



FAYETTEVILLE CITY COUNCIL  
AGENDA  
APRIL 8, 2013  
7:00 P.M.  
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 PUBLIC FORUM**

**6.0 CONSENT**

6.1 Capital Project Ordinance Amendment 2013-27 (Grove Street Parking Lot Paving) and Budget Ordinance Amendment 2013-12 (General Fund)

6.2 Mayor and City Council Protocol and Code of Conduct

6.3 Approve Meeting Minutes:

January 28, 2013 - Regular Meeting  
February 4, 2013- Work Session  
February 11, 213 - Discussion of Agenda Items  
February 11, 2013 - Regular Meeting  
February 22, 2013 - Strategic Planning Retreat  
February 23, 2013 - Strategic Planning Retreat  
February 25, 2013 - Discussion of Agenda Items  
February 25, 2013 - Regular Meeting  
March 4, 2013 - Work Session

6.4 Parks and Recreation - PARTF Resolution

6.5 Proposed 5 year Lease for Property

6.6 Resolution to Establish a 2013 Outfall Rehabilitation State Revolving Loan Capital Project Fund and Resolution Accepting State Revolving Loan Offer for the Planning and Design Portion of the P.O. Hoffer Water Treatment Plant

## **7.0 OTHER ITEMS OF BUSINESS**

7.1 Interlocal Agreement on Sales Tax Distribution  
Presenter(s): Lisa Smith, Chief Financial Officer

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

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

7.3 Uninhabitable Structures Demolition Recommendations

526 Durham Street  
111 Kensington Circle  
880 W. Orange Street  
717 Wilma Street

Presenter(s): Scott Shuford, Development Services Director

7.4 Amended Uniform Street and Thoroughfare Lighting Ordinance and Street Lighting Information

Presenter(s): Lee Jernigan, P.E., City Traffic Engineer, Reggie Wallace, Interim Chief Operating Officer, Electric Systems, PWC

## **8.0 ADJOURNMENT**

## **CLOSING REMARKS**

### **POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS**

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

### **POLICY REGARDING PUBLIC HEARING AGENDA ITEMS**

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

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

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

### **COUNCIL MEETING WILL BE AIRED**

**April 8, 2013 - 7:00 p.m.**

**COMMUNITY CHANNEL 7**

### **COUNCIL MEETING WILL BE RE-AIRED**

**April 10, 2013 - 10:00 p.m.**

**COMMUNITY CHANNEL 7**

***Notice Under the Americans with Disabilities Act (ADA):** The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Ron McElrath, ADA Coordinator, at [rmcelrath@ci.fay.nc.us](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 COUNCIL ACTION MEMO**

**TO:**

**FROM:**

**DATE:** April 8, 2013

**RE:**

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**THE QUESTION:**

**RELATIONSHIP TO STRATEGIC PLAN:**

**BACKGROUND:**

**ISSUES:**

**BUDGET IMPACT:**

**OPTIONS:**

**RECOMMENDED ACTION:**

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** April 8, 2013  
**RE:** **Capital Project Ordinance Amendment 2013-27 (Grove Street Parking Lot Paving) and Budget Ordinance Amendment 2013-12 (General Fund)**

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**THE QUESTION:**

Capital Project Ordinance Amendment 2013-27 will revise the purpose of Capital Project Ordinance 2013-4, originally adopted on June 11, 2012 to fund property acquisition on B Street, to instead fund paving of the Grove Street Environment Services parking lot. In addition, the capital project ordinance amendment will also appropriate an additional General Fund transfer of \$256,500, bringing the total project budget to \$412,000. Budget Ordinance Amendment 2013-12 will appropriate \$256,500 from General Fund fund balance to transfer to the project.

**RELATIONSHIP TO STRATEGIC PLAN:**

Mission Principles 1 and 2: The City government is FINANCIALLY SOUND and provides a FULL-RANGE OF QUALITY MUNICIPAL SERVICES.

**BACKGROUND:**

- Capital Project Ordinance 2013-4 was authorized to acquire property on B Street in order to accommodate future parking needs and minimize the impact of dust from truck parking on local residents.
- As the Environmental Services department has transitioned to automated trucks, fewer trucks and, therefore, less parking area will be required in the future. By paving additional areas of the current property on Grove Street, the department will have capacity to park all trucks on paved surfaces, thereby mitigating dust impacts.
- As communicated with the recommended Capital Improvement Plan, the funding originally appropriated for the B Street property acquisition will be rededicated to pave the parking lot along, with an additional appropriation of \$256,500 to fund the total project cost of \$412,000.

**ISSUES:**

None

**BUDGET IMPACT:**

The additional General Fund transfer will be appropriated from General Fund fund balance, as planned with the recommended 2014-2018 Capital Improvement Plan.

**OPTIONS:**

- Adopt Capital Project Ordinance Amendment 2013-27 and Budget Ordinance Amendment 2013-12.
- Do not adopt Capital Project Ordinance Amendment 2013-27 and Budget Ordinance Amendment 2013-12.

**RECOMMENDED ACTION:**

Staff recommends that Council move to adopt Capital Project Ordinance Amendment 2013-27 and Budget Ordinance Amendment 2013-12.

**ATTACHMENTS:**

Capital Project Ordinance Amendment 2013-27

Budget Ordinance Amendment 2013-12

CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2013-27 (CPO 2013-4)

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

Section 1. The project change authorized is to Capital Project Ordinance 2013-4, originally adopted June 11, 2012, for property acquisition on B Street and other related expenditures. The authorized project is hereby amended to fund repavement of the parking lot at the Grove Street Environmental Services location and other related expenditures.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
General Fund Transfer	\$ 155,500	\$ 256,500	\$ 412,000
	<u>\$ 155,500</u>	<u>\$ 256,500</u>	<u>\$ 412,000</u>

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

Project Expenditures	<u>\$ 155,500</u>	<u>\$ 256,500</u>	<u>\$ 412,000</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 8th day of April, 2013.

2012-2013 BUDGET ORDINANCE AMENDMENT  
CHANGE 2013-12

BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA:

That the City of Fayetteville Budget Ordinance adopted June 11, 2012 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2012, and ending June 30, 2013, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Fund Balance Appropriation	\$ 7,456,309	\$ 256,500	\$ 7,712,809
All Other General Fund Revenues and OFS	141,112,812	-	141,112,812
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 148,569,121</u>	<u>\$ 256,500</u>	<u>\$ 148,825,621</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2012, and ending June 30, 2013, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Environmental Services	\$ 8,385,893	\$ 256,500	\$ 8,642,393
All Other General Fund Departments	140,183,228	-	140,183,228
Total Estimated General Fund Expenditures	<u>\$ 148,569,121</u>	<u>\$ 256,500</u>	<u>\$ 148,825,621</u>

Adopted this 8th day of April, 2013.



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Ted Voorhees, City Manager  
**DATE:** April 8, 2013  
**RE:** **Mayor and City Council Protocol and Code of Conduct**

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**THE QUESTION:**

Mayor and City Council Protocol and Code of Conduct established through a new City Council Policy # 115.15

**RELATIONSHIP TO STRATEGIC PLAN:**

This effort reinforces the City's Core Values and supports the City's Goal 3: Greater Community Unity.

**BACKGROUND:**

In recent years, the City Council has reviewed the existing City Council Protocol document during their strategic planning retreats and has reached a strong consensus regarding the protocols. However, the protocols have never been formally adopted.

During the January 23 City Council session, Mr. Carl W. Stenberg, a professor of Public Administration and Government at The University of North Carolina at Chapel Hill School of Government, engaged City Council in a discussion of council-manager relations and reviewed the exiting City Council Protocols. The discussion included working with Council to clarify short and long-term objectives. The consensus of Council was to incorporate the feedback provided during the session and bring the item back as a draft for consideration.

During the March 4 City Council session, City Council was provided a draft Mayor and City Council Protocol and Code of Conduct document covering:

- \* City Council Requests for Information from Staff
- \* City Council Service Request From Citizens
- \* City Council Staff Expectations
- \* City Council Interactions

During the March 4 work session, City Council clarified their interest for agenda item submissions and asked that the document be revised and brought back to the next work session for consideration.

During the April 2 work session, City Council reviewed the proposed protocol revisions, replacing Protocol's 10-12 of the previous draft.

The adoption of the Mayor and City Council Protocol and Code of Conduct will establish a new City Council Policy # 115.15. If the Proposed City Council Protocol revisions are the will of the Council, it will be necessary to adopt a City Code amendment to Section 2-3(b), in order to effectuate the change in procedure.

**ISSUES:**

None.

**BUDGET IMPACT:**

There is no budget impact.

**OPTIONS:**

1. Request additional information or clarify interests in the Mayor and Council Protocol and Code of Conduct.
2. Adopt the attached Mayor and City Council Protocol and Code of Conduct as City Council Policy # 115.15 and pass the proposed ordinance amending 2-3(6) of City Code.

**RECOMMENDED ACTION:**

Staff recommends Council move to adopt the Mayor and City Council Protocol and Code of Conduct as City Council Policy # 115.5 and pass the ordinance amending 2-3(6) of City Code.

**ATTACHMENTS:**

Mayor and City Council Protocol and Code of Conduct  
Sectin 2-3 Agenda Version  
Section 2-3 Codification Version

# Mayor and City Council Protocol and Code of Conduct



Revised 4.01.2013

# The City of Fayetteville

## Mayor and City Council Protocol and Code of Conduct

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### **City Council Requests for Information from Staff:**

**Protocol 1 – Simple Information (Readily available – Typically taking less than 5 minutes but occasionally up to 20 minutes)**

- a. Contact the appropriate Assistant City Manager, Department Director or designated departmental employee
- b. City Manager may choose to handle matters personally whenever he/she deems it appropriate
- c. Not necessary to share with entire City Council

**Protocol 2 – Complex Information or Research (Requiring staff time of more than 20 minutes)**

- a. Contact the City Manager or appropriate Assistant City Manager
- b. City Manager will seek City Council direction if necessary
- c. City Manager must respond with information to entire City Council

**Protocol 3 – Question on Agenda Item**

- a. Contact the City Manager, appropriate Assistant City Manager or the City Attorney
- b. The City Manager’s Office or City Attorney will respond with information to entire City Council
- c. “Okay” to re-ask the question at the City Council meeting

**Protocol 4 – City Council Request for Lobbying or Legislative Advocacy**

- a. Council Member should submit request to City Manager for assignment to staff or lobbyist as appropriate. This ensures the City is able to coordinate efforts.
- b. City Manager shall generally use previous City Council positions, Strategic Plan, and NCLM Legislative Advocacy Goals to guide current legislative positions in the absence of specific direction
- c. In the event the City Manager determines that the legislative interest of the City is unclear, City Manager will refer the issue to City Council for direction

**Protocol 5 – City Council Request of PWC for Information**

- a. Council Member should submit information request to \_\_\_\_\_ for assignment to staff.

# The City of Fayetteville

## Mayor and City Council Protocol and Code of Conduct

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### **City Council Service Request From Citizens:**

#### **Protocol 6 – Citizen Service Requests**

##### Intent:

- Help citizens to understand the City’s process and City Council responsibility
- Provide a timely, accurate response
- Be accountable for City actions
- Recognize that some citizens have special needs – limited capacity to learn, use the system or access to technology

##### Protocol:

- a. If the Citizen has not contacted the City:
  1. Refer the citizen to 433-1FAY or www.1fay.com work order system or,
  2. Link the citizen to appropriate person or department
  3. Corporate Communications Director is the City Council point of contact for follow-up tracking
- b. If the Citizen has an unresolved or unsatisfactory response to an issue:
  1. Ask citizen for name and/or department of concern
  2. Contact the Corporate Communications Director for follow up
  3. Corporate Communications Director will coordinate with appropriate Department Director or Assistant City Manager
  4. Corporate Communications Director will respond to City Council Member with resolution
- c. For police matters, contact the City Manager.

### **City Council Staff Expectations:**

#### **Protocol 7 – City Staff Response Time**

- a. Staff will acknowledge City Council email or voicemail within 48 hours (refers to business days; excludes weekends)
- b. Staff will respond with information to the entire Council if protocol 2 or 3 applies
- c. Response not required on weekends unless it is an emergency
- d. Emergency– Place call to the City Manager

# The City of Fayetteville

## Mayor and City Council Protocol and Code of Conduct

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### **Protocol 8 – Public Meetings Held by Staff**

- a. The ranking City Council Member (Mayor, Mayor Pro Tem, District Council Member, or Senior Member) should be invited to give welcoming remarks of less than 1 minute. This also applies when staff is invited to meetings held by others.
- b. All City Council Members present should be recognized by the ranking member of City Council in the welcoming remarks. If no remarks are given, staff shall recognize members of Council present.
- c. City Council Member will not campaign or make stump speeches
- d. Complaints about City Council members breaching protocol will be directed to the City Manager's Office for referral to the Mayor and City Council as a body.

### **City Council Interactions:**

### **Protocol 9 – Communication Among Mayor and City Council**

- a. To be determined by City Council
- b. Adhere to Code of Conduct

### **Protocol 10 - Council Work Session Policy**

- a. Council does not take formal votes.
  1. Formal Votes at Work Sessions are only permissible in the event a final policy decision is required prior to the next regular City Council meeting.
  2. In the event Council desires to take a formal binding vote during a Work Session:
    - i. A procedural motion must be made and approved to add the agenda item. (Requires  $\frac{3}{4}$  of Body or 8)
    - ii. A substantive motion and vote can then be taken on the item. (Requires simple majority)
- b. Normal options include:
  1. No Action – Council simply accepts information and provides comment as appropriate
  2. Forward for Action – Majority of Council votes to forward item to Regular Council meeting for action.
  3. Additional Information – Council directs staff to obtain additional information or develop revised proposal(s). Item will be brought back by staff to a future Work Session.
  4. No Direction – Staff work completed. No majority of Council to move item forward.
- c. Once discussion of item has ended, the item can come back to future Work Session via Council Request Process. (see below)

# The City of Fayetteville

## Mayor and City Council Protocol and Code of Conduct

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### **Protocol 11 – Council Member Request to Add Agenda Items (Replaces current code)**

- a. All Council agenda requests will be presented at a monthly Work Session.
- b. The request will be submitted prior to close of business Monday one week prior to the Work Session meeting.
- c. The Councilmember making the request will be given 5 minutes at the end of the Work Session to make a presentation in support of their request.
- d. It requires a majority vote to direct staff to incorporate the requested item into staff's work plan and bring it back to a future Work Session or regular Council meeting.

### **Protocol 12 – Council Modification of Existing Agenda**

- a. In the event Council desires, or the City Manager requests to add an item to a published regular meeting agenda:
  1. A procedural motion must be made and approved to add the agenda item. (Requires  $\frac{3}{4}$  of Body or 8)
  2. A substantive motion and vote can then be taken on the item. (Requires simple majority)

# The City of Fayetteville

## Mayor and City Council Protocol and Code of Conduct

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### Code of Conduct

1. Adhere to the City's Core values. Serve the citizens and lead the organization with R.E.S.P.E.C.T.
2. Focus on what is "best for the City"
3. Communicate in an open, transparent, direct and truthful manner
4. Share information openly
5. Do not speak for another City Council Member
6. Treat each other with trust and respect; avoid personal criticism
7. Make direct contact with individuals for conflict resolution
8. Keep confidences
9. Focus on the future, not the past
10. Decide as a Council and support the City Council decision



**The following amendments pertain to the parliamentary procedures for the City Council meetings. Please note the following provisions are not the entire chapter. The only sections that follow are those being amended.**

## Chapter 2

### ADMINISTRATION

#### ARTICLE I. IN GENERAL

##### **Sec. 2-3. Order of business; agenda.**

(a) The order of business at a regular meeting of the city council other than an information meeting, shall be as follows:

- (1) Approval of agenda;
- (2) Correction of minutes, if necessary, and approval;
- (3) Consent agenda;
- (4) Public hearings;
- (5) Other items of business;
- (6) Delegations pursuant to subsection 2-4(c);
- (7) Appointments;
- (8) Administrative reports; and
- (9) Adjournment.

(b) The agenda for any meeting of the city council shall be prepared by the city manager. ~~Subject to subsection (d) of this section, any councilmember may request that an item be placed on the agenda prior to 10:00 a.m. on the Monday next preceding the council meeting at which the councilmember wants the item to be considered; thereafter, except for closed sessions, no item may be added to that published agenda except upon a three-fourths vote of the actual membership of the city council.~~

(c) No one except a member of city council or city administration shall be permitted to speak on a rezoning case that is on the agenda as a nonpublic hearing item. ~~In all other nonpublic hearing matters, anyone wishing to appear on the council agenda must make such request in writing to the city manager on or before 10:00 a.m. of the Monday next preceding the council meeting at which the individual or group of persons wants to appear. The request shall be in writing, and shall state the subject matter upon which the individual or group wants to address the council, and the names and addresses of all those who desire to speak on the matter. The time limit for such a presentation shall be five minutes for each individual desiring to address a subject matter, and a maximum of two speakers on any given subject matter.~~

(d) Once a meeting has adjourned any item on that agenda shall not be reconsidered for at least six months unless approved by a three-fourths vote of all the members of the city council, which vote shall be taken separately under subsection (a)(1) of this section, and there

shall be no debate prior to the vote. A motion under this subsection may be made by a member of either side on the previous question relating to that item. This subsection shall not apply to:

- (1) Ordinance amendments; ordinance amendments pertaining to a rezoning shall only be reintroduced by a council member in opposition to the rezoning.
- (2) Bid awards or contract approvals;
- (3) Any action taken by the city council that specifically includes reconsideration within a specified period of time;
- (4) Appointments; or
- (5) Litigation.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 2-3 OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE**

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

Section 1. Subsection (b) of Section 2-3 is amended by deleting the second sentence.

Section 2. Subsection (c) of Section 2-3 is amended by deleting the second through the fourth sentences.

Section 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
ANTHONY G. CHAVONNE, Mayor

ATTEST:

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

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and City Council  
**FROM:** Pamela Megill, City Clerk  
**DATE:** April 8, 2013  
**RE:** **Approve Meeting Minutes:**

**January 28, 2013 - Regular Meeting**  
**February 4, 2013- Work Session**  
**February 11, 2013 - Discussion of Agenda Items**  
**February 11, 2013 - Regular Meeting**  
**February 22, 2013 - Strategic Planning Retreat**  
**February 23, 2013 - Strategic Planning Retreat**  
**February 25, 2013 - Discussion of Agenda Items**  
**February 25, 2013 - Regular Meeting**  
**March 4, 2013 - Work Session**

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**THE QUESTION:**

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

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**BACKGROUND:**

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

**ISSUES:**

N/A

**BUDGET IMPACT:**

N/A

**OPTIONS:**

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

**RECOMMENDED ACTION:**

Approve the draft minutes as presented.

**ATTACHMENTS:**

012813 Regular Meeting  
020413 WKS  
021113 Discussion of Agenda Items  
021113 Regular Meeting  
022213 Strategic Planning Retreat  
022313 Strategic Planning Retreat

022513 Discussion of Agenda Items  
030413 WKS  
022513 Regular Meeting

# DRAFT

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

Present: Mayor Anthony G. Chavonne

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

Others Present: Ted Voorhees, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen McDonald, City Attorney  
Brian Meyer, Assistant City Attorney  
Dana Clemons, Assistant City Attorney  
Lisa Smith, Chief Financial Officer  
Rusty Thompson, Engineering and Infrastructure Director  
Randy Hume, Transit Director  
Victor Sharpe, Community Development Director  
Karen Hilton, Planning and Zoning Division Manager  
Craig Harmon, Planner II  
Patricia Bradley, Police Attorney  
Rebecca Rogers-Carter, Management Services Manager  
Steven Blanchard, PWC CEO/General Manager  
Pamela Megill, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

## 2.0 INVOCATION

The invocation was offered by Council Member Fowler.

## 3.0 PLEDGE OF ALLEGIANCE

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

## 4.0 APPROVAL OF AGENDA

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

**SECOND:** Council Member Fowler

**VOTE:** UNANIMOUS (10-0)

## 5.0 CONSENT

**MOTION:** Council Member Haire moved to approve the consent agenda with the exception of Items 5.2 and 5.3.

**SECOND:** Council Member Fowler

**VOTE:** UNANIMOUS (10-0)

### 5.1 Addition of certain streets to the City of Fayetteville system of streets.

Council officially accepted the dedication of streets for maintenance and addition to the City of Fayetteville system of streets. The list included 18 residential paved streets adding up to a total of 2.15 miles.

### 5.2 Pulled for discussion by Council Member Haire.

# DRAFT

**5.3 Pulled for discussion by Council Member Haire.**

**5.4 Capital Project Ordinance Amendment 2013-24 (Fire Station #19 located on Walsh Parkway).**

The amendment reduced the amount of budgeted loan proceeds by \$15,057.00, appropriated a \$1,042.00 transfer from the General Fund to cover ancillary project costs that were not eligible for reimbursement from the loan proceeds, and appropriated \$1,100.00 in estimated investment and miscellaneous income for the project. The adjustments decreased the total project budget by \$12,915.00, resulting in a final budget of \$2,679,085.00.

**5.5 Capital Project Ordinance Amendments 2013-25 and 2013-26 (FY 2012 and FY 2013 street resurfacing projects).**

The amendments moved the funds remaining in the completed FY 2012 street resurfacing project to the FY 2013 street resurfacing project budget.

**5.6 Community Development - Revisions to the HOME Investment Partnership Recapture-Resale Provisions.**

**5.7 Approve meeting minutes:**

**November 5, 2012 - Work Session  
November 13, 2012 - Discussion of Agenda Items**

**5.8 Special Revenue Fund Project Ordinance Closeout 2013-7 and Capital Project Fund Ordinance Closeouts and Partial Closeouts 2013-9 through 2013-17.**

Annually the City closes out several projects that are completed in previous fiscal years and no longer active. Various projects including public improvements, property acquisition, and economic development activities were completed in a previous fiscal year and the revenues and expenditures related to the projects were audited.

**5.9 Tax refunds greater than \$100.00.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
GKB Developers, Inc., Kidd, Harold J.	2011	Corrected Assessment	\$3,302.59
McCoy, Wiggins, Cleveland & O'Connor PLLC	2010	Corrected Assessment	<u>3,302.59</u>
Total			<u>\$6,605.18</u>

**5.2 Community Development - Authorization of the City Manager to execute documents pertaining to the acquisition of property in Catalyst Site 1 of the Murchison Road Redevelopment Plan Area.**

This item was pulled for discussion by Council Member Haire. Mr. Haire requested the Community Development Director provide an overview of the item.

Mr. Victor Sharpe, Community Development Director, explained the purpose of the request was to allow the City Manager or his designee the authority to negotiate and acquire properties in the Murchison Road Corridor Redevelopment Plan Area. He stated on September 20, 2012, staff briefed City Council and Fayetteville State University Board of Trustees on the status of the Murchison Road Corridor Redevelopment Plan and Catalyst Site 1 was recommended by staff as the area to concentrate its efforts in property acquisition and demolition. He further stated the City would continue to pursue the acquisition of available property in the area and Council would receive a quarterly update on the status of the property acquired.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ACQUIRE**

# DRAFT

## REAL PROPERTY IN THE MURCHISON ROAD REDEVELOPMENT CORRIDOR AREA. RESOLUTION NO. R2013-008.

**MOTION:** Council Member Haire moved to adopt the resolution authorizing the City Manager to execute documents pertaining to the acquisition of property in Catalyst Site 1 of the Murchison Road Redevelopment Plan area.

**SECOND:** Council Member Massey

**VOTE:** UNANIMOUS (10-0)

### 5.3 Community Development - Approve acquisition of two houses in Catalyst Site 1 of the Murchison Road Corridor Redevelopment Plan.

This item was pulled for discussion by Council Member Haire.

**MOTION:** Council Member Haire moved to authorize the City Manager to execute all documents necessary to acquire the property located at 532 and 536 Durham Street in the amount of \$48,290.00.

**SECOND:** Council Member Davy

**VOTE:** UNANIMOUS (10-0)

### 6.0 PUBLIC HEARINGS

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

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the case had been tabled at the Council's December 10, 2012, meeting as concern was raised that the site plan had not indicated whether a fence would be installed around the detention pond. He further stated the concern was that no fence could be a hazard to children attending the daycare. He explained that since this was a Special Use Permit, the Council could condition that the project have a fence around the pond, which could affect other standards. He further explained the project would be required to meet state child care design standards which would address issues like fencing of outdoor play areas, design of drop-off areas, and other safety concerns. He provided information on the site plan not being a requirement for a Special Use Permit and the options available to treat the storm water runoff on the property. In summary, he stated staff was confident that child safety would be covered by both City and State site design requirements and if Council felt uncomfortable with the particular situation, the following language could be considered: In the event that a detention pond was used by the project developer to meet stormwater management requirements, it shall be fully surrounded by a four-foot tall fence placed in a location to allow pond maintenance, and any gates on said fence shall be secured at all times during which the pond was not being actively maintained or monitored. He advised the Zoning Commission and staff recommended approval based on (1) the property being a proper size and in a proper location for a day care center, (2) Lakewood Drive being a minor thoroughfare, (3) the property being located across the street from a new commercial center, and (4) meeting the City's use specific requirement for a child care center. 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;



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- (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.

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

Mr. Brian Ketchem, Engineer for the project, 4072 Barrett Drive, Raleigh, NC 27609, appeared in favor and requested Council approve the request for the Special Use Permit.

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

Council Member Applewhite stated she conducted research of other cities around the nation and found many municipalities were not allowing retention ponds that were in close proximity to children, such as schools and day care centers.

Council Member Fowler expressed concern that Council was providing an additional burden and expense to the builder with requiring installation of a fence.

Mayor Pro Tem Arp stated Veterans Park had the Cross Creek running adjacent to it, and if they applied the same standard would they need to install a six-foot privacy fence along the river bank and also along the Cape Fear River Trail.

Council Member Crisp expressed concerns for the safety of children.

**MOTION:** Council Member Crisp moved to approve the request for a Special Use Permit for a Child Care Center, as presented by staff, based on the eight findings and the Use Standards listed under "issues", and to require the retention pond have a six-foot locked privacy fence surrounding it; provided that requirement was not inconsistent with any State or County regulations.

**SECOND:** Council Member Bates

**VOTE:** FAILED by a vote of 4 in favor to 6 in opposition (Council Members Chavonne, Arp, Hurst, Fowler, Haire, and Applewhite)

**MOTION:** Council Member Fowler moved to approve the request for a Special Use Permit for a Child Care Center, as presented by staff, based on the eight findings and the Use Standards.

**SECOND:** Council Member Massey

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**VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Crisp, Applewhite, and Haire)**

**6.2 Case No. P12-57F. Request for a Special Use Permit to construct monitored electrified fencing on property zoned CC - Community Commercial and located at 432 Rankin Street. Containing 1.26 acres more or less and being the property of ASC Equipment Co.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He provided background on the development code amendment to allow electrified fencing. He explained the property was an existing building and business with a standard six-foot chain link fence already in place. He further explained the application was not meeting the new standards for monitored electrified fencing. He stated the applicant asserted that this type of security fencing was needed at the location to protect the large equipment that was stored outside. He noted there had been 65 calls for police service within a 500 foot radius in 2012--29 calls were on Rankin Street and 2 from the address of the applicant. He advised the Zoning Commission and staff recommended approval based on (1) the property being surrounded by heavy commercial zoning and the uses bordering on light industrial, (2) the criminal activity in the area and monitored electric fencing being appropriate to protect the property, and (3) the design of the fencing following the regulations established in the City's design code. 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 (specifically, Sec. 30-4.C.5.b.2 (Heavy Equipment Sales, Rental or Storage);
- (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.

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

Ms. Cindy Gsell, 201 Wintermist Drive, Cary, NC 27513, representing the applicant, appeared in favor and requested Council approve the request for the Special Use Permit.

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

Council Member Applewhite inquired as to the size of the warning signs and at what length of intervals they would be placed. Mr. Harmon responded the signs would be placed at least every 60 feet and would be bright yellow in color. He further responded the warning message was in both English and Spanish and the size of the sign was approximately 8.5 inches by 11 inches.

Council Member Davy requested an example of other fences that had been installed. Ms. Gsell responded the company had installed approximately 3,500 fences across the country and they were the largest installer of electric fences and the system was patented 1991. She stated in North Carolina the company had fences in the cities of Durham, Greensboro, and Charlotte.

Council Member Crisp inquired of Mr. Harmon if there were any electric fences already in the City. Mr. Harmon replied he was aware of one.

Mayor Pro Tem Arp inquired as to how this type of electric fencing compared to cattle type fencing. Ms. Gsell responded it was very similar.

Council Member Bates inquired if the only way someone would get a jolt would be if they had first scaled the perimeter fence and then made contact with the interior electric fencing and at that time they would be trespassing. Ms. Gsell replied that statement was correct.

**MOTION:** Council Member Davy moved to approve the request for a Special Use Permit as presented by staff, subject to the conditions described by staff and based on the findings of fact, and to include all barbed wire be removed as required by the ordinance.

**SECOND:** Mayor Pro Tem Arp

**VOTE:** UNANIMOUS (10-0)

**6.3 Case No. P12-59F. Request for a Special Use Permit for warehousing on property zoned Community Commercial and located at 430 Chicago Drive. Containing 0.98 acres more or less and being the property of Lacast Commercial LLC.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the request was for a Special Use Permit for the use of warehousing in the CC - Community Commercial district. He further explained that Chicago Drive was a heavy commercial, almost industrial area. He stated staff considered the property a proper location for low-intensity warehousing because the property was surrounded by heavy commercial and industrial zoning and uses. He further stated the building was approved prior to the adoption of the Unified Development Ordinance (UDO), and the owner was upgrading the proposed landscaping to more closely match that required by the UDO. He advised the Zoning Commission and staff recommended approval based on (1) the property being currently surrounded by heavy commercial and industrial zoning, (2) the City's Land Use Plan calling for heavy commercial on the property, and (3) the Land Use Plan calling for heavy commercial and industrial to surround the property. He further advised 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 (specifically, Sec. 30-4.C.5.d.2);

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- (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.

