



FAYETTEVILLE CITY COUNCIL
AGENDA
MARCH 25, 2013
7:00 P.M.
Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 ANNOUNCEMENTS AND RECOGNITIONS

5.1 Recognition of FAST Bus Roadeo Winners

Presenter(s): Randall Hume, Transit Director

6.0 PUBLIC FORUM

7.0 CONSENT

7.1 Amendment to the Sales Tax Interlocal Agreement

7.2 Award Contract for Fort Bragg Road Resurfacing - Phase II

7.3 Award Contract for the Purchase of Two (2) Tractors with Mowers

7.4 Capital Project Ordinance 2013-17 - Police Department Firing Range Improvements

7.5 P13-07F - Request to rezone property from HI – Heavy Industrial to CC – Community Commercial or to a more restrictive district, located at 3112 Murchison Road containing 0.85 acres more or less and being the property of Lara Plaza LLC.

7.6 P13-08F Request to rezone property to the MHO – Manufactured Home Overlay District on properties currently zoned SF-6, located at 6141, 6135 and 6123 Smith Street containing 0.94 acres more or less and being the property of Sherman C. Davis.

7.7 Interlocal Agreement Regarding Economic Development Incentive for Cumberland County's Cedar Creek Industrial Park
Presenter(s): Kristoff Bauer, Deputy City Manager

7.8 Approve Meeting Minutes:

December 10, 2012 Discussion of Agenda Items
January 7, 2013 Work Session
January 14, 2013 Discussion of Agenda Items
January 14, 2013 Regular Meeting
January 23, 2013 Special Meeting
January 28, 2013 Discussion of Agenda Items

7.9 Request for Legal Representation in the Matter of *Ronald D. Edenfield v. Richard S. Saylor and City of Fayetteville*

7.10 Request for Legal Representation in the Matter of *Steven J. Taber v. Robert Lee Brinkley and City of Fayetteville*

7.11 Resolution Supporting NCDOT Project on Owen Drive

7.12 Tax Refunds of Greater Than \$100

8.0 PUBLIC HEARINGS

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

8.1 P13-06F - Request for a Special Use Permit to allow Zero Lot Line development in a SF-10 Zoning District on lots 27 and 28 of the on property located at 308 West Park Drive containing 0.77 acres more or less and being the property of Kay M. Edwards.
Presenter(s): Craig Harmon, AICP, CZO - Planner II

8.2 Public Hearing and Consideration of Adoption of Revisions to Chapter 23, Article III, Stormwater Management Ordinance
Presenter(s): Greg Caison, CSM, Stormwater Manager

8.3 Reauthorization of the Downtown Municipal Services District to July 1, 2018.

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

9.0 OTHER ITEMS OF BUSINESS

9.1 Approval of FAST Transit Fare Policy and amendment to the City's Fee Schedule

Presenter(s): Randy Hume, Transit Director

9.2 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

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

9.3 GovTide Technology/Hire Fayetteville First (HFF) Job Creation Policy

Presenter(s): Val Applewhite, Council Member

10.0 ADMINISTRATIVE REPORTS

10.1 Monthly Statement of Taxes for February 2013

10.2 Tax Refunds of Less Than \$100

11.0 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

March 25, 2013 - 7:00 p.m.

COMMUNITY CHANNEL 7

COUNCIL MEETING WILL BE RE-AIRED

March 27, 2013 - 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 the City Council
FROM: Randy Hume, Transit Director
DATE: March 25, 2013
RE: **Recognition of FAST Bus Rodeo Winners**

THE QUESTION:
Recognition of FAST Rodeo Winners

RELATIONSHIP TO STRATEGIC PLAN:
FAST Improvements

BACKGROUND:
Fayetteville Area System of Transit (FAST) held its third annual bus operators rodeo on Sunday, March 10 at the transit facility on Grove Street.

The bus rodeo provides an opportunity for transit personnel to demonstrate their knowledge and skills in a competitive but fun environment. It also provides an opportunity for team building within our transit family. Many of our employees, employee family members, FACT members and other City employees volunteer to organize and judge this competition.

In addition to a knowledge test, the bus operators drive a very tight obstacle course with ten maneuvers. Their driving is also timed and judged on safety habits, smoothness of operation, wheelchair securement and personal appearance. They also do a staged pre-trip vehicle inspection where they try to identify defects on the bus.

This year's winners were:
LTV 1st Place - Paula Bowers
LTV 2nd Place - Leonard Pellom
Bus 1st Place - Evan Legans
Bus 2nd Place - Ernest Poinsette
Bus 3rd Place - Louis Tellefeson

This is also the second year where we held a celebrity competition. Many thanks to Councilperson Kady-Ann Davy, FACT Chairman Jeff Thompson and Fayetteville Observer Reporter Andrew Barksdale for being part of our fun and entertaining day at FAST.

Thanks also to our many volunteers (see attached).

ISSUES:

BUDGET IMPACT:
Rodeo funding is included in the annual operating budget

OPTIONS:

RECOMMENDED ACTION:
Recognize the winners

ATTACHMENTS:
Rodeo Volunteers

Start Line	Randolph Washington	Judgment Stop	Eladio Cambisaca Melinda Ryles
Serpentine	Beth Means Garland Hill	Safety Habits	Greg Schaefer
Offset Street	Randy Johnson Charles Koonce	Smoothness of Operations	Art Moore/Dasmon Ellerbe
Rear Dual Tires	Leroy Robinson Ghema Jenkins	Time Keeper	Veronica Feliciano
1st Passenger Stop	Cornelia Loyd Larry Evans	Personal Appearance	Marvin McLain
Left Hand Reverse	Malarie McKinley Matt Bowers	Runners	Schayla Bowers Brandi Bowers
2nd Passenger Stop	Aletha Rixon Tosha Thomas	Pre –trip	Juan Larregui Vashawn Williams
Right Hand Reverse	Doug Fleming Kelly King	Wheel chair lift	Denise Black Donna Campbell
Right Hand Turn	Eric Lloyd Brian Rixon	Entering Scores	Dwight Butler Melissa Moses
Diminishing Clearance	Selinda Barrett- Thompson Toney Paschall	Left Hand Turn	Pauline Brown Myra Taylor

DJ	George Dobbins	Photographer	Sheri Legans
		Other	Tamrie Jeralds
Kid's Play Area	Kelly Vaughn	Mary Finney	Dasmon Ellerbe
	Faith Ballard	Faith's daughters	
	Doris Patterson	Wendy's daughter	
Administer Test	Kelly Nicot		
	Cindy Hume		
T-shirts/Jackets/ Vests	Sheri Legans		
	Sara Carrano		
Lunch Tickets	Becky Sanders		
	Linda Moore		
Extra Judges	Colleen Petersen		
	Sara Carrano		
Celebrity Challenge	Randy Hume		
	Tony Means		
	Chris Jones		
Wheel Chair Lift Assistant	Timothy Rixon		

CITY COUNCIL ACTION MEMO

TO:

FROM:

DATE: March 25, 2013

RE:

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: March 25, 2013
RE: **Amendment to the Sales Tax Interlocal Agreement**

THE QUESTION:

The attached amendment to the current sales tax agreement would extend the term of the agreement by one year and formally include the Town of Eastover in the agreement.

RELATIONSHIP TO STRATEGIC PLAN:

Policy Action - FY2013: Sales Tax Distribution - Interlocal Agreement

BACKGROUND:

- The distribution of sales tax in North Carolina is governed by state law.
- The portion allocated to local governments must be distributed either on a "per capita" basis or an "ad valorem" basis. Each county board is assigned the authority to determine, on an annual basis, which method will be used within each county.
- Some local jurisdictions in the state have determined it is in their best interest to enter into interlocal agreements to distribute local sales tax revenue through a negotiated method that is different than the two methods authorized by state law.
- In October 2003, Cumberland County and the local municipalities entered into an interlocal agreement to distribute sales tax revenues on a modified "per capita" basis for a period not to exceed nine years.
- The current interlocal agreement expires on June 30, 2013.
- During the past two months, discussions have taken place between the County and the local municipalities regarding the future distribution of local sales tax revenue; however, there has not been sufficient time to negotiate a long-term solution that each party can endorse.
- At the last Mayor's Coalition meeting, municipal representatives discussed a short-term solution that would extend the current agreement by one year and take affirmative steps to negotiate a new interlocal agreement for future fiscal years beginning with FY2015.
- The City Manager subsequently briefed the Council on this proposal and Council adopted a resolution consistent with this strategy on March 4, 2013.
- Consistent with the resolution adopted by Council, the attached amendment to the interlocal agreement has been proposed by the City for consideration by each local jurisdiction.
- If approved by all parties, the amendment would extend the current agreement by one year, call upon each local jurisdiction to enter into negotiations to develop a long-term interlocal agreement for the distribution of local sales taxes prior to December 2013, and officially include the Town of Eastover as a party to the agreement.

ISSUES:

City staff provided a copy of the proposed amendment to each jurisdiction in preparation for the Mayors' Coalition meeting on March 20; however, we are not certain whether each one will adopt the amendment, propose a modification to the amendment or propose some other action.

BUDGET IMPACT:

Extending the current interlocal agreement for distribution of sales tax by one year rather than converting to the "ad valorem" basis of distribution would result in an estimated \$4.1 million net benefit to the City of Fayetteville in FY2014, based on sales tax distributions in FY2012.

OPTIONS:

1. Adopt the one-year extension to the current sales tax interlocal agreement.
2. Do not adopt the one-year extension to the current sales tax interlocal agreement.

RECOMMENDED ACTION:

Staff recommends Council move to authorize the Mayor to execute the one-year extension to the current sales tax interlocal agreement.

ATTACHMENTS:

Amendment to the Sales Tax Interlocal Agreement

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

AMENDMENT TO INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT AMENDMENT is effective April 30, 2013 (the "Amendment"), and amends the Interlocal Agreement entered into on October 31, 2003 and effective on July 1, 2004 as supplemented or amended (the "Agreement"), by and between the City of Fayetteville, the Town of Hope Mills, the Town of Spring Lake, the Town of Stedman, the Town of Wade, the Town of Falcon, the Town of Godwin, the Town of Linden, the Town of Eastover (the above municipalities being referred to from time to time individually as a "municipality" or collectively as "municipalities"), and the County of Cumberland.

RECITALS:

WHEREAS, sales tax distribution in North Carolina are governed by State law; and,

WHEREAS, in accordance with N.C.G.S. 105-472, the portion of sales tax distributed to local governments must be distributed in one of two ways; either on a "per capita" basis, or on an "ad valorem" basis; and,

WHEREAS, the Board of County Commissioners is assigned the authority to decide on an annual basis in April of each year which sales tax distribution method will be used for the ensuing fiscal year; and,

WHEREAS, some local jurisdictions have determined that it is in the best interest of their jurisdiction to enter into interlocal agreements to distribute local sales tax revenue through a negotiated method that is different from either of the two methods authorized by law, and have also determined that interlocal agreements regarding sales tax distribution should run for longer periods of time in order to promote budgeting stability rather than having the decision revisited on an annual basis; and,

WHEREAS, sales tax distribution in Cumberland County has been consistently administered through an interlocal agreement for fiscal years 2005 through 2013 which has now come to an end; and,

WHEREAS, in a letter dated January 22, 2013, the Chairman of the Cumberland County Board of Commissioners asked the municipalities in Cumberland County to provide the County Manager a response to a proposal to extend the expiring sales tax distribution agreement for a new term while increasing the annexation reimbursement percentage from 50% to 60% with the other terms remaining the same; and,

WHEREAS, in a meeting of municipal mayors and municipal representatives held on February 1, 2013, while recognizing the many important services provided by Cumberland County and acknowledging the County's challenging revenue environment, the municipal governments expressed reservations about the proposal and the short time available to develop a response; and,

WHEREAS, in a follow-up meeting of municipal mayors and municipal representatives held on February 21st, 2013, it was discussed that a reasonable way forward on this issue would be to leave the current arrangement in place and take affirmative steps to negotiate a new interlocal agreement in advance of the April 2014 deadline for the County Commissioners' next sales tax distribution method deadline; and,

WHEREAS, the municipalities request a one-year extension to the existing expiring agreement that governs sales tax distribution; and,

WHEREAS, the municipalities support a new long-term interlocal agreement for sales tax distribution, based on a "modified per capita" method of distribution; and,

WHEREAS, the Town of Eastover deems it in the best interests of its citizens to become a party to the Agreement and be bound by its provisions; and,

WHEREAS, the municipalities call upon the Cumberland County Board of Commissioners and all other municipal governments in Cumberland County to enter into negotiations as soon as is practicable regarding a long-term interlocal agreement on sales tax distribution with the goal of completing those negotiations prior to December, 2013.

NOW, THEREFORE, the Agreement is amended as follows:

1. The Town of Eastover shall be added as a party to the Agreement. The first paragraph of the Agreement is amended to add "the Town of Eastover (hereinafter "Eastover")."
2. The paragraph labeled **Duration** shall be amended to extend the term of the Agreement from June 30, 2013 to June 30, 2014.
3. The paragraph labeled **Notices** is amended to add the following party and address:

Eastover:
 Town Manager
 3863 Dunn Road
 Eastover, NC 28312

4. All other provisions not changed herein, shall remain the same and unchanged and in full force and effect.

IN WITNESS WHEREOF the parties, intending to be bound and by authority duly given, have caused this Amendment to be signed by their appropriate officials, the day and year first above written.

ATTEST:

CITY OF FAYETTEVILLE

 City Clerk

BY:

 ANTHONY G. CHAVONNE
 Mayor

ATTEST:

COUNTY OF CUMBERLAND

 County Clerk

BY:

 JIMMY KEEFE

Chairman, Board of Commissioners

ATTEST:

TOWN OF HOPE MILLS

Town Clerk

BY: _____
JACKIE WARNER
Mayor

ATTEST:

TOWN OF SPRING LAKE

Town Clerk

BY: _____
CHRIS REY
Mayor

ATTEST:

TOWN OF WADE

Town Clerk

BY: _____
HUELL AEKINS
Mayor

ATTEST:

TOWN OF FALCON

Town Clerk

BY: _____
CLIFTON TURPIN
Mayor

ATTEST:

TOWN OF GODWIN

Town Clerk

BY: _____
DEBORAH TEW GODWIN
Mayor

ATTEST:

TOWN OF LINDEN

Town Clerk

BY: _____
MARIE BUTLER
Mayor

ATTEST:

TOWN OF STEDMAN

Town Clerk

BY: _____
BILLY HORNE
Mayor

ATTEST:

TOWN OF EASTOVER

Town Clerk

BY: _____
CHARLES MCLAURIN
Mayor

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

Approved for Legal Sufficiency

Fayetteville Finance Director

City Attorney's Office

County Finance Director

County Attorney's Office

Hope Mills Finance Director

Town Attorney

Spring Lake Finance Director

Town Attorney

Wade Finance Director

Town Attorney

Falcon Finance Director

Town Attorney

Godwin Finance Director

Town Attorney

Linden Finance Director

Town Attorney

Stedman Finance Director

Town Attorney

Eastover Finance Director

Town Attorney

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria B. Wrench, Purchasing Manager
DATE: March 25, 2013
RE: **Award Contract for Fort Bragg Road Resurfacing - Phase II**

THE QUESTION:

Is it in the interest of Council to award a contract for the Fort Bragg Road Resurfacing - Phase II project?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The project was first advertised for bids to be opened on February 14, 2013, however, only two (2) bids were received. Therefore, in accordance with North Carolina General Statutes, which require three (3) bids for opening on the first advertisement, the project was readvertised and bids were opened on February 22, 2013 as follows:

Highland Paving Company, Fayetteville, NC	\$785,271.60
Barnhill Contracting Company, Fayetteville, NC	\$885,591.75

Staff recommends award of the contract to the lowest responsive, responsible bidder, Highland Paving Company, LLC, Fayetteville, NC. Highland Paving Company, LLC will utilize SDBE subcontractors for 11.9% of the work on this project.

ISSUES:

None

BUDGET IMPACT:

The available budget amount for this project is \$785,272.00.

OPTIONS:

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

RECOMMENDED ACTION:

Award contract to the lowest responsive, responsible bidder, Highland Paving Company, LLC, Fayetteville, NC, in the amount of \$785,271.60.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria B. Wrench, Purchasing Manager
DATE: March 25, 2013
RE: **Award Contract for the Purchase of Two (2) Tractors with Mowers**

THE QUESTION:

Is it in the interest of Council to award a contract for the purchase of two (2) tractors with mowers?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2 - More Efficient City Government - Cost Effective Service Delivery

BACKGROUND:

Formal bids were received February 7, 2013 for the purchase of two (2) tractors with mowers for the Parks and Recreation Department. A bid tabulation is attached. Staff recommends award to the lowest bidder, Parker Farm Service, Kings Mountain, NC.

ISSUES:

None

BUDGET IMPACT:

The FY2013 budget has \$160,000 allocated for the purchase of this equipment.

OPTIONS:

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

RECOMMENDED ACTION:

Award contract to the lowest bidder, Parker Farm Service, Kings Mountain, NC, in the amount of \$134,000 for the purchase of two (2) Kubota tractors with mowers.

ATTACHMENTS:

Bid Tabulation

CITY OF FAYETTEVILLE

BID TABULATION

TWO (2) TRACTORS WITH MOWERS

FEBRUARY 7, 2013; 2:00 P.M.

BIDDERS	UNIT PRICE	TOTAL PRICE	MANUFACTURER	DELIVERY
PARKER FARM SERVICE KINGS MOUNTAIN, NC	\$67,000.00	\$134,000.00	KUBOTA	120 DAYS
PARKER FARM SERVICE KINGS MOUNTAIN, NC	\$68,800.00	\$137,600.00	NEW HOLLAND	120 DAYS
VAUSE EQUIPMENT CO. FAYETTEVILLE, NC	\$72,564.00	\$145,128.00	NEW HOLLAND	60-120 DAYS
DIAMOND MOWERS SIOUX FALLS, SD	\$76,200.94	\$152,401.88	NEW HOLLAND	45 DAYS
RIGHT OF WAY EQUIPMENT RALEIGH, NC	\$80,185.88	\$160,371.76	NEW HOLLAND	90-120 DAYS

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: March 25, 2013
RE: **Capital Project Ordinance 2013-17 - Police Department Firing Range Improvements**

THE QUESTION:

This project ordinance will appropriate \$50,000 for improvements at the Police Department firing range.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Efficient City Government - Cost Effective Service Delivery

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

BACKGROUND:

The Federal Bureau of Investigation (FBI) has agreed to spend an amount not to exceed \$50,000 for range improvements at the Police Department Training Center in lieu of the FBI paying a user fee to the City when the FBI conducts firearms training at the Police Department's firing range. A list of improvements has been approved by the FBI.

The Fayetteville Police Department will permit the FBI use of the firing range facility, without charge, on an as needed basis, subject to the Police Department having priority use. The FBI will be guaranteed a minimum of 16 days per year, scheduled four days per quarter, for 10 years.

ISSUES:

None.

BUDGET IMPACT:

The budget impact is discussed in the background section.

OPTIONS:

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

RECOMMENDED ACTION:

Staff recommends that Council move to adopt Capital Project Ordinance 2013-17.

ATTACHMENTS:

CPO 2013-17 (PD Firing Range Improvements)
Police Department Firing Range Improvements

**CAPITAL PROJECT ORDINANCE
ORD 2013-17**

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 includes construction improvements to the Police Department Firing Range.

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 Bureau of Investigation	<u>\$ 50,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 50,000</u>
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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 25th day of March, 2013.

FBI Range Fund - \$50,000.00

ITEM	QTY	Per Unit \$	Total \$\$
FPD Qualification Range			
Target System Renovation			
PRB Plate Rack Bianchi Spacing	2	1546.38	3092.76
PRBARSHIELD Plate Rack Shield	2	275.18	550.36
PRTARGETS Plate Rack Targets	12	45.40	544.80
CTS90 Target Stand (90 degrees)	16	35.21	563.36
SUB TOTAL			4,751.28
Target Jaw Clamps	16	114.28	1828.48
C Rods	16	36.27	580.32
MAC Valves	16	78.00	1248.00
Brass Collector	2	509.62	1019.24
SUB TOTAL			4676.04
FPD Combat Range			
XOSP Cross over Stop Popper	1	320.58	320.58
DLPBLLZAR Double Lolli with BCCZONE AR	6	567.04	3402.24
APLSP Auto Popper Colt Speed Plate	12	107.48	1289.76
SPRING Replacement Springs	24	3.41	81.84
DT6 Dueling Tree (6 plate)	1	630.04	630.04
DT6 Armor (Rifle Shield for DT6)	1	240.90	240.90
JTTS ST Target Stands (6 pack)	1	114.89	114.89
PPC Pepper Popper (Complete with base)	6	190.27	1141.62
PTPU Paper Target Pop-Up Brackets	6	57.91	347.46
PF Pigeon Flopper Bracket	6	57.91	347.46
BT2448 Bullet Trap (24"x48" AR500)	2	1932.74	3865.48
SUB TOTAL			11782.27
TOTAL			21209.59

CONTRACTED RENOVATION			
Tire House, 100 YD Range, Steel Target Shelters (2)			
Repair and/or Replace Flooring			
Reinforce Roofing Joist to Tire Wall (Square Structure)			
Check/Repair/Repair Electrical & Lighting			
Install Ventilation System			
Repair Roof			
Construct Midline Catwalk			
Add Crush and Run to Entrances			
25' x 10' Concrete Pad - <i>extension of current pad.</i>			
30' x 12' Shelter - <i>extension of current shelter - 100 m. range shelter</i>			
Replace Roof (2)			
Replace ceiling joists (2)			
Add 3"x3" Angle to existing 4"x4"			
TOTAL			23050.00
Range Shed			8256.00
GRAND TOTAL			52515.59

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: March 25, 2013
RE: **P13-07F - Request to rezone property from HI – Heavy Industrial to CC – Community Commercial or to a more restrictive district, located at 3112 Murchison Road containing 0.85 acres more or less and being the property of Lara Plaza LLC.**

THE QUESTION:

Request to rezone property to CC – Community Commercial

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods Growth and Development

BACKGROUND:

Owner: Lara Plaza LLC
Applicant: Lee Motte
Requested Action: Rezoning HI to CC
Property Address: 3112 Murchison Road
Council District: 4
Status of Property: Developed commercial strip center
Size: 0.85 acres +/-
Adjoining Land Use & Zoning:
North - HI
South - HI
West - CC
East – HI
Letters Mailed: 28
Land Use Plan: Heavy Commercial Murchison Road Corridor Plan: Mixed Use
2030 Growth Vision Plan: Policy 2.9: NEW DEVELOPMENT AND INFILL DEVELOPMENT shall be especially encouraged in locations where a full range of urban services and infrastructure (i.e. schools, fire stations, water and sewer facilities, parks, and roads) is already in place, and where the public sector will not incur the full cost for building new facilities to serve the area.

ISSUES:

Under the City's previous ordinance this property was zoned M2 for industrial uses. Our old ordinance was structured pyramidally so that uses of a less intensive nature were also allowed in the M2 district. The M2 was the City's most intensive district. It allowed both industrial and commercial uses. With the adoption of the Unified Development Ordinance the M2 districts became HI or Heavy Industrial. These HI districts no longer allow commercial uses in them. The owners of the property in question are concerned that they will lose their investment if the current structure is destroyed since they would not be able to build back commercially under the HI district. Three sides of this property currently have commercial uses, while the fourth side is industrial.

While the Murchison Road Corridor Study does call for mixed use development in this area, it is staff's opinion that this property is not suited at this time for the City's MU - Mixed Use zoning district. Large scale redevelopment would have to take place to warrant the MU zoning district. Even with large scale redevelopment it may still be impractical for this property to ever be rezoned to MU. This is due to this property's proximity to industrial property, a rail line and two major thoroughfares.

At the Zoning Commission's February 12 meeting its members voted 5 to 0 to recommend approval of this request.

The Zoning Commission and staff recommends approval of this rezoning to the Community Commercial zoning district based on the following.

1. The land use plan calls for Heavy Commercial.
2. Currently this property is surrounded by industrial and heavy commercial zoning districts.
3. This property has commercial uses on three sides.
4. Commercial activity was allowed previously on the property under the City's old M2 - Industrial district.

BUDGET IMPACT:

This action would result in no increase of public services.

OPTIONS:

- 1) Approval of the rezoning as requested by the applicant; (Recommended)
- 2) Approval of the rezoning to a more restrictive district;
- 2) Denial of the rezoning request.

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to APPROVE the rezoning to the Community Commercial district, as presented by staff.

ATTACHMENTS:

Zoning Map

Current Land Use

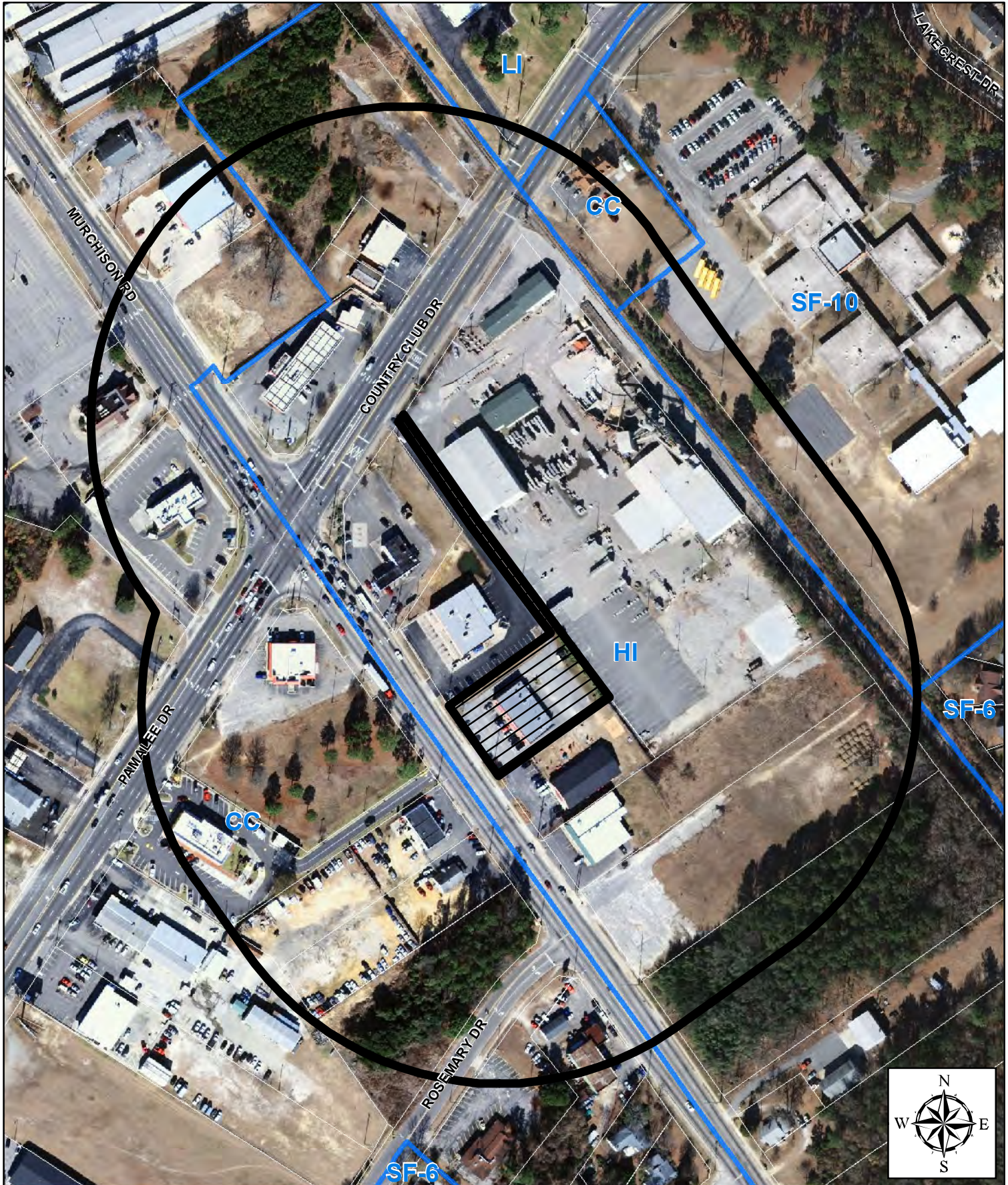
Land Use Plan

Site Photo

Buffer Table

PowerPoint Presentation

**ZONING COMMISSION
CASE NO. P13-07F**

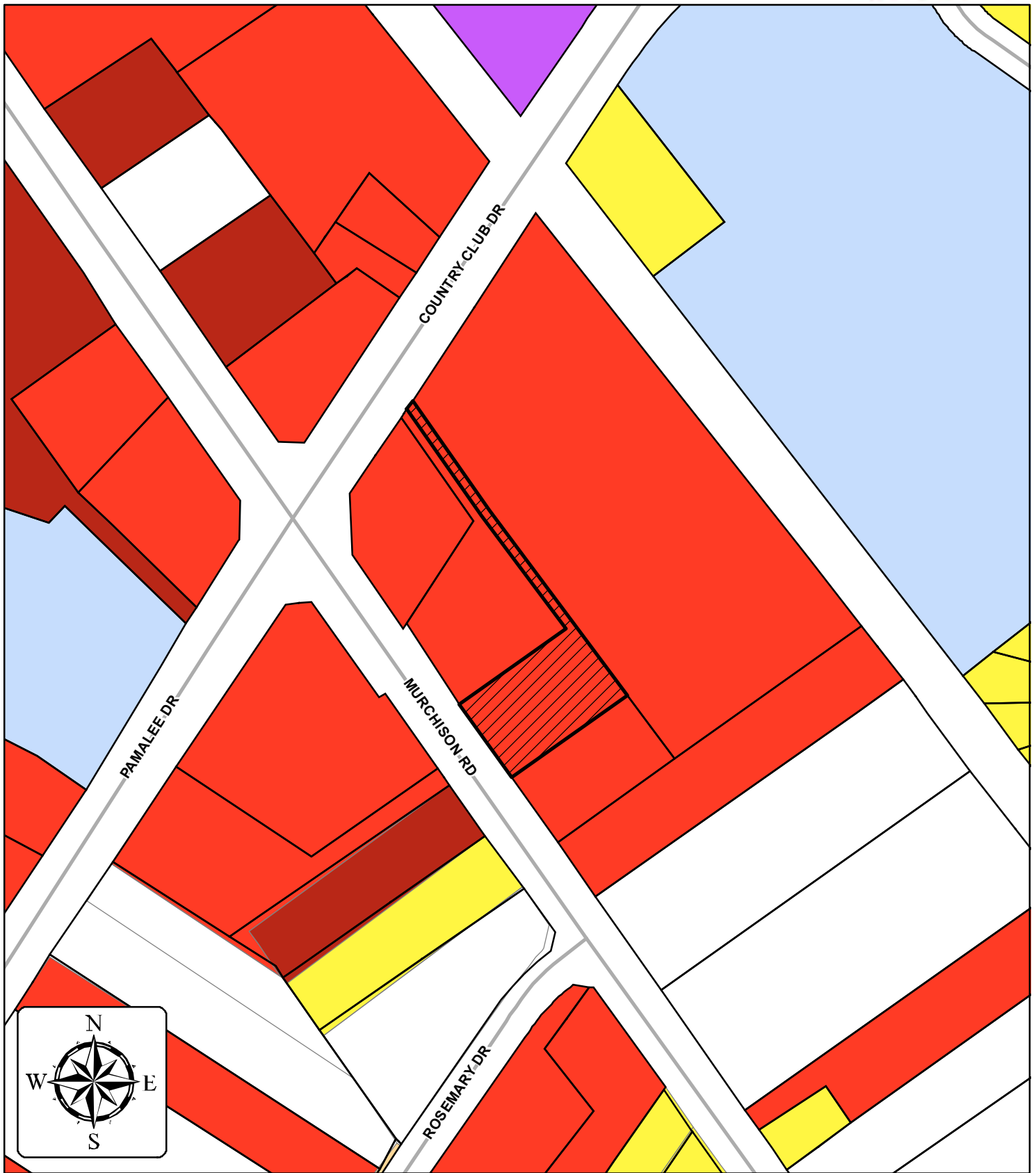


Request: HI to CC
Location: 3112 Murchison Rd.
Size: .85 acres +/-

Zoning Commission: 02/12/2013 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 0429-50-5092

Current Land Use

P13-07F

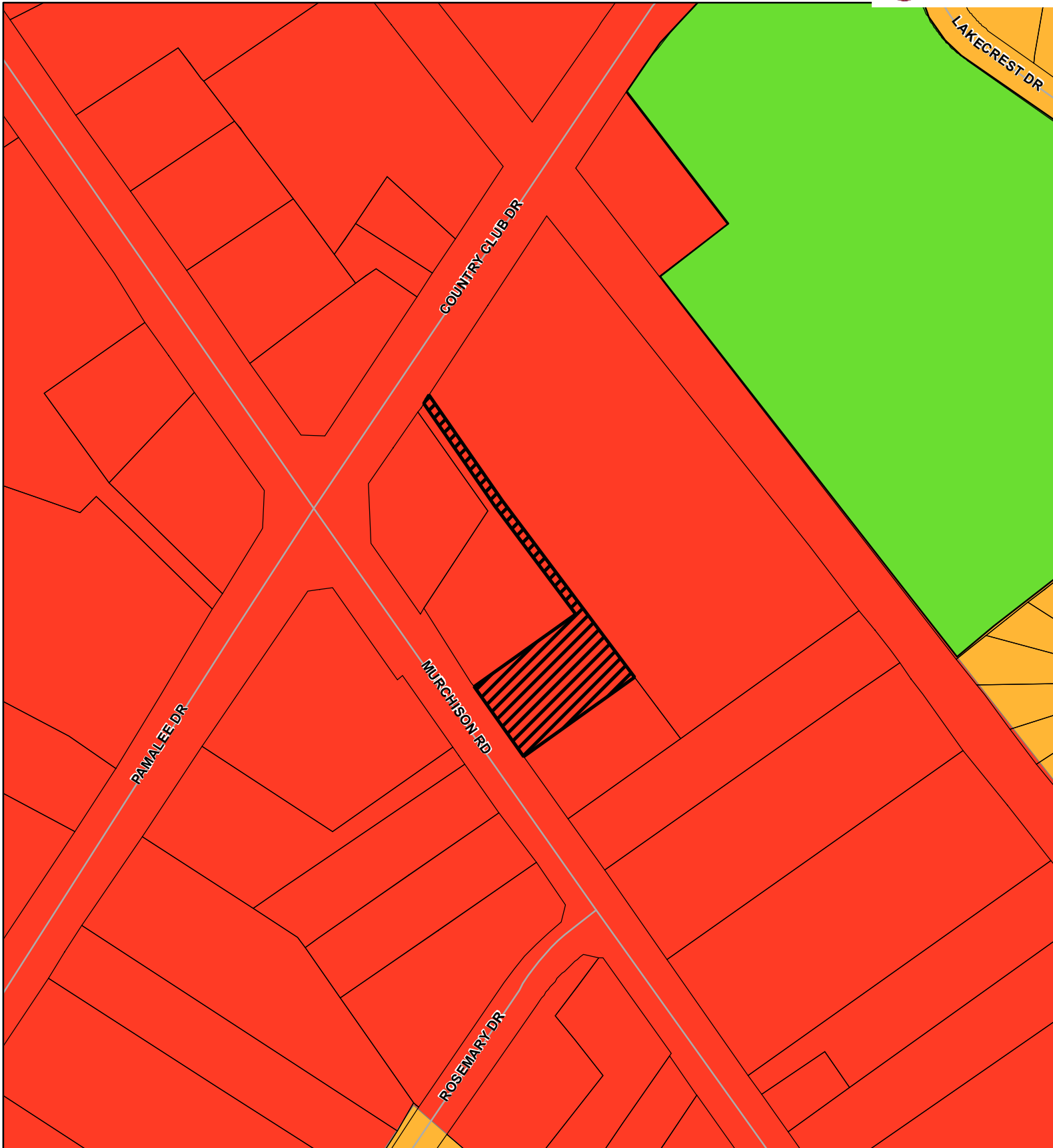


Legend

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. P13-07F



Legend

Academic Training-Fort Bragg	Farmland	Historical District-Fort Bragg	Neighborhood Activity Node	Policy Directed Light Commercial
Activity Node	Governmental	Light Commercial	Office & Institutional	Policy Directed Office & Institutional
Airfield Operations-Fort Bragg	Heavy Commercial	Light Industrial	One Acre Residential Lots	Range & Training-Fort Bragg
Community Activity Node	Heavy Industrial	Low Density Residential	Open Space	Redevelop/Holding-Fort Bragg
Downtown	High Density Residential	Medium Density Residential	Policy Directed Heavy Commercial	Suburban Density Residential

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YOU
HAIR & NAILS**

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Unlimited**
SALE



TABLE 30-5.B.I.F.3: BUFFER TYPES

ACI = AGGREGATE CALIPER INCHES





BUFFER TYPE AND CONFIGURATION	DESCRIPTION	MINIMUM SCREENING REQUIREMENTS WITHIN PERIMETER BUFFER		
		OPTION 1: MINIMUM WIDTH 25 FEET [1][2]	OPTION 2: MINIMUM WIDTH 10 FEET [1][2]	DT DISTRICT MINIMUM WIDTH 5 FEET [1][2]
TYPE A: BASIC				
	This perimeter buffer functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet.	6 ACI of canopy trees + 6 ACI of understory trees per 100 linear feet	2 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	One 5-foot-high solid fence + 25 shrubs per 100 linear feet
TYPE B: AESTHETIC				
	This perimeter buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of spatial separation without eliminating visual contact between uses.	8 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	2 ACI of canopy trees + 14 ACI of understory trees + 35 shrubs per 100 linear feet	One 5-foot-high high solid fence + 2 ACI of canopy trees + 16 ACI of understory trees per 100 linear feet

TABLE 30-5.B.I.F.3: BUFFER TYPES
 ACI = AGGREGATE CALIPER INCHES

BUFFER TYPE AND CONFIGURATION	DESCRIPTION	MINIMUM SCREENING REQUIREMENTS WITHIN PERIMETER BUFFER		
		OPTION 1: MINIMUM WIDTH 25 FEET [1][2]	OPTION 2: MINIMUM WIDTH 10 FEET [1][2]	DT DISTRICT MINIMUM WIDTH 5 FEET [1][2]
TYPE C: SEMI-OPAQUE				
	This perimeter buffer functions as a semi-opaque screen from the ground to at least a height of six feet.	12 ACI of canopy trees + 14 ACI of understory trees + 25 shrubs per 100 linear feet	One 4-foot-high berm or one 4-foot-high solid fence + 2 ACI of canopy trees + 16 ACI understory trees per 100 linear feet	One 3-foot-high continuous evergreen hedge + 2 ACI of canopy trees + 20 ACI of understory trees per 100 linear feet
TYPE D: OPAQUE				
	This perimeter buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.	18 ACI of canopy trees + 20 ACI of understory trees + 55 shrubs per 100 linear feet	One 6-foot-high solid fence + 12 ACI of canopy trees per 100 linear feet	One 6-foot-high solid fence + 14 ACI of canopy trees per 100 linear feet

NOTES:

- [1] Any required perimeter buffer width can be reduced to five feet with the provision of a solid masonry wall at least six feet in height, along with ten shrubs per every 100 linear feet located outside the wall.
- [2] Perimeter buffer widths (but not vegetation amounts) may be reduced in accordance with Section 30-5.B.I.h, Alternative Landscape Plan.

