

**FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
OCTOBER 11, 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.**



FAYETTEVILLE CITY COUNCIL
AGENDA
OCTOBER 11, 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 PUBLIC FORUM

7.0 CONSENT

- 7.1 Airport Land Acquisition along Doc Bennett Road, Budget Ordinance Amendment 2011-3 and Capital Project Ordinance 2011-7
Presented By: Bradley S. Whited, Airport Director
- 7.2 Case No. P10-30F. The rezoning of 82.87 acres between Santa Fe Drive, Bragg Boulevard, All American Freeway and Fort Bragg Military Reserve (the Military Business Park) from R6 Residential, C1P & C3 Commercial Districts to M2 Industrial District. Waverly Broadwell Family LLC & Broadwell Brothers LLC owners.
- 7.3 Case No. P10-32F. Rezoning 0.43 acres at 120 N. Cool Spring Street from R5 Residential District to P4 Neighborhood Professional District. Frank Crawford, owner.
- 7.4 Case No. P10-34F. The rezoning of 3.93 acres located at 2515 Downing Road from C1P Commercial District to M2 Industrial District. Richard & Howard King, owners.

- 7.5 Ordinance Authorizing the Demolition of 1301 Hillsboro St.
- 7.6 Ordinance Authorizing the Demolition of the Structure at 811 Bedrock Drive.
- 7.7 Award Contract for the Purchase of One (1) 35,000 lb. Rubber Tire Loader
- 7.8 Purdue Drive Municipal Agreement for Railway Crossing Signals and Gates
- 7.9 Capital Project Ordinance Amendment 2011-11 (Railway Grade Crossing Signals on Purdue Drive)
- 7.10 Capital Project Ordinance 2011-6 (FY2011 Transit Multi-Modal Center Grant)
- 7.11 Budget Ordinance Amendment 2011-4 (Public Safety Software, Hardware and Radio Antennas)
- 7.12 Award Contract for the Purchase of Two (2) 10' Non-Walk-in Rescue Units
- 7.13 Bid Recommendation – Contract for Annexation Phase V, Project III, Area 9-Summerhill
- 7.14 Resale of foreclosed property at 4907 Rosehill Road to previous owner in accordance to NCGS 105-376(C)
- 7.15 Extension of Grant Agreement for Cape Fear Rivertrail-Phase 2

8.0 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.

- 8.1 Economic Development Incentives for Strategic Solutions Unlimited, Inc. to Support Redevelopment Within the City's Revitalization Zone

Presented By: Bo Gregory, Fayetteville Cumberland County Chamber of Commerce

- 8.2 Case No. P10-31F. The rezoning of 2.2 acres located between Raintree Drive and Coinjock Circle on the west side of Strickland Bridge Road from R10 Residential District to C1P Commercial District. Elite Investments, Inc., owners.

Presented By: Craig Harmon, Planner II

8.3 Case No. P10-33F. Special Use Permit to allow a Nursing Home in an R6 Residential District on property located at 523 Country Club Drive containing 8.66 acres. Noah and Gail Duncan, owner.

Presented By: Craig Harmon, Planner II

8.4 Case No. P10-36F. Special Use Permit to allow the location of a Wireless Telecommunications Tower on property located at 1624 Ireland Drive containing 2.0 acres. Cumberland County, owner.

Presented By: Craig Harmon, Planner II

9.0 OTHER ITEMS OF BUSINESS

9.1 Request for waivers from the City standards (sidewalks, curb and gutter, and right-of-way width) for property within the City of Fayetteville MIA, Baywood Point, located on the southwest corner of Hwy 24 and Baywood Road.

Presented By: Karen Hilton, Development Services Planning and Zoning Manager

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
OCTOBER 11, 2010 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
OCTOBER 13, 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: Bradley S. Whited, Airport Director
DATE: October 11, 2010
RE: **Airport Land Acquisition along Doc Bennett Road, Budget Ordinance Amendment 2011-3 and Capital Project Ordinance 2011-7**

THE QUESTION:

Should the City Airport acquire land to clear runway obstructions and provide for economic development through expansion of existing facilities?

RELATIONSHIP TO STRATEGIC PLAN:

Support Strong Local Economy

BACKGROUND:

The Airport Commission has recommended purchase of 35.1 acres along Doc Bennett Road across from the former Cargo Building.

- Tree obstructions are currently identified in this general area.
- This land acquisition will allow additional obstruction controls in support of the approach to Runway 10.
- The Airport Commission has identified a need to provide additional vehicle parking in support of the former cargo facility.
- The property will provide future development possibilities.
- The purchase price was established through appraisal and review appraisal.
- The funding source for this project is an appropriation of fund balance from the Airport Operating Fund which is provided for in the attached Budget Ordinance Amendment 2011-3. If approved, these funds will be transferred to the Airport Capital Project Fund and the attached Capital Project Ordinance 2011-7 will formally establish a project budget of \$700,000 to acquire this property.

ISSUES:

None

OPTIONS:

1. Approve land acquisition and the associated budget actions.
2. Do not approve land acquisition and the associated budget actions.

RECOMMENDED ACTION:

Airport Commission recommends approval of land acquisition and the associated budget actions.

ATTACHMENTS:

Budget Ordinance Amendment 2011-3
Capital Project Ordinance 2011-7
Purchase 35.1 acre Doc Bennett Rd

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

That the City of Fayetteville Budget Ordinance adopted June 28, 2010 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2010, and ending June 30, 2011, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule G: Airport Fund</u>			
Net Assets Appropriation	\$ -	\$ 700,000	\$ 700,000
All Other Airport Fund Revenues and OFS	3,901,738	-	3,901,738
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 3,901,738</u>	<u>\$ 700,000</u>	<u>\$ 4,601,738</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2010, and ending June 30, 2011, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule G: Airport Fund</u>			
Total Estimated Airport Fund Expenditures	<u>\$ 3,901,738</u>	<u>\$ 700,000</u>	<u>\$ 4,601,738</u>

Adopted this 11th day of October, 2010.

CAPITAL PROJECT ORDINANCE
ORD 2011-7

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted effective October 11, 2010:

Section 1. The authorized project is for the funding of land acquisition at the Airport.

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:

Airport Operating Fund Transfer	<u>\$ 700,000</u>
---------------------------------	-------------------

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

Project Expenditures	<u>\$ 700,000</u>
----------------------	-------------------

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

Adopted this 11th day of October, 2010.



Cumberland County Planning Department

Fayetteville, North Carolina



Created by Public on Tuesday, 5 October 2010



Map Zoom: 7791 survey ft

Map Scale: 1:13,300

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner
DATE: October 11, 2010
RE: **Case No. P10-30F. The rezoning of 82.87 acres between Santa Fe Drive, Bragg Boulevard, All American Freeway and Fort Bragg Military Reserve (the Military Business Park) from R6 Residential, C1P & C3 Commercial Districts to M2 Industrial District. Waverly Broadwell Family LLC & Broadwell Brothers LLC owners.**

THE QUESTION:

Rezoning a mix of residential and commercial zoning districts to an industrial zoning district to accommodate the requirements of the Military Business Park.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: Waverly Broadwell Family LLC & Broadwell Brothers LLC

Applicant: Ronald Williams (Moorman, Kizer & Reitzel, Inc.)

Requested Action: R6, C1P & C3 to M2

Property Address: Between Santa Fe Drive, Bragg Boulevard, All American Freeway and Fort Bragg Military Reserve

City Council District: 5 (Haire)

Status of Property: Military Business Park.

Size: 82.87 acres +/-

Existing Land Use: Under construction

Adjoining Land Use & Zoning: North - R6 and Fort Bragg / South - R6 & C1P / East - C3 & PND / West - All American Freeway, R10, R6 & C1P

2010 Land Use Plan: Heavy Industrial, Heavy Commercial & Activity Node

2030 Growth Vision Plan: Policy 1.3: Local governments shall be active participants, facilitators and partners in the creation of BUSINESS AND INDUSTRIAL DEVELOPMENT OPPORTUNITIES capitalizing upon the unique human and economic resources of the area.

Letters Mailed: 22

Transportation: Bragg, All American and Santa Fe are all major thoroughfares.

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.

C1P - Identical to the C1 local business district except that plans as required by the subdivision chapter must be submitted to the planning agency for approval prior to development; and, mixed residential use is permitted with special limitations.

C3 - Primarily for heavy retail and service establishments and wholesale establishments providing services to residents of the Fayetteville area and which require large amounts of ground area and easy access to the city highway system.

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

ISSUES:

The purpose for rezoning is to consolidate zoning districts to accommodate a business park aimed

at military contractors and support facilities. This property is located along three major road ways (soon to be four with the completion of Interstate 295). It is adjacent to Fort Bragg. All access points have been approved by NCDOT.

Zoning Commission (voted 4-0) and Staff recommend Approval of the rezoning to M2 based on:

1. The 2010 Land Use Plan calls for Heavy Commercial and industrial for this property. (M2 allows for both commercial and industrial uses)
2. The property is currently mainly zoned M2.

OPTIONS:

Rezone the property to M2 (Recommended);
Pull from Consent Items and set Public Hearing.

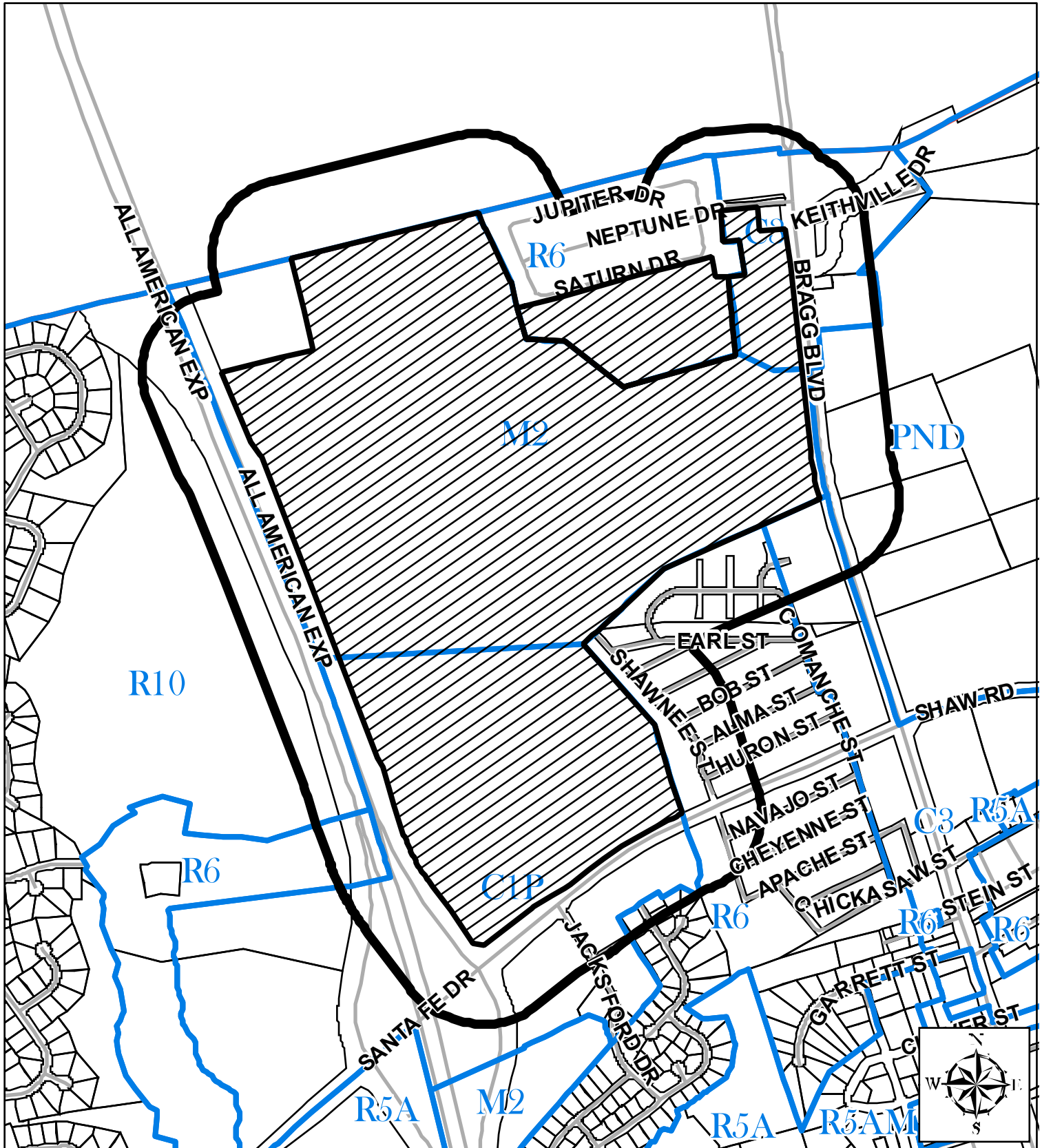
RECOMMENDED ACTION:

Zoning Commission and staff recommend that the City Council move to APPROVE the rezoning from R6 Residential, C1P & C3 Commercial Districts to M2 Industrial District based on the reasons provided above (in issues).

ATTACHMENTS:

Zoning Map
Ortho Photo

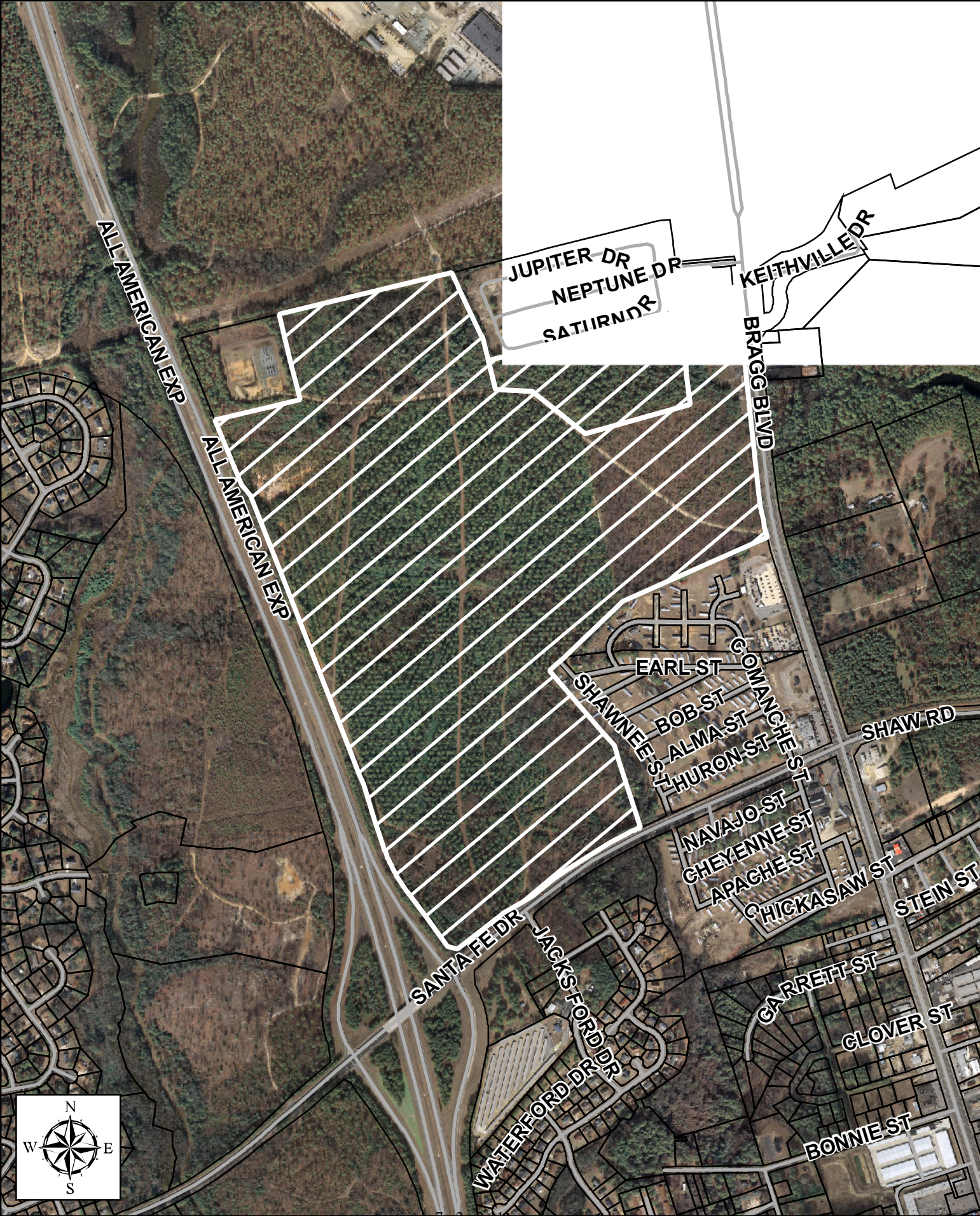
ZONING COMMISSION
CASE NO. P10-30F



Request: C1P, C3 & R6 to M2
Location: Between Santa Fe Dr.,
 All American & Bragg Blvd.
Acreage: +/- 82.87 acres

Zoning Commission: 9/14/2010 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0409-93-8559 & 0419-04-7904

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



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner
DATE: October 11, 2010
RE: **Case No. P10-32F. Rezoning 0.43 acres at 120 N. Cool Spring Street from R5 Residential District to P4 Neighborhood Professional District. Frank Crawford, owner.**

THE QUESTION:

Whether or not to Rezone Residentially Developed and Zoned property for Professional use.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development; Revitalized Downtown

BACKGROUND:

Owner: Frank Crawford
Applicant: Deborah Koenig
Requested Action: R5 to P4
Property Address: 120 N. Cool Spring St.
City Council District: 2 (Davy)
Status of Property: Residentially built property.
Size: 0.43 acres +/-
Existing Land Use: Historic residential structure with fire damage
Adjoining Land Use & Zoning: North - R5 Single Family Residential / South - C1 Commercial / East - P2 Professional / West - C1 Commercial
2010 Land Use Plan: Downtown and Conservation Use
2030 Growth Vision Plan: Policy 12.4: The PRESERVATION, REHABILITATION AND APPROPRIATE ADAPTIVE REUSE of historic and other desirable downtown properties shall be encouraged. Rehabilitations shall respect the original architecture and fabric of the building and site. Destruction or demolition of desirable older structures shall be avoided.
Letters Mailed: 35
Transportation: N. Cool Spring St. is a minor thoroughfare.

