

**FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
AUGUST 24, 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.**

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**FAYETTEVILLE CITY COUNCIL
AGENDA
AUGUST 24, 2009
7:00 P.M.
CITY HALL COUNCIL CHAMBER**

INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS AND ANNOUNCEMENTS

ITEM 1. APPROVAL OF AGENDA

ITEM 2. CONSENT:

A. Approve Minutes:

- 1. City Council Meeting Held on June 8, 2009
PAGE: 9**
- 2. City Council Meeting Held on July 13, 2009
PAGE: 16**
- 3. Agenda Briefing Meeting Held on July 22, 2009
PAGE: 22**
- 4. Dinner and Discussion Meeting Held on July 27, 2009
PAGE: 25**
- 5. City Council Meeting Held on July 27, 2009
PAGE: 26**

B. Approve the rezoning from P2 professional district to C1 commercial district or to a more restrictive zoning classification for property located at 6460 Yadkin Road. Containing 0.433 acres more or less and being the property of John Dowdy. Case Number P09-22F

The property is part of an existing shopping center that is split zone with commercial and professional zoning. The applicant is requesting C1 commercial zoning in order for the entire shopping center to be zoned commercial. The Zoning Commission and planning staff concur with the applicant's request.

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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

- C. **Approve the rezoning from AR agricultural\residential district to R6\CZ residential district\conditional zoning for property located on Rim Road between Olsted Road and Identity Road just south of Cliffdale Road. Containing 14.9 acres more or less and being the property of Vance and Elizabeth Hall and Alex and Catherine Hall. Case Number P09-23F**

The developer for this application wishes to construct an apartment complex at this location. The City Council in September 2008 approved a similar R6 conditional zoning for the same developer for property adjoining this case. The Zoning Commission and planning staff concur with the applicant's request.

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D. **Renovation of Airport Fire Station 10**

1. **Approval for Renovation of Airport Fire Station 10**

The Airport has plans to renovate and improve the airport fire station and has secured federal grant funding to participate in the costs. The project will add an additional large equipment bay and new training and living quarters for operations. The following approvals are requested to move the project forward and secure federal funding:

Approve FAA grant number AIP 36 (part B) for 2009 in support of renovations to Fire Station 10. The Federal grant represents 95% of the total cost in the amount of \$1,100,305.00. The airports 5% will come from passenger facilities charges (PFC) in the amount of \$57,911.05.

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2. **Capital Project Ordinance 2010-8 (Aircraft Rescue and Fire Fighting (ARFF) Building Rehabilitation Project)**

This ordinance will appropriate \$1,736,467 for the ARFF building rehabilitation project at the Airport. The funding sources for this action consist of two federal grants totaling \$1,649,643 as well as a required local match of \$86,824.

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3. **Contract Award – Aircraft Rescue and Firefighting Facility (ARFF)**

Award contract in the amount of \$1,099,798.00 to Keystone Construction & Consulting, LLC, Hope Mills, NC, for the Aircraft Rescue and Firefighting Facility (ARFF) at the Fayetteville Regional Airport.

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- E. Special Revenue Fund Project Ordinance Amendment 2010-3 (FY2009-2010 Community Development Block Grant)**
This amendment will reduce the project budget appropriation by \$87 to be consistent with the grant award received from the U.S. Department of Housing and Urban Development (HUD).
PAGE: 63
- F. Special Revenue Fund Project Ordinance 2010-5 (Homelessness Prevention and Rapid Re-Housing Program)**
This ordinance will appropriate \$589,648 for the American Recovery and Reinvestment Act of 2009 (ARRA) Homelessness Prevention and Rapid Re-Housing Program awarded by the U.S. Department of Housing and Urban Development (HUD). The grant will be used to provide homeless prevention assistance to households who would otherwise become homeless and to provide assistance to rapidly re-house people who are experiencing homelessness.
PAGE: 65
- G. Special Revenue Fund Project Ordinance 2010-6 (Community Development Block Grant Recovery Program)**
This ordinance will appropriate \$385,584 for the American Recovery and Reinvestment Act of 2009 (ARRA) Community Development Block Grant Recovery Program awarded by the U.S. Department of Housing and Urban Development (HUD). The grant will be used for the Residential Façade Grant Program and a Demolition Program.
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- H. Special Revenue Fund Project Ordinance 2010-7 (FY2008 Assistance to Firefighters Grant)**
This ordinance appropriates \$245,210 for the purchase of fitness equipment and to fund training certifications, physical exams and fitness evaluations. The funding sources for this action consist of a federal grant of \$196,168, awarded through the FY2008 Assistance to Firefighters Grant, and a required local match from the General Fund of \$49,042. The local match was included in the FY2009-2010 General Fund Budget.
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- I. Capital Project Ordinance 2010-10 (FY2010 American Recovery and Reinvestment Act (ARRA) Transit Capital Grant for Hybrid Electric Buses and Security Plan Development)**
This ordinance will appropriate \$3,097,720 for five 35-foot hybrid electric buses, emergency response drills and security training.
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J. Municipal Agreement & Resolution for Railroad Crossing Improvements at Southgate Road

Council is being asked to approve a Municipal Agreement and Resolution with NCDOT-Rail Division for Southgate Road. This agreement is necessary in order to improve the protective devices at the crossing location.

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K. Capital Project Ordinance Amendment 2010-17 (EE Miller Recreation Center)

This amendment will increase the appropriation for the EE Miller Recreation Center project by \$8,008. The source of funds for this amendment is investment income earned on the capital lease proceeds borrowed to construct the recreation center. Other minor adjustments are made to align the revenue budget with the actual funding sources received to construct the recreation center.

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L. Accept an offer to purchase vacant City owned lot on Old Wilmington Road

To take final action on an offer from Dan V. Kinlaw to purchase a City-owned, PWC managed lot. The offering price is 100% of tax appraised value. Council approved advertisement of the offer to purchase at the July 27 meeting; the offer was published in the Fayetteville Observer and no upset bids were received within the 10 day upset bid period. Parcel is not located within the Hope VI project area and is being conveyed subject to 40' drainage/utility easement.

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M. Accept an offer to purchase vacant City owned lot on Boone Trail

To take final action on an offer from John M. Hall, Jr. to purchase a City owned, PWC managed lot. The offering price is 100% of the tax appraised value. Council approved the advertisement of the offer to purchase at the July 27 meeting; the offer was published in the Fayetteville Observer and no upset bids were received within the 10 day upset bid period. Parcel is being conveyed subject to a 100' C P & L easement.

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N. Resolution for Series 2009 Revenue and Revenue Refunding Bonds

The Public Works Commission of the City of Fayetteville requests Council adopt a Resolution pertaining to the Series 2009 Revenue and Revenue Refunding Bonds

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- O. Approve sign permit for the 19th annual Greek Festival occurring on September 9th through September 13th.**

The request is to place banner signs on the light poles at the AAMCO lot at 1047 Bragg Boulevard and fly the American and Greek flags at the Saints Constantine & Helen Greek Orthodox Church from August 26th through September 14th. The sign ordinance provides temporary signage for festivals and special events. The City Council approved this request last year.

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- P. Request from Cape Fear Botanical Gardens**

The Cape Fear Botanical Garden is completing the final phase of its master plan which includes building a visitor's center complex. Cape Fear Botanical Garden has requested that the City release all restrictions and reversionary interest in the 10.1 acre tract upon which the visitor's center is being constructed. This release would be effective during the time Cape Fear Botanical Garden is indebted to the bank and in the event of foreclosure. The City's restrictions and reversionary interest would reattach upon satisfaction of the deed of trust.

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ITEM 3. PUBLIC HEARINGS:

- A. Consider the rezoning from R6 residential district to R5 residential district or to a more restrictive zoning classification for property located at 108, 110, 202 and 204 Pinecrest Drive. Containing 0.89 acres more or less and being the properties of Pear Tree Properties, LLC, Thomas Bradford and Island Time Pizza, LLC. Case Number P09-24F**

Applicant wishes to rezone the properties from R6 residential district to R5 residential district to redevelop the properties.

PRESENTED BY: Craig Harmon, Planner II

RECOMMENDED ACTION: Zoning Commission recommends denial of the rezoning

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- B. Consider an application by MME Enterprises LLC, for a Special Use Permit to allow mini-storage units in a C3 commercial district for property located at 902 Cedar Creek Road. Containing 2.87 acres more or less and being the property of MME Enterprises LLC. Case Number P09-26F**

Applicant has existing mini-storage nearby of this location and wishes to add additional storage units. If approved, the applicant must adhere to the mini-storage design guidelines for the new construction.

PRESENTED BY: Craig Harmon, Planner II

RECOMMENDED ACTION: Zoning Commission recommends approval of the Special Use Permit

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- C. Economic Development Incentive – Property Tax Grantback Funding Agreement for the Bellagio Project**

The developer of the Bellagio project wishes to build 239 multi-family dwelling units ranging from one to three bedrooms constructed on approximately 12.3 acres. In addition, a common multi-use facility of approximately 5,250 feet will be constructed as part of the estimated \$20,000,000 private investment.

PRESENTED BY: Rob Anderson, Chief Development Officer

RECOMMENDED ACTION: Staff recommends approval.

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- D. Request to Rename Cross Creek Park the Lafayette Park in honor of the Marquis de Lafayette**

A request was made by the City's Historic Properties Manager on behalf of the Lafayette Society to rename Cross Creek Park the Lafayette Park. The Society believes this would be a more fitting name since the Lafayette statue is located in the park. The P&R Advisory Commission heard the request at their July 2, 2009 meeting and voted unanimously to forward the request to City Council with their recommendation to rename Cross Creek Park to Lafayette Park.

PRESENTED BY: Michael Gibson, Parks & Recreation Director

RECOMMENDED ACTION: Accept the Parks & Recreation Advisory Commission's recommendation to rename Cross Creek Park the Lafayette Park.

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E. Request to Name a Conference Room at Myers Recreation Center in honor of Lois B. Moses

A request was made by Council Member Charles Evans to name a conference in the Myers Recreation Center in honor of Lois B. Moses. Ms. Moses was a former Parks & Recreation Advisory Commission member and was very active in several community committees around the Myers Recreation as well as around the City of Fayetteville. The P&R Advisory Commission heard the request at their July 2, 2009 meeting and voted unanimously to forward the request to City Council with their recommendation to name the conference room at Myers Recreation Center in honor of Lois B. Moses. The conference room currently has no name.

PRESENTED BY: Michael Gibson, Parks & Recreation Director

RECOMMENDED ACTION: Accept the recommendation from the Parks & Recreation Advisory Commission to name a conference room at Myers Recreation Center in honor of Lois B. Moses.

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ITEM 4. CONSIDER THE FOLLOWING GENERAL OBLIGATION REFUNDING BOND MATTERS:

An investment firm, Stephens, Inc., has provided analysis that recommends the City refund a portion of its outstanding general obligation bonds that were issued in 1996, 1999 and 2000 to achieve interest cost savings. The City will need to issue up to \$14,000,000 in new bonds to refund the outstanding bonds. The initial steps required to proceed with the refunding include the adoption of a resolution and bond order which have been enclosed for Council consideration. If Council wishes to proceed with the refunding, the LGC will consider the City's bond application on September 1 and schedule the bond sale for September 17.

A. RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY

PRESENTED BY: Lisa Smith, Chief Financial Officer

RECOMMENDED ACTION: Adopt the resolution.

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**B. ORDER AUTHORIZING \$14,000,000 GENERAL OBLIGATION
REFUNDING BONDS**

PRESENTED BY: Lisa Smith, Chief Financial Officer

RECOMMENDED ACTIONS:

- 1) Designate the Chief Financial Officer to make and file with the City Clerk a sworn statement of debt for the City.
- 2) Adopt the bond order and direct the City Clerk to publish the bond order once in the Fayetteville Observer.

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INFORMATION ITEM:

1. **Statement of Taxes Collected for the Month of July 2009 from the
Cumberland County Tax Administrator**

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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

AUGUST 24, 2009 - 7:00 PM

COMMUNITY CHANNEL 7

COUNCIL MEETING WILL BE RE-AIRED

AUGUST 26, 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
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JUNE 8, 2009
7:00 P.M.

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) (via telephone); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Stanley Victrum, Chief Information Officer
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Manager
Rob Anderson, Chief Development Officer
Jimmy Teal, Planning Director
Jackie Tuckey, Communications Manager/Public Information Officer
Nathan Walls, Public Information Specialist
Wilson Lacy, Public Works Commission
Terri Union, Public Works Commission
Luis J. Olivera, Public Works Commission
Steven K. Blanchard, PWC CEO/General Manager
Jim Baker, The Lundy Group
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend Arnold Coley, Fayetteville Police Department Chaplain, followed by the Pledge of Allegiance to the American Flag led by Boy Scout Troops 573 and 746.

1. APPROVAL OF AGENDA

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

2. PUBLIC FORUM:

Announcements and Recognition

Mayor Chavonne presented a proclamation to Charles Luther, President of the Lafayette Council of the Blind, proclaiming the month of June 2009 to be Helen Keller Blind and Deaf-Blind Awareness Month to express appreciation for her life achievements in giving disabled people hope, courage, and ambition.

Mr. Julian Stackhaus, President of Alpha Phi Alpha Fraternity, acknowledged Council Member Mohn for his support and work on their Georgia Butler Memorial Fund through which two high school students received scholarships and four middle school students would be attending a leadership institute to prepare them for transition from middle to high school. Mr. Stackhaus presented information on their annual event where they host students from E. E. Smith High School and presented a certificate of appreciation to Mayor Chavonne for his support of the students in the community and the Alpha Phi Alpha Fraternity, Inc.

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Ms. Jackie Tuckey, Communications Manager/Public Information Officer, presented information on the Citizens Academy and stated the purpose of the academy had been to engage the citizens of Fayetteville and provide information on what City departments do and how they work. Ms. Tuckey then recognized the first graduates of the academy. The graduates then presented a plaque to the City of Fayetteville in appreciation for providing a means for the citizens to explore and better understand how City government works and a plaque to Ms. Tuckey in appreciation for her hard work, dedication, and support of the academy.

B. Comment Period

Mr. Julian Stackhaus, President of Alpha Phi Alpha Fraternity, 3445 Bennett Drive, Fayetteville, NC, 28301, presented information on the fraternity and stated it was the oldest male fraternity in the United States of America.

Mr. Rodrick B. McKeithan, 137 John Street, Fayetteville, NC 28305, expressed concerns regarding firefighter pay and firefighters being considered general employees and not public safety employees.

Ms. Cheryl Johnson, 6941 Bone Creek Drive, Fayetteville, NC 28314, read a letter expressing concerns on the firefighter pay.

Ms. Gwen York, 5307 Cypress Road, Fayetteville, NC 28304, stated she would like a domestic violence unit with qualified officers.

Mr. Wayne Rogers, 606 Hicks Avenue, Fayetteville, NC 28304, spoke regarding parking tractor-trailers in residential areas and expressed concerns on not being able to find a place to park his tractor-trailer.

Mr. Larry Melvin, 4413 Forest Park Court, Hope Mills, NC 28348, a City employee of 13 years, expressed concerns regarding some departments getting raises and others not and requested Council to reconsider its decision.

Mr. Ervin Farmer, 677-8 Bartons Landing Place, Fayetteville, NC 28314, Grand Knight Director for the State of North Carolina and Eastern Coastal Region, presented information on the Most Worshipful Prince Hall Grand Lodge for the State of North Carolina, Free and Accepted Masons, and announced they would be holding their Annual Assembly July 9-11, 2009, where they would be hosting 600 children and requested that a representative from the City be present. Mayor Chavonne responded that someone from the City would be there.

Mr. Iman Eronomy Mohammed, 2700 Murchison Road, Fayetteville, NC 28301, spoke regarding the President's visit to the Middle East and downtown revitalization and expressed concerns with the resource center only having one working computer.

Mr. Freddie Robertson, 2335 Rosehill Road, Fayetteville, NC 28301, Deputy Mason for the area for the Grand Lodge of North Carolina, reiterated the information Mr. Farmer previously provided regarding the mason assemblage and thanked Council for its support.

3. CONSENT:

MOTION: Mayor Pro Tem Meredith moved to approve the consent agenda with Item 3.J. being amended by replacing the agreement in the agenda packet with the new agreement that had been passed out to Council for inclusion and approval.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

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The following items were approved:

A. Approve minutes:

1. City Council meeting held on May 11, 2009.
2. City Council special meeting held on May 18, 2009.
3. City Council agenda briefing meeting held on May 20, 2009.
4. City Council budget work session meeting held on May 20, 2009.

B. Budget amendments and funding resolutions - Public Works Commission

The Public Works Commission requested City Council adopt the budget amendments and fund resolutions, which were adopted by the Public Works Commission during their meeting on May 27, 2009.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, CLOSING THE ANNEXATION RESERVE FUND. RESOLUTION NO. R2009-043.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, ESTABLISHING THE ANNEXATION PHASE V RESERVE FUND. RESOLUTION NO. R2009-044.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, CLOSING THE UPTOWN REVITALIZATION FUND. RESOLUTION NO. R2009-045.

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

This amendment would appropriate \$1,300,000.00 from the North Carolina Clean Water Management Trust Fund and a required local match of \$65,000.00 from the General Fund. If approved, the revised budget for this project would be \$2,645,500.00. This project had been included in the approved Capital Improvement Plan.

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

This budget ordinance amendment would 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 would also adjust appropriations based upon mid-year projections, increasing budgets for the General Fund to \$143,022,307.00 and the Airport Fund to \$5,558,009.00. In addition, the amendment would adjust sources of funding for the Transit Fund to reflect an expected increase in General Fund contributions.

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

This amendment would appropriate an additional \$600,000.00 as a transfer from the Airport Operating Fund for the rehabilitation and renovation of the airport parking lot. If approved, the revised budget for the project would be \$1,600,000.00. This project had been reflected in the approved Capital Improvement Plan.

F. Special Revenue Fund Project Ordinances 2010-1 and 2010-2 (FY 2009-2010 HOME and CDBG Program Budgets).

These ordinances would appropriate \$1,270,442.00 for the FY 2009-2010 HOME Investment Partnership Program and \$1,675,688.00 for the FY 2009-2010 Community Development Block Grant Program. The funds would

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be utilized for operating expenditures and projects as outlined in the 2009-2010 action plan approved by City Council.

G. Tax Refunds Greater Than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
DT Watson, Heirs C/O Edgar Tatum	2004-2007	Mapping Error	<u>\$120.56</u>
Total			<u>\$120.56</u>

H. Approve 2009 COPS Technology Grant Application

The Fayetteville Police Department had been selected to participate in the 2009 COPS Technology grant program. The department would be awarded \$200,000.00 in funding, pending the successful submission and review of the grant application. The Fayetteville Police Department would be seeking funding through this grant to equip the officers with 70 P-25 compliant dual mode (analog/digital) smart zone, omni link portable radios for migration towards multi-jurisdictional interoperability. No matching funds were required for this grant proposal.

I. Adopt resolution declaring property surplus.

RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND
QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY.
RESOLUTION NO. R2009-042.

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 had several options for signing a power supply agreement that would take effect July 1, 2012. Part of the consideration was a power supply agreement for partial requirements and full requirements. Choosing a full requirements contract would lead to PWC paying an increase in gross receipts taxes over what would be paid under a partial requirements contract. The gross receipts taxes agreement would share 25 percent of the reference amount as a PWC contribution to the Phase V Annexation Reserve Account. The balance would be allocated to the City's General Fund.

This item had been amended to replace the agreement in the agenda packet with a new agreement passed out to Council for inclusion and approval.

K. FY 2009-10 Strategic Plan and narrative description adoption.

For the last several years, the City developed a comprehensive strategic plan that articulated where the City wanted to be in 15 years and what steps must be taken to reach the 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 the planning retreat in February. If approved by City Council, these documents would be governed policy and management direction of the City from July 1, 2009, through June 30, 2010.

4. Update on Festival Park Plaza building.

Mr. Jim Baker, The Lundy Group, presented this item and provided summary and background information on the project. He stated there were currently eight tenants and from a leasing and marketing standpoint the project was 82 percent leased. He informed Council that two tenants had not been paying rent but an agreement had been reached with one of those tenants to downsize the space. He stated a plan was in place for the tenant to fully pay the past due rents and pay on an ongoing basis for the reduced space. He stated the other tenant had sublease its space to the library and the library would be

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in the space and paying rent through October. He stated they were actively recruiting and trying to secure leases for the library space and vacant space. He informed Council that the project would be breaking even if it had been receiving rents from all the tenants. He stated it was a business judgment to work with the tenants and try to collect income as opposed to evicting them and not collecting nothing.

Discussion ensued regarding the possibility of a large payment next month with Mr. Baker responding this could occur and explaining it would take 45 to 60 days to receive rental income from a tenant committing today to take space that would have to be built out, but the rental income from an existing space could begin immediately.

A question and answer period then ensued regarding identifying the tenants to the public that had not paid rent with Mr. Baker explaining he could not by policy identify the tenants and that they were provided to Council in closed session.

Mayor Chavonne inquired if there was anyway the name of the tenants could be released without violating the closed session. City Attorney Karen McDonald responded that she believed it would be permissible to disclose who those tenants were, however, it was not clear as to whether it would be permissible to disclose the amount or the agreement that was entered into with Mr. Baker today since she had not been privy to that agreement.

Mayor Pro Tem Meredith inquired if the tenants had paid the bill on time would the taxpayers be writing a check today. Mr. Baker responded unlikely but could not state emphatically no because the expenses vary from month to month, but the payment would be in the \$1,000.00 to \$2,000.00 range.

5. Public safety CAD and RMS replacement project for FY 09-10.

Mr. Stanley Victrum, Chief Information Officer, presented an update of the public safety CAD and RMS replacement project. He stated that staff was requesting a waiver of the normal procurement process of sealed bids to purchase the applicable software and hardware from the proposed vendor, SunGard Public Safety OSSI. He stated the waiver would be allowed by North Carolina General Statutes because of the unique nature of the software, the standardization with Cumberland County, and the significant number of law enforcement agencies in North Carolina. He stated the current CAD and RMS applications were approximately ten years old and based on demands of a growing population, it was felt it was time to make a change. He stated the procurement software would provide the City an opportunity to allow tighter integration with the Fire Department's firehouse application, provide features and functions towards public safety service delivery improvements such as CAD mapping for better public safety unit tracking, AVL for closest unit dispatching, crime link analysis, and CAD-to-CAD transfer of EMS-related calls. He informed Council that having the same software as Cumberland County would also facilitate transfer of calls. He stated the purchase of this software would not exceed \$2.8 million and there was the opportunity for an additional \$50,000.00 discount if approved by June 10, 2009.

Discussion ensued regarding the City, Cumberland County, and Fort Bragg moving in the same direction.

MOTION: Mayor Pro Tem Meredith moved to adopt Capital Project Ordinance 2009-25 and Budget Ordinance Amendment 2009-12 and 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.

SECOND: Council Member Evans

VOTE: UNANIMOUS (10-0)

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6. Second reading for rezoning property at 1800 Fargo Drive from R10 Residential District to P2 Professional District. Case No. P09-14f.

City Council had voted six to four in favor of rezoning to P2 at the May 26, 2009, City Council meeting. A second reading was required since the motion was approved with less than two-thirds of the Council voting in favor of the motion. No discussion was held.

Mayor Chavonne asked for a vote on the motion.

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

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

Mr. Dale Iman, City Manager, presented a summary of the changes to the recommended general fund for the FY 2009-2010 budget as follows:

Revenues and Other Financing Sources

Recommended Budget Total	\$140,942,831
Ad Valorem Taxes	
Tax Rate Reduction to 45.1 cents	(2,955,148)
Intergovernmental Revenues	
Police Grant Funding Reduction for 22 Police Positions	(994,951)
Reduced County Funding for JP Riddle (Pay)	(822)
	(995,773)
Fund Balance Appropriation	
Vacancy Rate Earnings Increase	610,618
Reduce County Parks and Recreation District F/B Use (Pay)	(34,619)
	575,999
Total Revenues and OFS for Budget Ordinance	<u>\$137,567,909</u>

Expenditures and Other Financing Uses (OFU)

Recommended Budget Total	\$140,942,831
Elimination of Pay Increase for General Employees	(936,863)
Elimination of 22 Expansion Positions and Support Costs for Police Department	(1,773,344)
Reduction in Street Resurfacing Funding	(175,000)
Reduction in Transfer due to Additional Transfer Revenues	(60,000)
Reduction in Contract Services	(218,815)
Eliminate Citizens Survey	(18,400)
Eliminate Replacement Boom Attachment	(40,000)
Eliminate Replacement Solid Waste Truck	(190,000)
Add Women's Center Funding	37,500
Total Expenditures and OFU for Budget Ordinance	<u>\$137,567,909</u>

Mr. Iman informed the Council that the budget would take a considerable amount of monitoring and a lot of management to keep the finances in order. He stated there were four impact areas that could negatively impact the budget as follows:

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1. The rippling effects of the nationwide economic recession could continue to negatively impact revenues thus resulting in shortfall of revenue to the City.
2. The General Assembly had not completed balancing the State budget. Subsequently, their actions could have impacts on the City budget.
3. The tax rate resulting from this budget would not be sufficient to sustain future funding for the Police and Fire positions added to the workforce by adoption of the budget.
4. The City tax base could be reduced below the estimated amount included in the revenue-neutral calculations as a result of appeals and exemptions.

Mr. Iman informed Council a statement had been added on the budget ordinance that stated City Council's intent to consider future funding toward the implementation of the Murchison Road Corridor Plan should funds become available.

Council then asked questions about the present fund balance, the possibility of getting the budget at the revenue-neutral rate with a 2 percent pay raise, and the economic development programs with the Women's Center and Chamber of Commerce.

MOTION: Council Member Applewhite moved to have the City Manager go back and rework the budget, have Council provide to the City Manager requests for changes by June 10, 2009, and the budget presented to Council at a special meeting on June 15, 2009, at 5:00 p.m. in the Council Chamber.

SECOND: Council Member Mohn

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

INFORMATION ITEMS:

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

There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

JENNIFER K. PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
FULLER RECREATION CENTER
6627 OLD BUNCE ROAD
JULY 13, 2009
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Jeffrey Brown, Interim Director for Engineering and Infrastructure
Benjamin Nichols, Fire Chief
Terrie Hutaff, Human Resource Development Director
Tom Bergamine, Chief of Police
Rob Anderson, Chief Development Officer
Jimmy Teal, Planning Director
Craig Hampton, Special Project Director
Jackie Tuckey, Communications Manager/Public Information Officer
Nathan Walls, Public Information Specialist
Steven K. Blanchard, PWC CEO/General Manager
Dwight Miller, PWC Chief Finance Officer
Michael G. Lallier, Public Works Commission
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Associate Pastor Jeff Robertson, Covenant Love Family Church, followed by the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

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

2. PUBLIC FORUM:

A. Announcements and Recognition

There were no announcements or recognitions.

B. Comment Period

Mr. Mark Ledger, 430 Lionshead Road, Fayetteville, NC 28311, spoke regarding crime in the City.

Ms. Marsha Jones, 3095 Enterprise Avenue, Fayetteville, NC 28306, spoke regarding bus routes and expressed concerns with a bus stop being removed from her street as there are elderly citizens living on this street who need a bus stop closer to them.

Mr. James Best, 3083 Enterprise Avenue, Fayetteville, NC 28306, spoke regarding the Enterprise Avenue bus route and stated they needed the bus back in the area because of the elderly.

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Ms. Gwen York, 5703 Cypress Road, Fayetteville, NC 28304, and stated she was a victim of domestic violence and spoke regarding law enforcement's response to domestic violence.

Mr. Freddie Roberson, 2335 Rosehill Road, Fayetteville, NC 28301, spoke regarding the Prince Hall Youth 34th Assembly that was held. He thanked the Mayor for his kind and encouraging words to the youth and parents and thanked the City Council for its support.

3. CONSENT:

Council Member Bates requested to pull Items 3.F. and 3.M. for discussion.

MOTION: Council Member Bates moved to approve the consent agenda with the exception of Items 3.F. and 3.M.

SECOND: Mayor Pro Tem Meredith

VOTE: UNANIMOUS (9-0)

The following items were approved:

A. Approve minutes:

1. City Council meeting held on May 26, 2009.

B. Adopt new Municipal Records Retention and Disposition Schedule.

Council adopted the state mandated Municipal Records Retention and Disposition Schedule. This schedule was an update to existing NC General Statutes regarding records retention procedures.

C. Authorize waiver of standard procurement bid process and authorize piggyback purchase of fire apparatus.

Council authorized the waiver of the standard procurement bid process for the purchase of a 105 ft. ladder truck for the Fire Department in an amount not to exceed \$670,000.00. This waiver was authorized by General Statute and allowed delivery of the equipment in a timeframe needed by the Fayetteville Fire Department.

D. Bid award for purchase of power transformers.

The Public Works Commission requested Council award bid for purchase of two power transformers to WEG Service Co., the lowest evaluated bidder, in the amount of \$549,850.00.

Bids were received as follows:

WEG Service Company (Suwanee, GA)	\$549,850.00
Pennsylvania Transformer (Canonsburg, PA)	\$545,837.00
Siemens Energy (Wendell, NC)	\$644,400.00
Delta Star (Lynchburg, VA)	\$691,317.00
Waukesha (Goldsboro, NC)	\$757,746.00
Kuhlman Electric (Versailles, KY)	\$774,709.00
GE-Prolec, c/o HD Supply (Wake Forest, NC)	\$860,650.00

E. Danger tree easement request from Progress Energy Carolinas, Inc.

The Public Works Commission of the City of Fayetteville requested Council approve and execute a Danger Tree Easement with Progress Energy Carolinas, Inc., over a portion of PWC's Fennix Substation located on South Reilly Road.

F. Pulled for discussion by Council Member Bates.

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G. Special Revenue Fund Project Ordinance Amendment 2010-1 (Wayfinding Signage Project).

This amendment appropriated an additional \$100,000.00 for the Wayfinding Signage Project. The source of funds for this amendment would be a \$100,000.00 contribution from the Fayetteville Area Convention and Visitors Bureau. The funds would be used to plan, design, and implement a complete wayfinding signage system throughout Fayetteville/Cumberland County, with an emphasis on historic and cultural resources.

H. Capital Project Ordinance 2010-4 (Design for the Taxiway A Rehabilitation Project).

This ordinance established a project budget of \$206,710.00 for project development and design services for the rehabilitation of Taxiway A. The source of funds for this project would be a transfer from the Airport Operating Fund.

I. Capital Project Ordinance 2010-5 (Swainey Avenue Drainage Project).

This ordinance established a project budget of \$669,280.00 for the Swainey Avenue Drainage Project. The funding sources for this project consisted of a \$600,000.00 Clean Water State Revolving Loan from the NC Department of Environment and Natural Resources and a \$69,280.00 transfer from the Storm Water Fund.

J. Capital Project Ordinance Amendment 2010-9 (Airport Parking Lot Project).

This amendment reduced the budget for the Airport Parking Lot Project by \$57,031.00 to allow those funds to be used for the Taxiway A Rehabilitation Project. This action could be accomplished since the current cost estimate for the parking lot would be lower than the budgeted amount. If approved, the revised budget for the parking lot would be \$1,542,969.

K. Resolution of The City Council of the City Of Fayetteville, North Carolina, declaring the intention of said City to reimburse itself from the proceeds of one or more tax-exempt financings For certain expenditures made and to be made in connection with public safety computer technology improvements.

The adopted capital improvement plan and Fiscal Year 2009-2010 budget included the planned financing of various public safety technology improvements including the public safety computer-aided dispatch system and records management system. This reimbursement resolution would allow the City to reimburse itself from the financing proceeds for any project expenditures paid prior to the acquisition of the financing. The total amount expected to be financed for the technology improvements within the next 12 months would be \$3,664,000.00.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DECLARING THE INTENTION OF SAID CITY TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND TO BE MADE IN CONNECTION WITH PUBLIC SAFETY COMPUTER TECHNOLOGY IMPROVEMENTS. RESOLUTION NO. R2009-055A.

