



**FAYETTEVILLE CITY COUNCIL  
AGENDA  
NOVEMBER 23, 2009  
7:00 P.M.  
City Hall 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 ANNOUNCEMENTS AND RECOGNITIONS**

**5.1 Recognition of City Council Member Charles E. Evans by the City**

**6.0 CONSENT**

**6.1 Approve Minutes :**

- City Council Work Session Meeting Held on October 5, 2009
- City Council Meeting Held on October 12, 2009
- City Council Work Session Meeting Held on November 2, 2009
- Appointment Committee Meeting Held on November 4, 2009
- Dinner & Discussion Meeting Held on November 9, 2009
- City Council Meeting Held on November 9, 2009

**6.2 City Manager - Statement of Support for the Guard and Reserve**

**6.3 City Attorney/Real Estate Division - Adopt a Resolution Declaring Real Property Owned Jointly with Cumberland County Surplus and Authorizing a Quitclaim of the City's Title to the County in Order to Expedite Sale of the Land by Cumberland County**

**6.4 City Clerk - Accept the Certification of Results from the Cumberland County Board of Elections for the November 3, 2009 Municipal Election**

**6.5 Finance - Capital Project Ordinance Closeout 2010-1 (FY2007 Annual Street Resurfacing Contract)**

- 6.6 Finance - Capital Project Ordinance Closeout 2010-2 (Gillespie Streetscape Project)**
- 6.7 Finance - Capital Project Ordinance Partial Closeout 2010-3 (Sidewalks and Related Improvements)**
- 6.8 Finance - Capital Project Ordinance Closeout 2010-4 (Festival Park/Complementary Projects)**
- 6.9 Finance - Budget Ordinance Amendment 2010-4 (General Fund and Risk Management Fund)**
- 6.10 Finance - Capital Project Ordinance Closeout 2010-5 (Westover Recreation Center and Festival Park Projects)**
- 6.11 Finance - Special Revenue Fund Project Ordinance 2010-12 (FY2010 Operation Ceasefire Program)**
- 6.12 Finance - Special Revenue Fund Project Ordinance 2010-13 (Energy Efficiency and Conservation Block Grant - Phase I)**
- 6.13 Finance - Capital Project Ordinance 2010-14 (Skye Drive Drainage Improvement Project)**
- 6.14 Finance - Capital Project Ordinance Amendment 2010-19 (Ramsey Street Transportation Improvement Project)**
- 6.15 Finance - Capital Project Ordinance Amendment 2010-20 (CPO 2010-2 Computer Replacement Project)**
- 6.16 Finance - Integrated Cashiering and Payment Management System - Phase 2**
- 6.17 Finance - Resolution Designating a Recovery Zone for the Purpose of the American Recovery and Reinvestment Act**
- 6.18 Finance - Tax Refunds of Greater Than \$100**
- 6.19 Planning - Sign Permit: "Feed My Sheep Thanksgiving Dinner"**

**6.20 Planning - Case No. P09-33F: Consider the rezoning from R10 Residential District to the zoning classification of C1 instead of the original request for C3 Commercial District for property located at 1512 Hope Mills Road. Containing 1.07 acres more or less and being the property of Charles & Ida Donaldson. [The C1 zoning was acceptable to the applicant and recommended by the Zoning Commission.]**

**6.21 Planning - Case No. P09-35F: The rezoning from C1P Commercial District to R5/CZ Residential Conditional Zoning District for an apartment complex on property located at 5951 Cliffdale Road. Containing 11.21 acres more or less and being the property of Tart and Tart Inc.**

**6.22 PWC - Bid Recommendation - Underground Primary Power Cable**

## **7.0 PUBLIC HEARINGS**

**7.1 Planning - Case No. P09-34F: The rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification for property located at 107 Woodside Ave. containing 0.25 acres more or less and being the property of Christopher Ketchman / Mason Ketchman Investments. This case is an appeal of a Zoning Commission Denial.**

Presented By: Craig Harmon, Planner II

**7.2 Planning - Case No. P09-27F. The rezoning from R10 Residential District to R6 Residential District for property located West of All American Expressway and North of the intersection with Santa Fe Dr. Containing 84.82 acres more or less and being the property of John and wife Margarete Koenig.**

Presented By: Craig Harmon, Planner II

**7.3 Planning - Case No. P09-36F: The rezoning from R6 Residential District to R5/CZ Residential Conditional Zoning District for townhomes on properties located at 108, 110, 202 and 204 Pinecrest Drive. Containing 0.7 acres more or less and being the property of Thomas L. Bradford dba Pear Tree Properties LLC and Island Time Pizza LLC.**

Presented By: Craig Harmon, Planner II

**7.4 Planning - Case No. P09-37F. Consideration of an application by Lance King for a Special Use Permit to allow for business parking (parking lot) in an R6 Residential District for property located at 2609 Pecan Dr. and 409 & 411 McPherson Ave.. Containing 0.65 acres more or less and being the property of Allison Properties Inc.**

Presented By: Craig Harmon, Planner II

## **8.0 OTHER ITEMS OF BUSINESS**

### **8.1 Finance - Presentation of the Audited FY2008-2009 Comprehensive Annual Financial Report**

Presented By: Michele Thompson, Cherry, Bekaert and Holland

## **9.0 ADMINISTRATIVE REPORTS**

### **9.1 City Clerk - Monthly Statement of Taxes for October 2009**

## **10.0 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  
NOVEMBER 23, 2009 - 7:00 PM  
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED  
NOVEMBER 25, 2009 - 10:00 PM  
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. Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in the City program service, or activity, should contact the office of Ron McElrath, Acting ADA Coordinator, at [rmcelrath@ci.fay.nc.us](mailto:rmcelrath@ci.fay.nc.us), 910-433-1605 or 910-433-1696 or the City Clerk at [cityclerk@ci.fay.nc.us](mailto:cityclerk@ci.fay.nc.us), or 910-433-1989, as soon as possible but no later than 48 hours before the scheduled event.*

<b>CITY COUNCIL ACTION MEMO</b>
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**TO:** Mayor and Members of City Council  
**FROM:** Rita Perry, City Clerk  
**DATE:** November 23, 2009  
**RE:** **Approve Minutes :**  
- City Council Work Session Meeting Held on October 5, 2009  
- City Council Meeting Held on October 12, 2009  
- City Council Work Session Meeting Held on November 2, 2009  
- Appointment Committee Meeting Held on November 4, 2009  
- Dinner & Discussion Meeting Held on November 9, 2009  
- City Council Meeting Held on November 9, 2009

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**THE QUESTION:**

Does 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 meeting(s) on the referenced date(s) during which they considered items of business as presented in the draft minutes.

**ISSUES:**

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 referenced draft minutes as presented.

**ATTACHMENTS:**

CC Work Session Minutes - October 5, 2009  
CC Regular Meeting Minutes - October 12, 2009  
CC Work Session Meeting Minutes - November 2, 2009  
CC Appointment Meeting Minutes - November 4, 2009  
CC Dinner & Discussion Meeting Minutes - November 9, 2009

# DRAFT

FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
CITY HALL COUNCIL CHAMBER  
OCTOBER 5, 2009  
5:00 P.M.

Present: Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Council Member Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Mayor Anthony G. Chavonne

Others Present: Dale E. Iman, City Manager  
Kristoff Bauer, Assistant City Manager  
Doug Hewett, Assistant City Manager  
Karen M. McDonald, City Attorney  
Harvey W. Raynor, III, Interim County Attorney  
Scottie Harris, County Animal Services Director  
Matthew Dow, Police Department  
Tom Bergamine, Chief of Police  
Rob Anderson, Chief Development Officer  
Rusty Thompson, City Traffic Engineer  
Jerry Dietzen, Director of Environmental Services  
Craig Hampton, Planner II  
Jackie Tuckey, Communications Manager/Public Information Officer  
Rita Perry, City Clerk  
Members of the Press

## CALL TO ORDER

Mayor Chavonne called the meeting to order at 5:00 p.m.

## INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Haire provided the invocation followed by the Pledge of Allegiance to the American Flag.

### 1. APPROVAL OF AGENDA

MOTION: Council Member Mohn moved to approve the agenda with the addendum of Item 8, closed session for (1) consultation with the attorney and (2) discussion of litigation in the matter of *King v. City of Fayetteville*.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

### 2. CONSIDER ADOPTION OF AN ORDINANCE PROHIBITING THE TETHERING OF DOGS

Mrs. Karen McDonald, City Attorney, introduced Mr. Scottie Harris, County Animal Services Director. Mr. Harris provided an overview of the County implemented ordinance history and requirements.

Discussion ensued regarding affordability of fencing, potential allowance for runner line systems, enforcement and regarding holding a public hearing.

MOTION: Council Member Haire moved to direct staff to revise the ordinance to allow runner line systems.

SECOND: Council Member Mohn

Mrs. Karen McDonald, City Attorney, suggested if Council was going to hold a public hearing, the public hearing be held and then staff be directed to make changes.



# DRAFT

## FRIENDLY AMENDMENT:

Council Member Crisp requested to made a friendly amendment to set a public hearing to obtain citizen input on the present proposed ordinance prior to directing to make changes.

ACCEPTED: Council Members Haire and Mohn

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Evans)

MOTION: Council Member Crisp moved to excuse Council Member Evans from the remainder of the meeting.

SECOND: Council Member Applewhite

VOTE: UNANIMOUS (8-0)

## 3. CONSIDER PROPOSED ORDINANCE REVISIONS TO ARTICLE VII, WRECKER & TOW SERVICE

Sergeant Matthew Dow, Police Department, provided a summary of the proposed ordinance revisions. He summarized the software's benefits and capabilities, which consisted of automatic electronic notification to vehicle owners upon towing and electronic tracking of towed vehicles, which would be accessed on the internet. He stated the automation features would eliminate the necessity for manual input of towing affidavits. He presented photographs illustrating the locations of several wrecker service facilities and the lack of a business office thereby demonstrating the necessity of the ordinance revision.

Council Member Bates questioned the connection of the ordinance revision and the City purchasing the software. Sergeant Dow explained the software was of no cost to the City since the fee of \$10.00 would be assessed to the vehicle owner (\$7.00 - software; \$3.00 - towing service for participation) and that with software could locate towed vehicles at anytime.

Council Member Bates inquired whether the wrecker services had to purchase the software and would they be dropped for failing to use the service. Sergeant Dow answered in the negative to the foremost question stating there would be no cost for the software and in the affirmative to the latter. He stated wrecker services would have 12 months to comply with the ordinance.

A question and answer period ensued.

MOTION: Council Member Applewhite moved to set a public hearing.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (8-0)

## 4. APPLICATION FOR PROPERTY TAX GRANTBACK PROGRAM - 215 WILLIAMS STREET COMMERCIAL PROPERTY RENOVATION

Mr. Rob Anderson, Chief Development Officer, summarized the history of this request and subsequent location amendment. He stated the request met the criteria for the Tax Grantback Program; however, the applicant failed to apply prior to obtaining a building permit, which was a program requirement, because the applicant was not aware the program existed.

Discussion ensued regarding the ramification of making exceptions to the program's requirements.

MOTION: Council Member Applewhite moved to direct staff to report to the applicant the basic requirements of the program must be followed and no further action would be taken by the City on this project.

SECOND: Council Member Bates



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VOTE: DID NOT PASS by a vote of 4 in favor (Council Members Applewhite, Bates, Massey and Meredith) to 4 in opposition (Council Members Crisp, Evans, Hurst and Mohn)

## 5. CORN TRAIN UPDATE

Mr. Rusty Thompson, City Traffic Engineer, provided an overview regarding the future train to transport corn, which would travel through Fayetteville to the ethanol plant being built in Hoke County and the efforts to minimize the impact on the City.

A Question and answer period ensued.

## 6. UPDATE ON STATE REGULATIONS REGARDING DISPOSAL BANS IN LANDFILLS

Mr. Jerry Dietzen, Environmental Services Director, provided an outline of the State regulations regarding solid waste disposal bans in landfills. He briefed Council on disposal bans effective as of October 1, 2009; pending bans that would be effective January 1, 2011; and procedures implemented to ensure the City would be in compliance.

A Question and answer period ensued.

## 7. NC VETERAN'S PARK BID UPDATE

Mr. Craig Hampton, Special Projects Director, provided a chronological summary on the progress of the project, which included proposed designs, programs, activities, public reviews and the bidding process.

A Brief discussion ensued.

## 8. COUNCIL MEMBER REQUESTS

### A. DOWNTOWN PARKING FOR BUSINESS OWNERS AND THEIR EMPLOYEES

Council Member Evans requested to direct staff to research downtown parking solutions to address issues related to the cost to business owners for either paying for employee parking or paying for their parking tickets.

Discussion ensued.

Council Member Evans requested a formal Council vote.

MOTION: Council Member Evans moved to direct staff to research downtown parking solutions for business owners and their employees and to provide Council with recommendations.

VOTE: PASSED by a vote of 5 in favor (Council Members Crisp, Evans, Hurst, Massey and Mohn) to 3 in opposition (Council Members Applewhite, Bates and Meredith)

### B. CONSIDER REVISING THE CITY'S (2001) RESIDENTIAL TRAFFIC MANAGEMENT PROGRAM

Council Member Mohn requested to direct staff to revise the City's (2001) Residential Traffic Management Program for the following reasons:

- Eliminate the 75% and 100% petition signature requirement for multi-way stop sign requests on residential collector streets...IF...the request is from an active Community Watch Group (CWG)...AND...if the City's Traffic Study finds the intersection qualifies for a multi-way stop. Should Council not want to make this revision, then I request a reduction of the petition signature requirement from 75% to 51% and eliminate the 100% requirement from the household(s) immediately adjacent to the proposed improvement.

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- One household (person) should not be able to stop the neighborhood traffic safety improvement if the CWG or majority of residents (51%) wants it AND the traffic study says the area qualifies for a multi-way stop.

Following discussion, consensus of Council was to direct staff to revise the ordinance to address the concerns and comments expressed by Council.

9. Closed session for (1) consultation with the attorney and (2) discussion of litigation in the matter of *King v. City of Fayetteville*.

MOTION: Mayor Pro Tem Meredith moved to go into closed session for (1) consultation with the attorney and (2) discussion of litigation in the matter of *King v. City of Fayetteville*.  
SECOND: Council Member Bates  
VOTE: UNANIMOUS (8-0)

The regular session recessed at 8:40 p.m. The regular session reconvened at 8:54 p.m.

MOTION: Council Member Bates moved to reconvene into open session.  
SECOND: Council Member Mohn  
VOTE: UNANIMOUS (8-0)

There being no further business, the meeting adjourned at 8:55 p.m.

Respectfully submitted,

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RITA PERRY  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor



# DRAFT

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
LAKE RIM RECREATION CENTER  
OCTOBER 12, 2009  
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2 - arrival time 7:08 p.m.); Robert A. Massey, Jr. (District 3 - arrival time 7:26 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8)

Absent: Council Members William J. L. Crisp (District 6); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager  
Doug Hewett, Assistant City Manager  
Kristoff Bauer, Assistant City Manager  
Karen M. McDonald, City Attorney  
Jerry Dietzen, Environmental Services Director  
Liz Burdock, Green Works Partner, LLC  
Jackie Tuckey, Communications Manager/Public Information Officer  
Nathan Walls, Public Information Specialist  
Rita Perry, City Clerk  
Members of the Press

## INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Dr. Allen S. McLauchlin, New Life Bible Church, followed by the Pledge of Allegiance to the American Flag.

## 1. APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.  
SECOND: Council Member Bates  
VOTE: UNANIMOUS (7-0)

## 2. PUBLIC FORUM:

### A. Announcements and Recognition

Mayor Chavonne and Council Member Hurst, on behalf of the City Council and City of Fayetteville, presented a proclamation to Mr. Hank Debnam, Cumberland County Mental Health, proclaiming the month of October 2009 to be Disability Awareness Month in honor of persons with disabilities.

### B. Comment Period

The following persons appeared and spoke in favor of the Sustainability Master Plan:

Mr. John Mattox	2345 Rollinghill Road, Fayetteville, NC 28304
Mrs. Melinda Harrington	1001 Brook Street, Fayetteville, NC 28305
Mr. John Poulos	4368 Ferncreek Drive, Fayetteville, NC 28310
Mrs. Julie Love	118 Pennmark Place, Fayetteville, NC 28301
Mrs. Terri Union	115 Parkview Avenue, Fayetteville, NC 28305
Mr. Don Stewart	312 Murray Hill Road, Fayetteville, NC 28303

## 3. CONSENT:

MOTION: Council Member Bates moved to approve the consent agenda.  
SECOND: Council Member Applewhite  
VOTE: UNANIMOUS (7-0)



# DRAFT

**A. Engineering & Infrastructure - Award Contract for the Purchase of One (1) Six-Wheel Regenerative Air Street Sweeper**

The City needed to purchase one (1) six-wheel regenerative air street sweeper to replace Unit #99/3027. The budgeted amount for replacement of this unit is \$205,000.

Formal bids were received September 10, 2009, as follows:

Public Works Equipment & Supply, Monroe, NC ..... \$177,644.00  
Carolina Environmental Systems, Kernersville, NC ... \$179,242.00  
Twin States Equipment, Peachland, NC ..... \$154,438.00

Staff recommended award to Public Works Equipment & Supply, Monroe, NC, the lowest bidder meeting specifications. The bid submitted by Twin States Equipment contained substantial exceptions to the specifications which staff feels would make the use of their unit more time consuming and labor intensive. Mainly, the hopper size on the unit is smaller than specified, which will require that it be dumped more often. In addition, the hopper does not dump as specified. Instead, the unit has a raker bar, which tends to allow debris to become lodged behind the raker bar, consequently requiring time consuming manual cleaning of the area to remove the debris.

**B. Finance - Budget Ordinance Amendment 2010-1 (Encumbrances, Designations, Police Grants and Transfer of Fire Alarm and Sprinkler Plan Review Responsibilities)**

This budget ordinance amendment reappropriates \$5,580,188 across several funds for purchase orders and contracts outstanding at the close of fiscal year 2008-2009, and \$1,142,973 in the General Fund and \$1,424,996 in the Stormwater Fund for specific items designated from the fiscal year 2008-2009 budget and for unspent donations. Funding for these expenditures was included or available in the fiscal year 2008-2009 budget, and is being reappropriated from fund balance or net assets for the various funds. In addition, the budget appropriation for the Police Department is being reduced by \$1,799,030 to remove funding included for anticipated grants that were not received or have been appropriated in the Federal and State Assistance Special Revenue Fund. Lastly, the budget ordinance amendment will transfer an expenditure appropriation of \$52,677 from the Inspections Department to the Fire Department due to the transfer of responsibility for fire alarm and sprinkler system plan reviews.

**C. Finance - Budget Ordinance Amendment 2010-2 (Bond Refunding)**

This budget ordinance amendment for the General Fund appropriates \$8,759,246 in proceeds from the Series 2009 General Obligation Refunding Bonds to be used to refund certain Series 1996, 1999 and 2000 General Obligation bonds and pay associated issuance costs.

**D. HOPE VI Project**

- (1) **Community Development - Authorization Request for the City Manager to execute the Intergovernmental Infrastructure Agreement and any other documents and agreements pertaining to the City's commitments for the HOPE VI Project. The Fayetteville Metropolitan Housing Authority is ready to enter into an agreement for the infrastructure improvements for the HOPE VI project.**

*Resolution of the City Council of the City of Fayetteville, North Carolina Authorizing the City Manager to Execute Agreements and Documents Consistent with the City's Commitment of the 2007 HOPE VI Revitalization Grant Received by the Fayetteville Metropolitan Housing Authority -R2009-073*



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## (2) Finance - Budget Ordinance Amendment 2010-3 & Capital Project Ordinance Amendment 2010-18 (HOPE VI Project)

This budget ordinance amendment and capital project ordinance amendment appropriates the balance of the funding needed for the City's commitment to the HOPE VI project (\$2,576,050).

- E. Fire - Special Request to display 16 temporary event signs at fire stations between October 26<sup>th</sup> and November 1<sup>st</sup> for Change Your Clock, Change Your Battery Campaign
- F. Planning - Special Request for up to 20 temporary event signs for the FireAntz, between October 13<sup>th</sup> and October 23<sup>rd</sup>
- G. Planning - Special Request for up to 100 temporary event signs between October 24<sup>th</sup> and October 30<sup>th</sup> for the Annual Shriners' Fish Fries to be held Friday, October 29<sup>th</sup>.
- H. Planning - Special Request for up to 50 temporary event signs between November 23<sup>rd</sup> and November 30<sup>th</sup> for the Annual Craftsmen's Christmas Festival
- I. PWC - Bid Recommendation - One (1) 35,000 GVWR Cab and Chassis with Asphalt Body

The Public Works Commission, during their meeting of September 23, 2009, approved the bid recommendation to award bid for the purchase of one (1) 35,000 GVWR cab and chassis with asphalt body (with the option to purchase additional units within a one-year period upon the agreement of both parties) to Cooper Kenworth, Raleigh, NC, the lowest bidder meeting specifications in the total amount of \$147,883.75 and forward to City Council for approval. This is a budgeted item (budgeted amount of \$165,000) to replace Unit #341.

Bids were received September 10, 2009, as follows:

<u>Bidders</u>	<u>Total Cost</u>
Cooper Kenworth, Raleigh, NC .....	\$147,883.75
*Public Works Equipment, Monroe, NC .....	\$145,330.00
Smith International, Fayetteville, NC .....	\$148,150.00

\*Bid did not meet specifications

## 4. CONSIDERATION OF APPROVAL OF THE PROPOSED FAYETTEVILLE SUSTAINABILITY PLAN

Mr. Gerald Dietzen, Director of Environmental Services, introduced Liz Burdock from the consulting firm of Green Works Partners. She briefed Council on the triple bottom line sustainability definition (People, Profit & Planet) and the process in drafting the plan. The process included research of programs already implemented in the City and stakeholder interviews at the local, regional, and state levels and public input. She summarized the goals, timeline, implementation and funding of the plan.

A question and answer period ensued.

MOTION: Council Member Bates moved to approve the Fayetteville Sustainability Plan.  
SECOND: Council Member Evans  
VOTE: UNANIMOUS (8-0)

## 5. NATIONAL LEAGUE OF CITIES VOTING DELEGATES

Mr. Dale Iman, City Manager, requested Council to designate one voting delegate and one alternate voting delegate to represent the City of Fayetteville at the NLC Annual Business meeting.

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MOTION: Council Member Haire moved to designate Council Member  
Massey as the voting delegate.  
SECOND: Council Member Applewhite  
VOTE: UNANIMOUS (8-0)

MOTION: Council Member Haire moved to designate Council Member  
Applewhite as the alternate voting delegate.  
SECOND: Council Member Bates  
VOTE: PASSED by a vote of 7 in favor to 1 in opposition (Council  
Member Evans)

There being no further business, the meeting adjourned at 7:37  
p.m.

Respectfully submitted,

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RITA PERRY  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

101209



# DRAFT

FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
CITY HALL COUNCIL CHAMBER  
NOVEMBER 2, 2009  
5:00 P.M.

Present: Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Council Member Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Mayor Anthony G. Chavonne

Others Present: Dale E. Iman, City Manager  
Kristoff Bauer, Assistant City Manager  
Doug Hewett, Assistant City Manager  
Karen M. McDonald, City Attorney  
Doug Peters, Executive Director FCCCC  
Jeffrey Brown, Director of Engineering & Infrastructure  
Rusty Thompson, City Traffic Engineer  
Jackie Tuckey, Communications Manager/Public Information Officer  
Rita Perry, City Clerk  
Members of the Press

## CALL TO ORDER

Mayor Chavonne called the meeting to order at 5:00 p.m.

## INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Haire provided the invocation followed by the Pledge of Allegiance to the American Flag.

## 1. APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Meredith moved to approve the agenda.  
SECOND: Council Member Bates  
VOTE: UNANIMOUS (10-0)

MOTION: Council Member Mohn moved to approve the agenda with the addition of Item 8, closed session for (1) consultation with the attorney and (2) discussion of litigation in the matter of *King v. City of Fayetteville*, and move Item 8 to Item 2.  
SECOND: Council Member Bates  
VOTE: UNANIMOUS (9-0)

2. Closed session for (1) consultation with the attorney and (2) discussion of litigation in the matter of *Franklin v. City of Fayetteville*.

MOTION: Mayor Chavonne moved to go into closed session for (1) consultation with the attorney and (2) discussion of litigation in the matter of *Franklin v. City of Fayetteville*.  
SECOND: Mayor Pro Tem Meredith  
VOTE: UNANIMOUS (10-0)

The regular session recessed at 5:06 p.m. The regular session reconvened at 6:50 p.m.

MOTION: Mayor Pro Tem Meredith moved to authorize the City Attorney to settle the litigation in the matter of *Franklin v. City of Fayetteville*.  
SECOND: Council Member Evans  
VOTE: UNANIMOUS (10-0)



# DRAFT

**MOTION:** Council Members Evans and Haire moved to be excused from the remainder of the meeting.  
**SECOND:** Council Member Massey

Council Member Crisp questioned the reason for the request to be excused.

Council Member Evans stated his request was for personal reasons.

**VOTE:** PASSED by a vote of 9 in favor to 1 in opposition (Council Member Bates)

Council Member Haire remained for the duration of the meeting.

## **3. FAYETTEVILLE CUMBERLAND COUNTY CHAMBER OF COMMERCE QUARTERLY ECONOMIC DEVELOPMENT REPORT**

Mr. Doug Peters, Executive Director FCCCC, presented this item. He summarized the Economic Development Group Annual Report, Fiscal Year 2009-2010 (Exhibit A), which provided information regarding direct and indirect employment impact, employee compensation impacts, tax impacts, business retention and expansion and development programs and marketing. Mr. Peters reviewed the First Quarter Dashboard Report, Fiscal Year 2009-2010 (Exhibit B), which provided information regarding quarterly dashboard goals, first quarter successes, community impact analysis, staff activities, military business park, business retention, expansion and development.

## **4. HOSPITALITY FACILITY INCENTIVE PROGRAM**

Mr. Kristoff Bauer, Assistant City Manager, presented this item. He stated Fayetteville-Cumberland County Chamber of Commerce (FCCCC) has been working with the City and the County to develop an incentive program with the purpose of attracting hotel developers to the area and provided details regarding the program's management and potential incentives. Mr. Bauer explained that based on consultants' feedback, the four-star requirement is an objective that may be too high for the City's marketplace.

Council Member Applewhite inquired what the average hotel rating is in the City. Mr. Bauer stated the City has one three-diamond property, Holiday Inn Express.

Mr. Bauer responded to questions and discussion ensued. He stated a proposed program would be presented to Council for consideration on November 23, 2009 or December 14, 2009.

## **5. RESIDENTIAL TRAFFIC MANAGEMENT PROGRAM**

Mr. Rusty Thompson, City Traffic Engineer, provided an overview of staff's evaluation regarding petition requirements and active community watch group participation for multi-way stops. He reviewed the existing Residential Traffic Management Program. He stated Traffic Services contacted twelve other cities in North Carolina with Multi-way stop programs to understand how their process worked. All twelve cities required a petition with percentages ranging from 60% to 75%. An emerging trend some cities are investigating and several cities have implemented is requiring an initial 40% of residents signature and petition upon request for a study. None of the cities have used the community watch groups as a factor for approval.

Mr. Thompson stated staff met and reviewed the current criteria with the Fayetteville Police relating to community watch groups. Based on their protocol, an active community watch group is defined as one that meets with the police department at least once per year and has more than one person in the group. The police department had reservations as to whether the community is well represented by a community watch group of possibly one or two or even a few more self-

# DRAFT

designated citizens when traffic calming devices are being recommended.

Mr. Thompson stated staff's finding is that the existing residential traffic management policy is consistent with the majority of other cities policies and should not be revised at this time.

Consensus was for staff to revise the present Residential Traffic Management Program with the reduction of the signature percentage requirement from 75% to 60% and present to Council for consideration.

## 6. SUBDIVISION/SITE PLAN SUBMITTAL CHECKLIST

Mr. Kristoff Bauer, Assistant City Manager, provided an overview of the proposed checklist. He stated that more thorough and efficient review of plans can be accomplished if the proposed submittal information provided is completed. He explained to Council that it is currently commonplace for Technical Review Committee (TRC) to develop comments based upon incomplete submittals only to have some of those comments addressed and new issues be created by later versions of the submittals. He stated the use of the new checklists would ensure that the Committee had all relevant information during the first review alleviating the need for multiple submittals and/or revisions, improve coordination of requirements by the various departments involved, and ensure that all applicable regulations are being met.

Question and answer period ensued.

There being no further business, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

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RITA PERRY  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

110209



DRAFT  
FAYETTEVILLE CITY COUNCIL  
APPOINTMENT COMMITTEE MINUTES  
ST. AVOLD CONFERENCE ROOM  
NOVEMBER 4, 2009  
3:30 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Bobby Hurst, Chair (District 5);  
Valencia A. Applewhite (District 7 via conference phone);  
Wesley A. Meredith (District 9)

Others Present: Doug Hewett, Assistant City Manager  
Karen McDonald, Assistant City Attorney  
Greg Caison, Stormwater Manager  
Ron McElrath, Human Relations Specialist  
Rita Perry, City Clerk

Council Member Hurst called the meeting to order at 3:30 p.m.

**1. Approval of Agenda**

MOTION: Mayor Pro Tem Meredith moved to approve the agenda with  
the addition of Item 4. Ethics Commission Discussion.  
SECOND: Mayor Chavonne  
VOTE: UNANIMOUS (4-0)

**2. Recommendations for Appointment to City of Fayetteville Boards  
and Commissions**

**A. Board of Appeals on Dwellings and Buildings**

Council Member Hurst led a review of applications to fill one  
vacancy due to resignation. By consensus, recommendation was for  
Edward Kenneth Wells to serve a fill-in term to expire September  
2012.

**B. Storm Water Advisory Board**

Council Member Hurst led a review of applications to fill one  
vacancy due to resignation. By consensus, recommendation was for  
Patricia L. Vaughn to serve a fill-in term to expire September 2010.

**C. Fayetteville Redevelopment Commission**

Council Member Hurst led a review of applications to fill one vacancy  
due to ineligibility. By consensus, recommendation was for Lynn R.  
Vick to serve a fill-in term to expire March 2010.

**D. Fayetteville Cumberland Human Relations Commission**

Council Member Hurst led a review of applications to fill one  
vacancy due to resignation. By consensus, recommendation was for  
Crystal Moore-McNair to serve a fill-in term to expire September  
2010.

**3. Review revised Boards and Commissions application and format**

After review of the application and discussion, consensus was to  
accept the revised application with the addition of the Community  
Leadership Training list and to add supplementary questions for  
Public Works Commission Board. Additional instructions were to  
format the application as a fill-form and have board and commission  
members, in addition to present applicants, resubmit a new  
application to ensure application consistency.

**4. Ethics Commission Discussion**

Mrs. Karen M. McDonald requested the Committee's recommendations  
regarding the process to utilize for the Ethics Commission formation.  
She reviewed the commission's categories and terms, which consist of  
one Cumberland County Bar Association member (three-year term), one



**DRAFT**

Certified Public Accountant - Sandhill's Chapter (three-year term), one University/College President member (three-year term) and two at-large members (two-year term).

Following discussion, consensus was for staff to follow the standard procedures to procure candidates to serve on the commission and for Mrs. McDonald to contact Mrs. Lila Washington, Personnel Review Board attorney, regarding serving on the commission. Should Mrs. Washington decline Mrs. McDonald would readdress this issue with the Committee.

The Committee will hold a special meeting prior to the official formation of the Ethics Commission.

**5. Adjournment**

There being no further business, the meeting adjourned at 4:05 p.m.

Respectfully submitted,

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RITA PERRY  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

110409

FAYETTEVILLE CITY COUNCIL  
DINNER AND DISCUSSION MEETING MINUTES  
LAFAYETTE ROOM  
NOVEMBER 9, 2009  
6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members 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); Theodore W. Mohn (District 8); Wesley A.  
Meredith (District 9)

Absent: Council Members Keith A. Bates, Sr. (District 1);  
Charles E. Evans (District 2)

Others Present: Dale E. Iman, City Manager  
Kristoff Bauer, Assistant City Manager  
Doug Hewett, Assistant City Manager  
Karen M. McDonald, City Attorney

Mayor Chavonne called the meeting to order.

Closed session for consultation with attorney concerning litigation in  
the matter of *Advanced Internet Technologies v. City of Fayetteville*.

MOTION: Mayor Chavonne moved to go into closed session for  
consultation with attorney concerning litigation in the  
matter of *Advanced Internet Technologies v. City of  
Fayetteville*.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (7-0)

The regular session recessed at 6:10 p.m. The regular session  
reconvened at 6:28 p.m.

MOTION: Council Member Haire moved to go into open session.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 6:28  
p.m.

Respectfully submitted,

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KAREN M. MCDONALD  
City Attorney

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ANTHONY G. CHAVONNE  
Mayor

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FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
NOVEMBER 9, 2009  
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Charles E. Evans (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); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Council Member Bates, Sr. (District 1) - Representing the City at the NLC Meeting

Others Present: Dale E. Iman, City Manager  
Doug Hewett, Assistant City Manager  
Kristoff Bauer, Assistant City Manager  
Karen M. McDonald, City Attorney  
Patricia C. Bradley, Assistant City Attorney  
R. Jonathan Charleston, Attorney for Fayetteville  
Metropolitan Housing Authority  
Harvey W. Raynor, III, Interim County Attorney  
Scottie Harris, County Animal Services Director  
Matthew Dow, Police Department  
Tom Bergamine, Chief of Police  
Lisa Smith, Chief Financial Officer  
Craig Hampton, Special Project Director  
Karen Hilton, Interim Planning Director  
Craig Harmon, Planner II  
Jackie Tuckey, Communications Manager/Public  
Information Officer  
Rita Perry, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 7:00 p.m.

## 2.0 INVOCATION

The invocation was offered by Council Member Haire.

## 3.0 PLEDGE OF ALLEGIANCE

Following the invocation, the audience was led in the Pledge of Allegiance to the American Flag.

## 4.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Meredith moved to approve the agenda.  
SECOND: Council Member Massey  
VOTE: UNANIMOUS (9-0)

## 5.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Haire expressed gratitude to the citizens for their support and announced the Foxfire community would be holding a scholarship fundraiser fish fry on Saturday, November 14, 2009, from 11:30 a.m. to 3:30 p.m. at Foxfire Road and Glen Canyon Road.

Council Member Evans expressed appreciation to all the citizens for voting and acknowledged Council Member Elect Kady Ann Davy.

Council Member Crisp conveyed congratulations to the Fayetteville State University's football team for winning the 2009 CIAA Championship.

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Mayor Chavonne congratulated Council Member Massey for being elected to the NC League of Municipalities Board of Directors.

### 6.0 PUBLIC FORUM

Ms. Gwen York, 5703 Cypress Road, Fayetteville, NC 28304, stated she would like a domestic violence unit consisting of specially trained, certified officers within the Police Department.

Mrs. Wanda Milton, P.O. Box 667, Parkton, NC 28371, expressed concerns regarding the financial billing process of the City's Wrecker Inspector's office.

Mrs. Linda Brown, 3031 Enterprise Avenue, Fayetteville, NC 28312, spoke regarding the reinstatement of Bus Route No. 8.

Mrs. Nubian Farley, 335 McFayden Drive, Fayetteville, NC 28314, stated the Devonwood Homeowners Association had invited their Council Member to meetings with no response.

Imam Eronomy Mohammed, 2700 Murchison Road, Fayetteville, NC 28301, commented on the state of the community and announced his candidacy for state senate.

### 7.0 CONSENT

Council Member Evans requested to pull Item 7.15 for discussion.

**MOTION:** Mayor Pro Tem Meredith moved to approve the consent agenda with the exception of Item 7.15.

**SECOND:** Council Member Haire

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

#### 7.1 Approve Minutes:

- Appointment Committee Meeting Held on August 20, 2009
- City Council Work Session Meeting Held on September 8, 2009
- City Council Meeting Held on September 14, 2009
- Agenda Briefing Meeting Held on September 23, 2009
- City Council Meeting Held on September 28, 2009

7.2 City Attorney - Approval of Settlements in *Wendy Murphy v. City of Fayetteville* and *U.S. Airways* and *Estate of Jesse Marquil King v. City of Fayetteville*

7.3 City Clerk - Accept the Certification of Results from the Cumberland County Board of Elections for the October 6, 2009, Municipal Primary Election for Mayor and City Council Districts 2, 4, and 6

### CUMBERLAND COUNTY, NORTH CAROLINA PRIMARY ELECTION OCTOBER 6, 2009

FAYETTEVILLE MAYOR	VOTES	PERCENTAGE
Tony Chavonne	4,317	66.23
Bob White	987	15.14
Ronnie L. Peele	626	9.60
Charles B. Ragan	320	4.91
Eronomy (Mohammed) Smith	268	4.11

FAYETTEVILLE CITY COUNCIL DISTRICT 2	VOTES	PERCENTAGE
Charles E. Evans	651	44.71

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Kady Ann Davy	391	26.85
David Soles	374	25.69
Leon Goldstein	40	2.75

FAYETTEVILLE CITY COUNCIL DISTRICT 4	VOTES	PERCENTAGE
D.J. Haire	642	71.65
Ron Harrison	224	25.00
Dorian F. Hamilton	30	3.35

FAYETTEVILLE CITY COUNCIL DISTRICT 6	VOTES	PERCENTAGE
Bill Crisp	476	64.32
Wade Fowler	114	15.41
Richard D. Evans	92	12.43
Renee Wilson	58	7.84

The Cumberland County Board of Elections having opened, canvassed and judicially determined the original returns of the election in the precincts in this county, held on October 6, 2009, certify that the attached Official Primary Results contains the number of legal ballots cast in each precinct for each office named, the name of each person voted for and the number of votes cast for each person for the office named.

#### **7.4 Community Development - Renewal of the Urban Progress Zone designation**

#### **7.5 Engineering & Infrastructure - Bid Recommendation for Cape Seal Asphalt Surface Treatment and Joint Sealing**

Bids were first advertised to be received at 10:00 a.m., Tuesday, October 6, 2009. Only two (2) bids were received on the first advertisement; therefore, in accordance with the North Carolina General Statutes, the bids were not opened and the project was re-advertised. The General Statutes require that three (3) bids be received on the first advertisement in order for bids to be opened. There is no statutory requirement that a certain number of bids be received on the second advertisement. On October 15, 2009, two (2) bids were received in response to the second advertisement.

Bids were received as follows:

Slurry Pavers, Inc., Glen Allen, VA ..... \$708,112.20  
Marvin Templeton & Sons, Inc., Lynchburg, VA ..... \$774,886.60

Slurry Pavers, Inc. will utilize minority subcontractors for Approximately 10% of the work on this project.

#### **7.6 Engineering & Infrastructure - Municipal Agreement with NCDOT for Bridge Inspections**

#### **7.7 Engineering & Infrastructure - Bid Recommendation for the Purchase of One (1) Multi Terrain Loader and One (1) 11,000 Lb. Compact Excavator**

Bids were received on Thursday, October 22, 2009, at 2:00 p.m., for the purchase of one (1) Multi Terrain Loader and one (1) 11,000 lb. Compact Excavator.

