

REVISED
FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
FEBRUARY 22, 2010
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.



REVISED
FAYETTEVILLE CITY COUNCIL
AGENDA
FEBRUARY 22, 2010
7:00 P.M.
City Hall Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 ANNOUNCEMENTS AND RECOGNITIONS

6.0 CONSENT

- 6.1 Community Development - Release reverter clause from deeds of trust on lots donated to the Fayetteville Area Habitat for Humanity
- 6.2 Development Services - Case No. P10-04F. Request to rezone the property located at the southwest corner of Bingham Drive and Bailey Lake Road from PND Planned Neighborhood Development District to C1A Area Commercial District. Rivers of Living Water Church of God, Inc. and, Diane and Donald Johnson owners
- 6.3 Engineering & Infrastructure - Adopt a Resolution Setting a Public Hearing to Consider the Paving Assessments of Eight City Streets
- 6.4 Engineering & Infrastructure - Municipal Agreement with NCDOT for Bragg Boulevard Sidewalk
- 6.5 Finance - Adopt Resolution to Accept a Report of Unpaid Taxes for 2009 and Direct the Advertisement of Tax Liens
- 6.6 Finance - Capital Project Ordinance Closeout 2010-10 (Airport Public Seating Upgrade)
- 6.7 Finance - Capital Project Ordinance Closeout 2010-7 (Airport Security System Installation and Upgrade Project)
- 6.8 Finance - Capital Project Ordinance Closeout 2010-9 (Airport Security Screening Area Upgrades Project)

- 6.9 Finance - Capital Project Ordinance Closeout 2010-8 (Cape Fear River Park Land Acquisition)
- 6.10 Finance - Capital Project Ordinance Amendment 2010-27 (Sidewalk Construction along Bragg Boulevard)
- 6.11 PWC - Bid Recommendation for Bus and Feeder Circuit Breakers
- 6.12 PWC - Bid Recommendation for One (1) 35,000 GVWR Cab and Chassis with Asphalt Body
- 6.13 PWC - Bid Recommendation for Prefabricated Relay Control Houses

7.0 PUBLIC HEARINGS

For certain issues, the Fayetteville City Council may sit as a quasi-judicial body that has powers resembling those of a court of law or judge. The Council will hold hearings, investigate facts, weigh evidence and draw conclusions which serve as a basis for its decisions. All persons wishing to appear before the Council should be prepared to give sworn testimony on relevant facts.

- 7.1 Development Services - Case No. P09-41F. **Appeal of Zoning Commission denial** of request to rezone the property located at 1802 Conover Drive from R10 Residential District to P2 Professional District. KAAVU LLC owner

Presented By: Craig Harmon, Planner II

- 7.2 Development Services - Case No. P09-50F. **Appeal of a Zoning Commission denial** of a request to rezone from R10 Residential District to P2 Professional District or to a more restrictive zoning classification for property located at 3405, 3409, 3413 Village Drive. Billy R. & wife Catherine W. Parker, owner.

Presented By: Craig Harmon, Planner II

- 7.3 Development Services - Case No. P10-02F. **Appeal of Zoning Commission denial** of a request to rezone the property located at 129 N. Plymouth Street from R6 Residential District to P2 Professional District. Tina Dicke & Bruce Morrison owner

Presented By: Craig M. Harmon, Planner II

- 7.4 Development Services - Case No. P10-03F. **Appeal filed by an adjacent property owner** regarding the recommendation of Staff and Zoning Commission to approve a request to rezone the property located at 4584 Carula Lane from AR Residential District to R10 Residential District. Pamela Autry & Martha West owner

Presented By: Craig M. Harmon, Planner II

- 7.5 Development Services - Case No. P10-05F. Request to rezone the property located at 624, 628, 708 & 714 Dunn Road and David J Road from R6 and R10 Residential Districts to M2 Industrial District. David and Jill Soles, and Gerald Bishop and Bishop Leasing owners

Presented By: Craig M. Harmon, Planner II

8.0 OTHER ITEMS OF BUSINESS

- 8.1 Airport - Brief DC Air Service Study

Presented By: Douglas Banez, InterVISTAS - Air Service Consultant

- 8.2 Engineering & Infrastructure - Uniform Street and Thoroughfare Lighting Ordinance

Presented By: Jeffery P. Brown, PE, Engineering & Infrastructure Director

- 8.3 Appointment Committee - Presentation of Recommendations for Board/Commission Appointments

Presented By: Bobby Hurst, City Council Member

9.0 ADMINISTRATIVE REPORTS

- 9.1 City Clerk - Monthly Statement of Taxes for January 2010

10.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

Individuals who have not made a written request to speak on a nonpublic 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
FEBRUARY 22, 2010 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
FEBRUARY 24, 2010 - 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. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Ron McElrath, ADA Coordinator, at rmcelrath@ci.fay.nc.us, 910-433-1696, or the office of Rita Perry, City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.*

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor D. Sharpe, Community Development Director
DATE: February 22, 2010
RE: **Community Development - Release reverter clause from deeds of trust on lots donated to the Fayetteville Area Habitat for Humanity**

THE QUESTION:

Does releasing the reverter clause on lots donated to the Fayetteville Area Habitat for Humanity meet the City's the interest in providing affordable housing?

RELATIONSHIP TO STRATEGIC PLAN:

More Attractive City - Clean and Beautiful and Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- Over the years the City has donated surplus lots from redevelopment projects to the Fayetteville Area Habitat for Humanity to construct affordable housing.
- Because of the restrictions on the re-use of the lots, a reverter clause was included in many of the deeds of trusts. The clause states " This conveyance is made upon the condition that the property described herein shall be used solely for the purposes set forth in the Charter of Fayetteville Area Habitat for Humanity, Inc and if the property should ever cease to be used for the same, that it shall revert to the City of Fayetteville. This condition of conveyance shall be a covenant to run with the land and shall be recited in any future conveyance."
- The City obtained surplus property through the use of Urban Renewal funds. The redevelopment plans for the Urban renewal programs had controls and restrictions regarding the how surplus property must be redeveloped. These controls and restrictions ended in 1996.
- Fayetteville Area Habitat for Humanity has requested the City to remove all reverter clauses from deeds of trust made to them. Habitat reports that the reverter clause makes is difficult for the homeowners wishing to sell their house.
- Currently there is a homeowner wishing to sell his house and can't because the title company will not issue title insurance because of the reverter clause.
- Habitat has first right of refusal in the event a homeowner wishes to sell their property in order to ensure that the property continues to be used as affordable housing which is consistent with their mission.

ISSUES:

None

OPTIONS:

Approve release of reverter clause.
Continue the reverter clause as currently stated.

RECOMMENDED ACTION:

Staff recommends that Council move to authorize the City Manager to execute the necessary documents to release the City of Fayetteville reverter clause from deeds of trust on land donated to the Fayetteville Area Habitat for Humanity on a case by case basis.

ATTACHMENTS:

Habitat Letter - Reverter Clause



Fayetteville Area
Habitat
for Humanity®

*Building
houses,
building
hope*

January 15, 2009

Victor D. Sharpe, AICP
Community Development Director
City of Fayetteville, North Carolina
433 Hay Street
Fayetteville, NC 28301-5537

Dear Victor:

With your permission we would like to pursue having the reverter clause restriction lifted from all of the Habitat mortgages where it was applied back in the 1980s and 1990s. Those properties are nearing twenty years old and the homeowners are reaching the points in their lives where property transfers may be necessary or desirable due to death, retirement, or other needs.

Currently, one of our homeowners has a buyer for his property on Sessoms Street, but the title company cannot issue title insurance because of the reverter clause. Habitat for Humanity is not interested in purchasing the home from the homeowner. Therefore, the reverter clause makes it close to impossible for the homeowner to sell the house to a qualified low-income buyer.

In all cases where the reverter clause is in effect, Habitat for Humanity has first right of refusal in the event a homeowner wishes to sell the property. So Habitat for Humanity is protected to any necessary degree.

Thank you for considering this request. If any additional information is needed from us just give me a call.

Sincerely yours,

Ann Griffin
Executive Director

310 Green Street
PO Box 3166
Fayetteville, NC 28302-3166
(910) 483-0952
fax (910) 486-5472
e-mail: office.fayhabitat@embarqmail.com

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig M. Harmon, Planner II
DATE: February 22, 2010
RE: **Development Services - Case No. P10-04F. Request to rezone the property located at the southwest corner of Bingham Drive and Bailey Lake Road from PND Planned Neighborhood Development District to C1A Area Commercial District. Rivers of Living Water Church of God, Inc. and, Diane and Donald Johnson owners**

THE QUESTION:

What is the appropriate zoning district for property at the corner of a major intersection with medium density residential, high density residential and commercial surrounding it.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live.
More Attractive City - Clean and Beautiful.
Greater Tax Base Diversity - Strong Local Economy.

BACKGROUND:

Owner: Rivers of Living Water Church of God Inc. and Diane & Donald Johnson
Applicant: Garris Neil Yarborough
Requested Action: PND to C1A
Property Address: Southwest corner of Bingham Dr. & Bailey Lake Rd.
City Council District: 6 (Crisp)
Status of Property: Undeveloped
Size: 7.1 +/- acres
Existing Land Use: Vacant
Adjoining Land Use & Zoning: North - PND, AR & R10 (single family residential) / South - PND (church) / East - PND (residential condos) / West -PND & R6 (single family residential)
2010 Land Use Plan: Heavy Commercial
Letters Mailed: 241
Transportation: Bingham Drive is a major thoroughfare with an average daily traffic count of 12,000 vehicles and Bailey Lake Road is a minor thoroughfare with an average daily traffic count of 5,100 vehicles.

2030 Plan - Policy 9.5: SMALLER SCALE COMMERCIAL DEVELOPMENT should be clustered in "nodal" locations convenient to surrounding residential areas. Pedestrian and bicycle facilities should be installed along all streets leading to such commercial nodes.

PND - This district, which is a separate and complete zoning district, encourages the development of residential land in such a manner as to provide a more desirable living environment characterized by open space, recreation amenities, landscaping, a variety of housing types in order to best meet the demands of all socioeconomic age groups and allows new methods by which land and facility costs can be reduced on a per unit basis so that more people can afford better living conditions.

C1A - Exclusively for the conduct of retail trade in residential areas and providing daily necessities for the convenience of area residents. .

ISSUES:

C1A district has the same standards as the C1 district except for a reduction in allowed uses. No residential is allowed. It is intended for areas in close proximity to residential neighborhoods.

This property was zoned and approved through Cumberland County as a PND (Planned Neighborhood Development). This type zoning district allows for a mix of use when a PND plan is submitted and approved. If a PND plan is not submitted or not approved, then the property may be developed under the standards for a R10 Residential District. In the case of this property, no PND plan was ever submitted to the County.

Zoning Commission and Staff recommend Approval of the rezoning to C1A based on:

1. 2010 Land Use Plan calls high density commercial on this property.
2. This property has access to both major and minor thoroughfares.
3. The 2030 Growth Vision Plan calls for smaller scale commercial development to be clustered in locations convenient to surrounding residential areas.

OPTIONS:

Zone the property to C1A Area Commercial Zoning District (recommended);
Zone to a more restrictive Zoning District;
Deny the rezoning of this property.

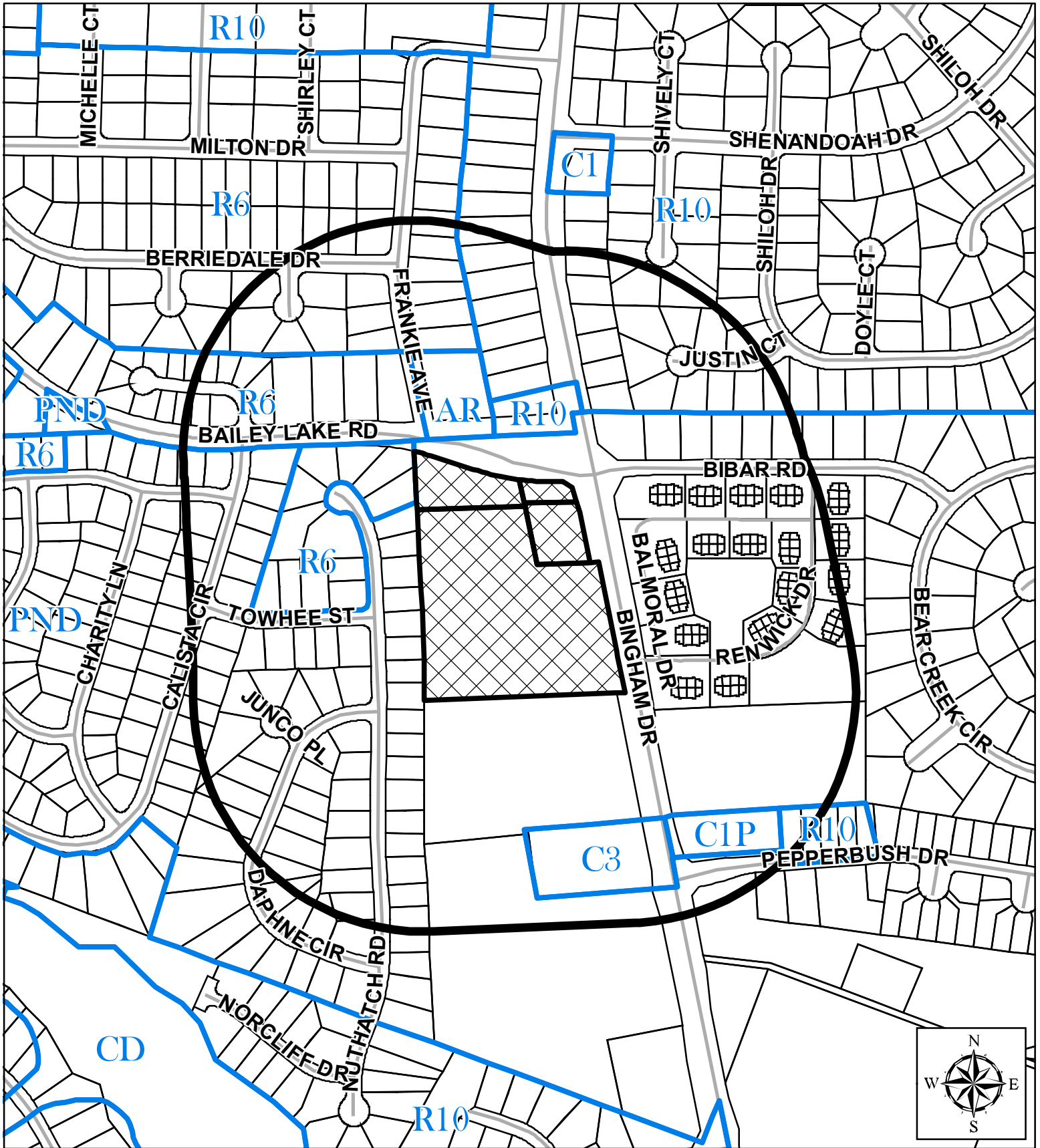
RECOMMENDED ACTION:

The Zoning Commission recommends that Council move to approve the rezoning from PND Planned Neighborhood Development District to C1A Area Commercial District based on the reasons provided in the ISSUES Section above.

ATTACHMENTS:

Zoning Map
2010 Plan
Ortho Photo
Minutes

**ZONING COMMISSION
CASE NO. P10-04F**



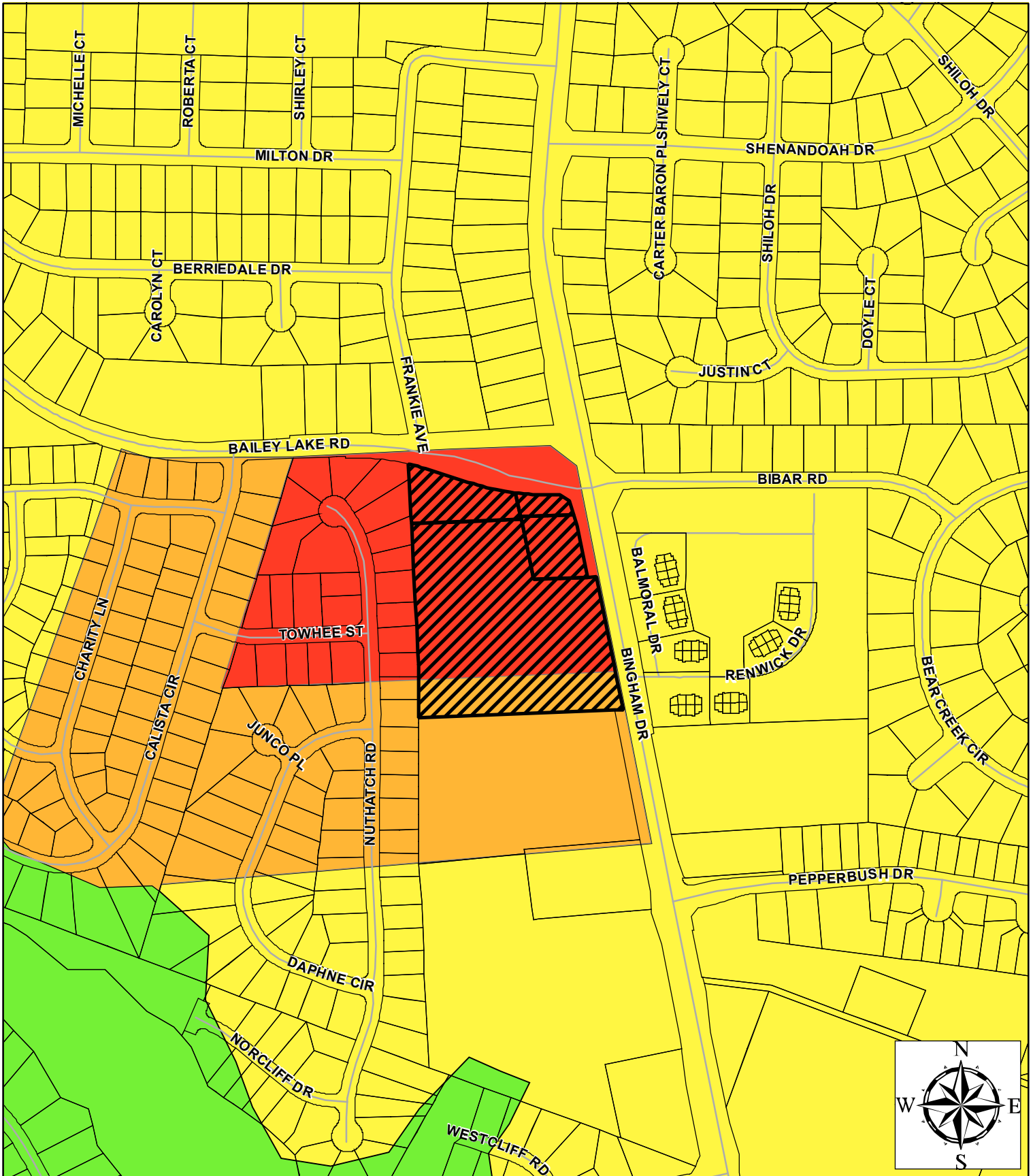
Request: PND to C1A
Location: SW corner of Bingham Dr. and Bailey Lake Rd.
Acreage: +/- 7.1

Zoning Commission: 1/25/2010 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0406-40-2869 & 0406-41-4135 & 0406-41-3395 & 0406-41-1334







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

2010 Land Use Plan

Case No. P10-04F



Legend

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

AERIAL PHOTO
Case No. P10-04F



**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
JANUARY 12, 2009- 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Lockett Tally
Marshall Isler
Mannell
Hendricks

MEMBERS ABSENT

OTHERS PRESENT

Marsha Bryant, Planner
Craig Harmon, Planner
Janet Smith, Asst. City Atty
David Steinmetz, Inspections
Karen Hilton, Dept. Manager

I. APPROVAL OF AGENDA

II. APPROVAL OF THE MINUTES FROM THE DECEMEBER 8, 2009 MEETING

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

III. PUBLIC HEARINGS

- C. Case No. P10-04F. The rezoning from PND Planned Neighborhood Development District to C1A Commercial District or to a more restrictive zoning classification for property located at the SW corner of Bingham Drive & Bailey Lake Road. Containing 7.1 acres more or less and being the property of Rivers of Living Water Church of God, Inc. and, Diane and Donald Johnson.

Mr. Tally made a motion to excuse Mr. Mannell as acting seat. Mr. Crawley seconded the motion. A vote was taken and passed unanimously. Mr. Isler made a motion to accept Mr. West back on the board. Mr. Crawley seconded. A vote was taken and passed unanimously.

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. He stated that the 2010 land use plan called for heavy commercial.

Mr. Harmon stated that the Planning Staff recommends Approval of the rezoning based on:

- (1.) 2010 Land Use Plan calls high density commercial on this property.
- (2.) This property has access to both major and minor thoroughfares.
- (3.) The 2030 Growth Vision Plan calls for calls for smaller scale commercial development to be clustered in locations convenient to surrounding residential areas.

The public hearing was opened.

Mr. Neil Yarborough appeared in favor of the request. He stated that he represents the applicant. He stated that the request is a good fit with both the 2010 and 2030 plans. He stated that it would be designed for services to immediate neighborhood.

Ms. Ana Green appeared in favor of the request. She stated that is in agreement of the request.

Ms. Patricia Algeria spoke in opposition of the request. Ms. Algeria addressed her concern about the having more commercial property in the area, concerns about traffic, and an additional Food Lion in the area. Ms. Algeria also addressed her concern about the values of other uses mentioned. She said she is concerned about the property values declining across the street in the Williamsburg neighborhood.

Mr. Yarborough spoke as rebuttal. He sated that the residents attending the meeting in show of the support are from a wide area. He stated that a C1A is a very limiting zoning. He stated that only 4200 square feet total for the other shops. He stated that traffic volume actually supports commercial versus residential.

Ms. Algeria reiterated her concern about the possible decrease in the surrounding property value.

The public hearing was closed.

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: February 22, 2010
RE: **Engineering & Infrastructure - Adopt a Resolution Setting a Public Hearing to Consider the Paving Assessments of Eight City Streets**

THE QUESTION:

Adopt resolutions setting a public hearing for March 22, 2010 to consider the assessment of the following streets; Adam Street, Canal Street, Gurley Street, Guthrie Street, McDuffie Street, Lucas Street, Upton Street and Farrell Avenue. The paving of these streets has been completed and the assessment of the streets will complete the process.

