

**FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
JULY 12, 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
JULY 12, 2010
7:00 P.M.
City Hall Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 ANNOUNCEMENTS AND RECOGNITIONS

6.0 PUBLIC FORUM

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

7.0 CONSENT

- 7.1 Adopt a Resolution Declaring Real Property Surplus
- 7.2 Special Sign Permit Request for temporary event signs for the SwampDogs Baseball Team.
- 7.3 Amendment to Chapter 15 Licenses of the City of Fayetteville Code of Ordinances in accordance with the FY2010 - 2011 Schedule of Fees
- 7.4 Approval to Award Contract for the Purchase of Police Cars
- 7.5 Consider Amendments to Alarm Systems Regulations Ordinance

8.0 PUBLIC HEARINGS

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

- 8.1 Case No. P10-20F. The rezoning of property located at 6452 Raeford Road from R10 Residential & PND Planned Neighborhood Development Districts to R6/CZ Residential Conditional Zoning District. Wayne S. West, Vincent J. West, Joseph P Riddle III, Carolyn R. Armstrong and Sharlene R. Williams owners.

Presenter: Craig Harmon, Planner II

9.0 OTHER ITEMS OF BUSINESS

- 9.1 Preview of the City's New Web Site Redesign

Presenter: Marcus Townsend, City Webmaster

- 9.2 FY 2010-11 Strategic Plan Adoption

Presenter: Rebecca Rogers Carter, Management Services Manager

- 9.3 Award of Construction contract for Visitor Center for Veterans Park

Presenter: Craig Hampton, Special Projects Director

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
JULY 12, 2010 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
JULY 14, 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: Kecia Parker, Senior Paralegal
DATE: July 12, 2010
RE: Adopt a Resolution Declaring Real Property Surplus

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government - Cost Effective Services Delivery

BACKGROUND:

Cumberland County and the City of Fayetteville received joint title to the property identified as PIN 0428-94-7706 located on Slater Avenue. The County has received an offer to purchase said property and is requesting the City declare the property surplus and quitclaim the City's interest to the County in order to expedite the sale process.

ISSUES:

- Title to the above subject property is jointly held due to foreclosure by the County in its role as tax administrator.
- The County is in receipt of an offer to purchase the property for a price equaling the foreclosure bid; i.e., \$3,982.78. The City's share of overdue property taxes is \$841.88.
- If the present bids are declined, there is a good chance the properties will remain in joint government ownership not earning taxes and requiring upkeep.

OPTIONS:

- Accept the County's request and quitclaim the City's title to the County.
- 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 in exchange for the City's share of overdue property taxes.

ATTACHMENTS:

Map of Property
Resolution



Site Map

1810 SLATER AVE
CROSS CREEK TOWNSHIP

50 0 50 Feet



THE COUNTY OF DUNDEE AND ITS GIS
DEPARTMENT DISCLAIMS RESPONSIBILITY
FOR THIS PRODUCT AND MAKES NO WARRANTY
EXPRESS OR IMPLIED, CONCERNING THE
ACCURACY THEREOF. AS RESPONSIBILITY FOR
ANY CORRECTIONS AND APPLICATION OF THIS
PRODUCT LIES WITH THE USER.

**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 being located at 1810 Slater Avenue having the tax map designation of PIN 0428-94-7706; and

WHEREAS, the City of Fayetteville has financial interest in the form of real property taxes plus unpaid City assessments in parcel 0428-94-7706; 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 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 the aforesaid real property surplus to City's needs and authorizes its Mayor to sign a deed quitclaiming title to the County of Cumberland.

ADOPTED this _____ day of July, 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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen Hilton, Planning & Zoning Division Manager
DATE: July 12, 2010
RE: **Special Sign Permit Request for temporary event signs for the SwampDogs Baseball Team.**

THE QUESTION:

Whether or not to approve a special request, or a portion of the request for off-site temporary event signs for the SwampDogs.

RELATIONSHIP TO STRATEGIC PLAN:

Partnership of Citizens.
More Attractive City - Clean and Beautiful

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 is requesting authorization to place temporary signs in the community for the 24 hours in advance of every home game remaining in the regular season. Those dates are - July 12,13,14,17,21,23,24,26,28, and 30. The applicant asserts that they have interns who will distribute and collect these signs as required.

Staff does not support the request based upon the large number of days that these "temporary" signs will be in the community and the difficulty of enforcing and 24 hour restriction or commitment. Staff recommends approval of 30 signs for a three day period July 12-14.

The applicant was previously approved for a three day period in June based on an earlier request for 30 signs for the first three games of the season.

ISSUES:

The City Council has routinely approved similar requests for other events in recent years. Those requests are always for a limited consecutive day period (usually two weeks or less). Staff, including code enforcement personnel, have been working hard to remove temporary signs from the City's street scape. Staff regularly recommends authorizing fewer signs than requested for a shorter period of time than requested. The SwampDogs would like to use these signs throughout their three month summer season.

The SwampDog games are held at 2823 Legion Road.

OPTIONS:

1. Grant the special sign permit for up 30 signs to be removed by the end of the day, July 15, 2010. Locations and size to be negotiated by staff.
2. Grant the special sign permit for 30 signs within 24 hours of game days as described above as requested by applicant. Locations and size to be negotiated by staff.
3. Deny the request to use temporary signs.

4. Deny the special sign permit.

RECOMMENDED ACTION:

Staff recommend that Council move to grant the special sign permit for 30 signs to be used on July 12, 13 and 14, 2010, with the signs to be removed no later than July 15, 2010

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: July 12, 2010
RE: Amendment to Chapter 15 Licenses of the City of Fayetteville Code of Ordinances in accordance with the FY2010 - 2011 Schedule of Fees

THE QUESTION:

This ordinance will amend Chapter 15 Licenses of the City of Fayetteville Code of Ordinances for electronic gaming operation annual privilege license tax in accordance with the FY2010 - 2011 Schedule of Fees.

RELATIONSHIP TO STRATEGIC PLAN:

Vision - Principle G: Diverse growing city tax. Mission - Principle 1: Financially Sound - Expanding and growing tax base and revenues.

BACKGROUND:

- Electronic gaming operation (e.g. Internet Sweepstakes Cafes) is to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed.
- On June 28, 2010, City Council approved the FY2010 - 2011 Budget and Schedule of Fees, which included a new fee under Finance privilege license for electronic gaming operation (e.g. Internet Sweepstakes Cafes).
- The privilege license tax effective July 1, 2010 is \$2,000 per location plus \$2,500 per computer terminal.
- This ordinance will amend the Chapter 15 Licenses of the City of Fayetteville Code of Ordinances to include this new tax.

ISSUES:

None

OPTIONS:

- 1). Adopt the Amendment to Chapter 15 Licenses of the City of Fayetteville Code of Ordinances.
- 2). Do not adopt the Amendment to Chapter 15 Licenses of the City of Fayetteville Code of Ordinances.

RECOMMENDED ACTION:

Adopt the Amendment to Chapter 15 Licenses of the City of Fayetteville Code of Ordinances.

ATTACHMENTS:

City Ordinance Ch 15 Licenses Amendment

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE AMENDING CHAPTER 15 LICENSES, OF THE
CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE,
NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

ARTICLE V is amended by inserting the following:

- Section 1.** For the purpose of this ordinance, the term “electronic gaming operation” means the following:
Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals (collectively the “machines”), to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State law (for example, church or civic organization fundraisers.)
- Section 2.** The annual privilege license tax for each electronic gaming operation and for each computer terminal used or stored as part of the electronic gaming operation shall be in accordance with fee schedule adopted by the City Council.
- Section 3.** All provisions of any City ordinance or resolution in conflict with this ordinance are repealed.
- Section 4.** Any subsequent state law which preempts the privilege license taxes levied under this ordinance shall have no affect on the privilege license taxes levied on businesses that were in operation prior to the effective date of such state law. Unless otherwise authorized or required by state law, or City Ordinance, no refunds of privilege license taxes paid under this ordinance, shall be provided to businesses that close during the tax year. Provided further that any unpaid privilege license taxes due under this ordinance, for previously existing businesses shall be subject to penalties and enforced collection remedies as provided by Sec. 15-32 of this Chapter, even after any subsequent state law preemption of this ordinance.
- Section 5.** It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

Adopted this the _____ day of _____, 2010.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

RITA PERRY, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: July 12, 2010
RE: Approval to Award Contract for the Purchase of Police Cars

THE QUESTION:

Staff requests approval to award a contract for the purchase of thirty-four (34) 2010 Dodge Charger Police Cars.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government - Cost Effective Service Delivery

BACKGROUND:

The Police Department currently has the need to purchase thirty-four (34) new police cars. Formal bids for the purchase of police cars were received February 16, 2010. The bid documents allowed for the purchase of additional units at the same price within a one-year period, upon the agreement of both parties. The low bidder, Ilderton Dodge Chrysler Jeep, High Point, NC, has agreed to extend the February bid price for the purchase of thirty-four (34) additional 2010 Dodge Charger Police Cars. The contract would consist of the purchase of ten (10) unmarked cars at a cost of \$26,836 each; and twenty-four (24) marked cars at a cost of \$28,361 each. The total contract amount for the purchase of the additional thirty-four (34) cars is \$949,024.00.

These cars are budgeted in the FY2011 budget. The total budgeted amount is \$1,206,000.

ISSUES:

None

OPTIONS:

(1) Award contract according to staff recommendation. (2) Not award contract.

RECOMMENDED ACTION:

Award contract for the purchase of thirty-four (34) 2010 Dodge Charger Police Cars to Ilderton Dodge Chrysler Jeep, High Point, NC, in the amount of \$949,024.00.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Tom Bergamine, Chief of Police
DATE: July 12, 2010
RE: Consider Amendments to Alarm Systems Regulations Ordinance

THE QUESTION:

Whether to consider amendments to Chapter 4 - Alarm Systems Regulations of the City Code regarding alarm systems regulations.

RELATIONSHIP TO STRATEGIC PLAN:

More efficient city government-cost effective services delivery.

BACKGROUND:

On June 22, 2009, City Council adopted a fee schedule with an effective date of July 1, 2009, which included a decrease in the maximum number of burglar alarms allowed before a user fee is charged. Although the effective date for the alarm decrease was July 1, 2009, Section 4-6 of the City Code was not amended to reflect this decrease. Attached is an ordinance amendment to effectuate Council's approved decrease in the fee schedule.

At the June 7, 2010 City Council Worksession, staff presented information on the number of false alarms received annually along with recommendations on how to decrease the frequency of such alarms. Following discussion, City Council directed staff to bring back ordinance amendments and associated fees consistent with the program used by the City of Greenville, NC.

ISSUES:

At the June 28, 2010 City Council meeting, Council adopted the recommended budget for FY10/11; which included the revised fee schedule for false alarms. Revising this ordinance provides the legal framework to collect fees for false alarms.

OPTIONS:

- Adopt the amendments
- Decline to adopt the amendments

RECOMMENDED ACTION:

Staff recommends that Council adopt the attached ordinance amendments and direct staff to format the amendments consistent with the Chapter 4: Alarm Systems Regulations, Sections 1 - 6 (listed below) of the City Code.

- Section 4-1. Short title
- Section 4-2. Purpose
- Section 4-3. Definitions
- Section 4-4. General regulation
- Section 4-5. Automatic dialing devices; interconnection to police department
- Section 4-6. Alarm responses

ATTACHMENTS:

Proposed Alarm Ordinance Amendment

Chapter 4

ALARM SYSTEMS REGULATIONS

Sec. 4-1. Short title.

This chapter shall be known and may be cited and referred to as alarm systems regulations.

Sec. 4-2. Purpose.

The purpose of this chapter is to establish regulations governing alarm systems requiring response thereto by the city police or fire department. The terms of this chapter shall in no way prohibit alarm companies from providing service by private source to other offices within or outside the city.

Sec. 4-3. Definitions.

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm means the activation of an alarm system signal that produces either an audible sound that can be heard from the interior or exterior of the building housing the alarm system, or the emission of a signal to a direct monitoring service which in turn notifies the city communications center that the alarm has been activated.

Alarm business means the business by any individual, partnership or corporation servicing, repairing, altering, replacing, moving or installing any alarm system, or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility, and shall not include any other activity of the business.

Alarm coordinator means a person or persons designated by the City Council or their designee to administer, control, and review false alarm reduction efforts and administer the provisions of this chapter.

Alarm installation means any alarm device or combination of devices installed for one or more buildings.

Alarm response means the dispatch or response of a fire or police unit as the result of an alarm.

Alarm system means any electronic or mechanical device which emits any signal, electronic, visible, audible, silent, recorded or otherwise, which is designed, intended, or used to detect fire or an unauthorized entry into a building, structure, or premises, to signal a fire or an

attempted robbery or holdup, or to alert others of a fire or the commission of an unlawful act in or around a building, structure, or premises.

Alarm user means any person, corporation, partnership, proprietorship, governmental or educational entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of the premises.

Automatic dialing device means any type of device which automatically sends signals over regular telephone lines as opposed to dedicated alarm lines.

Dedicated alarm line means a special leased telephone line circuit maintained for the sole purpose of transmitting alarm signals.

Digital alarm means an alarm system which automatically sends signals over regular telephone lines connecting to a digital receiving console, as opposed to a telephone hand set.

Direct connecting alarm means an alarm utilizing dedicated alarm lines to connect to a remote receiving console.

False alarm means an alarm dispatch request to a law enforcement agency, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site.

Local alarm means an alarm or device which produces a signal not connecting in any way to any alarm monitoring centers, such as store or home burglar alarms actuating bell devices.

Officer means either a sworn law enforcement officer or a member of the city fire department.

Tape dialer alarm means an alarm system which automatically sends a signal over regular telephone lines and plays a pre-recorded message.

Sec. 4-4. General regulations.

- (a) The alarm user shall be responsible for knowing the contents of this chapter.
- (b) Alarm systems may be connected directly to a private alarm control center, or may be a local alarm.
- (c) All automatic dialing devices shall conform with section 4-5.
- (d) Local alarms shall be of a type that sounds for no more than 15 minutes.
- (e) Any alarm existing as of the effective date of the ordinance from which this chapter is derived shall also be governed by the regulations of this chapter.

(f) Each local alarm user shall furnish to the city police ~~department crime prevention Alarm Coordinator-specialist~~ the name and telephone number of at least one, no more than three, persons authorized and able to deactivate the alarm system.

(g) After the effective date of the ordinance from which this chapter is derived, it shall be unlawful to connect a local alarm without first notifying the city police department ~~crime prevention specialist- Alarm Coordinator~~ of the name and telephone number of person authorized and able to deactivate the alarm system. Any changes in the name or telephone number of person authorized and able to deactivate the alarm system must be communicated to the city police department ~~crime prevention specialist- Alarm Coordinator~~ immediately.

(h) Burglar alarm systems installed within the city shall be equipped with an automatic bell time cut-off module to prevent continuous alarm sounding when the user is unavailable to manually silence the alarm. System or test devices which give a delay of ten seconds or longer prior to alarm system activation in order to warn the alarm user of an open alarm circuit are highly recommended for all burglar alarm systems to prevent false alarms.

(i) Alarm systems installed after the effective date of the ordinance from which this chapter is derived will be required to have reset capabilities, and to reset within 15 minutes. An alarm system cut-off shall be installed to override all malfunctioning alarms. Users whose alarm systems were installed prior to the effective date of the ordinance from which this chapter is derived shall have one year from the effective date of the ordinance from which this chapter is derived to convert their systems to comply with the provisions of this chapter.

Sec. 4-5. Automatic dialing devices; interconnection to police department.

(a) No automatic dialing device shall be interconnected to any telephone numbers of the city police department or communications center after the effective date of the ordinance from which this chapter is derived.

(b) Within six months of the effective date of the ordinance from which this chapter is derived, all automatic dialing devices interconnected to any telephone numbers of the police department or communications center shall be disconnected. The user of each such device shall be responsible for having the device disconnected upon notification by the chief of police.

(c) Each separate violation of this section shall be deemed a separate punishable offense under section 4-9.

Sec. 4-6. Alarm responses.

(a) ~~The city will provide a maximum of three fire alarm or six burglar alarm responses to any alarm user within any calendar year. Thereafter, a user fee, as approved by the city council, shall be charged for any alarm response in excess of three fire alarm or six burglar alarm responses. An alarm response deemed to be false as defined by this chapter by the~~

responding law enforcement officer to the alarm site will be charged a user fee, in accordance with the fee schedule adopted by the city council.

