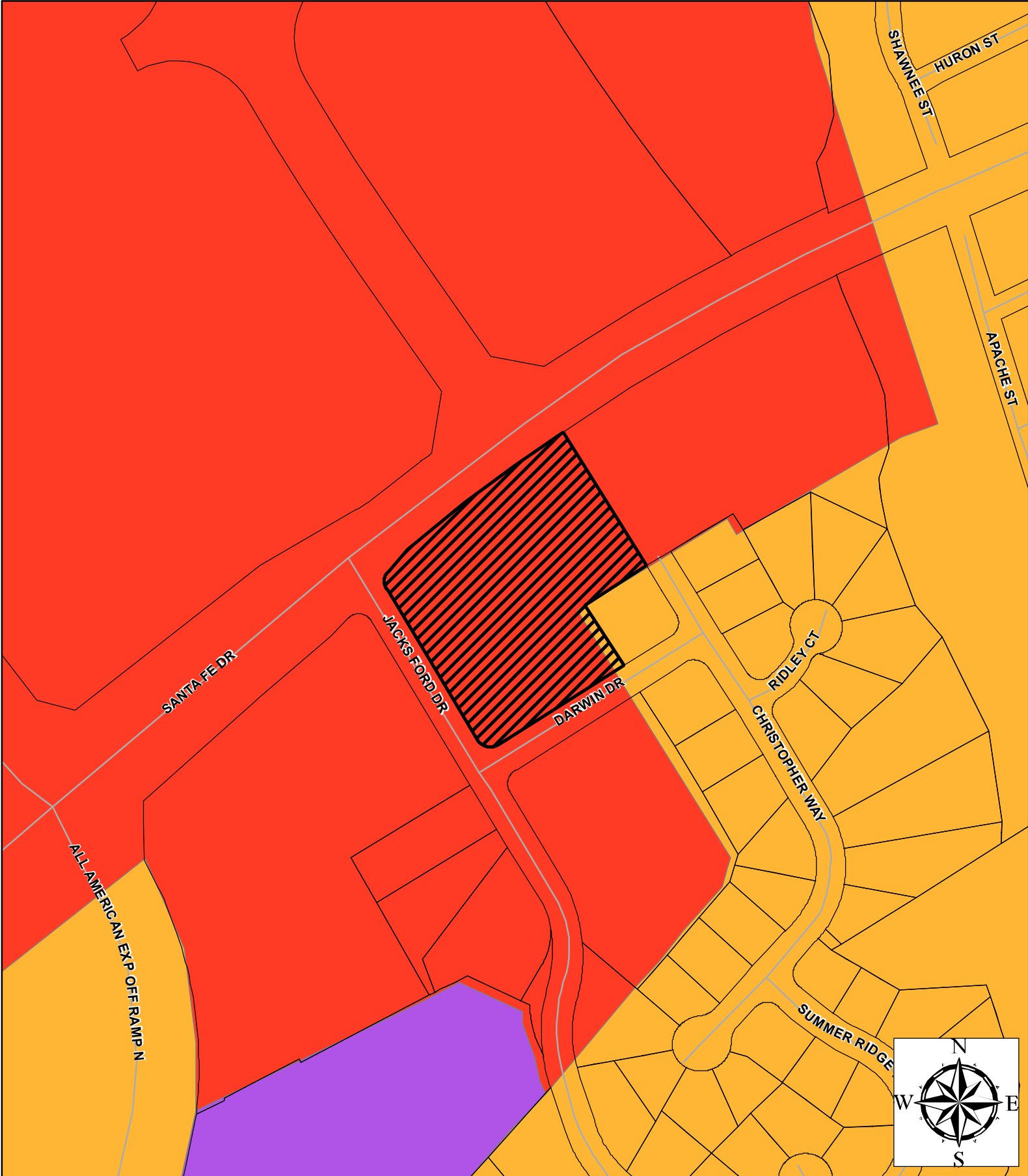


Legend

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

2010 Land Use Plan

Case No. P12-41F



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: August 27, 2012
RE: **P12-42F Request for a Special Use Permit for a Mini-Storage Warehouse on property zoned Community Commercial located at 1303 Clinton Rd. Containing 5.55 acres more or less and being the property of Pyramid Rehearsal Studio, Inc.**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Pyramid Rehearsal Studio, Inc
Applicant: Pyramid Rehearsal Studio, Inc
Requested Action: SUP Mini Storage Warehouse
Property Address: 1303 Clinton Rd
Council District: 2
Status of Property: Vacant (former fruit stand)
Size: 5.55 acres +/-
Existing Land Use: Commercial
Adjoining Land Use & Zoning:
North - CC & flood plain
South - CC
East - LC, SF-6 & flood plain
West - CC & flood plain
Letters Mailed: 33

Land Use Plan: Industrial & Conservation

Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update: Goal #2 City of Fayetteville section - Identify and protect all properties/natural resources that are at risk of damage due to a hazard and to undertake cost-effective mitigation measures to minimize losses. Mitigation Actions #3 - The City should identify existing buildings that have their lowest floor below the 100-year base flood elevation. The City should then develop an acquisition/relocation program for these buildings.

2030 Growth Vision Plan:

Policy 2.5: CONSERVATION AREAS shall be identified and mapped to include 100 year floodplains, riparian buffers along streams, Natural Heritage Areas, critical wildlife habitat, public parks, and other significant, limited or irreplaceable natural areas. Development, if any, should be limited and attentive to the protection of environmental features.

Policy 7.4: FLOODPRONE AREAS shall be conserved for the valuable open space, environmental

and flood hazard benefits they provide and shall be managed for suitable land use activities.

ISSUES:

This property is vacant with an existing building that appears to be completely or almost completely within the 100 year flood elevation. Because of this flood zone issue, the building may only be renovated up to 50% of the existing building's value. The current structure was built prior to the City enacting its flood damage prevention rules which now call for all buildings to have a finished flood elevation two (2) feet above that of the 100 year flood elevation. The property is zoned CC and it has commercial and industrial zoning surrounding it, with the exception of SF-6 to the east across the creek. This SF-6 district is undeveloped residential. Mini-Storage Warehousing requires an SUP in the CC district. The City's land use plan calls for conservation and heavy industrial on this property. According to the owner of this property, they already have flood insurance which is what would pay for any damages to property stored at the propose facility.

A motion was made at the Zoning Commission meeting to approve the SUP but it failed 2 to 2. No second motion was made so this case moves forward to the City Council with a recommendation for the City Council not to approve it.

Conditions of the SUP:

1. Property must meet the minimum requirements of the UDO, such as the mini-storage warehouse standards, parking and landscaping to name a few.

Zoning Commission and Staff recommend denial of the proposed SUP using the existing building based on:

1. Existing building does not meet the current flood damage prevention rules.
2. Land use plan calls for conservation in the flood plain area.
3. Hazard Mitigation Plan calls for the mitigation of existing buildings in the flood plain that do not meet the City's flood damage prevention rules.
4. 2030 plan calls for the preservation of flood prone areas as conservation areas.
5. SUP allows for additional conditions to be placed on the property.

A Special Use Permit shall be approved only upon a finding that all of the following standards are met:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
 - (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
 - (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
 - (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
 - (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; **A warehouse with a finished floor elevation below that of the 100 year flood plain could cause environmental damage if flooded.**
 - (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
 - (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- Remodeling over 50% of the value of the existing building does not protect this property's**

value or the City's commitment to help minimize future flood damage.

(8) The special use complies with all other relevant City, State, and Federal laws and regulations.

BUDGET IMPACT:

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

OPTIONS:

- 1) Denial of the SUP as presented by staff; (recommended)
- 2) Approval of the SUP with conditions;
- 3) Approval of the SUP request.

