



FAYETTEVILLE CITY COUNCIL
AGENDA
JANUARY 14, 2013
7:00 P.M.
City Hall Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 ANNOUNCEMENTS AND RECOGNITIONS

5.1 Resolution of Respect in honor of former Mayor Beth Finch

Presenter(s): Anthony G. Chavonne, Mayor

6.0 PUBLIC FORUM

7.0 CONSENT

7.1 Resolution Appointing Deputy Tax Collectors

7.2 Adopt Resolution Authorizing the Sale of Personal Property by Public Auction

7.3 Adopt Resolution of Award for Sidewalks 2010 Hoke Loop Road Project

7.4 Approval of No Parking Ordinance on Sigman Street

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.

7.7 Award Contract for McNeill Circle Storm Drainage Improvements

- 7.8 Approve Award of Contract for the Purchase of Seven (7) Police Cars
- 7.9 Bid Recommendation- Annexation Phase V- Project V, Area 12, Arran Lakes West Subdivision
- 7.10 Bid Recommendation- Annexation Phase V- Project V, Area 13, Shenandoah Subdivision
- 7.11 Capital Project Ordinance Amendment 2013-23 (Linear Park)
- 7.12 Approve Meeting Minutes:
 - October 1, 2012 - WKS
 - October 8, 2012 - Discussion of Agenda Items
 - October 8, 2012 - Regular Meeting
- 7.13 Police Citizen Review Board - Adoption of Ordinance and Rules of Procedure
- 7.14 PWC - Phase 5 Annexation Areas 14 and 15 - Preliminary Assessment Resolution
- 7.15 Resolution Accepting State Revolving Loan Offer to Construct the Little Rockfish River Outfall Rehabilitation Project
- 7.16 Series 2009B Revenue Bond Capital Project Fund

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

9.0 OTHER ITEMS OF BUSINESS

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

Presenter(s): Ted Voorhees, City Manager
- 9.2 Public Works Commission - Discussion of Term Limits

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

9.3 Uninhabitable Structures Demolition Recommendations

206 Central Drive
148 Kensington Circle
603 Link Street
1607 North Street
703 Pritchett Road

Presenter(s): Scott Shuford, Development Services Director

10.0 CLOSED SESSION

10.1 NCGS 143-318.11 Closed Session

Presenter(s): Ted Voorhees, City Manager

11.0 ADMINISTRATIVE REPORTS

11.1 Monthly Statement of Taxes for November 2012

12.0 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

**January 14, 2013 - 7:00 p.m.
COMMUNITY CHANNEL 7**

COUNCIL MEETING WILL BE RE-AIRED

**January 16, 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: Members of the City Council
FROM: Anthony G. Chavonne, Mayor
DATE: January 14, 2013
RE: **Resolution of Respect in honor of former Mayor Beth Finch**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

Former Mayor Beth Finch passed away on Thursday, December 27, 2012. She was the first woman elected to the Fayetteville City Council and served two terms from 1971 to 1975. In 1975, Ms. Finch was elected the first woman Mayor of Fayetteville serving from 1975 to 1981. Among her many accomplishments as Mayor were the strengthening of the ties with Fort Bragg and Pope Air Force Base, updating the city's transit and solid waste collection services, and beginning the efforts to revitalize our city's image.

ISSUES:

BUDGET IMPACT:

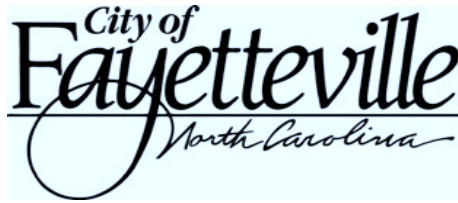
OPTIONS:

RECOMMENDED ACTION:

Adopt Resolution of Respect

ATTACHMENTS:

Resolution - Respect in honor of former Mayor Beth Finch



Resolution No. 2013-_____

**Former Mayor Beth Finch
Resolution of Respect**

WHEREAS, in the providence of God, He has brought to a close the life of former Mayor Beth Finch and we therefore offer this special tribute to the virtues and graces of her life of honor and value; **AND**

WHEREAS, Sarah Beth Dail Finch was born in Dunn, North Carolina on November 13, 1921, the only child of Joseph and Eulah Moody Dail; **AND**

WHEREAS, Ms. Finch was educated at Blackstone College for Girls in Virginia and graduated from the University of North Carolina at Chapel Hill where she majored in sociology; **AND**

WHEREAS, in 1944, she married Thomas H. Finch and by this union one son, Thomas "Hank" Finch Jr., was born; **AND**

WHEREAS, in the 1940s, she worked as a newspaper reporter in Dunn and Fayetteville, and her later professional career involved working with her husband at Finch Oil Company; **AND**

WHEREAS, she was a devoted member of Snyder Memorial Baptist Church; **AND**

WHEREAS, her civic and political contributions included being the first woman to serve on the board of trustees of Fayetteville Technical Institute and Pembroke State University, first woman President of the North Carolina League of Municipalities, served on the state Democratic Executive Committee, and was an active member of local civic groups and organizations to include the Woman's Club, the Book Club, Art Guild, Museum of Art, Boy Scouts, Salvation Army and United Way; **AND**

WHEREAS, in 1971, Beth Finch became the first woman elected to the Fayetteville City Council and in her second term was elected Mayor Pro Tem. She served on City Council from 1971 to 1975; **AND**

WHEREAS, in 1975, Beth Finch was elected the first woman Mayor of Fayetteville serving from 1975 to 1981. Among her many accomplishments as Mayor were the strengthening of the ties with Fort Bragg and Pope Air Force Base, updating the city's transit and solid waste collection services, and beginning the efforts to revitalize our city's image.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA: In her death, the City of Fayetteville has lost one of its great leaders who moved our city forward. Her dedication to Fayetteville was noble and very much appreciated. While her loss saddens us, her memory we cherish and her priceless example we strive to follow.

THEREFORE BE IT FURTHER RESOLVED: We tender our heartfelt sympathies to the bereaved family. And, to further honor her service, on December 29, 2012, the Market House bell tolled and our city flag was lowered to half-staff from sunrise to sunset to commemorate the passing of one of our city's greatest goodwill ambassadors, Mayor Beth Finch.

ADOPTED THE 14TH DAY OF JANUARY, 2013.

Anthony G. Chavonne
Mayor

ATTEST: _____
Pamela J. Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO:

FROM:

DATE: January 14, 2013

RE:

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Lisa Smith, Chief Financial Officer
DATE: January 14, 2013
RE: **Resolution Appointing Deputy Tax Collectors**

THE QUESTION:

Does the Council wish to appoint deputy tax collectors as permitted by state law to collect certain taxes and assessments?

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

- The City's Finance Department is responsible for collecting certain taxes and assessments, primarily privilege license taxes, paving and lot demolition and cleaning assessments, for the City of Fayetteville.
- The City appoints several deputy tax collectors to assist with the collection of these taxes and assessments.
- The City recently hired a new collections division manager and a new assessments clerk. These positions, among others, serve as deputy tax collectors for the City.
- City Council must appoint any individual who will serve as a deputy tax collector for the City.
- The attached resolution will appoint or reappoint four employees in the City's Finance Department as deputy tax collectors for the collection of taxes and assessments: Rochelle Roberts, Emily Beryl Robinson, Johniece Gibson and Diane Travis.

ISSUES:

None.

BUDGET IMPACT:

None.

OPTIONS:

1. Adopt the resolution appointing deputy tax collectors.
2. Do not adopt the resolution appointing deputy tax collectors.

RECOMMENDED ACTION:

Staff recommends that Council move to pass the attached resolution appointing deputy tax collectors.

ATTACHMENTS:

Resolution Appointing Deputy Tax Collectors

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
APPOINTING DEPUTY TAX COLLECTORS**

BE IT RESOLVED that Johniece Gibson, Rochelle Roberts, Emily Beryl Robinson and Diane Travis and their respective successors are appointed as Deputy Tax Collectors of the City of Fayetteville, pursuant to North Carolina General Statutes 105-349 and 105-321 for the purposes of North Carolina General Statute 105-361 and other applicable law. This order shall be full and sufficient authority to direct, require, and enable the Deputy Tax Collectors of the City of Fayetteville or their agent to levy on and sell any personal property of taxpayers, and to use any and all additional remedies provided by law for the collection of City taxes.

THIS RESOLUTION, adopted by the Fayetteville City Council upon the motion of _____ and seconded by _____ on the 14th day of January, 2013.

CITY OF FAYETTEVILLE

By: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: January 14, 2013
RE: **Adopt Resolution Authorizing the Sale of Personal Property by Public Auction**

THE QUESTION:

Is it in the interest of Council to approve a resolution authorizing the sale of the following personal property by public auction: 1994 HME Boardman Fire Pumper, 1994 Emergency One Sentry Rescue Truck and 1991 Emergency One Fire Pumper?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The City's Fire Department has determined that the following equipment is surplus to the needs of the department: 1994 HME Boardman Fire Pumper (VIN #44KFT4289RWZ17759); 1994 Emergency One Sentry Rescue Truck (VIN #4EMRAAA85R10040051); and 1991 Emergency One Fire Pumper (VIN #4S7BT9L04MC003503). North Carolina General Statute 160A-270 permits the sale of personal property at public auction upon approval by the City Council and after publication of a notice announcing the auction.

ISSUES:

None

BUDGET IMPACT:

Each unit has a potential sale value at auction of more than \$30,000. There will be no negative budgetary impact to the City.

OPTIONS:

1) Adopt resolution as requested. 2) Not adopt resolution and provide further direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the Resolution authorizing the sale of the 1994 HME Boardman Fire Pumper (VIN #44KFT4289RWZ17759); 1994 Emergency One Sentry Rescue Truck (VIN #4EMRAAA85R10040051); and 1991 Emergency One Fire Pumper (VIN #4S7BT9L04MC003503) by public auction.

ATTACHMENTS:

Public Auction Resolution - Fire Department Equipment

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AUTHORIZING THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION**

WHEREAS, the City of Fayetteville owns personal property described as a 1994 HME Boardman Fire Pumper (VIN #44KFT4289RWZ17759), a 1994 Emergency One Sentry Rescue Truck (VIN #4EMRAAA85R10040051) and a 1991 Emergency One Fire Pumper (VIN #4S7BT9L04MC003503), that is surplus to its needs; and

WHEREAS, North Carolina General Statute § 160A-270 permits the City to sell personal property at public auction upon approval by the City Council and after publication of a notice announcing the auction.

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

1. The City Council authorizes the sale at public auction of the personal property described as follows: 1994 HME Boardman Fire Pumper (VIN #44KFT4289RWZ17759), a 1994 Emergency One Sentry Rescue Truck (VIN #4EMRAAA85R10040051) and a 1991 Emergency One Fire Pumper (VIN #4S7BT9L04MC003503)
2. The auction will be conducted electronically through GovDeals on the website www.govdeals.com, beginning at 12:00 a.m., Friday, January 25, 2013.
3. The terms of the sale are (a) that the property is sold in its current condition, as is, and the City gives no warranty with respect to the usability of the property; (b) that the buyer will pay the full amount of his or her bid before the conclusion of the auction, whether in cash or with a certified check or cashier's check, and (c) such other terms of sale as posted on the GovDeals website, which will include a minimum bid price for the property.
4. The Public Works Commission of the City of Fayetteville is hereby authorized to dispose of the property of the auction on behalf of the City.

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

CITY OF FAYETTEVILLE, NORTH CAROLINA

(SEAL)

By: _____
Anthony G. Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria B.Wrench, Purchasing Manager
DATE: January 14, 2013
RE: **Adopt Resolution of Award for Sidewalks 2010 Hoke Loop Road Project**

THE QUESTION:

Is it in the interest of Council to adopt the attached Resolution of Award for the Sidewalks 2010 Hoke Loop Road Project?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

The City received funding from the North Carolina Department of Transportation (NCDOT) Safe Routes to School Division for construction of this project. The NCDOT requires that Council adopt a Resolution of Award as part of the funding agreement.

Bids were received December 27, 2012 as follows:

Browe Construction Company, Clayton, NC	\$145,660.00
Billy Bill Grading Company, Inc., Fayetteville, NC	\$167,944.00
Sandhills Contractors, Inc., Sanford, NC	\$171,244.00
Jymco Development Inc., Smithfield, NC	\$177,875.00
Lanier Construction Company, Inc., Snow Hill, NC	\$215,826.45

ISSUES:

None

BUDGET IMPACT:

The source of funds for this project are as follows:

Federal Highway Administration	\$100,000.00
Developer's Fees	\$45,042.00
General Fund	\$1,134.00
Total Project Funds	\$146,176.00

OPTIONS:

(1) Adopt Resolution of Award as recommended. (2) Not adopt Resolution and provide further direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the attached Resolution of Award to Browe Construction Company, Inc., Clayton, North Carolina, the lowest responsible, responsive bidder,

for construction of Sidewalks 2010 Hoke Loop Road project.

ATTACHMENTS:

Resolution of Award

**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**

WHEREAS, The City of Fayetteville, North Carolina, hereinafter referred to as City, publicly advertised for bids to be received for the Sidewalks 2010 Hoke Loop Road Project on Thursday, December 27, 2012; and,

WHEREAS, the Bids were publicly opened on the stated date; and,

WHEREAS, the City has accepted a loan from the Federal Highway Administration, through the North Carolina Department of Transportation, in the amount of \$100,000 for the Sidewalks 2010 Hoke Loop Road Project.

NOW THEREFORE BE IT RESOLVED BY THE CITY that the bid be awarded in accordance with the Engineer’s recommendation to the lowest responsive, responsible bidder, Browe Construction Company, Inc., in the amount of \$145,660. This Resolution authorizes the Mayor, or his designee, to execute on behalf of the City of Fayetteville, a contract and any change orders within the budgeted amount, with Browe Construction Company, Inc., for the project known as Sidewalks 2010 Hoke Loop Road.

Bids are awarded subject to approval of the North Carolina Department of Transportation.

The City Council of the City of Fayetteville, North Carolina, has read, approved and adopted this Resolution in the form presented above.

Adopted this ____ day of _____, 2013, at Fayetteville, North Carolina.

**CITY OF FAYETTEVILLE,
NORTH CAROLINA**

Anthony G. Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lee Jernigan, P.E., City Traffic Engineer
DATE: January 14, 2013
RE: **Approval of No Parking Ordinance on Sigman Street**

THE QUESTION:

Does the City Council concur with the enactment of a No Parking Ordinance on the northside of Sigman Street near Cain Road?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - Great Place to Live

BACKGROUND:

This is in response to an investigation of a citizen's concern of tractor trailers parking in this area of Sigman Street. The request was investigated by staff and a No Parking Ordinance was recommended to be in effect along Sigman Street from 300 feet west of Cain Road to 600 feet west of Cain Road.

ISSUES:

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

BUDGET IMPACT:

Future maintenance of the No Parking signs for this ordinance will be within the Traffic Services budget.

OPTIONS:

- Adopt the ordinance as recommended
- Reject the ordinance

RECOMMENDED ACTION:

Staff recommends Council move to adopt the attached No Parking ordinance along Sigman Street.

ATTACHMENTS:

No Parking Ordinance and Map

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

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

Sec. 16-61. Traffic Schedule Number 11 – Parking prohibited

SIGMAN STREET

No Parking along the north side of Sigman Street from 300 feet west of Cain Road to 600 feet west of Cain Road.

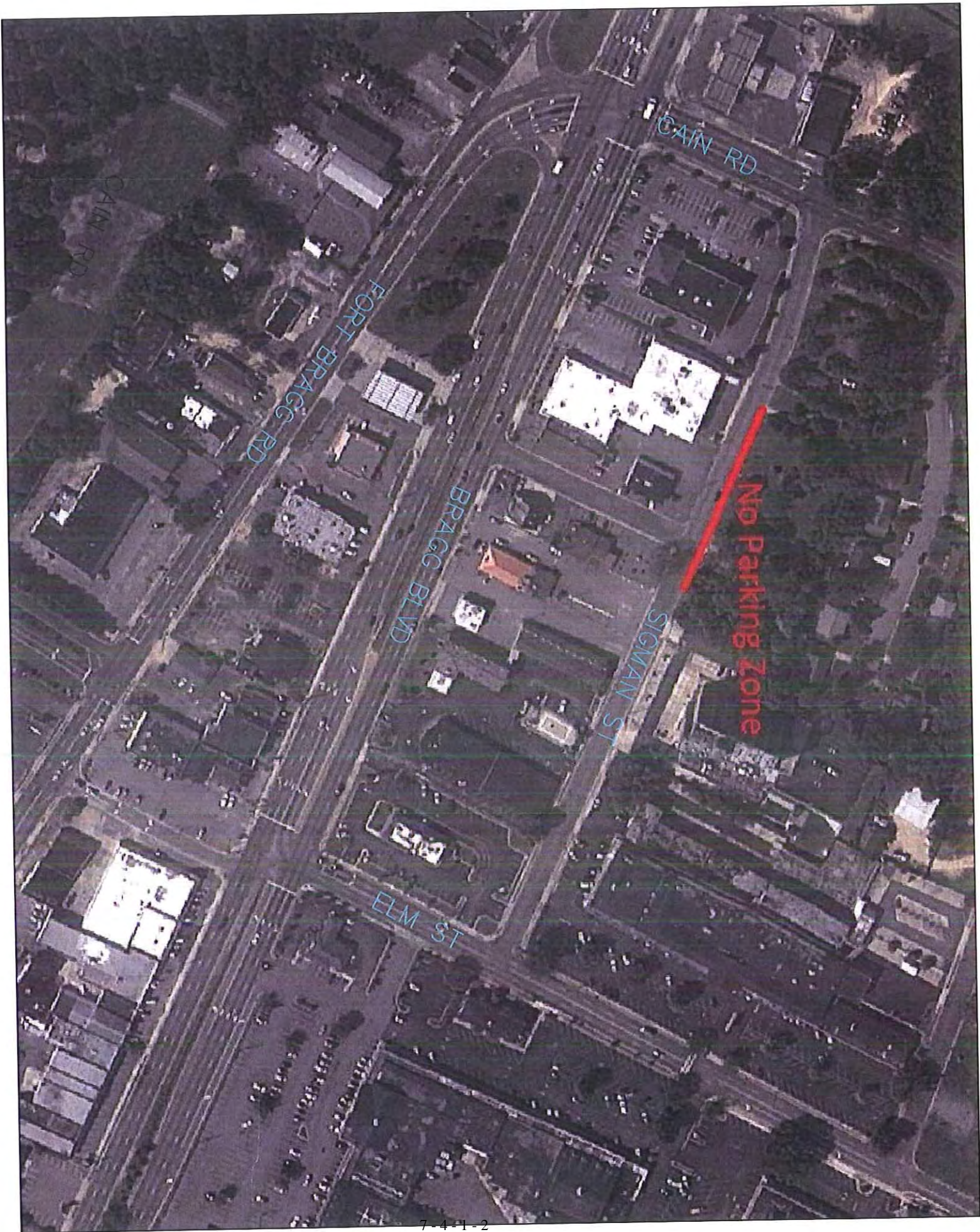
Adopted this _____ day of _____, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony G. Chavonne, Mayor

ATTEST:

Pamela J. Megill, CMC, City Clerk



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor Sharpe, Community Development Director
DATE: January 14, 2013
RE: **Community Development - Revision of Citizen Participation Plan for use of Community Development Block Grant and HOME Investment Partnership Grant funds.**

THE QUESTION:

Are the proposed revisions to the City's current Citizen Participation Plan designed to comply with revised conditions established by the granting agency consistent with Council's interests?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Community Unity - Pride in Fayetteville

BACKGROUND:

- The Citizen Participation Plan addresses the time and manner in which citizens will be informed and encouraged to participate in the planning process for the expenditure of Community Development Block Grant and HOME Investment Partnership Grant funds.
- The current Citizen Participation Plan is outdated and has been revised by staff to reflect changes necessary for compliance with HUD's regulations and guidelines.
- Changes in the plan include: Addition of a general section that explains the purpose of the plan; addition of the Community Development Department's mission; addition of program overview of the Community Development Block Grant and Home Investment Partnership programs; definitions of the Consolidated Plan, One-Year Action Plan and Consolidated Annual Performance Evaluation Report (CAPER) and Substantial Amendment; provided additional details for public meetings, notices, and public review and comment periods; updated handling of complaints section, and added a section regarding outreach to minorities, non-english speaking persons, person with disabilities and low to moderate income persons.
- The proposed amendment has been advertised and copies have been made available for review and comment for a period of 30 days.
- The Fayetteville Redevelopment Commission held a public hearing on this item at their meeting on December 13, 2012 and recommends approval of the revised plan.

ISSUES:

The current Citizen Participation plan is outdated and no longer fully complies with HUD requirements.

BUDGET IMPACT:

None

OPTIONS:

- Approve proposed plan.
- Modify proposed plan.
- Provide additional direction to staff.

RECOMMENDED ACTION:

The Fayetteville Redevelopment Commission recommends that City Council move to approve the

amended Citizen's Participation Plan.

ATTACHMENTS:

Citizen Participation Plan



Citizen Participation Plan

Community Development Department
433 Hay Street • Fayetteville, NC 28301
Phone: 910.433.1590 • Fax: 910.433.1592
www.cityoffayetteville.org



City of
Fayetteville
North Carolina



CITIZEN PARTICIPATION PLAN

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**CITY OF FAYETTEVILLE
COMMUNITY DEVELOPMENT DEPARTMENT**

CITIZEN PARTICIPATION PLAN

INTRODUCTION

The City of Fayetteville, North Carolina, has its legal representative and policy making body in a ten member City Council consisting of the mayor and nine (9) council members. The Fayetteville Redevelopment Commission (FRC) is the primary citizen participation mechanism for the Community Development Block Grant (CDBG) program, the HOME Investment Partnership Program and other Community Development program activities.

PURPOSE AND PHILOSOPHY

The effectiveness of citizen participation is enhanced when both citizens and elected officials are aware of the benefits. One benefit is, of course, the variety of points of view which citizens can bring to local government planning in technical areas, such as environment, education, health, transportation, human services and physical improvement needs. Elected officials can better serve the community, when citizens have the opportunity to voice their concerns. Citizen participation is an integral element of the community development program. The FRC provides two-way communication between the Mayor and City Council and the citizens of Fayetteville. The FRC serves as a forum to hear and screen citizen concerns and to make recommendations to the Mayor and City Council in an advisory capacity. The citizen participation process provides for the problem identification, proposing solutions to problems, goal setting, balancing physical and non-physical needs, determining priorities and recommending which proposed projects should become a part of the City's community development program. The FRC enables the city to be in compliance with the Department of Housing and Urban Development (HUD) regulations. Prior to submission of an application to HUD, the City will:

- A. Seek to foster citizens' meaningful involvement in important decisions at various stages of the program by providing citizens with adequate and timely information of funds available for CDBG and HOME activities; the range of activities that may be undertaken; and the rules and regulations established by the Department of Housing and Urban Development (HUD)

- B. Provide citizens an adequate opportunity to participate in the development of the Consolidated Plan, the One Year Action Plan, Consolidated Annual Performance Evaluation Report (CAPER) or substantial amendments.
- C. Provide citizens an opportunity to participate by providing comments through community organizations and at least two public hearings each fiscal year.

The ultimate goal of Fayetteville's citizen participation process is to provide meaningful citizen involvement in the local government process. The FRC will provide citizen input for all community development activities and other concerns.

Resources

To be as well informed as possible, the Community Development Department will provide the City Council and FRC with the following background and supportive information:

- A. Technical assistance
- B. Opportunities for periodic on-site observation of CDGB and HOME program activities.
- C. Regular project status reports. Program information provided as warranted and progress reports provided annually.

Fayetteville Redevelopment Commission (FRC)

Generally, the FRC meets the second Wednesday of each month at 12:30 p.m. in the Lafayette Room on the first floor of City Hall. All regular FRC meetings are conducted openly with freedom of access for all interested persons.

GENERAL

The purpose of the Citizen Participation Plan is to identify and set forth guidelines that the City of Fayetteville's Community Development Department will follow to ensure that the citizens of Fayetteville are adequately made aware of the services/programs that are financed with entitlement funding from the United States Department of Housing and Urban Development (HUD). The Citizen Participation Plan will specifically address the time and manner in which citizens will be informed and encouraged to participate in the planning process for the expenditure of Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) funds. Currently the City of Fayetteville does not receive Emergency Shelter Grant (ESG) or the Housing Opportunities for Persons with AIDS (HOPWA) funds; however, if it does in the future, these programs will be included under this Citizen Participation Plan. The Citizen Participation will also address how citizens will participate in the development stages of the Consolidated Plan, Annual Action Plan, and the Consolidated Annual Performance Evaluation Report (CAPER) and to each substantial amendment.

Review of the Citizen Participation Plan

All citizens of the City of Fayetteville will be afforded an opportunity to comment on the City of Fayetteville's Citizen Participation Plan. Upon completion of any substantial amendment to the Citizen's Participation Plan, the plan will be placed in several locations throughout the City for a period for public review. During the public comment period, citizens are given the opportunity to review and make comments on the plan for a period of thirty (30) days. Upon request, special accommodations will be made for handicapped or non-English speaking individuals to ensure their participation in the public review process. Such accommodations will follow those outlined below in the body of this Citizen Participation Plan. Any comments relative to the Citizens Participation Plan should be forwarded to the City of Fayetteville's Community Development Department for response. The Community Development Department will respond to each comment in writing thirty (30) days after receipt. The Community Development Department will endeavor to include citizen comments generated during the public review process into the Citizen Participation Plan whenever possible. All comments received, as part of the public review process, will be attached to the finalized Citizen Participation Plan. Annually, the city is required to complete several reports detailing when and how entitlement funds will be expended for the benefit of citizens of the City of Fayetteville.

MISSION STATEMENT

The Community Development Department is committed to providing quality service and opportunities to citizens in need of decent, safe and affordable housing, creating positive economic development situations resulting in job opportunities for low to moderate-income persons and expansion of the tax base.

Entitlement Funds

Programs and services provided by funds issued to the City of Fayetteville by the Department Housing of Urban Development (HUD) are limited to the City's corporate limits.

Community Development Block Grant Funds

The Community Development Block Grant (CDBG) Program is HUD's primary program for promoting community revitalization throughout the city. CDBG funds are used for a wide range of community development activities directed toward neighborhood revitalization, economic development, and improved community facilities and services.

The CDBG program is authorized under Title I of the Housing and Community Development Act of 1974, as amended. The primary objective of the program is to develop viable urban communities. The CDBG program is designed to provide, principally for low to moderate-income persons to have decent housing, a suitable living environment, and expanded economic opportunities. To achieve these goals, the CDBG regulations outline eligible activities and the national objectives that each activity must meet.

The CDBG national objectives are:

- To benefit low and moderate income persons;
- To aid in the prevention or elimination of slum or blight; and
- To meet community development needs having a particular urgency

The City is responsible for assuring that each eligible activity conducted under the Community Development Block Grant (CDBG) program meets one of these national objectives.

Home Investment Partnership Funds

The HOME Investment Partnership (HOME) program affirms the Federal Government's commitment to provide decent, safe, and affordable housing to all Americans and to alleviate the problems of excessive rent burdens, homelessness and deteriorating housing stocks. HOME provides funds and general guidelines to state and local governments to design affordable housing strategies that address local needs and housing conditions. HOME strives to meet both the short-term goal of increasing the supply and availability of affordable housing and the long-term goal of building partnerships between state and local governments and private and nonprofit housing providers.

HOME was created by the National Affordable Housing Act of 1990 and has been amended several times by subsequent legislation. HOME funds are allocated by formula to grantees to operate the program. Grantees must commit and spend their allocated funds within certain time-frames or they lose the funds.

The intent of the HOME Program is to:

- Provide decent affordable housing to lower-income households
- Expand the capacity of nonprofit housing providers
- Strengthen the ability of state and local governments to provide housing, and
- Leverage private-sector participation

The HOME projects and activities presented in the City's One Year Action Plans must meet the prescribed national objectives. The City is responsible for assuring that each eligible activity conducted under the HOME program meets one of these national objectives.

The Consolidated Plan (CP)

The Consolidated Plan is a strategy that identifies the urgent needs of the community as well as a plan of action for meeting those needs with specific programs. This plan must be updated every five years.

The One-Year Action Plan

The One-Year Action Plan is a yearly update of the Consolidated Plan in which the Community Development Department identifies specific projects that will be funded from each of the entitlement programs for a particular fiscal year.

Consolidated Annual Performance Evaluation Report (CAPER)

The Consolidated Annual Performance Report (CAPER) is a yearly summary that identifies the specific projects that were funded the previous year. The CAPER also identifies the

amount of funds that were budgeted for each project, as well as the demographic information relative to the number of individuals actually served from the project.

Substantial Amendments

A substantial amendment is required if it is necessary to change the use of funds budgeted in an Annual Action Plan or a change in the priorities established in the Consolidated Plan. Criteria for substantial amendments are as prescribed in this document.

The Planning Process

The area included in the entitlement jurisdiction includes those areas that are within the city limits of Fayetteville, North Carolina. In order to ensure that all residents of Fayetteville (particularly minority and low/moderate income residents) are afforded the opportunity to participate in the planning and development process of the Consolidated Plan and One Year Action Plan, public meetings will be held at the most appropriate locations which provide coverage across the length and width of the City. The Community Development Department will make special efforts to consult with the Fayetteville Metropolitan Housing Authority to ensure participation of affected residents in the development and implementation process of the Consolidated Plan and One Year Action Plan.

PUBLIC MEETINGS

Time Frame for Meetings

The Community Development Department will hold a series of public meetings each year in order to solicit citizen input into the planning and development of the Consolidated Plan and the One Year Action Plan. The purpose of these meetings will be to inform the public of the proposed activities for the Consolidated Plan or the One Year Action Plan, allow citizens an opportunity to comment on the proposed activities prior to adoption of the plan, and review the performance of the program.

Public meetings generally will be scheduled during times which will accommodate the specific needs of the community. The first series of meetings are usually held between November and January of each year. The subject matter at these meetings will include a discussion of the amount of entitlement funding that the City of Fayetteville expects to receive, the range of activities that may be undertaken with the entitlement funds, and an estimate of the number of low to moderate income persons that will be assisted with the funds.

Additionally, the Community Development staff will explain the current programs underway, as well as solicit comments and ideas relative to the development of new programs/projects to address housing and non-housing needs for the community.

A second series of meetings will typically be held during the first and/or second quarters of each calendar year (March – April). At least one of these meetings will be held in conjunction with a regular meeting of the governing body (City Council or Redevelopment Commission) prior to its adoption of the Consolidated Plan or the One year Action Plan.

PUBLIC HEARINGS

Whenever a public meeting date coincides with one of the governing body's meeting dates, the governing body will be asked to participate. Minimum of (2) public hearings will be held to inform the public of the proposed activities for the Consolidated Plan or the One Year Action Plan. Citizens are allowed the opportunity to comment on the proposed activities prior to the adoption of the plan and review the performance of the program. Public Hearings are normally held in the City Hall Council Chambers.

PUBLIC MEETING LOCATIONS

Public meetings are held at several locations throughout the city to ensure that each of the four quadrants is covered. Primary locations, which may be used on a regular basis, are in the following areas:

Massey Hill
Seabrook Park
Deep Creek Road
Bonnie Doone
71st Area

The Community Development Department may hold meetings in other locations from time to time at its discretion. Adequate notice of such meetings locations, dates, and times will be given prior to the meeting pursuant to the Public Notice provision of this Citizen Participation Plan.

PUBLIC NOTICE

Prior to the adoption of the Consolidated Plan, One Year Action Plan, or the Consolidated Performance Report (CAPER), the Community Development Department staff will ensure that adequate notice is given to all citizens, public agencies, and interested parties of the public meetings. The Community Development staff will give citizens the opportunity to examine the Consolidated Plan, One Year Action Plan or Consolidated Annual Performance Report (CAPER) and submit comments on the content of the documents. Notice of all public meetings shall be given at least two weeks prior to the meeting date or review period. Such notice shall be accomplished by the following:

Newspaper

The City of Fayetteville Community Development Department will publish a public notice of the proposed Consolidated Plan, One Year Action Plan or Consolidated Annual Performance Evaluation Report (CAPER) in the local newspaper of general circulation. Notices will include dates, times and locations of public meetings and/or documents for review. Other local daily or weekly publications will be used when possible. At a minimum, the City of Fayetteville Community Development Department will publish notice in the Public Notice Section of the Fayetteville Observer newspaper. Public notices will include a summary of the Consolidated Plan, One-Year Action Plan or the Consolidated Annual Performance

Evaluation Report that entails the contents and purpose of the list of locations, where entire copies of the document may be examined. Copies of these documents will be made available to interested citizens or groups at their request.

