

**FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
JUNE 8, 2009
7:00 P.M.**

VISION STATEMENT

**The City of Fayetteville
is a GREAT PLACE TO LIVE with
a choice of DESIRABLE NEIGHBORHOODS,
LEISURE OPPORTUNITIES FOR ALL,
and BEAUTY BY DESIGN.**

**Our City has a VIBRANT DOWNTOWN,
the CAPE FEAR RIVER to ENJOY, and
a STRONG LOCAL ECONOMY.**

**Our City is a PARTNERSHIP of CITIZENS
with a DIVERSE CULTURE and RICH HERITAGE,
creating a SUSTAINABLE COMMUNITY.**

**FAYETTEVILLE CITY COUNCIL
AGENDA
JUNE 8, 2009
7:00 P.M.
CITY HALL COUNCIL CHAMBER**

INVOCATION

PLEDGE OF ALLEGIANCE

ITEM 1. APPROVAL OF AGENDA

ITEM 2. PUBLIC FORUM:

A. Announcements and Recognition

B. Comment Period

The public forum is designed to invite citizen input and discussion. The public forum is held on the second Monday of every month and shall be the first item of business after the Approval of the Agenda. The public forum shall last no longer than 15 minutes. The Mayor shall have the discretion to extend the public forum up to 30 minutes. Each speaker shall have up to two (2) minutes to speak. Anyone desiring to speak may sign up in advance with the City Clerk located on the Second Floor, City Hall, 433 Hay Street, Fayetteville, N.C., by FAX at (910) 433-1980, or by e-mail at cityclerk@ci.fay.nc.us. If speakers provide the subject matter ahead of the meeting, the City staff can ensure that appropriate information is available at the meeting. This information, however, is not required.

ITEM 3. CONSENT:

A. Approve Minutes:

- 1. City Council Meeting Held on May 11, 2009
PAGE: 8**
- 2. City Council Special Meeting Held on May 18, 2009
PAGE: 14**

The page numbers on this outline refer to the agenda packet of complete information for each item. This complete packet is available to you at the City web page, www.cityoffayetteville.org

3. **City Council Agenda Briefing Meeting Held on May 20, 2009**
PAGE: 15

4. **City Council Budget Work Session Meeting Held on May 20, 2009**
PAGE: 17

B. Budget Amendments and Funding Resolutions – Public Works Commission

The Public Works Commission requests City Council adopt the budget amendments and Fund Resolutions which were adopted by the Public Works Commission during their meeting of May 27, 2009.

PAGE: 20

C. Capital Project Ordinance Amendment 2009-23 (Cape Fear River Trail – Phase 2)

This amendment appropriates \$1,300,000 from the North Carolina Clean Water Management Trust Fund and a required local match of \$65,000 from the General Fund. If approved, the revised budget for this project will be \$2,645,500. This project is included in the approved capital improvement plan.

PAGE: 43

D. Budget Ordinance Amendment 2009-11 (General Fund, Transit Fund and Airport Fund)

This budget ordinance amendment will transfer budget appropriation amounts between the Other Appropriations budget and benefiting department budgets to reflect usage of fiscal year 2008-2009 General Fund vehicle replacement funding and allocation of funding for the debt service payments for the June, 2008 equipment financing (as authorized in the original budget ordinance). The budget amendment also adjusts appropriations based upon mid-year projections, increasing budgets for the General Fund to \$143,022,307 and the Airport Fund to \$5,558,009. In addition, the amendment adjusts sources of funding for the Transit Fund to reflect an expected increase in General Fund contributions.

PAGE: 45

E. Capital Project Ordinance Amendment 2009-24 (Airport Parking Project)

This amendment will appropriate an additional \$600,000 as a transfer from the Airport Operating Fund for the rehabilitation and renovation of the airport parking lot. If this amendment is approved, the revised budget for the project will be \$1,600,000. This project is reflected in the approved capital improvement plan.

PAGE: 48

F. Special Revenue Fund Project Ordinances 2010-1 and 2010-2 (FY2009-2010 HOME and CDBG Program Budgets)

The ordinances will appropriate \$1,270,442 for the FY2009-2010 HOME Investment Partnership Program and \$1,675,688 for the FY2009-2010 Community Development Block Grant Program. The funds will be utilized for operating expenditures and projects as outlined in the 2009-2010 action plan approved by City Council.

PAGE: 50

G. Tax Refunds Greater Than \$100

Tax refunds for greater than \$100 were approved by the Cumberland County Special Board of Equalization for the month of May, 2009.

PAGE: 53

H. Approve 2009 COPS Technology Grant Application

The Fayetteville Police Department (FPD) was selected to participate in the 2009 COPS Technology grant program. The department will be awarded \$200,000 in funding, pending the successful submission and review of the grant application. The Fayetteville Police Department is seeking funding through this grant to equip our officers with 70 P-25 compliant dual mode (analog/digital) smart zone, omni link portable radios for migration towards multijurisdictional interoperability. No matching funds are required for this grant proposal.

PAGE: 54

I. Adopt resolution declaring property surplus

The resolution for consideration is to declare real property owned jointly with Cumberland County, surplus and authorize a quit claim of the City's title to the County in order to expedite sale of the land by Cumberland County.

PAGE: 59

J. Approval of City and PWC Gross Receipts Tax Agreement

At the June 1, 2009 City Council work session, the PWC CEO/General Manager and City Manager presented information regarding the distribution of Gross Receipts Taxes based on the negotiated new Power Supply Agreement. PWC has several options for signing a power supply agreement that will take effect July 1, 2012. Part of the consideration is a power supply agreement for partial requirements and full requirements. Choosing a full requirements contract will lead to PWC paying an increase in gross receipts taxes over what would be paid under a partial requirements contract.

The attached gross receipts taxes agreement will share 25% of the (Reference Amount) as a PWC contribution to the Phase V Annexation Reserve Account. The balance will be allocated to the City's General Fund.

PAGE: 61

K. FY 2009-10 Strategic Plan and Narrative Description Adoption

For the last several years, the City has developed a comprehensive strategic plan that articulates where our City wants to be in 15 years and what steps we must take to reach our goals. The documents related to this item represent the foundation for the City's FY 2009-2010 strategic plan as developed by the City Council during their planning retreat in February. If approved by the City Council, these documents will govern policy and management direction of the City from July 1, 2009 - June 30, 2010.

PAGE: 64

ITEM 4. UPDATE ON FESTIVAL PARK PLAZA BUILDING

In 2005, the Downtown Development Corporation solicited Requests for Proposal and chose the Lundy Group's proposal for development of Festival Park Plaza. In addition to the sale of the land, the City provided 58 parking spaces and entered into a 20-year Master Lease Agreement. The City began in May making lease payments pursuant to the terms of the lease agreement. At City Council's request, Mr. Jim Baker is available to provide an update on the building.

PRESENTED BY: Karen McDonald, City Attorney

RECOMMENDED ACTION: Receive the update.

PAGE: 67

ITEM 5. PUBLIC SAFETY CAD AND RMS REPLACEMENT PROJECT FOR FY09-10

At the June 8, 2009 regular City Council Meeting, Staff will request a waiver of the normal procurement processes of sealed bids to purchase the applicable software and hardware from the proposed vendor, SunGard Public Sector OSSI. The waiver is allowed by NC General Statute 143-129 (e)(6) (see enclosure [1]) for two fundamental reasons; 1) the documented lack of price and performance competition due to the unique nature of this type software and 2) the standardization with Cumberland County and a significant number of Law Enforcement Agencies in NC. The item was briefed at the Council Work Session on June 1, 2008 and the City Council unanimously approved that the noted agenda item be placed on the Council Agenda for June 8, 2009 for consideration for approval. In addition, the associated capital project ordinance and budget ordinance amendment will provide \$2,800,000 for this contract.

PRESENTED BY: Stanley Victrum, Chief Information Officer

RECOMMENDED ACTION:

- A. Adopt Capital Project Ordinance 2009-25 and Budget Ordinance Amendment 2009-12

PAGE: 68

- B. Authorize the waiver of the formal bid processes and authorize the City Manager or his designee to conduct final negotiations and execute the contract documents necessary in an amount not to exceed \$2.8 Million.

PAGE: 71

ITEM 6. SECOND READING FOR REZONING PROPERTY AT 1800 FARGO DRIVE FROM R10 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT. CASE NUMBER P09-14F.

City Council voted six to four in favor of rezoning on May 26th. A second reading is required since the motion was approved with less than two-thirds of the council voting in favor of the motion. No Discussion required.

PRESENTED BY: Craig Harmon, Planner II

RECOMMENDED ACTION: Zoning Commission recommends approval of the rezoning to P2 professional district.

PAGE: 82

ITEM 7. Consider adoption of the Fiscal Year 2009-2010 Budget Ordinance, Fee Schedule and Associated Capital Project Ordinances and Amendments

Council provided direction to staff for revisions to the Fiscal Year 2009-2010 Recommended Budget on June 1, 2009. The budget ordinance, fee schedule and capital project ordinances and amendments have been prepared to reflect direction of the Council.

PRESENTED BY: Dale E. Iman, City Manager

RECOMMENDED ACTION: Adopt the Fiscal Year 2009-2010 Budget Ordinance, Fee Schedule and Associated Capital Project Ordinances and Amendments

PAGE: 91

INFORMATION ITEMS:

1. General Fund Revenue and Expenditure Report for the Nine-Month Period Ended March 31, 2009

PAGE: 92

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 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

JUNE 8, 2009 - 7:00 PM

COMMUNITY CHANNEL 7

COUNCIL MEETING WILL BE RE-AIRED

JUNE 9, 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, 910-433-1605 or 910-433-1696, or the City Clerk at cityclerk@ci.fay.nc.us, or 910-433-1989, as soon as possible but no later than 48 hours before the scheduled event.

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FAYETTEVILLE CITY COUNCIL
MINUTES
MAY 11, 2009
7:00 P.M.
CITY HALL COUNCIL CHAMBER

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); 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) (attended by phone); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Jeffrey Powell, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Patricia Bradley, Assistant City Attorney
Tom Bergamine, Chief of Police
Lisa Smith, Chief Financial Officer
Rob Anderson, Chief Development Officer
Jimmy Teal, Planning Director
Karen Hilton, Assistant Planning Director
Victor Sharpe, Community Development Director
Bobby Teague, Engineering and Infrastructure Director
Jackie Tuckey, Communications Manager/Public Information Officer
Steven K. Blanchard, PWC CEO/General Manager
Dwight Miller, PWC Chief Financial Officer
Terri Union, Public Works Commission
Wilson Lacy, Public Works Commission
Candice H. White, City Clerk
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Senior Pastor Emory Goodman, Cliffdale Christian Center, followed by the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

MOTION: Council Member Massey moved to approve the agenda.
SECOND: Council Member Meredith
VOTE: UNANIMOUS (10-0)

2. PUBLIC FORUM:

A. Announcements and Recognition

Mayor Chavonne and Council Member Evans, on behalf of the City Council and City of Fayetteville, presented a certificate of recognition to Barbara Spigner for her dedication to community service.

Council Member Haire announced a fish-fry would be held on Saturday, May 16, 2009 beginning at 11:00 a.m. on Foxfire Road as a fundraiser for the Foxfire community.

Mayor Chavonne, on behalf of the City Council and City of Fayetteville, recognized the City's Corporate Communications and Creative Services divisions for their winning four awards at the North Carolina City-County Communicators Conference.

B. Comment Period

Mayor Chavonne opened the public comment period.

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Sylvia Ray, 204 Hillside Avenue, Fayetteville, NC 28301 thanked Mayor Chavonne and the citizens of Fayetteville for their participation in the Fayetteville Dancing with the Stars Gala arranged by the Women's Center.

Carrie King, Executive Director of the Fayetteville Dogwood Festival, 145 Person Street, Fayetteville, NC 28301 thanked the City of Fayetteville and its employees for their efforts and assistance in producing a recording breaking Dogwood Festival event.

Gwen York, Fayetteville, NC spoke regarding domestic violence issues.

3. CONSENT:

Council Member Bates requested Item 3.B. and Item 3.M. pulled for discussion.

Council Member Evans requested Item 3.J. pulled for discussion.

MOTION: Council Member Meredith moved to approve the agenda with the exception of Item 3.B., Item 3.J., and Item 3.M.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

The following items were approved.

A. Approve Minutes:

1. City Council Work Session Held on April 6, 2009
2. City Council Meeting Held on April 13, 2009
3. City Council Special Meeting Held on April 20, 2009
4. City Council Agenda Briefing Held on April 23, 2009
5. City Council Dinner and Discussion of Agenda Items Meeting Held on April 27, 2009
6. City Council Meeting Held on April 27, 2009
7. City Council Special Meeting Held on April 28, 2009

B. Pulled at the request of Council Member Bates.

C. Approval of a Budget Amendment to the 2009-2010 Community Development Annual Action Plan Regarding the 2009 CDBG and HOME Allocations of Funds

The purpose of this item is to amend the Community Development 2009-2010 Annual Action Plan that was approved by City Council on April 27, 2009. The City recently received information on its funding allocations from HUD. The City will receive \$1,447,994 for its CDBG allocation and \$899,979 for its HOME allocation. These amounts represent increases of \$28,235 (CDBG) and \$92,392 (HOME). The City will not receive funding through the American Dream Down Payment Initiative. This represents a decrease of \$6,298 as represented in the adopted plan. The additional funds will be applied to the City's Housing Rehabilitation Program activities.

D. Adopt a Resolution Abandoning Portions of a Drainage Easement and Utility Easement

RESOLUTION OF ABANDONMENT OF PORTIONS OF A DRAINAGE EASEMENT AND UTILITY EASEMENT. RESOLUTION NO. R2009-031

E. Approve Edward Byrne Justice Assistance Grant

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- F. Approve Amendment of the Consolidated Plan 2008-2009 Annual Action Plan for the Homeless Prevention and Rapid Re-Housing Program
- G. Approve Resolution in Support of a HUD Section 202 Affordable Housing Development for the Elderly by the Evrytanian Association of America

RESOLUTION IN SUPPORT OF A HUD SECTION 202 AFFORDABLE HOUSING DEVELOPMENT BY THE EVRYTANIAN ASSOCIATION OF AMERICA-VELOUCHI #2. RESOLUTION NO. R2009-032

- H. Consider Revision to City Council Policy 102.2 Regarding Public Hearings
- I. Consider Revisions to 2009 City Council Meeting Dates Calendar
- J. Pulled at request of Council Member Evans.
- K. Adopt a Resolution Setting a Public Hearing to Consider the Paving Assessments of Six City Streets

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR BARGES LANE (FROM LAMON STREET TO EXISTING PAVEMENT). RESOLUTION NO. R2009-033

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR CHURCH STREET (FROM THE CENTERLINE OF LAKE LAND STREET SOUTHEASTERLY APPROXIMATELY 215.57 FEET). RESOLUTION NO. R2009-036

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR MEETING STREET (FROM N. COOL SPRING STREET TO DEAD END). RESOLUTION NO. R2009-035

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR MILAN ROAD (FROM NORTH STREET TO DEAD END). RESOLUTION NO. R2009-037

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR OSCAR STREET (FROM BLACKWELL STREET TO FAIRVIEW STREET). RESOLUTION NO. R2009-039

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR SEMINOLE DRIVE (FROM GOINS DRIVE TO DEAD END). RESOLUTION NO. R2009-038

- L. Set Public Hearing to Consider Amendments to Chapter 23, Stormwater Management, of the City Code of Ordinances
- M. Pulled at request of Council Member Bates.
- N. Approve Sign Permit for the Fayetteville Guard for Their Football Games on May 30th, June 6th and June 27th at the Crown Center
- 3.B. Adopt Resolution of the Fayetteville City Council Authorizing the Execution of a Contract for Loan Guarantee Assistance and the Issuance of a Note Through the Section 108 Loan Guarantee Program

Victor Sharpe, Community Development Director, provided an overview of the Section 108 loan guarantee provision of the Community Development Block Grant (CDBG) program. Mr. Sharpe explained City Council authorized the filing of an application

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for the HUD Section 108 loan in the amount of \$750,000 to meet the City's commitment to the Capitol Family Entertainment Project. Mr. Sharpe further explained the City's application had been approved and Council would need to adopt a resolution authorizing the execution of certain documents should it choose to proceed with the loan. Mr. Sharpe stated approval of the loan documents was consistent with the FY 2009 budget approved by Council and the City's financial plan for the project. Mr. Sharpe responded to questions.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL AUTHORIZING THE EXECUTION OF A CONTRACT FOR LOAN GUARANTEE ASSISTANCE AND THE ISSUANCE OF A NOTE THROUGH THE SECTION 108 LOAN GUARANTEE PROGRAM. RESOLUTION NO. R2009-030

MOTION: Council Member Bates moved to adopt the resolution and proceed with the loan.
SECOND: Council Member Meredith
VOTE: UNANIMOUS (10-0)

3.J. No Parking Ordinance - Skye Drive

Dale E. Iman, City Manager, explained an ordinance amendment would be necessary in order to place a No Parking sign and prohibit parking in front of the property on Skye Drive. Bobby Teague, Engineering and Infrastructure Director, spoke to staff investigation of the property owner's request and resulting recommendation. Mr. Iman and Mr. Teague responded to questions.

Karen M. McDonald, City Attorney, advised should a parking violation occur, an ordinance would be necessary for enforcement by the Fayetteville Police Department.

AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES, AND TRAFFIC OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS2009-009

MOTION: Council Member Evans moved to deny the request and ask staff to provide an explanation of No Parking signs at a future work session for additional discussion.
SECOND: Council Member Mohn

Discussion ensued regarding alternatives to the property owner's request.

VOTE: FAILED by a vote of 4 in favor (Council Members Evans, Massey, Mohn and Crisp) to 6 in opposition (Council Members Chavonne, Meredith, Hurst, Haire, Bates and Applewhite).

MOTION: Council Member Meredith moved to adopt the ordinance as recommended by staff.

SECOND: Council Member Bates

VOTE: PASSED by a vote of 6 in favor (Council Members Chavonne, Meredith, Hurst, Haire, Bates and Applewhite) to 4 in opposition (Council Members Evans, Massey, Mohn and Crisp).

3.M. Adopt Resolution Pursuant to N.C.G.S 160A-58.2 Setting May 26, 2008 as a Date for a Public Hearing for a Petition-Initiated Contiguous Annexation Area (Longhill Pointe - Located on the Northwest Corner of McCloskey Road and Ramsey Street)

Council Member Bates expressed concern regarding traffic along Ramsey Street and inquired regarding disadvantages to the city should the property not be annexed. Mr. Iman advised the city would still receive the impact of the development but not the associated benefits.

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A RESOLUTION FIXING A DATE FOR A PUBLIC HEARING FOR A PETITION-INITIATED CONTIGUOUS ANNEXATION AREA PURSUANT TO N.C.G.S. 160A-31. RESOLUTION NO. R2009-034

MOTION: Council Member Bates moved to set the public hearing for May 26, 2009.
SECOND: Council Member Meredith
VOTE: UNANIMOUS (10-0)

4. PWC FISCAL YEAR 2009-2010 BUDGET

Steven K. Blanchard, PWC CEO/General Manager, advised the Public Works Commission, during their April 22, 2008 meeting, adopted the Fiscal Year 2009-2010 PWC budget and authorized staff to move forward with the budget ordinance for City Council consideration of adoption. Mr. Blanchard provided an overview of the PWC Fiscal Year 2009-2010 budget to include the six-year Capital Improvement Plan, rate stabilization funds, commitments to the City of Fayetteville, economic development funding, personnel costs and electric rate adjustments proposed for May 1, 2010. Mr. Blanchard responded to questions related to alternative energy sources, applications for stimulus funding and comparisons of water, sewer and electric rates to those of other North Carolina municipalities and counties.

5. PRESENTATION OF THE IMPLEMENTATION FEASIBILITY ANALYSIS FOR THE LAND USE AND ECONOMIC DEVELOPMENT PLAN FOR THE MURCHISON ROAD CORRIDOR

Victor Sharpe, Community Development Director, advised the City contracted with Marshall A. Isler, Real Estate Development and Acquisition Consultant, to prepare an implementation feasibility analysis as a follow up to the Land Use and Economic Development Plan for the Murchison Road Corridor.