(4) Buffer Type Application

Table 30-5.B.1.F.4, Buffer Type Application, specifies the type of perimeter landscape buffer that new development shall provide between it and adjacent property, based on the zoning district of the development site and that of the adjacent property. The buffer type is indicated by a letter corresponding to one of the four buffer types depicted in Table 30-5.B.1.F.3, Buffer Types.

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

NOTES:

[1] Letters in cells correspond to the buffer types depicted in Table 30-5.B.1.F.3, Buffer Types.

[2] Development in PD districts is subject to perimeter buffer requirements in the PD district standards. In cases where development is proposed next to an existing PD district having no perimeter buffer, the proposed development shall provide a perimeter buffer that is consistent with the type of buffer required if the adjacent use was in a differing base district appropriate for the type of use.

[3] Mobile home parks shall provide a perimeter buffer around the park in accordance with the standards in Section 30-4.C.2.a.4, Manufactured Home Parks.

(5) Responsibility for Buffer Installation

a. Vacant Parcels

Where a developing parcel is adjacent to a vacant parcel and a perimeter buffer is required in accordance with this section, the developing parcel shall provide a minimum of one-half of the perimeter buffer required adjacent to the vacant land.

b. Existing Land Uses

Where a developing parcel is adjacent to an existing use and a perimeter buffer is required in accordance with this section, the developing parcel shall provide the full perimeter buffer required adjacent to the existing use in accordance with Table 30-5.B.1.F.3, Buffer Types, and Table 30-5.B.1.F.4, Buffer Type Application, unless a portion or all of a perimeter buffer that complies with the standards of this section already exists between the lots. Where part of a perimeter buffer exists, but the buffer does not fully comply with the standards of this section, the developing parcel shall be responsible for providing only the additional planting material on site necessary to meet the standards of this section.

(6) Location of Buffers

CITY COUNCIL MEETING

March 25, 2012



City of
Fayetteville
North Carolina





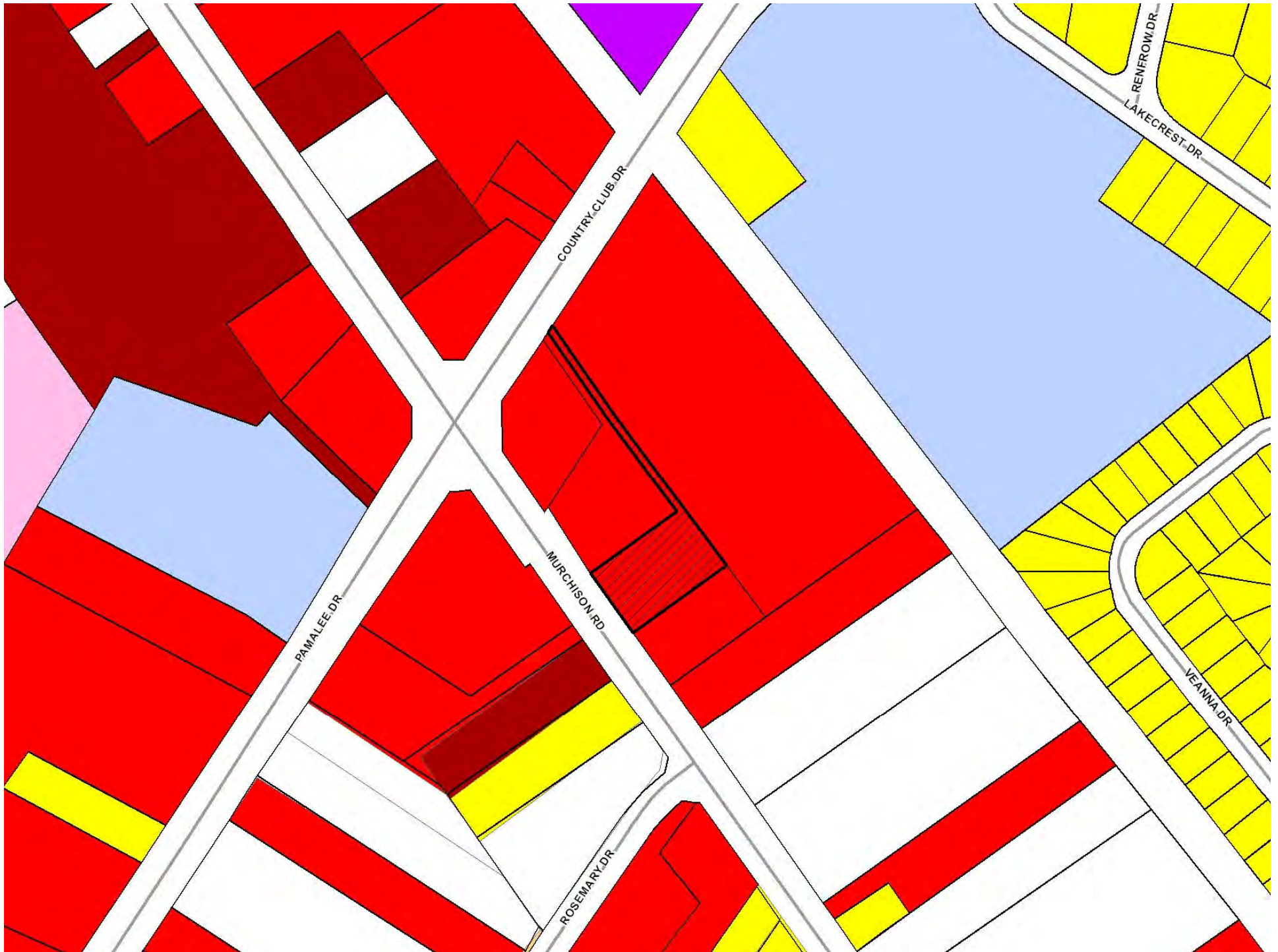
CASE NO. P13-07F

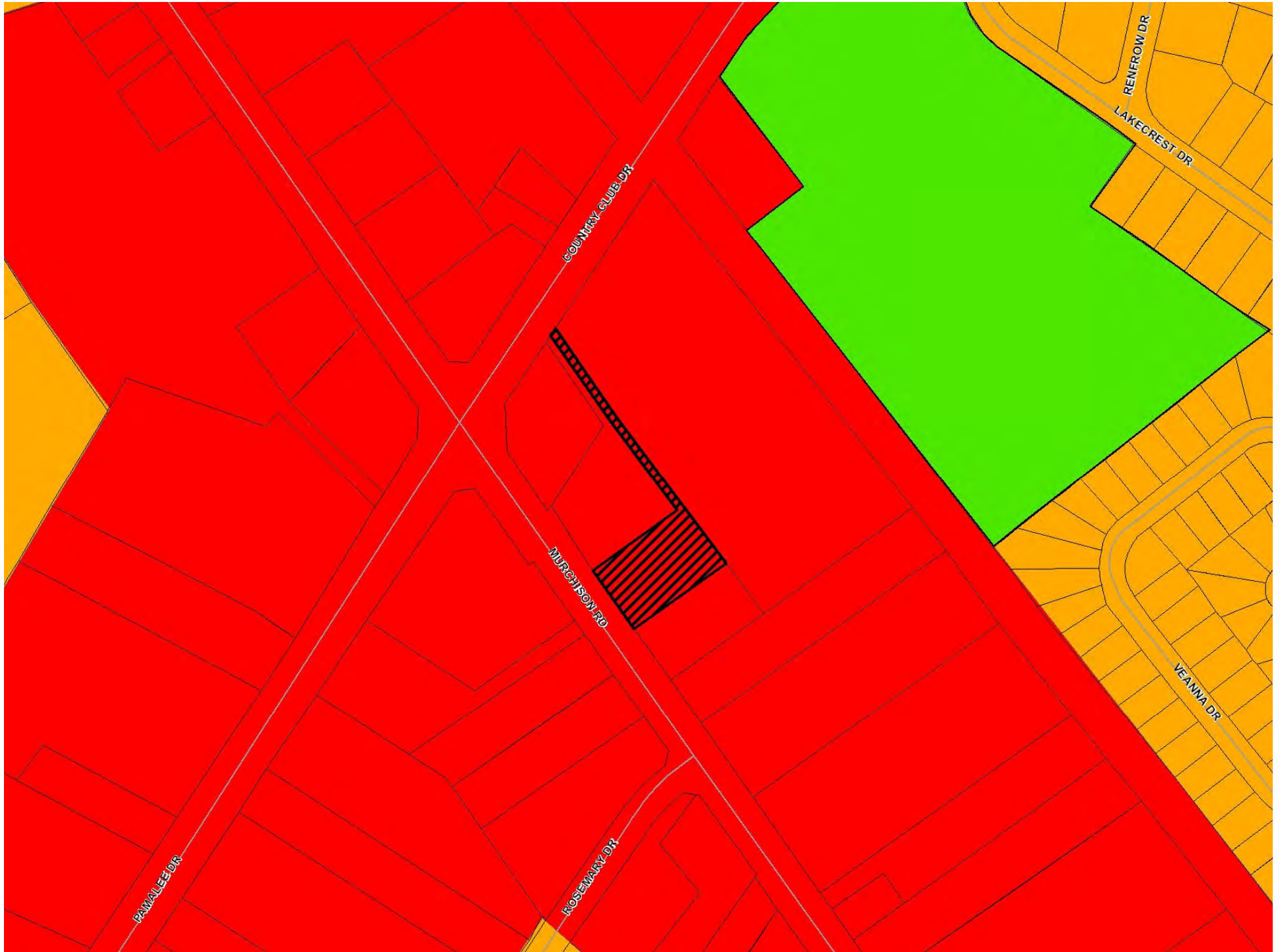
Consent Item



- **Requested Action:** HI to CC
- **Property Address:** 3112 Murchison Road
- **Size:** 0.85 acres +/-









7-5-6-6



7-5-6-7



7-5-6-8



RECOMMENDATION OF APPROVAL



Zoning Commission and Staff recommends approval of this rezoning to the CC zoning district based on the following.

1. The land use plan calls for Heavy Commercial.
2. Currently this property is surrounded by industrial and heavy commercial zoning districts.
3. This property has commercial uses on three sides.
4. Commercial activity was allowed previously on the property under the City's old M2 - Industrial district.



City of
Fayetteville
North Carolina

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www.facebook.com/cityoffayettevillegovernment | [Twitter@CityOfFayNC](https://twitter.com/CityOfFayNC)



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: March 25, 2013
RE: **P13-08F Request to rezone property to the MHO – Manufactured Home Overlay District on properties currently zoned SF-6, located at 6141, 6135 and 6123 Smith Street containing 0.94 acres more or less and being the property of Sherman C. Davis.**

THE QUESTION:

Request to rezone property to the MHO – Manufactured Home Overlay District

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Sherman C. Davis
Applicant: Sherman C. Davis
Requested Action: Rezoning SF-6 MHO
Property Address: 6141, 6135 and 6123 Smith Street
Council District: 6
Status of Property: Developed Residential Mobile Homes
Size: 0.94 acres +/--Adjoining Land Use & Zoning:
North - SF-6 MHO
South - SF-6 MHO
West - AR MHO
East – AR MHO
Letters Mailed: 26
Land Use Plan: Low Density Residential
Growth Vision Plan: Policy 8.4: Area AFFORDABLE HOUSING needs shall be met through an array of rental and home ownership options including apartments, townhouses, granny flats, carriage houses (garage apartments), single family site built homes, accessory living units, and manufactured homes.

ISSUES:

In 2007 the City rezoned a large number of properties surrounding these properties to the MHO - Manufactured Home Overlay district. These three properties were left out of that rezoning request because they were not owned by the applicant. Prior to 2007 and through today, the lots in question have been used for mobile homes. These properties would retain their base zoning of SF-6.

At the Zoning Commission meeting on February 12 the members voted 5 to 0 to recommend approval of the requested rezoning.

The Zoning Commission and staff recommend approval of this rezoning to the MHO zoning district based on the following.

1. The land use plan calls for low density residential.
2. Currently these properties are surrounded by MHO districts.

BUDGET IMPACT:

This action would result in no increase of public services.

OPTIONS:

- 1) Approval of the rezoning as requested by the applicant (recommended);
- 2) Denial of the rezoning request.

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to APPROVE the rezoning to the Manufactured Home Overlay district, as presented by staff.

ATTACHMENTS:

Zoning Map

Current Land Use

Land Use Plan

Photo

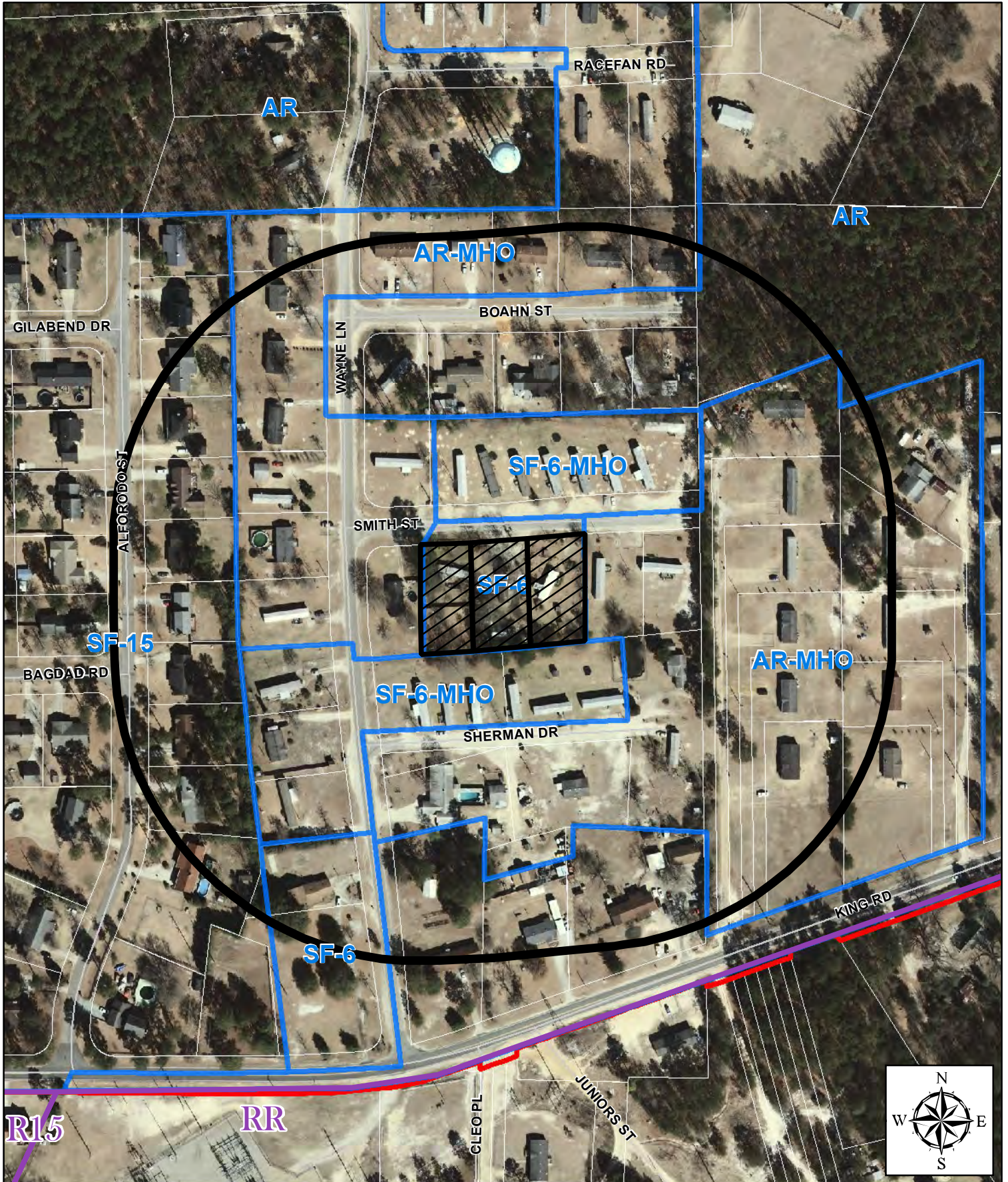
Photo

Photo

Buffer Table

PowerPoint Presentation

ZONING COMMISSION
CASE NO. P13-08F

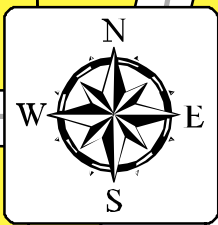
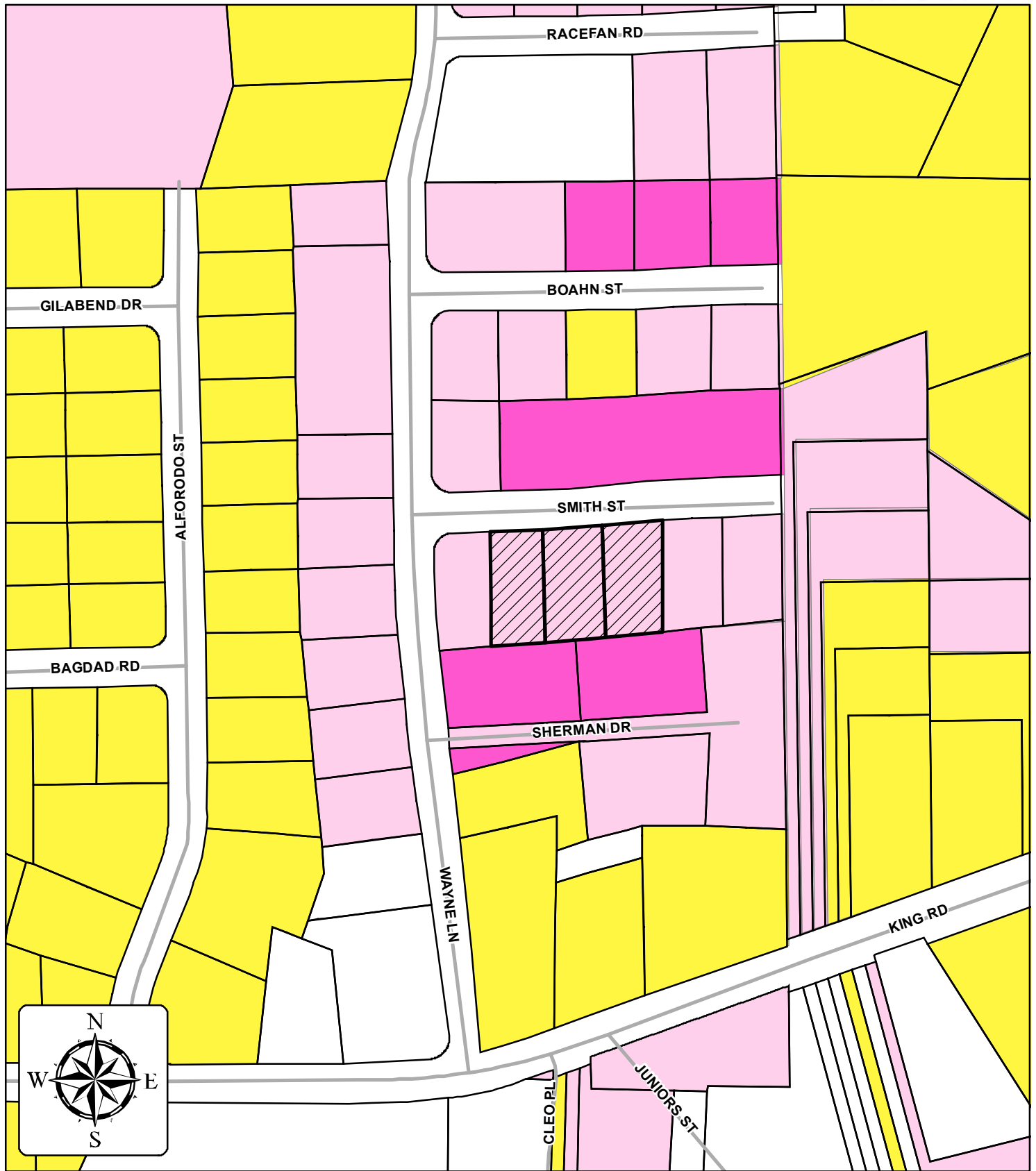


Request: SF-6 to SF-6MHO
Location: 6141, 6135, 6123 Smith St.
Size: .94 acres +/-

Zoning Commission: 02/12/2013 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 9484-98-8986, 9484-98-9977 & 9494-08-0968-

Current Land Use

P13-08F

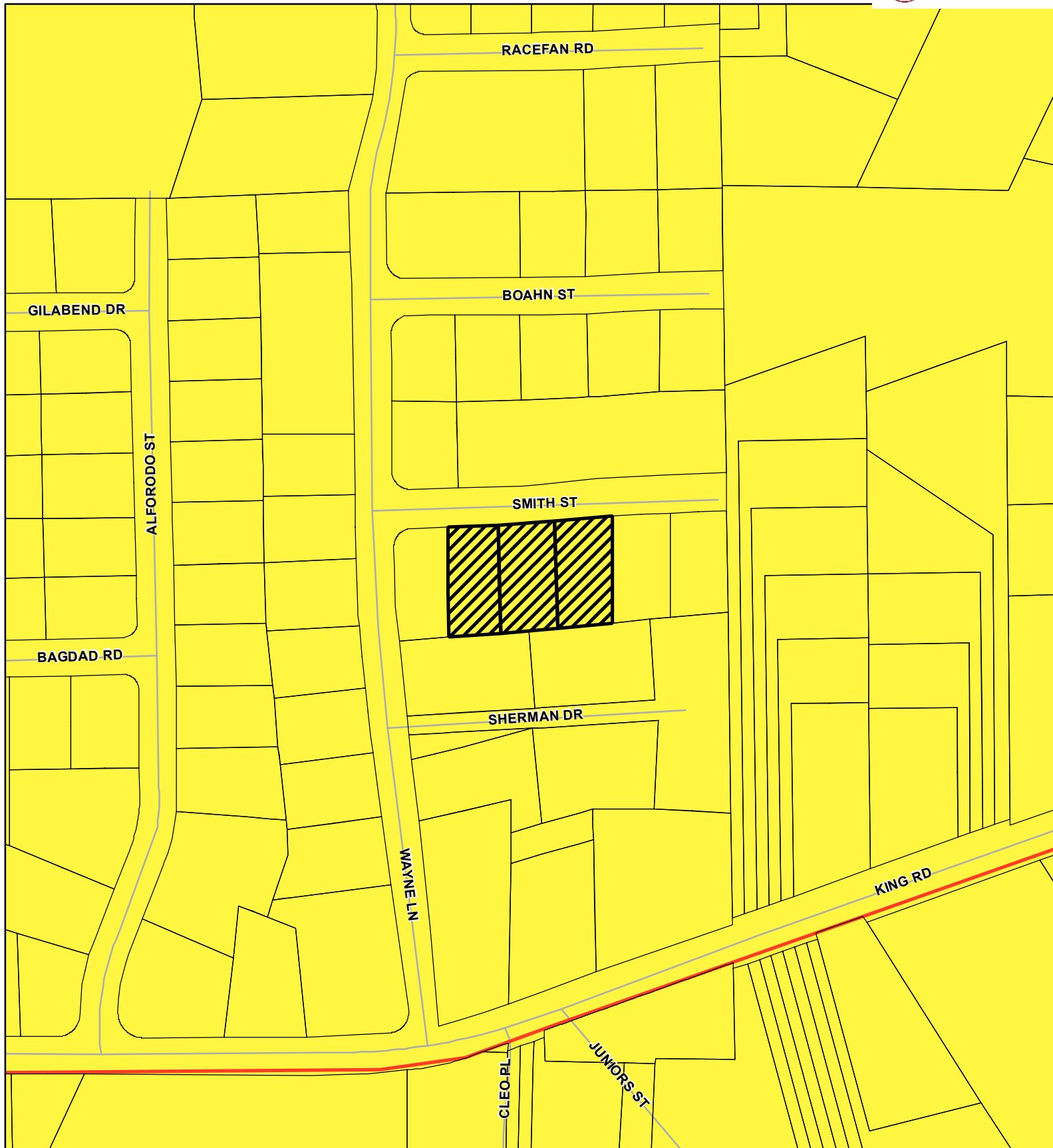


Legend

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
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2010 Land Use Plan

Case No. P13-08F



Legend

Academic Training-Fort Bragg	Farmland	Historical District-Fort Bragg	Neighborhood Activity Node	Policy Directed Light Commercial
Activity Node	Governmental	Light Commercial	Office & Institutional	Policy Directed Office & Institutional
Airfield Operations-Fort Bragg	Heavy Commercial	Light Industrial	One Acre Residential Lots	Range & Training-Fort Bragg
Community Activity Node	Heavy Industrial	Low Density Residential	Open Space	Redevelop/Holding-Fort Bragg
Downtown	High Density Residential	Medium Density Residential	Policy Directed Heavy Commercial	Suburban Density Residential







TABLE 30-5.B.I.F.3: BUFFER TYPES

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NOTES:

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(4) Buffer Type Application

Table 30-5.B.1.F.4, Buffer Type Application, specifies the type of perimeter landscape buffer that new development shall provide between it and adjacent property, based on the zoning district of the development site and that of the adjacent property. The buffer type is indicated by a letter corresponding to one of the four buffer types depicted in Table 30-5.B.1.F.3, Buffer Types.

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

NOTES:

[1] Letters in cells correspond to the buffer types depicted in Table 30-5.B.1.F.3, Buffer Types.

[2] Development in PD districts is subject to perimeter buffer requirements in the PD district standards. In cases where development is proposed next to an existing PD district having no perimeter buffer, the proposed development shall provide a perimeter buffer that is consistent with the type of buffer required if the adjacent use was in a differing base district appropriate for the type of use.

[3] Mobile home parks shall provide a perimeter buffer around the park in accordance with the standards in Section 30-4.C.2.a.4, Manufactured Home Parks.

(5) Responsibility for Buffer Installation

a. Vacant Parcels

Where a developing parcel is adjacent to a vacant parcel and a perimeter buffer is required in accordance with this section, the developing parcel shall provide a minimum of one-half of the perimeter buffer required adjacent to the vacant land.

b. Existing Land Uses

Where a developing parcel is adjacent to an existing use and a perimeter buffer is required in accordance with this section, the developing parcel shall provide the full perimeter buffer required adjacent to the existing use in accordance with Table 30-5.B.1.F.3, Buffer Types, and Table 30-5.B.1.F.4, Buffer Type Application, unless a portion or all of a perimeter buffer that complies with the standards of this section already exists between the lots. Where part of a perimeter buffer exists, but the buffer does not fully comply with the standards of this section, the developing parcel shall be responsible for providing only the additional planting material on site necessary to meet the standards of this section.

(6) Location of Buffers

CITY COUNCIL MEETING

March 25, 2012



City of
Fayetteville
North Carolina





- **Requested Action:** Rezoning to MHO -
Manufactured Home Overlay
- **Property Address:** 6141, 6135 and
6123 Smith Street
- **Size:** Part of 0.94 acres +/-



AR

RACEFAN RD

AR-MHO

BOAHN ST

GILABEND DR

WANNE LN

SF-6-MHO

SMITH ST

YARMOUTH DR

ALFORD ST

SF-6

SF-6

AR-MHO

SF-6-MHO

SHERMAN DR

KING RD

SF-6

R15

7-6-8-3

ALFORD ST

JUNORS ST

QUICK ST

R10



RACEFAN RD

BOAHN ST

SMITH ST

SHERMAN DR

KING RD

GILABEND DR

YARMOUTH DR

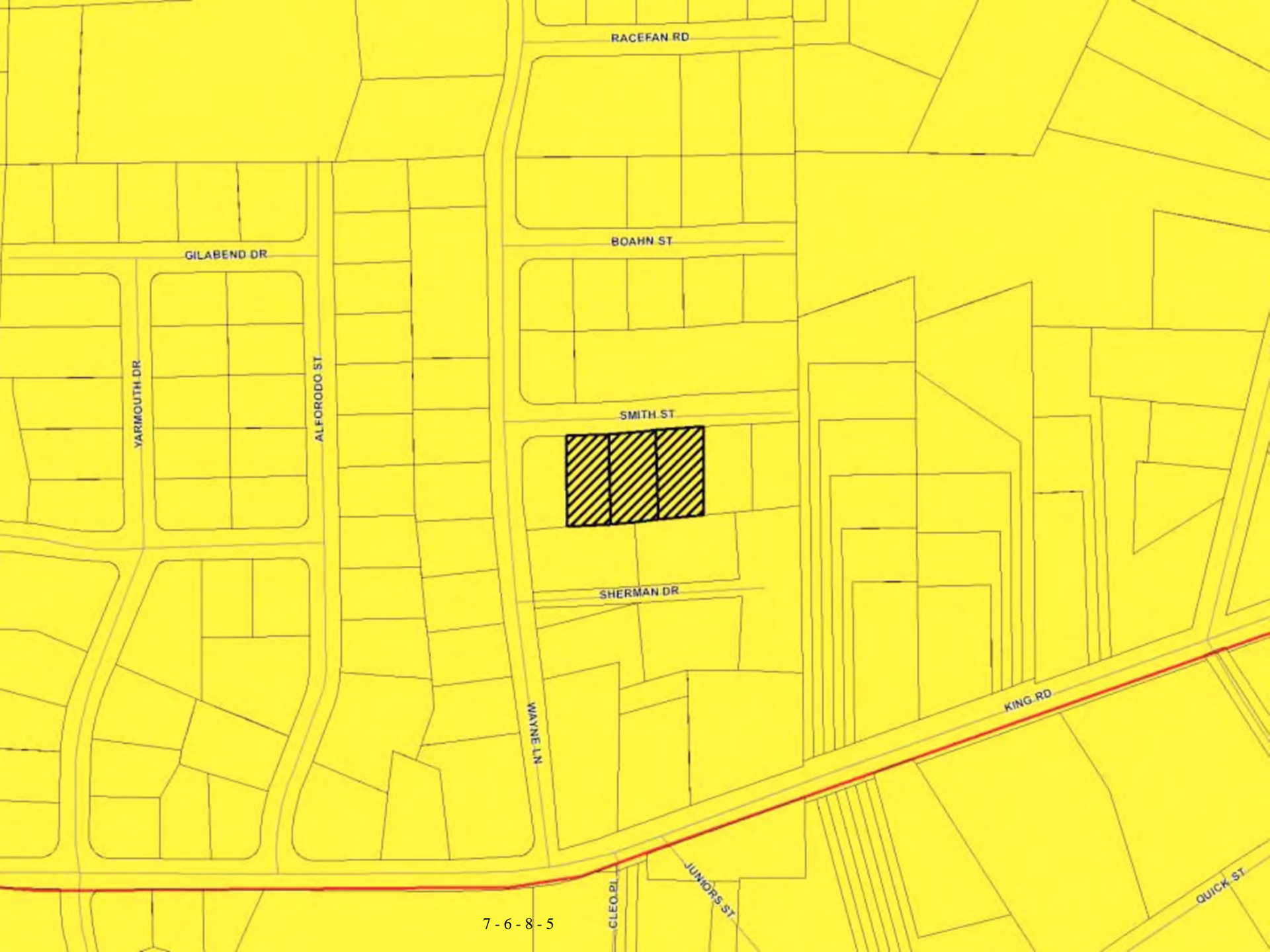
ALFORODO ST

WAYNE LN

CLEO PL

JUNORS ST

7-6-8-4



RACEFAN RD

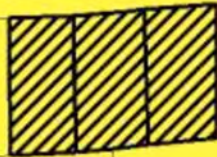
BOAHN ST

GILABEND DR

YARMOUTH DR

ALFORODO ST

SMITH ST



SHERMAN DR

WAYNE LN

KING RD

CLEO PL

JUNIORS ST

QUICK ST

7-6-8-5



7-6-8-6



7-6-8-7



7-6-8-8



7-6-8-9



Zoning Commission and Staff recommend approval of this rezoning to the MHO zoning district based on the following.

1. The land use plan calls for low density residential.
2. Currently these properties are surrounded by MHO districts.



City of
Fayetteville
North Carolina

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CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Kristoff Bauer, Deputy City Manager
DATE: March 25, 2013
RE: **Interlocal Agreement Regarding Economic Development Incentive for Cumberland County's Cedar Creek Industrial Park**

THE QUESTION:

The City and County staffs have negotiated an agreement that would bring the County's Cedar Creek Industrial Park into the City and establish a specific package of development incentives designed to mitigate the tax consequences thereof. The Council is asked to authorize the signing of that interlocal agreement.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1 - Greater Tax Base Diversity - Strong Local Economy (The proposed agreement would add 474 acres of industrially zoned property to the City)

BACKGROUND:

Cumberland County has acquired and developed 474 acres of industrially zoned property on Cedar Creek road. The development has water and sewer installed by City utilities, but no project has been attracted to the area. The lack of three phase electrical service has been described as a deficiency that may be preventing development of the park. The City's electric utility has three phase power available at the sewer pump station located on the property and can extend that service to the rest of the parcels therein.

City policy requires annexation as a condition of providing water or sewer service. The County and the City's economic development partnership, The Alliance, have both expressed concerns regarding the impact of higher taxes on the competitiveness of the industrial park should the area be annexed.

ISSUES:

The County agrees through the attached interlocal agreement to annex the Cedar Creek Industrial Park into the City in order to ensure the efficient and timely provision of utilities to future projects in the park. In exchange, the City would commit to economic development incentives for the first ten years (summarized in memorandum from Russ Rogerson attached) effectively mitigating the tax implications during that period. The City would then get the benefit of future taxes from projects in the park.

BUDGET IMPACT:

The agreement has no immediate budget impact. It does, however, provide for future incentives for industrial projects in the Cedar Creek Park that would reduce tax revenue from any such project during the first ten years. Without this agreement, the Park would remain in the County and the City would have no prospect of receiving tax revenue from the area.

Budget impact on the City's utility is not significant as most infrastructure to satisfy the conditions of the agreement has already been installed.

OPTIONS:

1. Authorize the execution of the agreement (recommended)
2. Authorize the execution of an amended agreement
3. Defer action seeking additional information

4. Defeat the proposed agreement

RECOMMENDED ACTION:

Staff recommends that Council move to authorize the Mayor to execute the attached interlocal agreement with Cumberland County relating to Cedar Creek Industrial Park.

ATTACHMENTS:

Cedar Creek Business Center
Cedar Creek Agreement
Cedar Creek Industrial Park Map

Cedar Creek Business Center Revitalization Program February 2013

Problem Statement:

Cumberland County created the 474-acre Cedar Creek Business Center in 2002 with the intent to have a quality industrial park to supplement the Cumberland Industrial Center. The County made a major investment in land acquisition, infrastructure and planning/design.

Cedar Creek has sat vacant for the past 10 years. The park has been a certified site (however it has expired) and marketed by the appropriate economic development organization over the past years but still no land has been sold. One drawback has been the lack of three-phase electric service on-site.

A recent change in PWC policy that requires property that is “new service” for the water and sewer services to be annexed into the City of Fayetteville has created another challenge for the marketability of the industrial park.

It is clear that Fayetteville & Cumberland County need to diversify the economy to create a better balance of jobs and investment by working on its target sectors to attract businesses outside of the military or related sectors. Shovel-ready sites are a key component to this strategy.

Recommended Solution:

The newly formed Economic Development Alliance of Fayetteville & Cumberland County believes the Cedar Creek Business Center can be the flagship industrial park for the community and a class A industrial site if the following actions take place:

- Develop a Cedar Creek Business Center annexation agreement between the City and the County that clearly identifies a tax incentive program that would be advantageous to the companies that choose to locate in the industrial park.
- Aggressively pursue three-phase electric service on the property at no capital cost to the County or any company locating in the park.
- Re-certify the industrial park through the NC Department of Commerce.
- Develop and implement an aggressive marketing effort to make site selection professionals and companies aware of the advantages of the industrial park.

For purposes of today's discussion, we will focus on the creation of an annexation agreement for the industrial park between the County and the City.

