

**FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
NOVEMBER 8, 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
NOVEMBER 8, 2010
7:00 P.M.
LAFAYETTE ROOM

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 Approve Minutes :

- June 14, 2010 – Regular Meeting
- August 9, 2010 – Regular Meeting
- August 23, 2010 - Regular Meeting
- September 7, 2010 – Work Session Meeting
- September 13, 2010 – Dinner and Discussion Meeting
- September 27, 2010 – Dinner and Discussion Meeting

7.2 Approval of Amendment to Military Business Park Participation Agreement

7.3 Approval of acquisition of 811 Bedrock Drive

7.4 Approval of the acquisition of 522 Moore Street.

7.5 Economic Development Initiative Grant Application for the Military Business Park

7.6 Proposed Revisions to the Code of Ethics

7.7 Adopt a Resolution Declaring Jointly-Owned Real Property Surplus and Authorizing a Quitclaim of the City's Interest in Order to Expedite Cumberland County's Sale of Property

- 7.8 Special Sign Permit Request for temporary event signs for the 2010 Arts Council, A Dickens Holiday
- 7.9 Special Sign Permit Request for temporary event signs for the 2010 Heart of Christmas Show.
- 7.10 Resolution setting a Public Hearing on the Unified Development Ordinance (UDO)
- 7.11 Consider Adoption of Resolution Authorizing Condemnation for the Acquisition of Right of Way (R/W) for the Ramsey Street Project
- 7.12 Special Revenue Fund Project Ordinance 2011-6 (COPS Technology Grant)
- 7.13 Approve Purchase of one (1) Surveillance and Reconnaissance Robotic Vehicle for use by the City of Fayetteville Fire Department Hazardous Materials Regional Response Team.
- 7.14 Bid Recommendation - Purchase of Various Dump Trucks
- 7.15 Bid Recommendation - Purchase of One (1) 35,000 lb. Rubber Tire Loader
- 7.16 Bid Recommendation - Water and Wastewater Chemicals
- 7.17 Calling Series 2001 Revenue Bonds
- 7.18 Resale of foreclosed property at 5333 Williamsburg Drive to the previous owner in accordance with NCGS 105-376(c)

8.0 OTHER ITEMS OF BUSINESS

- 8.1 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

Presenter(s): Robert T. Hurst, Jr., Council Member, District 5

- 8.2 (a) FY 2011 Strategic Plan Policy and Management Action Agenda 1st Quarter Update
- (b) Fayetteville Cumberland County Chamber of Commerce Quarterly Economic Development Report

Presenter(s): Rebecca Rogers-Carter, Management Services Manager
Doug Peters, Executive Director FCCCC

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly Statement of Taxes for September 2010

9.2 Revenue and Expenditure Report for Annually Budgeted Funds for the Two-Month Period Ended August 31, 2010 and 2009

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
NOVEMBER 8, 2010 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
NOVEMBER 10, 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: Rita Perry, City Clerk
DATE: November 8, 2010
RE: **Approve Minutes :**
- June 14, 2010 – Regular Meeting
- August 9, 2010 – Regular Meeting
- August 23, 2010 - Regular Meeting
- September 7, 2010 – Work Session Meeting
- September 13, 2010 – Dinner and Discussion Meeting
- September 27, 2010 – Dinner and Discussion Meeting

THE QUESTION:

Should City Council approve the draft minutes as the official record of the proceedings and actions of the associated meetings?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Community Unity - Pride in Fayetteville; Objective 2: Goal 5: Better informed citizenry about the City and City government.

BACKGROUND:

The Fayetteville City Council conducted meeting(s) on the referenced date(s) during which they considered items of business as presented in the draft minutes.

ISSUES:

N/A

OPTIONS:

1. Approve the draft minutes as presented
2. Revise the draft minutes and approve the draft minutes as revised
3. Do not approve the draft minutes and provide direction to Staff

RECOMMENDED ACTION:

Approve the draft minutes as presented

ATTACHMENTS:

June 14, 2010 _Regular Meeting minutes
August 9, 2010 _Regular Meeting minutes
August 23, 2010 _Regular Meeting minutes
September 7, 2010 _Work Session _minutes
September 13, 2010 _Dinner and Discussion Meeting _minutes
September 27, 2010 _Dinner and Discussion Meeting _minutes

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JUNE 14, 2010
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Craig Hampton, Special Projects Director
Jackie Tuckey, Public Information Officer
Nathan Walls, Public Information Specialist
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Elder Thomas Marvin Grant, Sr., of Grace and Truth Ministries.

3.0 PLEDGE OF ALLEGIANCE

Following the invocation, the Pledge of Allegiance to the American Flag was led by Troop 746 from Cumberland United Methodist Church.

4.0 APPROVAL OF AGENDA

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

5.0 ANNOUNCEMENTS AND RECOGNITION

Mayor Chavonne recognized the 2010 Fayetteville Citizens' Academy graduates.

Mr. Dale Iman, City Manager, recognized Mr. Doug Hewett, Assistant City Manager, who had been honored by the International City/County Management Association as the 2010 recipient of the "Assistant Excellence in Leadership Award". Comments followed.

6.0 PUBLIC FORUM

NAME	CONTACT INFORMATION	SUBJECT/CONCERN
Marsha Jones	3095 Enterprise Avenue 28306	Reinstatement of Bus Route 8
Jerry McGee	514 Julia Street 28301	Transit
Charles Evans	926 Fleetwood Drive 28305	Transit
Clinton Harris	4713 Watauga Road 28304	Transit
James Buxton	1716 Newark Avenue 28301	Transit
Frances Rouse	1400 Shaw Road 28311	Transit
Jeffery Jones	170 Copper Street 28306	Transit
Jessica Durham	Parker House Group Home	Transit

Mayor Chavonne requested citizens in attendance regarding the Transit system to stand to be recognized by Council.

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7.0 CONSENT

MOTION: Council Member Crisp moved to approve the consent agenda with the exception of Items 7.6 and 7.7.

SECOND: Council Member Meredith

VOTE: UNANIMOUS (10-0)

7.1 Approve Minutes:

- April 8, 2008 - City/County Special Joint Meeting (Page 1: Attendance Revision)
- March 17, 2010 - Agenda Briefing
- April 6, 2010 - Work Session
- April 12, 2010 - Dinner and Discussion
- April 12, 2010 - Regular Meeting
- April 20, 2010 - Appointment Meeting
- April 21, 2010 - Agenda Briefing
- April 21, 2010 - Budget Workshop Meeting
- April 26, 2010 - Dinner and Discussion
- April 26, 2010 - Regular Meeting
- May 5, 2010 - Special Meeting
- May 10, 2010 - Dinner and Discussion
- May 12, 2010 - Budget Workshop
- May 15, 2010 - Budget Work Session
- May 19, 2010 - Agenda Briefing

7.2 Recodification of Chapter 31, Uniform Street and Thoroughfare Lighting Ordinance, to Chapter 24, Streets and Sidewalks, Article X, Section 24-31, Uniform Street and Thoroughfare Lighting.

7.3 Authorization of administrative level approval for the recodification of the City Code to ensure uniformity.

7.4 Set public hearing for proposed downtown parking deck for June 28, 2010.

7.5 Special sign permit request for temporary event signs for the SwampDogs Baseball Team. Signs would be put out on June 16-18, 2010, announcing games those nights.

7.6 Pulled at the request of Council Member Bates.

7.7 Pulled at the request of Council Member Bates.

7.8 Capital Project Ordinance 2010-20 (Telephone System Upgrade).

7.9 Capital Project Ordinance 2010-21 (Recreation and Cultural Fund Transfer to other Capital Project Funds).

7.10 Capital Project Ordinance 2010-22 (Planning Module of the Magnet Software System).

7.11 Capital Project Ordinance Amendment 2010-31 (Airport Fire Fighting Training Facility Upgrade).

7.12 Capital Project Ordinance Amendment 2010-32 (Center City Industrial Park Street Improvement Project/Various Street Improvements).

7.13 Capital Project Ordinance Amendment 2010-33 (Series 2005 Bond Issue for Various Infrastructure Improvements/Land Acquisition/FSU Fire Station).

7.14 Capital Project Ordinance Amendment 2010-34 (Downtown Streetscape Project).

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- 7.15 Capital Project Ordinance Amendment 2010-35 (Sidewalks).
- 7.16 Capital Project Ordinance Amendment 2010-36 (Police Department Server Upgrades).
- 7.17 Capital Project Ordinance Closeout 2010-16 (Gateways).
- 7.18 Fiscal Year 2010 Electric, Water/Sanitary Sewer, and Fleet Maintenance Internal Service Fund Budget Amendment #2.
- 7.19 Resolution Directing Phase 5 annexation sewer project Areas 8 and 9 be undertaken.

RESOLUTION DIRECTING CONSTRUCTION AREAS 8 AND 9 OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN. RESOLUTION NO. R2010-056.

- 7.20 Financial Matters - Amendment #2 to the Annexation Phase V Reserve Fund for Fiscal Year 2011, Amendment #6 to the Water and Wastewater Utility Systems Rate Stabilization Fund for Fiscal Year 2011, and Amendment #8 to the Electric Rate Stabilization Fund for Fiscal Year 2011.
- 7.6 Concurrence of NCDOT municipal speed ordinances.

This item was pulled by Council Member Crisp.

NCDOT requested concurrence to enact municipal speed limit ordinances. Many of the locations were streets that were previously covered by County statutory ordinances that were now within the City limits and had not been updated.

Council Member Crisp expressed concerns regarding the proposed 55 mph speed limit for various streets located in District 6. He requested this item be deferred to allow time for the City Manager to coordinate with the NCDOT representative for the purpose of proposing a 45 mph speed limit for applicable streets.

MOTION: Council Member Crisp moved to defer this item.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

- 7.7 Budget Ordinance Amendment 2010-7 (General Fund, Stormwater Management Funds, Emergency Telephone System Fund, and Transit Fund).

This item was pulled by Council Member Crisp.

The budget ordinance amendment would reduce the total General Fund budget by \$1,932,000.00 to \$147,162,373.00. The amended General Fund budget would include appropriations approximately 1.1 percent above the actual expenditure projections to ensure sufficient funding for unanticipated expenditures through the fiscal year-end. The budget amendments for the Stormwater Management Funds and Emergency Telephone System Fund would adjust revenues and other financing sources only to reflect anticipated transfers from the General Fund for project funding and expenditures not eligible for use of State E-911 resources. The budget amendment would reduce the Transit Fund budget by \$600,000.00 to \$5,498,295.00 based upon year-end expenditure and revenue projections.

MOTION: Council Member Crisp moved to defer this item.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

- 8.1 North Carolina Veterans Park - Award of Contract for Main Park to LeChase Construction Services, Inc., Durham, NC, in the amount of

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\$5,858,502.00, and authorize the execution of the contract necessary to perform the work.

Mr. Craig Hampton, Special Projects Director, presented this item and clarified Council was briefed on this item at the June 7, 2010, meeting. He stated staff recommendation was to award the construction contract in the amount of \$5,858,502.00 to LeChase Construction Services, Inc., Durham, NC, and to authorize the execution of the contract necessary to perform the work. Mr. Hampton provided the local business participants and the funding source as requested by Council.

MOTION: Council Member Meredith moved to award contract as recommended.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

8.2 Adoption of the Fiscal Year 2010-2011 Budget Ordinance, Fee Schedule, Fiscal Year 2011-2015 Capital Improvement Plan, Capital Project Ordinance 2011-1, and Capital Project Ordinance Amendments 2011-1 through 2011-7

Council Member Crisp requested clarification on the actual number of people that signed up to speak during the public forum and the time allotted. Mayor Chavonne clarified 20 people had signed up to speak and 30 minutes were allotted for the public forum. He stated a public hearing was held previously in this matter.

MOTION: Mayor Pro Tem Haire moved to defer this item to June 21, 2010, for questions.
SECOND: Council Member Crisp

Mayor Chavonne confirmed the purpose of the meeting would be to discuss the budget and the meeting would be open to the public.

Mr. Dale Iman, City Manager, explained the action was to schedule this item next week and that the appropriation ordinance and accompanying budget amendments were necessary to compensate vendors.

Discussion ensued regarding the meeting date designated to that action on the budget. Mayor Chavonne stated June 28, 2010.

On behalf of the Council, Mayor Chavonne expressed appreciation to the citizens present at the meeting and stressed the Council's commitment to improving the transit system.

RESTATED MOTION:
Mayor Pro Tem Haire moved to defer this item to June 21, 2010, for questions.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly Statement of Taxes for May 2010

2009 Taxes	\$265,153.68
2009 Vehicle	335,941.41
2009 Revit	381.23
2009 Vehicle Revit	361.61
2009 FVT	40,973.28
2009 Transit Tax	40,973.32
2009 Storm Water	6,743.67
2009 Fay Storm Water	13,487.39
2009 Recycle Fee	18,231.16
2009 Annex	0.00
2008 Taxes	2,762.10
2008 Vehicle	12,086.52

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2008 Revit	0.00
2008 Vehicle Revit	38.73
2008 FVT	1,985.98
2008 Transit Tax	1,652.04
2008 Storm Water	208.14
2008 Recycle	307.07
2008 Fay Storm Water	175.48
2008 Annex... ..	0.00
2007 Taxes	1,791.23
2007 Vehicle	1,892.25
2007 Revit	0.00
2007 Vehicle Revit	0.00
2007 FVT	405.19
2007 Storm Water	137.92
2007 Fay Storm Water	96.00
2007 Annex... ..	0.00
2006 Taxes	758.62
2006 Vehicle	1,643.09
2006 Revit	0.00
2006 Vehicle Revit.. ..	0.00
2006 FVT	305.67
2006 Storm Water	37.44
2006 Annex	781.38
2005 and Prior Taxes	509.93
2005 and Prior Vehicle	2,661.96
2005 and Prior Revit	0.00
2005 and Prior Vehicle Revit	0.00
2005 and Prior FVT	515.88
2005 and Prior Storm Water	60.00
Interest	25,732.44
Revit Interest	33.52
Storm Water Interest	442.64
Fay Storm Water Interest	742.24
Annex Interest	138.99
Fay Recycle Interest	948.43
Total Tax and Interest	\$781,097.69

There being no further business, the meeting adjourned at 7:49 p.m.

Respectfully submitted,

RITA PERRY
City Clerk

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
AUGUST 9, 2010
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Council Member Valencia A. Applewhite (District 7)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Stanley Victrum, Chief Information Officer
Charles Hunter, Police Captain
Jackie Tuckey, Public Information Officer
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Reverend Johnson, Associate Pastor of Williams Chapel Free Will Baptist Church.

3.0 PLEDGE OF ALLEGIANCE

Following the invocation, the Pledge of Allegiance to the American Flag was led by the audience.

4.0 APPROVAL OF AGENDA

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

5.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Chavonne, on behalf of the City Council and City of Fayetteville, recognized and thanked the Fayetteville Area Anglers' Network, in conjunction with the Cumberland Outdoor Recreation Club, Cub Scout Troops 477 and 756, and Boy Scout Troop 40, for the trash clean-up around Lake Rim conducted on June 12, 2010.

Mayor Chavonne, on behalf of the City Council and City of Fayetteville, recognized the Methodist University Women's and Men's Golf Teams on winning their respective NCAA Division III National Championships.

6.0 PUBLIC FORUM

NAME/ADDRESS	SUBJECT/CONCERN
Robert Jennings 7471 Stoneykirk Drive Fayetteville, NC 28314	Correspondence received from Code Enforcement regarding RV storage regulations in a residential area.
Rick Layne 4746 Belford Road Fayetteville, NC 28314	Correspondence received from Code Enforcement regarding boat storage regulations in a residential area.

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NAME/ADDRESS	SUBJECT/CONCERN
Geary M. Chlebus 4551 Chambersburg Road Fayetteville, NC 28314	Correspondence received from Code Enforcement regarding RV storage regulations in a residential area. Requested an exemption for older/established neighborhoods.
Gwen York 5703 Cypress Road Fayetteville, NC 28304	Domestic violence.
Melvin Pierce 1635 Rudolph Street Fayetteville, NC 28301	Stormwater run off issues in the Broadell neighborhood.
Moses Best 1824 Broadell Road Fayetteville, NC 28301	Police substation, sidewalks and play areas needed on Murchison Road.

7.0 CONSENT

MOTION: Council Member Meredith moved to approve the consent agenda.
SECOND: Council Member Massey
VOTE: UNANIMOUS (9-0)

7.1 Interlocal agreement between the City of Fayetteville and Cumberland County for placement of FAST stops on County-owned property.

RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT FOR THE INSTALLATION OF FAYETTEVILLE AREA SYSTEM OF TRANSIT (FAST) BUS SHELTERS ON COUNTY-OWNED PROPERTY. RESOLUTION NO. R2010-069.

7.2 Approval of quitclaim deed to Mount Sinai Foundation, Inc., in conjunction with the Fayetteville Redevelopment Commission.

7.3 Special sign permit request for temporary event signs for the 2010 Fayetteville Greek Festival. Signs would be put out from August 21 through September 13, 2010.

7.4 Special Revenue Fund Project Ordinance 2011-4 (Gangs across the Carolinas Training Conference 2010).

8.0 OTHER ITEMS OF BUSINESS

8.1 Consideration of the revisions to the Alarm Ordinance and fees.

Mr. Charles Hunter, Police Captain, presented this item and provided the following alarm fee schedule comparison chart. He stated the chart was generated as a result of the meeting with the stakeholders and other options were explored.

Alarm Fee Schedule		
	As Adopted July 12, 2010	Proposed Changes Based On August 2 Work Session
PERMITS		
REQ/AMT	NO	No: To be reviewed in 6 months
		WRITTEN NOTICE-NO CHRG-
ALARM 1	NO CHARGE	RES/BUS
ALARM 2	\$25.00	NO CHARGE
ALARM 3	\$50.00	\$25.00
ALARM 4	\$50.00	\$50.00
ALARM 5	\$100.00	\$50.00
ALARM 6	\$100.00	\$100.00
ALARM 7	\$200.00	\$100.00
ALARM 8	\$200.00	\$200.00 AND Each After 8
ALARM 9	\$400.00 and Each after 9	
CIVIL PENALTIES of \$50.00 will not change for the original fee schedule as adopted by Council for the FY 2010-2011 budget.		

Mayor Pro Tem Haire questioned whether stakeholders participated in informing customers of the proposed increases and if that was an industry practice. Captain Hunter responded dialogue had included the City and industry presenting the same message.

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Mayor Pro Tem Haire questioned what role the stakeholders played in the proposed fee revision process. Captain Hunter responded the stakeholders made recommendations of what the fee should be and provided input regarding the appeal process. He stated the registration program would be discussed at a future meeting.

A discussion period ensued regarding monitored and unmonitored alarms and the process of determining the validity of the alarms.

Ms. Karen McDonald, City Attorney, reviewed the appeals process. She stated notices included information regarding how to appeal to the Alarm Coordinator and should citizens not agree with the Alarm Coordinator's decision they had the ability to appeal to an Administrative Hearing Officer for other citations.

Council Member Massey questioned whether that person would be a City employee. Ms. McDonald responded in the negative.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 4-7 OF CHAPTER 4, ALARM SYSTEMS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2010-010.

MOTION: Council Member Meredith moved to adopt the revisions of the Alarm Ordinance and fees.
SECOND: Council Member Hurst

FRIENDLY AMENDMENT:

Mayor Chavonne made a friendly amendment for staff to provide an update to Council in six months.

Council Members Meredith and Hurst accepted the friendly amendment.

VOTE: UNANIMOUS (9-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Settlement for fiscal year July 1, 2009, through June 30, 2010.

The settlement was required under the provisions of N.C.G.S. § 105-373(a)(3). The following covered the period from July 1, 2009, through June 30, 2010:

Charge:

Real & Personal Charge 2009	\$53,581,707.75
Storm Water Charge 2009	1,702,140.00
Fayetteville Storm Water Charge 2009	3,405,072.00
Vehicles Charge 2009	7,173,175.82
2005 Annexation in 2009 Charge	.00
Curbside Recycle Charge 2009	2,257,998.00
Added Charge Real & Personal 2009	202,759.70
Added Charge Storm Water 2009	744.00
Added Charge Fayetteville Storm Water 2009	1,392.00
Added Charge Vehicles 2009	10,559.43
Added Charge Annexation 2009	969.94
Added Charge Curbside Recycle 2009	194.00
Fayetteville Gross Receipts Vehicle Tax Current Year 2009	402,867.14
Fayetteville Heavy Equipment Gross Receipts 2009	38,057.31
Total Interest Collected	349,027.82
Total Charge:	<u>\$69,126,664.91</u>

Credits:

Deposited with Finance Real & Personal 2009	\$52,964,833.73
Deposited with Finance Vehicles 2009	5,310,339.17
Deposited with Finance Annexation Taxes 2009	623.95
Deposited with Finance Storm Water 2009	1,689,623.94
Deposited with Finance Fayetteville Storm Water 2009	3,379,943.97
Deposited with Finance Curbside Recycle 2009	2,229,314.40
Fayetteville Gross Receipts Vehicle Tax Current Year 2009	402,867.14

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Fayetteville Heavy Equipment Gross Receipts 2009	38,057.31
Interest Deposited with Finance	349,027.82
Releases Real/Personal Allowed 2009	477,848.61
Releases Vehicles Allowed 2009	628,918.53
Storm Water Releases Allowed 2009	3,072.00
Fayetteville Storm Water Releases Allowed 2009	6,144.00
Annexation Releases Allowed 2009	4.22
Curbside Recycle Releases Allowed 2009	7,676.00
Real/Personal Balance 2009	341,785.11
Vehicles Balance 2009	1,244,477.55
Storm Water Balance 2009	10,188.06
Fayetteville Storm Water Balance 2009	20,376.03
Annexation Balance 2009	341.77
Curbside Recycle Balance 2009	21,201.60
Total Credits:	<u>\$69,126,664.91</u>

Charge:

Real & Personal 2008	\$ 265,468.11
Vehicles 2008	1,464,936.00
2005 Annexation in 2008 Charge	136.46
Storm Water 2008	18,275.30
Fayetteville Storm Water 2008	18,808.43
Curbside Recycle 2008	20,353.72
Real & Personal 2007	73,094.82
Vehicles 2007	326,172.82
2005 Annexation in 2007 Charge	62.41
Storm Water 2007	5,414.26
Fayetteville Storm Water 2007	6,735.22
Real & Personal 2006 & Prior	352,662.65
Vehicles 2006 & Prior	1,412,299.86
2005 Annexation in 2006 Charge	25,180.29
Storm Water 2006 & Prior	18,665.41
Total Charge:	<u>\$4,008,265.76</u>

Barred by Statute:

Barred by Statute - Real/Personal - 1999	\$ 34,278.23
Barred by Statute - Vehicles - 1999	153,851.03
Barred by Statute - Storm Water - 1999	165.00
	<u>188,285.26</u>

Credits:

Real & Personal Collections 2008	181,241.29
Vehicle Collections 2008	978,288.66
2005 Annexation in 2008 Charge Collections	76.19
Storm Water 2008 Collections	12,602.55
Fayetteville Storm Water 2008 Collections	11,822.19
Curbside Recycle 2008 Collections	15,126.46
Real & Personal Collections 2007	23,891.78
Vehicle Collections 2007	49,139.30
2005 Annexation in 2007 Charge Collections	.00
Storm Water 2007 Collections	1,664.05
Fayetteville Storm Water 2007 Collections	1,300.20
Real & Personal 2006 & Prior Collections	24,620.67
Vehicle 2006 & Prior Collections	53,293.08
2005 Annexation in 2006 Collections	20,490.57
Storm Water 2006 & Prior Collections	1,271.50
Real & Personal Releases Allowed 2008	2,559.40
Vehicles Releases Allowed 2008	154,773.41
2005 Annexation in 2008 Releases Allowed	10.53
Storm Water Releases Allowed 2008	24.00
Fayetteville Storm Water Releases Allowed 2008	24.00
Curbside Recycle Releases Allowed 2008	42.00
Real & Personal Releases Allowed 2007	4,383.81
Vehicles Releases Allowed 2007	15,415.35
2005 Annexation in 2007 Releases Allowed	.00
Storm Water Releases Allowed 2007	.00
Fayetteville Storm Water Releases Allowed 2007	.00
Real & Personal Releases Allowed 2006 & Prior	359.94
Vehicles Releases Allowed 2006 & Prior	17,925.24
2005 Annexation in 2006 Releases Allowed	173.72
Storm Water Releases Allowed 2006 & Prior	.00
Real & Personal Balance 2008	81,667.42
Vehicles Balance 2008	331,873.93
2005 Annexation in 2008 Balance	49.74
Storm Water Balance 2008	5,648.75

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Fayetteville Storm Water Balance 2008	6,962.24
Curbside Recycle Balance 2008	5,185.26
Real & Personal Balance 2007	44,819.23
Vehicles Balance 2007	261,618.17
2005 Annexation in 2007 Balance	62.41
Storm Water Balance 2007	3,750.21
Fayetteville Storm Water Balance 2007	5,435.02
Real & Personal Balance 2006 & Prior	293,403.81
Vehicles Balance 2006 & Prior	1,187,230.51
2005 Annexation in 2006 Balance	4,416.00
Storm Water Balance 2006 & Prior	17,237.91
Adjustment	.00
Total:	3,819,980.50
Total Credits:	<u>\$4,008,265.76</u>

The following covered the verification of tax funds for fiscal year ended June 30, 2010:

	General Fund	CBDT	Annexation
1. Current Year Original Levy (Real and Personal)			
Total Property Valuation	11,712,669,121	124,137,170	0
Tax Rate Per \$100	0.456	0.10	0.3975
Amount of the Levy	53,409,771.19	124,137.17	0.00
Late List Levy	47,600.24	199.15	
2. Discoveries and Releases			
Discoveries			
Total Property Valuation	35,542,259	605,260	168,350
Tax Rate Per \$100	0.456	0.10	0.3975
Amount of the Levy	161,890.30	605.26	669.19
Late List Discoveries	40,149.50	122.64	300.75
Releases			
Total Property Valuation	101,655,529	604,400	0
Tax Rate Per \$100	0.456	0.10	0.3975
Amount of the Levy	463,549.21	604.40	0.00
Late List Releases	13,667.07	27.93	4.22
3. Taxes remitted to the City for Tax Years:			
2009	52,842,029.48	122,804.25	623.95
2008	181,014.60	226.69	76.19
2007	23,887.27	4.51	0.00
2006 & Prior	24,620.67	0.00	20,590.57
4. Interest	160,500.88	720.62	2,575.25
5. Balance due the City at June 30, 2010, for:			
2009	340,157.47	1,627.64	341.77
2008	81,643.40	24.02	49.74
2007	44,774.44	44.79	62.41
2006 & Prior	327,514.15	167.89	4,416.00

	General Fund Vehicles	CBDT Vehicles	Vehicle License Tax	Transportation Fee
1. Current Year Original Levy (Vehicles)				
Total Property Valuation	1,268,564,425	4,802,040		
Tax Rate Per \$100	0.456	0.10		
Amount of the Levy	5,784,653.78	4,802.04	691,860.00	896,860.00
2. Discoveries and Releases				
Discoveries				
Total Property Valuation	1,979,042	0		
Tax Rate Per \$100	0.456	0.10		
Amount of the Levy	9,024.43	0.00	790.00	745.00
Releases				
Total Property Valuation	122,249,971	318,660		
Tax Rate Per \$100	0.456	0.10		
Amount of the Levy	557,459.87	318.66	35,570.00	35,570.00
3. Taxes remitted to the City for Tax Years:				
2009	4,284,746.39	4,204.65	510,713.96	510,674.17
2008	784,284.56	362.22	102,032.25	91,609.63
2007	40,631.91	24.13	8,483.26	0.00
2006 & Prior	43,658.53	10.61	9,623.94	0.00
4. Interest	162,313.16	46.02		
5. Balance due the City at June 30, 2010, for:				
2009	951,471.95	278.73	146,366.04	146,360.83
2008	261,802.31	118.23	41,624.66	28,328.73
2007	226,992.49	51.18	34,574.50	0.00
2006 & Prior	1,159,717.65	345.93	181,071.96	0.00

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	Storm Water Management	Fayetteville Storm Water Management	Curbside Recycling
1. Current Year Original Levy (Real and Personal) Total Property Valuation Tax Rate Per \$100 Amount of the Levy	1,702,140.00	3,405,072.00	2,257,998.00
2. Discoveries and Releases Discoveries Total Property Valuation Tax Rate Per \$100 Amount of the Levy	744.00	1,392.00	194.00
Releases Total Property Valuation Tax Rate Per \$100 Amount of the Levy	3,072.00	6,144.00	7,676.00
3. Taxes remitted to the City for Tax Years:			
2009	1,689,623.94	3,379,943.97	2,229,314.40
2008	12,602.55	11,822.19	15,126.46
2007	1,664.05	1,300.20	0.00
2006 & Prior	1,271.50	0.00	0.00
4. Interest	5,709.42	8,953.10	8,209.37
5. Balance due the City at June 30, 2010, for:			
2009	10,188.06	20,376.03	21,201.60
2008	5,648.75	6,962.24	5,185.26
2007	3,750.21	5,435.02	0.00
2006 & Prior	17,393.91	0.00	0.00

The following summarized the 1999 real/personal and vehicle taxes to be barred:

	Vehicles	Personal	Real	Public Service	Fees	Total
County	482,901.64	54,160.32	45,671.90	-	-	582,733.86
County Pets	-	801.21	-	-	-	801.21
Fayetteville	132,549.31	9,921.35	24,305.77	-	-	166,776.43
Revit	77.75	51.11	-	-	-	128.86
Fayetteville Vehicle Fee	21,223.97	-	-	-	-	21,223.97
Hope Mills	6,492.09	421.34	550.05	-	-	7,463.48
Hope Mills Vehicle Fee	1,545.00	-	-	-	-	1,545.00
Hope Mills Pets	-	56.21	-	-	-	56.21
Spring Lake	13,201.23	698.24	55.62	-	-	13,955.09
Stedman	202.08	-	-	-	-	202.08
Stedman Vehicle Fee	75.00	-	-	-	-	75.00
Godwin	73.51	-	-	-	-	73.51
Wade	256.89	74.26	-	-	-	331.15
Falcon	24.37	-	-	-	-	24.37
Linden	86.68	9.08	-	-	-	95.76
Solid Waste User Fee	-	-	-	-	384.00	384.00
Storm Water Fee	-	-	-	-	156.00	156.00
Advertising Fee	-	-	-	-	324.24	324.24
Total	658,709.52	66,193.12	70,583.34	-	864.24	796,350.22
TA500 MR VEHICLES	658,709.52					
TA500 MR CC	137,640.70					
TA500 MR PS	-					
	796,350.22					

9.2 Levy for 2010-2011 Fiscal Year

City of Fayetteville:	No. of Accts.	Real Value	Personal Value	**Exempt Value	Taxable Value
Real Property with Personal	92,145	11,219,668,323	537,992,190	176,989,141	11,580,671,372
*Public Service	-	-	-	-	-
Total:	92,145	11,219,668,323	537,992,190	176,989,141	11,580,671,372
Description:		Taxes	Late List	Total	
Real Property with Personal		52,807,882.24	35,566.90	52,843,449.14	
*Public Service		-	-	-	
Total:		52,807,882.24	35,566.90	52,843,449.14	

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Revitalization	No. of Accts	Real Value	Personal Value	***Exempt Value	Taxable Value
Real Property with Personal	821	111,542,359	13,427,367	---	124,969,726
*Public Service	-	-	-	-	-
Total:	821	111,542,359	13,427,367	---	124,969,726
		Taxes	Late List	Total	
Real Property with Personal		124,970.06	256.69	125,226.75	
*Public Service		-	-	-	
Total:		124,970.06	256.69	125,226.75	

Exempt Value:	
Real	175,051,0710
Personal	1,937,431
Total:	176,989,141

Revit Exempt Value:	
Real	-
Personal	-
Total:	-

Fayetteville Storm Water:	3,429,710.40
Fayetteville Recycling:	2,264,838.00
Storm Water:	1,714,855.20

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:28 p.m.

Respectfully submitted,

RITA PERRY
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
AUGUST 23, 2010
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Rob Anderson, Chief Development Officer
Charles Lewis, Senior Code Enforcement Administrator (Housing)
Craig Harmon, Planner II
Dwight Miller, PWC Chief Finance Officer
Joe Glass, PWC Engineering Manager-Water Resources
Jackie Tuckey, Communications Manager/Public Information Officer
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Dr. Joanie Green, Christian Pentecostal Church of Christ.

3.0 PLEDGE OF ALLEGIANCE

Following the invocation, the audience was led in the Pledge of Allegiance to the American Flag.

4.0 APPROVAL OF AGENDA

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

5.0 CONSENT

MOTION: Council Member Davy moved to approve the consent agenda with the exception of Item 5.4.
SECOND: Council Member Meredith
VOTE: UNANIMOUS (10-0)

5.1 Acceptance of FAA grant for Taxiway "A" rehabilitation and lighting.

5.2 Award of contract for rehabilitation of Taxiways "A", "C", "D", and "F" and rehabilitation of taxiway lighting and signage (AIP-37).

The project was included in the FY 2011-2015 Capital Improvement Plan. Funding for the project was anticipated to be in the form of a federal grant from the Federal Aviation Administration in the amount of \$5,936,904.00, and a local match from the City in the amount of \$315,969.00. The bid was first advertised and scheduled for opening on June 22, 2010, however, only one bid was received and the project

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had to be re-advertised in accordance with North Carolina General Statutes. The statutes required that at least three bids be received on the first advertisement in order for bids to be opened. The bid was re-advertised and scheduled for opening on June 30, 2010, with only one bidder responding as follows:

Barnhill Contracting Company (Fayetteville, NC).....\$5,209,563.00

The DBE program goal for the project was 9.4 percent and Barnhill Contracting Company met the program goal.