Mr. Isler provided an overview of sites #1, #3 and #6, three of the nine catalyst sites identified in the plan, and defined specific development concepts for each based on the recommendations of the plan and discussions with major land and business owners. Mr. Isler demonstrated the economic feasibility of the recommended concepts and defined the public economic incentives necessary to make the proposed development attractive to developers.

Mr. Isler concluded his presentation with an investment summary for each of the projects and a development and financing schedule for a twenty year period. Mr. Isler responded to questions.

MOTION: Council Member Haire moved to receive the report as information and have staff report back with an action plan for implementation within ninety days.
SECOND: Council Member Mohn

Additional questions followed. Mr. Iman spoke to the City's participation level, financial implications to the City and proposed economic incentives.

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

6. CLOSED SESSION

MOTION: Council Member Haire moved to go into closed session for economic development matters.
SECOND: Council Member Meredith
VOTE: UNANIMOUS (10-0)

The regular session recessed at 9:15 p.m.

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MOTION: Council Member Meredith moved to reconvene in open session.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

The regular session reconvened at 9:28 p.m.

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

Respectfully submitted,

CANDICE H. WHITE
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING
LAFAYETTE ROOM
MAY 18, 2009
5:00 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); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Council Members Keith A. Bates, Sr. (District 1); William J. L. Crisp (District 6)

Others Present: Karen M. McDonald, City Attorney
Doug Hewett, Assistant City Manager

Mayor Chavonne called the meeting to order at 5:05 p.m.

Closed session for a Personnel Matter

MOTION: Council Member Hurst moved to go into closed session for a personnel matter.
SECOND: Mayor Pro Tem Meredith
VOTE: UNANIMOUS (8-0)

The regular session recessed at 5:05 p.m. The regular session reconvened at 5:55 p.m.

MOTION: Council Member Mohn moved to go into open session.
SECOND: Mayor Pro Tem Meredith
VOTE: UNANIMOUS (8-0)

There being no further business, the meeting adjourned at 5:55 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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ITEM A. 2.

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FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
MAY 20, 2009
4:00 P.M.
LAFAYETTE ROOM

Present: Mayor Anthony G. Chavonne

Council Members Darrell J. Haire (District 4); Bobby Hurst (District 5); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8)

Absent: Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3); William J. L. Crisp (District 6); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Jimmy Teal, Planning Director
Craig Harmon, Planner II
Karen Hilton, Assistant Planning Director

Staff provided overviews of the following items scheduled for the May 26, 2009 City Council meeting:

Approve the rezoning from C1P commercial district to C1 commercial district for property located at 5953 Yadkin Road. Containing 0.41 acres more or less and being the property of Song Y Kim. Case Number P09-12F

Craig Harmon, Planner II, 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. Mr. Harmon stated the previous building on this property suffered fire damage and was demolished. Mr. Harmon explained the setback in the C1P district was 30 feet from any side yard property line and the lot width was approximately 56 feet making it impossible to rebuild on the lot. Mr. Harmon further explained the applicant was requesting C1 commercial zoning, which would allow a side yard setback of 3 feet thereby allowing a new building on the site. Mr. Harmon stated the uses in C1 commercial district were the same as the uses in the C1P commercial district. Mr. Harmon further stated the Zoning Commission and planning staff concurred with the applicant's request for C1 commercial zoning.

Approve the rezoning from AR residential/agricultural district to R10 residential district for property located at the southeast corner of Clinton Road and Burlington Drive. Containing 4.225 acres more or less and being the property of Floyd Properties and Development Company, Inc. Case Number P09-15F

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. Mr. Harmon explained this property was annexed in April 2008 and in February 2007, a separate Floyd Property tract containing 41.50 acres was annexed. Mr. Harmon further explained the 41.50 acre tract was zoned R10 when it was in the county and was initially zoned R10 in the city, and the tract annexed last year was zoned RR rural residential in the county and initially zoned AR in the city. Mr. Harmon stated the R10 request was consistent with the surrounding zoning and the property was served with PWC water and sewer. Mr. Harmon further stated the Zoning Commission and planning staff concurred with the applicant's request for R10 zoning.

Consider the rezoning from P2 professional district and R10 residential district to MU/CZ mixed use/conditional zoning district for office and retail uses on property located at 503 Owen Drive and 504 Terry Circle. Containing 0.60 acres more or less and being the property of George J. Demetri, Jr. Case Number P09-13F

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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. Mr. Harmon stated the applicant wished to construct a building for a medical office and retail space to include a snack bar or grill. Mr. Harmon explained planning staff recommended denial of the request based on the 2010 Land Use Plan and surrounding zoning. Mr. Harmon stated the Zoning Commission recommended approval of the mixed use/conditional zoning as requested by the applicant.

Consider the rezoning from R10 residential district to P2 professional district on property located at 1800 Fargo Drive. Containing 0.56 acres more or less and being the property of Loretta Toad. Case Number P09-14F

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. Mr. Harmon explained the applicant wished to rezone the property to professional in order to utilize the property for office use. Mr. Harmon stated the planning staff recommended denial based on the surrounding zoning and the Zoning Commission recommended approval of the P2 professional zoning as requested by the applicant.

Consider extending the corporate limits of the City of Fayetteville for a petition-initiated contiguous annexation for Longhill Pointe, LLC. (Located on the northwest corner of Ramsey Street and McCloskey Road.)

Mr. Harmon explained the annexation petition was submitted in order to receive PWC water and sewer service consistent with City Council policy #150.2. Mr. Teal stated recommendation was for adoption of the annexation ordinance effective May 26, 2009.

Consider the initial zoning to R5A Residential District or to a more restrictive zoning classification for property located on the northwest corner of Ramsey Street and McCloskey Road. Containing 18.30 acres more or less and annexed by the City of Fayetteville. Case Number P08-57F

Mr. Harmon explained the property is currently zoned R5A in the county. The City Council policy is to initially zone property in the city as it was previously zoned in the county.

There being no further business, the meeting adjourned at 4:50 p.m.

Respectfully submitted,

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
BUDGET WORK SESSION MINUTES
MAY 20, 2009
5:00 P.M.
LAFAYETTE ROOM

Present: Mayor Anthony G. Chavonne

Council Members Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3) (arrived 5:05 p.m.); 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 Keith A. Bates, Sr. (District 1)

Others Present: Dale E. Iman, City Manager
Jeffrey Powell, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Manager
Tom Bergamine, Fayetteville Police Chief
Fayetteville Police Department Staff
B. E. (Benny) Nichols, Fire/Emergency Management Chief
Ben Major, Fire/Emergency Management Assistant Chief
Christina Morey, Fire/Emergency Management Assistant Chief
Mike Hill, Battalion Commander
Rob Anderson, Chief Development Officer
Craig Hampton, Special Project Manager
Terrie Hutaff, Human Resource Development Director
Erica Hoggard, Human Resource Development Assistant Director
Jackie Tuckey, Communications Manager/Public Information Officer
Candice H. White, City Clerk
Press

Mayor Chavonne called the meeting to order at 5:00 p.m. and advised that the purpose of the meeting was for further discussion of the Fiscal Year 2009-2010 budget. Mayor Chavonne further advised that staff had requested a closed session to discuss property acquisition.

MOTION: Council Member Meredith moved to approve the agenda to include a closed session to discuss property acquisition.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (8-0)

Terrie Hutaff, Human Resource Development (HRD) Director, advised her presentation would provide for City Council an analysis of employee compensation for Fiscal Year 2009-2010. Mrs. Hutaff reviewed the pay history for the City of Fayetteville, the implementation of Pay for Performance, goals of the City's pay plan and the City's total compensation plan. Mrs. Hutaff then reviewed a 2009-2010 compensation survey and market comparisons, current gaps in pay, and pay recommendations for the City, which included maintaining pay ranges to meet market salaries, continuing implementation of pay increases to get all police officers on the appropriate step and implementation of Pay for Performance at a level needed to reach market competitive salaries. Mrs. Hutaff concluded her presentation with an overview of the status of the City's healthcare and healthcare recommendations.

Mrs. Hutaff responded to questions and a brief discussion followed regarding the City's longevity pay, measures taken to mitigate the rising costs of healthcare, and locations used in the market comparisons.

ITEM A.4.

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Lisa Smith, Chief Financial Officer, explained vacant positions were budgeted at 100% and compensated for on the revenue side with a fund balance appropriation. Mrs. Smith responded to questions related to personnel/payroll dollars versus operational expenses, and vacant positions versus frozen unfunded positions.

Dale E. Iman, City Manager, provided a brief overview of the Fiscal Year 2009-2010 budget for the Fayetteville Police Department, to include a breakdown of fifty-two positions to be funded and proposed grants and general fund support for the fifty-two positions. Mr. Iman then provided a brief overview of the Fiscal Year 2009-2010 budget for Fire and Emergency Management, to include twenty-four firefighter positions and grants and general funds to support the twenty-four positions. Mr. Iman reviewed the total projected expenditures for the Fayetteville Police Department and Fire and Emergency Management, to include the impact to the Fiscal Year 2009-2010 general fund. Mr. Iman then outlined future budget challenges and projected gaps in the general fund.

B. E. (Benny) Nichols, Fire/Emergency Management Chief, provided an overview of the 2008 Insurance Service Office (ISO) Public Protection Classification survey and explained the survey analyzed structural fire suppressions services used for underwriting and calculating insurance premiums for commercial properties. Chief Nichols compared City and Fayetteville Fire Department growth rates, grading criteria used in the analysis, and the rating score and divergence factors used to determine inconsistencies between fire protection capabilities of the available water supply and the fire protection capabilities of the fire department. Chief Nichols explained the fire department's overall ISO rating or community classification of Class 2 indicated the fire department's growth rate was consistent with the growth of the City and the department had appropriately requested resources.

Chief Nichols responded to questions and briefly outlined the Fayetteville Fire Department's proposed Fiscal Year 2009-2010 budget with regard to Staffing for Adequate Fire and Emergency Response (SAFER) grant revenues and positions funded by the same.

Tom Bergamine, Fayetteville Police Chief, reviewed the Fayetteville Police Department's staffing plan to include the hiring of twenty-four sworn officers, Basic Law Enforcement Training (BLET) Academy schedules and projected class sizes based on known hires and current recruiting efforts, and projected police officer departures and turnovers in 2010. Chief Bergamine then provided a brief overview of current strategies for recruiting, explained changes to Police Department operations and staffing, and spoke to plans for the development of investigative teams. Chief Bergamine responded to questions regarding vehicle replacements as included in the Fiscal Year 2009-2010 budget and status of the COP program.

Mr. Iman further explained grant revenues and expenditures for the twenty-four vacant positions relative to general funding provided by the recommended tax rate of 47.5 cents versus the revenue neutral tax rate of 45.1 cents. Discussion ensued regarding budgeting for the vacant positions and projections for hiring. Chief Bergamine responded to additional questions regarding police recruitment and retention, succession planning, and turnover.

Mayor Chavonne inquired regarding salaries for the Fayetteville Police Department and the Cumberland County Sheriff's Department and advantages offered by the Fayetteville Police Department's pay plan.

Chief Nichols noted the Fayetteville Fire Department's compensation plan was still about 11% behind market value in salaries, the department's Career Development Plan had not received an increase since it was implemented in 1999, the department had no step plan, and

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there was no incentive associated with the department's college degree program.

MOTION: Council Member Meredith moved to go into closed session to discuss property acquisition.
SECOND: Council Member Mohn
VOTE: UNANIMOUS (9-0)

The regular session recessed at 7:30 p.m.

MOTION: Council Member Meredith moved to reconvene in open session.
SECOND: Council Member Mohn
VOTE: UNANIMOUS (9-0)

The regular session reconvened at 7:54 p.m.

There being no further business, the meeting adjourned at 7:55 p.m.

Respectfully submitted,

CANDICE H. WHITE
City Clerk

ANTHONY G. CHAVONNE
Mayor

052009

CITY COUNCIL ACTION MEMO

To: Mayor and Members of Council



From: Steven K. Blanchard, CEO/General Manager
Public Works Commission of the City of Fayetteville

Date: May 27, 2009 (**Scheduled City Council Date: June 8, 2009**)

Re: Budget Amendments and Fund Resolutions

THE QUESTION: The Public Works Commission of the City of Fayetteville requests City Council adopt Budget Amendments and Fund Resolutions relating to the PWC budget.

RELATIONSHIP TO STRATEGIC PLAN: Quality utility services.

BACKGROUND:

During their regular meeting of May 27, 2009 the Public Works Commission considered and adopted the following budget amendments and Fund Resolutions:

1. FY 2009 Electric, Water/Sanitary Sewer and Fleet Maintenance Internal Service Fund Budget Amendment #3

Budget amendment #3 will make final adjustments to the Electric, Water/Sanitary Sewer and Fleet Maintenance Internal Service Fund (FMISF) budgets. The total budget amount increases by \$1,673,800 to \$268,759,700 for Fiscal Year 2009

2. Electric Utility System Rate Stabilization Fund Amendment #7

This amendment increases the budget by \$5,115,800, for fiscal year 2010, for the amount appropriated in the fiscal year 2010 General Fund Budget and projected interest income. The anticipated balance at the end of fiscal year 2010 is \$24,860,525.

3. Water and Wastewater Utility Systems Rate Stabilization Fund Amendment #4

This amendment increases the budget by \$514,500, for fiscal years 2010, for the amount appropriated in the FY 2010 General Fund Budget. Including projected interest earnings and a transfer of \$1,687,085 back to the Water/Sewer General Fund. The anticipated balance at the end of Fiscal Year 2010 is \$1,532,415.

4. Series 2008 Revenue Bond Capital Project Fund Amendment #2 – Final

This amendment increases the revenues by \$23,550 for Interest Earnings and closes the Fund.

5. Annexation Reserve Fund Amendment #2 – Final

This amendment increases the revenues by \$109,127 for Interest Earnings and closes the Fund.

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ITEM 3.B.

6. PWC Resolution #PWC2009.05 – Resolution of the Public Works Commission of the City of Fayetteville, North Carolina Closing the Annexation Reserve Fund

This Resolution authorizes the closing of the fund and transferring the balance of \$665,254 to the Water/Sewer General Fund.

7. PWC Resolution #PWC2009.06 – Resolution of the Public Works Commission of the City of Fayetteville, North Carolina Establishing the Annexation, Phase V Reserve Fund

This Resolution establishes the Phase V Reserve Fund to account for the sources and uses of funds as defined in the funding agreement.

8. Annexation Phase V Reserve Fund – Original Budget

This budget for FY 2010 shows sources of revenues from PWC, the City and interest income of \$2,166,760 by fiscal year end.

9. Uptown Revitalization Capital Project Fund – Amendment #3 – Final

This budget shows the final balance distribution back to the Electric General Fund of \$15,457.

10. PWC Resolution #PWC2009.07 – Resolution of the Public Works Commission of the City of Fayetteville, North Carolina Closing the Uptown Revitalization Fund

This Resolution closes the fund and transfers the balance to the Electric General Fund to be held for future match commitments of the Transportation Museum project.

Note: Backup material attached for review.

ISSUES: None

OPTIONS: None

RECOMMENDATION: Adopt budget amendments and fund resolutions as recommended by PWC.



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

**PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE**

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

ELECTRIC & WATER UTILITIES

APPROVED:

May 18, 2009

PUBLIC WORKS COMMISSION

DATE: 5-27-09

MEMO TO: Steve Blanchard, CEO

FROM: J. Dwight Miller, CFO

SUBJECT: Budget Amendments and Fund Resolutions

**1. FY 2009 Electric, Water/Sanitary Sewer and Fleet Maintenance Internal Service Fund
Budget Amendment #3**

Budget amendment #3 will make final adjustments to the Electric, Water/Sanitary Sewer and Fleet Maintenance Internal Service Fund (FMISF) budgets. The total budget amount increases by \$1,673,800 to \$268,759,700 for Fiscal Year 2009. Budget areas affected are summarized below:

Electric Fund

- Increase Revenues by \$15,500; transfer from Uptown Revitalization Fund
- Increasing Operating Expenses by \$585,600
- Decreasing Capital Expenditures by \$570,100

Water & Sanitary Sewer Fund

- Increase Sewer Revenues by \$950,000
- Increase Revenues by \$665,300; transfer from Annexation Reserve Fund
- Increase Operating Expenses by \$2,123,500
- Decrease Water/Sewer Capital Expenditures by \$1,158,200
- Transfer to Restricted Fund Balance \$650,000

Fleet Maintenance Internal Service Fund

- Increase Revenues by \$43,000 (\$27,900 City and \$15,100 PWC)
- Increase Expenses for Workers Compensation by \$43,000

2. Electric Utility System Rate Stabilization Fund Amendment #7

This amendment increases the budget by \$5,115,800, for fiscal year 2010, for the amount appropriated in the fiscal year 2010 General Fund Budget and projected interest income. The anticipated balance at the end of fiscal year 2010 is \$24,860,525.

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BUILDING COMMUNITY CONNECTIONS SINCE 1905

AN EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

3. Water and Wastewater Utility Systems Rate Stabilization Fund Amendment #4

This amendment increases the budget by \$514,500, for fiscal years 2010, for the amount appropriated in the FY 2010 General Fund Budget. Including projected interest earnings and a transfer of \$1,687,085 back to the Water/Sewer General Fund. The anticipated balance at the end of fiscal year 2010 is \$1,532,415.

4. Series 2008 Revenue Bond Capital Project Fund Amendment #2 - Final

This amendment increases the revenues by \$23,550 for Interest Earnings and Closes the fund.

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This amendment increases the revenues by \$109,127 for Interest Earnings and Closes the Fund.

6. Resolution # PWC2009.05; Resolution of the Public Works Commission of the City of Fayetteville, North Carolina Closing the Annexation Reserve Fund

This Resolution authorizes the closing of the fund and transferring the balance of \$665,254 to the Water/Sewer General Fund.

7. Resolution # PWC2009.06; Resolution of the Public Works Commission of the City of Fayetteville, North Carolina Establishing the Annexation Phase V Reserve Fund

This Resolution establishes the Phase V Reserve Fund to account for the sources and uses of funds as defined in the funding agreement.

8. Annexation Phase V Reserve Fund – Original Budget

This budget for FY 2010 shows sources of revenues from PWC, the City and Interest income of \$2,166,760 by FYE.

9. Uptown Revitalization Capital Project Fund – Amendment #3- Final

This budget shows the final balance distribution back to the Electric General Fund of \$15,457.

10. Resolution # PWC2009.07; Resolution of the Public Works Commission of the City of Fayetteville, North Carolina Closing the Uptown Revitalization Fund

This Resolution closes the fund and transfers the balance to the Electric General Fund to be held for future match commitments of the Transportation Museum project.

Staff requests the Commission adopt the fiscal year 2009 General Fund Budget Ordinance Amendment #3, Resolutions PWC2009.05, PWC2009.06, PWC2009.07 and other fund budgets as presented; all budget amendments having an effective date of June 8, 2009 except items 2 and 3 which will be effective July 1, 2009 and forward to City Council for adoption at their June 8, 2009 meeting.