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to DENY the Special Use Permit (SUP) for Mini-Storage Warehouse, as presented by staff, based on the request not being able to meet the following findings:

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

ATTACHMENTS:

Zoning Map

Flood Map

Current Land Use

Land Use Plan

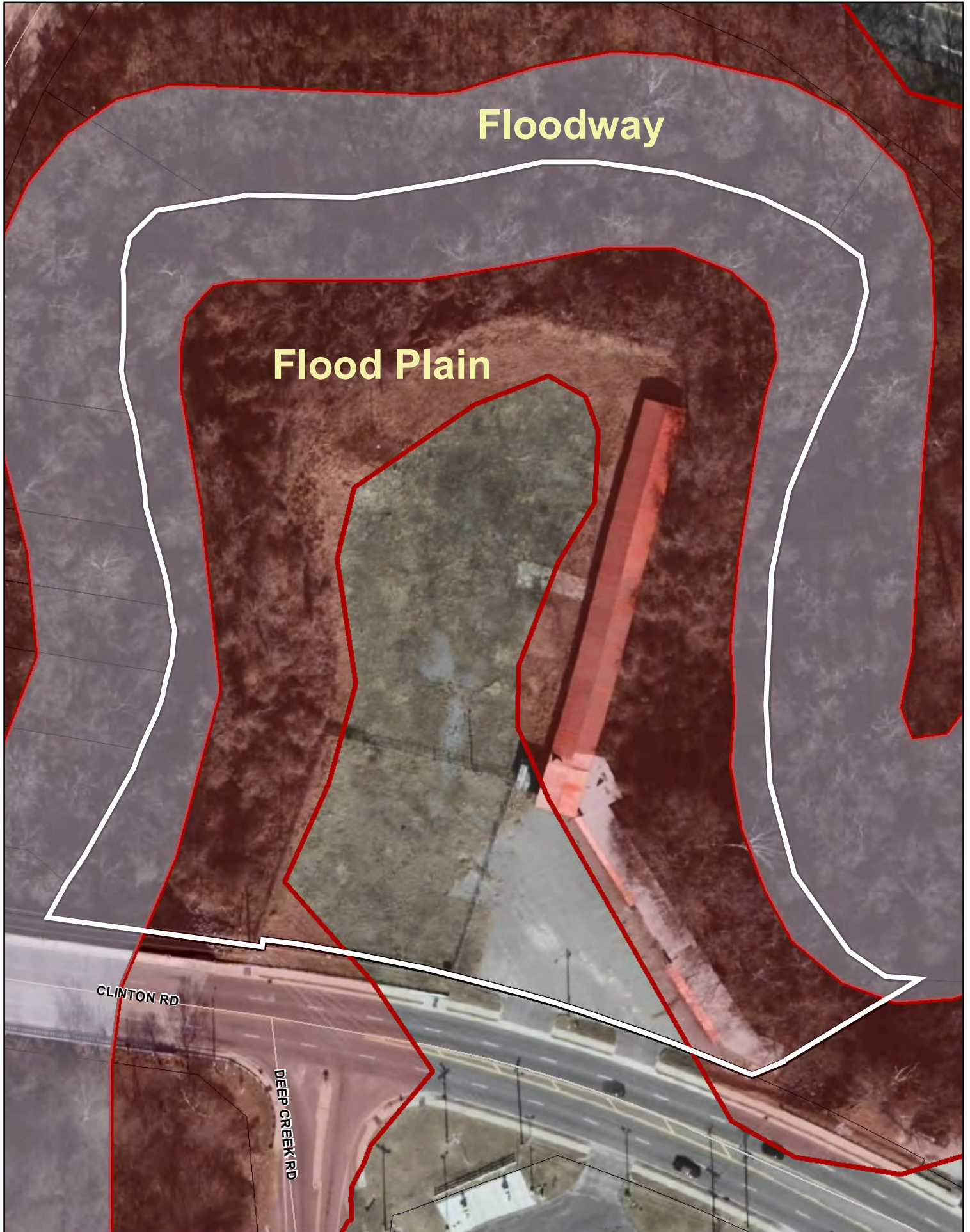
Backup materials from applicant

**ZONING COMMISSION
CASE NO. P12-42F**

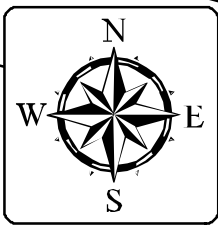
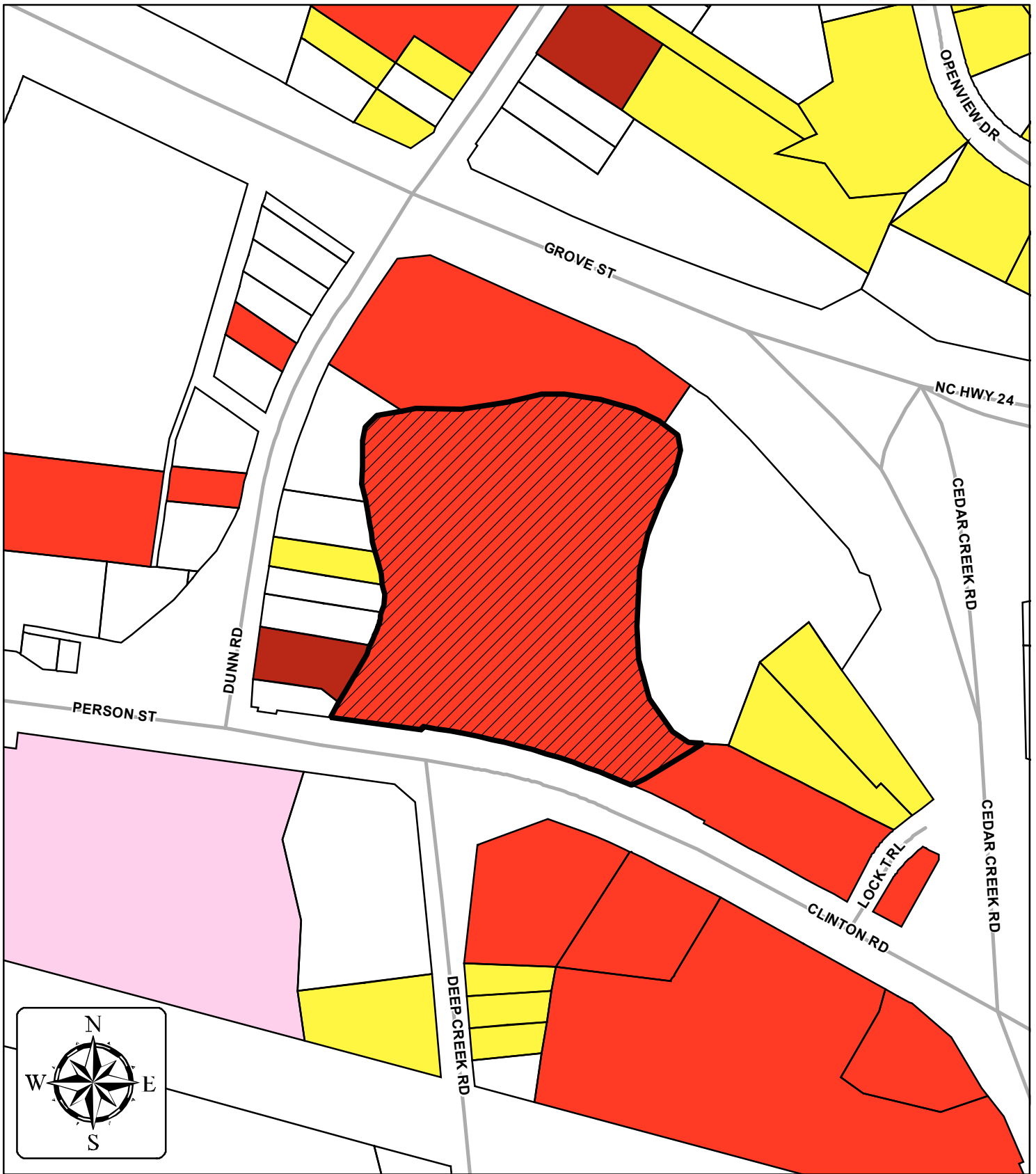


Request: SUP Mini Storage Warehouse
Location: 1303 Clinton Rd
Acreage: 5.55 +/- acres

Zoning Commission: 07/10/2012 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 0447-32-5288