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

Mr. Greg Whitley, 130 Thorncliffe Drive, Fayetteville, NC 28303, representing the applicant, appeared in favor and requested Council approve the request for the Special Use Permit.

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

**MOTION:** Council Member Davy moved to approve the Special Use Permit for warehousing for distribution, as presented by staff, based on the eight findings.

**SECOND:** Mayor Pro Tem Arp

**VOTE:** UNANIMOUS (10-0)

### 6.4 PWC - Phase 5 Annexation Areas 14 and 15 Public Hearing

Mr. Steven Blanchard, PWC CEO/General Manager, presented this item with the aid of a power point presentation. He provided background and stated the cost to property owners for a typical single-family residential lot would be \$5,000.00 and for all other non-residential properties a per front foot rate of \$55.56 with a 90-foot minimum plus the average lateral charge. He further stated no payment would be due until construction was complete and the assessment roll was adopted. He advised financial assistance would be available for those that qualify. He concluded by stating after the public hearing, the next step in the process would be to approve the resolution directing the project be undertaken which would be scheduled for February 11, 2013.

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

Ms. Nancy Tart, 6305 Melody Lane, Fayetteville, NC, appeared in opposition and stated there were a lot of citizens on disability and fixed incomes that would not be able to pay the assessment fees. Mayor Chavonne responded that staff would contact Ms. Tart to make sure she was aware of the City funding programs.

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

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Council Member Haire inquired how well the assistance programs were used for those citizens that were unable to pay assessment fees. Mr. Victor Sharpe, Community Development Director, responded the City had a program for citizens that were eligible and the City usually budgeted approximately \$60,000.00 per year. He further responded the information was provided to the residents with the packets that PWC sends out to residents affected.

Council Member Applewhite inquired of Mr. Sharpe as to what point in time were residents applying for funding assistance. Mr. Sharpe responded as soon as the tax roll was confirmed was when they received the majority of applications, especially for the \$900.00 hook-up fee.

Mayor Chavonne thanked Mr. Blanchard for his presentation and stated no action was required for this item.

### **6.5 Public hearing regarding proposed Transit fare increases.**

Mr. Randall Hume, Transit Director, presented this item with the aid of a power point presentation. He stated since FY 2008 significant improvements had been made to the FAST fixed route and paratransit system during which time ridership had increased by 80 percent while almost 27 percent more service hours had been added. He further stated at the November 5, 2012, City Council meeting, staff presented a Transit Fare Policy and reviewed a Fayetteville Advisory Committee on Transit (FACT) recommendation to increase passenger fare rates, along with other adjustments to passes and transfers, in order to ensure the City could continue to make transit service improvements. He explained the recommended rates were projected to generate an additional \$190,000.00 in annual passenger revenues in FY 2014 and \$214,000.00 in FY 2017 based on current service levels. He concluded by stating after considering all comments received, staff was planning to present its final recommendation for Council's approval on February 11, 2013.

Council Member Applewhite inquired if there was any discussion regarding eliminating the \$5.00 vehicle license fee. Mr. Hume responded there had been no recent discussions on that issue.

Council Member Fowler inquired if routes were being continuously evaluated to ensure there was sufficient ridership. Mr. Hume responded in the affirmative.

Council Member Haire inquired how well the attendance was at the public meetings. Mr. Hume responded there were only six to seven citizens at each of the meetings in addition to staff.

Council Member Crisp inquired how much revenue was generated from the \$5.00 vehicle fee. Mr. Hume responded approximately \$680,000.00 per year.

Council Member Massey inquired why there was a projected price increase in 2017. Mr. Hume responded it was an exercise for anticipating revenues for the future and the level of analysis required for FTA.

Mayor Pro Tem Arp stated it was remarkable that they had some rates that had not increased since 2003 and others since 2007. He inquired if Sunday service was being considered. Mr. Hume responded in the affirmative and stated it was part of the master development plan.

Council Member Davy inquired if there had been thought to hold any of the informational meetings at the Transfer Center to get direct feedback. Mr. Hume responded space was an issue at the current transfer station, but once the Multi-Modal Transportation Center was operational, it would provide an ideal venue to hold such meetings in the future.

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Council Member Bates inquired how many new buses had been purchased and at what cost since 2007. Mr. Hume responded 12 new buses had been purchased with an additional 3 currently on order at a cost of \$400,000.00 to \$560,000.00 per vehicle.

Council Member Bates stated in addition, improvements had included the installation of numerous bus shelters and benches.

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

Mr. Jose Cardona, 233 Addison Street, Fayetteville, NC, appeared in opposition and stated the City should provide transit services on Sundays and did not approve of the comparisons that had been made between Fayetteville and much larger cities like Raleigh and Charlotte.

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

Mayor Chavonne stated no action was required for this item.

### **7.0 OTHER ITEMS OF BUSINESS**

#### **7.1**

##### **A. Fayetteville Cumberland County Chamber of Commerce Economic Development 2nd Quarter Report.**

Mr. Russell Rodgerson, Executive Vice President of Alliance, presented this item with the aid of a power point presentation and provided a copy of the Economic Development Quarterly Dashboard Report for the second quarter of 2012-2013. He stated Alliance was currently working with six active projects totaling more than \$400 million in potential community investment and estimated to create 1,700 new jobs.

Council Member Crisp expressed his displeasure of misleading information on the report regarding employment positions. He stated the report was stating Sykes created 150 jobs, but it could be months before they actually started work. Mr. Rodgerson explained this was an "industry standard" way to report, and stated future reports from Alliance would state jobs announced.

Mayor Pro Tem Arp expressed concerns with the reporting of community weakness as "an inadequate supply of skilled labor" from the existing industry synchronization report, and suggested if the survey was not providing sufficient or accurate data, they may want to look at how they tailor their surveys.

Council Member Applewhite made reference to a recent local newspaper article regarding Fayetteville's dependence on the military and their lack of diversity in the workplace, and requested a response to the article. Mr. Rodgerson responded all communities should diversify and this was their goal and what they were concentrating on by way of far more aggressive marketing.

Council Member Fowler suggested that they try to grow their own community and build on local and small businesses thereby fostering the entrepreneurial spirit. Mr. Rodgerson responded Alliance was working on putting together an "Angel Fund" which would be a fund to assist small businesses with start-up funding.

##### **B. FY 2013 Strategic Plan 2nd Quarter Report**

Ms. Rebecca Rogers-Carter, Management Services Manager, presented this item with the aid of a power point presentation. She stated the City was committed to the advancing policy and management agendas articulated in the City's Strategic Plan as developed by the City Council during their strategic plan retreat. In addition, she stated

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City staff prepared a report that detailed the progress made each quarter. She further stated this year, in an effort to promote greater accountability for results and transparency, the quarterly report focused on meeting objectives of the City's goals. She advised staff would work to incorporate performance measurement and benchmarking indicators in the future as resources allowed. She briefly reviewed the following five main areas of the City's Strategic Plan:

1. A vision statement describing the type of community the Council would like to facilitate through policy direction and staff's work efforts.
2. A mission statement describing the City's organizational purpose, "making Fayetteville a better place for all".
3. A list of core values describing the City's standards of performance which was expressed with the acronym statement to "Serve with RESPECT".
4. Multi-year goals providing an intermediate focus for the work of City Council and staff, and further outlining the activities Council believed were necessary to realize the vision.
5. A one-year action plan identifying issues that Council wished to address by providing policy direction and the necessary actions that the City management should complete during the upcoming fiscal year.

Ms. Rogers-Carter provided a copy of the FY 2012-2013 Strategic Plan Second Quarter Report.

**MOTION:** Mayor Pro Tem Arp moved to accept the report.  
**SECOND:** Council Member Hurst  
**VOTE:** UNANIMOUS (10-0)

**7.2 Community Development - Hope VI Business Park Redevelopment Plan.**

Mr. Victor Sharpe, Community Development Director, presented this item with the aid of a power point presentation and stated the purpose of the item was to consider the Redevelopment Plan for the HOPE VI Business Park. He stated the City had worked with the Fayetteville Cumberland County Chamber of Commerce to complete a plan for developing a business park for the Hope VI Revitalization Project. He further stated the Chamber hired MKSK to complete the plan and MKSK presented an update on the status of the redevelopment plan at the City Council's October 1, 2012, and January 7, 2013, meetings. He explained the 12 main recommendations, the Conceptual Plan Details (Preferred Option), and an aerial rendering had been prepared for City Council's consideration.

A brief discussion period ensued.

**MOTION:** Council Member Davy moved to approve the Redevelopment Plan for the Hope VI Business Park.  
**SECOND:** Council Member Bates  
**VOTE:** UNANIMOUS (10-0)

**8.0 ADMINISTRATIVE REPORTS**

**8.1 Monthly statement of taxes for December 2012.**

2012 Taxes .....	\$12,931,722.65
2012 Vehicle .....	431,246.92
2012 Taxes Revit .....	42,539.70
2012 Vehicle Revit .....	323.26
2012 FVT .....	47,184.08
2012 Transit .....	47,184.09

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2012 Storm Water .....	452,615.94
2012 Fay Storm Water .....	905,232.09
2012 Fay Recycle Fee .....	312,380.50
2012 Annex .....	0.00
2011 Taxes .....	10,610.39
2011 Vehicle .....	45,578.42
2011 Taxes Revit .....	80.94
2011 Vehicle Revit .....	4.28
2011 FVT .....	6,721.30
2011 Transit .....	6,721.25
2011 Storm Water .....	353.79
2011 Fay Storm Water .....	707.62
2011 Fay Recycle Fee .....	753.07
2011 Annex .....	0.00
2010 Taxes .....	2,447.96
2010 Vehicle .....	1,794.32
2010 Taxes Revit .....	18.66
2010 Vehicle Revit .....	0.00
2010 FVT .....	444.73
2010 Transit .....	444.75
2010 Storm Water .....	28.80
2010 Fay Storm Water .....	57.60
2010 Fay Recycle Fee .....	91.21
2010 Annex .....	0.00
2009 Taxes .....	276.77
2009 Vehicle .....	814.26
2009 Taxes Revit .....	0.00
2009 Vehicle Revit .....	0.00
2009 FVT .....	205.68
2009 Transit .....	205.71
2009 Storm Water .....	12.00
2009 Fay Storm Water .....	24.00
2009 Fay Recycle .....	38.00
2009 Annex .....	0.00
2008 and Prior Taxes .....	281.72
2008 and Prior Vehicle .....	1,646.65
2008 and Prior Taxes Revit .....	0.00
2008 and Prior Vehicle Revit .....	0.28
2008 and Prior FVT .....	310.33
2008 and Prior Transit .....	88.76
2008 and Prior Storm Water .....	27.60
2008 and Prior Fay Storm Water .....	24.00
2008 and Prior Fay Recycle Fee .....	42.00
2008 and Prior Annex .....	214.97
Interest .....	10,843.92
Revit Interest .....	9.85
Storm Water Interest .....	52.54
Fay Storm Water Interest .....	92.04
Annex Interest .....	214.28
Fay Recycle Interest .....	108.14
Fay Transit Interest .....	1,109.94
Total Tax and Interest .....	\$15,263,931.76

**8.2 Tax refunds of less than \$100.00.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Fayetteville Miyabi, Inc.	2007-11	Corrected Assessment	73.57
			<u>\$73.57</u>



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## 9.0 ADJOURNMENT

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

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

012813

# DRAFT

FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE ROOM  
FEBRUARY 4, 2013  
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6) (arrived at 5:20 p.m.); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Ted Voorhees, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen McDonald, City Attorney  
Lisa Smith, Chief Financial Officer  
John Kuhls, Human Resource Development Director  
Tracie Davis, Communications Director  
Rebecca Rogers-Carter, Strategic Planning Manager  
Steven K. Blanchard, PWC CEO/General Manager  
Leslie Mazingo, The Ferguson Group  
Warren Miller, Fountainworks Consulting Firm  
Julie Brenman, Fountainworks Consulting Firm  
Pamela Megill, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

## 2.0 INVOCATION

The invocation was offered by Council Member Haire.

## 3.0 APPROVAL OF AGENDA

**MOTION:** Mayor Pro Tem Arp moved to approve the agenda with moving Item 4.2 after Item 4.5.

**SECOND:** Council Member Bates

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

## 4.0 OTHER ITEMS OF BUSINESS

### 4.1 Calendar 2013 Draft Federal Legislative Agenda

Ms. Rebecca Rogers-Carter, Strategic Planning Manager, introduced Ms. Leslie Mazingo of The Ferguson Group. Ms. Mazingo explained the City of Fayetteville, Cumberland County, and the Fayetteville-Cumberland County Chamber of Commerce had partnered with The Ferguson Group to develop a community-wide federal legislative agenda for calendar year 2013. She stated the partners met December 12, 2012, in a series of meetings with City and County department heads to discuss community federal advocacy needs with The Ferguson Group lobbyists Debra Bryant and Sara Guy and during the day-long work shop, time was also allocated for City Council members and County Commissioners. As a result of the meetings, she stated The Ferguson Group developed a draft of the Calendar Year 2013 Federal Legislative Agenda for review and discussion. She explained the initiatives were not in priority order and the agenda was based on critical projects and legislative advocacy concerns which the partners had identified as priorities for the community and which the lobbyist felt could be successful. Similar to the 2012 federal agenda, she stated this year's agenda represented a major change from years past and instead of focusing on earmarks, it now focused on federal grant opportunities and legislative advocacy.

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A brief discussion period ensued regarding the following issues on the Federal Legislative Agenda:

- Homeland Security, Emergency Response and Public Safety
- Veterans, Health and Human Services
- Transportation, Environment and Infrastructure
- Economic and Workforce Development

Consensus of Council was to bring this item for a formal vote at the February 11, 2013, City Council meeting.

### 4.3 PWC Consolidation Resolution

Mr. Ted Voorhees, City Manager, presented this item and stated the Council held discussions regarding the City's relationship with the PWC and the Fayetteville utilities managed thereby during the FY 2013 strategic planning retreat held one year ago. He stated while the history of the relationship was lengthy and varied, there was strong consensus from Council that opportunities to gain efficiencies through the consolidation and/or reorganization of support services should be explored in pursuit of lowering costs for both utility rate payers and City tax payers. He further stated the interest was discussed with the PWC and included in the goal setting process that they completed around the same time. He stated the PWC action item was, unfortunately, more vague than that established by the Council. Further, he stated two new PWC Commissioners had been appointed who had not participated in the dialogue that led to these two similar expressions of interest. He stated the action plan prepared by staff in pursuit of this objective included working with Council to clarify short- and long-term objectives. He stated this step would provide an opportunity for the Council to establish its expectations of both City staff and the PWC. He stated there was no intent to eliminate positions and if there was a need to "right size", this could be accomplished through attrition. A copy of a letter addressed to the Mayor and City Council from the Public Works Commissioners dated February 1, 2013, was provided to the Mayor and Council members.

Council Member Haire inquired who would handle the legal matters for PWC if they were in jeopardy of being sued. Ms. Karen McDonald, City Attorney, responded the PWC would hire legal counsel.

Council Member Hurst stated it was prudent and wise to acknowledge the opportunity to gain efficiencies and stated he approved of hiring a consultant as opposed to the PWC recommendation of an in-house study group.

Council Member Massey stated they needed to move in an effective way as they had not always kept up with the best practices and encouraged everyone to read the Charter.

Council Member Applewhite inquired of the City Attorney if the PWC could sue the City. Ms. McDonald responded the PWC was not a separate legal entity.

Council Member Crisp stated an in-house study group would be totally inappropriate and explained staff and elected and appointed officials were not qualified to conduct this time consuming and in-depth research. He stated they needed an independent outside agency to do this for them.

Mayor Pro Tem Arp agreed with Council Member Crisp that this type of research and analysis was beyond their purview.

Council Member Bates inquired if they could request a memorandum of understanding from the PWC prior to hiring a consultant. Mayor Chavonne explained that the letter that was earlier provided to Council stated cooperation and stated the process of looking for efficiencies would be open and transparent.

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Council Member Davy inquired of the City Manager as to what timeline he envisioned for the study. Mr. Voorhees responded the first order of business was to hire the consultant and from the findings action could be taken.

Consensus of Council was to bring this item for a formal vote at the February 11, 2013, City Council meeting.

## **4.4 Sales Tax Distribution**

Ms. Lisa Smith, Chief Financial Officer, presented this item with the aid of a power point presentation and stated staff presented background information at the January 7, 2013, City Council meeting regarding the City's interlocal agreement with Cumberland County for the distribution of sales tax revenue. Since that time, she stated the Council received a letter from Cumberland County Commission Chair Jimmy Keefe which stated there was an interest on the County's part in increasing the percentage of sales tax diverted back to the County from 50 percent (provided by the expiring interlocal) to 60 percent. She explained staff was seeking input from Council regarding the desired outcome of the conversation with the County on sales tax distribution for which the recommended outcome would be a response letter from the Mayor to Chairman Keefe. She further explained the estimated impact of the policy proposed by Chairman Keefe was estimated to be an additional payment to the County in an amount between \$400,000.00 and \$500,000.99 in FY 14.

A brief discussion period ensued.

Consensus of the Council was to direct staff to develop sales tax distribution scenarios for consideration by the municipalities and County.

## **4.5 City Council Request(s):**

### **(a) Council Member Haire - UDO**

Council Member Haire presented this item and stated he had sent an e-mail to the Mayor and Council that detailed a list of questions and concerns regarding the Unified Development Ordinance (UDO) from area builders and developers. He further stated he had also been in contact with the Home Builders Association and advised there was a desire to set up a permanent review type committee.

Mr. Voorhees stated if Council's interest was to initiate a UDO Review Committee, staff would put together a proposal of how that committee would be comprised and operate. He further stated a meeting had already been scheduled for staff and area developers/builders to discuss options.

Council Member Massey stated the UDO was an ongoing document with reviews and revisions and it would be of benefit to all to have a group looking at the processes.

Mayor Chavonne stated the UDO was a dynamic document that was in continuation, and it was a good thing they now had a firm list of items to review from the stakeholders.

Council Member Applewhite stated a committee would be receiving constant feedback from stakeholders.

Council Member Haire stated the stakeholders would put forth names of individuals they recommended to serve on the proposed UDO Review Committee.

Council Member Crisp recommended the proposed committee be of an informal type.

# DRAFT

Consensus of the Council was to direct the City Manager to proceed with putting together a proposal of how the UDO committee would be comprised and operate.

## 4.2 Community Visioning

Ms. Rebecca Rogers-Carter, Strategic Planning Manager, presented this item and stated the Council meets annually to refine the items that comprise the City's strategic plan. She explained the elements of the current strategic plan included a 15-year vision statement, a Mission Statement, Core Values, 5-year Goals, and a 1-year work plan with targets for action that guide policy and management agendas for the coming year. She further explained the strategic plan was a critical component of a larger system of planning for the organization's success, which included the annual budget process, CIP and ITP prioritization, and financial planning. Throughout the year, she stated City management meets regularly in strategic planning sessions to monitor and evaluate action plans and report results to Council on a quarterly basis. She further stated this year, in an effort to promote greater accountability for results and transparency, their process would include identification of specific objectives and performance measures for each target for action. She explained this cycle of continuous planning and evaluation allowed their organization to respond to changing environments.

Ms. Rogers-Carter introduced Mr. Warren Miller and Ms. Julie Brenman of Fountainworks Consulting Firm. Mr. Miller and Ms. Brenman organized the Mayor and Council members into teams for participation in a "brain storming" activity pertaining to creating the "ideal community".

## 5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:40 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

020413

# DRAFT

FAYETTEVILLE CITY COUNCIL  
DISCUSSION OF AGENDA ITEMS MEETING MINUTES  
EXECUTIVE CONFERENCE ROOM  
FEBRUARY 11, 2013  
6:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Ted Voorhees, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen McDonald, City Attorney  
Dana Clemons, Assistant City Attorney  
Brian Meyer, Assistant City Attorney  
Rusty Thompson, Engineering and Infrastructure Director  
Giselle Rodriguez, Interim City Engineer  
Russ Rogerson, Fayetteville-Cumberland County Chamber of Commerce  
Members of the Press

Mayor Chavonne called the meeting to order.

Mr. Ted Voorhees, City Manager, introduced an item related to the Cedar Creek Business Center Revitalization and advised the County would be seeking annexation. He stated Mr. Russ Rogerson with the Fayetteville-Cumberland County Chamber of Commerce had a proposal that would allow tax neutral rates over the park.

Mr. Kristoff Bauer, Assistant City Manager, provided a map and example project as to how agreement would work.

Council members asked questions of staff regarding costs, uses, etc.

Council members expressed interest but requested more information on the costs. It was requested that staff bring the information back at the next meeting.

**MOTION:** Council Member Fowler moved to go into closed session for consultation with the attorney for an attorney-client privileged matter and litigation in the matter of the City of Fayetteville v. Jacqueline and Dale Pfendler.

**SECOND:** Mayor Pro Tem Arp

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

The regular session recessed at 6:30 p.m. The regular session reconvened at 6:45 p.m.

**MOTION:** Mayor Pro Tem Arp moved to go into open session.

**SECOND:** Council Member Massey

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

Mayor Chavonne proceeded to review the agenda items and advised the public forum had been left off the agenda and needed to be added.

Council Member Bates stated he would be pulling Item 5.4 for a separate vote.

Council Member Haire stated he would be pulling Item 5.5 for a separate vote.

# DRAFT

Mayor Chavonne then reviewed the public hearings and regular items.

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

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney

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ANTHONY G. CHAVONNE  
Mayor

021113

# DRAFT

FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
FEBRUARY 11, 2013  
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Ted Voorhees, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen McDonald, City Attorney  
Lisa Smith, Chief Financial Officer  
Rusty Thompson, Engineering and Infrastructure Director  
Scott Shuford, Development Services Director  
Karen Hilton, Planning and Zoning Division Manager  
Randy Hume, Transit Director  
Tracie Davis, Communications Director  
Rebecca Rogers-Carter, Strategic Planning Manager  
Steven Blanchard, PWC CEO/General Manager  
Pamela Megill, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

## 2.0 INVOCATION

The invocation was offered by Dr. Floyd Johnson, Associate Pastor of the First Baptist Church.

## 3.0 PLEDGE OF ALLEGIANCE

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

## ANNOUNCEMENTS AND RECOGNITIONS

Mayor Chavonne, on behalf of the City Council, presented a Certificate of Excellence for "The Designing Station" to Ms. Cheri Smith, Executive Director, for The Designing Station's dedicated and untiring commitment to the citizens of Fayetteville through its furniture bank program serving residents with no or low income as well as donating school furniture to local schools.

Council Members Chavonne and Hurst, on behalf of the City Council, presented a proclamation to Ms. Crystal McNair and Ms. Lynn Thomas, members of the Fayetteville-Cumberland Human Relations Commission, and Mr. Ron McElrath, Human Relations Director, proclaiming February 2013 Human Relations Month.

In honor of African American History Month, Council Members Chavonne and Massey, on behalf of the City Council, presented a proclamation of appreciation commemorating the African Americans who served the City of Fayetteville as Town Commissioners, Aldermen, Council Members, and Mayor from 1868 through 2009.

## 4.0 APPROVAL OF AGENDA

MOTION: Council Member Hurst moved to approve the agenda with the addition of a public forum.



# DRAFT

**SECOND:** Council Member Bates  
**VOTE:** UNANIMOUS (10-0)

## 4.1 PUBLIC FORUM

Mr. Mathew Chander, Harringdale Drive, Fayetteville, NC, expressed concerns regarding the proposed increase of transit fares and stated citizens on low budgets would not be able to afford the increases.

Mr. Ray Smith, 5110 Foxfire Road, Fayetteville, NC, expressed concerns regarding speeding traffic on Bonanza Drive and stated he was in opposition to commercial property locating and operating in that area.

Ms. Harmony Sells, Fayetteville, NC, presented concerns she had with the Cumberland County Social Services Department and the Child Protection Agency.

Amir Economy Mohammed Smith, 2700 Murchison Road, Fayetteville, NC, expressed opposition to the proposed transit fare increases.

Mr. Brandon Allen, 100 Alok Street, Fayetteville, NC, presented a slide show presentation from New Life Mission on homelessness and shelters in Fayetteville.

## 5.0 CONSENT

**MOTION:** Council Member Bates moved to approve the consent agenda with the exception of Item 5.4 which was pulled for a separate vote.

**SECOND:** Council Member Haire

### FRIENDLY AMENDMENT:

Council Member Haire made a friendly amendment to include pulling Item 5.5 for a separate vote.

Council Member Bates accepted the friendly amendment.

**VOTE:** UNANIMOUS (10-0)

## 5.1 Approve meeting minutes:

November 13, 2012 - Regular  
November 14, 2012 - Agenda Briefing  
November 20, 2012 - Special Meeting  
November 26, 2012 - Discussion of Agenda Items  
November 26, 2012 - Regular  
December 3, 2012 - Work Session  
December 10, 2012 - Regular  
January 23, 2013 - Agenda Briefing

## 5.2 Addition of certain streets to the City of Fayetteville System of Streets.

Council officially accepted the dedication of streets for maintenance and addition to the City of Fayetteville system of streets. The list included 4 residential paved streets adding up to a total of 0.7 miles.

## 5.3 Adoption of Calendar Year 2013 Federal Legislative Agenda.

5.4 Pulled for a separate vote by Council Member Bates.

5.5 Pulled for a separate vote by Council Member Haire.

5.6 A resolution to seek the amendment of an Act to require counties and cities near military bases to give notice of land-use planning changes to such bases.

# DRAFT

**A RESOLUTION TO SEEK THE AMENDMENT OF NORTH CAROLINA SESSION LAW 2004-75, SENATE BILL 1161, ENACTED JULY 8, 2004. RESOLUTION NO. R2013-010.**

## **5.7 PWC - Phase 5 Annexation Areas 14 and 15.**

**RESOLUTION DIRECTING CONSTRUCTION OF AREAS 14 AND 15 OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN. RESOLUTION NO. R2013-011.**

## **5.4 Adoption of the 2013-2014 State Legislative Agenda.**

This item was pulled for a separate vote by Council Member Bates. He stated he wanted to go on record that he was in opposition to item number four of the 2013-2014 State Legislative Agenda which was to seek legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to the members of the Citizen Complaint Review Board to facilitate its review of police disciplinary cases.

**MOTION: Council Member Hurst moved to approve the 2013-2014 State Legislative Calendar.**

**SECOND: Council Member Applewhite**

**VOTE: PASSED by a vote of 8 in favor and 2 in opposition (Council Members Bates and Applewhite)**

## **5.5 City and PWC consolidation resolution and Budget Ordinance Amendment 2013-9.**

This item was pulled for a separate vote by Council Member Haire. He inquired of the City Manager how the item had come about and requested the City Manager provide a history on the item for citizens that had not attended prior work sessions. Mr. Ted Voorhees, City Manager, responded during the FY 2013 strategic planning retreat, Council discussed the City's relationship with PWC and the Fayetteville utilities managed thereby. He stated while the history of the relationship was lengthy and varied there was strong consensus from Council that opportunities to gain efficiencies through the consolidation and/or reorganization of support services should be explored in pursuit of lowering costs for both the utility rate payers and City tax payers. He further stated the City and PWC consolidation study was identified as a Target for Action (TFA) and a high priority policy action for FY 2013 in the City's strategic plan, and therefore discussed with PWC and included in their strategic planning process. He noted the PWC action item was more vague than what was established by Council. He further noted two new PWC Commissioners had been appointed who had not participated in the dialog that led to the two similar expressions of interest. He advised the action plan prepared by staff in pursuit of advancing the policy objective included working with Council to clarify short- and long-term objectives. He further explained the resolution would provide an opportunity for the Council to establish its expectations of both City staff and PWC. He stated at the February 4, 2013, City Council meeting, the consensus of Council regarding the resolution was to bring it forward at the next regular City Council meeting for formal consideration and there was also discussion regarding the RFP that was issued in December. He advised consistent with the action plan, staff issued an RFP seeking analytical and managerial support for the project and there had been three responses. He stated based on the review of the three proposals and Council direction, staff recommendation was to enter into an agreement with Davenport Lawrence.

Council Member Haire inquired if the City turned over the purchasing procedure to PWC because they could provide a better service. Mr. Voorhees responded he could not speak to that as he was not with the City of Fayetteville at that time.

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Mayor Chavonne requested the PWC General Manager respond to the question. Mr. Steven Blanchard, PWC CEO/General Manager, responded the City and PWC reviewed consolidation of various operations and it was decided PWC would operate fleet maintenance and purchasing and the Police Department would operate the emergency radio system. He explained the Information Technology operations were to remain separate.

Council Member Applewhite inquired of the Assistant City Manager as to when the RFP had been issued. Mr. Kristoff Bauer, Assistant City Manager, responded October of 2012 and explained there had been only three responses. He further explained this was a difficult area to be proficient in and was a very specialized area.

Council Member Applewhite inquired as to the actual amount of the budget amendment. Mr. Bauer responded \$100,000.00 for the first phase of implementation.

Council Member Applewhite inquired if there would be additional phases at additional costs. Mr. Bauer confirmed that could be a possibility and explained the initial scope was on financial services.

Council Member Fowler inquired if the reason they were looking at consolidation was for savings. Mr. Voorhees responded cost savings was a goal but efficiencies and appropriate alignment of governance were also key factors.

Mayor Pro Tem Arp inquired of the City Manager if he thought the cost of the studies would be absorbed by the result of the cost efficiencies. Mr. Voorhees stated he believed there would be a relationship and did not see how a savings of \$100,000.00 could not be achieved. He stated this could be a cost savings without layoffs.