RELATIONSHIP TO STRATEGIC PLAN:

Paving of Soil Streets

BACKGROUND:

- On February 25, 2008 Council ordered the paving of **Adam Street** (from Kennedy St to turn-around), **Canal Street** (from Kennedy St to Wayde St), **Gurley Street** (from Robeson St to end), **Guthrie Street** (from Holt Williamson St to McDuffie St), **McDuffie Street** (from Guthrie St to Eastern Blvd), **Lucas Street** (from Cool Spring St to turn-around), and **Upton Street** (from Stevens St to turn-around) with an assessment rate of \$25.00 per foot of property frontage for paving with concrete curb and gutter.
- On February 25, 2008 Council ordered the paving of **Farrell Avenue** (from Dunn Rd to cul-de-sac with an assessment rate of \$10.00 per front of property frontage for paving with strip pavement.

ISSUES:

- Chapter 160A, Article 10 of the North Carolina General Statutes outlines the procedure for special assessments for street paving.
- A public hearing is required to allow citizens to speak before completing the assessment process.
- The Community Development Department offers grants up to \$1,000 to low-moderate income eligible homeowners to assist with street paving assessments.

OPTIONS:

- Adopt the resolutions setting a public hearing.
- Do not set the public hearing.

RECOMMENDED ACTION:

Adopt the attached resolutions setting a public hearing for March 22, 2010 to consider paving assessments for the above mentioned streets.

ATTACHMENTS:

Farrell Street Resolution
McDuffie Street Resolution
Guthrie Street Resolution
Upton Street Resolution
Lucas Street Resolution
Canal Street Resolution
Adam Street Resolution
Gurley Street Resolution

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR FARRELL AVENUE (FROM DUNN ROAD 1162 FEET TO A CUL-DE-SAC)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 25th day of February, 2008, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

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

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Engineer is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 22nd day of March, 2010.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 22nd day of March, 2010, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Engineer is hereby directed to issue public notice of the above-described public hearing, to be published on the 1st day of March 2010, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. That the City Engineer is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the ____ day of February 2010.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

RITA PERRY, City Clerk

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR McDUFFIE STREET (FROM GUTHRIE STREET TO EASTERN BLVD)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 25th day of February, 2008, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

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

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This the ____ day of February 2010.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

RITA PERRY, City Clerk

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR GUTHRIE STREET (FROM HOLT WILLIAMSON STREET TO McDUFFIE STREET)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 25th day of February, 2008, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

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

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6. That the City Engineer is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the _____ day of February 2010.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

RITA PERRY, City Clerk

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR UPTON STREET (FROM STEVENS STREET 306 FEET TO A TURN-AROUND)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 25th day of February, 2008, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

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

1. That the cost of the above-described improvement has been computed and determined.
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6. That the City Engineer is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the ____ day of February 2010.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

RITA PERRY, City Clerk

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR LUCAS STREET (FROM COOL SPRING STREET 436 FEET TO A TURN-AROUND)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 25th day of February, 2008, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

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

1. That the cost of the above-described improvement has been computed and determined.
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This the ____ day of February 2010.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

RITA PERRY, City Clerk

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR CANAL STREET (FROM KENNEDY STREET TO WAYDE STREET)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 25th day of February, 2008, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

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

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Engineer is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 22nd day of March, 2010.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 22nd day of March, 2010, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Engineer is hereby directed to issue public notice of the above-described public hearing, to be published on the 1st day of March 2010, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. That the City Engineer is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the ____ day of February 2010.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

RITA PERRY, City Clerk

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR ADAM STREET (FROM KENNEDY STREET 371 FEET TO A TURN-AROUND)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 25th day of February, 2008, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

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

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Engineer is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 22nd day of March, 2010.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 22nd day of March, 2010, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Engineer is hereby directed to issue public notice of the above-described public hearing, to be published on the 1st day of March 2010, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. That the City Engineer is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the ____ day of February 2010.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

RITA PERRY, City Clerk

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR GURLEY STREET (FROM ROBESON STREET 377 FEET TO A DEAD-END)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 25th day of February, 2008, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements has been determined;

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

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Engineer is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 22nd day of March, 2010.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 22nd day of March, 2010, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Engineer is hereby directed to issue public notice of the above-described public hearing, to be published on the 1st day of March 2010, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. That the City Engineer is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the ____ day of February 2010.

ANTHONY G. CHAVONNE, Mayor

ATTEST:

RITA PERRY, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: February 22, 2010
RE: **Engineering & Infrastructure - Municipal Agreement with NCDOT for Bragg Boulevard Sidewalk**

THE QUESTION:

Council is being asked to approve a Municipal Agreement with NCDOT to fund 50% of the cost of constructing sidewalk along the west side of Bragg Boulevard from the 401 Bypass to north of Santa Fe Drive as part of an overall improvement plan to Bragg Boulevard.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- NCDOT is improving this section of Bragg Boulevard to compensate for the closing of the access to Fort Bragg off of Bragg Boulevard and future traffic from Outer Loop.
- As part of this project, sidewalk will be constructed on the west side of Bragg Boulevard .
- The City's estimated portion for 50% of the cost is estimated at approximately \$70,000.
- This project is scheduled to be let for bid in June of this year by NCDOT.

ISSUES:

The City shall reimburse NCDOT in one payment within 60 days of receiving the invoice.

OPTIONS:

- Approve the attached Municipal Agreement for the construction of the sidewalk.
- Not approve the Municipal Agreement.

RECOMMENDED ACTION:

- Approve the attached Municipal Agreement for the construction of sidewalk along the west side of Bragg Boulevard.

ATTACHMENTS:

Bragg Blvd Municipal Agreement

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT –
MUNICIPAL AGREEMENT**

CUMBERLAND COUNTY

DATE: 7/13/2009

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-3423

AND

WBS Elements: 34942.3.2

CITY OF FAYETTEVILLE

THIS MUNICIPAL AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Fayetteville, a local government entity, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under Project U-3243, in Cumberland County; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF THE PROJECT

1. The Project consists of improvements to NC 24 - 78 (Bragg Boulevard) from the US 401 Bypass to north of SR 1437 (Sante Fe Drive/Shaw Road).

PLANNING, DESIGN AND RIGHT OF WAY

2. The Department shall prepare the environmental and/or planning document, and obtain any environmental permits needed to construct the Project, and prepare the Project plans and specifications needed to construct the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.
3. The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

UTILITIES

5. It is understood that the municipally-owned water and sewer lines are owned by Fayetteville Public Works (PWC), therefore a separate Utility Agreement will be prepared with PWC. The Municipality shall exercise any rights which it may have under any franchise to effect all necessary changes, adjustments, and relocations of telephone, telegraph, and electric power lines; underground cables, gas lines, and other pipelines or conduits; or any privately - or publicly-owned utilities.

CONSTRUCTION AND MAINTENANCE

6. The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.
7. It is further agreed that upon completion of the Project, the Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and departmental criteria.
8. Upon completion of the Project, the improvement(s) shall be a part of the State Highway System and owned and maintained by the Department.

FUNDING

9. The Municipality shall participate in the Betterment costs of the Project as follows:
 - A. Upon completion of the work, the Municipality shall reimburse the Department fifty percent (50%), of the actual cost, including administrative costs, of the work associated with the construction of the sidewalks. The Department shall participate in fifty percent (50%) of the cost of the sidewalks of the actual total project construction cost of that portion of the project within the corporate limits, where new sidewalks are to be installed. The estimated cost of the sidewalks is \$124,976.00. The estimated cost to the Municipality is \$62,488.00. Both parties understand that this is an estimated cost and is subject to change.
 - B. Reimbursement to the Department shall be made in one final payment upon completion of the work and within sixty days of invoicing by the Department.
 - C. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1 until such time as the Department has received payment in full under the reimbursement terms set forth in this Agreement. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23.

ADDITIONAL PROVISIONS

10. At the request of the Municipality, and in accordance with the Department's "Guidelines for Planning Pedestrian Facilities", the Department shall include provisions in its construction contract for the construction of sidewalks on/or along the west side of entire length of the Project from US 401 Bypass to north of SR 1437 (Santa Fe Drive/Shaw Road). Said work shall be performed in accordance with Departmental policies, procedures, standards and specifications, and the following provisions.
 - A. It is understood by both parties that all sidewalk work shall be performed within the existing right of way. However, should it become necessary, the Municipality, at no expense or liability whatsoever to the Department, shall provide any needed right of way and or construction easements for the construction of the sidewalks, and remove from said rights of way all obstructions and encroachments of any kind or character. Acquisition of any needed right of way shall be performed in accordance with the

following state and federal policies and procedures, "Right of Way Acquisition Policy and Land Acquisition Policy, contained in the Federal-Aid Policy Guide, Part 712, Subpart B", and the North Carolina Right of Way Manual (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). The Department shall be indemnified and held harmless from any and all damages and claims for damages associated with the acquisition of any construction easements and/or right of way.

- B. Upon completion of the work, the Municipality shall reimburse the Department in accordance with Provision #8 stated hereinabove.
- C. The Municipality, at no expense to the Department, shall assume all maintenance responsibilities for the sidewalks and release the Department from all liability relating to such maintenance.

- 11. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.
- 12. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
- 13. All terms of this Agreement are subject to available departmental funding and fiscal constraints.

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST: CITY OF FAYETTEVILLE
BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

Approved by _____ of the local governing body of the City of Fayetteville

as attested to by the signature of Clerk of said governing body on _____ (Date)

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

(SEAL)

BY: _____
(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:
City of Fayetteville

DEPARTMENT OF TRANSPORTATION
BY: _____
DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 22, 2010
RE: **Finance - Adopt Resolution to Accept a Report of Unpaid Taxes for 2009 and Direct the Advertisement of Tax Liens**

THE QUESTION:

Council is asked to adopt a resolution to accept the report of unpaid taxes for 2009 and direct the advertisement of tax liens.

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

North Carolina General Statute 105-369 requires the County Tax Administrator to report to the governing body in February of each year the total amount of unpaid taxes for the current fiscal year that are liens on real property. The purpose of the report is to allow the governing body to order the Tax Collector to advertise the tax liens. The statute requires the advertisement period to occur during the period of March 1st through June 30th.

Please review the attached correspondence from the County Tax Administrator. The detailed report is available in the City Clerk's office for review. The report lists delinquent city and county taxes for all city properties. According to the County Tax Administrator, delinquent ad valorem taxes for the City of Fayetteville and the Downtown Revitalization District as of January 25, 2010 were \$ 3,528,613.44.

ISSUES:

None

OPTIONS:

1. Adopt the resolution to accept the report of unpaid taxes for 2009 and advertisement of tax liens.
2. Do not adopt the resolution to accept the report of unpaid taxes for 2009 and advertisement of tax liens.

RECOMMENDED ACTION:

Adopt the resolution.

ATTACHMENTS:

Resolution for Unpaid Taxes
Correspondence

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE
ADVERTISEMENT OF TAX LIENS**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL:

Section 1. The City Council accepts the report of unpaid taxes for the current fiscal year that are liens on real property as submitted by the tax collector.

Section 2. The City Council orders the tax collector to advertise the tax liens pursuant to North Carolina General Statute 105-369.

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

Passed and adopted the 22nd day of February, 2010.

CITY OF FAYETTEVILLE

Anthony G. Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk



OFFICE OF THE TAX ADMINISTRATOR

117 Dick Street, 5th Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302
Phone: 910-678-7507 • Fax: 910-678-7582 • www.co.cumberland.nc.us

January 25, 2010

TO: Anthony G. Chavonne, Mayor
FROM: Aaron Donaldson, Tax Administrator *AD*
RE: Delinquent Taxes for Year 2009 for the Town of Fayetteville

BACKGROUND: North Carolina General Statute 105-369 requires the Tax Collector to report unpaid taxes for municipalities for the current fiscal year that are liens on real property by the second Monday in February. The purpose of the reporting is to allow you to order the Tax Collector to advertise the tax liens.

Upon receipt of your order, I will advertise the tax liens by publishing each lien at least one time in one or more of the local newspapers having general circulation in the County. The statute requires that advertisement period to occur during the period of March 1st through June 30th. It is my intention to deliver the list of delinquent taxes to the newspaper in the latter part of March for advertisement in April.

Enclosed please find the list of real property delinquent taxes for your municipality that is required to be posted at the city or town hall of each municipality by North Carolina General Statute 105-369(c).

RECOMMENDATION: Accept the report of unpaid taxes for the current fiscal year that are liens on real property and charge the Collector to advertise the tax liens.

AD/kp

cc: file

Celebrating Our Past...Embracing Our Future

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

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 22, 2010
RE: **Finance - Capital Project Ordinance Closeout 2010-10 (Airport Public Seating Upgrade)**

THE QUESTION:

Staff requests Council to adopt Capital Project Ordinance Closeout 2010-10 (Airport Public Seating Upgrade)

RELATIONSHIP TO STRATEGIC PLAN:

Mission: Well Designed and Well Maintained Infrastructure and Facilities

BACKGROUND:

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

ISSUES:

None

OPTIONS:

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

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Closeout 2010-10.

ATTACHMENTS:

CLO 2010-10 Airport Public Seating Upgrade Project

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2010-10 (CPO 2007-4)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2007-4, adopted March 26, 2007, as amended, for the funding of the public seating upgrades at the Fayetteville Regional Airport.

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

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

	<u>Budget</u>	<u>Actual</u>
North Carolina Department of Transportation	\$ 94,500	\$ 94,500
Local Match - Airport Operating Fund	<u>10,500</u>	<u>10,500</u>
Total Revenues	<u>\$ 105,000</u>	<u>\$ 105,000</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 105,000</u>	<u>\$ 105,000</u>
Total Expenditures	<u>\$ 105,000</u>	<u>\$ 105,000</u>

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

Adopted this 22nd day of February, 2010

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 22, 2010
RE: **Finance - Capital Project Ordinance Closeout 2010-7 (Airport Security System Installation and Upgrade Project)**

THE QUESTION:

Staff requests Council to adopt Capital Project Ordinance Closeout 2010-7 (Airport Security System Installation and Upgrade Project)

RELATIONSHIP TO STRATEGIC PLAN:

Mission: Well Designed and Well Maintained Infrastructure and Facilities

BACKGROUND:

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

ISSUES:

None

OPTIONS:

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

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Closeout 2010-7.

ATTACHMENTS:

CLO 2010-7 Airport Security System Installation and Upgrade Project

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2010-7 (CPO 2006-1)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2006-1, adopted October 10, 2005, as amended, for the funding of the security system installation and upgrade at the Fayetteville Regional Airport.

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

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

	<u>Budget</u>	<u>Actual</u>
North Carolina Department of Transportation	\$ 22,500	\$ 20,521
Passenger Facility Charge Revenues	20,000	20,000
Local Match - Airport Operating Fund	500	280
Total Revenues	<u>\$ 43,000</u>	<u>\$ 40,801</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 43,000</u>	<u>\$ 40,801</u>

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

Adopted this 22nd day of February, 2010

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 22, 2010
RE: **Finance - Capital Project Ordinance Closeout 2010-9 (Airport Security Screening Area Upgrades Project)**

THE QUESTION:

Staff requests Council to adopt Capital Project Ordinance Closeout 2010-9 (Airport Security Screening Area Upgrades Project)

RELATIONSHIP TO STRATEGIC PLAN:

Mission: Well Designed and Well Maintained Infrastructure and Facilities

BACKGROUND:

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

ISSUES:

None

OPTIONS:

1. Adopt Capital Project Ordinance Closeout 2010-9.
2. Do not adopt Capital Project Ordinance Closeout 2010-9.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Closeout 2010-9.

ATTACHMENTS:

CLO 2010-9 Airport Security Screening Area Upgrades Project

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2010-9 (CPO 2007-6)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2007-6, adopted May 14, 2007, as amended, for the funding of the security screening area upgrades at the Fayetteville Regional Airport.

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

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

	<u>Budget</u>	<u>Actual</u>
North Carolina Department of Transportation	\$ 92,700	\$ 63,254
Local Match - Airport Operating Fund	10,300	7,028
Total Revenues	\$ 103,000	\$ 70,282

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	\$ 103,000	\$ 70,282

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

Adopted this 22nd day of February, 2010

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 22, 2010
RE: **Finance - Capital Project Ordinance Closeout 2010-8 (Cape Fear River Park Land Acquisition)**

THE QUESTION:

Staff requests Council to adopt Capital Project Ordinance Closeout 2010-8 (Cape Fear River Park Land Acquisition).

RELATIONSHIP TO STRATEGIC PLAN:

Mission: Well Designed and Well Maintained Infrastructure and Facilities

BACKGROUND:

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

ISSUES:

None

OPTIONS:

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

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Closeout 2010-8.

ATTACHMENTS:

CLO 2010-8 Cape Fear River Park Land Acquisition

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2010-8 (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 closed:

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

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

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

	<u>Budget</u>	<u>Actual</u>
General Fund Transfer	<u>\$ 350,000</u>	<u>\$ 350,000</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	\$ 280,963	\$ 280,963
Transfer to General Government Fund	<u>69,037</u>	<u>69,037</u>
Total Expenditures	<u>\$ 350,000</u>	<u>\$ 350,000</u>

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

Adopted this 22nd day of February, 2010

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 22, 2010
RE: **Finance - Capital Project Ordinance Amendment 2010-27 (Sidewalk Construction along Bragg Boulevard)**

THE QUESTION:

This amendment will appropriate \$70,000 for the City's commitment for the North Carolina Department of Transportation Municipal Agreement to fund 50% of the cost of constructing sidewalk along the west side of Bragg Boulevard from the 401 Bypass to north of Santa Fe Drive as part of an overall improvement plan to Bragg Boulevard.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

- This amendment will appropriate funding for the City's commitment for the North Carolina Department of Transportation Municipal Agreement to fund 50% of the cost of constructing sidewalk along the west side of Bragg Boulevard from the 401 Bypass to north of Santa Fe Drive as part of an overall improvement plan to Bragg Boulevard.
- The source of funds for this amendment is a \$70,000 transfer from the General Fund.
- If approved, the revised project budget for various municipal agreements, including this project, will be \$2,181,309.
- The entire project budget will be utilized to meet the City's obligation for all Municipal Agreements that have been executed for the various railroad crossing safety projects and the roadway improvement projects which include the construction of sidewalks.

ISSUES:

None

OPTIONS:

- 1) Adopt Capital Project Ordinance Amendment 2010-27.
- 2) Do not adopt Capital Project Ordinance Amendment 2010-27.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Amendment 2010-27.

ATTACHMENTS:

Capital Project Ordinance Amendment 2010-27

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2010-27 (CPO 2010-13)

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

Section 1. The project change authorized is to Capital Project Ordinance 2010-13, adopted November 9, 2009, as amended, for the funding of various railroad crossing safety and roadway improvement projects committed under Municipal Agreements with North Carolina Department of Transportation.

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
North Carolina Department of Transportation	\$ 15,710	\$ -	\$ 15,710
General Fund Transfer	2,095,599	70,000	2,165,599
	\$ 2,111,309	\$ 70,000	\$ 2,181,309

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

Project Expenditures	\$ 2,111,309	\$ 70,000	\$ 2,181,309
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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 22nd day of February, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: February 22, 2010
RE: **PWC - Bid Recommendation for Bus and Feeder Circuit Breakers**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve bid award for purchase of Bus and Feeder Circuit Breakers for miscellaneous substations.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of February 10, 2010 approved to award bid for purchase of Bus and Feeder Circuit Breakers for miscellaneous substations to Siemens Energy, Wendell, NC in the total amount of \$880,902.00 and forward to City Council for approval. (Budgeted in the CIP Budget in the total amount of \$1,150,000). Bids were received January 12, 2010 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Siemens Energy, Wendell, NC	\$ 880,902.00
ABB Power Technologies, Lake Mary, FL	\$1,020,648.00

Bids were solicited from six (6) vendors with two (2) vendors responding. Siemens Energy is not classified as a DBE, minority or woman-owned business.

ISSUES:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Award bid to Siemens Energy, Wendell, NC

ATTACHMENTS:

Bid Recommendation

Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** February 3, 2010

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award bid for the purchase of Bus and Feeder Circuit Breakers for miscellaneous substations.

.....
BID/PROJECT NAME: Bus and Feeder Circuit Breakers for Miscellaneous Substations

BID DATE: January 12, 2010 **DEPARTMENT:** Electric Substations

BUDGET INFORMATION: Total CIP Budgeted Amount is \$1,150,000

.....

BIDDERS	TOTAL
<u>Siemens Energy, Wendell, NC</u>	<u>\$ 880,902.00</u>
<u>ABB Power Technologies, Lake Mary, FL</u>	<u>\$1,020,648.00</u>

.....

AWARD RECOMMENDED TO: Siemens Energy, Wendell, NC

BASIS OF AWARD: Lowest responsible bidder

AWARD RECOMMENDED BY: Michael Clements, PE, Booth & Associates; Rick Anderson, PE, PWC; and Gloria Wrench

.....
COMMENTS: Bids were solicited from six (6) vendors with two (2) vendors responding. The lowest responsible bidder is recommended. One (1) Bus and eighteen (18) Feeder Breakers will be received in FY2010; and one (1) Bus and eighteen (18) Feeder Breakers will be delivered in FY2011.

.....
ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

BUS AND FEEDER CIRCUIT BREAKERS FOR MISCELLANEOUS SUBSTATIONS BID DATE: JANUARY 12, 2010; 2:30 P.M.

Advertisement

1. Public Works Commission Website 12/31/09

List of Organizations Notified of Bid

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

List of Prospective Bidders

1. Chapman Company, Charlotte, NC
2. Fred Lekson Associates, Inc., Raleigh, NC
3. National Transformer Sales, Raleigh, NC (representing Siemens Energy)
4. Tarheel Electric Membership Corporation, Raleigh, NC
5. Utility Service Agency, Inc., Wake Forest, NC (representing ABB Power Technologies)
6. WESCO, Raleigh, NC

DBE/MWBE Participation

Siemens Energy is not classified as a DBE, minority or woman-owned business.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: February 22, 2010
RE: **PWC - Bid Recommendation for One (1) 35,000 GVWR Cab and Chassis with Asphalt Body**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve bid award for purchase of one (1) 35,000 GVWR Cab and Chassis with Asphalt Body.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of February 10, 2010 approved to award bid for purchase of One (1) 35,000 GVWR cab and chassis with asphalt body (with option to purchase additional units within a one-year period upon the agreement of both parties) to Piedmont Truck Center, Inc., Greensboro, NC in the total amount of \$150,500.00 and forward to City Council for approval. This is a budgeted item (budgeted amount of \$165,000 to replace Unit #341). Bids were received January 19, 2010 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Piedmont Truck Center, Inc., Greensboro, NC	\$150,500.00
Public Works Equipment & Supply, Monroe, NC	\$151,970.00
Smith International, Fayetteville, NC	\$152,847.00
Cooper Kenworth, Raleigh, NC	\$158,545.00

Bids were solicited from eighteen (18) vendors with four (4) vendors responding. Piedmont Truck Center is not classified as a DBE, MBE or woman-owned business.

ISSUES:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Award bid to Piedmont Truck Center, Inc.