Bids were received as follows:

##### **Loader:**

Southland Rental & Supply Co., Fayetteville, NC ..... \$52,813.00  
R.W. Moore Equipment Company, Raleigh, NC ..... \$58,399.00  
Gregory Poole Equipment Company, Hope Mills, NC ..... \$69,407.00

Southland Rental & Supply Company submitted the lowest responsible, responsive bid in the amount of \$52,813.00. The amount

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budgeted by the Street Maintenance Department for the Loader was \$84,000.00.

### Excavator:

Southland Rental & Supply Co., Fayetteville, NC ..... \$47,553.00  
ASC Construction Equipment, Garner, NC ..... \$53,975.00  
Rob's Hydraulics Inc., Grimesland, NC ..... \$54,000.00  
R.W. Moore Equipment Company, Raleigh, NC ..... \$57,290.00  
Gregory Poole Equipment Company, Hope Mills, NC ..... \$59,581.00

Southland Rental & Supply Company submitted the lowest responsible, responsive bid in the amount of \$47,553.00. The amount budgeted by the Street Maintenance Department for the Excavator was \$75,000.00.

### **7.8 Finance - Special Revenue Fund Project Ordinance 2010-10 (COPS Technology Grant)**

This ordinance appropriated \$100,000.00 for the COPS Technology Grant to purchase portable radios.

### **7.9 Finance - Special Revenue Fund Project Ordinance 2010-11 (FY2008 Assistance to Firefighters Grant - Fire Prevention and Safety Grant Program)**

This ordinance appropriated a federal grant of \$30,400.00, awarded through the FY 2008 Assistance to Firefighters Grant, and a required local match from the General Fund of \$7,600.00. The funds would be used to purchase smoke detectors, high visibility marking signs and additional materials to assist in promoting fire prevention.

### **7.10 Finance - Capital Project Ordinance 2010-13 (Various Transportation and Railroad Crossing Safety Improvement Projects)**

This ordinance established a \$2,111,309.00 budget for various transportation and railroad crossing safety improvement projects committed under Municipal Agreements with North Carolina Department of Transportation.

### **7.11 Finance - Tax Refunds of Greater Than \$100.00**

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Beasley-FM Acquisition	2008	Corrected Assessment	\$1,852.30
WZFX			
Eddie M. Evans	2008	Corrected Assessment	110.48
Five Riddle, III Inc.	2004-2008	Corrected Assessment	709.09
Old Dominion Freight	2004-2007	Corrected Assessment	1,056.54
Line, Inc.			
TOTAL			<u>\$3,728.41</u>

### **7.12 Fire - Wireless Multi-Gas and Radiation Monitor**

N.C.G.S. § 143-129(e)(6) allows an exception to the bidding requirements for the purchase of apparatus, supplies, materials or equipment when a needed product is available from only one source of supply and when standardization and compatibility is the overriding consideration. The AreaRAE system is a wireless multi-gas and radiation monitor manufactured by RAE Systems, San Jose, California. RAE Systems is the sole source vendor for AreaRAE. The AreaRAE System is compatible with the AreaRAE System currently being used by the Hazardous Materials Team. A system by a different manufacturer would not be compatible with the current AreaRae system. This purchase would further enhance the City's capability to monitor large areas for hazardous materials.

Award a contract to RAE Systems, Inc., San Jose, California, in the amount of \$109,153.00, for the purchase of a Wireless Multi-Gas and Radiation Monitor.

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- 7.13 Planning - Case No. P09-30F. The rezoning from C1 Commercial District to R6 Residential District for residential uses on property located on Bailey Street, behind 2521 Lone Pine Drive. Containing 1.01 acres more or less and being the property of Rollin and Jennie Raymes.
- 7.14 Planning - Case No. P09-31F. The rezoning from C1A Commercial District to R5 Residential District for residential uses on property located at 221 Old Wilmington Road. Containing 0.17 acres more or less and being the property of Fayetteville Metropolitan Housing Authority.
- 7.15 Pulled for discussion by Council Member Evans.
- 7.16 Planning - Special Sign Permit Request for up to 23 temporary event signs between November 10 and November 21 for the Greek Orthodox Spaghetti Fundraiser at 614 Oakridge Avenue on November 18, 2009.
- 7.17 Planning - Special Sign Permit Request for 20 to 25 temporary event signs between November 10 and November 30 for the Heart of Christmas Show.
- 7.18 Police - Bid Recommendation for the Purchase of a Police Tactical Robot

Bids were received on Wednesday, September 2, 2009, at 3:00 p.m., for the purchase of a Police Tactical Robot.

Bids were received as follows:

Mesa Robotics, Inc., Madison, Al .....	\$ 72,218.00
iRobot Corporation, Bedford, MA .....	\$100,168.00
Foster-Miller Inc., Waltham, MA .....	\$104,674.00

The bid submitted by Mesa Robotics, Inc., did not meet specifications; therefore, staff recommended award to iRobot Corporation, the lowest responsible, responsive bidder in the amount of \$100,168.00. This purchase would be funded by the 2009 Byrne Justice Assistance Grant. This robot would enhance the safety and effectiveness of the Emergency Response and Crisis Negotiation Teams.

### 7.19 FWC - Bid Recommendation - Cross Creek Water Reclamation Facility Plant Control System Replacement

The Public Works Commission, during their meeting of October 28, 2009, approved a bid recommendation to award a bid for Cross Creek Water Reclamation Facility Plant Control System Replacement to Barnes & Powell Electrical Co., Inc., Elm City, North Carolina, the lowest responsive, responsible bidder in the total amount of \$761,500.00 and forward to City Council for approval. This project was approved as WS 50 in the 2010 Capital Budget and would be funded by the 2009 Bond Fund (\$39,252,278.00 total issuance). The total project cost for WS 50 was slightly over what was budgeted, but well within the contingency amount provided for in the bond fund.

Bids were received September 29, 2009, as follows:

<u>Bidders</u>	<u>Total Cost</u>
Barnes & Powell Electrical Co., Inc., Elm City, NC.....	\$761,500.00
Gaylor, Inc. of NC, Raleigh, NC.....	\$866,700.00
T. A. Loving Company, Goldsboro, NC.....	\$927,600.00

Bids were solicited from seven contractors with three contractors responding.

A bid was received from Control Instruments, Inc., Smyrna, Georgia, however, they failed to comply with the SDBE requirements of the bid by not submitting any of the required SDBE Affidavits.



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Therefore, the bid submitted by Control Instruments was determined to be non-responsive.

Barnes & Powell will utilize a woman-owned subcontractor for approximately 1.97% of the work on this project. PWC staff required documentation of the good faith efforts from Barnes & Powell to solicit minority/DBE participation and, upon review of that documentation, a determination was made that Barnes & Powell did meet the requirements for a good faith effort.

### 7.20 PWC - Bid Recommendation - Water and Wastewater Chemicals

During their meeting of October 28, 2009, the Public Works Commission approved the following bid recommendations for one-year contracts, with option to extend contract for additional period(s) upon agreement of both parties, for the purchase of water and wastewater chemicals and forwarded to City Council for approval. Bids were received September 24, 2009, as follows:

JCI Jones Chemicals, Charlotte NC, low bidder, in the amount of \$494,347.50 for the purchase of approximately 5,715,000 lbs. of Sodium Hypochlorite. Bids were solicited from forty-one (41) bidders with one (1) bidder responding as follows:

<u>Bidders</u>	<u>Total Cost</u>
JCI Jones Chemicals, Charlotte, NC.....	\$494,347.50

Colonial Chemical Solutions, Savannah, Georgia, low bidder, in the amount of \$156,100.00 for purchase of approximately 1,400 tons of 50% Caustic Soda. Bids were solicited from forty-one (41) bidders with five (5) bidders responding as follows:

<u>Bidders</u>	<u>Total Cost</u>
Colonial Chemical Solutions, Savannah,GA.....	\$156,100.00
Basic Chemical Solutions, Morrisville,PA.....	\$248,080.00
JCI Jones Chemicals, Charlotte,NC.....	\$250,600.00
Univar USA, Charlotte, NC.....	\$272,300.00
Key Chemical, Waxhaw, NC.....	\$470,400.00

Water Elements, LLC, Lakeland, Florida, low bidder, in the amount of \$849,600.00 for purchase of approximately 6,000 tons of Ferric Sulfate Liquid. Bids were solicited from forty-one (41) bidders with two (2) bidders responding as follows:

<u>Bidders</u>	<u>Total Cost</u>
Water Elements, LLC, Lakeland, FL.....	\$849,600.00
Kemira Water Solutions, Lawrence, KS.....	\$944,400.00

The low bidders are not classified as DBE, minority or women owned businesses

7.21 PWC -Financial Items: Capital Project Fund Resolutions and Budgets; Amendment #1 - Sewer Extension Funding Policy, Annexation, Phase V, Project #1; Amendment #1 to the PWC General Fund Budget

7.22 PWC - T-Mobile License Agreement and Memorandum of License Agreement

7.15 Planning - Case No. P09-32F. The rezoning from R5 Residential District to C3 Commercial District for Kentucky Fried Chicken and additional restaurant parking on property located at 612, 614, 616 Link Street and 613, 615, 617 School Street. Containing 31,864 square feet more or less and being the property of Paris and Potter, Constance Fasul Potter, Anna Sylvia Fasul, and Katherine Fasul.

Council Member Evans pulled this item for discussion.

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Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the property would be in compliance upon rezoning.

Council Member Evans questioned the present zoning of the property and whether the warehouse on the property was in compliance. Mr. Harmon responded the property was zoned R5, whereas the applicant had requested to be rezoned to C3 and the warehouse had been there for 25-30 years, which was considered a legal nonconformity (existed prior to zoning regulations).

**MOTION: Council Member Evans moved to deny the request to rezone to C3 Commercial District.**

Mrs. Karen McDonald, City Attorney, clarified Council's options were to approve the request or set a public hearing.

**MOTION: Council Member Evans moved to set a public hearing.**

**SECOND: Council Member Massey**

**VOTE: PASSED by a vote of 6 in favor to 3 in opposition (Council Members Applewhite, Chavonne and Crisp)**

Mayor Chavonne questioned whether this item could be heard at the November 23, 2009, meeting. Mr. Dale Iman, City Manager, responded that date would not allow for proper notification.

### 8.0 PUBLIC HEARINGS

#### 8.1 City Attorney - Authorization of the Issuance of Multifamily Revenue Bonds by the Fayetteville Metropolitan Housing Authority

Mr. R. Jonathan Charleston, Attorney for Fayetteville Metropolitan Housing Authority, provided summaries of the Authority's Multifamily Housing Revenue Bonds (Curtis Lane Project) Series 2009A in an amount not to exceed \$10,741,500.00 and Multifamily Housing Revenue Bonds (Alfred Street Project) Series 2009B in an amount not to exceed \$2,258,500.00. He explained the financing for the acquisition, construction and equipping of the developments, requirements and the closing date.

Council Member Crisp requested clarification on the types of units proposed in the developments. Mr. Charleston clarified the units would be townhouses, apartments and single-family units.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 7:35 p.m.

**MOTION: Council Member Massey moved to approve the issuance of the Multifamily Revenue Bonds.**

**SECOND: Council Member Haire**

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

#### 8.2 City Attorney - Consider Adoption of an Ordinance Prohibiting the Tethering of Dogs

Council Member Hurst, Animal Control Ad Hoc Committee, explained the collaboration with the County regarding this ordinance and acknowledged Mr. Harvey Raynor, Interim County Attorney and Mr. Scottie Harris, County Animal Services Director were available to answer any questions.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:43 p.m.

Mr. Gary Coonrod, 4520 Chambersburg Road, Fayetteville, NC 28314, appeared in favor. He summarized his 34 years of experience working

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with dogs and his observations of the adverse affects of tethering of dogs.

Mrs. Linda Lewis, former City representative and Chair of the Animal Service Board and present member of the Animal Protection Society, 411 Lakeshore Drive, Fayetteville, NC 28305, appeared in favor. She stated during her tenure the board presided over dangerous dog hearings and invariably those cases involved dogs who escaped tethers. She summarized her observations of the negative results of tethering while rescuing dogs with the Animal Protection Society.

Mrs. Sarah O'Hanlon, 914 Brook Street, Fayetteville, NC 28305, appeared in favor. She stated tethering of dogs was inhumane and unsafe. She provided research findings from the Department of Agriculture regarding the enforcement of the Animal Welfare Act, Center for Disease Control, USDA and American Veterinarian Medical Association.

Dr. Julie Dees, 567-A Winding Creek Road, Fayetteville, NC 28305, appeared in favor. She explained the negative aspects relating to the tethering of dogs and provided statistics from PETA (People for the Ethical Treatment of Animals).

Mr. Michael E. Price, 1745 Smoky Canyon Drive, Fayetteville, NC 28306, signed up to speak in opposition and stated he was neutral. He expressed concerns.

Mr. Pat Turner, 4448 Oakmont Circle, Fayetteville, NC 28301, appeared in opposition and expressed concerns regarding the cost to fence her dog.

There being no one further to speak, the public hearing closed at 7:59 p.m.

Council Member Evans requested a definition of "tethering".

Mayor Chavonne reiterated Mr. Harris would be conveying information relating to the County adopted ordinance. Mr. Harris stated tethering was a restraint for holding an animal in place.

Council Member Evans questioned whether tethering was permissible on fenced property. Mr. Harris stated it was not permissible in the County Ordinance with the City's ordinance.

Council Member Haire questioned the status of a proposed amendment to this ordinance discussed at the October 5, 2009, meeting pertaining to runner line systems.

Mr. Karen M. McDonald, City Attorney, stated Council proposed various options; therefore, staff followed the option to present the original draft ordinance for consideration and based on the comments from the public hearing, Council would direct staff regarding changes to be incorporated into the City's Ordinance.

Council Member Applewhite requested the penalties for violations of the leash ordinance and dog bites. Mrs. McDonald responded the penalties for violation of the City's leash ordinance were as follows within a twelve month period: first offense - \$50.00, second offense - \$100.00, and third offense - \$200.00. Mayor Chavonne also stated the penalties for dog bites were as follows: first offense - \$250.00, second offense - \$500.00, and third offense - \$1,000.00.

Further discussion ensued regarding civil liability and the implementation of the ordinance by the County.

**MOTION:** Council Member Hurst moved to approve the adoption of the Ordinance Prohibiting the Tethering of Dogs with an effective date of June 1, 2010.

**SECOND:** Council Member Crisp

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### SUBSTITUTE MOTION:

Council Member Mohn moved to direct staff to research alternative confinement options and perform a comparison study.

SECOND: Council Member Massey

A discussion period ensued.

### SUBSTITUTE MOTION VOTE:

FAILED by a vote of 4 in favor (Council Members Applewhite, Haire, Massey, and Mohn) to 5 in opposition (Council Members Chavonne, Crisp, Evans, Hurst, and Meredith)

### ORIGINAL MOTION VOTE:

PASSED by a vote of 6 in favor (Council Members Chavonne, Crisp, Meredith, Evans, Hurst and Massey) to 3 in opposition (Council Members Applewhite, Haire, and Mohn)

### 8.3 Police - Consideration of proposed ordinance revisions to Article VII, Wrecker & Tow Ordinance

Sergeant Matthew Dow, Police Department, provided a summary of the proposed ordinance revisions. He summarized the software benefits and capabilities, which consisted of automatic electronic notification to vehicle owners upon towing and electronic tracking of towed vehicles, which would be accessed on the internet.

Discussion ensued regarding vehicle repossessions, business license requirements and the wrecker rotation list as they related to the use of the C-logic software.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:35 p.m.

There were no speakers in favor.

Mr. Michael P. McGovern, Attorney for the Cumberland County Wrecker Association, 3021 Tazewell Pike, Knoxville, TN 37918, appeared in opposition. He stated the towing industry was not properly consulted regarding the ordinance revisions and the C-logic software was the only matter addressed at the workshop. He assessed business licenses, emergency lights, and moral turpitude requirements pertaining to the proposed ordinance revision.

Mr. Bill Davis, Hwy 301 South, Fayetteville, NC 28306, appeared in opposition.

There being no one further to speak, the public hearing closed at 8:47 p.m.

Council Member Applewhite requested the purpose of the Wrecker Association retaining Mr. McGovern. Mr. McGovern explained his objectives were to address the notice provisions, C-logic provisions, and ordinance concerns.

A discussion period followed regarding the Wrecker Association and Wrecker Review Board involvement in the ordinance revision process and future ordinance revisions.

MOTION: Mayor Pro Tem Meredith moved to refer this matter to the Wrecker Review Board for input on the ordinance revisions and C-logic and present to Council in January 2010.

SECOND: Council Member Hurst

Mr. Dale Iman, City Manager, clarified the purpose of the Wrecker Review Board, which was to hear appeals, not to govern operator regulations.

## DRAFT

Mayor Chavonne inquired whether Council's request to refer this matter to the Wrecker Review Board was permitted. Mrs. McDonald responded in the affirmative.

Further discussion ensued.

**VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Applewhite)**

### 9.0 OTHER ITEMS OF BUSINESS

#### 9.1 Appointment Committee - Presentation of Appointment Committee Recommendations to Fill Four (4) Board and Commission Vacancies

Council Member Hurst, Appointment Committee Chair, provided highlights of the November 4, 2009, meeting of the Appointment Committee and called attention to recommendations to four (4) vacancies due to resignations and ineligibility.

BOARDS/COMMISSIONS	RECOMMENDATION
1 Board of Appeals on Buildings and Dwellings	Edward Kenneth Wells
2 Stormwater Advisory Board	Patricia L. Vaughn
3 Fayetteville Redevelopment Commission	Lynn R. Vick
4 Fayetteville - Cumberland Human Relations Commission	Crystal Moore-McNair

**MOTION: Council Member Hurst moved to approve the Appointment Committee recommendations for appointments to the four (4) boards and commissions.**

**SECOND: Council Member Massey**

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

Council Member Crisp questioned whether the Committee recommendations were unanimous. Council Member Hurst responded in the affirmative.

Council Member Hurst announced the City was recruiting candidates to fill two at-large positions on the Ethics Commission.

#### 9.2 City Attorney - Consider Adoption of Resolution Authorizing Condemnation to Acquire Property for the Multi-Modal Transportation Center

Mrs. Karen McDonald, City Attorney, presented this item. She stated after several public meetings, on December 8, 2008, the City Council approved the property bounded by Robeson, Franklin, Winslow, and West Russell Streets, comprised of seven parcels, for the location of the Multi-Modal Center. She stated thereafter, the City began pursuing acquisition of the properties consistent with federal land procurement guidelines. She stated despite the City's designation of this site for the Multi-Modal Center, the property at 135 and 137 Robeson Street (Parcel 1) was recently sold. She further stated consistent with the federal land procurement guidelines, the City had attempted to purchase the property from the new owners and had been unsuccessful. She stated because negotiations to purchase the property at 135 and 137 Robeson Street had failed the only way to acquire the property would be through eminent domain and the first step would be to adopt a resolution authorizing the use of eminent domain. Mrs. McDonald clarified the requirements should Council adopt the resolution. She also explained that Council's adoption of the resolution would not preclude the City's ability to negotiate acquisition without the use of eminent domain.

Mayor Chavonne requested an overview of the history regarding Parcel 1. Mrs. McDonald responded when Council approved this parcel for the location of the Multi-Modal Center, the property had been for

## DRAFT

sale; however, pursuant to federal regulations, an appraisal and environmental study were required prior to discussing acquisition with the property owners. She stated Council had adopted a budget for these acquisitions and in the interim, the property had been sold. She stated the property had been appraised at \$210,000.00 and acquired for \$235,000.00. She stated the property owner's attorney indicated the property was very valuable to his client and the selling price would be \$650,000.00.

Mayor Chavonne clarified the property had appraised for \$210,000.00 and sold for \$235,000.00 after public notification of the City's interest and the present owner had offered to sell the property to the City for \$650,000.00. Mrs. McDonald answered in the affirmative.

Mr. Craig Hampton, Special Project Director, provided an update on the negotiation status of the remaining parcels.

Council inquired about Parcel 6.

Mrs. McDonald stated, pertaining to Parcel 6, the negotiations had not deteriorated to the extent that it appeared the City would not have the ability to acquire the property voluntarily.

**MOTION:** Mayor Pro Tem Meredith moved to approve the adoption of the resolution authorizing condemnation to acquire property for the Multi-Modal Transportation Center.  
**SECOND:** Council Member Applewhite  
**VOTE:** PASSED by a vote of 6 in favor to 3 in opposition (Council Members Crisp, Haire and Mohn)

### 9.3 Planning - Request from the Cumberland County Planning Board regarding a sidewalk waiver for property along John B. Carter Road south of the intersection with Macedonia Church Road, within the Sewer Service Area.

Mrs. Karen Hilton, Interim Planning Director, presented this item. She stated the applicant was requesting the Cumberland County Joint Planning Board to waive the sidewalk request and this property was within the Sewer Service Area. Mrs. Hilton showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. She explained this property was within the City of Fayetteville's Municipal Influence Area, which would require the construction of a sidewalk on one side of a connector road and both sides of thoroughfares.

Mrs. Hilton stated Council's options were to (1) recommend denial of the waiver, (2) recommend approval of the waiver - noting the County would not have an in-lieu provision, and (3) recommend approval of the waiver conditioned upon grading and reservation of a sidewalk area. She stated staff recommended option 3.

A brief discussion ensued.

**MOTION:** Mayor Pro Tem Meredith moved to approve the sidewalk waiver request for property along John B. Carter Road south of the intersection with Macedonia Church Road conditioned upon grading and reservation of a sidewalk.  
**SECOND:** Council Member Hurst

Mayor Pro Tem Meredith questioned whether City staff would be involved in the grading plan approval. Mrs. Hilton responded the plans are routinely approved by the County.

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

### 9.4 City Manager's Office - FY 2010 Strategic Plan's Policy and Management Action Agenda- 1st Quarter Report

## DRAFT

Mr. Doug Hewett, Assistant City Manager, reviewed the elements of the strategic plan and provided an overview of the progress made and anticipated actions for the following targets for action.

### Policy Agenda:

#### Top Priority

- Unified Development Ordinance
- Murchison Road Corridor Redevelopment
- Parks and Recreation Service
- Annexation Policy
- Workforce Development
- Recycling Program for Multifamily and Commercial

#### High Priority

- County Jail Capacity
- Air Quality Non-Attainment
- Emergency Medical Transport Performance Report
- Tree Preservation Ordinance
- Building Demolition
- Property Revaluation and Tax Rate
- Legislative Agenda and Lobby Strategy

### Management Agenda:

#### Top Priority

- Crime Reduction Strategy and Report (Mayor Chavonne requested statistics regarding the number of officers in the department and a quarterly based crime survey)
- FAST Improvements
- Community Report Card
- Community Watch Expansion
- Economic Development

#### High Priority

- Reclaiming Neighborhoods Strategy
- Police Staffing
- Non-Stop Air Service to Washington, D.C.
- Telling the City's Positive Story
- Northwest Gateway Project

Mr. Hewett informed Council the Annual Strategic Plan Retreat was scheduled for February 26 and 27, 2010.

Mr. Hewett responded to questions posed by Council and a discussion period ensued.

**MOTION:** Mayor Chavonne moved to approve the report.

**SECOND:** Mayor Pro Tem Meredith

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

## 10.0 ADMINISTRATIVE REPORTS

### 10.1 City Clerk - Monthly Statement of Taxes Collected for September 2009 from the Cumberland County Tax Administrator

2009 Taxes .....	\$3,766,861.70
2009 Vehicle Taxes .....	362,596.39
2009 Revit .....	11,802.13
2009 Vehicle Revit .....	258.17
2009 FVT .....	38,302.63
2009 Transit Tax .....	38,302.68
2009 Storm Water .....	116,036.01
2009 Fay Storm Water .....	232,071.50
2009 Recycle Fee .....	122,352.70
2008 Taxes .....	28,832.37
2008 Vehicle Taxes .....	91,265.41



# DRAFT

2008 Revit .....	141.64
2008 Vehicle Revit .....	97.23
2008 FVT .....	12,141.13
2008 Transit Tax .....	11,044.71
2008 Storm Water .....	1,748.23
2008 Recycle .....	1,858.88
2008 Fay Storm Water .....	1,797.49
2008 Annex .....	46.07
2007 Taxes .....	1,299.10
2007 Vehicle Taxes .....	3,576.98
2007 Revit .....	0.00
2007 Vehicle Revit .....	0.00
2007 FVT .....	812.72
2007 Storm Water .....	118.49
2007 Fay Storm Water .....	25.20
2007 Annex .....	0.00
2006 Taxes .....	1,446.77
2006 Vehicle Taxes .....	829.45
2006 Revit .....	0.00
2006 Vehicle Revit .....	0.00
2006 FVT .....	250.00
2006 Storm Water .....	74.82
2006 Annex .....	5,143.50
2005 and Prior Taxes .....	5,165.28
2005 and Prior Vehicle Taxes .....	1,916.75
2005 and Prior Revit .....	0.00
2005 and Prior Vehicle Revit .....	0.00
2005 and Prior FVT .....	487.25
2005 and Prior Storm Water .....	62.27
Interest .....	17,713.12
Interest (Revit) .....	17.71
Interest (Storm Water) .....	196.40
Interest (Fay Storm Water) .....	146.10
Interest (Annex) .....	672.95
Interest (Fay Recycling) .....	146.68
Total Collections .....	\$3,766,861.70

## 10.2 City Clerk - Report for the City of Fayetteville Update Tax Levy for 2009-2010 Fiscal Year

### 10.3 Finance - Tax Refunds of Less Than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Semenza, Rose Mary	2008	Corrected Assessment	\$11.04
TOTAL			<u>\$11.04</u>

There being no further business, the meeting adjourned at 10:09 p.m.

Respectfully submitted,

\_\_\_\_\_  
RITA PERRY  
City Clerk

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

091409

<b>CITY COUNCIL ACTION MEMO</b>
---------------------------------

**TO:** Mayor and Members of City Council  
**FROM:** Dale Iman, City Manager  
**DATE:** November 23, 2009  
**RE:** **City Manager - Statement of Support for the Guard and Reserve**

---

**THE QUESTION:**

Does the City Council wish to support the attached Statement of Support for the Guard and Reserve?

**RELATIONSHIP TO STRATEGIC PLAN:**

**BACKGROUND:**

The City of Fayetteville fully supports employees who are called to active duty as part of the National Guard and Reserves and is in compliance with the Uniformed Services Employment and Reemployment Right Act (USERRA), Title 38 of USC 43. To that end, the attached Statement of Support serves to emphasize our obligation and commitment to that cause.

**ISSUES:**

**OPTIONS:**

1. City Council lend their support to the City Manager's signing of the Statement of Support.
2. City Council not lend their support to the City manager's signing of the Statement of Support.

**RECOMMENDED ACTION:**

City Council lend their support to the City Manager's signing of the Statement of Support.

**ATTACHMENTS:**

City Manager - Statement of Support for the Guard and Reserve



# STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE



**W**e recognize the National Guard and Reserve are essential to the strength of our nation and the well-being of our communities.

**I**n the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society.

**I**f these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security.

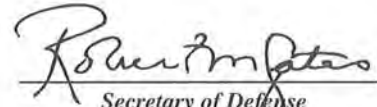
**T**herefore, we join other employers in pledging that:

- We fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Our managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve.
- We will continually recognize and support our country's service members and their families in peace, in crisis, and in war.

  
Employer

11-13-09  
Date

  
Chairman  
National Committee for Employer  
Support of the Guard and Reserve

  
Secretary of Defense



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Cindy Preas, Real Estate Manager  
**DATE:** November 23, 2009  
**RE:** **City Attorney/Real Estate Division - Adopt a Resolution Declaring Real Property Owned Jointly with Cumberland County Surplus and Authorizing a Quitclaim of the City's Title to the County in Order to Expedite Sale of the Land by Cumberland County**

---

**THE QUESTION:**

How best to respond to a request from Cumberland County for assistance in expediting sale of jointly-owned real property.

**RELATIONSHIP TO STRATEGIC PLAN:**

More Efficient City Government

**BACKGROUND:**

Cumberland County and the City of Fayetteville received joint title to the property identified as 0418-49-0251 located at 201 Johnson Street. The County has received an offer to purchase said property and is requesting the City declare the property surplus and quitclaim the City's interest to the County in order to expedite the sale process. Title to the above subject property is jointly held due to foreclosure by the County in its role as tax administrator. The County is in receipt of an offer to purchase the property for a price equaling the foreclosure bid; i.e. \$7,853.96. The City's share of overdue property taxes is \$1,021.15. Additionally, the City will collect \$2,075.81 of unpaid assessments, which was included in the foreclosure bid. If the present bids are declined, there is a good chance the property will remain in joint government ownership not earning taxes and requiring upkeep.

**ISSUES:**

None

**OPTIONS:**

- Accept the County's request and quit claim the City title to the County.
- Decline the County's request.

**RECOMMENDED ACTION:**

Adopt the attached resolution declaring the property surplus and authorize the City Manager to sign a quitclaim deed conveying the City's interest to the County in exchange for the City's share of overdue property taxes and assessments.

**ATTACHMENTS:**

Resolution

**STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND  
CITY OF FAYETTEVILLE**

Resolution R2009\_\_\_\_\_

**RESOLUTION DECLARING PROPERTY EXCESS  
TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE  
IN THE PROPERTY TO CUMBERLAND COUNTY**

**WHEREAS**, the City of Fayetteville and the County of Cumberland jointly own real property in Cumberland County, said property having the tax map designation of PIN 0418-49-0251 located at 201 Johnson Street; and

**WHEREAS**, the City of Fayetteville has financial interest in the form of unpaid real property taxes plus unpaid City assessments in said parcel; and

**WHEREAS**, the property is surplus to the needs of the City of Fayetteville; and

**WHEREAS**, the County of Cumberland has received an offer to purchase the parcel and requests that the City of Fayetteville join in the sale of the properties by declaring the parcel surplus to the City's needs and quitclaiming the City's title to the County; and

**WHEREAS**, the City Council of the City of Fayetteville finds such actions to be in the public interest.

**NOW THEREFORE**, the City Council of the City of Fayetteville hereby declares that the aforesaid real property is surplus to City's needs and authorizes its Manager to sign a deed quitclaiming title to the County of Cumberland.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009 by the City Council of the City of Fayetteville, North Carolina.

**CITY OF FAYETTEVILLE**

(SEAL)

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

ATTEST:

\_\_\_\_\_  
Rita Perry, City Clerk

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Rita Perry, City Clerk  
**DATE:** November 23, 2009  
**RE:** **City Clerk - Accept the Certification of Results from the Cumberland County Board of Elections for the November 3, 2009 Municipal Election**

---

**THE QUESTION:**

Does City Council accept the Certification of Results from the Cumberland County Board of Elections regarding the November 3, 2009 Municipal Election?

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**BACKGROUND:**

The Cumberland County Board of Elections having opened, canvassed and judicially determined the original returns of the election in the precincts in this county, held on November 3, 2009, certify that the attached Official Municipal Results contains the number of legal ballots cast in each precinct for each office named, the name of each person voted for and the number of votes cast for each person for the office named.

**ISSUES:**

NA

**OPTIONS:**

NA

**RECOMMENDED ACTION:**

Accept the Certification of Results from the Cumberland County Board of Election as presented

**ATTACHMENTS:**

November 3, 2009 Official Municipal Results

MUNICIPAL ELECTION  
NOVEMBER 3, 2009  
ABSTRACT OF VOTES  
FOR  
CITY OF FAYETTEVILLE  
STATE OF NORTH CAROLINA

INSTRUCTIONS

THREE COPIES are to be made. One copy is to be signed by the County Board of Elections and delivered by them, when the canvass is concluded, to the City Clerk (GS 163-300). One copy is to be retained by the County Board of Elections. One copy is to be mailed on canvass day to the Chairman of the State Board of Elections, Raleigh, North Carolina (GS 163-182.6).

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the above is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office named, the name of each person voted for, their party affiliation, and the number of votes cast for each person for the office named.

This is the 10<sup>th</sup> day of November, 2009

[Signature]  
[Signature]  
[Signature]

This day, personally appeared before me, Andrew McCaule  
Chairman of the County Board of Elections, who being duly sworn,  
says the abstract of votes herein contained is true and correct, according  
to the returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed  
my notarial seal this the 10<sup>th</sup> day of November, 2009.

[Signature]  
(Seal)

My Commission (if any) Expires: 5-20-2012







OFFICIAL MUNICIPAL RESULTS  
CUMBERLAND COUNTY

STATISTICS		EASTOVER MAYOR		EASTOVER TOWN COUNCIL					FALCON MAYOR		FALCON COMMISSIONER				FAYETTEVILLE MAYOR										
VOTERS	REGISTERED	CASSIDY	G. McClellan	W. RITE-IIN	Lawrence	Buffalo	D. Donald	C. Hudson	D. Wright	M. Murphy	B. Pearce	W. RITE-IIN	Clifton	T. Turpin	W. RITE-IIN	Wiley	J. W.	(Jerry)	Nick Randall	W. RITE-IIN	Thompson	Chavonne	Bob White	WRITER-IIN	
1960	232	1360	51	1024	189	913	53	2788	132	1834	105	92	0	87	79	15	83	1	1	1	1	1	1	1	1
1024	51	189	913	53	2788	132	1834	105	92	0	87	79	15	83	1	1	1	1	1	1	1	1	1	1	1
2158	189	913	53	2788	132	1834	105	92	0	87	79	15	83	1	1	1	1	1	1	1	1	1	1	1	1
913	53	2788	132	1834	105	92	0	87	79	15	83	1	1	1	1	1	1	1	1	1	1	1	1	1	1
2788	132	1834	105	92	0	87	79	15	83	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1834	105	92	0	87	79	15	83	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
756	24	18	0	16	15	9	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2979	417	19	463	360	0	3	3717	124	86	32	533	43	5848	12	2071	55	2694	206	59	1	0	0	0	0	0
359	19	463	360	0	3	3717	124	86	32	533	43	5848	12	2071	55	2694	206	59	1	0	0	0	0	0	0
2220	463	360	0	3	3717	124	86	32	533	43	5848	12	2071	55	2694	206	59	1	0	0	0	0	0	0	0
2497	360	0	3	3717	124	86	32	533	43	5848	12	2071	55	2694	206	59	1	0	0	0	0	0	0	0	0
3	0	3	3717	124	86	32	533	43	5848	12	2071	55	2694	206	59	1	0	0	0	0	0	0	0	0	0
3717	124	86	32	533	43	5848	12	2071	55	2694	206	59	1	0	0	0	0	0	0	0	0	0	0	0	0
86	32	533	43	5848	12	2071	55	2694	206	59	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
533	43	5848	12	2071	55	2694	206	59	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5848	12	2071	55	2694	206	59	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2071	55	2694	206	59	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2694	206	59	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
59	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4576	571	605	69	622	61	1815	131	383	64	3822	315	190	35	0	47	53	0	43	0	0	0	0	0	0	0
605	69	622	61	1815	131	383	64	3822	315	190	35	0	47	53	0	43	0	0	0	0	0	0	0	0	0
622	61	1815	131	383	64	3822	315	190	35	0	47	53	0	43	0	0	0	0	0	0	0	0	0	0	0
1815	131	383	64	3822	315	190	35	0	47	53	0	43	0	0	0	0	0	0	0	0	0	0	0	0	0
383	64	3822	315	190	35	0	47	53	0	43	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3822	315	190	35	0	47	53	0	43	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
190	35	0	47	53	0	43	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	47	53	0	43	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
53	0	43	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	43	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
139526	13049	110	0	103	94	24	98	1	28	28	28	28	28	28	28	28	28	28	28	28	28	28	28	28	28
3466	71	5	7030	3466	71	5	7030	3466	71	5	7030	3466	71	5	7030	3466	71	5	7030	3466	71	5	7030	3466	71

[illegible]

OFFICIAL MUNICIPAL RESULTS  
CUMBERLAND COUNTY

11/10/09 01:00 PM

	FAYETTEVILLE CITY COUNCIL DISTRICT 1 1ST		FAYETTEVILLE CITY COUNCIL DISTRICT 2 2ND		FAYETTEVILLE CITY COUNCIL DISTRICT 3 3RD		FAYETTEVILLE CITY COUNCIL DISTRICT 4 4TH		FAYETTEVILLE CITY COUNCIL DISTRICT 5 5TH		FAYETTEVILLE CITY COUNCIL DISTRICT 6 6TH		FAYETTEVILLE CITY COUNCIL DISTRICT 7 7TH	
	W R I T T E - I N	K a d d y	C h a r l e s	E .	G e o r g e	A . M a s s e y ,	R o b e r t	D . J . H a i r e	R o n H a r r i s o n	B o b b y H u r s t	B i l l C r i s p	W a d e P o w l e y	V a l A p p l e w h i t e	W R I T T E - I N
EO61-1 EASTOVER #1		1	4	0										
G1B JUDSON-VANDER		0	0	0										
LR63 LAKE RIM														
G2D LONGHILL	39												96	9
G11B MANCHESTER	3	0			0	1	0							
MB62 MONTIBELLO														
G3A PEARCES MILL #2		1	0	0									44	1
G3C PEARCES MILL #3		0	0	0										
G6A STEDMAN		0	0	0										
G10C STONEY POINT #1														
G10A STONEY POINT #2											40	21	0	
G2E WESTARA					149	161	2	0	0		63	39	0	
ONE STOP PAPER	1	0	5	12	0	5	0	3	1	0	1	0	0	0
ABSENTEE	2	0	6	12	0	1	2	2	0	1	1	2	0	0
PROVISIONAL	1	0	0	4	0	0	0	1	1	0	0	2	0	0
TOTALS	552	17	1161	941	8	574	745	824	431	1654	770	474	466	36

OFFICIAL MUNICIPAL RESULTS  
CUMBERLAND COUNTY

FAYETTEVILLE CITY COUNCIL DISTRICT 8 8TH		FAYETTEVILLE CITY COUNCIL DISTRICT 9 9TH		GODWIN MAYOR		GODWIN COMMISSIONER				HOPE MILLS MAYOR				
	W R I T E - I N	W e e l e y	A . M e r e d d i s l e y	W R I T E - I N	D e b o r a h	T e w G o d w i n	W R I T E - I N	W i l l i e B u r n e t t	D o n a l d M c I n t y r e	M a c k R o y a l	W R I T E - I N	E d d i e D e e s	J a c k i e W a r n e r	W R I T E - I N
T e d M o h n	212	3				29	10	43	31	29	27			
G7A BLACK RIVER														
CL57 CLIFFDALE WEST														
CC14 CROSS CREEK #14			214	17										
CC24 CROSS CREEK #24			77	6										
CC25 CROSS CREEK #25			123	7										
CC26 CROSS CREEK #26			81	7										
CC27 CROSS CREEK #27	35	3	21	1										
CC29 CROSS CREEK #29			95	8										
CC34 CROSS CREEK #34			181	11										
G8B CUMBERLAND #1A													6	5
G8C CUMBERLAND #3													7	5
G8A CUMBERLAND #4													2	1
G8D HOPE MILLS #1A													195	219
G9B HOPE MILLS #2													10	9
G9A HOPE MILLS #3													241	213
G10B HOPE MILLS #4													184	165
G11B MANCHESTER	3	0	0	0										
MR02 MORGANTON RD #2	95	4	65	7										
G10C STONEY POINT #1														
G10A STONEY POINT #2														
ONE STOP PAPER	0	0	0	0	0	0	0	0	0	0		0	0	0
ABSENTEE	0	0	1	0	0	0	0	0	0	0	0	9	18	0
PROVISIONAL	0	0	3	0	0	1	0	0	0	0	1	5	3	0
TOTALS	345	10	861	64	30	10	43	31	29	28	667	642		8

OFFICIAL MUNICIPAL RESULTS  
CUMBERLAND COUNTY

6 of 9

HOPE MILLS COMMISSIONER																			LINDEN MAYOR			
	Beili Jesse Jimmy Clark	K. Collins Tommie I.	Edwin S. Deaver I.	Bobb Gorman	Vince Jacks on	Jeery Lee g	Doris R. Lut he	Eddie May no	Mike Mitche ll	Patric k	Mitch ell	Nazario , S	Tina Odo m	Chari l	Linn Rowe ll	Terry W. Sm it	Steve Swee n	WRITTE - I N	Jacks on	Butte r	WRITTE - I N	
G8B CUMBERLAND #1A	4	0	2	3	7	0	3	5	6	2	1	1	3	2	0	2	0	0	0	0	0	
G8C CUMBERLAND #3	4	5	3	3	6	0	5	2	3	1	1	3	1	0	0	0	3	0	0	0	0	
G8A CUMBERLAND #4	1	0	2	1	1	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	
G8D HOPE MILLS #1A	137	92	124	182	102	117	158	157	145	40	27	174	27	174	16	155	32	2	2	0	0	
G9B HOPE MILLS #2	3	6	2	11	4	6	6	5	5	2	2	6	2	6	0	8	2	2	0	0	0	
G9A HOPE MILLS #3	98	122	148	176	84	127	154	178	165	89	61	117	61	117	18	219	29	29	5	5	5	
G10B HOPE MILLS #4	79	100	128	143	80	120	107	140	87	28	21	140	21	140	7	121	26	26	2	2	2	
L165 LINDEN																						
G10C STONEY POINT #1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	23	23	3	
G10A STONEY POINT #2	7	4	12	17	10	3	9	10	8	4	2	9	2	9	3	14	4	4	0	0	0	
ONE STOP PAPER	2	1	2	5	1	4	3	0	2	0	0	0	1	0	0	4	0	0	0	0	0	
ABSENTEE	1	2	1	3	1	2	2	1	3	0	0	4	3	1	1	2	2	2	1	0	0	
PROVISIONAL	1	0	2	2	2	2	1	3	3	0	1	1	2	1	1	4	0	0	1	0	0	
TOTALS	337	332	545	546	298	381	450	502	427	166	122	456	122	456	48	529	98	98	11	23	23	

OFFICIAL MUNICIPAL RESULTS  
CUMBERLAND COUNTY

11/10/09 01:00 PM

LINDEN COMMISSIONER										SPRING LAKE MAYOR	
										</	

OFFICIAL MUNICIPAL RESULTS  
CUMBERLAND COUNTY

11/10/09 01:00 PM

8 of 9

SPRING LAKE ALDERMAN										STEDMAN MAYOR		STEDMAN COMMISSIONER			WADE MAYOR			
JAMES CHRISTIAN	RICHARD	P. HIGGINS	NAPOLIEON HOGANS	JOHNSON-HUDSON	WILFORD LEE	NEILLIE L. MCCOY	JAMES	P. O. GAIR	A. SANTIAGO	TAMMY STEPHENS	SUTHERLAND	WRITTE - I N	BILLY D. HORNE	(MARRY) JONES	HALLI MAXWELL	PAUL C. PIERO	HUELL A. ECKIN	WRITTE - I N
2	2	2	0	1	2	2	0	2	2	2	2	0						
263	306	235	265	200	188	310	167	253	275	11	56	3	45	44	20	5		
2	0	0	2	0	2	1	1	0	2	0	0	0	0	0	0	0	49	0
4	2	1	4	3	2	2	4	5	5	0	0	0	0	0	0	0	0	0
3	2	4	4	3	1	2	2	6	5	0	0	0	0	0	0	0	0	0
274	312	240	276	208	193	316	176	266	289	11	56	3	46	44	20	5	49	0
TOTALS																		

WADE COMMISSIONER						EASTOVER SANITARY DISTRICT BOARD			
	Joe Dixon	Ray Edwards	Johnny Lanthorn	Ann C. Long	John C. J. (Butch)	W R I T T E - I N	H e l e n C r u m p l e e	L i z R e e s e	W R I T T E - I N
G7A BLACK RIVER							0	0	0
E061-1 EASTOVER #1							85	63	10
E061-2 EASTOVER #2							17	11	9
G1B JUDSON-VANDER									
G7B WADE	32	32	37	33	25	1	8	7	0
ONE STOP PAPER	0	0	0	0	0	0	0	0	0
ABSENTEE	0	0	0	0	0	0	0	0	0
PROVISIONAL	0	0	0	0	0	0	0	0	0
TOTALS	32	32	37	33	25	1	110	81	19



# MUNICIPAL ELECTION

November 3, 2009

## ABSTRACT OF WRITE-IN VOTES STATE OF NORTH CAROLINA

### INSTRUCTIONS

THREE COPIES are to be made. One copy is to be delivered to the Clerk of Superior Court. One copy is to be retained by the County Board of Elections. One copy is to be mailed on canvass day to the Chairman of the State Board of Elections, Raleigh, North Carolina (GS 163-176).