Annexation Agreement:

The County and City would enter into an inter-local agreement for the entire 474 acres of the Cedar Creek Business Center that would create a Cedar Creek Incentive for any company that meets the minimum requirement of the County's existing incentive policy. The agreement would set the minimal terms of the incentives offered to any company that locates on that site but would still require normal public hearing and approval process as required by state law.

The incentive would be as follows:

- The County would provide a 50% incentive for five years.
- The City would provide a 70% incentive for ten years.

The net effect of this incentive would be that the company would have tax impact of .9439 for a period of 20 years and the 10-year rate is even better at .6918. The 20-year rate is just slightly higher rate than any company would pay (.9025) if they remained just in the County. This is an attractive and competitive rate that should be attractive to businesses looking to locate in our area.

**INTERLOCAL AGREEMENT BETWEEN THE CITY
OF FAYETTEVILLE AND CUMBERLAND COUNTY
RELATED TO ECONOMIC INCENTIVES PROGRAM
FOR CEDAR CREEK INDUSTRIAL PARK**

THIS INTERLOCAL AGREEMENT is entered into between the CITY OF FAYETTEVILLE, Cumberland County, North Carolina, (“City”), and CUMBERLAND COUNTY, North Carolina, (“County”) for the purpose of establishing an economic development incentive program for the Cedar Creek Industrial Park.

WITNESSETH:

Whereas, the County owns the 474-acre Cedar Creek Industrial Park (“the Park”) in Cedar Creek Township, Cumberland County, as shown on the plat recorded in Plat Book 99 at page 33 in the Cumberland County Register of Deeds; and

Whereas, the County developed the Park for the purpose of providing sites for the location of new industries and businesses in the County to increase employment and the tax base; and

Whereas, no industries or businesses have located in the Park since its development; and

Whereas, the County has installed the infrastructure necessary to provide water and wastewater service to the Park; and

Whereas, City policy supports annexation prior to the extension of new water or wastewater service; and

Whereas, the Park is not currently within the City; and

Whereas, three-phase electrical power service is not currently available in the Park; and

Whereas, the City has installed three-phase electrical power service to its wastewater pump station on site and is willing and able to extend that service to other lots in the Park; and

Whereas, the South River Electric Membership Corporation (“South River”) has also offered to extend three-phase power to the Park; and

Whereas, the governing bodies of both the County and the City believe that removing all impediments to development and specifically ensuring that all utilities are readily available, is essential to the effective marketing of the Park for industrial and business sites; and

Whereas, both the City and the County believe that the effective marketing of the Cedar Creek Industrial Park is in the best interests of their respective constituencies.

Now therefore, in consideration of the mutual covenants and promises stated below, the County and the City agree as follows:

1. ANNEXATION PETITION. This agreement shall be construed to constitute a petition by the County for the annexation of the entire Park into the City pursuant to G.S. § 160A-58.1, (legal description and map attached) subject to all the conditions set forth herein.

2. STATUTORY REQUIREMENTS. The City acknowledges that it has determined that this annexation will comply with all applicable statutory requirements.

3. WATER AND SEWER INFRASTRUCTURE. The parties acknowledge that ownership of the water and sewer infrastructure installed by the County in the Park is vested in the City pursuant to the prior agreement of the parties.

4. STREET INFRASTRUCTURE. The parties acknowledge that ownership of the street and curbing installed in the Park and designated as “Clark West Road” and all the right-of-way or easements in which the street, curbing and utilities are located, all as shown on the plat entitled “R/W Dedication Clark West Road Cedar Creek Industrial Park” filed in Plat Book 117 at page 26, shall vest in the City upon the annexation.

5. UTILITY SERVICE. The City, through its Public Works Commission, shall construct the necessary infrastructure for the provision water, wastewater, and of three-phase electrical power service to the Park, should South River fail to make such available, at no cost to the County.

5.1. The City’s obligation to provide the utility service to the Park shall arise at such time as the County shall notify the City that a business, industry or tenant shall occupy any site in the Park. The City shall coordinate the installation of the electric power, should South River fail to respond to said notification from the County on a timely basis, and other utility service infrastructure with the construction of such industrial and business facilities so that the electrical service needed by any business, industry or tenant is available at such time as the construction of the business or industrial facility is completed.

5.2. Service will be provided in the right-of-way adjacent to the service lot without any cost to the service tenant. Standard service connection charges and connection costs,

including on necessary on site improvements, will be the responsibility of the service tenant.

6. ZONING. Upon annexation, the City shall zone the Park with the City zoning classification that most closely matches the zoning classification in which the Park was placed by the County when it was in the County's zoning jurisdiction and the City shall maintain zoning classifications in the Park that are appropriate for a broad range of manufacturing, industrial and business uses.

7. SUBDIVISION. The City shall accommodate the further subdivision of the Park by the County for its intended use for industrial and business purposes. The County acknowledges that any further subdivision of the Park shall be subject to the City's subdivision and development controls.

8. ECONOMIC DEVELOPMENT INCENTIVES. The governing boards of the County and the City acknowledge that the industrial and business development of the Park will be of mutual benefit to their respective jurisdictions by enhancing the growth of jobs and the tax base. In furtherance of that mutual benefit, and as particular consideration for this agreement, the parties shall provide economic development incentives to any industry or business locating within the Park outside the scope of the parties' existing joint economic development incentives policy. For any project locating within the Park which otherwise qualifies for economic development incentives under the parties' existing joint economic development policy, the County and the City shall provide the economic development incentives set forth below. In the event the parties' existing joint economic development incentives policy should be amended, the amended joint economic development incentives policy shall be used to determine whether a project locating in the Park otherwise qualifies for economic development incentives. In the event the parties' existing joint economic development incentives policy is rescinded by either party, the County shall determine whether a project locating in the Park otherwise qualifies for economic development incentives.

8.1. COUNTY INCENTIVES. The term of years for which any project shall be granted economic development incentives by the County shall be five years, commencing in the first full calendar year that the project's facility has been constructed and equipped and the project has employed the number of employees it has obligated to employ. For each year of the five-year term for which the project complies with its obligations under

any incentive agreement, the County shall pay cash incentives calculated as grant-back of 50% of the County's property taxes actually paid by the project.

8.2. CITY INCENTIVES. The term of years for which any project shall be granted economic development incentives by the City shall be ten years, commencing in the first full calendar year that the project's facility has been constructed and equipped and the project has employed the number of employees it has obligated to employ. For each year of the ten-year term for which the project complies with its obligations under any incentives agreement, the City shall pay cash incentives calculated as a grant-back of 70% of the City's property taxes actually paid by the project.

8.3. INDUCEMENT AUTHORIZED. By this agreement, the governing boards of each of the parties confer upon any agency which has been given the authority to engage in economic development activities on behalf of the parties, the right to rely on this agreement as a binding offer of economic development incentives to those projects locating in the Park and otherwise eligible for economic development incentives.

9. EFFECTIVE DATE. This agreement shall become effective upon the effective date of the annexation as requested in Paragraph 1.

10. TERM. This agreement shall remain in effect for as long as the County owns a developable lot within the Park and continuing until the parties' obligations as set out in Section 8 have been fully satisfied.

11. TERMINATION. Pursuant to NCGS 158-7.4, this agreement may only be terminated or amended by mutual agreement of the parties.

ADOPTED this _____ day of _____, 2013,

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

Approved and adopted at the regular meeting of the Cumberland County Board of Commissioners held _____ 2013.

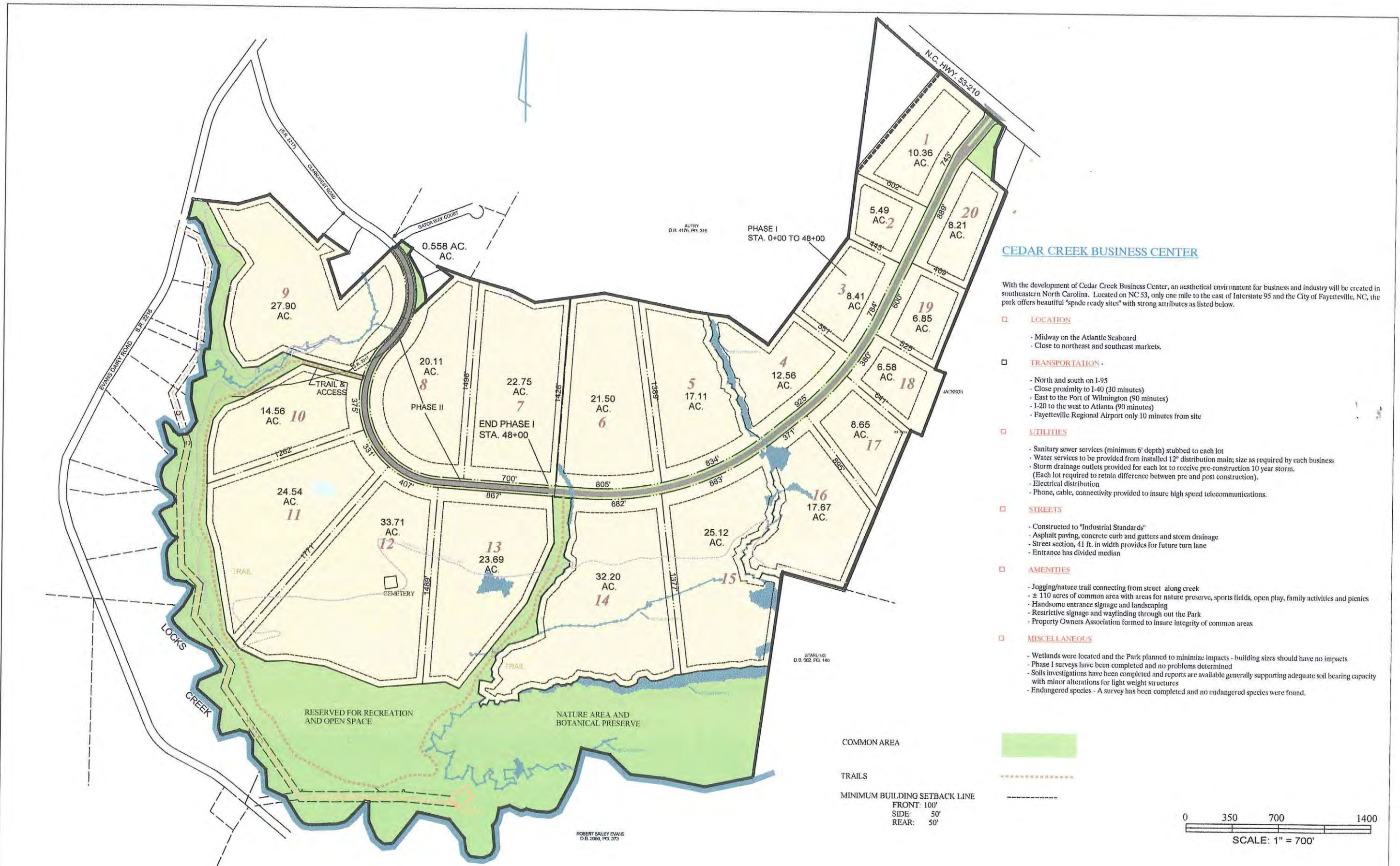
CUMBERLAND COUNTY

(SEAL)

By: _____
JIMMY KEEFE, Chairman
Cumberland County Board of Commissioners

ATTEST:

CANDICE WHITE, Clerk
Cumberland County Board of Commissioners

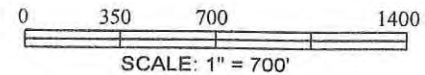


CEDAR CREEK BUSINESS CENTER

With the development of Cedar Creek Business Center, an aesthetical environment for business and industry will be created in southeastern North Carolina. Located on NC 53, only one mile to the east of Interstate 95 and the City of Fayetteville, NC, the park offers beautiful "spade ready sites" with strong attributes as listed below.

- **LOCATION**
 - Midway on the Atlantic Seaboard
 - Close to northeast and southeast markets.
- **TRANSPORTATION**
 - North and south on I-95
 - Close proximity to I-40 (30 minutes)
 - East to the Port of Wilmington (90 minutes)
 - I-20 to the west to Atlanta (90 minutes)
 - Fayetteville Regional Airport only 10 minutes from site
- **UTILITIES**
 - Sanitary sewer services (minimum 6' depth) stubbed to each lot
 - Water services to be provided from installed 12" distribution main; size as required by each business
 - Storm drainage outlets provided for each lot to receive pre-construction 10 year storm. (Each lot required to retain difference between pre and post construction).
 - Electrical distribution
 - Phone, cable, connectivity provided to insure high speed telecommunications.
- **STREETS**
 - Constructed to "Industrial Standards"
 - Asphalt paving, concrete curb and gutters and storm drainage
 - Street section, 41 ft. in width provides for future turn lane
 - Entrance has divided median
- **AMENITIES**
 - Jogging/nature trail connecting from street along creek
 - ± 110 acres of common area with areas for nature preserve, sports fields, open play, family activities and picnics
 - Handsome entrance signage and landscaping
 - Restrictive signage and wayfinding through out the Park
 - Property Owners Association formed to insure integrity of common areas
- **MISCELLANEOUS**
 - Wetlands were located and the Park planned to minimize impacts - building sizes should have no impacts
 - Phase I surveys have been completed and no problems determined
 - Soils investigations have been completed and reports are available generally supporting adequate soil bearing capacity with minor alterations for light weight structures
 - Endangered species - A survey has been completed and no endangered species were found.

COMMON AREA
 TRAILS
 MINIMUM BUILDING SETBACK LINE
 FRONT: 100'
 SIDE: 50'
 REAR: 50'



CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Pamela Megill, City Clerk
DATE: March 25, 2013
RE: **Approve Meeting Minutes:**

December 10, 2012 Discussion of Agenda Items
January 7, 2013 Work Session
January 14, 2013 Discussion of Agenda Items
January 14, 2013 Regular Meeting
January 23, 2013 Special Meeting
January 28, 2013 Discussion of Agenda Items

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The Fayetteville City Council conducted meetings on the referenced dates during which they considered items of business as presented in the draft minutes.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

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

RECOMMENDED ACTION:

Approve the draft minutes as presented.

ATTACHMENTS:

December 10, 2012 Discussion of Agenda Items
010713 Work Session
011413 Discussion of Agenda Items
011413 Regular
012313 Special Meeting
012813 Discussion of Agenda Items

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FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
DECEMBER 10, 2012
6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3) (arrived at 6:25 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J.L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Theodore Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Members of the Press

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

MOTION: Mayor Pro Tem Arp moved to go into closed session for consultation with the attorney regarding (1) an attorney-client privileged matter, (2) a bankruptcy proceeding in the matter of 450hay, LLC, and (3) litigation in the matter of *Rauhoff, et al. v. City of Fayetteville*.
SECOND: Council Member Hurst
VOTE: UNANIMOUS (9-0)

The regular session recessed at 6:00 p.m. The regular session reconvened at 6:25 p.m.

MOTION: Mayor Pro Tem Arp moved to go into open session.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

MOTION: Council Member Fowler moved to authorize release of the closed session minutes regarding Gates Four.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

Mr. Ted Voorhees, City Manager, provided an update on the Hire Fayetteville First budget amendment for funding a purchasing program review. He stated staff had contacted three of the five or six national firms working in the area of historically underutilized businesses. He explained each firm recommended that the City hire a consultant to perform a program review, which would include examining current practices and then discussing with Council what was possible. He further explained one consultant stated that this was often an important precursor to a disparity study and another commented that the City needed to get its tracking system in place before a disparity study could be implemented effectively. He advised the estimated cost for a program review was between \$20,000.00 and \$75,000.00 depending on vendor and scope of services. He further advised the budget amendment would appropriate \$50,000.00 for the program review and if the amendment were passed, staff would issue an RFP for a program review and have a contractor on board in January. He informed Council that the review usually takes between two and four months to complete.

Discussion ensued among Council members regarding what the review would encompass. There was no consensus on adding the item to the agenda.

Staff advised they would put this item on the January work session.

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Mr. Voorhees advised the Police Chief finalists would return on December 18, 2012, and requested Council hold 5:00 to 8:00 p.m. open in order to meet the finalist.

Mayor Chavonne reviewed the agenda items.

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
JANUARY 7, 2013
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (arrived at 5:06 p.m.); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Katherine Bryant, Interim Police Chief
Lisa Smith, Chief Financial Officer
Scott Shuford, Development Services Director
David Nash, Planner II
Rusty Thompson, Engineering and Infrastructure Director
Bradley Whited, Airport Director
Victor Sharpe, Community Development Director
Eloise Sahlstrom, Planner II
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Haire.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Massey moved to approve the agenda.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Community Development - Hope VI Business Park Redevelopment Plan

Mr. Victor Sharpe, Community Development Director, presented this item and stated the purpose of the item was to further discuss the Redevelopment Plan for the Hope VI Business Park. He further stated the Fayetteville-Cumberland County Chamber of Commerce had hired MKSK to complete the plan. He provided background information on the plan and advised that 12 recommendations, the conceptual plan details preferred option, and an aerial rendering had been established for Council's consideration. He introduced Mr. Craig Gossman, Consultant, MSKS.

Mr. Gossman provided a handout of the draft Market Based Redevelopment Plan for the Hope VI Business Park. He stated the Hope VI Business Park was comprised of approximately nine acres at the southwest corner of Gillespie and Blount Streets and was less than a mile south of the center of downtown Fayetteville. He further stated in the original Hope VI area identification, the site was earmarked for revitalization along with other areas. He explained the site was largely in residential use and there was an historic property, the former home of Dr. E. E. Smith, at the corner of Blount and Chase Streets. He further explained there was insufficient population to

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support either a shopping center or a supermarket and stated "flex" space would offer the most potential, which could include a mix of commercial uses. He stated there was a demand for this type of space in a central location and with relatively low development costs and variability in building sizes, design, and location, the product could be easily adapted to the Hope VI property.

A brief discussion period ensued.

Mr. Voorhees stated the key element with the project was the elimination of blight.

Consensus of the Council was to bring this item to the January 28, 2013, City Council meeting for further discussion of the report and recommendations on how to acquire the remaining parcels of land.

4.2 Annual Update on Community Wellness Plan

Ms. Katherine Bryant, Interim Chief of Police, presented this item with the aid of a power point presentation and stated the Community Wellness Plan was presented to City Council and citizens in April 2009. She explained the plan was a broad-range community policing plan based on the guiding principles of operational efficiency, community partnerships, crime prevention, and information technology. She provided an overview of the measurements for success which included an increase in community participation through the formation of new community watch groups of the reestablishment of older groups; building relationships in the community and developing community partnerships in the neighborhoods; a reduction in overall crime, violent crime, crime committed by youth offenders, and traffic related deaths and injuries; and an increase in recruiting and retaining qualified applicants for the position of police officer. She advised all future progress reports would be provided to the City Manager on a quarterly basis.

Mayor Chavonne announced a change in the order of the agenda and stated Item 4.4 would be presented before Item 4.3.

4.4 General Development Review Information and Recent Development Review Process Enhancements

Mr. Rusty Thompson, Engineering and Infrastructure Director, and Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation. Mr. Shuford stated staff had prepared a presentation which covered general development review information, including people and processes, along with some suggested changes to current public hearing processes involving development review applications, such as rezoning and special use permits. He further stated staff held two meetings to listen to developer concerns regarding the stormwater and development ordinances and responded by reviewing the concerns and identifying processes and ordinance inconsistencies that could be improved. He further stated the results were shared with the development community and they were advised the City was receptive to the development review process being continuously improved. He provided a presentation describing the development review process enhancements. He then provided an overview of the roles of the City Council, Zoning Commission, Planning Commission, Board of Adjustment, and Historic Resources Commission with regard to development review, in addition to the roles of various administrative staff, including the City Manager and the Technical Review Committee with regard to development review. He explained the development review processes, from building permits to zoning permits, and provided flowcharts to illustrate three common project types, in particular quasi-judicial applications--special use permits and variances--and annexation procedures. He further provided suggested changes to standard and quasi-judicial hearing procedures and stated there could be an opportunity for additional learning on

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quasi-judicial proceedings and other development review processes through the University of North Carolina, School of Government.

Mr. Thompson then provided information on recent staff efforts to enhance the development review process to address issues identified by the development community, including the following:

- Bonding - Changes to the timing and extent of the City's stormwater and street lighting bonding requirements.
- Pond Inspections - Procedures to enhance communication with on-site contractor.
- Design and Construction Standards - Adjustments to specific types of stormwater pipe installation requirements and procedures were made.
- Building and Stormwater Inspections - Various adjustments to enhance consistency of review and field communication.
- Plan Review - Adjustments to Technical Review Committee review processes and communication and coordination with NCDOT to reduce number of site plan re-submittals and improve efficiency of traffic impact analysis and driveway permitting.
- Fire Protection Standards - Discussion of concerns related to recently adopted fire protection standards (fire flow) and the administrative ability for practical flexibility.
- Development/Zoning Standards modifications - Numerous amendments to the development ordinance and map to enhance flexibility and address practical issues, including landscaping and tree preservation, parking lot screening/building location, and errors in "translating" one zoning district to another.

A brief discussion period ensued.

4.3 Airport Updates on Air Service and Economic Impact Study

Mr. Bradley Whited, Airport Director, presented this item with the aid of a power point presentation. He stated beginning February 14, 2013, United Airways would operate three round-trip direct flights to Washington-Dulles (IAD) from Fayetteville Regional Airport. He provided the flight schedules for the three round-trip flights and reported that US Airways would continue to operate the one round-trip direct flight to Washington-Reagan (DCA) per day which began on March 13, 2012. He stated the estimated number of passengers at the Fayetteville Regional Airport for 2012 was 506,575.

4.5 Public Works Commission - Discussion of Term Limits

Council Member Hurst, Appointment Committee Chair, presented this item and stated the City had 23 active boards and commissions that aid the Mayor and City Council in governing effectively. He provided the following timeline of the Public Works Commission (PWC):

1. March 4, 1905 - The PWC was created through an act of the State Legislature, to manage, operate, and supervise the three utilities of electric, water, and sanitary sewer as well as to be responsible for operating City market stalls, and to test weights and measures. The Act establishing the PWC specified that the Board of Aldermen, now the City Council, would appoint three Commissioners for a period of three years each with staggered terms.
2. 1981 - A fourth Commissioner was added to the membership and the term limit was extended to four-year terms.

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3. December 2, 1996 - City Council Policy No. 110.2, appointments to boards and commissions, was revised to read as follows: "No appointment of the City Council to any board or commission shall be for a period greater than two (2) years".
4. March 23, 2009 - Council revised City Council Policy No. 110.2, boards and commissions terms, which specified "Members of the Public Works Commission who shall be eligible to serve up to three four-year terms".

Council Member Hurst stated currently the PWC consisted of four members appointed by the City Council to serve four-year staggered terms. He explained the Commissioners elect a chairman, vice chairman, secretary, and a treasurer and meet on the second and fourth Wednesday of each month. He advised at the November 27, 2012, Appointment Committee meeting, Council Member Crisp moved to discuss the term limits for members serving on the PWC at the January 7, 2013, City Council work session and Mayor Chavonne seconded the motion and the vote was unanimous (3-0). He stated Mr. Steven Blanchard, CEO/General Manager, in his letter from the agenda packet was requesting that Council consider removing the term limits for PWC Commissioners so that the City does not arbitrarily lose an excellent PWC Commissioner due to term limits.

Council Member Crisp stated he recommended two terms as the limit for PWC members. He further stated all members were replaceable and 12 years was too long to serve continuously on a board or commission.

Council Member Fowler stated the Council should not require limits on others that the Council would not impose on itself. He further stated Council members were not subjected to term limits.

Council Member Hurst stated the two newly appointed PWC members would be participating in a forthcoming orientation, and recommended the current three-term limit remain in effect.

Council Member Haire stated he was in favor of a two-term limit for PWC members.

Mayor Chavonne invited the City Manager to share his thoughts on the current status of the PWC. Mr. Ted Voorhees, City Manager, stated it was critical to advance the community and it was very unusual to have a municipally-owned facility to have such a high level of autonomy. He stated the PWC currently had several secondary functions, such as corporate development, public information, human resources, and a finance department that were not an integral part to its mission and the Charter stated PWC should serve the interest of the City which had not been the case.

A brief discussion period followed on what direction the Council should provide to Mr. Voorhees regarding the governance of the PWC.

Mayor Chavonne stated the issues Mr. Voorhees had brought forward were complex and a special meeting would be required to discuss these issues in depth.

Mayor Chavonne asked for a show of hands for those in favor of two term limits for PWC members. There was no consensus.

Mayor Chavonne asked for a show of hands for those in favor of keeping the three term limits for PWC members. There was no consensus.

Consensus of the Council was to bring the PWC term limits item to an official vote at the February 14, 2013, regular City Council meeting.

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Consensus of the Council was to discuss the PWC at the February 4, 2013, work session.

Consensus of the Council was to place an item on the 2013 Council Retreat agenda to discuss governance of the PWC or discuss at an earlier meeting if possible.

4.6 Overview of Distribution of Sales Tax Proceeds: State Statutes and Interlocal Agreement

Ms. Lisa Smith, Chief Financial Officer, presented this item with the aid of a power point presentation. She explained North Carolina cities and counties were receiving a portion of the sales tax proceeds generated from sales within each county and across the state. She stated the governing body of each county was determining how sales tax was to be distributed among the county and its municipalities. She explained the two methods of distribution were per capita and ad valorem. She further explained sales tax historically had been distributed on a per capita basis in Cumberland County. She stated as local municipal populations grew through annexation, the County's share of sales tax distributions declined. She further stated in 2003, local municipalities entered into an interlocal agreement with Cumberland County in order to maintain the per capita distribution method and the agreement was requiring municipalities receiving population increases due to annexation to make certain reimbursements to Cumberland County and other municipalities. She reported the agreement was scheduled to expire on June 30, 2013, and the purpose of the presentation was to provide City Council with an overview of the state statutes regarding sales tax distributions, the current interlocal agreement, and the potential financial impact of a change to the ad valorem distribution method. She advised if the ad valorem distribution method was adopted, the net financial impact to the City would be significant. She further advised The City's estimated net annual loss resulting from termination of the existing interlocal agreement and adoption of the ad valorem distribution method would be \$4.1 million based on fiscal year 2012 sales tax data. She concluded by stating this item was for information purposes only.

4.7 Hire Fayetteville First Budget Amendment Funding a Purchasing Program Review

Mr. Kristoff Bauer, Assistant City Manager, presented this item and presented background information on City Council Policy No. 135.2, Hire Fayetteville First Jobs Creation Policy, which was adopted on July 9, 2012. He stated staff presented a timeline and action plan for implementing the program during the September 4, 2012, Council work session which included the steps necessary to complete a disparity study as directed by the policy. He further stated on October 1, 2012, the Council discussed the definition of "Locally Owned Businesses" to be used in the adopted policy and staff developed the following definition: "Local Business shall be those that demonstrate they pay business personal or real property taxes to Cumberland County, hold a valid City of Fayetteville Privilege License if applicable, and have their principle place of business in Cumberland County or employ at least two Cumberland County residents at a place of business within Cumberland County." He stated at the November 5, 2012, Council work session, Council discussed and confirmed the definition of "Locally Owned Business" and staff presented a scope of work and cost estimate for the disparity study and recommended a \$300,000.00 budget amendment. He reported the majority of Council present did not support moving forward with the budget amendment and requested staff instead return to the December 3, 2012, work session with the following:

1. Recommended revisions to City Council Policy No. 135.2 consistent with Council discussion; and
2. Identifying specific actions that could be taken in pursuit of improving accountability of City purchasing practices

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and easing and promoting participation of local businesses in the process.

Mr. Bauer stated during the December 3, 2012, work session, Council agreed with the City Manager that it would be valuable to get assistance in reviewing the City's current purchasing practices and recommended programs and activities in furtherance of Council's interests in the matter. He stated staff contacted three of the five or six national firms that work in the area of Historically Underutilized Businesses and each recommended that the City hire a consultant to perform a program review. He stated this would include examining current practices and discussing with Council what was possible. He stated one consultant advised that this was often an important precursor to a disparity study and another commented that the City needed to get its tracking system in place before a disparity study could be implemented effectively. He stated staff took action to initiate a vendor registration system which would utilize webforms and other resources to collect data on the vendors used by the City including PWC. He stated staff met with a local vendor, and had another national contact, regarding software specifically designed to track the vendor information they were attempting to capture. He stated they were implementing a system to capture what they could with the existing system and would bring enhancements forward during the FY 14 budget process. He stated the cost range for a program review was between \$20,000.00 and \$75,000.00 depending on vendor and scope. He stated the budget amendment would appropriate \$50,000.00 for the purpose. He stated if consistent with Council discussion, staff would place the amendment on a Council meeting for consideration and if passed, would issue a RFP for a program review and have a contractor on board in February. He concluded by stating the review usually takes between two and four months to complete.

Council Member Haire stated he was in favor of a full disparity study.

Council Member Applewhite stated she was in agreement with Council Member Haire and inquired how much was too much to level the field for local businesses.

Council Member Bates stated he was in opposition of funding a Program Review.

Council Member Massey stated he was in favor of a complete disparity study with a budget amendment to fund it.

Mayor Pro Tem Arp inquired if it was possible for the City to conduct the Program Review internally. Mr. Ted Voorhees, City Manager, responded that the City did not have that level of staff expertise and therefore an outside consultant would be necessary.

Mayor Pro Tem Arp stated he was in favor of the Program Review.

Mayor Chavonne called for an informal vote by a show of hands of those in favor of the Program Review. In favor were Council Members Chavonne, Arp, Hurst, and Davy. With only four voting in favor, the proposal failed.

Mayor Chavonne called for an informal vote by a show of hands of those in favor of a disparity study. In favor were Council Members Haire, Applewhite, Crisp, Massey, and Davy. With only five voting in favor, the proposal failed.

4.8 City Council Request(s):

(a) Council Member Bates - Code Enforcement Software

Council Member Bates provided a handout of a program that tracks and notifies property owners of code violations. He stated the program provided easy tracking, greater homeowner responsibility, and

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streamlined the notification process. He requested staff review the handout and corresponding information and report back to the Council.

Consensus of Council was to direct staff to review the Code Enforcement software program information provided by Council Member Bates.

(b) Mayor Pro Tem Arp - Operating Protocols for Mayor and City Council

Mayor Pro Tem Arp stated the objective of the proposal was to review their "House Rules" and the process and procedures of request for action by the Mayor and City Council to the City Manager and staff. He stated based on input from the City Manager, Council could consider amending the established process and procedures as necessary to ensure unity of effort and facilitate maximum use of staff time.

Mr. Ted Voorhees, City Manager, stated the University of North Carolina, School of Government, was willing to provide a facilitator to assist with the process of establishing protocols.

Consensus of Council was to request the facilitator be present immediately following the January 23, 2013, City Council agenda briefing meeting.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
JANUARY 14, 2013
6:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Members of the Press

Mayor Chavonne called the meeting to order at 6:10 p.m. and distributed the Council protocols for those members who do not have them.

Mayor Chavonne advised if Council wanted to remove items from the agenda, it would be during approval of the agenda.

Council Member Crisp expressed interest in removing Item 9.2, PWC term limits, until the PWC review was completed.

Mayor Chavonne reviewed the announcements and recognitions. He then reviewed the consent agenda and stated Item 7.3 was just for recognition and Items 7.9 and 7.10 needed clarification of the approval on the Council Action Memo.

Ms. Karen McDonald, City Attorney, advised the public hearing was just for answering storm water issues.

Discussion ensued regarding the nomination of Council Member Bates for voting delegate under Item 9.1.

Council Members Bates and Applewhite expressed their desire to pull Item 7.13 for a separate vote.

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JANUARY 14, 2013
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
Lee Jernigan, Traffic Engineer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Reverend John Hedgepeth, Northwood Temple Church.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Crisp moved to approve the agenda with the deferral of Item 8.1 to the January 28, 2013, City Council meeting and removal of Item 9.2.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Members Chavonne and Applewhite, on behalf of the City Council, presented a proclamation to Principal Myron Williams and the Seventy-First High School Girls and Boys Basketball Teams proclaiming November 3, 2012, to be a day to recognize and honor the Seventy-First High School Class of 1968.

Council Members Chavonne and Massey, on behalf of the City Council, presented a proclamation to Ms. April Maroschak, Cape Fear Valley Blood Services Director, proclaiming the month of January 2013 to be Blood Donor Month.

Council Members Chavonne and Arp, on behalf of the City Council, presented a proclamation to Ms. Karen Mantzouris, President of the CARE Board of Directors, extending appreciation to the CARE Clinic on the occasion of its celebration of "20 Years of Care".

Council Members Chavonne and Davy, on behalf of the City Council, presented a proclamation to Ms. Jean Harrison, 2013 Go Red for Women,

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Marketing and Publicity Chairperson, proclaiming February 1, 2013, as Wear Red Day.

5.1 Resolution of Respect in Honor of Former Mayor Beth Finch

Mayor Chavonne read the Resolution of Respect.

FORMER MAYOR BETH FINCH RESOLUTION OF RESPECT. RESOLUTION NO. R2013-001.

6.0 PUBLIC FORUM

Mr. Mark Muhammed (DeMarcus Lamont Brody), 2324 Regan Avenue, Fayetteville, NC 28301, expressed interest in making a million dollar donation to the City of Fayetteville.

Mr. David Gause, 115 Chase Street, Fayetteville, NC 28301, expressed concerns over property he owns in the Hope VI area.

Mr. Charles Evans, Cumberland County Commissioner, requested City Council place an item on a work session to discuss implementing a policy that would "Ban the Box" on employment applications.

Ms. Kathy Waddell, Human Relations Commission Chair, 1853 Geiberger Drive, Fayetteville, NC 28303, announced there was an upcoming Human Relations Commission Annual Banquet and stated the tickets were \$40.00 per person and could be purchased by contacting Mr. Ron McElrath.

Mr. Mitchel Guy, Human Relations Commissioner, invited everyone to attend the Annual Awards Banquet on March 21, 2013, at the Holiday Inn.

Pastor Wiley Hughes, Destiny Now World Outreach Church, invited everyone to attend the "First Responders Appreciation and Recognition Service and Luncheon" event.

7.0 CONSENT

MOTION: Council Member Crisp moved to approve the consent agenda with the exception of Items 7.3 and 7.13 and amending the recommended action of the Council Action Memo for Items 7.9 and 7.10 to reflect Council authorizing the PWC Chair and not the City Manager.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

7.1 Resolution appointing Johniece Gibson, Rochelle Roberts, Emily Robinson, and Diane Travis as Deputy Tax Collectors for the City of Fayetteville.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE APPOINTING DEPUTY TAX COLLECTORS. RESOLUTION NO. R2013-002.

7.2 Adopt resolution authorizing the sale of personal property by public auction.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION. RESOLUTION NO. R2013-003.

7.3 Pulled for discussion.

7.4 Approval of no parking ordinance on Sigman Street.

AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES, AND TRAFFIC OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2013-001.

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- 7.5 **Community Development - Revision of Citizen Participation Plan for use of Community Development Block Grant and HOME Investment Partnership Grant funds.**
- 7.6 **Staff recommends that Council authorize the City Manager to execute a contract for brokerage/marketing services for the sale of the Festival Park Plaza Building with Cushman & Wakefield/Thalimer, Raleigh, NC.**

Requests for Proposals were sent to 37 firms with the following 3 firms responding:

Cushman & Wakefiled/Thalimer (Raleigh, NC)

- Percent of Gross Value: 1.5% of the gross sales price
- Fixed Fees: Not to exceed \$6,000.00 per building or \$8,000.00 total if both properties are marketed simultaneously

Clift Commercial Real Estate Services (Fayetteville, NC)

- Percent of Gross Value: 4% of gross value negotiated on a co-brokerage transaction
- Fixed Fees: None stated

Grant-Murray Real Estate, LLC (Fayetteville, NC)

- Percent of Gross Value: 6% of the purchase price - split 50/50 with a buyer's agent
- Fixed Fees: None stated

- 7.7 **Award contract for McNeill Circle storm drainage improvements to Lanier Construction Company, Snow Hill, NC, lowest responsive, responsible bidder, in the amount of \$1,622,364.20.**

Bids were received as follows:

Lanier Construction Company (Snow Hill, NC)\$1,622,364.20
TA Loving Company (Goldsboro, NC)\$1,658,041.00
RF Shinn Contractor, Inc. (Marshville, NC)\$3,441,678.00

- 7.8 **Approve award of contract for the purchase of seven police cars to Ilderton Dodge Chrysler Jeep, High Point, NC, sole bidder, in the amount of \$205,278.00.**

The bid price included upfit which was installation of lights, cages, specialized seats, equipment mounts, and other specialized equipment. The responding vendor was the only one that had the resources to complete the upfit process.

- 7.9 **Bid recommendation for Annexation Phase V - Project V, Area 12, Arran Lakes West Subdivision, to award contract to Utilities Plus, Inc., Linden, NC, lowest responsive, responsible bidder, in the total amount of \$3,298,442.76**

Bids were received as follows:

Utilities Plus, Inc. (Linden, NC)\$3,298,442.76
Pipeline Utilities, Inc. (Raleigh, NC)\$4,021,424.40
State Utility Contractors (Monroe, NC)\$4,038,585.75
Billy Bill Grading (Fayetteville, NC)\$4,210,069.25
DeVere Construction Co. (Raleigh, NC)\$4,265,883.47

- 7.10 **Bid recommendation for Annexation Phase V - Project V, Area 13, Shenandoah Subdivision, to award contract to DeVere Construction, Raleigh, NC, in the amount of \$2,859,899.50.**

Bids were received as follows:

DeVere Construction (Raleigh, NC)\$2,859,899.50
State Utility Contractors, Inc. (Monroe, NC)\$2,864,944.30

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Billy Bill Grading (Fayetteville, NC)\$3,525,570.50
Pipeline Utilities (Raleigh, NC)\$3,691,317.78
T.A. Loving Co. (Goldsboro, NC)\$4,006,665.22

7.11 Capital Project Ordinance Amendment 2013-23 (Linear Park).

The amendment appropriated an additional \$118,948.00 for the Linear Park project (an additional donation of \$117,925.00 and an additional investment income of \$1,023.00).

