

**FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
NOVEMBER 22, 2010
7:00 P.M.**

VISION STATEMENT

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

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

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



FAYETTEVILLE CITY COUNCIL
AGENDA
NOVEMBER 22, 2010
7:00 P.M.
CITY HALL COUNCIL CHAMBER

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 ANNOUNCEMENTS AND RECOGNITIONS

5.1 District 9 Vacancy Selection Process

6.0 CONSENT

6.1 Adopt a Resolution Pursuant to NCGS 160A-58.2 - Setting December 13, 2010 as the date for a Public Hearing for a Petition-Initiated Noncontiguous Annexation Area (Fullblock, Inc. - Located at 135 Airport Road)

6.2 Adopt a Resolution Pursuant to NCGS 160A-58.2 - Setting December 13, 2010 as the date for a Public Hearing for a Petition-Initiated Noncontiguous Annexation Area (Atlantic Multifamily, LLC (Astoria Apartments) - Located on Black and Decker Road)

6.3 Capital Project Ordinance Closeouts 2011-1 through 2011-6 (Transportation Museum, Drainage Improvement and Infrastructure Projects) and Special Revenue Fund Project Ordinance Closeouts 2011-1 through 2011-2 (Assistance to Firefighters Grants)

6.4 Capital Project Ordinance 2011-8 (Military Business Park Grant for Infrastructure)

6.5 Capital Project Ordinance Amendment 2011-13 and Budget Ordinance Amendment 2011-5 (Public Safety Computer-Aided Dispatch and Records Management Systems Project)

6.6 Consider Approval of Capital Project Ordinance Amendment 2011-12, Contracts and Agreements Necessary to Fund the Construction of Fire Station #19

6.7 Approve Purchase of Equipment, Software and Professional Services to Upgrade the Police Department's E911 Communications System.

6.8 Bid Award Recommendation - One (1) 70,000 GVWR Cab and Chassis with Dump Body

6.9 Bid Recommendation - Ferric Sulfate Liquid

7.0 PUBLIC HEARINGS

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

7.1 Case No. P10-35F. Special Use Permit to allow a Nursing Home in an R6 Residential District on property located at 400 Pelt Drive containing 5.43 acres. Emraq Investments, owner.

Presenter(s): Craig Harmon, Planner II

7.2 Case No. P10-38F. Special Use Permit to allow the location of a Wireless Telecommunications Tower on property located at 1769 Bingham Drive containing 0.23 acres. Calvary Freewill Baptist Church, owner.

Presenter(s): Craig Harmon, Planner II

7.3 Case No. P10-39F. Special Use Permit to allow the location of a Wireless Telecommunications Tower on property located at 733 Bargain Street containing 0.278 acres. Richard Angel, owner.

Presenter(s): Craig Harmon, Planner II

7.4 Case No. P10-37F. Rezoning 0.29 acres at 6021 Fisher Road from R10 Residential District to P2 Professional District or a more restrictive district. Milo Investments LLC, owner.

Presenter(s): Craig Harmon, Planner

7.5 Consideration of the Unified Development Ordinance November 2010 Council Draft, which would amend the City Code by replacing Chapters 25 Subdivision and 30 Zoning with a new Chapter 30 Unified Development Ordinance (UDO)

Presenter(s): Rob Anderson, Chief Development Officer

8.0 OTHER ITEMS OF BUSINESS

8.1 Presentation of the Audited FY2009-2010 Comprehensive Annual Financial Report

Presenter(s): Michele Thompson, Cherry, Bekaert and Holland

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

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

8.3 Uninhabitable Structures Demolition Recommendations

- 1031 Bunce Road
- 725 Bunce Road
- 6768 Bailey Lake Road

Presenter(s): Rob Anderson, Chief Development Officer

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly Statement of Taxes for October 2010

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing twenty (20) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

**COUNCIL MEETING WILL BE AIRED
NOVEMBER 22, 2010 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
NOVEMBER 24, 2010 - 10:00 PM
COMMUNITY CHANNEL 7**

Notice Under the Americans with Disabilities Act (ADA): *The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Ron McElrath, ADA Coordinator, at rmcelrath@ci.fay.nc.us, 910-433-1696, or the office of Rita Perry, City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.*

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Marsha Bryant, Planner II
DATE: November 22, 2010
RE: **Adopt a Resolution Pursuant to NCGS 160A-58.2 - Setting December 13, 2010 as the date for a Public Hearing for a Petition-Initiated Noncontiguous Annexation Area (Fullblock, Inc. - Located at 135 Airport Road)**

THE QUESTION:

Should a Public Hearing Date be set to consider annexation of an area not contiguous to the City Limits?

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy

BACKGROUND:

A petition requesting annexation has been received and processed through the City Development Services Department Planning Division. Development plans for a 7,000 square foot warehouse with a 4,900 square foot office have been approved by the County Planning Department for the subject property.

ISSUES:

The property is not contiguous to the City limits but is within the City's MIA area. The owners requested PWC water and sewer service; therefore, in accordance with the Municipal Influence Area (MIA) Agreement between the City and Cumberland County, a petition requesting annexation was required. City Council must hold a public hearing prior to voting on the annexation petition.

OPTIONS:

1. Set the Public Hearing date for December 13, 2010
2. Set a later date for a Public Hearing

RECOMMENDED ACTION:

Staff recommends that Council move to approve the attached Resolution Setting a Public Hearing Date of December 13, 2010 for the requested annexation.

ATTACHMENTS:

Resolution of Intent
Certificate of Sufficiency of Petition
Petition
Map of the Property
Legal Description of the Property

**Fullblock, Inc. – (Located
at 135 Airport Road)**

**A RESOLUTION FIXING A DATE FOR A PUBLIC HEARING
FOR A PETITION-INITIATED NON-CONTIGUOUS ANNEXATION
AREA PURSUANT TO N.C.G.S. 160A-58.2**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, certification by the Clerk of the City of Fayetteville as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at City Hall Council Chambers at 7:00 p.m. on December 13, 2010.

Section 2. The area proposed for annexation is described as follows:

***FULLBLOCK, INC.
(135 Airport Road)***

BEGINNING at the southwestern corner of Lot 2 as shown on Plat entitled "Airport Commerce Park Phase I" recorded in Plat Book 97, Page 153 of the Cumberland County Registry and continuing thence South 60 degrees 05 minutes 35 seconds East 207.96 feet to a point, thence North 29 degrees 54 minutes 23 seconds East 15 feet to a point, thence South 60 degrees 05 minutes 37 seconds East 50.46 feet to a point, thence with a curve to the left having an arc length of 32.96 with a radius of 45 and having a chord bearing and distance of North 50 degrees 44 minutes 00 seconds East 32.23 feet to a point, thence North 29 degrees 44 minutes 59 seconds East 305.40 feet to a point, thence North 60 degrees 16 minutes 28 seconds West 270 feet to a point, thence South 29 degrees 44 minutes 59 seconds West 349.67 feet to the point of BEGINNING, and containing approximately 2.14 acres more or less.

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

Adopted this _____ day of _____, 2010.

BY: _____

Anthony G. Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

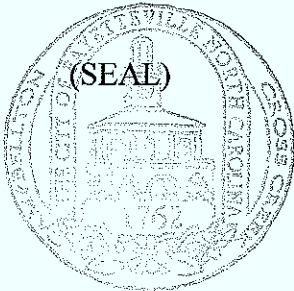
**Fullblock, Inc. – (Located
at 135 Airport Road)**

CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Fayetteville, North Carolina.

I, Rita Perry, City Clerk, do hereby certify that the city has investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Fayetteville, this 16 day of November, 2010.





Rita Perry, City Clerk

**PETITION REQUESTING ANNEXATION
(NON-CONTIGUOUS)**


Date Received by Planning: 8-10-10

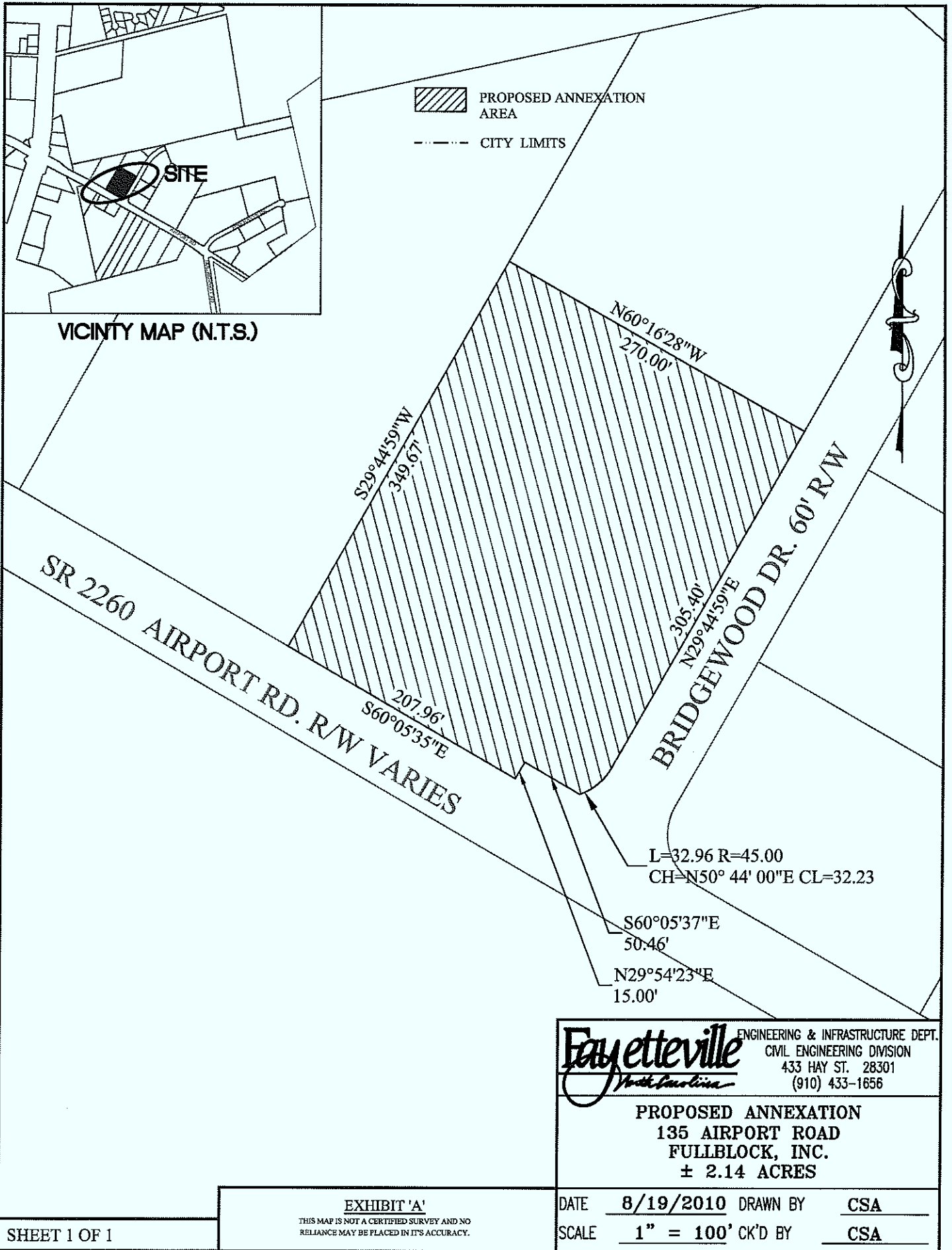
Received by: David Nash

To the Mayor and City Council of the City of Fayetteville, North Carolina.

1. We the undersigned owner(s) respectfully request that the area described in the attached be annexed to the City of Fayetteville, North Carolina.
2. The area to be annexed is non-contiguous to the City Limits and a map indicating the boundaries of such territory is attached.
3. A map showing the proposed annexation area in relation to the existing City Limits is attached.
4. A deed of the property is attached indicating the deed book and page number.
5. A metes and bounds legal description of the proposed annexation area is attached.
6. Tax Parcel ID Number (PIN): 0435-14-1782 Acreage: 2.14
7. Location: 135 Airport Rd Airport Commerce Park Lot 2
8. Have you obtained a vested right from the County Planning Department for any proposed development at this location? Yes Case No 10-051

Please fill in the name of the Corporation, LLC, or Partnership and sign your name and title below:

Signatures of all owners. INDIVIDUAL			
Owner Signature	Print Name	Phone Number	Address
CORPORATION NAME:			
Signatures of <u>all</u> Individuals, and their Title, who are required to sign for the corp.	Print Name And Title	Phone Number	Address
LIMITED LIABILITY CORPORATION NAME: FullBlock			
Signatures of <u>all</u> Individuals, and their Title, who are required to sign for the corp.	Print Name And Title	Phone Number	Address
William B. Fuller Jr.	Member Manager	910-763-0390	321 N. Front St Wilmington NC 28401
			
PARTNERSHIP NAME:			
Signatures of <u>all</u> Individuals, and their Title, who are required to sign for the Partnership	Print Name And Title	Phone Number	Address



FULLBLOCK, INC.
(135 Airport Road)

BEGINNING at the southwestern corner of Lot 2 as shown on Plat entitled "Airport Commerce Park Phase I" recorded in Plat Book 97, Page 153 of the Cumberland County Registry and continuing thence South 60 degrees 05 minutes 35 seconds East 207.96 feet to a point, thence North 29 degrees 54 minutes 23 seconds East 15 feet to a point, thence South 60 degrees 05 minutes 37 seconds East 50.46 feet to a point, thence with a curve to the left having an arc length of 32.96 with a radius of 45 and having a chord bearing and distance of North 50 degrees 44 minutes 00 seconds East 32.23 feet to a point, thence North 29 degrees 44 minutes 59 seconds East 305.40 feet to a point, thence North 60 degrees 16 minutes 28 seconds West 270 feet to a point, thence South 29 degrees 44 minutes 59 seconds West 349.67 feet to the point of BEGINNING, and containing approximately 2.14 acres more or less.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Marsha Bryant, Planner II
DATE: November 22, 2010
RE: **Adopt a Resolution Pursuant to NCGS 160A-58.2 - Setting December 13, 2010 as the date for a Public Hearing for a Petition-Initiated Noncontiguous Annexation Area (Atlantic Multifamily, LLC (Astoria Apartments) - Located on Black and Decker Road)**

THE QUESTION:

Should a Public Hearing Date be set to consider annexation of an area not contiguous to the City Limits?

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy

BACKGROUND:

A petition requesting annexation has been received and processed through the City Development Services Department Planning Division. Development plans for a 272 unit apartment complex have been approved by the County Planning Department for the subject property.

ISSUES:

The property is not contiguous to the City limits but is within the City's MIA area. The owners requested PWC water and sewer service; therefore, in accordance with the Municipal Influence Area (MIA) agreement between the City and Cumberland County, a petition requesting annexation was required. City Council must hold a public hearing prior to voting on the annexation petition.

OPTIONS:

1. Set the Public Hearing date for December 13, 2010
2. Set a later date for a Public Hearing

RECOMMENDED ACTION:

Staff recommends that Council move to approve the attached Resolution Setting a Public Hearing Date of December 13, 2010 for the requested annexation.

ATTACHMENTS:

Resolution of Intent
Comparison of Submittal Requirements from other locations
Petition
Map of the Property
Legal Description of the Property

**Atlantic Multifamily, LLC –
(Located on Black and Decker
Road, East of Legion Road)**

**A RESOLUTION FIXING A DATE FOR A PUBLIC HEARING
FOR A PETITION-INITIATED NON-CONTIGUOUS ANNEXATION
AREA PURSUANT TO N.C.G.S. 160A-58.2**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, certification by the Clerk of the City of Fayetteville as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at City Hall Council Chambers at 7:00 p.m. on December 13, 2010.

Section 2. The area proposed for annexation is described as follows:

***ATLANTIC MULTIFAMILY, LLC
(Black and Decker Road, East of Legion Road)***

BEGINNING at the southwestern corner of that parcel described in Deed Book 5662, Page 267 of the Cumberland County Registry and the northern right of way margin of Black & Decker Road and continuing thence for a first call of North 78 degrees 40 minutes 06 seconds West 68.79 feet to a point, thence North 00 degrees 26 minutes 09 seconds West 1269.93 feet to a point, thence South 78 degrees 37 minutes 00 seconds East 1336.14 feet to a point, thence South 00 degrees 25 minutes 22 seconds East 673.67 feet to a point, thence North 76 degrees 45 minutes 46 seconds West 149.76 feet to a point, thence North 78 degrees 16 minutes 36 seconds West 365.25 feet to a point, thence North 78 degrees 40 minutes 02 seconds West 400.06 feet, thence North 11 degrees 21 minutes 51 seconds East 124.05 feet to a point, thence North 78 degrees 36 minutes 42 seconds West 346.14 feet to a point, thence South 00 degrees 26 minutes 09 seconds East 672.00 feet to a point, thence South 89 degrees 33 minutes 51 seconds West 32.66 feet to a point, thence South 00 degrees 26 minutes 09 seconds East 50.88 feet to the BEGINNING, and containing approximately 20.44 acres.

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

Adopted this _____ day of _____, 2010.

BY: _____

Anthony G. Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

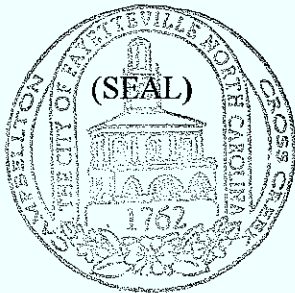
**Atlantic Multifamily, LLC (Astoria
Apartments – (Located on Black and
Decker Road, East of Legion Road)**

CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Fayetteville, North Carolina.

I, Rita Perry, City Clerk, do hereby certify that the city has investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Fayetteville, this 16 day of November, 2010.





Rita Perry, City Clerk

PETITION REQUESTING ANNEXATION
(NON-CONTIGUOUS)

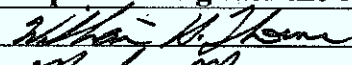
Date Received by Planning: 10-15-2010

Received by: MBryant

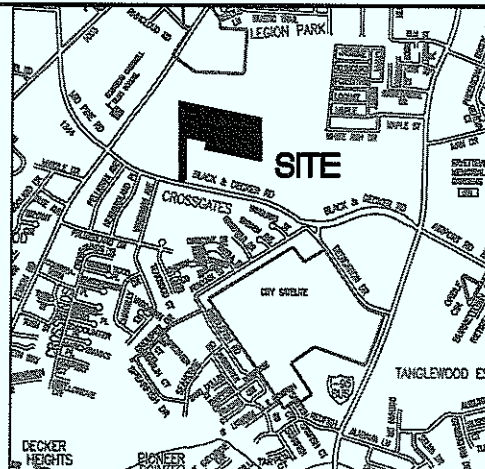
To the Mayor and City Council of the City of Fayetteville, North Carolina.

1. We the undersigned owner(s) respectfully request that the area described in the attached be annexed to the City of Fayetteville, North Carolina.
2. The area to be annexed is non-contiguous to the City Limits and a map indicating the boundaries of such territory is attached.
3. A map showing the proposed annexation area in relation to the existing City Limits is attached.
4. A deed of the property is attached indicating the deed book and page number.
5. A metes and bounds legal description of the proposed annexation area is attached.
6. Tax Parcel ID Number (PIN): 0425-66-9466 Acreage: 20.43
7. Location: 1500' east of the Black & Decker - Legion Road intersection along Black & Decker
8. Have you obtained a vested right from the County Planning Department for any proposed development at this location? YES

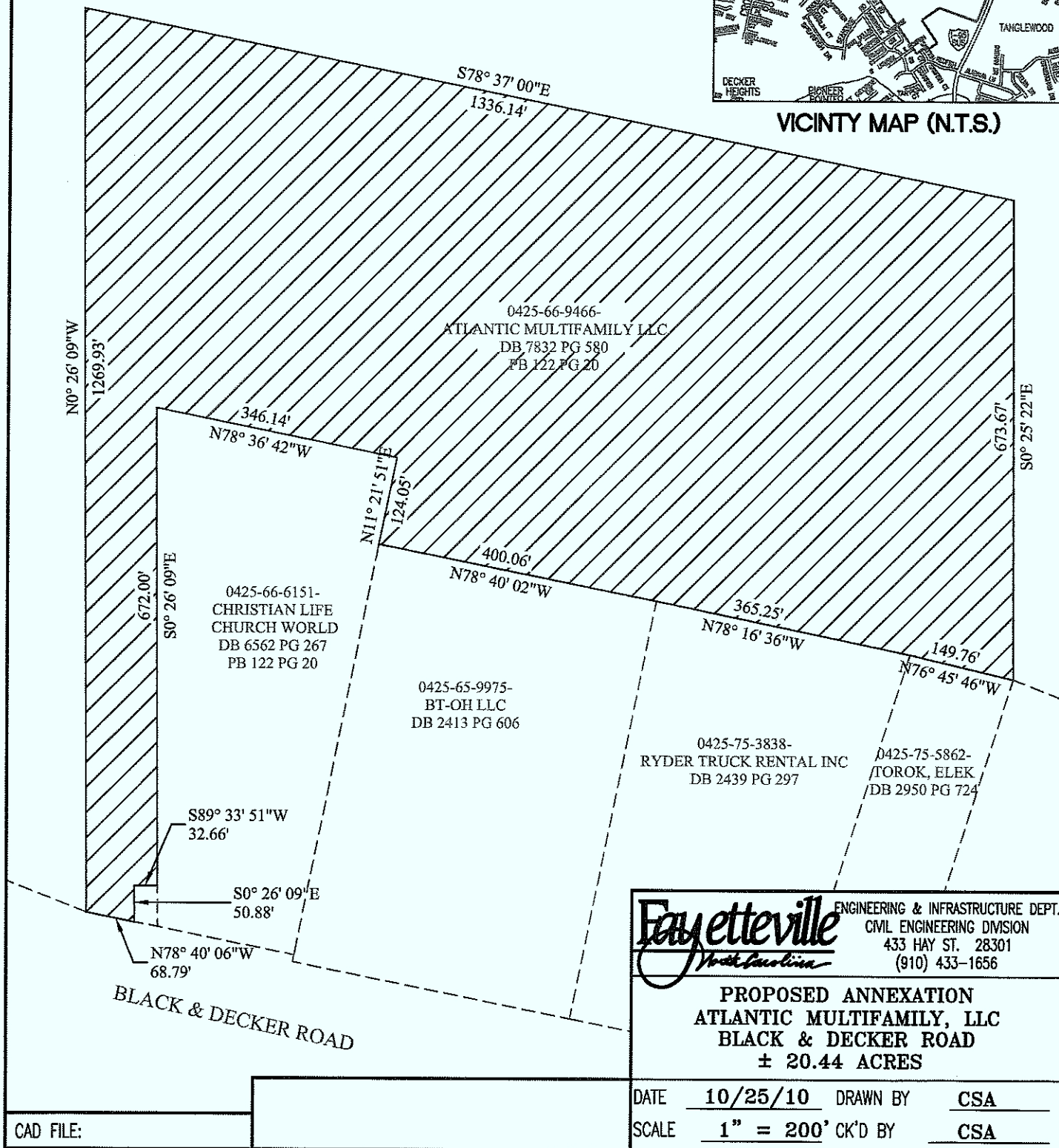
Please fill in the name of the Corporation, LLC, or Partnership and sign your name and title below:

Signatures of all owners. INDIVIDUAL			
Owner Signature	Print Name	Phone Number	Address
CORPORATION NAME:			
Signatures of <u>all</u> Individuals, and their Title, who are required to sign for the corp.	Print Name And Title	Phone Number	Address
LIMITED LIABILITY CORPORATION NAME: ATLANTIC MULTIFAMILY, LLC			
Signatures of <u>all</u> Individuals, and their Title, who are required to sign for the corp.	Print Name And Title	Phone Number	Address
 Member - Manager	WILLIAM H. THORNE	910-457-9210	1104 NORTH HOOVER ST SOUTHPORT, NC 28461
PARTNERSHIP NAME:			
Signatures of <u>all</u> Individuals, and their Title, who are required to sign for the Partnership	Print Name And Title	Phone Number	Address

0425-77-0293-
JOSEPH P RIDDLE III & WIFE
DB 8473 PG 802
PB 9 PG 30



VICINITY MAP (N.T.S.)



Fayetteville ENGINEERING & INFRASTRUCTURE DEPT.
CIVIL ENGINEERING DIVISION
433 HAY ST. 28301
(910) 433-1656

**PROPOSED ANNEXATION
ATLANTIC MULTIFAMILY, LLC
BLACK & DECKER ROAD
± 20.44 ACRES**

DATE	10/25/10	DRAWN BY	CSA
SCALE	1" = 200' CK'D BY		CSA

ATLANTIC MULTIFAMILY, LLC
(Black and Decker Road, East of Legion Road)

BEGINNING at the southwestern corner of that parcel described in Deed Book 5662, Page 267 of the Cumberland County Registry and the northern right of way margin of Black & Decker Road and continuing thence for a first call of North 78 degrees 40 minutes 06 seconds West 68.79 feet to a point, thence North 00 degrees 26 minutes 09 seconds West 1269.93 feet to a point, thence South 78 degrees 37 minutes 00 seconds East 1336.14 feet to a point, thence South 00 degrees 25 minutes 22 seconds East 673.67 feet to a point, thence North 76 degrees 45 minutes 46 seconds West 149.76 feet to a point, thence North 78 degrees 16 minutes 36 seconds West 365.25 feet to a point, thence North 78 degrees 40 minutes 02 seconds West 400.06 feet, thence North 11 degrees 21 minutes 51 seconds East 124.05 feet to a point, thence North 78 degrees 36 minutes 42 seconds West 346.14 feet to a point, thence South 00 degrees 26 minutes 09 seconds East 672.00 feet to a point, thence South 89 degrees 33 minutes 51 seconds West 32.66 feet to a point, thence South 00 degrees 26 minutes 09 seconds East 50.88 feet to the BEGINNING, and containing approximately 20.44 acres.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 22, 2010
RE: **Capital Project Ordinance Closeouts 2011-1 through 2011-6 (Transportation Museum, Drainage Improvement and Infrastructure Projects) and Special Revenue Fund Project Ordinance Closeouts 2011-1 through 2011-2 (Assistance to Firefighters Grants)**

THE QUESTION:

Staff requests Council to closeout six Capital Project Ordinances and two Special Revenue Fund Project Ordinances as follows:

- Capital Project Ordinance Closeout 2011-1 (Swainey Avenue Drainage Improvement Project)
- Capital Project Ordinance Closeout 2011-2 (Skye Drive Drainage Improvement Project)
- Capital Project Ordinance Closeout 2011-3 (Transportation Museum)
- Capital Project Ordinance Closeout 2011-4 (Urban Signal System)
- Capital Project Ordinance Closeout 2011-5 (Center City Industrial Park Street Improvement Project/Various Street Improvements)
- Capital Project Ordinance Closeout 2011-6 (Phase 4A and 4B Annexation Area Infrastructure Improvements/Various Street Improvements)
- Special Revenue Fund Project Ordinance Closeout 2011-1 (FY2008 Assistance to Firefighters Grant - Wellness Program)
- Special Revenue Fund Project Ordinance Closeout 2011-2 (FY2008 Assistance to Firefighters Grant - Fire Prevention and Safety Program)

RELATIONSHIP TO STRATEGIC PLAN:

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

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

Vision Principle B: Desirable Neighborhoods - Neighborhoods where people are safe and secure

BACKGROUND:

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

ISSUES:

None

OPTIONS:

- 1) Adopt the Capital Project Ordinance Closeouts and Special Revenue Fund Project Ordinance Closeouts.
- 2) Do not adopt the Capital Project Ordinance Closeouts and Special Revenue Fund Project Ordinance Closeouts.

RECOMMENDED ACTION:

Adopt the Capital Project Ordinance Closeouts and Special Revenue Fund Project Ordinance Closeouts.

ATTACHMENTS:

CLO 2011-1 thru 2011-6 (CPO) and CLO 2011-1 thru 2011-2 (SRO)

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2011-1 (CPO 2010-5)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2010-5, adopted July 13, 2009, for the Swainey Avenue Drainage Improvement Project.

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

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

	<u>Budget</u>	<u>Actual</u>
NC Department of Environment and Natural Resources -		
Clean Water State Revolving Loan	\$ 600,000	\$ 464,503
Interfund Transfer from the Stormwater Fund	69,280	2,897
Total Revenues	<u>\$ 669,280</u>	<u>\$ 467,400</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 669,280</u>	<u>\$ 467,400</u>

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

Adopted this 22nd day of November, 2010.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2011-2 (CPO 2010-14)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2010-14, adopted November 23, 2009, for the Skye Drive Drainage Improvement Project.

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

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

	<u>Budget</u>	<u>Actual</u>
NC Department of Environment and Natural Resources -		
Clean Water State Revolving Loan	\$ 557,000	\$ 536,692
Interfund Transfer from the Stormwater Fund	122,640	4,375
Total Revenues	<u>\$ 679,640</u>	<u>\$ 541,067</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 679,640</u>	<u>\$ 541,067</u>

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

Adopted this 22nd day of November, 2010.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2011-3 (CPO 2000-5)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2000-5, adopted April 17, 2000, as amended, for funding the rehabilitation of the Cape Fear & Yadkin Valley Railway Passenger Depot to be used for a transportation museum and visitor center.

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

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

	<u>Budget</u>	<u>Actual</u>
NC Department of Transportation	\$ 2,731,419	\$ 2,730,639
Local Match - Other	656,426	667,788
Local Match - General Fund Transfer	26,429	14,942
Total Revenues	<u>\$ 3,414,274</u>	<u>\$ 3,413,369</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 3,414,274</u>	<u>\$ 3,413,369</u>

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

Adopted this 22nd day of November, 2010.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2011-4 (CPO 98-10)

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

Section 1. The project closing authorized is to Capital Project Ordinance 1998-10 adopted June 22, 1998, as amended, for funding the design and construction of Fayetteville Urban Signal System.

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

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

	<u>Budget</u>	<u>Actual</u>
General Fund Transfer	<u>\$ 1,629,069</u>	<u>\$ 1,519,708</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 1,629,069</u>	<u>\$ 1,519,708</u>

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

Adopted this 22nd day of November, 2010.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2011-5 (CPO 2001-2)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2001-2 adopted October 23, 2000, as amended, for the funding of street construction and associated drainage improvements.

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

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

	<u>Budget</u>	<u>Actual</u>
Investment Income	\$ 208,315	\$ 208,314
Proceeds of Bonds	2,400,000	2,400,000
Transportation Fund Transfer	500,000	500,000
Owners Contributions	10,000	10,000
Total Revenues	<u>\$ 3,118,315</u>	<u>\$ 3,118,314</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	\$ 2,762,101	\$ 2,762,100
Transfer to Fund 58 (Series 2002 GO BOND Fund)	79,546	79,546
Transfer to Fund 46 (Transportation Fund)	276,668	276,668
Total Expenditures	<u>\$ 3,118,315</u>	<u>\$ 3,118,314</u>

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

Adopted this 22nd day of November, 2010.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2011-6 (CPO 2001-3)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2001-3, adopted March 5, 2001, as amended, for the funding of infrastructure improvements, related bond administration costs associated with the Phase 4A and 4B annexation areas, miscellaneous street resurfacing projects, and to transfer funds to PWC for associated bond principal payments.

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

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

	<u>Budget</u>	<u>Actual</u>
Investment Income	\$ 235,781	\$ 235,290
Proceeds of Bonds	3,644,293	3,644,293
Transfer from Transportation Fund	1,100,000	1,100,000
Transfer from Bond Fund 57	79,546	79,546
Total Revenues	<u>\$ 5,059,620</u>	<u>\$ 5,059,128</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 5,059,620</u>	<u>\$ 5,059,128</u>

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

Adopted this 22nd day of November, 2010.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT
CLO 2011-1 (SRO 2010-7)

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

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2010-7, adopted August 24, 2009, for the funding of the FY2008 Assistance to Firefighters Grant awarded by the U.S. Department of Homeland Security and administered through FEMA.

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

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

	<u>Budget</u>	<u>Actual</u>
Federal Emergency Management Agency	\$ 196,168	\$ 196,168
General Fund Transfer	<u>49,042</u>	<u>49,042</u>
	<u>\$ 245,210</u>	<u>\$ 245,210</u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 245,210</u>	<u>\$ 245,210</u>

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

Adopted this 22nd day of November, 2010.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT
CLO 2011-2 (SRO 2010-11)

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

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2010-11, adopted November 9, 2009, for the funding of the FY2008 Assistance to Firefighters Grant awarded by the U.S. Department of Homeland Security and administered through FEMA.

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

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

	<u>Budget</u>	<u>Actual</u>
Federal Emergency Management Agency	\$ 30,400	\$ 30,396
General Fund Transfer	<u>7,600</u>	<u>7,599</u>
	<u><u>\$ 38,000</u></u>	<u><u>\$ 37,995</u></u>

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

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u><u>\$ 38,000</u></u>	<u><u>\$ 37,995</u></u>

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

Adopted this 22nd day of November, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 22, 2010
RE: **Capital Project Ordinance 2011-8 (Military Business Park Grant for Infrastructure)**

THE QUESTION:

This project ordinance will establish a \$584,400 budget to fund additional infrastructure development in the Military Business Park.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1: Greater Tax Base Diversity - Strong Local Economy
Management Agenda - Military Business Park Development

BACKGROUND:

- On November 8, 2010, City Council approved an amendment to the Military Business Park participation agreement to increase the City's participation by \$584,400.
- At the same meeting, Council also authorized staff to file an application with the U.S. Department of Housing and Urban Development (HUD) for \$584,400 to fund the City's increased participation in the project.
- The attached ordinance is necessary to formally establish the project budget for the additional infrastructure funding and allow the City to proceed with execution of the amended Military Business Park participation agreement.
- The source of funds for the project ordinance is the anticipated HUD grant.

ISSUES:

The project ordinance assumes that HUD will award the grant upon receipt of the City's grant application.

OPTIONS:

1. Adopt the capital project ordinance.
2. Do not adopt the capital project ordinance.

RECOMMENDED ACTION:

Adopt the capital project ordinance.

ATTACHMENTS:

CPO 2011-8 (Military Business Park)

CAPITAL PROJECT ORDINANCE
ORD 2011-8

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

Section 1. The authorized project is for the development of infrastructure for the Military Business Park.

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

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

Federal Grant - HUD	<u>\$ 584,400</u>
---------------------	-------------------

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

Project Expenditures	<u>\$ 584,400</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

Adopted this 22nd day of November, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 22, 2010
RE: **Capital Project Ordinance Amendment 2011-13 and Budget Ordinance Amendment 2011-5 (Public Safety Computer-Aided Dispatch and Records Management Systems Project)**

THE QUESTION:

The proposed project amendment will reduce the overall project budget by \$285,925. The amendment will also change the source of funds for this project as follows: decrease capital lease proceeds (loan proceeds) by \$895,331 and appropriate a \$609,406 transfer from the General Fund (as reflected in Budget Ordinance Amendment 2011-5).

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: More Efficient City Government - Cost Effective Service Delivery
Objective 3 - Investing in the City's infrastructure, facilities and equipment.

BACKGROUND:

- When the City requested financing proposals for the computer-aided dispatch and records management system (CAD/RMS) consistent with the approved capital improvement plan, staff determined that certain elements of the project (including initial training and software maintenance) were not suitable for bank financing.
- To resolve this issue and ensure sufficient overall funding for the project, staff recommended and Council approved the financing of various vehicles and equipment in the City's General Fund in lieu of financing certain elements of the CAD/RMS project. This allowed General Fund resources to be freed up to fund the balance of the CAD/RMS project.
- The attached capital project ordinance amendment will reduce the overall budget for the CAD/RMS project by \$285,925 since the maintenance element of the project was paid out of the General Fund. In addition, to reflect the change in project funding sources as described above, the amendment will also reduce capital lease proceeds (loan proceeds) by \$895,331 and appropriate a \$609,406 transfer from the General Fund.
- The associated budget ordinance amendment is necessary to appropriate General Fund fund balance to make the \$609,406 transfer to the project budget.
- Overall, the impact on the City's resources is relatively unchanged since the City chose to finance vehicles and equipment in lieu of financing certain elements of the CAD/RMS project.

ISSUES:

None

OPTIONS:

1. Adopt the project ordinance and budget amendments.
2. Do not adopt the project ordinance and budget amendments.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Amendment 2011-13 and Budget Ordinance Amendment 2011-5.

ATTACHMENTS:

CPOA 2011-13
BOA 2011-5

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2011-13 (CPO 2009-25)

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

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

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

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

	Listed As	Amendment	Revised
Interfund Transfer from Risk Management Fund	\$ 2,322,100	\$ -	\$ 2,322,100
Capital Lease Proceeds	3,219,717	(895,331)	2,324,386
General Fund Transfer	-	609,406	609,406
	<u>\$ 5,541,817</u>	<u>\$ (285,925)</u>	<u>\$ 5,255,892</u>

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

Project Expenditures	\$ 3,219,717	\$ (285,925)	\$ 2,933,792
Interfund Transfer to Risk Management Fund	2,322,100	-	2,322,100
	<u>\$ 5,541,817</u>	<u>\$ (285,925)</u>	<u>\$ 5,255,892</u>

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

Adopted this 22nd day of November, 2010.