Council Member Bates inquired as to the budget limitation if they passed the resolution and not the budget amendment. Mr. Voorhees responded if they were asking to operate within the existing budget, they would have to conduct a budget review to identify appropriate funding. He stated the resolution was dependent on the budget amendment.

Council Member Massey stated he was on Council when the initial process of consolidation between the City and PWC took place, and at that time, when the process unfolded, the intent was to save money, it was not an issue of whether one was operating better than the other, it was of savings and also an issue of buying in bulk, which was normally a more economical way to purchase. He stated they looked at the biggest bang for their buck.

Council Member Crisp stated the consulting services may not require a Phase II or III and they would have the ability to pull the plug at any time, and they do not need to put the cart before the horse.

Further discussion ensued.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE SUPPORTING THE CITY CHARTER AND THE PUBLIC WORKS COMMISSION AND DIRECTING THE CITY MANAGER TO EVALUATE AND RECOMMEND FUNCTIONAL CONSOLIDATIONS THAT BENEFIT THE CITIZENS OF FAYETTEVILLE. RESOLUTION NO. R2013-009.**

**MOTION:** Council Member Crisp moved to adopt the resolution supporting the City Charter and the Public Works Commission and directing the City Manager to evaluate and recommend functional consolidations that benefit the citizens of Fayetteville.

**SECOND:** Council Member Massey

**VOTE:** PASSED by a vote of 7 in favor to 3 in opposition (Council Members Bates, Applewhite, and Haire)

# DRAFT

## 6.0 PUBLIC HEARINGS

- 6.1 Amendment to City Code Chapter 30, Development Standards, to make various minor adjustments and corrections including consolidating duplicate sign sections; providing for canopy signs in the downtown district; revising the street yard definition; revising glazing, canopies and yard areas, and nonconforming sites and lots; and distinguishing between base district standards versus official design review (e.g. historic) standards.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item with the aid of a power point presentation. She stated the proposed amendments reflected corrections staff had been accumulating, or adjustments that staff considered minor that had emerged during daily application of the new development code. She further stated this was part of an ongoing overall fine-tuning and correcting typical of completely re-written codes.

Council Member Haire requested clarification on the section pertaining to canopy or marquee signs. Ms. Hilton clarified that the slight modification of existing standards for canopy or marquee signs, limited to the Downtown District, would add the ability to place the lettering on the top of the canopy marquee under certain circumstances.

Council Member Fowler inquired who would determine what was "inviting". Ms. Hilton responded that buildings with windows typically provided a more welcoming feel and a higher comfort level as opposed to a brick wall.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO MAKE CORRECTIONS AND MINOR ADJUSTMENTS INCLUDING ADJUSTING NONCONFORMING STANDARDS, MAXIMUM FENCE HEIGHT FOR INDUSTRIAL USES, RELATIONSHIP BETWEEN MANDATORY DESIGN REVIEW AND OTHER BASE DISTRICT STANDARDS, AND STANDARDS FOR DOWNTOWN CANOPY OR MARQUEE SIGNS; CLARIFYING SIGNS IN THE DOWNTOWN DISTRICT AND THE GLAZING AREA FOR COMMERCIAL DEVELOPMENT; AND ELIMINATING DUPLICATE LANGUAGE FOR SIGNS [collectively referred to as Set 7].  
ORDINANCE NO. S2013-002.

MOTION: Council Member Bates moved to adopt the ordinance amendment as presented by staff based on the finding that all seven review standards provided in Article 30-2 for text amendments were met.

SECOND: Council Member Hurst

FRIENDLY AMENDMENT:

Council Member Fowler made a friendly amendment to exclude the section on glazing requirements.

Council Members Bates and Hurst accepted the friendly amendment.

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Chavonne, Haire, and Applewhite)

## 7.0 OTHER ITEMS OF BUSINESS

- 7.1 Approval of the transit fare structure and amendment to the City's Fee Schedule.

Mr. Randall Hume, Transit Director, presented this item with the aid of a power point presentation and stated at the November 5, 2012, City Council meeting, staff presented a Transit Fare Policy and

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reviewed a Fayetteville Advisory Committee on Transit (FACT) recommendation to increase passenger fare rates, along with other adjustments to passes and transfers in order to ensure the City could continue to make transit service improvements. He further stated during January, Transit staff conducted five public outreach meetings in addition to the public hearing held by City Council on January 28, 2013. In addition, he stated meetings were held with groups that had special interest in transit, the services, and fares. He noted Transit received nine comments from the scheduled workshops and the majority of the comments were in regard to the need for more services, operational/customer service improvements, improved communications regarding route adjustments and detours. He further noted feedback from other meetings focused on the impact of the increase on the low-income population, particularly in light of other subsistence cuts and increased costs the population could be facing. He concluded by stating staff recommended the Council move to pass the resolution, approving transit fare rates and to amend the FY 2013 fee schedule.

A brief discussion period ensued.

## **RESOLUTION TO APPROVE TRANSIT FARE RATES AND TO AMEND THE FY 2013 FEE SCHEDULE. RESOLUTION NO. R2013-012.**

**MOTION:** Council Member Bates moved to adopt the resolution approving transit fare rates and to amend the FY 2013 Fee Schedule.  
**SECOND:** Council Member Hurst  
**VOTE:** PASSED by a vote of 9 in favor to 1 in opposition (Council Member Davy)

### **7.2 Uninhabitable structures demolition recommendations.**

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

#### **303 Brookwood Avenue**

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on August 3, 2012. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in December 2006. He further noted within the past 24 months there had been 2 calls for 911 service and 5 code violations with a pending assessment of \$341.18 for a lot cleaning. He advised the low bid for demolition was \$2,200.00.

#### **1522 Lacy Street**

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on August 22, 2012. He further stated the heirs of the owner attended the hearing and an order was issued to repair or demolish the structure within 90 days. He noted to date there had been no repairs to the structure and the utilities were disconnected in July 2012. He further noted within the past 24 months there had been 10 calls for 911 service and 10 code violations with no pending assessments. He advised the low bid for demolition was \$1,600.00.

#### **324 Lincoln Drive**

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on September 4, 2012, and was also the subject of a fire on March 3, 2010. He further stated the owner attended the hearing and an order to repair or demolish the structure within 90 days was issued. He

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noted to date there had been no repairs to the structure and the utilities were disconnected in March 2010. He further noted within the past 24 months there had been 36 calls for 911 service and 8 code violations with no pending assessments. He advised the low bid for demolition was \$1,590.00.

## **618 Mechanic Street**

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on August 14, 2012. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there had been no repairs to the structure and the utilities were disconnected in December 2009. He further noted within the past 24 months there had been 59 calls for 911 service and 4 code violations with a pending assessment of \$958.03 for a lot cleaning. He advised the low bid for demolition was \$1,575.00.

**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 (303 Brookwood Avenue, PIN 0438-64-6047). ORDINANCE NO. NS2013-007.**

**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 (1522 Lacy Street, PIN 0427-81-8263). ORDINANCE NO. NS2013-008.**

**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 (324 Lincoln Drive, PIN 0437-71-8396). ORDINANCE NO. NS2013-009.**

**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 (618 Mechanic Street, PIN 0437-67-0826). ORDINANCE NO. NS2013-010.**

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

## **7.3 Revenue and Expenditure Report for annual funds for the six-month period ended December 31, 2012.**

Ms. Lisa Smith, Chief Financial Officer, presented this item with the aid of a power point presentation.

This item was for informational purposes only and no action was taken.

## **7.4 Hire Fayetteville First - Disparity study request for proposals (Council Member Haire - request).**

Council Member Haire stated they now had an opportunity to vote on the disparity study and hoped there was no fanfare tonight.

**MOTION:** Council Member Haire moved to direct staff to issue an RFP for contractual services to complete a disparity study regarding City purchasing activities analyzing all classes identified in City Council Policy 135.2 and bring responses, upon receipt, to Council for review.  
**SECOND:** Council Member Applewhite

## DRAFT

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

**MOTION:** Council Member Haire moved to direct staff to issue an RFP for contractual services to complete a disparity study regarding City of Fayetteville, Cumberland County, Cumberland County Schools, and the City of Spring Lake purchasing activities analyzing all classes identified in City Council Policy 135.2 and bring responses, upon receipt, to Council for review.

**SECOND:** Council Member Applewhite

Council Member Applewhite addressed concerns as to why some Council members were voting in opposition and referenced fiscal conservatism, sour grapes because the parks and recreation bond issue failed miserably, or lack of understanding of exactly what a disparity study was. She concluded by stating if the disparity study did not pass tonight, it would pass at the ballot in November.

Council Member Haire stated he was disappointed with the outcome of the first vote and also disappointed with the way the agenda item was written as it did not include a budget amendment to support financing a disparity study. He stated they had an opportunity to move forward with creating jobs.

Mayor Pro Tem Arp stated he was in favor of Fayetteville First, but not in favor of excluding anyone and stated he thought the best interest for all was to put steps forward that could be implemented immediately that would allow all businesses to compete. He stated there were organizations in the City that were there to assist small businesses. He stated a lot of these forums at State and Federal level intended to help and encourage small businesses were poorly attended. He stated he believed there were eight steps they could take that would be positive to all business owners. He stated they do not solve disparity by creating disparity and they take down all barriers and make the playing field level.

Council Member Fowler stated there were opportunities out there and there were other avenues other than the disparity study.

Council Member Bates stated he wanted to clarify the July vote that was 10 to 0 for a Hire Fayetteville First Job Creation Policy. He stated when the item was returned, and a price tag was quoted, he was no longer in favor and had not supported it since because of the associated price tag.

Council Member Hurst stated at the last strategic planning sessions a resolution for PWC consolidation was included and from the strategic planning sessions they worked on the budget and an appropriation was included for that item. He stated he did not recall the disparity study being mentioned and therefore there would be no appropriation.

Further discussion followed.

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

**MOTION:** Mayor Pro Tem Arp moved that the City Council should direct the implementation of the following steps of Fayetteville First to create a business environment that increases the percentage of local government expenditures to local businesses and facilitates the creation of jobs in the local economy:

1. Any and all actions they take should be to the benefit of all local businesses interested in pursuing City contracts (including PWC) without regard to size or socio-economic status.

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2. No actions should be taken that duplicate existing assistance offered by the SBA or other entities that provide assistance to businesses.
3. The City can take immediate measures that will ensure all businesses have visibility on the acquisition and source selection process used for Request for Quotes (RFQs) and Request for Proposals (RFPs) at no additional cost to the City.
4. All opportunities (RFQs and RFPs) shall be posted to include contracting and business opportunities on the City and PWC web site.
5. A system shall be established to record and track City and PWC expenditures to various local businesses on a go-forward basis effective with purchases made March 1, 2013, and after.
6. The tracking systems should be based on the North American Industry Classification System (NAICS), the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy (so as to not create a redundant process or system).
7. City and PWC staff shall implement usage of "Matchforce" as a means of notification to registered vendors (each vendor self registers on Matchforce) by:
  - a. Entering all future solicitations (when appropriate in the acquisition process). This includes Request for Information (RFI), Request for Quotes (RFQs), and Request for Proposals (RFPs).
  - b. Directing Chamber, CEED, FBPL, etc., to promote to their members to register.
  - c. City/PWC Purchasing Agents review business profile to identify local business respondents.
  - d. City/PWC Purchasing Agents query the local business database to identify local vendors providing the goods and services they are looking for.
8. Measures should be implemented immediately by the staff that provide the following:
  - a. Support Chamber of Commerce's "Buy Local" Promotional Campaign by providing links from City web site to Chamber web site with program details; include "Buy Local" on City correspondence; promote on Kaleidoscope; and consider banners.
  - b. Co-sponsor CEED's training classes on "Doing Business with Local Government."
  - c. Co-sponsor, with CEED and other economic development organizations, a Local Business Expo that provides training opportunities and dissemination of City and PWC contracting opportunities for local business. (Contracting/Purchasing Fair.)

SECOND: Council Member Hurst



# DRAFT

Council Member Applewhite requested a substitute motion to bring the item back to a work session to provide for discussion and definitions, and stated she thought the presentation of the item tonight with such late notice was disingenuous.

Council Member Bates requested the motion be brought to a work session for further research and additional time to review.

Council Member Crisp stated he did not want to vote against the motion, but was unable to vote for it as he has not had enough opportunity to study it.

Council Member Haire stated he believed protocol issues were not being followed, by the manner in which the item was presented.

Council Member Hurst stated everyone has had several months to review the item as it was first sent out via e-mail by Mayor Chavonne in November of 2012, and it was almost identical to the eight steps being presented tonight.

Mayor Pro Tem Arp stated he had tried to talk about the item at prior work sessions and stated he hoped the Council could come to a consensus to do something immediately to help local businesses.

## **SUBSTITUTE MOTION:**

**Council Member Applewhite moved to request the motion Mayor Pro Tem Arp had brought forward tonight be brought to the next available work session so it could be further reviewed.**

**SECOND: Council Member Haire**

Mayor Chavonne relinquished the Chair to Mayor Pro Tem Arp and stated the Council started to discuss "Local Business" in May of 2010 and since that time Council Member Haire had been a constant advocate of the item, and needed to be commended for such. He provided an overview of all Council discussion and actions taken on the item over the past three years, and stated the Council had not taken one concrete action to assist local businesses.

Council Member Fowler requested they move forward with the things they could move on and continue to work on the things they could not agree on.

Council Member Crisp stated he was concerned the eight steps could over burden staff with additional duties when they were already stretched.

Mayor Pro Tem Arp responded many of the steps were already in place and the intent was not to burden staff.

Further discussion followed.

## **SUBSTITUTE MOTION VOTE:**

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

## **ORIGINAL MOTION VOTE:**

**PASSED by a vote of 6 in favor to 4 in opposition (Council Members Haire, Massey, Applewhite, and Crisp)**

## **8.0 CLOSED SESSION**

### **8.1 N.C.G.S. § 143-318.11 Closed Session for a personnel matter.**

**MOTION: Council Member Crisp moved to postpone the closed session.**

**SECOND: Mayor Pro Tem Arp**

**VOTE: UNANIMOUS (10-0)**

# DRAFT

## 9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:15 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

021113

# DRAFT

FAYETTEVILLE CITY COUNCIL  
STRATEGIC PLANNING RETREAT MINUTES  
FAYETTEVILLE REGIONAL AIRPORT  
FIRST FLOOR CONFERENCE ROOM  
FEBRUARY 22, 2013  
8:30 A.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (via telephone); Robert A. Massey, Jr. (District 3) (arrived at 2:40 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade R. Fowler, Jr. (District 8); James W. Arp, Jr. (District 9)

Others Present: Theodore L. Voorhees, City Manager  
Kristoff Bauer, Deputy City Manager  
Karen M. McDonald, City Attorney  
Lisa Smith, Chief Financial Officer  
Rusty Thompson, Engineering and Infrastructure Director  
Scott Shuford, Development Services Director  
Dwayne Campbell, Chief Information Officer  
Harold Medlock, Police Chief  
Michael Gibson, Parks, Recreation and Maintenance Director  
Tracie Davis, Corporate Communications Director  
Brad Whited, Airport Director  
Rebecca Rogers-Carter, Strategic Planning Manager  
Pamela J. Megill, City Clerk  
Warren Miller, Facilitator  
Julie Bremann, Facilitator  
Members of the Press

## CALL TO ORDER

Mayor Chavonne called the retreat to order at 8:30 a.m. and recognized Mr. Warren Miller and Ms. Julie Bremann, facilitators of the retreat with Fountainworks, a market research and policy consulting company.

## STRATEGIC PLANNING

Mr. Warren and Ms. Bremann provided an orientation of the retreat. Mr. Warren gave an overview of the past ten-year history of Fayetteville.

The following topics were presented and discussed:

- The Citizen Survey preliminary results were presented by Ms. Rebecca Rogers-Carter, Strategic Planning Manager.
- The Budget FY 2013-2014 Outlook was presented by Ms. Lisa Smith, Chief Financial Officer.
- The Capital Improvement Plan was presented by Mr. Rusty Thompson, Engineering and Infrastructure Director.
- The Information and Technology Plan was presented by Mr. Dwayne Campbell, Chief Information Officer.
- The Placemaking and Built Environment was presented by Mr. Scott Shuford, Development Services Director.

City Council recessed for lunch at 12:10 p.m. and reconvened at 1:00 p.m.

## DRAFT

Ms. Rebecca Rogers-Carter provided the results of the Employee Opinion Survey. Discussion followed the presentation.

Mr. Warren and Ms. Bremann introduced "Spot Maps" highlighting the strengths, problems, opportunities, and threats to the City.

Mr. Warren led discussion on the vision and goals for the City.

City Council recessed the strategic planning retreat at 4:30 p.m. to reconvene on Saturday, February 23, 2013, at 8:30 a.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

022213

# DRAFT

FAYETTEVILLE CITY COUNCIL  
STRATEGIC PLANNING RETREAT MINUTES  
FAYETTEVILLE REGIONAL AIRPORT  
FIRST FLOOR CONFERENCE ROOM  
FEBRUARY 23, 2013  
8:30 A.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3) (arrived at 9:10 a.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade R. Fowler, Jr. (District 8); James W. Arp, Jr. (District 9)

Others Present: Theodore L. Voorhees, City Manager  
Kristoff Bauer, Deputy City Manager  
Karen M. McDonald, City Attorney  
Dwayne Campbell, Chief Information Officer  
Tracie Davis, Corporate Communications Director  
Rebecca Rogers-Carter, Strategic Planning Manager  
Pamela J. Megill, City Clerk  
Warren Miller, Facilitator  
Julie Bremann, Facilitator  
Members of the Press

## CALL TO ORDER

Mayor Chavonne called the retreat to order at 8:30 a.m.

## STRATEGIC PLANNING

Mr. Warren Miller, facilitator, provided opening remarks and led a discussion regarding the City's goals and measures of success. He proceeded with discussion of "Decision Filters" for developing a criteria staff and for use by Council in deciding whether to move forward with particular tactics.

City Council recessed for lunch 12:10 p.m. and reconvened at 1:00 p.m.

Mr. Warren and Ms. Julie Bremann, facilitators, led discussion on the 2013-2014 Action Agenda with focus on the strengths and problems the City currently faced in each goal area and the most important things that needed to be done to accomplish the vision and goals.

Mr. Voorhees presented a draft of the Council protocols and discussion ensued.

Mayor and Council thanked Mr. Warren and Ms. Bremann for their hard work and outstanding facilitation of the two-day retreat.

Mr. Warren stated he and his team were grateful to be part of the strategic planning and appreciated the opportunity. He stated they had a unity of purpose and unity of vision.

## ADJOURNMENT

There being no further business, the meeting adjourned at 2:10 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk  
022313

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ANTHONY G. CHAVONNE  
Mayor

# DRAFT

FAYETTEVILLE CITY COUNCIL  
DISCUSSION OF AGENDA ITEMS MEETING MINUTES  
EXECUTIVE CONFERENCE ROOM  
FEBRUARY 25, 2013  
6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4) (arrived at 6:35 p.m.); Bobby Hurst (District 5); William J.L. Crisp (District 6); Valencia A. Applewhite (District 7) (arrived at 6:30 p.m.); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

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

Mayor Chavonne called the meeting to order at 6:20 p.m.

Mr. Ted Voorhees, City Manager, distributed a proposed resolution regarding opposing the cuts to federal programs that would impact national defense and core local government programs (sequestration). He explained the resolution.

Discussion ensued. There was no consensus to add it to the agenda.

Mayor Chavonne then began review of the agenda items and advised they needed to add an agenda item for a closed session for a personnel matter. He also advised there were some recognitions.

Council Member Fowler advised he planned to pull Item 5.3 for a separate vote.

There were no questions or concerns on other agenda items.

Mayor Chavonne advised Mr. Tommy Black, writer of the City song, had expressed an interest in including the City song on an upcoming CD. Ms. Karen McDonald, City Attorney, advised she would research further as it related to the Assignment of Rights.

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

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney

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ANTHONY G. CHAVONNE  
Mayor

022513

# DRAFT

FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE ROOM  
MARCH 4, 2013  
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:17 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Ted Voorhees, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen McDonald, City Attorney  
Harold Medlock, Police Chief  
Brian Meyer, Assistant City Attorney  
Dana Clemons, Assistant City Attorney  
Rusty Thompson, Engineering and Infrastructure Director  
Lee Jernigan, Traffic Engineer  
Randy Hume, Transit Director  
Jerry Dietzen, Environmental Services Director  
Karen Hilton, Planning and Zoning Manager  
Pamela Megill, City Clerk  
David B. Phipps, PE, Sandhills Regional Traffic Engineer, NCDOT  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

## 2.0 INVOCATION

The invocation was offered by Council Member Haire.

## 3.0 APPROVAL OF AGENDA

**MOTION:** Council Member Haire moved to approve the agenda with the addition of Item 4.7, sales tax.

**SECOND:** Council Member Fowler

**VOTE:** UNANIMOUS (10-0)

## 4.0 OTHER ITEMS OF BUSINESS

### 4.1 NCDOT Presentation for Owen Drive Project

Mr. Lee Jernigan, Traffic Engineer, explained this item and stated NCDOT was proposing a project to improve the safety and operation of Owen Drive from Eastern Boulevard to the All American Expressway. He introduced Mr. David B. Phipps, PE, Sandhills Regional Traffic Engineer, NCDOT. Mr. Phipps presented the item with the aid of a power point presentation and stated the project was being developed with NCDOT Division 6 and City of Fayetteville staff. He further stated the investigation included a five-year crash analysis, field review, and pedestrian and vehicular volume data. He noted that Owen Drive was one of the heaviest traveled roadways in Fayetteville with 38,000 to 60,000 vehicles per day. He also noted there had been a total of 1,092 crashes in the past five years, to include 8 fatal collisions. He explained the proposal was to construct a grass and concrete median with additional landscaping at the City's cost. He further explained the medians would provide left turns and u-turns at signals and identify median openings and would provide marked and signalized pedestrian crossings. He stressed that medians do improve safety and traffic flow and as an example stated the Ramsey Street

## DRAFT

project had reduced total crashes per year by 47 percent. He concluded by stating the project was eligible for Federal Highway Safety Improvement Program funding, and requested support of the City Council in the form of a resolution for the project.

A brief discussion period ensued.

Consensus of the Council was to bring a resolution of support for the item to the March 25, 2013, City Council meeting.

### **4.2 Fayetteville Advisory Committee on Transit (FACT) Service Improvement Recommendations**

Mr. Randy Hume, Transit Director, presented this item with the aid of a power point presentation. He stated in December 2008 City Council adopted the Transit Development Plan (TDP) to provide a roadmap for improving services provided by FAST within the City of Fayetteville. He further stated City Council established the Fayetteville Advisory Committee on Transit (FACT) to address the public transportation needs of the City by providing recommendations for implementing the TDP. He noted since October 2012, FACT had been working with Transit staff to develop recommendations to be considered by City Council as it prepared for the FY 2014 budget process. He further noted FACT's recommendations were consistent with the TDP and included enhancements that should continue to improve the availability and convenience of services to citizens and visitors. He reviewed the following proposed enhancements listed in order of preference by FACT:

1. New Strickland Bridge Road Route
2. Route 3 - Early Saturday Hours
3. Route 4 - Early Saturday Hours
4. Route 12 - 60-Minute Service after 8:00 p.m. (savings)
5. Route 14 - Express/Limited
6. Route 17 - Night Service
7. Route 3 - Night Service
8. New Pamalee/Country Club Route
9. Fort Bragg AM-PM work trips

Mr. Hume concluded by stating the preliminary cost would be \$394,000.00 to the City's General Fund after deducting estimated fare and grant revenue.

A brief discussion period ensued.

Mayor Chavonne stated this item would be discussed further during the upcoming budget work sessions.

### **4.3 Five-Year Reauthorization of the Downtown Municipal Services District**

Ms. Karen Hilton, Planning and Zoning Manager, presented this item and provided an overview regarding the creation and purpose of the Municipal Service District (MSD) for the downtown area. She then explained the reauthorization process. She stated each year the City establishes the tax rate for the MSD and identifies the proposed expenditures. She explained the tax rate had remained 10 cents per \$100.00 for several years and the revenues helped to support the downtown parking program and special projects such as bicycle racks, wayfinding, upgraded brick paving, and related streetscape projects. She stated the statutes do not set a time limit on how long a MSD may exist but City Council had chosen to limit the authorization for the Downtown MSD to five years. She further stated the current authorization of the MSD would expire June 30, 2013. She outlined the boundaries for the MSD and advised with very minor changes the boundaries had been the same since the initial creation of the MSD. She further advised that staff was not proposing any change to the existing boundaries. She cautioned that denial of a reauthorization of the MSD for the downtown area would eliminate the special revenue source for support of downtown projects and services. She stated for



## DRAFT

the parking garage alone, at least \$25,000.00 would have to be provided from the General Fund or another source. She stated other projects or services supported by the revenue during FY 2013 were parking enforcement, paver bricks, signage, a portion of the downtown manager's position, promotional materials, security cameras, and holiday decorations including replacement of flags.

Consensus of the Council was to hold a public hearing on the item at the March 25, 2013, City Council meeting.

#### **4.4 Commercial Recycling Program Update**

Mr. Jerry Dietzen, Environmental Services Director, presented this item with the aid of a power point presentation. He provided background information on the success of the curbside recycling program for multifamily communities and advised that program was used as a template for the commercial recycling program. He stated in preparation for the expansion of the program to commercial businesses, Fayetteville State University was enlisted to assist with gathering input from the local business community about the possibility of a recycling program. He advised Dr. Stacey Blount, Ph.D., and Dr. Nicole Lucas of the Department of Sociology, with the City's input, developed the survey that was used for commercial/business input on the potential program. He stated the survey was initiated in the fall of 2012 and the report was made available on January 4, 2013. He further stated following the review of the report, they found there to be general support for a recycling program across the business community with the request that businesses be able to use their current hauler and that most would be willing to pay for their service and that most support a reasonable fee for start-up guidance, promotion, and education of the program. He stated the information gathered from the respondents in the survey was in line with the information they received during the multifamily recycling development process; therefore, using the multifamily recycling ordinance as a template appeared to be in order.

A discussion period ensued.

Consensus of the Council was not to pursue commercial recycling at this time.

#### **4.5 FY 2014 City Council Budget Guidelines**

Mr. Ted Voorhees, City Manager, presented this item and stated based on feedback from the Strategic Planning Retreat, staff was recommending that Council consider adoption of the budget development guideline documents which would be used by staff as the foundation for creation of the FY 14 proposed budget. He provided the Council with a draft handout of the City of Fayetteville FY 2014 Budget Development Guidelines dated March 2013 as follows:

Federal political gridlock has yielded a series of budgetary and fiscal uncertainties that impact the usual budget planning environment. The latest in the series is referred to as the "sequester" which is an "across the board" reduction in federal spending of approximately \$45 billion. In our community, which is especially vulnerable to federal spending reductions on workforce payroll, the situation is being realized through scheduled furloughs and immediate reductions in the purchase of goods and services. Fayetteville will likely see a corresponding decrease in retail activity, and a weakening in the land development sector. These impacts may not be readily apparent as the retail activity may be somewhat offset by the return of deployed soldiers. Likewise, land development activity had continued at a steady pace, much higher than most other communities, throughout the recent recession, and is likely to continue, perhaps at a slower rate, due to the major realignments created by the past round of BRAC decisions.

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Budget reductions at the State level, including a variety of proposals to change or eliminate corporate and personal income taxes, further added to the uncertain budget planning environment. Fortunately, State leaders have pledged to minimize the impact of State budget shortfall on local governments and have largely delivered on that pledge over the most recent biennium. Despite the negative outlook, Fayetteville appears to be weathering the storm better than many communities.

The two largest sources of revenue to support General Fund operations are local property taxes, and local sales taxes. Based on current economic trends, it appears that residential real estate and personal property tax growth will remain very modest and sales tax revenue growth may be impacted by reductions in federal spending. As a result, increases in City spending will be limited in FY 2014 and must be targeted to high priorities. Accordingly, the City Council directs the City Manager to develop a budget for Fiscal Year 2014 that limits increases to what is needed to accommodate population growth and cost factors, and clearly identifies funding requirements driven by State and/or federal mandates and the City's strategic initiatives.

The City Council recognizes the significant potential for resource optimization associated with the realignment and consolidation of the City and Public Works Commission's workforces in key administrative support functions. This issue had been under consideration for some time and is included in the FY 2013 Strategic Plans for both organizations. Seeking increased operational efficiency and coordination should be a priority for all City operations.

Competitive tax rates are a high priority. Accordingly, the City Manager should review the City's property tax rate in comparison to peer communities, prepare the FY 2014 budget based on the existing tax rate, and evaluate where the City should focus resources consistent with the City Council's priorities. In order to balance the factors outlined above, the City Manager shall use the following Budget Development Guidelines in the preparation of the FY 2014 Proposed Budget:

### **REVENUES**

- The base budget will be developed utilizing the existing property tax rate of \$.456 per \$100.00 of assessed valuation.
- Develop options for the creation of a revolving financial resource dedicated to neighborhood and corridor revitalization.
- Existing Municipal Service District tax rate in the downtown shall remain at \$.10 per \$100.00 of assessed valuation.
- The Local Government Commission has established an 8% minimum available General Fund balance for all North Carolina municipalities. Council policy establishes a 10% minimum unassigned fund balance for Fayetteville. The budget shall be developed with an estimated unassigned General Fund balance of no less than 12% at the end of FY 2014.
- Conduct a review and discussion of opportunities for non-tax revenue enhancements such as user fees, transit fares, and similar charges for service. At a minimum,

## **DRAFT**

fee adjustments will be evaluated in the following areas:

- o Solid waste fees
  - o Stormwater fees
  - o Excavation Permits
  - o Asphalt Degradation Fee
  - o Hourly/Daily parking rates and Citation rates
  - o Parks and recreation fees
  - o Accident response fees
  - o Plan review fees
- Non-recurring funds shall be directed toward recurring uses.