5.3 Capital Project Ordinance 2011-4 (Taxiway "A" Rehabilitation Project AIP-37).

5.4 Pulled at the request of Council Member Davy.

5.5 Award contract for 2011 Street Resurfacing Program.

The project was first advertised for bids to be opened on July 27, 2010, however, only two bids were received. Therefore, in accordance with North Carolina General Statutes, which required three bids for opening on the first advertisement, the project was re-advertised and bids were opened on August 4, 2010, as follows:

Highland Paving Company (Fayetteville, NC).....\$3,464,285.35
Barnhill Contracting Company (Fayetteville, NC).....\$3,637,432.92

The bids received were over the budgeted amount of \$3,280,260.00, therefore, as allowed by North Carolina General Statutes, staff negotiated with the low bidder, Highland Paving Company, to reduce cape seal work and eliminate resurfacing of one street in order to bring the contract within the budgeted amount. The negotiated bid amount was \$3,249,656.72. The DBE participation goal for the project was 10 percent and Highland Paving Company met the 10 percent goal.

5.6 Capital Project Ordinance Amendment 2011-8 (Franklin Street Parking Deck).

5.7 Adopt Capital Project Ordinance Amendment 2011-9 (West General Aviation Lower Ramp Rehabilitation, Repave Truck Lane, and Apron Repair Project).

5.8 Consider award of contract via piggyback for two fire pumpers.

This authorized the waiver of the bid procedure as allowed by statute and approved the purchase of two fire apparatus pumpers from Pierce Manufacturing, Inc., Appleton, Wisconsin, in an amount not to exceed \$848,396.00.

5.9 Bid Recommendation for underground primary power cable.

The Public Works Commission approved the award bid for purchase of 200,000' of 1/0, ALCN, ERP, 25KV, 1/C underground primary power cable, PWC Stock No. 1-065-510 (with the option to purchase additional quantities within a one-year period) to HD Supply Utilities, Ltd., Wake Forest, NC, lowest evaluated bidder, in the total amount of \$359,730.00. Bids were received July 29, 2010, as follows:

HD Supply Utilities, Ltd. (Wake Forest, NC).....\$359,730.00
Wesco Distribution (Raleigh, NC).....\$398,800.00
Stuart C. Irby (Rocky Mount, NC).....\$414,200.00
Shealy Electrical Wholesalers (Greenville, SC).....\$468,400.00

Bids were solicited from four vendors with four vendors responding. HD Supply Utilities, Ltd., was not classified as a SDBE, minority or woman-owned business.

5.10 License agreement with new Cingular wireless for antenna attachment on Reilly Road.

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- 5.11 Resolution to direct the filing of an application for a state loan.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO DIRECT THE FILING OF AN APPLICATION FOR A STATE LOAN UNDER THE NC CLEAN WATER REVOLVING LOAN AND GRANT ACT OF 1987. RESOLUTION NO. R2010-070.

- 5.12 Resolution setting a public hearing to consider economic development incentives for a proposed Embassy Suites Hotel and Convention Center.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE SETTING A PUBLIC HEARING TO CONSIDER AN ECONOMIC DEVELOPMENT INCENTIVE PACKAGE FOR EMBASSY SUITES HOTEL AND CONVENTION CENTER. RESOLUTION NO. R2010-071.

- 5.4 Condemnation for demolition of 106 Dunn Road.

This item was pulled by Council Member Davy.

Mr. Charles Lewis, Senior Code Enforcement Administrator (Housing), presented this item and stated the building was inspected and condemned on July 30, 2009, as a dangerous or vacant/abandoned structure. Mr. Lewis explained that a hearing was held August 27, 2009, which the owner had not attended, however, telephoned the Interim Assistant Director of Inspections at which time the owner was verbally given a period of 60 days to repair or demolish the structure.

Discussion ensued regarding correspondence with the owner and the condemnation and demolition processes.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2010-010.

MOTION: Council Member Davy moved to adopt the ordinance with the demolition process beginning no earlier than October 1, 2010.

SECOND: Council Member Applewhite

Further dialogue ensued regarding the demolition timeframe relating to safety hazards, security, and reimbursement.

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

6.0 PUBLIC HEARINGS

- 6.1 Case No. P10-26F. The rezoning of 0.97 acres at 6576 Cliffdale Road from R10 Residential District to C1 Commercial District or to a more restrictive zoning classification. Kim O. Miller-Nakamoto and George M. Nakamoto, owners.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed a vicinity map and provided an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use and 2030 Growth Vision Plans. He stated the Zoning Commission recommended approval of the rezoning to P2 Professional, not C1 as requested by the applicant, based on: (1) the rezoning was in keeping with the character of the neighborhood, (2) Cliffdale Road was a major thoroughfare, and (3) the proposed use was needed because of the multifamily development around the property. He stated staff recommended denial of the rezoning to C1 to the Zoning Commission based on: (1) the 2010 Land Use Plan called for medium-density residential for the property, (2) the 2030 Plan cautioned against

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rezoning properties to commercial mainly because it was on a major thoroughfare;; and (3) the property was surrounded by residential zoning and uses.

Council Member Applewhite requested clarification as to why P2 would not be spot zoning. Mr. Harmon stated it would not be illegal spot zoning because there was P2 along a corridor, therefore, it could act as a transition area.

Council Member Applewhite requested affirmation from Ms. Karen McDonald, City Attorney, and Ms. McDonald concurred.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 7:31 p.m.

MOTION: Council Member Applewhite moved to approve the rezoning from R10 to P2.
SECOND: Council Member Hurst
VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Chavonne, Bates, and Mohn)

6.2 Case No. P10-27F. The rezoning of 0.34 acres at 7762 Hazelwood Avenue from AR Residential District to P4/CZ Professional Conditional Zoning District. Willie McNeil, owner.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed a vicinity map and provided an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use. He explained the property was surrounded by residentially compatible uses, was part of a residential subdivision that was on three sides of the property, and a church was located to the south of the property. He stated that contrary to 2030 policies that could support a zoning to a non-residential district, he explained the property was within a subdivision and was not in a transition area; therefore, it was staff's opinion that the request constituted an impermissible "spot zoning". He stated the owner offered the following conditions of approval in addition to those shown on the site plan: (1) office hours would be 9:00 a.m. to 5:00 p.m. and (2) would limit the use to an outpatient care. Mr. Harmon stated the Zoning Commission recommended approval of the rezoning to P4/CZ based on: (1) the rezoning was compatible with the character of the neighborhood and (2) the P4 zoning would stand as a transition buffer in the future if commercial properties were to continue to move north from Raeford Road. He stated staff recommended denial of the rezoning to P4/CZ to the Zoning Commission based on: (1) the 2010 Land Use Plan called for low-density residential for the property; (2) the 2030 Plan stated that offices may be used as transitional uses, but the property was not located in a transitional area and Hazelwood was not an intensively traveled road; and (3) the property was surrounded by residential zoning and compatible uses.

Council Member Crisp requested clarification of staff's opinion that the request would constitute illegal spot zoning. Mr. Harmon explained the property was completely surrounded by residential and Hazelwood Avenue was a neighborhood street.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:36 p.m.

Mr. Andy Privette, 2545 E. Edgewater Drive, Fayetteville, NC 28303, appeared in favor and reviewed the uses of the surrounding properties.

Mr. Joe Gillis, Galatia Church Road, Fayetteville, NC 28304, appeared in favor and reviewed the uses of the surrounding properties.

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Mr. Kelvin Noble, Precious Haven, Inc. employee, appeared in favor and provided an overview of the existence and operation of the business.

There being no one further to speak, the public hearing closed at 7:44 p.m.

Council Member Crisp inquired of Mr. Gillis whether the two houses on Hazelwood Avenue were occupied. Mr. Gillis responded the south corner property was demolished. He informed Council that he owned the vacant lot and rental property to the west of the property and stated the character of the area was rapidly changing.

Council Member Meredith inquired whether the proposed gravel parking lot would be located in the back of the establishment. Mr. Harmon replied in the affirmative.

Council Member Applewhite inquired whether Precious Haven, Inc., had been at the location since 2000, who the property owner was, and how it was determined that the property would be a good office space location and expressed concerns in relation to the gravel parking lot and traffic issues. Mr. Noble responded Precious Haven, Inc., was previously located on Westlake Drive, however, the business downsized to keep all its employees. He clarified that Mr. Willie McNeil was the property owner. Ms. Melissa McAllister, Precious Haven, Inc., owner, further responded they had done improvements to the property.

Council Member Bates questioned the legal aspects since it would be considered illegal spot zoning. Ms. Karen McDonald, City Attorney, explained it was staff's evaluation that this would be illegal spot zoning; therefore, should Council find it to be legal spot zoning, Council must articulate and clarify their findings.

Mr. Dale Iman, City Manager, inquired how the City became aware of this business being operated on the property. Mr. Harmon responded that Code Enforcement was initially contacted by neighbors with traffic complaints and that a business was being operated, which led to Code Enforcement investigating and finding a professional office business was being operated in a residential area; thereafter, a Notice of Violation was issued which prompted the rezoning request.

Council Member Crisp inquired if patients were being treated at the location, the number of employees, and why a privilege license was not procured. Ms. McAllister responded no one lived at the property. She stated there were ten employees. In response to not having a privilege license, Ms. McAllister stated she was informed by City staff that her state license took precedence and she procured a license when she was informed of the requirement.

MOTION: Council Member Applewhite moved to deny the rezoning request from AR to P4/CZ.

SECOND: Council Member Bates

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

6.3 Hope Mills annexation agreement.

Mr. Kristoff Bauer, Assistant City Manager, presented this item and summarized the purpose, proposed boundaries, and term of the agreement. He stated as directed by Council, transportation access to properties were reviewed, efforts were made to ensure neighborhoods were kept together and logical boundary brakes were created. He reviewed the legal description of Parcel #0405-42-0744, approximately 360 acres of wetland, which was divided among the two jurisdictions. He explained the 150-foot line and stated should the owner decide to subdivide and develop the property, the line could be moved in any direction without requiring the property owner to request a revision by a jurisdiction.

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Discussion ensued regarding the subdividing and development process and the jurisdiction's requirements and termination options.

This is the advertised public hearing set for this date and time. There being no one in favor or in opposition, the public hearing opened and closed at 8:01 p.m.

Mayor Chavonne inquired whether the County approved the agreement based on the Municipal Influence Area (MIA) agreement. Mr. Bauer responded there had been conversation with Mr. Thomas Lloyd, Cumberland County Planning and Inspections Director, and his expectations were that following adoption by the City and Hope Mills there would be a request to amend the MIA to be consistent with the proposed annexation.

Council Member Bates clarified this was not an annexation and the purpose of the public hearing was to inform citizens of the future possibility of annexation.

AN ORDINANCE ESTABLISHING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, NORTH CAROLINA, AND THE TOWN OF HOPE MILLS, NORTH CAROLINA, FOR THE AREA BETWEEN THESE TWO MUNICIPALITIES. ORDINANCE NO. NS2010-011.

MOTION: Council Member Meredith moved to approve the annexation agreement.

SECOND: Council Member Massey

FRIENDLY AMENDMENT:

Mayor Pro Tem Haire made a friendly amendment to add the requirement that the City coordinate with the County Planning Department and County Commissioners to ensure this was incorporated as part of the MIA following approval by the City and Hope Mills.

Council Members Meredith and Massey accepted the friendly amendment.

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

7.0 OTHER ITEMS OF BUSINESS

7.1 Phase 5 Areas 4 and 5 proposed assessment revisions.

Mr. Dwight Miller, PWC Chief Finance Officer, presented this item and provided a chronological summary of the Phase 5 Areas 4 and 5 assessment roll process. Mr. Miller explained the requested revisions of the assessment amounts on the following properties:

5535 Lawnwood Drive - Parcel Number 0406-74-9900 - The property was charged an assessment for a single-family residential lot (\$5,000.00). It was confirmed the lot could not be served by gravity. The owner obtained a plumber's estimate to install a grinder pump. The property was not connected to the sewer system. For properties with grinder pumps in the Phase 5 Areas 4 and 5 annexation, the owners were assessed a lower charge because of the additional cost of a grinder pump needed to serve the property.

1444 Paisley Avenue - Parcel Number 0406-57-2100 - The property was charged an assessment for a single-family residential lot (\$5,000.00). It was confirmed the lot could not be served by gravity. The owner obtained a plumber's estimate to install a grinder pump. The property was not connected to the sewer system. For properties with grinder pumps in the Phase 5 Areas 4 and 5 annexation, the owners were assessed a lower charge because of the additional cost of a grinder pump needed to serve the property.

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1532 Paisley Avenue - Parcel Number 0406-55-6712 - The property was charged an assessment for a single-family residential lot (\$5,000.00). It was confirmed the property could not be served by gravity service and was connected to the sewer system by a grinder pump. For properties with grinder pumps in the Phase 5 Areas 4 and 5 annexation, the owners were assessed a lower charge because of the additional cost of a grinder pump needed to serve the property.

1440 Paisley Avenue - Parcel Number 0406-57-1169 - The property was identified as a grinder pump lot and was assessed a lower charge because of the additional cost of a grinder pump (\$790.00). The property had been connected to the sewer system by gravity.

A question and answer period ensued regarding the availability of a payment arrangement/installation plan, property owner notification, and appeals process. Council Member Bates expressed concerns regarding the increased assessment for 1532 Paisley Avenue.

MOTION: Council Member Meredith moved to approve the proposed assessment revisions.

SECOND: Council Member Hurst

Mr. Miller clarified that PWC would notify affected property owners of the revised assessment amounts.

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

7.2 Presentation of Appointment Committee recommendations for boards and commissions appointments.

Council Member Hurst, Appointment Committee Chair, presented this item and provided highlights of the August 18, 2010, Appointment Committee meeting. He presented the appointment recommendations, which would address the September 2010 vacancies, as follows:

BOARDS/COMMISSIONS	RECOMMENDATION	TERM
Airport Commission	Dawn Gibson	1st
	Hubert Gibson	1st
	Herbert G. Vance	2nd
	John W. Wyatt, III	2nd
Animal Services Board	Dell Caramanno	Fill-in
Board of Adjustment	Mikele Haywood	2nd
	Bill Jenkins	Fill-in
	Wick J. Smith, Jr.	Alternate fill-in
Fayetteville-Cumberland Human Relations Commission	Milind Kumar Dongre	1st
	Patricia A. Fortuna	2nd
	Antonio L. Gardner	1st
	Robin Greene	1st
	Crystal Moore-McNair	1st
	Pamela Suggs Story	1st
	Monica Haynes	1st
Fayetteville-Cumberland Parks and Recreation Advisory Commission	Christine S. Smith	2nd
	Charles Johnson	1st
	Rebecca Campbell	1st
	Robert Lints	Fill-in
	Nancy Shakir	Fill-in
Wrecker Review Board	William Tyson	2nd
Fayetteville Metropolitan Housing Authority	Irma Young	3rd

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BOARDS/COMMISSIONS	RECOMMENDATION	TERM
Fayetteville Planning Commission	Larry Boney	2nd
	Cleatus Cox	2nd
	Mary Ellen Lavoie	2nd
	Bill J. Snuggs	1st
	Willis M. Watt	1st
	Jimmy Holland, Jr.	Alternate fill-in
	Larnie McClung	Alternate fill-in
Fayetteville Zoning Commission	William L. Tally	2nd
	Stephen C. Mannell, Jr.	1st
	Thomas S. Speight, Jr.	Alternate fill-in
Joint City and County Appearance Commission	Kevin Hight	1st
Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission	Cassandra McMillion	2nd
	Crystal Spigner-Williams	1st
	Patricia F. Stewart	1st
	Frank R. Till	1st
Fayetteville Finance Corporation	William Brooks	
	Dale Iman	
	Keith Love	
	Lisa Smith	
Storm Water Advisory Board	John R. Mattox	2nd
	Patricia L. Vaughan	1st

Council Member Hurst stated the Transit Advisory Committee recommendations were postponed per Council's directive at the August 2, 2010, work session and the PWC recommendation was delayed pending further review.

MOTION: Council Member Hurst moved to approve the Appointment Committee's recommendations.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

Mr. Doug Hewett, Assistant City Manager, presented the proposed Fayetteville Advisory Committee on Transit (FACT) description as follows:

Composition of Committee: The committee would be made up of seven people who lived within the City limits and who reflected the community's diversity. Members would include residents, businesses, and other stakeholders concerned about transit service in the City. FACT members would be appointed by the City Council and approved by the City Council. Appointments would be for two-year staggered terms.

Mission Statement: To address the public transportation needs of Fayetteville, North Carolina, in a proactive way by providing recommendations to City Council, management, users, and the general public in an effort to create a comprehensive and cohesive transit system that responds to our community's present and future needs.

FACT would strive to: Function as an advisory body with responsibilities to advise FAST management on matters affecting the transit system and its operations, including, but not limited to:

- Providing recommendations for the current and future direction of the transit system consistent with the adopted Transportation Development Plan within fiscal constraints;
- Ensuring personal mobility for handicapped, elderly, and disabled citizens;

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- Providing equal transportation access to commercial business locations and local and regional government agencies;
- Finding optimal solutions that balance the transit needs of the community;
- Responding to community concerns in a prompt, professional, and respectful manner;
- Enthusiastically and accurately representing the citizens of Fayetteville, North Carolina, in all communications, written or verbal;
- Functioning as a sounding board for updates of the Transit Development Plan (TDP);
- Making recommendations to FAST management on matters, i.e., fare changes, long-range plan updates, and major or new projects. The FACT would also provide comments on service changes;
- Strengthening community relations; and
- Maintaining a close working relationship and dialog with the City Manager and staff.

2011 FACT Focus Areas:

- Long-range planning: The FACT would focus on developing a strategic plan consistent with elements of the adopted TDP, the City's strategic plan, and with citizen input. The process would review and/or develop recommendations for a transit specific mission statement, vision, core values, five-year goals and objectives for short-term work plans.
- Ease of use: The FACT would focus on ways to make FAST easy to use for all riders, including participating in implementation of transit waiting environment projects, i.e., bench and bus shelter placements.
- Safety and security: The FACT would focus on ensuring that FAST was a safe and secure system.
- Advocacy and partnerships: The FACT would focus on advocating and partnering with organizations to increase transit funding and promote public transit use.

Voting Members:

1. Fayetteville Area Metropolitan Planning Organization (FAMPO) director or designee
2. Transportation industry representative
3. Two ADA riders or representatives
4. Bus rider
5. Three City residents, to include two appointees who reside in areas of the City that are currently unserved by FAST
6. FAST driver/operator

Ex-Officio Members:

1. FAST director, also serves as committee liaison/staff
2. City Manager's Office representative

A question and answer period ensued regarding the FACT composition.

MOTION: Council Member Mohn moved to approve the proposed Fayetteville Advisory Committee on Transit with the addition of a citizen from each district.

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SECOND: Council Member Massey
VOTE: **FAILED** by a vote of 2 in favor (Council Members Massey and Mohn) to 8 in opposition

MOTION: Council Member Davy moved to approve with the addition of one ADA rider/representative and one representative from an area not presently receiving transit services and to proceed with the recruitment process.

SECOND: Council Member Haire
VOTE: **UNANIMOUS** (10-0)

Discussion ensued regarding the PWC board term extension, supplementary questionnaire, and proposed recruitment process.

Consensus of Council was to proceed with the recommended PWC recruitment process.

7.3 Annexation resolution of consideration and revision of PWC Policy 150.1 relating to assessments.

Mr. Kristoff Bauer, Assistant City Manager, presented the item regarding the annexation Resolution of Consideration (ROC). He stated the proposed ROC area was based upon both the Municipal Influence Area (MIA) agreement between the City and Cumberland County and the proposed Annexation Agreement between the City and the Town of Hope Mills, which was not yet effective. He clarified that neither agreement created a legal impediment to the proposed ROC designation. He explained an effective annexation agreement would prevent future annexation inconsistent therewith, but the ROC notice process was intentionally liberal. He stated Council could act on the ROC and the action would not be impacted, unless the Council chose to take future action, by revisions in the MIA or annexation agreements.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE IDENTIFYING THE AREA DESCRIBED HEREIN AS BEING UNDER CONSIDERATION FOR FUTURE ANNEXATION. RESOLUTION NO. R2010-072.

MOTION: Council Member Hurst moved to adopt the annexation resolution.
SECOND: Mayor Chavonne
VOTE: **PASSED** by a vote of 9 in favor to 1 in opposition (Council Member Crisp)

Mr. Bauer then presented the item regarding City Council Policy No. 150.1 relating to PWC assessments. He provided clarification on whether the \$5,000.00 assessment cap would apply to water and wastewater individually or collectively as follows:

- In the first instance, a property being connected to both services could be assessed a total of \$10,000.00 maximum.
- In the second instance, the maximum assessment would be \$5,000.00 whether a property was being connected to water or wastewater or both.

Mr. Bauer stated the proposed revision to the policy clarified that the \$5,000.00 assessment cap would apply to each service connection capping the total assessment for a property being connected to both water and wastewater at \$10,000.00.

Discussion ensued regarding the cap affect on a future Council, the 90-foot frontage charge relating to residential and commercial lots, and Facility Investment Fees (FIF).

MOTION: Council Member Meredith moved to adopt the revision to Policy No. 150.1 with the deletion of paragraph 4 and the rewording of paragraph 6.
SECOND: Council Member Massey

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

7.4 FY 2009-2010 Strategic Annual Report.

Mr. Doug Hewett, Assistant City Manager, presented this item and provided the FY 2010 Strategic Plan. He stated the City's strategic plan sets forth the vision for community, the City's mission, and the City's goals. He stated the one-year action agenda identified issues for which Council provided policy direction and the City staff completed during the fiscal year.

MOTION: Council Member Haire moved to adopt the FY 2009-2010 Strategic Annual Report.

SECOND: Mayor Chavonne

VOTE: UNANIMOUS (10-0)

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly statement of taxes for July 2010 from the Cumberland County Tax Administrator.

2010 Taxes	\$129,332.00
2010 Vehicle Taxes	214,098.30
2010 Revit	19.45
2010 Vehicle Revit	151.85
2010 FVT	27,284.20
2010 Transit Tax	27,284.20
2010 Storm Water	3,872.89
2010 Fay Storm Water...	7,745.75
2010 Recycle Fee	10,338.39
2010 Annex...	0.00
2009 Taxes	\$62,979.00
2009 Vehicle Taxes	135,960.10
2009 Revit	1,092.69
2009 Vehicle Revit	31.65
2009 FVT	18,757.51
2009 Transit Tax	18,757.44
2009 Storm Water	1,882.08
2009 Fay Storm Water...	3,764.18
2009 Recycle Fee	4,607.64
2009 Annex...	0.00
2008 Taxes	2,892.21
2008 Vehicle	6,248.34
2008 Revit	1.43
2008 Vehicle Revit	0.00
2008 FVT	980.73
2008 Transit Tax	874.99
2008 Storm Water	217.53
2009 Fay Storm Water...	203.40
2008 Recycle	352.79
2008 Annex...	0.00
2007 Taxes	499.32
2007 Vehicle	1,409.55
2007 Revit	0.00
2007 Vehicle Revit	0.00
2007 FVT	249.85
2007 Storm Water	64.43
2007 Fay Storm Water...	24.00
2007 Annex...	0.00
2006 and Prior Taxes	600.36
2006 and Prior Vehicle	2,329.63
2006 and Prior Revit	1.32
2006 and Prior Vehicle Revit	3.00
2006 and Prior FVT	481.79

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2006 and Prior Storm Water 45.72
2006 Annex..... 128.71

Interest 14,803.93
Revit Interest 69.63
Storm Water Interest 193.75
Fay Storm Water Interest 280.42
Annex Interest 23.92
Fay Recycle Interest 351.91

Total Tax and Interest \$701,292.88

**8.2 Standard communications letter from Cherry Bekaert & Holland
describing the nature and scope of the audit to be performed for
the Fiscal Year Ending June 30, 2010.**

There being no further business, the meeting adjourned.

Respectfully submitted,

RITA PERRY
City Clerk

ANTHONY G. CHAVONNE
Mayor

082310

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FAYETTEVILLE CITY COUNCIL WORK SESSION MINUTES LAFAYETTE ROOM SEPTEMBER 7, 2010 5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8) (arrived at 5:15 p.m.); Wesley A. Meredith (District 9)

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

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Ron Anderson, Chief Development Officer
Glenn Harbeck, Glenn Harbeck & Associates
Victor Sharpe, Community Development Director
Jami McLaughlin, Downtown Development Manager
Jerry Dietzen, Environmental Services Director
Tom Bergamine, Police Chief
Douglas S. Peters, FCCCC President
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Haire.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda.
SECOND: Council Member Bates
VOTE: UNANIMOUS (8-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Hospital Area Preliminary Plan Presentation

Mr. Rob Anderson, Chief Development Officer, introduced Glen Harbeck of Glenn Harbeck & Associates. Mr. Harbeck reviewed the proposed area. He provided a synopsis of the July 8, 2010, community input meeting; July 20, 2010, open house and discussion; and July 20 and August 3, 2010, preliminary planning response. Mr. Harbeck summarized the following 11 planning principles:

- Principle 1 - No takings or forced sale of property.
- Principle 2 - Deal with traffic issues.
- Principle 3 - Resolve land use and zoning conflicts.
- Principle 4 - Improve pedestrian safety.
- Principle 5 - Clean up crime and neglected properties.
- Principle 6 - Consider impacts of hospital's plans.
- Principle 7 - Protect property values.
- Principle 8 - Promote quality development and image.
- Principle 9 - Communicate during and after the plan.

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Principle 10 - Use buildings and required buffers to reduce noise.

Principle 11 - Preserve area neighborhoods.

Mr. Harbeck provided analysis and recommendations for the following sub-areas:

- Area 1 - Owen Drive, east side, from Player to Village
- Area 2 - Village Drive, from Conover west to Roxie
- Area 3 - Boone Trail, west of Owen, near Bordeaux Shopping Center
- Area 4 - Roxie Avenue and side streets, Cape Center to Thomas Drive
- Area 5 - Bordeaux Shopping Center
- Area 6 - Area north of the main hospital campus
- Area 7 - Boone Trail Extension/Village Drive area
- Area 8 - Main hospital campus area

Mr. Harbeck explained the purposes of the Hospital Area Overlay and Design Standards. He reviewed site plans which illustrated the proposed design standards. Mr. Harbeck provided an overview of proposed recommendations to manage transportation and traffic. He stated the following items were forthcoming:

1. Post the updated presentation to City website.
2. Invite additional comments.
3. Incorporate design standards into an overlay district.
4. Post overlay district to City website.
5. Present final plan and overlay to Council in public hearing.
6. Upon adoption, begin implementation.

A question and answer period ensued regarding zoning districts, distance requirements in relation to land use and redevelopment, and projected public hearing timeline.

Consensus of Council was to move forward and to hold a special meeting for the public.

4.2 Downtown Development Update (Informational/Update Purposes Only)

Ms. Jami McLaughlin, Downtown Development Manager, presented this item and provided a summary of new downtown businesses, downtown events, projects, streetscape and infrastructure improvements, and new developments. She provided a review of Strategic Plan objective Goal 6.

A question and answer period ensued regarding redevelopment projects, regional compactors and its requirements, BigBelly Solar Compactor (solar energy self-powered compacting trash receptacle), projected timeline regarding the completion of Strategic Plan objective Goal 6, Municipal Service District (MSD) funds, and the authorization of flag placements.

Council Member Mohn requested an update regarding the MSD. Mr. Dale Iman, City Manager, stated the update would be included in the financial report at the September 13, 2010, City Council meeting.

Council Member Meredith inquired on the authorization and approval process to place flags at the Airborne and Special Operations

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Museum. Mr. Iman responded it was approved in the budget and the flags were considered signage.

4.3 Sustainability Master Plan Annual Report (Informational/Update Purposes Only)

Mr. Jerry Dietzen, Environmental Services Director, presented this item and provided the following 7 guiding principles of the Sustainability Master Plan:

- Promote national energy independence and reduce carbon emissions
- Produce economic benefits
- Promote regional cooperation
- Preserve neighborhoods and affordability
- Develop healthier communities and social equity
- Lead by example
- Ensure accountability

Mr. Dietzen explained the following four major goals of the plan:

- Goal 1 - Environmental and Natural Resources
- Goal 2 - Planning
- Goal 3 - Community
- Goal 4 - City Agencies

Mr. Dietzen stated the following items would be addressed in the upcoming year:

- Multifamily recycling
- Considering City membership to climate communities and/or ICLEA
- EECBG building retrofit projects
- Energy audits and energy plans
- New air quality standard from EPA
- Wood waste to bio diesel plant
- Considering switch to bio diesel fuel

Discussion ensued regarding delayed pick up due to holidays and partnerships.

Consensus of Council was to be provided a yearly update.

4.4 Community Wellness Plan Update (Informational/Update Purposes Only)

Mr. Tom Bergamine, Police Chief, presented this item. He reviewed the following guiding principles of the Community Wellness Plan:

- Intelligence Led Policing
- Operational Efficiency
- Community Partnerships
- Crime Prevention and outlined the contents of each principle

A question and answer period ensued.

4.5 Local Business Support

Ms. Karen McDonald, City Attorney, presented this item and clarified that Executive Order 50 applied only to state contracts and created no local preference. She stated there were basically three groups of contracts, those that were subject to competitive bidding, qualification-based selection process, and all others. She informed

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Council that the proposed policy established that City and PWC staff would, to the extent allowed by applicable law, use its best efforts to solicit and consider awarding contracts to qualified local contractors. She explained the following proposed procedures:

- Qualification-based selection process which may from time to time exempt certain contracts where the professional fee was less than \$30,000.00 from the requirements of N.C.G.S. § 143-64.31 by adoption of a resolution pursuant to N.C.G.S. § 143-64.32.
- Award after considering any and all relevant factors in including, but not limited to, location of the firm, cost, qualifications, quality, value, transparency, efficiency, fairness, and available competition.
- Limitations would be federal, state, or local law or rules, ethics rules, conflict of interest principles, or terms of grant funding.

Discussion ensued regarding bid requirements, the use of qualification lists, minority participation, and bid amounts of local businesses.

Mr. Douglas Peters, FCCCC President, stated research indicated the status of local businesses was good, however, bonding capacity was an issue. Ms. McDonald added that bonding requirements related to the competitive bidding requirements.

In response to inquiries regarding bid notifications to local businesses and minority organizations, Ms. McDonald suggested a contracting workshop.

Mayor Chavonne requested organizations be contacted to verify receipt of bid notifications.

Further discussion ensued relating to bidding laws and competitive bidding.

Consensus of Council was for staff to continue researching proposed modifications of the policy.

4.6 Discussion of proposed amendments to Policy #125.1 "Drainage Revolving Loan Fund".

Mr. Dale Iman, City Manager, stated one of the proposed incentives for the Embassy Suites Hotel and Conference Center project was to provide a \$500,000.00 revolving loan to be used to address wetland mitigation at the site, by which staff recommended utilizing the existing "Drainage Revolving Loan Fund". Mr. Iman explained the existing policy restricted the use of the "Drainage Revolving Loan Fund" to loans for the improvement of public lakes. He stated the proposed revised City Council Policy No. 125.1 would expand the eligibility criteria of the "Drainage Revolving Loan Fund" to permit the fund to be used for wetland mitigation projects in addition to the repair of privately-owned dams supporting City streets. Mr. Iman stated the public hearing would be held on September 13, 2010.

Ms. McDonald explained the Municipal Service District (MSD) tax was similar to the downtown tax and the special assessment was a lien against the property. She stated the City would be on the level of tax creditors.

Consensus of Council was to bring this item back for action at the September 13, 2010, City Council meeting.

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4.7 Council Member Request(s): (In order of receipt date)

(a) Council Member Applewhite - Youth Protection Ordinance Zoned Areas

Council Member Applewhite requested Council to consider an ordinance that would address establishing a curfew for minors with the intent of protecting them from violent acts and reducing their criminal activity in our community and provisions that would limit loitering for the purpose of engaging in related drug activity. She stated it must be a collaborative effort--parental involvement, community, school systems, social services, businesses, non-profits and law enforcement.

Discussion ensued regarding parent involvement, different curfews for youth in and out of school, repeat offenders, and enforcement.

Consensus of Council was for Chief Bergamine to provide an update (November 2010).

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:27 p.m.

Respectfully submitted,

RITA PERRY
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
DINNER AND DISCUSSION MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
SEPTEMBER 13, 2010
6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Patricia Bradley, Assistant City Attorney
Brian Leonard, Assistant City Attorney

Mayor Chavonne called the meeting to order.

Closed session for consultation with the attorney.

MOTION: Mayor Chavonne moved to go into closed session for consultation with the attorney regarding litigation in the matter of *City of Fayetteville v. Mitchell Brewer Richardson Adams Burge & Boughman*, internet café litigation, and a personnel matter.
SECOND: Council Member Meredith
VOTE: UNANIMOUS (10-0)

The regular session recessed at 6:05 p.m. The regular session reconvened at 6:38 p.m.

MOTION: Council Member Bates moved to go into open session.
SECOND: Mayor Pro Tem Haire
VOTE: UNANIMOUS (10-0)

MOTION: Mayor Chavonne moved to authorize the City Attorney to execute settlement with Coy Brewer in the litigation matter of *City of Fayetteville v. Mitchell Brewer Richardson Adams Burge & Boughman*.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

MOTION: Council Member Meredith authorized the Mayor to work with Human Resources Development Department to implement City Attorney's compensation increase.
SECOND: Mayor Pro Tem Haire
VOTE: UNANIMOUS (10-0)

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

082310

DRAFT

FAYETTEVILLE CITY COUNCIL
DINNER AND DISCUSSION MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
SEPTEMBER 27, 2010
6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Leonard, Assistant City Attorney

Mayor Chavonne called the meeting to order.

Closed session for consultation with the attorney.

