



# City of Fayetteville

433 Hay Street  
Fayetteville, NC  
28301-5537  
(910) 433-1FAY (1329)

## Meeting Agenda - Final City Council Regular Meeting

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Monday, December 9, 2013

7:00 PM

Council Chamber

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- 1.0 CALL TO ORDER
- 2.0 INVOCATION
- 3.0 PLEDGE OF ALLEGIANCE
- 4.0 APPROVAL OF AGENDA
- 5.0 RECOGNITION  
Oath of Office for Council Member, William J. L. Crisp
- 6.0 PUBLIC FORUM
- 7.0 CONSENT
- 7.01 **13-291** Award of Construction Contract for Freedom Trail-Phase 2  
**Attachments:** [Freedom Trail Bid Tab December 2013](#)
- 7.02 **13-298** Case # P13-40F. The rezoning of property from LC - Limited Commercial to CC - Community Commercial district.  
**Attachments:** [P13-40F Zoning Map](#)  
[P13-40F Current Landuse Plan Map](#)  
[P13-40F 2010 Landuse Plan Map](#)  
[Site Photo 1](#)  
[Site Photo 2](#)  
[P13-40 application](#)  
[P13-40F site plan](#)  
[P13-40F tax record](#)

- 7.03 13-300** Case # P13-42F. The rezoning of property from SF-15 Single Family Residential to SF-6 Single Family Residential.
- Attachments:** [P13-42F Zoning Map](#)  
[P13-42F Current Landuse Plan Map](#)  
[P13-42F 2010 Landuse Plan Map](#)  
[Site Photo 1](#)  
[Site Photo 2](#)  
[Site Photo 3](#)  
[P13-42F Application](#)  
[P13-42F Site Plat](#)  
[P13-42F Legal Description](#)
- 7.04 13-312** Bid Recommendation for Underground Primary Power Cable
- Attachments:** [UG Cable Recommendation 110513 \(2\).pdf](#)  
[UG Cable Bid History 110513.pdf](#)
- 7.05 13-314** Special Revenue Fund Project Ordinance 2014-8 (FY14 Juvenile Restitution)
- Attachments:** [SRO 2014-8 FY14 Juvenile Restitution](#)
- 7.06 13-317** Capital Project Ordinance 2014-14 (USDA Forest Service Grant)
- Attachments:** [CPO 2014-14 USDA Forest Service Grant](#)

- 7.07 13-318** Capital Project Fund Ordinance Closeouts and Partial Closeouts 2014-1 through 2014-10 and Special Revenue Fund Project Ordinance Closeouts 2014-1 through 2014-5  
**Attachments:** [CPOC 2014-1 Fire Station 15](#)  
[CPOC 2014-2 Fire Station 19](#)  
[CPOC 2014-3 Municipal Agreements](#)  
[CPOC 2014-4 Sidewalks](#)  
[CPOC 2014-5 FY04 Transit Capital Grant](#)  
[CPOC 2014-6 FY07 Transit Capital Grant 406](#)  
[CPOC 2014-7 FY08 Transit Capital Grant 425](#)  
[CPOC 2014-8 FY09 Transit Capital Grant 04-0027](#)  
[CPOC 2014-9 FY09 Transit Transfer Center Grant](#)  
[CPOC 2014-10 FY11 New Freedom Grant](#)  
[SROC 2014-1 FY09 Homeland Security Grant](#)  
[SROC 2014-2 FY10 Homeland Security Grant](#)  
[SROC 2014-3 Washington St. School](#)  
[SROC 2014-4 FY07 Transit Planning Grant](#)  
[SROC 2014-5 FY08 Transit Planning Grant 425](#)
- 7.08 13-319** Resolution Appointing a Deputy Tax Collector  
**Attachments:** [Deputy Tax Collector Resolution Dec 9 2013](#)
- 7.09 13-320** Resolution Designating a Deputy Finance Officer  
**Attachments:** [Resolution Appointing Accounting Manager a Deputy Finance Officer 12 9 13](#)
- 7.010 13-325** Resolution to Adopt the 2014 Proposed City Council Meeting Dates Calendar  
**Attachments:** [Resolution - 2014 Meeting Dates Calendar.doc](#)  
[draft proposed 2014 City Council Calendar.xlsx](#)
- 7.011 13-330** Tax Refunds Greater Than \$100  
**Attachments:** [November 2013 Tax Refunds Greater Than \\$100](#)
- 7.012 13-338** Adoption of Resolution Awarding Construction Contract for Cape Fear Rivertrail-Phase 2, Part B  
**Attachments:** [CFR TRAIL LOCATION P2](#)  
[Part B bid Tab Dec 2013](#)  
[Part B Lanier bid data Dec 2013](#)  
[CFRT Phase II Part B RESOLUTION OF AWARD Dec 9 2013.docx](#)

- 7.013 13-339** Special Revenue Fund Project Ordinance Amendment 2014-4  
(Appropriation of Program Income and Local Funds for Community  
Development Block Grant Projects)  
**Attachments:** [Special Revenue Fund Project Ordinance Amendment 2014-4 \(CDBG\)](#)
- 7.014 13-340** Contract with Cherry Bekaert to Audit Accounts for FY 2013-2014
- 7.015 13-348** Approve Meeting Minutes: 112313 - Agenda Briefing, 112813 - Regular  
Meeting  
**Attachments:** [102313 Agenda Briefing.doc](#)  
[102813.doc](#)

## 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.*

- 8.01 13-299** Case # P13-41F. The issuing of a Special Use Permit for retail larger than 2,500 square feet on property zoned NC - Neighborhood Commercial.  
**Attachments:** [P13-41F Zoning Map](#)  
[P13-41F Current Landuse Plan Map](#)  
[P13-41F 2010 Landuse Plan Map](#)  
[Site Photo 1](#)  
[Site Photo 2](#)  
[Site Photo 3](#)  
[Site Photo 4](#)  
[P13-41F Site Plan](#)  
[P13-41F Application](#)

- 8.02 13-306** Case # P13-43F. The rezoning of property from LC - Limited Commercial and SF-10 - Single Family Residential to LC/CZ - Limited Commercial Conditional Zoning, located at 6324 Raeford Road and being the property of Doherty Holdings, LLC. (Appeal of a Zoning Commission Denial)

**Attachments:** [P13-31F Zoning Map](#)  
[P13-31F Current Landuse Plan Map](#)  
[P13-31F 2010 Landuse Plan Map](#)  
[P13-44F New Site Plan](#)  
[Site Photo 1](#)  
[Site Photo 2](#)  
[Site Photo 3](#)  
[Site Photo 4](#)

- 8.03 13-295** Case # P13-39F The initial zoning to CC - Community Commercial district (Item tabled from the November 18th City Council meeting).

**Attachments:** [P13-39F Zoning Map](#)  
[P13-39F Current Landuse Plan Map](#)  
[P13-39F 2010 Landuse Plan Map](#)  
[Site Photo](#)  
[Site Photo 2](#)  
[Annex Petition-1551 Jim Johnson Rd-Submitted by Jeremy Stanley-091013-witt](#)  
[JEREMY STANLEY Property Plot Map](#)  
[Letter from Jeremy Stanley submitted with annex petition-dated 091013](#)  
[P13-39F Sign Up Sheet](#)  
[Post Council Meeting Timeline of Annexation Request](#)  
[Cumberland County Planning Conditions of Approval.pdf](#)  
[Cumberland County Planning Reply from Cecil Combs](#)  
[Cumberland County Planning Review](#)  
[PWC Water & Sewer information sheet](#)  
[PWC Water and Sewer Lines-Stanley and King Property-Jim Johnson Rd-8x11](#)

- 8.04 13-331** Public Hearing to Consider Request to Annex the Stanley and King Property-1551 Jim Johnson Road
- Attachments:** [Vicinity Map-Stanley & King Property-1551 Jim Johnson Rd\\_8x11\\_Portrait.pdf](#)  
[Basic Info Sheet-Stanley & King Property-1551 Jim Johnson Rd.doc](#)  
[Sufficiency Memo-Stanley & King Property-1551 Jim Johnson Road.doc](#)  
[Proposed Ordinance Stanley and King Property-\(Contiguous Annex Petition Arc](#)  
[Legal Description Map-Stanley & King Property-1551 Jim Johnson Rd.pdf](#)  
[Memo - Jeremy Stanley annexation-Recd 112713 from S Shuford \(2\).docx](#)  
[Cumberland Co Condition of Approval Sheet-\(Case 10-120\)-Dated 111010.doc](#)  
[Deed-Jeremy Stanley to Richard King-Recorded 070313.pdf](#)  
[Deed-US Lodging of Fayetteville LTD to Jeremy Stanley-Recorded 011310.pdf](#)  
[Policy 150-2\\_Effective 021312.pdf](#)  
[PWC Water & Sewer Information Sheet-Dated 052511-from County Planning.pd](#)  
[Quote Info from PWC-Mailed 072413.pdf](#)  
[Stanley & King Property-Estimated Costs to Petitioners-4 Situations.docx](#)
- 8.05 13-313** Pass a Resolution and Order Closing a Portion of Wesley Avenue
- Attachments:** [WesleyOrder](#)  
[WESLEY AVE MAP](#)
- 9.0 OTHER ITEMS OF BUSINESS**
- 9.01 13-341** Presentation of the Audited FY2012-2013 Comprehensive Annual Financial Report
- Attachments:** [FY2013 CAFR Power Point Presentation](#)
- 9.02 13-336** Approval of Fayetteville Area Metropolitan Planning Organization (FAMPO) Memorandum of Understanding
- Attachments:** [FAMPO MOU Presentation](#)  
[FAMPO Resolution](#)  
[FAMPO MOU](#)
- 9.03 13-337** Police - P25 800 MHz Radio System Purchase Contract
- Attachments:** [Motorola Lease Purchase Agreement \(draft\).PDF](#)  
[CPO 2014-15 800 MHz Radio System.pdf](#)  
[Motorola Financing Resolution.doc](#)
- 10.0 ADMINISTRATIVE REPORTS**
- 10.01 13-329** Tax Refunds Less Than \$100
- Attachments:** [November 2013 Less Than \\$100](#)

11.0 ADJOURNMENT

**CLOSING REMARKS****POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS**

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

**POLICY REGARDING PUBLIC HEARING AGENDA ITEMS**

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

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

Individuals who have not made a written request to speak on a nonpublic 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****December 9, 2013 - 7:00 p.m.****FAY TV 7**

Notice Under the Americans with Disabilities Act (ADA):

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





# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-291

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.01

### CITY COUNCIL ACTION MEMO

**TO: Mayor and Members of City Council**

**FROM: Craig Hampton**

**DATE: December 09, 2013**

**RE: Award of Construction Contract for Freedom Trail-Phase 2**

**Relationship To Strategic Plan:**  
**Target for Action FY2013**

**Background:**

This portion of Freedom Trail will be from Walters Street to Rowan Park and will include the same elements and features as the section from Hay Street to Walters Street with the addition of an elevated boardwalk thru the wooded area heading into Rowan Park. All portions of the trail will be lighted for evening and nighttime use and safety. All work will be coordinated with the residential development occurring currently with this work. Attached is the bid tabulation for this project. The low bidder is a 100% MBE contractor, has performed several similar contracts for the City of Fayetteville in the downtown area, and has submitted a bid that is slightly below the architect estimate of \$1.05M. Based on the aforementioned staff recommends award as stated below. The work will begin in early January and take approximately 6 months to complete.

**Issues:**

- Coordination with the residential development is a key issue to assure minimal negative impact on either project.
- Preservation of existing tree canopy bordering the elevated boardwalk will be precisely handed and approved by city staff.

**Budget Impact:**

Sufficient funds are budgeted in the capital project budget for Veterans Park

**Options:**

Award the construction contract to Browe Construction Company, Inc. in the amount of \$999,995.00.

Do not award and provide guidance to staff.

**Recommended Action:**

Staff recommends Council move to award the construction contract to Browe Construction Company, Inc. in the amount of \$999,995.00.

PUBLIC WORKS COMMISSION						
FREEDOM TRAIL - PHASE II						
		Browe Construction Company, Inc.	JD James, Inc.	Lanier Construction Company, Inc.	T. A. Loving Company	WECC, Inc.
	BASE BID	\$ 999,995.00	\$ 1,140,188.68	\$ 1,271,825.00	\$ 1,298,900.00	\$ 1,443,752.00
	UNIT	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
<b>GENERAL CONDITIONS</b>						
1. Mobilization, Bonds, Insurance & Permits.	LS	\$ 45,000.00	\$ 106,647.19	\$ 37,000.00	\$ 20,000.00	\$ 41,921.00
2. Traffic Control	LS	\$ 9,995.00	\$ 6,574.14	\$ 6,500.00	\$ 10,585.00	\$ 37,969.00
<b>FREEDOM TRAIL, PHASE II</b>						
1. Site Preparation/Demolition	LS	\$ 30,000.00	\$ 6,135.87	\$ 27,500.00	\$ 78,300.00	\$ 31,323.00
2. Grading and Drainage	LS	\$ 10,000.00	\$ 6,135.87	\$ 104,500.00	\$ 93,650.00	\$ 129,274.00
3. Site Electrical	LS	\$ 180,000.00	\$ 232,286.34	\$ 245,900.00	\$ 168,000.00	\$ 195,855.00
4. Utilities	LS	\$ 1,000.00	\$ 11,687.36	\$ 4,500.00	\$ -	\$ 5,228.00
5. Pedestrian Paving	LS	\$ 50,000.00	\$ 88,229.07	\$ 75,000.00	\$ 72,165.00	\$ 65,737.00
6. Vehicular Paving	LS	\$ 15,000.00	\$ 48,011.10	\$ 18,000.00	\$ 12,650.00	\$ 25,541.00
7. Retaining Walls	LS	\$ 235,000.00	\$ 170,548.68	\$ 237,000.00	\$ 290,450.00	\$ 275,725.00
8. Guardians of Freedom Markers	LS	\$ 36,000.00	\$ 110,077.43	\$ 41,400.00	\$ 18,600.00	\$ 63,393.00
9. Boardwalk	LS	\$ 270,000.00	\$ 200,787.70	\$ 340,000.00	\$ 312,200.00	\$ 404,286.00
10. Landscaping	LS	\$ 45,000.00	\$ 63,550.04	\$ 59,500.00	\$ 43,100.00	\$ 56,520.00
11. Irrigation	LS	\$ 18,000.00	\$ 17,531.04	\$ 17,525.00	\$ 16,200.00	\$ 33,290.00
12. Additional Items of Work	LS	\$ 5,000.00	\$ 21,986.85	\$ 7,500.00	\$ 113,000.00	\$ 27,690.00
13. Owner's Contingency Allowance	LS	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
<b>TOTAL</b>		<b>\$ 999,995.00</b>	<b>\$ 1,140,188.68</b>	<b>\$ 1,271,825.00</b>	<b>\$ 1,298,900.00</b>	<b>\$ 1,443,752.00</b>



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-298

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.02

### CITY COUNCIL ACTION MEMO

**TO: Mayor and Members of City Council**

**FROM: Craig M. Harmon, AICP, CZO - Senior Planner**

**DATE: December 9, 2013**

**RE: Case # P13-40F. The rezoning of property from LC - Limited Commercial to CC - Community Commercial district.**

**Relationship To Strategic Plan:**

Growth and development

**Background:**

Applicant: William Sherman

Requested Action: LC to CC

Property Address: 5407 - 5409 Raeford Rd.

Council District: 5

Status of Property: Developed Auto Repair (Sales & Service)

Size: .83 acres +/-

Adjoining Land Use & Zoning:

North - CC - Commercial & Church

South - SF-10 - Multi Family

West - CC - Commercial

East - CC - Commercial

Letters Mailed: 33

Land Use Plan: Heavy Commercial

**Issues:**

The property in question is located on Raeford Road in one of the City's main commercial corridors. In the past this location has been used for auto sales and service, mainly tires. The owner is now interested in renting this facility for heavier auto repair uses. The building is already equipped to handle this change. This property is located in close proximity to other auto related business along with a mix of different commercial uses.

On November 12th, the Zoning Commission held a public hearing regarding this case. There were no speakers in favor or in opposition to this case. The Commission voted 5-0 to recommend approval of this project.

The Zoning Commission and City staff recommends Approval of the proposed rezoning based on:

1. The City's Land Use Plan calls for heavy commercial on this property.
2. There are commercially zoned properties on three sides of this lot.
3. This rezoning would allow for the reuse of an existing commercial building.

**Budget Impact:**

This action would result in an increase in City services that will be offset by the revenue the City will collect in property taxes.

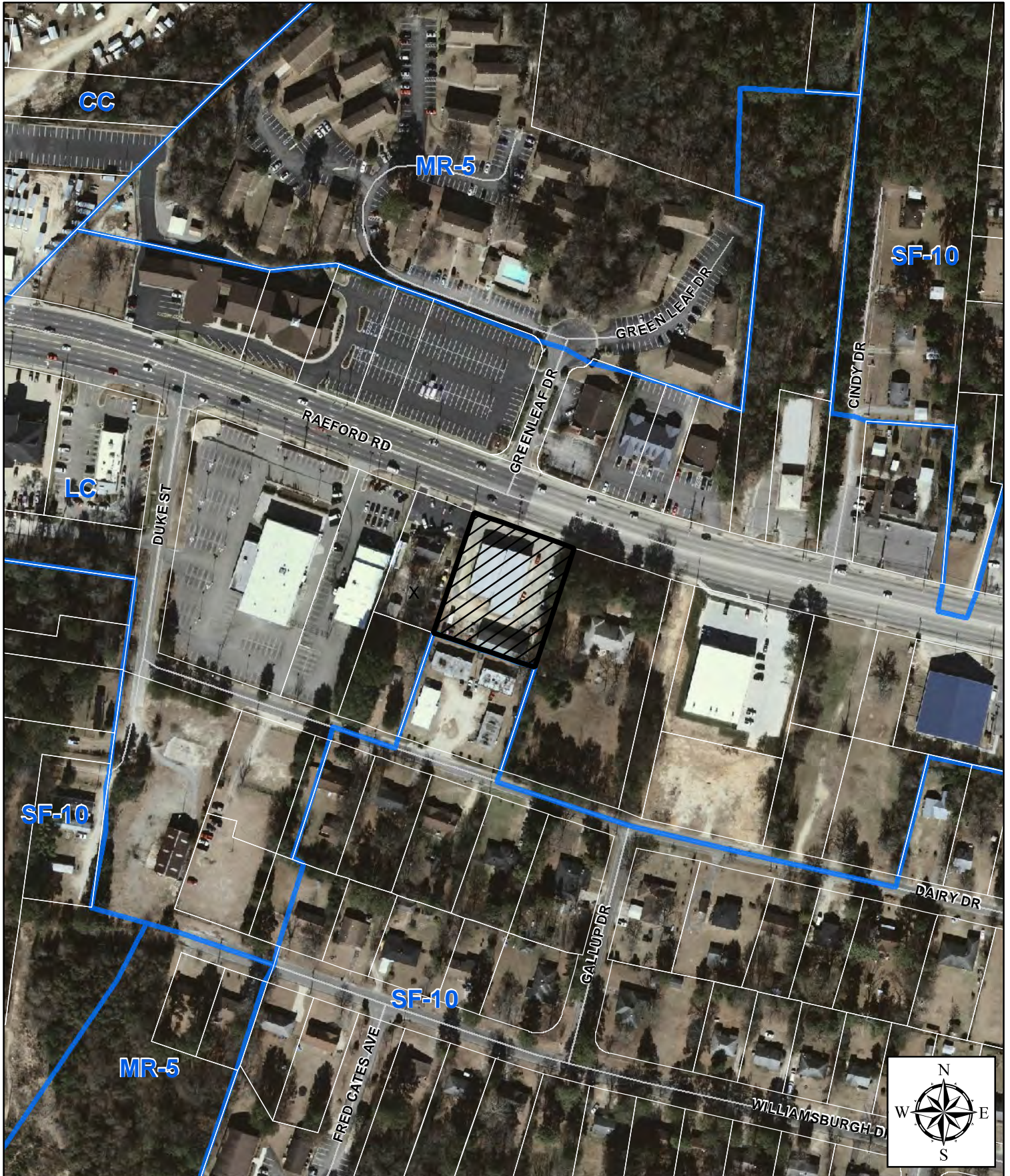
**Options:**

- 1) Approval of the rezoning to CC (Recommended).
- 2) Approval of the rezoning to a more restrictive district.
- 3) Denial of the rezoning.

**Recommended Action:**

**The Zoning Commission and Staff Recommend:** That the City Council move to APPROVE the rezoning to CC - Community Commercial as presented by staff.

**ZONING COMMISSION**  
**CASE NO. P13-40F**



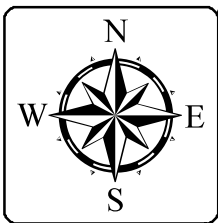
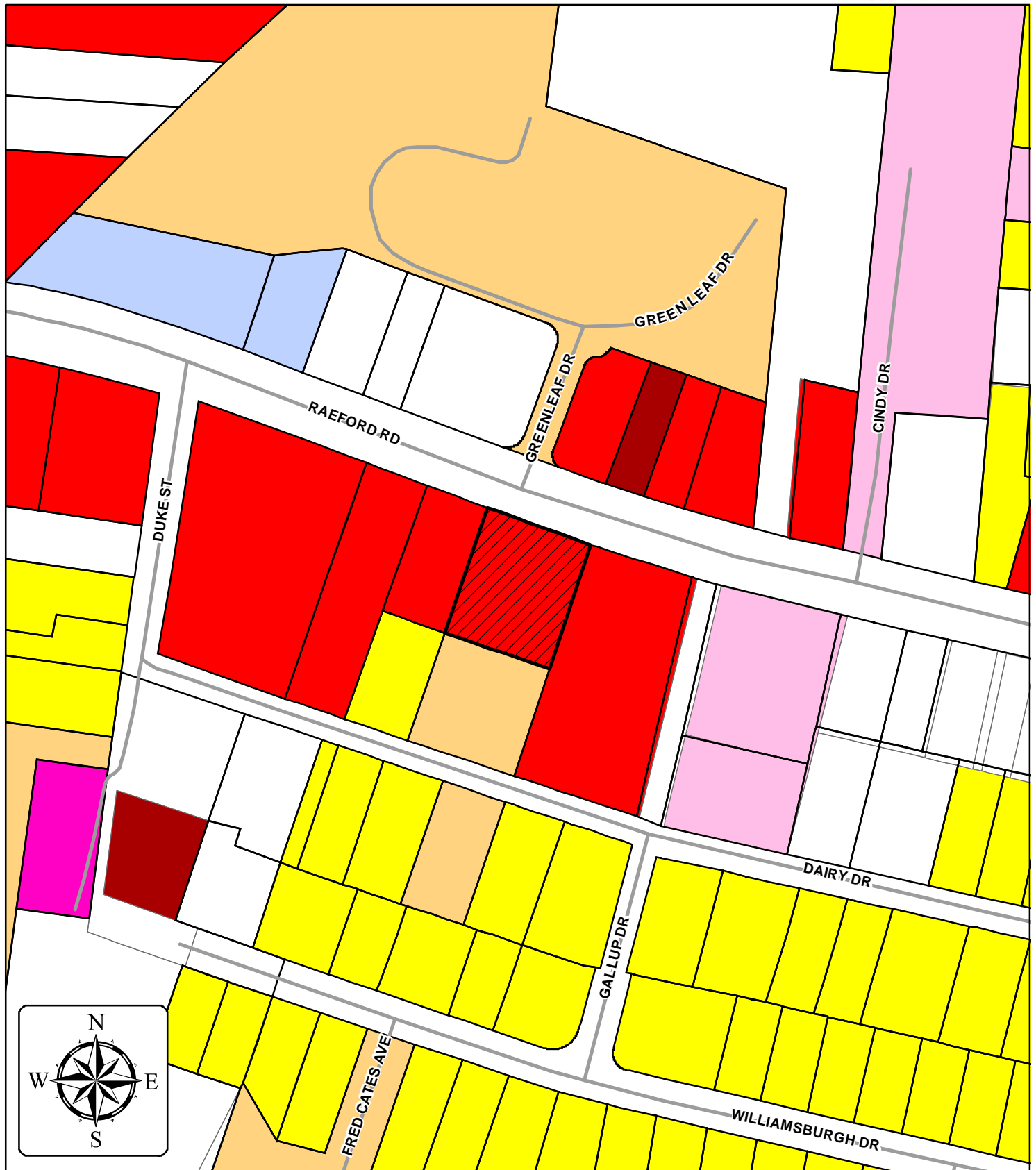
**Request:** LC to CC  
**Location:** 5407 & 5409 Raeford Rd

**Zoning Commission:** 11/12/2013    **Recommendation:** \_\_\_\_\_  
**City Council:** \_\_\_\_\_    **Final Action:** \_\_\_\_\_

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

# Current Land Use

P13-40F

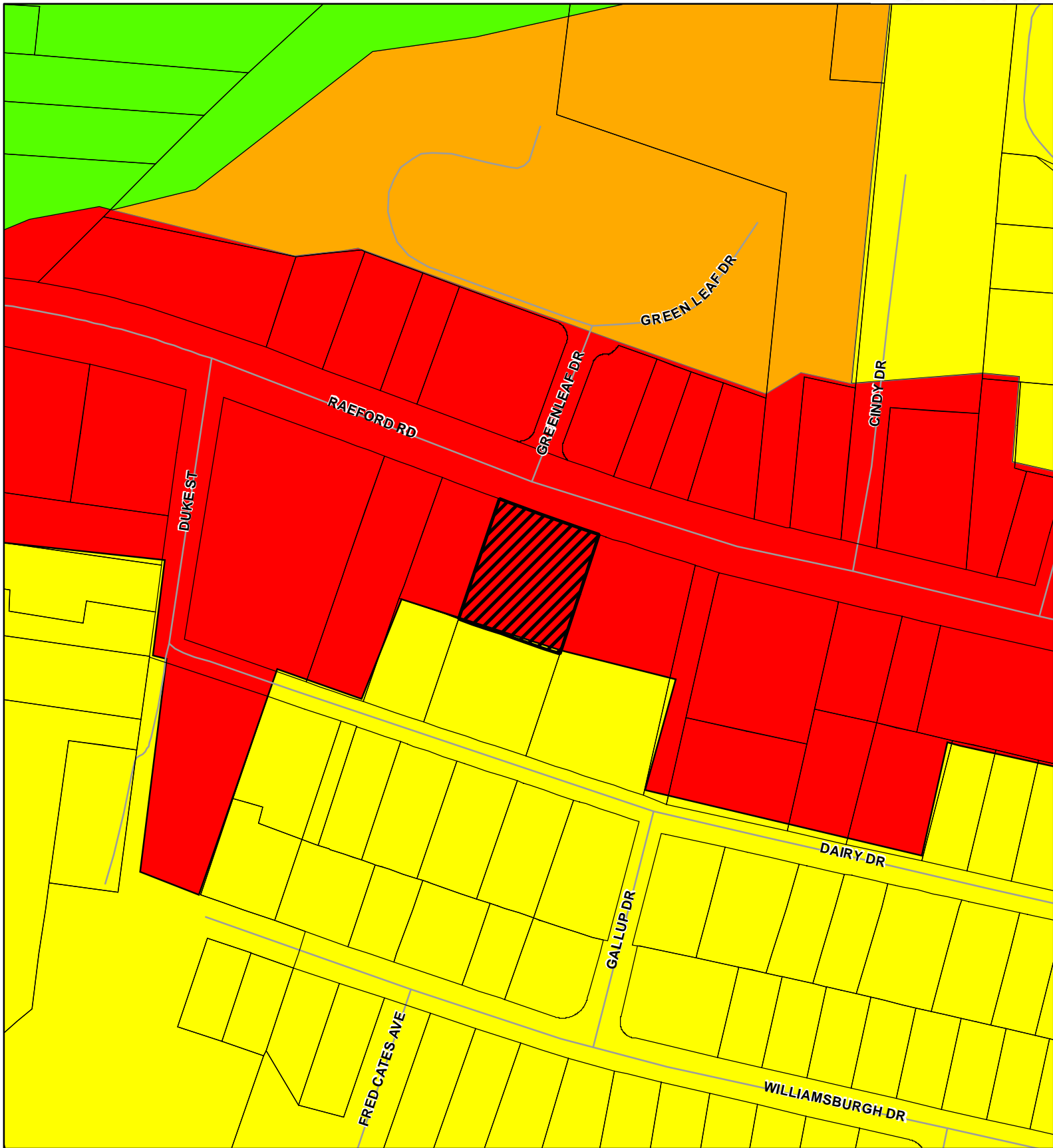


Legend

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

# Land Use Plan

## Case No. P13-40F



### 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





TIRES

BRAKES

TUNE UPS





# Map Amendment Application Form

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

433 Hay Street, Fayetteville, North Carolina 28301  
910-433-1612 Fax # 910-433-1776

Submittal Date: \_\_\_\_\_ Approval/Denial Date: \_\_\_\_\_

**Notes:**

1. A pre-application conference is mandatory prior to submission of an application for a map amendment.
2. Map amendment applications proposing re-classification from a Conservation (CD) zoning district to MR-5, OI, NC, LC, CC, MU, DT, LI, or HI require neighborhood meetings to be conducted prior to application submittal.
3. A map amendment application should be consistent with the comprehensive plan.
4. The City Council may not apply conditions of approval to a map amendment application.
5. All allowed uses within a proposed zoning district must be considered when considering a map amendment application, not just the particular use that the applicant is desiring to place on the property.
6. Applications seeking to "single out" a lot or site and applying for an exceptional zoning district designation may constitute illegal "spot zoning".

**1. General Project Information**

Project Address: <u>5409-5407 Raeford Rd</u>	
Tax Parcel Identification Number: <u>4724770</u>	
Project Name: <u>Auto Repair Garage</u>	
Current Zoning District: <u>CD LC</u>	Proposed Zoning District: <u>CC</u>
Does an overlay district apply to this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so, which one(s)? _____	
Has the land been the subject of a map amendment application in the last five years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No When? _____ Case #? _____	
Amount of land to be rezoned (in acres): <u>1.8035</u>	Is this application related to an annexation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Existing/proposed water service: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	Existing/proposed sewer service: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private

A) Please describe all existing uses of the land and existing structures on the site, if any (attach additional sheets if necessary).

*Current Zoning is CD has been used for Tire Sales and Auto Repair for 35 years*

<i>2 Improvement Garage Auto Repair</i>	<i>7200 Sq ft</i>
<i>Storage + Auto Repair</i>	<i>2400 Sq ft</i>
<i>TOT</i>	<i>9600 Sq ft</i>

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.

**2. Amendment Justification – Answer all the questions under this section. Attach additional sheets as necessary.**

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.

B) Are there changed conditions that require an amendment?

C) State the extent to which the proposed amendment addresses a demonstrated community need.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.

F) State the extent to which the proposed amendment might encourage premature development.

G) State the extent to which the proposed amendment results in strip-style commercial development.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

### 3. Submittal Requirement Checklist

(Submittals should include 2 copies of listed items, unless otherwise stated.)

<input type="checkbox"/>	Pre-application conference completed
<input type="checkbox"/>	Map Amendment Application Form
<input type="checkbox"/>	Copy of an approved Certificate of Appropriateness (COA) if located within the HLO
<input type="checkbox"/>	Rezoning Application Fee
<input type="checkbox"/>	Site Plan Application fee
<input type="checkbox"/>	A copy of the recorded deed, or a written legal description if application is for a portion of a larger tract
<input type="checkbox"/>	Scaled drawing showing all existing structures, site features, and setbacks
<input type="checkbox"/>	Elevations required if rezoning involves new construction or changes to an existing building
<input type="checkbox"/>	Transportation analysis, if required

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

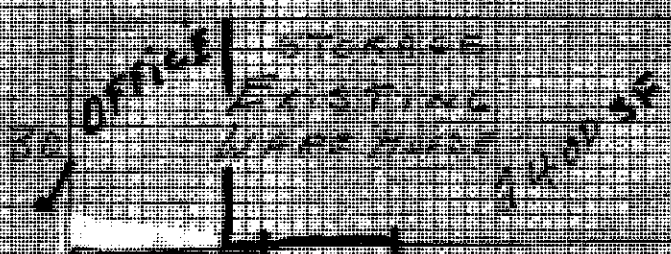
Primary Point of Contact Name:	William D Sherman		
Mailing Address:		Fax No.:	
Phone No.:		Email:	

### 5. Owner Information

Owner Name:	William D Sherman		
Mailing Address:	1903-1 Bragg Blvd	Fax No.:	28305
Phone No.:	910 323 5513 5	Email:	

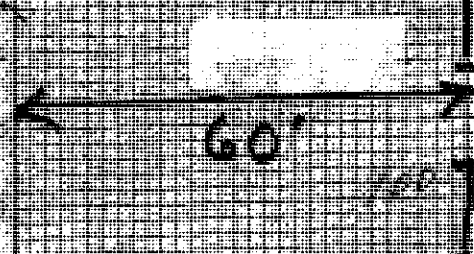
75x200 By DEED 175

75



~~LIIFT~~  
LOCATION

~~SHERMAN~~



SHOP AREA

SHOP

OVERBY ~~TRUCK SE~~

EXISTING OFFICE

~~SHERMAN~~

100 PLOTS RD 5411 75

Cumberland County Tax Records!

Plat Book & Page: 0016 -0080  
Legal Description: LTS 58-64 GALLUP PROP

Parcel Taxable Value: (REVALUATION 2009)

	Total	Land	Building	Misc.	Date
Appraised:	413,959.00	234,236.00	177,828.00	1,895.00	04/29/2009

*Building Rear  
Included in  
Taxes*

Land Assessment:

	Land Use	Land Units	Land Type	Land Rate	Land Value
COMMERCIAL SQ FOOTAG		36,154.80	SF	6.48	234,236.00

(A max of 5 sales can be shown)

Sale History Data:

Deed Book	Deed Page	Sale Date	Sale Price
05294	00275	06/28/2000	0.00
04620	00207	02/27/1997	0.00
02256	00586	04/22/1971	0.00
00950	00339	10/24/1962	0.00

(A max of 10 improvements can be shown)

Miscellaneous Improvements:

Description	Type	Unit	Number of Units
SIDEWALK	CSW	SF	240.00
CONCRETE PAV	COP	SF	800.00
ASPHALT PAVING	ASP	SF	9,700.00

Choose the Building to Display:

Building Characteristics

Building #:	01 of 02	# of Stry	
Structure Type:	PRE-ENG STEEL FRAME		
Quality Grade:	350		
Actual Year Built:	1973		
BASE BLDG AREA SQ FT:	7,280		
COPY COMM FAIR SQ FT:	120		
Exterior1:	PREFINISHED METAL "S" STR	%:	71
Exterior2:	BUILDING FRONT LOW COST	%:	7
Exterior3:	OVERHEAD DOORS	%:	22
Exterior4:		%:	
4-Fix Baths: 0	3-Fix Baths: 0	2-Fix Baths: 0	Extra Fix: 0
Elevators: 0	Elv Landings: 0	Res Units: 0	Condition: F
Kitchen: 0	Fireplaces: 0	Escalators: 0	

*Front Rear 2400*

[Click for Tax Sheet](#)

Personal Property Search for SHERMAN, WILLIAM D JR, JAMES

[Tax Records](#) | [General Info](#) | [Phone Numbers](#) | [Real Estate](#) | [Personal](#) | [County](#)

Disclaimer:

The public information contained herein is furnished as a public service by the Cumberland County Treasurer's Office. The Cumberland County Treasurer's Office makes no warranties, either expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the information for any other particular use. Furthermore, the Cumberland County Treasurer's Office assumes no liability associated with the use or misuse of said information.

ERROR



[Click for Property Info Sheet](#)

[| Tax Records](#) | [General Info](#) | [Phone Numbers](#) | [Real Estate](#) | [Personal](#) | [| County](#) |

DATE: 03/04/2013 COUNTY OF CUMBERLAND TIME: 11:44:14

**Parcel ID:** 0407-80-2601- **TaxYear:** 2013

**Owner Name:** NOT FOUND SUTTON TRUSTEES ET AL  
 SHERMAN, WILLIAM D  
 LINDSAY, ANNA PARKER S TRUSTEE  
 LEWIS, ELIZABETH S TRUSTEE  
 BAER, BRUCE F TRUSTEE

**Owner Address:** 1903 BRAGG BLV FAYETTEVILLE NC 28303

**Situs Address:** 005409 RAEFORD RD FAY

**Taxing District:** 1000 FAYETTEVILLE

**Taxing Rate:**

**Tax Bill Number:** 4724770

**Old Parcel ID:** 0407-80-1525-

**Property Class:** COMMERCIAL

**Legal Description:** LTS 58-64 GALLUP PROP

	Total	Land	Building	Misc.
<b>Appraised:</b>	413,959.00	0.00	0.00	0.00
<b>Assessed:</b>	413,959.00	0.00	0.00	0.00
<b>Exemption:</b>	0.00			
<b>Taxable:</b>	413,959.00			

**Tax Year: 2013**

	Applied	Paid	Owed
<b>Tax:</b>			
<b>Sass:</b>			
<b>Fees:</b>			
<b>Interest:</b>			
<b>Total:</b>			

Interest/Discount data is not current - please call for up-to-date amount (910-678-7507)

Receipt #	Receipt Type	Payment Date	Paid Amount
	<b>Authority</b>	<b>Description</b>	<b>Orig Amount</b>
	PSUM 0197LRCC 4724770 2013		

[Click for Property Info Sheet](#)

Personal Property Search for NOT FOUND

[| Tax Records](#) | [General Info](#) | [Phone Numbers](#) | [Real Estate](#) | [Personal](#) | [| County](#) |





# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-300

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.03

### CITY COUNCIL ACTION MEMO

**TO: Mayor and Members of City Council**

**FROM: Craig M. Harmon, AICP, CZO - Senior Planner**

**DATE: December 9, 2013**

**RE: Case # P13-42F. The rezoning of property from SF-15 Single Family Residential to SF-6 Single Family Residential.**

**Relationship To Strategic Plan:**

Growth and Development

**Background:**

Applicant: The JoeLou Group, LLC c/o James A McLean, III

Requested Action: SF-15 to SF-6

Property Address: 4002 Rosehill Road

Council District: 3

Status of Property: Undeveloped

Size: 3.56 acres +/-

Adjoining Land Use & Zoning:

North - SF-6 & SF-10 Single Family

South - SF-6 Single Family & MR-5 Multi Family

West - LC Undeveloped Commercial & SF-6 Residential

East - SF-6 Single Family

Letters Mailed: 83

Land Use Plan: Low Density Residential

**Issues:**

This property is located on three roads, Rosehill Road, Autumn Drive and Loufield Drive and is currently undeveloped. The properties to the east and south are zoned SF-6. The remaining properties to the south and west are zoned for commercial and multifamily. Only a portion of the properties to the north are zoned SF-15, like this property. The three roads that mostly surround this property, make for a natural buffer

for the extent of the SF-6 zoning. Mult-family development is allowed in the SF-6 district, but only with a public hearing process and the approval of a Special Use Permit.

**Maximum Density:**

District Single Family Units

SF-15 10

SF-6 26

On November 12th the Zoning Commission held a public hearing on this case. There was one speaker in favor and one in opposition to this request. The Zoning Commission voted 4-1 to recommend approval of the rezoning.

The Zoning Commission and City staff recommends Approval of the proposed rezoning based on:

1. Most of this property is surrounded by SF-6 or higher density zoning.
2. Three streets form a natural buffer around this property and separate it from any other SF-15 zoning.
3. The ample road frontage that this property has lends itself to higher density development.

**Budget Impact:**

This action would result in an increase in City services that will be offset by the revenue the City will collect in property taxes.

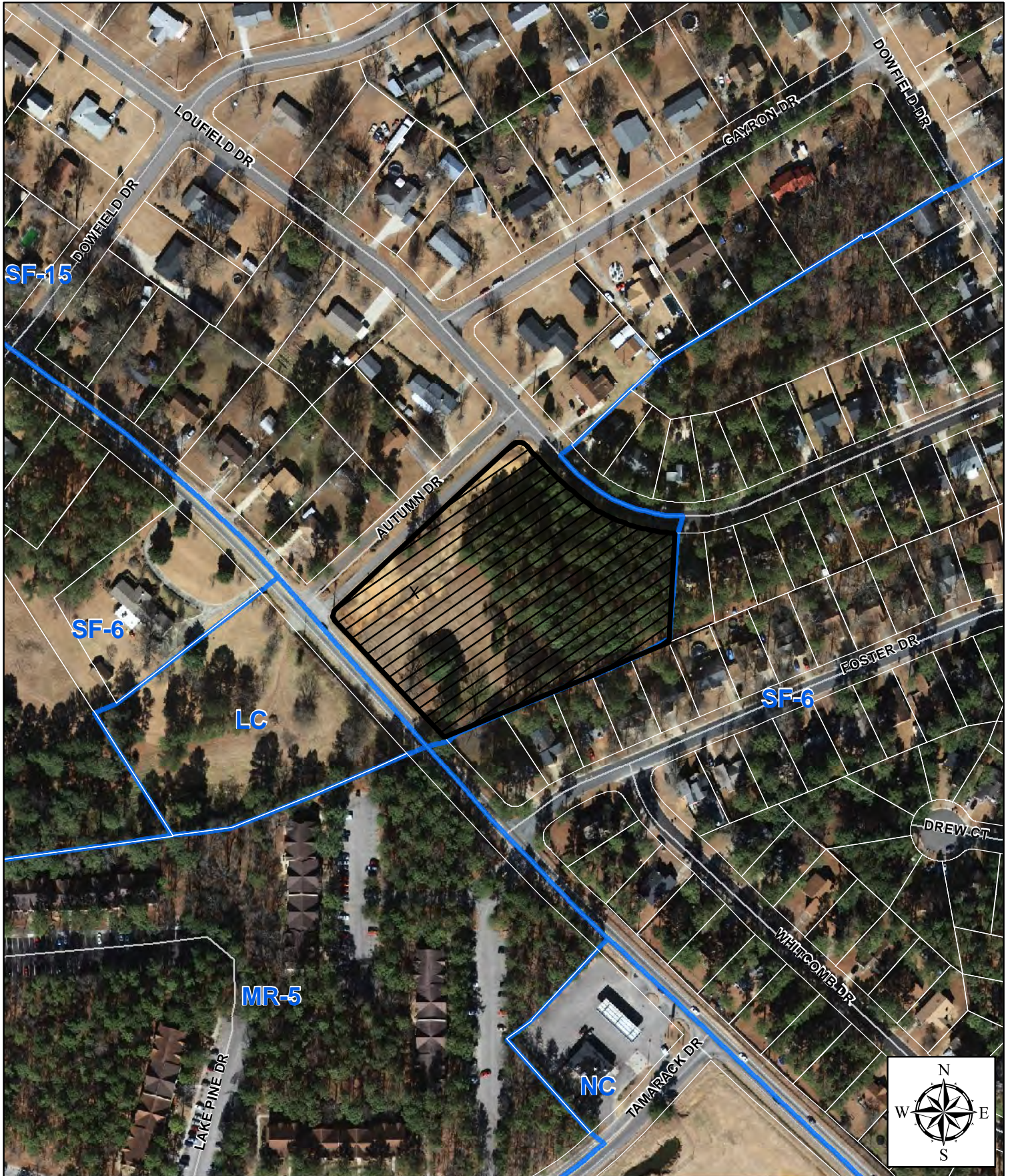
**Options:**

- 1) Approval of the rezoning to SF-6 (Recommended).
- 2) Approval of the rezoning to a more restrictive district.
- 3) Denial of the rezoning.

**Recommended Action:**

**The Zoning Commission and Staff Recommend:** That the City Council move to APPROVE the rezoning to SF-6 Single Family Residential as presented by staff.

**ZONING COMMISSION  
CASE NO. P13-42F**



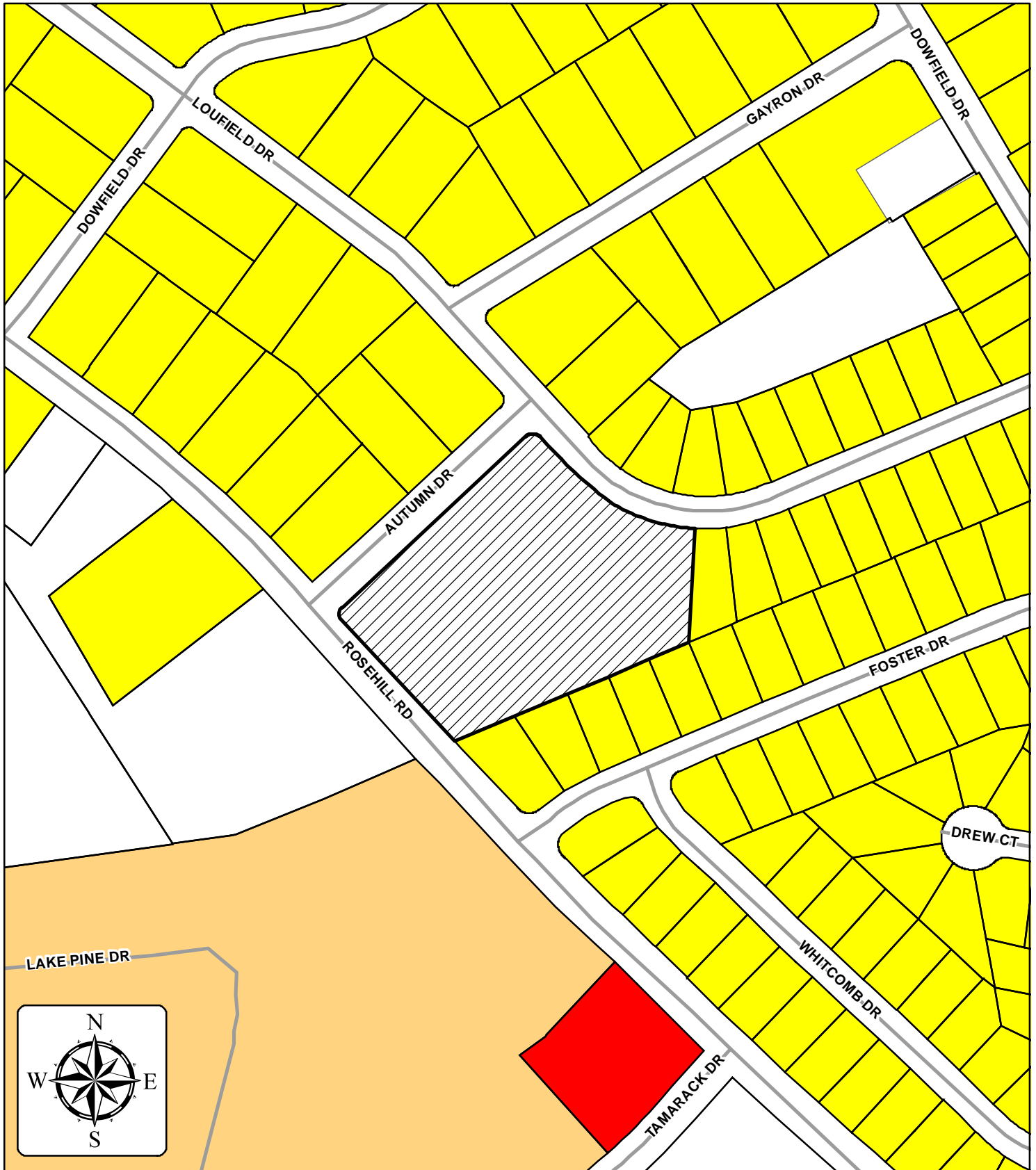
**Request: SF-15 to SF-6  
Location: 4002 Rosehill Rd**

**Zoning Commission: 11/12/2013 Recommendation: \_\_\_\_\_  
City Council: \_\_\_\_\_ Final Action: \_\_\_\_\_**

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

# Current Land Use

P13-42F

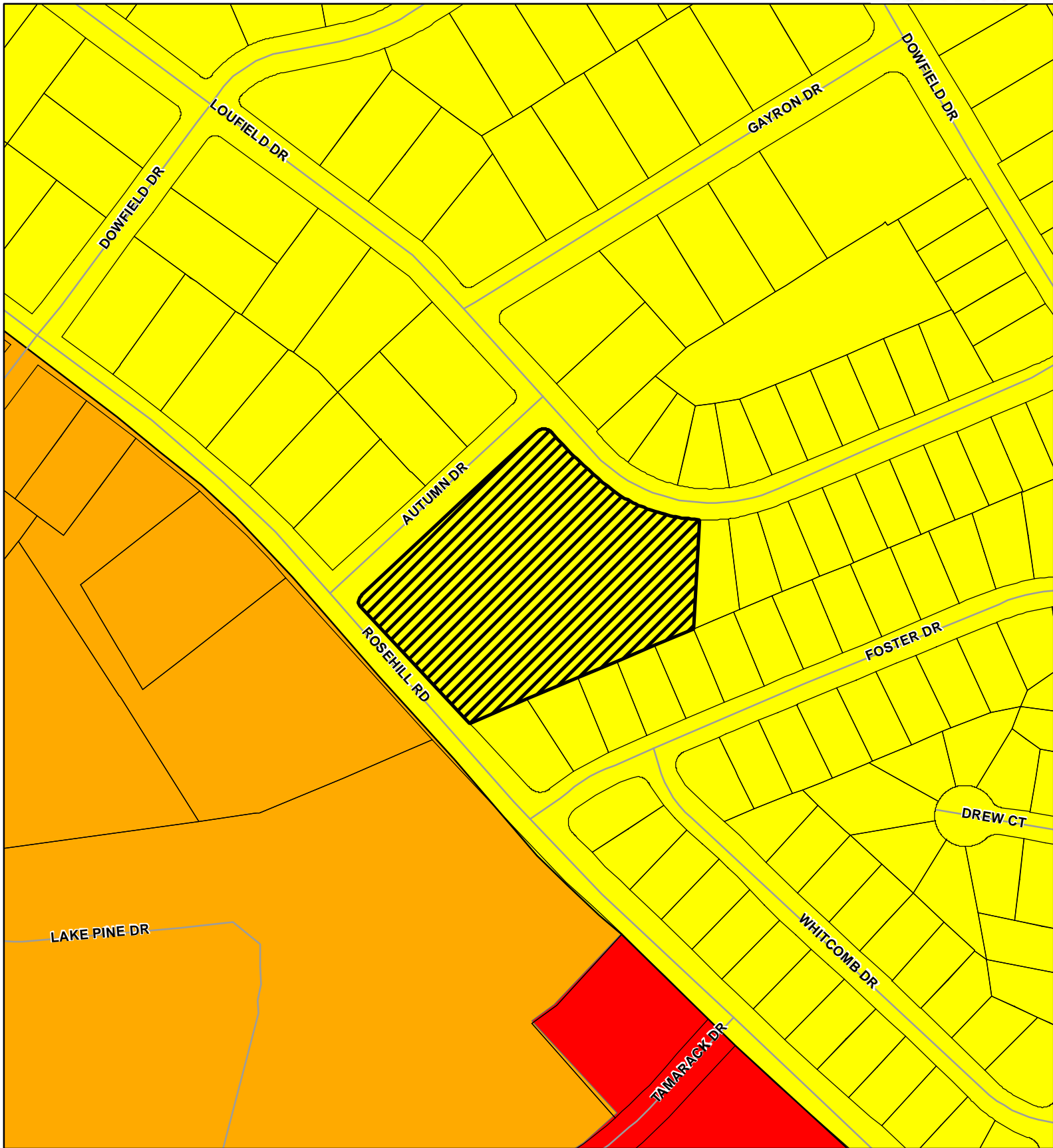


Legend

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

# Land Use Plan

## Case No. P13-42F



### 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



METAL ROOFS  
SIDING & WINDOWS  
FREE ESTIMATES  
910-885-1964

27

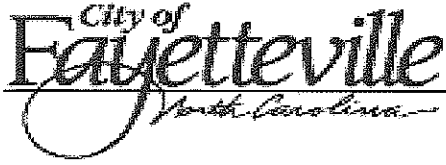


SR 2498 AUTUMN 700 DR

SR 2498 LOUFIELD DR







# Map Amendment Application Form

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

433 Hay Street, Fayetteville, North Carolina 28301

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

Submittal Date: 10/9 Approval/Denial Date: \_\_\_\_\_

**Notes:**

1. A pre-application conference is mandatory prior to submission of an application for a map amendment.
2. Map amendment applications proposing re-classification from a Conservation (CD) zoning district to MR-5, OI, NC, LC, CC, MU, DT, LI, or HI require neighborhood meetings to be conducted prior to application submittal.
3. A map amendment application should be consistent with the comprehensive plan.
4. The City Council may not apply conditions of approval to a map amendment application.
5. All allowed uses within a proposed zoning district must be considered when considering a map amendment application, not just the particular use that the applicant is desiring to place on the property.
6. Applications seeking to "single out" a lot or site and applying for an exceptional zoning district designation may constitute illegal "spot zoning".

**1. General Project Information**

Project Address:	4002 Rosehill Road, Fayetteville, North Carolina		
Tax Parcel Identification Number:	0429-76-7858		
Project Name:	N/A		
Current Zoning District:	SF-15	Proposed Zoning District:	SF-6
Does an overlay district apply to this site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If so, which one(s)? _____
Has the land been the subject of a map amendment application in the last five years?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	When? <u>May 2011</u> Case #? _____
Amount of land to be rezoned (in acres):	<u>3.56</u>	Is this application related to an annexation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Existing/proposed water service:	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	Existing/proposed sewer service:	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private

A) Please describe all existing uses of the land and existing structures on the site, if any (attach additional sheets if necessary).

SEE ATTACHMENT

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.

SEE ATTACHMENT

2. Amendment Justification – Answer all the questions under this section. Attach additional sheets as necessary.

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.

SEE ATTACHMENT

B) Are there changed conditions that require an amendment?

SEE ATTACHMENT

C) State the extent to which the proposed amendment addresses a demonstrated community need.

SEE ATTACHMENT

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.

SEE ATTACHMENT

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.

SEE ATTACHMENT

F) State the extent to which the proposed amendment might encourage premature development.

SEE ATTACHMENT

G) State the extent to which the proposed amendment results in strip-style commercial development.

SEE ATTACHMENT

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.

SEE ATTACHMENT

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.

SEE ATTACHMENT

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

SEE ATTACHMENT

3. Submittal Requirement Checklist

(Submittals should include 2 copies of listed items, unless otherwise stated.)

- Pre-application conference completed
- Map Amendment Application Form
- Copy of an approved Certificate of Appropriateness (COA) if located within the HLO
- Rezoning Application Fee
- Site Plan Application fee
- A copy of the recorded deed, or a written legal description if application is for a portion of a larger tract
- Scaled drawing showing all existing structures, site features, and setbacks
- Elevations required if rezoning involves new construction or changes to an existing building
- Transportation analysis, if required

4. Primary Point of Contact Information for the Pre-application Conference

Primary Point of Contact Name: James A. "Trey" McLean, III

Mailing Address: 202 Fairway Drive, Fayetteville, NC 28305 Fax No.: (910) 483-0094

Phone No.: (910) 483-8104 Email: jmclean@mccoywiggins.com

5. Owner Information

Owner Name: The JoeLou Group, LLC c/o James A. McLean, III

Mailing Address: 202 Fairway Drive, Fayetteville, NC 28305 Fax No.: (910) 483-0094

Phone No.: (910) 483-8104 Email: jmclean@mccoywiggins.com

## ATTACHMENT TO MAP AMENDMENT APPLICATION

Tax parcel ID #: 0429-76-7858-

1A:

3.56 acre – SF-15 – Vacant

1B:

Southern Boundary – SF-6 (apparently old single family)

Western Boundary – Rosehill Road – across Rosehill SF-6 (vacant, except for an old house, and owned by the applicant) and MR-5 (the Lake in the Pines Apartments)

Northern Boundary – Autumn Drive – across Autumn SF-15

Eastern Boundary – SF-6 (apparently old single family)

2A: The SF-15 rezoning is a product of the new UDO rezoning scheme. Prior to the UDO, this property was R-15. Moreover, this property is literally surrounded by multifamily apartment uses and/or SF-6. The complex to the Northwest, across Rosehill, is somewhat small and was rezoned by the UDO to SF-6; however, the complex to the Southwest, across Rosehill is somewhat larger and is MR-5. The existing uses, both single-family and multifamily, were mostly constructed decades ago. The Rosehill Road area is changing due to the pending 295 interchange and BRAC. In short, higher density is entirely consistent with the surrounding existing uses and with the comprehensive land use plans going forward. Finally, considering the financial problems of the last few years and the nature of the population increase associated with Ft. Bragg and related DoD contractors, higher density housing is much more likely to meet the economic and financial requirements of those who need housing due to the population increase. Also, the property is primarily abutted by SF-6 and the applicant desires to synchronize the zoning of Tract One with Tract Two (16.76 acres and mostly SF-6 except for a small corner of LC), which they own across Rosehill Road. Alignment with the applicants other property in the vicinity is the primary reason for this application.

2B: As noted in 2A above, the areas of Fayetteville closest to Ft. Bragg are currently undergoing an increase in density and usage. The population is naturally growing; however, BRAC has increased the need for housing close to Post. Moreover, the increase of BRAC and DoD related private industry has also increased the need for housing close to Post. Without a doubt the aging single-family and multifamily structures are insufficient to meet this increased demand, and the most logical response is to use medium density multifamily housing. Economically, higher density properties best fit the profile for housing needs due to the BRAC and DoD operations noted above. Finally, and most importantly, the applicant desires to align the zoning of this Tract One with their Tract Two across Rosehill Road.

2C: See 2B above. Simply put, increased operations at Ft. Bragg have caused both the military and civilian contract populations to increase dramatically over the past few years. Accordingly and even though Fayetteville has had several multifamily projects in the vicinity of Ft. Bragg over the past few years, the rental housing market, which is most important for the various members of this population increase, is extremely tight. Surprisingly, average Fayetteville rental rates have recently kept pace if not exceeded those in much larger and generally more expensive metro areas, such as Charlotte-Mecklenburg and Raleigh-Durham. Also, it will be easier for the applicants if their property has aligned zoning.

2D: See 2A, 2B and 2C above. The surrounding uses are primarily multifamily or higher density in nature; however, the units/houses are typically old and dated [several decades old in most cases]. Marginally higher density uses for the property in question are certainly in conformity with surrounding long-standing uses. Furthermore, the property in question has significant frontage on Rosehill Road, which will itself have significant access to 295. This access is important to those who depend on Ft. Bragg and the related DoD contractors for their livelihood. Again, the applicant believe it important to align and synchronize the zoning of its Tracts One and Two and SF-6 is clearly supported by the surrounding zoning, which is primarily SF-6 or even MR-5.

2E: See 2A, 2B, 2C and 2D above. The marginally higher density zoning and use is entirely consistent with surrounding zoning and uses. In fact the current zoning of SF-15 is more of an anomaly.

2F: Applicants do not believe that a SF-6 designation, since it is already prevalent for most of the adjacent or proximate property will lead to any premature development. Instead, SF-6 is simply in keeping with surrounding uses.

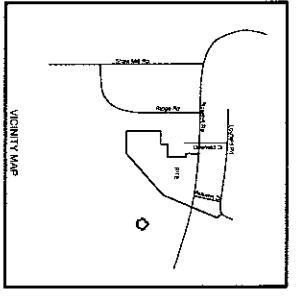
2G: None at all.

2H: None at all. Quite to the contrary, the subject property is literally surrounded by SF-6 or even higher density designations.

2I: None at all: Applicants believe that there are no negative issues with an SF-6 designation. In fact, it is entirely consistent with existing uses.

2J: None at all. As shown with adjacent tracts, a marginally higher density designation will have no deleterious effects. Furthermore, the tract already has full city utilities.

NOT TO SCALE  
 THIS MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR CONVEYANCE OF INTERESTS IN REAL ESTATE.  
 THIS MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR CONVEYANCE OF INTERESTS IN REAL ESTATE.  
 THIS MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR CONVEYANCE OF INTERESTS IN REAL ESTATE.



**CONTRACT NO. 14325**  
 GEORGE L. LOFT, INC. 1001 BROAD CHASE, SUITE 1000, CUMBERLAND, NORTH CAROLINA 27803

1. George L. Loft, Inc. hereby certifies that the information contained herein was prepared by a professional engineer or a duly licensed surveyor and is true and correct to the best of his knowledge and belief.

2. This map is a preliminary map and is not to be used for conveyance of interests in real estate.

3. This map is a preliminary map and is not to be used for conveyance of interests in real estate.

4. This map is a preliminary map and is not to be used for conveyance of interests in real estate.

5. This map is a preliminary map and is not to be used for conveyance of interests in real estate.



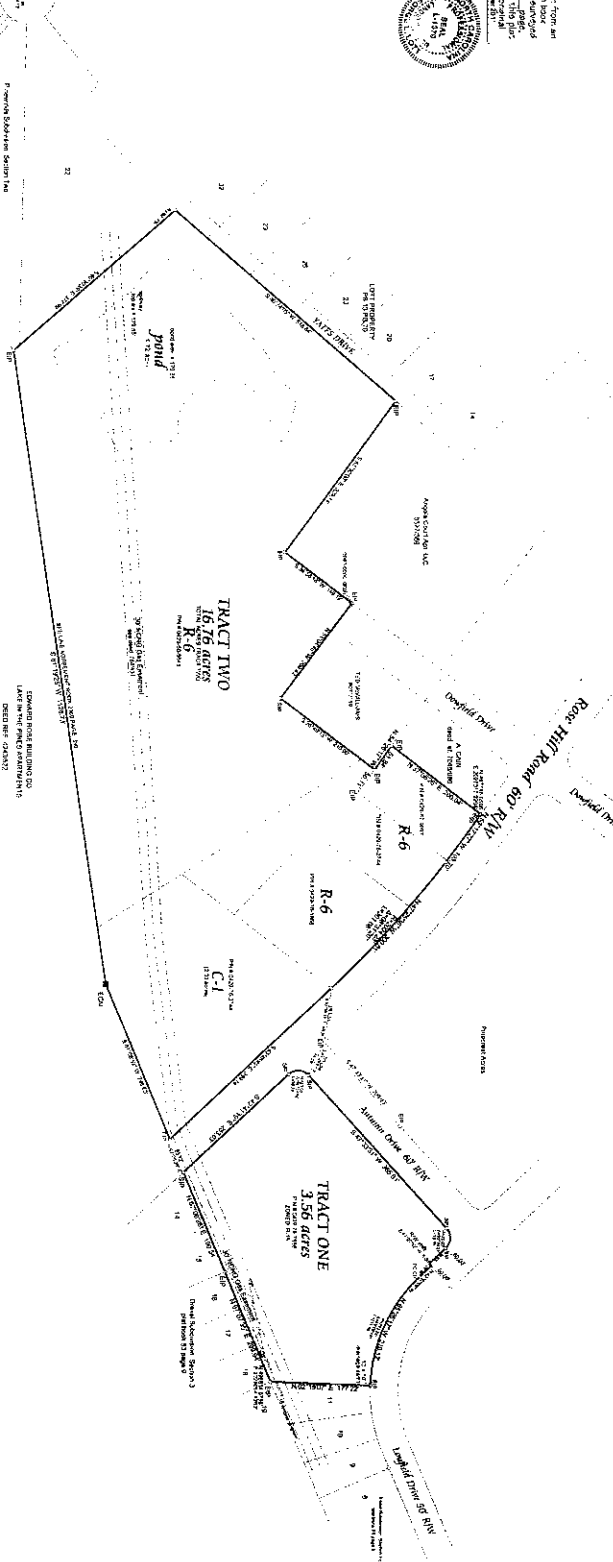
1. The purpose of this map is to show the location of the proposed project and the boundaries of the project.

