

**FAYETTEVILLE CITY COUNCIL  
AGENDA  
REGULAR MEETING  
AUGUST 10, 2009  
7:00 P.M.**

**VISION STATEMENT**

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

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

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

**FAYETTEVILLE CITY COUNCIL  
AGENDA  
AUGUST 10, 2009  
7:00 P.M.  
CITY HALL COUNCIL CHAMBER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ITEM 1. APPROVAL OF AGENDA**

**ITEM 2. PUBLIC FORUM:**

**A. Announcements and Recognition**

**B. Comment Period**

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

**ITEM 3. CONSENT:**

**A. Approve Minutes:**

- 1. City Council Special Meeting Held on June 9, 2009  
PAGE: 8**
- 2. City Council Meeting Held on June 22, 2009  
PAGE: 9**

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](http://www.cityoffayetteville.org)

- B. Adopt Resolution Authorizing Placement of City Owned Land into Clean Water Trust Fund Conservation Easement**  
Council is being asked to adopt a Resolution that will place approximately 167 acres of city owned land adjacent to the Cape Fear River into a conservation easement in order to obtain funding of \$1.3MM for construction the next phase of the Cape Fear Rivertrail.  
**PAGE: 18**
- C. Special Revenue Fund Project Ordinance 2010-4 (2009 Gangs Across the Carolinas Training Conference)**  
This ordinance will appropriate \$93,172 for the 2009 Gangs Across the Carolinas Training Conference. The funding for this program is a \$69,879 grant from the NC Department of Crime Control and Public Safety (Governor's Crime Commission) and a \$23,293 local match. The NC Gang Investigator's Association will provide the local match.  
**PAGE: 21**
- D. Capital Project Ordinance 2010-7 (Integrated Cashiering System)**  
This ordinance will appropriate a \$106,180 budget for the integrated cashiering system consistent with the adopted capital improvement plan. The funding sources for this ordinance consist of a \$19,480 transfer from the General Fund, a \$8,565 transfer from the Public Safety Fund, and a \$78,135 transfer from the Recreation & Cultural Fund. These funds will be used for the integrated cashiering system that connects Finance, Inspections, Parks & Recreation, and Fire departments for centralized payment collections and financial transactions.  
**PAGE: 23**
- E. Capital Project Ordinance Amendment 2010-10 (Police Department Server Upgrades)**  
This amendment will appropriate an additional \$8,000 for the Police Department server upgrades. The source of funds for this amendment is a \$8,000 transfer from the General Fund. If approved, the revised project budget will be \$188,000.  
**PAGE: 25**
- F. Capital Project Ordinance Amendment 2010-11 (Fire Station #15 at Buhmann Drive)**  
The project has been completed and \$58,340 remains in the project budget. This amendment will reduce the appropriation for project expenditures by \$58,340 and authorize the transfer of the remaining balance to the General Government Fund to be used for the building maintenance project and the integrated cashiering system. The amendment will also allow this project to be closed out in fiscal year 2011 and is consistent with the approved capital improvement plan.  
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**G. Capital Project Ordinance Amendment 2010-12 (Cape Fear River Park Land Acquisition)**

The land acquisition project has been completed and \$69,037 remains in the project budget. This amendment will reduce the appropriation for project expenditures by \$69,037 and authorize the transfer of the remaining balance to the General Government Fund to be used for the integrated cashiering system. The amendment will also allow this project to be closed out in fiscal year 2011 and is consistent with the approved capital improvement plan.

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**H. Capital Project Ordinance Amendment 2010-13 (EE Miller Recreation Center)**

The project has been completed and \$9,098 remains in the project budget. This amendment will reduce the appropriation for project expenditures by \$9,098 and authorize the transfer of the remaining balance to the General Government Fund to be used for the integrated cashiering system. The amendment will also allow this project to be closed out in fiscal year 2011 and is consistent with the approved capital improvement plan.

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**I. Capital Project Ordinance Amendment 2010-14 (Building Maintenance Project)**

This amendment will appropriate an additional \$49,775 for the building maintenance project consistent with the adopted capital improvement plan. The source of funds for this amendment is a \$49,775 transfer from the Public Safety Fund. If approved, the revised project budget will be \$150,775. The funds will be used for the maintenance of the City's buildings at various locations.

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**J. Capital Project Ordinance Amendment 2010-15 (AIP 33 – Airfield Lighting Vault Improvement Project)**

This amendment will appropriate an additional \$7,833 to fund a change order that includes the relocation of large electrical conduits. The current funding source for this amendment is a transfer from the Airport Operating Fund. However, once the project is complete, the City expects to be reimbursed 95% of this cost from the FAA.

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**K. Capital Project Ordinance Amendment 2009-16 (Public Safety Computer-Aided Dispatch, Records Management and Fire Reporting Systems)**

This capital project ordinance amendment will appropriate an additional \$897,617 for certain components of this project as well as return \$2,322,100 temporarily borrowed from the Risk Management Fund. This amendment also reflects the City's plan to finance \$3,219,717 for this project through capital lease proceeds (bank loan) during the current fiscal year. These actions are consistent with the FY2010-2014 Capital Improvement Plan adopted by City Council as well as the staff briefing at the June 2009 work session.

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**L. Adopt Resolution Appointing a Deputy Tax Collector**

The City's collections supervisor is responsible for collecting certain taxes, such as business license taxes, for the City of Fayetteville. The governing body appoints the individual who collects such taxes as a Deputy Tax Collector. On July 20, 2009, Donna Love was promoted as the collections supervisor for the City. Approval of the resolution will appoint Donna Love, Collections Supervisor, as Deputy Tax Collector for the City of Fayetteville.

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**M. Set Public Hearing for Parks & Recreation**

**1. Request to name the small conference room at Myers Recreation Center in honor of Lois B. Moses**

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 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 supports this renaming request.

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**2. Request to rename the Cross Creek Recreation Park to the Lafayette Park**

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 supports this renaming request.

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**N. Approve sign permit for the Cumberland County Fair scheduled for September 9<sup>th</sup> through September 12<sup>th</sup>.**

Twenty signs in various locations will be placed beginning August 24<sup>th</sup> through September 13<sup>th</sup>. The sign ordinance provides temporary signage for festivals and special events.

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**ITEM 4. F.A.S.T. TRANSPORTATION DEVELOPMENT PLAN (TDP)**

Consider adopting the Transportation Development Plan (TDP) from the KFH Group. In January 2009, the consulting firm of KFH Group was selected to develop the Transportation Development Plan. On May 13, 2009 at a Council Work Session, KFH presented the alternatives derived from the compilation of data, interviews, passenger and non-passenger surveys. On July 13, 2009, KFH held a public forum/comment period with the alternatives for near-term, 3 years, 5 years and 10 years out.

**PRESENTED BY:** Ron Macaluso, Transit Director

**RECOMMENDED ACTION:** Adopt the Transportation Development Plan as presented by the KFH Group.

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**ITEM 5. CONSIDER APPROVAL OF RESOLUTION CONFIRMING ASSESSMENT ROLL FOR MEETING STREET**

Reconsider resolution confirming assessment roll and levying assessments specifically for the assessment for curb & gutter and paving of Meeting Street from N. Cool Spring Street to Dead End. This was originally brought before Council on June 22<sup>nd</sup>, however Council voted to delay action for 30 days.

**PRESENTED BY:** Jeffrey Brown, Interim Engineering & Infrastructure Director

**RECOMMENDED ACTION:** Adopt resolution confirming assessments on Meeting Street.

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**ITEM 6. CONSIDER RECOMMENDING DENIAL TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD REGARDING A SIDEWALK WAIVER REQUESTED BY EUREKA CHAPEL BAPTIST CHURCH REQUIRING INSTALLATION OF SIDEWALK PROPERTY LOCATED AT THE CORNER OF MCARTHUR ROAD AND JOSSIE STREET. THE APPLICANT IS REQUESTING THE SIDEWALK WAIVER FOR THE REQUIRED SIDEWALK ON JOSSIE STREET.**

The property is outside the city limits of Fayetteville, but within Fayetteville's Municipal Influence Area. The Municipal Influence Area regulations require the installation of sidewalk abutting a public street as part of a site plan review. The church is requesting the Cumberland County Planning Board to waive the sidewalk requirement for Jossie Street. Before acting upon the request, the Cumberland County Joint Planning Board is requesting a recommendation from the Fayetteville City Council on this matter. City staff recommends denial of the request based on the development standards for sidewalk in the Municipal Influence Area. In addition, this recommendation is consistent with sound planning principles and the City Council's goal of creating a more attractive and walkable community.

**PRESENTED BY:** Jimmy Teal, Planning Director

**RECOMMENDED ACTION:** City staff recommends denial of the sidewalk waiver request

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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 10, 2009 - 7:00 PM  
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED  
AUGUST 11, 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 [mcelrath@ci.fay.nc.us](mailto:mcelrath@ci.fay.nc.us), 910-433-1605 or 910-433-1696, or the City Clerk at [cityclerk@ci.fay.nc.us](mailto:cityclerk@ci.fay.nc.us), or 910-433-1989, as soon as possible but no later than 48 hours before the scheduled event.

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# DRAFT

FAYETTEVILLE CITY COUNCIL  
SPECIAL MEETING  
LAFAYETTE ROOM  
JUNE 9, 2009  
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1);  
Charles E. Evans (District 2) (arrived at 5:10 p.m.);  
Robert A. Massey, Jr. (District 3); Darrell J. Haire  
(District 4); Bobby Hurst (District 5); Valencia A.  
Applewhite (District 7); Theodore W. Mohn (District 8);  
Wesley A. Meredith (District 9)

Absent: Council Member William J. L. Crisp (District 6)

Others Present: Dale E. Iman, City Manager  
Karen M. McDonald, City Attorney  
Peg Carlson, Facilitator  
Members of Press

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

1. To consider evaluation process used for City Attorney.
2. To consider evaluation process, discuss methodology, and schedule for the City Manager

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

The regular session recessed at 5:05 p.m. The regular session  
reconvened at 5:50 p.m.

MOTION: Council Member Massey moved to go into open session.  
SECOND: Council Member Applewhite  
VOTE: UNANIMOUS (9-0)

Discussion was held regarding the evaluation process to be used  
to evaluate the City Manager's performance.

There being no further business, the meeting adjourned at 6:30  
p.m.