(b) The alarm user or his representative shall reset an alarm system when notified by an officer that the alarm has activated. When an alarm sounds continuously for a period of 60 minutes from the time officers respond to the alarm, due to the failure of the alarm user or his representatives to reset the alarm, every subsequent 60-minute period or portion thereof that the alarm continues to sound shall be deemed a separate alarm. The alarm user shall reimburse the city for each alarm resulting from the continuous operation of an alarm in accordance with the fee schedule adopted by the city council.

Sec. 4-7. Exclusions.

(a) For the purpose of determining a false alarm in section 4-6, and as defined by this chapter, an alarm shall not include a false alarm which is:

- (1) Determined to have been activated by adverse-extreme weather conditions or acts of nature as reported by the city fire department to the city communications center;
- (2) Activated by an electrical power outage to the electric meter on the building housing the activated alarm system, provided that the alarm user shall provide proof of the electrical outage within five business days of the alarm response; or
- (3) An alarm where there is physical evidence of a fire, unauthorized entry, robbery, or other crime having been committed at the premises where the alarm was activated.

Any determination that an alarm activation was not one of the exclusions in this section may be appealed to the police-chief alarm coordinator or the fire chief, as the case may be, within 72 hours. The decision of the police-chief alarm coordinator or fire chief shall be final.

(b) A local alarm activated during alarm system testing procedures shall not be considered an alarm for the purpose of computing alarm responses, if the alarm user first notifies the city communications center.

Sec. 4-8. Reimbursement.

It shall be unlawful for an alarm user to fail to reimburse the city, in accordance with section 4-6, for an alarm response by the police department.

Sec. 4-9. Enforcement of violations.

Violations of this chapter, including the failure to pay the fees imposed by section 4-6 within 14 days upon notice that such fees are due, shall subject the offender to a civil penalty in the nature of a debt in the amount of \$50.00, in addition to any other fees then currently due and owing as

provided by this chapter. Such civil penalties and fees may be recovered by the city in a civil action in the nature of a debt, pursuant to G.S. 160A-175(c).

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig M. Harmon, Planner II
DATE: July 12, 2010
RE: **Case No. P10-20F. The rezoning of property located at 6452 Raeford Road from R10 Residential & PND Planned Neighborhood Development Districts to R6/CZ Residential Conditional Zoning District. Wayne S. West, Vincent J. West, Joseph P Riddle III, Carolyn R. Armstrong and Sharlene R. Williams owners.**

THE QUESTION:

What is the appropriate zoning district for property along a major thoroughfare with low density residential on three sides.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development
Livable Neighborhoods
Strong Local Economy

BACKGROUND:

Owner: Wayne S. West, Vincent J. West, Joseph P Riddle III, Carolyn R. Armstrong and Sharlene R. Williams
Applicant: James Riddle & Vincent West
Requested Action: R10 & PND to R6/CZ
Property Address: 6452 Raeford Road
City Council District: 7 (Applewhite)
Status of Property: Vacant
Size: 26.94 +/- acres
Existing Land Use: Residential
Adjoining Land Use & Zoning: North - R10 & PND (single & multi family residential) / South - PND & C1P (vacant) / East - R10 & PND (single & multi family residential) / West -C1P (vacant commercial) & R10 (single family residential)
2010 Land Use Plan: Low Density Residential & Conservation
Letters Mailed: 96
Transportation: Raeford Road is a Major Thoroughfare with an average daily traffic count of 32,000 vehicles.

R10 - Primarily a single-family residential district with smaller lot areas required but including occasional two-family and multifamily structures on larger lots. This district would allow for a maximum of 156 units.

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

R6 - Primarily a single-family residential district but with smaller lot areas per family required, permitting more frequent use of two-family and multifamily structures. This district would allow for a maximum of 292 units.

ISSUES:

The ensuing comments are a culmination of NCDOT's and City of Fayetteville's preliminary review of the Raeford Crossing Apartments TIA. For point of record, there is an Access Management study currently underway for Raeford Road. In the future NCDOT may close the crossover at Arran Circle. Conditions of approval for roadway improvements are as follows:

1. US 401 (Raeford Road) at Strickland Bridge Road - Construct a bulb-out in the southeast quadrant per TIA recommendations.
2. US 401 (Raeford Road) at Site Access - Left-over at site access is denied. - Site access will be limited to right-in/right-out. - Construct a 150' right turn lane with appropriate taper on westbound approach at site drive.
3. US 401 (Raeford Road) at Arran Circle - Construct a 200' left turn lane with appropriate taper on eastbound approach at Arran Circle.
4. US 401 (Raeford Road) at Bunce Road/Bingham Drive - Construct dual southbound lefts per TIA recommendations.

Conditions

This property is located on a major thoroughfare, mainly surrounded by residential zoning. Conditions of approval offered by the owner:

1. Submitted site plan.
2. Apartment complex with a maximum of 292 units.
3. The provision of 656 parking spaces.
4. Gated emergency access to Tareyton Road.

Additional conditions agreed to by the owner at the request of the Zoning Commission.

5. All lighting to be shielded to prevent light trespass to adjacent parcels.
6. Increase buffering to 20' on eastern property boundary between the proposed apartments and the existing residential development.

Further conditions indicated by the TIA:

7. Construction of improvements as identified in items 1-4 above prior to issuance of Certificate of Occupancy.
8. Revisions to the site plan as required to comply with the conditions herein.

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

1. Although the 2010 Land Use Plan calls for low density residential it is staff's opinion that medium density residential is also appropriate, provided that a stronger buffer be placed between this development and the Single Family Residential development to the east.
2. The property is located along a major thoroughfare.
3. An apartment complex will be compatible with the character and development pattern of Raeford Road.

OPTIONS:

- 1) Zone the property to R6/CZ Zoning District with conditions noted above(recommended);
- 2) Zone the property to R6/CZ Zoning District with conditions different than those noted above (with approval of applicant);
- 3) Deny the rezoning of this property.

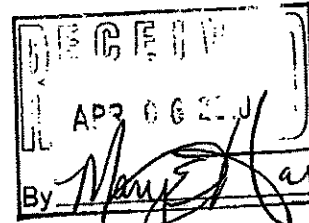
RECOMMENDED ACTION:

The Zoning Commission and Staff recommend that the City Council move to approve the rezoning from R10 & PND to R6 Conditional Zone based on the reasons provided in the ISSUES Section above and with conditions 1-8 listed above and noted on the submitted site plan.

ATTACHMENTS:

Application
Zoning Map

2010 Plan
Ortho Photo
Site Plan
TIA Report
Zoning Commission Minutes



Deadline Date to Return 4/6/2010
Neighborhood Meeting 5/5/2010
Zoning Commission Meeting 5/11/2010
Today's Date 4-6-10
Amount Rec'd \$ 700 Rcv'd by MEL Case # P10-20F

APPLICATION FOR CONDITIONAL ZONING CITY OF FAYETTEVILLE

Upon receipt of this application, the Planning Department will place a legal ad in the paper to advertise the case as a public hearing before the Zoning Commission.

At the public hearing the Zoning Commission will make a recommendation to City Council concerning the request. The City Council will hear the case and make the final decision. Any rezoning will not be effective until after the City Council's decision.

A notice of the meeting will be mailed to all individuals who own property within 750 feet of the proposed rezoning and a public notification sign will be posted on the site.

NOTE:

1. The application fee of \$700.00 is nonrefundable.
2. The Planning Staff is available for advice on completing this application.
3. The Planning Staff shall review the site plan and application for sufficiency. (If you have any questions, please call (910) 433-1612.)
4. It is requested that the applicant or someone representing the applicant attend the Zoning Commission and City Council meetings.

THE FOLLOWING ITEMS ARE TO BE SUBMITTED WITH THE COMPLETED APPLICATION:

1. Property may be rezoned to a conditional zoning district only in response to and consistent with an application submitted by the owners of all of the property to be included in the district. An application for conditional zoning must include 20 copies of a site plan drawn to scale and supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:

- a. A boundary survey and vicinity map showing the property's total acreage, its zoning classification(s), the general location in relation to major streets, railroads, and/or waterways, the date, and north arrow;
 - b. All existing easements, reservations, and rights-of-way;
 - c. Areas in which structures will be located;
 - d. Proposed use of all land and structures, including the number of residential units and the total square footage of any nonresidential development;
 - e. All yards, buffers, screening, and landscaping required by these regulations or proposed by the petitioner;
 - f. All existing and proposed points of access to public or private streets;
 - g. Proposed phasing, if any;
 - h. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;
 - i. Generalized traffic, parking, and circulation plans, and;
2. The planning director has the authority to waive any application requirement where the type of use or scale of proposal makes providing that information unnecessary or impractical.
3. In the course of evaluating the proposed use, the planning director, zoning commission, or city council may request additional information from the petitioner. This information may include the following:
 - a. Proposed number and general location of all structures;
 - b. Proposed screening, buffers and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
 - c. Existing and general proposed topography, if available, at four-foot contour intervals or less;
 - d. The location of significant trees on the subject property;
 - e. Scale of buildings relative to abutting property;
 - f. Height of structures;
 - g. Exterior features of proposed development;
 - h. Any other information needed to demonstrate compliance with these regulations; and
 - i. Proposed number and location of signs.
4. The site plan and any supporting text shall constitute part of the application for all purposes under this section.
5. The planning director or his or her designee may require the applicant to submit more than one copy of the application and site plan in order to have enough copies available to circulate to other departments or agencies for review and comment.

**APPLICATION FOR CONDITIONAL ZONING
CITY OF FAYETTEVILLE**

To the Zoning Commission and the City Council of the City of Fayetteville, North Carolina

I (We), the undersigned, do hereby respectfully make application and petition to the City Council to grant Conditional Zoning. In support of this application, the following facts are shown:

Location/Address of the Property: 6352 Raeford Road Zip 28304

Owner of the Property: Wayne S. West and Vincent J. West; Joseph P. Riddle III, Carolyn R.

Owner's Home Phone: N/A Owner's Work Phone: Armstrong, Sharlene R. Williams
964-2630; 864-3135

- A. Section and provision of the Zoning Ordinance from which the Conditional Zoning is requested:
Sec 30 154 R6 Residential District
- B. The property sought for Conditional Zoning is owned by Wayne S. West & Vincent J. West; Joseph P.
as evidenced by deed, recorded in Deed Book 5282; 5472, Page 515; 750, Cumberland Riddle III
County Registry. (Attach a copy of (all) deed(s) as it appears in Registry.)
- C. Tax Property Identification Number(s) (PIN#): 0407-10-4102; 0407-00-7832
- D. Acreage requested for Conditional Zoning: 2.87; 24.07
- E. It is requested that the property be rezoned:
From: PND; R10 To: R6 (Conditional Zoning)
- F. It is proposed that the property will be put to the following use: (Describe proposed use/activity
in detail to include hours of operation, screening, number of residential units or square footage of
nonresidential uses, access points, phasing if applicable, parking and circulation pattern.)
Proposed apartment complex with 292 units, 656 parking spaces with
access to Raeford Road and emergency access to Tareyton Road.

James Riddle III
Signature of Owner

238 N. McPherson Church Road
Address

Fayetteville NC 28303
City State Zip

Home Phone: N/A
Work Phone: 864-3135

Vincent J. West
Signature of Owner

2663 Strickland Bridge Road
Address

Fayetteville NC 28306
City State Zip Code

Home Phone: N/A
Work Phone: 964-2630

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

APPLICATION FOR CONDITIONAL ZONING

CITY OF FAYETTEVILLE

To the Zoning Commission and the City Council of the City of Fayetteville, North Carolina

I (We), the undersigned, do hereby respectfully make application and petition to the City Council to grant Conditional Zoning. In support of this application, the following facts are shown:

Location/Address of the Property: 6352 Raeford Road Zip 28304

Owner of the Property: Joseph P. Riddle III, Carolyn R. Armstrong, Sharlene R. Williams

Owner's Home Phone: N/A Owner's Work Phone: 864-3135

- A. Section and provision of the Zoning Ordinance from which the Conditional Zoning is requested:
Sec 30 154 R6 Residential District
- B. The property sought for Conditional Zoning is owned by Joseph P. Riddle III
as evidenced by deed, recorded in Deed Book 5472, Page 750, Cumberland
County Registry. (Attach a copy of (all) deed(s) as it appears in Registry.)
- C. Tax Property Identification Number(s) (PIN#): 0407-00-7832
- D. Acreage requested for Conditional Zoning: 24.07
- E. It is requested that the property be rezoned:
From: R10 To: R6 (Conditional Zoning)
- F. It is proposed that the property will be put to the following use: (Describe proposed use/activity
in detail to include hours of operation, screening, number of residential units or square footage of
nonresidential uses, access points, phasing if applicable, parking and circulation pattern.)
Proposed apartment complex with 292 units, 656 parking spaces with
access to Raeford Road and emergency access to Tareyton Road.



Signature of Owner

238 N. McPherson Church Road

Address

Fayetteville

NC

28303

City

State

Zip Code

Home Phone: N/A

Work Phone: 864-3135

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

APPLICATION FOR CONDITIONAL ZONING
CITY OF FAYETTEVILLE

To the Zoning Commission and the City Council of the City of Fayetteville, North Carolina

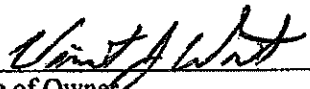
I (We), the undersigned, do hereby respectfully make application and petition to the City Council to grant Conditional Zoning. In support of this application, the following facts are shown:

Location/Address of the Property: 6352 Raeford Road Zip 28304

Owner of the Property: Wayne S. West and Vincent J. West

Owner's Home Phone: N/A Owner's Work Phone: 964-2630

- A. Section and provision of the Zoning Ordinance from which the Conditional Zoning is requested:
Sec 30 154 R6 Residential District
- B. The property sought for Conditional Zoning is owned by Wayne S. West & Vincent J. West as evidenced by deed, recorded in Deed Book 5282, Page 515, Cumberland County Registry. (Attach a copy of (all) deed(s) as it appears in Registry.)
- C. Tax Property Identification Number(s) (PIN#): 0407-10-4102
- D. Acreage requested for Conditional Zoning: 2.87
- E. It is requested that the property be rezoned:
From: PND To: R6 (Conditional Zoning)
- F. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail to include hours of operation, screening, number of residential units or square footage of nonresidential uses, access points, phasing if applicable, parking and circulation pattern.)
Proposed apartment complex with 292 units, 656 parking spaces with access to Raeford Road and emergency access to Tareyton Road.



Signature of Owner

2663 Strickland Bridge Road

Address

Fayetteville NC 28306

City State Zip Code

Home Phone: N/A

Work Phone: 964-2630

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

REQUIRED COMMUNITY MEETING BEFORE ZONING COMMISSION'S PUBLIC HEARING:

Before a public hearing may be held on an application for a conditional zoning district, the applicant must file in the office of the planning department a written report of at least one community meeting held by the applicant. The applicant or a representative of the applicant must be in attendance at the community meeting. Notice of such a meeting shall be given to the property owners and organizations entitled to notice as determined by city policy for rezoning cases. The planning department will provide the applicant with the names and addresses of those property owners and organizations entitled to notice as per city policy for rezoning cases. The report shall include, among other things, a listing of time and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this section shall be considered by city council but shall not be subject to judicial review.

5472
8758

BK5472PG0750

20524

RECEIVED

5-17-2001 AM 10:41:18

GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

Excise Tax

- 0 -

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No. 040717-00-7832

Verified by County on the day of
by

Mail after recording to McCoy, Weaver, Wiggins, Cleveland & Raper, 202 Fairway Drive, Fayetteville, NC 28305

HOLD

This instrument was prepared by McCoy, Weaver, Wiggins, Cleveland & Raper, 202 Fairway Drive, Fayetteville, NC 28305

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 14th day of May, 2001, by and between

GRANTOR

March F. Riddle

GRANTEE

Joseph P. Riddle, III
Carolyn R. Armstrong
Shariene R. Williams
P.O. Box 53646
Fayetteville, NC 28305

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Fayetteville, Township, Cumberland County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference.

Grantor conveys her 1/2 undivided interest in the property to the Grantees herein, with each Grantee taking a 1/6 undivided interest. *

5472
0751

BK5472PG0751

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3245, Page 270.....