L. Russell Street sidewalk project.

1. Municipal Agreement with NCDOT for Russell Street Sidewalk.

Council was asked to approve a Municipal Agreement with NCDOT to allow the City to remove and replace the sidewalk as part of the Russell Street improvement project.

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2. Capital Project Ordinance 2010-6 (Russell Street Sidewalk Project).

This ordinance established a project budget of \$470,000.00 for the Russell Street Sidewalk Project. The funding sources for this project would consist of a \$70,000.00 contribution from the North Carolina Department of Transportation (NCDOT), a \$151,489.00 transfer from the General Fund and a \$248,511.00 transfer from the Bond Fund. This project would be included in the FY 2010-2014 Capital Improvement Plan adopted by City Council. The project would also be related to the NCDOT municipal agreement for Russell Street sidewalks which appears on this agenda.

M. Pulled for discussion by Council Member Bates.

F. Resolution for Series 2009 Refunding Revenue Bonds.

This item was pulled for discussion by Council Member Bates.

Mr. Dwight Miller, PWC Chief Finance Officer, briefed the Council on the Series 2003, 2003A, and 2003B bonds and stated in March 2008 they received notice that Citigroup would not be able to remarket some of the bonds and the bonds would go to Dexia. He explained Dexia was the provider of liquidity if bonds could not be remarketed and when bonds go to Dexia they have 180 days to find a solution. He stated to meet the 180-day deadline, Citigroup was replaced with Wachovia as the remarketing agent on the Series 2003 bond and Citigroup remarketed the remaining bonds. He stated approximately six months later they received notice that Citigroup would not be able to remarket the 2003A and 2003B bonds and were again sent back to Dexia in October 2008. He stated a decision was made to redeem the Series 2003B bond six months early and replace Citigroup with Bank of America on the Series 2003A bond. He stated the bondholders were unsure as to whether Dexia would be able to provide the liquidity, therefore banks were solicited to provide liquidity. He stated that Dexia had sent a notice that they would not renew the liquidity that would be up in January 2010. He stated they had received responses from Wachovia, Bank of America, and one bank outside North Carolina in the form of letters of credit to provide liquidity for the 2003 and 2003A bonds. He stated the Public Works Commission adopted a resolution making certain findings and determinations, authorizing the filing of an application with the Local Government Commission, requesting the Local Government Commission to sell bonds at a private sale and approve the financing team and were asking that City Council also adopt a similar resolution.

A question and answer period ensued regarding the informal and formal bid process with Mr. Miller responding informal bids had gone to the banks to provide liquidity for the bonds in the amount of \$130 million and Wachovia had the best rate of those that responded and was willing to provide 100 percent.

Ms. Lisa Smith, Chief Financial Officer, explained that the Public Works Commission thought they were doing what was in the best interest of the Public Works Commission. She stated that whether they do a formal or informal bid process they would still have to identify a list of banks to contact whether verbally or in writing. She stated they do not contact all banks across the country as they have to define the group they are going to contact. She stated the Public Works Commission was asking that Council adopt the resolution which would include Citigroup but would have Wachovia as the lead underwriter. She stated the deadline was January 2010 and would take a number of months to move through the Local Government Commission process before that deadline.

Mr. Michael G. Lallier, Public Works Commission, further stated they were dealing with a \$130 million variable rate debt and were concerned that as a result of this they would have to go into their reserves to pay the debt. He stated the reserves were intended for

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weather related issues not financial related issues. He stated the Public Works Commission had discussed this issue and made a unanimous decision to support the resolution.

Discussion ensued as to why this was coming before Council now with Mr. Miller responding the paperwork had not been ready and an application could not be filed with the Local Government Commission until now. He stated the Public Works Commission had been receiving regular updates on this issue.

MOTION: Council Member Bates moved to ask staff to request that the lead underwriters submit bids for remarketing the bonds.
SECOND: Council Member Evans

Discussion ensued on the risk of delaying approval of the resolution with Ms. Smith explaining the risk could be favorable or unfavorable depending on the market. Mr. Miller also explained Wachovia could pull the letter of credit anytime which would result in being without liquidity and having to go to fixed rate bonds.

Ms. Karen McDonald, City Attorney, stated the appropriate motion would be to utilize the formal bid process for the refunding of the 2009 Revenue Series Bond.

RESTATED MOTION:

Council Member Bates moved to ask staff to request that the lead underwriters submit bids for remarketing the bonds. This does not include the bond counsel, the underwriter counsel, the financial advisors or the trustee bond register, just the lead underwriters.

VOTE ON RESTATED MOTION:

FAILED by a vote of 3 in favor (Council Members Bates, Evans, and Hurst) to 6 in opposition

MOTION: Mayor Pro Tem Meredith moved to adopt the resolution making certain findings and determinations, authorizing the filing of an application with the Local Government Commission, requesting the Local Government Commission to sell bonds at a private sale and approving the financing team all in connection with issuance of revenue refunding bonds by the City of Fayetteville, North Carolina.

SECOND: Council Member Evans

VOTE: **PASSED** by a vote of 6 in favor to 3 in opposition (Council Member Bates, Evans, and Hurst)

M. Resolution related to grant applications.

This item had been pulled for discussion by Council Member Bates.

The Public Works Commission of the City of Fayetteville requests Council adopt a Resolution authorizing the PWC General Manager to apply for Grants made available through the American Recovery Reinvestment Act of 2009.

MOTION: Council Member Bates moved to adopt the resolution.

SECOND: Mayor Pro Tem Meredith

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

INFORMATION ITEMS:

1. Statement of taxes collected for the month of June 2009 from the Cumberland County Tax Administrator.

2008 Taxes	\$204,165.13
2008 Vehicle Taxes	434,726.20
2008 Revit	70.08

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2008 Vehicle Revit	281.01
2008 FVT	44,836.23
2008 Transit Tax	39,472.98
2008 Storm Water	10,182.25
2008 Fay Storm Water	11,391.93
2008 Recycle Fee	17,631.38
2008 Annex	17.80
2007 Taxes	5,447.79
2007 Vehicle Taxes	7,607.99
2007 Revit	0.00
2007 Vehicle Revit	7.04
2007 FVT	1,323.18
2007 Storm Water	383.03
2007 Fay Storm Water	424.60
2007 Annex	0.00
2006 Annex	1,682.81
2006 Taxes	2,271.17
2006 Vehicle Taxes	1,504.40
2006 Revit	0.00
2006 Vehicle Revit	0.00
2006 FVT	357.11
2006 Storm Water	163.72
2005 Taxes	1,615.18
2005 Vehicle Taxes	579.61
2005 Revit	0.00
2005 Vehicle Revit	0.00
2005 FVT	146.39
2005 Storm Water	144.00
2004 and Prior Taxes	1,417.91
2004 and Prior Vehicle Taxes	2,022.63
2004 and Prior Revit	0.00
2004 and Prior Vehicle Revit	2.46
2004 and Prior FVT	439.40
2004 and Prior Stormwater	168.00
Interest	23,934.45
Interest (Revit)	8.06
Interest (Storm Water)	802.45
Interest (Fay Storm Water)	712.09
Interest (Annex)	131.20
Interest (Fay Recycling)	1,009.73
Total Collections	\$817,135.39

There being no further business, the meeting adjourned.

Respectfully submitted,

JENNIFER K. PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JULY 22, 2009
4:00 P.M.

Present: Council Members Keith A. Bates, Sr. (District 1); Bobby Hurst (District 5); Valencia A. Applewhite (District 7)

Absent: Mayor Anthony G. Chavonne and Council Members Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); William J. L. Crisp (District 6); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Rob Anderson, Chief Development Officer
Jimmy Teal, Planning Director
Karen Hilton, Assistant Planning Director
Craig Harmon, Planner II
Members of Press

Mr. Craig Harmon, Planner II, provided overviews of the following items scheduled for the July 27, 2009, City Council meeting:

Approve the rezoning from C1P Commercial District and C3 Commercial District to MU/CZ Mixed-Use Conditional Zoning District for property located between Bragg Boulevard and Legend Avenue. Containing 12.41 acres more or less and being the property of TSM Property Ventures. Case No. P09-16F.

Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the applicant wished to redevelop the property with a mix of residential, office, retail, parking and storage. He stated the site included 302 apartment units and townhouses, 23,000 square feet of office and retail use, 18,000 square feet of storage and two parking decks and there were four buildings ranging in height from three stories to five stories. He stated the Zoning Commission and the Planning staff concurred with the applicant's request for mixed use conditional zoning in accordance with the site plan.

Council members asked for clarification on the fire service, wetlands, and traffic congestion. Mr. Rob Anderson, Chief Development Officer, advised this was a rezoning and that all of those concerns would be addressed in the approval process.

Approve the rezoning from R5 Residential District and C3 Commercial District to C3/CZ Commercial District/Conditional Zoning District for property located at 705 Robeson Street. Containing 0.36 acres more or less and being the property of Reas Williams. Case No. P09-20F.

Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the applicant wished to rezone a vacant parcel next to his auto repair shop currently zoned R5 and rezone his auto repair shop currently zoned C3 to C3 Conditional zoning allowing the use of the vacant parcel to house the vehicles at the shop. He stated in exchange for changing the vacant parcel from residential to commercial the applicant would fence the vacant property using opaque fencing, plant landscaping to conceal the fenced area, paint the existing auto repair shop building a neutral color, and place the cars within the fenced area. He stated the Zoning Commission and the Planning staff concurred with the applicant's request and site plan.

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Council members requested clarification on staff's recommendation for approval. Staff explained the conditional rezoning would allow the business to expand with the noted improvements. Staff stated to deny the rezoning would make the business nonconforming and would allow the owner to continue the business for auto repair as a nonconforming use.

Approve the rezoning from R5A Residential District to C1 Commercial District or to a more restrictive zoning classification for property located at 1828 Murchison Road. Containing 0.18 acres more or less and being the property of R. Peyton Gibson, Trustee. Case No. P09-21F.

Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the applicant wished to rezone an existing nonconforming use to C1 Commercial District in order to use the business for retail uses. He stated the Zoning Commission concurred with the applicant's request. He stated that although the Murchison Road Land Use Map recommended residential uses for this property, staff believed that P2 Professional zoning would be a better fit. He stated with commercial activity next to and in front of this property, residential would not be a viable use and as such, the Planning staff recommended P2 Professional District for the site.

Consider an application by Pegasus Tower Company for a Special Use Permit to allow a 195 foot telecommunications tower in a R15 Residential District for property located adjacent to 3085 Strickland Bridge Road. Containing 40.12 acres more or less and being the property of Joseph Gillis. Case No. P09-18F.

Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He state the applicant wished to construct a telecommunication tower at this location standing 195 feet. He stated the Zoning Commission and Appearance Commission recommended approval of the request with conditions.

Council Member Bates inquired whether this would require RULAC approval. Mr. Harmon also stated this was required to go before the Appearance Commission.

Consider the rezoning from R6 Residential District to C1 Commercial District or to a more restrictive zoning classification for property located at 2215 Murchison Road. Containing 0.16 acres more or less and being the property of John and Mable Council. Case No. P09-19F.

Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the applicant wished to use the property for nonresidential uses. He stated that although the Murchison Road Land Use Map recommended residential uses for this property, it was the Zoning Commission and staff's opinion that P2 Professional was a better fit. He stated the P2 zoning would allow residential uses and that was consistent with the Murchison Road Study, but with commercial on two sides and in front of this property it was highly unlikely anyone would develop the property residentially. He stated for these reasons, the Planning staff recommended P2 Professional District. He stated the applicant concurred with the Planning staff's recommendation for P2 Professional zoning.

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There being no further business, the meeting adjourned at 4:40 p.m.

Respectfully submitted,

JENNIFER K. PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
DINNER AND DISCUSSION MEETING MINUTES
LAFAYETTE ROOM
JULY 27, 2009
6:00 P.M.

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); Valencia A.
Applewhite (District 7); Theodore W. Mohn (District 8)

Absent: Council Member Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Karen M. McDonald, City Attorney
Doug Hewett, Assistant City Manager
Patricia C. Bradley, Assistant City Attorney
Craig Hampton, Special Project Director

Mayor Chavonne called the meeting to order.

Closed session for consultation with attorney to preserve the attorney-client privilege.

MOTION: Council Member Massey moved to go into closed session for consultation with attorney to preserve the attorney-client privilege.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

The regular session recessed at 6:15 p.m. The regular session reconvened at 6:50 p.m.

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

SECOND: Council Member Massey

VOTE: UNANIMOUS (9-0)

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JULY 27, 2009
7:00 P.M.

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); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8)

Absent: Council Member Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Patricia C. Bradley, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Jeffrey Brown, Interim Director for Engineering and Infrastructure
Tom Bergamine, Chief of Police
Benjamin Nichols, Fire Chief
Terrie Hutaff, Human Resource Development Director
Rob Anderson, Chief Development Officer
Jimmy Teal, Planning Director
Craig Harmon, Planner II
Craig Hampton, Special Project Director
Jackie Tuckey, Communications Manager/Public Information Officer
Nathan Walls, Public Information Specialist
Steven K. Blanchard, PWC CEO/General Manager
Dwight Miller, PWC Chief Finance Officer
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend Brian R. Thompson, Simon Temple AME Zion Church, followed by the Pledge of Allegiance to the American Flag.

RECOGNITIONS AND ANNOUNCEMENTS

Council Member Applewhite recognized and thanked the staff at Cliffdale Recreation Center for their hard work in soliciting sponsors and hosting an event for young men ages 8 through 18 to discuss issues that affect their livelihood. She also thanked the City Manager for having lights installed at the back of the recreation center.

Council Member Evans commended City staff for their work at the Festival Park during the event held by Carson Productions.

Council Member Hurst announced they were recruiting applicants for various boards and commissions and requested anyone interested in serving to submit an application no later than August 12, 2009.

1. APPROVAL OF AGENDA

MOTION: Council Member Evans moved to approve the agenda.
SECOND: Council Member Bates
VOTE: UNANIMOUS (9-0)

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2. CONSENT:

Council Member Applewhite requested to pull Item 2.B. for discussion. Council Member Bates requested to pull Item 2.C. for discussion.

MOTION: Council Member Haire moved to approve the consent agenda with the exception of Items 2.B. and 2.C.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

A. Approve Minutes:

1. City Council meeting held on May 26, 2009.
2. City Council work session meeting held on June 1, 2009.
3. City Council special budget work session meeting held on June 17, 2009.

B. Pulled for discussion by Council Member Applewhite.

C. Pulled for discussion by Council Member Bates.

D. Approve the rezoning from R5A Residential District to C1 Commercial District or to a more restrictive zoning classification for property located at 1828 Murchison Road. Containing 0.18 acres more or less and being the property of R. Peyton Gibson, Trustee. Case No. P09-21F.

Applicant wished to rezone an existing nonconforming use to C1 Commercial District in order to use the business for retail uses. The Zoning Commission concurred with the applicant's request. Although the Murchison Road Land Use Map recommended residential uses for this property, staff believed that P2 Professional Zoning was a better fit. With commercial activity next to and in front of this property, residential use was not a viable use. As such, the Planning staff recommended P2 Professional District for the site.

E. Approve sign permit for the 18th Annual UMOJA Festival scheduled for Saturday, August 22, 2009.

Fourteen signs in various locations near the festival site will be placed beginning July 28 through August 24. The sign ordinance allows temporary signage for festivals and special events. The City Council has approved similar sign requests for this event.

F. Bid award for purchase of miscellaneous inventory hardware items.

The Public Works Commission requested Council award bid for the purchase of miscellaneous inventory hardware items to HD Supply, Wake Forest, NC, the lowest evaluated bidder, in the amount of \$601,016.85.

Bids were received as follows:

HD Supply (Wake Forest, NC)	\$601,016.85
WESCO (Raleigh, NC)	\$612,932.00

G. Authorize advertisement of an offer to purchase vacant City-owned lot for upset bids.

The Public Works Commission of the City of Fayetteville received an offer from John M. Hall, Jr., to purchase an unused City-owned lot located on Boone Trail and further identified as Tax PIN 0416-92-6643. The offering price was \$10,800.00.

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- H. Authorize advertisement of an offer to purchase vacant City-owned lot for upset bids.

The Public Works Commission of the City of Fayetteville received an offer from Dan V. Kinlaw to purchase an unused City-owned lot on Old Wilmington Road and further identified as Tax PIN 0436-86-0645. The offering price was \$15,143.00.

- I. The following properties are found to contribute to blight in the neighborhood. After notice to the owners and their failure to repair or demolish the properties themselves, this action authorizes the City to demolish the property and place a lien against the property for the cost of that action. Staff has reviewed these properties and they are not listed on the National Register, not local landmark properties, or in the historic district.

1. 932 Fleetwood Drive (PIN 0437-01-1217); Buelah M. Wallace, c/o Carolyn D. Wallace

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2009-014.

2. 513 Link Street (PIN 0437-93-8844); Glenn Faircloth (aka Tony/Tyrone Faircloth)

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2009-015.

3. 312 Maloney Avenue (PIN 0437-95-9719); Otis Davis, Jr., and Annie Margaret Davis

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2009-016.

4. 321 Maloney Avenue (PIN 0437-96-8113); Cathy Carter McGhee

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2009-017.

5. 1017 Rochester Drive (PIN 0427-90-4892); Sandra Joyce Williams Finley McKnight and Heirs of James E. Johnson, c/o James E. Johnson, Jr.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2009-018.

- J. Adopt Special Revenue Ordinance 2010-2 (Appropriation of Federal Forfeiture and Controlled Substance Tax Funds for law enforcement purposes).

This ordinance appropriated \$162,288.00 in controlled substance tax revenues and federal forfeiture funds to increase resources for law enforcement purposes. The Fayetteville Police Department

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requested that \$81,144.00 be used for the Training Center, \$40,572.00 be used for equipment, and \$40,572.00 be used for training.

K. Adopt Special Revenue Ordinance 2010-3 (FY 2009 Byrne Justice Assistance Grant (JAG) Program).

The Justice Assistance Grant, totaling \$1,043,441.00, was awarded to the Fayetteville Police Department and Cumberland County Sheriff's Office. This special revenue project ordinance appropriated the City's share of \$708,976.00 to be used for twelve months of personnel and fringe benefits for 4 new positions, police travel and training, the purchase of four vehicles, equipment, supplies, materials, and phone costs. The Cumberland County Sheriff's Office will receive the remaining portion of \$334,465.00.

L. Ramsey Street Project:

1. Municipal Agreement with NCDOT for Ramsey Street Project.

Council was asked to approve a Municipal Agreement with NCDOT for the Ramsey Street Project which consisted of constructing raised median islands with directional crossovers from Law Road to Andrews Road. The City would be responsible for the acquisition of any additional right-of-way and relocation of any utilities.

2. Adopt Capital Project Ordinance 2010-9 (Ramsey Street Transportation Improvement Project).

This ordinance established a \$150,000.00 budget for the Ramsey Street Transportation Improvement Project. The source of funds for this ordinance was a \$150,000.00 transfer from the General Fund. The project funds the City's commitments for the NCDOT municipal agreement to construct raised median islands on Ramsey Street that appears on this agenda.

M. Adopt a resolution abandoning a utility easement on land as evidenced in Plat Book 33, page 28.

A request was received from Thomas Gooden, PLS, on behalf of Simon Temple AME Zion Church for assistance in abandoning a vacant utility easement. The 10 foot wide utility easement was shown to run along the northern and western property lines of Lots 213, 214, 215 and 216 as shown on plat identified as Section 10, The Ponderosa, and recorded in Plat Book 33, Page 28, Cumberland County Register of Deeds.

RELEASE OF EASEMENT. RESOLUTION NO. R2009-058.

N. Approve submission of an application to the State of North Carolina for Homeless Prevention and Rapid Re-Housing Program Grant funds through the American Reinvestment and Recovery Act of 2009.

The State of North Carolina received \$18 million in Homeless Prevention and Rapid Re-Housing Program (HPRP) funds through the American Reinvestment and Recovery Act of 2009 (ARRA). The State is making these funds available to local units of governments and nonprofit agencies through a competitive application process. It was proposed that the City apply for \$1.5 million, which would cover a three-year period. The City would utilize these funds in conjunction with its HPRP funds in the amount of \$589,648.00 in which it would receive through the ARRA. The purpose of the HPRP was to provide homeless prevention assistance to households who would otherwise become homeless and to provide assistance to rapidly re-house people who were experiencing homelessness.

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O. Revisions to Parking Ordinances 16-327, 16-329, and 16-331.

Council was asked to consider revisions to the ordinances that pertain to downtown parking collection enforcement ordinances.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF CHAPTER 16, MOTOR VEHICLES AND TRAFFIC, ARTICLE X, PARKING, AND ARTICLE XI, ABANDONED, JUNKED, AND NUISANCE VEHICLES, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2009-006.

P. Consider adopting a policy regarding Council member requests (Policy 120.2).

In 2007, City Council revised its practices regarding Council member requests. This policy revision would formalize Council's current practice regarding Council member requests.

B. Approve the rezoning from C1P Commercial District and C3 Commercial District to MU/CZ Mixed Use Conditional Zoning District for property located between Bragg Boulevard and Legend Avenue. Containing 12.41 acres more or less and being the property of TSM Property Ventures. Case No. P09-16F.

Council Member Applewhite pulled this item for discussion.

Mr. Craig Harmon, Planner II, presented this item and stated this was an apartment complex between Bragg Boulevard and Legend Avenue. He stated there were 302 apartment units and townhouses, 23,000 square feet of office and retail use, and 18,000 square feet of storage. He stated the Zoning Commission and the Planning staff concurred with the applicant's request for Mixed Use Conditional Zoning in accordance with the site plan.

A question and answer period ensued regarding the school system and DOT reviewing the plans and future traffic in the area. Mr. Harmon explained the school system had received copies of the plans and that DOT participated in the technical review.

Mr. Dale Iman, City Manager, further explained that plans for major developments are sent to the county and school districts giving them the option to comment on the plan or make suggestions. He stated that the traffic impact analysis would come after approval of the zoning due to the cost of such an analysis.

MOTION: Council Member Massey moved to approve the rezoning.

SECOND: Council Member Bates

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

C. Approve the rezoning from R5 Residential District and C3 Commercial District to C3/CZ Commercial District/Conditional Zoning District for property located at 705 Robeson Street. Containing 0.36 acres more or less and being the property of Reas Williams. Case No. P09-20F.

Council Member Bates pulled this item for discussion.

Mr. Craig Harmon, Planner II, presented this item and stated this property was located on Robeson Street and was an automotive repair shop currently zoned C3. He stated the surrounding properties were zoned residential. He explained the automotive repair shop was having ongoing issues with parking vehicles in front of the shop and also on public rights-of-way and the residential lots, which was in violation of the City ordinance. He stated the property owner wished to rezone the residential lots to commercial in order to put fencing and park the vehicles behind the fence and bring the properties into compliance with the City ordinance.

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Council Member Bates requested explanation as to what the property owner would be able to do with the property if disapproved. Mr. Harmon responded the property owner would still be able to operate the business on the property that was currently zoned C3 but to bring the properties into compliance with the City ordinance, the property owner would have to park all the vehicles at the rear of the shop which was an issue.

City Attorney Karen McDonald explained that the options were to either approve this or set a public hearing.

A question and answer period ensued regarding the conditions to be met upon rezoning of the properties and the timeframe to complete those conditions.

MOTION: Council Member Bates moves to approve the rezoning as recommended by the Zoning Commission.
SECOND: Council Member Mohn
VOTE: PASSED by a vote of 6 in favor to 3 in opposition (Council Members Crisp, Applewhite, and Chavonne)

3. PUBLIC HEARINGS:

A. Consider closing three unopened streets within the Hope VI area.

Mr. Jeffrey Brown, Interim Engineering and Infrastructure Director, presented this item and stated these were streets that were platted as right-of-way and were never opened. He stated these streets were petitioned to be closed by the Housing Authority to allow for the construction of a phase of the Hope VI project.

This is the advertised public hearing set for this date and time. There being no one present to speak either in favor or opposition, the public hearing opened and closed at 7:43 p.m.

RESOLUTION AND ORDER CLOSING LAFAYETTE STREET AND A PORTION OF MCKETHAN STREET (FORMERLY KNOWN AS SPRING STREET) AND ROSS STREET (FORMERLY KNOWN AS PEARL STREET). RESOLUTION NO. R2009-060.

MOTION: Council Member Mohn moved to adopt the resolution and order the closing of a portion of McKethan Street, a portion of Ross Street, and Lafayette Street.
SECOND: Council Member Hurst
VOTE: UNANIMOUS (9-0)

B. Consider approval of a resolution requiring the paving without petition of certain soil streets.

Mr. Jeffrey Brown, Interim Engineering and Infrastructure Director, presented this item and stated in 2007 Council established a program to pave remaining soil streets over a three-year period. He stated this would be the last group of streets to be paved and presented photos and proposed layouts of the streets. He stated if approved construction would begin in the spring of 2010.

A question and answer period ensued regarding the number of houses on the streets, estimated assessment, and whether the streets have water and/or sewer.

Discussion ensued as to whether the City could deed the rights-of-way to the property owners thereby maintenance being the responsibility of the property owners. Mr. Iman explained this would result in the roads becoming in disrepair with no organization to keep them up and the property owners looking to the City for repairs.

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This is the advertised public hearing set for this date and time. The public hearing opened at 8:15 p.m.

Mr. Joseph Cade, 622 Adair Street, Fayetteville, NC 28303, appeared in opposition of the paving of Drexel Road and expressed concerns on the assessment.

Mr. Matthew Smith, Jr., 3101 Hyman Place, Fayetteville, NC 28303, appeared in opposition and presented a petition in opposition of the paving of Morgan Lane.

Ms. Linda Lines, 2521 Arborwood Drive, Valrico, FL 33596, appeared in opposition and expressed concerns with trees being destroyed.

Ms. Jamie Newsom, Attorney representing business owner Mr. Eli Monsour, 1300A Pamalee Drive, Fayetteville, NC 28303, appeared in opposition of the paving of Quillan Street and explained this would be a great expense to the owners. She explained that Mr. Monsour's businesses use Bragg Boulevard for egress and ingress to their property and not Morgan Lane.

Mr. Paul Peterson, 202 St. Marys Parkway, Fayetteville, NC 28303, appeared in opposition and stated it was a waste of money to pave this street.

Mr. Norman Monsour, 282 Saint Marys Parkway, Fayetteville, NC 28303, appeared in opposition and stated he did not see a benefit of paving this street at this time.

There being no one further to speak, the public hearing closed at 8:28 p.m.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT PETITION OF GREENSBORO STREET FROM MCLAMB DRIVE TO JASPER STREET, SALISBURY STREET FROM WILMA STREET 311.82 FEET TO A TURNAROUND, AND WILMA STREET FROM ROOSEVELT DRIVE 932.89 FEET. RESOLUTION NO. R2009-059.

MOTION: Council Member Bates moved to not adopt the resolution.

SECOND: Council Member Crisp

SUBSTITUTE MOTION:

Council Member Massey moved to adopt the resolution with the removal of Quillan Street, Drexel Road, and Morgan Lane.

SECOND: Council Member Hurst

A brief discussion ensued regarding the percentage of signatures on the petition, lack of appearance from property owners in favor of the paving, and the amount of the assessments.

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

C. Consider an application by Pegasus Tower Company for a Special Use Permit to allow a 195-foot telecommunications tower in a R15 Residential District for property located adjacent to 3085 Strickland Bridge Road. Containing 40.12 acres more or less and being the property of Joseph Gillis. Case No. P09-18F.

Mr. Craig Harmon, Planner II, presented this item and showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He explained the Special Use Permit would become null and void if a building permit was not issued within two years after the date of approval.

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Council Member Bates informed Council this would not interfere with any flight plans. Mr. Harmon confirmed this information.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:30 p.m. All speakers were sworn in.

Mr. Tom Terrell, representing Pegasus Tower Company, appeared in favor. He informed Council the Appearance Commission had modified the landscape plan for which Pegasus accepted and all the conditions had been met.

Mr. Joe Gillis, 9010 Stoney Point Road, Fayetteville, NC 28304, appeared in favor.

There being no one further to speak, the public hearing closed at 8:34 p.m.

MOTION: Council Member Crisp moved to approve the Special Use Permit as recommended by the Zoning Commission with the conditions.
SECOND: Council Member Bates
VOTE: UNANIMOUS (9-0)

4. Consider the rezoning from R6 Residential District to C1 Commercial District of to a more restrictive zoning classification for property located at 2215 Murchison Road. Containing 0.16 acres more or less and being the property of John and Mable Council. Case No. P09-19F.

Mr. Craig Harmon, Planner II, presented this item and showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the applicant wished to use the property for nonresidential uses. He stated that although the Murchison Road Land Use Map recommended residential uses for this property, it was the Zoning Commission and staff's opinion that P2 Professional was a better fit. He explained the P2 zoning would allow residential uses and that was consistent with the Murchison Road Study. He stated with commercial on two sides and in front of the property it was highly unlikely anyone would develop the property residentially. He stated for those reasons, the Planning staff recommended P2 Professional district. He stated the applicant at the Zoning Commission meeting on June 9 concurred with the Planning staff's recommendation.

MOTION: Council Member Haire moved to approve P2 Professional District as recommended.
SECOND: Council Member Bates
VOTE: UNANIMOUS (9-0)

5. FY 2008-09 Strategic Plan 4th Quarter Report.

Mr. Doug Hewett, Assistant City Manager, presented this item and provided an update of the policy and management agendas to include project descriptions and progress made during the fourth quarter including anticipated actions. Staff responded to questions and comments during the presentation.

MOTION: Council Member Massey moved to receive and file the report.
SECOND: Council Member Bates
VOTE: UNANIMOUS (9-0)

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INFORMATION ITEM:

1. Confirmation of City of Fayetteville Taxes for the 2008-2009 Fiscal Year and Tax Levy for 2008-2009 from Cumberland County Tax Administrator.