MOTION: Council Member Bates moved to go into closed session for consultation with the attorney regarding litigation in the matter of *City of Fayetteville v. John Chen* and an attorney-client privileged matter.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (10-0)

The regular session recessed at 6:10 p.m. The regular session reconvened at 6:50 p.m.

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

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

092710

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor D. Sharpe, Community Development Director
DATE: November 8, 2010
RE: **Approval of Amendment to Military Business Park Participation Agreement**

THE QUESTION:

Does amending the Participation Agreement for the Military Business Park assist in the development of the park?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Diversity - Strong Local Economy

BACKGROUND:

- The initial Military Business Park Participation Agreement between the City, County and PWC only deals with the construction costs for the sanitary sewer for Phase I and Phase II of the project.
- During the development of the initial agreement, the plans for the roads to service the park were being developed.
- Those plans have now been completed. Road work and other infrastructure improvements are under construction.
- This amendment allows for the City's and County's Economic Development Initiative grants to pay for all other eligible infrastructure improvements associated with the development of the park.

ISSUES:

None

OPTIONS:

- Approve amended Military Business Park Participation Agreement. (Recommended)
- Do not approve amended Military Business Park Participation Agreement. This could interfere with the City's ability to comply with grant requirements and expend all granted funds within required time frame.
- Provide additional direction to staff.

RECOMMENDED ACTION:

Approve amendment to the Military Business Park Agreement and the authorize the Mayor to execute the documents pertaining to the agreement.

ATTACHMENTS:

Military Business Park Agreement Amendment

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

MILITARY BUSINESS PARK

AMENDMENT TO PARTICIPATION AGREEMENT

THIS AGREEMENT AMENDMENT made this ____ day of _____, 2010 by and between the City of Fayetteville, a North Carolina municipal corporation (hereinafter referred to as "CITY"), the County of Cumberland (hereinafter referred to as "COUNTY"), the Public Works Commission of the City of Fayetteville, North Carolina (hereinafter referred to as "COMMISSION"), and Broadwell Brothers, LLC, a manager-managed North Carolina limited liability company and the Waverly Broadwell Family, LLC, a manager-managed North Carolina limited liability company (hereinafter referred to as "DEVELOPER").

WITNESSETH: THAT

WHEREAS, the CITY, the COUNTY, the COMMISSION, Dohn B. Broadwell, and the Waverly Broadwell Family LLC executed an Agreement (hereinafter referred to as "The Agreement") on March 31, 2009; and

WHEREAS, the purpose of The Agreement is for the development and construction of a military business park located on Sante Fe Drive and Bragg Boulevard; and

WHEREAS, Dohn B. Broadwell transferred his ownership interest in the land constituting the military business park to Broadwell Brothers, LLC, a manager-managed North Carolina limited liability company, by a deed dated 12/14/09, recorded 12/31/09 in Book 8316, pages 211 to 217, Cumberland County Registry and Broadwell Brothers, LLC has continued the development and construction of the military business park under The Agreement; and

WHEREAS, the CITY has received from the following (5) federal grants: B-06-SP-NC-0607 for \$247,500.00, B-06-SP-NC-0605 for \$198,000.00, B-06-SP-NC-0586 for \$74,250.00, B-08-SP-NC-0099 for \$147,000.00, and B-10-SP-NC-0257 for \$584,400, a total of \$1,251,150; and the COUNTY has received one (1) federal grant: B-06-SP-NC-1128 for \$74,250.00; and

WHEREAS, The Agreement being amended includes provisions for infrastructure improvements for the funding of projects to continue the development of the proposed military business park; and

NOW, THEREFORE, The Agreement executed between the CITY, the COUNTY, the COMMISSION, Dohn B. Broadwell, and the Waverly Broadwell Family LLC is hereby amended to include the following items and any other approved infrastructure costs associated with the completion of the military business park to be paid with the use of the aforementioned grants not

exceed the total award of the federal Economic Development Initiative Grants received by the City and County totaling \$1,325,400:

1. Construction of additional portions of Coalition Boulevard (an extension of 1,150 feet) and Procurement Circle (650 ft) which has been approved as part of Phase One of the project.
2. Completion of asphalt paving in Phase One.
3. Extension of an existing sewer main at the northwest corner of the site approximately 400 feet into the military business park site.
4. Construction of a sanitary sewer force main and associated lift station to serve future phases of the park.
5. Payment of relocation of existing Progress Energy power lines within the military business park.
6. Payment to the North Carolina Department of Transportation for the construction of a left turn lane on Bragg Boulevard into the proposed entrance of the military business park.
7. All rules and regulations pertaining to the U.S. Department of Housing and Urban Development Economic Development Initiative Grant shall be adhered to.
8. The requirements of the original agreement shall be followed.

CITY:

City of Fayetteville
433 Hay Street
Fayetteville, NC 28301
Attention: Dale Iman, City Manager

COMMISSION:

Public Works Commission
P.O. Box 1089
Fayetteville, NC 28302-1089
Attention: Steven K. Blanchard

COUNTY:

County of Cumberland
P.O. Box 1829
Fayetteville, NC 28302
Attention: James Martin, County Manager

DEVELOPER:

Broadwell Brothers, LLC
c/o Dohn B. Broadwell, Jr.
903 Hay Street
Fayetteville, NC 28303

Waverly Broadwell Family, LLC
c/o W. David Broadwell
2015 Jacks Ford Dr.
Fayetteville, NC 28303

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, COUNTY, CITY, COMMISSION, and DEVELOPER have executed this Agreement as of the date first above written.

DEVELOPER

Broadwell Brothers, LLC

Dohn B. Broadwell, Jr., Manager, Co-Owner

Waverly Broadwell Family, LLC

W. David Broadwell, Manager, Co-Owner

CITY

ATTEST:

City of Fayetteville

Rita Perry, City Clerk

Anthony G. Chavonne, Mayor

Approved for legal sufficiency:

This instrument has been preaudited in the manner
Required by the Local Government Budget and
Fiscal Control Act.

Karen M. McDonald
City of Fayetteville Attorney

Lisa Smith
City of Fayetteville Chief Financial Officer

COUNTY

ATTEST:

County of Cumberland

Clerk to the Board

Billy R. King, Chairman

Approved for legal sufficiency:

This instrument has been preaudited in the manner
Required by the Local Government Budget and
Fiscal Control Act.

County Attorney

Amy Cannon, Assistant County Manager for Finance

COMMISSION

ATTEST:

Public Works Commission of the City of Fayetteville

Wilson A. Lacy, Secretary

Luis J. Olivera, Chairman

Approved as to form this _____ day of
_____, 2010.

Richard M. Lewis, Jr.
Public Works Commission Attorney

This instrument has been preaudited in the manner
Required by the Local Government Budget and
Fiscal Control Act.

J. Dwight Miller
PWC Chief Financial Officer

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor D. Sharpe, Community Development Director
DATE: November 8, 2010
RE: **Approval of acquisition of 811 Bedrock Drive**

THE QUESTION:

Does acquiring the lot at 811 Bedrock Drive provide opportunity for future affordable housing and redevelopment activities?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

- The Community Development Department has received an offer to purchase a lot located at 811 Bedrock Drive through the City's Acquisition and Demolition Program.
- The owner of the property has been approved for a grant through the City's Acquisition and Demolition Program.
- The Acquisition and Demolition Program is a grant program designed to demolish and acquire when appropriate, property that is abandoned, unsafe, or deteriorated beyond reasonable financial cost to effectively rehabilitate. The resulting lot will be used for the construction of future affordable housing.
- The subject parcel will be added to the City's inventory of buildable residential lots that may be used for future redevelopment purposes such as the construction of affordable housing.
- When feasible the vacant lots may be made available to one of the City's Community Housing Development Organizations (CHDO).

ISSUES:

- City Council authorized the demolition of the house on this property at its meeting on October 11, 2010.

OPTIONS:

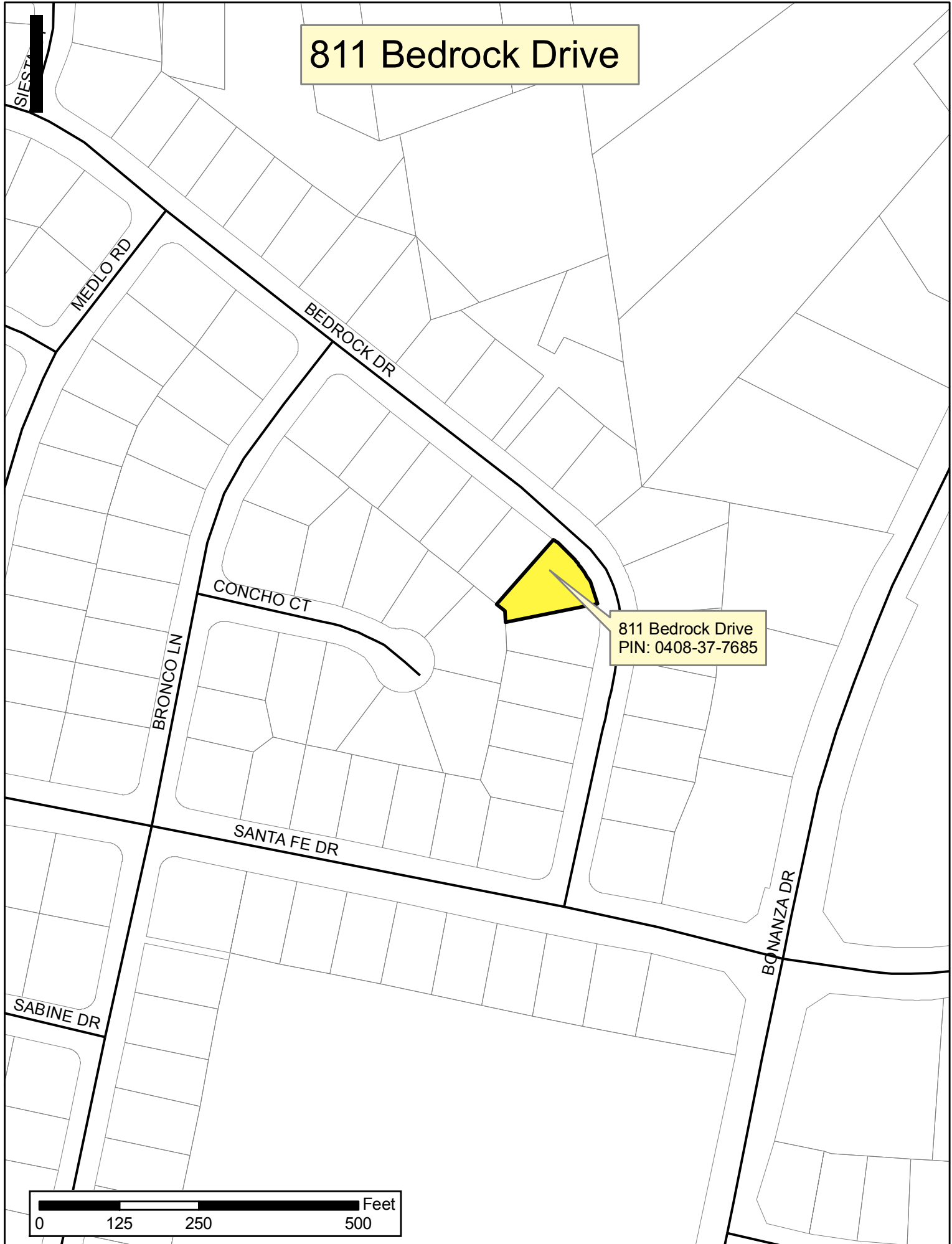
- Approve acquisition of 811 Bedrock Drive. (Recommended)
- Do not approve acquisition of 811 Bedrock Drive.
- Provide additional direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council move to approve acquisition of the lot located at 811 Bedrock Drive for an amount of \$5,000 and authorize the City Manager to execute all documents necessary to do so.

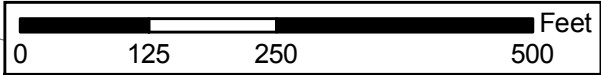
ATTACHMENTS:

811 Bedrock Drive
Picture of 811 Bedrock Drive



811 Bedrock Drive

811 Bedrock Drive
PIN: 0408-37-7685





CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor D. Sharpe, Community Development Director
DATE: November 8, 2010
RE: **Approval of the acquisition of 522 Moore Street.**

THE QUESTION:

Does acquiring the lot at 522 provide opportunity for future affordable housing and redevelopment activities?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

- The Community Development Department has received an offer to purchase a lot located at 522 Moore Street through the City's Acquisition and Demolition Program. The structure on the property will also be demolished through the program.
- The owner of the property has been approved for a grant through the City's Acquisition and Demolition Program.
- The Acquisition and Demolition Program is a grant program designed to demolish and acquire when appropriate, property that is abandoned, unsafe, or deteriorated beyond reasonable financial cost to effectively rehabilitate. The resulting lot will be used for the construction of future affordable housing.
- The subject parcel will be added to the City's inventory of buildable residential lots that may be used for future redevelopment purposes such as the construction of affordable housing.
- When feasible the vacant lots may be made available to one of the City's Community Housing Development Organizations (CHDO).

ISSUES:

- The house on this property is scheduled for demolition through the City's Acquisition and Demolition Program.

OPTIONS:

- Approve acquisition of 522 Moore Street. (Recommended)
- Do not approve acquisition of 522 Moore Street.
- Provide additional direction to staff.

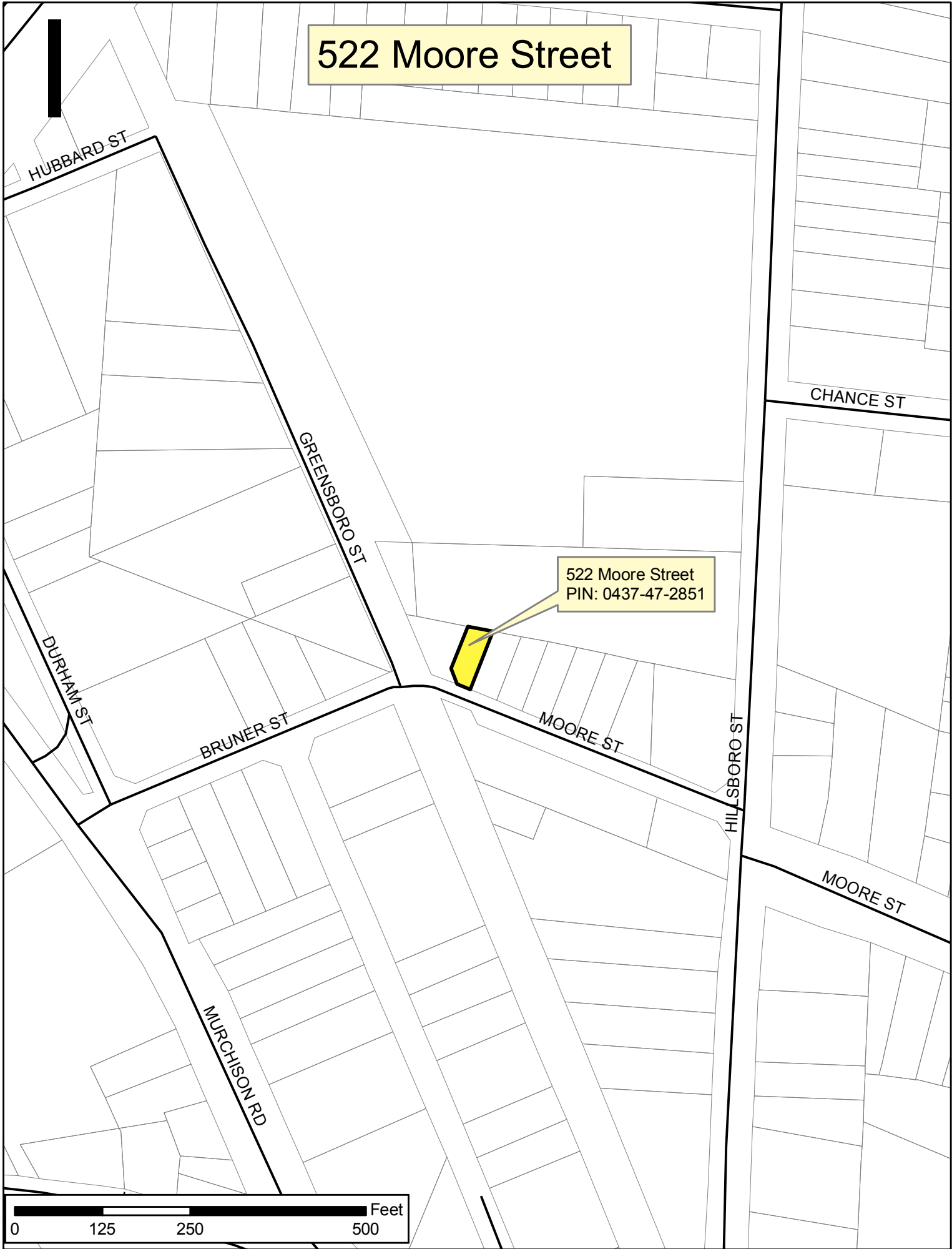
RECOMMENDED ACTION:

Staff recommends that Council move to approve acquisition of the lot located at 522 Moore Street for the amount of \$875 and authorize the City Manager to execute all documents necessary to complete that acquisition.

ATTACHMENTS:

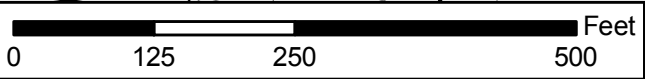
522 Moore Street

Picture of 522 Moore Street



522 Moore Street

522 Moore Street
PIN: 0437-47-2851





7-4-2-1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor D. Sharpe, Community Development Director
DATE: November 8, 2010
RE: **Economic Development Initiative Grant Application for the Military Business Park**

THE QUESTION:

Does applying for additional Economic Development Initiative Grant funding assist with the development of the Military Business Park?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Diversity - Strong Local Economy

BACKGROUND:

- The City has received notice of a provisional award of a grant for an additional \$584,400 for the construction of the Military Business Park.
- An application must be submitted to the U.S. Department of Housing and Urban Development in order to confirm and accept the grant.
- This amount will be added to the other grants in the amount of \$666,750 received by the City and the \$74,250 received by Cumberland County to date for the development of the park.
- The total amount of Economic Development Initiative grant funds that will be received by the City and County totals \$1,325,400, which is available for the development of the Military Business Park.

ISSUES:

None

OPTIONS:

- Approve resolution authorizing submission of the application. (Recommended)
- Do not approve resolution authorizing submission of the application.
- Provide additional direction to staff.

RECOMMENDED ACTION:

Staff recommend that Council pass the attached resolution authorizing the submission of an Economic Development Initiative Grant from the U.S. Department of Housing and Urban Development in the amount of \$584,400 and authorize the City Manager to execute the necessary documents.

ATTACHMENTS:

EDI Grant 0257 - Resolution

Resolution No. _____

RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO APPLY FOR ECONOMIC DEVELOPMENT INITIATIVE FUNDS FROM THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE MILITARY BUSINESS PARK

WHEREAS, The Consolidated Appropriations Act, 2010 (P.L. 111-117) signed into law by President Obama on December 16, 2009, provided the Department of Housing and Urban Development with Economic Development Initiative funds for certain special projects; and

WHEREAS, The City of Fayetteville has received an opportunity for grant funding under the Consolidated Appropriations Act, 2010 in the amount of \$584,000 for the construction of the Military Business Park; and

WHEREAS, the City of Fayetteville has committed to utilizing its Economic Development Initiative grant funds for infrastructure improvements in the development of a 250 acre Military Business Park located on Sante Fe Drive and Bragg Boulevard;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fayetteville hereby authorizes an application to the U.S. Department of Housing and Urban Development for the Economic Development Initiative Grant in the amount of \$584,000 for the construction of the Military Business Park and grants the City Manager the authority to execute documents and agreements pertaining to the grant.

Adopted this the 8th day of November, 2010.

CITY OF FAYETTEVILLE

(SEAL)

By:

Anthony G. Chavonne Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen M. McDonald, City Attorney
DATE: November 8, 2010
RE: **Proposed Revisions to the Code of Ethics**

THE QUESTION:

Whether to approve the recommended revisions to the Code of Ethics.

RELATIONSHIP TO STRATEGIC PLAN:

Principle 1: Partnership with Citizens

BACKGROUND:

The Code of Ethics was revised in September 2009 to include a provision for a newly formed Ethics Commission to render advisory opinions and make decisions regarding whether actions by employees, City Manager and City Attorney, Boards and Commissions members, and City Council violate the City's Code of Ethics. As the Commission was selected and the members began working with the Code, they found that there were revisions that were needed to make the Code of Ethics more effective. Some of the recommended revisions were suggestions made by Fleming Bell of the UNC School of Government, the author of *A Model Code of Ethics for North Carolina Local Elected Officials* (Chapel Hill UNC School of Government, 2010), and others were due to procedural issues that the Ethics Commission envisioned may occur in the future that needed to be clarified in the Code. The proposed revisions were reviewed by the City Council at the work session on November 1, 2010. After discussion, City Council directed that Section 2-95(h)(1) be amended to add back the provision regarding the City Clerk. The attached ordinance amendment reflects the recommended revisions as proposed by the Ethics Commission and the amendment to 2-95(h)(1).

ISSUES:

Does the ordinance meet Council's interest.

OPTIONS:

1. Approve the recommended revisions as presented at the November 1 work session with the amendment to 2-95(h)(1) regarding the City Clerk.
2. Direct the Commission to make additional revisions to the Code of Ethics.

RECOMMENDED ACTION:

Approve the recommended revisions as presented at the November 1 work session with the amendment to 2-95(h)(1) regarding the City Clerk.

ATTACHMENTS:

Code of Ethics Ordinance Revisions

ARTICLE IV. CODE OF ETHICS

Sec. 2-91. Policy.

(a) The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed.

(b) The people have a right to expect that every public official and employee will conduct himself in a manner that will tend to preserve public confidence in and respect for the government he represents.

(c) Such confidence and respect can best be promoted if every ~~public~~ official and employee, ~~whether paid or unpaid, and whether elected or appointed, will uniformly as hereinafter defined will:~~

- ~~(1) Treat all citizens with courtesy, impartiality, fairness and equality under the law; and~~
- ~~(2) Avoid both actual and potential conflicts between their private self interest and the public interest.~~
- (1) Obey all applicable laws regarding official actions taken as a board member;
- (2) Uphold the integrity and independence of the board member's office;
- (3) Avoid impropriety in the exercise of the board member's official duties;
- (4) Faithfully perform the duties of the office; and
- (5) Conduct the affairs of the governing board in an open and public manner, including complying with all applicable laws governing open meetings and public records.

Sec. 2-92. Definitions.

The terms used in this code of ethics are hereby defined as follows:

Advisory opinion means an opinion issued by the ethics commission regarding whether the past, present or proposed conduct by an elected or appointed official or employee of the city violates or would violate the provisions of section 2-94.

Appointed official shall mean any person appointed to any board or commission of the city.

Business and transaction mean any purchase of supplies or services, or the construction of any public facility or project by a public body.

Complaint means a written request under oath seeking an investigation by the ethics commission into the past or present conduct of an elected or appointed official or employee on a form approved by the ethics commission. At a minimum, the form shall contain the name(s) and home address(es) of the person(s) seeking such an investigation; the name(s) of the person(s) who is(are) the subject of the investigation; a detailed statement of the facts and reasons why the subject(s) should be investigated; a description of the City Code provision which may have been violated; and a statement that the person(s) requesting such an investigation knows and/or believes such information is true.

Confidential information means any drawings, specifications, cost estimates, oral communications or other documents or information relative to a business or transaction not available to the general public.

Elected official shall mean the mayor and members of the Fayetteville City Council.

Employee shall mean a full-time or part-time employee of the City of Fayetteville.

Ethics commission means the members of the ethics commission appointed by the mayor and city council.

Ethics commission's purview means those provisions of the Fayetteville City Code contained in sections 2-91 through 2-94.

Financial interest means an interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his services to the city) to the elected or appointed official or employee, or to any person employing or retaining the services of the elected or appointed official or employee.

~~*Inquiry* means any communication seeking an investigation by the ethics commission into the past or present conduct of an official or employee on either a signed, approved form submitted to the city clerk or by any other manner which contains the same degree of reliability and detail~~ a written request under oath for an advisory opinion which shall be submitted on a form approved by the ethics commission. At a minimum, such communicationsthe form shall contain the name(s) and home address(es) of the person(s) seeking such an investigationthe inquiry; the name(s) of the person(s) who is(are) the subject of the investigation; a detailed statement of the facts and reasons why the subject(s) should be investigatedadvisory opinion is being requested; a description of the City Code provision, if any, which may have been be violated based on the facts submitted; and a statement that the person(s) requesting such an investigation knows and/or believes such information is true.

~~*Official and employee* mean any person appointed to, or employed or retained by, any public office or public body of the city whether paid or unpaid and whether part time or full-time.~~

Personal interest means any interest arising from blood or marriage relationship or any financial interest.

Public body means the City Council, or any agency, board, body, commission, committee, department or office of the city.

Purview means

~~*Referral or referred matter* means any communication in any form and from any source intended for the ethics commission to review for any reason.~~

Sec. 2-93. Fair and equal treatment.

No elected or appointed official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or to make available to the public at large.

Sec. 2-94. Conflict of interest.

(a) *Participation in business transaction involving public funds.* No appointed official or employee shall become an undertaker, or make any contract for his own benefit, under such authority, or be in any manner concerned or interested in making such contract, or in the profits thereof, either privately or openly, singly or jointly with another, unless the contract is authorized pursuant to G.S. 14-234, and the following conditions are met:

- (1) The appointed official or employee has not been privileged to any confidential information relating to the business or transaction;
- (2) The appointed official or employee shall make a public disclosure of their financial interest and not participate in any deliberations or voting on such business or transaction;
- (3) The public body on which the appointed official or employee works or serves is not the initiator, recipient, user of the supply or service, or public body involved with the purchase, implementation, construction or management of the public project or facility.

If ~~the~~ an elected or appointed official or employee no longer serves or works for the public body, the business or transaction cannot be one for which such official or employee had voted upon or been privilege to confidential information while in office or employed by the public body.

(b) *Voting.* No elected or appointed official ~~or employees~~ shall be excused from voting except upon matters involving the consideration of his own financial interest or official conduct. On all other cases, failure to vote by a member who was physically present at a meeting, or who has withdrawn without being excused by a majority of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowance of members of the board or commission is not a matter involving a member's own financial interest or official conduct.

(c) *Incompatible employment.* No elected or appointed official or employee shall engage in private employment with, or render services for, any private person, firm or corporation who has business transactions with any public body unless the same is permitted by N.C.G.S. § 14-234 and he/she shall first make full public disclosure of the nature and extent of such employment or services.

(d) *Representation of private persons.* No elected or appointed official or employee shall appear as an advocate or agent of any person, other than himself, before any public body in the city. This shall not preclude a member of the governing body from participating in deliberations or voting on a matter where that member has first brought the matter to the attention of the public body and but for this limited involvement has no other interest in the matter for which other provisions of this Code would require disclosure.

(e) *Gifts and favors.* No elected or appointed official or employee shall knowingly accept from any person, firm or corporation, a gift whether in the form of money, things, favor, loan or promise that would not be offered or given to such elected or appointed official or employee if they were not an elected or appointed official or employee. This section is not intended to prevent the gift and receipt of the following by an elected or appointed official or employee:

- (1) Honorariums in an amount not to exceed ~~\$25.00~~\$50.00, or expenses to include meals, travel and lodging for participating at meetings, seminars, conferences, grand openings, or anniversary celebrations of businesses, or other similar activities where the elected or appointed official or employee is either a speaker, participant or invited in his official capacity;
- (2) Nominal advertising items or souvenirs of ~~\$10.00~~\$25.00 or less in value, or meals furnished at banquets;
- (3) Customary gifts or favors received ~~by an official or employee~~ from their friends, relatives or employer where it is clear that it is the relationship of the donor which is the motivating factor for the gift or favor;
- (4) Discounts offered by retail merchants, places of entertainment or similar commercial enterprises where the discount is offered to all elected or appointed officials or employees or similar categories of elected or appointed officials or employees of other units of government;
- (5) Gift certificates, merchandise or services not to exceed an amount of \$200.00 per donor to be offered as prizes at the annual city employee picnic;
- (6) Gifts to nonsupervisory employees no more than once a year not to exceed a value of \$25.00.

All such gifts knowingly made or received as permitted in this section and made by a contractor, subcontractor or supplier currently doing business directly or indirectly with the city shall be reported to the city manager or the city council as appropriate within ten days of receipt.

(f) *Confidential information.* Unless required or permitted by law, no elected or appointed official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other elected or appointed official or employee, or any other person, or any property or governmental affairs of the city. Whether or not it shall involve disclosure, no elected or appointed official or employee shall use or permit the use of any such confidential information to advance the financial or personal interest of himself or any other person.

(g) *Nepotism.* No elected or appointed official or employee shall appoint or vote for appointment of any person related to him by blood or marriage to any clerkship, office, position, employment or duty when the salary, wages, pay or compensation is to be paid out of public funds.

Sec. 2-95. Ethics commission.

(a) *Creation and organization.* There is hereby created an ethics commission to consist of five members, all of whom shall be known for their personal integrity and all of whom shall be residents of the City of Fayetteville.

(b) *Membership.* The ~~members of the~~ ethics commission shall be ~~comprised~~ composed of:

- (1) One member selected by the Cumberland County Bar Association, chosen from the attorney members of the association;
- (2) One member selected by the Sandhill Chapter of Certified Public Accountants, chosen from the members of the organization;
- (3) One member selected from among the universities/colleges of Fayetteville State University, Methodist University, and Fayetteville Technical Community College; and
- (4) Two members selected by the city council from the general citizenry.

(c) *Terms of members.* Each member shall serve for a term of three years; however the initial terms of the Cumberland County Bar Association and Sandhill Chapter of Certified Public Accountants shall be for three years and the initial terms of the first appointee from the universities/colleges and the two members appointed by the city council from the general citizenry shall be for two years. The members shall serve without compensation.

(d) *Election of chair and vice-chair.* The ethics commission shall elect:

- (1) A chair by majority vote of the serving members. Each chair will serve a one-year term and shall be eligible to serve as chair in successive years.
- (2) A vice-chair to preside in the absence of the chair. The vice-chair will serve a one-year term and shall be eligible to serve as vice-chair in successive years. The chair shall preside at the meetings and decide all points of order, procedure and evidence.

(e) *Meetings and minutes.* All meetings of the ethics commission shall be conducted ~~as required by~~ in accordance with the Open Meetings Law, N.C.G.S. § 143-318.9, et seq. Rules of procedure for consideration of a complaint or an inquiry shall be as established by the ethics commission; otherwise, Except as otherwise provided in this article, the meetings of the ethics commission will be governed by the Suggested Parliamentary Rules of Procedure for City Council as prescribed in section 2-4 of this code of ordinances. ~~All meetings shall be scheduled by the city clerk and shall meet as necessary.~~ Written minutes of all ethics commission meetings shall be taken by the city clerk and after approval, filed with the city clerk.

(f) *Quorum and decisions; vacancies.* The ethics commission shall conduct its business only with a quorum. Any hearing pursuant to section 2-95(i) shall require a quorum of at least four members of the ethics commission. Otherwise, a quorum shall be the majority of the actual members of the ethics commission, excluding vacant seats. A majority opinion of the members sitting at any hearing shall govern as to decisions of the ethics commission. Vacancies shall be filled as soon as is practicable, in accordance with the procedure for appointment of members under subsection (b) of this section.

(g) *Political activities.* The members of the ethics commission shall be prohibited from engaging in any city election political activities and from making campaign contributions to candidates in city elections during their terms as commission members. Violations of this subsection shall result in removal from board membership.

(h) *Intake and screening of inquiries.* Any person, elected or appointed official, or employee who witnesses or becomes aware of a violation of this section may file a complaint of that violation as follows an inquiry to obtain an advisory opinion as follows:

- (1) ~~Referrals~~ Inquiries to the ethics commission must be submitted to the city clerk, or the city's human resources development department, ~~or the ethics commission directly.~~
- (2) All ~~referrals~~ inquiries to the ethics commission shall initially be reviewed by one or more designees from the city's human resources development department within three business days of receipt by the human resources development director.
- (3) A record shall be made and kept of all such ~~referrals~~ inquiries.

- (4) ~~Referrals-Inquiries~~ that fall within the ethics commission's purview to any degree shall be forwarded to the ethics commission and placed upon the agenda for consideration at the next regularly scheduled meeting. If the subject matter of the inquiry appears to be a violation of a criminal statute, the matter shall be referred to the appropriate law enforcement agency or the district attorney.
- (5) ~~Referrals-Inquiries~~ deemed not to fall within the ethics commission's purview shall be forwarded to such other departments within the city or other authorities as is appropriate. Summaries outlining the substance of these ~~referrals-inquiries~~ shall be prepared by designees from the city's human resources development department. These summaries shall be presented to the ethics commission and placed upon the agenda for review at the next regularly scheduled meeting. The ethics commission may, however, review any ~~referral inquiry~~ in its entirety. At the ethics commission's request, any matter presented in summary fashion shall be presented in its entirety and placed upon the agenda for the next regularly scheduled meeting.
- (6) The inquiry shall be submitted to the city clerk or the human resources development department. The inquiry will be deemed "received" by the ethics commission when it is first reviewed by the ethics commission pursuant to subsection 2-95(h).