R5 - Predominately a single-family residential district but with smaller lot areas per family required, permitting frequent use of two-family and multifamily structures.

P4 - This district is established to provide for the development of low-intensity professional activities in and around neighborhoods. Structures within this district shall maintain a residential design and be compatible with the surrounding area. Standards in this district are established to provide a buffer and transition between residential and commercial districts.

ISSUES:

The purpose for rezoning is to create a professional district for a law office. As a reminder, new construction or major renovation in the P4 District requires site plan approval by the Planning Commission. The existing home on this property is one of the larger historic residential structures that helps anchor this cluster of building in the downtown Historic District. The P4 would encourage the renovation and reuse of this building.

Zoning Commission (Vote 4-0) and Staff recommend APPROVAL of the rezoning to P4 Professional Neighborhood District based on:

1. The 2010 Land Use Plan calls for Downtown uses, of which professional is one.

2. The property currently has commercial or professional zoning districts on three sides.
3. 2030 Growth Vision Plan calls for the preservation, rehabilitation and appropriate adaptive reuse of historic and other desirable downtown properties shall be encouraged.
4. The requested P4 zone would facilitate the repair and renovation as an historic structure with its residential character.

OPTIONS:

- 1) Rezone the property to P4 (Recommended);
- 2) Pull from Consent Items and set Public Hearing.

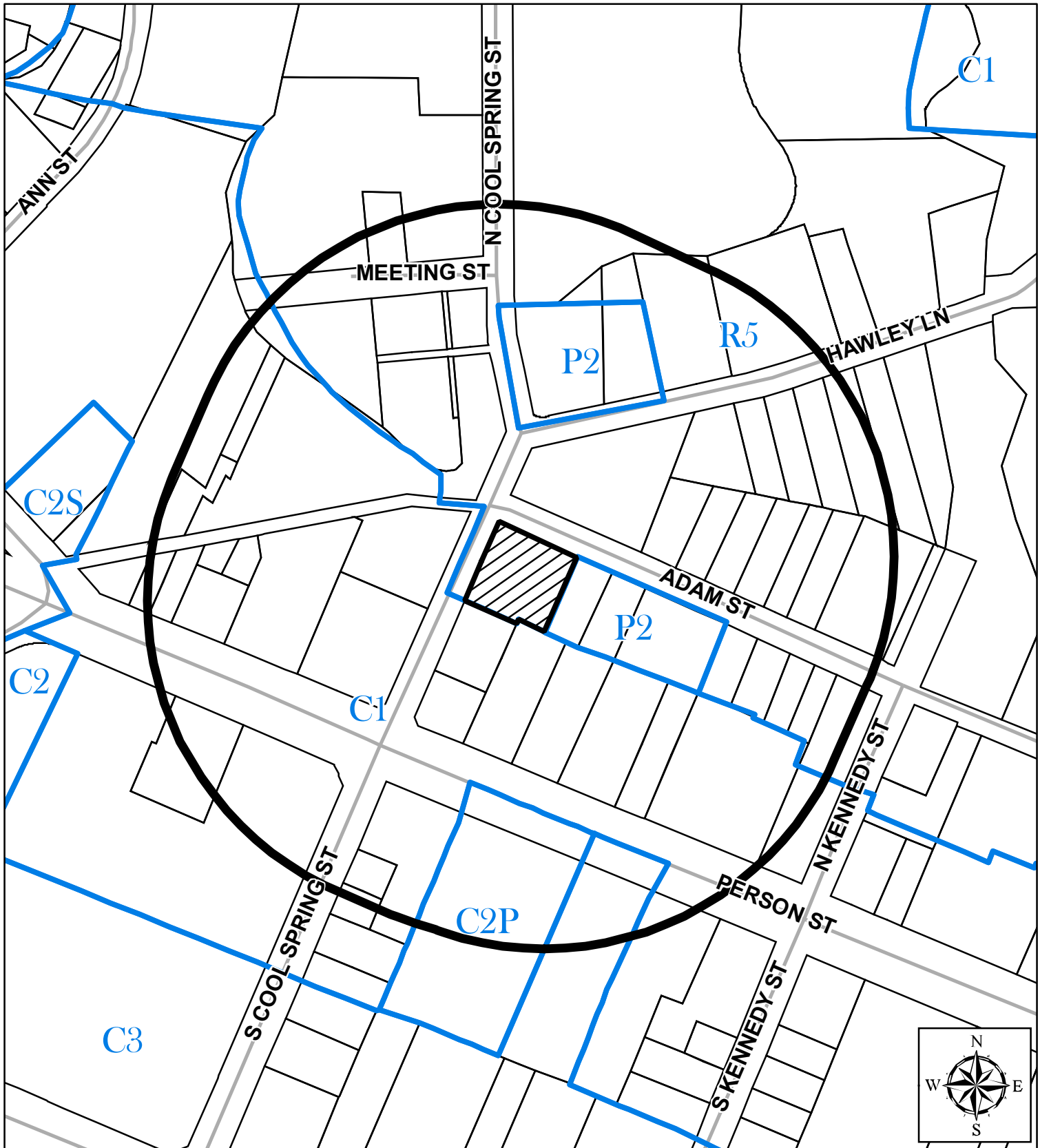
RECOMMENDED ACTION:

Zoning Commission and Staff recommend that the City Council move to APPROVE the rezoning from R5 Residential to P4 Neighborhood Professional District based on the reasons provided above (in issues).

ATTACHMENTS:

Zoning Map
Ortho Photo

ZONING COMMISSION
CASE NO. P10-32F



Request: R5 to P4
Location: 120 N. Cool Spring St
Acreage: +/- 0.43 acres

Zoning Commission: 9/14/2010
City Council: _____
Pin: 0437-73-8825

Recommendation: _____
Final Action: _____

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



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner
DATE: October 11, 2010
RE: **Case No. P10-34F. The rezoning of 3.93 acres located at 2515 Downing Road from C1P Commercial District to M2 Industrial District. Richard & Howard King, owners.**

THE QUESTION:

Rezone a commercial district to an industrial district in accordance with the 2010 Plan to accommodate industrial scale development.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: Richard King and Howard King Jr
Applicant: Richard King and Howard King Jr
Requested Action: C1P to M2
Property Address: 2515 Downing Road
City Council District: 2 (Davy)
Status of Property: Undeveloped
Size: 3.93 acres +/-
Existing Land Use: Commercial
Adjoining Land Use & Zoning: North - M(P) Industrial / South - M(P) Industrial & RR Rural Residential / East - C(P) Commercial & RR Rural Residential / West - C(P) Commercial
2010 Land Use Plan: Industrial
2030 Growth Vision Plan: Policy 1.3: Local governments shall be active participants, facilitators and partners in the creation of BUSINESS AND INDUSTRIAL DEVELOPMENT OPPORTUNITIES capitalizing upon the unique human and economic resources of the area.
Letters Mailed: 22
Transportation: Downing Road is a Minor Thoroughfare and Highway 24 is a Major Thoroughfare.

C1P - Identical to the C1 local business district except that plans as required by the subdivision chapter must be submitted to the planning agency for approval prior to development; and, mixed residential use is permitted with special limitations.

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

ISSUES:

The purpose for rezoning is to allow for industrial development on a property designated by the 2010 Plan as an area suited for industrial activities.

Zoning Commission and Staff recommend Approval of the rezoning to M2 based on:

1. The 2010 Land Use Plan calls for Heavy Industrial
2. The property is currently mainly surrounded by land zoned industrial and heavy commercial.

OPTIONS:

- 1) Move to Approve the Rezoning of the property from C1P to M2 (Recommended);
- 2) Pull from Consent Items and set Public Hearing.

RECOMMENDED ACTION:

Zoning Commission and Staff recommend that the City Council 1) Move to APPROVE the rezoning from C1P Commercial District to M2 Industrial District based on the reasons provided above (in issues).

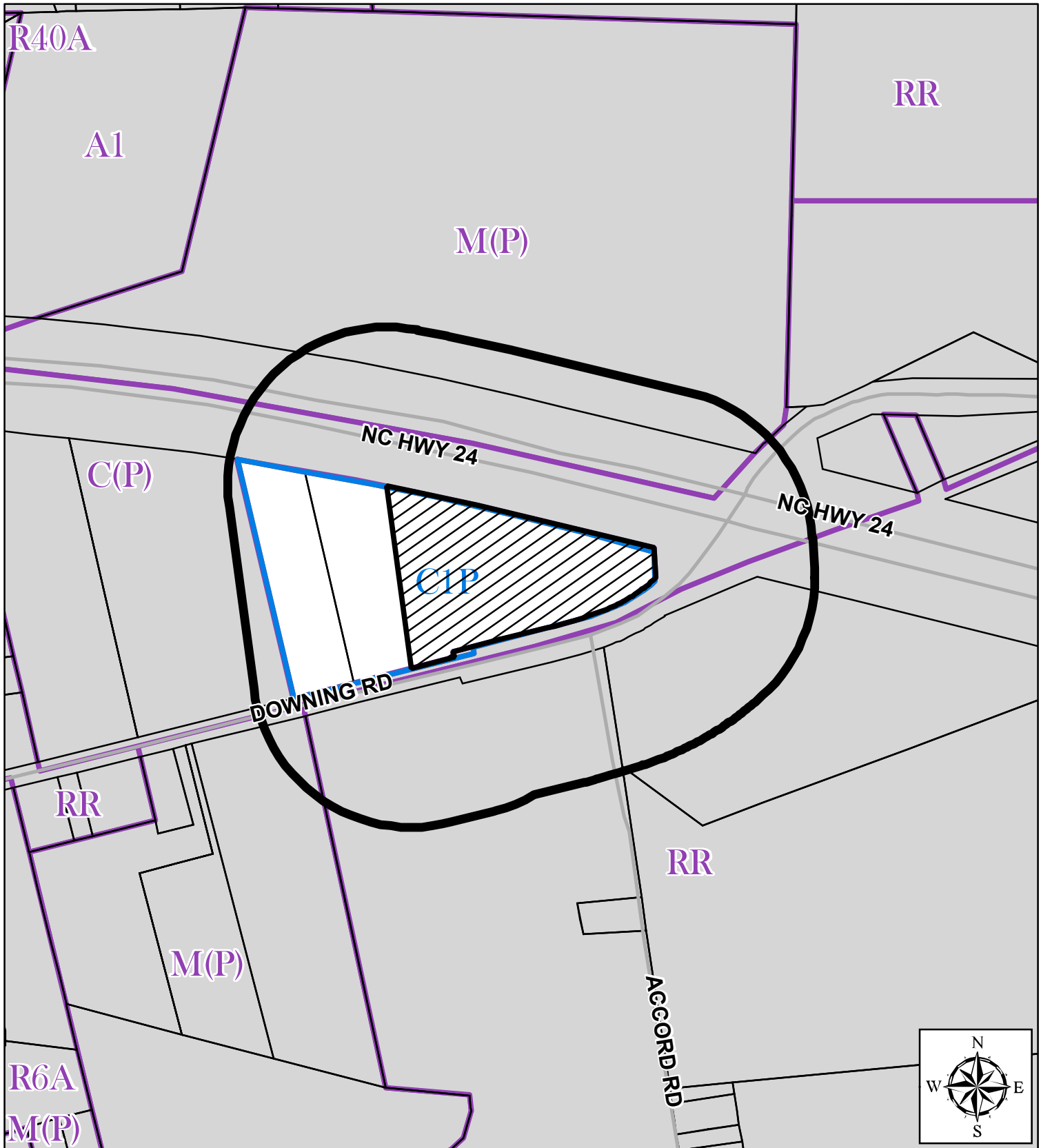
ATTACHMENTS:

Zoning Map

2010 Plan

Ortho Photo

ZONING COMMISSION
CASE NO. P10-34F



Request: C1P to M2
Location: 2515 Downing Rd
Acreage: +/- 3.934 acres

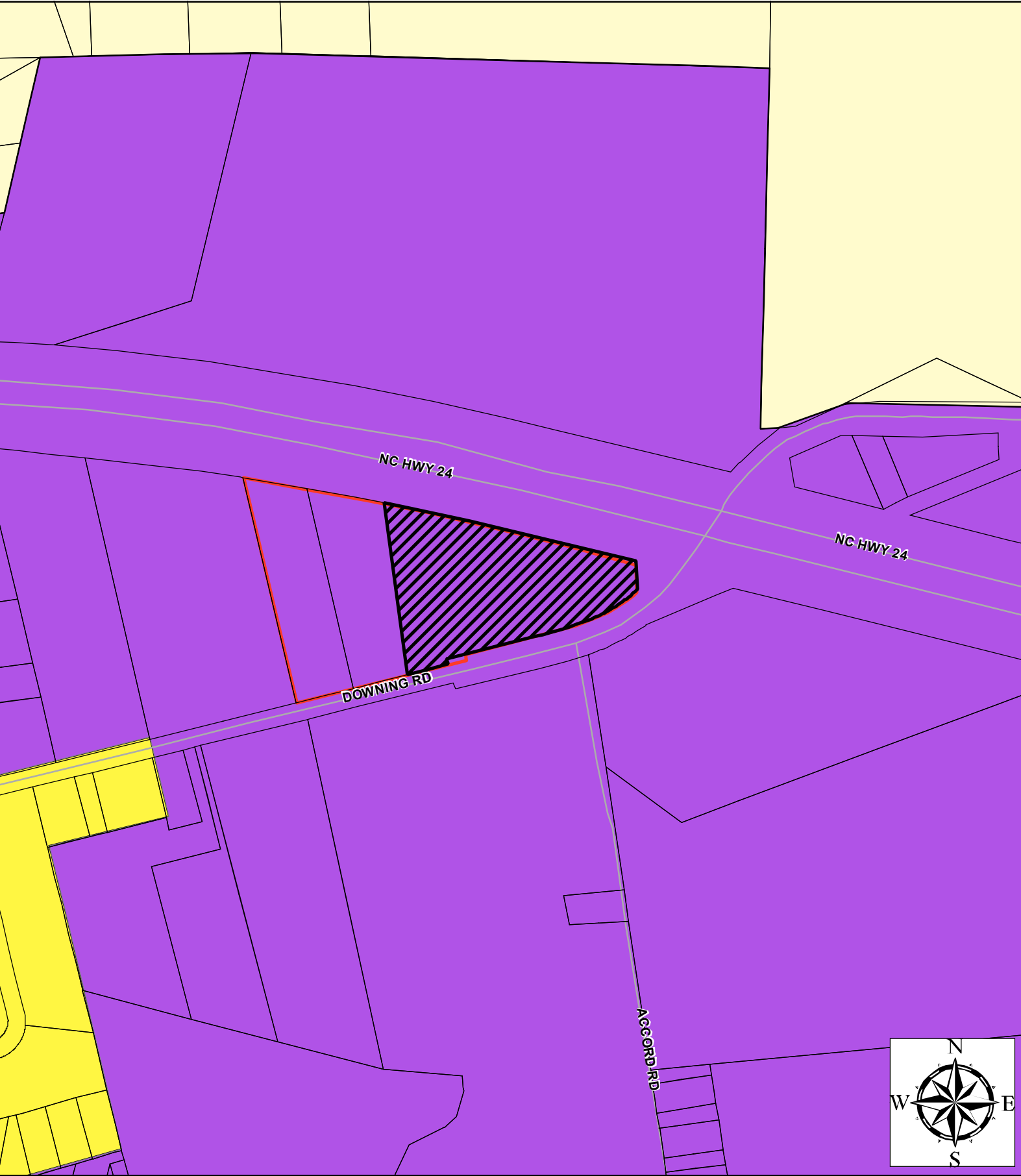
Zoning Commission: 9/14/2010
City Council: _____
Pin: 0457-21-1811

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. P10-34F



Legend

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

7-4-2-1



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert Anderson, Chief Development Officer
DATE: October 11, 2010
RE: **Ordinance Authorizing the Demolition of 1301 Hillsboro St.**

THE QUESTION:

Would the demolition of this structure help to enhance the quality of life in the City of Fayetteville

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City- Clean and Beautiful; Goal 3: Growing City, Livable Neighborhoods- A Great Place To Live

BACKGROUND:

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on July 28, 2010 as a dangerous or vacant/abandoned structure. A hearing was held with the owner via telephone; an order was issued to repair or demolish the structure within a period of 60 days. City enforcement action was stayed during this period. There has been no progress to date, and no repair or demolition permits issued.