Charge:

Charge Real and Personal 2008.....	\$49,408,678.43
Storm Water Charge 2008.....	2,298,654.00
Fayetteville Storm Water Charge 2008.....	3,374,160.00
Vehicle Charge 2008.....	8,008,153.21
2005 Annexation in 2008 Charge.....	.00
Curbside Recycle Charge 2008.....	2,551,500.00
Added Charge Real and Personal.....	273,449.79
Added Charge Storm Water.....	3,900.00
Added Charge Fayetteville Storm Water.....	.72.00
Added Charge Vehicles.....	11,175.66
Added Charge Annexation.....	1,627.17
Added Charge Curbside Recycle.....	798.00
Fayetteville Gross Receipts Vehicle Tax Current Year.....	441,381.02
Fayetteville Gross Receipts Vehicle Tax Penalty.....	.00
Total Interest Collected.....	343,419.86
Total Charge.....	<u>\$66,716,969.14</u>

Credits:

Deposited with Finance Real and Personal.....	\$49,058,483.01
Deposited with Finance Vehicles.....	5,754,196.12
Deposited with Finance Annexation.....	951.64
Deposited with Finance Storm Water.....	2,283,670.70
Deposited with Finance Fayetteville Storm Water.....	3,355,111.57
Deposited with Finance Curbside Recycle.....	2,495,406.81
Fayetteville Gross Receipts Vehicle Tax Current Year.....	441,381.02
Fayetteville Gross Receipts Vehicle Tax Penalty.....	.00
Interest Deposited with Finance.....	343,419.86
Subtotal.....	<u>63,732,620.73</u>

Releases Real/Personal Allowed.....	358,177.10
Releases Vehicles Allowed.....	800,196.75
Storm Water Releases Allowed.....	608.00
Fayetteville Storm Water Releases Allowed.....	312.00
Annexation Releases Allowed.....	539.07
Curbside Recycle Releases Allowed.....	36,537.47
Real/Personal Balance.....	265,468.11
Vehicles Balance.....	1,464,936.00
Storm Water Balance.....	18,275.30
Fayetteville Storm Water Balance.....	18,808.43
Annexation Balance.....	136.46
Curbside Recycle Balance.....	20,353.72
Adjustments.....	.00
Subtotal.....	<u>2,984,348.41</u>

Total Credits.....\$66,716,969.14

Charge:

Real and Personal 2007.....	\$ 293,580.45
Vehicles 2007.....	1,334,571.98
2005 Annexation in 2007 Charge.....	176.92
Storm Water 2007.....	21,904.69
Fayetteville Storm Water 2007.....	23,009.20
Fayetteville Gross Receipts Vehicles Tax 1st Year Prior.....	.00
Real and Personal 2006.....	97,839.51
Vehicles 2006.....	311,294.20
2005 Annexation in 21006 Charge.....	147,775.47
Storm Water 2006.....	8,061.14
Real and Personal 2005 and Prior.....	344,259.81
Vehicles 2005 and Prior.....	1,362,867.61
Storm Water 2005 and Prior.....	27,991.35
Total Charge.....	<u>\$ 3,971,332.33</u>

Barred by Statute: 1998

Barred by Statute - Real/Personal.....	\$ 12,918.61
Barred by Statute - Vehicles.....	148,802.96
Barred by Statute - Storm Water.....	191.29
Subtotal.....	<u>161,912.86</u>

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Credit:

Real and Personal Collections 2007.....	\$ 214,067.13
Vehicle Collections 2007.....	859,304.21
2005 Annexation 2007 Charge Collections.....	114.51
Storm Water 2007 Collections.....	16,466.43
Fayetteville Storm Water 2007 Collections.....	16,273.98
Fayetteville Gross Receipts Vehicle Tax 1st Year Prior.....	.00
Real and Personal Collections 2006.....	36,757.58
Vehicle Collections 2006.....	39,371.61
2005 Annexation in 2006 Charge Collections.....	122,588.84
Storm Water 2006 Collections.....	4,343.12
Real and Personal 2005 and Prior Collections.....	39,033.90
Vehicle 2005 Collections.....	51,435.82
Storm Water 2005 and Prior Collections.....	12,852.67
Real and Personal Releases Allowed 2007.....	4,418.50
Vehicles Releases Allowed 2007.....	149,094.95
2005 Annexation in 2007 Releases Allowed.....	.00
Storm Water Releases Allowed 2007.....	24.00
Fayetteville Storm Water Releases Allowed 2007.....	.00
Real and Personal Released Allowed 2006.....	435.75
Vehicles Releases Allowed 2006.....	12,702.45
2005 Annexation in 2006 Releases Allowed.....	6.34
Storm Water Releases Allowed 2006.....	.00
Real and Personal Releases Allowed 2005 and Prior.....	290.83
Vehicles Releases Allowed 2005 and Prior.....	9,549.11
Storm Water Releases Allowed 2005 and Prior.....	.00
Real and Personal Balance 2007.....	73,094.82
Vehicles Balance 2007.....	326,172.82
2005 Annexation in 2007 Balance.....	62.41
Storm Water Balance 2007.....	5,414.26
Fayetteville Storm Water Balance 2007.....	6,735.22
Real and Personal Balance 2006.....	60,646.18
Vehicles Balance 2006.....	259,220.14
2005 Annexation in 2006 Balance.....	25,180.29
Storm Water Balance 2006.....	3,718.02
Real and Personal Balance 2005 and Prior.....	292,016.47
Vehicles Balance 2005 and Prior.....	1,153,079.72
Storm Water Balance 2005 and Prior.....	14,947.39
Adjustment.....	.00
Subtotal.....	<u>3,809,419.47</u>
Total Credits.....	<u>\$ 3,971,332.33</u>

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

Respectfully submitted,

JENNIFER K. PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

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CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council

From: Craig M. Harmon, Planner II

Date: August 24, 2009

Case No. P09-22F

THE QUESTION: Rezone from P2 Professional District to C1 Commercial District to allow retail sales.

RELATIONSHIP TO STRATEGIC PLAN: Growth and Development

BACKGROUND:

Owner:	John W Dowdy
Applicant:	John W Dowdy
Council District:	District 4 - Haire
Requested Action:	Rezone from P2 to C1
Property Address:	6460 Yadkin Rd.
Status of Property:	Strip Mall, Tax Service.
Size:	+/- 0.433 acres
Existing Land Use:	Office
Adjoining Land Use & Zoning:	North – C1 Commercial South – P2 Professional East – R10 Residential West – C3 Commercial
2010 Land Use Plan:	High Density Commercial
2030 Growth Vision Plan:	Compatible Commercial Development & Services
Letters Mailed:	86

SPECIAL INFORMATION: This property is part of a strip mall that has three different zones over it. Two of the zones are commercial and one professional. The applicant is seeking to make the entire building commercial.

Public Utilities:

Water:	PWC
Sanitary Sewer:	PWC

Transportation:

Yadkin Road is a major thoroughfare. The average daily traffic count is 24,000 vehicles at this site

OPTIONS:

1. Rezone the property to C1 Commercial;
2. Set a public hearing to consider other options.

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ITEM

2.B

RECOMMENDATIONS:

Zoning Commission and planning staff recommend approval of the rezoning:

1. The 2010 Land Use Plan recommends Heavy Commercial uses for this property;
2. The 2030 Growth Vision Plan recommends compatible commercial development and services. The property is already established as a commercial shopping center with the infrastructure of water, sewer and parking in place;
3. Commercial zoning borders this property to the north and across the street.

ATTACHMENTS:

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

**APPLICATION FOR REZONING
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: 64100 YADKIN RD

Owner of the Property: JOHN W DOWDY

Address of the Owner: 6448 YADKIN RD Zip 28303

Owner's Home Phone: 910 257 3754 Owner's Work Phone: 910 804 6298

A. The property sought for Rezoning is owned by JOHN W. DOWDY as evidenced by deed, recorded in Deed Book 5755, Page 731, 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: P-2 To: C-1

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

Tobacco, Candy, Gifts Shop

C. Tax Property Identification Number (PIN#) of the property: 0409-13-8081

D. Acreage to be rezoned: .433 1.00 x 189

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): _____

Rental Mgt / ^{sewing} cleaners / Tax Preparation,

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.

John W. Dowdy Jr
Print or Type Name of Owner
6448 YADKIN RD Fayetteville NC 28303
Address of Owner
910 257 3754 910 864 6298
Home Phone Work Phone
John W. Dowdy Jr
Print or Type Name of Applicant
6448 YADKIN RD Fayetteville NC 28303
Address of Applicant
910 257 3754 910 864 6298
Home Phone Work Phone
John W. Dowdy Jr
Signature of Individual Submitting the Application

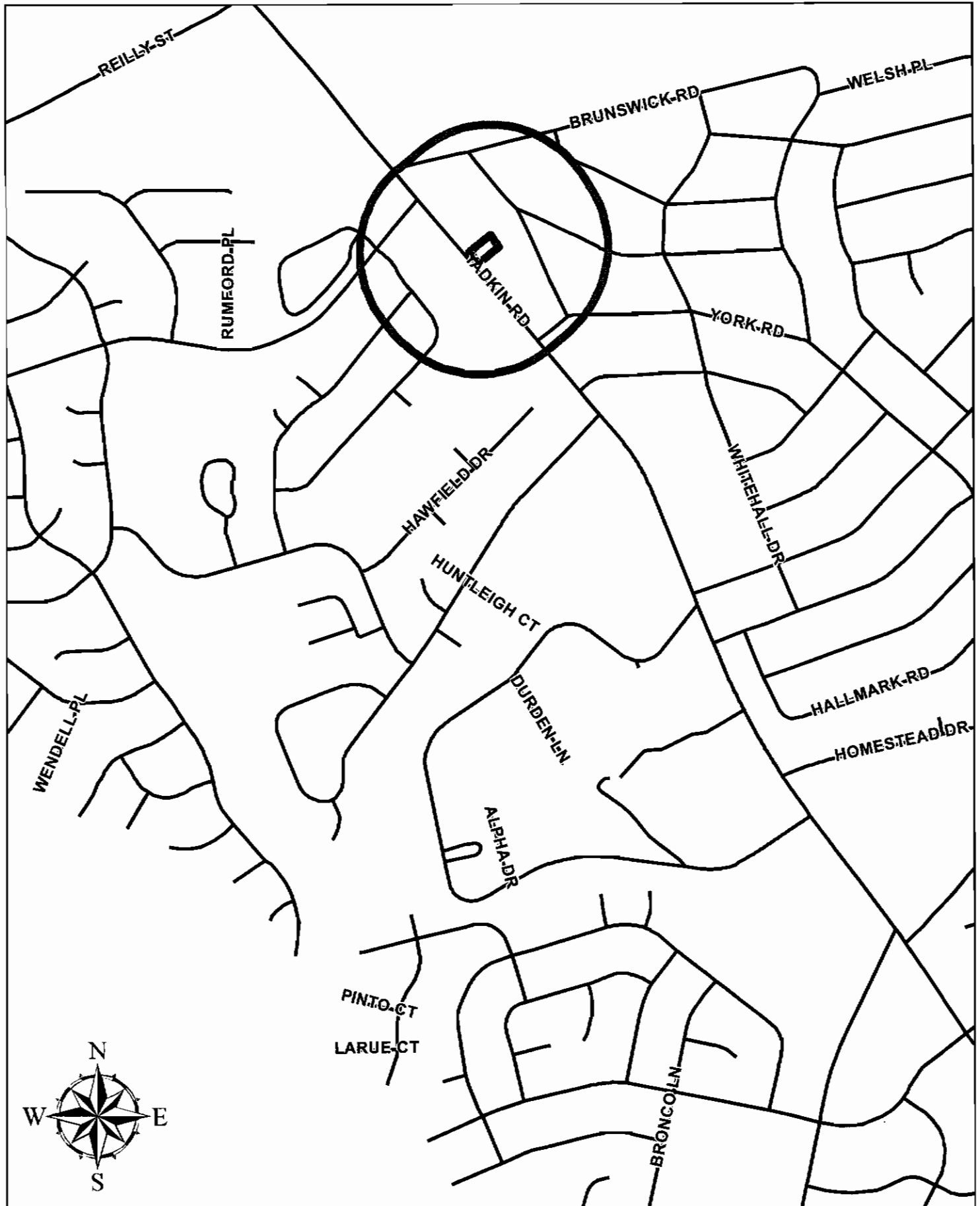
City of Fayetteville Appeals Procedure: Any person aggrieved by the recommendation of the Zoning Commission shall have the right to appeal the action of the Zoning Commission in writing to the Clerk of the City of Fayetteville within ten (10) calendar days of the action of the Zoning Commission. If an 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.

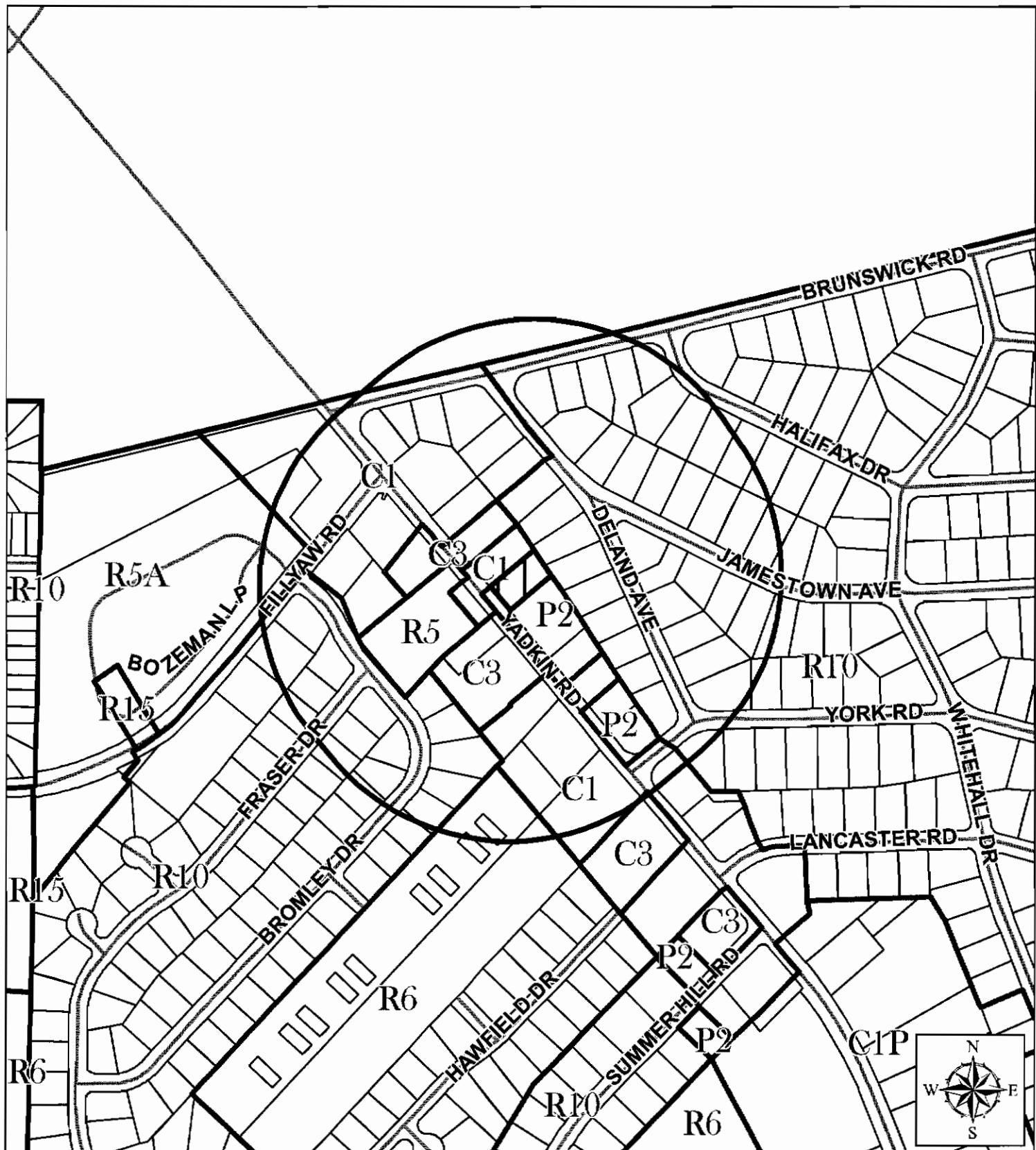
(for additional application forms: www.cityoffayetteville.org then visit the Planning Dept. page)

Zoning Commission - Vicinity Map

Case No. P09-22F



ZONING COMMISSION
CASE NO. P09-22F



Request: P2 to C1
Location: 6460 Yadkin Rd.
Acreage: +/- 0.433

Zoning Commission: 7/14/2009
City Council: _____
Pin: 0409-13-8081

Recommendation: _____
Final Action: _____

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



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

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Jeannie Nelson
Lockett Tally

MEMBERS ABSENT

OTHERS PRESENT

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

The meeting was called to order at 7:02 p.m.

I. APPROVAL OF AGENDA

Mr. Crawley made a motion to approve the agenda with the deletion of Item 3D, Case No. P09-25F. Mr. West seconded the motion. A vote was taken and passed unanimously.

II. APPROVAL OF THE MINUTES FROM THE APRIL 14, 2009 MEETING

Mr. West made a motion to approve the minutes from the June 9, 2009 meeting. Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

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

III. PUBLIC HEARINGS

A. Case No. P09-22F. The rezoning from P2 Professional District to C1 Commercial District or to a more restrictive zoning classification for property located at 6460 Yadkin Rd. Containing 0.433 acres more or less and being the property of John Dowdy.

Mr. Harmon gave an overview of the case. Mr. Harmon stated that there are three different zonings for the property. Mr. Harmon stated that 86 letters were mailed to surrounding property owners about the project. Mr. Harmon spoke of the surrounding land use. He stated that the 2010 land use plan recommends heavy commercial in that area.

Mr. Harmon explained that the strip mall had three different zoning classifications in the same strip mall and that the property was owned by different owners but only one applicant requested the rezoning.

The public hearing was opened.

Mr. John Dowdy spoke in favor of the rezoning. Mr. Dowdy stated that the building is all under one roof and he is asking for the rezoning for the property because he was unaware that the zoning classification for his property was different from the other stores in the strip mall.

There was no one to speak in opposition of the request.

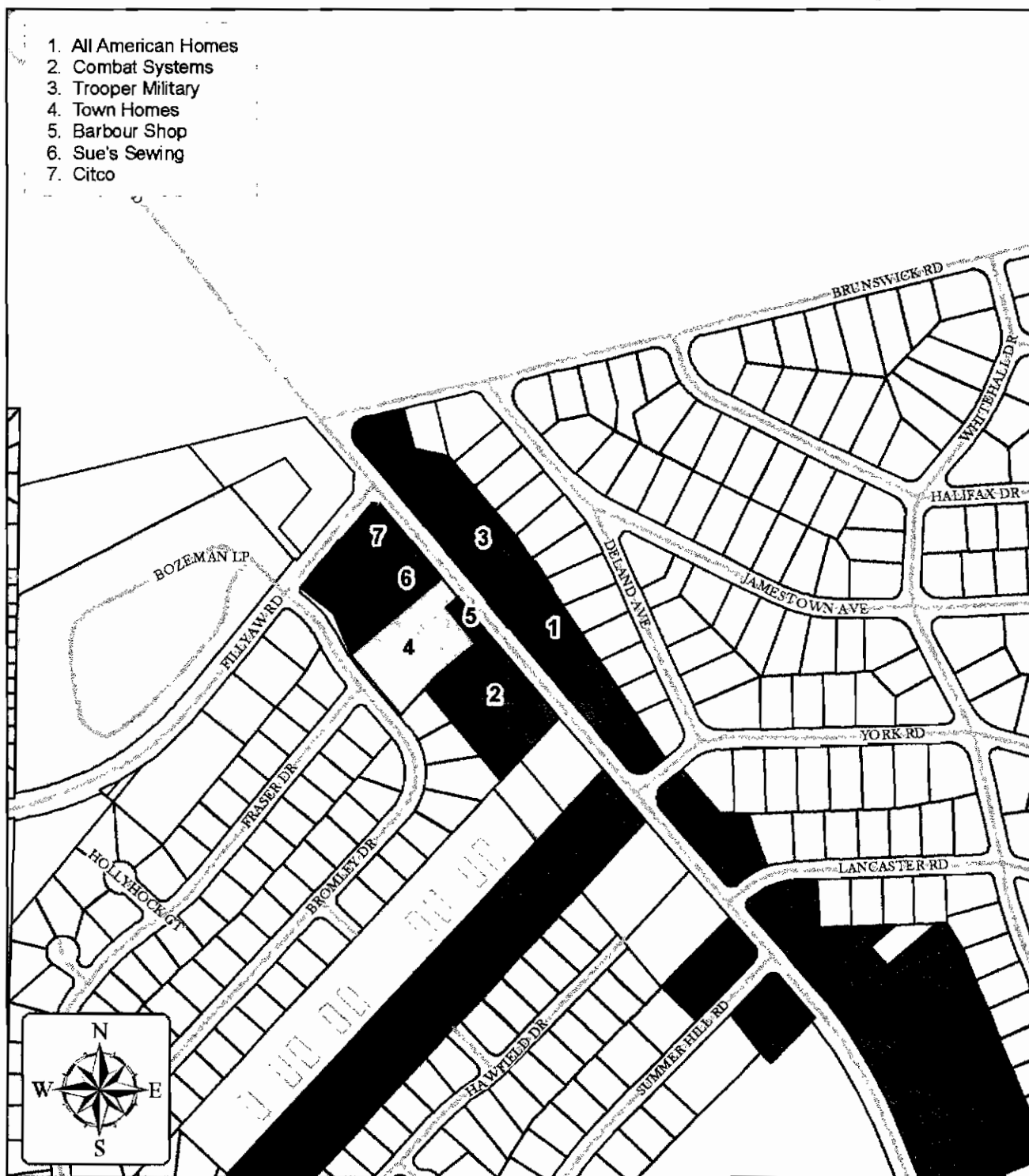
The public hearing was closed.

Mr. Harmon stated that staff recommends approval for the request of C1 Commercial based on the 2010 land use plan; surrounding properties and that currently portions of the building are already zoned commercial.

Mr. Crawley made a motion to approve the request to C1 Commercial. Mr. Tally seconded the motion. A vote was taken and passed unanimously.


Mr. Teal stated that the case will go forward to the City Council on August 24, 2009 as a consent item unless appealed.

Current Land Use
P09-22F



CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council

From: Craig M. Harmon, Planner II 

Date: August 24, 2009

Case No. P09-23F

THE QUESTION: Rezone from AR Agriculture Residential District to R6 Residential Conditional Zoning District to allow for 161 apartments.

RELATIONSHIP TO STRATEGIC PLAN: Growth and Development

BACKGROUND:

Owner:	Vance & Elizabeth Hall and Alex & Catherine Hall
Applicant:	Vance & Elizabeth Hall and Alex & Catherine Hall
Council District:	District 7 - Applewhite
Requested Action:	AR to R6/CZ
Property Address:	Rim Road between Identity & Olted
Status of Property:	Farm
Size:	+/- 14.9 acres
Existing Land Use:	Agricultural
Adjoining Land Use & Zoning:	North – R6 Residential South – R10 Residential East – R6 & AR Residential West – R6 Residential
2010 Land Use Plan:	Low Density Residential
2030 Growth Vision Plan:	Quality Housing & Well Managed Growth
Letters Mailed:	124

SPECIAL INFORMATION:

This Rezoning is subject to the attached site plan, elevation and conditions as offered by the developer in their application. The maximum number of units allowed for this site is 162 units. The applicant is requesting 161 units.

The E.E. Miller Elementary School serves this area. The school is listed at near capacity, but school officials state the school can adequately handle the anticipated number of kids from this development.

Public Utilities:

Water:	PWC
Sanitary Sewer:	PWC

Transportation:

Rim Road is a major thoroughfare. The average daily traffic count in 2006 was 9,700 vehicles at the proposed development.

Transit Route 16 serves this area with one hour service.

OPTIONS:

1. Rezone the property to R6 Zoning in conformance with the site plan and any additions or changes to the conditions of development accepted by the applicant and subject to final revisions or development requirements established by the City and NCDOT;
2. Set a public hearing to consider other options.

RECOMMENDATIONS:

Planning Staff recommends approval of the rezoning:

1. Although the 2010 Land Use Plan recommends Low Density Residential uses for this property, it is staff's opinion that Medium Density Residential is appropriate for this property;
2. The 2030 Growth Vision Plan recommends developments that are built with the necessary infrastructure and governmental services in place. This location has PWC water and sewer, an existing elementary school within walking distance, adequate road network and transit service;
3. Olted Road serves as a natural buffer between this property and the nearby R10 Residential.
4. The development is served directly with transit service via Route 16;

ATTACHMENTS:

1. Application for Rezoning
2. Vicinity Map
3. Zoning Map
4. Current Land Use Map
5. Transit Rout 16 Map
6. Site Plan
7. Zoning Commission Minutes

**APPLICATION FOR CONDITIONAL ZONING
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 grant Conditional Zoning. In support of this application, the following facts are shown:

Location of the Property: Along Rim Road between Identity & Olted

Owner of the Property: Vance & Elizabeth Hall

Address of the Property: 8378 Olted Rd. Fayetteville NC Zip 28314

Owner's Home Phone: _____ Owner's Work Phone: _____

A. Section and provision of the Zoning Ordinance from which the Conditional Zoning is requested:

Request that the allowable density be equivalent of R6CZ

B. The property sought for Conditional Zoning is owned by Vance & Elizabeth Hall as evidenced by deed, recorded in Deed Book 2899, Page 837, Cumberland County Registry. (Attach a copy of (all) deed(s) as it appears in Registry.)

C. Tax Property Identification Number (PIN#) of the property: 9487-54-3668

D. Acreage requested for Conditional Zoning: 2.1

E. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail to include hours of operation, screening, number of residential units or square footage of nonresidential uses, access points, phasing if applicable, parking and circulation pattern.)

The proposed use is an apartment complex with 162 apartment units. (2) 24 unit apartment buildings are proposed for this parcel.

Vance R. Hall
Signature of Owner

8378 Olted Rd

Address

Fay NC 28314

City State Zip Code

Home Phone: 910 868 2312

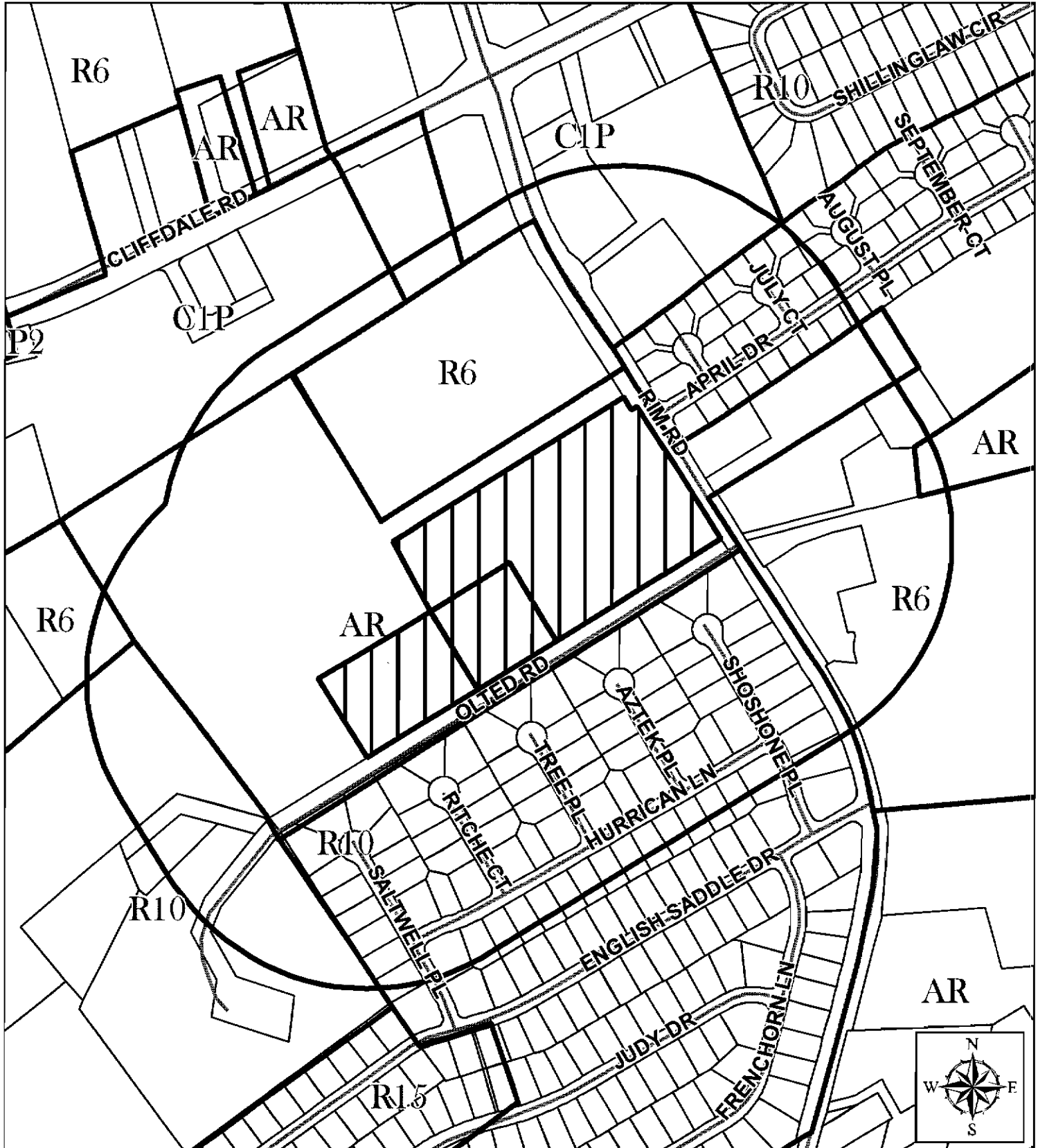
Work Phone: 910 824 6101

Zoning Commission - Vicinity Map

Case No. P09-23F



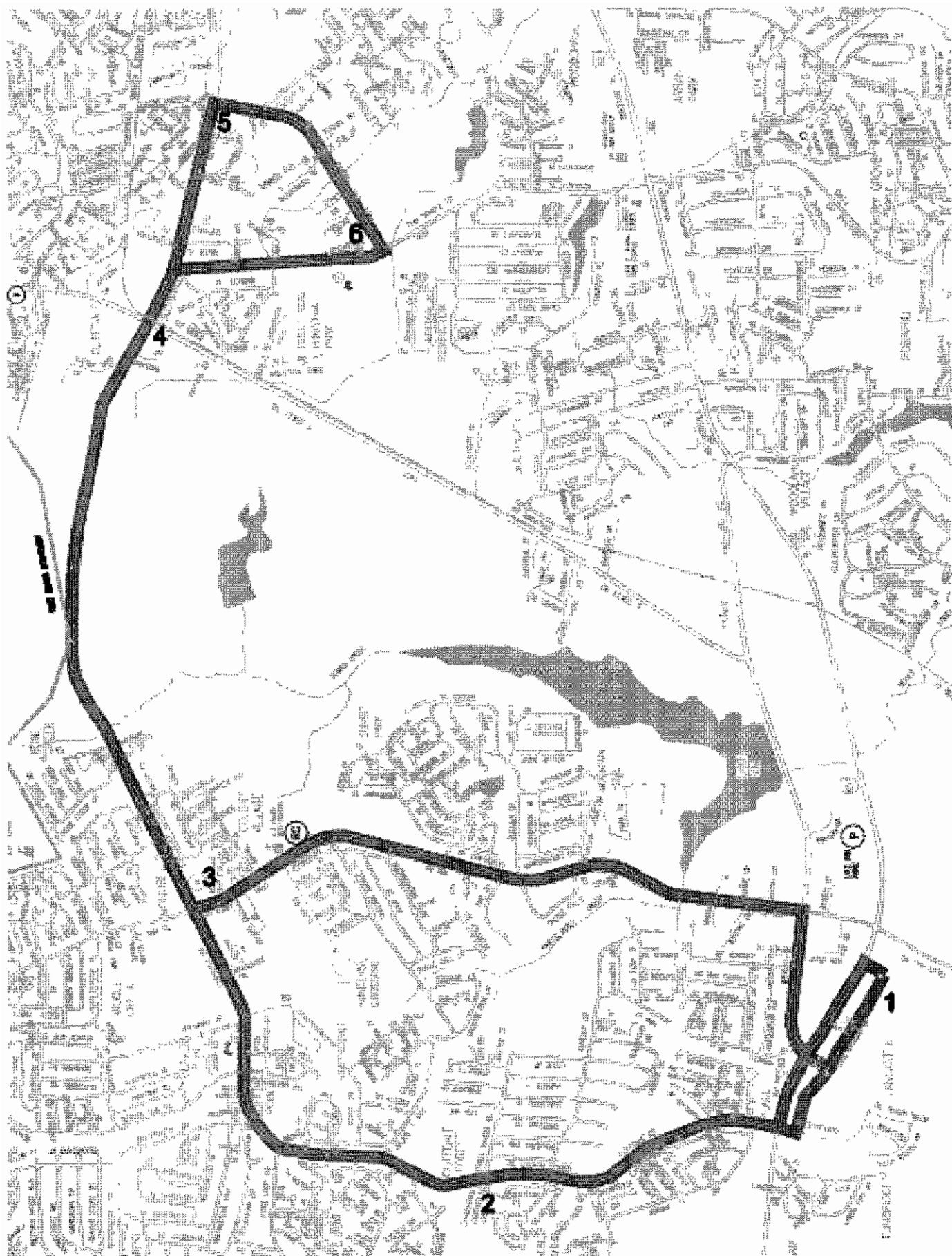
ZONING COMMISSION
CASE NO. P09-23F



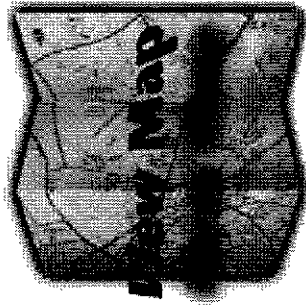
Request: AG to R6/CZ
Location: Rim Rd between Identity & Olted.
Acreage: +/- 14.9

Zoning Commission: 7/14/2009 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 9487-55-5092 & 9487-54-3668

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



Route 16



[[view map](#)]

Routes: [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [12](#) [14](#) [15](#) [16](#) [17](#) [40](#)

ROUTE 16									
SUPER WAL-MART - CLIFFDALE RD. - BUNCE RD. - 71st SCHOOL RD.									
WAL-MART- RAEFORD RD	CLIFFDALE RD. - SEAFORD DR.	MONTEBELLO SHP. CTR.	CLIFFDALE RD. - REILLY RD.	BUNCE RD. - CLIFFDALE RD.	CAPE HARBOR COURT	CLIFFDALE RD. - REILLY RD.	MONTEBELLO SHP. CTR.	GILLIS HILL RD	WAL-MART RAEFORD RD
1 Time	2 Time	3 Time	4 Time	5 Time	6 Time	4 Time	3 Time	10 Time	11 Time
5:30	5:35	5:40	5:45	6:00	6:03	5:45	6:13	6:21	6:28
6:30	6:35	6:40	6:45	7:00	7:03	6:45	7:13	7:21	7:28
7:30	7:35	7:40	7:45	8:00	8:03	7:45	8:13	8:21	8:28
8:30	8:35	8:40	8:45	9:00	9:03	8:45	9:13	9:21	9:28
9:30	9:35	9:40	9:45	10:00	10:03	9:45	10:13	10:21	10:28
*	*	*	*	*	*	*	*	*	*
1:30	1:35	1:40	1:45	2:00	2:03	1:45	2:13	2:21	2:28
2:30	2:35	2:40	2:45	3:00	3:03	2:45	3:13	3:21	3:28
3:30	3:35	3:40	3:45	4:00	4:03	3:45	4:13	4:21	4:28
4:30	4:35	4:40	4:45	5:00	5:03	4:45	5:13	5:21	5:28
5:30	5:35	5:40	5:45	6:00	6:03	5:45	6:13	6:21	6:28
6:30	6:35	6:40	6:45	7:00	*	6:45	*	*	*

****No longer services Seaford Dr. and Old Winn Dixie**

ROUTE 16 SATURDAY				
SUPER WAL-MART - CLIFFDALE RD. - BUNCE RD. - 71st SCHOOL RD.				
WAL-MART- RAEFORD RD	CLIFFDALE RD. - SEAFORD	MONTEBELLO	CLIFFDALE RD. - REILLY	BUNCE RD. - CLIFFDALE RD.
CAPE HARBOR	CLIFFDALE RD. - REILLY	MONTEBELLO	BELIEVER HOUSE OF	WAL-MART RAEFORD

<http://www.fayettevillenc.biz/fast/route16.htm>

8/5/2009

RD	DR.	SHP. CTR.	RD.	RD.	COURT	RD.	SHP. CTR.	MINISTRY	RD
1 Time 8:30 9:30 10:30 *	2 Time 8:35 9:35 10:35 *	3 Time 8:40 9:40 10:40 *	4 Time 8:45 9:45 10:45 *	5 Time 9:00 10:00 11:00 *	6 Time 9:03 10:03 11:03 *	4 Time 9:10 10:10 11:10 *	3 Time 9:13 10:13 11:13 *	10 Time 9:21 10:21 11:21 *	11 Time 9:28 10:28 11:28 *
3:30 4:30 5:30	3:35 4:35 5:35	3:40 4:40 5:40	3:45 4:45 5:45	4:00 5:00 6:00	4:03 5:03 6:03	4:10 5:10 6:10	4:13 5:13 6:13	4:21 5:21 6:21	4:28 5:28 6:28

****No longer services Seaford Dr. and Old Winn Dixie**



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

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Jeannie Nelson
Lockett Tally

MEMBERS ABSENT

OTHERS PRESENT

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

The meeting was called to order at 7:02 p.m.