Public Service Announcements

In addition to publication of public meetings and public review sites in the Fayetteville Observer, the City of Fayetteville's Community Development Department will also utilize public service announcements to advise citizens, agencies and interested parties of public meetings and public review/comments periods relevant to the Consolidated Plan, One Year Action Plan or CAPER . Public Service Announcements (PSA's) will be sent to media sources known to have PSA programming within the Fayetteville area. Sources include:

The Fayetteville Observer	WIDU AM
The Fayetteville Press	WFSS public radio – Fayetteville State University
The Up & Coming Magazine	
Beasley Broadcasting Stations	Timewarner Cable Community Channel
Cumulus Broadcasting Stations	

Mailing List

The City of Fayetteville Community Development Department has developed a mailing list that has the names and addresses of citizens, agencies and other parties that have expressed an interest in the Community Development Department programs. The City of Fayetteville's Community Development Department uses this mailing list to inform those persons of public meetings and public comment periods. Included on the mailing list are local nonprofits, government agencies, the Continuum of Care and faith organizations.

Email distribution

The City of Fayetteville's Community Development Department has developed an email address listing of citizens, agencies and interested parties to distribute information pertaining to the Consolidated Plan, the One Year Action Plan and the Consolidated Annual Performance Evaluation Report (CAPER). An email notice will be sent to inform those persons of public meetings and public comment periods. To be added to the email list, citizens may call or email the Community Development Department and request the service.

Flyer postings and distribution

Notice of public meetings will also be placed in public buildings and commercial establishments near the meeting sites when allowed. In addition, notice will be distributed to area community groups when practical. A special effort will be made to have notices placed at locations that are frequented by the prospective beneficiaries of the program. Places of worship will also receive notices whenever practical.

PUBLIC REVIEW/COMMENT PERIOD

Before the adoption of the Consolidated Plan, One Year Action Plan, Consolidated Annual Performance Evaluation Report, Citizen Participation Plan or any substantial amendment thereof, citizens will be afforded the opportunity to review the document during a public review and comment period. A draft copy of the Consolidated Plan, One Year Action Plan, Consolidated

Annual Performance Evaluation Report, Citizen Participation Plan or any substantial amendment will be placed at no fewer than 10 of the sites identified in the Public Review/Comment Site listing section of this document. The City of Fayetteville’s Community Development Department may include other public review sites at its discretion, as it may deem necessary. The public review period for each document is as follows:

Citizen Participation Plan	No less than 30 days
Consolidated Plan	No less than 30 days
One Year Action Plan	No less than 30 days
Annual Performance Report	No less than 15 days
Substantial Amendments	No less than 30 days

Public Review Sites

The following public review sites will be utilized for the placement of documents during a public review/comment period. The City of Fayetteville’s Community Development Department may add or delete certain review sites at its discretion.

Documents for public review/comment will be available each day of the period from 9:00 a.m. until 5:00 p.m. Some of the designated sites may be open longer or closed earlier due to their own schedules.

Public Review/Comment Site listing:

City of Fayetteville Community Development	City Hall, 433 Hay Street, Ste. 309
Cumberland County Courthouse	117 Dick Street
Headquarters Public Library (State & Local)	300 Maiden Lane
Cliffdale Public Library (information desk)	6885 Cliffdale Road
Cliffdale Recreation Center	6404 Cliffdale Road
College Lakes Recreation Center	4963 Rosehill Road
Gilmore Recreation Center	1600 Purdue Drive
J.S. Spivey Recreation Center	500 Fisher Street
Kiwanis Recreation Center	353 Devers Street
Myers Recreation Center	1018 Rochester Street
Massey Hill Recreation Center	1612 Camden Road
Smith Recreation Center	1520 Slater Avenue
Westover Recreation Center	277 Bonanza Drive
Seabrook Neighborhood Resource Center	708 Langdon Street

Comments/Complaints

The City of Fayetteville’s Community Development Department shall consider all comments received, either orally or in writing, at the public meetings relative to the development of the Consolidated Plan, One Year Action Plan, or Consolidated Annual Performance Evaluation Report. A summary of all citizen comments or views received (including those comments not accepted and reasons thereof) shall be attached to the final adopted version of the Consolidated Plan, One Year Action Plan, or Consolidated Annual Performance Evaluation Report.

Procedures for Handling Complaints and Comments

The Community Development staff will prepare a written response to any person(s) comment or complaint stating what action will be taken. If the complaint cannot be addressed, the reason why will be stated. The response will be reviewed by the Community Development Director, and when necessary, forwarded to the City Manager for review along with any other recommended course of action. The response will be prepared in fifteen (15) days. All comments and responses of significant measure will be included in the Consolidated Plan, One Year Action Plan, or Consolidated Annual Performance Evaluation Report. Comments or complaints received outside of the planning process for any of the aforementioned documents will be handled in the same manner described in this section.

Minorities, Non-English Speaking Persons, Persons with Disabilities, and Low to Moderate-income Persons

Outreach and marketing efforts are to ensure that all citizens are made aware of public meetings and public review periods. Therefore, specific outreach efforts will be made for the following groups:

Minorities

Specific outreach and marketing efforts will be made to minority groups by distributing notices through minority community groups (i.e., NAACP, the Hispanic/Latino Center, Cumberland County Association for Indian People, Etc.), churches and other places of worship, and targeted civic organizations where census data indicates a concentration of minorities.

Non English Speaking and Handicapped Persons Assistance

Special accommodations will be made for non-English speaking and handicapped individuals to ensure their participation in the public review process upon request. The City of Fayetteville has developed a Limited English Proficiency Policy (LEP) and Procedure memorandum to help make reasonable steps to provide language assistance for LEP persons seeking meaningful access to City of Fayetteville services as required by Title VI of the Civil Rights Act and Executive Order 13166. A Limited English Proficiency person is one who does not speak English as his or her primary language and who has a limited ability to read, speak, write or understand English.

This policy details procedure regarding how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plans updates. Details on this policy can be found in the City of Fayetteville Standard Policy Documents number 117.

Persons with Disabilities

The City of Fayetteville Community Development Department is committed to providing equal access to its facilities, programs and services for persons with disabilities by holding all meetings in locations that are handicapped accessible.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the City of Fayetteville, North Carolina will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities.

Employment: The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

Effective Communication: The City will generally, upon request, provide appropriate aids and services including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: 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. For example, individuals with service animals are welcome in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in the City program, service, or activity, should contact the office of Ron McElrath, ADA Coordinator, Voice: 910-433-1696, rmcelrath@ci.fay.nc.us, as soon as possible but no later than 72 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a City program, service, or activity is not accessible to persons with disabilities should be directed to Ron McElrath, ADA Coordinator, Voice: 910-433-1696, rmcelrath@ci.fay.nc.us.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Low to Moderate Income Persons

The City of Fayetteville identifies low to moderate income communities using the Housing and Urban Development (HUD) census tracts. The city will make special efforts to provide information to persons in these communities to reference public meetings. Methods include area mailings, flyers, public services announcements, presentations and newspaper.

Plan Amendments

There are two provisions of the Community Development program that allows the City to make changes to an approved CDBG application. They are: (1) formal amendments requiring HUD approval and (2) amendments totaling less than twenty-five percent (25%) of an approved grant.

Any of these methods of making changes and adjustments to the program requires direct citizen participation. The details of the participation are addressed below:

- A. **Formal Program Amendment:** these amendments require prior HUD approval before they can be undertaken. A formal amendment is required when project changes equal to or greater than 25 percent (25%) of the annual grant proposed. This kind of change may involve new project changes in the beneficiaries of approved projects, or the accumulation of small changes of 25% or more. A formal public hearing is required to receive citizen comments and opinions on the proposed amendment.
- B. **Local Program Amendments:** Local amendments are generally those of a minor nature, in that they involve allocations or changes in projects which amount to less than 25% of the annual grant. An accumulation of local amendments during the life of the grant may exceed 25% and thereby require a formal amendment. Citizen Participation in local amendments will be the subject of the normal business of the FRC, based upon recommendations of the Community Development and Housing Division. Upon approval by the City Council, the change may be made immediately and reported to HUD.

When the Fayetteville City Council has established priorities and determined which activities it wishes to carry out, the staff will work up detailed estimates for submission to the Department of Housing and Urban Development.

Displacement

The City of Fayetteville's Community Development Department will endeavor to take all reasonable steps to minimize the displacement of persons/households as a result of activities through its programs. Although the City of Fayetteville Community Development Department does not anticipate displacement of persons/households to occur, funds shall be allocated through the specific project budget to provide assistance to residents in the event that such displacement does occur. Such assistance will be provided in accordance with the City of Fayetteville Residential Anti-displacement and Relocation Assistance Plan. Affected persons will be provided the required information or citizens may request information regarding anti-displacement and relocation assistance from the City of Fayetteville Community Development Department.

ACCESS TO RECORDS

Upon request, the City of Fayetteville's Community Development Department will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the City of Fayetteville Consolidated Plan, Annual Action Plan, CAPER and any Substantial Amendments. Such records shall include information regarding the City's use of entitlement funding in the five-year period preceding any request.

Availability to the Public

The City of Fayetteville's Community Development Department will ensure that copies of the Consolidated Plan, Annual Action Plan and CAPER, and any Substantial Amendments thereof, are available to the public at all times. In addition, citizens may obtain copies of said documents

upon request. In the event that such a request is made by a person with a disability or who is non-English speaking, the City shall ensure that the copies of the requested document is provided in a form accessible to said person. Persons seeking copies of any of the above documents or who desire additional information may contact the City of Fayetteville's Community Development Department.

Suggestion and Recommendations

If you have any suggestions or recommendations regarding the Citizen Participation Plan, you may contact the City of Fayetteville Community Development Department at:

City of Fayetteville, Community Development Department
433 Hay Street, Room 309
Fayetteville, North Carolina 28301
Office: (910) 433-1590
Fax: (910) 433-1592
Website: www.cityoffayetteville.org

Revised November 7, 2012

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Kristoff Bauer, Asst. City Manager
DATE: January 14, 2013
RE: **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.**

THE QUESTION:

Is it in the interest of Council to award a contract to Cushman & Wakefield/Thalhimer for brokerage/marketing services for the sale of the Festival Park Plaza Building?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

The City of Fayetteville, in a joint effort with the Public Works Commission, solicited proposals to retain the services of an experienced real estate brokerage firm to conduct market research, develop a comprehensive marketing plan, and implement detailed action strategies for the sale of the Festival Park Plaza Building (City) and the Robert C. Williams Business Center (PWC). Requests for Proposals were sent to thirty-seven (37) firms with three (3) firms responding. The responding firms were Clift Commercial Real Estate Services, Fayetteville, NC; Grant-Murray Real Estate, LLC, Fayetteville, NC; and Cushman & Wakefield/Thalhimer, Raleigh, NC. An evaluation team consisting of City and PWC staff reviewed the proposals and conducted follow-up discussions as needed. The unanimous decision of the evaluation team was to award a contract to Cushman & Wakefield/Thalhimer, Raleigh, North Carolina, for brokerage/marketing services for both buildings based on their national outreach and experience, planned approach (bid process versus traditional approach), experience with the sale of similarly priced buildings, available staff and resources, transaction history and cost of services.

Please see attachment for cost of services breakdown by firm.

ISSUES:

None

BUDGET IMPACT:

Impact to the City would be fixed fees not to exceed \$6000 if properties are marketed at separate times, or a not to exceed amount of \$4,000 if both properties are marketed simultaneously; and compensation of 1.5% of the gross sales price of the Festival Park Plaza Building.

OPTIONS:

1) Award contract according to staff recommendation. 2) Not award contract and provide further direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council authorize the City Manager to execute a contract with Cushman & Wakefield/Thalhimer, Raleigh, North Carolina, for brokerage/marketing services for the sale of the Festival Park Plaza Building.

ATTACHMENTS:

Brokerage/Marketing Cost of Services

BROKERAGE/MARKETING SERVICES FOR THE SALE OF THE ROBERT C. WILLIAMS BUSINESS CENTER AND THE FESTIVAL PARK PLAZA BUILDING

FIRM	PERCENT OF GROSS VALUE	FIXED FEES
CUSHMAN & WAKEFIELD/THALHIMER	1.5% of the gross sales price	Not to exceed \$6000 per building or \$8000 total if both properties are marketed simultaneously
CLIFT COMMERCIAL REAL ESTATE SERVICES	4% of gross value negotiated on a co-brokerage transaction	None stated
GRANT-MURRAY REAL ESTATE, LLC	6% of the purchase price - split 50/50 with a buyer's agent	None stated.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Gloria B. Wrench, Purchasing Manager
DATE: January 14, 2013
RE: **Award Contract for McNeill Circle Storm Drainage Improvements**

THE QUESTION:

Is it in the interest of Council to award a contract for construction of storm drainage improvements for McNeill Circle?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

Formal bids for construction of storm drainage improvements for McNeill Circle were received November 29, 2012.

Bids were received from three (3) contractors as shown on the attached bid tabulation. Staff recommends award to the lowest responsive, responsible bidder, Lanier Construction Company, Snow Hill, NC, in the amount of \$1,622,364.20.

The SDBE participation on this project is 58.5%.

ISSUES:

None

BUDGET IMPACT:

A total of \$1,672,918.49 is available to fund this project.

OPTIONS:

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

RECOMMENDED ACTION:

Staff recommends that Council move to authorize the City Manager to execute a contract in the amount of \$1,622,364.20 to the lowest responsive, responsible bidder, Lanier Construction Company, Snow Hill, North Carolina.

ATTACHMENTS:

Bid Tabulation

CITY OF FAYETTEVILLE

STORM DRAINAGE IMPROVEMENTS FOR MCNEILL CIRCLE

BID DATE: NOVEMBER 29, 2012; 10:00 A.M.

BIDDERS	TOTAL BID
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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria B. Wrench, Purchasing Manager
DATE: January 14, 2013
RE: **Approve Award of Contract for the Purchase of Seven (7) Police Cars**

THE QUESTION:

Is it in the interest of Council to approve the award of a contract for the purchase of seven (7) 2013 Dodge Charger Police Cars?

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government - Cost Effective Service Delivery

BACKGROUND:

The Police Department currently has the need to purchase seven (7) new police cars. Formal bids for the purchase of police cars were received December 27, 2012. Invitations to bid were sent to sixteen (16) vendors with one (1) vendor responding. Staff recommends award of contract to Ilderton Dodge Chrysler Jeep, High Point, NC, in the amount of \$205,278.00. The contract would consist of the purchase of six (6) marked cars at a cost of \$29,354.00 each; and one (1) unmarked car at a cost of \$29,154.00.

The bid price includes upfit, that is installation of lights, cages, specialized seats, equipment mounts, and other specialized equipment. The responding vendor is the only one that has the resources to complete the upfit process.

The City used to contract separately for acquisition and upfit. The upfit contractor was in South Carolina. This required that the City acquire the vehicles, pay the full cost, and then transport them to the upfit vendor and back. A couple years ago, Ilderton Dodge Chrysler Jeep invested in the personnel and equipment to allow them to complete the upfit process. This allows the City to pay only upon full completion of the process and delivery of the operationally ready vehicle.

The state contract was won by an out of state vendor offering a price of \$22,854 per vehicle without upfit. The recommended bid is for \$22, 879 base price plus \$6,475 for upfit.

Staff feels it is in the best interest of the City to accept the bid from Ilderton, to include the cost of the upfit, instead of purchasing the cars off of State Contract and then contracting with a separate vendor for the upfit.

ISSUES:

None

BUDGET IMPACT:

These cars are budgeted in the FY2013 budget. The total budgeted amount is \$234,500.00.

OPTIONS:

(1) Award contract according to staff recommendation. (2) Not award contract and provide further direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council move to authorize the City Manager to execute a contract for the purchase of seven (7) 2013 Dodge Charger Police Cars from Ilderton Dodge Chrysler Jeep, High

Point, NC, in the amount of \$205,278.00.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: January 14, 2013
RE: **Bid Recommendation- Annexation Phase V- Project V, Area 12, Arran Lakes West Subdivision**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve bid recommendation to award contract for Annexation Phase V- Project V, Area 12, Arran Lakes West Subdivision.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of December 12, 2012 approved bid recommendation to award contract for Annexation Phase V-Project V, Area 12 Arran Lakes West Subdivision to Utilities Plus, Inc., Linden, NC, lowest responsive, responsible bidder in the amount of \$3,298,442.76 and forward to City Council for approval.

This item is budgeted in the CIP Budget as WS46 – Phase V Annexation – FY2013. \$2,351,969 was budgeted for construction of Area 12. This amount does not include the storm drainage work, which is reimbursed to PWC by the City. The total cost listed below includes the storm drainage portion of the work. The bid amount less the storm drainage work is \$2,853,625.36, which is \$501,656.36 more than the budgeted amount for this area. However, the bid amount for construction of Area 13 came in at \$466,192.04 less than the budgeted amount, therefore, the total amount over budget for both areas is only \$35,464.32. There are adequate funds in CIP WS46 to cover the overage. Bids were received November 15, 2012 as follows:

<u>Bidders</u>	<u>Total Cost</u>
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

ISSUES:

SDBE participation on this project is 100%. Utilities Plus is certified as a woman-owned business and will be performing 98% of the work on this project with their own forces. Additionally, Utilities Plus is subcontracting out hauling services equivalent to 2% of the work to a certified minority owned company

BUDGET IMPACT:

PWC Budgeted Item

OPTIONS:

N/A

RECOMMENDED ACTION:

Staff recommends Council move to authorize the City Manager to execute a contract with Utilities

Plus, Inc., Linden, NC, lowest responsive, responsible bidder in the total amount of \$3,298,442.76.

ATTACHMENTS:

Bid recommendation

Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** December 4, 2012

FROM: Gloria Wrench, Purchasing Manager

ACTION REQUESTED: Award contract for Annexation Phase V – Project V, Area 12 – Arran Lakes West Subdivision

BID/PROJECT NAME: Annexation Phase V – Project V, Area 12 – Arran Lakes West Subdivision

BID DATE: November 15, 2012 **DEPARTMENT:** Water Resources Engineering

BUDGET INFORMATION: CIP WS46 – Phase V Annexation – FY2013 - \$2,351,969 was budgeted for construction of Area 12. This amount does not include the storm drainage work, which is reimbursed to PWC by the City. The total cost listed below includes the storm drainage portion of the work. The bid amount less the storm drainage work is \$2,853,625.36, which is \$501,656.36 more than the budgeted amount for this area. However, the bid amount for construction of Area 13 came in at \$466,192.04 less than the budgeted amount, therefore, the total amount over budget for both areas is only \$35,464.32. There are adequate funds in CIP WS46 to cover the overage.

BIDDERS	TOTAL COST
<u>Utilities Plus, Inc., Linden, NC</u>	<u>\$3,298,442.76</u>
<u>Pipeline Utilities, Inc., Raleigh, NC</u>	<u>\$4,021,424.40</u>
<u>State Utility Contractors, Monroe, NC</u>	<u>\$4,038,585.75</u>
<u>Billy Bill Grading, Fayetteville, NC</u>	<u>\$4,210,069.25</u>
<u>DeVere Construction Co., Raleigh, NC</u>	<u>\$4,265,883.47</u>

AWARD RECOMMENDED TO: Utilities Plus, Inc., Linden, NC

BASIS OF AWARD: Lowest responsive, responsible bidder

AWARD RECOMMENDED BY: Water Resources Engineering and Gloria Wrench

COMMENTS: Plans and specifications were requested by nine (9) contractors with five (5) contractors responding. Utilities Plus, Inc. submitted all of the required evaluation criteria and upon review, staff has determined they are sufficiently qualified to perform this work.

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

ANNEXATION PHASE V – PROJECT V, AREA 12 – ARRAN LAKES SUBDIVISION

BID DATE: NOVEMBER 15, 2012

Consulting Engineer

W. K. Dickson

Advertisement

1. PWC Website 10/02/12 through 11/15/12
2. Greater Diversity 10/04/12

List of Organizations Notified of Bid

1. NAACP Fayetteville Branch, Fayetteville, NC
2. NAWIC, Fayetteville, NC
3. N.C. Institute of Minority Economic Development, Durham, NC
4. CRIC, Fayetteville, NC
5. Fayetteville Business & Professional League, Fayetteville, NC
6. SBTDC, Fayetteville, NC
7. FTCC Small Business Center, Fayetteville, NC
8. Fayetteville Area Chamber of Commerce, Fayetteville, NC
9. Carolinas AGC, Charlotte, NC
10. Hispanic Contractors Association, Raleigh, NC

List of Contractors Requesting Plans and Specifications

1. ES&J Enterprises, Autryville, NC
2. Billy Bill Grading, Fayetteville, NC
3. State Utility Contractors, Monroe, NC
4. Pipeline Utilities, Raleigh, NC
5. Utilities Plus, Linden, NC
6. Metcon, Pembroke, NC
7. DeVere Construction Company, Raleigh, NC
8. Triangle Grading & Paving, Burlington, NC
9. L-J, Inc., Columbia, SC

SDBE Participation

SDBE participation on this project is 100%. Utilities Plus is certified as a woman-owned business and will be performing 98% of the work on this project with their own forces. Additionally, Utilities Plus is subcontracting out hauling services equivalent to 2% of the work to a certified minority owned company.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: January 14, 2013
RE: **Bid Recommendation- Annexation Phase V- Project V, Area 13, Shenandoah Subdivision**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve bid recommendation to award contract for Annexation Phase V- Project V, Area 13, Shenandoah Subdivision

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of December 12, 2012 approved bid recommendation to award contract for Annexation Phase V-Project V, Area 13 Shenandoah Subdivision to DeVere Construction, Raleigh, NC in the amount of \$2,859,899.50 and forward to City Council for approval.

This item is budgeted in the CIP Budget as WS46 – Phase V Annexation – FY2013. \$2,875,000 was budgeted for construction of Area 13. This amount does not include the storm drainage work, which is reimbursed to PWC by the City. The total cost listed below includes the storm drainage portion of the work. The bid amount less the storm drainage work is \$2,408,807.96, which is \$466,192.04 less than the budgeted amount for this area. Bids were received November 8, 2012 as follows:

<u>Bidders</u>	<u>Total Cost</u>
DeVere Construction, Raleigh, NC	\$2,859,899.50
State Utility Contractors, Inc., Monroe, NC	\$2,864,944.30
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

ISSUES:

DeVere Construction will utilize SDBE subcontractors for 10.1% of the work on this project.

BUDGET IMPACT:

PWC Budgeted Item

OPTIONS:

N/A

RECOMMENDED ACTION:

Staff recommends the Council move to authorize the City Manager to execute a contract with DeVere Construction, Raleigh, NC in the amount of \$2,859,899.50.

ATTACHMENTS:

Bid recommendation

Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** December 4, 2012

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award contract for Annexation Phase V – Project V, Area 13 - Shenandoah Subdivision

.....
BID/PROJECT NAME: Annexation Phase V – Project V, Area 13 – Shenandoah Subdivision

BID DATE: November 8, 2012 **DEPARTMENT:** Water Resources Engineering

BUDGET INFORMATION: CIP WS46 – Phase V Annexation – FY2013 - \$2,875,000 was budgeted for construction of Area 13. This amount does not include the storm drainage work, which is reimbursed to PWC by the City. The total cost listed below includes the storm drainage portion of the work. The bid amount less the storm drainage work is \$2,408,807.96, which is \$466,192.04 less than the budgeted amount for this area.

.....

BIDDERS	TOTAL COST
<u>DeVere Construction, Raleigh, NC</u>	<u>\$2,859,899.50</u>
<u>State Utility Contractors, Inc., Monroe, NC</u>	<u>\$2,864,944.30</u>
<u>Billy Bill Grading, Fayetteville, NC</u>	<u>\$3,525,570.50</u>
<u>Pipeline Utilities, Raleigh, NC</u>	<u>\$3,691,317.78</u>
<u>T.A. Loving Co., Goldsboro, NC</u>	<u>\$4,006,665.22</u>

.....

AWARD RECOMMENDED TO: DeVere Construction Company

BASIS OF AWARD: Lowest responsive, responsible bidder

AWARD RECOMMENDED BY: Water Resources Engineering and Gloria Wrench

.....
COMMENTS: Plans and specifications were requested by ten (10) contractors with five (5) contractors responding. DeVere Construction Company submitted all of the required evaluation criteria and upon review, staff has determined they are sufficiently qualified to perform this work.

.....
ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

ANNEXATION PHASE V – PROJECT V, AREA 13 – SHENANDOAH SUBDIVISION BID DATE: NOVEMBER 8, 2012

Consulting Engineer

Moorman, Kizer & Reitzel, Inc.

Advertisement

- | | | |
|----|-------------------|---------------------------|
| 1. | PWC Website | 09/24/12 through 11/08/12 |
| 2. | Greater Diversity | 10/04/12 |

List of Organizations Notified of Bid

1. NAACP Fayetteville Branch, Fayetteville, NC
2. NAWIC, Fayetteville, NC
3. N.C. Institute of Minority Economic Development, Durham, NC
4. CRIC, Fayetteville, NC
5. Fayetteville Business & Professional League, Fayetteville, NC
6. SBTDC, Fayetteville, NC
7. FTCC Small Business Center, Fayetteville, NC
8. Fayetteville Area Chamber of Commerce, Fayetteville, NC
9. Carolinas AGC, Charlotte, NC
10. Hispanic Contractors Association, Raleigh, NC

List of Contractors Requesting Plans and Specifications

1. ES&J Enterprises, Autryville, NC
2. Billy Bill Grading, Fayetteville, NC
3. State Utility Contractors, Monroe, NC
4. Pipeline Utilities, Raleigh, NC
5. Utilities Plus, Linden, NC
6. Metcon, Pembroke, NC
7. TA Loving Company, Goldsboro, NC
8. DeVere Construction Company, Raleigh, NC
9. R.H. Moore Company, Murrells Inlet, SC
10. L-J, Inc., Columbia, SC

SDBE Participation

DeVere Construction will utilize SDBE subcontractors for 10.1% of the work on this project.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Lisa Smith, Chief Financial Officer
DATE: January 14, 2013
RE: **Capital Project Ordinance Amendment 2013-23 (Linear Park)**

THE QUESTION:

Capital Project Ordinance Amendment 2013-23 will appropriate an additional \$118,948 for the Linear Park project.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

- This amendment will appropriate additional donations of \$117,925 and additional investment income of \$1,023 for the Linear Park project.
- The Linear Park Board's intent is to use the additional funds, along with the remaining funds that have already been appropriated, to construct: - the bridge between Cemetery #1 and the new Grove Street bridge under path; - to construct an overlook in section four of the trail; - and for future expansion of the Linear Park system.
- If approved, the revised total budget will be \$2,012,767.

ISSUES:

None

BUDGET IMPACT:

As noted above.

OPTIONS:

- 1) Adopt Capital Project Ordinance Amendment 2013-23.
- 2) Do not adopt Capital Project Ordinance Amendment 2013-23.

RECOMMENDED ACTION:

Staff recommends that the Council move to adopt Capital Project Ordinance Amendment 2013-23 (Attached).

ATTACHMENTS:

CPOA 2013-23 Linear Park

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2013-23 (CPO 2004-3)**

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

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

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Donations	\$ 1,799,348	\$ 117,925	\$ 1,917,273
General Fund Transfer	50,000	-	50,000
Transfer from PWC	79	-	79
Investment Income	44,392	1,023	45,415
	<u>\$ 1,893,819</u>	<u>\$ 118,948</u>	<u>\$ 2,012,767</u>

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

Project Expenditures	<u>\$ 1,893,819</u>	<u>\$ 118,948</u>	<u>\$ 2,012,767</u>
----------------------	---------------------	-------------------	---------------------

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

Adopted this 14th day of January, 2013.

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Pamela Megill, City Clerk
DATE: January 14, 2013
RE: Approve Meeting Minutes:
October 1, 2012 - WKS
October 8, 2012 - Discussion of Agenda Items
October 8, 2012 - Regular Meeting

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:

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

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FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
OCTOBER 1, 2012
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:45 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8) (departed at 6:30 p.m.); James W. Arp, Jr. (District 9)

Absent: Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4)

Others Present: Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Dana Clemons, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Scott Shuford, Development Services Manager
Rusty Thompson, Engineering and Infrastructure Director
Randy Hume, Transit Director
Victor Sharpe, Community Development Director
Craig Hampton, Special Projects Director
Kecia Parker, Real Estate Manager
Craig Gossman, AIA, NCARB, Principal Consultant for MKSK
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 Mayor Pro Tem Arp.

3.0 APPROVAL OF AGENDA

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

SECOND: Council Member Fowler

VOTE: UNANIMOUS (7-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Community Development - Hope VI Business Park Redevelopment Update

Mr. Victor Sharpe, Community Development Director, presented this item and provided background information on the project. He stated 23 parcels had been acquired and the City was working with the Fayetteville-Cumberland County Chamber of Commerce to complete a plan for developing a business park for the Hope VI Revitalization Project. He further stated the Chamber hired MKSK to complete the plan. He introduced Mr. Craig Gossman, AIA, NCARB, Principal Consultant for MKSK.

Mr. Gossman provided an update with the aid of a power point presentation. He explained a redevelopment plan involved identifying the best use of the property with an emphasis on job growth; recognizing environmental, economic, and social sustainability; and keeping with community interests for location, land value, and market support. He stated the reconnaissance and market analysis had been

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completed and they were now working on the schematic site plan. He explained the market analysis had consisted of drive time, demographics, and various types of markets such as commercial, office, industrial, and flex. He provided maps, photographs, and aerial photographs of the physical framework of the Hope VI neighborhood and diagrams of conceptual site plans showing various options.

A discussion period ensued on the education and skill set levels of the residents of Hope VI, job creation opportunities, self-sufficiency of residents, educational opportunities, median household income of residents, and the Dr. E. E. Smith house.

Mr. Sharpe stated the item would be revisited at the November 2012 City Council work session.

4.2 Consider Authorization for Condemnation on Remaining Parcels in the Designated Hope VI Business Park

Ms. Kecia Parker, Real Estate Manager, presented this item and provided background information. She stated Council had allotted \$1,000,000.00 to date for property acquisition for the Hope VI Business Park. She further stated City staff had acquired 23 parcels and performed research on the remaining 18 parcels but had not acquired them to date. She explained due to title issues that inhibited the City from getting proper title to the properties that were left, staff was requesting City Council's opinion and approval to begin condemnation actions. She further explained if condemnation action was initiated, the problems would be cleared through that process and would allow the City to have clear title to the property. She stated the title issues involved unknown heirs in the majority of the parcels and in the condemnation action a guardian ad litem would be appointed by the Clerk of Court to represent the unknown heirs. In conclusion, she stated by going through this process the City was ensuring that no impropriety existed and all interests were represented.

Consensus of the Council was to take official action and pass a resolution on this item at the October 8, 2012, City Council meeting.

4.3 Multi-Modal Transportation Center Design Update

Mr. Randy Hume, Transit Director, presented this item with the aid of a power point presentation. He provided background information and explained the Federal Transit Administration (FTA) had provided grant funding for property acquisition, relocation, demolition, and design/engineering work. He stated the project design began in September 2011 and in July the FTA announced an \$8,015,000.00 federal grant for constructing the initial phase of the Multi-Modal Transportation Center. He further stated the survey and geotechnical surveys were complete, the demolition contract had been awarded, and the final design and construction documents were in progress. He provided an overview of the FTA Construction Grant and the design features of the Multi-Modal Transportation Center. He also provided maps, floor plans, and conceptual drawings of how the Multi-Modal Transportation Center would look upon completion. He reviewed the schedule to complete the design and bid documents by early 2013, award the contract in spring 2013, and begin the construction in summer 2013 with a completion date of fall 2014.

Mayor Chavonne stated he wanted the facility to be similar to the airport as a clean and safe environment.

Mayor Pro Tem Arp inquired if the building could be rotated 180 degrees so that the most aesthetically pleasing side of the building would be visible from Russell Street. Mr. Hume responded there would be issues with the elevation and excavation.

Council Member Davy inquired if further research could be conducted.

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Mr. Craig Hampton, Special Projects Director, explained that positioning the Multi-Modal Transportation Center as shown was the safest position as the buses would not be required to make left turns and would make the least amount of turns.

Mr. Rusty Thompson, Engineering and Infrastructure Director, further explained the current position would allow the closest proximity to the Amtrak station for the pedestrians.

Mayor Pro Tem Arp requested staff to provide a detailed financial breakdown of the cost of the Multi-Modal Transportation Center to include the land acquisition costs.

4.4 Update on Assessments Collection Process

Ms. Lisa Smith, Chief Financial Officer, presented this item with the aid of a power point presentation. She stated Council had approved a new position to focus on the collection of outstanding assessments and directed staff to bring back information regarding foreclosure of properties with outstanding assessments, particularly demolition assessments. She further stated as of June 30, 2012, the principal balances on outstanding lot cleaning/demolition assessments and paving assessments were \$910,195.00 and \$225,553.00 respectively, and there were 2,187 outstanding lot cleaning/demolition assessments and 137 paving assessments. She explained the current course of action for assessments was to (1) hire the approved full-time Accounting Clerk; (2) research mailing addresses, change of ownership, and mortgage company through County property records; (3) send notices to both the property owner and the mortgage company; (4) send past due lot cleaning/demolition to debt setoff; and (5) provide assessment balance information to outside attorney during the sale of property.

Council Member Applewhite inquired if this procedure could be outsourced. Ms. Smith responded this could be explored. Mr. Ted Voorhees, City Manager, cautioned that debt collection agencies had less authority than the municipality and it would be a revenue loss to outsource.