ELECTRIC, W/SS & FLEET MNT INTERNAL SERVICE FUNDS SUMMARY

DESCRIPTION	ADOPTED BUDGET FY 2008-2009	BUDGET AMENDMENT FY 2008-2009	PROPOSED AMENDMENT #3 FY 2008-2009
ELECTRIC UTILITY OPERATING FUND	\$152,240,720	\$585,600	\$152,826,320
ELECTRIC CAPITAL OUTLAY	28,471,100	(570,100)	27,901,000
TOTAL ELECTRIC FUND	\$180,711,820	\$15,500	\$180,727,320
WATER & SEWER UTILITIES OPERATING FUNDS	\$56,348,770	\$2,773,500	\$59,122,270
WATER & SEWER CAPITAL OUTLAY	23,502,200	(1,158,200)	22,344,000
TOTAL WATER & SEWER FUND	\$79,850,970	\$1,615,300	\$81,466,270
TOTAL ELECTRIC & WATER/SEWER FUNDS	\$260,562,790	\$1,630,800	\$262,193,590
FLEET MAINT INTERNAL SERVICE OPERATING FUND	\$6,407,110	\$43,000	\$6,450,110
FLEET MAINT INTERNAL SERVICE CAPITAL OUTLAY	116,000	0	116,000
TOTAL FLEET MAINT INTERNAL SERVICE FUND	\$6,523,110	\$43,000	\$6,566,110
TOTAL BUDGET	\$267,085,900	\$1,673,800	\$268,759,700

ELECTRIC, W/SS & FLEET MNT INTERNAL SERVICE FUNDS SUMMARY

DESCRIPTION	ADOPTED BUDGET FY 2008-2009	BUDGET AMENDMENT FY 2008-2009	PROPOSED AMENDMENT #3 FY 2008-2009
ELECTRIC FUND:			
REVENUES	\$175,315,700	\$0	\$175,315,700
SUPPLEMENTAL REVENUES	4,900,000	0	4,900,000
TRANSFER FROM CITY	31,100	0	31,100
TRANSFER FROM UPTOWN REVITALIZATION FUND	0	15,500	15,500
APPR. FROM ELECTRIC NET ASSETS	465,020	0	465,020
TOTAL REVENUES ELECTRIC	\$180,711,820	\$15,500	\$180,727,320
EXPENDITURES	\$24,757,190	\$410,800	\$25,167,990
PURCHASED POWER & GENERATION	107,225,730	0	107,225,730
DEBT INTEREST EXPENSE	1,388,100	166,900	1,555,000
TRANSFER TO CITY- SALES	7,668,000	0	7,668,000
TRANSFER TO CITY-STREET LIGHTS	290,000	7,900	297,900
TRANSFER TO CITY - FREEDOM PARK	25,000	0	25,000
CAPITAL EXPENDITURES	28,471,100	(570,100)	27,901,000
DEBT RELATED PAYMENTS	7,886,700	0	7,886,700
APPR. TO RATE STABILIZATION FUND	3,000,000	0	3,000,000
NET ASSETS	0	0	0
TOTAL EXPENDITURES ELECTRIC	\$180,711,820	\$15,500	\$180,727,320
WATER & SANITARY SEWER FUND:			
REVENUES	\$58,555,400	\$950,000	\$59,505,400
TRANSFER FROM CITY - ANNEXATION	400,000	0	400,000
CONTRIBUTIONS AND/DR GRANTS	9,499,900	0	9,499,900
NOTE REC - CUMBERLAND COUNTY	39,600	0	39,600
TRANSFER FROM RIM ROAD WATER MAIN CPF	63,200	0	63,200
TRANSFER FROM ANNEXATION RESERVE FUND	0	665,300	665,300
APPR. FROM W&SS NET ASSETS	11,292,870	0	11,292,870
TOTAL REVENUES WATER & SEWER	\$79,850,970	\$1,615,300	\$81,466,270
EXPENDITURES	\$36,245,170	\$1,018,800	\$37,263,970
DEBT INTEREST EXPENSE	6,272,400	1,104,700	7,377,100
BOND INTEREST EXPENSE - CITY ANNEXATION	359,200	0	359,200
TRANSFER TO CITY - ANNEXATION SUPPORT	0	0	0
CAPITAL EXPENDITURES	23,502,200	(1,158,200)	22,344,000
DEBT RELATED PAYMENTS	5,748,400	0	5,748,400
BOND PRINCIPAL PAYMENTS - CITY ANNEXATION	684,800	0	684,800
LOAN PRINCIPAL PAYMENTS	1,267,900	0	1,267,900
TOTAL CONTRACTS PAYABLE PAYMENT	3,121,400	0	3,121,400
APPR. TO RATE STABILIZATION FUND	500,000	0	500,000
APPR. TO ANNEXATION FUND	2,148,500	0	2,148,500
TRANSFER TO RESTRICTED FUND BALANCE	0	650,000	650,000
NET ASSETS	0	0	0
TOTAL EXPENDITURES WATER & SEWER	\$79,850,970	\$1,615,300	\$81,466,270
TOTAL ELECTRIC & W/SS	\$260,562,790	\$1,630,800	\$262,193,590
FLEET MAINTENANCE INTERNAL SERVICE FUND:			
REVENUES	\$6,523,110	\$43,000	\$6,566,110
LOAN FROM ELECTRIC FUND	0	0	0
LOAN FROM WATER/SANITARY SEWER FUND	0	0	0
TOTAL REVENUES	\$6,523,110	\$43,000	\$6,566,110
EXPENDITURES	\$6,407,110	\$43,000	\$6,450,110
CAPITAL EXPENDITURES	116,000	0	116,000
TOTAL EXPENDITURES	\$6,523,110	\$43,000	\$6,566,110
GRAND TOTAL	\$267,085,900	\$1,673,800	\$268,759,700

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FY 2008-2009 AMENDMENT #3 BUDGET ORDINANCE

PUBLIC WORKS COMMISSION REVENUE

Electric Fund

Operating and Other Revenue	\$180,215,700
Transfer from City	31,100
Budgetary Appropriations	480,520

Total Estimated Electric Fund Revenue **\$180,727,320**

Water and Sanitary Sewer Fund

Operating and Other Revenue	\$59,505,400
Customer Contributions	9,499,900
Transfer from City	400,000
Budgetary Appropriations	12,060,970

Total Estimated Water and Sanitary Sewer Fund Revenue **\$81,466,270**

Fleet Maintenance Internal Service Fund

Operating Revenue and Other Revenue	\$6,566,110
Loan from Electric and W/SS Funds	0

Total Estimated Fleet Maintenance Internal Service Fund Revenue **\$6,566,110**

TOTAL ESTIMATED PWC REVENUE **\$268,759,700**

PUBLIC WORKS COMMISSION EXPENDITURES

Electric Fund

Operating Expenses	\$141,835,420
Operating Capital	27,901,000
Transfers	
General Fund	7,668,000
General Fund - Street Lights	297,900
General Fund - Freedom Park	25,000
Appropriations & Net Assets	3,000,000

Total Estimated Electric Fund Expenses **\$180,727,320**

Water and Sanitary Sewer Fund

Operating Expenses	\$55,822,770
Operating Capital	22,344,000
Transfers	
General Fund	0
Appropriations & Net Assets	3,299,500

Total Estimated Water and Sanitary Sewer Fund Expenses **\$81,466,270**

Fleet Maintenance Internal Service Fund

Total Estimated Fleet Maintenance Internal Service Fund Expenses **\$6,566,110**

TOTAL ESTIMATED PWC ELECTRIC, W/SS & FLEET MAINT ISF EXPENSES **\$268,759,700**

ELECTRIC FUND SUMMARY

DESCRIPTION	ADOPTED BUDGET FY 2008-2009	BUDGET AMENDMENT FY 2008-2009	PROPOSED AMENDMENT #3 FY 2008-2009
ELECTRIC OPERATING REVENUE	\$170,873,900	\$0	\$170,873,900
OTHER ELECTRIC REVENUE	4,441,800	0	4,441,800
TOTAL OPERATING & OTHER REVENUE	\$175,315,700	\$0	\$175,315,700
SUPPLEMENTAL REVENUE	\$4,900,000	\$0	\$4,900,000
APPR. FROM RATE STABILIZATION FUND	0	0	0
TRANSFER FROM CITY	31,100	0	31,100
TRANSFER FROM UPTOWN REVITALIZATION FUND	0	15,500	15,500
APPR. FROM ELECTRIC NET ASSETS	465,020	0	465,020
TOTAL ELECTRIC REVENUE	\$180,711,820	\$15,500	\$180,727,320
ELECTRIC DIVISION - DISTRIBUTION	\$10,002,110	\$0	\$10,002,110
PURCHASED POWER AND GENERATION	107,225,730	0	107,225,730
MANAGEMENT DIVISION	2,828,355	0	2,828,355
FINANCIAL DIVISION	6,225,600	19,300	6,244,900
ADMINISTRATIVE DIVISION	4,699,825	147,500	4,847,425
GENERAL & ADMINISTRATION	3,660,700	216,000	3,896,700
DEPRECIATION EXPENSE	14,670,300	0	14,670,300
OVERHEAD CLEARING	(2,929,500)	0	(2,929,500)
DEBT INTEREST EXPENSE	1,388,100	166,900	1,555,000
TRANSFER TO CITY-SALES	7,668,000	0	7,668,000
TRANSFER TO CITY - STREET LIGHTS	290,000	7,900	297,900
TRANSFER TO CITY - FREEDOM PARK	25,000	0	25,000
TOTAL OPERATING & OTHER EXPENSES	\$155,774,320	\$557,600	\$156,331,920
NET OPERATING RESULTS	\$19,541,380	(\$557,600)	\$18,983,780
OTHER DEDUCTIONS	\$250,000	\$28,000	\$278,000
CAPITAL EXPENDITURES	28,471,100	(570,100)	27,901,000
TOTAL DEBT RELATED PAYMENT	7,886,700	0	7,886,700
PREPAID POWER SUPPLY ADJUSTMENT	0	0	0
DEPRECIATION/AMORTIZATION ADJUSTMENT	(14,670,300)	0	(14,670,300)
TOTAL SUPPLEMENTAL EXPENDITURES	\$21,937,500	(\$542,100)	\$21,395,400
TOTAL EXPENSES & SUPPLEMENTAL EXP.	\$177,711,820	\$15,500	\$177,727,320
APPR. TO RATE STABILIZATION FUND	\$3,000,000	\$0	\$3,000,000
TRANSFER TO FMISF	0	0	0
NET ASSETS	0	0	0
TOTAL APPROPRIATIONS AND NET ASSETS	\$3,000,000	\$0	\$3,000,000
TOTAL ELECTRIC EXPENDITURES	\$180,711,820	\$15,500	\$180,727,320

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WATER & SANITARY SEWER FUND SUMMARY

DESCRIPTION	ADOPTED BUDGET FY 2008-2009	BUDGET AMENDMENT FY 2008-2009	PROPOSED AMENDMENT #3 FY 2008-2009
WATER OPERATING REVENUE	\$26,692,400	\$0	\$26,692,400
SANITARY SEWER OPERATING REVENUE	28,530,100	950,000	29,480,100
OTHER OPERATING REVENUE	2,057,100	0	2,057,100
OTHER WATER & SAN. SEWER REVENUE	1,275,800	0	1,275,800
TOTAL OPERATING & OTHER REVENUE	\$58,555,400	\$950,000	\$59,505,400
SUPPLEMENTAL REVENUES	\$9,499,900	\$0	\$9,499,900
NOTE REC. - CUMBERLAND COUNTY	39,600	0	39,600
TRANSFER FROM CITY - ANNEXATION	400,000	0	400,000
TRANSFER FROM RIM ROAD WATER MAIN CPF	63,200	0	63,200
TRANSFER FROM ANNEXATION RESERVE FUND	0	665,300	665,300
APPR. FROM W&SS NET ASSETS	11,292,870	0	11,292,870
TOTAL WATER & SEWER REVENUES	\$79,850,970	\$1,615,300	\$81,466,270
WATER RESOURCES DIVISION	\$22,390,140	\$338,000	\$22,728,140
MANAGEMENT DIVISION	2,074,145	0	2,074,145
FINANCIAL DIVISION	5,246,280	404,300	5,650,580
ADMINISTRATIVE DIVISION	4,219,505	233,500	4,453,005
GENERAL & ADMINISTRATION	4,747,500	43,000	4,790,500
DEPRECIATION EXPENSE - WATER	5,280,600	0	5,280,600
DEPRECIATION EXPENSE - SEWER	8,504,900	0	8,504,900
AMORTIZATION OF CONTRIBUTED CAPITAL	0	0	0
AMORTIZATION OF BOND ISSUE COSTS	905,000	0	905,000
OVERHEAD CLEARING	(2,961,600)	0	(2,961,600)
DEBT INTEREST EXPENSE	6,272,400	1,104,700	7,377,100
BOND INTEREST EXPENSE - CITY ANNEXATION	359,200	0	359,200
STATE LOAN INTEREST EXPENSE	529,200	0	529,200
TRANSFER TO CITY - ANNEXATION SUPPORT	0	0	0
UNDISTRIBUTED EXPENSES	0	0	0
TOTAL OPERATING & OTHER EXPENSE	\$57,567,270	\$2,123,500	\$59,690,770
NET OPERATING RESULTS	\$986,130	(\$1,173,500)	(\$185,370)
OTHER DEDUCTIONS	\$0	\$0	\$0
CAPITAL EXPENDITURES	23,502,200	(1,158,200)	22,344,000
BOND PRINCIPAL PAYMENTS	5,748,400	0	5,748,400
BOND PRINCIPAL PAYMENTS - CITY ANNEXATION	684,800	0	684,800
LOAN PRINCIPAL PAYMENTS	1,267,900	0	1,267,900
TOTAL CONTRACTS PAYABLE PAYMENT	3,121,400	0	3,121,400
DEPRECIATION/AMORTIZATION ADJUSTMENT	(14,690,500)	0	(14,690,500)
TOTAL SUPPLEMENTAL EXPENDITURES	\$19,634,200	(\$1,158,200)	\$18,476,000
TOTAL EXPENSES & SUPPLEMENTAL EXP.	\$77,201,470	\$965,300	\$78,166,770
APPR. TO RATE STABILIZATION FUND	\$500,000	\$0	\$500,000
APPR. TO ANNEXATION FUND	2,149,500	0	2,149,500
TRANSFER TO RESTRICTED FUND BALANCE	0	650,000	650,000
NET ASSETS	0	0	0
TOTAL APPROPRIATIONS AND NET ASSETS	\$2,649,500	\$650,000	\$3,299,500
TOTAL WATER & SEWER EXPENDITURES	\$79,850,970	\$1,615,300	\$81,466,270

000028

FLEET MAINTENANCE INTERNAL SERVICE FUND SUMMARY

DESCRIPTION	ADOPTED BUDGET FY 2008-2009	BUDGET AMENDMENT FY 2008-2009	PROPOSED AMENDMENT #3 FY 2008-2009
REVENUES	\$6,523,110	\$43,000	\$6,566,110
TRANSFER FROM GENERAL FUND	0	0	0
TOTAL REVENUES	\$6,523,110	\$43,000	\$6,566,110
 EXPENDITURES	 \$6,407,110	 \$43,000	 \$6,450,110
CAPITAL EXPENDITURES	116,000	0	116,000
TOTAL EXPENDITURES	\$6,523,110	\$43,000	\$6,566,110

000029

FY 2009 ELECTRIC, W/SS & FMISF AMENDMENT #3 ITEMS

PUBLIC WORKS COMMISSION - REVENUES

AMENDMENT AMOUNT

Electric Fund

TRANSFER FROM UPTOWN REVITALIZATION FUND	15,500
APPR. FROM ELECTRIC NET ASSETS	0
Total Amendment Electric Fund Revenues	15,500

PUBLIC WORKS COMMISSION - EXPENDITURES

Electric Fund

POSTAGE	19,300
COMPUTER SYSTEM CONTRACTS (IS and Telecom)	80,000
COMPUTER EQUIPMENT/SUPPLIES - IS	67,500
WORKERS COMPENSATION	216,000
BOND INTEREST EXPENSE	166,900
TRANSFER TO CITY - STREET LIGHTS	7,900
INC/DEC EMISSIONS ALLOWANCES INVENTORY	28,000
CAPITAL IS	(107,500)
CAPITAL TELECOM	(40,000)
CAPITAL ELECTRIC DISTRIBUTION	(422,600)
Total Amendment Electric Fund Expenditures	15,500

PUBLIC WORKS COMMISSION - REVENUES

Water/Sewer Fund

SEWER REVENUES	950,000
TRANSFER FROM ANNEXATION RESERVE FUND	665,300
APPR. FROM W/SS NET ASSETS	0
Total Amendment Water/Sewer Fund Revenues	1,615,300

PUBLIC WORKS COMMISSION - EXPENDITURES

Water/Sewer Fund

CHEMICALS (Cross Creek and Hoffer)	259,000
POWER COST (Cross Creek)	24,000
CONTRACTUAL SERVICES (Unexpected repairs to boiler at Cross Creek)	55,000
WILSON STREET WATER TOWER (Risk Management)	350,000
CUSTOMER CHARGEOFFS	35,000
POSTAGE	19,300
COMPUTER SYSTEM CONTRACTS (IS and Telecom)	80,000
COMPUTER EQUIPMENT/SUPPLIES - IS	67,500
FUEL	86,000
WORKERS COMPENSATION	43,000
BOND INTEREST EXPENSE	1,104,700
CAPITAL IS	(107,500)
CAPITAL TELECOM	(40,000)
CAPITAL WATER DISTRIBUTION	(1,010,700)
TRANSFER TO RESTRICTED FUND BALANCE	650,000
Total Amendment Water/Sewer Fund Expenditures	1,615,300

PUBLIC WORKS COMMISSION - REVENUES

FMISF

CITY SERVICES	27,900
PWC SERVICES	15,100
Total Amendment FMISF Revenues	43,000

PUBLIC WORKS COMMISSION - EXPENDITURES

FMISF

WORKERS COMPENSATION	43,000
Total Amendment FMISF Expenditures	43,000

Grand Total	1,673,800
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CITY OF FAYETTEVILLE PUBLIC WORKS COMMISSION

Electric Utility System Rate Stabilization Fund

From Inception through Fiscal Year 2009

Amendment #7 - Effective Date July 1, 2009

	Current Inception to FY 2009 Budget	Amendment #7 Fiscal Year 2010	Recommended Inception to Date Budget
Estimated Revenues and Other Funding Sources			
Transfer from Electric General Fund	\$ 18,000,000	\$ 5,000,000	\$ 23,000,000
Rate Stabilization Transfer	4,169,725	-	4,169,725
Interest Income	2,575,000	115,800	2,690,800
Total Revenues and Other Funding Sources	\$ 24,744,725	\$ 5,115,800	\$ 29,860,525

Estimated Expenditures and Other Uses

Transfer to Electric Fund	\$ 5,000,000	\$ -	\$ 5,000,000
Appropriated Net Assets	19,744,725	5,115,800	24,860,525
Total Expenditures and Other Uses	\$ 24,744,725	\$ 5,115,800	\$ 29,860,525

ADOPTED BY COMMISSION
ADOPTED BY CITY COUNCIL

May 28, 2008
June 9, 2008

Proposed: May 27, 2009
Proposed: June 8, 2009

CITY OF FAYETTEVILLE PUBLIC WORKS COMMISSION
Water and Wastewater Utility Systems Rate Stabilization Fund
From Inception through Fiscal Year 2010

Amendment #4 - Effective Date July 1, 2009

	Current Inception to FY 2009 Budget	Amendment #4 Fiscal Year 2010	Recommended Inception to Date Budget
Estimated Revenues and Other Funding Sources			
Transfer from Water/Sewer General Fund	\$ 2,500,000	\$ 500,000	\$ 3,000,000
Interest Income	205,000	14,500	219,500
Total Revenues and Other Funding Sources	\$ 2,705,000	\$ 514,500	\$ 3,219,500
Estimated Expenditures and Other Uses			
Transfer to Water/Sewer General Fund	\$ -	\$ 1,687,085	\$ 1,687,085
Appropriated Net Assets	2,705,000	(1,172,585)	1,532,415
Total Expenditures and Other Uses	\$ 2,705,000	\$ 514,500	\$ 3,219,500

ADOPTED BY COMMISSION
ADOPTED BY CITY COUNCIL

May 28, 2008
June 9, 2008

Proposed
Proposed

May 27, 2009
June 8, 2009

PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE

Series 2008 Revenue Bond Capital Project Fund

For Fiscal Years 2008 - 2009

Amendment #2 - Final

	Current Approved Budget	Proposed Budget Amendment #2	Recommended Inception to Date Budget
Estimated Revenues and Other Funding Sources			
Series 2008 Revenue Bonds proceeds (1)	\$ 10,610,511	\$ -	\$ 10,610,511
Interest Earnings	\$ 61,450	\$ 23,550	\$ 85,000
Total Revenues and Other Funding Sources	\$ 10,671,961	\$ 23,550	\$ 10,695,511
Estimated Expenditures and Other Uses			
Water and Wastewater Utility Project Costs	\$ 10,671,961	\$ 23,550	\$ 10,695,511
Total Expenditures and Other Uses	\$ 10,671,961	\$ 23,550	\$ 10,695,511

(1) Net of financing costs

ADOPTED BY COMMISSION
ADOPTED BY CITY COUNCIL

May 28, 2008	<i>Proposed</i>	May 27, 2009
June 9, 2008	<i>Proposed</i>	June 8, 2009

CITY OF FAYETTEVILLE PUBLIC WORKS COMMISSION

Annexation Reserve Fund

Amendment #2 - Final

Current
Approved
BudgetProposed
Amendment
2Recommended
Inception to
Date Budget

Estimated Revenues and Other Funding Sources

Transfer from W/S General Fund	\$4,000,000	\$0	\$4,000,000
Interest Income	56,127	109,127	165,254
Total Revenues and Other Funding Sources	\$4,056,127	\$109,127	\$4,165,254

Estimated Expenditures and Other Uses

Transfer to Phase IVA Capital Project Fund	\$3,500,000	\$0	\$3,500,000
Transfer to PWC Water/Sewer Fund	556,127	109,127	665,254
Total Expenditures and Other Uses	\$4,056,127	\$109,127	\$4,165,254

ADOPTED BY COMMISSION:

June 11, 2003

Proposed

May 27, 2009

ADOPTED BY CITY COUNCIL:

June 23, 2003

Proposed

June 8, 2009

**RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE
CITY OF FAYETTEVILLE, NORTH CAROLINA CLOSING THE
ANNEXATION RESERVE FUND**

WHEREAS, the Public Works Commission of the City of Fayetteville, NC (PWC) and the City of Fayetteville (CITY) established an Annexation Reserve Fund on January 10, 2001 and February 5, 2001, respectively, and

WHEREAS, PWC funded this reserve fund for the purpose of providing financial assistance to the CITY's previous four phase annexation program, and

WHEREAS, PWC is continuing to support the CITY's annexation efforts through a new funding agreement for Phase V, and

WHEREAS, PWC desires to close this reserve fund and transfer the remaining balance of \$665,254 to its Water/Sewer Fund in order to fulfill its FY 2010 commitment to the Phase V plan, and

NOW THEREFORE, BE IT RESOLVED BY THE PWC THAT:

Section 1: The PWC will close the Annexation Reserve Fund and amends the Annexation Reserve Fund budget to transfer the remaining funds to the Water/Sewer Fund.