### **EXPENDITURES**

In order that expenditures may be balanced against forecasted modest revenue growth, the City Manager shall diligently pursue focused discussions with City departments regarding program and service priorities, reorganization, and/or alternative service delivery models that provide the opportunity to address the performance and efficiency of City programs.

- Shared service delivery models should be considered to eliminate duplication of service and administrative overhead, and improve efficiency.
- Fully fund public safety, Police and Fire positions that are no longer supported by federal grants.
- Employee pay and benefits are a substantial portion of the City's overall cost of operations. The following compensation components will be evaluated with appropriate adjustments included in the proposed budget:
  - o Continued implementation of the compensation study.
  - o Market adjustment of the police step plan.
  - o Maintain the City's pay for performance program.
  - o Consider changes to post employee benefits for newly hired employees to reduce future liability accrual.
  - o Consider funding benefit changes recommended by the compensation study.
- New positions shall only be funded for a partial year when warranted by the timing of the actual operational impact on the budget.
- Dedicate, at a minimum, 5.65 cents of the City's 45.6 cent property tax rate to the City's capital funding plan.
- Fund the Capital Improvement and Information Technology Plans as presented to Council during the strategic planning retreat.
- Adoption of a goal for 85% City streets to be rated at 85 or better. Work towards reducing our paving cycle through increased funding, including identification of alternative revenue sources or funding models.

The City Council had appointed a Public Works Commission to manage the City's water, sewer, and electric utilities in the best interests of the City of Fayetteville. The Council provides the following guidelines to assist the Commission in fulfilling its responsibilities:

# **DRAFT**

## **CAPITAL PLANNING**

- All utility capital projects should be fully supported by utility funds without contribution or set-off from the City's General Fund.
- All utility costs associated with City capital projects should be fully supported by utility funds, whether planned and included in the City's adopted Capital Improvement Plan or unplanned due to emergency repair or infrastructure failure.
- Projects related to the provision of basic utility services should be prioritized over service enhancement or automation initiatives. Additional or expanded projects to hasten the provision of water and sewer service to current City residents should be a priority.
- The utility Capital Improvement Plan shall be presented to the City Council in advance of the general budget consideration with sufficient time and information to allow the Commission to consider Council comment prior to adoption and submission to Council as part of final budget review.

## **PERSONNEL COSTS**

- Consistent with open government and state law, all compensation policies and procedures will be memorialized and available for review.
- The amount budgeted for pay adjustments and how that funding will be applied shall be clearly articulated in the budget document and relevant published personnel policies.
- The Commission is encouraged to move employee benefit programs into consistency and coordination with those provided the non-utility City employees in order to reduce costs through improved purchasing power, greater dispersion of risk, and reduced overhead.

## **CHARGES FOR SERVICE**

- Other than standard water, sewer, and electric service rates, the Commission should no longer authorize requests for payments or presentation of charges to other City's operations without prior coordination and agreement regarding an appropriate cost allocation methodology as exists, for example, through the operational memoranda and practice for Purchasing and Fleet Maintenance operations.

## **SHARED SERVICE PROJECT**

- The Commission is discouraged from authorizing additional positions or revisions to existing positions in the operational areas or functions being studied until such time as the analysis and recommendation has been completed, considered, and acted upon.

Mr. Voorhees requested that Council review the draft budget guidelines over the next couple of weeks and advised this was a new step in the annual budget process.

Mayor Chavonne stated it was very important to communicate individually with feedback to the City Manager on the item in order for the City Manager to have a clear understanding from each of the ten elected officials.

# DRAFT

Consensus of Council was to bring this item back to the March 25, 2013, City Council meeting.

## 4.6 Mayor and City Council Protocol and Code of Conduct

Mr. Ted Voorhees, City Manager, presented this item and stated in recent years, the City Council had reviewed the existing City Council Protocol document during their strategic planning retreats and had reached a strong consensus regarding the protocols. However, he stated the protocols had never been formally adopted. He provided a copy of the draft Mayor and City Council Protocol and Code of Conduct.

After a lengthy discussion, it was established that in order to take an official binding vote during a work session, a vote would need to be taken to "suspend the rules" and if a majority of the Council voted in favor of suspending the rules, then the motion, second, and vote could be taken on the items requiring action.

Further discussion took place on Protocol 10, Work Session Agenda Items; Protocol 11, City Council Member placing new business on work session agenda; and Council Member placing new business directly on regular agenda.

Consensus of Council was to discuss this item further at a later date to be determined.

## Resolution Response to Cumberland County Sales Tax Distribution Proposal, March 2013

Mr. Ted Voorhees, City Manager, presented this item and provided the Council with a draft resolution.

Mayor Chavonne stated it would be nice to take the lead and pass the resolution at the current meeting.

**MOTION:** Council Member Crisp moved to suspend the rules.  
**SECOND:** Mayor Pro Tem Arp  
**VOTE:** UNANIMOUS (10-0)

## RESPONSE TO CUMBERLAND COUNTY SALES TAX DISTRIBUTION PROPOSAL, MARCH 2013. RESOLUTION NO. R2013-014.

**MOTION:** Council Member Hurst moved to adopt the response to the Cumberland County Sales Tax Distribution Proposal dated March 2013 with the modification in the "Now, therefore, be it resolved" paragraph to read: Now, therefore, be it resolved by the City of Fayetteville, North Carolina, this 4th day of March, 2013, that the City of Fayetteville requests a one-year interlocal agreement for sales tax distribution in Cumberland County, with financial terms (50/50) identical to the existing expiring agreement, to govern sales tax distribution in FY 2014; and

**SECOND:** Mayor Pro Tem Arp  
**VOTE:** UNANIMOUS (10-0)

## 5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:02 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

030413

# DRAFT

FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
FEBRUARY 25, 2013  
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Ted Voorhees, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen McDonald, City Attorney  
Dana Clemons, Assistant City Attorney  
Lisa Smith, Chief Financial Officer  
Rusty Thompson, Engineering and Infrastructure Director  
Lee Jernigan, Traffic Engineer  
Randy Hume, Transit Director  
Victor Sharpe, Community Development Director  
Karen Hilton, Planning and Zoning Division Manager  
Craig Harmon, Planner II  
Patricia Bradley, Police Attorney  
Greg Caison, Stormwater Manager  
Pamela Megill, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

## 2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Arp.

## 3.0 PLEDGE OF ALLEGIANCE

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

## 4.0 APPROVAL OF AGENDA

**MOTION:** Council Member Hurst moved to approve the agenda with the addition of Item 8.3, closed session for a personnel matter.

**SECOND:** Mayor Pro Tem Arp

**VOTE:** UNANIMOUS (10-0)

## ANNOUNCEMENTS AND RECOGNITION

Council Member Davy announced the spring 2013 Citizens' Academy would begin on April 4, 2013, at 6:00 p.m. and the classes would be held once a week for seven weeks.

Council Members Chavonne and Hurst, on behalf of the City Council, presented a proclamation to Ms. Victoria R. Raleigh, Executive Director of the American Red Cross Highlands Chapter, proclaiming March 2013 American Red Cross Month.

Post Commander Thomas Person, Fayetteville's Veterans of Foreign Wars Post 6018, and District Commander Jesse Bellflower, District 8 of the Veterans of Foreign Wars Department of North Carolina, presented a Public Service Award and Fire Fighter of the Year Award to

# DRAFT

Fayetteville Fire Captain Vince Lewis. Captain Lewis received a round of applause and standing ovation.

## 5.0 CONSENT

**MOTION:** Council Member Fowler moved to approve the consent agenda with the exception of Item 5.3 for a separate vote.  
**SECOND:** Mayor Pro Tem Arp  
**VOTE:** UNANIMOUS (10-0)

### 5.1 Adopt the resolution to accept a report of unpaid taxes for 2012 and direct the advertisement of tax liens.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE ADVERTISEMENT OF TAX LIENS. RESOLUTION NO. R2013-013.

### 5.2 Extension of grants for Cape Fear River Trail - Phase 2.

The Council approved a Supplemental Agreement to merge and extend end date of grants.

### 5.3 Pulled for a separate vote by Council Member Fowler.

### 5.4 Approval of speed limit recommendations along Bingham Drive and Robeson Street.

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 4160 (Between SR 1391 and SR 1321 - Brentwood Elementary School, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only) - Car (25 MPH) and Truck (25 MPH)]. ORDINANCE NO. NS2013-011.

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 3828 (Between Blount Street and NC 87 - Martin Luther King, Jr. Freeway) - Car (45 MPH) and Truck (45 MPH)]. ORDINANCE NO. NS2012-012.

### 5.5 Community Development - Approval of transfer of a City-owned vacant lot located at 312 Old Wilmington Road to Fayetteville Metropolitan Housing Authority (FMHA) in exchange for a vacant lot located at 329 Cross Creek Street.

### 5.6 Budget Ordinance Amendment 2013-10 (Stormwater Management Funds).

The amendment appropriated a \$60,000.00 contribution from the Homebuilders Association of Fayetteville to share in the cost of a study to evaluate the performance of wet detention ponds for water quality improvement.

### 5.7 Case No. P13-02F. Request for a Rezoning from NC Neighborhood Commercial to CC Community Commercial or to a more restrictive zoning district on property located at 821 Cliffdale Road. Containing 1.92 acres more or less and being the property of McCauley and McDonald (Staff and Zoning Commission recommend rezoning to LC).

### 5.8 Case No. P13-03F. Request for a Rezoning from LC Limited Commercial to CC Community Commercial or to a more restrictive zoning district on property located at 5522 Yadkin Road. Containing 1.07 acres more or less and being the property of JPIII Family Limited Partnership.

### 5.9 Approval of a Municipal Agreement with NCDOT in support of improving vertical clearances of bridges over I-95 Business.

### 5.10 Approval of a Municipal Agreement with NCDOT for Landscaping on Ramsey Street.

## DRAFT

- 5.11 Request to set public hearing for proposed revisions to Stormwater Management Ordinance.
- 5.12 Special Revenue Fund Project Ordinance 2013-8 (FY 13 Juvenile Restitution Program).

The ordinance appropriated \$108,839.00 for the Juvenile Restitution Program for fiscal year 2013.

- 5.3 Approval of Mediated Settlement Agreement in the matter of *City of Fayetteville v. Jacqueline Pfendler, et al.*

This item was pulled for a separate vote by Council Member Fowler.

**MOTION:** Council Member Applewhite moved to approve the mediated settlement agreement in the matter of *City of Fayetteville v. Jacqueline Pfendler, et al.*

**SECOND:** Mayor Pro Tem Arp

**VOTE:** PASSED by a vote of 7 in favor to 3 in opposition (Council Members Fowler, Bates, and Crisp)

### 6.0 PUBLIC HEARINGS

- 6.1 Case No. P11-47F. Request for rezoning from SF-10 Single-Family Residential to LC Limited Commercial on property located at 1520 Hope Mills Road. Containing 1.59 acres more or less and being the property of Matilda Autry. (Appeal of a Zoning Commission Recommendation)

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, 2010 Land Use Plan, and Hope Mills Road Land Use Plan. He explained the purpose of the SF-10 Single-Family Residential and LC Limited Commercial districts. He stated the applicant was looking to market the property for sale under what they saw as the highest and best use of LC Limited Commercial. He further stated the property was also sitting at an intersection that was the entrance to a neighborhood. He noted the Zoning Commission held a public hearing on the case and recommended that the property be rezoned to O&I Office and Institutional in keeping with the Hope Mills Road Land Use Plan. He further noted the applicant appealed the Zoning Commission's recommendation of O&I and maintained that the LC district was still a better fit. He advised the case was delayed in coming before Council due to negotiations between the property owner and the City for the purchase of the property as the City had interest in the property becoming a new location for the existing Fire Station on Hope Mills Road. He further advised that the Zoning Commission and staff recommended a more restrictive zoning of O&I based on (1) the property being at the entrance of a residential development, (2) the Hope Mills Road Land Use Plan calling for office use, and (3) two sides of the property being zoned for single-family residential.

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

Mr. Randy Gregory, Attorney for the applicant, 405 Barrington Cross, Fayetteville, NC 28303, appeared in favor and stated he and his client would appreciate the support of the City Council.

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

Council Member Fowler inquired if there was concern that this could be another little house turned into something commercial. Mr. Harmon responded there was more concern for what type of commercial may operate there, especially as it was an entrance into a neighborhood.



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Council Member Crisp inquired how the City had come to negotiate for purchase of the property. Mr. Harmon responded at the time of the initial negotiation he was unaware that the Real Estate Division was interested in possible purchase of the property.

Council Member Applewhite inquired of Mr. Gregory why he was requesting the property be rezoned, when the intent was to sell the property. Mr. Gregory responded that LC zoning would result in a higher value than the current residential zoning.

**MOTION:** Council Member Crisp moved to approve the request to rezone the property to LC Limited Commercial.

**SECOND:** Council Member Fowler

**VOTE:** UNANIMOUS (10-0)

**6.2 Case No. P13-01F. Request for a Special Use Permit for Retail Establishment greater than 2,500 square feet in the NC Neighborhood Commercial District, located beside 247 Bonanza Drive. Containing 1.25 acres more or less and being the property of Par 5 Development.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the property in question was currently undeveloped and while the current Land Use Plan was calling for medium-density residential, the property was already zoned for Neighborhood Commercial. He further explained the property was next to a daycare and in front of a school and City recreation facility. He stated the applicant was requesting a Special Use Permit to allow the construction of a Dollar General store on the property. He noted the Dollar General store would be over 2,500 square feet and thus would require a Special Use Permit. He further noted that general retail such as this was already permitted in the NC district and the purpose of limiting the size and requiring buildings to be closer to the street in the NC district was to encourage a compact, pedestrian oriented less auto-dependent area providing services and goods needed on a frequent basis by the immediately surrounding neighborhoods. He stated that provided the development continued to meet the objectives of a small front setback and parking placement on the side or rear yards, the larger building size would be compatible with the NC district purposes. He advised the site plan and building elevation plans met the City's development standards for commercial buildings in the NC district. 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 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;

## 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.

Mr. Gordon A. Rose, P.E., 104 Gillespie Street, Fayetteville, NC 28301, appeared in favor and stated he was the Engineer for the project speaking on behalf of the applicant.

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

Council Member Crisp inquired what kind of feedback Mr. Harmon had received from residents in the surrounding area. Mr. Harmon responded there had not been any response and no residents attended the Zoning Commission meeting.

Council Member Applewhite inquired if the natural buffer of the tree line would remain. Mr. Harmon responded the trees would remain and they were within the adjacent school property.

**MOTION: Council Member Haire moved to approve the request for a Special Use Permit with the conditions of the site plan and building elevation and findings all being met.**

**SECOND: Mayor Pro Tem Arp**

**VOTE: UNANIMOUS (10-0)**

**6.3 Case No. P13-04F. Request for a Special Use Permit to operate a heavy automotive repair business on property located at 5522 Yadkin Road, contingent upon rezoning to CC Community Commercial zoning district. Containing 1.07 acres more or less and being the property of JP III Family Limited Partnership.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the property was located along Yadkin Road to the south and east of Santa Fe Drive. He also explained the property had two businesses on it and prior to the Unified Development Ordinance (UDO), one of the businesses was a heavy auto repair establishment. He stated the UDO remapping project had rendered the property nonconforming. He further stated the owner of the property applied for a rezoning to CC Community Commercial. He noted the property must be rezoned before approval of the Special Use Permit. He further noted the property was fully developed and the developer had not requested any changes to their current site layout. He stated the Zoning Commission recommended the conditions of retaining the vegetated buffer at the back of the property to City standards and maintaining the current separation between the property and the residential lots adjoining it, a minimum of 10 feet wide. He advised staff recommended the conditions of (1) adding shrubs spaced three feet apart to the grassed island along Yadkin Road and maintain the existing tree; (2) maintaining the existing vegetation along the rear of the property adjacent to the residential development and enhance it, as needed, to establish the equivalent of a type D buffer; and (3) any outdoor storage of vehicles waiting to be repaired or in some stage of repair must meet all current development 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 complies with all applicable standards in Section 30-4.C, Use-Specific Standards;

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- (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.

Council Member Crisp inquired if a fence was at the rear of the property. Mr. Harmon responded there was currently no fence.

Mayor Pro Tem Arp inquired who would determine the length of time a car could sit in the parking lot in a state of disrepair. Mr. Harmon responded Code Enforcement would monitor that activity.

Council Member Haire inquired if a privacy fence could be a requirement. Mr. Harmon responded in the affirmative.

Council Member Hurst inquired how many responses had been received to the 64 letters that were mailed. Mr. Harmon responded there had been no responses.

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

Mr. Lonnie Player, Attorney representing the applicant, 400 Westwood Shopping Center, Suite 210, Fayetteville, NC, appeared in favor.

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

**MOTION: Council Member Haire moved to approve.**

**SECOND: Mayor Pro Tem Arp**

**VOTE: UNANIMOUS (10-0)**

### **7.0 OTHER ITEMS OF BUSINESS**

#### **7.1 Approval of Lease Agreement between the City of Fayetteville and Megabus.**

Mr. Randall Hume, Transit Director, presented this item with the aid of a power point presentation. He stated that Megabus, a company operating express inter-city bus services in various parts of the country, had plans to add Fayetteville to their network. He further stated the new route would connect Raleigh/Durham, NC; Fayetteville, NC; Columbia, SC; Athens, GA; and Atlanta, GA. He explained the Megabus coaches were equipped with free Wi-Fi; 110v outlets at every seat; restrooms; and GPS systems that monitor all vehicle operations such as speed, low clearance, and tire pressure with alert systems;

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and ADA accessible. He stated Megabus would use the City's current bus Transfer Center on Old Wilmington Road and then use the new MMTC once it began operation. He further stated Megabus would lease the needed space from the City and have access to the Transfer Center property for its scheduled six daily runs. He advised the operation would neither interfere with FAST operations nor require additional staffing or costs of FAST and ticketing would be conducted online and not require any sales or handling by Transit staff. He further advised Megabus would make and pay for some parking lot improvements to ensure safety of passengers and buses and would also provide security to meet late night and Sunday buses. He noted their bus operators would be entitled to use the FAST operators lounge during their brief stops. He further noted FAST would also provide a bus shelter for passengers at their stop and limited permit short-term parking for dropping-off and picking-up passengers. He concluded by stating rent paid to the City would be \$900.00 per month.

Council Member Davy stated this was a great opportunity for the City and it sounded like it would be a good partnership.

**MOTION:** Council Member Applewhite moved to approve the Lease Agreement between the City of Fayetteville and Megabus.

**SECOND:** Council Member Bates

**VOTE:** UNANIMOUS (10-0)

**8.0 ADMINISTRATIVE REPORTS**

**8.1 Monthly statement of taxes for January 2013.**

2012 Taxes .....	\$10,254,788.83
2012 Vehicle .....	387,589.16
2012 Taxes Revit .....	26,340.61
2012 Vehicle Revit .....	399.36
2012 FVT .....	44,853.72
2012 Transit .....	44,853.74
2012 Storm Water .....	378,947.85
2012 Fay Storm Water .....	757,943.81
2012 Fay Recycle Fee .....	221,756.41
2012 Annex .....	0.00
2011 Taxes .....	12,638.05
2011 Vehicle .....	46,509.14
2011 Taxes Revit .....	0.00
2011 Vehicle Revit .....	33.62
2011 FVT .....	6,790.63
2011 Transit .....	6,790.62
2011 Storm Water .....	577.46
2011 Fay Storm Water .....	1,154.93
2011 Fay Recycle Fee .....	950.99
2011 Annex .....	0.00
2010 Taxes .....	1,969.61
2010 Vehicle .....	703.56
2010 Taxes Revit .....	0.60
2010 Vehicle Revit .....	0.00
2010 FVT .....	297.16
2010 Transit .....	297.15
2010 Storm Water .....	64.50
2010 Fay Storm Water .....	129.00
2010 Fay Recycle Fee .....	204.24
2010 Annex .....	0.00
2009 Taxes .....	442.75
2009 Vehicle .....	748.14
2009 Taxes Revit .....	0.00
2009 Vehicle Revit .....	0.00
2009 FVT .....	197.90
2009 Transit .....	197.88
2009 Storm Water .....	12.00

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2009 Fay Storm Water ..... 24.00  
 2009 Fay Recycle ..... 76.00  
 2009 Annex ..... 0.00

2008 and Prior Taxes ..... 499.53  
 2008 and Prior Vehicle ..... 1,240.80  
 2008 and Prior Taxes Revit ..... 0.00  
 2008 and Prior Vehicle Revit ..... 0.00  
 2008 and Prior FVT ..... 346.00  
 2008 and Prior Transit ..... 52.46  
 2008 and Prior Storm Water ..... 15.96  
 2008 and Prior Fay Storm Water ..... 0.00  
 2008 and Prior Fay Recycle Fee ..... 0.00  
 2008 and Prior Annex ..... 55.46

Interest ..... 31,818.48  
 Revit Interest ..... 79.76  
 Storm Water Interest ..... 718.81  
 Fay Storm Water Interest ..... 1,419.86  
 Annex Interest ..... 2.55  
 Fay Recycle Interest ..... 934.73  
 Fay Transit Interest ..... 1,179.40

Total Tax and Interest ..... \$12,236,647.22

**8.2 Tax refunds of less than \$100.00.**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Valasco, James	2011	Clerical Error	<u>\$85.27</u>
TOTAL			<u>\$85.27</u>

**8.3 N.C.G.S. § 143-318.11 Closed Session.**

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

The regular session recessed at 8:30 p.m. The regular session reconvened at 9:55 p.m.

**MOTION:** Council Member Fowler moved to go into open session.  
**SECOND:** Council Member Bates  
**VOTE:** UNANIMOUS (10-0)

**9.0 ADJOURNMENT**

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

Respectfully submitted,

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PAMELA J. MEGILL  
 City Clerk

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ANTHONY G. CHAVONNE  
 Mayor

022513

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Michael Gibson, Parks, Recreation & Maintenance Director  
**DATE:** April 8, 2013  
**RE:** **Parks and Recreation - PARTF Resolution**

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**THE QUESTION:**

To back a resolution to maintain and support the current integrity and funding for the Parks and Recreation Trust Fund.

**RELATIONSHIP TO STRATEGIC PLAN:**

Great place to live

**BACKGROUND:**

The North Carolina General Assembly established the Parks and Recreation Trust Fund (PARTF) on July 16, 1994 to fund improvements in the state's park system, to fund grants for local governments and to increase the public's access to the state's beaches. PARTF is the primary source of funding to build and renovate facilities in the state parks as well as to buy land for new and existing parks. The PARTF program also provides dollar-for-dollar grants to local governments to acquire land and/or to develop parks and recreational projects that serve the general public.

The City of Fayetteville received a PARTF grant that helped construct Roy Turner Park, and a PARTF grant helped Cumberland County fund Lake Rim Park. Local municipalities that have received grant funding for their parks include Wade, Falcon, Stedman, Spring Lake, and most recently, Godwin.

**ISSUES:**

Governor McCrory's recommended budget reduces funding for PARTF by 44%, from \$27.5 million to \$15.5 million, and removes the dedicated funding source for PARTF over the state's next budget cycle. This would leave the state with no reliable way to conserve treasured lands in the future. The North Carolina Parks and Recreation Association has requested local governments send a resolution to the NC General Assembly in support of the Parks and Recreation Trust Fund.

**BUDGET IMPACT:**

Projects that could have been funded with the help of a PARTF grant may be delayed or placed on hold.

**OPTIONS:**

Council can support or reject the resolution.

**RECOMMENDED ACTION:**

Staff recommends Council move to pass the resolution; to maintain and support the current integrity and funding for the Parks and Recreation Trust Fund (PARTF).

**ATTACHMENTS:**

Parks and Recreation - PARTF Resolution

**A RESOLUTION TO MAINTAIN AND SUPPORT THE CURRENT INTEGRITY AND FUNDING FOR THE PARKS AND RECREATION TRUST FUND (PARTF)**

**WHEREAS**, North Carolina is known for its unique and scenic natural resources and opportunities for recreation with a long tradition of its citizens and visitors enjoying parks, mountains, rivers, greenways, beaches and more. Generations of residents and visitors have delighted in these landscapes and park facilities; and

**WHEREAS**, The Parks and Recreation Trust Fund (PARTF) was established with bi-partisan support on July 16, 1994 to fund improvements in the state's park system, to fund grants for local governments and to increase the public's access to the state's beaches and coastal waterways; and

**WHEREAS**, since its inception The Parks and Recreation Trust Fund has provided \$161 million via 722 grants to 370 local governments in 99 counties and has been matched with \$312 million of local and private dollars for the purchase of local park land, building and renovation of facilities and development of greenways and trails; and

**WHEREAS**, North Carolina's population has grown to make it the 10<sup>th</sup> most populous state in the nation with projections for the significant growth to continue in the coming decades, and more state and local parks are needed to meet the increased demands; and

**WHEREAS**, parks are identified as key contributors to North Carolina's tourism industry that generates nearly \$20 billion in annual economic impact; and

**WHEREAS**, parks in North Carolina are experiencing record visitation levels including over 14.25 million to state parks in both 2011 and 2012; and

**WHEREAS**, The Parks & Recreation Trust Fund has leveraged funds that allowed our State to acquire land for state parks and state natural areas and protected nearly 83,000 acres and made major additions to the Mountains-to-Sea State Trail; and

**WHEREAS**, The Parks & Recreation Trust Fund has funded capital improvement projects in the state parks such as visitor centers and exhibit halls which provide tremendous opportunities to educate students and all citizens about North Carolina's outstanding natural resources, and other capital projects including campgrounds, picnic areas, boating facilities, trails and swimming beaches; and local capital projects including construction of community centers, athletic fields and greenways; and

**WHEREAS**, the annual economic impact to local economies of all tourists visiting the state parks system was estimated at more than \$400 million in sales and income, as well as nearly 5,000 jobs according to a 2008 study.

**WHEREAS**, a portion of The Parks & Recreation Trust Fund is designated for the Public Beach and Coastal Waterfront Access Program to improve access to beaches and coastal waterways by funding public boat ramps and public beaches accesses; and

**WHEREAS**, access to parks, recreation facilities and open space provides cost-effective opportunities for citizens of all ages to participate in health and wellness activities thereby reducing costs associated with obesity, heart disease, diabetes and high blood pressure; and

**WHEREAS**, research has documented that structured park and recreational opportunities in local communities can prevent crime and provide positive activities and directions for young people; and

**WHEREAS**, dedicated, recurring funding of the Parks & Recreation Trust Fund allows for structured and objective planning and efficient management of the system at both the state and local levels for today and future generations; and

**WHEREAS**, the success of The Parks and Recreation Trust Fund is due to the dedicated funding source provided by a portion of the deed stamp tax, and is recognized nationally as a model for efficiency and accountability; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Fayetteville does call on the members of the General Assembly to maintain dedicated revenues generated by seventy-five cents of the deed stamp tax for The Parks and Recreation Trust Fund.

The Clerk is directed to send a copy of this resolution to each of the members of the General Assembly representing the people of the City of Fayetteville and the North Carolina Recreation and Park Association.

This the 8th day of April, 2013

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Anthony G. Chavonne, Mayor

Attest:

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Pamela J. Megill, City Clerk



**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Patricia Bradley, Assistant City Attorney  
**DATE:** April 8, 2013  
**RE:** **Proposed 5 year Lease for Property**

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**THE QUESTION:**

Proposed 5 year lease for City operation.

**RELATIONSHIP TO STRATEGIC PLAN:**

More Efficient City Government - Cost Effective Service Delivery

**BACKGROUND:**

The City has operational need for space with specific characteristics that is not available within existing office resources. Staff has identified a building that satisfies these operational needs and negotiated a five year lease at an attractive rate. This additional lease space will not only improve the effectiveness and safety of existing operations, but will also allow the reconfiguration of vacated space to support new service focus areas identified by Council as high priority.

**ISSUES:**

Any lease in excess of one year requires Council approval. The property owner is requesting a five year lease.

**BUDGET IMPACT:**

The annual lease cost is \$45,299.92 per year (See attached term sheet). Funding to cover this cost is available from operational revenues dedicated and pre-approved for this purpose.

**OPTIONS:**

1. Authorize the City Manager to execute the proposed lease (Recommended)
2. Take no action

**RECOMMENDED ACTION:**

Staff recommends that Council move to authorize the City Manager to execute a lease consistent with the attached Lease Term Sheet.

**ATTACHMENTS:**

Lease Term Sheet



**Lease Term Sheet**

April 8, 2013

Property:

- Location – City of Fayetteville
- Square Footage – Approximately 3,704

Lease Payment:

- \$45,299.92 per year (\$12.23 per annual SF)
- \$3,774.99 per month

Term:

- Five (5) years
- Renewable for successive three year terms at Lessor's option

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of Council  
**FROM:** Steven K. Blanchard, PWC CEO/General Manager  
**DATE:** April 8, 2013  
**RE:** **Resolution to Establish a 2013 Outfall Rehabilitation State Revolving Loan Capital Project Fund and Resolution Accepting State Revolving Loan Offer for the Planning and Design Portion of the P.O. Hoffer Water Treatment Plant**

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**THE QUESTION:**

The Public Works Commission of the City of Fayetteville requests that Council adopt a Resolution to Establish a 2013 Outfall Rehabilitation State Revolving Loan Capital Project Fund and related budget and a Resolution Accepting the State Revolving Loan Offer for the Planning and Design Portion of the P.O. Hoffer Water Treatment Plant.