7.12 Approve meeting minutes:

October 1, 2012 - Work Session
October 8, 2012 - Discussion of Agenda Items
October 8, 2012 - Regular Meeting

7.13 Pulled for discussion.

7.14 PWC - Phase 5 Annexation Areas 14 and 15 - Preliminary assessment resolution.

RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESSMENT RESOLUTION FOR THE EXTENSION OF THE SANITARY SEWER COLLECTION SYSTEM IN ALL OR A PORTION OF THE STREETS WITHIN AREAS 14 AND 15 OF THE PHASE 5 ANNEXATION LISTED ON EXHIBIT "A". RESOLUTION NO. R2013-005.

7.15 Resolution accepting state revolving loan offer to construct the Little Rockfish River Outfall Rehabilitation Project.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO ACCEPT A STATE LOAN OFFER UNDER THE NORTH CAROLINA WATER REVOLVING LOAN AND GRANT ACT OF 1987. RESOLUTION NO. R2013-006.

7.16 Series 2009B Revenue Bond Capital Project Fund.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, CLOSING THE SERIES 2009B REVENUE BOND CAPITAL PROJECT FUND. RESOLUTION NO. R2013-007.

7.3 Adopt resolution of award for Sidewalks 2010 Hoke Loop Road Project.

This item was pulled for discussion.

Mr. Rusty Thompson, Engineering and Infrastructure Director, provided an overview and stated the City received funding from the North Carolina Department of Transportation (NCDOT) Safe Routes to School Division for construction of the project. He stated the NCDOT required that Council adopt a resolution of award as part of the funding agreement.

Council Member Applewhite stated she had requested this item be removed from the consent agenda in order to highlight the great news for the community.

Council Member Crisp stated this was good news for the safety of their children and thanked Mr. Thompson, the Engineering staff, and the North Carolina Department of Transportation.

RESOLUTION OF AWARD OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - SIDEWALKS 2010 HOKE LOOP ROAD, NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TIP NO. SR-5001BD, WBS CON 40924.3.355. RESOLUTION NO. R2013-004.

MOTION: Council Member Applewhite moved to approve.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

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7.13 Police Citizen Review Board - Adoption of ordinance and Rules of Procedure.

This item was pulled for discussion.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW SECTION 2-43, POLICE CITIZEN REVIEW BOARD, UNDER CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2013-001.

MOTION: Mayor Pro Tem Arp moved to approve the ordinance creating the Police Citizen Review Board and the Rules of Procedure.
SECOND: Council Member Hurst
VOTE: PASSED by a vote of 8 in favor and 2 in opposition (Council Members Applewhite and Bates)

8.0 PUBLIC HEARINGS

8.1 Case No. P12-55F. Request for Special Use Permit to construct a Child Daycare Facility in an SF-10 district on property located on the north west side of Lakewood Drive across from Meadowmont Lane, Containing a portion of a 48.6 acre tract and being the property of Hairr Family LLC.

This item was removed from the agenda and deferred to the January 28, 2013, City Council meeting.

9.0 OTHER ITEMS OF BUSINESS

9.1 North Carolina League of Municipalities (NCLM) Advocacy Goals Conference Voting Delegate

MOTION: Council Member Crisp moved to nominate Council Member Bates as the NCLM Advocacy Goals Conference Voting Delegate.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (10-0)

9.2 Public Works Commission - Discussion of Term Limits

This item was removed from the agenda.

9.3 Uninhabitable Structures Demolition Recommendations

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

206 Central Drive

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on June 13, 2012. He further stated the owner had not appeared at the hearing and a subsequent hearing order was issued to repair or demolish the structure within 60 days. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2011. He further noted within the past 24 months there had been 30 calls for 911 service and 8 code violations with a pending assessment of \$1,236.83 for lot cleanings. He advised the low bid for demolition of the structure was \$1,400.00.

148 Kensington Circle

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure on August 16, 2012. He further stated the owner attended the hearing and a subsequent hearing order was issued to repair or demolish the structure within 90 days. He noted to date there were no repairs to

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the structure and the utilities were disconnected in September 2009. He further noted within the past 24 months there had been no calls for 911 service and 3 code violations with a pending assessment of \$1,721.10 for lot cleanings. He advised the low bid for demolition of the structure was \$1,400.00.

603 Link Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure on September 19, 2012. He further stated the owner had not appeared at the hearing and a subsequent hearing order was issued to repair or demolish the structure within 60 days. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2012. He further noted within the past 24 months there had been 149 calls for 911 service and 7 code violations with a pending assessment of \$586.50 for lot cleanings. He advised the low bid for demolition of the structure was \$1,400.00.

1607 North Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on June 29, 2012. He further stated the owner had not appeared at the hearing and a subsequent hearing order was issued to repair or demolish the structure within 90 days. He noted to date there were no repairs to the structure and the utilities were disconnected in February 2011. He further noted within the past 24 months there had been no calls for 911 service and 2 code violations with no outstanding assessments. He advised the low bid for demolition of the structure was \$1,395.00.

703 Pritchett Road

Mr. Shuford stated the structure was vacant and the subject of a fire on June 10, 2012, and was inspected and condemned as a dangerous structure on July 27, 2012. He further stated the owner had not appeared at the hearing and a subsequent hearing order was issued to repair or demolish the structure within 60 days. He noted to date there were no repairs to the structure and no record of utilities to the structure. He further noted within the past 24 months there had been 8 calls for 911 service and 10 code violations with a pending assessment of \$7,995.00 for lot cleanings and demolition of another structure on the property. He advised the low bid for demolition of the structure was \$1,500.00.

Council Member Haire inquired if the taxes were City or County taxes. Mr. Shuford replied the taxes listed was the total tax bill to include both City and County taxes.

Council Member Bates inquired if any progress had been made with regards to recouping monies spent on demolitions. Mr. Ted Voorhees, City Manager, stated an assessments clerk had recently been hired, and once the criteria had been developed, staff would be reporting back to Council with the findings.

Council Member Applewhite stated she had reviewed information regarding municipalities that had turned the land of former blighted properties into community gardens and inquired if staff could contact Fayetteville Community College to look into the possibility of such a plan being implemented in Fayetteville. Ms. Karen McDonald, City Attorney, clarified the City was not acquiring the properties, it was placing liens on the property as a result of the demolition of the structures.

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 (206 Central Drive, PIN 0438-42-7472). ORDINANCE NO. NS2013-002.

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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 (148 Kensington Circle, PIN 0438-63-1705). ORDINANCE NO. NS2013-003.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (603 Link Street, PIN 0447-03-0775). ORDINANCE NO. NS2013-004.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (1607 North Street, PIN 0438-64-3087). ORDINANCE NO. NS2013-005.

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 (703 Pritchett Road, PIN 0407-23-1498). ORDINANCE NO. NS2013-006.

MOTION: Council Member Bates moved to adopt the ordinances authorizing demolition of the structures.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

10.0 CLOSED SESSION

10.1 N.C.G.S. § 143-318.11 Closed Session

MOTION: Mayor Pro Tem Arp moved to go into closed session to discuss a personnel matter.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

The regular session recessed at 7:47 p.m. The regular session reconvened at 8:40 p.m.

MOTION: Mayor Pro Tem Arp moved to go into open session.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (10-0)

11.0 ADMINISTRATIVE REPORTS

11.1 Monthly statement of taxes for November 2012.

2012 Taxes	\$16,345,594.35
2012 Vehicle	389,814.40
2012 Taxes Revit	15,681.02
2012 Vehicle Revit	500.17
2012 FVT	42,395.20
2012 Transit	42,395.26
2012 Storm Water	348,308.10
2012 Fay Storm Water	696,616.24
2012 Fay Recycle Fee	902,329.33
2012 Annex	0.00
2011 Taxes	22,145.42
2011 Vehicle	49,686.08
2011 Taxes Revit	100.57
2011 Vehicle Revit	0.00
2011 FVT	7,489.92
2011 Transit	7,489.93
2011 Storm Water	505.39
2011 Fay Storm Water	1,010.78

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2011 Fay Recycle Fee	1,504.24
2011 Annex	0.00
2010 Taxes	5,213.86
2010 Vehicle	1,447.00
2010 Taxes Revit	0.00
2010 Vehicle Revit	0.00
2010 FVT	483.19
2010 Transit	483.19
2010 Storm Water	153.75
2010 Fay Storm Water	307.49
2010 Fay Recycle Fee	315.49
2010 Annex	0.00
2009 Taxes	1,306.18
2009 Vehicle	774.29
2009 Taxes Revit	0.00
2009 Vehicle Revit	0.00
2009 FVT	258.73
2009 Transit	258.73
2009 Storm Water	24.00
2009 Fay Storm Water	48.00
2009 Fay Recycle	76.00
2009 Annex	0.00
2008 and Prior Taxes	850.61
2008 and Prior Vehicle	1,685.55
2008 and Prior Taxes Revit	0.00
2008 and Prior Vehicle Revit	0.00
2008 and Prior FVT	358.71
2008 and Prior Transit	80.99
2008 and Prior Storm Water	24.00
2008 and Prior Fay Storm Water	48.00
2008 and Prior Fay Recycle Fee	84.00
2008 and Prior Annex	6.00
Interest	12,646.82
Revit Interest	10.71
Storm Water Interest	91.30
Fay Storm Water Interest	177.33
Annex Interest	1.18
Fay Recycle Interest	243.83
Fay Transit Interest	1,099.80
Total Tax and Interest	\$18,902,125.13

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:42 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
LAFAYETTE ROOM
JANUARY 23, 2013
4:50 P.M.

Present: Mayor Anthony G. Chavonne (departed at 6:45 p.m.)

Council Members Keith Bates, Sr. (District 1) (departed at 6:55 p.m.); Kady-Ann Davy (District 2) (arrived at 5:15 p.m.); Darrell J. Haire (District 4) (departed at 6:50 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Absent: Council Member Robert A. Massey, Jr. (District 3)

Others Present: Ted Voorhees, City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Tracie L. Davis, Corporate Communications Director
Rebecca Rogers-Carter, Management Services Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 ITEM OF BUSINESS

City Council Protocols to be facilitated by Professor Carl W. Stenberg III, University of North Carolina, School of Government.

Mr. Ted Voorhees, City Manager, introduced Professor Carl W. Stenberg and stated he had been working for the School of Government for over ten years. Mr. Stenberg thanked the Mayor and City Council for the opportunity to present the program and provided a handout of the power point presentation.

Mr. Stenberg stated the following ground rules would help make meetings more productive: everyone should state his or her own views, regardless of rank or other differences; it was alright to disagree, but not make it personal; and be sure to clarify what important words mean. He provided a list and examples of typical ground rules for meetings which included focusing on interests and not positions, combining advocacy and inquiry, staying focused, and deciding together how the group would make decisions. He further provided an overview of a comparative table of responsibilities for the Mayor, Council, and City Manager and discussion followed regarding differing staff-council view and values. The characteristics of politicians and administrators were also discussed. Mr. Stenberg stated that today's city manager was highly educated and had extensive expertise in the technical aspects of the position. He provided the following seven expectations for effective Council-Manager relations:

1. The Council and Manager jointly strive for good service to citizens.
2. The Manager is a valued advisor to the Council.
3. Elected Officials' relationship with employees is carefully managed.
4. The Council acts as a body and is dealt with as a body.
5. The Manager and the Council give each other a chance to prove themselves.

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6. The Manager and the Council freely give and seek feedback.
7. The Manager and the Governing Body work together to develop a highly effective Governing Body.

A discussion period ensued regarding the current Fayetteville City Council Protocols.

Consensus of the Council was for the City Manager to review the current Council Protocols further and provide suggestions for changes and improvements that could be discussed at the February 11, 2013, Council meeting.

Mr. Stenberg concluded by requesting the Council to (1) look ahead to 2013-2015 and ask what trends and changes they were seeing in Fayetteville since the last retreat that excited them and gave them a sense of confidence on the possibilities for the City's future and (2) ask what were the most significant strengths or advantages that would enable the community and City government to work together to build a sense of pride and purpose and meet their challenges.

3.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
JANUARY 28, 2013
6:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Theodore Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Members of the Press

Mayor Chavonne called the meeting to order at 6:15 p.m. and proceeded to review the agenda.

Council Member Haire stated he would pull Items 5.2 and 5.3 for an explanation.

Mayor Chavonne then reviewed the public hearings and other items.

There was no discussion on the agenda items.

Mayor Chavonne then advised a discussion with the City Manager would continue on February 11, 2013, regarding setting goals for his annual evaluation. A discussion period ensued regarding the process to be used on February 11, 2013, and with the annual evaluation.

Council agreed that the City Manager would submit his self-evaluation by the work session and Council would get their feedback to the Mayor by February 8, 2013, in anticipation of the session on February 11, 2013.

Mayor Chavonne advised of the next Mayor Coalition meeting and that an agenda item regarding sales tax would be discussed.

Mr. Ted Voorhees, City Manager, reviewed the letter received from the Chair of the Board of Commissioners regarding sales tax.

There being no further business, the meeting adjourned at 6:45 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Dana C. Clemons, Assistant City Attorney
DATE: March 25, 2013
RE: **Request for Legal Representation in the Matter of *Ronald D. Edenfield v. Richard S. Saylor and City of Fayetteville***

THE QUESTION:

Whether to authorize the request for legal representation.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government – Cost Effective Services Delivery

BACKGROUND:

Richard S. Saylor is employed by the City of Fayetteville as a Solid Waste equipment operator. Mr. Saylor has been named as a defendant in a personal injury lawsuit filed by Ronald D. Edenfield for alleged actions occurring in the scope and course of Mr. Saylor's employment with the City. Mr. Saylor has requested legal representation pursuant to N.C.G.S. § 160A-167, which states that the City may provide for the defense of a civil action brought against an employee based on an act allegedly done, or omission allegedly made, in the scope and course of his employment or duty as a City employee.

ISSUES:

None

BUDGET IMPACT:

No known budget impact at this time.

OPTIONS:

1. Authorize the request for legal representation.
2. Reject the request for legal representation.
3. Provide additional direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council authorize the City to provide legal representation for employee Richard S. Saylor, in the matter of *Ronald D. Edenfield v. Richard S. Saylor and City of Fayetteville*.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Dana C. Clemons, Assistant City Attorney
DATE: March 25, 2013
RE: **Request for Legal Representation in the Matter of *Steven J. Taber v. Robert Lee Brinkley and City of Fayetteville***

THE QUESTION:

Whether to authorize the request for legal representation.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government – Cost Effective Services Delivery

BACKGROUND:

Robert Lee Brinkley is employed by the City of Fayetteville as a Solid Waste equipment operator. Mr. Brinkley has been named as a defendant in a personal injury lawsuit filed by Steven J. Taber for alleged actions occurring in the scope and course of Mr. Brinkley's employment with the City. Mr. Brinkley has requested legal representation pursuant to N.C.G.S. § 160A-167, which states that the City may provide for the defense of a civil action brought against an employee based on an act allegedly done, or omission allegedly made, in the scope and course of his employment or duty as a City employee.

ISSUES:

None

BUDGET IMPACT:

No known budget impact at this time.

OPTIONS:

1. Authorize the request for legal representation.
2. Reject the request for legal representation.
3. Provide additional direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council authorize the City to provide legal representation for employee Robert Lee Brinkley, in the matter of *Steven J. Taber v. Robert Lee Brinkley and City of Fayetteville*.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lee Jernigan, P.E., City Traffic Engineer
DATE: March 25, 2013
RE: **Resolution Supporting NCDOT Project on Owen Drive**

THE QUESTION:

Resolution Supporting NCDOT Project on Owen Drive

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - Great Place to Live

BACKGROUND:

NCDOT is proposing a project along Owen Drive to install concrete islands, raised medians and pedestrian improvements from Eastern Boulevard to Walter Reed Road. NCDOT presented the scope of the project at the March 4 worksession and requested a resolution of support for the project.

ISSUES:

NCDOT is requesting support from the City for installation of this project.

BUDGET IMPACT:

The adoption of this resolution will not have an impact on the budget.

OPTIONS:

- Adopt the resolution
- Reject the resolution
- Reject the resolution and request additional information

RECOMMENDED ACTION:

Staff recommends that Council move to pass the attached resolution supporting safety improvements by NCDOT on SR 1007 (Owen Drive).

ATTACHMENTS:

NCDOT Resolution for Owen Drive Project

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR
THE INSTALLATION OF CONCRETE ISLANDS, RAISED MEDIANS, AND
PEDESTRIAN IMPROVEMENTS ALONG SR 1007 (OWEN DRIVE)
TO IMPROVE SAFETY**

WHEREAS, NCDOT has requested a resolution from the City of Fayetteville endorsing the installation of concrete islands, raised medians, and pedestrian improvements, along SR 1007 (Owen Drive) from I-95 Bus/US 301 (Eastern Blvd.) to Walter Reed Road; and

WHEREAS, over 1000 crashes have occurred along this corridor in the past five years and the installation of the proposed channelization will improve safety and reduce congestion by eliminating left turns into and from driveways and directing traffic to the intersections; and

WHEREAS, the Department of Transportation will construct concrete islands, raised medians, and pedestrian improvements on the above listed section and work with the City to ensure proper design and placement; and

WHEREAS, the construction of these channelization improvements will be at no cost to the City

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE THAT:

The City of Fayetteville endorses the Department of Transportation to improve SR 1007 (Owen Drive) from I-95 Bus/US 301 (Eastern Blvd.) to Walter Reed Road; with the installation of concrete islands, raised medians, and pedestrian improvements to reduce the potential for future crashes and improve safety in Fayetteville.

ADOPTED this _____ day of _____, 2013, by the City Council of the City of Fayetteville.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: March 25, 2013
RE: **Tax Refunds of Greater Than \$100**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

The attached refund was approved by the Cumberland County Special Board of Equalization for the month of February, 2013.

ISSUES:

There are no issues.

BUDGET IMPACT:

The budget impact is \$298.66.

OPTIONS:

Approve the refund.

RECOMMENDED ACTION:

Staff recommends that Council move to authorize the identified refund of overpaid taxes.

ATTACHMENTS:

Tax Refunds of Greater than \$100



March 25, 2013

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable *NP*

RE: Tax Refunds of Greater Than \$100

The tax refunds listed below for greater than \$100 were approved by the Cumberland County Special Board of Equalization for the month of February, 2013.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Breswitz, Delores B.	2104899	2011	Corrected Assessment	298.66
TOTAL				\$298.66

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: March 25, 2013
RE: **P13-06F - Request for a Special Use Permit to allow Zero Lot Line development in a SF-10 Zoning District on lots 27 and 28 of the on property located at 308 West Park Drive containing 0.77 acres more or less and being the property of Kay M. Edwards.**

THE QUESTION:

Request for a Special Use Permit to allow Zero Lot Line development between two existing lots.

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Kay M. Edwards
Applicant: James M. Kizer Jr. (Representative)
Requested Action: SUP for Zero Lot Line
Property Address: 308 West Park Drive
Council District: 5
Status of Property: Developed residential, Properties to be redeveloped
Size: 0.77 acres +/-
Adjoining Land Use & Zoning:
North - SF-10
South - SF-10
West - SF-10
East - SF-10
Letters Mailed: 82
Land Use Plan: Low Density Residential

Prior to the adoption of the Unified Development Ordinance the Infill Development Ordinance triggered whether Zero Lot Line subdivisions would go through a public hearing process.

Criteria for a Project to be considered under the old Infill Development Ordinance:

1. Property is in a residential district. **(P13-06F meets this criteria)**
AND
2. 50% of lots within a 300 foot buffer area must contain Single Family Residential (SFR) dwellings. **(P13-06F meets this criteria)**
AND
3. Any lot size within the project is less than 80% of the median size of the SFR lots within the 300 foot buffer area. **(The lots in question, 27 & 28 of Hilendale Subdivision, are larger than the median lot size within 300 feet of this project, thus this project would not have met the previous criteria for infill development. This project would not have required a review by the City's Planning Commission, it would have been a staff approval only)**
OR
4. The project contains two or more attached units, i.e., apartments, townhouses, condos **(P13-06F does not have any apartments, townhouses or condos proposed)**

Projects meeting these criteria required a Neighborhood meeting. After the Neighborhood meeting a Public Hearing was held by the Planning Commission. The Planning Commission then had the authority to approve or deny the project.

ISSUES:

The applicant of this case owns two lots (27 & 28) of the Highlandale Subdivision located on West Park Drive. Currently there is a home that straddles both lots (as seen on the attached site plan). This home was built by the applicant's family in 1947. The owner would now like to take down the existing home and replace it with two homes, one on each lot. In order to give themselves more flexibility in rebuilding, the applicant would like the ability to use the City's Zero Lot Line standards. Approval of a Zero Lot Line development allows for a reduction in setbacks. In this case the only setback that would change is the common interior lot line between lots 27 & 28. This would not affect any of the setbacks to the adjoining properties. The applicant's main argument is that Zero Lot Line approval is needed to allow for a viable building envelope for each of these two lots, primarily because of the site topography. The minimum required lot size for single family development in the SF-10 is 10,000 square feet per lot. The two lots in question, 27 and 28, both are 16,988 square feet, almost 7,000 square feet above the minimum for this zoning district.

In 2004 a Zero Lot Line recombination and subdivision was approved for four lots on East Park Drive. The homes on West Park Drive and East Park Drive face each other with only a small park between the two. West Park Drive does however have a different look and feel. Most of the houses on West Park are built on two lots, giving the appearance of larger lots than on East Park. Zero Lot Line approval is not required for these two properties to be redeveloped.

This case was heard by the Zoning Commission on February 12th. The Commission recommended that the SUP be approved with the condition that the setback on the property line between these two properties be no less than five (5) feet for each lot. Thus at a minimum there would be a total of ten (10) feet between any homes built on these lots. This recommendation was passed 4 to 1.

The Zoning Commission and staff recommend approval of this SUP based on the following. Condition 1. That the side yard setback from the common property line be no less than five feet for each property.

1. In 2004 a similar request was approved on East Park Drive across the park from these properties..
2. Lots 27 & 28 are existing lots and can be developed without making them Zero Lot Line. The reduced setback will only allow for flexibility in redeveloping these lots.
3. The request would have met the requirements for staff approval under the old zero lot line standards.

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

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards (specifically, **Sec. 30-3.B.2. Zero Lot Line Applicability**);
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; **Zero lot line development was across the street from these properties in 2004.**
- (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; **Five foot setbacks will be maintained on both lots will minimize these effects.**
- (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 action would result in more tax revenue due to adding an additional home and very little change to the amount of public services required.

OPTIONS:

- 1) Approval of the SUP as requested by the applicant;
- 2) Approval of the SUP with conditions (Recommended);
- 3) Denial of the SUP request.

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to approve the Special Use Permit request as, as presented by staff, based on these eight (8) findings below and the standards of the City's development code.

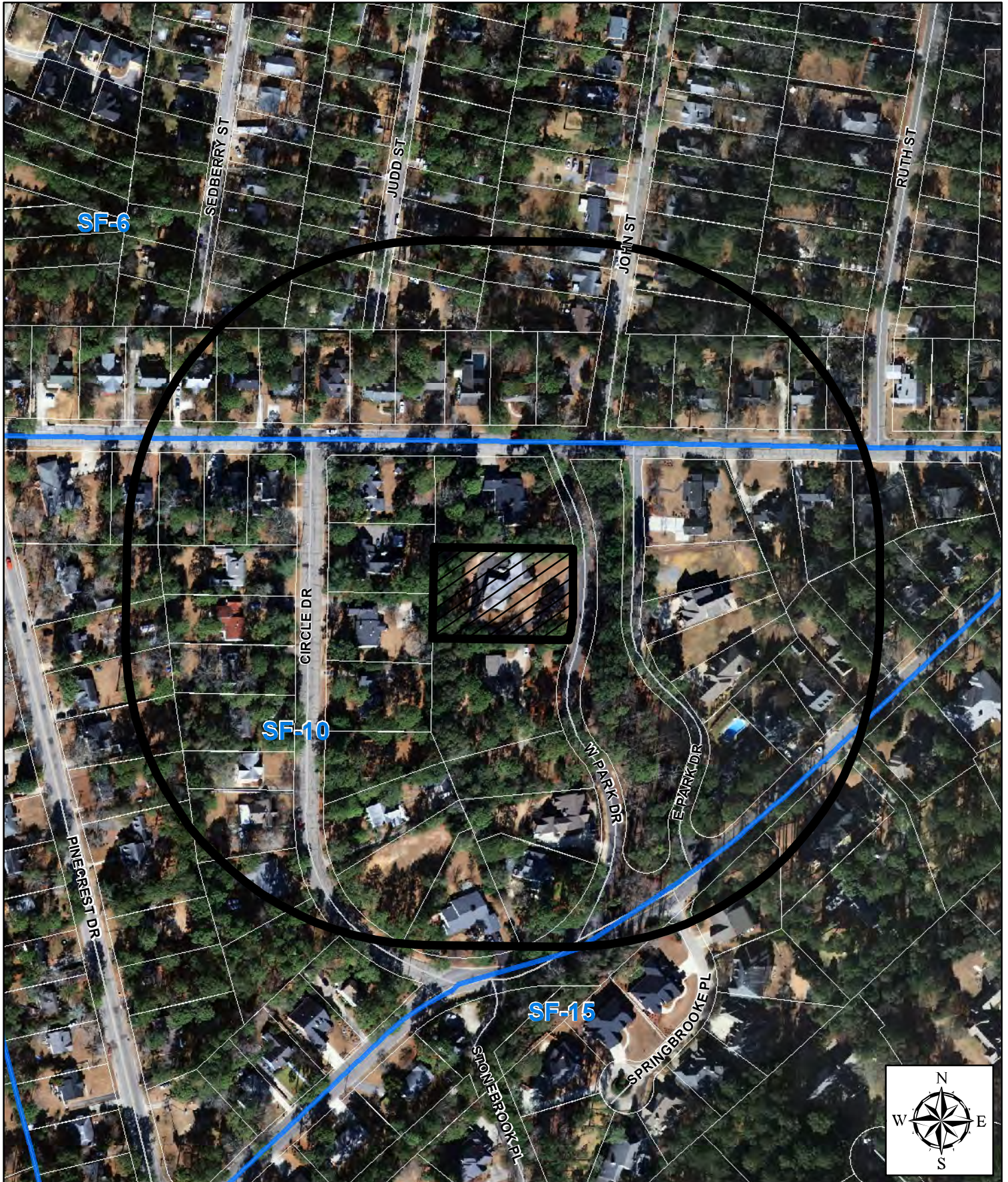
Findings:

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards (specifically, **Sec. 30-3.B.2. Zero Lot Line Applicability**) ;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; ; **(The homes on West Park Drive are built on two lots each. The visual appearance of West Park is also much different than that of East Park)**
- (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 - Current building layout
Site Photo
Zero Lot Line Applicability
Buffer Table
PowerPoint Presentation

ZONING COMMISSION
CASE NO. P13-06F

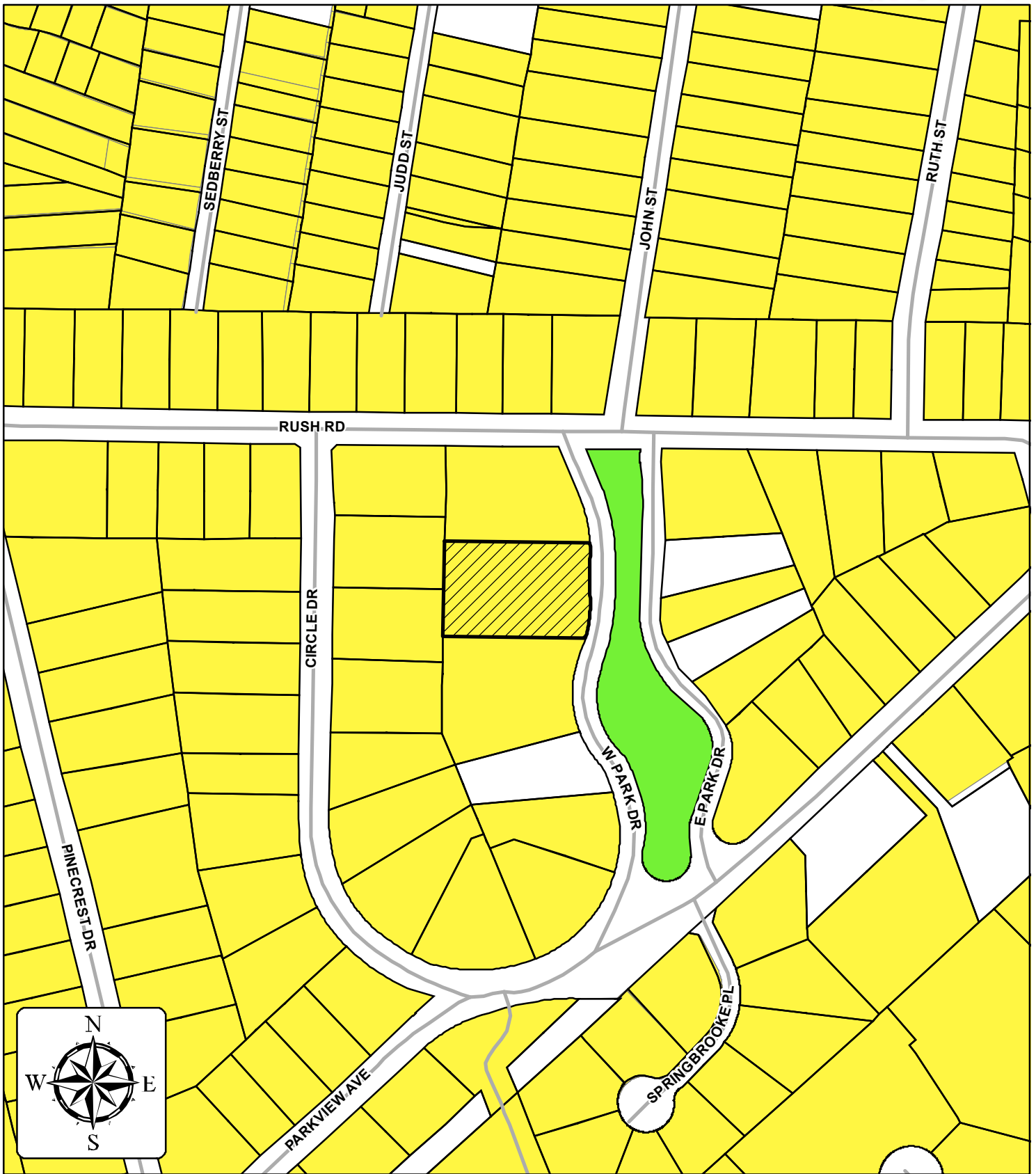


Request: SUP Zero Lotline
Location: 308 W. Park Dr.
Size: .77 acres +/-

Zoning Commission: 02/12/2013 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0427-55-5302

Current Land Use

P13-06F

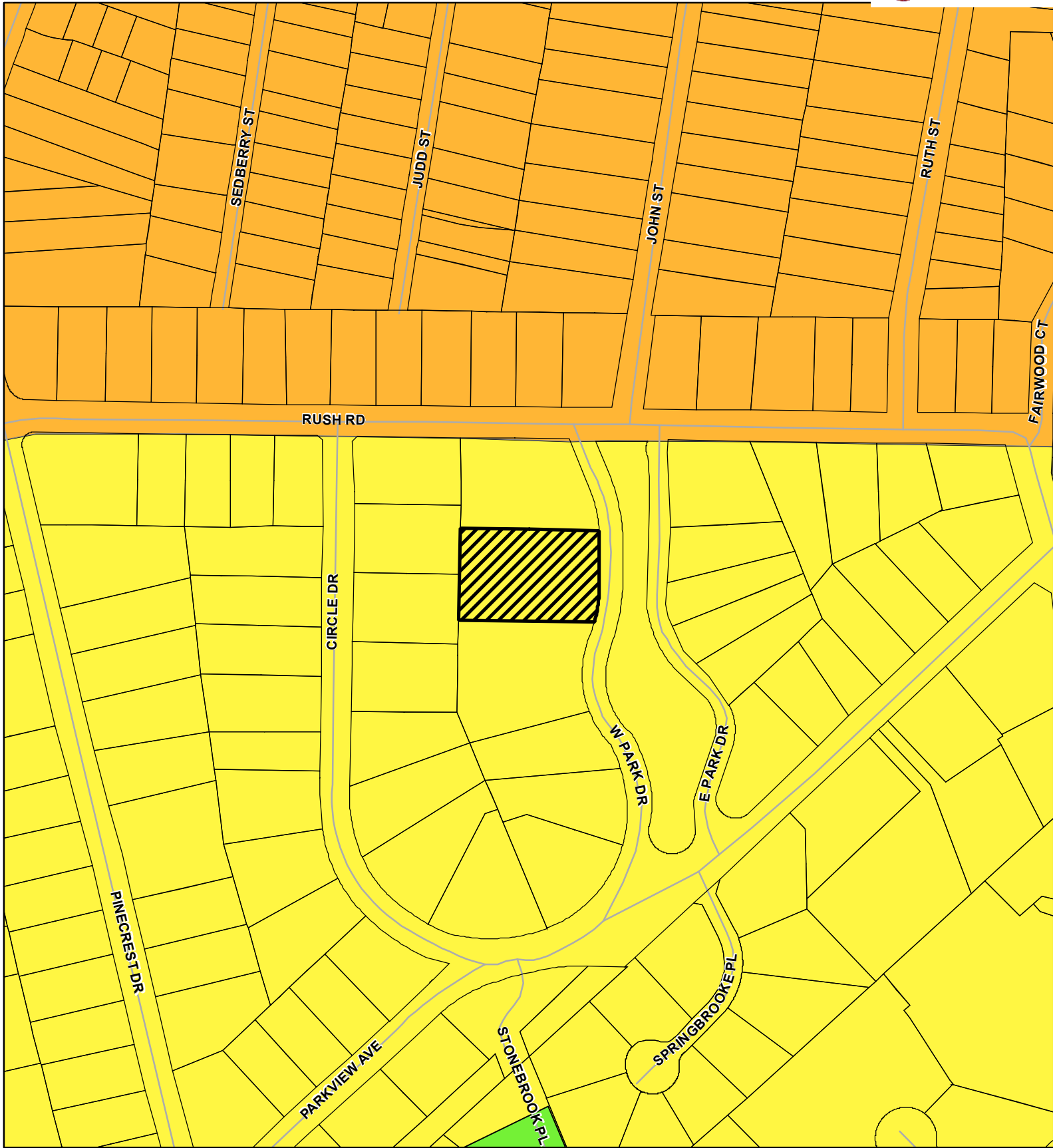


Legend

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

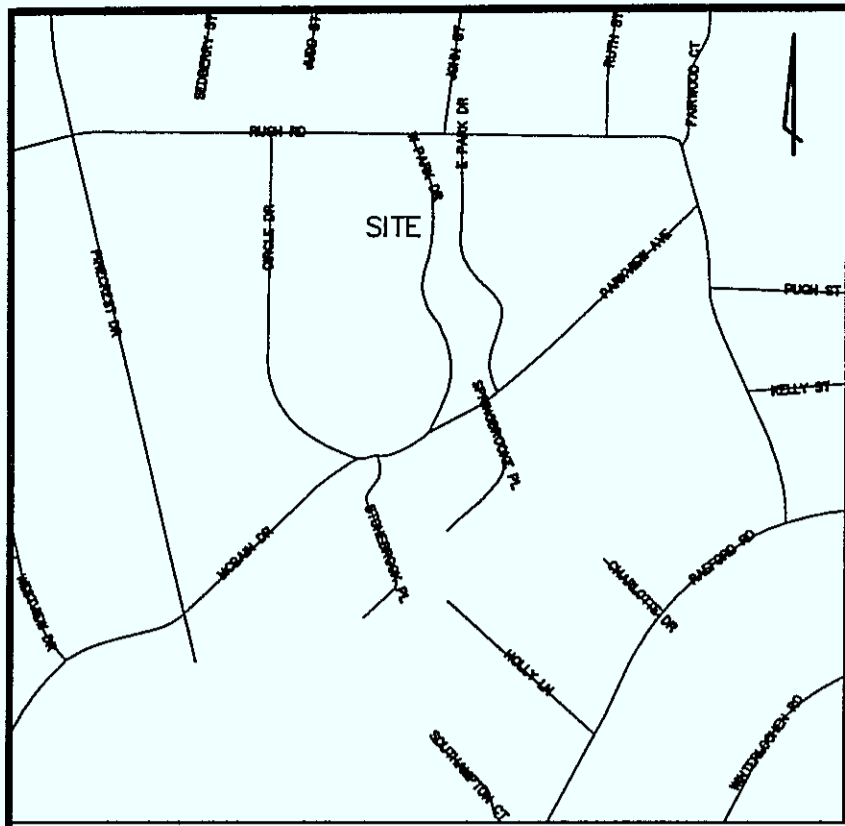
2010 Land Use Plan

Case No. P13-06F



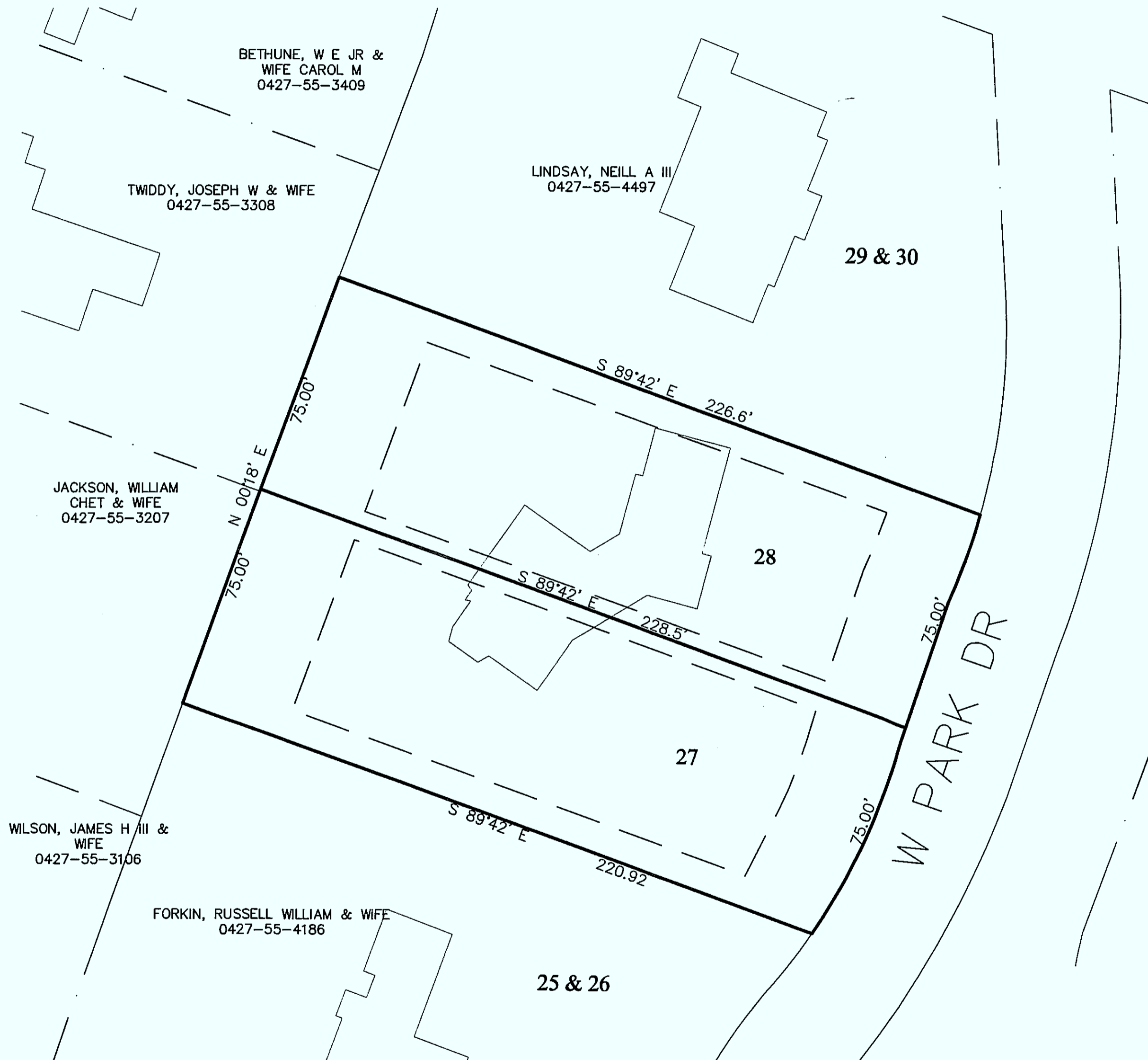
Legend

Academic Training-Fort Bragg	Farmland	Historical District-Fort Bragg	Neighborhood Activity Node	Policy Directed Light Commercial
Activity Node	Governmental	Light Commercial	Office & Institutional	Policy Directed Office & Institutional
Airfield Operations-Fort Bragg	Heavy Commercial	Light Industrial	One Acre Residential Lots	Range & Training-Fort Bragg
Community Activity Node	Heavy Industrial	Low Density Residential	Open Space	Redevelop/Holding-Fort Bragg
Downtown	High Density Residential	Medium Density Residential	Policy Directed Heavy Commercial	Suburban Density Residential



VICINITY MAP
NOT TO SCALE

LEGEND	
	SURVEYED BOUNDARY LINE
	LINE NOT SURVEYED
	EX. EASEMENT LINES
	SETBACK LINE
	EXISTING IRON STAKE
	ANGLE POINT/INTERSECTION POINT
	CONTROL CORNER
	LOT LINE NON-RADIAL



NOTES:

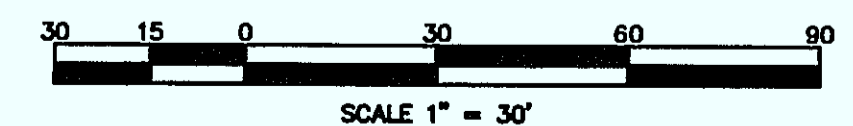
- 1.) THE PROPERTY IS ZONED SF-10.
- 2.) TOTAL LOT AREA = 0.78 AC
- 3.) LOT 27 = 0.39 AC; LOT 28 = 0.39
- 4.) AREAS COMPUTED BY COORDINATES.
- 5.) IRON PINS SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
- 6.) THE HOUSE STRADDLING THE TWO LOTS WILL BE PARTIALLY DEMOLISHED IN ORDER TO CONFORM TO SF-10 ZONING ORDINANCE.
- 7.) SETBACKS ARE AS FOLLOWS:
 PERIPHERAL: FRONT = 30', REAR 35', SIDE 10'
 INTERIOR: FRONT = 30', REAR = 35', SIDE 5' (ZERO LOT SIDE)
- 8.) REFERENCE: DEED BOOK 515, PAGE 199.
- 9.) WATER AND SEWER SERVICES PROVIDED BY PWC.
- 10.) THERE IS A 5' MAINTENANCE EASEMENT RESERVED ALONG EACH SIDE OF ALL INTERIOR LOT LINES.