ATTACHMENTS:

Bid recommendation
Bid history

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** February 3, 2010

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award bid for the purchase of one (1) 35,000 GVWR cab and chassis with asphalt body (with the option to purchase additional units within a one-year period upon the agreement of both parties).

BID/PROJECT NAME: One (1) 35,000 GVWR Cab and Chassis with Asphalt Body

BID DATE: January 19, 2010 **DEPARTMENT:** Water Resources Construction

BUDGETED AMOUNT: \$165,000 to replace Unit #341

.....

BIDDERS	TOTAL COST
<u>Piedmont Truck Center, Inc., Greensboro, NC</u>	<u>\$150,500.00</u>
<u>Public Works Equipment & Supply, Monroe, NC</u>	<u>\$151,970.00</u>
<u>Smith International, Fayetteville, NC</u>	<u>\$152,847.00</u>
<u>Cooper Kenworth, Raleigh, NC</u>	<u>\$158,545.00</u>

.....

AWARD RECOMMENDED TO: Piedmont Truck Center, Inc., Greensboro, NC

BASIS OF AWARD: Lowest bidder meeting specifications

AWARD RECOMMENDED BY: John McColl and Gloria Wrench

.....
COMMENTS: Bids were solicited from eighteen (18) vendors with four (4) vendors responding. The lowest bidder meeting specifications is recommended. Public Works Equipment & Supply submitted two bids. The second bid was disqualified for the following reasons: (1) Bidders were instructed not to submit alternate bids unless specifically asked for on the bid proposal form; (2) The second bid was for a 2009 truck which did not meet the current production model criteria specified in the bid documents.

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

ONE (1) 35,000 GVWR CAB AND CHASSIS WITH ASPHALT BODY

Advertisement

1. Public Works Commission Website 01/08/10

List of Organizations Notified of Bid

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

List of Prospective Bidders

1. Bleecker GMC Trucks, Fayetteville, NC
2. Lafayette Ford, Fayetteville, NC
3. Powers-Swain Chevrolet, Inc., Fayetteville, NC
4. Smith International, Fayetteville, NC
5. Bleecker Olds, Buick, GMC, Red Springs, NC
6. Parks Chevrolet, Kernersville, NC
7. Crown Ford, Fayetteville, NC
8. Bleecker Chevrolet, Dunn, NC
9. Piedmont Truck Center, Greensboro, NC
10. Bill Smith Ford, Southern Pines, NC
11. Capital Ford, Raleigh, NC
12. Vic Bailey Ford, Spartanburg, SC
13. Carolina Truck Experts, Charlotte, NC
14. Cooper Kenworth, Raleigh, NC
15. Cooper Kenworth, Wilmington, NC
16. Transource, Raleigh, NC
17. Public Works Equipment, Monroe, NC
18. Bruder Sharpe, Madison, NC

DBE/MWBE Participation

Piedmont Truck Center is not a DBE, MBE, or woman-owned business.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: February 22, 2010
RE: **PWC - Bid Recommendation for Prefabricated Relay Control Houses**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve bid award for purchase of Prefabricated Relay Control Houses for Arran Park and Crystal Springs Substations.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services.

BACKGROUND:

The Public Works Commission, during their meeting of February 10, 2010 approved to award bid for purchase of Prefabricated Relay Control Houses for Arran Park and Crystal Springs Substations to VFP, Inc., Roanoke, Virginia in the total amount of \$143,845.00 and forward to City Council for approval. (Budgeted in the CIP Budget in the total amount of \$160,000). Bids were received January 12, 2010 as follows:

<u>Bidders</u>	<u>Price Per Unit</u>	<u>Total Cost</u>
VFP, Inc., Roanoke, VA	\$71,922.50	\$143,845.00
Modular Connections, LLC, Bessemer, AL	\$74,894.00	\$149,788.00

Bids were solicited from thirteen (13) vendors with two (2) vendors responding. VFP, Inc. is not classified as a DBE, minority or woman-owned business.

ISSUES:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Award bid to VFP, Inc., Roanoke, Virginia

ATTACHMENTS:

Bid Recommendation

Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** February 3, 2010

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award bid for the purchase of Prefabricated Relay Control Houses for the Arran Park and Crystal Springs Substations

BID/PROJECT NAME: Prefabricated Relay Control Houses for the Arran Park and Crystal Springs Substations

BID DATE: January 12, 2010 **DEPARTMENT:** Electric Substations

BUDGET INFORMATION: Total CIP Budgeted Amount is \$160,000

BIDDERS	PRICE PER UNIT	TOTAL COST
<u>VFP, Inc., Roanoke, VA</u>	<u>\$71,922.50</u>	<u>\$143,845.00</u>
<u>Modular Connections, LLC, Bessemer, AL</u>	<u>\$74,894.00</u>	<u>\$149,788.00</u>

.....
AWARD RECOMMENDED TO: VFP, Inc., Roanoke, VA

BASIS OF AWARD: Lowest responsible bidder

AWARD RECOMMENDED BY: Michael Clements, PE, Booth & Associates; Rick Anderson, PE, PWC; and Gloria Wrench

COMMENTS: Bids were solicited from thirteen (13) vendors with two (2) vendors responding. The lowest responsible bidder is recommended. The prefabricated relay control house for Arran Park Substation will be delivered in FY2010. The control house for Crystal Springs Substation will be delivered in FY2011. The prices listed above from VFP include a \$2,139.00 discount for the purchase of both units.

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

PREFABRICATED RELAY CONTROL HOUSES FOR THE ARRAN PARK AND CRYSTAL SPRINGS SUBSTATIONS BID DATE: JANUARY 12, 2010; 2:00 P.M.

Advertisement

1. The Fayetteville Observer, Fayetteville, NC 12/31/09

List of Organizations Notified of Bid

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

List of Prospective Bidders

1. AES Precast Co., Inc., Northport, AL
2. Lekson Associates, Inc., Raleigh
3. Smithson, Inc., Rocky Mount, NC
4. Atkinson-EPSI, Pittsburg, KS
5. Modular Connections, Bessemer, AL
6. Turn-Key Contractors, Inc., Rocky Mount, NC
7. GFRC Shelters, Bossier City, LA
8. Old Castle Precast, Newnan, GA
9. TriVis, Inc., Pelham, AL
10. Jackson Builders, Inc., Goldsboro, NC
11. Smith-Carolina Corporation, Reidsville, NC
12. VFP, Inc., Roanoke, VA
13. Jedco Construction Co., Raleigh, NC

DBE/MWBE Participation

VFP, Inc. is not classified as a DBE, minority or woman-owned business.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: February 22, 2010
RE: **Development Services - Case No. P09-41F. Appeal of Zoning Commission denial of request to rezone the property located at 1802 Conover Drive from R10 Residential District to P2 Professional District. KAAVU LLC owner**

THE QUESTION:

Rezone a transitional area piecemeal to encourage redevelopment or in a manner likely to provide the adjacent neighborhood an appropriate edge or buffer and complementary redevelopment.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development
Livable Neighborhoods

BACKGROUND:

Owner: KAAVU LLC Series 6
Applicant: Valli Kodali
Requested Action: R10 to P2
Property Address: 1802 Conover Dr.
City Council District: 5 (Hurst)
Status of Property: Occupied rental housing.
Size: 0.45 +/- acres
Existing Land Use: Single family residential
Adjoining Land Use & Zoning: North - R10 & P2 / South - R10 / East - R10 & C1P / West - R10
2010
Land Use Plan: Low Density Residential
Letters Mailed: 63
Transportation: Village Drive is a major thoroughfare. The average daily traffic count is 15,000 vehicles. Conover Drive is a local collector.

R10 - Primarily a single-family residential district with small lot areas required but including occasional two-family and multifamily structures on larger lots. This district would allow for a maximum of 2 units on this property.

P2 - Predominantly residential in character, but primarily for general office uses. An office and retail specialty shop area with mixed residential use designated to provide a transition from high intensity use areas to residential districts. If built as residential, P2 follows the requirements for the closest residential district to it. In this case it would be the same as the R10 as defined above.

ISSUES:

Redesign of the Hospital facilities has changed the character of the area along Village Drive and caused an increase in rezoning requests. Case P09-14F rezoned property at 1800 Fargo to P2 Professional. Cases P07-15F and P08-48F rezoned the property at the southwest corner of Village and Conover (just above the current case) first to P1, then to P2 professional. The current request would extend that P2 zoning south, along Village Drive. In addition, a new rezoning request has been received for the property on Village Dr (3505) adjacent to 1800 Fargo for additional professional (P2) zoning.

Issues, especially for reuse of individual properties, include curb cuts for non-residential traffic and meeting required parking and landscaping and providing adequate buffering for adjacent established homes.

Zoning Commission and Planning Staff recommend Denial of the rezoning based on:

1. A straight map zone change, as requested, could facilitate a coordinated redevelopment of both this and the corner lot, but it would also allow individual use of this single lot for office use. This would result in unmitigated non-residential encroachment into the neighborhood.
2. While hospital activity and the noise of the emergency entrance drive suggest that offices are appropriate long term uses in this immediate area, the lots along Village Drive and Conover Drive are not big enough individually to be re-used for offices without having negative impacts on both the neighborhood behind them and the function and appearance of the corridor.
3. Appropriate re-use or redevelopment in this immediate area would include a substantial buffer establishing a protective edge for the neighborhood, a landscaped streetscape, coordinated access, and an urban building pattern.
4. Individual rezonings should not occur in this 1-2 block area unless either a) a small area plan is completed and an overlay is in place to achieve at least the objectives in #3 above, or b) the application includes a conditional zoning and the site plans achieve the objectives in #3 above. Either approach would help assure that adequate and appropriate parking, landscaping/buffering, access and building size/height are achievable.

OPTIONS:

1. **Deny the rezoning of this property (Recommendation).**
2. Zone the property to P2 Professional Zoning District;
3. Zone to a more restrictive Zoning District;

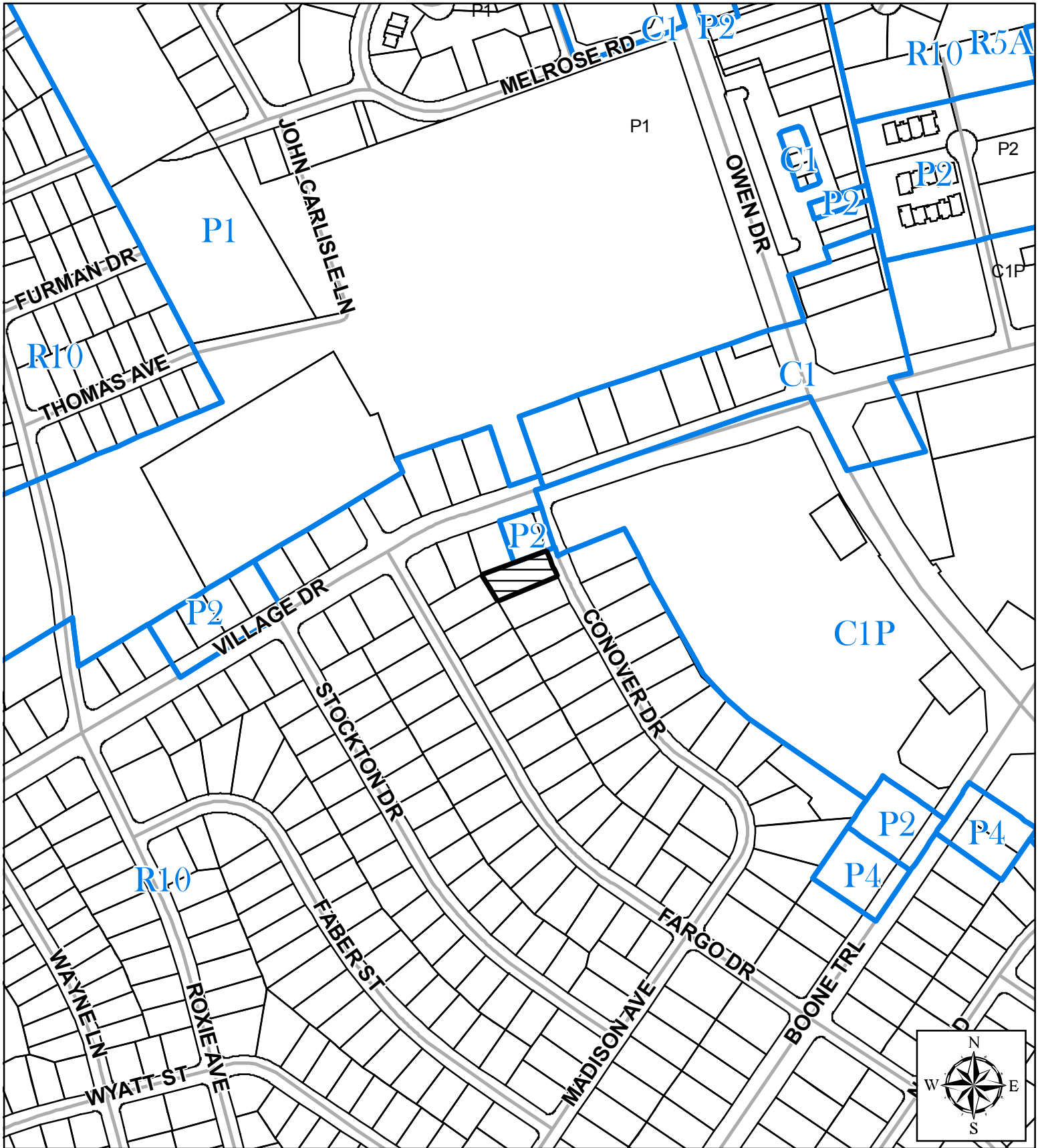
RECOMMENDED ACTION:

The Zoning Commission and Staff recommend that Council move to deny the rezoning from R10 Residential District to P2 Professional District based on the reasons provided above (in issues).

ATTACHMENTS:

Zoning Map
2010 Plan
Current Landuse
Ortho Photo
Zoning Commission Minutes

**ZONING COMMISSION
CASE NO. P09-41F**



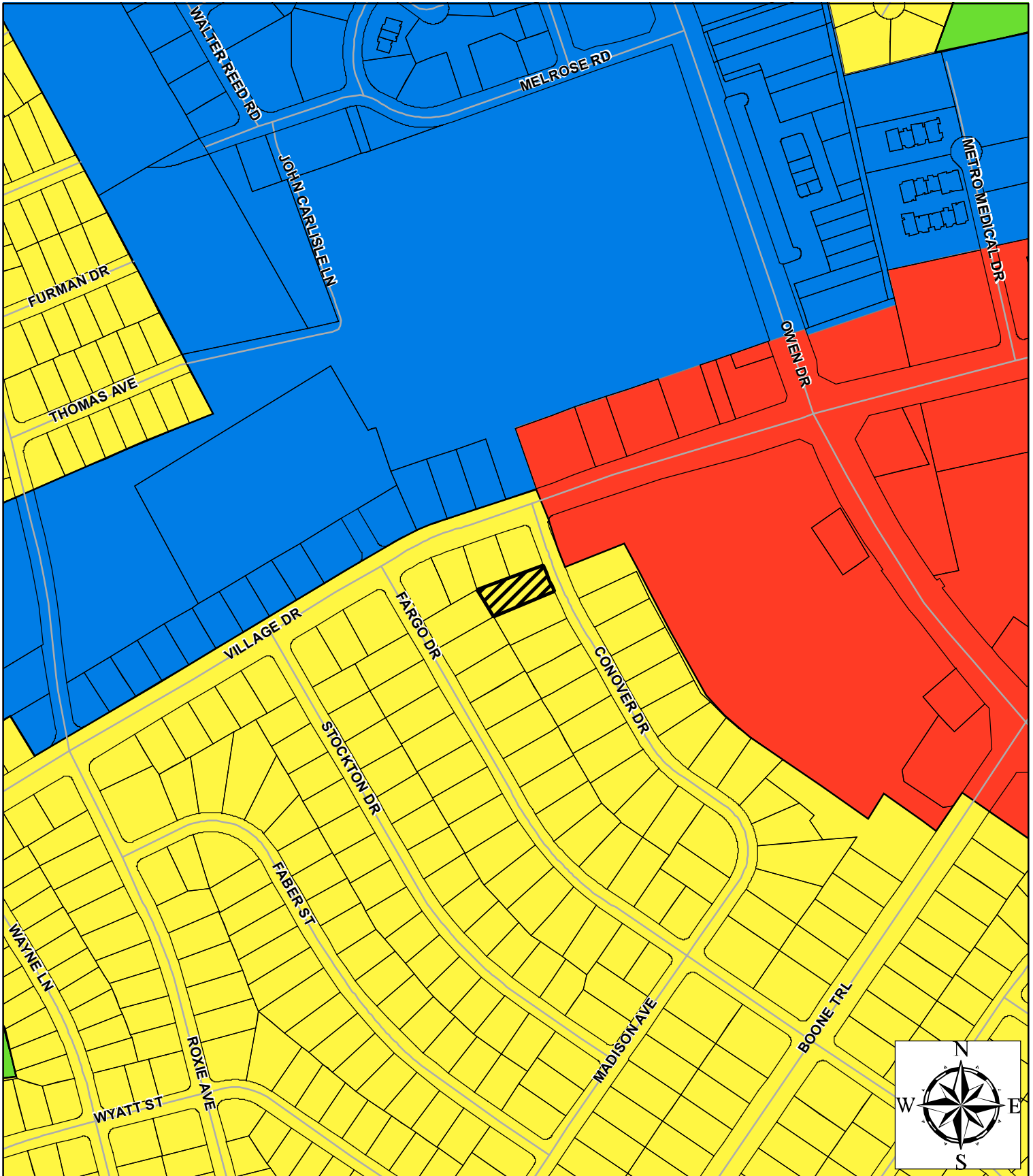
Request: R10 to P2
Location: 1802 Conover Dr.
Acreage: +/- .45

Zoning Commission: 11/10/2009 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0416-95-8584







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

2010 Land Use Plan

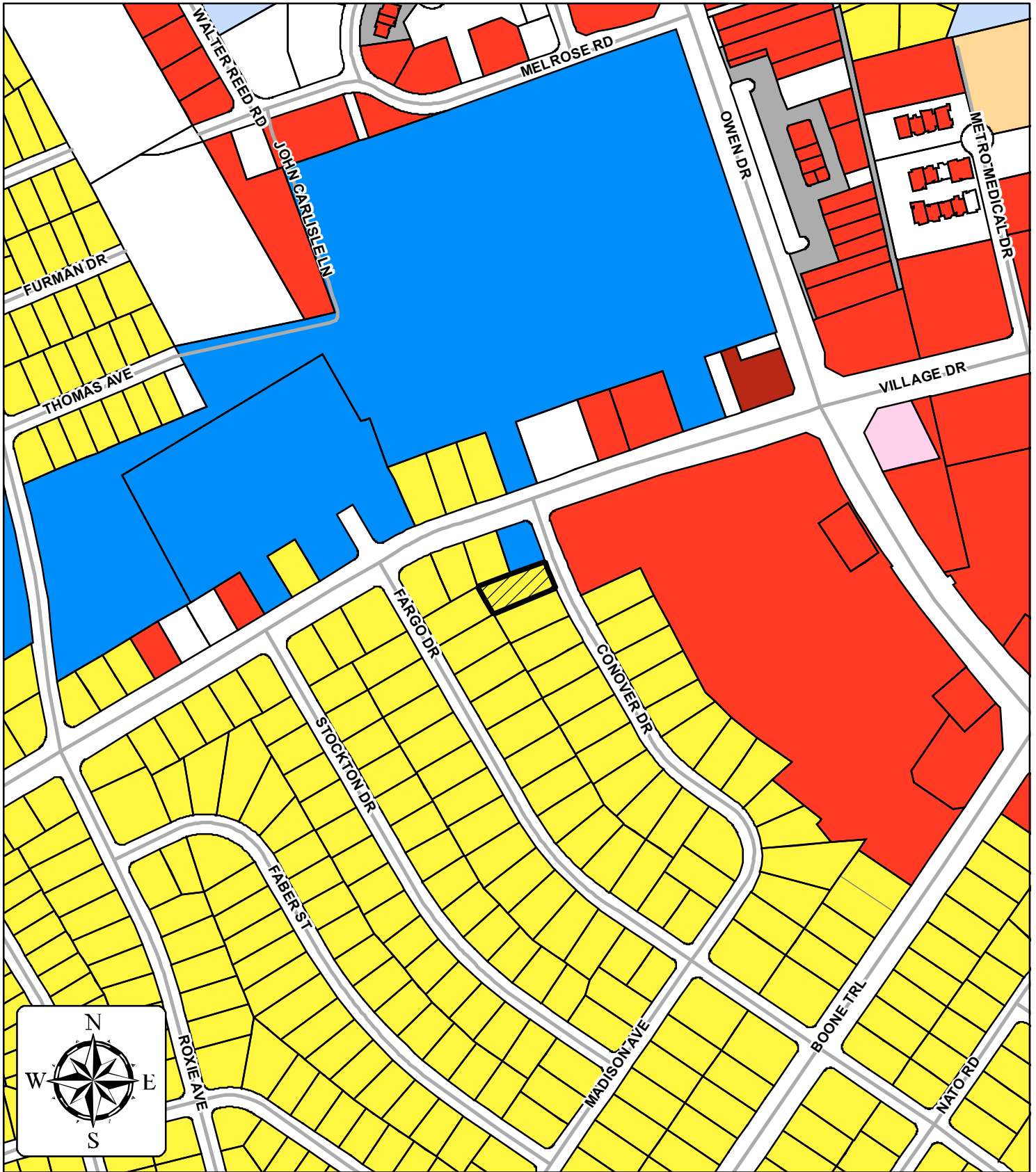
Case No. P09-41F



Legend

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

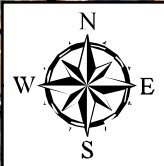
Current Land Use
P09-41F



Legend

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

ZONING COMMISSION
CASE NO. P09-41F



**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
DECEMBER 8, 2009- 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Lockett Tally
Marshall Isler
Mannell
Hendricks

MEMBERS ABSENT

OTHERS PRESENT

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

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

I. APPROVAL OF AGENDA

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

II. APPROVAL OF THE MINUTES FROM THE OCTOBER 13, 2009 MEETING

Mr. Paoni made a motion to approve the minutes from October 13, 2009. Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

III. APPROVAL OF THE MINUTES FROM THE NOVEMBER 10, 2009 MEETING

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

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

IV. PUBLIC HEARINGS

A. Case No. P09-41F. The rezoning from R10 Residential District to P2 Professional District for property located at 1802 Conover Drive. Containing 0.45 acres more or less and being the property of KAAVU LLC, Series 6

Mr. Paoni recused himself from the case. Mr. Crawley stepped in as chair and the alternate Mr. Hendricks joined the board.