A map showing the above described property is recorded in Plat Book page.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Easements, restrictions and rights of way of record.

Any applicable zoning rules, regulations or ordinances.

Ad valorem taxes for the year of closing.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

.....
(Corporate Name)
BY:
.....President
ATTEST:
.....Secretary (Corporate Seal)

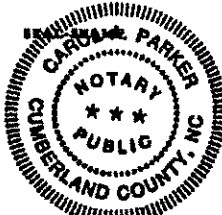
USE BLACK INK ONLY

Marsh F. Riddle (SEAL)
Marsh F. Riddle

..... (SEAL)

..... (SEAL)

..... (SEAL)



NORTH CAROLINA,Cumberland.....County.

I, a Notary Public of the County and State aforesaid, certify that *Marsh F. Riddle*.....

.....Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my

hand and official stamp or seal, this 14th day of May, 2001.

My commission expires: August 09, 2004 *Carol A. Parker* Notary Public

SEAL-STAMP

NORTH CAROLINA,County.

I, a Notary Public of the County and State aforesaid, certify that

personally came before me this day and acknowledged that he is Secretary of

..... a North Carolina corporation, and that by authority duly

given and as the act of the corporation, the foregoing instrument was signed in its name by its

President, sealed with its corporate seal and attested by as its Secretary.

Witness my hand and official stamp or seal, thisday of

My commission expires: Notary Public

The foregoing Certificate(s) of *Carol A. Parker*

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By *George E. Tatum* REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
Deputy/Assistant - Register of Deeds

Robert Jones NO REVENUE

5472
8752

BK 5472 PG 0752

EXHIBIT "A"

24.07 ACRE CURRIE

BEGINNING at an existing concrete monument, the eastern-most corner of the tract of which this is a part and running with a southern line of the tract of which this is a part South 74 degrees 10 minutes West, 685.43 feet to an existing concrete monument;

thence a new line South 69 degrees 43 minutes West, 265.18 feet to a point; thence North 25 degrees 18 minutes West, 482.59 feet to a point; thence North 53 degrees 12 minutes West, 261.13 feet to a point; thence North 26 degrees 59 minutes West, 580.75 feet to a point; thence North 18 degrees 44 minutes West, 169.51 feet to a point; thence North 29 degrees 14 minutes West, 245.81 feet to a point; thence North 52 degrees 31 minutes West, 149.84 feet to a point; thence North 45 degrees 02 minutes West, 87.93 feet to a point; thence North 31 degrees 52 minutes West, 68.33 feet to a point; thence North 07 degrees 01 minutes West, 74.36 feet to a point; thence North 00 degrees 07 minutes East, 117.65 feet to a point; thence North 56 degrees 49 minutes East, 127.44 feet to an existing iron pipe in the eastern line of the tract of which this is a part; thence with said eastern line the following courses and distances:

South 34 degrees 11 minutes East, 692.62 feet to an existing iron pipe;
South 34 degrees 13 minutes East, 429.09 feet to an existing iron pipe;
South 83 degrees 15 minutes East, 362.72 feet to an existing iron pipe;
South 83 degrees 11 minutes East, 197.85 feet to an existing iron pipe;
South 46 degrees 42 minutes East, 394.50 feet to an existing iron pipe;
South 46 degrees 35 minutes East, 252.19 feet to an existing iron pipe;
South 47 degrees 15 minutes East, 189.62 feet to an existing iron pipe;
South 35 degrees 36 minutes East, 139.66 feet to the beginning.

Containing 24.07 acres, more or less, and being a portion of the property more particularly described in Book 3239, Page 843, Cumberland County Registry.
Prepared by MOORMAN & KIZER, INC., Fayetteville, North Carolina

For history of title see Deed Book 3245, page 270.

Tax parcel: 0407.17-00-7832

5282
8515

21119

Parcel Identification No. 0407-10-3057
Mail after recording to Wayne S. West, P. O. Box 56 Goldsboro, NC 27533
This instrument was prepared by Wayne S. West

BK5282PG0515

RECEIVED *gle*

6- 5-2000 AM 11:12

GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

STATE OF NORTH CAROLINA

CUMBERLAND COUNTY

THIS GENERAL WARRANTY DEED made this 5 day of June,
2000, by and between

GRANTOR

FRANK J. VERCILLO, TRUSTEE (deceased 4-18-2000)
OR WAYNE S. WEST, SUCCESSOR TRUSTEE,
FBO: THE FRANK J. VERCILLO LIVING TRUST,
UTD: APRIL 12, 1999 ~~1999~~
6878 Fayetteville Rd., Raeford, NC 28376

GRANTEE

WAYNE S. WEST, one-half, (1/2) Interest Tenants In Common
P. O. Box 56 Goldsboro, NC 27533

and

VINCENT J. WEST, one-half, (1/2) Interest Tenants In Common

The designation Grantor and Grantee as used herein shall include said parties, their heirs,
successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as
required by context.

*12-
WIR*

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Fayetteville, Cross Creek Township, Cumberland County, North Carolina and more particularly described as follows:

BEGINNING at an iron stake in the Northern line of the original 6.56 acre tract of which this is a part, said iron being South 74 deg. 11 min. West- 250.00 feet from the Northeast corner of said 6.56 acre tract, said iron also being the Northwest corner of a tract conveyed to Richard M. Wilder and wife, Alice C. Wilder, see book of deeds 3239, page 267, and runs thence as the Western line of the tract conveyed to Wilder, South 24 deg. 16 min. 15 sec. East-126.53 feet to an existing iron stake, thence as the Southern line of said tract, North 74 deg. 38 min. 54 sec. East-7.42 feet to an existing iron stake, said iron being the Northwest corner of a tract conveyed to Richard M. Wilder and wife, Alice C. Wilder, see book of deeds 3249, page 012, Cumberland County Registry, and runs thence as the Western line of said tract, South 19 deg. 00 min. 21 sec. East- 94.16 feet to an existing iron stake, thence continuing as the Western line of the Wilder tract, South 13 deg. 46 min. 20 sec. East-139.76 feet to a point in the Northern right of way of U. S. Highway 401, thence as the Northern right of way of U. S. Highway 401, South 72 deg. 09 min. 42 sec. West-230.22 feet to an existing iron stake, said point being in the Western line of the original 6.56 acre tract, thence as the Western line of the original tract, North 48 deg. 03 min. 03 sec. West-432.90 feet to an existing iron stake, same being the Northwest corner of the original 6.56 acre tract, thence as the Northern line of the original tract, North 74 deg. 11 min. East- 435.38 feet to the point of beginning. Containing 2.858 acres, and being the Western part of the 6.56 acre tract conveyed to James K. Biggs and wife, Mary C. Biggs, as per deed recorded in book 707, page 163 of the Cumberland County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in BOOK 5177, PAGE/S 276, Cumberland County Register of Deeds.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

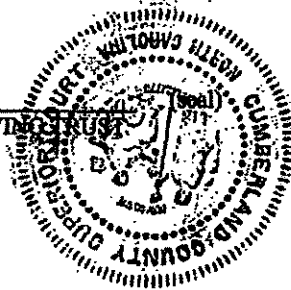
The Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

This conveyance is made subject to any enforceable restrictive covenants of record in the chain of title, rights-of-way, easements, restrictions of record, zoning and planning ordinances, discrepancies as an accurate survey of the premises might reveal, and any and all other matters of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its board of Directors, the day and year first above written.

Wayne S. West, Trustee

WAYNE S. WEST, Trustee for THE FRANK J. VERCILLO LIVING TRUST



BK5282PG0517

STATE OF NORTH CAROLINA

COUNTY OF Cumberland

I, the undersigned, a Notary Public of the County and State aforesaid, certify that WAYNE S. WEST, Trustee, for THE FRANK J. VERCILLO LIVING TRUST, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5th day of June, 2000.



Christine Smoot

Notary Public

Asst. Clerk of Court
Cumberland Co., NC.

My commission expires: _____

The foregoing Certificate(s) of

Christine Smoot, Asst. Clerk of Court

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

GEORGE E. TATUM

REGISTER OF DEEDS FOR

CUMBERLAND

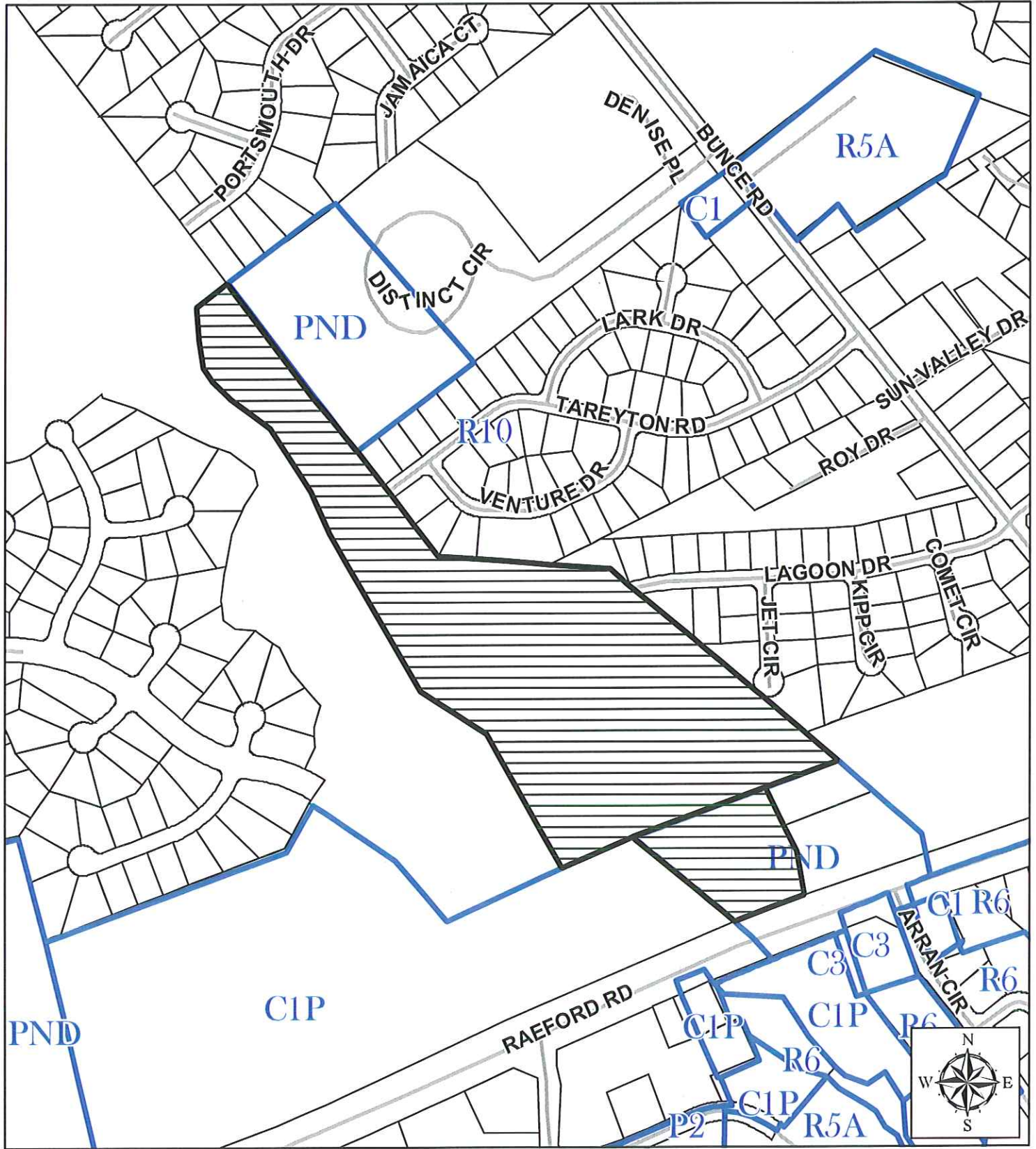
COUNTY,

By

Deputy Assistant - Register of Deeds

NO REVENUE

ZONING COMMISSION
CASE NO. P10-20F



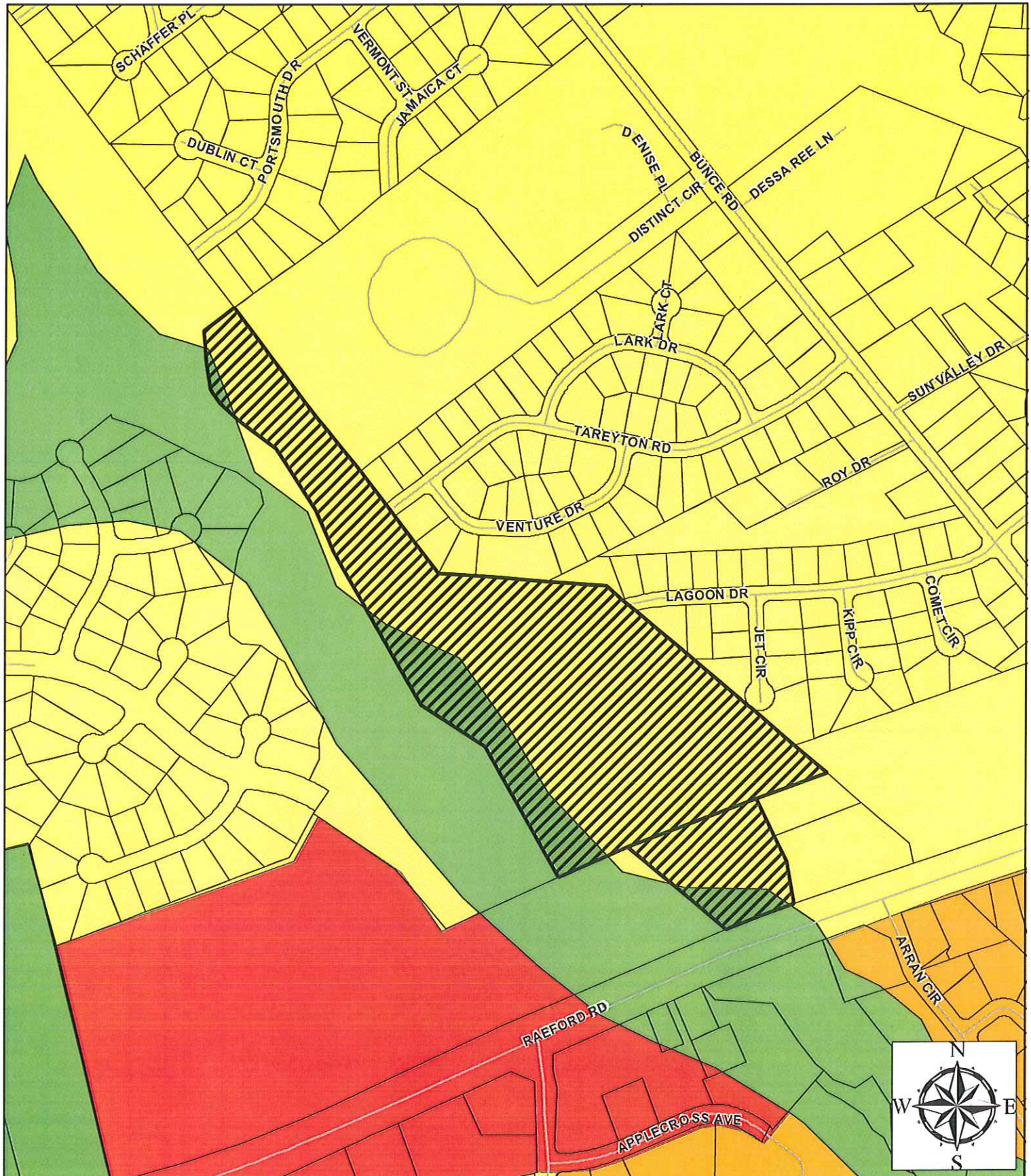
Request: PND & R10 to R6
 Location: 6352 Raeford Rd
 Acreage: +/- 26.94

Zoning Commission: 5/11/2010 Recommendation: _____
 City Council: _____ Final Action: _____
 Pin: 0407-10-4102 & 0407-00-7832