2010-2011 BUDGET ORDINANCE AMENDMENT
CHANGE 2011-5

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

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

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

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Fund Balance Appropriation	\$ 7,159,107	\$ 609,406	\$ 7,768,513
All Other General Fund Revenues and OFS	131,300,279	-	131,300,279
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 138,459,386</u>	<u>\$ 609,406</u>	<u>\$ 139,068,792</u>

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

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Other Appropriations	\$ 20,333,325	\$ 609,406	\$ 20,942,731
All Other General Fund Departments	118,126,061	-	118,126,061
Total Estimated General Fund Expenditures	<u>\$ 138,459,386</u>	<u>\$ 609,406</u>	<u>\$ 139,068,792</u>

Adopted this 22nd day of November, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Ben Major, Assistant Fire Chief/ Craig Hampton, Special Projects Director/ Lisa Smith, Chief Financial Officer
DATE: November 22, 2010
RE: **Consider Approval of Capital Project Ordinance Amendment 2011-12, Contracts and Agreements Necessary to Fund the Construction of Fire Station #19**

THE QUESTION:

Does City Council wish to proceed with the construction of Fire Station #19-Andrews Road area?

RELATIONSHIP TO STRATEGIC PLAN:

1. Goal #2-Growing City, Livable Neighborhoods-A Great Place To Live; Objective #4-Manage the City's future growth and development with quality development and redevelopment reflecting plans, policies, and standards.
2. Goal #3-More Efficient City Government-Cost Effective Service Delivery; Objective #3-Investing in City's future infrastructure, facilities, and equipment.
3. Major Capital Project -2010-2011

BACKGROUND:

Action #1: Approve Project Funding for Fire Station #19:

The attached capital project ordinance amendment is necessary to fund the fire station project. If approved, the amended budget for the project will be \$2,692,000. The budget will include funds to cover the design contract, land purchase and development agreement, construction of the station, furniture, fixtures and equipment for the station, and other ancillary costs associated with the project. Consistent with the adopted budget and capital improvement plan, the project will be funded through capital lease proceeds (loan proceeds). Over the next two months, staff will obtain financing proposals from various financial institutions, submit a financing recommendation to Council and a financing application to the Local Government Commission for consideration.

Action #2: Approve Land Purchase and Site Development Agreement:

Site selection in the service area began over 3 years ago. Initially the fire department reviewed a site that was available on the south side of Pine Forest High School property. Due to the setback required by NC DOT to obtain a turn-in lane the building site was significantly moved back from the edge of the road which encountered and impacted severe slopes in the land that would add several hundreds thousands of dollars to the site costs. At the same time the FFD personnel also canvassed the area to determine other available sites. The recommend site, slightly north of Pine Forest High School, and located in the currently developing Patriot Park Business Park, is ideal for a station location to the service area. The land, and the improvement to the site necessary to construct the station are being sold to the city at the developer's costs. The recommendation is to approve the development agreement in the amount not to exceed \$465,000.

Action #3: Construction Contract Award:

Planning for this project began in early 2009 with preliminary site selections. A temporary station was set up in 2009 to serve the area while the new station was under design and bid. Bid notices were issued approximately 2 months ago. A pre-bid conference was held, the bid date was extended by one week, and 5 addenda were issued. On bid opening day 17 bids were received, opened and read aloud. The bid tabulation is attached to this request. As evidenced by the tabulation CSI, Inc. of Fayetteville, NC was judged to be the lowest responsive, responsible bidder and is recommend for award. The recommendation is to award the construction contract to CSI, Inc. of Fayetteville, NC in an amount of \$1,795,247.00.

ISSUES:

There are no known issues to resolve.

OPTIONS:

- Approve all requests
- Do not approve requests and provide guidance to staff

RECOMMENDED ACTION:

Adopt the capital project ordinance amendment as requested
Approve Development Agreement as requested
Award Construction Contract as requested.

ATTACHMENTS:

FFD#19 Bid Tabulation

CPOA 2011-12 (CPO 2009-19)



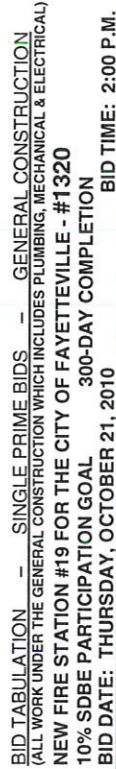
Stewart · Cooper · Newell · Architects
 Planning Interiors
 715 East Lexington Road
 Fayetteville, NC 28404
 Tel: 910.437.6001
 Fax: 910.437.6002
 www.scnarchitects.com

BID TABULATION - SINGLE PRIME BIDS - GENERAL CONSTRUCTION
 (ALL WORK UNDER THE GENERAL CONSTRUCTION WHICH INCLUDES PLUMBING, MECHANICAL & ELECTRICAL)
NEW FIRE STATION #19 FOR THE CITY OF FAYETTEVILLE - #1320
10% SDBE PARTICIPATION GOAL 300-DAY COMPLETION
BID DATE: THURSDAY, OCTOBER 21, 2010 BID TIME: 2:00 P.M.

LOW TO HIGH	CONTRACTOR NAME	BID BOND A305 ACCEPTABLE ?	SDBE A, B & ID	BASE BID	OWNER'S CONTINGENCY ALLOWANCE (5% of Base Bid)	DRIP IRRIGATION AVI PACKAGE VEHICLE EXHAUST INTERIOR SIGNAGE EXTERIOR SIGNAGE TRAFFIC FLOW SIGNAGE 5K	SUB-TOTAL ALLOWANCES	TOTAL BASE BID (INCLUDING BASE BID & ALL ALLOWANCES)	ALT-1 SITE WORK	TOTAL BASE BID INCLUDING BASE BID, ALL ALLOWANCES & ALTERNATE 1	SDBE %
1	CSI, INC FAYETTEVILLE, NC NC B2566 BUILDING UNLIMITED	X ACCEPTABLE	X	1,628,807.00	85,693.00 (81,440.00 actual)*	85,000.00	170,693.00 (166,440.00 actual)*	1,799,500.00 (1,795,247.00 actual)*	256,401.00	2,055,901.00 (2,051,648.00 actual)*	
2	RAYSAID BUILDING CO. WILMINGTON, NC NC 5322 BUILDING UNLIMITED	X ACCEPTABLE	X	1,673,608.00	83,680.00	85,000.00	185,548.00 (168,680.00 actual)*	1,859,156.00 (1,842,288.00 actual)*	257,449.00	2,116,605.00 (2,099,737.00 actual)*	
3	PLAYER, INC FAYETTEVILLE, NC NC 1487 BUILDING UNLIMITED	X ACCEPTABLE	X	1,763,000.00	88,000.00 (88,150.00 actual)*	85,000.00	173,00.00 (173,150.00 actual)*	1,936,000.00 (1,936,150.00 actual)*	207,000.00	2,143,000.00 (2,143,150.00 actual)*	
4	FARLEY ASSOCIATES INDIAN LAND, SC NC 5398 - BUILDING UNLIMITED, GRADING & EXCAVATING	X NO	X	1,772,000.00	88,600.00	85,000.00	173,600.00	1,945,600.00	236,000.00	2,181,600.00	
5	BORDEAUX CONSTRUCTION DURHAM, NC NC 9266 - BLDG UNLIMITED; HIGHWAY & UTILITIES	X ACCEPTABLE	X	1,718,400.00	85,920.00	85,000.00	170,920.00	1,889,320.00	351,768.00	2,241,088.00	
6	JOHN S. CLARK WILMINGTON, NC NC 30565 UNCLASSIFIED/UNLMTD	X ACCEPTABLE	X	1,850,000.00	92,500.00	85,000.00	177,500.00	2,027,500.00	224,000.00	2,251,500.00	
7	CALVIN DAVENPORT, INC ROCKY MOUNT, NC NC 4056 BUILDING UNLIMITED	X ACCEPTABLE	X	1,794,000.00	89,700.00	85,000.00	174,700.00	1,968,700.00	304,000.00	2,272,700.00	
8	PRO CONSTRUCTION JACKSONVILLE, NC NC 28679 BUILDING UNLIMITED	X ACCEPTABLE	X	1,805,000.00	90,250.00	85,000.00	175,250.00	1,980,250.00	309,000.00	2,289,250.00	
9	RL CASEY, INC GREENSBORO, NC NC 10137 BUILDING UNLIMITED	X ACCEPTABLE	X	1,810,122.00	93,878.00 (90,506.00 actual)*	85,000.00	178,878.00 (175,506.00 actual)*	1,989,000.00 (1,985,628.00 actual)*	317,500.00	2,306,500.00 (2,303,128.00 actual)*	

APPARENT LOW BIDDER - 1. CSI, INCORPORATED

* "Actual" - Bidder's math is incorrect and we are adjusting for correctness.



ALTERNATE 1 - STATE CHANGE IN BASE BID SUM TO PROVIDE ALL GENERAL CONSTRUCTION WORK FOR ALL SITE WORK. THIS IS TO INCLUDE ALL CIVIL ENGINEERING SHEETS 1 OF 9 THROUGH 9 OF 9. THIS WORK INCLUDES, BUT IS NOT LIMITED TO: EROSION CONTROL, GRADING, PAVING, STORM DRAINAGE, SITE UTILITIES, CURBS, SIDEWALKS, AND OTHER SITE ELEMENTS SHOWN ON THE ABOVE MENTIONED DRAWINGS.

AMOUNTS AND MATH HAVE BEEN CHECKED FOR ACCURACY

APPARENT LOW BIDDER – 1. CSI, INCORPORATED

* "Actual" - Bidder's math is incorrect and we are adjusting for correctness.

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2011-12 (CPO 2009-19)

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

Section 1. The project change authorized is to Capital Project Ordinance 2009-19, adopted April 13, 2009, as amended, for the funding of construction and associated ancillary costs of Fire Station #19 located on Andrews Road.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Capital Lease Proceeds	<u>\$ 235,000</u>	<u>\$ 2,457,000</u>	<u>\$ 2,692,000</u>

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

Project Expenditures	<u>\$ 235,000</u>	<u>\$ 2,457,000</u>	<u>\$ 2,692,000</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 22nd day of November, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: November 22, 2010
RE: **Approve Purchase of Equipment, Software and Professional Services to Upgrade the Police Department's E911 Communications System.**

THE QUESTION:

Staff requests approval to issue a purchase order in the amount of \$272,331.60 to CenturyLink, Rocky Mount, NC, for the purchase of hardware, software and professional services necessary to upgrade the Police Department's E911 Communications System.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The Emergency 911 telephone system in the City's Communication Center is in dire need of replacement. Outdated equipment is beginning to fail and is requiring constant maintenance. Due to the age of the equipment and software (2004), the length of time it takes to bring a work station answering 911 calls back on-line, is increasing. The proposed upgrade will replace all end user equipment, servers, and software. Additionally, the new equipment will be compatible with Cumberland County's 911 telephone system presently, and in the future, if at some point there is a consolidation.

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

CenturyLink, Rocky Mount, NC, is the only authorized reseller of the Positron LifeLine Power 911 System for the City of Fayetteville area. CenturyLink is authorized by the manufacturer to upgrade, install and maintain this system.

The cost of the upgrade including all hardware, software, shipping costs, labor, and project management is \$272,331.60. The source of funding for this upgrade is E911 funds and is included in the Police Department's FY2011 CIP budget.

ISSUES:

None

OPTIONS:

(1) Approve staff recommendation. (2) Reject staff recommendation.

RECOMMENDED ACTION:

Approve purchase in the amount of \$272,331.60 for hardware, software and professional services to upgrade the Police Department's E911 Communications System from CenturyLink, Rocky Mount, NC, pursuant to N.C.G.S. 143-129(e)(6).

ATTACHMENTS:

E911 Upgrade Sole Source Statement



August 10, 2010

City of Fayetteville, NC

To whom it may concern:

Intrado is pleased to confirm that it is the sole-source manufacturer of the Power 9-1-1 application.

In this situation, CenturyLink is the only distributor of the Power 9-1-1 application able to upgrade, install and maintain this system within the City of Fayetteville. CenturyLink has been trained to provide 24X7X365 support of this system.

Power 9-1-1 is not available from any other manufacturer. Intrado develops and maintains this application itself. Power 9-1-1 is an advanced integrated intelligent workstation for E9-1-1 call processing designed to work in harmony with the legacy Life Line 100 and the state-of-the-art Positron VIPER solution.

If you have any questions or require further information, please do not hesitate to contact Brian Elvington at (770) 996-0055 or at belvington@positron911.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul G. Guest", with a long horizontal flourish extending to the right.

Paul G. Guest
Vice-President Product Management

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria B. Wrench, Purchasing Manager
DATE: November 22, 2010
RE: **Bid Award Recommendation - One (1) 70,000 GVWR Cab and Chassis with Dump Body**

THE QUESTION:

Staff requests approval to issue a purchase order in the amount of \$142,260 to Tri-Point Truck Center, Raleigh, NC, for the purchase of one (1) 70,000 GVWR Cab and Chassis with Dump Body.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

Currently, Street Maintenance has the need for one (1) 70,000 GVWR Cab and Chassis with a Dump Body (unit will also be equipped with a sand spreader and snow plow).

Formal bids were received November 3, 2010 as follows:

Tri-Point Truck Center, Raleigh, NC	\$142,260
Cooper Kenworth, Raleigh, NC	\$159,788
*Peterbilt Truck Center, Dunn, NC	\$133,334

*The bid received from Peterbilt Truck Center, Dunn, NC, contained several exceptions to the specifications which are not acceptable.

This unit will replace Unit #97/327 and is included in the FY 2011 budget. The budgeted amount is \$165,000.

ISSUES:

None.

OPTIONS:

- (1) Award bid as recommended by staff.
- (2) Not award bid.

RECOMMENDED ACTION:

Award bid for the purchase of one (1) 70,000 GVWR Cab and Chassis with Dump Body to Tri-Point Truck Center, Raleigh, NC, in the amount of \$142,260.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, CEO/General Manager
DATE: November 22, 2010
RE: **Bid Recommendation - Ferric Sulfate Liquid**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services.

BACKGROUND:

The Public Works Commission during their meeting of November 10, 2010 approved bid award for purchase of approximately 6000 tons of Ferric Sulfate Liquid to Kemira Water Solutions, Lawrence, KS, low bidder in the amount of \$1,298,580.00, over a one year period, with option to extend contract for additional period(s) upon agreement of both parties and to forward to City Council for approval. Bids were solicited from twenty (20) bidders with one (1) bidder responding. Bids were received September 30, 2010 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Kemira Water Solutions, Lawrence, KS	\$1,298,580.00

ISSUES:

Kemira Water Solutions is not classified as a SDBE, minority or women owned business.

OPTIONS:

N/A

RECOMMENDED ACTION:

Award bid to Kemira Water Solutions, Lawrence, KS for purchase of 6000 tons of Ferric Sulfate Liquid.

ATTACHMENTS:

Bid recommendation
Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

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

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award contract for the purchase of approximately 6000 tons of Ferric Sulfate Liquid over a one-year period (with the option to extend contract for additional period(s) upon the agreement of both parties).
.....

BID/PROJECT NAME: Water and Wastewater Chemicals

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

.....

BIDDERS	TOTAL COST
<u>Kemira Water Solutions, Lawrence, KS</u>	<u>\$1,298,580.00</u>

.....

AWARD RECOMMENDED TO: Kemira Water Solutions, Lawrence, KS

BASIS OF AWARD: Low bidder

.....
COMMENTS: Bids were solicited from twenty (20) bidders with one (1) bidder responding. In previous years, two (2) companies, Water Elements and Kemira Water Solutions, submitted bids for this chemical. In September 2010, Kemira acquired Water Elements, therefore Kemira is currently the sole bidder for this product in this region of the United States. Additionally, the cost of this chemical increased from .0708 per pound to .10821 per pound which will result in an increase of \$448,920 for the 2010/2011 contract period. According to information from Kemira, this significant price increase is a result of extreme volatility in the sulfuric acid market. Sulfuric Acid is one of the raw materials used to produce Ferric Sulfate. In spite of an exhaustive and on-going search, staff has not been able to locate another supplier of this chemical for our area.
.....

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

WATER AND WASTEWATER CHEMICALS BID DATE: SEPTEMBER 30, 2010

Advertisement

Public Works Commission Website

09/21/10 through 09/30/10

List of Organizations Notified of Bid

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

List of Prospective Bidders

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

SDBE/MWBE Participation

Kemira is not classified as a SDBE, minority or women owned businesses.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: November 22, 2010
RE: **Case No. P10-35F. Special Use Permit to allow a Nursing Home in an R6 Residential District - 400 Pelt Drive containing 5.43 acres. Emraq Investments, owner.**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy/Livable Communities

BACKGROUND:

Owner: Emraq Investments LLC

Applicant: William Daniel

Requested Action: Special Use Permit - Nursing Home in R6

Property Address: 400 Pelt Drive

Council District: 4 (Haire)

Size: 5.43 acres

Existing Land Use: Nursing Home

Adjoining Land Use & Zoning: North - R6 Single Family Residential / South - R6 Single Family Residential / East - M2 Industrial / West - R6 Single Family Residential 2010 Land Use

Plan: Medium Density Residential

2030 Growth Vision Plan: Policy 15.5: Given the rapidly growing senior citizen population, priority shall be given to the EXPANSION OF SENIOR SERVICES, in such a way that the delivery of such services can be made more accessible.

Letters Mailed: 55

Transportation: Pelt Drive is a collector street.

Site Plan: A site plan is required and was submitted, dated August 10, 2010, providing the information required in 30-109(2)

ISSUES:

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

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

Section 30-109(2)

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

deem advisable in furtherance of the proposes of this chapter including, among other things, yards greater than those required in the district in which such use is located.

Zoning Commission recommends approval (5-0) based on the submitted site plan and that the use;

1. Fits in with the character of the area in which such use is to be located.
2. Use is not detrimental to the surrounding neighborhood.

OPTIONS:

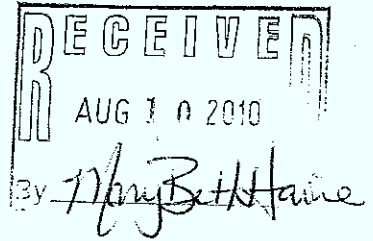
1. Approve the SUP consistent with the site plan as required under Section 30-109(2).
(Recommended);
2. Approve the SUP with additional conditions set by the City Council and consistent with the site plan as required under Section 30-109(2);
3. Deny the request.

RECOMMENDED ACTION:

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

ATTACHMENTS:

Application
Zoning Map
2010 Plan
Ortho Photo
Site Plan
Zoning Commission Minutes



Deadline Date to Return 8-10-10
Zoning Commission Meeting 9-14-10
Today's Date 8-10-10
Amount Rec'd \$ 700⁰⁰ Rcv'd by DEH Case # P10-3SF

APPLICATION FOR SPECIAL USE PERMIT CITY OF FAYETTEVILLE

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

At the public hearing the Zoning Commission will make a recommendation to the City Council concerning the request. The City Council will hear the case and make the final decision. Any Special Use Permit 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 Special Use Permit and a public notification sign will be posed on the site.

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

1. A copy of the recorded deed.
2. A check made payable to the City of Fayetteville in the amount of **\$700.00**.
3. **20 copies** of a site plan showing all existing and proposed structures, setbacks, driveways, parking, screenings, etc.

NOTE:

1. The application fee 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 **strongly advised** that the applicant or someone representing the applicant attend the Zoning Commission and City Council meetings.

REVISED 07/09/08

**APPLICATION FOR SPECIAL USE PERMIT
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 a Special Use Permit as required in the Zoning Ordinance. In support of this application, the following facts are shown:

Location/Address of the Property: 400 Pelt Drive

Owner of the Property: Emraq Investments LLC

Address of the Owner: 228 Killington Place Dunn NC Zip: 28334

Owner's Home Phone: 919 459 4715 Owner's Work Phone: 919 459 4715

A. Section and provision of the Zoning Ordinance from which a Special Use Permit is requested:

30-109(2)

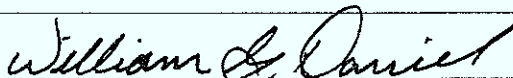
B. The property sought for a Special Use Permit is owned by Emraq Investments LLC
as evidenced by deed, recorded in Deed Book 7009, Page 492, Cumberland
County Registry. (Attach a copy of (all) deed(s) as it appears in the Registry.)

C. Tax Property Identification Number (PIN#) of the property: 0428-56-5967

D. Acreage requested for a Special Use Permit: 5.43

E. It is proposed that the property will be put to the following use: (Describe proposed use/activity
in detail to include hours and days of operation, number of employees, number of clients, etc.)
Expansion of existing facility to add private rooms and
reduce the number of semi private rooms. Thereby, resulting in no change
in operational hours, number of employees, or number of clients

F. To the best of your knowledge, has an application for a special use permit or rezoning been filed
for this property within the previous 5 years? (If yes, please indicate month and year.)
No



Signature of Applicant

WILLIAM G. DANIEL & ASSOC., P.A.

1150 S.E. MAYNARD RD, SUITE 260
Address of Applicant

CARY
City

NC
State

27511
Zip Code

Home Phone: 919.413.7477

Work Phone: 919.467.9708

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

WILLIAM G. DANIEL & ASSOCIATES, P.A.

1150 SE MAYNARD ROAD, SUITE 260
CARY, NC 27511
(919) 467-9708

BRANCH BANKING
AND TRUST COMPANY
CARY, NC 27511
66-112/531

4189

8/10/2010

Pay to the
Order of

City of Fayetteville

\$ **700.00

Seven Hundred and 00/100*****

Dollars

City of Fayetteville

SUP app fee - Woodlands

⑈004189⑈ ⑈053101121⑈5217219126⑈

WILLIAM G. DANIEL & ASSOCIATES, P.A.

4189

City of Fayetteville
Filing Fees

SUP app fee - Woodlands

8/10/2010

700.00

BB&T

SUP app fee - Woodlands

700.00

044009

CUMBERLAND COUNTY NC 09/15/2005
\$6650.00



Real Estate
Excise Tax

RECEIVED

9-15-2005 AM 11:34: 8

J. LEE WARREN JR.
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

NORTH CAROLINA LIMITED WARRANTY DEED

Excise Tax: \$6650.

Tax ID No.: 0428-56-5967

Mail/Return to: ~~Nicholls & Crampton, PA (FTN)~~

Baer & Baer Attorneys

Prepared by: Nicholls & Crampton, PA (FTN)

and Jennifer R. Cooney

Brief description: Lots 151-157, PB 10-25, CCR

THIS DEED, made the 9th day of September, 2005, by NOAH K. DUNCAN and wife, GAIL DUNCAN; DAVID L. STONE, JR. and wife, JO CATHERINE STONE; HAROLD P. NUNN and wife, DEBORAH JEAN NUNN, (hereinafter collectively "Grantor") to

EMRAQ INVESTMENTS, LLC (hereinafter "Grantee")

228 Killington Place
Dunn, NC 28334

(The designation of "Grantor" and "Grantee" shall include said parties and their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter, as required by the context.)

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee, in fee simple, all of Grantor's right, title and interest in that certain lot or parcel of real property located in Fayetteville, Cumberland County, North Carolina, and more particularly described as follows:

BEING ALL OF Lots 151-157, as the same are shown on that plat recorded in Book of Plats 10, Page 25, Cumberland County Registry, to which plat reference is made for a more complete and accurate description.

TO HAVE AND TO HOLD the above-described real property (hereinafter the "Real Property"), and all rights, privileges and appurtenances thereto belonging, to Grantee in fee simple.

And Grantor covenants with Grantee that Grantor has done nothing to impair such title as Grantor received, and that Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the following: (i) ad valorem taxes for

24

2005 and thereafter, (ii) restrictive covenants, general service and utility easements, rights of way, and matters of record affecting the Real Property; (iii) rights of tenants in possession under unrecorded leases; and, (iv) matters shown on the above-referenced plat.

The Real Property was acquired by Grantor by deed recorded in Book 6943, Page 264, Cumberland County Registry.

IN WITNESS WHEREOF, Grantor has hereunto set his/her hand, and adopted the typed word "(SEAL)" after his/her name as his/her own seal, the day and year first above written.

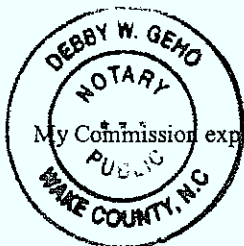
(SIGNATURES AND ACKNOWLEDGMENTS ON FOLLOWING PAGES)

Noah K Duncan (SEAL)
NOAH K. DUNCAN

Gail Duncan (SEAL)
GAIL DUNCAN

STATE OF NORTH CAROLINA - WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that NOAH K. DUNCAN and wife, GAIL DUNCAN personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 9 day of Sept, 2005.



Debby W Geho
Notary Public

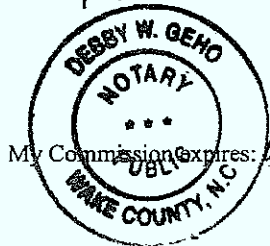
My Commission expires: 12.15.2005

David L. Stone, Jr. (SEAL)
DAVID L. STONE, JR.

Jo Catherine Stone (SEAL)
JO CATHERINE STONE

STATE OF NORTH CAROLINA - WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that DAVID L. STONE, JR. and wife, JO CATHERINE STONE, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 9 day of Sept, 2005.



Debby W. Geho
Notary Public

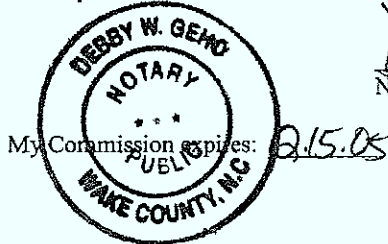
My Commission Expires: 12.15.05

Harold P. Nunn (SEAL)
HAROLD P. NUNN

Deborah Jean Nunn (SEAL)
DEBORAH JEAN NUNN

STATE OF NORTH CAROLINA - WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that HAROLD P. NUNN and wife, DEBORAH JEAN NUNN personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 9 day of Sept, 2005.



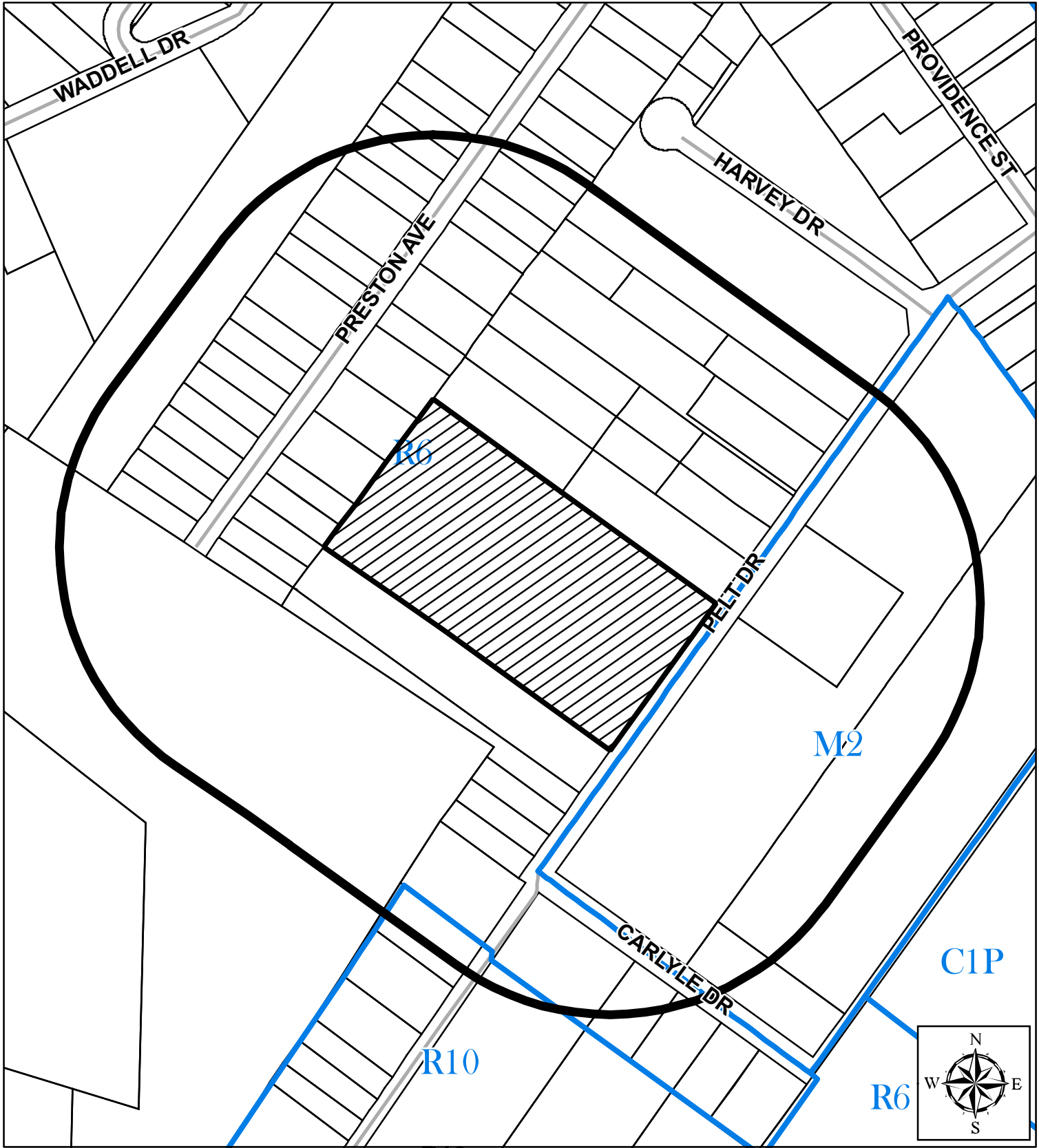
Debby W. Gelo
Notary Public

The foregoing Certificate(s) of Debby W. Gelo

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 J. Lee Warren, Jr. REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
Rebecca Nichols Deputy/Assistant - Register of Deeds

ZONING COMMISSION
CASE NO. P10-35F

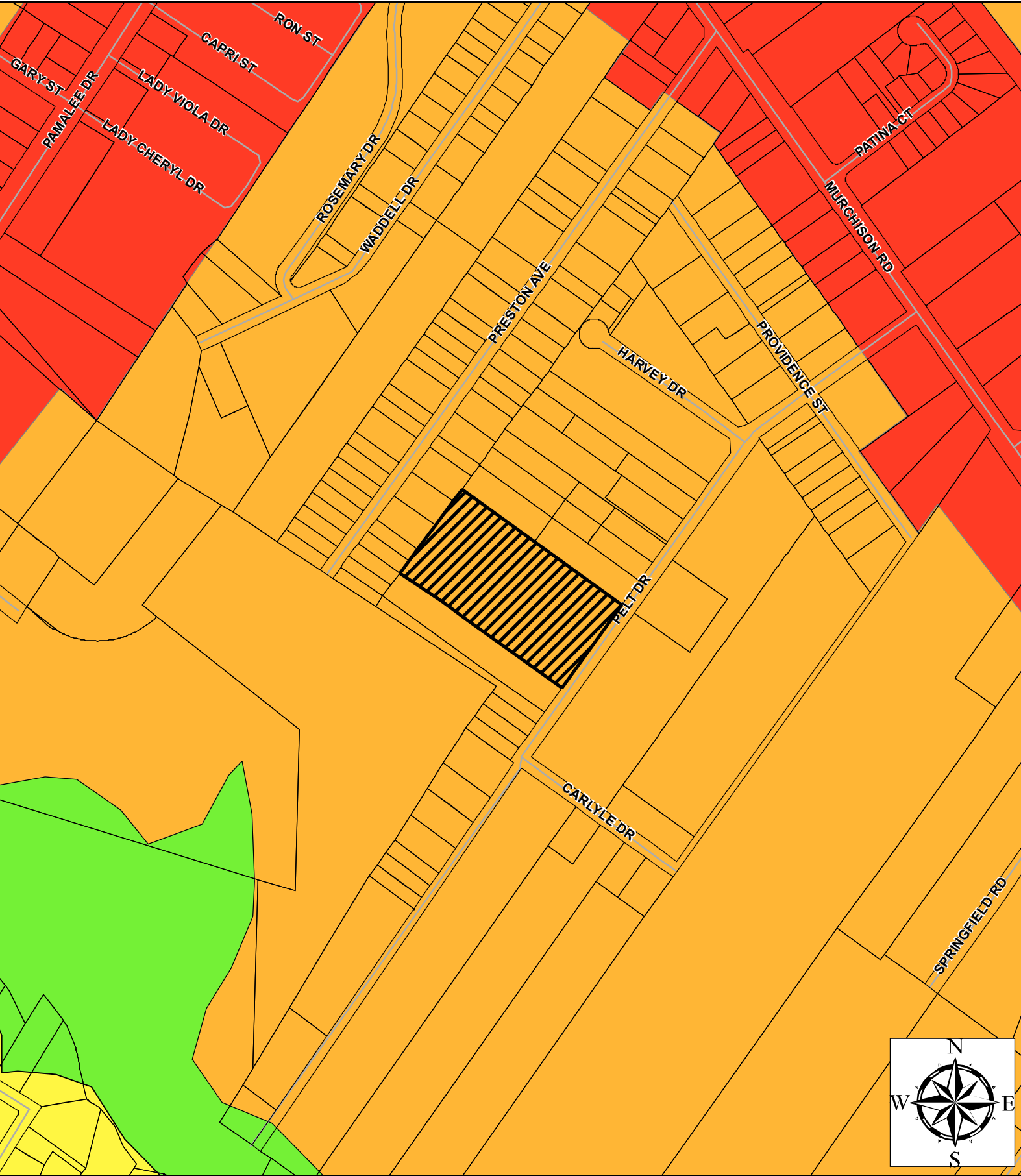


Request: SUP Nursing Home	Zoning Commission: 9/14/2010	Recommendation: _____
Location: 400 Pelt Dr	City Council: _____	Final Action: _____
Acreage: +/- 5.43 acres	Pin: 0428-56-5967	

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. P10-35F



Legend

Medium Density Residential

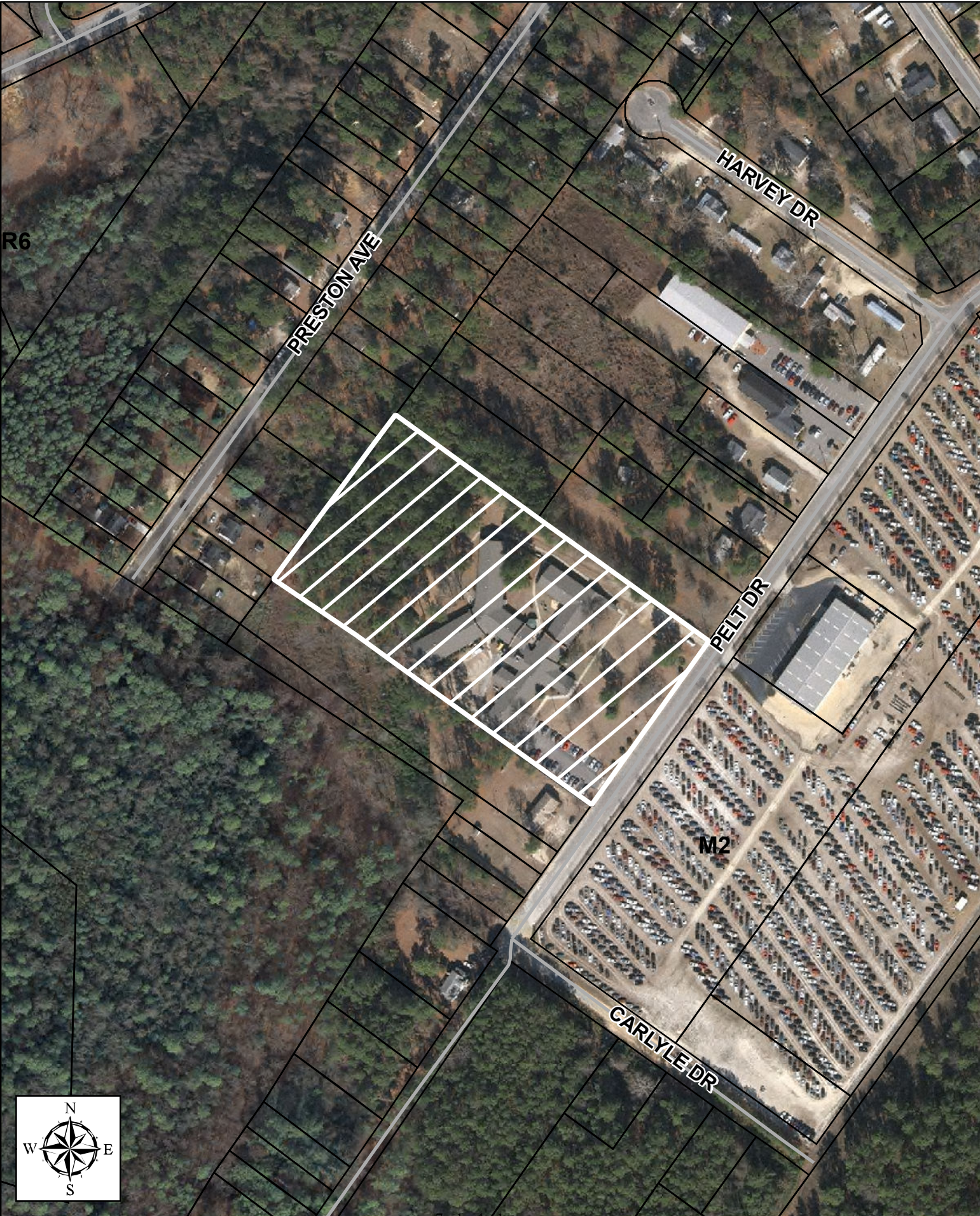
Office / Institutional

Governmental

Light Commercial

7-1-3-1 Heavy Commercial

Low Density Residential



Revisions
09/21/10 - Per City review.