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. Mr. Harmon stated the property is located on a feeder street to a major thoroughfare and the traffic count for the area is an average of 15,000 vehicles a day. He stated that the 2010 land use plan called for low density residential. He stated that the Planning Department mailed out 63 letters in regards to the request. Mr. Harmon showed pictures to explain current land use of the property.

Mr. Harmon stated that staff recommendation for the request was denial based upon the following reasons:

1. A straight map change would facilitate a more coordinated redevelopment of both this and the corner lot, but it would also allow individual use of this single lot for office use, thus facilitating inappropriate non-residential encroachment into the neighborhood.
2. While hospital activity and the noise of the emergency entrance drive suggest that offices are appropriate long term uses in this immediate area, the lots along Village Drive and Conover Drive are not big enough individually to be re-used for offices without having negative impacts on both the neighborhood behind them and the function and appearance of the corridor.
3. Appropriate re-use or redevelopment in this immediate area would include a substantial buffer establishing a protective edge for the neighborhood, a landscaped streetscape, coordinated access, and an urban building pattern.
4. Staff recommends that individual rezonings not occur in this 1-2 block area unless either:
 - a) a small area plan is completed and an overlay is in place to achieve at least the objectives in #3 above,
 - b) the application includes a conditional zoning and the site plans achieve the objectives in #3 above.

Mr. Harmon asked if there were any questions.

Mr. Crawley asked about the parking in the area. Mr. Harmon stated that current P2 Professional has the parking lot.

Mr. Isler asked about the possibility of a conditional zoning and if it would have been approved by staff. Mr. Harmon stated that with a conditional zoning, additional requirements could have been made in order to achieve some of the goals listed in the recommendation.

The public hearing was opened.

Mr. Andrew Privette appeared in favor of the request. He stated that he did not know about the Conditional Zoning; he said it was news to him. He stated that the applicant would consider the

conditional zoning. Mr. Privette explained that the current uses in the area and that the property is surrounded by professional and commercial zonings.

Mr. Privette stated that the property owner has a vision for his business for that corner lot and parking. Mr. Privette stated that if the Commission considers rezoning P2 that the applicant would consider the conditions that go along with it to include buffers or landscaping. Mr. Privette stated that the Commission has a couple options to include P2 with conditions or P1 with conditions which the applicant would be willing to consider and accept. Mr. Privette stated that while the applicant would like to have control over the other properties around his property; he only owns the one property listed on the application.

Mr. Privette asked if there were any questions from the Commission.

Mr. Crawley asked if the applicant were willing to accept conditions with the rezoning. Mr. Privette stated yes as long as there is enough parking.

Ms. Janet Smith stated that the application is a straight rezoning and the Commission can not consider any conditions to the request.

The public hearing was closed.

Ms. Janet Smith reminded the Commission that a vote needed to be taken to recuse Mr. Paoni from voting on the matter and accepting Mr. Hendricks.

Mr. Crawley made a motion to recuse Mr. Paoni from voting. Mr. West seconded the motion. A vote was taken and passed unanimously.

Mr. Harmon stated that Mr. Steinmetz could speak on the buffers but that the request is not a conditional zoning and the applicant would be allowed to do anything that the ordinance accepts as a P2 zoning.

Mr. Isler asked what options the applicant has if the Commission votes to deny the request. Mr. Harmon stated that the applicant could wait a year to reapply or to appeal the recommendation with City Council. Mr. Isler asked if the applicant could withdrawal and resubmit the request. Mr. Harmon stated that the applicant could withdraw and resubmit the request.

Staff and the Zoning Commission discussed the options available to the applicant.

Mr. West asked what happens if the Zoning Commission takes no action. Mr. Harmon stated that it would go to City Council and City Council could send the request back to the Zoning Commission.

Mr. Isler stated that his concern is that the owner is not present and should have known what the staff recommendation was.

Mr. Hendricks made a motion to follow staff recommendation and deny the request. Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

Mr. Harmon stated that the applicant has the option to file an appeal with the City Clerks office within ten days.

Mr. West made a motion to recuse Mr. Hendricks from the rest of the meeting and allow Mr. Paoni to return as acting chair. Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: February 22, 2010
RE: **Development Services - Case No. P09-50F. Appeal of a Zoning Commission denial of a request to rezone from R10 Residential District to P2 Professional District or to a more restrictive zoning classification for property located at 3405, 3409, 3413 Village Drive. Billy R. & wife Catherine W. Parker, owner.**

THE QUESTION:

Rezone a transitional area piecemeal to encourage redevelopment or in a manner likely to provide the adjacent neighborhood an appropriate edge or buffer and complementary redevelopment.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development
Livable Neighborhoods

BACKGROUND:

Owner: Billy R. Parker & wife Catherine
Applicant: Chris Roberts
Requested Action: R10 to P2 Property Address: 3405, 3409 & 3413 Village Dr.
City Council District: 5 (Hurst)
Status of Property: Occupied rental & owner occupied housing.
Size: 1.15 +/- acres
Existing Land Use: Single family residential
Adjoining Land Use & Zoning: North - R10 & P2 / South - R10 / East - R10 & C1P / West - R10
2010 Land Use Plan: Low Density Residential
Letters Mailed: 63
Transportation: Village Drive is a major thoroughfare. The average daily traffic count is 15,000 vehicles. Conover Drive is a local collector.

2030 Growth Vision Plan -- Policy 9.2: Local governments should BE CAUTIOUS OF REZONING RESIDENTIALLY ZONED LAND to commercial zoning solely because it adjoins a major highway or street. Proper design and/or buffering has shown that land tracts adjoining major streets can be properly developed for residential use.

R10 - Primarily a single-family residential district with smaller lot areas required but including occasional two-family and multifamily structures on larger lots. This district would allow for a maximum of 2 units on this property.

P2 - Predominantly residential in character, but primarily for general office uses. An office and retail specialty shop area with mixed residential use designated to provide a transition from high intensity use areas to residential districts. If built as residential, P2 follows the requirements for the closest residential district to it. In this case it would be the same as the R10 as defined above.

ISSUES:

Redesign of the Hospital facilities have changed the character of the area along Village Drive and caused an increase in rezoning requests. Case P09-14F rezoned property at 1800 Fargo to P2 Professional. Cases P07-15F (P1) and P08-48F (P2) rezoned the adjacent property at the southwest corner of Village and Conover to P2 professional through these two cases. The current request is to rezone the properties between these two cases along Village Dr. to professional. In addition the current Case P09-41F seeks to rezone the property behind (to the south of) P07-15F. A new rezoning request has been received for the property adjacent to 1800 Fargo on Village Dr (3505) for additional professional (P2) zoning. (It would consolidate two

properties. The developer has submitted a redevelopment plan as a P2/CZ conditional zoning request).

Zoning Commission and Planning Staff recommend Denial of the rezoning based on:

1. A straight map change could facilitate a more coordinated redevelopment of both this and the corner lot, but it would also allow individual use of this single lot for office use, thus facilitating inappropriate non-residential encroachment into the neighborhood.

2. While hospital activity and the noise of the emergency entrance drive suggest that offices are appropriate long term uses in this immediate area, the lots along Village Drive and Conover Drive are not big enough individually to be re-used for offices without having negative impacts on both the neighborhood behind them and the function and appearance of the corridor.

3. Appropriate re-use or redevelopment in this immediate area would include a substantial buffer establishing a protective edge for the neighborhood, a landscaped streetscape, coordinated access, and an urban building pattern.

4. Individual rezonings should not occur in this 1-2 block area unless either a) a small area plan is completed and an overlay is in place to achieve at least the objectives in #3 above, or b) the application includes a conditional zoning and the site plans achieve the objectives in #3 above. Either approach would help assure that adequate and appropriate parking, landscaping/buffering, access and building size/height are achievable.

OPTIONS:

1. Deny the rezoning of this property (Recommended);
2. Zone the property to P2 Professional Zoning District;
3. Zone to a more restrictive Zoning District.

RECOMMENDED ACTION:

Move to deny the rezoning from R10 Residential District to P2 Professional District based on the reasons provided above (in issues) and the recommendation of both the Zoning Commission and staff.

ATTACHMENTS:

Vicinity Map

Zoning Map

2010 Plan

Current Landuse

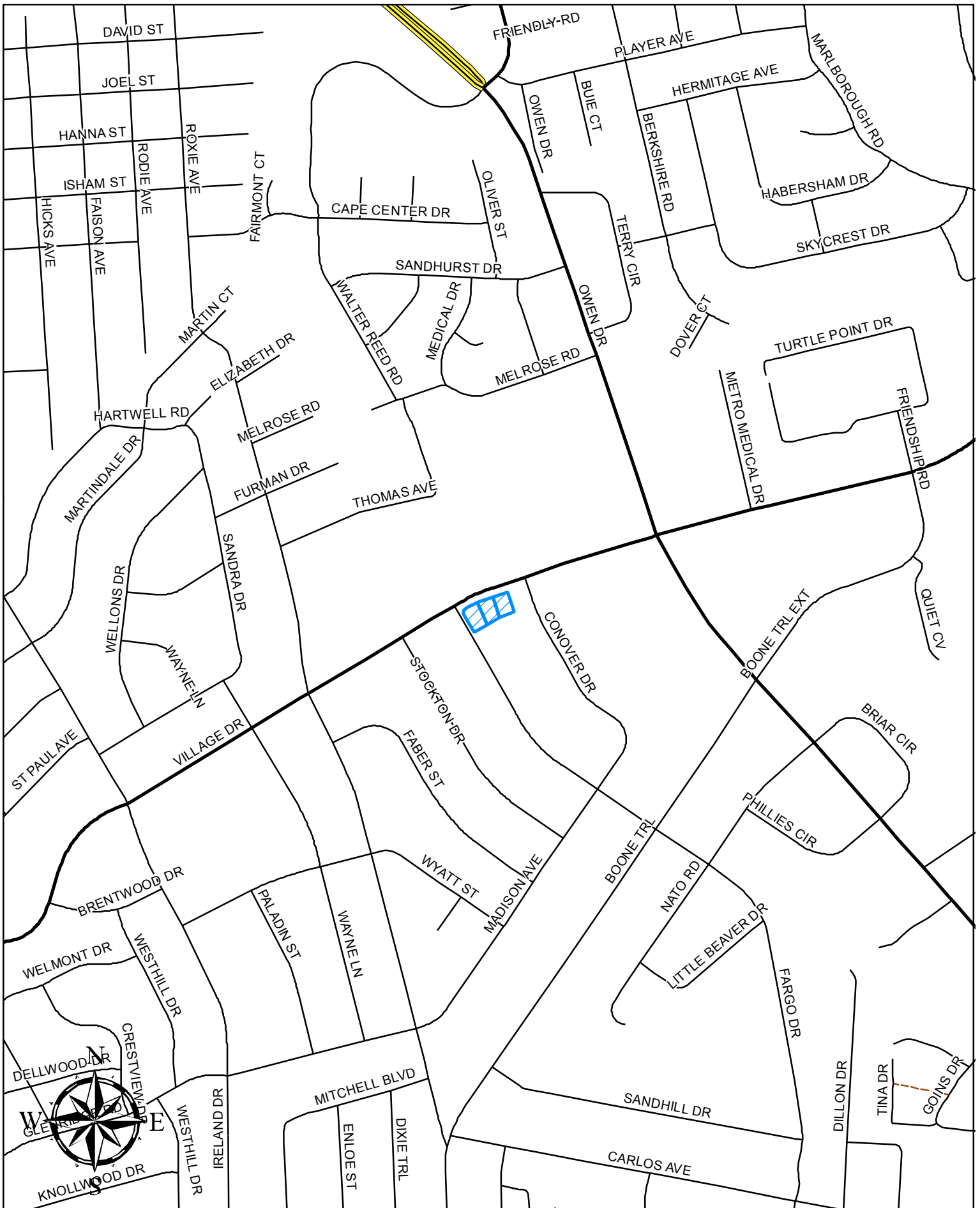
Ortho Photo

Pictures

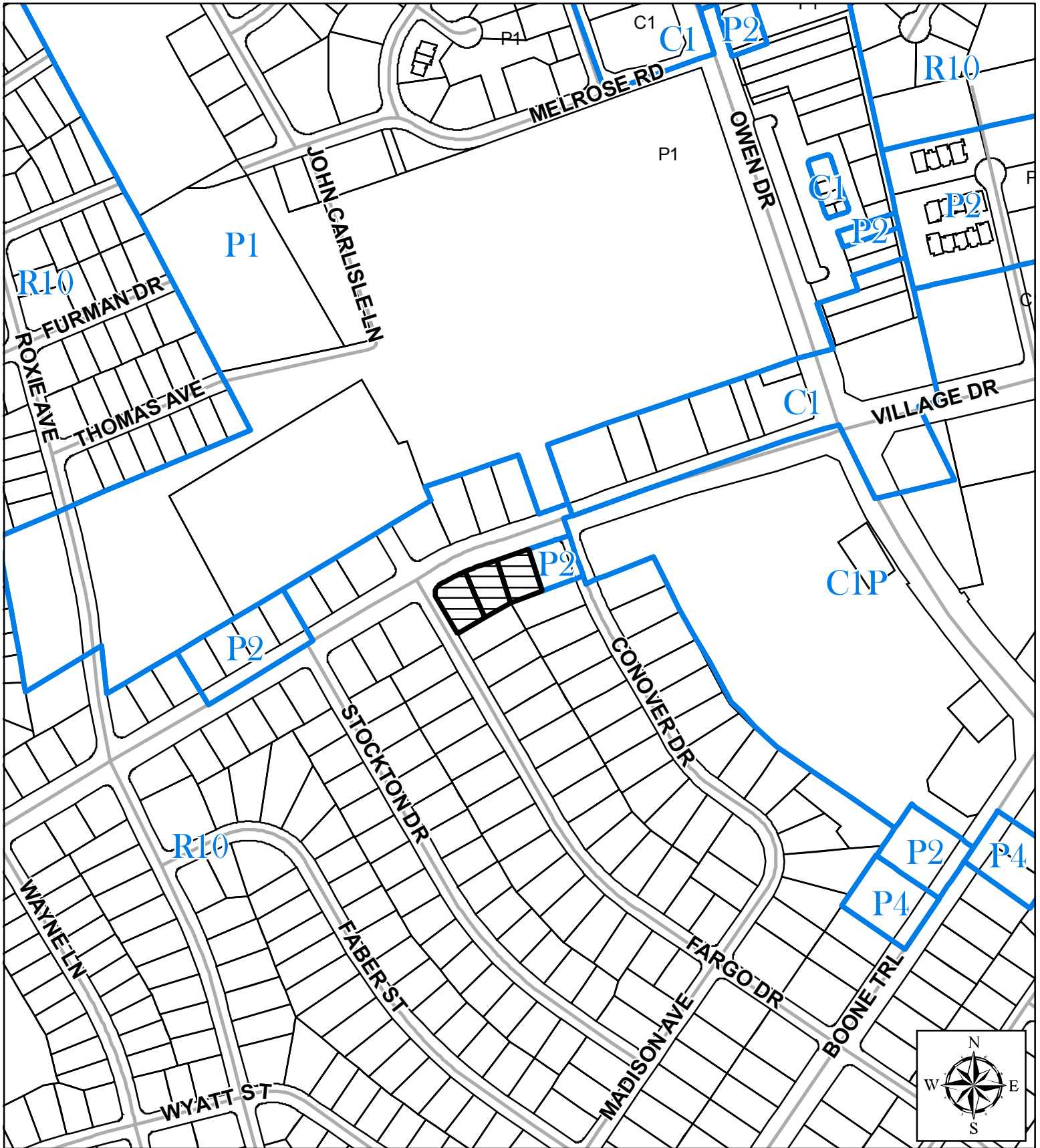
Zoning Commission Minutes

Zoning Commission - Vicinity Map

Case No. P09-50F



ZONING COMMISSION
CASE NO. P09-50F



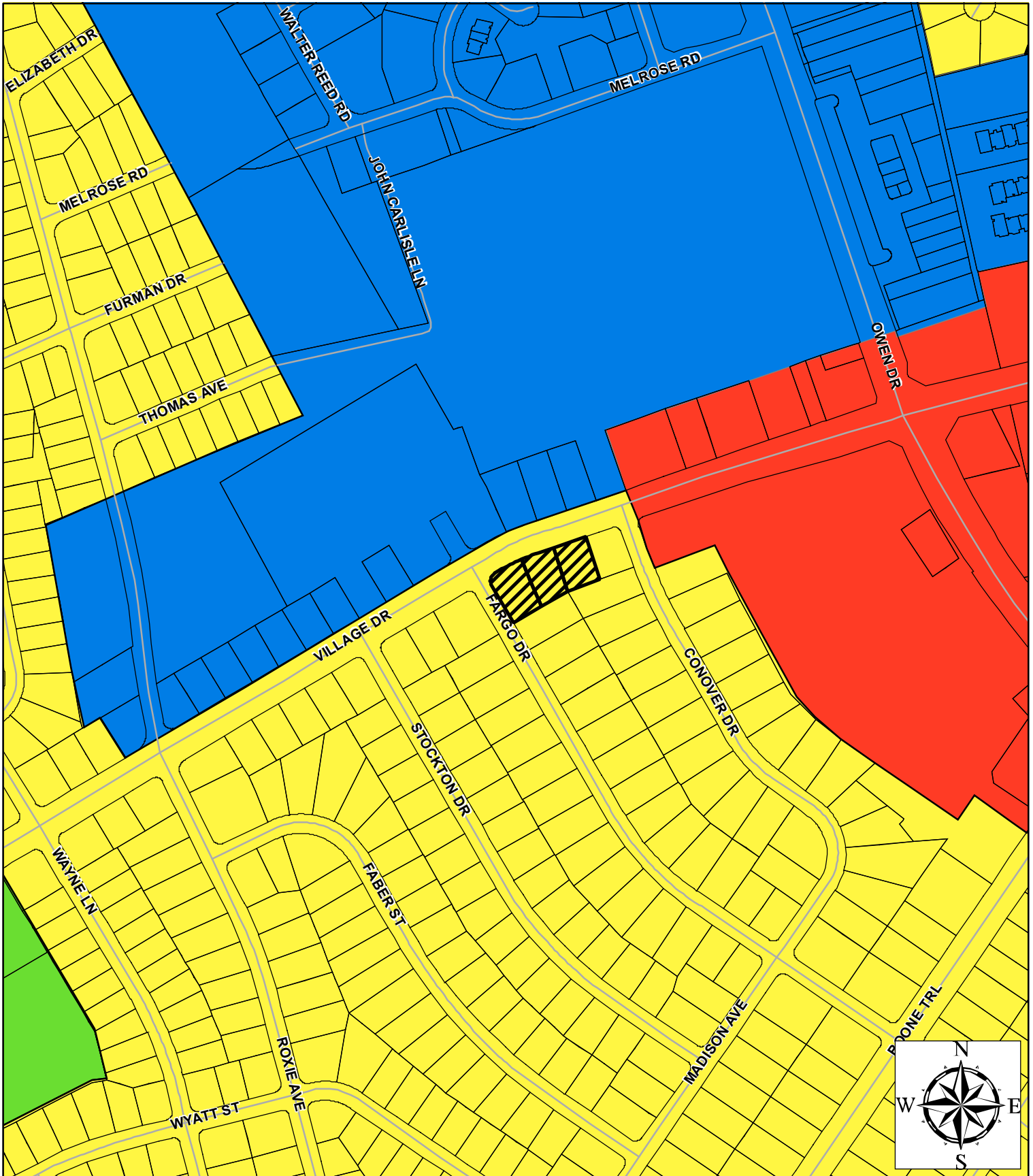
Request: R10 to P2
Location: 3405, 3409, 3413 Village Dr.
Acreage: +/- 1.15

Zoning Commission: 12/08/2009 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0416-95-5595, 0416-95-7693, 0416-95-6599