A ZERO LOT REVISION TO LOTS 27 AND 28
 HIGHLANDALE SUBDIVISION
 AS RECORDED IN PB 9 PG 62
 CURRENTLY IDENTIFIED AS
308 W. PARK DR

OWNED BY
KAY M. EDWARDS

CROSS CREEK TOWNSHIP
 SCALE: 1" = 30'

CUMBERLAND CO., N.C.
 DECEMBER 2012



ENGINEERS
 PLANNERS
 SURVEYORS
M&R
 MOORMAN, KIZER & REITZEL, INC.

MOORMAN, KIZER & REITZEL, INC. 115 BROADFOOT AVE. FAYETTEVILLE, N.C.
 PHONE (910) 484-5191 FAX (910) 484-0388 LICENSE #: F-0106

DRAWN BY: TBF CHECK BY: JMK J



30-3.B.2. Zero Lot Line Applicability

In [addition](#) to traditional [development](#), this [Ordinance](#) also allows [zero lot line development](#) in the residential and business [districts](#) under the circumstances identified in [Section 30-3.B.2.a, Applicability](#). [Zero lot line development](#) is subject to review and approval of a [Major Site Plan](#) (see [Section 30-2.C.5](#)). [Zero lot line development](#) on a tract or site smaller than three acres also requires a [Special Use Permit](#) (see [Section 30-2.C.7](#)). [Zero lot line development](#) is subject to all applicable [use](#) standards ([Article 30-4](#)), [subdivision](#) requirements ([Article 30-6](#)), and applicable design and [development](#) standards ([Article 30-5](#)).

30-3.B.2. (a) Applicability

- (1) Table 30-3.B.2, Zero Lot Line Applicability, specifies under what circumstances [zero lot line development](#) is allowed in accordance with this [Ordinance](#).

TABLE 30-3.B.2: ZERO LOT LINE APPLICABILITY		
DEVELOPMENT TYPE, LOCATION, AND SIZE [1]	ZERO LOT LINE (ZLL) DEVELOPMENT REVIEW PROCESS: [1]	
	WITHIN DEVELOPED AREAS [2]	OUTSIDE DEVELOPED AREAS [2]
Any development in the MA, CD, AR, and MH districts	Not allowed	
Residential development on a tract or site smaller than three acres in area located in any district (except MA, CD, AR, and MH) as a permitted use in Table 30-4.A, Use Table	<p>Allowed</p> <ul style="list-style-type: none"> - Special Use Permit also required - Comply with Single-Family Residential; Multi-Family Residential; and Transitional Design Standards, as applicable 	<p>Allowed</p> <ul style="list-style-type: none"> - Comply with Single-Family Residential; Multi-Family Residential; and Transitional Design Standards, as applicable
Residential development on a tract or site of three acres or more in area located in any district (except MA, CD, AR, and MH) as a permitted use in Table 30-4.A, Use Table	<p>Allowed</p> <ul style="list-style-type: none"> - Comply with Single-Family Residential; Multi-Family Residential; and Transitional Design Standards, as applicable 	
Nonresidential or mixed-use development on a tract or site less than 40,000 square feet in area located in SF-15, SF-10, SF-6, MR-5, MA, CD, AR, and MH districts as a permitted use in Table 30-4.A, Use Table	Not allowed	<p>Not allowed (except in MR-5 district)</p> <hr/> <p>Allowed In MR-5 district</p> <ul style="list-style-type: none"> - Special Use Permit also required - Comply with Commercial, Office, and Mixed-Use; Large Retail; and Transitional Standards, as applicable

TABLE 30-3.B.2: ZERO LOT LINE APPLICABILITY

DEVELOPMENT TYPE, LOCATION, AND SIZE [1]	ZERO LOT LINE (ZLL) DEVELOPMENT REVIEW PROCESS: [1]	
	WITHIN DEVELOPED AREAS [2]	OUTSIDE DEVELOPED AREAS [2]
Nonresidential or mixed-use development on a tract or site less than 40,000 square feet in area located in OI, NC, LC, CC, MU, DT, LI, and HI districts as a permitted use in Table 30-4.A, Use Table	Allowed - Special Use Permit also required - Comply with Commercial, Office, and Mixed-Use; Large Retail; and Transitional Design Standards, as applicable	Allowed - Special Use Permit also required - Comply with Commercial, Office, and Mixed-Use; Large Retail; and Transitional Design Standards, as applicable
Nonresidential or mixed-use development on a tract or site between 40,000 square feet and three acres in area located in any district (except MA, CD, AR, and MH) as a permitted use in Table 30-4.A, Use Table	Allowed - Special Use Permit also required - Comply with Commercial, Office, and Mixed-Use; Large Retail; and Transitional Design Standards, as applicable	Allowed - Special Use Permit also required - Comply with Commercial, Office, and Mixed-Use; Large Retail; and Transitional Design Standards, as applicable
Nonresidential or mixed-use development on a tract or site of three acres or more in area located in any district (except MA, CD, AR, and MH) as a permitted use in Table 30-4.A, Use Table	Allowed - Comply with Commercial, Office, and Mixed-Use; Large Retail; and Transitional Design Standards, as applicable	Allowed - Comply with Commercial, Office, and Mixed-Use; Large Retail; and Transitional Design Standards, as applicable

NOTES:

- [1] All [zero lot line development](#) shall require approval of a [Major Site Plan](#) in accordance with [Section 30-2.C.5 Major Site Plan](#).
- [2] “Developed areas” shall mean a tract or site [adjacent](#) to: (a) [development](#) in an existing platted [subdivision](#), or (b) nonresidential [development](#) on two or more sides.

- (2) The review procedure for [zero lot line development](#) is, in part, based upon whether or not the proposed tract or site is within a developed area of the [City](#). For the purposes of this subsection, “developed area” shall mean a tract or site that:
- a. Is within an existing platted [subdivision](#); or
 - b. Is [adjacent](#) to nonresidential [development](#) on two or more sides of the tract or site.

30-3.B.2. (b) Procedure

- (1) **Major Site Plan Required**
All [applications](#) for [zero lot line development](#) shall be reviewed as a [Major Site Plan](#) in accordance with the procedures and requirements in [Section 30-2.C.5, Site Plan](#).
- (2) **Special Use Permit Required**

In [addition](#), a [Special Use Permit](#) (see [Section 30-2.C.7](#)), may also be required in accordance with [Table 30-3.B.2 Zero Lot Line Applicability](#).

(3) Simultaneous Review



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

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

The review of the [application](#) for a [Major Site Plan](#), [Special Use Permit](#) (if required), and [Administrative Adjustment](#) (if requested) shall be conducted simultaneously, to the maximum extent possible.

30-3.B.2. (c) Standards

(1) Density

[Zero lot line development](#) shall comply with the maximum allowable gross density and maximum height requirements in the base zoning [district](#) where proposed, and the following standards:

(2) Required Setbacks

- a. Lots comprising the outer perimeter of the zero lot line development shall meet the front, side, corner side, or rear setback standards of the base district, but base district setback standards shall not apply to lots internal to the development. However, a front or corner side yard of at least eight feet must be provided for all lots within the zero lot line development.
- b. Setbacks associated with an overlay district or any applicable setbacks from natural resources shall apply to all lots within a zero lot line development.

(3)

Compliance with Design Standards

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

TABLE 30-5.B.I.F.3: BUFFER TYPES

ACI = AGGREGATE CALIPER INCHES





BUFFER TYPE AND CONFIGURATION	DESCRIPTION	MINIMUM SCREENING REQUIREMENTS WITHIN PERIMETER BUFFER		
		OPTION 1: MINIMUM WIDTH 25 FEET [1][2]	OPTION 2: MINIMUM WIDTH 10 FEET [1][2]	DT DISTRICT MINIMUM WIDTH 5 FEET [1][2]
TYPE A: BASIC				
	This perimeter buffer functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet.	6 ACI of canopy trees + 6 ACI of understory trees per 100 linear feet	2 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	One 5-foot-high solid fence + 25 shrubs per 100 linear feet
TYPE B: AESTHETIC				
	This perimeter buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of spatial separation without eliminating visual contact between uses.	8 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	2 ACI of canopy trees + 14 ACI of understory trees + 35 shrubs per 100 linear feet	One 5-foot-high high solid fence + 2 ACI of canopy trees + 16 ACI of understory trees per 100 linear feet

TABLE 30-5.B.1.F.3: BUFFER TYPES
 ACI = AGGREGATE CALIPER INCHES

BUFFER TYPE AND CONFIGURATION	DESCRIPTION	MINIMUM SCREENING REQUIREMENTS WITHIN PERIMETER BUFFER		
		OPTION 1: MINIMUM WIDTH 25 FEET [1][2]	OPTION 2: MINIMUM WIDTH 10 FEET [1][2]	DT DISTRICT MINIMUM WIDTH 5 FEET [1][2]
TYPE C: SEMI-OPAQUE				
	This perimeter buffer functions as a semi-opaque screen from the ground to at least a height of six feet.	12 ACI of canopy trees + 14 ACI of understory trees + 25 shrubs per 100 linear feet	One 4-foot-high berm or one 4-foot-high solid fence + 2 ACI of canopy trees + 16 ACI understory trees per 100 linear feet	One 3-foot-high continuous evergreen hedge + 2 ACI of canopy trees + 20 ACI of understory trees per 100 linear feet
TYPE D: OPAQUE				
	This perimeter buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.	18 ACI of canopy trees + 20 ACI of understory trees + 55 shrubs per 100 linear feet	One 6-foot-high solid fence + 12 ACI of canopy trees per 100 linear feet	One 6-foot-high solid fence + 14 ACI of canopy trees per 100 linear feet

NOTES:

- [1] Any required perimeter buffer width can be reduced to five feet with the provision of a solid masonry wall at least six feet in height, along with ten shrubs per every 100 linear feet located outside the wall.
- [2] Perimeter buffer widths (but not vegetation amounts) may be reduced in accordance with Section 30-5.B.1.h, Alternative Landscape Plan.

(4) Buffer Type Application

Table 30-5.B.1.F.4, Buffer Type Application, specifies the type of perimeter landscape buffer that new development shall provide between it and adjacent property, based on the zoning district of the development site and that of the adjacent property. The buffer type is indicated by a letter corresponding to one of the four buffer types depicted in Table 30-5.B.1.F.3, Buffer Types.

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

NOTES:

[1] Letters in cells correspond to the buffer types depicted in Table 30-5.B.1.F.3, Buffer Types.

[2] Development in PD districts is subject to perimeter buffer requirements in the PD district standards. In cases where development is proposed next to an existing PD district having no perimeter buffer, the proposed development shall provide a perimeter buffer that is consistent with the type of buffer required if the adjacent use was in a differing base district appropriate for the type of use.

[3] Mobile home parks shall provide a perimeter buffer around the park in accordance with the standards in Section 30-4.C.2.a.4, Manufactured Home Parks.

(5) Responsibility for Buffer Installation

a. Vacant Parcels

Where a developing parcel is adjacent to a vacant parcel and a perimeter buffer is required in accordance with this section, the developing parcel shall provide a minimum of one-half of the perimeter buffer required adjacent to the vacant land.

b. Existing Land Uses

Where a developing parcel is adjacent to an existing use and a perimeter buffer is required in accordance with this section, the developing parcel shall provide the full perimeter buffer required adjacent to the existing use in accordance with Table 30-5.B.1.F.3, Buffer Types, and Table 30-5.B.1.F.4, Buffer Type Application, unless a portion or all of a perimeter buffer that complies with the standards of this section already exists between the lots. Where part of a perimeter buffer exists, but the buffer does not fully comply with the standards of this section, the developing parcel shall be responsible for providing only the additional planting material on site necessary to meet the standards of this section.

(6) Location of Buffers

CITY COUNCIL MEETING

March 25, 2012



City of
Fayetteville
North Carolina





- **Requested Action:** Special Use Permit to allow Zero Lot Line development in a SF-10 Zoning District
- **Property Address:** 308 West Park Drive
- **Size:** 0.77 acres +/-



SF-6

SF-15

SF-10

SF-15

15

RD

SUNNY

SPRINGBROOKE PL

W PARK DR

E PARK DR

RUE-HARD

KELLY ST

SEDBERRY ST

JUDG ST

JOHN ST

RUTH ST

FAIRWOOD CT

CIRCLE DR

PINECREST DR

WESTVIEW DR

SWOOD RD

WESTHAVEN DR

STONEROCK PL

SPRINGBROOKE PL



SEDBERRY ST

JUDD ST

JOHN ST

RUTH ST

FAIRWOOD CT

RUSH RD

WESTVIEW DR

CIRCLE DR

PINECREST DR

PARKVIEW AVE

8-1-8-4

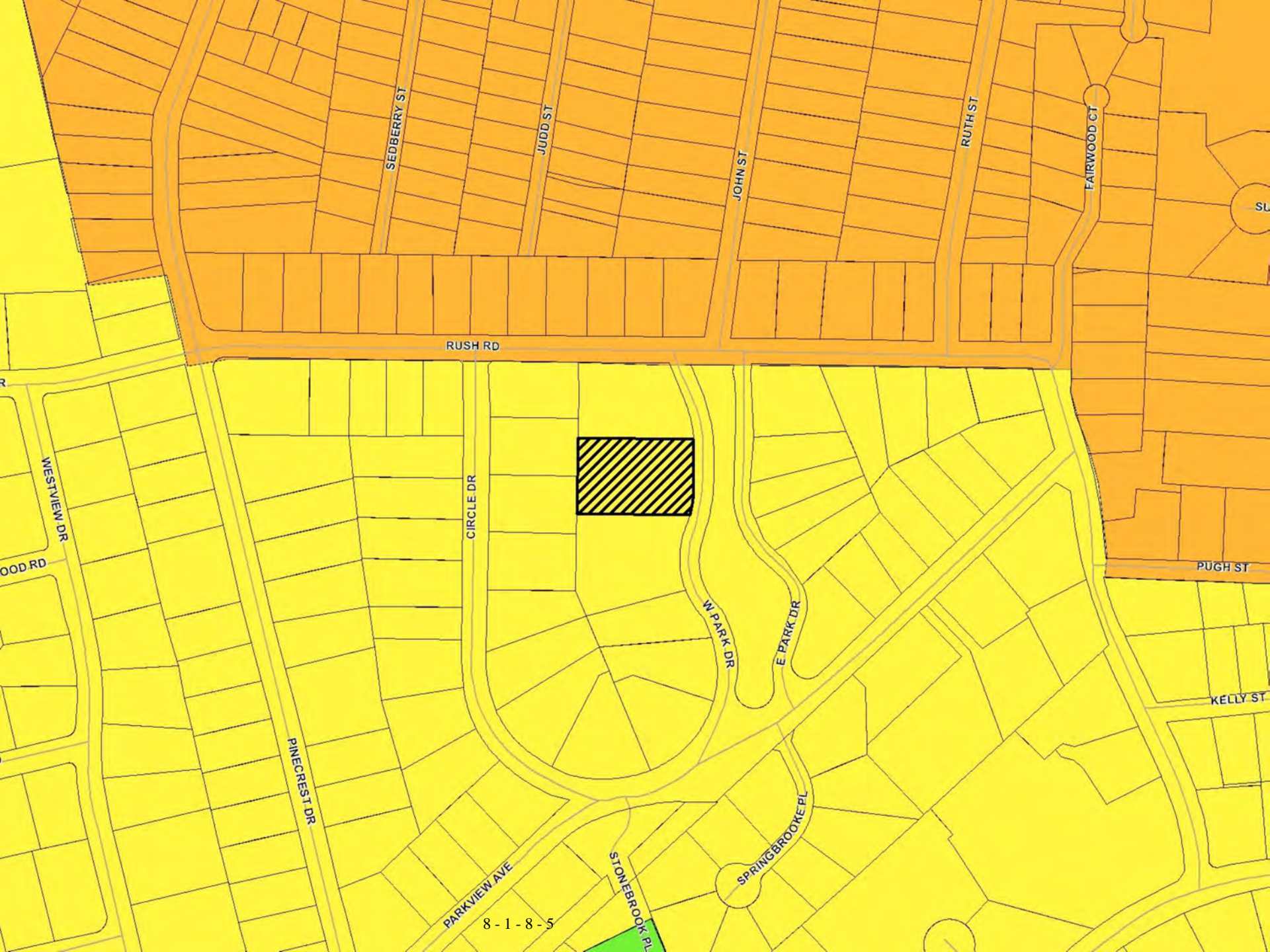
W PARK DR

E PARK DR

SPRINGBROOKE PL

PUGH ST

KELLY ST



SEDBERRY ST

JUDD ST

JOHN ST

RUTH ST

FAIRWOOD CT

RUSH RD

WESTVIEW DR

OOD RD

CIRCLE DR

PINECREST DR

W PARK DR

E PARK DR

SPRING BROOKE PL

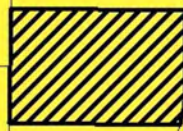
STONEBROOK PL

PARKVIEW AVE

PUGH ST

KELLY ST

8-1-8-5





8-1-8-6



Zoning Commission and Staff recommend approval of this SUP based on the following.

Condition 1. That the side yard setback from the common property line be no less than five feet for each property.

1. In 2004 a similar request was approved on East Park Drive across the park from these properties..
2. Lots 27 & 28 are existing lots and can be developed without making them Zero Lot Line. The reduced setback will only allow for flexibility in redeveloping these lots.
3. The request would have met the requirements for staff approval under the old zero lot line standards.



Findings: A Special Use Permit

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



- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards (specifically, **Sec. 30-3.B.2. Zero Lot Line Applicability**);
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; **(The homes on West Park Drive are built on two lots each. The visual appearance of West Park is also much different than that of East Park)**
- (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.



City of
Fayetteville
North Carolina

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CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Greg Caison, CSM, Stormwater Manager
DATE: March 25, 2013
RE: **Public Hearing and Consideration of Adoption of Revisions to Chapter 23, Article III, Stormwater Management Ordinance**

THE QUESTION:

Adopt proposed revisions in the performance guarantee (bonding) requirements contained in the Stormwater Management Ordinance, Article III of Chapter 23 of the City Code of Ordinances.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods; More Efficient Government

BACKGROUND:

The Stormwater Management Ordinance was originally adopted (2009) to establish minimum requirements to control the adverse effects of increased stormwater quantity and runoff quality. Further changes were adopted (2012) to add State-mandated Phase II regulations, and other technical revisions. As City Staff and users in the community continue to use the ordinance, procedural changes have been identified that can be implemented to gain efficiencies for all users.

ISSUES:

Performance guarantees, also known as “bonds,” are currently required by the Ordinance to ensure that stormwater BMP’s are built and installed as specified in the engineering design. Specific changes are being proposed to make the performance guarantee process more user-friendly and less burdensome particularly as relates to the timing and amount. Currently, the required performance guarantee for stormwater BMP’s in single family subdivisions is 75% of the estimated construction cost. This bond is required when plans are submitted and prior to issuance of a permit. The Homebuilder’s Association has asserted that it is difficult to obtain the needed financing for bonding prior to the issuance of the necessary permits as the process is currently written. Changes are proposed to require a performance guarantee of 100% of the total estimated construction cost of converting the erosion control measure to the stormwater BMP approved under the permit. The revised ordinance makes the bond due at the approval of final plat. This is a significantly smaller bond required later in the process. The Stormwater Advisory Board has also reviewed the proposed revisions and unanimously requested that these ordinance changes be implemented. Proposed changes to the performance guarantee on commercial properties are also being explored by Staff, but are not being proposed at this time.

BUDGET IMPACT:

N/A

OPTIONS:

1. Adopt the proposed revisions in the performance guarantee (bonding) requirements contained in the Stormwater Control Ordinance, Article III of Chapter 23 of the City Code of Ordinances. 2. Do not adopt the proposed revisions

RECOMMENDED ACTION:

Staff recommends that Council moves to adopt the proposed Ordinance revising the performance guarantee (bonding) requirements contained in the Stormwater Control Ordinance, Article III of Chapter 23 of the City Code of Ordinances.

ATTACHMENTS:

Stormwater Advisory Board 02/05/13 Meeting Minutes supporting Ordinance Changes
Ordinance - Stormwater 032513

STORMWATER ADVISORY BOARD MEETING MINUTES AS RECORDED

2013 – MEETING MINUTES OF STORMWATER ADVISORY BOARD REGULAR MEETING FEBRUARY 5, 2013

STORMWATER ADVISORY BOARD REGULAR MEETING CITY HALL, LAFAYETTE ROOM FEBRUARY 5, 2013 5:30 P.M.

Present: Chair Carlon Mercer
Board Members Kevin Briscoe, Charles Donnell; Kiki Rupert; and Lynn Vaughan;
Absent: None
Staff Present: Greg Caison, Stormwater Manager
Shauna Haslem, Stormwater Educator
Al Hardee, Stormwater Senior Inspect/Tech
Sally Dahlstrom, Stormwater Secretary

1. CALL TO ORDER

Chair Mercer called the meeting to order at 5:35 p.m. at the Lafayette Room at City Hall. Chair Mercer moved Agenda Item #6 to Agenda Item #5, and Agenda Item #5 will become Agenda Item #6.

2. APPROVAL OF AGENDA

MOTION: Board Member Donnell moved to approve the agenda.

SECOND: Board Member Briscoe

VOTE: Unanimous (5-0) Favor

3. APPROVAL OF MINUTES

MOTION: Board Member Vaughan made a motion to approve minutes.

SECOND: Board Member Donnell

VOTE: Unanimous (5-0) Favor

The following items were approved:

Regular Stormwater Advisory Board Meeting held December 4, 2012

4. PUBLIC EDUCATION AND TRAINING ACTIVITIES

Ms. Haslem stated that Mr. Caison and I have been working with Human Resources to transition training to an online Program. The NPDES (National Pollution Discharge Elimination System) Permit mandates education not only for the public, but City employees as well that may be in a position that would be a potential pollution to stormwater, such as maintenance, landscape, and FAST (Fayetteville Area System of Transit) Bus Garage workers. Charlotte has implemented an online module where the employee watches a video and a short quiz is given at the end. Human Resource and Information Technology (IT) Department are working on the goal to be able to train more employees using the module and not have to meet each individual City Department. This way, the employees will be able to train on their timeframe and will not have to stay late on a shift or come in early for a shift to meet together as a Department. Ms. Haslem will show the Advisory Board a portion of the 20-minute PowerPoint Presentation by Excal. There is a fourteen (14) question quiz at the end that is focused on the video that has been shortened to three (3) questions for the brief video. Mr. Caison stated each employee would be given a password to log on to the Program. The results will be summarized and sent to Stormwater Staff. QUESTION: What happens if an employee does not or is not able to answer the questions? ANSWER: Mr. Caison stated at a minimum, he could foresee some type of certificate being generated. Ms. Haslem mentioned the incentive is that the Program is required training. There were a few questions posed and answered after watching the video. Ms. Haslem mentioned that Excal videos are not specific to any one state and tackles all aspects of Municipal Governments. Mr. Hardee mentioned that allowable discharges may be discharges that cannot be controlled, but only stormwater runoff should be discharged. Stormwater pollution prevention includes not only good housekeeping, but 100 per cent of employee training on an annual basis.

STORMWATER ADVISORY BOARD MEETING MINUTES AS RECORDED

Entire Training Video: "Stormwater Pollution Prevention Training for City Employees" Slides:

- Introduction
- Stormwater Pollution Prevention
- A few examples of outfalls
- Allowable Discharges
- Non-Authorized Discharges
- Potential Sources of Pollution
- Some Examples of Pollution Sources
- Potential Spill Sources
- Erosion and Sedimentation
- Stormwater Pollution Best Management Practices (BMP)
- Prevention and Response
- Spill Response
- Incidental Spill Response
- Preventative Maintenance
- Good Housekeeping
- Vehicle Washing
- Quiz: Questions

Ms. Haslem also stated she had been working with the Coordinator of the Green Initiative in the Cumberland County Schools. Ms. Haslem would like the curriculum for the different grades to give a Stormwater Presentation when talking about the water cycle, and the effects from rain water. A few middle schools and elementary schools have responded. The classes have watched the "Tracking Stormee" video, then, an EnviroScape Presentation typically follows. At first, there is a...Oh, gross! I can't believe we drink that... reaction, but the kids are coming away with the idea - I don't need to throw "stuff" on the ground. I need to tell Mom and Dad to wash our car over the grass, and things like that. It is really exciting to get into the school system. I believe 5th through 9th grades talk about environmental education as part of their standards. Teachers are really excited about a "free" resource. Chair Mercer thanked Ms. Haslem for her presentation.

5. OTHER: (CHANGING THE FUNDING)

Chair Mercer asked Mr. Caison to give Advisory Board an update. Mr. Caison stated that Staff had already gone into extensive detail, and there have been follow-up discussions. Staff is ready to move forward with some type of action to City Council. In December, Advisory Board was considering bonding for residential conditions and bonding for commercial applications. Staff would like to move forward with just the residential portion of bonding. The reason for that is when talking about the commercial side, the City Council had decided to make a requirement that bonding would need to have some conditions or criteria as to when a bond would or would not be required. There was research on what other cities are doing, but an acceptable set of guidelines could not be found that could be used to apply to our Ordinance. If you have knowledge that the Contractor may not be a good contractor, that in itself may or may not be a reason to require a bond. It was decided to move forward with the residential portion and hold off on commercial application. To reiterate, this is bonding as a performance BMP (Best Management Practice). What the Ordinance currently requires is a performance guarantee or bonding at the time of plan approval in the amount of seventy five per cent (75%) of the total cost of the BMP. What has been proposed, and Staff is in agreement, is to move from plan approval upfront to plat approval which is much more near final portion of the project. The cost would be one hundred per cent (100%) of the conversion cost of the BMP at plat approval. That conversion cost would be the cost of converting BMP from an Erosion Control Pond to a functioning Stormwater BMP. There was never a vote taken at the meeting where the Advisory Board concurred. Mr. Caison said he would like to get some direction from the Advisory Board on how the members would like to see it "play out". It would be preferable to have something in writing, a brief paragraph or so, from the Board to place in the agenda packet before sending to City Council.

MOTION: Board Member Donnell moved to approve the current wording of the Ordinance to be changed to one hundred per cent (100%) of conversion amount of Erosion Control Measures Pond to BMP at plat approval.

SECOND: Board Member Vaughan

VOTE: Unanimous (5-0) Favor

STORMWATER ADVISORY BOARD MEETING MINUTES AS RECORDED

6. UPDATE ON ADDRESSING CAPITAL IMPROVEMENT PROJECT (CIP) PLAN NEEDS

Chair Mercer stated this item has been discussed and members knew a rate increase was coming to address Capital Improvement Projects. Mr. Caison stated previously the Advisory Board has discussed a rate increase directly and indirectly over a number of previous meetings. Our revenue source now is just not enough to keep up with needed improvements. If there is to be a serious “dent” in that list, Staff will feel compelled to report, there has to be more money to do that. We can only do what you can do with what you have to work with, and funds to do projects have been exhausted. What Mr. Caison is looking to do is to get City Management’s ear and propose a potential fee increase if everyone is in favor. The fee increase...there have been some comparisons...and a fee increase would move Fayetteville into the middle of the pack when measuring Fayetteville against other North Carolina cities. The fee started in 1995 at one dollar (\$1) a month and that was the lowest rate in North Carolina. In 2007; the rate changed to three dollars (\$3) per month. That rate went a long way to pay for some initial infrastructure improvements. Now, those funds have been nearly exhausted, and there is not a lot of funding to work with for ongoing improvements given the large list that we have. If the Advisory Board agrees that a fee increase is necessary to get the Stormwater Program where it needs to go this year, the Advisory Board would need to address a fee increase in some manner via a letter or whatever. Mr. Caison would initially like to propose to the City Manager, a seventy five cent (75¢) increase for this year. That is not a lot, but there is more to it. Mr. Caison would like a stepped or multi-year increase, like fifty cents (50¢) increase the next year, and an additional fifty cents (50¢) increase the following year or three dollars and seventy cents (\$3.75), four dollars and twenty five cents (\$4.25) and finally four dollars and seventy five cents (\$4.75). Mr. Caison stated that the final fee would still not be anywhere near midpoint of fees other cities are charging. The three (3) increases would give the Stormwater Program enough money to spend one-half million dollars (\$500,000) on water quality. Of the seventy five cents (75¢) proposed, twenty five cents (25¢) would go towards water quality and the remaining fifty cents (50¢) towards water quantity projects as would the next fifty cents (50¢) increase and another fifty cents (50¢) the following year. Those fifty cents (50¢) is about what it takes to pay the debt service on ten million dollars (\$10,000,000) of bonds. There is forty million dollars (\$40,000,000) worth of identified needs. City Management could suggest that this be done for seven (7) or eight (8) years, which some of the other large cities are doing. This is just a starting point. There are many different ways to get to the same endpoint. Mr. Caison is looking for the Board for some type of formal memorandum saying that the Board is in agreement. This would not be saying the fee increases as explained is the way to do it, but in agreement that we all understand that there is a need for some funding. In order to get those funds, a fee increase needs to be considered. Maybe the Advisory Board would like to come up with the wording collectively. It would certainly help to have that as a “tool”.

MOTION: Chair Mercer made a motion that the Board recommends a fee increase that we can have more funds available for already identified forty million dollars (\$40,000,000) Stormwater Projects in the City for water quantity.

SECOND: Board Member Vaughan

VOTE: Unanimous (5-0) Favor

Mr. Caison advised that he would be talking with City Management in early March 2013. On bonding issues, that could likely go to City Council late February or early March. City Council does have to weigh other priorities. A member mentioned that the NPDES Permit for water quality is mandatory.

7. ADJOURNMENT

Meeting adjourned at 6:30 p.m.

Carlton Mercer, Chair
Kevin Briscoe, Vice-Chair

/sd

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 23, ARTICLE III, STORMWATER CONTROL, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADJUST BMP PERFORMANCE GUARANTEES FOR SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS.

WHEREAS, the City of Fayetteville has adopted a Stormwater Management Ordinance, Chapter 23, containing Article III, Stormwater Control; and

WHEREAS, the Stormwater Management Ordinance was created to address the Federal Water Quality Act NPDES program as well as those elements of stormwater quantity to effectively address local flooding and stormwater problems including capital improvement projects; and

WHEREAS, the City of Fayetteville has previously adopted revisions and updates to the Stormwater Management Ordinance, Chapter 23, containing Article III, Stormwater Control on February 13, 2012; and

WHEREAS, a need now exists to adjust performance guarantees of Best Management Practices (BMP) for single-family residential subdivisions to be more consistent with final plat requirements;

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

Section 1. Chapter 23, Article III is amended by deleting the portions struck through and inserting the underlined portions as follows:

ARTICLE III. - STORMWATER CONTROL

[Sec. 23-20. - Title, purpose, application.](#)

[Sec. 23-21. - Definitions.](#)

[Sec. 23-22. - Scope of article.](#)

[Sec. 23-23. - Powers of the department.](#)

[Sec. 23-24. - Exemptions from requirements.](#)

[Sec. 23-25. - Scope of stormwater design plans.](#)

[Sec. 23-26. - Stormwater design plans and approval process.](#)

[Sec. 23-27. - Plan requirements.](#)

[Sec. 23-28. - Plan hydrologic criteria.](#)

[Sec. 23-29. - Plan land use conditions criteria.](#)

[Sec. 23-30. - Plan wetlands criteria.](#)

[Sec. 23-31. - Minimum stormwater quantity control requirements.](#)

[Sec. 23-32. - Minimum stormwater quality control requirements.](#)

[Sec. 23-33. - Approval and permit requirements.](#)

[Sec. 23-34. - Building permit or street plan approval suspension and revocation.](#)

[Sec. 23-35. - Professional registration requirements.](#)

[Sec. 23-36. - Fees.](#)

[Sec. 23-37. - Construction and inspection.](#)

[Sec. 23-38. - Ownership and maintenance of stormwater management facilities.](#)

[Sec. 23-39. - Operation and maintenance agreement.](#)

[Sec. 23-40. - Inspection program.](#)

[Sec. 23-41. - Performance guarantee for installation.](#)

[Sec. 23-42. - Notice to owners: deed recordation and indications on plat.](#)

[Sec. 23-43. - Records of installation and maintenance activities.](#)
[Sec. 23-44. - Variances from requirements.](#)
[Sec. 23-45. - Appeals.](#)
[Sec. 23-46. - Enforcement.](#)
[Sec. 23-47. - Relationship to other laws, regulations, and private agreements.](#)
[Sec. 23-48. - Severability.](#)
[Sec. 23-49. - Effective date.](#)

Sec. 23-20. - Title, purpose, application.