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

ADOPTED, this the 27th day of May, 2009

PUBLIC WORKS COMMISSION,

Wilson A. Lacy, Chairman

ATTEST:

Luis J. Olivera, Secretary

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH
CAROLINA CLOSING THE ANNEXATION RESERVE FUND**

WHEREAS, the Public Works Commission of the City of Fayetteville, NC (PWC) and the City of Fayetteville (CITY) established an Annexation Reserve Fund on January 10, 2001 and February 5, 2001, respectively, and

WHEREAS, PWC funded this reserve fund for the purpose of providing financial assistance to the CITY's previous four phase annexation program, and

WHEREAS, PWC is continuing to support the CITY's annexation efforts through a new funding agreement for Phase V, and

WHEREAS, CITY desires to close this reserve fund and transfer the remaining balance of \$665,254 to the PWC Water/Sewer Fund in order for PWC to fulfill its FY 2010 commitment to the Phase V plan, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY THAT:

Section 1: The CITY will close the Annexation Reserve Fund and amends the Annexation Reserve Fund budget to transfer the remaining funds to the PWC Water/Sewer Fund.

ADOPTED, this the 8th day of June, 2009

CITY OF FAYETTEVILLE,

Mayor

ATTEST:

City Clerk

**RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE
CITY OF FAYETTEVILLE, NORTH CAROLINA ESTABLISHING
THE ANNEXATION PHASE V RESERVE FUND**

WHEREAS, the Public Works Commission of the City of Fayetteville, NC (PWC) and the City of Fayetteville (CITY) entered into a funding agreement on May 7, 2008 and May 12, 2008, respectively, to complete the water and wastewater utility infrastructure installation in the remaining Phase V Annexation Area beyond Project 1 (PROJECT), and

WHEREAS, the PWC is responsible for managing and accounting for the PROJECT, and

WHEREAS, the PWC desires to establish a Reserve Fund to account for the sources and uses of funds as defined in the agreement, and

NOW THEREFORE, BE IT RESOLVED BY THE PWC THAT:

Section 1: The PWC establishes a Phase V Reserve Fund and budget for the purposes of managing and accounting for the sources and uses of funds as defined in the funding agreement.

Section 2: This reserve fund will be maintained until all expenditures of the PROJECT, including any debt service payments, have been paid.

Section 3: The City Council of the CITY is requested to adopt this Resolution in the form presented above.

ADOPTED, this the 27th day of May, 2009.

PUBLIC WORKS COMMISSION,

Wilson A. Lacy, Chairman

ATTEST:

Luis J. Olivera, Secretary

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH
CAROLINA ESTABLISHING THE ANNEXATION PHASE V
RESERVE FUND**

WHEREAS, the Public Works Commission of the City of Fayetteville, NC (PWC) and the City of Fayetteville (CITY) entered into a funding agreement on May 7, 2008 and May 12, 2008, respectively, to complete the water and wastewater utility infrastructure installation in the remaining Phase V Annexation Area beyond Project 1 (PROJECT), and

WHEREAS, the PWC is responsible for managing and accounting for the PROJECT, and

WHEREAS, the CITY desires to establish a Reserve Fund to account for the sources and uses of funds as defined in the agreement, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY THAT:

Section 1: The CITY establishes a Phase V Reserve Fund and budget for the purposes of managing and accounting for the sources and uses of funds as defined in the funding agreement.

Section 2: This reserve fund will be maintained until all expenditures of the PROJECT, including any debt service payments, have been paid.

ADOPTED, this the 8th day of June, 2009.

CITY OF FAYETTEVILLE,

Mayor

ATTEST:

City Clerk

CITY OF FAYETTEVILLE PUBLIC WORKS COMMISSION

Annexation Phase V Reserve Fund

Fiscal Year 2010

Original Budget

	Current Approved Budget	Proposed FY 2010 Budget	Recommended Inception to Date Budget
Estimated Revenues and Other Funding Sources			
Transfer from PWC Water/Sewer Fund	\$0	\$1,500,000	\$1,500,000
Transfer from City of Fayetteville	0	646,760	646,760
Interest Income	0	20,000	20,000
Total Revenues and Other Funding Sources	\$0	\$2,166,760	\$2,166,760
Estimated Expenditures and Other Uses			
Appropriated net assets	0	2,166,760	2,166,760
Total Expenditures and Other Uses	\$0	\$2,166,760	\$2,166,760

ADOPTED BY COMMISSION:
ADOPTED BY CITY COUNCIL:

<i>Proposed</i>	<i>May 27, 2009</i>
<i>Proposed</i>	<i>June 8, 2009</i>

**CITY OF FAYETTEVILLE PUBLIC WORKS COMMISSION
UPTOWN REVITALIZATION PROJECT FUND**

Amendment #3 - Final

	Current Approved Budget	Proposed Amendment # 2	Recommended Inception to Date Budget
Revenues			
Appropriations from Electric General Fund	\$14,500,000	\$0	\$14,500,000
Total Revenues	\$14,500,000	\$0	\$14,500,000
Expenditures			
Project expenditures	\$14,500,000	(\$15,457)	\$14,484,543
Transfer to Electric General Fund	0	15,457	15,457
Total Expenditures	\$14,500,000	\$0	\$14,500,000

ADOPTED BY COMMISSION:
ADOPTED BY CITY COUNCIL:

May 10, 2000	Proposed	May 27, 2009
June 19, 2000	Proposed	June 8, 2009

**RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE CITY OF
FAYETTEVILLE, NORTH CAROLINA CLOSING THE UPTOWN
REVITALIZATION FUND**

WHEREAS, on May 22, 1996, the Public Works Commission of the City of Fayetteville, NC (PWC) agreed to support the City of Fayetteville's (CITY) need to revitalize the core area of the CITY through a combination of cash and utility services, and

WHEREAS, the PWC established and funded the Uptown Revitalization Fund (FUND) for purpose of accounting for such commitment, and

WHEREAS, the PWC contributed \$14,500,000 to the fund and expended \$14,484,543 for various projects leaving a balance of \$15,457, and

WHEREAS, the PWC's remaining local match commitment to the Transportation Museum project (PROJECT) is an amount not to exceed \$15,457, and

WHEREAS, the PWC, recognizing its commitment to the CITY for the PROJECT, desires to close the FUND, transfer the remaining balance to the Electric Fund, and fulfill the commitment to the CITY from the Electric Fund when properly invoiced by the CITY,

NOW THEREFORE, BE IT RESOLVED BY THE PWC THAT:

Section 1: The PWC closes the FUND and amends the FUND's budget to transfer the remaining funds to the Electric Fund.

Section 2: The PWC will honor its remaining local match commitment from the Electric Fund up to \$15,457 for the PROJECT when properly invoiced by the CITY with supporting documentation.

Section 3: The City Council of the CITY is requested to adopt this Resolution in the form presented above.

ADOPTED, this the 27th day of May, 2009

PUBLIC WORKS COMMISSION,

Wilson A. Lacy, Chairman

ATTEST:

Luis J. Olivera, Secretary

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH
CAROLINA CLOSING THE UPTOWN REVITALIZATION FUND**

WHEREAS, on May 22, 1996, the Public Works Commission of the City of Fayetteville, NC (PWC) agreed to support the City of Fayetteville's (CITY) need to revitalize the core area of the CITY through a combination of cash and utility services, and

WHEREAS, the CITY and PWC established and funded the Uptown Revitalization Fund (FUND) for purpose of accounting for such commitment, and

WHEREAS, the PWC contributed \$14,500,000 to the fund and expended \$14,484,543 for various projects leaving a balance of \$15,457, and

WHEREAS, the PWC's remaining local match commitment to the Transportation Museum project (PROJECT) is an amount not to exceed \$15,457, and

WHEREAS, the PWC, recognizing its commitment to the CITY for the PROJECT, desires to close the FUND, transfer the remaining balance to the Electric Fund, and fulfill the commitment to the CITY from the Electric Fund when properly invoiced by the CITY,

NOW THEREFORE, BE IT RESOLVED BY THE CITY THAT:

Section 1: The CITY closes the FUND and amends the FUND's budget to transfer the remaining funds to the PWC Electric Fund.

Section 2: The CITY will invoice the PWC its local match share with supporting documentation up to \$15,457 for the PROJECT.

ADOPTED, this the 8th day of June, 2009

CITY OF FAYETTEVILLE,

Mayor

ATTEST:

City Clerk

CITY COUNCIL ACTION MEMO

To: Mayor and City Council

From: Lisa Smith, Chief Financial Officer 

Date: June 8, 2009

Re: Capital Project Ordinance Amendment 2009-23 (Cape Fear River Trail Phase 2)

THE QUESTION: Capital Project Ordinance Amendment 2009-23 will appropriate an additional \$1,365,000 for the design and development of Phase 2 of the Cape Fear River Trail.

RELATIONSHIP TO STRATEGIC PLAN:

- Vision Principle C: Leisure Opportunities for All – Convenient access to neighborhoods, community parks and recreation/community centers.
- Vision Principle F: Cape Fear River to enjoy – Regional river park and trail system.

BACKGROUND:

- This amendment appropriates \$1,300,000 from the NC Clean Water Management Trust Fund and a required local match of \$65,000.
- If approved, the revised budget for this project will be \$2,645,500 and funded as follows:
 - \$750,000 from the NC Department of Transportation
 - \$250,000 from Federal Enhancement Funds
 - \$1,300,000 from the NC Clean Water Management Trust Fund
 - \$345,500 from the General Fund
- This project is included in the approved capital improvement plan.

ISSUES:

None.

OPTIONS:

- 1) Adopt the capital project ordinance amendment and continue the project.
- 2) Do not adopt the capital project ordinance amendment and do not proceed with the project.

RECOMMENDATIONS: Adopt the capital project ordinance amendment.

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ITEM

3 C.

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2009-23 (CPO 2008-7)

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 2008-7, adopted April 14, 2008, as amended, for the funding of the design and development of Phase 2 of the Cape Fear River Trail.

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
NC Department of Transportation	\$ 750,000	\$ -	\$ 750,000
Federal Enhancement Funds	250,000	-	250,000
Required Match for Federal Grant - GF Transfer	62,500	-	62,500
Required Match for NCCWMTF Grant - GF Transfer	-	65,000	65,000
Additional Local Funds Committed - GF Transfer	218,000	-	218,000
NC Clean Water Management Trust Fund	-	1,300,000	1,300,000
Total Revenues	<u>\$ 1,280,500</u>	<u>\$ 1,365,000</u>	<u>\$ 2,645,500</u>

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


Expenditures - NCDOT/Federal Grant	\$ 1,062,500	\$ -	\$ 1,062,500
Expenditures - NCCWMTF Grant	-	1,365,000	1,365,000
Non Grant Expenditures	218,000	-	218,000
	<u>\$ 1,280,500</u>	<u>\$ 1,365,000</u>	<u>\$ 2,645,500</u>

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

Adopted this 8th day of June, 2009.

CITY COUNCIL ACTION MEMO

To: Mayor and City Council

From: Lisa T. Smith, Chief Financial Officer 

Date: June 8, 2009

Re: Budget Ordinance Amendment 2009-11 (General Fund, Transit Fund and Airport Fund)

THE QUESTION: This budget ordinance amendment will transfer budget appropriation amounts between the Other Appropriations budget and benefiting department budgets to reflect usage of fiscal year 2008-2009 General Fund vehicle replacement funding and allocation of funding for the debt service payments for the June, 2008 equipment financing (as authorized in the original budget ordinance). The budget amendment also adjusts appropriations based upon mid-year projections, increasing budgets for the General Fund to \$143,022,307 and the Airport Fund to \$5,558,009. In addition, the amendment adjusts sources of funding for the Transit Fund to reflect an expected increase in General Fund contributions.

RELATIONSHIP TO STRATEGIC PLAN: Mission Principle 1: Financially Sound City Government.

BACKGROUND:

- The original budget ordinance authorized the redistribution of General Fund vehicle replacement and debt service funding from Other Appropriations to benefiting department budgets. The final transfers of that funding have been completed and are reflected in this amendment.
- As presented in the Fiscal Year 2009-2010 Recommended Budget document, some departments are projected to expend less than their budget appropriations during the current fiscal year, while others will require additional funding to meet projected expenditures.
 - For the General Fund, the additional funding needs are primarily attributed to increased transfers to capital projects (soil street and Hope VI project funding).
 - The amended General Fund budget will include appropriations approximately 1.2% above the actual expenditure projections to ensure sufficient funding for unanticipated expenditures through the fiscal year-end.
 - Additional utility franchise taxes projected to be received in the current fiscal year provide sufficient funding for the amendment.
 - The Airport Fund appropriation increase is primarily needed to provide for the increased cost of the parking lot rehabilitation capital project. Additional Airport revenues projected to be received in the current fiscal year are sufficient to fund the increased appropriation.

ISSUES: None.

OPTIONS: 1) Adopt the budget ordinance amendment.

2) Do not adopt the budget ordinance amendment.

RECOMMENDATIONS: Adopt the budget ordinance amendment.

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

That the City of Fayetteville Budget Ordinance adopted June 9, 2008 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, 2008, and ending June 30, 2009, to meet the appropriations listed in Section 2.

Item	Listed As	Revision	Revised Amount
<u>Schedule A. General Fund</u>			
Other Taxes	\$ 41,689,736	\$ 543,400	\$ 42,233,136
All Other General Fund Revenues and OFS	100,789,171	-	100,789,171
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 142,478,907</u>	<u>\$ 543,400</u>	<u>\$ 143,022,307</u>

Schedule F. Transit Fund

Intergovernmental Revenues	\$ 2,115,573	\$ (64,156)	\$ 2,051,417
Interfund Transfer	2,017,968	64,156	2,082,124
All Other Transit Fund Revenues	1,144,212	-	1,144,212
Total Estimated Transit Fund Revenues	<u>\$ 5,277,753</u>	<u>\$ -</u>	<u>\$ 5,277,753</u>

Schedule G. Airport Fund

Airport Fund Revenues	\$ 3,232,948	\$ 646,810	\$ 3,879,758
Investment Earnings	70,000	-	70,000
Net Assets Appropriation	1,608,251	-	1,608,251
Total Estimated Airport Fund Revenues	<u>\$ 4,911,199</u>	<u>\$ 646,810</u>	<u>\$ 5,558,009</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, 2008, and ending June 30, 2009, according to the following schedules:

Item	Listed As*	Vehicle Replacement Transfers	Debt Service Transfers	Revision	Revised Amount
<u>Schedule A. General Fund</u>					
City Attorney's Office	\$ 1,095,719			\$ (21,000)	\$ 1,074,719
City Manager's Office	860,485				860,485
Community Development	1,513,631			(225,000)	1,288,631
Engineering & Infrastructure	12,458,416	568,773	83,677	25,000	13,135,866
Finance	2,679,796			(28,000)	2,651,796
Fire & Emergency Management	20,663,601	1,333,248	85,940	150,000	22,232,789
Human Relations	254,902				254,902
Human Resources Development	1,159,160				1,159,160
Information Technology	2,977,281			(130,000)	2,847,281
Inspections	2,959,932			(50,000)	2,909,932
Management Services	1,072,153			(75,000)	997,153
Mayor & Council	543,944				543,944
Other Appropriations	25,692,947	(2,616,584)	(324,362)	1,758,400	24,510,401
Parks, Recreation & Maintenance	16,240,770		16,562		16,257,332
Planning	968,371			(31,000)	937,371
Police	42,344,132			(600,000)	41,744,132
Solid Waste Management	8,993,667	714,563	138,183	(230,000)	9,616,413
Total Estimated General Fund Expenditures	<u>\$ 142,478,907</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 543,400</u>	<u>\$ 143,022,307</u>

* Reflects authorized departmental appropriations prior to vehicle replacement and debt service budget transfers.

Schedule F. Transit Fund

Total Estimated Transit Fund Expenditures	<u>\$ 5,277,753</u>	<u>\$ -</u>	<u>\$ 5,277,753</u>
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Schedule G. Airport Fund

Total Estimated Airport Fund Expenditures	<u>\$ 4,911,199</u>	<u>\$ 646,810</u>	<u>\$ 5,558,009</u>
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Adopted this 8th day of June, 2009.

CITY COUNCIL ACTION MEMO

To: Mayor and City Council

From: Lisa Smith, Chief Financial Officer 

Date: June 8, 2009

Re: Finance - Capital Project Ordinance Amendment 2009-24 (Airport Parking Project)

THE QUESTION: Capital Project Ordinance Amendment 2009-24 will appropriate an additional \$600,000 for rehabilitation and renovation of the Airport parking lot.

RELATIONSHIP TO STRATEGIC PLAN:

- ❑ Vision Principle D: Beauty By Design – Well landscaped and designed parking lots, streetscapes, buildings.
- ❑ Goal 4, Objective 1: More Efficient City Government – Cost Effective Service Delivery – Investing in City's future infrastructure, facilities and equipment.

BACKGROUND:

- ❑ This amendment will appropriate an additional \$600,000 as a transfer from the Airport Operating Fund for rehabilitation and renovation of the Airport parking lot.
- ❑ If this amendment is approved, the revised budget for the project will be \$1,600,000.
- ❑ This project is included in the adopted FY2010 – FY2014 Capital Improvement Plan (CIP).

ISSUES:

None

OPTIONS:

- 1) Adopt the Capital Project Ordinance Amendment 2009-24.
- 2) Do not adopt the Capital Project Ordinance Amendment 2009-24.

RECOMMENDATIONS: Adopt the Capital Project Ordinance Amendment 2009-24.

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2009-24 (CPO 2009-11)

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 amended:

Section 1. The project change authorized is to Capital Project Ordinance 2009-11, adopted June 9, 2008 as amended, for rehabilitation and renovation of the Airport parking lot.

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
Airport Operating Fund Transfer	<u>\$ 1,000,000</u>	<u>\$ 600,000</u>	<u>\$ 1,600,000</u>

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

Expenditures	<u>\$ 1,000,000</u>	<u>\$ 600,000</u>	<u>\$ 1,600,000</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 8th day of June, 2009.