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

2010 Land Use Plan

Case No. P09-50F

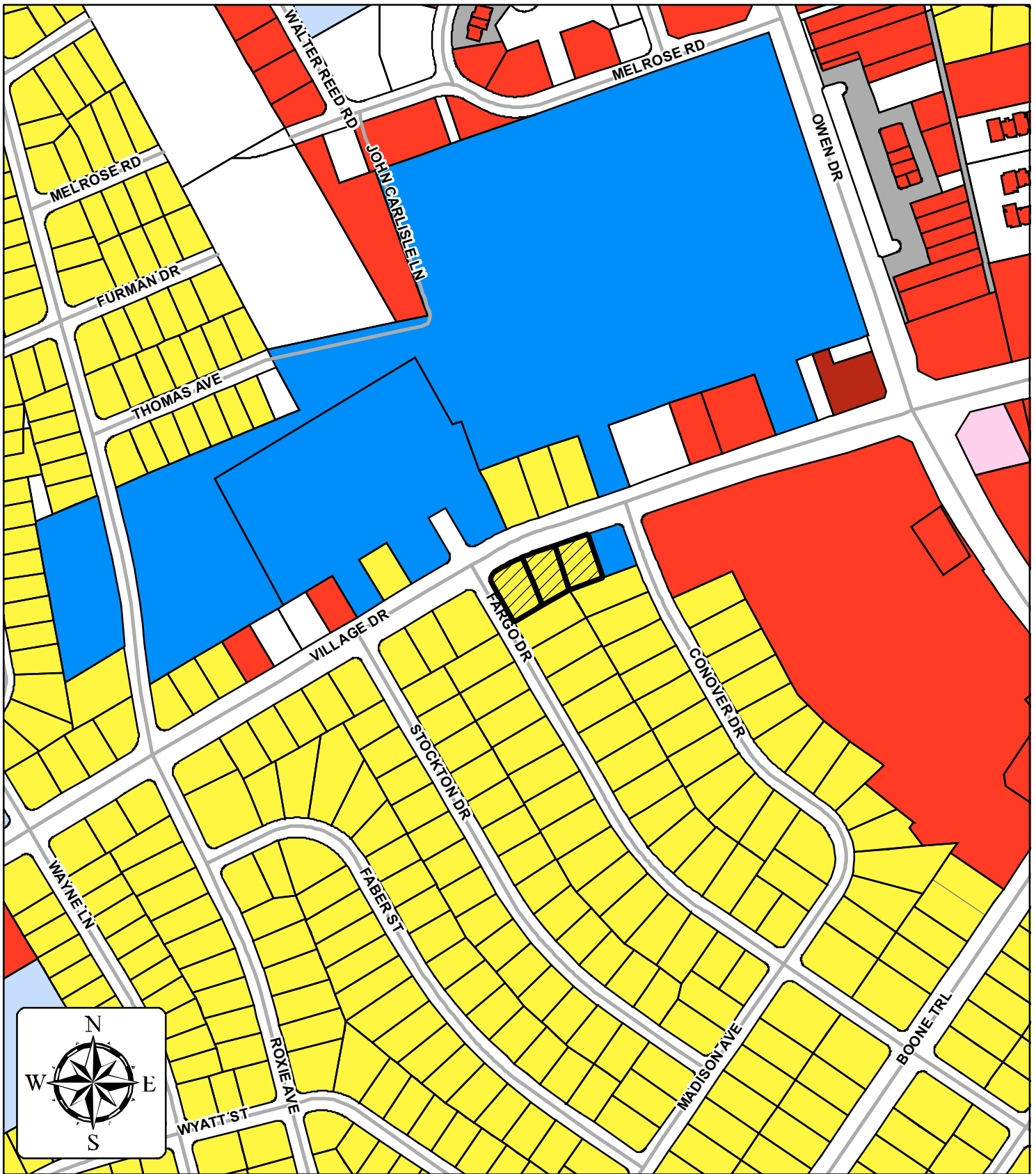


Legend

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

Current Land Use

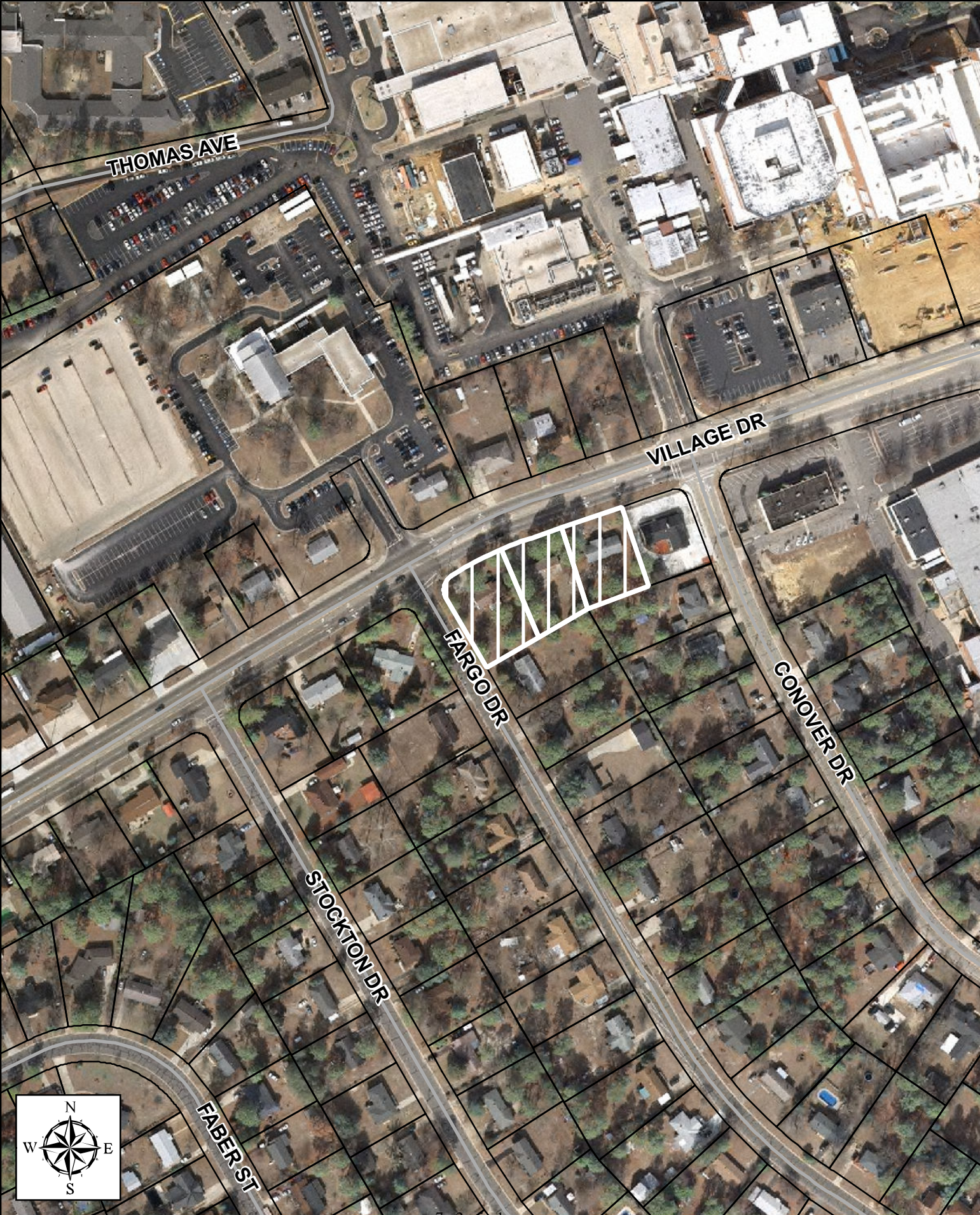
P09-50F



Legend

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

ZONING COMMISSION
CASE NO. P09-50F





P09-50F

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
DECEMBER 8, 2009- 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Lockett Tally
Marshall Isler
Mannell
Hendricks

MEMBERS ABSENT

OTHERS PRESENT

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

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

I. APPROVAL OF AGENDA

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

II. APPROVAL OF THE MINUTES FROM THE OCTOBER 13, 2009 MEETING

Mr. Paoni made a motion to approve the minutes from October 13, 2009. Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

III. APPROVAL OF THE MINUTES FROM THE NOVEMBER 10, 2009 MEETING

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

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

IV. PUBLIC HEARINGS

G. Case No. P09-50F. The rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification for property located at 3405, 3409, 3413 Village Drive. Containing 1.15 acres more or less and being the property of Billy R. & wife Catherine W. Parker.

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. Mr. Harmon stated that the existing land use is single family residential. Mr. Harmon stated the property is located on a feeder street to a major thoroughfare and the traffic count for the area is an average of 15,000 vehicles a day. He stated that the 2010 land use plan called for low density residential. He stated that the Planning Department mailed out 63 letters in regards to the request. Mr. Harmon showed pictures to explain current land use of the property.

Mr. Harmon stated that the Planning Staff recommends denial of the rezoning based on:

1. A straight map change would facilitate a more coordinated redevelopment of both this and the corner lot, but it would also allow individual use of this single lot for office use, thus facilitating inappropriate non-residential encroachment into the neighborhood.
2. While hospital activity and the noise of the emergency entrance drive suggest that offices are appropriate long term uses in this immediate area, the lots along Village Drive and Conover Drive are not big enough individually to be re-used for offices without having negative impacts on both the neighborhood behind them and the function and appearance of the corridor.
3. Appropriate re-use or redevelopment in this immediate area would include a substantial buffer establishing a protective edge for the neighborhood, a landscaped streetscape, coordinated access, and an urban building pattern.
4. Staff recommends that individual rezoning not occur in this 1-2 block area unless either:
 - a) a small area plan is completed and an overlay is in place to achieve at least the objectives in #3 above.
 - b) the application includes a conditional zoning and the site plans achieve the objectives in #3 above.

Either approach would allow the city to make sure that adequate and appropriate parking, landscaping/buffering, access and building size/height are achievable.

Mr. Paoni asked about a study on this area of Fayetteville. Mr. Harmon stated that a study and overlay district has not been done but there is going to be completed on the area. Mr. Harmon stated that it is the Planning Department's goal to have the lands consolidated as opposed to individual houses being converted to businesses. Mr. Harmon stated that it is the City's goal to manage the growth and to help assist in the consolidation of that area.

Mr. Isler stated that the study for this area should be a priority.

Mr. Crawley expressed his concerned about the need for this area to be rezoned. He stated that this was going to be just like the situation with Hope Mills Road and he expressed his concern about the need for it being developed in a better way.

The public hearing was opened.

Mr. Chris Roberts appeared in favor of the request. Mr. Roberts stated that he was a representative of the owner for the property. Mr. Roberts had represented another applicant previous for a property located on Fargo. He stated that he would like to have three rezoned. He stated the properties are rentals and the tenants are moving out. Mr. Roberts stated that the emergency room for the hospital is directly across the street for the property.

Mr. Paoni asked if there were any questions.

Mr. Paoni asked Mr. Roberts if he considered a P2 rezoning. Mr. Paoni asked about the traffic and parking. Mr. Roberts stated that with combining the three lots; any traffic pattern required by DOT could be taken care of.

Mr. Roberts stated that they need immediate tenants and they have a long range plans for redevelopment.

Mr. Crawley asked what the time frame on the study was. Mr. Harmon stated that it has been requested by Fayetteville City Council, but that the study has not been started. Mr. Harmon stated that staff understands that the area is changing.

Mr. Crawley asked what the time frame would be on this study. Mr. Harmon replied that the time frame, once started would be about three months. Mr. Harmon explained that it would take community meetings, go before the Planning Commission and then it would go before City Council to approve the plan and overlay zone. Mr. Harmon stated that three months would be a very tight schedule to get it done.

Mr. Crawley made a motion to recommend zoning to P2. There was no second, the motion died.

Mr. Steinmetz explained the differences to the Commission between P1 and P2 zoning districts. Mr. Steinmetz stated that P1 is more restrictive.

Mr. Crawley made a motion to recommend zoning to P1. Mr. Isler seconded the motion. The vote was 2 in favor and 3 opposed. The motion failed.

Mr. Paoni made a motion to deny the request for rezoning. Mr. West seconded the motion. The vote was 4 in favor and 1 opposed. The motion passed with Mr. Crawley voting in opposition.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig M. Harmon, Planner II
DATE: February 22, 2010
RE: **Development Services - Case No. P10-02F. Appeal of Zoning Commission denial of a request to rezone the property located at 129 N. Plymouth Street from R6 Residential District to P2 Professional District. Tina Dicke & Bruce Morrison owner**

THE QUESTION:

What is the appropriate zoning district for property currently surrounded by single family residential and agricultural.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development
Livable Neighborhoods

BACKGROUND:

Owner: Tina Dicke and Bruce Morrison
Applicant: Tina Dicke and Bruce Morrison
Requested Action: Change R6 to P2
Property Address: 129 Plymouth St.
City Council District: 2 (Davy)
Status of Property: Vacant Home
Size: 0.56 +/- acres
Existing Land Use: Single Family Residential
Adjoining Land Use & Zoning: North - R6 (residential) / South - R6 (residential and vacant) / East - County (vacant) / West -R6 (residential)
2010 Land Use Plan: Medium Density Residential
Letters Mailed: 47
Transportation: North Plymouth is a collector street with an average daily traffic count of 1500 vehicles.

2030 Plan - Policy 9.2: Local governments should BE CAUTIOUS OF REZONING RESIDENTIALLY ZONED LAND to commercial zoning solely because it adjoins a major highway or street. Proper design and/or buffering has shown that land tracts adjoining major streets can be properly developed for residential use.

R6 - Primarily a single-family residential district but with smaller areas than in the R10, per family required, permitting more frequent use of two-family and multifamily structures. This district would allow for a maximum of 2 units on this property.

P2 - Primarily for general office uses compatible with an area that is predominantly residential in character. The district is intended to provide a transition from high intensity use areas to residential districts. Development allowed in this district could include offices with mixed residential use and, with special use approval, a retail specialty shop area.

ISSUES:

While the 2010 Land Use Plan calls for high density commercial across Plymouth Street from this property the County now looks to the 2030 Growth Vision Plan for guidance in approving rezonings. In talking with the county, staff indicated that they would be unlikely to recommend a commercial rezoning on the property across the street unless it was part of a major development/concept plan. Rezoning a single small area in the middle of the block, contrary to the Land Use Plan and without other compelling reasons, is often viewed as spot zoning which is considered contrary to professional planning practices.

Zoning Commission and Staff recommend Denial of the rezoning based on:

1. The 2010 Land Use Plan calls for medium density residential.
2. The 2030 Growth Vision Plan calls for caution in rezoning residential area to commercial uses just because they are on or near a highway.
3. Currently single family residential (including owner occupied) and agricultural uses surround this property.
4. Spot Zoning

OPTIONS:

Deny the rezoning of this property (recommended);
Zone the property to P2 Professional Zoning District as requested;
Zone to a more restrictive Zoning District.

RECOMMENDED ACTION:

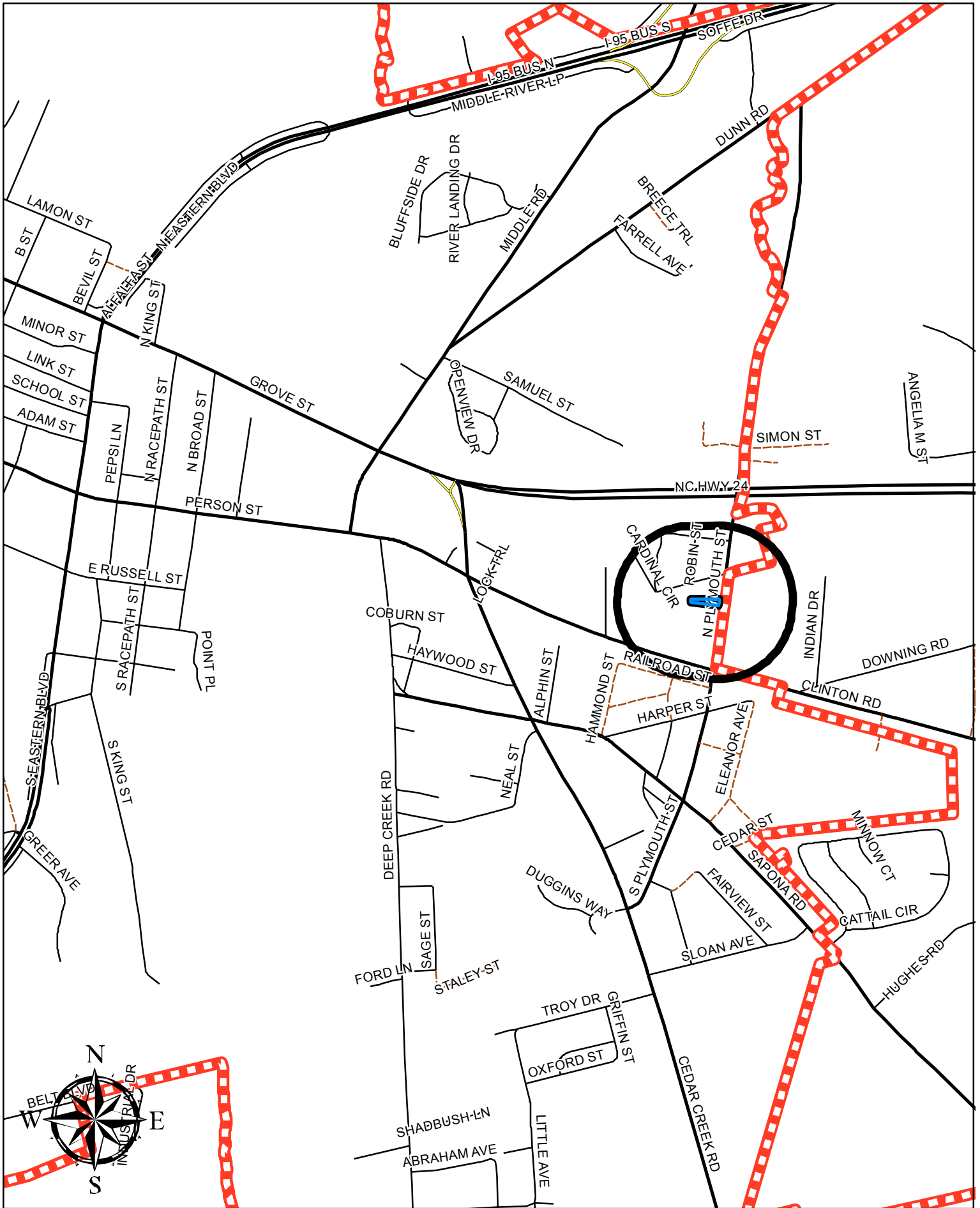
The Zoning Commission recommend that the Council move to deny the rezoning from R6 Residential District to P2 Professional District based on the reasons provided in the ISSUES Section above.

ATTACHMENTS:

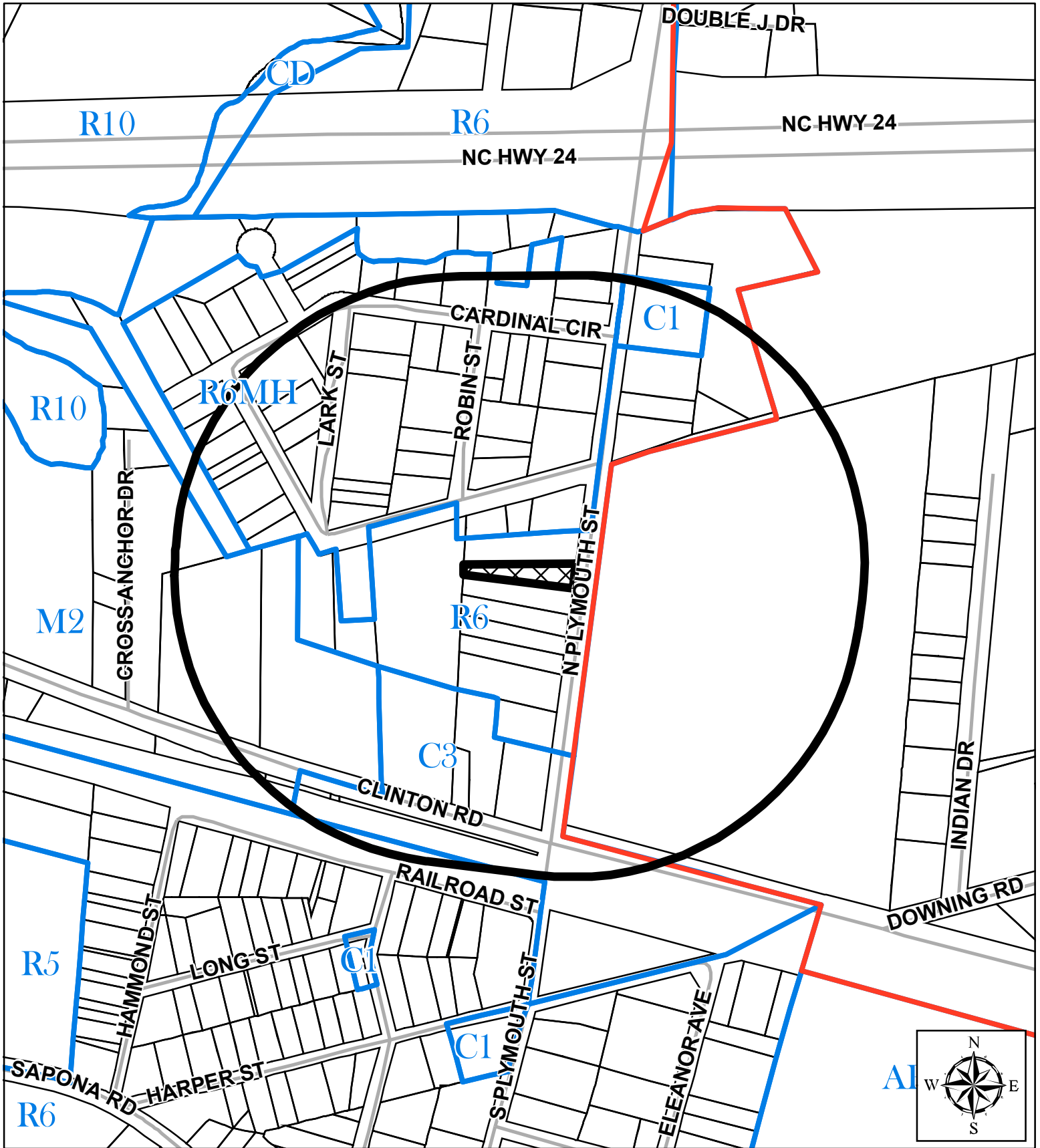
Vicinity Map
Zoning Map
2010 Plan
Ortho Photo
Minutes

Zoning Commission - Vicinity Map

Case No. P10-02F



ZONING COMMISSION
CASE NO. P10-02F



Request: R6 to P2
Location: 129 Plymouth St.
Acreage: +/- 0.56

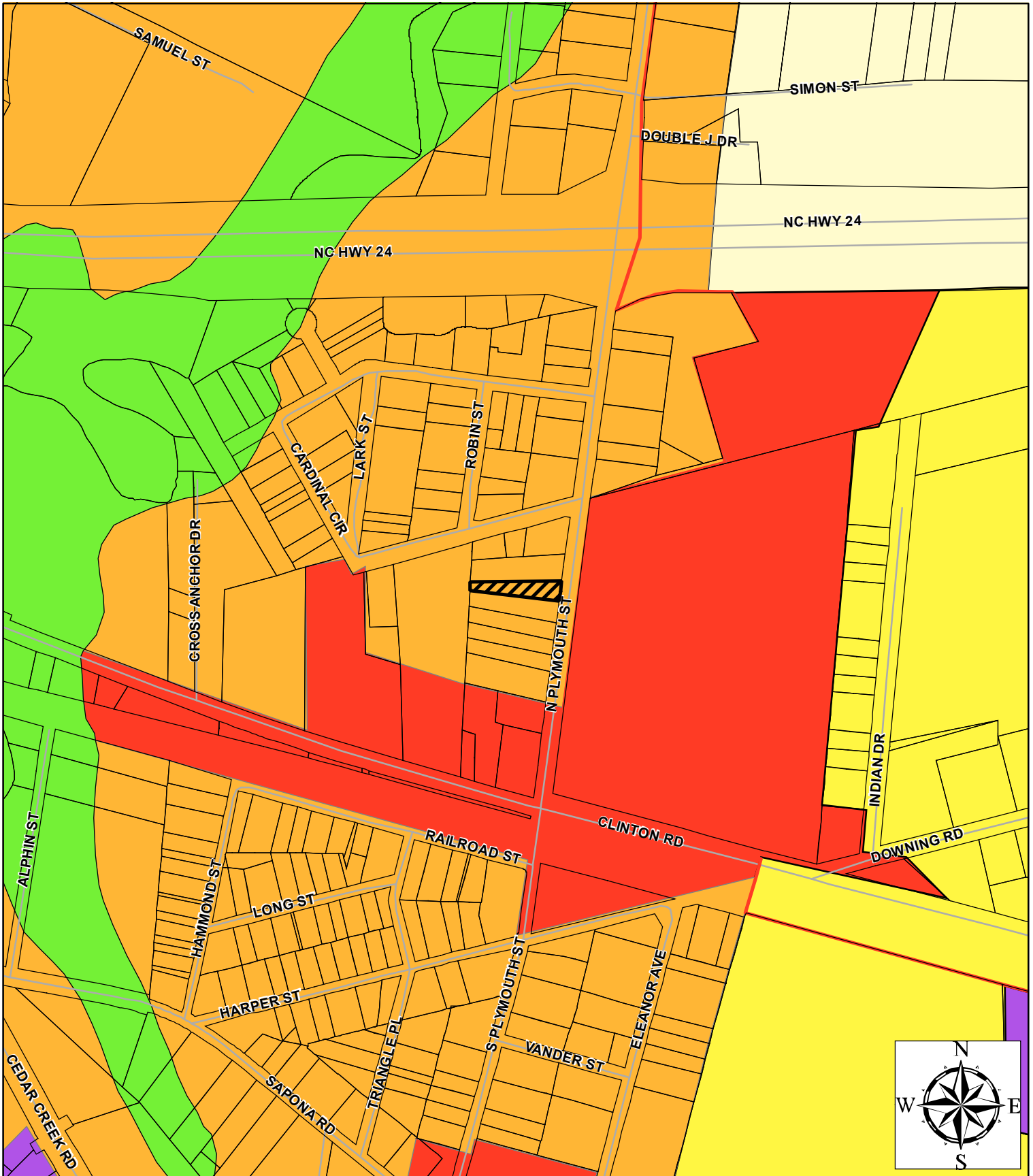
Zoning Commission: 1/25/2010
City Council: _____
Pin: 0447-61-7363

Recommendation: _____
Final Action: _____







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

2010 Land Use Plan

Case No. P10-02F



Legend

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

ZONING COMMISSION
CASE NO. P10-02F



**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
JANUARY 12, 2009- 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Lockett Tally
Marshall Isler
Mannell
Hendricks

MEMBERS ABSENT

OTHERS PRESENT

Marsha Bryant, Planner
Craig Harmon, Planner
Janet Smith, Asst. City Atty
David Steinmetz, Inspections
Karen Hilton, Dept. Manager

I. APPROVAL OF AGENDA

II. APPROVAL OF THE MINUTES FROM THE DECEMEBER 8, 2009 MEETING

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

III. PUBLIC HEARINGS

- A. Case No. P10-02. The rezoning from R6 Residential District to P2 Professional District or to a more restrictive zoning classification for property located at 129 N. Plymouth Street. Containing 0.56 acres more or less and being the property of Tina Dicke & Bruce Morrison.**

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. He stated that the 2010 land use plan called for medium density residential.