**RELATIONSHIP TO STRATEGIC PLAN:**

Lowest Responsible Rates, Most Financially Sound Utility

**BACKGROUND:**

The Public Works Commission, during their meeting of March 27, 2013 adopted Resolution PWC2013.01 which establishes a Capital Project Fund and related budget to account for the State Loan proceeds and construction cost of the Outfall Rehabilitation Project approved by the Commission on December 12, 2012. The project estimate was adjusted to \$3,922,282 from \$4,875,977.

Also during their March 27, 2013 meeting, the Public Works Commission adopted Resolution PWC2013.02 of the Public Works Commission of the City of Fayetteville, North Carolina accepting a State Loan Offer under the North Carolina Water Revolving Loan and Grant Act of 1987. The State of North Carolina Department of Environment and Natural Resources Division of Water Resources is offering PWC a State Loan in the amount of \$2,801,858 for the planning and design portion of the PO Hoffer Water Treatment Plant. The loan terms are 5 years, zero percent interest and a closing fee of 2.0%.

**ISSUES:**

N/A

**BUDGET IMPACT:**

PWC Budget

**OPTIONS:**

N/A

**RECOMMENDED ACTION:**

The Public Works Commission recommends to the City Council the adoption of the following:

1. Resolution of the City of Fayetteville, North Carolina to Establish a 2013 Outfall Rehabilitation State Revolving Loan Capital Project Fund and related budget.
2. 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.

**ATTACHMENTS:**

Transmittal Memo

City Resolution - Establish 2013 Outfall Rehab State Revolving Loan Capital Project Fund and budget

PWC Resolution 2013.01

City Resolution - Accepting State Revolving Loan Offer - P.O. Hoffer Plant

Exhibit A for City Resolution Accepting State Revolving Loan Offer

PWC Resolution 2013.02



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

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

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

March 20, 2013

MEMO TO: Steven K. Blanchard, CEO

MEMO FROM: J. Dwight Miller, CFO

SUBJECT: Establishing a Capital Project Fund and Acceptance of a State Loan Offer

Resolution No. PWC2013.01 establishes a Capital Project Fund to account for the State Loan proceeds and construction cost of the Outfall Rehabilitation Project approved by the Commission on December 12, 2012. The project estimate was adjusted to \$3,922,282 from \$4,875,977. A Project Fund Budget (Exhibit A) to account for and meet reporting requirements of the Project is attached.

The State of North Carolina Department of Environment and Natural Resources Division of Water Resources are offering PWC a State Loan in the amount of \$2,801,858 for the planning and design portion of the PO Hoffer Water Treatment Plant. The loan terms are 5 years, zero percent interest and a closing fee of 2.0%. Resolution No. PWC2013.02 accepts the loan offer, gives assurances to NCDENR and authorizes the General Manager to execute other documents as necessary related to the State Loan.

Staff request that the Commission approve:

1. Resolution PWC2013.01 establishing the 2013 Outfall Rehabilitation State Revolving Loan Capital Project Fund for fiscal years 2013-2015 and the associated budget, Exhibit A
2. Resolution PWC2013.02 accepts a State Revolving Loan offer of \$2,801,858, gives specified assurances and authorizes the General Manager to complete the required documents
3. And request that City Council adopt similar resolutions at its meeting on April 8, 2013.

**BUILDING COMMUNITY CONNECTIONS SINCE 1905**

**AN EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER**

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH  
CAROLINA TO ESTABLISH A 2013 OUTFALL REHABILITATION  
STATE REVOLVING LOAN CAPITAL PROJECT FUND**

**WHEREAS**, on January 17, 2013 the Public Works Commission of the City of Fayetteville, NC (COMMISSION) accepted a loan offer from the State of North Carolina Department of Environment and Natural Resources (“NCDENR”) in the amount of \$4,875,977 for construction of the Outfall Rehabilitation Project (the “PROJECT”), and

**WHEREAS**, resolutions authorizing this acceptance were approved by the COMMISSION and the City of Fayetteville, NC (CITY) on December 12, 2102 and January 14, 2013, respectively, and

**WHEREAS**, the adjusted PROJECT estimate and amount approved by the Local Government Commission is \$3,922,282, and

**WHEREAS**, the CITY, in accordance with G.S 159-26(b)(6), intends to establish a capital project fund in accordance with G.S 159-13.2 for the purposes of accounting for and reporting of the PROJECT, and

**NOW, THEREFORE BE IT RESOLVED BY THE CITY THAT:**

**Section 1.** The CITY hereby establishes a 2013 Outfall Rehabilitation State Revolving Loan Capital Project Fund (the “CPF”) and the related budget, as presented in Exhibit A of this Resolution, for the purposes of accounting for and reporting of the PROJECT.

**Section 2.** The COMMISSION will maintain within the CPF sufficient detailed accounting records to satisfy the requirements of NCDENR, the loan agreement, and federal regulations.

**Section 3.** The PROJECT will be financed through a state loan. Funds may be advanced from the COMMISSION’s Water & Sewer General Fund for the purpose of making payments as they become due. Reimbursement requests will be made to the NCDENR in an orderly and timely manner.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA**, on this, the 8<sup>th</sup> day of April, 2013; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
ANTHONY G. CHAVONNE, Mayor

ATTEST:

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

**PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE  
2013 OUTFALL REHABILITATION STATE REVOLVING LOAN CAPITAL PROJECT FUND  
For Fiscal Years 2013 - 2015**

**Initial Budget**

	PROPOSED BUDGET	RECOMMENDED BY ADMINISTRATION
<b>Estimated Revenues and Other Funding Sources</b>		
State Revolving Loan proceeds	\$3,922,282	\$3,922,282
<b>Total Revenues</b>	\$3,922,282	\$3,922,282
<b>Estimated Expenditures</b>		
Project costs	\$3,922,282	\$3,922,282
<b>Total Expenditures</b>	\$3,922,282	\$3,922,282

ADOPTED BY COMMISSION:  
ADOPTED BY CITY COUNCIL:

*Proposed*

<b>March 27, 2013</b>
<i>April 8, 2013</i>



**RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE  
CITY OF FAYETTEVILLE, NORTH CAROLINA TO ESTABLISH A  
2013 OUTFALL REHABILITATION STATE REVOLVING LOAN  
CAPITAL PROJECT FUND**

**WHEREAS**, on January 17, 2013 the Public Works Commission of the City of Fayetteville, NC (COMMISSION) accepted a loan offer from the State of North Carolina Department of Environment and Natural Resources (“NCDENR”) in the amount of \$4,875,977 for construction of the Outfall Rehabilitation Project (the “PROJECT”), and

**WHEREAS**, resolutions authorizing this acceptance were approved by the COMMISSION and the City of Fayetteville, NC (CITY) on December 12, 2102 and January 14, 2013, respectively, and

**WHEREAS**, the adjusted PROJECT estimate and amount approved by the Local Government Commission is \$3,922,282, and

**WHEREAS**, the COMMISSION, in accordance with G.S 159-26(b)(6), intends to establish a capital project fund in accordance with G.S 159-13.2 for the purposes of accounting for and reporting of the PROJECT, and

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

**Section 1.** The COMMISSION hereby establishes a 2013 Outfall Rehabilitation State Revolving Loan Capital Project Fund (the “CPF”) and the related budget, as presented in Exhibit A of this Resolution, for the purposes of accounting for and reporting of the PROJECT.

**Section 2.** The COMMISSION will maintain within the CPF sufficient detailed accounting records to satisfy the requirements of NCDENR, the loan agreement, and federal regulations.

**Section 3.** The PROJECT will be financed through a state loan. Funds may be advanced from the Water & Sewer General Fund for the purpose of making payments as they become due. Reimbursement requests will be made to the NCDENR in an orderly and timely manner.

**Section 4.** The City Council of the City of Fayetteville is hereby requested to adopt this Resolution in the form presented above.

**ADOPTED**, this the 27<sup>th</sup> day of March, 2013.

PUBLIC WORKS COMMISSION,

\_\_\_\_\_  
Wilson A. Lacy, Chairman

Attest:

\_\_\_\_\_  
Lynne B. Greene, Secretary

<b>PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE</b> <b>2013 OUTFALL REHABILITATION STATE REVOLVING LOAN CAPITAL PROJECT FUND</b> <b>For Fiscal Years 2013 - 2015</b>		
<b>Initial Budget</b>		
	<b>PROPOSED BUDGET</b>	<b>RECOMMENDED BY ADMINISTRATION</b>
<b>Estimated Revenues and Other Funding Sources</b>		
State Revolving Loan proceeds	\$3,922,282	\$3,922,282
<b>Total Revenues</b>	<b>\$3,922,282</b>	<b>\$3,922,282</b>
<b>Estimated Expenditures</b>		
Project costs	\$3,922,282	\$3,922,282
<b>Total Expenditures</b>	<b>\$3,922,282</b>	<b>\$3,922,282</b>
ADOPTED BY COMMISSION:	<i>Proposed</i>	<i>March 27, 2013</i>
ADOPTED BY CITY COUNCIL:	<i>Proposed</i>	<i>April 8, 2013</i>

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH  
CAROLINA TO ACCEPT A STATE LOAN OFFER UNDER THE  
NORTH CAROLINA WATER REVOLVING LOAN AND GRANT  
ACT OF 1987**

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

**WHEREAS**, the North Carolina Department of Environment and Natural Resources (NCDENR) has offered to the City of Fayetteville, NC (CITY) through the Public Works Commission (COMMISSION) a State Revolving Loan in the amount of \$2,801,858 for the Planning and Design portion of the PO Hoffer Water Treatment Plant three phase construction project (PROJECT), (see Exhibit A), and

**WHEREAS**, the loan terms are 5 years, 0% interest and 2% closing fee, and

**NOW THEREFORE BE IT RESOLVED BY THE CITY THAT:**

**Section 1.** The CITY does hereby accept the State Revolving Loan offer of \$2,801,858 as presented in Exhibit A.

**Section 2.** The CITY does hereby give assurance to NCDENR that the CITY will adhere to the Assurances specified in the loan offer.

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

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA**, on this, the 8<sup>th</sup> day of April, 2013; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
ANTHONY G. CHAVONNE, Mayor

ATTEST:

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

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

**OFFER AND ACCEPTANCE OF LOAN OR GRANT  
FOR WATER SUPPLY SYSTEM PROJECT**

PART A

SECTION 1 - OFFER

Legal Name, PWSID and Address of Applicant  <b>Fayetteville Public Works Commission</b> PWS ID: 0326010 PO Box 1089 Fayetteville, North Carolina 28302	Project Number:	<b>WIF-1761FP</b>
	CFDA Number: <small>(for federal assistance only)</small>	66.468
	Grant ID Number: <small>(for federal assistance only)</small>	FS-984338.12
Total Estimated Project Cost		\$2,801,858
Estimated Project Cost Eligible for State Participation		\$2,801,858
Total Grant Amount Offered		\$ 0
<b>Total Loan Amount Offered</b>		<b>\$2,801,858</b>

Authorization	Amount	Fee rate	Fee	Term (years)	Interest Rate
DWSRF Revolving Loan	<u>\$2,801,858</u>	2.0%	<u>\$56,037</u>	5	0%

**Description of Project:**

**Planning and design loan for P.O. Hoffer WTP rehabilitation which will address aging infrastructure and improvements to the existing 32 MGD WTP without expansion. Planning Loan is for Phase I, II, and III and Design Loan is for Phase I & II.**

Consideration having been given by the Division of Water Resources of the Department of Environment and Natural Resources to (a) the application submitted by the Applicant pursuant to the North Carolina Clean Water Revolving Loan and Grant Act of 1987, as amended, and the rules and regulations adopted pursuant thereto; (b) the public benefits to be derived by the construction of this project; (c) the relation of the ultimate cost of constructing and maintaining the system to the public interest and to the public necessity for the system; and (d) the adequacy of the provisions made or proposed by the Applicant for assuring proper and efficient operation and maintenance of the system after completion of the construction thereof; and it having been determined by the Division of Water Resources of the Department of Environment and Natural Resources that (1) the Applicant is eligible; (2) the project meets the criteria for State loans or grants as prescribed in the Act and the Rules, adopted pursuant thereto inclusive of 40 CFR Parts 6, 9 and 35, when appropriate; and (3) the project is entitled to priority over other projects eligible for consideration during the same priority period, the Division of Water Resources of the Department of Environment and Natural Resources acting in behalf of the State of North Carolina, hereby offers:

To make a State loan/grant of the above named Applicant subject to the assurances included in this document as Section 2, in order to aid in financing the construction of the project pursuant to the Act. If the actual construction cost, as determined by the Division of Water Resources of the Department of Environment and Natural Resources upon completion of construction, is less than the estimated cost upon which the loan/grant offer is based, the amount of the State loan/grant shall be reduced to the actual cost.

In addition, this offer is made subject to completion and submission of Part B, Supplemental Project Information, DENR Form 1951B, of this Offer and Acceptance, and to the following conditions:

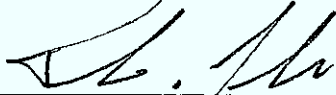
1. The Applicant will furnish information that satisfactorily demonstrates the availability of funds, other than State loan or grant funds, to pay the remaining costs of the project.
2. The Applicant will provide the Departmental Administrative Fee (as shown on the front page) to the Department prior to the second loan/grant disbursement.
3. The proposed loan/grant and fee amount(s) shown on the front page are estimates. The Part B may revise loan/grant and fee amounts.

5/11/13

This Offer must be accepted, if at all, on or before (date)

For the Department of Environment and Natural Resources

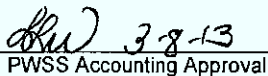
Date



3/11/13

Name and Title

Thomas A. Reeder, Division Director

 3-8-13  
PWSS Accounting Approval



## SECTION 2 – ASSURANCES

The Applicant hereby gives assurance to the Division of Water Resources of the Department of Environment and Natural Resources:

- A. That no construction of the project shall be undertaken, and no contract(s) for construction, alteration, or installation shall be entered into prior to the issuance of authorization to construct by the Division of Water Resources of the Department of Environment and Natural Resources.
- B. That the Applicant will undertake good faith efforts, both directly and through a prime or general contractor, to involve minority owned businesses in the bidding process in accordance with G.S. 143-128.2.
- C. That for Drinking Water State Revolving Fund Loan projects, the DWSRF Special Conditions Package shall be included as a supplement to these Assurances, and shall be incorporated into the project construction specifications, and that the Applicant shall take other steps, as necessary, to ensure implementation.
- D. That the construction contract(s) will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than one hundred percent (100%) of the contract price, and to maintain during the life of the contract(s) adequate fire, and extended coverage, workmen's compensation, public liability and property damage insurance.
- E. That any proposed change or changes in the contract or contracts, which make any major alteration in the work required by the plans and specifications, will be submitted to the Division of Water Resources of the Department of Environment and Natural Resources.
- F. That complete signed copies of all change orders will be submitted to the Division of Water Resources of the Department of Environment and Natural Resources as issued.
- G. That the construction of the project, including the award of contracts in connection therewith, shall conform to the applicable requirements of State and local law and ordinances.
- H. That the construction contract(s) will provide that the representatives of the State will have access to the work whenever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection.
- I. That the Applicant will provide and maintain competent and adequate engineering supervision and inspection at the project to insure that the construction conforms to the approved plans and specifications.
- J. That adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.
- K. That all funds loaned or granted pursuant to the Acts shall be expended solely for carrying out the approved project and an audit shall be performed in accordance with G.S. 159-34, as amended.
- L. That any books, documents, papers, and records of the Applicant pertinent to loans or grants received under the Acts shall be made available to State personnel or their duly authorized representatives for the purpose of audit and examination.
- M. That the declarations, assurances, representations and statements made by the Applicant in the application, and all documents, amendments, and communications filed with the Division of Water Resources of the Department of Environment and Natural Resources by the Applicant in support of its request for a loan/grant will be fulfilled.
- N. That the Applicant agrees to construct the project or cause it to be constructed to final completion in accordance with the application and plans and specifications approved by the Division of Water Resources of the Department of Environment and Natural Resources.
- O. That the Applicant will permit the Division of Water Resources of the Department of Environment and Natural Resources or its authorized agents to have access to the project and the records pertaining to its operation at any reasonable time following completion of construction for the purpose of inspecting the operation and maintenance of the project and determining adherence to the Division of Water Resources of the Department of Environment and Natural Resources operational requirements for water supply systems.
- P. That the Applicant shall demonstrate to the satisfaction of the Division of Water Resources of the Department of Environment and Natural Resources that it has or will have a fee simple or such other estate or interest in the site of the project, including

necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project.

- Q. That the Applicant will provide a completed Part B, Supplemental Project Information, Form 1951B, of this Acceptance Document, which is a prerequisite to the debt instrument preparation and to the payments process, following the award of construction contracts.
- R. That the Applicant will schedule and meet with the Local Government Commission's staff, if required, to finalize the debt instrument a minimum of ten days prior to the request for disbursement of the first loan funds.
- S. That the Applicant shall make provisions, including procedures and manuals as appropriate, to assure proper and efficient operation and maintenance of the system after completion of the construction of the project.
- T. The Davis-Bacon Act requirements apply to the entirety of the construction activities.
- U. The sales taxes collected as part of this project's expenses are not reimbursable.
- V. The Applicant shall require all prime construction contractors, as part of their bid, to certify that subcontracts have not and will not be awarded to any firm or individual that has been debarred for noncompliance with Federal law, regulations or standards and whose name appears on the Excluded Parties List or successor System.
- W. The Applicant shall comply with Title 40, Code of Federal Regulations, Part 30, Section 13 (40 CFR 30.13) and Title 2, Code of Federal Regulations, Part 1532 (2 CFR 1532). This compliance shall include meeting the requirements of Subpart C of 2 CFR 180 as it applies to transactions identified in Subpart B (also of 2 CFR 180).
- X. The Applicant acknowledges that failure to disclose transactions with debarred firms or individuals in accordance with Title 2, Code of Federal Regulations, Part 180, Section 335 (2 CFR 180.335) may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.
- Y. The loan or grant is withdrawn if the Applicant fails to enter into a construction contract for the project within one year after the date of this offer and acceptance, unless the Applicant has documented to the satisfaction of the Division of Water Resources of the Department of Environment and Natural Resources that the Applicant has good cause for the failure. Evidence of good cause shall be made in writing and submitted to the Department within 30 days of expiration of the one year deadline. If the Department finds good cause, the Department will set a new date by which the Applicant must take action or forfeit the loan or grant, in accordance with G.S. §159G-41.
- Z. All requests for reimbursement shall be submitted within three years of acceptance of this Offer and Acceptance of Loan or Grant for Water Supply System Project (Part A).
- AA. The Applicant will expend all of the requisitioned loan/grant proceeds for the purpose of paying costs of the project within three banking days after the receipt of such funds from the state.

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SECTION 3 – ACCEPTANCE

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On Behalf of (Legal Name of Applicant)

Fayetteville Public Works Commission

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I, the undersigned, being duly authorized to take such action, do hereby accept this offer and make the assurances contained therein.

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Signature of Representative

Date

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Name and Title of Representative (Type or Print)

Steve Blanchard, General Manager

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**RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE CITY  
OF FAYETTEVILLE, NORTH CAROLINA TO ACCEPT A STATE  
LOAN OFFER UNDER THE NORTH CAROLINA WATER REVOLVING  
LOAN AND GRANT ACT OF 1987**

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

**WHEREAS**, the North Carolina Department of Environment and Natural Resources (NCDENR) has offered to the Public Works Commission of the City of Fayetteville, NC (COMMISSION) a State Revolving Loan in the amount of \$2,801,858 for the Planning and Design portion of the PO Hoffer Water Treatment Plant three phase construction project (PROJECT), (see Exhibit A), and

**WHEREAS**, the loan terms are 5 years, 0% interest and 2% closing fee, and

**NOW THEREFORE BE IT RESOLVED BY THE COMMISSION THAT:**

**Section 1.** The COMMISSION does hereby accept the State Revolving Loan offer of \$2,801,858 as presented in Exhibit A.

**Section 2.** The COMMISSION does hereby give assurance to NCDENR that COMMISSION will adhere to the Assurances specified in the loan offer.

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

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

**Section 5.** The City Council of the City of Fayetteville is hereby requested to adopt this Resolution in the form presented above.

**ADOPTED**, this the 27<sup>th</sup> day of March, 2013.

PUBLIC WORKS COMMISSION OF THE CITY  
OF FAYETTEVILLE, NORTH CAROLINA

---

Wilson A. Lacy, Chairman

ATTEST:

---

Lynne B. Greene, Secretary



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** April 8, 2013  
**RE:** **Interlocal Agreement on Sales Tax Distribution**

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### **THE QUESTION:**

The attached interlocal agreement on sales tax distribution was prepared based on the proposal endorsed by the municipal representatives at the March 20 Mayors' Coalition meeting. The term of the agreement is an initial four-year term, with options to renew four additional four-year terms. The key terms of the proposed agreement are outlined for your information.

### **RELATIONSHIP TO STRATEGIC PLAN:**

Policy Action - FY2013: Sales Tax Distribution - Interlocal Agreement

### **BACKGROUND:**

The distribution of sales tax in North Carolina is governed by state law. The portion allocated to local governments must be distributed either on a "per capita" basis or an "ad valorem" basis. Each county board is assigned the authority to determine, on an annual basis, which method will be used within each county.

Some local jurisdictions in the state have determined it is in their best interest to enter into interlocal agreements to distribute local sales tax revenue through a negotiated method that is different than the two methods authorized by state law.

In October 2003, Cumberland County and the local municipalities entered into an interlocal agreement to distribute sales tax revenues on a modified "per capita" basis for a period not to exceed nine years. The current interlocal agreement expires on June 30, 2013. During the past two months, discussions have taken place between the County and the local municipalities regarding the future distribution of local sales tax revenue; however, there has not been sufficient time to negotiate a long-term solution that each party can endorse.

At the February 21st Mayors' Coalition meeting, municipal representatives discussed a short-term solution that would extend the current agreement by one year and take affirmative steps to negotiate a new interlocal agreement for future fiscal years beginning with FY2015. The City Manager subsequently briefed the Council on this proposal and Council adopted a resolution consistent with this strategy on March 4, 2013. At the March 20th Mayors' Coalition meeting, the County stated that the Commission would not consider a one-year agreement. The Mayors' Coalition then endorsed a new proposal and asked the City of Fayetteville to draft the proposed agreement.

The new proposal is described below.

- 1) A four-year agreement that could be renewed for four additional terms (up to a 20-year agreement).
- 2) For past annexations, municipalities would reimburse the same percentage of sales tax as they did in FY2013 in year one of the agreement (FY2014). This reimbursement would phase out over the 20-year period. Eastover would no longer be required to reimburse parties for its original population resulting from its incorporation.

- 3) For any new annexations, municipalities would initially reimburse other parties a certain percentage, depending on which year the annexation first impacts sales tax distributions. This initial reimbursement percentage would also phase out over the remaining years in the 20-year period.

The proposed agreement is attached for your consideration.

**ISSUES:**

While the Mayors' Coalition endorses the new proposal and its members are proceeding with adoption of the interlocal agreement, no official action has been taken by the County regarding the proposal. County staff briefed the Commission on the proposal at their April 2 meeting and a sales tax distribution item has been placed on the Commission's April 4th Finance Committee agenda.

**BUDGET IMPACT:**

An illustrative financial impact based on sales taxes distributed in FY2012 is attached. This illustration assumes no future annexations by any party.

**OPTIONS:**

1. Adopt the proposed interlocal agreement.
2. Do not adopt the proposed interlocal agreement and provide feedback to staff.

**RECOMMENDED ACTION:**

Staff recommends that Council move to authorize the Mayor to execute the proposed interlocal agreement.

**ATTACHMENTS:**

Proposed Interlocal Sales Tax Agreement  
Exhibit A - Interlocal Sales Tax Agreement  
Exhibit C - Interlocal Sales Tax Agreement  
Financial Impact Illustration

**STATE OF NORTH CAROLINA**  
**COUNTY OF CUMBERLAND**

**INTERLOCAL AGREEMENT**

**THIS INTERLOCAL AGREEMENT**, entered into this 30<sup>th</sup> day of April, 2013, by and between the City of Fayetteville (hereinafter "Fayetteville"), the Town of Hope Mills (hereinafter "Hope Mills"), the Town of Spring Lake (hereinafter "Spring Lake"), the Town of Stedman (hereinafter "Stedman"), the Town of Wade (hereinafter "Wade"), the Town of Falcon (hereinafter "Falcon"), the Town of Godwin (hereinafter "Godwin"), the Town of Linden (hereinafter "Linden"), the Town of Eastover (hereinafter "Eastover"), (the above municipalities being referred to from time to time individually as a "municipality" or collectively as "municipalities"), and the County of Cumberland (hereinafter "County").

**RECITALS:**

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

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

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

**WHEREAS**, some local jurisdictions have determined that it is in the best interest of their jurisdictions to enter into interlocal agreements to distribute local sales tax revenue through a negotiated method that is different from either of the two methods authorized by law, and have

also determined that interlocal agreements regarding sales tax distribution should continue for longer periods of time in order to promote budgeting stability rather than having the decision revisited on an annual basis; and,

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

**WHEREAS**, the parties agree it is in the entire community's best interest to adopt a long-term interlocal agreement for sales tax distribution that allows the County and its municipalities to provide services to each parties' citizens in a fiscally responsible manner; and,

**WHEREAS**, the participating jurisdictions have approved and authorized execution of this Interlocal Agreement,

**NOW, THEREFORE**, the parties agree as follows:

1. **Purpose:** The purpose of this Interlocal Agreement is to provide that the County's Board of Commissioners will maintain the per capita method of local option sales tax distributions during the term of this agreement. In exchange, the municipalities will make certain reimbursements to mitigate the effect of the re-allocation of those local option sales tax distributions that occurs as a result of annexations.
2. **Duration:** This Interlocal Agreement shall be effective on and after July 1, 2013, and shall expire on June 30, 2017. This agreement shall renew automatically for four successive four-year terms unless one of the municipalities or the County shall give timely notice of termination, then this agreement shall expire as of the next June 30. Notice of termination shall be based on official action of a municipality's or the County's governing board and delivered in writing, by personal delivery or certified mail, return

receipt requested, to the other parties of the agreement. No such notice of termination shall be timely unless delivered or sent on or before September 30, 2016, as to the original term hereof, and on or before September 30, 2020, 2024, or 2028, as to the subsequent renewal terms hereof.

3. **Continuation of Per Capita Method:** The Board of Commissioners will maintain the per capita method of sales tax distribution unless one of the municipalities breaches this agreement.

4. **Reimbursements to Mitigate Annexations:**

(a) Annexations occurring on or before June 30, 2012:

In FY2014, each municipality will reimburse the County and each municipality 100% of the percentage reimbursed in FY2013 for annexations that occurred on or before June 30, 2012; however, Eastover will not be required to reimburse each party for its initial population resulting from its incorporation (hereinafter “Original Base Reimbursement Percentage”). Thereafter, this reimbursement percentage will be reduced annually in 5% decrements with a final reimbursement rate in FY2033 equal to 5% of the percentage reimbursed in FY2014. See Exhibit A for an illustration.

(b) Annexations occurring on or after July 1, 2012:

Each municipality will reimburse the County and each other municipality that is a party to this agreement a declining percentage of sales tax revenue lost by the County and the other parties because of re-allocation of local option sales tax distributions as a result of the annexation. Calculation of this reimbursement obligation is more completely set forth in Paragraph 6 hereof. This

reimbursement obligation shall apply to annexations that are effective between July 1, 2012 and the end of the term hereof. The effect of any municipality's annexation shall be calculated separately for each annexing municipality, and the resulting calculations for all municipalities shall be cumulated to arrive at the actual net reimbursement obligation of each municipality.

(c) An annexing municipality with a reimbursement obligation hereunder shall reimburse the parties receiving reimbursement from it within sixty (60) days of the end of each calendar quarter for which reimbursement is due and in which the obligation arose.

5. **Infill Development:** Each party shall receive full credit, and shall not incur any reimbursement obligation under this agreement, for local option sales tax distribution gains that result from population increases due to infill development within the boundaries of that party, including infill development in an annexed area subsequent to the effective date of such annexation.

6. **Distribution Spreadsheet:** The County Manager will prepare a Distribution Spreadsheet by November 30<sup>th</sup> each year and distribute such spreadsheet to the representatives of each party as set forth in paragraph 10 of this agreement. The spreadsheet shall be accompanied by a copy of the data source for each component. Any disputes about the data will be settled by those representatives. The Distribution Spreadsheet will include the following:

- (a) Name of each municipality and of the County.
- (b) Population percentages according to and based on the state Department of Revenue's Local Government Sales and Use Tax report used to distribute local

option sales tax revenues within Cumberland County for that current fiscal year, excluding municipalities' populations attributable to any annexations effective during the previous fiscal year. Each party's percentage for purposes of this agreement, therefore, will be determined by dividing that party's population, excluding municipal populations attributable to any annexations effective during the previous fiscal year, by the total population of Cumberland County and all its incorporated cities, towns, and villages.

- (c) Population percentages based on the state Department of Revenue's Local Government Sales and Use Tax report used to distribute local option sales tax revenues within Cumberland County for the then current fiscal year. Each party's percentage for purposes of this agreement, therefore, will be determined by dividing that party's total population by the total population of Cumberland County and all its incorporated cities, towns, and villages.
- (d) The initial percentage impact of each new annexation; reflecting the percentage of the local option sales tax distribution gained or lost by each party as a result of annexations effective in the previous fiscal year.
- (e) The New Annexation Base Reimbursement Percentage, which is fixed at fifty percent (50%) of the initial percentage impact of each new annexation.
- (f) The Cumulative Base Reimbursement Percentage, which is the sum of the Original Base Reimbursement Percentage and all New Annexation Base Reimbursement Percentages.
- (g) The Reimbursement Rate, which is the applicable percentage rate identified for each year of the agreement as shown in Exhibit B.