### STATE OF NORTH CAROLINA COUNTY OF CUMBERLAND COUNTY

Write-in votes must be accounted for if an individual receives 5 or more votes. All other write-in votes shall be accumulated and placed under Miscellaneous.

OFFICE: City of Fayetteville Mayor NAME: Marshall Pitts NAME: Nero Coleman	TOTAL WRITE-IN VOTES: 71 WRITE-IN VOTES: 5 WRITE-IN VOTES: 7
MISCELLANEOUS VOTES:	59
OFFICE: Fayetteville Council District 1	TOTAL WRITE-IN VOTES: 17
MISCELLANEOUS VOTES:	17
OFFICE: Fayetteville Council District 2	TOTAL WRITE-IN VOTES: 8
MISCELLANEOUS VOTES:	8
OFFICE: Fayetteville Council District 3	TOTAL WRITE-IN VOTES: 5
MISCELLANEOUS VOTES:	5
OFFICE: Fayetteville Council District 4	TOTAL WRITE-IN VOTES: 4
MISCELLANEOUS VOTES:	4

Write-in votes must be accounted for if an individual receives 5 or more votes. All other write-in votes shall be accumulated and placed under Miscellaneous.

OFFICE: Fayetteville Council District 5	TOTAL WRITE-IN VOTES: 43
MISCELLANEOUS VOTES:	43
OFFICE: Fayetteville Council District 6	TOTAL WRITE-IN VOTES: 2
MISCELLANEOUS VOTES:	2
OFFICE: Fayetteville Council District 7	TOTAL WRITE-IN VOTES: 36
MISCELLANEOUS VOTES:	36
OFFICE: Fayetteville Council District 8	TOTAL WRITE-IN VOTES: 10
MISCELLANEOUS VOTES:	10
OFFICE: Fayetteville Council District 9	TOTAL WRITE-IN VOTES: 64
MISCELLANEOUS VOTES:	64
OFFICE: Eastover Sanitary District Member NAME: Danny Matthews	TOTAL WRITE-IN VOTES: 19 WRITE-IN VOTES: 9
MISCELLANEOUS VOTES:	10
OFFICE: Town of Godwin Mayor NAME: Raymond Lindsey	TOTAL WRITE-IN VOTES: 10 WRITE-IN VOTES: 9
MISCELLANEOUS VOTES:	1
OFFICE: Godwin Commissioner NAME: Ronald McNeill	TOTAL WRITE-IN VOTES: 28 WRITE-IN VOTES: 27

Write-in votes must be accounted for if an individual receives 5 or more votes. All other write-in votes shall be accumulated and placed under Miscellaneous.

MISCELLANEOUS VOTES:	1	
OFFICE: Town of Hope Mills Mayor	TOTAL WRITE-IN VOTES: 8	
MISCELLANEOUS VOTES:	8	
OFFICE: Town of Hope Mills Commissioner	TOTAL WRITE-IN VOTES: 11	
MISCELLANEOUS VOTES:	11	
OFFICE: Town of Eastover Mayor	TOTAL WRITE-IN VOTES: 0	
MISCELLANEOUS VOTES:	0	
OFFICE: Town of Eastover Town Council	TOTAL WRITE-IN VOTES: 1	
MISCELLANEOUS VOTES:	1	
OFFICE: Town of Linden Mayor	TOTAL WRITE-IN VOTES: 3	
MISCELLANEOUS VOTES:	3	
OFFICE: Town of Linden Commissioner	TOTAL WRITE-IN VOTES: 9	
MISCELLANEOUS VOTES:	9	
OFFICE: Town of Spring Lake Mayor	TOTAL WRITE-IN VOTES: 11	
MISCELLANEOUS VOTES:	11	
OFFICE: Town of Spring Lake Alderman	TOTAL WRITE-IN VOTES: 11	
MISCELLANEOUS VOTES:	11	
OFFICE: Town of Stedman Mayor	TOTAL WRITE-IN VOTES: 3	
MISCELLANEOUS VOTES:	3	

Write-in votes must be accounted for if an individual receives 5 or more votes. All other write-in votes shall be accumulated and placed under Miscellaneous.

OFFICE: Town of Stedman Commissioner	TOTAL WRITE-IN VOTES: 5
MISCELLANEOUS VOTES:	5
OFFICE: Town of Wade Mayor	TOTAL WRITE-IN VOTES: 0
MISCELLANEOUS VOTES:	0
OFFICE: Town of Wade Commissioner	TOTAL WRITE-IN VOTES: 1
MISCELLANEOUS VOTES:	1
OFFICE: Town of Falcon Mayor	TOTAL WRITE-IN VOTES: 3
MISCELLANEOUS VOTES:	3
OFFICE: Town of Falcon Commissioner	TOTAL WRITE-IN VOTES: 5
MISCELLANEOUS VOTES:	5

<b>CITY COUNCIL ACTION MEMO</b>
---------------------------------

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** **Finance - Capital Project Ordinance Closeout 2010-1 (FY2007 Annual Street Resurfacing Contract)**

---

**THE QUESTION:**

Staff requests Council to closeout the FY2007 Annual Street Resurfacing Project capital project ordinance.

**RELATIONSHIP TO STRATEGIC PLAN:**

Mission Principal 6: Well Designed and Well Maintained Infrastructure and Facilities

**BACKGROUND:**

- Annually, the City closes out several projects that have been completed in previous fiscal years and that are no longer active.
- The project referenced above has been completed in a previous fiscal year and the revenues and expenditures related to this project have been audited.
- The attached ordinance closeout details the budget and actual revenues and expenditures for the project.

**ISSUES:**

None

**OPTIONS:**

- 1) Adopt Capital Project Ordinance Closeout 2010-1.
- 2) Do not adopt Capital Project Ordinance Closeout 2010-1.

**RECOMMENDED ACTION:**

Adopt Capital Project Ordinance Closeout 2010-1.

**ATTACHMENTS:**

Capital Project Ordinance Closeout 2010-1

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2010-1 (CPO 2007-1)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2007-1, adopted November 27, 2006, for the funding of the FY2007 Annual Street Resurfacing Project.

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

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

	<u>Budget</u>	<u>Actual</u>
General Fund Transfer	<u>\$ 2,470,000</u>	<u>\$ 2,414,611</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 2,470,000</u>	<u>\$ 2,414,611</u>

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

Adopted this 23rd day of November, 2009



<b>CITY COUNCIL ACTION MEMO</b>
---------------------------------

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** **Finance - Capital Project Ordinance Closeout 2010-2 (Gillespie Streetscape Project)**

---

**THE QUESTION:**

Staff requests Council to closeout the capital project ordinance for the Gillespie Streetscape Project.

**RELATIONSHIP TO STRATEGIC PLAN:**

Mission Principal 6: Well Designed and Well Maintained Infrastructure and Facilities

**BACKGROUND:**

- Annually, the City closes out several projects that have been completed in previous fiscal years and that are no longer active.
- The project referenced above has been completed in a previous fiscal year and the revenues and expenditures related to this project have been audited.
- The attached ordinance closeout details the budget and actual revenues and expenditures for the project.

**ISSUES:**

None

**OPTIONS:**

- 1) Adopt Capital Project Ordinance Closeout 2010-2.
- 2) Do not adopt Capital Project Ordinance Closeout 2010-2.

**RECOMMENDED ACTION:**

Adopt Capital Project Ordinance Closeout 2010-2.

**ATTACHMENTS:**

Capital Project Ordinance Closeout 2010-2

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2010-2 (CPO 2006-11)

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

- Section 1. The project closing authorized is to Capital Project Ordinance 2006-11, adopted June 12, 2006, as amended, for the funding of the Gillespie Streetscape.
- Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.
- Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Central Business Tax District Transfer	\$ 200,000	\$ 195,645
General Fund Transfer	37,000	-
Total Revenues	<u>\$ 237,000</u>	<u>\$ 195,645</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 237,000</u>	<u>\$ 195,645</u>

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

Adopted this 23rd day of November, 2009

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** Finance - Capital Project Ordinance Partial Closeout 2010-3 (Sidewalks and Related Improvements)

---

### **THE QUESTION:**

Staff requests Council to approve a partial closeout of the Sidewalks and Related Improvements capital project ordinance.

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

Mission Principal 6: Well Designed and Well Maintained Infrastructure and Facilities

### **BACKGROUND:**

- Annually, the City closes out several projects that have been completed in previous fiscal years and that are no longer active.
- The Bingham Drive sidewalk project within this capital project ordinance was completed in a previous fiscal year and the revenues and expenditures related to this project have been audited.
- The attached partial closeout ordinance details the budget and actual revenues and expenditures for the Bingham Drive project that will be closed out as well as the budget that remains open for other projects within the sidewalk and related improvements project ordinance.

### **ISSUES:**

None

### **OPTIONS:**

- 1) Adopt Capital Project Ordinance Partial Closeout 2010-3.
- 2) Do not adopt Capital Project Ordinance Partial Closeout 2010-3.

### **RECOMMENDED ACTION:**

Adopt Capital Project Ordinance Partial Closeout 2010-3.

### **ATTACHMENTS:**

Capital Project Ordinance Partial Closeout 2010-3

CAPITAL PROJECT ORDINANCE PARTIAL CLOSEOUT  
CLO 2010-3 (CPO 2001-8)

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

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

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

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

	<u>Budget</u>	<u>Budget Closeout</u>	<u>Remaining Project Budget</u>	<u>Actual Closeout</u>
General Fund Transfer	\$ 347,253	\$ 126,182	\$ 221,071	\$ 65,357
Developer's Fees	48,775	-	48,775	-
Miscellaneous Income	10,204	-	10,204	-
State Grant	-	-	-	-
	<u>\$ 406,232</u>	<u>\$ 126,182</u>	<u>\$ 280,050</u>	<u>\$ 65,357</u>

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

	<u>Budget</u>	<u>Budget Closeout</u>	<u>Remaining Project Budget</u>	<u>Actual Closeout</u>
Project Expenditures	<u>\$ 406,232</u>	<u>\$ 126,182</u>	<u>\$ 280,050</u>	<u>\$ 65,357</u>

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

Adopted this 23rd day of November, 2009



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** **Finance - Capital Project Ordinance Closeout 2010-4 (Festival Park/Complementary Projects)**

---

### **THE QUESTION:**

Staff requests Council to closeout the Festival Park/Complementary Projects capital project ordinance.

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

Goal 6: Revitalized Downtown as a Community Focal Point

### **BACKGROUND:**

- Annually, the City closes out several projects that have been completed in previous fiscal years and that are no longer active.
- The project referenced above has been completed in a previous fiscal year and the revenues and expenditures related to this project have been audited.
- The attached ordinance closeout details the budget and actual revenues and expenditures for the project.

### **ISSUES:**

None

### **OPTIONS:**

- 1) Adopt Capital Project Ordinance Closeout 2010-4.
- 2) Do not adopt Capital Project Ordinance Closeout 2010-4.

### **RECOMMENDED ACTION:**

Adopt Capital Project Ordinance Closeout 2010-4.

### **ATTACHMENTS:**

Capital Project Ordinance Closeout 2010-4

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2010-4 (CPO 2003-1)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2003-1, adopted August 5, 2002, as amended, for funding of the demolition and rehabilitation of the USO site, land acquisition, design and construction of the Festival Park, and design and construction of complementary projects such as Stargate artwork, commercial development, and the round-about traffic circle.

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

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

	<u>Budget</u>	<u>Actual</u>
<b>Festival Park:</b>		
General Fund Transfer (Progress Energy Contributions)	\$ 170,408	\$ 170,408
Donations-Progress Energy Contributions	2,284,195	2,284,195
Fund 46 Transfer (from Property, Demolition & Parking and Gateway Projects)	272,586	272,586
General Fund Transfer	357,372	331,313
Investment Income	24,253	19,084
Total	<u>\$ 3,108,814</u>	<u>\$ 3,077,586</u>
<b>Complementary Projects:</b>		
Donations	\$ 118,000	\$ 118,200
General Fund Transfer	359,450	347,233
Central Business Tax District Fund Transfer	30,000	30,000
Fund 46 Transfer (from CPO for Property, Demolition & Parking)	375,627	375,627
Total	<u>\$ 883,077</u>	<u>\$ 871,060</u>
<b>Ordinance Total</b>	<u>\$ 3,991,891</u>	<u>\$ 3,948,646</u>

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

	<u>Budget</u>	<u>Actual</u>
Festival Park Project	\$ 3,108,814	\$ 3,077,586
Complementary Projects	883,077	871,060
<b>Ordinance Total</b>	<u>\$ 3,991,891</u>	<u>\$ 3,948,646</u>

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

Adopted this 23rd day of November, 2009

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa T. Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** **Finance - Budget Ordinance Amendment 2010-4 (General Fund and Risk Management Fund)**

---

**THE QUESTION:**

This budget ordinance amendment will reclassify \$42,426,282 of budgeted sales tax and utility franchise tax distributions from Other Taxes to Intergovernmental Revenues to be consistent with presentation revisions in the Comprehensive Annual Financial Report. The amendment will also reduce projected beer and wine tax distributions from the State by \$661,403, consistent with budget actions taken by the State legislature after adoption of the City budget. The loss in revenue is offset by a General Fund fund balance appropriation of \$638,988 and a \$22,415 reduction in projected reimbursements to Spring Lake related to the Fort Bragg annexation. The amendment will also appropriate a \$10,000 grant from the Arts Council to fund expanded cultural arts programs in our recreation centers. In addition, the amendment will also appropriate \$300,000 from the Risk Management Fund fund balance to fund claim settlement payments during fiscal year 2009/2010.

**RELATIONSHIP TO STRATEGIC PLAN:**

Mission Principle: Financially Sound City Government.

**BACKGROUND:**

- Budget actions taken by the State of North Carolina will result in the withholding of two-thirds of the beer and wine tax revenues normally distributed to municipalities for fiscal year 2009-2010. It is expected that normal distributions will resume for fiscal year 2010-2011 and beyond.
- As a result of the reduced beer and wine revenues, the City's projected reimbursement to Spring Lake for the sharing of revenues from the Fort Bragg annexation is reduced by \$22,415.
- A General Fund fund balance appropriation of \$638,988 is required to offset the balance of the beer and wine tax revenue reduction.
- The Arts Council of Fayetteville/Cumberland County has awarded the City a \$10,000 grant to fund expanded art, music and literacy programs in our recreation centers. Required matching funds of \$10,000 will be met from the current Parks, Recreation and Maintenance operating budget.
- The City maintains a fund balance in the Risk Management Fund as a reserve for claims and benefit plans settlements which may exceed expected annual amounts.
- Recent claim payments require use of \$300,000 of those reserve funds for payments during the 2009/2010 fiscal year.

**ISSUES:**

None

**OPTIONS:**

Adopt the budget ordinance amendment to recognize the projected General Fund revenue reductions, appropriate the \$10,000 grant funding and fund claim settlement payments.

**RECOMMENDED ACTION:**

Adopt the budget ordinance amendment.

**ATTACHMENTS:**

Budget Ordinance Amendment 2010-4

2009-2010 BUDGET ORDINANCE AMENDMENT  
CHANGE 2010-4

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

That the City of Fayetteville Budget Ordinance adopted June 22, 2009 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, 2009, and ending June 30, 2010, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Other Taxes	\$ 45,112,861	\$ (42,426,282)	\$ 2,686,579
Intergovernmental Revenues	10,437,038	41,764,879	52,201,917
Other Revenues	2,164,922	10,000	2,174,922
Fund Balance Appropriation	9,100,801	638,988	9,739,789
All Other General Fund Revenues and OFS	82,119,993	-	82,119,993
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 148,935,615</u>	<u>\$ (12,415)</u>	<u>\$ 148,923,200</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, 2009, and ending June 30, 2010, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Other Appropriations	\$ 32,782,772	\$ (22,415)	\$ 32,760,357
Parks, Recreation & Maintenance	15,431,228	10,000	15,441,228
All Other General Fund Departments	100,721,615		100,721,615
Total Estimated General Fund Expenditures	<u>\$ 148,935,615</u>	<u>\$ (12,415)</u>	<u>\$ 148,923,200</u>

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

That the Financial Plan adopted by the City of Fayetteville on June 22, 2009 is hereby amended as follows:

Section 3. It is estimated that the following revenues and other financing sources will be available through the Budget Ordinance Appropriation and other revenues during the fiscal year beginning July 1, 2009, and ending June 30, 2010, to meet the appropriation listed in Section 4.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: Internal Service Fund - Risk Management</u>			
Total Estimated Redistribution to Risk Management Fund and Other Revenues and Financing Sources	<u>\$ 18,926,469</u>	<u>\$ 300,000</u>	<u>\$ 19,226,469</u>

Section 4. The following amounts are hereby appropriated for the operation of the Risk Management Fund and its activities for the fiscal year beginning July 1, 2009, and ending June 30, 2010, according to the following schedule.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: Internal Service Fund - Risk Management</u>			
Total Estimated Risk Management Fund Expenditures	<u>\$ 18,926,469</u>	<u>\$ 300,000</u>	<u>\$ 19,226,469</u>

Adopted this 23rd day of November, 2009.



<b>CITY COUNCIL ACTION MEMO</b>
---------------------------------

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** **Finance - Capital Project Ordinance Closeout 2010-5 (Westover Recreation Center and Festival Park Projects)**

---

**THE QUESTION:**

Staff requests Council to closeout the Westover Recreation Center and Festival Park capital project ordinance.

**RELATIONSHIP TO STRATEGIC PLAN:**

Vision Principle C: Leisure Opportunities for All

**BACKGROUND:**

- Annually, the City closes out several projects that have been completed in previous fiscal years and that are no longer active.
- The project referenced above has been completed in a previous fiscal year and the revenues and expenditures related to this project have been audited.
- The attached ordinance closeout details the budget and actual revenues and expenditures for the project.

**ISSUES:**

None

**OPTIONS:**

- 1) Adopt Capital Project Ordinance Closeout 2010-5.
- 2) Do not adopt Capital Project Ordinance Closeout 2010-5.

**RECOMMENDED ACTION:**

Adopt Capital Project Ordinance Closeout 2010-5.

**ATTACHMENTS:**

Capital Project Ordinance Closeout 2010-5

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2010-5 (CPO 2005-5)

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

- Section 1. The project closing authorized is to Capital Project Ordinance 2005-5, adopted January 10, 2005, as amended, for the funding of the Westover Recreation Center and Festival Park.
- Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.
- Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Investment Income	\$ 327,000	\$ 323,662
Bond Proceeds	6,976,591	6,976,591
Total Revenues	<u>\$ 7,303,591</u>	<u>\$ 7,300,253</u>

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

	<u>Budget</u>	<u>Actual</u>
Westover Recreation Center	\$ 2,839,143	\$ 2,836,046
Festival Park	4,464,448	4,464,207
Total Expenditures	<u>\$ 7,303,591</u>	<u>\$ 7,300,253</u>

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

Adopted this 23rd day of November, 2009

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** Finance - Special Revenue Fund Project Ordinance 2010-12 (FY2010 Operation Ceasefire Program)

---

**THE QUESTION:**

This ordinance will establish the budget for the Operation Ceasefire Program for fiscal year 2010. This program is funded by a \$18,580 grant awarded by the State of NC Department of Crime Control and Public Safety, Division of the Governor's Crime Commission. The grant will fund supplies and other operating costs of the program.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 1: GROWING CITY, LIVABLE NEIGHBORHOODS – A GREAT PLACE TO LIVE

Objective 1: Low crime rate and reputation as a safe community

**BACKGROUND:**

- This project will utilize the existing local Project Safe Neighborhood framework and community partnerships to combat gun and gang related crime through prevention, intervention, suppression, community mobilization and education.
- The grant does not require a local match.

**ISSUES:**

None

**OPTIONS:**

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

**RECOMMENDED ACTION:**

Adopt the Special Revenue Fund Project Ordinance.

**ATTACHMENTS:**

Special Revenue Project Ordinance 2010-12

SPECIAL REVENUE FUND PROJECT ORDINANCE  
ORD 2010-12

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

Section 1. The project authorized is for the FY 2010 Project Safe Neighborhoods - Operation Ceasefire Program, funded by a grant from the North Carolina Department of Crime Control and Public Safety, a division of Governor's Crime Commission.

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

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

N.C. Governor's Crime Commission	<u>\$ 18,580</u>
----------------------------------	------------------

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

Project Expenditures	<u>\$ 18,580</u>
----------------------	------------------

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

Adopted this 23rd day of November, 2009.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** **Finance - Special Revenue Fund Project Ordinance 2010-13 (Energy Efficiency and Conservation Block Grant - Phase I)**

---

**THE QUESTION:**

The attached special revenue project ordinance will appropriate \$100,000 to cover Phase I of the Energy Efficiency and Conservation Strategy Program.

**RELATIONSHIP TO STRATEGIC PLAN:**

Principle J: Sustainable Community

**BACKGROUND:**

- The Energy Efficiency and Conservation Strategy Program - Phase I is for the development of a comprehensive energy efficiency and conservation strategy to demonstrate how the City of Fayetteville intends to use the \$1,652,900, which has been allocated to the City by the U.S. Department of Energy to meet the goals and objectives of the program.
- Some of the goals of this program include the reduction of greenhouse gas emissions and improvement of energy efficiency. Some of the objectives of this program include the reduction in the use of fossil fuels and imported energy, stabilization of the community, and neighborhood and individual welfare.
- The City has been authorized to spend up to \$100,000 of the allocation for phase I. There is no local match required for this grant.
- The attached special revenue project ordinance will formally establish the \$100,000 budget for Phase I of this project.

**ISSUES:**

None

**OPTIONS:**

1. Adopt Special Revenue Fund Project Ordinance 2010-13.
2. Do not Special Revenue Fund Project Ordinance 2010-13.

**RECOMMENDED ACTION:**

Adopt Special Revenue Fund Project Ordinance 2010-13.

**ATTACHMENTS:**

SRO 2010-13 Energy Efficiency and Conservation Strategy



SPECIAL REVENUE FUND PROJECT ORDINANCE  
ORD 2010-13

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

Section 1. The project authorized is for the funding of the American Recovery and Reinvestment Act of 2009 (ARRA) Phase I of the Energy Efficiency and Conservation Strategy Program awarded by the U.S. Department of Energy.

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

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

U.S. Department of Energy, National Energy Technology Laboratory	<u>\$ 100,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 100,000</u>
----------------------	-------------------

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

Adopted this 23rd day of November, 2009.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** **Finance - Capital Project Ordinance 2010-14 (Skye Drive Drainage Improvement Project)**

---

**THE QUESTION:**

This ordinance will establish a \$679,640 budget for the Skye Drive Drainage Improvement Project.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 4, Objective 1 – More Efficient City Government – Investing in the City’s infrastructure, facilities and equipment.

**BACKGROUND:**

- The source of funds for this ordinance consists of a \$557,000 Clean Water State Revolving Loan from the North Carolina Department of Environment and Natural Resources and a \$122,640 transfer from the Stormwater Fund.
- The \$557,000 Clean Water State Revolving Loan was approved by Council at the September 28 meeting.
- The \$122,640 Stormwater Fund Transfer was approved by Council at the October 12 meeting.
- The funds will be used for the Skye Drive drainage improvement project that will reduce flooding along City streets, private properties, and reduce stormwater runoff into Branson Creek.

**ISSUES:**

None

**OPTIONS:**

- 1) Adopt Capital Project Ordinance 2010-14.
- 2) Do not adopt Capital Project Ordinance 2010-14.

**RECOMMENDED ACTION:**

Adopt Capital Project Ordinance 2010-14.

**ATTACHMENTS:**

Capital Project Ordinance 2010-14

CAPITAL PROJECT ORDINANCE  
ORD 2010-14

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

Section 1. The authorized project is for the funding of the Skye Drive Drainage Improvement Project.

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

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

NC Department of Environment and Natural Resources -	
Clean Water State Revolving Loan	\$ 557,000
Interfund Transfer from the Stormwater Fund	122,640
	<u>\$ 679,640</u>

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

Project Expenditures	<u>\$ 679,640</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 23rd day of November, 2009.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** **Finance - Capital Project Ordinance Amendment 2010-19 (Ramsey Street Transportation Improvement Project)**

---

**THE QUESTION:**

This amendment will appropriate an additional \$200,000 for the Ramsey Street Transportation Improvement Project.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 4, Objective 1: More Efficient City Government – Investing in the City's infrastructure, facilities and equipment.

**BACKGROUND:**

- The source of funds for this amendment is a \$200,000 transfer from the General Fund. The funds are included in the General Fund Budget.
- If approved, the revised project budget will be \$350,000.
- These funds will be used for right-of-way, utility relocation, and other associated expenditures.

**ISSUES:**

None

**OPTIONS:**

- 1) Adopt Capital Project Ordinance Amendment 2010-19.
- 2) Do not adopt Capital Project Ordinance Amendment 2010-19.

**RECOMMENDED ACTION:**

Adopt Capital Project Ordinance Amendment 2010-19.

**ATTACHMENTS:**

Capital Project Ordinance Amendment 2010-19

CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2010-19 (CPO 2010-9)

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

Section 1. The project change authorized is to Capital Project Ordinance 2010-9, adopted July 27, 2009, as amended, for the funding of right-of-way, utility relocation, and other expenditures for the Ramsey Street Transportation Improvement Project.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
General Fund Transfer	<u>\$ 150,000</u>	<u>\$ 200,000</u>	<u>\$ 350,000</u>

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

Project Expenditures	<u>\$ 150,000</u>	<u>\$ 200,000</u>	<u>\$ 350,000</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 23rd day of November, 2009.



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** **Finance - Capital Project Ordinance Amendment 2010-20 (CPO 2010-2 Computer Replacement Project)**

---

**THE QUESTION:**

The attached project ordinance amendment will appropriate an additional \$31,500 for the Computer Replacement Project.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 4 - More Efficient City Government - Cost Effective Service Delivery - Investing in the City's future infrastructure, facilities and equipment.

**BACKGROUND:**

- The original \$288,662 budget for this project was approved by Council at the June 22, 2009 meeting, with an effective date of July 1, 2009, consistent with the Capital Improvement Plan for fiscal years 2010-2014.
- An additional \$31,500 was approved for the computer replacement project in the General Fund budget on October 12, 2009.
- If approved, this capital project amendment will recognize the transfer from the General Fund and the revised budget for this project will be \$320,162.

**ISSUES:**

None

**OPTIONS:**

1. Adopt Capital Project Ordinance Amendment 2010-20.
2. Do not adopt Capital Project Ordinance Amendment 2010-20.

**RECOMMENDED ACTION:**

Adopt Capital Project Ordinance Amendment 2010-20.

**ATTACHMENTS:**

Capital Project Ordinance Amendment 2010-20

CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2010-20 (CPO 2010-2)

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

Section 1. The project change authorized is to Capital Project Ordinance 2010-2, adopted June 22, 2009, with an effective date of July 1, 2009, as amended, for the FY 2010 Computer Replacements project.

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

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

	Listed As	Amendment	Revised
General Fund Transfer	<u>\$ 288,662</u>	<u>\$ 31,500</u>	<u>\$ 320,162</u>

Section 3. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 288,662</u>	<u>\$ 31,500</u>	<u>\$ 320,162</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 23rd day of November, 2009.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of Council  
**FROM:** Gloria Wrench, Purchasing Manager  
**DATE:** November 23, 2009  
**RE:** Finance - Integrated Cashiering and Payment Management System - Phase 2

---

**THE QUESTION:**

Staff requests approval to award a contract for hardware, software and professional services related to the implementation of Phase 2 of the Integrated Cashiering and Payment Management System

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 4: More Efficient City Government - Cost Effective Service Delivery

**BACKGROUND:**

- N.C.G.S. 143-129(e)(6) allows an exception to the bidding requirements for the purchase of apparatus, supplies, materials or equipment when a needed product is available from only one source of supply and when standardization and compatibility is the overriding consideration.
- The Integrated Cashiering and Payment Management solution provides centralized point-of-sale and cash receipting through an integrated system that connects Finance, Inspections, Parks, Recreation and Maintenance, and the Fire Department for centralized payment collections and financial transactions. The project is implemented in two phases. Phase 1 is underway and Phase 2 includes software, service costs and third-party hardware and software costs. These costs will be for the implementation of the web payments, the integration of collection terminals in the four departments, and software setup for 20 additional users in Parks, Recreation and Maintenance sites. Active Network Ltd. was the supplier for hardware, software and services for Phase 1 of this project. In order to maintain standardization and compatibility with Phase 1, the software, hardware and services related to Phase 2, need to be purchased from Active Network Ltd.
- The Integrated Cashiering and Payment Management System is included in the FY2010-FY2014 Capital Improvement Plan adopted by City Council.

**ISSUES:**

None

**OPTIONS:**

- 1) Award contract according to staff recommendation.
- 2) Reject bid and not award contract.

**RECOMMENDED ACTION:**

Award a contract to Active Network Ltd., in the amount of \$152,900, for the purchase of hardware, software and professional services related to the implementation of Phase 2 of the Integrated Cashiering and Payment Management System.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** **Finance - Resolution Designating a Recovery Zone for the Purpose of the American Recovery and Reinvestment Act**

---

**THE QUESTION:**

Does City Council wish to adopt a resolution designating a recovery zone to preserve the City's flexibility to issue certain types of economic development bonds authorized by the American Recovery and Reinvestment Act?

**RELATIONSHIP TO STRATEGIC PLAN:**

Principle G: Strong Local Economy

Goal 4, Objective 1: Investing in City's future infrastructure, facilities and equipment

**BACKGROUND:**

- The American Recovery and Reinvestment Act of 2009 contains several provisions intended to increase demand for local government debt, including the creation of two types of bonds for economic development.
- The bonds, Recovery Zone Economic Development Bonds(RZEDB) and Recovery Zone Facility Bonds (RZFB), may be issued in the 2009 or 2010 calendar year.
- RZEDB bonds must be spent for capital expenditures and public infrastructure for the purpose of promoting development or other economic activity in a recovery zone.
- RZFB bonds can be used to finance many types of private capital investment in areas designated as a recovery zone.
- Recovery zones are areas designated by an issuer as: (a) having significant poverty, unemployment, home foreclosure or general distress, or (b) being economically distressed due to BRAC or (c) being designated an empowerment zone or renewal community
- The US Treasury released state, county and city allocations for the RZEDB and RZFB bonds which included allocations for the City of Fayetteville as follows: \$1,569,000 in RZEDB bonds and \$2,353,000 in RZFB bonds.
- City staff has reviewed and continues to review projects that may benefit from the issuance of these types of bonds.
- To maintain the City's flexibility to possibly issue these bonds and potentially secure increased allocations for these bonds, the City must adopt a resolution establishing a recovery zone consistent with the guidelines outlined above and submit the resolution to the NC Department of Commerce by December 15, 2009.
- The attached resolution designates the 2000 Census Tracts 1, 2, 4, 10, 12, 13. and 24 as a recovery zone for the purposes outlined in the American Recovery and Reinvestment Act of 2009.
- These areas have been recommended as a recovery zone for the following reasons: a) these areas have been identified as a "Historically Underutilized Business" zone, b) the entire County, including these areas, has been classified as a "Tier One" community which means our County is among the 40 most economically distressed counties in the state, and c) the unemployment rate for Fayetteville, which includes these areas, has increased from an average of 4.3% in calendar year 2007 to 7.2% in September 2009.

**ISSUES:**

None

**OPTIONS:**

1. Adopt the resolution establishing a recovery zone.
2. Do not adopt the resolution establishing a recovery zone and provide guidance to staff.

**RECOMMENDED ACTION:**

Adopt the resolution establishing a recovery zone.

**ATTACHMENTS:**

Recovery Zone Resolution

Recovery Zone Map



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE,  
NORTH CAROLINA DESIGNATING A RECOVERY ZONE**

WHEREAS, the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) ("ARRA") modifies the Internal Revenue Code of 1986, as amended (the "Code") to authorize, among others, two new types of bonds entitled "recovery zone economic development bonds" and "recovery zone facility bonds;" and

WHEREAS, "recovery zone economic development bonds are a subcategory of taxable build America bonds (as defined in section 54AA(d) of the Code), issued under provisions of ARRA that have been codified as Section 1400U-2 of the Code, the proceeds of which are to be used for qualified economic development purposes in a recovery zone; and

WHEREAS, qualified economic development purpose include expenditures for the purpose of promoting development or other economic activity in a recovery zone, including capital expenditures for property located in the zone or expenditures for public infrastructure and construction of public facilities in the zone; and

WHEREAS, ARRA also authorizes a new type of federally tax exempt private activity bonds entitled "recovery zone facility bonds" in Sections 1400U-1 and 1400U-3 of the Code to finance construction, renovation, or acquisition of depreciable property by a private taxpayer of a qualified business in a recovery zone, with "qualified business" defined to include any trade or business other than residential rental property and certain prohibited uses outlined in the Code;

WHEREAS, sections 1440U-2 through 1400U-3 of the Code, and related Notice 2009-50 issued by the U.S. Treasury Department (collectively, the "Recovery Zone Act") define a recovery zone as any area designated by the City as an area of significant poverty, unemployment, rate of home foreclosure, or general distress;

WHEREAS, the City has determined that the 2000 Census Tracts 1, 2, 4, 10, 12, 13 and 24 as identified on the attached map have been designated as a HUB zone, that these tracts are part of Cumberland County which has been designated as a Tier One County by the State of North Carolina, and the City of Fayetteville, including these census tracts, has experienced increased unemployment since calendar year 2007.

WHEREAS, the City has determined that it is in the best interest of the City and its citizens to designate the 2000 Census Tracts 1, 2, 4, 10, 12, 13 and 24 as a "recovery zone" for purposes of the Recovery Zone Act;

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

1. The City hereby finds that there is increased unemployment and general economic distress as outlined above in the 2000 Census Tracts 1, 2, 4, 10, 12, 13 and 24 as identified on the attached map, and therefore hereby designates these areas as a recovery zone for purposes of the Recovery Zone Act.