2. The map is a preliminary map and is not to be used for conveyance of interests in real estate.

3. The map is a preliminary map and is not to be used for conveyance of interests in real estate.

4. The map is a preliminary map and is not to be used for conveyance of interests in real estate.

5. The map is a preliminary map and is not to be used for conveyance of interests in real estate.



**PEOPLE'S RINGS COUNTY**

PLANNING DEPARTMENT

1000 BROAD CHASE, SUITE 1000  
 CUMBERLAND, NORTH CAROLINA 27803



**APPROVAL REQUIRED**

BY THE BOARD OF ZONING AND PLANNING

DATE: 11-21-2011

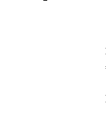


**DATE OF NEXT EXAMINATION**

10/15/2012

BY THE BOARD OF ZONING AND PLANNING

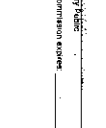
DATE: 11-21-2011



**APPROVAL REQUIRED**

BY THE BOARD OF ZONING AND PLANNING

DATE: 11-21-2011



**APPROVAL REQUIRED**

BY THE BOARD OF ZONING AND PLANNING

DATE: 11-21-2011



**George L. Loft**

Professional Engineer

1001 BROAD CHASE, SUITE 1000  
 CUMBERLAND, NORTH CAROLINA 27803

Member, North Carolina Council on Surveying & Mapping



**APPROVAL REQUIRED**

BY THE BOARD OF ZONING AND PLANNING

DATE: 11-21-2011



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DATE: 11-21-2011

**APPROVAL REQUIRED**

BY THE BOARD OF ZONING AND PLANNING

DATE: 11-21-2011

**The J&L Group, LLC**

Cross Creek  
 Cumberland  
 North  
 Township  
 County  
 Carolina

Scale 1" = 100'

October 2011

EXHIBIT FILED IN 10-11-2011

BOOK 08126 PAGE 0020

RECORDED IN 10-11-2011

REGISTERED & 0260

ECONOMIC 11120

57-2011

NORTH CAROLINA GENERAL WARRANTY DEED

9113  
0405

BK09113 PG0405

Excise Tax: \$ \$0.00

Parcel Identifier No. \_\_\_\_\_ Verified By \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_ 2013  
By \_\_\_\_\_

Mail to: James A. McLean, III, McCoy Wiggins Cleveland & O'Connor PLLC 202 Fairway Drive, Fayetteville, NC 28305

This Instrument was prepared by: James A. McLean, III, Esq.  
McCoy Weaver Wiggins Cleveland & O'Connor PLLC  
(WITHOUT TITLE EXAMINATION AND/OR CERTIFICATION)

Brief description for the Index: TRACTS ONE AND TWO, THE JOELOU GROUP, LLC, CROSS CREEK AND CARVERS CREEK TOWNSHIPS, MAP BOOK 130, PAGE 33, CCR

THIS DEED made this 11<sup>th</sup> day of January 2013 by and between

GRANTOR	GRANTEE
<p>DONNA JOE ANDREWS COLLINS, JIMMIE LOU ANDREWS BRITT, SHARON FAITH ANDREWS GAINES, and MELANIE GAY ANDREWS AUTRY, Co-Trustees of the Joe D. Andrews Residuary Trust, Under the WILL OF JOE D. ANDREWS, Cumberland County Estate File # 95-E-174 4049 Rosehill Road Fayetteville, NC 28301</p>	<p>The JoeLou Group, LLC, a North Carolina limited liability company 149 Pine Hollow Drive Dallas, NC 28304-7737</p>

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Fayetteville, Cross Creek and Carvers Creek Townships, Cumberland County, North Carolina and more particularly described as follows:

CURRENT PINS: 0429-66-5645-; 0429-76-2744-; 0429-67-9097-; 0429-76-1868-; 0429-76-7858

**BEING all of Grantor's one-half undivided interest in the property as described in Deed Book 4280, Pages 219-220, Cumberland County Registry, less and except all conveyances of record, and being further described as:**

**BEGINNING at an iron stake in the center of a country lane, the fourth corner as set forth in deed from O. Breyton Knowles and wife, to Doyle I. Lott and wife, registered in Book 480, Page 212, and running thence North 27 degs. 16 mins. West 1486 feet to an iron axle at a fence corner George Buie's corner; thence with said line South 61 degs. 17 mins. West 1118 feet to a stake, Buie's corner; thence North 24 degs. 14 minis. West 597 feet to a lightwood knot,**

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002  
Printed by Agreement with the NC Bar Association - 1981 SoftPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27609.

FILED  
CUMBERLAND COUNTY NC  
J. LEE WARREN, JR.  
REGISTER OF DEEDS  
FILED Feb 15, 2013  
AT 02:14:00 pm  
BOOK 09113  
START PAGE 0405  
END PAGE 0407  
INSTRUMENT # 05957  
RECORDING \$51.00  
EXCISE TAX (None)

Warren's corner; thence South 63 degs. 25 mins. West with Warren's line 931 feet to the center of the McArthur Road; thence with the center of said road South 44 degs. 30 mins. East 323 feet to a corner; thence with the center of said road South 48 degs. 33 mins. East 437 feet to a new corner; thence a new line South 42 degs. 50 mins. West 1098 feet to a new corner; thence South 37 degs. East 368 feet to a new corner in the first line of the tract of which this is a part; thence with said line North 63 degs. 25 mins. East 310 feet to a corner; thence North 88 degs. 50 mins. East 971.52 feet to a lightwood knot and rock, the old corner; thence North 70 degs. 42 mins. East 1627.82 feet to the beginning, containing 83.3 acres, more or less, as shown on plat of survey by F. M. Averitt, Surveyor, dated January 8, 1949, and being part of a tract of land described in a deed from O. Breyton Knowles and wife, to Doyle I. Lott and wife, dated February 14, 1946, recorded in Book 489, page 212, in the Office of the Register of Deeds for Cumberland County.

And being the same property conveyed to Joe D. Andrews and wife, Carrie C. Andrews by Doyle I. Lott and wife, Evie Pearl Lott by a deed dated January 18, 1949, recorded in Book 532, Page 126, Cumberland County, North Carolina, Registry.

LESS AND EXCEPTING the portions thereof which have been previously conveyed by deeds and instruments now appearing of record.

BEING FURTHER DESCRIBED AS all of TRACT ONE AND TWO, according to a plat of the same, dated October of 2011, made by George L. Lott, Surveyor, entitled the Property of The JoeLou Group, LLC, recorded in Book of Plats 130, Page 33, Cumberland County Registry, NC.

Also being that same property conveyed to Grantor via deed recorded in Deed Book 4280, Pages 219-220, Cumberland County Registry, NC.

The purpose of this conveyance is to transfer the interests of the Grantor to an LLC which will be owned, in part, by the Grantor.

This \_\_\_\_\_ is or  is not the principal residence of Grantor.

The Property hereinabove described was acquired by Grantor by instrument in Book 4280, Pages 219-220, Cumberland County Registry, NC.

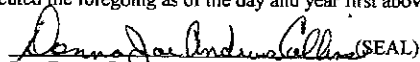
A Map Showing the above described property is recorded in Plat Book 130, Page 33, Cumberland County Registry, NC.

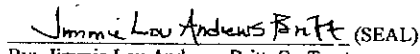
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

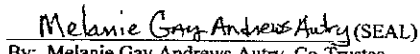
And the Grantor covenants with the Grantee, the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

All instruments, conveyances, easements, restrictions and rights of way of record.  
All matters that can or will be shown by a survey. Current year ad valorem taxes and all ad valorem taxes not yet assessed.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

  
By: Donna Joe Andrews Collins, Co-Trustee

  
By: Jimmie Lou Andrews Britt, Co-Trustee

  
By: Melanie Gay Andrews Autry, Co-Trustee

  
By: Sharon Faith Andrews Gaines, Co-Trustee



State of North Carolina  
County of GASTON

I, Dean Carpenter the undersigned Notary Public of the County and State aforesaid, certify that Donna Joe Andrews Collins, Co-Trustee, personally appeared before me this day and acknowledged that she is a Co-Trustee of the Joe D. Andrews Residuary Trust, under the Will of Joe D. Andrews and the execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial Seal or Stamp, this 11<sup>th</sup> day of January, 2013.

My Commission Expires: \_\_\_\_\_  
My Commission Expires 2-5-2016

Dean Carpenter  
Notary Public  
(N.P. SEAL)

State of North Carolina  
County of GASTON

I, Dean Carpenter the undersigned Notary Public of the County and State aforesaid, certify that Jimmie Lou Andrews Britt, Co-Trustee, personally appeared before me this day and acknowledged that she is a Co-Trustee of the Joe D. Andrews Residuary Trust, under the Will of Joe D. Andrews and the execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial Seal or Stamp, this 11<sup>th</sup> day of January, 2013.

My Commission Expires: \_\_\_\_\_  
My Commission Expires 2-5-2016

Dean Carpenter  
Notary Public  
(N.P. SEAL)

State of North Carolina  
County of \_\_\_\_\_

I, Dean Carpenter the undersigned Notary Public of the County and State aforesaid, certify that Melanie Gay Andrews Autry, Co-Trustee, personally appeared before me this day and acknowledged that she is a Co-Trustee of the Joe D. Andrews Residuary Trust, under the Will of Joe D. Andrews and the execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial Seal or Stamp, this 11<sup>th</sup> day of January, 2013.

My Commission Expires: \_\_\_\_\_  
My Commission Expires 2-5-2016

Dean Carpenter  
Notary Public  
(N.P. SEAL)

State of North Carolina  
County of \_\_\_\_\_

I, Dean Carpenter the undersigned Notary Public of the County and State aforesaid, certify that Sharon Faith Andrews Gaines, Co-Trustee, personally appeared before me this day and acknowledged that she is a Co-Trustee of the Joe D. Andrews Residuary Trust, under the Will of Joe D. Andrews and the execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial Seal or Stamp, this 11<sup>th</sup> day of January, 2013.

My Commission Expires: \_\_\_\_\_  
My Commission Expires 2-5-2016

Dean Carpenter  
Notary Public  
(N.P. SEAL)

The foregoing Certificate(s) of \_\_\_\_\_ is/are  
Certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.  
By: \_\_\_\_\_ Register of Deeds for \_\_\_\_\_ County  
Deputy/Assistant - Register of Deeds

NORTH CAROLINA GENERAL WARRANTY DEED

9113  
0408

BK09113 PG0408

Excise Tax: \$ \$0.00

Parcel Identifier No. \_\_\_\_\_ Verified By \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_ 2013.  
By \_\_\_\_\_

Mail to: James A. McLean, III, McCoy Wiggins Cleveland & O'Connor PLLC 202 Fairway Drive, Fayetteville, NC 28305

This Instrument was prepared by: James A. McLean, III, Esq.  
McCoy Weaver Wiggins Cleveland & O'Connor PLLC  
(WITHOUT TITLE EXAMINATION AND/OR CERTIFICATION)

Brief description for the Index: TRACTS ONE AND TWO, THE JOELOU GROUP, LLC, CROSS CREEK AND CARVERS CREEK TOWNSHIPS, MAP BOOK 130, PAGE 33, CCR

THIS DEED made this 11<sup>th</sup> day of February 2013 by and between

GRANTOR	GRANTEE
<p><b>DONNA JOE ANDREWS COLLINS</b> [3/24<sup>th</sup> undivided interest], widow, 121 S. Seaview Drive Emerald Isle, NC 28594</p>	<p><b>The JoeLou Group, LLC</b>, a North Carolina limited liability company 149 Pine Hollow Drive Dallas, NC 28304-7737</p>
<p><b>JIMMIE LOU ANDREWS BRITT</b> [3/24<sup>th</sup> undivided interest], and husband, <b>HARRY LEE BRITT</b>, 149 Pine Hollow Drive Dallas, NC 28034</p>	<p style="text-align: center;">FILED CUMBERLAND COUNTY NC J. LEE WARREN, JR. REGISTER OF DEEDS</p> <p>FILED Feb 15, 2013 AT 02:14:00 pm BOOK 09113 START PAGE 0408 END PAGE 0411 INSTRUMENT # 05958 RECORDING \$51.00 EXCISE TAX (None) DJ</p>
<p><b>MELANIE GAY ANDREWS AUTRY</b> [3/24<sup>th</sup> undivided interest], and husband, <b>JAMES SAMUEL AUTRY</b>, 6638 Maxwell Road Stedman, NC 28391</p>	
<p><b>CARRIE ELIZABETH GAINES PAYNE</b> [1/24<sup>th</sup> undivided interest], and husband, <b>DANIEL ANTHONY PAYNE</b>, 400 West Pettus Street Demopolis, AL 36732</p>	
<p><b>SARAH LOUISE GAINES PERRY</b> [1/24<sup>th</sup> undivided interest], and husband, <b>WESLEY WORTHINGTON PERRY</b>, 6229 Wrightsville Avenue, Unit A Wilmington, NC 28403</p>	
<p><b>SETH ALAN GAINES</b> [1/24<sup>th</sup> undivided interest], and wife, <b>STEPHANIE DORE GAINES</b>, 4302 Jasmine Cove Way Wilmington, NC 28412</p>	

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Fayetteville, Cross Creek and Carvers Creek Townships, Cumberland County, North Carolina and more particularly described as follows:

CURRENT PINS: 0429-66-5645-; 0429-76-2744-; 0429-67-9097-; 0429-76-1868-; 0429-76-7858

**BEING all of Grantors' collective one-half [12/24ths] undivided interest in the property as described in Deed Book 4280, Pages 219-220, Cumberland County Registry, less and except all conveyances of record, and being further described as:**

**BEGINNING at an iron stake in the center of a country lane, the fourth corner as set forth in deed from O. Breyton Knowles and wife, to Doyle I. Lott and wife, registered in Book 480, Page 212, and**

running thence North 27 degs. 16 mins. West 1486 feet to an iron axle at a fence corner George Buie's corner; thence with said line South 61 degs. 17 mins. West 1118 feet to a stake, Buie's corner; thence North 24 degs. 14 minis. West 597 feet to a lightwood knot, Warren's corner; thence South 63 degs. 25 mins. West with Warren's line 931 feet to the center of the McArthur Road; thence with the center of said road South 44 degs. 30 mins. East 323 feet to a corner; thence with the center of said road South 48 degs. 33 mins. East 437 feet to a new corner; thence a new line South 42 degs. 50 mins. West 1098 feet to a new corner; thence South 37 degs. East 368 feet to a new corner in the first line of the tract of which this is a part; thence with said line North 63 degs. 25 mins. East 310 fet to a corner; thence North 88 degs. 50 mins. East 971.52 feet to a lightwood knot and rock, the old corner; thence North 70 degs. 42 mins. East 1627.82 feet to the beginning, containing 83.3 acres, more or less, as shown on plat of survey by F. M. Averitt, Surveyor, dated January 8, 1949, and being part of a tract of land described in a deed from O. Breyton Knowles and wife, to Doyle I. Lott and wife, dated February 14, 1946, recorded in Book 489, page 212, in the Office of the Register of Deeds for Cumberland County.

And being the same property conveyed to Joe D. Andrews and wife, Carrie C. Andrews by Doyle I. Lott and wife, Evie Pearl Lott by a deed dated January 18, 1949, recorded in Book 532, Page 126, Cumberland County, North Carolina, Registry.

LESS AND EXCEPTING the portions thereof which have been previously conveyed by deeds and instruments now appearing of record.

BEING FURTHER DESCRIBED AS all of TRACT ONE AND TWO, according to a plat of the same, dated October of 2011, made by George L. Lott, Surveyor, entitled the Property of The JoeLou Group, LLC, recorded in Book of Plats 130, Page 33, Cumberland County Registry, NC.

Also being that same property conveyed to Grantors via Will of Carrie C. Andrews, Cumberland County Estate File # 09-E-850.

The purpose of this conveyance is to transfer the interests of the Grantors to an LLC which will be owned, in part, by the Grantors.

This \_\_\_\_\_ is or \_\_\_\_\_ X \_\_\_\_\_ is not the principal residence of Grantors.

The Property hereinabove described was acquired by Grantors by the Will of Carrie C. Andrews, 09-E-850, Cumberland County.

A Map Showing the above described property is recorded in Plat Book 130, Page 33, Cumberland County Registry, NC.

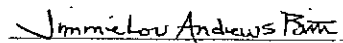
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

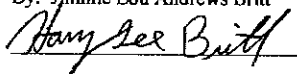
And the Grantor covenants with the Grantee, the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

All instruments, conveyances, easements, restrictions and rights of way of record.  
All matters that can or will be shown by a survey. Current year ad valorem taxes and all ad valorem taxes not yet assessed.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

 (SEAL)  
By: Donna Joe Andrews Collins

 (SEAL)  
By: Jimmie Lou Andrews Britt

 (SEAL)

By: Harry Lee Britt

Melanie Gay Andrews Autry (SEAL)  
By: Melanie Gay Andrews Autry

James Samuel Autry (SEAL)  
By: James Samuel Autry

Carrie Elizabeth Gaines Payne (SEAL)  
By: Carrie Elizabeth Gaines Payne

Daniel Anthony Payne (SEAL)  
By: Daniel Anthony Payne

Sarah Louise Gaines Perry (SEAL)  
By: Sarah Louise Gaines Perry

Wesley Worthington Perry (SEAL)  
By: Wesley Worthington Perry

Seth Alan Gaines (SEAL)  
By: Seth Alan Gaines

Stephanie Dore Gaines (SEAL)  
By: Stephanie Dore Gaines

State of North Carolina  
County of GASTON

(N.P. SEAL)

I, Dean Carpenter the undersigned Notary Public of the County and State aforesaid, certify that Donna Joe Andrews Collins, personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial Seal or Stamp, this 11 day of JANUARY, 2013.

My Commission Expires: My Commission Expires 2-5-2016

Dean Carpenter  
Notary Public

State of North Carolina  
County of

I, Dean Carpenter the undersigned Notary Public of the County and State aforesaid, certify that Jimmie Lou Andrews Britt and husband, Harry Lee Britt, personally appeared before me this day and acknowledged that the execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial Seal or Stamp, this 11<sup>th</sup> day of JANUARY, 2013.

My Commission Expires: My Commission Expires 2-5-2016

Dean Carpenter  
Notary Public

State of North Carolina  
County of

(N.P. SEAL)

I, Samantha M. Grosskopf the undersigned Notary Public of the County and State aforesaid, certify that Melanie Gay Andrews Autry and husband, James Samuel Autry, personally appeared before me and acknowledged that he the execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial Seal or Stamp, this 30<sup>th</sup> day of JANUARY, 2013.

My Commission Expires: 11-28-15

Samantha M. Grosskopf  
Notary Public

State of North Carolina  
County of

(N.P. SEAL)

I, Linda Dunning the undersigned Notary Public of the County and State aforesaid, certify that Carrie Elizabeth Gaines Payne and husband, Daniel Anthony Payne, personally appeared before me this day and acknowledged that the execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial Seal or Stamp, this 24 day of JAN, 2013.

My Commission Expires: My Commission Expires 6-27-2014

Linda Dunning  
Notary Public

State of North Carolina  
County of

(N.P. SEAL)

I, Whitneysclar.dc the undersigned Notary Public of the County and State aforesaid, certify that Sarah Louise Gaines Perry and husband, Wesley Worthington Perry, personally appeared before me this day and acknowledged that the execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial Seal or Stamp, this 17 day of JANUARY, 2013.

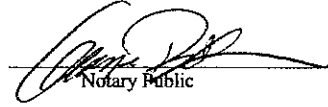
NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002  
Printed by Agreement with the NC Bar Association - 1981 SoftPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27606

(N.P. SEAL)

my Commission Expires oct 16 11  
Whitneysclar.dc  
Notary Public

BK09113 P80411

My Commission Expires: 4/16/2017

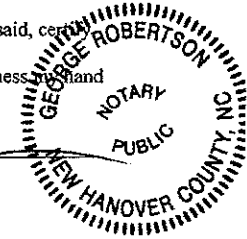
  
Notary Public

State of North Carolina  
County of

I, George Robertson the undersigned Notary Public of the County and State aforesaid, certify that Seth Alan Gaines and wife, Stephanie Dore Gaines, personally appeared before me this day and acknowledged that the execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial Seal or Stamp, this 16 day of January, 2013.

My Commission Expires: 4/16/2017

  
Notary Public



(N.P. SEAL)

The foregoing Certificate(s) of \_\_\_\_\_

is/are

Certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: \_\_\_\_\_ Register of Deeds for \_\_\_\_\_ County  
Deputy/Assistant - Register of Deeds



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-312

Agenda Date: 12/9/2013

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.04

### CITY COUNCIL ACTION MEMO

**TO: Mayor and Members of City Council**

**FROM: Steven K. Blanchard, CEO/General Manager**

**DATE: December 9, 2013**

**RE: Bid Recommendation for Underground Primary Power Cable**

**Relationship To Strategic Plan:**  
**Quality Utility Services**

**Background:**

The Public Works Commission, during their meeting of November 13, 2013 approved bid recommendation to award bid for purchase of 200,000 feet of 1/0, AL, EPR, 25kV, 1/C, CN Underground Primary Power Cable, PWC Stock No. 1-065-510 (with the option to purchase additional quantities within a one year period) to WESCO Distribution, Inc., Raleigh, NC, the lowest responsible bidder in the total amount of \$411,300.00 and forward to City Council for approval. This inventory item was last purchased in October 2012 at a cost of \$2,246 per one thousand feet. The current bid price per one thousand feet is \$2,056.50. The cost of this cable fluctuates due to metals pricing. Bids were received October 16, 2013 as follows:

<u>BIDDERS</u>	<u>TOTAL PURCHASE PRICE</u>	<u>EVAL. COST PER 1000 FEET</u>
WESCO Distribution Inc., Raleigh, NC	\$411,300.00	\$3,375.00
HD Supply Power Solutions, Wake Forest, NC	\$427,000.00	\$3,489.00
Stuart C. Irby, Rocky Mount, NC	\$446,000.00	\$3,681.00
Shealy Electrical Wholesalers, Greenville, SC	\$508,000.00	\$4,021.00

WESCO Distribution Inc. is not classified as a SDBE, minority or woman-owned business.

**Issues:**  
**N/A**

**Budget Impact:**  
**PWC Budgeted Item**

**Options:**  
**N/A**

**Recommended Action:**  
**The Public Works Commission recommends to the City Council to move to award bid to WESCO Distribution, Inc., Raleigh, NC, the lowest responsible bidder in the amount of \$411,300.00**

**PUBLIC WORKS COMMISSION  
ACTION REQUEST FORM**

**TO:** Steve Blanchard, CEO/General Manager      **DATE:** November 5, 2013

**FROM:** Gloria Wrench, Purchasing Manager

**ACTION REQUESTED:** Award bid for the purchase of 200,000 feet of 1/0, AL, EPR, 25kV, 1/C, CN Underground Primary Power Cable, PWC Stock No. 1-065-510 (with the option to purchase additional quantities within a one-year period).

**BID/PROJECT NAME:** Underground Primary Power Cable

**BID DATE:** October 16, 2013      **DEPARTMENT:** Electric Inventory

BIDDERS	TOTAL PURCHASE PRICE	EVAL. COST PER 1000 FEET
<u>WESCO Distribution Inc., Raleigh, NC</u>	<u>\$411,300.00</u>	<u>\$3,375.00</u>
<u>HD Supply Power Solutions, Wake Forest, NC</u>	<u>\$427,000.00</u>	<u>\$3,489.00</u>
<u>Stuart C. Irby, Rocky Mount, NC</u>	<u>\$446,000.00</u>	<u>\$3,681.00</u>
<u>Shealy Electrical Wholesalers, Greenville, SC</u>	<u>\$508,000.00</u>	<u>\$4,021.00</u>

**AWARD RECOMMENDED TO:** WESCO Distribution Inc., Raleigh, NC

**BASIS OF AWARD:** Lowest responsible bidder

**AWARD RECOMMENDED BY:** Mark Bielat, Electric Engineering and Gloria Wrench, Purchasing Manager

**COMMENTS:** Bids were solicited from five (5) vendors with four (4) vendors responding. This cable is a regularly stocked electric inventory item last purchased in October of 2012 at a cost of \$2,246 per one thousand feet. The current bid price per one thousand feet is \$2,056.50. The cost of this cable fluctuates due to metals pricing. Delivery of the cable will be staggered with the first 100,000 feet to be delivered in approximately 8 to 9 weeks from bid award and the remaining 100,000 feet to be delivered within six (6) months. The Commission has used 184,362 feet of this cable over the past twelve months.

**ACTION BY COMMISSION**

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

**ACTION BY COUNCIL**

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



## **BID HISTORY**

### **UNDERGROUND PRIMARY POWER CABLE PWC STOCK NO. 1-065-510 BID DATE: OCTOBER 16, 2013**

#### **Advertisement**

1. PWC Website 09/30/13 through 10/16/13
2. Matchforce 09/30/13 through 10/16/13

#### **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. Center for Economic Empowerment & Development (CEED), Fayetteville, NC

#### **List of Prospective Bidders**

1. WESCO Distribution, Inc., Raleigh, NC
2. Stuart C. Irby Company, Rocky Mount, NC
3. HD Supply Power Solutions, Wake Forest, NC
4. Shealy Electrical Wholesalers, Inc., Greenville, SC
5. Mayer Electric Supply, Fayetteville, NC

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

WESCO Distribution Inc. is not classified as a SDBE, minority or woman-owned business.



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-314

Agenda Date: 12/9/2013

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.05

### CITY COUNCIL ACTION MEMO

**TO: Mayor and Members of City Council**

**FROM: Lisa Smith, Chief Financial Officer**

**DATE: December 9, 2013**

**RE: Special Revenue Fund Project Ordinance 2014-8 (FY14 Juvenile Restitution)**

**Relationship To Strategic Plan:**

**Goal 1: The City of Fayetteville will be a safe and secure community.**

**Background:**

The funding sources for this program are a \$83,536 grant awarded by the N.C. Department of Public Safety, a \$12,152 match from Cumberland County, a \$12,151 match from the City of Fayetteville and a \$1,000 in-kind match for insurance.

The Fayetteville-Cumberland County Juvenile Restitution Program is a sentencing alternative for Fayetteville and Cumberland County youth. The program teaches juvenile offenders to accept accountability and responsibility for their actions. The City of Fayetteville has participated in the Juvenile Restitution Program since 1991.

This ordinance will appropriate the funds needed for personnel and operating costs for fiscal year 2014.

**Issues:**

**None**

**Budget Impact:**

**See background information above. The City's \$12,151 cash match and \$1,000 in-kind match are included in the General Fund budget.**

**Options:**

- 1) Adopt Special Revenue Fund Project Ordinance 2014-8.**
- 2) Do not adopt Special Revenue Fund Project Ordinance 2014-8.**

**Recommended Action:**

**Staff recommends Council move to adopt Special Revenue Fund Project Ordinance 2014-8.**

SPECIAL REVENUE FUND PROJECT ORDINANCE  
ORD 2014-8

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

Section 1. The authorized project is for the funding for the Fayetteville-Cumberland Juvenile Restitution Program awarded by the N.C. Department of Public Safety for FY 2014.

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:

N.C. Department of Public Safety	\$ 83,536
Local Match - Cumberland County	12,152
Local Match - City of Fayetteville	12,151
Local In-Kind Match - City of Fayetteville	1,000
	\$ 108,839

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

Project Expenditures	\$ 108,839
----------------------	------------

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

Adopted this 9th day of December, 2013.



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-317

Agenda Date: 12/9/2013

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.06

### CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council

**FROM:** Lisa Smith, Chief Financial Officer

**DATE:** December 9, 2013

**RE:** Capital Project Ordinance 2014-14 (USDA Forest Service Grant)

**Relationship To Strategic Plan:**

Goal 4: The City of Fayetteville will be a highly desirable place to live, work and recreate with thriving neighborhoods and a high quality of life for all citizens.

**Background:**

The funding sources for this project are a \$15,000 grant awarded through the North Carolina Department of Agriculture and Consumer Services-North Carolina Forest Service from the USDA Forest Service under the Urban and Community Forestry Program, a \$5,500 cash match from the City for software, and a \$12,460 in-kind City match for salaries. The total budget for this program is \$32,960.

The funds will be used to conduct a tree inventory in the downtown district, purchase tree inventory software, develop a tree maintenance plan, and conduct an educational session for elected officials and the public. .

**Issues:**

None

**Budget Impact:**

The City's \$5,500 cash match and the \$12,460 in-kind match for salaries are included in the General Fund Budget.

**Options:**

- 1) Adopt Capital Project Ordinance 2014-14.
- 2) Do not adopt Capital Project Ordinance 2014-14.

**Recommended Action:**

Staff recommends Council move to adopt Capital Project Ordinance 2014-14.

**CAPITAL PROJECT ORDINANCE  
ORD 2014-14**

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

Section 1. The authorized project is for funding of the NC Department of Agriculture and Consumer Services - NC Forest Service grant awarded by the USDA Forest Service under the Urban and Community Forestry Program.

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:

NC Department of Agriculture and Consumer Services (Pass through from the USDA)	15,000
Local Match - City of Fayetteville	5,500
Local In-Kind Match - City of Fayetteville	12,460
	\$ 32,960

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

Project Expenditures	\$ 32,960
----------------------	-----------

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

Adopted this 9th day of December, 2013.



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-318

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.07

### CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council

**FROM:** Lisa T. Smith, Chief Financial Officer

**DATE:** December 9, 2013

**RE:** Capital Project Fund Ordinance Closeouts and Partial Closeouts 2014-1 through 2014-10 and Special Revenue Fund Project Ordinance Closeouts 2014-1 through 2014-5

**Relationship To Strategic Plan:**

**Mission Statement 2 - The City Government is financially sound and provides a full range of quality municipal services that are valued by our customers and delivered by a dedicated workforce in a cost-effective manner.**

**Background:**

**Annually, the City closes out several projects that have been completed in previous fiscal years and that are no longer active.**

**The attached closeouts or partial closeouts are for various projects including municipal transportation agreements, sidewalk capital projects, homeland security grants, transit capital and planning grants, Washington Drive School site project, and fire station capital projects.**

**The projects referenced above have been completed in a previous fiscal year and the revenues and expenditures related to the projects have been audited.**

**The attached ordinance closeouts and partial closeouts detail the budget and actual revenues and expenditures for the projects.**

**Issues:**

**None.**



**Budget Impact:**

**Not applicable. Projects are being closed.**

**Options:**

**Adopt Capital and Special Revenue Fund Project Ordinance Closeouts and Partial Closeouts.**

**Do not adopt Capital and Special Revenue Fund Project Fund Ordinance Closeouts and Partial Closeouts.**

**Recommended Action:**

**Staff recommends Council move to adopt Capital Project Fund Ordinance Closeouts and Partial Closeouts 2014-1 through 2014-10 and Special Revenue Fund Project Ordinance Closeouts 2014-1 through 2014-5.**

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2014-1 (CPO 2006-3)

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 closed:

Section 1. The project closing authorized is to Capital Project Fund Ordinance 2006-3, adopted November 14, 2005, as amended, for the funding of the design, construction and equipping of Fire Station #15, Buhmann Drive.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Capital Lease Proceeds	\$ 2,415,000	\$ 2,415,000
General Fund Transfer	207,750	99,750
Investment Income	-	75,645
Total Revenues	<u>\$ 2,622,750</u>	<u>\$ 2,590,395</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 2,622,750</u>	<u>\$ 2,590,395</u>

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

Adopted this 9th day of December, 2013.

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2014-2 (CPO 2009-19)

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 closed:

Section 1. The project closing authorized is to Capital Project Fund Ordinance 2009-19, adopted April 13, 2009, as amended, for the funding of construction as well as associated ancillary costs and principal payments for Fire Station #19, Andrews Road.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	Budget	Actual
Capital Lease Proceeds	\$ 2,676,943	\$ 2,676,943
General Fund Transfer	1,042	993
Investment Income	700	693
Miscellaneous Revenue	400	400
Total Revenues	\$ 2,679,085	\$ 2,679,029

Section 4. The following amounts were appropriated and expended for the project:

	Budget	Actual
Project Expenditures	\$ 2,679,085	\$ 2,679,029

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

Adopted this 9th day of December, 2013.

CAPITAL PROJECT ORDINANCE PARTIAL CLOSEOUT  
CLO 2014-3 (CPO 2010-13)

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

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

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Current Budget</u>	<u>Budget Closeout</u>	<u>Revised Budget</u>	<u>Actual Closeout</u>
General Fund Transfer	\$ 3,489,284	\$ 119,446	\$ 3,369,838	\$ 119,444
Federal Highway Administration (Pass-through N.C. Department of Transp)	1,230,000	-	1,230,000	-
Total Revenues	<u>\$ 4,719,284</u>	<u>\$ 119,446</u>	<u>\$ 4,599,838</u>	<u>\$ 119,444</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Current Budget</u>	<u>Budget Closeout</u>	<u>Revised Budget</u>	<u>Actual Closeout</u>
Project Expenditures	<u>\$ 4,719,284</u>	<u>\$ 119,446</u>	<u>\$ 4,599,838</u>	<u>\$ 119,444</u>

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

Adopted this 9th day of December, 2013.

CAPITAL PROJECT ORDINANCE PARTIAL CLOSEOUT  
CLO 2014-4 (CPO 2001-8)

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 partially closed:

Section 1. The project partial closing authorized is to Capital Project Fund Ordinance 2001-8, adopted May 7, 2001, as amended, for the funding of sidewalks and related improvements.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Current Budget</u>	<u>Budget Closeout</u>	<u>Revised Budget</u>	<u>Actual Closeout</u>
General Fund Transfer	\$ 1,045,425	\$ 117,603	\$ 927,822	\$ 115,602
Developer's Fees	\$ 145,828	\$ 122,217	23,611	\$ 122,217
Federal Highway Administration (Pass-through State Safe Routes to School)	100,000	100,000	-	100,000
Donations	-	-	-	2,000
Transfers from PWC	1,161	-	1,161	-
Miscellaneous Income	10,204	-	10,204	-
Total Revenue	<u>\$ 1,302,618</u>	<u>\$ 339,820</u>	<u>\$ 962,798</u>	<u>\$ 339,819</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Current Budget</u>	<u>Budget Closeout</u>	<u>Revised Budget</u>	<u>Actual Closeout</u>
Project Expenditures	<u>\$ 1,302,618</u>	<u>\$ 339,820</u>	<u>\$ 962,798</u>	<u>\$ 339,819</u>

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

Adopted this 9th day of December, 2013.

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2014-5 (CPO 2004-4)

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

Section 1. The project closing authorized is to Capital Project Fund Ordinance 2004-4, adopted January 12, 2004, as amended, for the funding of the FY2004 Transit Capital Grant, including funds for bus shelters and the engineering and design of an intermodal bus terminal awarded by the Federal Transit Administration.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	Budget	Actual
Federal Transit Administration	\$ 752,000	\$ 751,999
North Carolina Department of Transportation	80,000	80,000
Local Match - General Fund	108,000	108,000
Total Revenues	\$ 940,000	\$ 939,999

Section 4. The following amounts were appropriated and expended for the project:

	Budget	Actual
Project Expenditures	\$ 940,000	\$ 939,999

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

Adopted this 9th day of December, 2013.

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2014-6 (CPO 2007-5)

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

Section 1. The project closing authorized is to Capital Project Fund Ordinance 2007-5, adopted April 9, 2007, as amended, for the funding of the FY2007 Transit Capital Grant 406, including funds for security enhancements, bus terminal renovations, replacement vans and an automatic vehicle locator system awarded by the Federal Transit Administration.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Transit Administration	\$ 219,167	\$ 217,598
North Carolina Department of Transportation	19,560	19,364
Auction Proceeds	-	9,000
Local Match - General Fund	31,688	22,493
Total Revenues	<u>\$ 270,415</u>	<u>\$ 268,455</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 270,415</u>	<u>\$ 268,455</u>

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

Adopted this 9th day of December, 2013.

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2014-7 (CPO 2008-5)

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

Section 1. The project closing authorized is to Capital Project Fund Ordinance 2008-5, adopted September 24, 2007, for the funding of the FY2008 Transit Capital Grant 425, including funds for security enhancements, bus shelters and five replacement vans awarded by the Federal Transit Administration.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Transit Administration	\$ 315,150	\$ 315,148
North Carolina Department of Transportation	14,800	14,664
Auction Proceeds	-	8,342
Local Match - General Fund	<u>57,050</u>	<u>48,845</u>
Total Revenues	<u>\$ 387,000</u>	<u>\$ 386,999</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 387,000</u>	<u>\$ 386,999</u>

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

Adopted this 9th day of December, 2013.



CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2014-8 (CPO 2009-17)

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

Section 1. The project closing authorized is to Capital Project Fund Ordinance 2009-17, adopted October 20, 2008, for the funding of the FY2009 Transit Capital Grant 04-0027, including funds for fleet replacement and facility renovations awarded by the Federal Transit Administration.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Transit Administration	\$ 1,550,000	\$ 1,549,958
North Carolina Department of Transportation	157,868	157,297
Local Match - General Fund	<u>172,976</u>	<u>173,538</u>
Total Revenues	<u>\$ 1,880,844</u>	<u>\$ 1,880,793</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 1,880,844</u>	<u>\$ 1,880,793</u>

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

Adopted this 9th day of December, 2013.

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2014-9 (CPO 2009-26)

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 closed:

Section 1. The project closing authorized is to Capital Project Fund Ordinance 2009-26, adopted June 22, 2009, for the replacement of the existing Transit Transfer Center.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Transit Administration	\$ 162,738	\$ 162,736
North Carolina Department of Transportation	20,342	20,342
Local Match - General Fund	20,342	20,342
Total Revenues	<u>\$ 203,422</u>	<u>\$ 203,420</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 203,422</u>	<u>\$ 203,420</u>

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

Adopted this 9th day of December, 2013.

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2014-10 (CPO 2011-5)

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

Section 1. The project closing authorized is to Capital Project Fund Ordinance 2011-5, adopted September 13, 2010, for the FY2011 New Freedom Grant for the construction of ADA accessible pedestrian walkways.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	Budget	Actual
Federal Transit Administration	\$ 160,000	\$ 159,942
Local Match - Transportation Fund Transfer (In-Lieu of Sidewalk Funds)	40,000	39,985
Total Revenues	\$ 200,000	\$ 199,927

Section 4. The following amounts were appropriated and expended for the project:

	Budget	Actual
Project Expenditures	\$ 200,000	\$ 199,927

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

Adopted this 9th day of December, 2013.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT  
CLO 2014-1 (SRO 2010-20)

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

Section 1. The project closing authorized is to Special Revenue Fund Project Ordinance 2010-20, adopted May 24, 2010 for the funding of the FY09 Homeland Security Grant awarded through the NC Department of Crime Control and Public Safety Division of Emergency Management.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	Budget	Actual
Federal Grant (Passed through NC Department of Crime Control & Public Safety)	\$ 135,714	\$ 135,714

Section 4. The following amounts were appropriated and expended for the project:

	Budget	Actual
Project Expenditures	\$ 135,714	\$ 135,714

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

Adopted this 9th day of December, 2013.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT  
CLO 2014-2 (SRO 2012-3)

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

Section 1. The project closing authorized is to Special Revenue Fund Project Ordinance 2012-3, adopted July 25, 2011 for the funding of the FY10 Homeland Security Grant awarded through the NC Department of Crime Control and Public Safety Division of Emergency Management.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Grant (Passed through NC Department of Crime Control & Public Safety)	<u>\$ 51,429</u>	<u>\$ 51,429</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 51,429</u>	<u>\$ 51,429</u>

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

Adopted this 9th day of December, 2013.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT  
CLO 2014-3 (SRO 2011-11)

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

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

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	Budget	Actual
Cumberland County	\$ 25,000	\$ -
Fayetteville State University	222,245	247,244
Total Revenues	\$ 247,245	\$ 247,244

Section 4. The following amounts were appropriated and expended for the project:

	Budget	Actual
Project Expenditures	\$ 247,245	\$ 247,244

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

Adopted this 9th day of December, 2013.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT  
CLO 2014-4 (SRO 2008-1)

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

Section 1. The project closing authorized is to Special Revenue Fund Project Ordinance 2008-1, adopted July 9, 2007, for the FY2007 Transit Planning Grant awarded by the Federal Transit Administration.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Transit Administration	\$ 233,840	\$ 233,840
NCDOT	29,230	29,230
Local Match- General Fund Transfer	29,230	29,230
	<u>\$ 292,300</u>	<u>\$ 292,300</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 292,300</u>	<u>\$ 292,300</u>

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

Adopted this 9th day of December, 2013.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT  
CLO 2014-5 (SRO 2008-5)

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

Section 1. The project closing authorized is to Special Revenue Fund Project Ordinance 2008-5, adopted September 24, 2007 for the FY2008 Transit Planning Grant 425 awarded by the Federal Transit Administration.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Transit Administration	\$ 145,400	\$ 145,400
NCDOT	18,175	18,175
Local Match- General Fund Transfer	18,175	18,175
	<u>\$ 181,750</u>	<u>\$ 181,750</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 181,750</u>	<u>\$ 181,750</u>

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

Adopted this 9th day of December, 2013.





# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-319

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.08

### CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council

**FROM:** Lisa Smith, Chief Financial Officer

**DATE:** December 9, 2013

**RE:** Resolution Appointing a Deputy Tax Collector

**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. The City appoints several deputy tax collectors to assist with the collection of these taxes and assessments. The City recently hired a new accountant. This position, among others, serves as a deputy tax collector 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 Traci Carraway, the new accountant, as a deputy tax collector for the collection of taxes and assessments.

**Issues:**

None.

**Budget Impact:**

None.

**Options:**

1. **Adopt the resolution appointing a deputy tax collector.**
2. **Do not adopt the resolution appointing a deputy tax collector.**

**Recommended Action:**

**Staff recommends Council move to pass the attached resolution appointing a deputy tax collector.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
APPOINTING A DEPUTY TAX COLLECTOR**

BE IT RESOLVED that Traci Carraway is appointed as a Deputy Tax Collector 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 Collector 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 9th day of December, 2013.

CITY OF FAYETTEVILLE

By: \_\_\_\_\_  
NAT ROBERTSON, Mayor

ATTEST:

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



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-320

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.09

### CITY COUNCIL ACTION MEMO

**TO: Mayor and Members of City Council**

**FROM: Lisa Smith, Chief Financial Officer**

**DATE: December 9, 2013**

**RE: Resolution Designating a Deputy Finance Officer**

**Relationship To Strategic Plan:**

**Core Value: Stewardship**

**Background:**

The chief financial officer is responsible for performing all of the functions of a finance officer as outlined in Article 3, Chapter 159 of the NCGS. Occasionally, the chief financial officer must be out of the office for various reasons such as attendance at a conference or a work meeting, taking vacation or sick leave. This resolution will designate the City's accounting manager as a deputy finance officer that can sign preaudit certificates for contracts in the absence of the chief financial officer and perform certain routine finance officer duties that may be delegated such as signing vehicle title applications for new City vehicles.

**Issues:**

**None.**

**Budget Impact:**

**None.**

**Options:**

**1. Adopt the resolution designating a deputy finance officer as outlined above.**

**2. Do not adopt the resolution designating a deputy finance officer.**

**Recommended Action:**

**Staff recommends Council move to pass the attached resolution designating a deputy finance officer.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
DESIGNATING A DEPUTY FINANCE OFFICER**

WHEREAS, the Local Government Budget and Fiscal Control Act specifies that only the Finance Officer or a properly designated Deputy Finance Officer are authorized to perform various fiscal control responsibilities pursuant to Article 3, Chapter 159, North Carolina General Statutes such as signing checks or drafts on an official depository, executing the pre-audit and disbursement certificates, and purchasing, selling, and exchanging securities;

WHEREAS, it would promote efficiency within the City's Finance Department to designate the Accounting Manager as a Deputy Finance Officer for the purposes enumerated in Article 3, Chapter 159 of the North Carolina General Statutes;

BE IT THEREFORE RESOLVED that the Accounting Manager is designated a Deputy Finance Officer, pursuant to Article 3, Chapter 159, North Carolina General Statutes to perform only those acts or responsibilities authorized for a Deputy Finance Officer under Article 3, Chapter 159.

Adopted this the 9<sup>th</sup> day of December 2013.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Nat Robertson, Mayor

ATTEST:

\_\_\_\_\_  
Pamela J. Megill, City Clerk



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-325

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.010

### CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council

**FROM:** Pamela Megill, City Clerk

**DATE:** December 9, 2013

**RE:** Resolution to Adopt the 2014 Proposed City Council Meeting Dates Calendar

**Relationship To Strategic Plan:**

Type here

**Background:**

To ensure that citizens are aware of all the public meetings and events and the City adheres to the NC Open Meetings Act. Staff has prepared the attached 2014 City Council Meeting Dates Calendar. The calendar takes into account all City holidays, Council retreats and conferences identified by staff.

**Issues:**

Type here

**Budget Impact:**

Type here

**Options:**

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

**Recommended Action:**

**Staff recommends Council move to pass the Resolution; adopting the 2014 City Council Meeting Dates Calendar.**



**RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2014 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS**

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

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

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

**NOW THEREFORE, BE IT RESOLVED** to adopt the attached calendar titled City Council Meeting Dates to clarify the time and location of the City Council regular meetings for 2014; and **RESOLVES** that any deviations of these regular meetings will be done consistent with the North Carolina Open Meetings Law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**, this the \_\_\_\_ day of \_\_\_\_\_, 2013; such meeting was held in compliance with the Open Meetings Act at which a quorum was present and voting

By: \_\_\_\_\_  
NAT ROBERTSON, MAYOR

ATTEST:

\_\_\_\_\_  
PAMELEA J. MEGILL, CITY CLERK

## Proposed 2014 Fayetteville City Council Meeting Schedule

### JANUARY

Wed. Jan. 1	New Year Holiday
Mon., Jan 6	Council Work Session, 5 p.m., Location TBD
Mon., Jan. 13	Regular Council Meeting
Mon., Jan. 20	MLK Holiday
Wed., Jan. 22	Agenda Briefing, 4 p.m., Lafayette Room
Thurs. & Fri. Jan 23-24	Essential of Municipal Government - New Bern
Mon., Jan. 27	Regular Council Meeting

### FEBRUARY

Mon., Feb. 3	Council Work Session (CIP& ITP), 5 p.m.,Location TBD
Fri. & Sat. Feb 7-8	Strategic Planning Retreat
Mon., Feb. 10	Regular Council Meeting
Wed., Feb. 19	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Feb. 24	Regular Council Meeting

### MARCH

Mon., March 3	Council Work Session (Strategic Plan), 5 p.m., Location TBD
Sat-Wed., March 8-12	NLC Congressional Cities Conference, Washington, D.C.
Wed., March 19	Agenda Briefing, 4 p.m., Lafayette Room
Mon., March 24	Regular Council Meeting

### APRIL

Wed., April 2	Budget Kick-off Work Session 1 p.m.-7 p.m., HRD Training Room
Mon., April 7	Council Work Session, 5 p.m., Location TBD
Mon., April 14	Regular Council Meeting
Wed., April 16	Budget Work Session, 5 p.m.
Fri., April 18	Good Friday Holiday
Wed., April 23	Agenda Briefing, 4 p.m., Lafayette Room
Mon., April 28	Regular Council Meeting

### MAY

Mon., May 5	Council Work Session, 5 p.m.,Location TBD
Wed., May 7	Budget Work Session, 5 p.m.
Mon., May 12	Regular Council Meeting (Presentation of Recommended Budget)
Wed., May 14	Budget Work Session, 5 p.m.
Wed., May 21	Agenda Briefing & Budget Work Session 4 p.m., Lafayette Room
Mon., May 26	Memorial Day – City Offices Closed
Tues., May 27	Regular Council Meeting (Tentative Budget Public Hearing)
Wed., May 28	Budget Work Session, 5 p.m. (if needed)

### JUNE

Mon., June 2	Council Work Session, 5 p.m., Location TBD
Wed., June 4	NCLM Town Hall Day, Raleigh, NC
Mon., June 9	Regular Council Meeting, (Budget Adoption)
Wed., June 18	Agenda Briefing, 4 p.m., Lafayette Room
Mon., June 23	Regular Council Meeting

### JULY

No City Council Meetings Established

### AUGUST

Mon., Aug. 4	Council Work Session, 5 p.m.,Location TBD
Mon., Aug. 11	Regular Council Meeting
Wed., Aug. 20	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Aug. 25	Regular Council Meeting

### SEPTEMBER

Mon., Sept. 1	Labor Day- City Offices Closed
Tues., Sept. 3	Council Work Session, 5 p.m.,Location TBD
Mon., Sept. 8	Regular Council Meeting
Wed., Sept. 17	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Sept. 22	Regular Council Meeting

### OCTOBER

Mon., Oct. 6	Council Work Session, 5 p.m., Location TBD
Mon-Wed., Oct 12-14	NCLM Annual Conference, Hickory, NC
Wed., Oct. 22	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Oct. 27	Regular Council Meeting

### NOVEMBER

Mon., Nov. 3	Council Work Session, 5 p.m.,Location TBD
Tues., Nov. 4	Election Day
Mon., Nov. 10	Regular Council Meeting
Tues., Nov. 11	Veterans Day – City Offices Closed
Wed-Sat., Nov 19 –22	NLC - Congress of Cities and Exposition, Austin TX
Wed., Nov. 19	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Nov. 24	Regular Council Meeting
Nov., 27-28	Thanksgiving Holiday – City Offices Closed

### DECEMBER

Mon., Dec. 1	Council Work Session, 5 p.m.,Location TBD
Mon., Dec. 8	Regular Council Meeting
Thurs. &Fri., Dec., 25,26	Christmas – City Offices Closed



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-330

Agenda Date: 12/9/2013

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.011

### CITY COUNCIL ACTION MEMO

**TO: Mayor and Members of City Council**

**FROM: Lisa Smith, Chief Financial Officer**

**DATE: December 9, 2013**

**RE: Tax Refunds Greater Than \$100**

**Relationship To Strategic Plan:**

**Core Value: Stewardship**

**Background:**

The attached requests for tax refunds were approved by the Cumberland County Special Board of Equalization for the month of November, 2013. Staff requests Council approval to proceed with issuance of the tax refunds.

**Issues:**

**None**

**Budget Impact:**

**The budget impact is \$ 3,039.66**

**Options:**

**Approve the attached tax refunds.**

**Recommended Action:**

**Staff recommends Council move to approve the tax refunds.**



December 9, 2013

**MEMORANDUM**

TO: Lisa Smith, Chief Financial Officer *Smith*

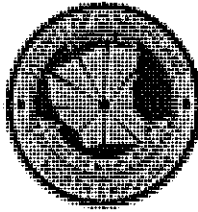
FROM: Nancy Peters, Accounts Payable *NP*

RE: Tax Refunds of Greater Than \$100

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

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
VFI KR SPE 1 LLC	4362554	2012	Corrected Assessment	164.23
Smith, Arlene	2582618	2011	Corrected Assessment	140.08
First Citizens Leasing	4281617	2009-2010	Duplicate Listing	2324.08
First Citizens Leasing	5961100	2010	Duplicate Listing	411.27
TOTAL				<b>\$3039.66</b>

P.O. Drawer D  
 433 Hay Street  
 Fayetteville, NC 28302-1746  
 FAX (910) 433-1680



OFFICE OF THE TAX ADMINISTRATOR

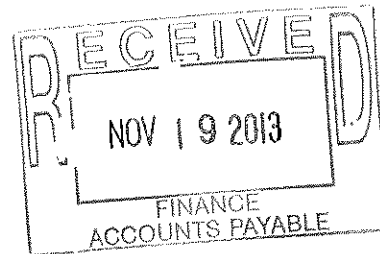
117 Dick Street, 5<sup>th</sup> Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302  
Phone: 910-678-7507 • Fax: 910-678-7582 • [www.co.cumberland.nc.us](http://www.co.cumberland.nc.us)

November 15, 2013

TO: Nancy Peters, City of Fayetteville, Accounts Payable  
FROM: Marie Shelton, Tax Deferment Specialist *M.S.*  
REF: Board Approved Refunds

Please find attached copies of the refund request form(s) approved by the Board of Equalization and Review on November 13, 2013.

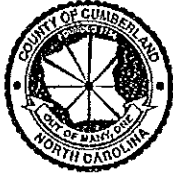
VFI KR SPE 1 LLC	#4362554	2012	\$164.23
SMITH, ARLENE	#2582618	2011	\$140.08
BARNHILL CONTRACTING CO	#2192097	2011-2012	\$ 56.13
BULLOCK, BURMA R	#2598522	2012	\$ 23.26
FIRST CITIZEN'S LEASING	#4281617	2009-2010	\$ 2324.08
FIRST CITIZEN'S LEASING	#5961100	2010	\$ 411.27



If you have any questions, please call me at 678-7542.

Thank you.

*Celebrating Our Past...Embracing Our Future*



**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

Taxpayer's Name: VFI KR SPE 1 LLC  
 Mailing Address: 7303 SE LAKE RD  
PORTLAND OR 97267  
 Bill Number: 4362554  
 Property Description: BUSINESS PERSONAL  
PROPERTY  
 Prepared By: CCT

Cumberland County  
 Special Board of Equalization and Review  
 P.O. Drawer 449  
 Fayetteville, NC 28302-0449

**RECEIVED**  
**SEP 24 2013**  
**TAX ADMIN**

Dear Board Members and City/Town Council Members:

Due to an error in the year (s) 2012, I overpaid county taxes in the amount of \$ 266.51 and City/Town of Fayetteville taxes in the amount of \$ 164.23. I am making a written demand to the Special Board of Equalization and Review and to the City/Town of Fayetteville for a refund of overpayment as required under General Statute 105-381(b). It is my understanding, that based upon the policy of the Tax Administrator's office, the refund I receive may not be for the amount indicated if I have outstanding delinquent taxes. The monies will be applied toward those taxes and the difference will then be refunded to me.

Reason: Acquisition year of property was incorrectly stated as 2011, should have been 2010.

Comment: The 2012 refund will be applied to the 2013 bill. OLDER SO LESS VALUE AD

Sincerely,

Aaron Donaldson 9/12/13  
 Signature Date

Tax Administrator's Recommendation: Approved / Denied

Signature: AARON DONALDSON

Date: 11-7-13

Board Action: Approved / Denied

Signature: Aaron Donaldson

Date: 9/13/13

Verified by the Clerk to the Board:

AARON DONALDSON

Date: \_\_\_\_\_

General Fund

101 412 4195 4027

\$

266.51

*m.d*  
*MF*

Recreation Fund

420 442 4441 4027

\$

RECEIVED  
OCT 09 2013  
TAX. ADMIN.



Taxpayer's Name: SMITH, ARLENE  
Mailing Address: 2230 BANDORE CIR  
FAYETTEVILLE, NC 28312  
Bill Number: 2582618  
Property Description: IMP 515 LINK ST LOT 29  
NANNIE MARTIN LD  
Prepared By: Denise Taylor

Cumberland County  
Special Board of Equalization and Review  
P.O. Drawer 449  
Fayetteville, NC 28302-0449

Dear Board Members and City/Town Council Members:  
Due to an error in the year (s) 2011, I overpaid county taxes in the amount of \$ 185.58 and City/Town of Fayetteville taxes in the amount of \$ 140.08. I am making a written demand to the Special Board of Equalization and Review and to the City/Town of Fayetteville for a refund of overpayment as required under General Statute 105-381(b). It is my understanding, that based upon the policy of the Tax Administrator's office, the refund I receive may not be for the amount indicated if I have outstanding delinquent taxes. The monies will be applied toward those taxes and the difference will then be refunded to me.

Reason: Corrected Asmt: Due to Fire report dated 12-6-10 & submitted by taxpayer on 9-23-13 home was damaged & bill correction warranted for tax years 2011-12

Sincerely,  
Arlene Smith 10-1-13  
Signature Date

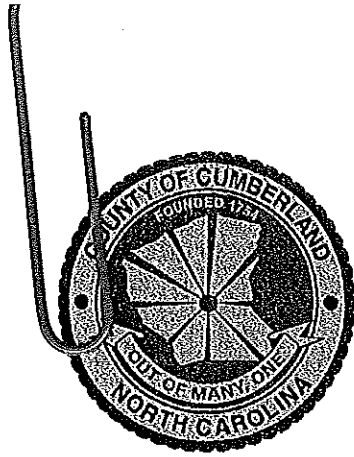
Tax Administrator's Recommendation: Approved Denied  
Signature: AARON DONALDSON AD Date: 11-7-13

Board Action: Approved / Denied  
Signature: Aaron Alexander Date: 11/13/13

Verified by the Clerk to the Board: AARON DONALDSON Date: \_\_\_\_\_

General Fund 101 412 4195 4027 \$ 185.58 m.d  
Recreation Fund 420 442 4441 4027 \$ \_\_\_\_\_ m.e

AKK  
10/28/13



Taxpayer's Name: First Citizen's Leasing  
 Mailing Address: PO Box 29519  
Raleigh, NC 27628  
 Bill Number: 4281617  
 Property Description: Business Personal Property  
 Prepared By: Amy Kinlaw

RECEIVED  
 OCT 11 2013  
 TAX ADMIN

Cumberland County  
 Special Board of Equalization and Review  
 P.O. Drawer 449  
 Fayetteville, NC 28302-0449

Dear Board Members and City/Town Council Members:

Due to an error in the year (s) 2009-2010, I overpaid county taxes in the amount of \$ 3,825.73 and City/Town of Fayetteville taxes in the amount of \$ 2,324.08. I am making a written demand to the Special Board of Equalization and Review and to the City/Town of Fayetteville for a refund of overpayment as required under General Statute 105-381(b). It is my understanding, that based upon the policy of the Tax Administrator's office, the refund I receive may not be for the amount indicated if I have outstanding delinquent taxes. The monies will be applied toward those taxes and the difference will then be refunded to me.

Reason: First Citizens Leasing Company and the Lessee (Knowles Smith & Associates) double listed Business Personal Property assets reported to the county for tax years 2009 and 2010.

Sincerely,  
[Signature] 10-8-13  
 Signature Date

Tax Administrator's Recommendation: Approved / Denied  
 Signature: AARON DONALDSON [Signature] Date: 11-7-13

Board Action: Approved / Denied  
 Signature: [Signature] Date: 11/13/13

Verified by the Clerk to the Board: AARON DONALDSON Date: \_\_\_\_\_

General Fund	101 412 4195 4027	\$ <u>3,825.73</u> m.d m.c
Recreation Fund	420 442 4441 4027	\$ _____

Revised 1/27/2012

OK 10/30/13





Taxpayer's Name: First Citizen's Leasing  
 Mailing Address: PO Box 29519  
Raleigh, NC 27626  
 Bill Number: .5961100  
 Property Description: Business Personal Property  
 Prepared By: Amy Kinlaw

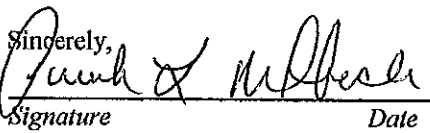
RECEIVED  
 OCT 11 2013  
 TAX ADMIN

Cumberland County  
 Special Board of Equalization and Review  
 P.O. Drawer 449  
 Fayetteville, NC 28302-0449

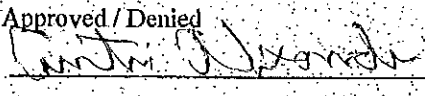
Dear Board Members and City/Town Council Members:

Due to an error in the year (s) 2010, I overpaid county taxes in the amount of \$ 687.41 and City/Town of Fayetteville taxes in the amount of \$ 411.27. I am making a written demand to the Special Board of Equalization and Review and to the City/Town of Fayetteville for a refund of overpayment as required under General Statute 105-381(b). It is my understanding, that based upon the policy of the Tax Administrator's office, the refund I receive may not be for the amount indicated if I have outstanding delinquent taxes. The monies will be applied toward those taxes and the difference will then be refunded to me.

Reason: First Citizens Leasing Company and the Lessee (Knowles Smith & Associates) double listed Business Personal Property assets reported to the county for tax years 2009 and 2010.

Sincerely,  
  
 Signature Aaron Donaldson Date 10-8-13

Tax Administrator's Recommendation: Approved / Denied  
 Signature: AARON DONALDSON Date: \_\_\_\_\_

Board Action: Approved / Denied  
 Signature:  Date: 11/13/13

Verified by the Clerk to the Board: AARON DONALDSON Date: \_\_\_\_\_

General Fund	101 412 4195 4027	\$ <u>667.41</u> <span style="float: right;">m&amp;mf</span>
Recreation Fund	420 442 4441 4027	\$ _____

OIC/mf  
 10/30/13



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-338

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.012

### CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council

**FROM:** Craig Hampton, Special Projects Director

**DATE:** December 09, 2013

**RE:** Adoption of Resolution Awarding Construction Contract for Cape Fear Rivertrail-Phase 2, Part B

**Relationship To Strategic Plan:**

Meets objective of Goal 4-Highly desirable plan to live, work and recreate.

**Background:**

The path of Phase 2 of the Cape Fear Rivertrail extends the current trail from Clark Park to just west of the Botanical Gardens. The trail will extend into the Gardens once the bridges are replaced by DOT along Hwy 301 Business within the next two year. A map is attached showing the entire length of phase 2. The project is funded by a combination of state and federal grants, a local match, and \$1.3M obtained by the city for including city owned land in Clean Water Trust Fund. The project was divided into 3 sections to facilitate the funding and to account for the typical delay issues of getting plans approved by CSX railroad. This portion of the trail, known as section "B" goes from Clark Park to the northern boundary of the CSX property and is located on land entirely owned by the City of Fayetteville. The low bidder, Lanier Construction Co., Inc., is a DOT certified contractor as well as a minority owned business, and is judged to be qualified and competent to perform the work. The MBE percentage attained for this contact is 23%. The city's estimate for this portion of the work is \$1.08M, slightly below the low bid. DOT-Division 6 staff has reviewed the bids and concurs with the recommendation to adopt the resolution and award the contract to Lanier Construction Co., Inc. in the amount of \$1,090,461.45

**Issues:**

No unresolved issues known or expected for this contract.