ISSUES:

OPTIONS:

RECOMMENDED ACTION:

Staff recommend the Council move to approve the attached ordinance authorizing the demolition of the structure located at 1301 Hillsboro.

ATTACHMENTS:

Docket 1301 Hillsboro Street
Ordinance 1301 Hillsboro Street

TO: Mayor
City Council Members
City Manager
City Attorney

Under provisions of Chapter 14, titled Housing, Dwellings and Buildings of the Code of the City of Fayetteville, North Carolina, the Inspection Department is requesting the docket of the owner who has failed to comply with this Code, be presented to the City Council for action. All proceedings that are required by the Code, Section 14-61, have been complied with. We request the Council take action under the provisions of Chapter 14 of the Code and applicable NC General Statutes.

Location	1301 Hillsboro Street
Property Owner(s)	Hillsboro Partners LLC
Date of Inspection	July 8, 2010
Date of Hearing	July 28, 2010
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed July 30, 2010
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since November, 2007.
Police Calls for Service (past 2 yrs)	0

The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 27th day of July, 2010.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City, concerning certain real property described as follows:

1301 Hillsboro Street
PIN 0438-42-9846

Beginning at an existing iron pipe in the northern margin of Hawthorne Road; said iron pipe being the beginning corner of the True Victory Deliverance Tabernacle, Inc. tract as recorded in Deed Book 3722, Page 15 of the Cumberland County Registry; said iron pipe also being located S 19 degrees 24' 04" W 5,759.87 feet from NCGS Station "NC 636 Reset 1963", having NAD 83 coordinates of N=488, 136.4318 E=2, 036, 704.020; and runs thence from said beginning iron pipe N 08 degrees 31; 37: E 169, 19 feet to an existing iron pipe; thence N 08 degrees 23' 47" W 5.96 feet to an existing spike; said spike being a corner of the Cumberland County Board of Education trace as recorded in Plat Book 15, Page 24; and runs thence with said tract N 08 degrees 29' 10" E 196.05 feet to an existing iron stake; thence S 81 degrees 47' 56" E 252.94 feet to an existing concrete monument; said monument being the southeast corner of the above mentioned Cumberland County Board of Education tract; thence S 10 degrees 22' 45" E 42.28 feet to an existing railroad spike; thence S 11 degrees 00' 53" E 21.99 feet to an existing iron stake in the western margin of Hillsboro Street; thence with the western margin of Hillsboro Street with a nonradical curve having a radius of 172.44 feet an arc length of 81.12 feet with a chord being and distance of S 21 degrees 06' 40" W 80.37 feet to an existing iron stake; thence with the western margin of Hillsboro Street S 07 degrees 41' 00" W 198.68 feet to an existing iron stake; thence S 53 degrees 05' 38" W 27.97 feet to an existing iron stake in the northern margin of Hawthorne Road; thence with the northern margin of Hawthorne Road N 81 degrees 24' 44" W 233.68 feet to the point of beginning and containing 2.10 acres and being the same property conveyed to True Victory Deliverance Tabernacle, Inc., by Deed dated November 4, 1991 recorded in Book 3722, Page 15, Cumberland County Registry.

The owner(s) of and parties in interest in said property are:

Hillsboro Partners, LLC
726 Ramsey Street
Fayetteville, NC 28303

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before September 28, 2010.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$43,500 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

The Building Inspector is ordered forthwith to accomplish, with respect to said property, precisely and fully what was ordered by said Inspections Director as set forth fully above, except as modified in the following particulars:

This property is to be demolished and all debris removed from the premises, and the cost of said removal shall be a lien against the real property as described herein.

SECTION 2

The lien as ordered herein and permitted by NC General Statute 160A-443(6) shall be effective from and after the date the work is completed, and a record of the same shall be available in the office of the City of Fayetteville Finance Department, Collections Division, 2nd Floor - City, 433 Hay Street, Fayetteville, NC 28301.

SECTION 3

This ordinance shall be in full force and effect from and after its adoption.

Adopted this _____ day of _____, 2010.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert Anderson, Chief Development Officer
DATE: October 11, 2010
RE: **Ordinance Authorizing the Demolition of the Structure at 811 Bedrock Drive.**

THE QUESTION:

Would the demolition of this structure help to enhance the quality of life in the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City- Clean and Beautiful; Goal #: Growing City, Livable Neighborhoods- A Great Place To Live

BACKGROUND:

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on May 4, 2010 as a dangerous or vacant/abandoned structure. A hearing was held, which the owner did not attend, but contacted the hearing officer by telephone to discuss her plans for the structure. The owner was also mailed an application for the Community Development Demolition Program to assist in the removal of the structure. The owner has failed to act to repair or demolish the structure.

ISSUES:

OPTIONS:

RECOMMENDED ACTION:

Staff recommend that Council move to approve the attached ordinance authorizing the demolition of the structure at 811 Bedrock.

ATTACHMENTS:

Docket 811 Bedrock Drive
Ordinance 811 Bedrock Drive

TO: Mayor
City Council Members
City Manager
City Attorney

Under provisions of Chapter 14, titled Housing, Dwellings and Buildings of the Code of the City of Fayetteville, North Carolina, the Inspection Department is requesting the docket of the owner who has failed to comply with this Code, be presented to the City Council for action. All proceedings that are required by the Code, Section 14-61, have been complied with. We request the Council take action under the provisions of Chapter 14 of the Code and applicable NC General Statutes.

Location	811 Bedrock Drive
Property Owner(s)	Sonhui Lee
Date of Inspection	My 4, 2010
Date of Hearing	June 25, 2010
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed June 28, 2010
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since May 4, 2010.
Police Calls for Service (past 2 yrs)	4

The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 4th day of October, 2010.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City, concerning certain real property described as follows:

811 Bedrock Drive
PIN 0408-37-7685

Being all of Lot 66 in a subdivision known as Ponderosa, Section 21, according to a plat of the same duly recorded in Book of Plats 38, at Page 55, Cumberland County Registry, North Carolina.

The owner(s) of and parties in interest in said property are:

Sonhui Lee
6049 Bonnie Bern Court
Burke, VA 22015- 3365

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before August 25, 2010.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,900.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

The Building Inspector is ordered forthwith to accomplish, with respect to said property, precisely and fully what was ordered by said Inspections Director as set forth fully above, except as modified in the following particulars:

This property is to be demolished and all debris removed from the premises, and the cost of said removal shall be a lien against the real property as described herein.

SECTION 2

The lien as ordered herein and permitted by NC General Statute 160A-443(6) shall be effective from and after the date the work is completed, and a record of the same shall be available in the office of the City of Fayetteville Finance Department, Collections Division, 2nd Floor - City, 433 Hay Street, Fayetteville, NC 28301.

SECTION 3

This ordinance shall be in full force and effect from and after its adoption.

Adopted this __4th__ day of _October_____, 2010.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: October 11, 2010
RE: **Award Contract for the Purchase of One (1) 35,000 lb. Rubber Tire Loader**

THE QUESTION:

Staff requests approval to award a contract for the purchase of one (1) 35,000 lb. Rubber Tire Loader.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government - Cost-Effective Service Delivery

BACKGROUND:

Currently, the Streets Division has the need for one (1) 35,000 lb. Rubber Tire Loader. Formal bids were received September 28, 2010 as follows:

Rob's Hydraulics, Inc., Grimesland, NC	\$141,000
Interstate Equipment Co., Cary, NC	\$141,085
R.W. Moore Equipment Co., Raleigh, NC	\$149,300
Gregory Poole Equipment Co., Hope Mills, NC	\$169,962

The low bid submitted by Rob's Hydraulics, Inc. is recommended. This is a budgeted item, in the amount of \$145,000, to replace Unit #95/351.

ISSUES:

None

OPTIONS:

(1) Award contract as recommended. (2) Not award contract.

RECOMMENDED ACTION:

Award contract to Rob's Hydraulics Inc., Grimesland, NC, in the amount of \$141,000, for the purchase of one (1) 35,000 lb. Rubber Tire Loader.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: October 11, 2010
RE: **Purdue Drive Municipal Agreement for Railway Crossing Signals and Gates**

THE QUESTION:

Council is being asked to approved a Municipal Agreement and Resolution with NCDOT-Rail Division for Purdue Drive for the installation for crossing signals and gates to improve the safety of the crossing.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods – A Great Place to Live

BACKGROUND:

- NCDOT-Rail Division has identified the rail crossing at Purdue Drive as needing improvement.
- This project was budgeted for in FY10 and the funding was recently designated to the current fiscal year by Council on September 27th.

ISSUES:

- The City is responsible for improvements and repairs to the street approaches at the subject grade crossing. This cost will be reimbursed back to the City from NCDOT.
- The estimated cost for this project is \$184,000 and the City is responsible for \$18,400, representing 10% of the total estimated cost.

OPTIONS:

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

RECOMMENDED ACTION:

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

ATTACHMENTS:

Purdue Resolution
Purdue Municipal Agreement

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

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

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

WHEREAS, this project shall consist of the installation of certain automatic warning devices at the crossing of Purdue Drive and CSX Transportation Tracks (Crossing No. 847 206S); and,

WHEREAS, the Municipality will reimburse the Department of Transportation for ten percent (10%) of any and all expenses incurred in the planning, design and installation of the warning device by the Department of Transportation, and 100% of the cost not reimbursed by the Federal Highway Administration; and,

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

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Mayor and the Clerk of the City of Fayetteville are hereby formally authorized to enter into a contract with the Department of Transportation to obtain Federal-Aid highway funds necessary to improve the warning devices at the said grade crossing under Project Z-5106H, for the Department of Transportation to perform certain work, and the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

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

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

(SEAL)

CLERK
CITY OF FAYETTEVILLE

NORTH CAROLINA
CUMBERLAND COUNTY

Z-5106H
WBS: 50006.1.5 (PE)
50006.3.6 (CONS)
CSX TRANSPORTATION
847 206S
PURDUE DRIVE
8/18/2010

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

AND

MUNICIPAL AGREEMENT

CITY OF FAYETTEVILLE

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

WITNESSETH:

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

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

WHEREAS, Highway - Railway at Grade Crossing #847 206S on Purdue Drive in Fayetteville has been selected for participation in the "Transportation Equity Act for the 21st Century" in accordance with the Federal-Aid standards and requirements; and,

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

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

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

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

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

PLANNING AND DESIGN:

1. The Department will arrange to have the necessary plans and detailed estimate prepared by the railroad concerned (or by a consultant for the railroad) and will review such plans with the Municipality before approving them for construction.
2. The Department will enter into an agreement with the railroad or railroads for the installation of the warning devices. The Department will supervise, as necessary, the work of installing the warning devices to insure installation is according to the approved plans. In the event substantial changes in the plans are found necessary during construction, the Department will consult with the Municipality before approving such changes. The Department will also make a final evaluation of the completed installation to insure it operates according to plans.
3. The Department will obtain all necessary Federal Highway Administration (FHWA) and/or Federal Rail Administration (FRA) approvals.

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

PROFESSIONAL AND ENGINEERING SERVICES:

PROCUREMENT POLICY

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

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

(B) The Municipality, when procuring architectural, professional and engineering services, must adhere to Title 49 Code of Federal Regulations, Part 18.36, Title 23 of the Code of Federal Regulations, Part 172, Title 40 United States Code, Chapter 11, Section 1101-1104, North Carolina General Statute 143-64, Parts 31 and 32 and the Department's Policies and Procedures for Major Professional or Specialized Services Contracts. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/legregs/legislat.html and www.ncleg.net/gascripts/Statutes/Statutes.asp.

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

(D) Reimbursement for construction administration costs cannot exceed fifteen percent (15%) of the total construction contract. This applies to private engineering firms and/or work performed by the Municipality and/or the Department. The Municipality, and/or its agent, shall

perform project administration in accordance with all Departmental and Federal policies and procedures.

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

(E) Any contract entered into with another party to perform work associated with the requirements of this agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the NC Board of Transportation. These provisions are incorporated into this Agreement by reference: http://www.ncdot.org/doh/preconstruct/ps/specifications/specifications_provisions.html.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

CONTRACTOR PROCUREMENT:

ADVERTISE FOR BIDS

6. The Municipality shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract according to Title 49 of the Code of Federal Regulations, Part 18.36 and Title 23 of the Code of Federal Regulations, Part 633, Subpart A and Part 635, Subpart A, incorporated by reference at www.fhwa.dot.gov/legisregs/directives/fapgtoc/htm.

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS

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

8. The Municipality, and/or its agent, including all contractors, sub-contractors, or sub-recipients, shall also comply with the following federal policy:

(A) Any contract entered into with another party to perform work associated with the requirements of this agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), as required and defined in 49 CFR Part 26 of the Code of Federal Regulations and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference

www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html.

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

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

CONSTRUCTION

9. In accordance with G.S. 160A-298(c), the Municipality shall be responsible for all improvements to and repair of the municipal street approaches to the subject grade crossing signalization project. Improvements shall consist of, but not be limited to, installation of all pavement markings, signs, drainage, sidewalk relocation/repair, fill materials, and pipe extensions. In addition, the Municipality shall be responsible for securing any additional easement or right of way if necessary. All work shall be performed within the existing right of way and in accordance with Departmental standards and specifications, and all local codes and ordinances. The Municipality, and or its agent, shall enter into and administer the construction contract for said work and the procedures set out herein below shall be followed:

(A) The construction engineering and supervision will be furnished by the Municipality.

(B) The Department's Rail Division shall have the right to inspect, sample, test, and approve or reject any portion of the project being performed by the Municipality or the Municipality's contractor, to ensure compliance with the provisions of this Agreement. The Department will furnish the Municipality with any forms that may be needed in order to follow

standard Departmental practices and procedures in the administration and performance of the contract.

(C) During said work, if any changes in the plans are necessary, such changes must be approved by the Department's Rail Division prior to the work being performed.

(D) All materials used by the Municipality shall be in reasonable close conformity with the Standards and Specifications of the Department.

(E) Prior to the final acceptance and payment by the Department, the Rail Division shall have the right to make a final inspection of the completed work.

(F) The Municipality shall perform said work in conjunction with the railroad's completion of the installation of the warning devices in order not to delay the completion of the project.

(G) During construction of the Municipality's project, the Municipality shall provide and maintain adequate barricades, signs, signal lights, flagmen, and other warning devices for the protection of traffic in conformation with standards and specifications of the Department and the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration.

(H) The Municipality shall complete said work within sixty (60) days of installation of the warning devices. If the Municipality has not completed its responsibilities to the satisfaction of the Department, including satisfactory progress of the various phases of the Project, the unexpended balance of funds may be recalled by the Department and assigned to other projects by the Board of Transportation and the Municipality shall reimburse costs incurred by the Department associated with the Project.

(I) In the event the project is not let to contract within six (6) months after receiving final approval of construction plans and proposals from the Department, the Municipality shall be responsible for re-submitting two (2) sets of plans and proposals to the Department for review to ensure that they remain in compliance with any revisions in the Department's standard practices and regulations.

(J) Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than contract awarded by a competitive bidding process. Written approval from the Department is required prior to the use of force account by the Municipality. Federal Highway Administration regulations governing Force Account are contained in Federal-Aid Policy Guide, Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference www.fhwa.dot.gov/legregs/directives/cfr23toc.htm. North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at www.ncleg.net/gascripts/Statutes/Statutes.asp.

REIMBURSEMENT/FUNDING AND PAYMENT TERMS:

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

(A) The Department shall reimburse the Municipality to the extent of one hundred percent (100%) of the approved allowable project costs incurred by the Municipality for the approach work. Said reimbursement shall be subject to the policies and procedures contained in Federal-Aid Policy Guide 23 CFR Part 140, Subpart G which is being incorporated into this Agreement by reference, is currently available at http://www.access.gpo.gov/nara/cfr/waisidx_02/23cfr140_02.html). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration which is to participate in the costs of the project to the extent of ninety percent (90%) of allowable project costs subject to compliance with all applicable federal policy and procedural rules and regulations.

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

(C) Upon completion of the Project, the Department shall submit an invoice to the Municipality denoting the balance of the Municipality's ten percent (10%) participation in the actual cost of the project, and 100% of any costs not reimbursed by the Federal Highway Administration. Reimbursement to the Department shall be made within sixty (60) days of receiving an invoice from the Department. The Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23.

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

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

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

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

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

Department shall invoice the Municipality for all costs incurred by said Department that are not reimbursed by the Federal Highway Administration.

(I) If the work is performed by Municipal force account, said invoices shall show a summary of labor, labor additives, equipment, materials and other qualifying cost in conformance with the standards for allowability of costs set forth in Office of Management and Budget (OMB) Circular A-87 and is currently available at, (www.whitehouse.gov/OMB/circulars/a087/a087-all.html). Reimbursement shall be based on actual cost incurred with the exception of equipment owned by the Municipality. Reimbursement for rates of equipment owned by the Municipality cannot exceed the Department's rates in effect for the time period in which the work is performed. If the work is performed by a contractor, said invoices shall show the contract cost.