(h) The Actual Reimbursement Percentage, which is the Cumulative Base Reimbursement Percentage multiplied by the Reimbursement Rate for the fiscal year. This represents the percentage of the total local option sales tax proceeds received by Cumberland County and all its incorporated cities, towns, and villages that will be reimbursed.

By way of illustration, an example of a Distribution Spreadsheet is attached as Exhibit C. Percentages will be rounded to six places to the right of the decimal point, i.e., 3.141855%.

7. **Parties to Review Agreement:** Prior to September 30, 2016, and prior to September 30, 2020, 2024, and 2028 if this agreement is renewed for additional terms, the parties through their respective representatives set forth in paragraph 11 shall review this agreement to adjust the procedures and implementation of this agreement for unforeseen consequences, unintended effects, and generally with the goal of promoting efficiency in its implementation.
8. **County To Give Timely Notice:** The Board of Commissioners shall send notice to each municipality in writing no later than October 31, 2016, or no later than October 31, 2020, 2024, and 2028 if this agreement is renewed, respectively, if it shall change the local option sales tax distribution method it will elect pursuant to G.S. 105-472 for FY 2018, FY 2022, FY2026, or FY2030, respectively.
9. **Access to Records:** Each party to this agreement shall give the other parties to this agreement access to such records as shall reasonably be required to confirm compliance with the terms hereof.



10. **Notices:** Any notice to be given by either party to the other under this agreement shall be in writing and shall be deemed to have been sufficiently given if delivered by hand, with written acknowledgment of receipt, or mailed by certified mail return receipt requested to the other party at the following address or to such other address as either party from time to time designates in writing to the other party for the receipt of notice:

**Fayetteville:**  
City Manager  
433 Hay Street  
Fayetteville, NC 28301

**County:**  
County Manager  
117 Dick Street  
Fayetteville, NC 28301

**Hope Mills:**  
Town Manager  
5770 Rockfish Road  
Hope Mills, NC

**Spring Lake:**  
Town Manager  
300 Ruth Street  
Spring Lake, NC 28390

**Stedman:**  
Administrator  
5110 Front Street  
Stedman, NC 28391

**Wade:**  
Mayor  
Highway 301 North  
Wade, NC 28395

**Falcon:**  
Mayor  
7156 South West Street  
Falcon, NC 28342

**Godwin:**  
Mayor  
P.O. Box 10  
Godwin, NC 28344

**Linden:**  
Mayor  
9444 Academy Street  
Linden, NC 28356

**Eastover:**  
Town Manager  
3863 Dunn Road  
Eastover, NC 28312

12. **Agency and Authority:** The parties designate the persons named above for the receipt of notice hereunder as their respective exclusive agent with respect to this agreement and with authority to implement this agreement on their respective behalf.
13. **Amendment:** This Interlocal Agreement may not be amended, revised, or altered without the approval and authorization of the governing boards of each of the parties.

14. **Agreement Not Severable:** This agreement shall be deemed a complete and unitary agreement and shall not be deemed severable.

15. **Continuing Contract:** This agreement shall be deemed a continuing contract under G.S. 160A-17 and the parties shall comply with the provisions thereof with respect to this agreement.

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

ATTEST:

**CITY OF FAYETTEVILLE**

\_\_\_\_\_  
PAMELA MEGILL  
City Clerk

By: \_\_\_\_\_  
ANTHONY G. CHAVONNE  
Mayor

ATTEST:

**COUNTY OF CUMBERLAND**

\_\_\_\_\_  
County Clerk

By: \_\_\_\_\_  
JIMMY KEEFE  
Chairman, Board of Commissioners

ATTEST:

**TOWN OF HOPE MILLS**

\_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
JACKIE WARNER  
Mayor

ATTEST:

**TOWN OF SPRING LAKE**

\_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
CHRIS REY  
Mayor

ATTEST:

**TOWN OF WADE**

\_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
HUELL AKINS  
Mayor

ATTEST:

**TOWN OF FALCON**

\_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
CLIFTON TURPIN  
Mayor

ATTEST:

**TOWN OF GODWIN**

\_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
DEBORAH TEW GODWIN  
Mayor

ATTEST:

**TOWN OF LINDEN**

\_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
MARIE BUTLER  
Mayor

ATTEST:

**TOWN OF STEDMAN**

\_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
BILLY HORNE  
Mayor

ATTEST:

**TOWN OF EASTOVER**

\_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
CHARLES MCLAURIN  
Mayor

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

Approved for Legal Sufficiency

\_\_\_\_\_  
County Finance Director

\_\_\_\_\_  
County Attorney's Office

\_\_\_\_\_  
Fayetteville Finance Director

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
Hope Mills Finance Director

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Spring Lake Finance Director

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Stedman Finance Director

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Wade Finance Director

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Falcon Finance Director

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Godwin Finance Director

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Linden Finance Director

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Eastover Finance Director

\_\_\_\_\_  
Town Attorney

EXHIBIT A

## EXHIBIT B

### Reimbursement Rate

Year of Agreement	Fiscal Year	Reimbursement Rate
Year 1	FY2014	100%
Year 2	FY2015	95%
Year 3	FY2016	90%
Year 4	FY2017	85%
Year 5	FY2018	80%
Year 6	FY2019	75%
Year 7	FY2020	70%
Year 8	FY2021	65%
Year 9	FY2022	60%
Year 10	FY2023	55%
Year 11	FY2024	50%
Year 12	FY2025	45%
Year 13	FY2026	40%
Year 14	FY2027	35%
Year 15	FY2028	30%
Year 16	FY2029	25%
Year 17	FY2030	20%
Year 18	FY2031	15%
Year 19	FY2032	10%
Year 20	FY2033	5%

EXHIBIT C



**Exhibit A**

	<b>Revised Reimb. % for FY13 W/O Eastover Incorporation</b>	<b>Year 1 FY2014 (100%)</b>	<b>Year 5 FY2018 (80%)</b>	<b>Year 15 FY2028 (30%)</b>	<b>Year 20 FY2033 (5%)</b>
<b>FAYETTEVILLE PAYMENTS</b>					
Cumberland County	8.050048%	8.050048%	6.440038%	2.415014%	0.402502%
Eastover	0.016463%	0.016463%	0.013170%	0.004939%	0.000823%
Falcon	0.004611%	0.004611%	0.003689%	0.001383%	0.000231%
Godwin	0.000088%	0.000088%	0.000070%	0.000026%	0.000004%
Hope Mills	0.177614%	0.177614%	0.142091%	0.053284%	0.008881%
Linden	0.001947%	0.001947%	0.001558%	0.000584%	0.000097%
Spring Lake	0.000009%	0.000009%	0.000007%	0.000003%	0.000000%
Stedman	0.009817%	0.009817%	0.007854%	0.002945%	0.000491%
Wade	0.005700%	0.005700%	0.004560%	0.001710%	0.000285%
	<u>8.266297%</u>	<u>8.266297%</u>	<u>6.613038%</u>	<u>2.479889%</u>	<u>0.413315%</u>
<b>SPRING LAKE PAYMENTS</b>					
Cumberland County	0.408552%	0.408552%	0.326842%	0.122566%	0.020428%
Eastover	0.002779%	0.002779%	0.002223%	0.000834%	0.000139%
Falcon	0.000244%	0.000244%	0.000195%	0.000073%	0.000012%
Fayetteville	0.018808%	0.018808%	0.015046%	0.005642%	0.000940%
Godwin	0.000019%	0.000019%	0.000015%	0.000006%	0.000001%
Hope Mills	0.010029%	0.010029%	0.008023%	0.003009%	0.000501%
Linden	0.000106%	0.000106%	0.000085%	0.000032%	0.000005%
Stedman	0.000356%	0.000356%	0.000285%	0.000107%	0.000018%
Wade	0.000449%	0.000449%	0.000359%	0.000135%	0.000022%
	<u>0.441342%</u>	<u>0.441342%</u>	<u>0.353074%</u>	<u>0.132403%</u>	<u>0.022067%</u>
<b>GODWIN PAYMENTS</b>					
Cumberland County	0.002762%	0.002762%	0.002210%	0.000829%	0.000138%
Eastover	0.000033%	0.000033%	0.000026%	0.000010%	0.000002%
Falcon	0.000003%	0.000003%	0.000002%	0.000001%	0.000000%
Fayetteville	0.000000%	0.000000%	0.000000%	0.000000%	0.000000%
Hope Mills	0.000118%	0.000118%	0.000094%	0.000035%	0.000006%
Linden	0.000001%	0.000001%	0.000001%	0.000000%	0.000000%
Spring Lake	0.000000%	0.000000%	0.000000%	0.000000%	0.000000%
Stedman	0.000007%	0.000007%	0.000006%	0.000002%	0.000000%
Wade	0.000005%	0.000005%	0.000004%	0.000002%	0.000000%
	<u>0.002929%</u>	<u>0.002929%</u>	<u>0.002343%</u>	<u>0.000879%</u>	<u>0.000146%</u>

**Exhibit C**

**Sales Tax Interlocal Agreement Distribution**

**Example of Annexation by Fayetteville of 5,000 Population in June 2027**

	<b>FY2028 Before Annexation</b>		<b>FY2028 After Annexation</b>		<b>Initial Percentage Impact</b>	<b>New Annex Base Reimb. % (50%)</b>
	Population	% of Sales Tax	Population	% of Sales Tax		
<b>Cumberland</b>	327,643	57.591663%	327,643	57.089912%	-0.501751%	0.250875%
Eastover	3,674	0.645800%	3,674	0.640173%	-0.005626%	0.002813%
Falcon	312	0.054842%	312	0.054364%	-0.000478%	0.000239%
Fayetteville	208,001	36.561512%	213,001	37.114201%	0.552690%	-0.276345%
Godwin	140	0.024609%	140	0.024394%	-0.000214%	0.000107%
Hope Mills	15,454	2.716437%	15,454	2.692771%	-0.023666%	0.011833%
Linden	130	0.022851%	130	0.022652%	-0.000199%	0.000100%
Spring Lake	11,948	2.100168%	11,948	2.081870%	-0.018297%	0.009149%
Stedman	1,041	0.182982%	1,041	0.181388%	-0.001594%	0.000797%
Wade	564	0.099137%	564	0.098274%	-0.000864%	0.000432%
	<u>568,907</u>	<u>100.000000%</u>	<u>573,907</u>	<u>100.000000%</u>	<u>0.000000%</u>	<u>0.000000%</u>

- 1) Assumed population in FY2028 is the same population as June 2012.
- 2) % of Sales Tax column represents per capita distribution as computed by state.

Exhibit C

Illustration of Sales Tax Reimbursements

FY2012 Sales Taxes  
Distribution (excl.  
County only article 46)

\$	75,351,112	Original Base Reimbursement %	New Annex. Base Reimb. %	Cumulative Base Reimbursement %	Annual % Change	\$ Change Per Year	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
							(Year 15)	(Year 16)	(Year 17)	(Year 18)	(Year 19)	(Year 20)	(Year 21)
							30%	25%	20%	15%	10%	5%	0%
<b>Fayetteville Payments To:</b>													
Cumberland County		8.050048%	0.250875%	8.300923%	-0.415046%	\$ (312,742)	\$ 1,876,451	\$ 1,563,710	\$ 1,250,968	\$ 938,226	\$ 625,484	\$ 312,742	\$ -
Eastover		0.016463%	0.002813%	0.019276%	-0.000964%	\$ (726)	\$ 4,357	\$ 3,631	\$ 2,905	\$ 2,179	\$ 1,452	\$ 726	\$ -
Falcon		0.004611%	0.000239%	0.004850%	-0.000242%	\$ (183)	\$ 1,096	\$ 914	\$ 731	\$ 548	\$ 365	\$ 183	\$ -
Godwin		0.000088%	0.000107%	0.000195%	-0.000010%	\$ (7)	\$ 44	\$ 37	\$ 29	\$ 22	\$ 15	\$ 7	\$ -
Hope Mills		0.177614%	0.011833%	0.189447%	-0.009472%	\$ (7,138)	\$ 42,825	\$ 35,688	\$ 28,550	\$ 21,413	\$ 14,275	\$ 7,138	\$ -
Linden		0.001947%	0.000100%	0.002047%	-0.000102%	\$ (77)	\$ 463	\$ 386	\$ 308	\$ 231	\$ 154	\$ 77	\$ -
Spring Lake		0.000009%	0.009149%	0.009158%	-0.000458%	\$ (345)	\$ 2,070	\$ 1,725	\$ 1,380	\$ 1,035	\$ 690	\$ 345	\$ -
Stedman		0.009817%	0.000797%	0.010614%	-0.000531%	\$ (400)	\$ 2,399	\$ 1,999	\$ 1,600	\$ 1,200	\$ 800	\$ 400	\$ -
Wade		0.005700%	0.000432%	0.006132%	-0.000307%	\$ (231)	\$ 1,386	\$ 1,155	\$ 924	\$ 693	\$ 462	\$ 231	\$ -
		8.266297%	0.276345%	8.542642%			\$ 1,931,093	\$ 1,609,244	\$ 1,287,395	\$ 965,546	\$ 643,698	\$ 321,849	\$ -
<b>Spring Lake Payments To:</b>													
Cumberland County		0.408552%		0.408552%	-0.020428%	\$ (15,392)	\$ 92,355	\$ 76,962	\$ 61,570	\$ 46,177	\$ 30,785	\$ 15,392	\$ -
Eastover		0.002779%		0.002779%	-0.000139%	\$ (105)	\$ 628	\$ 524	\$ 419	\$ 314	\$ 209	\$ 105	\$ -
Falcon		0.000244%		0.000244%	-0.000012%	\$ (9)	\$ 55	\$ 46	\$ 37	\$ 28	\$ 18	\$ 9	\$ -
Fayetteville		0.018808%		0.018808%	-0.000940%	\$ (709)	\$ 4,252	\$ 3,543	\$ 2,834	\$ 2,126	\$ 1,417	\$ 709	\$ -
Godwin		0.000019%		0.000019%	-0.000001%	\$ (1)	\$ 4	\$ 4	\$ 3	\$ 2	\$ 1	\$ 1	\$ -
Hope Mills		0.010029%		0.010029%	-0.000501%	\$ (378)	\$ 2,267	\$ 1,889	\$ 1,511	\$ 1,134	\$ 756	\$ 378	\$ -
Linden		0.000106%		0.000106%	-0.000005%	\$ (4)	\$ 24	\$ 20	\$ 16	\$ 12	\$ 8	\$ 4	\$ -
Stedman		0.000356%		0.000356%	-0.000018%	\$ (13)	\$ 80	\$ 67	\$ 54	\$ 40	\$ 27	\$ 13	\$ -
Wade		0.000449%		0.000449%	-0.000022%	\$ (17)	\$ 101	\$ 85	\$ 68	\$ 51	\$ 34	\$ 17	\$ -
		0.441342%		0.441342%			\$ 99,767	\$ 83,139	\$ 66,511	\$ 49,883	\$ 33,256	\$ 16,628	\$ -
<b>Godwin Payments To:</b>													
Cumberland County		0.002762%		0.002762%	-0.000138%	\$ (104)	\$ 624	\$ 520	\$ 416	\$ 312	\$ 208	\$ 104	\$ -
Eastover		0.000033%		0.000033%	-0.000002%	\$ (1)	\$ 7	\$ 6	\$ 5	\$ 4	\$ 2	\$ 1	\$ -
Falcon		0.000003%		0.000003%	0.000000%	\$ (0)	\$ 1	\$ 1	\$ 0	\$ 0	\$ 0	\$ 0	\$ -
Fayetteville		0.000000%		0.000000%	0.000000%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hope Mills		0.000118%		0.000118%	-0.000006%	\$ (4)	\$ 27	\$ 22	\$ 18	\$ 13	\$ 9	\$ 4	\$ -
Linden		0.000001%		0.000001%	0.000000%	\$ (0)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ -
Spring Lake		0.000000%		0.000000%	0.000000%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Stedman		0.000007%		0.000007%	0.000000%	\$ (0)	\$ 2	\$ 1	\$ 1	\$ 1	\$ 1	\$ 0	\$ -
Wade		0.000005%		0.000005%	0.000000%	\$ (0)	\$ 1	\$ 1	\$ 1	\$ 1	\$ 0	\$ 0	\$ -
		0.002929%		0.002929%	-0.000146%	\$ (110)	\$ 662	\$ 552	\$ 441	\$ 331	\$ 221	\$ 110	\$ -
<b>Totals</b>													
Cumberland County		8.461362%	0.250875%	8.712237%	-0.435612%	(328,238)	\$ 1,969,430	\$ 1,641,192	\$ 1,312,954	\$ 984,715	\$ 656,477	\$ 328,238	\$ -
Eastover		0.019275%	0.002813%	0.022088%	-0.001104%	(832)	\$ 4,993	\$ 4,161	\$ 3,329	\$ 2,497	\$ 1,664	\$ 832	\$ -
Falcon		0.004858%	0.000239%	0.005097%	-0.000255%	(192)	\$ 1,152	\$ 960	\$ 768	\$ 576	\$ 384	\$ 192	\$ -
Fayetteville		0.018808%	0.000000%	0.018808%	-0.000940%	(709)	\$ 4,252	\$ 3,543	\$ 2,834	\$ 2,126	\$ 1,417	\$ 709	\$ -
Godwin		0.000107%	0.000107%	0.000214%	-0.000011%	(8)	\$ 48	\$ 40	\$ 32	\$ 24	\$ 16	\$ 8	\$ -
Hope Mills		0.187761%	0.011833%	0.199594%	-0.009980%	(7,520)	\$ 45,119	\$ 37,599	\$ 30,079	\$ 22,559	\$ 15,040	\$ 7,520	\$ -
Linden		0.002054%	0.000100%	0.002154%	-0.000108%	(81)	\$ 487	\$ 406	\$ 325	\$ 243	\$ 162	\$ 81	\$ -
Spring Lake		0.000009%	0.009149%	0.009158%	-0.000458%	(345)	\$ 2,070	\$ 1,725	\$ 1,380	\$ 1,035	\$ 690	\$ 345	\$ -
Stedman		0.010180%	0.000797%	0.010977%	-0.000549%	(414)	\$ 2,481	\$ 2,068	\$ 1,654	\$ 1,241	\$ 827	\$ 414	\$ -
Wade		0.006154%	0.000432%	0.006586%	-0.000329%	(248)	\$ 1,489	\$ 1,241	\$ 993	\$ 744	\$ 496	\$ 248	\$ -
		8.710568%	0.276345%	8.986913%			\$ 2,031,522	\$ 1,692,935	\$ 1,354,348	\$ 1,015,761	\$ 677,174	\$ 338,587	\$ -

**Illustration of Sales Tax Reimbursements - Past Annexations**

FY2012 Sales Taxes Distribution (excl. County only Article 46) \$75,351,112	FY2013 Total Reimbursement %	Annual % Change	\$ Change Per Year	FY2014	FY2015	FY2018	FY2023	FY2027	FY2033	FY2034
				(Year 1)	(Year 2)	(Year 5)	(Year 10)	(Year 14)	(Year 20)	(Year 21)
				100%	95%	80%	55%	35%	5%	0%
<b>Fayetteville Payments To:</b>										
Cumberland County	8.050048%	-0.402502%	\$ (303,290)	\$ 6,065,801	\$ 5,762,511	\$ 4,852,641	\$ 3,336,190	\$ 2,123,030	\$ 303,290	\$ -
Eastover	0.016463%	-0.000823%	\$ (620)	\$ 12,405	\$ 11,785	\$ 9,924	\$ 6,823	\$ 4,342	\$ 620	\$ -
Falcon	0.004611%	-0.000231%	\$ (174)	\$ 3,474	\$ 3,301	\$ 2,780	\$ 1,911	\$ 1,216	\$ 174	\$ -
Godwin	0.000088%	-0.000004%	\$ (3)	\$ 66	\$ 63	\$ 53	\$ 36	\$ 23	\$ 3	\$ -
Hope Mills	0.177614%	-0.008881%	\$ (6,692)	\$ 133,834	\$ 127,142	\$ 107,067	\$ 73,609	\$ 46,842	\$ 6,692	\$ -
Linden	0.001947%	-0.000097%	\$ (73)	\$ 1,467	\$ 1,394	\$ 1,174	\$ 807	\$ 513	\$ 73	\$ -
Spring Lake	0.000009%	0.000000%	\$ (0)	\$ 7	\$ 6	\$ 5	\$ 4	\$ 2	\$ 0	\$ -
Stedman	0.009817%	-0.000491%	\$ (370)	\$ 7,397	\$ 7,027	\$ 5,918	\$ 4,068	\$ 2,589	\$ 370	\$ -
Wade	0.005700%	-0.000285%	\$ (215)	\$ 4,295	\$ 4,080	\$ 3,436	\$ 2,362	\$ 1,503	\$ 215	\$ -
	8.266297%			\$ 6,228,747	\$ 5,917,309	\$ 4,982,997	\$ 3,425,811	\$ 2,180,061	\$ 311,437	\$ -
<b>Spring Lake Payments To:</b>										
Cumberland County	0.408552%	-0.020428%	\$ (15,392)	\$ 307,848	\$ 292,456	\$ 246,279	\$ 169,317	\$ 107,747	\$ 15,392	\$ -
Eastover	0.002779%	-0.000139%	\$ (105)	\$ 2,094	\$ 1,989	\$ 1,675	\$ 1,152	\$ 733	\$ 105	\$ -
Falcon	0.000244%	-0.000012%	\$ (9)	\$ 184	\$ 175	\$ 147	\$ 101	\$ 64	\$ 9	\$ -
Fayetteville	0.018808%	-0.000940%	\$ (709)	\$ 14,172	\$ 13,463	\$ 11,338	\$ 7,795	\$ 4,960	\$ 709	\$ -
Godwin	0.000019%	-0.000001%	\$ (1)	\$ 14	\$ 14	\$ 11	\$ 8	\$ 5	\$ 1	\$ -
Hope Mills	0.010029%	-0.000501%	\$ (378)	\$ 7,557	\$ 7,179	\$ 6,046	\$ 4,156	\$ 2,645	\$ 378	\$ -
Linden	0.000106%	-0.000005%	\$ (4)	\$ 80	\$ 76	\$ 64	\$ 44	\$ 28	\$ 4	\$ -
Stedman	0.000356%	-0.000018%	\$ (13)	\$ 268	\$ 255	\$ 215	\$ 148	\$ 94	\$ 13	\$ -
Wade	0.000449%	-0.000022%	\$ (17)	\$ 338	\$ 321	\$ 271	\$ 186	\$ 118	\$ 17	\$ -
	0.441342%			\$ 332,556	\$ 315,928	\$ 266,045	\$ 182,906	\$ 116,395	\$ 16,628	\$ -
<b>Godwin Payments To:</b>										
Cumberland County	0.002762%	-0.000138%	\$ (104)	\$ 2,081	\$ 1,977	\$ 1,665	\$ 1,145	\$ 728	\$ 104	\$ -
Eastover	0.000033%	-0.000002%	\$ (1)	\$ 25	\$ 24	\$ 20	\$ 14	\$ 9	\$ 1	\$ -
Falcon	0.000003%	0.000000%	\$ (0)	\$ 2	\$ 2	\$ 2	\$ 1	\$ 1	\$ 0	\$ -
Fayetteville	0.000000%	0.000000%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hope Mills	0.000118%	-0.000006%	\$ (4)	\$ 89	\$ 84	\$ 71	\$ 49	\$ 31	\$ 4	\$ -
Linden	0.000001%	0.000000%	\$ (0)	\$ 1	\$ 1	\$ 1	\$ 0	\$ 0	\$ 0	\$ -
Spring Lake	0.000000%	0.000000%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Stedman	0.000007%	0.000000%	\$ (0)	\$ 5	\$ 5	\$ 4	\$ 3	\$ 2	\$ 0	\$ -
Wade	0.000005%	0.000000%	\$ (0)	\$ 4	\$ 4	\$ 3	\$ 2	\$ 1	\$ 0	\$ -
	0.002929%			\$ 2,207	\$ 2,097	\$ 1,766	\$ 1,214	\$ 772	\$ 110	\$ -
<b>Totals</b>										
Cumberland County	8.461362%	-0.423068%	(318,787)	\$ 6,375,730	\$ 6,056,944	\$ 5,100,584	\$ 3,506,652	\$ 2,231,506	\$ 318,787	\$ -
Eastover	0.019275%	-0.000964%	(726)	\$ 14,524	\$ 13,798	\$ 11,619	\$ 7,988	\$ 5,083	\$ 726	\$ -
Falcon	0.004858%	-0.000243%	(183)	\$ 3,661	\$ 3,478	\$ 2,928	\$ 2,013	\$ 1,281	\$ 183	\$ -
Fayetteville	0.018808%	-0.000940%	(709)	\$ 14,172	\$ 13,463	\$ 11,338	\$ 7,795	\$ 4,960	\$ 709	\$ -
Godwin	0.000107%	-0.000005%	(5)	\$ 81	\$ 77	\$ 65	\$ 44	\$ 28	\$ 4	\$ -
Hope Mills	0.187761%	-0.009388%	(7,074)	\$ 141,480	\$ 134,406	\$ 113,184	\$ 77,814	\$ 49,518	\$ 7,074	\$ -
Linden	0.002054%	-0.000103%	(77)	\$ 1,548	\$ 1,470	\$ 1,238	\$ 851	\$ 542	\$ 77	\$ -
Spring Lake	0.000009%	0.000000%	(0)	\$ 7	\$ 6	\$ 5	\$ 4	\$ 2	\$ 0	\$ -
Stedman	0.010180%	-0.000509%	(384)	\$ 7,671	\$ 7,287	\$ 6,137	\$ 4,219	\$ 2,685	\$ 384	\$ -
Wade	0.006154%	-0.000308%	(232)	\$ 4,637	\$ 4,405	\$ 3,710	\$ 2,550	\$ 1,623	\$ 232	\$ -
	8.710568%			\$ 6,563,510	\$ 6,235,334	\$ 5,250,808	\$ 3,609,930	\$ 2,297,228	\$ 328,175	\$ -

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Karen S. Hilton, AICP, Manager, Planning and Zoning  
**DATE:** April 8, 2013  
**RE:** **Reauthorization of the Downtown Municipal Services District to July 1, 2018.**

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**THE QUESTION:**

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

**RELATIONSHIP TO STRATEGIC PLAN:**

Vision: A vibrant downtown

Goal: Revitalized Downtown - A Community Focal Point

**BACKGROUND:**

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

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

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

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

**ISSUES:**

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

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

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

Update: The public hearing on March 25 was closed; the item was tabled to the next meeting in response to a request from the two speakers to see a map showing taxable and non-taxable properties within the district. The map was prepared and is being distributed to the 253 mailing addresses of the property owners within the district as well as to members of the Downtown Alliance and City Council.

**BUDGET IMPACT:**

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

**OPTIONS:**

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

**RECOMMENDED ACTION:**

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

**ATTACHMENTS:**

Resolution reauthorizing the MSD  
Special District boundaries in Downtown  
Statement of Standards  
GS Art 23 Chpt 160A-536  
MSD Powerpoint 4-8-2013

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

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

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

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

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

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

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

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2013.

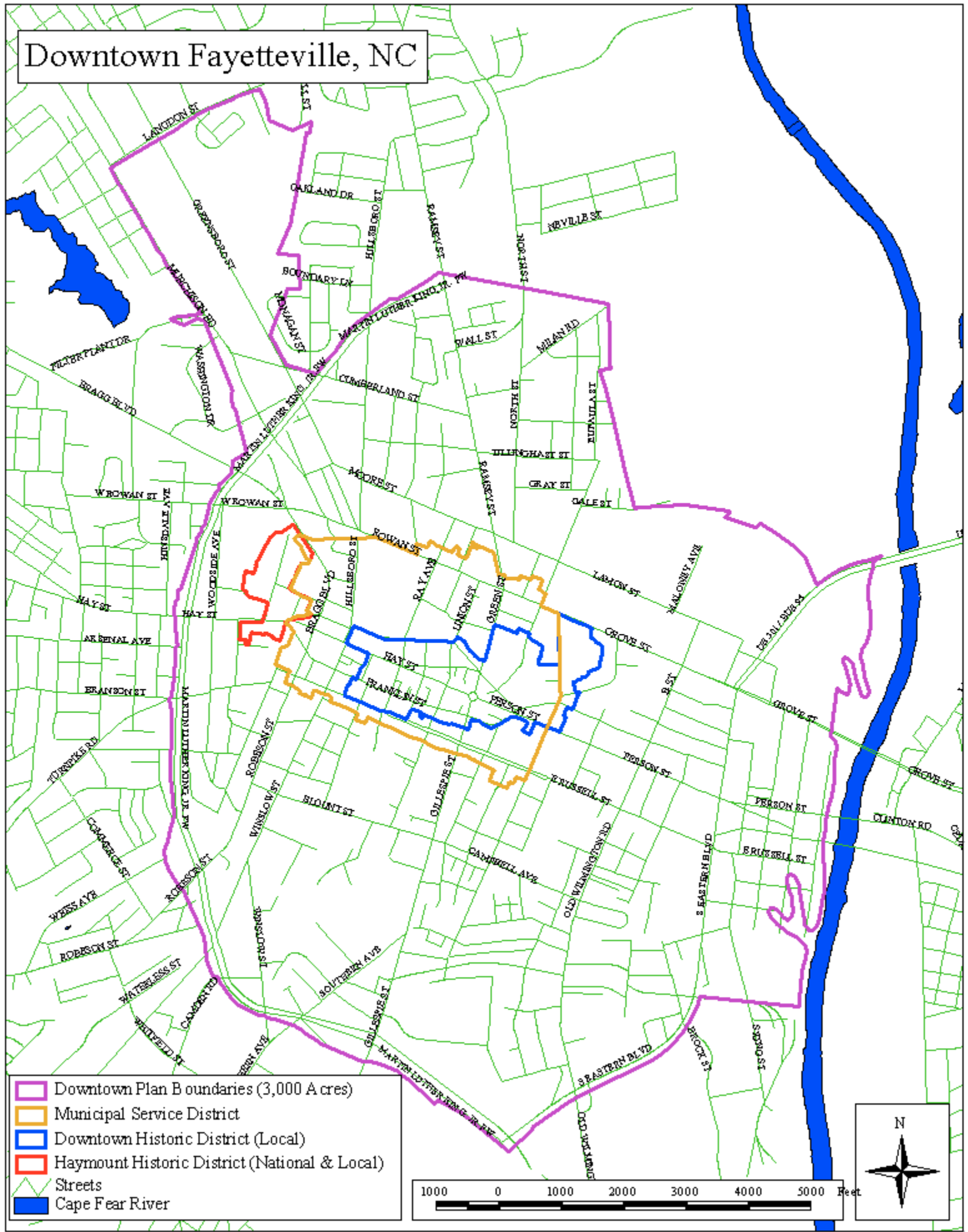
\_\_\_\_\_  
ANTHONY G. CHAVONNE, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk



# Downtown Fayetteville, NC



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

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

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

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

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

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

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

It is considered to be in the best interest of the City of Fayetteville to continue to support this effort toward a more stable, robust downtown. Certain services, facilities and functions are needed in this area to a greater extent than the entire City in order to accomplish this goal. To that end, reauthorizing the current downtown municipal service district is proposed to provide, finance, and maintain those services, facilities and functions.