Respectfully submitted,

JENNIFER K. PENFIELD  
Deputy City Clerk

ANTHONY G. CHAVONNE  
Mayor

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ITEM 3.A.1



# DRAFT

FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
JUNE 22, 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); Wesley A. Meredith (District 9)

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  
Ben Major, Fire/Emergency Management Assistant Chief  
Christina Morey, Fire/Emergency Management Assistant Chief  
Mike Hill, Battalion Commander  
Tom Bergamine, Chief of Police  
Tracey Broyles, Budget and Evaluation Manager  
Rob Anderson, Chief Development Officer  
Jimmy Teal, Planning Director  
Craig Hampton, Special Project Director  
Erica Hoggard, Human Resource Development Assistant Director  
Jackie Tuckey, Communications Manager/Public Information Officer  
Nathan Walls, Public Information Specialist  
Members of the Press

## INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend John Cook, Pastor at Snyder Memorial Baptist Church, followed by the Pledge of Allegiance to the American Flag.

## RECOGNITIONS AND ANNOUNCEMENTS

Council Member Applewhite announced she had attended an event hosted by the Fayetteville Chapter of the National Association of Buffalo Soldiers and Troopers who had hosted a food drive for Second Harvest in Fayetteville. She thanked them for their hard work and dedication.

## 1. APPROVAL OF AGENDA

MOTION: Council Member Massey moved to approve the agenda to include adding to the consent agenda cancellation of the July 6, 2009, City Council meeting.  
SECOND: Council Member Bates  
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Evans)

## 2. CONSENT:

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

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ITEM 3. A. 2.

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The following items were approved:

**A. Approve Minutes:**

1. City Council dinner and discussion meeting held on May 26, 2009.

**B. Capital Project Ordinance Amendment 2009-25 (Linear Park Project).**

This ordinance amendment appropriated an additional \$144,079.00 in donations and \$37,972.00 in investment income to fund further development of the Linear Park project.

**C. Capital Project Ordinance 2009-26 and Resolution Authorizing the City of Fayetteville to Enter into an Agreement with the North Carolina Department of Transportation (Replacement of the Transit Transfer Center).**

This ordinance appropriated \$203,422.00 for the replacement of the Transit Transfer Center. The source of funds for this project would be a federal grant (\$162,738.00), a state grant (\$20,342.00), and a required General Fund local match (\$20,342.00). The associated resolution must be adopted to authorize the City Manager to execute the grant agreement with the North Carolina Department of Transportation.

**D. Capital Project Ordinance 2009-27 (Transit Automatic Vehicle Locator System).**

This ordinance appropriated \$419,012.00 for the Transit Automatic Vehicle Locator System Project. The source of funds for this project would be a state grant (\$377,111.00) and a required General Fund local match (\$41,901.00).

**E. Addition of streets to the City of Fayetteville's System of Streets.**

Council was asked to accept the dedication of the attached list of streets for maintenance and addition to the City of Fayetteville system of streets. This list included 15 paved streets adding up to a total of 2.54 miles.

**F. Resolution accepting State Revolving Loan for Swainy Avenue Drainage Improvement Project.**

Council was asked to adopt a resolution accepting a State Revolving Loan in the amount of \$600,000.00 from the North Carolina Department of Environment and Natural Resources for the Swainy Avenue drainage improvement project.

**G. Resolution to set public hearing to consider closing three unopened streets within the Hope VI area.**

A petition was received from the Fayetteville Metropolitan Housing Authority for the closure of a portion of McKethan Street, a portion of Ross Street, and Lafayette Street. These streets were all unopened streets within the Hope VI area.

**H. Set a public hearing and approve a preliminary resolution requiring the paving without petition of certain soil streets.**

Council was asked to set a public hearing for the July 27, 2009, Council meeting and approve a preliminary resolution requiring the paving without petition of Drexel Road from Temple Avenue to Pennsylvania Avenue, Greensboro Street from Jasper Street to McLamb Drive, Wilma Street from Roosevelt Street 930 feet to a cul-de-sac, Salisbury Street from Wilma Street 298 feet to a cul-de-sac, Quillan Street from Bragg Boulevard 794 feet to a turn around, and Morgan Lane

# DRAFT

from Park Street to Claremont Avenue and from Claremont Avenue 330 feet to a dead end.

**I. Interlocal agreement for the billing and collection of stormwater fees.**

Council was requested to approve a new interlocal agreement with Cumberland County for the billing and collection of stormwater fees.

**J. Bid Recommendation - Airport Parking Lot Improvements.**

Awarded contract for Airport Parking Lot Improvements to Barnhill Contracting Company, Fayetteville, NC, in the amount of \$745,556.95. Formal bids were received June 2, 2009. The low bidder was recommended.

Bids were received as follows:

Barnhill Contracting Company (Fayetteville, NC)	.....\$745,556.95
Highland Paving Company (Fayetteville, NC)	.....\$789,137.35
Barnes Paving Company, Inc. (Lumberton, NC)	.....\$863,529.20

**K. Cancel July 6, 2009, City Council meeting.**

**3. PUBLIC HEARINGS:**

**A. Consider an amendment to the Fayetteville Code of Ordinances, Section 30, Zoning, to add Section 30-520, Airport Overlay District.**

Mr. Jimmy Teal, Planning Director, presented this item and showed a map of the proposed Airport Overlay District and surrounding areas. He stated Cumberland County and the Town of Hope Mills had adopted the overlay district. He stated the overlay district would provide the following three elements:

1. Factors would be listed within the text that was proposed to be considered when any rezoning petitions or special use permits were submitted within the overlay district;
2. Notices would be given to the public by means of a statement on any recorded plat advising the public that the property would be located within the overlay district; and
3. Reasonable height restrictions based on an incremental scale and require a copy of the FAA Form 7460-1 to the City at the time of permit application.

Mr. Teal stated the Planning Commission held a public hearing and unanimously recommended approval.

**MOTION:** Council Member Crisp moved to recuse himself from Item 3.A. since he owned property in the area.

**SECOND:** Council Member Mohn

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

Mr. Teal addressed previous concerns regarding the ordinance possibly being considered a taking. Mr. Teal explained the overlay ordinance would not result in any acquisition of property.

A question and answer period ensued regarding the purpose, areas affected, property values, height restrictions, and affect on the fire tower.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:34 p.m.

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Mr. Edward Williams, 1210 Camden Road, Fayetteville, NC 28306, appeared in favor and expressed approval of the ordinance.

Mr. Mark Ledger, 430 Lionshead Road, Fayetteville, NC 28311, appeared in favor and urged Council to adopt the ordinance.

Mr. Tom Keith, 1921 Winterlochen Road, Fayetteville, NC 28305, appeared in opposition and expressed concerns with property being taken.

There being no one further to speak, the public hearing closed at 7:47 p.m.

Council Member Bates inquired as to the FAA process. Mr. Teal responded it would go before the FAA through the required form. Mr. Brad Whited, Airport Director, further explained that the FAA would only determine whether or not there would be an impact to the airport and provide the reason for the determination. He stated the FAA would not have the authority to deny the request as it would be a local issue.

Council Member Massey inquired if other cities had the overlay district. Mr. Teal responded there were several including High Point, Greensboro, and Charlotte.

**MOTION:** Council Member Bates moved to adopt the Airport Overlay District ordinance as recommended by the Planning Commission.

**SECOND:** Mayor Pro Tem Meredith

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

## B. Consider adoption of the 2030 Growth Vision Plan.

Mr. Jimmy Teal, Planning Director, presented this item and provided background information on the plan. He stated Council had referred this item to the Planning Commission to review the plan with the County Planning Board for possible changes. He stated the County had suggested changes and the City Planning Commission recommended endorsement of the changes. He stated the County Commissioners had approved the plan with the changes in April of 2009. He stated Council's options were to adopt the plan as originally submitted by the 2030 Growth Vision Plan Advisory Committee, adopt the plan as amended by the County, or make changes to the plan. He stated the Planning staff recommended approval with the County changes with the exception of policies 10.13 and 11.7 regarding tree protection. He stated this plan would be guidelines to guide Council on developing ordinances. He stated the Planning Commission recommended approval as adopted by the County Commissioners.

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 8:37 p.m.

Concerns were expressed on the tree preservation ordinance in regard to clear cutting of trees. Mr. Teal responded the County was taking out the provision of clear cutting of trees from their plan but the City was not removing this provision. He stated the Planning staff would be recommending stronger language to protect the trees.

**MOTION:** Council Member Bates moved to adopt the 2030 Growth Vision Plan to include the changes adopted by the County Commissioners and adding back policies 10.13 and 11.7 as originally drafted.

**SECOND:** Council Member Crisp

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

# DRAFT

## C. Public hearing for assessment rolls on soil streets that have been paved.

Mr. Jeffery Brown, Interim Director for Engineering and Infrastructure, presented this item and reviewed a power point presentation showing the assessments for paving of six streets.

Council Member Haire inquired on the percentage of the assessments. Mr. Brown responded Meeting Street property owners would be paying 14 percent, Church Street 23 percent, Seminole Street 29 percent, Oscar Street 24 percent, Milan Road 6 percent, and Barges Lane 6 percent. He stated that Milan Road's percentage was lower because it was adjacent to the railroad property and the railroad could not be assessed.

Council Member Massey inquired if the sidewalks on Barges Lane were part of the paving process and were there any other streets that received sidewalks along with the paving. Mr. Brown responded in the negative and stated there were portions of sidewalks already on the streets so the decision was made to put the sidewalks back.

Council Member Evans requested that Meeting Street be pulled as concerns had been brought to his attention by members of Evans Metropolitan AME Zion Church. He stated he would like City staff to meet with the members of the church to discuss these concerns.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:00 p.m.

Mr. David Bedtelyon, 2136 Seminole Drive, Fayetteville, NC 28306, appeared in opposition and expressed concerns for the amount of the assessment.

There being no one further to speak, the public hearing closed at 9:03 p.m.

Council Member Applewhite inquired if the property owners had been given advance notice of the assessment. Mr. Brown responded notices had been mailed in advance stating what the estimated preliminary assessment would be.

Council Member Massey inquired on the process used to determine the percentage. Mr. Brown responded it was based on who owned the property. He stated Milan Road was 6 percent because the railroad owned a large portion. He stated Meeting Street was also low because the City owned one side of the street.

Concerns were expressed on the differences in the percentage and private citizens receiving the higher percentage.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS (CHURCH STREET FROM THE CENTERLINE OF LAKELAND STREET SOUTHEASTERLY APPROXIMATELY 215.57 FEET). RESOLUTION NO. R2009-051.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS (MILAN ROAD FROM NORTH STREET TO DEAD END). RESOLUTION NO. R2009-052.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS (OSCAR STREET FROM FAIRVIEW STREET TO BLACKWELL STREET). RESOLUTION NO. R2009-053.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS (SEMINOLE DRIVE FROM GOINS DRIVE TO DEAD END). RESOLUTION NO. R2009-054.