2. The officers of the City are hereby authorized and directed to take all actions as may be required in furtherance of the designation of the recovery zone.

---

Mayor

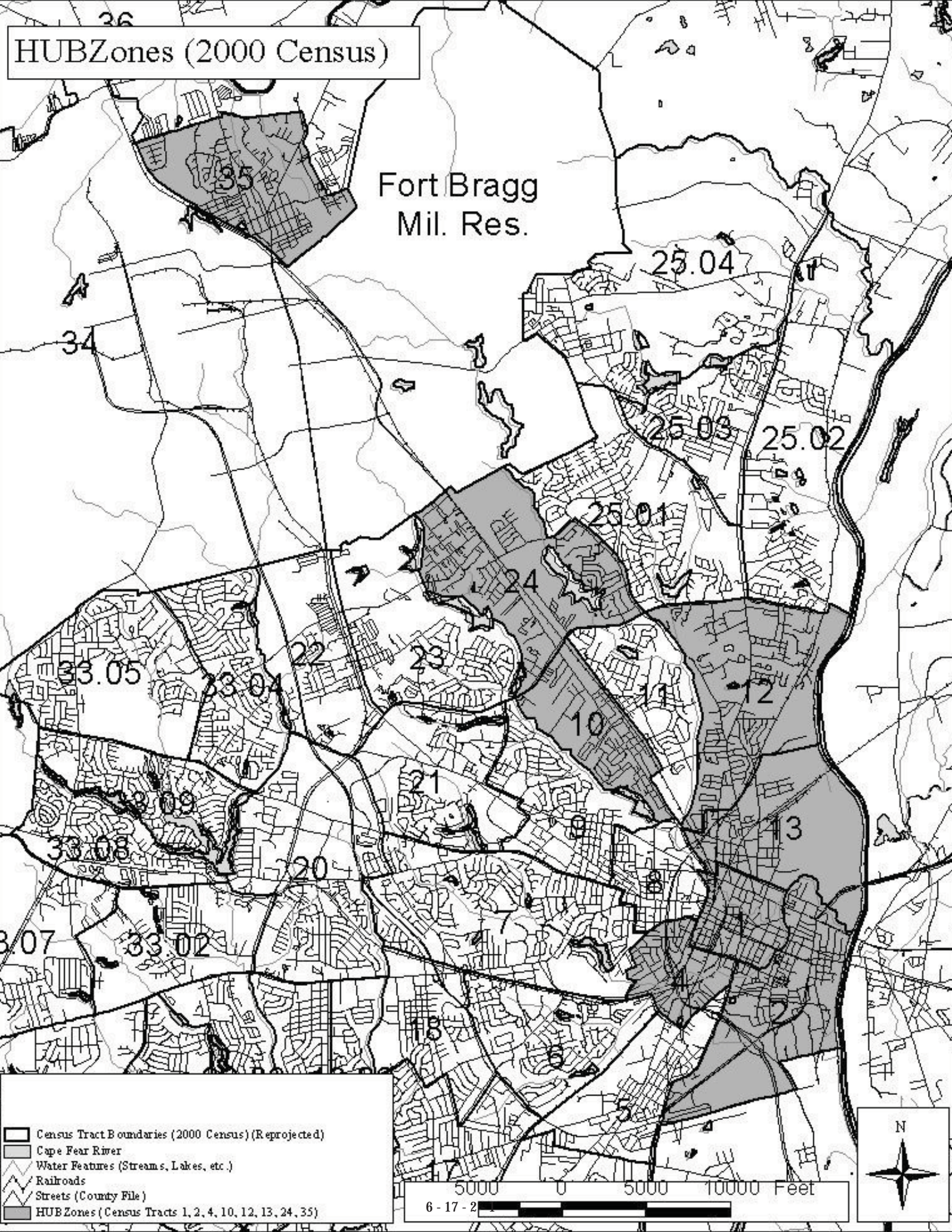
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City Clerk



HUBZones (2000 Census)

Fort Bragg  
Mil. Res.



- Census Tract Boundaries (2000 Census) (Reprojected)
- Cape Fear River
- Water Features (Streams, Lakes, etc.)
- Railroads
- Streets (County File)
- HUBZones (Census Tracts 1, 2, 4, 10, 12, 13, 24, 35)

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6-17-2





## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Nancy Peters, Accounts Payable Supervisor through Lisa Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** **Finance - Tax Refunds of Greater Than \$100**

---

**THE QUESTION:**

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

**RELATIONSHIP TO STRATEGIC PLAN:**

Core Value: Stewardship

**BACKGROUND:**

- The attached refunds for greater than \$100 have been approved by the Cumberland County Special Board of Equalization for the month of October, 2009.
- Council approval is required before the City can issue the refunds.

**ISSUES:**

None

**OPTIONS:**

Approve the refunds.

**RECOMMENDED ACTION:**

Approval

**ATTACHMENTS:**

Finance- Tax Refunds of Greater Than \$100



November 23, 2009

**MEMORANDUM**

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable *NWP*

RE: Tax Refunds of Greater Than \$100

The tax refunds listed below for greater than \$100 were approved by the Cumberland County Special Board of Equalization for the month of October, 2009.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Lassiter, Regina T/A New Beginnings Academy	7913286	2008	Exempt Per Section 501 C	259.89
Smith Agri Supply Inc. Smith, Nancy	9065212 & 9254821	2004-2008	Corrected Assessment	607.59
<b>TOTAL</b>				<b>\$867.48</b>

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Karen S. Hilton, AICP, Interim Planning Director  
**DATE:** November 23, 2009  
**RE:** **Planning - Sign Permit: "Feed My Sheep Thanksgiving Dinner"**

---

**THE QUESTION:**

Approval of Sign Permit requested by Pastor Walker for up to 20 signs along Skibo Road announcing a free Thanksgiving Dinner at Alger B. Wilkins School, 1429 Skibo Road

**RELATIONSHIP TO STRATEGIC PLAN:**

Partnership of Citizens

**BACKGROUND:**

The Sign Ordinance contains a provision allowing special signs for festivals and major events for the purpose of giving directions and information to include temporary on-premise and off-premise signs. These signs are subject to a special permit granted by City Council.

The event is a free Thanksgiving dinner to be held at Alger B. Wilkins School at 1429 Skibo Road on Thanksgiving day, between 10:00 a.m. and 2:00 p.m. Pastor Walker indicated they would place their small signs announcing the event in various locations along Skibo Road starting Tuesday, November 24th. The signs would announce the "Feed My Sheep Thanksgiving Dinner" as a free event, with time and location on the signs.

**ISSUES:**

The City Council has routinely approved requests by non-profit organizations. The signs for this event must be removed by end of day Friday, November 27.

**OPTIONS:**

1. Grant the permit as requested, for up to 20 small signs along Skibo Road, beginning 11/24 and to be removed by end of Friday 11/27.
2. Approve with modifications (reduced number of signs or change in locations).
3. Deny the request.

**RECOMMENDED ACTION:**

Grant the permit as requested, for up to 20 small signs along Skibo Road.



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, Planner II  
**DATE:** November 23, 2009  
**RE:** **Planning - Case No. P09-33F: Consider the rezoning from R10 Residential District to the zoning classification of C1 instead of the original request for C3 Commercial District for property located at 1512 Hope Mills Road. Containing 1.07 acres more or less and being the property of Charles & Ida Donaldson. [The C1 zoning was acceptable to the applicant and recommended by the Zoning Commission.]**

---

**THE QUESTION:**

Rezone from R10 Residential District to C1 Commercial District. (C3, a less restrictive district was the original applicant's request)

**RELATIONSHIP TO STRATEGIC PLAN:**

Growth and Development

**BACKGROUND:**

Owner: Charles & Ida Donaldson  
Applicant: Bryan Donaldson  
Requested Action: R10 to C3  
Property Address: 1512 Hope Mills Rd. (Council member Crisp's district)  
Size: +/- 1.08 acres  
Existing Land Use: Single family residential  
Adjoining Land Use & Zoning: North – C1 Commercial / South – C1P Commercial / East – C1P Commercial / West – R10 Residential  
Hope Mills Rd. Land Use Plan: Office & Institutional  
Letters Mailed: 120

**ISSUES:**

This application is for a C3 Zoning District, but the Applicant, the Zoning Commission and Staff all agree that C1 is more appropriate. Although the Hope Mills area plan calls for office or institutional development, the site is between two commercially zoned and used properties. Because the site is narrow, the C1 is the most restrictive district allowing commercial use of the property.

**OPTIONS:**

Rezone the property to C1 Commercial Zoning;  
Set a public hearing for a future date for this application;

**RECOMMENDED ACTION:**

The Zoning Commission and Staff recommend:

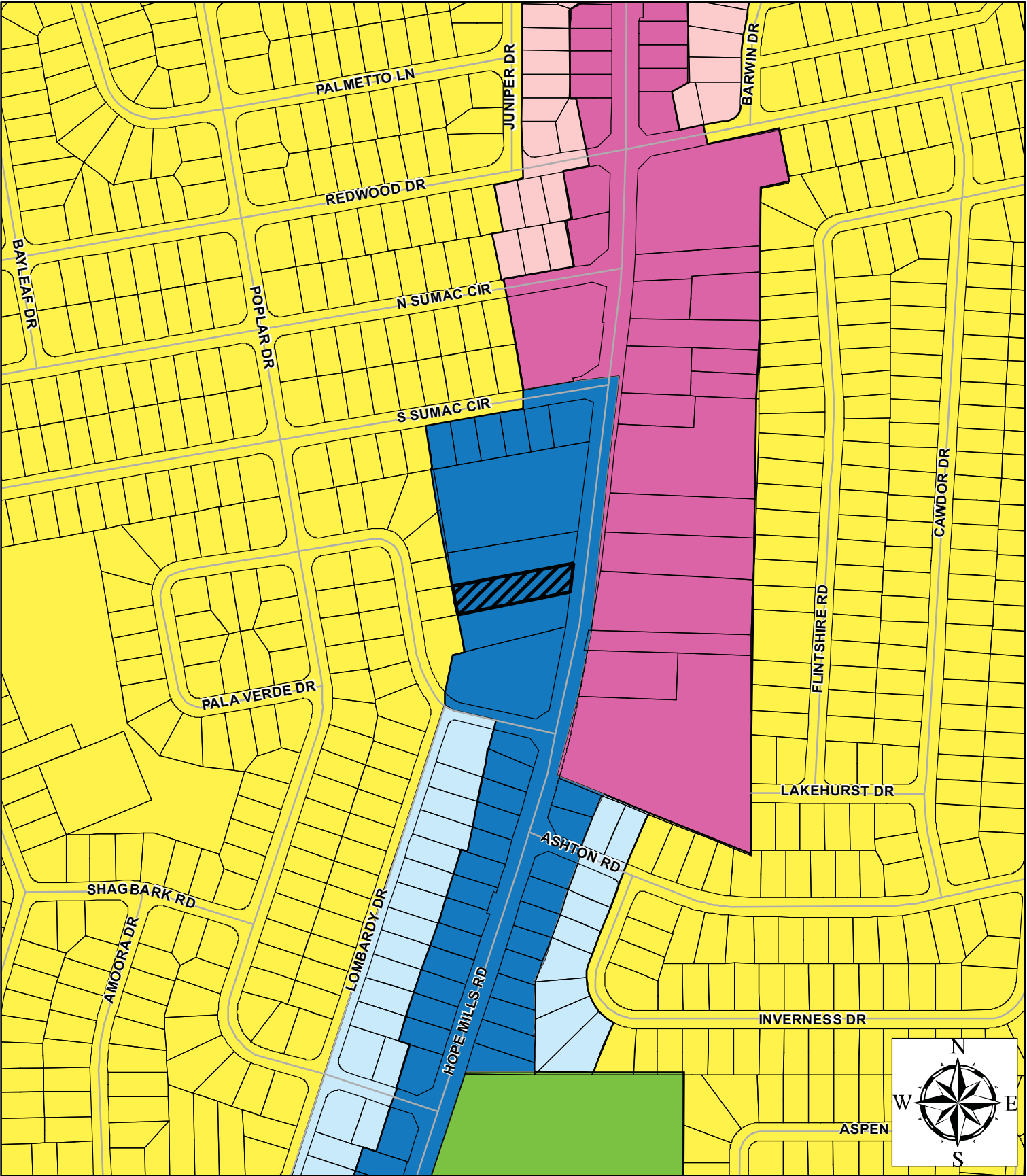
That the Council move to approve the C1 Zoning District for this property.

**ATTACHMENTS:**

Hope Mills Road Land Use Plan  
Current Landuse  
Ortho Photo  
Vicinity Map

Zoning Map  
Pictures  
Minutes

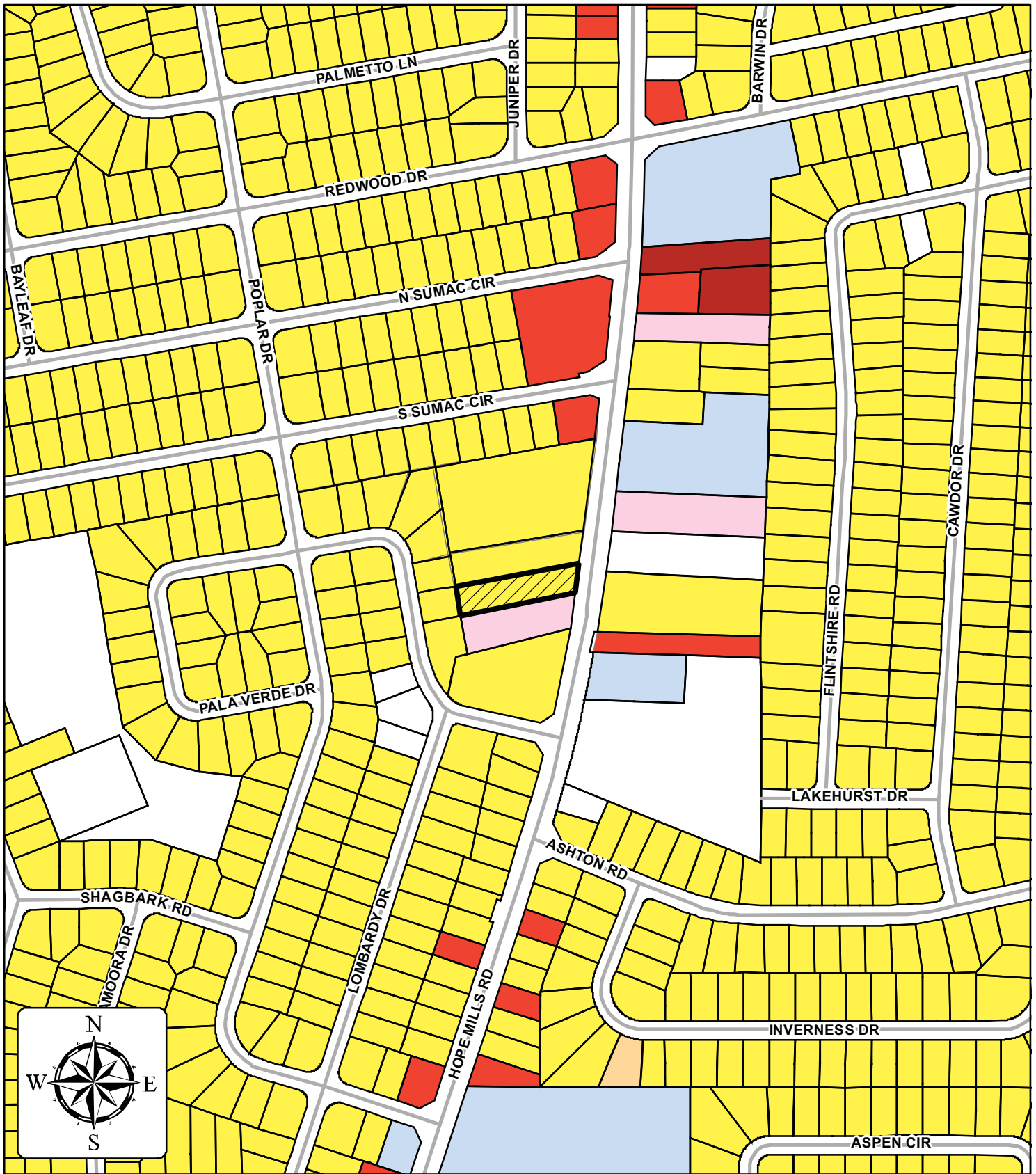
2010 Land Use Plan  
Case No. P09-33F



- Legend**
- |                            |                        |                         |
|----------------------------|------------------------|-------------------------|
| Medium Density Residential | Office / Institutional | Governmental            |
| Light Commercial           | Heavy Commercial       | Low Density Residential |

# Current Land Use

## P09-33F



### Legend

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

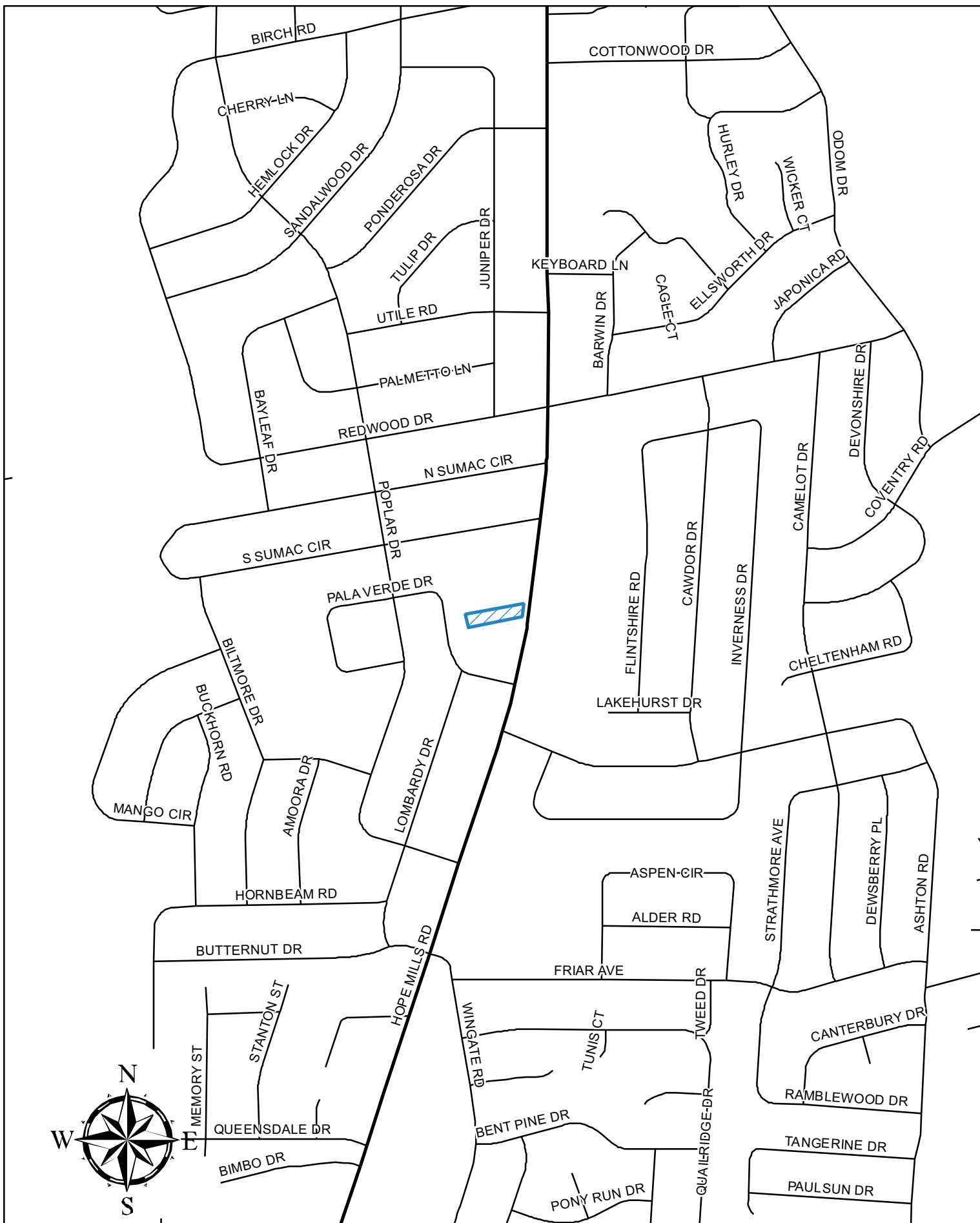






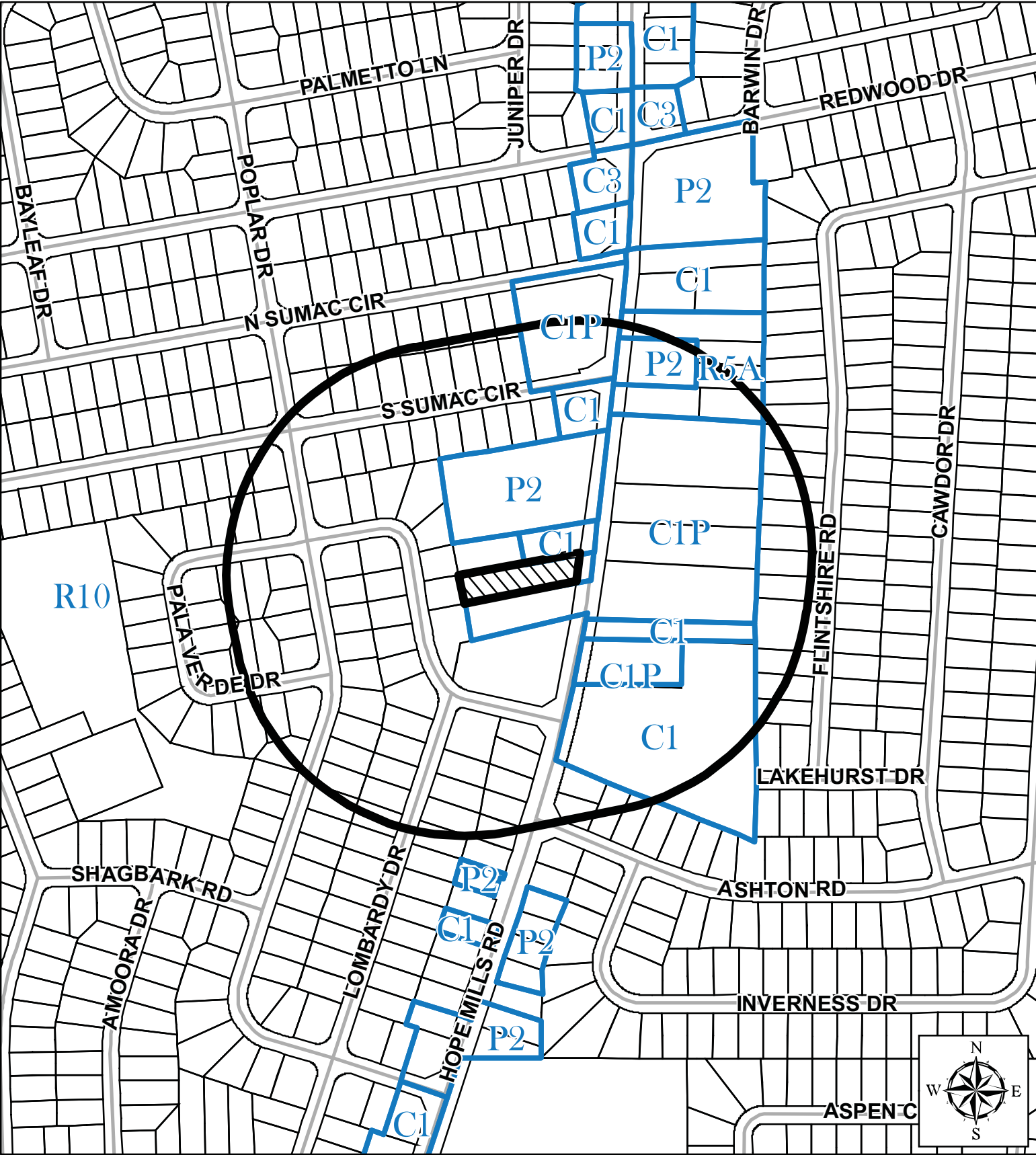
# Zoning Commission - Vicinity Map

Case No. P09-33F





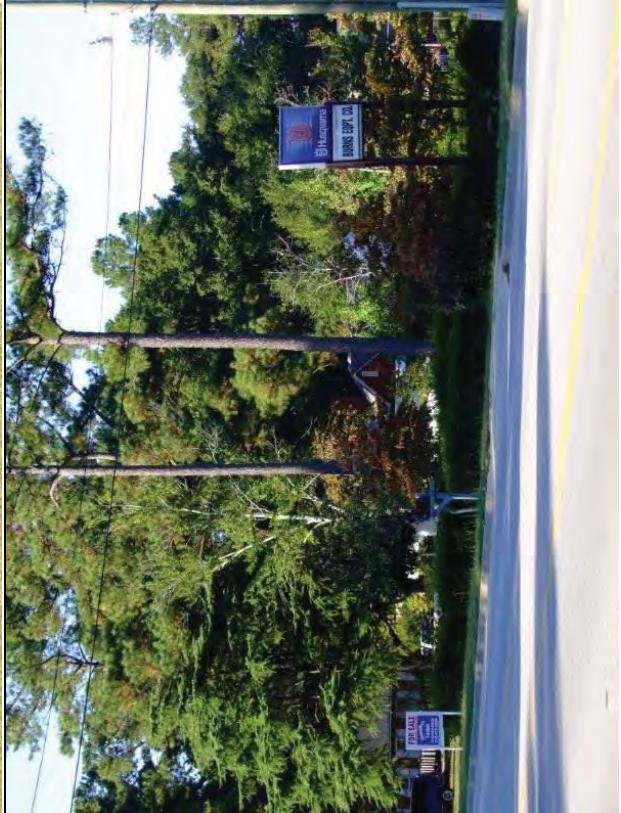
ZONING COMMISSION  
CASE NO. P09-33F



Request: R10 to C3	Zoning Commission: 10/13/2009	Recommendation: _____
Location: 1512 Hope Mills Rd.	City Council: _____	Final Action: _____
Acreage: +/- 1.07	Pin: 0416-13-3539	

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





P09-33F

**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBERS  
1ST FLOOR, CITY HALL  
October 13, 2009- 7:00 P.M.**

**MEMBERS PRESENT**

Pete Paoni  
Richard West  
John Crawley  
Lockett Tally  
Marshall Isler

**MEMBERS ABSENT**

**OTHERS PRESENT**

Marsha Bryant, Planner  
Craig Harmon, Planner  
Janet Smith, Asst. City Atty  
David Steinmetz, Inspections  
Karen Hilton, Intm Plan. Dir.

The meeting was called to order at 7:00 pm.

Mr. Paoni asked about the omission of the election of chair and vice chair for the Commission. The commission discussed the possibilities of moving the election to the November meeting. Mr. Crawley made a motion to have the election at the November meeting. Mr. West seconded the motion. A vote was taken and passed unanimously.

**I. APPROVAL OF AGENDA**

**II. APPROVAL OF THE MINUTES FROM THE AUGUST 11, 2009 MEETING**

A motion was made by Mr. West to approve the minutes from the August 11, 2009 meeting. The second was given by Mr. Tally. A vote was taken and passed unanimously.

**III. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 9, 2009 MEETING**

A motion was made by Mr. West to approve the minutes from the September 9, 2009 meeting. A second was given by Mr. Tally. A vote was taken and passed unanimously.

**Mr. Paoni explained the Commission members' job was to conduct public hearings, listening carefully to the testimony from both sides to make recommendations that would be forwarded to City Council for final action. Each side will be given fifteen (15) minutes, collectively, to speak and must be signed up prior to the meeting. Request for Special Use Permits are quasi-judicial and speakers must be sworn in before speaking. Any aggrieved party has ten (10) days from today's meeting to file an appeal with the City Clerk's Office, located on the second floor of City Hall.**

**IV. PUBLIC HEARINGS**

- A. Case No. P09-33F. The rezoning from R10 Residential District to C3 Commercial District or to a more restrictive zoning classification for property located at 1512 Hope Mills Road. Containing 1.07 acres more or less and being the property of Charles & Ida Donaldson.**

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. He stated that the 2010 land use plan and the Hope Mills Road plan both call for the property to be used as office and institutional. He stated that the planning department mailed out 120 letters regards the request. Mr. Harmon showed pictures to explain current land use of the property.

The public hearing was opened.

Mr. Bryan Donaldson spoke in favor of the request. Mr. Donaldson stated that he is the son of Charles and Ida Donaldson and represents them with a power of attorney for these matters. Mr. Donaldson stated that he would like to change to request from C3 to C1. He stated that after further review of the manual there is nothing that can't be done with C1 and no longer requires a C3 zoning.

Mr. Donaldson stated that the property surrounding his property on the three sides is C1 and his property is R10. He stated that he owns the property directly behind the property requesting the rezoning; which is also zoned R10.

Mr. Paoni asked Mr. Donaldson what was directly behind the property requesting the rezoning. Mr. Donaldson stated that it was a residential home.

Mr. Paoni asked what was in the surrounding area. Mr. Donaldson spoke of the businesses currently around his property.

The public hearing was closed.

Mr. Paoni asked Mr. Harmon why the entire block of that area be rezoned. Mr. Harmon stated that this rezoning was a voluntary request by the applicant and in order to rezone the rest of the block the other property owners would have to come in to request their property be changed.

Mr. Harmon stated that the staff recommends approval of the C1 commercial district. He stated that the C1 zoning would be appropriate for the area because the property is surrounded on 3 sides with commercial zonings and active commercial uses. Mr. Harmon stated that even though the Hope Mills Road study recommends office and institutional use, staff believes that light commercial would work well for the property because of its position between commercial now. Mr. Harmon stated that planning staff recommends not allowing the rezoning of additional properties south of the current C1P districts on the western side of the Hope Mills Road which would be in keeping with the new 2030 plan for the area.

Mr. Crawley made a motion to approve the request to have the property rezoned to C1. Mr. West seconded the motion. A vote was taken and the motion passed unanimously.



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, Planner II  
**DATE:** November 23, 2009  
**RE:** **Planning - Case No. P09-35F: The rezoning from C1P Commercial District to R5/CZ Residential Conditional Zoning District for an apartment complex on property located at 5951 Cliffdale Road. Containing 11.21 acres more or less and being the property of Tart and Tart Inc.**

---

**THE QUESTION:**

Rezone from C1P Commercial District to R5/CZ Residential Conditional Zoning District.

**RELATIONSHIP TO STRATEGIC PLAN:**

Growth and Development

**BACKGROUND:**

Owner: Tart & Tart, Inc.

Applicant: CL Tart

Requested Action: C1P to R5/CZ

Property Address: 5951 Cliffdale Rd. (Council member Meredith's district)

Size: +/- 11.21 acres

Existing Land Use: The Sports Center

Adjoining Land Use & Zoning: North – C1P Commercial / South – C3 Commercial / East – C1P

Commercial / West – R5A Residential

2010 Landuse Plan: Heavy Commercial

2030 Growth Vision Plan: 2.9 New development shall be especially encouraged in locations where a full range of urban services and infrastructure is already in place.

Letters Mailed: 57

School System: Westover High, Anne Chesnutt Middle, Montclair Elementary

**ISSUES:**

Cliffdale Road is a major thoroughfare with 36,000 average daily trips in the area of the proposed rezoning. Cliffdale is a NC DOT maintained road. FAST Transit service is available to this property.

NCDOT is requiring additional improvements to Cliffdale Road to help mitigate the added traffic. This would include new right in and right out lane be added to Cliffdale.

**OPTIONS:**

Rezone the property to R5/CZ Residential Conditional Zoning District;  
Set a Public Hearing for a future date regarding this case.

**RECOMMENDED ACTION:**

The Zoning Commission and Staff recommend:

That the Council move to approve the R5/CZ with the conditions as submitted by the applicant and recommended by the Zoning Commission.

As a Conditional Rezoning, the development will be held to the conditions of the site plan, some of which are to limit the number of units to 182 where 305 would be allowed under conventional R5 zoning. And to add a 6 foot chain link fence (made solid in appearance) adjacent to all existing non-residential development.

In addition, the developer agreed to the recommendations of staff to add a sidewalk from the proposed apartments to Cliffdale Road and extend the right turn lane past Tart Place's entrance 100' to allow easier access out of the development to Cliffdale Road, as well as build a new right turn lane off of Cliffdale Road into the proposed development (both requirements of NCDOT).

**ATTACHMENTS:**

2010 Plan

Current Landuse

Ortho Photo

Vicinity Map

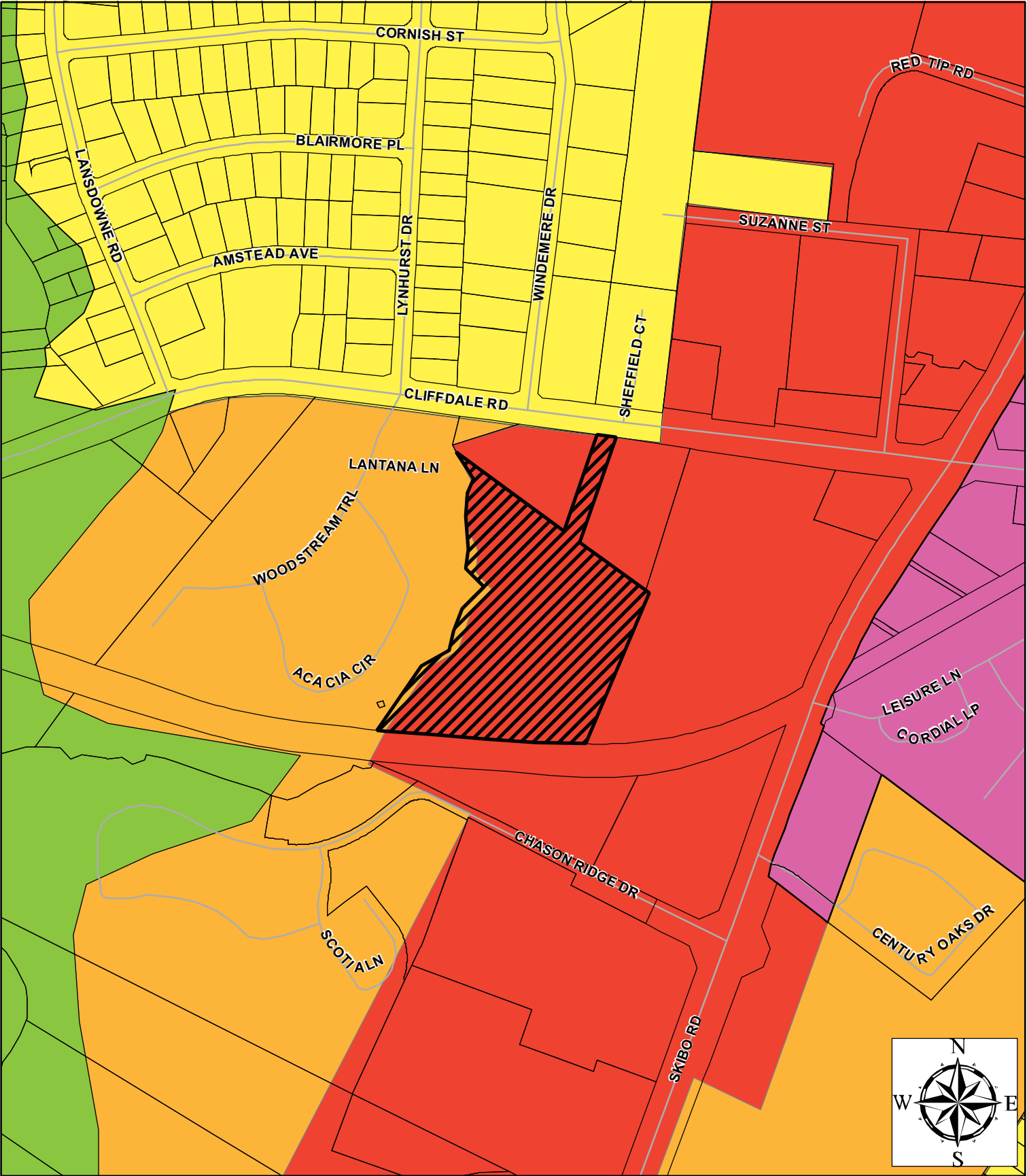
Zoning Map

Site Plan

Pictures



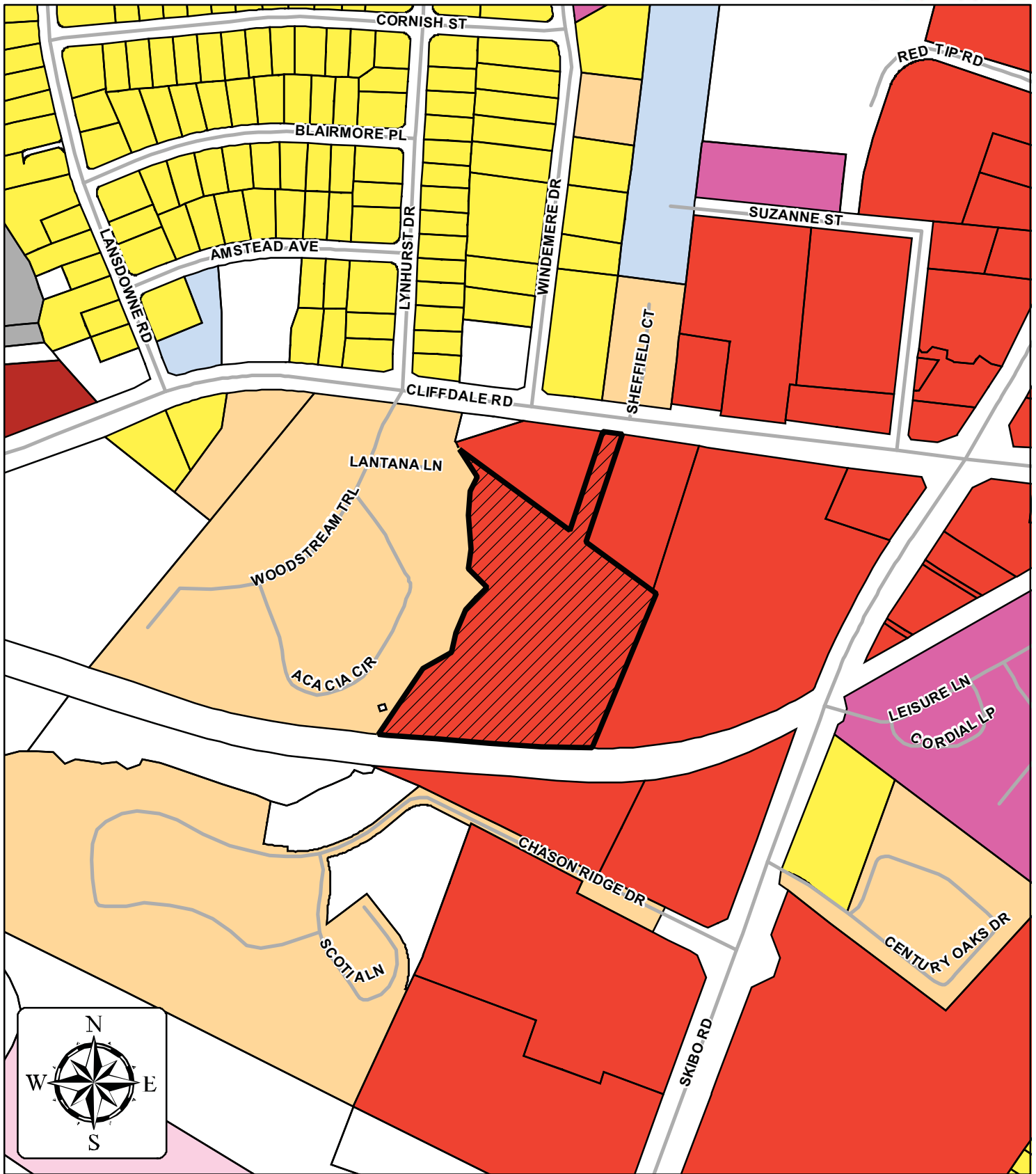
2010 Land Use Plan  
Case No. P09-35F



- Legend**
- |                            |                        |                         |
|----------------------------|------------------------|-------------------------|
| Medium Density Residential | Office / Institutional | Governmental            |
| Light Commercial           | Heavy Commercial       | Low Density Residential |