CITY COUNCIL ACTION MEMO

To: Mayor and Members of Council

From: Lisa Smith, Chief Financial Officer 

Date: June 8, 2009

RE: Finance-Special Revenue Fund Project Ordinances 2010-1 and 2010-2 (FY2009-2010 HOME and CDBG Program Budgets)

THE QUESTION: The ordinances appropriate \$1,270,442 for the FY2009-2010 HOME Investment Partnership Program and \$1,675,688 for the FY2009-2010 Community Development Block Grant Program.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City – Clean and Beautiful

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

BACKGROUND:

- Provides FY2009-2010 funding for the HOME Investment Partnership Program and the Community Development Block Grant Program.
- The US Department of Housing and Urban Development is expected to provide federal grants of \$899,979 for the HOME program and \$1,447,994 for the CDBG program.
- The City of Fayetteville will provide a local match of \$181,698 for the HOME program. A local match is not required for the CDBG program.
- HOME and CDBG program income of \$188,765 and \$227,694, respectively, will also be appropriated in combination with the grants and local match.
- All projects, activities and funding sources were included in the FY2009-2010 Annual Action Plan, which was approved by City Council on April 27th, 2009.

ISSUES: None

OPTIONS: 1) Adopt the ordinances for the projects to continue.
2) Do not adopt the ordinances.

RECOMMENDATIONS: Adopt the project ordinances.

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2010-1

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby adopted effective July 1, 2009:

Section 1. The project authorized is for the funding of the FY2009-2010 appropriation for the HOME Investment Partnership Program awarded by the U.S. Department of Housing and Urban Development.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various contract 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:

HUD-HOME Investment Partnership Program	\$ 899,979
Local Match-General Fund	181,698
Program Income	<u>188,765</u>
	<u><u>\$ 1,270,442</u></u>

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

Project Expenditures	<u><u>\$ 1,270,442</u></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 8th day of June, 2009.

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 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 special revenue project ordinance is hereby adopted effective July 1, 2009:

Section 1. The project authorized is for the funding of the FY2009-2010 appropriation for various Community Development Block Grant Programs awarded by the U.S. Department of Housing and Urban Development.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various contract 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:

CDBG - HUD	\$ 1,447,994
Program Income	<u>227,694</u>
	<u><u>\$ 1,675,688</u></u>

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

Project Expenditures	<u><u>\$ 1,675,688</u></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 8th day of June, 2009.



June 8, 2009

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable *N/P*

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 May, 2009.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
DT Watson, Heirs C/O Edgar Tatum	2427060	2004-2007	Mapping Error	120.56
TOTAL				\$120.56

000053

433 HAY STREET
P.O. DRAWER D
FAYETTEVILLE, NC 28302-1746
FAX (910) 433-1680
www.cityoffayetteville.org
An Equal Opportunity Employer

ITEM 3. G

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Tom Bergamine, Chief of Police *T.B.*
Date: June 8, 2009
Re: Police Department – COPS Technology Grant (Tech 2009)

THE QUESTION: Does the Council wish to approve the application for funding through the 2009 Technology grant program (Tech 2009) funded and administered by the Office of Community Oriented Policing Services (COPS)?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: Growing City, Livable Neighborhoods – A Great Place to Live – Low crime rate and reputation as a safe community.

BACKGROUND:

The City of Fayetteville Police Department was selected to participate in the 2009 Technology grant program (Tech 2009) funded and administered by the Office of community Oriented Policing Services (COPS). In accordance with the Omnibus Appropriations Act, 2009 (P.L. 111-8), our agency will be awarded \$200,000 in funding, pending the successful submission and review of the attached Tech 2009 grant application.

As the department continues to partner in community policing/problem-solving efforts, mutual aid, special projects, task forces, incident co-ordination and the day-to-day sharing of information in the field, the need for radio interoperability has become critical in enhancing the capability of our first responders to talk across disciplines and jurisdictions on a day-to-day basis. The FPD is seeking funding through this grant to equip our officers with 70 P-25 compliant dual mode (analog/digital) smart zone, omni link portable radios for migration towards multijurisdictional interoperability.

Under the Tech 2009 Grant there is no match fund.

ISSUES: None

OPTIONS: None

RECOMMENDATIONS: Approve the 2009 Tech Application

Agency Name:

Fayetteville Police Department

State:

North Carolina

Point of Contact and Phone Number:

Captain Bradley R. Chandler (910) 433-1919

Estimated Award Amount: \$200,000.00

EXECUTIVE SUMMARY

Located in southeastern North Carolina, the CITY OF FAYETTEVILLE is the county seat for Cumberland County. The largest land area for Fort Bragg Army Base and Pope Air Force Base is located in Cumberland County. We are located approximately one hundred miles from the Atlantic Coast and experience both minor and major hurricanes. Approximately forty county and municipal public safety first-responder agencies are located in Cumberland County. Various first responder agencies work together toward preventing crime, protecting lives and property, engaging in community policing/problem solving strategies and sharing crime related information. We activate mutually staffed emergency operation centers at the county and city level as needed to organize efforts and effectively deploy personnel during times of major criminal incidents, natural disaster, major man-made incidents or terrorist related incidents.

As we partner in community policing/problem-solving policing efforts, mutual aid, special projects, task forces, incident co-ordination and day-to-day sharing of information in the field, the need for radio interoperability has become critical in enhancing the capability of our first-responders to talk across disciplines and jurisdictions on a day-to-day basis.

We are seeking funds through this grant to equip our officers with 70 P-25 compliant dual mode (analog/digital) smart-zone, omni-link portable radios.

FAYETTEVILLE POLICE DEPARTMENT

Technology Project – Project Description

A. Problem Identification and Justification

The CITY OF FAYETTEVILLE owns and maintains a Motorola ASTRO Smartzone 4.1 150 Watt 800 MHz 16 channel voice and data trunked simulcast radio system. The system has been upgraded to dual mode (analog/digital). It is our understanding through various conversations with Motorola representatives that our system and the 70 portable XTS 2500 radio units we will be purchasing with this grant money is P-25 compliant.

The Fayetteville Police Department currently utilizes 478 portable (hand held) 800MHz radio units. Of these radio units only 114 are current platform, P-25 compliant, 700 and 800MHz compatible and digital ready. This will allow us to equip over half of our current authorized staffing of officers with portable radio units that are compatible with the North Carolina State Highway Patrol VIPER radio system. Access to VIPER provides the ability for all first responders in Cumberland County to have radio interoperability with each other and with state, to include other regional jurisdictions.

The capability of our officers to have radio interoperability with other agencies in our county and regionally is necessary to carry out effective community policing/problem-solving partnerships, operational networking and information sharing in the field which includes officer safety issues. Our law enforcement officer's co-ordinate and partner with each other and with other related disciplines such as firefighters, and emergency medical services in various efforts to related to crime control and public safety.

B. Project Goals and Objectives

Our goal is for our officers to have day-to-day radio communications interoperability among all first responder agencies across Cumberland County including our surrounding counties.

Our objectives of the project will include a complete inventory of the purchased portable radios, and the assigning of the Fayetteville and North Carolina State Highway Patrol's VIPER system identifications. The programming of the portable XTS 2500 radio units will begin utilizing the existing templates. After the portable radio units are issued to an officer, training will be performed by the Technical Services Lieutenant of the Fayetteville Police Department.

After the portable radio units are operational, follow-up contact will be initiated by the Technical Services Lieutenant with the officers supervisors who were assigned the radio units to ensure the radios are being used by operational units of the department and are functioning properly. Once this has been accomplished, it should be noted, this will also meet the goal of radio interoperability that was established by Homeland Security.

C. Community Policing Strategies/Crime Prevention Activities

Law Enforcement agencies in our county are actively involved in the sharing of criminal intelligence and share resources by participating in various task forces, such as Project

Safe Neighborhood's Operation Ceasefire Program which consists of our department, the Cumberland County Sheriff's Office and ATF. Other task forces we participate in include personnel from the FBI, North Carolina State Bureau of Investigation, United States Marshals and the DEA.

In order to provide the most effective services to our citizens, to properly co-ordinate multi-jurisdictional and multi-disciplinary involvement in operations and to ensure the safety of our first responders, it is imperative that our officers have radio interoperability locally and regionally.

Law Enforcement agencies in Cumberland County are actively involved in and are committed to community policing/problem-solving initiatives. Officers partner with citizens to help form, attend and facilitate community watch groups throughout the county in prevention and awareness efforts. The CITY OF FAYETTEVILLE has over 100 active community watch groups in our city. The police department also utilizes a Citizen Police Academy and partners with the city fire department to conduct a Youth Academy during the summer months to orient local adults and youths in the duties and responsibilities of first responders.

Our department has also identified ways to make more time available to our officers on patrol to allow them to work closely with our community watch groups in the city. One program that has been implemented is the Civilian Crash Investigators. This program hires and trains civilians to investigate minor motor vehicle crashes and to be able to direct traffic at major traffic collisions or at other events where extended traffic control is warranted. Our department also has created and utilizes a program called Citizens on Patrol, where citizens are selected from our Citizens Police Academy Alumni Program and volunteer their time to actually patrol neighborhoods identifying potential problem areas and then using radios to inform officers who are on patrol.

D. Implementation Plan:

Upon receipt of the 70 Motorola XTS 2500 radios, the Communications Technician will inventory and assign Fayetteville and VIPER system ID's. Programming will begin immediately using existing XTS 2500 templates. Radios will be assigned to an officer and training will be done one on one by the Technical Services Lieutenant.

1. Award of grant monies anticipated August 1, 2009
2. Begin purchasing process September 1, 2009 (30 DAYS)
3. Estimated equipment delivery by November 30, 2009 (60 DAYS)
4. Programming of equipment completed by December 31, 2009 (30 DAYS)
5. Equipment assignment and personnel training completed by January 31, 2010 (30 DAYS)
6. Project review and completion no later than February 28, 2010 (30 DAYS)

FAYETTEVILLE POLICE DEPARTMENT
Technology Project – Budget Narrative



C. EQUIPMENT/TECHNOLOGY

70 Digital Radios

The FPD currently utilizes 478 hand held portable 800MHz radios. Of these radios only 114 are current platform, P25 compliant and digital capable. The remaining 364 radios are MTS 2000's which are neither digital capable nor P25 compliant. Motorola will end service and support of the MTS 2000 at the end of this year. Most of these MTS 2000's have been in our fleet for 10 to 12 years.

All 70 radios purchased through this grant will be APCO P-25 compliant, 700 and 800 MHz compatible and digital ready. This will allow us to have approximately half of our officers equipped with radios that are compatible with North Carolina's VIPER radio system. Access to VIPER provides the ability for us as first responders to assist in statewide events and have interoperability with other state and local governments. Based on a sales quote from Motorola, we have determined that the price for each XTS 2500 - P-25, Smart Zone-Omni-link, digital radio is \$2852.97. **Total for XTS 2500 radios is \$199,707.90.**

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
Thru: Karen McDonald, City Attorney 
From: Cindy Preas, Real Estate Manager 
Date: June 8, 2009
Re: Consider Adoption of Resolution Declaring Property Surplus

THE QUESTION: How 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-Cost Effective Services Delivery

BACKGROUND: Cumberland County and the City of Fayetteville received joint title to the property identified as PIN 0437-39-0583 located at 816 Cumberland 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. The attached resolution will declare the real property surplus and authorize a quit claim of the City's title to the County in order to expedite sale of the land.

ISSUES:

- Title to the subject property is jointly held due to foreclosure by the County in its role as tax administrator.
- The subject lot is not located within the Hope VI project area, and is not needed by any City agency.
- The County is in receipt of an offer to purchase the property for a price equaling the foreclosure bid; i.e. \$2,271.82. The bid includes the City's share of overdue property taxes. Additionally, the City will collect \$1,339.22 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.

OPTIONS:

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

RECOMMENDATIONS:

Adopt the attached resolution declaring the property surplus and authorize the 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.

000059

ITEM 3 I.

**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 0437-39-0583; and

WHEREAS, the City of Fayetteville has financial interest in the form of unpaid real property taxes plus unpaid City assessments in the parcel 0437-39-0583; 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 property 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 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:

Candice White, City Clerk

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Dale Iman, City Manager
Date: June 8, 2009
Re: Gross Receipts Taxes Agreement

THE QUESTION: Does the City Council wish to approve of the attached Gross Receipts Taxes Agreement?

RELATIONSHIP TO STRATEGIC PLAN:
More Efficient City Government

BACKGROUND:

At the June 1, 2009 City Council work session, the PWC CEO/General Manager and City Manager presented information regarding the distribution of Gross Receipts Taxes based on the negotiated new Power Supply Agreement. PWC has several options for signing a power supply agreement that will take effect July 1, 2012. Part of the consideration is a power supply agreement for partial requirements and full requirements. Choosing a full requirements contract will lead to PWC paying an increase in gross receipts taxes over what would be paid under a partial requirements contract.

The attached gross receipts taxes agreement will share 25% of the (Reference Amount) as a PWC contribution to the Phase V Annexation Reserve Account. The balance will be allocated to the City's General Fund.

THE ISSUE: Does the City Council wish to approve this agreement for distribution of Gross Receipts Taxes.

OPTIONS:

1. Approve agreement.
2. Do not approve agreement.

RECOMMENDATIONS:

Approve the agreement.

000061

ITEM

3. J.

**AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND
THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE
TO DEFINE DISTRIBUTION OF GROSS RECEIPTS TAX REVENUES FROM THE
STATE OF NORTH CAROLINA FOR ELECTRICITY SALES WITHIN THE CITY OF
FAYETTEVILLE**

THIS AGREEMENT is made and entered into this _____ day of June, 2009 between the City of Fayetteville, North Carolina (**CITY**) and the Public Works Commission of the City of Fayetteville, North Carolina (**PWC**). CITY and PWC may hereinafter be referred to collectively as the **PARTIES**.

WHEREAS, the CITY and the PWC have a relationship defined under Chapter 6 of the CITY Charter (**CHARTER**); and

WHEREAS, PWC operates as an enterprise fund of the CITY as set forth in Chapter 6 of the **CHARTER**; and

WHEREAS, PWC pays Gross Receipt Taxes of 3.27% on purchased supplemental capacity and energy to the State of North Carolina; and

WHEREAS, CITY receives revenues from the State of North Carolina equivalent to 3.09 percent of gross receipts arising from sales of electricity within the CITY, including sales of electricity to PWC; and

WHEREAS, the amount of Gross Receipt Taxes paid by PWC will increase substantially under its new full-requirements purchase power agreement that becomes effective July 1, 2012, compared to the existing partial-requirements purchase power contract; and

WHEREAS, PWC maintains payment records reflecting payments of Gross Receipt Taxes and can determine the difference between Gross Receipt Taxes paid prior to the effective date of the new full-requirements purchase power agreement compared to a similar period under the new full-requirements purchase power agreement; and

WHEREAS, CITY maintains receipt records of total Gross Receipt Taxes received from the State of North Carolina and can determine the difference in Gross Receipt Tax received from year to year; and

WHEREAS, street lighting in part of the City is being provided by Progress Energy Carolinas, Incorporated; and

WHEREAS, the cost to the City, for this street lighting service, is presently estimated at \$319,600 annually and the City is seeking a funding mechanism to pay for these costs.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises, covenants and agreements set forth herein, the **PARTIES** do now agree to the following stipulations:

- I. PWC will furnish billing information to determine the increase in Gross Receipt Taxes paid by PWC for electricity purchases when comparing the annual payments under the old partial requirements purchase power agreement (FY 2012) and the annual payments under the new full requirements purchase power agreement that becomes effective July 1, 2012 (FY2013).

2. The City will verify the comparable data on receipts of Gross Receipts Taxes as adjusted by the State of North Carolina and returned to the City.
3. The difference in annual Gross Receipt Taxes received by the City between FY 2012 and FY 2013 resulting from Gross Receipt Taxes paid by PWC under their purchase power agreement will be calculated as a "Reference Amount". Twenty-five percent (25%) of the "Reference Amount" will be transferred by the CITY to the Phase V Annexation Reserve Account as a PWC contribution. The balance of the "Reference Amount" will remain in the CITY's General Fund for general use, including the payment of street light costs charged by Progress Energy. Transfers to PWC will occur within 30 days of the CITY receiving Gross Receipt Tax payments from the State of North Carolina.
4. These transfers by the CITY to the Phase V Annexation Reserve Account on PWC's behalf will continue as long as the State of North Carolina continues to remit Gross Receipt Taxes, or any tax based on the purchase of supplemental capacity and energy by PWC, to the CITY based on the current distribution method and percentage, or a future distribution method and percentage that yields comparable proceeds of such tax to the CITY. However, after the first twelve (12) months, the monies transferred on PWC's behalf to the Annexation Reserve Fund in each subsequent twelve-month period shall be fixed based on the "Reference Amount" first calculated.
5. This agreement shall be effective July 1, 2012 and remain in force as long as PWC's full-requirements power purchase contract beginning July 1, 2012 with Progress Energy is in force, or until the PWC's commitment to the Annexation Phase V funding has been fulfilled should the commitment be fulfilled while this contract is in force. The term of this agreement may be renegotiated after the initial full-requirements power supply contract terminates if PWC continues to purchase its power supply under a full-requirements power supply contract and the PWC commitment to Annexation Phase V funding has not been fulfilled..

Approved by the City of Fayetteville on the _____ day of June, 2009 and approved by the Public Works Commission on the _____ day of June, 2009.

CITY OF FAYETTEVILLE


Anthony G. Chavonne, Mayor

PUBLIC WORKS COMMISSION

Wilson A. Lacy, Chairman

000063

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Doug Hewett, Assistant City Manager 
Date: June 8, 2009
Re: FY 2009-10 Strategic Plan and Narrative Description Adoption

THE QUESTION: Does the strategic plan document and descriptive narratives for the policy and management agendas accurately capture the City Council's interests related to the FY 2009-10 strategic plan?

RELATIONSHIP TO STRATEGIC PLAN: The strategic plan document and descriptive narratives for the policy and management agendas represent the establishment of the City's FY10 strategic plan as developed by the City Council. If approved, these documents will govern policy and management direction of the City from July 1, 2009 through June 30, 2010.

BACKGROUND:

The City's strategic plan has three main areas:

- ❑ A vision statement (Vision 2023) that describes the type of community the Council would like to facilitate through its and staff's work efforts
- ❑ Multi-year goals (Goals 2014) that provide an intermediate focus for the work of staff and further outlines the activities Council believes are necessary to realize the vision
- ❑ A one-year action plan that identifies issues that Council needs to address by providing policy direction and/or necessary actions that the City staff should complete during the current fiscal year.

The FY10 strategic plan process:

- ❑ Development: City Council annual retreat February 6-7, 2009
- ❑ Strategic discussions: City Council follow-up session March 2, 2009
- ❑ Presentation of strategic plan documents to Council on May 4, 2009
- ❑ Presentation of descriptive narratives for the policy and management agendas (Targets for Action) on June 1, 2009
- ❑ Council consideration for approval of strategic plan on June 8, 2009
- ❑ Plan effective July 1, 2009- June 30, 2010, with quarterly updates to City Council.

ISSUES: Does the strategic plan document and policy and management agenda descriptive narratives accurately reflect the desired work efforts and the overall direction identified by the City Council?

OPTIONS:

- 1.) Adopt, modify, or reject the City of Fayetteville FY 2009-10 strategic plan and descriptive narratives as presented.
- 2.) Modify/clarify interests on the issues/projects listed in the descriptive narratives.

RECOMMENDATIONS: Adopt the FY 2009-10 strategic plan and descriptive narratives.

★ VISION 2023 ★

The City of Fayetteville
is a great place to live with a choice
of desirable neighborhoods, leisure
opportunities for all, and beauty
by design.

Our City has a vibrant downtown, the
Cape Fear River to enjoy, and a strong
local economy.

Our City is a partnership of citizens with
a diverse culture and rich heritage,
creating a sustainable community.