I. APPROVAL OF AGENDA

Mr. Crawley made a motion to approve the agenda with the deletion of Item 3D, Case No. P09-25F. Mr. West seconded the motion. A vote was taken and passed unanimously.

II. APPROVAL OF THE MINUTES FROM THE APRIL 14, 2009 MEETING

Mr. West made a motion to approve the minutes from the June 9, 2009 meeting. Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

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

III. PUBLIC HEARINGS

- A. Case No. P09-23F. The rezoning from AR Agricultural\Residential District to R6/CZ Residential Conditional Zoning District or to a more restrictive zoning classification for property located on Rim Road between Identity Road and Olted Road. Containing 14.9 acres more or less and being the property of Vance and Elizabeth Hall and the property of Alex and Catherine Hall.

Mr. Harmon gave an overview of the case. Mr. Harmon stated that current land use is a mixed use in the area. He stated that the 2010 land use plan calls for low density residential in the area. Mr. Harmon stated that 124 letters were mailed out to surrounding properties in regard to the case. Mr. Harmon stated the case is a conditional zoning and the applicant held a neighborhood meeting on July 7, 2009 at the Fire Station on the corner of Cliffdale Road and Buhmann Road. No one appeared in opposition of the rezoning. Mr. Harmon described the surrounding properties. He stated that water and sewer are available to the project.

The public hearing was opened.

Mr. Dino Hackett spoke in favor of the request. Mr. Hackett stated that he is owner and president of Hackett Properties and Hackett Builders, LLC. He stated that he owns the 22 acres behind the property requesting the rezoning. He stated that he is in the process of beginning development of the 232 units on his property. He stated that he is in favor of development on the tract of land directly in front of his property and make sure that the product is up to his standards.

Mr. Scott Brown spoke in favor of the request. He stated that he was from 4-D Site Solutions. He explained the development for Mr. Hackett that was previously approved by planning staff.

Mr. Paoni asked how many units were planned. Mr. Brown replied 162. Mr. Paoni asked about entrances and exits to the property. Mr. Brown explained that there would be no entrance or exit off Rim Road. He stated that it would be the drive that will be provided for the new apartment complex in the back. He stated that access for the development on the site plan.

Mr. Paoni asked if there were any more questions for Mr. Brown. There were none.

The public hearing was closed.

Mr. Harmon asked the applicant for clarity about the property being gated. Mr. Brown replied yes. Mr. Harmon stated that the gate was not in the original application.

Mr. Teal stated that the gate could be included on any motion the Zoning Commission makes.

Mr. Harmon stated that staff recommends approval of the request of the R6 district. Mr. Harmon reminded the Commission that the request was for a conditional zoning. Mr. Harmon stated that the staff recommendations were based on the fact that medium density for the area is appropriate because of the surrounding properties and the fact that Olsted Road serves as a natural buffer between this property and the R10 Residential single family properties to the south.

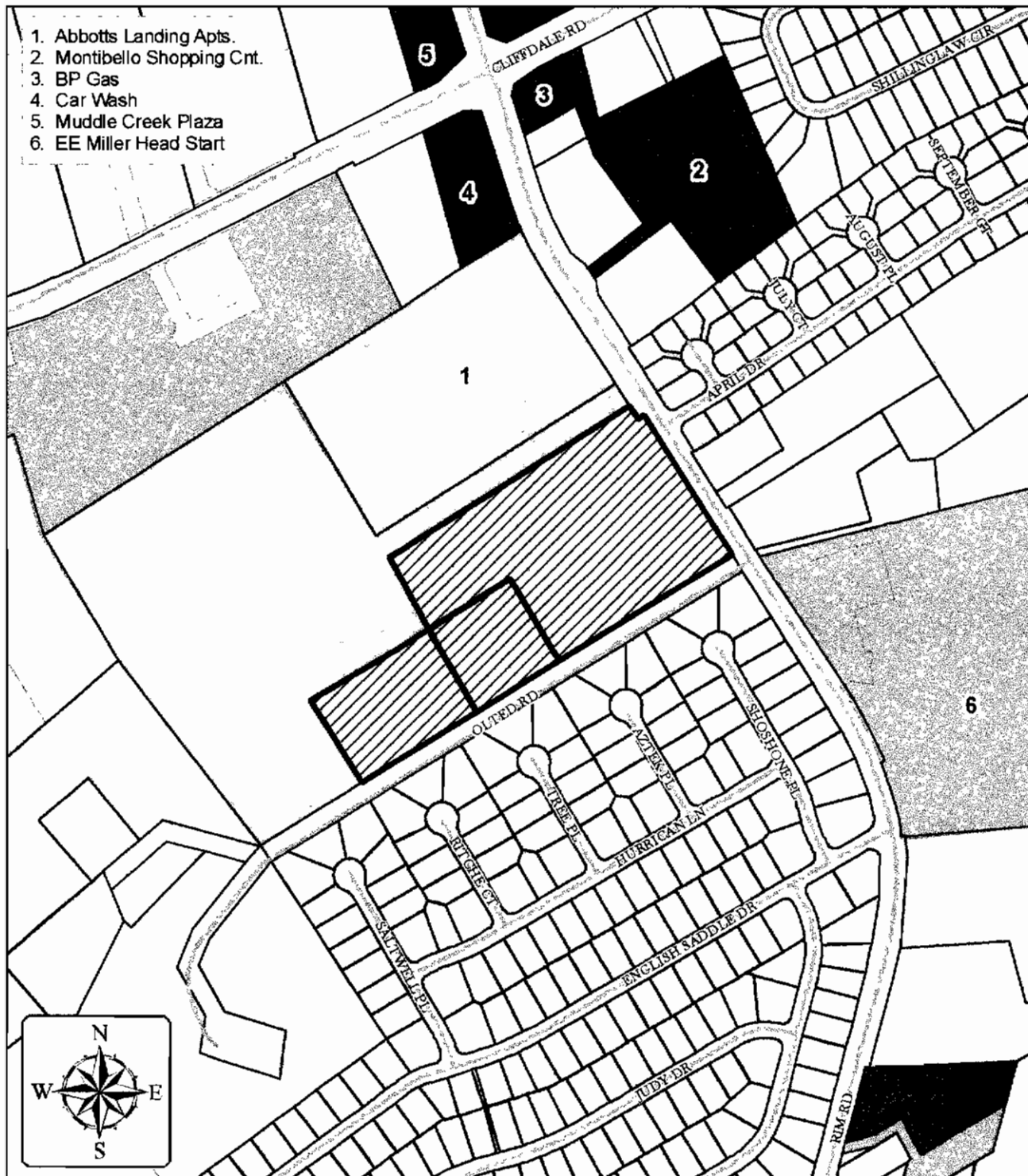
Mr. West made a motion to approve as requested to R6 Residential and amended the request to include the gated section.

The motion was seconded by Mr. Crawley. A vote was taken and passed unanimously.

Mr. Teal stated that the case will go forward to the City Council on August 24, 2009 as a consent item unless appealed.

Current Land Use

P09-23F



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

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
From: Bradley S. Whited, Airport Director
Date: August 24, 2009
Re: 2009 FAA Grant Part B – ARFF Building Renovation & Addition (Fire Station 10)

THE QUESTION: How do we improve the Fayetteville Regional Airport as our air transportation center?

RELATIONSHIP TO STRATEGIC PLAN: In support Goal 1 Greater Business Diversity – Strong Local Economy

BACKGROUND: In 2009 Congress approved airport entitlement funds in two parts, known as part A and part B. Part A was previously approved by City Council on January 12, 2009 representing approximately 1/3 of the necessary funding for construction. Today's approval will fund the remainder of the project needed for construction. The part B authorization is for a federal share of \$1,100,305.00 with a local airport share of \$57,911.00

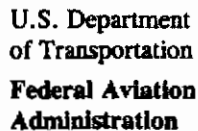
ISSUES: none

OPTIONS: Approve or disapprove the Federal Aviation Administration grant.

RECOMMENDATIONS: The Airport Commission and Airport Management Staff recommend approval.

000056

ITEM 2, D. 1



August 6, 2009

Dear Mayor Chavonne:

If the terms of the grant offer are satisfactory, you must accept the grant offer **on or before August 31, 2009**, and have your attorney certify that the acceptance complies with local and state laws and constitutes a legal and binding obligation on the part of the airport sponsor.

"Terms and Conditions of Accepting Airport Improvement Program Grants" is enclosed. This master agreement is incorporated into the grant agreement by reference and will become binding upon your execution of the grant. Please retain the master agreement for your records.

Three original executed grant agreements should be returned to this office as soon as possible. **Also, please fax us a copy of the executed grant to ensure timely processing.** Our fax number is 404-305-7155.

Sincerely,

Lang F. Clark

Larry F. Clark
Acting Manager

Enclosures



U. S. Department
of Transportation
Federal Aviation
Administration

GRANT AGREEMENT

Date of Offer: August 5, 2009
Project Number: 3-37-0021-036-2009
Recipient: City of Fayetteville (Herein called Sponsors)
Airport: Fayetteville Regional/ Grannis Field Airport

OFFER

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay, as the United States' share, ninety-five percent of the allowable costs incurred in accomplishing the project consisting of the following:

Rehabilitate Aircraft Rescue and Fire Fighting Building, Phase II (Construction);

as more particularly described in the Project Application dated August 4, 2009.

The maximum obligation of the United States payable under this Offer shall be \$1,100,305 for airport development. This offer is made in accordance with and for the purpose of carrying out the provisions of Title 49, United States Code, herein called Title 49 U.S.C. Acceptance and execution of this offer shall comprise a Grant Agreement, as provided by Title 49 U.S.C., constituting the contractual obligations and rights of the United States and the Sponsor.

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION


Acting Manager Airports District Office

ACCEPTANCE

The Sponsor agrees to accomplish the project in compliance with the terms and conditions contained herein and in the document "Terms and Conditions of Accepting Airport Improvement Program Grants" dated March 29, 2005.

Executed this ____ day of _____, 2009.
(Seal)

City of Fayetteville
Name of Sponsor

Attest

Signature of Sponsor's Designated Official Representative

Title

Title

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of North Carolina. Further, I have examined the foregoing Grant Agreement, and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and Title 49 U.S.C. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Signature of Sponsor's Attorney

Date (Date must be on or later than execution date above)

000058

CITY COUNCIL ACTION MEMO

To: Mayor and City Council

From: Lisa Smith, Chief Financial Officer *LS*

Date: August 24, 2009

Re: Finance - Capital Project Ordinance 2010-8 (Aircraft Rescue and Fire Fighting Building Rehab Project)

THE QUESTION: Capital Project Ordinance 2010-8 will appropriate \$1,736,467 for the rehabilitation of Fire Station #10 at the Airport (ARFF building).

RELATIONSHIP TO STRATEGIC PLAN:

- Goal 4: More Efficient City Government – Cost Effective Service Delivery – Objective 1: Investing in City's future infrastructure, facilities and equipment.

BACKGROUND:

- This ordinance will appropriate an \$86,824 transfer from the Airport Operating Fund, \$549,338 in FAA grant funds for Phase I, and \$1,100,305 in FAA grant funds for Phase II of the ARFF building rehabilitation project.
- This project is included in the adopted FY2010 – FY2014 Capital Improvement Plan.
- Total project is projected to be \$1,736,467.
- The grant funding was broken down into two parts by the FAA due to funding authorization delays created by congressional action. The Airport opted to accept the Phase I portion of the grant funding when it was available, and has now obtained Phase II of the grant funding needed for the project.
- Phase I grant funding will be identified as AIP 35, and Phase II grant funding will be identified as AIP 36.

ISSUES:

None

OPTIONS:

- 1) Adopt the Capital Project Ordinance 2010-8.
- 2) Do not adopt the Capital Project Ordinance 2010-8.

RECOMMENDATIONS: Adopt the Capital Project Ordinance 2010-8.

CAPITAL PROJECT ORDINANCE
ORD 2010-8

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

Section 1. The authorized project is for the funding of the rehabilitation of the aircraft rescue and fire fighting building.

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:

Federal Grant Phase I- Federal Aviation Administration	\$	549,338
Federal Grant Phase II- Federal Aviation Administration		1,100,305
Local Match Phase I - Airport Operating Fund Transfer		28,913
Local Match Phase II - Airport Operating Fund Transfer		57,911
	\$	<u>1,736,467</u>

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

Project Expenditures - Phase I (AIP 35)	\$	578,251
Project Expenditures - Phase II (AIP 36)		1,158,216
	\$	<u>1,736,467</u>

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

Adopted this 24th day of August, 2009.

CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager
CC: Bradley Whited, Airport Director
From: Gloria Wrench, Purchasing Manager
Date: August 24, 2009
Re: Bid Recommendation – ARFF Building Renovation & Addition – Capital AIP-35

THE QUESTION: Staff requests approval to award a contract for the Aircraft Rescue and Firefighting Facility (ARFF) Building Renovation & Addition project.

RELATIONSHIP TO STRATEGIC PLAN: Greater Tax Base Diversity – Strong Local Economy

BACKGROUND: Bids were advertised to be received at 2:00 p.m., Wednesday, July 29, 2009. The following bids were received:

Keystone Construction, Hope Mills, NC	\$1,099,798.00
McKinley Building, Wilmington, NC	\$1,120,900.00
Fabco Construction, Kernersville, NC	\$1,184,339.00
Smith Construction, Whiteville, NC	\$1,242,200.00
Metcon Construction, Pembroke, NC	\$1,502,000.00

Keystone Construction & Consulting, LLC, Hope Mills, NC, will utilize DBE subcontractors for approximately 4.6% of the work on this project. The established goal for this project was 3.7%.

ISSUES: None

OPTIONS: (1) Award contract according to staff recommendation. (2) Reject bid and not award contract.

RECOMMENDATIONS: Award a contract to Keystone Construction & Consulting, LLC, Hope Mills, NC, in the amount of \$1,099,798.00.

Fayetteville Regional Airport
 ARFF Building Renovation & Addition
 TBI No. 2502-0903
 Bid Date: Wednesday, July 29, 2009 @ 2pm

This Tabulation was prepared by Talbert & Bright, Inc and is correct
 to the best of our knowledge, information, and belief.

By:  8-4-09

Bidder	Base Bid	Alternate GC-1	Base Bid Plus Alt GC-1
Keystone Construction & Consulting, LLC PO Box 40 3280 Thrower Road Hope Mills, NC 28348 NC GC License No. 45269	\$ 1,077,798.00	\$ 22,000.00	\$ 1,099,798.00
McKinley Building Corp. 3807 Peachtree Avenue, Suite 200 Wilmington, NC 28403 NC GC License No. 30896	\$ 1,098,900.00	\$ 22,000.00	\$ 1,120,900.00
FABCO Construction, Inc. 144 North Cherry Street, Suite 7 Kernersville, NC 27284 NC GC License No. 42058	\$ 1,147,000.00	\$ 37,339.00	\$ 1,184,339.00
Smith Construction Co. of Whiteville, NC PO Box 100 1368 Chadburn Road Whiteville, NC 28472 NC GC License No. 3620	\$ 1,219,000.00	\$ 23,200.00	\$ 1,242,200.00
Metcon Construction PO Box 1149 Pembroke, NC 28372 NC GC License No. 48609	\$ 1,470,000.00	\$ 32,000.00	\$ 1,502,000.00

Note:

The base bid of FABCO Construction, Inc. is shown as \$1,147,000.00 in numerals on the Bid Form and on the DBE Subcontractor Listing form, Page B-14.

CITY COUNCIL ACTION MEMO

To: Mayor and City Council

From: Lisa Smith, Chief Financial Officer *LS*

Date: August 24, 2009

Re: Finance - Special Revenue Fund Project Ordinance Amendment 2010-3 (FY2009-2010 Community Development Block Grant)

The Question:

Special Revenue Fund Project Ordinance Amendment 2010-3 reduces the project budget appropriation to be consistent with the grant award received from the U.S. Department of Housing and Urban Development (HUD).

Relationship to the Strategic Plan:

Goal 1: Growing City, Livable Neighborhoods – A Great Place to Live

Goal 3: More Attractive City – Clean and Beautiful

Background:

- The City was awarded a federal grant received from the U.S. Department of Housing and Urban Development in the amount of \$1,447,907.
- The attached amendment will reduce the budgeted federal revenue from HUD for the CDBG Program by \$87, to be consistent with the grant award received July 2009.

OPTION:

1. Adopt the amendment.
2. Do not adopt the amendment.

RECOMMENDATIONS:

Adopt Special Revenue Fund Project Ordinance Amendment 2010-3.

000043

ITEM 2. E.

SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT
CHANGE 2010-3 (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 amended:

Section 1. The project change authorized is to the Special Revenue Project Ordinance 2010-2, adopted on June 8, 2009, as amended, 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 grant agreements executed with the Federal and State governments and within the funds appropriated herein.

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
CDBG - HUD	\$ 1,447,994	\$ (87)	\$ 1,447,907
Program Income	227,694		227,694
	<u>\$ 1,675,688</u>	<u>\$ (87)</u>	<u>\$ 1,675,601</u>

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


Project Expenditures	<u>\$ 1,675,688</u>	<u>\$ (87)</u>	<u>\$ 1,675,601</u>
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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 24th day of August, 2009.

CITY COUNCIL ACTION MEMO

To: Mayor and City Council

From: Lisa Smith, Chief Financial Officer 

Date: August 24, 2009

Re: Finance - Special Revenue Fund Project Ordinance 2010-5 (Homelessness Prevention and Rapid Re-Housing Program)

The Question:

Special Revenue Fund Project Ordinance 2010-5 will appropriate the budget for the American Recovery and Reinvestment Act of 2009 (ARRA) Homelessness Prevention and Rapid Re-Housing Program awarded by the U.S. Department of Housing and Urban Development (HUD).

Relationship to the Strategic Plan:

Goal 1: Growing City, Livable Neighborhoods – A Great Place to Live

Background:

- ❑ The City of Fayetteville has been awarded \$589,648 for the Homelessness Prevention and Rapid Re-Housing Program through the American Reinvestment and Recovery Act of 2009.
- ❑ The grant will be used to provide homeless prevention assistance to households who would otherwise become homeless and to provide assistance to rapidly re-house people who are experiencing homelessness.
- ❑ The grant does not require matching funds.
- ❑ The Consolidated Plan 2008-2009 Action Plan Amendment was approved by City Council on May 11, 2009.

OPTION:

1. Adopt the ordinance.
2. Do not adopt the ordinance.

RECOMMENDATIONS:

Adopt Special Revenue Fund Project Ordinance 2010-5.

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2010-5

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

Section 1. The project authorized is for the funding of the American Recovery and Reinvestment Act of 2009 (ARRA) Homelessness Prevention and Rapid Re-Housing Program awarded by the U.S. Department of Housing and Urban Development (HUD).

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	\$ 589,648
	<u>\$ 589,648</u>

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

Project Expenditures	<u>\$ 589,648</u>
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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 24th day of August, 2009.

CITY COUNCIL ACTION MEMO

To: Mayor and City Council

From: Lisa Smith, Chief Financial Officer 

Date: August 24, 2009

Re: Finance - Special Revenue Fund Project Ordinance 2010-6 (Community Development Block Grant Recovery Program)

The Question:

Special Revenue Fund Project Ordinance 2010-6 will appropriate the budget for the American Recovery and Reinvestment Act of 2009 (ARRA) Community Development Block Grant Recovery Program awarded by the U.S. Department of Housing and Urban Development (HUD).

Relationship to the Strategic Plan:

Goal 1: Growing City, Livable Neighborhoods – A Great Place to Live

Goal 3: More Attractive City – Clean and Beautiful

Background:

- ☐ The City of Fayetteville has been awarded \$385,584 for the Community Development Block Grant Recovery Program through the American Reinvestment and Recovery Act of 2009.
- ☐ The grant will be used for the Residential Façade Grant Program and a Demolition Program.
- ☐ The grant does not require matching funds.
- ☐ The Consolidated Plan 2008-2009 Action Plan Amendment was approved by City Council on May 26, 2009.

OPTION:

1. Adopt the ordinance.
2. Do not adopt the ordinance.

RECOMMENDATIONS:

Adopt Special Revenue Fund Project Ordinance 2010-6.

000087

ITEM

2. G.

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2010-6

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

Section 1. The project authorized is for the funding of the American Recovery and Reinvestment Act of 2009 (ARRA) Community Development Block Grant Recovery Program awarded by the U.S. Department of Housing and Urban Development (HUD).

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	\$ 385,584
	<u>\$ 385,584</u>

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

Project Expenditures	<u>\$ 385,584</u>
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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 24th day of August, 2009.

CITY COUNCIL ACTION MEMO

To: Mayor and City Council

From: Lisa Smith, Chief Financial Officer 

Date: August 24, 2009

Re: Special Revenue Fund Project Ordinance 2010-7 (FY2008 Assistance to Firefighters Grant)

THE QUESTION: This ordinance appropriates a federal grant of \$196,168, awarded through the FY2008 Assistance to Firefighters Grant, and a required local match from the General Fund of \$49,042. The funds will be used to purchase fitness equipment and fund training certifications, physical exams and fitness evaluations.

RELATIONSHIP TO STRATEGIC PLAN:

Principle B: Desirable Neighborhoods – Neighborhoods where people are safe and secure

BACKGROUND:

- ❑ Special Revenue Fund Project Ordinance 2010-7 will appropriate the budget for a grant awarded to the City's Fire Department from the U.S. Department of Homeland Security. The grant will be administered through FEMA. The total project is estimated to cost \$245,210.
- ❑ The project will be funded as follows:
 - 80% federal funds (\$196,168) and 20% local match (\$49,042)
 - The local match is included in the Fire Department's fiscal year 2010 budget
- ❑ The funds will be used to:
 - Purchase two pieces of commercial grade fitness equipment for each of the 15 existing fire stations
 - Provide for physical exams and fitness evaluations of personnel
 - Train and certify a group of Fire Department employees as fitness trainers

ISSUES: None

OPTIONS:

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

RECOMMENDATIONS: Adopt Special Revenue Fund Project Ordinance 2010-7.

000089

ITEM 2, H.

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2010-7

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 special revenue project ordinance is hereby adopted:

Section 1. The project authorized is for the funding of the FY2008 Assistance to Firefighters grant awarded by the U.S. Department of Homeland Security and administered through FEMA.

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:

Federal Emergency Management Agency	\$ 196,168
General Fund Transfer	<u>49,042</u>
	<u><u>\$ 245,210</u></u>

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

Project Expenditures	<u><u>\$ 245,210</u></u>
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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 24th day of August, 2009.

CITY COUNCIL ACTION MEMO

To: Mayor and City Council

From: Lisa Smith, Chief Financial Officer *LS*

Date: August 24, 2009

Re: Capital Project Ordinance 2010-10 (FY2010 American Recovery and Reinvestment Act (ARRA) Transit Capital Grant 96-002 for Hybrid Electric Buses and Security Plan Development)

THE QUESTION: Capital Project Ordinance 2010-10 will appropriate the budget for the FY2010 American Recovery and Reinvestment Act (ARRA) Transit Capital Grant 96-002 for Hybrid Electric Buses and Security Plan Development.

RELATIONSHIP TO STRATEGIC PLAN:

Principle A: Great Place to Live – Accessible and efficient transit throughout the City
Value – Stewardship – Looking for ways to leverage city resources and to expand revenues

BACKGROUND:

- Transit has received a federal grant from the Federal Transit Administration (FTA), under the American Recovery and Reinvestment Act (ARRA) for fleet replacement
 - The FTA will fund 100% of the cost of the fleet replacement (\$3,066,430)
 - This will cover the costs to purchase five 35-foot hybrid electric buses
- The FTA grant also includes funding for the development of an updated security plan
 - The FTA will fund 100% of the cost of the security plan development (\$31,290)
 - This will cover emergency response drills and security training for Transit employees, as well as the development of an emergency preparedness plan
- The proposed funding sources for the \$3,097,720 ordinance are:
 - FTA (\$3,097,720)

ISSUES: None

OPTIONS:

- 1) Adopt the ordinance.
- 2) Do not adopt the ordinance.

RECOMMENDATIONS: Adopt Capital Project Ordinance 2010-10.

CAPITAL PROJECT ORDINANCE
ORD 2010-10

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

Section 1. The authorized project is for the funding of the FY2010 American Recovery and Reinvestment Act (ARRA) Transit Grant, which includes funds for the purchase of hybrid electric buses and development of new security plans, awarded by the Federal Transit Administration.

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:

Federal Transit Administration	\$ 3,097,720
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	<u>\$ 3,097,720</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 3,097,720</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 24th day of August, 2009.

CITY COUNCIL ACTION MEMO

To: Mayor and Members of Council
Thru: Dale Iman, City Manager
From: Jeffery P. Brown, PE, Interim Engineering & Infrastructure Director 
Date: August 24, 2009
Re: **Municipal Agreement & Resolution for Railroad Crossing Improvements at Southgate Road**

THE QUESTION:

Council is being asked to approve a Municipal Agreement and Resolution with NCDOT-Rail Division for Southgate Road. This agreement is necessary in order to improve the protective devices at the crossing location.

RELATIONSHIP TO STRATEGIC PLAN:

- Growing City, Livable Neighborhoods – A Great Place to Live

BACKGROUND:

- NCDOT-Rail Division has identified the rail crossing at Southgate Road as needing improvement.
- NCDOT along with the Federal Highway Administration will bear the entire cost of the project.

ISSUES:

- The City is responsible for improvements and repairs to the street approaches at the subject grade crossing. This cost will be reimbursed back to the City from NCDOT.
- The City will be responsible for an estimated annual maintenance cost of \$1,290 for these improvements.

OPTIONS:

- Approve the attached Municipal Agreement and Resolution.
- Not approve the Municipal Agreement and Resolution.

RECOMMENDATION:

- Approve the attached Municipal Agreement and Resolution with NCDOT-Rail Division to allow the improvements for the rail crossing on Southgate Road.

000073

ITEM

2. J.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

August 17, 2009

Mr. Bobby Teague
Director – Engineering & Infrastructure
City of Fayetteville
433 Hayes St., 301
Fayetteville, NC 28301-5537

Subject: Railroad Crossing Safety in Fayetteville

Dear Mr. Teague:

In recent years the Federal government has provided funds to the states for railway-highway grade crossing safety projects. Each year, the State of North Carolina examines all of the public railway-highway grade crossings in the State and ranks them according to their need for improvement. Based on the existing train volume, automobile volume, train speed, past accident experience, and existing protection, the following location in Fayetteville has qualified for Federal funds.

LOCATION	PROPOSED IMPROVEMENT	ESTIMATED PROJECT COST	ESTIMATED MUNICIPAL SHARE OF PROJECT	ESTIMATED MUNICIPAL SHARE OF ANNUAL MAINTENANCE COST
Southgate Rd. and Aberdeen & Rockfish Railway Tracks; Crossing No. 847 363K	Closure or Install / Upgrade Automatic Warning Devices	\$ 0.00 or \$ 200,000	\$ 0.00	\$ 0.00 or \$ 1,290.00

Under this program, the Federal government will pay 90 percent of the eligible cost. The municipality will be required to pay all costs not paid by Federal funds. Under North Carolina General statute 160A-298, the municipality will also be liable for payment directly to the Railroad for one-half the annual maintenance cost of signal installation. We have shown above our estimate of the total construction cost and the municipality's share of the annual maintenance cost, based on current schedules. Based on the current funding levels for the Railway-Highway Safety Program, this project will be programmed for the Federal Fiscal Year which began October 1, 2005.