Ms. Smith stated that currently the City did not have a budget for foreclosures.

Consensus of the Council was to revisit this item in six months for possible inclusion in the FY 2013-2014 budget.

4.5 Hire Fayetteville First - Defining "Local"

Mr. Kristoff Bauer, Assistant City Manager, presented this item with the aid of a power point presentation. He stated Council adopted City Council Policy 135.2, Hire Fayetteville First Jobs Creation Policy, on July 9, 2012, and staff presented a timeline and action plan for implementing the program during the September 4, 2012, Council meeting. He explained the next step called for clarifying the definition of "locally owned businesses" as used in the adopted policy. He further explained Policy 135.2 directed staff to conduct a disparity study as part of developing programs to support locally owned businesses, women owned businesses, minority owned businesses, disabled and disadvantaged owned businesses, and veteran owned businesses. He stated the three fundamental characteristics for defining local were (1) Area (city or county or defined area), (2) Key Policy Compliance (zoning, licensing, tax payment), and (3) Relationship to Area (principal place of business, employees in area). He advised staff was able to identify authoritative definitions from federal or state law sources for all categories of business identified except "locally owned businesses." He presented three sample definitions of "locally owned businesses".

A discussion period ensued.

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Consensus of the Council was to go with the Cumberland County definition as follows:

Local vendors or suppliers shall be those who demonstrate that they pay business, personal, or real property taxes and are self-employed residents of Cumberland County or employ at least two residents of Cumberland County as an employee or officer of the contracting business entity, and the City of Fayetteville is their principal place of business

Mr. Bauer stated staff would return to the November City Council work session with a draft of the Request for Proposal for the disparity study.

4.6 City Council Request(s): (In order of receipt date)

(a) Council Member Applewhite - Private Street Standard

Council Member Applewhite presented this item with the aid of a power point presentation and stated she would like for Council to consider establishing a minimum and acceptable standard for privately owned streets within the City to ensure accessibility for public safety vehicles response, and provide citizens a means to travel across roads safely without concern for damage to property or personal injury. She provided photographs of privately owned streets in various states of disrepair with some being extremely dangerous.

A brief discussion period ensued.

Consensus of Council was to direct staff to conduct research and return this item to the City Council providing options on how to address this item along with necessary legal actions.

5.0 ADJOURNMENT

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

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

100112

DRAFT

FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
OCTOBER 8, 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); Bobby Hurst (District 5); Valencia A. Applewhite (District 7) (arrived at 6:25 p.m.); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

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

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 and reviewed the announcements. He also advised there were 12 speakers for the public forum.

Mayor Chavonne requested clarification on Item 6.3. Ms. Karen McDonald, City Attorney, explained this was necessary because all amendments to the City Code were codified by Municipal Code Corporation through ordinance amendments and an ordinance had not been done when PROP was repealed. Council requested the item be pulled so it could be explained.

Mayor Chavonne explained there had been a request on Item 7.2 that the public hearing be held open to allow speakers that might be unable to attend due to the observance of the Jewish Holiday Simchat Torah.

Mayor Chavonne explained Item 8.2 was adoption of a resolution for the Parks and Recreation Bond. He further explained there would also be additional votes.

Council Member Fowler expressed concerns about advocacy for the bond issue. Mr. Ted Voorhees, City Manager, explained staff's role which was for information only.

Council noted change in format for Strategic Plan. Mr. Ted Voorhees, City Manager, advised he welcomed feedback.

Council Member Bates advised he was planning to attend the North Carolina League of Municipalities Annual League Business Meeting. No other Council members expressed intent to attend.

There being no further business, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

100812

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
OCTOBER 8, 2012
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Absent: Darrell J. Haire (District 4); William J. L. Crisp (District 6)

Others Present: Ted Voorhees, City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Dana Clemons, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering and Infrastructure Director
Kecia Parker, Real Estate Manager
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
Jerry Dietzen, Environmental Services Director
Charles Kimble, Assistant Police Chief
Patricia Bradley, Police Attorney
Karen Hilton, Planning and Zoning Manager
Craig Harmon, Planner II
Rebecca Rogers-Carter, Management Services Manager
Vincent Higgins, Co-Chair, Fayetteville Chapter Sister Cities
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 Mayor Pro Tem Arp.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 787 of Saint Patrick's Catholic Church.

ANNOUNCEMENTS AND RECOGNITION

Council Members Chavonne and Massey presented a proclamation to Mr. Roosevelt Odom and Ms. Jackie Blue proclaiming the month of October 2012 Disability Awareness Month.

Council Members Chavonne and Davy presented a proclamation to Ms. Hannah Carroll, President of the National Alliance on Mental Illness (NAMI), Cumberland County, proclaiming October 7 through October 13, 2012, Mental Illness Awareness Week.

4.0 APPROVAL OF AGENDA

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

SECOND: Council Member Bates

VOTE: UNANIMOUS (8-0)

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5.0 PUBLIC FORUM

Mr. Roosevelt Odom, Fayetteville, NC, through an interpreter, expressed thanks to the community for the outreach and positive responses to the deaf community.

Reverend Naim Hasan, P.O. Box 3105, Fayetteville, NC, representing the "Black Afro American Culture Identity Mission", provided the organization's mission statement to the City Council.

Ms. Jane Carlisle, 3515 Wyatt Court, Fayetteville, NC 28304, expressed concerns regarding dangerous streets in need of urgent repairs, to include Applecross Avenue, Starbrook Drive, and Southwood Drive, and provided a letter addressing her concerns to the City Council.

Mr. Amir Eronomy Mohammed Smith, 2700 Murchison Road, Fayetteville, NC, provided a brief report on his "State of Fayetteville" and addressed concerns regarding trash and littering in the City.

Mr. James Lacey, 2013 Blackfriars Road, Fayetteville, NC 28304, expressed concerns pertaining to what he deemed a dangerous intersection at Bingham and Lakeridge Drive in the Aarons Lake West neighborhood.

Ms. Wendy Michener, 223 Hillside Avenue, Fayetteville, NC 28301, expressed concerns regarding the culture of a ranking system wherein people on the top speak down to others and as a result those people on the lower rungs feeling they were powerless and had no responsibility. She also stated she was in favor of the Parks and Recreation Bond Referendum.

Chaplain Archie Barringer, 2271 Jeanna Shone Drive, Fayetteville, NC 28306, thanked the Mayor and City Council and the Cumberland County Legislative Delegation for all of their hard work and support for the passage of Senate Bill 444 for the maintenance and restoration of the Sandhills State Veterans Cemetery.

Mr. Jerry Reinoewl, 516 Deepath Drive, Fayetteville, NC 28301, expressed opposition to the Parks and Recreation Bond Referendum and stated it was irresponsible to increase taxes during these uncertain economic times.

Reverend Sandra Kirkman, 7720 Hazelwood Avenue, Fayetteville, NC 28314, expressed concerns regarding septic tank back-up problems and drainage issues at her church. She thanked the Mayor's office, Council Member Applewhite, and the Engineering Department for looking into her concerns.

6.0 CONSENT

MOTION: Council Member Davy moved to approve the consent agenda with the exception of Item 6.3.

SECOND: Council Member Applewhite

VOTE: UNANIMOUS (8-0)

6.1 Approve meeting minutes:

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

DRAFT

August 13, 2012 - Discussion of Agenda Items

- 6.2 Resolution adopting the amended North Carolina Municipal Records Retention and Disposition Schedule.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE APPROVING THE MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE AMENDMENT ON SEPTEMBER 10, 2012. RESOLUTION NO. R2012-039.

- 6.3 Pulled for discussion by Council Member Davy.

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

The amendment appropriated \$155,340.00 to the Emergency Telephone System Fund budget for the purchase of replacement dispatch consoles. The source of funds for the amendment was an appropriation of \$155,340.00 from the Emergency Telephone System Fund fund balance.

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

The ordinance appropriated \$59,936.00 for the Prescription Drug Initiative for fiscal year 2012-2013.

- 6.6 Special Revenue Fund Project Ordinance 2013-7 (Fayetteville Family Justice Center).

The ordinance appropriated \$42,913.00 for the Fayetteville Family Justice Center project.

- 6.7 Award contract for the purchase and installation of 15 public safety dispatch console systems to Evans Consoles, Calgary, AB, Canada, sole bidder meeting all specifications, in the amount of \$277,065.00.

Bids were received as follows:

Evans Consoles (Calgary, AB, Canada)	\$277,065.00
Eaton's Wright Line (Worcester, MA)	\$191,609.60
Centurylink (Rocky Mount, NC)	\$217,014.53

- 6.8 Award contract for the purchase of one cab and chassis with a 16 cubic yard refuse body to Carolina Environmental, Kernersville, NC, bidder most closely meeting bid specifications, in the amount of \$129,217.00.

Bids were received as follows:

Smith International (Fayetteville, NC)	\$126,856.74
Carolina Environmental (Kernersville, NC)	\$129,217.00
Smith International (Fayetteville, NC)	\$129,923.74

- 6.9 Case No. P12-46F. Request for rezoning from SF-10 Single Family to O&I Office and Institutional District on property located at Cromwell Avenue. Containing 1.46 acres more or less and being the property of Northwood Temple International Pentecostal Holiness Church.

- 6.10 Case No. P12-47F. Request for rezoning from HI Heavy Industrial District to LI Light Industrial District on property located at 2838 Enterprise Avenue. Containing 2.02 acres more or less and being the property of John and Zoila Degreff.

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6.11 Bid recommendation for 33,000 GVWR cab and chassis with fuel/lube body to award bid to Piedmont Truck Center, Greensboro, NC, lowest bidder meeting specifications, in the amount of \$148,900.00.

Bids were received as follows:

Piedmont Truck Center (Greensboro, NC) \$148,900.00
Smith International (Fayetteville, NC) \$151,279.00

6.12 PWC Electric, Water/Wastewater and Fleet Maintenance Internal Service Fund Budget Amendment #1 and Electric Utility System Rate Stabilization Fund Budget Amendment #14.

1. General Fund Amendment #1 Budget Ordinance: The original adopted General Fund Budget for Fiscal Year 2013 was \$343,176,625.00. A proposed increase of \$7,325,900.00 would bring the Fiscal Year 2013 budget to \$350,502,525.00. The following items made up the requested changes:

- a. Electric Fund Budget decrease of \$9,177,500.00
- b. Water and Wastewater Budget increase of \$16,444,400.00
- c. Fleet Maintenance Internal Service Fund had an increase for the purchase of Computer Software in the amount of \$59,000.00 (amount transferred from the above funds).

2. Electric Utility System Rate Stabilization Fund Budget Amendment #14: Amended the Electric Rate Stabilization Fund Budget as follows:

- a. Loan to the Water/Wastewater fund \$15,414,900.00
- b. Add back \$9,036,235.00 that was projected to be paid by 2012 Bond Proceeds

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

6.13 Tax refunds of greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Sprye, Leland & Audrey B.	2010	Corrected Assessment	\$346.77
Total			<u>\$346.77</u>

6.3 Technical correction - ordinance to repeal the PROP ordinance.

Council Member Davy pulled this item for discussion.

Ms. Karen McDonald, City Attorney, explained all amendments to the City Code were codified by Municipal Code Corporation through an ordinance adopted by Council. She further explained that although Council repealed the PROP ordinance on August 8, 2011, an ordinance was needed for codification. She stated the ordinance in the packet would allow Municipal Code Corporation to repeal the PROP ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REPEALING ARTICLE V, PROBATIONARY RENTAL OCCUPANCY PERMIT, OF CHAPTER 14, HOUSING, BUILDINGS AND DWELLINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2012-022.

MOTION: Council Member Davy moved to adopt the ordinance repealing the PROP Ordinance.
SECOND: Council Member Applewhite
VOTE: UNANIMOUS (8-0)

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7.0 PUBLIC HEARINGS

7.1 Request by Sentry Security Systems for an amendment to City Code Article 30-5.D to permit a 10 foot electric fence inside another fence on any nonresidential outdoor storage area.

Ms. Karen Hilton, Planning and Zoning Manager, presented this item and stated Sentry Security Systems was proposing that uses with outdoor storage be allowed to install electric fences and monitoring systems, much like a building security system. She explained outdoor storage areas were often the most exposed portions of an industry or business, and the systems were presented as an effective deterrent to burglary and vandalism. She further explained the installation of the electric fences and monitoring system and stated access by authorized emergency personnel was handled similarly to locked gates. She stated the applicant provided information on the Sentry system and that there could be other vendors if the amendment was approved. She further stated current regulations would not allow electric fences or barbed/razor-wire fences although certain uses such as some governmental facilities or utility services were exempt from some standards and could request approval of different fence heights and materials through a Security Plan. She advised staff recommended a conservative approach of denial or a more limited scope and staff concerns included that the yellow and black warning signs nullified the less intrusive appearance of the electric wire compared to barbed/razor wire, and the high visibility of the warning signs could exaggerate any perception of the City as an unsafe place to live or do business. She further advised the Planning Commission recommended modified approval by limiting use of the electrified fence system to the two industrial zoning districts and, as a Special Use Permit, to the CC Community Commercial district where outdoor storage or warehouse type uses were authorized. She provided the following reasons for the recommendation:

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

Ms. Hilton stated the staff identified and recommended an administrative alternative to the Special Use Permit process for uses in the CC district. She explained it involved a modification of the existing Security Plan approach and provided the following five options for the City Council to consider:

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

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Ms. Hilton advised the Planning Commission recommended that the City Council approve Option 2 which was to approve the text amendment labeled Alternative 1 - SUP, to permit a monitored electric fence system in industrial zoning districts by right and by Special Use Permit for allowed outdoor storage and warehouse-type uses in the CC district. She further advised the Planning staff recommended approval of Option 3, to approve the text amendment labeled Alternative 2 - Security Plan, to permit a monitored electric fence system in industrial zoning districts by right and by administrative review of a Security Plan for allowed outdoor storage and warehouse type uses in the CC district.

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

Mr. Randy Mullis, 1107 Stone House Road, Chapin, SC, appeared in favor and stated he was available to answer any questions.

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

Council Member Fowler inquired of Mr. Mullis if he was comfortable with accepting the staff recommendation of Option 3. Mr. Mullis responded in the affirmative.

Council Member Fowler inquired why Option 2 would be preferred over Option 3. Ms. Hilton responded the security plan would normally be a staff review and there would be some standards and some objectives that would be a part of the ability to request a security plan. She further responded they would be looking at where storage was a use rather than a peripheral activity and this would be captured in the security plan expectations. She stated if they were to deny as staff, they would have an option of appeal to the Board of Adjustments, rather than by the Council.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO ESTABLISH STANDARDS FOR THE USE AND OPERATION OF ELECTRIFIED FENCES AND TO DESIGNATE IN WHICH ZONING DISTRICTS AND UNDER WHAT PROCEDURES SUCH FENCES MAY BE PERMITTED. ORDINANCE NO. S2012-023.

MOTION: Council Member Bates moved to approve Option 2, approve the amendment labeled Alternative 1 - SUP, as recommended by the Planning Commission (with the SUP process for requests in the CC district).

SECOND: Council Member Applewhite

VOTE: UNANIMOUS (8-0)

7.2 Public hearing on the candidacy of Dimona City, Israel, as a Potential Sister City.

Mr. Vincent Higgins, Co-Chair, Fayetteville Chapter Sister Cities, presented this item with the aid of a power point presentation. He stated the population of Dimona was 33,558 and was one of the most diverse cities in Israel and had the largest "Black Hebrew" population in Israel. He stated Dimona was awarded one of the ten most beautiful cities in Israel in 2009 and offered a unique family welcome program for all new families and residents, every neighborhood had its own nursery school and every neighborhood had its own youth club and sports complex. He stated Dimona received the National Award of Excellence in Education in 2008 and environmental awareness was stressed in all the schools. He stated Dimona developed one of the largest water recycling projects in Israel. He stated the Negev Nuclear Research Center was not mentioned in the previous presentation as it was not a point of interest to the Sister City organization, and noted that the state of North Carolina had four nuclear power plants. He concluded his presentation by stating Sister

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Cities break down social and cultural barriers and build lifelong bridges between people.

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

Mr. Shirish Devasthali, 6790 Stone Mountain Farm Road, Fayetteville, NC 28311, Chair of the Faces in the Community (FIC), appeared in favor and stated the FIC endorsed the adoption of Dimona as a sister city. He stated this would provide educational opportunities for the youth and would promote the exchange of friendships, not based on religion or race.

Mr. Adam Beyah, 2620 Bragg Blvd, Suite D, Fayetteville, NC 28303, appeared in opposition, and questioned why the nuclear reactor that was in close proximity to the City of Dimona was not mentioned at the initial presentation to the City Council.

Mr. George Butterfly, 537 Maryview Street, Fayetteville, NC 28306, appeared in opposition and stated the City of Fayetteville already had one sister city and he did not see the need for additional sister cities, especially in this difficult economic climate.

Ms. Khalialah Ali, 1101 Branson Street, Fayetteville, NC 28305, appeared in opposition due to the political climate of Israel.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE SISTER CITY DIMONA, ISRAEL. RESOLUTION NO. R R2012-040.

MOTION: Council Member Davy moved to adopt the resolution approving the candidacy of Dimona, Israel, as a sister city.
SECOND: Council Member Hurst
VOTE: PASSED by a vote of 6 in favor to 2 in opposition (Council Members Applewhite and Bates)

8.0 OTHER ITEMS OF BUSINESS

8.1 Authorizing condemnation on remaining parcels for Hope VI Business Park.

Ms. Kecia Parker, Real Estate Manager, presented this item and provided background information. She stated Council had allotted \$1,000,000.00 to date for property acquisition for the Hope VI Business Park. She further stated City staff had acquired 23 parcels and performed research on the remaining 18 parcels but had not acquired them to date. She explained due to title issues that inhibited the City from getting proper title to the properties that were left, staff was requesting City Council's opinion and approval to begin condemnation actions. She further explained if condemnation action was initiated, the problems would be cleared through that process and would allow the City to have clear title to the property. She stated the title issues involved unknown heirs in the majority of the parcels and in the condemnation action a guardian ad litem would be appointed by the Clerk of Court to represent the unknown heirs. In conclusion, she stated by going through this process the City was ensuring that no impropriety existed and all interests were represented.

MOTION: Council Member Bates moved to adopt the resolution which would allow completion of the project and direct staff to continue with the appropriate procedures to adopt the resolution to authorize condemnation procedures.
SECOND: Council Member Massey

A discussion period ensued.

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SUBSTITUTE MOTION:

Council Member Davy moved to adopt the resolution which would allow completion of the project and direct staff to continue with the appropriate procedures to adopt the resolution to authorize condemnation procedures to include exempting those four properties that they have not been able to get a hold of and have staff send out a letter to them.

SECOND: Council Member Hurst

VOTE: FAILED by a vote of 3 in favor (Council Members Hurst, Chavonne, and Davy) to 5 in opposition (Council Members Bates, Applewhite, Arp, Massey, and Fowler)

ORIGINAL MOTION VOTE:

FAILED by a vote of 3 in favor (Council Members Bates, Hurst, and Massey) to 5 in opposition (Council Members Applewhite, Chavonne, Arp, Davy, and Fowler)

A discussion period ensued.

MOTION: Mayor Pro Tem Arp moved to direct staff to send a certified letter to all of the identified properties that would highlight the intent of the City to move forward to ensure property owners have a full opportunity to be notified and to make sure there was a receipt of the letters with the appropriate owner or estate holder.

FRIENDLY AMENDMENT:

Council Member Hurst made a friendly amendment to include a 60-day time frame for staff to receive responses back from the letters.

Mayor Pro Tem Arp accepted the friendly amendment.

SECOND: Council Member Hurst

VOTE: FAILED by a vote of 4 in favor (Council Members Hurst, Chavonne, Arp, and Davy) to 4 in opposition (Council Members Applewhite, Bates, Fowler, and Massey)

No further direction was provided on this item.

8.2 Resolution making certain findings and determinations and authorizing the filing of an application with the Local Government Commission in connection with the proposed authorization of Parks and Recreation Bonds by the City.

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item with the aid of a power point presentation. He provided an overview of the structural plan and stated while the 2006 Master Plan provided a list of needed projects, greater detail was needed. He stated staff identified the "who, what, where, and how much" for each project to include project goal, project scope, activities, construction cost, operational cost, anticipated fees, revenue potential, cost recovery, target user demographics and primary and secondary service areas. He provided a breakdown of the estimated costs for insurance and stated the liability estimated total for all projects completed was \$20,000.00 to \$35,000.00 as projects were completed. He stated there was no liability for skate parks as long as they were signed appropriately (stating immunity) and swimming pools were not high risk as long as there were appropriate personnel (water quality and safety specialist). He explained the resolution was directing the City Manager or the Chief Financial Officer to file an application with the Local Government Commission for approval of the Parks and Recreation Bonds in an amount not to exceed \$45 million. He further explained the adoption of the resolution would represent City Council's first formal action, as required by state law, to initiate the bond authorization process and in the next few months Council would be asked to introduce the bond order, conduct a public

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hearing and adopt the bond order, and declare the results of the referendum.

A question and answer period ensued.

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED AUTHORIZATION OF PARKS AND RECREATION BONDS BY THE CITY. RESOLUTION NO. R2012-041.

MOTION: Council Member Davy moved to approve the resolution.
SECOND: Council Member Hurst
VOTE: PASSED by a vote of 5 in favor to 3 in opposition (Council Members Applewhite, Bates and Fowler)

8.3 FY 2013 Strategic Plan 1st Quarter Report

Ms. Rebecca Rogers-Carter, Management Services Manager, presented this item with the aid of a power point presentation and stated the City was committed to the advancing policy and management agendas articulated in the City's Strategic Plan as developed by the City Council during their strategic plan retreat. She explained in an effort to promote greater accountability for results and transparency, this year the quarterly report would focus on meeting objectives of the City's goals. She further explained staff would work to incorporate performance measurement and benchmarking indicators in the future as resources allowed. She stated the five main areas of the Strategic Plan were (1) a vision statement describing the type of community the Council would like to facilitate through policy direction and staff's work efforts; (2) a mission statement describing the organizational purpose, "making Fayetteville a better place for all"; (3) a list of core values describing the standards of performance which was expressed with the acronym statement to "Serve with RESPECT"; (4) multi-year goals providing an intermediate focus for the work of City Council and staff, and further outlining the activities Council believed were necessary to realize the vision; and (5) a one-year action plan identifying issues that Council wishes to address by providing policy direction and the necessary actions that the City management should complete during the upcoming fiscal year.

MOTION: Council Member Hurst moved to accept the report.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (8-0)

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

MOTION: Mayor Pro Tem Arp moved to nominate Council Member Bates as the delegate and Mr. Ted Voorhees, City Manager, as the alternate delegate.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (8-0)

8.5 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:

2216 Edgar Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure was issued. He noted to date there were no repairs to the structure and the utilities were

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disconnected in August 2009. He further noted within the past 24 months there had been 1 call for 911 service and no code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,400.00.

2009 Murchison Road

Mr. Shuford stated the structure was a vacant commercial building that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in October 2008. He further noted within the past 24 months there had been no calls for 911 service and eight code violations with pending assessments of \$532.53. He advised the low bid for demolition of the structure was \$3,500.00.

229 Nimocks Avenue

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in May 2009. He further noted within the past 24 months there had been 26 calls for 911 service and 4 code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,800.00.

1517 Slater Avenue

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in December 2004. He further noted within the past 24 months there had been no calls for 911 service and one code violation with no pending assessments. He advised the low bid for demolition of the structure was \$1,450.00.

A brief discussion period ensued.

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 (2216 Edgar Street, PIN 0428-97-8370). ORDINANCE NO. NS2012-034.

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 (2009 Murchison Road, PIN 0428-85-6094). ORDINANCE NO. NS2012-035.

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 (229 Nimocks Avenue, PIN 0437-61-8805). ORDINANCE NO. NS2012-036.

MOTION: Council Member Bates moved to adopt the ordinances authorizing the demolition of the structures at 2216 Edgar Street, 2009 Murchison Road, 229 Nimocks Avenue, and 1517 Slater Avenue.

SECOND: Council Member Hurst

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A discussion period ensued regarding there only being one code violation and no calls for 911 service within the last 24 months at 1517 Slater Avenue and no broken windows and not being boarded up.

FRIENDLY AMENDMENT:

Council Member Fowler made a friendly amendment to remove 1517 Slater Avenue from the motion.

Council Members Bates and Hurst accepted the friendly amendment.

A discussion period ensued and staff was directed to bring this property back to Council with an update as soon as possible.

VOTE: UNANIMOUS (8-0)

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:55 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

100812

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen M. McDonald, City Attorney
DATE: January 14, 2013
RE: **Police Citizen Review Board - Adoption of Ordinance and Rules of Procedure**

THE QUESTION:

Whether to adopt an ordinance creating a Police Citizen Review Board and the Rules of Procedure for the Police Citizen Review Board.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

At the November 26, 2012, City Council meeting, a draft ordinance was presented to Council and a public hearing was held to discuss the Police Citizen Review Board. After the public hearing, Council directed staff to prepare a final ordinance creating the Citizen Review Board with an effective date of July 1, 2013, as long as state enabling legislation had been obtained. Attached is the final ordinance for adoption. Also attached for adoption, as required by the ordinance, are the Rules of Procedure for the Board.

ISSUES:

None

BUDGET IMPACT:

N/A

OPTIONS:

Adopt the ordinance creating the Police Citizen Review Board and the Rules of Procedure.

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the attached ordinance creating the Police Citizen Review Board and the Rules of Procedure.

ATTACHMENTS:

Police Citizen Review Board Ordinance
Police Citizen Review Board Rules of Procedure

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

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

Section 1. A new Section 2-43, Police Citizen Review Board, under Chapter 2, Administration, is created as follows:

Sec. 2-43. Police Citizen Review Board.

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

(b) *Membership.* The Police Citizen Review Board shall be composed of seven members and one alternate. Those seven-member positions shall be composed of and selected as follows:

(1) The following shall be selected by the City Manager in accordance with the City's Appointment Committee process:

- a. One member with a minimum of five years prior law enforcement professional experience;
- b. One member with professional personnel management experience; and
- c. One member with professional human relations experience.

(2) The following shall be selected by the City Council from the general citizenry in accordance with the City's Appointment Committee process:

- a. Four members and one alternate.

(c) *Terms of members.* Each member shall serve for a term of three years staggered. Members may only serve a maximum of two consecutive terms. If the alternate is required to complete the balance of a term caused by a vacancy, the alternate will serve the balance of that term. The members shall serve without compensation.

(d) *Election of chair and vice chair.* The Police Citizen Review Board shall elect:

(1) *A chair by majority vote of the serving members.* The chair will serve a one-year term and shall be eligible to serve as chair in successive years.

(2) *A vice chair to preside in the absence of the chair.* The vice chair will serve a one-year term and shall be eligible to serve as vice chair in successive years. The vice chair serves as chair in the chair's absence or incapacity.

(e) *Rules of Procedure.* The City Council, by majority vote, shall adopt the Rules of Procedure consistent with this Code of Ordinances and State Statutes; otherwise, the meetings of the Police Citizen Review Board will be governed by the Parliamentary Rules of Procedure for City Council, as prescribed in Section 2-4 of this Code of Ordinances. Recommendations for amendments to these rules may, within the limits allowed by law, be approved by an affirmative vote of not less than five members of the board, provided that the general substance of the amendment is first presented to the board members in writing at a meeting preceding the meeting at which the vote is taken. All recommended amendments will be submitted to the City Manager for his or her consideration.

(f) *Meetings.* All meetings of the Citizen Review Board shall be conducted in accordance with the Open Meetings Law, G.S. 143-318.9, et seq.

(g) *Minutes.* Written minutes of all Police Citizen Review Board meetings shall be taken by the staff liaison and after approval, filed with the city clerk.

(h) *Quorum and voting.* The Citizen Review Board shall conduct its business only with a quorum.

(i) *Effective date.* This section shall become effective on July 1, 2013, if approved and ratified by the General Assembly.

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

ADOPTED this 14th day of January, 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: Steven K. Blanchard, PWC CEO/General Manager
DATE: January 14, 2013
RE: **PWC - Phase 5 Annexation Areas 14 and 15 - Preliminary Assessment Resolution**

THE QUESTION:

Providing sanitary sewer service to Areas 14 and 15 of the Phase 5 Annexation.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The adoption of the Preliminary Assessment Resolution by City Council is the next step in the process of providing sanitary sewer service to Areas 14 and 15 of the Phase 5 Annexation area. I am enclosing the original Preliminary Assessment Resolution for all streets within Areas 14 and 15 where we anticipate utilities being installed and for which property owners may be assessed a portion of the utility installation cost. Attached is a schedule of the next several items that will need to be completed as part of this process.

After adoption of the Preliminary Assessment Resolution, PWC will publish the required notices and mail copies of the Resolution to the affected property owners prior to the public hearing. You will note the Resolution contains the date and time for the public hearing regarding this issue which is January 28, 2013.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Staff recommends that Council pass the attached Preliminary Assessment Resolution providing for notice to potentially impacted property owners and setting a public hearing for January 28, 2013.

ATTACHMENTS:

Preliminary Assessment Resolution
Schedule

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".

WHEREAS, The City Council of the City of Fayetteville has determined that it may be in the best interest of the City to extend its sanitary sewer collection system and that in order to provide such an extension, it would be necessary to assess part of the cost thereof upon the real property abutting thereon:

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

1. That it is intended that the sanitary sewer system of the City of Fayetteville shall be extended by constructing a sanitary sewer collection system over, along, and to the following property under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina and the procedure therein established.
2. That an assessment upon the property receiving benefit of the sanitary sewer extension in the amount of \$5,000 be hereafter assessed for what is described as single family residential parcels requiring one sewer service lateral with remaining property being assessed at an equal rate of \$55.56 per foot of road frontage but not less than ninety (90) feet plus the average cost for service laterals as may be installed for the benefit of the non-single family residential parcels.
3. That the assessment herein provided for shall be payable in cash or, if any property owner shall so elect and give notice of that fact to the City Council by and through its Public Works Commission in accordance with Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina, they shall have the option and privilege of paying the assessment over a term of ten (10) equal annual installments, said installments to bear interest at a rate not to exceed eight percent per annum.

4. That a public hearing on all matters covered by this Resolution shall be held on the 28th day of January, 2013 at the City Hall Council Chamber in the City of Fayetteville, North Carolina, at 7:00 p.m.

This the ____ day of _____, 2013.