~~(i) —~~ *Advisory opinions.*

- (1) ~~Any official or employee may submit a request that the ethics commission issue an advisory opinion.~~
- (2) ~~The request for an advisory opinion may be submitted on the approved form to the city clerk's office, or in any other manner that contains the same information. A request for an advisory opinion will be deemed "received" by the ethics commission when it is first reviewed by the ethics commission pursuant to subsection 2-95(h).~~
- (37) The ethics commission or its designee may request any additional information deemed necessary to render an advisory opinion. If it deems necessary, the ethics commission may conduct a fact-finding hearing to assist in rendering an advisory opinion.
- (48) The ethics commission shall render an advisory opinion in writing no later than six weeks from the time it receives the request, unless the person who requests the opinion has withdrawn the request in writing, or unless the requested additional information has not been received by the ethics commission, or unless the ethics commission has given written notice to the requestor explaining the reason for the delay and stating an expected issuance date. The advisory opinion will be issued to the person who requests the opinion.

(59) The ethics commission may publish advisory opinions with such deletions as may be lawful and necessary to prevent disclosure of records which are exempt pursuant to the North Carolina Public Records Act or confidential pursuant to NCGS § 160A-168. The ethics commission may also publish guidelines based on an advisory opinion if the subject of the opinion may be of general interest and guidance.

(610) All ethics commission advisory opinions ~~involving city employees shall be forwarded in writing to the person's supervisor or department head and the city manager in writing along with a request that the supervisor or department head take appropriate disciplinary action~~ individual who requested the advisory opinion and the city manager or city council, as deemed appropriate by the ethics commission, and if permitted by law, the city manager or city council shall report any action taken as a result of said advisory opinion.

(j) *Inquiries/Complaints.*

(1) Any person, elected or appointed official, or employee may file ~~an inquiry~~ a complaint with the ~~ethics commission~~ city clerk or the human resources development department.

(2) ~~Inquiries/Complaints~~ will be deemed "filed" when they are received by the city clerk in writing or when received by the city's human resources development department. ~~Inquiries/Complaints~~ will be deemed "received" by the ethics commission when they are first reviewed by the ethics commission.

(3) The ethics commission or its designee may request any additional information deemed necessary to screen the inquiry/complaint or to render a decision.

(4) No ~~inquiries/complaints~~ shall be accepted or considered which relate to actions that took place more than one year prior to the date of filing unless recurring benefits or consequences attributable to such actions are apparent.

(5) The ethics commission's designee must notify the person who is the subject of the inquiry/complaint no more than three business days from the day the inquiry/complaint was filed. The notification shall include a copy of the full inquiry/complaint; and a copy of any portion of the code of ethics that is ~~alleged to~~ may have been or that may be violated.

(6) The ethics commission shall provide the subject of the inquiry/complaint with a copy of the inquiry/complaint before it provides copies to any other parties. ~~The ethics commission may recognize that distribution to the public of an inquiry prior to screening by the ethics commission as required below could harm the reputation of an innocent person and is contrary to the public interest; therefore,~~

~~the public release of the inquiry is prohibited until the screening process has been completed.~~

- (7) Screening pursuant to subsection 2-95(h)(2) shall occur no more than ~~three-five~~ business days from the date ~~an inquiry~~ a complaint is filed. If the ~~inquiry~~ complaint is deemed to fall within the purview of the ethics commission ~~pursuant to subsection 2-95(h)~~, the ethics commission shall ~~consult~~ convene to review the ~~inquiry-complaint~~ at a properly noticed meeting under the Open Meetings Law. If the subject matter of the complaint appears to be a violation of a criminal statute, the matter shall be referred to the appropriate law enforcement agency or the district attorney.

- (8) The ethics commission may immediately dismiss ~~an inquiry~~ a complaint at any time if:

- a. The ethics commission has no jurisdiction over the subject matter or the alleged violator;
- b. The alleged violation, if true, would not constitute a violation of the code of ethics;
- c. The alleged violation is *de minimis*;
- d. The ~~inquiry-complaint~~ is, on its face, frivolous, groundless, or brought for purposes of harassment;
- e. The matter has become moot because the person who is the subject of the ~~inquiry-complaint~~ is no longer an official or employee. If the ethics commission determines that the public interest would be served by publishing an advisory opinion, it shall subsequently issue an opinion;
- f. The person who is the subject of the ~~inquiry-complaint~~ had obtained an advisory opinion under section 2-95 permitting the conduct; or
- g. The ethics commission deems the supervisor or department head has already taken action as a result of finding a violation, dealt satisfactorily with the allegation which is the subject of the inquiry-complaint.

All dismissals shall be in writing, contain the reason for the dismissal, and be made available to the public.

- (9) If, after initial review by the ethics commission, the ~~inquiry-complaint~~ has not been dismissed pursuant to subsection 2-95(ji), the commission shall prepare and issue a notice of hearing, which shall set forth in reasonable detail the alleged violations of the code of ethics and the facts supporting the allegations. The notice of hearing shall be mailed to the person filing the ~~inquiry-complaint~~ (complainant)

and to the subject of the ~~inquiry-complaint~~ (inquiry-complaint subject) within five days of its approval by the chair of the ethics commission. The notice shall provide the ~~inquiry-complaint~~ subject an opportunity to prepare and file an answer to the notice of hearing within ten days, unless an extension is granted for good cause. When received by the ethics commission, the answer shall be promptly mailed to the complainant.

- (10) Within ten days of the receipt of the answer, the city clerk shall issue a notice setting forth a date and place for the hearing, ~~which may be open to the public~~. The ethics commission will attempt to accommodate the parties in selecting a date that is mutually agreeable.
- (11) The ethics commission shall stay the inquiry and refer the entire matter to the appropriate law enforcement agency when credible evidence of a crime is discovered.
- (12) At least ten days before the hearing, the parties or their representatives shall submit to the ethics commission a proposed list of witnesses and a list of possible documentary evidence to be introduced at the hearing, as well as an estimate of the length of time needed to present the testimony and evidence.
- (13) The ethics commission may request its attorney to subpoena witnesses and documents after having made a written request to appear or provide the records. Subpoenas shall be issued pursuant to North Carolina State Law. Persons who are subpoenaed or whose records are subpoenaed may object to testimony or the production of documents on the grounds that such information is privileged under North Carolina State Law.
- (14) Any ~~elected or appointed~~ official or employee of the City of Fayetteville who is called before the ethics commission for a hearing shall be required to participate in providing information that is in their custody unless such information is protected by a privilege under North Carolina State Law.
- (15) After the notice of hearing has been issued, none of the parties or their representatives may communicate with the ethics commission or any ethics commission member on any matter pertaining to the inquiry. All communications pertaining to the inquiry shall be sent to the commission's attorney.
- (16) At any time after the issuance of the notice of hearing, the ethics commission, at its discretion, may make a finding solely on the basis of written arguments without holding a public hearing if it determines that there is no significant discrepancy in the facts. However, the ~~inquiry-complaint~~ subject shall have the right to demand a hearing which may be open to the public.
- (17) At any time after the issuance of the notice of hearing, the ethics commission may dismiss ~~an inquiry~~ a complaint without a finding for or against the ~~inquiry~~

complaint subject if it finds that the person committed the violation due to oversight and comes into voluntary compliance.

- (18) The ethics commission may dismiss an ~~inquiry~~ complaint if the complainant does not appear at the hearing and if, in the opinion of the ethics commission, it would be unfair to the ~~inquiry~~-subject of the complaint not to have the opportunity to examine the complainant. Nothing herein shall prevent the ethics commission from conducting the hearing where there is reason to believe that the code of ethics has been violated.
- (19) At the hearing, the complainant or the complainant's representative will be provided the opportunity to make an opening statement and presentation of the evidence in support of the allegations set forth in the notice of hearing. The inquiry subject or their representative shall be entitled to cross-examine witnesses called by the complainant or the commission's attorney.
- (20) At the conclusion of the evidence offered by the complainant or the complainant's representative, the ~~inquiry~~-subject of the complaint or their representative shall have the opportunity to make an opening statement and present evidence. The complainant or their representative shall have the opportunity to cross-examine witnesses called by the ~~inquiry~~-complaint subject. Either party shall be allowed sufficient time to examine and respond to any evidence not presented to them in advance of the hearing. At the conclusion of the evidence, the parties may make closing statements or, with the consent of the ethics commission, submit written summaries of their respective positions.
- (21) The chair of the ethics commission and, in the absence of the chair, the vice-chair shall preside at the hearing, administer oaths or accept affirmations from witnesses, and decide all points of order, procedure and evidence. The hearing need not be conducted according to technical rules of evidence, and any relevant evidence, including hearsay, of probative value shall be admitted at the discretion of the chair. Incompetent, immaterial, or unduly repetitious evidence may be excluded.
- (22) An electronic or stenographic record of the hearing shall be made and kept by the city clerk.
- (23) At the conclusion of the hearing, the ethics commission shall deliberate towards a decision. Upon a majority vote of the members present for the hearing, the matter shall be decided. The ethics commission shall then direct its attorney to draft findings, conclusions and recommendations for approval at the following regularly scheduled meeting.
- (24) The ethics commission shall conduct a hearing of all ~~inquiries~~-complaints within ~~60-90~~ days of receipt of the ~~inquiry~~-complaint by the ethics commission.

Procedural delays caused by the subject of the inquiry shall toll the ~~60~~90-day time limit.

(25) Within 30 days of the conclusion of deliberations, the ethics commission shall issue and publish its decision to include findings, conclusions and recommendations. In the alternative, the ethics commission where it deems appropriate may issue an advisory opinion in lieu of making findings and recommendations.

(26) The commission's attorney shall send a written copy of the ethics commission's findings and recommendations to the inquiry subject and the complainant and, unless provided otherwise in these rules, in the code of ethics, or in state law, shall make the findings and recommendations public.

(27) The ~~inquiry-complaint~~ subject shall have the right to be represented by legal counsel in the hearing or any other proceeding, before the ethics commission.

(~~kj~~) *Conflict of interest questionnaire.* All elected officials, members of the city senior management team, and a random sample of city employees shall be required to complete the conflict of interest questionnaire sent by the city's internal auditor and certify that they have read the City of Fayetteville Code of Ethics.

(~~lk~~) *Conflict of laws.* Nothing in this section is intended to circumvent, repeal, or otherwise supersede other provisions of the Fayetteville City Code. To the extent that there is a conflict between the provisions of this section and other sections of the Fayetteville City Code, the North Carolina General Statutes, the North Carolina Constitution, or the Constitution of the United States, those provisions will control.

(l) *Public record.* No inquiry or complaint may be released to the public in violation of N.C.G.S. § 160A-168, or it if is protected from public disclosure by Chapter 132 of the North Carolina General Statutes.

Sec. 2-96. Violations; appeals.

~~—(a)— Any violation of this article or the failure to follow an opinion rendered by the ethics commission shall subject the violator to any one or more of the following:~~

~~(1)— Penalty of not more than \$1,000.00 assessed by the ethics commission; and/or~~

~~(2)— Public reprimand by the ethics commission.~~

(a) If a decision of the ethics commission finds the person to be in violation of this article or failing to comply with an opinion rendered by the ethics commission, and the person is:

(1) An elected official, the matter shall be referred to the city council for consideration of censure;

(2) An appointed official, he/she may be subject to public reprimand by the ethics commission, and/or may be referred by the ethics commission to the city council for consideration of removal; and

(3) An employee, the ethics commission may recommend disciplinary action to the employee's supervisor, department head, and city manager.

~~_____ (b) With regard to violations by employees, in addition to the remedies in subsection (a) above, the ethics commission may recommend disciplinary action to the employee's supervisor, department head, and city manager.~~

(eb) The decision of the ethics commission after a hearing shall be final. Any appeal shall be made within ten days and shall be taken to superior court and subject to review by writ of certiorari.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Tami Lewis, Senior Paralegal
DATE: November 8, 2010
RE: **Adopt a Resolution Declaring Jointly-Owned Real Property Surplus and Authorizing a Quitclaim of the City's Interest in Order to Expedite Cumberland County's Sale of Property**

THE QUESTION:

How best to respond to a request from Cumberland County for assistance in expediting the sale of jointly-owned real property.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government

BACKGROUND:

Cumberland County and the City of Fayetteville received joint title to the property identified as PIN 9496-31-8373 and located off Ankon Drive. Title to the subject property is jointly held due to the 2007 foreclosure by the County in its role as tax administrator. The County has received an offer to purchase said property for a price equaling the foreclosure bid, i.e. \$2,731.22. The County is requesting the City declare the property surplus and quitclaim the City's interest to the County in order to expedite the sale. Since the County has already paid the City their share of the taxes and there are no assessments, the City will not receive any proceeds from this sale. If the present bid is declined, there is a good chance the property will remain in joint government ownership not earning taxes and requiring upkeep.

ISSUES:

None

OPTIONS:

1. Accept the County's request and quitclaim the City's title to the County.
2. Decline the County's request.

RECOMMENDED ACTION:

Adopt the attached resolution declaring the property surplus and authorize the City Manager to sign a quitclaim deed conveying the City's interest to the County.

ATTACHMENTS:

Resolution Declaring Jointly-Owned Real Property Surplus

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

Resolution R2010_____

***RESOLUTION DECLARING PROPERTY EXCESS
TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE
IN THE PROPERTY TO CUMBERLAND COUNTY***

WHEREAS, the City of Fayetteville and the County of Cumberland jointly own real property in Cumberland County, said property having the tax map designation of PIN 9496-31-8373 being a vacant lot off of Ankon Drive; and

WHEREAS, the City of Fayetteville has a financial interest in the form of getting the real property back on the tax books; and

WHEREAS, the property is surplus to the needs of the City of Fayetteville; and

WHEREAS, the County of Cumberland has received an offer to purchase the parcel and requests that the City of Fayetteville join in the sale of the property by declaring the parcel surplus to the City's needs and quitclaiming the City's title to the County; and

WHEREAS, the City Council of the City of Fayetteville finds such actions to be in the public interest.

NOW THEREFORE, the City Council of the City of Fayetteville hereby declares that the aforesaid real property surplus to City's needs and authorizes its Manager to sign a deed quitclaiming title to the County of Cumberland.

ADOPTED this _____ day of _____, 2010 by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, MAYOR

ATTEST:

Rita Perry, City Clerk

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CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen Hilton, Planning & Zoning Division Manager
DATE: November 8, 2010
RE: **Special Sign Permit Request for temporary event signs for the 2010 Arts Council, A Dickens Holiday**

THE QUESTION:

Whether or not to approve the special request for temporary event signs for 2010 Arts Council, "A Dickens Holiday"

RELATIONSHIP TO STRATEGIC PLAN:

Partnership of Citizens.

BACKGROUND:

The Sign Ordinance contains a provision, Section 30-259, allowing special permits for temporary on and off premises signs for festivals and major events for the purposes of giving directions and information. The request is subject to the approval of City Council who may limit the number and or size. The applicant has stated that they will use their standard banners which are approximately 4 feet by 10 feet. They request approval of four banners to be hung on the Market House starting on November 26, 2010.

ISSUES:

The City Council has routinely approved similar requests for similar events for several years.

OPTIONS:

1. Grant the special sign permit for up to four banners (4x10) to be installed on November 26, 2010 and removed within 48 hours of the conclusion of the event. (Recommended)
2. Grant the special sign permit with a different limit on the number of signs.
3. Deny the special sign permit as requested.

RECOMMENDED ACTION:

Staff recommend that Council move to grant the special sign permit for up to four banners (4x10) to be installed on November 26, 2010 and removed within 48 hours of the conclusion of the event.

ATTACHMENTS:

dickens

The Arts Council's A Dickens Holiday

Presented
with the Fayetteville Downtown Alliance



The Arts Council's A Dickens Holiday

Presented
with the Downtown Alliance

Sponsored By:

Fayetteville Public
Works Commission

The Fayetteville Observer

City of Fayetteville
Cumberland County

Callahan & Rice
Insurance Group, Inc.

With these
Downtown Alliance Sponsors:

Cape Fear Valley
Health System,
H&H Homes
BB&T, City Center Gallery & Books,
Family Foods/Taco Bell,
Holmes Fine Gifts,
and The Metropolitan Room



CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Karen Hilton, Planning & Zoning Division Manager
DATE: November 8, 2010
RE: **Special Sign Permit Request for temporary event signs for the 2010 Heart of Christmas Show.**

THE QUESTION:

Whether or not to approve the special request for temporary event signs for the Heart of Christmas Show, being held November 27 and 28.

RELATIONSHIP TO STRATEGIC PLAN:

Partnership of Citizens.

BACKGROUND:

The Sign Ordinance contains a provision, Section 30-259, allowing special permits for temporary on and off premises signs for festivals and major events for the purposes of giving directions and information. The request is subject to the approval of City Council who may limit the number. The applicant has stated that they will use their standard signs which are approximately 2 feet by 2 feet with locations to be submitted and approved by staff.

ISSUES:

The City Council has routinely approved similar requests for similar events for several years. The Heart of Christmas Show has requested the limit on the number of signs and duration be set by our standards. Past practice of staff and Council has been to recommend and approve up to 25 signs for two weeks prior to the event.

OPTIONS:

1. Grant the special sign permit for up to 25 signs to be put out on November 13, 2010 and to be removed by the end of the day, November 29, 2010, with locations and size to be approved by staff. (Recommended)
2. Grant the special sign permit with different limitations on the number of signs, locations and/or size.
3. Deny the special sign permit as requested.

RECOMMENDED ACTION:

Staff recommends that Council move to grant the special sign permit for up to 25 (2x2) signs with the signs to be removed no later than November 29, 2010 with locations and size to be approved by staff.

ATTACHMENTS:

Heart of Christmas sign

**The HEART OF
CHRISTMAS
SHOW!**

Dear Mr Teal,

It's time for The Heart of Christmas Show again! We are pleased to announce that we have raised over 250.000.00 dollars for our Children's agencies in the city! Plus, we have raised over 100.000.00 dollars for our public and private schools! The show gives 100% of all ticket sales of the weekend shows to local charities such as The Autism Society, Child Advocacy, Friends of Children, Falcon Children's Home , Etc.

The city benefits, as well, because the show has grow so much in popularity that it is bringing in literally several hundred people from out of town. As far as Florida and Maryland. They eat, shop, stay in hotels and see the show. This is bringing in revenue for the city which is a good thing in these hard economic times.

So again, we are seeking approval for our signs announcing the show that we would like to place all around the city for additional advertising.

Thank you so much and I look forward to hearing from you. Could you email me at vohnc@aol.com?

I would appreciate approval for our signs like you have always done for us in the past. We appreciate all the help we can get in spreading the word about the good will of this show.

Thank You so much for your attention to this matter,

Sincerely,


Laura Stevens

October 13, 2010

Director of Voices of the Heart/The Heart of Christmas Show

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rob Anderson, Chief Development Officer
DATE: November 8, 2010
RE: **Resolution setting a Public Hearing on the Unified Development Ordinance (UDO)**

THE QUESTION:

Is the City Council prepared to approve a Resolution setting a public hearing to consider community comment on the draft Unified Development Ordinance?

RELATIONSHIP TO STRATEGIC PLAN:

The UDO speaks to nearly every major goal of the Strategic Plan, but most particularly:

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

BACKGROUND:

Work on the new Unified Development Ordinance (UDO), which combines the zoning and subdivision regulations, officially began in 2008 with a series of interviews with stakeholders to hear what issues and needs should be addressed in the new regulations. A broadly representative group was established to provide advice throughout the drafting process; that group has met over 25 times.

In preparing the final draft for City Council consideration, the recent efforts to consider the many different interests and objectives have included:

- two public hearings by the Planning Commission, 6/15, 6/24, followed by a third on 8/17.
- preparation of the revised final draft dated August 2010 incorporating responses to suggestions and issues raised during the hearings and Advisory Committee meetings.
- a third public hearing by the Planning Commission, 8/17. A "tracking chart" was prepared capturing the comments, the source(s) of the comments, changes, and reasons for the changes made in the August 2010.
- three more UDO Advisory (Stakeholder) Committee meetings, 8/31, 9/9/ and 9/23, after which staff prepared a new tracking form and final recommendations.
- two Planning Commission meetings, 10/19 and 10/21, to discuss the August 2010 draft and final staff recommendations and prepare recommendations to the City Council.

ISSUES:

The Planning Commission has considered staff recommendations and development community responses to the recommendations from the Advisory Committee and others over the past month. At a special meeting on Thursday, October 21, the Commission prepared and approved its recommendations for City Council consideration.

Staff is prepared to distribute the final draft and advertisement of the public hearing upon City Council approval of the resolution setting the hearing date.

OPTIONS:

1. Receive the Planning Commission recommendations and approve the Resolution scheduling the public hearing for November 22 (the next regular City Council meeting). (Recommended)
2. Do not set a public hearing and provide direction regarding the approach and schedule.

RECOMMENDED ACTION:

Staff recommends that the City Council move to receive the Planning Commission recommendation and adopt the Resolution to schedule the public hearing for November 22.

ATTACHMENTS:

DRAFT Planning Commission Minutes 10-21-2010

Resolution to set UDO hearing

**MINUTES
CITY OF FAYETTEVILLE
FAYETTEVILLE PLANNING COMMISSION
TUESDAY, SEPTEMBER 21, 2010
7:00 PM
CITY COUNCIL CHAMBERS
CITY HALL**

MEMBERS PRESENT

Charles Astrike, Chair
Sara Bialeschki
Jack Cox, Vice Chair
Dr. Bill Fiden
Mary Lavoie
Mark Ledger
Bill Snuggs
Ronald Michael
Bill Watt

MEMBERS ABSENT

Jimmy Holland (alt.)
Larnie McClung

OTHERS PRESENT

Brian Leonard, Asst. City Atty.
Marsha Bryant, Planner
Dave Steinmetz, Enf. Off.
David Nash, Planner
Karen Hilton, Planning Mgr.
Rob Anderson, Dir., Dev. Svcs.
Craig Harmon
Jeffery Brown, Dir., Eng'g.
Michael Gibson, Dir. Pks/Rec
Neil Perry, Traffic Engineering

ITEM 1. Approval of the Agenda

Chairman Charles Astrike called the meeting to order, after which the Agenda was approved.

ITEM 2. Unified Development Ordinance: Discussion and Recommendation

Chairman Astrike reviewed the objectives of the meeting: a recommendation to the City Council regarding the entire UDO and particularly the items which have been the focus of the most recent staff work in response to public hearings and input from the Advisory Committee and members of the development community. He asked Mr. Rob Anderson, Chief Development Officer, to present staff recommendations and background or alternative positions as appropriate on these topics.

Mr. Anderson referred to the materials distributed on Tuesday and handed out additional copies of the Tracking Form with HBAF Comments 9/21/10 [sic] added to the columns. Nearly all members had received a copy earlier by e-mail. He used that form to guide presentation of staff recommendations, the reasons, the alternatives requested, and to respond to questions about other alternatives, clarifications or final staff recommendations.

Items 1-4 -- Open Space and Parkland requirements: The revised language about the availability of the payment in-lieu option appears to have addressed those concerns among housing developers.

Regarding Item 1, Mr. Anderson noted that the existing draft would not preclude stormwater facilities being counted toward the OSS/Parkland requirements simply because the facility was fenced. On Items 2 and 3, he noted that the Land Value Factor, a new approach acceptable to HBAF, was set low enough that any significant reduction for on-site Parkland credit for multifamily projects would result in an insufficient contribution toward the type of public recreation facilities that apartment residents would still use. In effect, the purposes and needs of the parkland requirement would not be met. Staff recommended that each multi-family unit be treated the same way as individual single family units.

If a credit is considered, staff recommends it be limited to 10 or 15% and allowed only for those facilities similar to other Parks and Recreation programs and facilities. For instance, very few public swimming pools are provided by the City, but there is regular need for basketball courts, fields for organized sports, and multi-purpose paths and greenways. If credit is extended, it should be for provision of the latter type of facilities, not for features like swimming pools or weight rooms.

Following comments by Mr. Snuggs and Mr. Cox regarding the value of recognizing some on-site facilities, Mr. Cox made a motion, seconded by Mr. Snuggs, **to approve a change providing up to 15% credit against parkland requirements for on-site recreational facilities at multifamily developments meeting standards described by staff. The motion passed unanimously.**

Item 5 – Pedestrian Connectors: Mr. Anderson summarized discussions with development representatives over the past week. Per those discussions, a 20' width is more appropriate, and language will be changed from easement to ROW to indicate City ownership. Mr. Anderson noted that maintenance of the unpaved area will be similar to sidewalks – adjacent owner's responsibility to maintain (mow, trim). David Steinmetz, Senior Zoning Administrator, reminded everyone that there were several such pedestrian connections already located in the city. **Upon a motion by Mr. Ledger, seconded by Mr. Cox, the staff recommendation was approved unanimously (20' width, as public ROW).**

Item 6 – Community Form, Block Length: The existing draft includes a provision for a pedestrian connector if the block length exceeds 800', and with that in place, staff is comfortable with the HBAF suggestion of 1000' maximum block length. **Mr. Cox moved and Mr. Ledger seconded a motion, unanimously approved, to establish 1000' maximum block length, with a pedestrian connector for blocks in excess of 800'.**

Item 7 – Community Form, Driveway Width (within first 18'), SFR: After a brief staff presentation and Commission discussion, **Mr. Cox moved and Mr. Watts seconded a motion, unanimously approved, to recommend a 16' maximum driveway width for a single car garage and a 20' maximum width driveway for a two or more car garage in single family development.**

Item 8 – Community Form, Driveway Width, MFR: Mr. Anderson explained that, following conversation with other staff and the Fire Department, there was not a conflict with the Fire Department standards, and no change was needed. **The Commission unanimously accepted staff recommendation of no change following a motion by Mr. Cox and a second by Mr. Snuggs.**

Item 9 – Community Form, Sidewalks: Mr. Anderson explained that the current draft required sidewalks on both sides of all streets except cul-de-sacs (one side). One alternative might be to require sidewalks on both sides only on collectors and thoroughfares, more consistent with current standards. Discussion included questions about who determined which side of the street and how to accommodate a residential street that, over time, became a collector, and the importance of keeping

community goals in sight – which generally would require sidewalks on both sides of even smaller residential streets within the city. Mr. Ledger moved and Dr. Fiden seconded a motion to require sidewalks on one side of residential streets and both sides of collector or larger streets; the motion failed 2-6, with Mr. Ledger and Dr. Fiden in favor. **Mr. Michael then moved and Mr. Watt seconded a motion to require sidewalks on both sides of all streets except cul-de-sacs less than 500' in length; the motion passed 6-2 (Mr. Ledger and Dr. Fiden voting in opposition).**

Item 10 – Community Form, Street Trees: Mr. Anderson explained the efforts to establish cross-sections that coordinated the placement of utilities, sidewalks and street trees and the hope that those would be available by implementation of the UDO. He explained the HBAF proposal to require street trees only on collector or thoroughfare streets and to increase the tree planting standards in the front yards of residential areas to add more trees on private property, which should help reduce City maintenance efforts. Mr. Anderson noted the increased challenge of monitoring those trees.

In discussion, staff expressed some concern that all the elements were not in place to require street trees in the right-of-way on residential streets. Dr. Fiden described the importance of increasing the number of trees throughout the city. Mr. Cox related issues he has experienced or observed regarding tree roots eventually damaging sidewalks. **Mr. Cox moved and Mr. Ledger seconded a motion to increase the number of street trees required on private property in residential areas and limit required street trees to collector or greater (thoroughfare) streets. The motion passed 6-2 (Mr. Snuggs, Dr. Fiden).**

Item 11 – SFR Standards, Building Orientation: Mr. Anderson noted that the changes recommended by staff were acceptable to the HBAF. **The Commission voted unanimously for a motion by Mr. Cox seconded by Mr. Watt to accept the staff recommendation.**

Item 12 – SFR Standards, Garage Standards (Setback): Mr. Anderson explained the proposed regulation and the alternative regarding the setback and relationship between garage and front façade of the house. If the structures are set back more than 50 feet, the regulation does not apply. If staff understands the proposed change accurately, the change would accomplish very little. The draft uses 50' because that begins to be enough setback to limit the impact on the public environment. **The Commission voted unanimously in favor of a motion by Mr. Cox seconded by Mr. Watt to leave the 50 feet in place.**

Item 13 – SFR Standards, Garage Standards (projection): Staff explained the range of discussions and reasons for and against keeping the garage from protruding a significant distance in front of the house; staff recommended 5 feet; Advisory Committee recommendations varied from 8 to 10 feet. **Mr. Snuggs moved and Mr. Watt seconded a motion to allow the garage to protrude up to 8 feet in front of the façade of the house. The motion passed 7-1 (Ms. Lavoie in opposition).**

Items 14-20 – Various Design and Subdivision Standards: Mr. Anderson explained that these were minor edits, clarifications, or adjustments with minimal impact (e.g., a change from requiring where there must be an entrance(s) to only requiring that façades facing public areas have the same detail as the entrance façade). HBAF finds all the changes acceptable. **Upon a motion by Mr. Cox, seconded by Mr. Ledger, the staff-recommended changes were approved unanimously.**

Item 21 – MFR Building Size: Mr. Anderson explained that this section would limit the size/mass of a single building along any single plane or façade. In combination with other sections, the overall intent is to prevent long building masses without the building detail and sense of access or activity that makes the public realm safer, more inviting and attractive. He reminded everyone that an

alternative for developments that wouldn't meet the standards even after administrative adjustments, would be Planned Development which actually provides extraordinary flexibility.

Following a meeting with a development representative, staff also recommends a change in 30-5.H.4. to make clear that the limitations on adjacent units applies only to townhouse development.

The HBAF asked for additional discussion with staff on these standards. The Commission motion indicated the **staff recommendations is acceptable but continued dialogue is encouraged prior to Council consideration of the UDO, and with that caveat, the Commission unanimously approved the motion by Mr. Watt, which was seconded by Mr. Cox.**

Item 22 – MFR Building Facades, Offsets: Staff proposed two changes – combining offsets with other variability options, and adding a new option to the effect that the designer can propose other features for administrative review. **Mr. Ledger motioned and Mr. Watt seconded approval of staff recommendations including the addition of “k”, which passed unanimously (7-0, with Mr. Cox out of the room).**

Items 23, 25 – MFR Garage, Building Roof Form: In response to a question from Dr. Fiden, Mr. Anderson clarified that the concerns were the visibility of garage entrances from the public right-of-way. The most frequent problems would be townhouses with garage access proposed from the public street, or a development that had a private access drive between the public street and the building, with garages accessed from the private drive. The other item provides for a range of roof pitches. **Mr. Ledger made a motion, seconded by Mr. Cox, to accept staff recommendations; the motion passed unanimously.**

Item 24 – MFR Parking Location: Mr. Anderson believes the development community may be comfortable with this once they understand it more fully, particularly with addition of buffer type D for some flexibility. **Mr. Ledger made a motion seconded by Mr. Watt to approve staff recommendation with continued dialogue with the development community; the motion passed unanimously.**

Items 26-28 – Commercial, Office, MU Design: Mr. Dunlap's suggestions were to clarify or define “auto-oriented businesses” which staff will do, and to consider how to allow businesses with a drive-thru (banks, fast foods, drugstores, for example). **Mr. Watt motioned approval of staff recommendations including new definition, with continued dialogue, and of 27 and 28. The motion was seconded by Mr. Cox and approved unanimously.**

Item 29 –Large Retail Design Standards, Public Art: Mr. Anderson explained that, although these ‘big box’ standards were recently developed and adopted, a member of the Advisory Committee suggested a few changes/clean-ups, including a cap on the total cost required for public art. In response to questions, Ms. Hilton noted these standards were modeled after Winston-Salem and other NC cities, and 1% was not that unusual. She also noted that it is only one of several options to meet certain community/design-related requirements. Mr. Anderson indicated staff has drafted alternative language consistent with Mr. Dunlap's comments and included an option for a portion to be used off-site. **Mr. Snuggs moved and Dr. Fiden seconded a motion to enable the development to cap public art expenditures at 1% of the first \$4 million and provide the balance at 0.5% of development costs over \$4 million, with an option for some off-site public art.** During discussion, members expressed concerns about why any change was needed if it's already in place. **The motion passed 5-3, with Bialeschski, Watt and Cox voting in opposition.**

Item 30 – Creation of a new zoning district, LC Local Commercial: Ms. Hilton explained the gap staff felt existed between Neighborhood and Community Commercial and which warranted the new district. Initially the UDO had been drafted with three commercial districts, but those were compressed into the NC and CC because of concerns about translation problems going from our current commercial districts to the new ones. She explained that the new district most typically will apply to the strip commercial areas and some of the medium-sized commercial areas. **Mr. Cox made a motion, seconded by Mr. Watt, and approved unanimously, to approve the proposed LC Local Commercial District and associated changes to the use table.**

Zero Lot Line Regulations: Ms. Hilton explained the duplication that occurred between the ZLL standards in Article 3 (Zoning Districts) and those in Article 6 (Subdivisions). One substantive change is also proposed by staff – to require only the perimeter setbacks, not all the setbacks for a perimeter lot, to meet the standards of the base zoning district. **Mr. Cox moved to accept the staff recommendations to eliminate duplications and focus on perimeter setbacks, not perimeter lots; Mr. Ledger seconded the motion which was approved unanimously with the request that the final language be reviewed with stakeholders.**

Use Table Adjustments: Ms. Hilton explained that vocational and trade schools often have more of a commercial or industrial character not in keeping with office or neighborhood development; thus, staff proposes they be S special use in OI and NC districts, with new standards for evaluating the proposed development. The next use change proposed to enable consideration of a larger grocery in the NC district; that required use-specific standards, as well. Staff also recommends a new manufacturing use type to be listed as an S special use in Heavy Industrial, with new separation, buffering, and plan review standards, for manufacturing uses with high impact or hazardous use characteristics. Other changes recommended were to add use-specific standards for flea markets and drug/alcohol treatment facilities. Finally, one new definition, for open air uses, will be developed. **Mr. Cox moved approval of staff recommendations, seconded by Mr. Watt, and approved unanimously.**

Edit Tracking Form: Mr. Anderson explained that these are more ‘disclosure’ than substantive issues. Items 1-5, in sum, involve a question about whether the standards apply to utilities; yes, they do. Another PWC question had been approval authority: Especially since different utilities are involved, the City should retain an overarching approval/coordination role, but that does not imply the City staff will be designing utilities.