# DRAFT

## RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS (BARGES LANE FROM GROVE STREET TO LAMON STREET). RESOLUTION NO. R2009-055.

**MOTION:** Council Member Evans moved to approve the assessment resolutions with the exception of Meeting Street with staff to come back within 30 days.

**SECOND:** Council Member Massey

Discussion ensued regarding the circumstances surrounding the church and why no one was in attendance to represent the church.

City Attorney Karen McDonald explained Council's options. Ms. McDonald clarified this was a motion to delay adoption of the assessment.

**VOTE:** PASSED by a vote of 6 in favor to 4 in opposition (Council Members Bates, Applewhite, Meredith, and Mohn)

### 4. 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 this item and stated they were presenting a revised budget with a tax rate of 45.1 cents. He then proceeded to present a power point presentation on the proposed FY 2010 budget as follows:

#### Revenue-Neutral Tax Rate Update

- Original projected neutral rate prepared in April
- Actual personal property values now available
- More complete information now available for motor vehicles, real property appeals and exemptions
- Revised neutral rate prepared as of June 19 based on latest data from the County Tax Office

#### Reappraisal and Property Tax Base

Estimating the total FY 2010 tax base

	<u>Original</u>	<u>Current</u>
Real Property	\$10,891,001,819	\$10,885,004,799
Personal Property	519,868,950	462,436,694
Motor Vehicles	1,097,787,249	1,042,927,160
Public Service Property	147,481,365	147,481,365
Total Est. Taxable Property	<u>\$12,656,139,383</u>	<u>\$12,535,850,018</u>

#### Revenue-Neutral Tax Rate Analysis

Est. FY 2009 taxable values	\$10,449,723,504
Est. FY 2009 levy at 53 cents	\$55,383,535
Plus 3.1% natural growth rate	\$57,100,424

	<u>Original</u>	<u>Current</u>
Est. FY 2010 taxable values	\$12,656,139,383	\$12,535,850,018
Revenue-neutral tax rate	45.1 cents	45.6 cents

#### Council's Proposed Tax Rate

Proposed Tax Rate	45.1 cents
Estimated FY 2010 Total Taxable Values	\$12,535,850,018
Estimated FY 2010 Levy	\$56,536,684
Estimated Loss of Revenue Below Revenue-Neutral Rate (est. 97.36% collection rate)	(\$610,233)

# DRAFT

## G/F Budget Proposal - 45.1 Cent Tax Rate

- Proposed General Fund Budget is \$136,013,023
  - Based on Council's direction to set the tax rate at 45.1 cents per \$100 value
- Pay increase eliminated for all employees - including Police
- Addressed sales tax revenue reduction
- FY 2010 proposed G/F budget is 1.2% higher than FY 2009 original budget
  - Includes additional positions for Police (30) and Fire (24) and enhanced transit services
- Revenue adjustments to original recommended budget total (\$4,929,628):
  - Eliminated all pay increases (\$1,925,978)
  - Removed 22 police positions (\$1,773,344)
  - Reduced street resurfacing (\$400,000)
  - Reduced capital outlay (\$319,500)
  - Reduced contracts/incentives (\$370,000)
  - Reduced sales tax reimbursements (\$216,165)
  - Miscellaneous adjustments (\$114,400)
  - Added police contingency funds \$189,759

A question and answer period ensued regarding the percentage in the reserve, street resurfacing, pay increases, motor vehicle taxes, grant and county revenues, and tax rate.

In response to Council inquiries, Mr. Iman presented a general fund budget proposal with a 45.6 rate as follows:

## G/F Budget Proposal - 45.6 Cent Tax Rate

- Proposed General Fund Budget is \$136,657,000
  - Based on updated revenue-neutral tax rate of 45.6 that was calculated on June 19
- Pay increase eliminated for general employees
- Addressed the sales tax revenue reduction
- FY 2010 proposed G/F budget is 1.6% higher than the FY 2009 original budget
  - Includes additional positions for Police (30) and Fire (24) and enhanced transit services
- Revenue adjustments to original recommended budget total included:
  - Reduction in property tax revenues
  - Reduction in sales tax revenues
  - Reduction in grant and county revenues
  - Increase in fund balance appropriation for the vacancy rate change
- Expenditure adjustments to original recommended budget total included:
  - Elimination of general employee pay increases
  - Capping pay increases for police at 5%
  - Removal of 22 police positions
  - Reduction in street resurfacing
  - Reduction in capital outlay
  - Reduction in contracts/incentives
  - Reduction in sales tax reimbursements
  - Miscellaneous adjustments

Council then asked questions of the City Manager regarding pay raises for City and PWC employees and miscellaneous adjustments.

# DRAFT

**MOTION:** Mayor Pro Tem Meredith moved to adopt Fiscal Year 2009-2010 Budget Ordinance, Fee Schedule, Capital Project Ordinances 2010-1 through 2010-3, and Capital Project Amendments 2010-1 through 2010-8 with a tax rate of 45.6 cents tax rate.

**SECOND:** Council Member Hurst

**SUBSTITUTE MOTION:**

Council Member Bates moved to adopt Fiscal Year 2009-2010 Budget Ordinance, Fee Schedule, Capital Project Ordinances 2010-1 through 2010-3, and Capital Project Amendments 2010-1 through 2010-8 with a tax rate of 45.1 cents tax rate, and authorize the City Manager to remove up to and not to exceed \$1,000,000 for police pay out of the general reserves.

**SECOND:** Council Member Crisp

**VOTE:** FAILED by a vote of 2 in favor (Council Members Bates and Crisp) to 8 in opposition

**ORIGINAL MOTION VOTE:**

PASSED by a vote of 6 in favor to 4 in opposition (Council Members Evans, Applewhite, Bates, and Crisp)

**INFORMATION ITEMS:**

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

2008 Taxes .....	\$250,207.13
2008 Vehicle Taxes .....	409,287.48
2008 Revit .....	36.03
2008 Vehicle Revit .....	340.41
2008 FVT .....	41,700.09
2008 Transit Tax .....	36,001.56
2008 Storm Water .....	13,987.29
2008 Fay Storm Water .....	17,940.17
2008 Recycle Fee .....	21,869.18
2008 Annex .....	6.02
2007 Taxes .....	5,158.08
2007 Vehicle Taxes .....	9,432.43
2007 Revit .....	0.00
2007 Vehicle Revit .....	0.00
2007 FVT .....	1,547.38
2007 Storm Water .....	449.58
2007 Fay Storm Water .....	178.76
2007 Annex .....	0.00
2006 Annex .....	2,596.14
2006 Taxes .....	1,558.31
2006 Vehicle Taxes .....	1,776.61
2006 Revit .....	0.00
2006 Vehicle Revit .....	0.00
2006 FVT .....	404.21
2006 Storm Water .....	61.18
2005 Taxes .....	421.36
2005 Vehicle Taxes .....	1,116.08
2005 Revit .....	0.00
2005 Vehicle Revit .....	0.00
2005 FVT .....	202.09
2005 Storm Water .....	2.64
2004 and Prior Taxes .....	1,132.53
2004 and Prior Vehicle Taxes .....	1,990.01
2004 and Prior Revit .....	0.00
2004 and Prior Vehicle Revit .....	0.00



# DRAFT

2004 and Prior FVT .....	395.90
2004 and Prior Stormwater .....	19.30
Interest .....	24,676.27
Interest (Revit) .....	6.02
Interest (Storm Water) .....	789.08
Interest (Fay Storm Water) .....	948.32
Interest (Annex) .....	260.03
Interest (Fay Recycling) .....	1,093.84
Total Collections .....	\$847,591.51

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

Respectfully submitted,

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JENNIFER K. PENFIELD  
Deputy City Clerk

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ANTHONY G. CHAVONNE  
Mayor

062209

# CITY COUNCIL ACTION MEMO

**To:** Mayor and Members of City Council  
**From:** Craig Hampton, Special Projects Director   
**Cc:** Michael Gibson, P&R Director  
Jeffery Brown, City Engineer  
Cynthia Pres, Real Estate  
**Date:** August 10, 2009  
**Re:** Adopt Conveyance of City-Owned Land into Clean Water Trust Fund

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## **THE QUESTION:**

Council will be asked to adopt the attached resolution at the regular meeting on August 10, 2009 that will authorize the conveyance of approximately 167 acres of city-owned land into the Clean Water Trust Fund Conservation Easement Program.

## **RELATIONSHIP TO STRATEGIC PLAN:**

Goal #1-Growing City, Livable Neighborhoods, A Great Place to Live (expand and upgrade parks); Goal #3-More Attractive City-Clean & Beautiful (increase green space throughout the city). Also listed in approved Capital Improvement Project (CIP) Plan.

## **BACKGROUND:**

In 2008 the City of Fayetteville received award of a \$1.3 million grant from the state Clean Water Management Trust Fund to provide some funding for the next phase of the Cape Fear Rivertrail. We also received grants from NC DOT for \$1 million making the project total \$2.3 Million. The grant conditions require, among other things, that land be conveyed into the Trust Fund in perpetuity in order to receive the funding. There will also be some county owned land and Botanical Gardens land conveyed into the trust through a separate action. Maps are attached that shows the land to be conveyed. The land is primarily along the path of the next phase of the Cape Fear Rivertrail and will serve as a buffer for that trail. The attached resolution is one of the final actions needed to conduct the actual conveyance. Prior to this action the city conducted surveys of the land, as well as environmental assessments and other studies as required by NC DOT and the grant conditions.

## **THE ISSUE:**

There are no unresolved issues known.

## **OPTIONS:**

1. Adopt the Attached Resolution and convey the property.
2. Do not adopt the Resolution and provide guidance to staff.

## **RECOMMENDATIONS:**

1. Adopt the Attached Resolution and convey the property.

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ITEM 3. B.