★ GOALS 2014 ★



More Attractive City -
Clean and Beautiful



Greater Tax Base Diversity -
Strong Local Economy



More Efficient City Government -
Cost-Effective Service Delivery



Growing City, Livable Neighborhoods -
A Great Place to Live



Greater Community Unity -
Pride in Fayetteville



Revitalized Downtown -
A Community Focal Point

★ OUR MISSION ★

The City Government
provides service that makes Fayetteville
a better place for all.

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

The City has well designed and well
maintained infrastructure and facilities.

The City engages our citizens, and is
recognized as a state and regional leader.



★ CORE VALUES ★

We, the Mayor, City Council,
Managers, Supervisors and Employees

SERVE with

Responsibility

Ethics

Stewardship

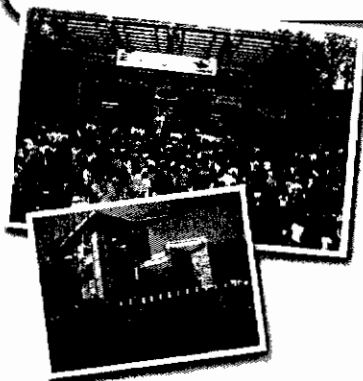
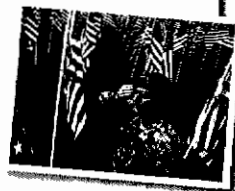
Professionalism

Entrepreneurial Spirit

Commitment

Teamwork

to safeguard and enhance the
public trust in City Government.



City of
Fayetteville
North Carolina

000065



POLICY AGENDA - TOP

Unified Development Ordinance

Annexation Policy

Murchison Road Corridor Redevelopment

Workforce Development

Recycling for Multifamily and Commercial

Parks and Recreation Services

POLICY AGENDA - HIGH

County Jail Capacity

Air Quality Non-Attainment

Tree Preservation Ordinance

Building Demolition

Property Revaluation and Tax Rate

Legislative Agenda and
Lobbying Strategy

Emergency Medical Transport
Performance Report

MANAGEMENT AGENDA - TOP

Crime Reduction Strategy and Report

Economic Development

F.A.S.T. Improvements

Community Watch Expansion

Community Report Card

MANAGEMENT AGENDA - HIGH

Police Staffing

Reclaiming Neighborhood Strategy

Non-Stop Air Service to Washington, D.C.


Telling the City's Positive Story

Northwest Gateway Project

TARGETS FOR ACTION 2009-2010



CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Karen M. McDonald, City Attorney 
Date: June 8, 2009
Re: Update on Festival Park Plaza Building

THE QUESTION: None

RELATIONSHIP TO STRATEGIC PLAN: Revitalized Downtown – A Community Focal Point;
More Businesses in Downtown to Attract People

BACKGROUND: In 2003, Allison Platt & Associates was commissioned to study downtown development. The study recommended the development of three catalyst projects to expedite development in the downtown area. Those projects were the 300 Block Development which included a mixture of residential housing and commercial space, the Capitol Project which is a family entertainment venue, and the Festival Park Plaza Building which is a commercial office building. In order to be viable, each project necessitated City participation.

In 2005, the Downtown Development Corporation solicited Requests for Proposal and chose the Lundy Group's proposal for development of the Festival Park Plaza Office Building. In addition to the sale of the land, the City provided 58 parking spaces and entered into a 20-year Master Lease Agreement for the building. This agreement, which required City Council and Local Government Commission approval, required the City to pay an amount not to exceed the difference between the rental income from other leases and the total fixed rent and associated operating expenses of the building. The Master Lease also required the landlord to establish a "rent up deficit" reserve of \$175,000.00 that would be used before the City was required to make any lease payments.

The reserve fund and the landlord's other funds have been depleted. Thus, the City began in May making lease payments pursuant to the terms of the lease agreement. At City Council's request, Mr. Jim Baker is available to provide an update on the building.

ISSUES: How can the City minimize the necessity of making future lease payments?

RECOMMENDATIONS: Receive the update.


000067

ITEM

4.

CITY COUNCIL ACTION MEMO

To: Mayor and City Council

From: Lisa Smith, Chief Financial Officer 

Date: June 8, 2009

Re: Capital Project Ordinance 2009-25 and Budget Ordinance Amendment 2009-12 (Public Safety Computer-Aided Dispatch and Records Management System)

THE QUESTION: This capital project ordinance and budget ordinance amendment will provide \$2,800,000 for software and hardware for the new Public Safety Computer-Aided Dispatch (CAD) and Records Management System (RMS).

RELATIONSHIP TO STRATEGIC PLAN: Principle A: Great Place to Live: Means a Safe Community

BACKGROUND:

- ❑ At the June 1, 2009 work session, the Council received a report on the proposed replacement of the CAD and RMS systems that is included in the adopted capital improvement plan.
- ❑ The proposed contract to be executed with the vendor, SunGard Public Sector OSSl, for a component of this system is expected to cost approximately \$2,800,000 and will ultimately be financed through an installment purchase agreement in fiscal year 2010 and a contribution from the Emergency Telephone System Fund (E911 Fund).
- ❑ The City originally planned to execute the contract for this project component after July 1, 2009; however, staff now recommends executing this contract by June 10, 2009 to take advantage of a \$150,000 discount that is currently offered by the vendor.
- ❑ To obtain the discount, \$2,800,000 must be appropriated in the current fiscal year from existing City funds. Staff recommends funding \$477,900 of this amount through the E911 fund and funding the remaining \$2,322,100 temporarily from the Risk Management Fund. The Risk Management Fund will be reimbursed from the proceeds of the installment financing agreement in fiscal year 2010.
- ❑ The attached budget actions will provide the necessary resources to execute the agreement by June 10, 2009.

ISSUES: None

OPTIONS:

- 1) Adopt the capital project ordinance and budget ordinance amendment and proceed with the project.
- 2) Do not adopt the capital project ordinance and budget ordinance amendment and do not proceed with the project.

RECOMMENDATIONS: Adopt the capital project ordinance and budget ordinance amendment.

000068

ITEM 5. A.

CAPITAL PROJECT ORDINANCE
ORD 2009-25

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 project authorized is for the purchase of a Public Safety Computer Aided Dispatch and Records Management System.

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:

Interfund Transfer - Risk Management Fund	<u>\$ 2,322,100</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 2,322,100</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 8th day of June, 2009.

2008-2009 BUDGET ORDINANCE AMENDMENT
CHANGE 2009-12

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

That the City of Fayetteville Budget Ordinance adopted June 9, 2008 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, 2008, and ending June 30, 2009, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule E: Enhanced 911 Fund</u>			
Subscriber Fees	\$ 1,064,600		\$ 1,064,600
Investment Earnings	10,000		10,000
Fund Balance Appropriation	-	300,000	300,000
Total Estimated Enhanced 911 Fund Revenues	<u>\$ 1,074,600</u>	<u>\$ 300,000</u>	<u>\$ 1,374,600</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, 2008, and ending June 30, 2009, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule E: Enhanced 911 Fund</u>			
Total Estimated Enhanced 911 Fund Expenditures	<u>\$ 1,074,600</u>	<u>\$ 300,000</u>	<u>\$ 1,374,600</u>

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

That the Financial Plan adopted by the City of Fayetteville on June 9, 2008 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, 2008, and ending June 30, 2009, 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>\$ 16,223,572</u>	<u>\$ 1,300,000</u>	<u>\$ 17,523,572</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, 2008, and ending June 30, 2009, 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>\$ 16,223,572</u>	<u>\$ 1,300,000</u>	<u>\$ 17,523,572</u>

CITY COUNCIL ACTION MEMO

To: Dale E. Iman, City Manager
CC: Jeffrey Powell, Assistant City Manager
Tom Bergamine, Chief of Police/Emergency Communications
Benny Nichols, Chief of Fire/Emergency Management
Craig Hampton, Special Projects Director
From: Stanley Victrum, Chief Information Officer 
Date: June 8, 2009
Re: PUBLIC SAFETY (PS) CAD & RMS REPLACEMENT PROJECT FOR FY09-10

THE QUESTION:

At the June 8, 2009 regular City Council Meeting, Staff will request a waiver of the normal procurement processes of sealed bids to purchase the applicable software and hardware from the proposed vendor, SunGard Public Sector OSSI. The waiver is allowed by NC General Statute 143-129 (e)(6) (see enclosure [1]) for two fundamental reasons; 1) the documented lack of price and performance competition due to the unique nature of this type software and 2) the standardization with Cumberland County and a significant number of Law Enforcement Agencies in NC. The item was briefed at the Council Work Session on June 1, 2008 and the City Council unanimously approved that the noted agenda item be placed on the Council Agenda for June 8, 2009 for consideration for approval.

RELATIONSHIP TO STRATEGIC PLAN:

PS CAD and Police RMS hardware and software replacements along with Mobile Data Terminals (MDTs) for the Fire Department are approved items in the FY2009 - 2010 City of Fayetteville Capital Improvement Plan (CIP). In addition to meeting Council's upcoming goals of improved public safety services, the replacement of existing hardware and software will meet current strategic plan goals as follows:

- **Goal 3 - Growing City, Livable Neighborhoods - A great Place To Live.** The current PS CAD & Police RMS application software used is approximately ten years old and is generally targeted for cities smaller than the existing City of Fayetteville. Since CY1999 when the on-hand system was installed, the City has grown from approximately 120,000 residents to almost 210,000 residents with the recent incorporation of the Fort Bragg military reservation into the City limits. This growth in population was accompanied by a commensurate increase in City land area, from approximately 62 square miles in CY1999 to approximately 110 square miles today. By conservative estimates, the current BRAC initiative will bring another approximately 30,000 residents to the City in less than three years. Based on this planned growth in City population, the current and projected requirements for Public Safety to meet the needs of the growing Community and the existing capabilities of and development direction for the on-hand CAD & RMS platforms, the current vendor does not have features/functions within their corresponding application packages which will best meet the needs of the City.

000071

ITEM 5. B.

- **Goal 4 - More Effective City Government - Cost Effective Service Delivery.** Changing to the proposed vendor will allow full compatibility with the existing software used by Cumberland County and a significant number of Law Enforcement Agencies in NC (see enclosure [2]). Changing to the proposed vendor will also allow much tighter interface integration with the Fire Department's FIREHOUSE RMS, which is used by most NC fire departments. Transitioning to the proposed vendor also provides features and functions towards PS service delivery improvements, such as CAD mapping for better PS unit tracking, AVL for closest unit dispatching, crime link analysis and CAD-to-CAD transfer of EMS-related calls to the County Dispatch Center for more expeditious dispatch of EM calls. Migrating to the proposed vendor will also allow the City to discontinue the use and maintenance of several in-house developed systems that have been interfaced to the Police RMS in order to meet the Department's crime analysis and reporting needs. Having this compatibility will also greatly facilitate the concept exploration for and realization of a combined Public Safety Answering Point (PSAP), commonly called a "911-Center" or "Dispatch Center".
- **Goal 5 - Greater Community Unity - Pride in Fayetteville.** The enhanced modules of upgraded application software and hardware for both City PS Departments will significantly improve their operational productivity and appreciably enhance their respective ability to complete their mission of making the Fayetteville Community a safer and better place for all. As stated in the goal's objectives this installation will; 1) Increase trust and confidence in City government, 2) Better inform citizenry, 3) Increase community dialog on major issues and 4) Develop and maintain relations among local governments.

BACKGROUND:

The City of Fayetteville has used the on-hand CAD/RMS applications and software vendor for the past 10 years. Over the past several years, it has become apparent that the current system does not have the features, functions and development growth model which will best meet the City's PS needs, especially in light of the recent and projected growth in the City's population and PS coverage area. This CAD and RMS platform replacement project has been a request from City Staff for several years and was finally approved in the upcoming budget via the City Five-Year CIP. The City Staff has spent the last two years studying various vendors and application packages and talking to several of their local government clients in an effort to determine the best fit to the City PS needs. The City also hosted product demonstrations recently from software vendors who generally service Communities of our size. The City also provided an opportunity to the existing vendor to conduct another product demonstration of their current and planned application packages. The results of these demonstrations further convinced the City Staff that a change was needed. That research along with the recent upgrades and purchases by Cumberland County (see enclosure [3] for application module comparison) supports the recommendation to waive the normal bid procedures for this purchase. This waiver is asked only for those items and services available only from the proposed software provider. Any other 3rd-party, commercially available software and hardware will be bid using required statutory processes. Any computer hardware that can be purchased via a State contract will be purchased in that manner. On June 8, 2009, the City Staff will request that the Council authorize the waiver and further authorize the City Manager or his designee to conduct final negotiations for a contract in an amount not to exceed \$2.8 Million. Staff is asking for this approval prior to the beginning of the new fiscal year in order to take advantage of a \$150,000 discount offered by the proposed vendor for signing the contract by June 10, 2009.

ISSUES:

There are no known or suspected unresolved issues.

OPTIONS:

1. Authorize the waiver of the formal bid processes and authorize the City Manager or his designee to conduct final negotiations and execute the contract documents necessary in an amount not to exceed \$2.8 Million.
2. Do not provide authorization and provide direction to City Staff on how to proceed.

RECOMMENDATIONS:

1. Authorize the waiver of the formal bid processes and authorize the City Manager or his designee to conduct final negotiations and execute the contract documents necessary in an amount not to exceed \$2.8 Million.

§ 143-129. Procedure for letting of public contracts.

(a) Bidding Required. – No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than five hundred thousand dollars (\$500,000) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ninety thousand dollars (\$90,000) may be performed, nor may any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, unless the provisions of this section are complied with; provided that The University of North Carolina and its constituent institutions may award contracts for construction or repair work that requires an estimated expenditure of less than five hundred thousand dollars (\$500,000) without complying with the provisions of this section.

For purchases of apparatus, supplies, materials, or equipment, the governing body of any political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the manager, school superintendent, chief purchasing official, or other employee the authority to award contracts, reject bids, or readvertise to receive bids on behalf of the unit. Any person to whom authority is delegated under this subsection shall comply with the requirements of this Article that would otherwise apply to the governing body.

(b) Advertisement and Letting of Contracts. – Where the contract is to be let by a board or governing body of the State government or of a State institution, proposals shall be invited by advertisement in a newspaper having general circulation in the State of North Carolina. Where the contract is to be let by a political subdivision of the State, proposals shall be invited by advertisement in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to advertise solely by electronic means, whether for particular contracts or generally for all contracts that are subject to this Article, shall be approved by the governing board of the political subdivision of the State at a regular meeting of the board.

The advertisements for bidders required by this section shall appear at a time where at least seven full days shall lapse between the date on which the notice appears and the date of the opening of bids. The advertisement shall: (i) state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials, or equipment may be had; (ii) state the time and place for opening of the proposals; and (iii) reserve to the board or governing body the right to reject any or all proposals.

Proposals may be rejected for any reason determined by the board or governing body to be in the best interest of the unit. However, the proposal shall not be rejected for the purpose of evading the provisions of this Article. No board or governing body of the State or political subdivision thereof may assume responsibility for construction or purchase contracts, or guarantee the payments of labor or materials therefor except under provisions of this Article.

All proposals shall be opened in public and the board or governing body shall award the contract to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract.

In the event the lowest responsible bids are in excess of the funds available for the project or purchase, the responsible board or governing body is authorized to enter into negotiations with the lowest responsible bidder above mentioned, making reasonable changes in the plans and specifications as may be necessary to bring the contract price within the funds available, and may award a contract to such bidder upon recommendation of the Department of Administration in the case of the State government or of a State institution or agency, or upon recommendation

000074

Enclosure (1)

of the responsible commission, council or board in the case of a subdivision of the State, if such bidder will agree to perform the work or provide the apparatus, supplies, materials, or equipment at the negotiated price within the funds available therefor. If a contract cannot be let under the above conditions, the board or governing body is authorized to readvertise, as herein provided, after having made such changes in plans and specifications as may be necessary to bring the cost of the project or purchase within the funds available therefor. The procedure above specified may be repeated if necessary in order to secure an acceptable contract within the funds available therefor.

No proposal for construction or repair work may be considered or accepted by said board or governing body unless at the time of its filing the same shall be accompanied by a deposit with said board or governing body of cash, or a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five percent (5%) of the proposal. In lieu of making the cash deposit as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand forthwith make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond. This deposit shall be retained if the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory surety as required herein.

Bids shall be sealed and the opening of an envelope or package with knowledge that it contains a bid or the disclosure or exhibition of the contents of any bid by anyone without the permission of the bidder prior to the time set for opening in the invitation to bid shall constitute a Class 1 misdemeanor.

(c) Contract Execution and Security. – All contracts to which this section applies shall be executed in writing. The board or governing body shall require the person to whom the award of a contract for construction or repair work is made to furnish bond as required by Article 3 of Chapter 44A; or require a deposit of money, certified check or government securities for the full amount of said contract to secure the faithful performance of the terms of said contract and the payment of all sums due for labor and materials in a manner consistent with Article 3 of Chapter 44A; and the contract shall not be altered except by written agreement of the contractor and the board or governing body. The surety bond or deposit required herein shall be deposited with the board or governing body for which the work is to be performed. When a deposit, other than a surety bond, is made with the board or governing body, the board or governing body assumes all the liabilities, obligations and duties of a surety as provided in Article 3 of Chapter 44A to the extent of said deposit.

The owning agency or the Department of Administration, in contracts involving a State agency, and the owning agency or the governing board, in contracts involving a political subdivision of the State, may reject the bonds of any surety company against which there is pending any unsettled claim or complaint made by a State agency or the owning agency or governing board of any political subdivision of the State arising out of any contract under which State funds, in contracts with the State, or funds of political subdivisions of the State, in contracts with such political subdivision, were expended, provided such claim or complaint has been pending more than 180 days.

(d) Use of Unemployment Relief Labor. – Nothing in this section shall operate so as to require any public agency to enter into a contract which will prevent the use of unemployment relief labor paid for in whole or in part by appropriations or funds furnished by the State or federal government.

000075

- (e) Exceptions. – The requirements of this Article do not apply to:
- (1) The purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment from: (i) the United States of America or any agency thereof; or (ii) any other government unit or agency thereof within the United States. The Secretary of Administration or the governing board of any political subdivision of the State may designate any officer or employee of the State or political subdivision to enter a bid or bids in its behalf at any sale of apparatus, supplies, materials, equipment, or other property owned by: (i) the United States of America or any agency thereof; or (ii) any other governmental unit or agency thereof within the United States. The Secretary of Administration or the governing board of any political subdivision of the State may authorize the officer or employee to make any partial or down payment or payment in full that may be required by regulations of the governmental unit or agency disposing of the property.
 - (2) Cases of special emergency involving the health and safety of the people or their property.
 - (3) Purchases made through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies.
 - (4) Construction or repair work undertaken during the progress of a construction or repair project initially begun pursuant to this section.
 - (5) Purchase of gasoline, diesel fuel, alcohol fuel, motor oil, fuel oil, or natural gas. These purchases are subject to G.S. 143-131.
 - (6) Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. Notwithstanding any other provision of this section, the governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract.

In the case of purchases by hospitals, in addition to the other exceptions in this subsection, the provisions of this Article shall not apply when: (i) a particular medical item or prosthetic appliance is needed; (ii) a particular product is ordered by an attending physician for his patients; (iii) additional products are needed to complete an ongoing job or task; (iv) products are purchased for "over-the-counter" resale; (v) a particular product is needed or desired for experimental, developmental, or research work; or (vi) equipment is already installed, connected, and in service under a lease or other agreement and the governing body of the hospital determines that the equipment should be purchased. The governing body of a hospital shall keep a record of all purchases made pursuant to this subdivision. These records are subject to public inspection.
 - (7) Purchases of information technology through contracts established by the State Office of Information Technology Services as provided in G.S. 147-33.82(b) and G.S. 147-33.92(b).
 - (8) Guaranteed energy savings contracts, which are governed by Article 3B of Chapter 143 of the General Statutes.

000076

- (9) Purchases from contracts established by the State or any agency of the State, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, and conditions as established in the State contract.
- (9a) Purchases of apparatus, supplies, materials, or equipment from contracts established by the United States of America or any federal agency, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, and conditions as established in the federal contract.
- (10) Purchase of used apparatus, supplies, materials, or equipment. For purposes of this subdivision, remanufactured, refabricated or demo apparatus, supplies, materials, or equipment are not included in the exception. A demo item is one that is used for demonstration and is sold by the manufacturer or retailer at a discount.
- (11) Contracts by a public entity with a construction manager at risk executed pursuant to G.S. 143-128.1.
- (12) **(Repealed effective July 1, 2011)** Build-to-suit capital leases with a private developer under G.S. 115C-532.