CITY OF FAYETTEVILLE

Anthony G. Chavonne, Mayor

Pamela J. Megill, CMC, City Clerk

The following City Council members voted for passage of the above Resolution:

The following City Council members voted against the above Resolution:

EXHIBIT "A"**Area 14 ARRAN HILLS/WINTER PARK**

Street Names	From Intersection	To Intersection
BAILEY LAKE ROAD	RIVERCROFT ROAD EASTWARDLY	BAILEY LAKE ROAD
BELLE TERRE COURT	BERRIEDALE DRIVE EASTWARDLY	TO STREET END
BERRIEDALE DRIVE	WORTHINGTON DRIVE NORTHWARDLY	PAST PAWLING COURT
BRUSSELS COURT	BERRIEDALE DRIVE EASTWARDLY	TO STREET END
LAWHORNE DRIVE	WINTERPARK DRIVE NORTHWARDLY	ROCKFORD DRIVE
LORELL COURT	LAWHORNE DRIVE WESTWARDLY	TO STREET END
PADDINGTON COURT	BERRIEDALE DRIVE EASTWARDLY	TO STREET END
PAWLING COURT	BERRIEDALE DRIVE EASTWARDLY	TO STREET END
ROCKFORD DRIVE	BAILEY LAKE ROAD EASTWARDLY	TO STREET END
TYSOR DRIVE	WORTHINGTON DRIVE NORTHWARDLY	TO ROCKFORD DRIVE
WAVERLY COURT	BERRIEDALE DRIVE WESTWARDLY	TO STREET END
WINTER PARK DRIVE	LAWHORNE DRIVE WESTWARDLY	TO STREET END
WORTHINGTON DRIVE	MERRY OAKS DRIVE WESTWARDLY	TO STREET END

Area 15 SHADOWLAWN/ARRANHILLS SUBDIVISIONS

Street Names	From Intersection	To Intersection
BAILEY LAKE ROAD	BAILEY LAKE ROAD EASTWARDLY	FRANKIE AVENUE
BERRIEDALE DRIVE	SHADY LANE SOUTH EASTWARDLY	TO STREET END
CAROLYN COURT	BERRIEDALE DRIVE SOUTHWARDLY	TO STREET END
CRESTWOOD AVENUE	BINGHAM DRIVE WESTWARDLY	TO STREET END
DELMAR STREET	VALDESE COURT NORTHWARDLY	TO STREET END
DENVER DRIVE	BINGHAM DRIVE WESTWARDLY	TO STREET END
FRANKIE AVENUE	BAILEY LAKE ROAD NORTHERNLY	TO STREET END
MELODY LANE	MERRY OAKS DRIVE WESTWARDLY	TO STREET END
MERRY OAKS DRIVE	WORTHINGTON DRIVE NORTHWARDLY	TO STREET END
MICHELLE COURT	MILTON DRIVE NORTHWARDLY	TO STREET END
MILTON DRIVE	BERRIEDALE DRIVE EASTWARDLY	TO FRANKIE AVENUE
OAK TREE COURT	BERRIEDALE DRIVE SOUTHWARDLY	TO STREET END
ROBERTA COURT	MILTON DRIVE NORTHWARDLY	TO STREET END
SHADOW LANE	BAILEY LAKE ROAD NORTHWARDLY	TO BERRIEDALE DRIVE
SHADY LANE	BERRIEDALE DRIVE WESTWARDLY	TO STREET END
SHIRLEY COURT	MILTON DRIVE NORTHWARDLY	TO STREET END
VALDESE COURT	DELMAR DRIVE SOUTH WESTWARDLY	TO STREET END
WORTHINGTON DRIVE	BINGHAM DRIVE WESTWARDLY	TO MERRY OAKS DRIVE

ANNEXATION/ASSESSMENT CHECKLIST

Phase 5 Annexation Areas 14 & 15 - Arran Park/Winterhills & Arran Hills/Hilcrest/Shadowlawn

ITEM NUMBER	DATE	ITEM
1	September 8, 2003	Resolution of Intent Adoption <i>(at least 30 days before public hearing)</i>
2	September 19, 2003	Notice to Property Owners of Resolution of Intent <i>(at least 4 weeks before public hearing)</i>
3	October 20, 2003 October 28, 2003 October 30, 2003 November 3, 2003 November 6, 2003	Neighborhood Meetings
4	November 10, 2003	Public Hearing <i>(at least 60 days before adoption of ordinance)</i>
5	November 17, 2003	Deadline for Water & Sewer Extension Request from Property Owner <i>(not later than 5 days after the public hearing)</i>
6	November 24, 2003	Annexation Ordinance Adopted
7	September 30, 2005	Annexation Effective
8	March 7, 2012	Survey & Appraisal Notification/Lateral Location Letters Sent
9	January 14, 2013	Preliminary Assessment Resolution Adopted
10	January 15, 2013	Pending Assessment List Provided to Accounting
11	January 16, 2013	Publish Notice of Adoption of Preliminary Assessment Resolution <i>(at least 10 days before public hearing)</i>
12	January 17, 2013	Mail Copies of Preliminary Assessment Resolution to Property Owners <i>(at least 10 days before public hearing)</i>
13	January 17, 2013	Certification of Mailing of Preliminary Assessment Resolution
14	January 28, 2013	Public Hearing
15	February 11, 2013	Resolution Directing Project be Undertaken adopted <i>(not earlier than 3 weeks nor later than 10 weeks from date of adoption of preliminary assessment resolution)</i>
16	TBD	Connection notifications mailed
17	TBD	Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll and Calling Public Hearing
18	TBD	Publish Notice of Completion of Preliminary Assessment Roll <i>(at least 10 days before public hearing)</i>
19	TBD	Mail Copies of Notice to Affected Property Owners <i>(at least 10 days before public hearing)</i>
20	TBD	Certification of Mailing of Preliminary Assessment Roll
21	TBD	Public Hearing
22	TBD	Resolution Confirming Assessment Roll and Levying Assessments adopted
23	TBD	Resolution Confirming Assessment Roll and Levying Assessments Delivered to Tax Collector
24	TBD	Mail Individual Assessment Notices to Property Owners
25	TBD	Publish Notice Assessment Roll has been Confirmed <i>(after 20 days from confirmation of assessment roll)</i>

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: January 14, 2013
RE: **Resolution Accepting State Revolving Loan Offer to Construct the Little Rockfish River Outfall Rehabilitation Project**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests that Council adopt a Resolution Accepting the State Revolving Loan Offer in the amount of \$4,875,977 to construct the Little Rockfish River Outfall Rehabilitation Project.

RELATIONSHIP TO STRATEGIC PLAN:

Lowest Responsible Rates, Most Financially Sound Utility

BACKGROUND:

The Public Works Commission, during their meeting of December 12, 2012 adopted PWC Resolution 2012.16 accepting the State Revolving Loan offer from the North Carolina Department of Environment and Natural Resources Division of Water Quality in the amount of \$4,875,977 to construct the Little Rockfish River Outfall Rehabilitation Project and to forward to City Council to adopt a similar resolution. The loan term is 20 years with an interest rate of 2.0% and a closing fee of 2.0%.

ISSUES:

N/A

BUDGET IMPACT:

PWC Budget

OPTIONS:

N/A

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the attached resolution accepting State Revolving Loan Offer in the amount of \$4,875,977.

ATTACHMENTS:

Transmittal Letter
City Resolution
Exhibit A
PWC Resolution 2012.16



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

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

955 OLD WILMINGTON RD
P.O. BOX 1089
FAYETTEVILLE, NORTH CAROLINA 28302 1089
TELEPHONE (910) 483-1401
WWW.FAYPWC.COM

December 5, 2012

MEMO TO: Steven K. Blanchard, CEO

MEMO FROM: J. Dwight Miller, CFO

SUBJECT: State Loan Offer

The State of North Carolina Department of Environment and Natural Resources Division of Water Quality is offering PWC a State Loan in the amount of \$4,875,977 to construct the Little Rockfish River Outfall Rehabilitation project. The loan term is 20 years, an interest rate of 2.0% and a closing fee of 2.0%.

Staff request that the Commission approve Resolution PWC2012.16 which accepts the State Revolving Loan offer of \$4,875,977, gives specified assurances, authorizes the General Manager to complete the required documents and request that City Council adopt a similar resolution at its meeting on January 14, 2013.

BUILDING COMMUNITY CONNECTIONS SINCE 1905

AN EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

**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**

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, water supply systems, and water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources (NCDENR) has offered a State Revolving Loan in the amount of \$4,875,977 for the construction of the Little Rockfish River Outfall Rehabilitation project (Exhibit A), and

WHEREAS, the City of Fayetteville, NC acting by and through the Public Works Commission (CITY) intends to construct said project in accordance with the approved plans and specifications,

NOW THEREFORE BE IT RESOLVED BY THE CITY THAT:

Section 1. The CITY does hereby accept the State Revolving Loan offer of \$4,875,977 as presented in Exhibit A.

Section 2. The CITY does hereby give assurance to NCDENR that all items specified in the loan offer under Assurances will be adhered to.

Section 3. Steven K. Blanchard, General Manager of the Public Works Commission, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; to execute the promissory note; and to execute such other documents as may be required in connection with the application.

Section 4. The CITY has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 14th day of January, 2013, at Fayetteville, North Carolina.

CITY OF FAYETTEVILLE, NORTH CAROLINA

Mayor

ATTEST:

City Clerk

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER QUALITY**

State Loan or Grant Offer and Acceptance

This Offer must be accepted, if at all, within forty-five (45) days of receipt.
This Offer is made subject to the attached Standard Conditions and Assurances

Legal Name and Address of Award Recipient

Public Works Commission of the City of Fayetteville
P.O. Box 1089
Fayetteville, NC 28302

Account

Clean Water State Revolving Fund (SRF)
State General Loan (SRL)
State Emergency Loan (SEL)
High Unit Cost Grant (SRG)
Technical Assistance Grant

State Project Number: E-SRF-T-13-0320
Federal Project Number: CS370434-12
CFDA Number: 66.458

Project Description:

Outfall Rehabilitation Project

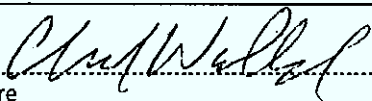
Total Financial Assistance Offer: \$4,875,977.00 **Interest Rate:** 2.0 % Per Annum
Total Project Cost: \$4,875,977.00 **Maximum Loan Term:** 20 Years
Closing Fee (2%): \$97,519.54 (Actual invoiced closing costs will be calculated based on bids)

Consideration having been given by the Department of Environment and Natural Resources to the application submitted by the applicant pursuant to North Carolina General Statute 159G, (1) the applicant is an eligible unit of government, (2) the project meets the eligibility criteria for a State Loan or Grant, and (3) the project has been approved and certified by the Department of Environment and Natural Resources as being entitled to priority for State financial assistance,

The Department of Environment and Natural Resources, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

Dee Freeman, Secretary
North Carolina Department of Environment & Natural Resources

Signature:  Date: 11/15/12

On Behalf of:

Public Works Commission of City of Fayetteville

Name of Representative in Resolution: _____

Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this State Loan or Grant offer and make the assurances and accept the conditions.

Signature: _____ Date: _____

STANDARD CONDITIONS FOR FEDERAL SRF LOANS

1. The recipient shall comply with all provisions of the following Federal laws and authorities (super cross-cutters):
 - (a) Title VI of the Civil Rights Act of 1964 – 42 U.S.C. §2000d
 - (b) CFR 35.3145(c) (Civil Rights laws) and provide completed EPA 4700-4 form
 - (c) Section 13 of the Federal Water Pollution Control Act Amendments of 1972 – 33 U.S.C. §1251
 - (d) Section 504 of the Rehabilitation Act of 1973 – 29 U.S.C. §794
2. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures.
3. Civil Rights and Labor Standard Requirements, and use of MBE (Minority Business Enterprise), WBE (Women's Business Enterprise), and Small Businesses:
 - (a) Specific MBE/WBE (DBE) requirements are included in the SRF Special Conditions that are to be included in the contract specifications. Positive efforts shall be made by recipients, their consultants and contractors to utilize small businesses and minority-owned businesses for sources of supply and services. Such efforts should allow these sources the maximum feasible opportunity to compete for subagreements and contracts to be performed, utilizing Federal SRF funds. Documentation of efforts made to utilize minority and women-owned firms must be maintained by all recipients, consulting firms, and construction contractors, and made available upon request.
 - (b) The recipient shall not award contracts to any firm that has been debarred for noncompliance from the Federal Labor Standards, Title VI of the Civil Rights Act of 1964, as amended, or any firm that appears on the EPA's list of debarred firms. The recipient shall also comply with 40 CFR 32. (Complete the Debarment Certification in the SRF Special Conditions)
 - (c) The recipient shall require all prime construction contractors, as part of their bid, to certify that subcontracts have not and will not be awarded to any firm that has been debarred for noncompliance from the Federal Labor Standards, Title VI of the Civil Rights Act of 1964, as amended, or Executive Order 11246, as amended, or any firm that appears on the EPA's list of debarred firms. (Complete the Debarment Certification in the SRF Special Conditions for each Subcontractor)
 - (d) The recipient shall require all contractors on the project to comply with the Department of Labor's Safety and Health Regulations for construction promulgated under the Occupational Safety and Health Act of 1970 (PL 91-946), under Section 107 of the Contract Work Hours and Safety Standards Act (PL 91-54).
 - (e) The recipient shall ensure all contractors are in compliance with applicable Equal Employment Opportunity regulations.

4. Acquisition of Real Property:

The recipient shall comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended, in regard to acquisition of all real property, (including easements), for the project covered by this loan, and any resulting relocation of persons, businesses, or farm operations. See Assurance 8.

5. Prompt Payment and Payment Retainage:

It is the policy of the State of North Carolina to make timely periodic loan disbursements to the recipient, and to require the recipient to make prompt periodic payment on subagreements. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the conditions of this loan and subsequent amendments;

- (a) The recipient agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.
- (b) The recipient agrees to include appropriate provisions in each construction contract, and to require the prime contractor to include them in all subcontracts, to implement this prompt payment requirement.

6. **The construction contract(s) requires the contractor to adhere to Davis Bacon and Related Acts Provisions and Procedures as listed in the Code of Federal Regulations Chapter 29 Part 5 Section 5 (29 CFR 5.5). Public Law pertaining to this is also enacted in Title 40, United States Code, Subtitle II Section 3141 through Section 3148.**

ASSURANCES

- 1. The recipient acknowledges that in the event that a milestone contained in the most recent Clean Water State Revolving Fund Intended Use Plan and/or the Notice of Intent to Fund is not met, this State Loan or Grant offer will be rescinded by the Department of Environment and Natural Resources.
- 2. The final plans and specifications have or will be approved by the Division of Water Quality and the applicant so notified, prior to the project being advertised or placed on the market for bids.
- 3. Eligible project expenses are as discussed in the North Carolina Clean Water SRF Program Guidance. Projects will not receive reimbursement for sales taxes. Sales taxes are deducted from project costs at the 90% milestone in accordance with the SRF Program Guidance.
- 4. The applicant agrees to construct the project or cause it to be constructed to final completion in accordance with the application and plans and specifications approved by the Division of Water Quality.
- 5. The construction contract(s) requires the contractor to furnish performance and payment bonds, each of which is in an amount of not less than one hundred percentum (100%) of the contract price; and to maintain during the life of the contract(s) adequate fire, extended coverage, workmen's compensation, public liability, and property damage insurance.

6. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.
7. Any change or changes in the approved plans and specifications or contract(s) which (has/have) made or will make any major alteration in the work required by the plans and specifications, or which increases the cost of the project above the latest estimate approved by the Department of Environment and Natural Resources, was or will be submitted to the Division of Water Quality for approval.
8. The construction contract(s) provides that any duly authorized representative of the State will have access to the work whenever it is in preparation or progress, and that the contractor will provide proper facilities for such access and inspection. Further, any authorized representative of the State shall have access, for the purpose of audit and examination, to any books, documents, papers and records of the applicant that are pertinent to funds received under the Act; and the applicant shall submit to the Division of Water Quality such documents and information as it may require in connection with the project.
9. The applicant will provide and maintain competent and adequate engineering supervision and inspection of the project to insure that the construction conforms with the approved plans and specifications.
10. The applicant shall demonstrate to the satisfaction of the Department of Environment and Natural Resources that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project prior to the authorization to award construction contracts. No loan disbursements will be made until clear site certificates are submitted.
11. At least thirty (30) days, shall be allowed from the first date of publication to the date of bid opening.
12. The Project Bid Information package, including MBE and WBE (DBE) requirements, must be submitted and approved prior to the State issuing an Authorization to Award letter. If the approval of the debt instrument for this loan is necessary for the applicant to award contracts, the completed Project Bid Information and supporting documentation must be delivered to the Division of Water Quality a minimum of twenty (20) days prior to the award of contracts.
13. The recipient shall not award any contracts for construction until the Authority to Award is given by the State. Doing so, will be at the risk of the award recipient.
14. Recipient acknowledges that no loan disbursements will be made until the contract documents are submitted and approved. The recipient shall notify the State when contracts are awarded.
15. The recipient shall conduct a preconstruction conference, if applicable, for each construction contract in cooperation with the State, and, in accordance with guidelines which shall be furnished by the State. The State shall be invited to the conference.
16. The Local Government Commission will forward the debt instrument after total project costs are established in the Authority to Award Letter. The applicant must execute the debt instrument a minimum of ten (10) days prior to the request of disbursement of loan funds.
17. Recipient acknowledges that no loan disbursements will be made on the engineering planning and design or construction phase services until the contracts are submitted and approved.

18. Eligible small purchases estimated to exceed \$10,000 require three informal bids for approval.
19. Within thirty (30) days of the date of completion of the project, the applicant will make available to the Construction Grants Section staff all requested project closeout items including final costs for the purpose of making final adjustments to the Revolving Loan and debt instrument.
20. All principal payments will be made annually on or before May 1st. The first principal payment is due not earlier than six months after the original date of completion of the project. All interest payments will be made semiannually on or before May 1st and November 1st of each year. The first interest payment is due not earlier than six months after the original date of completion of the project.
21. In accordance with G.S. 159-26(b)(6), a capital project fund is required to account for all debt instrument proceeds used to finance capital projects. It is required that a capital project ordinance, in accordance with G.S. 159-13.2, be adopted by the governing board authorizing all appropriations necessary for the completion of the project. A copy of the approved ordinance must be submitted to this office before submitting the first reimbursement request.
22. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three (3) years following completion of the project.
23. All funds loaned pursuant to North Carolina General Statute 159G shall be expended solely for carrying out the approved project and an audit shall be performed in accordance with G.S. 159-34, as amended. Please note that the State is not a party to the construction contract(s) and the loan recipient is expected to uphold its contract obligations regarding timely payment. See Standard Condition 5.
24. The applicant shall demonstrate to the satisfaction of the Department of Environment and Natural Resources its ability to pay the remaining or ineligible cost of the project.

Acknowledgement of Standard Conditions and Assurances

The Applicant hereby gives assurance to the Department of Environment and Natural Resources that the declarations, assurances, representations, and statements made by the applicant in the application; and all documents, amendments, and communications filed with the Department of Environment and Natural Resources by the applicant in support of its request for a loan will be fulfilled.

..... Signature Date
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RESOLUTION OF THE PUBLIC WORKS COMMISSION 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

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, water supply systems, and water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources (NCDENR) has offered a State Revolving Loan in the amount of \$4,875,977 for the construction of the Little Rockfish River Outfall Rehabilitation project (Exhibit A), and

WHEREAS, the Public Works Commission of the City of Fayetteville, NC (COMMISSION) intends to construct said project in accordance with the approved plans and specifications,

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION THAT:

Section 1. The COMMISSION does hereby accept the State Revolving Loan offer of \$4,875,977 as presented in Exhibit A.

Section 2. The COMMISSION does hereby give assurance to NCDENR that all items specified in the loan offer under Assurances will be adhered to.

Section 3. Steven K. Blanchard, General Manager of the COMMISSION, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; to execute the promissory note; and to execute such other documents as may be required in connection with the application.

Section 4. The COMMISSION has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Section 5. The COMMISSION requests the Council of the City of Fayetteville to adopt this Resolution in the form presented above.

Adopted this the 12th day of December, 2012, at Fayetteville, North Carolina.

PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

Wilson A. Lacy, Chairman

ATTEST:

Luis J. Olivera, Secretary

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: January 14, 2013
RE: **Series 2009B Revenue Bond Capital Project Fund**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests that City Council adopt a Resolution closing the Series 2009B Revenue Bond Capital Project Fund.

RELATIONSHIP TO STRATEGIC PLAN:

Lowest Responsible Rates, Most Financially Sound Utility

BACKGROUND:

During their regular meeting of December 12, 2012 the Public Works Commission adopted Resolution PWC 2012.15 closing the Series 2009B Revenue Bond Capital Project Fund and to forward to City Council to adopt a similar resolution.

On November 14, 2012, the Public Works Commission approved a transfer of the remaining Series 2009B Revenue Bonds construction fund proceeds from the Series 2009B Revenue Bond Capital Project Fund to the Annexation Phase V - Areas 8 through 13 Capital Project Fund for the purpose of funding the cost of Annexation Phase V Areas 8 and 9. The City Council approved this during their meeting of November 26, 2012.

The construction fund proceeds have been fully expended in accordance with the Bond Order and the Public Works Commission desires to close the Series 2009B Revenue Bond Capital Project Fund.

ISSUES:

None

BUDGET IMPACT:

PWC Budget Item

OPTIONS:

None

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the attached Resolution Closing the Series 2009 Revenue Bond Capital Project Fund.

ATTACHMENTS:

Transmittal Letter
City Resolution
PWC Resolution 2012.15



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

PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE

ELECTRIC & WATER UTILITIES

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

November 15, 2012

MEMO TO: Steven K. Blanchard, CEO

MEMO FROM: J. Dwight Miller, CFO

A handwritten signature in black ink, appearing to read "J. Dwight Miller", is positioned to the right of the "MEMO FROM:" line.

SUBJECT: Series 2009B Revenue Bond Capital Project Fund

Staff recommends that the Commission adopt Resolution PWC2012.15 closing the Series 2009B Revenue Bond Capital Project Fund, and request City Council adopt a similar resolution at their January 14, 2013 meeting.

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH
CAROLINA CLOSING THE SERIES 2009B REVENUE BOND
CAPITAL PROJECT FUND**

WHEREAS, the Public Works Commission of the City of Fayetteville, NC (COMMISSION) and the City of Fayetteville, NC (CITY) on November 14, 2012 and November 26, 2012, respectively, approved a transfer of the remaining Series 2009B Revenue Bonds construction fund proceeds (PROCEEDS) from the Series 2009B Revenue Bond Capital Project Fund (the PROJECT FUND) to the Annexation Phase V - Areas 8 through 13 Capital Project Fund for the purpose of funding the cost of Annexation Phase V Areas 8 and 9, and

WHEREAS, the PROCEEDS have been fully expended in accordance with the Bond Order and the CITY desires to close the PROJECT FUND,

NOW THEREFORE, BE IT RESOLVED BY THE CITY THAT:

Section 1: The Series 2009B Revenue Bond Capital Project Fund is hereby closed.

ADOPTED, this the 14th day of January, 2013.

CITY OF FAYETTEVILLE

Mayor

ATTEST:

City Clerk

**RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE
CITY OF FAYETTEVILLE, NORTH CAROLINA CLOSING THE
SERIES 2009B REVENUE BOND CAPITAL PROJECT FUND**

WHEREAS, the Public Works Commission of the City of Fayetteville, NC (COMMISSION) and the City of Fayetteville, NC (CITY) on November 14, 2012 and November 26, 2012, respectively, approved a transfer of the remaining Series 2009B Revenue Bonds construction fund proceeds (PROCEEDS) from the Series 2009B Revenue Bond Capital Project Fund (the PROJECT FUND) to the Annexation Phase V - Areas 8 through 13 Capital Project Fund for the purpose of funding the cost of Annexation Phase V Areas 8 and 9, and

WHEREAS, the PROCEEDS have been fully expended in accordance with the Bond Order and the COMMISSION desires to close the PROJECT FUND,

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION THAT:

Section 1: The Series 2009B Revenue Bond Capital Project Fund is hereby closed.

Section 2: The City Council of the CITY is hereby requested to adopt this resolution in the form presented above.

ADOPTED, this the 12th day of December, 2012

PUBLIC WORKS COMMISSION

Wilson A. Lacy, Chairman

ATTEST:

Luis J. Olivera, Secretary

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: January 14, 2013
RE: **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.**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Hairr Family LLC
Applicant: Brian Ketchem
Requested Action: SUP Child Daycare Facility
Property Address: west side of Lakewood Drive across from Meadowmont Lane
Council District: 6
Status of Property: Vacant
Size: 48.6 acres +/-
Existing Land Use: Vacant building
Adjoining Land Use & Zoning:
North - R10 – Gates Four residential
South - MXD - Commercial and Multifamily Development
East - R10 –Residential
West - SF-10 - Single Family Residential
Letters Mailed: 48
Land Use Plan: Low Density Residential

Zoning Commission voted 5-0 to approve. There were no speakers for this case.

ISSUES:

This property is across from a new development that includes a new Harris Teeter grocery store in the County's jurisdiction. This property is zoned SF-10 and is mostly surrounded by other residential. While the Land Use Plan calls for low density residential Child Daycare Centers are appropriate uses in these areas under certain circumstances (see below).

This case was tabled at the Council's December 10th meeting. During that meeting the major concern of Council centered around a detention pond shown on the applicant's draft site plan. There was concern from Council that an unfenced pond would be a hazard to children attending the daycare. The draft site plan attached to this case does not indicate whether a fence will be used or not. Since this is a Special Use Permit, the City Council can condition this project to have a fence around the pond, which could affect other standards. The project will be required to meet state child care design standards which address issues like fencing of outdoor play areas, design of drop-off areas, and other safety concerns.

There is no requirement that a site plan be provided as part of a Special Use Permit application. Staff provided the draft, unreviewed site plan in this case as context, but since it has not been reviewed and the SUP is not proposed to be conditioned on the site plan or any element thereof, it

is not intended as evidence relevant to the necessary findings.

Storm water runoff regulation is a technical component of site plan review, with Engineering and Infrastructure managing the technical review and approval of such facilities. This review has not taken place. At this point the developer has several options as to how to treat the storm water runoff on this property. Both detention ponds and below ground storage are possibilities right now. Ponds are required to be fenced if their design represents a hazard, such as steep pond banks. If a pond is designed without a fence and as amenity to the site, then it can be used as part of the required open space.

This project has not yet been submitted to the Technical Review Committee for formal review. This is not unusual because, as you may recall from the January 7 work session discussion on development processes, final engineering design often follows zoning decisions due to expense to the developer/property owner.

In summary, staff is confident that child safety will be covered by both City and State site design requirements, including what type of detention pond is used and whether it must be fenced. However, should City Council feel uncomfortable with this particular situation, we suggest the following language be considered: In the event that a detention pond is used by the project developer to meet stormwater management requirements, it shall be fully surrounded by a four-foot tall fence placed in a location to allow pond maintenance, and any gates on said fence shall be secured at all times during which the pond is not being actively maintained or monitored.

Child Care Centers must adhere to the following Use Specific Standards: Article 30-4, Section C – Use Specific Standards,

3. Public and Institutional Uses

(a) Day Care

(1) Child Care Centers (non-residential) Child care centers, including pre-schools, shall be licensed as a child care center by the State and comply with all State regulations for child care centers and the following standards:

a. Minimum Lot Size

A child care center shall be located upon a lot of 20,000 square feet in area or more.

b. Location.

i. If not located in a stand-alone building, a child care center shall be segregated (including the restrooms) from the remaining portion of the building in which it is located.

ii. New child care centers shall be located on a designated major or minor thoroughfare street.

c. Separation

i. Child care centers shall be located at least 500 linear feet from the following uses:

- A. Adult entertainment;
- B. Bar, nightclub, or cocktail use; or
- C. Entertainment establishment.

ii. Child care centers shall be at least 1,000 linear feet from any other child care center (excluding child care centers operated by community centers, religious institutions, or educational facilities).

d. Outdoor Play Areas

i. Outdoor play areas shall be provided, and shall:

- A. Be located to the side or rear yard areas;
- B. Be completely enclosed by a fence that is at least four feet in height;
- C. Be safely segregated from parking, loading, or service areas; and
- D. Not be operated for outdoor play activities after 8:00 P.M.

ii. Outdoor play areas adjacent to a residential lot shall be screened by a six-foot solid fence or wall along with a ten-foot-wide landscaping buffer with evergreen shrubs capable of reaching six feet in height at maturity, planted six feet on-center.

e. Parking Area, Vehicular Circulation, and Drop-Off and Pick- Up

The parking areas and vehicular circulation for the child care center shall be designed to: i.

Enhance the safety of children as they arrive at and leave the facility; and

ii. Provide a designated pickup and delivery area that includes at least one parking space per 20 children and is located adjacent to the child care center in such a way that children do not have to cross vehicular travel ways to enter or exit the center.

f. Accessory Uses

If allowed as an accessory use to a Retail Sales and Service or Office use, the heated floor area of a child care center shall not exceed 20 percent of the heated floor area of the principal use. g.

Capacity Information Applications or site plans associated with a child care center shall indicate the maximum number of children, proposed hours of operation, and size of the outdoor play area. (Maximum of 100 children).

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

1. Property is a proper size and in a proper location for a Day Care Center.
2. Lakewood Drive is a minor thoroughfare.
3. Property is located across the street from a new commercial center.
4. Meets the City's Use Specific Requirement for a Child Care Center.

BUDGET IMPACT:

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

OPTIONS:

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

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to APPROVE the Special Use Permit (SUP) for a Child Care Center, as presented by staff, based on these eight (8) findings and the Use Standards listed under "issues".

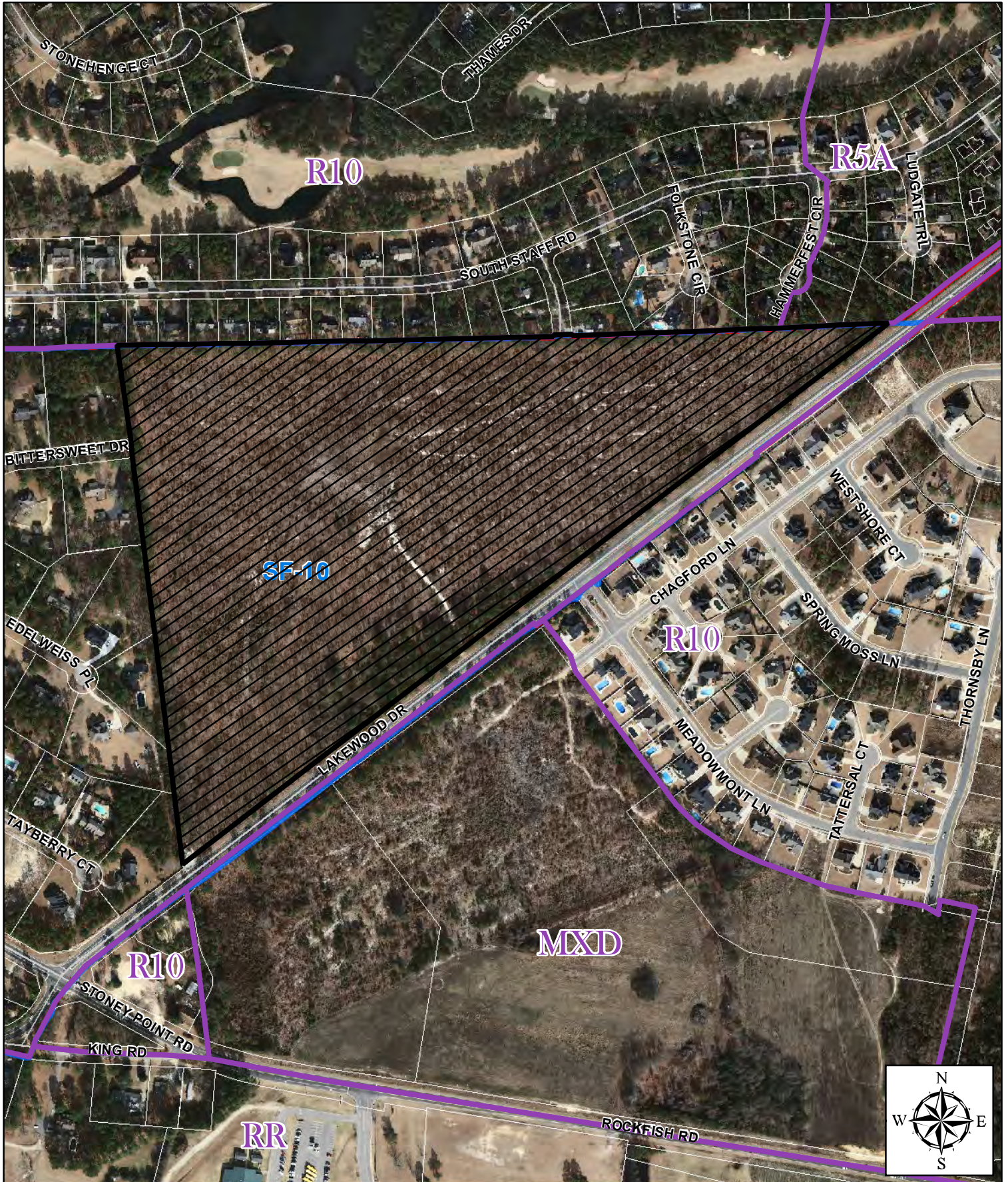
Findings:

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

ATTACHMENTS:

Zoning Map
Current Land Use
Land Use Plan
Site Plan
P12-55F PowerPoint

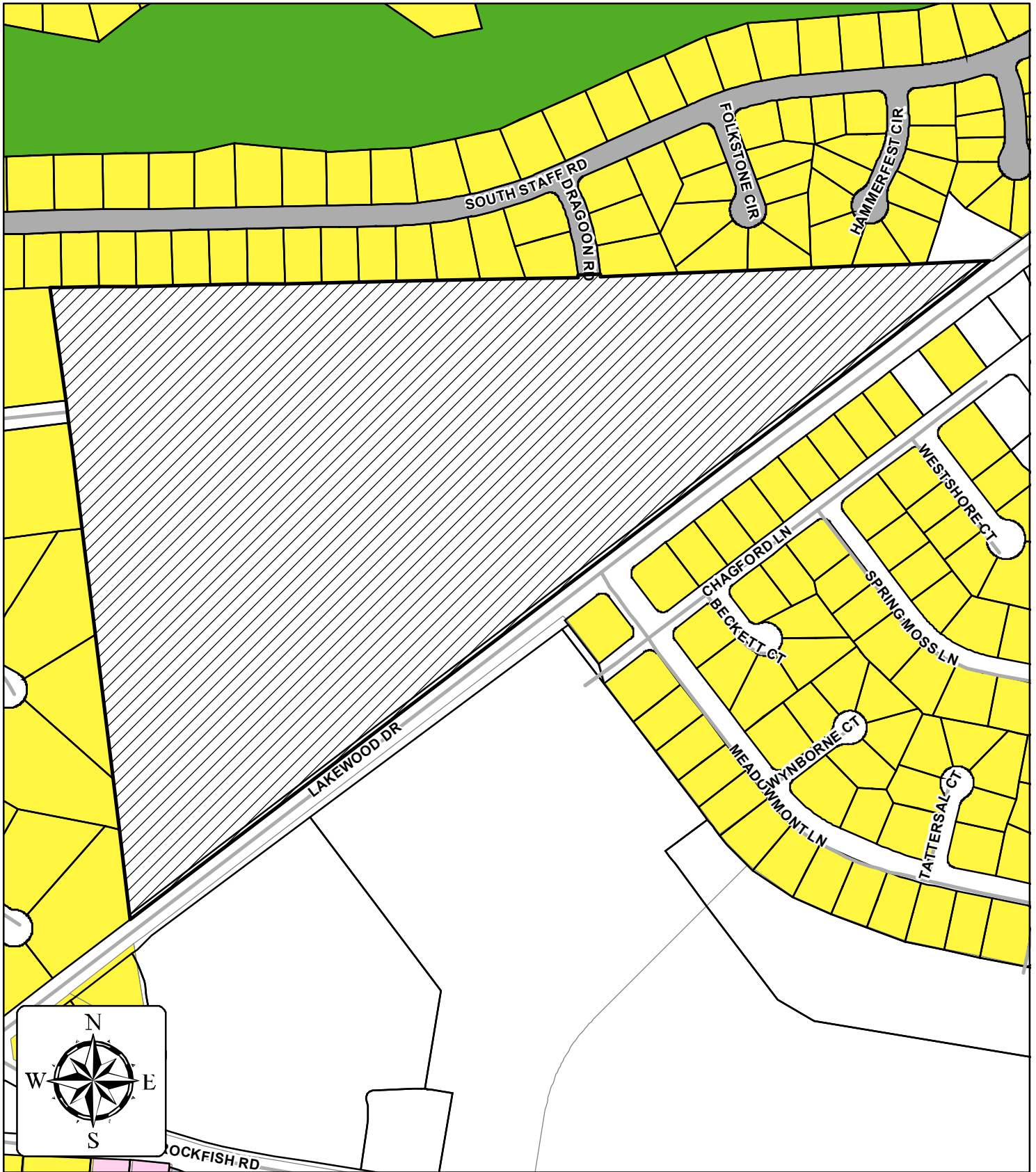
**ZONING COMMISSION
CASE NO. P12-55F**



Request: SUP Daycare
Location: NW side of Lakewood Dr
Acreage: 46.6 +/- acres

Zoning Commission: 11/13/2012 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 9494-79-0080-