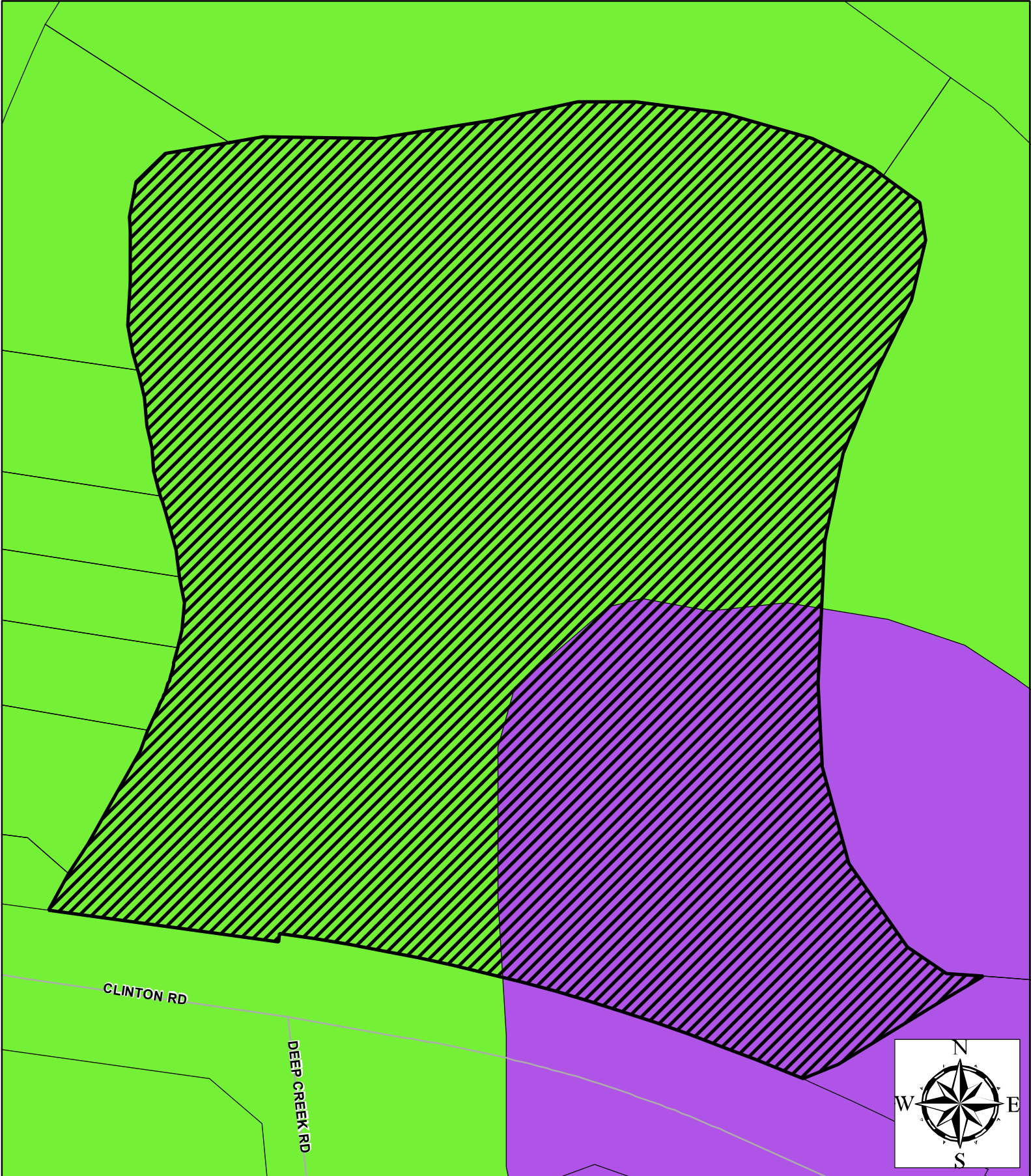


Current Land Use
P12-42F



Legend

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



PYRAMID REHEARSAL STUDIO, INC.

PROPOSED USE

It is proposed that the property will be put to the following use:

This facility will be used to store only musical equipment. Small gig trailers may be parked on site.

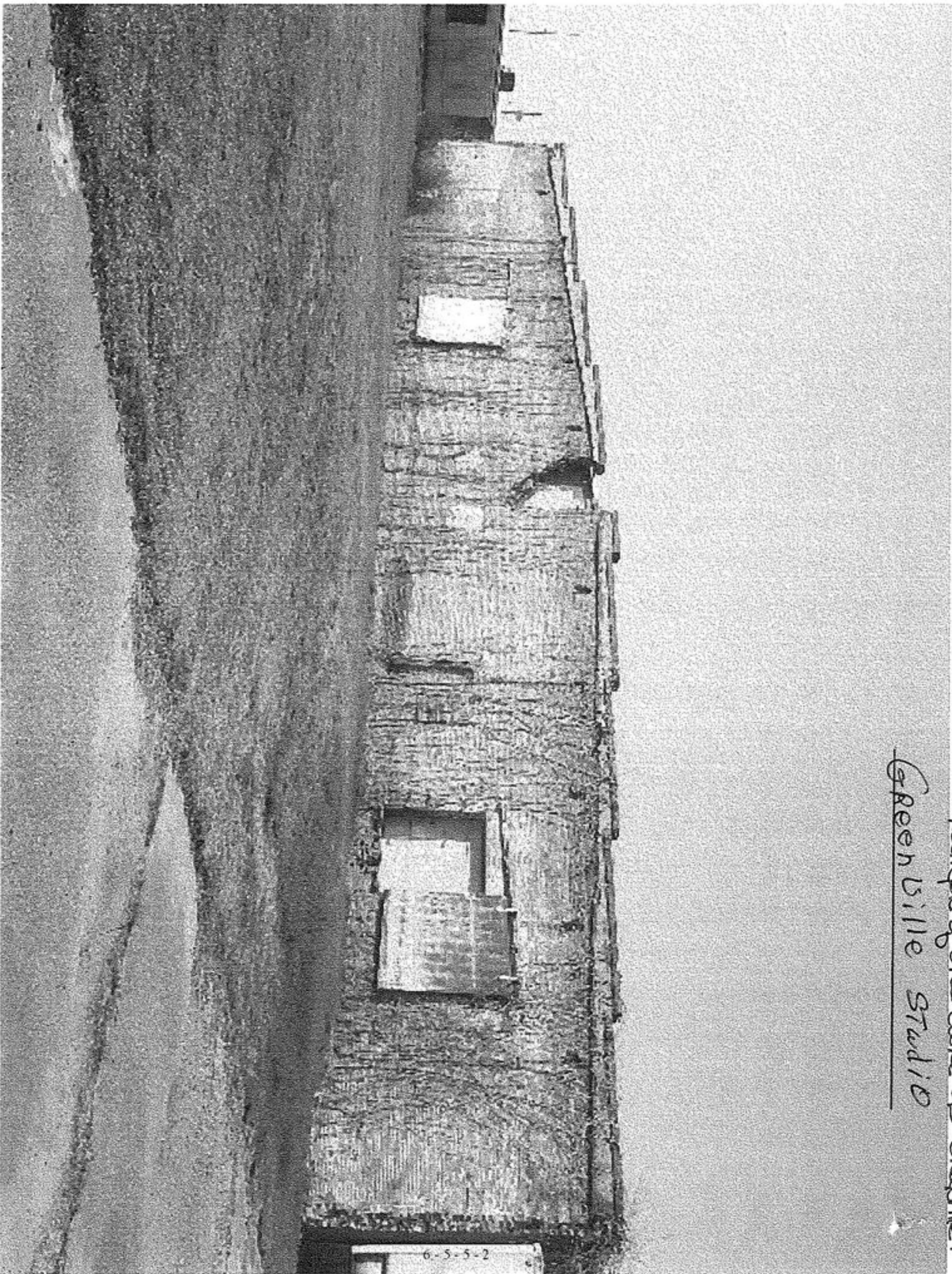
Hours of operation from 6 am to 10 pm. We will be open Monday through Sunday.

We anticipate 26 clients to be in the building. Our business will not affect adjoining businesses. Visual impact will be greatly improved because we will be upfitting building exterior. Our business does not create any odor, smoke, dust, gas emissions, or toxic trash. There will not be any hazardous materials stored in building that would cause explosion or fire.

We are not adding square footage to existing building. We will use the existing driveway and have sufficient parking. We are a commercial business and property is in Zone C1.

There are safe and convenient locations of all on-site parking and drives. We will not impact existing vehicular traffic on area streets. The condition and capacity of area streets is sufficient for our business. Visibility is good for both pedestrians and drivers both on-site and off-site. We will not impact vehicular traffic. The anticipated vehicular and pedestrian movements both on-site and off-site are adequate and will not impact safety.

Example of one done in Greenville.
Greenville Studio





Pyramid Rehearsal
Studio, Inc.
(251) 439-0010

13

13

6-5-5-1



CITY COUNCIL ACTION MEMO

TO: Mayor and City Council Members
FROM: Council Member Hurst, Appointment Committee Chair
DATE: August 27, 2012
RE: **Revision of Boards and Commissions Attendance Policy # 110.1**

THE QUESTION:

Does the Council wish to adopt the proposed revisions to the Boards and Commissions Attendance Policy # 110.1

RELATIONSHIP TO STRATEGIC PLAN:

Greater Community Unity: Effective Boards and Commissions Administration.

BACKGROUND:

On June 18, 2012 the Office of the City Clerk facilitated a training session for the Boards and Commissions liaisons. The purpose of the meeting was to review the appointment process, new literature, liaison responsibilities, current vacancies, revisions to the schedule of appointments and to discuss improvements to the overall process. The meeting went well and the information was appreciately received.

During the meeting, the issue of the Boards and Commissions attendance policy # 110.1 was raised. The consensus of the liaisons attending the meeting was that the current attendance policy is problematic. The policy is too restrictive. Examples were given where a member may have missed two regular meetings in a year, which would technically calculate to an attendance record of 50%, but may have attended other subcommittee meetings, special meetings or events for which there was no consideration given. The liaisons requested the Appointment Committee review the Boards and Commissions Attendance Policy #110.1 and consider amending it to provide clarity. The recommended policy revision is as follows:

It shall be the policy of the City Council to allow an individual to serve on only one board or commission at a time. Pursuant to City Code *2-35(c), an appointee shall attend at least 75 percent of regularly scheduled meetings, *special meetings and other activities of the board or commission, such as special events and subcommittee meetings where applicable* on an annual basis from the date of their appointment and if that does not comply with such attendance, or fails to attend three (3) consecutive regularly scheduled meetings, then the appointee shall be automatically removed and not be appointed to any City board or commission within two years of their removal date. *Cancelled meetings shall count as an attended meeting.* The City Clerk shall notify the appointee and report to the City Council by letters if an appointee has been removed pursuant to this provision.