REIMBURSEMENT GUIDANCE

11. The Municipality shall adhere to applicable administrative requirements of 49 CFR 18 (www.fhwa.dot.gov/legregs/directives/fapgtoc.htm) and Office of Management and Budget (OMB) Circulars A-102 (www.whitehouse.gov/omb/circulars/index.html) "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Federal-Aid Policy Guide, Title 23, Part 140 and Part 172, which is being incorporated into this Agreement by reference at (www.fhwa.dot.gov/legregs/directives/fapgtoc.htm) and by Office of Management and Budget (OMB) Circular A-87 (www.whitehouse.gov/omb/circulars/index.html) "Cost Principles for State, Local, and Indian Tribal Governments." Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedural rules and regulations.

FINAL AUDIT

12. In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" and is currently available at, (www.whitehouse.gov/OMB/circulars/a133/a133.html) dated June 27, 2003 and the Federal Single

Audit Act Amendments of 1996, the Municipality shall arrange for an independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

POWELL BILL PROVISION

13. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.

RECORDS ACCESS AND RETENTION

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

MAINTENANCE

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

INDEMNIFICATION

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

DEBARMENT POLICY

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

18. 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.

COMPLIANCE

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

ETHICS PROVISION

20. The parties acknowledge the requirements of N.C.G.S. § 133-32. In addition, the Department and its employees are bound by the provisions of Executive Order 24 (issued by Governor Perdue on October 1, 2009), which bans State employees from accepting or receiving gifts. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for

any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:

- (i) have a contract with a governmental agency; or
- (ii) have performed under such a contract within the past year; or,
- (iii) anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

ADDITIONAL PROVISIONS

21. The Department shall have the right to abandon the Project at any time before the Municipality has been called upon to perform any part of its agreement.

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

23. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

24. No member, officer or employee of the Department shall have any interest, direct or indirect, in this Agreement or the proceeds there from.

SUNSET PROVISION

25. All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of departmental funding and fiscal constraints and the Agreement shall automatically terminate if funds cease to be available.

This Agreement is made under, and shall be governed and construed in accordance with, the laws of the State of North Carolina.

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

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

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this Agreement, you attest, for your entire organization and its employees or agents, that you are not aware that any gift in violation of N.C.G.S. § 133-32 and Executive Order 24 has been offered, accepted, or promised by any employees of your organization.

L.S.

ATTEST:

CITY OF FAYETTEVILLE

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

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

(SEAL)

Finance Officer

Federal Tax Identification Number

City of Fayetteville

Remittance Address:
City of Fayetteville

Approved by the City Council of the City of Concord as attested to by the signature of

_____ Clerk of the City Council on _____

(Date)

ATTEST:

DEPARTMENT OF TRANSPORTATION

BY: _____
Secretary to the Board of Transportation

BY: _____
DIRECTOR – ENGINEERING & SAFETY
RAIL DIVISION

DATE: _____

DATE: _____

Remittance Address:
North Carolina Department of Transportation
Rail Division Engineering & Safety Branch
1556 Mail Service Center
Raleigh, NC 27699-1556
Attn: Jim Morrison, PE, Project Engineer
(919) 733-5564
jmorrisson@ncdot.gov

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: _____DATE

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

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

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

WHEREAS, this project shall consist of the installation of certain automatic warning devices at the crossing of Purdue Drive and CSX Transportation Tracks (Crossing No. 847 206S); and,

WHEREAS, the Municipality will reimburse the Department of Transportation for ten percent (10%) of any and all expenses incurred in the planning, design and installation of the warning device by the Department of Transportation, and 100% of the cost not reimbursed by the Federal Highway Administration; and,

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

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Mayor and the Clerk of the City of Fayetteville are hereby formally authorized to enter into a contract with the Department of Transportation to obtain Federal-Aid highway funds necessary to improve the warning devices at the said grade crossing under Project Z-5106H, for the Department of Transportation to perform certain work, and the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

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

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

(SEAL)

CLERK
CITY OF FAYETTEVILLE

EXHIBIT A

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

Z-5106H

Crossing of Purdue Drive and CSX Transportation Tracks, Crossing No. 847 206S, to be improved by the installation of automatic warning devices at an estimated cost of **\$184,000**.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: October 11, 2010
RE: **Capital Project Ordinance Amendment 2011-11 (Railway Grade Crossing Signals on Purdue Drive)**

THE QUESTION:

This amendment will appropriate \$20,000 for the North Carolina Department of Transportation Municipal Agreement to fund the cost of railway grade crossing signal installation on Purdue Drive.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: More Efficient City Government - Cost-Effective Service Delivery

Objective 3: Investing in City's future infrastructure, facilities and equipment

BACKGROUND:

- This amendment will appropriate the City's share of the cost to install railway grade crossing signals on Purdue Drive as identified in the North Carolina Department of Transportation Municipal Agreement that also appears on this agenda.
- The source of funds for this amendment is a transfer from the General Fund.
- If approved, the revised project budget for various municipal agreements, including this project, will be \$2,201,309.
- 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.

ISSUES:

None

OPTIONS:

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

RECOMMENDED ACTION:

Adopt the amendment.

ATTACHMENTS:

Capital Project Ordinance Amendment 2011-11

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2011-11 (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:

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
North Carolina Department of Transportation	\$ 15,710	\$ -	\$ 15,710
General Fund Transfer	<u>2,165,599</u>	<u>20,000</u>	<u>2,185,599</u>
	<u>\$ 2,181,309</u>	<u>\$ 20,000</u>	<u>\$ 2,201,309</u>

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

Project Expenditures	<u>\$ 2,181,309</u>	<u>\$ 20,000</u>	<u>\$ 2,201,309</u>
----------------------	---------------------	------------------	---------------------

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

Adopted this 11th day of October, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: October 11, 2010
RE: **Capital Project Ordinance 2011-6 (FY2011 Transit Multi-Modal Center Grant)**

THE QUESTION:

Capital Project Ordinance 2011-6 will appropriate the budget for the FY2011 Transit Multi-Modal Center grant for real estate acquisition, relocation and demolition costs associated with the construction of the Transit Multi-Modal Center.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

- Transit has received a federal grant to administer land acquisition, relocation and demolition activities in relation to the construction of the Multi-Modal Center.
- The Federal Transit Administration will fund 80% of the expenditures, NCDOT is expected to fund 10% and the City will provide a local match of 10%.
- The proposed funding sources for the \$1,662,307 ordinance are:
 - FTA (\$1,329,845)
 - NC Department of Transportation (NCDOT) (\$166,231)
 - Local Match- General Fund Transfer (\$166,231)
- The local match was approved in CPO 2009-24, which transferred \$500,000 from the General Fund to the Transit Capital Project Fund to cover the cost of land acquisition related to this project.
- NCDOT is expected to approve \$166,231 for this grant at their November board meeting. In the event that the state funding is not approved, the City will be required to provide an additional local match of \$166,231.

ISSUES:

None

OPTIONS:

- 1) Adopt Capital Project Ordinance 2011-6.
- 2) Do not adopt Capital Project Ordinance 2011-6.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance 2011-6.

ATTACHMENTS:

CPO 2011-6

CAPITAL PROJECT ORDINANCE
ORD 2011-6

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 adopted:

Section 1. The authorized project is for the funding of the FY2011 Transit Multi-Modal Center grant, which includes funds for real estate acquisition, relocation and demolition related to the construction of the Transit Multi-Modal Center.

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

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

Federal Transit Administration	\$ 1,329,845
North Carolina Department of Transportation	166,231
Local Match - General Fund Transfer	166,231
	<u>\$ 1,662,307</u>

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

Project Expenditures	<u>\$ 1,662,307</u>
----------------------	---------------------

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

Adopted this 11th day of October, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: October 11, 2010
RE: **Budget Ordinance Amendment 2011-4 (Public Safety Software, Hardware and Radio Antennas)**

THE QUESTION:

This budget ordinance amendment will appropriate \$194,024 from the Emergency Telephone System Fund (E911 Fund) fund balance to purchase certain public safety software, hardware and radio antennas and pay for the first annual maintenance contract.

RELATIONSHIP TO STRATEGIC PLAN:

Principle A: Great Place to Live - Means a clean and safe community.

BACKGROUND:

- The NC General Assembly recently approved changes to the NC911 Fund legislation that allow local governments to use a portion of the E911 fund balance in FY2011 and FY2012 to provide for public safety needs.
- The Police and Fire Departments have requested to use approximately \$194,024 from the E911 fund balance to purchase software, hardware and radio antennas as a part of an initiative to implement "silent dispatching" for the public safety departments. This amount also includes the maintenance fee for the first year for this equipment.
- The software keeps the dispatch session active between the first responders mobile data computers (MDCs) and the 911 Computer Aided Dispatch (CAD) system in the event there is a temporary loss of the wireless connection to the CAD system.
- Having this system in place will save precious time and help ensure the first responders receive critical information as they respond to calls in the community.
- Cumberland County public safety departments have already deployed this software with considerable success.
- Mr. Victrum, the City's Chief Information Officer, has confirmed that these items are eligible purchases under the new legislation.

ISSUES:

None.

OPTIONS:

- Adopt the budget ordinance amendment.
- Do not adopt the budget ordinance amendment.

RECOMMENDED ACTION:

Adopt Budget Ordinance Amendment 9011-4.

ATTACHMENTS:

Budget Ordinance Amendment 2011-4

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

That the City of Fayetteville Budget Ordinance adopted June 28, 2010 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2010, and ending June 30, 2011, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule E: Emergency Telephone System Fund</u>			
Fund Balance Appropriation	\$ 148,870	\$ 194,024	\$ 342,894
All Other Emergency Telephone System Fund Revenues and OFS	<u>1,070,806</u>	<u>-</u>	<u>1,070,806</u>
Total Estimated Emergency Telephone System Fund Revenues and Other Financing Sources	<u>\$ 1,219,676</u>	<u>\$ 194,024</u>	<u>\$ 1,413,700</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2010, and ending June 30, 2011, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule E: Emergency Telephone System Fund</u>			
Total Estimated Emergency Telephone System Fund Expenditures	<u>\$ 1,219,676</u>	<u>\$ 194,024</u>	<u>\$ 1,413,700</u>

Adopted this 11th day of October, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: October 11, 2010
RE: **Award Contract for the Purchase of Two (2) 10' Non-Walk-in Rescue Units**

THE QUESTION:

Staff requests approval to award a contract for the purchase of two (2) 10' non-walk-in rescue units.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government - Cost-Effective Service Delivery

BACKGROUND:

The Fire Department currently has the need for two (2) 10' non-walk-in rescue units. Formal bids were received September 15, 2010 as follows:

KME Fire Apparatus c/o Slagle Fire Equipment Co., South Boston, VA	\$228,600
Pierce Manufacturing c/o Triad Fire, Inc., Kernersville, NC	\$246,932
Anchor-Richey E.V.S., Taylorsville, NC	\$259,550

The low bid is recommended. These are budgeted items in the amount of \$300,000. One (1) unit is to replace Unit #96/258, and one (1) unit is an addition.

ISSUES:

None.

OPTIONS:

(1) Award contract as recommended. (2) Not award contract.

RECOMMENDED ACTION:

Award contract to KME Fire Apparatus c/o Slagle Fire Equipment Co., South Boston, VA, in the amount of \$228,600, for the purchase of two (2) 10' Non-Walk-in Rescue Units.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: October 11, 2010
RE: **Bid Recommendation – Contract for Annexation Phase V, Project III, Area 9-Summerhill**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve bid recommendation to award contract for Annexation Phase V, Project III, Area 9-Summerhill.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

During their meeting of September 22, 2010 the Public Works Commission approved bid recommendation to award contract for Annexation, Phase V-Project III, Area 9-Summerhill to Colt Contracting Co., Clinton, NC, the lowest responsive, responsible bidder in the total amount of \$2,219,490.60 and forward to City Council for approval. This is a budgeted item (CIP WS-47 with a budgeted amount of \$2,415,000 (with contingency) for Area 9-Summerhill) Bids were received August 25, 2010 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Colt Contracting Co., Clinton, NC	\$2,219,490.60
ES&J Enterprises, Inc., Autryville, NC	\$2,247,924.80
T.A. Loving, Co., Goldsboro, NC	\$2,339,742.00
State Utility Contractors, Monroe, NC	\$2,370,008.00
Dellinger, Inc., Monroe, NC	\$2,526,367.00

Plans and specifications were requested by thirteen (13) contractors with six (6) contractors responding.

ISSUES:

Colt Contracting will use SDBE/MWBE subcontractors for approximately 2.3% of the work on this project. Colt Contracting was required to submit their good faith efforts to solicit SDBE/MWBE participation on this project and, upon review; staff has verified that Colt Contracting did make a good faith effort in accordance with NCGS 143-128.2.

OPTIONS:

N/A

RECOMMENDED ACTION:

Award contract to Colt Contracting Co., Clinton, NC for Annexation Phase V, Project III, Area 9-Summerhill.

ATTACHMENTS:

Bid Recommendation

Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** September 15, 2010

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award contract for Annexation Phase V – Project III, Area 9 - Summerhill

.....
BID/PROJECT NAME: Annexation Phase V – Project III, Area 9 – Summerhill

BID DATE: August 25, 2010 **DEPARTMENT:** Water Resources Engineering

BUDGET INFORMATION: CIP WS 47 – \$2,415,000 (with contingency) for Area 9 - Summerhill

.....

BIDDERS	TOTAL COST
<u>Colt Contracting Co., Clinton, NC</u>	<u>\$2,219,490.60</u>
<u>ES&J Enterprises, Inc., Autryville, NC</u>	<u>\$2,247,924.80</u>
<u>T.A. Loving, Co., Goldsboro, NC</u>	<u>\$2,339,742.00</u>
<u>State Utility Contractors, Monroe, NC</u>	<u>\$2,370,008.00</u>
<u>Dellinger, Inc., Monroe, NC</u>	<u>\$2,526,367.00</u>

.....

AWARD RECOMMENDED TO: Colt Contracting Co., Clinton, NC

BASIS OF AWARD: Lowest responsive, responsible bidder

AWARD RECOMMENDED BY: Water Resources Engineering and Gloria Wrench

.....
COMMENTS: Plans and specifications were requested by thirteen (13) contractors with six (6) contractors responding. Ralph Hodge Construction Co., Rocky Mount, NC, submitted the apparent low bid, however they failed to submit any of the qualification information required in the bid documents. A written request for the omitted information was sent to Ralph Hodge Construction on August 26, 2010 requiring that the information be submitted within seventy-two hours, in accordance with the bid specifications. Ralph Hodge failed to submit any qualification information within the specified time frame, or at anytime thereafter, therefore, the bid from Ralph Hodge Construction has been deemed non-responsive. Recommendation is being made to Colt Contracting Co., Clinton, NC, the lowest responsive, responsible bidder. Colt Contracting Co. submitted all required qualification information and upon review, staff has determined they are sufficiently qualified to perform the work.

.....

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

ANNEXATION PHASE V – PROJECT III, AREA 9 - SUMMERHILL

BID DATE: AUGUST 25, 2010

Consulting Engineer

McKim & Creed

Advertisement

- | | | |
|----|------------------------|---------------------------|
| 1. | PWC Website | 07/27/10 through 08/25/10 |
| 2. | Greater Diversity News | 07/28/10 |

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. Fayetteville Area Chamber of Commerce, Fayetteville, NC
9. Carolinas AGC, Fayetteville and Raleigh, NC
10. McGraw Hill/Dodge Reports, Raleigh, NC
11. Hispanic Contractors Association, Raleigh, NC
12. The Raleigh Black Chamber of Commerce, Raleigh, NC

List of Contractors Requesting Plans and Specifications

1. ES&J Enterprises, Inc., Autryville, NC
2. Ralph Hodge Construction Co., Wilson, NC
3. Monroe Roadways, Denver, NC
4. T.A. Loving, Goldsboro, NC
5. Billy Bill Grading, Fayetteville, NC
6. State Utility Contractors, Inc., Monroe, NC
7. Triangle Grading & Paving, Burlington, NC
8. Corbett Contracting, Inc., Selma, NC
9. Sanford Contractors, Sanford, NC
10. McClam & Associates, Little Mountain, SC
11. R.H. Moore Company, Inc., Murrells Inlet, SC
12. Dellinger, Inc., Monroe, NC
13. Colt Contracting, Clinton, NC

SDBE/MWBE Participation

Colt Contracting will use SDBE/MWBE subcontractors for approximately 2.3% of the work on this project. Colt Contracting was required to submit their good faith efforts to solicit SDBE/MWBE participation on this project and, upon review; staff has verified that Colt Contracting did make a good faith effort in accordance with NCGS 143-128.2.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: October 11, 2010
RE: **Resale of foreclosed property at 4907 Rosehill Road to previous owner in accordance to NCGS 105-376(C)**

THE QUESTION:

Will the City Council as the governing body approve selling the property back to the previous owner(s) of the property located at 4907 Rosehill Rd?

RELATIONSHIP TO STRATEGIC PLAN:

Quality utility services.