Current Land Use
P12-55F

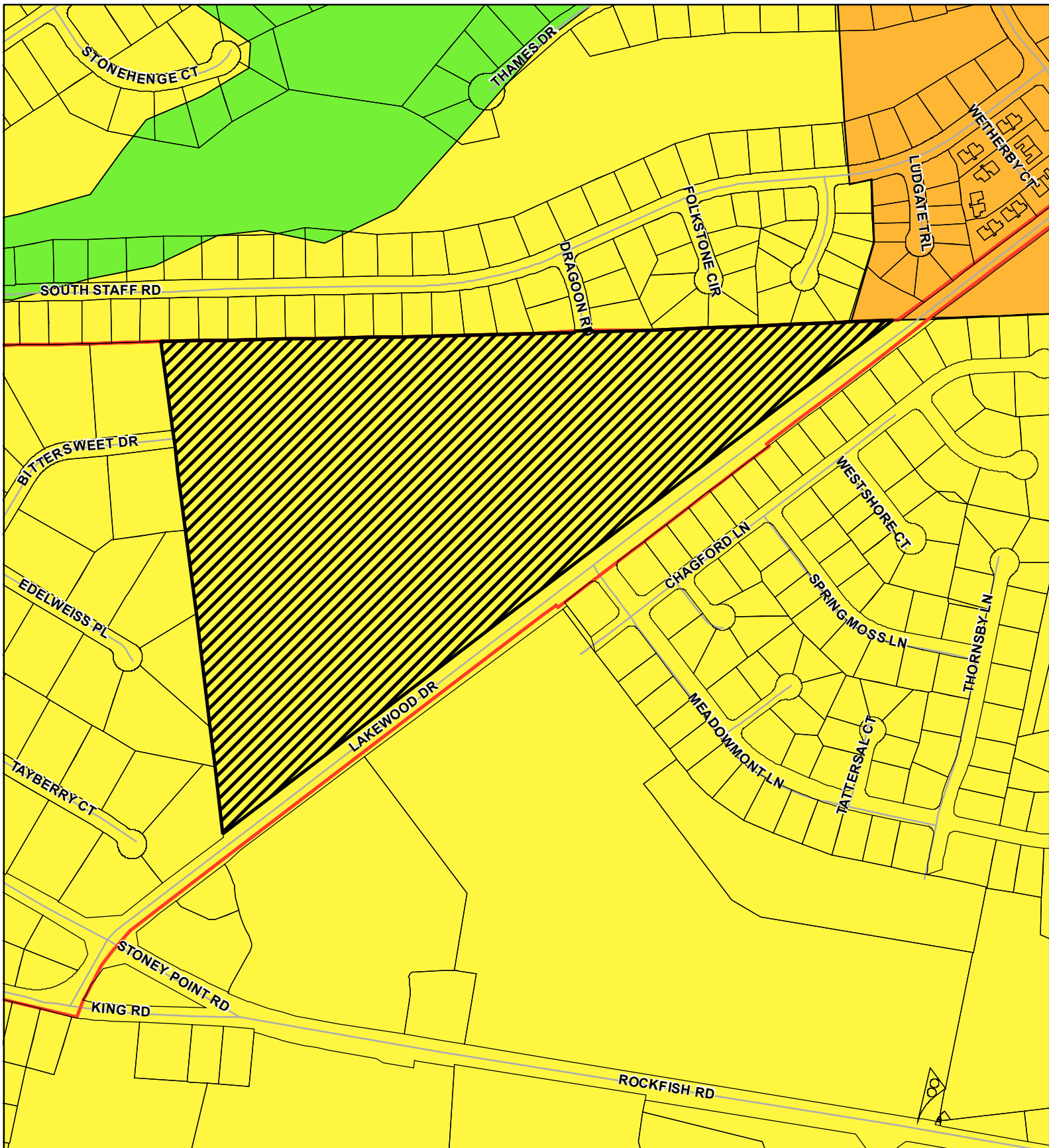


Legend

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

2010 Land Use Plan

Case No. P12-55F



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

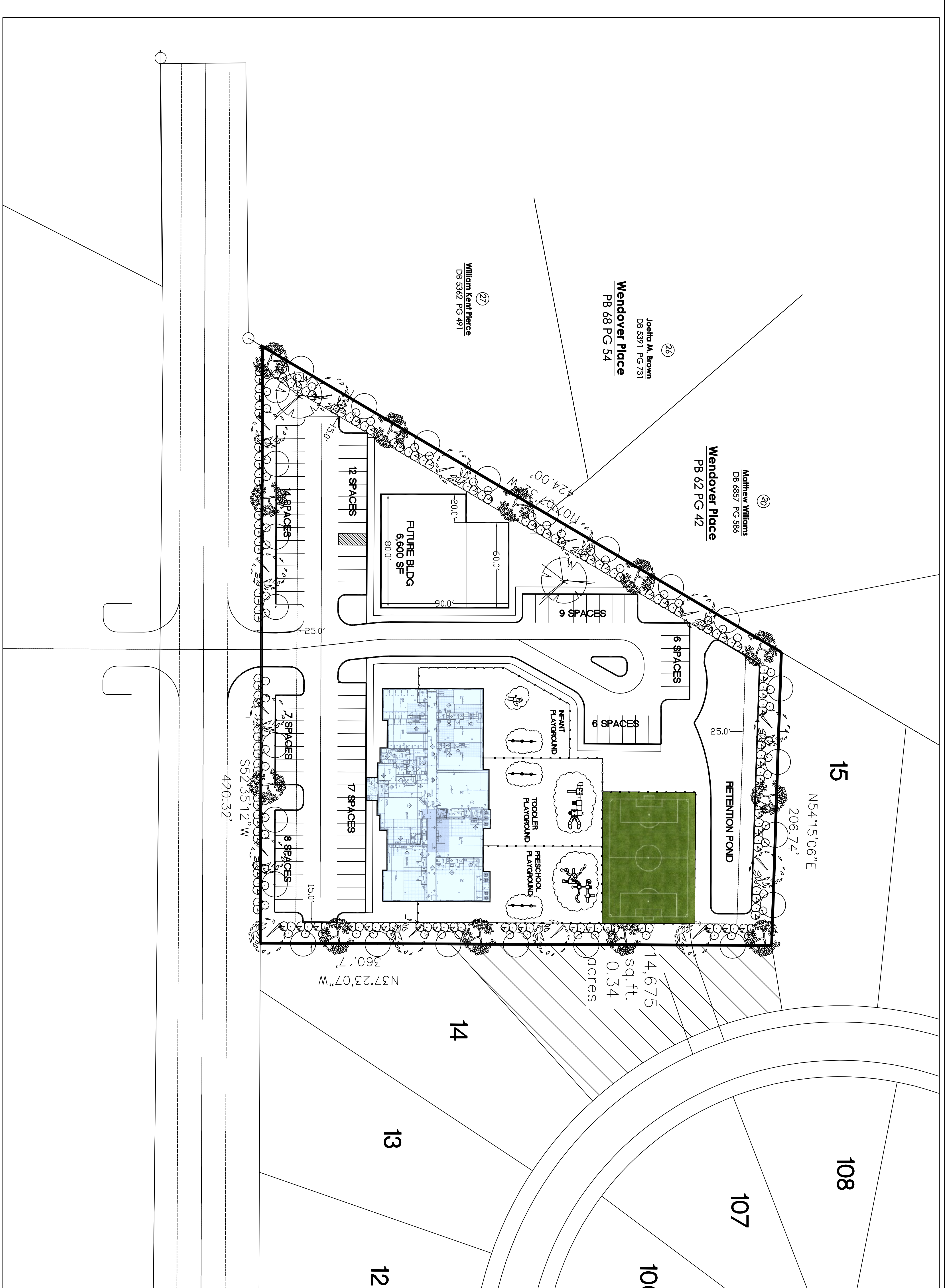
NOTES

No.	Revision/Issue	Date
1	1st Revision	7/13
2	2nd Revision	8/10

Ketchum-Crowder & Assoc.
 Civil Engineering & Survey
 Development Consulting
 Construction Management
 4072 Barrett Dr. Phone: (919) 420-7667
 Raleigh, NC 27609 info@ketchumcrowder.com

Project Name and Address
 Preliminary Layout
 Rainbow Child Care
 Fayetteville, NC

Project Sheet
Date 9/37/2012
Scale 1" = 30'
C-01
 Sheet 0 of 0



CITY COUNCIL MEETING

January 14, 2013

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Fayetteville, NC 28301
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City of
Fayetteville
North Carolina

CASE NO. P12-55F

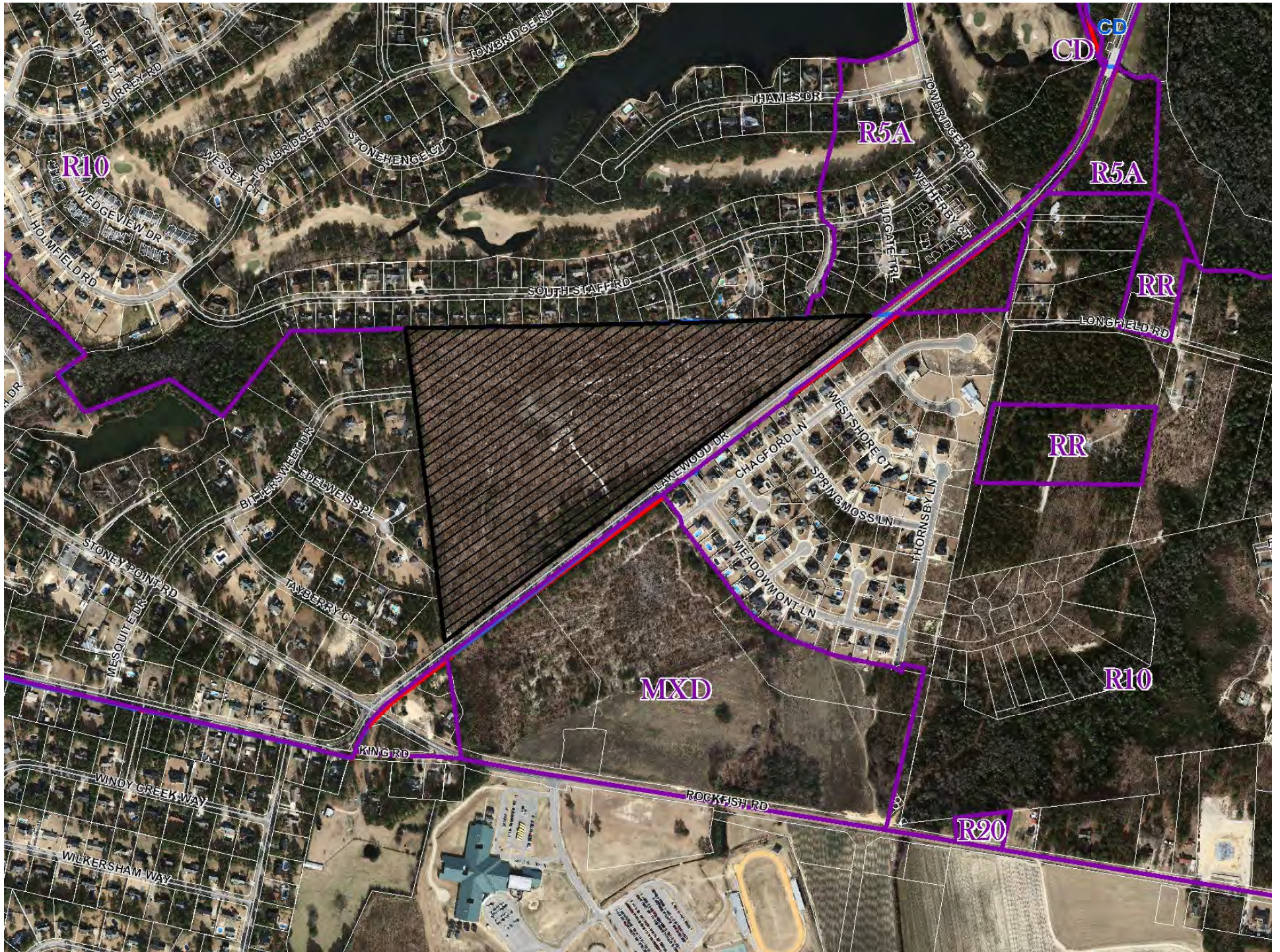


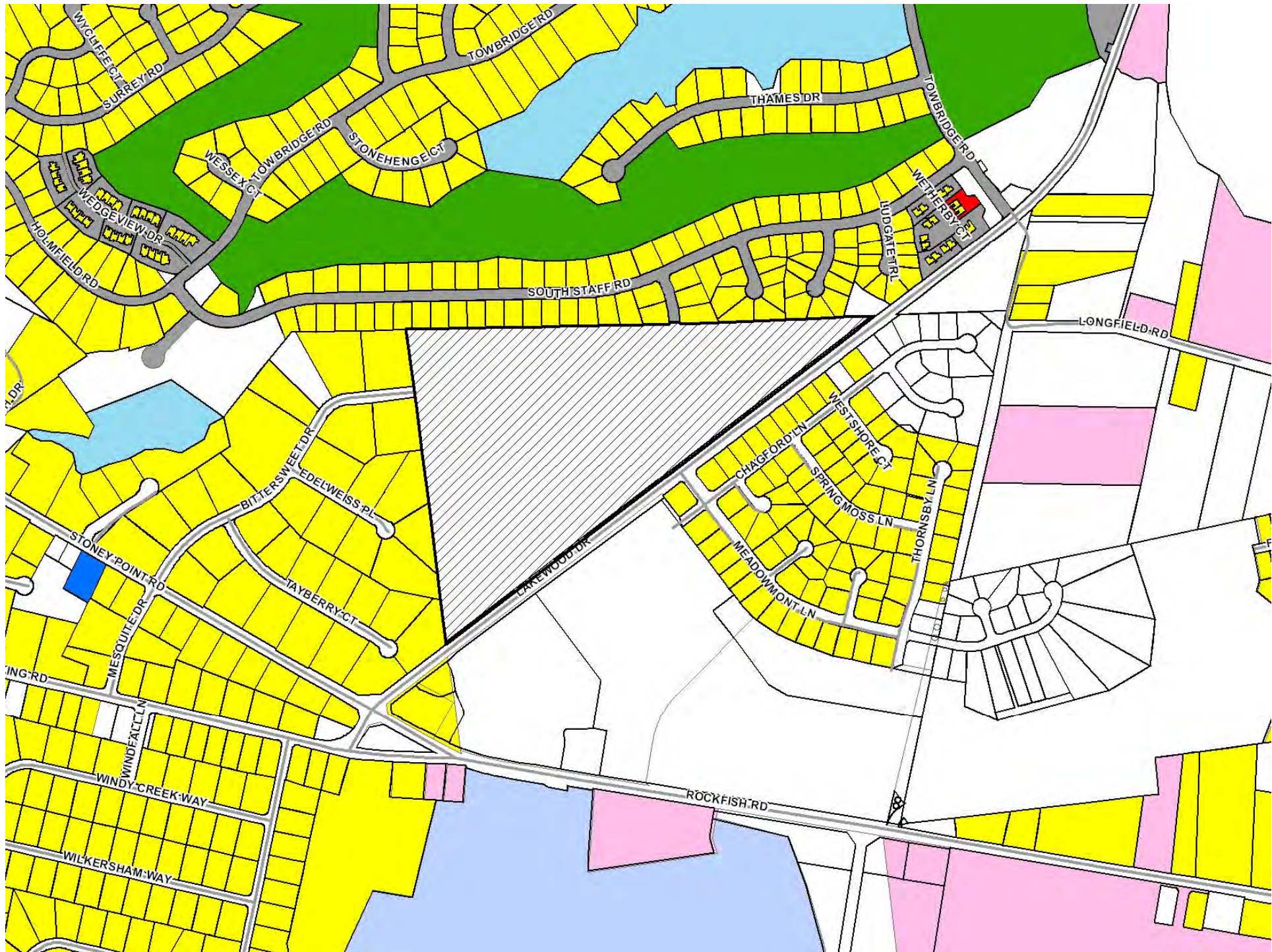
Requested Action: SUP – Child Care Facility

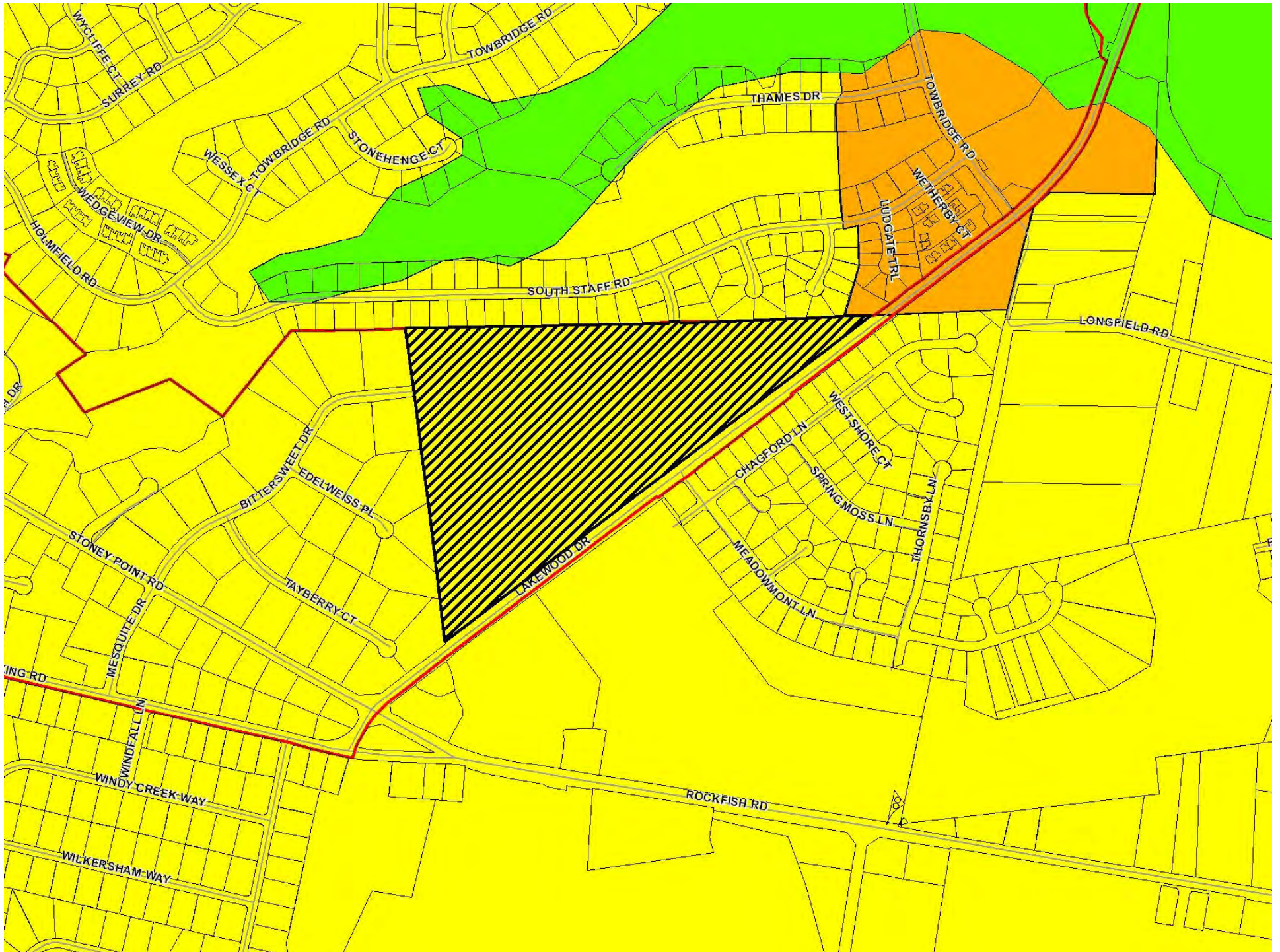
Property Address: north west side of Lakewood Drive across from Meadowmont Lane

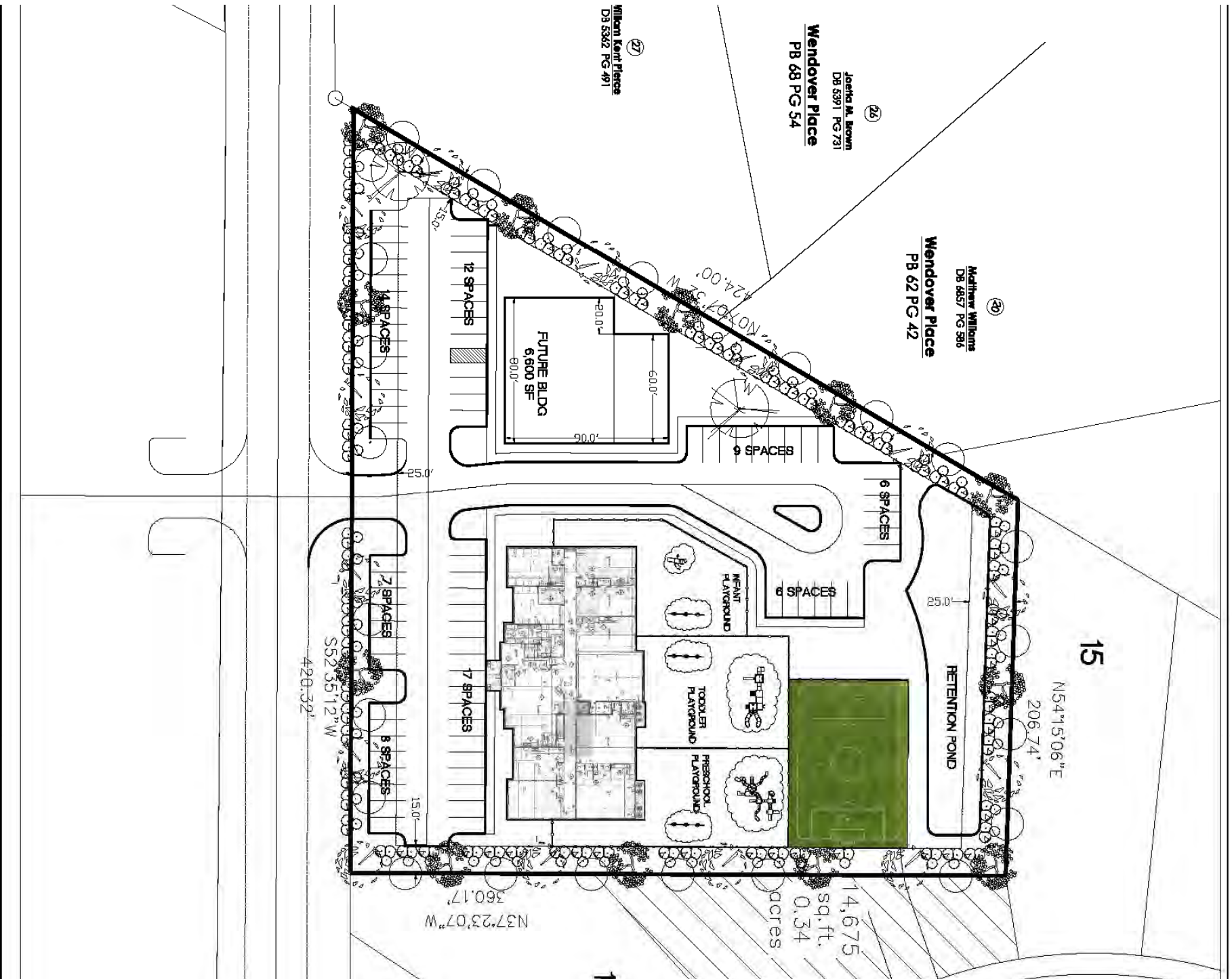
Size: Part of 48.6 acres +/-













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

1. Property is a proper size and in a proper location for a Day Care Center.
2. Lakewood Drive is a minor thoroughfare.
3. Property is located across the street from a new commercial center.
4. Meets the City's use specific requirements for a Day Care Center





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

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

City of
Fayetteville
North Carolina

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Ted Voorhees, City Manager
DATE: January 14, 2013
RE: **North Carolina League of Municipalities (NCLM) Advocacy Goals Conference Voting Delegate**

THE QUESTION:

1. Does the proposed 2013-2014 state legislative agenda meeting the City Council's interest?
2. Who does the City Council want to select as voting delegate for the NCLM Advocacy Goals Conference?

RELATIONSHIP TO STRATEGIC PLAN:

The draft legislative agenda and the proposed NCLM advocacy goals touch on several of the current City of Fayetteville Strategic Planning goals and objectives.

BACKGROUND:

The 2013-2014 biennium of the North Carolina General Assembly will convene on January 30, 2013. Fayetteville's legislative delegation's support and advocacy is instrumental in assisting the City with acquiring the authority to establish certain programs and in securing community assets. To ensure the delegation is aware of the City's needs and interests, a legislative agenda is prepared for their review and action. The attached list represents the City of Fayetteville needs and interests identified thus far for presentation to the delegation.

In addition, the NCLM works to craft state-wide advocacy goals and is holding its Advocacy Goals Conference on January 24th to increase the opportunity for member input into finalizing the League's advocacy goals. The biennial Advocacy Goals Conference provides League members with the opportunity to thoroughly debate legislative issues and be directly involved in setting advocacy priorities. The result will be the 30 priority goals for the state's cities and towns. The attachment from the NCLM includes a list of 57 advocacy goal proposals recommended by the Board of Directors for consideration by the membership and is a compilation of previous submissions from cities across North Carolina, including Fayetteville.

Council Member Keith Bates will be attending this conference.

ISSUES:

BUDGET IMPACT:

None known at this time.

OPTIONS:

Adopt the City of Fayetteville Legislative Agenda
Review and provide feedback on the City of Fayetteville Legislative Agenda and bring back for additional consideration on January 28, 2013.

Select a Voting Delegate and Alternate Voting Delegate
Do not select a Voting Delegate and Alternate Voting Delegate

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the City of Fayetteville Legislative Agenda attached

and designate a Delegate and Alternate Voting Delegate.

ATTACHMENTS:

Fayetteville State Legislative Agenda

NCLM Advocacy Goals



City of Fayetteville State Legislative Agenda 2013-2014

The 2013-2014 biennium of the North Carolina General Assembly will convene on January 30, 2013. The following list represents the needs and interests of the City of Fayetteville. The members of our delegations are encouraged to:

- 1) Oppose legislation impacting municipal services and planning regulations by:
 - Balancing the State budget using State-collected local government revenues
 - Creating unfunded mandates for local governments
 - Limiting objective design review standards for development regardless of density
 - Further limiting existing billboard regulations

- 2) Support legislation that enhances the community and protects municipal programs, resources, and revenues by:
 - Protecting municipal privilege license revenues
 - Protecting State public transit funding
 - Increasing the long underfunded State Fire Protection Fund
 - Increasing funding for local transportation infrastructure
 - Funding programs for energy efficiency audits, energy efficiency retrofits for public buildings, and climate change adaptation plans
 - Protecting legal authority of local governments to regulate tow truck operators to prevent predatory towing practices from private property
 - Protecting and strengthening the Metal Theft Prevention Act of 2012

- 3) Seek legislation for the preservation of local municipalities' ability to grow, in a reasonable manner, while providing quality municipal services by:
 - Amending the city-initiated annexation law to permit so-called "doughnut hole" annexations to proceed without a referendum

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- Amending the city-initiated annexation law to provide that when there are no voters, a city may annex an area without a referendum
- Approving technical adjustments regarding satellite annexations to simplify and clarify the law
- Eliminating “free connections” for water and sewer in annexed areas as they are an unfair burden on existing ratepayers
- Amending the city-initiated annexation law to relax the requirement to install water and sewer within a defined time period for areas in which significant redevelopment is projected to occur

4) Seek legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to the members of the Citizen Complaint Review Board to facilitate its review of police disciplinary cases.

5) Support legislation outlined in the 2013-2014 North Carolina League of Municipalities Advocacy Goals.

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919-715-4000 | FAX: 919-733-9519
WWW.NCLM.ORG

November 30, 2012

Your Municipal Advocacy Goals Participate and Vote on January 24th

NCLM Advocacy Goals Conference
Raleigh Convention Center – Raleigh
January 24, 2012, 9:30 a.m. – 5:00 p.m.

In an effort to increase the opportunity for member input into the League's advocacy goals, your League Board of Directors changed our policy development process in 2010 to provide an entire day for consideration and adoption of the Advocacy Agenda and the Core Municipal Principles. The biennial Advocacy Goals Conference provides League members with the opportunity to thoroughly debate legislative issues and be directly involved in setting advocacy priorities. The result will be the 30 priority goals for the state's cities and towns.

In preparation for this conference, the following documents are enclosed:

- (1) A list of the 57 advocacy goal proposals recommended by the Board of Directors for consideration by the membership
- (2) The proposed Core Municipal Principles
- (3) A guide to the League's policy development process
- (4) A form for submitting additional goal proposals
- (5) The agenda for the Advocacy Goals Conference

Voting Delegates

The League Bylaws provide that each member municipality is entitled to one vote at the Advocacy Goals Conference. Each municipality sending delegates to the Advocacy Goals Conference may designate one voting delegate and also may designate one alternate voting delegate. This designation must be provided to League staff prior to the beginning of the Conference at 9:30 a.m. on January 24, 2012.

MANAGERS AND CLERKS - Municipalities that have pre-registered officials for the conference will receive a form to designate the municipality's voting and alternate voting delegate in advance. This will save time for voting delegates on January 24.

In order to facilitate vote counting over the course of the day, seating at the front of the room will be reserved for voting delegates. The room will be arranged so that other attendees from a municipality will have access to the voting delegate during the conference. Please bring a large delegation and become better informed about a range of important municipal legislative issues.

Voting delegates may pick up their voting cards at the Voting Credentials Desk located in the on-site conference registration area during registration hours from 8:00 a.m. – 11:00 a.m. on January 24, 2012.

2013-14 Proposed NCLM Advocacy Goals

Infrastructure/Utilities/Land Use/Planning

- **Seek legislation authorizing Land Banks.**
 - Land banks help local governments manage vacant, foreclosed, and abandoned property that is either severely tax delinquent or has become a chronic nuisance issue due to repeated violations of health and safety codes. Set up as a public authority or a separate corporate entity from a government, land banks provide special tax and lien foreclosure tools and the ability to manage and sell or otherwise reuse problem properties or districts within a city. While not currently authorized under N.C. law, land banks are becoming a more widely-used tool in the revitalization process around the country and are often used in public-private partnerships for the development of stable neighborhoods with widespread tax delinquency and code violation issues. Funding may initially come from a city's general fund, but over time, land banks can become self-funding.

- **Support legislation that bolsters the authority of municipalities to balance the property rights of existing development with new development, protect existing property values, enhance public safety, and increase opportunities for economic development.**
 - This goal counters a priority of the state's homebuilders' association in the past legislative session. The bill was ultimately unsuccessful, but would have restricted the ability of local governments to use zoning codes to impose design and aesthetic controls on single family residential structures in zoning districts with densities of five or fewer dwelling units per acre. Among the controls it would have prevented were exterior building color; type, color, or style of exterior cladding; style or materials of roof structures, porches, and architectural ornamentation; location or style of windows and doors (including garage doors); number and types of rooms; and interior layout of rooms. These controls are often applied to proposed new developments, to ease conflict between the developer and existing neighborhoods by improving compatibility of the new development, thereby increasing support for the project with the community and city council.