DEVELOPER
Century Care Management
100 Edinburgh Square, Suite 200
Oak Ridge, TN 37830
(615) 489-4715

Project
Woodlands
400 Pellet Drive

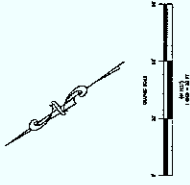
Site Plan

Date
AUGUST 10, 2010

Scale
1" = 30'

Sheet

CS-2

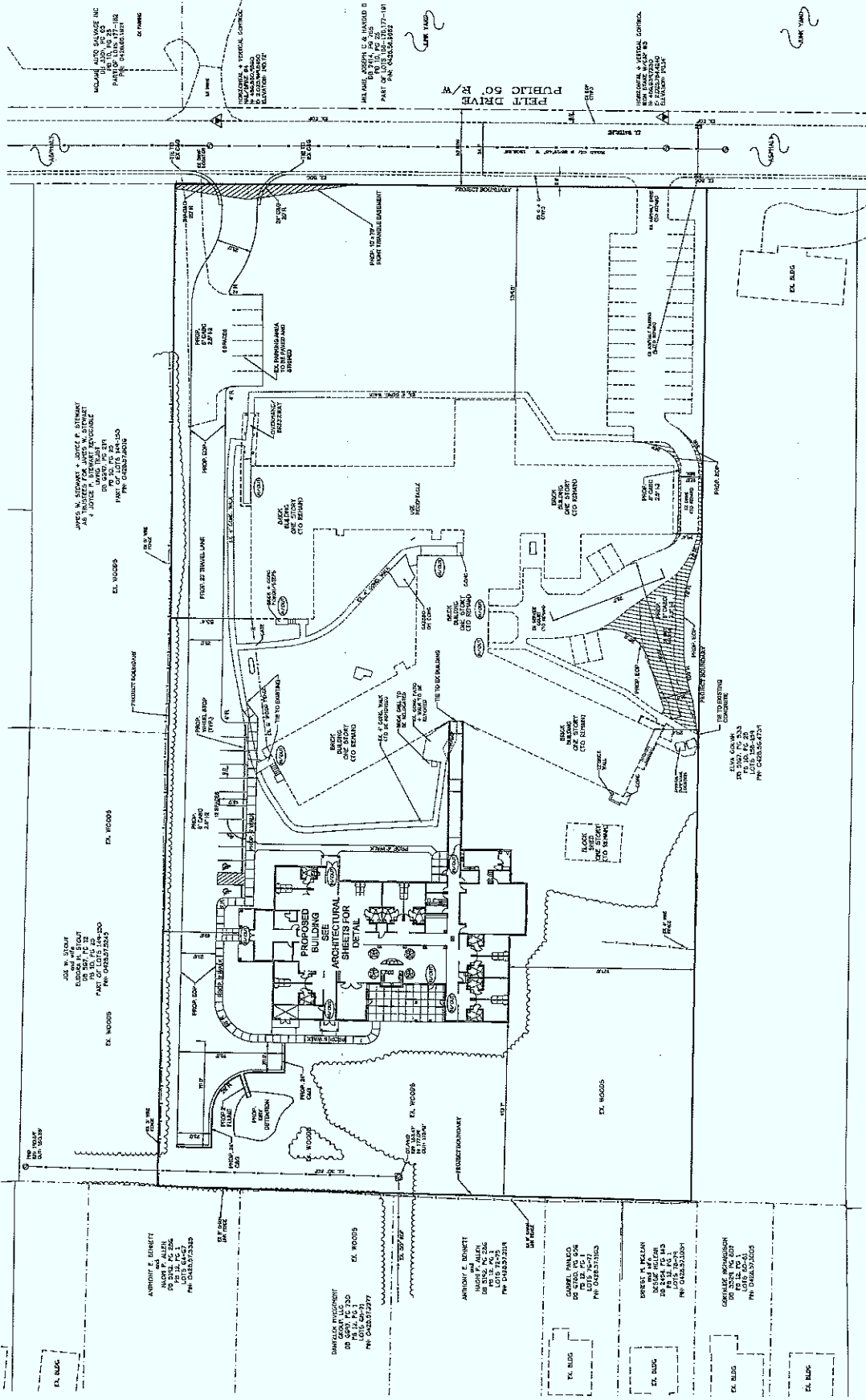


* EXISTING SOUTHERN DRIVEWAY AND ALL DRIVEWAYS TO BE REMOVED AND REPLACED BY NEW DRIVEWAYS. THE NEW DRIVEWAYS TO BE SHOWN ON THE SOUTHWEST CORNER OF THE BUILDING. THE DRIVEWAYS TO BE SHOWN ON THE SOUTHWEST CORNER OF THE BUILDING. THE DRIVEWAYS TO BE SHOWN ON THE SOUTHWEST CORNER OF THE BUILDING.

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT CITY OF PAVEMENT STANDARDS AND SPECIFICATIONS.

NOTE:
BUILDING TO BE SPRINKLED.
NOTE:
NO GATED ENTRANCES EXIST.
ON EXISTING BUILDING. THE GATED ENTRANCE TO THE RISER ROOM.

NOTES:
1. CONSTRUCTION TO BE IN ACCORDANCE WITH CURRENT CITY OF PAVEMENT STANDARDS AND SPECIFICATIONS.
2. BOUNDARY IS TAKEN FROM PLAT BOOK 1972.
3. NO PORTION OF THE PROPOSED IMPROVEMENTS LOCATED WITHIN 100 YEAR FLOOD ZONE.
4. CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFICATION OF ALL EXISTING UTILITIES. LOCATIONS ARE TO BACK OF CURB AND BACK OF BUILDING UNLESS OTHERWISE SPECIFIED.
5. INFORMATION ON BUILDING CONSTRUCTION SEE ARCHITECTURAL PLANS.



**CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
OCTOBER 12, 2010 @ 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Marshall Isler
John Crawley
Lockett Tally
Tom Speight

MEMBERS ABSENT

Steve Mannell
Martin J. Hendrix

OTHERS PRESENT

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

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

I. APPROVAL OF AGENDA

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

II. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 14, 2010 MEETING

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

III. ELECTION OF OFFICES

Mr. Crawley made a motion to nominate Pete Paoni as Chair for the Commission. Mr. Speight seconded the motion. A vote was taken and passed unanimously.

Mr. Crawley made a motion to nominate Marshall Isler as Vice-Chair for the Commission. Mr. Speight seconded the motion. A vote was taken and passed unanimously.

IV. PUBLIC HEARINGS

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

Everyone who was planning to speak, for all the cases involving a special use permit were sworn in, including staff.

- A. Case No. P10-35F.** A Special Use Permit – Nursing Home in a R6 Residential District for property located at 400 Pelt Drive. Containing 5.43 acres more or less and being the property of Emraq Investments LLC.

Mr. Harmon presented the case. He explained that this request is for the expansion of an existing Nursing Home; the expansion is to create more private rooms. Mr. Harmon explained that the bed count, number of clients and staff will remain the same. Mr. Harmon stated that the current Nursing Home is operating under a Special Use Permit issued in the 1970s.

Mr. Harmon gave an overview of the location. He explained the current land use for the property and the surrounding areas. He stated that the 2010 plan called for medium density residential. Mr. Harmon stated that staff recommends that the Zoning Commission move to Approve the requested Special Use Permit as described and conditioned upon the site plan, based upon the finding that the request fits with the character of the area in which it is to be located and that it will not be detrimental to the surrounding neighborhood based upon the submitted site plan and documentation.

Mr. Harmon explained that this is a quasi-judicial hearing that requires the Zoning Commission to make its decision based on specific findings and that since this is a Special Use Permit, the Zoning Commission can require conditions necessary to meet these specific details and other findings necessary for approval.

The public hearing was opened.

Mr. Bill Daniel appeared in favor of the request. He stated that he is representing the owner of the company. Mr. Daniel stated that the request is to enable the facility to have more private rooms available. He stated that the company has been with existence for 27 years. He stated that the request is an upgrade to the facility and will enhance the neighborhood.

Mr. Schmidlin appeared in favor of the request. He explained that the facility is a 100 bed combination facility with 80 skilled residents nursing care and 20 assisted living residents.

Mr. Paoni asked if the number would be increased. Mr. Schmidlin explained that the intent is to add 12 private rooms which will allow the facility to convert 12 of the semi private rooms into private rooms and give them a total of 24 private rooms.

There were no speakers in opposition of the request.

Mr. Tom Speight made a motion to approve the Special Use Permit based upon the finding that the request fits with the character of the area in which it is to be located and that it will not be detrimental to the surrounding neighborhood based upon the submitted site plan and documentation.

Mr. Tally seconded the motion.

A vote was taken and passed unanimously.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: November 22, 2010
RE: **Case No. P10-38F. Special Use Permit to allow the location of a Wireless Telecommunications Tower on property located at 1769 Bingham Drive containing 0.23 acres. Calvary Freewill Baptist Church, owner.**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy/Livable Communities

BACKGROUND:

Owner: Calvary Freewill Baptist Church
Applicant: Thomas H. Johnson
Requested Action: Special Use Permit - Telecommunications Tower
Property Address: 1769 Bingham Drive
Council District: 6 (Crisp)
Size: 0.23 acres
Existing Land Use: Church
Adjoining Land Use & Zoning: North - PND - Planned Neighborhood Development, Multi Family Residential/ South - R10 Single Family Residential & C1P Commercial / East - PND - Planned Neighborhood Development, Residential / West - PND - Planned Neighborhood Development, Church, C1A Commercial & C3 Commercial
2010 Land Use Plan: Low Density Residential
Letters Mailed: 160
Site Plan: A site plan is required and was submitted, dated September 1, 2010, providing the information required in 30-109(2)

ISSUES:

As shown on the attached proposed site plan, the City's Zoning Ordinance only requires a "fall zone" from neighboring property lines. In this case it is a minimum of 150 feet. It does not require a "fall zone" from buildings or structures on the same property as the tower.

The Zoning Commission held a quasi-judicial hearing that required them to make their decision based on specific findings. Since this is a Special Use Permit, the Zoning Commission was able to require conditions necessary to meet these specific details and other findings necessary for approval.

Zoning Commission and Staff recommend APPROVAL with the following conditions in addition to the submitted site plan:

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

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

OPTIONS:

1. Approve the SUP with the conditions listed above in addition to what is found in Section 30-107(17); (Recommended)
2. Approve the SUP conditioned only as required under Section 30-107(17);
3. Deny the request.

(Council must identify specific findings of fact to support approval or denial).

RECOMMENDED ACTION:

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

ATTACHMENTS:

Application
Zoning Map
Current Landuse
Ortho Photo
Site Plan
Zoning Commission Minutes

NEXSEN|PRUET

Thomas H. Johnson, Jr.
Special Counsel
Admitted in NC

September 2, 2010

VIA UPS NEXT DAY AIR

Mr. Craig Harmon, AICP, Planner II
Planning Department
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301

Re: American Towers, Inc. & AT&T
Special Use Permit for
Telecommunications Tower
1769 Bingham Drive, Fayetteville, NC 28304

Dear Mr. Harmon:

Charleston
Charlotte
Columbia
Greensboro
Greenville
Hilton Head
Myrtle Beach
Raleigh

I represent American Towers, Inc. and AT&T in connection with the enclosed Application for a Special Use Permit for a telecommunications tower at 1769 Bingham Drive. The owner of the property is Calvary Freewill Baptist Church. The Appointment of Agent form signed by Calvary Freewill Baptist Church authorizing us to pursue the special use permit is enclosed. I am also enclosing the signed Application along with a check for the \$700 fee, a copy of the recorded deed, one full copy of the construction drawings and 20 copies of the detailed site plan. We request that this matter be placed on the agenda for the October 12, 2010 Zoning Commission meeting and that the Appearance Commission review these plans at their next meeting.

The tower will be a stealth monopole tower 150 feet in height on a site 100 feet by 100 feet in size with a 25 foot access and utilities easement to Bingham Drive. The site is to the rear of Calvary Freewill Baptist Church and is surrounded by an automobile repair shop (zoned C1P) and single family residential (zoned PND and R-10) to the south, single family residential (zoned PND) to the east, multifamily (zoned PND) to the north and commercial, light industrial and other mixed uses across Bingham Drive to the west. The tower will utilize stealth technology by hiding the antennae within the pole, as shown in the enclosed photo simulations. The site is zoned PND. The Fayetteville Zoning Ordinance (the "Ordinance") allows towers as a

P.O. Box 30188 T 919.786.2764
Raleigh, NC 27622 F 919.788.1104
www.nexsenpruet.com E TJohnson@nexsenpruet.com
Nexsen Pruet, PLLC
Attorneys and Counselors at Law

NPCHAR1:597874.1-ZON-(TJOHNSON) 038532-00035

special use in the PND District. The PND District allows a mixture of residential and commercial uses.

As required by Section 30-107(17), the tower will be located at least the height of the tower from all property lines. The tower base is enclosed in a chain link fence ten feet in height and the fence is a minimum of ten feet from the base of the tower.

Sheet L-1 of the enclosed site plan shows the landscape plan in compliance with Section 30-107(17)c. The certifications by the applicant that the tower will be constructed and operated in compliance with all federal, state and local laws and that the tower will be removed if it is not used for six months or more are enclosed. As evidenced by the enclosed FCC Compliance Assessment, the carrier to be located on the tower, AT&T, will not interfere with the operation of commercial radio, cellular radio, television, telephone or other FCC approved communication equipment. The reports also confirm that the power density levels are much less than the federally approved levels and the American National Standards Institute standards.

The equipment shelter will be of a construction consistent with the surrounding structures and will have a pitched roof and siding so as to appear residential in character.

The use fits in with the character of the area and will not be detrimental to the surrounding neighborhood as the tower will be a stealth pole and is located in an area of mixed uses including single family, multifamily and commercial. Similar towers are located in residentially zoned and mixed use areas across the country without any detriment to the surrounding neighborhood. As a result of this site, the immediate area will benefit from better wireless service that is especially important for those whose wireless phone or device is their only telephone access to emergency services. An impact statement by Graham Herring, a licensed real estate broker, is enclosed confirming that the site will not adversely impact the property values of the surrounding properties.

No lighting is proposed for this tower, but, if required by the FAA, the tower lighting will meet the standards of the Ordinance. The tower as proposed will be galvanized steel in color that will blend in well with the surroundings. There will be no outside storage or employment center on the site.

Documentation is enclosed that no suitable structures or facilities exist in the coverage area that are available for collocation by AT&T. Also enclosed is photo imagery that superimposes the tower on the proposed site. The construction drawings show sufficient capacity for three additional carriers.

Mr. Craig Harmon, AICP, Planner II
September 2, 2010
Page 3

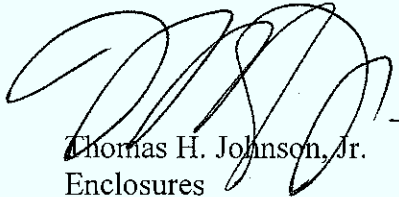
The information requested by Section 30-107(17)x. is available on American Tower's web site using the following link:

<http://www.americantower.com/sitelocator/default.aspx>

This link is to a site locator for all of American Tower's sites in the United States. It shows the available sites in Fayetteville and Cumberland County with details on each site and a contact number for more specific information.

If you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,



Thomas H. Johnson, Jr.
Enclosures

NEXSEN PRUET, LLC
PAYEE: CITY OF FAYETTEVILLE

VENDOR #: 10009427

DATE: 09-02-10
CHECK #: 343674

DATE	INVOICE NUMBER	RESPONSIBLE PARTY	GENERAL LEDGER ACCOUNT	MATTER #	AMOUNT
09-02-10	090210		56700002000000000000	038532-00035	700.00
TOTAL:					700.00

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

NEXSEN PRUET, LLC

ATTORNEYS AND COUNSELORS AT LAW
POST OFFICE DRAWER 2426
COLUMBIA, SOUTH CAROLINA 29202

BANK OF AMERICA ACCOUNT
COLUMBIA, SOUTH CAROLINA

CHECK NO.: 343674


PAY SEVEN HUNDRED AND 00/100 USD

DATE 09/02/10

NET AMOUNT \$700.00

OPERATING ACCOUNT
VOID AFTER 180 DAYS

TO
THE
ORDER
OF
CITY OF FAYETTEVILLE

BY: 
AUTHORIZED SIGNATURE

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. RED IMAGE DISAPPEARS WITH HEAT.

⑈343674⑈ ⑆053904483⑆ 000707905572⑈

Deadline Date to Return _____

Zoning Commission Meeting _____

Today's Date _____

Amount Rec'd \$ _____ Rcv'd by _____ Case # _____

APPLICATION FOR SPECIAL USE PERMIT CITY OF FAYETTEVILLE

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

At the public hearing the Zoning Commission will make a recommendation to the City Council concerning the request. The City Council will hear the case and make the final decision. Any Special Use Permit 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 Special Use Permit and a public notification sign will be posed on the site.

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

1. A copy of the recorded deed.
2. A check made payable to the City of Fayetteville in the amount of **\$700.00**.
3. **20 copies** of a site plan showing all existing and proposed structures, setbacks, driveways, parking, screenings, etc.

NOTE:

1. The application fee 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 **strongly advised** that the applicant or someone representing the applicant attend the Zoning Commission and City Council meetings.

REVISED 07/09/08

**APPLICATION FOR SPECIAL USE PERMIT
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 a Special Use Permit as required in the Zoning Ordinance. In support of this application, the following facts are shown:

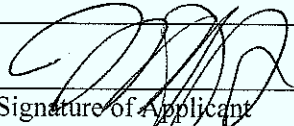
Location/Address of the Property: 1769 Bingham Drive, Fayetteville, NC 28304

Owner of the Property: Calvary Freewill Baptist Church

Address of the Owner: 1769 Bingham Drive, Fayetteville, NC Zip: 28304

Owner's Home Phone: 910-423-2253 Owner's Work Phone: same

- A. Section and provision of the Zoning Ordinance from which a Special Use Permit is requested: 30-107(17)
- B. The property sought for a Special Use Permit is owned by Calvary Freewill Baptist Church as evidenced by deed, recorded in Deed Book 6691, Page 871, Cumberland County Registry. **(Attach a copy of (all) deed(s) as it appears in the Registry.)**
- C. Tax Property Identification Number (PIN#) of the property: 0406-50-0492
- D. Acreage requested for a Special Use Permit: 0.23 acre lease area/5.0 acres for entire property
- E. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail to include hours and days of operation, number of employees, number of clients, etc.)
Telecommunications Tower
- F. To the best of your knowledge, has an application for a special use permit or rezoning been filed for this property within the previous 5 years? (If yes, please indicate month and year.)
No

 atg Br American Towers, Inc.
Signature of Applicant

201 Shannon Oaks Circle, Suite 100

Address of Applicant

Cary NC 27511

City State Zip Code

Home Phone: N/A

Work Phone: 919-786-2764

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

Appointment of Agent

The undersigned on behalf of the Calvary Freewill Baptist Church ("Owner") does hereby appoint Nexsen Pruet, PLLC as its exclusive agent for the purpose of petitioning the City of Fayetteville for a special use permit applicable to the property described in the attached petition including, but not limited to, the following:

1. To submit a proper petition and the required supplemental materials.
2. To appear at public meetings to give representation and commitments on behalf of the Owner.
3. To act on the Owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of the application for a special use permit.

This agency agreement shall continue in effect until written notice of revocation by the Owner is delivered to the City of Fayetteville.

This the 2nd day of September, 2010

Agent's Name, Address & Telephone

Signature of Owner(s)

Nexsen Pruet, PLLC

CALVARY FREEWILL BAPTIST CHURCH

201 Shannon Oaks Circle, Suite 100

BY: Johnny E. Pike

Cary, NC 27511

919-653-7800

6691
0871

BK6691PG871

52195

RECEIVED
10-25-2004 AM 8:41:28
J. LEE WARREN JR.
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

Prepared By and Return To: Attorney Steve Bunce

File #24164-04

Revenue Stamps: \$ None

Pin Number: 0406-50-0492

WITHOUT TITLE EXAMINATION

NORTH CAROLINA

SPECIAL WARRANTY DEED

CUMBERLAND COUNTY

THIS DEED made and entered into this 11th day of October, 2004, by and between **The Mission Board of the North Carolina State Association of the Freewill Baptists also formerly sometimes known as North Carolina State Mission Board of Freewill Baptists, a North Carolina Non-Profit corporation**, hereinafter called "**Grantor**," and **Calvary Freewill Baptist Church**, hereinafter called "**Grantee**", whose mailing address is 1769 Bingham Drive, Fayetteville, NC 28304,

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include the 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 near the City of Fayetteville in Seventy First Township, Cumberland County, North Carolina, and more particularly described as follows:

BEGINNING at a concrete monument, said monument being a common corner in Deed Book 3361, Page 155 Tract 1, C.F. Draughon, and the southwest corner of Lot

20
43

54 as shown on a plat entitled "Beaver Creek" recorded in Plat Book 60, Page 8, - all of the above references are recorded in Cumberland County, North Carolina Registry; thence with David Draughon's southern line and C.F. Draughon's northern line South 88 degrees 33 minutes West 630.91 feet to an iron pipe in the eastern right of way margin of State Road 1141; thence with the eastern right of way margin of the road North 08 degrees 57 minutes West 353.59 feet to a point; thence leaving the right of way margin of the road South 87 degrees 51 minutes East 697.75 feet to a point in the western line of Lot 57 on the aforementioned plat; thence with the western lines of Lots 57, 55 and 54 South 02 degrees 09 minutes West 307.31 feet to the point of BEGINNING, containing 5.00 acres, more or less and being the southern 5 acres of a tract described in Deed Book 3254, Page 3, Cumberland County, North Carolina Registry, and including all of the property described by Deeds recorded in Book 2878, Page 701, Book 3361, Page 155. And being all of the property conveyed to North Carolina State Mission Board of Freewill Baptists by Deed recorded in Book 3446, Page 820.

LESS AND EXCEPTING that certain tract conveyed to the North Carolina Department of Transportation by Deed recorded in Book 6464, Page 22, Cumberland County Registry, North Carolina.

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 has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor except for the exceptions hereinafter stated.

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

- a. County and/or Municipal Zoning Ordinances, Rules and Regulations.
- b. Easements and Rights of way of record.
- c. Right of way and easement for Sewer lines reserved in Book 3446, Page 820.
- d. Utility Easement as recorded in Book 6464, Page 22.

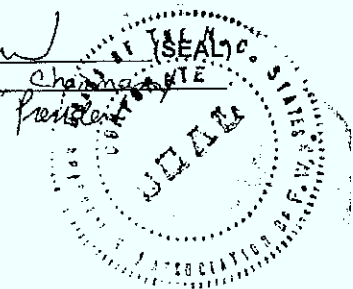
IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, the day and year first above written.

The Mission Board of The North Carolina State Association of The Freewill Baptists also formerly sometimes known as North Carolina State Mission Board of Freewill Baptists

By:

Printed Name and Title

Rev. Jeffrey B. Jones
Jeffrey B. Jones, Chairman



STATE OF NORTH CAROLINA

Johnston COUNTY

I, Laura Beth Knox, Notary Public, certify that Jeffrey B. Jones, Chairman / President of The Mission Board of The North Carolina State Association of The Freewill Baptists also formerly sometimes North Carolina State Mission Board of Freewill Baptists, personally appeared before me this day and acknowledged that he is President of North Carolina State Mission Board of Freewill Baptists, a North Carolina corporation and that he as President being authorized to do so, executed the foregoing instrument on behalf of the corporation.

Witness my hand and official seal this the 21st day of October, 2004.

Signature of Notary Public

Laura Beth Knox

My commission expires: _____

NOTARY PUBLIC
LAURA BETH KNOX
JOHNSTON COUNTY, NC
MY COMMISSION EXPIRES
JAN. 06 2006

The foregoing Certificate(s) of Laura Beth Knox

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.

J. LEE WARREN, JR. REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
By Regina Hazer Deputy/Assistant - Register of Deeds



City of Fayetteville Planning Department
433 Hay Street
Fayetteville, NC 28301

RE: American Tower Site No. 273593
Bingham Drive
1769 Bingham Drive, Fayetteville, NC 28304

Dear Sir or Madam:

American Towers, Inc. is submitting an Application for a Special Use Permit to construct a telecommunications tower at 1769 Bingham Drive, Fayetteville, NC 28304. In accordance with the requirements set forth in Section 30-107 (17) d. & f. of the City of Fayetteville Zoning Ordinance, the undersigned certifies that the proposed tower will be constructed and operated in accordance with all applicable local, state, and federal laws and ordinances, including, but not limited to, all Federal Communications Commission and Federal Aviation Administration rules and guidelines.

Very truly yours,

Jason Groseclose
Project Manager



City of Fayetteville Inspections Department
433 Hay Street
Fayetteville, NC 28301

RE: American Tower Site No. 273593
Bingham Drive
1769 Bingham Drive, Fayetteville, NC 28304

Dear Sir or Madam:

Pursuant to Section 30-107(17)(n) of the City of Fayetteville Zoning Ordinance, American Towers, Inc. acknowledges that towers that are not used for a period of 6 months or more shall be removed by the owner within 90 days of notification from the Department of Inspections. American Towers, Inc. accepts full financial responsibility for the removal of the above-referenced tower if it does not meet the City's requirements for use or maintenance.

Very truly yours,

Jason Groseclose
Project Manager



City of Fayetteville Planning Department
433 Hay Street
Fayetteville, NC 28301

RE: Bingham Drive
AT&T Site No. 141-243B
1769 Bingham Drive, Fayetteville, NC 28304

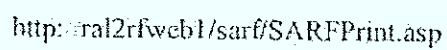
Dear Sir or Madam:

In accordance with the requirements set forth in Section 30-107 (17)(s)(2) of the City of Fayetteville Zoning Ordinance, AT&T conducted a thorough search of the area to be served by the proposed tower site at 1769 Bingham Drive, Fayetteville, NC 28304 ("Proposed Site") for an existing tower, building or other useable structure on which AT&T could locate its antennae. A map of the search ring for the required service area is attached for your reference. AT&T's search did not reveal any existing tower, building or other useable structure within the service area. Therefore, it is necessary for AT&T to build a new tower at the Proposed Site in order to meet its coverage objectives.

Very truly yours,

A handwritten signature in black ink, appearing to read "DL2246".

David J. LaCava
RF Design Engineer
AT&T Mobility
1130 Situs Court, Suite 100
Raleigh, NC 27606
Tel: 919-852-2717
Email: DL2246@att.com





Nenad Stanisavljevic
RF Design Engineer
1130 Situs Court, Suite 100
Raleigh, NC 27606

DATE: September 2, 2010
SUBJECT: RF Justification for AT&T Mobility Site 141-243 "Bingham Dr"

AT&T Mobility has been requested to provide justification for our proposed site 141-243 "Bingham Dr". AT&T Mobility is currently in the process of improving in-building coverage and expanding network capacity in commercial and residential areas along Bingham Dr in Fayetteville. Existing structures have been utilized whenever possible. No structures existed that could be utilized for proposed site 141-243 "Bingham Dr".

Currently AT&T Mobility does not have adequate capacity and in-building coverage in residential areas along Bingham Dr. Refer to the **Figure 1**, which shows coverage without the proposed site 141-243 "Bingham Dr".

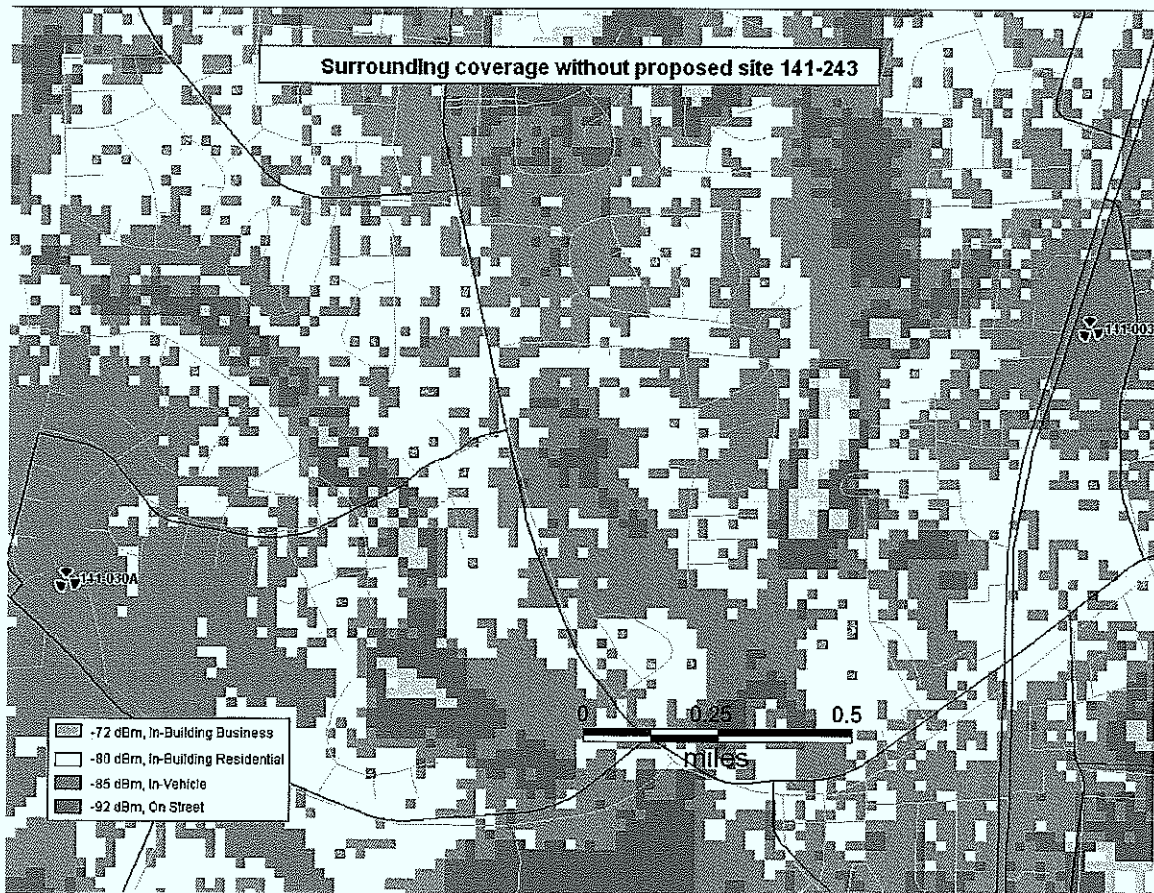


Figure 1: Map of AT&T Mobility' Coverage Without 141-243 "Bingham Dr"

With the addition of proposed site 141-243 “Bingham Dr”, AT&T Mobility will provide adequate capacity and improved in-building coverage. Refer to the **Figure 2** which shows coverage with the proposed site 141-243 “Bingham Dr”.

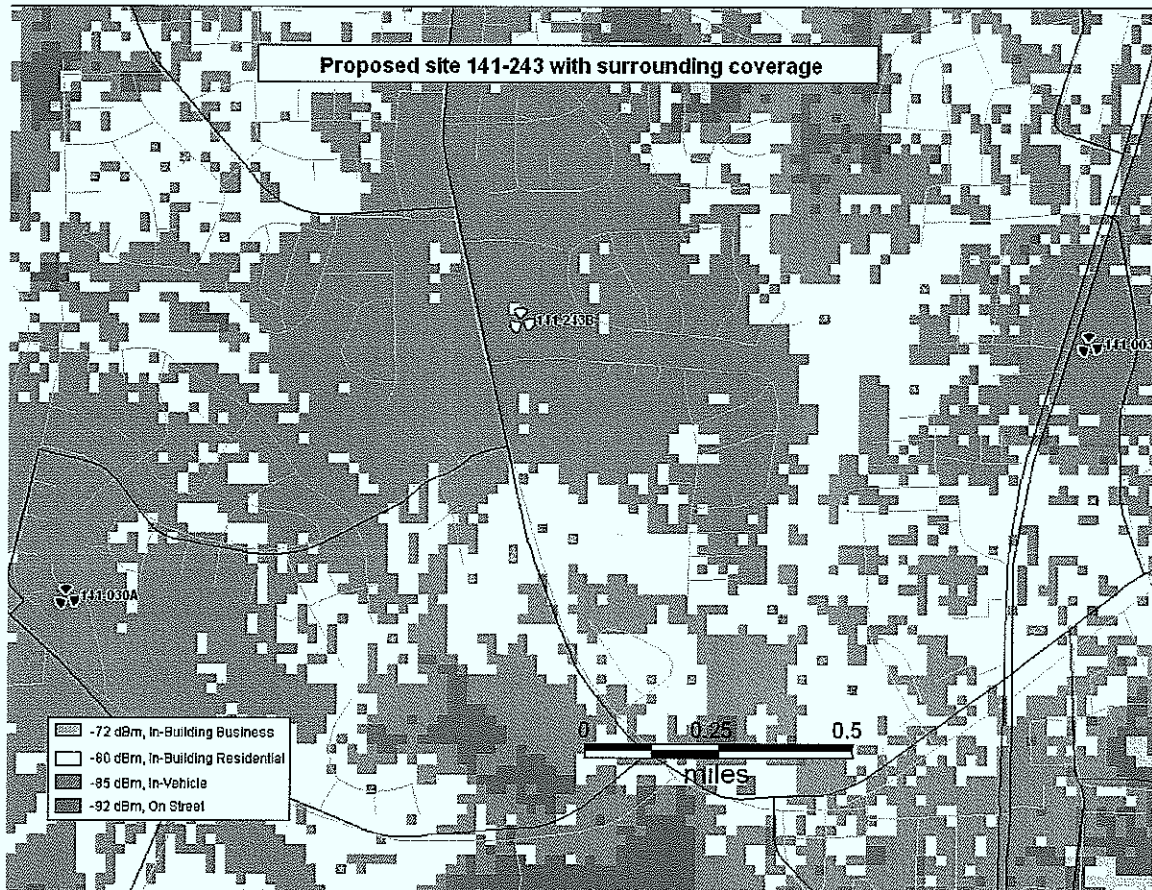
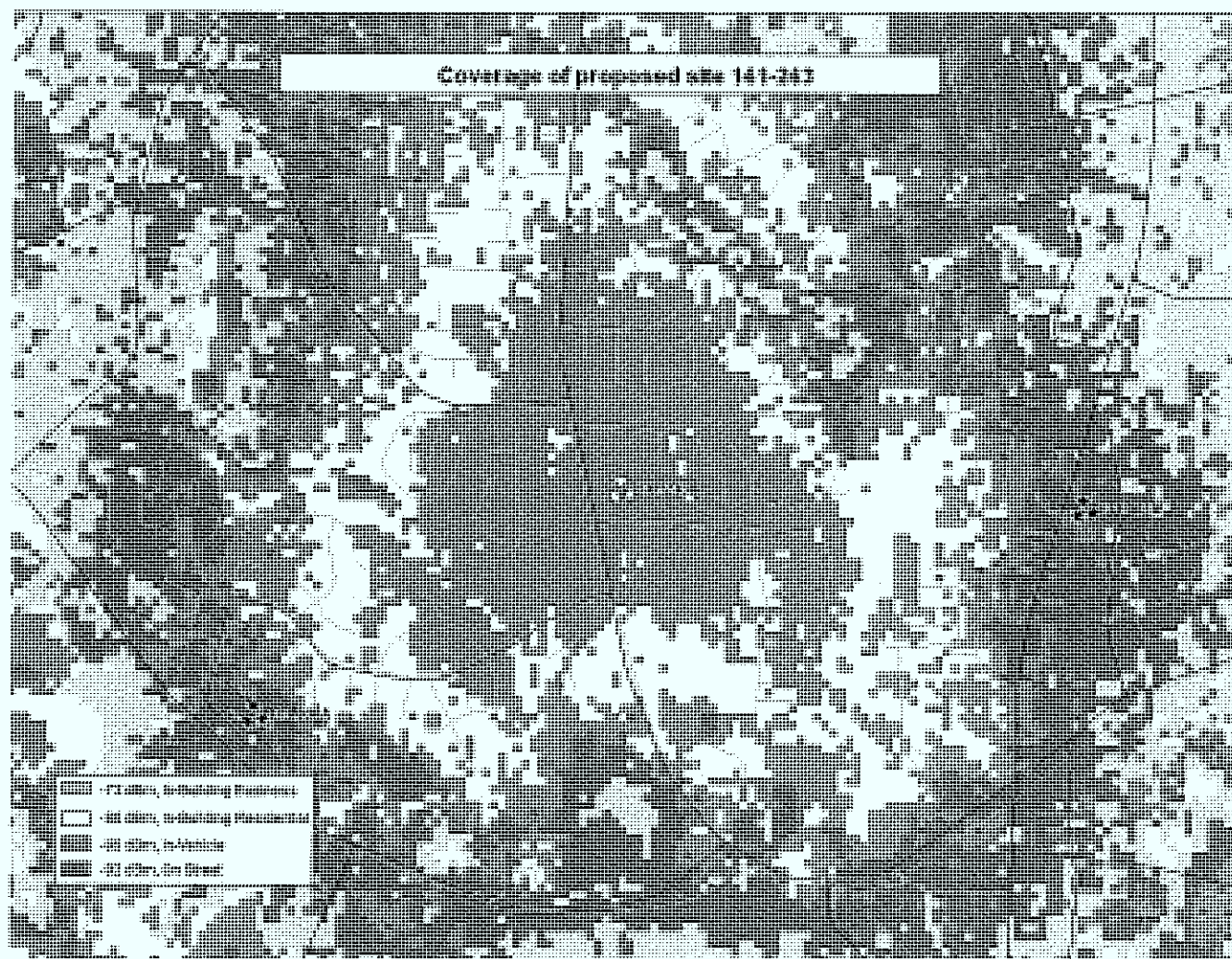
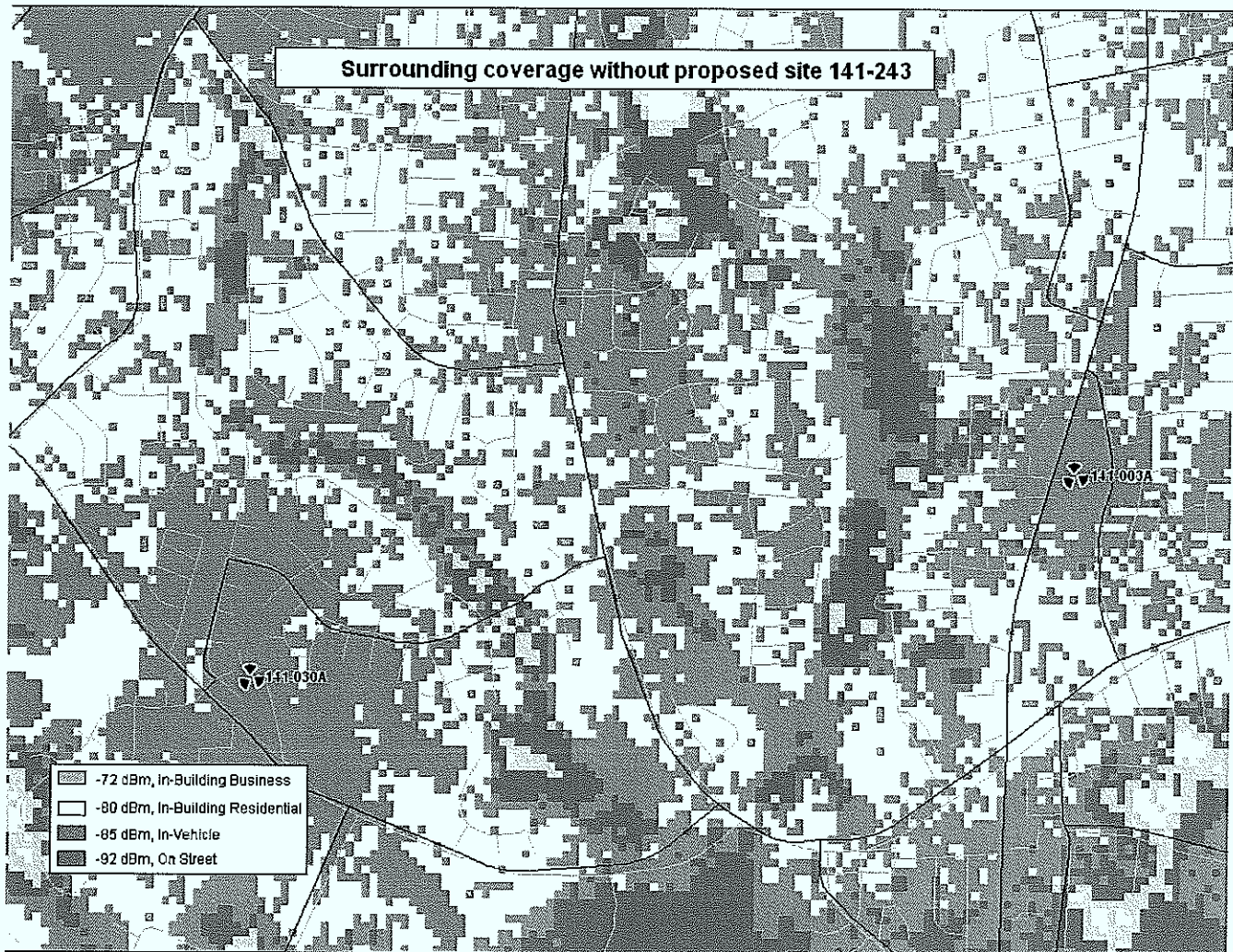