MAILING ADDRESS:
RAIL DIVISION
ENGINEERING & SAFETY BRANCH
1556 MSC
RALEIGH NC 27699-1556

TELEPHONE: 919-715-8803
FAX: 919-733-0997

WEBSITE: www.bytrain.org

LOCATION:
CAPITAL YARD
862 CAPITAL BOULEVARD
RALEIGH, NC 27603

The estimated construction costs shown above are preliminary ones and are subject to considerable variation. Detailed estimates will be prepared during the preliminary engineering phase of the project and will, in part, depend on whether the proposed automatic devices consist of flashing light signals only or a combination of flashing light signals and gates. Unfortunately, preliminary engineering of the project cannot begin until municipal participation is assured.

Another solution to signalizing this crossing is to close this crossing to vehicular traffic. Eliminating the potential for train/car collisions would be the safest solution and it should also be a less expensive solution as it would eliminate any future crossing maintenance cost to the municipality. If feasible, this crossing could be closed under this project allowing the possibility of incentive funds from the Railroad and the NCDOT Rail Division or alternative safety improvements at adjacent crossing locations.

If you elect to participate in this project a detailed estimate, plans and material list will be provided for your approval before the railroad company is authorized to construct the project. If, at that time, the municipality decides not to proceed with the project we would drop the project from the current program, and the municipality would be billed for 100% of the preliminary engineering costs incurred to that time.

If the municipality wishes to participate in this project, please respond to this letter in writing within sixty (60) days indicating the municipality's interest in pursuing this project further, at which point we will draft the necessary agreement and send it to you for execution. If a response is not forthcoming we will take that as an indication that there is not any interest in proceeding with this safety project at this time and we will drop it from the current Transportation Improvement Program. The crossing will be reevaluated annually for inclusion in the program.

Upon your decision to participate, please notify us of any proposed roadway widening plans which may affect this railroad crossing signalization project. This information can then be incorporated in the design request to the railroad company involved.

The choice to accept or decline this project is the City's. However, if the City does decline this project, we feel the City may be subject to possible additional liability if an accident were to occur at the crossing. If you have not done so already, we strongly suggest you seek counsel from the City Attorney on the advisability of declining this project. If you decide to decline this project, please advise us of this decision in writing within sixty (60) days.

If you need further information, you may contact me at (919) 733-8015.

Yours very truly,

Bill Chappell
Senior Project Engineer

BCC/ajp
cc: T. R. Gibson, PE; P. C. Worley, CPM

NORTH CAROLINA
CUMBERLAND COUNTY

Z-4506G
ABERDEEN & ROCKFISH RAILROAD
847 363K
SOUTHGATE ROAD

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

8/17/09

AND

MUNICIPAL AGREEMENT

CITY OF FAYETTEVILLE

THIS MUNICIPAL AGREEMENT is made and entered into on the last date executed below, by and between the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the CITY OF FAYETTEVILLE, a municipal corporation, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Federal Highway Administration is authorized and directed by the provisions of Section 401 of Chapter 23 of the United States Code to assist and cooperate with State and Local Governments to increase highway safety; and,

WHEREAS, the "Transportation Equity Act for the 21st Century" provides funds for correcting safety hazards not on the Federal-Aid System as selected or designated by the State and subject to the approval of the U.S. Secretary of Transportation; and,

WHEREAS, Highway - Railway at Grade Crossing #847 363K on Southgate Road in Fayetteville has been selected for participation in the "Transportation Equity Act for the 21st Century" in accordance with the Federal-Aid standards and requirements; and,

WHEREAS, 23 USC 405(f) provides that in any state wherein the state is without legal authority to construct or maintain a project under this system, such state shall enter into a formal agreement for such construction or maintenance with the appropriate local officials of the municipality in which such a project is located; and,

WHEREAS, the Department is authorized by the provisions of G.S. 136-18 (12) to carry out the provisions of Federal-Aid highway acts for improvement projects on streets on the Municipal Street System; and,

WHEREAS, the Department and the Municipality are authorized to enter into agreements for the performance of such work on the Municipal Street System by the provisions of G.S. 136-18(12), G.S. 136-41.3, and G.S. 136-66.1; and,

WHEREAS, the Department will enter into such agreements as are necessary to improve the protective devices at the crossings selected and to obtain maximum Federal-Aid participation in the cost of the project, but in any event, the Municipality shall be responsible for any and all expense incurred in the planning, design, and installation of the protective devices incurred by the Department, but not reimbursed by the Federal Highway Administration.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual agreements set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

SCOPE OF THE PROJECT:

1. The Project consists of the

PLANNING, DESIGN AND EQUIPMENT PROCUREMENT:

2. The Department will arrange to have the necessary plans and detailed estimate prepared by the railroad concerned (or by a consultant for the railroad) and will review such plans with the Municipality before approving them for construction.

3. The Department will enter into an agreement with the railroad or railroads for the installation of the protective devices. The Department will supervise, as necessary, the work of installing the protective devices to insure installation is according to the approved plans. In the event substantial changes in the plans are found necessary during construction, the Department will consult with the Municipality before approving such changes. The Department will also make a final evaluation of the completed installation to insure it operates according to plans.

4. The Department will obtain all necessary Federal Highway Administration approvals.

5. All sites selected for improvement, all plans for improvements and all contracts with the railroad will be subject to the prior approval of the Municipality.

PROCURING PROFESSIONAL SERVICES

6. If the Municipality causes the professional engineering services required by this Agreement to be performed by contracting with a private engineering firm and seeks reimbursement for said services under this agreement, it is agreed as follows:

(A) The Municipality shall ensure that an engineering firm is obtained through an equitable selection process and that prescribed work is properly accomplished in a timely manner, at a just and reasonable cost.

(B) The Municipality, when procuring architectural, professional and engineering services, must adhere to Title 23 of the Code of Federal Regulations, Part 172. The Municipality shall comply with the policies and standards for negotiated contracts as contained in the Federal-Aid Policy Guide, Part 172; said policies and standards being incorporated in this Agreement by reference (www.fhwa.dot.gov/legregs/legislat).

(C) The Municipality shall submit all professional services contract proposals to the Department for review and approval prior to execution of any professional services contract by the Municipality. In the event that the professional services contract proposal (engineering) exceeds \$30,000, a pre-negotiation audit must be requested from the Department's External Audit Branch.

(D) Reimbursement for construction administration costs cannot exceed fifteen percent (15%) of the total construction cost. This applies to private engineering firms and/or work performed by the Municipality and/or the Department. The Municipality and/or its agent, shall perform project administration in accordance with all Departmental and Federal policies and procedures.

CONSTRUCTION PROCEDURES

7. In accordance with G.S. 160A-298(c), the Municipality shall be responsible for all improvements to and repair of the municipal street approaches to the subject grade crossing

signalization project. Improvements shall consist of, but not be limited to, installation of all pavement markings, signs, drainage, sidewalk relocation/repair, fill materials, and pipe extensions. In addition, the Municipality shall be responsible for securing any additional easement or right of way if necessary. All work shall be performed within the existing right of way and in accordance with Departmental standards and specifications, and all local codes and ordinances. The Municipality, and or its agent, shall enter into and administer the construction contract for said work and the procedures set out herein below shall be followed:

- (A) The construction engineering and supervision will be furnished by the Municipality.
- (B) The Department's Rail Division shall have the right to inspect any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement.
- (C) During said work, if any changes in the plans are necessary, such changes must be approved by the Department's Rail Division prior to the work being performed.
- (D) All materials used by the Municipality shall be in reasonable close conformity with the Standards and Specifications of the Department.
- (E) Prior to the final acceptance and payment by the Department, the Rail Division shall have the right to make a final inspection of the completed work.
- (F) The Municipality shall perform said work in conjunction with the railroad's completion of the installation of the protective devices in order not to delay the completion of the project.
- (G) The Municipality shall complete said work within sixty (60) days of installation of the protective devices.

FEDERAL POLICIES, PROCEDURES AND STANDARDS

- 8. The Municipality, and/or its agent, shall comply with the following federal policies: (a) Conflict of Interest; (b) Equal Employment Opportunity; and (c) Title VI – Civil Rights Act of 1964.
- 9. The Municipality, and/or its agent, including all contractors, sub-contractors, or

sub-recipients, shall also comply with the following federal policy:

(A) Any contract entered into with another party to perform work associated with the requirements of this agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or Small Professional Services Firm (SPSF) as required and defined in 49 CFR Part 26 of the Code of Federal Regulations and the North Carolina Administrative Code. The Department will provide the appropriate provisions to be contained in those contracts. Those provisions are available on the Department's website at: <https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

(B) No advertisement shall be made nor any contract be entered into for services to be performed as part of this agreement without prior written approval of the advertisement or contents of the contract by the Department.

(C) Failure to comply with these requirements will result in funding being withheld until such time as these requirements are met.

REIMBURSEMENT/FUNDING AND PAYMENT TERMS

10. Upon completion of the project, the Municipality agrees to reimburse the Department zero percent (0%) of the actual costs of the Project, and 100% of the cost not reimbursed to the Department by the Federal Highway Administration. Said reimbursement shall be made as follows:

(A) The Department shall reimburse the Municipality to the extent of one hundred percent (100%) of the approved allowable project costs incurred by the Municipality for the approach work. Said reimbursement shall be subject to the policies and procedures contained in Federal-Aid Policy Guide 23 CFR Part 140, Subpart G which is being incorporated into this Agreement by reference, is currently available at, (http://www.access.gpo.gov/nara/cfr/waisidx_02/23cfr140_02.html). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration which is to participate in the costs of the project to the extent of ninety percent (100%) of allowable project costs subject to compliance with all applicable federal policy and procedural rules and regulations.

(B) Upon completion of the approach work, the Municipality will bill the Department for actual costs as herein stated by submitting an itemized invoice to the Department's Rail Division. Upon approval of said invoice by the Rail Division and the Department's Financial Management Division, the actual cost of the approach work shall be payable to the Municipality.

(C) Upon completion of the Project, the Department shall submit an invoice to the Municipality denoting the balance of the Municipality's 0% participation in the actual cost of the project, and 100% of any costs not reimbursed by the Federal Highway Administration. Reimbursement to the Department shall be made within sixty (60) days of receiving an invoice from the Department. The Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23.

(D) Failure on the part of the Municipality to comply with any of these provisions will be grounds for the Department to terminate participation in the costs of the project.

(E) The project must progress in a satisfactory manner in the opinion of the Department and the Municipality must invoice the Department for work accomplished at least once every six (6) months to keep the project funds active and available. If the project does not remain active, the Department and/or FHWA reserves the right to de-obligate said funding. If in the opinion of the Department and/or FHWA, satisfactory progress has not been made to complete the project per the terms of this agreement, the Department and/or FHWA reserves the right to de-obligate said funding.

(F) The Municipality shall maintain records that establish final documentation of quantities incorporated into the Project in accordance with established federal procedures.

(G) All invoices must be submitted within six (6) months of completion and acceptance of the work by the Department and FHWA or said invoices will be considered ineligible items for payment.

(H). The Municipality agrees that, if the Federal Highway Administration does not participate in certain costs because of noncompliance with Federal and/or State regulations, it will reimburse the Department for such costs regardless of any nonparticipation in the costs by the

Federal Highway Administration. All costs not reimbursed to the Department by the Federal Highway Administration shall be borne by the Municipality. Following completion of the work, the Department shall invoice the Municipality for all costs incurred by said Department that are not reimbursed by the Federal Highway Administration.

FINAL AUDIT

11. The Municipality shall be responsible for adhering to applicable administrative requirements of 49 CFR Part 18 and is currently available at (<http://www.fhwa.dot.gov/hep/49cfr18.htm>). If the work is performed by Municipal force account, said invoices shall show a summary of labor, labor additives, equipment, materials and other qualifying cost in conformance with the standards for allowability of costs set forth in Office of Management and Budget (OMB) Circular A-87 and is currently available at, (www.whitehouse.gov/OMB/circulars/a087/a087-all.html). Reimbursement shall be based on actual cost incurred with the exception of equipment owned by the Municipality. Reimbursement for rates of equipment owned by the Municipality cannot exceed the Department's rates in effect for the time period in which the work is performed. If the work is performed by a contractor, said invoices shall show the contract cost.

12. In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" and is currently available at, (www.whitehouse.gov/OMB/circulars/a133/a133.html) dated June 27, 2003 and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

POWELL BILL PROVISION

13. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said

Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.

RECORDS ACCESS AND RETENTION

14. The Municipality and its contractor shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its contractor to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration under this Agreement, for inspection and audit by the Department, the Federal Highway Administration, or any authorized representatives of the Federal Government.

MAINTENANCE

15. It is understood the railroad is responsible for the maintenance of the protective devices and the Municipality shall be responsible for payment to the railroad fifty percent (50%) of the railroad's cost of maintenance of said devices pursuant to the provisions of G.S. 160A-298(c).

LIABILITY

16. The extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.

COMPLIANCE

17. Per OMB Circular A-133, Municipality is prohibited from contracting with or making subawards under transactions covered by this agreement to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement contracts for goods or services equal to or in excess of \$25,000 and all nonprocurement transactions (e.g., subawards to subrecipients). Contractors receiving individual awards for \$ 25,000 or more and all subrecipients must certify that the organization and its principals are not suspended or debarred. The Municipality may rely upon the certification unless it knows that the certification is erroneous. The Municipality agrees that it is not presently debarred, suspended, proposed for

debarment, declared ineligible, or voluntarily excluded from covered transactions by Federal department or agency.

18. The **Municipality** shall be responsible for ensuring compliance with all applicable State, Federal and local environmental laws and regulations and ordinances in the construction of the project and shall be responsible for any fines, assessments or other penalties resulting from non-compliance by any entity performing work under contract with the **Municipality**.

19. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.

ADDITIONAL PROVISIONS

20. The Department shall have the right to abandon the Project at any time before the Municipality has been called upon to perform any part of its agreement. All terms and conditions of this Agreement are dependent upon, and, subject to the available departmental funding and fiscal constraints for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

21. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

IT IS UNDERSTOOD AND AGREED that the approval of the project by the Department is subject to the conditions of this Agreement and that no expenditure of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given, as evidenced by the attached certified copy of Resolution, Ordinance or Charter Provision, as the case may be.

L.S.

ATTEST:

CITY OF FAYETTEVILLE

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

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

(SEAL)

Finance Officer

Federal Tax Identification Number

City of Fayetteville

Remittance Address:
City of Fayetteville

APPROVED AS TO EXECUTION

By: _____
Assistant Attorney General

DEPARTMENT OF TRANSPORTATION

By: _____
Director – Engineering & Safety

DATE: _____

Remittance Address:
North Carolina Department of Transportation
Rail Division Engineering & Safety Branch
1556 Mail Service Center
Raleigh, NC 27699-1556
Attn: Bill Chappell, Project Engineer
(919) 733-8015
bchappell@ncdot.gov

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL
OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

A motion was made by _____ and seconded by _____
_____ for the adoption of the following Resolution, and upon
being put to a vote was duly adopted:

WHEREAS, the Department of Transportation, an agency of the State of North Carolina, pursuant to the provisions of G.S. 136-18(12) proposes to contract with the Federal Highway Administration to obtain Federal-Aid funds for the improvements in the protective devices at certain highway-railway at grade crossings on the Municipal Street System for which the Municipality is responsible; and,

WHEREAS, this project shall consist of the installation of certain automatic warning devices at the crossing of Southgate Road and Aberdeen & Rockfish Railroad Tracks (Crossing No. 847 363K); and,

WHEREAS, the Municipality will reimburse the Department of Transportation for zero percent (0%) of any and all expenses incurred in the planning, design and installation of the protective device by the Department of Transportation, and 100% of the cost not reimbursed by the Federal Highway Administration; and,

WHEREAS, in order to carry out the aforesaid projects and to promote the public interest and general welfare of the Municipality, it is necessary for the Municipality to enter into a contract with the Department of Transportation to provide for the installation and maintenance of the protective devices at certain highway-railway at grade crossings on the Municipal Street System.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Mayor and the Clerk of the City of Fayetteville are hereby formally authorized to enter into a contract with the Department of Transportation to obtain Federal-Aid highway funds necessary to improve the protective devices at the said grade crossing under Project Z-4506G, for the Department of Transportation to perform certain work, and the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

I, _____, Clerk of the City of Fayetteville, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the _____ day of _____, 20____.

WITNESS, my hand and the official seal of said Municipality on this the _____ day of _____, 20____.

(SEAL)

CLERK
CITY OF FAYETTEVILLE

EXHIBIT A

Highway – Railway at Grade Crossing in the Municipality of Fayetteville, Cumberland County, North Carolina at which improvements are to be made:

Z-4506G

Crossing of Southgate Road and Aberdeen & Rockfish Railroad Tracks, Crossing No. 847 363K, to be improved by the installation of automatic warning devices at an estimated cost of **\$200,000**

CITY COUNCIL ACTION MEMO

To: Mayor and City Council

From: Lisa Smith, Chief Financial Officer *LS*

Date: August 24, 2009

Re: Capital Project Ordinance Amendment 2010-17 (EE Miller Recreation Center)

THE QUESTION: This amendment will appropriate \$8,008 to the EE Miller Recreation Center project to facilitate the closure of this project.

RELATIONSHIP TO STRATEGIC PLAN: Vision Principal C: Leisure Opportunity for All.

BACKGROUND:

- ❑ This project has been completed; however, this amendment is necessary to restore \$8,008 unintentionally removed from the project's expenditure budget in Capital Project Ordinance Amendment 2010-13, which was approved on August 10.
- ❑ The adjustments to the project's revenue budget (source of funds for the project) are recommended to align the revenue budget with the actual funding sources used to complete the project. Those adjustments are: reduce capital lease proceeds by \$50, reduce the General Fund transfer by \$18,308 and increase investment income by \$26,366.
- ❑ This amendment will allow this project to be closed out in fiscal year 2011 and is consistent with the approved capital improvement plan.

ISSUES:

None

OPTIONS:

- 1) Adopt Capital Project Ordinance Amendment 2010-17.
- 2) Do not adopt Capital Project Ordinance Amendment 2010-17.

RECOMMENDATIONS: Adopt Capital Project Ordinance Amendment 2010-17.

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2010-17 (CPO 2006-8)

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

Section 1. The project change authorized is the Capital Project Ordinance 2006-8, adopted April 10, 2006, as amended, for the construction of the EE Miller Recreation Center and associated costs to include equipment, furniture, and landscaping.

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
Capital Lease Proceeds	\$ 2,122,050	\$ (50)	\$ 2,122,000
General Fund Transfer	175,000	(18,308)	156,692
Investment Income	-	26,366	26,366
	<u>\$ 2,297,050</u>	<u>\$ 8,008</u>	<u>\$ 2,305,058</u>

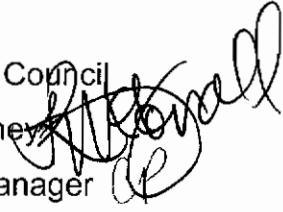
Section 4. The following amounts are appropriated for the project:

Project Expenditures	\$ 2,287,952	\$ 8,008	\$ 2,295,960
Transfer to General Government Fund	9,098	-	9,098
	<u>\$ 2,297,050</u>	<u>\$ 8,008</u>	<u>\$ 2,305,058</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 24th day of August, 2009.

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
Thru: Karen McDonald, City Attorney 
From: Cindy Preas, Real Estate Manager
Date: June 23, 2008
Re: Accept an Offer to Purchase a vacant City-owned lot on Old Wilmington Road

THE QUESTION: Whether to take final action on an offer from Dan V. Kinlaw to purchase a City-owned, PWC managed lot.

RELATIONSHIP TO STRATEGIC PLAN: A Growing City – A Great Place to Live

BACKGROUND: On July 27, 2009 the City Council authorized advertisement of Mr. Kinlaw's offer of \$15,143.00 for upset bids on a lot identified as Tax PIN 0436-86-0645. The bid was advertised pursuant to NCGS§ 160A-269 in the *Fayetteville Observer* on August 5, 2009. No upset bid was received during the 10-day period following advertisement.

This property is managed by the Public Works Commission, who are agreeable to the sell. The property is not located within the Hope VI project area. The offering price of \$15,143.00 represents 100% of the appraised tax value. The property is being conveyed subject to a forty-foot (40') drainage and utility easement. Sale of the lot will return it to the active tax rolls.

OPTIONS:

- Accept the offer to purchase and deed the City's title to Mr. Kinlaw.
- Reject the offer to purchase.

RECOMMENDATIONS:

Accept the offer and authorize the City Manager to sign a deed conveying the parcel to Dan V. Kinlaw.

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

Resolution R2009_____

**RESOLUTION DECLARING PROPERTY EXCESS
TO CITY'S NEEDS AND CONVEYING TITLE
IN THE PROPERTY TO DAN V. KINLAW**

WHEREAS, the City of Fayetteville by and through the Public Works Commission owns certain properties, said property having the tax map designation of PIN 0436-86-0645; and

WHEREAS, North Carolina General Statue §160A-269 permits the City to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of \$15,143.00, submitted by Dan V. Kinlaw; and

WHEREAS, Dan V. Kinlaw has paid the required five percent (5%) deposit of his offer;

NOW THEREFORE, the City Council of the City of Fayetteville hereby declares the aforesaid real property surplus to City's needs and authorizes its City Manager to sign a deed conveying title to Dan V. Kinlaw.

ADOPTED this _____ day of August, 2009 by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE


(SEAL)

By: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
Thru: Karen McDonald, City Attorney 
From: Cindy Preas, Real Estate Manager
Date: June 23, 2008
Re: Accept an Offer to Purchase a vacant City-Owned lot on Boone Trail

THE QUESTION: Whether to take final action on an offer from John M. Hall, Jr. to purchase a City-owned, PWC managed lot.

RELATIONSHIP TO STRATEGIC PLAN: A Growing City – A Great Place to Live

BACKGROUND: On July 27, 2009 the City Council authorized advertisement of Mr. Hall's offer of \$10,800.00 for upset bids on a lot identified as Tax PIN 0416-92-6643 the bid was advertised pursuant to NCGS§ 160A-269 in the *Fayetteville Observer* on August 7, 2009. No upset bid was received during the 10-day period following advertisement.

This property is managed by the Public Works Commission, who are agreeable to the sell. The property is not located within the Hope VI project area. The offering price of \$10,800.00 represents 100% of the appraised tax value. The property is being conveyed subject to a one hundred foot (100') C P & L utility easement; lying within this easement are PWC utilities. Sale of the lot will return it to the active tax rolls.

OPTIONS:

- Accept the offer to purchase and deed the City's title to Mr. Hall.
- Reject the offer to purchase.

RECOMMENDATIONS:

Accept the offer and authorize the City Manager to sign a deed conveying the parcel to John M. Hall, Jr.

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

Resolution R2009_____

**RESOLUTION DECLARING PROPERTY EXCESS
TO CITY'S NEEDS AND CONVEYING TITLE
IN THE PROPERTY TO JOHN M. HALL, JR.**

WHEREAS, the City of Fayetteville by and through its Public Works Commission owns certain properties, said property having the tax map designation of PIN 0416-92-6643; and

WHEREAS, North Carolina General Statute §160A-269 permits the City to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of \$10,800.00, submitted by John M. Hall, Jr.; and

WHEREAS, John M. Hall, Jr. has paid the required five percent (5%) deposit of his offer;

NOW THEREFORE, the City Council of the City of Fayetteville hereby declares the aforesaid real property surplus to City's needs and authorizes its City Manager to sign a deed conveying title to John M. Hall, Jr.

ADOPTED this _____ day of August, 2009 by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

To: Mayor and Members of Council

Steven K. Blanchard

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

Date: August 12, 2009 (**Scheduled City Council Date: August 24, 2009**)

Re: Resolution for Series 2009 Revenue and Revenue Refunding Bonds

THE QUESTION: The Public Works Commission of the City of Fayetteville requests Council adopt a Resolution pertaining to the Series 2009 Revenue and Revenue Refunding Bonds

RELATIONSHIP TO STRATEGIC PLAN: Most Financially Sound Utility, Quality Utility Services

BACKGROUND:

During their regular meeting of August 12, 2009 the Public Works Commission considered and adopted Resolution PWC2009.13 and requested that the City Council adopt a similar resolution. Resolution PWC2009.13 supplements Resolution PWC2009.12 passed by the Commission on July 8, 2009 and a similar resolution passed by City Council on July 13, 2009. This resolution increases the bond issue size by \$45 million to \$190 million adding water and sewer related projects to the refunding of the variable rate bonds. It was determined that it is in the best interest of PWC and the City to issue additional revenue bonds in connection with the same plan of finance for the purpose of financing the cost of various improvements to the water and sewer system.

The LGC requires that a not to exceed amount be set in connection with the issuance of fixed rate bonds for the purpose of refunding all or a portion of the Series 2003 and 2003A bonds. The PWC expects the all-in cost to the City/PWC not to be greater than 2% of the aggregate par amount of the bonds to be refunded on an aggregate net present value basis more than the all-in cost of issuing such refunding bonds as variable rate bonds and keeping the associated interest rate swap agreements in place to serve as a hedge against the variable interest rate borne by such refunding bonds.

ISSUES:

N/A

OPTIONS:

N/A

RECOMMENDATIONS:

Adopt a City Resolution supplementing a prior Resolution of the City Of Fayetteville, North Carolina making certain findings and determinations, authorizing the filing of an application with the Local Government Commission and requesting the Local Government Commission to sell bonds at a private sale all in connection with the issuance of revenue and revenue refunding bonds by the City of Fayetteville, North Carolina

000035

ITEM

2. N.



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 OLO 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

August 5, 2009

MEMO TO: Steven K. Blanchard, CEO

MEMO FROM: J. Dwight Miller, CFO

SUBJECT: Series 2009 Revenue and Revenue Refunding Bonds

Resolution PWC2009.13 supplements Resolution PWC2009.12 passed by the Commission on July 8, 2009 and a similar resolution passed by City Council on July 13, 2009. This resolution increases the bond issue size by \$45 million to \$190 million adding water and sewer related projects to the refunding of the variable rate bonds. It was determined that it is in the best interest of PWC and the City to issue additional revenue bonds in connection with the same plan of finance for the purpose of financing the cost of various improvements to the water and sewer system.

The LGC requires that a not to exceed amount be set in connection with the issuance of fixed rate bonds for the purpose of refunding all or a portion of the Series 2003 and 2003A bonds. The PWC expects the all-in cost to the City/PWC not to be greater than 2% of the aggregate par amount of the bonds to be refunded on an aggregate net present value basis more than the all-in cost of issuing such refunding bonds as variable rate bonds and keeping the associated interest rate swap agreements in place to serve as a hedge against the variable interest rate borne by such refunding bonds.

Staff recommends that the Commission adopt Resolution PWC2009.13 supplementing a prior resolution of the Public Works Commission of the City of Fayetteville, North Carolina making certain findings and determinations, authorizing the filing of an application with the Local Government Commission and requesting the Local Government Commission to sell bonds at a private sale all in connection with the issuance of revenue and revenue refunding bonds by the City of Fayetteville, North Carolina and request that the City Council adopt a similar resolution.

APPROVED:

PUBLIC WORKS COMMISSION

000096

Item No. III

DATE: 8-12-09

BUILDING COMMUNITY CONNECTIONS SINCE 1905

AN EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

The Public Works Commission of the City of Fayetteville, North Carolina held a regular meeting at 955 Old Wilmington Road in Fayetteville, North Carolina, the regular place of meeting, at 8:30 a.m. on August 12, 2009.

Present: Chairman Wilson A. Lacy, presiding, and Commissioners

Absent: Commissioners

Also Present: _____

* * * * *

J. Dwight Miller, CFO introduced the following resolution the title of which was read and copies of which had been previously distributed to each Commissioner:

Resolution No. PWC2009.13

RESOLUTION SUPPLEMENTING A PRIOR RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA MAKING CERTAIN FINDINGS AND DETERMINATIONS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL BONDS AT A PRIVATE SALE ALL IN CONNECTION WITH THE ISSUANCE OF REVENUE AND REVENUE REFUNDING BONDS BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA

BE IT RESOLVED by the Public Works Commission of the City of Fayetteville, North Carolina (the "PWC"):

Section 1. The PWC does hereby find and determine as follows:

(a) The PWC, created pursuant to Chapter VI of the City Charter of the City of Fayetteville, North Carolina (the "City") as an independently operated utility for the purpose of supervising and managing the electric, water and sanitary sewer systems of the City, currently operates an electric system, water system and sanitary sewer system for and on behalf of the City, all of which provide services to the residents of the City and its environs.

(b) Pursuant to a bond order adopted by the City Council of the City on November 5, 1990, as supplemented and amended (the "Bond Order"), the City and the PWC created a combined enterprise system comprised of the electric system, water system and sanitary sewer system (collectively, the "System"). The Bond Order provides for the issuance of revenue bonds

thereunder, to be secured by the Net Revenues (as defined in the Bond Order) of the System as set forth therein, to finance improvements to the System and to refund bonds issued the Bond Order.

(c) On July 8, 2009, the PWC adopted a resolution (the "Prior Resolution") making certain findings and determinations and authorizing the filing of an application with the Local Government Commission of North Carolina (the "LGC"), all with respect to the issuance of revenue bonds pursuant to the Bond Order for the purpose of refunding certain prior revenue bonds of the City and financing certain other related costs. Additionally, the PWC requested in the Prior Resolution that the LGC sell such revenue refunding bonds at a private sale without advertisement.

(d) The PWC has determined that (i) it is in the PWC's best economic interest for the City to issue additional revenue bonds in connection with the same plan of finance for the purpose of financing the cost of various improvements to the City's water and sewer system and (ii) it is necessary to supplement the authorizations, findings and determinations made with respect to the revenue refunding bonds in the Prior Resolution to provide for the issuance of revenue bonds pursuant to the Bond Order to finance such improvements to the City's water and sewer system.

(e) In order to better serve and provide for the future needs of the residents of the City and its environs, the City will acquire, construct and equip various improvements to its water and sanitary sewer system, including, without limitation, (i) extension of sewer mains and lines to various annexed areas of the City, (ii) extension, rehabilitation and replacement of water and sewer mains and lines, (iii) sanitary sewer manhole rehabilitation, (iv) dam, outfall and pump rehabilitation and (v) boiler and telemetry unit replacement (collectively, the "Series 2009 Project").

(f) The Series 2009 Project is necessary to secure adequate and reliable water and sewer service and to promote the present and future welfare of the residents of the City and its environs.

(g) The PWC desires to commence procedures at this time for having the City issue revenue bonds for the purpose of providing funds, together with any other available funds, to (i) pay the costs of the Series 2009 Project, including any capitalized interest with respect thereto, (ii) refund all or a portion of the Bonds to be Refunded (as defined in the Prior Resolution), (iii) finance the cost of terminating the interest rate swap agreements entered into by the City in connection with the Bonds to be Refunded, (iv) fund any necessary debt service reserve funds for such revenue bonds and (v) pay certain other costs associated with the issuance and sale of such revenue bonds.

(h) The PWC desires for the City to file an application with the LGC for approval of the issuance of such revenue bonds and to authorize certain actions in connection therewith.

(i) The amount of the proposed revenue bonds will be sufficient, but not excessive, for the purpose of paying the costs described in paragraph (g) above.

(j) The proposed Series 2009 Project is feasible.

(k) The annual audits of the PWC and the City show the PWC and the City to be in strict compliance with debt management policies, and the budgetary and fiscal management policies of the PWC and the City are in compliance with law.

(l) The proposed revenue bonds can be marketed at a reasonable interest cost to the City.

(m) Any projected rate increases for water and sewer service in connection with the issuance of the proposed revenue bonds will be reasonable.