**A RESOLUTION AUTHORIZING CERTAIN CITY-OWNED LAND TO BE CONVEYED INTO THE NORTH CAROLINA CLEAN WATER MANAGEMENT TRUST FUND CONSERVATION EASEMENT PROGRAM**

WHEREAS, The City of Fayetteville (hereinafter City) and the state of North Carolina acting through the NC Clean Water Management Trust Fund (hereinafter CWMTF) have agreed upon and executed a grant agreement commonly know as CWMTF Project Number 2006B-006 (hereinafter Grant) with an effective date of October 29, 2008 and a value of \$1.3 million dollars, and;

WHEREAS, the purpose of the Grant is to provide additional funding for the creation of the second phase of the Cape Fear Rivertrail extending along the Cape Fear River from Methodist College to the Cape Fear Botanical Gardens, and beyond, and in return the City of Fayetteville is to covey certain city-owned land into the CWMTF for the purposes of establishment of a perpetual conservation easement for a riparian greenway along the Cape Fear River that includes portions of the Cape Fear Rivertrail, a public use amenity enjoyed and used by thousands of Fayetteville and Cumberland County citizens and visitors, and;

WHEREAS, the Grant Agreement contain various terms and conditions that City must comply with in order to obtain the funding and one of those aforementioned terms and conditions is the conveyance, in perpetuity, of certain previously identified and approved city-owned land into the CWMTF by passage of a resolution by the governing body of the City of Fayetteville, and;

WHEREAS, the City is prepared and able to comply with the terms and conditions of the Grant and specifically to convey, in perpetuity, the below described city-owned land into the CWMTF

Parcel Number	Acreage
0447-16-5763	12.12
0438-87-6231	21.17
0448-07-1742	4.14
0449-11-5573	16.14
0449-24-2838	112.62
TOTAL	166.19

said city-owned land also being shown on attachment A-Map of CWMTF Conservation Easement Area-Cape Fear Rivertrail-Phase 2, and;

NOW THEREFORE BE IT RESOLVED, The city council of the City of Fayetteville hereby authorizes the perpetual conveyance of the above described city-owned land into the NC Clean Water Management Conservation Trust Fund for the purposes of establishment of a perpetual conservation easement for a riparian greenway along the Cape Fear River that includes portions of the Cape Fear Rivertrail, and authorizes the City Manager or Designee to complete and execute any and all future documents or instruments necessary to effect this order.

Authorized this Date of August 10, 2009

\_\_\_\_\_  
Anthony Chavonne, Mayor of City of Fayetteville

\_\_\_\_\_  
Attest: City Clerk (Seal)



# CITY COUNCIL ACTION MEMO

**To:** Mayor and Members of Council  
**From:** Lisa Smith, Chief Financial Officer *LS*  
**Date:** August 10, 2009  
**Re:** Special Revenue Project Ordinance 2010-4 (Gangs Across the Carolinas Training Conference 2009)

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**THE QUESTION:** This ordinance will appropriate \$93,172 for the 2009 Gangs Across the Carolinas Training Conference. The funding for this program is a \$69,879 grant and a \$23,293 local match.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 1: GROWING CITY, LIVABLE NEIGHBORHOODS – A GREAT PLACE TO LIVE – Low crime rate and reputation as a safe community

**BACKGROUND:**

- ❑ The North Carolina Department of Crime Control and Public Safety – Governor's Crime Commission has approved a grant that will cover 75% of the costs of the training conference. A local match of 25% must be provided to cover the remaining costs.
- ❑ The North Carolina Gang Investigator's Association (NCGIA) will provide the local match of \$23,293.
- ❑ The NCGIA will coordinate the training conference. Gang specialists and experts from the State of North Carolina and throughout the country will provide needed training on issues such as the latest trends, tactics and safety concerns that are vital in combating gangs and keeping our citizens and officers safe.

**ISSUES:** None

**OPTIONS:** 1) Adopt the Special Revenue Ordinance.  
2) Do not adopt the Special Revenue Ordinance.

**RECOMMENDATIONS:** Adopt the Special Revenue Ordinance.

SPECIAL REVENUE FUND PROJECT ORDINANCE  
ORD 2010-4

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

Section 1. The project authorized is for the funding of the Gangs Across the Carolinas Training Conference 2009.

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:

N. C. Governor's Crime Commission Grant	\$ 69,879
Local Match - N. C. Gang Investigator's Association	<u>23,293</u>
	<u>\$ 93,172</u>

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

Project Expenditures	<u>\$ 93,172</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 10th day of August, 2009.

# CITY COUNCIL ACTION MEMO

**To:** Mayor and City Council

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

**Date:** August 10, 2009

**Re:** Capital Project Ordinance 2010-7 (Integrated Cashiering System)

**THE QUESTION:** This ordinance will appropriate a \$106,180 budget for the integrated cashiering system.

**RELATIONSHIP TO STRATEGIC PLAN:**

GOAL 4: More Efficient City Government – Cost-Effective Service Delivery.

**BACKGROUND:**

- This project is included in the FY2010-FY2014 Capital Improvement Plan adopted by City Council.
- The funding sources for this ordinance consist of the following:
  - a \$19,480 transfer from the General Fund
  - a \$8,565 transfer from the Public Safety Fund
  - a \$78,135 transfer from the Recreation & Cultural Fund
- These funds will be used for the integrated cashiering system that connects Finance, Inspections, Parks & Recreation, and Fire departments for centralized payment collections and financial transactions.

**ISSUES:**

None

**OPTIONS:**

- 1) Adopt Capital Project Ordinance 2010-7.
- 2) Do not adopt Capital Project Ordinance 2010-7.

**RECOMMENDATIONS:** Adopt Capital Project Ordinance 2010-7.

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ITEM

3. D.

CAPITAL 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 capital project ordinance is hereby adopted:

Section 1. The authorized project is for the funding of the integrated cashiering system.

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

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

General Fund Transfer	\$ 19,480
Public Safety Fund Transfer	8,565
Recreation & Cultural Fund Transfer	78,135
	<u>\$ 106,180</u>

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

Project Expenditures	<u>\$ 106,180</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 10th day of August, 2009.



# CITY COUNCIL ACTION MEMO

**To:** Mayor and City Council

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

**Date:** August 10, 2009

**Re:** Capital Project Ordinance Amendment 2010-10 (Police Department Server Upgrades)

**THE QUESTION:** This amendment will appropriate an additional \$8,000 for the Police Department server upgrades.

**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 project is included in the FY2010-FY2014 Capital Improvement Plan adopted by City Council.
- ☐ The source of funds for this amendment is a \$8,000 transfer from the General Fund.
- ☐ If approved, the revised project budget will be \$188,000.

**ISSUES:**

None

**OPTIONS:**

- 1) Adopt Capital Project Ordinance Amendment 2010-10.
- 2) Do not adopt Capital Project Ordinance Amendment 2010-10.

**RECOMMENDATIONS:** Adopt Capital Project Ordinance Amendment 2010-10.

CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2010-10 (CPO 2009-5)

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

Section 1. The project change authorized is the Capital Project Ordinance 2009-5, adopted June 9, 2008, as amended, for the funding of Police Department server upgrades.

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
Transfer from the General Fund	<u>\$ 180,000</u>	<u>\$ 8,000</u>	<u>\$ 188,000</u>

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


Project Expenditures	<u>\$ 180,000</u>	<u>\$ 8,000</u>	<u>\$ 188,000</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 10th day of August, 2009.

# CITY COUNCIL ACTION MEMO

**To:** Mayor and City Council

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

**Date:** August 10, 2009

**Re:** Capital Project Ordinance Amendment 2010-11 (Fire Station #15 at Buhmann Drive)

**THE QUESTION:** This amendment will authorize the transfer of the \$58,340 remaining balance in the Fire Station #15 project budget to the General Government Fund for the building maintenance and integrated cashiering system expenditures.

**RELATIONSHIP TO STRATEGIC PLAN:** Goal 4: More Efficient City Government – Cost-Effective Service Delivery.

**BACKGROUND:**

- ☐ This project has been completed and \$58,340 remains in the project budget.
- ☐ This amendment will result in several actions to facilitate the closure of this project, specifically:
  - ☐ reduce the appropriation for project expenditures by \$58,340,
  - ☐ authorize the transfer of the remaining \$58,340 to the General Government Fund to be used for the building maintenance project (\$49,775) and the integrated cashiering system (\$8,565).
- ☐ The 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 2010-11.
- 2) Do not adopt Capital Project Ordinance Amendment 2010-11.

**RECOMMENDATIONS:** Adopt Capital Project Ordinance Amendment 2010-11.

**CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2010-11 (CPO 2006-3)**

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

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

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

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

	Listed As	Amendment	Revised
General Fund Transfer	\$ 207,750	\$ -	\$ 207,750
Capital Lease Proceeds	2,415,000	-	2,415,000
	<u>\$ 2,622,750</u>	<u>\$ -</u>	<u>\$ 2,622,750</u>


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

Project Expenditures	\$ 2,622,750	\$ (58,340)	\$ 2,564,410
Transfer to General Government Fund	-	58,340	58,340
	<u>\$ 2,622,750</u>	<u>\$ -</u>	<u>\$ 2,622,750</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 10th day of August, 2009.

# CITY COUNCIL ACTION MEMO

**To:** Mayor and City Council  
**From:** Lisa Smith, Chief Financial Officer   
**Date:** August 10, 2009  
**Re:** Capital Project Ordinance Amendment 2010-12 (Cape Fear River Park Land Acquisition)

**THE QUESTION:** This amendment will authorize the transfer of the \$69,037 remaining balance in the Cape Fear River Park Land project budget to the General Government Fund for the integrated cashing system expenditures.

**RELATIONSHIP TO STRATEGIC PLAN:** Vision Principal F: Cape Fear River to Enjoy.

**BACKGROUND:**

- ☐ This project has been completed and \$69,037 remains in the project budget.
- ☐ This amendment will result in several actions to facilitate the closure of this project, specifically:
  - ☐ reduce the appropriation for project expenditures by \$69,037,
  - ☐ authorize the transfer of the remaining \$69,037 to the General Government Fund to be used for the integrated cashing system.
- ☐ The 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 2010-12.
- 2) Do not adopt Capital Project Ordinance Amendment 2010-12.

**RECOMMENDATIONS:** Adopt Capital Project Ordinance Amendment 2010-12.

CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2010-12 (CPO 2005-9)

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

Section 1. The project change authorized is the Capital Project Ordinance 2005-9, adopted February 14, 2005, as amended, for the funding of Cape Fear River Park land acquisition and other associated costs.

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

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

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

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

Project Expenditures	\$ 350,000	\$ (69,037)	\$ 280,963
Transfer to General Government Fund	-	69,037	69,037
	<u>\$ 350,000</u>	<u>\$ -</u>	<u>\$ 350,000</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 10th day of August, 2009.

# CITY COUNCIL ACTION MEMO

**To:** Mayor and City Council

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

**Date:** August 10, 2009

**Re:** Capital Project Ordinance Amendment 2010-13 (EE Miller Recreation Center)

**THE QUESTION:** This amendment will authorize the transfer of the \$9,098 remaining balance in the EE Miller Recreation Center project budget to the General Government Fund for the integrated cashiering system expenditures.

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

**BACKGROUND:**

- ❑ This project has been completed and \$9,098 remains in the project budget.
- ❑ This amendment will result in several actions to facilitate the closure of this project, specifically:
  - reduce the appropriation for project expenditures by \$9,098,
  - authorize the transfer of the remaining \$9,098 to the General Government Fund to be used for the integrated cashiering system.
- ❑ The 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 2010-13.
- 2) Do not adopt Capital Project Ordinance Amendment 2010-13.