**Part A of the trail, from the southern end of the CSX property to the end, will be out for bids after additional engineering testing is completed. Estimated no later than January 2014.**

**Part C of the trail, the trail and under bridge walkway, is under design review by CSX and will bid upon approval of the design and completion of the encroachment agreement for the entire trail. Estimated no later than February 2014.**

**All work on this portion of the trail is expected to be completed by the end of calendar year 2014.**

**Budget Impact:**

**Sufficient funds are budgeted in the capital budget for this contract.**

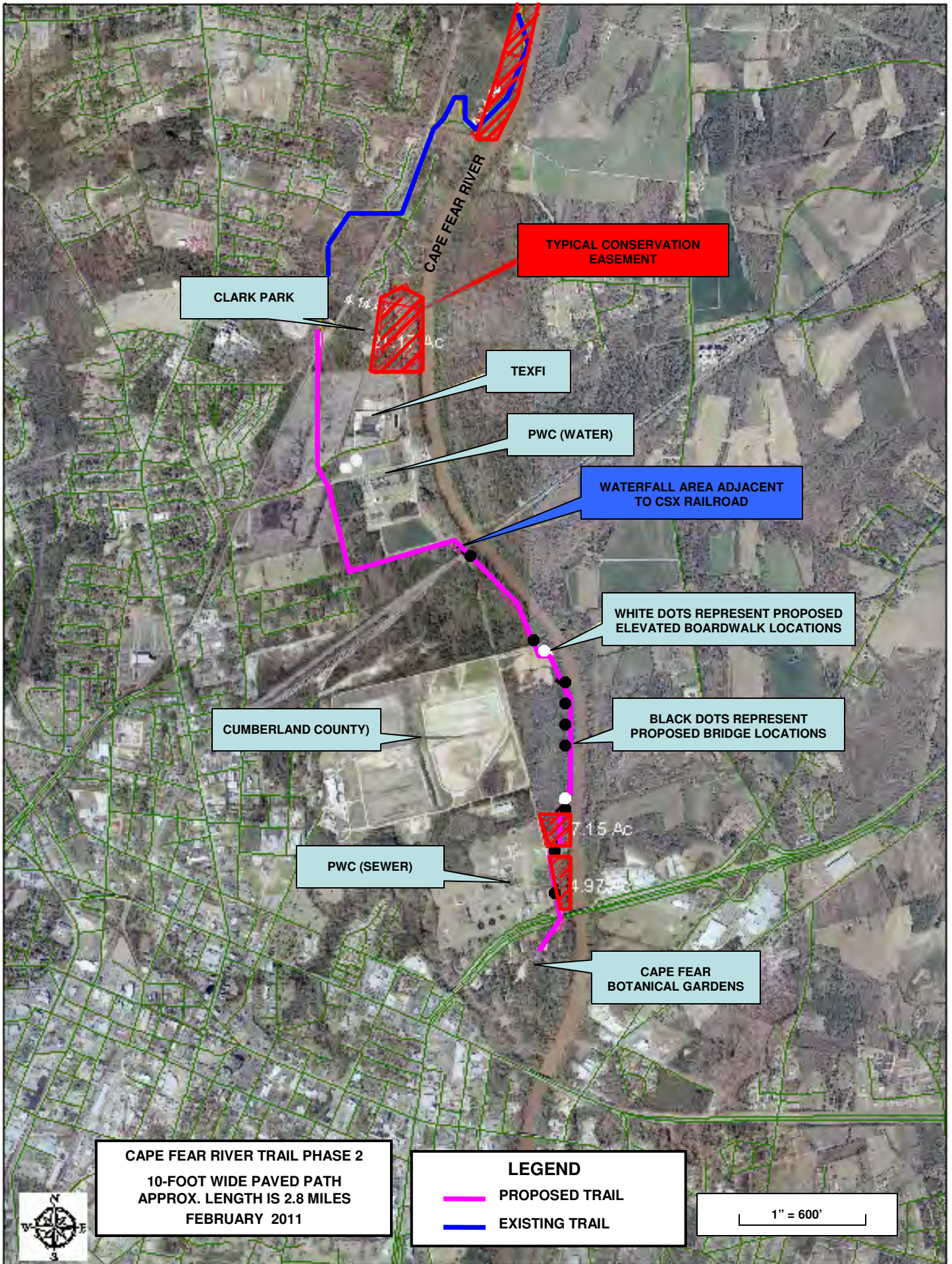
**Options:**

**Adopt the attached resolution and award the contract to Lanier Construction Co., Inc. in the amount of \$1,090,461.45 pending final approval from NC DOT.**

**Not award and provide direction to staff.**

**Recommended Action:**

**Staff recommends Council move to pass the attached resolution and award the contract to Lanier Construction Co., Inc. in the amount of \$1,090,461.45 pending final approval from NC DOT.**



CLARK PARK

CAPE FEAR RIVER

TYPICAL CONSERVATION EASEMENT

TEXFI

PWC (WATER)

WATERFALL AREA ADJACENT TO CSX RAILROAD

WHITE DOTS REPRESENT PROPOSED ELEVATED BOARDWALK LOCATIONS

CUMBERLAND COUNTY

BLACK DOTS REPRESENT PROPOSED BRIDGE LOCATIONS

PWC (SEWER)

7.15 Ac

4.97 Ac

CAPE FEAR BOTANICAL GARDENS

**CAPE FEAR RIVER TRAIL PHASE 2**  
 10-FOOT WIDE PAVED PATH  
 APPROX. LENGTH IS 2.8 MILES  
 FEBRUARY 2011

**LEGEND**  
 — PROPOSED TRAIL  
 — EXISTING TRAIL

1" = 600'



PUBLIC WORKS COMMISSION

CAPE FEAR RIVER MULTIPURPOSE TRAIL PHASE 2, PART B

D. ITEM N	STD. ITEM NO.	SECT	DESCRIPTION	QUANTITY	UNIT	LANIER CONSTRUCTION CO.		THE HURLEY GROUP, LLC		WECC, INC.		TRIANGLE GRADING & PAVING, INC	
						UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	0192000000-N	260	Proof Rolling	4	HR	\$ 86.25	\$ 345.00	\$ 300.00	\$ 1,200.00	\$ 285.00	\$ 1,140.00	\$ 212.00	\$ 848.00
2	0195000000-E	265	Select Granular Material (Screenings, 2" depth shoulders)	140	CY	\$ 25.00	\$ 3,500.00	\$ 180.00	\$ 25,200.00	\$ 72.00	\$ 10,080.00	\$ 60.00	\$ 8,400.00
3	0195000000-E	265	Select Granular Material (Screenings, 3" depth shoulders)	30	CY	\$ 26.00	\$ 780.00	\$ 180.00	\$ 5,400.00	\$ 72.00	\$ 2,160.00	\$ 60.00	\$ 1,800.00
4	0195000000-E	265	Select Granular Material (Class II, Type 2 for Select Borrow Fill Material)	1000	CY	\$ 35.00	\$ 35,000.00	\$ 25.00	\$ 25,000.00	\$ 35.00	\$ 35,000.00	\$ 60.00	\$ 60,000.00
5	0196000000-E	270	Geotextile for Soil Stabilization, MIRAFI 600X Soil Stabilization Fabric, (Trail and Shoulders)	10000	SY	\$ 3.88	\$ 38,800.00	\$ 1.50	\$ 15,000.00	\$ 4.00	\$ 40,000.00	\$ 2.40	\$ 24,000.00
6	0195000000-E	270	Geotextile for Soil Stabilization, (Type 2 for Sonstruction Entrance's and Pipe Inlets and Outlets)	915	SY	\$ 4.00	\$ 3,660.00	\$ 2.50	\$ 2,287.50	\$ 4.00	\$ 3,660.00	\$ 2.95	\$ 2,699.25
7	0366000000-E	310	(15") Reinforced Concrete Pipe Culverts, Class III	176	LF	\$ 42.85	\$ 7,541.60	\$ 45.00	\$ 7,920.00	\$ 31.00	\$ 5,456.00	\$ 36.00	\$ 6,336.00
8	0378000000-E	310	(24") Reinforced Concrete Pipe Culverts, Class III	56	LF	\$ 56.10	\$ 3,141.60	\$ 60.00	\$ 3,360.00	\$ 50.00	\$ 2,800.00	\$ 52.00	\$ 2,912.00
9	1121000000-E	520	Aggregate Base Course (6" depth at Trail and Shoulders)	2855	RN	\$ 26.75	\$ 76,371.25	\$ 29.00	\$ 82,795.00	\$ 46.00	\$ 131,330.00	\$ 36.50	\$ 104,207.50
10	1121000000-E	520	Aggregate Base Course (8" depth at Trail and Shoulders)	555	TN	\$ 28.50	\$ 15,817.50	\$ 29.00	\$ 16,095.00	\$ 46.00	\$ 25,530.00	\$ 36.50	\$ 20,257.50
11	1525000000-E	610	Bituminous Asphalt Concrete Surface Course Type SF 9.5A, (2" depth)	700	TN	\$ 92.50	\$ 64,750.00	\$ 114.00	\$ 79,800.00	\$ 120.00	\$ 84,000.00	\$ 120.00	\$ 84,000.00
12	1525000000-E	610	Bituminous Asphalt Concrete Surface Course Type SF 9.5A, (3" depth)	150	TN	\$ 113.70	\$ 17,055.00	\$ 114.00	\$ 17,100.00	\$ 132.00	\$ 19,800.00	\$ 120.00	\$ 18,000.00
13	0000100000-N	800	Mobilization	1	LS	\$ 51,926.00	\$ 51,926.00	\$ 61,500.00	\$ 61,500.00	\$ 14,979.00	\$ 14,979.00	\$ 44,600.00	\$ 44,600.00
14	2286000000-E	840	Masonry Drainage Structure, (Open Throat Catch Basin)	1	EA	\$ 2,500.00	\$ 2,500.00	\$ 1,700.00	\$ 1,700.00	\$ 1,817.00	\$ 1,817.00	\$ 1,250.00	\$ 1,250.00
15	2396000000-N	840	Frame with Cover, STD 840.54	1	EA	\$ 431.25	\$ 431.25	\$ 450.00	\$ 450.00	\$ 1,817.00	\$ 1,817.00	\$ 600.00	\$ 600.00
16	3533000000-E	866	Chain Link Fence, (72") Fabric	1155	LF	\$ 11.50	\$ 13,282.50	\$ 7.00	\$ 8,085.00	\$ 8.00	\$ 9,240.00	\$ 7.00	\$ 8,085.00
17	3559000000-E	866	(3) Stranded Barbed Wire Fence with Posts.	1155	LF	\$ 2.30	\$ 2,656.50	\$ 8.25	\$ 9,528.75	\$ 2.00	\$ 2,310.00	\$ 2.00	\$ 2,310.00
18	3539000000-E	866	Metal Line Posts For (72") Chain Link Fence	115	EA	\$ 40.25	\$ 4,628.75	\$ 45.00	\$ 5,175.00	\$ 42.00	\$ 4,830.00	\$ 35.00	\$ 4,025.00
19	3545000000-E	866	Metal Terminal Posts For (72") Chain Link Fence	4	EA	\$ 92.00	\$ 368.00	\$ 78.00	\$ 312.00	\$ 96.00	\$ 384.00	\$ 80.00	\$ 320.00
20	3642000000-E	876	Rip Rap, Class A	30	TN	\$ 45.00	\$ 1,350.00	\$ 60.00	\$ 1,800.00	\$ 48.00	\$ 1,440.00	\$ 65.00	\$ 1,950.00
21	3628000000-E	876	Rip Rap, Class 1	100	TN	\$ 50.00	\$ 5,000.00	\$ 60.00	\$ 6,000.00	\$ 36.00	\$ 3,600.00	\$ 65.00	\$ 6,500.00
22	6000000000-E	1605	Temporary Silt Fence	13400	LF	\$ 3.00	\$ 40,200.00	\$ 2.20	\$ 29,480.00	\$ 3.00	\$ 40,200.00	\$ 2.25	\$ 30,150.00
23	6009000000-E	1610	Stone for Erosion Control, Class B	23	TON	\$ 45.50	\$ 1,046.50	\$ 60.00	\$ 1,380.00	\$ 60.00	\$ 1,380.00	\$ 57.00	\$ 1,311.00
24	6012000000-E	1610	Sediment Control Stone, #57 Stone (Haul Roads) and #57 Washed Stone (under retaining wall foundation)	955	TON	\$ 30.00	\$ 28,650.00	\$ 31.00	\$ 29,605.00	\$ 47.00	\$ 44,885.00	\$ 49.00	\$ 46,795.00
25	6006000000-E	1610	Stone for Erosion Control, Class A (Construction Entrance)	56	TON	\$ 50.00	\$ 2,800.00	\$ 50.00	\$ 2,800.00	\$ 58.00	\$ 3,248.00	\$ 65.00	\$ 3,640.00
26	6012000000-E	1610	Sediment Control Stone, #5 Washed Stone	6	TON	\$ 45.00	\$ 270.00	\$ 50.00	\$ 300.00	\$ 56.00	\$ 336.00	\$ 120.00	\$ 720.00
27	9084000000-E	1660	Seeding and Mulching	1	ACR	\$ 2,875.00	\$ 2,875.00	\$ 2,500.00	\$ 2,500.00	\$ 2,610.00	\$ 2,610.00	\$ 8,829.00	\$ 8,829.00
28	2220000000-E	838	Reinforced Wndwall, Retaining Walls and Retaining Wall Foundations	95	CY	\$ 850.00	\$ 80,750.00	\$ 950.00	\$ 90,250.00	\$ 499.00	\$ 47,405.00	\$ 1,450.00	\$ 137,750.00
29	0043000000-N	226	Comprehensive Grading (to include Section 200 Clearing and Grubbing)	1	LS	\$ 250,000.00	\$ 250,000.00	\$ 387,000.00	\$ 387,000.00	\$ 279,284.00	\$ 279,284.00	\$ 588,000.00	\$ 588,000.00
30	0000900000-N	SP	Boardwalk, (North Railroad Boardwalk, 12' clear width, STA. 90+57.34 to STA. 90+87.34)	1	LS	\$ 23,115.00	\$ 23,115.00	\$ 17,000.00	\$ 17,000.00	\$ 32,199.00	\$ 32,199.00	\$ 19,014.00	\$ 19,014.00
31	0000900000-N	SP	Boardwalk (PWC Wetland Boardwalk, 12' clear width STA. 104+10.00 to STA. 105+43.00)	1	LS	\$ 94,530.00	\$ 94,530.00	\$ 75,000.00	\$ 75,000.00	\$ 115,463.00	\$ 115,463.00	\$ 79,958.00	\$ 79,958.00
32	0000900000-N	SP	Boardwalk, (Giant Cane Wetland Boardwalk, 12' clear width STA. 109+03.00 to STA. 110+65.00)	1	LS	\$ 114,770.00	\$ 114,770.00	\$ 92,000.00	\$ 92,000.00	\$ 139,638.00	\$ 139,638.00	\$ 95,886.00	\$ 95,886.00
33	0000900000-N	SP	Boardwalk, (Hoffer Boardwalk, 12' clear width, STA. 121+00.32 to STA. 121+40.32)	1	LS	\$ 30,130.00	\$ 30,130.00	\$ 25,000.00	\$ 25,000.00	\$ 38,868.00	\$ 38,868.00	\$ 26,651.00	\$ 26,651.00
34	0000900000-N	SP	Boardwalk, (Park Boardwalk, 12' clear width, STA. 145+29.94 to STA. 145+59.94)	1	LS	\$ 23,115.00	\$ 23,115.00	\$ 19,000.00	\$ 19,000.00	\$ 28,125.00	\$ 28,125.00	\$ 18,919.00	\$ 18,919.00
35	6102000000-E	SP	Sodding, (TifBlair Certified Centipede Sod)	8860	SY	\$ 5.50	\$ 48,730.00	\$ 8.00	\$ 70,880.00	\$ 5.50	\$ 48,730.00	\$ 5.85	\$ 51,831.00
36	0000900000-N	SP	Timber Pile embedment contract price adjustment per Section 0600-Timber Piles paragraph 1.3 (A) and (B)	50	LF	\$ 11.50	\$ 575.00	\$ 10.00	\$ 500.00	\$ 30.00	\$ 1,500.00	\$ 15.00	\$ 750.00
TOTAL BID													
						\$	1,090,461.45	\$	1,218,403.25	\$	1,225,244.00	\$	1,513,304.25

CITY OF FAYETTEVILLE  
PUBLIC WORKS COMMISSION  
PURCHASING DEPARTMENT  
**CONTRACT PROPOSAL**

TIP NUMBER: EB-4539B WBS41955.3.1 F.A. #STPEB-0620(21)

COUNTY: Cumberland

DESCRIPTION: Cape Fear River Trail Phase II (Cape Fear River Greenway)

DATE OF ADVERTISEMENT: Tuesday, September 24, 2013

MANDATORY PRE-BID MEETING: Thursday, October 10, 2013; 2:00 p.m.

BID OPENING: Thursday, October 31, 2013, 2:00 p.m.

\*\*\* NOTICE \*\*\*

ALL BIDDERS SHALL COMPLY WITH ALL APPLICABLE LAWS REGULATING THE PRACTICE OF GENERAL CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA. FOR CONTRACTS \$30,000 OR MORE, EXCEPT FOR CERTAIN SPECIALTY WORK AS DETERMINED BY THE LICENSING BOARD, BIDDERS ARE REQUIRED TO BECOME LICENSED BY THE NC LICENSING BOARD. NON-LICENSED BIDDERS ARE PERMITTED 60 DAYS AFTER BID OPENING TO OBTAIN PROPER LICENSING FOR THE TYPE OF PROJECT BEING LET. BIDDERS SHALL ALSO COMPLY WITH ALL OTHER APPLICABLE LAWS REGULATING THE PRACTICES OF ELECTRICAL, PLUMBING, HEATING AND AIR CONDITIONING AND REFRIGERATION CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Lanier Construction Co. Inc.  
NAME OF BIDDER  
1505 Browntown Road Snow Hill NC 28580  
ADDRESS OF BIDDER

RETURN BIDS TO: PUBLIC WORKS COMMISSION

Attention: JEANETE STRICKLAND

Person's Title: PURCHASING AGENT

Physical Address: PWC ADMINISTRATION BUILDING CONFERENCE ROOM #107  
PWC ADMINISTRATION BUILDING  
955 OLD WILMINGTON ROAD  
FAYETTEVILLE, NORTH CAROLINA 28301

ALL BIDS MUST BE RECEIVED PRIOR TO THE DATE AND TIME LISTED ABOVE.

**CAPE FEAR RIVER MULTIPURPOSE TRAIL PHASE 2, PART B**  
**Bid Schedule-REVISED 10/22/2013**

**Project:** EB-4539 B  
**WBS:** 41563  
**Federal Aid:** STPEB-0620(21)  
**County:** Cumberland

**DATE:** 10/22/2013

**Description:** Construct Walking Trail

LINE ITEM	STD. ITEM NO.	SECT.	DESCRIPTION	QTY.	UNIT	UNIT PRICE	TOTAL AMOUNT
1	0192000000-N	260	Proof Rolling	4	HR	86.25	345.00
2	0195000000-E	265	Select Granular Material (Screenings, 2" depth shoulders)	140	CY	25.00	3,500.00
3	0195000000-E	265	Select Granular Material (Screenings, 3" depth shoulders)	30	CY	26.00	780.00
4	0195000000-E	265	Select Granular Material (Class II, Type 2 for Select Borrow Fill Material)	1,000	CY	35.00	35,000.00
5	0196000000-E	270	Geotextile for Soil Stabilization, MIRAFI 600X Soil Stabilization Fabric, (Trail and Shoulders)	10,000	SY	3.88	38,800.00
6	0196000000-E	270	Geotextile for Soil Stabilization, (Type 2 for Construction Entrance's and Pipe Inlets and Outlets and under stone for Foundations)	915	SY	4.00	3,660.00
7	0366000000-E	310	(15") Reinforced Concrete Pipe Culverts, Class III	176	LF	42.85	7,541.60
8	0378000000-E	310	(24") Reinforced Concrete Pipe Culverts, Class III	56	LF	56.10	3,141.60
9	1121000000-E	520	Aggregate Base Course, (6" depth at Trail and Shoulders)	2,855	TN	26.75	76,371.25
10	1121000000-E	520	Aggregate Base Course, (8" depth at Trail and Shoulders)	555	TN	28.50	15,817.50
11	1525000000-E	610	Bituminous Asphalt Concrete Surface Course Type SF 9.5A, (2" depth)	700	TN	92.50	64,750.00
12	1525000000-E	610	Bituminous Asphalt Concrete Surface Course Type SF 9.5A, (3" depth)	150	TN	113.70	17,055.00
13	0000100000-N	800	Mobilization	1	LS	51,926.00	51,926.00
14	2286000000-E	840	Masonry Drainage Structure, (Open Throat Catch Basin)	1	EA	2,500.00	2,500.00
15	2396000000-N	840	Frame with Cover, STD 840.54	1	EA	431.25	431.25
16	3533000000-E	866	Chain Link Fence, (72") Fabric	1,155	LF	11.50	13,282.50

LINE ITEM	STD. ITEM NO.	SECT.	DESCRIPTION	QTY.	UNIT	UNIT PRICE	TOTAL AMOUNT
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17	3559000000-E	866	(3) Stranded Barbed Wire Fence with Posts	1,155	LF	2.30	2,656.50
18	3539000000-E	866	Metal Line Posts For (72") Chain Link Fence	115	EA	40.25	4,628.75
19	3545000000-E	866	Metal Terminal Posts For (72") Chain Link Fence	4	EA	92.00	368.00
20	3642000000-E	876	Rip Rap, Class A	30	TN	45.00	1,350.00
21	3628000000-E	876	Rip Rap, Class 1	100	TN	50.00	5,000.00
22	6000000000-E	1605	Temporary Silt Fence	13,400	LF	3.00	40,200.00
23	6009000000-E	1610	Stone for Erosion Control, Class B	23	Ton	45.50	1,046.50
24	6012000000-E	1610	Sediment Control Stone, #57 Stone (Haul Roads) and #57 Washed Stone (under retaining wall foundation)	955	Ton	30.00	28,650.00
25	6006000000-E	1610	Stone for Erosion Control, Class A (Construction Entrance)	56	Ton	50.00	2,800.00
26	6012000000-E	1610	Sediment Control Stone, #5 Washed Stone	6	Ton	45.00	270.00
27	6084000000-E	1660	Seeding and Mulching	1	ACR	2,875.00	2,875.00
28	2220000000-E	838	Reinforced Endwalls, Retaining Walls and Retaining Wall Foundations	95	CY	850.00	80,750.00
29	0043000000-N	226	Comprehensive Grading (to include Section 200 Clearing and Grubbing)	1	LS	250,000.00	250,000.00
30	0000900000-N	SP	Boardwalk, (North Railroad Boardwalk, 12' clear width, STA. 90+57.34 to STA. 90+87.34)	1	LS	23,115.00	23,115.00
31	0000900000-N	SP	Boardwalk, (PWC Wetland Boardwalk, 12' clear width STA. 104+10.00 to STA. 105+43.00)	1	LS	94,530.00	94,530.00
32	0000900000-N	SP	Boardwalk, (Giant Cane Wetland Boardwalk, 12' clear width STA. 109+03.00 to STA. 110+65.00)	1	LS	114,770.00	114,770.00
33	0000900000-N	SP	Boardwalk, (Hoffer Boardwalk, 12' clear width STA. 121+00.32 to STA. 121+40.32)	1	LS	30,130.00	30,130.00
34	0000900000-N	SP	Boardwalk, (Park Boardwalk, 12' clear width, STA. 145+29.94 to STA. 145+59.94)	1	LS	23,115.00	23,115.00
35	6102000000-E	SP	Sodding, (TifBlair Certified Centipede Sod)	8,860	SY	5.50	48,730.00
36	0000900000-N	SP	Timber Pile embedment contract price adjustment per Section 0600-Timber Piles paragraph 1.3 (A) and (B)	50	LF	11.50	575.00
						TOTAL AMOUNT BID	1,090,461.45

TOTAL AMOUNT OF BID WRITTEN OUT: One million Ninety Thousand Four Hundred Sixty-one Dollars and Forty-five Cents



**RESOLUTION OF AWARD  
OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

**Cape Fear River Trail, Phase II – Part B**

**TIP NUMBER: EB-4539B WBS41955.3.1 F.A. #STPEB-0620(21)  
NC Department of Transportation**

**WHEREAS**, The City of Fayetteville, North Carolina, hereinafter referred to as Council, publicly advertised for bids to be received for Cape Fear River Trail, Phase II – Part B Project on Thursday, October 31, 2013, extended to Thursday, November 14, 2013; and,

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

**WHEREAS**, the Council has accepted a grant from the Federal Highway Administration, thru the North Carolina Department of Transportation, in the amount of \$ \$1,000,000 (\$750,000 state funds, \$250,000 Federal funds) for the Cape Fear River Trail, Phase II – Part B Project.

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL** that the bid be awarded in accordance with the Engineer’s recommendation to **Lanier Construction Co., Inc.** of Snow Hill NC, in the amount of **\$1,090,461.45 (One Million Ninety Thousand Four Hundred Sixty One Dollars and Forty Five Cents)**. This resolution authorizes the Mayor to execute on behalf of the City of Fayetteville a contract and any change orders within the budgeted amount with **Lanier Construction Co., Inc.** for the project known as Cape Fear River Trail, Phase II – Part B.

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 9<sup>th</sup> day of December, 2013, at Fayetteville, North Carolina.

**THE CITY OF FAYETTEVILLE  
NORTH CAROLINA**

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
Nat Robertson, MAYOR

(City Seal)



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-339

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.013

### CITY COUNCIL ACTION MEMO

**TO: Mayor and Members of City Council**

**FROM: Lisa T. Smith, Chief Financial Officer**

**DATE: December 9, 2013**

**RE: Special Revenue Fund Project Ordinance Amendment 2014-4  
(Appropriation of Program Income and Local Funds for CDBG Program)**

**Relationship To Strategic Plan:**

**Goal 2 - The City of Fayetteville will have a strong, diverse and viable local economy.**

**Goal 4 - The City of Fayetteville will be a highly desirable place to live, work and recreate with thriving neighborhoods and a high quality of life for all citizens.**

**Background:**

**The Community Development Block Grant Program (CDBG) receives program income directly generated from the use of CDBG funds for many of its activities. This income must be used for CDBG eligible programs. Since program income is estimated at the time the annual action plan and budget are prepared, actual program income may exceed the budgeted amount. This amendment will appropriate an additional \$185,279 in program income, which represents amounts received in excess of the budget, and \$6,767 in local funds (from the General Fund) for the CDBG Program. Staff currently proposes to use the funds for land acquisition and demolition.**

**Issues:**

**None**

**Budget Impact:**

**See background section for budget impact.**

**Options:**

**Adopt Special Revenue Fund Project Ordinance Amendment 2014-4.**

**Do Not Adopt Special Revenue Fund Project Ordinance Amendment 2014-4.**

**Recommended Action:**

**Staff recommends Council move to adopt Special Revenue Fund Project Ordinance Amendment 2014-4.**

SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT  
CHANGE 2014-4 (ORD 2013-1)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby amended effective December 9, 2013:

- Section 1. The project change authorized is to the Special Revenue Project Ordinance 2013-1, as amended, adopted June 25, 2012, for the funding of the Community Development Block Grant Program (CDBG) awarded by the U.S. Department of Housing and Urban Development.
- Section 2. The project director is hereby directed to proceed with the project within the terms of the various grant agreements executed with the Federal and State governments and within the funds appropriated herein.
- Section 3. The following revenues are anticipated to be available to the City to complete the project:

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
CDBG - HUD	\$ 1,341,047	\$ -	\$ 1,341,047
Program Income	220,305	185,279	405,584
General Fund Transfer	-	6,767	6,767
	<u>\$ 1,561,352</u>	<u>\$ 192,046</u>	<u>\$ 1,753,398</u>

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

Project Expenditures	<u>\$ 1,561,352</u>	<u>\$ 192,046</u>	<u>\$ 1,753,398</u>
	<u>\$ 1,561,352</u>	<u>\$ 192,046</u>	<u>\$ 1,753,398</u>

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

Adopted this 9th day of December, 2013.



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-340

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.014

### CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council

**FROM:** Lisa Smith, Chief Financial Officer

**DATE:** December 9, 2013

**RE:** Contract with Cherry Bekaert to Audit Accounts for FY 2013-2014

**Relationship To Strategic Plan:**

**Core Value: Stewardship**

**Background:**

Cherry Bekaert (CB), a regional accounting firm, has provided excellent and timely audit services to the City. CB qualifies as a local business under the definition confirmed by Council at the November 2012 work session for the Hire Fayetteville First Policy. In addition, the firm subcontracts with a local minority certified public accountant for a portion of the audit work consistent with the City's interest to increase contract opportunities with minority businesses. The firm has extensive local government audit experience and conducts audit services for many large governmental units across the state.

CB has agreed to provide Fiscal Year 2013-2014 audit services to the City for a total amount not to exceed \$106,000. This represents a modest 2% fee increase over Fiscal Year 2012-2013. The fee covers audit work performed at the City's offices and its PWC. If approved, the General Fund's share of the contract for fiscal year 2013-2014 will be \$63,600 and the Electric, Water and Wastewater Funds' share of the contract will be \$42,400. The annual fee for Fiscal Year 2013-2014 is \$16,720 less than the fee for Fiscal Year 2008-2009, which is primarily due to City staff's commitment to internally produce the comprehensive annual financial report. The firm has committed to a \$108,000 fee for the Fiscal Year 2014-2015 if Council wishes to engage them for that fiscal year.

Also, the City's Public Works Commission has recommended that the City

engage CB to perform the audit for this fiscal year due to audit procedures that must be conducted during the year to ensure the utility's new financial software program is functioning properly.

**Issues:**

None.

**Budget Impact:**

As outlined above in the background section.

**Options:**

1. Authorize the contract with Cherry Bekaert for Fiscal Year 2013-2014.
2. Do not authorize the contract and provide direction to staff.

**Recommended Action:**

Staff recommends Council move to authorize the City Manager to execute a contract with Cherry Bekaert to audit accounts for Fiscal Year 2013-2014.



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-348

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.015

### CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council

**FROM:** Pamela J. Megill, City Clerk

**DATE:** December 9, 2013

**RE:** Approve Meeting Minutes: 112313 - Agenda Briefing, 112813 - Regular Meeting

**Relationship To Strategic Plan:**  
Greater Community Unity

**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.





**FAYETTEVILLE CITY COUNCIL  
AGENDA BRIEFING MINUTES  
LAFAYETTE ROOM  
OCTOBER 23, 2013  
4:00 P.M.**

Present: Mayor Anthony G. Chavonne (departed at 4:30 p.m.)

Council Members Kady-Ann Davy (District 2); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7)(arrived at 4:15 p.m, departed at 5:15 p.m.); James W. Arp, Jr. (District 9)(arrived at 4:45 p.m.)

Absent: Council Members Keith Bates, Sr. (District 1); Robert A. Massey, Jr. (District 3); D. J. Haire (District 4); Wade Fowler (District 8);

Others Present: Ted Voorhees, City Manager  
Kristoff Bauer, Deputy City Manager  
Rochelle Small-Toney, Deputy City Manager  
Karen McDonald, City Attorney  
Scott Shuford, Development Services Director  
Karen Hilton, Planning and Zoning Manager  
Eloise Sahlstrom, Urban Planner - Planning  
Department, Development Services  
Will Deaton, Planner  
Pamela Megill, City Clerk  
Members of the Press

Mayor Chavonne called the meeting to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's November 25, 2013, agenda:

**Amendment to City Code Chapter 30 to modify zero lot line (ZLL) standards and allow it in additional zoning districts**

Mr. Scott Shuford, Development Services Director stated the proposed changes to zero lot line standards reflect extensive discussion with the development community. ZLL standards are used in a relatively unique way in Fayetteville to provide significant flexibility in setback and lot area standards and, in many instances, some increase in actual density as well as greater ease in achieving the maximum allowed density because of the increased options in lot layout. The flexibility in setback requirements is essential in (re)development of smaller sites in established areas -- "infill development." Because of concerns about infill on small lots in established residential areas and the potential to be incompatible with the existing development pattern, the current standards require a Special Use Permit (SUP) for development sites of less than three acres. Because of the time and the uncertainty associated with the two hearings for the SUP, they are seeking a reduction or elimination of the special use process for smaller ZLL developments. Under the former code, a neighborhood meeting and one public hearing before the Planning Commission were required for infill projects. ZLL currently is allowed only in SF-15, SF-10, SF-6, MR-5, OI, NC, LC, and CC districts. The development community has asked for ZLL to be available in the AR Agricultural District. The Planning Commission heard two speakers in favor of the proposed amendment at its meeting on September 17, 2013. The Commission voted unanimously to recommend approval.

**Amendment to City Code Chapter 30 to modify the requirements associated with mid-block connections and block lengths**

Ms. Karen Hilton, Planning and Zoning Manager presented this item and stated in developing the block length and midblock connector standards that are currently in the UDO, city staff and the

consultants were guided by a philosophy of pedestrian connectivity. Shorter block lengths are more pedestrian friendly than longer block lengths and provide greater pedestrian interest. They also improve emergency access and efficient delivery of public services and, in providing more options, they help ease congestion. The previous code allowed up to 1800 feet. Comparisons were made with standards established in other communities and with best practices. The maximum length generally was 500 - 800 feet, although Wilmington allows 1000 feet with through, connecting streets. The maximum for more urban areas or traditional neighborhoods is 350-500 feet. At 800 feet, Durham requires a public alley or pedestrian "mall." The initial draft for the new code established a block length maximum of 800 feet average, with a midblock connector when longer than 700 feet, and under certain conditions a longer length (up to 1,000 feet) could be approved. Through negotiation with the development community, a 1000 foot maximum block length was established with a mid-block connector required for anything over 800 feet, with similar administrative waiver options. This represented a compromise that appeared to be acceptable to all parties. The development community has become leery about using the mid-block connector option because of maintenance issues and impacts on the marketability of lots which adjoin the connectors. Consequently, they asked for the block length and mid-block connector issue to be reconsidered. Discussions between staff and the development community revolved around providing block length flexibility while preserving the goal of enhanced pedestrian connectivity. Ultimately, another compromise was reached, whereby individual blocks could be as long as 1200 feet, but the average block length would not exceed 800 feet; mid-block connectors continue to be required when a block exceeds 800 feet but would not be required when all lots are within 1,500 feet of common open space (thereby maintaining reasonable pedestrian interest).

**Amend City Code Chapter 30 to incorporate definitions and standards to establish rules on when and where food trucks may operate within the City of Fayetteville as an accessory use in specified business districts.**

Mr. Will Deaton, Planner II, presented this item and stated the purpose of this item is to establish rules on when and where food trucks may operate within the City of Fayetteville on commercially zoned property. Currently, the City of Fayetteville Zoning Ordinance does not address food trucks. They are used at various times throughout the year at special events and other locations. Having no ordinance and/or regulations in place does not serve the City of Fayetteville and does not reflect the growing trend of food trucks over typical brick and mortar restaurant establishments. These uses generally require significantly less initial startup costs for an individual or corporation and provide alternative food sources where restaurants are not traditionally located. With the booming popularity of food trucks selling creative, cutting-edge cuisines, as well as a sagging economy, interest in street selling is perhaps greater than ever. Food trucks will be allowed as an accessory use in most business districts to include the commercial, downtown and industrial districts. The proposed standards will be in place to address spacing from traditional brick-and-mortar restaurants as well as separation from driveways, sidewalks, building entrances and residential zoning districts. The number of food trucks permitted per site will be based on current site acreage. Sites that are less than a 1/2 acre will only be allowed 1 food truck, sites from a 1/2 acre to 1 acre will be allowed 2 food trucks, and sites greater than an acre will be allowed a maximum of 3 as long as all other criteria are met. At the Planning Commission meeting there were a total of 2 speakers and both spoke in support of the text amendment. A unanimous vote of approval was taken to allow food trucks as an accessory use in accordance with the proposed ordinance.

**Amendment to City Code Chapter 30 to clarify clear-cutting standards and provide options for mitigation of related violations**

Ms. Eloise Sahlstrom, Urban Designer, Planning and Zoning presented this item and stated a clear-cutting permit is required for the removal of existing trees from an undeveloped lot or site that has not yet received site plan, subdivision plan or building permit approval. Individual single family residential lots are exempt. There are two aspects of the existing standards being addressed:

1) Mitigation for removal without a permit; 2) Increased flexibility in review and granting of permits.

Existing Standards:

1) Current mitigation standards require inch-for-inch replacement for tree removals undertaken on parcels where a clear-cutting permit was required but not obtained. Such mitigation is unrealistic and unworkable.

2) Additionally, discussions with a developer's advisory committee have highlighted the desire for increased flexibility in the standards utilized for reviewing and granting clear-cutting permits. Currently, a thirty foot buffer of existing trees is required to be maintained along all property lines and a fifty foot buffer is required along all street frontages.

Proposed Standards:

1) Proposed mitigation standards require replacement derived from the total removal in caliper inches multiplied by twenty percent. Replanting or payment in lieu is required. Specimen trees and public trees are differentiated from other removals and incur a separate fee.

2) Proposed language related to the buffer requirement allows the required buffers to be eliminated if it is the intent of the applicant to submit development plans within a six month period. Should development plans not be submitted within the allotted period, the applicant is responsible for replanting of the buffers as identified in the text.

The Planning Commission held a public hearing on this amendment on October 15, 2013. There were no speakers. The Commission recommended approval.

**Amendment to City Code Chapter 30 to clarify "redevelopment" and make minor adjustments to open space standards**

Ms. Karen Hilton, Planning and Zoning Manager, presented this item and stated the revised standards adopted in July 2013 for parkland, open space and tree save areas are, collectively, significant reductions from the previous standards calculated separately for those three elements. That amendment included changes expanding the features that can be used to meet the requirements. These changes were considered necessary because, combined with other infrastructure such as stormwater and streets, a significant amount of developable area was lost. Since some usable open space is an important component of residential environments, the new standards clearly indicated that a minimum of 10% for sites greater than one (1) acre and up to five (5) acres had to be provided on site for residential development. However, it did not make it clear how residential development fits relative to "redevelopment." Another aspect of this amendment is some concern that for some small residential sites, there still could be problems providing the mandatory 10% on site. Infill sites are often challenging in their configuration or constraints on site. Staff therefore proposes an additional change to allow consideration of a reduction or elimination of the on-site open space through a hearing process (special use permit). The mandatory 10% on site was acceptable to the development committee; staff has recommended this additional flexibility but only through a process that emphasizes the importance of open space/recreational facilities as part of residential development. The public hearing for this amendment was continued from the September 2013 Planning Commission meeting to allow further discussion about a very different aspect of these standards -- the portions of footnotes

4 and 5 that refer to a penalty (or, more accurately, a 'surcharge') for sites that have been cleared prior to submittal of development plans. The intent was to discourage speculative clear cutting, even with a clear-cutting permit, because of the high public value of keeping tree cover and undisturbed land areas as long as possible to help with reducing heat island effects, improving water and air quality, and providing habitat. The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the attached staff report, along with analysis of how the proposed changes relate to the evaluation standards. At its meeting on October 15, 2013, the Planning Commission recommended approval of the amendment. There were no speakers for or against the proposed amendment.

## **DEMOLITION CASES**

### **Uninhabitable Structures Demolition Recommendations**

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

#### **228 S. C Street**

Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a blighted structure on June 6, 2012. A hearing on the condition of the structure was conducted on June 27, 2012, which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner June 28, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since October 2010. In the past 24 months, there have been 15 calls for 911 service to the property. There have been 11 code violation cases with a pending assessment of \$153.94. The low bid for demolition is \$1,900.00.

#### **216 Hedgepeth Street**

Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a blighted structure on April 25, 2013. A hearing on the condition of the structure was conducted on May 15, 2013, in which one of the property owners appeared. A notice of the hearing was published in the Fayetteville Observer. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owners on May 16, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since December 2008. In the past 24 months, there have been 20 calls for 911 service to the property. There have been 11 code violation cases with no pending assessments. The low bid for demolition is \$2,500.00

#### **1040 Kingsley Road**

Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a blighted structure on May 30, 2013. A hearing on the condition of the structure was conducted on June 12, 2013, which the owner did not appear. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on June 13, 2013. To date there have been no repairs to the structure. The utilities to the structure are still connected. In the past 24 months there has been one (1) call for 911 service to the property. There have been five (5) code violation cases with a pending assessment of \$405.82. The low bid for demolition is \$2,500.00.

### **2008 Overlook Drive**

Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a blighted structure on June 5, 2013. A hearing on the condition of the structure was conducted on June 19, 2013, which the owner did not appear. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on June 20, 2013. 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 no calls for 911 service to the property. There have been two code violation cases with a pending assessment of \$220.12. The low bid for demolition is \$1,680.00.

### **2869 Owen Drive**

Mr. Shuford stated the structure is a commercial structure with seven tenant spaces. The structure was inspected and condemned as a dangerous structure on May 14, 2013. A hearing on the condition of the structure was conducted on May 29, 2013, which the owner did not attend. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on May 30, 2013. The owner appealed the Hearing Order to the Board of Appeals for Dwellings and Buildings; the subsequent hearing was conducted on July 25, 2013, in which the Board of Appeals voted to affirm the Hearing Order to repair or demolish the structure within 60 days. To date there have been no repairs to the structure. The utilities are disconnected to six of the seven tenant spaces. In the past 24 months, there have been 1,156 calls for 911 service to the property. There have been 41 code violation cases with a pending assessment of \$11, 403.76. The cost of the demolition and any asbestos abatement will be determined through a formal bidding process.

**P13-30F. The initial zoning of property to SF-10 Single Family Residential zoning, located on Burnside Place, and being the property of SRW Builders Inc.**

Ms. Karen Hilton, Planning and Zoning Manager presented this item and stated this property is an undeveloped, wooded lot. It is located between Burnside Place in Kings Grant and the right-of-way for I295. Currently this property is zoned PND (Planned Neighborhood Development) in the County's jurisdiction. The requested action is to initially zone this property to SF-10 - Single Family Residential. This property is approximately seven (7) acres in size. Five (5) acres will become part of the home owner's association and will be used as a community park. The remaining two (2) acres will be developed as four (4) single family lots, with open space. The home owner's association acquired the park area during a land swap with the developers. In June of 2012, Zoning Case # P12-27F was approved. This case rezoned an additional 106 acres adjacent to this property to SF-15. On October 8th the Zoning Commission held a public hearing regarding this case. The Commission voted 5-0 to recommend approval of this initial zoning application. The Zoning Commission and City staff recommend approval of the proposed initial zoning based on:

- 1) The Land Use Plan calls for low density residential.
- 2) PND districts in the City are allowed to develop as residential under the SF-10 standards.

**P13-38F. The initial zoning of property to HI - Heavy Industrial or to a more restrictive district, located at 327 Jenkins Street, and being the property of Froehling & Robertson Inc.**

Ms. Karen Hilton, Planning and Zoning Manager, presented this item and stated this property is developed as an industrial research facility. It is located on Jenkins Street just south of Highway 301. Currently this property is zoned M(P) (manufacturing with a plan) in the County's jurisdiction. The requested action is to initially zone this property to HI - Heavy Industrial. An initial zoning to HI would

fit the current use of the property. On October 8th the Zoning Commission held a public hearing regarding this case. The Commission voted 5-0 to recommend approval of this initial zoning application. The Zoning Commission and City staff recommend approval of the proposed initial zoning based on:

- 1) The Land Use Plan calls for heavy industrial.
- 2) The property is already developed as an industrial use.

**P13-29F. The issuing of a Special Use Permit (SUP) to allow for a columbarium to be located at 906 McPherson Church Road and being the property of Village Baptist Church**

Ms. Karen Hilton presented this item and stated this project will be located on the campus of Village Baptist Church at 906 McPherson Church Road. The church wishes to build a columbarium with a memorial area. The proposed columbarium would be able to house a maximum of 170 cremations or niches. When complete, the columbarium will be barely visible from McPherson Church Road. This project should have very little to no impact on the surrounding single family neighborhoods. On September 10th the Zoning Commission held a public hearing regarding this case. The Commission voted 4-0 to recommend approval of this SUP application. The Zoning Commission and staff recommend approval of the proposed SUP based on:

- 1) Minimal impact to the surrounding residences.
- 2) This project meets the City's requirements for a columbarium.
- 3) Minimal visual impact from to all surrounding properties.
- 4) There are no conflicts with any adopted policies or plans.
- 5) Conditioned on the general location and features shown on the submitted site plan.
- 6) Meets all required standards.

**Case # P13-33F. The rezoning of property from SF-10 - Single Family Residential to NC - Neighborhood Commercial District or to a more restrictive district, located at the northwest corner of Stacy Weaver Dr. and McArthur Rd. being the property McLean Development Corporation. (Appeal of a Zoning Commission Denial)**

Ms. Karen Hilton, Planning and Zoning Manager presented this item and stated this proposed rezoning is located at the intersection of Rosehill, Stacy Weaver and McArthur Roads. Within the past year the owners asked for and were granted a right of way abandonment for the unopened portion of Farmview Drive that bisected this property. Currently the north side of McArthur Road is all zoned for single family development. The south side of McArthur Road, however, has both a library branch and a shopping center. The shopping center consists of a grocery store and several out parcels (two of which are currently undeveloped). A portion of the property in question does extend into the single family neighborhood to the north as well. On September 10th the Zoning Commission held a public hearing regarding this case. The Commission voted 3-1 to deny this rezoning application.

**Public Hearing to Consider Request to Annex Property of Froehling & Robertson, Inc.**

Ms. Karen Hilton, Planning and Zoning Manager, presented this item and stated Froehling & Robertson, Inc., has submitted a petition requesting annexation of their property located at 327 East Jenkins Street. This property is not contiguous to the City. This property consists of 1.93 acres, more or less. Froehling & Robertson is involved in environmental testing; it has been operating for some time within the area requested for annexation. It is considered to be an industrial use. On October 8, the Zoning Commission held its public hearing on the initial zoning of this area. On October 28, the City Council will hold its public hearing on the annexation request.

**Public Hearing to Consider Request to Annex Property of SRW Builders, Inc.-Part of Burnside Park**

Ms. Karen Hilton, Planning and Zoning Manager, presented this item and stated SRW Builders, Inc., proposes to build a new residential area to be known as Burnside Park. Burnside Park will be built on the northern side of the Kings Grant neighborhood, between a street named Burnside Place on the south and the new I-295 Outer Loop on the north. Burnside Park will consist of 13 lots; 11 lots are proposed for single-family development, so the entire development will have 11 housing units. The land to be developed as Burnside Park is only partially within the City. The developer has requested annexation of the part of Burnside Park that is not inside the City. The City staff assumes that four (4) single-family housing units will be built on the land requested for annexation. According to calculations by City staff, the land requested for annexation consists of about 1.91 acres. On October 8, the Zoning Commission held its public hearing on the initial zoning of this area. On October 28, the City Council will hold its public hearing on the annexation request.

There being no further business, the meeting adjourned at 5:34 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk  
102313

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ANTHONY G. CHAVONNE  
Mayor

**DRAFT**

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
October 28, 2013  
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

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

Absent: Council Member Darrell J. Haire (District 4)

Others Present: Theodore Voorhees, City Manager  
Kristoff Bauer, Deputy City Manager  
Rochelle Small-Toney, Deputy City Manager  
Karen McDonald, City Attorney  
Harold Medlock, Police Chief  
Rusty Thompson, Engineering and Infrastructure Director  
Randy Hume, Transit Director  
Jerry Dietzen, Environmental Services Director  
Scott Shuford, Development Services Director  
Lisa Smith, Chief Financial Officer  
Karen Hilton, Planning and Zoning Manager  
David Nash, Planner II  
Craig Harmon, Planner II  
Will Deaton, Planner II  
Brian Meyer, Assistant City Attorney  
Dwight Miller, PWC Chief Financial Officer  
Kecia Parker, Real Estate Manager  
Nathan Walls, Interim Public Information Officer  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Chavonne called the meeting to order.

**2.0 INVOCATION**

The invocation was offered by Pastor Allen McLaughlin of the New Life Bible Church.

**3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 747.

**RECOGNITION**

Mr. Bill Hurley introduced Ms. Jan Anderson and Ms. Cleve Davis of the Sister City Committee and introduced the three members of the Saint Avold delegation: Veronique Bour-Mas, Annette Sbaiz, and Pascal Flaus. They presented Mayor Chavonne with a piece of framed art work. Mayor Chavonne presented the delegation with City coins.

**4.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Hurst moved to approve the agenda with the following modifications: Item 7.7 defer until January 13, 2014, Item 7.11 defer until November 18, 2013, and Item 8.6 defer until November 18, 2013.

**SECOND:** Council Member Crisp



**DRAFT**

Council Member Fowler asked Council Member Hurst if would consider amending the motion to allow Item 7.11 to remain on this agenda. Council Member Hurst responded he would not.

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

**5.0 PUBLIC FORUM**

Mr. Roosevelt Odom Jr. reminded all that this is Deaf Awareness Week. Mr. Odom would like Fayetteville to be named a "Deaf Friendly City" and expressed thanks for the closed captioning of the City Council meetings. Mr. Odom concluded by saying he would like to see sign language interpreters at Cape Valley Hospital.

Ms. Cassandra Shipp, 902 Pridemore Court, Fayetteville, NC, stated concerns regarding a retainer wall the City installed in September 2012 on her property and stated she had not granted permission for the installation.

Ms. Harmony Sells, Fayetteville NC, stated concerns regarding hospital security and the judicial system.

Rev. Archie Barringer, 2771 Jenna Shane Drive, Fayetteville, NC, stated he is representing the "Friends of the Sandhills State Veterans Cemetery" and stated the organization is working to raise funds for much needed renovations at the cemetery, and requested financial support from the City of Fayetteville for this worthy cause

Council Member Bill Crisp, 3804 Sandchase Drive, Fayetteville, NC, stated his support of the Sandhills Veterans Park Cemetery and issued a call to arms to all to work together to raise the necessary funding for the much needed improvements at the cemetery.

Mr. Bill Agapion, 625 S. Elm Street, Greensboro, NC, stated he owns the property located at 2869 Owen Drive that has been condemned by the City. Mr. Agapion requested that only certain portions of the building be torn down, not the whole building.

Ms. Melanie Keefe, P.O. BOX 1109, Fayetteville, NC, stated she owns Parker Pawn and rents a unit at the 2869 Owen Drive property. Ms. Keefe requested the demolition not occur until ten days after her business vacates the building on August 1, 2014.

Mr. Gerald Pone, 2885 Owen Drive, Fayetteville, NC, stated he works along with 17 other employees at Parker Pawn located at 2869 Owen Drive property. Mr. Pone implored the City Council to refrain from demolishing the property until after Parker Pawn business has relocated so as not to jeopardize the income of the employees.

**6.0 CONSENT**

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

**SECOND: Council Member Crisp**

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

**6.1 Ordinance of the City Council of the City of Fayetteville Amending Chapter 15, Licenses, Article I, in General, Section 15-16 of the Code of Ordinances of the City of Fayetteville, North Carolina (Solicitor's Permit)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 15, LICENSES, ARTICLE I, IN GENERAL, SECTION 15-**

**DRAFT**

**16 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2013-019**

**6.2 Budget Ordinance Amendment 2014-2 General Fund and Capital Project Ordinance Amendment 2014-20 for Murchison Road Redevelopment Area**

The budget ordinance amendment and capital project ordinance amendment will provide \$500,000 in additional funding for the acquisition of land in the Murchison Road Catalyst Site 1 as presented at the October 7, 2013, City Council Work Session.

**6.3 Award Contract for the Purchase of Four (4) Automated Side Loader Refuse Trucks**

Award contract for the purchase of four (4) Mack/Labrie automated side loader refuse trucks to Transource, Inc., Raleigh, NC, in the amount of \$938,432.00.

**6.4 Budget Ordinance Amendment 2014-3 - Carryover of Encumbered, Designated and Donated Funds from Fiscal Year 2013**

This budget ordinance amendment will appropriate \$1,599,240 across several annually budgeted funds for outstanding purchase orders and contracts and \$1,032,009 in the General Fund for unspent donations and specific items for which funding was designated (assigned) at the close of fiscal year 2012-2013. Funding for these expenditures was included or available in the fiscal year 2012-2013 budget and is being appropriated from fund balance or net assets in the various funds. The General Fund will transfer \$30,786 to the Transit Fund and \$2,181 to the Environmental Services Fund to fund carryover encumbrances and designations in those funds.

**6.5 Call for Special Meetings on Monday, November 18, 2013, @ 6 p.m. and 7 p.m., and cancel the Agenda Briefing Meeting scheduled for Wednesday, November 20, 2013**

**6.6 Capital Project Fund Ordinance 2014-13 (2013 Justice Assistance Grant)**

The FY2013-2014 Justice Assistance Grant (JAG), totaling \$151,376, was awarded to the Fayetteville Police Department and the Cumberland County Sheriff's Office. This capital project ordinance appropriates \$102,873, representing the City's share of those funds, for the JAG Program.

**6.7 Capital Project Ordinance Amendment 2014-21 (Freedom Memorial Park)**

Cumberland Community Foundation, through its Freedom Memorial Park Fund, has contributed an additional \$56,764 for further development of the Freedom Memorial Park. This amendment will appropriate those funds to construct five black granite, free standing wall panels at an estimated cost of \$52,436 and the remaining \$4,328 will be used as needed within the park.

**6.8 Capital Project Ordinance Amendment 2014-22 (FY12 Transit Capital Grant 514)**

Capital Project Ordinance Amendment 2014-22 will reduce the appropriation in state grant funds by \$31,570 and increase the local match from the General Fund by \$46,369 for the FY12 Transit Capital Grant 514.

**6.9 P13-30F. The initial zoning of property to SF-10 Single Family Residential zoning located on Burnside Place and being the property of SRW Builders Inc.**

**DRAFT**

- 6.10 P13-32F. The rezoning of property from HI - Heavy Industrial to CC - Community Commercial or to a more restrictive district, for property located at 3126 Gillespie Street and being the property of Freedom Christian Academy
- 6.11 P13-38F. The initial zoning of property to HI - Heavy Industrial or to a more restrictive district located at 327 Jenkins Street and being the property of Froehling & Robertson Inc.
- 6.12 Certification of Results from the Cumberland County Board of Elections for the October 8, 2013, Municipal Primary Election for Mayor, City Council Districts 3, 6, 8, and 9

The Municipal Election results for the Fayetteville City Council were as follows:

<b>Fayetteville Mayor</b>	<b>Votes</b>
Kirk DeViere	2,468
Charles Ragan	119
Nat Robertson	3,809
Paul Williams	517
Val Applewhite	5,416

<b>Fayetteville City Council District 3</b>	
Sister Audrey Ray	445
Al Woodall	174
Mitch Colvin	1,086

<b>Fayetteville City Council District 6</b>	
Mary Ferguson	198
Gary Blackwell	124
Bill Crisp	827

<b>Fayetteville City Council District 8</b>	
Jimmy Holland	81
Ted Mohn	474
Michael Pinkston	260

<b>Fayetteville City Council District 9</b>	
Ronnie Peel	45
Charlotte Robinson	287
Sylvia Adamczyk	202
Jim Arp	726

- 6.13 Engineering & Infrastructure - Adopt a Resolution Declaring Real Property Owned Jointly with Cumberland County Surplus and Authorizing a Quitclaim of the City's Title to the County in Order to Expedite Sale of the Land by Cumberland County

**RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2013-054**

- 6.14 Resolution to Set Public Hearing to Consider Closing an Unopened Portion of Wesley Avenue

**A RESOLUTION CALLING A PUBLIC HEARING REGARDING THE PROPOSED CLOSING OF AN UNOPENED PORTION OF WESLEY AVENUE. RESOLUTION NO. R2013-055**

- 6.15 Approve Meeting Minutes:

September 18, 2013, Agenda Briefing  
September 23, 2013, Discussion of Agenda Items  
September 23, 2013, Regular Meeting  
October 7, 2013, Work Session

**DRAFT**

**6.16 Bid Recommendation - Water and Wastewater Chemicals**

The City Council awarded bids for purchase of water/wastewater chemicals as follows:

1. Pencco, Inc., San Felipe, TX, low bidder in the amount of \$742,200.00 for purchase of approximately 6,000 tons of Ferric Sulfate Liquid.
2. JCI Jones Chemicals, Charlotte, NC, low bidder in the amount of \$525,600.00 for purchase of approximately 4,000 tons of 15% Sodium Hypochlorite.
3. Brenntag Mid-South, Inc., Durham, NC, low bidder in the amount of \$531,760.00 for purchase of approximately 2,300 tons of 50% Caustic Soda

**6.17 Award of Bid for Purchase of Two Electrical Bus Breakers and Twelve Electrical Feeder Breakers to be used at the Cape Fear and Carver Falls Substations to Siemens Industry, Inc., Wendell NC in the total amount of \$400,238.00.**

Bidders	Total Cost
Siemens Industry, Inc., Wendell, NC	\$400,238.00
ABB c/o Utility Service Agency, Wake Forest, NC	\$411,190.00

**6.18 Reimbursement Resolution for Vehicle and Equipment Financing**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA DECLARING THE INTENTION OF SAID CITY TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND TO BE MADE IN CONNECTION WITH THE PURCHASE OF VEHICLES AND EQUIPMENT FOR THE DEVELOPMENT SERVICES, ENGINEERING AND INFRASTRUCTURE, FIRE, POLICE AND PARKS, RECREATION AND MAINTENANCE DEPARTMENTS. RESOLUTION NO. R2013-056

**6.19 Request for Legal Representation of City Employees 6.20 Resolution/Budget Amendments Related to Annexation Phase V - Areas 16 through 17**

Authorize the City to provide legal representation for employees Steven Randall and James House.

**6.20 Resolution/Budget Amendments Related to Annexation Phase V - Areas 16 through 17**

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA ESTABLISHING AN ANNEXATION PHASE V - AREAS 16 THROUGH 17 CAPITAL PROJECT FUND. RESOLUTION NO. R2013-057

**6.21 Special Revenue Fund Project Ordinance Amendment 2014-3 (Appropriation of Federal Forfeiture and State Controlled Substance Tax Funds for Law Enforcement Purposes)**

This amendment will appropriate \$609,060 in controlled substance tax revenues, federal forfeiture funds and associated investment income to increase resources for law enforcement purposes.

**6.22 Resolutions Accepting State Revolving Loan Offer and Establishing a Capital Project Fund for the Sanitary Sewer Replacement Project on Person Street at the Lobster House**

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ESTABLISH A 2014 PERSON STREET SANITARY SEWER REPLACEMENT STATE REVOLVING LOAN CAPITAL PROJECT FUND. RESOLUTION NO. R2013-058

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**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ACCEPT  
A STATE LOAN OFFER UNDER THE NORTH CAROLINA WATER REVOLVING LOAN  
AND GRANT ACT OF 1987. RESOLUTION NO. R2013-059**

**6.23 Tax Refunds Greater Than \$100**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Fayetteville Gas Producers	2012	Corrected Assessment	\$147.82
WS CICC LLC Comfort Inn	2012	Corrected Assessment	\$9,397.58
			<u>Total \$9,545.40</u>

**7.0 PUBLIC HEARINGS**

**7.1 P13-29F. The issuing of a Special Use Permit to allow for a columbarium to be located at 906 McPherson Church Road and being the property of Village Baptist Church**

Mr. Craig Harmon, AICP, CZO, Planner II, presented this item with the aid of a PowerPoint presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land use and zonings, and 2010 Land Use Plan. Mr. Harmon stated this project will be located on the campus of Village Baptist Church, at 906 McPherson Church Road. The church wishes to build a columbarium with a memorial area. The proposed columbarium would be able to house a maximum of 170 cremations or niches. When complete, the columbarium will be barely visible from McPherson Church Road. This project should have very little to no impact on the surrounding single family neighborhoods. On September 10, 2013 the Zoning Commission held a public hearing regarding this case. The Commission voted 4-0 to recommend approval of this SUP application.

He advised the Zoning Commission and staff recommended approval based on (1) minimal impact to the surrounding residences (2) this project meets the City's requirements for a columbarium (3) minimal visual impact from to all surrounding properties (4) there are no conflicts with any adopted policies or plans (5) conditioned on the general location and features shown on the submitted site plan, and (6) meets all required standards.

He further advised that the Zoning Commission and staff recommended approval as presented by staff and based on the request being able to meet the following 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;

**DRAFT**

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

This is the advertised public hearing set for this date and time. The public hearing was opened. There being no one to speak, the public hearing was closed.

A brief discussion ensued.

**MOTION:** Council Member Hurst moved to approve the Special Use Permit as presented by staff upon a finding that all of the eight (8) standards are met.

**SECOND:** Mayor Pro Tem Arp

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

**7.2 Case # P13-33F. The rezoning of property from SF-10 - Single Family Residential to NC - Neighborhood Commercial District or to a more restrictive district located at the northwest corner of Stacy Weaver Drive and McArthur Road being the property McLean Development Corporation (Appeal of a Zoning Commission Denial)**

Mr. Craig Harmon, AICP, CZO, Planner II, presented this item with the aid of a PowerPoint presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land use and zonings, and 2010 Land Use Plan. Mr. Harmon stated this proposed rezoning is located at the intersection of Rosehill, Stacy Weaver and McArthur Roads. Within the past year the owners asked for and were granted a right of way abandonment for the unopened portion of Farmview Drive that bisected this property. Currently the north side of McArthur Road is all zoned for single family development. The south side of McArthur Road, however, has both a library branch and a shopping center. The shopping center consists of a grocery store and several out parcels (two of which are currently undeveloped). A portion of the property in question does extend into the single family neighborhood to the north as well. On September 10, 2013, the Zoning Commission held a public hearing regarding this case. The Commission voted 3-1 to deny this rezoning application. The Zoning Commission and staff recommend denial of the proposed rezoning based on: (1) the Land Use Plan calls for office and residential uses on this property (2) undeveloped commercially zoned property at this intersection, NS (3) the property extends into an existing single family neighborhood.

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

Mr. Harry Shaw, 1225 Haymount Court, Fayetteville, NC, appeared in favor of the rezoning.

Ms. Karen Allen, 4220 Sussex Drive, Fayetteville, NC, appeared in opposition to the rezoning.

Mr. Carter Broadhurst, 450 Grayton Place, Fayetteville, NC, appeared in opposition to the rezoning.

Mr. Harvey Hill Burns, 544 Waterberry Drive, Fayetteville, NC, appeared in opposition to the rezoning.