(n) In connection with the issuance of fixed rate bonds for the purpose of refunding all or a portion of the Bonds to be Refunded, the all-in cost to the City and the PWC will not be greater than 2% of the aggregate par amount of the Bonds to be Refunded (\$2,515,800) on an aggregate net present value basis more than the all-in cost of issuing such refunding bonds as variable rate bonds and keeping the associated interest rate swap agreements in place to serve as a hedge against the variable interest rate borne by such refunding bonds.

Section 2. The officers and employees of the PWC are hereby authorized and directed to assist the City in filing an application with the Local Government Commission for approval of the issuance of revenue bonds in an aggregate principal amount not to exceed \$190,000,000 for the purpose of providing funds, together with any other available funds, for the purposes described in Section 1(g) above. Except as otherwise modified by this resolution, the findings, determinations, authorizations and approvals set forth in the Prior Resolution shall remain in full force and effect and are hereby ratified, authorized and approved.

Section 3. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing resolution entitled "RESOLUTION SUPPLEMENTING A PRIOR RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA MAKING CERTAIN FINDINGS AND DETERMINATIONS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL BONDS AT A PRIVATE SALE ALL IN CONNECTION WITH THE ISSUANCE OF REVENUE AND REVENUE REFUNDING BONDS BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA" was passed by the following vote:

Ayes: _____.

Noes: _____.

* * * * *

I, Luis J. Olivera, Secretary of the Public Works Commission of the City of Fayetteville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of so much of the proceedings of said Public Works Commission at a regular meeting held on August 12, 2009, as relates in any way to the adoption of the foregoing resolution and that said proceedings are recorded in minute books of said Public Works Commission.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said Public Works Commission this 12th day of August, 2009.

Secretary

The City Council of the City of Fayetteville, North Carolina held a regular meeting in the City Council Chambers in City Hall located at 433 Hay Street in Fayetteville, North Carolina, the regular place of meeting, at 7:00 p.m. on August 24, 2009.

Present: Mayor Anthony G. Chavonne, presiding, and Council Members

Absent: Council Members

Also Present: _____

* * * * *

The following resolution was presented on the consent agenda; copies of which had been previously distributed to each Council Member:

RESOLUTION SUPPLEMENTING A PRIOR RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA MAKING CERTAIN FINDINGS AND DETERMINATIONS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL BONDS AT A PRIVATE SALE ALL IN CONNECTION WITH THE ISSUANCE OF REVENUE AND REVENUE REFUNDING BONDS BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA

BE IT RESOLVED by the City Council (the "City Council") of the City of Fayetteville, North Carolina (the "City"):

Section 1. The City Council does hereby find and determine as follows:

(a) The City, acting by and through the City Council, is authorized by The State and Local Government Revenue Bond Act of North Carolina, Article 5 of Chapter 159 of the North Carolina General Statutes, as amended, to issue revenue bonds for the purpose of financing the costs associated with the acquisition, construction, reconstruction, enlargement, equipping, extension, betterment or improvement of water systems and facilities, sewage disposal systems and facilities and electric systems and facilities and to refund revenue bonds issued for such purposes.

(b) The Public Works Commission (the "PWC"), created pursuant to Chapter VI of the City Charter of the City as an independently operated utility for the purpose of supervising and managing the electric, water and sanitary sewer systems of the City, currently operates an

electric system, water system and sanitary sewer system for and on behalf of the City, all of which provide services to the residents of the City and its environs.

(c) Pursuant to a bond order adopted by the City Council of the City on November 5, 1990, as supplemented and amended (the "Bond Order"), the City and the PWC created a combined enterprise system comprised of the electric system, water system and sanitary sewer system (collectively, the "System"). The Bond Order provides for the issuance of revenue bonds thereunder, to be secured by the Net Revenues (as defined in the Bond Order) of the System as set forth therein, to finance improvements to the System and to refund bonds issued the Bond Order.

(d) On July 13, 2009, the City Council adopted a resolution (the "Prior Resolution") making certain findings and determinations and authorizing the filing of an application with the Local Government Commission of North Carolina (the "LGC"), all with respect to the issuance of revenue bonds pursuant to the Bond Order for the purpose of refunding certain prior revenue bonds of the City and financing certain other related costs. Additionally, the City requested in the Prior Resolution that the LGC sell such revenue refunding bonds at a private sale without advertisement.

(e) The City has determined that (i) it is in the City's best economic interest to issue additional revenue bonds in connection with the same plan of finance for the purpose of financing the cost of various improvements to the City's water and sewer system and (ii) it is necessary to supplement the authorizations, findings and determinations made with respect to the revenue refunding bonds in the Prior Resolution to provide for the issuance of revenue bonds pursuant to the Bond Order to finance such improvements to the City's water and sewer system.

(f) In order to better serve and provide for the future needs of the residents of the City and its environs, the City will acquire, construct and equip various improvements to its water and sanitary sewer system, including, without limitation, (i) extension of sewer mains and lines to various annexed areas of the City, (ii) extension, rehabilitation and replacement of water and sewer mains and lines, (iii) sanitary sewer manhole rehabilitation, (iv) dam, outfall and pump rehabilitation and (v) boiler and telemetry unit replacement (collectively, the "Series 2009 Project").

(g) The Series 2009 Project is necessary to secure adequate and reliable water and sewer service and to promote the present and future welfare of the residents of the City and its environs.

(h) The City desires to commence procedures at this time to issue revenue bonds for the purpose of providing funds, together with any other available funds, to (i) pay the costs of the Series 2009 Project, including any capitalized interest with respect thereto, (ii) refund all or a portion of the Bonds to be Refunded (as defined in the Prior Resolution), (iii) finance the cost of terminating the interest rate swap agreements entered into by the City in connection with the Bonds to be Refunded, (iv) fund any necessary debt service reserve funds for such revenue bonds and (v) pay certain other costs associated with the issuance and sale of such revenue bonds.

(i) The City desires to file an application with the LGC for approval of the issuance of such revenue bonds and to authorize certain actions in connection therewith.

(j) The amount of the proposed revenue bonds will be sufficient, but not excessive, for the purpose of paying the costs described in paragraph (h) above.

(k) The proposed Series 2009 Project is feasible.

(l) The annual audits of the PWC and the City show the PWC and the City to be in strict compliance with debt management policies, and the budgetary and fiscal management policies of the PWC and the City are in compliance with law.

(m) The proposed revenue bonds can be marketed at a reasonable interest cost to the City.

(n) Any projected rate increases for water and sewer service in connection with the issuance of the proposed revenue bonds will be reasonable.

(o) In connection with the issuance of fixed rate bonds for the purpose of refunding all or a portion of the Bonds to be Refunded, the all-in cost to the City and the PWC will not be greater than 2% of the aggregate par amount of the Bonds to be Refunded (\$2,515,800) on an aggregate net present value basis more than the all-in cost of issuing such refunding bonds as variable rate bonds and keeping the associated interest rate swap agreements in place to serve as a hedge against the variable interest rate borne by such refunding bonds.

Section 2. The City Manager and the Chief Financial Officer of the City, and any of their authorized designees or representatives, are each hereby authorized and directed to file an application with the Local Government Commission for approval of the issuance of revenue bonds in an aggregate principal amount not to exceed \$190,000,000 for the purpose of providing funds, together with any other available funds, for the purposes described in Section 1(h) above. Except as otherwise modified by this resolution, the findings, determinations, authorizations and approvals set forth in the Prior Resolution shall remain in full force and effect and are hereby ratified, authorized and approved.

Section 3. This resolution shall take effect immediately upon its passage.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing resolution entitled "RESOLUTION SUPPLEMENTING A PRIOR RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA MAKING CERTAIN FINDINGS AND DETERMINATIONS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL BONDS AT A PRIVATE SALE ALL IN CONNECTION WITH THE ISSUANCE OF REVENUE AND REVENUE REFUNDING BONDS BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA" was passed by the following vote:

Ayes: _____.

Noes:_____.

* * * * *

I, Rita Perry, City Clerk of the City of Fayetteville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of so much of the proceedings of the City Council of said City at a regular meeting held on August 24, 2009, as relates in any way to the adoption of the foregoing resolution and that said proceedings are recorded in minute books of said City Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said City this 24th day of August, 2009.

City Clerk

[SEAL]

000124

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council

From: Jimmy Teal, Planning Director

Date: August 24, 2009

Re: Sign Permit – Greek Festival

THE QUESTION: Approval of Sign Permit

RELATIONSHIP TO STRATEGIC PLAN: Partnership of Citizens

BACKGROUND:

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

The Saints Constantine & Helen Greek Orthodox Church is conducting their annual Greek Fest on September 9th through September 13th. They are requesting signage on the AAMCO property adjacent to their property announcing their event from August 26th through September 14th.

ISSUES:

The City Council has routinely approved requests for advertisement of non-commercial special events.

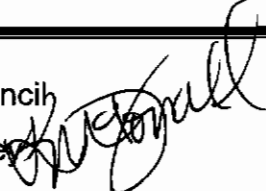
OPTIONS:

1. Grant the sign permit as requested.
2. Deny the request.

RECOMMENDATIONS:

Option 1 – Grant the permit.

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Karen M. McDonald, City Attorney 
Date: August 24, 2009
Re: Request from the Cape Fear Botanical Garden

THE QUESTION: How to respond to a request from the Cape Fear Botanical Garden regarding the construction of a visitor's center complex.

RELATIONSHIP TO STRATEGIC PLAN: More Efficient City Government – Cost Effective Services Delivery

BACKGROUND: In 1990, the City of Fayetteville leased a 67-acre tract of land to the Cape Fear Botanical Garden (formerly Friends of the Botanical Garden). The lease was for a term of 50 years with rent of \$1.00 per year. In 2002, the City of Fayetteville conveyed the same property to the Cape Fear Botanical Garden (CFBG) for use as a public park, green space, and natural area for the use and enjoyment of the citizens and residents of the City of Fayetteville. Included in the deed was a restriction that the conveyance would automatically terminate and revert back to the City if the property was used for any purpose except a public park, green space, and natural area.

According to representatives for CFBG, the CFBG is completing the final phase of its master plan which includes building a visitor's center complex. The complex will be a 33,000 square foot complex that will sit on approximately 10.1 acres and will provide year-round space for permanent displays, travel exhibits, educational programs, meetings, and special events. In order to obtain financing, CFBG has requested that the City release all restrictions and reversionary interest in the 10.1 acre tract upon which the visitor's center is being constructed. This release would be effective during the time CFBG is indebted to the bank and in the event of foreclosure. The City's restrictions and reversionary interest would reattach upon satisfaction of the deed of trust. In exchange, the CFBG has agreed to allow the City to use the center twice a year.

Representatives from the CFBG will be available to answer any questions.

ISSUE: Whether City Council is amenable to revising the deed as it pertains to the 10.1 acres that the visitor's center would be constructed on.

OPTIONS:

- Agree to the proposed revision in the deed and authorize City staff to execute the necessary documents.
- Reject the proposed revision to the deed.
- Provide staff with additional direction regarding the proposed revision to the deed.

RECOMMENDATIONS: Evaluate the proposed revision to the deed and provide direction to City staff.

CITY COUNCIL ACTION MEMO

To: Mayor and City Council Members

From: Craig M. Harmon, Planner II



Date: August 24, 2009

Case No. P09-24F

THE QUESTION: Rezone from R6 Residential District to R5 Residential District to allow greater density

RELATIONSHIP TO STRATEGIC PLAN: Growth and Development

BACKGROUND:

Owner:	Pear Tree Properties, LLC; Thomas L. Bradford; Island Time Pizza, Inc.
Applicant:	Thomas L. Bradford
Council District:	District 5 - Hurst
Requested Action:	R6 Residential to R5 Residential
Property Address:	108, 110, 120, 202 & 204 Pinecrest
Status of Properties:	Vacant Lots for 108 & 110 and a single family house on Lot 120, 202 & 204
Size:	+/- .89 acres
Existing Land Use:	Single Family Residential
Adjoining Land Use & Zoning:	North – R6 Residential (1 prop. R10) South – R6 Residential East – R6 Residential West – R6 Residential
2010 Land Use Plan:	Medium Density Residential
2030 Growth Vision Plan:	Quality Housing & Development
Letters Mailed:	158

SPECIAL INFORMATION:

Properties are surrounded by R6 zoning;
The total density allowed for the following residential districts:
R6 – Six residential units
R5A - Eight residential units
R5 - Eleven residential units

Lot width under R6 and R5A require 60 feet in width, but since these lots were platted before 1961 they only require 50 feet in width.

Public Utilities:

Water:	PWC
Sanitary Sewer:	PWC

000007

ITEM 3.A

Transportation:

No traffic data available on Pinecrest Dr.

The nearest transit route is Route 14 at Fayetteville Technical Community College

OPTIONS:

1. Rezone the property to R5 residential district;
2. Rezone the property to R5A residential district
2. Deny the rezoning of this property.

RECOMMENDATIONS:

Planning Staff recommends denial of the rezoning:

1. The 2010 Land Use Plan recommends Medium Density Residential on these properties;
2. The 2030 Growth Vision Plan under quality housing and development stresses the need for consistent zoning practices. The area is zoned R6 residential which is considered medium density housing. R5 residential is considered high density housing;
3. These properties are surrounded by mainly R6 zoning with one small lot of R10;
4. The existing neighborhood is made up of single family homes fronting Pinecrest Drive.

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: 108, 110, 120, 202 & 204 ~~202A~~ Pinecrest

Owner of the Property: Pear Tree Properties, LLC; Thomas L. Bradford; Island Time Pizza, LLC

Address of the Owner: 2919 Breezewood Ave, Suite 200, Fayetteville, NC Zip 28304

Owner's Home Phone: (910) 484-9091 Owner's Work Phone: (910) 484-9091

A. The property sought for Rezoning is owned by See above as evidenced by deed, recorded in Deed Book See, Page Attached, 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: R6 To: R5

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

C. Tax Property Identification Number (PIN#) of the property: 0427-46-8819, 0427-46-7604, 0427-46-6564, 0427-46-6504
40

D. Acreage to be rezoned: 0.89

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 & Vacant

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.

Thomas L. Bradford Member/Manager

Print or Type Name of Owner

P.O. Box 87555 Fayetteville, NC 28305; 2919 Breezewood Ave, Ste 200
Address of Owner Fayetteville, NC 28304

910-484-9190

Home Phone

910-484-9190

Work Phone

Same as Above

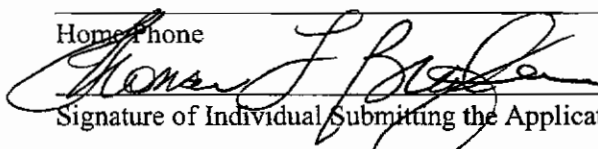
Print or Type Name of Applicant

Same as Above

Address of Applicant

Home Phone

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.

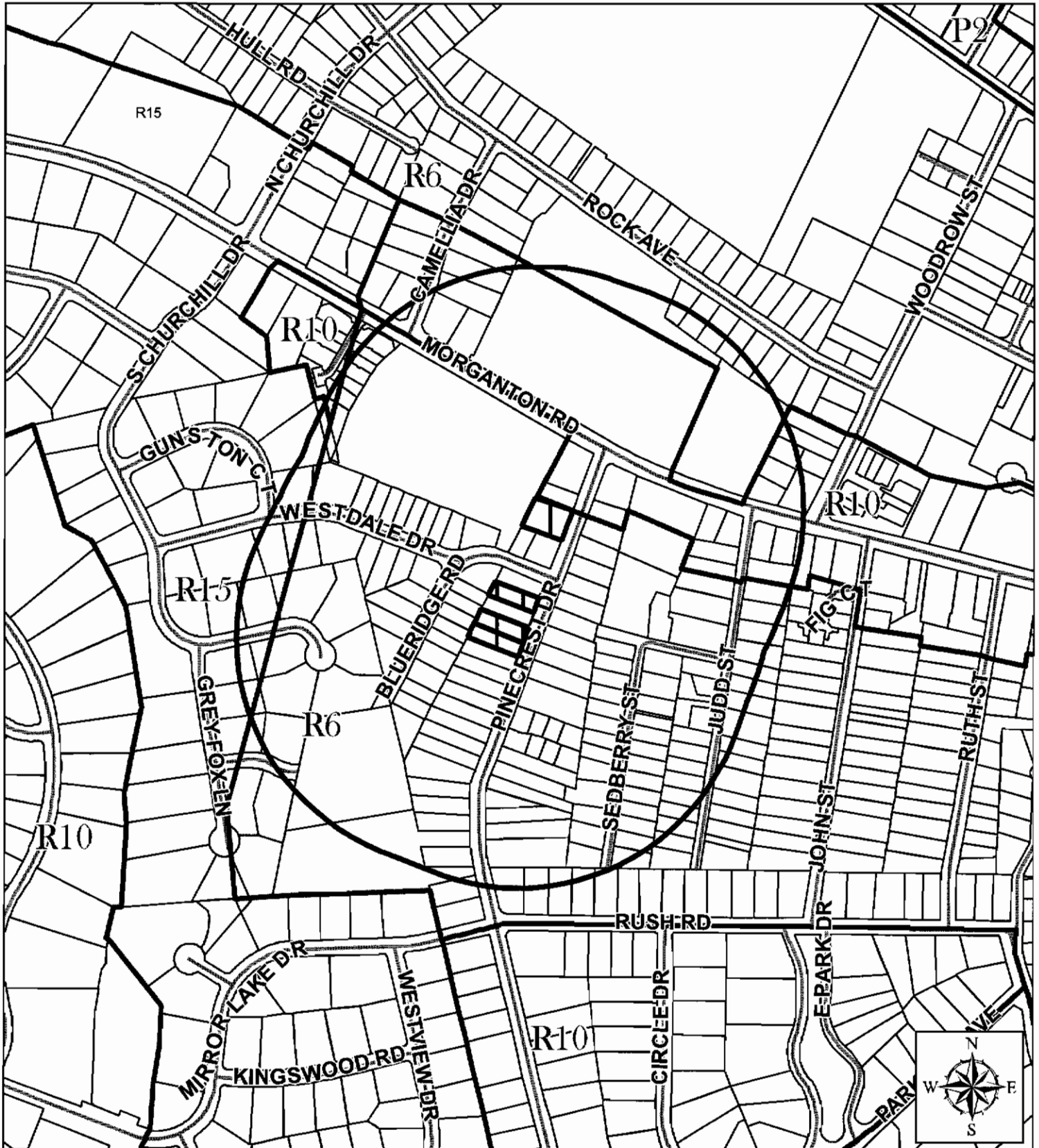
(for additional application forms: www.cityoffayetteville.org then visit the Planning Dept. page)

Zoning Commission - Vicinity Map

Case No. P09-24F



ZONING COMMISSION
CASE NO. P09-24F



Request: R6 to R5
Location: 108, 110, 120, 202, 204 Pinecrest.
Acres: +/- 0.89

Zoning Commission: 7/14/2009 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0427-46-8819 & 0427-46-7604 & 0427-46-6564 & 0427-46-6540

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



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

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Jeannie Nelson
Lockett Tally

MEMBERS ABSENT

OTHERS PRESENT

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

The meeting was called to order at 7:02 p.m.

I. APPROVAL OF AGENDA

Mr. Crawley made a motion to approve the agenda with the deletion of Item 3D, Case No. P09-25F. Mr. West seconded the motion. A vote was taken and passed unanimously.

II. APPROVAL OF THE MINUTES FROM THE APRIL 14, 2009 MEETING

Mr. West made a motion to approve the minutes from the June 9, 2009 meeting. Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

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

III. PUBLIC HEARINGS

- A. Case No. P09-24F. The rezoning from R6 Residential District to R5 Residential District or to a more restrictive zoning classification for property located at 108, 110, 202, 204 Pinecrest Drive. Containing 0.89 acres more or less and being the properties of Pear Tree Properties, LLC and Thomas L. Bradford and Island Time Pizza LLC.**

Mr. Harmon gave an overview of the case. Mr. Harmon stated that all the properties in the area are R6 Residential with a small portion being R10 Residential. Mr. Harmon stated that the 2010 land use plan called for medium density residential. He stated that the department mailed out letters to 158 of the surrounding properties in regard to the public hearing. Mr. Harmon explained the current land use for the surrounding properties. Mr. Harmon stated that there was plenty of water and sewer available to the property.

The public hearing was opened.

Mr. Bradford spoke in favor of the request. Mr. Bradford stated that Pinecrest Drive has become a very heavily traveled road. He stated that he is trying to revitalize the area and improve the properties. Mr. Bradford stated that there are a dozen apartment complexes within 1000 feet of the property. Mr. Bradford stated that the 2030 plan recommends infill and redevelopment of urban areas. Mr. Bradford stated that it is his plan to build townhomes on the lots that are consistent with neighborhood. Mr. Bradford stated that in approving the request for rezoning, there will be a relief in traffic because he would eliminate 5 driveways by building townhomes. Mr. Bradford stated that the proposed number of townhomes is 12; one building will have 5 units.

Mr. Ward appeared in opposition of the request. He stated that he lives in the corner house of Morganton Road and Pinecrest Drive. He stated that the road is heavily traveled and that people travel from Morganton Road to Raeford Road on Pinecrest Drive. Mr. Ward stated that he can't see how taking away 3 houses and adding 12 homes would help anything with traffic or renters.

Mr. Harmon stated that staff recommends denial of the zoning request. He stated that it is based on the fact that the 2010 plan is based on medium density residential, the properties are surrounding by R6 zoning and the existing neighborhood is made up of single family homes. Mr. Harmon stated that he suggested to the engineers of the project that they should look at making the request a conditional use rezoning. He stated that there were several concerns staff had with the project.

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

Mr. Crawley made a motion to approve the request to R5 Residential. The motion failed for lack of a second.

Mr. Paoni made a motion to deny the request. Mr. West seconded the motion. A vote was taken and passed 4 to 1 in favor with Mr. Crawley in opposition.

Mr. Teal stated that the case could only go to City Council if someone filed an appeal to the decision by contacting the City Clerk within 10 days which would be July 24, 2009. He stated that if no appeal is filed, the case is denied.

Current Land Use
P09-24F




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 Vented
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

000115

CITY COUNCIL ACTION MEMO

To: Mayor and City Council Members

From: Craig M. Harmon, Planner 

Date: August 24, 2009

Case No. P09-26F

THE QUESTION: Issue a Special Use Permit for Mini-Storage units.

RELATIONSHIP TO STRATEGIC PLAN: Growth and Development

BACKGROUND:

Owner:	MME Enterprises, LLC
Applicant:	MME Enterprises, LLC
Council District:	District 2 - Evans
Requested Action:	Special Use Permit – Mini-Storage
Property Address:	902 Cedar Creek Road, HWY 53/210
Status of Property:	Vacant Building
Size:	+/- 2.87 acres
Existing Land Use:	Vacant Commercial
Adjoining Land Use & Zoning:	North – C3 Commercial South – C3 Commercial East – C1P Commercial West – R6 Residential
2010 Land Use Plan:	High Density Commercial
2030 Growth Vision Plan:	Compatible Commercial Development & Services
Letters Mailed:	30

SPECIAL INFORMATION: This property is currently zoned C3. This applicant also owns additional Mini-Storage units one property removed from this one. Attached please find the City of Fayetteville's Design Guidelines Regulating Construction of Mini-Warehouse Facilities.

Public Utilities:

Water:	PWC
Sanitary Sewer:	PWC

Transportation:

Cedar Creek Road is a major thoroughfare. The average daily traffic count is 12,000 vehicles at the intersection with Troy Drive.

OPTIONS:

1. Issue a Special Use Permit for Mini-Storage Units with Conditions;
2. Issue a Special Use Permit for Mini-Storage Units without conditions;
3. Deny the Special Use Permit for this property.

RECOMMENDATIONS:

Section 30-120(4) Mini-Warehouse activities as a permitted use upon and after obtaining a special use permit to be issued by the City Council upon recommendation of the zoning agency after a public hearing.

Such special use permits shall be approved only after findings of fact are made that such use shall:

- a. Fit in with the character of the area in which such use is to be located;
- b. Such use is not detrimental to the surrounding area.

The Zoning Commission finds the request meets the findings of fact and recommends approval of the mini-storage facility with the following conditions:

1. The proposed use is free of objectionable characteristics, such as noise, smoke and fumes;
2. Pedestrian and vehicular traffic will not be obstructed by loading and unloading activities;
3. The proposed use complies with the applicable fire code;
4. The site is developed as per the attached site plan and per the City of Fayetteville Mini Storage Warehouse Design Criteria;
5. Any exterior lighting shall be directed toward the interior of the property to prevent lighting from shining onto adjoining properties; and
6. That within two (2) years a building permit be issued for the use. If a building permit is not issued within two years from the date of approval, the special use permit shall be revoked.

ATTACHMENTS:

1. Application for Rezoning
2. Vicinity Map
3. Zoning Map
4. Current Land Use Map
5. Zoning Commission Minutes
6. Mini Storage Warehouse Guidelines
7. Site Plan

**APPLICATION FOR SPECIAL USE PERMIT
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 grant a Special Use Permit as required in the Zoning Ordinance. In support of this application, the following facts are shown:

Location/Address of the Property: 902 Cedar Creek Rd / Nc Hwy 53/210

Owner of the Property: MME Enterprises LLC

Address of the Owner: 912 Cedar Creek Rd Fayetteville NC Zip: 28312

Owner's Home Phone: 910-850-4760 Owner's Work Phone: 910-486-5120

A. Section and provision of the Zoning Ordinance from which a Special Use Permit is requested:

Sec 30-120 (4)

B. The property sought for a Special Use Permit is owned by MME Enterprises LLC as evidenced by deed, recorded in Deed Book 8052, Page 91, Cumberland County Registry. (Attach a copy of (all) deed(s) as it appears in the Registry.)

C. Tax Property Identification Number (PIN#) of the property: 0446-66-3224

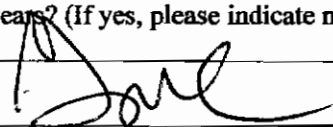
D. Acreage requested for a Special Use Permit: 2.8756 Ac

E. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail to include hours and days of operation, number of employees, number of clients, etc.)

This storage site is a satellite to the main location at 912 Cedar Creek Rd. No employees will be assigned to this site. Gate hours are Mon-Sun 6am to 9 PM.

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

No


Signature of Applicant

912 Cedar Creek Rd
Address of Applicant

Fayetteville
City

NC
State

28312
Zip Code

Home Phone: 910-850-4760

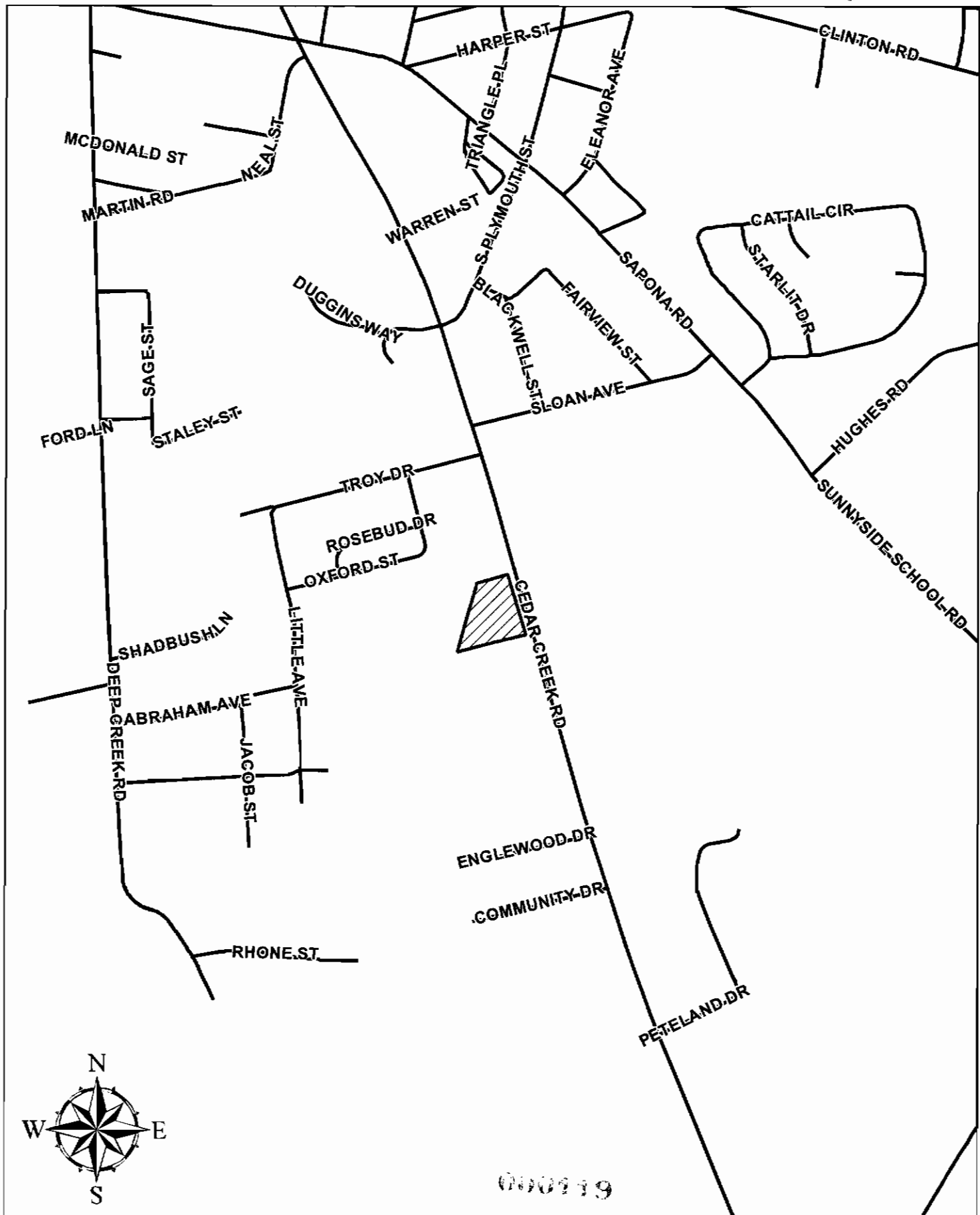
Work Phone: 910-486-5120

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

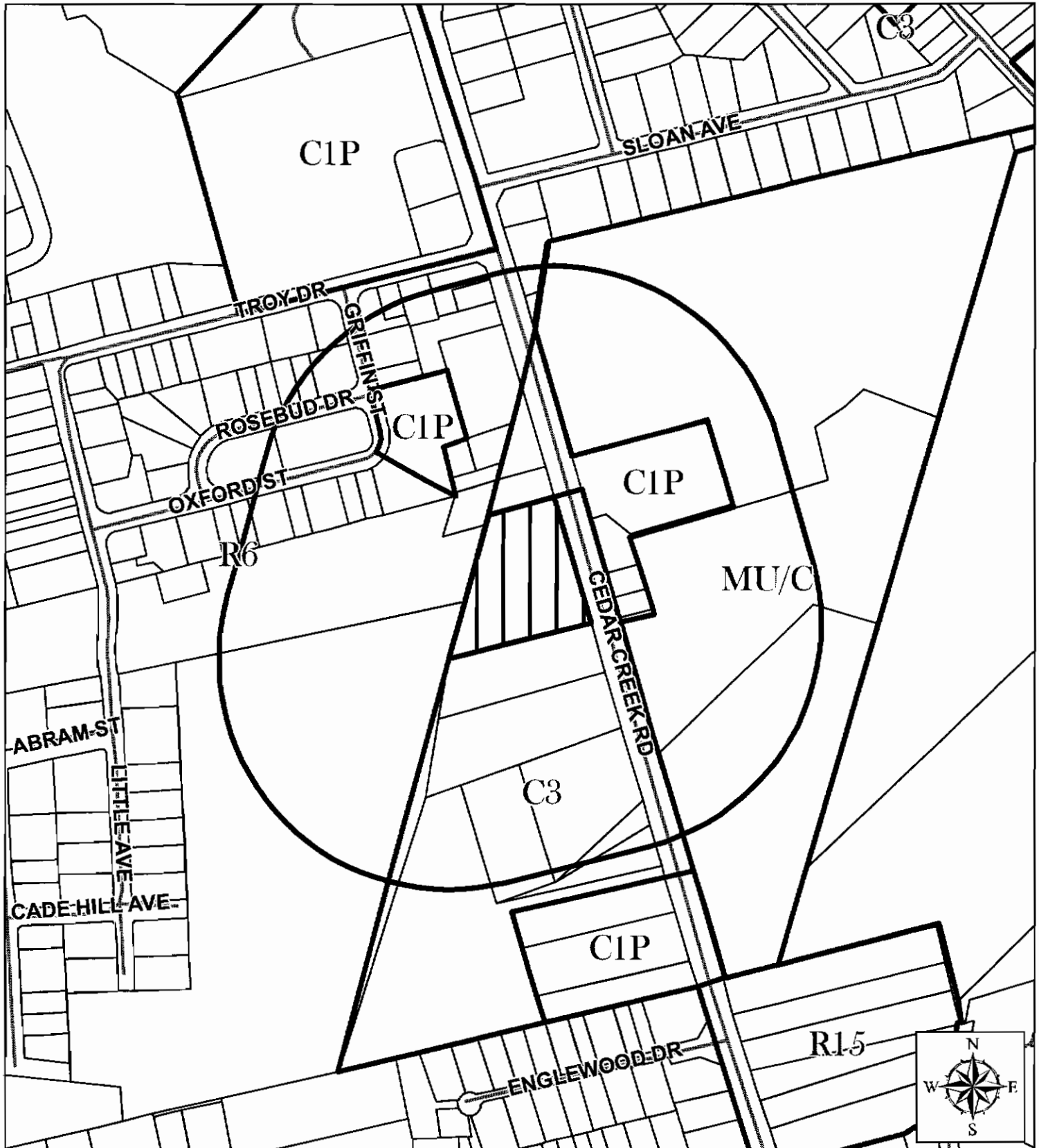
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Zoning Commission - Vicinity Map

Case No. P09-26F



ZONING COMMISSION
CASE NO. P09-26F



Request: SUP Mini-Storage
Location: 902 Cedar Creek Rd.
Acreage: +/- 2.87

Zoning Commission: 7/14/2009
City Council: _____
Pin: 0446-66-3224

Recommendation: _____
Final Action: _____

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



Design Guidelines

Regulating Construction of Mini-Warehouse Facilities

Regulating Construction of Mini-Warehouse Facilities

Design Guidelines

INTENT- To provide measures to enhance the appearance of such facilities thereby creating a positive streetscape image

GUIDELINE-Facilities located within 500 feet of a public street and used predominately as mini-storage and mini-warehouse purposes shall comply with the submission requirements set forth using the following criteria and design guidelines:

1. The building(s) front/ face orientation is to be positioned such that the storage unit doors are perpendicular to the public/private right-of-way and not in full view from the right-of-way or streetscape.