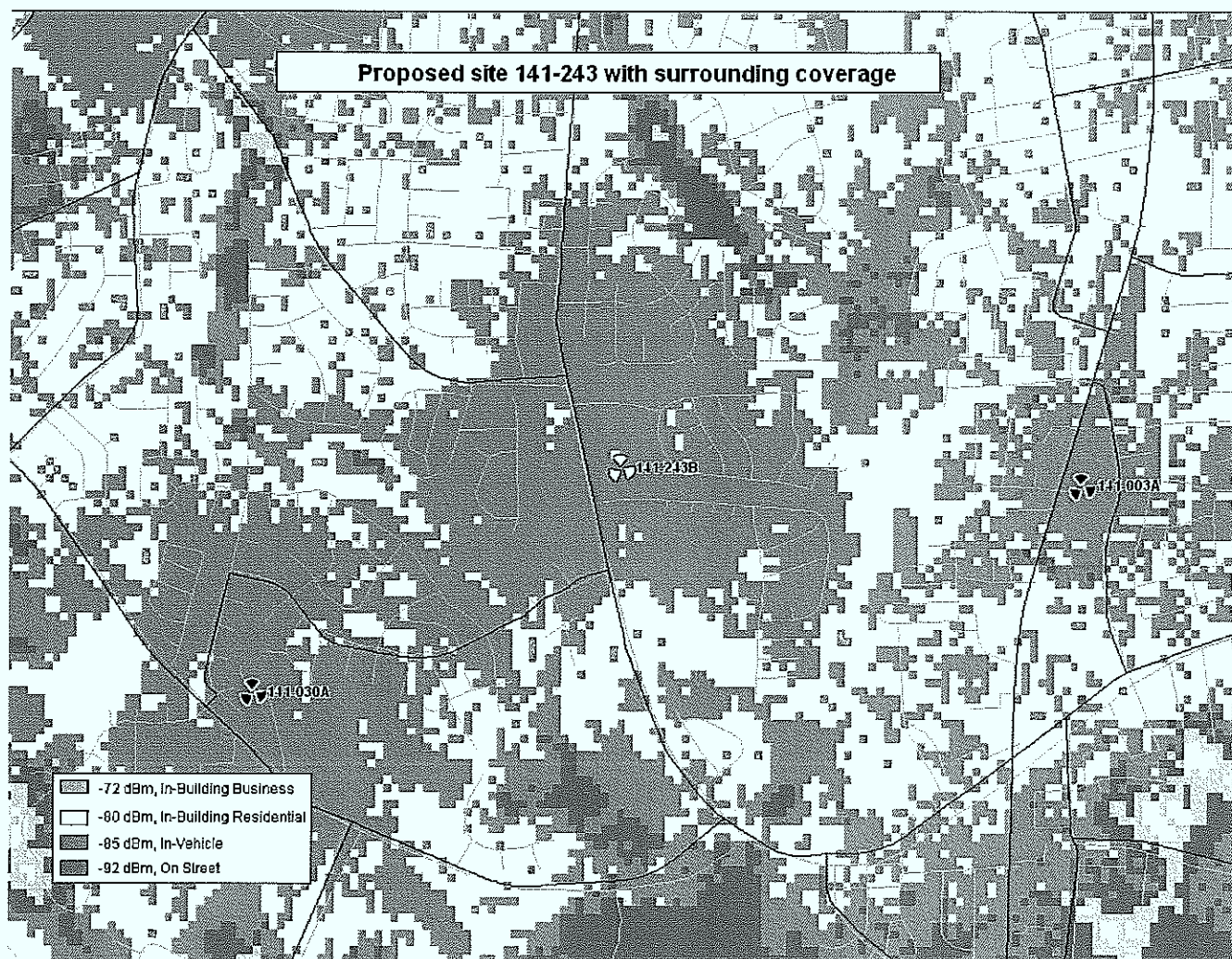
Figure 2: Map of AT&T Mobility' Coverage With 141-243 "Bingham Dr"

If there are any further questions, my contact details are:

Nenad Stanisavljevic
RF Design Engineer
AT&T Mobility
Raleigh Market
Tel: 919 802 3225
e-mail: nenad.stanisavljevic@att.com









Nenad Stanisavljevic
RF Design Engineer
1130 Situs Court, Suite 100
Raleigh, NC 27606

DATE: September 2, 2010
SUBJECT: FCC Compliance Assessment for Proposed AT&T Mobility Site 141-243 "Bingham Dr"

AT&T Mobility has been requested to evaluate the radio frequency emissions of our proposed site 141-243 "Bingham Dr". In addition, AT&T Mobility has been requested to address other RF related topics such as transmitter operation and maximum permissible output power levels. The remainder of this report will address all RF related items requested by Fayetteville zoning/planning for proposed site 141-243 "Bingham Dr".

Transmitter Operation

AT&T Mobility owns the B Band PCS license in Cumberland County. The transmitters being used on the proposed site are authorized to operate in the 1950-1965 Megahertz (MHz) frequency range. The Nokia UltraSite base station transmitters AT&T Mobility utilizes have a maximum output level of 30 Watts. AT&T Mobility utilizes the GSM digital technology. As a result our transmitters utilize Gaussian Minimum Shift Keying (GMSK) modulation. A precision filter limits unwanted and spurious emissions to levels below the FCC specification. The signals being transmitted will not interfere with the operation of commercial radio, cellular radio, television, telephone or other FCC approved communication equipment.

Maximum Permissible Output Power

The maximum permissible output power per channel is 1640 Watts of effective radiated power (ERP) from the antennas. The proposed site 141-243 "Bingham Dr" is only transmitting 484 Watts ERP.

RF Exposure (NIER levels)

The FCC states in 47 CFR 1.1310 that the maximum permissible exposure (MPE) level from non-ionizing electromagnetic radiation (NIER) to the general population at cellular and PCS frequencies is 1.0 milliwatt per centimeter squared (mW/cm²). MPE is a measure of the RF power density at or below which there are no potential harmful effects from the exposure.

Power density calculations are based on guidelines given by the ANSI Standard C95.1-1992 and are based on a worst case scenario. For analysis purposes, worst case conditions were chosen for all output power levels. The site is being deployed initially with nine transmitters. For analysis purposes, twelve transmitters were used. A summary of the results of the power density calculations for site 141-243 "Bingham Dr" is listed below in **Table 1**. More detail on the calculations can be found in the enclosed attachment.

Distance From Tower (Feet)	Power Density (mW/cm²)	%FCC Standard
1	0.00764	0.764
25	0.00745	0.7449
50	0.00693	0.6929
75	0.00621	0.6206
100	0.00542	0.5415

Table 1: Power Density Summary for Site 141-243 "Bingham Dr"

As shown in **Table 1**, the maximum power density will not exceed 0.00767 mW/cm² at ground level. Moreover, the average energy expected near ground level is less than 1% of the MPE level. This level does not exceed the MPE limit set by the Federal Communications Commission or the American National Standards Institute.

Based upon the ANSI/FCC standard and the predicted levels of electromagnetic energy emitted by the site 141-243 "Bingham Dr" installation will be of no safety concern to the general public.

If there are any further questions regarding the information provided I can be reached at (919)802-3225.

Nenad Stanisavljevic
RF Design Engineer
AT&T Mobility
Raleigh Market
Tel: 919 802 3225
e-mail: nenad.stanisavljevic@att.com

Locator Comments

Proposed configuration. Sector ERP = 200 Watts.

Yellow= User-Defined

Blue = Referenced Data. Cell Locked.

Green = Calculated Value, Cell Locked.

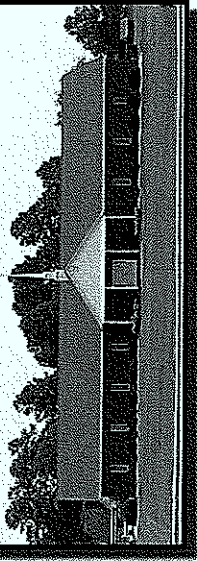
	Xmitter	Tip Ht* (ft)	ERP ** (W)	Freq Band (MHz)	MPE (mW/cm ²)	Distance (in ft)***			Distance (in ft)***			Distance (in ft)***			Distance (in ft)***			Distance (in ft)***			
						PD (mW/cm ²)	Percent MPE	Total	PD (mW/cm ²)	Percent MPE	Total	PD (mW/cm ²)	Percent MPE	Total	PD (mW/cm ²)	Percent MPE	Total	PD (mW/cm ²)	Percent MPE	Total	
Alpha	141-243	156	543	1900	1.00	0.00186	0.1862%		0.00173	0.1732%		0.00155	0.1552%		0.00135	0.1354%					
	141-243	156	543	1900	1.00	0.00186	0.1862%		0.00173	0.1732%		0.00155	0.1552%		0.00135	0.1354%					
	141-243	156	543	1900	1.00	0.00186	0.1862%		0.00173	0.1732%		0.00155	0.1552%		0.00135	0.1354%					
	141-243	156	543	1900	1.00	0.00186	0.1862%		0.00173	0.1732%		0.00155	0.1552%		0.00135	0.1354%					
	none	0	0	0	0.00	0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%					
Beta	none	0	0	0	0.00	0.00000	0.0000%	0.7640%	0.00000	0.0000%	0.7449%	0.00000	0.0000%	0.6929%	0.00000	0.0000%	0.6206%	0.00000	0.0000%	0.5415%	0.00000
	141-243	156	543	1900	1.00	0.00186	0.1862%		0.00173	0.1732%		0.00155	0.1552%		0.00135	0.1354%					
	141-243	156	543	1900	1.00	0.00186	0.1862%		0.00173	0.1732%		0.00155	0.1552%		0.00135	0.1354%					
	141-243	156	543	1900	1.00	0.00186	0.1862%		0.00173	0.1732%		0.00155	0.1552%		0.00135	0.1354%					
	141-243	156	543	1900	1.00	0.00186	0.1862%		0.00173	0.1732%		0.00155	0.1552%		0.00135	0.1354%					
Gamma	none	0	0	0	0.00	0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%					
	none	0	0	0	0.00	0.00000	0.0000%	0.7640%	0.00000	0.0000%	0.7449%	0.00000	0.0000%	0.6929%	0.00000	0.0000%	0.6206%	0.00000	0.0000%	0.5415%	0.00000
	141-243	156	543	1900	1.00	0.00186	0.1862%		0.00173	0.1732%		0.00155	0.1552%		0.00135	0.1354%					
	141-243	156	543	1900	1.00	0.00186	0.1862%		0.00173	0.1732%		0.00155	0.1552%		0.00135	0.1354%					
	141-243	156	543	1900	1.00	0.00186	0.1862%		0.00173	0.1732%		0.00155	0.1552%		0.00135	0.1354%					
Delta	none	0	0	0	0.00	0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%					
	none	0	0	0	0.00	0.00000	0.0000%	0.7640%	0.00000	0.0000%	0.7449%	0.00000	0.0000%	0.6929%	0.00000	0.0000%	0.6206%	0.00000	0.0000%	0.5415%	0.00000
	none	0	0	0	0.00	0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%					
	none	0	0	0	0.00	0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%					
	none	0	0	0	0.00	0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%					

* Bottom tip of antenna to ground

** Maximum Total ERP. See ERP conversion tool below.

Distance along ground from tower base to point of interest.

Existing View



Bingham Drive 273593

Fayetteville, North Carolina

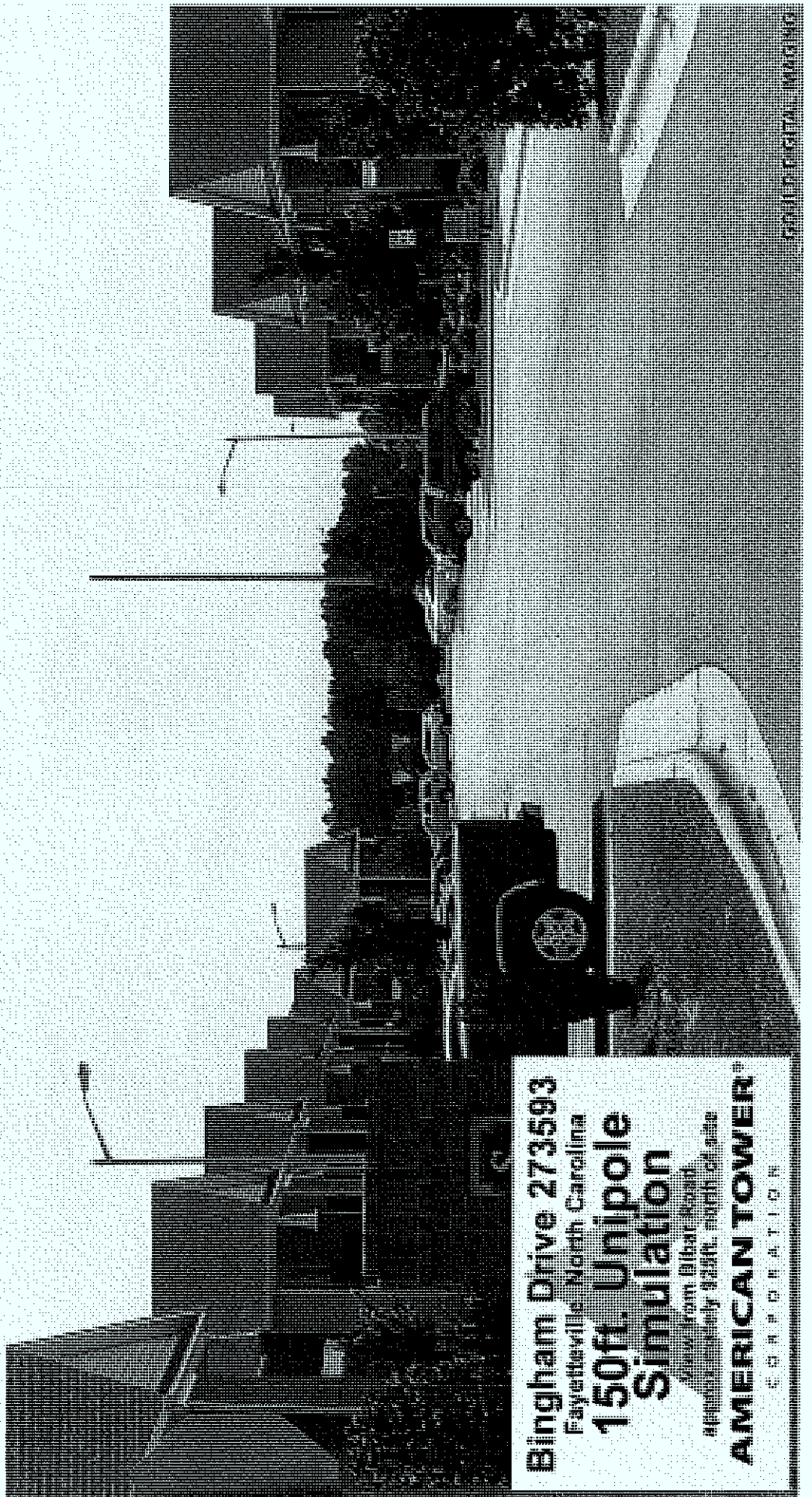
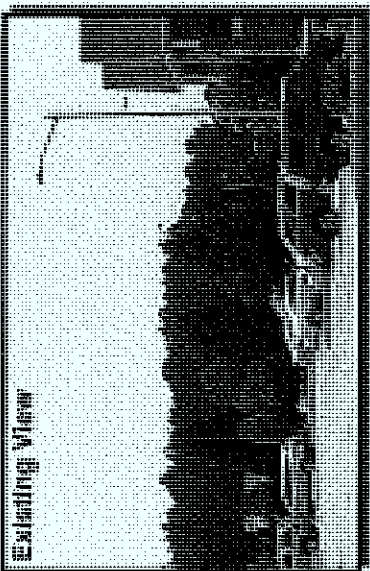
**150ft. Unipole
Simulation**

View from Bingham Drive
approximately 540ft. west of site

AMERICAN TOWER®

C O R P O R A T I O N

GOULD DIGITAL IMAGING



Bingham Drive 273593

Fayetteville North Carolina

**150ft. Unipole
Simulation**

View from Gilbert Road
approximately 920ft. north of site

AMERICAN TOWER

C O R P O R A T I O N

GOULD DIGITAL IMAGING

IMPACT STATEMENT



AMERICAN TOWER®

SITE #: 273593

“BINGHAM DRIVE”

***TO BE LOCATED ON THE WEST SIDE OF
BINGHAM DRIVE WEST NORTH OF PEPPERBUSH DRIVE
FAYETTEVILLE, N. C.***

CALVARY FREEWILL BAPTIST CHURCH

As per submitted plans

**PREPARED BY:
GRAHAM HERRING COMMERCIAL REAL ESTATE
GRAHAM HERRING GRI
8052 GREY OAK DRIVE, RALEIGH, NORTH CAROLINA 27615**

IMPACT STATEMENT

This report addresses whether the proposed use is in compliance with the purpose and intent of the plan of development of The City of Fayetteville, N. C., Land Use and Zoning Ordinance, and is a compatible use in the area where it is to be located. In preparing this report, I inspected the site and surrounding areas in the district and reviewed the site plans for the facility provided by BC Architects Engineers, Inc. for the Application for a Special Use Permit By American Towers, Inc. and AT&T. I have also consulted and reviewed with area appraisers, developers, tax authorities, planners and reviewed the public records in recent zoning cases in various jurisdictions in Fayetteville and Cumberland County, and prior applications in Fayetteville and Cumberland County.

PROPOSED FACILITY

The proposed facility will consist of a One Hundred Fifty Foot (150.0~') monopole. The site will be comprised of a developed area as described in the site plans and engineering plans that were submitted. The fencing surrounding the site will be a chain link fence at least ten (10.0') feet in height, with three strands of barbed wire at the top comprising an additional height of one foot three inches, around the sixty foot by sixty foot compound (50.0' by 50.0') within the (100.0' x 100.0') lease area, located in the developed area as described in the plans that were submitted. There will be a six (6) inch thick gravel weed barrier inside the fenced area and extending one (1) foot outside the fenced area. Landscaping will meet or exceed the City Ordinance requirements for this project. The area is zoned C1P. The parent tract is shown in the County Records as Tax Parcel # 0406-50-0492, DB 6691, PG 871. The lease area to be developed will be some 10,000~SF in size, as per the revised plans that were submitted.

BACKGROUND

In general we have found that the factors that primarily affect property values are use, zoning, topography, and market demand. As the factors change, so do the current market value and development potential of any parcel of real estate.

While the value of a parcel of real property may be affected by the use of adjoining or surrounding property, that use must be significant in its intrusiveness or lack of compatibility in order to override the primary factors that affect property values. Uses which generate significant traffic, noise, odor, or dangerous conditions are generally the types of uses which are so intrusive as to override the normal factors affecting property values, and result in a material adverse impact on surrounding properties. For example, hog farms, rock quarries, paper mills, manufacturing plants, adult entertainment establishments, and similar uses, are generally believed to have a negative impact on the value of surrounding properties. In addition, development of property in a manner, which is significantly incompatible with existing or planned use of surrounding property, can result in a negative impact on property immediately adjacent to the incompatible use.

Our examination of the effects of the existing transmission tower and broadcast tower sites on surrounding properties, and our examination of other studies on this subject and available data, indicates that, in general, these type towers are not the type of use, which is so intrusive as to have an inherently negative impact on surrounding properties so long as the set backs are sufficient as to not cause an adjoining property to not be able to be used or developed for its highest and best use under the jurisdictions zoning restrictions.

SUMMARY

My personal inspection of the site and surrounding areas, and public records revealed the following:

1. Located immediately to the north of the proposed site are condominiums and PND zoned properties.
2. Located east of the proposed site are single family PND zoned properties.
3. Located to the south of the proposed site are single family residential zoned PND and R-10 and commercial and service commercial zoned C1P.
4. Located west of the proposed site across Bingham Drive/NC Highway 162 are service commercial uses, light industrial and other mixed uses.
5. That the visibility of the facility will be very limited at ground level from the residential areas to the east because of the mature vegetation and buffer setbacks for the development.

In summary, my personal inspection of this proposed site and other tower locations in North Carolina, in the jurisdictions of Cumberland, Robeson, Johnston, Wilson, Hoke, Moore, Sampson, Cities of Lumberton, Raleigh, Wilmington and many others, my personal Expert Witness Testimony in over 1,700 one thousand seven hundred zoning hearings for the record in these and many other jurisdictions across the southeast, my review of industry data regarding all types of wireless transmission towers, indicates that, in general, wireless telecommunication tower facilities do not have a inherently deleterious affect on surrounding properties. Our review of the Facility to be constructed at the Site, and personal inspection of the Site and surrounding area, indicate that the planned facility is generally compatible with the area's existing and proposed uses, and developed as proposed it will have no substantial negative impact on existing or planned development of the surrounding properties.


Moreover, this Telecommunications Facility, built as planned, will have no detrimental or injurious effect on the property values of the surrounding neighborhood or other

improved or unimproved properties in the general vicinity. Finally, the nature of this location, with its separation from the residential arterials located to the north of the proposed site, the unimproved areas and mixed uses nearby, heavily wooded areas, is such that the proposed development will not create any negative aesthetic effects on scenic roadways or other unique natural features.

DISCLAIMER

This document is not to be construed as an appraisal of real property, developed or undeveloped. It is an assessment of empirical data and written expression of opinion of impact of this particular planned project, based on the experience of the author of this document. This document is not to be reproduced in whole or in part, nor is it to be used for any purpose other than the reason intended. No opinions of value or opinions of the correctness or accuracy of the engineering designs or plans submitted for this project are expressed, implied or intended by the author.

Graham B. Herring, GRI
NC Brokers License #30791
SC Brokers License #13554

 **GRI**
Date: 9/2/10
Graham B. Herring, GRI



OVERVIEW OF THE CREDENTIALS OF GRAHAM HERRING, LICENSED
NORTH CAROLINA AND SOUTH CAROLINA REAL ESTATE BROKER, AND
GRADUATE OF THE **UNIVERSITY OF NORTH CAROLINA REALTORS
INSTITUTE.**

GRAHAM B. HERRING, **GRI**
8052 Grey Oak Drive
Raleigh, North Carolina

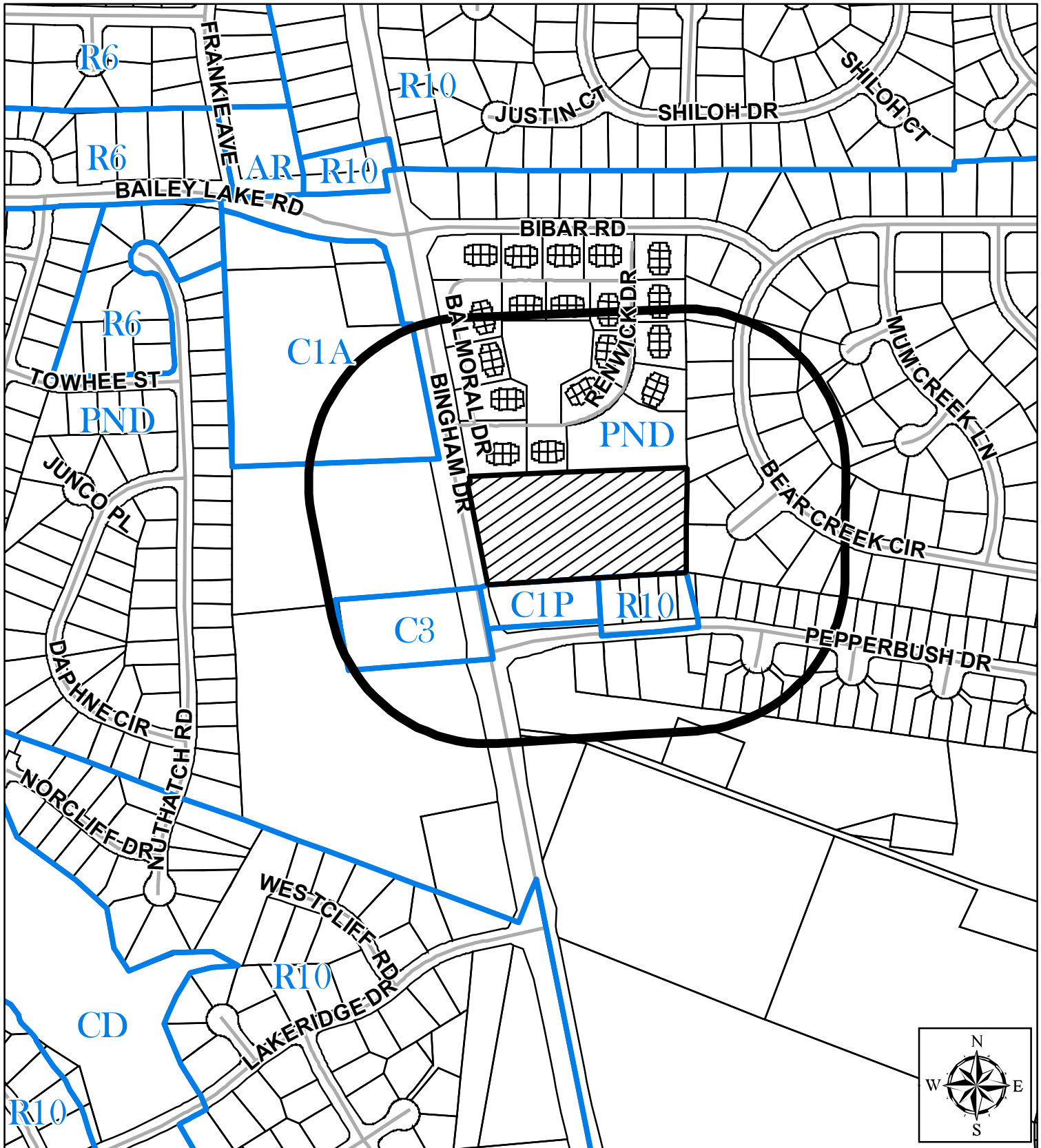
Experience:

Licensed Real Estate Broker in North Carolina for 38 years
Licensed South Carolina Real Estate Broker

Mortgage Lending and Appraising, 6 Years (Single Family Residential)
Land Development (Commercial and Residential)
Shopping Center development, leasing and sales
Industrial, Office and Institutional, Commercial properties; development, leasing and sales.
Specialized Computer enhanced photography (Photo Simulations)
Site Acquisition, Telecommunications, Radio, Television, and EMS/911 Facilities
SHPO North and South Carolina/ remediation work
Residential/Builder Construction lending
Certificate of Completion, United States Savings and Loan League Single Family
Residential Appraising Course.

Past Executive Director of the Nash County, and Rocky Mount Homebuilders Association
Graduate of the North Carolina Homebuilders Institute
Graduate of the North Carolina Insurance Institute
Graduate of the International Shopping Center Institute School of Management and Leasing
Graduate of the University of Pennsylvania/Wharton School Of Investment Real Estate
Consulted with City Municipalities and County Governments. Concerning Potential Impact of Telecommunications Facilities, in planning and study meetings.
Appeared as an expert witness in over 1700 Zoning Hearings, in 67 counties, and 65 jurisdictions in North Carolina, Virginia, Georgia, Florida and South Carolina
Consulted with developers concerning planning and placement of telecommunications facilities in planned developments, i.e.: Weston, and Wakefield.
Testified as an expert witness regarding impact on surrounding properties of Telecommunications Facilities in Board of Adjustment and Commissioners hearings throughout North Carolina, Virginia, Georgia, Florida and South Carolina.
Conducted Market and Tracking Studies in several counties including Wake and Orange counties, on the development of telecommunications facilities, and the sale of improved residential properties in developments that are surrounding such facilities, and comparison studies of such.