# Current Land Use

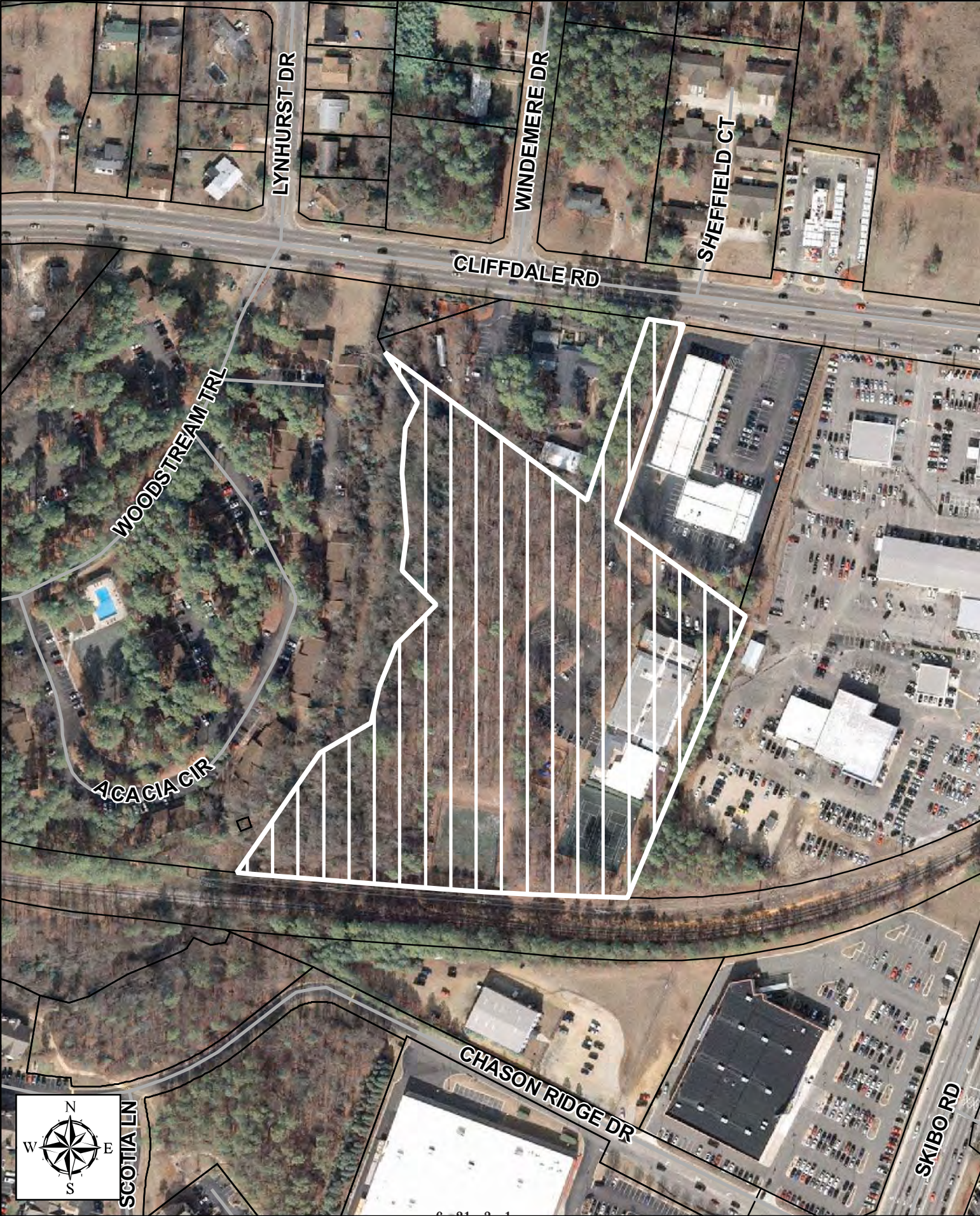
## P09-35F



Legend

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

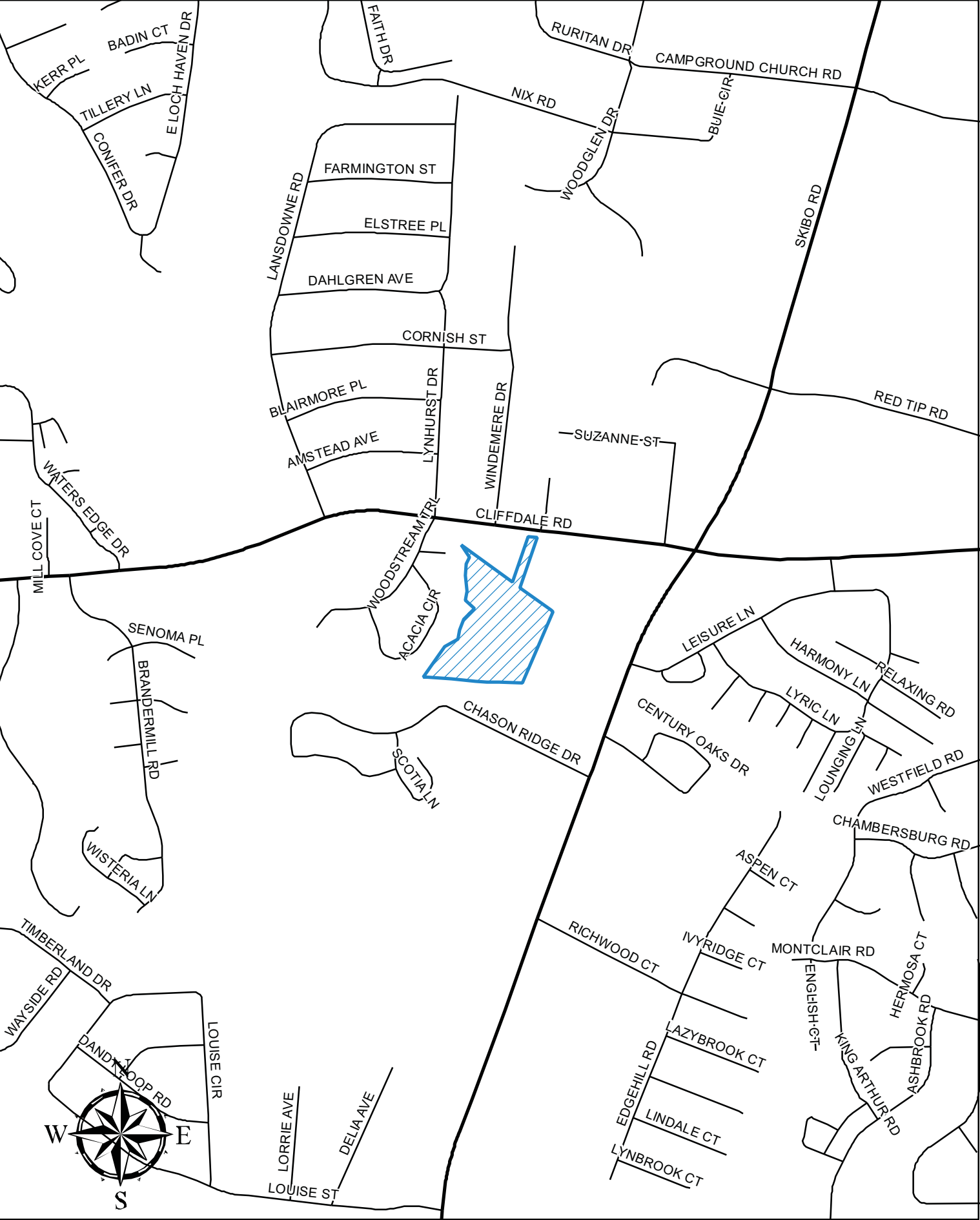




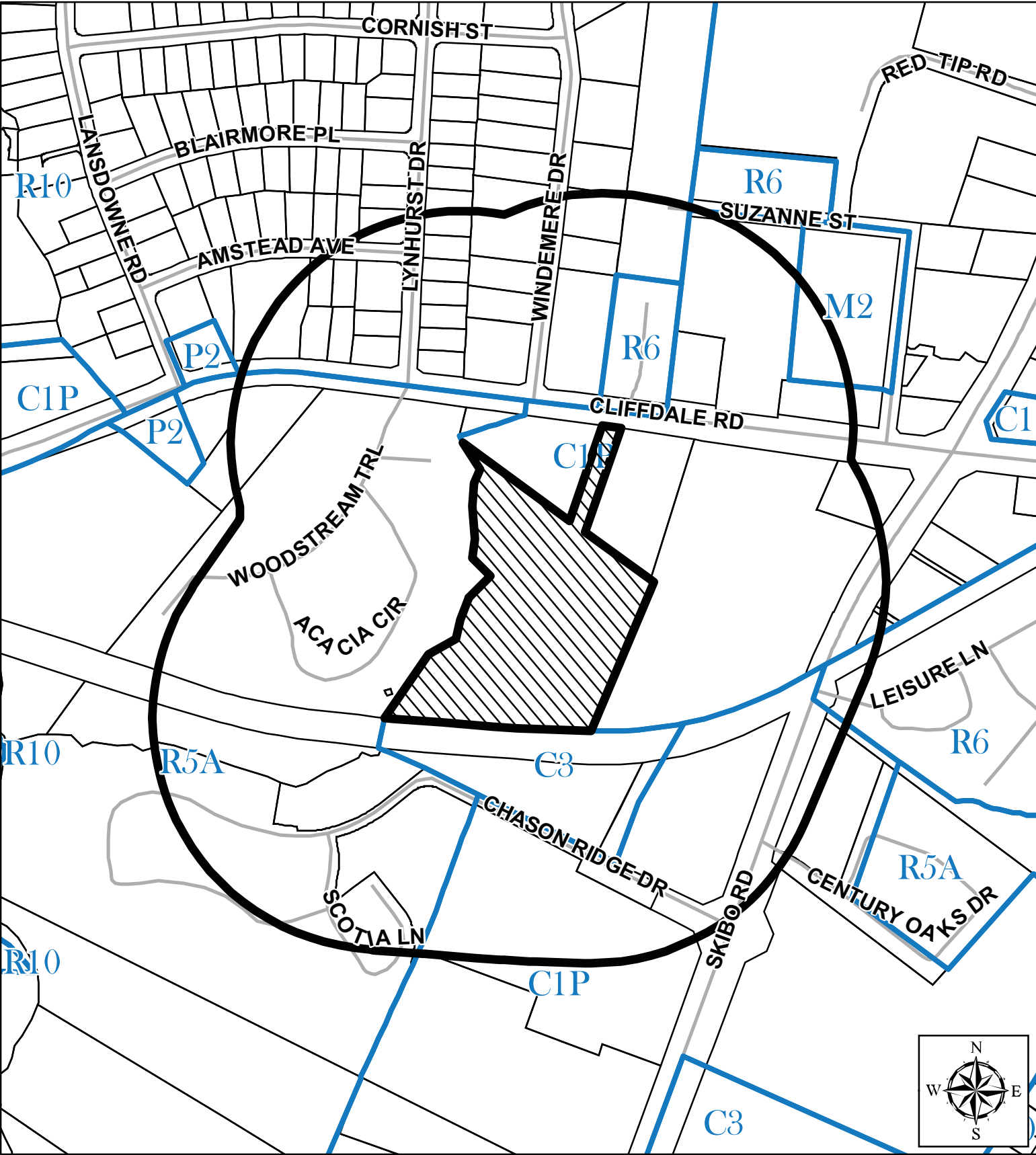


# Zoning Commission - Vicinity Map

## Case No. P09-35F



ZONING COMMISSION  
CASE NO. P09-35F



Request: C1P to R5/CZ  
Location: 5951 Clifdale Rd.  
Acreage: +/- 11.21

Zoning Commission:10/13/2009    Recommendation: \_\_\_\_\_  
City Council: \_\_\_\_\_    Final Action: \_\_\_\_\_  
Pin: 0407-75-5969

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



[illegible]





## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of Council  
**FROM:** Steven K. Blanchard, PWC CEO/General Manager  
**DATE:** November 23, 2009  
**RE:** **PWC - Bid Recommendation - Underground Primary Power Cable**

---

### **THE QUESTION:**

The Public Works Commission of the City of Fayetteville requests Council approve bid award for purchase of 200,000 feet of 1/0, ALCN, EPR, 25kV, 1/C Underground Primary Power Cable, PWC Stock No. 1-065-520 (with the option to purchase additional quantities within a one-year period).

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

Quality Utility Services.

### **BACKGROUND:**

The Public Works Commission, during their meeting of November 11, 2009 approved to award bid for purchase of 200,000 feet of 1/0, ALCN, EPR, 25kV, 1/C Underground Primary Power Cable, PWC Stock No. 1-065-510 (with the option to purchase additional quantities within a one-year period) to HD Supply Utilities, Wake Forest, NC, lowest evaluated bidder, for the total purchase price of \$340,974.00 and forward to City Council for approval. Bids were received October 27, 2009 as follows:

<u>Bidders</u>	<u>Total Purchase Price</u>	<u>Evaluated Cost Per 1000 Feet</u>
HD Supply Utilities, Wake Forest, NC	\$340,974.00	\$2,978.00
Stuart C. Irby, Rocky Mount, NC	\$352,200.00	\$3,051.00
Shealy Electrical, Greenville, SC	\$355,800.00	\$3,080.00
WESCO, Raleigh, NC	\$378,800.00	\$3,242.00

### **ISSUES:**

- Bids were solicited from four (4) bidders with four (4) bidders responding.
- Bids advertised in the Fayetteville Observer.
- The lowest evaluated bidder, HD Supply Utilities, Wake Forest, NC is not classified as a SDBE, Minority or woman-owned business.

### **OPTIONS:**

None

### **RECOMMENDED ACTION:**

Award bid to HD Supply Utilities, Wake Forest, NC, the lowest evaluated bidder in the amount of \$340,974.00.

### **ATTACHMENTS:**

Bid recommendation -Underground Primary Power Cable  
Bid History - underground primary power cable



**PUBLIC WORKS COMMISSION  
ACTION REQUEST FORM**

**TO:** Steve Blanchard, CEO/General Manager      **DATE:** November 5, 2009

**FROM:** Gloria Wrench, Purchasing Manager

.....

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

.....

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

**BID DATE:** October 27, 2009      **DEPARTMENT:** Electric Inventory

.....

BIDDERS	TOTAL PURCHASE PRICE	EVAL. COST PER 1000 FEET
<u>HD Supply Utilities, Wake Forest, NC</u>	<u>\$340,974.00</u>	<u>\$2,978.00</u>
<u>Stuart C. Irby, Rocky Mount, NC</u>	<u>\$352,200.00</u>	<u>\$3,051.00</u>
<u>Shealy Electrical, Greenville, SC</u>	<u>\$355,800.00</u>	<u>\$3,080.00</u>
<u>WESCO, Raleigh, NC</u>	<u>\$378,800.00</u>	<u>\$3,242.00</u>

.....

**AWARD RECOMMENDED TO:** HD Supply Utilities, Wake Forest, NC

**BASIS OF AWARD:** Lowest evaluated bidder

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

.....

**COMMENTS:** Bids were solicited from four (4) vendors with four (4) vendors responding. The lowest evaluated bidder is recommended. This cable was last purchased in June, 2009 at an evaluated cost of \$2,871.00 per thousand feet. The cost of this cable fluctuates due to metals pricing.

.....

**ACTION BY COMMISSION**

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

**ACTION BY COUNCIL**

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

## **BID HISTORY**

### **UNDERGROUND PRIMARY POWER CABLE PWC STOCK NO. 1-065-510**

#### **Advertisement**

1. The Fayetteville Observer, Fayetteville, NC 10/13/09

#### **List of Organizations Notified of Bid**

1. NAACP Fayetteville Branch, Fayetteville, NC
2. NAWIC, Fayetteville, NC
3. N.C. Institute of Minority Economic Development, Durham, NC
4. CRIC, Fayetteville, NC
5. Fayetteville Business & Professional League, Fayetteville, NC
6. SBTDC, Fayetteville, NC
7. FTCC Small Business Center, Fayetteville, NC
8. The Women's Center of Fayetteville, Fayetteville, NC
9. Fayetteville Area Chamber of Commerce, Fayetteville, NC

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

1. WESCO Distribution, Inc., Raleigh, NC
2. Stuart C. Irby Company, Rocky Mount, NC
3. HD Supply Utilities, Wake Forest, NC
4. Shealy Electrical Wholesalers, Inc., Greenville, SC

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

HD Supply Utilities is not classified as a SDBE, minority or woman-owned business.



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, Planner II  
**DATE:** November 23, 2009  
**RE:** **Planning - Case No. P09-34F: The rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification for property located at 107 Woodside Ave. containing 0.25 acres more or less and being the property of Christopher Ketchman / Mason Ketchman Investments. This case is an appeal of a Zoning Commission Denial.**

---

### **THE QUESTION:**

Rezone from R5 Residential District to P2 Professional District or to a more restrictive zoning classification.

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

Growth and Development

### **BACKGROUND:**

Owner: Christopher & Stacy Ketchman, and Alida Mason  
Applicant: Christopher Ketchman and Alida Mason  
Requested Action: R5 to P2  
Property Address: 107 Woodside Ave. (Council Member Evans' district)  
Size: +/- 0.25 acres  
Existing Land Use: Vacant / Parking lot  
Adjoining Land Use & Zoning: North – R5 Residential / South – P2 Professional / East – MLK Jr. Fwy / West – R5 Residential & P2 Professional  
2010 Landuse Plan: Downtown  
Letters Mailed: 153

### **ISSUES:**

During the Summer of 2009, this property's owners constructed a small parking lot on their property to be used as overflow and staff parking for the Haymont Institute. They did so without seeking the required permits. On August 21, 2009, the City's Zoning Code Enforcement Division sent the owners of this property a notice that the parking lot was inconsistent with zoning and to cease from parking on this lot and to obtain any and all required permits to bring the property into compliance. This notice from the City prompted the owners to meet with the Planning Staff about their options.

Rezoning to P2 will allow the parking lot to stay and to become compliant and allow for future business expansion. The parking lot is owned and used by the Haymont Institute. Although advised that a Special Use Permit in the R5 district was an alternative, the applicant at that time indicated a preference for the P2 to have the option to expand in the future.

### **OPTIONS:**

Rezone the property to P2 Professional Zoning District;  
Rezone to a more restrictive Zoning District;  
Deny the rezoning of this property.

### **RECOMMENDED ACTION:**

Zoning Commission Recommends:

That the Council move for Denial of the P2 Zoning District based on its incompatibility with the neighborhood: The rezoning is not the least restrictive zoning action available given applicant's current plans, and the rezoning could encourage other incompatible uses.

Planning Staff had recommended Approval of the P2 Zone to the Zoning Commission based on: -

Currently this is a vacant lot with some parking lot improvements.

- Rezoning to P2 would not intrude into the adjoining neighborhood.
- P2 would require a buffer between it and residential properties.
- The 2010 Land Use Plan calls for Downtown uses on this property.
- Office space and parking are consistent with the plan.

**ATTACHMENTS:**

2010 Plan

Current Landuse

Ortho Photo

Vicinity Map

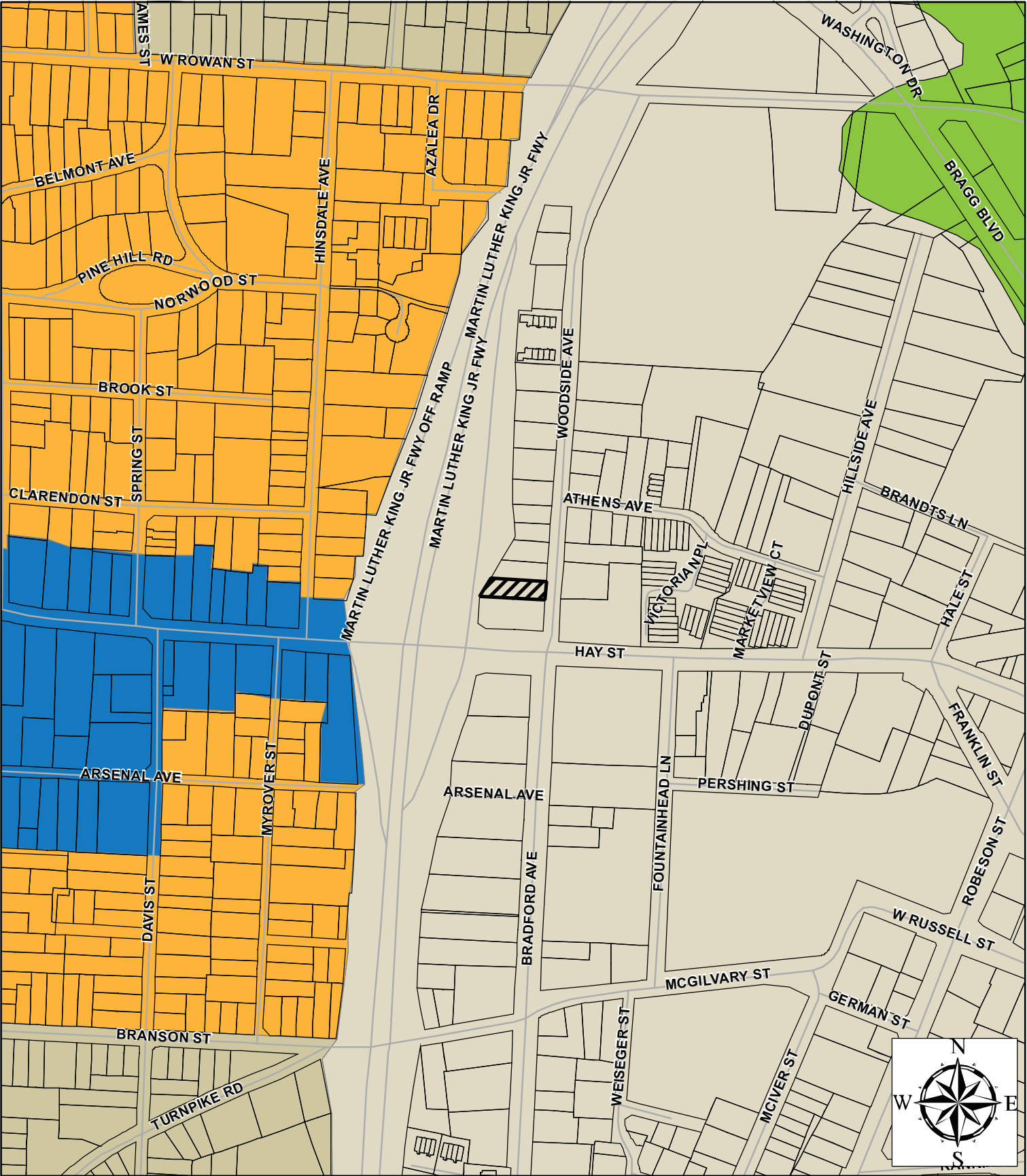
Utilities

Zoning Map

Minutes

# 2010 Land Use Plan

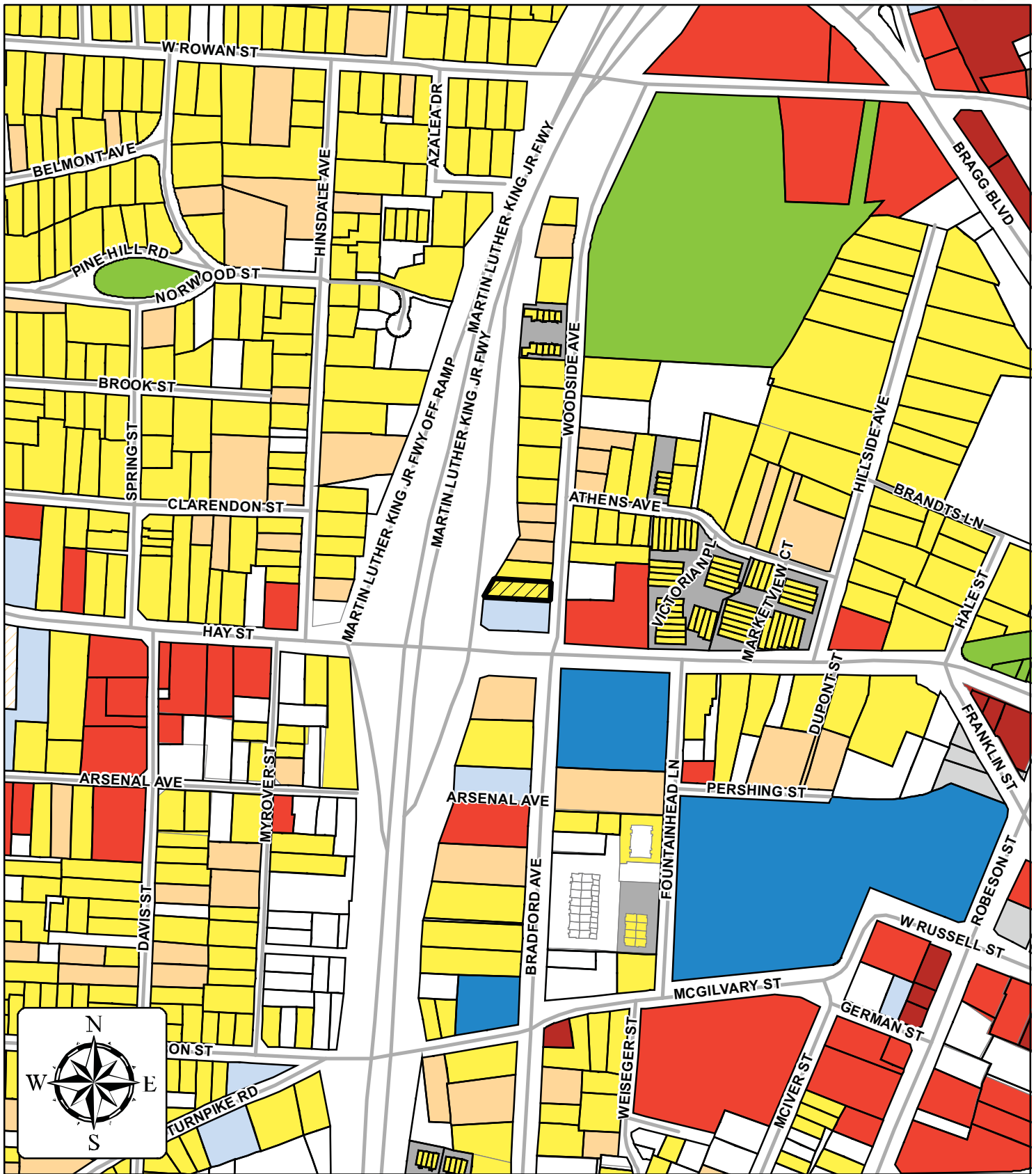
## Case No. P09-34F



- Legend**
- Medium Density Residential
  - Office / Institutional
  - Governmental
  - Light Commercial
  - Heavy Commercial
  - Low Density Residential

# Current Land Use

P09-34F



## Legend

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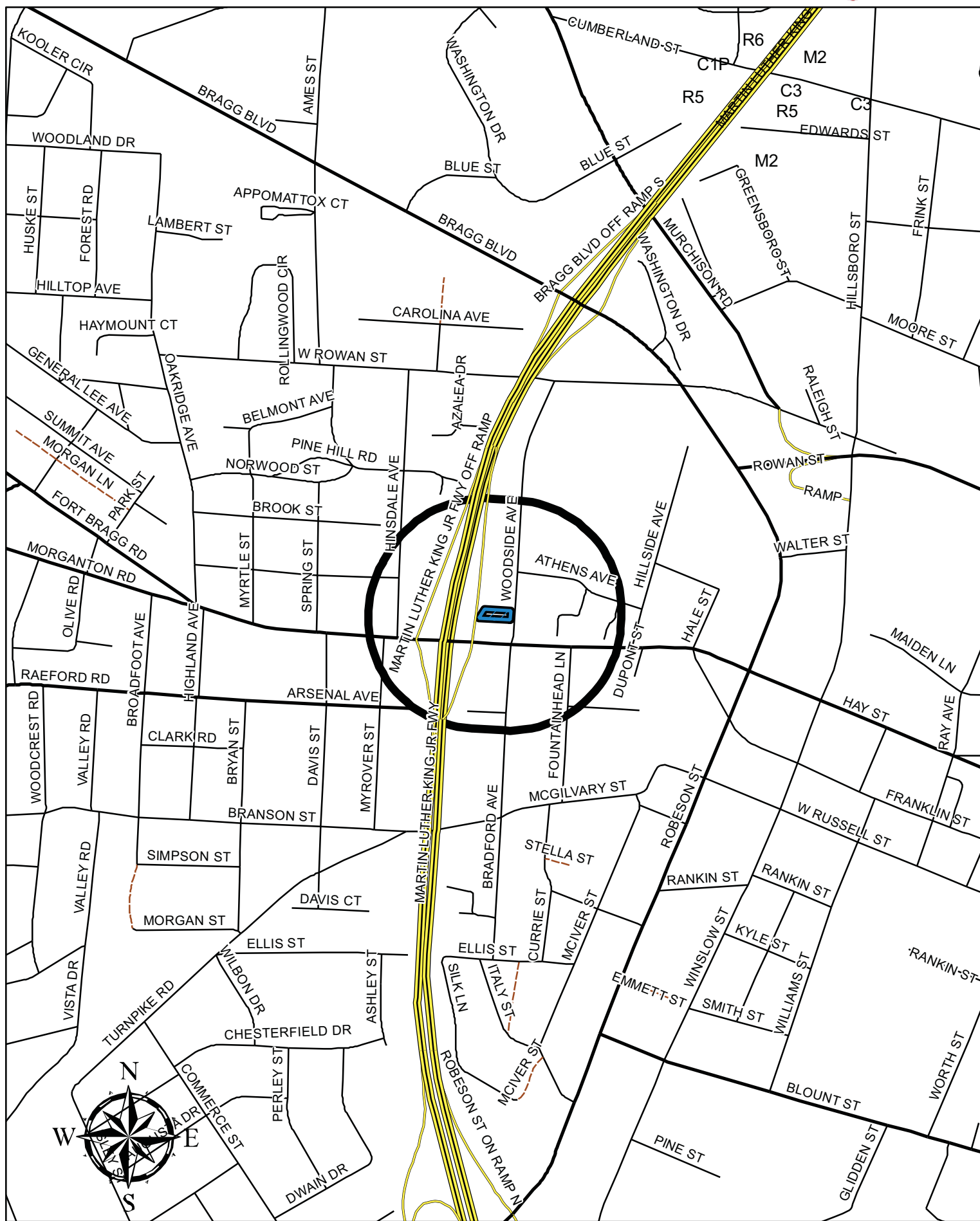


ZONING COMMISSION  
CASE NO. P09-34F





**Case No. P09-34F**







# WATER & SEWER UTILITIES

Case No. P09-34F



## Legend

-  Fire Hydrant
-  Waterline
-  Manhole
-  Sewerline



City of  
**Fayetteville**  
*North Carolina*  
**PLANNING**



**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBERS  
1ST FLOOR, CITY HALL  
October 13, 2009- 7:00 P.M.**

**MEMBERS PRESENT**

Pete Paoni  
Richard West  
John Crawley  
Lockett Tally  
Marshall Isler

**MEMBERS ABSENT**

**OTHERS PRESENT**

Marsha Bryant, Planner  
Craig Harmon, Planner  
Janet Smith, Asst. City Atty  
David Steinmetz, Inspections  
Karen Hilton, Intm Plan. Dir.

The meeting was called to order at 7:00 pm.

Mr. Paoni asked about the omission of the election of chair and vice chair for the Commission. The commission discussed the possibilities of moving the election to the November meeting. Mr. Crawley made a motion to have the election at the November meeting. Mr. West seconded the motion. A vote was taken and passed unanimously.

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**II. APPROVAL OF THE MINUTES FROM THE AUGUST 11, 2009 MEETING**

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**Mr. Paoni explained the Commission members' job was to conduct public hearings, listening carefully to the testimony from both sides to make recommendations that would be forwarded to City Council for final action. Each side will be given fifteen (15) minutes, collectively, to speak and must be signed up prior to the meeting. Request for Special Use Permits are quasi-judicial and speakers must be sworn in before speaking. Any aggrieved party has ten (10) days from today's meeting to file an appeal with the City Clerk's Office, located on the second floor of City Hall.**

**IV. PUBLIC HEARINGS**

- B. Case No. P09-34F. The rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification for property located at 107 Woodside Ave. Containing 0.25 acres more or less and being the property of Christopher Ketchman / Mason Ketchman Investments.**

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. Mr. Harmon stated that the 2010 land use plan calls for Downtown uses for the area. He stated that the planning department mailed out 153 letters regards the request. Mr. Harmon showed pictures to explain current land use of the property. Mr. Harmon that current land use in the area is a mixture of medium dense and low dense residential along with office and commercial uses.

Mr. Harmon stated that a portion of the lot was graveled this summer for the lot. Mr. Harmon stated that having been an R5 zoning the owners of the property could have asked for a Special Use Permit to allow for a parking area. He also stated that the applicant's other option was to request a rezoning to P2 as the front property is currently zoned. He stated that if the property is rezoned the owners will have to adhere to the buffer requirements and it will provide them with the opportunity for expansion with a P2 use.

Mr. West asked Mr. Harmon what the Haymont Institute is. Mr. Harmon stated that the applicant can answer that question.

Mr. Harmon stated that staff is recommending approval to P2 zoning district. He stated that currently the lot is vacant with some parking lot improvements. He stated that the P2 zoning would not intrude into the adjoining neighborhood and would require a buffer between it and the residential properties. Mr. Harmon stated that the 2010 land use plan calls for Downtown uses on the property.

Mr. West asked if the request was approved if the Commission could place additional stipulation on the buffering. Mr. Harmon stated that no because it was not a conditional use request.

Mr. Paoni asked if it where a special use permit would conditions be allowed. Mr. Harmon stated that if it was a special use permit the commission could impose some additional conditions but it would not allow the owners of the lot to do anything else aside from using the property as a parking lot.

The public hearing was opened.

Mr. Chris Ketchman spoke in favor of the request. Mr. Ketchman stated that he is the co owner of the property at 107 Woodside. He stated that the business is Mental Health practice providing outpatient care to the community. He stated that they purchased the property from an attorney's office to expand their practice and provide staff parking space. He stated that a concern for his business is that people will be parking on the side of the street if they do not have the space rezoned and are able to use it as a parking lot. Mr. Ketchman stated that about 80% of the property is not usable and that they built a retention wall behind it to allow for no gravel runoff. He stated that the fence was matched with the neighbors' fence that it would match to allow for a seamless appearance.

Mr. West asked if there was a possibility for expansion. Mr. Ketchman stated that at the moment there are no plans for expansion. He stated that they have discussed the options of building a small building for a testing center but at the moment there are no active plans for expansion.

Mr. Paoni asked what the building size for the second building would be. Mr. Ketchman stated that there are no plans for an expansion but that the size of the building would be no bigger than 2000 square feet. He said that it was something that they have not given a lot of thought to.

Mr. Paoni stated that if there is currently not enough parking spaces and a second building goes up there will not be enough parking spaces again. Mr. Ketchman stated that he does not even know if the lot would be usable for expansion but can work as an additional parking lot.

Mr. Paoni asked why they requested the rezoning of P2 as opposed as a special use permit. Mr. Ketchman stated that his business partner would be able to answer that question.

Ms. Alida Mason appeared in favor of the request. She stated that they purchased the property about a year and a half ago and that the land behind the building was purchased at the same time because it was a residential home and did not have a lot of office space. She stated that they are a growing business. She stated that the request for P2 was made as opposed to a special use permit because of possible expansion in the future. She stated that the company is very mindful of the fact that they are in the Haymont district and they have attempted to improve the land by building a retaining wall and attractive stones so that the improvement looks nice.

Ms. Mason stated that across the street from the parking lot is another business and parking lot. She stated that this is a very small lot and accommodates only six cars. She stated the lot is not very expansive



because the rest of the land dips into a ravine and is unusable and it would require a lot to make that space usable.

Mr. Crawley asked how many staff members. Ms. Mason stated that there is approximately 18 office staff with staggered shifts.

Mr. West asked if the parking lot abuts another parking lot. He asked if behind the parking lot requesting the rezoning there was a residential home. Ms. Mason that north of the house there is a house where people live. Mr. West asked if there was any type of buffering that has been done to protect that residential area. Ms. Mason stated that is a retaining wall and a fence.

Mr. West asked about the noise. Ms. Mason stated that there really isn't any noise.

Mr. John Duvall appeared in opposition of the request. He stated that he is concerned with the long term consequences of the P2 designation for the additional parking. He stated that he is worried about the neighborhood. He stated that the neighborhood is improving and the property value is going up. He stated that the P2 designation for the small lot makes it a tipping point. He stated that he is concerned about the decline of the residential character for Woodside Ave. He stated that they don't need any more P2 designations in the neighborhood. He stated that he believes it will impact the residential character of the neighborhood.

Mr. Paoni asked about the lack of a rezoning sign on the property. Mr. Duvall stated that there was no sign on the property making people aware of the rezoning request.

The public hearing was closed.

Mr. Paoni asked Mr. Harmon if the parking spaces requirement for medical offices does not apply to this particular property. Mr. Harmon asked Mr. Steinmetz to respond to Mr. Paoni's question. Mr. Steinmetz stated that there are approximately 30 to 40 parking spaces and the additional space would add 4 to 6 parking spaces.

Mr. Paoni asked if they were currently overusing the parking spaces as it is now. Mr. Steinmetz stated no.

Mr. Harmon stated that if the property is rezoned to P2, the property owner will be required to establish a buffer with a minimum of 10 feet or more depending on the length of the property more. He stated that would be required to add a privacy fence as well.

Mr. Paoni questioned the applicant's request for P2 as opposed to SUP. Mr. Harmon stated that that he discussed the matter with the applicants and the options available to them.

Mr. Isler asked if the request is denied would it preclude them from coming back before the Commission to ask for a SUP.