(f) Repealed by Session Laws 2001-328, s. 1, effective August 2, 2001.

(g) Waiver of Bidding for Previously Bid Contracts. – When the governing board of any political subdivision of the State, or the person to whom authority has been delegated under subsection (a) of this section, determines that it is in the best interest of the unit, the requirements of this section may be waived for the purchase of apparatus, supplies, materials, or equipment from any person or entity that has, within the previous 12 months, after having completed a public, formal bid process substantially similar to that required by this Article, contracted to furnish the apparatus, supplies, materials, or equipment to:

- (1) The United States of America or any federal agency;
- (2) The State of North Carolina or any agency or political subdivision of the State; or
- (3) Any other state or any agency or political subdivision of that state, if the person or entity is willing to furnish the items at the same or more favorable prices, terms, and conditions as those provided under the contract with the other unit or agency. Notwithstanding any other provision of this section, any purchase made under this subsection shall be approved by the governing body of the purchasing political subdivision of the State at a regularly scheduled meeting of the governing body no fewer than 10 days after publication of notice that a waiver of the bid procedure will be considered in order to contract with a qualified supplier pursuant to this section. Notice may be published in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to publish notice solely by electronic means for a particular contract or for all contracts under this subsection shall be approved by the governing board of the political subdivision. Rules issued by the Secretary of Administration pursuant to G.S. 143-49(6) shall apply with respect to participation in State term contracts.

(h) Transportation Authority Purchases. – Notwithstanding any other provision of this section, any board or governing body of any regional public transportation authority, hereafter referred to as a "RPTA," created pursuant to Article 26 of Chapter 160A of the General Statutes,

000027

or a regional transportation authority, hereafter referred to as a "RTA," created pursuant to Article 27 of Chapter 160A of the General Statutes, may approve the entering into of any contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment without competitive bidding and without meeting the requirements of subsection (b) of this section if the following procurement by competitive proposal (Request for Proposal) method is followed.

The competitive proposal method of procurement is normally conducted with more than one source submitting an offer or proposal. Either a fixed price or cost reimbursement type contract is awarded. This method of procurement is generally used when conditions are not appropriate for the use of sealed bids. If this procurement method is used, all of the following requirements apply:

- (1) Requests for proposals shall be publicized. All evaluation factors shall be identified along with their relative importance.
- (2) Proposals shall be solicited from an adequate number of qualified sources.
- (3) RPTAs or RTAs shall have a method in place for conducting technical evaluations of proposals received and selecting awardees, with the goal of promoting fairness and competition without requiring strict adherence to specifications or price in determining the most advantageous proposal.
- (4) The award may be based upon initial proposals without further discussion or negotiation or, in the discretion of the evaluators, discussions or negotiations may be conducted either with all offerors or with those offerors determined to be within the competitive range, and one or more revised proposals or a best and final offer may be requested of all remaining offerors. The details and deficiencies of an offeror's proposal may not be disclosed to other offerors during any period of negotiation or discussion.
- (5) The award shall be made to the responsible firm whose proposal is most advantageous to the RPTA's or the RTA's program with price and other factors considered.

The contents of the proposals shall not be public records until 14 days before the award of the contract.

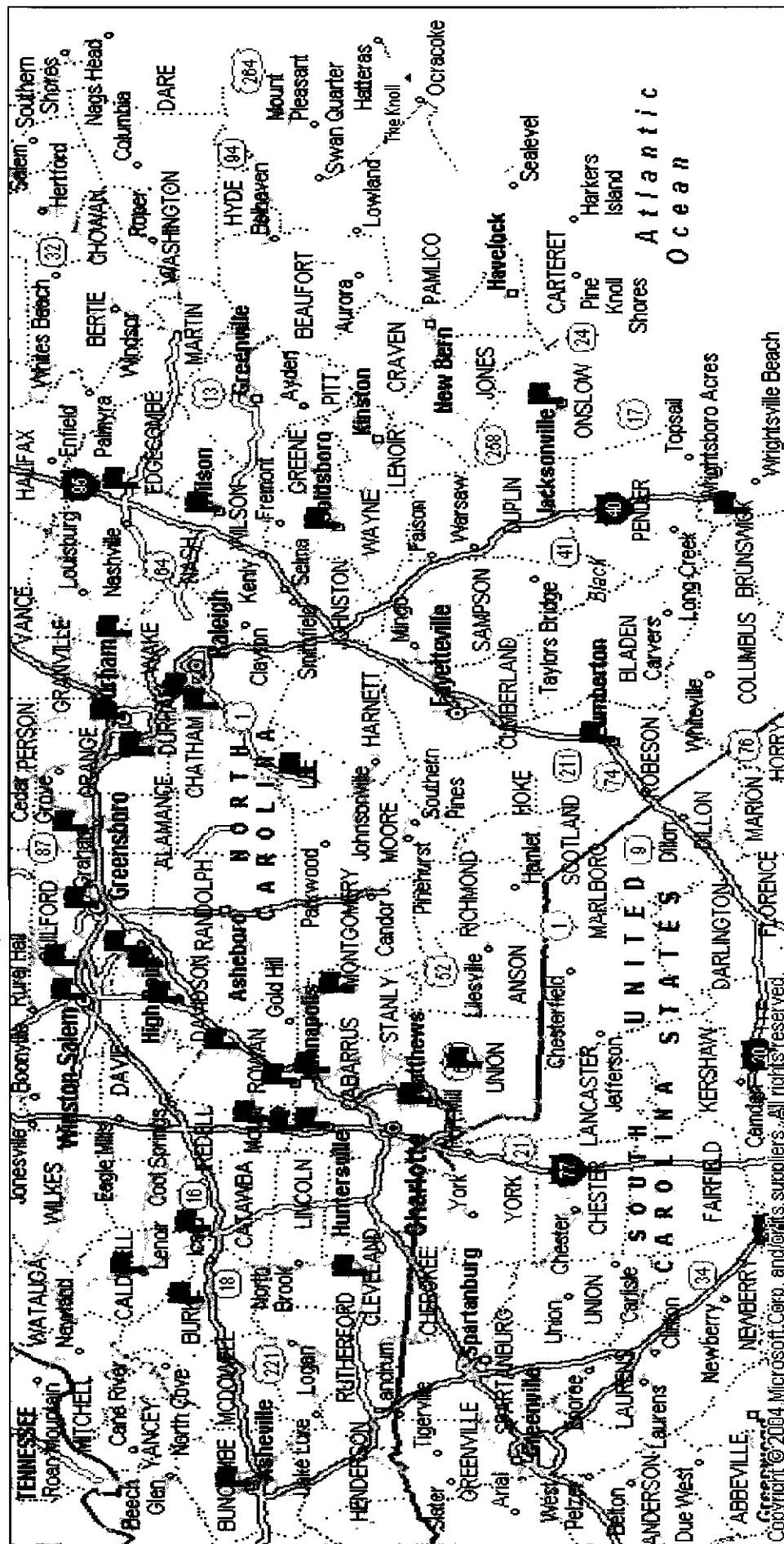
The board or governing body of the RPTA or the RTA shall, at the regularly scheduled meeting, by formal motion make findings of fact that the procurement by competitive proposal (Request for Proposals) method of procuring the particular apparatus, supplies, materials, or equipment is the most appropriate acquisition method prior to the issuance of the requests for proposals and shall by formal motion certify that the requirements of this subsection have been followed before approving the contract.

Nothing in this subsection subjects a procurement by competitive proposal under this subsection to G.S. 143-49, 143-52, or 143-53.

RPTAs and RTAs may adopt regulations to implement this subsection. (1931, c. 338, s. 1; 1933, c. 50; c. 400, s. 1; 1937, c. 355; 1945, c. 144; 1949, c. 257; 1951, c. 1104, ss. 1, 2; 1953, c. 1268; 1955, c. 1049; 1957, c. 269, s. 3; c. 391; c. 862, ss. 1-4; 1959, c. 392, s. 1; c. 910, s. 1; 1961, c. 1226; 1965, c. 841, s. 2; 1967, c. 860; 1971, c. 847; 1973, c. 1194, s. 2; 1975, c. 879, s. 46; 1977, c. 619, ss. 1, 2; 1979, c. 182, s. 1; 1979, 2nd Sess., c. 1081; 1981, c. 346, s. 1; c. 754, s. 1; 1985, c. 145, ss. 1, 2; 1987, c. 590; 1987 (Reg. Sess., 1988), c. 1108, ss. 7, 8; 1989, c. 350; 1993, c. 539, s. 1007; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 367, s. 6; 1997-174, ss. 1-4; 1998-185, s. 1; 1998-217, s. 16; 2001-328, s. 1; 2001-487, s. 88; 2001-496, ss. 4, 5; 2005-227, s. 1; 2006-232, s. 2; 2007-94, s. 1; 2007-322, s. 4; 2007-446, s. 6.)

000028

OSCI CUSTOMER SITES – NORTH CAROLINA CITIES



Notes:

1. TWO THIRDS OF NORTH CAROLINA'S TOP 20 LARGEST CITIES ARE OSSİ CUSTOMERS
2. OSSİ CUSTOMER SITES TOUCH APPROXIMATELY 50% OF THE STATE'S POPULATION
3. 98% CUSTOMER RETENTION RATE OVER 15 YEARS

FAYETTEVILLE - CUMBERLAND PRODUCT COMPARISON

<u>BASE SYSTEM / OPTIONAL MODULE</u>	<u>CITY</u>	<u>CUMBERLAND</u>
<u>Description</u>	<u>of FAYETTEVILLE</u>	<u>COUNTY</u>
<u>Computer Aided Dispatch</u>	Yes	Yes
BASE COMPUTER AIDED DISPATCH SYSTEM TIER-6	Yes	Yes
ADDITIONAL CAD CONSOLE LICENSE	Yes	Yes
CAD RESOURCE MONITOR DISPLAY LICENSE WITH MAPS	Yes	Yes
MULTI-JURISDICTIONAL DISPATCH OPTION	Yes	Yes
CAD 2 CAD	Yes	Yes
E911 INTERFACE MODULE	Yes	Yes
FIRST CAD MAP DISPLAY AND MAP MAINT. SOFTWARE LICENSE	Yes	Yes
ADDITIONAL CAD MAP DISPLAY LICENSE	Yes	Yes
FIREHOUSE RMS INTERFACE	Yes	Yes
CAD INTERFACE TO CRYWOLF	Yes	*
TELESTAFF INTERFACE	Yes	*
MAP CONVERTER SOFTWARE	Yes	Yes
APCO MEDS INTERFACE	No	Yes
LAW PROQA INTERFACE	No	Yes
FIRE PROQA INTERFACE	Yes	Yes
STATION TONING MODULE	Yes	No
OPS CAD	Yes	Yes
CRIME ANALYSIS PLUS	Yes	*
AVL SERVER HOST LICENSE	Yes	*
CAD WORKSTATION - CLIENT AVL LICENSE	Yes	*
ALPHANUMERIC PAGING	No	Yes
INTERFACE TO PAGEGATE	No	NA
RIP AND RUN	No	Yes
<u>Records Management System</u>	Yes	Yes
BASE RECORDS MANAGEMENT SYSTEM	Yes	Yes
RMS MAP DISPLAY AND PIN MAPPING LICENSE	Yes	Yes
NOTIFICATION MODULE	Yes	*
MUGSHOT DISPLAY SOFTWARE LICENSE	Yes	Yes
BASIC ACCIDENT MODULE	Yes	Yes
REMOTE LINEUP APPLICATION	Yes	*
CALLS FOR SERVICE MODULE	Yes	NA
PROPERTY AND EVIDENCE MODULE WORKSTATION	Yes	Yes
BAR CODING SERVER LICENSE	Yes	Yes
BAR CODING HAND-HELD CLIENT LICENSE (EACH)	Yes	Yes
ASSET MANAGEMENT MODULE	Yes	*
QUARTERMASTER MODULE	Yes	*
PAWN SHOP/PAWN WATCH	Yes	NA
PAWN BATCH TICKET PROCESSING MODULE	Yes	NA
CITIZEN COMPLAINT MODULE	Yes	*

* This option did not exist when Cumberland County bought the OSSI system in 1999. The County is budgeting for many of the optional modules in the coming budget year

NA - Not applicable to this agency

FAYETTEVILLE - CUMBERLAND PRODUCT COMPARISON

<u>Description</u>	<u>of FAYETTEVILLE</u>	<u>COUNTY</u>
PROFESSIONAL STANDARDS (INTERNAL AFFAIRS) MODULE	Yes	*
RACIAL PROFILING MODULE	Yes	*
RESIDENTIAL SECURITY WATCH MODULE	Yes	Yes
TRAINING MODULE	Yes	Yes
CRIME ANALYSIS MODULE	Yes	*
GANG TRACKING MODULE	Yes	*
LINK ANALYSIS MODULE	Yes	*
INTELLIGENCE MODULE	Yes	*
CANINE TRACKING MODULE	Yes	*
CRIME STOPPERS MANAGEMENT MODULE	Yes	*
ORDINANCE MODULE	Yes	*
PROBATION AND PAROLE MODULE	Yes	*
OPS RMS	Yes	*
Police 2 Citizen	Yes	*
Concealed Carry Weapons Permits	NA	Yes
Gun Permits	NA	Yes
Base Jail Management System	NA	Yes
<u>Mobile Computing</u>	Yes	Yes
BASE MOBILE SERVER-100 (w/Upgrade to 500 Police-Fire Mobiles)	Yes	Yes
STATE/NCIC MESSAGING SOFTWARE	Yes	Yes
MCT CLIENT - DIGITAL DISPATCH	Yes	Yes
MCT CLIENT - AVL	Yes	*
MFR CLIENT - BASE INCIDENT/OFFENSE	Yes	Yes
MFR CLIENT - ARREST	Yes	*
MFR CLIENT - CITATION	Yes	*
MCT CLIENT - MAPS	Yes	Yes
MFR CLIENT - RACIAL PROFILING	Yes	*
MFR CLIENT - CANINE	Yes	*
MCT INTERFACE TO FIREHOUSE	Yes	Yes
REVIEW MODULE FOR FIELD REPORTING UP TO 100 WORKSTATIONS	Yes	Yes
MFR CLIENT- MOBLAN VERSION	Yes	Yes

* This option did not exist when Cumberland County bought the OSSI system in 1999. The County is budgeting for many of the optional modules in the coming budget year

NA - Not applicable to this agency

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council

From: Craig Harmon, Planner II

Date: June 8, 2009

Case No. P09-14F

THE QUESTION: Rezone from R10 Residential District to P2 Professional District to allow office use.

RELATIONSHIP TO STRATEGIC PLAN: Growth and Development

BACKGROUND:

Owner:	Loretta Todd
Applicant:	"Same as owner"
Council District:	District 6 - Crisp
Requested Action:	Rezone from R10 to P2
Existing Zoning	R10 Residential District
Status of Property:	1800 Fargo Drive, corner lot at intersection w/ Village Drive.
Size:	+/- 0.56 acres
Existing Land Use:	Single Family Residential
Adjoining Land Use & Zoning:	North – R10 Residential South – R10 Residential East – R10 Residential West – R10 Residential
2010 Land Use Plan:	Low Density Residential
Letters Mailed:	73

SPECIAL INFORMATION: This property is directly across the street from the hospital's ambulance entrance. A R10 Residential zone surrounds this property.

Public Utilities:

Water:	PWC
Sanitary Sewer:	PWC

Transportation:

Village Drive is a major thoroughfare. The average daily traffic count is 15,000 vehicles.

OPTIONS:

1. Rezone the property to P2 Professional;
2. Deny the rezoning of this property.

RECOMMENDATIONS:

Zoning Commission recommends approval of the rezoning:

1. Although the 2010 Land Use Plan recommends residential uses, the hospital expansion has made that section of Village Drive less desirable for residential uses;
2. The majority of the neighborhood supports the change of zoning;
3. P2 professional uses allow residential uses.

CITY COUNCIL ACTION: City Council voted 6 to 4 on May 26, 2009 to rezone the Property to P2 Professional District. Since the motion failed to receive a two-thirds majority vote, a second reading is required.

ATTACHMENTS:

1. Application for Rezoning
2. Vicinity Map
3. Zoning Map
4. Current Land Use Map
5. Zoning Commission Minutes

CITY OF FAYETTEVILLE

To the Zoning Commission and the City Council of the City of Fayetteville, North Carolina

I (We), the undersigned, do hereby respectfully make application and petition to the City Council to amend the Zoning Ordinance and to change the Zoning Map of the City of Fayetteville as hereinafter requested, and in support of this application, the following facts are shown:

Location/Address of the Property: 1800 Fargo Drive, Fayetteville, NC 28304

Owner of the Property: Loretta Todd

Address of the Owner: 1800 Fargo Drive, Fayetteville, NC Zip 28304

Owner's Home Phone: 237-0652 Owner's Work Phone: 484-8880

A. The property sought for Rezoning is owned by Loretta Todd as evidenced by deed, recorded in Deed Book 6458, Page 754, Cumberland County Registry. (Attach a copy of (all) deed(s) as it appears in the Registry.)

B. It is desired and requested that the foregoing property be rezoned:

From: R10 To: P2

Please describe the proposed use of the property requested for rezoning: _____

Doctor's office

C. Tax Property Identification Number (PIN#) of the property: 0416-95-4434

D. Acreage to be rezoned: 0.21 .56 ~~Deed is .54~~

E. To the best of your knowledge, has an application for rezoning been filed for this property within the previous 5 years? (If yes, please indicate month and year of application.)

no

F. Existing use of the property (Specify any structures and respective uses): _____

Residential

G. Existing and/or proposed water service (Specify if Community System): _____

PWC

H. Existing and/or proposed sewer service (Specify if Community System): _____

PWC

It is understood by the undersigned that the Zoning Map, as originally adopted and as subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment rests with the applicant. It is further understood by the undersigned that the singling out of a small parcel(s) of land for exceptional zoning would likely constitute illegal "spot zoning" and in such cases a rezoning request and a public hearing are superfluous. Therefore, it is the responsibility of the applicant to submit a valid request not incompatible with existing neighborhood zoning patterns. The responsibility of securing additional properties to be included in the request lies with the undersigned.

Loretta Todd

Print or Type Name of Owner

1800 Fargo Drive, Fayetteville, NC 28304

Address of Owner

237-0652

Home Phone

484-8880

Work Phone

Chris Roberts, Agent

Print or Type Name of Applicant

3102 N. Main Street, Hope Mills, NC 28348

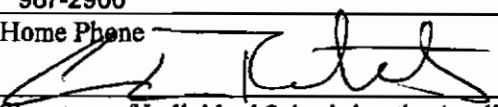
Address of Applicant

987-2900

Home Phone

424-9000

Work Phone


Signature of Individual Submitting the Application

City of Fayetteville Appeals Procedure: Any person aggrieved by the recommendation of the Zoning Commission shall have the right to appeal the action of the Zoning Commission in writing to the Clerk of the City of Fayetteville within ten (10) calendar days of the action of the Zoning Commission. If an appeal is timely filed, then the City Council shall hold a public hearing on the case.

If the Zoning Commission's recommendation is to rezone the property, and no appeal is filed, then the City Council shall have the right to adopt the rezoning without further public hearing. If the Zoning Commission's recommendation is to deny the rezoning, and no appeal is filed, then the request will not be forwarded to City Council. There is a 1-year waiting period before any further rezoning request can be filed for this property.