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

**MOTION:** Council Member Bates moved to approve the rezoning to O and I (Office and Institutional).

**SECOND:** Council Member Massey

**DRAFT**

**VOTE: PASSED by a vote of 8 in favor and 1 in opposition (Mayor Chavonne)**

**7.3 Public Hearing to Consider Request to Annex Property of Froehling & Robertson, Inc.**

Mr. David Nash, AICP, Senior Planner, presented this item and stated Froehling & Robertson, Inc., has submitted a petition requesting annexation of their property located at 327 East Jenkins Street. This property is not contiguous to the City. This property consists of 1.93 acres, more or less. Froehling & Robertson is involved in environmental testing; it has been operating for some time within the area requested for annexation. It is considered to be an industrial use. On October 8, 2013, the Zoning Commission held its public hearing on the initial zoning of this area.

This is the advertised public hearing set for this date and time. The public hearing was opened. There being no one to speak, the public hearing was closed.

**AN ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. Property of Froehling & Robertson, Inc. - 337 East Jenkins Street - Includes 1 Tax Parcel (0436-33-7403) ANNEXATION ORDINANCE NO. 2013-10-547**

**MOTION: Mayor Pro Tem Arp moved to adopt the proposed ordinance annexing the area effective October 28, 2013, and establish the initial zoning consistent with the prior annexation action on the zoning case.**

**SECOND: Council Member Hurst**

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

**7.4 Public Hearing to Consider Request to Annex Property of SRW Builders, Inc.-Part of Burnside Park**

Mr. David Nash, AICP, Senior Planner presented this item and stated SRW Builders, Inc., proposes to build a new residential area to be known as Burnside Park. Burnside Park will be built on the northern side of the Kings Grant neighborhood, between a street named Burnside Place on the south and the new I-295 Outer Loop on the north. Burnside Park will consist of 13 lots; 11 lots are proposed for single-family development, the entire development will have 11 housing units. The land to be developed as Burnside Park is only partially within the City. The developer has requested annexation of the part of Burnside Park that is not inside the City. The City staff assumes that 4 single-family housing units will be built on the land requested for annexation. According to calculations by City staff, the land requested for annexation consists of about 1.91 acres. On October 8, the Zoning Commission held its public hearing on the initial zoning of this area.

This is the advertised public hearing set for this date and time. The public hearing was opened. There being no one to speak, the public hearing was closed.

**AN ANNEXATION ORDINANCE TO EXEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. Property of SRW Builders, Inc. - Part of Burnside Park (Located on northern side of Burnside Place) Area Includes One Tax Parcel: PIN 0531-50-5381 ANNEXATION ORDINANCE NO. 2013-10-548**

**MOTION: Mayor Pro Tem Arp moved to adopt the proposed ordinance annexing the area effective October 28, 2013, and establish the initial zoning consistent with the prior action on the zoning case.**

**SECOND: Council Member Davy**

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

**7.5 Adopt a Resolution and Order Closing a Portion of Turnpike Road**

Ms. Kecia Parker, Real Estate Manager presented this item and stated a petition was received from a property owner adjoining an unopened portion of Turnpike Road requesting a portion of the street be permanently closed. NCGS§160A-299 gives authority and procedures for the City to close a city street or alley. The referenced street is currently not used as a public street or alley. There are utility easements in the portion requesting to be closed that will need to be reserved. Notice of Public Hearing has been published for four (4) consecutive weeks prior to this hearing. The Notice of Public Hearing has been posted on said property.

This is the advertised public hearing set for this date and time. The public hearing was opened. There being no one to speak, the public hearing was closed.

**A RESOLUTION AND ORDER CLOSING AN UNOPENED PORTION OF TURNPIKE ROAD. RESOLUTION NO. R2013-060**

**MOTION: Council Member Davy moved to pass the resolution and order closing a portion of Turnpike Road while reserving the utility rights.**

**SECOND: Mayor Pro Tem Arp**

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

**7.6 PWC - Phase 5 Annexation Public Hearing**

Mr. Mark Brown, PWC Senior Customer Programs Officer, presented this item and stated the City Council approved the Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Calling Public Hearing in their meeting on September 23, 2013. The Resolution set the date of the public hearing for Monday, October 28, 2013. The preliminary assessment notices were mailed to the property owners regarding the public hearing on October 1, 2013 and a notice was also published in the Fayetteville Observer on October 4, 2013. After the public hearing, the next step in the process is to approve the Resolution Confirming Assessment Roll and Levying Assessments. This item is currently scheduled for November 18, 2013. After the resolution is approved, the confirmed assessment roll will be delivered to the PWC tax collector who will mail the final assessment notices to the property owners on December 2, 2013, and publish a newspaper notice on December 9, 2013.

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

Ms. Helen Haynes, 6409 Rutherglen Drive, Fayetteville, NC, appeared in opposition.

Mr. Christopher Hogan, 6440 Rutherglen Drive, Fayetteville, NC, appeared in opposition.

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

**This was a public hearing only. No official action was taken.**

**7.7 Code Amendment to Chapter 30 for miscellaneous corrections and adjustments (set 9)**

This item was deferred until the January 13, 2014, City Council meeting.



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**7.8 Amend City Code Chapter 30 to incorporate definitions and standards to establish rules on when and where food trucks may operate within the City of Fayetteville as an accessory use in specified business districts.**

Mr. Will Deaton, Planner II, presented this item and stated the purpose is to establish rules on when and where food trucks may operate within the City of Fayetteville on commercially zoned property. Currently, the City of Fayetteville Zoning Ordinance does not address food trucks. They are used at various times throughout the year at special events and other locations. Having no ordinance and/or regulations in place does not serve the City of Fayetteville and does not reflect the growing trend of food trucks over typical brick and mortar restaurant establishments. These uses generally require significantly less initial startup costs for an individual or corporation and provide alternative food sources where restaurants are not traditionally located. With the booming popularity of food trucks selling creative, cutting-edge cuisines, as well as a sagging economy, interest in street selling is perhaps greater than ever. Food trucks will be allowed as an accessory use in most business districts to include the commercial, downtown and industrial districts. The proposed standards will be in place to address spacing from traditional brick-and-mortar restaurants as well as separation from driveways, sidewalks, building entrances and residential zoning districts. The number of food trucks permitted per site will be based on current site acreage. Sites that are less than a 1/2 acre will only be allowed 1 food truck, sites from a 1/2 acre to 1 acre will be allowed two (2) food trucks, and sites greater than an acre will be allowed a maximum of three (3) as long as all other criteria are met. At the Planning Commission meeting there were a total of two (2) speakers and both spoke in support of the text amendment. A unanimous vote of approval was taken to allow food trucks as an accessory use in accordance with the attached ordinance.

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

Ms. Sylvia Ray, 230 Hay Street (CEED), Fayetteville, NC, appeared in favor of the ordinance amendment.

Mr. Michael Williams, 3500 Murchison Road, Fayetteville, NC, appeared in favor of the ordinance amendment.

Mr. Eric Nelson, 3699 McQueen Court, Fayetteville, NC, appeared in favor of the ordinance amendment.

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO INCORPORATE DEFINITIONS AND STANDARDS TO ESTABLISH RULES ON WHEN AND WHERE FOOD TRUCKS MAY OPERATE WITHIN THE CITY OF FAYETTEVILLE AS AN ACCESSORY USE IN SPECIFIED BUSINESS DISTRICTS. ORDINANCE NO. S2013-020**

**MOTION:** Mayor Pro Tem Arp moved to adopt the ordinance amendment as presented, to allow food trucks to operate in the City of Fayetteville as an accessory use in specified business districts.

**SECOND:** Mayor Pro Tem Arp

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

**7.9 Amendment to City Code Chapter 30 to clarify clear-cutting standards and provide options for mitigation of related violations**

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Mr. Scott Shuford presented this item and stated a clear-cutting permit is required for the removal of existing trees from an undeveloped lot or site that has not yet received site plan, subdivision plan or building permit approval. Individual single family residential lots are exempt. There are two aspects of the existing standards being addressed: (1) mitigation for removal without a permit, and (2) increased flexibility in review and granting of permits.

The Existing Standards: 1) Current mitigation standards require inch-for-inch replacement for tree removals undertaken on parcels where a clear-cutting permit was required but not obtained. Such mitigation is unrealistic and unworkable. 2) Additionally, discussions with a developer's advisory committee have highlighted the desire for increased flexibility in the standards utilized for reviewing and granting clear-cutting permits. Currently, a thirty-foot buffer of existing trees is required to be maintained along all property lines and a fifty-foot buffer is required along all street frontages.

Proposed Standards: 1) Proposed mitigation standards require replacement derived from the total removal in caliper inches multiplied by twenty percent. Replanting or payment in lieu is required. Specimen trees and public trees are differentiated from other removals and incur a separate fee. 2) Proposed language related to the buffer requirement allows the required buffers to be eliminated if it is the intent of the applicant to submit development plans within a six month period. Should development plans not be submitted within the allotted period, the applicant is responsible for replanting of the buffers as identified in the text. The Planning Commission held a public hearing on this amendment on October 15, 2013. There were no speakers. The Commission recommended approval.

This is the advertised public hearing set for this date and time. The public hearing was opened. There being no one to speak, the public hearing was closed.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO CLARIFY AND PROVIDE OPTIONS FOR MITIGATION OF A VIOLATION OF THE TREE REMOVAL/CLEAR-CUTTING REGULATIONS. ORDINANCE NO. S2013-021**

**MOTION:** Council Member Bates moved to adopt the ordinance amendment as presented, to revise standards for review of clear-cutting permits and include realistic enforceable mitigation for violations.

**SECOND:** Council Member Fowler

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

**7.10 Amendment to City Code Chapter 30 to modify the requirements associated with mid-block connections and block lengths**

Mr. Scott Shuford presented this item and stated in developing the block length and midblock connector standards that are currently in the UDO, city staff and the consultants were guided by a philosophy of pedestrian connectivity. Shorter block lengths are more pedestrian friendly than longer block lengths and provide greater pedestrian interest. They also improve emergency access and efficient delivery of public services and, in providing more options, they help ease congestion. The previous code allowed up to 1800 feet. Comparisons were made with standards established in other communities and with best practices. The maximum length generally was 500 - 800 feet, although Wilmington allows 1000' with through, connecting streets. The maximum for more urban areas or traditional neighborhoods is 350-500 feet. At 800 feet, Durham requires a public alley or pedestrian "mall." The initial draft for the new code established a block length maximum of 800 feet average, with a midblock connector when longer than 700 feet, and under certain conditions a longer length (up to

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1,000 feet) could be approved. Through negotiation with the development community, a 1000 foot maximum block length was established with a mid-block connector required for anything over 800 feet, with similar administrative waiver options. This represented a compromise that appeared to be acceptable to all parties. The development community has become leery about using the mid-block connector option because of maintenance issues and impacts on the marketability of lots which adjoin the connectors. Consequently, they asked for the block length and mid-block connector issue to be reconsidered. Discussions between staff and the development community revolved around providing block length flexibility while preserving the goal of enhanced pedestrian connectivity. Ultimately, another compromise was reached, whereby individual blocks could be as long as 1200 feet, but the average block length would not exceed 800 feet; mid-block connectors continue to be required when a block exceeds 800 feet but would not be required when all lots are within 1,500 feet of common open space (thereby maintaining reasonable pedestrian interest).

This is the advertised public hearing set for this date and time. The public hearing was opened. There being no one to speak, the public hearing was closed.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO MODIFY THE REQUIREMENTS OF CHAPTER 30-5.F ASSOCIATED WITH MIDBLOCK CONNECTION AND BLOCK LENGTHS. ORDINANCE NO. S2013-022**

**MOTION:** Council Member Bates moved to adopt the ordinance amendment as presented to allow a maximum block length of 1200 feet under specified conditions.  
**SECOND:** Council Member Fowler  
**VOTE:** Unanimous (9-0)

**7.11 Amendment to City Code Chapter 30 to modify zero lot line standards and allow it in additional zoning districts**

This item was deferred until the November 18, 2013, Special City Council meeting agenda.

**7.12 Amendment to City Code Chapter 30 to clarify "redevelopment" and make minor adjustments to open space standards**

Mr. Scott Shuford presented this item and stated the revised standards adopted in July 2013 for parkland, open space and tree save areas are, collectively, significant reductions from the previous standards calculated separately for those three elements. That amendment included changes expanding the features that can be used to meet the requirements. These changes were considered necessary because, combined with other infrastructure such as stormwater and streets, a significant amount of developable area was lost. Since some usable open space is an important component of residential environments, the new standards clearly indicated that a minimum of 10% for sites greater than one (1) acre and up to five (5) acres had to be provided on site for residential development. However, it did not make it clear how residential development fit relative to "redevelopment." Another aspect of this amendment is some concern that for some small residential sites, there still could be problems providing the mandatory 10% on site. Infill sites are often challenging in their configuration or constraints on site. Staff therefore proposes an additional change to allow consideration of a reduction or elimination of the on-site open space through a hearing process (special use permit). The mandatory 10% on site was acceptable to the development committee; staff has recommended this additional flexibility but only through a process that emphasizes the importance of open space/recreational facilities as part of residential development. The public hearing for this amendment was continued from the September 2013 Planning Commission meeting to allow further

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discussion about a very different aspect of these standards -- the portions of footnotes 4 and 5 that refer to a penalty (or, more accurately, a 'surcharge') for sites that have been cleared prior to submittal of development plans. The intent was to discourage speculative clear cutting, even with a clear-cutting permit, because of the high public value of keeping tree cover and undisturbed land areas as long as possible to help with reducing heat island effects, improving water and air quality, and providing habitat. The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the staff report, along with analysis of how the proposed changes relate to the evaluation standards. At its meeting on October 15, 2013, the Planning Commission recommended approval of the amendment. There were no speakers for or against the proposed amendment.

This is the advertised public hearing set for this date and time. The public hearing was opened. There being no one to speak, the public hearing was closed.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE FOR CORRECTIONS AND MINOR ADJUSTMENT AFFECTING OPEN SPACE STANDARDS (CLARIFYING 'REDEVELOPMENT'). ORDINANCE NO. S2013-023**

**MOTION:** Council Member Crisp moved to adopt the ordinance amendment as presented, clarifying and modifying the open space standards.

**SECOND:** Council Member Massey

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

**8.0 OTHER ITEMS OF BUSINESS**

**8.1 Annual Sustainability Report**

Mr. Jerry Dietzen, Environmental Services Director, presented this item with the aid of a PowerPoint presentation and stated on October 12, 2009 City Council adopted the City of Fayetteville Sustainability Master Plan. The plan was funded by the US Department of Energy through the Energy and Conservation Block Grant. The plan addresses the broad definition of sustainability that incorporates the environment, social equity, and the economy. Long term sustainability depends on a careful balance of economic, social, and environmental goals and objectives. Local stakeholders developed the definition of sustainability unique to Fayetteville's cultural and regional characteristics. The agreed upon definition is "Living today in a way that permits future generations to live the same way or better." The plan focuses on four areas: Environment and Natural Resources, Planning, Community and City Agencies.

The plan was developed using seven (7) guiding-principals:

1. Promote national energy independence
2. Increase competitiveness and produce economic benefits
3. Promote regional cooperation
4. Preserve neighborhoods and maintain housing affordability
5. Develop healthier communities and social equity
6. Lead by example
7. Utilize performance metrics and ensure accountability

The overall goal of the plan is to create a culture of sustainability in all that the City does. In doing so, the City can improve the quality of life for its citizens by providing cleaner air, conserving our natural resources and improving the local economy. In an environmentally responsible way. Projects and work included in the sustainability annual report align with the four areas of focus, the seven guiding-principals and the local definition of sustainability.

**MOTION:** Council Member Massey moved to accept the report.

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**SECOND: Council Member Hurst**  
**VOTE: UNANIMOUS (9-0)**

**8.2 National League of Cities Conference Voting Delegates**

**MOTION: Council Member Fowler moved to delegate Council Member Davy.**  
**SECOND: Council Member Massey**  
**VOTE: UNANIMOUS (9-0).**

**8.3 Rental Action Management Program Ordinance Adjustment**

Mr. Scott Shuford, Development Services Director, presented this item and stated the Fayetteville Code of Ordinances Section 14-64 defines the owner of residential rental property as the person, persons or legal entity that holds legal title to a residential rental property. Section 14-65 provides that each owner of residential rental property that has been found with three (3) or more verified violations (solid waste, junk, nuisance, or abandoned vehicles, or sub-standard building) in the previous twelve (12) month period, whether those violations have been resolved by corrective action or not, shall register that property with the development services official. By the established definition of an owner, the only person or entity that has title of the property can be compelled to register residential rental property. Section 14-66 provides that each owner of residential rental property that has been found with four or more verified violations in the previous 12-month period, whether those violations have been resolved by corrective action or not, shall he rental registration for that property revoked by the development services official. Section does not provide for a specific time for the registration period, however, Section 14-68 provides for that revocation of rental registration shall remain in place for a period on one (1) year. Due to the code definition of an owner, residential rental properties with deceased owners that have heirs and others without title to the property that are exercising ownership control of the property would not be required to register for excessive verified code violations. Staff has already encountered this situation and feels that there will be more in the near future. With no time duration on registration, a subject property with three verified violations within the last 12 months could only have two or less within a short period of time (depending on when the first and subsequent verified violations occurred) and could have several more while being registered and technically not be subject to registration revocation. The proposed code revisions would add property owner heirs, persons, or other legal entity that are exercising ownership control of a residential rental property to the definition of an owner, and would set a one (1) year period for registration, consistent with the one (1) revocation period set forth in Section 14-68. If there are one or more verified code violations within that registration period, the registration would be subject to revocation.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF ARTICLE V, RENTAL ACTION MANAGEMENT PROGRAM, UNDER CHAPTER 14, HOUSING, DWELLINGS, AND BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2013-024**

**MOTION: Mayor Pro Tem Arp moved to adopt the ordinance amendment to various sections of Article V, Rental Action Management Program.**  
**SECOND: Council Member Davy**  
**VOTE: UNANIMOUS (9-0)**

**8.4 Revenue and Expenditure Report for Annual Funds for the Three-Month Period Ended September 30, 2013**

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Ms. Lisa Smith, Chief Financial Officer, presented this item and stated the report consists of two main sections: revenues by major category by fund, and expenditures by department and fund. The report provides revenue and expenditure data for the current fiscal year (column "Actuals thru September 2013") with comparison data for the same period of the prior fiscal year (column "Actuals thru September 2012"). The current year annual budget is also provided in the column labeled "Annual Budget as of September 2013". Positive or negative changes between the "Actuals thru September 2013" column and the "Actuals thru September 2012" column are also provided as percentages in the "% Change Actuals" column. Sales tax distributions are received approximately 75 days after the period in which they apply. The report includes sales tax revenues for July 2013 for the current fiscal year, and for July 2012 for comparative purposes for the prior fiscal year. The quarterly utility taxes are received from the State approximately 75 days after the period to which they apply; therefore, no utility tax revenues are included in this report for the current or prior fiscal year. Utility tax data for the period ended September 2013 will be released in mid-December 2013.

**This item was for informational purposes only and no action was taken.**

**8.5 Uninhabitable Structures Demolition Recommendations**

**228 S. C Street  
216 Hedgepeth Street  
1040 Kingsley Road  
2008 Overlook Drive  
2869 Owen Drive**

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

**228 S. C Street**

Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a blighted structure on June 6, 2012. A hearing on the condition of the structure was conducted on June 27, 2012, which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner June 28, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since October 2010. In the past 24 months, there have been 15 calls for 911 service to the property. There have been 11 code violations cases with a pending assessment of \$153.94. The low bid for demolition is \$1,900.00.

**216 Hedgepeth Street**

Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a blighted structure on April 25, 2013. A hearing on the condition of the structure was conducted on May 15, 2013, which one of the property owners appeared. A notice of the hearing was published in the Fayetteville Observer. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owners on May 16, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since December 2008. In the past 24 months, there have been 20 calls for 911 service to the property. There have been 11 code violation cases with no pending assessments. The low bid for demolition is \$2,500.00.

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**1040 Kingsley Road**

Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a blighted structure on May 30, 2013. A hearing on the condition of the structure was conducted on June 12, 2013, which the owner did not appear. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on June 13, 2013. To date there have been no repairs to the structure. The utilities to the structure are still connected. In the past 24 months, there has been (one) 1 call for 911 service to the property. There have been five (5) code violation cases with a pending assessment of \$405.82. The low bid for demolition is \$2,500.00.

**2008 Overlook Drive**

Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a blighted structure on June 5, 2013. A hearing on the condition of the structure was conducted on June 19, 2013, which the owner did not appear. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on June 20, 2013. 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 no calls for 911 service to the property. There have been two code violation cases with a pending assessment of \$220.12. The low bid for demolition is \$1,680.00.

**2869 Owen Drive**

Mr. Shuford stated the structure is a commercial structure with seven tenant spaces. The structure was inspected and condemned as a dangerous structure on May 14, 2013. A hearing on the condition of the structure was conducted on May 29, 2013, which the owner did not attend. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on May 30, 2013. The owner appealed the Hearing Order to the Board of Appeals for Dwellings and Buildings; the subsequent hearing was conducted on July 25, 2013, in which the Board of Appeals voted to affirm the Hearing Order to repair or demolish the structure within 60 days. To date there have been no repairs to the structure. The utilities are disconnected to six of the seven tenant spaces. In the past 24 months, there have been 1,156 calls for 911 service to the property. There have been 41 code violation cases with a pending assessment of \$11, 403.76. The cost of the demolition and any asbestos abatement will be determined through a formal bidding process.

**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 (S C. Street, PIN 0437-91-0440). ORDINANCE NO. NS2013-036.**

**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 (216 Hedgepeth Street, PIN 0436-39-9405). ORDINANCE NO. NS2013-037.**

**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 (1040 Kingsley Road, PIN 0407-23-5880). ORDINANCE NO. NS2013-038.**

**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**

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DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (2008 Overlook Drive, PIN 0438-45-8403). ORDINANCE NO. NS2013-039.

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 (2869 Owen Drive, PIN 0426-92-4153). ORDINANCE NO. NS2013-40.

8.6 Parks and Recreation - Outdoor Adoption Program/Gateways

This item was deferred until the November 18, 2013, meeting.

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly Statement of Taxes for September 2013

Monthly Statement of Taxes for September 2013

2013 Taxes.....	\$2,882,504.53
2013 Vehicle.....	370,482.77
2013 Taxes Revit.....	10,939.64
2013 Vehicle Revit.....	406.31
2013 FVT.....	41,630.61
2013 FTT.....	41,630.62
2013 Storm Water.....	129,140.27
2013 Fay Storm Water.....	258,280.29
2013 Fay Solid Waste Fee.....	122,203.75
2013 Annex.....	0.00
2012 Taxes.....	40,249.12
2012 Vehicle.....	70,045.34
2012 Taxes Revit.....	1.23
2012 Vehicle Revit.....	0.33
2012 FVT.....	9,231.37
2012 FTT.....	9,231.41
2012 Storm Water.....	1,341.31
2012 Fay Storm Water.....	2,682.62
2012 Fay Recycle Fee.....	3,026.05
2012 Annex.....	0.00
2011 Taxes.....	5,641.32
2011 Vehicle.....	3,016.71
2011 Taxes Revit.....	0.00
2011 Vehicle Revit.....	0.00
2011 FVT.....	732.37
2011 FTT.....	732.38
2011 Storm Water.....	253.22
2011 Fay Storm Water.....	506.44
2011 Fay Recycle Fee.....	497.87
2011 Annex.....	0.00
2010 Taxes.....	1,076.21
2010 Vehicle.....	879.93
2010 Taxes Revit.....	0.00
2010 Vehicle Revit.....	0.00
2010 FVT.....	208.18
2010 FTT.....	208.18
2010 Storm Water.....	12.00
2010 Fay Storm Water.....	24.00
2010 Fay Recycle.....	38.00
2010 Annex.....	0.00
2009 and Prior Taxes.....	306.05
2009 and Prior Vehicle.....	2,247.34
2009 and Prior Taxes Revit.....	0.00
2009 and Prior Vehicle Revit.....	0.00



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2009 and Prior FVT.....	496.74
2009 and Prior FTT.....	188.73
2009 and Prior Storm Water.....	5.91
2009 and Prior Fay Storm Water.....	0.00
2009 and Prior Fay Recycle Fee.....	0.00
2009 and Prior Annex.....	82.91
Interest.....	16,879.55
Revit Interest.....	9.15
Storm Water Interest.....	164.33
Fay Storm Water Interest.....	319.04
Annex Interest.....	24.76
Fay Recycle Interest.....	341.13
Fay Transit Interest.....	1,403.66
Total Tax and Interest.....	\$4,029,323.68

**9.2 Tax Refunds of Less Than \$100**

<u>Name</u>	King, Bryan J. Jr.
<u>Year</u>	2011
<u>Basis</u>	Corrected Assessment
<u>City Refund</u>	\$9.55

**10.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:38 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

102813



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-299

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Public Hearing

Agenda Number: 8.01

### CITY COUNCIL ACTION MEMO

**TO: Mayor and Members of City Council**

**FROM: Craig M. Harmon, AICP, CZO - Senior Planner**

**DATE: December 9, 2013**

**RE: Case # P13-41F. The issuing of a Special Use Permit for retail larger than 2,500 square feet on property zoned NC - Neighborhood Commercial.**

**Relationship To Strategic Plan:**

Growth and development

**Background:**

Applicant: Harold Kidd

Requested Action: SUP for retail larger than 2,500 square feet on property zoned NC

Property Address: NW Quad Intersection of Cliffdale & Hoke Loop

Council District: 7

Status of Property: Undeveloped

Size: 3.38 total acres +/-

Adjoining Land Use & Zoning:

North - SF-15 - Power Station & MR-5 - Undeveloped

South - NC - Undeveloped & AR Residential

West - NC - Undeveloped & SF-15 Single Family Residential

East - AR Residential

Letters Mailed: 60

Land Use Plan: Low Density Residential

**Issues:**

This property is located at the intersection of Cliffdale and Hoke Loop Roads (to the north of Hoke Loop and to the west of Cliffdale). Currently this property is split zoned NC - Neighborhood Commercial and MR-5 - Mixed Residential. The applicant is requesting a Special Use Permit to build a retail establishment (Family Dollar) that will be more than 2,500 square feet. This request is conditioned on the attached site plan and TRC approval.

On November 12th the Zoning Commission held a public hearing on this case. There were five speakers in favor and none in opposition of this case. The Zoning Commission voted 5-0 to recommend approval.

The Zoning Commission and City staff recommends Approval of the proposed SUP based on:

1. This property is already zoned for commercial use.
2. There are commercially zoned properties adjacent to this lot.
3. The SUP is conditioned on the attached site plan and TRC approval.

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; *This use exceeds the permitted, by right, building size of 2,500 sq/ft or less. As shown on the attached site plan, this project does meet the standards required by the city.*
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; *This SUP is compatible with the surrounding zoning at this intersection.*
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; *This use will provide sufficient buffers as seen on the attached site plan.*
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; *As long as screening is provided per the conditions of approval listed above.*
- (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; *Yes, see attached site plan.*
- (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 *As long as screening is provided per the conditions of approval listed above.*
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

**Budget Impact:**

This action would result in an increase in City services that will be offset by the revenue the City will collect in property taxes.

**Options:**

- 1) Approval of the SUP (Recommended).
- 2) Approval of the SUP with additional conditions.
- 3) Denial of the SUP.

**Recommended Action:**

**The Zoning Commission and Staff Recommend:** That the City Council move to APPROVE the SUP as presented by staff, with the attached conditions and 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

**ZONING COMMISSION**  
**CASE NO. P13-41F**



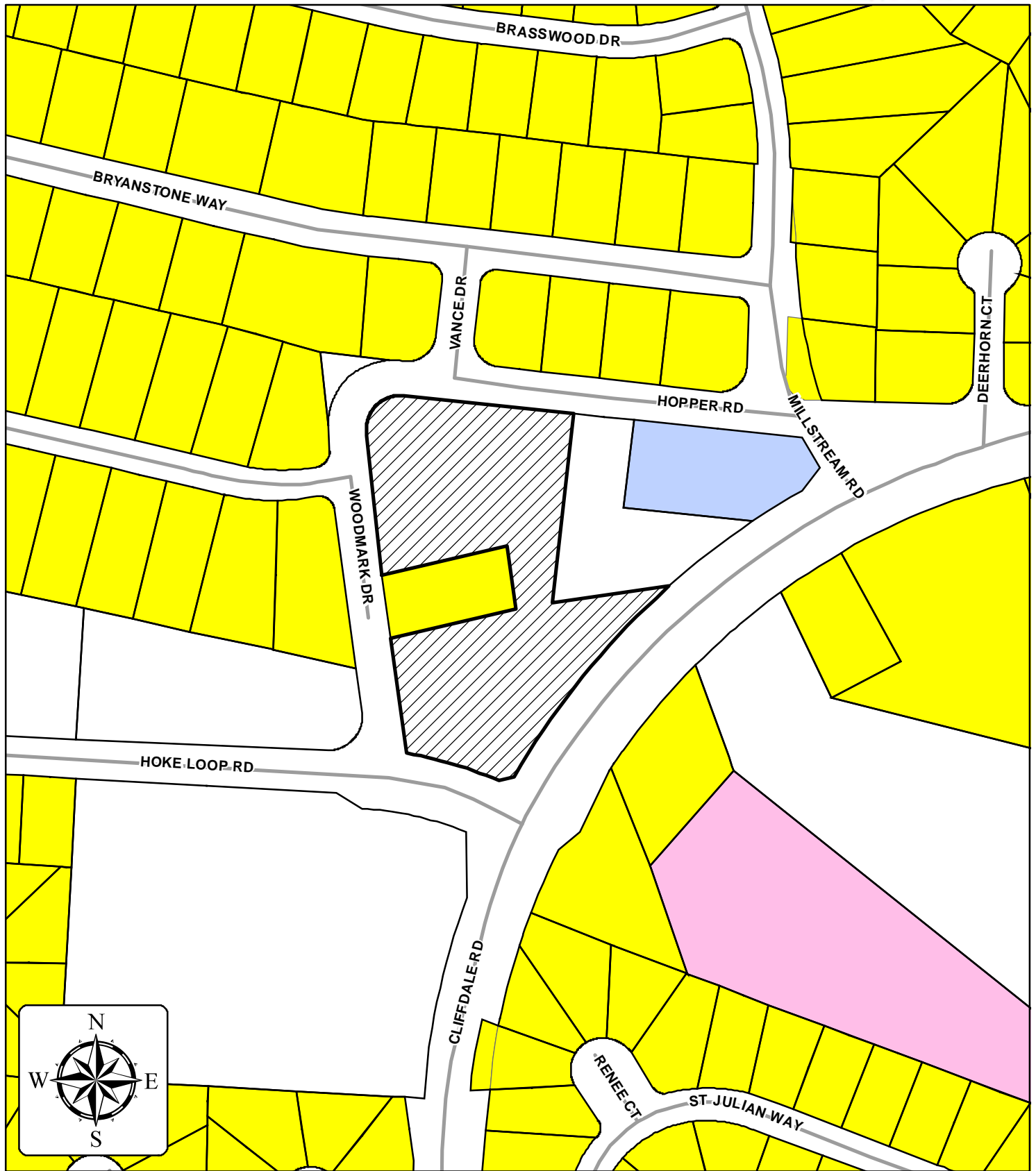
**Request: SUP NC Retail**  
**Location: Intersection Cliffdale & Hoke Loop**

**Zoning Commission: 11/12/2013**    **Recommendation: \_\_\_\_\_**  
**City Council: \_\_\_\_\_**            **Final Action: \_\_\_\_\_**

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

# Current Land Use

P13-41F

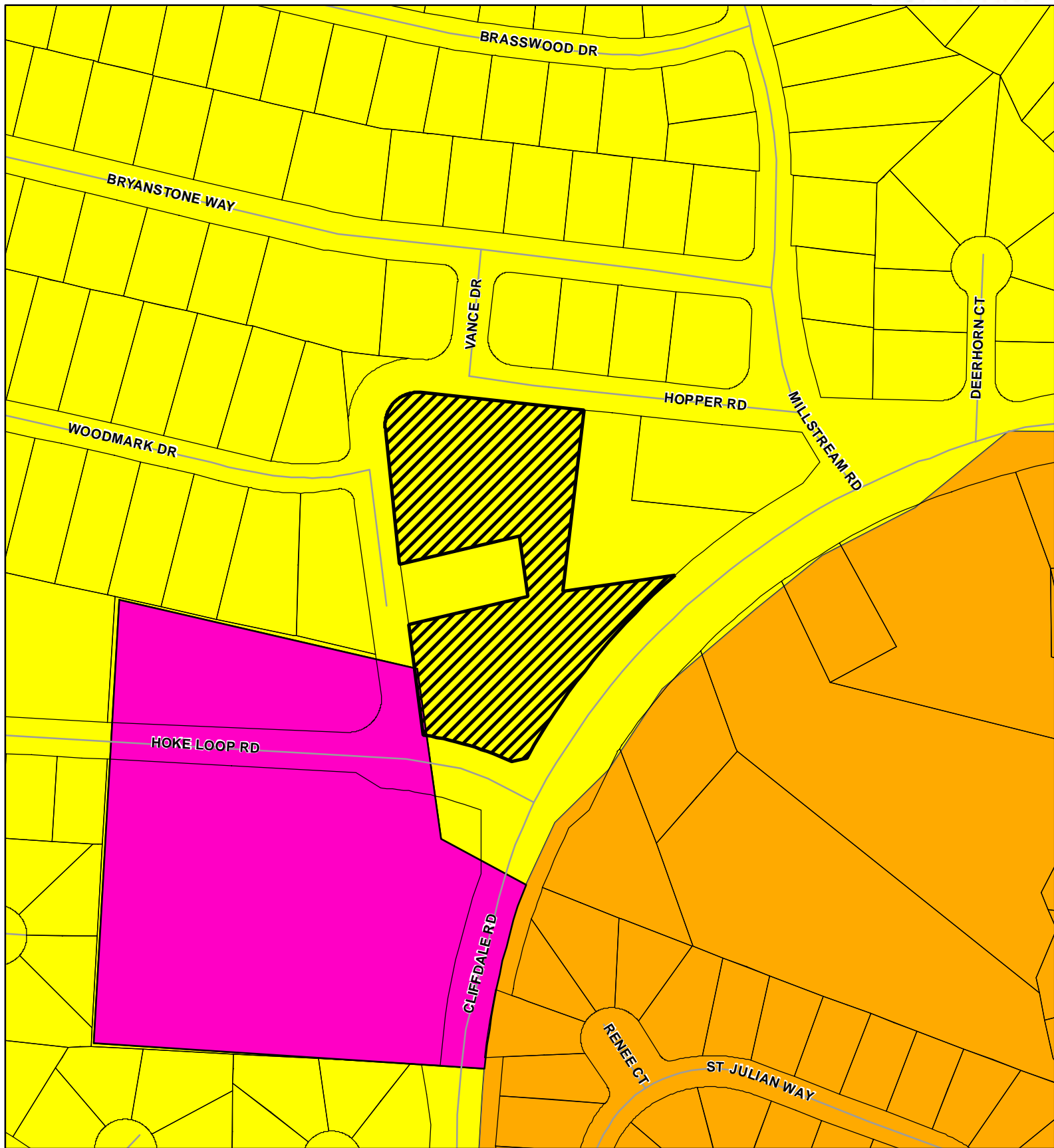


Legend

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

# Land Use Plan

## Case No. P13-41F



### Legend

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









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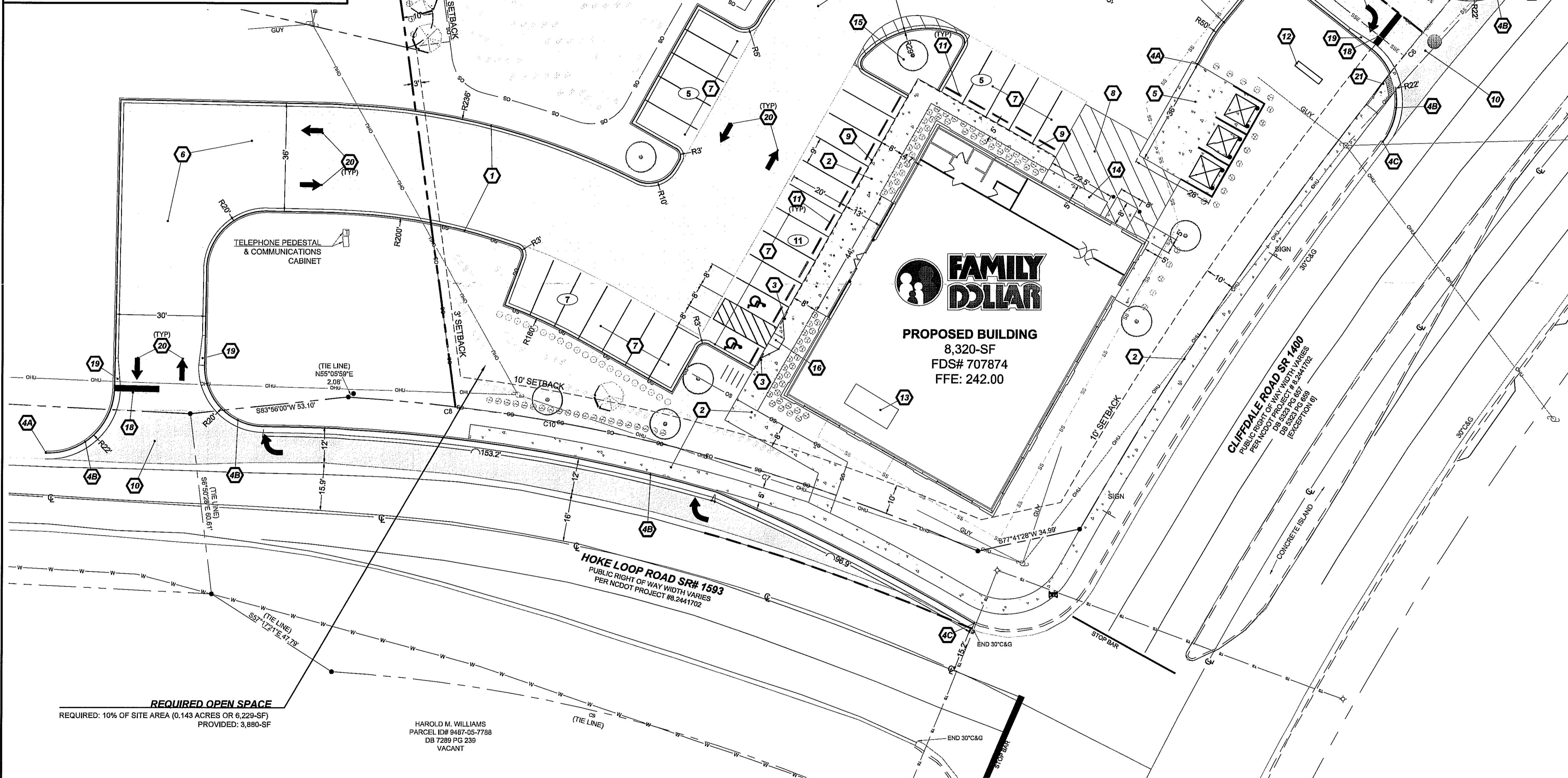
ONE WAY



- SITE KEYS**
- 1 NEW 1'-6" CONCRETE CURB AND GUTTER. SEE DETAIL ON SHEET **CB.1**.
  - 2 NEW CONCRETE SIDEWALK. SEE GENERAL NOTES AND DETAIL ON SHEET **CB.1**.
  - 3 NEW ACCESSIBLE PARKING SIGNAGE. SEE DETAIL ON SHEET **CB.1**.
  - 4A FEATHER CURB AT TERMINATION POINTS. SEE DETAIL ON SHEET **CB.1**.
  - 4B NEW 2'-6" CONCRETE CURB AND GUTTER. SEE DETAIL ON SHEET **CB.1**.
  - 4C TIE TO EXISTING 2'-6" CURB AND GUTTER.
  - 5 NEW DUMPSTER PAD & ENCLOSURE. CONCRETE DUMPSTER PAD & APPROACH APRON SHALL BE 7" THICK, 4,000 P.S.I. CONCRETE OVER 4" ABC OVER COMPACTED SUBGRADE. DUMPSTERS SHALL BE SCREENED ON 3 SIDES. SCREENING TO BE 6" OPAQUE WOODEN FENCE. PROVIDE TWO PIPE GUARDS PER DUMPSTER. SEE DETAIL ON SHEET **CB.2**.
  - 6 NEW HEAVY DUTY ASPHALT PAVEMENT. SEE GENERAL NOTES ON SHEET THIS SHEET.
  - 7 NEW NORMAL DUTY ASPHALT PAVEMENT. SEE GENERAL NOTES ON SHEET THIS SHEET.
  - 8 NEW LOADING SPACE PER ZONING AND TENANT REQUIREMENTS
  - 9 6" DROP CURB. SEE DETAIL ON SHEET **CB.1**.
  - 10 NEW DRIVEWAY. DRIVEWAY TO BE TO NCDOT STANDARDS. SEE DETAIL 048.02 ON SHEET **CB.2**.
  - 11 NEW CONCRETE WHEEL STOPS. ALL WHEEL STOPS TO BE DOWELED TO PAVEMENT AND LOCATED 2' FROM FACE OF OBSTRUCTION, EDGE OF PAVEMENT AND FACE OF CURB. PAINT WHEEL STOPS SAFETY YELLOW.
  - 12 APPROXIMATE LOCATION OF NEW FAMILY DOLLAR PROTOTYPICAL MONUMENT SIGN "T". MAX HEIGHT OF 6'.
  - 13 COOLER CONDENSER PAD (ROOF MOUNTED)
  - 14 CONCRETE PAD FOR HVAC UNIT (SPLIT UNIT)
  - 15 GRASSED ISLAND
  - 16 NEW ACCESSIBLE RAMP/DEPRESSED CURB, IN ACCORDANCE WITH N.C. ACCESSIBILITY CODE, ADA & CITY OF RAYFORD REQUIREMENTS. SEE DETAIL ON SHEET **CB.1**.
  - 17 NEW STOP SIGN. (MUTCD R1-1, 30" X 30")
  - 18 NEW STOP BAR. SEE DETAIL ON SHEET **CB.2**.
  - 19 TRANSITION FROM 2'-6" CURB AND GUTTER TO 1'-6" CURB AND GUTTER.
  - 20 PAINTED DIRECTIONAL ARROWS. SEE DETAIL ON SHEET **CB.2**.
  - 21 DIRECTIONAL ACCESSIBLE RAMP. SEE DETAIL ON SHEET **CB.2**.

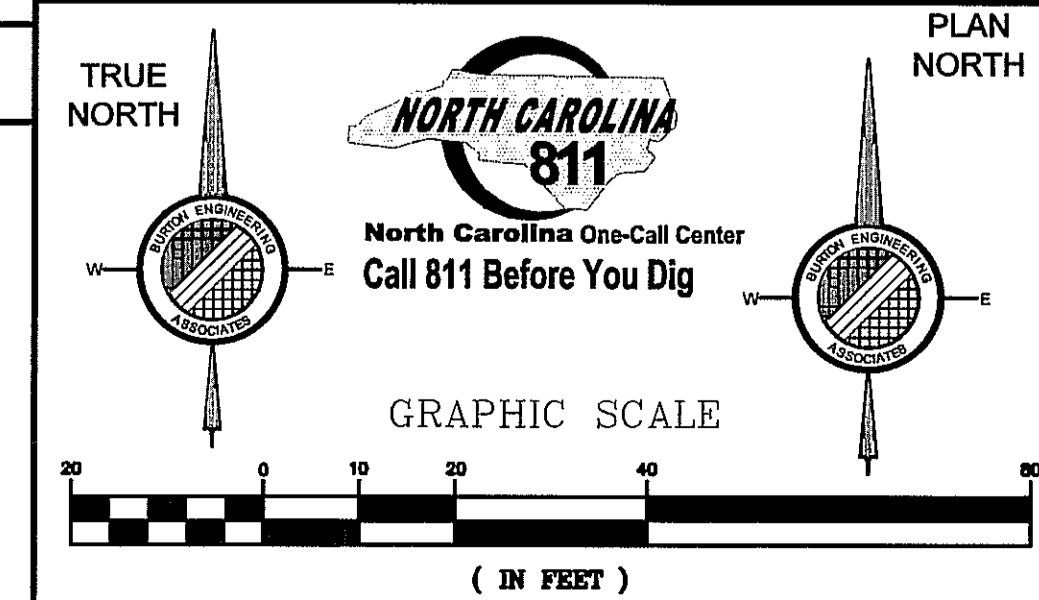
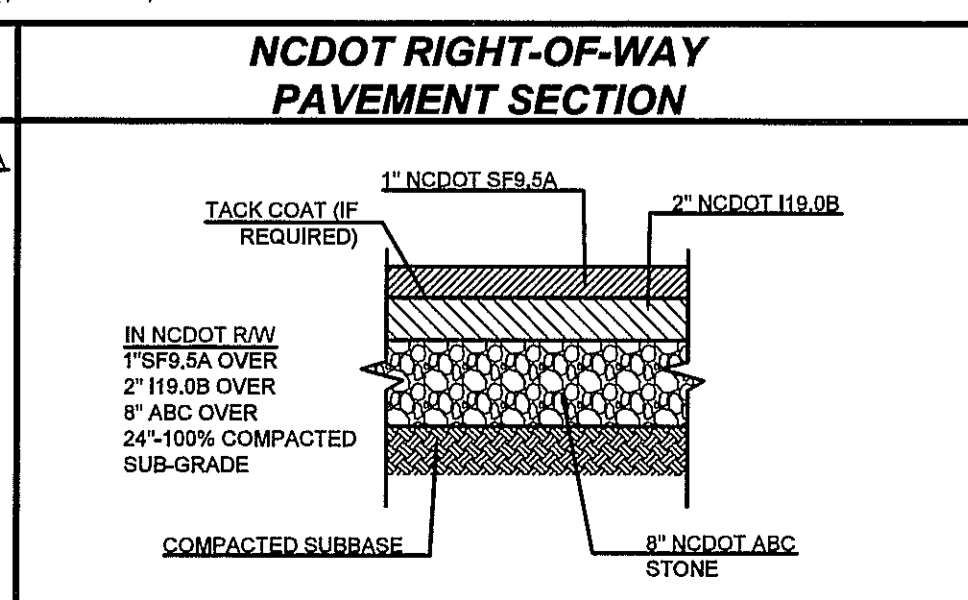
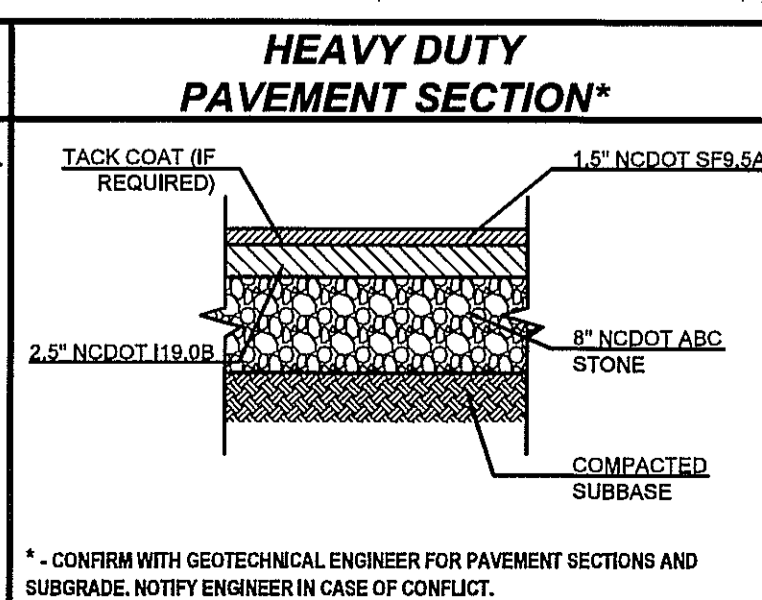
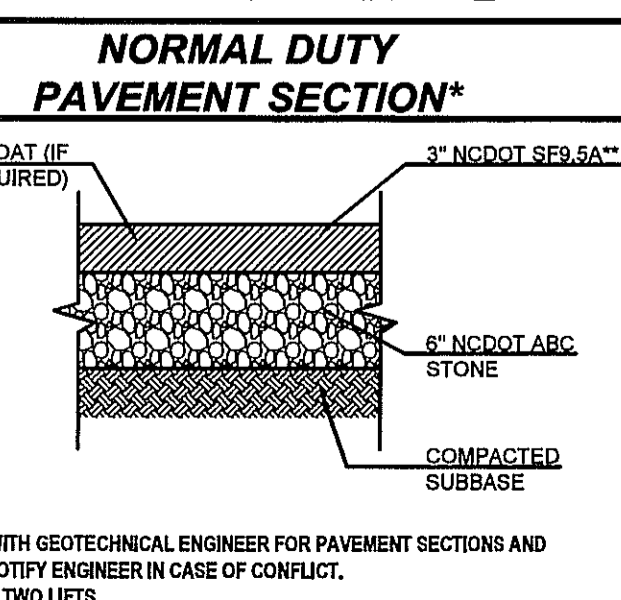
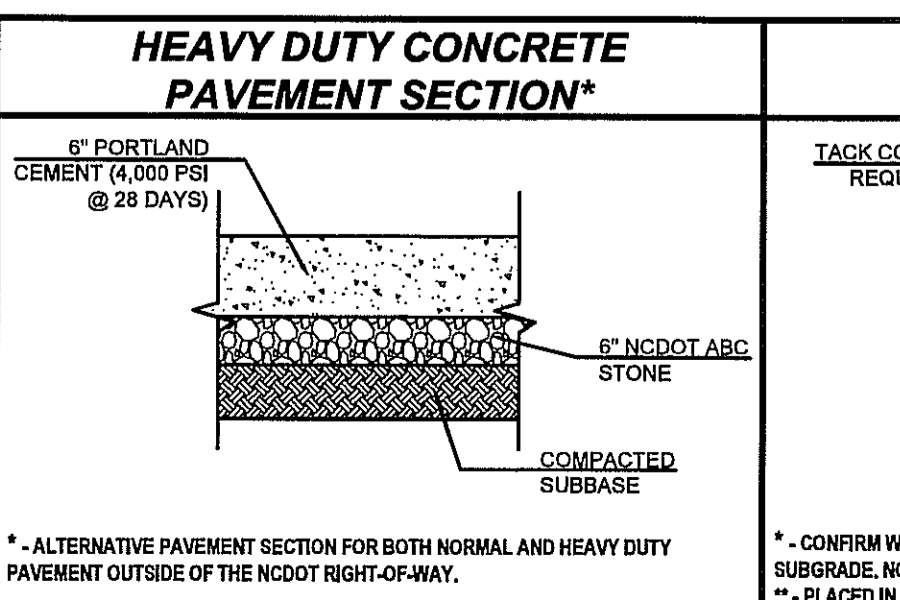
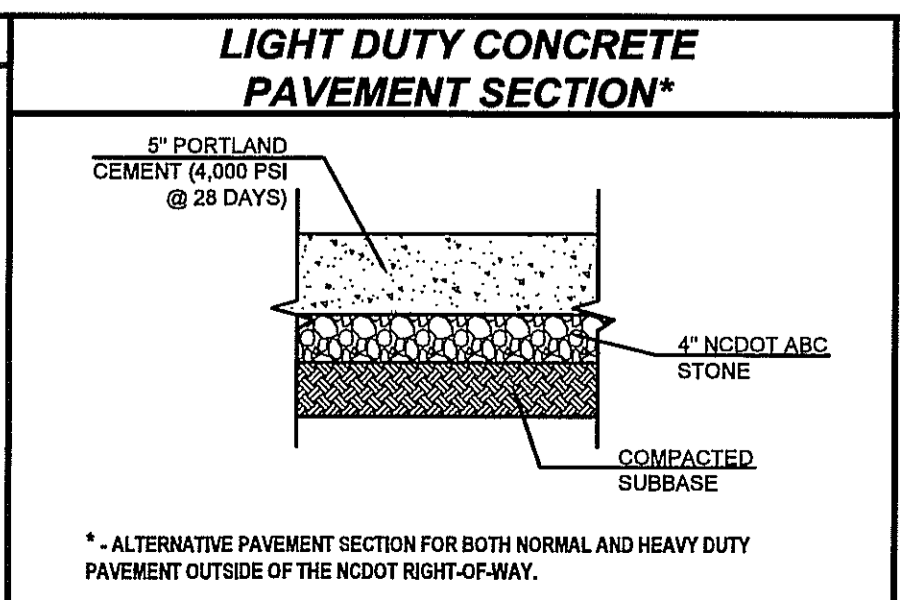
- GENERAL NOTES**
- PAVING SPECIFICATIONS: (VERIFY W/ GEOTECHNICAL ENGINEER)
- | NORMAL DUTY                 | HEAVY DUTY                  |
|-----------------------------|-----------------------------|
| 1" SF9.5A OVER              | 1" SF9.5A OVER              |
| 2" 11.8.0B OVER             | 2" 11.8.0B OVER             |
| 6" CABC OVER                | 8" CABC OVER                |
| 18"-100% COMPACTED SUBGRADE | 24"-100% COMPACTED SUBGRADE |
1. ALL CONCRETE SIDEWALKS SHALL BE FULL 4" THICK 4000 PSI CONCRETE W/1" DEEP GROOVE CONTROL JOINTS AT INTERVALS INDICATED ON SITE PLAN. PROVIDE EXPANSION JOINTS ADJACENT TO ALL ROAD STRUCTURES. EXPANSION JOINT SPACINGS SHALL NOT EXCEED 30'.
  2. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
  3. SEE ARCHITECTURAL PLAN FOR EXACT LOCATION & SIZE OF WATER, SEWER CONNECTIONS & ROOF DOWNSPOUTS.
  4. SEE ARCHITECTURAL PLAN FOR BUILDING DIMENSIONS, FEATURES, STAIRS & HANDRAILS, ETC.
  5. DRIVEWAYS SHALL BE CONSTRUCTED TO STATE & LOCAL CODES.
  6. **ACCESSIBLE PARKING:**
    - a. AN ACCESSIBLE PARKING SPACE SHALL HAVE NO GREATER SLOPE THAN 1/4" PER FOOT ACROSS THE SPACE.
    - b. HANDRAILS ARE TO BE PROVIDED ON ACCESSIBLE RAMPS WITH A DROP OF 2" OR MORE.
    - c. MAX. SLOPE FOR AN ACCESSIBLE ROUTE (SIDEWALK) SHALL BE 5.0% (1:20).
    - d. ALL ACCESSIBLE PARKING SPACES SHALL DISPLAY APPROVED RESERVED PARKING SPACE SIGNS AS PRESCRIBED BY THE N.C.D.O.T. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES & APPROVED FOR USE UNDER N.C. GENERAL STATUTE R7-6, R7-6D "PENALTY" SIGN & HERE APPLICABLE. "VAN ACCESSIBLE" SIGN.
  7. THE CONTRACTOR SHALL VISIT THE SITE & FAMILIARIZE HIMSELF WITH THE EXISTING CONDITIONS BEFORE SUBMITTING HIS BID.
  8. ALL DISTANCES & DATA SHALL BE CHECKED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION. IN CASE OF CONFLICT, THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY SO THAT CLARIFICATIONS MAY BE MADE PRIOR TO THE START OF WORK.
  9. THE PROPOSED GRADES AS SHOWN IN THESE PLANS ARE THE FINISHED GRADES UNLESS OTHERWISE NOTED.
  10. THE CONTRACTOR SHALL SUPPLY & ESTABLISH SURVEY CONTROL, INCLUDING THE HORIZONTAL & VERTICAL CONTROL POINTS. THE CONTRACTOR SHALL MAINTAIN THIS CONTROL & PROVIDE ALL BENCHMARKS, STAKES, GRADES, LEVELS, & LINES NECESSARY FOR CONSTRUCTION. CONTRACTOR SHALL PROVIDE ADEQUATE SUPERVISION TO PREVENT DAMAGE & MOVEMENT FROM EQUIPMENT WORKING AROUND CONSTRUCTION STAKES. THESE CONSTRUCTION STAKES SHALL REMAIN IN PLACE & BE PROTECTED UNTIL OWNER APPROVES THEIR REMOVAL. ANY STAKES THAT HAVE BEEN DISPLACED AS A RESULT OF CONSTRUCTION ACTIVITY ARE TO BE REPLACED BY A LICENSED LAND SURVEYOR ENGAGED BY THE CONTRACTOR AT NO COST TO THE OWNER.
  11. ALL EXISTING IMPROVEMENTS DAMAGED AS A RESULT OF CONSTRUCTION OPERATIONS SHALL BE RESTORED TO THEIR ORIGINAL CONDITION TO THE SATISFACTION OF THE OWNER.
  12. ALL EXISTING PAVEMENT & CONCRETE TO BE JOINED SHALL BE SAW-CUT.
  13. BURNING ON OR NEAR THE JOB SITE WILL NOT BE PERMITTED.
  14. ALL FILL SHALL BE COMPACTED TO 95% PER ASTM D 698. SEE GEOTECHNICAL REPORT FOR ADDITIONAL FILL REQUIREMENTS.
  15. UPON COMPLETION OF THE WORK, THE CONTRACTOR SHALL CLEAN THE ENTIRE SITE OF ALL CONSTRUCTION RELATED MATERIAL & DEBRIS.
  16. LAND DEVELOPMENT INSPECTOR TO BE GIVEN 24 HOURS NOTICE PRIOR TO START OF CONSTRUCTION.
  17. APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ON ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFFSITE GRADING, WRITTEN PERMISSION MUST BE OBTAINED FROM ADJACENT PROPERTY OWNERS.
  18. COORDINATE ALL CURB & STREET GRADES IN INTERSECTION WITH CITY OF FAYETTEVILLE & NCDOT INSPECTOR.
  19. IN ORDER TO ENSURE PROPER DRAINAGE, KEEP A MINIMUM SLOPE OF 0.5% ON CURB.
  20. INSTALL ALL EROSION CONTROL MEASURES PRIOR TO START OF CONSTRUCTION. SEE SHEETS **CB.1 & CB.2** FOR EROSION CONTROL PLANS.
  21. THE LOCATION OF EXISTING UTILITIES, STORM DRAINAGE STRUCTURES & OTHER ABOVE & BELOW-GRADE IMPROVEMENTS ARE APPROXIMATELY AS SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT LOCATION, SIZE & INVERT ELEVATIONS OF SUCH PRIOR TO START OF CONSTRUCTION.
  22. ALL ROAD IMPROVEMENTS AT **CLIFFDALE ROAD & HOKE LOOP ROAD**, TO BE COORDINATED WITH NCDOT PRIOR TO CONSTRUCTION.
  23. NON-STANDARD ITEMS (IE: PAVERS, IRRIGATION SYSTEMS, ETC.) IN THE RAW REQUIRE A RAW ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION BEFORE INSTALLATION.
  24. THE ENGINEER WILL NOT BE CONTINUOUSLY PRESENT IN THE FIELD. IT IS SPECIFICALLY UNDERSTOOD THAT HE DOES NOT UNDERTAKE NOR ASSUME ANY OBLIGATION FOR SUPERVISION OF CONSTRUCTION. SAFETY MEASURES TAKEN DURING THE COURSE OF CONSTRUCTION, RESPONSIBILITY FOR SCHEDULING THE WORK FOR INSURING COMPLETE COMPLIANCE WITH THE CONTRACT DOCUMENTS AND/OR ALL CODE REQUIREMENTS, RULES & REGULATIONS OF ANY PUBLIC OR PRIVATE AUTHORITY HAVING JURISDICTION OVER THE WHOLE OR ANY PART OF THE WORK, IN ADDITION, THE ENGINEER NEITHER UNDERTAKES, ASSUMES, NOR GUARANTEES THE WORK AND/OR PERFORMANCE OF THE CONTRACTOR.
  25. ALL CONSTRUCTION SHALL MEET CITY OF FAYETTEVILLE, STATE OF NORTH CAROLINA & ALL OTHER APPLICABLE STANDARD.
  26. BEFORE YOU DIG, STOP. CALL THE NC ONE-CALL CENTER AT 811. IT'S THE LAW.
  27. EXTERIOR EXIT DISCHARGE ILLUMINATION / LIGHTING SHALL BE REQUIRED FROM ALL EXIT DOORS TO THE PUBLIC WAY IN COMPLIANCE WITH NORTH CAROLINA BUILDING CODE (NCBC) 1006.

- PARKING REQUIREMENTS**
- MINIMUM REQUIRED VEHICLE PARKING: (RETAIL)  
 1 SPACE PER 300 S.F. = 8,320 S.F. = 28 SPACES  
 TOTAL REQUIRED SPACES = 28 SPACES
- PROPOSED NEW VEHICLE PARKING (ON-SITE):  
 TOTAL PROPOSED = 28 SPACES  
 REGULAR SPACES = 26 SPACES  
 ACCESSIBLE SPACES = 2 SPACES (INCLUDING 1 VAN)
- REQUIRED LOADING SPACE:  
 1 LOADING SPACE PROVIDED, SIZED PER CITY OF FAYETTEVILLE STANDARDS
- LEGEND**
- |                             |     |
|-----------------------------|-----|
| EXISTING WATERLINE          | --- |
| EXISTING SEWER LINE         | --- |
| EXISTING SEWER MANHOLE      | ⊙   |
| PROPOSED WATERLINE          | --- |
| PROPOSED WATER METER        | ⊕   |
| PROPOSED BACKFLOW PREVENTER | ⊕   |
| PROPOSED SEWER LINE         | --- |
| PROPOSED SEWER CLEANOUT     | ⊕   |
- DRAWING INFORMATION**



**PAVEMENT HATCH LEGEND**

	NORMAL DUTY ASPHALT SECTION
	HEAVY DUTY ASPHALT SECTION
	NCDOT R/W ASPHALT SECTION



THIS DRAWING IS THE PROPERTY OF BURTON ENGINEERING ASSOCIATES AND IS NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART. IT IS NOT TO BE USED ON ANY OTHER PROJECT AND IS TO BE RETURNED UPON REQUEST.