Mr. Harmon stated that they could appeal the decision within 10 days to Fayetteville City Council. Mr. Harmon stated that the Special Use Permit is treated like a rezoning and the one year waiting period applies. He stated that Fayetteville City Council can send it back to Zoning Commission as a Special Use Permit.

The Commission discussed the lack of signs that were supposed to be placed on the property notifying the public of the rezoning request.

Mr. West discussed with the Commission to postpone the case due to the lack of proper notification due to the sign issue.

Mr. Paoni made a motion to deny the request for rezoning. Mr. West seconded the motion. A vote was taken and the motion passed unanimously.

Mr. Harmon stated that the applicant had ten days to appeal the decision of the Zoning Commission with the Fayetteville City Council.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, Planner II  
**DATE:** November 23, 2009  
**RE:** **Planning - Case No. P09-27F. The rezoning from R10 Residential District to R6 Residential District for property located West of All American Expressway and North of the intersection with Santa Fe Dr. Containing 84.82 acres more or less and being the property of John and wife Margarete Koenig.**

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**THE QUESTION:**

Rezone from R-10 Residential to R-6 Residential District.

**RELATIONSHIP TO STRATEGIC PLAN:**

Growth and Development

**BACKGROUND:**

Owner: John & wife Margarete Koenig  
Applicant: James M. Kizer, PE  
Requested Action: R10 to R6  
Property Address: West of All American and North West of Santa Fe Dr. (CM Haire's district)  
Size: +/- 84.82 acres  
Existing Land Use: Vacant  
Adjoining Land Use & Zoning: North – R10 Residential & Fort Bragg / South – R6 Residential / East – M2 Industrial & C1P Commercial / West – R10 Residential  
2010 Land Use Plan: Low Density Residential & Conservation  
Letters Mailed: 140

**ISSUES:**

This property has no direct road access. Since this is a straight rezoning to R6, there are no conditions or plans to lock in the access to any future development. This has been a concern expressed by residents in the adjoining subdivision.

**(Special Reminder -- A valid protest petition has been filed on this case)**

**OPTIONS:**

Rezone the property to R6 Residential Zoning;  
Rezone to a more restrictive Zoning District;  
Return to the Zoning Commission for consideration of a Conditional Use Rezoning;  
Deny the rezoning request for this property.

**RECOMMENDED ACTION:**

The Zoning Commission and Staff recommends:  
That the Council move to Approve the rezoning to R6 based on:

Although the 2010 Land Use Plan recommends Low Density Zoning for this property, it is staff's opinion that medium density is appropriate because-  
The property is adjacent to Low and Medium Density residential;  
This property is separated from the existing residential development by a creek and flood plain;  
This would also provide a buffer between All American Hwy and the existing Single Family Residential.

**ATTACHMENTS:**

2010 Plan

Current Landuse  
Flood Map  
Ortho Photo  
Vicinity Map  
Zoning Map  
Minutes  
Protest Petition Map

City of Fayetteville  
North Carolina  
**PLANNING**

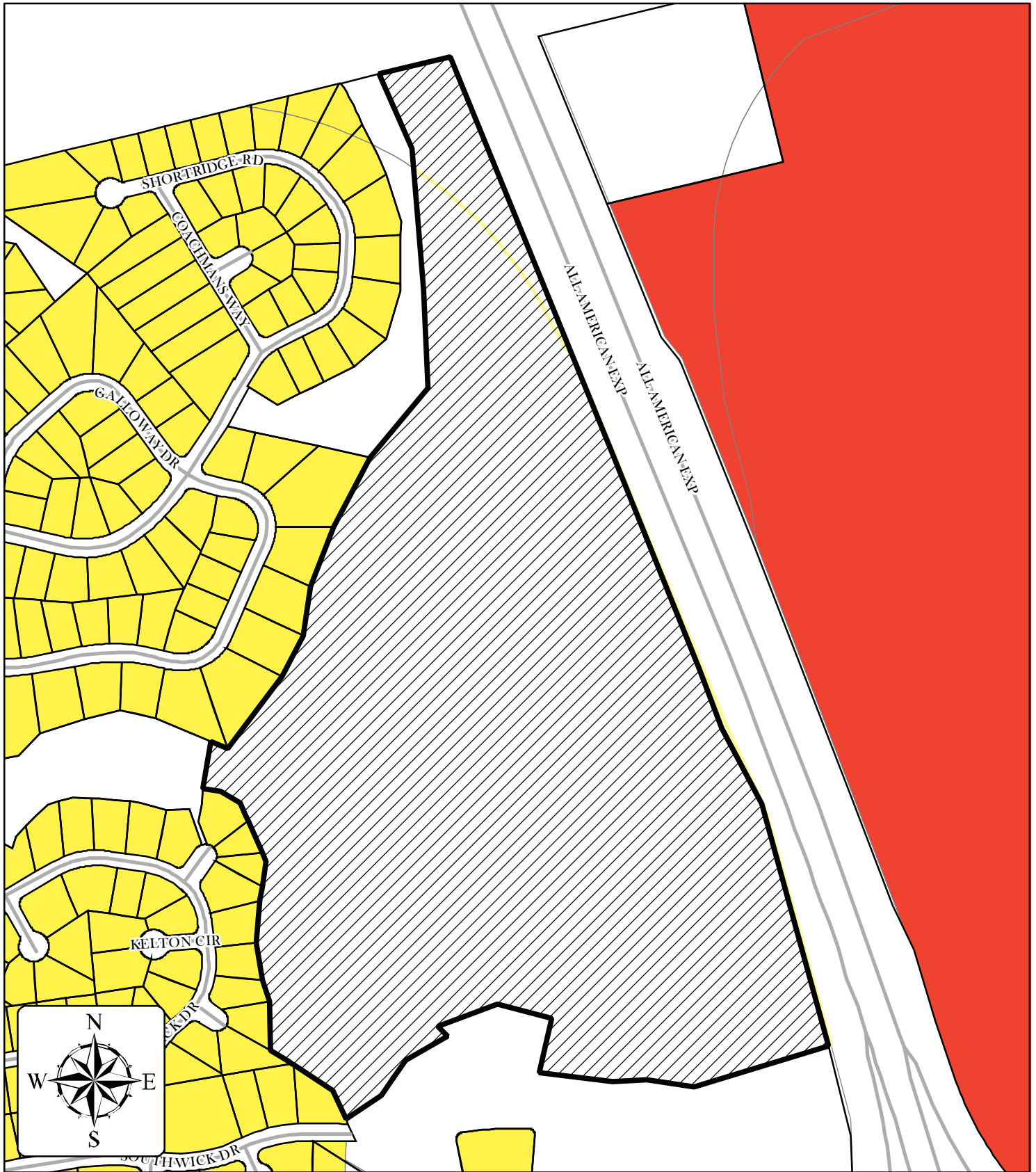


 Low Density Residential



# Current Land Use

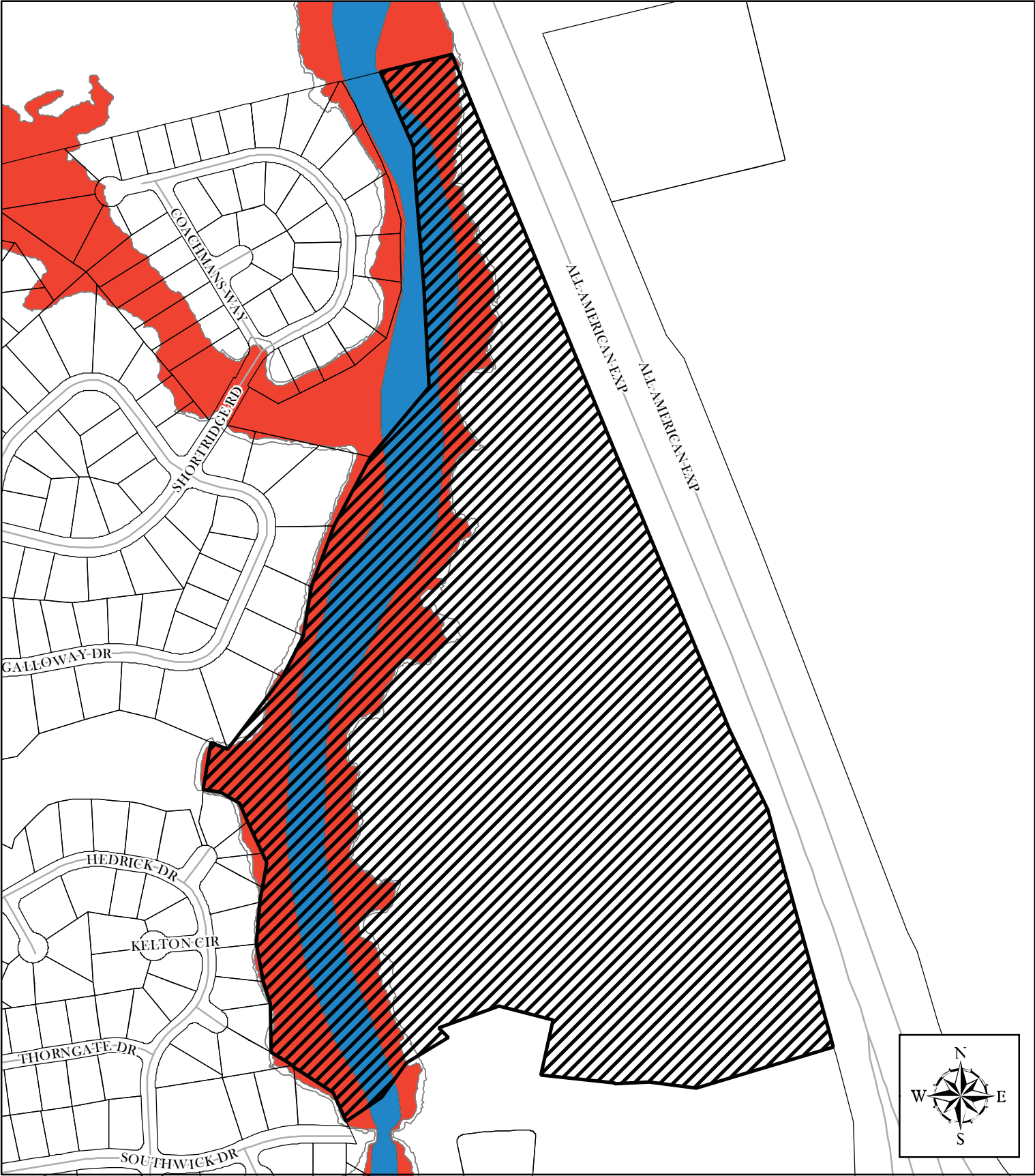
## P09-27F



Legend

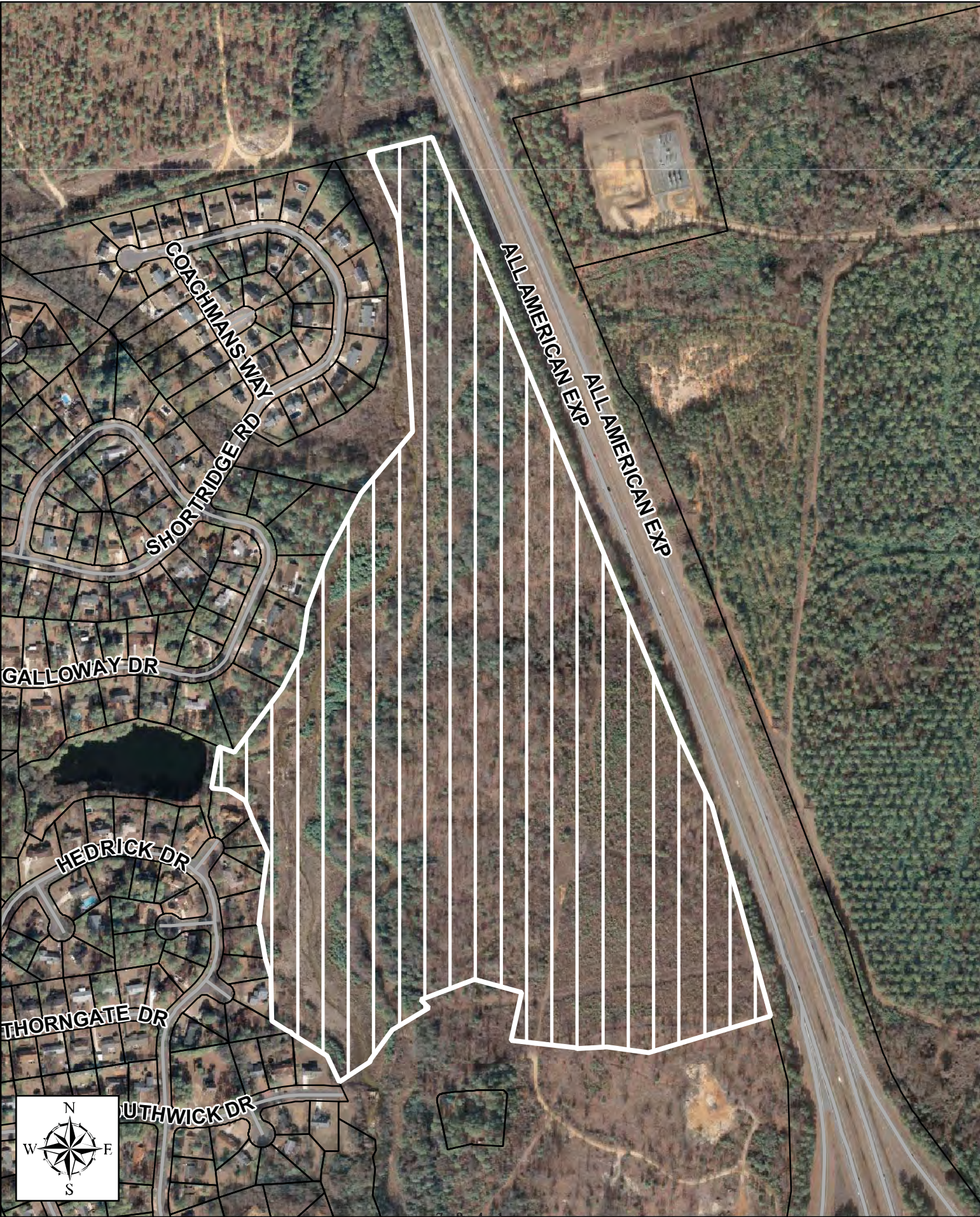
Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home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

ZONING COMMISSION - FLOOD INFORMATION  
CASE NO. P09-27F



-  100 Year Flood Area
-  Floodway

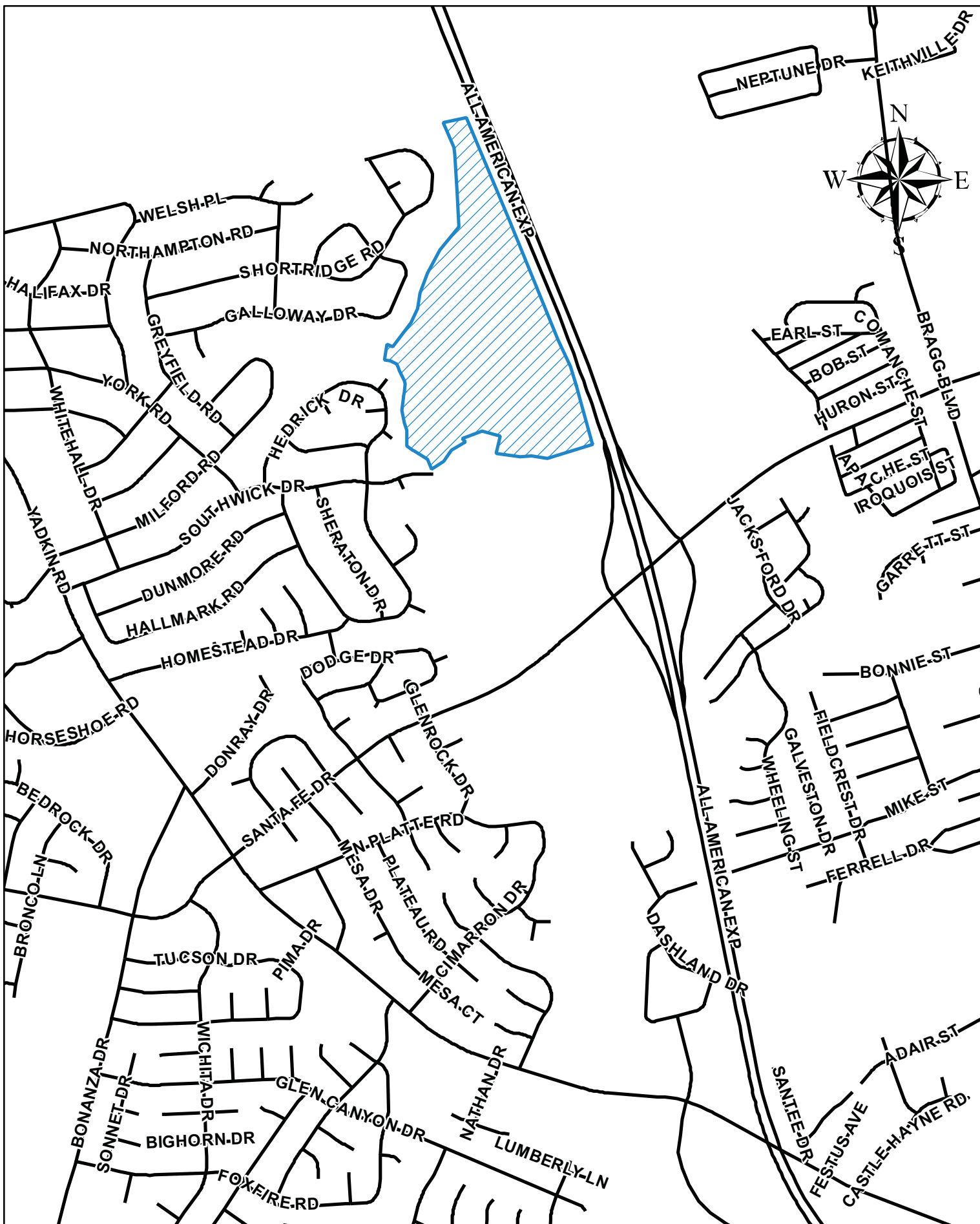




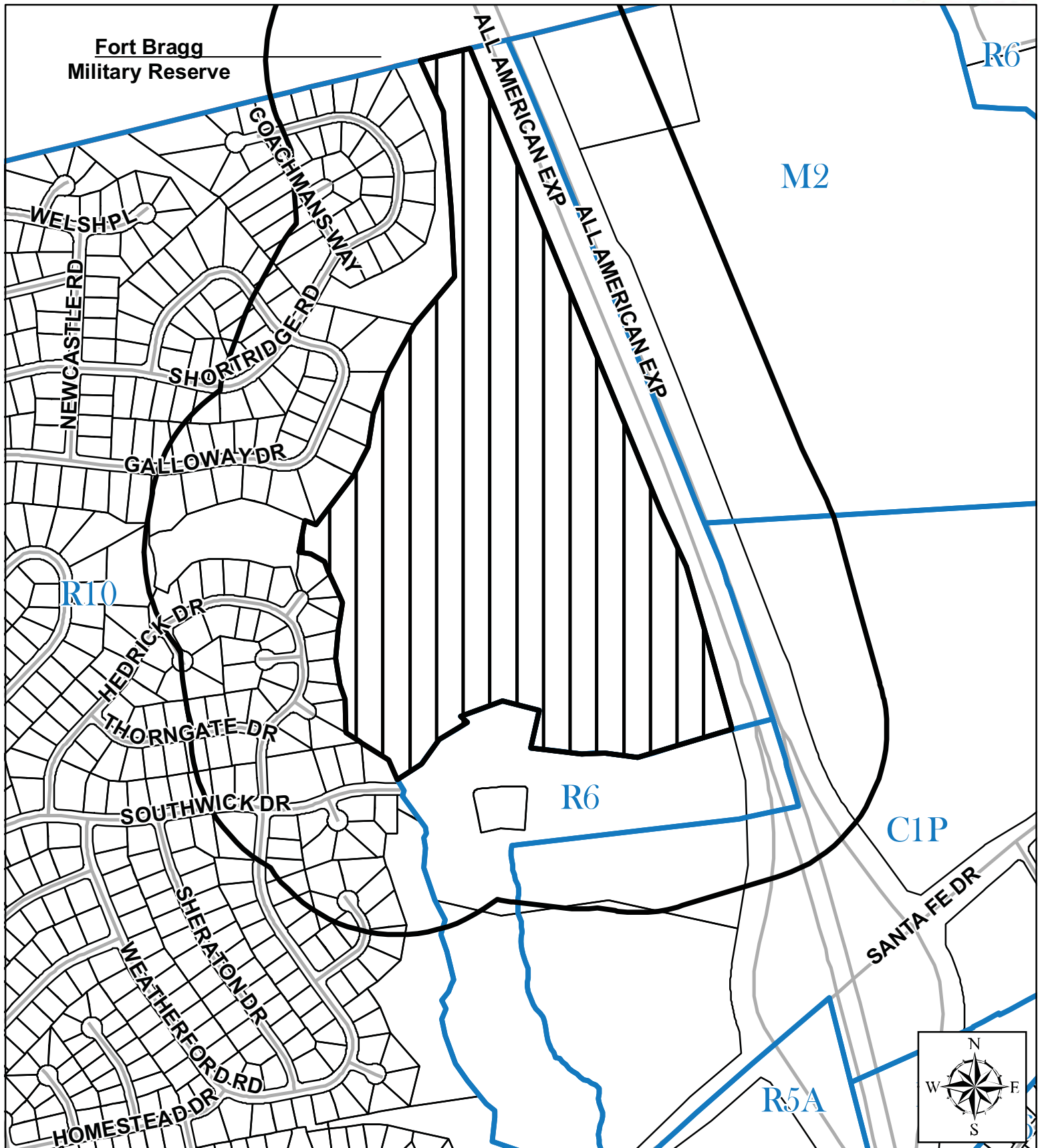


# Zoning Commission - Vicinity Map

Case No. P09-27F



**ZONING COMMISSION  
CASE NO. P09-27F**



**Request:** R10 to R6/CZ  
**Location:** NW corner All American & Santa Fe  
**Acreage:** +/- 84.82

**Zoning Commission:** 8/11/2009  
**City Council:** \_\_\_\_\_  
**Pin:** 0409-72-6899

**Recommendation:**  
**Final Action:** \_\_\_\_\_



**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBERS  
1ST FLOOR, CITY HALL  
AUGUST 11, 2009- 7:00 P.M.**

**MEMBERS PRESENT**

Pete Paoni  
Richard West  
John Crawley

**MEMBERS ABSENT**

Lockett Tally

**OTHERS PRESENT**

Jimmy Teal, Planning Director  
Craig Harmon, Planner  
Janet Smith, Asst. City Atty  
David Steinmetz, Inspections  
Karen Hilton, Planning  
David Nash, Planner

The meeting was called to order at 7:00 pm.

**I. APPROVAL OF AGENDA**

Mr. West made a motion to approve the agenda but to pull case P09-25F from the August meeting and place the case on the September 9, 2009 agenda. Mr. Crawley seconded the motion. A vote was taken and the motion passed unanimously.

**II. APPROVAL OF THE MINUTES FROM THE JULY 14, 2009 MEETING**

Mr. Crawley made a motion to approve the minutes from the July 14, 2009 meeting. Mr. West seconded the motion. A vote was taken and the motion passed unanimously.

**Mr. Paoni explained the Commission members job was to conduct public hearings, listening carefully to the testimony from both sides to make recommendations that would be forwarded to City Council for final action. Each side will be given fifteen (15) minutes, collectively, to speak and must be signed up prior to the meeting. Request for Special Use Permits are quasi-judicial and speakers must be sworn in before speaking. Any aggrieved party has ten (10) days from today's meeting to file an appeal with the City Clerks Office, located on the second floor of City Hall.**

**III. PUBLIC HEARINGS**

- B. Case No. P09-27F. The rezoning from R10 Residential District to R6 Residential District or to a more restrictive zoning classification for property located west of All-American Expressway and north of the intersection with Santa Fe Drive. Containing 84.82 acres more or less and being the property of John and wife Margarete Koenig.**

Mr. Harmon provided an overview of the case. Mr. Harmon stated the surrounding property uses. He stated that the 2010 land use plan for the property is low density residential and conservation for the property. He stated that 140 letters were mailed out to surrounding property owners in regard to the request. He stated that current land use in the area is single family residential, low density and the property itself is currently vacant. Mr. Harmon explained the boundaries of the floodplain and the

floodway. Mr. Harmon stated that sewer is available to the property and it would not be difficult to get water to the property as well.

Mr. John Koenig appeared in favor of the request. He stated that he has owned the property for more than twenty years. Mr. Koenig stated that the property is 81.32 acres with 3.5 acres being taken from DOT for an access ramp for the All-American Highway. He stated that 66 acres are usable with 18 acres being the old lake site. Mr. Koenig stated that he has no intention on using the old lake bed. He stated that it will remain as it is; a natural buffer. He stated that he will not be restoring the lake by building a dam.

Mr. Paoni asked if the plan was to place assisted living in that area. Mr. Koenig stated that it was still the plan. Mr. Paoni asked about the number of units. Mr. Koenig stated that 66 buildable acres are on the property and he stated that he has no intention on building the maximum amount of units on that property.

Mr. Crawley asked about access to the property. Mr. Koenig stated that there would be access from Santa Fe Drive and 295.

Mr. Woodall was called to speak but did not appear.

A gentleman from the audience asked to address the commission with a question. The chair did not allow the question.

The public hearing the closed.

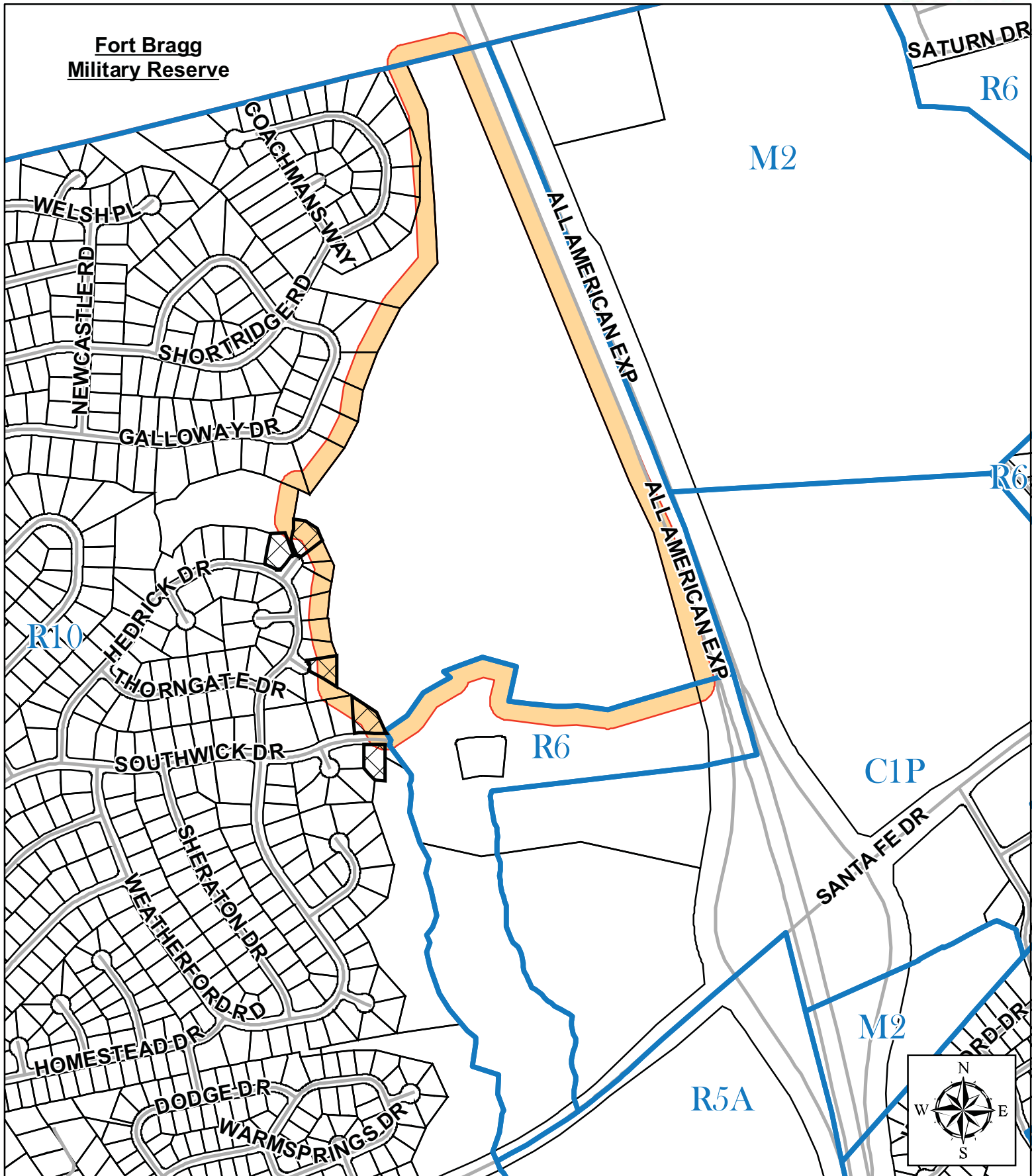
Mr. Harmon stated that the planning staff recommended approval to R6 District for this property. He stated the recommendation was based on the fact that although the 2010 plan does call for low density, medium density is also appropriate for this zoning. Mr. Harmon stated that the property is adjacent to both low and medium density residential zonings currently. He stated that a R6 District would create a nice buffer between the existing low density residential and the All American Highway.

Mr. Crawley made a motion to approve the rezoning from R10 to R6 zoning district. The motion was seconded by Mr. West. A vote was taken and passed unanimously.

Mr. Teal stated that unless there is an appeal; this case will be heard as a consent item before City Council on September 28, 2009.

# VALID PROTEST PETITION

Case No. P09-27F



Request: R10 to R6

Location: NW corner All American & Santa Fe

Acreage: +/- 84.82

Buffer Area: 23.2 +/- Acres

Petition: 1.3 +/- Acres = 5.6% of Buffer

Certified

Date: 9/25/2009

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, Planner II  
**DATE:** November 23, 2009  
**RE:** **Planning - Case No. P09-36F: The rezoning from R6 Residential District to R5/CZ Residential Conditional Zoning District for townhomes on properties located at 108, 110, 202 and 204 Pinecrest Drive. Containing 0.7 acres more or less and being the property of Thomas L. Bradford dba Pear Tree Properties LLC and Island Time Pizza LLC.**

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**THE QUESTION:**

Rezone from R6 Residential District to R5 Residential Conditional Zoning District to allow for eight (8) town homes.

**RELATIONSHIP TO STRATEGIC PLAN:**

Growth and Development

**BACKGROUND:**

Owner: Pear Tree Properties, LLC; Thomas L. Bradford; Island Time Pizza, Inc.  
Applicant: Thomas L. Bradford  
Requested Action: R6 to R5/CZ  
Property Address: 108, 110, 202 & 204 Pinecrest Dr. (Council member Hurst's district)  
Size: +/- .7 acres  
Existing Land Use: Single Family Residential & Vacant  
Adjoining Land Use & Zoning: North – R6 Residential (1 prop. R10) / South – R6 Residential / East – R6 Residential / West – R6 Residential  
2010 Land Use Plan: Medium Density Residential  
2030 Growth Vision Plan:  
Policy 8.8-EXISTING NEIGHBORHOODS shall be protected from encroachment by incompatible land uses.  
Policy 8.9-NEW INFILL DEVELOPMENT shall be architecturally compatible with existing structures, landscape features and the streetscape within its vicinity.  
Letters Mailed: 205

**ISSUES:**

This application was sent back to the Zoning Commission from Council to be reheard as a Conditional Zoning request. The new conditions of this request limit the number of units to 8 and the application is conditioned to the attached site plans.

**OPTIONS:**

Rezone the property to R5/CZ Residential with agreed conditions;  
Rezone the property to R5/CZ Residential with revised or additional conditions if the applicant agrees with these changes; or  
Deny the rezoning of this property.

**RECOMMENDED ACTION:**

The Zoning Commission recommends:  
That the Council move to approve the R5/CZ district with the conditions as presented by the applicant (Voted 3-2). NOTE: Council may modify the conditions if applicant agrees.

Planning Staff had recommended denial to the Zoning Commission based on:  
The 2010 Land Use Plan recommends Medium Density Residential on these properties;  
These properties are surrounded by mainly R6 zoning with one small lot of R10;

The existing neighborhood is made up of all single family homes;  
This development is not in keeping with the development pattern of Pinecrest. The current pattern is for homes to be close to the street, with side and rear yard parking.  
The proposed town homes would be set back off the road with a parking lot created in front of each unit. This development is inconsistent with the 2030 Growth Vision Plan. Most particular, Policies 8.8 and 8.9 listed above;

**ATTACHMENTS:**

Traffic Data

Site Plan

2010 Plan

Current Landuse

Ortho Photo

Vicinity Map

Zoning Map



A to B		Latitude: 0' 0.000 Undefined															
Start Time	0	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	Pace	Number
	15	20	25	30	35	40	45	50	55	60	65	70	75	9999		Speed	in Pace
10/21/09	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
12 PM	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
13:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
14:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
15:00	7	3	37	85	98	37	7	0	0	2	1	1	0	0	278	26-35	183
16:00	4	4	39	70	101	52	4	0	2	0	0	0	0	0	276	26-35	171
17:00	5	4	27	137	102	33	4	1	1	0	0	1	0	0	315	26-35	239
18:00	6	6	26	100	83	26	2	0	0	0	0	0	0	0	249	26-35	183
19:00	1	0	15	50	65	24	2	1	1	0	0	0	0	0	159	26-35	115
20:00	3	3	7	37	30	11	2	1	0	0	0	0	0	0	94	26-35	67
21:00	3	0	4	18	26	11	1	0	0	0	0	0	0	0	63	26-35	44
22:00	0	0	5	11	17	7	1	0	0	0	0	0	0	0	41	26-35	28
23:00	0	0	1	7	4	5	0	1	0	0	0	0	0	0	18	25-34	11
Total	29	20	161	515	526	206	23	4	4	2	1	2	0	0	1493		
Percent	1.9%	1.3%	10.8%	34.5%	35.2%	13.8%	1.5%	0.3%	0.3%	0.1%	0.1%	0.1%	0.0%	0.0%			

Site Code: 000000102109  
Station ID: 04329

Pinecrest Dr.  
Between Westdale Dr. and Grace View Pl.

A to B Start Time 10/22/09 01:00 02:00 03:00 04:00 05:00 06:00 07:00 08:00 09:00 10:00 11:00 12 PM 13:00 14:00 15:00 16:00 17:00 18:00 19:00 20:00 21:00 22:00 23:00 Total Percent AM Peak Vol. PM Peak Vol.

0	15	0	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	Pace	Number
15	20	0	20	25	30	35	40	45	50	55	60	65	70	75	9999	14	Speed	in Pace
0	0	0	0	2	2	5	3	1	1	0	0	0	0	0	0	14	29-38	10
01:00	0	1	1	2	1	5	3	1	0	0	0	0	0	0	0	13	29-38	9
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03:00	0	1	0	0	1	3	1	0	0	0	0	0	0	0	0	6	27-36	5
04:00	0	0	0	0	1	1	1	2	0	0	0	0	0	0	0	5	33-42	4
05:00	0	0	0	0	6	6	3	0	0	0	0	0	0	0	0	15	26-35	12
06:00	0	0	0	2	14	21	6	0	1	1	0	0	0	0	0	45	26-35	35
07:00	12	9	76	132	80	10	10	1	0	0	1	0	2	0	0	323	25-34	212
08:00	10	7	51	101	117	29	3	3	2	1	0	2	0	0	0	323	26-35	218
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10:00	1	2	17	48	62	71	24	6	2	0	0	0	0	0	0	172	26-35	110
11:00	2	3	28	63	71	24	3	3	1	0	0	0	0	0	0	195	26-35	134
12 PM	2	0	21	80	113	43	28	8	1	1	0	0	0	0	0	269	26-35	193
13:00	0	2	17	52	95	77	26	6	0	0	0	0	1	0	0	201	26-35	147
14:00	2	7	15	39	109	94	34	7	2	0	0	0	0	0	0	216	26-35	157
15:00	6	10	39	109	80	94	31	3	3	1	0	1	0	0	0	300	26-35	203
16:00	1	5	28	75	112	110	20	4	0	0	0	0	0	0	0	256	26-35	187
17:00	3	6	45	106	110	110	16	3	2	0	0	0	0	0	0	295	26-35	216
18:00	2	4	40	74	43	16	11	0	0	0	0	0	0	0	0	179	24-33	117
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21:00	1	1	4	24	21	11	11	2	1	0	0	0	0	0	0	65	26-35	45
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23:00	0	1	1	7	7	6	6	0	0	0	0	0	0	0	0	22	27-36	15
Total	55	66	438	1134	1193	404	67	67	21	4	1	3	3	0	0	3389		
Percent	1.6%	1.9%	12.9%	33.5%	35.2%	11.9%	2.0%	2.0%	0.6%	0.1%	0.0%	0.1%	0.1%	0.0%	0.0%			

AM	07:00	07:00	07:00	07:00	08:00	09:00	09:00	09:00	08:00	06:00	07:00	08:00	07:00	07:00	07:00	07:00		
Peak																		
Vol.	12	9	76	132	117	42	8	8	2	1	1	2	2	2	2	323		
PM	19:00	15:00	17:00	15:00	12:00	12:00	12:00	12:00	15:00	12:00	13:00	15:00	13:00	15:00	15:00	15:00		
Peak																		
Vol.	8	10	45	109	113	43	8	8	3	1	1	1	1	1	300			

Site Code: 000000102109  
Station ID: 04329

Pinecrest Dr.  
Between Westdale Dr. and Grace View Pl.