(a) The provisions of this article shall constitute and be known as the "Stormwater Control Ordinance of Fayetteville, North Carolina".

(b) The purpose of this article is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of the increase in stormwater quantity and the stormwater runoff quality associated with both future land development and consideration of existing developed land within the City of Fayetteville. Proper management of the quantity and quality of stormwater runoff will minimize damage to public and private property, prevent personal damage and bodily harm, ensure a functional drainage system, reduce the effects of development on land and stream channel erosion, promote the attainment and maintenance of water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, and maintain as nearly as possible the predeveloped runoff characteristics of the area, and facilitate economic development while mitigating associated flooding and drainage impacts. Additionally, the purpose of this article is to comply with the post construction stormwater requirements as per the city's NPDES stormwater discharge permit.

(c) Further, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt minimum stormwater controls such as those included in this article.

(d) The application of this article and the provisions expressed herein, shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the designer's responsibility to exceed the minimum requirements as necessary. The city engineer or designee shall be responsible for the coordination and enforcement of the provisions of this article.

(e) Compliance with all applicable local, state, and federal regulations and permits shall be the responsibility of the applicant. Other stormwater regulations to consider when complying with this article include, but are not limited to, the following:

- (1) Water supply watershed regulations, chapter 29 of this Code of Ordinances;
- (2) Federal wetland permits;
- (3) Water quality certifications; and
- (4) Sediment and erosion control requirements.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-21. - Definitions.

For the purpose of this article, the following terms, phrases, and words, and their derivatives, shall have the meaning given herein:

Adequate channel shall mean a natural or manmade channel or pipe which is capable of conveying the runoff from the design storm events without flooding existing structures or causing property damage.

Best management practice (BMP) shall mean a wide range of management procedures, schedules of activities, prohibitions on practices, and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.

Built-upon area shall mean that portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. Built-upon area does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

City shall mean the City of Fayetteville, North Carolina.

City clerk shall mean the City Clerk of the City of Fayetteville, North Carolina, or his/her designee.

City council shall mean the duly elected Governing Body of the City of Fayetteville, North Carolina.

City engineer shall mean the City Engineer of the City of Fayetteville, North Carolina, or his/her designee.

City engineering and infrastructure department shall mean the Engineering and Infrastructure Department of the City of Fayetteville, North Carolina.

City manager shall mean the City Manager of the City of Fayetteville, North Carolina, or his/her designee.

Cross-drain culvert shall mean a structure designed to convey a watercourse under a roadway, railway, pedestrian walk, or through an embankment.

Design report shall mean the report that accompanies the stormwater design plan and includes data used for engineering analysis, results of all analysis, design and analysis calculations (including results obtained from computer programs), and other engineering data that would assist the city engineer in evaluating proposed stormwater management facilities.

Design storm events shall mean the frequency storm used for the design of stormwater management facilities.

Designer shall mean a registered professional who is permitted to prepare plans and studies required by this article.

Detention structure shall mean a permanent stormwater management structure whose primary purpose is to temporarily store stormwater runoff and release the stored runoff at controlled rates.

Developed land use conditions shall mean the land use conditions according to the current city land use map or proposed site plan. Also, the conditions which exist following the completion of the land

disturbing activity in terms of topography, vegetation, land use and rate, quality, volume or direction of stormwater runoff.

Development shall (to the extent permitted by law) mean any of the following actions undertaken by a public or private individual or entity:

- (1) All land altering activities associated with the division of a lot, tract, or parcel of land into two or more lots plots, sites, tracts, parcels or other divisions by plan or deed;
- (2) The construction, installation, or alteration of a structure, impervious surface, or drainage facility;
- (3) Any land change including, without limitation to, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land; or
- (4) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, and mud, sand or rock of a site.

Easement shall mean a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

Erosion shall mean the process by which ground surface is worn away by the action of wind and/or water.

Exemption shall mean those development activities that are not subject to the stormwater requirements contained in this article.

Existing land use condition shall mean the land use conditions existing at the time the design plans are submitted for approval.

FEMA-designated floodplain shall mean the 100-year floodplain shown on the most current FEMA flood insurance rate map or flood boundary and floodway map. This shall include both the detailed 100-year floodplain which shows a 100-year flood elevation and the approximate 100-year floodplain.

Functional maintenance shall mean any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this article, and to prevent structural failure of such facilities. Functional maintenance shall not include actions taken solely for the purpose of enhancing the aesthetics aspects associated with stormwater management facilities.

Grading shall mean excavating, filling (including hydraulic fill), or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

Impervious shall mean the condition of being impenetrable by water.

Imperviousness shall mean the degree to which a site is impervious.

Infiltration shall mean the passage or movement of water into the soil subsurface.

Interior culvert shall mean a culvert that is not located under a roadway, railway, or pedestrian walk.

Maintenance (as relates to BMPs or other stormwater management facilities). See "functional maintenance" or "routine maintenance".

100-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in one 100 years. It also may be expressed as an exceedance probability with a one percent chance of being equaled or exceeded in any given year.

On-site stormwater management shall mean the design and construction of a facility necessary to control stormwater runoff within and for a single development.

One-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in one year. It also may be expressed as an exceedance probability with a 100 percent chance of being equaled or exceeded in any given year.

Predevelopment conditions shall mean those which existed on the site at the time this article became effective.

Preliminary plat shall mean the preliminary plat of a subdivision submitted pursuant to the subdivision regulations of the city.

Pervious pavement shall mean concrete and asphalt paving materials that allow for infiltration of stormwater into a storage area with void spaces that provide temporary storage.

Record drawings shall mean a set of engineering or site drawings that delineate the specific permitted stormwater management facility(ies) as actually constructed.

Redevelopment shall mean any development on previously developed land, other than a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development.

Regional stormwater management shall mean the design and construction of a facility necessary to control stormwater runoff for more than one development.

Regulated floodplain shall mean the floodplain area designated by FEMA regulations or designated by the city.

Retention structures shall mean a permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff. Release of the given volume is by infiltration and/or evaporation.

Routine maintenance shall mean any action to enhance the aesthetics aspects associated with stormwater management facilities. Routine maintenance shall include actions such as grass cutting, trash removal, and landscaping.

Site shall mean any lot, plot, parcel or tract of land.

Stormwater design plan shall mean the set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts and techniques that will be used to control stormwater as required by this article. Also included are the supporting engineering calculations and results of any computer analysis.

Stormwater management shall mean the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to minimize accelerated channel erosion, increased flood damage, and/or degradation of water quality and in a manner to enhance and ensure the public health, safety, and general welfare which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff caused by manmade changes to the land.

Stormwater management facilities shall mean those structures and facilities that are designed for the

collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system. This includes all stormwater quantity and quality facilities.

Stormwater runoff shall mean the direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain, or other concentrated flow during and following precipitation.

Subdivision shall mean that which is defined in chapter 25, Subdivisions, of this Code of Ordinances; and G.S. 160A-376.

Ten-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in ten years. It may also be expressed as an exceedance probability with a ten percent chance of being equaled or exceeded in any given year.

Thoroughfare shall mean all numbered routes and all roads with four or more travel lanes.

25-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. It may also be expressed as an exceedance probability with a four percent chance of being equaled or exceeded in any given year.

Variance shall mean the modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in practical difficulties or undue hardship and not fulfill the intent of this article.

Water quality shall mean those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity shall mean those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff to downstream areas resulting from land disturbing activities.

Watershed shall mean the drainage area contributing stormwater runoff to a single point.

Wetland shall mean those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas as determined by the U.S. Army Corps of Engineers.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-22. - Scope of article.

(a) No person shall develop any land without having provided for appropriate stormwater management measures that control or manage stormwater runoff, in compliance with this article, unless exempted in section 23-24 below.

(b) The provisions of this article shall apply throughout the incorporated areas in the City of Fayetteville, North Carolina.

(c) The city engineering and infrastructure department shall be responsible for the coordination and enforcement of the provisions of this article, and shall have the authority to enforce this article in accordance with the enforcement provisions.

(d) The application of this article and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other local

requirements authorized by state statute. Where other requirements are more stringent those shall apply. This article does not eliminate the necessity for obtaining other permits as may be required by other governmental entities.

(e) This article shall apply to both public and privately owned or maintained drainage systems, and stormwater management facilities.

(f) *Map.* The provisions of this article shall apply within the areas designated on the map titled "Stormwater Map of Fayetteville, North Carolina", which is adopted simultaneously herewith. The Stormwater Map and all explanatory matter contained thereon accompanies and is hereby made a part of this article.

The Stormwater Map shall be kept on file by the city engineer and shall be updated to take into account changes in the land area covered by this article and the geographic location of all stormwater management facilities permitted under this article. In the event of a dispute, the applicability of this article to a particular area of land shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-23. - Powers of the department.

(a) The city engineering and infrastructure department shall have the power to administer and enforce all regulations and procedures adopted to implement this article, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or restrain any violation of this article, and to enforce the provisions of this article in accordance with its enforcement provisions.

(b) The city engineering and infrastructure department can:

- (1) Administer, coordinate, and oversee design, construction, and operation and maintenance of city stormwater facilities and conveyances;
- (2) Implement or oversee implementation of development standards and guidelines;
- (3) Determine the manner in which stormwater facilities should be operated;
- (4) Inspect private systems which discharge to a public drainage system;
- (5) Require compliance with maintenance requirements;
- (6) Advise the other city departments on issues related to stormwater;
- (7) Protect facilities and properties controlled by the city and prescribe how they are used by others; and
- (8) Require proposed developments, not exempt from this article, to comply with the terms of this article.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-24. - Exemptions from requirements.

The following development activities are exempt from the provisions of this article and the requirements

of providing stormwater management measures. Even if exempt from this article, the following as well as all development activity is not allowed to divert water to adjacent property to cause a nuisance and/or property damage and should comply with the intent of this article.

- (1) Construction or improvement of a single-family residence (single-family residence - separately built) or their accessory buildings that is separately built and not part of multiple construction or a subdivision development approved under this article and that cumulatively disturbs less than one acre. If included in a subdivision plan, all development activities must follow the stormwater management plan that has been approved for the subdivision.
- (2) New developments that do not include more than 20,000 square feet of impervious area in total and that cumulatively disturb less than one acre.
- (3) New construction to existing development that does not include more than 2,000 square feet of new impervious area and that cumulatively disturbs less than one acre. If the new construction to existing development exceeds 2,000 square feet of new impervious area but the total impervious area for the property does not exceed 5,000 square feet of impervious area and that cumulatively disturbs less than one acre, the development shall also be exempt.
- (4) Land disturbing activities for agricultural uses.
- (5) Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products where all of the following occur:
 - a. The growing of trees;
 - b. The harvesting of timber, leaves, or seeds;
 - c. The regeneration of either timely replanting of trees or natural generation;
 - d. The application of applicable "best management practices", including the N.C. Department of Environment and Natural Resources "Forest Practice Guidelines Related to Water Quality"—Title 15A North Carolina Administrative Code subchapter 11, sections 1.010—.0209 and all successor documents; and
 - e. A forest management plan is prepared or approved either by a professional forester registered in the State of North Carolina or by the Division of North Carolina Forest Resources. Copies of the forest management plan shall be provided to the city upon request.
- (6) Land disturbing activities for which a permit is required under the Mining Act of 1972; G.S. Ch. 74, Article 7.
- (7) Projects which commenced prior to the application of this article, such as:
 - a. Approved subdivisions and site plans. However, if the approved subdivision or site plan is modified or changed after the effective date of this article, the proposed development would have to comply with all requirements of this article in its entirety.
 - b. Projects which have an outstanding unexpired valid building permit in compliance with either G.S. 160A-422 or G.S. 153A-357 or have an outstanding unexpired valid soil erosion permit in compliance with G.S. 160A-458; provided that, upon application of any impervious surfaces, the exemption based on a valid soil erosion permit shall not apply.
 - c. Projects which have obtained a state permit, such as landfills and land application of

residuals.

d. Projects which have continuing vested rights in compliance with G.S. 160A-385.1 or G.S. 153A-344.1.

Phased developments do not constitute separate developments and the total area of all phases will be used to determine exemption requirements.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-25. - Scope of stormwater design plans.

(a) The following items relate to the general scope of plans required by this article:

(1) In developing plans for subdivisions, individual lots in a residential development shall not be considered to be separate development activities and shall not require individual permits. Instead the subdivision development, as a whole, shall be considered to be a single development activity. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.

(2) For developments that have different planned phases of development, if all phases are covered by the approved stormwater design plan, one permit will be given for the entire development so that new permits will not be needed for each phase of development.

(b) In subdivisions, lots should generally be graded in such a manner that surface runoff does not cross more than two lots before it is collected in a system of open channels, closed conduits, or a combination of both.

(c) For all development activities, concentrated stormwater runoff leaving a development site must be discharged directly into a well-defined, natural or manmade off-site receiving channel or pipe. If the receiving channel or pipe is found to be inadequate, the developer must incorporate measures to either improve the receiving channel or pipe to an adequate condition, or detain/retain runoff on the site to a level that can be accommodated by the receiving channel or pipe. Newly constructed channels or pipes shall be designed as adequate channels or pipes.

The development site should be designed to maximize the amount of rainfall that infiltrates into the soils and minimize the amount of direct flow into public drainage facilities, adjoining streets, waterbodies, watercourses, and wetlands, to the extent feasible.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-26. - Stormwater design plans and approval process.

(a) Unless granted an exemption from this article, a stormwater design plan (as part of the construction plans) for each development activity shall be submitted for review by the city engineer for the entire development activity, or any portion thereof. If granted an exemption from this article, those development activities are still required to submit a stormwater design plan for review by the city engineer to ensure that all other city minimum requirements have been satisfied.

(b) *Permit required.* A stormwater permit is required for all development and redevelopment unless exempt pursuant to this article. A permit may only be issued subsequent to a properly submitted and reviewed permit application, pursuant to the administrative manual.

(c) *Consultation meeting.* A land owner or developer may request a consultation meeting with the city

engineer to review and discuss the stormwater management system to be utilized in a proposed *development* project. The purpose of the meeting(s) is to discuss any questions for stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering commences.

(d) All stormwater design plans as required by this article shall be submitted to the city engineering and infrastructure department for review and approval. The applicant shall submit three copies of the final plans. Within 30 calendar days from and after receipt of the plans, the city engineer shall issue a decision approving, rejecting, or conditionally approving the plans with modifications. The review and approval time frames for all subsequent submittals on the same plans, if required, shall be 15 calendar days.

(e) All preliminary plats of the development shall be consistent with the stormwater design plan required in subsection (a) of this section.

(f) Should any stormwater design plan involve any stormwater management facilities or land to be dedicated to public use, the same information shall also be submitted for review and approval to the department having jurisdiction over the land or other appropriate departments or agencies identified by the city engineer for review and approval. This stormwater design plan shall serve as the basis for all subsequent construction.

(g) A stormwater design plan shall not be considered approved without the inclusion of an approval stamp with a signature and date on the plans. The stamp of approval on the plans is solely an acknowledgement of satisfactory compliance with the requirements of these regulations. The approval stamp does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness, or effectiveness of any provision, or omission from the stormwater design plan.

(h) Following approval of stormwater design plans, an owner shall have a vested right to develop the property in accordance with the conditions of approval for two years. Extensions or renewals of the plan approvals may be granted by the city engineer upon written request by the person responsible for the development activity.

(i) All requirements for sites located in water supply watersheds as set forth in the Code of Ordinances must be met. In addition, all state and/or federal requirements such as U.S. Army Corps of Engineers wetland permits must be met, if required.

(j) Administrative manual. For applications required under this article, the city engineering and infrastructure department shall compile the application requirements, submission schedule, fee schedule, a copy of this article, and information on how and where to obtain the latest version of the "Stormwater Best Management Practices Manual" as provided by the North Carolina Division of Water Quality in an Administrative Manual, which shall be made available to the public.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-27. - Plan requirements.

Stormwater design plans shall include as a minimum the following:

- (1) A vicinity map indicating a north arrow, scale, boundary lines of the site, and other information necessary to locate the development site.

- (2) The maximum scale shall be one inch equals 100 feet.
- (3) The existing and proposed topography of the development site except for individual lot grading plans in single-family subdivisions. Profiles of proposed streets in single-family subdivisions shall be provided showing existing and proposed grades.
- (4) Physical improvements on the site, including present development and proposed development.
- (5) Location, dimensions, elevations, and characteristics of all existing and proposed stormwater management facilities.
- (6) Stormwater design plans shall include designation of all easements needed for inspection and emergency maintenance of the stormwater management facilities along with those easements needed for the maintenance of the drainage system conveying public water. As a minimum, easements shall have the following characteristics:

- a. Provide adequate access to all stormwater management facilities for inspection and emergency maintenance. Provide a minimum 20-foot permanent maintenance access easement from a public or private right-of-way to all stormwater management facilities. Provide a minimum 10-foot permanent drainage easement around the perimeter of all stormwater management facilities. The perimeter shall be the edge of facilities such as sand filters or bioretention areas. For wet and dry extended detention basins and similar facilities, the perimeter shall be the top of bank where the stormwater is stored. Any fences constructed around such facilities shall be outside of the 10-foot permanent drainage easement.

- b. Provide adequate access to all parts of the public drainage system and structures.

- c. Provide a minimum 20-foot easement for closed pipe systems. The required easement width shall be computed as follows:

$$\text{Width} = 10 \text{ feet} + (\text{the diameter or total outside width for multiple pipes}) + (2 \text{ times the invert depth}).$$

The easement width should be rounded to the nearest five-foot increment.

Drainage easements associated with culverts should be centered over the culvert but may be offset as long as a minimum of ten feet is provided on both sides.

- d. Provide easements centered on watercourses with the minimum widths based on the following:

Easement Widths for Open Channels

<u>Drainage Area, acres</u>	<u>Easement Width, feet</u>
< 10 acres	10 feet on each side
10 to < 25 acres	20 feet on each side
25 to < 50 acres	30 feet on each side
50 to < 100 acres	40 feet on each side
> 100 acres	Greater of the floodway width or 50 feet

e. Restriction on easements shall include prohibiting all fences without gates and structures which would interfere with access to the easement areas and/or the maintenance function of the drainage system. If an obstruction (fence, wall, landscaping, etc.) is located in a drainage easement and inhibits access to the drainage system, the city shall remove the obstruction as necessary but will not be obligated to replace it.

(7) In subdivisions where a stormwater management facility serves more than one lot, the facility shall be located on a separate lot that is owned by the homeowner association. This lot shall have a minimum frontage of 20 feet.

(8) The stormwater design plan shall include all engineering calculations needed to design the system and associated structures including existing and developed velocities, peak rates of discharge, and hydrographs of stormwater runoff at all existing and proposed points of discharge from the site.

(9) Description of site conditions around points of all surface water discharge including vegetation and method of flow conveyance from the development activity.

(10) Construction and design details for structural controls.

(11) If there are FEMA-designated floodplains, they must be shown. All construction in the FEMA-designated floodplain must conform to chapter 12, Flood Damage Prevention, of this Code of Ordinances. A separate floodplain submittal may be required.

(12) A plan for maintenance of privately owned stormwater management facilities shall be included as part of the stormwater design plan which as a minimum shall specify the following:

- a. Types of maintenance activities which should be anticipated so that the proposed drainage system and stormwater management facilities will operate as designed.
- b. The frequency and amount of maintenance that should be anticipated.
- c. The equipment that will be required to perform the needed maintenance.
- d. Name, address, and telephone number of the party responsible for maintenance.

Section 23-39 outlines the requirements for the operation and maintenance agreement which must be executed on all privately owned stormwater management facilities. The city shall provide a standard agreement for this purpose.

(13) Any existing wetlands on the property shall be delineated on both the stormwater design plan as well as the final plat.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-28. - Plan hydrologic criteria.

(a) The hydrologic criteria to be used for the stormwater design plans shall be as follows:

<u>Description</u>	<u>Design Storm</u>
Permanent Storage Facilities	1 and 10
Roadway Inlets	5-year
Swales	10-year

Storm Drainage Systems	10-year
Open Channels	25-year
Culverts (Subdivision streets)	25-year
Culverts (Thoroughfare roads)	50-year
Emergency Spillways	100-year
Energy Dissipaters	Same as Outlet System

(b) All hydrologic analysis will be based on land use conditions as specified in section 23-29, below.

(c) For the design of storage facilities, a secondary outlet device or emergency spillway shall be provided to discharge the excess runoff in such a way that no danger of loss of life or facility failure is created.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-29. - Plan land use conditions criteria.

For all stormwater management facilities, a hydrologic-hydraulic study shall be done showing how the drainage system will function with the proposed facilities. For such studies the following land use conditions shall be used.

- (1) For the design of the facility outlet structure, use developed land use conditions for the area within the proposed development and existing land use conditions for upstream areas draining to the facility.
- (2) For any analysis of flood flows downstream from the proposed facility, use existing land use conditions for all downstream areas.
- (3) All stormwater management facilities, emergency spillways shall be checked using the 100-year storm and routing flows through the facility and emergency spillways. For this analysis, developed land use conditions representing ultimate build-out conditions shall be used for all areas draining to the facility.
- (4) The effects of existing upstream detention facilities can be considered in the hydrologic-hydraulic study only if such facilities have been constructed and maintained, as detention facilities, as required by this article.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-30. - Plan wetlands criteria.

Wetland areas shall not be disturbed until documentation is provided to the city engineer to show that the applicant has received approval from the U.S. Army Corps of Engineers regarding appropriate permits and approval of development activities. Stormwater design plans shall not be approved until this documentation has been provided to the city engineer. The city does have the option of providing conditional approval of the stormwater design plans that stipulate the documentation shall be provided prior to any disturbance of wetland areas.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-31. - Minimum stormwater quantity control requirements.

- (a) Install stormwater management facilities to limit the one-year and ten-year developed peak discharge rates to predeveloped peak discharge rates or to the amount that can be accommodated by the receiving downstream drainage system, whichever is more restrictive.
- (b) Watersheds that have well documented water quantity problems may have more stringent, or modified, design criteria [such as controlling the 25-year developed peak discharge rate to the predeveloped peak discharge rate] determined by the city engineer that is responsive to the specific needs of that watershed.
- (c) Stormwater management facilities may include both structural and nonstructural elements. Natural swales and other natural runoff conduits shall be retained where practicable.
- (d) Stormwater design plans can be rejected by the city engineer if they incorporate structures and facilities that are not easily maintained.
- (e) The drainage system and all stormwater management structures within the city (including both public and private portions) will be designed to the same engineering and technical criteria and standards. The design and construction must be sealed by a registered professional (as outlined in section 23-35) as meeting or exceeding public drainage system standards. The city engineering and infrastructure department's review will be the same whether the portion of the drainage system will be under public or private control or ownership.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-32. - Minimum stormwater quality control requirements.

- (a) *General standards.* All development and redevelopment to which this article applies shall comply with the standards of this section.
- (b) *Development standards for low-density projects.* Low-density projects shall comply with each of the following standards:
 - (1) No more than two dwelling units per acre or 24 percent built-upon area.
 - (2) Stormwater runoff from the development shall be transported from the development by vegetated conveyances to the maximum extent practicable.
 - (3) Built-upon area shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters draining less than or equal to 640 acres. Built-upon area shall be at a minimum of 75 feet landward of all perennial and intermittent surface waters draining greater than 640 acres. This distance shall be measured from the top of bank on both sides of the perennial and intermittent surface waters. For all perennial and intermittent surface waters, constructed BMPs shall be located at a minimum of 30 feet landward. A perennial or intermittent surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using division of water quality approved methodology.

(4) The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

(5) A project with an overall density at or below the low-density thresholds, but containing areas with a density greater than the overall project density, may be considered low density as long as the project meets or exceeds the post construction model practices for low-density projects and locates the higher density in upland areas and away from surface waters and drainageways to the maximum extent practicable.

(c) *Development standards for high-density projects.* A project not consistent with the requirements for a low-density project may be permitted as a high-density project and shall implement stormwater control measures that comply with each of the following standards:

(1) The measures shall control and treat runoff from the first inch of rain. Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.

(2) High-density projects must discharge the storage volume at a rate equal to or less than the predevelopment discharge rate for the one year, 24-hour storm.

(3) All structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85 percent average annual removal for Total Suspended Solids (TSS).

(4) For BMPs that require a separation from the seasonal high water table, the separation shall be provided by at least 12 inches of naturally occurring soil above the seasonal high water table.

(5) General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c).

(6) Built-upon area shall be at a minimum of 50 feet landward of all perennial and intermittent surface waters draining less than or equal to 640 acres. Built-upon area shall be at a minimum of 75 feet landward of all perennial and intermittent surface waters draining greater than 640 acres. This distance shall be measured from the top of bank on both sides of the perennial and intermittent surface waters. For all perennial and intermittent surface waters, constructed BMPs shall be located at a minimum of 30 feet landward. A perennial or intermittent surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using division of water quality approved methodology.

(7) The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

(d) *Standards for stormwater control measures.*

(1) *Evaluation according to contents of Stormwater Best Management Practices Manual.* All

stormwater control measures and stormwater treatment practices required under this article shall be evaluated by the city engineer according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the latest version of the "Stormwater Best Management Practices Manual" as provided by the North Carolina Division of Water Quality. The city engineer shall determine whether proposed BMPs will be adequate to meet the requirements of this article.

(2) *Determination of adequacy; presumptions and alternatives.* Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the latest version of the "Stormwater Best Management Practices Manual" as provided by the North Carolina Division of Water Quality will be presumed to meet the minimum water quality and quantity performance standards of this article. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the latest version of the "Stormwater Best Management Practices Manual" as provided by the North Carolina Division of Water Quality, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this article. The city engineer may require the applicant to provide the documentation, calculations, and examples necessary for the city engineer to determine whether such an affirmative showing is made.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-33. - Approval and permit requirements.

(a) No final site plan or subdivision plan approval shall be issued or modified without the following items:

- (1) An approved stormwater design plan;
- (2) An executed operation and maintenance agreement, if required, in accordance with section 23-39;
- (3) The posting of an installation performance guarantee, if required, in accordance with section 23-41;
- (4) An approved erosion control plan, if applicable;
- (5) Right of entry given to the city for city personnel to enter property for emergency maintenance if necessary; and
- (6) Any off-site easements needed.

(b) No final certificate of occupancy permit shall be issued pursuant to chapter 7 of this Code of Ordinances or final plat approved without the following:

- (1) All final inspection requirements as per section 23-37 are met;
- (2) The posting of an installation performance guarantee, if required, in accordance with section 23-41;
- (3) Receipt of record drawings as outlined in section 23-37; and
- (4) A recorded operation and maintenance agreement, if required, in accordance with section 23-39

(c) All land clearing, construction, development and drainage shall be done in accordance with the approved stormwater design plan or previously approved revisions.

(d) Submittal and/or approval of stormwater design plans does not preclude the applicant from obtaining all other necessary permits and compliance with appropriate regulations including, but not limited to, the following:

- (1) Water supply watershed regulations, chapter 29 of this Code of Ordinances;
- (2) Federal wetland permits;
- (3) Water quality certifications; and
- (4) Sediment and erosion control requirements.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-34. - Building permit or street plan approval suspension and revocation.

(a) The following conditions shall represent grounds for suspension and/or revocation for building permit(s) and/or street plan approval(s):

- (1) Any violation(s) of the conditions of the stormwater design plan approval;
- (2) Construction not in accordance with the approved plans;
- (3) Approval of a stormwater design plan has not been obtained;
- (4) Noncompliance with correction notice(s); or
- (5) The existence of an immediate danger in a downstream area.

(b) If one or more of these conditions are found, a written notice of violation shall be served upon the owner or authorized representative and the time in which to correct the deficiencies shall be specified. The notice shall set forth the measures necessary to achieve compliance with the plan. Correction of these violations must be started immediately or the owner shall be deemed in violation of this article.

(c) If appropriate remedial actions as outlined in the written notice are not completed within the specified time period, a building permit or street plan approval will be suspended or revoked within seven days. The suspension or revocation will then be in force until the development is in compliance with this article.

(d) If a violation of this article is occurring that will cause significant damage to downstream property or structures, the city engineer can issue an immediate suspension or revocation.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-35. - Professional registration requirements.

(a) Stormwater design plans and design reports that are incidental to the overall or ongoing site design shall be prepared, and stamped/sealed by a qualified registered professional engineer, land surveyor or landscape architect, using acceptable engineering standards and practices. All other stormwater design plans and design reports shall be prepared, and stamped/sealed by a qualified registered professional engineer, using acceptable engineering standards and practices.

(b) The engineer, surveyor, or landscape architect shall perform services only in areas of his/her competence, and shall undertake to perform engineering or land surveying assignments only when qualified by education and/or experience in the specific technical field. In addition, the engineer, surveyor, or landscape architect must verify that the plans have been designed in accordance with this article and the standards and criteria stated or referred to in this article.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-36. - Fees.

The initial fees associated with the operation of this article shall be set annually by city council as part of the annual budget ordinance, or by an amendment thereto. If no amendment to the prior year's fees is proposed or adopted by city council as part of the budget ordinance, then the prior year's fees shall continue in full force and effect. A list of the fees proposed at the enactment of this article for plan review and other fees associated with this article may be obtained from the city engineering and infrastructure department.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-37. - Construction and inspection.

(a) The owner or his representative shall notify the city engineer before commencing any work to implement the stormwater design plan, at key milestones noted during plan approval, and upon completion of the work.

(b) Any portion of the construction which does not comply with the stormwater design plan shall be promptly corrected by the permittee.

(c) The city engineer will notify the person responsible for the development activity in writing when violations are observed describing the following:

- (1) Nature of the violation;
- (2) Required corrective actions; and
- (3) The time period for violation correction.

(d) A final inspection shall be conducted by the city engineer upon completion of the work included in the approved stormwater design plan to determine if the completed work is constructed in accordance with the plan.

(e) The permittee shall provide record drawings signed and sealed by a registered professional (as outlined in section 23-35) to be submitted upon completion of the stormwater management facilities included in the stormwater design plan. The record drawings shall be referenced to North Carolina State Plane Coordinates and shall be provided in hard copy form as well as a digital file which is compatible with the city's software. The registered professional shall state on the record drawings that:

- (1) The facilities have been constructed as shown on the record drawings; and
- (2) The facilities meet the approved stormwater design plan and specifications.

(f) As a minimum, the record drawings shall contain the following:

- (1) Mark through and redraw drainage structures when the as-built location deviates more than

ten feet horizontally from the location indicated on the plans.

- (2) Show all drainage structures, pipe inverts, and rim elevations.
- (3) Show distances between drainage structures on the plan view as well as the profile.
- (4) Show the final design specifications for all stormwater management facilities and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-38. - Ownership and maintenance of stormwater management facilities.

(a) All stormwater management facilities shall be privately owned and maintained unless the city accepts the facility for city ownership and maintenance. The owner thereof shall grant to the city a right of entry which allows for inspection and emergency repair, in accordance with the terms of the operation and maintenance agreement set forth in section 23-39, hereof.

(b) Single-family residential stormwater management facilities accepted for maintenance. The city shall accept functional maintenance responsibility of structural stormwater management facilities that are installed pursuant to this article following a warranty period of one year from the date of record-drawing certification described in section 23-37, or from the date the facility ceases to function as an erosion control measure and starts to function as a stormwater management facility, whichever is later, provided the stormwater management facility:

- (1) Only serves a single-family detached residential development or townhomes all of which have public street frontage;
- (2) Is satisfactorily maintained during the one-year warranty period by the owner or designee;
- (3) Meets all the requirements of this article;
- (4) Includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection, maintenance, repair, or reconstruction; and
- (5) Prior to the release of the installation performance guarantee as outlined in section 23-41 (b), the developer shall pay into a maintenance fund used to maintain such facilities in the future an amount equal to 20 percent of the initial construction cost of the stormwater management facilities related to detention ponds or other BMPs constructed to meet the requirements of this article.

The city engineer must receive an application for transfer of maintenance responsibilities for the structural stormwater management facility along with the stormwater design plan submittal.

(c) The person responsible for maintenance of any stormwater management facility installed pursuant to this article and not covered under subsection (b) above, shall submit to the city engineer an inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following:

- (1) The name and address of the landowner;

- (2) The recorded book and page number of the lot of each stormwater management facility;
- (3) A statement that an inspection was made of all stormwater management facilities;
- (4) The date the inspection was made; and
- (5) A statement that all inspected stormwater management facilities are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this article.

All inspection reports shall be on forms supplied by the city engineer. An original inspection report shall be provided to the city engineer beginning one year from the date of record-drawing certification and each year thereafter on or before the date of the record-drawing certification.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-39. - Operation and maintenance agreement.

(a) *In general.* At the time record drawings are provided to the city engineer as described in section 23-37 and prior to final approval of a project for compliance with this article, but in all cases prior to placing the stormwater management facilities into service, the applicant or owner of the site must execute an operation and maintenance agreement that shall be binding on all current and subsequent owners of the site, portions of the site, and lots or parcels served by the stormwater management facility. Failure to execute an operation and maintenance agreement within the timeframe specified by the city engineer may result in assessment of penalties as specified in section 23-46. For single-family residential subdivisions, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement for a period of one year from the date of record-drawing certification described in section 23-37, or for a period of one year from the date the facility ceases to function as an erosion control measure and starts to function as a stormwater management facility, whichever is later. At the end of the one-year timeframe, the stormwater management facility shall be inspected as outlined in section 23-41 in order to release the performance guarantee. Once the stormwater management facility has passed inspection, primary responsibility for carrying out the provisions of the maintenance agreement shall be transferred to a homeowners' association, property owners' association, or similar entity. In cases where the city is accepting functional maintenance responsibility, such responsibility shall be transferred to the city once the stormwater management facility has passed inspection. A homeowners' association, property owners' association, or similar entity shall still be responsible for routine maintenance such as mowing the grass and picking up litter.

(1) The operation and maintenance agreement shall require the owner or owners to maintain, repair, and, if necessary, reconstruct the stormwater management facility, and shall state the terms, conditions, and schedule of maintenance for the stormwater management facility. In addition, it shall grant to the city a right of entry in the event that the city engineer has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the stormwater management facility; however, in no case shall the right of entry, of itself, confer an obligation on the city to assume responsibility for the stormwater management facility.

(2) The operation and maintenance agreement must be approved by the city engineer prior to final approval, and it shall be referenced on the final plat and shall be recorded with the Cumberland County Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the city engineer within 14 days following its recordation.

(b) *Special requirement for homeowners' and other associations.* For all stormwater management facilities required pursuant to this article and that are to be or are owned and maintained by a

homeowners' association, property owners' association, or similar entity in a single-family residential subdivision, the required operation and maintenance agreement shall include all of the following provisions:

- (1) Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.
- (2) Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the stormwater management facilities. If stormwater management facilities are not performing adequately or as intended or are not properly maintained, the city, in its sole discretion, may remedy the situation, and in such instances the city shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the stormwater management facilities.
- (3) Both developer and homeowners' association contributions shall fund the escrow account. Prior to the release of the installation performance guarantee as outlined in Section 23-41 (b), the developer shall pay into the escrow account an amount equal to 15 percent of the initial construction cost of the stormwater management facilities. Two-thirds (2/3) of the total initial construction cost shall be deposited into the escrow account within the first five years and the full amount shall be deposited within ten years following initial construction of the stormwater management facilities. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the association shall include an allocation into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the escrow account budget.
- (4) The percent of developer contribution and lengths of time to fund the escrow account may be varied by the city depending on the design and materials of the stormwater control and management facility.
- (5) Granting to the city a right of entry to inspect, monitor, maintain, repair, and reconstruct stormwater management facilities.
- (6) Allowing the city to recover from the association and its members any and all costs the city expends to maintain or repair the stormwater management facilities or to correct any operational deficiencies. Failure to pay the city all of its expended costs, after 45 days' written notice, shall constitute a breach of the agreement. In case of a deficiency, the city shall thereafter be entitled to bring an action against the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both, in case of a deficiency. Interest, collection costs, and attorney fees shall be added to the recovery.
- (7) A statement that this agreement shall not obligate the city to maintain or repair any stormwater management facilities, and the city shall not be liable to any person for the condition or operation of stormwater management facilities.
- (8) A statement that this agreement shall not in any way diminish, limit, or restrict the right of the city to enforce any of its ordinances as authorized by law.
- (9) A provision indemnifying and holding harmless the city for any costs and injuries arising from or related to the stormwater management facility, unless the city has agreed in writing to assume the maintenance responsibility for the stormwater management facility and has accepted dedication of any and all rights necessary to carry out that maintenance.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-40. - Inspection program.

(a) Inspections and inspection programs by the city may be conducted or established on any reasonable basis, including, but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities.

(b) If the owner or occupant of any property refuses to permit such inspection, the city engineer shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2, or its successor. No person shall obstruct, hamper or interfere with the city engineer while carrying out his or her official duties.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-41. - Performance guarantee for installation.

(a) *Commercial developments.*

(1) *Shall be required.* The city shall require the submittal of a performance guarantee or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit in order to ensure that the stormwater management facilities are installed by the permit holder as required by the approved stormwater design plan.

(2) *Amount.* The amount of an installation performance guarantee shall be equal to at least 75 percent of the total estimated construction cost of the stormwater management facilities approved under the permit. The installation performance guarantee shall remain in place until at least one year after final approval.