DEVELOPED BY: THE DURBAN GROUP  
 BUILDING VALUES

BURTON ENGINEERING ASSOCIATES  
 CIVIL ENGINEERS  
 LAND PLANNERS

5950 Fairview Rd., Suite 100, Charlotte, NC 28210  
 (704) 553-8881 - Fax (704) 553-8880  
 Firm License #157

Seal  
 NORTH CAROLINA PROFESSIONAL ENGINEER  
**PRELIMINARY**  
 NOT FOR CONSTRUCTION  
 10/04/2013

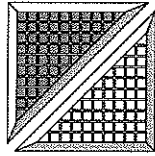
CLIFFDALE - FDS  
 CLIFFDALE ROAD  
 FAYETTEVILLE, NORTH CAROLINA

SITE PLAN

Project: CTB  
 Engineer: LJB  
 Drawn By: 10/4/13  
 Date: [blank]  
 Revisions: [blank]

Project Number: 487-050

**C4.1**  
 Sheet 4 of 14



**BURTON  
ENGINEERING  
ASSOCIATES**

CIVIL ENGINEERS  
LAND PLANNERS

5950 Fairview Rd. • Suite 100 • Charlotte, NC 28210  
(704) 553-8881 • Fax (704) 553-8860

## Transmittal

Attention: Mr. Craig Harmon – City of Fayetteville  
Planning and Zoning Division – Development Services Department  
433 Hay Street  
Fayetteville, NC 28301

From: Luke Bugenske, PE - Burton Engineering Associates  
Project Name: Cliffdale - FDS  
Project Number: 487-050  
Date: October 4, 2013  
Re: TRC Submittal  
Via: FedEx Ground

Copies	Date	Sheets	Description
1	10.04.13	1	Site Plan (Sheet C4.1)
1			Special Use Permit Application
1			Check for \$700.00 for Site Plan Submittal

As Requested  For Approval  For Your Use  For Review and Comment

Enclosed is the site plan for the new Family Dollar Store at the intersection of Cliffdale Road and Hoke Loop Road. If you have any questions concerning this information, please contact me at (704) 553-8881 or by email at [lukeb@burtonengineering.com](mailto:lukeb@burtonengineering.com)

Sincerely,

Luke Bugenske, PE



# Special Use Permit Application Form

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

433 Hay Street, Fayetteville, North Carolina 28301

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

Submission Date: \_\_\_\_\_ Approval/Denial Date: \_\_\_\_\_

## Notes:

1. A pre-application conference is mandatory prior to submission of an application for a special use permit.
2. Applications for special use permits shall include the sketch plan from the pre-application conference or may include a site plan depicting the proposed special use.

### 1. General Project Information

Project Address:

Tax Parcel Identification Number:

Zoning District:  Overlay zoning district(s):

### 2. Written Description of Special Use

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.

The special use of the application is for a retail store larger than 2,500 sf and is to be located in a Neighborhood Commercial District, as designated by the city of Fayetteville Official Zoning Map. The planned use of the property is in harmony with the area and consistent with the current zoning for the property. The proposed retail store is proposed to be located at the North West Quadrant of Cliffdale & Hoke Loop. The property is currently undeveloped. The proposed user is Family Dollar Store, the stores sole activity is retail. The hour of operation is from 8:00 am to 10:00 pm. A maximum of eight employees work in a given day. On average 300 consumers visits a store on a daily basis.

B) Please provide a description of the zoning district designations and existing uses on adjacent properties, including across the street. (attach additional sheets if necessary)

The special use of the application is in harmony with the adjacent zoning district designations for the neighboring properties. The adjoining property located north of the subject tract is zoned Single Family Residential 15 (S-15), that parcel is currently used as a substation for a utility operator. The tract of land located east of the subject property, which is on the opposing side of Cliffdale Rd is zoned Agricultural Residential (AR) and is currently undeveloped. The tract of land located south of the subject property, which is on opposing side of Hoke Loop Rd is zoned Neighborhood Commercial (NC) and is currently undeveloped. The adjoining property located west of the subject property is zoned Neighborhood Commercial (NC) and is currently undeveloped.

### 3. Special Use Permit Justification. Answer all questions in this section (attach additional sheets as necessary).

A) Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances

The special use will be in compliance with all local, state and federal laws and regulations. The proposed special use complies with the standards for a grocery store in an NC district per section 30-4.C.4.h as required by the city Codes of Ordinances. The proposed special use also complies with the Lot area, lot width, lot coverage, height maximum, lot setbacks, parking and buffer requirements of the city Code of Ordinance. All applicable sections of the ordinance not mention will also be adhered to.

B) Describe how the special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands.

The special use is compatible with the character of the surrounding lands and uses permitted in the zoning districts of the surrounding lands. Adequate buffers and screenings are provided to the areas abutting the residential uses. The lands to the south and west of the property are zoned NC which also allows various types of retail establishments permitted use by right and or through a special use permit.

C) Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.

The special use will be in compliance with the local, state and federal laws and regulations. It will avoid significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration. The special use will utilize its property to provide parking to self serve its proposed use. The parking, delivery & Service areas are within the property and will not utilize the public R.O.W. for maneuvering purposes. The parking is oriented in a manner to eliminate glare to the adjacent properties and R.O.W. The exterior lighting will abide by the requirements in the city Code of ordinances. The special use does not engage in activities that creates nuisances such as odors, noise and vibration, however, it will take the necessary precautions established in the city Code of ordinances to limit significant adverse impacts on the surrounding lands

D) Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.

The special use is configured per the city Code of Ordinances, which requires the building to be placed adjacent to the R.O.W. The special use also provides the necessary buffer(s) as established in the city Code of Ordinance to minimize adverse effects in the adjacent lands.

E) Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The special use does not impact create any impacts to the deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

F) Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.

The special use maintains safe ingress and egress onto the site and safe road conditions as it is in compliances with local and state laws. The special use also proposes internal and cross acces between the adjacent tracts zone NC.

G) 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.

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. The proposed development proposed to provide shared access to the neighboring NC zoned parcels.

H) Demonstrate how 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.

The special use provides a shared access point. It also provide an utility easement that allows the neighboring lands to a have future access to utilities that currently is not available. The special use also provides the necessary buffer required by the city Code of Ordinances.

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

The special use complies with all other applicable City, State and Federal laws and regulations.

#### 5. Submittal Requirement Checklist

(Submittals should include 2 copies of listed items, unless otherwise stated.)

<input type="checkbox"/>	Pre-application Conference completed
<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	Completed site plan (information required includes parking, ingress, egress, fencing, play areas, setbacks, square footage of building, landscaping, etc.)
<input type="checkbox"/>	Special Use Permit Application Form
<input type="checkbox"/>	Vested Rights Certificate (if requested)
<input checked="" type="checkbox"/>	Copy of recorded deed
<input type="checkbox"/>	Copy of an approved Certificate of Appropriateness (COA) if located within the HLO
<input type="checkbox"/>	Proposed or existing development name (if different from project name)
<input type="checkbox"/>	Traffic impact analysis (if required)
<input type="checkbox"/>	Any additional information determined to be necessary by the Development Services Department

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

Primary Point of Contact Name:	Darren Tuitt		
Mailing Address:	3735 Beam Rd Suite B, Charlotte NC 28217	Fax No.:	(704) 357-0018
Phone No.:	(704) 496-7190	Email:	Darren.Tuitt@DurbanGroup.com



7. Owner Information

Owner Name:	Harold Kidd		
Mailing Address:	6885 Cliffdale Rd, Fayetteville, NC 28314	Fax No.:	(910) 868-8796
Phone No.:	(910) 864-9727	Email:	



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-306

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Public Hearing

Agenda Number: 8.02

### CITY COUNCIL ACTION MEMO

**TO: Mayor and Members of City Council**

**FROM: Craig M. Harmon, AICP, CZO - Senior Planner**

**DATE: December 9, 2013**

**RE: Case # P13-43F. The rezoning of property from LC - Limited Commercial and SF-10 - Single Family Residential to LC/CZ - Limited Commercial Conditional Zoning, located at 6324 Raeford Road and being the property of Doherty Holdings, LLC. (Appeal of a Zoning Commission Denial)**

**Relationship To Strategic Plan:**

Growth and Development

**Background:**

Owner: Doherty Holdings LLC

Applicant: Julianne Harrelson (primary contact)

Requested Action: SF-10 to LC

Property Address: 6324 Raeford Rd.

Council District: 7

Status of Property: Developed Residential & Commercial

Size: 2.25 acre +/-

Adjoining Land Use & Zoning:

North - SF-6 Single Family Residential

South - LC Commercial

West - LC Commercial

East - SF-6 Single Family Residential & LC Commercial

Letters Mailed: 35

Land Use Plan: Heavy Commercial (fronting Raeford Rd) & Low Density Residential (north half of property).

2030 Growth Management Plan: Policy 9.2: Local governments should BE CAUTIOUS OF REZONING RESIDENTIALLY ZONED LAND to commercial zoning solely because it adjoins a major highway or street. Proper design and/or buffering has shown that land tracts adjoining major streets can be properly developed for

residential use.

**Issues:**

This project will be located along the commercial corridor of Raeford Road where it intersects with Little Drive and extends north into an existing single family residential neighborhood. Currently the property is split zoned. The southern portion of this lot is zoned commercial and has an auto dealership currently on it. The northern portion is zoned residential and has two single family homes on it. Little Drive is primarily a residential street with the only exceptions being the two properties that front Raeford Road, an auto dealership and a piece of commercially zoned property. Extending the zoning northward on this property would allow commercial activities deeper into the residential area than anywhere else along this section of Raeford Road. The neighbors along Little Drive have complained about the increased traffic that this business is already causing. They have also complained that the dealership parks cars for display in the public right-of-way and that the dealership uses Little Drive to test cars as well. There are other options for this business to expand. Both to the east and west of this dealership along Raeford is property that is already zoned commercially and is either vacant or underutilized. Those properties however are not owned by this dealership.

On November 12th the Zoning Commission held a public hearing regarding this case. There were two speakers in favor and three in opposition of this proposal. The speakers in favor spoke to this case as being an attempt to improve the area and the current traffic problems. They indicated that other land in the area was considered, but the price was double the price of the land in question. They also indicated that the owners were aware of the split-zoning of the property when the property was purchased. Those in opposition indicated that the business had made no attempt to contact any of the home owners in the area about their plans for expansion, and that the width of Little Drive does not allow them to pass when customers are parked along the side of the street. They also complained that their yards are being used as vehicle turnarounds, and that the pager and music systems at the business can be heard inside their homes at the current distance.

Conditions offered by the owner:

1. The attached site plan.

This case was Denied by the Zoning Commission based on:

1. The Land Use Plan calls for commercial activity on only the southern portion of this property.
2. Any extension of commercial zoning would enter into a well-established residential neighborhood.
3. There are vacant and underutilized commercially zoned properties both to the east and west of this property, where this business could expand.

**Budget Impact:**

This action would result in an increase in City services that will be offset by the

revenue the City will collect in property taxes.

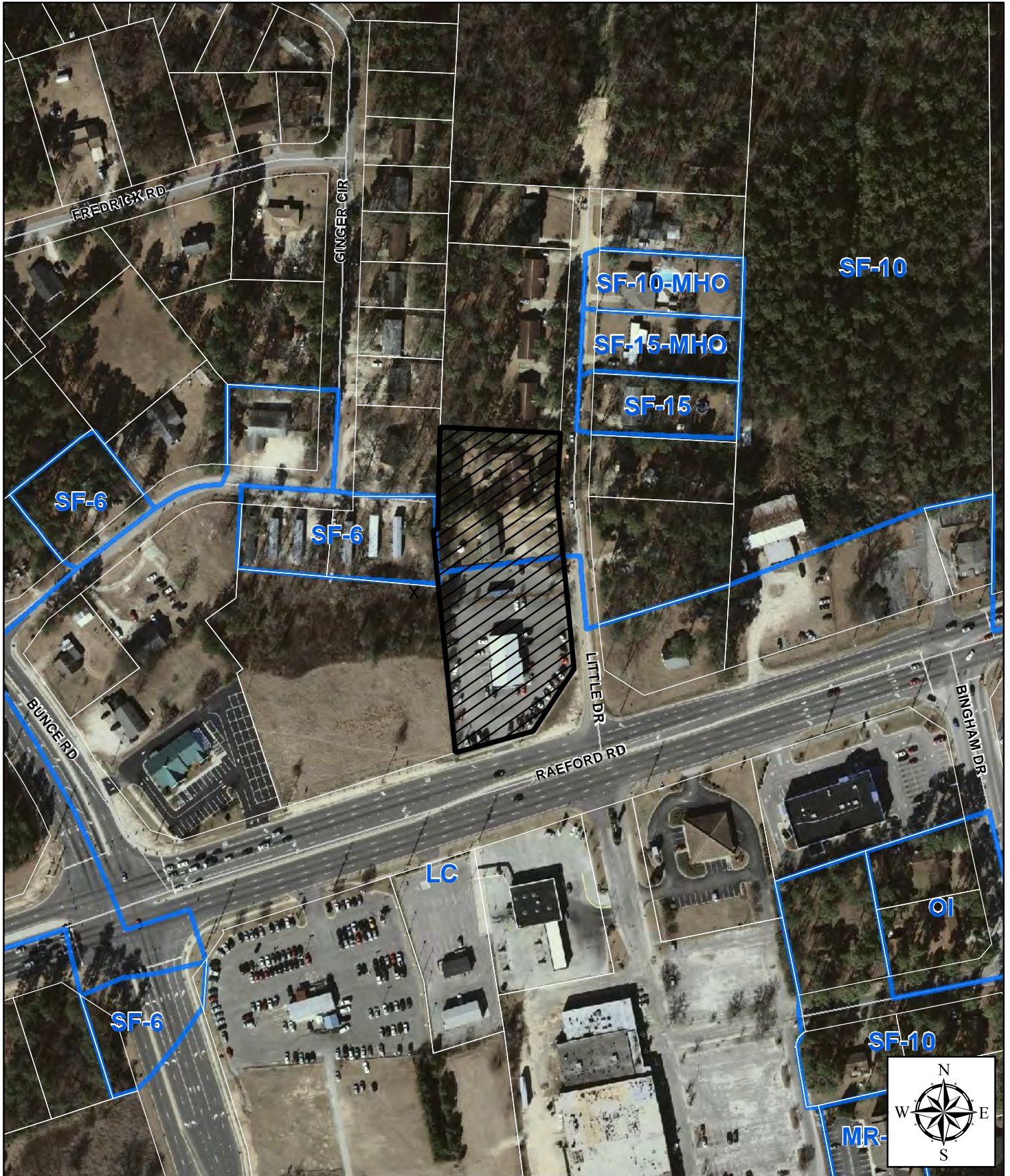
**Options:**

- 1) Approval of the conditional rezoning as presented;
- 2) Approval of the conditional rezoning with additional conditions offered by the owner;
- 3) Denial of the rezoning (recommended).

**Recommended Action:**

**The Zoning Commission and Staff Recommend:** Council move to DENY the rezoning to LC/CZ as presented by staff .

**ZONING COMMISSION**  
**CASE NO. P13-31F**



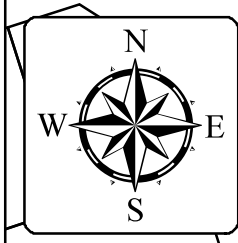
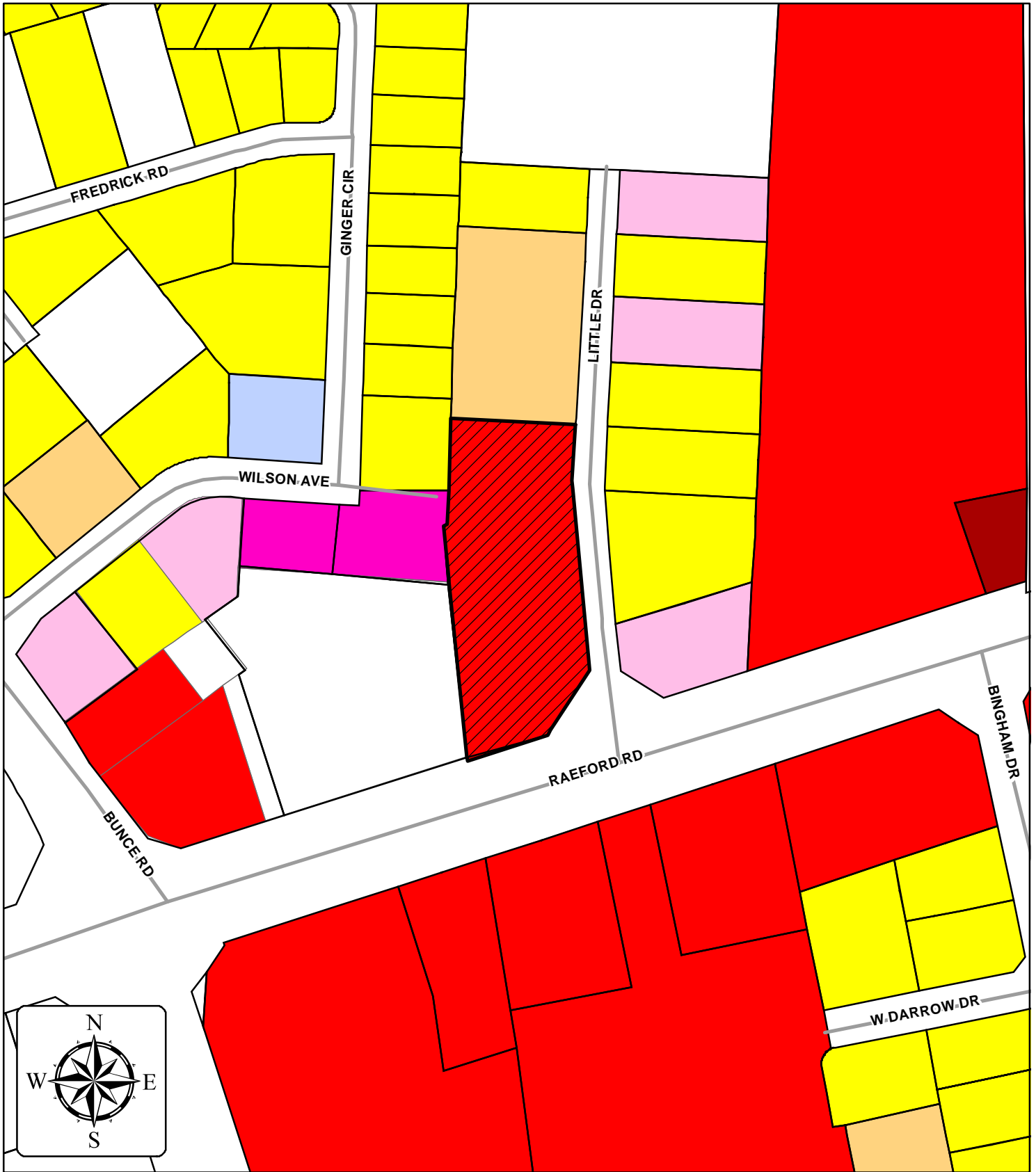
**Request:** SF-10 to LC/CZ  
**Location:** 6324 Raeford Rd

**Zoning Commission:** 9/10/2013    **Recommendation:** \_\_\_\_\_  
**City Council:** \_\_\_\_\_    **Final Action:** \_\_\_\_\_

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

# Current Land Use

P13-31F

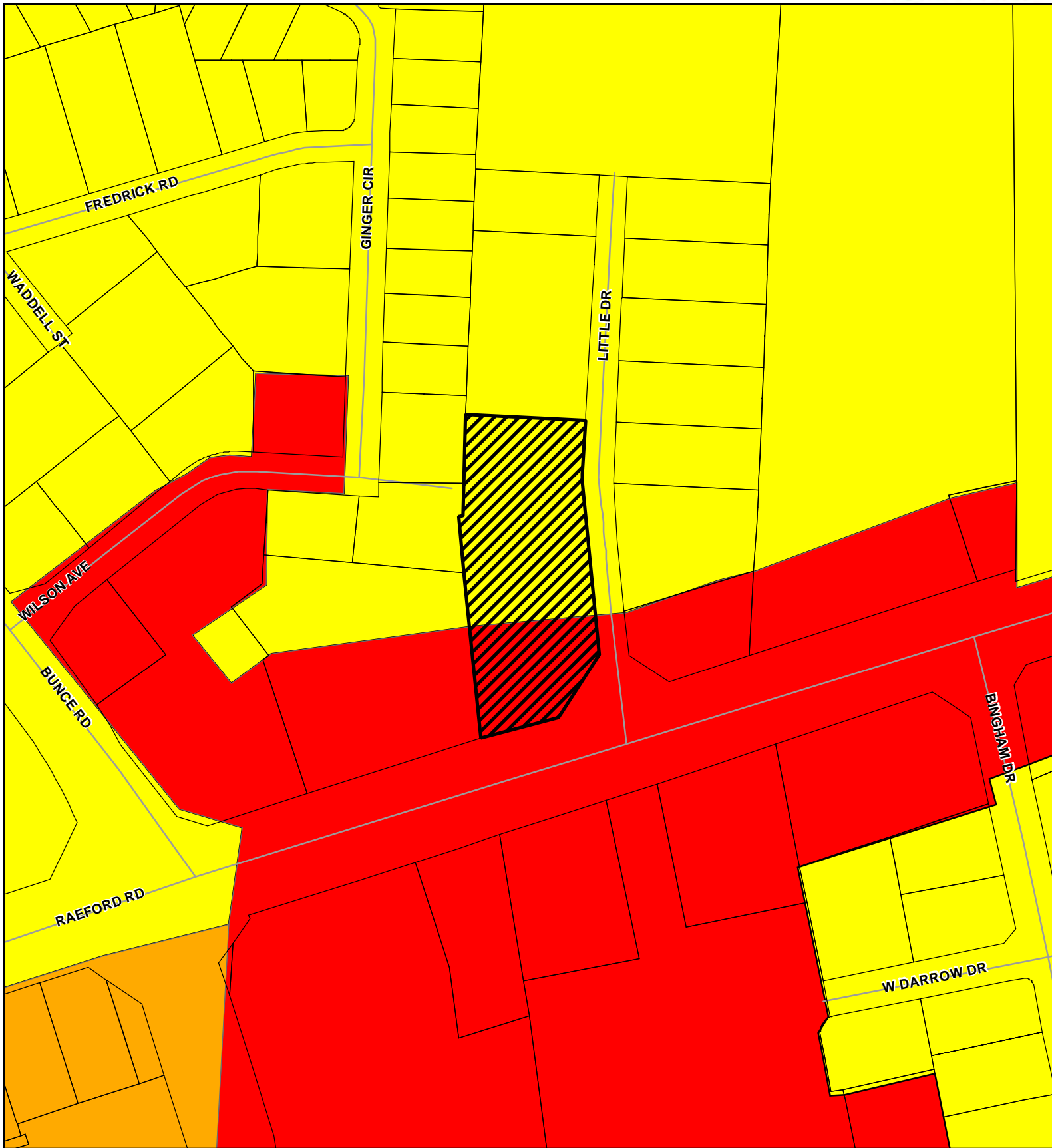


Legend

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

# Land Use Plan

## Case No. P13-31F



### 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



ARCHITECTURE & PLANNING

Wilmington, NC  
3205 Randall Parkway  
Wilmington, NC 28403  
910.341.7600

Salisbury  
312 West Main St. Suite 300  
Salisbury, MD 21801  
410.546.9100

Dover  
309 S Governors Ave  
Dover, DE 19904  
302.734.7950

www.beckermorgan.com

**CSI CONSTRUCTION SYSTEMS, INC.**  
6205 RAEFORD ROAD  
FAYETTEVILLE, N.C. 28304  
PH. 910-688-2000 FAX 910-689-2008  
www.csiol.com

**NOT FOR CONSTRUCTION**

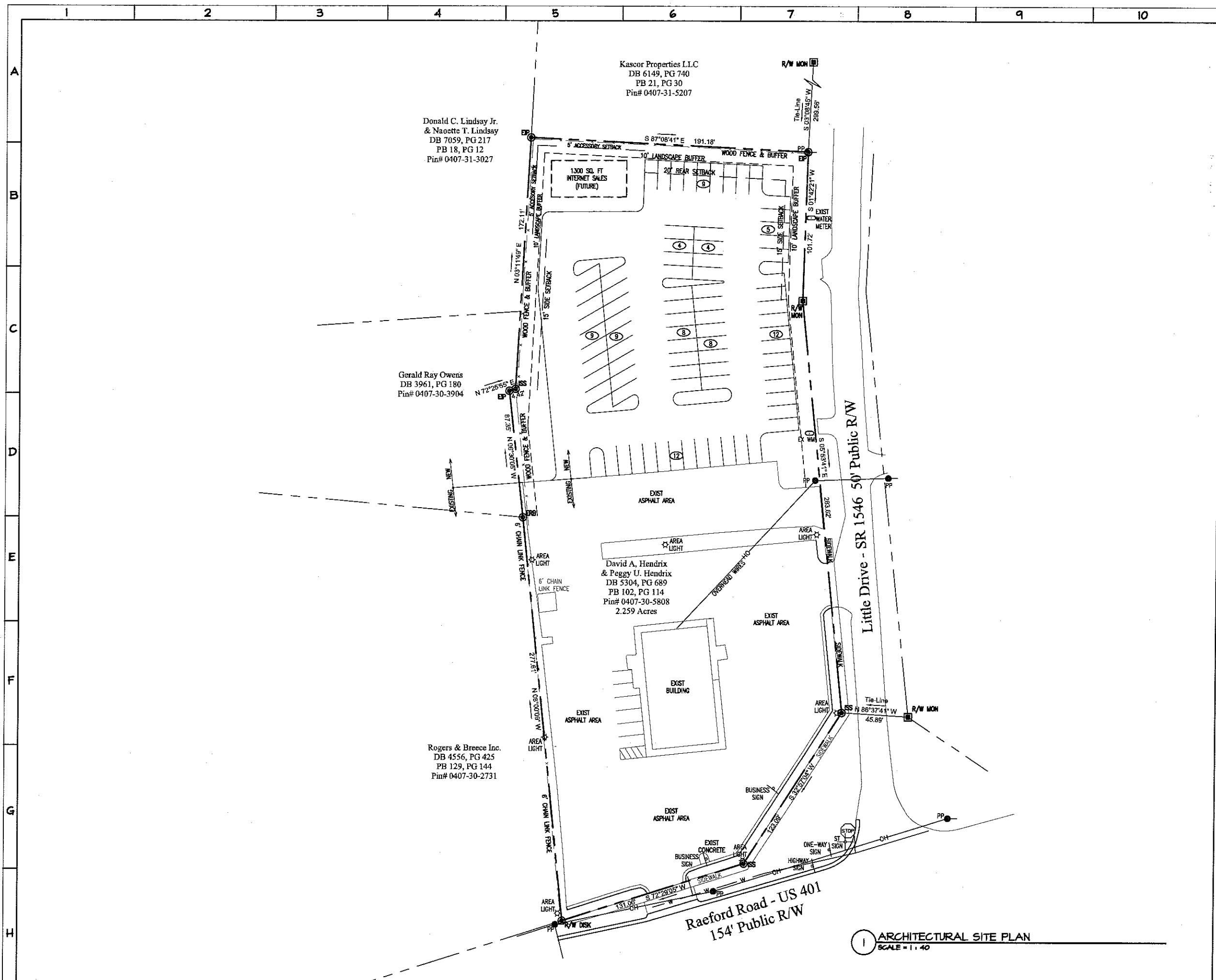
This information is the property of Construction Systems, Inc. It is considered to be competition sensitive and is for the sole use of Construction Systems, Inc. and its customers. The reproduction or other use of this information without the written consent of Construction Systems, Inc. is strictly prohibited.

**OK CARZ**  
REZONING SITE PLAN  
FAYETTEVILLE, NORTH CAROLINA

Revisions :  
Project # : 00-000  
Date : 10.11.13  
Drawn by : J.C.H.  
Checked by : X.X.X.

PROPOSED SITE PLAN

Sheet number :  
**A2.1**



1 ARCHITECTURAL SITE PLAN  
SCALE = 1:40





OkCarz

\$99 DOWN  
\$99  
A MONTH

okcarz.com your credit is our car









# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-295

**Agenda Date:** 12/9/2013

**Version:** 2

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Public Hearing

**Agenda Number:** 8.03

### CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council

**FROM:** Craig M. Harmon, AICP, CZO - Senior Planner

**DATE:** December 9, 2013

**RE:** Case # P13-39F The initial zoning to CC - Community Commercial district, located at 1551 Jim Johnson Road, and being the property of Jeremy Stanley and Richard King (Item tabled from the November 18th City Council meeting).

**Relationship To Strategic Plan:**

Growth and development

**Background:**

Applicant: Jeremy Stanley  
Requested Action: Initial Zoning to CC  
Property Address: 1551 Jim Johnson Rd  
Council District: 2  
Status of Property: Developed Auto Repair  
Size: 2.1 acres +/-  
Adjoining Land Use & Zoning:  
North - RR County - Residential & Other  
South - CC - Hotel  
West - RR County - Residential  
East - CC - I-95  
Letters Mailed: 15  
Land Use Plan: Activity Node

**Issues:**

This property is a developed lot on Jim Johnson Road. It is currently zoned C3 in the County's jurisdiction. This property is adjacent to existing commercially zoned

properties in the City. As you can see from the attached maps, this property is in very close proximity to Cedar Creek Road and Interstate 95. An auto repair business has already been built on this property.

The Zoning Commission met on November 12th and voted to recommend approval of the proposed initial zoning. There were no speakers in favor or in opposition to this case.

On November 18th, the City Council held a public hearing and then tabled this item. The City Council requested that the staff clarify the history of this case. Please find attached several incidents where Cumberland County and PWC both documented the requirement for this project to connect to the public utilities. The earliest of these documents, the preliminary conditions of approval from Cumberland County, shows that the owner was notified that the connection to public water and sewer is required. That document also has a note that references the agreement between PWC and the City of Fayetteville requiring an annexation petition prior to PWC's review of any utility plans. This earliest document was dated November 10, 2010.

The Zoning Commission and City staff recommends Approval of the proposed initial zoning based on:

1. The City's Land Use Plan calls for this property to be part of an Activity Node.
2. This property is currently zoned C3 in the County. CC is the City's closest equivalent district.
3. This property borders existing commercial zoning in the City on two sides.

**Budget Impact:**

This action would result in an increase in City services that will be offset by the revenue the City will collect in property taxes.

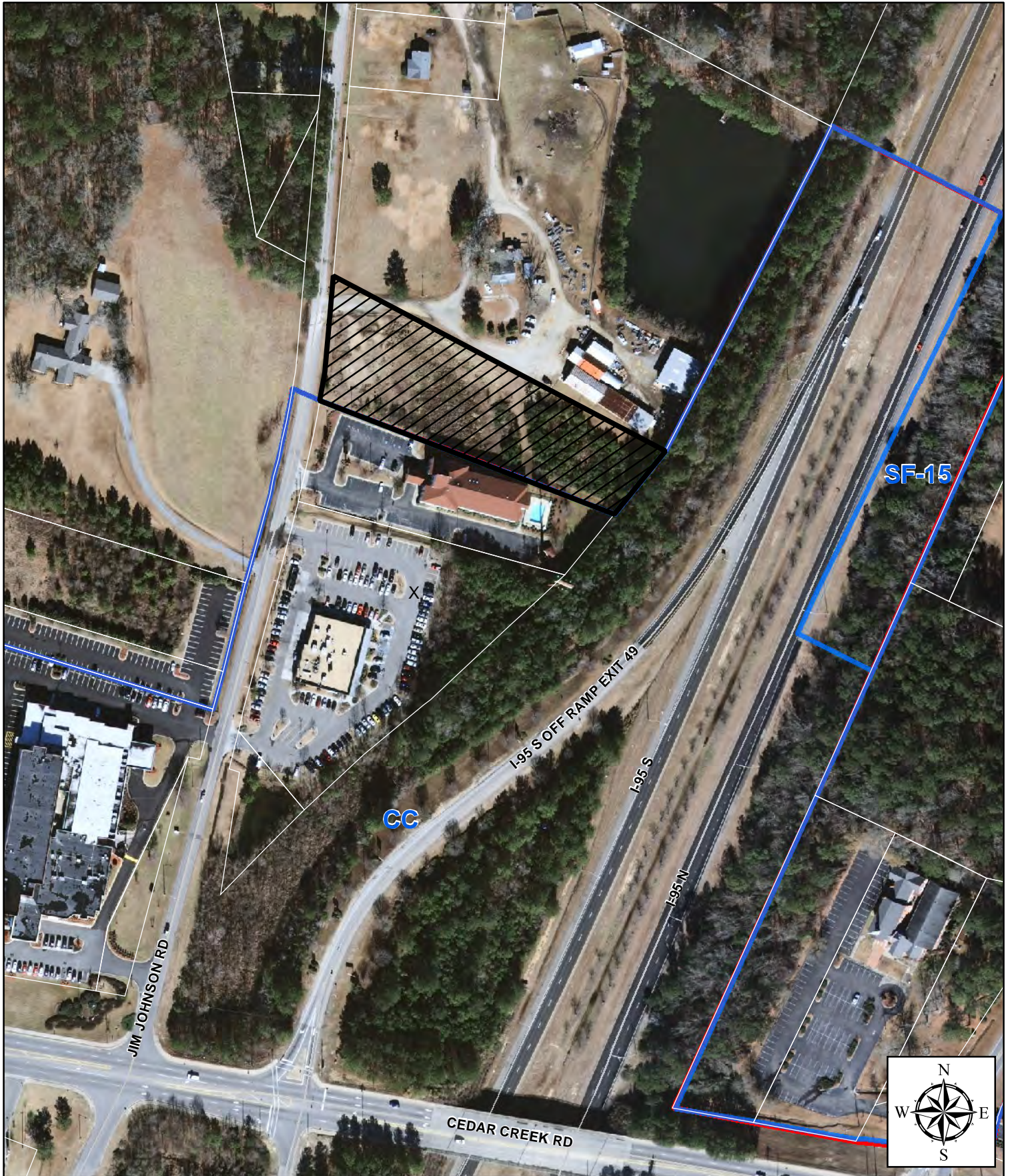
**Options:**

- 1) Approval of the initial zoning to CC (Recommended).
- 2) Approval of the initial zoning to a more restrictive district.
- 3) Denial of the initial zoning.

**Recommended Action:**

**The Zoning Commission and Staff Recommend:** That the City Council move to APPROVE of the initial zoning to CC - Community Commercial as presented by staff.

**ZONING COMMISSION**  
**CASE NO. P13-39F**



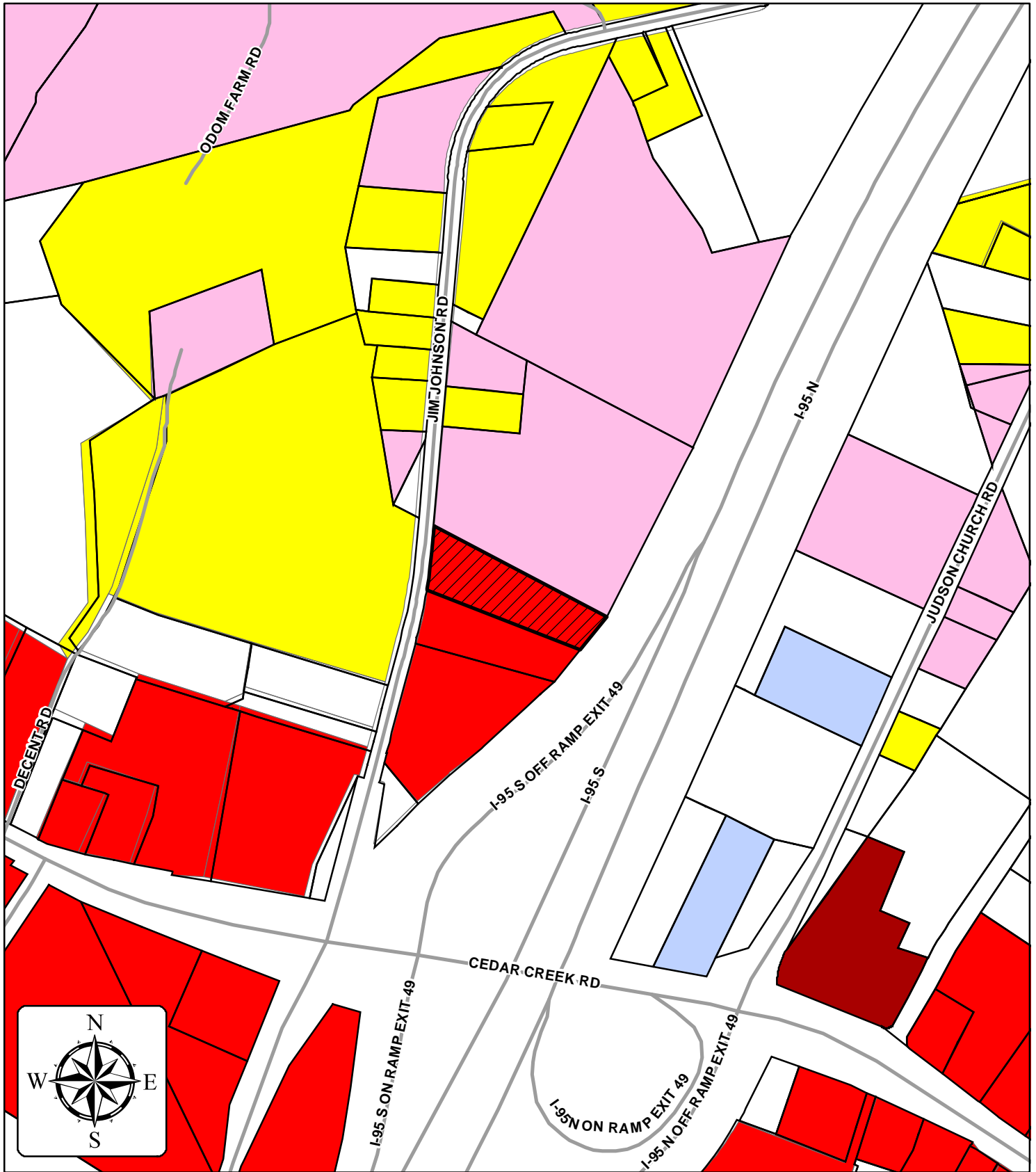
**Request: Initial Zoning to CC**  
**Location: 1551 Jim Johnson Rd**

**Zoning Commission: 11/12/2013**    **Recommendation: \_\_\_\_\_**  
**City Council: \_\_\_\_\_**            **Final Action: \_\_\_\_\_**

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

# Current Land Use

P13-39F



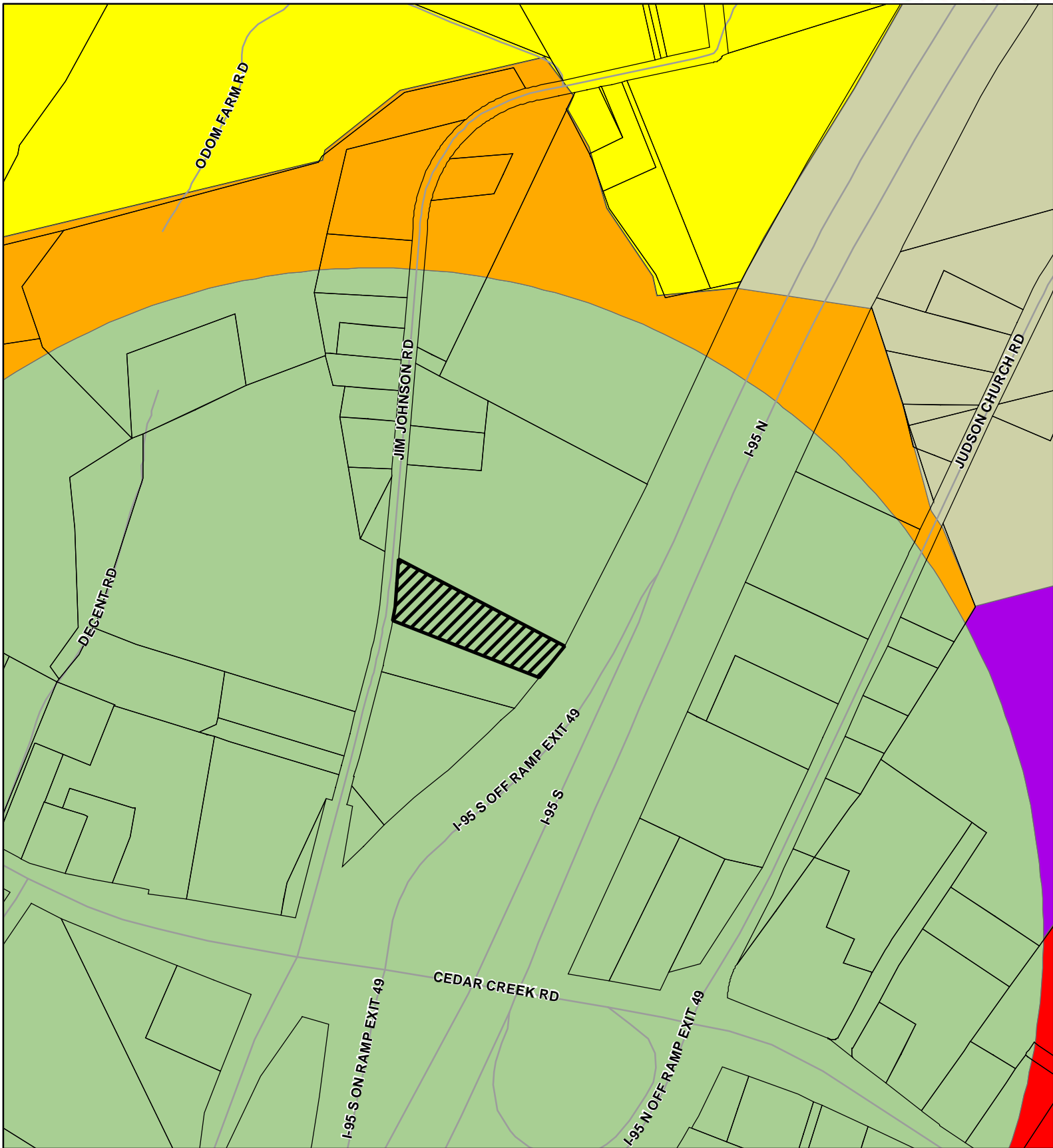
Legend

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



# Land Use Plan

## Case No. P13-39F



### 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





ACME

Comfort  
INN

HACENEY

HACENEY  
1800-1111  
100 W. W. Highway 27



# Petition Requesting Annexation (Non-Contiguous)

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

433 Hay Street, Fayetteville, North Carolina 28301  
910-433-1612 Fax: 910-433-1776

Date Received: 9-10-13 Received by: C. Harmon

Action by City Council:

\_\_\_\_\_ Approved by City Council (Date Approved: \_\_\_\_\_)

\_\_\_\_\_ Denied by City Council (Date Denied: \_\_\_\_\_)

**Who Should Use This Form:**

This form should be used by a property owner who is requesting annexation of a non-contiguous property into the City of Fayetteville.

This form is based on the North Carolina General Statutes governing non-contiguous voluntary annexations (G.S. 160A-58-58.8).

**Statement of the Request:**

To the Mayor and City Council of the City of Fayetteville, North Carolina:

1. We the undersigned owners of real property respectfully request that the area described in the attached metes and bounds legal description be annexed to the City of Fayetteville.
2. The area to be annexed is non-contiguous to the City of Fayetteville and the boundaries of such territory are shown in the attached metes and bounds legal description and in the attached map.

**1. General Property Information**

Property Address:	<u>1551 Jim Johnson RD</u>	
Parcel Identification Number:	<u>455-38-6835</u>	
Please identify the City of Fayetteville zoning district you are requesting for your property after it is annexed.	<input style="width: 100%;" type="text"/>	Lot Area/Acreage: <input style="width: 100%;" type="text"/>

Have you obtained a vested right from the County Planning Department for any proposed development at this location?  
 Yes    No   **If marked yes, please attach evidence.**

**2. Submittal Requirement Checklist**

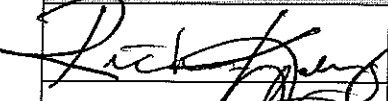

(Submittal should include 1 copy of listed items, unless otherwise stated.)

<input type="checkbox"/>	A metes and bounds legal description of the proposed annexation area is attached.
<input type="checkbox"/>	A deed of the property is attached indicating the deed book and page number.
<input type="checkbox"/>	A map showing the proposed annexation area in relation to the existing City Limits is attached.
<input type="checkbox"/>	Evidence of vested rights obtained from County Planning Department (if applicable).
<input type="checkbox"/>	The area to be annexed is non-contiguous to the City Limits and a map indicating the boundaries of such territory is attached.
<input type="checkbox"/>	When there is any substantial question as to whether the area may be closer to another city than to the City of Fayetteville, the attached map shall also show the area proposed for annexation in relation to the primary corporate limits of the other city.

### 3. Primary Contact Information & Signatures

If the property is owned by an individual (or individuals), please fill in the Individual section below. If the property is owned by a Corporation, Limited Liability Corporation (LLC), or Partnership, please fill in the appropriate section below. Be sure to provide names, signatures, and titles, as specified below.

#### INDIVIDUALS

ALL Owner Signatures Required *	Print Name	Phone Number	Mailing Address
	Richard King		1551 Jim Johnson Rd
	Jeremy Stanley	910-527333	1551 Jim Johnson Rd

#### CORPORATION

NAME OF CORPORATION:			
Signature of ALL individuals, and their Title, who are required to sign for the Corporation *	Print Name and Title	Phone Number	Mailing Address

#### LIMITED LIABILITY CORPORATION LLC

NAME OF LLC:			
Signature of ALL individuals, and their Title, who are required to sign for the LLC *	Print Name and Title	Phone Number	Mailing Address

#### PARTNERSHIP

NAME OF PARTNERSHIP:			
Signature of ALL individuals and their Title, who are required to sign for the Partnership *	Print Name and Title	Phone Number	Mailing Address

\*Please use additional paper if necessary.

September 10, 2013

Jeremy Stanley

1551 Jim Johnson Road

Fayetteville, NC 28312

Parcel #455386835

To Public Works Commission:

As a Cumberland County business owner I am submitting the request for water service from the Public Works Commission.

My understanding before this request will be considered that I also must complete and sign the City of Fayetteville, North Carolina's "Petition Requesting Annexation". I would like to make it clear that annexation is not a part of my request...again my request is for water service. But it has been made clear to me over the last year that without the request for annexation I would not receive water service, which has been the case. As a new small business owner this is not in my best interest but without water service I am unable to operate my business even though water service has been available for years in this area.

PUBLIC WORKS COMMISSION
FAYETTEVILLE NC
Water/Sewer Quote

SAD:JIM JOHNSON RD 1551
SAD DESC:AUTO BODY SHOP
CYC/RTE/SEQ: - -
PIN:0455-38-6835-

SUB:
COOR:
LOC:155930

SO #:5365452
SVC SO:10500023
WK DT:07/08/13
CREW:COMM GRP

-----[Water/Sewer Quote]-----
ACCT: 0
NAME:
CONTACT: RICHARD KING
GEN DT: 07/08/13 RECD BY: guthried

INSTRUCTIONS

Please bring this quote to the Customer Service Department or Customer Programs Department to apply for a water/sewer tap before obtaining a plumbing permit. PWC has 30 days to make the service connection. If your tap has not been made within this time frame, please contact the Water Resources Construction Section at 223-4715 or 223-4716.

\*\*\*\*FEES ARE VALID FOR 30 DAYS FROM APPROVAL DATE AND ARE SUBJECT TO CHANGE\*\*\*\*

NAME/LOCATION INFORMATION

SAD : 1551 JIM JOHNSON RD NAME : RICHARD KING
LOT : 2 NEW PIN # : 0455-38-6835-
SUBDIVISION : RALPH WILLIAMS & ASS OLD PIN # : 0455-38-5747-
RES/COMM : COMM
LOT FRONTAGE : 207.25 TAP SIZE : COMMERCIAL

WATER MAIN & LATERAL INFO

WATER MAIN/\$ : MIA PETITION REQ'D
# WTR LATERALS :
LATERAL SIZE : LATERAL SIZE :
LATERAL \$ : MIA PETITION REQ'D LATERAL \$ :
METER SIZE : METER SIZE :
WATER FIF \$ : MIA PETITION REQ'D WATER FIF \$ :
JUMBO BOX \$ : JUMBO BOX \$ :
MTR VLT/BYPSS : MTR VLT/BYPSS :
OTHER : OTHER :

SEWER MAIN & LATERAL INFO

SEWER MAIN/\$ :
# SWR LATERALS :
LATERAL SIZE : LATERAL SIZE :
LATERAL \$ : LATERAL \$ :
SWR FIF \$ : SWR FIF \$ :
OTHER : OTHER :

ADDITIONAL INFORMATION

ADTNL LATERALS : SIZE :
SPLIT Y/N : OTHER \$ :
REASON : SIZE :
WATER FIF \$ : TOTAL \$ : MIA PETITION REQ'D

ADDITIONAL INFORMATION

IRRIGATION \$ : \_\_\_\_\_ QUOTE MAILED : 7/24/13

PER PHONE CONVERSATION BTWN MR.KING & MS. HOBBS (ENGINEER TECH), PROOF OF CITY  
ANNEXTION PETITION APPLICATION IS REQUIRED PRIOR TO ISSUING QUOTE WITH FEES.  
QUOTE M.HOBBS 7/23/13, APPROVED J.GLASS 7/23/13 \_\_\_\_\_

COMPLETED BY: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ TIME: \_\_\_\_:\_\_\_\_ AM/PM  
PRINTED 07/24/2013 1:56 pm VASSERE



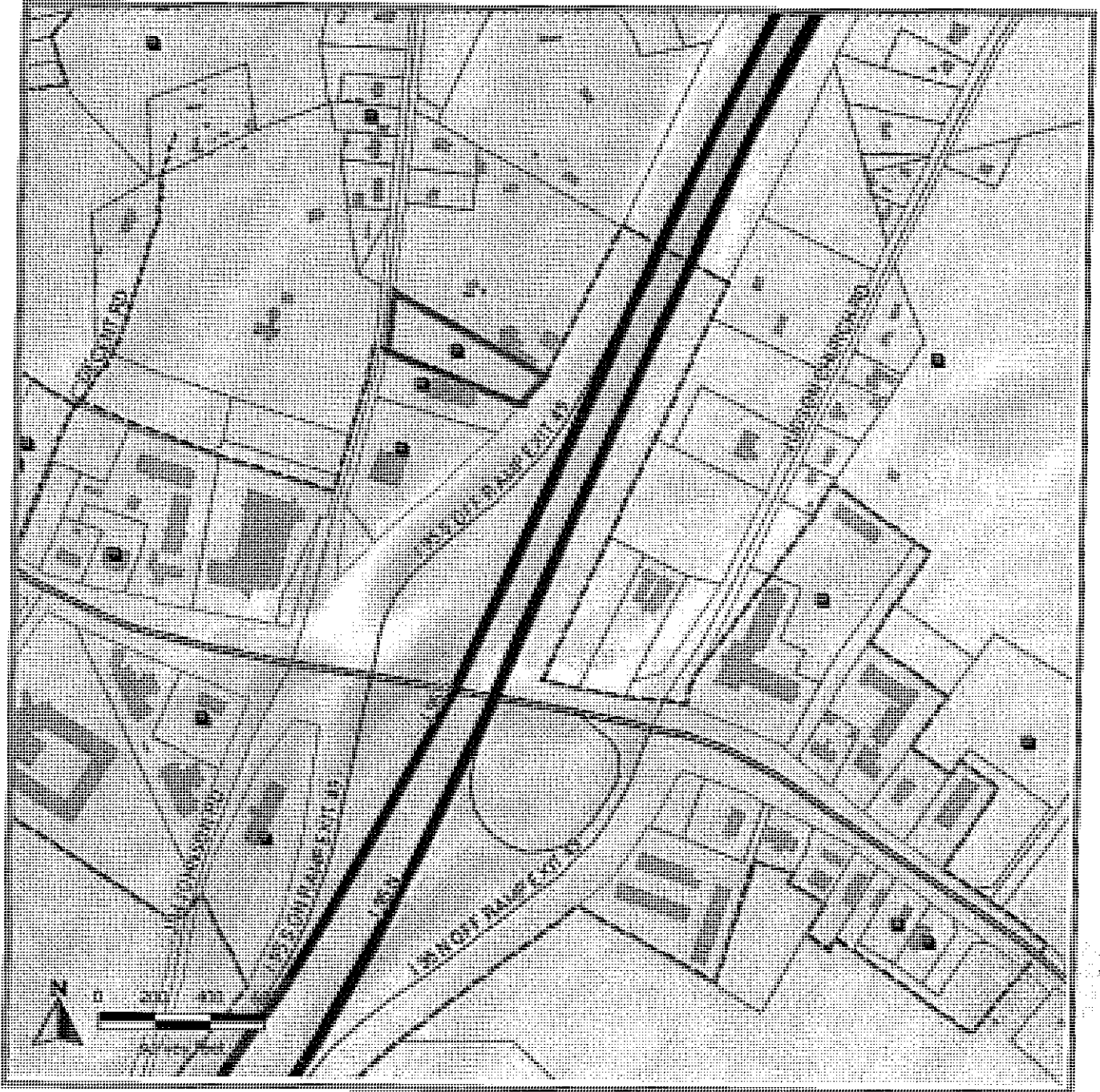


# Cumberland County Planning Department

Fayetteville, North Carolina



Created by Public on Tuesday, 10 September 2013



Map Zoom: 3737 survey ft

Map Scale: 1:6,378

Info Results

**Table: Parcel Details [Count: 1, Base: 1]**

Pin	Owner Name	Owner Address	Deed Book	Deed Page	Plat Book	Plat Page	Subdivision and Lot	Total Assessment	Total Assessed Land Value	Total Assessed Build. Value	Lot Frontage	Lot Depth	Calculated Acres	Deed Acreage
0455-38-6835-	STANLEY, JEREMY	3229 SIDSMILL RD FAYETTEVILLE NC 28312	09235	00026	0099	0111	RALPH WILLIAMS & ASSOCIATES 2	\$288471	\$112863	\$175608	207.25 ft.	605.46 ft.	2.05	2.1

**Table: Zoning Info [Count: 1, Base: 1]**

Case #	Zone Class	Conditional Use	Pin	Owner Name	Disclaimer
	C3		0455-38-6835-	STANLEY, JEREMY	Call (910)678-7603 to Verify Zoning Classification

**Table: Hyperlink to Assessor Data [Count: 1, Base: 1]**

**Table: Register of Deeds Plat Image [Count: 1, Base: 1]**

**Table: Register of Deeds Deed Image [Count: 1, Base: 1]**

**Table: Virtual Maps Page [Count: 1, Base: 1]**

Centered On...
0455-38-6835-

**Table: 2030 Land Use Plan [Count: 1, Base: 1]**

2030 Land Use
Urban Area

**Table: Municipal Influence Area [Count: 1, Base: 1]**

Municipal or Farmland Area
Fayetteville

**Table: Within Urban Services Area or Farmland [Count: 1, Base: 1]**

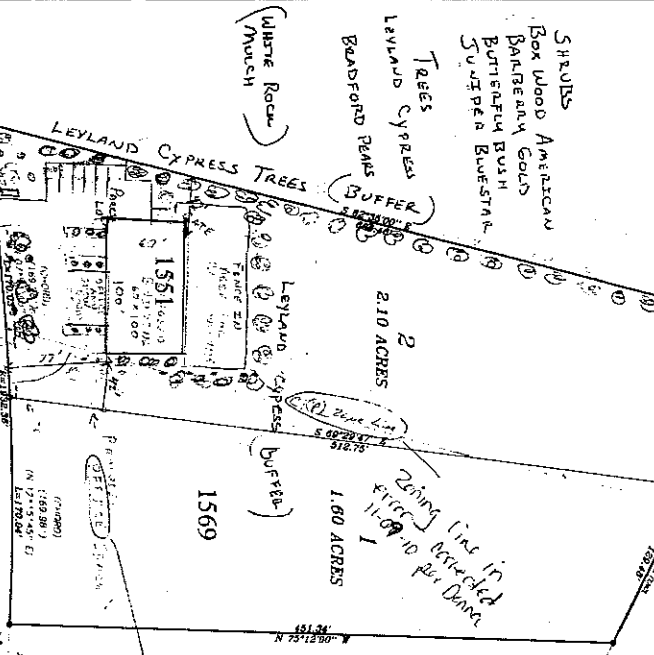
Area Name
urban area

About This Map	Disclaimer
<p>This map has been created for the purpose of showing Planning information in Cumberland County. Any error should be reported to the Cumberland County Joint Planning Dept. at <a href="http://www.co.cumberland.nc.us/plng/staff.html">www.co.cumberland.nc.us/plng/staff.html</a>.</p>	<p>This map is a representation of the information currently held by Cumberland County. While every effort has been made to ensure the accuracy of the product, Cumberland County accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.</p>

1-95 SOUTHBOUND



1.00 ACRES  
2.10 ACRES



office scales (and ft)  
@ 31' x 41' (and ft)  
(gross) approximately 1,100 sq ft  
for restaurant, parking  
for 980 - 980 = 980 sq ft  
980 sq ft = 3 spaces  
580 sq ft

OFFICIAL PRELIMINARY PLAN  
CUMBERLAND COUNTY

Approved by the Cumberland County Joint Planning Commission  
11-20-76

1. I certify that this plan has been approved by the Cumberland County Joint Planning Commission as shown on this plan and as represented in the Register of Deeds office.

Patricia S. Spatcher  
Secretary of Land Use Codes  
CUMBERLAND COUNTY PLANNING DEPARTMENT

Notary Public  
I certify that this plan is bonded within a Public Trustee Supply Warehouse  
Notary Public  
Notary Public

N.C.S. 160C-203  
N.C. 160C-203 (and 83)  
11-20-76

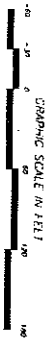


LEGEND

Symbol	Description
Circle with dot	Survey Station
Square	Corner
Triangle	Control Point
Diamond	Reference Point
Star	Reference Point

1551 3rd Johnson Rd  
Ralph Williams & Associates  
A SUBDIVISION OF TRACT A  
P.R. 91, PG. 176

- NOTES:
- 1) THE OWNER'S SURVEY AND HORIZONTAL CONTROL
  - 2) DATA BY COORDINATES
  - 3) POINT OF BEGINNING
  - 4) POINT OF BEGINNING
  - 5) MARK & SURVEY BY P.M.C.
  - 6) NON-CONFORMING STRUCTURES MAY NOT BE A DELETED BY THIS SUBDIVISION



WOODMAN, KIZER & BATTEN, INC. 113 BRADSHAW AVE. FAYETTEVILLE, N.C.  
PHONE (910) 384-3191 FAX (910) 384-0398

13332

9235  
0026

09235 00026

FILED  
CUMBERLAND COUNTY NC  
J. LEE WARREN, JR.  
REGISTER OF DEEDS

FILED Jul 03, 2013  
AT 11:49:00 am  
BOOK 09235  
START PAGE 0026  
END PAGE 0028  
INSTRUMENT # 25972  
RECORDING \$26.00  
EXCISE TAX (None)

KSJ

**NORTH CAROLINA SPECIAL WARRANTY DEED**  
**THIS FORM IS NOT A "NORTH CAROLINA BAR ASSOCIATION" FORM**  
**NO TITLE EXAMINATION**

Parcel Identifier No. 0455-38-6835

Excise Tax: \$0

Prepared by: Richard A. Galt, PLLC, 2533 Raeford Road, Fayetteville, NC 28305

Return after recording to: Richard A. Galt, PLLC, 2533 Raeford Road, Fayetteville, NC 28305

Brief Description for the Index:

This Deed made this the 27<sup>th</sup> day of July, 2013 by and between:

GRANTOR	GRANTEE
<p><b>JEREMY STANLEY, unmarried</b></p> <p>Mailing Address: 3229 Sidmill Rd Fayetteville, NC 28312</p>	<p><b>RICHARD KING</b></p> <p>Mailing Address: 128 S Broad St. Fayetteville, NC 28301</p>

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, **A ONE-HALF UNDIVIDED INTEREST** in that certain lot or parcel of land situated in Cumberland County, North Carolina and more particularly described as follows:

**FOR LEGAL DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.**

The property hereinabove described was acquired by Grantor by instrument recorded in Book \_\_\_\_, Page \_\_\_\_.

A map showing the above described property is recorded in Plat Book \_\_\_\_, Page \_\_\_\_.

All or a portion of the property herein conveyed \_\_\_\_ includes or X does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid **ONE-HALF UNDIVIDED INTEREST** in said lots or parcels of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that the Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

All valid and enforceable easements, restrictions, rights-of-way, conditions and matters of record; the lien of ad valorem tax for the current year which Grantee shall pay; and matters which would be revealed by a current and accurate survey and inspection of the premises; and Deeds of Trust of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, effective the day and year first above written.

  
JEREMY STANLEY


STATE OF NC  
Cumberland COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **JEREMY STANLEY**, Individually.

Dated: 7-2-13

**HEATHER M. BRAYTON**  
NOTARY PUBLIC  
Cumberland County, North Carolina  
My Commission Expires 10/31/2015

(Official Seal)

  
Notary Public

Printed Name: Heather M Brayton  
Notary Public

My commission expires: 10-31-15

(N.P. SEAL)

9235  
0028

EX-09235 00028

EXHIBIT "A"

LEGAL DESCRIPTION

BEGINNING at the Northwest corner of a tract conveyed to N.K.S. of North Carolina, LLC. as recorded in Deed Book 7480, Page 221, Cumberland County, North Carolina Registry, said beginning corner also being the Northwest corner of Tract 1 as shown on a map recorded in Plat Book 99, Page 111, said corner being in the eastern right-of-way margin of Jim Johnson Road (SR 2007) and running with said right-of-way margin with a curve to the left on a radius of 1932.36 feet an arc distance of 170.03 feet (chord North 07 degrees 13 minutes 15 seconds East, 169.98 feet) to a corner;

thence with Cash's southern line (line agreement recorded in Deed Book 3093, Page 747) South 62 degrees 35 minutes 00 seconds East, 605.46 feet to an existing iron stake in the Northwest right-of-way margin of Interstate 95 (Southbound exit ramp to NC 53-210);

thence with said right-of-way margin the following 2 calls;

South 18 degrees 34 minutes 00 seconds West, 4.97 feet to a right-of-way monument;

South 38 degrees 10 minutes 00 seconds West, 129.48 feet to a corner, the Northeast corner of Tract 1 as referenced above;

thence with the northern line of said Tract 1 North 69 degrees 29 minutes 47 seconds West, 512.75 feet to the POINT OF BEGINNING.

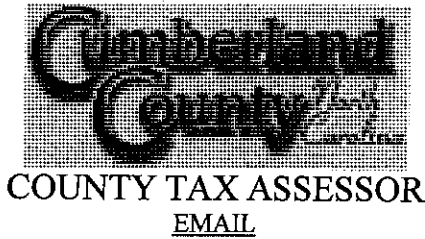
Containing 2.097 acres, more or less.

And being all of Tract 2 as shown on a map recorded in Plat Book 99, Page 111, Cumberland County, North Carolina Registry.

The above described tract is subject to a 20 foot wide utility easement as recorded in Deed Book 3806, Page 771.

The above described tract represents Tax Pin 0455-38-6835.