A to B Latitude: 0' 0.000 Undefined

Start Time	0 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 9999	Total	Pace Speed	Number in Pace
10/23/09	0	0	2	8	9	6	0	0	0	0	0	0	0	0	25	27-36	18
01:00	0	0	0	2	4	5	1	0	0	0	0	0	0	0	12	32-41	10
02:00	0	0	0	5	6	0	2	0	0	0	0	0	0	0	13	26-35	11
03:00	1	1	0	3	2	2	0	0	0	0	0	0	0	0	9	26-35	5
04:00	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2	18-27	2
05:00	0	1	1	4	8	3	3	0	0	0	0	0	0	0	20	25-34	12
06:00	0	1	2	10	16	9	3	0	0	0	1	0	0	0	42	26-35	26
07:00	9	1	36	137	83	16	4	1	0	0	0	0	0	0	287	26-35	220
08:00	7	7	36	100	87	45	8	2	0	0	0	0	0	0	294	26-35	187
09:00	1	1	21	78	71	41	5	1	0	0	0	0	0	0	219	26-35	149
10:00	1	1	17	65	75	25	7	0	0	0	1	0	0	0	192	26-35	140
11:00	3	2	20	70	78	24	4	1	0	0	0	0	0	0	202	26-35	148
12 PM	3	2	19	77	96	39	11	1	1	0	0	0	0	0	249	26-35	173
13:00	1	5	12	46	72	40	7	1	1	0	0	0	0	0	185	26-35	118
14:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total	26 1.5%	22 1.3%	166 9.5%	607 34.7%	607 34.7%	255 14.6%	55 3.1%	7 0.4%	2 0.1%	2 0.1%	2 0.1%	0 0.0%	0 0.0%	0 0.0%	1751		

AM	07:00	08:00	07:00	07:00	08:00	08:00	08:00	08:00	08:00	08:00	06:00	08:00	08:00	08:00	08:00		
Peak																	
Vol.	9	7	36	137	87	45	8	2	2	2	1	2	2	2	294		
PM	12:00	13:00	12:00	12:00	12:00	13:00	12:00	12:00	12:00	12:00	12:00	12:00	12:00	12:00	12:00		
Peak																	
Vol.	3	5	19	77	96	40	11	1	1	1	6	5	0	0	249		
Total	110	108	765	2256	2326	865	145	32	10	5	6	5	0	0	6633		
Percent	1.7%	1.6%	11.5%	34.0%	35.1%	13.0%	2.2%	0.5%	0.2%	0.1%	0.1%	0.1%	0.0%	0.0%			

15th Percentile :	26 MPH
50th Percentile :	31 MPH
85th Percentile :	36 MPH
95th Percentile :	40 MPH
Stats	
10 MPH Pace Speed :	26-35 MPH
Number in Pace :	4582
Percent in Pace :	69.1%
Number of Vehicles > 25 MPH :	5650
Percent of Vehicles > 25 MPH :	85.2%
Mean Speed(Average) :	31 MPH

Site Code: 000000102109  
Station ID: 04329  
Pinecrest Dr.  
Between Westdale Dr. and Grace View Pl.

B to A										Latitude: 0' 0.000 Undefined									
Start Time	0	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	Pace	Number		
15	15	20	25	30	35	40	45	50	55	60	65	70	75	9999	*	*	in Pace		
10/21/09	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
12 PM	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
13:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
14:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		
15:00	6	7	40	102	104	30	3	1	0	0	1	3	0	0	297	26-35	206		
16:00	4	0	13	101	88	23	3	1	1	0	0	0	0	0	234	26-35	189		
17:00	7	3	37	116	89	9	2	0	1	0	0	1	0	0	265	26-35	205		
18:00	6	7	32	85	53	17	3	0	0	0	0	0	0	0	203	26-35	138		
19:00	4	3	18	75	43	12	1	2	1	0	0	0	0	0	159	26-35	118		
20:00	0	2	13	47	51	18	2	0	0	0	0	0	0	0	133	26-35	98		
21:00	3	4	11	57	37	9	1	0	0	0	0	0	0	0	122	26-35	94		
22:00	0	0	6	11	12	6	1	0	0	0	0	0	0	0	36	25-34	23		
23:00	0	0	3	5	12	4	1	0	0	0	0	0	0	0	25	26-35	17		
Total	30	26	173	599	489	128	17	4	3	0	1	4	0	0	1474				
Percent	2.0%	1.8%	11.7%	40.6%	33.2%	8.7%	1.2%	0.3%	0.2%	0.0%	0.1%	0.3%	0.0%	0.0%					

AM																	
Peak																	
Vol.																	
PM																	
Peak																	
Vol.	7	7	40	116	104	30	3	2	1		1	3			297		

Site Code: 000000102109  
Station ID: 04329

Pinecrest Dr.  
Between Westdale Dr. and Grace View Pl.

Latitude: 0' 0.000 Undefined

B to A																		Pace		Number	
Start Time		0	16	21	26	31	36	41	46	51	56	61	66	71	76	Total		Speed		in	Rate
10/22/09	15	1	0	1	4	1	3	1	0	0	0	0	0	0	0	11		20-29		5	
01:00	0	0	0	2	4	1	1	0	0	0	0	0	0	0	0	8		20-29		6	
02:00	0	0	0	1	0	2	1	0	0	0	0	0	0	0	0	4		27-36		3	
03:00	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	2		12-21		1	
04:00	0	0	0	2	0	0	1	0	0	0	0	0	0	0	0	3		18-27		2	
05:00	0	0	0	1	5	2	0	0	0	0	0	0	0	0	0	8		23-32		8	
06:00	1	0	0	8	18	15	7	0	0	0	0	0	0	0	0	49		26-35		33	
07:00	8	4	54	101	55	55	14	2	2	0	0	1	2	0	0	243		22-31		156	
08:00	2	6	45	103	56	56	12	0	1	1	0	1	0	0	0	227		26-35		159	
09:00	1	10	31	52	53	53	14	3	0	0	0	0	0	0	0	164		26-35		105	
10:00	2	4	16	76	47	47	21	1	1	1	0	0	0	0	0	169		26-35		123	
11:00	11	7	18	61	81	81	26	2	1	0	0	0	0	0	0	207		26-35		142	
12 PM	4	3	16	78	109	109	32	5	0	0	0	0	0	0	0	247		26-35		187	
13:00	3	3	15	82	102	102	29	5	2	0	0	1	0	0	0	242		26-35		184	
14:00	4	2	25	87	115	115	30	8	0	0	0	0	0	0	0	271		26-35		202	
15:00	5	6	46	85	118	118	28	3	1	2	0	2	1	0	0	297		26-35		203	
16:00	3	0	24	98	83	83	24	2	1	0	0	0	0	0	0	235		26-35		181	
17:00	3	4	38	120	87	87	21	2	0	0	1	0	0	0	0	276		26-35		207	
18:00	4	4	37	84	55	55	5	1	0	0	2	1	0	0	0	193		26-35		139	
19:00	4	15	48	62	14	14	3	1	0	0	0	0	0	0	0	147		21-30		110	
20:00	5	2	16	37	41	41	5	0	0	0	0	0	0	0	0	106		26-35		78	
21:00	1	1	13	25	19	19	3	1	0	0	0	1	0	0	0	64		25-34		44	
22:00	0	2	8	15	11	11	5	0	0	0	0	0	0	0	0	41		23-32		26	
23:00	0	0	5	5	12	12	6	0	0	0	0	0	0	0	0	28		27-36		18	
Total	62	73	469	1204	1079	1079	291	38	9	4	3	7	3	0	0	3242					
Percent	1.9%	2.3%	14.5%	37.1%	33.3%	33.3%	9.0%	1.2%	0.3%	0.1%	0.1%	0.2%	0.1%	0.0%	0.0%						
AM Peak	11:00	09:00	07:00	08:00	11:00	11:00	11:00	09:00	07:00	08:00		07:00	07:00			07:00					
Vol.	11	10	54	103	81	81	26	3	2	1		1	2			243					
PM Peak	15:00	19:00	19:00	17:00	15:00	15:00	12:00	14:00	13:00	15:00	18:00	15:00	15:00			15:00					
Vol.	5	15	48	120	118	118	32	8	2	2	2	2	1			297					



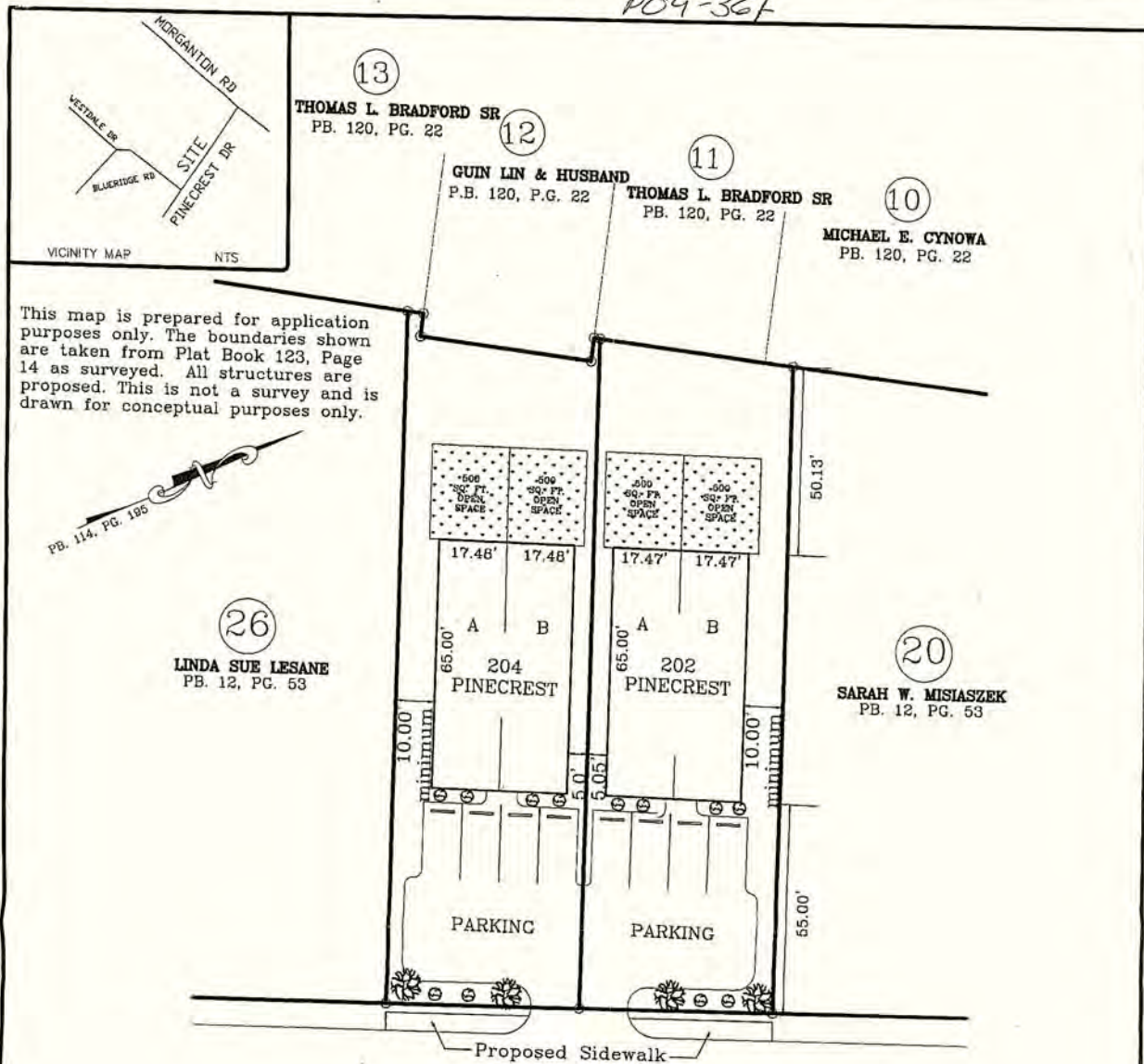
Site Code: 000000102109  
Station ID: 04329

Pinecrest Dr.  
Between Westdale Dr. and Grace View Pl.

B to A Latitude: 0' 0.000 Undefined

Start Time	0	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	Pace Speed	Number in Pace
10/23/09	15	20	25	30	35	40	45	50	55	60	65	70	75	9999	0	15	25-34
01:00	0	0	1	5	8	1	0	0	0	0	0	0	0	0	0	15	25-34
02:00	0	0	0	3	5	3	1	0	0	0	0	0	0	0	12	28-37	10
03:00	0	0	1	2	1	0	1	0	0	0	0	0	0	0	5	22-31	4
04:00	0	0	3	3	0	0	0	0	0	0	0	0	0	0	6	19-28	6
05:00	1	0	2	1	0	0	0	0	0	0	0	0	0	0	4	17-26	3
06:00	0	2	0	2	2	0	0	0	0	0	0	0	0	0	6	23-32	4
07:00	0	0	8	11	17	6	0	0	0	0	0	0	0	0	42	26-35	28
08:00	7	4	42	89	76	16	6	1	1	0	0	0	0	0	242	26-35	165
09:00	5	1	42	80	69	19	3	0	1	1	0	0	0	0	221	26-35	149
10:00	1	3	24	66	63	13	1	1	0	0	0	0	0	0	172	26-35	129
11:00	3	9	31	77	55	16	6	1	1	0	0	1	0	0	197	26-35	132
12 PM	2	2	24	99	78	19	1	1	0	0	0	0	0	0	230	26-35	177
13:00	2	4	22	91	95	23	0	0	0	0	1	0	0	0	238	26-35	186
14:00	*	*	*	81	96	32	5	1	1	0	0	0	0	0	244	26-35	177
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total	22	32	222	610	565	148	24	4	4	1	1	1	0	0	1634		
Percent	1.3%	2.0%	13.6%	37.3%	34.6%	9.1%	1.5%	0.2%	0.2%	0.1%	0.1%	0.1%	0.0%	0.0%			
AM Peak	07:00	10:00	07:00	11:00	11:00	08:00	07:00	07:00	07:00	08:00	12:00	10:00			07:00		
Vol.	7	9	42	99	78	19	6	1	1	1	1	1			242		
PM Peak	12:00	13:00	12:00	12:00	13:00	13:00	13:00	13:00	13:00	13:00	12:00	13:00			13:00		
Vol.	2	4	24	91	96	32	5	1	1	1	1	1			244		
Total	114	131	864	2413	2133	567	79	17	11	4	9	8	0	0	6350		
Percent	1.8%	2.1%	13.6%	38.0%	33.6%	8.9%	1.2%	0.3%	0.2%	0.1%	0.1%	0.1%	0.0%	0.0%			

15th Percentile :	25 MPH
50th Percentile :	30 MPH
85th Percentile :	35 MPH
95th Percentile :	39 MPH
Stats	
10 MPH Pace Speed :	26-35 MPH
Number in Pace :	4546
Percent in Pace :	71.6%
Number of Vehicles > 25 MPH :	5241
Percent of Vehicles > 25 MPH :	82.5%
Mean Speed(Average) :	30 MPH

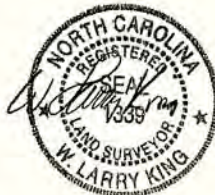


PINECREST DR.

## Conditional Use Application Site Plan

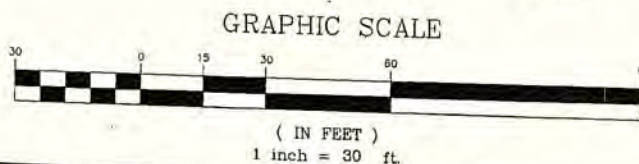
Current Zoning	R6
Existing Use	Single Family Residential
Proposed Use	Single Family Residential(Townhouses)
Total Acreage	0.4 Acres 17,255 sq. ft.
Units Requested	4 Townhouse Units
Any vegetation in the rear yards will remain.	

Owner Information  
 Thomas L. Bradford dba  
 ISLAND TIME PIZZA, LLC  
 P.O. Box 87555  
 Fayetteville, NC 28305  
 (910)484-9091



**PRELIMINARY PLAT**  
 Not for Construction, Recordation  
 Conveyance or Sale

**LARRY KING & ASSOCIATES,**  
 R.L.S., P.A.  
 P.O. BOX 53787  
 1333 MORGANTON ROAD SUITE 201  
 FAYETTEVILLE, NORTH CAROLINA 28305  
 TELEPHONE (910) 483-4300  
 FAX (910) 483-4052  
 NC Firm License  
 C-0887





VICINITY MAP NTS

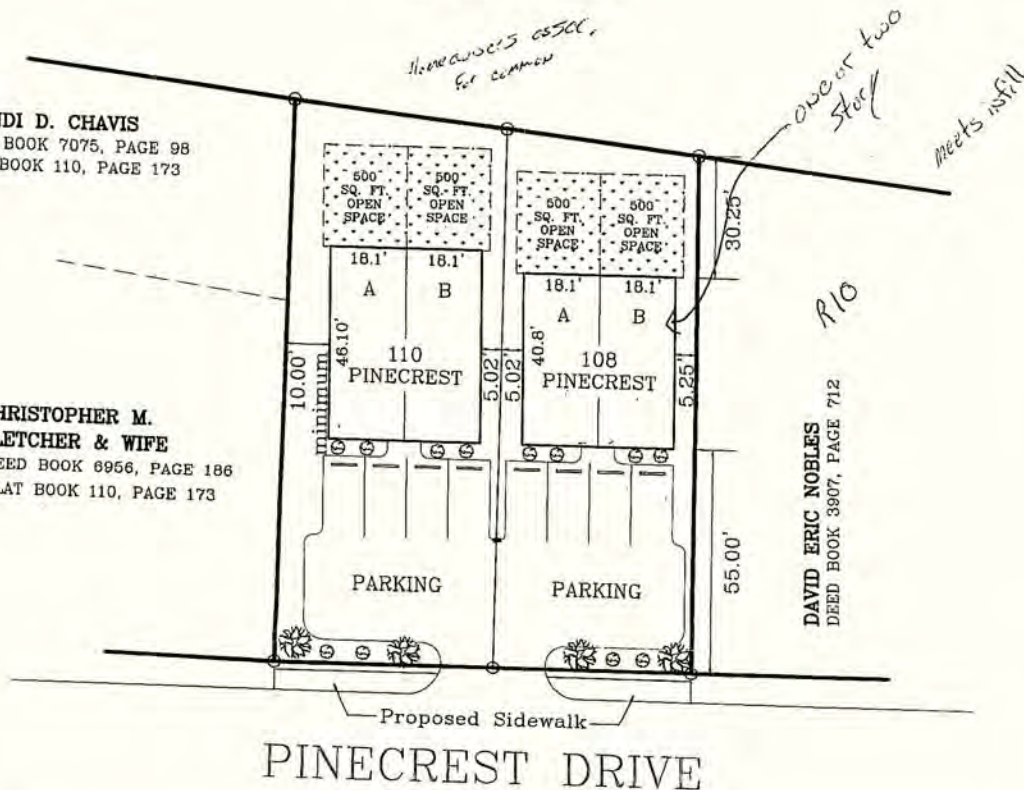


This map is prepared for application purposes only. The boundaries shown are taken from Plat Book 123, Page 14 as surveyed. All structures are proposed. This is not a survey and is drawn for conceptual purposes only.

**MILLER & RICHARDSON  
INVESTMENTS LLC**  
DEED BOOK 4781, PAGE 5

**BRANDI D. CHAVIS**  
DEED BOOK 7075, PAGE 98  
PLAT BOOK 110, PAGE 173

**CHRISTOPHER M.  
FLETCHER & WIFE**  
DEED BOOK 8956, PAGE 186  
PLAT BOOK 110, PAGE 173



PINECREST DRIVE

## Conditional Use Application Site Plan

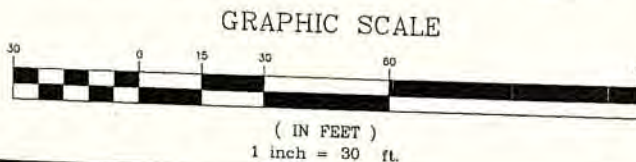
Current Zoning	R6
Existing Use	Vacant
Proposed Use	Single Family Residential(Townhouses)
Total Acreage	0.3 Acres 12,937 sq. ft.
Units Requested	4 Townhouse Units
There is no significant vegetation on the site.	

Owner Information  
Thomas L. Bradford dba  
Pear Tree Properties, LLC  
P.O. Box 87555  
Fayetteville, NC 28305  
(910)484-9091

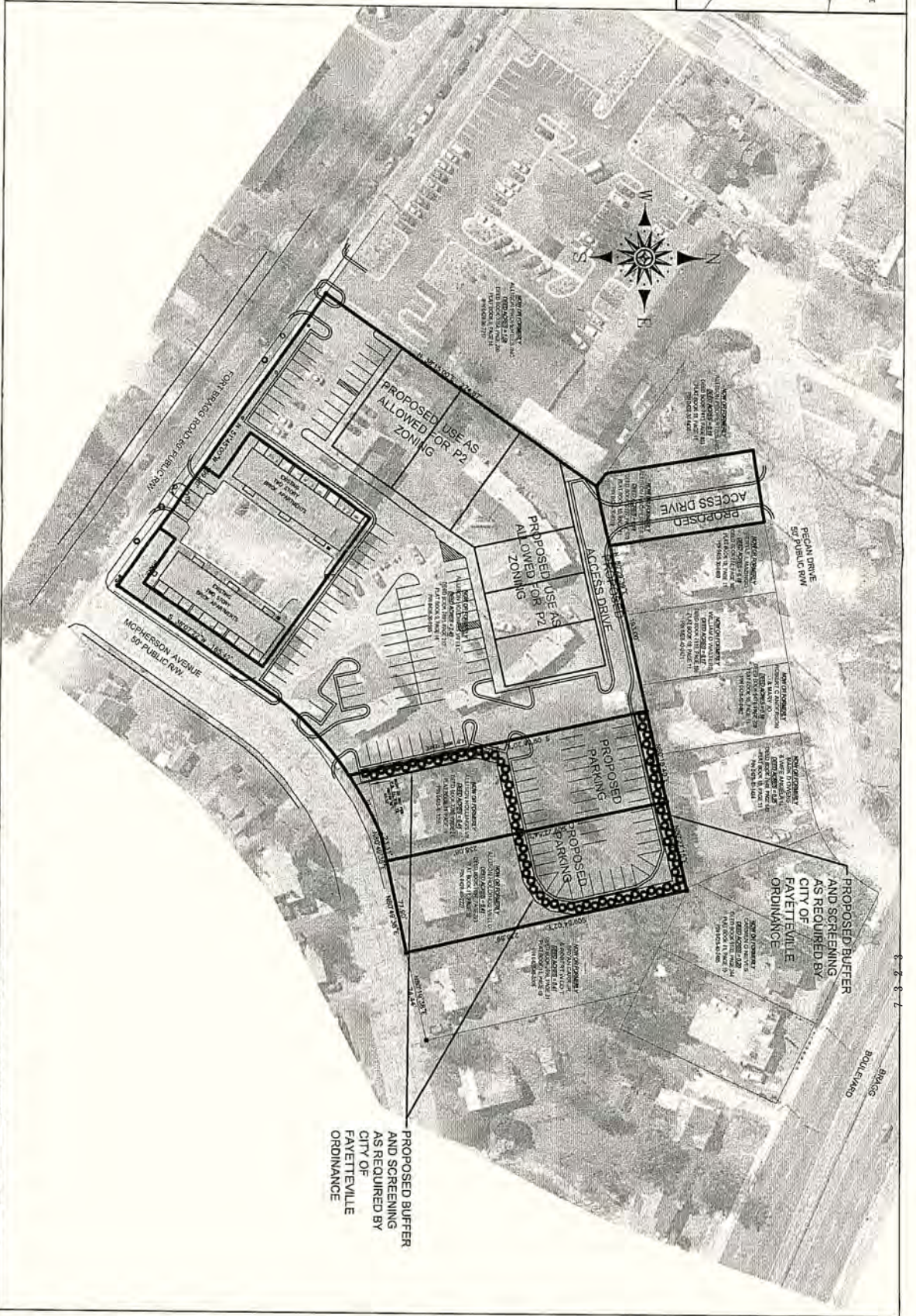
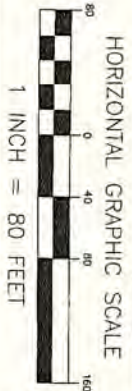


**PRELIMINARY PLAT**  
Not for Construction, Recordation  
Conveyance or Sale

**LARRY KING & ASSOCIATES,  
R.L.S., P.A.**  
P.O. BOX 53787  
1333 MORGANTON ROAD SUITE 201  
FAYETTEVILLE, NORTH CAROLINA 28305  
TELEPHONE (910) 483-4300  
FAX (910) 483-4052  
NC Firm License  
C-0887







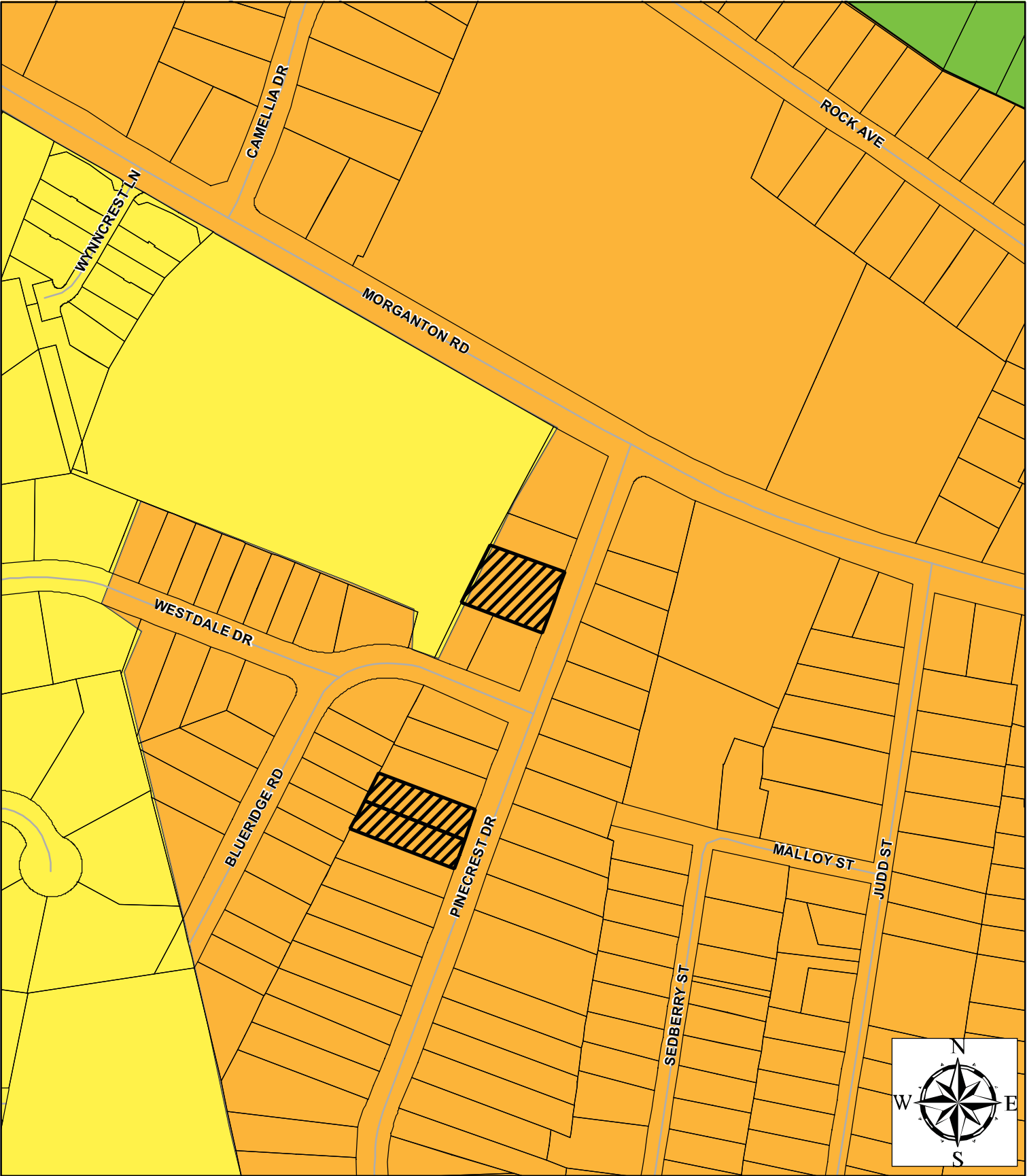
**PRELIMINARY  
DO NOT USE FOR  
CONSTRUCTION**

**SYSTEL OFFICE  
SPACE  
SITE PLAN**  
SEPTEMBER 8, 2009

**ENGINEERING - SURVEYING - DESIGNING - DRAFTING**  
**Larry King & Associates, R.L.S., P.A.**  
P.O. Box 53787  
1333 McKinnon Road, Suite 201  
Fayetteville, North Carolina 28305  
P. (910) 483-4300 F. (910) 483-4052  
www.lkanda.com  
NC Firm  
License  
C-0887  
Drawing by: Lance



2010 Land Use Plan  
Case No. P09-36F

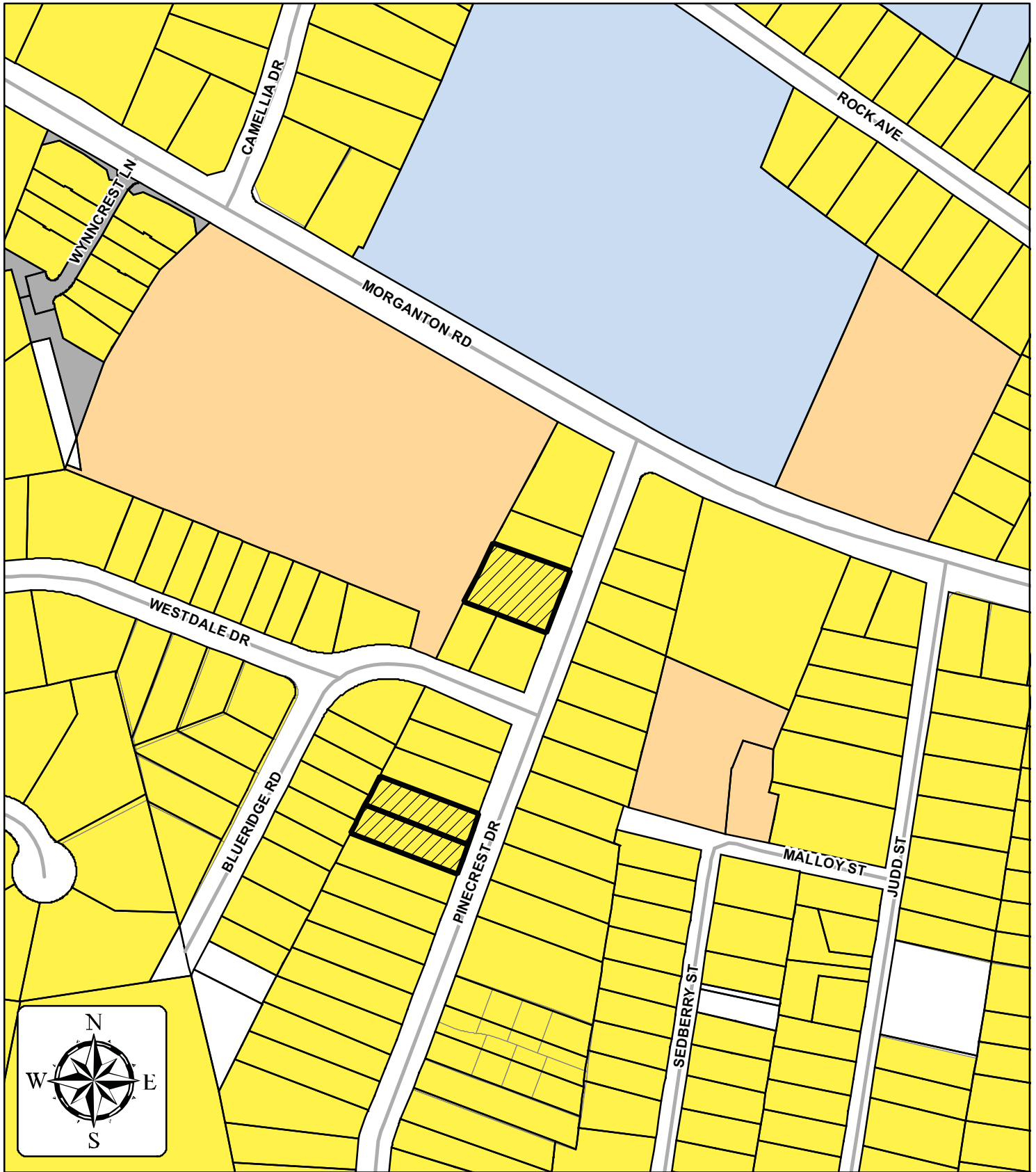


- Legend**
- |                            |                        |                         |
|----------------------------|------------------------|-------------------------|
| Medium Density Residential | Office / Institutional | Governmental            |
| Light Commercial           | Heavy Commercial       | Low Density Residential |



# Current Land Use

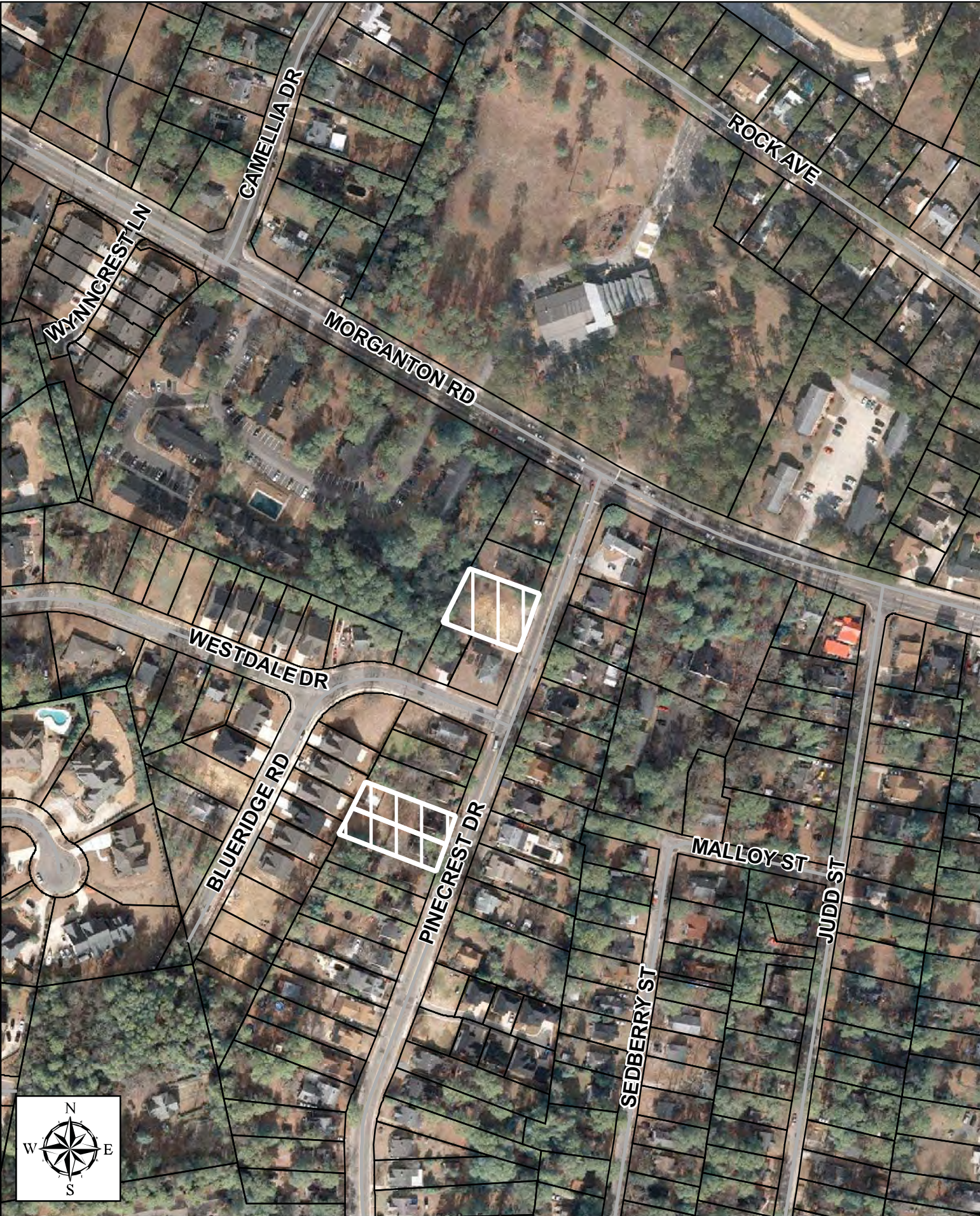
## P09-36F



### Legend

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



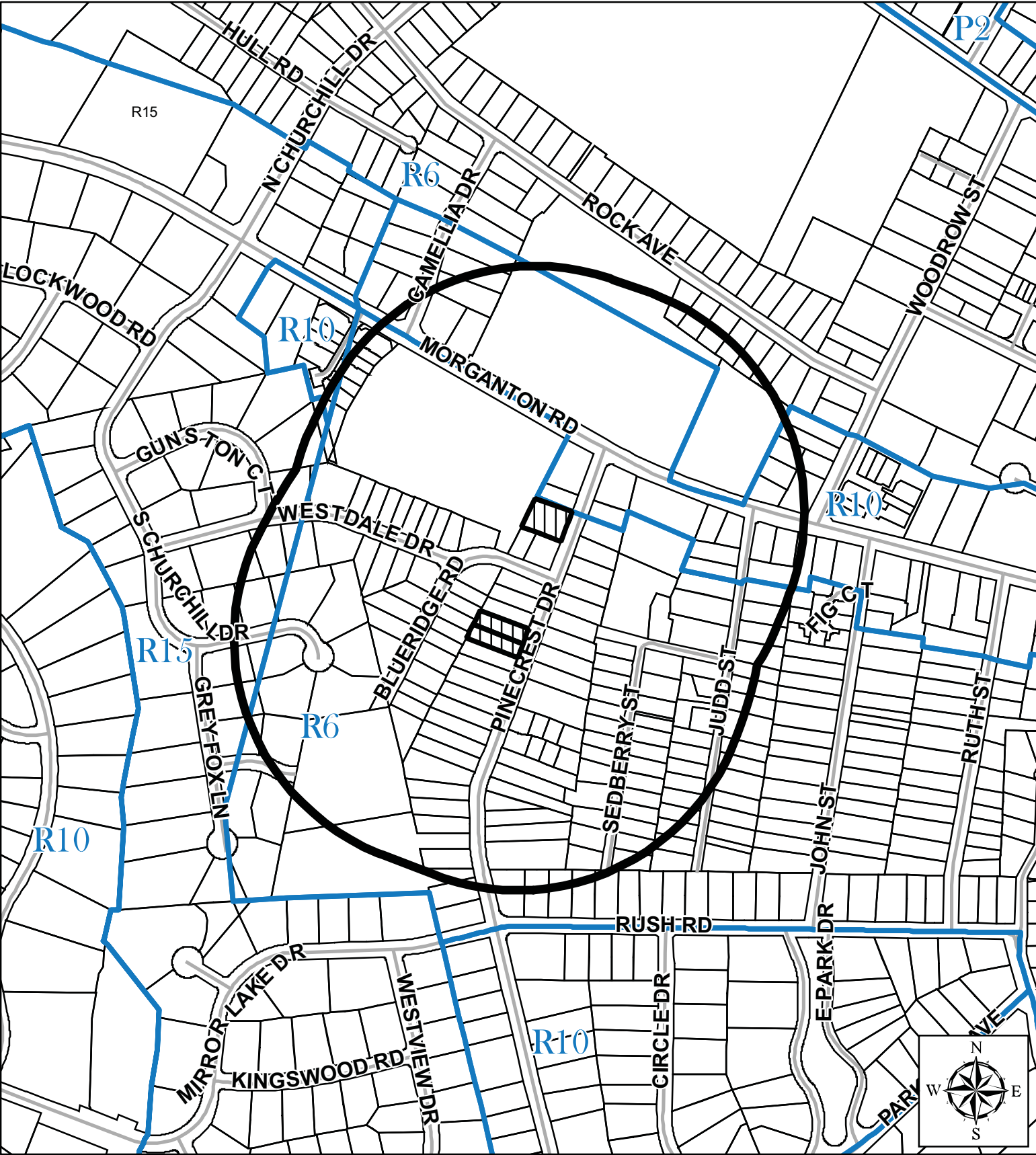




**Case No. P09-36F**



ZONING COMMISSION  
CASE NO. P09-36F



Request: R6 to R5/CZ  
Location: 108, 110, 202, 204 Pinecrest Dr.  
Acreage: +/- 0.7

Zoning Commission: 10/13/2009    Recommendation: \_\_\_\_\_  
City Council: \_\_\_\_\_    Final Action: \_\_\_\_\_  
Pin: 0407-75-5969

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



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, Planner II  
**DATE:** November 23, 2009  
**RE:** **Planning - Case No. P09-37F. Consideration of an application by Lance King for a Special Use Permit to allow for business parking (parking lot) in an R6 Residential District for property located at 2609 Pecan Dr. and 409 & 411 McPherson Ave.. Containing 0.65 acres more or less and being the property of Allison Properties Inc.**

---

**THE QUESTION:**

Issue a Special Use Permit (SUP) for commercial parking in a R6 Residential District.