ZONING COMMISSION
CASE NO. P10-38F



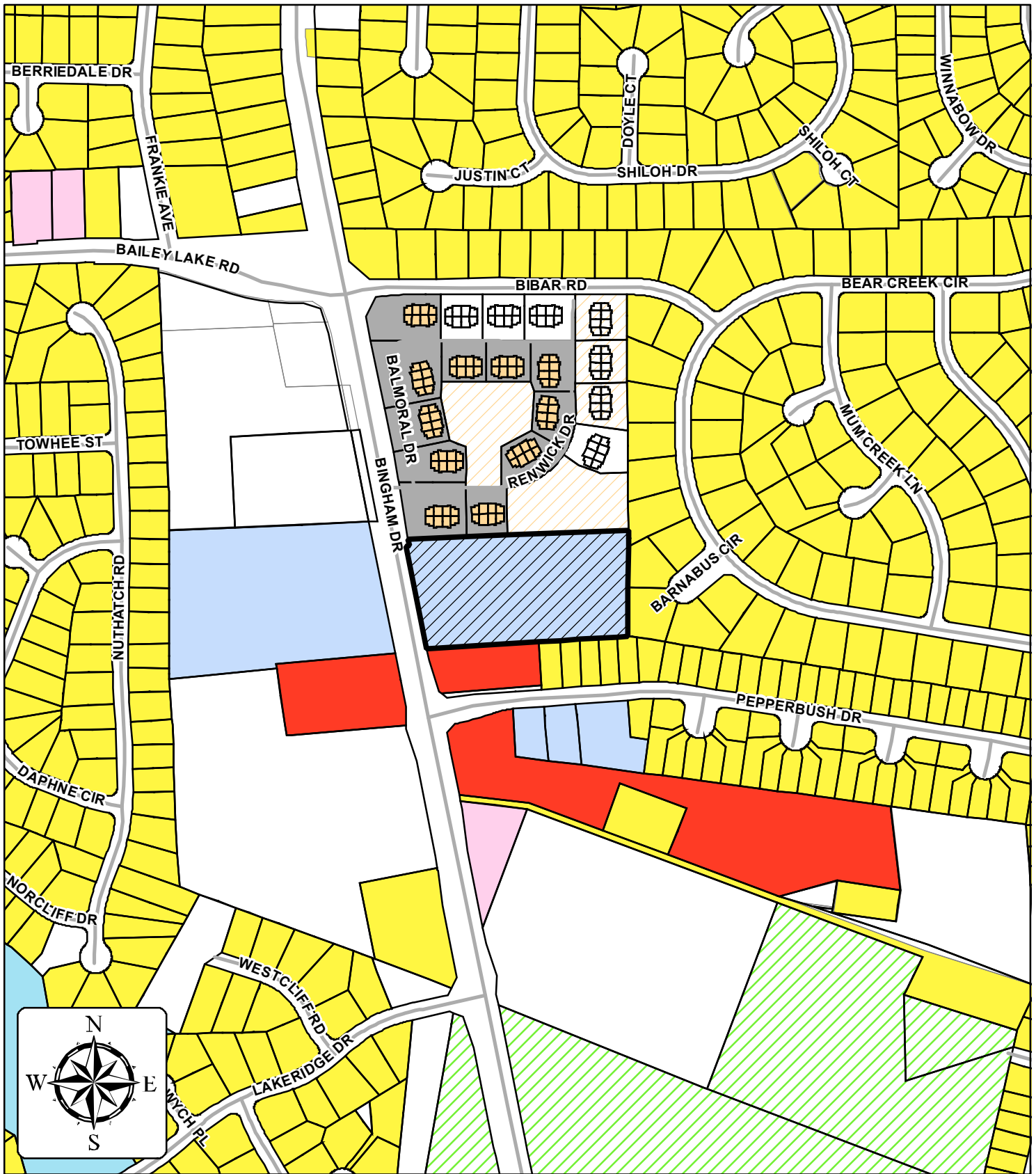
Request: SUP - Cell Tower
Location: 1769 Bingham Dr.
Acreage: +/- 0.23 acres

Zoning Commission: 10/12/2010 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0406-50-0492

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

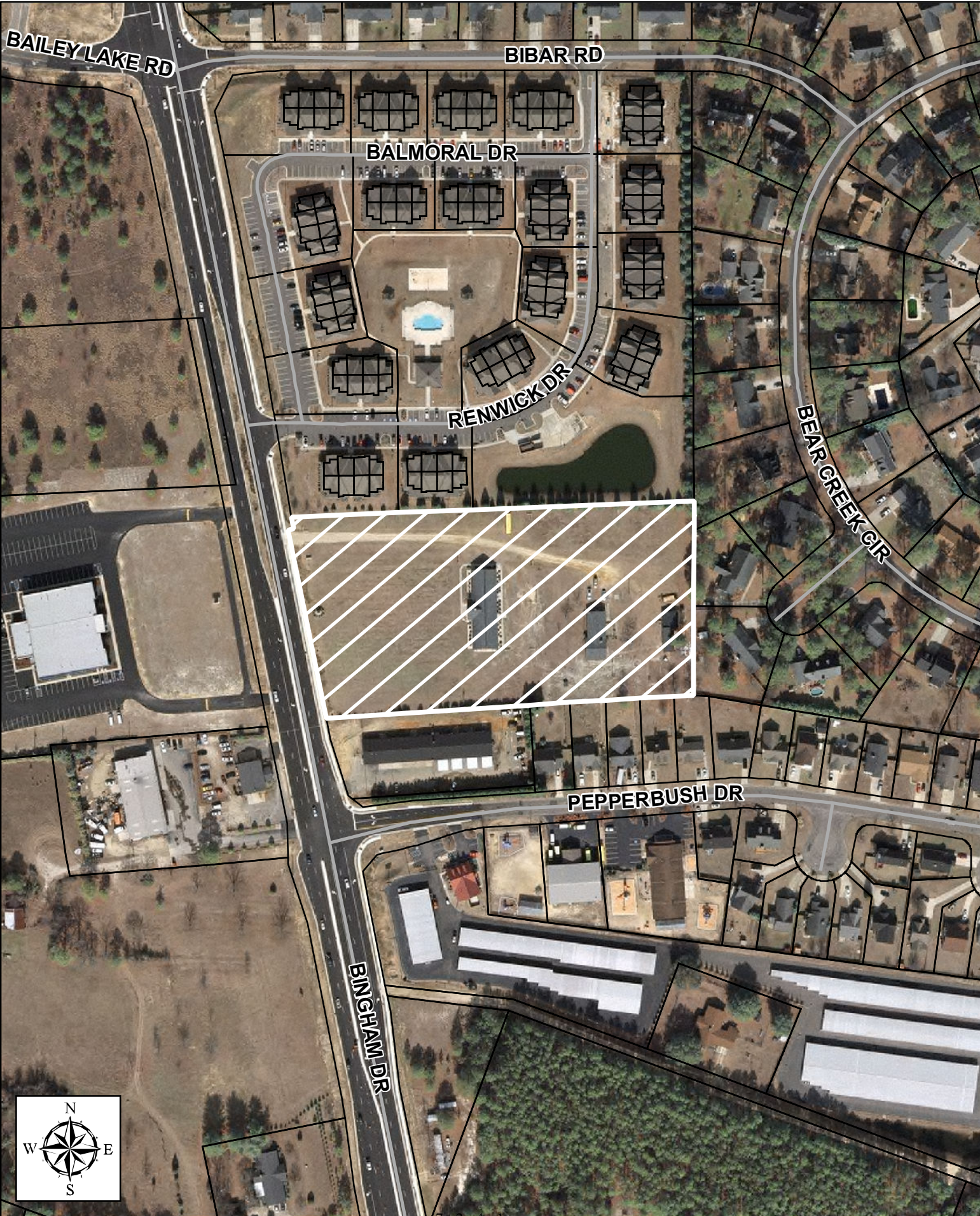
Current Land Use

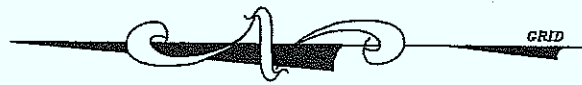
P10-38F



Legend

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





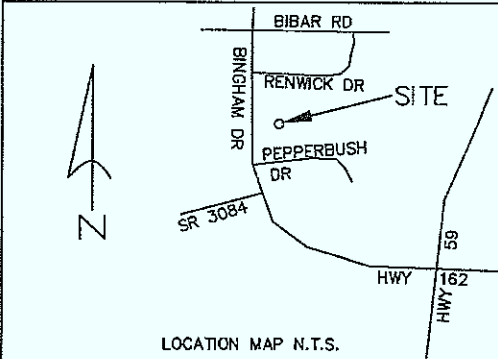
REVISIONS

NO.	DATE	DESCRIPTION	BY
0		PERMIT APPROVAL	

- NOTES:
- 1) THIS EXHIBIT REPRESENTS THE LEASE SITE AND ACCESS, UTILITY AND MAINTENANCE EASEMENTS ONLY AND IS NOT INTENDED FOR ANY OTHER USE.
 - 2) ALL BEARINGS ARE NORTH CAROLINA STATE GRID, ALL COORDINATES ARE NAD 83 AND ALL ELEVATIONS ARE NAVD 88.
 - 3) TAX MAP PARCEL NO. 0406-50-0492
 - 4) THIS PROPERTY IS CURRENTLY ZONED: PND (PER CUMBERLAND COUNTY OFFICIALS)
 - 5) RATIO OF PRECISION = 1/10,000.
 - 6) AREA BY COORDINATE METHOD.
 - 7) THE LOCATIONS OF ANY UNDERGROUND UTILITIES IF SHOWN ARE BASED ON PAINTED MARKINGS OBSERVED IN THE FIELD AND/OR ARE APPROXIMATE.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S11°23'05"E	3.64
L2	S00°35'12"W	40.94
L3	S88°29'32"W	25.02
L4	N00°35'12"E	41.86
L5	N11°23'05"W	25.41
L6	N79°25'05"E	10.02
L7	N11°19'08"W	21.05
L8	S01°30'28"E	93.27
L9	S78°20'49"W	10.16
L10	N01°30'28"W	95.06
L11	N88°29'32"E	10.00

REFERENCE:
1. BEAVER CREEK SOUTH S/D PB 76 PG 36
2. BEAVER CREEK SEC 1 PB 60 PG 8



NOTE:
THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY BY STAR SURVEY, INC. PROPERTY LINES WERE TAKEN FROM EXISTING FIELD EVIDENCE. EXISTING DEEDS AND PLATS OF PUBLIC RECORD FROM SURVEYS AND DOCUMENTS PROVIDED TO THE SURVEYOR BY THE OWNER OR CLIENT.

I HEREBY CERTIFY THAT I HAVE CONSULTED THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP NO. 3720040 600J DATED 1/5/07: AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE A, B, OR V.

LEGEND

CH. LNK. FENCE	-o-	GROUND ROD	+
B. WIRE FENCE	-x-	PROP. CORNER	⊙
POWER LINE	-P-	POWER POLE	⊕
TELE. LINE	-T-	PP W/ G. WIRE	⊕
SIGN	-S-	LIGHT POLE	⊕
FIRE HYDRANT	⊕	BM OR GPS PT	⊕
WATER VALVE	⊕	ELEC. RACK	⊕
WATER METER	⊕	ICE BRIDGE	⊕
TELE. BOX	⊕	CONC. PAD	⊕
S.S. MH	⊕	EQUIP. PAD	⊕
STORM MH	⊕	POWER BOX	⊕

LEASE SITE AND ACCESS, UTILITY AND MAINTENANCE EASEMENT EXHIBIT

PREPARED FOR

BC

ARCHITECTS
ENGINEERS

BINGHAM DRIVE

TOWER SITE

SITE ID#: 273593

CUMBERLAND COUNTY, FAYETTEVILLE, NORTH CAROLINA

STAR SURVEY, INC.

702 EDGEFIELD ROAD

NORTH AUGUSTA, S.C. 29841

TELE. (803) 613-0377 FAX. (803) 613-0378

SCALE: 0' 50' 100' 200'
1" = 100'

DRAWING NAME	DATE	SHEET NO.
102947.DWG	AUGUST 17, 2010	C1
PROJECT NO. 102947	FIELD BOOK NO. (SEE FILE)	

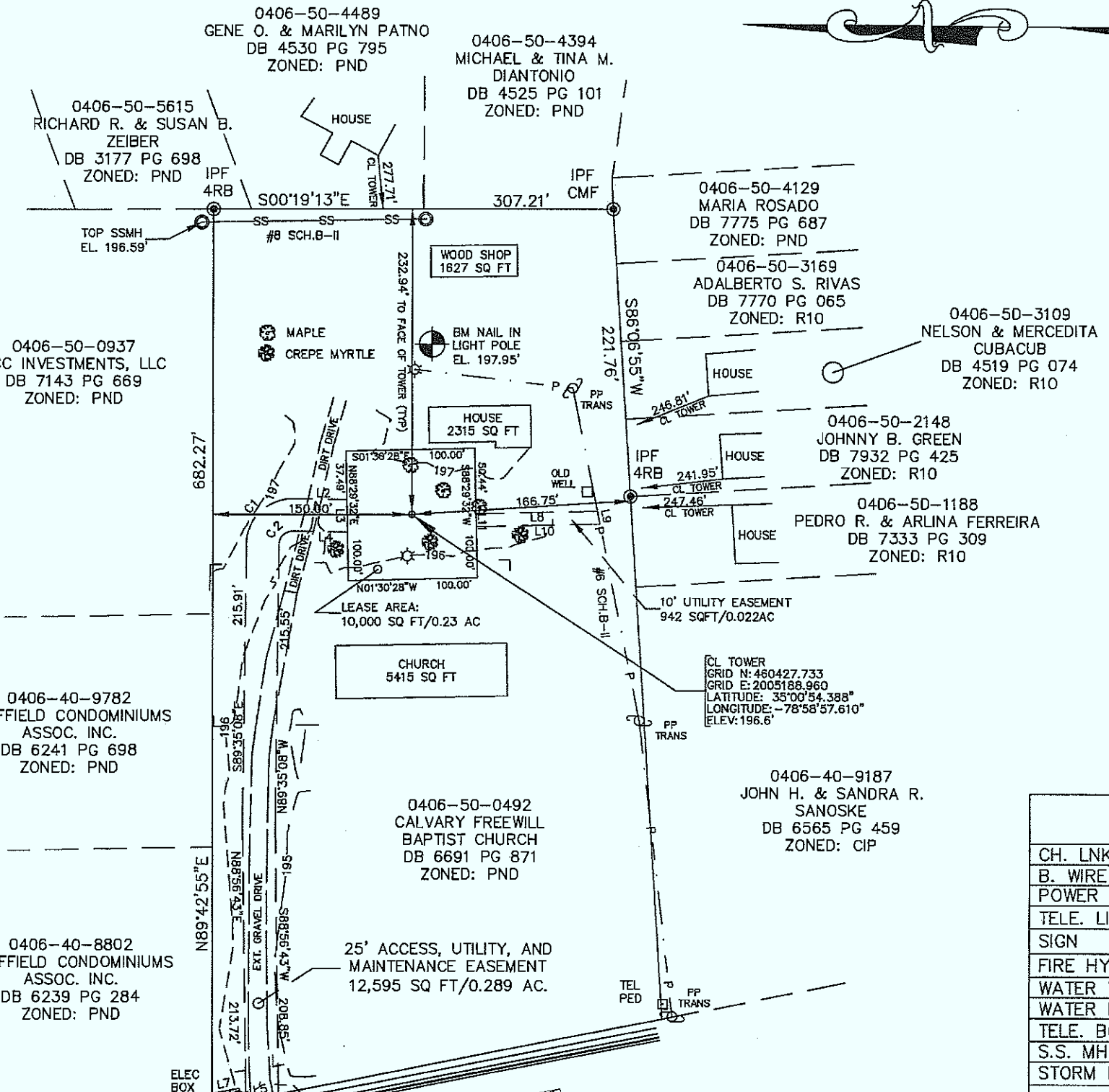


NORTH CAROLINA, CUMBERLAND COUNTY
I, RONALD D. PLATNER, certify this map was drawn under my supervision from an actual survey made under my supervision, deed and description recorded in Book 6691 Page 871, that the error of closure equals 1:10,000 and this map was prepared in accordance with G.S. 47-30 as amended. All areas were figured by using the D.M.O. method unless otherwise noted. Witness my original signature, registration number, and seal this 17th day of August 2010.

Ronald D. Platner
Land Surveyor

Registration No. L-3852

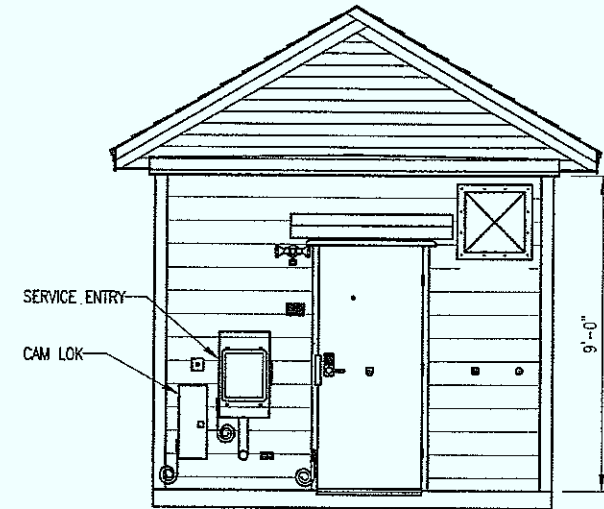
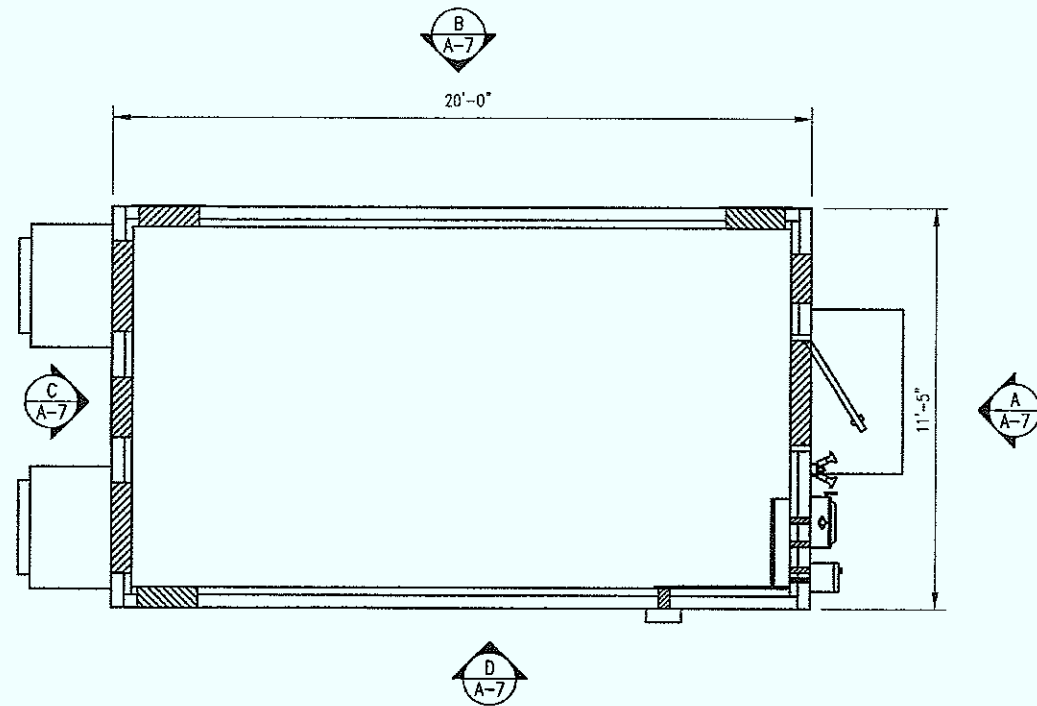
BINGHAM DRIVE
PUBLIC R/W VARIES
NC HWY 162
#7, 9 SCH.B-II



CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CORD
C1	55.03	35.00	S44°27'19"E	49.53
C2	15.72	10.00	N44°27'19"W	14.15

N 460555.5326
E 2004735.5682
NC DOT
R/W DISK

07-30-10 ARNOLD 14:45:29 Y:\Drawings - 2010\ATC/Ireland Drive - 274200\CD'S\A7.dwg



N.T.S.

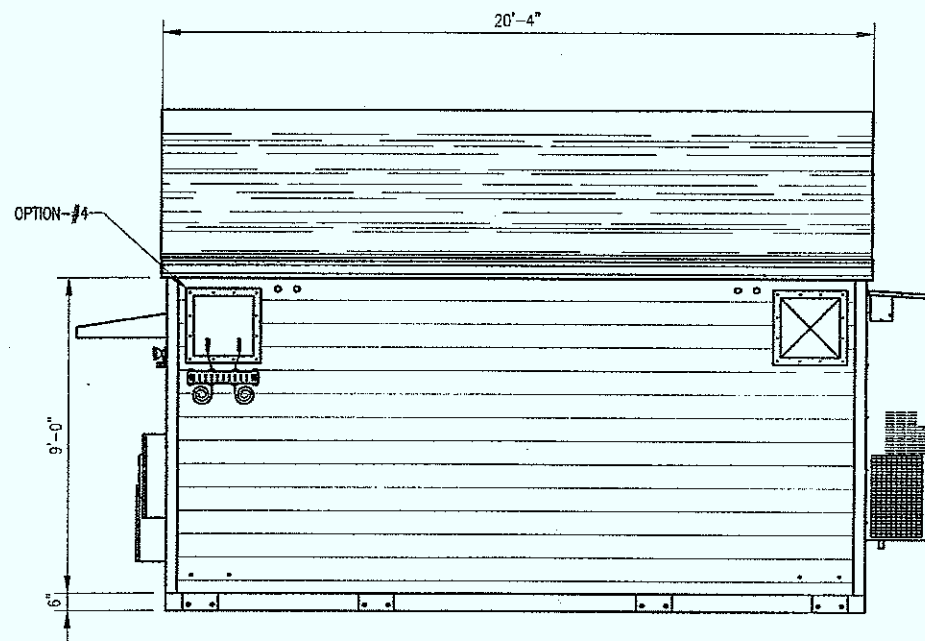
AT&T STANDARD FIBREBOND SHELTER

1

N.T.S.

ELEVATION

A



N.T.S.

ELEVATION

B

N.T.S.

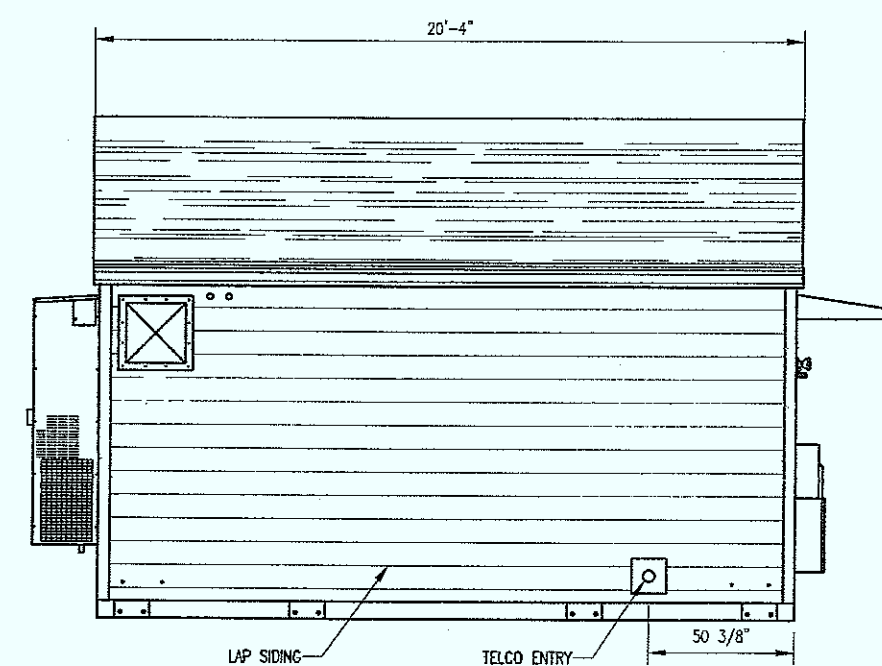
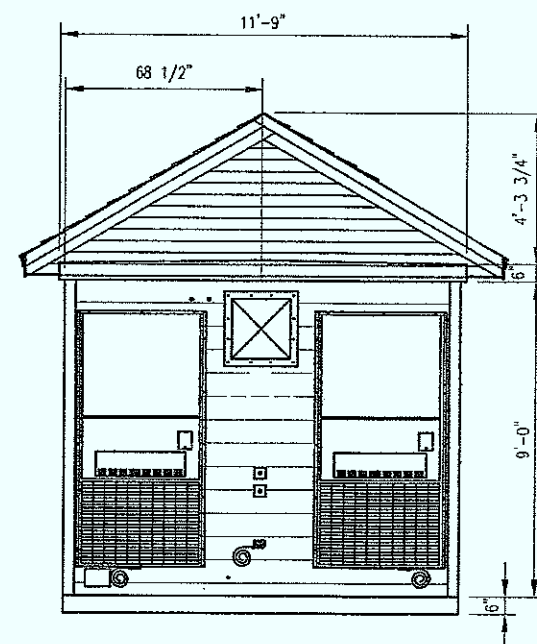
ELEVATION

C

N.T.S.

ELEVATION

D



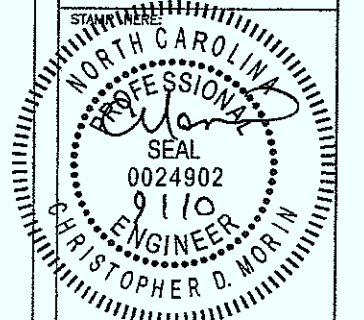
AMERICAN TOWER CORPORATION
496 LONG POINT ROAD
MOUNT PLEASANT, SC 29464
TEL: (843) 971-8385
FAX: (843) 971-8889

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF AMERICAN TOWER CORPORATION AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM AMERICAN TOWER CORPORATION. TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH AMERICAN TOWER CORPORATION WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

BC
architects
engineers
5639 COLUMBIA PIKE, SUITE 101
FALLS CHURCH, VA 22041-2888
TEL: (703) 671-6000
FAX: (703) 671-6300

SHEET REVISION		
NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		

ATC SITE NUMBER:
273593
ATC SITE NAME:
BINGHAM DRIVE
SITE ADDRESS:
1769 BINGHAM DRIVE
FAYETTEVILLE, NC 28304



DRAWN BY:	AGT
CHECKED BY:	DRS
DATE DRAWN:	09-01-10
SUBMISSION:	FINAL CD'S

SHEET TITLE:
SHELTER LAYOUT AND ELEVATIONS

SHEET NUMBER:	REV. #
---------------	--------

A-7

**CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
OCTOBER 12, 2010 @ 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Marshall Isler
John Crawley
Lockett Tally
Tom Speight

MEMBERS ABSENT

Steve Mannell
Martin J. Hendrix

OTHERS PRESENT

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

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

I. APPROVAL OF AGENDA

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

II. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 14, 2010 MEETING

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

III. ELECTION OF OFFICES

Mr. Crawley made a motion to nominate Pete Paoni as Chair for the Commission. Mr. Speight seconded the motion. A vote was taken and passed unanimously.

Mr. Crawley made a motion to nominate Marshall Isler as Vice-Chair for the Commission. Mr. Speight seconded the motion. A vote was taken and passed unanimously.

IV. PUBLIC HEARINGS

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

Everyone who was planning to speak, for all the cases involving a special use permit were sworn in, including staff.

- B. Case No. P10-38F.** A Special Use Permit – Wireless Communications Tower for property located at 1769 Bingham Dr. Containing 0.23 acres more or less leased area and being the property of Calvary Freewill Baptist Church.

Mr. Harmon presented the case. He explained that the request is for a wireless communications tower. Mr. Harmon gave an overview of the location. He explained the current land use for the property and the surrounding areas. He stated that the 2010 plan called for low density residential for the property and

medium density residential across the road. He stated that the tower is within the fall zone requirements for the City. Mr. Harmon stated that the staff recommendation for the request was to approve the request.

Mr. Harmon explained that this is a quasi-judicial hearing that requires the Zoning Commission to make its decision based on specific findings and that since this is a Special Use Permit, the Zoning Commission can require conditions necessary to meet these specific details and other findings necessary for approval.

The public hearing was opened.

Mr. Tom Johnson appeared before the Commission in favor of the request. Mr. Johnson asked that Summer Qubin be sworn in and allowed to speak in the cases due to the fact that she got lost on her way to the meeting. The Commission allowed it.

Mr. Johnson explained that the request was to improve the service of AT&T in the area. He explained that indoor use is important with mobile phones.

Ms. Summer Qubin appeared in favor of the request. She explained the maps of the proposed area of the tower and the service coverage currently being used. She explained signal strength and the need for additional coverage for indoor signals.

Mr. Speight asked why the pole is 150 feet. Ms. Summer stated that the higher the pole the larger the coverage area. She explained that a higher pole would cause interference and a lower pole would not add enough coverage.

Mr. Speight asked about health issues in regard to the towers. Ms. Summer stated that there were no health issues caused by the tower. Mr. Johnson stated that all FCC requirements have been met.

The Commission had a discussion with Mr. Johnson about the arrangement with the property owners, ordinance specific requirements for examinations and inspections, specific location in regard to property line set backs and how they handle lighting.

Mr. Johnson explained that all the requirements in the ordinance are met for this request.

Mr. Herring appeared in favor of the request. He stated that he is a licensed North Carolina Real Estate broker with a great deal of experience in towers. He stated that this request is not much different than several of the monopoles already erected in the City.

Mr. Johnny Pike appeared in favor of the request. He stated that he is the Pastor of the church located on the property. He stated that he and his congregation had several questions about the safety and appearance of the monopole and he feels that they are all satisfied of the answers they received. He stated that he and the membership of the church are pleased with the possibility of the tower being placed on the property.

Mr. Johnson stated that the tower would be a stealth tower, requiring the antennas to be located inside the pole.

The public hearing was closed.

Mr. Marshall Isler made a motion to approve the special use permit with the following conditions: Prior to issuing a building permit, there be written confirmation that there is an agreement with one or more providers to use the tower once built; that the Special Use Permit becomes null and void if a building permit is not issued after two years from the date of approval of the request. He stated that the motion to recommend approval is based upon the finding that the request fits with the character of the area in which it is to be located and that it will not be detrimental to the surrounding neighborhood based upon the submitted site plan and documentation and recommended conditions.

Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

Mr. Harmon reminded the Commission that this would go as a public hearing to City Council on November 22, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: November 22, 2010
RE: **Case No. P10-39F. Special Use Permit for a Wireless Telecommunications Tower at 733 Bargain Street containing 0.278 acres. Richard Angel, owner.**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy/Livable Communities

BACKGROUND:

Owner: Richard Angel
Applicant: Thomas H. Johnson
Requested Action: Special Use Permit - Telecommunications Tower
Property Address: 733 Bargain St
Council District: 9 (Meredith)
Size: 0.278 acres
Existing Land Use: Commercial
Adjoining Land Use & Zoning: North - C3 Commercial / South - C1P Commercial / East - C3 Commercial / West - C1P Commercial
2010 Land Use Plan: Heavy Commercial
Letters Mailed: 29
Site Plan: A site plan is required and was submitted, dated August 16, 2010, providing the information required in 30-109(2)

ISSUES:

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

Zoning Commission and Staff recommend APPROVAL with the following conditions in addition to the submitted site plan:

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

OPTIONS:

1. Approve the SUP with the conditions listed above in addition to what is found in Section 30-107 (17); (Recommended)
2. Approve the SUP conditioned only as required under Section 30-107(17);
3. Deny the request.

(Council must identify specific findings of fact to support approval or denial).

RECOMMENDED ACTION:

Zoning Commission and Staff recommend that the City Council move to Approve the requested Special Use Permit with site plan and additional conditions noted above, based upon the finding

that the request fits with the character of the area in which it is to be located and that it will not be detrimental to the surrounding neighborhood based upon the submitted site plan and documentation and recommended conditions.

ATTACHMENTS:

Application

Zoning Map

Current Landuse

2010 Plan

Ortho Photo

Site Plan

Zoning Commission Minutes

NEXSEN | PRUET

Thomas H. Johnson, Jr.
Special Counsel
Admitted in NC

September 2, 2010

VIA UPS NEXT DAY AIR

Mr. Craig Harmon, AICP, Planner II
Planning Department
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301

Re: American Towers, Inc. & AT&T
Special Use Permit for
Telecommunications Tower
733 Bargain Street, Fayetteville, NC 28303

Dear Mr. Harmon:

Charleston
Charlotte
Columbia
Greensboro
Greenville
Hilton Head
Myrtle Beach
Raleigh

I represent American Towers, Inc. and AT&T in connection with the enclosed Application for a Special Use Permit for a telecommunications tower at 733 Bargain Street. The owner of the property is Richard Angel. The Appointment of Agent form signed by Richard Angel authorizing us to pursue the special use permit is enclosed. I am also enclosing the signed Application along with a check for the \$700 fee, a copy of the recorded deed, one full copy of the construction drawings and 20 copies of the detailed site plan. We request that this matter be placed on the agenda for the October 12, 2010 Zoning Commission meeting and that the Appearance Commission review these plans at their next meeting.

The tower will be a monopole tower 150 feet in height on a site 110 feet by 110 feet in size with a 20 foot access and utilities easement to Bargain Street. The site is to the rear of the property in an existing unimproved wooded area. The existing woods will be disturbed only as necessary to build the site. The entire area is zoned commercial and surrounded by pre-existing commercial and retail uses. The site is zoned C1P. The Fayetteville Zoning Ordinance (the "Ordinance") allows towers as a special use in the C1P District and also allows for a reduced setback in commercial zones.

P.O. Box 30188 T 919.786.2764
Raleigh, NC 27622 F 919.788.1104
www.nexsenpruet.com E T.Johnson@nexsenpruet.com
Nexsen Pruet, PLLC
Attorneys and Counselors at Law

NPCHAR1:597938.1-ZON-(TJOHNSON) 038532-00052

As required by Section 30-107(17), the tower will be located one-half the height of the tower from all property lines. The tower base is enclosed in a chain link fence ten feet in height and the fence is a minimum of ten feet from the base of the tower.

Sheet L-1 of the enclosed site plan shows the landscape plan in compliance with Section 30-107(17)c. The certifications by the applicant that the tower will be constructed and operated in compliance with all federal, state and local laws and that the tower will be removed if it is not used for six months or more are enclosed. As evidenced by the enclosed FCC Compliance Assessment, the carrier to be located on the tower, AT&T, will not interfere with the operation of commercial radio, cellular radio, television, telephone or other FCC approved communication equipment. The reports also confirm that the power density levels are much less than the federally approved levels and the American National Standards Institute standards.

The equipment shelter will be of a construction consistent with the surrounding structures.

The use fits in with the character of the area and will not be detrimental to the surrounding neighborhood as the tower will be a monopole and is located in an existing commercial and retail area. Similar towers are located in commercially zoned areas across the country without any detriment to the surrounding properties. As a result of this site, the immediate area will benefit from better wireless service that is especially important for those whose wireless phone or device is their only telephone access to emergency services and who use their wireless phone or device for business use. An impact statement by Graham Herring, a licensed real estate broker, is enclosed confirming that the site will not adversely impact the property values of the surrounding properties.

No lighting is proposed for this tower, but, if required by the FAA, the tower lighting will meet the standards of the Ordinance. The tower as proposed will be galvanized steel in color that will blend in well with the surroundings. There will be no outside storage or employment center on the site.

Documentation is enclosed that no suitable structures or facilities exist in the coverage area that are available for collocation by AT&T. Also enclosed is photo imagery that superimposes the tower on the proposed site. The construction drawings show sufficient capacity for three additional carriers.

The information requested by Section 30-107(17)x. is available on American Tower's web site using the following link:

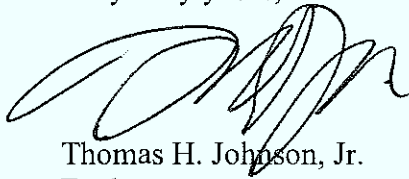
<http://www.americantower.com/sitelocator/default.aspx>

Mr. Craig Harmon, AICP, Planner II
September 2, 2010
Page 3

This link is to a site locator for all of American Tower's sites in the United States. It shows the available sites in Fayetteville and Cumberland County with details on each site and a contact number for more specific information.

If you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Thomas H. Johnson, Jr.', with a stylized, cursive script.

Thomas H. Johnson, Jr.
Enclosures

NEXSEN PRUET, LLC
PAYEE: CITY OF FAYETTEVILLE

VENDOR #: 10009427

DATE: 09-02-10
CHECK #: 343676

DATE	INVOICE NUMBER	RESPONSIBLE PARTY	GENERAL LEDGER ACCOUNT	MATTER #	AMOUNT
09-02-10	0902102		56700002000000000000	038532-00052	700.00
TOTAL:					700.00

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

NEXSEN PRUET, LLC

ATTORNEYS AND COUNSELORS AT LAW
POST OFFICE DRAWER 2426
COLUMBIA, SOUTH CAROLINA 29202

BANK OF AMERICA ACCOUNT
COLUMBIA, SOUTH CAROLINA

CHECK NO.: 343676

PAY SEVEN HUNDRED AND 00/100 USD

DATE 09/02/10

NET AMOUNT \$700.00

TO THE
ORDER
OF CITY OF FAYETTEVILLE

OPERATING ACCOUNT
VOID AFTER 180 DAYS

BY:

AUTHORIZED SIGNATURE

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TO CHECK OR PRESS HERE, RED IMAGE DISAPPEARS WITH HEAT.

⑈343676⑈ ⑆053904483⑆ 000707905572⑈

Deadline Date to Return _____

Zoning Commission Meeting _____

Today's Date _____

Amount Rec'd \$ _____ Rev'd by _____ Case # _____

APPLICATION FOR SPECIAL USE PERMIT CITY OF FAYETTEVILLE

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

At the public hearing the Zoning Commission will make a recommendation to the City Council concerning the request. The City Council will hear the case and make the final decision. Any Special Use Permit 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 Special Use Permit and a public notification sign will be posed on the site.

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

1. A copy of the recorded deed.
2. A check made payable to the City of Fayetteville in the amount of **\$700.00**.
3. **20 copies** of a site plan showing all existing and proposed structures, setbacks, driveways, parking, screenings, etc.

NOTE:

1. The application fee 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 **strongly advised** that the applicant or someone representing the applicant attend the Zoning Commission and City Council meetings.

REVISED 07/09/08

**APPLICATION FOR SPECIAL USE PERMIT
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 a Special Use Permit as required in the Zoning Ordinance. In support of this application, the following facts are shown:

Location/Address of the Property: 733 Bargain Street, Fayetteville, NC 28303

Owner of the Property: Richard Angel

Address of the Owner: PO Box 53029, Fayetteville, NC Zip: 28305

Owner's Home Phone: N/A Owner's Work Phone: 910-868-8600

A. Section and provision of the Zoning Ordinance from which a Special Use Permit is requested:
30-107(17)

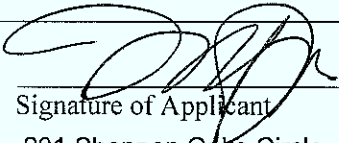
B. The property sought for a Special Use Permit is owned by Richard Angel
as evidenced by deed, recorded in Deed Book 4733, Page 003, Cumberland
County Registry. (**Attach a copy of (all) deed(s) as it appears in the Registry.**)

C. Tax Property Identification Number (PIN#) of the property: 0418-64-7086

D. Acreage requested for a Special Use Permit: 0.278 acre lease area/0.91 acre for entire property

E. It is proposed that the property will be put to the following use: (Describe proposed use/activity
in detail to include hours and days of operation, number of employees, number of clients, etc.)
Telecommunications Tower

F. To the best of your knowledge, has an application for a special use permit or rezoning been filed
for this property within the previous 5 years? (If yes, please indicate month and year.)
No


Signature of Applicant

201 Shannon Oaks Circle, Suite 100

Address of Applicant

Cary

NC

27511

City

State

Zip Code

Home Phone: N/A

Work Phone: 919-786-2764

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

Appointment of Agent

The undersigned on behalf of the Richard Angel ("Owner") does hereby appoint Nexsen Pruet, PLLC as its exclusive agent for the purpose of petitioning the City of Fayetteville for a special use permit applicable to the property described in the attached petition including, but not limited to, the following:

1. To submit a proper petition and the required supplemental materials.
2. To appear at public meetings to give representation and commitments on behalf of the Owner.
3. To act on the Owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of the application for a special use permit.

This agency agreement shall continue in effect until written notice of revocation by the Owner is delivered to the City of Fayetteville.

This the 10 day of Aug 2010

Agent's Name, Address & Telephone

Signature of Owner(s)

Nexsen Pruet, PLLC

RICHARD ANGEL

BY: 

201 Shannon Oaks Circle, Suite 100

Cary, NC 27511

919-653-7800

4733
8003

43927

BK4733PG0003

CUMBERLAND COUNTY NC 10/01/97

\$316.00



Real Estate
Excise Tax

Excise Tax \$ 316.00

RECEIVED

10- 1-1997 AM 9:34

31
GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. 0418-63-6925
Verified by _____ County on the _____ day of _____, 19____
by _____

Mail after recording to JEFF DUNHAM C/O MCCOY, WEAVER LAW FIRM, PO BOX 87009, FAYETTEVILLE,
NC 28304, PREP BY: J. GARY CICCONE
This instrument was prepared by

Brief Description for the index

Lot 2, Sycamore Ptnrs

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this September 23, 1997, by and between

GRANTOR

SYCAMORE PARTNERS,
a North Carolina
General Partnership

GRANTEE

RICHARD ANGEL

PO BOX 53029
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, Cross Creek Township, Cumberland County, North Carolina and more particularly described as follows:

BEING ALL OF LOT 2, PROPERTY OF SYCAMORE PARTNERS AS PER PLAT RECORDED IN PLAT BOOK 95, PAGE 54, CUMBERLAND COUNTY REGISTRY.