**RECOMMENDATIONS:** Adopt Capital Project Ordinance Amendment 2010-13.

CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2010-13 (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	\$ -	\$ 2,122,050
General Fund Transfer	175,000	-	175,000
	<u>\$ 2,297,050</u>	<u>\$ -</u>	<u>\$ 2,297,050</u>

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

Project Expenditures	\$ 2,297,050	\$ (9,098)	\$ 2,287,952
Transfer to General Government Fund	-	9,098	9,098
	<u>\$ 2,297,050</u>	<u>\$ -</u>	<u>\$ 2,297,050</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 10th day of August, 2009.



# CITY COUNCIL ACTION MEMO

**To:** Mayor and City Council

**From:** Lisa Smith, Chief Financial Officer *LS*

**Date:** August 10, 2009

**Re:** Capital Project Ordinance Amendment 2010-14 (Building Maintenance Project)

**THE QUESTION:** This amendment will appropriate an additional \$49,775 for the building maintenance project.

**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 project is included in the FY2010-FY2014 Capital Improvement Plan adopted by City Council.
- ❑ The source of funds for this amendment is a \$49,775 transfer from the Public Safety Fund.
- ❑ If approved, the revised project budget will be \$150,775.
- ❑ The funds will be used for the maintenance of the City's buildings at various locations.

**ISSUES:**

None

**OPTIONS:**

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

**RECOMMENDATIONS:** Adopt Capital Project Ordinance Amendment 2010-14.

CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2010-14 (CPO 2009-3)

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

Section 1. The project change authorized is the Capital Project Ordinance 2009-3, adopted June 9, 2008, as amended, for the funding of miscellaneous building maintenance projects.

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

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

	Listed As	Amendment	Revised
General Fund Transfer	\$ 101,000	\$ -	\$ 101,000
Public Safety Fund Transfer	-	49,775	49,775
	<u>\$ 101,000</u>	<u>\$ 49,775</u>	<u>\$ 150,775</u>

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

Project Expenditures	<u>\$ 101,000</u>	<u>\$ 49,775</u>	<u>\$ 150,775</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 10th day of August, 2009.

# CITY COUNCIL ACTION MEMO

**To:** Mayor and City Council  
**From:** Lisa Smith, Chief Financial Officer   
**Date:** August 10, 2009  
**Re:** Capital Project Ordinance Amendment 2010-15 (AIP 33 - Airfield Lighting Vault Improvement Project)

**THE QUESTION:** This project ordinance amendment will appropriate an additional \$7,833 to cover an increase in the cost of the project.

**RELATIONSHIP TO STRATEGIC PLAN:** Goal 4 – More Efficient City Government – Investing in the City's infrastructure, facilities and equipment.

**BACKGROUND:**

- ❑ This project (referred to as AIP 33) is for the airfield lighting vault project.
- ❑ A cost increase results from a proposed change order to accommodate modifications to Fire Station 10, located at the airport, which are expected to begin this fall.
- ❑ The change order includes the relocation of large electrical conduits resulting in a net increase of \$7,832.57.
- ❑ The current funding source for this amendment is a transfer from the Airport Operating Fund.
- ❑ Once the project is complete, the City expects to be reimbursed 95% of this cost from the FAA.

**ISSUES:** none

**OPTIONS:**

1. Adopt Capital Project Ordinance Amendment 2010-15.
2. Do not adopt Capital Project Ordinance Amendment 2010-15.

**RECOMMENDATIONS:** Adopt Capital Project Ordinance Amendment 2010-15.

CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2010-15 (CPO 2008-8)

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 2008-8, adopted June 18, 2008, as amended, for the Airfield Lighting Vault Improvement Project.

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

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

	Listed As	Amendment	Revised
Federal Aviation Administration Grant	\$ 2,010,589	\$ -	\$ 2,010,589
Local Match - Airport operating Fund Transfer	171,442	7,833	179,275
	<u>\$ 2,182,031</u>	<u>\$ 7,833</u>	<u>\$ 2,189,864</u>

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

Project Expenditures	<u>\$ 2,182,031</u>	<u>\$ 7,833</u>	<u>\$ 2,189,864</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 10th day of August, 2009.

# CITY COUNCIL ACTION MEMO

**To:** Mayor and City Council  
**From:** Lisa Smith, Chief Financial Officer *LS*  
**Date:** August 10, 2009  
**Re:** Capital Project Ordinance Amendment 2009-16 (Public Safety CAD and RMS and Fire Reporting System)

**THE QUESTION:** This capital project ordinance amendment will appropriate an additional \$897,617 for the project as well as return \$2,322,100 temporarily borrowed from the Risk Management Fund.

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

## **BACKGROUND:**

- ❑ At the June 1, 2009 work session, the Council received a report on the proposed replacement of the CAD and RMS systems.
- ❑ A contract with one of the vendors (SunGard Public Sector OSS) for a component of the system was executed to take advantage of a discount that was available until June 30, 2009.
- ❑ Since the City was not scheduled to fund this project until FY2010, City Council approved a \$2,322,100 temporary loan from the Risk Management Fund to obtain the discount.
- ❑ This budget action will authorize staff to return \$2,322,100 borrowed from the Risk Management Fund as well as appropriate the balance of the funds needed to acquire the other components of the computer-aided dispatch system (CAD), records management system (RMS) and fund the components of the fire reporting system (Firehouse System and associated mobile data computers).
- ❑ If approved the revised budget for these project components will be \$3,219,717. A separate budget will also appear in this ordinance to repay the \$2,322,100 loan from the Risk Management Fund.
- ❑ Ultimately, the City expects to finance \$3,219,717 through capital lease proceeds (bank loan) during this fiscal year.
- ❑ Additional components of this project (estimated to cost \$778,217) are eligible to be charged to and have already been budgeted in the Emergency Telephone System Fund (E911 Fund).
- ❑ This project was included in the FY2010-2014 capital improvement plan adopted by City Council.

**ISSUES:** None

## **OPTIONS:**

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

**RECOMMENDATIONS:** Adopt the capital project ordinance amendment.

**CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2010-16 (CPO 2009-25)**

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

Section 1. The project change authorized is to Capital Project Ordinance 2009-25, adopted on June 8, 2009, as amended for the purchase of a Public Safety Computer Aided Dispatch, Records Management System, and Fire Reporting System.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Interfund Transfer from Risk Management Fund	\$ 2,322,100	\$ -	\$ 2,322,100
Capital Lease Proceeds	-	3,219,717	3,219,717
	<u>\$ 2,322,100</u>	<u>\$ 3,219,717</u>	<u>\$ 5,541,817</u>

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

Project Expenditures	\$ 2,322,100	\$ 897,617	\$ 3,219,717
Interfund Transfer to Risk Management Fund	-	2,322,100	2,322,100
	<u>\$ 2,322,100</u>	<u>\$ 3,219,717</u>	<u>\$ 5,541,817</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 10th day of August, 2009.

# CITY COUNCIL ACTION MEMO

**To:** Mayor and City Council

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

**Date:** August 10, 2009

**Re:** Finance - Appointment of Deputy Tax Collector for the City of Fayetteville

**THE QUESTION:** The Deputy Tax Collector is appointed by the governing body pursuant to N.C.G.S. § 105-349(f) for the purposes of N.C.G.S. § 105-361.

**RELATIONSHIP TO STRATEGIC PLAN:**

Core Value: Serve with Responsibility and Stewardship

**BACKGROUND:**

- ❑ The Collections Supervisor is responsible for collecting certain taxes for the City of Fayetteville.
- ❑ The governing body appoints the individual who collects taxes as Deputy Tax Collector.
- ❑ On July 20, 2009, Donna Love was promoted as the Collections Supervisor for the City of Fayetteville.
- ❑ Approval of the Resolution will appoint Donna Love, Collections Supervisor, as Deputy Tax Collector for the City of Fayetteville.

**ISSUES:** None.

**OPTIONS:** 1) Appoint the Collections Supervisor as Deputy Tax Collector for the City of Fayetteville.

2) Do not appoint the Collections Supervisor as Deputy Tax Collector for the City of Fayetteville.

**RECOMMENDATIONS:** Appoint Donna Love, Collections Supervisor, as Deputy Tax Collector for the City of Fayetteville.

Resolution No. R2009-\_\_\_\_\_

RESOLUTION

BE IT ORDAINED that Donna Love and her respective successors are appointed as Deputy Tax Collector of the City of Fayetteville, pursuant to North Carolina General Statute 105-349 (f) for the purposes of North Carolina General Statute 105-361.

THIS RESOLUTION, adopted by the Fayetteville City Council upon the motion of

\_\_\_\_\_ and seconded by

\_\_\_\_\_ on the 10th day of

August, 2009.

CITY OF FAYETTEVILLE

By: \_\_\_\_\_  
Anthony G. Chavonne

ATTEST:

\_\_\_\_\_  
City Clerk



## CITY COUNCIL ACTION MEMO

To: Dale Iman, City Manager

From: Michael Gibson, Parks, Recreation & Maintenance Director *Q*

Date: August 10, 2009

**Subject:** *Request to Name Myers Rec Center Conference Room*

### **THE QUESTION:**

Is it the community's interest to name the small conference in the Myers Recreation Center in honor of Lois B. Moses.

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

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 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. The conference room currently has no name.

### **ISSUES:**

Naming city facilities in honor of individuals is set by Council policy as attached.

### **OPTIONS:**

- Proceed to hold a public hearing per policy
- Take no action

### **RECOMMENDATIONS:**

If Council wishes to proceed, set a public hearing.

### **ATTACHMENTS:**

City Council Policy 155.4

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

To: Dale Iman, City Manager

From: Michael Gibson, Parks, Recreation & Maintenance Director

Date: August 10, 2009

**Subject: Request to Rename Cross Creek Park**

**THE QUESTION:**

Is it the community's interest to rename Cross Creek Park the Lafayette Park.

**RELATIONSHIP TO STRATEGIC PLAN:**

Greater Community Unity – Pride in Fayetteville.

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**BACKGROUND:**

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.

**ISSUES:**

Naming city facilities in honor of individuals is set by Council policy as attached.

**OPTIONS:**

- Proceed to hold a public hearing per policy
- Take no action

**RECOMMENDATIONS:**

If Council wishes to proceed, set a public hearing.