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

2010 Land Use Plan

Case No. P10-20F



Legend

Medium Density Residential

Office / Institutional

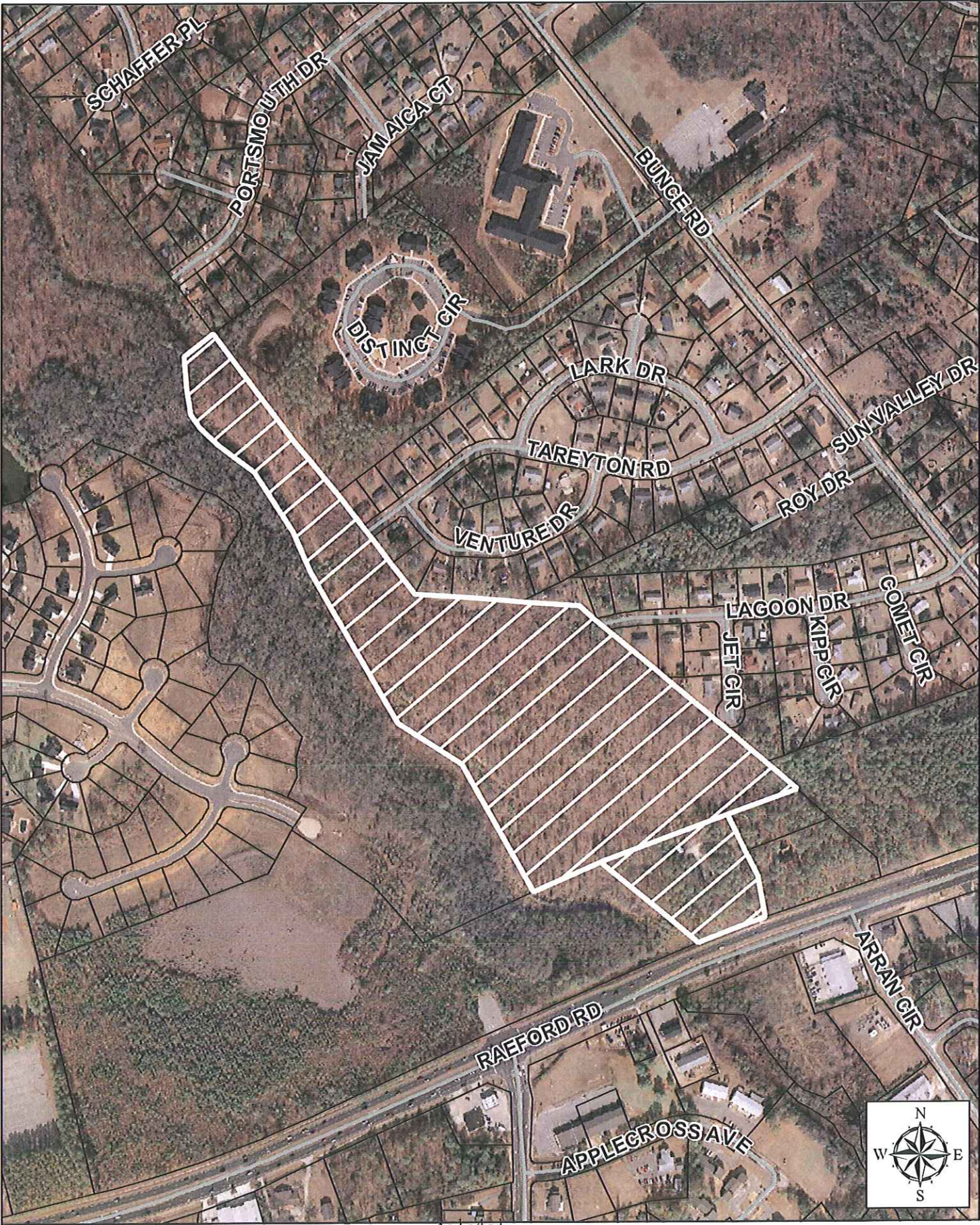
Governmental

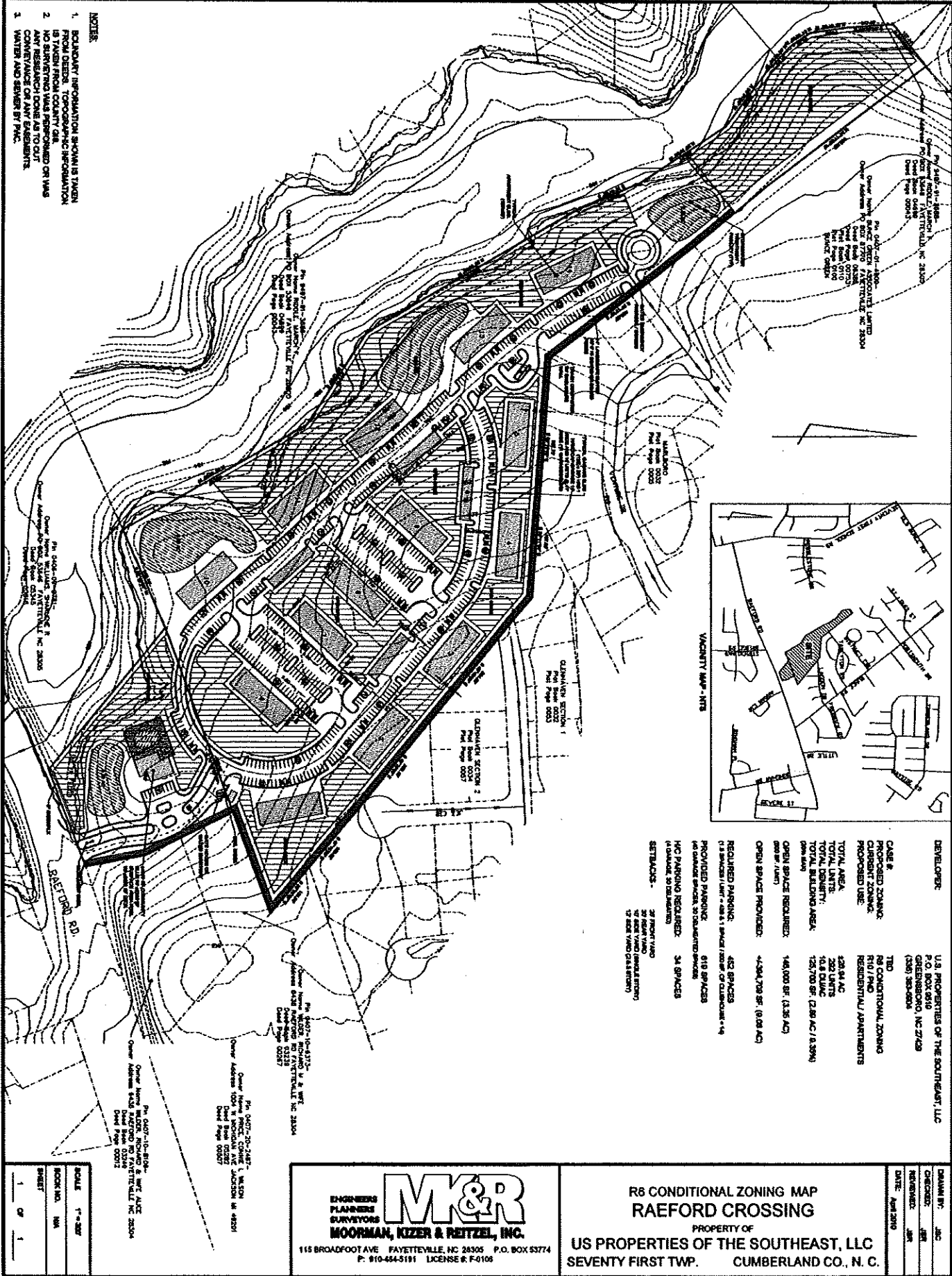
Light Commercial

Heavy Commercial

Low Density Residential

ZONING COMMISSION
CASE NO. P10-20F





TRANSPORTATION IMPACT ANALYSIS

Prepared for Raeford Crossing, LLC



DAVENPORT
TRANSPORTATION CONSULTING

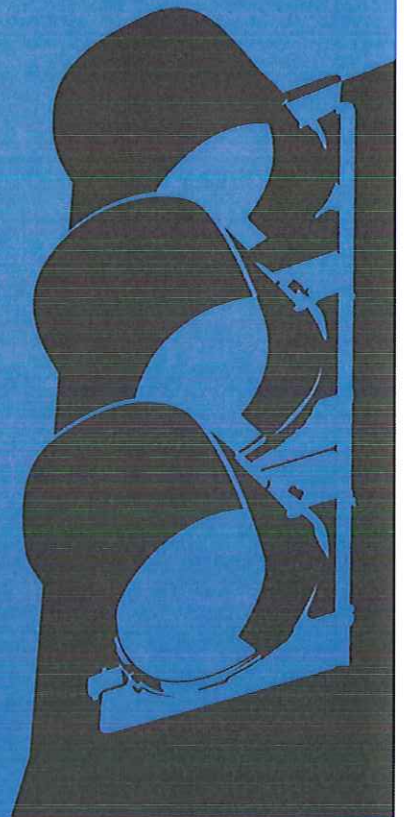
Raeford Crossing Apartments Fayetteville, NC

Project Number: 10-224
6/24/10

North Carolina • South Carolina • Virginia

www.davenportworld.com

8-1-6-1





Transportation Impact Analysis

Raeford Crossing Apartments Fayetteville, NC

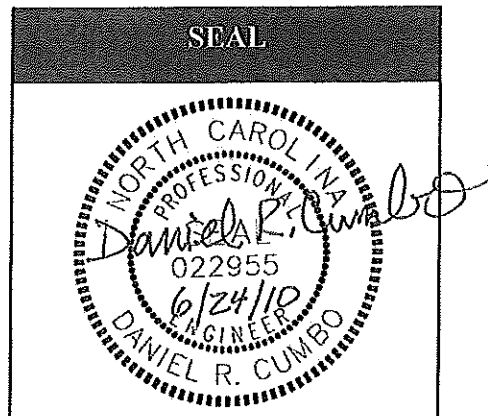
Prepared for Raeford Crossing, LLC
June 24, 2010

Analysis by: Dan Cumbo, P.E.
Nick Liguori, E.I.

Drafting/Graphics by: Nick Liguori, E.I.

Reviewed by: John Davenport, Jr., P.E.

Sealed by: Dan Cumbo, P.E.



This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of, or improper reliance on, this document by others without written authorization and adaptation by Davenport Transportation Consulting shall be without liability to Davenport Transportation Consulting and shall be a violation of the agreement between Davenport Transportation Consulting and the client.



Raeform Crossing Apartments - Transportation Impact Analysis
Prepared for Raeform Crossing, LLC
June 24, 2010

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Raeford Crossing Apartments - Transportation Impact Analysis
Prepared for Raeford Crossing, LLC
June 24, 2010

1.0 Introduction

The proposed Raeford Crossing Apartments is located on the north side of Raeford Road approximately 325 feet west of Arran Circle in Fayetteville, North Carolina. The site will consist of an apartment complex with 292 units. Access to the site as proposed includes one (1) driveway on Raeford Road with left in, right in, and right out access permitted. Figure 1 shows the site plan.

Davenport Transportation Consulting was retained to determine the potential traffic impacts of this development and to identify transportation improvements that may be required to accommodate the impacts of both background traffic and new development traffic. The following intersections were included in the study:

- US 401 (Raeford Road) at SR 1104 (Strickland Bridge Road)
- US 401 (Raeford Road) and Site Access (left-in, right-in and right-out)
- US 401 (Raeford Road) at SR 1411 (Bunce Road) / SR 1141 (Bingham Dr.)
- US 401 (Raeford Road) at Arran Circle

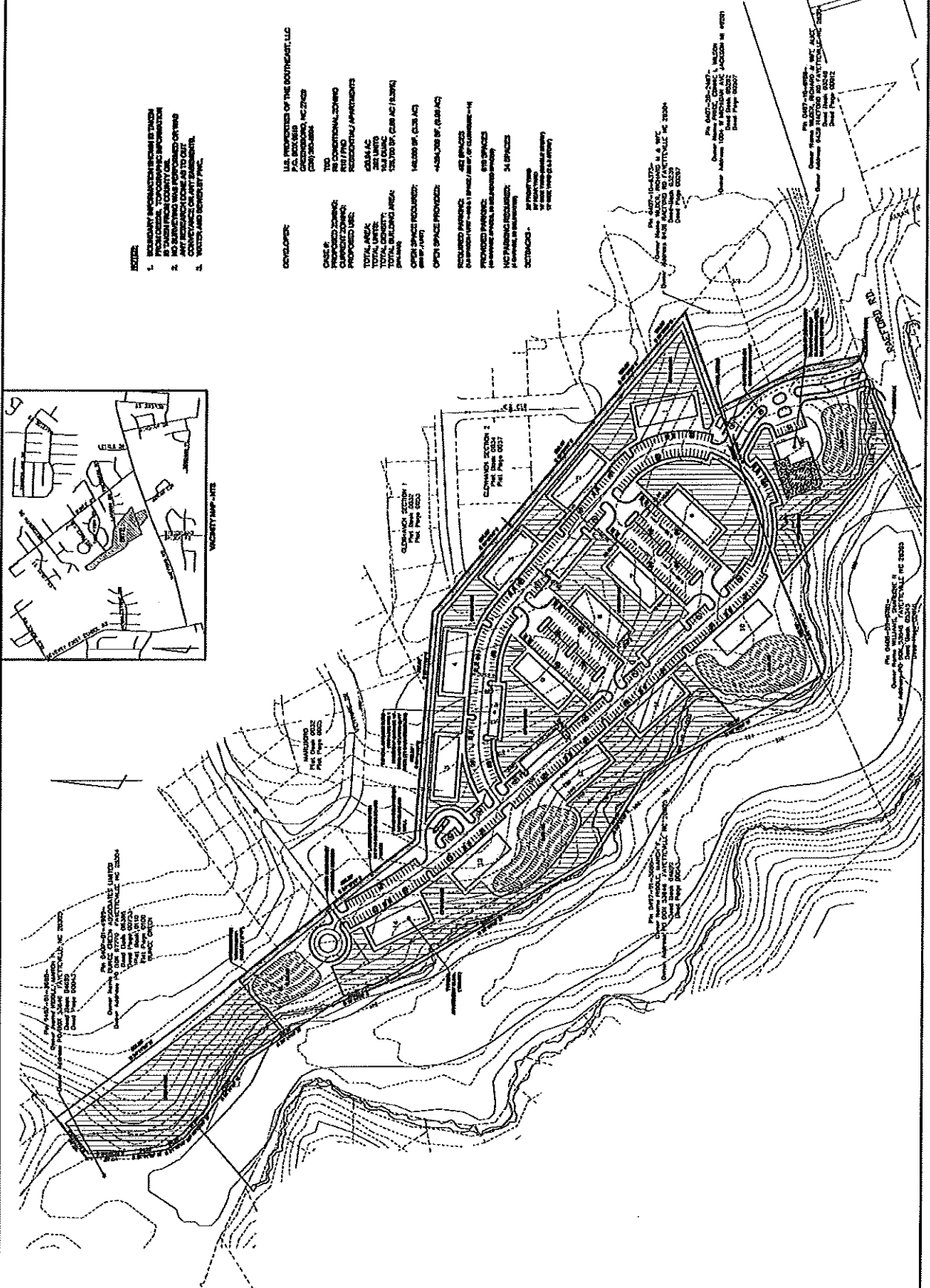
These intersections were analyzed for the following conditions:

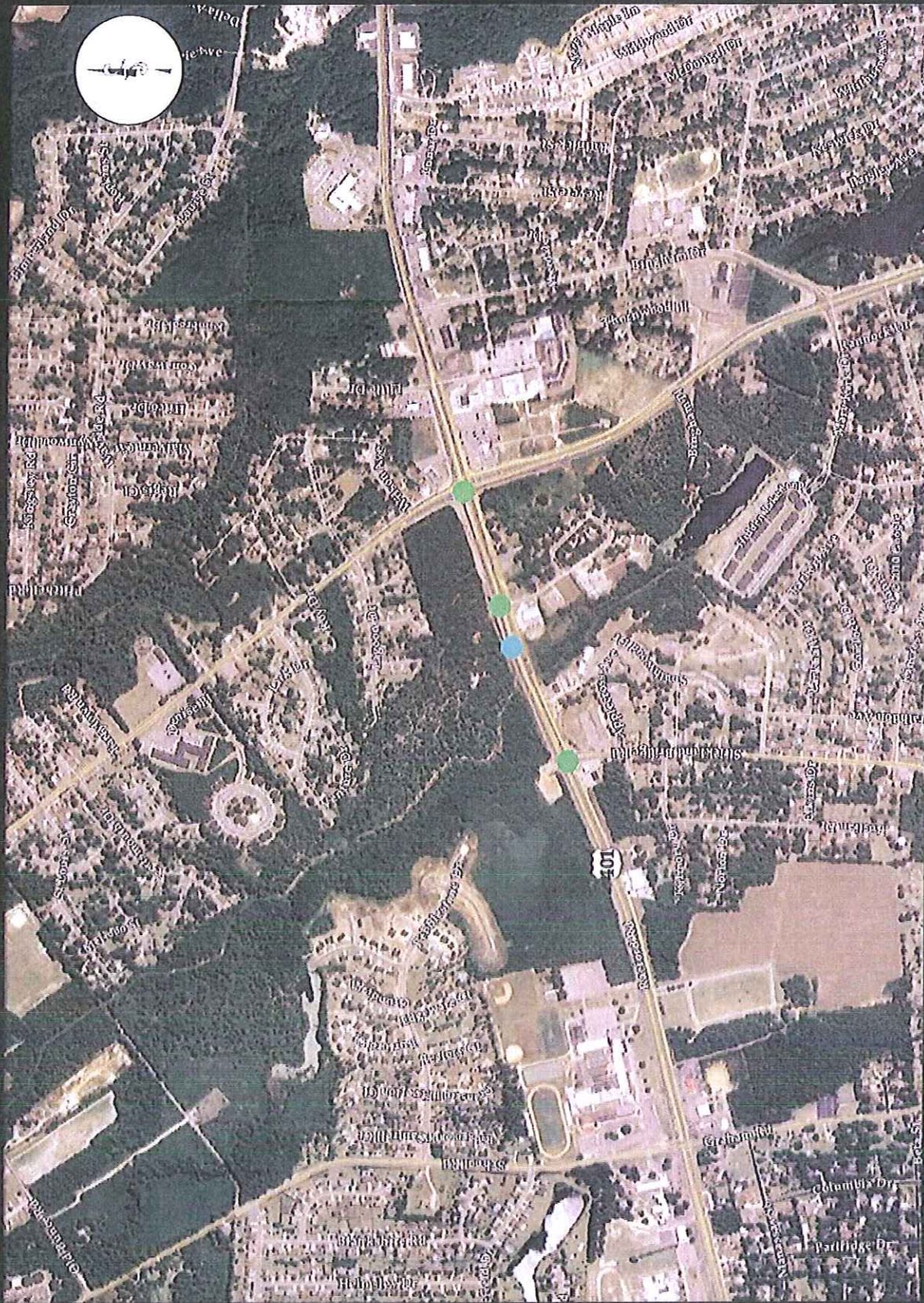
- 2010 Existing Conditions
- Future No-Build Conditions
- Future Build-Out Conditions

The analysis year for this project was assumed to be 2011. Traffic conditions were analyzed for both the AM and PM peaks.

City of Fayetteville and North Carolina Department of Transportation (NCDOT) staff were contacted to obtain background information and to ascertain the elements to be covered in this Traffic Impact Analysis (TIA). Information regarding the property was provided by Raeford Crossing, LLC.

14-00000 ZONE 14P
 PROPERTY OF
 US PROPERTIES OF THE SOUTHEAST, LLC
 SEVENTH FIRST TWP.
 CUSSEWAUN CO., N. C.





STUDY INTERSECTIONS:
 EXISTING ●
 PROPOSED ●

FIGURE 2B
 VICINITY MAP

2.0 Existing Conditions

2.1 Inventory

Field surveys and research were conducted by DTC staff to determine the existing conditions of the transportation facilities within the study area. Table 2.1 contains the results of this effort. Figure 3 contains the existing lane geometry within the study area.

Table 2.1 Street Inventory					
Facility Name	Route #	Typical Cross Section	Pavement Width	Speed Limit	Maintenance
Raeford Road	US 401	4 to 7 lane divided	Varies	55 MPH	NCDOT
Strickland Bridge Road	SR 1104	2-lane undivided	Approx. 24'	35 MPH	NCDOT
Bunce Road	SR 1411	2-lane undivided	Approx. 24'	40 MPH	NCDOT
Bingham Drive	SR 1141	4-lane divided	Approx. 75'	45 MPH	NCDOT
Arran Circle	N/A	2-lane undivided	Approx. 24'	Not posted	City of Fayetteville

2.2 Base Traffic Volumes

Base traffic volumes for this project were collected by DTC staff. Table 2.2 contains the dates these counts were conducted, and school was in session when volumes were collected. Traffic volumes were balanced along US 401 (Raeford Road). Figure 4 contains the base volumes. The full reports for these volumes can be found in the appendix.

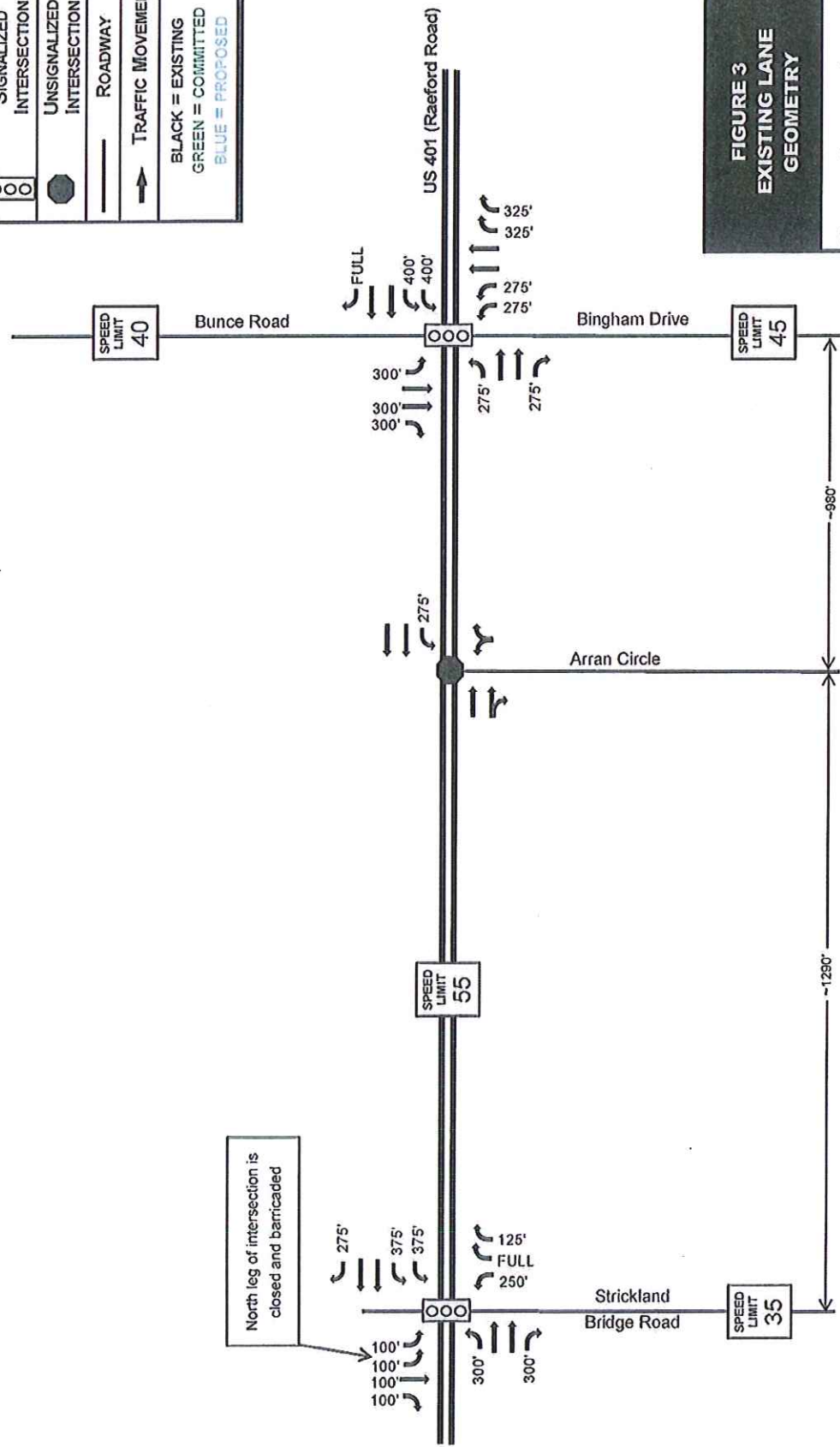
Table 2.2 - Peak Hour Count Locations		
<u>Count Location:</u>	<u>Date Taken:</u>	<u>By:</u>
Raeford Road at Strickland Bridge Road	2/23/2010	DTC
Raeford Road at Arran Circle	5/25/2010	DTC
Raeford Road at Bunce Road / Bingham Drive	2/25/2010	DTC

LEGEND	
	SIGNALIZED INTERSECTION
	UNSIGNALIZED INTERSECTION
	ROADWAY
	TRAFFIC MOVEMENT
BLACK = EXISTING	
GREEN = COMMITTED	
BLUE = PROPOSED	

FIGURE 3
EXISTING LANE
GEOMETRY

RAEFORD CROSSING APARTMENTS

DTC NUMBER 10-224



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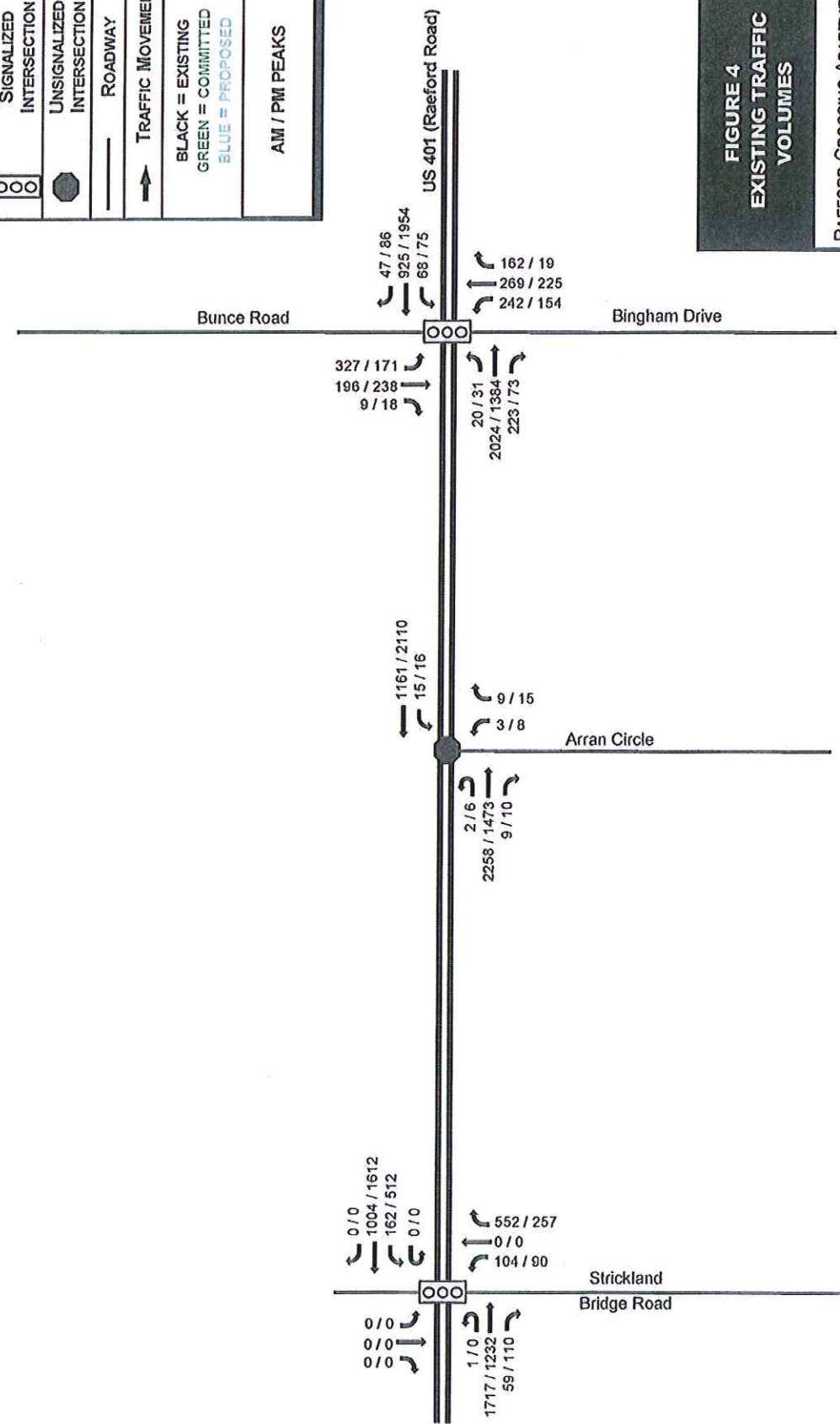
LEGEND	
	SIGNALIZED INTERSECTION
	UNSIGNALIZED INTERSECTION
	ROADWAY
	TRAFFIC MOVEMENT
BLACK	= EXISTING
GREEN	= COMMITTED
BLUE	= PROPOSED
AM / PM PEAKS	

FIGURE 4
EXISTING TRAFFIC VOLUMES

RAEFORD CROSSING APARTMENTS

DTC NUMBER 10-224

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3.0 Approved Development and Committed Improvements

3.1 Approved Developments

Approved developments are developments that have been recently approved in the area, but not yet constructed. Per NCDOT and City of Fayetteville, there are no approved developments within the study area.

3.2 Committed Roadway Improvements

Committed Improvements are improvements that are planned by NCDOT, a local municipality, or a developer in the area, but not yet constructed. Per NCDOT and City of Fayetteville, there are no committed improvements within the study area.

3.3 Raeford Road Corridor Study

The Fayetteville Area Metropolitan Planning Organization (FAMPO), in coordination with the City of Fayetteville and the North Carolina Department of Transportation is currently in the process of conducting a Corridor Study of Raeford Road with the assistance of a private engineering consultant. The study will include traffic operational and safety improvement analysis of an approximately five mile segment of US 401/Business 401 (Raeford Road), from Robeson Street to Hampton Oaks Drive. Since the corridor study results are unknown at this time, NCDOT and the City of Fayetteville have cautioned that the Raeford Road Corridor Study results and recommendations could impact the access allowed for the proposed development. As a part of the transportation impact analysis scoping process, it was agreed upon that this study for the proposed development would analyze a directional left-over design for the site access which would allow left-in, right-in and right-out access. The Raeford Road Corridor Study will include a 2025 year analysis and recommendations. Therefore, depending upon recommendations that result from the Corridor Study, access to the proposed site development may be restricted beyond the transportation impact analysis scoping comments and limited to right-in and right-out only.

4.0 Methodology

4.1 Base Assumptions and Standards

In general, the analysis for this project was conducted utilizing typical standards. The following table contains a summary of the base assumptions:

Table 4.1 Assumptions	
Peak Hour Factor	0.90
Background Traffic Annual Growth Rate	3%
Signal Timing/Phasing	Provided by City of Fayetteville
Analysis Software	Synchro/SimTraffic Version 7.0
Trip Generation	ITE Trip Generation Manual (7 th Edition)
Lane widths	12-feet
Truck percentages	2%

4.2 Trip Generation

The Institute of Transportation Engineers (ITE) Trip Generation software was used to develop the projected trips created by this development. Table 4.2 contains the results.