Shall comply with streetscape landscaping requirement for any property abutting a public street.

2. Building(s) that abut a public street shall have facing material(s)fronting the street of masonry (brick or split face concrete units). The fencing is to extend along all building sides facing or fronting a public street. The railing infill material may be wrought iron, aluminum, and steel and is to be color finish (factory or field) or vinyl coated to compliment the building structure and masonry pilasters. No chain link fencing is permitted except where it abuts a commercial zoning district and is not visible from any public street. Entry gates used must be of same material as fence infill or of a decorative type (non chain link). All pilasters shall be a minimum of 6'-0" high and the infill portion of the fence shall be no lower than the pilaster height up to 6'-0. No fence is to exceed 8'-0" in height.
3. Building materials facing any other side of the site perimeter may be metal wall siding or masonry material, but must be of a color (factory or field finished) that matches the main facing façade.
4. In the event a facility is constructed on a sloping lot whereby the storage units are visibly dominant from a public street and/or residential zoned property then the building(s) must be positioned such that the storage unit doors are not visible to any public/private right-of-way and/or residential zoned area adjoining the property.
5. Windows may be used for display purposes within the façade of a storage building but, cannot exceed 20% in the façade facing a public street. No other glass is permitted within the structures used for storage. Where glass is used, the material colors visible through the glass must comply with the regulations set forth. The type of glass permitted includes: clear or tinted (no reflective) an additional 10% of glass area (of the gross square footage of the façade it is to be located in) may be used but cannot be included within the main thoroughfare façade. Total area of glass cannot exceed a combined 30%. No limit is set for accessory buildings exclusively used for administrative operations.

6. A maximum of two exterior colors may be used. Other exterior colors for roof, doors (not in full view) from all perimeter sides are to be complementary to the overall color scheme. Colors used are to be subtle and should not call negative or undue attention to its presence.
7. If an attached or detached accessory building is provided, it is to be positioned to fit the character of the facility in scale, materials and colors.
8. All access drives and roadways within and leading to the property are to be paved with asphalt or concrete materials.
9. No outdoor storage of vehicles, boats, motor homes, trailers or any other items deemed acceptable for storage by the property owner may be exposed to view to the general public from outside the boundaries of the property. If vehicles such as moving and storage trucks are used by the property owner in conjunction with the mini-warehouse / storage operations the vehicle(s) are to be parked out of view from any public right-of-way.
10. All structures comprising a permitted project are to be maintained at all times and the owner and/or Management Company are not to allow these structures to fall into disrepair. Failure to comply may result in being fined.
11. Any mechanical equipment located on a building structure must be screened from full view. Additionally any permanent dumpster or bin provided on site to serve as waste disposal for customer's operational uses must be screened. Screening must be compatible with the building character, colors and materials.
12. Dwellings for attendants or watchmen are allowed provided dwelling unit follows design Guidelines.
13. Lighting shall face toward the interior of the property.

DEFINITIONS

Accessory Building – any structure that serves as an administrative office or for utilities

Buffer- an area provided to reduce the conflict between two different land uses. Buffers are intended to mitigate undesired views, noise and glare effectively providing greater privacy to neighboring land uses. Typical buffers consist of materials that serve this purpose and include, but not limited to plant materials, walls, fences, berms or significant land area to separate the uses.(also see "Screen")

Building Front – any building face, which can be touched by a line drawn perpendicular to a public street

Building Face- any building side which is visible from public or private right-of-ways and/or the faces that contain public entry

Design Guidelines – statements and graphics intended to direct the planning and development of the built environment in a particular manner or style so that the end result contributes positively to the overall development.

Façade- the portion of any exterior elevation on the building extending from the grade to the top of the parapet, wall or eaves and extending the entire length of the building
Public/ Private Right-of –Way any public or private road, access easement intended to provide public access to any lot / development, but excluding any service road or internal driving aisles.

Screen- the sole purpose is to block views. A screen should be constructed of opaque materials and whose height will be effective in obstructing unwanted views (also see “Buffer”

Setback- a prescribed distance or an area between one element and another (a building and road right-of-way). Within these guidelines the term also refers to:

- a. The minimum distance and the area measured from the property line to the interior of a parcel where buildings may be constructed
- b. The required distance and the area between the edge of the parking lot pavement / curb and the property line or buildings / structures.
- c. Placing a building face on a line to the rear of another building line.

Streetscape- all elements of a development or area that are in view from other points along a street.

Regulating Mini-Warehouse Facilities

SUBMISSION REQUIREMENTS

The following shall be submitted for approval of a mini-warehouse facility development:
Proposed site plan (to scale) that meets the requirements of the Zoning Ordinance and is to include:

Layout of the buildings (attached and detached) on this proposal site plan.

Referenced full view photographs of the proposed site location from all sides.

All non building structures shown including: fencing, buffering, setbacks, drives, parking areas, sidewalks, signage placement, trash disposal, accent and area lighting.

Right-of-Ways and easements including proposed and existing utilities and where required proposed storm water containment measures. Landscaping with species, sizes and positioning of plantings. (may be included on the proposed site plan)

Samples of or photographs of building & non-building materials to be used in the facility.

For building materials indicate the location of each material by building orientation reference. Other requirements imposed by the City when facility requires approval of a special use permit.



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

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Jeannie Nelson
Lockett Tally

MEMBERS ABSENT

OTHERS PRESENT

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

The meeting was called to order at 7:02 p.m.

I. APPROVAL OF AGENDA

Mr. Crawley made a motion to approve the agenda with the deletion of Item 3D, Case No. P09-25F. Mr. West seconded the motion. A vote was taken and passed unanimously.

II. APPROVAL OF THE MINUTES FROM THE APRIL 14, 2009 MEETING

Mr. West made a motion to approve the minutes from the June 9, 2009 meeting. Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

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

III. PUBLIC HEARINGS

- E. Case No. P09-26F. Consideration of an application by MME Enterprises LLC. for a Special Use Permit to allow Mini-Storage Units in a C3 Commercial District for property located at to 902 Cedar Creek Road. Containing 2.87 acres more or less and being the property of MME Enterprises LLC.**

All speakers including staff, related to the case were sworn in.

Mr. Harmon presented the overview of the case. He stated that currently the property is a vacant commercial property. He stated the 2010 land use plan calls for high density commercial and 30 letters were made out to surrounding properties about the request. Mr. Harmon gave an overview of the surrounding land use property. He stated that water and sewer are available to the project.

The Commission took a three minute break.

The public hearing was opened.

Mr. Mike Evans spoke in favor of the request. He stated that he is looking for future expansion on the property. He stated that he is unable to purchase any additional property around his existing facility. He stated that he is looking for a way to pay the taxes on the property.

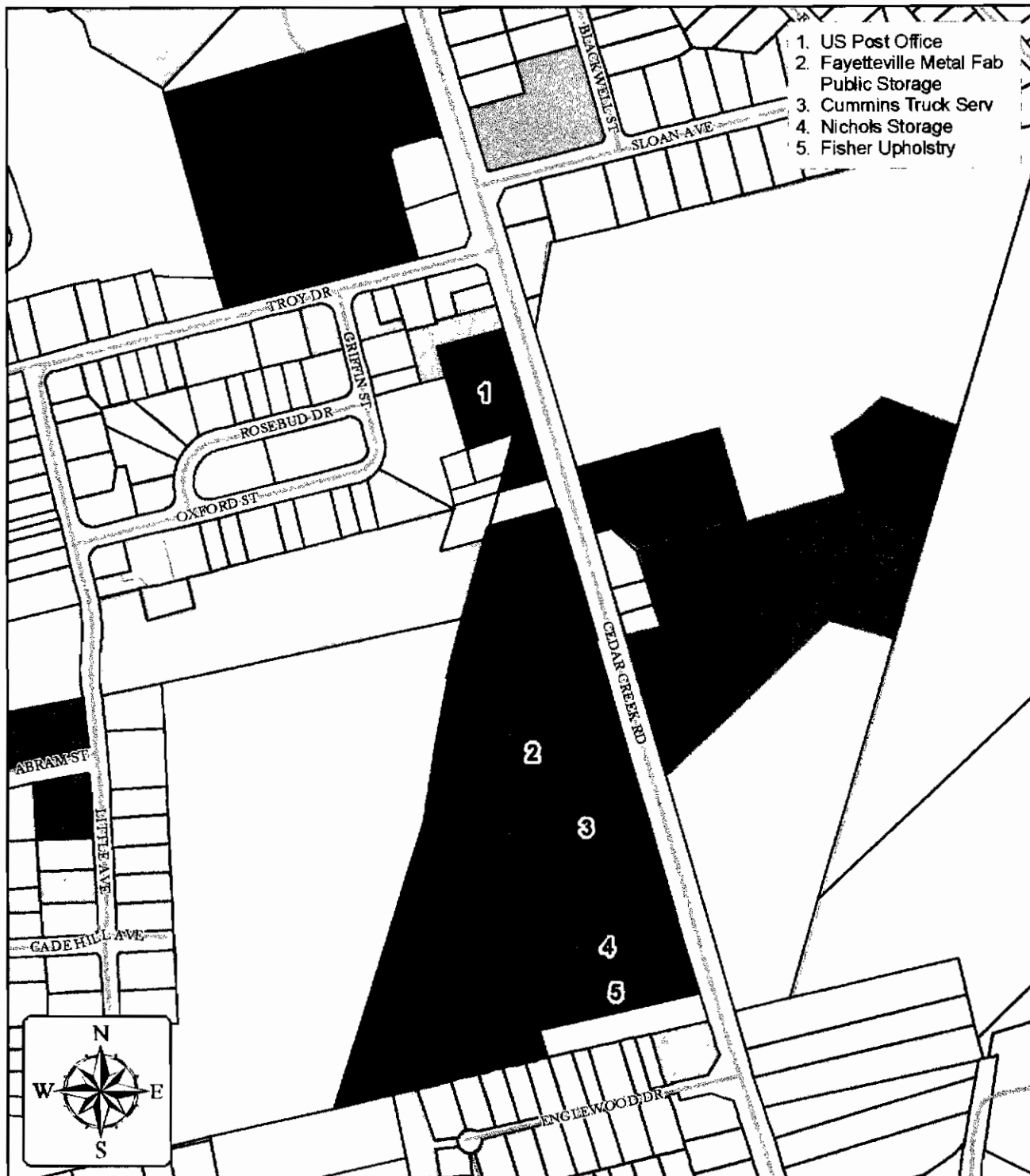
The public hearing was closed.

Mr. West made a motion to approve the Special Use Permit with the requirements of following the design guidelines and operate the gate hours of Monday through Sunday, 6:00am to 9:00pm.

Mr. Crawley seconded the motion. A vote was taken and the motion passed unanimously.

Mr. Teal stated that it would be a Public Hearing with City Council on Monday, August 24, 2009 at 7:00.

Current Land Use
P09-26F



1. US Post Office
2. Fayetteville Metal Fab
Public Storage
3. Cummins Truck Serv
4. Nichols Storage
5. Fisher Upholstry

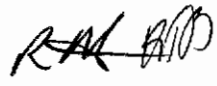
Legend

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	Variant Land	Null PIN

CITY COUNCIL ACTION MEMO

To: Mayor and Members of Council

From: Rob Anderson, Chief Development Officer



Date: August 24, 2009

Re: Economic Development Incentive – Property Tax Grantback for the Bellagio Project

THE QUESTION: To consider approval of the Bellagio Project as the first participant under the Property Tax Grantback Program.

RELATIONSHIP TO STRATEGIC PLAN: Strong Local Economy & More Attractive City

BACKGROUND: The City and owner of the subject property have explored a variety of projects for this site since at least 1991. The Bellagio project is comprised of 239 multi-family dwelling units ranging from one to three bedrooms constructed on approximately 12.3 acres. In addition, a common multi-use facility of approximately 5,250 feet will be constructed as part of the estimated \$20,000,000 private investment.

As part of this proposed funding agreement, the developer has committed to three things of important value to the City of Fayetteville. In addition to the economic activity of the investment itself, the developer will deed to the City of Fayetteville a 100 foot wide right-of-way extending the entire distance to connect between Pamalee Drive and Bragg Boulevard (3.62 acres). They will also construct at their expense within that right-of-way infrastructure improvements necessary to provide full access from Bragg Boulevard to the project site.

Finally, the developer will remove old building foundations adjacent to the site along Bragg Boulevard and replace the blighting influence with new sidewalks and landscaping. This will substantially improve the visual appeal in that area and establish a new standard for excellence in development and pedestrian/bicycle facilities for that area of Bragg Boulevard.

ISSUES:

This project as proposed has the potential to serve as a catalyst for additional high quality development in this area of Bragg Boulevard.

This project represents an important private investment to serve the housing needs of the influx of population anticipated by the BRAC program.

The three important contributions by the developer as noted above may not have been achieved in the absence of participation in the Property Tax Grantback Program.

000129

ITEM 3.C.

OPTIONS:

1. Approve the Property Tax Grantback Agreement for the Bellagio project and direct staff to have the document executed for program implementation.
2. Return to staff for modification of the agreement terms.

RECOMMENDATIONS:

Staff recommends approval of the attached Property Tax Grantback Funding Agreement for the Bellagio project.

ATTACHMENT: Bellagio Property Tax Grantback Agreement.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

**PROPERTY TAX GRANTBACK
FUNDING AGREEMENT**

THIS AGREEMENT made and entered into this _____ day of _____, 2009, by and between the CITY OF FAYETTEVILLE, a North Carolina municipal corporation (hereinafter the "CITY"), and 4200 Investments, L.L.C. a North Carolina corporation (hereinafter the "DEVELOPER").

WITNESSETH:

WHEREAS, on March 17, 2008 the CITY adopted the Property Tax Grantback Program (hereinafter "PROGRAM") to induce private investment thereby improving the economic health and diversity of the City and increasing the City's property tax base ; and

WHEREAS, on April 13, 2009 the CITY amended the Property Tax Grantback Program; and

WHEREAS, the DEVELOPER intends to construct a new multi-family housing facility (hereinafter "PROJECT") which will be located in the City of Fayetteville Property Tax Grantback Economic Development Incentive Zone; and

WHEREAS, the DEVELOPER desires to participate in the PROGRAM to recover costs associated with the dedication of public Right-of-Way and a portion of the road improvements on that public Right-of-Way required to access the PROJECT; and

WHEREAS, after proper notice The City Council held a public hearing on August 24, 2009 concerning the PROJECT and its application in the Program, and found that the Project will enhance and stimulate the economic development and revitalization of the central Bragg Boulevard area by increasing tax revenue and serving as an catalyst for further redevelopment in the vicinity; and

WHEREAS, the CITY has determined the PROJECT is eligible for the Property Tax Grantback Program;

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the CITY and DEVELOPER agree as follows:

ARTICLE 1. PURPOSE – This agreement is being entered into pursuant to the City’s Economic Development Incentive Property Tax Grantback Program. The purpose of this Agreement is to define the relationship and the responsibilities of the CITY and DEVELOPER associated with the PROJECT and specifically for the dedication of public right-of-way, the construction of a portion of the road within the subject right-of-way, and to establish procedures required for participation in the PROGRAM.

- a) Reference – The text of the City of Fayetteville Property Tax Grantback Program is hereby adopted by reference (Attachment “D”) and shall be the guiding language in the event this Funding Agreement is incomplete, unclear or inconsistent with the PROGRAM adopted by the City Council as may be amended from time to time.

ARTICLE 2. PROJECT and ATTACHMENTS–

- a) The PROJECT is anticipated to include approximately 239 multi-family dwelling units ranging from one to three bedroom units as well as a private club facility estimated to be approximately 5,250 square feet. Garages and storage for the residents will also be available on site.
- b) For the purposes of estimating PROGRAM benefits to the DEVELOPER it is estimated the cost of building construction for this PROJECT will be twenty million dollars (\$20,000,000) which will increase the taxable value for the non-land portion of the subject real property by an amount to be determined by the Cumberland County Tax Administrator.
- c) Attachment “A” provides a graphic depiction of the subject properties; 12.32 acres for the Bellagio development and 3.62 acres for the Blanton Road right-of-way.

- d) Attachment "B" provides the legal description for the R5/Commercial/Conditional Zoning portion of the property.
- e) Attachment "C" provides the legal description of the Right-of-Way portion of the property.
- f) Attachment "D" provides the legal description of the Bellagio development site.
- g) Attachment "E" is a copy of the Property Tax Grantback Program Guidelines.

ARTICLE 3. DEVELOPER RESPONSIBILITIES --

- a) It is agreed by the parties that prior to receiving a Certificate of Occupancy for the PROJECT, the DEVELOPER will dedicate to the City of Fayetteville the entire right-of-way one hundred feet wide (100 feet) necessary to complete the Blanton Road connection from Bragg Boulevard (also known as North Carolina Highway 24) to Pamalee Drive as described in Attachment "C".
- b) Developer agrees that it will pay the taxes associated with this property in full when due and payable in order to participate in this program. Developer agrees that failure to do so will result in immediate default and termination of this agreement.
- c) The DEVELOPER will cooperate with the CITY and Cumberland County officials to expeditiously determine the actual real property increase in value to enable the PROGRAM benefits to be realized by the DEVELOPER as noted in the PROGRAM language adopted by the City Council.
- d) The DEVELOPER agrees to pay to the City of Fayetteville all applicable fees associated with the development of a PROJECT of this type..
- e) The DEVELOPER agrees to comply with applicable city, state and federal codes, regulations and requirements including but not limited to those associated with environmental, building, zoning, drainage and property maintenance.

- f) The DEVELOPER agrees to pay all engineering and construction costs associated with the construction of the subject Right-of-Way paving, drainage, and related infrastructure improvements associated with the portion of Blanton Road needed for reasonable access from Bragg Boulevard to the Bellagio Project. The specifications for the improvements to Blanton Road as well as necessary de-acceleration and acceleration lanes to accomplish right in /right out access from Bragg Boulevard are subject to the approval of the City of Fayetteville Department of Engineering & Infrastructure as well as the North Carolina Department of Transportation as appropriate. Developer shall warranty the construction of the public improvements for a period of one year after acceptance by the CITY.
- g) The DEVELOPER agrees to provide all relevant lien waivers to the CITY prior to the CITY's acceptance of improvements to the infrastructure improvements associated with the PROJECT access from Bragg Boulevard to the Bellagio.
- h) The DEVELOPER agrees to remove old paving, clean, landscape, and install sidewalks to City specifications and a submitted plan subject to approval by the City along approximately 1,100 feet of frontage property including parcel 0418-64-5959 on Bragg Boulevard prior to receiving a Certificate of Occupancy for the PROJECT. It is acknowledged and agreed that the net removal of impervious surfaces associated with this component will be included in the calculation for compliance with the City of Fayetteville storm water requirements for the development of the Bellagio PROJECT. In the event there are impervious area credits that remain after completion of the Bellagio PROJECT, the documented credits will be available to the DEVELOPER for allocation to subsequent development in the immediate vicinity (adjacent properties between Pamalee and Bragg Boulevard). In the event the developer sells his interest in adjacent properties prior to development of them, the

credits may be transferred for use on those parcels only. If the credits are not allocated to an eligible project under construction within 5 years of the date of this agreement, they will expire and no longer be available.

- i) The Developer agrees to submit all plans and requested materials to the City for review which will be done in a timely manner. Failure to submit requested plans or specifications when necessary will not be the fault of the City and cause burden on the City to review.

ARTILCE 4 - CITY RESPONSIBILITIES -

a. The CITY agrees the PROJECT is eligible for the PROGRAM (see Attachment "D") and will return to the DEVELOPER an estimated \$45,600 per year (based on 2009 – 2010 City of Fayetteville tax rate and an increase in real property value of \$20,000,000) for five years as provided by the guidelines of the PROGRAM (50% of non-land increase in value). Program participants must pay their taxes in full in order to receive the 50% Grantback benefit. The actual annual benefit amount is a function of the prevailing property tax rate in each benefit year and the increase in value of the non-land portion of eligible real property as determined by the Cumberland County Tax Administrator.

b. The City agrees to review and respond with regard to submitted plans and specifications.

c. The CITY shall accept and maintain the subject right-of-way and improvements noted in Attachments "C" noted above upon final approval of the infrastructure improvements by the City Engineer. As noted in Article 3 (e), the Developer shall warranty the construction of the public improvements for a period of one year after acceptance by the CITY.

ARTICLE 5 - TERM OF AGREEMENT - This Agreement shall terminate upon the final Property Tax Grantback payment made by the CITY to the DEVELOPER unless the DEVELOER fails to cure a substantial material default as noted above.

ARTICLE 6 – EVENT OF DEFAULT - In the event the DEVELOPER is determined to be in default by virtue of its failure to perform any of its responsibilities in this Funding Agreement, other than the payment of its property taxes, the CITY shall upon written notice to the DEVELOPER, allow a period of 30 days to cure any deficiency that does not pose an imminent threat to the health, safety and welfare of the public. If in the opinion of the City Manager the DEVELOPER has not cured said condition of default, then at the end of such 30 day cure period this Agreement shall automatically terminate. In such event, the DEVELOPER shall lose any and all economic incentive benefits under the PROGRAM provided for in this agreement. Nonetheless, in the event an unusual hardship arises causing a risk of default, the CITY may consider approval of a reasonable schedule for action to cure if proposed by the DEVELOPER within the 30 day period. Acceptance or denial of a schedule for action to cure that exceeds the 30 day period noted above shall be at the sole discretion of the City Manager.

ARTICLE 7 – GENERAL CONDITIONS -

a. Non Appropriation clause - Notwithstanding any other provisions of this Agreement, the parties agree that payments due hereunder from the CITY are from appropriations and monies from the City Council and any other governmental entities. In the event sufficient appropriations or monies are not made available to the CITY to pay the terms of this agreement for any fiscal year, this Agreement shall terminate immediately without further obligation of the CITY.

b. The DEVELOPER shall comply with all relevant local, state and federal codes, and regulations that apply to the Project, Project Site, or the DEVELOPER.

c. No less than 30 days after receiving building permits for the PROJECT the DEVELOPER shall provide to the CITY any and all information it may have regarding any Environmental issues or conditions associated with the Right-of-Way identified in Attachment "C."

d. Amendment - This Agreement may be amended only by the written consent of both parties.

e. Transfers or Assignments - DEVELOPER shall not transfer or assign its rights under this Agreement nor grant any interest, privilege, or license whatsoever in connection with this Agreement during the benefit period of the Grantback PROGRAM without notification in writing from the CITY.

f. Binding Effect and Complete Terms - The terms, covenants, conditions, and agreements herein contained shall be binding upon, and inure to the benefit of, and shall be enforceable by the parties hereto and their respective successors and assigns, if assigned with the written consent of both parties. This Agreement contains all negotiations and agreements of the CITY and DEVELOPER, which are merged herein. No modification hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by the parties hereto.

g. Independent Contractor - The DEVELOPER is an independent contractor. This agreement does not form a partnership, employment relationship, or agency between the Developer and the City.

h. Indemnification - DEVELOPER agrees to indemnify and hold harmless the CITY and its elected officials, employees, agents, successors, and assigns, from any and all liability and claims for any injury or damage caused by any act, omission or negligence of the DEVELOPER, its agents, servants, employers, contractors, licensees, or invitees.

i. Severability - The parties agree that if any provision of this Agreement shall be held invalid for any reason, the remaining provisions shall not be affected if they may continue to conform with the purposes of this Agreement and the requirements of applicable law.

j. Notices and Written Consents - All notices and written consents required under this Agreement shall be in writing and shall only be deemed properly served when hand delivered or posted by certified United States mail, postage prepaid, return receipt requested, addressed to the party to whom directed at the following address or at such address as may be from time to time designated in writing:

To CITY: City of Fayetteville
City Manager's Office
433 Hay Street
Fayetteville NC 28301-5537

With a copy to: City of Fayetteville
Chief Development Officer
433 Hay Street
Fayetteville NC 28301-5537

To DEVELOPER: 4200 Investments L.L.C.
321 East Russel Street
Fayetteville NC 28301
Attn: Rajan Shamdasani

Notices shall be deemed served upon receipt.

ARTICLE 8 APPROVALS - Where this Agreement requires the approval of either party, whether in writing or otherwise, and the Agreement does not specify the individual to make that approval, the same shall be approved by:

(a) For CITY: City Manager or his/her designee; and

(b) For DEVELOPER: Managing Member, or his/her designee of the DEVELOPER.

ARTICLE 9 SOVEREIGN LAW - This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of North Carolina.

ARTICLE 10 NO WAIVER - The waiver by one party (the non-defaulting party) of any requirement of this Agreement to be performed by the other party (the defaulting party), shall not be deemed,

construed, or interpreted to be a waiver by the non-defaulting party of any subsequent default by the then defaulting party.

ARTICLE 11 NO PLEDGE OF TAXING POWER, FULL FAITH AND CREDIT - It is expressly agreed and understood by the parties that neither the full faith and credit nor the taxing power of the CITY are pledged to secure, by either party hereto, (i) any obligation of this Agreement, or (ii) any payment of debt incurred or to be incurred herein.

ARTICLE 12 PRIMACY OF THIS DOCUMENT – This agreement supersedes the December 23, 1991 Agreement between 3701 Limited Partnership and the City of Fayetteville, in consultation with the State of North Carolina Department of Transportation (DOT) for roadway improvements associated with property identified in the Attachments to this Bellagio Property Tax Grantback Funding Agreement. Similarly, this agreement supersedes the March 9, 1992 Agreement between 3701 Limited Partnership, the City of Fayetteville and the State of North Carolina Department of Transportation (DOT) for roadway improvements associated with property identified in the Attachments to this Bellagio Property Tax Grantback Funding Agreement. By signature below, the North Carolina Department of Transportation acknowledges the obsolescence of the Agreements noted above from 1991 and 1992

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on their behalf, and.

CITY OF FAYETTEVILLE

BY: _____
DALE E. IMAN, City Manager

ATTEST:

JENNIFER PENFIELD, Acting City Clerk

BY: _____
4200 Investments L.L.C. Managing Member

THIS INSTRUMENT HAS BEEN PREAUDITED IN
THE MANNER REQUIRED BY THE LOCAL
GOVERNMENT BUDGET AND FISCAL CONTROL ACT

ATTEST:

North Carolina Department of Transportation

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged that he is the MANAGING MEMBER of the 4200 Investments L.L.C. a North Carolina Limited Liability Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its MANAGING MEMBER, _____, sealed with its corporate seal and attested by _____ as its MANAGING MEMBER.

WITNESS my hand and official seal this the _____ day of _____, 2009.

(Official Seal)

NOTARY PUBLIC

My commission expires _____

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, _____, a Notary Public for said County and State, do hereby certify that JENNIFER PENFIELD personally appeared before me this day and acknowledged that she is the ACTING CITY CLERK for the CITY OF FAYETTEVILLE, a North Carolina municipal corporation, and that by authority duly given and as the act of the CITY OF FAYETTEVILLE, the foregoing instrument was signed in its name by its CITY MANAGER, DALE E. IMAN, sealed with its corporate seal and attested by JENNIFER PENFIELD as its ACTING CITY CLERK.

WITNESS my hand and official seal this the _____ day of _____, 2009.

(Official Seal)

NOTARY PUBLIC

My commission expires _____

April 8, 2009

ENGINEERS
PLANNERS
SURVEYORS
M&R
MOORMAN, KIZER & REITZEL, INC.
115 Broadfoot Ave.
P.O. Box 53774
Fayetteville, NC 28305
(910) 484-5191
Fax: (910) 484-0388
www.mkrinc.com

Legal Description
2.50 Acre Tract
3701 Limited Partnership
Proposed Commercial

BEGINNING at an existing railroad spike in the northeast right-of-way margin of Bragg Blvd. (N.C. 24)(120 foot right-of-way), said railroad spike being the westernmost corner of a tract recorded in Deed Book 3770, Page 699, Cumberland County, North Carolina Registry of which the following is a part, said railroad spike furthermore being described as having N.C. Grid Coordinates (NAD 83) of N=485,496.73 and E=2,015,836.32 and running with the Northwest line of the tract of which this is a part North 40 degrees 54 minutes 27 seconds East, 275.01 feet to a point;

thence leaving said line and running on a new line South 48 degrees 30 minutes 39 seconds East, 411.38 feet to a point in the Northwest right-of-way margin of the proposed Blanton Road extension;

thence with said proposed road the following courses and distances;

with a curve to the left on a radius of 1,600.00 feet an arc distance of 190.73 feet (chord South 44 degrees 19 minutes 21 seconds West, 190.61 feet) to a point of tangency;
South 40 degrees 54 minutes 27 seconds West, 33.76 feet to a point;
North 81 degrees 47 minutes 43 seconds West, 92.68 feet to a point in the Northeast right-of-way margin of Bragg Blvd. (N.C. 24);

thence with said right-of-way margin North 48 degrees 30 minutes 39 seconds West, 322.03 feet to the POINT OF BEGINNING.

Containing 2.50 acres, more or less.

And being a portion of the property described in Deed Book 3770, Page 699, Cumberland County, North Carolina Registry.