BK 4733PG0004

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

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:
Restrictions, easements and rights of way of record; county and/or municipal zoning ordinances, rules and regulations.

Grantor specifically warrants and represents to all interested parties that all laborers and materialmen have been paid and satisfied in connection with any improvements made on or to the herein demised premises within 120 days of the date of the herein set forth transfer and conveyance.

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)

SYCAMORE PARTNERS, a North Carolina
General Partnership

By: _____ (SEAL)

John L. Beard, General Partner

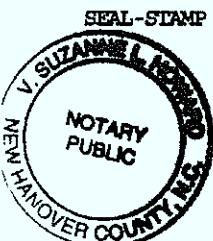
By: George M. Rose (SEAL)

George M. Rose, General Partner

By: J. Gary Ciccone (SEAL)

J. Gary Ciccone, General Partner

(SEAL)



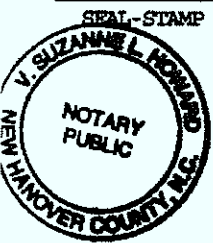
NORTH CAROLINA, Cumberland County.

I, a Notary Public of New Hanover County and State aforesaid, certify that George M. Rose and J. Gary Ciccone, General Partners of SYCAMORE PARTNERS, a North Carolina General Partnership personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 23rd day of September, 19 97.

My commission expires: 5-13-2000

V. Suzanne L. Howard

Notary Public



NORTH CAROLINA, Cumberland County.

I, a Notary Public of New Hanover the County and State aforesaid, certify that John L. Beard, General Partner of SYCAMORE PARTNERS, a North Carolina General Partnership personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 23rd day of September, 19 97.

My commission expires: 5-13-2000

V. Suzanne L. Howard

Notary Public

The foregoing Certificate(s) of _____

The foregoing Certificate(s) of V. Suzanne L. Howard

I/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,
By Stephanie H. Aver Deputy/Assistant - Register of Deeds



City of Fayetteville Planning Department
433 Hay Street
Fayetteville, NC 28301

RE: American Tower Site No. 273979
Skye NC
433 Bargain Street, Fayetteville, NC 28303

Dear Sir or Madam:

American Towers, Inc. is submitting an Application for a Special Use Permit to construct a telecommunications tower at 433 Bargain Street, Fayetteville, NC 28303. In accordance with the requirements set forth in Section 30-107 (17) d. & f. of the City of Fayetteville Zoning Ordinance, the undersigned certifies that the proposed tower will be constructed and operated in accordance with all applicable local, state, and federal laws and ordinances, including, but not limited to, all Federal Communications Commission and Federal Aviation Administration rules and guidelines.

Very truly yours,

Jason Groseclose
Project Manager



City of Fayetteville Inspections Department
433 Hay Street
Fayetteville, NC 28301

RE: American Tower Site No. 273979
Skye
733 Bargain Street, Fayetteville, NC 28303

Dear Sir or Madam:

Pursuant to Section 30-107(17)(n) of the City of Fayetteville Zoning Ordinance, American Towers, Inc. acknowledges that towers that are not used for a period of 6 months or more shall be removed by the owner within 90 days of notification from the Department of Inspections. American Towers, Inc. accepts full financial responsibility for the removal of the above-referenced tower if it does not meet the City's requirements for use or maintenance.

Very truly yours,

Jason Groseclose
Project Manager



City of Fayetteville Planning Department
433 Hay Street
Fayetteville, NC 28301

RE: Skye NC
AT&T Site No. 141-230D
733 Bargain Street, Fayetteville, NC 28303

Dear Sir or Madam:

In accordance with the requirements set forth in Section 30-107 (17)(s)(2) of the City of Fayetteville Zoning Ordinance, AT&T conducted a thorough search of the area to be served by the proposed tower site at 733 Bargain Street, Fayetteville, NC 28303 ("Proposed Site") for an existing tower, building or other useable structure on which AT&T could locate its antennae. A map of the search ring for the required service area is attached for your reference. AT&T's search did not reveal any existing tower, building or other useable structure within the service area. Therefore, it is necessary for AT&T to build a new tower at the Proposed Site in order to meet its coverage objectives.

Very truly yours,

A handwritten signature in black ink, appearing to read "DL2246".

David J. LaCava
RF Design Engineer
AT&T Mobility
1130 Situs Court, Suite 100
Raleigh, NC 27606
Tel: 919-852-2717
Email: DL2246@att.com





Nenad Stanisavljevic
RF Design Engineer
1130 Situs Court, Suite 100
Raleigh, NC 27606

DATE: September 2, 2010
SUBJECT: RF Justification for AT&T Mobility Site 141-230 "Skye NC"

AT&T Mobility has been requested to provide justification for our proposed site 141-230 "Skye NC". AT&T Mobility is currently in the process of improving in-building coverage and expanding network capacity in residential areas between Morganton Rd and State Highway 24 in Fayetteville. Existing structures have been utilized whenever possible. No structures existed that could be utilized for proposed site 141-230 "Skye NC".

Currently AT&T Mobility does not have adequate capacity and in-building coverage in residential areas between Morganton Rd and State Highway 24. Refer to the **Figure 1**, which shows coverage without the proposed site 141-230 "Skye NC".

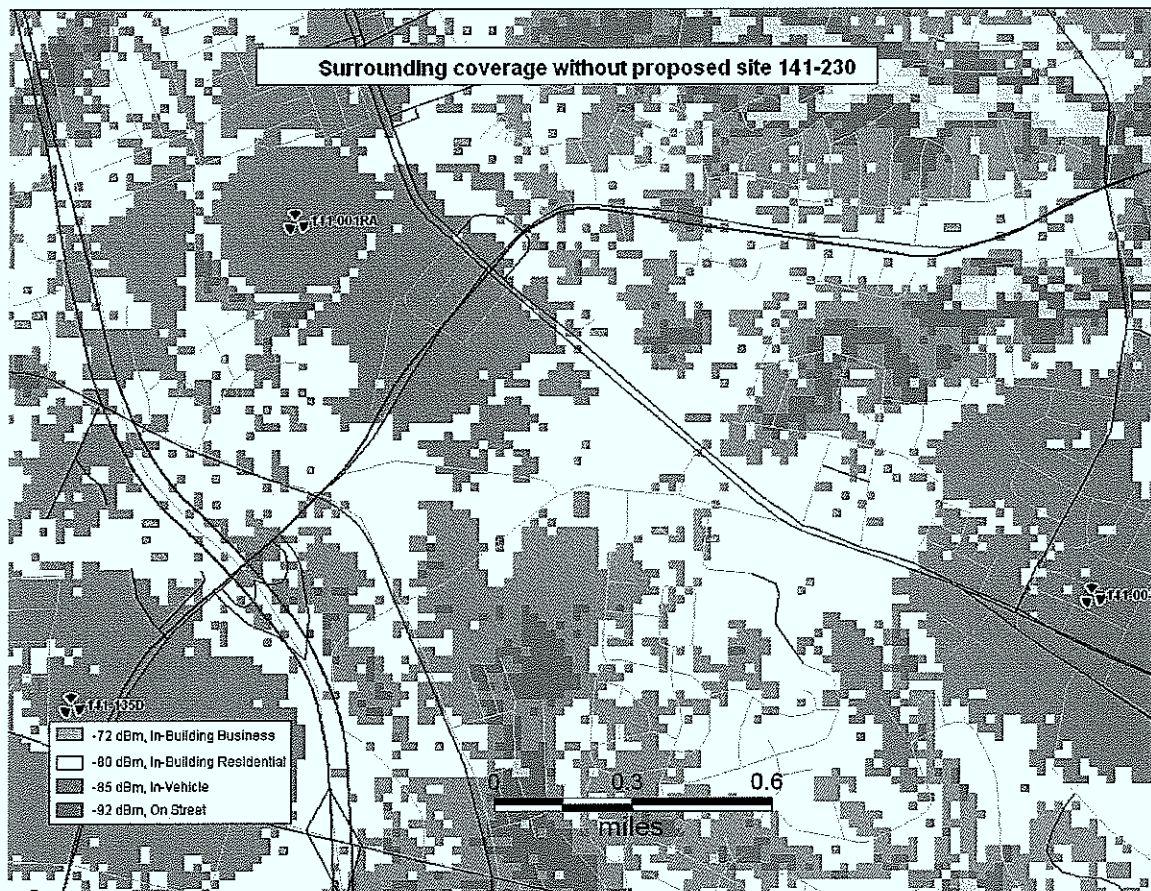


Figure 1: Map of AT&T Mobility' Coverage Without 141-230 "Skye NC"

With the addition of proposed site 141-230 “Skye NC”, AT&T Mobility will provide adequate capacity and improved in-building coverage. Refer to the **Figure 2** which shows coverage with the proposed site 141-230 “Skye NC”.

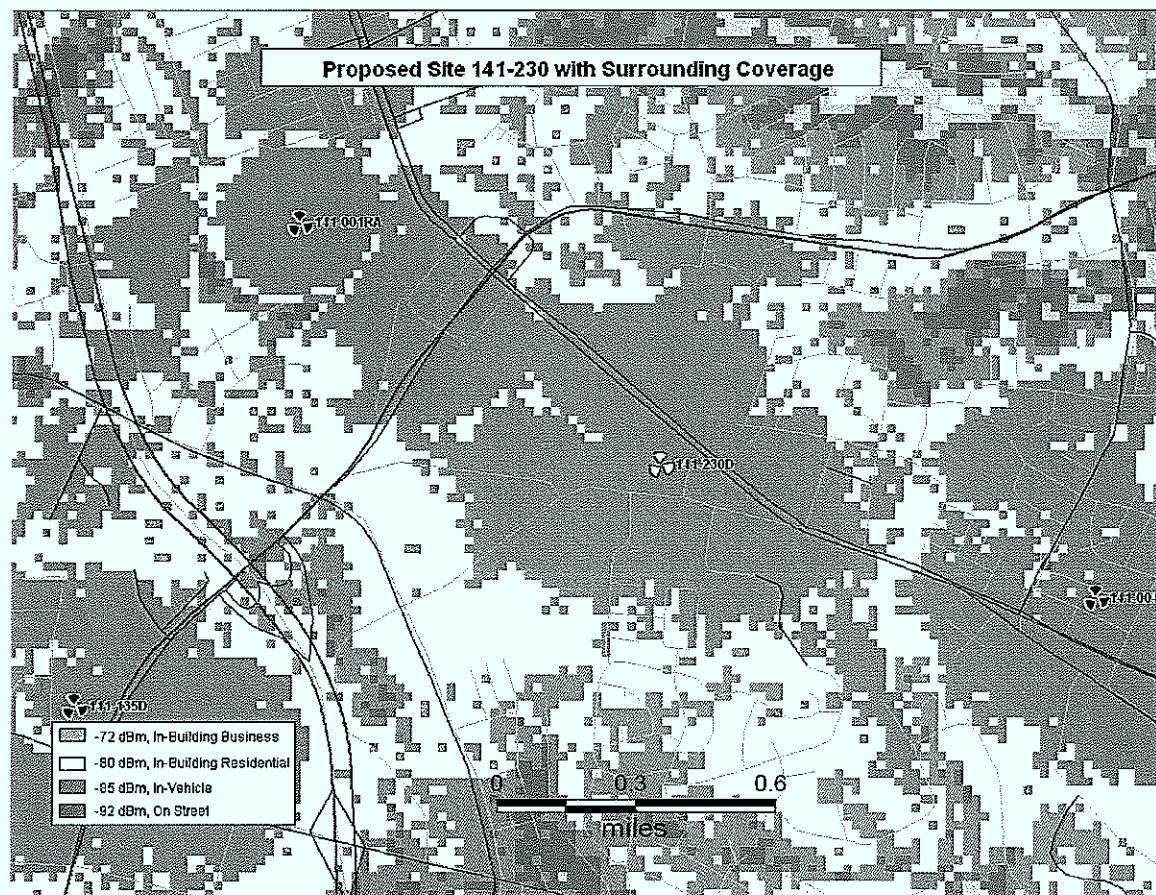
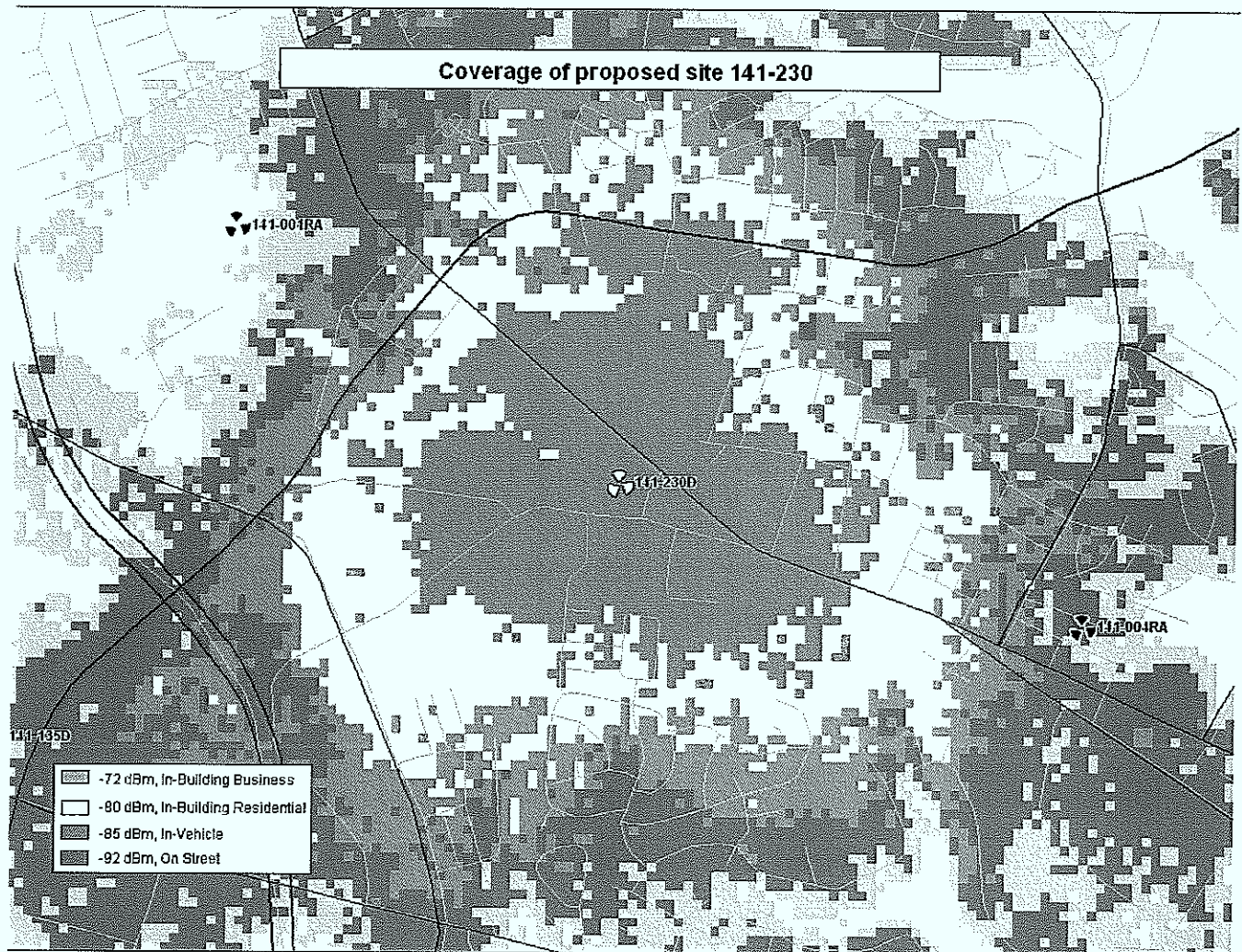
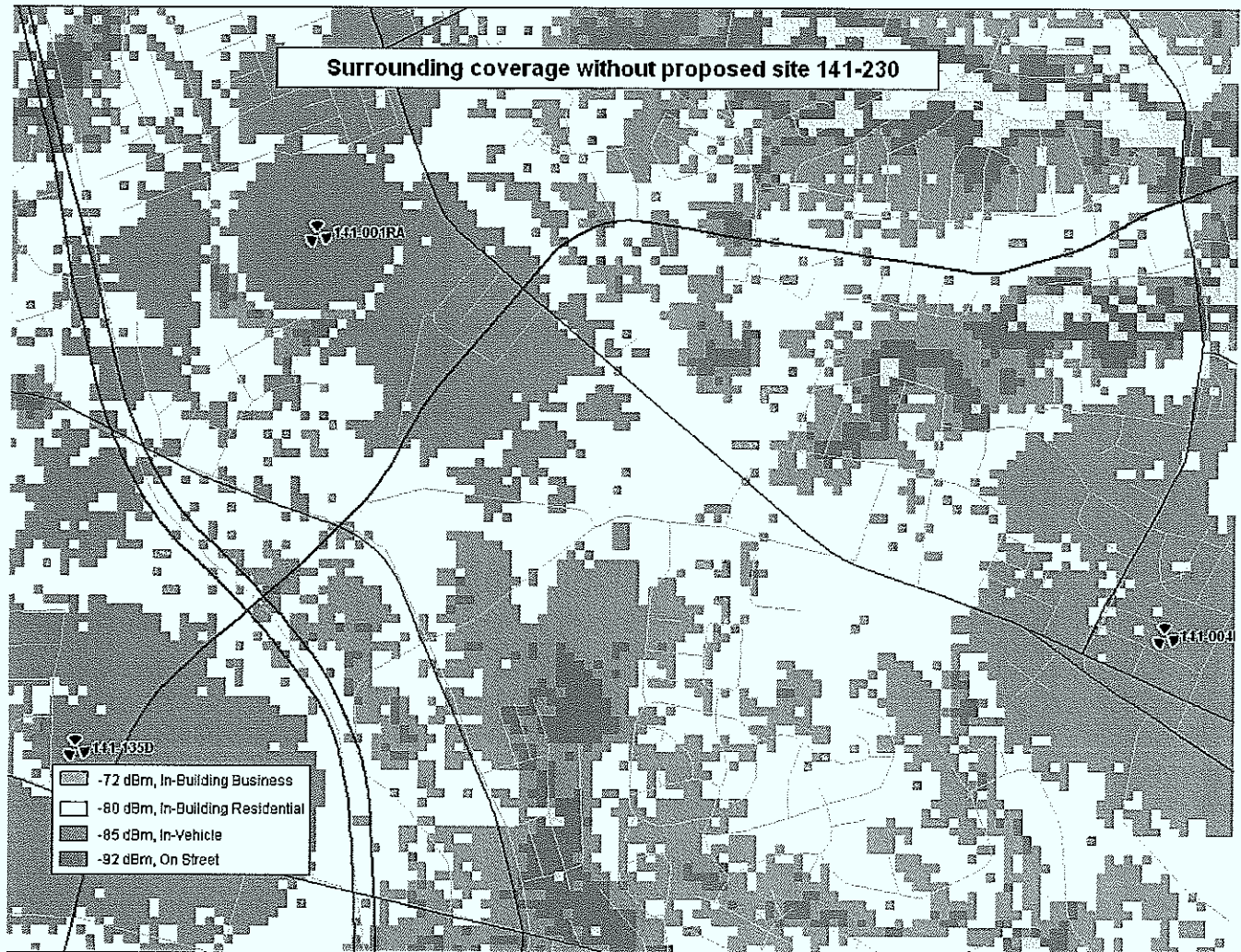


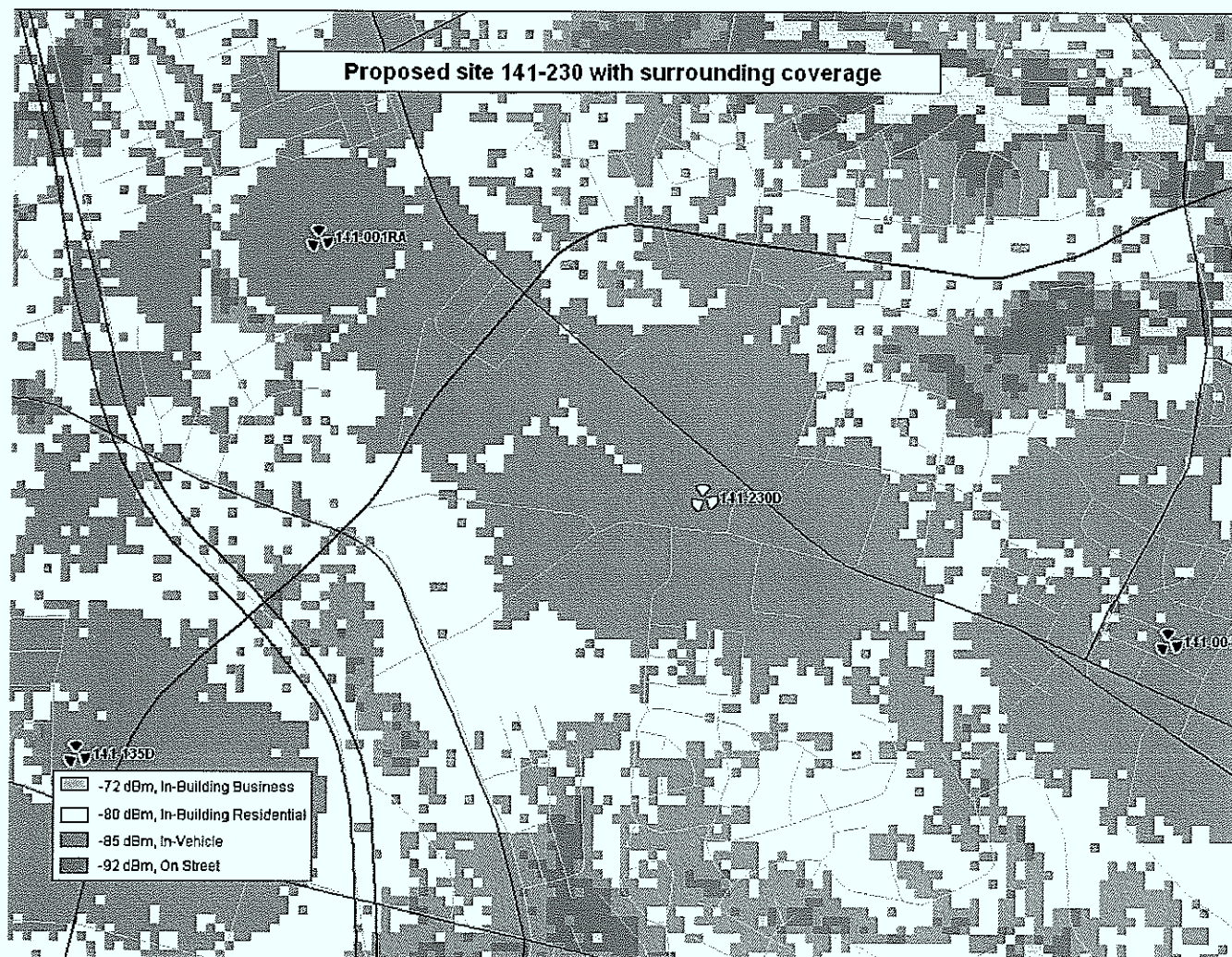
Figure 2: Map of AT&T Mobility' Coverage With 141-230 "Skye NC"

If there are any further questions, my contact details are:

Nenad Stanisavljevic
RF Design Engineer
AT&T Mobility
Raleigh Market
Tel: 919 802 3225
e-mail: nenad.stanisavljevic@att.com









Nenad Stanisavljevic
RF Design Engineer
1130 Situs Court, Suite 100
Raleigh, NC 27606

DATE: September 2, 2010
SUBJECT: FCC Compliance Assessment for Proposed AT&T Mobility Site 141-230 "Skye NC"

AT&T Mobility has been requested to evaluate the radio frequency emissions of our proposed site 141-230 "Skye NC". In addition, AT&T Mobility has been requested to address other RF related topics such as transmitter operation and maximum permissible output power levels. The remainder of this report will address all RF related items requested by Fayetteville zoning/planning for proposed site 141-230 "Skye NC".

Transmitter Operation

AT&T Mobility owns the B Band PCS license in Cumberland County. The transmitters being used on the proposed site are authorized to operate in the 1950-1965 Megahertz (MHz) frequency range. The Nokia UltraSite base station transmitters AT&T Mobility utilizes have a maximum output level of 30 Watts. AT&T Mobility utilizes the GSM digital technology. As a result our transmitters utilize Gaussian Minimum Shift Keying (GMSK) modulation. A precision filter limits unwanted and spurious emissions to levels below the FCC specification. The signals being transmitted will not interfere with the operation of commercial radio, cellular radio, television, telephone or other FCC approved communication equipment.

Maximum Permissible Output Power

The maximum permissible output power per channel is 1640 Watts of effective radiated power (ERP) from the antennas. The proposed site 141-230 "Skye NC" is only transmitting 484 Watts ERP.

RF Exposure (NIER levels)

The FCC states in 47 CFR 1.1310 that the maximum permissible exposure (MPE) level from non-ionizing electromagnetic radiation (NIER) to the general population at cellular and PCS frequencies is 1.0 milliwatt per centimeter squared (mW/cm^2). MPE is a measure of the RF power density at or below which there are no potential harmful effects from the exposure.

Power density calculations are based on guidelines given by the ANSI Standard C95.1-1992 and are based on a worst case scenario. For analysis purposes, worst case conditions were chosen for all output power levels. The site is being deployed initially with nine transmitters. For analysis purposes, twelve transmitters were used. A summary of the results of the power density calculations for site 141-230 "Skye NC" is listed below in Table I. More detail on the calculations can be found in the enclosed attachment.

Distance From Tower (Feet)	Power Density (mW/cm^2)	%FCC Standard
1	0.00872	0.8723
25	0.00848	0.8475
50	0.00781	0.7807
75	0.00690	0.6902
100	0.00594	0.5938

Table 1: Power Density Summary for Site 141-230 "Skye NC"

As shown in Table 1, the maximum power density will not exceed $0.00767 \text{ mW}/\text{cm}^2$ at ground level. Moreover, the average energy expected near ground level is less than 1% of the MPE level. This level does not exceed the MPE limit set by the Federal Communications Commission or the American National Standards Institute.

Based upon the ANSI/FCC standard and the predicted levels of electromagnetic energy emitted by the site 141-230 "Skye NC" installation will be of no safety concern to the general public.

If there are any further questions regarding the information provided I can be reached at (919)802-3225.

Nenad Stanisavljevic
RF Design Engineer
AT&T Mobility
Raleigh Market
Tel: 919 802 3225
e-mail: nenad.stanisavljevic@att.com

RF Safety
Calculator 1

Carrier: Cingular		Co-Locator Name		Co-Locator Comments	
Band: PCS		none		Proposed configuration. Sector ERP = 200 Watts.	
Cell #: 141-230		none		none	

Date Printed: 6/5/2006

Yellow= User-Defined
Blue = Referenced Data. Cell Locked.
Green = Calculated Value. Cell Locked.

Xmitter	Tip Ht* (ft)	ERP ** (W)	Freq Band (MHz)	MPE (mW/cm ²)	Distance (in ft)***:			Distance (in ft)***:			Distance (in ft)***:			Distance (in ft)***:			Distance (in ft)***:		
					1			25			50			75			100		
					PD (mW/cm ²)	Percent MPE	Total	PD (mW/cm ²)	Percent MPE	Total	PD (mW/cm ²)	Percent MPE	Total	PD (mW/cm ²)	Percent MPE	Total	PD (mW/cm ²)	Percent MPE	Total
Alpha	141-230	543	1900	1.00	0.00218	0.2181%	0.8723%	0.00212	0.2119%	0.8475%	0.00195	0.1952%	0.7807%	0.00173	0.1725%	0.6902%	0.00148	0.1484%	0.5938%
	141-230	543	1900	1.00	0.00218	0.2181%		0.00212	0.2119%		0.00195	0.1952%		0.00173	0.1725%		0.00148	0.1484%	
	141-230	543	1900	1.00	0.00218	0.2181%		0.00212	0.2119%		0.00195	0.1952%		0.00173	0.1725%		0.00148	0.1484%	
	141-230	543	1900	1.00	0.00218	0.2181%		0.00212	0.2119%		0.00195	0.1952%		0.00173	0.1725%		0.00148	0.1484%	
	none	0	0	0.00	0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%	
Beta - C	141-230	543	1900	1.00	0.00218	0.2181%	0.8723%	0.00212	0.2119%	0.8475%	0.00195	0.1952%	0.7807%	0.00173	0.1725%	0.6902%	0.00148	0.1484%	0.5938%
	141-230	543	1900	1.00	0.00218	0.2181%		0.00212	0.2119%		0.00195	0.1952%		0.00173	0.1725%		0.00148	0.1484%	
	141-230	543	1900	1.00	0.00218	0.2181%		0.00212	0.2119%		0.00195	0.1952%		0.00173	0.1725%		0.00148	0.1484%	
	141-230	543	1900	1.00	0.00218	0.2181%		0.00212	0.2119%		0.00195	0.1952%		0.00173	0.1725%		0.00148	0.1484%	
	none	0	0	0.00	0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%	
Gamma	141-230	543	1900	1.00	0.00218	0.2181%	0.8723%	0.00212	0.2119%	0.8475%	0.00195	0.1952%	0.7807%	0.00173	0.1725%	0.6902%	0.00148	0.1484%	0.5938%
	141-230	543	1900	1.00	0.00218	0.2181%		0.00212	0.2119%		0.00195	0.1952%		0.00173	0.1725%		0.00148	0.1484%	
	141-230	543	1900	1.00	0.00218	0.2181%		0.00212	0.2119%		0.00195	0.1952%		0.00173	0.1725%		0.00148	0.1484%	
	141-230	543	1900	1.00	0.00218	0.2181%		0.00212	0.2119%		0.00195	0.1952%		0.00173	0.1725%		0.00148	0.1484%	
	none	0	0	0.00	0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%	
Delta	141-230	543	1900	1.00	0.00218	0.2181%	0.8723%	0.00212	0.2119%	0.8475%	0.00195	0.1952%	0.7807%	0.00173	0.1725%	0.6902%	0.00148	0.1484%	0.5938%
	141-230	543	1900	1.00	0.00218	0.2181%		0.00212	0.2119%		0.00195	0.1952%		0.00173	0.1725%		0.00148	0.1484%	
	141-230	543	1900	1.00	0.00218	0.2181%		0.00212	0.2119%		0.00195	0.1952%		0.00173	0.1725%		0.00148	0.1484%	
	141-230	543	1900	1.00	0.00218	0.2181%		0.00212	0.2119%		0.00195	0.1952%		0.00173	0.1725%		0.00148	0.1484%	
	none	0	0	0.00	0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%		0.00000	0.0000%	

* Bottom tip of antenna to ground

** Maximum Total ERP. See ERP conversion tool below.

*** Distance along ground from tower base to point of interest.



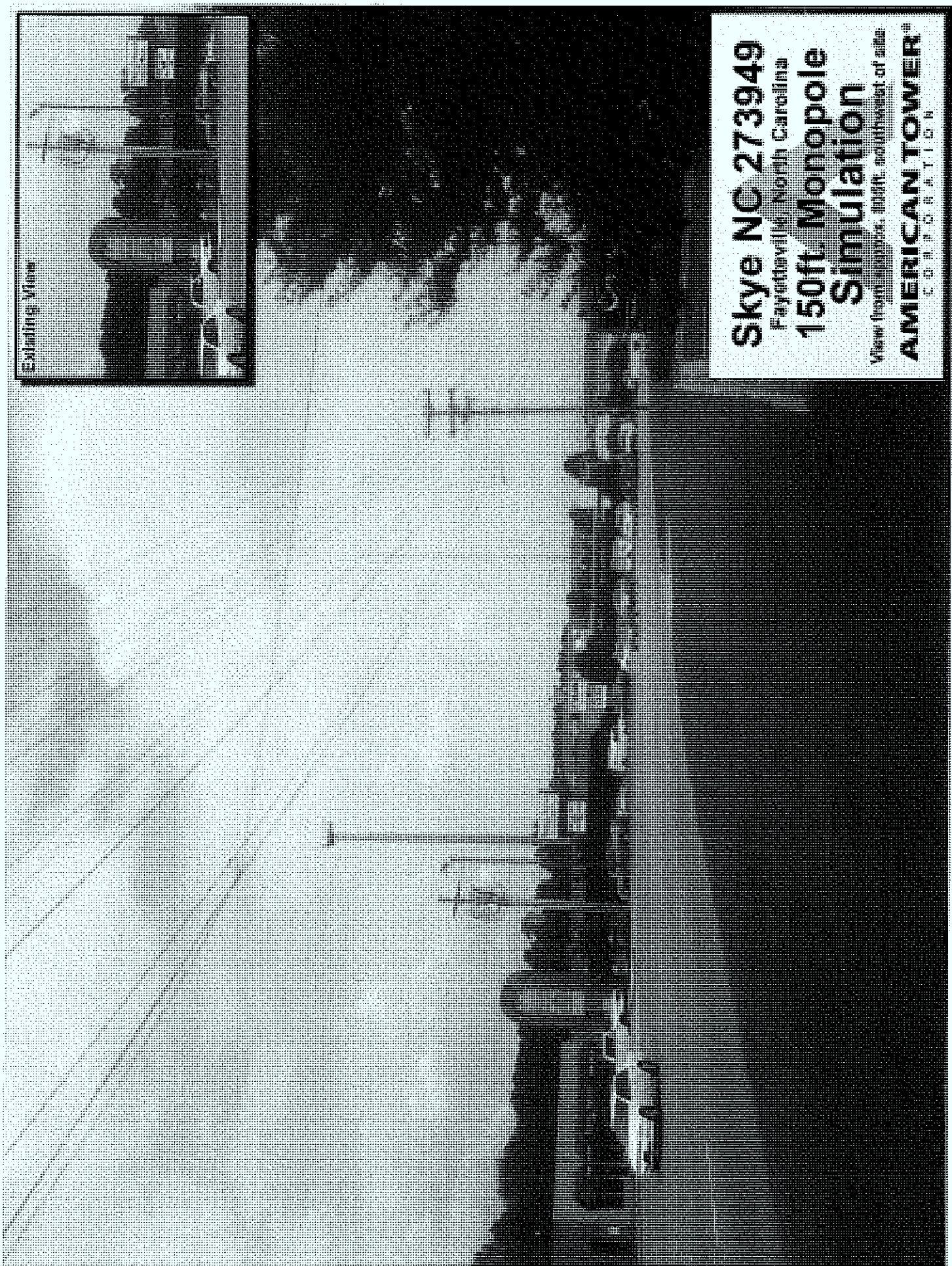
Existing View



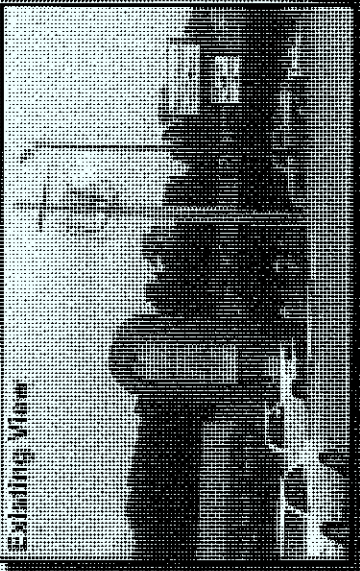
Skye NC 273949
 Fayetteville North Carolina
**150ft. Monopole
 Simulation**

View from photo. 795ft. adjacent of side

AMERICAN TOWER
 CORPORATION



Existing View

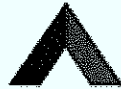


Skye NC 273949
Fayetteville, North Carolina
**150ft. Monopole
Simulation**

View from property, 100ft. northwest of site

AMERICAN TOWER®
CORPORATION

IMPACT STATEMENT



AMERICAN TOWER'

SITE #: 273979

“SKYE”

***TO BE LOCATED ON THE WEST SIDE OF
BARGAIN STREET SOUTH OF BRAGG BLVD.
FAYETTEVILLE, N. C.***

RICHARD ANGEL PROPERTY OWNER

As per submitted plans

**PREPARED BY:
GRAHAM HERRING COMMERCIAL REAL ESTATE
GRAHAM HERRING GRI
8052 GREY OAK DRIVE, RALEIGH, NORTH CAROLINA 27615**

IMPACT STATEMENT

This report addresses whether the proposed use is in compliance with the purpose and intent of the plan of development of The City of Fayetteville, N. C., Land Use and Zoning Ordinance, and is a compatible use in the area where it is to be located. In preparing this report, I inspected the site and surrounding areas in the district and reviewed the site plans for the facility provided by BC Architects Engineers, Inc. for the Application for a Special Use Permit by American Towers, Inc. and AT&T. I have also consulted and reviewed with area appraisers, developers, tax authorities, planners and reviewed the public records in recent zoning cases in various jurisdictions in Fayetteville and Cumberland County, and prior applications in Fayetteville and Cumberland County.