At the July 31, 2012 Appointment Committee meeting, the Appointment Committee unanimously voted to approve the revisions to the Boards and Commissions Attendance Policy # 110.1 consistent with the language above. A revision of the City of Fayetteville Code of Ordinances Section 2-35 (c) is needed to be consistent with this policy.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

1. Adopt the revised policy 110.1 and revised Ordinance section 2-35.
2. Take no action; current policy would remain in place.

RECOMMENDED ACTION:

Appointment Committee recommends that Council move to adopt revised policy 110.1 - Boards and Commissions attendance policy and revised Ordinance section 2-35.

ATTACHMENTS:

110.01 Current Policy

110.01 Proposed Revised Policy

Revised Ordinance section 2-35

SUBJECT – BOARDS AND COMMISSIONS Membership and Attendance	Number 110.1	Revised 2-18-02 9-22-08 3-23-09	Effective Date 8-4-86	Page 1 of 1
---	-------------------------------	--	--	--------------------

It shall be the policy of the City Council to allow an individual to serve on only one board or commission at a time. Pursuant to City Code § 2-35(c), an appointee shall attend at least 75 percent of regularly scheduled meetings on an annual basis from the date of their appointment and that if an appointee does not comply with such attendance, or fails to attend three (3) consecutive regularly scheduled meetings, then the appointee shall be automatically removed and not be appointed to any City board or commission within two years of their removal date. The City Clerk shall notify the appointee and report to the City Council by letters if an appointee has been removed pursuant to this provision.

SUBJECT – BOARDS AND COMMISSIONS Membership and Attendance	Number 110.1	Revised 2-18-02 9-22-08 3-23-09 09-13-12	Effective Date 8-4-86 09-13-12	Page 1 of 1
---	-------------------------------	---	---	--------------------

It shall be the policy of the City Council to allow an individual to serve on only one board or commission at a time. Pursuant to City Code § 2-35(c), an appointee shall attend at least 75 percent of regularly scheduled meetings, **special meetings and other activities of the board or commission, such as special events and sub committee meetings where applicable** on an annual basis from the date of their appointment and that if an appointee does not comply with such attendance, or fails to attend three (3) consecutive regularly scheduled meetings, then the appointee shall be automatically removed and not be appointed to any City board or commission within two years of their removal date. **Cancelled meetings shall count as an attended meeting.** The City Clerk shall notify the appointee and report to the City Council by letters if an appointee has been removed pursuant to this provision.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE II, ADMINISTRATION, SECTION 2-35 APPOINTMENTS TO BE CITY RESIDENTS; REMOVAL, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 2-35. Appointments to be city residents; removal, is amended by deleting the verbiage of paragraph (c) and replacing it with the following words “An appointee shall meet the attendance membership and attendance requirements as set forth in the City of Fayetteville City Council Policy # 110.1 (Boards and Commissions Membership and Attendance)”.

Sec. 2-35. Appointments to be city residents; removal.

(a) Any appointment of the city council to any authority, board, commission, committee, or other body whether created by the city council or any other unit of government or organization, shall be a resident of the city unless the Charter, enabling legislation, or other act creating such authority, board, commission, committee, or other body specifies otherwise.

(b) Any appointee of the city council, regardless of whether such appointment was made before or after the enactment of this section, who shall subsequently move outside of the city limits of the city, shall be terminated and replaced by a qualified resident.

(c) An appointee shall meet the attendance membership and attendance requirements as set forth in the City of Fayetteville City Council Policy # 110.1 (Boards and Commissions Membership and Attendance).

Adopted this ___ day of August, 2012.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert T. Hurst, Jr., Council Member, District 5
DATE: August 27, 2012
RE: **Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments**

THE QUESTION:

Do the recommendations from the City Council's Appointment Committee meet the City Council's approval?

RELATIONSHIP TO STRATEGIC PLAN:

- Partnership of Citizens - Citizens Volunteering to help the City
- Greater Community Unity - Pride of Fayetteville
- Diverse Culture and Rich Heritage - Diverse people working together with a single vision and common goals

BACKGROUND:

The Appointment Committee met on Tuesday, July 31 and Wednesday, August 22, 2012 to review applications for appointments to boards and commissions. It is from those meetings that the Appointment Committee presents the recommendations for appointments to the City of Fayetteville boards and commissions.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

1. Approve Appointment Committee recommendations to fill the board and commission vacancies as presented. **(Recommended)**
2. Approve Appointment Committee recommendations to fill some board and commission vacancies and provide further direction.
3. Do not approve Appointment Committee recommendations to fill the board and commission vacancies and provide further direction.

RECOMMENDED ACTION:

Approve Appointment Committee recommendations for board and commission appointments.

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: August 27, 2012
RE: **Uninhabitable Structures Demolition Recommendations**

- **202 Circle Court**
 - **303 Cochran Avenue**
 - **1801 Torrey Drive**
-

THE QUESTION:

Would the demolition of these structures help to enhance the quality of life in the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

202 Circle Court

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on February 6, 2012. A hearing on the condition of the property was conducted on February 22, 2012, in which the owner did not attend. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on February 23, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since December 2006. In the past 24 months there have been no calls for 911 service to the property. There have been 6 code violation cases with pending assessments of \$2,218.76 for lot cleanings. The low bid for demolition is \$1,600.00.

303 Cochran Avenue

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a dangerous structure on May 10, 2012. A hearing on the condition of the property was conducted on May 30, 2012, in which the owner did not attend. Notice of the hearing was also published in the Fayetteville Observer newspaper. A subsequent hearing order to repair or demolish the structure within 60 days was issued and mailed to the owner on May 31, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since November 2007. In the past 24 months there have been 2 calls for 911 service to the property. There have been 10 code violation cases with pending assessments of \$4,683.65 for lot cleanings and demolition. The low bid for demolition is \$1, 997.00.

1801 Torrey Drive

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on February 29, 2012. A hearing on the condition of the structure was conducted on March 14, 2012, which the owner attended. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on March 15, 2012. To date there have been no repairs to the structure. The utilities to the structure have been disconnected since February 2007. In the past 24 months there have been 8 calls for 911 service to the property. There has been 1 code violation case with no pending assessments. The low bid for demolition is \$1,600.00.

ISSUES:

All subject properties are sub-standard and detrimental to the surrounding neighborhood and promote nuisances and blight, contrary to the City's Strategic Plan.

BUDGET IMPACT:

The demolition of these structures will be \$5,197.00; there will be additional costs for asbestos testing and abatement if needed.

OPTIONS:

- Adopt the ordinances and demolish the structures.
- Abstain from any action and allow the structures to remain.
- Defer any action to a later date.

RECOMMENDED ACTION:

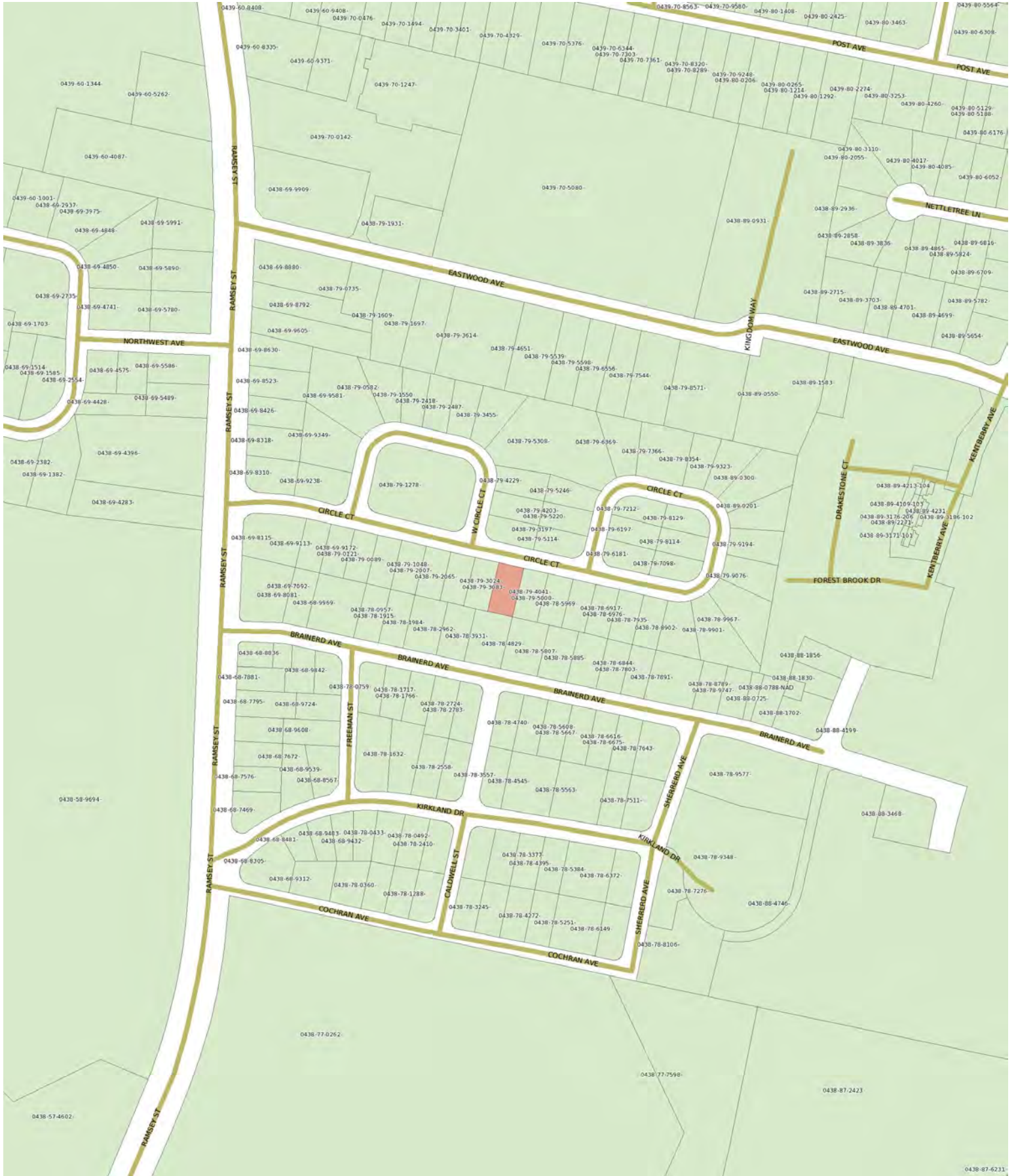
Staff recommends that Council move to adopt the ordinances authorizing demolition of the structures.

ATTACHMENTS:

Aerial Map-202 Circle Court
Docket- 202 Circle Court
Ordinance- 202 Circle Court
Photo 1- 202 Circle Court
Photo 2- 202 Circle Court
Photo 3- 202 Circle Court
Photo 4- 202 Circle Court
Photo 5- 202 Circle Court
Aerial Map- 303 Cochran Avenue
Docket- 303 Cochran Avenue
Ordinance- 303 Cochran Avenue
Photo 1- 303 Cochran Avenue
Photo 2- 303 Cochran Avenue
Photo 3- 303 Cochran Avenue
Photo 4- 303 Cochran Avenue
Photo 5- 303 Cochran Avenue
Aerial Map- 1801 Torrey Drive
Docket- 1801 Torrey Drive
Ordinance- 1801 Torrey Drive
Photo 1- 1801 Torrey Drive
Photo 2- 1801 Torrey Drive
Photo 3- 1801 Torrey Drive
Photo 4- 1801 Torrey Drive
Photo 5- 1801 Torrey Drive

Current Parcel: 0438-79-3083-

Address: 202 CIRCLE CT Fayetteville, NC (0438-79-3083-)



TO: Mayor
 City Council Members
 City Manager
 City Attorney

Under provisions of Chapter 14, titled Housing, Dwellings and Buildings of the Code of the City of Fayetteville, North Carolina, the Inspection Department is requesting the docket of the owner who has failed to comply with this Code, be presented to the City Council for action. All proceedings that are required by the Code, Section 14-61, have been complied with. We request the Council take action under the provisions of Chapter 14 of the Code and applicable NC General Statutes.

Location	202 Circle Court
Property Owner(s)	Mr. & Mrs. William J. Elizalde Fort Collins, CO.
Date of Inspection	February 6, 2012
Date of Hearing	February 22, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed February 23, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since December 2006.
Police Calls for Service (past 2 yrs)	0

The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 27th day of August, 2012.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City, concerning certain real property described as follows:

202 Circle Court
PIN 0438-79-3083

Being all of Lot 18 Circle Court as shown on a plat of same recorded in Book of Plats 10, Page 18, Cumberland County Registry.

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

Mr. & Mrs. William J. Elizalde
7201 N. County Road 19
Fort Collins, CO 80524-9787

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before April 23, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,600.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 27th day of August, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



7-3-4-1



7-3-5-1



7-3-6-1



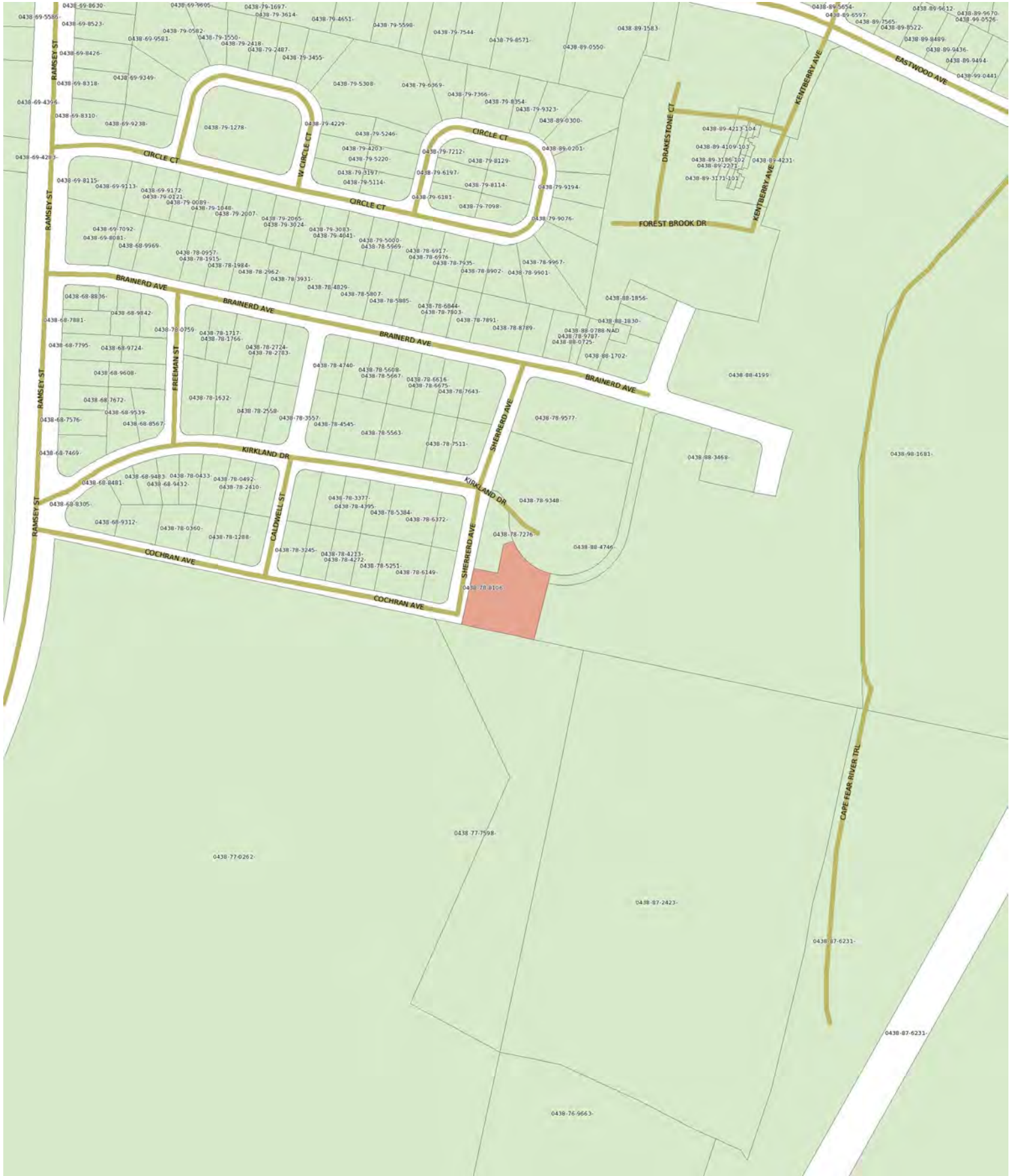
7-3-7-1



7-3-8-1

Current Parcel: 0438-78-8106-

Address: 301 COCHRAN AVE Fayetteville, NC (0438-78-8106-)



TO: Mayor
 City Council Members
 City Manager
 City Attorney

Under provisions of Chapter 14, titled Housing, Dwellings and Buildings of the Code of the City of Fayetteville, North Carolina, the Inspection Department is requesting the docket of the owner who has failed to comply with this Code, be presented to the City Council for action. All proceedings that are required by the Code, Section 14-61, have been complied with. We request the Council take action under the provisions of Chapter 14 of the Code and applicable NC General Statutes.