**ATTACHMENTS:**

City Council Policy 155.4

<b>SUBJECT – CITY PROPERTY</b> <b>Naming of City Properties in Honor of</b> <b>Individuals</b>	<b>Number</b> <b>155.4</b>	<b>Revised</b> <b>6-12-06</b>	<b>Effective</b> <b>Date</b> <b>3-15-1999</b>	<b>Page 1 of 2</b>
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It is hereby declared to be a policy of the City of Fayetteville that for the naming of all City-owned facilities or properties, except those covered in paragraph B below, the following policy shall apply:

A. General Naming Policy:

1. Any City facility or property may be named in honor of deceased individuals only and organizations who have made significant contributions to the quality of life and the community through their achievements, leadership, service, and civic or financial donations.
2. The City Council will not consider the renaming of any City facility or property which has previously been named for an individual.
3. The City Council shall hold a public hearing before the naming or renaming of any facility or property and the public hearing shall be held in accordance with the City Council policy on public hearings.

B. Naming of Facilities in Cross Creek Linear Park:

For purposes of development of the Cross Creek Linear Park by the Cross Creek Linear Park Corporation, Council delegates the naming of components of the Park to the Corporation with the following provisions:

1. The City Council shall approve the components of the Park eligible for naming rights along with an estimated cost for these components.
2. The named components shall be a part of the approved plan and design of the Park.
3. The Corporation will be able to assign the naming rights of these components without additional action by the City Council.

<b>SUBJECT – CITY PROPERTY</b> <b>Naming of City Properties in Honor of</b> <b>Individuals</b>	<b>Number</b> <b>155.4</b>	<b>Revised</b> <b>6-12-06</b>	<b>Effective</b> <b>Date</b> <b>3-15-1999</b>	<b>Page 2 of 2</b>
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4. The naming of the component shall be reserved for contributions of \$25,000.00 or more. The components of this Park may be named after sitting elected officials or employees of the City as long as other requirements of this policy are met.

C. Naming of Parks and Recreation Facilities:

For the purpose of naming parks and recreation facilities, the following shall apply:

1. All requests shall be accompanied by a recommendation from the Fayetteville-Cumberland Parks and Recreation Advisory Commission.
2. As long as other requirements of this policy are met, the City Council shall, on a case-by-case basis, render a decision as to whether to name parks and recreation facilities to include the athletic fields, or only name the athletic fields.

# CITY COUNCIL ACTION MEMO

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

**From:** Jimmy Teal, Planning Director

**Date:** August 10, 2009

**Re:** Sign Permit – Cumberland County Fair



**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 by the use of temporary on-premise and off-premise signs. These signs are subject to a special permit granted by City Council.

The Cumberland County Fair is being held from September 9<sup>th</sup> through September 12<sup>th</sup>. They are requesting 20 signs approximately two feet by two feet in size to be located in various locations in the city from August 24<sup>th</sup> through September 13<sup>th</sup>.

**ISSUES:**

The City Council has routinely approved similar requests.

**OPTIONS:**

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


**RECOMMENDATION:**

Option 1 – Grant the permit.

000045

ITEM 3.N.

# CITY COUNCIL ACTION MEMO

**To:** Dale Iman, City Manager  
**Cc:** Doug Hewett, Assistant City Manager   
**From:** Ron Macaluso, Transit Director  
**Date:** August 10, 2009  
**Re:** F.A.S.T. Transportation Development Plan (TDP)

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## **THE QUESTION:**

Does the Transit Development Plan meet Council's interests by providing a road map for needed improvements?

## **RELATIONSHIP TO STRATEGIC PLAN:**

Continuing Priority – Transit System Improvements

## **BACKGROUND:**

In January 2009, the consulting firm of KFH Group, was selected to develop the Transportation Development Plan. On May 13, 2009 at a Council Work Session, KFH presented the alternatives derived from the compilation of data, interviews, passenger and non-passenger surveys. On July 13, 2009, KFH held a public forum/comment period with the alternatives for near-term, 3 years, 5 years and 10 years out.

## **ISSUES:**

1. Service improvement issues are seen as a necessary goal for current and future bus service.
2. Implementation of the service standards as set forth in the TDP.

## **OPTIONS:**

1. Adopt the TDP and plan for the recommended alternatives for system improvement.
2. Request additional information or alternatives.
3. Take no action.

**RECOMMENDATIONS:** Adopt the Transportation Development Plan as presented by the KFH Group.

000046

ITEM

4.

# 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 10, 2009

**Re:** Consider Approval of Resolution Confirming Assessment Roll for Meeting Street

## **THE QUESTION:**

- Reconsider resolution confirming assessment roll and levying assessments specifically for the assessment for curb & gutter and paving of Meeting Street from N. Cool Spring Street to Dead End. This was originally brought before Council on June 22<sup>nd</sup>, however Council voted to delay action for 30 days.

## **RELATIONSHIP TO STRATEGIC PLAN:**

- Paving of soil streets

## **BACKGROUND:**

- At its meeting on May 11, 2009, Council set June 22, 2009 as the date for the required public hearing to receive comments from property owners along Meeting Street concerning the preliminary assessment roll.
- Council voted to delay action on Meeting Street for 30 days to allow City Staff to meet with representatives from Evans Metropolitan AME Zion Church.
- City Staff met with officials from the Church on June 25<sup>th</sup> to discuss their assessment and conducted a follow-up meeting with an official from the Church on August 4<sup>th</sup>.

## **ISSUES:**

- Chapter 160A, Article 10 of the North Carolina General Statute outlines the procedure for special assessments for street paving.
- The current assessment rate as outlined in Council Policy 160.1 is not to exceed \$25.00 per linear foot for pavement with concrete curb and gutter for each side of the street.
- The Church has a total assessment of \$6,152 for two parcels that front Meeting Street.
- Staff is proposing that the total assessment for the Church be decreased by \$1,800. This is the value of the easement in which the Church gave (no compensation) to the Linear Park, LLC for the construction of Linear Park. The Church is in agreement with this concept.

## **OPTIONS:**

- Adopt resolution confirming assessment rolls as presented.
- Consider other funding options or assessment rates.

## **RECOMMENDATION:**

- Adopt the attached resolution confirming assessment roll for Meeting Street with an assessment amount of \$4,352.

CAD FILE : Lineurf-h2 (GreenS-CoolSpringSt)

REVISION  
DATE

DATE 04/05/06  
SCALE 1" = 50'  
DRAWN BY G. GOODWIN  
CK'D BY A.P. BUNDY

**PROPOSED**  
**PERMANENT CONST. EASEMENT**  
**EVANS METRO. A.M.E. ZION CHURCH**  
**D.B. 6039/180**

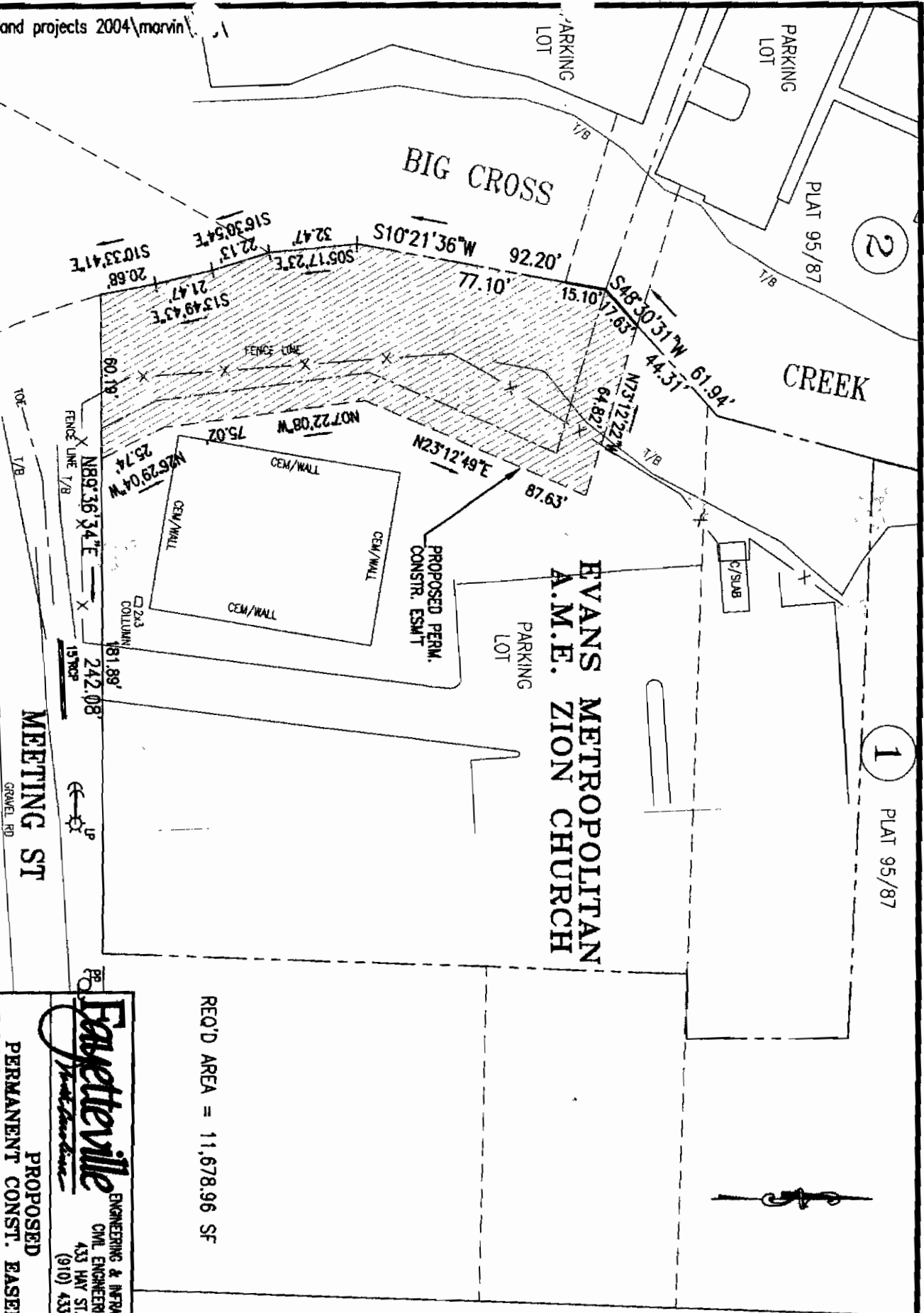
**MEETING ST**

GRAVEL RD



REQ'D AREA = 11,678.96 SF

**COOL SPRING STREET**





**RESOLUTION CONFIRMING ASSESSMENT ROLL  
AND LEVYING ASSESSMENTS**

**WHEREAS**, the City Council of City of Fayetteville has on June 22, 2009, held a public hearing after due notice as required by law, on the Assessment Roll for the improvement of Meeting Street (from N. Cool Spring Street to Dead End) for paving;

**WHEREAS**, the City Council has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

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

1. The Assessment Roll for the improvement of Meeting Street (from N. Cool Spring Street to Dead End) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statues of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll. A copy of the Assessment Roll is on file in the City Finance Department and the City Engineer's office.
3. The City Engineer is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
4. The Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Section 232 and 233, of the General Statues of North Carolina.
5. The Deputy Tax Collector is hereby further directed to publish once on the 13th day of July, 2009, the notice required by Chapter 160A, Section 229, of the General Statues of North Carolina.