PROPOSED FACILITY

The proposed facility will consist of a One Hundred Fifty Foot (150.0~') monopole. The site will be comprised of a developed area as described in the site plans and engineering plans that were submitted. The fencing surrounding the site will be a chain link fence with three strands of barbed wire at the top at least a total of ten (10.0') feet in height around the sixty foot by sixty foot compound (60.0' by 60.0') within the (110.0' x 110.0') lease area, located in the developed area as described in the plans that were submitted. There will be a six (6) inch thick gravel weed barrier inside the fenced area and extending one (1) foot outside the fenced area. Landscaping will meet or exceed the City Ordinance requirements for this project. The area is zoned C1P. The parent tract is shown in the County Records as Tax Parcel # 0418-64-7086, DB 4733, PG 003; PB 95, PG 54. The lease area to be developed will be some 12,100~ SF in size, as per the revised plans that were submitted.

Graham B. Herring Real Estate

BACKGROUND

In general we have found that the factors that primarily affect property values are use, zoning, topography, and market demand. As the factors change, so do the current market value and development potential of any parcel of real estate.

While the value of a parcel of real property may be affected by the use of adjoining or surrounding property, that use must be significant in its intrusiveness or lack of compatibility in order to override the primary factors that affect property values. Uses which generate significant traffic, noise, odor, or dangerous conditions are generally the types of uses which are so intrusive as to override the normal factors affecting property values, and result in a material adverse impact on surrounding properties. For example, hog farms, rock quarries, paper mills, manufacturing plants, adult entertainment establishments, and similar uses, are generally believed to have a negative impact on the value of surrounding properties. In addition, development of property in a manner, which is significantly incompatible with existing or planned use of surrounding property, can result in a negative impact on property immediately adjacent to the incompatible use.

Our examination of the effects of the existing transmission tower and broadcast tower sites on surrounding properties, and our examination of other studies on this subject and available data, indicates that, in general, these type towers are not the type of use, which is so intrusive as to have an inherently negative impact on surrounding properties so long as the set backs are sufficient as to not cause an adjoining property to not be able to be used or developed for its highest and best use under the jurisdictions zoning restrictions.

SUMMARY

My personal inspection of the site and surrounding areas, and public records revealed the following:

1. Located immediately to the north of the proposed site are service commercial and retail uses.
2. Located immediately to the west of the proposed site are vegetation and undeveloped property and mixed uses including retail, service commercial and industrial uses.
3. Located to the south of the proposed site across Sycamore Dairy Road, are service commercial, retail, and other mixed uses.
4. Located east of the proposed site across Bargain Street are service commercial uses, retail and other mixed uses.
5. That the visibility of the facility will be very limited at ground level on all sides of the compound and landscaped buffer area. The areas outside fenced compound will be left undisturbed other than the landscape buffer in order to maintain the existing vegetated areas near the site.

In summary, my personal inspection of this proposed site and other tower locations in North Carolina, in the jurisdictions of Cumberland, Robeson, Johnston, Wilson, Hoke, Moore, Sampson, Cities of Lumberton, Raleigh, Wilmington and many others, my personal Expert Witness Testimony in over 1,700 one thousand seven hundred zoning hearings for the record in these and many other jurisdictions across the southeast, my review of industry data regarding all types of wireless transmission towers, indicates that, in general, wireless telecommunication tower facilities do not have a inherently deleterious affect on surrounding properties. Our review of the Facility to be constructed at the Site, and personal inspection of the Site and surrounding area, indicate that the planned facility is generally compatible with the area's existing and proposed uses, and developed as proposed it will have no substantial negative impact on existing or planned development of the surrounding properties.

improved or unimproved properties in the general vicinity. Finally, the nature of this location, with its separation from the residential arterials located to the north of the proposed site, the unimproved areas and mixed uses nearby, heavily wooded areas, is such that the proposed development will not create any negative aesthetic effects on scenic roadways or other unique natural features.

DISCLAIMER

This document is not to be construed as an appraisal of real property; developed or undeveloped. It is an assessment of empirical data and written expression of opinion of impact of this particular planned project, based on the experience of the author of this document. This document is not to be reproduced in whole or in part, nor is it to be used for any purpose other than the reason intended. No opinions of value or opinions of the correctness or accuracy of the engineering designs or plans submitted for this project are expressed, implied or intended by the author.

Graham B. Herring, GRI
NC Brokers License #30791
SC Brokers License #13554

 **GRI**
Date: 9/2/10
Graham B. Herring, GRI

OVERVIEW OF THE CREDENTIALS OF GRAHAM HERRING, LICENSED
NORTH CAROLINA AND SOUTH CAROLINA REAL ESTATE BROKER, AND
GRADUATE OF THE **UNIVERSITY OF NORTH CAROLINA REALTORS
INSTITUTE.**

GRAHAM B. HERRING, **GRI**

8052 Grey Oak Drive
Raleigh, North Carolina

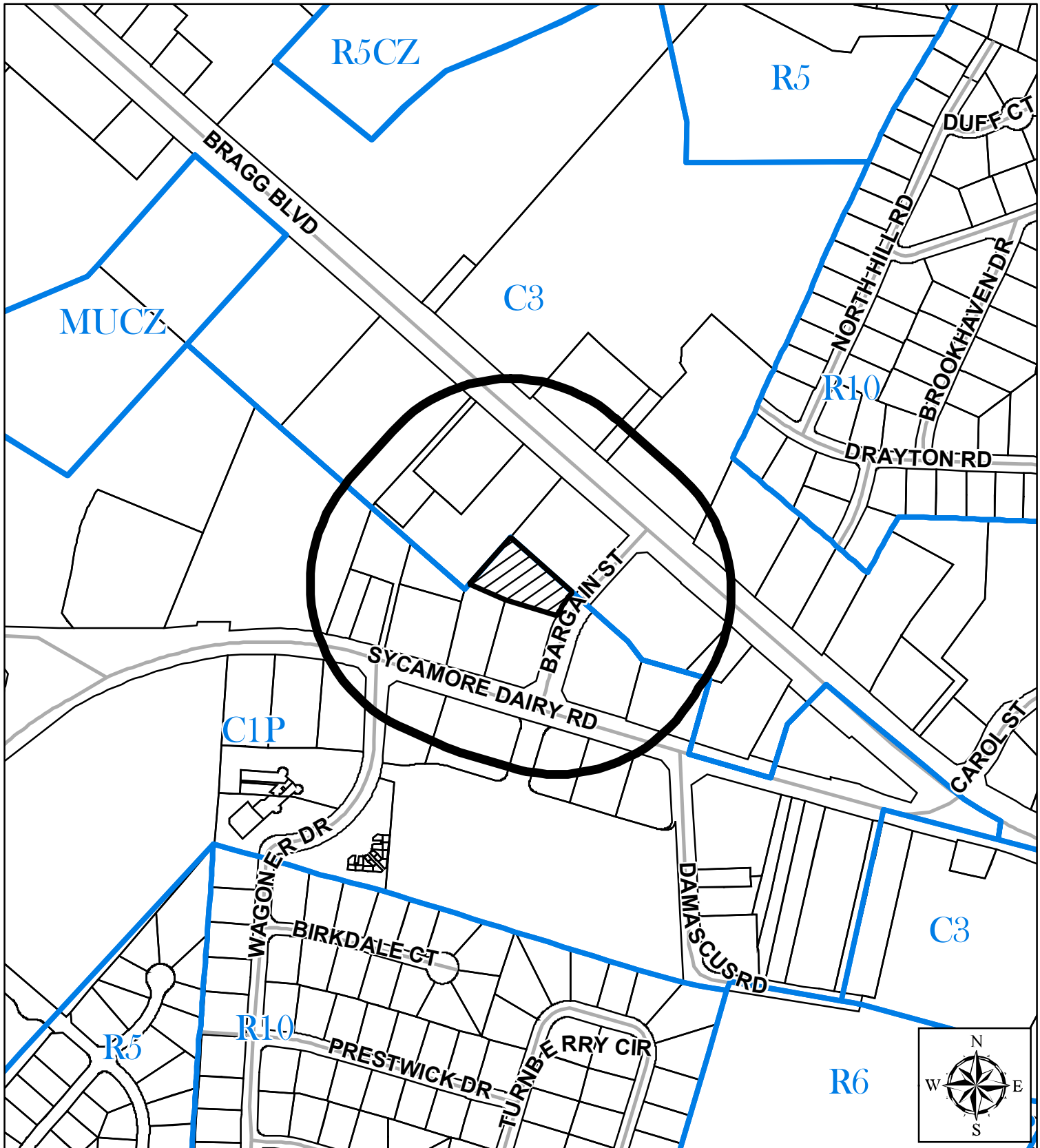
Experience:

Licensed Real Estate Broker in North Carolina for 38 years
Licensed South Carolina Real Estate Broker

Mortgage Lending and Appraising, 6 Years (Single Family Residential)
Land Development (Commercial and Residential)
Shopping Center development, leasing and sales
Industrial, Office and Institutional, Commercial properties; development, leasing and sales.
Specialized Computer enhanced photography (Photo Simulations)
Site Acquisition, Telecommunications, Radio, Television, and EMS/911 Facilities
SHPO North and South Carolina/ remediation work
Residential/Builder Construction lending
Certificate of Completion, United States Savings and Loan League Single Family
Residential Appraising Course.

Past Executive Director of the Nash County, and Rocky Mount Homebuilders
Association
Graduate of the North Carolina Homebuilders Institute
Graduate of the North Carolina Insurance Institute
Graduate of the International Shopping Center Institute School of Management and
Leasing
Graduate of the University of Pennsylvania/Wharton School Of Investment Real Estate
Consulted with City Municipalities and County Governments. Concerning Potential
Impact of Telecommunications Facilities, in planning and study meetings.
Appeared as an expert witness in over 1700 Zoning Hearings, in 67 counties, and 65
jurisdictions in North Carolina, Virginia, Georgia, Florida and South Carolina
Consulted with developers concerning planning and placement of telecommunications
facilities in planned developments, i.e.: Weston, and Wakefield.
Testified as an expert witness regarding impact on surrounding properties of
Telecommunications Facilities in Board of Adjustment and Commissioners hearings
throughout North Carolina, Virginia, Georgia, Florida and South Carolina.
Conducted Market and Tracking Studies in several counties including Wake and Orange
counties, on the development of telecommunications facilities, and the sale of improved
residential properties in developments that are surrounding such facilities, and
comparison studies of such.

ZONING COMMISSION
CASE NO. P10-39F



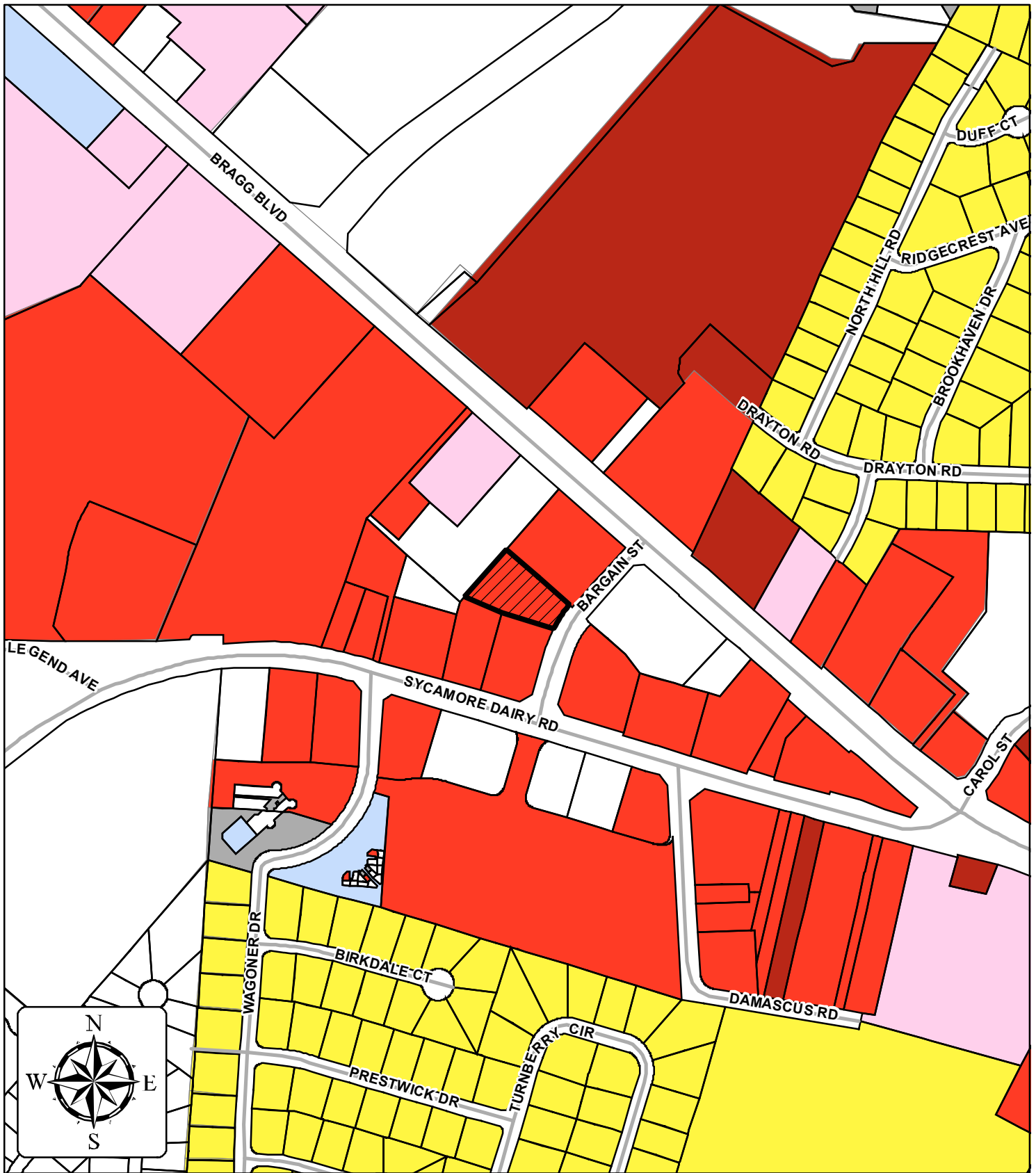
Request: SUP - Cell Tower
Location: 733 Bargain St.
Acreage: +/- 0.278 acres

Zoning Commission: 10/12/2010 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0418-64-7086

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

Current Land Use

P10-39F

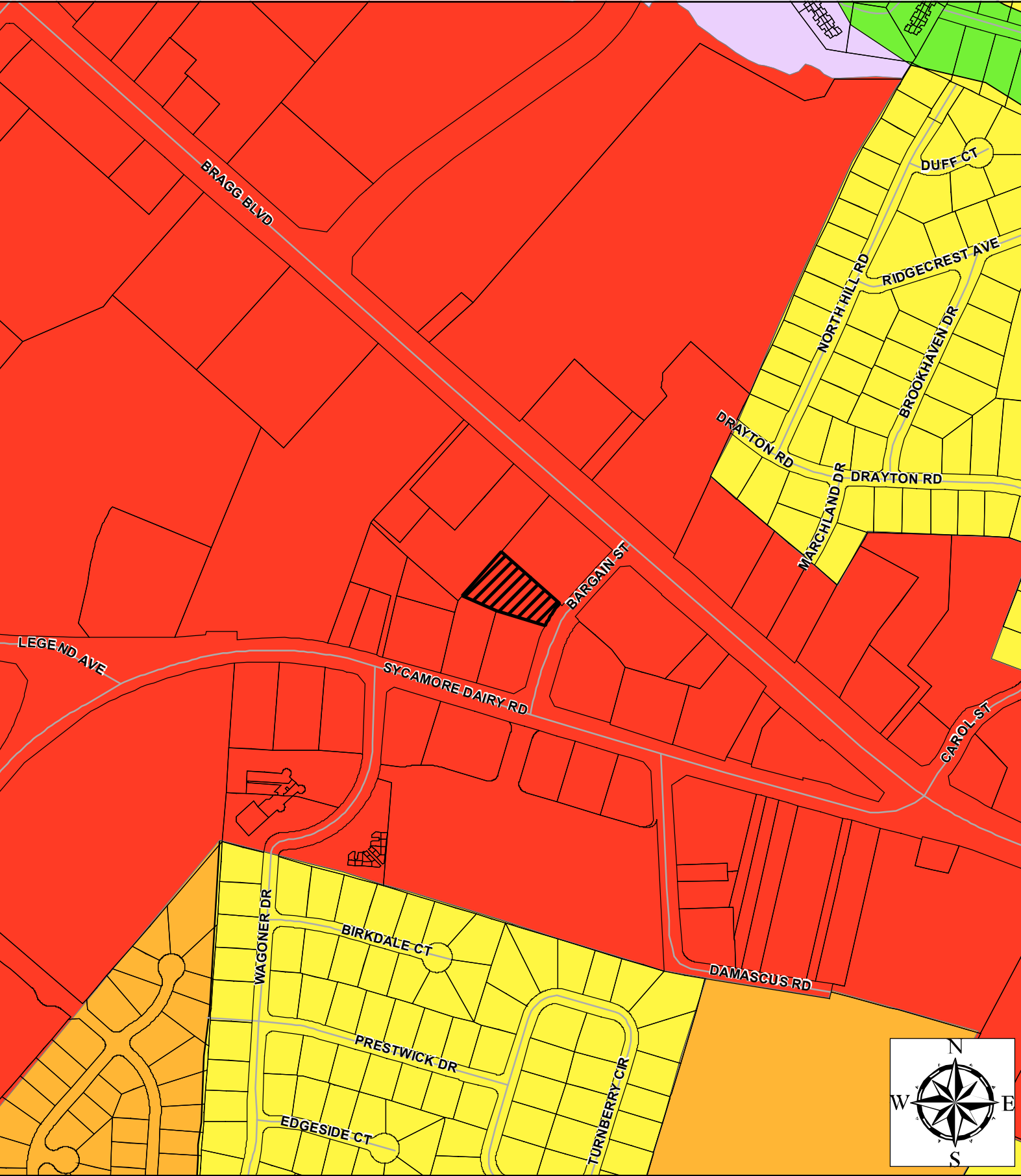


Legend

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

2010 Land Use Plan

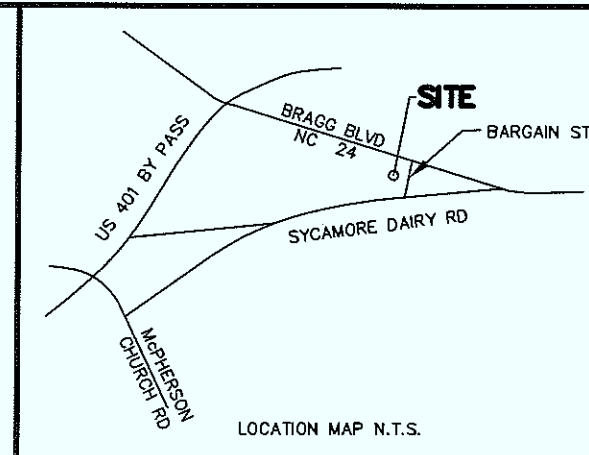
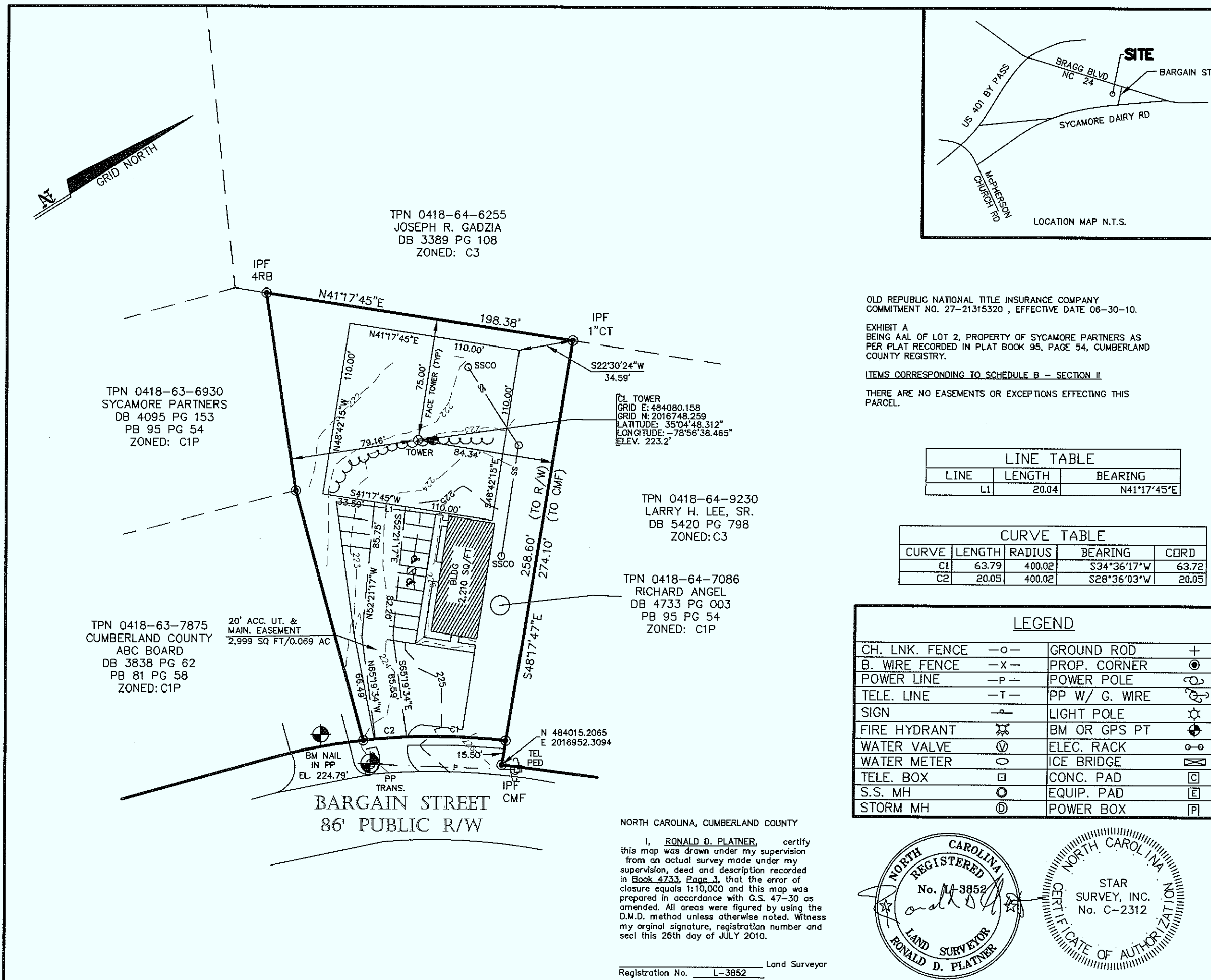
Case No. P10-39F



Legend

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





REVISIONS			
0		PERMIT APPROVAL	
1.	8/16/10	BLDG SQ./FT	RDP
NO.	DATE	DESCRIPTION	BY

NOTES:

- 1) THIS EXHIBIT REPRESENTS THE LEASE SITE AND THE ACCESS, UTILITY AND MAINTENANCE EASEMENTS ONLY AND IS NOT INTENDED FOR ANY OTHER USE.
- 2) ALL BEARINGS ARE NORTH CAROLINA STATE GRID, ALL COORDINATES ARE NAD 83 AND ALL ELEVATIONS ARE NAVD 88.
- 3) TAX MAP PARCEL NO. 0418-64-7086
- 4) THIS PROPERTY IS CURRENTLY ZONED: C1P (PER CUMBERLAND COUNTY OFFICIALS)
- 5) RATIO OF PRECISION = 1/10,000.
- 6) AREA BY COORDINATE METHOD.
- 7) THE LOCATIONS OF ANY UNDERGROUND UTILITIES IF SHOWN ARE BASED ON PAINTED MARKINGS OBSERVED IN THE FIELD AND/OR ARE APPROXIMATE.

I HEREBY CERTIFY THAT I HAVE CONSULTED THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP NO. 3720041800J DATED 1/05/07: AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE A, B, OR V.

NOTE:
THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY BY STAR SURVEY, INC. PROPERTY LINES WERE TAKEN FROM EXISTING FIELD EVIDENCE, EXISTING DEEDS AND PLATS OF PUBLIC RECORD OR FROM SURVEYS AND DOCUMENTS PROVIDED TO THE SURVEYOR BY THE OWNER OR CLIENT.

REFERENCE:
1. PLAT FOR SYCAMORE PARTNERS, BY GEORGE M. ROSE, DATED: JULY 31, 1997

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
COMMITMENT NO. 27-21315320, EFFECTIVE DATE 06-30-10.

EXHIBIT A
BEING AAL OF LOT 2, PROPERTY OF SYCAMORE PARTNERS AS PER PLAT RECORDED IN PLAT BOOK 95, PAGE 54, CUMBERLAND COUNTY REGISTRY.

ITEMS CORRESPONDING TO SCHEDULE B - SECTION II

THERE ARE NO EASEMENTS OR EXCEPTIONS EFFECTING THIS PARCEL.

LINE TABLE		
LINE	LENGTH	BEARING
L1	20.04	N41°17'45"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CORD
C1	63.79	400.02	S34°36'17"W	63.72
C2	20.05	400.02	S28°36'03"W	20.05

LEGEND			
CH. LNK. FENCE	-o-	GROUND ROD	+
B. WIRE FENCE	-x-	PROP. CORNER	⊙
POWER LINE	-p-	POWER POLE	⊕
TELE. LINE	-t-	PP W/ G. WIRE	⊕
SIGN	-s-	LIGHT POLE	⊕
FIRE HYDRANT	⊕	BM OR GPS PT	⊕
WATER VALVE	⊕	ELEC. RACK	⊕
WATER METER	⊕	ICE BRIDGE	⊕
TELE. BOX	⊕	CONC. PAD	⊕
S.S. MH	⊕	EQUIP. PAD	⊕
STORM MH	⊕	POWER BOX	⊕

LEASE SITE AND, ACCESS,
UTILITY AND MAINTENANCE EASEMENT
EXHIBIT

PREPARED FOR

BC
ARCHITECTS
ENGINEERS

ATC-SKYE
TOWER SITE
SITE ID#: 273979

CUMBERLAND COUNTY, FAYETTEVILLE, NORTH CAROLINA

STAR SURVEY, INC.

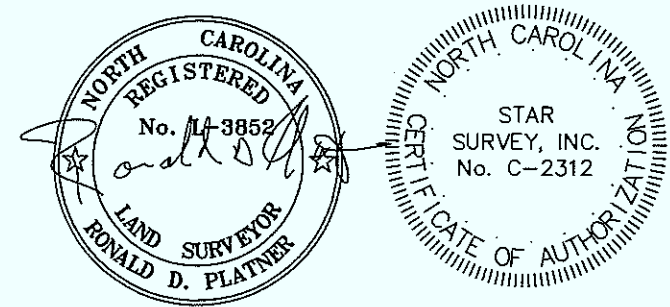
702 EDGEFIELD ROAD
NORTH AUGUSTA, SC 29841
TELE. (803) 613-0377

SCALE: 0' 30' 60' 120'		
1" = 60'		
DRAWING NAME 102942.DWG	DATE JULY 26, 2010	SHEET NO. C1
PROJECT NO. 10-2942	FIELD BOOK NO. (SEE FILE)	

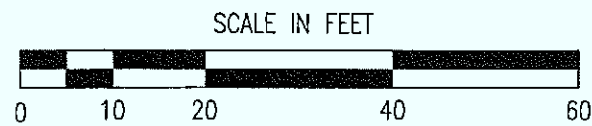
NORTH CAROLINA, CUMBERLAND COUNTY

I, RONALD D. PLATNER, certify this map was drawn under my supervision from an actual survey made under my supervision, deed and description recorded in Book 4733, Page 3, that the error of closure equals 1:10,000 and this map was prepared in accordance with G.S. 47-30 as amended. All areas were figured by using the D.M.D. method unless otherwise noted. Witness my original signature, registration number and seal this 26th day of JULY 2010.

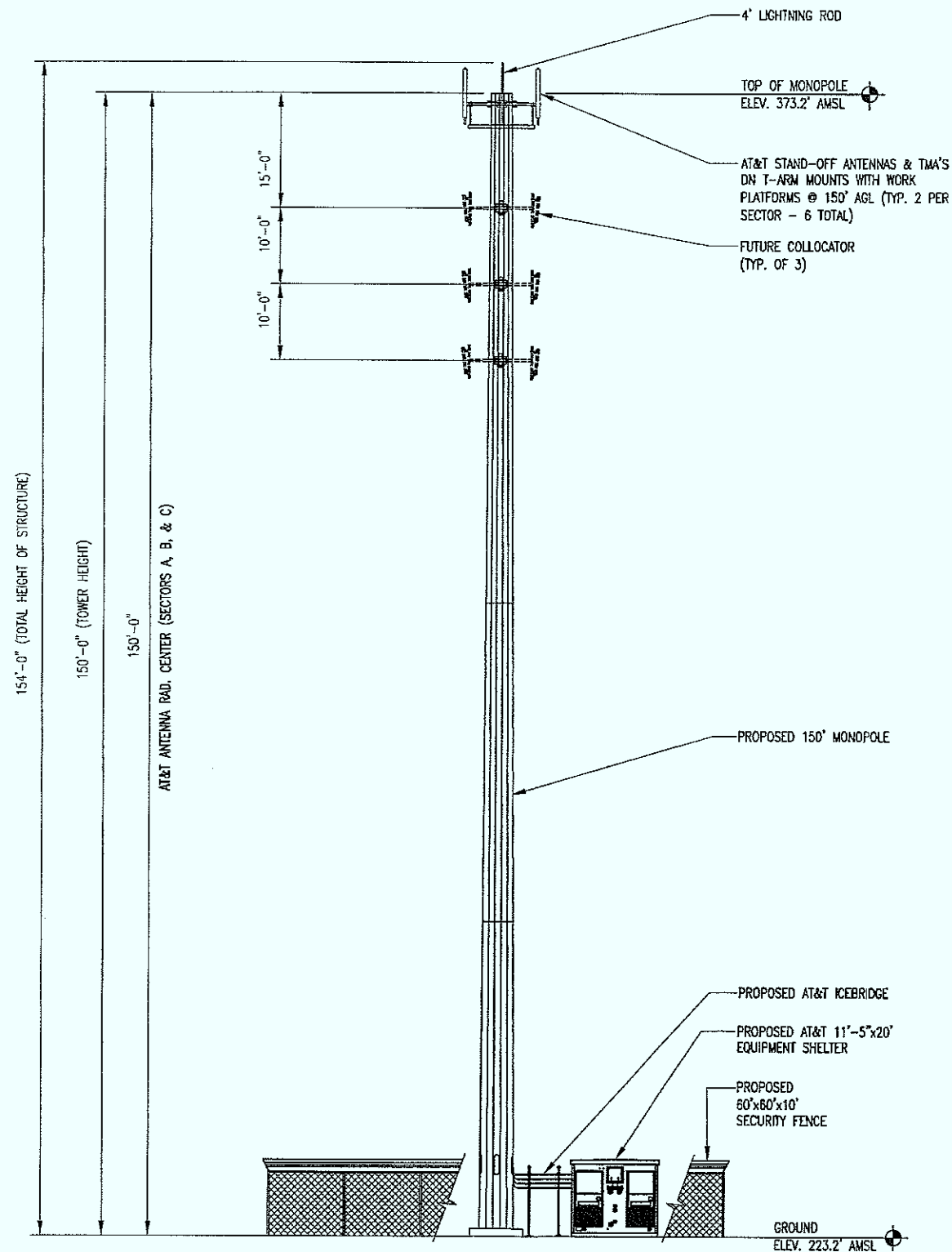
Registration No. L-3852 Land Surveyor



08-13-10 ARNOLD 09:14:45 Y:/Drawings - 2010/ATC/SKYE - 273979/CD's/A2.dwg



1"=20'



TOWER ELEVATION

AMERICAN TOWER
CORPORATION

495 LONG POINT ROAD
MOUNT PLEASANT, SC 29464
TEL: (843) 971-8385
FAX: (843) 971-8889

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF AMERICAN TOWER CORPORATION AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM AMERICAN TOWER CORPORATION. TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH AMERICAN TOWER CORPORATION WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

BC
architects
engineers

5659 COLUMBIA PIKE, SUITE 101
FALLS CHURCH, VA 22041-2888
TEL: (703) 671-8000
FAX: (703) 671-8300

SHEET REVISION			
NO.	DESCRIPTION	BY	DATE
1			
2			
3			
4			
5			
6			

ATC SITE NUMBER:
273979

ATC SITE NAME:
SKYE

SITE ADDRESS:
**733 BARGAIN ST.
FAYETTEVILLE, NC 28303**

STAMP HERE



NORTH CAROLINA
PROFESSIONAL
SEAL
0024902
8/6/10
ENGINEER
CHRISTOPHER D. MORIN

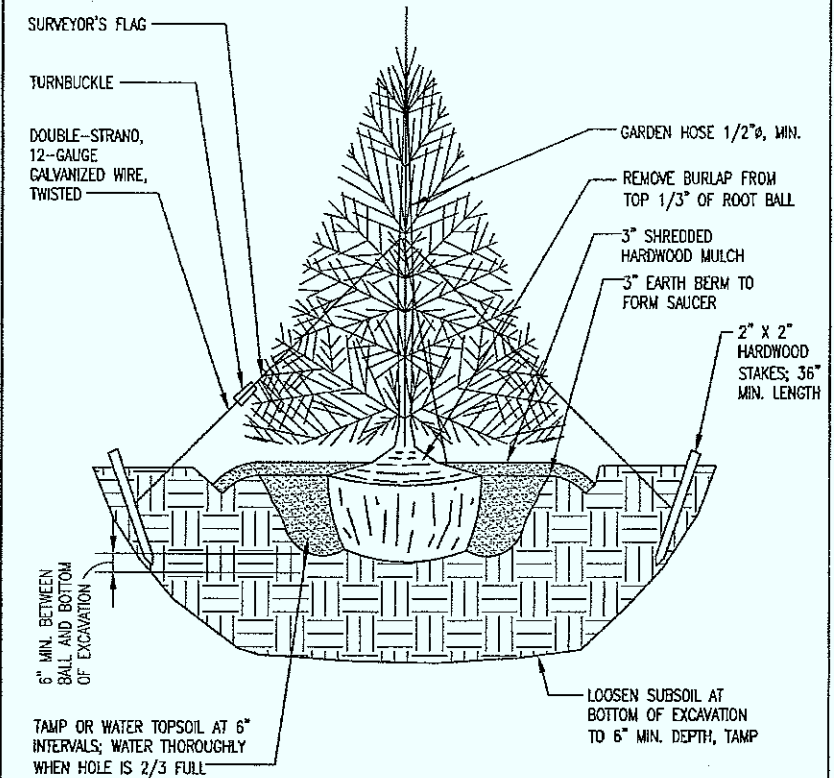
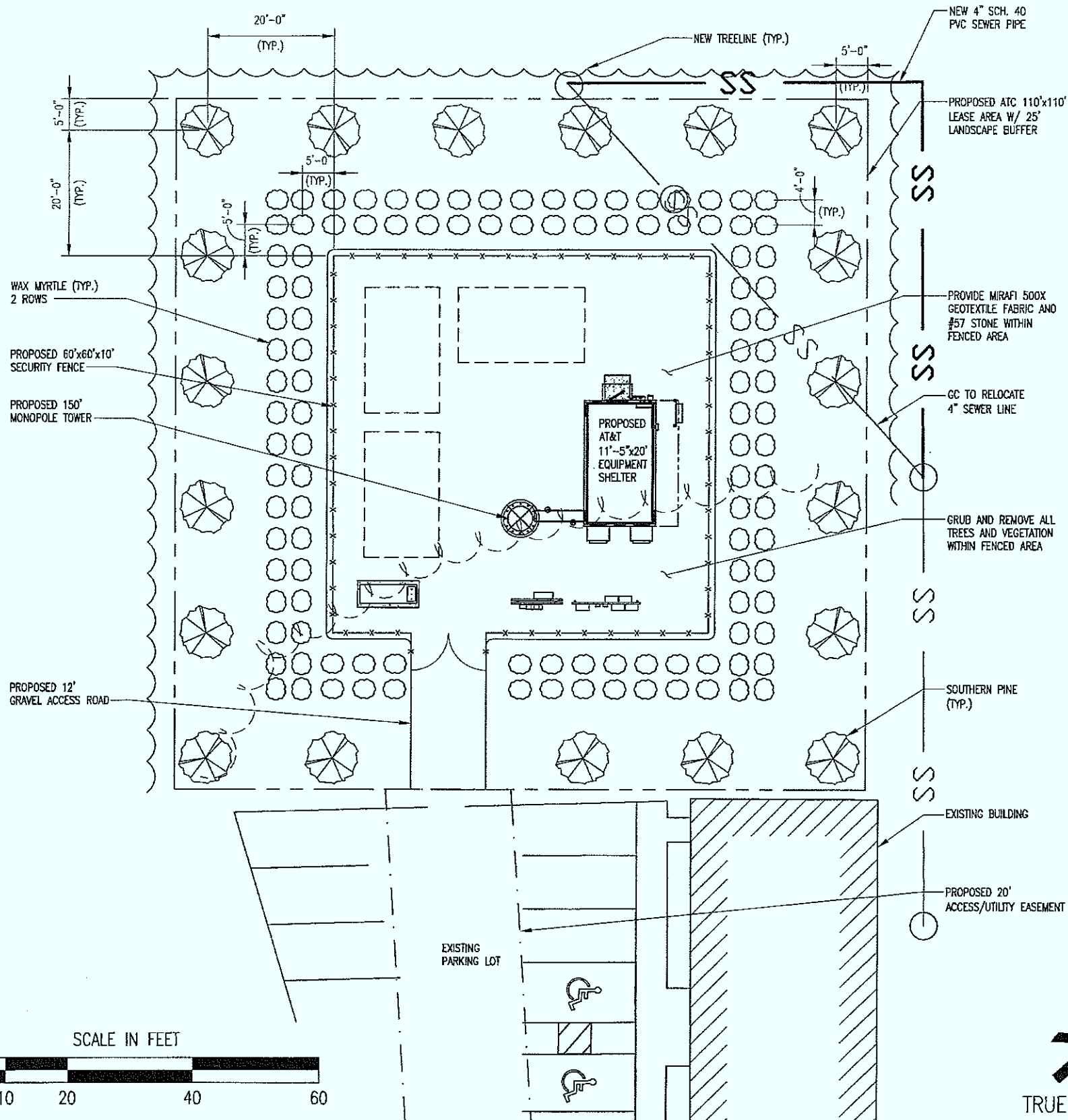
DRAWN BY:	AGT
CHECKED BY:	DRS
DATE DRAWN:	08-16-10
SUBMISSION:	FINAL CD'S