(for additional application forms: www.cityoffayetteville.org then visit the Planning Dept. page)

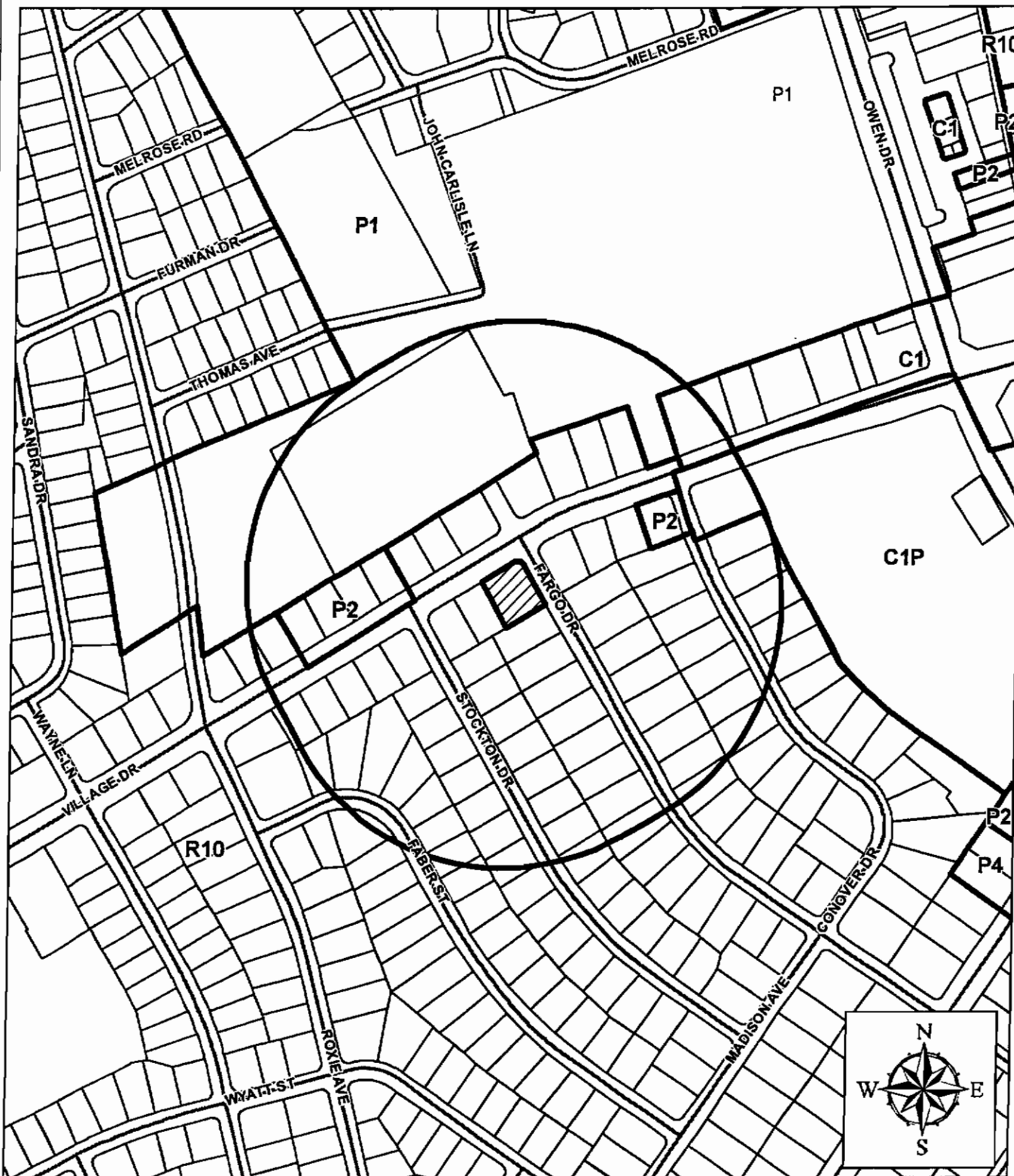
Zoning Commission - Vicinity Map

Case No. P09-14F

Fayetteville
North Carolina
PLANNING



000086



Request: R10 to P2
Location: 1800 Fargo Dr.
Acreage: 0.56

Zoning Commission: 4/14/2009 Recommendation: _____
City Council: _____ Final Action: _____
Pin: 0416-95-4434

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

Current Land Use

P09-14F

City of
Fayetteville
North Carolina
PLANNING



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

000088



PLANNING

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
APRIL 14, 2009- 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Lockett Tally

MEMBERS ABSENT

Jeannie Nelson

OTHERS PRESENT

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

The meeting was called to order at 7:00 p.m.

I. APPROVAL OF AGENDA

Mr. Crawley made a motion to approve the agenda. Mr. West seconded the motion. A vote was taken and the motion passed unanimously.

II. APPROVAL OF THE MINUTES FROM THE MARCH 10, 2009 MEETING

Mr. West made a motion to approve the minutes from the March 10, 2009 meeting. Mr. Crawley seconded the motion. A vote was taken and the motion passed unanimously.

III. PUBLIC HEARINGS

C. Case No. P09-14F. The rezoning from R10 Residential District to P2 Professional District for office use on property located at 1800 Fargo Drive. Containing 0.56 acres more or less and being the property of Loretta Todd.

Mr. Harmon provided a brief overview of the request including maps, pictures, surrounding land uses, and the 2010 land use plan's recommendation which calls for the north side of Village Drive be heavy commercial and offices uses while the south side of Village Drive low density residential uses. Mr. Harmon stated that plenty of water and sewer are available for the property.

Mr. Harmon asked if there were any questions of staff. There were none.

The public hearing was opened.

Mr. Neville appeared in favor of the request. Mr. Neville appeared as attorney on behalf of the Todd family. Mr. Neville stated that most of the properties in the area are being used as professional offices. He stated that the neighborhood is obviously in transition.

ZONING COMMISSION

433 HAY STREET

FAYETTEVILLE, NC 28301-5537

(910) 433-1612 / FAX (910) 433-1776

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Mr. Neville explained that the Todd Family can no longer live in the area due to the changes that have taken place. Mr. Neville stated that Mr. Todd is no longer able to sleep due to all the noise and hospital activity.

Mr. Neville stated that the 2010 land use plan does not make room for changes. Mr. Neville stated that the surrounding land uses in the area are a mixture of R10, P2 and P1. He stated that a professional district is a natural buffer to a residential area and a hospital. Mr. Neville stated that the closest professional area to this property is not a block away but across the street. Mr. Neville stated that approving is in the best interest of everyone.

Mr. Todd appeared in favor of the request. Mr. Todd stated that he bought the house to retire. He stated that he is unable to use the home the way he would like to due to all the activity. He stated that he is unable to sleep due to the noise. He stated that it's becoming a professional neighborhood. He stated that this neighborhood is no longer a place to live or raise children.

Mr. Todd stated that while he is unaware if there is any present to oppose the request; he does extend the invitation to listen to it. He stated that Village Drive is becoming like Owen Drive. Mr. Todd stated that he just wants to retire where it is safe and quiet.

Mr. Paoni stated for the record that he and Dr. Ejah knew each other and were friends.

Dr. Ejah appeared in favor of the request. Dr. Ejah stated that he is interested utilizing the property for his cardiology practice. Dr. Ejah gave a brief introduction of his practice and his reasons for living in Fayetteville. Dr. Ejah stated that being so close to the hospital has the potential to save lives. Dr. Ejah stated that he is planning on doing nothing more than running a medical practice on the property.

Mr. Neville reiterated his client's reasons for requesting the rezoning. He stated that it is not about building a medical practice at this location but about the homeowners caught in a trap.

Mr. Paoni asked if the rezoning occurs would the property be sold. Mr. Neville stated yes. Mr. Neville stated that the sale is contingent upon the property being rezoned to P2. Mr. Neville stated that if it is not, Dr. Ejah has an escape clause in effect to not purchase the property.

The public hearing was close.

Mr. Harmon made reference to a letter addressed to Mr. Teal from Mr. Duke; that had been distributed to the Commission members prior to the meeting, voicing Mr. Duke's opposition to the request for rezoning.

Mr. West asked how many notification letters were mailed out. Mr. Harmon stated that 73 letters were mailed on this particular case.

Mr. Harmon stated that Planning Department's recommendation is denial for the request for P2 professional district.

Mr. Harmon asked if there were any questions. There were none.

Mr. Crawley made a motion to approve the request for P2 rezoning. Mr. Tally seconded the motion. A vote was taken and passed unanimously.

Mr. Teal stated this case will be heard by City Council on May 26th as a public hearing.

CITY COUNCIL ACTION MEMO

To: Mayor and City Council

From: Dale E. Iman, City Manager

Date: June 8, 2009

Re: Fiscal Year 2009-2010 Budget Ordinance, Associated Capital Project Ordinances and Amendments and Fee Schedule

THE QUESTION: Council will be asked to take action to adopt the fiscal year 2009-2010 budget, associated capital project ordinances and amendments, and fee schedule. Council provided direction to staff for revisions to the recommended budget and tax rate on June 1, 2009. The budget ordinance and related materials are being prepared to reflect those changes and will be provided separately to Council.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principles: Financially sound city government; full range of quality municipal services; and services delivered in a cost effective manner.

BACKGROUND:

- ❑ The Fiscal Year 2009-2010 Recommended Budget was presented to City Council on May 4, 2009 and the document, along with the PWC's recommended budget, has been made available for public inspection at the office of the City Clerk and on the city website.
- ❑ Two budget work sessions were conducted on May 13 and May 20, 2009.
- ❑ Additional budget questions received from Council have been addressed in written responses provided to Council and posted to the City's website.
- ❑ A public hearing was held on May 26, 2009 as required by the Local Government Budget and Fiscal Control Act.
- ❑ At the June 1, 2009 council worksession, Council provided direction to revise the recommended budget and tax rate. Those changes are being incorporated into the budget ordinance that will be provided separately to Council.

ISSUES: None

OPTIONS:

- Adopt the budget ordinance, related capital project ordinances and amendments, and fee schedule as presented.
- Amend and then adopt the budget ordinance, related capital project ordinances and amendments, and fee schedule

RECOMMENDATIONS: Adopt the budget ordinance, related capital project ordinances and amendments, and fee schedule as presented.

**General Fund Revenue Report
For the Nine Month Period Ended
March 31, 2009**

	FY2008	FY2009	FY2009	FY2009	Actual
Description	Actual thru March	Annual Budget As Of March	Actual thru March	% of Budget Obtained	% Change Over Last Year
Ad Valorem Taxes					
Current Year Taxes	50,598,496	54,101,745	51,847,083	96%	2%
Prior Years Taxes	1,491,711	1,361,000	1,170,790	86%	-22% ¹
Penalties & Interest	240,784	320,000	233,170	73%	-3%
Ad Valorem Taxes	52,330,991	55,782,745	53,251,043	95%	2%
Other Taxes					
Local Option Sales Tax	23,503,413	31,096,000	19,988,792	64%	-15% ²
Utility Franchise Taxes	6,087,257	8,129,036	4,365,754	54%	-28% ³
Vehicle License Tax (FVT)	492,643	651,500	492,925	76%	0%
Privilege License	947,929	985,100	997,183	101%	5%
Cablevision Franchise Tax	273,294	411,500	211,996	52%	-22% ⁴
Vehicle Gross Receipts Tax	267,208	416,600	299,612	72%	12%
Other Taxes	31,571,744	41,689,736	26,356,262	63%	-17%
Intergovernmental Revenues					
Federal	34,178	35,000	20,573	59%	-40% ⁵
State	5,761,100	6,227,840	5,420,794	87%	-6%
Local	2,972,580	3,418,442	3,126,221	91%	5%
Intergovernmental Revenues	8,767,858	9,681,282	8,567,588	88%	-2%
Other Functional Revenues					
Permits and Fees	1,294,188	2,049,970	1,342,628	65%	4%
Property Leases	205,722	888,270	200,904	23%	-2%
Planning & Engineering Services	262,113	290,172	266,195	92%	2%
Public Safety Services	577,721	829,970	724,792	87%	25% ⁶
Environmental Services	53,217	71,618	34,377	48%	-35% ⁷
Recreation & Cultural Services	721,153	942,533	655,354	70%	-9%
Other Fees & Services	67,292	193,656	163,729	85%	143% ⁸
Other Functional Revenues	3,181,406	5,266,189	3,387,979	64%	6%
Other Revenue					
Refunds & Sundry	562,484	626,586	632,077	101%	12% ⁹
Indirect Cost Allocation	684,922	987,650	739,589	75%	8%
Special Use Assessments	153,822	181,000	184,911	102%	20% ¹⁰
Sale of Assets & Materials	190,126	160,000	181,821	114%	-4%
Other Revenue	1,591,354	1,955,236	1,738,398	89%	9%
Investment Income	32,523	1,190,500	40,409	3%	24% ¹¹
Other Financing Sources					
Transfers In	7,216,885	8,479,318	6,034,147	71%	-16% ¹²
Loan Proceeds		750,000		0%	0%
Capital Leases		-	-	0%	0%
Other Financing Sources	7,216,885	9,229,318	6,034,147	65%	-16%
Fund Balance Appropriation	-	16,903,459	-	0%	0%
Revenues	104,692,761	141,698,465	99,375,826	70%	-5%

INFORMATION

**General Fund Expenditure Report
For the Nine Month Period Ended
March 31, 2009**

Description	FY2008 Actual thru March	FY2009 Annual Budget As of March	FY2009 Actual thru March	FY2009 % of Budget Expended	Actual % Change Over Last Year
General Fund					
City Attorney	739,293	1,095,719	692,655	63%	-6%
City Manager	626,984	860,485	611,599	71%	-2%
Community Development	342,653	1,513,631	277,472	18%	-19% 1
Engineering & Infrastructure	9,663,327	13,110,866	8,747,458	67%	-9%
Finance	1,703,265	2,679,796	1,783,308	67%	5%
Fire & Emergency Management	14,648,284	21,802,347	15,958,989	73%	9%
Human Relations	163,555	254,902	167,155	66%	2%
Human Resources Development	804,374	1,159,160	779,983	67%	-3%
Information Technology	1,300,061	2,977,281	2,022,045	68%	56% 2
Inspections	1,948,886	2,959,932	2,048,783	69%	5%
Management Services	802,538	1,072,153	645,576	60%	-20% 3
Mayor & Council	497,197	543,944	361,032	66%	-27% 4
Other Appropriations	11,751,992	22,252,001	14,123,207	63%	20% 5
Parks, Recreation & Maintenance	10,332,065	16,257,332	10,975,121	68%	6%
Planning	466,015	968,371	553,497	57%	19% 6
Police	30,708,745	42,344,132	29,089,002	69%	-5%
Solid Waste	8,768,963	9,846,413	6,238,272	63%	-29% 7
General Fund	95,268,197	141,698,465	95,075,154	67%	0%

*Reflects redistribution of \$2,616,584 from the Other Appropriations budget to the Fire and Emergency Management budget (\$1,333,248), Engineering and Infrastructure budget (\$568,773) and Solid Waste budget (\$714,563) for vehicle replacement.

**General Fund Revenue and Expenditure Variances
Notes for the Nine Month Period Ended March 31, 2009**

Revenues

1. Ad Valorem Taxes Prior Years – Decrease primarily due to the FY2008 prior year tax collection of remaining nine-month FY2006 annexation taxes.
2. Local Option Sales Tax – Timing difference due to FY2008 sales tax includes nine months of sales tax revenue (July 2007– March 2008) while FY2009 includes posting of eight months of sales tax revenue (July 2008– February 2009). Sales tax revenues as of February 2009 compared to February 2008 have decreased .54% or \$108,862.
3. Utility Franchise Taxes - Third quarter revenues for FY2009 have not yet been received. Franchise tax revenues as of December 31, 2008 compared to December 31, 2007 have increased 9.6% or \$382,360. This increase is primarily due to the new statewide cable franchise tax and the telecommunications tax.
4. Cablevision Franchise Tax – Most local video programming taxes have been replaced by the statewide cable franchise tax. \$60,000 received during FY2008 was a one-time grant for PEG channel broadcast improvements.
5. Federal Intergovernmental Revenues – Decrease is due to a reduction of \$7,259 in FBI overtime reimbursements due to a pending security clearance, a reduction of \$2,606 in ATF reimbursements due to one officer paid overtime instead of two officers, and a reduction of \$5,963 in OCDETF reimbursements for FY2009 versus FY2008 due to reduced activity.
6. Public Safety Services – Increase is due to an FY2009 over FY2008 increase of \$62,269 in fire code violations, \$23,950 in fire false alarms, \$13,150 in police code violations, \$26,778 in police false alarms, \$26,420 in police wrecker rotation and \$15,066 in officer fees. This increase is offset by a decrease in the TSA reimbursement of \$14,578 due to a grant format change and TSA / Airline security reimbursements of \$15,654 due to a timing difference in reimbursements.
7. Environmental Services – Decrease primarily due to a timing difference. Third quarter revenues from NCDOT for FY2009 have not yet been received due to a pending agreement.
8. Other Fees and Services – Increase due primarily to an increase in Unified Work Program revenue from Cumberland County in FY2009 compared to FY2008 for reimbursement of the Murchison Road Study – Phase II contract.
9. Refunds and Sundry – Increase due primarily to \$107,699 in FY2009 for a fire truck vehicle damage settlement offset by a reduction in donations due to NCLM donations received in FY2008 that were not received in FY2009.

**General Fund Revenue and Expenditure Variances
Notes for the Nine Month Period Ended March 31, 2009**

10. Special Use Assessments – Increase due to a \$54,251 increase in FY2009 for Lot/Demolition Assessments primarily due to the debt setoff collection program, offset by a decrease of \$23,162 in Powell Bill Assessments due to no new paving roll assessments since June of 2007.
11. Investment Income – Investments are pooled throughout the year, and therefore, investment income is allocated among the benefiting funds at the end of each fiscal year.
12. Transfers In – Decrease is due to the elimination of the transfer for PWC streetlights, consistent with the transfer agreement adopted by City Council in 2008, offset by a \$595,873 increase in regular PWC transfers based on nine months of transfers in FY2009 compared to eight months of transfers in FY2008.

Expenditures

1. Community Development – The decrease can be attributed to a transfer of \$123,475 in FY2008 to the 300 Block project that did not occur in FY2009. This is offset by an increase of \$44,449 in Other Contract Services for a Downtown Development Consulting agreement and development incentive and a \$13,255 increase in the HOME match for FY2009.
2. Information Technology – The increase is primarily due to an increase in wages and benefits of \$166,715 as a result of filling vacancies, \$270,308 in computer replacements and supplies, \$53,225 in maintenance costs, \$15,289 in Travel and Training, \$57,824 in Other Contract Services for computer systems/phone system support, \$24,344 to build a records room at 455 Grove Street, and \$163,011 in office equipment for the purchase of equipment and various software programs (Lasefiche, GAP Analysis, ClientPro and MuniAgenda).
3. Management Services – The decrease is primarily due to the transfer of the call center and associated personnel to the Solid Waste Department.
4. Mayor and Council – The decrease is due to a \$134,748 payment to the Cumberland County Board of Elections for the general election in FY2008 that did not occur in FY2009.
5. Other Appropriations – The increase is primarily due to a \$66,250 increase in not-for-profit payments, a \$1,283,350 increase in the transfer to the PWC consistent with the annexation sewer funding agreement approved by City Council; a \$2,334,376 transfer to the Economic and Physical Development Capital Project Fund, a \$200,000 transfer to the Transportation Fund, and a \$147,752 increase in the transfer to the Transit Capital Fund consistent with

General Fund Revenue and Expenditure Variances
Notes for the Nine Month Period Ended March 31, 2009

the approved Capital Improvement Plan and annual budget; offset by a \$1,658,143 decrease in contract services primarily due to the timing difference of the sales tax reimbursement to Cumberland County and municipalities. Reimbursements are made upon receipt of the revenue, which is expected approximately June 15th.

6. Planning – The increase is primarily due to contract payments for the Uniform Development Ordinance and the Ramsey Street study.
7. Solid Waste – The decrease is primarily due to a decrease of \$1,452,803 in Other Contract Services primarily due to the elimination of solid waste collection contracts for the period ending March 31, 2009 as compared to the period ending March 31, 2008 based on the decision to provide solid waste collection services with city staff and equipment instead of private hauler contracts. The reduction in Contract Services is partially offset by increased personnel and vehicle operation expenses incurred to provide staff and equipment for those services. There was also a decrease of \$1,807,629 related to the purchase of 17 vehicles in the period ending March 31, 2008 versus 6 vehicles purchased in the period ending March 31, 2009.