NORTH CAROLINIA GENERAL STATUTES

Article 23. Chapter 160A-536  
Municipal Service Districts.

**§ 160A-535. Title; effective date.**

This Article may be cited as "The Municipal Service District Act of 1973," and is enacted pursuant to Article V, Sec. 2(4) of the Constitution of North Carolina, effective July 1, 1973. (1973, c. 655, s. 1.)

**§ 160A-536. Purposes for which districts may be established.**

(a) Purposes. – The city council of any city may define any number of service districts in order to finance, provide, or maintain for the districts one or more of the following services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire city:

- (1) Beach erosion control and flood and hurricane protection works.
- (1a) **(For applicability see note)** Any service, facility, or function which the municipality may by law provide in the city, and including but not limited to placement of utility wiring underground, placement of period street lighting, placement of specially designed street signs and street furniture, landscaping, specialized street and sidewalk paving, and other appropriate improvements to the rights-of-way that generally preserve the character of an historic district; provided that this subdivision only applies to a service district which, at the time of its creation, had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter.
- (2) Downtown revitalization projects.
- (2a) Urban area revitalization projects.
- (2b) Transit-oriented development projects.
- (3) Drainage projects.
- (3a) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
- (3b) **(For applicability see note)** Lighting at interstate highway interchange ramps.
- (4) Off-street parking facilities.
- (5) Watershed improvement projects, including but not limited to watershed improvement projects as defined in General Statutes Chapter 139; drainage projects, including but not limited to the drainage projects provided for by General Statutes Chapter 156; and water resources development projects, including but not limited to the federal water resources development projects provided for by General Statutes Chapter 143, Article 21.
- (6) Conversion of private residential streets to public streets as provided in subsection (e) of this section.

(b) Downtown Revitalization Defined. – As used in this section "downtown revitalization projects" are improvements, services, functions, promotions, and developmental activities intended to further the public health, safety, welfare, convenience, and economic well-being of the central city or downtown area. Exercise of the authority granted by this Article to undertake downtown revitalization projects financed by a service district do not prejudice a city's authority to undertake urban renewal projects in the same area. Examples of downtown revitalization projects include by way of illustration but not limitation all of the following:

- (1) Improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights-of-way and easements.
- (2) Construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on-street and off-street.
- (3) Construction of public buildings, restrooms, docks, visitor centers, and tourism facilities.
- (4) Improvements to relieve traffic congestion in the central city and improve pedestrian and vehicular access to it.
- (5) Improvements to reduce the incidence of crime in the central city.
- (6) Providing city services or functions in addition to or to a greater extent than those provided or maintained for the entire city.
- (7) Sponsoring festivals and markets in the downtown area, promoting business investment in the downtown area, helping to coordinate public and private actions in the downtown area, and developing and issuing publications on the downtown area.

(c) Urban Area Revitalization Defined. – As used in this section, the term "urban area revitalization projects" includes the provision within an urban area of any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section. As used in this section, the term "urban area" means an area that (i) is located within a city and (ii) meets one or more of the following conditions:

- (1) It is the central business district of the city.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.

(c1) Transit-Oriented Development Defined. – As used in this section, the term "transit-oriented development" includes the provision within a public transit area of any service or facility listed in this subsection. A public transit area is an area within

a one-fourth mile radius of any passenger stop or station located on a mass transit line. A mass transit line is a rail line along which a public transportation service operates or a busway or guideway dedicated to public transportation service. A busway is not a mass transit line if a majority of its length is also generally open to passenger cars and other private vehicles more than two days a week.

The following services and facilities are included in the definition of "transit-oriented development" if they are provided within a transit area:

- (1) Any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section.
- (2) Passenger stops and stations on a mass transit line.
- (3) Parking facilities and structures associated with passenger stops and stations on a mass transit line.
- (4) Any other service or facility, whether public or public-private, that the city may by law provide or participate in within the city, including retail, residential, and commercial facilities.

(d) **Contracts.** – A city may provide services, facilities, functions, or promotional and developmental activities in a service district with its own forces, through a contract with another governmental agency, through a contract with a private agency, or by any combination thereof. Any contracts entered into pursuant to this paragraph shall specify the purposes for which city moneys are to be used and shall require an appropriate accounting for those moneys at the end of each fiscal year or other appropriate period.

(e) **Converting Private Residential Streets to Public Streets.** – A city may establish a municipal service district for the purpose of converting private residential streets to public streets if the conditions of this subsection are met. The property tax levied in a municipal service district created for this purpose may be used only to pay the costs related to the transfer of ownership of the streets, evaluation of the condition of the private streets, and the design and construction costs related to improving the private streets to meet public street standards as approved by the governing board. Notwithstanding G.S. 160A-542, the property tax rate in a district created for this purpose may not be in excess of thirty percent (30%) of the ad valorem tax rate in effect in the city in the fiscal year prior to the establishment of the district. After the private streets have been upgraded to meet public street standards and all costs have been recovered from the tax in the district, no further tax may be levied in the district, and the city council must abolish the municipal service district as provided by G.S. 160A-541.

Notwithstanding G.S. 160A-299, if a city abandons the streets and associated rights-of-way acquired pursuant to this subsection, the street-related common elements must be returned to the owners' association from which the city acquired them in a manner that makes the owners' association's holdings in common elements as they were prior to the establishment of the municipal service district.

For a city to create a municipal service district for the purpose of converting private residential streets to public streets, all of the following conditions must be met:

- (1) The private residential road must be nongated.
- (2) The city must receive a petition signed by at least sixty percent (60%) of the lot owners of the owners' association requesting the city to establish a municipal service district for the purpose of paying the

costs related to converting private residential streets to public streets. The executive board of an owners' association for which the city has received a petition under this subsection may transfer street-related common elements to the city, notwithstanding the provisions of either the North Carolina Planned Community Act in Chapter 47F of the General Statutes or the North Carolina Condominium Act in Chapter 47C of the General Statutes, or related articles of declaration, deed covenants, or any other similar document recorded with the Register of Deeds.

- (3) The city must agree to accept the converted streets for perpetual public maintenance.
- (4) The city must meet one of the following requirements:
  - a. Located primarily in a county that has a population of 750,000 or more according to the most recent decennial federal census, and also located in an adjacent county with a population of 250,000 or more according to the most recent decennial federal census.
  - b. Located primarily in a county with a population of 250,000 or more according to the most recent decennial federal census, and also located in an adjacent county with a population of 750,000 or more according to the most recent decennial federal census. (1973, c. 655, s. 1; 1977, c. 775, ss. 1, 2; 1979, c. 595, s. 2; 1985, c. 580; 1987, c. 621, s. 1; 1999-224, s. 1; 1999-388, s. 1; 2004-151, s. 1; 2004-203, s. 5(m); 2009-385, s. 1; 2011-72, ss. 1, 2; 2011-322, s. 1; 2012-79, s. 1.11.)

**§ 160A-537. Definition of service districts.**

(a) Standards. – The city council of any city may by resolution define a service district upon finding that a proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536 to a demonstrably greater extent than the remainder of the city.

(b) Report. – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the proposed district, showing its proposed boundaries;
- (2) A statement showing that the proposed district meets the standards set out in subsection (a); and
- (3) A plan for providing in the district one or more of the services listed in G.S. 160A-536.

The report shall be available for public inspection in the office of the city clerk for at least four weeks before the date of the public hearing.

(c) Hearing and Notice. – The city council shall hold a public hearing before adopting any resolution defining a new service district under this section. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a map of the proposed district and a statement that the report required by subsection (b) is available for public inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In

addition, it shall be mailed at least four weeks before the date of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the proposed district. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed and his certificate is conclusive in the absence of fraud.

(d) **Effective Date.** – Except as otherwise provided in this subsection, the resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city council. If the governing body in the resolution states that general obligation bonds or special obligation bonds are anticipated to be authorized for the project, it may make the resolution effective immediately upon its adoption or as otherwise provided in the resolution. However, no ad valorem tax may be levied for a partial fiscal year.

(e) In the case of a resolution defining a service district, which is adopted during the period beginning July 1, 1981, and ending July 31, 1981, and which district is for any purpose defined in G.S. 160A-536(1), the city council may make the resolution effective for the fiscal year beginning July 1, 1981. In any such case, the report under subsection (b) of this section need only have been available for public inspection for at least two weeks before the date of the public hearing, and the notice required by subsection (c) of this section need only have been mailed at least two weeks before the date of the hearing. (1973, c. 655, s. 1; 1981, c. 53, s. 1; c. 733, s. 1; 2006-162, s. 25; 2012-156, s. 4.)

#### **§ 160A-538. Extension of service districts.**

(a) **Standards.** – The city council may by resolution annex territory to any service district upon finding that:

- (1) The area to be annexed is contiguous to the district, with at least one eighth of the area's aggregate external boundary coincident with the existing boundary of the district;
- (2) That the area to be annexed requires the services of the district.

(b) **Annexation by Petition.** – The city council may also by resolution extend by annexation the boundaries of any service district when one hundred percent (100%) of the real property owners of the area to be annexed have petitioned the council for annexation to the service district.

(c) **Report.** – Before the public hearing required by subsection (d), the council shall cause to be prepared a report containing:

- (1) A map of the service district and the adjacent territory, showing the present and proposed boundaries of the district;
- (2) A statement showing that the area to be annexed meets the standards and requirements of subsections (a) or (b); and
- (3) A plan for extending services to the area to be annexed.

The report shall be available for public inspection in the office of the city clerk for at least two weeks before the date of the public hearing.

(d) **Hearing and Notice.** – The council shall hold a public hearing before adopting any resolution extending the boundaries of a service district. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (c) is available for inspection in

the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the date of the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the area to be annexed. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(e) **Effective Date.** – The resolution extending the boundaries of the district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the council.

(f) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries extended to include territory which has been added to the historic district. (1973, c. 655, s. 1; 1981, c. 53, s. 2; 1987, c. 621, s. 2.)

#### **§ 160A-538.1. Reduction of service districts.**

(a) Upon finding that there is no longer a need to include within a particular service district any certain tract or parcel of land, the city council may by resolution redefine a service district by removing therefrom any tract or parcel of land which it has determined need no longer be included in said district. The city council shall hold a public hearing before adopting a resolution removing any tract or parcel of land from a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing.

(b) The removal of any tract or parcel of land from any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the city council.

(c) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries reduced to exclude territory which has been removed from the historic district. (1977, c. 775, s. 3; 1987, c. 621, s. 3.)

#### **§ 160A-539. Consolidation of service districts.**

(a) The city council may by resolution consolidate two or more service districts upon finding that:

- (1) The districts are contiguous or are in a continuous boundary; and
- (2) The services provided in each of the districts are substantially the same; or
- (3) If the services provided are lower for one of the districts, there is a need to increase those services for that district to the level of that enjoyed by the other districts.

(b) **Report.** – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the districts to be consolidated;
- (2) A statement showing the proposed consolidation meets the standards of subsection (a); and



- (3) If necessary, a plan for increasing the services for one or more of the districts so that they are substantially the same throughout the consolidated district.

The report shall be available in the office of the city clerk for at least two weeks before the public hearing.

(c) **Hearing and Notice.** – The city council shall hold a public hearing before adopting any resolution consolidating service districts. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a statement that the report required by subsection (b) is available for inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the consolidated district. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(d) **Effective Date.** – The consolidation of service districts shall take effect at the beginning of a fiscal year commencing after passage of the resolution of consolidation, as determined by the council. (1973, c. 655, s. 1; 1981, c. 53, s. 2.)

#### **§ 160A-540. Required provision or maintenance of services.**

(a) **New District.** – When a city defines a new service district, it shall provide, maintain, or let contracts for the services for which the residents of the district are being taxed within a reasonable time, not to exceed one year, after the effective date of the definition of the district.

(b) **Extended District.** – When a city annexes territory for a service district, it shall provide, maintain, or let contracts for the services provided or maintained throughout the district to the residents of the area annexed to the district within a reasonable time, not to exceed one year, after the effective date of the annexation.

(c) **Consolidated District.** – When a city consolidates two or more service districts, one of which has had provided or maintained a lower level of services, it shall increase the services within that district (or let contracts therefor) to a level comparable to those provided or maintained elsewhere in the consolidated district within a reasonable time, not to exceed one year, after the effective date of the consolidation. (1973, c. 655, s. 1.)

#### **§ 160A-541. Abolition of service districts.**

Upon finding that there is no longer a need for a particular service district, the city council may by resolution abolish that district. The council shall hold a public hearing before adopting a resolution abolishing a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing. The abolition of any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the council. (1973, c. 655, s. 1.)

#### **§ 160A-542. Taxes authorized; rate limitation.**

A city may levy property taxes within defined service districts in addition to those levied throughout the city, in order to finance, provide or maintain for the district services provided therein in addition to or to a greater extent than those financed, provided or maintained for the entire city. In addition, a city may allocate to a service district any other revenues whose use is not otherwise restricted by law.

Property subject to taxation in a newly established district or in an area annexed to an existing district is that subject to taxation by the city as of the preceding January 1.

Property taxes may not be levied within any district established pursuant to this Article in excess of a rate on each one hundred dollar (\$100.00) value of property subject to taxation which, when added to the rate levied city wide for purposes subject to the rate limitation, would exceed the rate limitation established in G.S. 160A-209(d), unless that portion of the rate in excess of this limitation is submitted to and approved by a majority of the qualified voters residing within the district. Any referendum held pursuant to this paragraph shall be held and conducted as provided in G.S. 160A-209.

This Article does not impair the authority of a city to levy special assessments pursuant to Article 10 of this Chapter for works authorized by G.S. 160A-491, and may be used in addition to that authority. (1973, c. 655, s. 1.)

**§ 160A-543. Bonds authorized.**

A city may incur debt under general law to finance services, facilities or functions provided within a service district. If a proposed general obligation bond issue is required by law to be submitted to and approved by the voters of the city, and if the proceeds of the proposed bond issue are to be used in connection with a service that is or, if the bond issue is approved, will be provided only for one or more service districts or at a higher level in service districts than city wide, the proposed bond issue must be approved concurrently by a majority of those voting throughout the entire city and by a majority of the total of those voting in all of the affected or to be affected service districts. (1973, c. 655, s. 1; 2004-151, s. 4.)

**§ 160A-544. Exclusion of personal property of public service corporations.**

There shall be excluded from any service district and the provisions of this Article shall not apply to the personal property of any public service corporation as defined in G.S. 160A-243(c); provided that this section shall not apply to any service district in existence on January 1, 1977. (1977, c. 775, s. 4.)

**§§ 160A-545 through 160A-549. Reserved for future codification purposes.**

# City Council Public Hearing April 8, 2013

## Reauthorization of the Downtown Municipal Service District



City of  
*Fayetteville*  
North Carolina



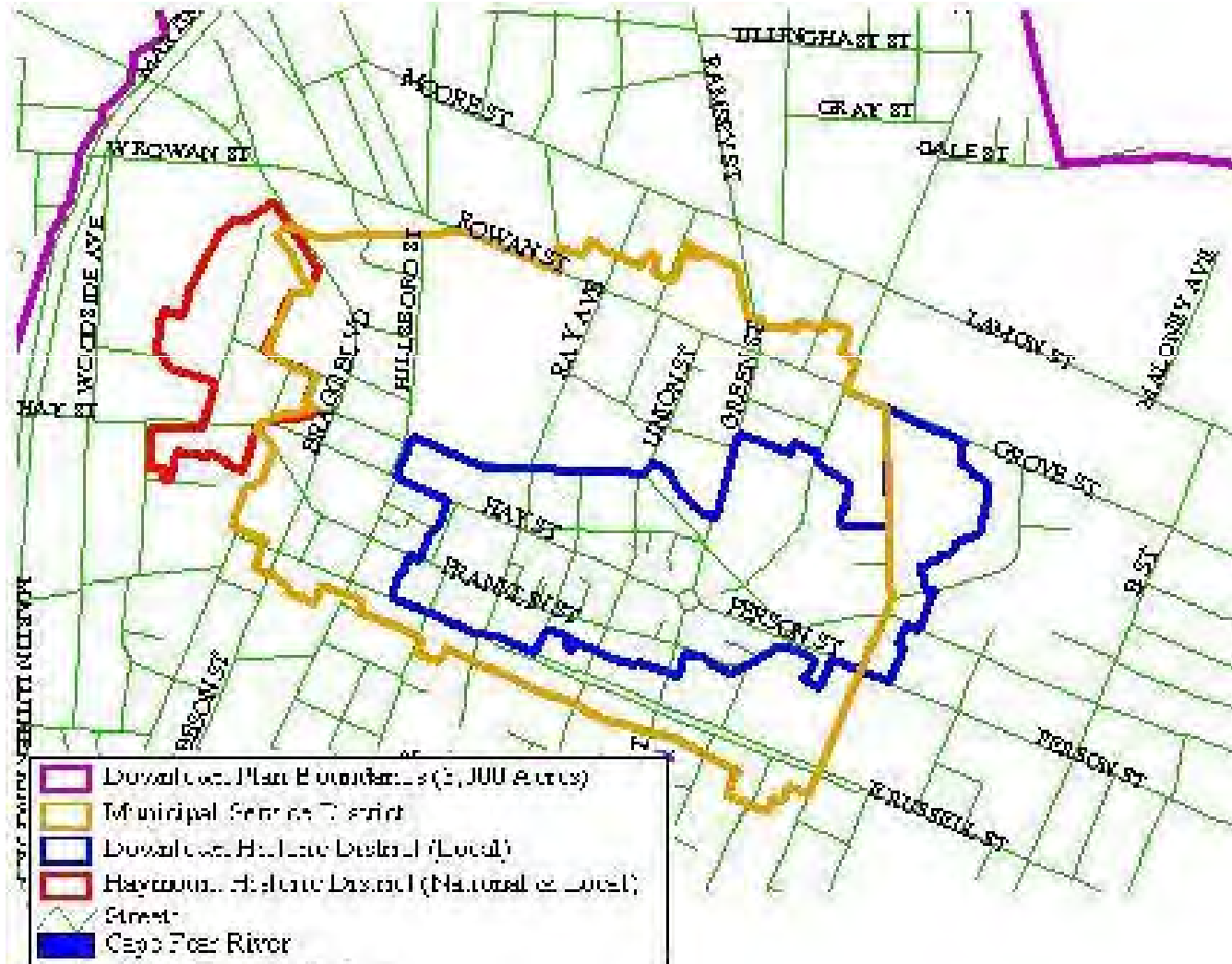


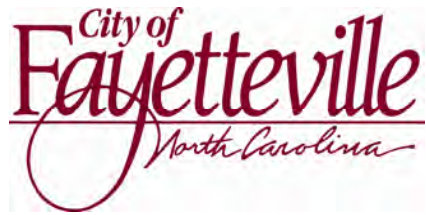
# Background



- **Municipal Services District:** A special taxing district created in 1978 under State legislation to help support services and projects not otherwise provided citywide.
- **District Expiration:** June 30, 2013
- **District Reauthorization:** by hearing and City Council resolution every five years
- **Budget:** managed separately, through the annual budget process
- **Update:** The map of taxed/untaxed property has been distributed as requested.

# District Boundaries





## Recommendation



Development Services Staff recommend that City Council move to:

Adopt the resolution reauthorizing the Downtown Municipal Services District, as presented by staff, for an additional five years, to June 30, 2018.



*City of*  
**Fayetteville**  
*North Carolina*

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## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council  
**FROM:** Bart Swanson, Housing and Code Enforcement Division Manager  
**DATE:** April 8, 2013  
**RE:** **Uninhabitable Structures Demolition Recommendations**  
**526 Durham Street**  
**111 Kensington Circle**  
**880 W. Orange Street**  
**717 Wilma Street**

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**THE QUESTION:**

Ordinances to demolish blighted structures.

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**BACKGROUND:**

**526 Durham Street**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on August 3, 2012. A hearing on the condition of the structure was conducted on August 30, 2012, in which the owner did not attend. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on August 31, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since November 2006. In the past 24 months there have been 3 calls for 911 service to the property. There have been 5 code violation cases with a pending assessment of \$430.95. The low bid for demolition is \$1,700.00.

**111 Kensington Circle**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on July 18, 2012. A hearing on the condition of the structure was conducted on August 29, 2012, in which the owners did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owners on August 30, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since September 2009. In the past 24 months there have been 7 calls for 911 service to the property. There have been 7 code violation cases with a pending assessment of \$163.78. The low bid for demolition is \$3,100.00.

**880 W. Orange Street**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on September 27, 2012. A hearing on the condition of the structure was conducted on October 24, 2012, which one of the owners attended. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owners on October 25, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since July 2011. In the past 24 months there have been no calls for 911 service to the property. There have been 5 code violation cases with pending assessments of \$372.57. The low bid for demolition is \$3,245.00.

**717 Wilma Street**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on October 11, 2012. The structure was the subject of a



fire in December 2007. A hearing on the condition of the property was conducted on November 14, 2012, which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on November 15, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since December 2007. In the past 24 months there have been 2 calls for 911 service to the property. There have been 4 code violation cases with a pending assessment of \$290.25. The low bid for demolition is \$1,645.00.

**ISSUES:**

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

**BUDGET IMPACT:**

The demolition of these structures will be \$9,690.00; there will be additional costs for asbestos testing and abatement if needed.

**OPTIONS:**

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

**RECOMMENDED ACTION:**

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

**ATTACHMENTS:**

Aerial Map-- 526 Durham Street

Docket-- 526 Durham Street

Ordinance-- 526 Durham Street

Photo 1- 526 Durham Street

Photo 2- 526 Durham Street

Photo 3- 526 Durham Street

Photo 4- 526 Durham Street

Aerial Map-- 111 Kensington Circle

Docket-- 111 Kensington Circle

Ordinance-- 111 Kensington Circle

Photo 1-- 111 Kensington Circle

Photo 2-- 111 Kensington Circle

Photo 3-- 111 Kensington Circle

Photo 4-- 111 Kensington Circle

Photo 5-- 111 Kensington Circle

Photo 6-- 111 Kensington Circle

Aerial Map- 880 W. Orange Street

Docket-- 880 W. Orange Street

Ordinance-- 880 W. Orange Street

Photo 1- 880 W. Orange Street

Photo 2-- 880 W. Orange Street

Photo 3-- 880 W. Orange Street

Photo 4- 880 W. Orange Street

Aerial Map-- 717 Wilma Street

Docket- 717 Wilma Street

Ordinance- 717 Wilma Street

Photo 1- 717 Wilma Street

Photo 2- 717 Wilma Street

Photo 3- 717 Wilma Street

Photo 4- 717 Wilma Street



Location: 526 Durham Street  
PIN: 0437-38-5157

TO: Mayor  
 City Council Members  
 City Manager  
 City Attorney

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

<b>Location</b>	<b>526 Durham Street</b>
<b>Property Owner(s)</b>	Christine Smith, Fayetteville, NC
<b>Date of Inspection</b>	August 3, 2012
<b>Date of Hearing</b>	August 30, 2012
<b>Finding/Facts of Scheduled Hearing</b>	Notice to repair/demolish the structure within 90 days mailed August 31, 2012.
<b>Owner's Response</b>	None
<b>Appeal Taken (Board of Appeals)</b>	No
<b>Other</b>	Utilities disconnected since November 2006.
<b>Police Calls for Service (past 2 yrs)</b>	3

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

This is the 8th day of April, 2013.

*Frank Lewis, Jr.*  
 \_\_\_\_\_  
 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

526 Durham Street  
PIN 0437-38-5157

BEGINNING at a stake in the eastern margin of Durham Street, at a point South 23 degrees 15 minutes East 197.5 feet from the southern margin of Jackson Street, said point being also the southwest corner of the lot conveyed to Ransom Newkirk by deed recorded in Book 431, Page 39, and running thence with the southern line of Newkirk's lot North 66 degrees 45 minutes East 75 feet to a stake; thence South 23 degrees 15 minutes East 34 feet to a stake; thence South 66 degrees 45 minutes West 75 feet to a stake in the eastern margin of Durham Street; thence with the eastern margin of Durham Street North 23 degrees 15 minutes West 34 feet to the BEGINNING.

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

Christine Smith  
3350 Davidson Drive  
Fayetteville, NC 28306

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before November 30, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.

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

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,700.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

#### SECTION 1

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

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

#### SECTION 2

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

#### SECTION 3

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

Adopted this \_\_\_8th\_\_\_ day of \_\_\_April\_\_\_, 2013.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony Chavonne, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk



**DANGER**

5  
2  
6



7-3-5-1





7-3-6-1





Location: 111 Kensington Circle  
PIN: 0438-53-8323

TO: Mayor  
 City Council Members  
 City Manager  
 City Attorney

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

<b>Location</b>	<b>111 Kensington Circle</b>
<b>Property Owner(s)</b>	Jacqueline M. Lucas, Rocky Mount, NC and Ursula McNeill, Powder Springs, GA.
<b>Date of Inspection</b>	July 18, 2012
<b>Date of Hearing</b>	August 29, 2012
<b>Finding/Facts of Scheduled Hearing</b>	Notice to repair/demolish the structure within 60 days mailed August 30, 2012.
<b>Owner's Response</b>	None
<b>Appeal Taken (Board of Appeals)</b>	No
<b>Other</b>	Utilities disconnected since November 2006.
	Hearing was advertised in Fayetteville Observer newspaper August 19, 2012.
<b>Police Calls for Service (past 2 yrs)</b>	7

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

This is the 8th day of April, 2013.

*Frank Lewis, Jr.*  
 \_\_\_\_\_  
 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

111 Kensington Circle  
PIN 0438-53-8323

Being all of Lot 24, in a subdivision known as REVISED MAP OF GREENWOOD SUBDIVISION, according to a plat of same duly recorded in Book of Plats 10, Page 47, Cumberland County Registry.