---



COUNTY TAX ASSESSOR  
[EMAIL](#)

Property Information Mini-Sheet

[Click for Tax Sheet](#)

[Tax Records](#) | [General Info](#) | [Phone Numbers](#) | [Real Estate](#) | [Personal](#) | [County](#)

Date: 09/10/2013

COUNTY OF CUMBERLAND Tax Year: 2014

Time: 18:02:17

**Parcel ID:** 0455-38-6835- **TaxYear:** 2014

**Owner Name(s):** STANLEY, JEREMY

**Owner Address:** 3229 SIDSMILL RD FAYETTEVILLE NC 28312

**Situs Address:** 001551 JIM JOHNSON RD N/A

**Taxing District:** 0101 VANDER

**Tax Bill Number:** ARCHIVE

**Old Parcel ID:** 0455-38-5747-

**Property Class:** COMMERCIAL

**Neighborhood:** 8021

**Zoning:** C3 -

**Frontage:** 207.25 **Depth:** 605.46

**Map & Sheet:** 0455-01

**Plat Book & Page:** 0099 -0111

**Legal Description:** LT 2 RALPH WILLIAMS & ASSOCIATES (2.10 ACS)

**Parcel Taxable Value:** (REVALUATION 2009)

	Total	Land	Building	Misc.	Date
<b>Appraised:</b>	288,471.00	112,863.00	175,608.00	0.00	05/30/2013

**Land Assessment:**

	Land Use	Land Units	Land Type	Land Rate	Land Value
COMMERCIAL	SQ FOOTAG	91,476.00	SF	1.23	112,863.00

(A max of 5 sales can be shown)

**Sale History Data:**

Deed Book	Deed Page	Sale Date	Sale Price
09235	00026	07/03/2013	0.00
08323	00001	01/13/2010	0.00
03116	00653	12/01/1985	0.00

(A max of 10 improvements can be shown)

**Miscellaneous Improvements:**

Description	Type	Unit	Number of Units
NO DATA FOUND			

Choose the Building to Display:

**Building Characteristics**

<b>Building #:</b>	01 of 01	<b># of Stry</b>	
<b>Structure Type:</b>	PRE-ENG STEEL FRAME		
<b>Quality Grade:</b>	350`		
<b>Actual Year Built:</b>	2011		
<b>BASE BLDG AREA SQ FT:</b>	7,296	1	
<b>Exterior1:</b>	PREFINISHED METAL "S" STR	%: 94	
<b>Exterior2:</b>	OVERHEAD DOORS	%: 6	
<b>Exterior3:</b>		%:	
<b>Exterior4:</b>		%:	
<b>4-Fix Baths: 0</b>	<b>3-Fix Baths: 0</b>	<b>2-Fix Baths: 1</b>	<b>Extra Fix: 1</b>
<b>Elevators: 0</b>	<b>Elv Landings: 0</b>	<b>Res Units: 0</b>	<b>Condition: E</b>
<b>Kitchen: 0</b>	<b>Fireplaces: 0</b>	<b>Escalators: 0</b>	

[Click for Tax Sheet](#)

Personal Property Search for STANLEY, JEREMY

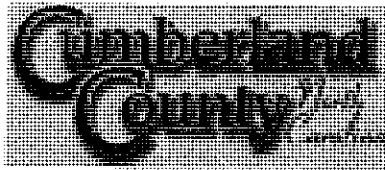
[| Tax Records](#) | [| General Info](#) | [| Phone Numbers](#) | [| Real Estate](#) | [| Personal](#) | [| County](#) |

**Disclaimer:**

The public information contained herein is furnished as a public service by the Cumberland County Treasurer's Office. The Cumberland County Treasurer's Office makes no warranties, either expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the information for any other particular use. Furthermore, the Cumberland County Treasurer's Office assumes no liability associated with the use or misuse of said information.

ERROR





REAL ESTATE TAX SHEET  
[EMAIL](#)

[Click for Property Info Sheet](#)

| [Tax Records](#) | [General Info](#) | [Phone Numbers](#) | [Real Estate](#) | [Personal](#) | [County](#) |

DATE: 09/10/2013

COUNTY OF CUMBERLAND

TIME: 18:02:46

**Parcel ID:** 0455-38-6835- **TaxYear:** 2014

**Owner Name:** NOT FOUND

**Owner Address:** KING, RICHARD  
 3229 SIDSMILL RD FAYETTEVILLE NC 28312

**Situs Address:** 001551 JIM JOHNSON RD N/A

**Taxing District:** 0101 VANDER

**Taxing Rate:**

**Tax Bill Number:** \*

**Old Parcel ID:** 0455-38-5747-

**Property Class:**

**Legal Description:** LT 2 RALPH WILLIAMS & ASSOCIATES (2.10 ACS)

	Total	Land	Building	Misc.
<b>Appraised:</b>				
<b>Assessed:</b>				
<b>Exemption:</b>				
<b>Taxable:</b>				
	<b>Tax Year: 2014</b>	<b>Applied</b>	<b>Paid</b>	<b>Owed</b>
<b>Tax:</b>				
<b>Sass:</b>				
<b>Fees:</b>				
<b>Interest:</b>				
<b>Total:</b>				

Interest/Discount data is not current - please call for up-to-date amount (910-678-7507)

Receipt #	Receipt Type	Payment Date	Paid Amount
Authority	Description	Orig Amount	
ASMT 0050202014LRARCHIVE			

[Click for Property Info Sheet](#)

Personal Property Search for NOT FOUND

| [Tax Records](#) | [General Info](#) | [Phone Numbers](#) | [Real Estate](#) | [Personal](#) | | [County](#) |

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ERROR

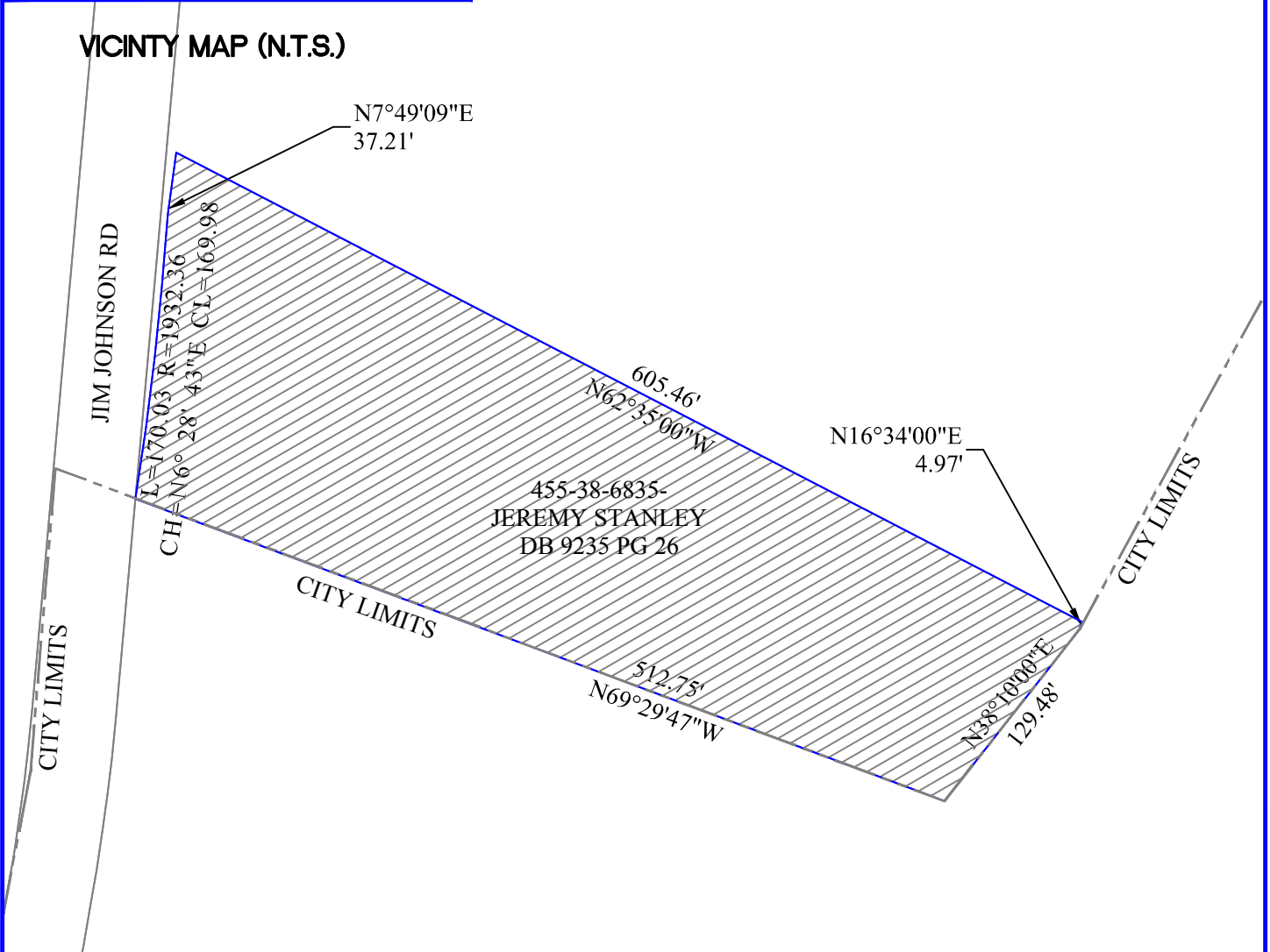


**THIS MAP IS NOT A CERTIFIED SURVEY  
AND HAS NOT BEEN REVIEWED BY A  
LOCAL GOVERNMENT AGENCY FOR  
COMPLIANCE WITH ANY APPLICABLE  
LAND DEVELOPMENT REGULATIONS.**

 ANNEXATION AREA

PB 99 PG III

**VICINITY MAP (N.T.S.)**



**EXHIBIT B**

**Fayetteville** ENGINEERING & INFRASTRUCTURE DEPT.  
*North Carolina* CIVIL ENGINEERING DIVISION  
433 HAY ST. 28301  
(910) 433-1656

**PROPOSED ANNEXATION  
JEREMY STANLEY PROPERTY  
455-38-6835-  
± 2.10 ACRES**

DATE 9/30/2013 DRAWN BY CSA  
SCALE 1" = 80' CK'D BY CSA

**ANNEXATION DATE:  
EFFECTIVE DATE:**



September 10, 2013

Jeremy Stanley

1551 Jim Johnson Road

Fayetteville, NC 28312

Parcel #455386835

To Public Works Commission:

As a Cumberland County business owner I am submitting the request for water service from the Public Works Commission.

My understanding before this request will be considered that I also must complete and sign the City of Fayetteville, North Carolina's "Petition Requesting Annexation". I would like to make it clear that annexation is not a part of my request...again my request is for water service. But it has been made clear to me over the last year that without the request for annexation I would not receive water service, which has been the case. As a new small business owner this is not in my best interest but without water service I am unable to operate my business even though water service has been available for years in this area.

OC #  
JH JBW  
BS  
JC

5-0  
Agenda: JC 2<sup>nd</sup> JH  
Minutes: JC 2<sup>nd</sup> JH

**ANYONE WHO WOULD LIKE TO BE HEARD ON THE CASE  
REFERENCED BELOW MUST SIGN UP IN FAVOR OR IN OPPOSITION**

**ZONING COMMISSION SIGN UP  
TUESDAY, NOVEMBER 12, 2013  
PUBLIC HEARING**

**P13-39F.** The initial zoning of property to CC – Community Commercial district, located at 1551 Jim Johnson Road, and being the property of Jeremy Stanley.

IN FAVOR		OPPOSED	
NAME/ADDRESS/PHONE	STAFF ONLY	NAME/ADDRESS/PHONE	STAFF ONLY

MOTION TO AP MADE BY: JC 2<sup>ND</sup> BY: OCH  
VOTE: 5-0

**From:** David Nash  
**Sent:** Tuesday, November 19, 2013 12:08 PM  
**To:** Scott Shuford  
**Cc:** Karen Hilton; Craig Harmon; Brian Meyer  
**Subject:** Stanley and King Annexation Request-Attached Map and Additional Information

Scott,

In light of the City Council's decision to table the Stanley and King annexation request last night, I would like to offer the following additional information and the attached map.

The attached map might be relevant, since the provision of PWC water and sewer lines has been a key issue in considering this annexation request. As noted on the map, a PWC water line extends across the front of the Stanley and King Property, although it is on the western side of Jim Johnson Road. A PWC sewer is on the eastern side of Jim Johnson Road, and it currently stops at the southwestern corner of the Stanley and King property. A PWC sewer manhole is located at the southwestern corner of the property.

Mr. Jeremy Stanley, who spoke last night against being annexed, is the person who signed the annexation petition. The other person who signed the petition, Mr. Richard King, is apparently a co-owner of the property. I have not had any contact with Mr. King.

Mr. Alden Stanley is the father of Jeremy Stanley. I have actually had more contact with Mr. Alden Stanley than with Jeremy Stanley.

On January 13, 2010, Jeremy Stanley bought two tracts from US Lodging. The first tract is the property requested for annexation. (The deed was recorded at Book 08323, Page 00001.)

Aerial photography from 2010 shows that the land had no building on it, as of 2010. (This photography from 2010 is shown on the attached map.)

On November 10, 2010, the county Planning Department approved a revision to a preliminary plan for this site (Case 10-120).

According to County tax records, a building was constructed on the property in 2011.

On February 13, 2012, the City Council amended Policy 150.2. The amendment meant that property located within the Fayetteville MIA had to be annexed before PWC utilities would be provided or expanded. (Prior to this amendment, the owner of property in the MIA had to submit an annexation petition before getting utilities.)

Around a year ago, I remember that Mr. Jeremy Stanley came to City Hall to ask about the annexation petition process. I believe he had already been to PWC about getting utilities. I believe PWC had told him that he would need to have his property annexed before he could get PWC utilities. Jeremy Stanley was extremely upset about this. I do not remember any other contact with him until September 2013, when he finally submitted an annexation petition.

On January 22, 2013, a septic tank was installed on the property. According to an email (dated 11-8-13) from Daniel Ortiz, Environmental Health Director at the County Health Department, "a septic permit was issued on 01-14-13. The system was installed 1-22-13. The owner was told about the sewer line prior to issuing the permit. The property owner had documentation from PWC stating he could not connect (we saw the paperwork out in the field and did not get a copy.). We do our best to ensure the property owners are aware of the city rules on sewer connection prior to issuing any permits. When possible we encourage sewer connection to the best of our abilities."

On July 3, 2013, Jeremy Stanley sold one-half interest in the property to Mr. Richard King (Deed Book 09235, Page 0026).

On July 24, 2013, a quote was mailed from PWC concerning this property. The following note was at the end: "Per phone conversation btwn Mr. King and Ms. Hobbs (Engineer Tech), proof of City annexation petition application is required prior to issuing quote with fees. Quote M. Hobbs 7/23/13, approved J. Glass 7/23/13"

**The annexation petition was received on September 10, 2013.** The petition was signed by Jeremy Stanley and Richard King. Jeremy Stanley included a **letter**, addressed to PWC, saying that he wanted PWC utilities without being annexed. (See copy of letter, attached.)

On September 27, Mr. Alden Stanley called me. He expressed his anger at his son having to be annexed before he can get PWC utilities. He asked me to explain how this can be. I explained that Policy 150.2 requires annexation. I emailed a copy of the policy to Alden Stanley.

On October 2, Mr. Alden Stanley came to my office. He said they were going to withdraw the annexation petition and install a well instead of connecting to PWC water. I gave Mr. Alden Stanley the petition his son had submitted on September 10. I called Joe Glass of PWC and left him a message that the petition had been withdrawn, and that they were going to install a well.

On October 7, Mr. Alden Stanley said that digging a well was no longer an option. He said his son still wants to connect to PWC water. Therefore, Mr. Alden Stanley returned the annexation petition to me. I let Joe Glass know this by email.

On November 4, City operating departments and PWC divisions were asked to review the annexation request, from the standpoint of service delivery.

Between November 6 and November 8, while I was trying to finalize the Novus agenda item, there were a series of emails between me and PWC staff members. PWC confirmed that Mr. Jeremy Stanley had been back and forth on whether he wanted water and sewer or only water. Joe Glass confirmed that Mr. Stanley is now only requesting PWC water, not PWC sewer. If he does not want sewer, then he will not have to extend sewer across the front of his parcel. Joe Glass received confirmation from Daniel Ortiz of the Health Department that a septic tank had been installed on January 22, 2013.

On November 7, I confirmed with Mr. Alden Stanley that his son was only requesting PWC water, not PWC water and sewer. I also confirmed that a septic tank had been installed.

On November 18, I called Mr. Jeremy Stanley and reminded him that the annexation and initial zoning public hearings were scheduled for that night. He said he would be there. I told him I had had no contact

with Mr. King, who had also signed the petition. Mr. Stanley said that would not be necessary to contact Mr. King, so I did not call Mr. King.

I hope the attached map and this information might be helpful in dealing with the annexation request. If you have any questions, feel free to get in touch.

David Nash



Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



# COUNTY of CUMBERLAND

## Planning and Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

STAFF REVIEW: 11-10-10 PLANNING BOARD DECISION: N/A

CASE NO: 10-120 NAME OF DEVELOPMENT: QUICK FIX PAINT & BODY

MIA: FAYETTEVILLE C3 SITE PLAN REVIEW

LOCATION: EAST SIDE OF SR 2007 (JIM JOHNSON ROAD), ZONING: C3

WEST OF I-95 PIN: 0455-38-6835-

OWNERS / DEVELOPER: DEBRA STANLEY ENGINEER OR DESIGNER: N/A

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION     REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

**Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)

Note: Due to an existing agreement between the PWC City of Fayetteville, an annexation petition most likely will be required prior to the PWC's review of any utility plans.

3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
4. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Three large shade trees or six small ornamental trees within the front yard setback area; and
  - b. Two large shade trees and 20 shrubs are required in the building yard area;

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and

- b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

- 8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C3 zoning district must be complied with, as applicable.
- 9. This conditional approval is not approval of the permit for the freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
- 10. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
- 11. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
- 12. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
- 13. Turn lanes may be required by the NC Department of Transportation (NCDOT).
- 14. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
- 15. A solid buffer must be provided and maintained along the side property lines where this tract/site abuts residentially zoned properties and surrounding the open storage areas, specifically screening the open storage from view from the public street, in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
- 16. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
- 17. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of one off-street parking space for each 200 square feet of net office floor and/or sales area is required for this development – 3.4 off street spaces required.
- 18. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

**Advisories:**

- 19. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 20. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.**

**Contact Information (Area Code is 910 unless otherwise stated):**

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	223-4737
Fayetteville Planning:	Marsha Bryant	433-1416
Fayetteville Engineer (Easements):	Rusty Thompson	433-1660
Fayetteville Engineer (Sidewalks):	Jeff Riddle	433-1661
County Public Utilities:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	251-4170
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Marsha Bryant, City of Fayetteville

**OFFICIAL PRELIMINARY STAMP**  
CUMBERLAND COUNTY  
CASE NO: **10-120**

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING &  
INSPECTION DEPARTMENT ON: **11-10-10**

COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND  
COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON  
AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW.  
THIS APPROVAL IS VALID UNTIL: **12-31-13**

*Patricia S. Spicher*  
\_\_\_\_\_  
EMB  
SUPERVISOR, LAND USE CODES

**From:** Cecil Combs [<mailto:ccombs@co.cumberland.nc.us>]  
**Sent:** Thursday, November 21, 2013 3:41 PM  
**To:** David Nash  
**Cc:** Kenneth Sykes  
**Subject:** RE: case 10-120-Located at 1551 Jim Johnson Road

David,

I have chased down the information that you requested.

Question #1. According to the conditions of approval the utilities contemplated for the site were PWC water/sewer. It appears sometime after the issuance of the original building permit, the owners then approached Environmental Health about the possibility of well/septic. Environmental Health, by law, will conduct a soil evaluation on any property in the county for well and septic suitability (I have raised this question before to no avail) if it is requested and the proper fees are remitted.

Question #2. Please see the attached documents of the "approval" from PWC and Mr. Sykes comments on the plan review about having this document prior to issuance of a building permit.

I don't know if there has been a breakdown in the lines of communication between all entities or if the subject property owners have done an end-run purposely. I do know that when an individual brings that paperwork back from PWC we have always used that as an approval or acknowledgement that utilities are required.

Cecil

**From:** David Nash [<mailto:DNash@ci.fay.nc.us>]  
**Sent:** Tuesday, November 19, 2013 2:50 PM  
**To:** Cecil Combs  
**Cc:** Patricia Speicher; Jeff Barnhill  
**Subject:** FW: case 10-120-Located at 1551 Jim Johnson Road

Cecil,

Last night, the City Council tabled an annexation request for a property located at 1551 Jim Johnson Road. (The PIN is 0455-38-6835. The owners are Jeremy Stanley and Richard King.) The property is in the Fayetteville MIA. We believe that a new building was constructed on this parcel in 2011, subject to a county permit. We understand that a septic tank was installed on January 22, 2013. It is our understanding that the building-which is currently vacant- is not yet served by either PWC water or by a well.

**Question #1**-What utilities were contemplated on county construction plans before the new building was constructed? Ie, was it assumed that PWC water and/or PWC sewer would be used, or was it assumed that a well and /or septic tank would be used?

Jeff Barnhill just provided me with the Condition sheet for Case 10-120. It is attached. I have copied and pasted condition #2 below:

2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided

to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)

Note: Due to an existing agreement between the PWC City of Fayetteville, an annexation petition most likely will be required prior to the PWC's review of any utility plans.

**Question #2-**Was a copy of the PWC approval ever provided to Code Enforcement at the time of application for building/zoning permits?






Thanks for any information you might be able to provide on this situation.

David Nash  
Development Services Department  
City of Fayetteville  
910-433-1995

### Planning Applications

Planning Applications > REVIEW > 2011-0270-0001-ZONE-KSYKES

## REVIEW: Quick Fix Paint & Body, (Bin 33), 1551 Jim...

 New Item |  Edit Item |  Manage Permissions |  Workflows | Alert Me |  Version History

<b>Assignment_ID</b>	2011-0270-0001-ZONE-KSYKES
<b>Review_Comments</b>	<p>Kenneth Sykes (7/13/2011 1:09 PM): DOT permit issued 6/7/11. DENR OK per Sally McKinney. PWC will be extending sewer main via contract with owner per H. Maly.</p> <p>Kenneth Sykes (2/11/2011 4:59 PM): Prior to Issuance of building permit the following documentation must be provided to Inspections Department: 1) Copy of PWC approval of water &amp; sewer plans; 2) Copy of DOT driveway permit; 3) if more than one acre of soil is to be disturbed copy of DENR Soil and Erosion Control Permit.</p>
<b>Status</b>	Approved

Content Type: Item  
Version: 3.0  
Created at 2/11/2011 4:59 PM by Kenneth Sykes  
Last modified at 7/13/2011 1:09 PM by Kenneth Sykes



## Water and/or Sanitary Sewer Information Sheet

S/D: Ralph Williams Contract #:        Lot #: 2  
 Address: 1551 Jim Johnson Rd Frontage: 207.25  
 Pin #: 0455-33-6835 City:        County: Cumb.  
 Name of Inquirer: Jeremy Stanley Ph #: 304-3928684 Fax #:         
 Building Use: Residential:        Commercial:

	YES	NO	ADDITIONAL INFORMATION
PWC Water Available	✓		
PWC Sewer Available		✓	<u>sewer main extension req'd</u>
Water Main Extension Required		✓	
Sewer Main Extension Required	✓		
Facility Investment fee to be Paid - Water		✓	
Facility Investment fee to be Paid - Sewer		✓	
Water Main Charge to be Paid	✓		
Sewer Main Charge to be Paid		✓	
Water Lateral Charge to be Paid		✓	
Sewer Lateral Charge to be Paid		✓	
Utility Easement(s) Required		✓	

Remarks: Sewer main extension required. Contract will cover all water & sewer fees per H. Maty.

**\*Proof of Payment of PWC Fees is required before issuance of Building Permit/Plumbing Permit unless otherwise stated in above remarks.**

Signed: *J Vasser*

Date: 5/25/11

Vicinity Map and Nearby PWC Utility Lines  
 Re: Proposed Annexation of a Contiguous Property Located at 1551 Jim Johnson Road (PIN 0455-38-6835)  
 Annexation Petition Was Submitted on 9/10/13 by Jeremy Stanley and Richard King, Pursuant to Policy 150.2







# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-331

**Agenda Date:** 12/9/2013

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Public Hearing

**Agenda Number:** 8.04

### CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council

**FROM:** David Nash, AICP, Senior Planner

**DATE:** December 9, 2013

**RE:** Public Hearing to Consider Request to Annex the Stanley and King Property-1551 Jim Johnson Road

**Relationship To Strategic Plan:**

Strong local economy

**Background:**

Mr. Jeremy Stanley and Mr. Richard King have submitted a petition requesting annexation of their property located at 1551 Jim Johnson Road. This property, which is contiguous to the City, consists of 2.10 acres, more or less. There is one building on the property. The building appears to be vacant at this time. Mr. Stanley proposes to use the building for a commercial use involving vehicle services.

On November 12, the Zoning Commission held its public hearing on the initial zoning of this property.

On November 18, the City Council held its public hearing on the initial zoning. Due to questions raised during the initial zoning public hearing, the City Council decided to table this matter, before holding the annexation public hearing.

The City staff has obtained additional information about this matter; this information is presented in a separate memo. The City staff has re-scheduled the annexation public hearing for December 9.

**Issues:**

**Sufficiency:** The City's Real Estate Manager has verified that the petitioners, Jeremy Stanley and Richard King, are the owners of the property. (See Sufficiency Memo, attached.)

**Services:** City operating departments and PWC divisions have reviewed the proposed annexation and they should be able to serve the property.

**City Services-**

The Fire Department reports that the travel distance from this property to the closest City fire station (Station 1 on Person Street) is 4.4 miles. The travel distance from this property to the closest County fire station (Vander) is 3.1 miles. The Effective Response Force (ERF) units needed to complete incident critical tasks have estimated travel time of 15 minutes, including County units. This is the threshold for response times described in the department's standard of coverage. If this property is added to the department's response plan, it will not have a significant impact.

The Police Department reports that the annexation request will not impact the service level of the department.

The Engineering and Infrastructure Department reported that the department would serve the area with existing forces, and there would be no costs and no impacts for the department.

The Environmental Services Department reported that since the property is expected to be a commercial use, it would be served by a commercial garbage/recycling hauler.

The Transit Department reports that there would be no impact.

**PWC Services-**

The PWC Water and Sewer Division reported that a PWC water line already exists in Jim Johnson Road. The owner can make a service lateral connection to the water line. A PWC fire hydrant also exists in Jim Johnson Road, directly across from the property. If the owners want PWC sewer, they would be required to extend the sanitary sewer main across the front of the property and install a service lateral.

The PWC Electrical Division reported that PWC does not provide electrical or street light services in this area; this area is in the service area of DukeEnergy.

Effective Date: Recent changes in the state law governing contiguous petition annexations require that a contiguous area be annexed either immediately, or on the June 30 after the date of passage of the ordinance, or on the June 30 of the following year after the date of passage of the ordinance.

**Budget Impact:**

Analyzing the budgetary impact of an annexation involves comparing projected revenues with projected costs.

Projected Revenues: If this property is annexed, it is projected that City revenues for a full fiscal year would be at least \$1,307. (This is based only on the current real property value of the property. There might also be revenues from personal property, vehicles, and the stormwater fee. There would be no population-based revenues, because this property has no population.)

Projected Costs: No City operating departments have expressed concerns or unusual increases in costs to serve this property, if it is annexed.

Budgetary Impact: If this property is annexed, it is expected that revenues will exceed costs. Therefore, it is projected that the budgetary impact will be positive for the City.

**Options:**

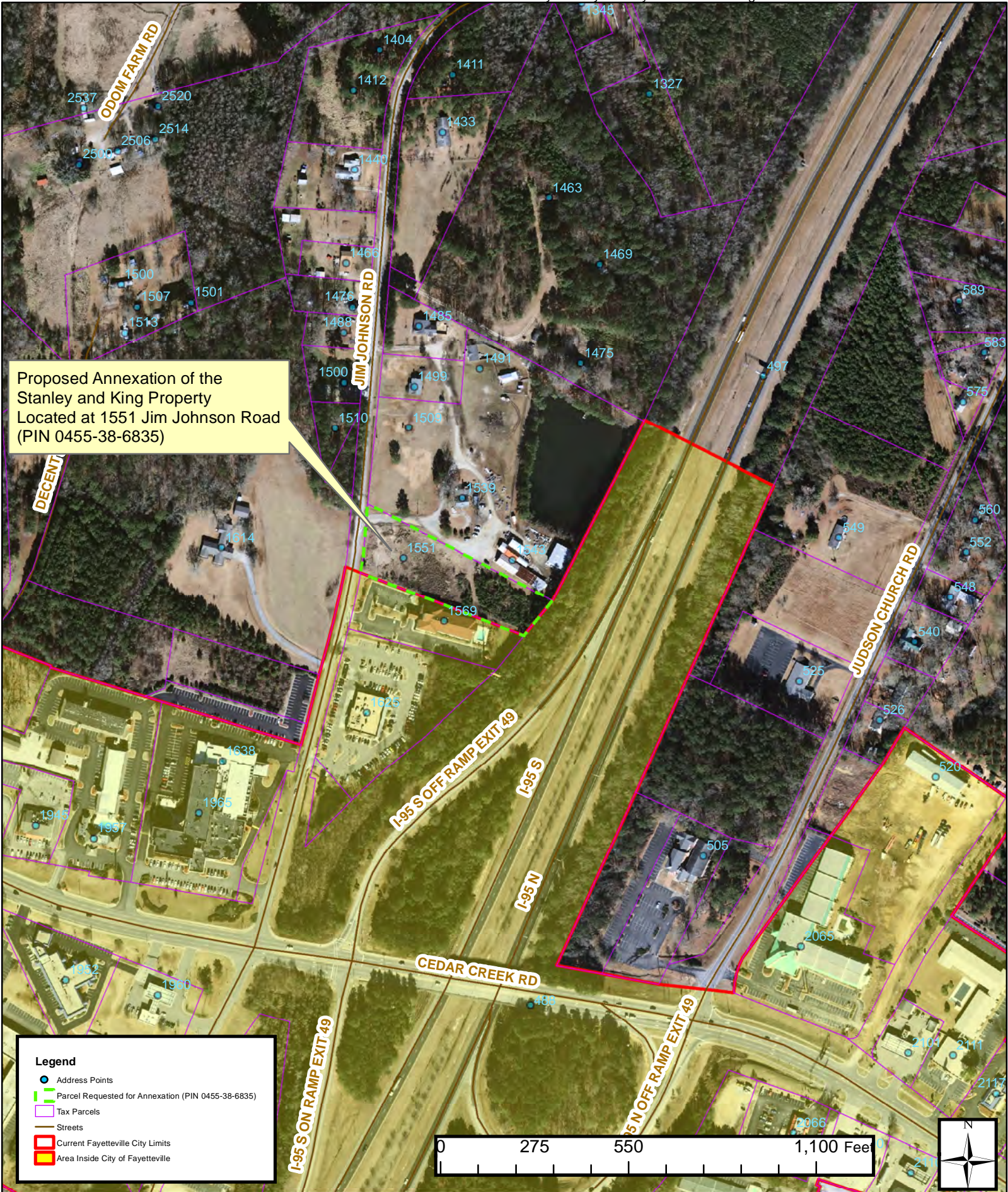
1. Adopt the Annexation Ordinance with an effective date of December 9, 2013, and include approval of the final initial zoning action consistent with the prior action on the zoning.
2. Adopt the Annexation Ordinance with an effective date of June 30, 2014, and include approval of the final initial zoning action consistent with the prior action on the zoning.

3. Adopt the Annexation Ordinance with an effective date of June 30, 2015, and include approval of the final initial zoning action consistent with the prior action on the zoning.
4. Do not adopt the Annexation Ordinance. This option means the property would remain outside the City and the initial zoning would not occur.
5. Table action on the requested annexation.

**Recommended Action:**

City staff recommends that City Council move to ADOPT the proposed ordinance annexing the area effective December 9, 2013, and establish the initial zoning consistent with the prior action on the zoning case.

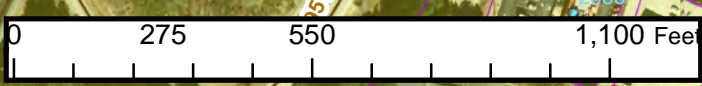
Vicinity Map  
 Proposed Annexation of the Stanley and King Property  
 This Is a Contiguous Property-Located at 1551 Jim Johnson Road-PIN 0455-38-6835  
 Annexation Petition Was Submitted on 9/10/13 by Jeremy Stanley and Richard King



Proposed Annexation of the Stanley and King Property Located at 1551 Jim Johnson Road (PIN 0455-38-6835)

**Legend**

- Address Points
- Parcel Requested for Annexation (PIN 0455-38-6835)
- Tax Parcels
- Streets
- Current Fayetteville City Limits
- Area Inside City of Fayetteville



**BASIC INFORMATION ABOUT THE AREA**

**Information Updated as of: November 6, 2013**

**Date Petition Received: September 10, 2013**

**Ordinance Adoption Date: / Effective Date:**

1. Name of Area:	Stanley and King Property-1551 Jim Johnson Road
2. Name of Owner:	Jeremy Stanley and Richard King
3. General Location/Address/ Directions to Property:	<u>General Location:</u> Eastern side of City, near interchange of Cedar Creek Road and I-95. <u>Address:</u> 1551 Jim Johnson Road <u>Directions:</u> Go out Cedar Creek Road toward I-95. Just before the interchange, turn north on Jim Johnson Road. Go past the Cracker Barrel Restaurant and the Comfort Inn. Property is adjacent to the Comfort Inn.
4. Tax Identification Number (PIN):	1 parcel: PIN 0455-38-6835
5. Fire Department To Be Affected:	0101-Vander
6. Is the Area Contiguous?	Yes
7. Is the Area in the Fayetteville MIA (Municipal Influence Area)?	Yes
8. Type of Annexation:	Petition-initiated contiguous area
9. Background:	Mr. Jeremy Stanley wants to open a business in the building located on this parcel. He would like to connect to PWC water.
10. Reason the Annexation was Proposed:	Mr. Stanley wants to connect to PWC water, so he has submitted an annexation petition.
11. Number of Acres in Area:	2.10 acres more or less (according to City's legal description map);
12. Type of Development in Area:	The land in the area currently has one "commercial" building on it.
13. Present Conditions:	a. <u>Present Land Use:</u> Commercial building (appears to be vacant) b. <u>Present Number of Housing Units:</u> 0 c. <u>Present Demographics:</u> Total Pop=0 d. <u>Present Streets:</u> No streets within area requested for annexation. e. <u>Water and Sewer Service:</u> GIS shows that PWC water is adjacent along the western side of Jim Johnson Road. A fire hydrant is on the western side of Jim Johnson Road, across from the property. GIS shows that PWC sewer ends at the southwest corner of the parcel. f. <u>Electrical:</u> GIS shows that PWC electrical lines are not in the immediate area. This area is in the service area of Duke Energy. g. <u>Current Real Property Tax Value:</u> Total=\$288,471 (Land=\$112,863, Building=\$175,608, Extra Feature=\$0) (These are the real property values for the 1 parcel listed above. (Source: GIS and Property Information Mini-Sheet-for Tax Year 2014)
14. Factors Likely to Affect Future of Area:	a. <u>Plans of Owners:</u> Assuming the site is annexed and initially zoned for commercial, the owner is expected to open a vehicle service type of use in the building. b. <u>Development Controls</u> 1. <u>Land Use Plans</u> a. <u>2010 Plan-</u> Community Activity Node (around I-95 interchange) b. <u>2030 Plan-Urban Area</u> (www.ccmaps.org) 2. <u>Zoning</u> a. <u>Current Zoning in County:</u> C3 (www.ccmaps.org) b. <u>Expected Zoning After Annexation:</u> CC-Community Commercial -goes to Zoning Commission on 11/12/13-(Case P13-39F) 3. <u>In Fay Airport Impact Zone?</u> -No (www.ccmaps.org) 4. <u>In Fay Airport Overlay District?</u> -No (www.ccmaps.org) 5. <u>In Simmons Airfield Noise Contour?</u> No 6. <u>Status of Plan Approval-</u> The County Planning staff approved a revision to a preliminary plan on 11/10/10-(Case 10-120)
15. Expected Future Conditions:	a. <u>Future Land Use:</u> Commercial b. <u>Future Number of Housing Units:</u> Total=0 (0 HU x 90% occupancy rate*=0 occupied HU) * Based on 2010 Census data for Fayetteville c. <u>Future Demographics:</u> Total Pop=0 (0 occupied HU x 2.45 avg household size*=0) *Based on 2010 Census data for Fayetteville d. <u>Future Streets:</u> No public streets expected within area. e. <u>Water and Sewer Service:</u> Water is expected to be provided by PWC. f. <u>Electric Service-</u> Property is expected to remain in the Duke Energy service area. g. <u>Future Real Property Tax Value:</u> Continuation of Current Tax Value shown above.

# MEMO

**To:** David Nash, Planning Department

**From:** Kecia N. Parker, Real Estate Manager

**CC:** To the file

**Date:** October 3, 2013

**Re:** Sufficiency of Annexation Petition

**SIGNERS OF THE PETITION:** Richard King, Jeremy Stanley

---

**Jeremy Stanley and Richard King** per recorded deeds found in Deed Book 8323, Page 1 and Deed Book 9235, Page 26, is the record owner for the 2.10 acre tract.

1: 0455-38-6835- Lot 2 Ralph Williams and Associates property 2.10 acres

Beginning at NCGS Monument "BEST" having North Carolina Grid Coordinates (NAD 83) N=457,599.26 and E=2,053,820.84 thence North 02 degrees 50 minutes West 978.60 feet to an existing iron pipe, thence North 38 degrees 10 minutes 00 seconds East 129.48 feet to the TRUE POINT AND PLACE OF BEGINNING and runs thence North 69 degrees 29 minutes 47 seconds West 512.75 feet to the eastern margin of Jim Johnson Road, thence as the eastern margin of said road as it curves to the Left having a radius of 932.36 and a chord bearing and distance of North 06 degrees 28 minutes 43 seconds East 169.98 feet to a point, thence North 07 degrees 49 minutes 09 seconds East 37.21 feet to a point, thence South 62 degrees 35 minutes 00 seconds East 605.46 feet to a point, thence South 16 degrees 34 minutes 00 seconds West 4.97 feet to a point, thence South 38 degrees 10 minutes 00 seconds West 129.48 feet to the TRUE POINT AND PLACE OF BEGINNING.

My search ended 9/16/2013. No pertinent out conveyances were recorded for this property.

**Petition is sufficient!**

**Annexation Ordinance No:** \_\_\_\_\_

**Stanley and King Property-1551 Jim Johnson Road  
Area Includes One Tax Parcel:  
PIN 0455-38-6835**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF FAYETTEVILLE, NORTH CAROLINA**

WHEREAS, the City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City of Fayetteville has investigated the sufficiency of the petition; and

WHEREAS, the City of Fayetteville has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on December 9, 2013, after due notice by publication on November 8, 2013, and on November 29, 2013; and

WHEREAS, the City Council further finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous property owned by Jeremy Stanley and Richard King, is hereby annexed and made part of the City of Fayetteville, North Carolina as of December 9, 2013:

0455-38-6835- (Lot 2 Ralph Williams and Associates property, 2.10 acres)-Beginning at NCGS Monument "BEST" having North Carolina Grid Coordinates (NAD 83) N=457,599.26 and

E=2,053,820.84 thence North 02 degrees 50 minutes West 978.60 feet to an existing iron pipe, thence North 38 degrees 10 minutes 00 seconds East 129.48 feet to the TRUE POINT AND PLACE OF BEGINNING and runs thence North 69 degrees 29 minutes 47 seconds West 512.75 feet to the eastern margin of Jim Johnson Road, thence as the eastern margin of said road as it curves to the Left having a radius of 932.36 and a chord bearing and distance of North 06 degrees 28 minutes 43 seconds East 169.98 feet to a point, thence North 07 degrees 49 minutes 09 seconds East 37.21 feet to a point, thence South 62 degrees 35 minutes 00 seconds East 605.46 feet to a point, thence South 16 degrees 34 minutes 00 seconds West 4.97 feet to a point, thence South 38 degrees 10 minutes 00 seconds West 129.48 feet to the TRUE POINT AND PLACE OF BEGINNING.

Section 2. Upon and after December 9, 2013, the effective date of this ordinance, the above-described area and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Fayetteville shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed area, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections, as required by G.S. 163-288.1.

Adopted this \_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

\_\_\_\_\_  
Nat Robertson, Mayor

\_\_\_\_\_  
Pamela J. Megill, City Clerk



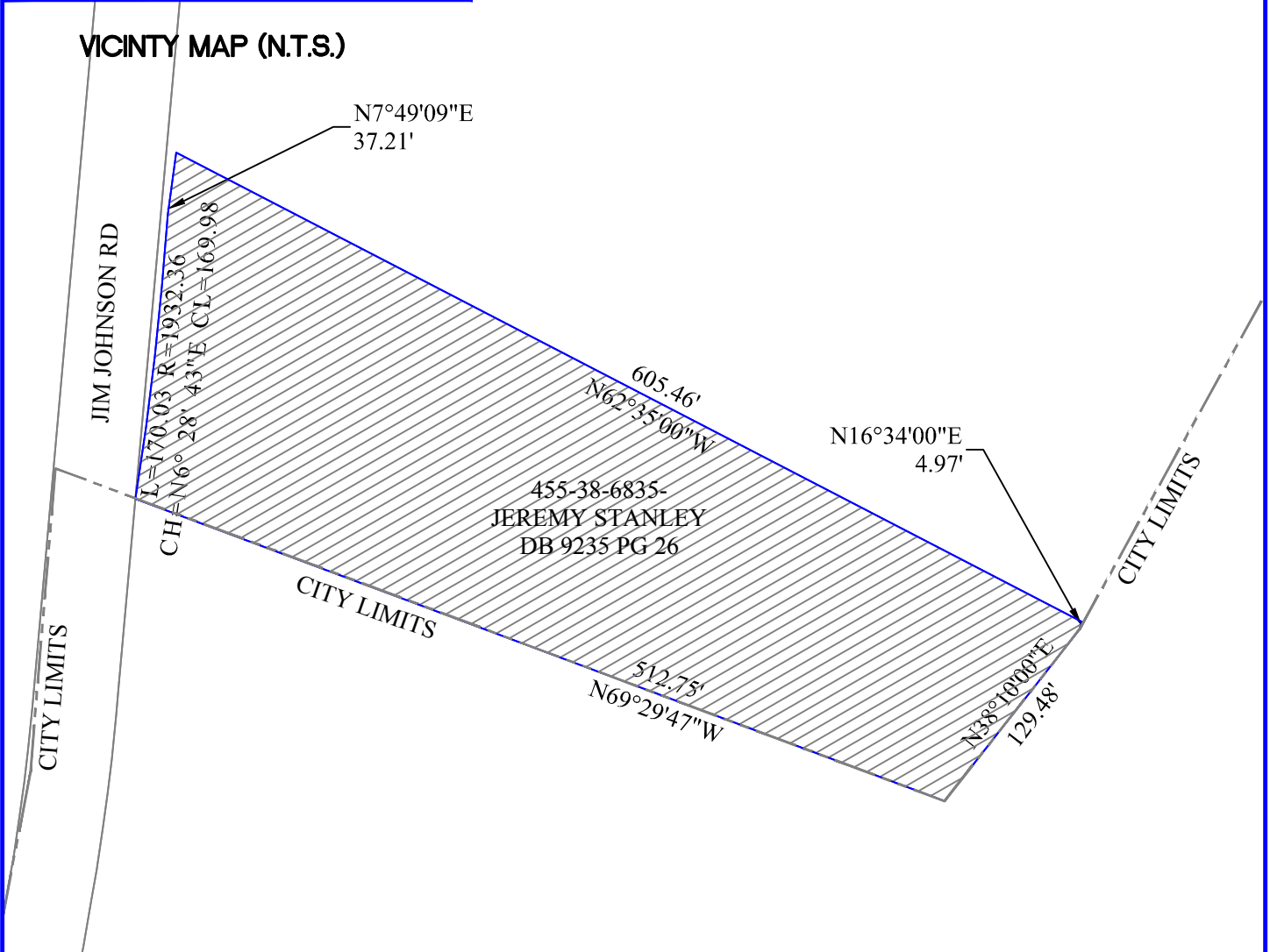


**THIS MAP IS NOT A CERTIFIED SURVEY  
AND HAS NOT BEEN REVIEWED BY A  
LOCAL GOVERNMENT AGENCY FOR  
COMPLIANCE WITH ANY APPLICABLE  
LAND DEVELOPMENT REGULATIONS.**

 ANNEXATION AREA

PB 99 PG III

**VICINITY MAP (N.T.S.)**



**EXHIBIT B**

**Fayetteville** ENGINEERING & INFRASTRUCTURE DEPT.  
CIVIL ENGINEERING DIVISION  
433 HAY ST. 28301  
(910) 433-1656

**PROPOSED ANNEXATION  
JEREMY STANLEY PROPERTY  
455-38-6835-  
± 2.10 ACRES**

**ANNEXATION DATE:  
EFFECTIVE DATE:**

DATE 9/30/2013 DRAWN BY CSA  
SCALE 1" = 80' CK'D BY CSA



Date: December 9, 2013  
To: Mayor Robertson and City Council  
Via: Ted Voorhees, City Manager  
Rochelle Small-Toney, Deputy City Manager  
From: Scott Shuford, Development Service Department Director  
RE: Jeremy Stanley Notification of Need to Annex

---

At the November 18, 2013 City Council meeting, property owner Jeremy Stanley appeared before City Council requesting voluntary annexation pursuant to City Council policy that requires such annexation in order to receive water and/or sewer services from the Public Works Commission (PWC). Mr. Stanley vociferously objected to being annexed to receive these services, indicating that he was unaware of the need to annex under these conditions until relatively recently. City Council tabled Mr. Stanley's case and asked staff investigate. Council will again consider this case on December 9, 2013.

Below is a summary of our findings:

Mr. Jeremy Stanley bought this property on January 13, 2010. We do not know if Mr. Stanley inquired about the availability of PWC utilities or annexation requirements before buying this property.

As early as November 10, 2010, the County's Condition of Approval Sheet noted that an annexation petition will likely be required in order to get PWC utilities.

On May 25, 2011, PWC prepared an information sheet for Jeremy Stanley. This showed that sewer was not available, and that a sewer extension would be required. Mr. Stanley was likely told that it would be very expensive to extend sewer across the entire length of his parcel. It is possible that this high cost of a sewer extension contributed to his decision to install a septic tank.

The City revised Policy 150.2 on February 13, 2012. This change meant that instead of merely submitting an annexation petition, annexation of the property would be required before PWC utilities would be provided or expanded.

On July 3, 2013, Jeremy Stanley sold to Mr. Richard King half-interest in this property. On July 24, 2013, after becoming part owner of this property, Mr. Richard King was mailed information about PWC water from PWC. This information noted that proof of City annexation petition application is required prior to issuing quote with fees.

From these records, it is apparent that the property owner(s) were apprised of the need to petition for annexation as far back as 2010.

Please advise if additional information is needed.

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



# COUNTY of CUMBERLAND

## Planning and Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

STAFF REVIEW: 11-10-10 PLANNING BOARD DECISION: N/A

CASE NO: 10-120 NAME OF DEVELOPMENT: QUICK FIX PAINT & BODY

MIA: FAYETTEVILLE C3 SITE PLAN REVIEW

LOCATION: EAST SIDE OF SR 2007 (JIM JOHNSON ROAD), ZONING: C3

WEST OF I-95 PIN: 0455-38-6835-

OWNERS / DEVELOPER: DEBRA STANLEY ENGINEER OR DESIGNER: N/A

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION       REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION     REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

**Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)

Note: Due to an existing agreement between the PWC City of Fayetteville, an annexation petition most likely will be required prior to the PWC's review of any utility plans.

3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
4. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Three large shade trees or six small ornamental trees within the front yard setback area; and
  - b. Two large shade trees and 20 shrubs are required in the building yard area;

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and

- b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

- 8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C3 zoning district must be complied with, as applicable.
- 9. This conditional approval is not approval of the permit for the freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
- 10. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
- 11. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
- 12. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
- 13. Turn lanes may be required by the NC Department of Transportation (NCDOT).
- 14. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
- 15. A solid buffer must be provided and maintained along the side property lines where this tract/site abuts residentially zoned properties and surrounding the open storage areas, specifically screening the open storage from view from the public street, in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
- 16. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
- 17. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of one off-street parking space for each 200 square feet of net office floor and/or sales area is required for this development – 3.4 off street spaces required.
- 18. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

**Advisories:**

- 19. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 20. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.**

**Contact Information (Area Code is 910 unless otherwise stated):**

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	223-4737
Fayetteville Planning:	Marsha Bryant	433-1416
Fayetteville Engineer (Easements):	Rusty Thompson	433-1660
Fayetteville Engineer (Sidewalks):	Jeff Riddle	433-1661
County Public Utilities:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	251-4170
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Marsha Bryant, City of Fayetteville

**OFFICIAL PRELIMINARY STAMP**  
CUMBERLAND COUNTY  
CASE NO: **10-120**

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING &  
INSPECTION DEPARTMENT ON: **11-10-10**

COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND  
COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON  
AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW.  
THIS APPROVAL IS VALID UNTIL: **12-31-13**

*Patricia S. Spicher*  
\_\_\_\_\_  
EMB  
SUPERVISOR, LAND USE CODES

9235  
0026

BK09235 P00026

FILED  
CUMBERLAND COUNTY NC  
J. LEE WARREN, JR.  
REGISTER OF DEEDS

FILED Jul 03, 2013  
AT 11:49:00 am  
BOOK 09235  
START PAGE 0026  
END PAGE 0028  
INSTRUMENT # 25972  
RECORDING \$26.00  
EXCISE TAX (None)  
KSJ

**NORTH CAROLINA SPECIAL WARRANTY DEED**  
**THIS FORM IS NOT A "NORTH CAROLINA BAR ASSOCIATION" FORM**  
**NO TITLE EXAMINATION**

Parcel Identifier No. 0455-38-6835

Excise Tax: \$0

Prepared by: Richard A. Galt, PLLC, 2533 Raeford Road, Fayetteville, NC 28305

Return after recording to: Richard A. Galt, PLLC, 2533 Raeford Road, Fayetteville, NC 28305

Brief Description for the Index:

This Deed made this the 27<sup>th</sup> day of July, 2013 by and between:

GRANTOR	GRANTEE
JEREMY STANLEY, unmarried	RICHARD KING
Mailing Address: 3229 Sidsmill Rd Fayetteville, NC 28312	Mailing Address: 128 S Broad St. Fayetteville, NC 28301

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, A ONE-HALF UNDIVIDED INTEREST in that certain lot or parcel of land situated in Cumberland County, North Carolina and more particularly described as follows:

**FOR LEGAL DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.**

The property hereinabove described was acquired by Grantor by instrument recorded in Book \_\_\_\_, Page \_\_\_\_.

A map showing the above described property is recorded in Plat Book \_\_\_\_, Page \_\_\_\_.

All or a portion of the property herein conveyed \_\_\_\_\_ includes or \_\_\_X\_\_\_ does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid **ONE-HALF UNDIVIDED INTEREST** in said lots or parcels of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that the Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

All valid and enforceable easements, restrictions, rights-of-way, conditions and matters of record; the lien of ad valorem tax for the current year which Grantee shall pay; and matters which would be revealed by a current and accurate survey and inspection of the premises; and Deeds of Trust of record.

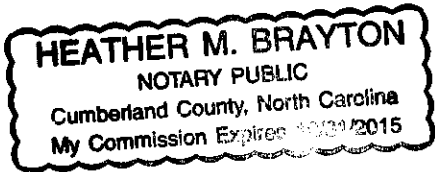
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, effective the day and year first above written.

  
\_\_\_\_\_  
JEREMY STANLEY

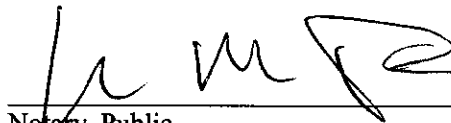
STATE OF NC  
Cumberland COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:  
**JEREMY STANLEY**, Individually.

Dated: 7-2-13



(Official Seal)

  
\_\_\_\_\_  
Notary Public

Printed Name: Heather M Brayton  
Notary Public

My commission expires: 10-31-15

(N.P. SEAL)

BK 09235 P00028

EXHIBIT "A"

LEGAL DESCRIPTION

BEGINNING at the Northwest corner of a tract conveyed to N.K.S. of North Carolina, LLC. as recorded in Deed Book 7480, Page 221, Cumberland County, North Carolina Registry, said beginning corner also being the Northwest corner of Tract 1 as shown on a map recorded in Plat Book 99, Page 111, said corner being in the eastern right-of-way margin of Jim Johnson Road (SR 2007) and running with said right-of-way margin with a curve to the left on a radius of 1932.36 feet an arc distance of 170.03 feet (chord North 07 degrees 13 minutes 15 seconds East, 169.98 feet) to a corner;

thence with Cash's southern line (line agreement recorded in Deed Book 3093, Page 747) South 62 degrees 35 minutes 00 seconds East,, 605.46 feet to an existing iron stake in the Northwest right-of-way margin of Interstate 95 (Southbound exit ramp to NC 53-210);

thence with said right-of-way margin the following 2 calls;

South 18 degrees 34 minutes 00 seconds West, 4.97 feet to a right-of-way monument;

South 38 degrees 10 minutes 00 seconds West, 129.48 feet to a corner, the Northeast corner of Tract 1 as referenced above;

thence with the northern line of said Tract 1 North 69 degrees 29 minutes 47 seconds West, 512.75 feet to the POINT OF BEINNING.

Containing 2.097 acres, more or less.

And being all of Tract 2 as shown on a map recorded in Plat Book 99, Page 111, Cumberland County, North Carolina Registry.

The above described tract is subject to a 20 foot wide utility easement as recorded in Deed Book 3806, Page 771.

The above described tract represents Tax Pin 0455-38-6835.

---



8323  
0001

BK08323 PG0001

FILED  
CUMBERLAND COUNTY NC  
J. LEE WARREN, JR.  
REGISTER OF DEEDS

FILED Jan 13, 2010  
AT 03:47:00 pm  
BOOK 08323  
START PAGE 0001  
END PAGE 0005  
INSTRUMENT # 01194  
RECORDING \$31.00  
EXCISE TAX \$70.00

DJ

Excise Tax \$70.00

Recording: Time, Book, Page

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. \_\_\_\_\_  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ Day of January, 2010

By \_\_\_\_\_

Mail after Recording to: Jeremy Stanley, 3229 Sidsmill Road, Fayetteville, North Carolina 28312

This instrument prepared by: Marci A. Reddick  
Taft Stettinius & Hollister LLP  
One Indiana Square, Suite 3500  
Indianapolis, Indiana 46204

Brief description for the index: \_\_\_\_\_

**NORTH CAROLINA LIMITED WARRANTY DEED**

THIS DEED made the 8 day of January, 2010, by and between

**GRANTOR**

U.S. LODGING OF FAYETTEVILLE, LTD.  
an Indiana Limited Partnership  
c/o Kenneth J. Williams  
1809 Milford Street  
Carmel, IN 46032

**GRANTEE**

Jeremy Stanley  
3229 Sidsmill Road  
Fayetteville, NC 28312

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does bargain and sell and convey unto the Grantee, in fee simple, all of the certain two tracts of land described below, situated in or near the City of Fayetteville, Cedar Creek Township, Cumberland County, North Carolina and more particularly described as follows (hereinafter referred to as the "Real Estate"):

TRACT 1:

2.097 Acre tract  
Jim Johnson Road (SR 2007)

BEGINNING at the Northwest corner of a tract conveyed to N.K.S. of North Carolina, LLC. as recorded in Deed Book 7480, Page 221, Cumberland County, North Carolina Registry, said beginning corner also being the Northwest corner of Tract 1 as shown on a map recorded in Plat Book 99, Page 111, said corner being in the eastern right-of-way margin of Jim Johnson Road (SR 2007) and running with said right-of-way margin with a curve to the left on a radius of 1932.36 feet an arc distance of 170.03 feet (chord North 07 degrees 13 minutes 15 seconds East, 169.98 feet) to a corner;

thence with Cash's southern line (line agreement recorded in Deed Book 3093, Page 747) South 62 degrees 35 minutes 00 seconds East,, 605.46 feet to an existing iron stake in the Northwest right-of-way margin of Interstate 95 (Southbound exit ramp to NC 53-210);

thence with said right-of-way margin the following 2 calls;

South 18 degrees 34 minutes 00 seconds West, 4.97 feet to a right-of-way monument;

South 38 degrees 10 minutes 00 seconds West, 129.48 feet to a corner, the Northeast corner of Tract 1 as referenced above;

thence with the northern line of said Tract 1 North 69 degrees 29 minutes 47 seconds West, 512.75 feet to the POINT OF BEINNING.

Containing 2.097 acres, more or less.

And being all of Tract 2 as shown on a map recorded in Plat Book 99, Page 111, Cumberland County, North Carolina Registry.

The above described tract is subject to a 20 foot wide utility easement as recorded in Deed Book 3806, Page 771.

The above described tract represents Tax Pin 0455-38-6835.

BK 08323 PG 0003

TRACT 2:

2.367 Acre Tract

BEGINNING at the Northwest corner of a tract conveyed to U.S. Lodging of Fayetteville Associates No. 1 as recorded in Deed Book 3445, Page 42, Cumberland County, North Carolina Registry and running with the western line of said tract South 09 degrees 46 minutes 50 seconds West, 150.54 feet to the northernmost corner of a tract conveyed to KKOT, LLC. as recorded in Deed Book 7362, Page 300;

thence with said tract the following 2 calls;

South 09 degrees 46 minutes 50 seconds West, 23.60 feet to a corner;  
South 67 degrees 00 minutes 00 seconds West, 61.70 feet to a corner in the northern line of a tract conveyed to SPPR-Hotels, LLC. as recorded in Deed Book 7070, Page 330;

thence with the northern line of said tract North 73 degrees 01 minutes 00 seconds West, 287.94 feet to the northernmost corner of said tract in the eastern line of the McDaniel Cemetery;

thence with said line North 21 degrees 38 minutes 30 seconds East, 4.70 feet to the Northeast corner of said cemetery;

thence with the northern line of the cemetery North 68 degrees 32 minutes 05 seconds West, 202.86 feet to a corner;

thence to and with the eastern line of the Jackson Property as recorded in Deed Book 2548, Page 349 North 38 degrees 44 minutes 59 seconds East, 114.15 feet to a corner;

thence continuing with Jackson's eastern line North 27 degrees 39 minutes 33 seconds East, 99.54 feet to a corner;

thence with Crumpler's southern line South 68 degrees 33 minutes 33 seconds East, 150.31 feet to a corner;

thence continuing with Crumpler's southern line South 72 degrees 58 minutes 01 seconds East, 304.61 feet to the POINT OF BEGINNING.

Containing 2.367 acres, more or less.

The above described tract is subject to a 20 foot wide utility easement as described in Deed Book 2948, Page 136.

The above described tract represents Tax Pin 0455-28-5687.

The Real Estate is being conveyed to Grantee:

SUBJECT TO THE FOLLOWING COVENANT CONCERNING THE USE OF THE REAL ESTATE: for a period of five (5) years following the date hereof, Grantee shall be limited to painting and doing body work on trucks, trailers or vehicles with more than two axels, provided that such trucks, trailers or vehicles are not on the Real Estate for more than ten (10) days. Otherwise, with the exception of Grantee's show car trailer, Grantee shall not store, park, repair or service trucks, trailers or vehicles with more than two axels for a period of five (5) years following the date hereof. In the event Grantee violates this covenant, Grantee's title in the Real Estate shall terminate immediately and title in the Real Estate shall revert to Seller;

SUBJECT TO current real estate taxes not now due and payable, all zoning and land use restrictions of record, encroachments, easements, highways and rights-of-way, conditions, agreements, limitations, restrictive covenants of record and all other matters affecting the Real Estate; and

SUBJECT TO all matters which would be disclosed by an accurate survey and inspection (both surface and sub-surface) of the Real Estate, and also subject to all valid laws, rules, and regulations of the United States and the State of North Carolina, or any department, bureau, agency, or political subdivision of either thereof, relating to the use of Real Estate.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances hereto belonging to the Grantee in fee simple.

SUBJECT TO matters above described, Grantor shall warrant and forever defend unto Grantee the Real Estate hereby conveyed and transferred against only the claims of all persons whomsoever claiming or to claim the same or any part thereof, by, through, and under Grantor, but not otherwise, other than matters above described to which the Real Estate is subject, and Grantor makes no other warranties, covenants or representations.

IN WITNESS WHEREOF, the Grantor has hereunto caused this instrument to be signed by its duly authorized general partner and its seal to be hereunto affixed by authority of its general partner, the day and year first written above.

U.S. LODGING OF FAYETTEVILLE, LTD.,  
an Indiana Limited Partnership

By: Ralph and Wanda Williams Family LLC, an  
Indiana limited liability company, its General  
Partner

By: 

Kenneth J. Williams, Manager

SEAL-STAMP

INDIANA, Main County

I, a Notary Public of the County and State aforesaid, certify that Kenneth J. Williams personally came before me this day and acknowledged that he is the Manager of the Ralph and Wanda Williams Family LLC, an Indiana limited liability company and the General Partner of U.S. Lodging of Fayetteville, LTD., an Indiana limited partnership, and that by authority duly given and as the act of the limited partnership, the foregoing instrument was signed in its name by the General Partner. Witness my hand and official stamp or seal this the 21<sup>st</sup> day of December, 2009.

Marci A. Reddick  
Notary Public - Signature

MARCI A. REDDICK  
Notary Public - Printed Name  
Marci A. Reddick



My Commission Expires:  
December 15, 2016

My County of Residence:  
Main

The foregoing certificate(s) of \_\_\_\_\_

**(N.P. SEAL)**

\_\_\_\_\_ are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR CUMBERLAND COUNTY

By \_\_\_\_\_ Deputy Assistant - Register of Deeds

<b>SUBJECT – PUBLIC WORKS COMMISSION</b> <b>Provision of Water and Sewer to</b> <b>Municipal Influence Area</b>	<b>Number</b> <b>150.2</b>	<b>Revised</b> <b>4/10/06</b> <b>8/23/10</b> <b>2/13/12</b>	<b>Effective</b> <b>Date</b> <b>11/17/03</b>	<b>Page 1 of 1</b>
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Unless specifically exempted by action of the City Council, all property within the City of Fayetteville’s Municipal Influence Area<sup>1</sup> (“MIA”) that meet the statutory requirements for annexation must be annexed into the City of Fayetteville before water or sewer service will be provided or expanded. Further, all property to be served by PWC water and/or sewer service must be developed consistent with the City’s development regulations in place at the time service is requested.

The requirement for annexation does not apply to a single-family residential homeowner requesting service from an existing water and/or sanitary sewer main when their lot is not contiguous to a corporate boundary of the City of Fayetteville.

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<sup>1</sup> The version of the MIA referenced in this policy is that established by interlocal agreement with Cumberland County June 9, 2008 as amended by the City’s Annexation Agreement with the Town of Hope Mills adopted August 23, 2010.