Item 6 involves Transitional Standards, Buffer Area: **Mr. Watt made a motion, seconded by Mr. Michael and approved unanimously, to accept the new language that allowed for reduction in a required buffer when a large undeveloped and undevelopable area exists (such as a wetlands or stream or an area with a conservation easement) between the protected use and the non-residential development proposed.**

Item 8 is a material change, to allow up to 3 off-premise realty signs for open houses, maximum of 4 square feet in size, on the weekends between 9 am – 6 pm. Mr. Snuggs asked about the hours, and Mr. Anderson indicated that such signs currently were not permitted at all. **Mr. Watt moved, Mr. Cox seconded, and the Commission voted 7-1 for staff-recommended changes/positions on Items 1-6, with Mr. Snuggs opposed because more signs are needed.**

Item 9 proposes to limit signage on trucks parked within 50 feet of the public right-of-way: any truck with a side having a sign over four square feet must park beyond a 50 foot setback (equivalent of two parking rows and access lane). Staff explained that many companies are using vans or box trucks as moveable billboards, parking them along the right-of-way. Mr. Ledger made a motion of

approval with a change to a 25 foot setback, seconded by Mr. Snuggs. Mr. Michael offered a friendly amendment of a 30 foot setback, accepted by Mr. Ledger. Dr. Fiden expressed the concern that reducing the setback undercuts the intent, and his hope that the standards prevent large tractor trailers from functioning the same way. The motion failed 3-5, with Mr. Ledger, Mr. Michael and Ms. Lavoie in favor. **Mr. Watt moved approval of staff's recommendation, seconded by Dr. Fiden and approved 5-3, with Mr. Ledger, Mr. Michael and Ms. Lavoie in opposition.**

Item 10 proposes to limit political signs to 16 square feet (currently 32 sf). **Mr. Ledger motioned for approval, seconded by Mr. Cox and the motion passed unanimously.**

Item 11 proposes to allow a permanent subdivision entrance sign on nearby land not technically part of the subdivision but traditionally considered part of it. **The change was approved unanimously after a motion by Mr. Cox, second by Mr. Ledger.**

Item 21 [12] proposes to simplify the table listing specific items subject to varying percentages of allowable administrative adjustment. Staff proposes a flat 10% adjustment (subject to the criteria for considering an adjustment) for all standards; 10% should not materially change the project, but 20% could. Mr. Watt moved approval, seconded by Mr. Cox. Mr. Ledger pointed out that generally the percent was higher for standards in the downtown; would 10% be too limited to be useful? Mr. Anderson suggested that if 20-25% was typically needed, perhaps the basic standard should be changed. **The change was approved 7-1, Mr. Ledger opposed.**

Mr. Anderson noted that a few other elements will be checked and included as needed, such as the recently approved child care amendments.

Mr. Ledger motioned that the Planning Commission send the entire UDO to the City Council with the specific changes noted tonight, including a few that call for additional discussion. Following a second by Mr. Cox, the motion was approved unanimously.

Mr. Anderson indicated the next steps would be an update to the City Council at its November 1 work session. The Council would probably use its November 8 meeting to set a hearing date, and hold the hearing on November 22.

Members and staff expressed deep appreciation for the contribution of time and ideas from the Advisory Committee members and others in the development sector and general community, and for staff dedication and effort sustaining the preparation and evolution of the draft.

ITEM 3. Other Business

Mr. Ledger thanked the entire Commission and staff for the opportunity to serve with them and to represent the Commission on the Advisory Committee.

ITEM 4. Adjournment

There being no other business, the meeting adjourned at 9:40 p.m.

Karen S. Hilton, AICP
Manager, Planning and Zoning

**A RESOLUTION SETTING A PUBLIC HEARING DATE REGARDING THE UNIFIED
DEVELOPMENT ORDINANCE (PURSUANT TO N.C. G.S. 160A-58.2)**

WHEREAS, an Unified Development Ordinance has been drafted for the City of Fayetteville, North Carolina; and

WHEREAS, preparation of the "Unified Development Ordinance, November 2010" has been based on the Vision 2030 Plan and the Fayetteville Strategic Plan to be responsive to community goals and has involved a broadly representative advisory group in refining the draft regulations for consideration by the community and elected officials;

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

Section 1. A public hearing to accept Citizens' comments regarding the Unified Development Ordinance will be held at 7:00 p.m. on November 22, 2010, in the Council Chambers located at 433 Hay Street, City Hall.

Section 3. Notice of the public hearing shall be published in the Fayetteville Observer, a newspaper having general circulation in the City of Fayetteville of North Carolina, at least ten (10) days prior to the date of the public hearing.

Adopted by the Fayetteville City Council in regular session this _____ day of _____, 2010.

Anthony G. Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: November 8, 2010
RE: **Consider Adoption of Resolution Authorizing Condemnation for the Acquisition of Right of Way (R/W) for the Ramsey Street Project**

THE QUESTION:

Whether Council is willing to authorize acquisition of the necessary R/W required for the construction of the safety improvements for Ramsey Street through condemnation pursuant to North Carolina General Statute.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods – A Great Place to Live

BACKGROUND:

- The North Carolina Department of Transportation (NCDOT) made a presentation to Council on May 7, 2007 concerning the need for access management on Ramsey Street through the construction of concrete islands, raised medians, directional crossovers and other channelization.
- Council adopted Resolution No. R2007-22 on May 14, 2007 endorsing the design and construction of safety improvements for Ramsey Street.
- On July 27, 2009, Council approved a Municipal Agreement with NCDOT which made the City responsible for R/W acquisitions and utility adjustments necessary to construct the project. At the same meeting Council adopted Capital Project Ordinance 2010-9 in the amount of \$150,000 for the purchase of the R/W and utility adjustments.
- On November, 23, 2009, Council adopted Capital Project Ordinance Amendment 2010-19, which allocated an additional \$200,000 toward the project.
- This project will also include the construction of traffic signals at the intersections of Ramsey Street and Shawcroft Road.
- Council approved a resolution on July 26, 2010 to condemn nine other properties. However, at that time staff believed that the subject property could be acquired without condemnation action. Since that time though our efforts have proved unsuccessful and necessitates this action to keep this vital project on schedule.
- City Staff has been unsuccessful in acquiring the R/W needed from parcel #0439-66-7538 and is seeking approval to move forward with condemnation. This will give a total of three properties that the City will have to file condemnation on.

ISSUES:

- City Staff initially thought that this R/W could be acquired by simply working with the property owners, however this parcel has multiple owners and all parties have not been cooperative to date.
- The Municipal Agreement makes the City responsible for acquiring the R/W for the project.
- The contractor, Highland Paving Company, has started the project and without the acquisition of this R/W, the project will be delayed.

OPTIONS:

- Adopt the resolution authorizing acquisition of the necessary R/W for the project through condemnation in order to prevent construction delays.
- Do not adopt the resolution which will delay the project while alternative options are evaluated.

RECOMMENDED ACTION:

Adopt the resolution authorizing acquisition of the necessary R/W for the project through condemnation in order to prevent construction delays.

ATTACHMENTS:

Ramsey Street Resolution

Map of Parcel

***A RESOLUTION AUTHORIZING CONDEMNATION
TO ACQUIRE CERTAIN PROPERTY***

WHEREAS, the governing body of the City of Fayetteville hereby determines that it is necessary and in the public interest to acquire certain property for the following public purpose:

***RIGHT OF WAY FOR ROAD IMPROVEMENTS, COMMONLY KNOWN AS THE
RAMSEY STREET PROJECT***

WHEREAS, the proper officials or representatives of the City of Fayetteville have been unable to acquire the needed interest in this property by negotiated conveyance.

***NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF FAYETTEVILLE, THAT:***

1. The City of Fayetteville shall acquire by condemnation, for the purpose stated above, the property and interest as shown on the attached map sheet;

PARCEL

3 Ellen Bill and others

2. The City Attorney is directed to institute the necessary proceedings under North Carolina General Statute § 40A-42 to acquire the property herein described.

ADOPTED this the 8TH day of November, 2010, by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G.CHAVONNE, Mayor

ATTEST:

Rita Perry, City Clerk

BILL et al, 0349-66-7538-

Lowes

Golden Corral

1575sf (15'D x 105'W)

Firestone

Advanced Auto

McDonald's

RAMSEY ST

300sf (15'D x 20'W)

Wendy's

7-11-2-1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 8, 2010
RE: **Special Revenue Fund Project Ordinance 2011-6 (COPS Technology Grant)**

THE QUESTION:

The FY2010 COPS Technology Grant, totalling \$300,000, was awarded to the Fayetteville Police Department and Cumberland County Sheriff's Office. This Special Revenue Fund Project Ordinance will appropriate the City's share of \$150,000 for the COPS Technology Program.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: Growing City, Livable Neighborhoods - A Great Place to Live
Objective 1: Consistent improvement in reducing crime rates

BACKGROUND:

- A grant totaling \$300,000 was awarded to the City and County.
- The Police Department and the County Sheriff's Office will share the grant funds equally, each receiving \$150,000.
- A local match is not required.
- The Police Department will use their portion of the grant to purchase 35 laptops along with years 2 and 3 of additional warranty for the laptops.

ISSUES:

None

OPTIONS:

- 1) Adopt the Special Revenue Project Ordinance.
- 2) Do not adopt the Special Revenue Project Ordinance.

RECOMMENDED ACTION:

Adopt the Special Revenue Project Ordinance.

ATTACHMENTS:

SRO 2011-6 FY 2010 COPS Technology Grant Program

SPECIAL REVENUE FUND 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 special revenue project ordinance is hereby adopted:

Section 1. The project authorized is for the funding of the FY2010 COPS Technology Grant program for the purchase of laptops and other purposes authorized in the grant.

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

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

U.S. Department of Justice	<u>\$ 150,000</u>
----------------------------	-------------------

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

Project Expenditures	<u>\$ 150,000</u>
----------------------	-------------------

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

Adopted this 8th day of November, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: November 8, 2010
RE: **Approve Purchase of one (1) Surveillance and Reconnaissance Robotic Vehicle for use by the City of Fayetteville Fire Department Hazardous Materials Regional Response Team.**

THE QUESTION:

Staff requests approval to issue a purchase order in the amount of \$165,482 for the purchase of one (1) surveillance and reconnaissance robotic vehicle for use by the City of Fayetteville Fire Department Hazardous Materials Regional Response Team, in accordance with N.C.G.S. 143-129(e)(6) "sole-source" exception.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4 - More Efficient City Government - Cost-Effective Service Delivery

BACKGROUND:

The City of Fayetteville Fire Department Haz-Mat team has been designated by the State of North Carolina as one (1) of seven (7) Hazardous Materials Regional Response Teams throughout the State. In an effort to maintain standardization and uniformity, each of the seven (7) Regional Response Teams have agreed to purchase a Talon Generation IV Robot which will allow on-scene operations from a safe distance and location. The Talon Generation IV Robot is solely manufactured and distributed in the United States by QinetiQ North America Inc., Technology Solutions Group, Waltham, MA.

N.C.G.S. 143-129(e)(6) allows an exception to the bidding requirements for the purchase of apparatus, supplies, materials or equipment when (i) performance or price competition for a product are not available; (ii) a needed product is available from only once source of supply; or (iii) when standardization and compatibility is the overriding consideration.

Funding will be though the 2008 US Department of Homeland Security Grant; no additional City funds will be needed.

ISSUES:

None

OPTIONS:

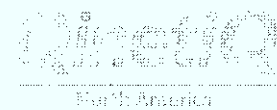
(1) Approve staff recommendation. (2) Not approve staff recommendation.

RECOMMENDED ACTION:

Approve purchase of one (1) Talon Generation IV Robot in the amount of \$165,482, from the sole supplier, QinetiQ North America Inc., Technology Solutions Group, Waltham, MA, pursuant to N.C.G.S. 143-129(e)(6) "sole source" exception.

ATTACHMENTS:

Talon Sole Source Statement



TALON® and Dragon Runner Family of Robots

Sole Source Manufacturer

Sales and Distribution Policy

The TALON and Dragon Runner families of robots are manufactured solely by and/or for, and to the wholly-owned designs and specifications of QinetiQ North America Inc., Technology Solutions Group (formerly Foster-Miller Inc.) (hereinafter "TSG.")

These families of robotic vehicles are manufactured in the United States of America and sold exclusively in America by TSG direct to the end user. No resellers, distributors, or dealers are utilized to advertise, distribute, or sell TALON or Dragon Runner robots in the United States.

If additional information is needed in support of manufacturing operations, sales distribution policies, or any other information relating to TALON or Dragon Runner sales and distribution, please contact the undersigned.

Thank you.

///s///

Fran Pugsley

(Mr.) Fran Pugsley

TALON® Business Systems Manager
QinetiQ North America

Technology Solutions Group 350 Second Ave. Waltham, MA 02451

office: 781.684.4000 | fax 781.890.8515 | cell 617.929.7647

fpugsley@foster-miller.com

Technology Solutions Group
358 Second Avenue
Waltham, MA 02451-1196

Tel 781.684.4000
Fax 781.890.8515

www.QinetiQ-NA.com

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: November 8, 2010
RE: **Bid Recommendation - Purchase of Various Dump Trucks**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve bid award for purchase of various dump trucks, with the option to purchase additional unit(s) within a three-year period, if agreed upon by both parties.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services.

BACKGROUND:

The Public Works Commission, during their meeting of October 27, 2010, approved bid recommendation to award bid for purchase of various dump trucks, with the option to purchase additional unit(s) within a three-year period, if agreed upon by both parties, and forward to City Council for approval. Bids were received September 22, 2010 as follows:

1. Piedmont Truck Center, Greensboro, NC, lowest bidder meeting bid requirements in the total amount of \$152,800.00 for the purchase of two (2) 33,000 lb. GVWR Cab and Chassis with 5 Cubic Yard Dump Body. This is a budgeted item (\$95,000 each) for a total of \$190,000 to replace Unit #318 and Unit #326. Bids were solicited from sixteen (16) vendors with eight (8) vendors responding as follows:

<u>Bidders</u>	<u>Unit Price</u>	<u>Total Cost</u>
Piedmont Truck Center, Greensboro, NC	\$ 76,400.00	\$152,800.00
Tri-Point Truck Center, Raleigh, NC	\$ 77,434.00	\$154,868.00
Smith International, Fayetteville, NC	\$ 77,900.00	\$155,800.00
LaFayette Ford, Fayetteville, NC	\$ 79,113.50	\$158,227.00
Charlotte Truck Center, Charlotte, NC	\$ 79,673.00	\$159,346.00
Cooper Kenworth, Raleigh, NC	\$ 84,485.00	\$168,970.00
Peterbilt of Dunn, Dunn, NC	\$ 89,997.00	\$179,994.00

Note: The apparent low bid was submitted by Advantage Truck Center, Charlotte, NC; however, their bid did not meet specifications. The bid specifications required that bids be submitted for the latest design and current production model. Advantage Truck Center submitted a bid on a 2009 unit.

2. Smith International, Fayetteville, NC, lowest bidder meeting bid requirements in the total amount of \$89,400.00 for the purchase of one (1) 54,000 lb. GVWR Cab and Chassis with 12 Cubic Yard Dump Body. This is a budgeted item (\$105,000) to replace Unit #347. Bids were solicited from sixteen (16) vendors with five (5) vendors responding as follows:

<u>Bidders</u>	<u>Total Cost</u>
Smith International, Fayetteville, NC	\$ 89,400.00
Charlotte Truck Center, Charlotte, NC	\$ 91,225.00
Cooper Kenworth, Raleigh, NC	\$ 94,034.00

Peterbilt of Dunn, Dunn, NC

\$107,778.00

Note: The apparent low bid was submitted by Tri-Pont Truck Center, Raleigh, NC; however, Tri-Point failed to submit all requested information, therefore their bid was determined to be non-responsive.

ISSUES:

Neither Piedmont Truck Center nor Smith International is classified as a SDBE, minority or woman-owned business.

OPTIONS:

N/A

RECOMMENDED ACTION:

Award bids as follows:

1. Piedmont Truck Center, Greensboro, NC lowest bidder meeting bid requirements in the total amount of \$152,800.00 for the purchase of two (2) 33,000 lb. GVWR Cab and Chassis with 5 Cubic Yard Dump Body.
2. Smith International, Fayetteville, NC, lowest bidder meeting bid requirements in the total amount of \$89,400.00 for the purchase of one (1) 54,000 lb. GVWR Cab and Chassis with 12 Cubic Yard Dump Body.

ATTACHMENTS:

Bid Recommendation - 33,000 LB GVWR Cab and Chassis

Bid recommendation - 54,000 LB GVWR Cab and Chassis

Bid history - dump trucks

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** October 19, 2010

FROM: Gloria Wrench, Purchasing Manager

ACTION REQUESTED: Award bid for the purchase of two (2) 33,000 lb. GVWR Cab and Chassis with 5 Cubic Yard Dump Body (with the option to purchase additional unit(s) within a three-year period, if agreed upon by both parties).

BID/PROJECT NAME: Various Dump Trucks

BID DATE: September 22, 2010 **DEPARTMENT:** Water Resources Const. & Maintenance

BUDGETED AMOUNT: \$95,000 each for a total of \$190,000, to replace Unit #318 & Unit #326

BIDDERS	UNIT PRICE	TOTAL PRICE
<u>Piedmont Truck Center, Greensboro, NC</u>	<u>\$ 76,400.00</u>	<u>\$152,800.00</u>
<u>Tri-Point Truck Center, Raleigh, NC</u>	<u>\$ 77,434.00</u>	<u>\$154,868.00</u>
<u>Smith International, Fayetteville, NC</u>	<u>\$ 77,900.00</u>	<u>\$155,800.00</u>
<u>Lafayette Ford, Fayetteville, NC</u>	<u>\$ 79,113.50</u>	<u>\$158,227.00</u>
<u>Charlotte Truck Center, Charlotte, NC</u>	<u>\$ 79,673.00</u>	<u>\$159,346.00</u>
<u>Cooper Kenworth, Raleigh, NC</u>	<u>\$ 84,485.00</u>	<u>\$168,970.00</u>
<u>Peterbilt of Dunn, Dunn, NC</u>	<u>\$ 89,997.00</u>	<u>\$179,994.00</u>

AWARD RECOMMENDED TO: Piedmont Truck Center, Greensboro, NC

BASIS OF AWARD: Lowest bidder meeting bid requirements

AWARD RECOMMENDED BY: John McColl and Gloria Wrench

COMMENTS: Bids were solicited from sixteen (16) vendors with eight (8) vendors responding. The apparent low bid was submitted by Advantage Truck Center, Charlotte, NC, however, their bid did not meet specifications. The bid specifications required that bids be submitted for the latest design and current production model. Advantage Truck Center submitted a bid on a 2009 unit. The lowest bidder meeting the bid requirements is recommended.

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** October 19, 2010

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award bid for the purchase of one (1) 54,000 lb. GVWR Cab and Chassis with 12 Cubic Yard Dump Body (with the option to purchase additional unit(s) within a three-year period, if agreed upon by both parties).
.....

BID/PROJECT NAME: Various Dump Trucks

BID DATE: September 22, 2010 **DEPARTMENT:** Water Resources Const. & Maintenance

BUDGETED AMOUNT: \$105,000 to replace Unit #347
.....

BIDDERS	TOTAL COST
<u>Smith International, Fayetteville, NC</u>	<u>\$ 89,400.00</u>
<u>Charlotte Truck Center, Charlotte, NC</u>	<u>\$ 91,225.00</u>
<u>Cooper Kenworth, Raleigh, NC</u>	<u>\$ 94,034.00</u>
<u>Peterbilt of Dunn, Dunn, NC</u>	<u>\$107,778.00</u>

.....

AWARD RECOMMENDED TO: Smith International Truck Center, Fayetteville, NC

BASIS OF AWARD: Lowest bidder meeting bid requirements

AWARD RECOMMENDED BY: John McColl and Gloria Wrench
.....

COMMENTS: Bids were solicited from sixteen (16) vendors with five (5) vendors responding. The apparent low bid was submitted by Tri-Point Truck Center, Raleigh, NC, however, Tri-Point failed to submit all requested information, therefore their bid was determined to be non-responsive. The lowest bidder meeting the bid requirements is recommended.
.....

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

DUMP TRUCKS

Advertisement

1. Public Works Commission Website 08/31/10 to 09/22/10

List of Organizations Notified of Bid

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

List of Prospective Bidders

1. Powers-Swain Chevrolet, Fayetteville, NC
2. Bleecker Olds, Buick, GMC, Red Springs, NC
3. Crown Ford, Fayetteville, NC
4. Lafayette Ford, Fayetteville, NC
5. Smith International Truck Center, Fayetteville, NC
6. Parks Chevrolet, Kernersville, NC
7. Piedmont Truck Sales, Greensboro, NC
8. Advantage Truck Center, Charlotte, NC
9. Capital Ford, Raleigh, NC
10. AAA Truck Sales, Fayetteville, NC
11. Tarheel Sterling, Charlotte, NC
12. H&E Equipment, Charlotte, NC
13. Tri-Point Truck Center, Raleigh, NC
14. Charlotte Truck Center, Charlotte, NC
15. Cooper Kenworth, Raleigh, NC
16. Peterbilt of Dunn, Dunn, NC

SDBE/MWBE Participation

Neither Smith International nor Piedmont Truck Center is classified as a SDBE, minority or woman-owned business.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: November 8, 2010
RE: **Bid Recommendation - Purchase of One (1) 35,000 lb. Rubber Tire Loader**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve bid award for purchase of one (1) Rubber Tire Loader, with the option to purchase additional unit(s) within a three-year period, if agreed upon by both parties.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of October 13, 2010, approved bid recommendation to award bid for purchase of one (1) 35,000 lb. Rubber Tire Loader (with option to purchase additional unit(s) within a three-year period, if agreed upon by both parties) to Rob's Hydraulics, Inc., Grimesland, NC, low bidder in the total amount of \$130,135.00 and forward to City Council for approval. This is a budgeted item (budgeted amount of \$132,000 to replace Unit #761). Bids were received September 15, 2010 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Rob's Hydraulics, Inc., Grimesland, NC	\$130,135.00
Interstate Equipment Co., Cary, NC	\$134,897.00
R.W. Moore Equipment Co., Garner, NC	\$139,000.00
Linder Industrial Machinery Co., Raleigh, NC	\$148,400.00
Gregory Poole Equipment, Co., Hope Mills, NC	\$161,314.00

Bids were solicited from five (5) vendors with five (5) vendors responding. Rob's Hydraulics, Inc., is a woman-owned business enterprise.

ISSUES:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Award bid to Rob's Hydraulics, Inc., Grimesland, NC

ATTACHMENTS:

Bid recommendaiton

Bid history

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** October 5, 2010

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award bid for the purchase of one (1) 35,000 lb. Rubber Tire Loader (with the option to purchase additional unit(s) within a three-year period, if agreed upon by both parties).
.....

BID/PROJECT NAME: One (1) 35,000 lb. Rubber Tire Loader

BID DATE: September 15, 2010 **DEPARTMENT:** Water Resources Const. & Maintenance

BUDGETED AMOUNT: \$132,000 to replace Unit #761
.....

BIDDERS	TOTAL COST
<u>Rob's Hydraulics, Inc., Grimesland, NC</u>	<u>\$130,135.00</u>
<u>Interstate Equipment Co., Cary, NC</u>	<u>\$134,897.00</u>
<u>R.W. Moore Equipment Co., Garner, NC</u>	<u>\$139,000.00</u>
<u>Linder Industrial Machinery Co., Raleigh, NC</u>	<u>\$148,400.00</u>
<u>Gregory Poole Equipment Co., Hope Mills, NC</u>	<u>\$161,314.00</u>

.....

AWARD RECOMMENDED TO: Rob's Hydraulics, Inc., Grimesland, NC

BASIS OF AWARD: Low bidder

AWARD RECOMMENDED BY: John McColl and Gloria Wrench
.....

COMMENTS: Bids were solicited from five (5) vendors with five (5) vendors responding. The low bidder is recommended.
.....

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

ONE (1) 35,000 LB. RUBBER TIRE LOADER

Advertisement

Public Works Commission Website

08/31/10 through 09/15/10

List of Organizations Notified of Bid

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

List of Prospective Bidders

1. Gregory Poole Equipment Co., Hope Mills, NC
2. R.W. Moore Equipment Co., Garner, NC
3. Linder Industrial Machinery, Raleigh, NC
4. Rob's Hydraulics, Grimesland, NC
5. Interstate Equipment, Cary, NC

SDBE/MWBE Participation

Rob's Hydraulics, Inc. is a woman-owned business enterprise.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: November 8, 2010
RE: **Bid Recommendation - Water and Wastewater Chemicals**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve bid award for one-year contracts, with option to extend contract for additional period(s) upon agreement of both parties for the purchase of water and wastewater chemicals.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of October 27, 2010 approved bid awards for one-year contracts, with option to extend contract for additional period(s) upon agreement of both parties for the purchase of water and wastewater chemicals and forward to City Council for approval. Bids were received September 30, 2010 as follows:

1. Southern Ionics, West Point, MS, low bidder in the amount of \$90,900.00 for the purchase of approximately 900,000 lbs. of Sodium Bisulfite. Bids were solicited from twenty (20) bidders with three (3) bidders responding as follows:

<u>Bidders</u>	<u>Total Cost</u>
Southern Ionics, Inc., West Point, MS	\$ 90,900.00
JCI Jones Chemicals, Charlotte, NC	\$104,490.00
PVS Chemical Solutions, Detroit, MI	\$125,100.00

2. Colonial Chemical Solutions, Savannah, GA, low bidder in the amount of \$363,114.00 for the purchase of approximately 1800 tons of 50% Caustic Soda. Bids were solicited from twenty (20) bidders with four (4) bidders responding as follows:

<u>Bidders</u>	<u>Total Cost</u>
Colonial Chemical Solutions, Savannah, GA	\$363,114.00
JCI Jones Chemicals, Charlotte, NC	\$403,452.00
Basic Chemical Solutions, Morrisville, PA	\$432,630.00
Key Chemical, Waxhaw, NC	\$504,000.00

ISSUES:

The recommended bidders are not classified as SDBE, minority or woman-owned businesses.

The bid recommendation for Ferric Sulfate has been delayed. This delay is due to the significant increase in cost for this chemical and the absence of competitive bids.

OPTIONS:

N/A

RECOMMENDED ACTION:

Award bids as follows:

1. Southern Ionics, West Point, MS, low bidder in the amount of \$90,900.00 for the purchase of approximately 900,000 lbs. of Sodium Bisulfite.
2. Colonial Chemical Solutions, Savannah, GA, low bidder in the amount of \$363,114.00 for the purchase of approximately 1800 tons of 50% Caustic Soda.

ATTACHMENTS:

bid transmittal letter

bid recommendation - sodium bisulfite

bid recommendation - caustic soda

bid history



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

PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE
ELECTRIC & WATER UTILITIES

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

October 21, 2010

MEMO TO: Steve Blanchard, CEO/General Manager

FROM: Gloria Wrench, Purchasing Manager

SUBJECT: Water and Wastewater Chemicals

Attached please find the bid recommendations for Sodium Bisulfite and 50% Caustic Soda.

As part of our annual water and wastewater chemical bid, we also received bids for Ferric Sulfate. In the past, we have typically received bids from at least two (2) bidders for this chemical. However, due to the recent acquisition of Water Elements by Kemira Water Solutions, this year we only received one bid. Additionally, the price bid by Kemira is substantially higher than our existing contract. Currently, we are paying \$.0708 per pound. Kemira's bid price for this year is \$.10821 per pound, which would result in an increase of approximately \$448,920 over last year's cost.

Due to the significant increase in cost and the absence of competitive bids, Purchasing and Water Resources staff will be looking into this issue further before we bring a recommendation to the Commission. While it appears at this time that Kemira is the sole provider in our region, we want to ensure that we have explored every avenue possible prior to accepting this bid.

If you should have any questions, please let me know.

GW:gbw

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** October 19, 2010

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award contract for the purchase of approximately 900,000 lbs. of Sodium Bisulfite over a one-year period (with the option to extend contract for additional period(s) upon the agreement of both parties).
.....

BID/PROJECT NAME: Water and Wastewater Chemicals

BID DATE: September 30, 2010 **DEPARTMENT:** Water/Wastewater Treatment

.....

BIDDERS	TOTAL COST
<u>Southern Ionics, Inc., West Point, MS</u>	<u>\$ 90,900.00</u>
<u>JCI Jones Chemicals, Charlotte, NC</u>	<u>\$104,490.00</u>
<u>PVS Chemical Solutions, Detroit, MI</u>	<u>\$125,100.00</u>

.....

AWARD RECOMMENDED TO: Southern Ionics, West Point, MS

BASIS OF AWARD: Low bidder

.....
COMMENTS: Bids were solicited from twenty (20) bidders with three (3) bidders responding. The low bidder is recommended.
.....

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager DATE: October 19, 2010

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award contract for the purchase of approximately 1800 tons of 50% Caustic Soda over a one-year period (with the option to extend contract for additional period(s) upon the agreement of both parties).
.....

BID/PROJECT NAME: Water and Wastewater Chemicals

BID DATE: September 30, 2010 **DEPARTMENT:** Water/Wastewater Treatment

.....

BIDDERS	TOTAL COST
<u>Colonial Chemical Solutions, Savannah, GA</u>	<u>\$363,114.00</u>
<u>JCI Jones Chemicals, Charlotte, NC</u>	<u>\$403,452.00</u>
<u>Basic Chemical Solutions, Morrisville, PA</u>	<u>\$432,630.00</u>
<u>Key Chemical, Waxhaw, NC</u>	<u>\$504,000.00</u>

.....

AWARD RECOMMENDED TO: Colonial Chemical Solutions, Savannah, GA

BASIS OF AWARD: Low bidder

.....
COMMENTS: Bids were solicited from twenty (20) bidders with four (4) bidders responding. The low bid is recommended.
.....

ACTION BY COMMISSION

APPROVED _____ REJECTED _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ REJECTED _____
DATE _____

BID HISTORY

WATER AND WASTEWATER CHEMICALS BID DATE: SEPTEMBER 30, 2010

Advertisement

Public Works Commission Website

09/21/10 through 09/30/10

List of Organizations Notified of Bid

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

List of Prospective Bidders

1. Colonial Chemical Solutions, Savannah, GA
2. JCI Jones Chemicals, Charlotte, NC
3. LCI, Ltd., Jacksonville Beach, FL
4. Univar USA, Jamestown, NC
5. GEO Specialty Chemicals, Little Rock, AR
6. KC Industries, Mulberry, FL
7. Basic Chemical Solutions, Morrisville, PA
8. Gulbrandsen, Clinton, NJ
9. Solvay Fluorides, LLC, Houston, TX
10. Brenntag Southeast, Durham, NC
11. General Chemical, Parsipanny, NJ
12. Tanner Industries, Southhampton, PA
13. PVS Chemical Solutions, Detroit, MI
14. Pencco, San Felipe, TX
15. Key Chemical, Inc., Waxhaw, NC
16. Kemira Water Solutions, Lawrence, KS
17. C&S Chemicals, Marietta, GA
18. Southern Ionics, West Point, MS
19. Sterling Water Technologies, Columbia, TN
20. Agro-Iron, Lakeland, FL

SDBE/MWBE Participation

The recommended bidders are not classified as SDBE, minority or women owned businesses.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: November 8, 2010
RE: **Calling Series 2001 Revenue Bonds**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council take action to approve Calling Series 2001 Revenue Bonds.

RELATIONSHIP TO STRATEGIC PLAN:

Lowest Responsible Rates, Most Financially Sound Utility

BACKGROUND:

The Public Works Commission's Series 2001 Revenue Refunding Bonds first call date is March 1, 2011. At the call date \$7.68 million will be outstanding at interest rates ranging from 4.5% to 5.25%. Related expenses to call the bonds early are a call premium of 1% and preparation and notification fees of \$78,900. To avoid tax issues PWC had previously discussed calling the bonds on March 1, 2012, prior to the new power supply contract and lease of the generation plant. With the low interest earning rates on invested funds, just over \$1 million can be saved by avoiding bond interest associated with the Series 2001 bonds and paying interest to the Electric Rate Stabilization Fund at current rates.

Therefore, the Public Works Commission, during their meeting of October 27, 2010 adopted Resolution PWC 2010.06 to Call Series 2001 Revenue Refunding Bonds and request City Council adopt a similar resolution. The Commission also adopted the FY 2011 General Fund Budget Amendment #1 and the Electric Rate Stabilization Fund Budget Amendment #9, both related to the bond call and request that City Council adopt these budget amendments.

ISSUES:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Adopt the following items related to Calling Series 2001 Revenue Refunding Bonds:

1. Adopt Resolution of the City of Fayetteville, North Carolina to Call \$7,680,000 Public Works Commission Revenue Refunding Bonds, Series 2001 For Optional Redemption on the First Optional Redemption Date
2. Adopt PWC FY 2011 General Fund Budget Amendment #1
3. Adopt PWC Electric Rate Stabilization Fund Budget Amendment #9

ATTACHMENTS:

Transmittal Letter	City Resolution
PWC Resolution 2010.06	GF Budget Amendment #1
	ERSF Budget Amendment #9



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

PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE
ELECTRIC & WATER UTILITIES

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

October 21, 2010

MEMO TO: Steven K. Blanchard, CEO

MEMO FROM: J. Dwight Miller, CFO

SUBJECT: Call Series 2001 Revenue Refunding Bonds

The Public Works Commission's, Series 2001, Revenue Refunding Bonds first call date is March 1, 2011. At the call date \$7.68 million will be outstanding at interest rates ranging from 4.5% to 5.25%. Related expenses to the call the bonds early are a call premium of 1% and preparation and notification fees of \$78,900.