**ADOPTED** this the 10<sup>th</sup> day of August, 2009.


**CITY OF FAYETTEVILLE**

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

ATTEST:

\_\_\_\_\_  
Jennifer K. Penfield, Deputy City Clerk

# CITY COUNCIL ACTION MEMO

**To:** Mayor and Members of City Council  
**From:** Jimmy Teal, Planning Director   
**Date:** August 10, 2009  
**Re:** Sidewalk Waiver on Jossie Street Within Fayetteville's Municipal Influence Area

**THE QUESTION:** Consider whether to recommend a sidewalk waiver to the Cumberland County Planning Board regarding a development at the corner of McArthur Road and Jossie Street located within Fayetteville's Municipal Influence Area.

**RELATIONSHIP TO STRATEGIC PLAN:** Growth & Development

**BACKGROUND:**

The Fayetteville City Council and the Cumberland County Board of Commissioners approved an agreement establishing a municipal influence area in the unincorporated land surrounding the city. The agreement provides for development standards within the MIA to be constructed to the same standards as used within the city limits of Fayetteville.

**ISSUES:**

The proposed development is taking place on a vacant lot at the corner of McArthur Road and Jossie Street. The City of Fayetteville requires a sidewalk abutting any public street for new development. The developer plans to construct a sidewalk abutting McArthur Road, but is asking a waiver from the Cumberland County Joint Planning Board for the sidewalk on Jossie Street. The proposed sidewalk length on Jossie Street is 412 linear feet. The developer has indicated that an existing ditch abutting Jossie Street is the hardship for not constructing the sidewalk.

The County does not have a payment-in-lieu of mechanism like the City. The choice for the County Planning Board is to grant or deny the waiver.

**OPTIONS:**

1. Recommend denial of the sidewalk waiver;
2. Recommend approval of the sidewalk waiver.

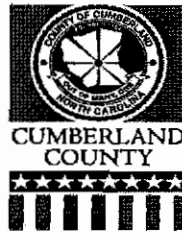
**RECOMMENDATION:**

Option 1 – Recommend denial of the sidewalk waiver.

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Filand,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

July 22, 2009

#### **MEMORANDUM**

**TO:** Fayetteville City Council

**Thru:** Jimmy Teal, Fayetteville Planning Director

**FROM:** Edward M. Byrne, Land Use Codes

**SUBJECT:** CASE NO. 08-178. WAIVER REQUEST FOR THE EUREKA CHAPEL BAPTIST CHURCH, R6A SITE PLAN REVIEW; REQUEST FOR WAIVER FROM SECTION 2302.A "MUNICIPAL INFLUENCE AREA, COUNTY SUBDIVISION ORDINANCE, REGARDING FAYETTEVILLE'S DEVELOPMENT STANDARDS, SPECIFICALLY SIDEWALK INSTALLATION; ZONING: R6A; TOTAL ACREAGE: 0.65 +/-; LOCATED AT THE NORTHEAST QUADRANT OF SR 1600 (MCARTHUR ROAD), AND SR 2460 (JOSSIE STREET). (FAYETTEVILLE MIA)

The Cumberland County Planning & Inspection Department is requesting a recommendation from Fayetteville City Council on the above referenced case. The developer has requested a waiver from the City of Fayetteville MIA development standard which requires sidewalks along SR 2460 (Jossie Street). Since this development is located within the City of Fayetteville MIA, the city development standards apply. This development under the City's Standards would be required to construct a sidewalk along SR 2460 (Jossie Street) see Condition No. 21 on the attached condition sheet.

The developer will be constructing the required sidewalk along SR 1600 (McArthur Road) since this road is a major thoroughfare. Jossie Street is a road which has a right-of-way of 30 feet and will become a dead end street once I-295 is constructed as part of the Outer Loop project. The site has 100 feet of road frontage along SR 1600 (McArthur Road) and 412 feet of frontage along SR 2460 (Jossie Street). The proposed development is for a religious worship activity which will be located in the existing structure.

Attached you will find the wavier application, conditions of approval, R6A site plan sketch, aerial photo map and vicinity map. If you have any questions, please contact me at 910-678-7609, email: [ebyrne@co.cumberland.nc.us](mailto:ebyrne@co.cumberland.nc.us) or Patti Speicher at 910-678-7605, email: [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us).

cc: Eureka Chapel Baptist Church, Developer  
E. C. & Associates, Surveyor  
Grainger Barrett, County Attorney  
Tom Lloyd, Director  
Patti Speicher, Land Use Codes



Date Request Submitted: 7-8-09

Planning Board Meeting Date:                     

Received by: EMB

## Cumberland County Subdivision Ordinance

### *Request for Waiver*

Case No.: 08-178 Case Name: EUREKA CHAPEL BAPTIST CHURCH

Related Ordinance Section Number(s): 2302.1

Summary of Request: WAIVER SIDEWALK @ JOSSIE ST.

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

#### **Section 6.1. Waivers**

*The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:*

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

*In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.*

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

SEE ATTACHED

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

SEE ATTACHED

3. The property owner would not be afforded a special privilege denied to others, because:

SEE ATTACHED

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

EC. GARBER, IV  
Printed Name of Applicant/Agent

910-323-1101  
Daytime Phone Number

S.C. Johnson, Jr.  
Signature of Applicant/Agent

7/8/09  
Date/Signed

July 8, 2009

To: Cumberland Co. Planning

From: Eureka Chapel Baptist Church  
1500 McArthur Rd.  
Fayetteville, NC 28314

Re: Request for Wavier

The above Church is relocating to 1500 McArthur Rd.. This location is in the Municipal Influence Area as defined in Section 2302 of the Cumberland Co. Subdivision Ordinance. Therefore the site is subject to the subdivision of the City of Fayetteville which will require a sidewalk along the right-of-way of McArthur Road and Jossie St.. The Church would like to request a waiver for the walk along the right-of-way of Jossie St., only.

**1. Because of size of the tract.....**

The proposed facility is located on a lot only 100' wide, as adjacent to Jossie St.. Jossie St., installed prior to the MIA standards is a none standard street. The right-of-way for Jossie is only 30' in lieu of a standard 60' with only 18' width of pavement in lieu of the standard 24'. Due to the width of the R/W and the pavement there is only a 6' strip left between the R/W and the pavement on the Church's side of the Jossie St.. There is insufficient room for a sidewalk walk to be used safely. In addition, the storm drainage for the area is handled via road side ditches, which are in the same location of the proposed sidewalk. It would not be possible to facility the storm drainage to these ditches with the installation of the sidewalk.

Jossie St. serves a low density older neighborhood and will become a dead end street with the construction of the new Hwy 13 by-pass. Foot traffic along same will be very minimal.

**2. The public purposes of ....**

The applicant agrees to maintain the road side ditch by cutting grass and keeping clean of trash.

**3. The property owner would....**

The property owner is not afforded a special privilege by receipt of this wavier because all property owners along Jossie St. have to contend with the same existing conditions as of this property owner in terms of the road side ditch and narrow/non standard right-of-way.

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



CUMBERLAND  
COUNTY



## COUNTY of CUMBERLAND

### Planning and Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

STAFF REVIEW: 12-03-08 PLANNING BOARD DECISION: N/A

CASE NO: 08-178 NAME OF DEVELOPMENT: EUREKA CHAPEL BAPTIST CHURCH.

MIA: FAYETTEVILLE R6A SITE PLAN REVIEW - RELIGIOUS WORSHIP FACILITY

LOCATION: AT THE NORTHEAST QUADRANT OF SR 1600 (MCARTHUR ROAD), ZONING: R6A

AND SR 2460 (JOSSIE STREET). PIN: 0520-68-7448-, 0520-68- 6505-

OWNERS / DEVELOPER: EUREKA CHAPEL BAPTIST CHURCH ENGINEER OR DESIGNER: E. C. GARBER

#### PLANNING & INSPECTIONS DEPARTMENT ACTION:

- ☒ PRELIMINARY
- ☐ EXTENSION ☐ REVISION
- ☒ APPROVED CONDITIONALLY
- ☐ DENIED

#### PLANNING BOARD DECISION:

- ☐ PRELIMINARY
- ☐ EXTENSION ☐ REVISION
- ☐ APPROVED CONDITIONALLY
- ☐ DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

#### Watershed-Related:

1. An application for a Watershed "No Approval Required" development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

#### Pre-Permit-Related:

2. A recombination plat (also known as a "No Approval Required" or "NAR" must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

#### Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.

4. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
5. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Eight large shade trees or 16 small ornamental trees within the front yard setback area along SR 2460 (Jossie Street);
  - b. Two large shade trees or four small ornamental trees within the front yard setback area along SR 1600 (McArthur Road);
  - c. Three small ornamental trees and 27 shrubs are required in the building yard area;
  - d. One large shade trees or two small ornamental trees are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
8. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R6A zoning district must be complied with, as applicable.
10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
11. This conditional approval is not approval of any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
12. For all new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
13. For all new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
14. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
15. Turn lanes may be required by the NC Department of Transportation (NCDOT).



16. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
17. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
18. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
19. All required off-street parking spaces shall be a minimum of 9' x 20' with a minimum of 16 off-street spaces being surfaced with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A total of 20 off-street parking spaces are required for this development.
20. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

**Plat-Related:**

21. A concrete sidewalk (or other permanent surface material as approved by the Fayetteville Engineer) is required to be constructed along SR 1600 (McArthur Road) and SR 2460 (Jossie Street) where these streets abut the subject property, and the sidewalks must be constructed prior to submission for approval of the NAR.
22. "McArthur Road" be labeled as "SR 1600 (McArthur Road)" on the NAR recombination plat.
23. "Jossie Street" be labeled as "SR 2460 (Jossie Street)" on the NAR.
24. Reservation of 5 feet of right-of-way along SR 1600 (McArthur Road) is required and the metes and bounds for the reservation is required to be shown on the NAR recombination plat and/or reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance) **(Note: The previously record plat dedicated 10 feet of right-of-way along SR 1600 (McArthur Road) and the property lines must be reflected as such on the NAR.)**
25. A 10 foot wide utility easement must be placed along the rear property line and the easement must be reflected on the NAR.
26. Any/All easements must be reflected on the NAR and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
27. A 10' x 70' sight distance easement is required at the intersection of SR 1600 (McArthur Road) with SR 2460 (Jossie Street) and must be reflected on the NAR.
28. A 25' right-of-way radius is required at all intersections and must be reflected on the NAR. (Section 2304.10.c, Street Design, County Subdivision Ordinance)
29. The NC Department of Transportation (NCDOT) stamp must be affixed to the NAR prior to submission for NAR approval by Land Use Codes.
30. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the NAR recombination plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
31. The developer is reminded that the improvements must be in place or that the NAR approval will only be granted in accordance with Section 2502 B or C, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)

**Plat-Required Statements:**

32. Since this development does not have public sewer, the following disclosure statement is required to be provided on the NAR (Section 2504 C, On-Site Water and/or Sewer Discloser, County Subdivision Ordinance):

"The individual lots in this development do not have public sewer services available, and no lots have been approved by the Health Department for on-site sewer services at the date of this recording."