Table 4.2 - ITE Trip Generation								
Raeform Crossing Apartments Development								
Summary of Single-Use Trip Generation								
26-Mar-10								
Average Weekday Driveway Volumes				24 Hour	AM Peak Hour		PM Peak Hour	
				Two-Way				
Land Use	ITE Land Code	Size		Volume	Enter	Exit	Enter	Exit
Apartments	220	292	Dwelling Units	1893	29	117	116	62
Total Unadjusted Trips				1,893	29	117	116	62

4.3 Trip Distribution

Site trips for this proposed development were distributed based on the existing traffic patterns and engineering judgment. The trip distribution model for this project was approved by NCDOT and City of Fayetteville staff and can be found in Figure 5. The directional distributions for the site trips used for this study are as follows:

- 70% to and from the west on Raeford Road
- 30% to and from the east on Raeford Road

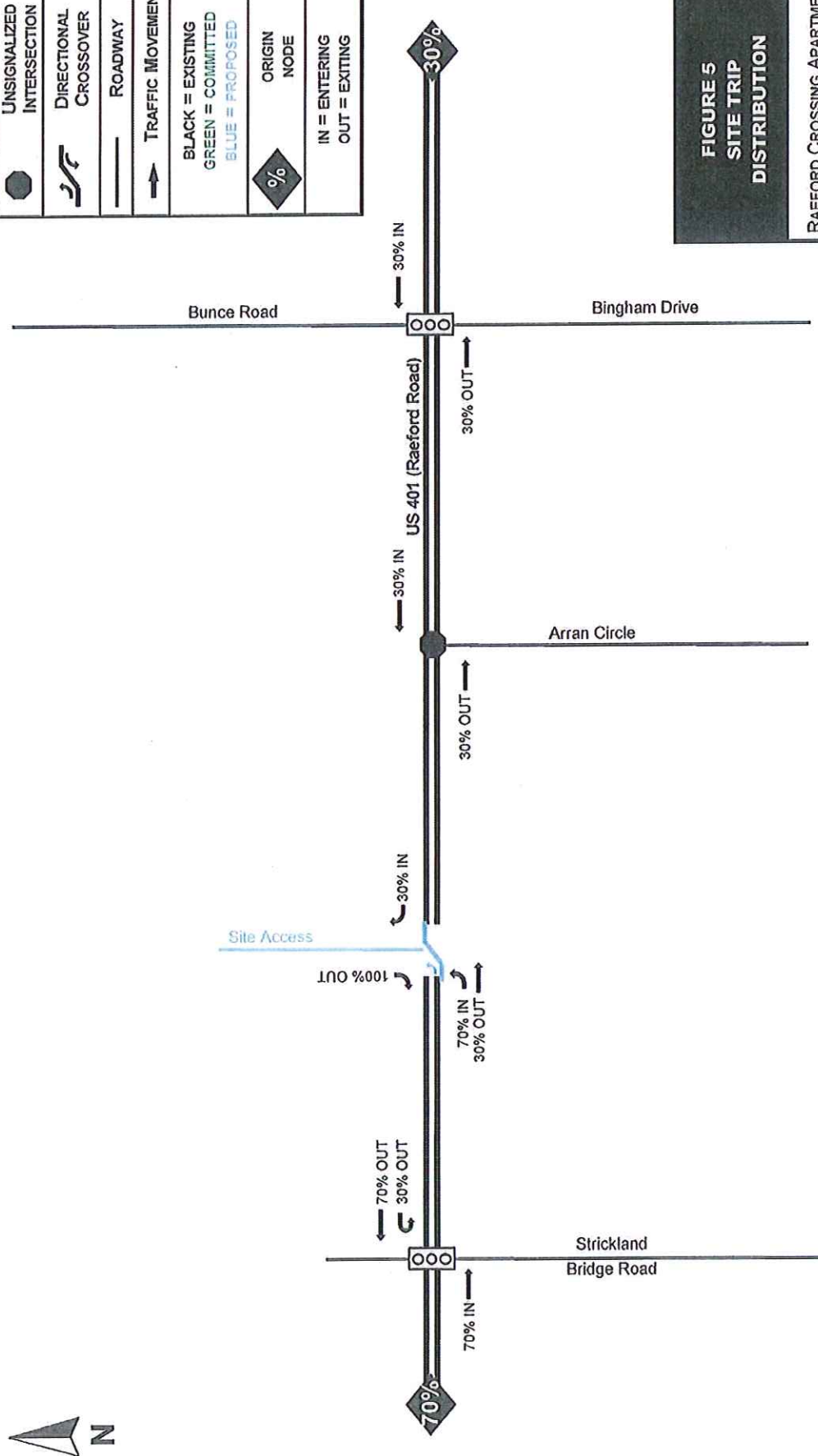
4.4 Exceptions to NCDOT Congestion Management Standards

ITE Trip Generation Version 6 software was used instead of Version 5. This is the latest software available, based on the 8th edition of ITE Trip Generation Manual. Additionally, this analysis used signal timing provided by City of Fayetteville. In some cases, yellow and red splits differ from the Congestion Management standards of 5 second yellow and 2 second red time.

4.5 Total Traffic

The projected build-out traffic volume was obtained by summing the historical growth traffic volumes and the site traffic volumes due to the proposed project. Figures 6 contains the 2011 Future No Build volumes for the AM and PM peaks, Figure 7 shows the site trips generated by this development during the AM and PM peaks and Figure 8 contains the 2011 Future Build volumes for the AM and PM peaks.

LEGEND	
	SIGNALIZED INTERSECTION
	UNSIGNALIZED INTERSECTION
	DIRECTIONAL CROSSOVER
	ROADWAY
	TRAFFIC MOVEMENT
BLACK	= EXISTING
GREEN	= COMMITTED
BLUE	= PROPOSED
	ORIGIN NODE
IN	= ENTERING
OUT	= EXITING



**FIGURE 5
SITE TRIP
DISTRIBUTION**

RAEFORD CROSSING APARTMENTS

DTC NUMBER 10-224

DAVENPORT
TRANSPORTATION CONSULTING

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LEGEND	
	SIGNALIZED INTERSECTION
	UNSIGNALIZED INTERSECTION
	ROADWAY
	TRAFFIC MOVEMENT
	BLACK = EXISTING
	GREEN = COMMITTED
	BLUE = PROPOSED
AM / PM PEAKS	

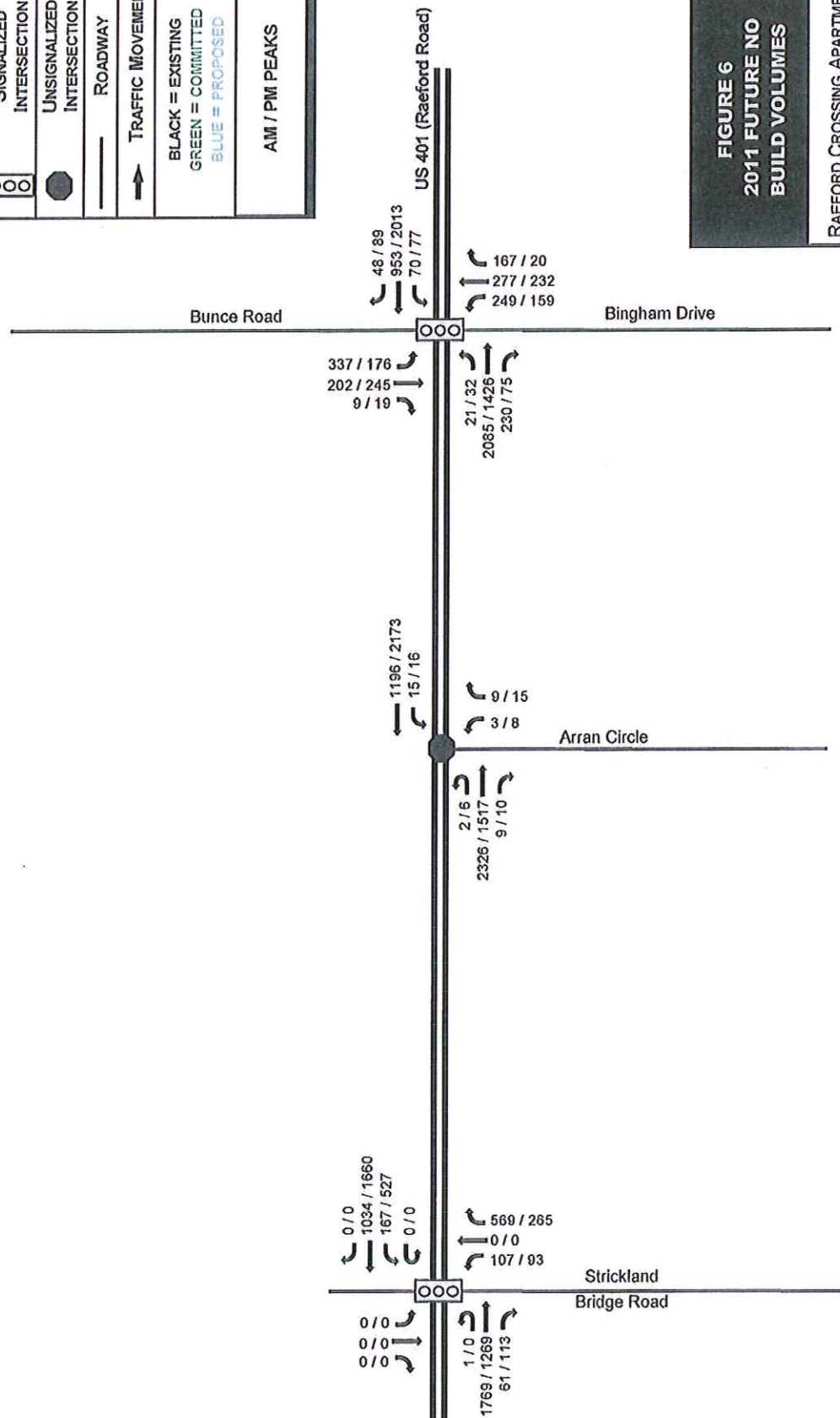


FIGURE 6
2011 FUTURE NO
BUILD VOLUMES

RAEFORD CROSSING APARTMENTS

DTC NUMBER 10-224



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LEGEND	
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	UNSIGNALIZED INTERSECTION
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	ROADWAY
	TRAFFIC MOVEMENT
BLACK = EXISTING	
GREEN = COMMITTED	
BLUE = PROPOSED	
AM / PM PEAKS	

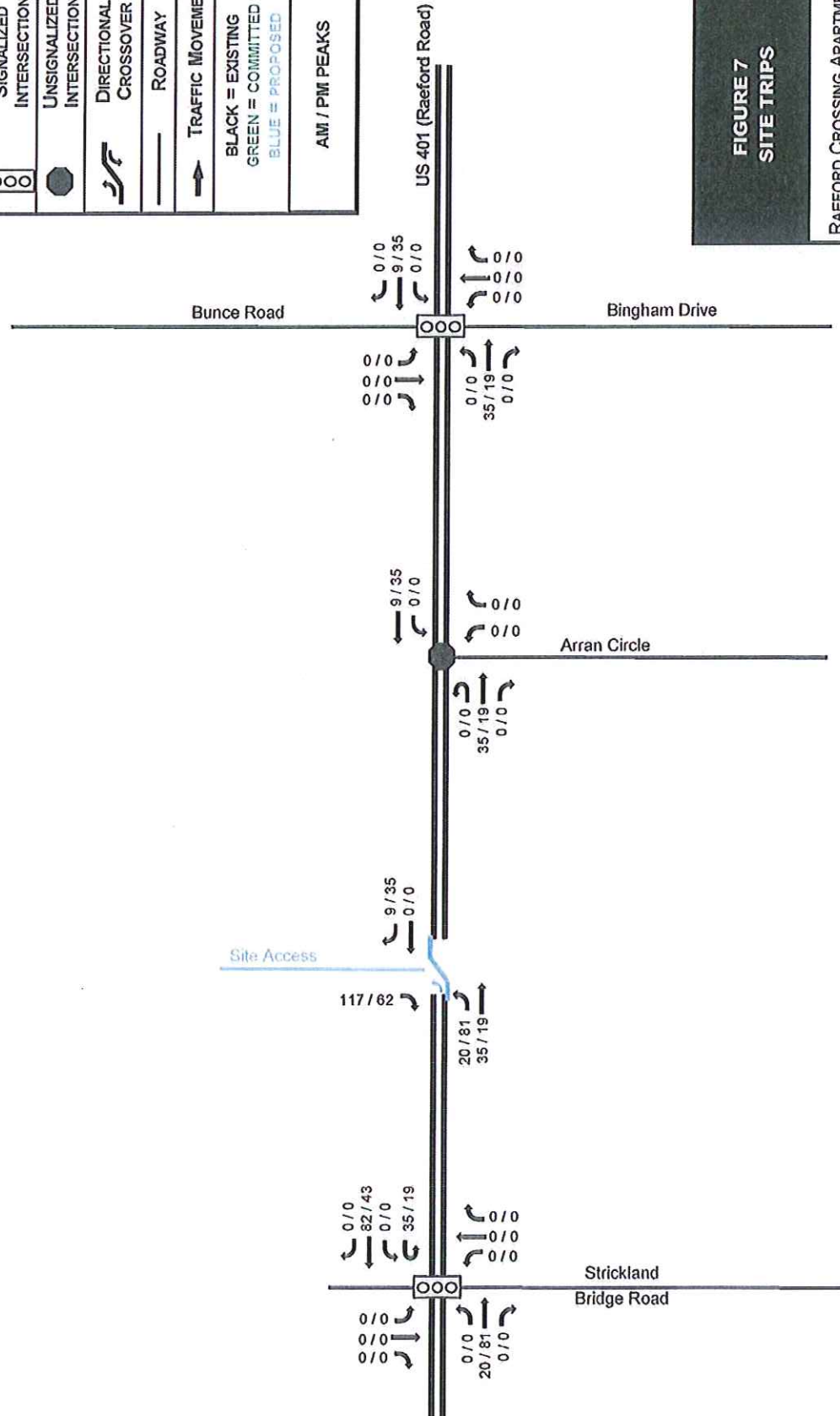


FIGURE 7
SITE TRIPS

RAEFORD CROSSING APARTMENTS

DTC NUMBER 10-224



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LEGEND	
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	UNSIGNALIZED INTERSECTION
	DIRECTIONAL CROSSOVER
	ROADWAY
	TRAFFIC MOVEMENT
BLACK = EXISTING	
GREEN = COMMITTED	
BLUE = PROPOSED	
AM / PM PEAKS	

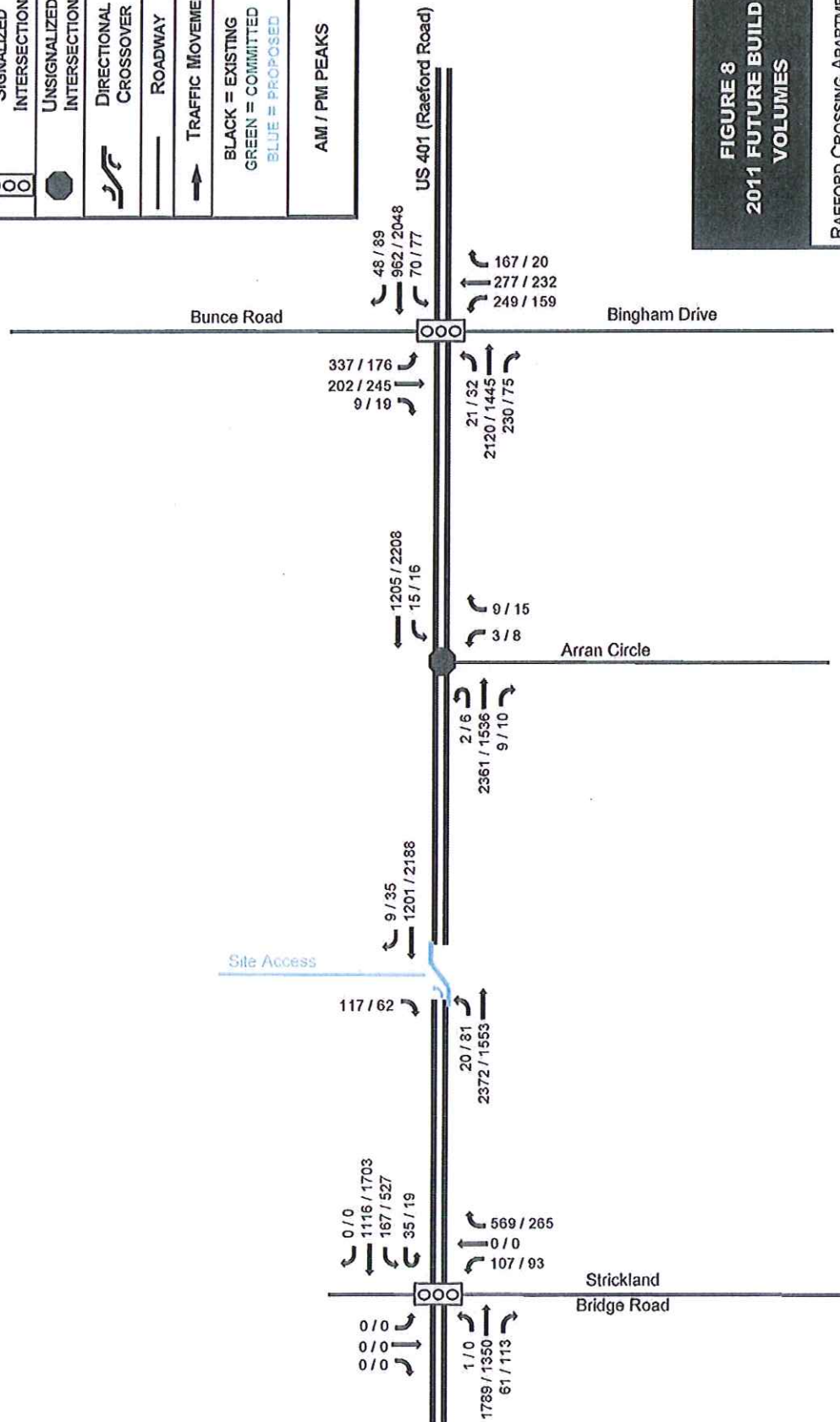


FIGURE 8
2011 FUTURE BUILD
VOLUMES

RAEFORD CROSSING APARTMENTS

DTC NUMBER 10-224



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*** NOT TO SCALE ***

5.0 Capacity Analysis

5.1 Level of Service (LOS) Criteria

The Transportation Research Board's Highway Capacity Manual (HCM) utilizes a term "level of service" to measure how traffic operates in intersections and on roadway segments. There are currently six levels of service ranging from A to F. Level of service "A" represents the best conditions and Level of Service "F" represents the worst. Synchro Traffic Modeling software was used to determine the level of service for studied intersections. Note for unsignalized intersection analysis, the level of service noted is for the worst approach of the intersection. This is typically the left turn movement for the side street approach, due to the number of opposing movements. All worksheet reports from the analyses can be found in the Appendix.