Planning Staff recommends Denial of the rezoning based on the following reason. (1.) The 2010 Land Use Plan calls for medium density residential.
(2.) The 2030 Growth Vision Plan calls for caution in rezoning residential area to commercial

uses just because they are on or near a highway.

(3.) Currently single family residential and agriculture surround this property.

Mr. Harmon stated that while the 2010 Land Use Plan calls for high density commercial across Plymouth Street from this property the County now looks to the 2030 Growth Vision Plan for guidance in approving rezoning. Mr. Harmon said in talking with the county, they would not approve a commercial rezoning on the property across the street unless it was part of a major development/concept plan.

The public hearing was opened.

Ms. Tina Dickey appeared in favor of the request. She stated that it is a challenge to maintain as rental residential property. She would like to use the administrative offices purposes.

Mr. Paoni as if this was for a personal care service for employees to come by and get paychecks and Ms. Dickey replied yes.

Ms. Alicia Morrison waived her right to speak at this time.

Ms. Emily Pittman, appeared in opposition of the request. Ms. Pittman owns the property adjacent to the property. She stated that her concern is for the parking consideration. She stated there is not a lot of space for parking and she doesn't want her property used for parking as it has in the past.

Mr. Crawley asked about Ms. Pittman's property. He asked what it was used for. Ms. Pittman stated that the lot is currently vacant. Ms. Pittman stated that the tenants have taken care of anything that she would have considered a problem.

Ms. Robyn Casin, appeared in opposition of the request. Ms. Casin asked if there was a specific zoning available to ensure that the property is only used for administrative offices. Mr. Harmon explained that on a conditional use zoning would be the only thing that would work. Mr. Harmon stated that he offered that option to the applicant.

Ms. Alicia Morrison appeared in rebuttal of the opposition. She stated that the property is deep and parking would be in the back. Mr. Paoni asked about the amount of staff. Mr. Morrison stated that it would two or three employees.

The public hearing was closed.

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

Mr. Harmon explained the appeal process to the applicants.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig M. Harmon, Planner II
DATE: February 22, 2010
RE: **Development Services - Case No. P10-03F. Appeal filed by an adjacent property owner of Zoning Commission approval of a request to rezone the property located at 4584 Carula Lane from AR Residential District to R10 Residential District. Pamela Autry & Martha West owner**

THE QUESTION:

What is the appropriate zoning district for property currently surrounded by existing and approved low density single family residential.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development
Livable Neighborhoods

BACKGROUND:

Owner: Pamela Autry and Martha West
Applicant: Michael Harrell
Requested Action: AR to R10
Property Address: 4584 Carula Ln.
City Council District: 6 (Crisp)
Status of Property: 1 single family dwelling the property
Size: 14.91 +/- acres
Existing Land Use: Farm
Adjoining Land Use & Zoning: North - AR (residential) / South - AR & R10 (residential & forest) / East - R10 (single family subdivision under construction) / West -AR (forest)
2010 Land Use Plan: Low Density Residential
Letters Mailed: 120
Transportation: Carula Lane is a private street. Fisher Road is the closest public street. It has an average daily traffic count of 7900 vehicles.

AR - This district is designed for rural use to include agricultural use and low-density residential use. This district would allow for a maximum of 32 units.

R10 - Primarily a single-family residential district with smaller lot areas required but including occasional two-family and multifamily structures on larger lots. This district would allow for a maximum of 86 units.

ISSUES:

The R10 property to the east of this application has an approved subdivision (Summer Grove) with 60 new lots planned.

Zoning Commission and Staff recommend Approval of the rezoning based on:

1. The 2010 Land Use Plan calls for low density residential. R10 is one of the city's low density districts.
2. This property abuts an already approved subdivision zoned R10.
3. The 2030 Growth Vision Plan states that development should occur at densities appropriate for the site. The recommended zoning would be appropriate for the level of service and compatible with the proposed/existing homes in this area.

OPTIONS:

Zone the property to R10 Residential Zoning District (recommended);
Zone to a more restrictive Zoning District;
Deny the rezoning of this property.

RECOMMENDED ACTION:

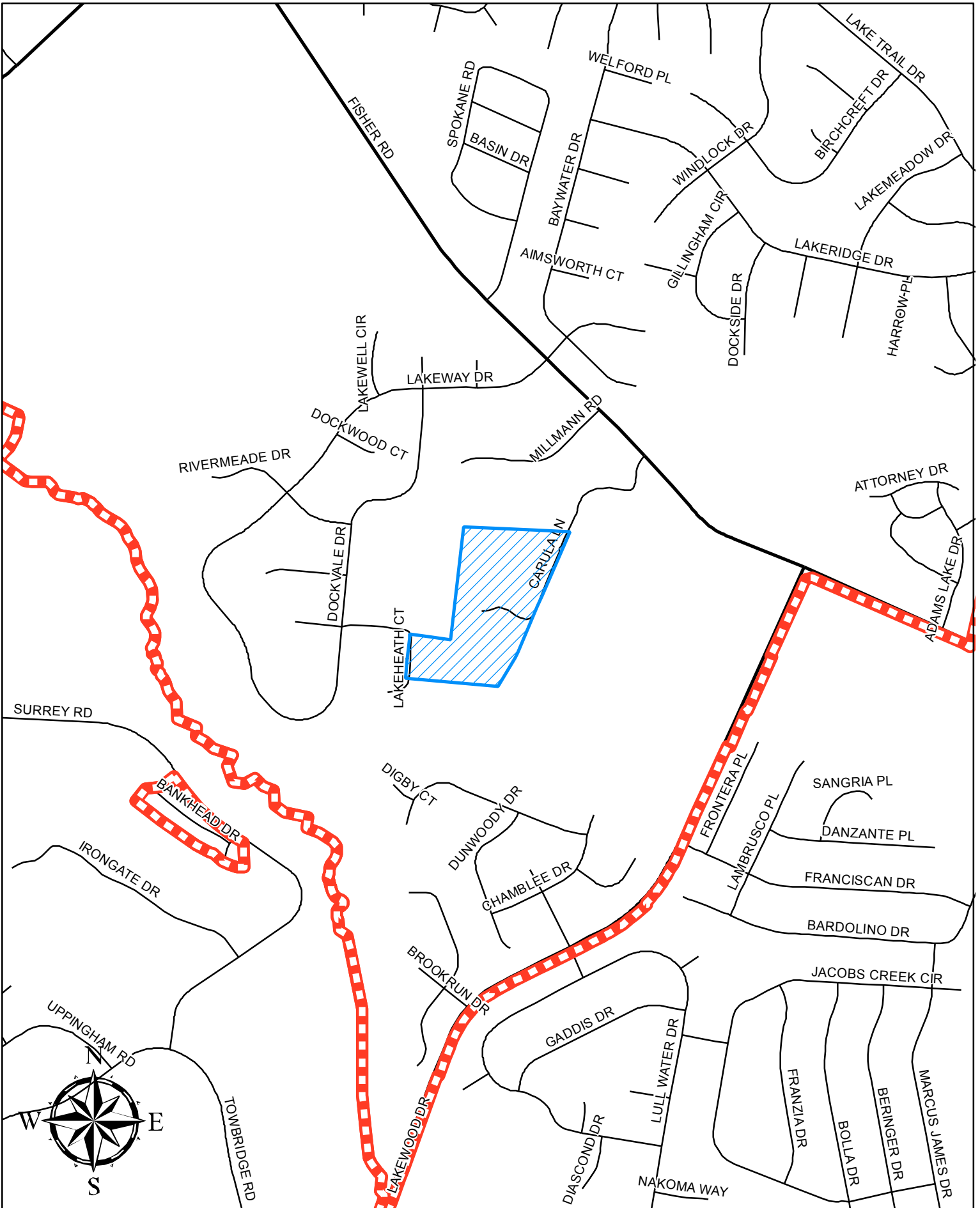
The Zoning Commission recommends that Council move to approve the rezoning from AR Agricultural Residential District to R10 Residential District based on the reasons provided in the ISSUES Section above.

ATTACHMENTS:

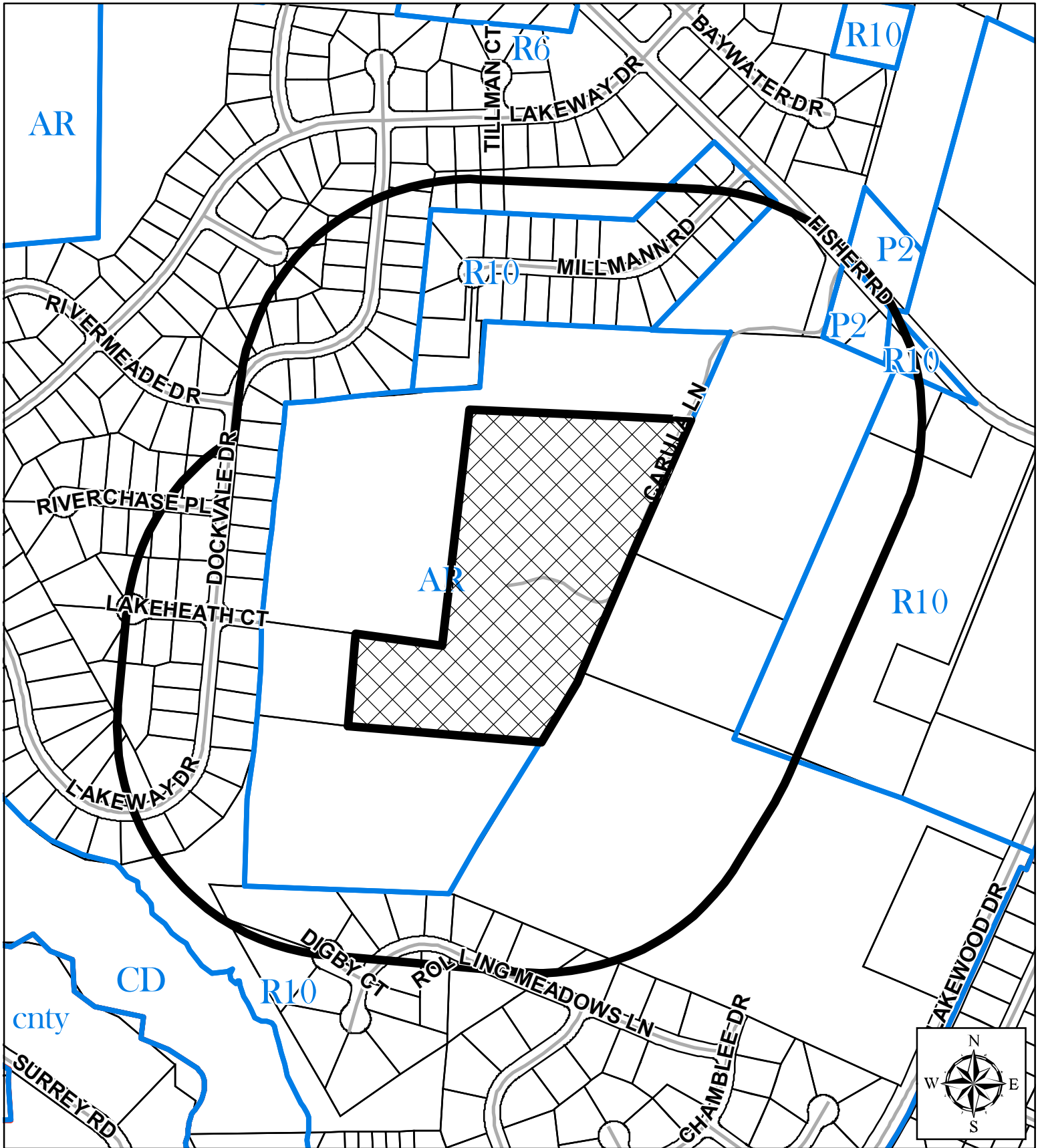
Vicinity Map
Zoning Map
2010 Plan
Ortho Photo
Minutes

Vicinity Map

Case No. P10-03F



ZONING COMMISSION
CASE NO. P10-03F



Request: AR to R10
Location: 4584 Carula Ln.
Acreage: +/- 14.91

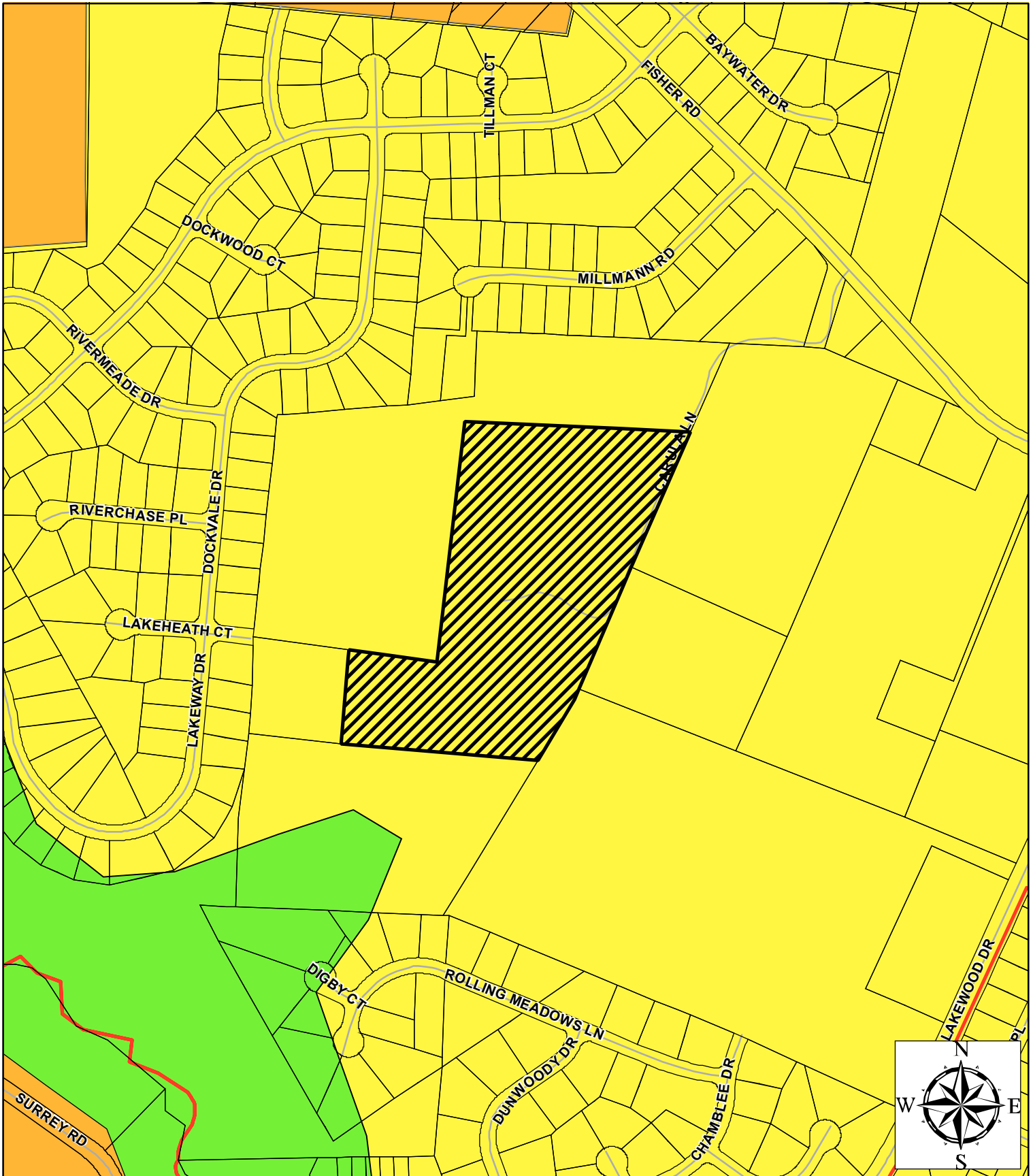
Zoning Commission: 1/25/2010
City Council: _____
Pin: 9495-95-6879

Recommendation: _____
Final Action: _____

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

2010 Land Use Plan

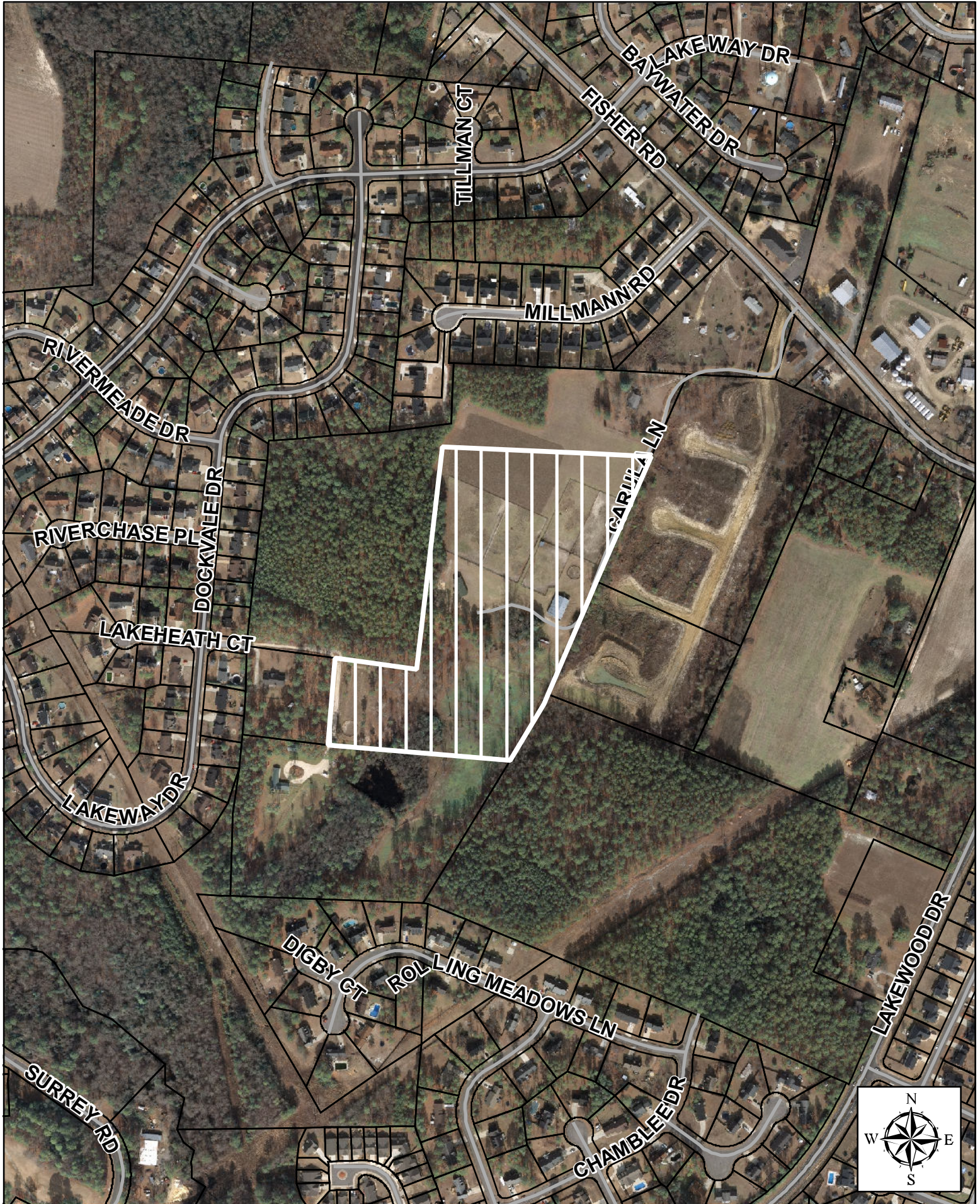
Case No. P10-03F



Legend

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

AERIAL PHOTO
Case No. P10-03F



**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
JANUARY 12, 2009- 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Lockett Tally
Marshall Isler
Mannell
Hendricks

MEMBERS ABSENT

OTHERS PRESENT

Marsha Bryant, Planner
Craig Harmon, Planner
Janet Smith, Asst. City Atty
David Steinmetz, Inspections
Karen Hilton, Dept. Manager

I. APPROVAL OF AGENDA

II. APPROVAL OF THE MINUTES FROM THE DECEMEBER 8, 2009 MEETING

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

III. PUBLIC HEARINGS

- B. Case No. P10-03F. The rezoning from AR Residential District to R10 Residential District or to a more restrictive zoning classification for property located at 4584 Carula Lane. Containing 14.91 acres more or less and being the property of Pamela Autry & Martha West.**

Mr. West stated that due to a personal connection on this case he was going to recuse himself. A vote was taken and passed unaimously. Mr. Isler made a motion to accept Mr. Mannell as seated, Mr. Crawley seconded the motion. A vote was taken and passed unaimously.