33. All structures shall be shown on the final plat or the NAR shall reflect the following statement (Section 2504 D, County Subdivision Ordinance):

"Nonconforming structures have not been created by this recombination."

**Advisories:**

34. The existing 1,069 square feet structure along the eastern property does not meet the required setbacks for the R6A zoning district. If this structure is ever removed or destroyed more than 50%, any replacement structure will be required to meet the current zoning district's setback.
35. The applicant is advised to consult an expert on wetlands before proceeding with any development.
36. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

**Other Relevant Conditions:**

37. The owner/developer be aware that every deed created for a lot being served by an on-site sewer system must contain the following disclosure when filed with the County Register of Deeds:

"Public sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department."

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.**

**Contact Information (Area Code is 910 unless otherwise stated):**

Watershed Officer/Improvements:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
PWC:	Heidi Maly	223-4773
Fayetteville Planning:	Marsha Bryant	433-1416
Fayetteville Engineer:	Rusty Thompson	433-1660
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

**OFFICIAL PRELIMINARY STAMP  
CUMBERLAND COUNTY  
CASE NO: 08-178**

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING &  
INSPECTION DEPARTMENT ON: 12-03-08

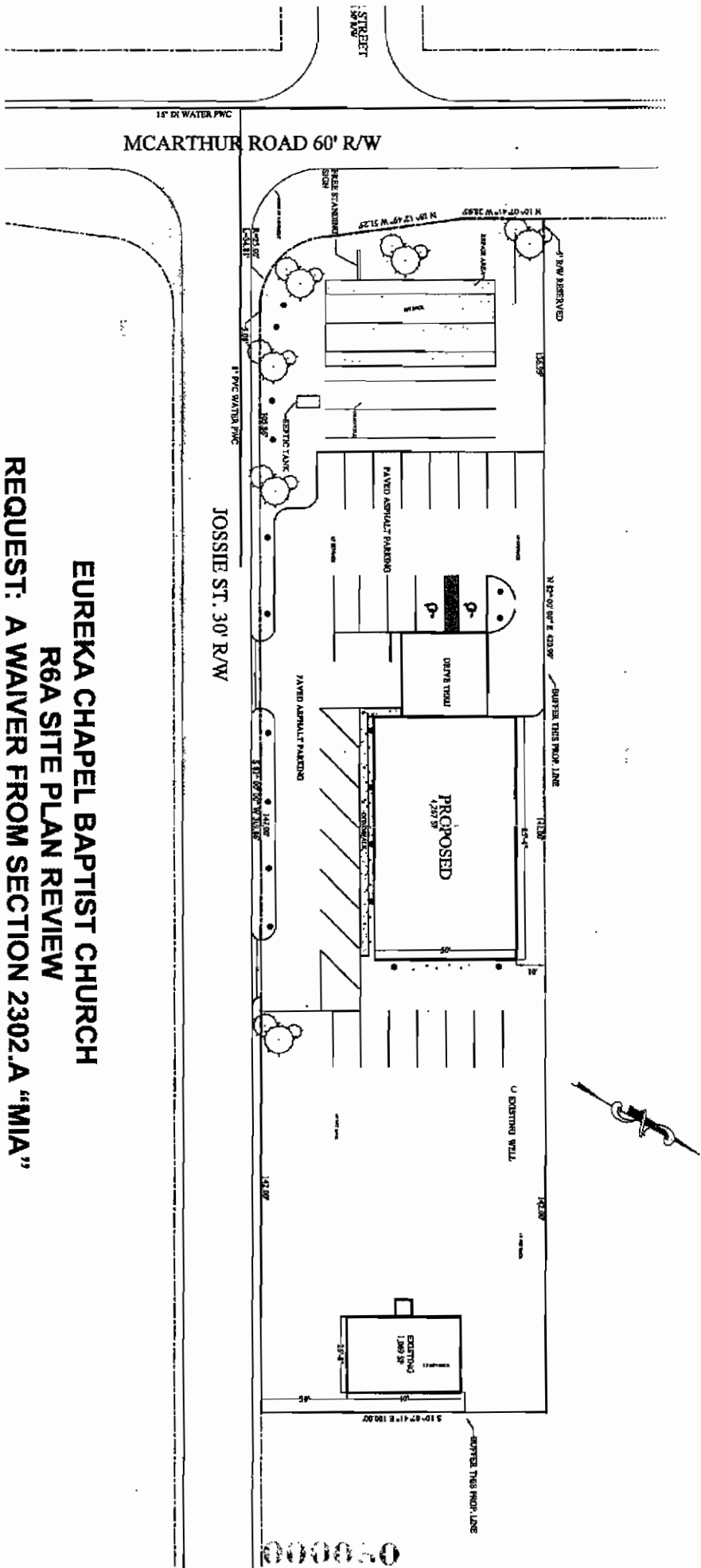
COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND  
COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON  
AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW.  
THIS APPROVAL IS VALID UNTIL: 12-03-10

*Patricia S. Spicher*

SUPERVISOR, LAND USE CODES

GB

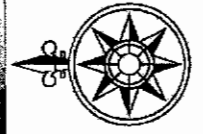


**EUREKA CHAPEL BAPTIST CHURCH  
R6A SITE PLAN REVIEW**

**REQUEST: A WAIVER FROM SECTION 2302.A "MIA"  
REGARDING SIDEWALKS**

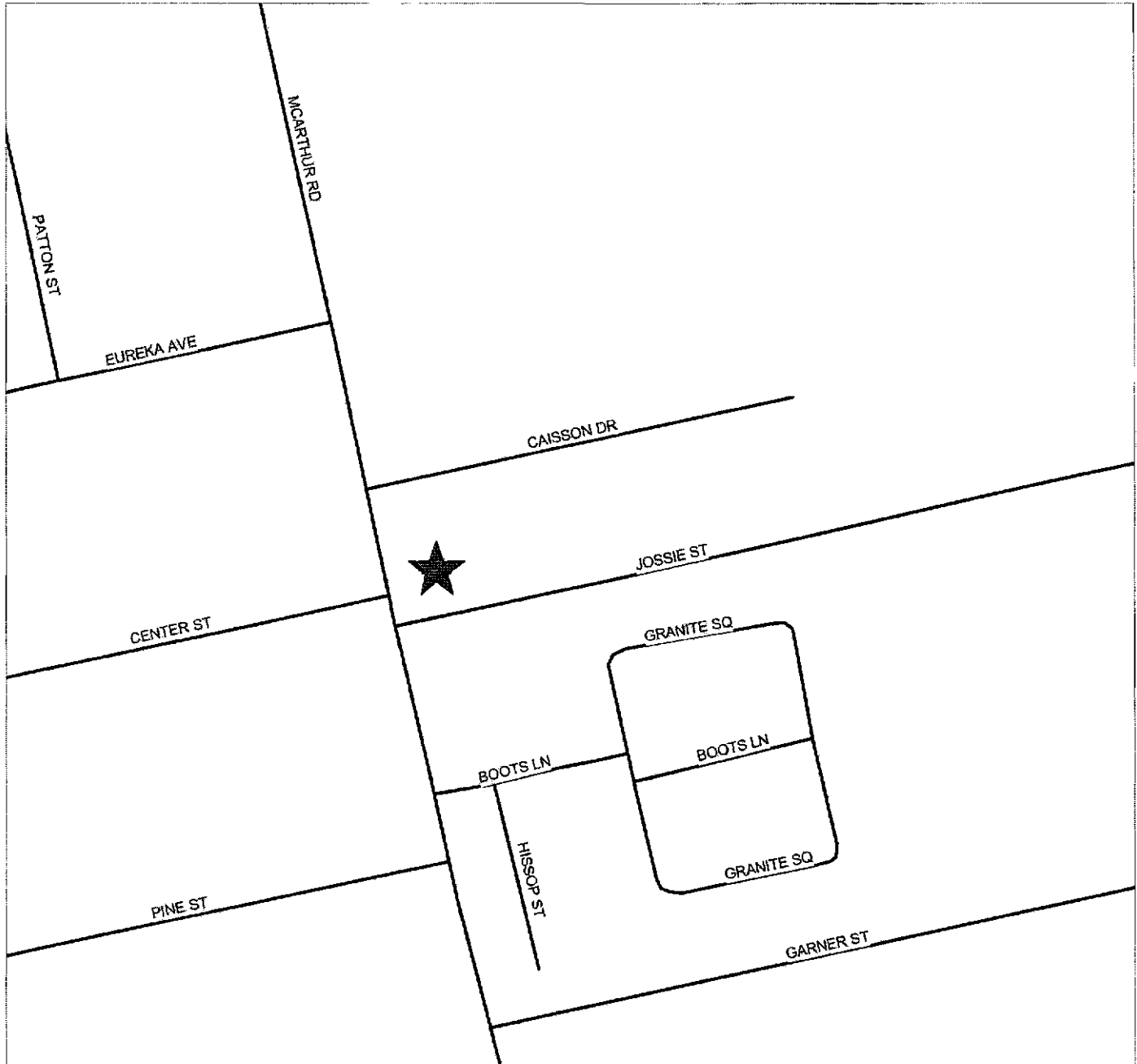
**CASE: 08-178 ACREAGE: 0.65 AC +/-  
ZONED: R6A SCALE: NTS**

\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST



**AERIAL PHOTO**  
**CASE: 08-178**

**EUREKA CHAPEL BAPTIST CHURCH  
R6A SITE PLAN REVIEW  
CASE NO. 08 - 178**



PIN(S): 0520-68-7448-, 0520-68- 6505-  
Prepared by EMB - CCJPB  
July 9, 2009

Map not to scale



000052