2013-14 Proposed NCLM Advocacy Goals

- **Protect local authority and localities' power to regulate hydraulic fracturing and related infrastructure in their communities.**
 - Along with writing regulations for the hydraulic fracturing industry, the N.C. Mining & Energy Commission will make recommendations on the extent to which local governments can enact local regulations on the industry. Such local regulations could include zoning ordinances, setbacks, and noise and light restrictions. This goal restates an NCLM Core Municipal Principle specifically in the context of hydraulic fracturing.

- **Seek legislation to authorize a state bond to provide low-cost loans to local governments for upgrades to water and wastewater treatment systems, expansion of stormwater programs, and assured water supplies.**
 - Grants to assist with funding water, wastewater, and stormwater infrastructure improvements are very limited, which means municipalities must borrow to finance large projects. This goal proposes increasing funds by having the state borrow funds through a general obligation bond and then loan the funds to local governments. The funds would be borrowed at the interest rate available to the state under its AAA bond rating, which would be a lower rate than is available to many cities and towns. Such an approach would not require the state to spend additional money because the debt service on the bonds would be paid by local governments through their repayment of the funds loaned to them.

- **Seek legislation to provide adequate representation for extra-territorial jurisdiction (ETJ) residents on advisory boards for land use decisions affecting ETJ areas, place reasonable limitations on the creation of new ETJ boundaries, and retain existing ETJ areas to help protect orderly development and building improvements, while facilitating economic development and protecting individual property values.**
 - In anticipation of bills being introduced to remove municipal ETJ authority, this goal seeks to preserve existing ETJ boundaries while reforming existing ETJ law to address two concerns: (1) ETJ residents claim that they do not have an opportunity to vote for the council members who make decisions affecting their property; and (2) creation of new ETJ areas.

2013-14 Proposed NCLM Advocacy Goals

- **Seek legislation to reestablish authority for city-initiated annexation of “donut holes,” areas of land that are completely surrounded by municipal territory.**
 - In the 2012 annexation reform bill, legislative leaders intended to allow cities to retain the authority to annex areas completely surrounded by municipal jurisdiction without utilizing the referendum process otherwise required for city-initiated annexations. However, this authority was not preserved in the final version of the bill. Annexation of these areas allows for a continuity of municipal services within a city’s larger sphere of jurisdiction.
- **Seek legislation to correct the constitutional issue within the annexation law requiring municipal construction of/payment for water and sewer lines across private property all the way to the home or structure.**
 - Annexation reforms in the last legislative biennium require a city that undertakes city-initiated annexation to extend water and sewer infrastructure to service a home or structure. Prior to these legislative changes, city-owned water and sewer infrastructure typically ended at the meter in the city-owned right-of-way. This new requirement may violate North Carolina’s “exclusive emoluments” constitutional provision, which disallows governments from providing benefits to private individuals.
- **Seek legislation to strengthen the law regarding municipal decision-making authority of water and sewer provisions beyond municipal limits and ensure the existing water and sewer system is given deference in order to support orderly growth.**
 - This goal responds to recent attempts by members of the General Assembly to control the municipal provision of water and sewer service to areas outside municipal jurisdiction. It also addresses situations in which competing utility systems attempt to expand into areas otherwise associated with a city’s own water and sewer service.

2013-14 Proposed NCLM Advocacy Goals

- **Seek legislation to enhance the authority of cities to own and operate broadband systems serving citizens by redefining what constitutes unserved and underserved areas, in order to promote economic development opportunities for citizens and businesses.**
 - HB 129 (Level the Playing Field/Local Govt Competition) became law in 2010. The bill, promoted by the telecommunication industry, significantly restricts the ability of cities to own and operate retail broadband systems. Limited exceptions were provided for city systems which were operating by a date certain, and for areas which were “underserved and unserved.” The definitions of underserved and unserved areas were drafted very narrowly as to prevent any significant penetration of city owned systems.

- **Seek legislation to amend land use enabling statutes to specify authority for common municipal regulations such as those for signs, greenways, design controls, and others potentially threatened by the analysis in Lanvale v Cabarrus County.**
 - In Lanvale v Cabarrus County, the NC Supreme Court invalidated the use of adequate public facilities ordinances by concluding they are not authorized by general zoning statutes, and instead require express authority from the General Assembly to be effective. And in doing so, the court now threatens other local government planning activities whose authority rest on implied authority derived from the same general zoning statutes as adequate public facilities ordinances. This goal seeks to expressly authorize a host of these activities to confirm the powers that cities historically believe to be vested in general zoning statutes (N.C.G.S. 160A-381 and 160A-383).

2013-14 Proposed NCLM Advocacy Goals

Environment/Natural Resources

- **Support legislation to develop a holistic approach to water supply that offsets potable water supply demands and includes: opportunities for increased water storage options, reclassification of reclaimed water as a resource, and expanded uses of reclaimed water such as for recycling to surface water supplies.**
 - This goal addresses three facets of ensuring a steady public drinking water supply for cities and towns. First, the goal expresses support for legislation that increases storage options for public water supplies. The last two components of the goal address reclaimed water, which is a highly treated wastewater product. To allow more uses of this water source, state law needs to be changed to classify reclaimed water as a resource rather than a waste. Other areas of the country utilize reclaimed water in many more ways than North Carolina, including safe recycling of this water back into surface drinking water supplies for further treatment to drinking water standards.

- **Seek changes to stormwater laws to provide more flexibility for mitigation in established urban areas, including restoring the option for cities and towns to create their own mitigation banks and to access the state-run mitigation bank.**
 - Mitigation for development is a tool by which any party that disturbs land compensates for the increased stormwater runoff from their development. Mitigation may be done by installing stormwater controls or paying a fee for off-site mitigation done through a mitigation bank. Since the state's earliest stormwater laws were implemented over a dozen years ago, cities and towns have pinpointed places where the laws may provide more flexibility while still protecting waters from stormwater runoff. This goal seeks those flexibilities, in addition to allowing cities to create their own mitigation banks for developers and the city itself to use.

2013-14 Proposed NCLM Advocacy Goals

- **Support legislation requiring a septic tank inspection and maintenance program as the responsibility of businesses and residences that are dependent upon septic tanks for treatment of their wastewater.**
 - Owners and operators of septic tanks systems are not required by the State to have a regular inspection and maintenance program, resulting in an increasing number of septic tank systems in some stage of failure. Failing septic tanks have severe water quality environmental consequences: the discharge of partially treated or even raw sewage to ground and surface waters, and the ultimate degradation of ground and surface water supplies. The cost of treatment is then passed on to nearby municipalities who hold permits for drinking water and wastewater operations.

- **Seek legislation to increase Clean Water Management Trust Fund appropriations and restore the fund's recurring appropriation.**
 - The Clean Water Management Trust Fund receives a direct appropriation from the N.C. General Assembly to issue grants to local governments, state agencies and conservation non-profits to help finance projects that specifically address water pollution problems. In the last state budget, legislators cut the funding level and also made the funding non-recurring.

- **Seek legislation requiring that roads being built in and around municipalities be built to municipal storm water standards, rather than NCDOT storm water standards.**
 - Storm water standards for NCDOT's NPDES Phase I permit do not rise to the level of negotiated terms of the municipal NPDES Phase I/II permits.

- **Seek legislation to include municipalities and utility authorities and commissions in the permit approval process of package wastewater treatment plants to be constructed within town boundaries or within the periphery that will negatively affect the town's infrastructure.**
 - Package wastewater treatment plants have small service areas, such as a single residential development or a school or industry. Package plants serve as an alternative wastewater disposal and treatment system to a full sewer system. Currently, the state of North Carolina issues federal wastewater permits to allow package plants.

2013-14 Proposed NCLM Advocacy Goals

- **Support legislation to provide local governments with additional flexibility in the implementation of the Jordan Lake Rules.**
 - The Jordan Lake Rules are a comprehensive nutrient management strategy for the Jordan Lake watershed in the western Triangle and eastern Piedmont Triad. Legislation was passed during the 2012 Short Session to delay the new development stormwater rules portion of the Jordan Lake Rules until 2014. The rules also have other components with their own implementation deadlines, including wastewater treatment plant upgrades, existing development stormwater, riparian buffer, agriculture, fertilizer management, and nutrient trading rules. In addition, the Falls Lake Rules were modeled on the Jordan Rules and include similar provisions.

2013-14 Proposed NCLM Advocacy Goals

General Government/Public Safety

- **Seek legislation allowing the people to vote on an amendment to the North Carolina Constitution establishing Home Rule authority for municipal governments.**
 - North Carolina is one of six states in which the state constitution does not expressly provide “Home Rule” authority for local governments. Under current law, N.C. local governments are creatures of statute and exist at the pleasure of the NC General Assembly. Either express or implied authority must be identified in order for a local government to act, and sprinkled throughout Chapter 160A of the NC General Statutes are statements of broad authority for municipal government. Home rule potentially enables city governments to act more independently from the state.

- **Seek legislation to give municipalities the option to award contracts for goods and materials to local bidders that are not low bidders, under specified circumstances.**
 - North Carolina cities and towns do not have the authority to establish local preference programs, but must award contracts for the purchase of goods costing \$30,000 or more to the lowest responsive, responsible bidder. State government has a program under which qualified North Carolina companies whose price is within 5 percent or \$10,000 of the lowest bid, whichever is less, may be awarded a contract despite not being the low bidder. Allowing municipalities to establish local bidder preference programs could encourage the growth of local companies, but also could reduce competition for contracts and thereby increase costs.

2013-14 Proposed NCLM Advocacy Goals

- **Seek legislation authorizing cities to establish time, manner, and place restrictions on the placement of political signage in all public rights-of-way located inside a city.**
 - During the 2011 General Assembly session, legislation was introduced creating a uniform system for campaign sign regulation in the state highway rights of way, effective January 1, 2012, with an exemption for cities wishing to establish local regulations on all city streets and highways within the city limits. In the absence of a city regulatory program, the uniform state rules will apply on all roads within city limits. Given the confusion over which road is a state road and which is a local road, this has created confusion for cities and political candidates alike.

- **Support legislation to authorize city councils to relinquish easements without going through the General Statute 160A property disposal procedures.**
 - When cities and towns elect to close streets or portions of streets, their ability to retain specific easement rights is limited. G.S. 160A-299 allows municipalities to retain rights and interests in any utility improvement or easement if a street is closed, but does not allow cities to reserve rights to other types of easements or improvements. A city might determine there is no foreseeable need to construct a street on a right-of-way and might generally be agreeable to abandonment of its street improvement rights, but might nevertheless desire to retain some other, more limited and specific easement rights (such as a pedestrian access easement, a conservation easement, or a drainage easement) in all or part of the right-of-way to be abandoned.

- **Seek legislation to give municipalities the option to use electronic legal public notices in lieu of publication in a newspaper.**
 - Current law requires municipalities to use publication notice to provide public notice in many different situations. Cities and towns can supplement these state mandates through electronic notice on websites and other locations, but are not required to do so. This goal would eliminate the publication notice and authorize electronic notice as sufficient for public notice.

2013-14 Proposed NCLM Advocacy Goals

- **Seek legislation to grant more flexible authority for local public safety officers to enforce ABC-related laws.**
 - In order to bolster state ABC response, this goal seeks to provide local police more authority to enforce ABC-related laws.

- **Seek legislation to strengthen the role of municipalities in the approval, renewal, and revocation of ABC permits.**
 - Under current law, the ABC Commission solicits advisory input from local governments when an application or renewal permit application is received from an establishment. This goal would convert the advisory input to a stronger authorizing power.

- **Support legislation, if internet sweepstakes operations are legalized, that would expressly protect the land use decision-making and tax-levying authority of municipalities over said operations.**
 - In the wake of the video poker ban, video sweepstakes operations proliferated across North Carolina. Cities used zoning powers to restrict where the games could be operated, and taxed the operations and machines under privilege license tax authority. In 2008, the NC General Assembly banned “server based electronic game promotions,” and in 2010 chased industry software and gaming changes by expanding the 2008 ban to machine operations which included “internet sweepstakes.” In March of 2012, the NC Court of Appeals ruled that internet sweepstakes gaming was protected as free speech, and the 2010 law was found to be unconstitutional. The NC Supreme Court will be hearing this case. Additionally, cases are pending over the extent to which cities can tax these operations. We expect a decision on the tax issues to be made sometime in mid-2013.

2013-14 Proposed NCLM Advocacy Goals

- **Support legislation to authorize cities to require outdoor advertising owners to replant non-obstructive vegetation around billboard sites where a selective vegetation removal permit has been issued within the planning jurisdiction of a city.**
 - The NC General Assembly significantly reduced the authority of local governments to control vegetation removal permitting at billboards during the 2010 session. A provision designed to require replanting by billboard owners did not materialize, and rules were established allowing clear-cutting around billboard locations. A 2012 bill to dial back some of the 2010 changes died in the House of Representatives.

- **Support legislation to automatically remove records of arrest in cases where charges are dismissed, and reduce the waiting period for expungement from 15 years to 7 years in General Statute 15A-145.**
 - N.C. Gen. Stat. 15A-146 entitles a person to the expungement of charges that were either dismissed or for which there were findings of not guilty entered. The person cannot have any felony convictions on their record, either before or since the charge that the petitioner is attempting to expunge. The statute does NOT allow expungement if the person has previously been granted an expungement under 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, or 15A-146. There is no filing fee assessed for filing a petition for an expungement under 15A-146.

- **Support legislation to continue to fully fund Workforce Development Programs that Support Summer Youth employment.**
 - Youth employment and summer jobs provide employment training and summer jobs to eligible youth. Most eligible youth include low-income youth with at least one of the following barriers to employment: deficient in basic literacy skills, school dropout, homeless, runaway or foster child, pregnant or parenting, ex-offender, youth with a disability, or youth who require additional assistance to complete an educational program or to secure and hold employment. In N.C. funding for these programs from the Department of Commerce totaled \$21.5 million in 2012-13.

2013-14 Proposed NCLM Advocacy Goals

- **Support legislation to fully fund the Smart Start and NC Pre-Kindergarten programs.**
 - The State's two primary early childhood development programs are Smart Start and NC Pre-Kindergarten (formerly known as "More At Four"). Smart Start partners with locally governed organizations across the state to invest in quality child care providers. NC Pre-Kindergarten attempts to increase the number of 4-year-olds in quality pre-K programs across the state. Since 2000, funding for Smart Start has been cut by \$49 million across the state.

- **Support legislation to permit a governmental entity to seek an order of abatement where a property may have some legitimate use, but is also the source of regular criminal nuisance activity.**
 - Recent case law (NC Court of Appeals: Salisbury v. Campbell) restricted the ability of city governments to utilize the nuisance abatement laws under Chapter 19, Article 1 of the NC General Statutes to abate nuisances of ancillary uses of building and structures. This goal would reinstate that authority.

- **Support legislation to restore state funding for the treatment and care of the mentally ill.**
 - A lack of state funding for treatment and facilities for the mentally ill has left many unable to receive the care that they need. The presence of mentally ill individuals, who are often homeless, places an increased burden on local public safety officers, who are not in a position to care for such individuals.

2013-14 Proposed NCLM Advocacy Goals

- **Support legislation which defends the fiscal integrity of the Local Government Employees' Retirement System and its defined benefit structure, promotes reasonable pension reforms that are prospective in nature, and meets the needs of local employees, employers, and retirees.**
 - Despite being 99.8% funded, pressure is building to convert the LGERS to a traditional 401(k) style pension system, in the wake of anti-public employee sentiment and public pension systems in other states which have not been well managed or funded. While reforms are needed, a complete overhaul is not warranted in North Carolina.

2013-14 Proposed NCLM Advocacy Goals

Tax and Finance

- **Seek legislation to modernize the local tax system by:**
 - a) Giving municipalities the authority to levy a sales tax that applies within their corporate limits and is solely a municipal revenue;
 - b) Expanding the sales tax base to include more services, provided that any accompanying change in the local sales tax rate includes a perpetual hold harmless provision for individual cities and towns;
 - c) Reducing the complexity and inequity of the privilege license tax while maintaining the tax as a locally controlled source of revenue that supports services to businesses and consumers;
 - d) Allowing all municipalities to adopt occupancy taxes that are available to fund municipal service and infrastructure costs in order to support travel and tourism;
 - e) Providing all municipalities with additional local option tax revenue sources;
 - f) Requiring a one-year delay in implementation when a county changes its method of distributing sales tax revenue.
 - The 2 percent local sales tax brings over \$2 billion in annual revenue to local governments in North Carolina. Even though over three-quarters of sales take place within municipalities, the current system of sales tax distribution results in municipalities receiving only 34 percent of the sales tax revenue. Also, with city-initiated annexation severely restricted by recent changes in the law, cities have very limited ability to bring nearby residents into the structure of revenue that supports the services and infrastructure needed for a prosperous urban area. Allowing cities to levy sales taxes, the revenue from which would go to the levying city, would address both of these situations.
 - Expanding the North Carolina sales tax to include more services would create a general consumption tax that does not favor some types of businesses over others. Expansion of the base would provide more revenue stability, but would likely lead the General Assembly to decrease the local rate to avoid a tax windfall. It is expected that urban counties would gain more revenue from service taxation than they might lose from a rate reduction, while rural counties likely would lose revenue. As a result, it is essential that any rate reduction be accompanied by a perpetual hold harmless provision for individual cities and towns.

2013-14 Proposed NCLM Advocacy Goals

- The privilege license tax is an important source of municipal revenue. It provides over \$62 million to 303 cities and towns. It is the only significant tax, other than the property tax, over which cities and towns have control of the tax rate. Unfortunately, the state law governing privilege taxes has created a structure that is difficult for cities and towns to administer and that raises concerns for taxpayers. Because of caps and exemptions in state law, some businesses pay little or no tax, while others pay thousands of dollars if the local tax is based on gross receipts. If the tax is not reformed it could easily be eliminated. Any reform must allow cities and towns to continue raising similar amounts of revenue from the tax in order to fund their services.
- Currently, 81 cities and towns are authorized to levy occupancy taxes, which generate over \$25 million in revenue each year. The authorizing legislation for these taxes generally requires that the funds go to a tourism development authority. Municipalities provide basic services, such as police and fire, to visitors. They also must spend funds on capital projects to protect natural resources that draw visitors to the community, such as beach nourishment, and on the facilities used by visitors, such as roads. The dedication of some portion of occupancy taxes to pay municipal operating and capital expenses would reduce the property tax burden on destination communities.
- In order to provide cities and towns with more flexibility in funding their services, all municipalities should be given the authority to adopt local option revenues such as, but not limited to, the prepared food and beverage tax.
- Every April, each county has the opportunity to change the method of sales tax distribution it is using. Any change takes effect on July 1 of the same calendar year. This creates an incentive for counties to change methods to solve budgetary problems and causes immediate budgetary shortfalls for their cities. A one-year delay in implementation of the change would reduce the incentive to counties and give cities and towns time to plan how to respond to a change.

2013-14 Proposed NCLM Advocacy Goals

- **Seek the temporary extension of the transitional hold harmless payments to cities and towns for a period of time that will allow the local option sales tax revenue to grow to the point where the loss of the promised payment can be absorbed by the local government.**
 - In 2002, the General Assembly eliminated over \$300 million in reimbursements to local governments and provided counties with the authority to levy a third ¼ percent local option sales tax (Article 44) to make up the lost revenue for cities and counties. For those local governments whose estimated revenue from the sales tax was less than the value of their repealed reimbursements, the legislation included an annual Transitional Hold Harmless payment to make up the difference. It was expected that sales tax revenues would grow sufficiently by 2012 so that few local governments would still be receiving payments, and that any remaining payments would be small. Payments did fall over time as sales tax revenue grew, but the Great Recession dramatically reduced local sales tax revenues, making cities more dependent on the Transitional Hold Harmless now than was expected when the 2012 expiration for the payments was established. If the Transitional Hold Harmless is not extended, 122 municipalities will lose a total of \$10.1 million.

- **Ensure that municipalities can provide critical services by protecting state-collected municipal revenues.**
 - While state law currently prevents the Governor from withholding distributions of state-collected local revenues to balance the state budget, the General Assembly can change the law providing cities and towns with those revenues at any time. Opposition to a legislative reduction of these local revenues is covered by the Core Municipal Principles, but their protection is of sufficient importance to merit an Advocacy Goal as well.

- **Seek legislation to allow all municipalities to adopt impact fees to pay for growth-related infrastructure and services.**
 - Impact fees are one-time public charges applied to new construction that are levied by local governments to pay for the off-site costs associated with the new development. These fees are needed to ensure that developers pay for the full public costs that development imposes on communities. Several studies have shown the local public sector costs of development exceed the local tax revenues derived from the development.

2013-14 Proposed NCLM Advocacy Goals

- **Seek legislation to tighten the property tax exemption for non-profit hospitals and link it to provision of well-defined community benefits.**
 - Non-profit hospital corporations own over \$5 billion worth of tax-exempt property in North Carolina. In some cities and towns, these hospitals are among the largest employers, yet they provide no tax revenue to support the services provided to their properties. The cost of public services to hospitals can be significant, including public safety response and capital costs of public infrastructure that supports hospital facilities. Other major private employers also create such costs for cities, but do pay property taxes. The definition of a charitable hospital used to qualify for a property tax exemption is very broad, and includes no requirement that hospitals provide any level of benefit to the community. Other states are increasingly placing such requirements on their hospitals.

- **Support legislation to ensure that assessed property values more accurately reflect market values between property revaluations.**
 - North Carolina counties must conduct a countywide revaluation of all real property within the county at least every eight years, but almost half use a shorter period. The long revaluation cycle in North Carolina keeps property tax revenue steady in times when values are declining, but also keeps revenue from growing during times of rising values. A long cycle also can create “sticker shock” for property owners when the revaluation takes place. Although state law requires a new revaluation of real property in larger counties where the ratio of sales values are 15 percent higher or lower than assessed values , no counties actually have been affected by the requirement. The population threshold and wide range of variation allowed reduce the effectiveness of the trigger provision at keeping assessed values close to market values.

2013-14 Proposed NCLM Advocacy Goals

- **Support legislation to remove the sunset date on the use of film credit.**
 - The film production expense credit is designed to make North Carolina competitive with other states as a site for film and television productions. The money spent by production companies during filming is considered to be a boost to the local economy. Every \$1,000,000 of film tax credit is estimated to generate \$230,000 of local sales tax statewide. The credit sunsets as of January 1, 2015.

2013-14 Proposed NCLM Advocacy Goals

Transportation

- **Seek legislation to authorize municipalities to direct the Division of Motor Vehicles to block the registration of motor vehicles to which an unpaid municipal parking citation is attached.**
 - Unpaid parking tickets continue to plague cash starved cities looking to bolster parking finances, and cities only collect 70-75 percent of parking tickets issued. Like other DMV block programs, cities can expect to see parking ticket collection rates improve dramatically to upwards of 90 percent with this authority. Fourteen other states provide this authority for cities.

- **Seek legislation to provide relief for municipal governments who are forced to pay the costs of municipal utility relocation related to NCDOT projects by doing the following: requiring non-municipal units of governments to pay the costs of utility relocations; raising the existing municipal population threshold for the requirement for reimbursement; and limiting reimbursement requirements to the widening of existing rights of way by NCDOT.**
 - Like nonprofit water or sewer associations/corporations, water and sewer authorities, county rural water public enterprise systems, sanitary districts, and municipalities of greater than 5,500 population to which a water and sewer authority's system was sold/transferred, municipalities with a population of 5,500 or less are not required to pay the relocation costs of city-owned underground utilities that are required to be moved as part of an NCDOT project. However, cities with populations over 5,500 are required to pay the relocation costs for underground utilities, if needed. Towns "borrow" the costs of relocation and are given four years to pay the relocation debt interest-free. Cities are then charged interest (prime plus 1%) on the outstanding balance, and Powell Bill funds are withheld and contributed towards satisfying the debt.

2013-14 Proposed NCLM Advocacy Goals

- **Support legislation to reform the state and local transportation funding system by providing flexible local revenue options and additional authority for municipalities.**
 - In many jurisdictions, city governments are voluntarily enhancing and/or maintaining state roads within city limits with local revenue sources (property and sales tax) – what one might describe as “transfer by neglect.” This goal attempts to provide additional authority for local governments who are willing to take on additional financial responsibilities in the area of transportation maintenance and enhancements.

- **Seek legislation to increase the existing municipal vehicle fee for public transportation from \$5 to a maximum of \$20, and allow it to also be used for pedestrian and bicycle projects.**
 - All municipalities may levy a \$5 fee on each vehicle within their corporate limits. For some municipalities, local legislation has increased this amount. In addition, each municipality that operates a public transportation system may levy a \$5 fee to be used for public transportation funding. This second \$5 fee is not a funding option for towns that are too small or widely dispersed to operate a viable public transportation system. These towns still may have mobility issues that could be addressed with additional funding.

- **Seek legislation to allow Powell Bill funds to be used for sidewalks and walking paths that are adjacent to, but not located within, the right-of-way of state-maintained roads.**
 - Current law enables cities to spend Powell Bill funds for certain authorized purposes. This goal expands the list of authorized purposes to include sidewalks and walking paths adjacent to state-maintained roads.

2013-14 Proposed NCLM Advocacy Goals

- **Support legislation requiring owners of mopeds to maintain a minimum level of liability insurance and register their mopeds.**
 - Mopeds are currently not required to be registered or inspected but drive on the highway just like any other motor vehicle. The current law also doesn't require the operator to have a license, but they are held to the same driving regulations as other drivers. With the increasing use of mopeds and scooters for transportation, cities are experiencing issues with untrained operators, at fault moped operator created accidents, and theft.

- **Seek legislation authorizing the NCDOT to permit dining and entertainment business activities along state-owned sidewalks within municipal limits.**
 - As a number of cities are promoting downtown outdoor dining and entertainment activities on sidewalks along state roads, the NCDOT will not permit these business activities. This goal would authorize the state to do so.

- **Seek legislation to ensure significant municipal decision-making authority and respect for local ordinances in the design of transportation projects across all NCDOT divisions by requiring the NCDOT to confer with a municipality when designing or altering state transportation projects within the planning jurisdiction of a municipality, regardless of the city's financial participation in a project.**
 - This goal seeks to bolster city involvement in DOT decision-making on new projects on state roads, without requiring a city to participate financially in the project.

2013-14 Proposed NCLM Advocacy Goals

- **Support legislation to study the effective interface of the ports system, rail, streets and other transportation methods used to distribute goods in North Carolina.**
 - There are efficiencies of moving people and materials that are not realized because the different types of transportation do not communicate in a way that the consumer is provided with the most effective transport product at the lowest price. Efficient ports and excellent rail and highway access to ports is increasingly important in worldwide commerce. North Carolina needs to develop this modern infrastructure to meet the shift in marine traffic that will result from an expanded Panama Canal.

- **Seek legislation requiring NCDOT to establish standards for greenway construction so that greenways are not required to be built to the same standard as roads.**
 - On paved greenway projects involving state or federal funding, the default rule is that the greenway project be built to similar standards/materials of other North Carolina roads – primarily roadbed depth, curvature, asphalt type, etc. In many situations, these requirements are not practical and result in significantly redesigned and expensive greenway projects. The NCDOT has not yet created separate requirements for these projects to provide local flexibility in designing and building greenway projects.

- **Support legislation to improve the quality and condition of the state transportation system by bolstering state transportation resources, including, but not limited to, increasing the Highway Use Tax and existing DMV fees, establishing registration fee add-ons for hybrids and electric cars, and promoting the use of tolls on interstate highways.**
 - Even before our state began experiencing reduced federal and state gas tax revenues due to tax caps and reduced consumption, increasing material and labor costs, and diminishing Highway Use Tax revenues due to declining auto sales and prices, North Carolina had a significant transportation funding deficit. Significant pressure is mounting on DOT budgets, and its ability to build and maintain an adequate transportation system for today and the future is compromised. Accordingly, DOT maintenance schedules are thinning, and the condition of transportation infrastructure is edging downward.

Regulatory Action Committee Proposed Advocacy Goals

- Support solutions addressing nutrient impairment in waters that: are based on site-specific data and analysis, demonstrate use impairment, assign responsibility proportionate to the source of impairment, and include measures to equitably hold accountable all contributors to the impairment.
 - The N.C. Division of Water Quality has for years stated its intention to implement numeric nutrient criteria for all N.C. waters. Because the science behind numeric nutrient criteria is not settled, and because there are examples of many other different approaches in other states that EPA has endorsed, this goal lists other factors to consider when addressing nutrient impairment of waters on a statewide level.
- Support legislation that expands the priority accorded to public water supply among various users, protects authorized public water supply withdrawals, allows for future growth, includes all withdrawers and accounts for all downstream uses.
 - This language is based on the goal approved by the NCLM membership for inclusion in the 2011-2012 Municipal Advocacy Goals package. It addresses the topic of water allocation and prioritizes preservation of existing municipal withdrawals, while also recognizing that public water supplies need an allocation to accommodate future growth in consumption. The goal also recognizes the need to make sure there's enough water left for downstream users.
- Seek policies that provide flexibility when implementing programs guided by water quality standards adopted through the triennial review process.
 - After adoption of surface water quality standards through the federally-mandated "triennial review" process, states must then implement those standards by translating the limits into wastewater permits. The policies followed by the state when implementing these standards produce results that are extremely conservative and are outliers among southeastern states. Revisions to these policies would reduce the financial impact of the revised water quality standards, while still protecting aquatic life in the receiving streams. Revisions would also allow municipalities more flexibility in recruiting industries that may discharge pretreated wastewater into the municipal system.

- Seek updated regulatory procedures that would provide more openness, transparency, and flexibility for development of the impaired waters list and the system of rating water bodies.
 - Every water quality regulation stems from the way a water body is rated. This goal advocates for more sunshine and site-specific analysis to be brought to two regulatory actions now undertaken by the state: (1) development of the 303(d) impaired waters list, and (2) use support rating of water bodies. Both actions characterize the water quality of streams across the state, and as a result, they have the potential to greatly increase costs for both wastewater treatment and stormwater programs.
- Support legislation to create a system of water use allocation that recognizes public water supply as a riparian use.
 - This goal addresses one aspect of the water allocation debate: legal rights of water. Traditionally, North Carolina has operated under a “riparian rights” legal framework. Simply, this framework allowed every riparian owner – those who owned land touching a water body – to make reasonable use of the water. Under this framework, judges made the determinations of who had riparian rights to the use of water. Longstanding judicial precedent stated that public water supplies generally did NOT have a riparian right to water. This goal seeks to change that judicial precedent through legislation.
- Seek legislation that would implement mechanisms requiring state agencies to repeal unnecessary, unduly burdensome, or inconsistent rules.
 - The Regulatory Reform Act of 2011 requires state agencies to review existing rules and identify those that are unnecessary, unduly burdensome, or inconsistent with other rules or laws. The reform does not, however, actually require the agencies to repeal those rules. This goal would push for a legislative change to require repeal of these agency-identified rules.

- Support legislation that would limit regulation of land application of biosolids to the state and federal governments.
 - Biosolids are produced during the wastewater treatment process, and the state encourages communities to dispose of biosolids by “land applying” them to agricultural fields. Biosolids then become fertilizer for crops grown on the fields. The goal responds to a local situation in Orange and Alamance counties where the county commissioners have pursued the authority to regulate/prohibit the land application of biosolids in the county’s jurisdiction. The counties have been successful in making this goal statewide and placing it on the statewide agenda of the N.C. County Commissioners Association. If achieved, this county-supported policy goal could drastically increase the land application/biosolids disposal costs of affected wastewater systems.

NCLM Core Municipal Principles 2011-2012

The following principles provide a foundation for advocacy and strategic planning to ensure excellence in municipal government as our North Carolina cities and towns serve their citizens and promote a "hometown" quality of life unique to North Carolina communities:

Adequate Municipal Authority

Municipalities need a broad grant of authority and flexibility to allow elected officials to make decisions that effectively and efficiently meet the ~~ever-expanding~~ needs of their citizens.

Voters elect municipal officials to decide significant issues in the public interest, which varies within the unique context of each municipality. Accordingly, the League stands opposed to legislation preempting municipal authority and to measures designed to otherwise erode local control of significant municipal issues. Municipal grants of authority should be broadly construed to include supplemental powers reasonably necessary to carry out the functions.

Municipal Revenues

Sound municipal government requires both the preservation and enhancement of the existing local tax structure and revenue structure streams.

The property tax, state-collected local taxes and revenues, and various local option revenue sources are all integral components of a stable, reliable and balanced revenue stream for municipalities. State-collected revenues should be distributed reasonably and equitably, providing local elected officials autonomy to best determine their use. New revenues, including those that may be obtained through local option revenue sources, are essential to meet the future needs of municipal citizens, to provide the infrastructure necessary for vital public services, and to fairly apportion the costs of growth. It is also imperative that any lost or repealed revenues be replaced, retroactively if necessary.

Municipal Expenditures

Fiscal integrity and sound financial management require flexibility to borrow, invest and expend funds for public-purposes.