We had previously discussed calling the bonds on March 1, 2012, prior to the new power supply contract and lease of the generation plant, to avoid tax issues. With the low interest earning rates on invested funds, just over \$1 million can be saved by avoiding bond interest associated with the Series 2001 bonds and paying interest to the Electric Rate Stabilization Fund at current rates.

Staff recommends that the Commission approve Resolution PWC2010.06 to call the bonds, forward a similar Resolution to City Council for approval and approve the following financial items related to the bond call:

1. FY 2011 General Fund budget Amendment #1 (budget documents attached)
 - a. Revenues and expenses related to the call
 - b. Budget adjustment for a meter to Ft. Bragg with reimbursement
 - c. Amortization and Vehicle/equipment clearing adjustments
2. Electric rate Stabilization Fund Budget Amendment #9 (both budget amendments require City Council approval)
3. Five-Year loan agreement from the Electric Rate Stabilization Fund

RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA REQUESTING THAT THE CITY OF FAYETTEVILLE CALL \$7,680,000 PUBLIC WORKS COMMISSION REVENUE REFUNDING BONDS, SERIES 2001 FOR OPTIONAL REDEMPTION ON THE FIRST OPTIONAL REDEMPTION DATE

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

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

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

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

(c) The City has previously issued its Public Works Commission Revenue Refunding Bonds, Series 2001 in the original principal amount of \$19,175,000, which are now outstanding in the aggregate principal amount of \$9,005,000, and \$7,680,000 of such Bonds (maturing in 2012 through 2016, inclusive, are subject to redemption at the option of the City on March 1, 2011 (the "Bonds to be Redeemed").

(d) After consideration the PWC has determined that it may be advantageous for the City to redeem said Bonds at the option of the City.

(e) The PWC desires to commence procedures at this time for having the City redeem the Bonds to be Redeemed.

Section 2. The PWC hereby requests the City to take such actions as shall be necessary to effect the redemption of the Bonds to be Redeemed on the first date the Bonds to be Redeemed are subject to redemption at the option of the City at the redemption price provided therefore. The officers and employees of the PWC are hereby authorized and directed to assist the City in carrying out such request. The redemption price of the Bonds to be Redeemed will be paid from legally available funds of the PWC. The Secretary of the PWC is hereby directed to file a copy of this resolution with the City and with the Trustee for the Bonds to be Redeemed.

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

Adopted this the 27th day of October 2010 at Fayetteville, North Carolina.

PUBLIC WORKS COMMISSION OF THE CITY
OF FAYETTEVILLE, NORTH CAROLINA

Luis J. Olivera, Chairman

ATTEST:

Wilson A. Lacy, Secretary

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO CALL \$7,680,000 PUBLIC WORKS COMMISSION REVENUE REFUNDING BONDS, SERIES 2001 FOR OPTIONAL REDEMPTION ON THE FIRST OPTIONAL REDEMPTION DATE

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

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

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

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

(c) The City has previously issued its Public Works Commission Revenue Refunding Bonds, Series 2001 in the original principal amount of \$19,175,000, which are now outstanding in the aggregate principal amount of \$9,005,000, and \$7,680,000 of such Bonds (maturing in 2012 through 2016, inclusive, are subject to redemption at the option of the City on March 1, 2011 (the "Bonds to be Redeemed").

(d) After consideration the PWC has determined that it may be advantageous for the City to redeem said Bonds at the option of the City.

(e) The PWC desires to commence procedures at this time for having the City redeem the Bonds to be Redeemed.

Section 2. The PWC hereby requests the City to take such actions as shall be necessary to effect the redemption of the Bonds to be Redeemed on the first date the Bonds to be Redeemed are subject to redemption at the option of the City at the redemption price provided therefor. The officers and employees of the PWC are hereby authorized and directed to assist the City in carrying out such request. The redemption price of the Bonds to be Redeemed will be paid from legally available funds of the PWC. The Secretary of the PWC is hereby directed to file a copy of this resolution with the City and with the Trustee for the Bonds to be Redeemed.

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

Adopted this the **8th** day of **November 2010** at Fayetteville, North Carolina.

CITY OF FAYETTEVILLE, NORTH CAROLINA

Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting (title of officer) of the (unit of government) does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the (name of governing body of applicant) duly held on the ____ day of _____, (year) ____; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 2010.

(Signature of Recording Officer)

(Title of Recording Officer)

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

DESCRIPTION	ADOPTED	BUDGET	PROPOSED
	ORIGINAL BUDGET FY 2011	AMENDMENT #1 FY 2011	AMENDED BUDGET FY 2011
ELECTRIC UTILITY OPERATING FUND	\$163,644,325	\$3,778,175	\$167,422,500
ELECTRIC CAPITAL OUTLAY	25,610,200	0	25,610,200
TOTAL ELECTRIC FUND	\$189,254,525	\$3,778,175	\$193,032,700
WATER & WASTEWATER UTILITIES OPERATING FUNDS	\$61,219,500	\$3,456,000	\$64,675,500
WATER & WASTEWATER CAPITAL OUTLAY	14,430,000	43,000	14,473,000
TOTAL WATER & WASTEWATER FUND	\$75,649,500	\$3,499,000	\$79,148,500
TOTAL ELECTRIC & W/WW FUNDS	\$264,904,025	\$7,277,175	\$272,181,200
FLEET MAINT INTERNAL SERVICE OPERATING FUND	\$6,528,500	\$0	\$6,528,500
FLEET MAINT INTERNAL SERVICE CAPITAL OUTLAY	48,500	0	48,500
TOTAL FLEET MAINT INTERNAL SERVICE FUND	\$6,577,000	\$0	\$6,577,000
TOTAL BUDGET	\$271,481,025	\$7,277,175	\$278,758,200

ELECTRIC, W/WW & FMIS FUNDS SUMMARY

DESCRIPTION	ADOPTED	BUDGET	PROPOSED
	ORIGINAL BUDGET FY 2011	AMENDMENT #1 FY 2011	AMENDED BUDGET FY 2011
ELECTRIC FUND:			
REVENUES	\$187,337,800	\$0	\$187,337,800
CONTRIBUTIONS AND/OR GRANTS	1,450,000	0	1,450,000
REMITTANCES FROM CITY	20,900	0	20,900
ADVANCE FROM ELEC RATE STABILIZATION FUND	0	4,224,000	4,224,000
APPR. FROM RATE STABILIZATION FUND	0	0	0
APPR. FROM ELECTRIC NET ASSETS	445,825	(445,825)	0
TOTAL REVENUES ELECTRIC	\$189,254,525	\$3,778,175	\$193,032,700
EXPENDITURES	\$28,832,525	(\$685,300)	\$28,147,225
PURCHASED POWER & GENERATION	106,667,600	0	106,667,600
DEBT INTEREST EXPENSE	1,005,000	(38,000)	967,000
BOND INTEREST AMORTIZATION	241,000	8,000	249,000
TRANSFER TO CITY	9,002,500	0	9,002,500
CAPITAL EXPENDITURES	25,610,200	0	25,610,200
TOTAL DEBT RELATED PAYMENTS	2,095,700	4,267,400	6,363,100
APPR. TO RATE STABILIZATION FUND	15,800,000	0	15,800,000
TRANSFER TO WATER & WASTEWATER FUND	0	0	0
APPR. TO NET ASSETS	0	226,075	226,075
TOTAL EXPENDITURES ELECTRIC	\$189,254,525	\$3,778,175	\$193,032,700
WATER & WASTEWATER FUND:			
REVENUES	\$66,630,700	\$0	\$66,630,700
CONTRIBUTIONS AND/OR GRANTS	6,178,200	43,000	6,221,200
REMITTANCES FROM CITY	385,200	0	385,200
NOTE REC. - CUMBERLAND COUNTY	39,600	0	39,600
RESERVE FOR NCDOT PROJECTS	0	0	0
RES. FOR WATER LG. DIAMETER CONST. FD.	163,000	0	163,000
RESERVE ANNEXATION PHASE V	0	0	0
TRANSFER FROM ANNEX PH V RESERVE FUND	252,800	0	252,800
TRANSFER FROM ANNEX PH V PROJECT 1 CPF	0	0	0
APPR. FROM RATE STABILIZATION FUND	0	3,456,000	3,456,000
APPR. FROM RATE STABILIZATION FUND	2,000,000	0	2,000,000
APPR. FROM W/WW NET ASSETS	0	0	0
TOTAL REVENUES WATER & WASTEWATER	\$75,649,500	\$3,499,000	\$79,148,500

ELECTRIC, W/WW & FMIS FUNDS SUMMARY

DESCRIPTION	ADOPTED	BUDGET	PROPOSED
	ORIGINAL BUDGET FY 2010	AMENDMENT #1 FY 2010	AMENDED BUDGET FY 2010
EXPENDITURES	\$40,056,700	(\$1,159,300)	\$38,897,400
DEBT INTEREST EXPENSE	6,739,800	(32,000)	6,707,800
BOND INTEREST EXPENSE - CITY ANNEX.	280,800	0	280,800
BOND INTEREST - AMORTIZATION	695,000	8,000	703,000
STATE LOAN INTEREST EXPENSE	464,400	0	464,400
CAPITAL EXPENDITURES	14,430,000	43,000	14,473,000
DEBT RELATED PAYMENTS	8,864,600	3,491,500	12,356,100
BOND PRINCIPAL PAYMENTS - CITY ANNEX.	805,300	0	805,300
LOAN PRINCIPAL PAYMENTS	1,267,900	0	1,267,900
TOTAL CONTRACTS PAYABLE PAYMENT	0	0	0
APPR. TO RATE STABILIZATION FUND	500,000	0	500,000
APPR. TO ANNEXATION PHASE V	1,545,000	0	1,545,000
APPR. TO NET ASSETS	0	1,147,800	1,147,800
TOTAL EXPEND. WATER & WASTEWATER	\$75,649,500	\$3,499,000	\$79,148,500
TOTAL ELECTRIC & W/WW	\$264,904,025	\$7,277,175	\$272,181,200
FLEET MAINTENANCE INTERNAL SERVICE FUND:			
REVENUES	\$6,528,500	\$0	\$6,528,500
APPROPRIATION FROM NET ASSETS	48,500	0	48,500
TOTAL REVENUES FMISF	\$6,577,000	\$0	\$6,577,000
EXPENDITURES	\$6,528,500	\$0	\$6,528,500
CAPITAL EXPENDITURES	48,500	0	48,500
TOTAL EXPENDITURES FMISF	\$6,577,000	\$0	\$6,577,000
GRAND TOTAL ELECTRIC, W/WW & FMISF	\$271,481,025	\$7,277,175	\$278,758,200

FY 2011 AMENDMENT #1 BUDGET ORDINANCE

PUBLIC WORKS COMMISSION REVENUE

Electric Fund

Operating and Other Revenue	\$187,337,800
Customer Contributions	1,450,000
Transfer from City	20,900
Budgetary Appropriations	4,224,000

Total Estimated Electric Fund Revenue **\$193,032,700**

Water and Wastewater Fund

Operating and Other Revenue	\$66,630,700
Customer Contributions	6,221,200
Transfer from City	385,200
Budgetary Appropriations	5,911,400

Total Estimated Water and Wastewater Fund Revenue **\$79,148,500**

Fleet Maintenance Internal Service Fund

Operating Revenue and Other Revenue	\$6,577,000
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Total Estimated Fleet Maintenance Internal Service Fund Revenue **\$6,577,000**

TOTAL ESTIMATED PWC REVENUE **\$278,758,200**

PUBLIC WORKS COMMISSION EXPENDITURES

Electric Fund

Operating Expenses	\$142,393,925
Operating Capital	25,610,200
Transfers	
General Fund	9,002,500
Appropriation to Rate Stabilization Fund	15,800,000
Appropriation to Net Assets	226,075

Total Estimated Electric Fund Expenses **\$193,032,700**

Water and Wastewater Fund

Operating Expenses	\$61,482,700
Operating Capital	14,473,000
Transfers	
General Fund	0
Appropriation to Rate Stabilization Fund	500,000
Appropriation to Annexation Fund	1,545,000
Appropriation to Net Assets	1,147,800

Total Estimated Water and Wastewater Fund Expenses **\$79,148,500**

Fleet Maintenance Internal Service Fund

Total Estimated Fleet Maintenance Internal Service Fund Expenses **\$6,577,000**

TOTAL PWC ELECTRIC, W/WW & FMISF EXPENSES **\$278,758,200**

ELECTRIC FUND SUMMARY

DESCRIPTION	ADOPTED ORIGINAL BUDGET FY 2011	BUDGET AMENDMENT #1 FY 2011	PROPOSED AMENDED BUDGET FY 2011
ELECTRIC OPERATING REVENUE	\$183,818,500	\$0	\$183,818,500
OTHER ELECTRIC REVENUE	3,519,300	0	3,519,300
TOTAL OPERATING & OTHER REVENUE	\$187,337,800	\$0	\$187,337,800
CONTRIBUTIONS AND/OR GRANTS	\$1,450,000	\$0	\$1,450,000
REMITTANCES FROM CITY	20,900	0	20,900
ADVANCE FROM ELEC RATE STABILIZATION FUND	0	4,224,000	4,224,000
APPR. FROM RATE STABILIZATION FUND	0	0	0
APPR. FROM ELECTRIC NET ASSETS	445,825	(445,825)	0
TOTAL ELECTRIC REVENUE	\$189,254,525	\$3,778,175	\$193,032,700
ELECTRIC DIVISION - DISTRIBUTION	\$10,637,920	\$0	\$10,637,920
ELECT. DIV. - PURCHASED POWER & GEN.	106,667,600	0	106,667,600
MANAGEMENT DIVISION	3,593,075	0	3,593,075
FINANCIAL DIVISION	6,786,970	0	6,786,970
ADMINISTRATIVE DIVISION	4,963,560	0	4,963,560
GENERAL & ADMINISTRATION	5,756,600	0	5,756,600
DEPRECIATION EXPENSE	14,722,200	0	14,722,200
AMORTIZATION OF BOND ISSUE COSTS	29,000	(5,000)	24,000
OVERHEAD CLEARING	(3,304,600)	(436,300)	(3,740,900)
DEBT INTEREST EXPENSE	1,005,000	(38,000)	967,000
BOND INTEREST - AMORTIZATION	241,000	8,000	249,000
TRANSFER TO CITY	9,002,500	0	9,002,500
TOTAL OPERATING & OTHER EXPENSES	\$160,100,825	(\$471,300)	\$159,629,525
NET OPERATING RESULTS	\$27,236,975	\$471,300	\$27,708,275
OTHER DEDUCTIONS	\$399,000	\$0	\$399,000
CAPITAL EXPENDITURES	25,610,200	0	25,610,200
TOTAL DEBT RELATED PAYMENT	2,095,700	4,267,400	6,363,100
DEPRECIATION/AMORTIZATION ADJUSTMENT	(14,751,200)	(244,000)	(14,995,200)
TOTAL SUPPLEMENTAL EXPENDITURES	\$13,353,700	\$4,023,400	\$17,377,100
TOTAL EXPENSES & SUPPLEMENTAL EXP.	\$173,454,525	\$3,552,100	\$177,006,625
APPR. TO RATE STABILIZATION FUND	\$15,800,000	\$0	\$15,800,000
TRANSFER TO WATER & WASTEWATER FUND	0	0	0
APPR. TO NET ASSETS	0	226,075	226,075
TOTAL APPR. AND NET ASSETS	\$15,800,000	\$226,075	\$16,026,075
TOTAL ELECTRIC EXPENDITURES	\$189,254,525	\$3,778,175	\$193,032,700

WATER & WASTEWATER FUND SUMMARY

DESCRIPTION	ADOPTED	BUDGET	PROPOSED
	ORIGINAL BUDGET FY 2011	AMENDMENT #1 FY 2011	AMENDED BUDGET FY 2011
WATER OPERATING REVENUE	\$29,678,100	\$0	\$29,678,100
SANITARY SEWER OPERATING REVENUE	34,055,500	0	34,055,500
OTHER OPERATING REVENUE	2,050,300	0	2,050,300
OTHER WATER & SAN. SEWER REVENUE	846,800	0	846,800
TOTAL OPERATING & OTHER REVENUE	\$66,630,700	\$0	\$66,630,700
CONTRIBUTIONS AND GRANTS	\$6,178,200	\$43,000	\$6,221,200
REMITTANCES FROM CITY	385,200	0	385,200
NOTE REC. - CUMBERLAND COUNTY	39,600	0	39,600
RESERVE FOR NCDOT PROJECTS	0	0	0
RES. FOR WATER LG. DIAMETER CONST. FD.	163,000	0	163,000
RESERVE ANNEXATION PHASE V	0	0	0
TRANSFER FROM ANNEX PH V RESERVE FUND	252,800	0	252,800
TRANSFER FROM ANNEX PH V PROJECT 1 CPF	0	0	0
ADVANCE FROM ELEC RATE STABILIZATION FUND	0	3,456,000	3,456,000
APPR. FROM RATE STABILIZATION FUND	2,000,000	0	2,000,000
APPR. FROM W/WW NET ASSETS	0	0	0
TOTAL WATER/WASTEWATER REVENUE	\$75,649,500	\$3,499,000	\$79,148,500
WATER RESOURCES DIVISION	\$23,622,120	\$0	\$23,622,120
MANAGEMENT DIVISION	2,601,800	0	2,601,800
FINANCIAL DIVISION	5,720,400	0	5,720,400
ADMINISTRATIVE DIVISION	4,436,080	0	4,436,080
GENERAL & ADMINISTRATION	6,210,100	0	6,210,100
DEPRECIATION EXPENSE - WATER	5,907,600	0	5,907,600
DEPRECIATION EXPENSE - SEWER	9,144,300	0	9,144,300
AMORTIZATION OF BOND ISSUE COSTS	143,000	(4,000)	139,000
OVERHEAD CLEARING	(2,533,800)	(456,300)	(2,990,100)
DEBT INTEREST EXPENSE	6,739,800	(32,000)	6,707,800
BOND INTEREST EXPENSE - CITY ANNEX.	280,800	0	280,800
BOND INTEREST - AMORTIZATION	695,000	8,000	703,000
STATE LOAN INTEREST EXPENSE	464,400	0	464,400
TRANSFER TO CITY - ANNEXATION SUPPORT	0	0	0
TOTAL OPERATING & OTHER EXPENSES	\$63,431,600	(\$484,300)	\$62,947,300
NET OPERATING RESULTS	\$3,199,100	\$484,300	\$3,683,400

WATER & WASTEWATER FUND SUMMARY

DESCRIPTION	ADOPTED	BUDGET	PROPOSED
	ORIGINAL BUDGET FY 2011	AMENDMENT #1 FY 2011	AMENDED BUDGET FY 2011
OTHER DEDUCTIONS	\$0	\$0	\$0
CAPITAL EXPENDITURES	14,430,000	43,000	14,473,000
DEBT RELATED PAYMENTS	8,864,600	3,491,500	12,356,100
BOND PRINCIPAL PAYMENT - CITY ANNEX.	805,300	0	805,300
LOAN PRINCIPAL PAYMENTS	1,267,900	0	1,267,900
TOTAL CONTRACTS PAYABLE PAYMENT	0	0	0
DEPRECIATION/AMORTIZATION ADJUSTMENT	(15,194,900)	(699,000)	(15,893,900)
TOTAL SUPPLEMENTAL EXPENDITURES	\$10,172,900	\$2,835,500	\$13,008,400
TOTAL EXPENSES & SUPPLEMENTAL EXP.	\$73,604,500	\$2,351,200	\$75,955,700
APPR. TO RATE STABILIZATION FUND	\$500,000	\$0	\$500,000
APPR. TO ANNEXATION PHASE V	1,545,000	0	1,545,000
APPR. TO NET ASSETS	0	1,147,800	1,147,800
TOTAL APPR. AND NET ASSETS	\$2,045,000	\$1,147,800	\$3,192,800
TOTAL WATER & WASTEWATER EXPEND.	\$75,649,500	\$3,499,000	\$79,148,500

CITY OF FAYETTEVILLE PUBLIC WORKS COMMISSION
Electric Utility System Rate Stabilization Fund
From Inception through Fiscal Year 2011

Amendment #9

	Current Approved Budget	Amendment #9 Fiscal Year 2011	Recommended Inception to Date Budget
Estimated Revenues and Other Funding Sources			
Transfer from Electric General Fund	\$ 38,800,000	\$ -	\$ 38,800,000
Rate Stabilization Transfer	4,169,725	-	4,169,725
Interest Income	3,000,000	59,000	3,059,000
Total Revenues and Other Funding Sources	\$ 45,969,725	\$ 59,000	\$ 46,028,725
Estimated Expenditures and Other Uses			
Transfer to Electric Fund	\$ 5,000,000	\$ -	\$ 5,000,000
Loan to Annexation Phase V Reserve Fund	3,560,000	-	3,560,000
Loan to Electric and W/WW General Fund	-	7,680,000	7,680,000
Appropriated Net Assets	37,409,725	(7,621,000)	29,788,725
Total Expenditures and Other Uses	\$ 45,969,725	\$ 59,000	\$ 46,028,725

ADOPTED BY COMMISSION
ADOPTED BY CITY COUNCIL

April 28, 2010

June 14, 2010

Proposed:

Proposed:

October 27, 2010

November 8, 2010

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: November 8, 2010
RE: **Resale of foreclosed property at 5333 Williamsburg Drive to the previous owner in accordance with NCGS 105-376(c)**

THE QUESTION:

Will the City Council as the governing body approve to set aside and dismiss the foreclosure to allow the previous owner(s) to re-purchase the property located at 5333 Williamsburg Drive?

RELATIONSHIP TO STRATEGIC PLAN:

Quality utility services.

BACKGROUND:

On September 24, 2001 the Fayetteville City Council approved the Sewer Assessment Roll for the sanitary sewer lines provided within the Phase 3-B Annexation Project Area. An assessment was made on the property located at 5333 Williamsburg Drive. 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. A payment in the amount of \$7,509.57 was received by PWC's foreclosure attorney on October 26, 2010.

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 totals \$7,509.57 to include the assessment balance plus interest in the amount of \$3,897.35, attorney fees totaling \$2,843.18, and City and County taxes in the amount of \$769.04.

ISSUES:

Whether to resale the property located at 5333 Williamsburg Drive to the previous owner in accordance with NCGS 105-376(c)

OPTIONS:

- (1) Refund the payment back the mortgage company and initiate eviction proceedings
- (2) Allow the payment issued by Citimortgage to be applied as payment to set aside the foreclosure and sell the property back to the previous owners
- (3) Provide additional direction to staff

RECOMMENDED ACTION:

PWC recommends allowing the repurchase of the property located at 5333 Williamsburg Drive by the former owner pursuant to state statute.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert T. Hurst, Jr., Council Member, District 5
DATE: November 8, 2010
RE: **Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The Appointment Committee met on Thursday, October 21, 2010 to review applications for appointments to boards and commissions. It is from that meeting that the Appointment Committee provides the attached recommendations for appointments to the City of Fayetteville boards and commissions. Consistent with the City Council's wishes, the Appointment Committee's recommendations for appointments are indicated on the attachment.

ISSUES:

N/A

OPTIONS:

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

RECOMMENDED ACTION:

Approve Appointment Committee recommendations for board and commission appointments.

ATTACHMENTS:

Appointment Committee Recommendations

APPOINTMENT COMMITTEE RECOMMENDATIONS

October 21, 2010

BOARDS/COMMISSIONS		RECOMMENDATION	TERM
1.	Fayetteville Advisory Committee on Transit (FACT)	Lillie Henderson	1 st (2 year term)
	❖ 1 ADA Representative		
	❖ 1 Transportation Industry Representative	David Wendelken	1 st 2 year term)
2.	Taxicab	1. Joseph Robinson	Fill-in for term expiring Sept 2011
	❖ 2 fill-in Appointments	2. George Butterfly	
	❖ Alternate Fill-in	Vanessa Trollinger	Alternate Fill-in for term expiring Sept 2011
3.	Fayetteville Planning Commission		
	❖ 1 fill-in Appointment	Jimmy Holland	Fill-in (for term expiring Sept 2011

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rebecca Rogers-Carter, Management Services Manager/ Doug Peters, Executive Director Fayetteville Cumberland County Chamber of Commerce
DATE: November 8, 2010
RE: (a) **FY 2011 Strategic Plan Policy and Management Action Agenda 1st Quarter Update**
(b) **Fayetteville Cumberland County Chamber of Commerce Quarterly Economic Development Report**

THE QUESTION:

Has City Council's interest been met in staff's advancement of the policy and management action agenda for the 1st quarter? The attached reports detail progress made during the 1st quarter of this fiscal year, so that City Council members can either concur that the actions meet their interests or direct staff to modify their course.

RELATIONSHIP TO STRATEGIC PLAN:

This report, like previous reports, reinforces and clarifies Council's vision for our community, which is the foundation of the City's Strategic Plan.

BACKGROUND:

The City's Strategic Plan has three main areas:

1. A vision 2025 statement that describes the type of community the Council would like to facilitate through work efforts
2. Five-year goals that provide an intermediate focus for the work of Council and staff. The goals further outline the activities Council believes are necessary to realize the vision;
3. A one-year action agenda that identifies issues the Council wishes to address by providing policy direction and necessary actions that the City staff should complete during the current fiscal year. The attached report focuses on the one-year action plan for FY 2011.

ISSUES:

Do the 1st quarter work efforts reflect the overall direction articulated by the City Council in the FY 2011 Strategic Plan? Does the progress highlighted in this report move the community closer to the desired vision previously identified by the City Council?

OPTIONS:

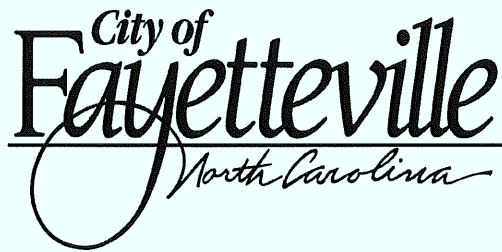
1. Accept the report as provided with guidance to the City Manager on areas of interest
2. Request additional information on items listed in the report
3. Clarify interests in report and the action agenda.

RECOMMENDED ACTION:

Receive and file this report.

ATTACHMENTS:

FY 2011 Strategic Plan - Policy & Management Agenda



Fiscal Year 2011 Strategic Plan

Policy and Management Agenda

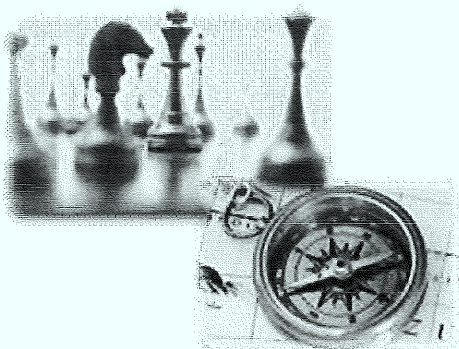
THE MISSION

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

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

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

The City engages its citizen and is recognized as a State and regional leader.



VISION 2025

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, and vibrant major corridors, 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.

This creates a sustainable community.

CORE VALUES

R.E.S.P.E.C.T.

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

Responsibility

Ethics

Stewardship

Professionalism

Entrepreneurial Spirit

Commitment

Teamwork

To safeguard and enhance the public trust
in City government.

GOALS 2015

Greater Tax Base Diversity

Growing City, Livable Neighborhoods

More Efficient Government

More Attractive City

Greater Community Unity

Revitalized Downtown

The annual work plan for Council and staff identifies "Targets for Action" that are designed to achieve the objectives for the City's Goals 2015.

Targets For Action 2011	Page #
Policy Agenda - Top Priority	
Unified Development Ordinance	2
Police Staffing	4
Multi-Family and Commercial Recycling Program	5
Downtown Parking Structure	6
Bragg Boulevard Corridor Development	7
Consolidated 911 Communication Center	8
Policy Agenda - High Priority	
Hospital Area Development Standards	10
Ramsey Street Corridor Development	11
Budget and Service Levels Tax Rate Evaluation	12
Parks & Recreation Master Plan Bond Referendum Planning	13
Rental Registration and Probationary Rental Occupancy Permit	14
Sign Ordinance	15
Management Agenda - Top Priority	
Non-Stop Air Service to Washington, D.C.	16
Multi-Modal Center Development	17
Fire Station 19 Development	18
HOPE VI Redevelopment Plan	19
Tree Preservation Ordinance	20
Management Agenda - High Priority	
Murchison Road Corridor Development	21
Sidewalk Policy and Plan	22
Youth Council Development	24
Military Business Park Development	25
Downtown Development Plan Review	26

Unified Development Ordinance (UDO) Policy Agenda

This target for action will follow the creation of a new Unified Development Ordinance (UDO). Current City regulations are functional, but outdated, hard to use and lacking the internal focus needed to help achieve community goals. A new UDO modernizes the zoning districts, establishes minimum development standards and encourages high-quality physical development. A consultant was hired to develop the document and input from Development Services staff and stakeholders in the community have guided the process. Adoption of the UDO will be brought to Council and staff will work on the citywide zoning map under UDO districts. Staff will also begin preparing rezoning recommendations for certain areas of the City not suitable for direct translation to the districts. Information about that process will be brought to Council for feedback and direction. A new UDO will require significant administrative changes and an administrative manual is being developed.

This target for action is linked to City goal #2: GROWING CITY LIVABLE NEIGHBORHOODS - A Great Place to Live.

- Measure of success: Adoption and implementation of a new Unified Development Code that is more user-friendly and incorporates best practices.

Staff Liaison: Karen Hilton, Planning and Zoning Division Manager

Email Address: khilton@ci.fay.nc.us

Phone Number: 910-433-1437

Team Members: Staff from Development Services, Engineering & Infrastructure, Environmental Services, Parks & Recreation, Administration; Clarion Associates (consultants)

Action Plan	Estimated Completion
Adoption of the new Unified Development Ordinance	2 nd Qtr 2011
Development of a new administrative manual	2 nd Qtr 2011
Adoption of a new citywide zoning map under the UDO districts	3 rd Qtr 2011
Implementation of adopted UDO	3 rd Qtr 2011

First Quarter Update:

- The Planning Commission held two public hearings on the August draft of the UDO (the draft provided to Council)
- Staff met with the Advisory Committee three times in August and September to receive further comment on specific sections of the August UDO draft
- The Planning Commission in October will deliberate on proposed amendments to the UDO coming out of the Advisory Committee meetings to consider recommending adoption of an amended UDO to the City Council by the end of October
- Staff presented to City Council information and research related to some key issues being discussed in the UDO review process during a Work Session
- Staff will present a Planning Commission recommended version of the UDO to the Council in November.

Upcoming Activities:

- Concluding work sessions with Stakeholder Advisory Group
- Present reports to Council on progress
- Preliminary mapping of new districts
- Flow chart of operations
- Drafting of administrative manual
- Base zoning map translation from old code to new zoning classifications of entire city
- Adoption of new zoning map along with adoption of new UDO
- Adoption of UDO and implementation transition (training, publication, VIC coding and guidance for development community, etc.)
- Periodic follow-up meetings with development community for troubleshooting and refinement of code and procedures as necessary.

Police Staffing Policy Agenda

The Police Executive Research Forum (PERF) report identified a need for an additional 37 positions in the Police Department to adequately serve the city. Staff recommended phasing in the 37 positions over three fiscal budget cycles, but the positions were not approved. As an effective alternative, staff will work to stabilize fluctuations in the police officer vacancy rate by using overhires. This proactive technique allows the police department to fill training classes with over hires so that recruits can be prepared to fill vacancies as they occur. Approximately \$178,000 was added to the police department's personnel budget to cover the cost of 10 overhires. Staff continues to use effective recruiting and retention techniques.

This target for action is linked to City goal #2: GROWING CITY, LIVABLE NEIGHBORHOODS – A Great Place to Live.

- Measure of success: Implement effective use of overhires.

Staff Liaison: Tom Bergamine, Chief of Police

Email Address: tbergamine@ci.fay.nc.us

Phone Number: 910-433-1819

Team Members: Police Staff

Action Plan	Estimated Completion
Authorized the overhire of 10 positions, which enables the Police Department to stay at full strength	Completed
Increase effective recruiting and retention techniques and include results in the weekly report	Continuous

First Quarter Update:

- Utilizing PERF Study guidelines; spending more time on directive cause
- Making progress to reduce number of dispatch calls versus self-initiating. The goal is to encourage more effective policing techniques
- BLET classes started July 19 with 24 attendees. Academy has been completed.
- Fully staffed beginning in late May; includes 381 budgeted positions
- Brought on board five overhires, which contributes to the overall preparedness of the force to fill vacancies in a proactive manner
- Monitoring staff level of retentions and workload assessments to support PERF guidelines.

Upcoming Activities:

- Continue to monitor staff level of retentions and workload assessments to support PERF guidelines.

Multi-Family and Commercial Recycling Program

Policy Agenda

Staff will seek to expand our successful curbside recycling program to multi-family and commercial customers. A recent recycling survey indicates that there is a definite interest among multi-family property owners for the program. Staff has been meeting with, and obtaining feedback from, the stakeholders to include Homeowners Association representatives, waste haulers and the Material Recovery Facility manager to discuss service alternatives. The City has partnered with Sustainable Sandhills to assist in working with the stakeholders and to formulate alternate methods of collection. Staff is working to develop program options and cost data and will bring recommendations to receive direction and resources for approved options.

This target for action is linked to City goal #4: MORE ATTRACTIVE CITY – Clean and Beautiful.

- Measure of success: Implement Council approved options.

Staff Liaison: Jerry Dietzen, Environmental Services Director

Email Address: jdietzen@ci.fay.nc.us

Phone Number: 910-433-1984

Team Members: Environmental Services Staff, City Attorney and Sustainable Sandhills

Action Plan	Estimated Completion
Report on survey results	Completed
Develop options per program	Completed
Receive Council direction to process with program development	2 nd Qtr 2011
Implement Council approved options	4 th Qtr 2011

First Quarter Update:

- Studying options to synchronize and align single and multi-family housing curbside recycling contracts and options for contractual agreements versus providing in-house service (cost benefit alternative analysis)
- Updated Council on service options at October work session; Council consensus was to follow staff recommendations to develop an ordinance requiring multifamily complexes to provide recycling services for their residents with a target start date of July 2011 and to review the ordinance in two years for its effectiveness and success.