BACKGROUND:

On February 10, 2003 the Fayetteville City Council approved the Sewer Assessment Roll for the sanitary sewer lines provided within the Phase 4-A Annexation Project Area. An assessment was made on the property located at 4907 Rosehill Road. PWC and their attorney mailed numerous collection letters to the owner(s) on record concerning the seriously delinquent assessment. A Default Judgment was entered and on May 24, 2010 the property was offered for sale at the Cumberland County Courthouse. Because no bids were entered by default the City of Fayetteville, C/O PWC became the owner of the property. After an upset bid grace period the property was deeded to the City of Fayetteville, C/O PWC on July 23, 2010. This property is vacant and boarded up. PWC was contacted by our foreclosure attorney on September 17, 2010 relaying a request by the former owner to repurchase the property.

State statute allows the resale of property purchased at a foreclosure sale to be resold to the former property owner in the discretion of the governing body. The property will be sold without warranties. The repurchase price is estimated to be approximately \$10,600.00 to include the assessment balance plus interest in the amount of \$4,543.00, attorney fees totaling \$3,555.00, City and County taxes in the amount of \$1,089.00, COF Lot Clearing Assessment totaling \$362.00 and the PWC cost of \$1,000.00 to secure the property.

ISSUES:

Whether to resell the property located at 4907 Rosehill Road to the previous owner in accordance with NCGS 105-376(c)

OPTIONS:

- (1) Do not allow the previous owner to purchase the property and initiate eviction proceedings
- (2) Allow the previous owner to purchase the property by private sale pursuant to state statute
- (3) Provide additional direction to staff

RECOMMENDED ACTION:

PWC recommends allowing the repurchase of the property located at 4907 Rosehill Road by the previous owner pursuant to state statute.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Hampton, Special Projects Director
DATE: October 11, 2010
RE: Extension of Grant Agreement for Cape Fear Rivertrail-Phase 2

THE QUESTION:

Does Council wish to approve the extension of the funding grant from DOT for this project?

RELATIONSHIP TO STRATEGIC PLAN:

1. Goal #2-Growing City, Livable Neighborhoods-A Great Place to Live; Objective #5-Improve mobility within the City
2. Goal #4-More Attractive City-Clean & Beautiful; Objective #3-Increase Green spaces throughout the City
3. Major Project #6 2010-2011

BACKGROUND:

In early 2008 the city was awarded a grant from NC DOT for \$1 Million to assist with the funding for the next phase (2) of the Cape Fear Rivertrail from Clark Park to the Botanical Gardens, an approximately 2.5 mile extension of the existing trail that begins at Methodist College. At the same time the city was awarded a grant from the NC Clean Water Trust Fund for \$1.3 Million for construction of the trail if the city successfully placed approximately 200 acres into the Trust Fund in perpetuity. This section of the trail crosses and runs parallel along the Cape River with Clark Park, the Texfi site, The PWC Hoffer water treatment site, the mainline CSX/Amtrak, the Cumberland County Landfill property, several parcels of city owned property, and completes at the Botanical Gardens.

Delays in the development of the construction documents and hiring of structural engineering services were caused by; 1)Delays in obtaining the Texfi property through tax foreclosure, 2) a re-routing of the trail within the PWC site due to security concerns, 3) a denial by the railroad for an at-grade pedestrian crossing, causing a need to develop a bridge system to span the Cape Fear River underneath the mainline RR trestle, and 4) a decision by Cumberland County to not allow land associated with the landfill operations to be placed in the aforementioned Clean Water Trust Fund. The combination of these delays prohibited the development of the construction documents necessary to bid and construct the project, thus creating this extension of the grant agreement to move the completion date of the grant to December 2012.

A draft schedule is attached showing the tasks and time lines remaining to complete the project by early 2012, almost one year before the expiration date of the grant extension. It is believed that all the delays have or will be resolved in the time necessary to complete the project as shown.

The recommendation is to approve the grant agreement extension as evidenced by the enclosed Supplement Agreement from NC DOT and authorize the city manager to sign and execute all documents necessary to complete the agreement. Final approval by the NC DOT board is expected in November 2010.

ISSUES:

1. The process with Texfi is to be completed by the end of 2011. Ownership of this property will greatly enhance the options of routing the trail thru the Texfi site.
2. Issuance of all documents (bids, request for engineering services, environmental surveys

required, etc) require the pre-approval of NC DOT which adds at least one additional month to any procurement process.

OPTIONS:

1. Approve the grant extension and authorize the manager to execute all documents necessary.
2. Do not approve the grant extension and provide guidance to staff

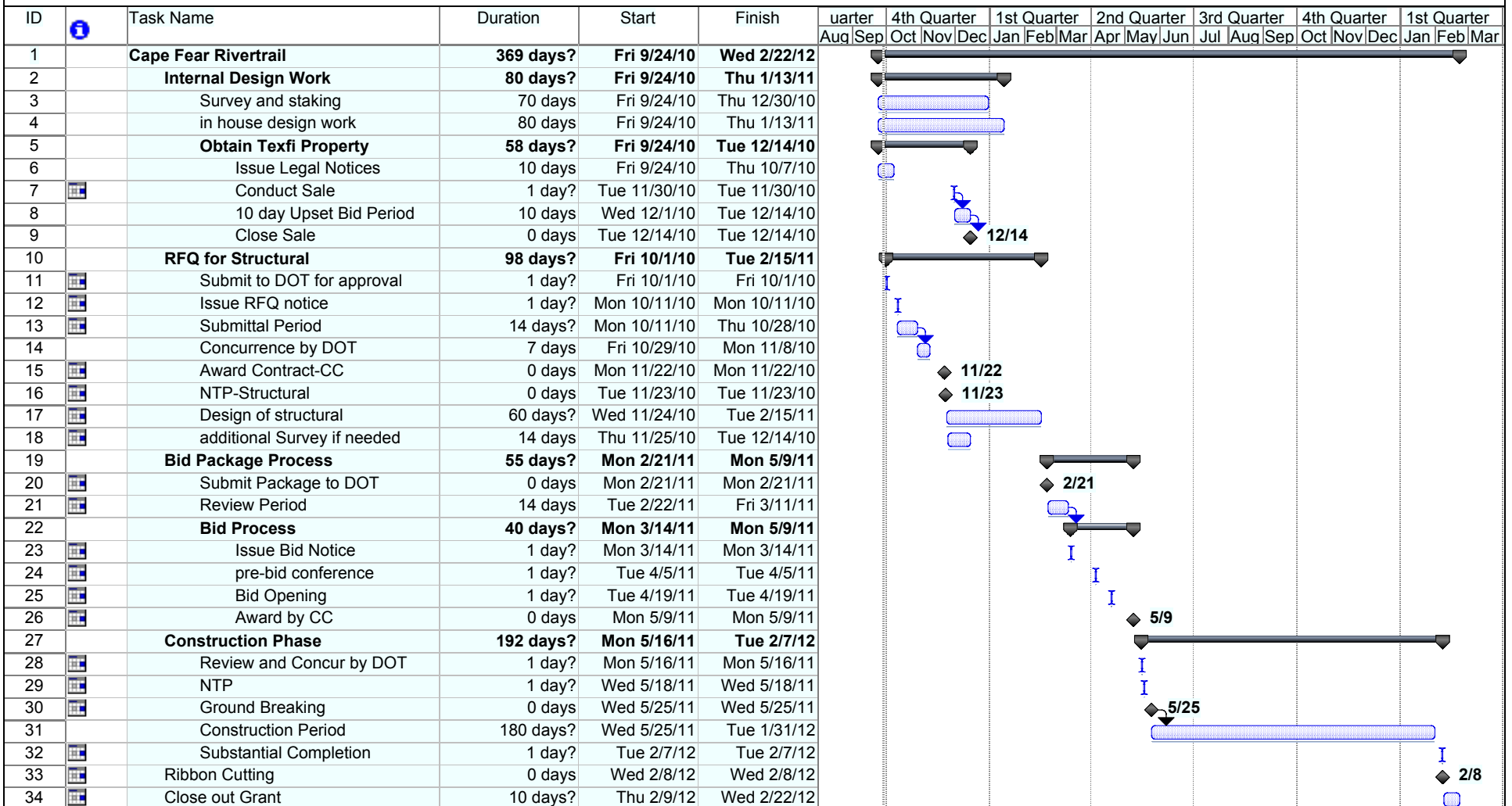
RECOMMENDED ACTION:

1. Approve the grant extension and authorize the manager to execute all documents necessary.

ATTACHMENTS:

Draft Schedule-Cape Fear Rivertrial-Phase 2
Supplement Agreement for extension

Cape Fear Rivertrail=Phase 2
Clark Park to Botanical Gardens



Project: Cape Fear Rivertrail Schedule Date: Tue 9/28/10 Draft-not for issue or release	Task		Milestone		External Tasks	
	Split		Summary		External MileTask	
	Progress		Project Summary		Split	

NORTH CAROLINA
CUMBERLAND COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 9/23/2010

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: EB-4539 B

AND

WBS ELEMENTS: PE _____

R0W _____

CITY OF FAYETTEVILLE

CON 41955.3.1

OTHER FUNDING: 41563

FEDERAL-AID #:

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$0

THIS 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, hereinafter referred to as the "Municipality";

WITNESSETH:

WHEREAS, the Department and the Municipality, on 12/12/2007, entered into a certain Locally Administered Project Agreement for the original scope: of the construction of a 2.5 mile long 10-foot wide asphalt/concrete multi-use trail with 2-ft crushed stone shoulders and 3-ft turf shoulders from Clark Park to the Cape Fear Botanical Garden in the City of Fayetteville; and,

WHEREAS, the Department and the Municipality have mutually agreed to extend the completion date of the Project;

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

RESPONSIBILITIES

The Municipality shall complete the Project by December 31, 2012.

GIFT BAN

Agreement ID # 1863

1

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manger, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation , and the Office of the Governor).

Except as hereinabove provided, the Agreement heretofore executed by the Department, and the Municipality on the 12/12/2007, is ratified and affirmed as therein provided.

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.

ATTEST:

CITY OF FAYETTEVILLE

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ (Governing Board) of the City of Fayetteville as attested to by the signature of _____, Clerk of the _____ (Governing Board) on _____ (Date)

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

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Fayetteville

DEPARTMENT OF TRANSPORTATION

BY: _____

(STATE HIGHWAY ADMINISTRATOR)

DATE: _____

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Kristoff Bauer, Assistant City Manager
DATE: October 11, 2010
RE: **Economic Development Incentives for Strategic Solutions Unlimited, Inc. to Support Redevelopment Within the City's Revitalization Zone**

THE QUESTION:

Does the City Council wish to proceed with approving the proposed economic incentives for this project?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1 - Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

At the Sept. 27, 2010 meeting, Council adopted a resolution setting this public hearing to receive public comments and to consider a proposed economic development incentive package to support this important project. On May 24, 2010, Council adopted a joint economic development program with Cumberland County administered by Fayetteville Cumberland County Chamber of Commerce ("FCCCC"). At that same time, Council identified a Revitalization Zone defining that area of the City to be provided additional points toward eligibility and level of economic development incentive.

Strategic Solutions Unlimited, Inc. ("SSU") is a company currently located in a building on Maxwell St. in downtown Fayetteville that is seeking to acquire and renovate a building in the Revitalization Zone to add to its existing office space in the City. The project, located at 225 Gray St., will include expending an estimated \$450,000 to renovate the building increasing the estimated taxable value of the property by 117% to an estimated \$1.3 million.

ISSUES:

A public hearing is required by state law prior to the award of economic development incentives. The SSU project has requested, and is eligible for the Tax Grantback program established by the joint economic incentive program adopted by Council. That program includes a point system to determine eligibility and to guide the composition of the tax grantback incentives. This project is eligible for a 50% tax grantback over 5 years based on:

- creating 21-50 new jobs above the median wage;
- providing employer paid health insurance, vacation, and retirement benefits;
- employing 10-20 existing Cumberland County residents;
- locating the project within the City's adopted Revitalization Zone;
- investing \$450,000 into an existing building; and,
- being a defense industry business.

The estimated value of the Tax Grantback incentive is \$12,500 total over 5 years. If values are consistent with estimates, then the City's net tax revenue should increase over existing conditions during the grantback period.

OPTIONS:

- Approve the proposed economic incentives
- Do not approve the proposed economic incentives
- Propose revised economic incentives for the consideration and approval

RECOMMENDED ACTION:

Staff recommends that Council move to approve the proposed incentive package for SSU and authorize the City Manager to execute an Economic Development Incentive Agreement with SSU consistent with this agenda item and Council's adopted policy.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner
DATE: October 11, 2010
RE: **Case No. P10-31F. The rezoning of 2.2 acres located between Raintree Drive and Coinjock Circle on the west side of Strickland Bridge Road from R10 Residential District to C1P Commercial District . Elite Investments, Inc., owners.**

THE QUESTION:

Rezone undeveloped, residentially zoned low density property for commercial use.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: Elite Investments, Inc.
Applicant: J. Thomas Neville (Thorp, Clarke, Neville & Kirby, PA)
Requested Action: R10 to C1P
Property Address: between Raintree Drive and Coinjock Circle on the west side of Strickland Bridge Road
City Council District: 6 (Crisp)
Status of Property: Undeveloped.
Size: 2.2 acres +/-
Existing Land Use: Vacant
Adjoining Land Use & Zoning: North - R6 abandoned mobile home park / South - R10 Single Family Residential / East - R10 Single Family Residential / West - R10 Single Family Residential
2010 Land Use Plan: Low Density Residential
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.
Letters Mailed: 67
Transportation: Strickland Bridge Road is a major thoroughfare.

R10 - Primarily a single-family residential district with smaller lot areas required but including occasional two-family and multifamily structures on larger lots. Maximum of 12 lots would be allowed under R10 zoning.

C1P - Identical to the C1 local business district except that plans as required by the subdivision chapter must be submitted to the planning agency for approval prior to development; and, mixed residential use is permitted with special limitations.

ISSUES:

The purpose for rezoning is to create commercial properties for retail outlets. The 2010 Land Use Plan identifies a small commercial node at the Graham St. Strickland Bridge Rd. intersection. From that intersection land use transitions to medium density residential then to low density residential where these property are. This continues to be an appropriate development pattern for the foreseeable future. In 2007 a rezoning request was denied for property to the north between the applicants property and the current commercial zoning districts. The current zoning districts in the area match what is called for in the 2010 Land Use Plan. Staff believes that this request may be a case of illegal spot zoning. This property is completely surrounded by residential uses and fits the planned long range growth pattern for the area.

Zoning Commission (Vote 3-1) recommends Approval of the rezoning based on:

1. The rezoning would not be detrimental to the surrounding neighborhood.
2. Close enough to other commercial to not be spot zoning.

Planning Staff recommended Denial of the rezoning to C1P or any other commercial district based on:

1. The 2010 Land Use Plan calls for Low Density Residential
2. The property is currently surrounded by residential zoning and uses.
3. 2030 Growth Vision Plan cautions against rezoning residential properties just because they front major roads.
4. Possible illegal spot zoning.

OPTIONS:

- 1) Deny the Rezoning of this property (Recommended by Staff);
- 2) Rezone the property to C1P (Recommended by Zoning Commission);
- 3) Rezone the property to a more restrictive zoning district.

.

RECOMMENDED ACTION:

Zoning Commission recommends Option 2) Move to Approve the rezoning from R10 Residential to C1P Commercial District based on the finding that:

1. The rezoning would not be detrimental to the surrounding neighborhood.
2. The property is close enough to other commercial to not be spot zoning.

Staff recommends Option 1) Move to Deny the Rezoning of this property based on the finding that:

1. The 2010 Land Use Plan calls for Low Density Residential
2. The property is currently surrounded by residential zoning and uses.
3. 2030 Growth Vision Plan cautions against rezoning residential properties just because they front major roads.
4. Possible illegal spot zoning.