(3) *Use of performance guarantee.*

a. *Forfeiture provisions.* The performance guarantee shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or owner in accordance with this article, approvals issued pursuant to this article, or an operation and maintenance agreement established pursuant to this article.

b. *Default.* Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any stormwater management facility in accordance with the applicable permit or operation and maintenance agreement, the city engineer shall obtain and use all or any portion of the guarantee to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement.

c. *Costs in excess of performance guarantee.* If the city takes action upon such failure by the applicant or owner, the city may collect from the applicant or owner the difference between the amount of the reasonable cost of such action and the amount of the guarantee held, in addition to any other penalties or damages due.

d. *Refund.* No sooner than one year after final approval, the applicant may petition the city

to release the value of the performance guarantee. Upon receipt of such petition, the city engineer shall inspect the stormwater management facility to determine whether the controls are performing as designed and intended. The city engineer shall present the petition, inspection report, and recommendations to the director of the city engineering and infrastructure department.

1. If the director of the city engineering and infrastructure department approves the report and accepts the petition, the city may release the installation performance guarantee upon execution by the applicant of an indemnification agreement in favor of the city which shall be a covenant upon the property and run with the land.

2. If the director of the city engineering and infrastructure department does not accept the report and rejects the petition, the director of the city engineering and infrastructure department shall provide the applicant with instruction to correct any deficiencies and all steps necessary for the release of the installation performance guarantee.

(b) *Single-family residential subdivisions.*

(1) *Shall be required.* The city shall require the submittal of a performance guarantee or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to approval of a final plat in order to ensure that the stormwater management facilities are installed by the permit holder as required by the approved stormwater design plan.

(2) *Amount.* The amount of an installation performance guarantee shall be equal to at least 100 percent of the total estimated construction cost of converting the erosion control measure to the stormwater management facilities approved under the permit. The installation performance guarantee shall remain in place until at least one year after the facility starts to function as a stormwater management facility.

(3) *Use of performance guarantee.*

a. *Forfeiture provisions.* The performance guarantee shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or owner in accordance with this article, approvals issued pursuant to this article, or an operation and maintenance agreement established pursuant to this article.

b. *Default.* Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any stormwater management facility in accordance with the applicable permit or operation and maintenance agreement, the city engineer shall obtain and use all or any portion of the guarantee to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement.

c. *Costs in excess of performance guarantee.* If the city takes action upon such failure by the applicant or owner, the city may collect from the applicant or owner the difference between the amount of the reasonable cost of such action and the amount of the guarantee held, in addition to any other penalties or damages due.

d. *Refund.* No sooner than one year after final approval as outlined in section 23-39, the applicant may petition the city to release the value of the performance guarantee. Upon receipt of such petition, the city engineer shall inspect the stormwater management facility to determine whether the controls are performing as designed and intended. The city engineer

shall present the petition, inspection report, and recommendations to the director of the city engineering and infrastructure department.

1. If the director of the city engineering and infrastructure department approves the report and accepts the petition, the city may release the installation performance guarantee upon execution by the applicant of an indemnification agreement in favor of the city which shall be a covenant upon the property and run with the land.
2. If the director of the city engineering and infrastructure department does not accept the report and rejects the petition, the director of the city engineering and infrastructure department shall provide the applicant with instruction to correct any deficiencies and all steps necessary for the release of the installation performance guarantee.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-42. - Notice to owners; deed recordation and indications on plat.

The applicable operations and maintenance agreement pertaining to every stormwater management facility shall be referenced on the final plat and shall be recorded with the Cumberland County Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the Cumberland County Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles. For condominiums, the operations and maintenance agreement shall be recorded with the association documents.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-43. - Records of installation and maintenance activities.

The owner of each stormwater management facility shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record of inspection and shall submit the same upon reasonable request to the city engineer.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-44. - Variances from requirements.

(a) The city council may grant a variance from the requirements of this article if:

- (1) There are exceptional circumstances applicable to the site such that strict adherence to the provisions of this article will result in unnecessary hardship and not fulfill the intent of this article;
- (2) The variance is in harmony with the general purpose and intent of this article; and
- (3) In granting this variance, water quality has been protected, public safety and welfare has been assured, and substantial justice has been done.

(b) A written request for a variance shall be submitted to the city clerk and shall state the specific variance sought and the reasons, with supporting data, for their granting. The request shall include descriptions, drawings, calculations and any other information that is necessary to evaluate the proposed variance.

(c) The city engineer will conduct a review of the request for a variance and submit a report to the city council.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-45. - Appeals.

The disapproval or required modification of any proposed stormwater design plan, or the determination by the city of noncompliance, or failure to maintain shall entitle the aggrieved person to appeal this decision or lack of action to the city council. Such appeal must be made in writing to the city clerk and the city manager within 15 days of written notice of disapproval or modification of a stormwater design plan, or determination of either noncompliance or failure to maintain or within 30 days of the receipt of a notice of assessment of a civil penalty, made or rendered by the city engineer in the enforcement of this article.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-46. - Enforcement.

(a) *General.*

(1) *Authority to enforce.* The provisions of this article shall be enforced by the city engineer, his or her designee, or any authorized agent of the city. Whenever this section refers to the city engineer, it includes his or her designee as well as any authorized agent of the city.

(2) *Violation unlawful.* Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this article, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to this article, is unlawful and shall constitute a violation of this article.

(3) *Each day a separate offense.* Each day that a violation continues shall constitute a separate and distinct violation or offense.

(4) *Responsible persons/entities.* Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, practice, or condition in violation of this article shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein, may include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this article, or fails to take appropriate action, so that a violation of this article results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs. For the purposes of this section, responsible person(s) shall include, but not be limited to:

a. *Person maintaining condition resulting in or constituting violation.* An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this article, or fails to take appropriate action, so that a violation of this article results or persists.

b. *Responsibility for land or use of land.* The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, development or redevelopment of the property.

(b) *Remedies and penalties.* The remedies and penalties provided for violations of this article,

whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

(1) *Remedies.*

a. *Withholding of certificate of occupancy.* The city engineer or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein. This remedy shall not apply to buildings in a single-family residential subdivision.

b. *Disapproval of subsequent permits and development approvals.* As long as a violation of this article continues and remains uncorrected, the city engineer or other authorized agent may withhold, and the city council may disapprove, any request for permit or development approval or authorization provided for by this article or the zoning, subdivision, and/or building regulations, as appropriate, for the land on which the violation occurs.

c. *Injunction, abatements, etc.* The city engineer, with the written authorization of the city manager, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this article. Any person violating this article shall be subject to the full range of equitable remedies provided in the general statutes or at common law.

d. *Correction as public health nuisance, costs as lien, etc.* If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by G.S. 160A-193, the city engineer, with the written authorization of the city manager, may cause the violation to be corrected and the costs to be assessed as a lien against the property.

(2) *Civil penalties.*

a. *Violations of article.* A violation of any of the provisions of this article or rules or other orders adopted or issued pursuant to this article may subject the violator to a civil penalty. A civil penalty may be assessed from the date the violation occurs. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Refusal to accept the notice or failure to notify the city engineer of a change of address shall not relieve the violator's obligation to comply with this article or to pay such a penalty.

b. *Amount of penalty.* The civil penalty for each violation of this article may be up to the maximum allowed by law. Each day of continuing violation shall constitute a separate violation. In determining the amount of the civil penalty, the city engineer shall consider any relevant mitigating and aggravating factors including, but not limited to, the effect, if any, of the violation; the degree and extent of harm caused by the violation; the cost of rectifying the damage; whether the violator saved money through noncompliance; whether the violator took reasonable measures to comply with this article; whether the violation was committed willfully; whether the violator reported the violation to the city engineer; and the prior record of the violator in complying or failing to comply with this article or any other post construction article or law. The city engineer is authorized to vary the amount of the per diem penalty based on criteria specified in the administrative manual and based on relevant mitigating factors. Civil penalties collected pursuant to this article shall be credited to the city's general fund as nontax revenue.

c. *Notice of assessment of civil penalty.* The city engineer shall determine the amount of the civil penalty and shall notify the violator of the amount of the penalty and the reason for assessing the penalty. This notice of assessment of civil penalty shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to either pay the assessment or file an appeal within 30 days of receipt of the notice as specified in subsection (2)e., below.

d. *Failure to pay civil penalty assessment.* If a violator does not pay a civil penalty assessed by the city engineer within 30 days after it is due, or does not request a hearing as provided in subsection (2)e., below, the city engineer shall request the initiation of a civil action to recover the amount of the assessment. The civil action shall be brought in Cumberland County Superior Court or in any other court of competent jurisdiction. A civil action must be filed within three years of the date the assessment was due. An assessment that is appealed is due at the conclusion of the administrative and judicial review of the assessment.

e. *Appeal of remedy or penalty.* The issuance of a notice of assessment of a civil penalty by the city engineer shall entitle the responsible party or entity to an appeal before the city council if such person submits written demand for an appeal hearing to the city clerk within 30 days of the receipt of a notice of assessment of a civil penalty. The demand for an appeal shall be accompanied by a filing fee as established by city council. The appeal of a notice of assessment of a civil penalty shall be conducted as described in section 23-45 of this article.

(3) *Criminal penalties.* A violation of this article may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.

(c) *Procedures.*

(1) *Authority to inspect.* The city engineer shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this article, or rules or orders adopted or issued pursuant to this article, and to determine whether the activity is being conducted in accordance with this article and the approved stormwater design plan, and whether the measures required in the plan are effective. No person shall willfully resist, delay, or obstruct the city engineer while the city engineer is inspecting or attempting to inspect an activity under this article.

(2) *Notice of violation and order to correct.* When the city engineer finds that any building, structure, or land is in violation of this article, the city engineer shall notify in writing the responsible person/entity. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation occurred or is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. The notice shall, if required, specify a date by which the responsible person/entity must comply with this article, and advise that the responsible person/entity is subject to remedies and/or penalties or that failure to correct the violation within the time specified will subject the responsible person/entity to remedies and/or penalties as described in this section of this article. In determining the measures required and the time for achieving compliance, the city engineer shall take into consideration the technology and quantity of work required, and shall set reasonable and attainable time limits. The city engineer may deliver the notice of violation and correction order personally, by the Fayetteville Police, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

If a violation is not corrected within a reasonable period of time, as provided in the

notification, the city engineer may take appropriate action under this article to correct and abate the violation and to ensure compliance with this article.

(3) *Extension of time.* A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the city engineer a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the city engineer may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 60 days. The city engineer may grant 30-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this article. The city engineer may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.

(4) *Enforcement after time to correct.* After the time has expired to correct a violation, including any extension(s) if authorized by the city engineer, the city engineer shall determine if the violation is corrected. If the violation is not corrected, the city engineer may act to impose one or more of the remedies and penalties authorized by this article.

(5) *Emergency enforcement.* If delay in correcting a violation would seriously threaten the effective enforcement of this article or pose an immediate danger to the public health, safety, or welfare, then the city engineer may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The city engineer may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-47. - Relationship to other laws, regulations, and private agreements.

(a) *Conflict of laws.* This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other article, rule, regulation or other provision of law. Where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

(b) *Private agreements.* This article is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this article are more restrictive or impose higher standards or requirements than such an easement, covenant, or other private agreement, the requirements of this article shall govern. Nothing in this article shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this article. In no case shall the city be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-48. - Severability.

If any term, requirement, or provision of this article or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this article or the application of such terms, requirements and provisions to persons or circumstances other than those to

which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this article shall be valid and be enforced to the fullest extent permitted by law.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-49. - Effective date.

This article shall become effective on January 1, 2009.

(Ord. No. S2008-020, § 1, 10-27-2008)

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

ADOPTED this _____ day of _____, 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager, Planning and Zoning
DATE: March 25, 2013
RE: **Reauthorization of the Downtown Municipal Services District to July 1, 2018.**

THE QUESTION:

To consider a five year renewal of the downtown Municipal Services District, a special taxing district that expires June 30, 2013.

RELATIONSHIP TO STRATEGIC PLAN:

Vision: A vibrant downtown

Goal: Revitalized Downtown - A Community Focal Point

BACKGROUND:

On June 26, 1978, the Fayetteville City Council created a Municipal Service District (MSD) for the downtown area pursuant to Article 23, chapter 160A-536 of the North Carolina General Statutes (attached). The purpose of the Downtown Municipal Service District is to finance and support downtown services and activities that are in addition to or to a greater extent than those activities financed, provided, or maintained for the entire City.

This reauthorization of the district is the first of a two-part process associated with the provision of special services or activities within the MSD. The first part, district reauthorization, involves a public notice and notification to every property owner within the proposed district, a public hearing by City Council, and a resolution approving the reauthorization. The second part, setting the tax rate, occurs annually during the City's budget process. Each year the City establishes the tax rate for the district and identifies the proposed expenditures. For several years the tax rate has remained 10 cents per \$100. The revenues have helped support the downtown parking program and such special projects as bicycle racks, wayfinding, upgraded brick paving and related streetscape projects.

The North Carolina General Statute does not set a time limit on how long a municipal service district may exist. The Fayetteville City Council chose to limit the authorization for the Downtown MSD to five years. Since 1983 the City Council has reauthorized the district every five years. The current authorization of the District expires June 30, 2013.

The current MSD boundaries are generally Cool Spring Street (western side), Bragg Boulevard (both sides), Russell Street (both sides) and Grove/Rowan Street (from the eastern end, both sides up to the bridge and ramps, then the southern side to Bragg Boulevard). With very minor changes, the boundaries have been the same since the initial creation of the District.

ISSUES:

Staff is not proposing any change to the existing boundaries. If the boundaries are modified after the process begins, a new public hearing would be required and additional notices mailed.

If recommendations in the update to the Renaissance Plan or significant new projects warrant adjustment to the boundaries, the notifications and hearing process to make the boundary changes could begin at any time.

If the City Council chooses not to reauthorize the district before it acts on the FY14 budget, the tax rate cannot be levied. The revenues currently supporting special downtown services and projects would not be available.

BUDGET IMPACT:

Denial of a reauthorization of the Municipal Services District would eliminate a special revenue source (now roughly \$130,000 annually) supporting downtown projects and services. For the parking garage alone, over \$25,000 would have to be provided from the General Fund or another source. Other projects or services supported by this revenue during FY13 included signage, promotional materials, security cameras, and holiday decorations including replacement of flags.

OPTIONS:

1. Approve the resolution reauthorizing the district with its current boundaries.
2. Do not approve the reauthorization of the district.
3. Table action and advise staff regarding changes.

RECOMMENDED ACTION:

The Development Services Staff recommend that City Council move to APPROVE the resolution authorizing extension of the Downtown Municipal Services District with its current boundaries through June 30, 2018.

ATTACHMENTS:

Resolution authorizing 5-year extension
Special District boundaries in Downtown
Statement of Standards
GS Art 23 Chpt 160A-536
Powerpoint - MSD Reauthorization

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
CREATING A MUNICIPAL SERVICES DISTRICT PURSUANT TO CHAPTER 160A,
ARTICLE 23, OF THE NORTH CAROLINA GERNERAL STATUES

THAT WHEREAS on the 26th day of June, 1978, the Fayetteville City Council created a Municipal Services District pursuant to Article 23, Chapter 160A, of the North Carolina General Statutes, and that part of the report required by N.C.G.S. § 160A-537 (b) stated that the levy would be for a period of five (5) years, at which time a public hearing would be held to evaluate the program and determine the feasibility of continuing the district, said District subsequently being reauthorized continuously through resolution, the last being approved on the 9th day of June, 2008 for a five year period;

AND THAT WHEREAS the Fayetteville City Council at its regular meeting of March 25, 2013 held a public hearing to consider the reauthorization of the Municipal Services District, which was duly advertised on April 6, 2008, and timely notice was deposited in the mail to all property owners as required by NCGS § 160A-537 (c);

AND THAT WHEREAS at a public hearing on March 25, 2013, the Fayetteville City Council has found that the Municipal Services District as described herein is in need of one or more of the services, facilities, or functions listed in N.C.G.S. § 160A-536 to a demonstrably greater extent than the remainder of the City;

THEREFORE BE IT RESOLVED that a Municipal Service District pursuant to Chapter 160A, Article 23, of the North Carolina General Statutes is hereby created and a description of the district is as follows:

Those properties approximately abutting or bounded by Rowan Street on the North, Russell Street on the South, Cool Spring Street on the East and Bragg Boulevard and Robeson Street on the West, including all lots which abut or adjoin the southern margin of Russell Street, the western margin of Cool Spring Street, the northern margin of Bragg Boulevard and Robeson Street, and more accurately described in Exhibit A hereto and incorporated by reference.

THAT this Municipal Service District shall be reauthorized for the coming five-year period, from July 1, 2013 through June 30, 2018, and within five (5) years, before its expiration, it shall be reconsidered at a public hearing advertised in accordance with N.C.G.S. § 160(A)-537 (c).

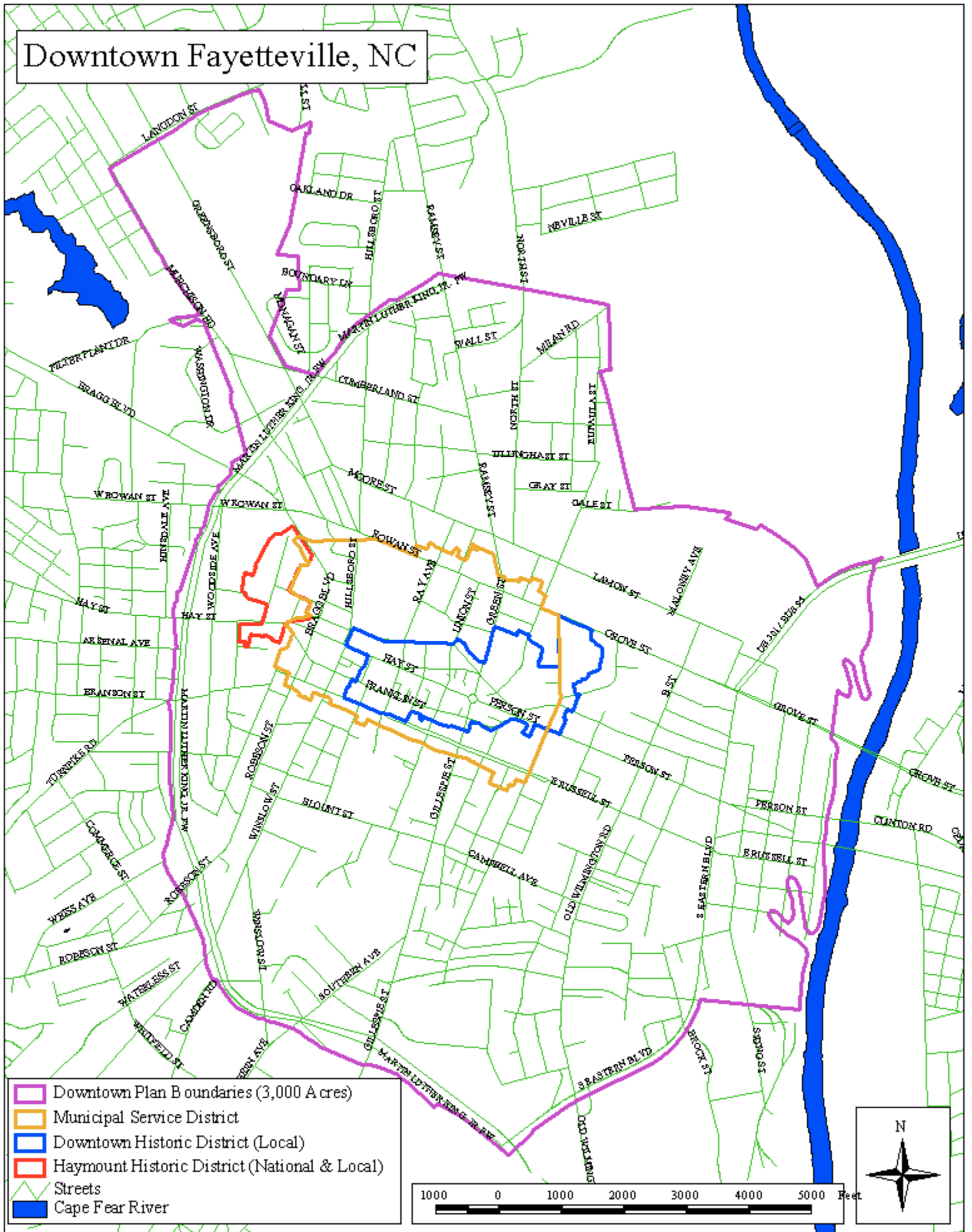
Adopted this the ____ day of _____, 2013.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

Pamela Megill, City Clerk

Downtown Fayetteville, NC



PLAN FOR PROVIDING SERVICES IN THE DISTRICT (NCGS 160A – 537 (B) (C))

In order to support the resurgence of the downtown area economic revitalization and redevelopment, the City of Fayetteville is proposing to reauthorize the current downtown municipal service district as shown on the map accompanying this report.

Consideration of levying a special tax on properties located within the district will be determined by City Council during their annual budget deliberation in June, 2013. Any revenues produced from this tax would be used to provide funds for downtown revitalization projects and other services, facilities or functions as deemed necessary and eligible pursuant to NCGS 160A – 536. Additionally, this will include projects that generally further the public health, safety, welfare and convenience by promoting the economic health of the downtown area.

A Vibrant Revitalized Downtown – a community focal point – remains a central vision and one of the City’s six goals over the coming years. Achieving that goal involves improved access and parking, safe and well-maintained park/green space and community activity areas, a growing residential base along with more quality hotel, retail and restaurant businesses, and connections to downtown assets and distinctive adjacent areas such as the river and Fayetteville State University.

STATEMENT OF STANDARDS (NCGS 160A –537 (B) (2))

In years past the downtown area was the center of commerce in this City and represented a major portion of the tax base for the City of Fayetteville. However, as suburban shopping centers began emerging over two decades ago, the downtown area entered a prolonged period of deterioration as property values declined and businesses moved out of downtown in spite of numerous efforts to revitalize it. In the mid 1990’s the City of Fayetteville and the County of Cumberland commissioned a comprehensive effort to develop a vision plan for revitalizing the downtown area; this plan created excitement, hope and renewed public and private investment in the downtown area. The initial success in implementation of the downtown area plan was supported in part by the targeted tax revenues generated by the Downtown Municipal Services District.

Sustaining that momentum remains a challenge and requires providing an extra level of services and capital investment to help the Downtown retain its distinctive character and continue its successes toward reestablishing a strong core area economy. The update to the Renaissance Plan will provide guidance in the public and private investment to sustain that momentum.

It is considered to be in the best interest of the City of Fayetteville to continue to support this effort toward a more stable, robust downtown. Certain services, facilities and functions are needed in this area to a greater extent than the entire City in order to accomplish this goal. To that end, reauthorizing the current downtown municipal service district is proposed to provide, finance, and maintain those services, facilities and functions.

NORTH CAROLINA GENERAL STATUTES

Article 23. Chapter 160A-536
Municipal Service Districts.

§ 160A-535. Title; effective date.

This Article may be cited as "The Municipal Service District Act of 1973," and is enacted pursuant to Article V, Sec. 2(4) of the Constitution of North Carolina, effective July 1, 1973. (1973, c. 655, s. 1.)

§ 160A-536. Purposes for which districts may be established.

(a) Purposes. – The city council of any city may define any number of service districts in order to finance, provide, or maintain for the districts one or more of the following services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire city:

- (1) Beach erosion control and flood and hurricane protection works.
- (1a) **(For applicability see note)** Any service, facility, or function which the municipality may by law provide in the city, and including but not limited to placement of utility wiring underground, placement of period street lighting, placement of specially designed street signs and street furniture, landscaping, specialized street and sidewalk paving, and other appropriate improvements to the rights-of-way that generally preserve the character of an historic district; provided that this subdivision only applies to a service district which, at the time of its creation, had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter.
- (2) Downtown revitalization projects.
- (2a) Urban area revitalization projects.
- (2b) Transit-oriented development projects.
- (3) Drainage projects.
- (3a) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
- (3b) **(For applicability see note)** Lighting at interstate highway interchange ramps.
- (4) Off-street parking facilities.
- (5) Watershed improvement projects, including but not limited to watershed improvement projects as defined in General Statutes Chapter 139; drainage projects, including but not limited to the drainage projects provided for by General Statutes Chapter 156; and water resources development projects, including but not limited to the federal water resources development projects provided for by General Statutes Chapter 143, Article 21.
- (6) Conversion of private residential streets to public streets as provided in subsection (e) of this section.

(b) Downtown Revitalization Defined. – As used in this section "downtown revitalization projects" are improvements, services, functions, promotions, and developmental activities intended to further the public health, safety, welfare, convenience, and economic well-being of the central city or downtown area. Exercise of the authority granted by this Article to undertake downtown revitalization projects financed by a service district do not prejudice a city's authority to undertake urban renewal projects in the same area. Examples of downtown revitalization projects include by way of illustration but not limitation all of the following:

- (1) Improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights-of-way and easements.
- (2) Construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on-street and off-street.
- (3) Construction of public buildings, restrooms, docks, visitor centers, and tourism facilities.
- (4) Improvements to relieve traffic congestion in the central city and improve pedestrian and vehicular access to it.
- (5) Improvements to reduce the incidence of crime in the central city.
- (6) Providing city services or functions in addition to or to a greater extent than those provided or maintained for the entire city.
- (7) Sponsoring festivals and markets in the downtown area, promoting business investment in the downtown area, helping to coordinate public and private actions in the downtown area, and developing and issuing publications on the downtown area.

(c) Urban Area Revitalization Defined. – As used in this section, the term "urban area revitalization projects" includes the provision within an urban area of any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section. As used in this section, the term "urban area" means an area that (i) is located within a city and (ii) meets one or more of the following conditions:

- (1) It is the central business district of the city.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.

(c1) Transit-Oriented Development Defined. – As used in this section, the term "transit-oriented development" includes the provision within a public transit area of any service or facility listed in this subsection. A public transit area is an area within

a one-fourth mile radius of any passenger stop or station located on a mass transit line. A mass transit line is a rail line along which a public transportation service operates or a busway or guideway dedicated to public transportation service. A busway is not a mass transit line if a majority of its length is also generally open to passenger cars and other private vehicles more than two days a week.

The following services and facilities are included in the definition of "transit-oriented development" if they are provided within a transit area:

- (1) Any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section.
- (2) Passenger stops and stations on a mass transit line.
- (3) Parking facilities and structures associated with passenger stops and stations on a mass transit line.
- (4) Any other service or facility, whether public or public-private, that the city may by law provide or participate in within the city, including retail, residential, and commercial facilities.

(d) **Contracts.** – A city may provide services, facilities, functions, or promotional and developmental activities in a service district with its own forces, through a contract with another governmental agency, through a contract with a private agency, or by any combination thereof. Any contracts entered into pursuant to this paragraph shall specify the purposes for which city moneys are to be used and shall require an appropriate accounting for those moneys at the end of each fiscal year or other appropriate period.

(e) **Converting Private Residential Streets to Public Streets.** – A city may establish a municipal service district for the purpose of converting private residential streets to public streets if the conditions of this subsection are met. The property tax levied in a municipal service district created for this purpose may be used only to pay the costs related to the transfer of ownership of the streets, evaluation of the condition of the private streets, and the design and construction costs related to improving the private streets to meet public street standards as approved by the governing board. Notwithstanding G.S. 160A-542, the property tax rate in a district created for this purpose may not be in excess of thirty percent (30%) of the ad valorem tax rate in effect in the city in the fiscal year prior to the establishment of the district. After the private streets have been upgraded to meet public street standards and all costs have been recovered from the tax in the district, no further tax may be levied in the district, and the city council must abolish the municipal service district as provided by G.S. 160A-541.

Notwithstanding G.S. 160A-299, if a city abandons the streets and associated rights-of-way acquired pursuant to this subsection, the street-related common elements must be returned to the owners' association from which the city acquired them in a manner that makes the owners' association's holdings in common elements as they were prior to the establishment of the municipal service district.

For a city to create a municipal service district for the purpose of converting private residential streets to public streets, all of the following conditions must be met:

- (1) The private residential road must be nongated.
- (2) The city must receive a petition signed by at least sixty percent (60%) of the lot owners of the owners' association requesting the city to establish a municipal service district for the purpose of paying the

costs related to converting private residential streets to public streets. The executive board of an owners' association for which the city has received a petition under this subsection may transfer street-related common elements to the city, notwithstanding the provisions of either the North Carolina Planned Community Act in Chapter 47F of the General Statutes or the North Carolina Condominium Act in Chapter 47C of the General Statutes, or related articles of declaration, deed covenants, or any other similar document recorded with the Register of Deeds.

- (3) The city must agree to accept the converted streets for perpetual public maintenance.
- (4) The city must meet one of the following requirements:
 - a. Located primarily in a county that has a population of 750,000 or more according to the most recent decennial federal census, and also located in an adjacent county with a population of 250,000 or more according to the most recent decennial federal census.
 - b. Located primarily in a county with a population of 250,000 or more according to the most recent decennial federal census, and also located in an adjacent county with a population of 750,000 or more according to the most recent decennial federal census. (1973, c. 655, s. 1; 1977, c. 775, ss. 1, 2; 1979, c. 595, s. 2; 1985, c. 580; 1987, c. 621, s. 1; 1999-224, s. 1; 1999-388, s. 1; 2004-151, s. 1; 2004-203, s. 5(m); 2009-385, s. 1; 2011-72, ss. 1, 2; 2011-322, s. 1; 2012-79, s. 1.11.)

§ 160A-537. Definition of service districts.

(a) Standards. – The city council of any city may by resolution define a service district upon finding that a proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536 to a demonstrably greater extent than the remainder of the city.

(b) Report. – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the proposed district, showing its proposed boundaries;
- (2) A statement showing that the proposed district meets the standards set out in subsection (a); and
- (3) A plan for providing in the district one or more of the services listed in G.S. 160A-536.

The report shall be available for public inspection in the office of the city clerk for at least four weeks before the date of the public hearing.

(c) Hearing and Notice. – The city council shall hold a public hearing before adopting any resolution defining a new service district under this section. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a map of the proposed district and a statement that the report required by subsection (b) is available for public inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In

addition, it shall be mailed at least four weeks before the date of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the proposed district. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed and his certificate is conclusive in the absence of fraud.

(d) **Effective Date.** – Except as otherwise provided in this subsection, the resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city council. If the governing body in the resolution states that general obligation bonds or special obligation bonds are anticipated to be authorized for the project, it may make the resolution effective immediately upon its adoption or as otherwise provided in the resolution. However, no ad valorem tax may be levied for a partial fiscal year.

(e) In the case of a resolution defining a service district, which is adopted during the period beginning July 1, 1981, and ending July 31, 1981, and which district is for any purpose defined in G.S. 160A-536(1), the city council may make the resolution effective for the fiscal year beginning July 1, 1981. In any such case, the report under subsection (b) of this section need only have been available for public inspection for at least two weeks before the date of the public hearing, and the notice required by subsection (c) of this section need only have been mailed at least two weeks before the date of the hearing. (1973, c. 655, s. 1; 1981, c. 53, s. 1; c. 733, s. 1; 2006-162, s. 25; 2012-156, s. 4.)

§ 160A-538. Extension of service districts.

(a) **Standards.** – The city council may by resolution annex territory to any service district upon finding that:

- (1) The area to be annexed is contiguous to the district, with at least one eighth of the area's aggregate external boundary coincident with the existing boundary of the district;
- (2) That the area to be annexed requires the services of the district.

(b) **Annexation by Petition.** – The city council may also by resolution extend by annexation the boundaries of any service district when one hundred percent (100%) of the real property owners of the area to be annexed have petitioned the council for annexation to the service district.

(c) **Report.** – Before the public hearing required by subsection (d), the council shall cause to be prepared a report containing:

- (1) A map of the service district and the adjacent territory, showing the present and proposed boundaries of the district;
- (2) A statement showing that the area to be annexed meets the standards and requirements of subsections (a) or (b); and
- (3) A plan for extending services to the area to be annexed.

The report shall be available for public inspection in the office of the city clerk for at least two weeks before the date of the public hearing.

(d) **Hearing and Notice.** – The council shall hold a public hearing before adopting any resolution extending the boundaries of a service district. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (c) is available for inspection in

the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the date of the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the area to be annexed. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(e) **Effective Date.** – The resolution extending the boundaries of the district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the council.

(f) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries extended to include territory which has been added to the historic district. (1973, c. 655, s. 1; 1981, c. 53, s. 2; 1987, c. 621, s. 2.)

§ 160A-538.1. Reduction of service districts.

(a) Upon finding that there is no longer a need to include within a particular service district any certain tract or parcel of land, the city council may by resolution redefine a service district by removing therefrom any tract or parcel of land which it has determined need no longer be included in said district. The city council shall hold a public hearing before adopting a resolution removing any tract or parcel of land from a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing.

(b) The removal of any tract or parcel of land from any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the city council.

(c) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries reduced to exclude territory which has been removed from the historic district. (1977, c. 775, s. 3; 1987, c. 621, s. 3.)

§ 160A-539. Consolidation of service districts.

(a) The city council may by resolution consolidate two or more service districts upon finding that:

- (1) The districts are contiguous or are in a continuous boundary; and
- (2) The services provided in each of the districts are substantially the same; or
- (3) If the services provided are lower for one of the districts, there is a need to increase those services for that district to the level of that enjoyed by the other districts.

(b) **Report.** – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the districts to be consolidated;
- (2) A statement showing the proposed consolidation meets the standards of subsection (a); and

- (3) If necessary, a plan for increasing the services for one or more of the districts so that they are substantially the same throughout the consolidated district.

The report shall be available in the office of the city clerk for at least two weeks before the public hearing.

(c) **Hearing and Notice.** – The city council shall hold a public hearing before adopting any resolution consolidating service districts. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a statement that the report required by subsection (b) is available for inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the consolidated district. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(d) **Effective Date.** – The consolidation of service districts shall take effect at the beginning of a fiscal year commencing after passage of the resolution of consolidation, as determined by the council. (1973, c. 655, s. 1; 1981, c. 53, s. 2.)

§ 160A-540. Required provision or maintenance of services.

(a) **New District.** – When a city defines a new service district, it shall provide, maintain, or let contracts for the services for which the residents of the district are being taxed within a reasonable time, not to exceed one year, after the effective date of the definition of the district.

(b) **Extended District.** – When a city annexes territory for a service district, it shall provide, maintain, or let contracts for the services provided or maintained throughout the district to the residents of the area annexed to the district within a reasonable time, not to exceed one year, after the effective date of the annexation.

(c) **Consolidated District.** – When a city consolidates two or more service districts, one of which has had provided or maintained a lower level of services, it shall increase the services within that district (or let contracts therefor) to a level comparable to those provided or maintained elsewhere in the consolidated district within a reasonable time, not to exceed one year, after the effective date of the consolidation. (1973, c. 655, s. 1.)

§ 160A-541. Abolition of service districts.

Upon finding that there is no longer a need for a particular service district, the city council may by resolution abolish that district. The council shall hold a public hearing before adopting a resolution abolishing a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing. The abolition of any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the council. (1973, c. 655, s. 1.)

§ 160A-542. Taxes authorized; rate limitation.

A city may levy property taxes within defined service districts in addition to those levied throughout the city, in order to finance, provide or maintain for the district services provided therein in addition to or to a greater extent than those financed, provided or maintained for the entire city. In addition, a city may allocate to a service district any other revenues whose use is not otherwise restricted by law.

Property subject to taxation in a newly established district or in an area annexed to an existing district is that subject to taxation by the city as of the preceding January 1.

Property taxes may not be levied within any district established pursuant to this Article in excess of a rate on each one hundred dollar (\$100.00) value of property subject to taxation which, when added to the rate levied city wide for purposes subject to the rate limitation, would exceed the rate limitation established in G.S. 160A-209(d), unless that portion of the rate in excess of this limitation is submitted to and approved by a majority of the qualified voters residing within the district. Any referendum held pursuant to this paragraph shall be held and conducted as provided in G.S. 160A-209.

This Article does not impair the authority of a city to levy special assessments pursuant to Article 10 of this Chapter for works authorized by G.S. 160A-491, and may be used in addition to that authority. (1973, c. 655, s. 1.)

§ 160A-543. Bonds authorized.

A city may incur debt under general law to finance services, facilities or functions provided within a service district. If a proposed general obligation bond issue is required by law to be submitted to and approved by the voters of the city, and if the proceeds of the proposed bond issue are to be used in connection with a service that is or, if the bond issue is approved, will be provided only for one or more service districts or at a higher level in service districts than city wide, the proposed bond issue must be approved concurrently by a majority of those voting throughout the entire city and by a majority of the total of those voting in all of the affected or to be affected service districts. (1973, c. 655, s. 1; 2004-151, s. 4.)

§ 160A-544. Exclusion of personal property of public service corporations.

There shall be excluded from any service district and the provisions of this Article shall not apply to the personal property of any public service corporation as defined in G.S. 160A-243(c); provided that this section shall not apply to any service district in existence on January 1, 1977. (1977, c. 775, s. 4.)

§§ 160A-545 through 160A-549. Reserved for future codification purposes.

City Council Public Hearing March 25, 2013

Reauthorization of the Downtown Municipal Service District



City of
Fayetteville
North Carolina





Background



- **Municipal Services District:** A special taxing district created in 1978 under State legislation to help support services and projects not otherwise provided citywide.
- **District Expiration:** June 30, 2013
- **District Reauthorization:** by hearing and City Council resolution every five years
- **Budget:** managed separately, through the annual budget process

DOWNTOWN: From the '70's . . .