Location	303 Cochran Avenue
Property Owner(s)	Timothy M. Gannon Los Angeles, CA.
Date of Inspection	May 5, 2012
Date of Hearing	May 30, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed May 31, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since November 2007.
	Hearing advertised in Fayetteville Observer newspaper.
Police Calls for Service (past 2 yrs)	2

The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 27th day of August, 2012.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City, concerning certain real property described as follows:

303 Cochran Avenue
PIN 0438-78-8106

Being all of Lots 1,2, and 3 of Block 8, Myrtle Hill Park, as per plat of same duly recorded in Book of Plats 10, Page 73, Cumberland County Registry.

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

Timothy M. Gannon
109 S. Normandie Avenue, Apt. 401
Los Angeles, CA 90004-5341

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before July 31, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,997.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 27th day of August, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



DANGER
UNSAFE TO ENTER



7-3-13-1



7-3-14-1



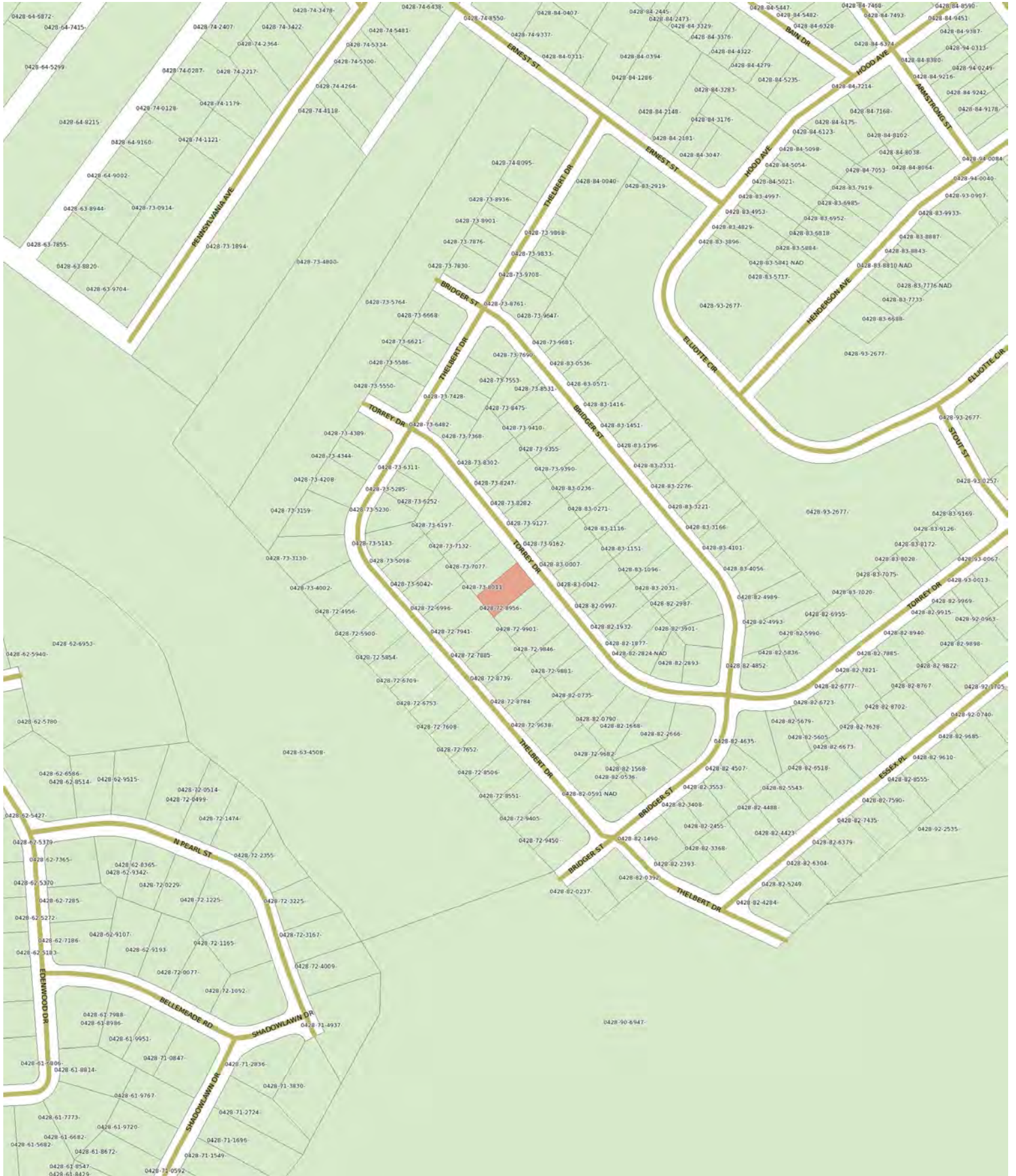
7-3-15-1



7-3-16-1

Current Parcel: 0428-73-8011-

Address: 1801 TORREY DR Fayetteville, NC (0428-73-8011-)



TO: Mayor
 City Council Members
 City Manager
 City Attorney

Under provisions of Chapter 14, titled Housing, Dwellings and Buildings of the Code of the City of Fayetteville, North Carolina, the Inspection Department is requesting the docket of the owner who has failed to comply with this Code, be presented to the City Council for action. All proceedings that are required by the Code, Section 14-61, have been complied with. We request the Council take action under the provisions of Chapter 14 of the Code and applicable NC General Statutes.

Location	1801 Torrey Drive
Property Owner(s)	Marilyn A. Powell Thomas Godette, John Reginald Powers Heirs, Sharon M. Powell Jennings, Anthony D. Powell
Date of Inspection	February 29, 2012
Date of Hearing	March 14, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 90 days mailed March 15, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since February 2007.
	Hearing advertised in Fayetteville Observer newspaper.
Police Calls for Service (past 2 yrs)	8

The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 27th day of August, 2012.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City, concerning certain real property described as follows:

1801 Torrey Drive
PIN 0428-73-8011

Being all of Lot Number 11, Block F, according to that certain plat entitled “ Property of Seabrook Hills, Inc.” dated August 1954, prepared by Guy Hudgins, Registered Engineer, and recorded in Book of Plats 16, Page 27, in the Office of the Register of Deeds for Cumberland County, North Carolina.

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

Marilyn A. Powell Thomas Godette
432 Crystal Drive
Fayetteville, NC 28311

John Reginald Powers Heirs c/o Marilyn A Godette
432 Crystal Drive
Fayetteville, NC 28311

Sharon M. Powell Jennings
3000 Crimson Tree Ct. Apt. 101
Raleigh, NC 27613

Anthony D. Powell
348D Wilson Avenue
Morgantown, WV 28311

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before June 15, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.

- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,600.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 27th day of August, 2012.

CITY OF FAYETTEVILLE

BY: Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



**NO
TRESPASSING**

DANGER
PROPERTY

**FOR
SALE**

1801



NO
TRESPASSING



7-3-22-1

**NO
TRESPASSING**





7-3-24-1

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Scott Shuford, Development Services Director Brian Meyer, Assistant City Attorney
DATE: August 27, 2012
RE: **Boarded Houses**

THE QUESTION:

Should the City Council adopt the attached ordinance addressing boarded houses?

RELATIONSHIP TO STRATEGIC PLAN:

Desirable Neighborhoods

BACKGROUND:

At the August 7, 2012 City Council worksession, staff presented a variety of options for addressing concerns raised by Council members regarding long-term boarding of residential structures. Council provided direction to staff to develop an ordinance that establishes a three-year maximum time period for boarding houses and that provides an avenue of appeal to obtain extension of this time period in the event of extenuating circumstances.

Legal staff has drafted the attached ordinance that addresses these issues, allowing appeals of the boarding limitation to ultimately be addressed by the Board of Appeals on Buildings and Dwellings. The ordinance also establishes a no-cost registration requirement for property owners seeking to board houses in order to provide staff with the ability to monitor these properties, to understand the property owners' motivations behind boarding their properties, and to offer an opportunity for dialog early in the process so that all parties have the same expectations.

ISSUES:

Whether the attached ordinance adequately addresses Council's interests.

BUDGET IMPACT:

None noted.

OPTIONS:

Approve the proposed ordinance (recommended).
Modify and approve the proposed ordinance.
Deny the proposed ordinance.

RECOMMENDED ACTION:

Approve the proposed ordinance.

ATTACHMENTS:

Boarded Houses Ordinance

Please note the following is not the entire chapter. A new article VI is being created as follows.