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. He stated that the 2010 land use plan called for low density

residential. Mr. Harmon showed pictures to explain current land use of the property. Mr. Harmon stated that the Planning Staff recommends Approval of the rezoning based on:

- (1.) The 2010 Land Use Plan calls for low density residential. R10 is one of the city's low density districts.
- (2.) This property abuts an already approved subdivision zoned R10.
- (3.) The 2030 Growth Vision Plan states that development should occur at densities appropriate the site. This zoning would be appropriate for the level of service and compatible to the proposed/existing homes in this area.

The public hearing was opened.

Mr. Tim Evans appeared in favor or the request. He stated that he is representing the seller and the buyer of the property. Mr. Evans stated that the property is land locked. He stated that the neighborhood will have access via Carula Road using entrance from Summergrove, which surrounds the property.

Mr. Davis was signed up to speak in opposition but did not answer when called.

The public hearing was closed.

Mr. Crawley made a motion to approve the request for rezoning to R10. Mr. Tally seconded the motion. A vote was taken and passed unanimously.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Craig M. Harmon, Planner II
DATE: February 22, 2010
RE: **Development Services - Case No. P10-05F. Request to rezone the property located at 624, 628, 708 & 714 Dunn Road and David J Road from R6 and R10 Residential Districts to M2 Industrial District. David and Jill Soles, and Gerald Bishop and Bishop Leasing owners**

THE QUESTION:

Rezone from R6 and R10 Residential Districts to M2 Industrial District or to a more restrictive zoning classification.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live.
More Attractive City - Clean and Beautiful.
Greater Tax Base Diversity - Strong Local Economy.

BACKGROUND:

Owner: David & Jill Soles, Gerald Bishop and Bishop Leasing
Applicant: J. Thomas Neville
Requested Action: R10 & R6 - M2
Property Address: 624, 628, 708 & 714 Dunn Rd and David J Rd.
City Council District: 2 (Davy)
Status of Property: Nonconforming
Size: 26.38 +/- acres
Existing Land Use: Salvage Yard
Adjoining Land Use & Zoning: North - R10, R6 & M1 (industrial & residential), / South - CD, AR & R10 (residential & vacant) / East - County (residential & vacant) / West -R6 & R10 (residential & vacant)
2010 Land Use Plan: Medium Density Residential and Conservation
Letters Mailed: 52
Transportation: Dunn Road is a minor thoroughfare with an average daily traffic count of 2,700 vehicles.

R6 - Primarily a single-family residential district but with smaller lot areas per family required, permitting more frequent use of two-family and multifamily structures.

R10 - Primarily a single-family residential district with smaller lot areas required but including occasional two-family and multifamily structures on larger lots.

M2 - Exclusively a commercial, wholesaling and manufacturing district and excluding all residential uses not required for the proper conduct of the allowed activities.

ISSUES:

There currently is a salvage yard in operation on these properties (see aerial photo enclosed). It is a nonconforming use on residentially zoned property. A significant portion of the property is also within the floodplain property.

This rezoning request is in response to an ordinance adopted by City Council in November 2008 that established a 3-year amortization process to close and remove all vehicles/junk from any non-

conforming salvage yard by January 1, 2012. For non-conforming salvage yards located in a residential district, after the first year (by January 1, 2010) such yards must remove all disassembled or inoperable motor vehicles and junk within the first 50 feet from the front street property line and within 35 feet from all other property lines. No new materials can be received. At the end of the second year, the required cleared area becomes 150 feet from the street and 100 feet from all other property lines by January 1, 2011. The use must close and all salvage materials be removed by January 1, 2012.

The applicant has been cited for being in violation of the first year's requirements. Staff continues to research operational aspects and state review/inspection procedures in this case and updates will be provided where relevant.

As a reminder, in order for the applicant/owner to make this salvage yard a conforming use, there is a two step process. First this property must be rezoned to M2 industrial. Next, a Special Use Permit would have to be issued on the property to allow for a salvage yard.

Zoning Commission recommends Approval of the rezoning based on:

1. History of compatibility with surrounding properties.
2. Sufficient area and separation possible for this type of operation.
3. Loss of jobs if the salvage yard is shut down.
4. That the applicant would have to submit an application for a Special Use Permit as well, where specific conditions can help mitigate concerns.

Planning Staff recommends Denial of the rezoning based on:

1. The 2010 Land Use Plan recommends medium density residential and open space or conservation uses for these properties;
2. The existing land use is a non-conforming salvage yard. Rezoning to M2 would be contrary to the objectives of the recently adopted ordinance requiring the closing and removal of all vehicles from such salvage yards;
3. M2 industrial is the least restrictive (most permissive) zoning district in the City of Fayetteville; it allows a variety of commercial and heavy industrial uses that would be inappropriate for this area based on the property being within the floodway or the 100-year floodplain;
4. The applicant's intent is to receive M2 zoning in order to request a special use permit to change the salvage yard from a non-conforming business to a conforming business. This change allows the salvage yard to continue operating beyond January 1, 2012. **This use is inconsistent with state law adopted in 2000 prohibiting salvage yards within 100-year floodplain areas.**

OPTIONS:

Deny the rezoning of this property (recommended by Staff);
Zone these properties to M2 Industrial Zoning District (recommended by Zoning Commission);
Zone a portion of these properties to M2 Industrial Zoning District.
Zone to a more restrictive Zoning District.

RECOMMENDED ACTION:

Recommended by staff - Move to deny the rezoning from R6 and R10 Residential Districts to M2 Industrial District based on the reasons provided in the ISSUES Section above.

Recommended by Zoning Commission - Move to approve the rezoning from R6 and R10 Residential Districts to M2 Industrial District based on the reasons provided in the ISSUES Section above.

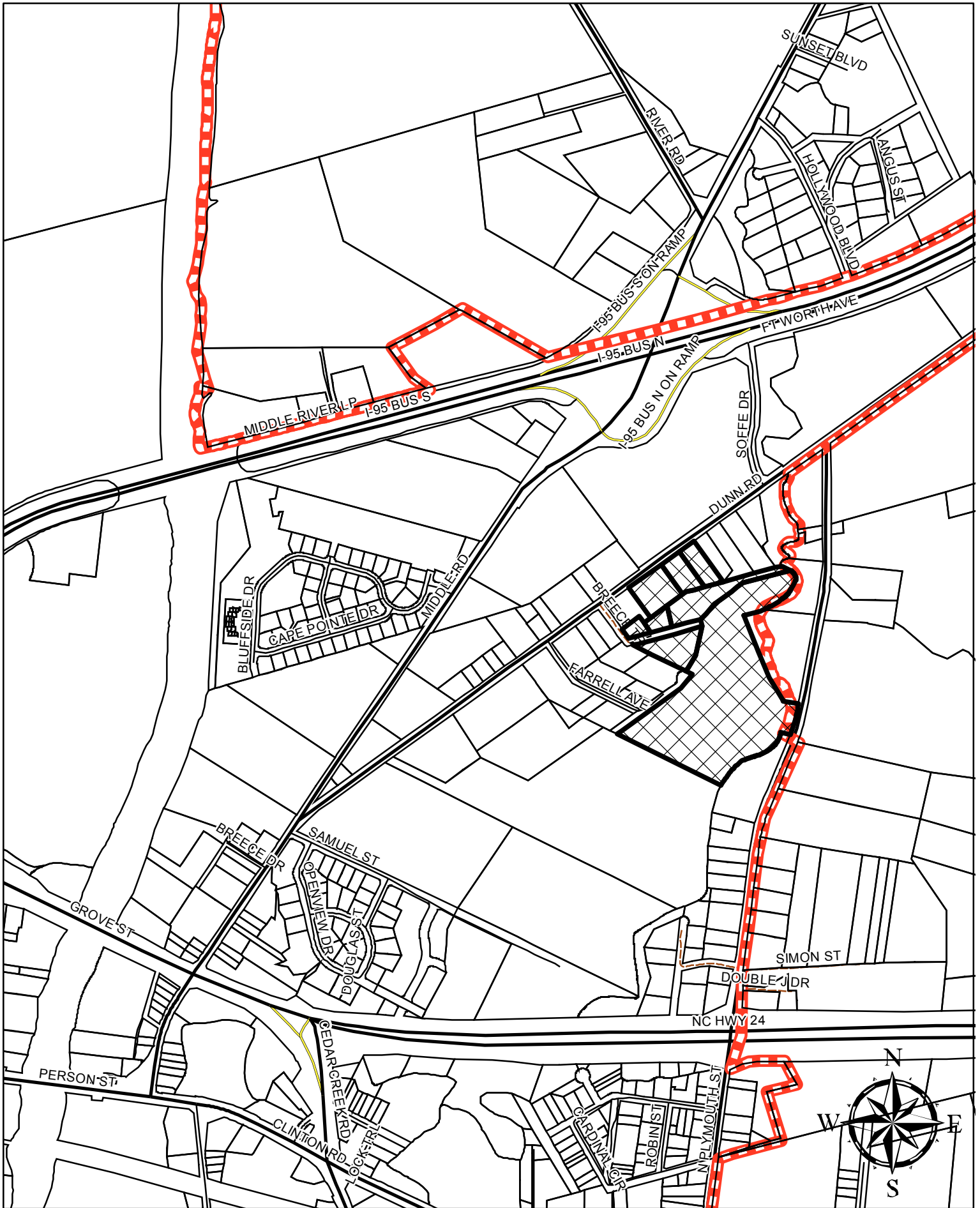
ATTACHMENTS:

Vicinity Map
Zoning Map
2010 Plan
Current Landuse

Ortho Photo/Flood Map
Minutes

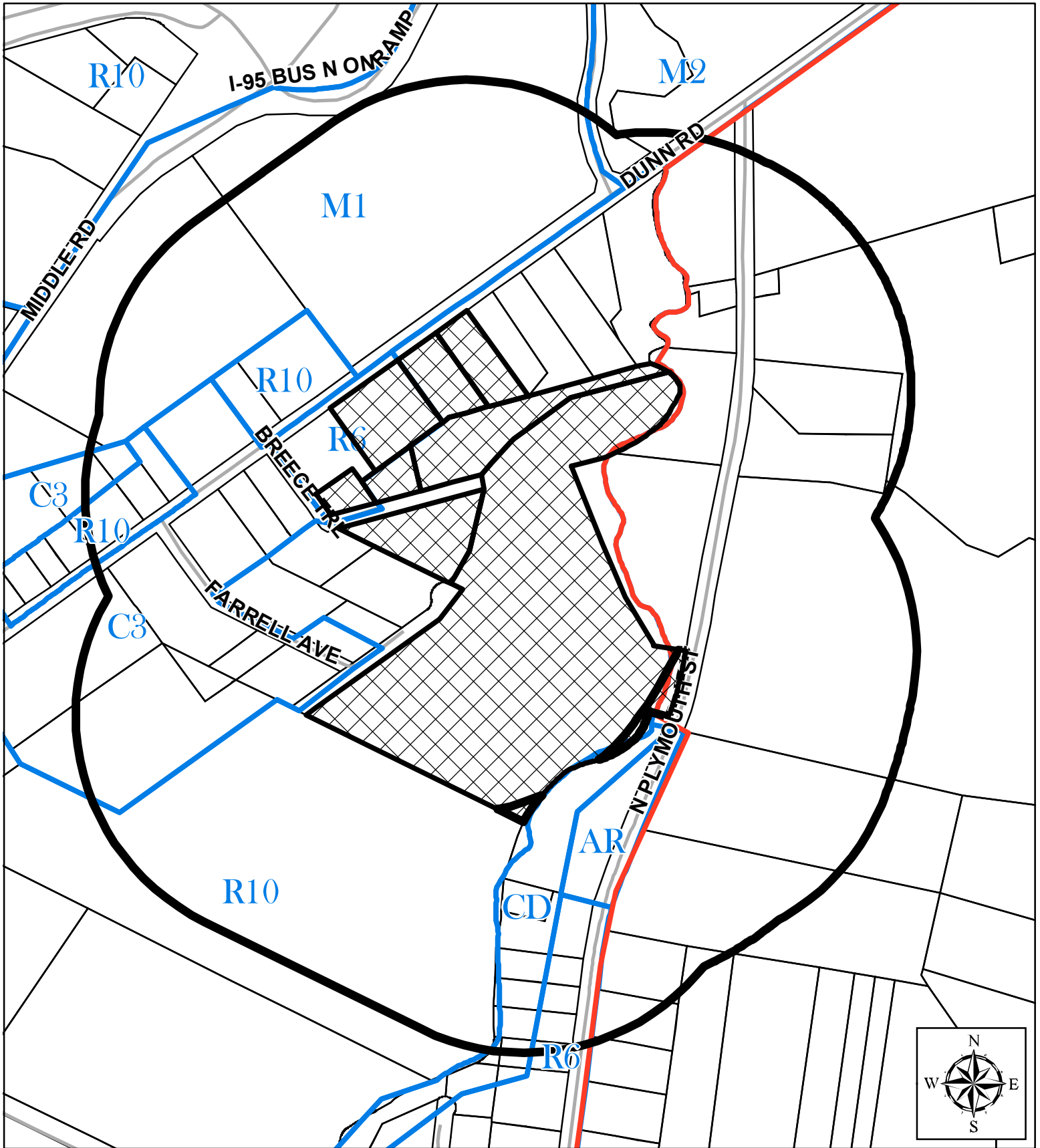
Vicinity Map

Case No. P10-05F



ZONING COMMISSION

Case No. P10-05F



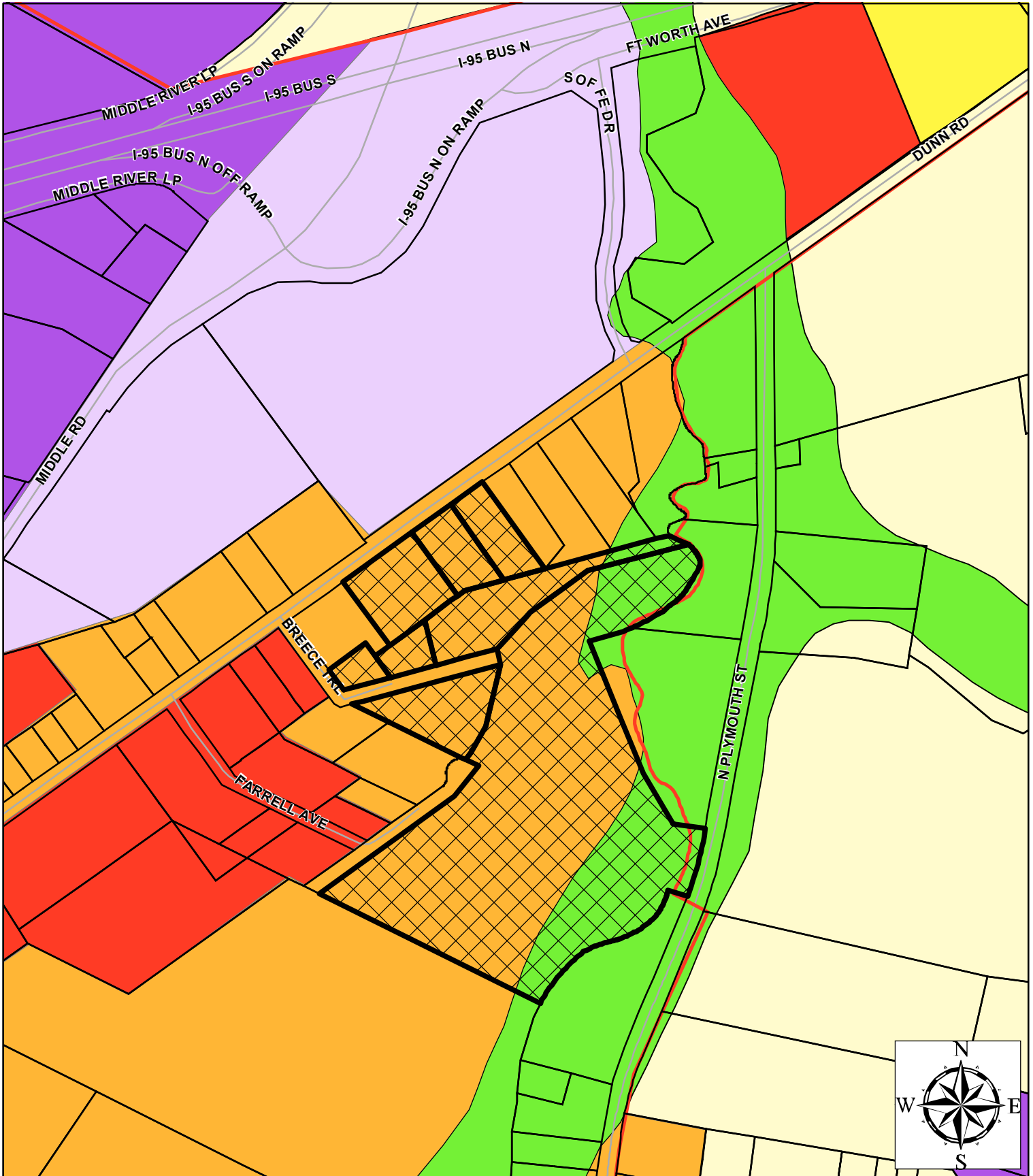
Request: R6 & R10 to M2
Location: 624, 628, 708 & 714 Dunn Rd and David J Rd.
Acreage: +/- 5

Zoning Commission: 1/25/2010 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0447-65-7559 & 0447-65-5477 & 0447-65-9443 & 0447-65-6207







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

2010 Land Use Plan

Case No. P10-05F

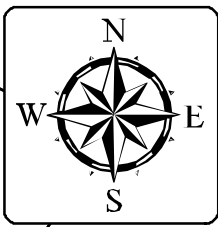
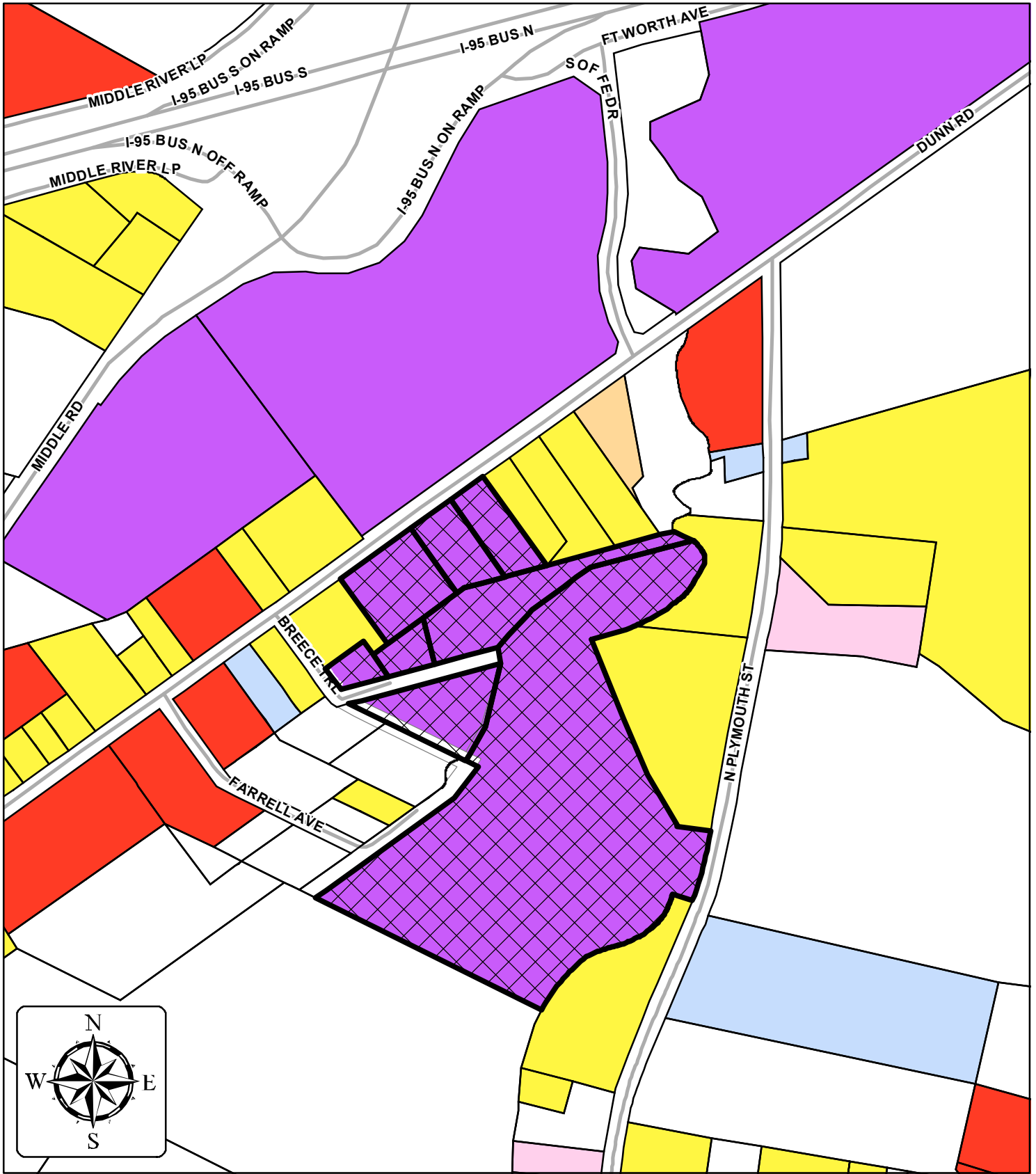


Legend

- | | | |
|--|--|---|
|  Medium Density Residential |  Light Industrial |  Open Space |
|  Heavy Industrial |  Heavy Commercial |  Low Density Residential |

Current Land Use

P10-05F



Legend

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

AERIAL PHOTO / 100 YEAR FLOOD INFO

Case No. P10-05F



**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
JANUARY 12, 2009- 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Lockett Tally
Marshall Isler
Mannell
Hendricks

MEMBERS ABSENT

OTHERS PRESENT

Marsha Bryant, Planner
Craig Harmon, Planner
Janet Smith, Asst. City Atty
David Steinmetz, Inspections
Karen Hilton, Dept. Manager

I. APPROVAL OF AGENDA

II. APPROVAL OF THE MINUTES FROM THE DECEMEBER 8, 2009 MEETING

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

III. PUBLIC HEARINGS

- D. Case No. P10-05F. The rezoning from R6 and R10 Residential Districts to M2 Industrial District or to a more restrictive zoning classification for property located at 624 628 708 714 Dunn Road and David J Road, and being all of Bishop Salvage Yard. Containing 5 acres more or less and being the property of David and Jill Soles, and Gerald Bishop and Bishop Leasing.**

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. He stated that the 2010 land use plan called for medium density residential and conservation.