ATTACHMENTS:

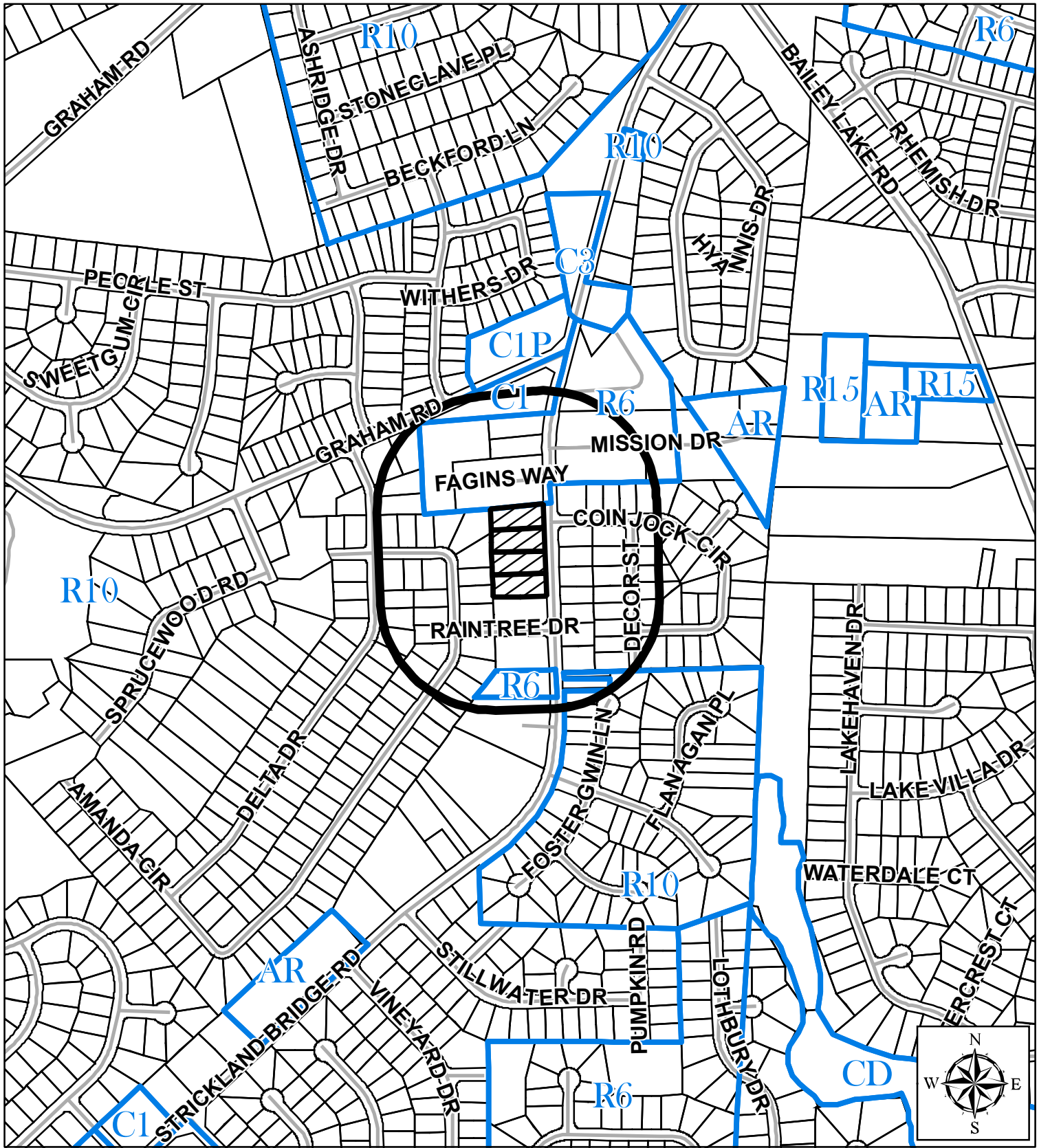
Zoning Map

Current Landuse

2010 Plan

Ortho Photo

ZONING COMMISSION
CASE NO. P10-31F



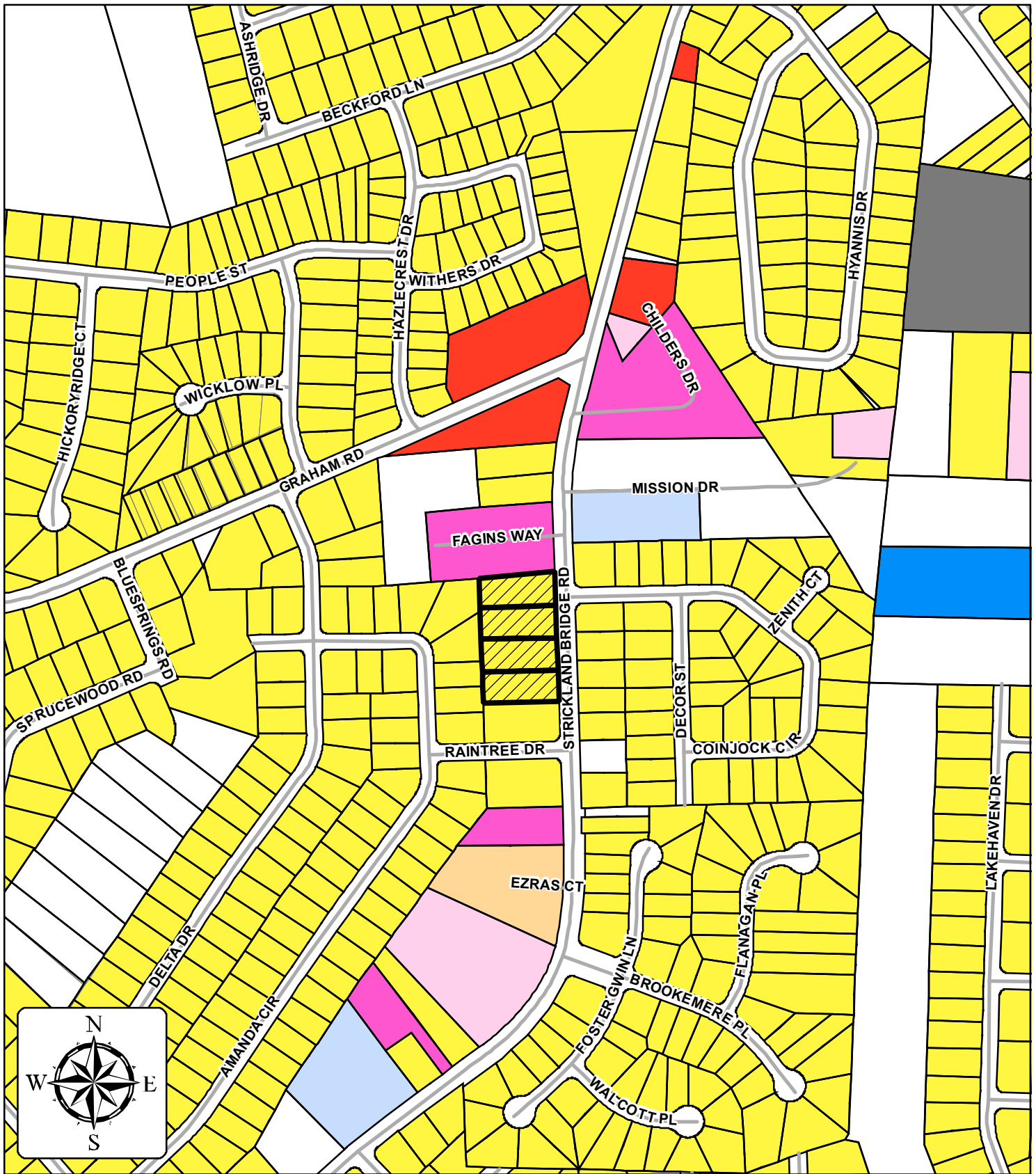
Request: R10 to C1P
Location: across from 1617
 Strickland Bridge Rd.
Acreage: +/- 2.2 acres

Zoning Commission: 9/14/2010 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 9496-93-1313, 9496-93-1213, 9496-93-1023, 9496-93-1113

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

Current Land Use

P10-31F

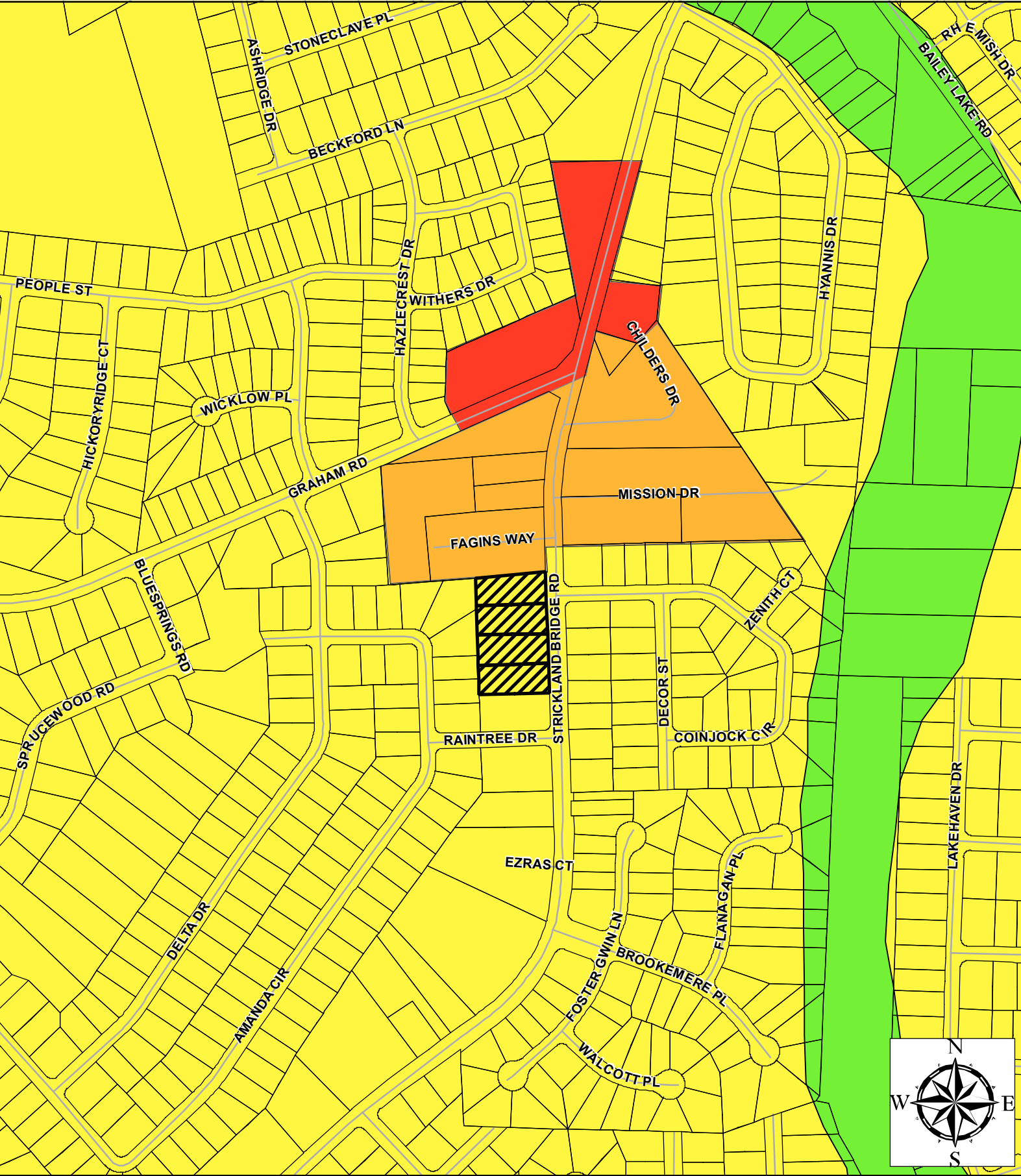


Legend

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

2010 Land Use Plan

Case No. P10-31F



Legend

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

8-2-3-1



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: October 11, 2010
RE: **Case No. P10-33F. Special Use Permit to allow a Nursing Home in an R6 Residential District on property located at 523 Country Club Drive containing 8.66 acres. Noah and Gail Duncan, owner.**

THE QUESTION:

Whether or not to approve a Special Use Permit for the expansion of a nursing home in an R6 Residential District..

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy/Livable Communities

BACKGROUND:

Owner: Noah and Gail Duncan
Applicant: Noah and Gail Duncan
Requested Action: Special Use Permit - Nursing Home in R6
Property Address: 523 Country Club Drive
City Council District: 3 (Massey)
Size: 8.66 acres
Existing Land Use: Nursing Home
Adjoining Land Use & Zoning: North - R10 Single Family Residential / South - R10 Single Family Residential / East - P2 Professional / West - R6 Single Family Residential & P2 Professional.
2010 Land Use Plan: Low Density Residential
2030 Growth Vision Plan: Policy 15.5: Given the rapidly growing senior citizen population, priority shall be given to the EXPANSION OF SENIOR SERVICES, in such a way that the delivery of such services can be made more accessible.
Letters Mailed: 55
Transportation: Country Club Drive is a Major Thoroughfare with an average daily traffic count of 27,000 vehicals.

ISSUES:

This is a quasi-judicial hearing that requires the City Council to make its decision based on specific findings. Since this is a Special Use Permit, the City Council can require conditions necessary to meet these specific details and other findings necessary for approval.

This request is for the expansion of an existing Nursing Home. The expansion is to create more private rooms. The bed count, number of clients and staff will remain the same. The current Nursing Home is operating under a Special Use Permit issued in the 1970s.

Section 30-109(2)

Convalescent, nursing homes and independent living facilities upon and after obtaining a special use permit to be issued by the City Council upon recommendation of the zoning agency after public hearings as required for amendment to this chapter. Such special use permits shall be issued only after a finding is made that such use shall fit in with the character of the area in which such use is to be located and that such use is not detrimental to the surrounding neighborhood. All applications for a special use permit shall be accompanied by an accurate and detailed plot plan of the proposed use showing the location of all buildings, yard dimensions, driveways, parking area, planting screens, service areas, and other pertinent data. Before acting upon such special use permit, the zoning agency and/or the city council may require additional plans and/or other data concerning such use and may stipulate such conditions pertaining to the proposed use as it may deem advisable in furtherance of the proposes of this chapter including, among other things, yards

greater than those required in the district in which such use is located.

Zoning Commission recommends approval based on the following findings:

1. The use does fit the character of the neighborhood.
2. The use is not detrimental to the surrounding area.
3. That it be built to specifications of the attached site plan.

OPTIONS:

1. Approve the SUP as required under Section 30-109(2) (Recommended);
2. Approve the SUP with conditions set by the Council and as permitted by Section 30-109(2);
3. Deny the request - Council must identify specific findings of fact to support denial.

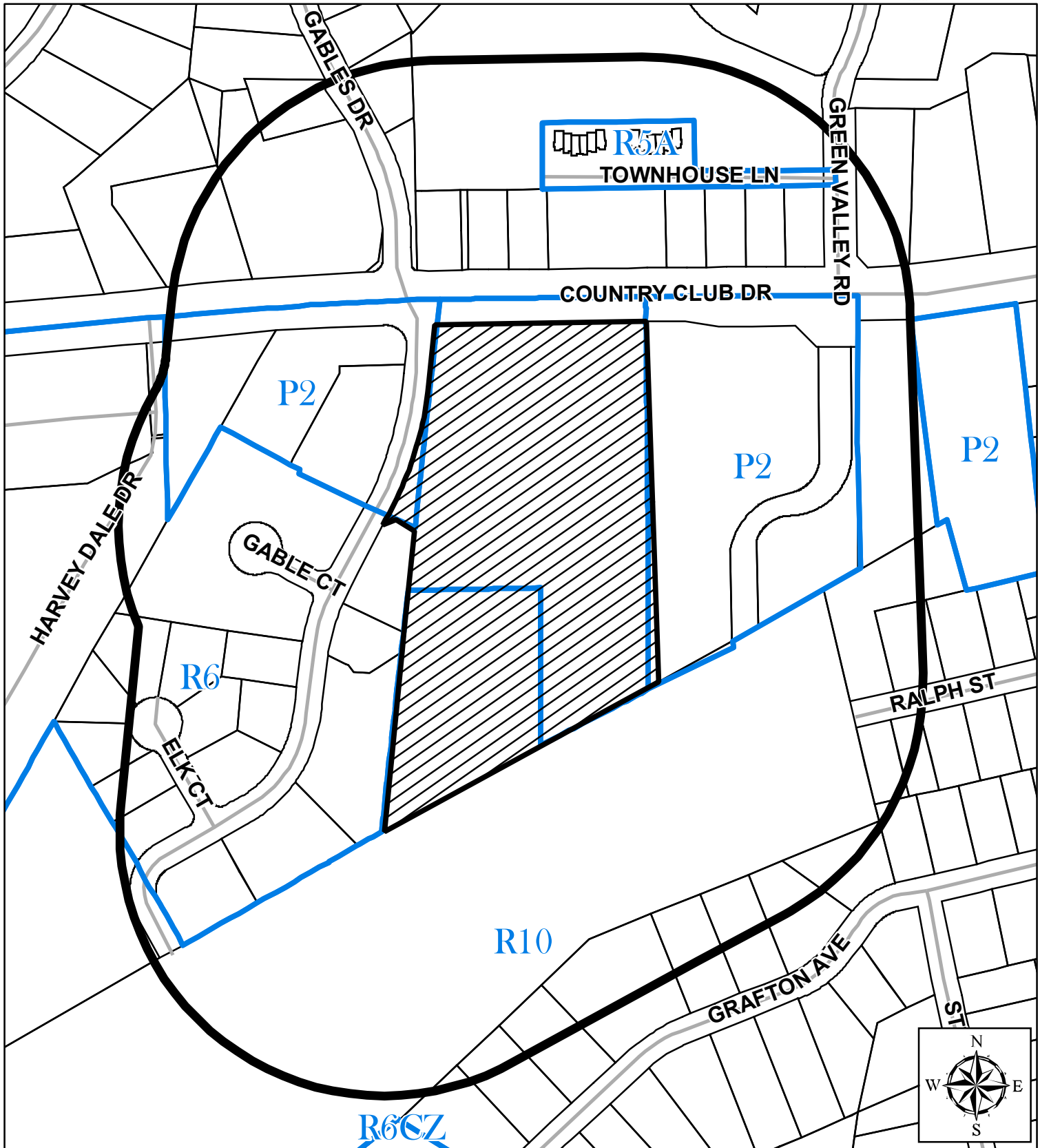
RECOMMENDED ACTION:

Zoning Commission and Staff recommend that the City Council move to Approve the requested Special Use Permit based upon the finding that the request fits with the character of the area in which it is to be located and that it will not be detrimental to the surrounding neighborhood based upon the submitted site plan and documentation.