Upcoming Activities:

- December 6 - Return to Council work session with draft ordinance
- December 13 - Regular Council meeting – adopt ordinance or set a public hearing
- January - June, 2011 - City staff notifies multifamily complexes and provides technical assistance
- July, 2011 - Program target start-up.

Downtown Parking Structure Policy Agenda

In an effort to support revitalization of the downtown area and spur economic development, the construction of a new downtown parking deck was approved by City Council in April. The newly approved parking deck will be located off Franklin Street behind the Robert C. Williams Business Center and will add an additional 210 parking spaces to downtown. A funding agreement between PWC, the County and the City will support this project moving forward. Overall, the project is estimated to cost \$6.2 million.

This target for action is linked to City goal #6: REVITALIZED DOWNTOWN – A Community Focal Point.

- Measure of success: Construction of the parking deck.

Staff Liaison: Dale Iman, City Manager

Email Address: diman@ci.fay.nc.us

Phone Number: 910-433-1990

Team Members: City Manager, Engineering & Infrastructure, Development Services, Finance and County and Chamber representatives

Action Plan	Estimated Completion
Coordinate with partners on development of project	Continuous
Report to Council and receive direction	Completed
Begin Construction	2 nd Qtr 2011

First Quarter Update:

- City was awarded a Recovery Zone Bond through American Recovery and Reinvestment Act to assist in financing for construction of the parking deck
- City, County and PWC reached partnership funding agreement
- Kimley-Horn & Associates selected as design firm
- Public hearing for parking deck was held June 28, 2010; City Council approved City financing agreement
- Staff is seeking prequalification statements and applications from contractors; information is accessible on City website.

Upcoming Activities:

- Selecting contractor for project
- Receive designs from Kimley-Horn
- Begin construction of parking deck.

Bragg Boulevard Corridor Development Policy Agenda

This project focuses on the redevelopment of Bragg Boulevard, which is essential to transportation in Fayetteville given its proximity to Ft. Bragg and upcoming roadway projects. The goal is to collaborate with the NCDOT and seek opportunities for promoting redevelopment and reinvestment in this important corridor. Staff will develop this project with finalized cost estimates for an area specific study, provide Council a recommendation and receive direction and resources for approved options.

This target for action is linked to City goal #1: GREATER TAX BASE DIVERSITY – Strong Local Economy.

- Measure of success: Staff research and recommendations for the study to receive direction and resources from Council for approved options.

Staff Liaison: Rob Anderson, Chief Development Officer

Email Address: randerson@ci.fay.nc.us

Phone Number: 910-433-1311

Team Members: Planning, Engineering & Infrastructure and Community Development staff

Action Plan	Estimated Completion
Receive Council direction to proceed with program development	2 nd Qtr 2011
Engage DOT to understand the scope and timing of their plans	2 nd Qtr 2011
Devise scope of project	3 rd Qtr 2011
Development of project and options with final cost estimates	4 th Qtr 2011
City Council approval for consultant	1 st Qtr Next FY12

First Quarter Update:

- DOT bought right of way to expand road surface and add medians and landscaping
- Construction contracts have been let
- Construction to remove railway began.

Upcoming Activities:

- DOT projects continuing; sidewalks will be added; more railway to be removed.

Consolidated 911 Communication Center Policy Agenda

Staff will support lobbying efforts to develop and fund a consolidated communication center. This project received priority and was included in the joint City, County and Chamber FY11 federal legislative agenda. Currently our community has two primary Public Safety Answering Points (PSAP). One is managed by Cumberland County, the other by the City of Fayetteville. The goal is to consolidate both centers into one. This will increase our effectiveness in handling emergency calls for service. The project will need \$5-10 million to fund the construction of a facility large enough to accommodate a combined 911 center. It will also require consensus between all agencies on how to pay for and manage the day-to-day operations of the center.

This target for action is linked to City goal #3: MORE EFFICIENT CITY GOVERNMENT – Cost-Effective Service Delivery.

- Measure of success: Develop the project and support lobbying efforts to fund the project.

Staff Liaison: Tom Bergamine, Chief of Police

Email Address: tbergamine@ci.fay.nc.us

Phone Number: 910-433-1819

Team Members: Team Leader: Captain Brad Chandler- Communications, Fayetteville Police and Fire Departments, Cumberland County Sheriffs' office, The Ferguson Group

Action Plan	Estimated Completion
Both City and County dispatch personnel certified in emergency medical dispatch, emergency police dispatch and emergency fire dispatch	3 rd Qtr 2011
Shared CAD module for calls for service will be operational	4 th Qtr 2011
Formulate one set of operating procedures for both centers	4 th Qtr 2011
Support lobbying efforts to secure grant funding for the construction of the facility	Continuous

First
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ter

Update:

- City installed 15 new replacement workstations and new software; new software has three disciplines - emergency police dispatch, emergency fire dispatch and emergency medical dispatch; the changes should equate to efficiencies and faster customer service in the center
- City purchased the software from the same company County used to make the consolidation transition smoother
- Same training standards being implemented by City and County

Upcoming Activities:

- Pursuing grants
- Preparing to develop negotiations for Joint PSAP.

Hospital Area Development Standards Policy Agenda

This target for action seeks to establish a land use plan and regulations for the area surrounding the Cape Fear Valley Medical Center which may be the model for other institutional areas. There have been numerous requests for rezoning in that area and a current analysis and plan would guide decisions for development and redevelopment. The Development Services Department, Planning and Zoning Division has assigned a staff person to manage this process through completion. A total of \$70,000 in FY10 budget has been allocated for the study. Glenn Harbeck Associates has been chosen as the consultant for this project.

This target for action is linked to City goal #1: GREATER TAX BASE DIVERSITY – Strong Local Economy.

- Measure of success: Developing and implementing the Specific Area Plan.

Staff Liaisons: Karen Hilton, Planning and Zoning Division Manager

Email Address: khilton@ci.fay.nc.us

Phone Number: 910-433-1437

Team Members: Planning, Engineering & Infrastructure, Community Development staff, consultant

Action Plan	Estimated Completion
Solicit proposals from consulting firms for this task and enter into an agreement to proceed	Completed
Work with the consultant to solicit input from stakeholders, evaluate current conditions and complete an appropriate plan	Completed
Final review of the draft and adoption of regulations	3 rd Qtr 2011

First Quarter Update:

- Staff and consultant Glenn Harbeck & Associates held meetings with stakeholders at Mary McArthur Elementary School in July and August to get input on planning
- Planning documents were made available on the City website
- Briefing and presentation at City Council Work Session on Sept. 7 – presented by Glenn Harbeck from Glenn Harbeck & Associates
- Consultant highlighted suggested land use patterns and development standards to guide future zoning changes and redevelopment
- Held update on progress at City agenda briefing Oct. 6
- Final plan and recommended standards/zoning is expected to be available in December.

Upcoming Activities:

- Final plan and recommended standards/zoning is expected to be available in October.

Ramsey Street Corridor Development Policy Agenda

This project focuses on the implementation of a Ramsey Street Corridor Plan which will improve and beautify the corridor, encourage development and make Ramsey Street safer. LandDesign, Inc. of Charlotte was the consultant for this project. The DOT is responsible for the physical roadway improvements and is expected to start construction on medians later in the year. Planning staff will specifically work on a portion of rezoning, streetscape and landscape improvements as part of UDO.

This target for action is linked to City goal #1: GREATER TAX BASE DIVERSITY – Strong Local Economy.

- Measure of success: Contribute to implementation of the Ramsey Street Corridor Plan.

Staff Liaison: Karen Hilton, Planning and Zoning Division Manager

Email Address: khilton@ci.fay.nc.us

Phone Number: 910-433-1437

Team Members: Development Services, Engineering & Infrastructure, Parks & Recreation and DOT.

First Quarter Update:

Action Plan	Estimated Completion
DOT goes to let for construction of medians	Completed
Begin work on rezoning	2 nd Qtr 2011
Seek and acquire supplemental funding for utilities and landscaping	3 rd Qtr 2011
DOT begins construction on medians	3 rd Qtr 2011

- Median project has been let; construction due to start at anytime by Highland Paving, a local paving company
- Ramsey Street sidewalk projects in the vicinities of Eastwood Avenue to Sunrise Circle, Jones Street, Williston Street, Cochran Avenue and Facility Drive have been completed
- Sidewalks from Stacy Weaver to 401 Bypass are in design.

Upcoming Activities

- Landscaping in medians
- Stacy Weaver to 401 Bypass sidewalk project will be let soon
- Sidewalks near Longhill Elementary, paid for by safe Routes to School.

Budget and Service Levels Tax Rate Evaluation Policy Agenda

This target for action was completed on June 28, 2010, as Council adopted the FY2011 budget and set the tax rate unchanged at 45.6 cents. The process focused on how service levels will be affected by resource allocation. An analysis was provided to Council on the most effective and efficient methods of providing adequate services for the citizens of Fayetteville. The team developed budget and funding scenarios, received Council feedback at several special budget sessions, and launched a budget website for citizen engagement. Finally, staff worked to provide a financially sound budget recommendation to Council.

**This target for action is linked to City goal #3: MORE EFFICIENT CITY GOVERNMENT-
Cost-Effective Service Delivery.**

- Measure of success: Addressing service needs of citizens and maintaining a balanced budget.

Staff Liaison: Lisa Smith, Chief Financial Officer

Email Address: lsmith@ci.fay.nc.us

Phone Number: 910-433-1682

Team Members: City Manager, Assistant City Managers and Finance Department Staff

Action Plan	Estimated Completion
Hold special budget meetings with the City Council	Completed
Set budget for FY 2010-2011	Completed

First Quarter Update:

- Completed.

Parks & Recreation Master Plan Bond Referendum Planning Policy Agenda

Staff from Fayetteville-Cumberland Parks & Recreation will develop the elements of a potential bond referendum based on the Parks & Recreation Master Plan that will sustain previous park investments, fund tomorrow's park facilities and ensure enhanced quality of life for current citizens and future generations.

This target for action is linked to City goal #2: GROWING CITY, LIVABLE NEIGHBORHOODS – A Great Place to Live.

- Measure of success: Develop a bond package.

Staff Liaison: Michael Gibson, Director of Parks and Recreation

Email Address: mgibson@ci.fay.nc.us

Phone Number: 910-433-1557

Team Members: Parks & Recreation staff

Action Plan	Estimated Completion
Develop internal stakeholders groups	3 rd Qtr 2011
Develop elements of the bond package, complete first draft and receive direction.	3 rd Qtr 2011

First Quarter Update:

- Bond package outline has been developed.

Upcoming Activities

- Approval of outline from City Management and County Management.

Rental Registration & Probationary Rental Occupancy Permit Policy Agenda

This target for action relates to City Council's and staff's desire to identify and better manage any negative impacts of residential rental property citywide. If successful, staff will develop ordinances regarding these programs for Council's adoption by June 30, 2011. Once adopted, programs would have an impact on all residential rental properties, which equal to more than 40 percent of the Fayetteville real estate market, through registration of such properties and greater enforcement options for repeat problem properties.

Staff is researching program alternatives, drafting ordinances and soliciting feedback on program design from stakeholders. If adopted by City Council, there is a need for a funding stream to support software/hardware components and staffing to support the program.

This target for action is linked to City goal #2: GROWING CITY LIVABLE NEIGHBORHOODS- A Great Place to Live.

- Measure of success: Develop options for City Council's consideration on residential rental property programs to address community concerns.

Staff Liaison: Doug Hewett, Assistant City Manager

Email Address: dhewett@ci.fay.nc.us

Phone Number: 910-433-1978

Team Members: Development Services, Information Technology, Police and City Attorney

Action Plan	Estimated Completion
Research program alternatives, draft ordinances, solicit feedback	Completed
Adoption of ordinances and funding plan	3 rd Qtr 2011
Implementation and enforcement of program	2012

First Quarter Update:

- Public meetings were held in August and September to solicit input from stakeholders; meetings were successful stakeholder engagements and had large turnouts
- City webpage was developed to receive feedback from stakeholders
- Staff briefed Council on programs at October work session; Council voted down rental registration program but voted in favor of probationary permit program; an ordinance must be drafted.

Upcoming Activities

- Drafting of probationary permit program ordinance
- Council briefed on ordinance to decide direction.

Sign Ordinance Policy Agenda

This target for action focuses on developing a modernized sign ordinance that is consistent with the new UDO. The Housing and Code Enforcement Division Manager will be assigned to collaborate with Planning and Zoning to assess the progress to date of the sign ordinance project and to devise a strategy going forward. The goal is to make modifications to the sign ordinance and develop a comprehensive approach for the sign code to be presented and considered by the City Council.

This target for action is linked to City goal #4: MORE ATTRACTIVE CITY- Clean and Beautiful.

- Measure of success: Develop options to finalize and implement sign ordinance.

Staff Liaison: Rob Anderson, Chief Development Officer

Email Address: randerson@ci.fay.nc.us

Phone Number: 910-433-1311

Team Members: Development Services

Action Plan	Estimated Completion
Assess the scope of the of project and devise strategy	3 rd Qtr 2011
Reinitiate and engage planning commission.	4 th Qtr 2011

First Quarter Update:

- Held work sessions with downtown businesses and Downtown Alliance to discuss signs in the downtown district; comments received regarding the current sign ordinance, which will be taken into consideration in 3rd and 4th quarter work efforts
- Three changes in UDO – primarily procedural and standards.

Upcoming Activities

- Comments received regarding the current sign ordinance, which will be taken into consideration in 3rd and 4th quarter work efforts

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

A survey to investigate and secure direct air service from Fayetteville/Ft. Bragg to the D.C. area began in FY10. This study is anticipated to provide guidance and recommendations that will support direct air service as well as aiding in the development of negotiations for potential service providers. The study will also look into general aviation alternatives. BRAC RTF agreed to co-sponsor this investigation. The cost of the study is \$50,000 and is being paid for by \$25,000 from BRAC Regional Task Force and \$25,000 from NCDOT Aviation.

This target for action is linked to City goal #1: GREATER TAX BASE DIVERSITY – Strong Local Economy.

- Measure of success: Completion of air study and plan of action for acquiring air service.

Staff Liaison: Brad Whited, Airport Director

Email Address: bwhited@ci.fay.nc.us

Phone Number: 910-433-1623

Team Members: Airport staff and BRAC RTF staff

Action Plan	Estimated Completion
Completion of air study	Completed
Alternatives study complete in May 2010 – general aviation alternatives	Completed
Support, evaluate and report on the City's participation in BRAC Regional Task Force Comprehensive Regional Growth Plan	Continuous

First Quarter Update:

- Small Community Air Service Grant application submitted
- Monitoring airline issues
- Extended contract with InterVISTA Air Service consultant
- Reported findings to Council.

Upcoming Activities:

- Notification from FAA if Small Community Air Service Grant application is selected. FAA indicates that a decision may be final by December 15, 2010.

Multi-Modal Center Development Management Agenda

The Multi-Modal Center will house a new FAST bus transfer facility. The Multi-Modal Center will accommodate at least 16 bays, contain a two-story building of about 20,000-square feet and sufficient land area for complimentary commercial and/or retail private development. The first phase, including preliminary engineering and design, began in the summer of 2006. This project is being funded through the FTA, the NCDOT and local funding matches. To date, there is approximately \$1.3 million available for this project to cover preliminary design, engineering and land acquisition. The total project cost is estimated at \$15 million.

This target for action is linked to City goal #1: GREATER TAX BASE DIVERSITY – Strong Local Economy.

- Measure of success: Resolve any outstanding issues related to property acquisition and move forward with development of land and construction.

Staff Liaison: Craig Hampton, Special Projects Director, and Ron Macaluso, Transit Director

Email Address: champton@ci.fay.nc.us and rmacaluso@ci.fay.nc.us

Phone Number: 910-433-1786 and 910-433-1011

Team Members: Special Projects and Transit staff

Action Plan	Estimated Completion
Purchase center's property, secure purchase agreement on all others except current tenants	2 nd Qtr 2011
Resolve any outstanding issues related to property acquisition for remaining properties with tenants	2 nd Qtr 2011
Complete and receive FTA grant applications for funding to purchase remainder of property	3 rd Qtr 2011

First Quarter Update:

- FONSI received. Letters of offer to purchase land have been sent to property owners
- Purchase of Cintas parcel completed; City has assumed ownership; initial mowing and cleaning lot completed; lot will be maintained by City. Posted signage
- Negotiations continue on all remaining properties.

Upcoming Activities:

- Building design and site work design to begin again in late fall 2010. Completion of construction documents in one year or less thereafter.

Fire Station 19 Development Management Agenda

As part of the approved CIP, this fire station is being built in the northern part of the city on Andrews Road to meet the projected growth and to reduce identified high emergency response times. The new station will provide the required minimum fire personnel on the scene for all emergency incidents in this area and allow for a joint fire and police presence to better serve the entire community. The total estimated for construction, land acquisition, furniture, fixtures and equipment is approximately \$3.1 million. The Fire Department received a Department of Homeland Security sponsored Assistance to Firefighters (SAFER) grant in the amount of \$2.1 million to assist with the personnel cost of the 15 firefighters needed to staff this facility. The firefighters were hired May 4, 2008 and are currently operating out of a temporary facility.

This target for action is linked to City goal #3: MORE EFFICIENT CITY GOVERNMENT- Cost-Effective Service Delivery.

- Measure of success: A built and functioning Fire Station #19.

Staff Liaison: Benny Nichols, Fire Chief

Email Address: bnichols@ci.fay.nc.us

Phone Number: 910-433-1726

Team Members: Fire, Special Projects, Engineering & Infrastructure and Building Maintenance staff, John Koenig, MKR, Stewart, Newell and Cooper, Charlie Averitt and Dennis Southern.

Action Plan	Estimated Completion
Complete the construction of Fire Station #19	2 nd Qtr 2012
Move fire operations into Fire Station #19	2nd Qtr 2012

First Quarter Update:

- Provided updates to Council and received permission to open Station #19 in Andrews Commons
- Prebidding occurred in September; contractors told scope of project
- Project bids released in September
- RFP process occurred
- Development Agreement – Koenig River Landing
- Council approved station on September 27th consent agenda.

Upcoming Activities:

- Bids open October 21; contract to be awarded in November at Council meeting
- Construction starts December; contractor has 200 days to finish
- Operations moved to station; temporary station decommissioned.

HOPE VI Redevelopment Plan Management Agenda

This target for action focuses on the Old Wilmington Road HOPE VI Redevelopment Plan and will address the removal of blight, acquisition activities, relocation activities and the redevelopment of the area with infill market rate housing and a business park to provide job opportunities in the area. Market rate housing will be built by private developers. Funding previously allocated from the general fund for the HOPE VI Revitalization Project includes \$1 million for the business park and \$523,631 remaining for acquisition for market rate housing. Options for a specific study of the area, including cost estimates, will be brought to Council for consideration early in the fiscal year. As resources will allow, staff will work to acquire additional property, demolish dilapidated housing and work in the community to support development of market rate housing in the area.

This target for action is linked to the city goal #2: GROWING CITY, LIVABLE NEIGHBORHOODS – A Great Place to Live.

- Measure of success: Hire a consultant to assist with completion of project.

Staff Liaison: Victor Sharpe, Community Development Director

Email Address: vsharpe@ci.fay.nc.us

Phone Number: 910-433-1933

Team Members: Community Development, Real Estate and Development Services staff.

Action Plan	Estimated Completion
Hire a consultant and complete redevelopment plan	2 nd Qtr 2011
Acquisition of additional residential property	3 rd Qtr 2011
Demolition of dilapidated housing contributing to blight	4 th Qtr 2011
Completion of Request for Proposal for a developer to create market rate housing	2012

First Quarter Update:

- Reviewed two sites for the Business Park
- Acquired two vacant lots on Cool Spring Street
- Worked with the Real Estate Division to determine additional lots for acquisition.

Upcoming Activities:

- Work on acquisition and demolition activities
- Business Park recommendation presentation to City Council for the December Work Session
- Continue to explore options for the Business Park.

Tree Preservation Ordinance Management Agenda

A tree preservation ordinance will help preserve and protect trees in Fayetteville given their importance as natural resources. The drafted tree preservation ordinance was reviewed with UDO stakeholders, including representatives from the building community. Staff took comments and devised a different set of codes. Currently, staff is going through revised codes for tree preservation with the stakeholders. Updates will be shared with Council as staff completes the UDO process.

This target for action is linked to the city goal #4: MORE ATTRACTIVE CITY – Clean and Beautiful.

- Measure of success: Adoption and implementation of tree preservation ordinance.

Staff Liaison: Karen Hilton, Planning and Zoning Division Manager

Email Address: khilton@ci.fay.nc.us

Phone Number: 910-433-1437

Team Members: Development Services and Parks & Recreation

Action Plan	Estimated Completion
Present tree preservation ordinance with UDO to City Council	2 nd Qtr 2011
Implement tree preservation ordinance.	4 th Qtr 2011

First Quarter Update:

- No longer being reported on separately as it is part of UDO.

Murchison Road Corridor Development Management Agenda

An Implementation Feasibility Analysis Report for the Land Use and Economic Development Plan for the Murchison Road Corridor was approved on May 11, 2009. Murchison Road Redevelopment Plan funding concept was approved on Sept. 28, 2009. Currently, no resources other than staff time are committed to this project. Staff recommends utilizing the following funding sources for catalyst sites 1 & 3: Section 108 Loan Guarantee Funds of \$2,750,000, HOME Investment Partnership Funds of \$2,256,000 and general fund money totaling \$3,270,000.

This target for action is linked to City goal #1: GREATER TAX BASE DIVERSITY – Strong Local Economy.

- Measure of success: Implementation of redevelopment plan and receive HUD Section 108 loan funding.

Staff Liaison: Victor Sharpe, Community Development Director

Email Address: vsharpe@ci.fay.nc.us

Phone Number: 910-433-1933

Team Members: Community Development and Special Projects staff

Action Plan	Estimated Completion
Completion of redevelopment plan	2 nd Qtr 2011
Completion of HUD Section 108 loan application for funding	2 nd Qtr 2011
Start of acquisition, demolition, clearance and relocation in support of redevelopment plan.	4 th Qtr 2011

First Quarter Update:

- Working with consultant on development of a Redevelopment Plan
- Will update City Council in 2nd Quarter.

Upcoming Activities:

- Update at a City Council Work Session.
- Finalize the Murchison Road Redevelopment Plan
- Finalize the application for the Section 108 Loan Guarantee
- Consideration of the redevelopment plan by the Fayetteville Redevelopment Commission
- Consideration of the redevelopment plan by the Planning Commission
- Adoption of redevelopment plan by City Council.

Sidewalk Policy and Plan Management Agenda

The Engineering & Infrastructure Dept. is slated to receive approximately \$156,000 for FY 2011 in funding for sidewalk construction. This money will be used to leverage additional funding. These opportunities vary each year including: DOT, FAMPO and Safe Routes for Schools for sidewalk construction. Recently, the City was awarded a Freedom Grant through the Transit Department, which will provide for sidewalk construction that supports ADA access to bus stops. Additionally, staff expects to complete an updated sidewalk inventory by June 30, 2011.

This target for action is linked to City goal #2: GROWING CITY, LIVABLE NEIGHBORHOODS - A Great Place to Live.

- Measure of success: Leverage current funding to acquire additional funding from other organizations to build more sidewalks.

Staff Liaison: Jeffery Brown, Engineering & Infrastructure Director

Email Address: jbrown@ci.fay.nc.us

Phone Number: 910-433-1691

Team Members: Engineering & Infrastructure and Development Services

Action Plan	Estimated Completion
Look for ways to leverage current resources to attain more funding for construction of additional sidewalks	Continuous
Sidewalk inventory complete by June 30, 2011 to include location and condition	4 th Qtr 2011
Update the current list of where sidewalks are needed	4 th Qtr 2011

First Quarter Update:

- City added over four miles of sidewalks along Reilly Road, Ramsey Street and Cliffdale Road; Freedom Trail on Bragg Boulevard is also included; projects address gap areas in existing sidewalks
- Sidewalk upgrades, along Bragg Boulevard from Freedom Memorial Park to Walter Street, have been performed as part of the Freedom Trail Project. Intersection improvements, including handicap ramps and crosswalks, have been constructed at the intersection of Bragg Boulevard and Walter Street
- FAMPO presented the draft Bicycle/Pedestrian Connectivity Plan at August 4th Friday; City partnered with FAMPO on project
- Awarded New Freedom Grant by the U.S. Department of Transportation and Federal Transit Administration to improve access to transit services
- Stimulus funding awarded to FAST will be used to construct sidewalk on Walter Reed Road.

Upcoming Activities:

- New Freedom Grant will affect existing bus stops on routes 5 and 14, along Ramsey Street and Sycamore Dairy Road, respectively. Focus areas include senior housing and group homes for individuals with disabilities, the VA Hospital, Department of Social Services, Fayetteville Technical Community College, Methodist University and shopping centers
- Stacy Weaver to 401 Bypass sidewalk project will be let soon
- Sidewalks will be added near Longhill Elementary, paid for by safe Routes to School.

Youth Council Development Management Agenda

Fayetteville-Cumberland Parks & Recreation will create an environment that enables the youth and young adults of this community to develop the essential knowledge and skills necessary to comprehend and recognize the meaning of local, state and federal government through the development of a youth council program. The intent will be to structure a program that is sustainable and meaningful.

This target for action is linked to City goal #5: GREATER COMMUNITY UNITY – Pride in Fayetteville.

- Measure of success: Establishment of Youth Council.



Staff Liaison: Michael Gibson, Parks & Recreation Director

Email Address: mgibson@ci.fay.nc.us

Phone Number: 910-433-1557

Team Members: Parks & Recreation staff

Action Plan	Estimated Completion
Develop a formal learning plan that includes long and short-term goals and action steps	2 nd Qtr 2011
Identification of young people interested in government countywide	2 nd Qtr 2011
Establish Youth Council	3 rd Qtr 2011

First Quarter Update:

- Held discussion with Council members on restructuring programs for Youth Development program; Youth Development takes into account child's total development; Youth Council is part of Youth Development.

Upcoming Activities:

- Working on structuring of program which encompasses Youth Development and Youth Council.

Military Business Park Development Management Agenda

The Military Business Park is a 216-acre privately owned site nestled between Bragg Boulevard, the All-American Freeway, and Sante Fe Drive. The Community Development Department funds a portion of the infrastructure improvements. It is the responsibility of the private property owner to master plan the 216 acre site. Development Services staff will participate in a dialogue on how to maximize the potential of the uniquely located site. Staff will promptly review and comment on plans or proposals the developer may bring forward.

This target for action is linked to City goal #1: GREATER TAX BASE DIVERSITY - Strong Local Economy.

- Measure of success: Assist with the development of the park as much as possible to make it a success.

Staff Liaison: Rob Anderson, Chief Development Officer

Email Address: randerson@ci.fay.nc.us

Phone Number: 910-433-1311

Team Members: Development Services, Engineering & Infrastructure and Community Development

Action Plan	Estimated Completion
Participate in the dialogue on how to maximize the potential of the site	Continuous
Promptly review and comment on plans and proposals the developer may bring forward	Continuous
Continue to seek funding for the core infrastructure/public assets that will be required to implement a thoroughly conceived master plan.	Continuous

First Quarter Update:

- Processed zone classification change as requested by property owner
- Community Development worked on contract amendment to allow additional funding to be spent on public infrastructure providing more flexibility for its use.

Upcoming Activities:

- Council action for \$584,000 (EDI) additional funding application
- Economic Development Initiative Grant will be submitted.

Downtown Development Plan Review Management Agenda

The Downtown Development Manager will focus on preparing a work plan for the review of the Fayetteville Renaissance Plan for the City's downtown. This plan was adopted in 2002 with the assistance of the North Carolina Urban Design Assistance Team. Since that time, many projects have been completed, other accomplishments made and new projects have been introduced. Staff may determine that a consultant may be required to complete the review. At the conclusion of the review process, a presentation will be provided to Council, so that staff can receive feedback and direction.

This target for action is linked to the city goal #6: REVITALIZED DOWNTOWN – A Community Focal Point.

- Measure of success: Update current plan or develop a new plan.

Staff Liaison: Victor Sharpe, Community Development Director

Email Address: vsharp@ci.fay.nc.us

Phone Number: 910-433-1933

Team Members: Community Development, Special Projects and Development Services

Action Plan	Estimated Completion
Review of goals and accomplishments of the current Fayetteville Renaissance Plan	2nd Qtr 2010
Development of a work plan for updating the plan or the development of a new plan	2 nd Qtr 2010
Hire a consultant to work with the City to develop plan (will need to determine if this action is necessary)	3 rd Qtr 2011
Begin the development of the plan update if needed.	3 rd Qtr 2011

First Quarter Update:

- Reviewed the current downtown plan and new developments in the downtown.

Upcoming Activities:

- Research use of the Urban Design Assistance Team or the International Downtown Association Advisory Panel to assist in update of the current plan
- Develop a work plan for an update.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rita Perry, City Clerk
DATE: November 8, 2010
RE: **Monthly Statement of Taxes for September 2010**

THE QUESTION:

For information only.

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

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

ISSUES:

N/A

OPTIONS:

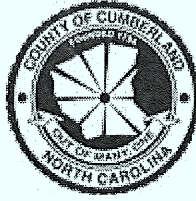
N/A

RECOMMENDED ACTION:

For information only.