Hay Street Public Improvements and Private Reinvestment (Pierro's B/A)





221-223 Hay Street



229 Hay Street



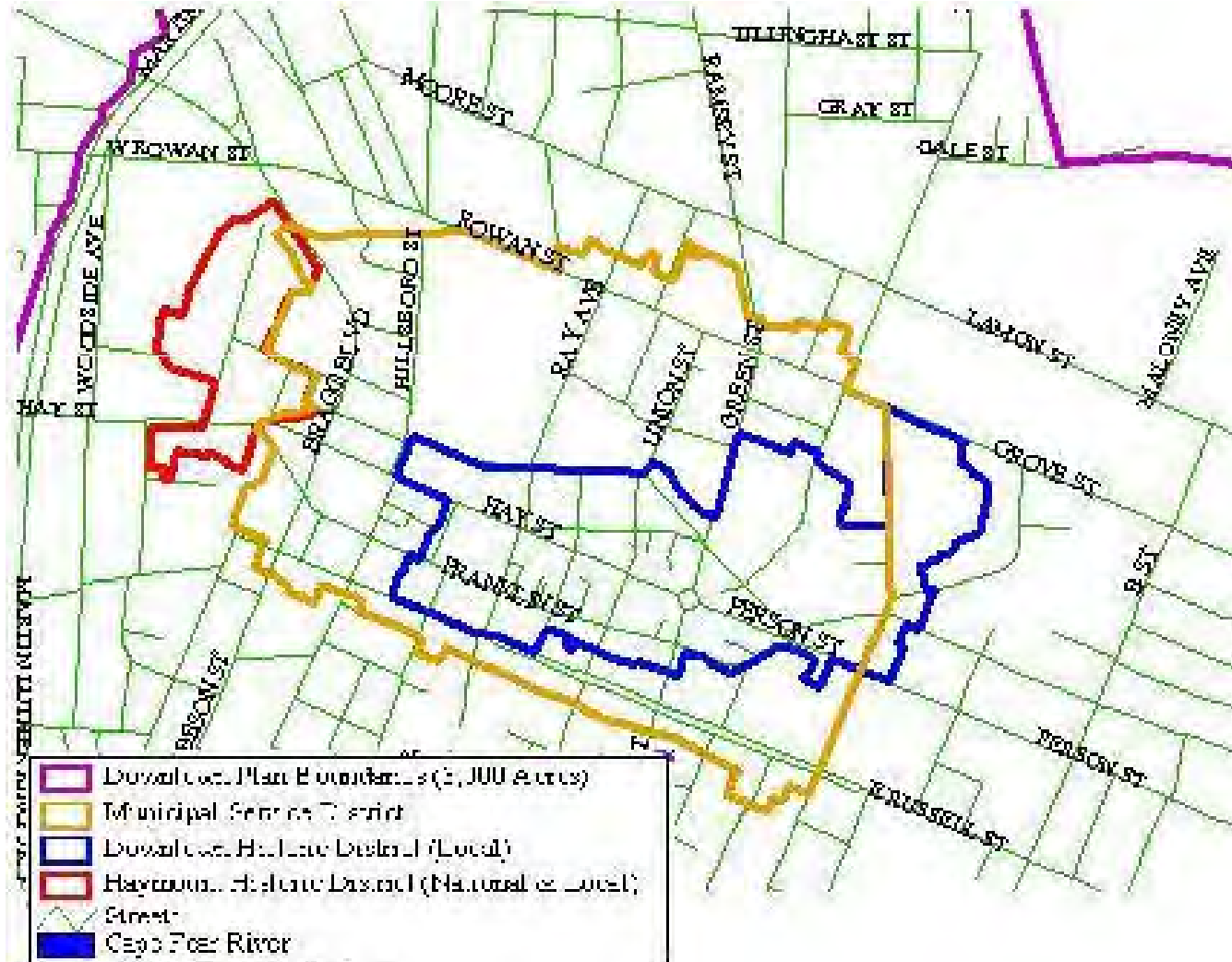
221 Hay Street



City of
Fayetteville
North Carolina



District Boundaries





Recommendation



Development Services Staff recommend that City Council move to:

Adopt the resolution reauthorizing the Downtown Municipal Services District, as presented by staff, for an additional five years, to June 30, 2018.



City of Fayetteville North Carolina

The City of Fayetteville, North Carolina does not discriminate on the basis of race, sex, color, age, national origin, religion, or disability in its employment opportunities, programs, services, or activities.

www.cityoffayetteville.org
www.facebook.com/cityoffayettevillegovernment | [Twitter@CityOfFayNC](https://twitter.com/CityOfFayNC)



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Randy Hume, Transit Director
DATE: March 25, 2013
RE: **Approval of FAST Transit Fare Policy and amendment to the City's Fee Schedule**

THE QUESTION:

FAST Transit Fare Policy

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government - Cost Effective Service Delivery
FAST Improvements

BACKGROUND:

Staff presented a Transit Fare Policy in conjunction with a recommended change in fare structure at the November 5, 2012 Work Session. On February 11, City Council approved the changes in fares that will take effect on April 8, 2013 and an amendment to the City's Fee Schedule to reflect those changes. The Fare Policy, however, was not presented for official adoption by Council. This policy includes provisions, such as who qualifies for free fares and certain discounts that were not specifically included in the new fare structure, but if approved would impact the Fee Schedule.

The attached policy: 1) outlines objectives for transit fares and fare decisions; 2) establishes a framework for the fare structure and the relationship between fare categories and the basic adult fare; 3) establishes procedures and guidelines for fare changes; 4) establishes a goal for the recovery of operating costs by system generated revenues (i.e., operating recovery percentage); 5) provides a scale for discounting bulk sales of transit passes and tickets; and 6) provides a new method for negotiating with schools and business that wish to pay for employee or student fares (i.e., third party fares).

Upon adoption of the policy and approval of the resolution, the fee schedule would be amended to provide the bulk sales discounts that are primarily made to non-profit or other governmental agencies. Most of these agencies use these passes to provide transit rides for low income individuals and families.

ISSUES:

Should FAST provide discounts for bulk pass and ticket sales.

BUDGET IMPACT:

Annual projected cost (reduced revenues) \$14,700

OPTIONS:

Approve, disapprove or modify

RECOMMENDED ACTION:

Staff recommends Council move to approve Budget Ordinance Amendment 2013-11, and Resolution to approve the Transit Fare Policy.

ATTACHMENTS:

Resolution - Transit Fares
BOA 2013-11

FAST Transit Fare Policy
Fare Policy Overview Presentation

RESOLUTION TO APPROVE THE TRANSIT FARE POLICY AND TO AMEND THE FY 2013 FEE SCHEDULE

WHEREAS, the City of Fayetteville provides public transportation services to citizens and visitors; and

WHEREAS, the City determined adjustments to transit passenger fares rates were needed to support continued operations and improvements to public transit services; and

WHEREAS, the City Council approved new transit fare rates scheduled to take effect on April 8, 2013; and

WHEREAS, the new fare structure is based on a new Transit Fare Policy developed and recommended by the Fayetteville Advisory Committee on Transit (FACT); and

WHEREAS, this Transit Fare Policy includes provisions that provide discounts for bulk sales of transit passes and tickets and for third party sales agreements.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Fayetteville that the attached Transit Fare Policy is hereby approved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA on this the 25th day of March 2013; such meeting was held in compliance with the Open Meetings Act, at which a quorum was present and voting.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

2012-2013 BUDGET ORDINANCE AMENDMENT
CHANGE 2013-11

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:

Listed As:

Section 10. The fee schedule attached hereto is adopted effective July 1, 2012.

Revision:

Section 10. The fee schedule adopted effective July 1, 2012, is hereby amended effective April 8, 2013 to replace all Transit fees as follows:

Transit

Motor Vehicle License Tax for Transit \$5.00 per year

Bus

Adult Bus Fare	\$1.25
Discount Bus Fare (Elderly and Disabled)	\$0.50
Adult 1-Ride Pass	\$1.25
Discount 1-Ride Pass (Elderly and Disabled)	\$0.50
One Day Pass	\$3.00
Discount One Day Pass(Elderly and Disabled)	\$1.50
Rolling 8 Day Pass	\$17.00
Discount Rolling 8 Day Pass (Elderly and Disabled)	\$8.00
Rolling 30 Day Pass	\$40.00
Discount Rolling 30 Day Pass (Elderly and Disabled)	\$17.00
Student Rolling 30 Day Pass	\$30.00
ADA Demand Response Fare	\$2.00
ADA 20 Ride Pass	\$35.00
ADA 10 Ride pass	\$17.50
Bulk Pass Sale Discounts	
100 to 249 Passes	10% discount
250 to 499 Passes	15% discount
500 to 999 Passes	20% discount
1,000 or Greater Passes	25% discount
Third-Party Fare Agreements	
50 to 99 Passes (\$900 monthly revenue guarantee)	25% discount
100 to 249 Passes (\$1,400 monthly revenue guarantee)	30% discount
250 to 499 Passes (\$2,600 monthly revenue guarantee)	35% discount
500 or Greater Passes (\$3,600 monthly revenue guarantee)	40% discount

Advertising Space

Interior Banner \$30.00 per vehicle per month

Adopted this 25th day of March, 2013.

FAYETTEVILLE AREA SYSTEM OF TRANSIT
TRANSIT FARE POLICY

Purpose: The purpose of this fare policy is to establish goals, objectives and guidelines for setting or restructuring FAST transit fares. Transit staff will abide by this policy when making decisions about adjusting fares. All such decisions are subject to Fayetteville City Council approval.

Goal: The goal of this Fare Policy is to support FAST's overall strategic mission to provide safe, efficient, effective, reliable, courteous, and innovative public transportation to the citizens of Fayetteville. To accomplish this mission FAST must develop and use its resources in a manner that ensures sustainable business growth.

Objectives: Fare Policy Objectives are designed to support the fare policy goal. Together, these objectives are intended to balance the desire to keep fares affordable for FAST customers with the need to generate sufficient fare revenue to help maintain and expand transit operations. Furthermore, future adjustments to FAST's fare structure must also be developed and evaluated subject to these objectives.

1. Customer/Community Related Objectives: The following guiding principles directly support FAST's broader goal of promoting transit use and providing high quality public transportation services.
 - a) Promote ridership: FAST seeks to encourage and facilitate transit ridership within FAST's service area. FAST's fare structure should therefore be devised to be attractive to the widest possible range of existing and potential rider groups. In addition, fare media distribution channels should be developed to ensure convenience and facilitate reasonable access to fare media for all customer groups.
 - b) Equitable Fares: To be equitable, fares must take into account the needs of various population densities, socioeconomic users and types of services offered. The fare structure should, therefore, support the travel patterns and requirements of transit customers throughout the service area and should also reflect differences in the level and modes of the service provided.
 - c) Enhance Mobility and Access: The fare structure should enhance the ability of customers to access the system and move through it with ease. To do so, the fare structure should be easy to understand and provide uniformity throughout the system.
2. Budgetary Objectives: The following guiding principles are intended to ensure collection of sufficient fare revenues to support the operation of FAST services, as well as, fare collection cost efficiency.
 - a) Maintain/increase fare revenue stream: Fare revenue is a critical component of FAST's operating budget. Fare rates are one element of the total fare revenue stream and any adjustment to, or restructuring of rates should generate an appropriate level of revenue to meet FAST's financial requirements considering both the current budget year and future service plans and economic conditions.
 - b) Recovery of operating costs: Customer fares or user fees should help support the business costs related to providing quality public transportation services. The City Council may establish a goal or goals related to cost recovery. Cost recovery is not only determined by adequate fare revenues, but also prudent control of operating costs. It is the goal of FAST to recover a minimum of 20% of transit operating costs with transit system generated revenues, including but not limited to passenger paid and third-party fares by FY 2020.

- c) Minimize fare collection costs: FAST's fare pricing, fare policy, fare media, and fare collection technologies should be developed and operated to minimize the costs associated with fare collection, fare media distribution and revenue processing without sacrificing a high degree of accuracy and accountability. This includes both the cost and ease of administering the fare.

Fare Changes: The following guidelines outline the recommended steps for developing, evaluating and implementing fare changes, adjustments or increases.

1. All fare structure changes, adjustments or increases must be approved by the City Council.
2. Recommendations for changes to the fare structure will be developed by Transit staff. The staff recommendation shall be based on an analysis that includes, but is not limited to the following:
 - An analysis of overall ridership, ridership by fare category, frequency of pass and ticket use;
 - Customer price sensitivity (elasticity);
 - Consideration of other factors, including employment levels, fuel prices, and other conditions affecting transit use;
 - Comparison to industry-wide and peer system fares;
 - Impact and equity of any increase among demographic and ethnic groups, including low-income customers;
 - The expected rate of change in the cost of transit operations;
 - The value of the service to the rider;
 - City's financial situation;
 - Fare policy goals and objectives.
3. This recommendation shall be reviewed and presented for recommendation by the Fayetteville Advisory Committee on Transit (FACT) prior to being presented to City Council.
4. A public hearing is required for any change to the fare structure, with a minimum 14 calendar day notice prior to such hearing. Accommodations for persons with disabilities and Limited English Proficiency (LEP) will be provided.
5. Any change in fares or the fare structure shall include an analysis of the impact of the change on low-income and ethnic populations as required by Title VI and Environmental Justice provisions related to federal grants. Such analysis or assessment must be provided to the Federal Transit Administration.
6. Once fare changes have been approved by the City Council, appropriate ads should be placed with local media outlets and on the FAST website (includes social media) 30 days prior to the effective date of the fare increase. In addition, notices will be placed on all revenue vehicles and at major transit centers.
7. Multiple year (planned fare adjustments) including the current year and up to two (2) future adjustments may be approved, provided the public is notified and opportunity to comment is provided. The timing and magnitude of subsequent adjustments will not be binding if economic conditions change. Changes to approved future fare adjustments, including accelerating the timing for implementation will require a new public outreach process, including public hearing(s) and FTA review.

Fare Policy Review: FAST will review its fare policy and pricing annually, considering the need to keep pace with the cost of transit operations as well as other factors that may impact the needs of the City and its residents.

Fare Structure:

1. By Federal law, ADA Paratransit or FASTTRAC! fares may not exceed twice the regular fixed route fare for the same trip.
2. By Federal law, fixed route single ride fares for persons with disabilities and for persons age 65 or older (senior adults) shall not exceed 50% of the regular adult single ride fare.
3. Prepaid pass and ticket pricing will be based on the approved single-trip fare and will generally be priced based upon a multiple of the local fixed route bus fare (base fare). The multiplier may be based on industry best practice and other factors, including average customer income (i.e., ability to pay).
 - a) Day Passes will be priced at two to two and one-half (2 – 2 ½) times the base fare for a single ride;
 - b) 30-Day (monthly) passes for local fixed route bus service will be priced based on the Day Pass price for 20-22 workdays per month and may be discounted by no more than 30%.
 - c) 30-day and monthly pass rates for FASTTRAC! will be priced based on the average customer uses (trips taken) per month times the single-ride fare for each service. No additional discount will be provided.
 - d) Free fares will be provided to the following customer categories: a) Children, 36 inches tall and shorter when with a fare paying adult; b) Public safety employees, when in uniform; c) Active duty and reserve military, when in uniform; d) FAST employees with identification; and e) FACT committee members when traveling to attend scheduled FACT committee meetings;

Third Party Fare Agreements:

Contracts or Agreements for payment of fares by a third party may be negotiated and must be approved by the City Council, except as provided below:

Third-party agreements will generally provide for payment for each trip taken and the fare (cost per trip) will be based on the following schedule:

Pass Quantity	Discount	Monthly Revenue Guarantee
50-99	25%	\$ 900.00
100-249	30%	\$ 1,400.00
250-499	35%	\$ 2,600.00
500 & over	40%	\$ 3,600.00

Bulk Sale Discounts:

A purchase discount will be provided when passes are purchased in large quantities.

Pass Quantiity	Discount
100-249	10%
250-500	15%
500-999	20%
1,000 and over	25%

FAST Transit Fare Policy

March 25, 2013



City of
Fayetteville
North Carolina





Fare Policy



- Reviewed and approved by FACT
 - Preparation for possible fare changes
- Incorporated existing public notice requirements
 - FAST Public Comment Process for Fare and Service Changes
 - Council Policy 120.3 – Notice of Public Hearing on Transit Matters (5-6-1991) (10 Day Advertising Notice)
- Consistent with Federal Transit Administration grant requirements



What is Included?



- Outlines Objectives for Fares
 - Customer/Community Related
 - Budget Related
- Sets Framework for Fare Structure
- Procedures and Guidelines for Fare Changes
 - Title VI/Environmental Justice
- Key Items
 - Operating Recovery Goal 20% by 2020
 - Discount: Bulk Pass Sale & Third Party Fares



Free Fares



- Children 36 inches or shorter when riding with a fare paying adult
- Public safety employees, when in uniform
- Active duty & reserve military, when in uniform
- FAST/Transit employees with identification
- FACT committee members when traveling to and from scheduled FACT committee meetings



Bulk Discounts



- Purchase discount for large quantities of passes
- Mostly non-profit or other governmental agencies (example, DSS)
 - Assistance for low income individuals & families

Pass Quantity	Discount
100-249	10%
250-500	15%
500-999	20%
1,000 and over	25%



Third Party Fares



- Program to encourage businesses to provide transit as an added benefit
 - Includes educational institutions for students
- Billed per trip actually taken
- Minimum revenue guarantee

Pass Quantity	Discount	Monthly Revenue Guarantee
50-99	25%	\$ 900.00
100-249	30%	\$ 1,400.00
250-499	35%	\$ 2,600.00
500 & over	40%	\$ 3,600.00



City of
Fayetteville
North Carolina

The City of Fayetteville, North Carolina does not discriminate on the basis of race, sex, color, age, national origin, religion, or disability in its employment opportunities, programs, services, or activities.

www.cityoffayetteville.org
www.facebook.com/cityoffayettevillegovernment | [Twitter@CityOfFayNC](https://twitter.com/CityOfFayNC)



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert T. Hurst, Jr., Council Member, District 5
DATE: March 25, 2013
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 Wednesday, March 13, 2013 to review applications for appointments to boards and commissions. It is from that meeting 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.

ATTACHMENTS:

Appointment Recommendations - March 2013



City of Fayetteville Appointment Committee Recommendations

April 2013

Airport Commission

Ms. Susan J. Monroe (Fill-in)

Term

April 2013- March 2014

Animal Services/County Board

Ms. Melissa Katzenberger (Fill-in)

April 2013- June 2014

Ethics Commission

Mr. Renny W. Deese (Attorney) (2nd Term)

April 2013 – March 2015

Mr. Kelly D. Puryear (CPA) (2nd Term)

April 2013 – March 2015

Fair Housing Board

Ms. Cheri Siler-Mack (Attorney) (Fill-in)

April 2013 – March 2014

Ms. Patricia Tyson (1st Term)

April 2013 – April 2015

Mr. Michael Hines (1st Term)

April 2013 – April 2015

Finance Corporation

Ms. Lisa Smith (Chief Finance Officer) Annual Appointment

September 2013

Mr. Theodore Voorhees (City Manager) Annual Appointment

September 2013

Historic Resources Commission

Mr. Calvin J. Dalton (Category 6 At-Large) (2nd Term) April 2013 – March 2015

Mr. John S. Duvall (Category 5 – Historic District Property Owner) (2nd Term)
April 2013- March 2015

Mr. Robert Cooper (Category 6 At-Large) (1st Term) April 2013 - March 2015

Mr. Eric Lindstrom (Category 4) (2nd Term) April 2013 – March 2015

Mr. Jason Wetzel (Category 6 At-Large) (1st Term) April 2013 – March 2015

Human Relations Commission

Dr. Sharon Williams (Fill-in) April 2013 – Sept 2013

NC Fireman's Relief Fund Board

Dr. Mary Hales (1st Term) April 2013 – Jan 2015

Cpt. Vince Lewis – Fire Department Appointment

Lt. John P. Galloway – Fire Department Appointment

Personnel Review Board

Ms. Catherine Ramos (2nd Term) April 2013 – March 2015

Mr. Daniel Renz (1st Term) April 2013 – March 2015

Mr. Carl Mitchell (1st Term) April 2013 – March 2015

Public Arts Commission

Ms. Suzanne Frank (2nd Term) April 2013 – March 2015

Mr. Michael Romagano (1st Term) April 2013 – March 2015

Mr. Stanley Greaves (Arts Council) (1st Term) April 2013 – March 2015

Redevelopment Commission

Ms. Dineen Morton (2nd Term)

April 2013 – March 2015

Residential Rental Property Review Board

Mr. Thomas Neal (Fill-in Appointed by City Manager).

April 2013 – March 2015

Ms. Faye Watson (Fill-in)

April 2013 – March 2015

Taxicab Review Board

Captain Eaker – Police Department Appointment

Lt. Kruger – Police Department Appointment

Lt. Geske – Police Department Appointment

Transit –Fayetteville Advisory Commission on Transit (FACT)

Mr. Austin Campbell (Outside Service Area) (Fill-in)

April 2013 – March 2014

Wrecker Review Board

Mr. Demario E. Hays (Fill-in)

April 2013 – Sept 2014

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council Members
FROM: Val Applewhite, Council Member
DATE: March 25, 2013
RE: **GovTide Technology/Hire Fayetteville First (HFF) Job Creation Policy**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS:

City Council Agenda Item Request



City Council Agenda Item Request

Date of Request: March 8, 2013

Name of Requester: Councilwoman Val Applewhite

Agenda Item Title: GovTide Technology /Hire Fayetteville First (HFF) Job Creation Policy

What do you want to accomplish with this item?

The City of Fayetteville currently does not have the capability to provide the public a transparent view of our procurement process. GovTide is a fully integrated, hosted, economic development system w/centralized data to implement effective public policy & programs. Senior Staff and IT have already enjoyed a demonstration.

I am requesting the City Council move forward with a "free" 90 trial use of GovTide to implement core provisions of the HFF Job Creation Policy/8 Point Plan.

How does this item connect to the City's Strategic Plan?

Goal 1 Greater Tax Diversity/Strong Local Economy: Retain and grow current businesses and jobs

Goal 2 More Efficient City Government/Cost Effective Service Delivery: Greater accountability for performance, results and transparency. Services delivered in a cost effective manner

Goal 3 Greater Community Unity: Better informed citizens, increased dialog on major issues, increased trust and confidence in City government.

Comments:

In July 2012, the Fayetteville City Council unanimously adopted the Hire Fayetteville First Job Creation Policy to promote economic opportunity for Fayetteville/Cumberland County businesses and to support job creation in the City of Fayetteville.

To date no action has been taken to update the City Web Site with any provisions outlined in HFF/8 Point Plan. We have not translated unusable financial data nor provided transparent historic or current insight into our procurement/contract process. AIT is a local, minority, veteran owned company that can assist the City in taking the first step in providing clarity and opportunity to our local businesses - for free.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Pamela Megill, City Clerk
DATE: March 25, 2013
RE: **Monthly Statement of Taxes for February 2013**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

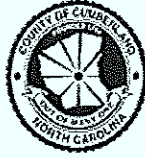
BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS:

Statement of Taxes - February 2013



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: March 1, 2013

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 February 2013. This report separates the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

Should you have questions regarding this report, please contact Catherine Carter at 678-7587.

AD/cc
Attachment

Celebrating Our Past...Embracing Our Future

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

FAYETTEVILLE MACC LEDGER
2002-2012

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
02/01/13	2012-155	91,160.26	35,850.48	32,946.38	50.46	32.81	4,085.81	4,085.82	1,287.96	2,575.91
02/04/13	2012-156	158,075.89	62,270.75	63,544.64	137.27	31.67	6,942.46	6,942.46	1,479.32	2,958.65
02/05/13	2012-157	121,885.37	76,968.60	20,842.95	414.80	0.00	2,326.96	2,326.96	2,391.58	4,783.15
02/06/13	2012-158	69,801.13	44,289.25	9,072.19	248.32	0.00	1,241.79	1,241.78	1,116.82	2,233.63
02/07/13	2012-159	83,083.45	37,551.57	25,339.43	60.14	38.32	3,040.00	3,040.00	1,182.39	2,364.77
02/08/13	2012-160	89,896.00	52,596.06	16,813.69	300.89	0.00	2,335.00	2,335.00	1,633.55	3,267.11
02/11/13	2012-161	173,427.60	98,513.12	36,205.19	9.50	29.16	4,184.65	4,184.66	3,780.75	7,561.53
02/12/13	2012-162	86,475.88	52,033.86	13,287.18	1,607.21	0.00	1,584.52	1,584.52	2,506.16	5,012.35
02/13/13	2012-163	63,010.40	36,690.83	9,254.91	19.84	0.00	1,055.00	1,055.00	1,767.49	3,534.98
02/14/13	2012-164	70,019.10	36,738.32	15,282.06	171.77	0.00	1,842.32	1,842.31	1,256.08	2,512.16
02/15/13	2012-165	102,356.65	56,316.22	19,308.14	290.96	51.67	2,136.89	2,136.88	1,962.05	3,924.09
02/18/13	2012-166	66,019.44	31,743.33	16,498.20	17.97	21.59	1,758.67	1,758.67	1,342.66	2,685.33
02/19/13	2012-167	98,412.58	53,882.92	23,018.59	0.00	28.25	2,552.89	2,552.89	1,737.73	3,475.45
02/20/13	2012-168	67,479.86	38,242.11	14,325.64	0.00	0.00	1,561.59	1,561.60	1,287.81	2,575.64
02/21/13	2012-169	68,167.34	41,839.83	10,523.41	0.00	0.00	1,175.00	1,175.00	1,005.79	2,011.58
02/22/13	2012-170	75,809.71	44,809.36	13,802.49	0.00	21.24	1,787.03	1,787.02	1,415.54	2,831.10
02/25/13	2012-171	176,633.97	102,800.77	37,572.18	644.75	20.51	3,905.00	3,905.00	3,998.88	7,997.76
02/26/13	2012-172	71,628.03	43,108.32	14,319.55	550.03	34.10	1,524.94	1,524.93	1,426.58	2,853.18
02/27/13	2012-173	124,858.82	84,024.09	12,784.16	237.31	0.00	1,540.81	1,540.82	3,124.97	6,249.92
02/28/13	2012-174	202,979.91	136,308.45	28,589.60	463.69	1.03	3,145.62	3,145.62	3,739.81	7,479.62
TOTALS		2,061,181.39	1,166,578.24	433,330.58	5,224.91	310.35	49,726.95	49,726.94	39,443.92	78,887.91

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

FEBRUARY 2013

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
2,558.54	0.00	55.71	3,815.50	0.00	0.00	540.00	540.00	9.37	18.73	29.66	0.00
3,640.24	0.00	980.54	3,970.71	0.00	0.00	519.23	519.23	20.34	40.67	64.39	0.00
4,214.39	0.00	742.16	2,185.42	0.00	0.00	372.96	372.97	28.58	57.16	128.49	0.00
2,623.11	0.00	2,135.80	2,198.30	0.00	0.00	338.96	338.97	12.00	24.00	38.00	0.00
3,105.83	0.00	564.77	2,959.11	0.00	0.00	460.53	460.54	12.37	24.73	39.16	0.00
3,538.93	0.00	364.92	2,518.68	0.00	0.00	450.00	450.00	24.00	48.00	76.00	0.00
6,082.42	0.00	1,622.07	4,559.88	1.13	0.00	665.00	665.00	96.00	192.00	38.00	0.00
3,079.53	0.00	43.42	2,166.02	0.00	0.00	390.00	390.00	0.00	0.00	0.00	0.00
2,514.26	0.00	699.88	2,617.67	0.00	0.00	482.32	482.32	28.41	56.83	89.98	0.00
1,849.58	0.00	1,462.42	3,193.85	0.00	0.00	465.00	465.00	36.37	72.75	76.00	0.00
3,895.13	0.00	376.50	6,023.40	0.00	0.00	871.52	871.50	12.00	24.00	0.00	0.00
2,201.23	0.00	716.87	3,086.02	0.00	0.00	510.86	510.86	36.00	72.00	114.00	0.00
3,212.87	0.00	26.60	2,690.87	0.00	0.00	445.00	445.00	0.00	0.00	0.00	0.00
2,470.54	0.00	346.99	1,993.39	0.00	0.00	360.00	360.00	4.54	9.07	14.37	0.00
2,425.02	0.00	941.81	2,550.00	0.00	0.00	425.00	425.00	24.00	48.00	76.00	0.00
3,456.57	0.00	760.57	2,127.55	0.00	0.00	373.17	373.16	12.00	24.00	38.00	0.00
5,113.59	0.00	681.77	3,337.77	0.00	0.00	561.20	561.20	70.33	140.65	32.70	0.00
2,188.76	0.00	62.33	1,363.94	0.00	0.00	236.54	236.54	0.00	0.00	0.00	0.00
5,748.70	0.00	1,332.09	2,686.80	0.00	0.00	440.00	440.00	18.50	37.00	58.58	0.00
7,196.45	0.00	1,545.76	3,823.48	0.00	0.00	590.00	590.00	24.00	48.00	76.00	0.00
71,115.69	0.00	15,462.98	59,868.36	1.13	6.00	9,497.29	9,497.29	468.81	937.59	989.33	0.00

FAYETTEVILLE MACC LEDGER

FEBRUARY 2013

2002-2012

2010 CC	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
65.33	40.14	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	12.32	35.26	0.00
118.82	98.09	0.00	0.00	18.00	18.00	0.00	0.00	0.00	0.00	0.00	62.22	0.00
21.00	36.88	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	0.27	0.00
194.21	(51.89)	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	(70.11)	0.00
4.08	27.80	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	39.87	0.00
153.84	144.68	0.00	0.00	21.50	21.50	0.00	0.00	0.00	0.00	20.21	25.36	0.00
11.84	108.86	1.49	0.00	31.71	31.70	0.00	0.00	0.00	0.00	0.00	64.42	0.00
0.00	37.52	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	0.00	29.89	0.00
250.13	(213.74)	0.00	0.00	0.00	0.00	12.00	24.00	38.00	0.00	75.52	25.32	0.00
0.00	79.58	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	203.33	55.97	0.00
142.86	223.59	0.00	0.00	65.00	65.00	0.00	0.00	0.00	0.00	28.23	64.41	0.00
129.92	149.90	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	0.00	39.01	0.00
0.00	123.11	0.00	0.00	54.93	54.94	0.00	0.00	0.00	0.00	0.00	177.41	0.00
2.43	132.27	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	0.00	188.84	0.00
358.97	227.69	0.00	0.00	42.90	42.89	12.00	24.00	38.00	0.00	0.00	22.10	0.00
203.85	(83.57)	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	(32.79)	0.00
86.82	324.06	0.00	0.00	55.00	55.00	0.00	0.00	0.00	0.00	31.40	35.32	0.00
0.00	63.66	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	0.00	36.19	0.00
76.12	149.01	0.00	0.00	38.49	38.50	0.00	0.00	0.00	0.00	0.00	120.53	0.00
121.13	84.02	0.00	0.00	20.00	20.00	12.00	24.00	38.00	0.00	42.26	39.22	0.00
1,941.35	1,701.66	1.49	0.00	527.53	527.53	36.00	72.00	114.00	0.00	413.27	958.71	0.00

FAYETTEVILLE MACC LEDGER

FEBRUARY 2013

2002-2012

2009 VEH REVIT	2009 FVT	2009 TRANSIT	2009 STORM WATER	2009 STORM WATER	2009 FAY STORM WATER	2009 FAY RECYCLE	2009 ANNEX	2008 & PRIOR CC	2008 & PRIOR VEH	2008 & PRIOR REVIT	2008 & PRIOR VEH REVIT	2008 & PRIOR FVT	2008 & PRIOR TRANSIT
0.00	20.00	20.00	0.00	0.00	0.00	0.00	0.00	0.00	54.71	0.00	0.00	15.00	0.00
0.00	20.00	20.00	0.00	0.00	0.00	0.00	0.00	0.00	93.64	0.00	0.00	25.00	5.00
0.00	3.45	3.46	0.00	0.00	0.00	0.00	27.79	0.00	140.80	0.00	0.00	34.70	0.00
0.00	14.58	14.59	0.00	0.00	0.00	0.00	0.00	0.00	51.32	0.00	0.00	20.00	5.00
0.00	20.00	20.00	0.00	0.00	0.00	0.00	0.00	0.00	55.41	0.00	0.00	20.00	10.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	8.48	0.00	0.00	5.00	5.00
0.00	9.66	9.63	0.00	0.00	0.00	0.00	0.00	0.00	81.72	0.00	0.00	28.66	13.67
0.00	18.86	18.85	0.00	0.00	0.00	0.00	16.08	0.00	126.27	0.00	0.00	30.00	0.00
0.00	5.00	5.00	12.00	0.00	38.00	0.00	0.00	0.00	28.74	0.00	0.00	52.74	13.41
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	57.47	0.00	0.00	45.00	5.00
0.00	20.00	20.00	0.00	0.00	0.00	0.00	0.00	0.00	179.56	0.00	0.00	55.00	15.00
0.00	30.00	30.00	0.00	0.00	0.00	0.00	76.04	0.00	135.08	0.00	0.00	39.18	5.00
0.00	37.26	37.25	0.00	0.00	0.00	0.00	53.89	0.00	521.40	0.00	0.00	110.00	20.00
0.00	19.85	19.84	0.00	0.00	0.00	0.00	0.00	0.00	19.86	0.00	0.00	15.00	0.00
0.00	6.86	6.86	0.00	0.00	0.00	0.00	0.00	0.00	293.90	0.00	0.00	57.77	10.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	(138.23)	0.00	0.00	5.00	(5.00)
0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	0.00	162.90	0.00	0.00	19.30	5.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	118.21	0.00	0.00	30.66	5.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	0.00	213.42	0.00	0.00	52.91	5.00
0.00	13.73	13.73	0.00	0.00	0.00	0.00	47.77	0.00	200.86	0.00	0.00	58.02	0.00
0.00	294.25	294.21	12.00	24.00	38.00	0.00	221.57	2,405.52	0.00	0.00	0.00	718.94	117.08

FAYETTEVILLE MACC LEDGER

FEBRUARY 2013

2002-2012

2008 & PRIOR STORM WATER	2008 & PRIOR FAY STORM WATER	2008 & PRIOR FAY RECYCLE FEE	2008 & PRIOR ANNEX	INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	FAY TRANSIT INTEREST	TOTAL TAX & INTEREST
12.00	0.00	0.00	0.00	2,096.64	5.04	40.29	71.10	0.00	69.92	99.37	91,160.26
0.00	0.00	0.00	0.00	3,200.25	2.88	39.02	78.04	0.00	99.94	114.42	158,075.89
0.00	0.00	0.00	0.00	3,048.89	8.30	67.10	134.19	0.00	125.64	65.77	121,885.37
0.00	0.00	0.00	0.00	2,199.30	6.83	31.66	63.33	0.00	75.67	73.72	69,801.13
0.00	0.00	0.00	0.00	2,333.69	1.65	34.32	68.69	0.00	89.25	95.03	83,083.45
0.00	0.00	0.00	0.00	2,365.78	8.32	48.04	96.09	0.00	107.15	93.22	89,896.00
0.00	0.00	0.00	0.00	3,993.57	0.70	115.66	231.29	0.00	172.54	130.42	173,427.60
0.00	0.00	0.00	0.00	2,076.86	45.76	61.62	123.20	0.00	81.37	74.83	86,475.88
0.00	0.00	0.00	0.00	1,912.78	0.55	57.79	115.59	0.00	98.68	85.17	63,010.40
0.00	0.00	0.00	0.00	2,004.37	4.72	40.99	81.98	0.00	68.63	76.07	70,019.10
0.00	0.00	0.00	0.00	2,867.51	8.03	52.31	104.61	0.00	99.68	144.91	102,356.65
0.00	0.00	0.00	0.00	1,932.95	4.72	41.60	83.19	0.00	75.30	103.29	66,019.44
0.00	0.00	0.00	0.00	2,787.29	0.68	55.03	110.05	0.00	89.75	110.53	98,412.58
0.00	0.00	0.00	0.00	1,661.04	0.00	35.93	71.86	0.00	68.87	70.78	67,479.86
0.00	0.00	0.00	0.00	2,112.50	0.00	33.57	67.17	0.00	86.17	78.55	68,167.34
0.00	0.00	0.00	0.00	1,928.89	0.00	40.69	81.37	0.00	100.61	70.09	75,809.71
0.00	0.00	0.00	15.57	3,832.81	19.88	119.20	238.41	2.14	147.90	109.20	176,633.97
0.00	0.00	0.00	0.00	1,608.75	15.22	39.35	78.70	0.00	60.50	52.05	71,628.03
0.00	0.00	0.00	0.00	3,339.50	6.47	90.34	180.71	0.00	176.84	77.23	124,858.82
0.00	0.00	0.00	0.00	4,826.72	13.02	107.79	215.51	0.00	213.02	95.98	202,979.91
12.00	0.00	0.00	15.57	52,130.09	152.77	1,152.30	2,295.08	2.14	2,107.43	1,820.63	2,061,181.39

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: March 25, 2013
RE: **Tax Refunds of Less Than \$100**

THE QUESTION:

Information only. No action is required by City Council for tax refunds that are less than \$100.

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

Approved by the Cumberland County Special Board of Equalization for the month of February, 2013.

ISSUES:

None.

BUDGET IMPACT:

The budget impact is \$119.49.

OPTIONS:

Not applicable.

RECOMMENDED ACTION:

Not applicable. For information only.

ATTACHMENTS:

Tax refunds of Less Than \$100



March 25, 2013

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable *NP*

RE: Tax Refunds of Less than \$100

The tax refunds listed below for less than \$100 were approved by the Cumberland County Special Board of Equalization for the month of February, 2013.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Belk Inc. # 476	1275857	2005	Corrected Assessment	85.98
Belk Inc. # 419	1275849	2005-2010	Corrected Assessment	33.51
TOTAL				\$119.49