ATTACHMENTS:

Zoning Map
Current Landuse
2010 Plan
Ortho Photo

ZONING COMMISSION
CASE NO. P10-33F



Request: SUP Nursing Home
Location: 523 Country Club Dr
Acreage: +/- 8.66 acres

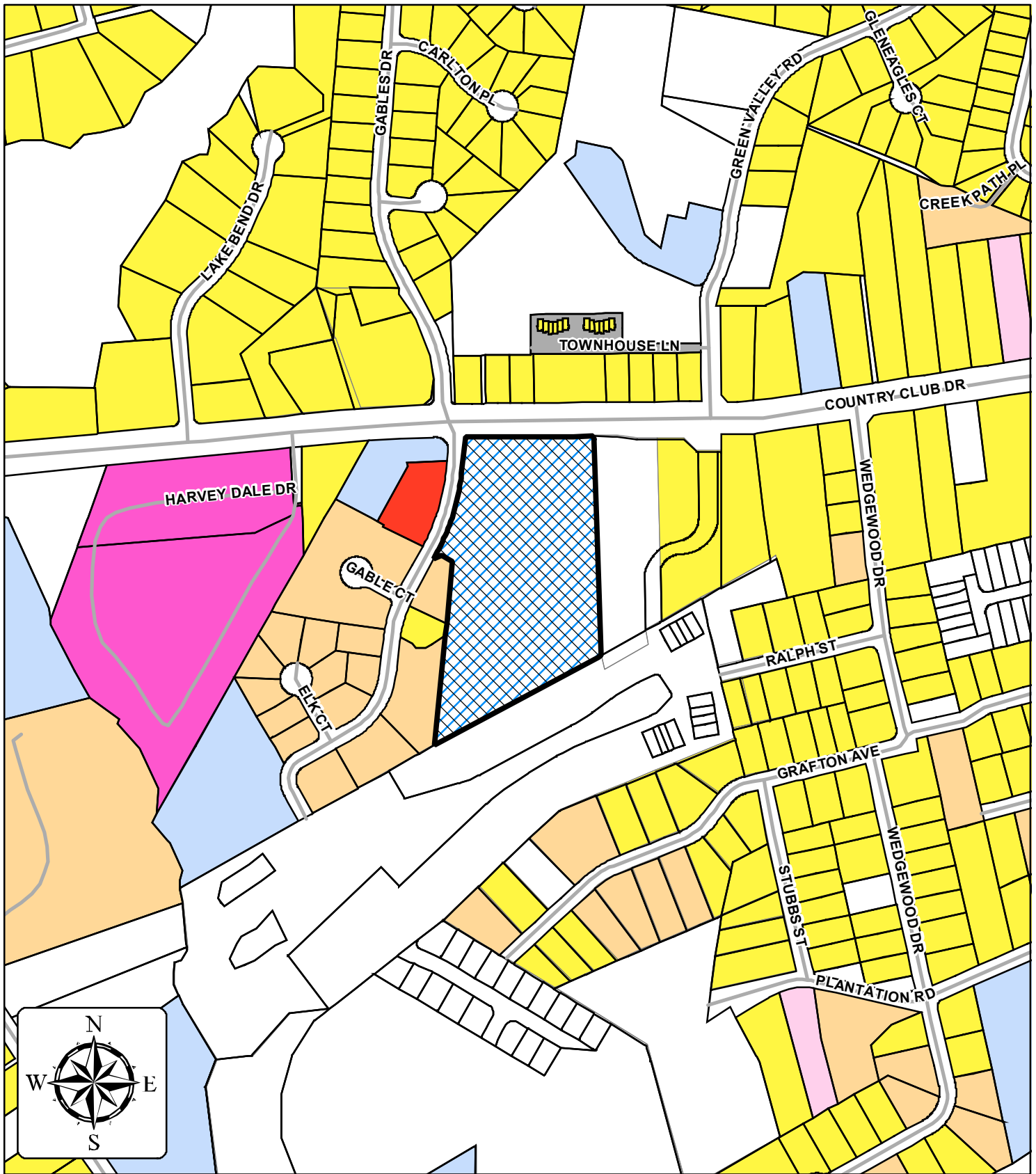
Zoning Commission: 9/14/2010
City Council: _____
Pin: 0439-32-3431

Recommendation: _____
Final Action: _____

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

Current Land Use

P10-33F

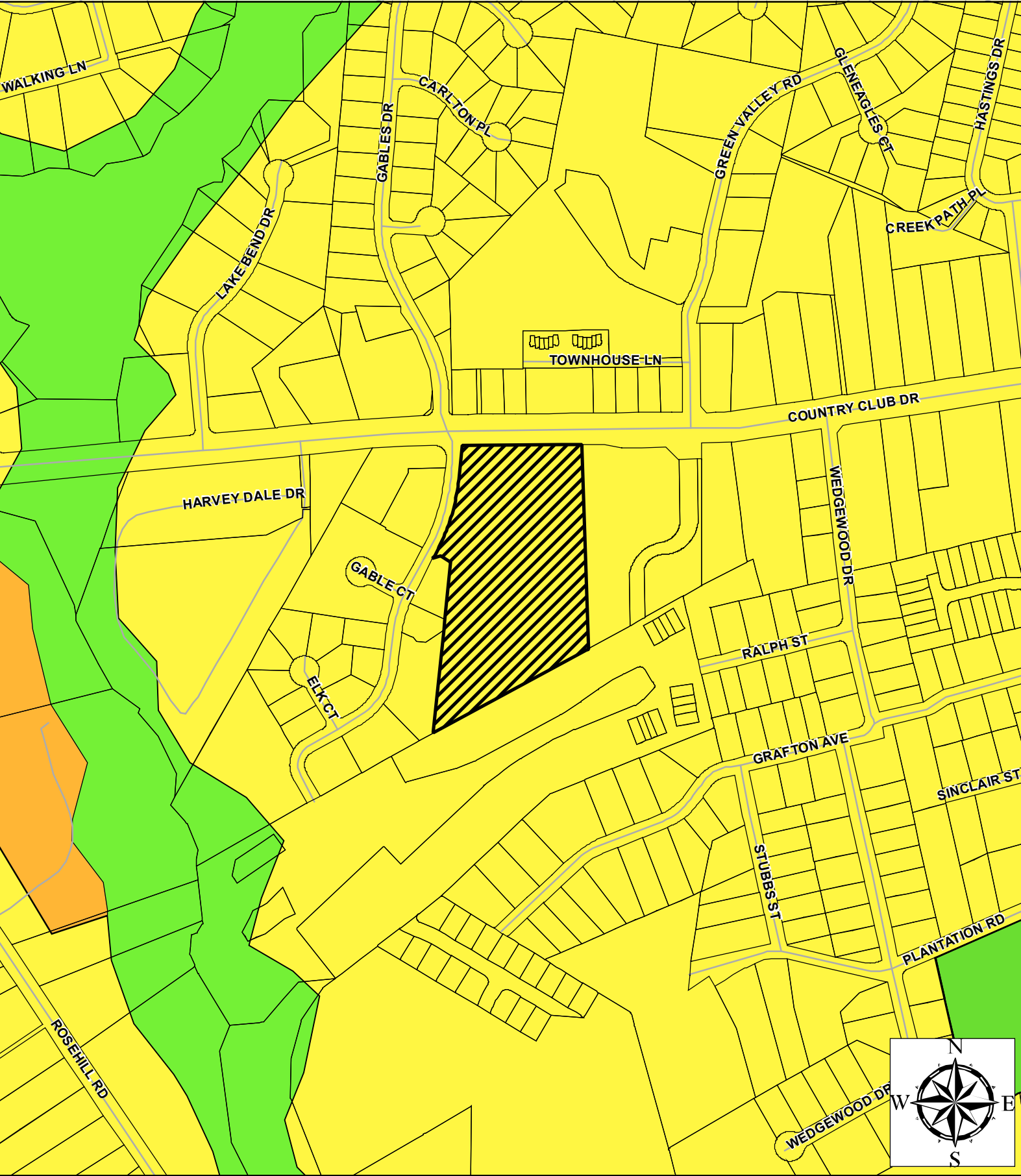


Legend

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

2010 Land Use Plan

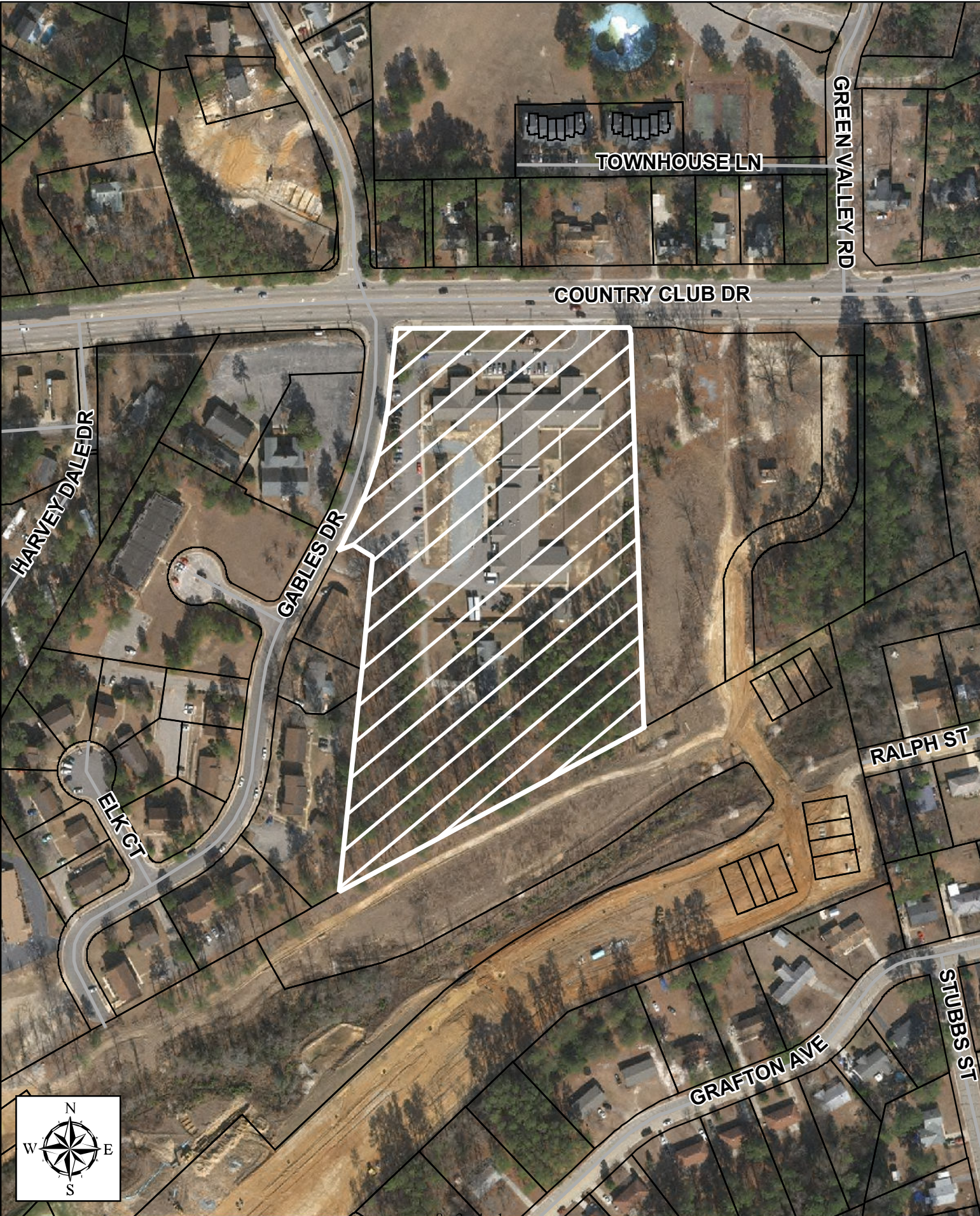
Case No. P10-33F



Legend

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

8 3 3-1



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: October 11, 2010
RE: **Case No. P10-36F. Special Use Permit to allow the location of a Wireless Telecommunications Tower on property located at 1624 Ireland Drive containing 2.0 acres. Cumberland County, owner.**

THE QUESTION:

Whether or not to approve a Special Use Permit for a telecommunication tower.

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy/Livable Communities

BACKGROUND:

Owner: Cumberland County
Applicant: Thomas H. Johnson
Requested Action: Special Use Permit - Telecommunications Tower
Property Address: 1624 Ireland Drive
City Council District: 5 (Hurst)
Size: 2 acres
Existing Land Use: School
Adjoining Land Use & Zoning: North - R10 & R5A Residential / South - R10 Single Family Residential & C1 Commercial / East - R6 & R10 Single Family Residential / West - R10 Single Family Residential
2010 Land Use Plan: Conservation
Letters Mailed: 69

ISSUES:

This is a quasi-judicial hearing that requires the City Council to make its decision based on specific findings. Since this is a Special Use Permit, the City Council can require conditions necessary to meet these specific details and other findings necessary for approval.

Zoning Commission recommends approval based on the following findings:

1. That all requirements of the Zoning Ordinance have been met regarding the siting of Communication Towers.
2. The use does fit the character of the neighborhood.
3. The use is not detrimental to the surrounding area.
4. That it be built to specifications of the attached site plan.

Staff recommends the following conditions for approval in addition to the submitted site plan:

- Prior to issuing a building permit, there be written confirmation that there is an agreement with one or more providers to use the tower once built;
- Special Use Permit becomes null and void if a building permit is not issued after two years from the date of approval of the request;
- Please see City Code [30-107 (17)] for specific details on the approval of Communication Towers (attached); and

OPTIONS:

1. Approve the SUP with the conditions listed above in addition to what is found in Section 30-107 (17); (Recommended)
2. Approve the SUP conditioned only as required under Section 30-107(17);
3. Deny the request - Council must identify specific findings of fact to support denial. It may, for

example, find that the requested SUP, if approved, would not fit into the character of the area in which it is to be located, and would be detrimental to the surrounding neighborhood based upon specific and credible evidence provided on the record and at the hearing, and identified in the motion.

RECOMMENDED ACTION:

Zoning Commission and Staff recommend that the City Council move to Approve the requested Special Use Permit based upon the finding that the request fits with the character of the area in which it is to be located and that it will not be detrimental to the surrounding neighborhood based upon the submitted site plan and documentation and recommended conditions.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen Hilton, Planning and Zoning Manager
DATE: October 11, 2010
RE: **Request for waivers from the City standards (sidewalks, curb and gutter, and right-of-way width) for property within the City of Fayetteville MIA, Baywood Point, located on the southwest corner of Hwy 24 and Baywood Road.**

THE QUESTION:

Make a recommendation to approve or deny the request for waivers from the requirement of sidewalks, curb and gutter, and the width of right-of-way.

RELATIONSHIP TO STRATEGIC PLAN:

Desirable Neighborhoods

BACKGROUND:

The developer has submitted a plan to the County Planning Department for Baywood Point subdivision. The developer has indicated that this is the final phase of Baywood Point. It is 16.70 acres consisting of 30 lots. The developer would like to construct this final phase of the subdivision to the same standards as the existing subdivision. The existing subdivision (71 lots) was platted prior to the MIA agreement and does not contain sidewalks or curb and gutter.

ISSUES:

The 71 lots within Baywood Point subdivision were built to County standards prior to the adoption of the MIA agreement. There is no curb and gutter or sidewalks and the road width is 45 feet. The MIA agreement states that property that is developed within the MIA area shall be built to City standards with curb and gutter, sidewalks, and a minimum road width of 50 feet. The final phase of Baywood Point is now being proposed and would be required to meet the City MIA standards. The developer would like the final phase to be constructed consistent with the rest of the subdivision. The City's Director of Engineering and Infrastructure, Jeffery Brown, had reviewed the request. He indicates that sidewalks would not be required because the streets are all cul-de-sacs and are less than 500 feet in length. He also indicates that the existing streets are strip pavement with roadside ditches/swales. Due to this and the fact that this is the final phase of the subdivision he is in support of the waiver request.

OPTIONS:

1. Recommend to the Cumberland County Joint Planning Board that the waiver requests be approved.
2. Recommend to the Cumberland County Joint Planning Board that the waiver requests be denied.

RECOMMENDED ACTION:

Based on the circumstances and the recommendation from the City Director of Engineering, Jeffery Brown, the City Planning staff recommends that City Council's recommendation to the Cumberland County Joint Planning Board be to approve the waiver requests.

ATTACHMENTS:

County Planning Conditions of Approval
Waiver Application [Subdivision Plan](#)
County Staff Report [picture 1](#)
Map of the Property [picture 2](#)
[picture 3](#)

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

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



CUMBERLAND
COUNTY



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

STAFF REVIEW: 08-05-10 PLANNING BOARD DECISION: N/A

CASE NO: 10-087 NAME OF DEVELOPMENT: BAYWOOD POINT SUBDIVISION

MIA: FAYETTEVILLE ZERO LOT LINE SUBDIVISION REVIEW

LOCATION: SOUTH SIDE OF NC HWY 24, ZONING: RR

WEST SIDE OF SR 1831 (BAYWOOD ROAD) PIN: 0466-79-0743-

OWNERS / DEVELOPER: DAVID ALLEN NEW HOMES, INC. ENGINEER OR DESIGNER: 4D SITE SOLUTIONS, INC.