**Water and/or Sanitary Sewer Information Sheet**

S/D: Ralph Williams Contract #:        Lot #: 2  
 Address: 1551 Jim Johnson Rd Frontage: 207.25  
 Pin #: 0455-33-6835 City:        County: Cumb.  
 Name of Inquirer: Jeremy Stanley Ph #: 304-392 8684 Fax #:         
 Building Use: Residential:        Commercial:

	YES	NO	ADDITIONAL INFORMATION
PWC Water Available	✓		
PWC Sewer Available		✓	<u>sewer main extension req'd</u>
Water Main Extension Required		✓	
Sewer Main Extension Required	✓		
Facility Investment fee to be Paid - Water		✓	
Facility Investment fee to be Paid - Sewer		✓	
Water Main Charge to be Paid	✓		
Sewer Main Charge to be Paid		✓	
Water Lateral Charge to be Paid		✓	
Sewer Lateral Charge to be Paid		✓	
Utility Easement(s) Required		✓	

Remarks: Sewer main extension required. Contract will cover all water & sewer fees per H. Maty.

*\*Proof of Payment of PWC Fees is required before issuance of Building Permit/Plumbing Permit unless otherwise stated in above remarks.*

Signed: J. Varner

Date: 5/25/11

PUBLIC WORKS COMMISSION
FAYETTEVILLE NC
Water/Sewer Quote

SAD:JIM JOHNSON RD 1551
SAD DESC:AUTO BODY SHOP
CYC/RTE/SEQ:
PIN:0455-38-6835-

SUB:
COOR:
LOC:155930

SO #:5365452
SVC SO:10500023
WK DT:07/08/13
CREW:COMM GRP

[Water/Sewer Quote]

ACCT: 0
NAME:
CONTACT: RICHARD KING

GEN DT: 07/08/13 RECD BY: guthried

INSTRUCTIONS

Please bring this quote to the Customer Service Department or Customer Programs Department to apply for a water/sewer tap before obtaining a plumbing permit. PWC has 30 days to make the service connection. If your tap has not been made within this time frame, please contact the Water Resources Construction Section at 223-4715 or 223-4716.

\*\*\*\*FEES ARE VALID FOR 30 DAYS FROM APPROVAL DATE AND ARE SUBJECT TO CHANGE\*\*\*\*

NAME/LOCATION INFORMATION

SAD : 1551 JIM JOHNSON RD NAME : RICHARD KING
LOT : 2 NEW PIN # : 0455-38-6835-
SUBDIVISION : RALPH WILLIAMS & ASS OLD PIN # : 0455-38-5747-
RES/COMM : COMM
LOT FRONTAGE : 207.25 TAP SIZE : COMMERCIAL

WATER MAIN & LATERAL INFO

WATER MAIN/\$ : MIA PETITION REQ'D
# WTR LATERALS :
LATERAL SIZE : LATERAL SIZE :
LATERAL \$ : MIA PETITION REQ'D LATERAL \$ :
METER SIZE : METER SIZE :
WATER FIF \$ : MIA PETITION REQ'D WATER FIF \$ :
JUMBO BOX \$ : JUMBO BOX \$ :
MTR VLT/BYPSS : MTR VLT/BYPSS :
OTHER : OTHER :

SEWER MAIN & LATERAL INFO

SEWER MAIN/\$ :
# SWR LATERALS :
LATERAL SIZE : LATERAL SIZE :
LATERAL \$ : LATERAL \$ :
SWR FIF \$ : SWR FIF \$ :
OTHER : OTHER :

ADDITIONAL INFORMATION

ADTNL LATERALS : SIZE :
SPLIT Y/N : OTHER \$ :
REASON : SIZE :

WATER FIF \$ : TOTAL \$ : MIA PETITION REQ'D



ADDITIONAL INFORMATION

IRRIGATION \$ : \_\_\_\_\_ QUOTE MAILED : 7/24/13

PER PHONE CONVERSATION BTWN MR.KING & MS. HOBBS (ENGINEER TECH), PROOF OF CITY  
ANNEXION PETITION APPLICATION IS REQUIRED PRIOR TO ISSUING QUOTE WITH FEES.  
QUOTE M.HOBBS 7/23/13, APPROVED J.GLASS 7/23/13

COMPLETED BY: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ TIME: \_\_\_\_ : \_\_\_\_ AM/PM  
PRINTED 07/24/2013 1:56 pm VASSERE

Analysis of Four Situations Regarding the Stanley and King Property-(Located at 1551 Jim Johnson Road)  
(The City Has Received a Petition Requesting Annexation of This Contiguous Property)

<b>Analysis of Four Situations Regarding the Stanley and King Property-(Located at 1551 Jim Johnson Road)-</b> These four situations pertain to annexation and the provision of water to the property. It is assumed that the business will be a paint and body shop. It is assumed that the septic tank already installed on the property will remain; ie, PWC sewer will not be provided to the property.	<b>Situation 1-(Current)-</b> Property is outside City; building is not connected to PWC water; petitioner does not install a well. It is assumed that the business cannot open without a source of water.	<b>Situation 2-</b> Property is not annexed into City; building is not connected to PWC water; petitioner installs well. It is assumed the business will be able to open (assuming that well water will meet fire code).	<b>Situation 3-</b> Property is not annexed into City; building is allowed to connect to PWC water. It is assumed the business will be able to open (assuming that PWC water will meet fire code).	<b>Situation 4-</b> Property is annexed into City; building is allowed to connect to PWC water. It is assumed that the business will be able to open (assuming that PWC water will meet fire code).
<b>ANNUAL COSTS WHICH CAN BE ESTIMATED</b>				
Taxes on Real Property	\$ 2,603	\$ 2,603	\$ 2,603	\$ 3,450
Taxes on Personal Property	\$ 0	\$ 0	\$ 0	\$ 0
Taxes on Vehicles	\$ 0	\$ 0	\$ 0	\$ 0
Stormwater Fee	\$ 0	\$ 0	\$ 0	\$ 144
PWC Water-Monthly bill x 12	\$ 0	\$ 0	\$ 318	\$ 212
<b>Total Annual Costs</b>	<b>\$ 2,603</b>	<b>\$ 2,603</b>	<b>\$ 2,921</b>	<b>\$ 3,806</b>
<b>ONE-TIME COSTS WHICH CAN BE ESTIMATED</b>				
Water connection to PWC	\$ 0	\$ 0	\$7,698	\$7,698
Well installation	Not applicable	Petitioners can obtain	Not applicable	Not applicable



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-313

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Public Hearing

Agenda Number: 8.05

### CITY COUNCIL ACTION MEMO

**TO: Mayor and Members of City Council**

**FROM: Kecia Parker, Real Estate Manager**

**DATE: December 9, 2013**

**RE: Pass a Resolution and Order Closing a Portion of Wesley Avenue**

**Relationship To Strategic Plan:**

**Growing City, Livable Neighborhood, A Great Place to Live**

**Background:**

- A petition was received from a property owner adjoining an unopened portion of Wesley Avenue requesting the street be permanently closed.
- NCGS §160A-299 gives authority and procedures for the City to close a city street or alley.
- The requested portion of Wesley Avenue is currently unopened.
- There are utilities in the portion that is being requested to be closed that will need to be reserved.
- Notice of Public Hearing has been published for 4 consecutive weeks prior to this hearing.
- The Notice of Public Hearing has been posted on said property.

**Issues:**

- Access to the abutting properties will not be denied as a result of this closure.
- The County Mapping Division is responsible for determining how the property is divided amongst adjoining property owners.
- Typically upon vacation of the street the closed portion is divided equally from the centerline and given to the property owners adjacent to said centerline.

**Budget Impact:**

There is no significant impact to the budget with this action.

**Options:**

- Adopt the Resolution and Order Closing a Portion of Wesley Avenue while reserving utility rights.
- Deny the request.

**Recommended Action:**

Staff recommends Council to move to pass the Resolution and Order Closing a Portion of Wesley Avenue reserving utility rights.

Resolution No. R2013-\_\_\_\_\_

A RESOLUTION AND ORDER CLOSING AN UNOPENED PORTION OF WESLEY AVENUE

WHEREAS, under authority of NCGS 160A-299, a public hearing before the City Council of the City of Fayetteville, North Carolina was advertised as required by law, and duly held on the 9th day of December, 2013, in accordance with the notice calling for said public hearing, and all adjoining property owners having been notified by certified mail of the time, place and purpose of said meeting, the purpose of which was to determine whether that certain unopened street portion in the City of Fayetteville, North Carolina, known as the unopened portion of Wesley Avenue, should be closed as a public street; and a notice of said hearing having been posted on said street for four weeks prior to the holding of said hearing;

WHEREAS, during the said public hearing all interested citizens were invited to comment and state any objections they may have to the closing of that unopened portion of Wesley Avenue as a public street; and

WHEREAS, the City Council, following such public hearing, after considering all of the facts, has determined that the closing of that portion of Wesley Avenue is not contrary to the public interest and that no individual owning property in the vicinity of said street portion will thereby be deprived of reasonable means of ingress and egress to his or her property;

NOW THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, the City Council orders and directs that the portion of Wesley Avenue, within the limits covered by the following description only, be closed as a public street under the following terms and conditions:

1. Description of area closed as a public street

BEGINNING at the southeast corner of Lot 129 as shown in Plat Book 11, Page 22 known as Council Heights and continuing thence North 33 degrees 30 minutes West 348.7 feet to the TRUE POINT AND PLACE OF BEGINNING and continuing thence South 56 degrees 30 minutes 00 seconds West 189.67 feet to a point, thence North 52 degrees 11 minutes 04 seconds West 52.63 feet to a point, thence North 56 degrees 27 minutes 38 seconds East 206.53 feet to a point, thence South 33 degrees 30 minutes 00 seconds East 50.00 feet to the TRUE POINT AND PLACE OF BEGINNING and the City of Fayetteville reserves an all-purpose utility and drainage easement in and over the entire area of the street portion as described above.

2. That the closing of the portion of Wesley Avenue will not affect any easement granted to the City of Fayetteville for public utilities;
3. That a copy of this order be recorded in the office of the Register of Deeds of Cumberland County.

IN WITNESS WHEREOF, the City of Fayetteville has caused this instrument to be signed in its name by its Mayor, attested by its City Clerk, and its corporate seal hereto affixed, all by order of its City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 9th day of December, 2013; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

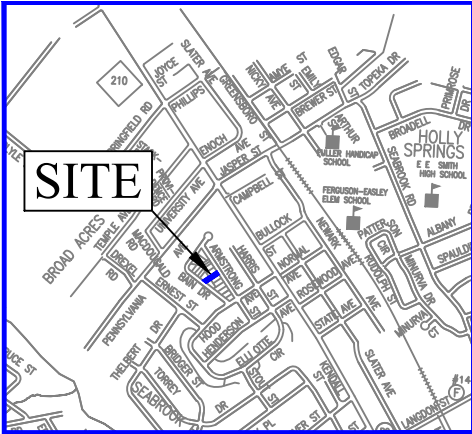
(SEAL)

By: \_\_\_\_\_  
NAT ROBERTSON, Mayor

ATTEST:

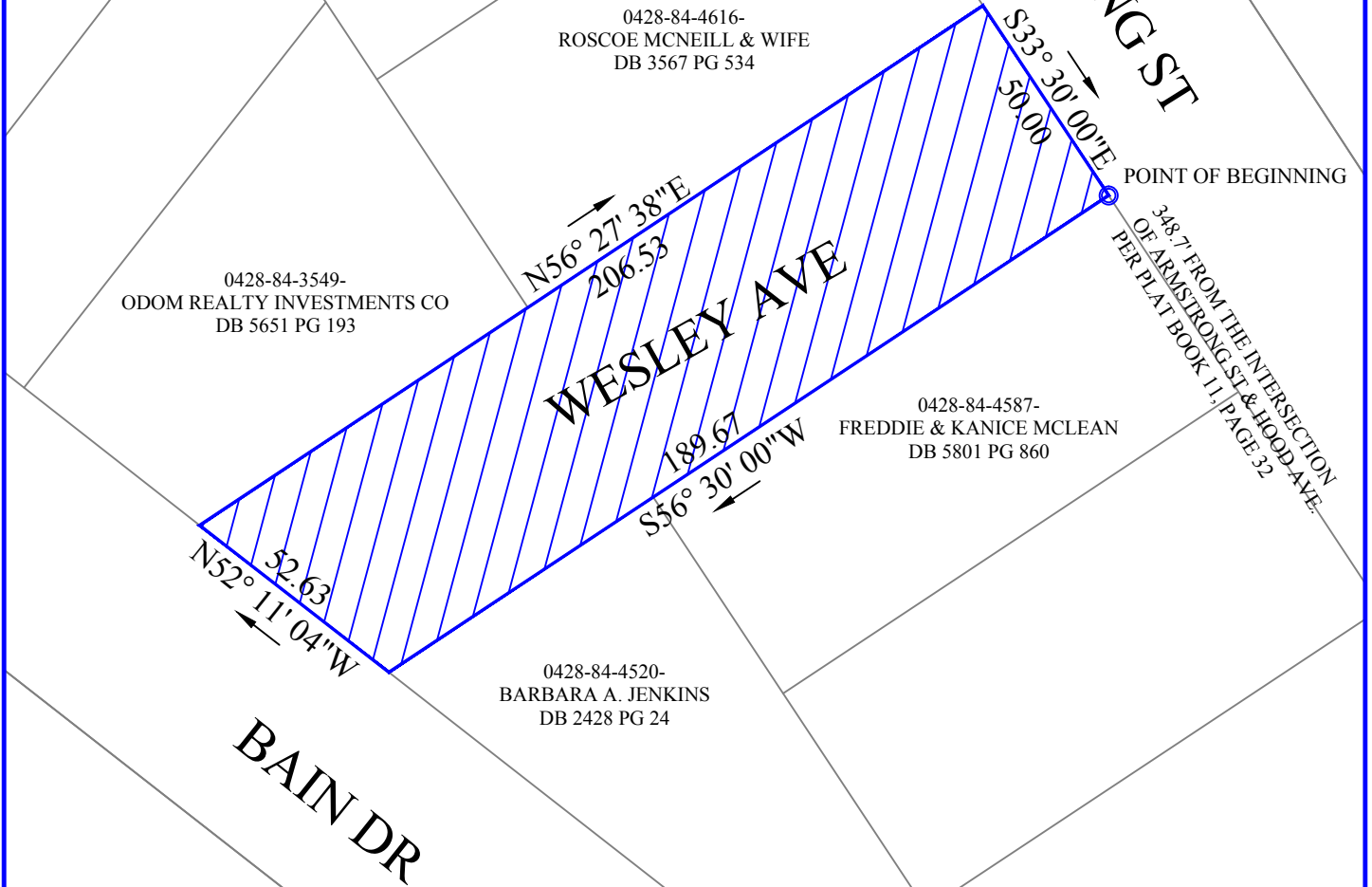
\_\_\_\_\_  
PAMELA MEGILL, City Clerk

**THIS MAP IS NOT A CERTIFIED SURVEY  
AND HAS NOT BEEN REVIEWED BY A  
LOCAL GOVERNMENT AGENCY FOR  
COMPLIANCE WITH ANY APPLICABLE  
LAND DEVELOPMENT REGULATIONS.**



VICINITY MAP (NTS)

 STREET CLOSING AREA



**Fayetteville** ENGINEERING & INFRASTRUCTURE DEPT.  
CIVIL ENGINEERING DIVISION  
433 HAY ST. 28301  
(910) 433-1656

**PROPOSED STREET CLOSING  
WESLEY AVENUE  
DB 3961 PG 180**

DATE 9/25/2013 DRAWN BY CSA  
SCALE 1"=40' CK'D BY CSA

REVISION	REVISION
DATE	REVDATE
CAD FILE: COUNCIL HEIGHTS	



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-341

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Other Items of  
Business

Agenda Number: 9.01

### CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council

**FROM:** Lisa Smith, Chief Financial Officer

**DATE:** December 9, 2013

**RE:** Presentation of the Audited FY2012-2013 Comprehensive Annual  
Financial Report

**Relationship To Strategic Plan:**

Core Value: Stewardship

**Background:**

The City Council's audit firm, Cherry Bekaert, has completed the audit of the City's FY2012-2013 Comprehensive Annual Financial Report (CAFR). A copy of the audited financial report was provided to each member of Council on December 3, at their individual introductory meeting with the Mayor and City Manager. Ms. Michelle Thompson, a partner with Cherry Bekaert, and the Chief Financial Officer will present the auditor's report and the CAFR at the December 9, 2013, Council meeting.

**Issues:**

None.

**Budget Impact:**

None. Presentation only.

**Options:**

1. Accept the audited FY2012-2013 Comprehensive Annual Financial Report.
2. Do not accept the report.



**Recommended Action:**

**Staff recommends Council move to accept the audited FY2012-2013 Comprehensive Annual Financial Report.**

# OUTFRONT

## COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2013

Michelle Loyd Thompson, Partner

Cherry Bekaert LLP

Lisa Smith, Chief Financial Officer



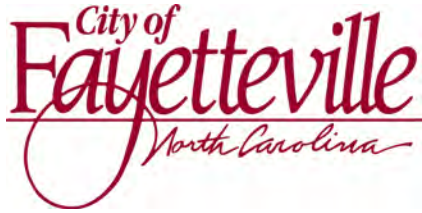
City of  
*Fayetteville*  
North Carolina



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## Results of Financial Audit

- Audit Firm – Cherry Bekaert LLP issued **Unmodified Opinion**
- No audit adjustments or material weaknesses
- Administered \$30.1 million dollars of Federal and State grant programs with no questioned costs



# General Fund – 2013 Summary

## Operating Results (page E-5)

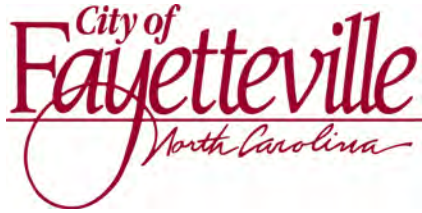
	<u>Original Budget</u>	<u>Final Budget</u>	<u>Final Actual</u>	<u>Final Budget Variance</u>
<b>Revenues and Other Financing Sources</b>	<u>\$ 145,547,173</u>	<u>\$ 151,436,239</u>	<u>\$ 143,042,115</u>	<u>\$ (8,394,124)</u>
<b>Expenditures and Other Financing Uses</b>	<u>(145,547,173)</u>	<u>(151,436,239)</u>	<u>(143,873,605)</u>	<u>7,562,634</u>
<b>Revenues and other financing sources over expenditures and other financing uses</b>			\$ (831,490)	
<b>Fund balance at the beginning of the year</b>			51,895,848	
<b>Fund balance at the end of the year</b>			<u><u>\$ 51,064,358</u></u>	

# General Fund Revenues and Other Financing Sources (page E-5)

	Budgeted Amounts		Actual	Positive
	Original	Final		(Negative)
<b>REVENUES AND OTHER FINANCING SOURCES</b>				
Ad valorem taxes	\$ 61,471,348	\$ 61,471,348	\$ 61,873,098	\$ 401,750
Other taxes	2,351,895	2,351,895	3,747,452	1,395,557
Unrestricted intergovernmental	47,143,561	47,143,561	46,363,857	(779,704)
Restricted intergovernmental	9,682,466	9,682,466	10,601,027	918,561
Permits and fees	2,966,175	2,966,175	2,933,818	(32,357)
Sales and services	4,459,528	4,478,128	4,347,871	(130,257)
Miscellaneous and other	2,140,327	2,140,327	1,821,952	(318,375)
Appropriated fund balance	3,978,832	9,849,298	-	(9,849,298)
Transfers in	11,353,041	11,353,041	11,353,040	(1)
<b>Total Revenues and Other Financing Sources</b>	<b>\$ 145,547,173</b>	<b>\$ 151,436,239</b>	<b>\$ 143,042,115</b>	<b>\$ (8,394,124)</b>

# General Fund Expenditures and Other Financing Uses (page E-5)

	Budgeted Amounts			Variance with Final Budget - Positive
	Original	Final	Actual	(Negative)
<b>EXPENDITURES AND OTHER FINANCING USES</b>				
Administration	\$ 23,736,064	\$ 24,007,039	\$ 22,582,087	\$ 1,424,952
Public safety	70,831,352	71,555,699	69,501,523	2,054,176
Environmental protection	8,439,904	8,919,221	8,575,475	343,746
Transportation	7,177,210	7,554,822	6,830,556	724,266
Economic and physical development	1,854,676	2,318,685	1,747,096	571,589
Recreation and community facilities	12,874,221	13,300,055	12,014,739	1,285,316
Debt service	7,070,728	7,168,370	7,055,978	112,392
Transfers out	13,563,018	16,612,348	15,566,151	1,046,197
<b>Total Expenditures and Other Financing Uses</b>	<b>\$ 145,547,173</b>	<b>\$ 151,436,239</b>	<b>\$ 143,873,605</b>	<b>\$ 7,562,634</b>



# Fund Balance – General Fund (page E-1)

	<u>2013</u>	<u>2012</u>
<b>Nonspendable</b>		
<b>Inventories</b>	\$ 137,604	\$ 170,322
<b>Restricted</b>		
<b>Stabilization by State Statute</b>	15,196,662	14,421,378
<b>Downtown</b>	25,509	53,425
<b>County recreation</b>	4,124,037	3,518,710
<b>Donations</b>	19,194	20,295
<b>Lake Valley Drive MSD</b>	5,420	4,302
<b>Assigned</b>		
<b>For subsequent year's expenditures</b>	3,529,523	3,933,570
<b>For special purpose</b>	7,713,907	5,498,398
<b>For capital projects</b>	2,760,753	4,113,861
<b>Unassigned</b>	17,551,749	20,161,587
<b>Total fund balance</b>	<u>\$ 51,064,358</u>	<u>\$ 51,895,848</u>
<b>Expenditures and transfers out</b>	\$ 143,873,605	\$ 137,651,096
<b>Unassigned fund balance as a percentage of fiscal year expenditures and transfers out</b>	<b>12.20%</b>	<b>14.65%</b>

---

## Recommended Council Action

- Acceptance of Audited Comprehensive Annual Financial Report





*City of*  
**Fayetteville**  
*North Carolina*

The City of Fayetteville, North Carolina does not discriminate on the basis of race, sex, color, age, national origin, religion, or disability in its employment opportunities, programs, services, or activities.

[www.cityoffayetteville.org](http://www.cityoffayetteville.org)

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# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-336

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Other Items of  
Business

Agenda Number: 9.02

### CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council

**FROM:** Lee Jernigan, P.E., City Traffic Engineer

**DATE:** December 9, 2013

**RE:** Approval of Fayetteville Area Metropolitan Planning Organization  
(FAMPO) Memorandum of Understanding

**Relationship To Strategic Plan:**

Growing City, Livable Neighborhoods - Great Place to Live

**Background:**

FAMPO currently has a memorandum of understanding with all its members. This MOU is updated based on the population revisions from the 2010 census.

**Issues:**

FAMPO is requesting approval of the updated memorandum of understanding for all members due to the revisions to its boundaries from the 2010 census.

**Budget Impact:**

The City will be responsible for payment of \$81,604.60 in FY 15 (July 2014) for its share of the local match as a member of FAMPO.

**Options:**

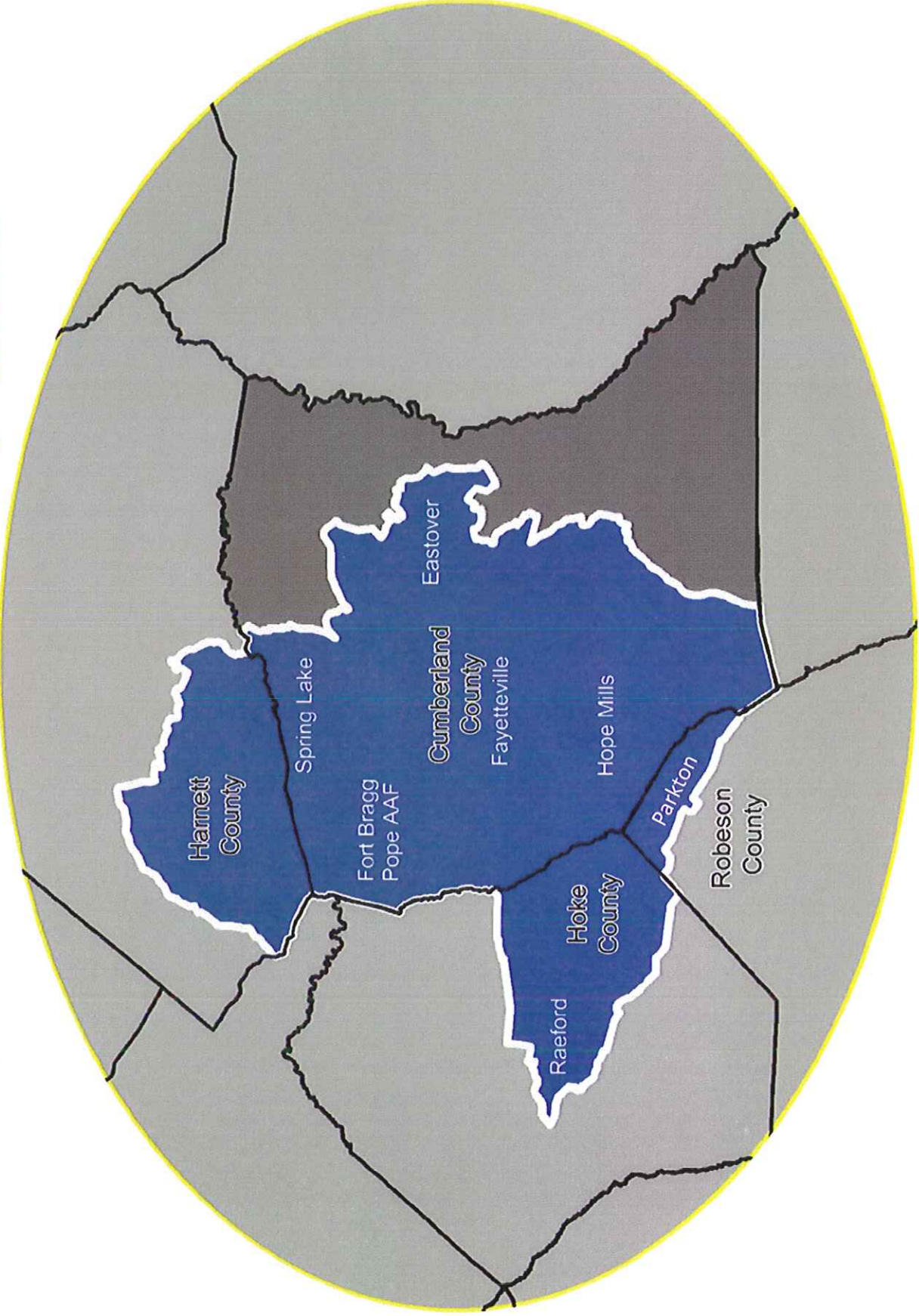
- Adopt the Resolution allowing the Mayor to sign the Memorandum of Understanding
- Reject the Resolution allowing the Mayor to sign the Memorandum of Understanding
- Reject the Resolution allowing the Mayor to sign the Memorandum of

**Understanding and request additional information**

**Recommended Action:**

**Staff recommends Council move to pass Resolution authorizing the Mayor to sign the Memorandum of Understanding**

# Fayetteville Area Metropolitan Planning Organization

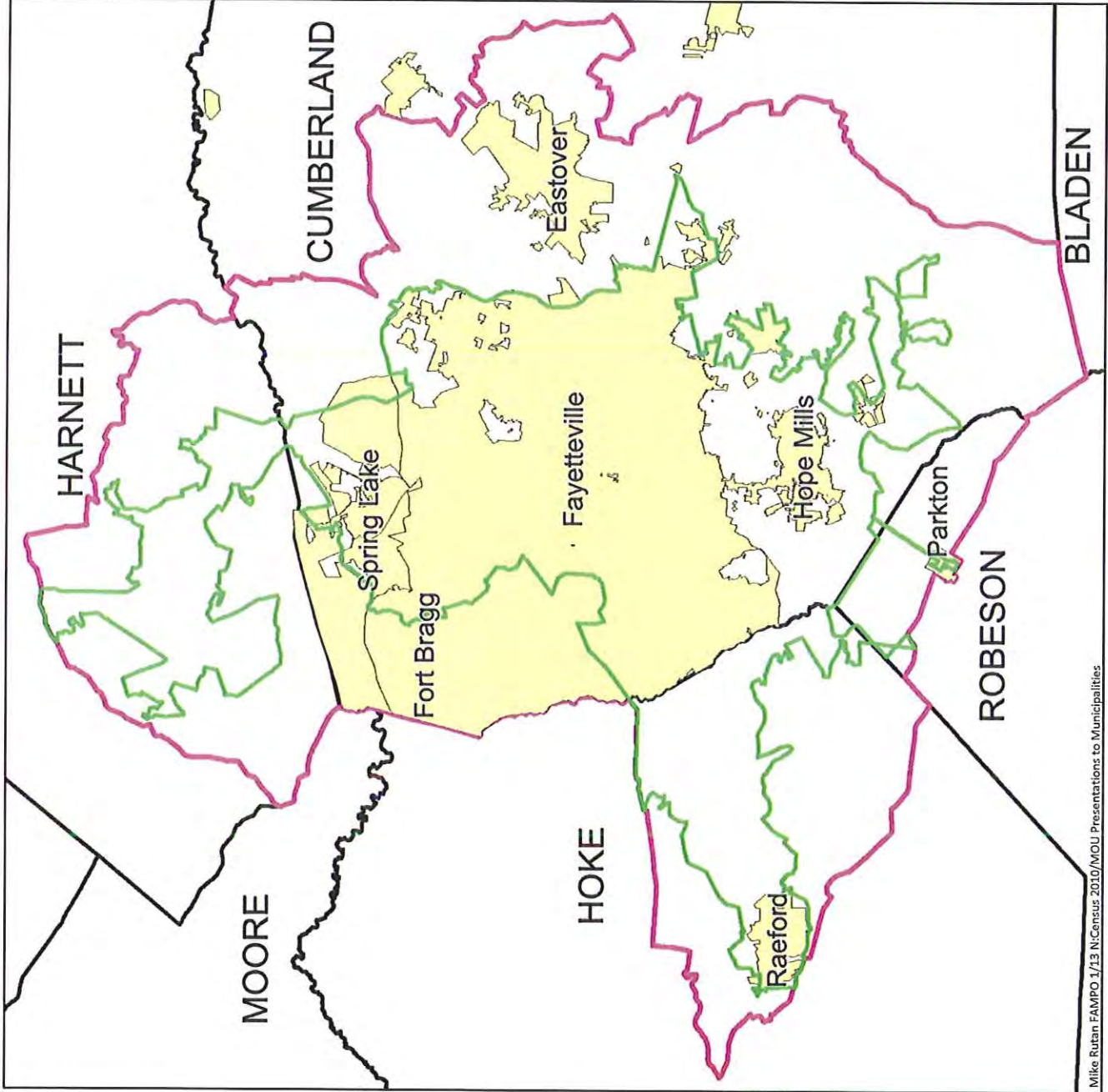
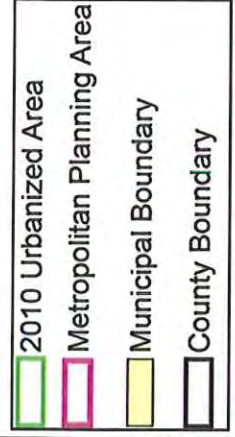


CONTINUING-COMPREHENSIVE-COOPERATIVE-TRANSPORTATION PLANNING

## FAMPO Area Map

The Urbanized Area is shown in **GREEN**. This area is defined by the Census.

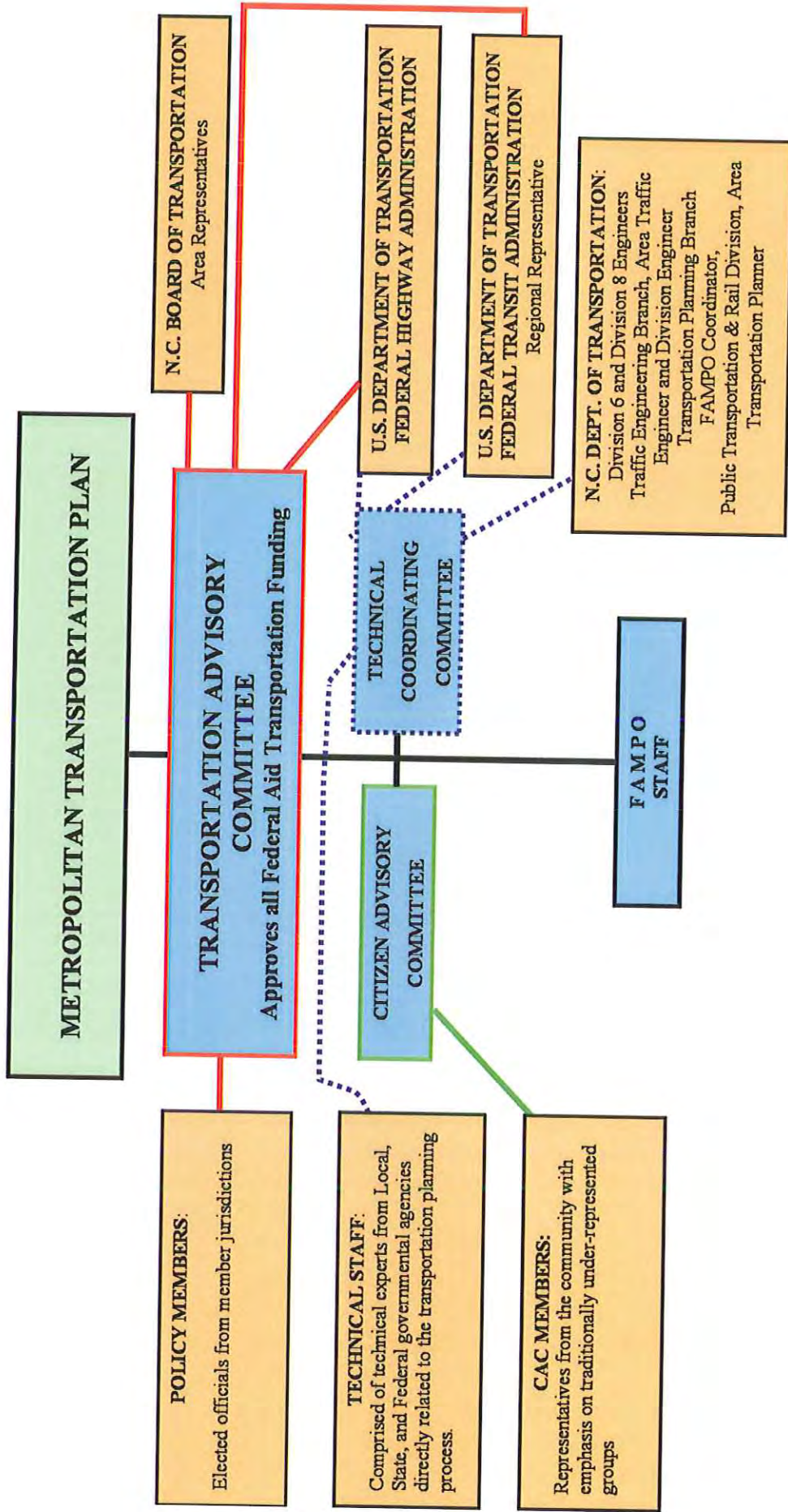
The Metropolitan Planning Area is shown in **PINK**. This area is defined by the MPO in coordination with NCDOT and FHWA, and is intended to provide urban/rural classification.



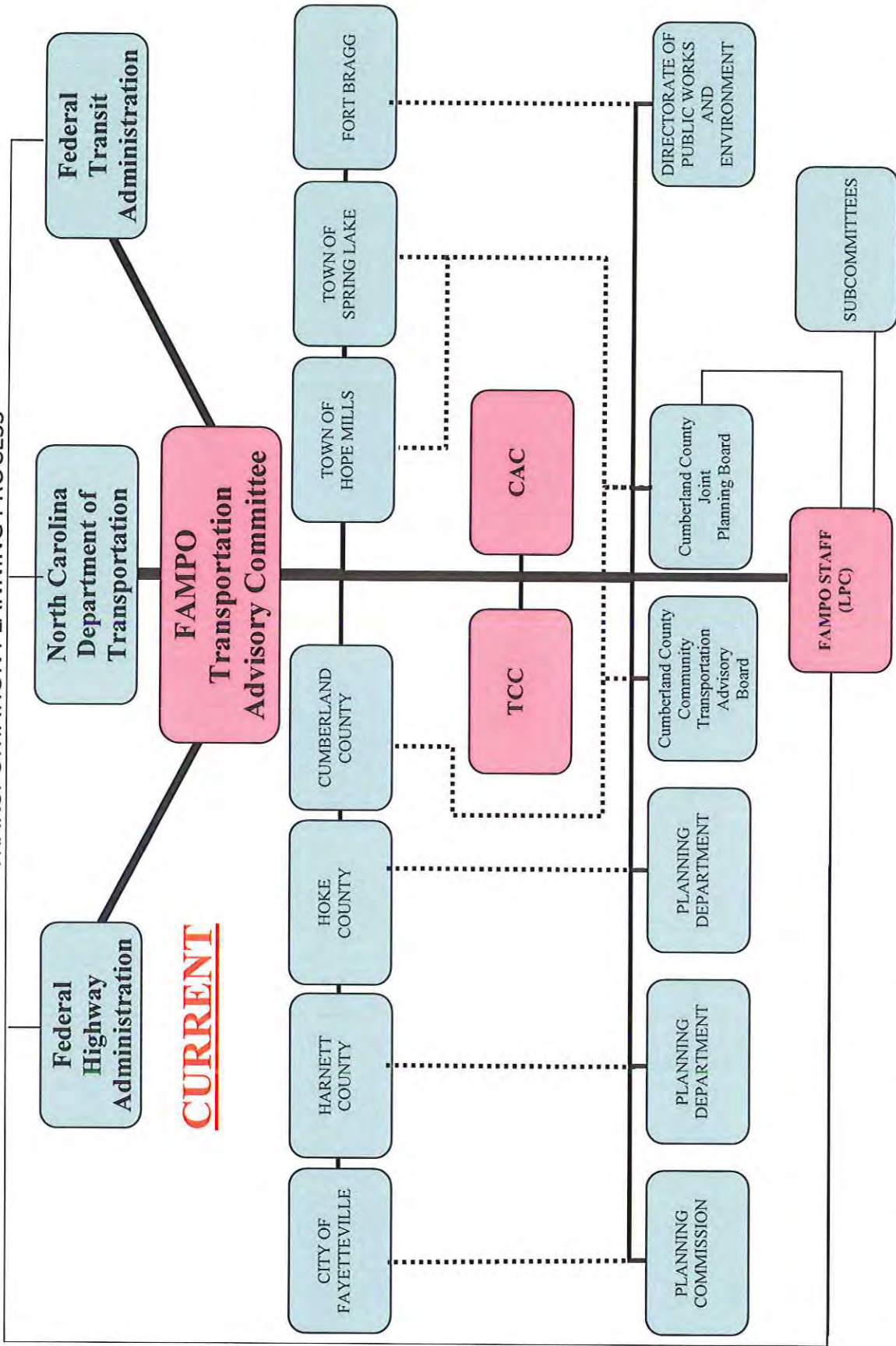
## About FAMPO

- Multi-Jurisdictional Agency established by Congress and funded through the Federal Highway Administration and the Federal Transit Administration.
- Planning Area includes the Fayetteville Urbanized Area as defined by the Census Bureau, in addition to surrounding areas which are anticipated to be developed to Urban Standards within the next 20 years.
- Responsible for conducting Continuing, Comprehensive, and Cooperative (3C's) Transportation Planning
- Responsible for Long Range Transportation Planning and Prioritization of Federal Transportation Aid Projects in the Urbanized Area
- Required to approve the expenditure of all Federal Aid Transportation funds within the Planning Area.

# FAYETTEVILLE AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO) ORGANIZATIONAL CHART



# FAYETTEVILLE AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO) TRANSPORTATION PLANNING PROCESS



**CURRENT**

- LPC – LOCAL POINT OF CONTACT FOR FHWA – FTA – NCDOT, also:
- EXECUTIVE DIRECTOR AND STAFF ADVISOR TO TAC
  - EXECUTIVE DIRECTOR AND STAFF ADVISOR TO TCC
  - EXECUTIVE DIRECTOR AND STAFF ADVISOR TO CAC
  - COORDINATOR FOR SUB-COMMITTEES

- FHWA – FEDERAL HIGHWAY ADMINISTRATION
- FTA – FEDERAL TRANSIT ADMINISTRATION
- NCDOT - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
- TAC – TRANSPORTATION ADVISORY COMMITTEE
- TCC – TECHNICAL COORDINATING COMMITTEE
- CAC CITIZENS ADVISORY COMMITTEE



## **Recent, Current, and Future Major Planning Efforts**

- **Raeford Road Corridor Study (2010):**

Provides multi-modal solutions to increasing congestion along a major entrance into the Fayetteville Region from the West. Brought together diverse stakeholders including City, State, and Regional Planners, School Planners, Transit Planners, Emergency Management, and Business Leaders.

- **Spring Lake Congestion Management Plan(2010):**

This multi-modal plan incorporated the desires of the Town of Spring Lake, addressed the large amount of through traffic, and documented future transportation projects and land use scenarios that will reduce congestion while improving mobility.

- **Southwestern FAMPO Congestions Management Plan(Current):**

- Provides a multi-modal plan for Southwestern Cumberland and Northeastern Hoke Counties to understand needs in terms of future growth planning and how to provide safe travel for motorized and non-motorized traffic. Guided by local input from citizens and Town leaders, the plan will establish a regional vision for the study area, address land use suitability needs, identify bicycle, pedestrian and transit alternatives to reduce automobile travel and congestion, as well as identify short-term and long-term improvements for roadway and intersection projects.

- **Intelligent Transportation Systems (ITS) Plan(Current):**

This plan will be the result of widespread cooperation and participation between the City of Fayetteville, Cumberland, Hoke and Harnett Counties, NCDOT, Fort Bragg, and Public Safety Officials from our region. This plan will highlight ITS projects that focus on providing a safe and efficient multi-modal transportation system that uses appropriate technology to provide reliable service in an environmentally sustainable manner, improving the quality of life in the region.

- **Odell Road Feasibility Study(Ongoing):**

Coordinate the efforts of Local, State, and Federal stakeholders to include the Department of Defense (DOD) Defense Access Road (DAR) funding program to provide a new entrance into Fort Bragg using Odell Road and Armistead Road (inside Fort Bragg). This new entrance will alleviate growing congestion in the Town of Spring Lake and the Randolph Street/Murchison Road Interchange.

- **Little Cross Creek Greenway Plan(Ongoing):**

Multi-use trail that will connect Mazarick Park with the North Carolina State Veterans Park in downtown Fayetteville.

- **Big Cross Creek Greenway Plan(Future):**

Multi-use trail that will connect Smith Lake Recreation Center on Fort Bragg with the Little Cross Creek Greenway in the vicinity of Fayetteville State University.

# Questions?

For more information about FAMPO or any of the projects contact:

Rick Heicksen, Executive Director, 910 678-7622 [rheicksen@co.cumberland.nc.us](mailto:rheicksen@co.cumberland.nc.us)

Maurizia Chapman, AIPC 910 678-7615 [mchapman@co.cumberland.nc.us](mailto:mchapman@co.cumberland.nc.us)

Michael Mandeville, 910 678-7620 [mmandeville@co.cumberland.nc.us](mailto:mmandeville@co.cumberland.nc.us)

Bobby McCormick, 910 678-7632 [bmccormick@co.cumberland.nc.us](mailto:bmccormick@co.cumberland.nc.us)

Michael Rutan at 910 678-7614 [mrutan@co.cumberland.nc.us](mailto:mrutan@co.cumberland.nc.us)

or visit our website, [www.fampo.org](http://www.fampo.org)

Mr. Rick Heicksen, Executive Director  
 130 Gillespie St.  
 Fayetteville, NC 28301  
 Telephone (910) 678-7622  
 FAX (910) 678-7638  
 E-MAIL: rheicksen@co.cumberland.nc.us

## TRANSPORTATION ADVISORY COMMITTEE

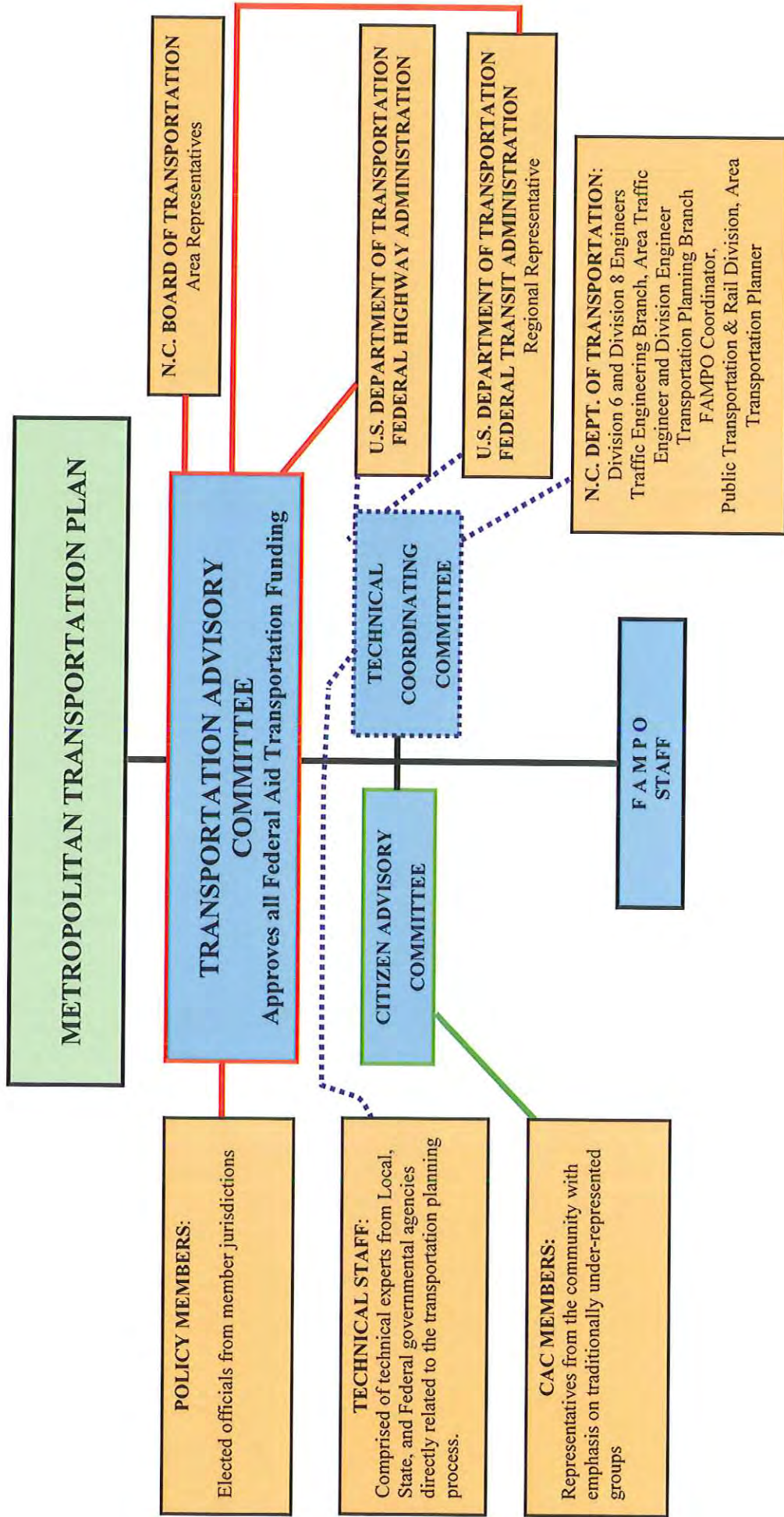
### FAYETTEVILLE AREA METROPOLITAN PLANNING ORGANIZATION

#### ROSTER

4-2-2013

<p><b>CITY OF FAYETTEVILLE</b>          MAYOR PRO TEM JAMES WILLIAM ARP, JR.          2640 Thorngrove Court          Fayetteville, NC 28303          (910) 867-1342  <a href="mailto:jarp@ci.fay.nc.us">jarp@ci.fay.nc.us</a></p>	<p><b>FEDERAL HIGHWAY ADMINISTRATION</b>          MS. JILL STARK <b>NON VOTING</b>          310 New Bern Ave., Suite 410          Raleigh, NC 27601-1442          919-747-7027  <a href="mailto:jill.stark@fhwa.dot.gov">jill.stark@fhwa.dot.gov</a></p>
<p><b>CITY OF FAYETTEVILLE</b>          COUNCIL MEMBER ROBERT THOMAS HURST, JR          2010 Whisper Lane          Fayetteville, NC 28303          910-483-7104 Work / 910-481-0900 Home          910-286-5804 Cell  <a href="mailto:BobbyHurst@aol.com">BobbyHurst@aol.com</a></p>	<p><b>FORT BRGG</b>          COMMANDER          Headquarters, Ft. Bragg Garrison Command (Airborne)          Directorate of Public Works <b>NON VOTING</b>          ATTN: IMSE-BRG-PWC (Steve Smith)          Bldg. 3-1631 Butner Road          Fort Bragg, NC 28310-5000          910-396-7202-Office  <a href="mailto:steve.f.smith@us.army.mil">steve.f.smith@us.army.mil</a></p>
<p><b>TOWN OF HOPE MILLS</b>          MAYOR JACKIE WARNER          4333 Legion Road          Hope Mills, NC 28348          910-424-0030 Home / 910-309-7779 Cell  <a href="mailto:jwarner@town.hope-mills.nc.us">jwarner@town.hope-mills.nc.us</a></p>	<p><b>NC BOARD OF TRANSPORTATION</b>          MR. ED GRANNIS          2391 Amigo Dr.          Fayetteville, NC 28305          (910) 484-4678  <a href="mailto:wmgrannis@aol.com">wmgrannis@aol.com</a></p>
<p><b>CUMBERLAND COUNTY</b>           Vacant</p>	<p><b>TOWN OF SPRING LAKE</b>          ALDERMAN RICHARD HIGGINS          1309 Mack Street          Spring Lake, NC 28390          910-497-1027-Home / 910-436-2667-Fax  <a href="mailto:rick1309@aol.com">rick1309@aol.com</a></p>
<p><b>HARNETT COUNTY</b>          COMMISSIONER Gary House          PO Box 577          Dunn, NC 28335          910-292-2060  <a href="mailto:gary@GHouseCPA.com">gary@GHouseCPA.com</a></p>	<p><b>HOKE COUNTY</b>          COMMISSIONER JEAN POWELL          P.O. Box 386          Raeford, NC 28376          910-875-7438  <a href="mailto:jepowellxda@aol.com">jepowellxda@aol.com</a></p>

# FAYETTEVILLE AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO) ORGANIZATIONAL CHART



## BOARD OF DIRECTORS

### FAYETTEVILLE AREA METROPOLITAN PLANNING ORGANIZATION

COMMISSIONER JEAN POWELL

CHAIR

MAYOR JACKIE WARNER  
VICE-CHAIR

### BYLAWS BOARD OF DIRECTORS OF THE FAYETTEVILLE AREA METROPOLITAN PLANNING ORGANIZATION

*Adopted by the FAMPO Board of Directors on July 24, 2013*

#### PREFACE

These Bylaws describe the form, function and rules of procedure for the FAMPO Board of Directors, that has been designated the Metropolitan Planning Organization (MPO) for the Fayetteville Urbanized Area.

It is the role and purpose of the FAMPO Board to provide transportation policy and oversee the federal transportation planning process for the Fayetteville region.

#### 1. NAME

The name of this board shall be the **Fayetteville Area Metropolitan Planning Organization Board of Directors**, hereinafter referred to as the "FAMPO Board" or "Board".

#### 2. MISSION AND PURPOSE

The mission and purpose of the FAMPO Board are to serve as the decision making body for the MPO and to carry out the metropolitan transportation planning process as mandated by the Moving Ahead for Progress in the 21<sup>st</sup> Century Act of 2012 and its successors. These laws call for the MPO to provide a "continuing, cooperative, and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports the metropolitan community development and social goals."

Consistent with requirements provided by the United States Department of Transportation through the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) of 2012 and any subsequent Federal Transportation Authorizations, the mission of the FAMPO Board is to develop, promote and ensure implementation of a regional transportation plan that:

- A. Supports the economic vitality of the metropolitan area;
- B. Increases the safety and security of the transportation system for motorized and non-motorized users;
- C. Increases the accessibility and mobility options available for people and freight;
- D. Protects the environment, promotes energy conservation, and improves quality of life

- E. Enhances the integration and connectivity of the transportation system across and between modes for people and freight;
- F. Promotes efficient transportation system management and operation;
- G. Emphasizes the preservation of the existing transportation system; and
- H. Promotes an efficient relationship between land-use and transportation that maximizes the use of existing and future public programs and infrastructure.

The activities performed by the FAMPO Board to comply with this mission and purpose will include:

- a. Review and approval of the annual transportation Unified Planning Work Program and any subsequent amendments;
- b. Review and approval of the Transportation Improvement Program for multimodal capital and operating expenditures to ensure coordination between local and State capital and operating improvement programs and any subsequent amendments;
- c. Review and approval of the Metropolitan Transportation Plan, and subsequent changes, and the Comprehensive Transportation Plan as required by the North Carolina General Statutes Section 136-66.2(d). Revisions in the Transportation Plans must be jointly approved by the FAMPO Board and the North Carolina Department of Transportation;
- d. Endorsement, review and approval of changes to the Federal Highway Administration Functional Classification System, the Adjusted Urbanized Area Boundary and the Metropolitan Planning Area Boundary;
- e. Endorsement, review, and approval of a Prospectus for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;
- f. Establishment of goals and objectives for the transportation planning process reflective of and responsive to comprehensive plans for growth and development in the Metropolitan Planning Area adopted by Boards of General Purpose Local Government.
- g. Designation of the Lead Planning Agency (LPA), in cooperation with the Office of the Governor of North Carolina, for receiving transportation planning funding and transit funds.
- h. Approval and distribution of federal funds designated for the FAMPO Metropolitan Planning Area under the provisions of MAP-21 and any other subsequent Transportation Authorizations.

The representative from each General Purpose Local Government on the FAMPO Board shall be responsible for instructing the clerk of his/ her local government to submit copies of minutes or resolutions to FAMPO's Executive Director when formal action involving any MPO plan is taken by his/her local government.

### 3. MEMBERS

#### A. Membership:

The FAMPO Board shall consist of voting members that are elected officials from the Fayetteville Metropolitan Area, in addition to representatives of the North Carolina Board of Transportation and is as follows:

- a. Fayetteville City Council representing the City;
- b. Fayetteville City Council representing the Transit Operator;
- c. Eastover Town Council;
- d. Hope Mills Board of Commissioners;
- e. Parkton Board of Aldermen;
- f. Raeford City Council;
- g. Spring Lake Board of Aldermen;
- h. Cumberland County Board of Commissioners;
- i. Harnett County Board of Commissioners;
- j. Hoke County Board of Commissioners;
- k. Robeson County Board of Commissioners;
- l. North Carolina Board of Transportation, Division Six
- m. North Carolina Board of Transportation, Division Eight

Each FAMPO Board voting member has one vote.

In addition, representatives from each of the following agencies will serve as non-voting members of the FAMPO Board:

- Federal Highway Administration, North Carolina Division;
- Federal Transit Administration, Region IV;
- Fort Bragg Military Reservation.

#### B. Term of Office

Each entity's chief elected official shall designate that member entity's representative. Members shall remain in office until a successor has been duly elected or until his/her earlier death, resignation, disqualification, incapacity to serve, or removal in accordance with the law.

### 4. OFFICERS

The officers of the MPO shall consist of a Chairman and Vice-Chairman.

#### A. Elections:

The Chairman and Vice-Chairman shall be elected annually at the first regularly scheduled meeting of the calendar year. The newly elected Chairman and Vice-Chairman shall take office immediately following the election. The Chair must have served as an MPO member for one year immediately prior. Additional elections may be held if either the Chairman or Vice-Chairman cannot carryout his/her duties and complete the remainder of the appointed term.



**B. Terms of Office:**

The term of office for officers shall be one year. Officers may serve no more than three consecutive one-year terms. This does not prohibit them from being elected to a future term.

**C. Duties of Officers:**

The Chairman shall call and preside at meetings, sub committees and set the order of business for each meeting. In the Chairman's absence, the Vice-Chairman shall preside and complete all other duties of the Chairman. In the event that the Chairman is unable to carryout his/her duties for the remainder of their term, the Vice-Chairman shall carryout the functions of the Chairman for the remainder of the year. In the absence of the Chair and Vice-Chair, those present shall elect a Chair Pro Tem.

**D. Duties of the Executive Director:**

The Executive Director shall provide or otherwise delegate staff service for the MPO, as needed, and will be responsible for taking summary minutes of the Committee's proceedings. The Executive Director will maintain a current copy of these Bylaws as an addendum to the Memorandum of Understanding, to be distributed to the public upon request.

**5. MEETINGS**

All FAMPO Board meetings are subject to and will comply with the North Carolina Open Meetings Law.

**A. Regular Meetings:**

Meetings will be held quarterly on the fourth Wednesday of the month. Meeting notices and agendas are to be mailed in sufficient time for them to have been received by each Board member no later than seven (7) days prior to the meeting date. Unless otherwise stated, all meetings will begin at 8:30 A.M. Regular meetings may be canceled by the Chair should there be insufficient business on the Committee's tentative agenda.

**B. Special Meetings:**

Special meetings may be called by the Chair, or at the request of the eligible voting members petitioning the Chair. Whenever possible, at least seven (7) days notice shall be given.

**C. Public Hearings:**

The FAMPO Board may choose to hold public hearings for the express purpose of soliciting public comment on transportation plans, programs, or projects prior to approving such actions. Public hearings held for these purposes shall be held in accordance with the most recently approved FAMPO public participation policy.

**D. Workshops:**

The FAMPO Board may choose to hold workshops from time to time. No official action may be taken at a workshop. A quorum shall not be necessary for conducting a workshop.

However, all workshops shall be noticed in the same manner as regular meetings of the Board.

**E. Quorums:**

A quorum must be present at all meetings other than workshops. A quorum shall be constituted by the presence of at least fifty-one percent (51%) of the eligible voting members at the beginning of the meeting.

**F. Attendance:**

Each member shall be expected to attend each regular meeting and each special meeting provided at least seven (7) days notice is given.

Any member who does not attend two consecutive FAMPO Board meetings will not be included as part of the membership needed to obtain a quorum after the second meeting. Membership, however, is immediately reinstated by the presence of the most recently appointed member at any future meeting. A quorum is required for the transaction of all business, including conducting meetings or hearings, participating in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of 51% of the members of the FAMPO Board, excluding those who have been removed for absenteeism.

**G. Agenda:**

The agenda is a list of considerations for discussion at a meeting. Any member of the Board can place items on the agenda prior to its distribution. Additional items may be placed on the regular agenda under the discussion item on the regular agenda, as long as a majority concurrence of the present and eligible voting members is received.

**H. Voting Procedures:**

The Chair may call for a vote on any issue, provided that it is seconded and provided the issue is on the agenda as outlined in item 5-F of this article. Each voting member of the FAMPO Board shall have one vote. A majority vote of the members present and eligible to vote shall be sufficient for approval of matters coming before the FAMPO Board. The Chair is permitted to vote. Abstentions shall be considered affirmative votes. By approval of the Board, a member may withdraw from voting on an issue. In the absence of any direction from these Bylaws or other duly adopted voting procedures pursuant to certain approval actions, Robert's Rules of Order will designate procedures governing voting.

## **6. AMENDMENTS TO BYLAWS**

Amendments to these Bylaws of the FAMPO Board shall require the affirmative vote of at least two-thirds of the Board's eligible voting members, provided that written notice of the proposed amendment has been sent to each member at least seven (7) days prior to the meeting at which the amendment is to be considered and provided that such amendment does not conflict with the letter or fundamental intent of the Memorandum of Understanding governing this document. In the event of any conflict, the Memorandum of Understanding shall carry precedence over these Bylaws.

A RESOLUTION ALLOWING THE MAYOR TO SIGN THE MEMORANDUM OF UNDERSTANDING SETTING FORTH THE RESPONSIBILITIES AND WORKING ARRANGMENTS FOR MAINTAINING A CONTINUING, COMPREHENSIVE, AND COOPERATIVE TRANSPORTATION PLANNING PROCESS

WHEREAS, it is recognized that the proper movement of travel within and through the Fayetteville urban area is a highly desirable element of a comprehensive plan for the orderly growth and development of the area; and

WHEREAS, there are a number of governmental jurisdictions within the Fayetteville Metropolitan Planning Area which have been authorized implementation and regulatory responsibilities of transportation by North Carolina General Statutes, and

WHEREAS, it is a desirable that a coordinated, comprehensive and cooperative transportation planning process be maintained in the Fayetteville Metropolitan Planning Area to ensure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety, and welfare; and

WHEREAS, a revised Memorandum of Understanding between the City of Fayetteville, Town of Eastover, Town of Hope Mills, Town of Parkton, City of Raeford, Town of Spring Lake, Fort Bragg Military Reservation, Cumberland County, Harnett County, Hoke County, Robeson County and the North Carolina Department of Transportation has been prepared that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive, and cooperative transportation planning process; and

NOW THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville by the City Council of the City of Fayetteville, North Carolina.