Cities are challenged to use the funds entrusted to them in the most efficient and responsible manner possible. Flexibility in financing options and expansion of municipal investment authority provide basic tools to help meet that challenge. The capacity to determine the nature and amount of an expenditure, based upon the totality of factors involved within the unique context of each city, is essential to economic efficiency and management. Cities need discretion to fund investments in infrastructure and local improvements such as affordable housing, redevelopment projects, and business and economic incentives.

Mandates

The state and federal governments should not enact burdensome and expensive mandates without adequate local authority, flexibility and additional financial resources for implementation and continuation.

Mandates to perform functions or activities placed upon cities by the state or federal governments, either directly or through agency or administrative action, should be accompanied by funds for their implementation and continuation. Cities should not be required to appropriate funds for particular programs or functions, or to contract with private companies for public services. Management and human resources decisions must remain in the sound discretion of the municipal governing body. The League opposes any

changes to the current law, which prohibits local governments in North Carolina from entering into collective bargaining agreements with public employees.

Open Government and Ethical Conduct

All levels of government should adhere to principles of responsible open government and ethical conduct.

The League supports the principle of openness in government and endorses the concept that meetings of governmental bodies should be open to the public. There are reasonable exceptions that should permit closed sessions when such limitations are in the public interest. Public records should also be available to the public with reasonable exceptions for protection of confidentiality that are in the public interest. Elected and appointed officials should adhere to standards of conduct that promote public confidence in our system of governance. Additional requirements regarding openness, access to records, conflicts of interest and ethical conduct should not be applied to local governments only.

Municipal Liability

Fundamental rules pertaining to the liability of governmental entities should apply across all levels of government.

Municipalities continually seek to provide a wide range of services to meet the needs of their citizens in furtherance of the public health, safety, and welfare. Accordingly, the League stands opposed to proposals placing burdensome liability upon municipalities, including measures that seek to erode well-established principles of immunity or other defenses, and to proposals unfairly imposing cost-shifting upon municipal taxpayers.

Municipal Growth

Healthy municipal centers are essential to the economic viability of the state. Municipalities must maintain the ability to expand grow and provide the higher level of services demanded by the citizens.

Cities and towns are the economic engines of the state and must be permitted to grow in an orderly and reasonable manner that supports the continued economic development of the state. New growth in and around existing municipalities should utilize existing infrastructure for the most efficient use of public revenue. Annexation ensures that all those who benefit from a municipality through use of the infrastructure, municipal amenities, proximity to jobs, commerce, and cultural resources, bear a fair share of the cost of providing those services. The legislature should not permit a new incorporation whose primary purpose is to prevent a proposed annexation without evidence of its ability to provide the necessary services. Municipalities are encouraged to enter into agreements to foster inter-local cooperation and long-range planning.

Municipal Services

Municipalities require adequate authority and flexibility to finance, operate and manage essential services to protect public safety, promote sanitation, health and welfare, and improve the quality of life.

In order to serve growing urban populations with water, sewer, transportation, police protection, fire protection, solid waste, stormwater, electricity, parks and recreation, public housing, and other services, municipalities need the autonomy to make appropriate management, human resources, financial, and operational decisions. With regard to enterprise services, municipalities must be free to determine appropriate rates and service areas, and free to determine when it is appropriate to enter into regional or multi-jurisdictional arrangements. State taxes or fees should not be imposed on municipal enterprise services. Furthermore, the power of eminent domain must be preserved as a means of acquiring property to provide municipal infrastructure, facilities, and services for the public benefit.

Planning and Land Use

Municipal planning authority must be maintained for sound growth, long-range planning and growth management.

Long range municipal planning is an essential aspect of municipal health and economic viability. Vibrant, well-planned cities are the economic engines of the state, attracting new businesses and industries, while providing the quality of life expected by residents in and around municipalities. Public participation and private property rights are key elements of growth management. For this reason, the government closest to the people is the best venue for making land use decisions. Municipal authority must be maintained and enhanced to allow for more flexibility and options. Necessary tools for planning include the ability to zone, to review and approve buildings and new development, exercise extraterritorial jurisdiction, urban redevelopment, and economic development strategies. Municipalities must have the capability to protect and plan for infrastructure, as well as ensure that the public health, safety and welfare of the citizens are preserved.

Environmental Protection

For municipalities to be successful partners in environmental protection, environmental laws, practices and regulations must be science-based, feasible, and equitable, with flexibility to comply in the most cost-effective manner.

Local governments are partners with state and federal agencies in protecting the environment and quality of life for our citizens, serving as both regulators and members of the regulated community. As such, cities and towns support sufficient state and federal agency allocation of personnel and funding to provide environmental data collection and analysis for evaluation of existing, revised, and new regulations. In turn, as regulators, municipalities need adequate authority to set standards, enforce requirements, and perform inspections. The discretion to impose more stringent requirements than the state when necessary to protect public health or the environment must not be impaired, and delegation of any state regulatory programs must be voluntary. The state should continue to provide technical assistance to local governments as well as its share of financial resources for the implementation of environmental programs. In supporting environmental programs, local governments as well as the state should maintain the ability to make reasonable, equitable, and justifiable adjustments in permitting and compliance fees to help recover the costs of regulatory programs.

As members of the regulated community, municipalities must be allowed full participation in the development of new environmental laws and regulations. Environmental laws, practices and regulations should allow localized solutions, account for compliance costs, eliminate duplicative regulations, and avoid layering with safety factors and conservative assumptions that are not based on a reasonable risk management approach. Regulatory actions should also maximize available resources by targeting the highest-priority environmental concerns, based on comparative environmental risk as well as social and economic impacts. In addition, they should be based on sound science, be technologically and economically feasible, apply equitably to all contributors of pollution, allow the flexibility to attain standards using those practices best suited to the topographical, hydrological, atmospheric, and other characteristics of the jurisdiction, and provide incentives that recognize existing environmental programs. In particular, stormwater regulations should account for the challenges posed by pre-regulation development and allow implementation flexibility, adhere to the maximum extent practicable standard, and avoid requirements exceeding applicable federal and state laws. The state and federal governments should fully analyze costs associated with environmental requirements before adopting them.

Transportation

State support for all modes of transportation in urban, suburban and rural areas must be enhanced to improve our economic competitiveness.

The health of the economy of our State is dependent upon a transportation system that includes all modes of transportation, including highways, transit, aviation, ports, passenger rail, freight, bike and pedestrian. When businesses are looking to expand or relocate their operations in North Carolina, the ability of their employees to get to work and the company to distribute its products via highways, rail, and air are factors that inform their siting decisions. When cities and towns examine redevelopment of their downtowns or business corridors for the long term (50 years), the interaction of highways, transit, bike and pedestrian facilities is a critical factor in such redevelopment decisions. The State has had a long-standing partnership with cities and towns that enables municipalities to maintain their local streets and roads using State-provided Powell Bill funds. The State also provides capital and operational funding for transit, which improves air quality and removes traffic from our highways. The State has also been a leader in providing intra-State passenger rail along the NCRR-owned corridor in conjunction with AMTRAK, and in implementing public-private partnerships where local support is provided. It is vitally important that the State enhance support for a comprehensive transportation system. Such a system will be a factor that ensures our economic competitiveness in the future.

This League endorses and supports the current National Municipal Policy and will actively support NLC efforts with respect to federal legislation and issues unless there is a clear conflict with the adopted policies of this League.

Policy Development Process

The policy development process leading up to the 2013 Advocacy Goals Conference began in January 2012, when the League's three Legislative Action Committees and the Regulatory Action Committee met a number of times to develop policy positions for the NCLM Board of Directors and membership to consider in preparation for the 2013-2014 General Assembly Session. The policy development process ran as follows throughout the balance of 2012:

- | | |
|---------------------|---|
| January – May | Legislative Action Committees (LACs) met to identify impediments to municipal success, receive information about possible legislative solutions, and identify goals to implement those solutions. |
| June – August | The League solicited member input about possible advocacy goals. |
| September – October | The Legislative Action Committees met four times each, and Regulatory Action Committee met twice to consider 169 goal proposals submitted by members, and 40 committee developed goals – 209 goals in all. The LACs adopted a total of 74 proposed goals, and the RAC adopted 14 goals for consideration by the Board of Directors. |
| November | The Board of Directors debated, amended, and reduced the advocacy goals list to 50 legislative goals, and 7 regulatory goals for submission to the membership for consideration at the Advocacy Goals Conference. At that meeting, the Board also approved the attached changes to the Core Municipal Principles for submission to the membership at the Advocacy Goals Conference. |

Opportunity to Submit Additional Goals

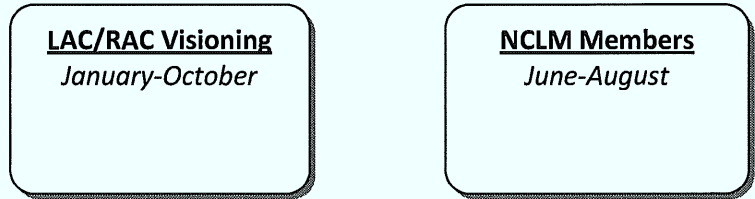
In addition to the 50 legislative goals and 7 regulatory goals submitted by the Board, member cities may submit other goals for consideration at the Advocacy Goals Conference. A form for submitting additional goals is enclosed. Proposals must be approved by the governing body of a municipality by resolution, and can be submitted by any municipal official. It is not sufficient to simply submit a copy of the municipality's goals for the 2013 session.

Proposals received in the League office by close of business on **January 14, 2013** will go through a screening process in order to be considered at the Advocacy Goals Conference. At a meeting on January 18, 2013, the Goals Review Committee (NCLM Executive Committee, plus the 2012 policy committee chairs) will review the additional proposals received from the membership and determine which proposals to submit to the Conference. Once forwarded for consideration by the Goals Review Committee, goals may be approved for inclusion in the NCLM Advocacy Agenda by the same majority vote process as the original 57 goals included with this package.

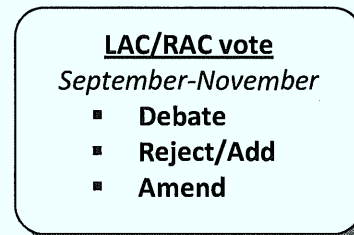
Long-Term NCLM Policy Development

(even-numbered years)

Source of Ideas



Narrow Down Ideas



Recommend Ideas



Finalize Ideas

**Next Conference
January 24, 2013



Advocacy Goal Submission Form

In addition to the 57 goals that have come through the complete policy development process, additional goals are eligible for consideration by the Goals Review Committee (NCLM Executive Committee, plus 2012 policy committee chairs), and voting delegates at the conference. A form for submitting additional goals is enclosed. Additional goals will only be accepted for consideration if they are approved by resolution by the governing body of a municipality. Resolutions must explicitly state that the governing body is proposing an additional goal for consideration at the Advocacy Goals Conference. It is not sufficient to simply submit a copy of the municipality's legislative goals for the 2013 session.

Proposals for additional goals will be presented to the Goals Review Committee, which will determine whether the goal should be considered at the Advocacy Goals Conference. If you wish to submit an additional goal for consideration at the Conference, please return this form along with a copy of the adopted resolution to the address, fax number, or email below:

Karl Knapp
Director of Research and Policy Analysis
NCLM
215 N. Dawson Street
Raleigh, NC 27603

Fax: (919) 301-1109
Email: kknapp@nclm.org

Proposals must be received in the League office no later than close of business, January 14, 2013.

PROPOSED GOAL

The League will seek / support* legislation to _____

EXPLANATION

Please explain the intent of the goal and why the League should adopt it:

* Please circle either seek or support to indicate whether you wish the League to actively seek legislation to implement this goal, or merely to support legislation if it is offered by others.

Name: _____

Title: _____

Municipality: _____

Email: _____ Phone: _____

Advocacy Goals Conference Agenda

TENTATIVE

The League's Board of Directors has submitted 50 legislative goals and 7 regulatory goals for consideration by the League membership. These goals, plus any additional member-submitted goals that have been approved for consideration at the conference, will be reduced during the conference to the 25 legislative goals and 5 regulatory goals on the League's Advocacy Agenda for 2012-13. These goals will be selected through a process of debate, amendment, voting, and ranking of goals, as set forth in the following schedule:

9:30-9:40	Welcome and Introductions
9:40-11:00	Staff explanation of proposed legislative goals
11:00-11:15	Break
11:15-11:45	Goal Setting: Environment/Natural Resources
11:45-12:15	Goal Setting: General Government/Public Safety
12:15-1:15	Lunch (Key legislative leaders invited to speak)
1:15-1:45	Goal Setting: Infrastructure/Utilities/Land Use/Planning
1:45-2:15	Goal Setting: Tax & Finance
2:15-2:45	Goal Setting: Transportation
2:45-3:00	Break
3:00-3:30	Legislative goal prioritization
3:30-3:50	Staff explanation of proposed regulatory goals
3:50-4:05	Regulatory goal setting & prioritization
4:05-4:15	Adoption of Core Municipal Principles
4:15-4:30	Adoption of Municipal Advocacy Goals

Staff Explanation of Proposed Legislative Goals (9:40-11:00)

League Staff will briefly describe each of the goals, including the additional member-submitted goals that are under consideration, and will explain the rationale for each goal. If time permits, staff will answer questions about the goals. Questions also may be asked of staff during the Goal Setting sessions.

Legislative Goal Setting (11:15-2:45)

During the Goal Setting sessions, all attendees will be given the opportunity to express support or opposition for the proposed goals in the category. All attendees may ask questions or debate the merits of proposed goals, but only voting delegates may offer amendments to any of the goals. Additional goals may not be offered. The President will determine whether an amendment is germane to the goal that it seeks to amend or is actually a new goal. Voting delegates may make a motion and second to remove a goal from further consideration. A simple majority of those voting delegates present and voting is required to amend a goal or remove it from further consideration. If a

goal is not removed at this stage of the process, the goal moves forward to be part of the Final Goal Prioritization.

Legislative Goal Prioritization (3:00-3:30)

Upon completion of the Goal Setting sessions, if more than 25 legislative goals remain, the voting delegates will use an electronic voting process to narrow the remaining goals to the 25 that will ultimately be approved. Staff will finalize the results while the delegates consider regulatory goal proposals and the Core Municipal Principles.

Regulatory Goal Setting & Prioritization (3:30-4:05)

Following the prioritization of the legislative goal proposals, League Staff will explain the 7 regulatory goal proposals the Board submitted to the membership. Attendees will then have an opportunity to ask questions, debate the merits, or amend any of the regulatory goal proposals. Following this opportunity, voting delegates will use the same electronic voting method used during legislative goal prioritization to prioritize the 7 goal proposals. Staff will finalize the results during consideration of the Core Municipal Principles, and the 5 regulatory goals receiving the most votes will be part of the League's Municipal Advocacy Goals for 2013-14.

Adoption of the Core Municipal Principles (4:05-4:15)

The Core Municipal Principles represent the bedrock policy statements that will guide the overall advocacy process and decisions. They generally are statements of fundamental municipal policy that the League members believe should guide the General Assembly in making decisions that affect our municipalities. The delegates will be asked to approve the Principles in whole, as submitted by the Board. Amendments may be offered and seconded by any attendee, but only voting delegates may vote. During the adoption of the Principles, any attendee may ask questions or debate the merits of the Principles or an amendment.

Adoption of the Advocacy Agenda (4:15-4:30)

After staff tallies the results of the goal prioritizations, the 25 legislative goals and the 5 regulatory goals receiving the most votes will then be placed before the membership as a group for a final vote of approval by the voting delegates. No amendments will be allowed at this point in the process.

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council Members
FROM: Council Member, Bobby Hurst, Appointment Committee Chair
DATE: January 14, 2013
RE: **Public Works Commission - Discussion of Term Limits**

THE QUESTION:

Does Council wish to change the term limits of the Public Works Commission members?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Community Unity - Pride in Fayetteville.

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

BACKGROUND:

The City of Fayetteville has 23 active Boards and Commissions that aid the Mayor and City Council in governing effectively.

The Public Works Commission was created on March 4, 1905, through an act of the State Legislature, to manage, operate, and supervise the three utilities - 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 Public Works Commission specified that the Board of Aldermen (now the City Council) appoint three Commissioners for a period of three years each with staggered terms.

In 1981 a 4th Commissioner was added to the Membership and the term limit was extended to four year terms.

On December 2, 1996, Policy 110.2 - Appointments to Boards and Commissions, was revised to read: No appointment of the City Council to any board or commission shall be for a period greater than two (2) years".

On March 23, 2009, Council revised Council Policy 110.2 - Boards and Commission Terms which specified, "Members of the Public Works Commission who shall be eligible to serve up to three four-year terms".

Today, the Commission consists of four members, appointed by the City Council to serve four-year staggered terms. The Commissioners elect a Chairman, Vice Chairman, Secretary and a Treasurer. They meet on the second and fourth Wednesday of each month.

At the November 27, 2012, Appointment Committee meeting Council Member Crisp moved to discuss the term limits for members serving on the Public Works Commission at the January 7, 2013, City Council work session, Mayor Chavonne seconded the motion and the vote was unanimous (3-0).

At the January 7, 2013, City Council Work Session Council Member Hurst briefed the City Council on the history of PWC term limits. Following the presentation a discussion ensued; no consensus was reached on the PWC term limits. Consensus was to bring this item to the February 14, 2013, Regular City Council meeting for a formal vote and possible action.

ISSUES:

BUDGET IMPACT:

N/A

OPTIONS:

1. Move to revise Council Policy # 110.2(2) PWC Term Limits to serve up to two four-year consecutive terms.
2. Do not revise Council Policy # 110.2(2) PWC Term Limits to remain in effect (three four-year terms).

RECOMMENDED ACTION:

Discussion and Provide Staff with Direction.

ATTACHMENTS:

City Council Policy 110.2
Charter, Chapter VI - PWC
PWC Commissioner Term Limits Memorandum

SUBJECT – BOARDS AND COMMISSIONS Terms	Number 110.2	Revised 8-16-99 3-23-09	Effective Date 5-26-87	Page 1 of 1
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(1) It shall be the policy of the City Council of the City of Fayetteville that unless regulated by a general statute, ordinance, interlocal agreement, or other enabling legislation or charter, no appointment of the City Council to any board or commission shall be for a period greater than two consecutive years, and no appointees shall be permitted to serve more than two consecutive full terms without an interval of one year between appointments. Any current appointment as of the effective date of this policy, which upon completion will have been for a period of more than two years, shall be considered a full term for purposes of reappointment. Any appointee who shall have previously served a total of four years, whether by one or more appointments, shall not be eligible for reappointment without an intervening period of one year between appointments. Any appointment to fill an unexpired portion of a term after the effective date of this policy shall not be considered a full term unless the unexpired portion is for a period of more than two years.

(2) The foregoing policy shall not apply to an appointee while serving on a national board of directors of a group which the board or commission on which the appointee currently serves is a member, or members of the Public Works Commission who shall be eligible to serve up to three four-year terms. Any appointment to fill an unexpired portion of a term on the Public Works Commission after the effective date of this policy shall not be considered a full term unless the unexpired portion is for a period of more than two years.

(3) This policy shall not apply to an individual who is appointed as an alternate to a board or commission, if that appointee does not get to participate in at least 50 percent of the meetings during the term of appointment.

Fayetteville, North Carolina, Code of Ordinances >> PART I - CHARTER >> CHAPTER VI. - PUBLIC WORKS COMMISSION >>

CHAPTER VI. - PUBLIC WORKS COMMISSION

- Sec. 6.1. - Commission continued; election and term of members; vacancy.
- Sec. 6.2. - Qualifications of commissioners.
- Sec. 6.3. - Duties of commission.
- Sec. 6.4. - Organization; chairman, secretary, and treasurer.
- Sec. 6.5. - Records and accounts.
- Sec. 6.6. - Receipts and disbursements.
- Sec. 6.7. - Supervision of electric light, water and sewerage plants.
- Sec. 6.8. - Contracts; title to property.
- Sec. 6.9. - Proceeds of bonds and special funds to be paid to treasurer; disbursement.
- Sec. 6.10. - Powers of commission in management of property.
- Sec. 6.11. - Rates and rents.
- Sec. 6.12. - Monthly reports; special reports.
- Sec. 6.13. - Annual report.
- Sec. 6.14. - Bonds of chairman, secretary and treasurer.
- Sec. 6.15. - Compensation.
- Sec. 6.16. - Audit of books and accounts.
- Sec. 6.17. - Neglect of duty by member.
- Sec. 6.18. - Budget.
- Sec. 6.19. - Sale of electricity, water and sewer [service] in Cumberland County.
- Sec. 6.20. - Retirement system.

Sec. 6.1. - Commission continued; election and term of members; vacancy.

A commission of the City of Fayetteville to be known as the "public works commission" as heretofore created, established and now existing, is hereby continued and the number of members shall increase, effective July 1, 1981, to four (4). The terms of office of the current members shall each be expanded for an additional year, with each term expiring four (4) years from the date which the appointment was originally made. A new appointment shall be made in June of 1981, and it shall be for a term of four (4) years. As each appointment expires, the city council shall, at its regular meeting in June of each year, elect a member of said commission for a term of four (4) years to replace the expiring member.

(Session Laws 1981, Ch. 756, § 2)

Sec. 6.2. - Qualifications of commissioners.

The members of said commission shall be resident freeholders and taxpayers of the City of Fayetteville, and shall be persons of recognized ability and good business judgment and standing who, in the opinion of the city council, can and will perform their official duties to the best interest of said city and its inhabitants.

Sec. 6.3. - Duties of commission.

Said commission shall have full charge and control and the general supervision and management of the electric utility plant, the waterworks and sewerage, and shall collect all rents and profits accruing therefrom and shall make all disbursements on account of the same.

Sec. 6.4. - Organization; chairman, secretary, and treasurer.

The members of the commission shall meet as soon after their election as possible, and shall elect out of their number a chairman, secretary, and treasurer, each of whom shall be a different person. The duties of each shall be such as is prescribed by said commission from time to time, not inconsistent with the provisions of this act.

Sec. 6.5. - Records and accounts.

Said commission shall keep a full and complete record of all meetings held and official action taken, and of all other transactions, items and facts, necessary to the proper and intelligent conduct of the business affairs, and shall keep a separate account of each item of property under their control, showing in detail the income from each, the disbursements on account of each, and the net income or loss on each of the same.

Sec. 6.6. - Receipts and disbursements.

All funds handled by said commission shall be paid over to the treasurer thereof, and all disbursements by said commission shall only be made by order upon the treasurer, signed by the secretary and countersigned by the chairman thereof, and all orders shall state for what object the same is drawn, and a record shall be kept of all such orders.

Sec. 6.7. - Supervision of electric light, water and sewerage plants.

Said commission shall have charge of and control over, and shall supervise the construction, repairing, alteration or enlargement of the electric light plant, the waterworks plant and the sewerage plant with power and authority to make all necessary contracts relating to the same, including the purchase of all necessary sites, machinery, supplies and other property and the employment of necessary labor and other help in said construction, repairing, alteration or enlargement but no appropriation of moneys or expenditures or contracts in excess of ten thousand dollars (\$10,000.00) shall be made by the said commission until the same shall have been approved by the city council provided no such appropriation, expenditure or contract shall be approved on the date on which it is submitted except by an affirmative vote equal to or greater than two-thirds of the members of the council.

Sec. 6.8. - Contracts; title to property.

No contract shall be entered into by said commission without the concurrence of at least two (2) members thereof, and all contracts made by said commission, required to be in writing, shall be in the name of the City of Fayetteville, signed by the chairman and attested by the secretary of the said commission and sealed with the corporate seal of the said city. The title to all property under the management and control of said commissioners shall be and remain in the City of Fayetteville, and the title to all property purchased or acquired by said commission shall vest in said city; provided, that nothing in this act shall be construed as conferring upon said commission any power

or authority to convey title to any public utilities, buildings, or other real property under their management and control.

Sec. 6.9. - Proceeds of bonds and special funds to be paid to treasurer; disbursement.

The proceeds from the sale of any bonds, and all other special funds to be used in the construction, repairing, alteration or enlargement of any public utilities, building or other property mentioned in Section 6.7, shall be paid over to the treasurer of said commission, who shall disburse the same as provided in this act.

Sec. 6.10. - Powers of commission in management of property.

Said commission is hereby fully authorized and empowered to make all necessary contracts in the property management of said public utilities and other property under its management and control, and to employ and discharge all necessary superintendents, clerks, accountants, laborers, artisans and other help in said management; to prescribe the duties and fix the salaries of each, and to require such bonds of each as said commission may deem proper to the successful management of said property.

Sec. 6.11. - Rates and rents.

Said commission is hereby fully authorized and empowered to fix all rates, rents for water, light and sewage, scales, and all other public property under their control, subject to the limitations fixed in any franchise heretofore granted or which may hereafter be granted for the same. All such rates and rents shall be established upon such terms and conditions as said commission shall deem for the best interest of the city.

Sec. 6.12. - Monthly reports; special reports.

Said commission shall render a full report to the city council of the City of Fayetteville, not later than the second Monday of each month, and shall pay over to the treasurer of said city all balances in excess of necessary expenses and disbursement to said date, as shown by said report. Said report shall show among other things:

- (1) The several items of public property under the control and charge of said commission, the value of same, and the floating and bonded indebtedness outstanding against the same;
- (2) The amount received from each item of public property, and the amount disbursed on account of same, separately;
- (3) All amounts received and disbursed on account of construction, repairing, alteration or enlargement of said property;
- (4) The physical condition of the property;
- (5) The amount of insurance carried upon said property;
- (6) The names of all delinquents to said city, three (3) months or more in arrears, and the amount of such delinquency; and
- (7) All other facts, items and information pertaining to the condition and management of said property.

Said commission shall also furnish to the city council of said city such additional and special reports as the said council may request from time to time.

Sec. 6.13. - Annual report.

At the end of each fiscal year said commission shall publish a complete report for the year, which shall include all financial operations of said commission during the year, and all items, facts and information required by the provisions of this chapter to be reported monthly to the said city council.

Sec. 6.14. - Bonds of chairman, secretary and treasurer.

The chairman and secretary of said commission shall each give bond to the City of Fayetteville in the sum of one thousand dollars (\$1,000.00) each, and the treasurer of said commission shall give bond in double the amount of any funds in his hands. All bonds required by this section shall be filed with the city clerk.

Sec. 6.15. - Compensation.

The members of said commission shall receive a salary as set by the council on an annual basis.

Sec. 6.16. - Audit of books and accounts.

At the end of each fiscal year the books, accounts and records of said commission shall be audited by the city council.

Sec. 6.17. - Neglect of duty by member.

If any member of said commission shall willfully neglect or fail to perform any duty required by the provisions of this chapter, or required by any rule or regulation made by said commission in pursuance of the authority contained in said act, he shall be guilty of a misdemeanor, and upon conviction shall be removed from office by the city council.

Sec. 6.18. - Budget.

Said commission shall cause to be prepared and published in a newspaper published in Cumberland County a budget in the same manner as is required of the city council.

Sec. 6.19. - Sale of electricity, water and sewer [service] in Cumberland County.

The public works commission of the City of Fayetteville is hereby authorized and empowered to extend its electric system, water system and sewerage system anywhere in Cumberland County, and to sell water, sewer service, and electricity anywhere in Cumberland County.

Sec. 6.20. - Retirement system.

The city council of the City of Fayetteville is authorized to establish by ordinance an actuarially sound retirement system for the payment of retirement benefits to the employees of the public works commission. The city council is authorized to appoint a board of trustees and to delegate to the board of trustees such powers and duties as may be deemed necessary to

administer the retirement fund; however, if a board of trustees is appointed, they shall employ an actuary and designate a trustee for the investment, care, or administration of the funds of the retirement system.

Any retirement system established by the city council for the employees of the Fayetteville Public Works Commission shall be jointly financed by employee contributions and appropriations from the funds of the public works commission and shall be maintained on a solvent actuarial reserve basis for all benefits at the date of the establishment of the fund, excepting the present value of benefits based on prior service. The contributions of the Fayetteville Public Works Commission shall be sufficient to fund the liability for such prior service in not more than thirty (30) years from the date of the establishment of such fund.

Any retirement system heretofore created for the employees of the Fayetteville Public Works System and in existence on the date of the ratification of this act shall continue in existence and remain in full force and effect after the date of the ratification of this act, the intent herein being to continue any existing retirement system under the same established requirements and criteria stated herein.



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

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

955 OLD WILMINGTON RD
P.O. BOX 1089
FAYETTEVILLE, NORTH CAROLINA 28302 1089
TELEPHONE (910) 483-1401
WWW.FAYPWC.COM

December 14, 2012

MEMO TO: Council Member Wade Fowler

FROM: Steven K. Blanchard, CEO/General Manager

SUBJECT: PWC Commissioner Term Limits

I understand the issue concerning the terms that a Commissioner may serve on the PWC Commission may be considered again. As the Liaison to the Commission, I wanted to share the points in that memo and a few other points and ask that you share them with the Council.

Please consider the following:

1. For most of its 107 year existence, PWC Board members had no term limits. This allowed the knowledge and experience they gained to be retained on the Commission at the City Council's discretion during the reappointment process every four years.
2. While other Boards and Commissions are advisory to the City Council, the PWC Board has substantial fiduciary duties and responsibilities as defined in the City Charter. These duties are equivalent to having oversight for a large multi-million dollar company. The decisions and recommendations of the Commission have a tremendous impact on the Fayetteville community and the City itself.
3. There are over 2,000 municipal electric systems in the United States. PWC is the 35th largest municipal electric utility in the country. It is a necessity for PWC to be involved at the State and National level. The present term limits preclude most participation on state and national boards by PWC Commissioners because of their limited tenure compared to other candidates. (Robert Williams, who served 20 years as a Commissioner, was the last Commissioner appointed without limited terms. Mr. Williams was elected to the American Public Power Association [APPA] Board and Executive Committee only after having 12-15 years experience in the electric utility industry and with expectations that he would continue in the utility business while serving on the Board.)

BUILDING COMMUNITY CONNECTIONS SINCE 1905

AN EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Memo To: Council Member Fowler
December 14, 2012
Page 2

4. Laws, policies, regulations and procedures for the utility business are determined in large part at the state and national level. PWC must individually or through its trade organizations take an active part to protect the citizens of Fayetteville and the City's utility. While PWC staff can carry a lot of this load, it is extremely important for PWC Commissioners to be knowledgeable and active in these activities.
5. The utility business requires long term planning and many projects take years to plan and complete. Commissioners must make decisions that look beyond their current existing term limits but may not be around when the results of their decisions are implemented. Some examples include (1) Permitting, design, engineering and construction for expanding a water plant, wastewater plant or generation facility will take more than 5 years. (2) Power supply contracts take years to negotiate, are executed several years before they become effect and may last 10 to 20 years. (3) Phase V Annexation work is an agreement that covers 14 years of construction planning and over 40 years of financing strategy.
6. The utility industry is complicated and highly specialized. It takes a Commissioner several years to gain the knowledge and understanding necessary to make the long term decisions about operations, expansion and development of the system.
7. A person must volunteer to serve on the Commission, must be nominated and elected by the City Council and be reappointed every 4 years to continue as a PWC Commissioner.

I ask you to request the Council consider removing the term limits for PWC Commissioners so that the City does not arbitrarily loose an excellent PWC Commissioner due to term limits. The City Council still has the option to reappoint or not reappoint a Commissioner every four years. If the Council does not wish to allow unlimited re-appointment, maintaining three or more terms would be preferable.

Please feel free to share this memo with the Mayor and City Council. Thank you for your assistance in having the City Council consider this request. I will be glad to assist you any way I can.

cc: PWC Commissioners

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: January 14, 2013
RE: **Uninhabitable Structures Demolition Recommendations**
206 Central Drive
148 Kensington Circle
603 Link Street
1607 North Street
703 Pritchett Road

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

206 Central Drive

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on June 13, 2012. A hearing on the condition of the structure was conducted on September 5, 2012, in which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure was issued and mailed to the owner on September 6, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since November 2011. In the past 24 months there have been 30 calls for 911 service to the property. There have been 8 code violation cases with a pending assessment of \$1,236.83 for lot cleanings. The low bid for demolition is \$1,400.00.

148 Kensington Circle

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a dangerous structure on August 16, 2012. A hearing on the condition of the structure was conducted on September 5, 2012, which the owner attended. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on September 6, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since September 2009. In the past 24 months there have been no calls for 911 service to the property. There have been 3 code violation cases with a pending assessment of \$1,721.10 for lot cleanings. The low bid for demolition is \$1,400.00.

603 Link Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a dangerous structure on September 19, 2012. A hearing on the condition of the structure was conducted on October 10, 2012, in which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on October 11, 2012. To date there have been no repairs to the structure. The utilities to the structure have been disconnected since July 2012. In the past 24 months there have been 149 calls for 911 service to the property. There have been 7 code violation cases with a pending assessment of \$586.50 for lot cleanings. The low bid for demolition is \$1,400.00.