Chapter 14

HOUSING, DWELLINGS AND BUILDINGS

ORDINANCE NUMBER: _____

AMENDING CHAPTER 14

WHEREAS, the City of Fayetteville has a significant governmental interest in protecting the health, safety, and welfare of the general public and preserving the public order; and

WHEREAS, G.S. 160A-174 allows a city by ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public, and the peace and dignity of the city; and

WHEREAS, there are residential properties in the City of Fayetteville that have become detrimental to the health, safety, or welfare of the public and the peace and dignity of the city due to the boarded up nature of the residence; and

WHEREAS, the City Council desires to minimize and control the adverse effects caused by the indefinite boarding up of these properties and thereby protect the health, safety, and welfare of the citizens, preserve the quality of life and property values and the character of neighborhoods and businesses, and deter the spread of urban blight; and

WHEREAS, the City Council recognizes that it is necessary for the City to apply its limited municipal resources in accordance with the needs of the community at large, and to adjust the application of those resources as necessary to address activity that is injurious to the health, safety and welfare of the public; and

WHEREAS, the City Council desires to implement regulations for those boarded up residential properties; and

WHEREAS, the City Council, finds that a residential property owner's failure or refusal to comply with regulations governing boarded up residences is injurious to the public's health, safety and welfare and the peace and dignity of the city; and

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

Section 1. Chapter 14 “Housing, Buildings and Dwellings” of the Fayetteville City Code is amended by creating Article VI entitled “Regulation of Boarded Up Residential Structures”, to read as follows:

“ARTICLE VI. Regulation of Boarded Up Residential Structures.

Section 14-101. Purpose and Authority.

- (a) It is the purpose of this article to promote the health, safety and welfare of the citizens and preserve the dignity and peace of the city by establishing regulations governing boarded up residential structures in order to prevent their detrimental effects in the city’s neighborhoods.
- (b) The Department shall be responsible for the administration and enforcement of the provisions of this article and shall have the following authority:
 - (1) To inspect the properties;
 - (2) To obtain administrative search and inspection warrants, if necessary, as provided in G.S. 15-27.2; and
 - (3) To issue notices of violation and impose civil penalties.

Section 14-102. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

Board up means the boarding up of any means of egress and ingress, including, without limitation, windows and doors, to an unoccupied residential structure.

Department means the Development Services Department, Housing and Code Enforcement Division. With respect to the Department, the Development Services Director may delegate any of the functions or powers of the Department under this Article to such officers and agents as he may designate.

Owner means the holder of title in fee simple and includes the owner’s duly authorized agent or attorney.

Residential structure means any building, structure, manufactured home or mobile home, or part thereof, intended to be used for human habitation and includes any appurtenances therewith.

Unoccupied means a residential structure that is not occupied or that is occupied by unauthorized persons. In the case of a multi-unit residential structure, unoccupied means when any one unit is unoccupied or occupied by unauthorized persons.

Section 14-103. Registration

- (a) No owner shall board up a residential structure without registering the structure with the Department no later than 48 hours after boarding it up. Failure to register the structure within 48 hours after boarding it up will subject the owner to civil penalty as set forth in Section 14-107 of this Article.

- (b) The owner of the boarded up residential structure must submit an application for registration to the Department on a form prescribed by the Department within 48 hours of boarding it up. The completed registration form shall contain the following information:
 - (1) The full name and mailing address of the owner;

 - (2) The full address and tax parcel number of the residential structure to be boarded;

 - (3) An accurate telephone number where the owner may be reached;

 - (4) If the owner is a partnership or corporation, the owner shall designate one of its general partners or officers to act as its agent and provide the present residence and business addresses and telephone numbers for the agent;

 - (5) The owner's plan for the occupancy, repair or demolition of the residential structure;

 - (6) The owner's plan for regular maintenance during the period the residential structure is boarded up; and

 - (7) Such other information as the Department shall from time to time deem necessary.

- (c) The owner, under this section, shall have a continuing duty to promptly supplement registration information required by this section in the event that said information changes in any way from what is stated on the original registration.

- (d) Registration of a boarded up residential structure does not excuse the owner from compliance with any other applicable ordinance, regulation, or statute, without limitation, including Chapter 14. By accepting an owner's registration, the Department has not determined that the residential structure being registered is in compliance with any applicable local or state regulation or law.

Section 14-104. Time Limit.

- (a) An owner who registers a boarded up residential structure pursuant to Section 14-103 of this Article shall comply with Section 14-39(i) of the Fayetteville Code of Ordinances and any guidelines for boarding up residential structures as shall be established by the Department from time to time.
- (b) An owner's registration of a boarded up residential structure shall expire three years from the date of registration with the Department. Registration may not be renewed but may be extended beyond three years in accordance with Section 14-106 of this Article. Upon expiration of registration an owner shall not allow the residential structure to remain boarded.

Section 14-105. Compliance period for existing structures.

An owner who owns a boarded up residential structure prior to the effective date of this Article shall register the structure with the Department in compliance with Section 14-103 of this Article within six months of the effective date of this Article. The registration shall be effective for three years following the date of registration. An owner who fails to register the structure within six months of the effective date of this Article shall be in violation of this Article and shall be subject to civil penalty as described in Section 14-107 of this Article.

Section 14-106. Request for Extension

- (a) An owner who has registered a boarded up residential structure in compliance with Section 14-103 of this Article, prior to the expiration of that registration, may request an extension of time for which the structure may remain boarded beyond three years. This request shall be made to the Department.
- (b) An owner who makes a request for an extension of time to the Department may appeal the decision of the Department to the Board of Appeals on Dwellings and Buildings. Appeals shall be made in writing to the attention of the Department within ten (10) business days of the date the Department hears the initial request for extension.

Section 14-107. Notice of violation; penalties.

Except as otherwise specified in this article, the Department shall notify the owner of a boarded up residential structure of a violation of this article and the owner shall have ten business days from the date of the notice of violation to abate the violation. Failure to abate the violation shall subject the owner to a civil penalty in the amount of \$100.00 for the first day of noncompliance and \$100.00 for each day thereafter until the violation is abated. The civil penalty may be recovered in the nature of a debt in accordance with North Carolina law.

Section 14-108. Notices.

Any notice required to be given by the Department under this Article to the owner shall be given either by personal delivery to the owner or by first class United States mail to the most current address listed in the registration that has been received by the Department. In the event an owner has failed to register with the Department any required notice may be sent to the address listed for the responsible person in the county property tax records. Notices shall be deemed given upon their deposit in the United States mail and shall be deemed to have been received on the third regular postal delivery day thereafter.

Section 14-109. Appeal of Civil Penalties.

An owner who has been assessed a civil penalty for a violation of this Article may request an appeal hearing in accordance with Section 1-9 of the Fayetteville Code of Ordinances.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Pamela Megill, City Clerk
DATE: August 27, 2012
RE: **Monthly Statement of Taxes for July 2012**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS:

July 2012 Tax Statement



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: August 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 July 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
Attachments

Celebrating Our Past...Embracing Our Future

EASTOVER - FALCON - FAYETTEVILLE - GODWIN - HOPE MILLS - LINDEN - SPRING LAKE - STEDMAN - WADE

FAYETTEVILLE MACC LEDGER
2002-2012

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
07/02/12	2012-001	SYSTEM DOWN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/03/12	2012-002	SYSTEM DOWN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/04/12	2012-003	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/05/12	2012-004	SYSTEM DOWN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/06/12	2012-005	115,159.83	0.00	33,881.76	0.00	0.50	4,372.62	4,372.63	0.00	0.00
07/09/12	2012-006	62,891.32	5,854.28	25,649.84	0.00	1.67	3,335.00	3,335.00	154.33	308.65
07/10/12	2012-007	46,747.18	7,762.70	7,508.89	0.00	0.00	975.00	975.00	397.21	794.40
07/11/12	2012-008	26,343.67	12,538.11	1,888.73	24.23	0.00	275.00	275.00	509.05	1,018.06
07/12/12	2012-009	44,389.42	9,658.83	12,058.77	0.00	0.00	1,455.00	1,455.00	714.45	1,428.89
07/13/12	2012-010	56,963.60	19,957.49	11,849.49	0.00	19.71	1,390.00	1,390.00	977.94	1,955.83
07/16/12	2012-011	70,728.02	13,302.51	24,759.83	0.00	153.38	2,495.00	2,495.00	660.95	1,321.85
07/17/12	2012-012	36,857.05	10,584.17	9,426.84	58.97	25.64	828.43	828.43	430.37	860.74
07/18/12	2012-013	15,559.25	1,147.52	5,180.85	0.00	18.71	535.00	535.00	60.00	120.00
07/19/12	2012-014	23,404.79	1,373.56	9,324.06	0.00	0.00	1,045.00	1,045.00	48.64	97.28
07/20/12	2012-015	24,472.56	1,450.43	8,883.53	0.00	17.30	960.00	960.00	38.78	77.56
07/23/12	2012-016	40,750.24	6,445.60	19,226.05	15.43	0.00	2,010.00	2,010.00	69.18	138.34
07/24/12	2012-017	26,378.08	1,310.71	9,726.68	0.00	0.00	1,095.00	1,095.00	36.99	73.98
07/25/12	2012-018	17,478.39	2,301.53	5,729.48	0.00	0.00	560.00	560.00	40.72	81.44
07/26/12	2012-019	22,102.60	2,845.28	9,154.34	0.00	0.00	1,050.00	1,050.00	52.57	105.13
07/27/12	2012-020	24,546.22	2,688.49	8,861.62	0.00	2.87	865.00	865.00	60.00	120.00
07/30/12	2012-021	67,345.21	17,416.38	27,605.52	0.00	24.92	3,190.00	3,190.00	100.40	200.79
07/31/12	2012-022	37,455.64	847.96	19,186.59	7.72	0.00	2,061.57	2,061.57	24.00	48.00
TOTALS		759,573.07	117,485.55	249,902.87	106.35	264.70	28,497.62	28,497.63	4,375.58	8,750.94