That the Memorandum of Understanding between the City of Fayetteville, Town of Eastover, Town of Hope Mills, Town of Parkton, City of Raeford, Town of Spring Lake, Fort Bragg Military Reservation, Cumberland County, Harnett County, Hoke County, Robeson County and the North Carolina Department of Transportation, be approved and that the Mayor and the City Clerk are hereby directed to execute the Memorandum of Understanding.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 9th day of December 2013; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

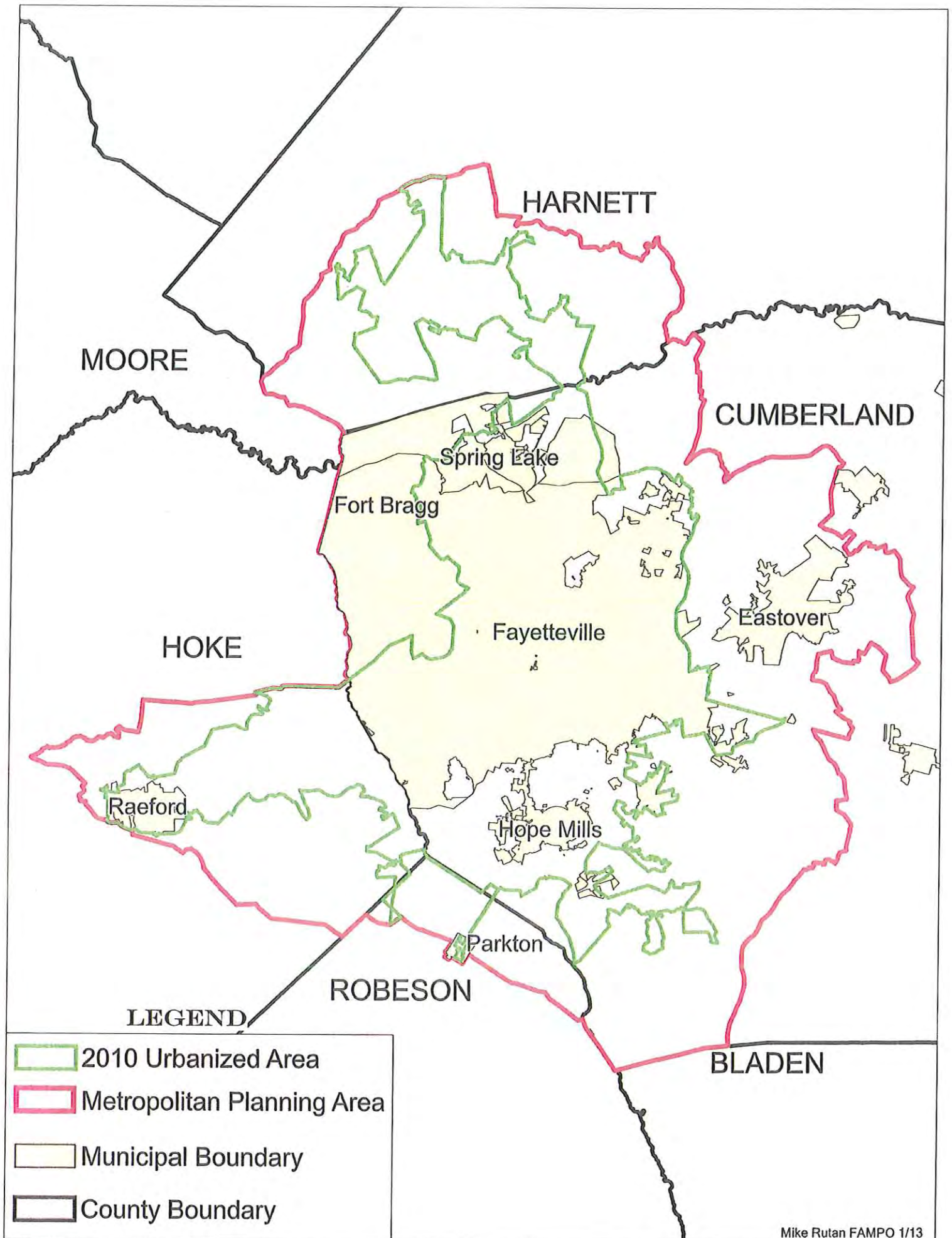
CITY OF FAYETTEVILLE

(SEAL)

By: \_\_\_\_\_  
NAT ROBERTSON, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA MEGILL, City Clerk



MEMORANDUM OF UNDERSTANDING FOR  
COOPERATIVE, COMPREHENSIVE, AND CONTINUING  
TRANSPORTATION PLANNING

AMONG

THE CITY OF FAYETTEVILLE, THE TOWN OF EASTOVER, THE TOWN OF HOPE MILLS, THE TOWN OF PARKTON, THE CITY OF RAEFORD, THE TOWN OF SPRING LAKE, THE FORT BRAGG MILITARY RESERVATION, THE COUNTY OF CUMBERLAND, THE COUNTY OF HARNETT, THE COUNTY OF HOKE, THE COUNTY OF ROBESON, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH:

WHEREAS, certain of the parties hereto have previously entered into a Memorandum of Understanding for cooperative, comprehensive, and continuing transportation planning through the Fayetteville Area Metropolitan Planning Organization ( the FAMPO), which agreement was last amended in December 2002; and

WHEREAS, the parties desire to continue that transportation planning through the FAMPO and amend and expand the agreement to include additional parties and clarify their respective roles and responsibilities; and

WHEREAS, each Metropolitan Planning Organization (MPO) is required to develop a Metropolitan Transportation Plan in cooperation with NCDOT and in accordance with 23 U.S.C. § 134, any amendments thereto, and any implementing regulations; and a Comprehensive Transportation Plan in accordance with North Carolina General Statute §136-66.2; and

WHEREAS, the Metropolitan Transportation Plan serves as the basis for future transportation improvements within the Metropolitan Planning Area; and

WHEREAS, the parties intend that this Memorandum of Understanding shall supersede all prior memoranda of understanding among any of them pertaining to the FAMPO.

NOW THEREFORE, in consideration of the mutual benefits afforded to each party, the parties agree as follows:

**Section 1. Boundary of the Metropolitan Planning Area**

The Fayetteville Urban Metropolitan Planning Area consists of the Fayetteville Urban Area as defined by the United States Department of Commerce, Bureau of the Census, plus that area beyond the existing urbanized area boundary that is expected to become urbanized within a twenty-year planning period. This area is hereinafter referred to as the Metropolitan Planning Area.

## Section 2. Planning Responsibility within the Metropolitan Planning Area

Cooperative, continuing and comprehensive transportation planning shall be undertaken in the Metropolitan Planning Area by the FAMPO in accordance with all applicable federal and state statutes. The FAMPO shall coordinate any transportation planning it undertakes which may have a regional impact with Mid-Carolina Rural Planning Organization and the Lumber River Rural Planning Organization.

## Section 3. Establishment of the FAMPO

The FAMPO shall be governed by a board of directors which shall be the policy making board for the MPO and shall be constituted as follows:

The voting members of the board of directors of the FAMPO shall consist of the Chief Elected Official, or a single representative appointed by the Chief Elected Official, from the governing boards of each of the General Purpose Local Governments which are parties to this agreement; an additional representative from the City Council of Fayetteville, appointed by the Chief Elected Official, to represent the Transit Operator for the City of Fayetteville; a representative from Division Six of the North Carolina Department of Transportation; and a representative from Division Eight of the North Carolina Department of Transportation. In addition, the board of directors of the FAMPO shall include a non-voting representative from the Fort Bragg Military Reservation, a non-voting representative from the Federal Highway Administration-North Carolina Division, and a non-voting representative from the Federal Transit Administration-Region IV. The members representing the Fort Bragg Military Reservation and the state and federal agencies shall be selected as determined by the agencies they are representing.

## Section 4. Conduct of Business by the FAMPO Board of Directors

The FAMPO board of directors will meet as often as it deems appropriate and advisable. The board of directors will adopt by-laws and select a Chair and Vice-chair and conduct its business in accordance with its adopted by- laws. All meetings of the board of directors shall be subject to the Open Meetings Law.

## Section 5. Role and Responsibilities of the FAMPO

The FAMPO board of directors will be responsible for carrying out the provisions of 23 U.S.C. § 134 (Federal Highway Administration); and 49 U.S.C. §§ 5303, 5304, 5305, 5306 and 5307(Federal Transit Administration); including the following duties and responsibilities:

- 5.1. Review and approval of the annual transportation Unified Planning Work Program and any subsequent amendments;
- 5.2. Review and approval of the Transportation Improvement Program for multimodal capital and operating expenditures to insure coordination between local and State capital and operating improvement programs and any subsequent amendments;

5.3, Review and approval of the Metropolitan Transportation Plan, and subsequent changes thereto, and the Comprehensive Transportation Plan as required by the N.C.G.S. § 136-66.2(d). Revisions in the transportation plans must be jointly approved by the FAMPO board of directors and the North Carolina Department of Transportation;

5.4. Endorsement, review and approval of changes to the Federal highway Administration Functional Classification System, the Adjusted Urbanized Area Boundary and the Metropolitan Planning Area Boundary;

5.5. Endorsement, review and approval of a Prospectus for Transportation Planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;

5.6. Establishment of goals and objectives for the transportation planning process reflective of and responsive to such comprehensive plans for growth and development in the Metropolitan Planning Area as are adopted by Boards of General Purpose Local Government.

5.7. Approval and distribution of federal funds designated for the Metropolitan Planning Area under the provisions of MAP-21 and any other subsequent transportation funding authorizations.

#### Section 6. Establishment of the Transportation Coordinating Committee (the TCC)

6.1. The parties acknowledge that transportation planning is a specialized field. In order to give the FAMPO, as the duly constituted Transportation Advisory Committee (the TAC), access to the technical expertise necessary to meet the requirements of federal and state law, a Technical Coordinating Committee (the TCC) shall be established with the responsibility for advising the FAMPO on the technical aspects of the transportation planning process, performing such technical analysis as necessary to support transportation planning and making recommendations to the FAMPO and local and State governmental agencies for any necessary actions relating to the continuing transportation planning process.

6.2 Membership of the TCC shall include technical representation from all local and State governmental agencies directly related to and concerned with the transportation planning process for the Metropolitan Planning Area and shall consist of the following:

Voting members, serving *ex-officio*:

City Manager, City of Raeford  
County Manager, County of Cumberland  
County Manager, County of Hoke  
County Manager, County of Robeson  
Town Manager, Town of Eastover  
Town Manager, Town of Hope Mills  
Town Manager, Town of Spring Lake  
Director, Cumberland County Planning and Inspections Department  
Director, Fayetteville Transit Department

Director, Fayetteville — Cumberland County Parks and Recreation Department  
Director, City of Fayetteville Engineering and Infrastructure Department  
Director, Cumberland County Engineering and Infrastructure Department  
Director, Fayetteville Regional Airport  
Manager, City of Fayetteville Planning and Zoning Division  
City Traffic Engineer, City of Fayetteville  
Director, Mid Carolina Rural Planning Organization  
Planner, Lumber River Rural Planning Organization  
Manager, Harnett County Planning Services  
Supervisor, Cumberland County Schools Planning Department  
Executive Director, Mid-Carolina Council of Governments  
Executive Director, Sustainable Sandhills  
Assoc. Vice-Chancellor for Facilities Management at Fayetteville State University  
Installation Transportation Officer, Fort Bragg Military Reservation  
Division Engineer, Division Six, Division of Highways, NCDOT  
Division Engineer, Division Eight, Division of Highways, NCDOT  
Division Construction Engineer, Division Six, Division of Highways, NCDOT  
Division Construction Engineer, Division Eight, Division of Highways, NCDOT  
Division Traffic Engineer, Division Six, Division of Highways, NCDOT  
Division Traffic Engineer, Division Eight, Division of Highways, NCDOT  
Fayetteville Metropolitan Area Coordinator, Transportation Planning Branch, NCDOT

Voting members, selected by the agency they represent:

Representative of the Fayetteville — Cumberland County Chamber of Commerce;  
Representative of Cumberland County Transportation Advisory Board;

Non-voting members, serving *ex officio*:

Director, Public Transportation Division, NCDOT  
Community Planner, North Carolina Division, Federal Highway Administration  
Community Planner, Region IV, Federal Transit Administration  
Representative of the Directorate of Facilities Engineering, Fort Bragg Military  
Reservation

#### Section 7. Conduct of Business by the TCC

The TCC will meet as often as it deems appropriate and advisable. The TCC will adopt by-laws and select a Chair and Vice-chair and conduct its business in accordance with its adopted by-laws. All meetings of the TCC shall be subject to the Open Meetings Law.

#### Section 8. Role and Responsibilities of the TCC

The TCC shall be responsible for development, review, and recommendation for approval of the Prospectus, Transportation Improvement Program, Federal-Aid Urban System and Boundary,



revisions to the Transportation Plan, planning citizen participation, and documentation reports on the transportation study.

#### Section 9. Establishment of the Citizens Advisory Committee (the CAC)

There shall also be a Citizens Advisory Committee (the CAC) established consisting of no less than 11 and not more than 17 interested citizens who reside within the Metropolitan Planning Area. The members of the CAC shall be appointed by the FAMPO board of directors and shall be selected to represent areas of interest and interest groups, including traditionally underrepresented members of the community, to address such interests as bicycle paths, pedestrian greenways, environmental concerns, road safety, traffic congestion, freight, rail and transit and with representatives including advocates for the disabled, seniors and minorities.

#### Section 10. Conduct of Business by the CAC

The CAC will meet as often as it deems appropriate and advisable to make recommendations to the TAC and the TCC. The CAC will adopt by-laws and select a Chair and Vice-chair and conduct its business in accordance with its adopted by-laws. All meetings of the CAC shall be subject to the Open Meetings Law.

#### Section 11. The Executive Director

Administrative coordination for the FAMPO (TAC), the TCC and the CAC will be performed by an Executive Director. The Executive Director shall be selected by a panel consisting of the Development Services Director and the Director of Engineering and Infrastructure for the City of Fayetteville, the Director of Planning and Inspections for Cumberland County, and the managers or the designees of the managers of the towns of Hope Mills and Spring Lake. The Executive Director shall become an employee of Cumberland County, subject to the provisions of Cumberland County's personnel rules and policies, assigned to the Cumberland County Planning and Inspections Department and report to the county's Director of Planning and Inspections. The Executive Director shall select such other staff as may be budgeted in accordance with the selection and recruitment rules and policies of Cumberland County. All staff selected by the Executive Director shall become employees of Cumberland County assigned to the Cumberland County Planning and Inspections Department and subject to the provisions of the County's personnel rules and policies.

#### Section 12. Role and Responsibilities of the Executive Director

12.1. The Executive Director shall serve *ex officio* as the Secretary of the FAMPO Board of Directors (the TAC), the TCC and the CAC and shall be responsible to arrange the meetings and agendas and maintain the minutes and records of each. In addition, the Executive Director shall prepare the Prospectus, the Unified Planning Work Program the (UPWP), a Transportation Improvement Program in accordance with federal and state regulations and requirements; develop a Transportation Plan in accordance with federal and state regulations; maintain the Transportation Plan; execute the transportation planning process in accordance with federal and state laws and regulations; prepare invoices and progress reports in accordance with federal,

state, and local requirements; structure the public involvement process needed to ensure that the UPWP, Transportation Plan, Transportation Improvement Program, and any transportation conformity determinations meet federal requirements; and consult with the FAMPO Board of Directors, the TCC and the CAC regarding the best approaches to performing the duties listed above.

**12.2.** In advance of making any proposal or recommendation to the TAC, the TCC or the CAC, the Executive Director shall provide such recommendation to the chief planning official for every jurisdiction within the Metropolitan Planning Area which may be impacted by such proposal or recommendation in sufficient time for the chief planning official to review and comment on the proposal or recommendation.

### **Section 13. Additional Responsibilities of Member Governments**

**13.1.** The representative from each General Purpose Local Government on the FAMPO board of directors shall be responsible for instructing the clerk of his/ her local government to provide to the Executive Director copies of the minutes of any action taken by his/her local government which involves any MPO plan.

**13.2.** Each member signatory local government shall coordinate zoning and subdivision approval in their respective jurisdictions in accordance with the FAMPO adopted transportation plan.

**13.3.** As the host agency, the Cumberland County Planning and Inspections Department will serve as the Lead Planning Agency for transportation planning in the Metropolitan Planning Area. All other member signatory local governments will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus for Transportation Planning.

### **Section 14. Funding and Fiscal Matters**

**14.1.** All transportation and related federal aid planning grant funds available to promote the cooperative transportation planning process will be expended in accordance with the Unified Planning Work Program adopted by the TAC. Administration of funding in support of the Transportation Planning Process on behalf of the TAC will be conducted by the County of Cumberland as the host planning agency. Cumberland County will execute appropriate agreements with funding agencies as provided by the Planning Work Program.

**14.2.** The local match for the Federal Aid planning funds will be determined based on the current federal matching requirements. The signatory General Purpose Local Governments will contribute to the local match requirement based on their percentage of the population within the Metropolitan Planning Area at the most recent decennial census. Only the non-municipal population of those portions of counties located within the Metropolitan Planning Area shall be counted for counties. Member governments may also be asked to contribute additional local funding for projects wholly within their jurisdictional limits.

14.3. The fair market rental value of the office space provided by the Cumberland County Planning and Inspections Department as the host agency will be counted toward Cumberland County's match as an in-kind contribution. The fair market value of the rent shall be figured as the same annual rate per square foot that Cumberland County receives from the State of North Carolina for any other county-owned office space rented by the State.

**Section 15. Duration of the Agreement**

Any party may terminate its participation in the MPO and remove itself from this Agreement by giving sixty days' advance notice in a writing signed by the Chief Elected Official, if a local government, or by the chief executive officer of the agency, if not a local government. This notice shall be delivered to the Chairman of the FAMPO board of directors and to the Executive Director.

IN WITNESS WHEREOF, the parties to this Memorandum of Understanding have been authorized by appropriate action to sign the same, the City of Fayetteville by its Mayor, the Town of Eastover by its Mayor, the Town of Hope Mills by its Mayor, the Town of Parkton by its Mayor, the City of Raeford by its Mayor, the Town of Spring Lake by its Mayor, Fort Bragg Military Reservation by its Director of Public Works Business Center, the County of Cumberland by its Chairman, the County of Harnett by its Chairman, the County of Hoke by its Chairman, the County of Robeson by its Chairman and the North Carolina Department of Transportation by the Secretary of Transportation.

(Seal) City of Fayetteville  
\_\_\_\_\_  
Clerk By \_\_\_\_\_  
Mayor

(Seal) Town of Eastover  
\_\_\_\_\_  
Clerk By \_\_\_\_\_  
Mayor

(Seal) Town of Hope Mills  
\_\_\_\_\_  
Clerk By \_\_\_\_\_  
Mayor

(Seal)

Town of Parkton

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

(Seal)

City of Raeford

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

(Seal)

Town of Spring Lake

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

(Seal)

County of Cumberland

*Carolyn N. White* By *Jimmy Keefe*  
Clerk Chairman



(Seal)

County of Harnett

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Chairman

(Seal)

County of Hoke

\_\_\_\_\_ \_\_\_\_\_  
Clerk Chairman

(Seal)

Robeson County

\_\_\_\_\_  
Clerk

By

\_\_\_\_\_  
Chairman

Fort Bragg Military Reservation

By

\_\_\_\_\_  
Director of Public Works Business Center

North Carolina Department of Transportation

By

\_\_\_\_\_  
Secretary of Transportation

## Sample Local Match Sheet

The following table shows the local match requirement for each jurisdiction based on the methodology outlined in the Memorandum of Understanding and this year's MPO funding of \$757,000 dollars. The local share is 20% of the total MPO funding shared between all member jurisdictions based on their Census 2010 population in the Planning Area. The local match will be charged to all member jurisdictions beginning in FY 15 (July 2014) and it will be based on the new budgeted amount for that fiscal year.

<b>Allocation of Local Match (Based on this year's funding)</b>		
<b>Jurisdiction</b>	<b>2010 Pop %</b>	<b>Local Match</b>
Parkton	0.1%	\$ 151.40
Eastover	1.0%	\$ 1,514.00
Raeford	1.2%	\$ 1,816.80
Spring Lake	3.2%	\$ 4,844.80
Hope Mills	4.1%	\$ 6,207.40
Fayetteville	53.9%	\$ 81,604.60
Cumberland	18.6%	\$ 28,160.40
Harnett	9.0%	\$ 13,626.00
Hoke	8.3%	\$ 12,566.20
Robeson	0.6%	\$ 908.40



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-337

Agenda Date: 12/9/2013

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Other Items of  
Business

Agenda Number: 9.03

### CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council

**FROM:** Assistant Chief Bradley Chandler

**DATE:** December 9, 2013

**RE:** Police - P25 800 MHz Radio System Purchase Contract

**Relationship To Strategic Plan:**

The City of Fayetteville will be a safe and secure community.

**Background:**

The City's current 800 MHz public safety radio system is outdated technology that will no longer be supported after December 31, 2015. The system currently uses analog technology that has been replaced by digital systems. The City began researching various replacement options in 2004. Growth since that time both in the number of citizens as well as public safety service territory has created service area deficits in the current system.

A public safety radio system consists of two components: coverage and the ability to clear communications. The system's current single tower site is no longer sufficient to provide adequate coverage throughout the service area. The current system also fails to comply with the new digital security standard referred to as "P25." This standard and related technology allows for improved control of communications in order to significantly reduce communication conflicts. The City has been planning for a new system to address these issues and has now run out of time to do so.

The City has explored several options to address this need. The City's current system is based on Motorola equipment. Only options leveraging that existing equipment base were considered as alternatives would have required replacement of all communications equipment and are not cost effective. The State operates a backbone 800 MHz system referred to as "Viper." It is possible

for the City to contract with the State to utilize this system. Initial analysis identified joining the Viper system as the most cost effective means of obtaining P25 compliance. Further analysis, however, determined that this option would further delay the City's installation of an upgraded and compliant 800 MHz system as the State has yet to finalize their P25 upgrade plans in our area.

Initial cost estimates for upgrading the radio system without reliance on Viper varied widely based on differing assumptions regarding antenna locations and other system design issues. The proposed design includes two new antenna locations (for a total of three) using existing tower facilities. One of the key issues explored was the acquisition, installation, and operation of a P25 Core module which can be very expensive and complex to operate. This concern led to a conversation with the City of Durham regarding the use of the P25 Core that they recently installed as part of their system upgrade. Two options were designed and priced:

1. A stand-alone system including two additional antenna locations and a P25 Core.
2. A system connected to Durham's P25 Core using high speed connections.

Motorola prepared bids for both options. While the cost of the stand-alone system was less than expected and consistent with estimates included in the adopted FY14 Information Technology Plan ("ITP"), life cycle cost comparisons at five and ten years indicate that working with Durham is the least expensive option.

Upgrading the system will allow the City to maintain interoperability with state and local public safety agencies. The system will continue to provide communication services to other City departments including utilities. The agreement between Durham and Fayetteville allows the City to maintain total ownership of our infrastructure equipment and FCC licenses and clearly outlines the means of terminating the agreement should we decide to purchase a P25 core controller and related equipment at a later date. Joining VIPER would require the City to give ownership of all licenses over to the State. The State would never provide any agreement language allowing the City to withdraw from the VIPER system at a future date.

**Issues:**

The Motorola project bid expires December 23, 2013. It is also critical to initiate the project now in order to ensure installation prior to the obsolescence of the existing system. The contract is under review by legal and purchasing functions, but staff is requesting signature authorization in order to keep the project on schedule.

This is a sole source acquisition process due to regional compatibility issues and the City's existing investment in Motorola infrastructure and equipment.



The recommended alternative includes working with Durham through an interlocal agreement. All of the key terms of that agreement have been completed and it is also being reviewed by the legal functions of both organizations. Staff is requesting authorization to execute this interlocal agreement once it has been finalized. The interlocal provides the City access to use Durham's P25 Core and provides services to support the installation and management of that connection. Fayetteville would be obligated to make an annual maintenance payment to Durham based on the number of radios in Fayetteville's system. That payment, initially estimated to be just over \$200,000 per year, reimburses Durham for a portion of the cost of their annual maintenance contract with Motorola for the Core and for a portion of the capital cost for that equipment. This fee and other operational costs were compared in a ten year life cycle cost comparison and the Durham option represents a conservative estimate of \$600,000 in savings over that ten year period.

The Motorola agreement requires the Council to evidence its authorization to enter into a lease through the passage of a supporting resolution (attached).

**Budget Impact:**

The public safety radio system upgrade has been included in the City's ITP for the past three years. Capital cost estimate and bid information is summarized below:

FY 14 ITP Cost Estimate	\$6,531,445
Stand-Alone Bid	\$5,845,875
Durham Bid	\$4,149,433

Motorola has offered a no interest five year lease purchasing finance option (draft financing agreement attached) that was not anticipated in the capital budget. It is necessary to adopt a project budget ordinance in order to establish project funding utilizing this financing option. The attached project budget ordinance appropriates \$4,500,000. Council's adoption of this ordinance will support the execution of the Motorola contract, but it will need to be amended in the future to add other funding sources; e.g. utility funding contribution.

**Options:**

Staff recommends the following actions:

- a. Pass the attached Resolution authorizing the execution of a lease purchase agreement
- b. Adopt the attached Capital Project Ordinance ORD 2014-15
- c. Authorize the City Manager to execute the Motorola purchasing and financing agreements, and
- d. Authorize the City Manager to execute an interlocal agreement with Durham related to the provision of radio services

**Council may:**

1. Do nothing or defer action (without another regular meeting before Dec. 23, 2013, the Motorola bid will lapse before Council can consider the issue again)

2. Take all four recommended actions by making the motion below, or Amend the budget ordinance to support the stand-alone option and deny authorization to execute the interlocal with Durham (staff can provide this motion language upon request - this would simplify the system, but at a higher cost to the City).

**Recommended Action:**

Staff recommends that Council move to pass Resolution authorizing the execution of a lease purchase agreement for communications equipment and adopt Project Ordinance No. 2014-15 and authorize the City Manager to execute purchase and finance contracts with Motorola as a sole source provider for a P25 compliant 800 MHz radio system and to execute an interlocal with Durham for radio services.

## EQUIPMENT LEASE-PURCHASE AGREEMENT

Lease Number: 12345

LESSEE:

CITY OF FAYETTEVILLE

LESSOR:

Motorola Solutions, Inc.  
1303 E. Algonquin Rd.  
Schaumburg, IL 60196

Lessor agrees to lease to Lessee and Lessee agrees to lease from Lessor, the equipment and/or software described in any Schedule A attached hereto ("Equipment") in accordance with the following terms and conditions of this Equipment Lease-Purchase Agreement ("Lease").

**1. TERM.** This Lease will become effective upon the execution hereof by Lessor. The Term of this Lease will commence on date specified in Schedule A attached hereto and unless terminated according to terms hereof or the purchase option, provided in Section 18, is exercised this Lease will continue until the Expiration Date set forth in Schedule B attached hereto ("Lease Term").

**2. RENT.** Lessee agrees to pay to Lessor or its assignee the Lease Payments (herein so called), including the interest portion, in the amounts specified in Schedule B. The Lease Payments will be payable without notice or demand at the office of the Lessor (or such other place as Lessor or its assignee may from time to time designate in writing), and will commence on the first Lease Payment Date as set forth in Schedule B and thereafter on each of the Lease Payment Dates set forth in Schedule B. Any payments received later than ten (10) days from the due date will bear interest at the highest lawful rate from the due date. Except as specifically provided in Section 5 hereof, the Lease Payments will be absolute and unconditional in all events and will not be subject to any set-off, defense, counterclaim, or recoupment for any reason whatsoever. Lessee reasonably believes that funds can be obtained sufficient to make all Lease Payments during the Lease Term and hereby covenants that it will do all things lawfully within its power to obtain, maintain and properly request and pursue funds from which the Lease Payments may be made, including making provisions for such payments to the extent necessary in each budget submitted for the purpose of obtaining funding, using its bona fide best efforts to have such portion of the budget approved and exhausting all available administrative reviews and appeals in the event such portion of the budget is not approved. It is Lessee's intent to make Lease Payments for the full Lease Term if funds are legally available therefor and in that regard Lessee represents that the Equipment will be used for one or more authorized governmental or proprietary functions essential to its proper, efficient and economic operation.

**3. DELIVERY AND ACCEPTANCE.** Lessor will cause the Equipment to be delivered to Lessee at the location specified in Schedule A ("Equipment Location"). Lessee will accept the Equipment as soon as it has been delivered and is operational. Lessee will evidence its acceptance of the Equipment by executing and delivering to Lessor a Delivery and Acceptance Certificate in the form provided by Lessor.

Even if Lessee has not executed and delivered to Lessor a Delivery and Acceptance Certificate, if Lessor believes the Equipment has been delivered and is operational, Lessor may require Lessee to notify Lessor in writing (within five (5) days of Lessee's receipt of Lessor's request) whether or not Lessee deems the Equipment (i) to have been delivered and (ii) to be operational, and hence be accepted by Lessee. If Lessee fails to so respond in such five (5) day period, Lessee will be deemed to have accepted the Equipment and be deemed to have acknowledged that the Equipment was delivered and is operational as if Lessee had in fact executed and delivered to Lessor a Delivery and Acceptance Certificate.

**4. REPRESENTATIONS AND WARRANTIES.** Lessor acknowledges that the Equipment leased hereunder is being manufactured and installed by Motorola Solutions, Inc. pursuant to contract (the "Contract") covering the Equipment. Lessee acknowledges that on or prior to the date of acceptance of the Equipment, Lessor intends to sell and assign Lessor's right, title and interest in and to this Agreement and the Equipment to an assignee ("Assignee"). LESSEE FURTHER ACKNOWLEDGES THAT EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT, LESSOR MAKES NO EXPRESS OR IMPLIED WARRANTIES OF ANY NATURE OR KIND WHATSOEVER, AND AS BETWEEN LESSEE AND THE ASSIGNEE, THE PROPERTY SHALL BE ACCEPTED

BY LESSEE "AS IS" AND "WITH ALL FAULTS". LESSEE AGREES TO SETTLE ALL CLAIMS DIRECTLY WITH LESSOR AND WILL NOT ASSERT OR SEEK TO ENFORCE ANY SUCH CLAIMS AGAINST THE ASSIGNEE. NEITHER LESSOR NOR THE ASSIGNEE SHALL BE LIABLE FOR ANY DIRECT, INDIRECT, SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES OF ANY CHARACTER AS A RESULT OF THE LEASE OF THE EQUIPMENT, INCLUDING WITHOUT LIMITATION, LOSS OF PROFITS, PROPERTY DAMAGE OR LOST PRODUCTION WHETHER SUFFERED BY LESSEE OR ANY THIRD PARTY.

Lessor is not responsible for, and shall not be liable to Lessee for damages relating to loss of value of the Equipment for any cause or situation (including, without limitation, governmental actions or regulations or actions of other third parties).

**5. NON-APPROPRIATION OF FUNDS.** Notwithstanding anything contained in this Lease to the contrary, in the event the funds appropriated by Lessee's governing body or otherwise available by any means whatsoever in any fiscal period of Lessee for Lease Payments or other amounts due under this Lease are insufficient therefor, this Lease shall terminate on the last day of the fiscal period for which appropriations were received without penalty or expense to Lessee of any kind whatsoever, except as to the portions of Lease Payments or other amounts herein agreed upon for which funds shall have been appropriated and budgeted or are otherwise available. The Lessee will immediately notify the Lessor or its Assignee of such occurrence. In the event of such termination, Lessee agrees to peaceably surrender possession of the Equipment to Lessor or its Assignee on the date of such termination, packed for shipment in accordance with manufacturer specifications and freight prepaid and insured to any location in the continental United States designated by Lessor. Lessor will have all legal and equitable rights and remedies to take possession of the Equipment.

**6. LESSEE CERTIFICATION.** Lessee represents, covenants and warrants that: (i) Lessee is a state or a duly constituted political subdivision or agency of the state of the Equipment Location; (ii) the interest portion of the Lease Payments shall be excludable from Lessor's gross income pursuant to Section 103 of the Internal Revenue Code of 1986, as it may be amended from time to time (the "Code"); (iii) the execution, delivery and performance by the Lessee of this Lease have been duly authorized by all necessary action on the part of the Lessee; (iv) this Lease constitutes a legal, valid and binding obligation of the Lessee enforceable in accordance with its terms; (v) Lessee will comply with the information reporting requirements of Section 149(e) of the Code, and such compliance shall include but not be limited to the execution of information statements requested by Lessor; (vi) Lessee will not do or cause to be done any act which will cause, or by omission of any act allow, the Lease to be an arbitrage bond within the meaning of Section 148(a) of the Code; (vii) Lessee will not do or cause to be done any act which will cause, or by omission of any act allow, this Lease to be a private activity bond within the meaning of Section 141(a) of the Code; (viii) Lessee will not do or cause to be done any act which will cause, or by omission of any act allow, the interest portion of the Lease Payments to be or become includible in gross income for Federal income taxation purposes under the Code; and (ix) Lessee will be the only entity to own, use and operate the Equipment during the Lease Term.

Lessee represents, covenants and warrants that (i) it will do or cause to be done all things necessary to preserve and keep the Lease in full force and effect, (ii) it has complied with all public bidding and Bond Commission requirements (as defined in the Code) where necessary and by due notification presented this Lease for approval and adoption as a valid obligation on its part, and (iii) it has sufficient appropriations or other funds available to pay all amounts due hereunder for the current fiscal period.

If Lessee breaches the covenant contained in this Section, the interest component of Lease Payments may become includible in gross income of the owner or owners thereof for federal income tax purposes. In such event, notwithstanding anything to the contrary contained in Section 11 of this Agreement, Lessee agrees to pay promptly after any such determination of taxability and on each Lease Payment date thereafter to Lessor an additional amount determined by Lessor to compensate such owner or owners for the loss of such excludibility (including, without limitation, compensation relating to interest expense, penalties or additions to tax), which determination shall be conclusive (absent manifest error). Notwithstanding anything herein to the contrary, any additional amount payable by Lessee pursuant to this Section 6 shall be payable solely from Legally Available Funds.

It is Lessor's and Lessee's intention that this Agreement does not constitute a "true" lease for federal income tax purposes and, therefore, it is Lessor's and Lessee's intention that Lessee be considered the owner of the Equipment for federal income tax purposes.

**7. TITLE TO EQUIPMENT; SECURITY INTEREST.** Upon shipment of the Equipment to Lessee hereunder, title to the Equipment will vest in Lessee subject to any applicable license; provided, however, that (i) in the event of termination of this Lease by Lessee pursuant to Section 5 hereof; (ii) upon the occurrence of an Event of Default hereunder, and as long as such Event of Default is continuing; or (iii) in the event that the purchase option has not been exercised prior to the Expiration Date, title will immediately vest in Lessor or its Assignee, and Lessee shall immediately discontinue use of the Equipment, remove the Equipment from Lessee's computers and other electronic devices and deliver the Equipment to Lessor or its Assignee. In order to secure all of its obligations hereunder, Lessee hereby (i) grants to Lessor a first and prior security interest in any and all right, title and interest of Lessee in the Equipment and in all additions, attachments, accessions, and substitutions thereto, and on any proceeds therefrom; (ii) agrees that this Lease may be filed as a financing statement evidencing such security interest; and (iii) agrees to execute and deliver all financing statements, certificates of title and other instruments necessary or appropriate to evidence such security interest.

**8. USE; REPAIRS.** Lessee will use the Equipment in a careful manner for the use contemplated by the manufacturer of the Equipment and shall comply with all laws, ordinances, insurance policies, the Contract, any licensing or other agreement, and regulations relating to, and will pay all costs, claims, damages, fees and charges arising out of the possession, use or maintenance of the Equipment. Lessee, at its expense will keep the Equipment in good repair and furnish and/or install all parts, mechanisms, updates, upgrades and devices required therefor.

**9. ALTERATIONS.** Lessee will not make any alterations, additions or improvements to the Equipment without Lessor's prior written consent unless such alterations, additions or improvements may be readily removed without damage to the Equipment.

**10. LOCATION; INSPECTION.** The Equipment will not be removed from, [or if the Equipment consists of rolling stock, its permanent base will not be changed from] the Equipment Location without Lessor's prior written consent which will not be unreasonably withheld. Lessor will be entitled to enter upon the Equipment Location or elsewhere during reasonable business hours to inspect the Equipment or observe its use and operation.

**11. LIENS AND TAXES.** Lessee shall keep the Equipment free and clear of all levies, liens and encumbrances except those created under this Lease. Lessee shall pay, when due, all charges and taxes (local, state and federal) which may now or hereafter be imposed upon the ownership, licensing, leasing, rental, sale, purchase, possession or use of the Equipment, excluding however, all taxes on or measured by Lessor's income. If Lessee fails to pay said charges and taxes when due, Lessor shall have the right, but shall not be obligated, to pay said charges and taxes. If Lessor pays any charges or taxes, Lessee shall reimburse Lessor therefor within ten days of written demand.

**12. RISK OF LOSS: DAMAGE; DESTRUCTION.** Lessee assumes all risk of loss or damage to the Equipment from any cause whatsoever, and no such loss of or damage to the Equipment nor defect therein nor unfitness or obsolescence thereof shall relieve Lessee of the obligation to make Lease Payments or to perform any other obligation under this Lease. In the event of damage to any item of Equipment, Lessee will immediately place the same in good repair with the proceeds of any insurance recovery applied to the cost of such repair. If Lessor determines that any item of Equipment is lost, stolen, destroyed or damaged beyond repair, Lessee at the option of Lessor will: either (a) replace the same with like equipment in good repair; or (b) on the next Lease Payment date, pay Lessor the sum of : (i) all amounts then owed by Lessee to Lessor under this Lease, including the Lease payment due on such date; and (ii) an amount equal to all remaining Lease Payments to be paid during the Lease Term as set forth in Schedule B.

In the event that Lessee is obligated to make such payment with respect to less than all of the Equipment, Lessor will provide Lessee with the pro rata amount of the Lease Payment and the Balance Payment (as set forth in Schedule B) to be made by Lessee with respect to that part of the Equipment which has suffered the Event of Loss.

**13. INSURANCE.** Lessee will, at its expense, maintain at all times during the Lease Term, fire and extended coverage, public liability and property damage insurance with respect to the Equipment in such amounts, covering such risks, and with such insurers as shall be satisfactory to Lessor, or, with Lessor's prior written consent, Lessee may self-insure against any or all such risks. All insurance covering loss of or damage to the Equipment

shall be carried in an amount no less than the amount of the then applicable Balance Payment with respect to such Equipment. The initial amount of insurance required is set forth in Schedule B. Each insurance policy will name Lessee as an insured and Lessor or its Assigns as an additional insured, and will contain a clause requiring the insurer to give Lessor at least thirty (30) days prior written notice of any alteration in the terms of such policy or the cancellation thereof. The proceeds of any such policies will be payable to Lessee and Lessor or its Assigns as their interests may appear. Upon acceptance of the Equipment and upon each insurance renewal date, Lessee will deliver to Lessor a certificate evidencing such insurance. In the event that Lessee has been permitted to self-insure, Lessee will furnish Lessor with a letter or certificate to such effect. In the event of any loss, damage, injury or accident involving the Equipment, Lessee will promptly provide Lessor with written notice thereof and make available to Lessor all information and documentation relating thereto.

**14. INDEMNIFICATION.** Lessee shall, to the extent permitted by law, indemnify Lessor against, and hold Lessor harmless from, any and all claims, actions, proceedings, expenses, damages or liabilities, including attorneys' fees and court costs, arising in connection with the Equipment, including, but not limited to, its selection, purchase, delivery, licensing, possession, use, operation, rejection, or return and the recovery of claims under insurance policies thereon.

**15. ASSIGNMENT.** Without Lessor's prior written consent, Lessee will not either (i) assign, transfer, pledge, hypothecate, grant any security interest in or otherwise dispose of this Lease or the Equipment or any interest in this Lease or the Equipment or; (ii) sublet or lend the Equipment or permit it to be used by anyone other than Lessee or Lessee's employees. Lessor may assign its rights, title and interest in and to this Lease, the Equipment and any documents executed with respect to this Lease and/or grant or assign a security interest in this Lease and the Equipment, in whole or in part. Any such assignees shall have all of the rights of Lessor under this Lease. Subject to the foregoing, this Lease inures to the benefit of and is binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

Lessee covenants and agrees not to assert against the Assignee any claims or defenses by way of abatement, setoff, counterclaim, recoupment or the like which Lessee may have against Lessor. No assignment or reassignment of any Lessor's right, title or interest in this Lease or the Equipment shall be effective unless and until Lessee shall have received a notice of assignment, disclosing the name and address of each such assignee; provided, however, that if such assignment is made to a bank or trust company as paying or escrow agent for holders of certificates of participation in the Lease, it shall thereafter be sufficient that a copy of the agency agreement shall have been deposited with Lessee until Lessee shall have been advised that such agency agreement is no longer in effect. During the Lease Term Lessee shall keep a complete and accurate record of all such assignments in form necessary to comply with Section 149(a) of the Code, and the regulations, proposed or existing, from time to time promulgated thereunder. No further action will be required by Lessor or by Lessee to evidence the assignment, but Lessee will acknowledge such assignments in writing if so requested.

After notice of such assignment, Lessee shall name the Assignee as additional insured and loss payee in any insurance policies obtained or in force. Any Assignee of Lessor may reassign this Lease and its interest in the Equipment and the Lease Payments to any other person who, thereupon, shall be deemed to be Lessor's Assignee hereunder.

**16. EVENT OF DEFAULT.** The term "Event of Default", as used herein, means the occurrence of any one or more of the following events: (i) Lessee fails to make any Lease Payment (or any other payment) as it becomes due in accordance with the terms of the Lease, and any such failure continues for ten (10) days after the due date thereof; (ii) Lessee fails to perform or observe any other covenant, condition, or agreement to be performed or observed by it hereunder or the Contract and such failure is not cured within twenty (20) days after written notice thereof by Lessor; (iii) the discovery by Lessor that any statement, representation, or warranty made by Lessee in this Lease or in writing ever delivered by Lessee pursuant hereto or in connection herewith is false, misleading or erroneous in any material respect; (iv) proceedings under any bankruptcy, insolvency, reorganization or similar legislation shall be instituted against or by Lessee, or a receiver or similar officer shall be appointed for Lessee or any of its property, and such proceedings or appointments shall not be vacated, or fully stayed, within twenty (20) days after the institution or occurrence thereof; or (v) an attachment, levy or execution is threatened or levied upon or against the Equipment.

**17. REMEDIES.** Upon the occurrence of an Event of Default, and as long as such Event of Default is continuing, Lessor may, at its option, exercise any one or more of the following remedies: (i) by written notice to Lessee, declare all amounts then due under the Lease, and all remaining Lease Payments due during the Fiscal

Year in effect when the default occurs to be immediately due and payable, whereupon the same shall become immediately due and payable; (ii) by written notice to Lessee, request Lessee to (and Lessee agrees that it will), at Lessee's expense, promptly discontinue use of the Equipment, remove the Equipment from all of Lessee's computers and electronic devices, return the Equipment to Lessor in the manner set forth in Section 5 hereof, or Lessor, at its option, may enter upon the premises where the Equipment is located and take immediate possession of and remove the same; (iii) sell or lease the Equipment or sublease it for the account of Lessee, holding Lessee liable for all Lease Payments and other amounts due prior to the effective date of such selling, leasing or subleasing and for the difference between the purchase price, rental and other amounts paid by the purchaser, Lessee or sublessee pursuant to such sale, lease or sublease and the amounts payable by Lessee hereunder; and (iv) exercise any other right, remedy or privilege which may be available to it under applicable laws of the state of the Equipment Location or any other applicable law or proceed by appropriate court action to enforce the terms of the Lease or to recover damages for the breach of this Lease or to rescind this Lease as to any or all of the Equipment. In addition, Lessee will remain liable for all covenants and indemnities under this Lease and for all legal fees and other costs and expenses, including court costs, incurred by Lessor with respect to the enforcement of any of the remedies listed above or any other remedy available to Lessor.

**18. PURCHASE OPTION.** Upon thirty (30) days prior written notice from Lessee to Lessor, and provided that no Event of Default has occurred and is continuing, or no event, which with notice or lapse of time, or both could become an Event of Default, then exists, Lessee will have the right to purchase the Equipment on the Lease Payment dates set forth in Schedule B by paying to Lessor, on such date, the Lease Payment then due together with the Balance Payment amount set forth opposite such date. Upon satisfaction by Lessee of such purchase conditions, Lessor will transfer any and all of its right, title and interest in the Equipment to Lessee as is, without warranty, express or implied, except that the Equipment is free and clear of any liens created by Lessor.

**19. NOTICES.** All notices to be given under this Lease shall be made in writing and mailed by certified mail, return receipt requested, to the other party at its address set forth herein or at such address as the party may provide in writing from time to time. Any such notice shall be deemed to have been received five days subsequent to such mailing.

**20. SECTION HEADINGS.** All section headings contained herein are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Lease.

**21. GOVERNING LAW.** This Lease shall be construed in accordance with, and governed by the laws of, the state of the Equipment Location.

**22. DELIVERY OF RELATED DOCUMENTS.** Lessee will execute or provide, as requested by Lessor, such other documents and information as are reasonably necessary with respect to the transaction contemplated by this Lease.

**23. ENTIRE AGREEMENT; WAIVER.** This Lease, together with Schedule A Equipment Lease-Purchase Agreement, Schedule B, Evidence of Insurance, Statement of Essential Use/Source of Funds Certificate of Incumbency, Lessee Resolution, Bank Qualified Statement, Information Return for Tax-Exempt Governmental Obligations and the Delivery and Acceptance Certificate and other attachments hereto, and other documents or instruments executed by Lessee and Lessor in connection herewith, constitutes the entire agreement between the parties with respect to the Lease of the Equipment, and this Lease shall not be modified, amended, altered, or changed except with the written consent of Lessee and Lessor. Any provision of the Lease found to be prohibited by law shall be ineffective to the extent of such prohibition without invalidating the remainder of the Lease.

The waiver by Lessor of any breach by Lessee of any term, covenant or condition hereof shall not operate as a waiver of any subsequent breach thereof.

**24. EXECUTION IN COUNTERPARTS.** This Lease may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the \_\_\_\_\_ day of July, 2013.

LESSEE:

LESSOR:

CITY OF FAYETTEVILLE

MOTOROLA SOLUTIONS, INC.

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

**CERTIFICATE OF INCUMBENCY**

I, \_\_\_\_\_ do hereby certify that I am the duly elected or  
(Printed Name of Secretary/Clerk )  
appointed and acting Secretary or Clerk of City of Fayetteville , an entity duly organized and existing under the laws of the **State of North Carolina** that I have custody of the records of such entity, and that, as of the date hereof, the individual(s) executing this agreement is/are the duly elected or appointed officer(s) of such entity holding the office(s) below his/her/their respective name(s). I further certify that (i) the signature(s) set forth above his/her/their respective name(s) and title(s) is/are his/her/their true and authentic signature(s) and (ii) such officer(s) have the authority on behalf of such entity to enter into that certain Equipment Lease Purchase Agreement number **12345**, between City of Fayetteville and Motorola Solutions, Inc..

**IN WITNESS WHEREOF**, I have executed this certificate and affixed the seal of **CITY OF FAYETTEVILLE** , hereto this \_\_\_\_\_ day of July, 2013.

By: \_\_\_\_\_

SEAL

(Signature of Secretary/Clerk)

**OPINION OF COUNSEL**

With respect to that certain Equipment Lease-Purchase Agreement # 12345 by and between Motorola Solutions, Inc. and the Lessee, I am of the opinion that: (i) the Lessee is, within the meaning of Section 103 of the Internal Revenue Code of 1986, a state or a fully constituted political subdivision or agency of the State of the Equipment Location described in Schedule A hereto; (ii) the execution, delivery and performance by the Lessee of the Lease have been duly authorized by all necessary action on the part of the Lessee, (iii) the Lease constitutes a legal, valid and binding obligation of the Lessee enforceable in accordance with its terms; and (iv) Lessee has sufficient monies available to make all payments required to be paid under the Lease during the current fiscal year of the Lease, and such monies have been properly budgeted and appropriated for this purpose in accordance with State law.

\_\_\_\_\_  
Attorney for **CITY OF FAYETTEVILLE**



**SCHEDULE A  
EQUIPMENT LEASE-PURCHASE AGREEMENT**

**Schedule A                    12345  
Lease Number:**

This Equipment Schedule is hereby attached to and made a part of that certain Equipment Lease-Purchase Agreement Number **12345** ("Lease"), between Motorola Solutions, Inc. ("Lessor") and City of Fayetteville ("Lessee").

Lessor hereby leases to Lessee under and pursuant to the Lease, and Lessee hereby accepts and leases from Lessor under and pursuant to the Lease, subject to and upon the terms and conditions set forth in the Lease and upon the terms set forth below, the following items of Equipment

<b>QUANTITY</b>	<b>DESCRIPTION (Manufacturer, Model, and Serial Nos.)</b>
	Refer to attached Equipment List.
<b>Equipment Location:</b>	

**Initial Term: 59 Months**

**Commencement Date: 12/1/2013**

**First Payment Due Date: 12/1/2014**

**5 Annual Payments of \$ \_\_\_\_\_** as outlined in the attached Schedule B, plus Sales/Use Tax of \$0.00, payable on the Lease Payment Dates set forth in Schedule B.

# Bank Qualified Statement

LESSEE CERTIFIES THAT IT (circle one) HAS or HAS NOT DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE AND IF THE LESSEE HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION, IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDAR YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDAR YEAR WILL NOT EXCEED \$10,000,000.

## LESSEE RESOLUTION

At a duly called meeting of the Governing Body of the Lessee (as defined in the Lease) held on or before the execution date of the Lease, the following resolution was introduced and adopted.

BE IT RESOLVED by the Governing Board of Lessee as follows:

1. **Determination of Need.** The Governing Body of Lessee has determined that a true and very real need exists for the acquisition of the Equipment or other personal property described in the Lease between **CITY OF FAYETTEVILLE** (Lessee) and Motorola Solutions, Inc. (Lessor).
2. **Approval and Authorization.** The Governing body of Lessee has determined that the Lease, substantially in the form presented to this meeting, is in the best interests of the Lessee for the acquisition of such Equipment or other personal property, and the Governing Board hereby approves the entering into of the Lease by the Lessee and hereby designates and authorizes the following person(s) referenced in the Lease to execute and deliver the Lease on Lessee's behalf with such changes thereto as such person deems appropriate, and any related documents, including any escrow agreement, necessary to the consummation of the transactions contemplated by the Lease.
3. **Adoption of Resolution.** The signatures referenced in the Lease from the designated individuals for the Governing Body of the Lessee evidence the adoption by the Governing Body of this Resolution.

City of Fayetteville (Schedule B)

Amortization Schedule would be included below:

INITIAL INSURANCE REQUIREMENT:

\$XXXXXX

Except as specifically provided in Section five of the Lease hereof, Lessee agrees to pay to Lessor or its assignee the Lease Payments, including the interest portion, in the amounts and dates specified in the above payment schedule.

**EVIDENCE OF INSURANCE**

Fire, extended coverage, public liability and property damage insurance for all of the Equipment listed on Schedule A number 12345 to that Equipment Lease Purchase Agreement number 12345 will be maintained by the CITY OF FAYETTEVILLE as stated in the Equipment Lease Purchase Agreement.

This insurance shall name MOTOROLA SOLUTIONS, INC. or its assignee as additional insured and loss payee for the term of the Schedule A number 12345. This insurance is provided by:

\_\_\_\_\_  
Name of insurance provider

\_\_\_\_\_  
Address of insurance provider

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Phone number of insurance provider

In accordance with the Equipment Lease Purchase Agreement Number 12345 , CITY OF FAYETTEVILLE , hereby certifies that following coverage are or will be in full force and effect:

Type	Amount	Effective Date	Expiration Date	Policy Number
Fire and Extended Coverage	_____	_____	_____	_____
Property Damage	_____	_____	_____	_____
Public Liability	_____	_____	_____	_____



## STATEMENT OF ESSENTIAL USE/SOURCE OF FUNDS

To further understand the essential governmental use intended for the equipment together with an understanding of the sources from which payments will be made, please address the following questions by completing this form or by sending a separate letter:

1. What is the specific use of the equipment?
2. Why is the equipment essential to the operation of **CITY OF FAYETTEVILLE**?
3. Does the equipment replace existing equipment?  
If so, why is the replacement being made?
4. Is there a specific cost justification for the new equipment?  
If yes, please attach outline of justification.
5. What is the expected source of funds for the payments due under the Lease for the current fiscal year and future fiscal years?

# EQUIPMENT LEASE PURCHASE AGREEMENT DELIVERY AND ACCEPTANCE CERTIFICATE

The undersigned Lessee hereby acknowledges receipt of the Equipment described below ("Equipment") and Lessee hereby accepts the Equipment after full inspection thereof as satisfactory for all purposes of lease Schedule A to the Equipment Lease Purchase Agreement executed by Lessee and Lessor.

Equipment Lease Purchase Agreement Date: July\_\_\_\_, 2013

Equipment Lease Purchase Agreement No.: 12345

Lease Schedule A No. : 12345

## EQUIPMENT INFORMATION

QUANTITY	MODEL NUMBER	EQUIPMENT DESCRIPTION
		Equipment referenced in lease Schedule A# 12345. See Schedule A for a detailed Equipment List.

LESSEE:

CITY OF FAYETTEVILLE

By: \_\_\_\_\_

Date: \_\_\_\_\_

2013 Version of this document will be used.

Form **8038-G**  
(Rev. November 2000)

**Information Return for Tax-Exempt Governmental Obligations**

Under Internal Revenue Code Section 149 (e)  
See separate instructions

OMB No. 1545-0720

Department of the Treasury  
Internal Revenue Service

Caution: Use Form 8038-GC if the issue price is under \$100,000

**Part I Reporting Authority**

1 Issuer's name <b>City of Fayetteville</b>		If Amended Return, Check here <input type="checkbox"/>	
3 Number and street (or P. O. box if mail is not delivered to Street address)		Room/suite	4 Report number 2013 -
5 City, town, or post office, state, and ZIP code		6 Date of Issue	
7 Name of issue <b>Equipment Lease Purchase Agreement # 12345</b>		8 CUSIP number N/A	
9 Name and title of officer or legal representative whom the IRS may		10 Telephone number of officer or legal representative	

**Part II Type of Issue (check applicable box(es) and enter the issue price) See Instructions and attach schedule**

11 <input type="checkbox"/> Education	11
12 <input type="checkbox"/> Health and hospital	12
13 <input type="checkbox"/> Transportation	13
14 <input type="checkbox"/> Public safety	14
15 <input type="checkbox"/> Environment (including sewage bonds)	15
16 <input type="checkbox"/> Housing	16
17 <input type="checkbox"/> Utilities	17
18 <input type="checkbox"/> Other. Describe (see instructions)	18
19 If obligations are TANs or RANs, check box <input type="checkbox"/>	If obligations are BANs, check box <input type="checkbox"/>
20 If obligations are in the form of a lease or installment sale, check box <input type="checkbox"/>	

**Part III Description of Obligations (Complete for the entire issue for which this form is being filed)**

	(a) Final Maturity date	(b) Issue Price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
21			N/A	years	%

**Part IV Uses of Proceeds of Bonds Issue (including underwriters' discount)**

22 Proceeds used for accrued interest	22	0.00
23 Issue Price of entire issue (Enter amount from line 21, column (b))	23	
24 Proceeds used for bond issuance costs (including underwriters' discount)	24	
25 Proceeds used for credit enhancement	25	
26 Proceeds allocated to reasonably require reserve or replacement fund	26	
27 Proceeds used to currently refund prior issues	27	
28 Proceeds used to advance refund prior issues	28	
29 Total (add lines 24 through 28)	29	
30 Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here)	30	

**Part V Description of Refunded Bonds (Complete this part only for refunding bonds.)**

31 Enter the remaining weighted average maturity of the bonds to be currently refunded	years
32 Enter the remaining weighted average maturity of the bonds to be advanced refunded	years
33 Enter the last date on which the refunded bonds will be called	
34 Enter the date(s) the refunded bonds were issued	

**Part VI Miscellaneous**

35 Enter the amount of the state volume cap allocated to the issue under section 141 (b)(5)	35
36a Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (see instructions)	36a
b Enter the final maturity date of the guaranteed investment contract	
37 Pooled financings: a Proceeds of this issue that are to be used to make loans to other governmental units	37a
b If this issue is a loan made from the proceeds of another tax-exempt issue, check box <input type="checkbox"/> and enter the name of the issuer and the date of the issue	
38 If the issuer has designated the issue under section 265 (b)(3)(B)(i)(III) (smaller issuer exception), check box <input type="checkbox"/>	
39 If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box <input type="checkbox"/>	
40 If the issuer has identified a hedge, check box <input type="checkbox"/>	

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct and complete.

Please Sign Here

Signature of Issuer's authorized representative \_\_\_\_\_ Date \_\_\_\_\_ Type or print name and title \_\_\_\_\_



**CAPITAL PROJECT ORDINANCE  
ORD 2014-15**

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

Section 1. The authorized project is to upgrade the City's 800 Megahertz communications system, including but not limited to hardware and software acquisition and installation, and other ancillary items.

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:

Capital Lease Proceeds	<u>\$ 4,500,000</u>
------------------------	---------------------

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

Project Expenditures	<u>\$ 4,500,000</u>
----------------------	---------------------

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

Adopted this 9th day of December, 2013.

**Resolution No. R2013 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE  
EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT  
FOR COMMUNICATIONS SYSTEM EQUIPMENT**

At a duly called meeting of the Governing Body of the Lessee (as defined in the Lease) held on or before the execution date of the Lease, the following resolution was introduced and adopted.

BE IT RESOLVED by the Governing Body of the Lessee as follows:

1. **Determination of Need.** The Governing Body of the Lessee has determined that a true and very real need exists for the acquisition of the Equipment or other personal property described in the Lease between the City of Fayetteville, North Carolina (Lessee) and Motorola Solutions, Inc. (Lessor).
2. **Approval and Authorization.** The Governing Body of the Lessee has determined that the Lease, substantially in the form presented in the agenda documents for this meeting, is in the best interests of the Lessee for the acquisition of such Equipment or other personal property pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended; and, the Governing Body hereby approves entering into the Lease by the Lessee and hereby designates and authorizes the following persons referenced in the Lease (City Manager, City Clerk, Chief Financial Officer, and City Attorney, or their deputies) to execute and deliver the Lease on Lessee's behalf with such changes thereto as such persons deems appropriate, and any related documents, including any escrow agreement, necessary to the consummation of the transactions contemplated by the Lease.
3. **Adoption of Resolution.** The signatures referenced in the Lease from the designated individuals for the Governing Body of the Lessee evidence adoption by the Governing Body of this Resolution.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA**, on this, the 9<sup>th</sup> day of December, 2013; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Nat Robertson, Mayor

ATTEST:

\_\_\_\_\_  
Pamela J. Megill, City Clerk



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 13-329

Agenda Date: 12/9/2013

Version: 3

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Administrative  
Reports

Agenda Number: 10.01

### CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council

**FROM:** Lisa Smith, Chief Financial Officer

**DATE:** December 9, 2013

**RE:** Tax Refunds Less Than \$100

**Relationship To Strategic Plan:**

Core Value: Stewardship

**Background:**

The attached refunds were approved by the Cumberland County Special Board of Equalization for the month of November, 2013.

**Issues:**

None

**Budget Impact:**

The budget impact is \$79.39.

**Options:**

Not applicable.

**Recommended Action:**

This item is presented as information only. No action is required.



December 9, 2013

**MEMORANDUM:**

TO: Lisa Smith, Chief Financial Officer *LSM*

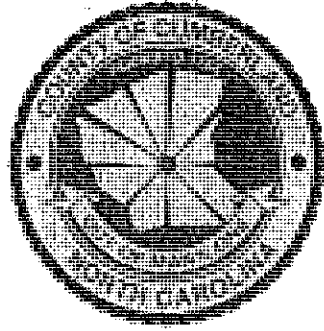
FROM: Nancy Peters, Accounts Payable

RE: Tax Refunds of Less Than \$100

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

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Barnhill Contracting Company	2192097	2011-2012	Corrected Assessment	56.13
Bullock, Burma R.	2598522	2012	Corrected Assessment	23.26
<b>TOTAL</b>				<b>\$79.39</b>

P.O. Drawer D  
433 Hay Street  
Fayetteville, NC 28302-1746  
FAX (910) 433-1680



Taxpayer's Name: Bullock, Burma R  
 Mailing Address: PO BOX 1723  
SANFORD NC 27331-1723  
 Bill Number: 2598522  
 Property Description: VAC 427 E/S COOL SPRG  
 Prepared By: PATTY HACKWORTH *PH*

Cumberland County  
 Special Board of Equalization and Review  
 P.O. Drawer 449  
 Fayetteville, NC 28302-0449

Dear Board Members and City/Town Council Members:

Due to an error in the year (s) 2012, I overpaid county taxes in the amount of \$ 37.74 and City/Town of FAYETTEVILLE taxes in the amount of \$ 23.26. I am making a written demand to the Special Board of Equalization and Review and to the City/Town of FAYETTEVILLE for a refund of overpayment as required under General Statute 105-381(b). It is my understanding, that based upon the policy of the Tax Administrator's office, the refund I receive may not be for the amount indicated if I have outstanding delinquent taxes. The monies will be applied toward those taxes and the difference will then be refunded to me.

Reason: CORRECTED ASMT: PARCEL SHOULD HAVE BEEN TRANSFERRED TO CITY OF FAYETTEVILLE FOR 2012, MAPPING DID NOT HAVE INFORMATION AT THE TIME OF TRANSFER. REFUND FOR 2012 WARRANTED

Sincerely,

Burma R. Bullock 10/3/13  
 Signature Date

Tax Administrator's Recommendation: Approved / Denied

Signature: Aaron Donaldson *AD* Date: 11-7-13

Board Action: Approved / Denied

Signature: Justin Alexander Date: 11/13/13

Verified by the Clerk to the Board: AARON DONALDSON Date: \_\_\_\_\_

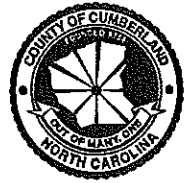
General Fund 101 412 4195 4027 \$ 37.74 *M.d ME*

Recreation Fund 420 442 4441 4027 \$ \_\_\_\_\_

RECEIVED  
 Oct 11, 2013  
 TAX ADMIN.

Revised 1/27/2012

*AK*  
*10-28-13*



**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

Taxpayer's Name: BARNHILL CONTRACTING COMPANY  
 Mailing Address: PO BOX 35376  
FAYETTEVILLE NC 28303  
 Bill Number: 2192097  
 Property Description: BUSINESS PERSONAL PROPERTY  
 Prepared By: PTP

Cumberland County  
 Special Board of Equalization and Review  
 P.O. Drawer 449  
 Fayetteville, NC 28302-0449

Dear Board Members and City/Town Council Members:  
 Due to an error in the year (s) 2011-2012, I overpaid county taxes in the amount of \$ 91.09 and City/Town of Fayetteville taxes in the amount of \$ 56.13. I am making a written demand to the Special Board of Equalization and Review and to the City/Town of Fayetteville for a refund of overpayment as required under General Statute 105-381(b). It is my understanding, that based upon the policy of the Tax Administrator's office, the refund I receive may not be for the amount indicated if I have outstanding delinquent taxes. The monies will be applied toward those taxes and the difference will then be refunded to me.

Reason: Refund per overstatement of equipment discovered by County Tax Service during Audit.

Sincerely,

Devin M. Angel 9/26/2013  
 Signature Date

Tax Administrator's Recommendation:  Approved  Denied  
 Signature: AARON DONALDSON AD Date: 11-7-13

Board Action:  Approved /  Denied  
 Signature: Curtis Alvarado Date: 11/13/13

Verified by the Clerk to the Board: AARON DONALDSON Date:                      *md mc*

General Fund	101 412 4195 4027	\$ <u>91.09</u>
Recreation Fund	420 442 4441 4027	\$ <u>                    </u>

*AD*  
*10/28/13*