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

Jacqueline M. Lucas	Ursula L. McNeill
PO Box 9000	2725 Adams Landing Way
Rocky Mount, NC 27804	Powder Springs, GA 30127

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before October 30, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$3,100.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 8th day of April, 2013.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony Chavonne, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk



111

**DANGER**  
DO NOT ENTER  
UNSAFE AREA



7-3-12-1





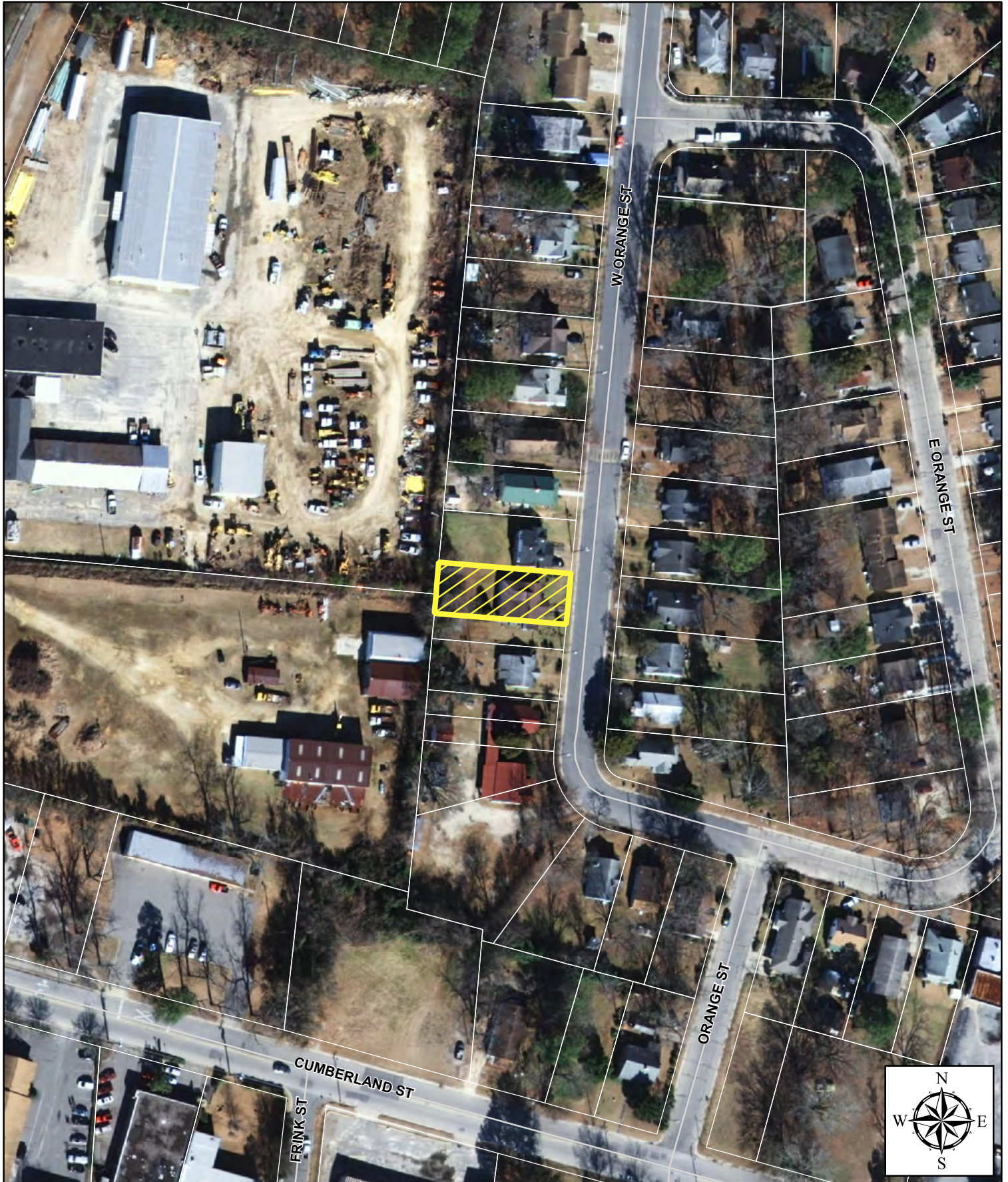


7-3-14-1





7-3-16-1



Location: 880 W. Orange Street  
PIN: 0437-59-3371

TO: Mayor  
 City Council Members  
 City Manager  
 City Attorney

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

<b>Location</b>	<b>880 W. Orange Street</b>
<b>Property Owner(s)</b>	Mary Baker Waite Heirs, Known and Unknown
<b>Date of Inspection</b>	September 27, 2012
<b>Date of Hearing</b>	October 24, 2012
<b>Finding/Facts of Scheduled Hearing</b>	Notice to repair/demolish the structure within 90 days mailed October 25, 2012.
<b>Owner's Response</b>	None
<b>Appeal Taken (Board of Appeals)</b>	No
<b>Other</b>	Utilities disconnected since July 2011.
	Hearing was advertised in Fayetteville Observer newspaper October, 2012.
<b>Police Calls for Service (past 2 yrs)</b>	0

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

This is the 8th day of April, 2013.

*Frank Lewis, Jr.*  
 \_\_\_\_\_  
 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

880 W. Orange Street  
PIN 0437-59-3371

Being all of Lots 129 and 130, in a subdivision known as PLEASANT VIEW PARK, according to a plat of the same duly recorded in Book of Plats 10, Page 76, Cumberland County Registry.

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

Unknown Heirs of Lena McMillan 880 W. Orange Street Fayetteville, NC 28304	Unknown Heirs of Mary Baker Waite 880 W. Orange Street Fayetteville, NC 28304
--	---

Unknown Heirs of Sadie Robinson 91 Grove View Terrace Fayetteville, NC 28301	Wesley T. McMillan 824A Quincy Street Brooklyn, NY 11221
--	--

Linda M. Hill 1159 Blankshire Road Fayetteville, NC 28314	Maggie M. McMillan 6575 Stillwater Drive Fayetteville, NC 28304	Agatha McMillan 131 Crestbrook Lane Parkton, NC 28371
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Jennings McMillan (Incompetent) c/o Rosalind M. McAllister, Guardian 668 Barton's Landing Place, Apt. 1 Fayetteville, NC 28314	Unknown Heirs of Alta Kamara 6575 Stillwater Drive Fayetteville, NC 28304
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James M. McMillan  
6575 Stillwater Drive  
Fayetteville, NC 28304

Rosalind McAllister  
668 Barton's Landing Place, Apt. 1  
Fayetteville, NC 28314

Georgette W. McMillan  
1583 Ireland Drive  
Fayetteville, NC 28304

Eric McMillan  
1583 Ireland Drive  
Fayetteville, NC 28304

Sean Jones  
615 Main Street, S.  
Mendenhall MS 39114

Unknown Heirs of Roscoe McMillan  
5305 Sierra Court  
Fayetteville, NC 28303

Otis F. McMillan  
4706 Dominion Road  
Fayetteville, NC 28306

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before January 25, 2013.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:  
  
None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$3,245.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this   8th   day of   April  , 2013.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony Chavonne, Mayor



ATTEST:

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Pamela Megill, City Clerk



**DANGER**

DO NOT ENTER



7-3-21-1







Location: 717 Wilma Street  
PIN: 0438-07-1174

TO: Mayor  
 City Council Members  
 City Manager  
 City Attorney

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

<b>Location</b>	<b>717 Wilma Street</b>
<b>Property Owner(s)</b>	Kenneth Lamont Clark Fayetteville, NC
<b>Date of Inspection</b>	October 11, 2012
<b>Date of Hearing</b>	November 14, 2012
<b>Finding/Facts of Scheduled Hearing</b>	Notice to repair/demolish the structure within 60 days mailed November 15, 2012.
<b>Owner's Response</b>	None
<b>Appeal Taken (Board of Appeals)</b>	No
<b>Other</b>	Utilities disconnected since December 2007.
	Hearing was advertised in Fayetteville Observer newspaper November, 2012.
<b>Police Calls for Service (past 2 yrs)</b>	2

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

This is the 8th day of April, 2013.

*Frank Lewis, Jr.*  
 \_\_\_\_\_  
 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

717 Wilma Street  
PIN 0438-07-1174

Being all of Lot No. 43, as shown on that certain Plat of a part of the Property of H.L. Dawson, which said plat was made by Sol Rose, C.E., and is duly registered in Plat Book 16, Page 63, in the Office of the Register of Deeds for Cumberland County, North Carolina.

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

Kenneth Lamont Clark  
PO Box 42411  
Fayetteville, NC 28309-2411

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before January 15, 2013.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.



- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,645.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 8th day of April, 2013.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony Chavonne, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk



**DANGER**

7-3-27-1





7 - 3 - 29 - 1



7 - 3 - 30 - 1

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Lee Jernigan, P.E., City Traffic Engineer  
**DATE:** April 8, 2013  
**RE:** **Amended Uniform Street and Thoroughfare Lighting Ordinance and Street Lighting Information**

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**THE QUESTION:**

Adopt an Amended Street and Thoroughfare Lighting Ordinance, Provide information on Thoroughfare and Residential Street Lighting and Provide information on upcoming PWC Lighting projects

**RELATIONSHIP TO STRATEGIC PLAN:**

Growing City, Livable Neighborhoods - Great Place to Live

**BACKGROUND:**

The Uniform Street and Thoroughfare Lighting Ordinance was adopted by Council in February 2010. This Ordinance covers Thoroughfare and Residential Street Lighting in the City.

**ISSUES:**

The current Ordinance was adopted when LED lighting was a relatively new technology for Street Lighting. Upon adoption of this amendment, the Ordinance will adhere to national standards for new street lighting and provide more technical specifications for LED lighting.

**BUDGET IMPACT:**

Adoption of this Ordinance amendment will not have an impact on the budget. The current Ordinance requires the City to pay for thoroughfare lighting.

**OPTIONS:**

- Adopt the Amended Ordinance
- Reject the Amended Ordinance
- Reject the Amended Ordinance and request additional study

**RECOMMENDED ACTION:**

Staff recommends Council move to adopt the Amended Uniform Street and Thoroughfare Lighting Ordinance

**ATTACHMENTS:**

Street light Council Presentation  
Amended Street light Ordinance with revisions  
Amended Street light Ordinance

# Uniform Street and Thoroughfare Lighting Ordinance



City of  
*Fayetteville*  
North Carolina





# Current Ordinance



- Adopt Amended Uniform Street and Thoroughfare Lighting Ordinance
- Provide Information on Thoroughfare and Residential Lighting
- Provide information on upcoming PWC projects





# Current Ordinance



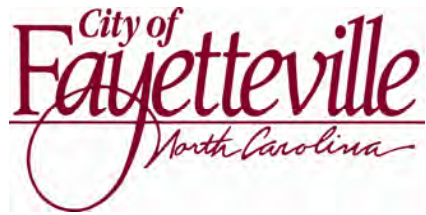
- Feb 2010 – Council adopted Uniform Street and Thoroughfare Lighting Ordinance
- Ordinance covers Standards for Residential and Thoroughfare lighting
- Ordinance allows High Pressure Sodium lights or LED lights
- Additional requirements necessary for LED lights and to meet national standards



# Amended Ordinance



- Amend current Lighting Ordinance
- Including updated LED light information
  - LED technology was new when previous Ordinance was adopted
  - LED lights are becoming the preferred lighting source
  - Amended Ordinance adheres to national standards
- Upcoming PWC projects – PWC Presentation



# Lighting Information



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## **Thoroughfare Lighting**

**and**

## **Residential Lighting**



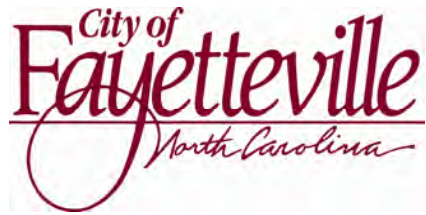
# Lighting Information



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## Thoroughfare Lighting

- Additional locations identified by City
- Provider provides installation and monthly service estimate
- Must meet NCDOT Standards
- **City** pays all installation and monthly service costs



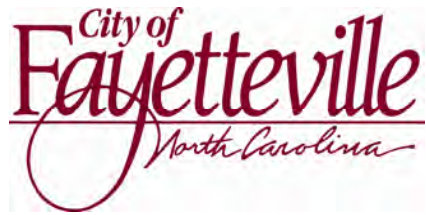
# Lighting Information



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## Residential Lighting

- City investigates requests for additional street lights
- Provider provides installation and monthly service estimate
- 2 Providers (South River, Lumbee River EMC require neighborhood petitions prior to installation)



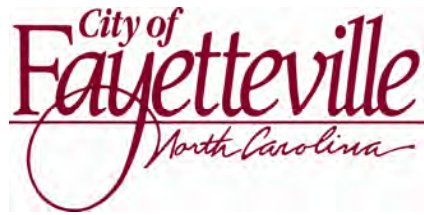
# Lighting Information



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## Residential Lighting

- Residents pay all installation and service costs in providers' monthly bills



# Lighting Information



## LED Streetlight Pilot Project

- Small-Scale Test of City-wide Conversion to LED
- Multi-Year Project to Upgrade All Areas
- Longer Life of LEDs vs. Existing Lights
- Use Less Energy – Reduces Power Cost
- Renewables Requirement Yields Local Benefit



# Lighting Information



## LED Streetlight Pilot Project

- Project Objective: Solicit Input from Stakeholders
- Project Scope: Nine Neighborhoods
- Project Schedule: Complete September, 2013





# Lighting Information

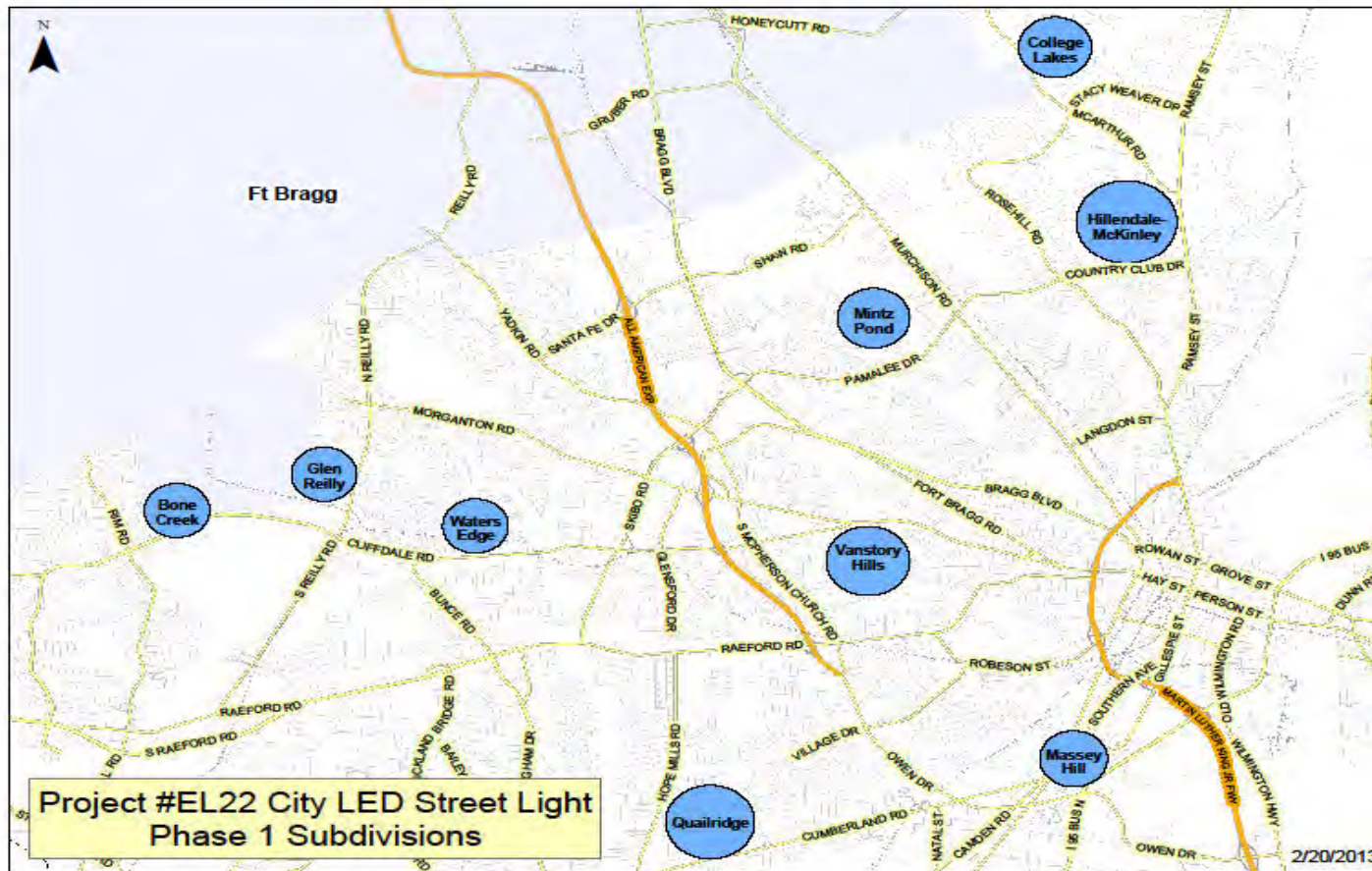


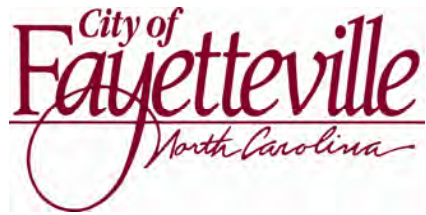
## LED Streetlight Pilot Project

- Stakeholders: Customers, Police/Fire, PWC, Council; Input Received via Phone, E-mail, Door Hangers
- Schedule: Stakeholder Communication – February through August, 2013; Installation Complete – June, 2013; Review Complete – September, 2013
- Scope: Areas Identified Jointly by PWC and City Engineering; Areas Lit to Old Standards; Encompass All Council Districts



## LED Streetlighting Pilot Project





# Lighting Ordinance



**Adopt**

**Amended**

**Uniform Street and Thoroughfare Lighting  
Ordinance**



# Lighting Ordinance

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# QUESTIONS



*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.

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PART II - CODE OF ORDINANCES  
Chapter 24 - STREETS AND SIDEWALKS

ARTICLE X. - UNIFORM STREET AND THOROUGHFARE LIGHTING ORDINANCE

**ARTICLE X. - UNIFORM STREET AND THOROUGHFARE LIGHTING ORDINANCE**

[Sec. 24-341. - Purpose.](#)

[Sec. 24-342. - Coverage.](#)

[Sec. 24-343. - Responsibility.](#)

[Sec. 24-344. - Billing for street lights.](#)

[Sec. 24-345. - Standards for street lighting.](#)

[Sec. 24-346. - Standards for residential street lighting.](#)

[Sec. 24-347. - Standards for thoroughfare street lighting.](#)

[Sec. 24-348. - Request for additional street lighting.](#)

[Sec. 24-349. - Effective date.](#)

**Sec. 24-341. - Purpose.**

- (a) The purpose of this article is to establish standards for the installation of street lighting along public streets in the City of Fayetteville, North Carolina. This ordinance provides methods to address the concerns of uniformity, standardization, and safety of facilities that were installed prior to adoption of this ordinance; and outlines the standards for all electrical utility providers serving the city after the adoption of this ordinance. Standards are based on guidelines set by the Illuminating Engineering Society of North America, (IESNA) and the American National Standards Practice (ANSI) for street lighting, publication RP-8-00, or the most current approved edition thereof (henceforth referred to as RP-8-00).
- (b) The primary objectives of this article are to:
  - (1) Enhance traffic and pedestrian safety along public streets and roadways within the city limits.
  - (2) Provide a more secure environment for the citizens of Fayetteville.
- (c) It is not the objective of this article to illuminate private property.

(Ord. No. S2010-001A, 2-22-2010)

**Sec. 24-342. - Coverage.**

This article shall apply to all travel ways of public streets within the municipal limits of the City of Fayetteville and any travel ways of public streets annexed in the future.

(Ord. No. S2010-001A, 2-22-2010)

**Sec. 24-343. - Responsibility.**

The Engineering and Infrastructure Director (henceforth referred to as the Director) or his designee, shall be responsible for executing the street lighting program and ordinance. Street lighting designs shall be submitted to the Engineering and Infrastructure Department for review and approval prior to installation.

PART II - CODE OF ORDINANCES  
Chapter 24 - STREETS AND SIDEWALKS

ARTICLE X. - UNIFORM STREET AND THOROUGHFARE LIGHTING ORDINANCE

(Ord. No. S2010-001A, 2-22-2010)

**Sec. 24-344. - Billing for street lights.**

Residents in residential developments with street lighting shall directly pay the utility for the lighting service under utility tariffs applicable to such service through their individual residential electric service accounts. The city shall pay for street lighting service for thoroughfares or other areas that fail to meet the availability requirement of utility tariffs.

(Ord. No. S2010-001A, 2-22-2010; Ord. No. S2011-004, § 1, 4-26-2011)

**Sec. 24-345. – Standards for street lighting.**

- (a) Designs should be performed in accordance with RP-8-00 or the most current approved edition.
- (b) Street light fixtures with full cut-off optics are the only approved fixture type (IESNA Type II, Type III, Type IV, or Type V), unless otherwise as approved by the Director.
- (c) Street light fixtures shall be gray, silver, black, or alternate as approved by the Director.
- (d) Street light poles shall be wood, fiberglass, or alternate as approved by the Director.
- (e) Light Emitting Diodes (LEDs) are the preferred source for streetlighting.
- (f) LEDs shall have a nominal CCT (correlated color temperature) of 4000°K (+/-300°K), or alternate as approved by the Director.
- (g) LED fixtures shall have a maximum BUG (backlight/uplight/glare) rating of 2-0-2, as defined in the IESNA Luminaire Classification System per IESNA LM-63, or alternate as approved by the Director.
- (h) Consistent uniformity ratios and intensity levels are recommended. The design criteria shall be initiated from the major thoroughfare at all intersections, and if applicable, applied to the entire cul-de-sac, unless otherwise warranted.

**Sec. 24-346.- Standards for residential street lighting.**

- (a) When street lighting is installed on newly constructed residential streets and/or existing residential streets that were unlit prior to the adoption of this ordinance, the light design should conform to RP-8-00.
- (b) Residential street lighting existing prior to adoption of this ordinance, should have an average pole spacing of 170-220 linear feet along property lines, and high pressure sodium (HPS) light source or other alternate as approved by the Director.
- (c) Mounting height of allstreet light fixtures should be uniform, wherever possible. If additional street light fixtures are added, the mounting height should match the existing street light fixtures, as field conditions permit.
- (d) Street lighting within all new subdivisions shall be installed on fiberglass poles or an alternate approved type when the subdivision is served by underground distribution lines. If additional lights are installed in existing subdivisions, pole uniformity shall be maintained unless otherwise approved bytheDirector.

PART II - CODE OF ORDINANCES  
Chapter 24 - STREETS AND SIDEWALKS

ARTICLE X. - UNIFORM STREET AND THOROUGHFARE LIGHTING ORDINANCE

(Ord. No. S2010-001A, 2-22-2010)

**Sec. 24-347. - Standards for thoroughfare street lighting.**

- (a) Each utility provider shall be responsible for obtaining a "street lighting encroachment and/or facilities encroachment agreement" from the North Carolina Department of Transportation (NCDOT) prior to installing any street lights within a NCDOT right-of-way.
- (b) Fiberglass or breakaway fiberglass pole materials may be specified by NCDOT due to pole placement within clear recovery zones.
- (c) NCDOT shall approve street lighting designs for all NCDOT-maintained streets. This approval is required prior to the City reviewing the design.
- (d) When street lighting is installed on newly constructed City-owned thoroughfares and/or existing City-owned thoroughfares that were unlit prior to adoption of this ordinance, the street light design should conform to RP-8-00.
- (e) Thoroughfare street lighting existing prior to adoption of this ordinance should have an average pole spacing of 180-240 linear feet along property lines, and high pressure sodium (HPS) light source or alternate as approved by the Director.
- (f) In areas served by overhead electrical distribution lines, street lighting will be installed on existing wooden poles. If additional lights are installed on existing thoroughfares, pole uniformity shall be maintained, unless otherwise approved by the Director.

(Ord. No. S2010-001A, 2-22-2010)

**Sec. 24-348. - Request for additional street lighting.**

- (a) Requests for additional street lighting shall be submitted to the City of Fayetteville through the office of the Director to address concerns of uniformity, standardization and safety. These requests will then be forwarded to the electrical provider for that service area. Each request will be considered in accordance with the standards established herein and any special conditions of merit such as pedestrian activity, traffic volumes, accident history, crime rate (supported by crime data from the police department), vertical and horizontal street alignment, natural features and hazardous traffic conditions.
- (b) Requests for street lighting shall be evaluated within 60 days from the date in which the request is received by the electrical provider. Approved requests may either be implemented using current funds, if available, or included in the proposed budget for a forthcoming year.
- (c) All street lights to be installed inside the city limits must be either requested or approved by the Director. This requirement does not apply to the requests for area lights that are not intended to light a street.

(Ord. No. S2010-001A, 2-22-2010)



PART II - CODE OF ORDINANCES  
Chapter 24 - STREETS AND SIDEWALKS

ARTICLE X. - UNIFORM STREET AND THOROUGHFARE LIGHTING ORDINANCE

**Sec. 24-349. - Effective date.**

This article shall become effective upon adoption by City Council.

(Ord. No. S2010-001A, 2-22-2010)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 24, ARTICLE X, UNIFORM STREET AND THOROUGHFARE LIGHTING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

**BE IT ORDAINED**, by the City Council of the City of Fayetteville, North Carolina, that the Uniform Street and Thoroughfare Lighting Ordinance adopted February 22, 2010, with Section 24-344 amended April 26, 2011, be amended as follows:

**Section 1. Amend Section 24-341 PURPOSE to modify item (a) as follows:**

- (a) The purpose of this article is to establish standards for the installation of street lighting along public streets in the City of Fayetteville, North Carolina. This ordinance provides methods to address the concerns of uniformity, standardization, and safety of facilities that were installed prior to adoption of this ordinance; and outlines the standards for all electrical utility providers serving the city after the adoption of this ordinance. Standards are based on guidelines set by the Illuminating Engineering Society of North America, (IESNA) and the American National Standards Practice (ANSI) for street lighting, publication RP-8-00, or the most current approved edition thereof (henceforth referred to as RP-8-00).

**Section 2. Amend Section 24-342 COVERAGE to modify as follows:**

This article shall apply to all travel ways of public streets within the municipal limits of the City of Fayetteville and any travel ways of public streets annexed in the future.

**Section 3. Amend Section 24-343 RESPONSIBILITY to modify as follows:**

The Engineering and Infrastructure Director (henceforth referred to as the Director) or his designee, shall be responsible for executing the street lighting program and ordinance. Street lighting designs shall be submitted to the Engineering and Infrastructure Department for review and approval prior to installation.

**Section 4. Amend Section 24-344 BILLING FOR STREET LIGHTS to modify as follows:**

Residents in residential developments with street lighting shall directly pay the utility for the lighting service under utility tariffs applicable to such service through their individual residential electric service accounts. The city shall pay for street lighting service for thoroughfares or other areas that fail to meet the availability requirement of utility tariffs.

**Section 5. Amend existing Section 24-345 STANDARDS FOR RESIDENTIAL STREET LIGHTING to Section 24-345 STANDARDS FOR STREET LIGHTING and modify as follows:**

- (a) Designs should be performed in accordance with RP-8-00 or the most current approved edition.
- (b) Street light fixtures with full cut-off optics are the only approved fixture type (IESNA Type II, Type III, Type IV, or Type V), unless otherwise as approved by the Director.
- (c) Street light fixtures shall be gray, silver, black, or alternate as approved by the Director.
- (d) Street light poles shall be wood, fiberglass, or alternate as approved by the Director.
- (e) Light Emitting Diodes (LEDs) are the preferred source for street lighting.
- (f) LEDs shall have a nominal CCT (correlated color temperature) of 4000°K (+/- 300°K), or alternate as approved by the Director.
- (g) LED fixtures shall have a maximum BUG (backlight/uplight/glare) rating of 2-0-2, as defined in the IESNA Luminaire Classification System per IESNA LM-63, or alternate as approved by the Director.
- (h) Consistent uniformity ratios and intensity levels are recommended. The design criteria shall be initiated from the major thoroughfare at all intersections, and if applicable, applied to the entire cul-de-sac, unless otherwise warranted.

**Section 6. Amend existing Section 24-346 STANDARDS FOR THOROUGHFARE STREET LIGHTING to Section 24-346 STANDARDS FOR RESIDENTIAL STREET LIGHTING and modify as follows:**

- (a) When street lighting is installed on newly constructed residential streets and/or existing residential streets that were unlit prior to the adoption of this ordinance, the light design should conform to RP-8-00.
- (b) Residential street lighting existing prior to adoption of this ordinance, should have an average pole spacing of 170-220 linear feet along property lines, and high pressure sodium (HPS) light source or other alternate as approved by the Director.
- (c) Mounting height of all street light fixtures should be uniform, wherever possible. If additional street light fixtures are added, the mounting height should match the existing street light fixtures, as field conditions permit.
- (d) Street lighting within all new subdivisions shall be installed on fiberglass poles or an alternate approved type when the subdivision is served by underground distribution lines. If additional lights are installed in existing subdivisions, pole uniformity shall be maintained unless otherwise approved by the Director.

**Section 7. Amend existing Section 24-347 REQUEST FOR NEW OR ADDITIONAL STREET LIGHTING to Section 24-347 STANDARDS FOR THOROUGHFARE STREET LIGHTING and modify as follows:**

- (a) Each utility provider shall be responsible for obtaining a "street lighting encroachment and/or facilities encroachment agreement" from the North Carolina Department of Transportation (NCDOT) prior to installing any street lights within a NCDOT right-of-way.
- (b) Fiberglass or breakaway fiberglass pole materials may be specified by NCDOT due to pole placement within clear recovery zones.
- (c) NCDOT shall approve street lighting designs for all NCDOT-maintained streets. This approval is required prior to the City reviewing the design.
- (d) When street lighting is installed on newly constructed City-owned thoroughfares and/or existing City-owned thoroughfares that were unlit prior to adoption of this ordinance, the street light design should conform to RP-8-00.
- (e) Thoroughfare street lighting existing prior to adoption of this ordinance should have an average pole spacing of 180-240 linear feet along property lines, and high pressure sodium (HPS) light source or alternate as approved by the Director.
- (f) In areas served by overhead electrical distribution lines, street lighting will be installed on existing wooden poles. If additional lights are installed on existing thoroughfares, pole uniformity shall be maintained, unless otherwise approved by the Director.

**Section 8. Amend existing Section 24-348 EFFECTIVE DATE to Section 24-348 REQUEST FOR ADDITIONAL STREET LIGHTING and modify as follows:**

- (a) Requests for additional street lighting shall be submitted to the City of Fayetteville through the office of the Director to address concerns of uniformity, standardization and safety. These requests will then be forwarded to the electrical provider for that service area. Each request will be considered in accordance with the standards established herein and any special conditions of merit such as pedestrian activity, traffic volumes, accident history, crime rate (supported by crime data from the police department), vertical and horizontal street alignment, natural features and hazardous traffic conditions.
- (b) Requests for street lighting shall be evaluated within 60 days from the date in which the request is received by the electrical provider. Approved requests may either be implemented using current funds, if available, or included in the proposed budget for a forthcoming year.
- (c) All street lights to be installed inside the city limits must be either requested or approved by the Director. This requirement does not apply to the requests for area lights that are not intended to light a street.

**Section 9. Amend Chapter 24 ARTICLE X. – UNIFORM STREET AND THOROUGHFARE LIGHTING ORDINANCE to add Section 24-349 EFFECTIVE DATE as follows:**

**Section 24-349. – Effective Date.**

This article shall become effective upon adoption by City Council.

**Section 10. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.**

Adopted this \_\_\_\_\_ day of April, 2013.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
ANTHONY G. CHAVONNE, Mayor

ATTEST:

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