Mr. Harmon stated that the Planning Staff recommends Denial of the rezoning based on:

- (1.) The 2010 Land Use Plan recommends medium density residential and open or conservation uses for these properties;
- (2.) The existing land use is a non-conforming salvage yard. The City Council recently adopted an ordinance that requires the owner to close the salvage yard and remove all the vehicles prior to January 1, 2012;
- (3.) M2 industrial is the least restrictive zoning district allowing a variety of commercial and industrial uses that would be inappropriate for this area based on the property being within the floodway or the 100-year floodplain;
- (4.) The applicant's intent is to receive M2 zoning in order to request a special use permit to change the salvage yard from a non-conforming business to a conforming business. This change allows the salvage yard to continue operating beyond January 1, 2012. This use is inconsistent with state law adopted in 2000 prohibiting salvage yards within 100-year floodplain areas.

Mr. West asked about the flood plain. Mr. Steinmetz stated that FEMA would be able to assist in showing the applicant where the flood plane lies. Mr. Steinmetz stated that if cars were parked in the floodplain, they would be in violation.

The public hearing was opened.

Mr. William Howard appeared in favor in favor and deferred his time to Mr. Neville.

Mr. Neville appeared in favor of the request. He stated that he is the attorney for the applicant. He stated that since 1941 the business has been in operation, that it is a family ran business and has 22 employees. He stated that most of the surrounding property; the property owned by these property owners or the church located nearby.

Mr. Soles appeared in favor of the request.

Mr. Bishop appeared in favor of the request. He stated that he would like for things to remain the way they are.

Ms. Sue Coles appeared in favor of the request. She stated that she lives across the street for the Bishops. She stated that they provide a valued activity and good neighbors.

Mr. Bert Kitchen appeared in favor of the request. He stated that the salvage yard is a tremendous business.

Mr. Fisher appeared in favor of the request. He stated that he knows Mr. Bishop all his life. He stated the business has been in the family for decades.

The public hearing was closed.

Mr. Neville, the Commission and Planning staff discussed the flood plane and its concerns.

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

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council Members
FROM: Bradley S. Whited, Airport Director
DATE: February 22, 2010
RE: **Airport - Brief DC Air Service Study**

THE QUESTION:

What were the results of the DC Air Service Study?

RELATIONSHIP TO STRATEGIC PLAN:

Management Action Item - 2010 Direct flights to Washington DC.

BACKGROUND:

InterVISTAS completed a business/personal survey and will present the results of that survey and status of the study. This is a presentation only.

ISSUES:

NA

OPTIONS:

NA

RECOMMENDED ACTION:

For Informational Purposes

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: February 22, 2010
RE: **Engineering & Infrastructure - Uniform Street and Thoroughfare Lighting Ordinance**

THE QUESTION:

City Council must adopt a street lighting ordinance in order for Progress Energy to seek approval from the State Utilities Commission to charge residents for street lights within their service area located within the City.

RELATIONSHIP TO STRATEGIC PLAN:

Desirable Neighborhoods

BACKGROUND:

- PWC has been paying for the cost of street lights within a specific area served by Progress Energy since it was annexed into the City.
- PWC, South River EMC and Lumbee River EMC all charge residents within the subdivisions they serve for street lights on residential streets.
- Draft Ordinance was presented to Council at the February 1, 2010 Work Session.

ISSUES:

- PWC will no longer continue to make a transfer to the City to cover the cost of street lights within Progress Energy's service area beginning July 1, 2010.
- Provides uniformity in the location and spacing of street lights
- Provides consistency in the manner in which citizens pay for street lights.

OPTIONS:

- Adopt the proposed ordinance.
- Revise then adopt the proposed ordinance.
- Deny the adoption of the ordinance.

RECOMMENDED ACTION:

Adopt the Uniform Street and Thoroughfare Lighting Ordinance with an effective date of March 1, 2010.

ATTACHMENTS:

Uniform Street & Thoroughfare Lighting Ordinance (Non-Statutory)

UNIFORM STREET & THOROUGHFARE LIGHTING ORDINANCE CITY OF FAYETTEVILLE

SECTION 1. Purpose

The purpose of this policy is to establish standards for the installation of street lighting along public streets and to address the concerns of uniformity, standardization, and safety within the City of Fayetteville, North Carolina. These standards are to be followed by all electrical utility providers serving the City. Standards are based on guidelines set by the Illuminating Engineering Society (IES) and the American National Standards Practice (ANSI) for roadway lighting.

The primary objectives of this ordinance are:

- a. Enhance traffic and pedestrian safety along public streets and roadways within the City.
- b. Provide a more secure environment for the citizens of Fayetteville.

It is not the objective of this ordinance to illuminate private property.

SECTION 2. Coverage

This ordinance shall apply to all public street rights-of-way within the municipal limits of the City of Fayetteville and any public street right-of-way annexed in the future.

SECTION 3. Responsibility

The Engineering and Infrastructure Director or his designee shall be responsible for executing the street lighting program and ordinance. Street lighting plans shall be submitted to the Engineering & Infrastructure Department and reviewed and approved prior to installation.

SECTION 4. Billing for Street Lights

The utility supplying street lights in residential developments shall bill the individual residential electric service account directly for the lighting service under utility tariffs applicable to such service. Street lights shall be billed to the City for service to thoroughfares or other areas that fail to meet the availability requirement of utility tariffs.

SECTION 5. Standards for Residential Street Lighting

1. Consistent uniformity ratios and intensity levels are desired. The street light designs shall be initiated from the major thoroughfare at all intersections unless otherwise warranted.
2. Consistent uniformity ratios and intensity levels are desired. The street light design shall be initiated at the base of each cul-de-sac.
3. Street lighting on newly constructed streets shall be alternately staggered on each side of the street wherever possible.
4. Alternative lighting technologies, such as Light-Emitting Diodes (LED), may be used if determined to be acceptable by the Engineering & Infrastructure Department.
5. Mounting height of all identical luminaires shall be uniform. If additional lights are added, the mounting height shall match the existing luminaires.

APPLICATION	SPECIFICATION
Light Location	6 - 10 ft. off edge of pavement or back of curb
Spacing *	170 - 220 LF apart & along property lines *
Lighting Illuminance	0.5 - 0.75 average Foot candles*
Wattage	100 or Equivalent LED
Lamp Source	High Pressure Sodium or LED
Illuminance Uniformity Ratio	4:1 up to 6:1 average to minimum
Pole Material **	Wood or Fiberglass **
Fixture Types***	Cobrahead Semi-Cutoff Optics or Full Cutoff Optics (IES Type II or Type III)***
Fixture Color	Gray
Pole Height/Mounting Height	35 – 45 ft / 25 – 40 ft

* Average spacing will vary if existing wood distribution poles are used.

** Street lights within all new subdivisions shall be installed on fiberglass poles when the subdivision is served by underground distribution lines. If additional lights are being added or if an existing subdivision has no street lights, then the existing wooden poles and/or new wooden poles can be used to serve these areas. The basis here is to maintain uniformity within the subdivision.

*** Full cutoff options shall be installed in all new subdivisions and as replacement of existing fixtures upon failure.

SECTION 6. Standards for Thoroughfare Street Lighting

1. Each utility provider shall be responsible for obtaining a Roadway Lighting Encroachment and/or Facilities Encroachment Agreement from the North Carolina Department of Transportation (NCDOT) prior to installing any street lights within a NCDOT right-of-way.
2. Fiberglass or breakaway fiberglass pole materials may be specified by NCDOT due to pole placement within Clear Recovery Zone.
3. NCDOT must approve street lighting plan for all NCDOT maintained streets. This approval shall be submitted to the City prior to the City approving the lighting plan.

APPLICATION	SPECIFICATION
Pole Locations	6 - 24 ft. off paved surface or back of curb
Spacing*	180 - 240 LF apart & along property lines*
Lighting Illuminance	0.5 - 1.21 average Foot candles
Lamp Wattage	100, 250 and/or 400
Lamp Source	High Pressure Sodium
Illuminance Uniformity Ratio	3:1 up to 4:1 average to minimum
Pole Material**	Wood or Fiberglass**
Fixture Types	Cobrahead Semi-Cutoff Optics or Full Cutoff Optics (IES Type II or Type III)
Fixture Color	Gray
Pole Height	35 - 47 ft

*Average spacing will vary if existing wood distribution poles are used.

** In areas served by overhead electrical distribution lines, street lights will be installed on existing wooden poles. If new poles are required, then these too shall also be wooden poles. In areas served by underground electrical lines, street lights shall be installed on fiberglass poles unless there are existing wooden poles for other utilities.

SECTION 7. Request for New or Additional Street Lighting

Requests for street lights shall be submitted to the City of Fayetteville through the office of the Engineering & Infrastructure Director. These requests will then be forwarded to the electrical provider for that service area. Each request will be considered in accordance with approved standards established herein and any special conditions of merit such as pedestrian activity, traffic volumes, accident history, crime rate (supported by crime data from the Police Department), vertical and horizontal street alignment, natural features and hazardous traffic conditions. Requests shall be evaluated within sixty days from the date in which the request is received by the electrical provider. Approved requests may either be implemented using current funds if available or included in the proposed budget for the forthcoming year.

All street lights to be installed inside the City limits must be either requested or approved by the appropriate city representative. This requirement does not apply to the requests for area lights that are not intended to light a roadway.

SECTION 8. Effective Date

This article shall become effective on March 1, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Council Member Bobby Hurst - District 5
DATE: February 22, 2010
RE: **Appointment Committee - Presentation of Recommendations for Board/Commission Appointments**

THE QUESTION:

Do the attached recommendations from the City Council's Appointment Committee meet the City Council's approval?

RELATIONSHIP TO STRATEGIC PLAN:

- Partnership of Citizens - Citizens Volunteering to help the City
- Greater Community Unity - Pride of Fayetteville
- Diverse Culture and Rich Heritage - Diverse people working together with a single vision and common goals

BACKGROUND:

The Appointment Committee met on Thursday, February 11, 2010 to review applications for appointments to boards and commissions. It is from that meeting that the Appointment Committee provides the attached recommendations for appointments to the City of Fayetteville boards and commissions. Consistent with the City Council's wishes, the Appointment Committee's recommendations for appointments are indicated on the attachment.

ISSUES:

NA

OPTIONS:

1. Approve Appointment Committee recommendations to fill the board and commission vacancies as indicated on the attachment.
2. Approve Appointment Committee recommendations to fill some board and commission vacancies and provide further direction.
3. Do not approve Appointment Committee recommendations to fill the board and commission vacancies and provide further direction.

RECOMMENDED ACTION:

Approve Appointment Committee recommendations for board and commission appointments.

ATTACHMENTS:

Appointment Committee Recommendations

FAYETTEVILLE CITY COUNCIL BOARD/COMMISSION APPOINTMENTS

February 22, 2010

BOARDS/COMMISSIONS	RECOMMENDATION
<p>1. Fair Housing Board</p> <ul style="list-style-type: none"> ❖ 1 Attorney Appointment ❖ 1 At-Large Appointment ❖ 1 Realtor Appointment 	<p>David L. Boliek, Jr. – Attorney Yolanda D. Taylor – At-Large Larry Simmons - Realtor</p>
<p>2. Historic Resource Commission</p> <ul style="list-style-type: none"> ❖ 2 Category 6-At-Large Appointments ❖ 1 Category 2-Historic Preservationist ❖ 1 Category 1-Licensed Architect 	<p>Kenneth H Suggs – (Cat 6-At-Large) Patricia B. Politowicz– (Cat 6-At-Large) Susan Shereff– (Cat 2- Historic Preservationist)</p>
<p>3. Personal Review Board</p> <ul style="list-style-type: none"> ❖ 2 Supervisor/Manager Appointments ❖ 1 At-Large Appointment 	<p>Carl Mitchell – Supervisor/Manager Annie Pope – Supervisor/Manager Patricia Weaver – At-Large</p>
<p>4. Fayetteville- Redevelopment Commission</p> <ul style="list-style-type: none"> ❖ 2 Appointments 	<p>Steven C. Barnard Lynn R. Vick</p>
<p>5. Ethics Commission</p> <ul style="list-style-type: none"> ❖ 1 University/College Appointment 	<p>Del Crisp</p>
<p>6. Senior Citizens Advisory Commission</p> <ul style="list-style-type: none"> ❖ 1 fill-in Appointment 	<p>Betty Brox</p>

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rita Perry, City Clerk
DATE: February 22, 2010
RE: **City Clerk - Monthly Statement of Taxes for January 2010**

THE QUESTION:

For information only.

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

Attached is the report that has been furnished to the Mayor and City Council by the Cumberland County Tax Administrator for the month of January 2010

ISSUES:

N/A

OPTIONS:

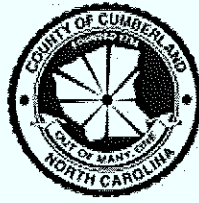
N/A

RECOMMENDED ACTION:

For information only

ATTACHMENTS:

Monthly Statement of Taxes - January 2010



OFFICE OF THE TAX ADMINISTRATOR
117 Dick Street, 5th Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302
Phone: 910-678-7507 • Fax: 910-678-7582 • www.co.cumberland.nc.us

MEMORANDUM

TO: Rita Perry, Fayetteville City Clerk
FROM: Aaron Donaldson, Tax Administrator *AD*
DATE: February 2, 2010
RE: MONTHLY STATEMENT OF TAXES

Attached hereto is the report that has been furnished to the Mayor and governing body of your municipality for the month of January 2010. This report separates the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

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

AD/sn
Attachments

Celebrating Our Past...Embracing Our Future

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

1999-2009

DATE	REPORT #	REMITTED TO FINANCE	2009 CC	2009 VEHICLE	2009 REVIT	2009 VEHICLE REVIT	2009 FVT	2009 TRANSIT TAX	2009 STORM WATER	2009 FAY STORM WATER
01/01/10	2010-132	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01/04/10	2010-133	2,329,097.02	2,011,214.18	25,709.48	2,729.79	0.67	3,225.00	3,225.00	75,194.90	150,389.83
01/05/10	2010-134	2,589,231.81	2,317,454.39	15,751.54	17,244.67	3.52	2,109.97	2,109.96	61,987.38	123,974.74
01/06/10	2010-135	1,264,166.93	1,074,611.83	27,679.30	1,839.99	0.00	3,834.35	3,834.36	40,879.63	81,759.27
01/07/10	2010-136	1,497,332.38	1,292,745.97	20,746.94	5,038.81	99.63	3,148.80	3,148.79	44,556.30	89,112.64
01/08/10	2010-137	265,312.21	202,822.68	18,034.44	286.68	21.14	2,593.97	2,593.97	7,329.81	14,659.62
01/11/10	2010-138	178,299.75	116,340.93	30,276.50	984.40	9.15	4,292.37	4,292.36	3,474.07	6,948.12
01/12/10	2010-139	177,306.67	136,412.35	13,909.00	467.31	0.00	1,989.72	1,989.73	2,873.38	5,746.78
01/13/10	2010-140	119,870.80	80,911.24	17,741.15	608.71	27.51	2,320.47	2,320.49	2,885.89	5,771.79
01/14/10	2010-141	85,931.20	55,355.04	11,395.38	1,262.95	0.63	1,660.00	1,660.00	2,211.77	4,423.55
01/15/10	2010-142	69,809.12	34,689.74	13,886.43	0.59	4.20	1,961.93	1,961.92	1,221.93	2,443.87
01/18/10	2010-143	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01/19/10	2010-144	123,828.86	77,973.21	18,476.97	37.17	2.90	2,366.40	2,366.41	3,740.08	7,480.17
01/20/10	2010-145	104,584.88	79,065.96	6,563.37	1,577.70	41.06	1,010.00	1,010.00	2,035.06	4,070.12
01/21/10	2010-146	100,281.28	59,477.18	21,146.68	(228.83)	19.45	2,839.45	2,839.45	2,295.45	4,590.89
01/22/10	2010-147	91,306.11	60,624.59	10,776.82	1,872.63	27.60	1,459.13	1,459.12	2,270.20	4,540.39
01/25/10	2010-148	97,711.84	56,936.98	19,480.93	294.46	105.86	2,530.00	2,530.00	2,098.06	4,196.12
01/26/10	2010-149	167,061.43	118,640.36	21,697.23	742.72	17.75	1,631.41	1,631.42	3,439.97	6,879.93
01/27/10	2010-150	110,986.11	73,829.69	13,548.40	694.00	0.00	1,804.77	1,804.78	3,039.28	6,078.57
01/28/10	2010-151	109,708.43	75,775.99	14,575.83	695.32	9.24	1,710.00	1,710.00	1,894.02	3,788.03
01/29/10	2010-152	196,949.03	129,722.10	28,090.64	482.70	27.22	3,395.81	3,395.82	4,343.41	8,686.85
TOTALS		9,678,775.86	8,054,604.41	349,487.03	36,631.77	417.53	45,883.55	45,883.58	267,770.59	535,541.28

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)

CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FVT: FAYTTEVILLE VEHICLE TAX (\$5.00)

FAYETTEVILLE MACC LEDGER

1999-2009

2009 RECYCLE FEE	2009 ANNEX	2008 CC	2008 VEHICLE	2008 REVIT	2008 VEHICLE REVIT	2008 FVT	2008 TRANSIT TAX	2008 STORM WATER	2008 RECYCLE	2008 FAY STORM WATER	2008 ANNEX	2007 CC
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
51,668.11	0.00	372.91	3,421.29	0.00	0.00	460.00	425.00	12.00	0.00	0.00	0.00	0.00
42,931.40	53.13	281.91	3,241.43	0.00	0.00	424.92	409.91	12.00	0.00	0.00	0.00	3.12
23,166.18	0.00	87.98	2,533.10	0.00	0.00	358.05	333.04	24.00	0.00	0.00	0.00	0.00
31,829.52	0.00	769.33	2,648.48	0.00	0.00	360.00	325.00	36.49	82.74	47.28	0.00	250.55
7,265.13	0.00	577.61	2,781.91	0.00	0.00	360.00	335.00	10.64	19.75	11.28	0.00	118.93
5,871.16	0.00	82.78	2,655.19	0.00	0.00	405.00	400.00	12.00	0.00	0.00	0.00	111.15
3,924.97	0.00	917.01	3,181.21	0.00	0.00	510.69	466.18	36.00	84.00	48.00	0.00	218.36
1,956.66	0.00	535.25	2,023.33	0.00	0.00	225.00	205.00	9.63	10.63	6.08	0.00	19.15
1,797.95	0.00	146.83	3,547.28	0.00	0.00	435.00	420.00	3.92	0.00	0.00	0.00	0.00
2,577.45	0.00	93.41	6,669.95	0.00	0.00	712.07	682.08	12.95	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2,259.24	0.00	110.47	3,311.98	0.00	0.35	483.30	463.31	24.00	0.00	0.00	0.00	34.11
2,635.91	0.00	44.29	2,326.51	0.00	0.00	245.00	230.00	12.00	0.00	0.00	0.00	0.00
2,286.47	0.00	85.95	2,148.13	0.00	0.00	290.00	270.00	12.00	0.00	0.00	0.00	0.00
2,134.95	0.00	57.78	2,926.99	0.00	0.00	370.00	360.00	5.90	0.00	0.00	0.00	0.00
3,194.45	0.00	17.14	3,018.76	0.00	0.00	390.00	365.00	5.87	0.00	0.00	0.00	22.90
2,723.25	0.00	505.30	2,683.85	0.00	0.00	307.85	282.85	12.16	40.17	22.95	0.00	302.18
2,214.40	0.00	783.48	2,883.53	0.00	0.00	370.45	340.45	48.00	0.00	0.00	0.00	18.57
2,311.71	0.00	64.04	3,661.30	0.00	0.00	475.00	450.00	0.00	0.00	0.00	0.00	0.00
5,364.44	0.00	143.49	6,405.72	0.00	0.00	769.38	699.39	12.00	0.00	0.00	0.00	0.00
198,113.35	53.13	5,676.96	62,069.94	0.00	0.35	7,951.71	7,462.21	301.56	237.29	135.59	0.00	1,099.02

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FAYETTEVILLE MACC LEDGER 1999-2009

2007 VEHICLE	2007 REVIT	2007 VEHICLE REVIT	2007 FVT	2007 STORM WATER	2007 FAY STORM WATER	2007 ANNEX	2006 CC	2006 VEHICLE	2006 REVIT	2006 VEHICLE REVIT	2006 FVT	2006 STORM WATER	2006 ANNEX
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20.30	0.00	0.00	15.00	0.00	0.00	0.00	0.00	27.19	0.00	0.00	5.00	0.00	0.00
142.22	0.00	0.00	20.00	0.00	0.00	0.00	0.00	6.31	0.00	0.00	10.00	0.00	53.41
76.79	0.00	0.00	15.00	0.00	0.00	0.00	21.44	50.05	0.00	0.00	5.00	0.00	0.00
63.38	0.00	0.00	25.00	0.00	0.00	0.00	0.00	43.75	0.00	0.00	15.00	0.68	0.00
234.45	0.00	0.00	40.00	16.22	0.00	0.00	211.46	42.39	0.00	0.00	15.00	0.00	25.73
(221.32)	0.00	0.00	5.00	0.00	0.00	0.00	0.00	(3.59)	0.00	0.00	0.28	0.00	0.00
236.04	0.00	0.00	45.00	24.00	24.00	0.00	220.65	45.51	0.00	0.00	15.00	12.00	0.00
81.50	0.00	0.00	15.00	0.00	0.00	0.00	0.00	9.78	0.00	0.00	0.00	0.00	0.00
152.18	0.00	0.00	40.00	0.00	0.00	0.00	0.00	48.77	0.00	0.00	0.00	0.00	0.00
356.28	0.00	0.00	60.00	4.44	0.00	0.00	0.00	64.39	0.00	0.00	12.20	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
336.94	0.00	0.00	45.00	0.00	0.00	0.00	29.15	63.47	0.00	0.00	10.00	0.00	0.00
374.47	0.00	0.00	45.00	0.00	0.00	0.00	0.00	39.40	0.00	0.00	10.00	0.00	0.00
71.03	0.00	0.00	17.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
60.48	0.00	0.00	25.00	0.00	0.00	0.00	0.00	7.98	0.00	0.00	5.00	0.00	0.00
256.48	0.00	0.00	36.60	0.00	0.00	0.00	57.27	0.00	0.00	0.00	0.00	0.00	0.00
256.75	0.00	0.00	33.41	32.96	48.00	0.00	276.49	(23.52)	0.00	0.00	12.73	12.00	33.32
152.05	0.00	0.00	35.00	12.00	0.00	0.00	0.00	126.45	0.00	0.00	25.00	0.00	0.00
138.17	0.00	0.00	30.00	0.00	0.00	0.00	0.00	14.57	0.00	0.00	10.00	0.00	0.00
284.04	0.00	0.00	59.23	12.00	0.00	0.00	0.00	116.17	0.00	0.00	22.15	12.00	0.00

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3,072.23	0.00	0.00	606.52	101.62	72.00	0.00	816.46	679.07	0.00	0.00	172.36	36.68	112.46
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