Table 5.1 -Highway Capacity Manual			
Levels of Service and Control Delay Criteria			
Signalized Intersection		Unsignalized Intersection	
Level of Service	Control Delay Per vehicle (sec)	Level of Service	Delay Range (sec)
A	≤ 10	A	≤ 10
B	> 10 and ≤ 20	B	> 10 and ≤ 15
C	> 20 and ≤ 35	C	> 15 and ≤ 25
D	> 35 and ≤ 55	D	> 25 and ≤ 35
E	> 55 and ≤ 80	E	> 35 and ≤ 50
F	> 80	F	> 50

5.2 LOS Results

The following section discusses the level of service results for each intersection.

US 401(Raeford Road) at Strickland Bridge Road

This signalized intersection is expected to operate at LOS C or better during existing, future no build and future build scenarios in the AM and PM peaks. However, our SimTraffic queues analysis indicates queuing problems on Raeford Road in the future no build and build scenarios, particularly in the AM peak, which is mainly due to heavy through traffic volumes along the Raeford Road corridor. The queuing problems indicate the need for planning for additional through lanes in the future along Raeford Road in this vicinity. The Raeford Road Corridor Study, which is currently underway, will likely reflect similar recommendations for providing additional through lanes along Raeford Road in this area.

With the addition of site traffic, the intersection is projected to operate at LOS C during AM and PM peaks. We recommend optimizing splits of the traffic signal and providing a bulb-out area of pavement in the southeast quadrant of the intersection on Raeford Road in order to improve the operations of westbound u-turning movements by existing and proposed site traffic at the intersection.

US 401(Raeford Road) at Site Access

This unsignalized intersection was analyzed with left in, right in, and right out access (left out prohibited). The intersection is expected to operate at LOS B and LOS F during future build AM and PM peaks, respectively. The LOS F condition occurs on the eastbound left movement, and is mainly due to heavy opposing (westbound) volume in the PM peak. This condition is typical for major roads with heavy traffic like Raeford Road. Delays will be limited to peak periods, and will be short-lived. Based upon predicted queues in Synchro and SimTraffic analysis, we recommend providing an eastbound left turn lane on Raeford Road with 150 feet of storage, appropriate deceleration length and appropriate taper. The design of the left turn lane should utilize a directional left-over configuration which physically restricts exiting southbound left turning movements from the site. Additionally, we recommend providing a westbound right turn lane on Raeford Road with 100 feet of storage, appropriate deceleration length and appropriate taper.

As previously mentioned, a Corridor Study of Raeford Road is currently underway, and the study results are unknown at this time. The results and recommendations of the corridor study could impact the access allowed for the proposed development and further limit access to right-in and right-out only.

US 401(Raeford Road) at Arran Circle

This unsignalized intersection operates at LOS F during existing, future no build, and build AM peaks, and at LOS B in all PM peak scenarios. The LOS F condition is mainly due to the lack of left turn gaps for side street traffic turning from Arran Circle. This condition is typical for minor approaches onto major roads with heavy traffic like Raeford Road, and delays are expected to be limited to peak periods. Conversion of this full movement intersection to a directional left-over design configuration will provide safety and operational improvements. A directional left-over would restrict northbound left turning movements from Arran Circle, which are difficult in peak periods and therefore create additional delay for northbound right turning movements. In addition, a directional left-over would restrict eastbound u-turning movements on Raeford Road at this intersection which is not currently designed with an eastbound left turn lane on Raeford Road. This intersection is within the Raeford Road Corridor Study which is currently underway. While the study is not yet complete, it is likely to recommend limiting certain full movement intersections such as Arran Circle in order to reduce conflicts and to improve operations and safety along the corridor. Based on existing and future no build traffic conditions, this intersection will require a directional left-over mitigation measure. This improvement is necessary whether this project is built or not. Hence, this improvement should not be the responsibility of the Raeford Crossing Apartments development.

US 401(Raeford Road) at Bunce Road / Bingham Drive

This signalized intersection is expected to operate at LOS E and LOS D during existing AM and PM peaks, respectively. Under future no build conditions, LOS F and LOS D are expected for AM and PM peaks, respectively. Additionally, our traffic simulation indicates queuing issues on the southbound left turn on Bunce Road, and the westbound and eastbound approaches on Raeford Road. This condition is mainly due to heavy traffic volumes, and indicates that improvements are required at this intersection regardless of whether the project is built. With the addition of site traffic, the intersection is projected to operate at LOS F during the AM peak and LOS D during the PM peak. We recommend optimizing splits of the traffic signal and re-striping the southbound approach on Bunce Road to provide dual (2) left turn lanes to accommodate the additional traffic in the future build scenario. These recommended improvements decrease the average intersection delay in the Build year by 31.8 seconds in the AM peak and 8.8 seconds in the PM peak, resulting in lower intersection delays in the peak periods than currently exist.

5.3 LOS Summary

Table 5.2 represents the summary of the level of service analysis for all study scenarios.

Table 5.2 - Level of Service Summary				
AM Peak	2010 Existing	2011 Future No Build	2011 Build	2011 Build with Improvements
Raeform Road at Strickland Bridge Road	C (27.7)	C (29.2)	C (31.3)	C (29.2)
Raeform Road at Site Access			B (11.7) SB Right	B (11.6) SB Right
Raeform Road at Arran Circle	F (59.2) NB Approach	F (70.3) NB Approach	F (79.6) NB Approach	E (45.1) WB Left
Raeform Road at Bunce Road / Bingham Drive	E (78.9)	F (86.5)	F (89.4)	E (57.9)
PM Peak	2010 Existing	2011 Future No Build	2011 Build	2011 Build with Improvements
Raeform Road at Strickland Bridge Road	C (24.3)	C (24.6)	C (26.4)	C (25.1)
Raeform Road at Site Access			F (53.3) EB Left Thru	F (55.9) EB Left
Raeform Road at Arran Circle	B (13.8) NB Approach	B (14.0) NB Approach	B (13.9) WB Left	B (13.9) WB Left
Raeform Road at Bunce Road / Bingham Drive	D (43.3)	D (48.3)	D (51.3)	D (42.5)
LOS (delay in seconds)				
Note for unsignalized conditions, LOS and delay indicates only minor street approach with longest delay				

6.0 Summary and Conclusion

Our trip generation indicates the proposed Raeford Crossing development is projected to generate a total of 1,839 trips per day. This is based on 292-unit apartment complex. Trips have been generated according to ITE Trip Generation methodology.

Our analysis anticipates there will be capacity issues on Raeford Road at the intersections of Bunce Road / Bingham Drive and at Arran Circle. However, with the implementation of recommended improvements outlined in Table 6.0, the traffic impacts as a result of this development will be mitigated.

In conclusion, this analysis has been conducted based on the scope given by the City of Fayetteville and NCDOT. We have identified all areas of deficiency and made recommendations for improvements where necessary. Should our recommendations be implemented, this project would not have a serious or detrimental effect on transportation capacity within the study area.

Table 6.0 below summarizes the recommended improvements for the 2011 future build scenario. Improvements are shown in Figure 9.

Table 6.0 - Recommended Improvement Summary	
Raeford Road at Strickland Bridge Road	<ul style="list-style-type: none"> Optimize splits of traffic signal Provide a bulb-out on the southeast quadrant of the intersection of Raeford Road to improve u-turning movements
Raeford Road at Site Access	<ul style="list-style-type: none"> Provide eastbound directional left-over on Raeford Road with 100 feet of storage and appropriate deceleration length and taper. Provide a westbound right turn lane with 100 feet of storage and appropriate deceleration length and taper.
Raeford Road at Arran Circle	<ul style="list-style-type: none"> Improvements are necessary during existing and future no-build conditions, regardless of whether this project is developed: Convert full-movement intersection to a directional left-over
Raeford Road at Bunce Road / Bingham Drive	<ul style="list-style-type: none"> Optimize splits of traffic signal Re-stripe the southbound approach on Bunce Road to provide dual (2) left turning lanes

LEGEND	
	SIGNALIZED INTERSECTION
	UNSIGNALIZED INTERSECTION
	DIRECTIONAL CROSSOVER
	ROADWAY
	TRAFFIC MOVEMENT
BLACK = EXISTING GREEN = COMMITTED BLUE = PROPOSED RED = IMPROVEMENTS WARRANTED DUE TO EXISTING AND NO-BUILD TRAFFIC	

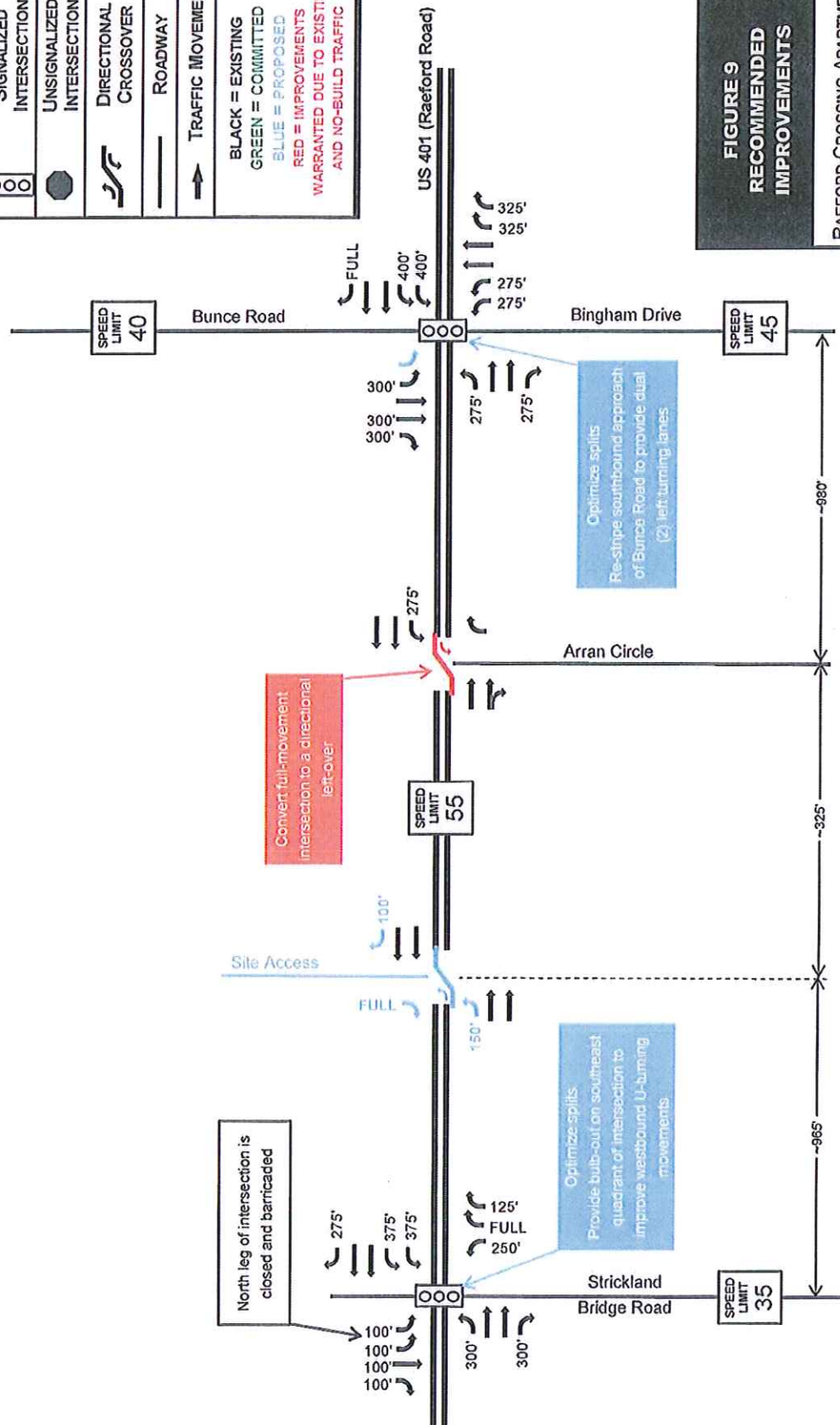


FIGURE 9

RECOMMENDED IMPROVEMENTS

RAEFORD CROSSING APARTMENTS

DTC NUMBER 10-224



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*** NOT TO SCALE ***

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
MAY 11, 2010 @ 7:00 P.M.**

MEMBERS PRESENT

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

MEMBERS ABSENT

Steve Mannell
Martin J. Hendrix

OTHERS PRESENT

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

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

I. APPROVAL OF AGENDA

Mr. West made a motion to approve the agenda for April 13, 2010. Mr. Tally seconded the motion. A vote was taken and passed unanimously.

II. APPROVAL OF THE MINUTES FROM THE APRIL 9, 2010 MEETING

Mr. Paoni requested that the minutes be amended to reflect April 13, 2010 as opposed to April 9, 2010 as it currently reflects. Mr. West made a motion to approve the amended minutes from the April 13, 2010 meeting. The motion was seconded by Mr. Tally. A vote was taken and passed unanimously.

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

III. PUBLIC HEARINGS

- G. Case No. P10-20F.** The rezoning from PND Planned Neighborhood Development District and R10 Residential District to R6 Residential District or to a more restrictive zoning classification for property located at 6352 Raeford Road. Containing 26.94 acres more or less and being the property of Wayne S. and Vincent J. West, and Joseph P. Riddle III, Carolyn R. Armstrong and Sharlene R. Williams.

Mr. Harmon presented the case. He explained the surrounding properties and stated that the 2030 land use plans calls for low density residential and conservation due to the flood plane on the property. Mr. Harmon explained that this property is located on a major thoroughfare, mainly surrounded by residential zoning.

Mr. Harmon discussed the neighborhood meeting.

Mr. Harmon explained the conditions of approval offered by the applicant to include the submitted site plan, the number of units and parking spaces as well as emergency access to the property.

Mr. Harmon explained that additional conditions suggested by staff to improve the compatibility with the surrounding residential development and the public be:

1. All lighting to be shielded to prevent light trespass.
2. Increase the buffer along the eastern boundary to better protect the existing residential properties.
3. Lower the amount of parking, applicant is providing approximately 200 more spaces than required by ordinance.

Mr. Harmon stated that the planning staff recommends Approval of the rezoning based on:

1. Although the 2010 Land Use Plan calls for low density residential it is staff's opinion that medium density residential is also appropriate. Mr. Harmon stated that a stronger buffer needed to be placed between this development and the Single Family Residential development to the east.
2. The property is located along a major thoroughfare.
3. An apartment complex will be compatible with the character and development pattern of Raeford Road.

The public hearing was opened.