TRUE
 MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)
 CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE
 FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

FAYETTEVILLE MACC LEDGER
2002-2012

2012 FAY RECYCLE FEE	2012 ANNEX	2011 CC	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
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	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	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	14,123.37	39,045.10	261.27	62.16	4,681.42	4,681.43	569.52	1,139.05	1,155.74	0.00	1,052.46
360.66	0.00	2,813.39	14,860.03	0.00	9.64	1,906.48	1,906.49	48.00	96.00	190.00	0.00	94.73
1,259.16	0.00	13,918.78	7,009.03	0.00	0.00	951.93	951.93	648.63	1,297.25	267.99	0.00	217.07
1,481.06	0.00	439.78	5,082.26	0.00	0.00	697.24	697.25	36.00	72.00	114.00	0.00	94.67
1,056.94	0.00	3,380.04	7,666.01	0.00	0.00	1,140.00	1,140.00	102.23	204.45	361.72	0.00	707.03
2,751.98	0.00	3,194.74	8,730.42	0.00	0.00	1,218.61	1,218.61	83.93	167.87	126.20	0.00	350.05
1,876.16	0.00	5,715.51	11,870.62	0.00	0.00	1,655.98	1,655.97	168.46	336.93	229.47	0.00	(117.51)
1,324.84	0.00	4,081.13	4,966.52	0.00	0.00	649.99	649.98	104.21	208.43	292.01	0.00	486.55
190.00	0.00	1,344.18	4,012.42	0.00	0.00	594.83	594.83	56.14	112.29	177.79	0.00	0.00
154.03	0.00	2,690.82	4,094.34	0.00	0.00	572.70	572.70	91.80	183.60	138.69	0.00	217.26
122.80	0.00	2,850.16	5,676.90	0.00	9.41	755.83	755.82	63.21	126.42	210.36	0.00	173.28
241.40	0.00	1,584.65	5,470.96	0.00	8.90	749.56	749.56	74.88	149.75	155.61	0.00	72.44
155.14	0.00	3,036.47	3,334.09	0.00	8.90	465.00	465.00	96.00	192.00	266.00	0.00	1,419.37
128.95	0.00	2,764.58	3,315.43	0.00	0.00	444.03	444.05	32.76	65.52	103.73	0.00	0.00
166.46	0.00	2,539.12	2,914.01	0.00	(42.68)	437.17	437.17	84.60	169.21	153.92	0.00	243.49
190.00	0.00	3,071.65	4,129.57	0.00	29.02	603.35	603.37	316.92	633.84	319.57	0.00	37.33
317.93	0.00	4,865.99	5,380.15	0.00	0.00	669.32	669.32	89.48	178.96	321.35	0.00	173.01
76.00	0.00	3,791.15	5,602.58	0.00	0.00	670.00	670.00	173.05	346.10	167.99	0.00	542.18
11,853.51	0.00	76,205.51	143,160.44	261.27	85.35	18,863.44	18,863.48	2,839.82	5,679.67	4,752.14	0.00	5,763.41

FAYETTEVILLE MACC LEDGER

July 2012

2002-2012

2010 VEHICLE	2010 CC REVIT	2010 VEHICLE REVIT	2010 FVT	2010 TRANSIT	2010 STORM WATER	2010 FAY STORM WATER	2010 FAY RECYCLE FEE	2010 ANNEX	2009 CC	2009 VEHICLE	2009 CC REVIT	2009 VEH REVIT	2009 FVT
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	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
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
1,316.78	0.00	0.00	237.46	237.46	24.00	48.00	38.00	0.00	393.53	261.59	0.00	0.00	70.00
216.72	0.00	0.00	51.80	51.79	0.00	0.00	0.00	0.00	0.00	155.86	0.00	0.00	13.19
52.82	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	58.82	0.00	0.00	25.00
42.71	0.00	0.00	20.00	20.00	0.00	0.00	0.00	0.00	87.84	119.59	0.00	0.00	20.00
(0.28)	0.00	0.00	15.00	15.00	12.00	24.00	38.00	0.00	353.86	36.67	0.00	0.00	20.00
238.18	0.00	0.00	64.97	64.99	53.88	107.76	38.00	0.00	0.00	57.70	0.00	0.00	15.00
220.80	0.00	0.00	45.00	45.00	0.00	0.00	0.00	0.00	306.24	46.06	0.00	0.00	10.00
161.28	0.00	0.00	25.00	25.00	12.00	24.00	38.00	0.00	0.00	14.84	0.00	0.00	5.00
127.22	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	0.00	64.71	0.00	0.00	20.00
128.81	0.00	0.00	54.37	54.37	12.00	24.00	38.00	0.00	266.27	(23.62)	0.00	0.00	10.00
215.35	0.00	0.00	37.16	37.14	12.00	24.00	38.00	0.00	0.00	91.33	0.00	0.00	30.00
220.59	0.00	0.00	38.57	38.57	0.00	0.00	0.00	0.00	0.00	149.80	0.00	0.00	20.00
182.85	0.00	0.00	20.00	20.00	36.00	72.00	152.00	0.00	780.28	127.21	0.00	0.00	20.00
271.43	0.00	0.00	40.00	40.00	0.00	0.00	0.00	0.00	0.00	27.82	0.00	0.00	5.00
139.55	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
155.33	0.00	0.00	35.89	35.87	12.00	24.00	38.00	0.00	96.77	10.76	0.00	0.00	0.00
227.21	0.00	0.00	50.00	50.00	12.00	24.00	38.00	0.00	161.88	54.38	0.00	0.00	10.00
(47.50)	0.00	0.00	20.88	20.88	12.00	24.00	38.00	0.00	245.60	35.37	0.00	0.00	15.00
3,869.85	0.00	0.00	831.10	831.07	197.88	395.76	494.00	0.00	2,692.27	1,288.89	0.00	0.00	308.19

FAYETTEVILLE MACC LEDGER
2002-2012

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	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	0.00	0.00	0.00
0.00	0.00	2,386.23	17.77	32.10	64.15	0.00	81.89	173.78	115,159.83
0.00	0.00	1,042.77	0.21	3.43	6.84	0.00	13.30	80.68	62,891.32
0.00	0.00	1,311.62	0.00	42.16	84.34	0.00	17.43	49.90	46,747.18
0.00	0.00	458.44	0.00	2.96	5.93	0.00	9.38	43.22	26,343.67
0.00	0.00	879.70	0.00	32.51	17.98	0.00	31.01	60.16	44,389.42
0.00	0.00	768.00	0.00	13.95	27.85	0.00	10.83	72.79	56,963.60
0.00	0.00	1,032.35	0.00	10.20	20.44	0.00	12.73	78.76	70,728.02
0.00	0.00	592.18	0.00	13.48	18.96	0.00	27.51	33.97	36,857.05
0.00	0.00	423.96	0.00	3.95	7.92	0.00	12.54	43.22	15,559.25
0.00	0.00	609.03	0.00	13.16	26.33	0.00	31.73	40.22	23,404.79
0.00	0.00	586.85	0.26	5.84	11.73	0.00	18.63	54.77	24,472.56
0.00	0.00	637.34	0.19	6.90	13.78	0.00	11.31	42.32	40,750.24
126.00	0.00	919.58	0.19	24.96	49.90	0.00	107.27	24.46	26,378.08
0.00	0.00	352.01	0.00	3.73	7.47	0.00	6.04	31.87	17,478.39
0.00	0.00	416.26	(2.45)	6.02	12.03	0.00	11.58	27.66	22,102.60
0.00	0.00	605.63	1.67	20.40	40.78	0.00	25.90	37.64	24,546.22
42.00	152.64	957.24	0.00	41.84	39.94	63.75	50.98	46.19	67,345.21
0.00	0.00	754.09	0.00	13.01	26.01	0.00	16.25	46.82	37,455.64
168.00	152.64	14,733.28	17.84	290.60	482.38	63.75	496.31	988.43	759,573.07