The above description is based on N.C. Grid (NAD 83).

Prepared by Moorman, Kizer & Reitzel, Inc., Fayetteville, North Carolina.

April 8, 2009



115 Broadfoot Ave.
P.O. Box 53774
Fayetteville, NC 28305
(910) 484-5191
Fax: (910) 484-0388
www.mkrinc.com

Legal Description
3.62 Acre tract
3701 Limited Partnership
Proposed Blanton Road Extension

BEGINNING at a point in the Northeast right-of-way margin of Bragg Blvd. (N.C. 24)(120 foot right-of-way), at point South 48 degrees 30 minutes 39 seconds East, 322.03 feet from an existing railroad spike at the westernmost corner of a tract described in Deed Book 3770, page 699, Cumberland County, North Carolina Registry of which the following is a part, said railroad spike furthermore being described as having N.C. grid Coordinates of N=485,496.73 and E=2,015,836.32 (NAD 83), and running South 81 degrees 47 minutes 43 seconds East, 92.68 feet to a point;

thence North 40 degrees 54 minutes 27 seconds East, 33.76 feet to a point of curvature;

thence with a curve to the right on a radius of 1,600.00 feet an arc distance of 374.32 feet (chord North 47 degrees 36 minutes 34 seconds East, 373.46 feet) to a point of tangency;

thence North 54 degrees 18 minutes 42 seconds East, 633.43 feet to a point of curvature;

thence with a curve to the left on a radius of 490.50 feet an arc distance of 385.92 feet (chord North 31 degrees 46 minutes 19 seconds East, 376.04 feet) to a point in the northern line of the tract of which this is a part;

thence with said line South 77 degrees 19 minutes 18 seconds East, 76.34 feet to a corner;

thence continuing with the property line South 10 degrees 25 minutes 14 seconds West, 59.26 feet to a corner;

thence continuing with the property line South 77 degrees 28 minutes 39 seconds East, 21.73 feet to a point;

thence leaving the property line and running with a curve to the right on a radius of 590.50 feet an arc distance of 399.40 feet (chord South 34 degrees 56 minutes 05 seconds West, 391.83 feet) to a point of tangency;

thence South 54 degrees 18 minutes 42 seconds West, 547.16 feet to a point of curvature;

thence with a curve to the left on a radius of 1,500.00 feet an arc distance of 350.92 feet (chord South 47 degrees 36 minutes 34 seconds West, 350.12 feet) to a point of tangency;

thence South 40 degrees 54 minutes 27 seconds West, 123.05 feet to a point;

thence South 02 degrees 25 minutes 22 seconds West, 60.17 feet to a point in the Northeast right-of-way margin of Bragg Blvd.;

thence with said right-of-way margin North 48 degrees 30 minutes 39 seconds West, 235.45 feet to the POINT OF BEGINNING.

Containing 3.62 acres, more or less.

And being a portion of the property described in Deed Book 3770, Page 699, Cumberland County, North Carolina Registry.

The above description is based on N.C. Grid (NAD 83).

Prepared by Moorman, Kizer & Reitzel, Inc., Fayetteville, North Carolina.

April 8, 2009

**ENGINEERS
PLANNERS
SURVEYORS**
M&R
MOORMAN, KIZER & REITZEL, INC.
115 Broadfoot Ave.
P.O. Box 53774
Fayetteville, NC 28305
(910) 484-5191
Fax: (910) 484-0388
www.mkrinc.com

Legal Description
12.32 Acre Tract
3701 Limited Partnership
Future Bellagio Apartments

BEGINNING at a point in the Northwest line of a tract recorded in Deed Book 3770, page 699, Cumberland County, North Carolina Registry of which the following is a part, at a point North 40 degrees 54 minutes 27 seconds East, 275.01 feet from a railroad spike in the Northeast right-of-way margin of Bragg Boulevard, said railroad spike being the westernmost corner of the above referenced tract and furthermore being described as having N.C. Grid Coordinates of N=485,496.73 and E=2,015,836.32 (NAD 83) and running with the northern line of the tract of which this is a part North 40 degrees 54 minutes 27 seconds East, 879.00 feet to a corner;

thence with the northern line of the tract of which this is a part South 77 degrees 19 minutes 18 seconds East, 602.36 feet to a point;

thence leaving the boundary and running with the proposed extension of Blanton Road western right-of-way margin with a curve to the right on a radius of 490.50 feet an arc distance of 385.92 feet (chord South 31 degrees 46 minutes 19 seconds West, 376.04 feet) to a point of tangency;

thence continuing with the proposed road South 54 degrees 18 minutes 42 seconds West, 633.43 feet to a point of curvature;

thence continuing with the proposed road with a curve to the left on a radius of 1,600.00 feet an arc distance of 183.59 feet (chord South 51 degrees 01 minutes 28 seconds West, 183.49 feet) to a point);

thence leaving the proposed road on a new line parallel with and 275 feet Northeast of the right-of-way of Bragg Boulevard North 48 degrees 30 minutes 39 seconds West, 411.38 feet to the POINT OF BEGINNING.

Containing 12.32 acres, more or less.

And being a portion of the property described in Deed Book 3770, Page 699, Cumberland County, North Carolina Registry.

The above description is based on N.C. Grid (NAD 83).

Prepared by Moorman, Kizer & Reitzel, Inc., Fayetteville, North Carolina.

000146

**City of Fayetteville
Property Tax Grantback Program
for the City's Economic Development Zone**

This property tax incentive program is meant to provide incentives to qualifying development projects in the Economic Development Incentive Zone. The primary objective of the program is to induce private investment thereby improving the economic health and diversity of the City and increasing the City's property tax base. Given the difficulty in determining the precise economic impact of a particular development project, the City has chosen to base the amount of the incentive on the increase in the taxable value of the property involved in the project.

The economic impact of a proposed project within the defined area could also be evaluated using methods that include employment data such as job creation, wages and benefits, and related factors. For this particular incentive program, however, the incentive amount will be based solely on the increase in the taxable value of the property involved in the project. The taxable value of the property after improvements have taken place will be compared to the taxable value of the property before the improvements were made to determine the increase in the taxable value of the property. In order to be eligible for incentives under this program, a project must have improved the taxable value of the associated property by at least \$500,000. For the purposes of this program, increases in the value of land will not be considered in the calculation to determine the incentive payment.

For the applicants whose projects satisfy the criteria in the following section, the program provides incentive payments in annual installments for five years based on the amount of City taxes paid in each year. In order to receive the incentive payments, an eligible project must be completed and have increased the taxable value of the property by \$500,000. A project becomes eligible for participation in the program in the year that taxes are paid on a property with a taxable value \$500,000 above the taxable value before the improvement occurred. The annual incentive payments, however, are based on the increased amount of City property taxes paid. The incentive payments will occur no sooner than six months following the payment of property taxes by the property owner.

The applicant would receive incentive payments for City property taxes paid each year according to the percentages presented in the following table:

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6 and beyond
50% of taxes paid on increased taxable value	50% of taxes paid on increased taxable value	50% of taxes paid on increased taxable value	50% of taxes paid on increased taxable value	50% of taxes paid on increased taxable value	0% of taxes paid on increased taxable value

000147

Essentially, a qualifying applicant would receive an incentive payment equal to 50 percent of City property taxes paid annually for five years on the increased taxable value of the property.

The application process must be completed prior to issuance of a building permit or approval of a subdivision plat for the project. North Carolina General Statutes require that property values be assessed on January 1 for taxation purposes. Therefore, for a project to be considered eligible for this program, it must have been completed in the year preceding the first payment so that the applicant will pay taxes on the taxable value of the completed project. The application must include documentation that improvements made on the property will increase its taxable value by \$500,000 using tax records from the year in which the project was initiated.

The annual grant award due to the grantee will be paid following project completion, verification of a taxable value \$500,000 above the taxable value before the improvement occurred and payment of all property taxes owed. If a project is not completed but has increased the taxable value of the property by \$500,000 by January 1 of a given year, the project will not be eligible for the incentive program. Only completed projects are eligible. If a project is a multi-phased development, each phase that meets the program criteria will be eligible for participation.

During the incentive payment period, the grantee must remain current with all real and property taxes levied and all City utility payments. Verification of these must be submitted prior to incentive payment being granted. Failure to do so results in termination of all of the incentive payments. In addition, during the benefit period, the property must be in compliance with all applicable codes, regulations and requirements including but not limited to those associated with environmental, building, zoning and property maintenance.

There is a \$25 nonrefundable application fee charged for each development project. These guidelines shall be an attachment to each formal incentive payment approved by the City of Fayetteville.

Project Qualifications

Eligible projects that qualify for this program include the renovation or new construction of commercial, industrial, office, retail and residential properties located within the Economic Development Incentive Zone. This includes interior and exterior improvements to the property. Each project applicant must provide a final construction and/or site improvement plan for the development project including budget estimates for the entire project. However, the amount of direct investment made as a part of a given project is not a substitute evaluative criterion for participation in the program; any project must increase the taxable value by \$500,000 above the taxable value of the property prior to the improvement.

Although increasing and diversifying the local economy and property tax base are primary initiatives of this development program, particular consideration will be given to the type of development project undertaken. Projects that involve the following uses, as they are defined in the City Code, are not eligible for participation in the program:

- | | |
|---|--|
| -Automobile and accessory sales/storage | -Amusement enterprises such as billiards/pool and similar activities |
| -Churches/places of worship | -Manufactured home sales |
| -Alcoholic beverage retail stores | -Storage facilities |
| -Family care/group homes | -Brew/pubs/bars |
| -Warehouses | -Public service utilities |
| -Adult/special entertainment | -501 (c) nonprofit owned buildings |

Changing economic conditions, legal issues or other factors may cause the City to modify, amend, suspend or even terminate the property tax incentive program subject to grants previously awarded and in effect at that time.

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Michael Gibson, Parks & Recreation Director
Date: August 24, 2009
Re: Public Hearing to Name Cross Creek Park

THE QUESTION:

Should the City rename Cross Creek Park the Lafayette Park?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 5: Greater Community Unity – Pride in Fayetteville

BACKGROUND:

A request was made by the Historic Properties Manager, Bruce Daws on behalf of the Lafayette Society to rename Cross Creek Park, "Lafayette Park" after the City of Fayetteville's namesake, the Marquis de Lafayette. The P&R Advisory Commission heard the request at their July 2, 2009 meeting and voted unanimously to forward the request to City Council with their recommendation to rename Cross Creek Park to Lafayette Park.

ISSUES:

Naming city facilities in honor of individuals is set by Council policy as attached.

OPTIONS:

- 1) Rename Cross Creek Park to Lafayette Park.
- 2) Take no action.

RECOMMENDATIONS: Accept the recommendation from the Parks & Recreation Advisory Commission to rename Cross Creek Park to Lafayette Park.

000150

ITEM 3.D.

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Michael Gibson, Parks & Recreation Director
Date: August 24, 2009
Re: Public Hearing to Name a Conference Room Located at Myers Recreation Center

THE QUESTION:

Should the City name a conference room located at Myers Recreation Center in honor of Lois B. Moses?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 5: Greater Community Unity – Pride in Fayetteville

BACKGROUND:

A request was made by Council Member Charles Evans to name the small conference in the Myers Recreation Center in honor of Lois B. Moses. Ms. Moses was a former Parks & Recreation Advisory Commission member. The P&R Advisory Commission heard the request at their July 2, 2009 meeting and voted unanimously to forward the request to City Council with their recommendation to name the conference room at Myers Recreation Center in honor of Lois B. Moses. The conference room currently has no name.

ISSUES:


Naming city facilities in honor of individuals is set by Council policy as attached.

OPTIONS:

- 1) Rename a conference room at Myers Recreation Center in honor of Lois B. Moses.
- 2) Take no action.

RECOMMENDATIONS: Accept the recommendation from the Parks & Recreation Advisory Commission to name a conference room at Myers Recreation center in honor of Lois B. Moses.

CITY COUNCIL ACTION MEMO

To: Mayor and City Council
From: Lisa Smith, Chief Financial Officer 
Date: August 24, 2009
Re: General Obligation Refunding Bonds, Series 2009

THE QUESTION: The attached resolution and bond order will allow the City to issue refunding bonds to reduce the City's interest costs.

RELATIONSHIP TO STRATEGIC PLAN:

Core Values: Stewardship

More Efficient City Government – Cost Effective Service Delivery

BACKGROUND:

- ❑ Stephens, Inc. provided analysis that recommended the City refund a portion of its outstanding general obligation bonds that were issued in 1996, 1999 and 2000 to achieve interest cost savings.
- ❑ Based on the bond market as of August 11, 2009, the projected net present value savings would be approximately \$809,407. The actual savings will be determined the date the bonds are sold.
- ❑ If the City refunds these bonds, the savings will be shared by the City's General Fund and the City's PWC.
- ❑ Several actions are needed to initiate the issuance of refunding bonds: 1) adopt the resolution making certain findings, authorizing the filing of an application with the LGC and appointing the financing team, 2) adopt a bond order authorizing the issuance of general obligation refunding bonds in an amount not to exceed \$14,000,000 and designate the Chief Financial Officer to file a sworn statement of debt with the City Clerk in the presence of the City Council, and 3) direct the City Clerk to publish the bond order.
- ❑ The proposed financing team members are: Womble Carlyle Sandridge & Rice, PLLC and Rand & Gregory, PA to serve as co-bond counsel; Stephens, Inc. to serve as underwriter; Hunton & Williams LLP and The Charleston Group to serve as co-underwriter's counsel. Stephens, Inc. is recommended to serve as underwriter since the firm presented the refunding opportunity to the City.
- ❑ The LGC is scheduled to consider the City's application on September 1 and the planned sale date for the bonds is September 17.

ISSUES: None

OPTIONS:

- 1) Take the necessary actions to proceed with the issuance of the refunding bonds.
- 2) Do not proceed with issuance of the refunding bonds.

RECOMMENDATIONS:

- A. Adopt the resolution.
- B. Introduce the order authorizing the bonds and designate the Chief Financial Officer to make and file the Sworn Statement of Debt of the City with the City Clerk.
- C. Adopt the order authorizing the bonds.
- D. Direct the City Clerk to publish the bond order once in the Fayetteville Observer.

The City Council of the City of Fayetteville, North Carolina held a regular meeting in the City Council Chambers in City Hall located at 433 Hay Street in Fayetteville, North Carolina, the regular place of meeting, at 7:00 p.m. on August 24, 2009.

Present: Mayor Anthony G. Chavonne, presiding, and Council Members

Absent: Council Members

Also Present: _____

* * * * *

_____ introduced the following resolution the title of which was read and copies of which had been previously distributed to each Council Member:

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY

BE IT RESOLVED by the City Council of the City of Fayetteville, North Carolina (the "City"):

Section 1. The City Council does hereby find and determine as follows:

(a) Preliminary analysis has been completed to demonstrate the need for refunding all or a portion of the City's outstanding (i) General Obligation Street Improvement Bonds, Series 1996, dated December 1, 1996, (ii) General Obligation Public Improvement Bonds, Series 1996, dated December 1, 1996, (iii) General Obligation Street Improvement Bonds, Series 1999, dated March 1, 1999, (iv) General Obligation Public Improvement Bonds, Series 1999, dated March 1, 1999, (v) General Obligation Street Improvement Bonds, Series 2000, dated October 1, 2000, and (vi) General Obligation Public Improvement Bonds, Series 2000, dated October 1, 2000.

(b) The annual audits of the City show the City to be in strict compliance with debt management policies and that the budgetary and fiscal management policies are in compliance with law.

Section 2. The filing by the City of an application of the City with the North Carolina Local Government Commission for approval of the issuance of not to exceed \$14,000,000 General Obligation Refunding Bonds is hereby ratified, authorized, approved and confirmed.

Section 3. The law firm of Womble Carlyle Sandridge & Rice, PLLC and Rand & Gregory, PA. are hereby appointed to serve, but solely at the pleasure of the City Council, as co-bond counsel to the City in connection with the issuance of the said bonds. Stephens, Inc. will serve as the underwriter for said bonds and Hunton & Williams LLP and The Charleston Group will serve as co-underwriter's counsel.

Section 4. This resolution shall take effect immediately upon its passage.

Thereupon the resolution entitled "RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY" was passed by the following vote:

Ayes: _____

Noes: _____

Thereupon _____ introduced the following order authorizing bonds which was read:

**ORDER AUTHORIZING \$14,000,000 GENERAL OBLIGATION
REFUNDING BONDS**

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

1. That pursuant to The Local Government Bond Act, as amended, the City of Fayetteville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power and authority to contract, and in evidence thereof to issue General Obligation Refunding Bonds in an aggregate principal amount not exceeding \$14,000,000 for the purpose of providing funds, together with any other available funds, to (a) refund all or a portion of the City's outstanding (i) General Obligation Street Improvement Bonds, Series 1996, dated December 1, 1996, (ii) General Obligation Public Improvement Bonds, Series 1996, dated December 1, 1996, (iii) General Obligation Street Improvement Bonds, Series 1999, dated March 1, 1999, (iv) General Obligation Public Improvement Bonds, Series 1999, dated March 1, 1999, (v) General Obligation Street Improvement Bonds, Series 2000, dated October 1, 2000, and (vi) General Obligation Public Improvement Bonds, Series 2000, dated October 1, 2000, and (b) pay certain expenses related thereto.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of debt of said City has been filed with the Clerk to the City Council and is open to public inspection.

000154

ITEM

4. B

4. That this order shall take effect upon adoption.

The City Council thereupon designated the Chief Financial Officer of the City to make and file with the City Clerk the sworn statement of debt of the City which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced.

Thereupon, the Chief Financial Officer of the City filed with the Clerk to said City Council, in the presence of the City Council of Council Members, the sworn statement of debt as required by The Local Government Bond Act, as amended.

Thereupon, the order entitled "ORDER AUTHORIZING \$14,000,000 GENERAL OBLIGATION REFUNDING BONDS" was passed by the following vote:

Ayes: _____

Noes: _____

Thereupon, _____ announced that the order entitled "ORDER AUTHORIZING \$14,000,000 GENERAL OBLIGATION REFUNDING BONDS" had been adopted.

The City Clerk was thereupon directed to publish the aforementioned order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Fayetteville Observer.

* * * * *

I, Rita Perry, City Clerk of the City of Fayetteville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said City Council at a regular meeting held on August 24, 2009, as relates in any way to the adoption of the foregoing resolution and bond order authorizing general obligation refunding bonds of said City and that said proceedings are recorded in the minutes of said City Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said City this 24th day of August, 2009.

City Clerk

[SEAL]

0030155



OFFICE OF THE TAX ADMINISTRATOR

117 Dick Street, 5th Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302
Phone: 910-678-7507 • Fax: 910-678-7582 • www.co.cumberland.nc.us

MEMORANDUM

TO: Fayetteville City Clerk

FROM: Aaron Donaldson, Tax Administrator *AD*

DATE: August 3, 2009

RE: MONTHLY STATEMENT OF TAXES

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

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

AD/sn
Attachments

Celebrating Our Past....Embracing Our Future

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

000156

INFORMATION

FAYETTEVILLE MACC LEDGER

JULY 2009

1999-2009

DATE	REPORT #	REMITTED TO FINANCE	2009 CC	2009 VEHICLE	2009 REVIT	2009 VEHICLE REVIT	2009 FVT	2009 TRANSIT TAX	2009 STORM WATER	2009 FAY STORM WATER
07/01/09	2009-001	SYSTEM DOWN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/02/09	2009-002	43,578.92	0.00	1,961.04	0.00	0.00	345.00	345.00	0.00	0.00
07/06/09	2009-003	57,821.40	0.00	27,719.89	0.00	0.50	3,585.99	3,585.99	0.00	0.00
07/07/09	2009-004	20,887.11	0.00	7,335.33	0.00	0.00	881.09	881.10	0.00	0.00
07/08/09	2009-005	27,842.60	0.00	14,657.90	0.00	0.00	1,925.00	1,925.00	0.00	0.00
07/09/09	2009-006	31,377.99	0.00	16,417.24	0.00	0.00	1,755.00	1,755.00	0.00	0.00
07/10/09	2009-007	20,595.52	0.00	9,378.78	0.00	6.57	1,179.01	1,179.01	0.00	0.00
07/13/09	2009-008	43,026.84	0.00	18,326.64	0.00	8.05	2,165.28	2,165.28	0.00	0.00
07/14/09	2009-009	18,788.85	0.00	8,341.61	0.00	0.00	910.00	910.00	0.00	0.00
07/15/09	2009-010	29,352.21	0.00	18,041.17	0.00	11.54	950.00	950.00	0.00	0.00
07/16/09	2009-011	35,331.05	0.00	21,527.34	0.00	10.17	2,100.00	2,100.00	0.00	0.00
07/17/09	2009-012	23,594.96	0.00	11,518.91	0.00	2.28	775.00	775.00	0.00	0.00
07/20/09	2009-013	39,585.73	0.00	21,594.48	0.00	100.01	1,995.00	1,995.00	0.00	0.00
07/21/09	2009-014	15,193.05	0.00	5,323.97	0.00	0.00	575.00	575.00	0.00	0.00
07/22/09	2009-015	20,049.99	0.00	10,903.86	0.00	92.28	1,065.00	1,065.00	0.00	0.00
07/23/09	2009-016	26,843.41	0.00	14,109.42	0.00	141.34	1,105.00	1,105.00	0.00	0.00
07/24/09	2009-017	19,368.28	0.00	4,905.10	0.00	0.00	452.45	452.46	0.00	0.00
07/27/09	2009-018	27,779.33	0.00	12,979.51	0.00	0.00	1,450.00	1,450.00	0.00	0.00
07/28/09	2009-019	32,519.93	0.00	20,486.09	0.00	0.00	1,928.91	1,928.90	0.00	0.00
07/29/09	2009-020	14,580.29	0.00	5,876.30	0.00	0.00	561.51	561.51	0.00	0.00
07/30/09	2009-021	29,816.65	0.00	12,730.45	0.00	0.00	1,352.67	1,352.67	0.00	0.00
07/31/09	2009-022	47,692.74	0.00	22,467.78	0.00	9.87	2,285.00	2,285.00	0.00	0.00
TOTALS		625,626.85	0.00	286,602.81	0.00	382.61	29,341.91	29,341.92	0.00	0.00

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)
 CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

FAYETTEVILLE MACC LEDGER

JULY 2009

1999-2009

2009 RECYCLE FEE	2008 CC	2008 VEHICLE	2008 REVIT	2008 VEHICLE REVIT	2008 FVT	2008 TRANSIT TAX	2008 STORM WATER	2008 RECYCLE	2008 FAY STORM WATER	2008 ANNEX	2007 CC	2007 VEHICLE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	6,087.28	23,496.10	0.00	72.19	2,598.69	2,135.65	297.64	728.34	440.18	13.78	762.75	686.77
0.00	3,747.44	13,736.47	0.00	0.00	1,558.19	1,268.19	234.45	394.69	201.54	0.00	114.03	123.41
0.00	1,410.34	6,425.01	0.00	0.00	827.26	662.26	165.85	232.14	236.39	0.00	454.99	385.49
0.00	2,206.39	4,553.42	78.35	4.66	595.00	475.00	143.08	255.27	142.16	0.00	0.00	215.27
0.00	1,227.08	6,975.21	0.00	34.92	790.00	655.00	29.28	102.50	58.57	0.00	171.62	178.22
0.00	1,203.93	5,324.13	0.00	13.93	700.00	485.00	99.48	54.16	30.95	0.00	100.38	144.76
0.00	5,824.79	8,356.71	0.00	0.00	953.03	703.04	236.08	384.74	267.85	0.00	1,089.66	485.30
0.00	1,702.87	4,589.44	0.00	0.00	570.92	390.92	308.46	235.32	158.46	4.59	15.81	(47.73)
0.00	1,496.25	5,517.89	0.00	0.00	592.57	372.56	143.84	186.65	106.66	10.53	14.81	257.01
0.00	2,766.34	4,304.62	0.00	0.00	490.00	390.00	118.89	210.00	120.00	0.00	579.68	94.57
0.00	1,914.60	5,410.54	0.00	0.00	605.00	415.00	112.53	247.42	141.38	0.00	78.85	644.31
0.00	3,428.90	6,941.47	0.00	15.97	736.78	576.78	185.88	337.23	288.70	0.00	18.42	377.23
0.00	3,300.55	2,870.10	0.00	0.00	340.00	280.00	192.00	252.00	144.00	0.00	633.87	197.69
0.00	1,240.79	3,251.99	0.00	0.00	416.80	351.80	156.20	207.93	118.82	0.00	164.47	130.66
0.00	2,588.33	4,171.85	0.00	0.00	515.00	455.00	131.77	206.12	117.79	0.00	314.69	405.30
0.00	4,302.59	5,007.96	0.00	0.00	694.38	579.39	309.98	537.02	426.86	0.00	168.21	288.94
0.00	3,256.04	5,486.82	0.00	0.00	816.98	691.98	185.75	314.15	179.51	0.00	15.51	68.37
0.00	1,022.49	4,610.38	0.00	0.00	645.00	560.00	140.71	141.65	104.88	0.00	15.86	86.19
0.00	1,926.10	3,771.88	0.00	0.00	412.01	352.02	96.00	168.00	96.00	0.00	0.00	261.45
0.00	6,055.41	3,550.41	0.38	0.00	500.00	440.00	264.00	420.00	240.00	0.00	724.79	228.16
0.00	3,395.42	11,595.41	0.00	0.00	1,408.34	1,215.00	225.95	428.20	196.69	0.00	137.67	333.88
0.00	60,103.93	139,947.81	78.73	141.67	16,765.95	13,454.59	3,777.82	6,043.53	3,817.39	28.90	5,576.07	5,545.25

FAYETTEVILLE MACC LEDGER

JULY 2009

1999-2009

2007 REVIT	2007 VEHICLE REVIT	2007 FVT	2007 STORM WATER	2007 FAY STORM WATER	2007 ANNEX	2006 CC	2006 VEHICLE	2006 REVIT	2006 VEHICLE REVIT	2006 FVT	2006 STORM WATER	2006 ANNEX	2005 CC & PRIOR
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	121.57	22.74	21.49	0.00	151.51	348.03	0.00	0.00	40.00	4.95	0.00	125.12
0.00	0.00	40.00	0.00	0.00	0.00	0.00	70.82	0.00	0.00	30.00	0.00	0.00	55.46
0.00	0.00	60.00	24.00	48.00	0.00	0.00	28.62	0.00	0.00	15.00	0.00	0.00	0.00
0.00	0.00	25.00	0.00	0.00	0.00	0.00	25.33	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	35.00	0.00	0.00	0.00	81.08	14.01	0.00	0.00	0.00	0.00	39.05	360.20
0.00	0.00	50.00	0.00	0.00	0.00	0.00	(55.70)	0.00	0.00	0.00	0.00	0.00	36.39
0.00	0.00	60.00	24.00	48.00	0.00	0.00	435.96	0.00	0.00	15.00	0.00	0.00	0.00
0.00	0.00	15.00	0.00	0.00	0.00	0.00	(24.24)	0.00	0.00	4.56	0.00	33.47	0.00
0.00	0.00	70.00	0.00	0.00	0.00	0.00	33.60	0.00	0.00	10.00	0.00	0.00	0.00
0.00	0.00	25.00	12.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	80.00	12.00	24.00	0.00	51.70	52.61	0.00	0.00	10.00	0.00	0.00	0.00
0.00	0.00	43.11	0.00	0.00	0.00	0.00	66.92	0.00	0.00	25.00	0.00	0.00	16.35
0.00	0.00	30.00	48.00	24.00	0.00	0.00	0.00	0.00	0.00	0.00	12.00	0.00	0.00
0.00	0.00	30.00	0.00	0.00	0.00	76.34	30.48	0.00	0.00	10.00	12.00	0.00	0.00
0.00	0.00	75.00	12.71	1.42	0.00	142.40	60.63	0.00	0.00	23.17	10.57	148.52	225.54
0.00	0.00	50.99	24.00	24.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	36.84	48.61
0.00	0.00	30.00	0.00	0.00	0.00	5.74	47.92	0.00	0.00	20.00	0.00	0.00	0.80
0.00	0.00	30.00	0.00	0.00	0.00	0.00	57.46	0.00	0.00	15.44	0.00	0.00	0.00
0.00	0.00	40.00	0.00	0.00	0.00	0.00	3.23	0.00	0.00	5.00	0.00	0.00	0.00
0.00	0.00	25.00	67.56	48.00	0.00	431.42	37.10	0.00	0.00	10.00	12.00	323.57	1.60
0.00	0.00	70.00	0.00	0.00	0.00	12.26	115.74	0.00	0.00	24.47	0.00	0.00	8.65
0.00	0.00	1,005.67	247.01	238.91	0.00	952.45	1,348.52	0.00	0.00	257.64	51.52	581.45	878.72

FAYETTEVILLE MACC LEDGER

JULY 2009

1999-2009

2005 VEHICLE & PRIOR	2005 REVIT & PRIOR	2005 VEHICLE REVIT & PRIOR	2005 FVT & PRIOR	2005 & PRIOR STORM WATER	INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	TOTAL TAX & INTEREST
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
295.11	0.00	0.00	55.00	20.22	2,290.50	0.00	32.25	30.79	0.00	49.23	43,578.92
217.93	0.00	0.00	45.00	0.00	1,038.60	0.00	15.45	12.58	0.00	24.78	57,821.40
120.17	0.00	0.00	19.40	0.00	619.65	0.00	15.12	23.88	0.00	16.02	20,887.11
74.55	0.00	0.00	25.00	0.00	483.24	4.12	8.32	7.46	0.00	13.08	27,842.60
34.60	0.00	0.00	20.00	0.00	627.09	0.75	1.62	3.24	6.03	5.68	31,377.99
80.77	0.00	0.00	25.00	0.00	540.88	0.41	7.89	3.56	0.00	6.23	20,595.52
138.84	0.00	0.00	19.62	0.00	1,259.52	0.00	17.40	21.71	0.00	20.34	43,026.84
120.71	0.00	0.00	10.00	0.00	495.03	0.00	20.18	8.63	2.45	12.39	18,788.85
4.15	0.00	0.00	0.00	0.00	552.57	0.00	9.98	7.18	0.68	12.57	29,352.21
16.22	0.00	0.00	5.00	0.00	430.40	0.00	9.71	7.68	0.00	13.43	35,331.05
73.09	0.00	0.00	15.00	0.00	602.18	0.00	8.19	11.59	0.00	13.78	23,594.96
28.39	0.00	0.00	10.00	0.00	740.03	0.32	14.20	22.02	0.00	27.54	39,585.73
(81.41)	0.00	0.00	0.00	0.00	424.78	0.00	22.97	12.77	0.00	15.76	15,193.05
137.39	0.00	0.00	30.00	48.00	455.73	0.00	36.28	6.61	0.00	11.56	20,049.99
92.91	0.00	0.00	25.36	5.64	576.48	0.00	12.90	6.75	45.22	11.58	26,843.41
144.88	0.00	0.00	28.67	0.00	789.41	0.00	25.18	32.10	2.39	35.87	19,368.28
120.72	0.00	0.00	20.00	0.00	592.24	0.00	12.64	12.60	0.00	22.05	27,779.33
163.97	0.00	0.00	43.19	0.00	514.82	0.00	9.22	6.36	0.00	8.41	32,519.93
8.41	0.00	0.00	5.00	0.00	412.20	0.00	6.34	6.31	0.00	11.02	14,580.29
24.70	0.00	0.00	5.47	24.00	806.76	0.03	35.95	24.55	50.16	29.84	29,816.65
173.38	0.00	0.00	70.00	0.00	1,183.08	0.00	14.40	11.29	0.00	25.26	47,692.74
1,989.48	0.00	0.00	476.71	97.86	15,435.19	5.63	336.19	279.66	106.93	386.42	625,626.85