Mr. Johnathan Charleston appeared in favor of the request. He stated that he was present on behalf of the applicant. He stated that the rezoning is for the property to be used as a gated apartment complex. Mr. Charleston stated that the area around Raeford Road is growing and that a medium density use would benefit the area.

Mr. Charleston explained the applicant's conditions on the property and he explained that the staff's requested conditions with the exception of the parking spaces. Mr. Charleston explained that some of the parking spaces are actually garage spaces or storage spaces.

Mr. West asked about the gate and Raeford Road and potential traffic problems.

Mr. Jimmy Kizer stated that there would be an area before the gate to the apartments and that they see no problems with traffic. Mr. Kizer stated that there is an emergency access gate in the back of the complex.

Mr. Kizer explained the ratio of parking spaces to apartments and why they would like to keep the parking.

There was a question and answer period with the Commission to include matters of conditions, community meeting and buffers.

Mr. Paoni made a motion to approve the request to the conditions that the applicant agreed to. Mr. West seconded the motion. A vote was taken and passed unanimously.

IV. OTHER

V. ADJOURNMENT

Mr. West made a motion to adjourn. Mr. Paoni seconded the motion. A vote was taken and passed unanimously.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Stanley Victrum, City Chief Information Officer
DATE: July 12, 2010
RE: Preview of the City's New Web Site Redesign

THE QUESTION:

Is the City ready to launch the new redesign of the City's main web site?

RELATIONSHIP TO STRATEGIC PLAN:

1. This web site redesign relates to City Vision 2023 Guiding Principles A.2 and A.4, to the City 2014 Goals 4.1, 4.3, 4.6, 5.2 and 5.5 and specifically to Item #18 of the Section "Management in Progress 2009 - 2010".

BACKGROUND:

City IT, in conjunction with the City Public Information Office, has spent FY09-10 redesigning the City's main web site. The redesigned site is now ready to be launched to the general public and the City Staff requests the opportunity to present the new site to the Council prior to its official launch to the general public.

ISSUES:

1. There are no pending issues.

OPTIONS:

1. Proceed with the launch of the new redesign of the City's main web site.
2. Do not proceed with the launch of the new redesign of the City's main web site and provide guidance to the City Staff on how the Council would like to proceed.

RECOMMENDED ACTION:

Proceed with the launch of the new redesign of the City's main web site.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Doug Hewett, Assistant City Manager/Rebecca Rogers Carter, Management Services Manager
DATE: July 12, 2010
RE: **FY 2010-11 Strategic Plan Adoption**

THE QUESTION:

Do the attached documents accurately reflect the City Council's interests related to the FY 2010-11 strategic plan?

RELATIONSHIP TO STRATEGIC PLAN:

The attached document represents the foundation for the City's FY 2010-11 strategic plan as developed by the City Council during their planning retreat this February and the follow up session in March. If approved by the City Council, this strategy will govern policy and management direction of the City from July 1, 2010 through June 30, 2011.

BACKGROUND:

The City's Strategic Plan has three main areas:

- A vision statement that describes the type of community the Council would like to facilitate through policy direction and staff's work efforts
- A mission statement that describes our organizational purpose, "making Fayetteville a better place for all"
- A list of core values that describes our standards of performance which is expressed with the acronym statement to "Serve with RESPECT"
- Multi-year goals that provide an intermediate focus for the work of City Council and staff, and further outlines the activities Council believes are necessary to realize the vision
- A one-year action plan that identifies issues that Council wishes to address by providing policy direction and the necessary actions that the City management should complete during the upcoming fiscal year.

ISSUES:

The attached documents accurately reflect City Council's interests related to the FY 2010-11 Strategic Plan for the City of Fayetteville.

OPTIONS:

1. Adopt, modify, or reject the City of Fayetteville FY 2010-11 Strategic Plan as presented 2. Take no action at this time.

RECOMMENDED ACTION:

Adopt the FY 2010-11 Strategic Plan

ATTACHMENTS:

Proposed FY2011 Strategic Plan

Strategic Plan

Fiscal Year 2011

Policy and Management Agenda

THE MISSION

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

The City government is financial sound and provides 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.

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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	1 st Qtr 2011
Development of a new administrative manual	2 nd Qtr 2011
Adoption of a new citywide zoning map under the UDO districts	2 nd Qtr 2011
Implementation of adopted UDO	3 rd Qtr 2011

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
Approve budget for 12 additional positions in FY11	June 2010
Authorize the overhire of 15 positions, which enables the Police Department to stay at full strength	June 2010
Increase effective recruiting and retention techniques and include results in the weekly report	Continuous

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	FY 2010
Develop options per program	1 st Qtr 2011
Receive Council direction to proceed with program development	2 nd Qtr 2011
Implement Council approved options	4 th Qtr 2011

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	1st Qtr 2011
Begin construction	2 nd Qtr 2011

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 researches and makes recommendations for the study and receives direction and resources 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
Development of project and options with final cost estimates	1 st Qtr 2011
Receive City Council direction to move forward	2 nd Qtr 2011
City Council approval for consultant	3 rd Qtr 2011

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 \$18 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

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	2 nd Qtr 2011
Final review of the draft and adoption of regulations	3 rd Qtr 2011

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 is 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.

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

- Measure of success: Implementation of the Ramsey Street Corridor Plan.

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, Parks & Recreation and DOT.

Action Plan	Estimated Completion
DOT goes to let for construction of medians	1 st Qrt
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

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	June 2010
Set budget for FY 2010-2011	June 2010

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

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: An effective rental registration program that improves neighborhoods in Fayetteville.

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	1 st Qtr 2011
Adoption of ordinances and funding plan	3 rd Qtr 2011
Implementation and enforcement of program	2012

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: 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 progress of project and devise strategy	2 nd Qtr 2011
Make modifications to sign ordinance and present to City Council	4 th Qtr 2011

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	FY10
Alternatives study complete in May 2010 – general aviation alternatives	FY10
Report recommendations to management and City Council	1 st Qrt 2011
Support, evaluate and report on the City's participation in BRAC Regional Task Force Comprehensive Regional Growth Plan	Continuous

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 for remaining properties with tenants 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 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	2 nd Qtr 2011

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 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. Construction will start this summer. 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 fully 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
Substantially complete the construction of Fire Station #19	3 rd Qtr 2011
Move fire operations into Fire Station #19	4 th Qtr 2011

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 and complete redevelopment plan.

Staff Liaison: Victor Sharpe, Community Development Director

Email Address: vsharp@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 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

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	1 st Qtr 2011
Implement tree preservation ordinance	3 rd Qtr 2011

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: vsharp@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	1 st Qtr 2011
Completion of HUD Section 108 loan application for funding	1 st Qtr 2011
Start of acquisition, demolition, clearance and relocation in support of redevelopment plan	3 rd Qtr 2011

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. Recently, the City was awarded a Freedom Grant in the amount of \$200,000 through the Transit Department which will provide approximately \$180,000 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: 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	4 th Qtr 2011
Update the current list of where sidewalks are needed	4 th Qtr 2011

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	1 st Qtr 2011
Identification of young people interested in government countywide	2 nd Qtr 2011
Establish Youth Council	3 rd Qtr 2011

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

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 developed 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: vsharpe@ci.fay.nc.us

Phone Number: 910-433-1933

Team Members: Community Development and Special Projects staff

Action Plan	Estimated Completion
Review of goals and accomplishments of the current Fayetteville Renaissance Plan	1 st 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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Hampton, Special Projects Director
DATE: July 12, 2010
RE: Award of Construction contract for Visitor Center for Veterans Park:?

THE QUESTION:

Does Council wish to award the construction contract for the Visitor Center for Veterans Park

RELATIONSHIP TO STRATEGIC PLAN:

2009 Strategic Plan-Listed as Objective #3, Goal #6-Revitalized Downtown

BACKGROUND:

On June 7, 2010 Council was briefed on the pre-qualification and bid processes used to obtain the bids associated with the 4 phases of Veterans Park. On June 14, 2010 Council awarded a construction contract to LeChase Construction Services, Inc. Durham, NC for construction of the main park area. That contract is underway. On June 17, 2010 the city received 4 qualified bids for the construction work known as the Visitors Center. A bid tabulation sheet & bids from all bidders is included in this council action request. After review of all bids received and verification of minority business goals LeChase Construction Services, Inc. Durham, NC, the same company awarded the main park contract, has been determined to be the lowest responsible and responsive bidder. The low bid received from LeChase exceeded the probable cost of construction by approximately \$200,000.

In accordance with NCGS 143-129 staff and the architectural team for the center have entered into negotiations with LeChase to make reasonable changes to some of the plans and/or specifications of materials to reduce the overall cost of the project. As a result of the collaborative value engineering process, the items identified as of the date of the award request is equal to at least a \$100,000 reduction in the overall amount of the contract and may be reduced even further as additional items are analyzed. The recommendation is to authorize the award of this contract to LeChase Construction Services in the negotiated amount of \$1,515,980 (sum of low bid minus \$100,000) and authorize the city manager or designee to execute all documents and conduct all final value engineering negotiations necessary to complete the project.

ISSUES:

1. LeChase exceeded the 10% minority business goal of this project by 7%. All other bidders failed to meet the goal.
2. LeChase will now be the on-site contractor for both the main park and visitor center. This greatly improves the project planning process and the required completion date of mid-June 2010.
3. Additional savings by changes in plans or specifications will be analyzed and applied with assurance there will be no compromise in quality or performance of the finished product. Weekly project reports will outline future project savings.

OPTIONS:

1. Award the construction contract for the visitors center to LeChase Construction Services, Inc. Durham, NC in the negotiated amount of \$1,515,980 as requested.

2. Do not award and provide guidance to staff.

RECOMMENDED ACTION:

1. Award the construction contract for the visitors center to LeChase Construction Services, Inc. Durham, NC in the negotiated amount of \$1,515,980.

ATTACHMENTS:

Visitor Center Bids and Bid Tabulation

**NORTH CAROLINA VETERANS PARK – VISITORS CENTER
FAYETTEVILLE, NORTH CAROLINA**

Bid Date: June 17, 2010 @ 11:00 AM

XGeneral Contractor	Base Bid	% SDBE Participation	Alternate No. G-1 Preferred Fire Alarm/Security Panel	Alternate No. G-2 Preferred Electrical Panel	Alternate No. G-3 Preferred Electric Water Cooler	TOTAL
LeChase Construction Services, LLC Durham, NC	\$1,614,000	\$274,780 (17%)	0.00	\$230.00	\$1,750.00	\$1,615,980
Daniels & Daniels Construction Co., Inc. Goldsboro, NC	\$1,662,000	\$0 (0%)	0.00	\$230.00	\$1,750.00	\$1,663,980
D.S. Simmons, Inc. Goldsboro, NC	\$1,699,000	\$875 (0.05%)	0.00	\$0.00	\$1,800.00	\$1,700,800
C. T. Wilson Construction Co., Inc. Durham, NC	\$1,788,968	\$0 (0%)	0.00	\$250.00	\$1,900.00	\$1,791,118

**CITY OF FAYETTEVILLE
NORTH CAROLINA VETERANS PARK – VISITORS CENTER
BID PROPOSAL PACKAGE**

In compliance with your Invitation for Bids, the undersigned hereby proposes to furnish materials and perform the work for this project per the items listed herein in strict accordance with the Invitation for Bids, Standard Specifications, and Special Provisions contained in the contract documents for the consideration of prices quoted for the enclosed contract items.

THE CITY RESERVES THE RIGHT TO ELIMINATE OR ADD TO THIS CONTRACT.

ALL PRICES ARE TO INCLUDE NC SALES AND USE TAXES

This Bid Proposal Package is executed by:

Name Paul Sevene Title Executive Vice President

Company Name LeChase Construction Services, LLC

Address 324 Blackwell Street, Suite 1200, Durham NC 27701

Signature  Phone No. 919-688-5300

License # 46327

Base Bid Total (Entire contract including all subcontracts) \$ 1,614,000

Base Bid Total (Written-same number as above) One million six hundred
fourteen thousand

List below the names, license number, and dollar amount of subcontracts for the section of work specified for the following:

TYPE OF CONTRACT	SUBCONTRACTOR NAME	SUBCONTRACTOR LICENSE NUMBER	DOLLAR AMOUNT OF SUBCONTRACT
SPRINKLER	Phoenix Fire Protection	13628	\$10,500
HVAC	Boh Hairce Plm & Mnt	4884230	\$128,360
PLUMBING	Shoreline Plumbing	19669	\$49,400
ELECTRICAL	Integrated Elec	27366-U	\$165,000

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ALL PRICES ARE TO INCLUDE NC SALES AND USE TAXES

This Bid Proposal Package is executed by:

Name James N. Daniels Title President

Company Name Daniels & Daniels Construction Company, Inc.

Address P.O. Box 10337, Goldsboro NC 27532-0337

Signature  Phone No. (919) 778-4525

License # 23697

Base Bid Total (Entire contract including all subcontracts) \$ 1,662,000.00

Base Bid Total (Written-same number as above) One million Six

hundred and Sixty ~~thousand~~ two thousand Dollars

List below the names, license number, and dollar amount of subcontracts for the section of work specified for the following:

TYPE OF CONTRACT	SUBCONTRACTOR NAME	SUBCONTRACTOR LICENSE NUMBER	DOLLAR AMOUNT OF SUBCONTRACT
SPRINKLER	Phenix	13628	10,500.00
HVAC	HAIRE	4230	128,360.00
PLUMBING	Shoreline	19669	47,650.00
ELECTRICAL	intellect	27336-4	168,000.00

**CITY OF FAYETTEVILLE
NORTH CAROLINA VETERANS PARK - VISITORS CENTER
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THE CITY RESERVES THE RIGHT TO ELIMINATE OR ADD TO THIS CONTRACT.

ALL PRICES ARE TO INCLUDE NC SALES AND USE TAXES

This Bid Proposal Package is executed by:

Name Stephanie P. Ross Title President

Company Name D. S. Simmons, Inc.

Address PO Box 287, Goldsboro, NC 27533-0287

Signature *Stephanie P. Ross* Phone No. (919) 734-4700

License # 7651

Base Bid Total (Entire contract including all subcontracts) \$1,699,000.⁰⁰

Base Bid Total (Written-same number as above) one million six hundred ninety nine thousand and 00/100

List below the names, license number, and dollar amount of subcontracts for the section of work specified for the following:

TYPE OF CONTRACT	SUBCONTRACTOR NAME	SUBCONTRACTOR LICENSE NUMBER	DOLLAR AMOUNT OF SUBCONTRACT
SPRINKLER	Phoenix	13628	\$10,500. ⁰⁰
HVAC	Haire	4230	\$128,360. ⁰⁰
PLUMBING	Shoreline	19669	\$47,650. ⁰⁰
ELECTRICAL	Intellect	27366-4	\$168,000. ⁰⁰

**CITY OF FAYETTEVILLE
NORTH CAROLINA VETERANS PARK - VISITORS CENTER
BID PROPOSAL PACKAGE**

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THE CITY RESERVES THE RIGHT TO ELIMINATE OR ADD TO THIS CONTRACT.

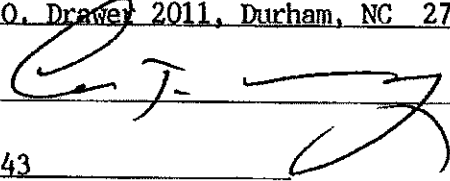
ALL PRICES ARE TO INCLUDE NC SALES AND USE TAXES

This Bid Proposal Package is executed by:

Name Charles T. Wilson, Jr. Title President

Company Name C.T. Wilson Construction Co., Inc.

Address P.O. Drawer 2011, Durham, NC 27702

Signature  Phone No. 919-383-2535

License # 2443

Base Bid Total (Entire contract including all subcontracts) \$ 1,788,968.00

Base Bid Total (Written-same number as above) One million seven hundred
thousand eight hundred eighty eight

List below the names, license number, and dollar amount of subcontracts for the section of work specified for the following:

TYPE OF CONTRACT	SUBCONTRACTOR NAME	SUBCONTRACTOR LICENSE NUMBER	DOLLAR AMOUNT OF SUBCONTRACT
SPRINKLER	Phoenix Fire Protection	13628	10,500.00
HVAC	Haire	4230	128,360.00
PLUMBING	Shore Line Plumbing	19669	47,650.00
ELECTRICAL	Intelliect	27366-0	171,025.00