ATTACHMENTS:

Monthly Statement of Taxes for September 2010



OFFICE OF THE TAX ADMINISTRATOR

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

MEMORANDUM

TO: Rita Perry, Fayetteville City Clerk

FROM: Aaron Donaldson, Tax Administrator *AD*

DATE: October 1, 2010

RE: MONTHLY STATEMENT OF TAXES

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

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

AD/sn
Attachments

Celebrating Our Past....Embracing Our Future

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

DATE	REPORT #	REMITTED TO FINANCE	2010 CC	2010 VEHICLE	2010 CC REVIT	2010 VEHICLE REVIT	2010 FVT	2010 TRANSIT	2010 STORM WATER	2010 FAY STORM WATER
09/01/10	2010-045	114,457.44	72,435.81	11,279.12	7.54	41.41	1,095.00	1,095.00	4,494.31	8,988.58
09/02/10	2010-046	283,399.82	207,051.46	12,703.17	501.08	0.00	1,639.86	1,639.87	11,573.19	23,146.37
09/03/10	2010-047	194,885.26	132,383.47	23,676.46	619.52	8.78	3,225.14	3,225.13	4,847.80	9,695.53
09/06/10	2010-048	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/07/10	2010-049	294,557.35	202,223.93	32,106.85	300.37	5.61	4,428.48	4,428.47	9,133.44	18,266.78
09/08/10	2010-050	128,648.09	90,379.24	10,554.66	202.15	25.39	1,583.26	1,583.27	3,117.82	6,235.60
09/09/10	2010-051	211,135.06	153,334.36	16,636.45	59.09	0.00	2,480.00	2,480.00	7,757.31	15,514.57
09/10/10	2010-052	199,646.48	144,791.19	20,375.02	175.73	40.87	2,814.49	2,814.48	4,066.84	8,133.65
09/13/10	2010-053	207,726.09	141,093.08	24,158.36	398.78	1.16	3,196.87	3,196.87	6,312.65	12,625.25
09/14/10	2010-054	SYSTEM DOWN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/15/10	2010-055	264,030.04	191,154.92	21,783.30	792.74	60.97	3,173.76	3,173.75	7,338.66	14,677.29
09/16/10	2010-056	121,387.38	83,078.33	15,519.07	90.51	0.00	2,065.00	2,065.00	2,491.90	4,983.74
09/17/10	2010-057	110,367.49	72,572.64	12,269.61	304.28	4.78	1,580.00	1,580.00	2,140.37	4,280.71
09/20/10	2010-058	172,354.45	124,057.43	17,680.15	117.54	139.56	2,059.71	2,059.72	4,073.12	8,146.24
09/21/10	2010-059	75,257.92	52,420.35	8,049.81	77.66	0.00	905.00	905.00	1,881.84	3,763.67
09/22/10	2010-060	72,887.37	49,033.47	9,611.44	32.82	0.00	1,285.00	1,285.00	1,301.39	2,602.79
09/23/10	2010-061	168,560.08	123,588.80	11,185.57	1,990.77	0.00	1,310.00	1,310.00	4,526.79	9,053.55
09/24/10	2010-062	112,610.10	80,618.19	10,212.64	427.94	0.00	1,240.00	1,240.00	2,739.04	5,478.09
09/27/10	2010-063	133,237.94	89,044.84	19,320.66	7.72	52.92	2,343.24	2,343.24	2,947.95	5,895.89
09/28/10	2010-064	126,276.85	90,415.78	12,315.49	108.52	0.00	1,325.00	1,325.00	3,569.01	7,138.04
09/29/10	2010-065	99,477.88	70,116.15	10,492.43	0.00	0.00	1,255.00	1,255.00	3,196.04	6,392.11
09/30/10	2010-066	133,590.09	86,715.91	18,888.57	231.48	8.94	2,350.00	2,350.00	4,240.99	8,481.98
TOTALS		3,224,493.18	2,256,509.35	318,818.83	6,446.24	390.39	41,354.81	41,354.80	91,750.46	183,500.43

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)
CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

FAYETTEVILLE MACC LEDGER

SEPTEMBER 2010

2000-2010

2010 FAY RECYCLE FEE	2010 ANNEX	2009 CC	2009 VEHICLE	2009 CC REVIT	2009 VEH REVIT	2009 FVT	2009 TRANSIT	2009 STORM WATER	2009 FAY STORM WATER	2009 FAY RECYCLE FEE	2009 ANNEX
4,161.94	0.00	2,550.66	4,732.99	0.00	0.00	645.00	645.00	48.00	96.00	152.00	0.00
12,746.40	0.00	4,623.24	4,020.48	0.00	2.26	635.00	635.00	92.11	184.21	177.67	0.00
8,549.32	0.00	646.93	4,573.06	0.00	0.00	831.85	831.86	25.31	50.61	80.14	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11,905.98	0.00	3,219.38	4,888.34	0.00	0.00	688.32	688.31	61.55	123.09	118.83	0.00
4,667.05	0.00	1,545.08	4,821.46	0.00	0.00	568.98	568.94	41.33	82.64	130.85	0.00
5,697.02	0.00	1,417.34	3,149.07	0.00	0.00	441.58	441.60	36.00	72.00	114.00	0.00
5,696.26	0.00	2,049.51	4,002.38	0.00	0.00	579.99	580.01	24.00	48.00	76.00	17.92
7,108.03	0.00	1,017.08	4,949.36	0.00	0.00	657.98	657.97	99.33	198.65	76.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,229.05	0.00	3,147.19	6,048.55	151.07	7.15	834.66	834.66	83.41	166.82	264.13	0.00
3,938.95	0.00	1,309.55	3,252.59	0.00	5.60	495.00	495.00	0.00	0.00	0.00	0.00
4,795.96	0.00	2,788.19	3,732.30	12.76	0.00	565.54	565.54	96.00	192.00	304.00	0.00
6,894.20	0.00	1,177.71	3,449.80	0.00	0.00	495.87	495.89	20.92	41.82	66.22	0.00
2,425.15	0.00	1,294.19	2,115.95	0.00	0.00	280.00	280.00	27.75	55.49	87.87	0.00
2,943.05	0.00	1,171.80	2,006.42	0.00	0.00	305.00	305.00	20.54	41.09	68.24	0.00
8,488.86	0.00	1,716.81	2,263.23	0.00	0.00	346.37	346.36	41.23	82.45	130.56	0.00
3,082.01	0.00	2,094.41	3,455.94	0.00	0.00	509.99	509.97	0.00	0.00	0.00	0.00
4,737.13	0.00	1,254.95	2,914.54	0.00	0.00	435.44	435.46	0.00	0.00	0.00	0.00
2,941.88	0.00	1,593.14	2,276.55	0.00	0.00	365.00	365.00	38.18	76.36	160.51	0.00
3,052.82	0.00	506.46	1,638.13	0.00	0.00	270.89	270.90	12.00	24.00	114.00	0.00
3,943.79	0.00	505.48	3,603.93	0.00	0.00	479.51	479.52	20.12	40.24	63.72	0.00
116,004.85	0.00	35,629.10	71,895.07	163.83	15.01	10,431.97	10,431.99	787.78	1,575.47	2,184.74	17.92

FAYETTEVILLE MACC LEDGER

SEPTEMBER 2010

2000-2010

2008 CC	2008 VEHICLE	2008 CC REVIT	2008 VEHICLE REVIT	2008 FVT	2008 TRANSIT	2008 STORM WATER	2008 FAY STORM WATER	2008 FAY RECYCLE FEE	2008 ANNEX	2007 CC	2007 VEHICLE	2007 CC REVIT
382.20	263.57	0.00	0.00	63.57	48.57	12.00	24.00	42.00	0.00	0.00	80.73	0.00
532.68	26.92	0.00	0.00	7.91	2.90	12.00	24.00	42.00	0.00	9.44	(59.63)	0.00
50.07	284.75	0.00	0.00	66.58	61.58	0.00	0.00	0.00	0.00	1.96	136.23	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
47.53	346.75	0.00	0.00	47.12	35.00	13.02	0.00	0.00	0.00	0.00	53.01	0.00
40.78	499.90	0.00	0.00	89.53	69.53	4.14	8.28	14.49	0.00	396.60	24.14	0.00
54.14	182.53	0.00	0.00	35.00	30.00	0.00	0.00	0.00	0.00	0.00	187.20	0.00
532.72	132.88	0.00	0.00	25.00	20.00	12.00	24.00	42.00	0.00	208.79	155.98	0.00
343.77	201.27	0.00	0.00	38.82	31.43	0.00	0.00	0.00	0.00	6.11	82.92	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
249.22	346.18	0.00	0.00	66.30	61.29	12.00	24.00	42.00	0.00	15.03	33.64	0.00
46.67	290.44	0.00	0.00	62.93	42.93	0.00	0.00	0.00	0.00	0.00	120.74	0.00
620.01	289.43	0.00	0.00	71.51	46.51	12.00	24.00	42.00	0.00	19.72	119.11	0.00
3.95	219.74	0.00	0.00	15.00	10.00	12.00	0.00	0.00	0.00	0.00	104.86	0.00
26.54	139.63	0.00	0.00	5.00	10.00	0.00	0.00	0.00	0.00	0.00	5.91	0.00
0.00	162.01	0.00	0.00	30.00	20.00	0.00	0.00	0.00	0.00	51.41	65.22	0.00
326.19	176.44	0.00	0.00	60.72	35.72	14.57	4.19	7.33	0.00	173.12	24.16	0.00
25.46	111.19	0.00	0.00	30.00	25.00	0.00	0.00	0.00	0.00	37.32	28.40	0.00
222.80	81.65	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	168.72	104.76	0.00
349.98	262.76	0.00	0.00	85.00	55.00	12.00	24.00	42.00	0.00	328.07	65.68	0.00
43.52	190.35	0.00	0.00	25.00	20.00	11.53	0.00	0.00	0.00	(15.18)	48.22	0.00
29.78	108.87	0.00	0.00	24.57	16.98	17.30	0.00	0.00	0.00	0.00	174.01	0.00
3,928.01	4,317.26	0.00	0.00	879.56	672.44	144.56	156.47	273.82	0.00	1,401.11	1,555.29	0.00

FAYETTEVILLE MACC LEDGER

SEPTEMBER 2010

2000-2010

2007 VEH REVIT	2007 FVT	2007 STORM WATER	2007 FAY STORM WATER	2007 ANNEX	2006 & PRIOR CC	2006 & PRIOR VEH	2006 & PRIOR CC REVIT	2006 & PRIOR VEH REVIT	2006 & PRIOR FVT	2006 & PRIOR STORM WATER	2006 ANNEX
0.00	30.00	0.00	0.00	0.00	0.00	95.91	0.00	0.00	35.00	0.00	0.00
0.00	(5.00)	0.00	0.00	0.00	0.00	401.68	0.00	0.00	40.00	0.00	0.00
0.00	28.92	0.00	0.00	0.00	27.62	148.95	0.00	0.00	30.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	29.30	0.00	0.00	0.00	38.71	251.80	0.00	0.00	28.18	0.00	0.00
0.00	15.00	12.00	24.00	0.00	6.08	263.58	0.00	0.00	58.07	0.00	0.00
0.00	15.00	0.00	0.00	0.00	36.59	152.96	0.00	0.00	20.34	0.00	0.00
0.00	41.49	0.00	0.00	0.00	595.30	149.13	0.00	0.00	62.48	5.63	0.00
0.00	43.86	0.00	0.00	0.00	11.74	116.05	0.00	0.00	18.22	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	10.00	0.00	0.00	0.00	0.00	40.06	0.00	0.00	20.00	0.00	0.00
0.00	20.31	0.00	0.00	0.00	0.00	132.37	0.00	0.00	40.47	0.00	0.00
0.00	30.00	9.19	0.00	0.00	0.00	168.91	0.00	0.00	32.52	0.00	0.00
0.00	10.00	0.00	0.00	0.00	0.00	246.67	0.00	0.00	40.00	0.00	0.00
0.00	10.00	0.00	0.00	0.00	0.00	9.36	0.00	0.00	20.00	0.00	0.00
0.00	35.00	0.00	0.00	0.00	3.42	108.76	0.00	0.00	25.00	0.00	0.00
0.00	5.00	3.69	2.76	0.00	196.01	261.29	0.00	0.00	52.41	12.00	31.37
0.00	9.20	0.00	0.00	0.00	0.00	147.60	0.00	0.00	25.00	0.00	0.00
0.00	10.00	0.00	0.00	0.00	35.14	119.08	0.00	0.00	33.14	0.00	0.00
0.00	25.00	12.00	24.00	0.00	0.00	175.52	0.00	0.00	40.00	0.00	0.00
0.00	5.00	0.00	0.00	0.00	35.79	116.54	0.00	0.00	23.72	0.00	0.00
0.00	10.00	0.00	0.00	0.00	83.24	204.22	0.00	0.00	19.53	0.00	0.00
0.00	378.08	36.88	50.76	0.00	1,069.64	3,310.44	0.00	0.00	664.08	17.63	31.37

FAYETTEVILLE MACC LEDGER

2000-2010

SEPTEMBER 2010

INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	TOTAL TAX & INTEREST
874.78	0.00	5.86	11.68	0.00	19.21	114,457.44
955.43	0.08	7.48	14.98	0.00	15.58	283,399.82
759.70	0.00	2.92	5.84	0.00	9.23	194,885.26
0.00	0.00	0.00	0.00	0.00	0.00	0.00
1,057.55	0.00	4.55	8.77	0.00	8.33	294,557.35
981.95	0.00	6.84	13.68	0.00	11.78	128,648.09
772.89	0.00	2.92	5.84	0.00	9.26	211,135.06
1,323.33	0.00	4.43	8.84	1.43	14.71	199,646.48
1,026.94	0.00	17.23	34.47	0.00	5.84	207,726.09
0.00	0.00	0.00	0.00	0.00	0.00	0.00
1,132.30	2.84	8.52	17.09	0.00	27.49	264,030.04
839.79	0.49	0.00	0.00	0.00	0.00	121,387.38
1,032.53	1.02	13.05	19.60	0.00	31.70	110,367.49
696.61	0.37	4.86	5.62	0.00	8.87	172,354.45
446.44	0.00	2.48	4.96	0.00	7.87	75,257.92
367.38	0.00	0.99	1.97	0.00	3.16	72,887.37
746.80	0.00	13.53	8.57	9.51	13.35	168,560.08
562.71	0.00	0.00	0.00	0.00	0.00	112,610.10
668.13	0.00	0.54	0.00	0.00	0.00	133,237.94
729.26	0.00	6.77	13.56	0.00	12.79	126,276.85
365.39	0.00	0.97	1.93	0.00	9.17	99,477.88
489.70	0.00	4.81	1.13	0.00	1.77	133,590.09
15,829.61	4.80	108.75	178.53	10.94	210.11	3,224,493.18

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 8, 2010
RE: **Revenue and Expenditure Report for Annually Budgeted Funds for the Two-Month Period Ended August 31, 2010 and 2009**

THE QUESTION:

Information Report Only

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

Goal 3: More Efficient City Government - Cost Effective Service Delivery. Objective 1: Greater accountability for performance, results and transparency.

BACKGROUND:

- This report provides cumulative revenue and expenditure information for the City's annually budgeted funds for the two-month period ended August 31, 2010 and 2009. The report consists of two main sections: 1) revenues by major category by fund and 2) expenditures by major category by fund. The expenditure section of the report also provides expenditure data by department for the General Fund.
- The report includes revenue and expenditure data for the current fiscal year (column "FY2011 Actual thru August"), with comparison columns for the current year's budget (column "FY2011 Annual Budget as of August") and revenue and expenditure data through the same period in last fiscal year (column "FY2010 Actual thru August"). The expenditure section of the report also includes a column for "Encumbrances" which represents commitments by the City to obtain items or services or other expenditures for which payments have not yet been made.
- The report also includes % columns that state the percentage of the budget that has been obtained in the revenues section and the percentage of the budget that has been spent in the expenditures section.
- An "Actual % Change over Last Year" column is also provided that shows the percentage change in current fiscal year-to-date actual revenues and expenditures when compared to prior year-to-date revenues and expenditures through the same period (August 2010 compared to August 2009).
- Revenues and expenditures are generally recorded on a cash basis throughout the year and accounting adjustments are made at year-end to account for revenues and expenditures that need to be recorded back to the fiscal year before it is formally closed.
- Since monthly sales taxes are received from the State approximately 75 days after the period to which they apply, we have only included sales tax revenues for the month of July 2010, and for comparative purposes sales taxes for the month of July 2009, in this report.
- Also, quarterly utility taxes are received from the State approximately 75 days after the period to which they apply; therefore, utility taxes are not reflected in this report.

ISSUES:

None

OPTIONS:

Not applicable

RECOMMENDED ACTION:

No action required. Information report only.

ATTACHMENTS:

August 2010 Revenue and Expenditure Report

**General Fund Revenue Report
For the Period Ended
August 31, 2010**

Description	FY2010 Actual thru August	FY2011 Annual Budget As Of August	FY2011 Actual thru August	FY2011 % of Budget Obtained	Actual % Change Over Last Year
Ad Valorem Taxes					
Current Year Taxes	2,256,115.05	57,288,982.00	2,890,295.22	5.05%	28.11%
Prior Year Taxes	367,768.65	1,026,000.00	373,674.28	36.42%	1.61%
Penalties & Interest	29,570.27	318,000.00	30,327.26	9.54%	2.56%
Other Taxes					
Vehicle License Tax	96,291.14	619,500.00	100,509.29	16.22%	4.38%
Privilege License Tax	834,880.08	1,066,450.00	854,704.94	80.14%	2.37%
Franchise Fees	-	323,817.00	-	0.00%	N/A
Vehicle Gross Receipts	36,240.04	464,000.00	42,192.46	9.09%	16.42%
Intergovernmental Revenues					
Federal	3,831.68	694,953.00	4,111.70	0.59%	7.31%
State					
Sales Taxes	2,421,100.55	30,754,690.00	2,335,846.33	7.60%	-3.52%
Utility Taxes	-	9,850,241.00	-	0.00%	N/A
Other	3,611.00	6,133,351.00	1,846.42	0.03%	-48.87%
Local	94,418.71	4,053,757.00	64,879.96	1.60%	-31.28%
Functional Revenues					
Permits and Fees	330,300.69	1,918,200.00	478,292.42	24.93%	44.81%
Property Leases	28,373.94	582,414.00	39,340.91	6.75%	38.65%
Engineering/Planning Services	11,482.79	373,050.00	18,489.24	4.96%	61.02%
Public Safety Services	125,621.82	1,204,574.00	138,980.22	11.54%	10.63%
Environmental Services	1,335.21	73,293.00	503.25	0.69%	-62.31%
Parks & Recreation Fees	192,611.19	1,094,800.00	211,239.05	19.29%	9.67%
Other Fees and Services	3,906.13	90,221.00	3,436.28	3.81%	-12.03%
Other Revenues					
Refunds and Sundry	103,117.44	632,156.00	118,114.89	18.68%	14.54%
Indirect Cost Allocation	180,492.52	1,157,958.00	192,992.96	16.67%	6.93%
Special use assessment	47,200.95	170,000.00	50,431.97	29.67%	6.85%
Sale of Assets & Materials	10,927.95	180,500.00	66,014.91	36.57%	504.09%
Investment Income	2,580.00	750,000.00	2,124.17	0.28%	-17.67%
Other Financing Sources					
Proceeds from Bonds	-	-	-	N/A	N/A
Proceeds from Loans	750,000.00	-	-	N/A	N/A
Interfund Transfers	1,448,204.34	10,479,372.00	2,571,609.48	24.54%	77.57%
Capital Leases	-	-	-	N/A	N/A
Fund Balance Appropriation	-	2,953,070.00	-	0.00%	N/A
TOTAL	<u>9,379,982.14</u>	<u>134,253,349.00</u>	<u>10,589,957.61</u>	<u>7.89%</u>	<u>12.90%</u>

**Operating Funds Revenue Report
For the Period Ended
August 31, 2010**

Description	FY2010 Actual thru August	FY2011 Annual Budget As Of August	FY2011 Actual thru August	FY2011 % of Budget Obtained	Actual % Change Over Last Year
Parking Fund					
Functional Revenues	48,875.30	329,185.00	50,317.35	15.29%	2.95%
Other Revenues	-	-	-	N/A	N/A
Investment Income	-	3,000.00	-	0.00%	N/A
Total	48,875.30	332,185.00	50,317.35	15.15%	2.95%
Central Business Tax District Fund					
Ad Valorem Taxes	2,539.66	131,287.00	4,912.94	3.74%	93.45%
Investment Income	-	840.00	-	0.00%	N/A
Fund Balance	-	74,091.00	-	0.00%	N/A
Total	2,539.66	206,218.00	4,912.94	2.38%	93.45%
Stormwater Fund					
Stormwater Fees	281,235.38	5,099,839.00	326,496.99	6.40%	16.09%
Other Revenues	6,156.25	-	-	N/A	-100.00%
Investment Income	-	66,007.00	-	0.00%	N/A
Fund Balance	-	1,025,386.00	-	0.00%	N/A
Total	287,391.63	6,191,232.00	326,496.99	5.27%	13.61%
Emergency Telephone System Fund					
Intergovernmental	88,358.83	1,060,306.00	88,358.83	8.33%	0.00%
Investment Income	-	10,500.00	-	0.00%	N/A
Interfund Transfers	5,998.48	-	-	N/A	-100.00%
Total	94,357.31	1,070,806.00	88,358.83	8.25%	-6.36%
Risk Management Funds					
Interfund Charges	1,880,515.11	14,022,088.00	1,920,146.08	13.69%	2.11%
Other Revenues					
Employee Contributions	434,186.35	3,304,633.00	453,913.71	13.74%	4.54%
Refunds and Sundry	172,223.81	71,417.00	64,897.16	90.87%	-62.32%
Investment Income	-	309,000.00	-	0.00%	N/A
Interfund Transfers	1,921,100.00	-	-	N/A	-100.00%
Fund Balance	-	19,409.00	-	0.00%	N/A
Total	4,408,025.27	17,726,547.00	2,438,956.95	13.76%	-44.67%
Transit Fund					
Other Taxes	88,407.33	608,300.00	98,555.93	16.20%	11.48%
Federal Operating Grant	22.00	1,153,128.00	-	0.00%	-100.00%
State Operating Grant	-	533,998.00	-	0.00%	N/A
Bus Fares	99,781.79	679,241.00	134,007.49	19.73%	34.30%
Contract Transportation	27,043.03	-	-	N/A	-100.00%
Other Revenue	1,730.10	20,643.00	2,357.67	11.42%	36.27%
Interfund Transfers	445,000.66	2,710,048.00	451,674.66	16.67%	1.50%
Total	661,984.91	5,705,358.00	686,595.75	12.03%	3.72%
Airport Fund					
Intergovernmental Revenues	24,764.25	145,995.00	27,920.80	19.12%	12.75%
Property Leases	240,258.64	2,010,100.00	255,707.83	12.72%	6.43%
Franchise Fees	114,716.56	998,322.00	151,826.18	15.21%	32.35%
Landing Fees	65,177.94	397,685.00	66,966.00	16.84%	2.74%
Training Facility Fees	10,750.00	19,850.00	9,500.00	47.86%	-11.63%
Other Revenues	28,028.47	178,489.00	31,828.69	17.83%	13.56%
Public Safety Reimbursements	14,049.50	84,297.00	14,049.49	16.67%	0.00%
Investment Income	-	67,000.00	-	0.00%	N/A
Interfund Transfers	-	-	30,075.55	N/A	100.00%
Fund Balance	-	-	-	N/A	N/A
Total	497,745.36	3,901,738.00	587,874.54	15.07%	18.11%
Recycling Fund					
Recycling Fees	100,170.43	2,253,910.00	126,054.45	5.59%	25.84%
Intergovernmental	-	296,130.00	-	0.00%	N/A
Other Revenues	2,959.71	1,400.00	133.50	9.54%	-95.49%
Investment Income	-	19,000.00	-	0.00%	N/A
Interfund Transfers	-	-	-	N/A	N/A
Total	103,130.14	2,570,440.00	126,187.95	4.91%	22.36%

Operating Funds Revenue Report
For the Period Ended
August 31, 2010

Description	FY2010 Actual thru August	FY2011 Annual Budget As Of August	FY2011 Actual thru August	FY2011 % of Budget Obtained	Actual % Change Over Last Year
LEOSSA Fund					
Interfund Charges	75,955.75	499,573.00	87,315.33	17.48%	14.96%
Investment Income	-	42,000.00	-	0.00%	N/A
Fund Balance	-	12,537.00	-	0.00%	N/A
Total	<u>75,955.75</u>	<u>554,110.00</u>	<u>87,315.33</u>	<u>15.76%</u>	<u>14.96%</u>
City of Fayetteville Finance Corporation					
Investment Income	244.33	-	-	N/A	-100.00%
Property Leases	245,625.00	1,449,475.00	163,125.00	11.25%	-33.59%
Total	<u>245,869.33</u>	<u>1,449,475.00</u>	<u>163,125.00</u>	<u>11.25%</u>	<u>-33.65%</u>

**General Fund Expenditure Report
For the Period Ended
August 31, 2010**

Description	FY2010 Actual thru August	FY2011 Annual Budget As Of August	FY2011 Actual thru August	FY2011 Encumbrances thru August	FY2011 % of Budget Expended	Actual % Change Over Last Year
City Attorney						
Personnel	111,182.19	785,934.00	121,370.24	-	15.44%	9.16%
Operating / Contract Services	247,932.79	345,730.00	85,817.99	-	24.76%	-65.47%
Capital	-	-	-	-	N/A	N/A
Other	40.19	300.00	76.92	-	25.64%	91.39%
Total	359,155.17	1,131,964.00	207,065.15	-	18.29%	-42.35%
City Manager						
Personnel	122,390.62	844,942.00	136,246.03	-	16.12%	11.32%
Operating / Contract Services	7,030.09	36,082.00	8,609.64	-	23.86%	22.47%
Capital	-	-	-	-	N/A	N/A
Other	1,171.29	2,500.00	217.41	-	8.70%	-81.44%
Total	130,592.00	883,524.00	145,073.08	-	16.42%	11.09%
Community Development						
Personnel	24,939.58	143,368.00	23,520.81	-	16.41%	-5.69%
Operating / Contract Services	61,430.87	777,587.00	66,638.85	725,349.81	8.57%	8.48%
Capital	-	-	-	-	N/A	N/A
Other	181,698.00	148,641.00	-	-	0.00%	-100.00%
Total	268,068.45	1,069,596.00	90,159.66	725,349.81	8.43%	-66.37%
Development Services						
Personnel	476,908.18	2,844,708.00	432,198.47	-	15.19%	-9.37%
Operating / Contract Services	92,178.40	918,782.00	129,015.39	91,100.00	14.04%	39.96%
Capital	3,087.42	6,000.00	6,876.28	-	114.60%	122.72%
Other	7,847.91	5,000.00	-	-	0.00%	-100.00%
Total	580,021.91	3,774,490.00	568,090.14	91,100.00	15.05%	-2.06%
Engineering & Infrastructure						
Personnel	616,232.63	4,040,549.00	602,689.04	-	14.92%	-2.20%
Operating / Contract Services	318,953.73	2,163,657.00	331,426.93	85,185.57	15.32%	3.91%
Capital	2,042.00	401,300.00	929.10	34,164.07	0.23%	-54.50%
Other	3,720,016.25	3,823,429.00	3,500,407.39	-	91.55%	-5.90%
Total	4,657,244.61	10,428,935.00	4,435,452.46	119,349.64	42.53%	-4.76%
Environmental Services						
Personnel	710,844.80	4,543,210.00	663,240.90	-	14.60%	-6.70%
Operating / Contract Services	281,861.48	1,963,919.00	365,909.53	6,094.00	18.63%	29.82%
Capital	356,396.00	1,250,000.00	2,735.00	-	0.22%	-99.23%
Other	114,555.09	485,677.00	82,447.25	-	16.98%	-28.03%
Total	1,463,657.37	8,242,806.00	1,114,332.68	6,094.00	13.52%	-23.87%
Finance						
Personnel	200,664.97	1,294,284.00	203,028.11	-	15.69%	1.18%
Operating / Contract Services	89,752.91	1,225,104.00	81,598.69	221,477.00	6.66%	-9.09%
Capital	11,080.00	-	-	-	N/A	-100.00%
Other	-	-	-	-	N/A	N/A
Total	301,497.88	2,519,388.00	284,626.80	221,477.00	11.30%	-5.60%
Fire & Emergency Management						
Personnel	3,031,253.25	19,023,244.00	3,082,312.57	-	16.20%	1.68%
Operating / Contract Services	352,490.72	2,382,904.00	252,852.05	337,952.87	10.61%	-28.27%
Capital	674,562.00	1,409,660.00	37,853.51	838,232.00	2.69%	-94.39%
Other	144,699.32	225,678.00	106,557.88	-	47.22%	-26.36%
Total	4,203,005.29	23,941,486.00	3,479,576.01	1,176,184.87	15.10%	-17.21%
Human Relations						
Personnel	34,891.92	217,439.00	34,797.35	-	16.00%	-0.27%
Operating / Contract Services	1,582.73	32,090.00	399.59	-	1.25%	-74.75%
Capital	-	-	-	-	N/A	N/A
Other	-	5,000.00	-	-	0.00%	N/A
Total	36,474.65	254,529.00	35,196.94	-	13.83%	-3.50%

General Fund Expenditure Report
For the Period Ended
August 31, 2010

Description	FY2010 Actual thru August	FY2011 Annual Budget As Of August	FY2011 Actual thru August	FY2011 Encumbrances thru August	FY2011 % of Budget Expended	Actual % Change Over Last Year
Human Resource Development						
Personnel	148,088.12	972,069.00	137,683.02	-	14.16%	-7.03%
Operating / Contract Services	38,514.73	227,935.00	31,979.91	37,400.23	14.03%	-16.97%
Capital	-	-	-	-	N/A	N/A
Other	139.01	750.00	117.06	-	15.61%	-15.79%
Total	186,741.86	1,200,754.00	169,779.99	37,400.23	14.14%	-9.08%
Information Technology						
Personnel	179,975.66	1,361,435.00	207,120.40	-	15.21%	15.08%
Operating / Contract Services	228,101.11	1,387,230.00	116,461.24	71,445.00	8.40%	-48.94%
Capital	50,660.00	183,121.00	64,540.08	-	35.24%	27.40%
Other	288,662.00	283,500.00	283,500.00	-	100.00%	-1.79%
Total	747,398.77	3,215,286.00	671,621.72	71,445.00	20.89%	-10.14%
Management Services						
Personnel	84,831.99	594,164.00	83,709.27	-	14.09%	-1.32%
Operating / Contract Services	38,901.33	185,141.00	22,312.83	53,014.00	12.05%	-42.64%
Capital	-	-	-	-	N/A	N/A
Other	(22,195.20)	(37,500.00)	(20,835.56)	9,160.11	55.56%	-6.13%
Total	101,538.12	741,805.00	85,186.54	62,174.11	11.48%	-16.10%
Mayor & Council						
Personnel	44,582.65	320,633.00	41,524.43	-	12.95%	-6.86%
Operating / Contract Services	97,472.28	215,084.00	97,313.81	4,700.00	45.24%	-0.16%
Capital	-	-	-	-	N/A	N/A
Other	334.00	2,600.00	425.67	-	16.37%	27.45%
Total	142,388.93	538,317.00	139,263.91	4,700.00	25.87%	-2.19%
Other Appropriations						
Personnel	3,488.52	32,368.00	3,543.16	-	10.95%	1.57%
Operating / Contract Services	89,818.47	10,223,932.00	205,600.06	-	2.01%	128.91%
Capital	-	-	-	-	N/A	N/A
Other	1,142,418.45	9,761,267.00	1,300,475.48	96,093.75	13.32%	13.84%
Total	1,235,725.44	20,017,567.00	1,509,618.70	96,093.75	7.54%	22.16%
Parks, Recreation & Maintenance						
Personnel	1,547,494.51	9,021,262.00	1,502,830.58	7,679.30	16.66%	-2.89%
Operating / Contract Services	925,407.61	5,072,526.00	940,834.04	219,784.77	18.55%	1.67%
Capital	62,816.00	334,506.00	32,003.76	-	9.57%	-49.05%
Other	301,294.32	846,456.00	308,758.08	-	36.48%	2.48%
Total	2,837,012.44	15,274,750.00	2,784,426.46	227,464.07	18.23%	-1.85%
Police						
Personnel	5,627,745.55	35,888,321.00	5,392,383.93	-	15.11%	-4.18%
Operating / Contract Services	905,294.59	4,579,731.00	922,050.67	155,885.16	20.13%	1.86%
Capital	560,040.80	1,431,945.00	701,474.29	1,004,718.72	48.99%	25.25%
Other	171,836.00	218,155.00	20,166.99	-	9.26%	-88.23%
Total	7,264,716.94	41,918,152.00	7,036,075.88	1,160,603.88	16.79%	-3.15%
Total General Fund						
Personnel	12,965,515.14	81,727,930.00	12,668,198.31	7,679.30	15.50%	-2.29%
Operating / Contract Services	3,776,723.84	31,737,434.00	3,658,821.22	2,009,388.41	11.53%	-3.13%
Capital	1,720,684.22	5,016,532.00	848,412.02	1,877,114.79	16.87%	-50.81%
Other	6,052,316.63	15,771,453.00	5,582,314.57	105,253.86	35.40%	-7.77%
Total	24,515,239.83	134,253,349.00	22,755,546.12	3,999,436.36	16.95%	-7.18%

**Operating Funds Expenditure Report
For the Period Ended
August 31, 2010**

Description	FY2010 Actual thru August	FY2011 Annual Budget As Of August	FY2011 Actual thru August	FY2011 Encumbrances thru August	FY2011 % of Budget Expended	Actual % Change Over Last Year
Parking Fund						
Personnel	-	-	-	-	N/A	N/A
Operating / Contract Services	88,692.47	314,929.00	102,078.50	160,828.72	32.41%	15.09%
Capital	-	-	-	-	N/A	N/A
Other	-	17,256.00	-	-	0.00%	N/A
Total	88,692.47	332,185.00	102,078.50	160,828.72	30.73%	15.09%
Central Business Tax District Fund						
Personnel	-	-	-	-	N/A	N/A
Operating / Contract Services	30,695.31	67,384.00	25,000.00	-	37.10%	-18.55%
Capital	-	58,740.00	-	-	0.00%	N/A
Other	50,000.00	80,094.00	50,000.00	-	62.43%	0.00%
Total	80,695.31	206,218.00	75,000.00	-	36.37%	-7.06%
Stormwater Fund						
Personnel	258,178.16	1,487,735.00	226,709.41	-	15.24%	-12.19%
Operating / Contract Services	125,105.15	1,298,728.00	324,507.89	145,131.68	24.99%	159.39%
Capital	418,155.86	3,105,500.00	43,547.66	62,401.80	1.40%	-89.59%
Other	92,032.47	299,269.00	20,374.66	-	6.81%	-77.86%
Total	893,471.64	6,191,232.00	615,139.62	207,533.48	9.94%	-31.15%
Emergency Telephone System Fund						
Personnel	9,298.08	54,964.00	8,947.56	-	16.28%	-3.77%
Operating / Contract Services	104,794.40	632,240.00	47,356.77	-	7.49%	-54.81%
Capital	9,243.32	297,891.00	140,357.49	253.79	47.15%	1418.47%
Other	-	85,911.00	-	-	0.00%	N/A
Total	123,335.80	1,070,806.00	196,661.82	253.79	18.37%	59.45%
Risk Management Funds						
Personnel	70,077.72	384,989.00	54,504.84	-	14.16%	-22.22%
Operating / Contract Services	2,593,688.76	17,329,621.00	2,291,440.03	1,272,426.34	13.22%	-11.65%
Capital	-	8,000.00	-	-	0.00%	N/A
Other	324.60	3,937.00	-	-	0.00%	-100.00%
Total	2,664,091.08	17,726,547.00	2,345,944.87	1,272,426.34	13.23%	-11.94%
Transit Fund						
Personnel	504,142.36	3,663,180.00	577,821.93	-	15.77%	14.61%
Operating / Contract Services	175,706.21	1,526,771.00	230,987.37	192,397.07	15.13%	31.46%
Capital	-	-	-	-	N/A	N/A
Other	76,560.99	515,407.00	96,787.03	-	18.78%	26.42%
Total	756,409.56	5,705,358.00	905,596.33	192,397.07	15.87%	19.72%
Airport Fund						
Personnel	190,812.84	1,296,137.00	180,768.45	-	13.95%	-5.26%
Operating / Contract Services	150,722.53	1,423,356.00	140,167.50	55,485.46	9.85%	-7.00%
Capital	48,095.00	108,000.00	63,125.57	70,711.80	58.45%	31.25%
Other	315,998.21	1,074,245.00	129,044.53	-	12.01%	-59.16%
Total	705,628.58	3,901,738.00	513,106.05	126,197.26	13.15%	-27.28%
Recycling Fund						
Personnel	-	-	-	-	N/A	N/A
Operating / Contract Services	312,241.92	1,988,810.00	314,662.40	-	15.82%	0.78%
Capital	-	55,000.00	-	-	0.00%	N/A
Other	-	528,630.00	72,865.68	-	13.84%	100.00%
Total	312,241.92	2,570,440.00	387,528.08	-	15.08%	24.11%
LEOSSA Fund						
Personnel	73,893.53	554,110.00	80,441.93	-	14.52%	8.86%
Operating / Contract Services	-	-	-	-	N/A	N/A
Capital	-	-	-	-	N/A	N/A
Other	-	-	-	-	N/A	N/A
Total	73,893.53	554,110.00	80,441.93	-	14.52%	8.86%
City of Fayetteville Finance Corporation						
Personnel	-	-	-	-	N/A	N/A
Operating / Contract Services	-	-	-	-	N/A	N/A
Capital	-	-	-	-	N/A	N/A
Other	247,285.00	1,449,475.00	163,125.00	-	11.25%	-34.03%
Total	247,285.00	1,449,475.00	163,125.00	-	11.25%	-34.03%