**RELATIONSHIP TO STRATEGIC PLAN:**

Growth and Development

**BACKGROUND:**

Owner: Allison Properties  
Applicant: Lance King (for Allison Properties)  
Requested Action: SUP – Parking in R6 Residential  
Property Address: 2609 Pecan Dr. and 409 & 411 McPherson Ave. (CM Hurst's district)  
Status of Property: 3 single family residential lots  
Size: +/- 0.65 acres total  
Existing Land Use: Single Family Residential & Vacant  
Adjoining Land Use & Zoning: North – R6 Residential & P2 Professional / South – R6 Residential & P2 Professional / East – R6 Residential / West – P2 Professional  
2010 Land Use Plan: Medium Density Residential  
2030 Growth Vision Plan: Policy 9.3-Office and Institutional Development may be encouraged to locate as a transitional land use between residential areas and activities of higher intensity.  
Letters Mailed: 113

**ISSUES:**

These properties are currently rental houses. The areas remaining in residential use would continue to meet R6 standards.

**OPTIONS:**

Approve Special Use Permit for Parking with conditions;  
Approve Special Use Permit for Parking without conditions;  
Deny the Special Use Permit for this property.

**RECOMMENDED ACTION:**

The Zoning Commission recommends that the City Council:

Move to approve the Special Use Permit for commercial/office parking on these residential lots with the following conditions: Increased buffering between the parking areas and the existing residential. That all lighting be designed to minimize light-trespass onto adjacent properties. That all driveway cuts and entrance ways be approved by the City's Traffic Engineer.

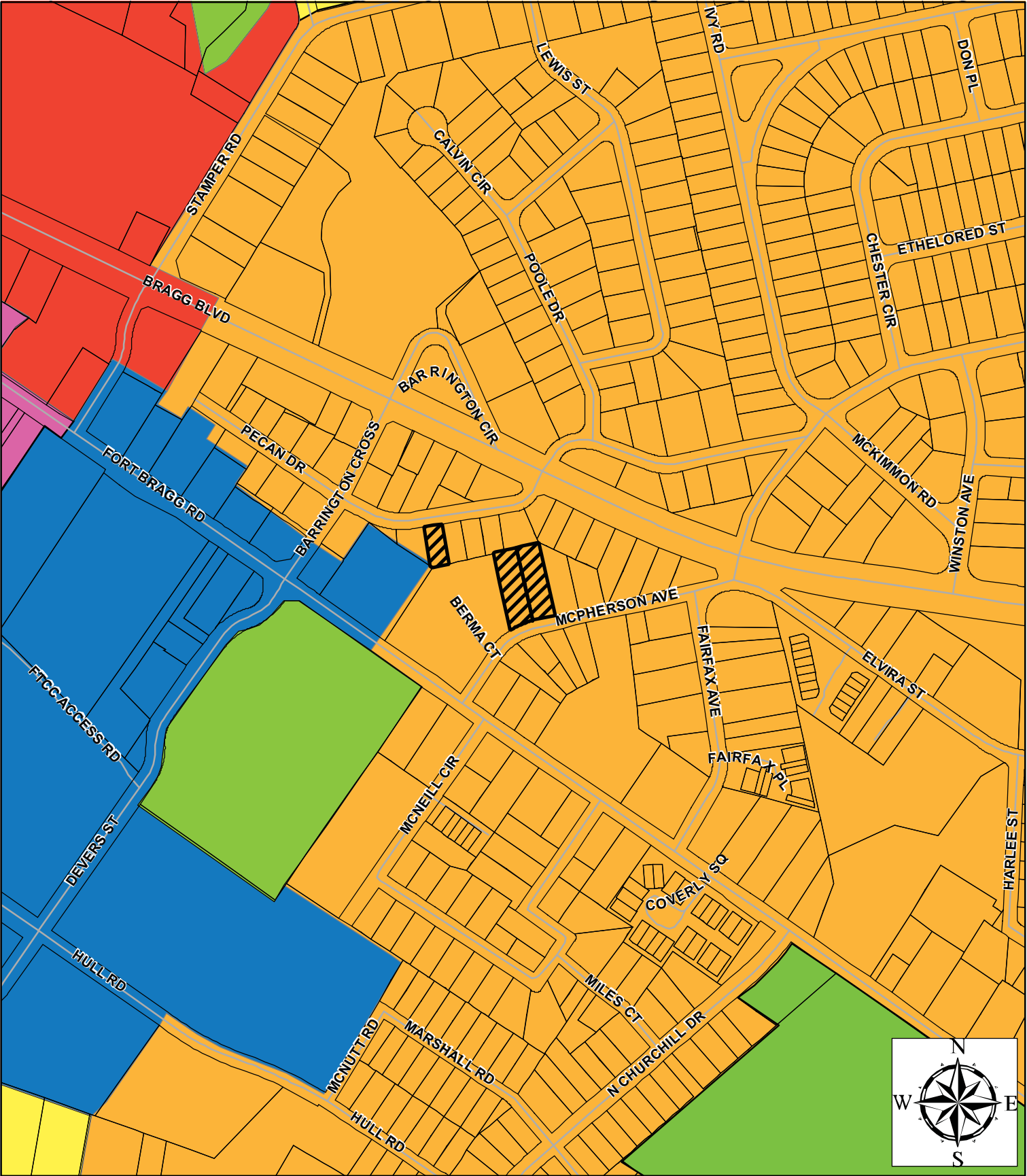
The Council may also establish additional conditions in granting this SUP.

**ATTACHMENTS:**

2010 Plan

Current Landuse  
Ortho Photo  
Vicinity Map  
Zoning Map  
Pictures  
Site Plan  
Minutes

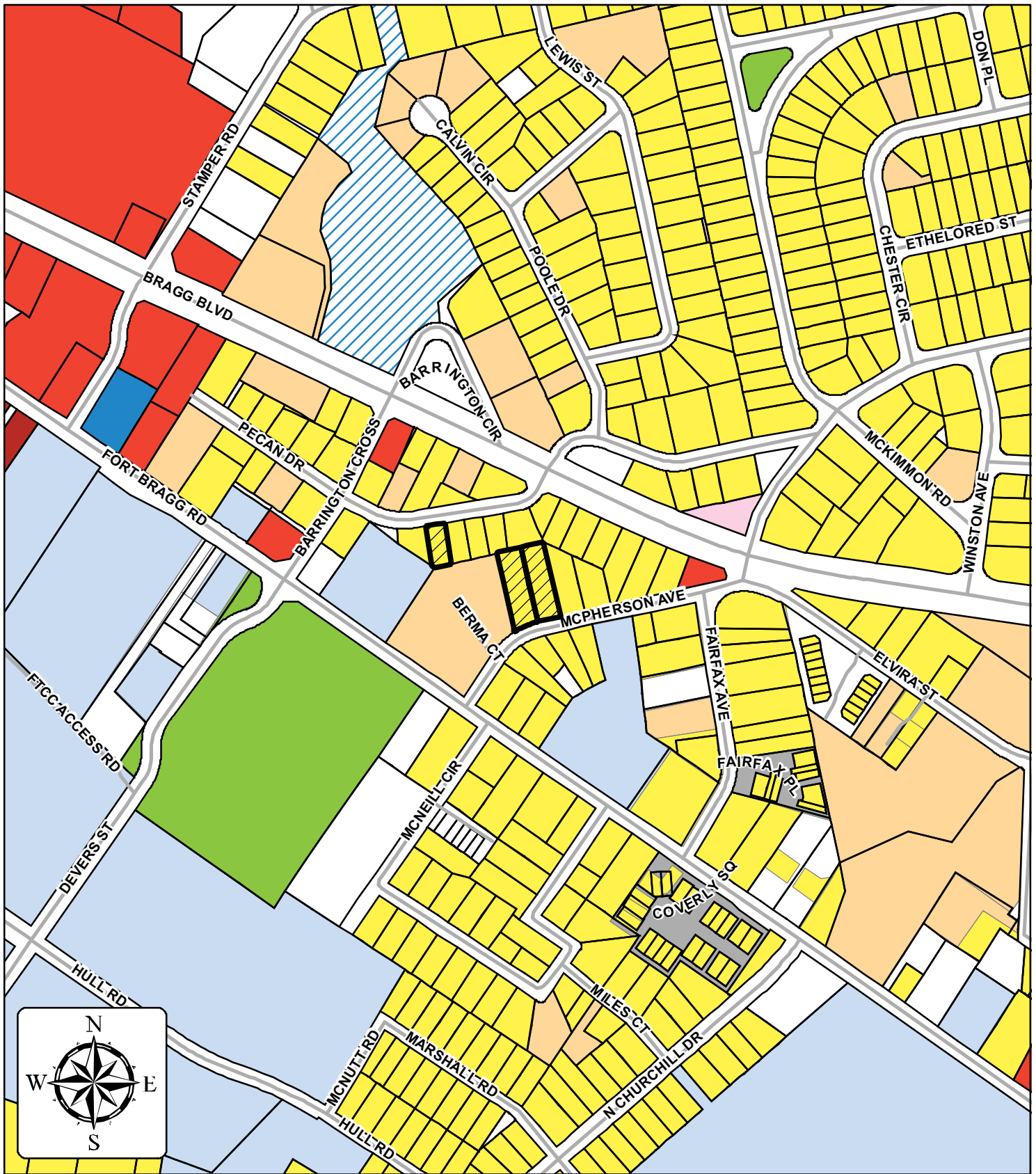
2010 Land Use Plan  
Case No. P09-37F



- Legend**
- |                            |                        |                         |
|----------------------------|------------------------|-------------------------|
| Medium Density Residential | Office / Institutional | Governmental            |
| Light Commercial           | Heavy Commercial       | Low Density Residential |

# Current Land Use

## P09-37F



Legend

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





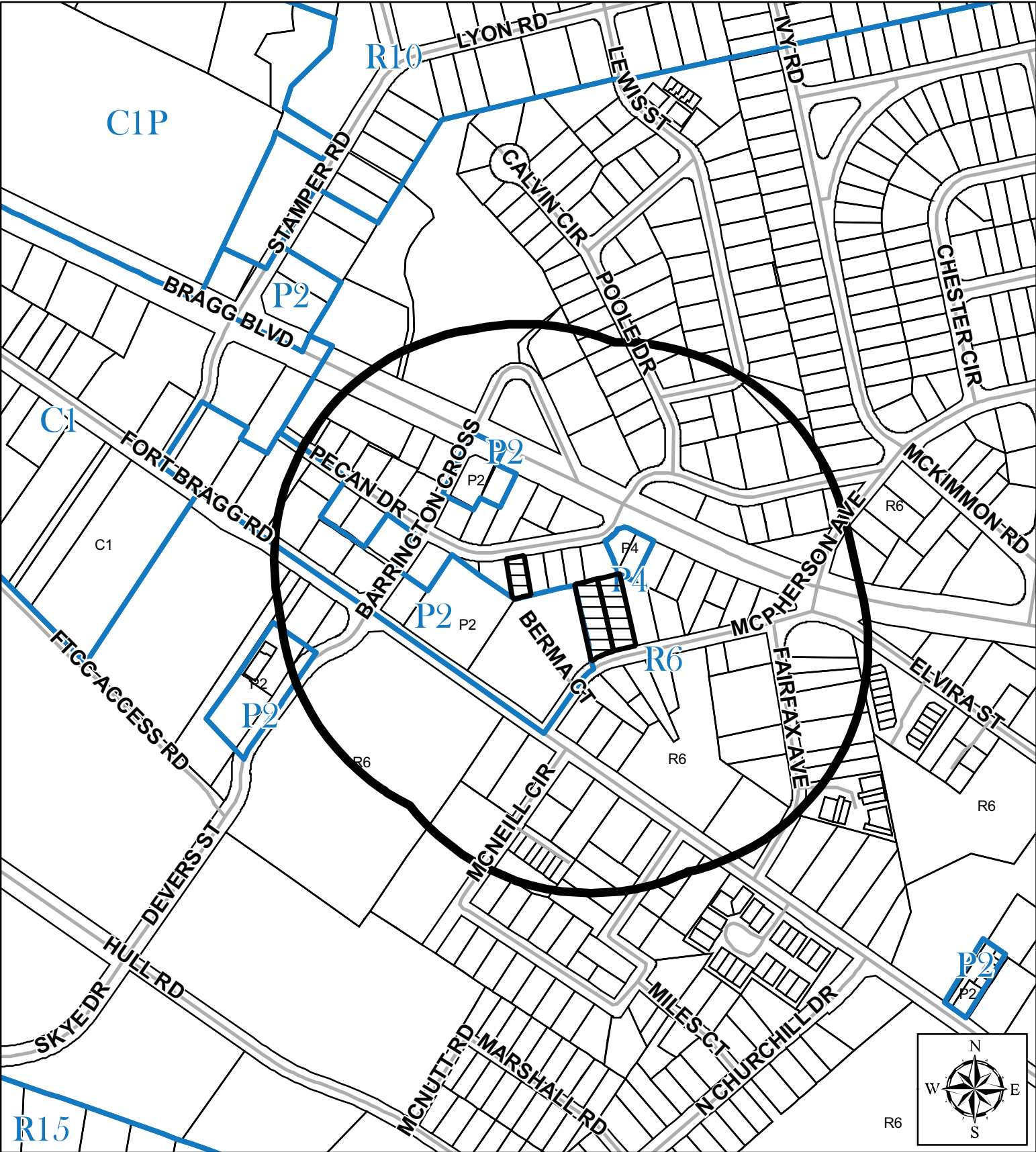


# Zoning Commission - Vicinity Map

Case No. P09-37F



ZONING COMMISSION  
CASE NO. P09-37F



Request: SUP to allow Parking in R6  
Location: 2609 Pecan Dr, 409 McPherson & 411 McPherson Ave.  
Acreage: +/- 0.65 total

Zoning Commission:10/13/2009    Recommendation: \_\_\_\_\_  
City Council: \_\_\_\_\_    Final Action: \_\_\_\_\_  
Pin: 0407-75-5969

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

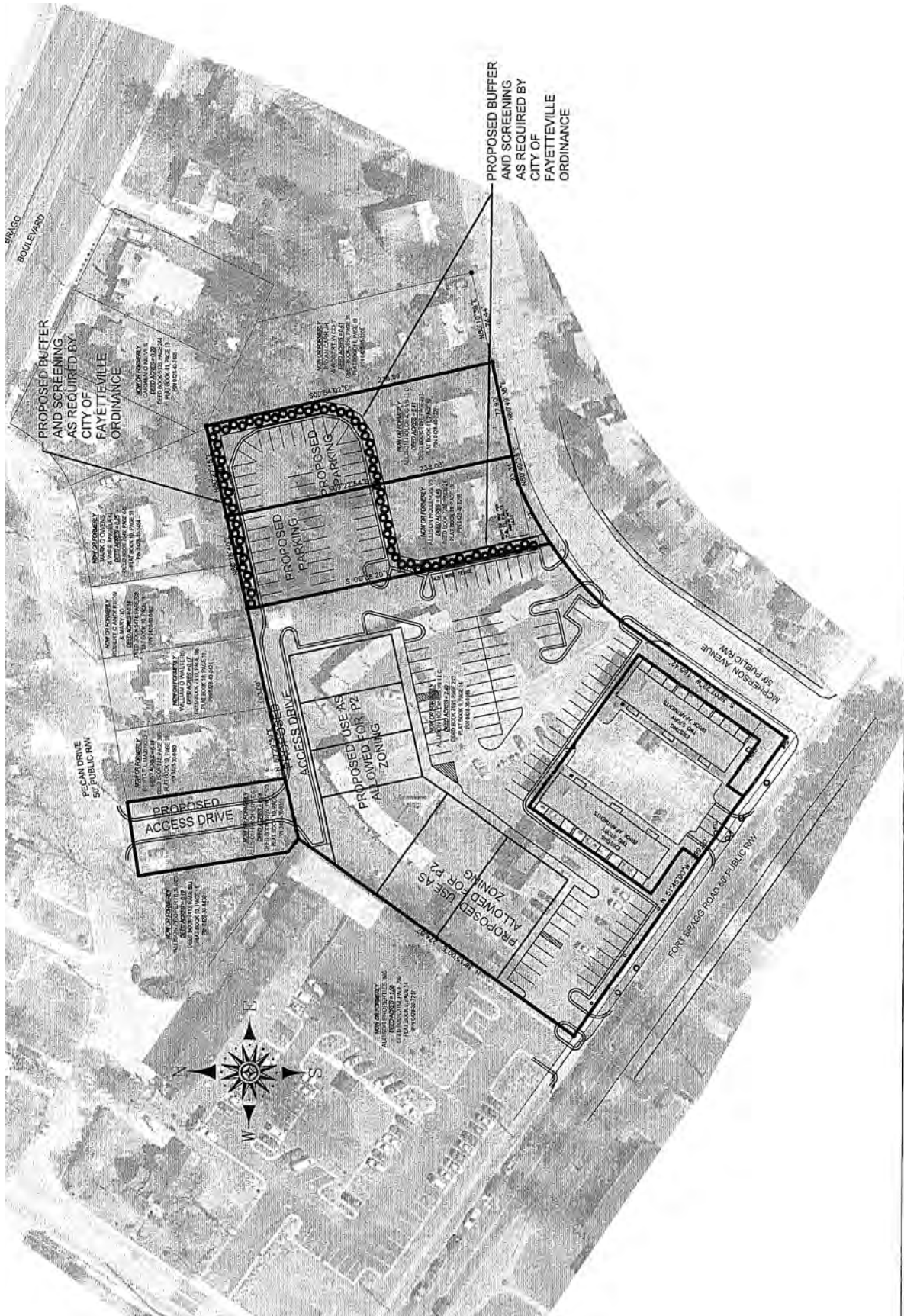




P09-37F







**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBERS  
1ST FLOOR, CITY HALL  
October 13, 2009- 7:00 P.M.**

**MEMBERS PRESENT**

Pete Paoni  
Richard West  
John Crawley  
Lockett Tally  
Marshall Isler

**MEMBERS ABSENT**

**OTHERS PRESENT**

Marsha Bryant, Planner  
Craig Harmon, Planner  
Janet Smith, Asst. City Atty  
David Steinmetz, Inspections  
Karen Hilton, Intm Plan. Dir.

The meeting was called to order at 7:00 pm.

Mr. Paoni asked about the omission of the election of chair and vice chair for the Commission. The commission discussed the possibilities of moving the election to the November meeting. Mr. Crawley made a motion to have the election at the November meeting. Mr. West seconded the motion. A vote was taken and passed unanimously.

**I. APPROVAL OF AGENDA**

**II. APPROVAL OF THE MINUTES FROM THE AUGUST 11, 2009 MEETING**

A motion was made by Mr. West to approve the minutes from the August 11, 2009 meeting. The second was given by Mr. Tally. A vote was taken and passed unanimously.

**III. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 9, 2009 MEETING**

A motion was made by Mr. West to approve the minutes from the September 9, 2009 meeting. A second was given by Mr. Tally. A vote was taken and passed unanimously.

**Mr. Paoni explained the Commission members' job was to conduct public hearings, listening carefully to the testimony from both sides to make recommendations that would be forwarded to City Council for final action. Each side will be given fifteen (15) minutes, collectively, to speak and must be signed up prior to the meeting. Request for Special Use Permits are quasi-judicial and speakers must be sworn in before speaking. Any aggrieved party has ten (10) days from today's meeting to file an appeal with the City Clerk's Office, located on the second floor of City Hall.**

**IV. PUBLIC HEARINGS**

- E. Case No. P09-37F. Consideration of an application by Lance King for a Special Use Permit to allow for business parking (parking lot) in a R6 Residential District for property located at 2609 Pecan Drive. Containing 0.18 acres more or less and being the property of Allison Properties Inc.**

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. Mr. Harmon stated that the 2010 land use plan calls for medium density residential uses for the area. He stated that the planning department mailed out 113 letters regards the request. Mr. Harmon showed pictures to explain current land use of the property.

Mr. Harmon sated that the Special Use Permit is for parking in R6 zoning district due to limited parking. He stated that the applicant is planning to redevelop P2 site and use this space for parking. Mr. Harmon

stated that there is no staff recommendation for SUP but has some recommendations the Commission may want to review. Mr. Harmon listed to revisions, revision #2 is that that access will be allowed to Pecan Drive and revision #3 would allow for 2 drives.

All parties wishing to speak were sworn in.

Mr. King appeared in favor of the request. He stated that he works with Larry King Engineering and represent Allison Properties on the project. He stated that he was present to answer any questions the Commission may have.

Ms. Epler appeared in favor of the request. She stated that she had nothing to add, she was just present to answer any questions the Commission may have.

Ms. Allison appeared in favor of the request. She stated that she spoke with the neighbors and that were okay with the expansion. She stated that Pecan Drive would be available for service only. She stated that she is available for any questions the Commission may have.

Mr. Paoni asked if there were neighborhood meetings were conducted. Mr. Harmon stated no.

The public hearing was closed.

Mr. West asked about phone calls coming into the Planning Department about the request. Mr. Harmon stated that there were no phone calls for this case.

Mr. Isler asked about the recommendation staff for additional buffer and why they were recommending more than the ordinance required. Mr. Steinmetz stated that there would be no requirement for a buffer. He stated that this is a Special Use Permit for additional parking and that the recommendation would be a buffer that would be required for a professional district which is what the rest of the property would require. Mr. Steinmetz stated that the buffer would be 15 feet 6 foot privacy fence.

Mr. Harmon stated that nothing is currently required there and that minimum the required buffer for a P2 abutting a residential district be placed as a condition for the application.

Mr. West made a motion to approve the request with the conditions of 1, 4 and 5 of the staff's recommended conditions, with condition 1 meeting the minimum standard of a P2 buffer with plant material six feet apart with a minimum of six feet of height at maturity included. Mr. Crawley seconded the motion. A vote was taken and the motion passed unanimously.

D.

<b>CITY COUNCIL ACTION MEMO</b>
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**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** November 23, 2009  
**RE:** **Finance - Presentation of the Audited FY2008-2009 Comprehensive Annual Financial Report**

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**THE QUESTION:**

Does Council wish to accept the City's FY2008-2009 audited Comprehensive Annual Financial Report?

**RELATIONSHIP TO STRATEGIC PLAN:**

Core Value: Stewardship

**BACKGROUND:**

The City Council's audit firm, Cherry, Bekaert & Holland (CB&H), has completed the audit of the City's FY2008-2009 financial statements. A copy of the audited financial report will be provided with the Council's agenda packet. Ms. Michelle Thompson, a partner with CB&H, will present the audit report at the November 23, 2009 Council meeting.

**ISSUES:**

None

**OPTIONS:**

1. Accept the audited FY2008-2009 Comprehensive Annual Financial Report.
2. Do not accept the report.

**RECOMMENDED ACTION:**

Accept the FY2008-2009 Comprehensive Annual Financial Report.



<b>CITY COUNCIL ACTION MEMO</b>
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**TO:** Mayor and Members of City Council  
**FROM:** Rita Perry, City Clerk  
**DATE:** November 23, 2009  
**RE:** **City Clerk - Monthly Statement of Taxes for October 2009**

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**THE QUESTION:**

For information only.

**RELATIONSHIP TO STRATEGIC PLAN:**

Greater Tax Base Diversity - Strong Local Economy

**BACKGROUND:**

Attached is the report that has been furnished to the Mayor and City Council by the Cumberland County Tax Administrator for the month of October 2009

**ISSUES:**

N/A

**OPTIONS:**

N/A

**RECOMMENDED ACTION:**

For information only

**ATTACHMENTS:**

Monthly Statement of Taxes for October 2009



OFFICE OF THE TAX ADMINISTRATOR

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

MEMORANDUM

TO: Rita Perry, Fayetteville City Clerk  
FROM: Aaron Donaldson, Tax Administrator *AD*  
DATE: November 2, 2009  
RE: MONTHLY STATEMENT OF TAXES

Attached hereto is the report that has been furnished to the Mayor and governing body of your municipality for the month of October 2009. This report separates the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

Should you have any questions regarding this report, please contact me at 678-7587.

AD/sn  
Attachments

*Celebrating Our Past...Embracing Our Future*

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



DATE	REPORT #	REMITTED TO FINANCE	2009 CC	2009 VEHICLE	2009 REVIT	2009 VEHICLE REVIT	2009 FVT	2009 TRANSIT TAX	2009 STORM WATER	2009 FAY STORM WATER
10/01/09	2009-066	90,692.71	54,287.84	15,750.07	0.73	104.03	1,715.00	1,715.00	1,958.26	3,916.54
10/02/09	2009-067	108,725.18	69,889.68	15,111.55	541.74	17.14	1,541.83	1,541.84	1,998.77	3,997.51
10/05/09	2009-068	236,758.52	147,141.25	45,274.13	592.72	53.98	5,177.17	5,177.17	4,900.22	9,800.47
10/06/09	2009-069	115,486.17	68,618.37	21,025.34	26.30	10.73	2,464.84	2,464.85	2,313.76	4,627.56
10/07/09	2009-070	120,240.64	77,675.83	19,844.68	88.23	0.00	2,352.62	2,352.61	2,076.26	4,152.56
10/08/09	2009-071	121,995.47	82,337.92	16,388.03	466.45	0.00	2,035.00	2,035.00	2,927.42	5,854.86
10/09/09	2009-072	149,278.21	101,801.80	19,925.17	0.00	0.00	2,177.70	2,177.70	3,299.97	6,503.92
10/12/09	2009-073	155,841.85	116,604.70	11,015.21	189.75	0.00	902.47	902.47	3,135.44	6,270.92
10/13/09	2009-074	89,832.28	55,380.80	17,120.44	162.80	71.57	1,615.00	1,615.00	1,932.69	3,865.38
10/14/09	2009-075	65,670.52	38,171.59	14,243.47	0.75	0.00	1,119.71	1,119.71	757.93	1,515.87
10/15/09	2009-076	107,282.72	70,526.66	14,503.70	264.32	25.03	1,669.19	1,669.19	2,419.04	4,838.08
10/16/09	2009-077	93,287.66	60,211.87	13,069.20	0.00	9.88	1,287.92	1,287.91	1,679.91	3,359.83
10/19/09	2009-078	141,564.48	94,846.51	20,949.95	518.38	31.72	2,255.66	2,255.67	2,185.99	4,371.97
10/20/09	2009-079	83,942.31	55,373.72	12,423.44	0.00	8.21	1,230.15	1,230.15	1,372.62	2,745.23
10/21/09	2009-080	89,000.85	60,281.61	12,760.48	0.00	8.11	1,315.00	1,315.00	1,793.95	3,587.92
10/22/09	2009-081	68,744.47	39,789.75	10,174.38	(3.29)	0.00	1,107.05	1,107.05	2,354.16	4,708.33
10/23/09	2009-082	154,602.49	122,469.13	9,073.16	0.00	0.00	1,005.00	1,005.00	3,266.73	6,533.46
10/26/09	2009-083	171,585.00	116,387.33	21,436.83	10.71	10.39	2,057.53	2,057.53	4,891.77	9,783.53
10/27/09	2009-084	61,790.81	36,986.46	11,328.58	299.31	0.00	1,040.00	1,040.00	1,135.08	2,270.16
10/28/09	2009-085	75,470.24	47,909.80	13,186.33	38.74	10.96	1,328.70	1,328.71	1,247.44	2,494.88
10/29/09	2009-086	146,754.42	98,977.54	21,556.60	0.00	49.01	1,885.00	1,865.00	3,946.22	7,892.46
10/30/09	2009-087	163,322.33	103,346.86	22,259.36	0.00	0.00	2,180.00	2,180.00	5,362.04	10,724.06
TOTALS		2,611,869.33	1,719,017.02	378,420.10	3,197.64	410.76	39,462.54	39,442.56	56,955.67	113,815.50

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)

FVT: FAYTTEVILLE VEHICLE TAX (\$5.00)



## FAYETTEVILLE MACC LEDGER

OCTOBER 2009

1999-2009

2009 RECYCLE FEE	2009 ANNEX	2008 CC	2008 VEHICLE	2008 REVIT	2008 VEHICLE REVIT	2008 FVT	2008 TRANSIT TAX	2008 STORM WATER	2008 RECYCLE	2008 FAY STORM WATER	2008 ANNEX	2007 CC
2,571.44	0.00	576.78	4,902.84	0.00	0.00	690.00	660.00	70.72	64.52	36.87	0.00	36.99
4,108.89	0.00	1,213.18	5,652.09	0.00	0.00	786.13	746.13	32.19	26.89	15.36	0.00	0.00
6,503.83	0.00	1,643.11	6,817.76	0.00	0.00	896.64	876.63	91.24	84.00	48.00	0.00	135.54
4,231.39	0.00	828.49	4,787.29	0.00	0.00	728.08	679.64	23.18	0.00	0.00	0.00	201.42
5,168.86	0.00	647.42	3,220.60	0.00	0.00	605.44	565.44	34.52	0.00	0.00	0.00	50.77
2,962.19	17.27	250.47	4,308.57	0.00	0.00	528.09	478.10	51.29	0.00	21.04	0.00	0.00
4,597.88	16.42	544.45	5,303.07	0.00	0.00	638.21	608.22	63.61	0.00	0.00	0.00	78.59
9,434.91	0.00	675.56	3,811.92	0.00	0.00	425.00	395.00	30.61	42.00	24.00	0.00	32.20
3,764.18	0.00	16.06	2,979.34	0.00	0.00	350.00	330.00	28.62	15.16	8.66	0.00	8.18
2,172.09	0.00	497.21	3,684.63	0.00	0.00	431.97	401.96	69.77	0.00	0.00	0.00	124.69
4,088.31	0.00	461.21	4,453.88	0.00	0.00	540.00	490.00	0.00	0.00	0.00	0.00	53.99
3,141.94	0.00	566.79	5,229.69	0.00	0.00	731.32	676.32	42.56	106.95	61.11	0.00	243.15
5,054.73	0.00	1,312.18	4,778.75	0.00	0.00	512.01	465.45	130.94	151.99	224.18	0.00	14.85
2,864.62	0.00	664.62	3,600.59	0.00	0.00	490.81	460.80	112.52	0.00	72.00	4.61	104.03
3,286.87	0.00	145.99	2,551.65	0.00	0.00	366.56	341.56	27.57	24.41	11.40	0.00	40.91
2,096.85	0.00	209.95	4,543.23	0.00	0.00	669.03	614.04	28.78	0.00	41.04	0.00	84.37
3,162.63	0.00	483.13	3,884.44	0.00	0.00	558.02	523.02	24.90	0.00	0.00	0.00	432.49
6,059.41	0.00	1,534.53	4,206.41	0.00	0.00	530.23	474.70	49.94	132.81	75.89	0.00	10.63
1,998.43	0.00	964.44	2,605.47	0.00	0.00	380.00	375.00	92.38	199.65	114.08	0.00	201.41
2,886.23	0.00	248.98	2,625.68	0.00	0.00	373.90	353.90	13.39	0.00	24.00	0.00	171.42
5,504.39	0.00	193.28	3,333.63	0.00	0.00	466.75	446.75	33.25	0.00	0.00	0.00	62.54
3,527.77	0.00	457.92	9,139.76	0.00	0.00	1,089.56	1,059.57	153.78	32.00	282.29	0.00	(20.90)
89,187.84	33.69	14,135.75	96,421.29	0.00	0.00	12,787.75	12,022.23	1,205.76	880.38	1,059.92	4.61	2,067.27



## FAYETTEVILLE MACC LEDGER

OCTOBER 2009

1999-2009

2007 VEHICLE	2007 REVIT	2007 VEHICLE REVIT	2007 FVT	2007 STORM WATER	2007 FAY STORM WATER	2007 ANNEX	2006 CC	2006 VEHICLE	2006 REVIT	2006 VEHICLE REVIT	2006 FVT	2006 STORM WATER	2006 ANNEX
250.85	0.00	0.00	25.00	0.00	0.00	0.00	0.00	73.26	0.00	0.00	0.00	0.00	487.30
161.74	0.00	0.00	50.00	0.00	0.00	0.00	37.76	82.99	0.00	0.00	15.00	0.00	0.00
0.51	0.00	0.00	30.00	12.00	0.00	0.00	3.54	65.21	0.00	0.00	20.00	5.87	0.00
348.98	0.00	0.00	79.23	24.00	48.00	0.00	111.42	81.20	0.00	0.00	10.00	12.00	0.00
200.50	0.00	0.00	50.00	12.00	0.00	0.00	51.64	182.35	0.00	0.00	30.00	0.00	0.00
222.44	0.00	0.00	40.00	0.00	0.00	0.00	0.00	34.40	0.00	0.00	15.00	0.00	288.85
88.16	0.00	0.00	45.00	0.00	0.00	0.00	0.00	41.20	0.00	0.00	10.00	0.00	439.25
175.47	0.00	0.00	24.37	0.00	0.00	0.00	20.04	11.40	0.00	0.00	5.00	0.00	318.63
21.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	57.23	0.00	0.00	15.00	0.00	0.00
42.93	0.00	0.00	20.00	24.00	0.00	0.00	0.00	101.72	0.00	0.00	15.00	24.00	338.26
66.95	0.00	0.00	15.95	0.00	0.00	0.00	34.70	0.00	0.00	0.00	0.00	0.00	0.00
105.49	0.00	0.00	40.00	12.00	24.00	0.00	21.05	67.28	0.00	0.00	10.00	0.00	378.28
263.70	0.00	0.00	40.00	0.00	0.00	0.00	0.00	77.28	0.00	0.00	20.00	0.00	7.15
71.66	0.00	0.00	12.65	12.00	0.00	0.00	87.39	19.81	0.00	0.00	10.00	0.00	261.96
114.35	0.00	0.00	35.00	0.00	0.00	0.00	81.65	0.00	0.00	0.00	0.00	0.00	515.47
145.73	0.00	0.00	45.00	12.00	0.00	0.00	86.42	69.72	0.00	0.00	25.00	0.00	0.00
287.41	0.00	0.00	55.00	(3.39)	12.72	0.00	344.15	50.42	0.00	0.00	19.54	0.00	262.32
150.95	0.00	0.00	30.00	0.00	0.00	0.00	0.00	120.57	0.00	0.00	20.00	0.00	634.15
79.72	0.00	0.00	25.00	36.00	24.00	0.00	2.73	19.93	0.00	0.00	0.00	2.37	0.00
86.36	0.00	0.00	15.00	12.00	24.00	0.00	0.00	43.63	0.00	0.00	5.00	0.00	591.21
129.03	0.00	0.00	12.34	0.00	0.00	0.00	0.00	4.07	0.00	0.00	5.00	0.00	0.00
166.64	0.00	0.00	45.00	0.00	0.00	0.00	15.33	43.97	0.00	0.00	20.00	0.00	77.31
3,180.99	0.00	0.00	734.54	152.61	132.72	0.00	897.82	1,247.64	0.00	0.00	269.54	44.24	4,600.14



## FAYETTEVILLE MACC LEDGER

OCTOBER 2009

1999-2009

2005 CC & PRIOR	2005 VEHICLE & PRIOR	2005 REVIT & PRIOR	2005 VEHICLE REVIT & PRIOR	2005 FVT & PRIOR	2005 & PRIOR STORM WATER	INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	TOTAL TAX & INTEREST
0.00	25.42	0.00	0.00	15.00	0.00	702.89	0.89	4.86	2.17	43.65	3.79	90,692.71
0.00	178.57	0.00	0.00	45.00	0.00	919.75	0.00	7.48	2.17	0.00	3.80	108,725.18
85.35	189.21	0.00	0.00	25.00	0.00	1,085.54	0.00	11.31	4.05	0.00	7.07	236,758.52
559.31	135.48	0.00	0.00	11.97	12.00	998.85	0.00	13.87	8.62	0.00	0.00	115,486.17
8.89	116.32	0.00	0.00	24.13	0.00	724.24	0.00	4.73	0.00	0.00	0.00	120,240.64
0.00	65.34	0.00	0.00	30.00	0.00	595.02	0.00	3.61	0.83	38.28	0.00	121,995.47
7.42	44.93	0.00	0.00	16.14	0.00	810.86	0.00	5.65	0.00	32.89	0.00	149,278.21
33.62	592.50	0.00	0.00	30.00	0.00	709.25	0.00	2.33	2.14	21.19	3.75	155,841.85
109.78	0.00	0.00	0.00	0.00	0.00	362.55	0.98	1.24	0.07	0.00	0.13	89,832.28
0.00	141.12	0.00	0.00	20.00	60.00	522.49	0.00	44.59	0.00	5.06	0.00	65,670.52
0.00	368.32	0.00	0.00	50.00	0.00	744.20	0.00	0.00	0.00	0.00	0.00	107,282.72
47.34	86.96	0.00	0.00	15.00	0.00	753.31	0.00	6.02	9.88	(5.06)	9.76	93,287.66
2.06	149.93	0.00	0.00	44.23	0.00	862.21	0.03	10.40	18.34	(1.87)	10.09	141,564.48
0.70	128.63	0.00	0.00	15.00	0.00	504.90	0.00	12.02	7.50	37.87	2.10	83,942.31
0.00	(28.78)	0.00	0.00	0.00	0.00	352.24	0.00	2.49	2.32	62.75	4.37	89,000.85
32.73	74.12	0.00	0.00	20.00	0.00	702.97	0.00	4.21	1.85	0.00	0.00	68,744.47
40.92	366.22	0.00	0.00	25.00	0.00	699.56	0.00	6.16	5.17	8.79	1.39	154,602.49
38.90	129.99	0.00	0.00	20.77	0.00	629.15	0.00	4.35	6.52	78.07	11.41	171,585.00
0.00	54.85	0.00	0.00	5.00	0.00	455.67	0.00	18.71	15.98	0.00	20.40	61,790.81
0.00	36.64	0.00	0.00	5.00	0.00	320.18	0.00	4.39	6.61	77.16	0.00	75,470.24
0.00	1.42	0.00	0.00	5.00	0.00	381.12	0.00	4.02	0.00	0.00	0.00	146,754.42
3.13	100.68	0.00	0.00	45.00	0.00	980.66	0.00	14.73	25.26	6.77	3.78	163,322.33
970.15	2,957.87	0.00	0.00	467.24	72.00	14,817.61	1.90	187.17	119.48	405.55	81.84	2,611,869.33