PLANNING & INSPECTIONS DEPARTMENT ACTION:

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

PLANNING BOARD DECISION:

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

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

Pre-Permit Related:

1. Re-submittal of the preliminary plan is required; five copies of the revised plan must be submitted for review and approval addressing the following:
 - a. Street width for new streets in this area is a minimum of 50 feet and also must be constructed within concrete curb and gutter and sidewalks along one side of all streets - property is located within the Fayetteville Municipal Influence Area (MIA). Contact a Fayetteville Engineer for exact city street specifications. The preliminary plan must reflect the minimum standards - note the County standards also require streets to be extended at the same width or greater of the existing street;
 - b. A sidewalk must be constructed along SR 1831 (Baywood Road) to the Fayetteville sidewalk specifications - must be reflected on the preliminary plan; and
 - c. A 10 foot utility easement on all rear lot lines must be reflected on the revised preliminary and final plat(s).

Permit-Related:

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

3. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)

Note: Due to an existing agreement between the PWC and the City of Fayetteville, an annexation petition most likely will be required prior to the PWC's review of any utility plans.

4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
8. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

9. The developer must formally notify the NC Department of Transportation (NCDOT) once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 75% of the lots shown on the platted portion of the development, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

Site-Related:

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the RR zoning district must be complied with, as applicable.
11. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
12. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
13. All applicable provisions of Section 2401, "Group Developments", County Subdivision Ordinance, must be complied with.
14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)

15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
16. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
17. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
18. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
19. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
20. All lots within this development are required to be served by an internal street system.

Plat-Related:

21. Prior to submission for final plat approval of any portion of this development, Land Use Codes must receive documentation from the local office of the NC Department of Transportation (NCDOT) that the developer of the adjacent subdivision, Baywood Village, has petitioned and is actively be working toward the NCDOT's addition of the Baywood Village streets to the State system for maintenance purposes. This condition is necessary since the subject property is proposing its only access by extension of a street stub in Baywood Village.
22. Prior to submission for final plat approval fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision Ordinance) (See related Condition No. below)
23. A "No Access Easement" must be reflected on Lots 2-4 and Lots 12-14 where these lots abut SR 1831 (Baywood Road).
24. Prior to submission for final plat approval, concrete sidewalks A concrete sidewalk must be constructed along one side of all proposed streets within the development and along SR 1831 (Baywood Road) and such sidewalks are required to comply with the specifications of the Fayetteville City Engineer. [Co. Subdivision Ord., Sec. 2302, Area Specific Standards, A. Municipal Influence Area & Fayetteville Subdivision Ord., Sec. 25-61(5) Sidewalks] (See related Condition No. below)
25. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming and Addressing for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
26. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$1,570.69 (\$52.36 per lot/30 lots) payable to "Cumberland County". This condition is in accordance with Section 2308, Parks, Recreation and Open Space, County Subdivision Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District # 1)
27. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
28. A minimum 10 foot wide utility easement is required along the rear lot lines and must be reflected on the final plat.
29. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.

30. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision Ordinance)
31. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
32. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
33. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
34. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

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

“Nonconforming structures have not been created by this subdivision.”

Advisories:

36. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
37. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
38. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.

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

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

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	223-4737
Fayetteville Planning:	Marsha Bryant	433-1416
Fayetteville Engineer (Easements):	Rusty Thompson	433-1660
Fayetteville Engineer (Sidewalks):	Randy Lane	433-1661
Fayetteville Engineer (Stormwater):	Jeffrey Brown	433-1691
County Public Utilities:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	251-4170
NCDENR (E&S):	Sally McKinney	433-3300

E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Barton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Marsha Bryant, City of Fayetteville

OFFICIAL PRELIMINARY STAMP
CUMBERLAND COUNTY
CASE NO: 10-087

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING &
 INSPECTION DEPARTMENT ON: 08-05-10

COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND
 COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON
 AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW.
 THIS APPROVAL IS VALID UNTIL: 08-05-12

Patricia S. Spicher **GB**
 SUPERVISOR, LAND USE CODES

**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: Baywood and Hwy 24
OWNER: Baywood Point, LLC
ADDRESS: 1220 Ft. Bragg Road, Fay ZIP CODE: 28305
TELEPHONE: HOME 910-391-3836 WORK 910-391-2836
AGENT: _____
ADDRESS: _____
TELEPHONE: HOME _____ WORK _____

**APPLICATION FOR A WAIVER [VARIANCE]
As required by the Subdivision Ordinance**

- A. Parcel Identification Number (PIN #) of subject property: 0466-79-0743
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 16.70 Frontage: 50.5' Depth: 577.7'
- C. Water Provider: PWC of Fayetteville
- D. Septage Provider: PWC of Fayetteville
- E. Deed Book 8410, Page(s) 15, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: Unimproved
- G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:
Exhibit 1 - MIA Development Standards, Street R/W
width, Conc. curb and gutter & sidewalks
- H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:
See attachment

STATEMENT OF ACKNOWLEDGEMENT

Regarding appearance before the Joint Planning Board, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all arguments for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case and defer, approve, or deny the case.
- If the board's action is to deny the matter before them, the course of appeal to the decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from date of proper notification in which to serve notice of appeal).

Signed acknowledgement that the County Planning & Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above and that the application is complete and accurate.

W. M. M. M. M.
Property owner(s) signature(s)

Wesley Meredith
Property owner(s)' name (print or type)

113 Great Oaks Drive Fayetteville, NC 28303
Complete mailing address of property owner(s)

910-391-2836
Telephone number

Alternative telephone number

wameredith@sprint.blackberry.net 910-867-3344

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance.

This area is the final section of an existing single family residential development. The area where Baywood point lies is newly within the City of Fayetteville MIA, and therefore would have to be designed and built according to different regulations than the rest of the neighborhood. We are asking that the final development on the tract be allowed to be completed under the Cumberland County regulations to provide for continuity and cohesion for the entire neighborhood.

10-087
SITE PROFILE

CASE NO. 10-087. CONSIDERATION OF THE BAYWOOD POINT SUBDIVISION, REQUEST FOR A WAIVER FOR STREET RIGHTS-OF-WAY WIDTH, CONCRETE CURB & GUTTERS AND SIDEWALKS, COUNTY SUBDIVISION ORDINANCE, SECTION 2302.A MUNICIPAL INFLUENCE AREAS, INCLUDING EXHIBIT 5 - MIA DEVELOPMENT STANDARDS; ZONING: RR; TOTAL ACREAGE: 16.70+/-; LOCATED AT THE SOUTHWEST INTERSECTION OF SR 1831 (BAYWOOD ROAD) AND NC HWY 24; SUBMITTED BY WESLEY MEREDITH ON BEHALF OF BAYWOOD POINT, LLC (OWNER).

Summary of Request

Developer is requesting a waiver from the requirements from the City of Fayetteville MIA development standards regarding the street right-of-way widths, concrete curbs and gutters and sidewalks. The developer is requesting to develop this subdivision to the same standards as the Baywood Village subdivision to the south, which this property was part of the same zero lot line subdivision. This development will take its access through the Baywood Village subdivision off of Himalayan Road which was ended at the property line in order to provide access to the future development.

Site Information:

Frontage & Location: 620.00' +/- along SR 1831 (Baywood Road)

Frontage & Location: 1,220.00' +/- along NC HWY 24

Frontage & Location: 50.00' +/- along Himalayan Road

Depth: 1,420.00' +/-

Jurisdiction: Cumberland County

Municipal Influence Areas: Fayetteville

Adjacent Property: No

Nonconformities: No

Water & Sewer: PWC/PWC

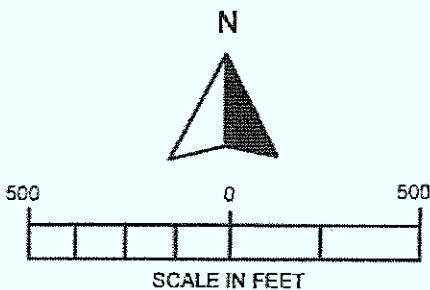
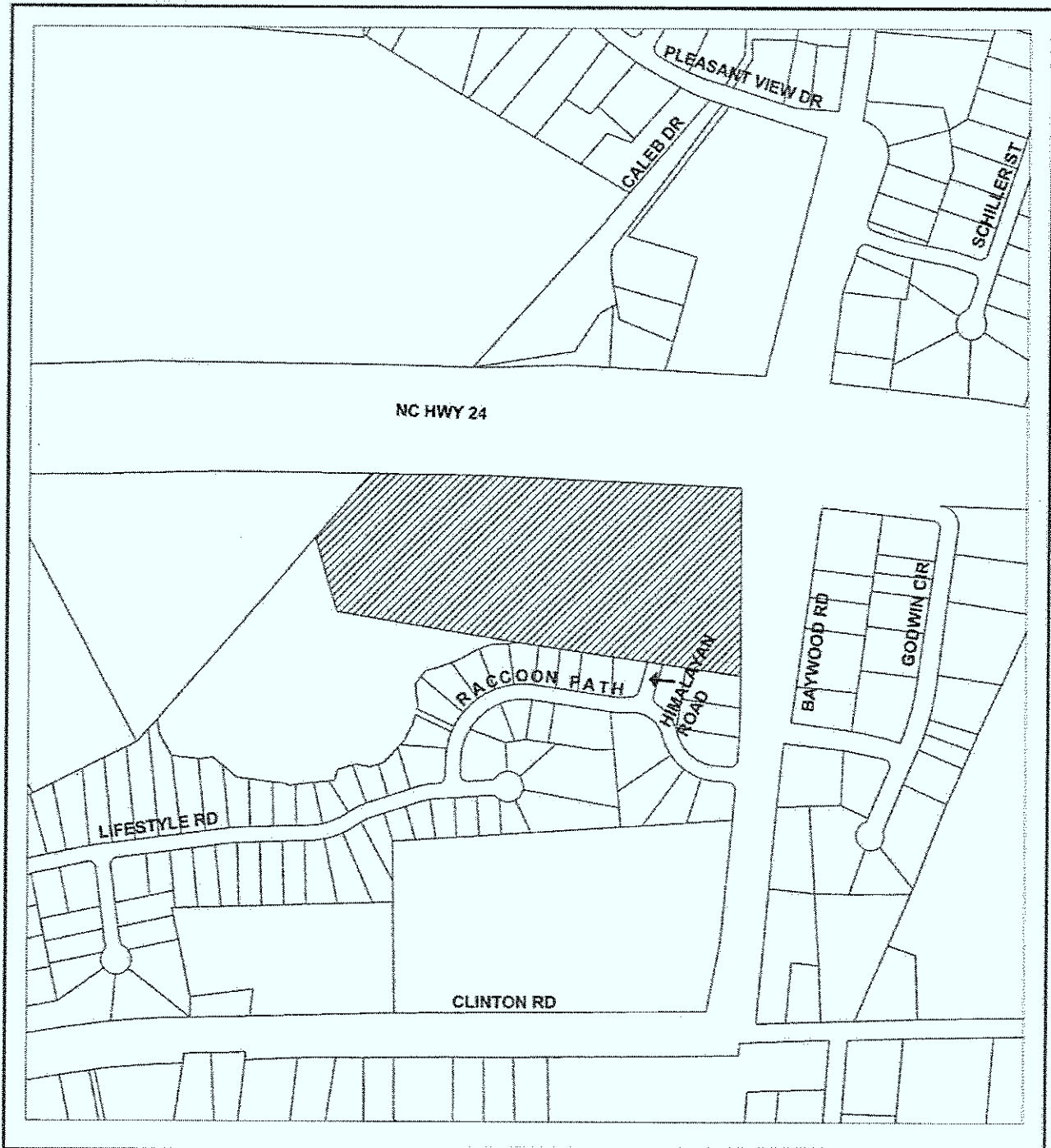
Special Flood Hazard Area (SFHA): No

Applicable County Subdivision Ordinance Provision

Section 2302 AREA-SPECIFIC STANDARDS, A, *Municipal Influence Areas.* The Board of Commissioners by interlocal agreement may approve and establish a Municipal Influence Area (MIA) for a municipality. All development located within a municipality's MIA shall be developed in accordance with the subdivision design standards officially adopted by the affected governing bodies. The development standards for each municipality are attached to this ordinance as "Exhibit 5" and entitled MIA Development Standards. The official MIA map – see Exhibit 4 – shall be maintained by the Planning and Inspections Department and kept on file with the office of the Clerk to the County Board of Commissioners.

Attachments

- 1 - Sketch Map
- 2 - Site Plan
- 3 - Aerial Photo
- 4 - Application for Waiver
- 5 - Conditions of Approval



COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 16.70 AC.+/-

HEARING NO: 10-087

ORDINANCE: COUNTY

HEARING DATE

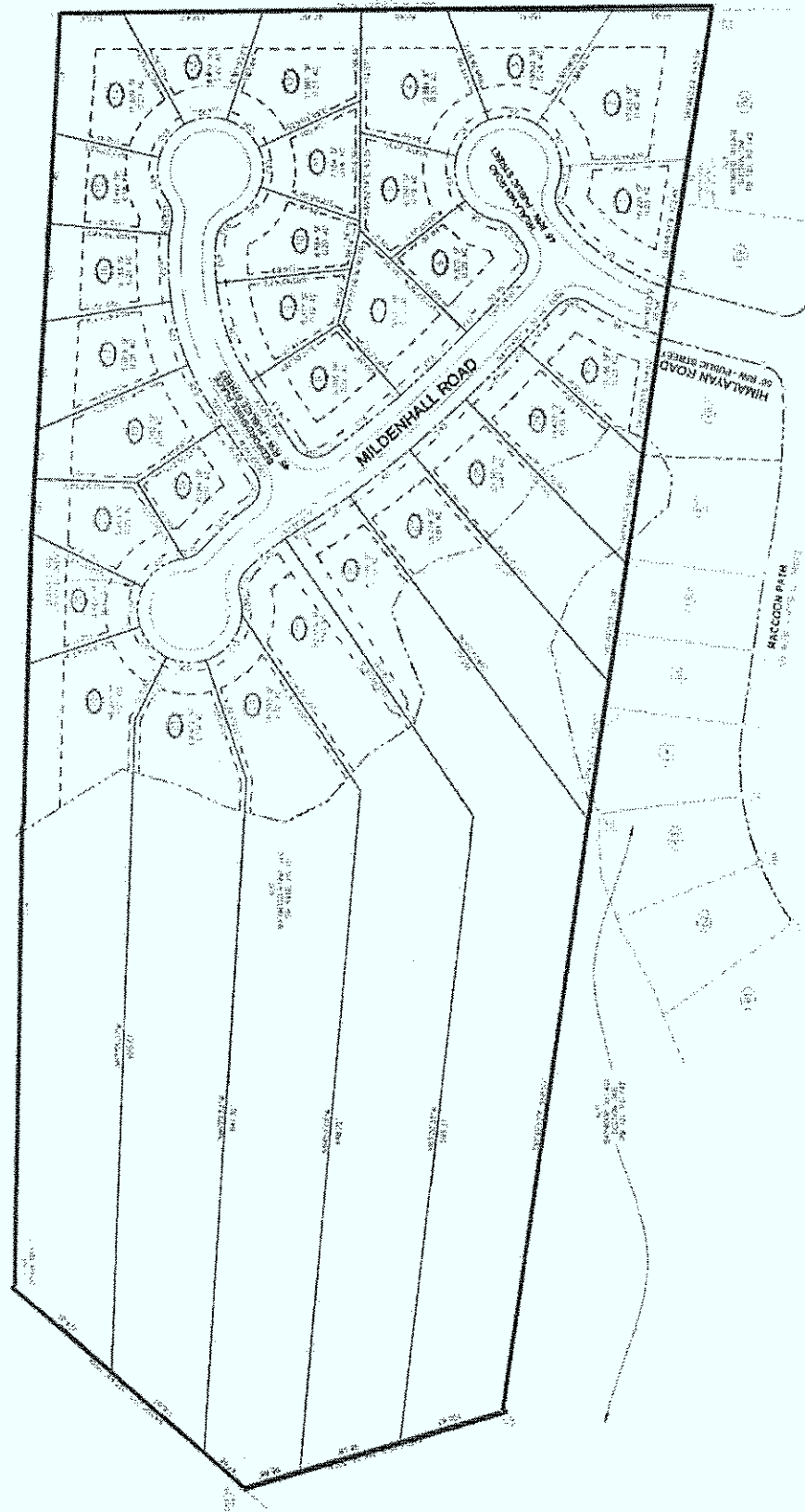
ACTION

GOVERNING BOARD

PIN: 0466-79-0743

AF

NC HIGHWAY 24



BAYWOOD ROAD

BAYWOOD POINT, LLC
ZERO LOT LINE SUBDIVISION REVIEW
REQUEST: A WAIVER FROM SECTION 2302.A & EXHIBIT 5
MIA DEVELOPMENT STANDARDS
CASE: 10-087 ACREAGE: 16.70 AC +/-
ZONED: RR SCALE: NTS

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