1607 North Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on June 29, 2012. A hearing on the condition of the structure was conducted on July 18, 2012, in which the owner did not attend. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on July 19, 2012. To date there have been no repairs to the structure. The utilities to the structure have been disconnected since February 2011. In the past 24 months there have been no calls for 911 service to the property. There have been 2 code violation cases with no outstanding assessments. The low bid for demolition is \$1,395.00.

703 Pritchett Road

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure was vacant and the subject of a fire on June 10, 2012. As a result of the fire the structure was inspected and condemned as a dangerous structure on July 27, 2012. A hearing on the condition of the structure was conducted on August 16, 2012, in which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on August 16, 2012. To date there have been no repairs to the structure. There is no record of utilities to the structure. In the past 24 months there have been 8 calls for 911 service to the property. There have been 10 code violation cases with a pending assessment of \$7,995.00 for lot cleanings and demolition of another structure on the property. The low bid for demolition is \$1,500.00.

ISSUES:

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

BUDGET IMPACT:

The demolition of these structures will be \$7,095.00; there will be additional costs for asbestos testing and abatement if needed.

OPTIONS:

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

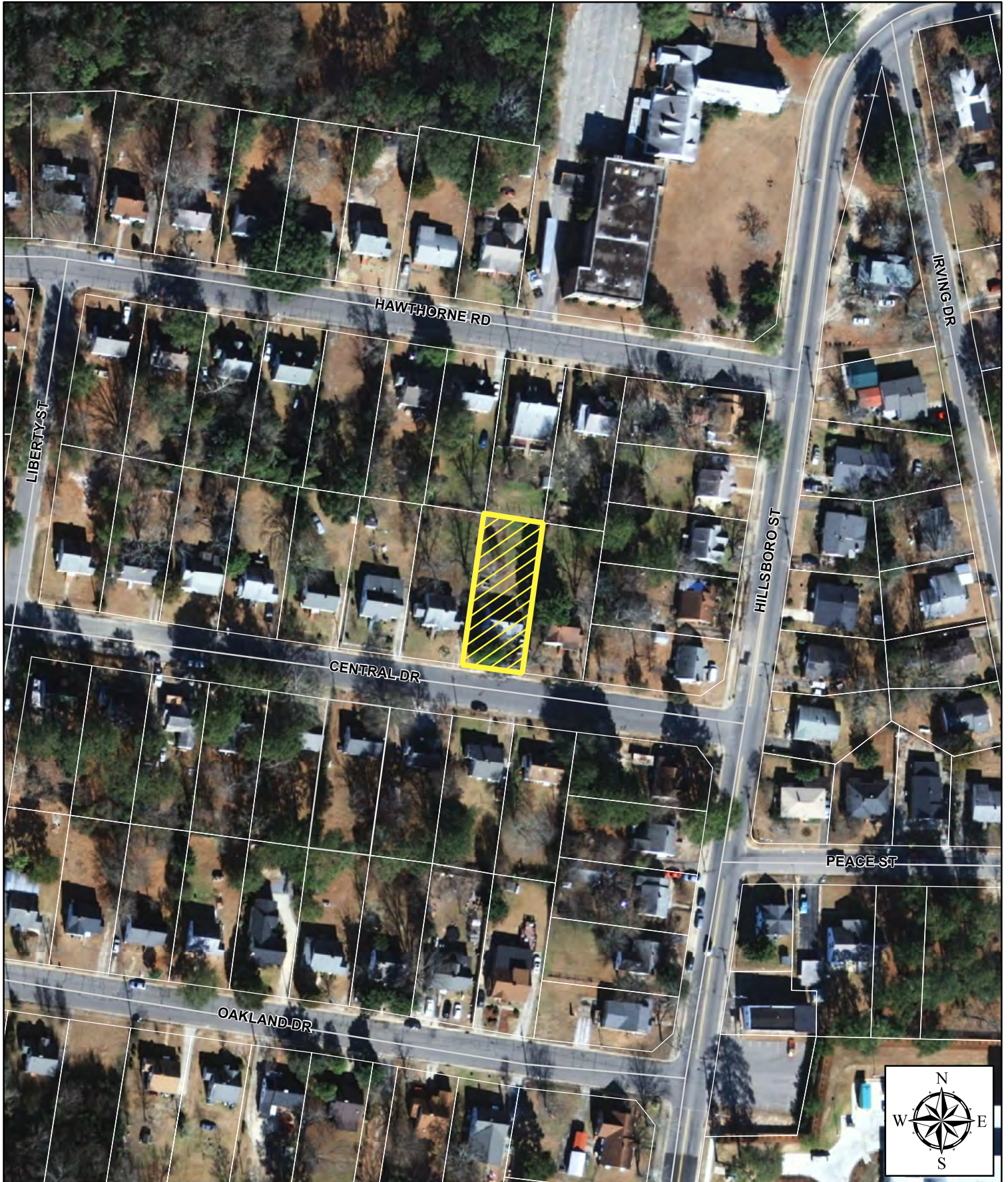
RECOMMENDED ACTION:

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

ATTACHMENTS:

Aerial Map - 206 Central
Docket- 206 Central Drive
Ordinance-- 206 Central Drive
Photo 1- 206 Central Drive
Photo2- 206 Central Drive
Photo 3- 206 Central Drive
Photo 4- 206 Central Drive
Photo 5- 206 Central Drive
Aerial Map - 148 Kensington
Docket-- 148 Kensington Circle
Ordinance-- 148 Kensington Circle
Photo1- 148 Kensington Circle
Photo 2- 148 Kensington Circle

Photo 3- 148 Kensington Circle
Photo 4- 148 Kensington Circle
Photo 5- 148 Kensington Circle
Aerial Map - 603 Link
Docket-- 603 Link Street
Ordinance-- 603 Link Street
Photo 1- 603 Link Street
Photo 2- 603 Link Street
Photo 3- 603 Link Street
Photo 4- 603 Link Street
Photo 5- 603 Link Street
1607 North Street
Docket-- 1607 North Street
Ordinance-- 1607 North Street
Photo 1- 1607 North Street
Photo 2- 1607 North Street
Photo 3-- 1607 North Street
Photo 4-- 1607 North Street
Photo 5-- 1607 North Street
Aerial Map - 703 Pritchett Road
Docket-- 703 Pritchett Road
Ordinance-- 703 Pritchett Road
Photo 1- 703 Pritchett Road
Photo 2-- 703 Pritchett Road
Photo 3-- 703 Pritchett Road
Photo 4-- 703 Pritchett Road
Presentation for Council Meeting



Location: 206 Central Drive
PIN: 0438-42-7472

TO: Mayor
 City Council Members
 City Manager
 City Attorney

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

Location	206 Central Drive
Property Owner(s)	Latif Tariq Troy, AL
Date of Inspection	June 13, 2012
Date of Hearing	September 5, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed September 6, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since November 2011.
	Hearing was advertised in the Fayetteville Observer August 2012.
Police Calls for Service (past 2 yrs)	30

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

This is the 14th day of January, 2013.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

206 Central Drive
PIN 0438-42-7472

Being all of Lot 29, in a subdivision known as Windsor Terrace, Section II, as shown on plat of the same duly recorded in Book of Plats 10, Page 17, Cumberland County Registry, North Carolina.

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

Latif Tariq
PO Box 1301
Troy, AL 36081-1301

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before November 6, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,400.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this __14th__ day of __January__, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



DANGER
This property is under construction. No one is to be on the property without the permission of the contractor. All workers must wear hard hats and safety gear. No trespassing.

206



9-3-5-1



9-3-6-1



9-3-7-1



9-3-8-1



Location: 148 Kensington Circle
PIN: 0438-63-1705

TO: Mayor
 City Council Members
 City Manager
 City Attorney

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

Location	148 Kensington Circle
Property Owner(s)	Velma King Harrison, William King Heirs Fayetteville, NC
Date of Inspection	August 16, 2012
Date of Hearing	September 5, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 90 days mailed September 6, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since September 2009.
	Hearing was advertised in Fayetteville Observer newspaper August 2012.
Police Calls for Service (past 2 yrs)	0

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

This is the 14th day of January, 2013.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

148 Kensington Circle
PIN 0438-63-1705

BEGINNING at a point in the northern margin of Kensington Circle in the northern line of Greenwood Subdivision as per plat registered in Book of Plats 10, Page 47, Cumberland County Registry, said beginning point being located at the end of the curve and also at the point where the northern margin of Kensington Circle intersects with the southern line of the M.D. Riddle property, and running thence with the northern margin of Kensington Circle, South 78 degrees 51 minutes West 45.2 feet to a point; thence North 11 degrees 9 minutes West 134.75 feet to a point; thence North 87 degrees 50 minutes East 71.5 feet to a point; thence South 2 degrees 42 minutes East 125.2 feet to a point in the southern line of the M.D. Riddle property; thence with said line South 78 degrees 51 minutes West 6 feet to the BEGINNING.

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

Velma King Harrison	William King Heirs
811 Branson Street	No Estate
Fayetteville, NC	

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before December 6, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.

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

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,400.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this __14th__ day of __January__, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



DANGER

158





9-3-14-1







Location: 603 Link Street
PIN: 0447-03-0775

TO: Mayor
 City Council Members
 City Manager
 City Attorney

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

Location	603 Link Street
Property Owner(s)	Teddy Melvin, Sr. Fayetteville, NC
Date of Inspection	September 19, 2012
Date of Hearing	October 10, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed October 11, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since July 2012.
	Hearing was advertised in Fayetteville Observer newspaper September 2012.
Police Calls for Service (past 2 yrs)	149

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

This is the 14th day of January, 2013.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

603 Link Street
PIN 0447-03-0775

BEGINNING at a point in the northern margin of Martin Street, which point is North 63 degrees 30 minutes West 450 feet from the intersection of the northern margin of Martin Street with the Western margin of Atkinson Street and being the southwest corner of Lot No. 25, and running thence with the western line of Lot No. 25 North 26 degrees 30 minutes East 137.8 feet to a stake in the old line; thence with the old line North 66 degrees 30 minutes West 50 feet to a stake in the old line; thence South 26 degrees 30 minutes West about 136 feet to the northern margin of Martin Street; thence with the northern margin of said Martin Street, South 63 degrees 30 minutes East 50 feet to the beginning and being the eastern portion of Lot No. 26 of the subdivision of the Nannie Martin lands as surveyed and platted by C.C. Howard, in July 1941, and recorded in Plat Book No. 10 Page 13, Office of Register of Deeds for Cumberland County.

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

Teddy Melvin, Sr.
603 Link Street
Fayetteville, NC 28301

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before December 11, 2012.

- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,400.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this __ 14th _____ day of __ January _____, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



6
0
3



DANGER
DO NOT ENTER
This area is under construction.

NOTICE
This area is under construction.





9-3-22-1





9-3-24-1



Location: 1607 North Street
PIN: 0438-64-3087

TO: Mayor
 City Council Members
 City Manager
 City Attorney

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

Location	1607 North Street
Property Owner(s)	Joseph T. and Barbara M. Bowden Waynesville, NC
Date of Inspection	June 29, 2012
Date of Hearing	July 18, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 90 days mailed July 19, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since February 2011.
Police Calls for Service (past 2 yrs)	0

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

This is the 14th day of January, 2013.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

1607 North Street
PIN 0438-64-3087

BEGINNING at a stake in the west margin of North Street extended at a point North 34 degrees West 162.5 feet from the intersection of the western margin of North Street extended with the northern margin of Brookwood Avenue, and runs thence South 67 degrees 30 feet West 152 feet to a stake; thence North 21 degrees 30 feet West 50 feet; thence North 67 degrees 30 feet East 144 feet to a stake in the western margin of North Street extended; thence with said street margin South 16 degrees East about 14 feet to a point about the middle of the front of Lot No. 11; thence continuing with said West margin of North Street extended South 34 degrees East about 39 feet to the BEGINNING, and being Lots 11 and 12, Block "D", in a subdivision known as M.D. Riddle Subdivision according to a plat of the same duly recorded in Book of Plats 9, Page 54, Cumberland County Registry.

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

Joseph T. Bowden and wife Barbara M. Bowden
2508 Oleander Drive
Wilmington, NC 28403

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before September 19, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.

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

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,395.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this __14th__ day of __January__, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk





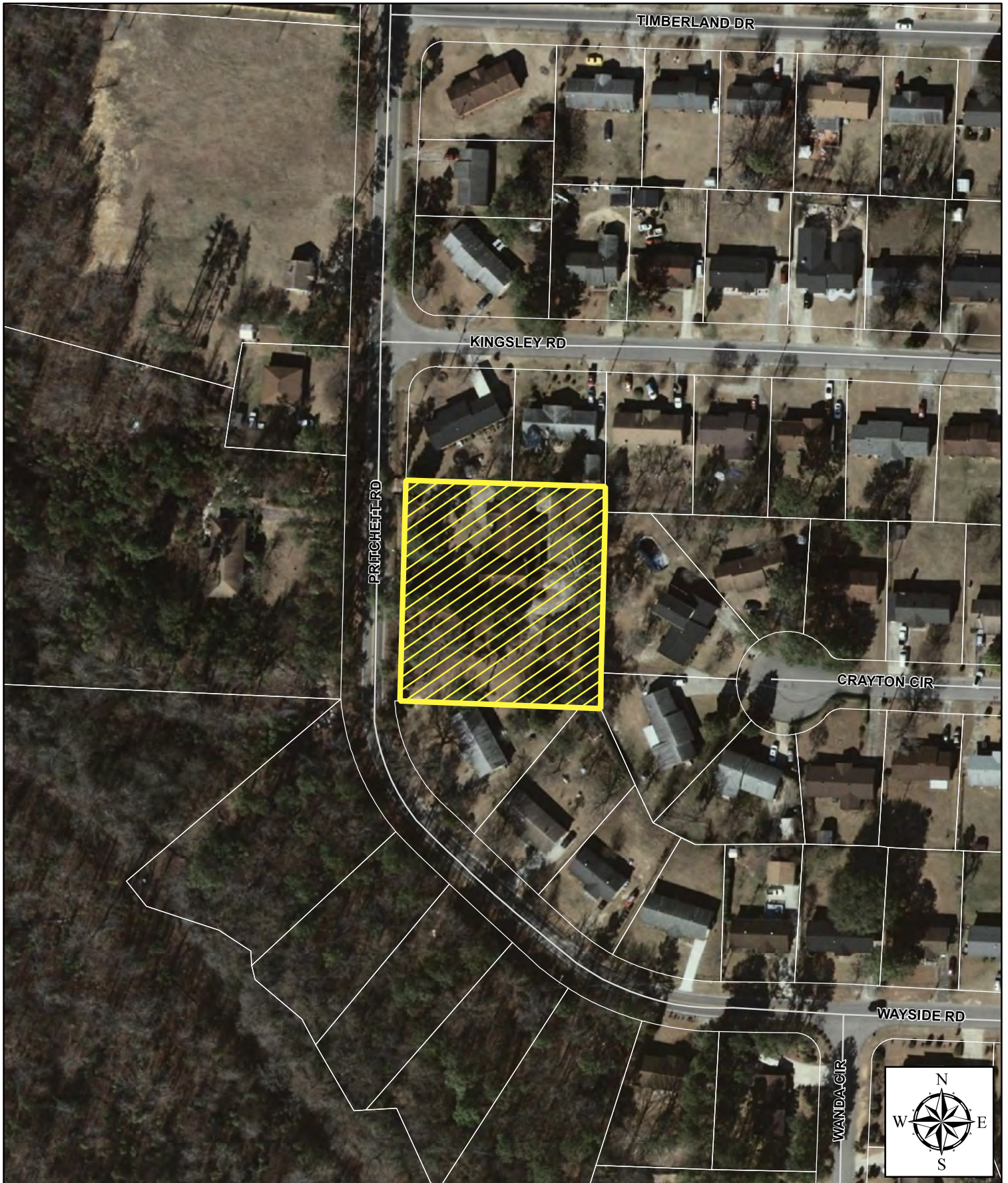


9 - 3 - 30 - 1



9-3-31-1





Location: 703 Pritchett Road
PIN: 0407-23-1498

TO: Mayor
 City Council Members
 City Manager
 City Attorney

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

Location	703 Pritchett Road
Property Owner(s)	Tommy Edward Henry, Mooresville, NC Olivia Henry, Alexandria, VA
Date of Inspection	July 27, 2012
Date of Hearing	August 15, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed August 16, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities – no record.
	Hearing was advertised in the Fayetteville Observer newspaper August 2012.
Police Calls for Service (past 2 yrs)	8

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

This is the 14th day of January, 2013.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

703 Pritchett Road
PIN 0407-23-1498

BEGINNING at a point in the eastern right-of-way margin of SR1412, said beginning point being the southwest corner of Lot # 167 of Hollywood Heights Subdivision, Section 8, a plat of which is duly recorded in the Office of the Register of Deeds for Cumberland County, in Plat Book 33, Page 18; and running thence with the southern lines of Lots Numbers 167 and 166 of Hollywood Heights Subdivision, Section 8, as per Plat Book 33, Page 18, Cumberland County Registry, south 85 degrees 05 minutes east 191.85 feet to the southeastern corner of Lot # 166; thence South 03 degrees 54 minutes west 211.53 feet to a point in the eastern right-of-way margin of SR 1412; thence with the eastern margin of SR 1412 north 04 degrees 25 minutes east 211.45 feet to the beginning.

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

Tommy Edward Henry (Incompetent)	Olivia Henry
C/O Melinda L. Johnson, Guardian	7473 Duddington Drive
PO Box 4732	Alexandria, VA 22315
Mooresville, NC 28117	

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before October 16, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.

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

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,500.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this __14th__ day of __January__, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



DANGER







Uninhabitable Structure Demolition Recommendations

**Five un-occupied residential dwellings
determined to constitute blight or to be
dangerous**

None of these properties are historic

206 Central Drive

- **Blighted Building**
- **Utilities disconnected as of November 4, 2011**
- **30 calls for 911 Service – last 24 months**
- **8 code violations – last 24 months**
- **\$1,236.83 outstanding City assessments for lot cleaning**
- **Not eligible for Acquisition & Demolition Program**
- **No outstanding taxes**
- **Demolition cost - \$1,400.00**





Location: 206 Central Drive
PIN: 0438-42-7472

148 Kensington Circle

- **Dangerous Building**
- **Utilities disconnected as of September 24, 2009**
- **No calls for 911 Service – last 24 months**
- **3 code violations – last 24 months**
- **\$1,721.00 in outstanding City assessments for lot cleaning & securing**
- **Not eligible for the Acquisition & Demolition Program**
- **\$5,031.56 outstanding taxes**
- **Demolition cost - \$1,400.00**





Location: 148 Kensington Circle
PIN: 0438-63-1705

603 Link Street

- **Dangerous Building**
- **Utilities disconnected as of July 30, 2012**
- **149 calls for 911 Service – last 24 months**
- **7 code violations – last 24 months**
- **\$586.50 outstanding City assessments for lot cleaning and securing building**
- **Not eligible for the Acquisition & Demolition Program**
- **No outstanding taxes**
- **Demolition cost - \$1,400.00**





Location: 603 Link Street
PIN: 0447-03-0775

1607 North Street

- **Blighted Building**
- **Utilities disconnected as of February 1, 2011**
- **No calls for 911 Service – last 24 months**
- **2 code violations – last 24 months**
- **No outstanding City assessments**
- **No response to the Acquisition & Demolition Program**
- **No outstanding taxes**
- **Demolition cost - \$1,395.00**





Location: 1607 North Street
PIN: 0438-64-3087

703 Pritchett Road

- **Dangerous Building**
- **Fire damaged on June 10, 2012**
- **No record of utility disconnection**
- **8 calls for 911 Service – last 24 months**
- **10 code violations – last 24 months**
- **\$7,995.69 outstanding City assessments for lot cleaning and other demolition**
- **Not eligible for the Acquisition & Demolition Program**
- **No outstanding taxes**
- **Demolition cost - \$1,500.00**





Location: 703 Pritchett Road
PIN: 0407-23-1498

CITY COUNCIL ACTION MEMO

TO:
FROM:
DATE: January 14, 2013
RE: NCGS 143-318.11 Closed Session

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Pamela Megill, City Clerk
DATE: January 14, 2013
RE: **Monthly Statement of Taxes for November 2012**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS:

Tax Statement - November 2012

FAYETTEVILLE MACC LEDGER

NOVEMBER 2012

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
11/01/12	2012-089	120,984.41	83,590.36	17,612.99	0.00	0.00	1,795.94	1,795.95	1,696.88	3,393.77
11/02/12	2012-090	133,718.70	94,560.20	16,406.25	4.02	38.92	1,699.41	1,699.42	2,953.81	5,907.58
11/05/12	2012-091	231,416.15	158,561.09	34,379.51	18.02	13.06	3,925.00	3,925.00	5,320.37	10,640.75
11/06/12	2012-092	3,826,354.20	3,375,628.70	16,640.92	347.88	0.00	1,984.18	1,984.19	71,044.78	142,089.57
11/07/12	2012-093	58,982.06	41,895.13	5,846.00	0.00	0.00	912.72	912.73	1,498.64	2,997.28
11/08/12	2012-094	252,768.39	191,565.34	26,440.15	7.78	37.82	3,180.00	3,180.00	6,253.80	12,507.60
11/09/12	2012-095	84,588.39	53,787.67	14,263.54	0.00	0.00	1,755.00	1,755.00	1,689.98	3,379.98
11/12/12	2012-096	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/13/12	2012-097	1,378,630.27	1,166,461.49	48,143.82	1,659.30	65.32	5,120.52	5,120.52	25,805.01	51,610.01
11/14/12	2012-098	100,240.44	71,079.30	11,411.99	0.00	23.37	1,359.22	1,359.23	2,527.01	5,054.03
11/15/12	2012-099	53,999.19	31,772.14	9,204.52	7.04	0.00	995.00	995.00	1,080.31	2,160.59
11/16/12	2012-100	1,362,848.50	1,183,369.63	20,624.45	2,085.41	85.45	2,500.63	2,500.61	25,356.31	50,712.59
11/19/12	2012-101	943,576.88	770,536.35	43,442.34	0.81	130.35	4,147.08	4,147.08	22,934.14	45,868.29
11/20/12	2012-102	9,356,160.69	8,388,903.31	11,447.60	5,361.89	0.00	1,170.94	1,170.95	160,348.17	320,696.32
11/21/12	2012-103	287,318.95	251,801.05	4,559.02	3,716.33	0.00	510.00	510.00	6,469.62	12,939.26
11/22/12	2012-104	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/23/12	2012-105	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/26/12	2012-106	322,702.49	231,014.00	45,471.04	1,220.55	105.88	4,678.39	4,678.41	6,193.47	12,386.95
11/27/12	2012-107	90,210.90	60,783.22	11,965.17	13.65	0.00	1,295.47	1,295.47	1,191.92	2,383.85
11/28/12	2012-108	42,282.60	25,766.67	6,776.38	772.51	0.00	880.17	880.17	780.00	1,560.00
11/29/12	2012-109	166,756.93	117,936.07	22,846.42	376.36	0.00	2,270.00	2,270.00	3,783.89	7,567.79
11/30/12	2012-110	88,584.99	46,582.63	22,332.29	89.47	0.00	2,215.53	2,215.53	1,379.99	2,760.03
TOTALS		18,902,125.13	16,345,594.35	389,814.40	15,681.02	500.17	42,395.20	42,395.26	348,308.10	696,616.24

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

NOVEMBER 2012

FAYETTEVILLE MACC LEDGER

NOVEMBER 2012

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
3,587.44	0.00	946.59	3,813.42	0.00	0.00	482.52	482.52	12.00	24.00	38.00	0.00
3,463.69	0.00	839.26	3,067.16	0.00	0.00	445.00	445.00	45.65	91.29	144.55	0.00
6,967.84	0.00	950.69	3,596.14	0.00	0.00	454.21	454.20	25.36	50.70	80.27	0.00
212,044.93	0.00	1,301.79	1,312.92	0.00	0.00	233.76	233.75	41.35	82.70	130.94	0.00
1,629.71	0.00	930.16	1,282.07	0.00	0.00	245.00	245.00	0.27	0.55	0.87	0.00
5,591.69	0.00	505.24	1,696.59	0.00	0.00	255.00	255.00	37.21	74.44	117.85	0.00
3,147.62	0.00	372.61	2,491.09	0.00	0.00	450.00	450.00	0.93	1.86	2.95	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
65,003.26	0.00	1,574.18	4,592.57	100.57	0.00	608.30	608.32	41.24	82.47	130.58	0.00
2,813.39	0.00	267.73	2,739.72	0.00	0.00	375.00	375.00	0.00	0.00	0.00	0.00
1,862.94	0.00	745.70	2,543.95	0.00	0.00	410.00	410.00	12.00	24.00	38.00	0.00
65,474.94	0.00	4,440.38	3,025.24	0.00	0.00	430.30	430.29	52.91	105.82	205.54	0.00
46,252.79	0.00	1,165.56	2,724.71	0.00	0.00	472.39	472.38	14.16	28.33	44.85	0.00
460,849.75	0.00	1,706.44	1,660.04	0.00	0.00	275.00	275.00	95.42	190.85	112.17	0.00
1,905.16	0.00	981.21	1,744.59	0.00	0.00	260.00	260.00	17.65	35.29	111.75	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9,238.67	0.00	1,076.44	3,962.54	0.00	0.00	561.14	561.15	3.27	6.54	10.35	0.00
3,355.15	0.00	1,804.04	2,281.61	0.00	0.00	360.40	360.40	72.00	144.00	228.00	0.00
1,558.00	0.00	794.89	1,210.45	0.00	0.00	209.58	209.59	0.00	0.00	0.00	0.00
5,028.32	0.00	397.43	1,811.45	0.00	0.00	302.55	302.55	9.97	19.94	31.57	0.00
2,554.04	0.00	1,345.08	4,129.82	0.00	0.00	659.77	659.78	24.00	48.00	76.00	0.00
902,329.33	0.00	22,145.42	49,686.08	100.57	0.00	7,489.92	7,489.93	505.39	1,010.78	1,504.24	0.00

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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
309.94	132.47	0.00	0.00	40.00	40.00	3.63	7.25	11.49	0.00	0.00	18.28	0.00
252.60	(9.31)	0.00	0.00	14.69	14.69	12.00	24.00	38.00	0.00	119.93	(69.64)	0.00
290.34	257.17	0.00	0.00	45.00	45.00	0.00	0.00	0.00	0.00	263.72	51.24	0.00
559.31	(25.39)	0.00	0.00	40.00	40.00	12.00	24.00	38.00	0.00	27.98	(112.78)	0.00
99.11	48.40	0.00	0.00	11.94	11.94	0.00	0.00	0.00	0.00	0.00	26.62	0.00
213.38	71.92	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	0.00	71.56	0.00
103.19	(47.01)	0.00	0.00	11.85	11.86	0.00	0.00	0.00	0.00	0.00	169.65	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
74.65	123.42	0.00	0.00	20.69	20.70	0.00	0.00	0.00	0.00	100.78	57.52	0.00
180.59	50.33	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	1.64	0.00
516.59	68.31	0.00	0.00	20.00	20.00	12.00	24.00	38.00	0.00	0.00	81.99	0.00
7.71	117.06	0.00	0.00	40.00	40.00	0.00	0.00	0.00	0.00	52.12	31.54	0.00
42.32	30.48	0.00	0.00	30.00	30.00	6.12	12.24	0.00	0.00	0.00	31.67	0.00
842.40	(50.69)	0.00	0.00	25.00	25.00	60.00	120.00	0.00	0.00	0.00	55.68	0.00
391.71	(1.09)	0.00	0.00	5.00	5.00	12.00	24.00	76.00	0.00	356.96	(69.30)	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
74.20	236.78	0.00	0.00	40.00	40.00	12.00	24.00	38.00	0.00	0.00	66.54	0.00
833.99	47.69	0.00	0.00	19.31	19.30	24.00	48.00	76.00	0.00	16.21	39.68	0.00
0.00	150.98	0.00	0.00	14.71	14.70	0.00	0.00	0.00	0.00	0.00	68.41	0.00
378.81	158.42	0.00	0.00	20.00	20.00	0.00	0.00	0.00	0.00	368.48	76.52	0.00
43.02	87.06	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	0.00	177.47	0.00
5,213.86	1,447.00	0.00	0.00	483.19	483.19	153.75	307.49	315.49	0.00	1,306.18	774.29	0.00

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2009 VEH REVIT	2009 FVT	2009 TRANSIT	2009 STORM WATER	2009 FAY STORM WATER	2009 FAY RECYCLE	2009 ANNEX	2008 & PRIOR CC	2008 & PRIOR VEH	2008 & PRIOR CC REVIT	2008 & PRIOR VEH REVIT	2008 & PRIOR FVT	2008 & PRIOR TRANSIT
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	238.96	0.00	0.00	15.00	0.00
0.00	(1.22)	(1.22)	12.00	24.00	38.00	0.00	149.82	168.57	0.00	0.00	25.00	5.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	21.05	135.25	0.00	0.00	10.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	56.74	0.00	0.00	0.00	0.00	0.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	16.97	0.00	0.00	5.00	0.00
0.00	30.00	30.00	0.00	0.00	0.00	0.00	0.00	39.85	0.00	0.00	5.00	0.00
0.00	35.00	35.00	0.00	0.00	0.00	0.00	0.00	50.58	0.00	0.00	15.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	25.00	25.00	0.00	0.00	0.00	0.00	124.67	90.82	0.00	0.00	45.78	15.78
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	7.42	0.00	0.00	5.40	0.41
0.00	8.06	8.06	0.00	0.00	0.00	0.00	0.00	143.28	0.00	0.00	20.00	5.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	28.35	56.02	0.00	0.00	25.00	5.00
0.00	24.17	24.18	0.00	0.00	0.00	0.00	0.00	169.77	0.00	0.00	25.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	7.15	27.54	0.00	0.00	10.23	0.23
0.00	1.50	1.49	12.00	24.00	38.00	0.00	0.00	41.73	0.00	0.00	15.00	5.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	57.49	0.00	0.00	10.00	10.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	366.92	98.58	0.00	0.00	30.00	10.00
0.00	11.22	11.22	0.00	0.00	0.00	0.00	0.00	204.38	0.00	0.00	34.60	4.59
0.00	20.00	20.00	0.00	0.00	0.00	0.00	0.00	36.21	0.00	0.00	20.00	5.00
0.00	40.00	40.00	0.00	0.00	0.00	0.00	95.91	102.13	0.00	0.00	42.70	14.98
0.00	258.73	258.73	24.00	48.00	76.00	0.00	850.61	1,685.55	0.00	0.00	358.71	80.99

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2008 & PRIOR STORM WATER	2008 & PRIOR FAY STORM WATER	2008 & PRIOR FAY RECYCLE FEE	2008 & PRIOR ANNEX	INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	FAY TRANSIT INTEREST	TOTAL TAX & INTEREST
0.00	0.00	0.00	0.00	807.19	0.00	1.34	2.67	0.00	4.24	69.57	120,984.41
12.00	24.00	42.00	0.00	855.31	1.06	14.73	29.46	0.00	48.05	63.97	133,718.70
0.00	0.00	0.00	0.00	842.84	0.00	1.15	2.30	0.00	3.63	65.25	231,416.15
0.00	0.00	0.00	0.00	508.22	0.00	6.31	12.62	0.00	19.98	44.85	3,826,354.20
0.00	0.00	0.00	0.00	307.29	0.00	0.00	0.00	0.00	0.01	38.65	58,982.06
0.00	0.00	0.00	0.00	458.59	0.00	3.67	7.34	0.00	11.62	49.95	252,768.39
0.00	0.00	0.00	0.00	580.90	0.00	1.07	2.13	0.00	3.38	67.56	84,588.39
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	1,051.97	8.92	2.48	4.97	0.00	7.86	101.78	1,378,630.27
0.00	0.00	0.00	0.00	517.71	0.19	0.00	0.00	0.00	0.00	51.76	100,240.44
0.00	0.00	0.00	0.00	697.58	0.00	3.46	6.95	0.00	10.98	53.74	53,999.19
0.00	0.00	0.00	0.00	918.42	0.00	4.41	8.79	0.00	17.08	66.50	1,362,848.50
0.00	0.00	0.00	0.00	686.36	0.00	1.54	3.09	0.00	4.31	74.02	943,576.88
0.00	0.00	0.00	0.00	650.86	0.00	20.25	40.53	0.00	10.78	41.88	9,356,160.69
0.00	0.00	0.00	6.00	467.98	0.00	6.62	13.24	1.18	31.99	32.01	287,318.95
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	807.15	0.54	2.29	4.59	0.00	7.27	82.85	322,702.49
12.00	24.00	42.00	0.00	816.98	0.00	15.83	31.67	0.00	51.60	42.79	90,210.90
0.00	0.00	0.00	0.00	342.07	0.00	0.00	0.00	0.00	0.00	27.31	42,282.60
0.00	0.00	0.00	0.00	630.13	0.00	1.16	2.32	0.00	3.68	41.89	166,756.93
0.00	0.00	0.00	0.00	699.27	0.00	4.99	4.66	0.00	7.37	83.47	88,584.99
24.00	48.00	84.00	6.00	12,646.82	10.71	91.30	177.33	1.18	243.83	1,099.80	18,902,125.13