SHEET TITLE:

TOWER ELEVATION

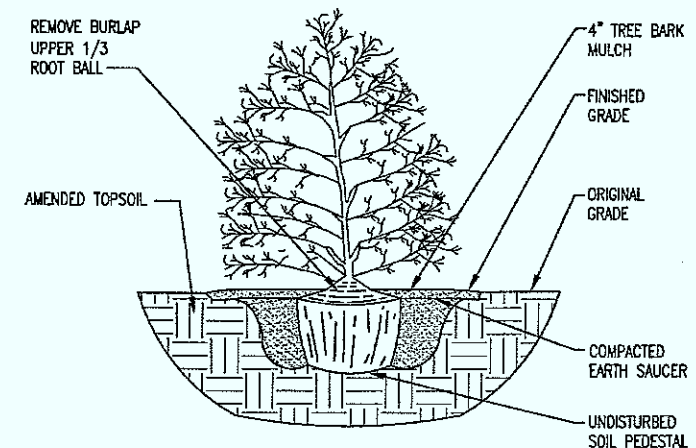
SHEET NUMBER:	REV. #
A-2	

SYMBOL	QTY.	SCIENTIFIC NAME	CALIPER @ PLANTING	HEIGHT AT MATURITY	COMMON NAME
	19	PINUS TAEDA	3"	25'-80'	SOUTHERN PINE
	114	MORELLA CERIFERA	3"	6'-12'	WAX MYRTLE



- NOTE(S):
1. SOUTHERN PINE TREE SHALL REACH A MINIMUM HEIGHT OF 25 FEET AT MATURITY.
 2. SOUTHERN PINE TREE SHALL BE PLANTED @ 20'-0" ON CENTER AT OUTER PART OF LANDSCAPE BUFFER

N.T.S. TREE INSTALLATION DETAIL 2



- NOTE:
1. SHRUB PLANTINGS SHALL HAVE A MINIMUM HEIGHT OF THREE (3) FEET AT INSTALLATION AND SHALL BE A CONTINUOUS HEDGE AND ATTAIN 6 FEET IN HEIGHT AT MATURITY.
 2. PROPOSED PLANT, WAX MYRTLE

N.T.S. TYPICAL PLANT INSTALLATION DETAIL 3

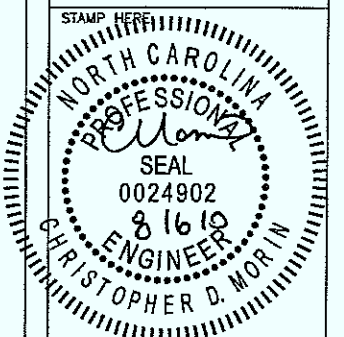
AMERICAN TOWER CORPORATION
 496 LONG POINT ROAD
 MOUNT PLEASANT, SC 29484
 TEL: (843) 971-8385
 FAX: (843) 971-8889

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BC
 architects
 engineers
 5659 COLUMBIA PIKE, SUITE 101
 FALLS CHURCH, VA 22041-2868
 TEL: (703) 671-6000
 FAX: (703) 671-6300

SHEET REVISION		
NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		

ATC SITE NUMBER:
273979
 ATC SITE NAME:
SKYE
 SITE ADDRESS:
**733 BARGAIN ST.
 FAYETTEVILLE, NC 28303**



DRAWN BY:	AGT
CHECKED BY:	DRS
DATE DRAWN:	08-18-10
SUBMISSION:	FINAL CD'S

SHEET TITLE:
LANDSCAPING PLAN

SHEET NUMBER: REV. #

L-1

**CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
OCTOBER 12, 2010 @ 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Marshall Isler
John Crawley
Lockett Tally
Tom Speight

MEMBERS ABSENT

Steve Mannell
Martin J. Hendrix

OTHERS PRESENT

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

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

I. APPROVAL OF AGENDA

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

II. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 14, 2010 MEETING

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

III. ELECTION OF OFFICES

Mr. Crawley made a motion to nominate Pete Paoni as Chair for the Commission. Mr. Speight seconded the motion. A vote was taken and passed unanimously.

Mr. Crawley made a motion to nominate Marshall Isler as Vice-Chair for the Commission. Mr. Speight seconded the motion. A vote was taken and passed unanimously.

IV. PUBLIC HEARINGS

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

Everyone who was planning to speak, for all the cases involving a special use permit were sworn in, including staff.

- B. Case No. P10-39F.** A Special Use Permit – Wireless Communications Tower for property located at 733 Bargain Street. Containing 0.278 acres more or less leased area and being the property of Richard Angel.

Mr. Harmon presented the case. He explained that the request is for a wireless communications tower. Mr. Harmon gave an overview of the location. He explained the current land use for the property and the surrounding areas. He stated that the 2010 plan called for heavy commercial for the property. He stated that the tower is within the fall zone requirements for the City which because it would be located on

commercial property and requires half the fall zone that would be required on residential property.. Mr. Harmon stated that the staff recommendation for the request was to approve the request.

Mr. Harmon explained that this is a quasi-judicial hearing that requires the Zoning Commission to make its decision based on specific findings and that since this is a Special Use Permit, the Zoning Commission can require conditions necessary to meet these specific details and other findings necessary for approval.

The public hearing was opened.

Mr. Tom Johnson appeared in favor of the request. Mr. Johnson explained that this was a request for American Tower and AT&T. He explained the reduced setback requirements in heavy commercial.

Ms. Summer Quebain appeared in favor of the request. She presented maps showing the need for additional coverage in those areas.

Mr. Johnson explained the location and layout of the proposed site. Mr. Johnson asked that all the documentation be admitted into evidence and he reiterated that all the ordinance requirements have been met.

Mr. Herring appeared in favor of the request. He stated that he is a licensed North Carolina Real Estate broker with a great deal of experience in towers. He stated that this proposed tower would not add any adverse influence in his opinion if built as proposed.

Mr. Marshall Isler made a motion to approve the special use permit with the following conditions: Prior to issuing a building permit, there be written confirmation that there is an agreement with one or more providers to use the tower once built; that the Special Use Permit becomes null and void if a building permit is not issued after two years from the date of approval of the request. He stated that the motion to recommend approval is based upon the finding that the request fits with the character of the area in which it is to be located and that it will not be detrimental to the surrounding neighborhood based upon the submitted site plan and documentation and recommended conditions.

Mr. Speight seconded the motion. A vote was taken and passed unanimously.

Mr. Harmon reminded the Commission that this would go as a public hearing to City Council on November 22, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner
DATE: November 22, 2010
RE: **Case No. P10-37F. Rezoning 0.29 acres at 6021 Fisher Road from R10 Residential District to P2 Professional District. Milo Investments LLC, owner.**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development;

BACKGROUND:

Owner: Milo Investments LLC

Applicant: Michael Harrell

Requested Action: R10 to P2

Property Address: 6021 Fisher Road

Council District: 6 (Crisp)

Status of Property: Residentially built property.

Size: 0.29 acres +/-

Existing Land Use: Residential

Adjoining Land Use & Zoning: North - R10 Single Family Residential / South - R10 Single Family Residential / East - P2 Professional / R10 Single Family Residential

2010 Land Use Plan: Low Density Residential

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

Letters Mailed: 53

Transportation: Fisher Street is a major thoroughfare.

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

P2 - Predominantly residential in character, but primarily for general office uses. An office and retail specialty shop area with mixed residential use designated to provide a transition from high intensity use areas to residential districts. (P2 can also be developed residentially at the same density as residential surrounding it.

ISSUES:

The purpose for the rezoning request is to create a professional district at the entrance to several new subdivisions. While there are two properties to the east zoned professional, they do not fit the character of the rest of the neighborhood. These were zoned professional while still in the County's jurisdiction.

Zoning Commission recommends APPROVAL (3-2) based on:

1. Fits in with the character of the area in which such use is to be located.
2. Use is not detrimental to the surrounding neighborhood.
3. Is in keeping with the approved Long Range Plans of the City.

Staff recommends DENIAL of the rezoning to P2 Professional District based on:

1. The 2010 Land Use Plan calls for low density residential.

2. The property currently has R10 residential zoning on three sides.
3. 2030 Growth Vision Plan cautions against rezoning residential properties solely because they adjoin a major street.

Staff has received some questions regarding this rezone request and provides the following responses:

The developer reports to having done extensive work at the property ahead of the zoning decision being final.

Staff visited the property last Friday (Nov. 12 - picture attached) and the only work observed was a new paved driveway. Staff also checked with Building Inspections and the only permit that they have issued for this address, since 1989, was last month for a new heat system. No permits for other renovations have been pulled.

Area citizens are against rezoning this property from residential to commercial.

Beside and across Fisher Rd from this property is a day care (zoned R10) and an after school care (zoned P2). Diagonally across Fisher from this property is an office building (zoned P2).

Was Staff's recommendation for denial because this parcel is considered "spot zoning"?

Since the County has already zoned property beside and across the street from this to Professional/Office use this probably would not be an illegal spot zoning. Approval may, however, have the effect of establishing or confirming the inherited pattern – a de facto amendment of the land use plan, thereby making it difficult to deny other requested conversions of residential to office in this area.

Can a special use permit be requested so this property could be used as an office and when developer's subdivision is complete, this property would then revert back to residential zoning?

No...the only way to permit a real-estate sales office or contractor's office is for the property to be zoned professional or commercial.

OPTIONS:

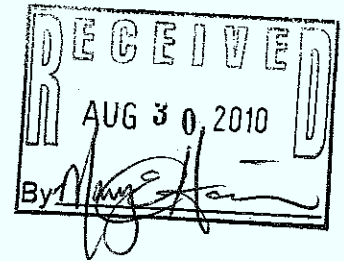
- 1) Deny the rezoning of the property to P2 (Staff Recommended);
- 2) Rezone the property to P2 (Zoning Commission Recommended).
- 3) Rezone to a more restrictive zoning district

RECOMMENDED ACTION:

Zoning Commission recommends that the City Council move to Approve the rezoning from R10 Residential to P2 Professional District based on the reasons provided above (in issues).

ATTACHMENTS:

Application
Zoning Map
2010 Plan
Photo of property
Ortho Photo
Zoning Commission Minutes



Deadline Date to Return _____
Zoning Commission Meeting _____
Today's Date 8/30/10
Amt \$ 700⁰⁰ Rcv'd by MEH Case # _____

APPLICATION FOR REZONING

Upon receipt of this application, the Planning Department will place a legal ad in the paper to advertise this 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 meetings 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.

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

1. A copy of the recorded deed.
2. If the request is for a portion of a larger tract - an accurate written legal description* of the area to be considered.
3. A check made payable to the City of Fayetteville in the amount of \$700.00.
4. A site plan showing all existing structures, setbacks, parking, driveways, etc.

NOTE:

1. The application fee is **nonrefundable**.
2. The Planning Staff is available for advice on completing this application and to provide information regarding the rezoning of this property. The Planning Staff will make a recommendation to the Zoning Commission regarding the rezoning of this property.
3. The Zoning Officer (City Inspections Department at 433-1705) is available to assist with information as to which uses are permitted in various zoning districts.
4. While it is not mandatory for the applicant to attend the Zoning Commission and City Council meeting, it is **strongly advised** that either the applicant or a designee attend both meetings.

*Inaccuracies or errors on the legal description may cause a case to be delayed to a later Zoning Commission meeting.

**APPLICATION FOR REZONING
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 amend the Zoning Ordinance and to change the Zoning Map of the City of Fayetteville as hereinafter requested, and in support of this application, the following facts are shown:

Location/Address of the Property: 6021 Fisher Rd., Fay NC 28306

Owner of the Property: MIL0 INVESTMENTS LLC

Address of the Owner: 7670 Raeford Rd. Fay Zip 28304

Owner's Home Phone: 910-263-2928 Owner's Work Phone: SAME

A. The property sought for Rezoning is owned by MIL0 INVESTMENTS LLC as evidenced by deed, recorded in Deed Book 8397, Page 982, Cumberland County Registry. (Attach a copy of (all) deed(s) as it appears in the Registry.)

B. It is desired and requested that the foregoing property be rezoned:

From: R-10 To: P-2

Please describe the proposed use of the property requested for rezoning: _____

office space

C. Tax Property Identification Number (PIN#) of the property: 0405-06-5962

D. Acreage to be rezoned: .29

E. To the best of your knowledge, has an application for rezoning been filed for this property within the previous 5 years? (If yes, please indicate month and year of application.)

NO

F. Existing use of the property (Specify any structures and respective uses): _____

vacant

G. Existing and/or proposed water service (Specify if Community System): _____

PWC

H. Existing and/or proposed sewer service (Specify if Community System): _____

PWC

It is understood by the undersigned that the Zoning Map, as originally adopted and as subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment rests with the applicant. It is further understood by the undersigned that the singling out of a small parcel(s) of land for exceptional zoning would likely constitute illegal "spot zoning" and in such cases a rezoning request and a public hearing are superfluous. Therefore, it is the responsibility of the applicant to submit a valid request not incompatible with existing neighborhood zoning patterns. The responsibility of securing additional properties to be included in the request lies with the undersigned.

MILO INVESTMENTS LLC

Print or Type Name of Owner

7670 Raeford Rd Fay NC 28306

Address of Owner

Home Phone

Work Phone

Michael L. Harrell

Print or Type Name of Applicant

1700 Telluride Ct. Fay NC 28304

Address of Applicant

910-263-2928

Home Phone

Work Phone

Michael Harrell

Signature of Individual Submitting the Application

City of Fayetteville Appeals Procedure: Any person aggrieved by the recommendation of the Zoning Commission shall have the right to appeal the action of the Zoning Commission in writing to the Clerk of the City of Fayetteville within ten (10) calendar days of the action of the Zoning Commission. If an appeal is timely filed, then the City Council shall hold a public hearing on the case.

If the Zoning Commission's recommendation is to rezone the property, and no appeal is filed, then the City Council shall have the right to adopt the rezoning without further public hearing. If the Zoning Commission's recommendation is to deny the rezoning, and no appeal is filed, then the request will not be forwarded to City Council. There is a 1-year waiting period before any further rezoning request can be filed for this property.

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

8397
0895

BK 08397 PG 0895

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS
FILED May 21, 2010
AT 03:42:00 pm
BOOK 08397
START PAGE 0895
END PAGE 0896
INSTRUMENT # 15407
RECORDING \$22.00
EXCISE TAX (None)
RF

Prepared by and Return to: McCauley & Person, LLP
P.O. Box 53606
Fayetteville, NC 28305

NO REVENUE

NO TITLE EXAMINATION

NORTH CAROLINA

QUITCLAIM DEED

CUMBERLAND COUNTY

THIS QUITCLAIM DEED is made and entered into this 14th day of May, 2010, by and between R. WILLIFORD McCAULEY, Executor of the Estate of Julian T. Mann, Jr., Cumberland County Estate File No. 07-E-1165, who has a mailing address of P.O. Box 53606, Fayetteville, North Carolina 28305, who is hereinafter referred to as "Grantor," and MILO INVESTMENTS, LLC, a North Carolina limited liability company, which is hereinafter referred to as "Grantee," and which has a mailing address of 639 Executive Place, Suite 400, Fayetteville, North Carolina 28305.

WITNESSETH:

Grantor, for and in consideration of the sum of one dollar (\$1.00) to him in hand paid, the receipt of which is hereby acknowledged, does hereby release and forever quitclaim unto Grantee all right, title, claim, and interest of Grantor, if any, in and to that certain parcel of real property located in Rockfish Township, Cumberland County, North Carolina, and more particularly described as follows:

PIN: 0405-06-5962 and 0405-06-4834

BEGINNING at a point in the southern margin of Fisher Road, said point being the northwest corner of Lot No. 2, as shown on recorded plat, Cumberland County Registry, Plat Book 110, Page 26; thence with the southern margin of Fisher Road, South 41 degrees 29 minutes 45 seconds East, 46.3 feet to an existing iron pin; thence with the southern margin of Fisher Road, South 40 degrees 36 minutes 46 seconds East, 83.7 feet to an existing iron pin, said iron pin, being the northeast corner of the above reference Lot No. 2; thence with the southern margin of Fisher

Page 1 of 2

Road, South 40 degrees 17 minutes 00 seconds East, 175.0 feet to an iron pin, said iron being the northeast corner of this tract; thence South 19 degrees 10 minutes 00 seconds West 229.1 feet to an iron pin, said iron pin being the southeast corner of this tract; thence North 83 degrees 35 minutes 00 minutes West, 400.47 feet to an iron pin, said iron pin being the southeast corner of the above referenced Lot No. 2; thence North 83 degrees 40 minutes 29 second West, 155.7 feet to an iron pin, said iron pin being the southwest corner of the above referenced Lot No. 2, and also being the southwest corner of this tract; thence North 48 degrees 02 minutes 18 seconds East, 578.0 feet to the point of beginning, containing 3.46 acres.


There is exempted from this tract the 0.39 acre tract as recorded in Deed Book 6442, Page 133.

There is a recorded 10 foot wide utility easement in Deed Book 6209, Page 703.

Carula Lane is a private 10 foot dirt street that follows the recorded easement.

TO HAVE AND TO HOLD the above-described parcel of real property and all privileges thereunto belonging to Grantee free and discharged from all right, title, claim or interest of Grantor or anyone claiming by, through or under him.

IN TESTIMONY WHEREOF, Grantor has hereunto set his hand and seal the day and year first above written.

 (SEAL)
R. WILLIFORD MCCAULEY, Executor of the Estate
of Julian T. Mann, Jr.

NORTH CAROLINA

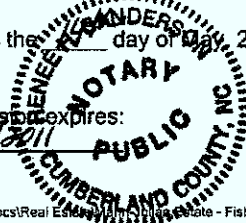
CUMBERLAND COUNTY

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: R. WILLIFORD MCCAULEY.

This the _____ day of May, 2010.

My commission expires:

12/10/2011




Notary Public

RENEE H. SANDERSON
Typed or Printed Name of Notary

U:\RWM - Client Docs\Real Estate\Julian T. Mann Estate - Fisher Road property.wpd

(N.P. SEAL)

Page 2 of 2

VICINITY MAP
NOT TO SCALE

(CAMPBELL, CECIL) COUNTY, NORTH CAROLINA
 IS ADDRESSING A NORTH PUBLIC OF THE
 COUNTY AND STATE AROUND, COUNTRY THAT
Michael, Marshall
 PERSONAL, MARSHALL, AS THE DAY
 AND ADDRESS EDITED THE EXECUTION OF THE
 FORWARD INSTRUCTED, INTEREST AT NATION
 AND OFFICIAL, STATE AND SOIL, HIS
 DAY OF BIRTH, 2008
APR 17 2009
 NOTED: MARSHALL
 MY CHAIRMAN'S EXPENSES (APRIL 27 2003)

- [illegible]

STATE OF NORTH CAROLINA
COUNTY OF CLATSOP
I, Donna McEwen, being one of the qualified electors of Clatsop County, Oregon, do hereby certify that the map filed to which this certificate is attached, is a true and correct copy of the map as the same appears on the records of the County of Clatsop, Oregon.
Donna McEwen
My Comm. Expires _____
My Comm. Expires _____
DATE: 7-27-10

FILED JUN 27 2010 01:59:30 PM PLEO
 BLOCK 00127 CANTERLAND
 PAGE 0018 CHU 0018 COURT AC
 INSTRUMENT # 25889 L. LEE WATKINS
 RECORDED \$21.00 INSTRUMENT
 EXCISE TAX (None) OF DEEDS




 4D SITE
 SOLUTIONS, INC.
 Atty: Kevin A. Sullivan, Allen A. Lerner, Esq., Kevin A.

REVISIONS

PROJECT NAME

RECOMBINATION
SURVEY OF MILO
INVESTMENTS,
LLC, TRACTS
(ZERO LOT LINE)

**MILIO INVESTMENTS,
LLC**

Phone: (810) 263-2328
Fax: (810) 875-1186

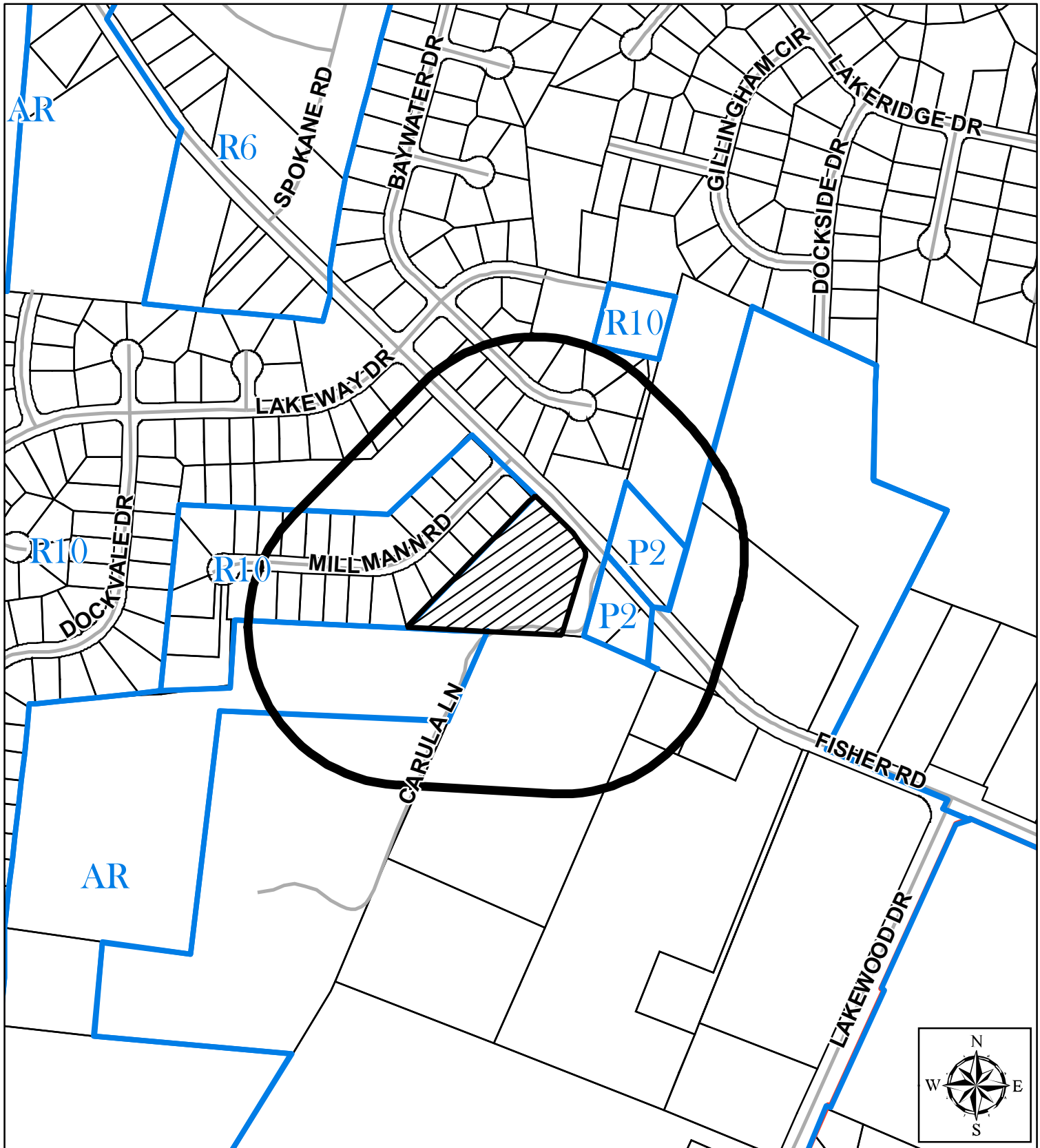
SUBMITTED BY:	WES
DRAWN BY:	CHLO
CHECKED BY:	SEAN
PROJECT NUMBER:	418

HEDRICK ET AL.: 1° AND 50°

DATE SURVEYED
JULY 20, 2010

OFFICE | TEL: 020 7490 2200

ZONING COMMISSION
CASE NO. P10-37F



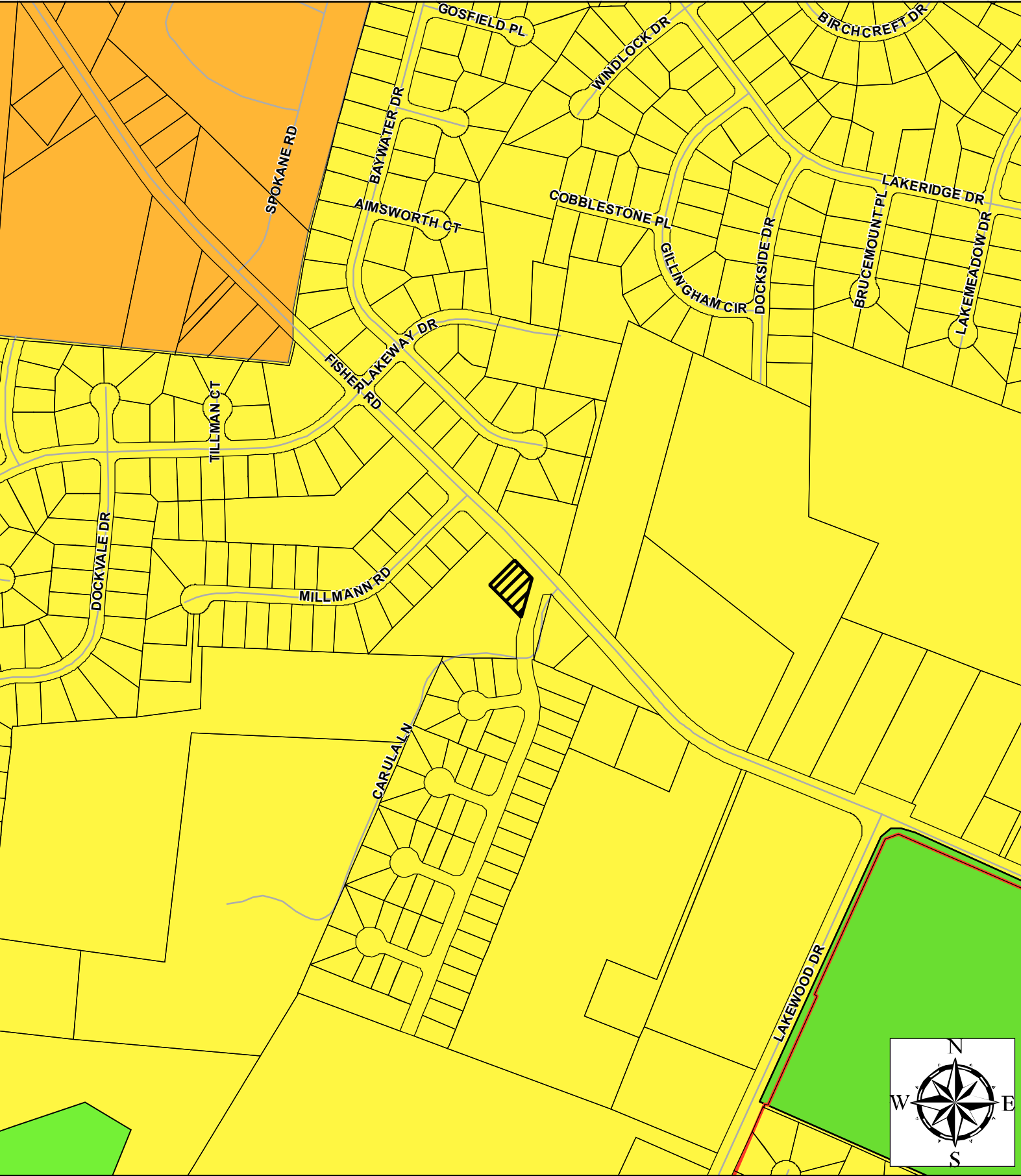
Request: R10 to P2
Location: 6021 Fisher Rd.
Acreage: +/- 0.29 acres

Zoning Commission: 10/12/2010 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0405-06-5962

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. P10-37F



Legend

Medium Density Residential

Office / Institutional

Governmental

Light Commercial

7 4 3 1
Heavy Commercial

Low Density Residential



7-4-4-



**CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
OCTOBER 12, 2010 @ 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Marshall Isler
John Crawley
Lockett Tally
Tom Speight

MEMBERS ABSENT

Steve Mannell
Martin J. Hendrix

OTHERS PRESENT

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

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

I. APPROVAL OF AGENDA

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

II. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 14, 2010 MEETING

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

III. ELECTION OF OFFICES

Mr. Crawley made a motion to nominate Pete Paoni as Chair for the Commission. Mr. Speight seconded the motion. A vote was taken and passed unanimously.

Mr. Crawley made a motion to nominate Marshall Isler as Vice-Chair for the Commission. Mr. Speight seconded the motion. A vote was taken and passed unanimously.

IV. PUBLIC HEARINGS

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

Everyone who was planning to speak, for all the cases involving a special use permit were sworn in, including staff.

- B. Case No. P10-37F.** The rezoning from R10 Residential to P2 Professional District or to a more restrictive zoning classification for property located at 6021 Fisher Rd. Containing 0.29 acres more or less and being the property of Milo Investments LLC.

Mr. Harmon presented the case. He explained that the purpose for the rezoning is to create a professional district at the entrance to several new subdivisions. He explained that while there are two properties to the east zoned professional, they do not fit the character of the rest of the neighborhood. He stated that these were zoned professional while still in the County's jurisdiction.

Mr. Harmon gave an overview of the location. He explained the current land use for the property and the surrounding areas. He stated that the 2010 plan called for low density residential. He stated that staff recommendation was to deny the request to rezone the property to P2 Professional due to the 2010 Land Use Plan, that currently the property has R10 Residential on three sides and the 2030 Growth Vision Plan cautions against rezoning residential properties solely because they adjoin a major street.

The Commission discussed the zoning of the properties surrounding the property and what is currently adjoining to the applicant's property.

The public hearing was opened.

Mr. Tim Evans appeared before the Commission in favor of the request. Mr. Evans stated that he is representing the owners of the parcels. He stated that some of the property was in severe need of restoration. Mr. Evans stated that the company is in need of a satellite office on this parcel; he stated that the company plans on building in the area for up to five years. He stated that the clients concern is that if the property would likely be turned into a rental property as if they aren't allowed to make it an office for the company so that control of the property can be maintained. He stated that the property will be isolated from the subdivisions. Mr. Evans stated that he was not asking to turn the area commercial but just for an office.

Ms. Anne Marie Famulari appeared in opposition of the request. She stated that her back yard borders on Fisher Road. Ms. Famulari stated that the area is not a bustling commercial and they are asking to put a P2 zone in the middle of a residential property. Ms. Famulari stated that she wants to know what will happen after the five years.

The Commission and staff discussed the option for rebuttal. Mr. Paoni asked that they be allowed to rebut. Mr. Harmon stated that for further meetings rebuttals should not be entertained because Council is no longer entertaining the option of rebuttals.

Mr. Evans spoke on rebuttal. He stated that his applicants have family that lives in area. Mr. Evans guarantees that the property will be kept and maintained.

Mr. Paoni asked about other commercial properties in the area. Mr. Evans stated that he has seen some parcel commercial.

Ms. Anne Marie Famulari stated that she is not against development. She stated that an office space is not better than a park. Ms. Famulari addressed her concern about traffic in the area.

The public hearing was closed.

Mr. Paoni made a motion to deny the rezoning to P2 based upon the fact that the 2010 Land Use plan calls for low density residential, the property currently the property has R10 Residential on three sides and the 2030 Growth Vision Plan cautions against rezoning residential properties solely because they adjoin a major street.

Mr. Talley seconded the motion.

Mr. Isler stated that he feels it is misleading to say that the property is surrounded on three sides by Residential properties. He stated that the buildings adjoining the property were designed for commercial use, specifically citing the property zoned residential but being used as a day care center under a special use permit.

Mr. Speight stated that he agreed with Mr. Isler.

Mr. Paoni called for the vote. The motion died with a vote of 2 to 3 with Mr. Isler, Speight and Crawley voting against the motion.

Mr. Paoni called for another vote. Mr. Crawley made a motion to approve the request to rezone the property to P2. Mr. Isler seconded the motion.

Mr. Paoni stated that this area of town is not ready for a transitional zoning.

Mr. Paoni called for the vote. The motion passed with a vote of 3 to 2 with Mr. Paoni and Mr. Tally voting in opposition of the request.

Mr. Harmon notified the applicants that the case would go before City Council as a public hearing on November 22, 2010.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rob Anderson, Chief Development Officer
DATE: November 22, 2010
RE: **Consideration of the Unified Development Ordinance November 2010 Council Draft, which would amend the City Code by replacing Chapters 25 Subdivision and 30 Zoning with a new Chapter 30 Unified Development Ordinance (UDO)**

THE QUESTION:

Should the existing subdivision and zoning regulations be replaced with the Unified Development Ordinance November 2010 Council Draft as a step to guide development toward more fully achieving the goals of the City's Strategic Plan, Vision 2030 and other adopted plans?

RELATIONSHIP TO STRATEGIC PLAN:

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

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

BACKGROUND:

The City Council recognized the inadequacy of the current regulations in achieving community goals and the value in providing updated, easier to use regulations to guide development over the next 20-40 years (current regulations were first adopted over forty years ago). In response, the preparation of a new development ordinance began in 2008 with consultant interviews with numerous stakeholders, the creation of an Advisory (Stakeholder) Committee to work with staff throughout the process, and the evaluation of adopted plans to determine the most appropriate changes. Drafting and reviewing the proposed regulations has included staff from every department and agency involved in development in the city, approximately thirty Advisory Committee meetings, and three public hearings by the Planning Commission prior to recommending approval with changes at a special meeting on October 21.

Among the many changes, the draft regulations establish:

- new zoning districts that provide greater protection to single-family/low density residential areas;
- increased tree protection and landscaping requirements accompanied by greater flexibility at the administrative level;
- a broader range of uses in the office and commercial districts in concert with higher standards for uses that are adjacent to single family districts;
- incentives for incorporating energy efficiencies and more sustainable development practices;

ISSUES:

The Unified Development Ordinance is drafted to balance new or changed standards with incentives and new flexibilities, to achieve the goals of the City's major plans, and to bring the ordinance current with the best professional practices and norms of many cities in North Carolina and throughout the nation. The HomeBuilders Association, several developers, and other associations such as the Chamber of Commerce and Sustainable Sandhills have participated extensively to craft this compromise proposal. Staff and the Planning Commission, through three public hearings, subsequent discussions and work sessions, believe that the proposed UDO is reflective of the community's interest.

The Planning Commission recommends sidewalks on both sides of all streets except cul-de-sacs less than 500 feet long, compared to current standards generally calling for sidewalks on one side of residential streets and both sides of thoroughfare streets.

Once the regulations are approved, other major tasks necessary to implement the UDO can move

forward -- final formatting cleanup and preparation of the VIC web-based version; completion of the Administrative Manual; structuring the planning and plan review modules of Magnet to reflect the new regulations; adoption of a new City-wide zoning map reflecting the transition from old districts to the new zoning districts; and the overall orientation and practice for all users of the new ordinance.

Full implementation is proposed for July 1, 2011. Editing changes to resolve inconsistencies or other minor adjustments identified during the final formatting and remapping processes will be presented for Council action prior to July 1. Staff proposes to continue seeking feedback from the Advisory Committee during the initial year (or more) of implementation and will prepare text amendments as needed.

OPTIONS:

The proposed text of the UDO has been provided to Council under separate cover and is not included in this packet. Attached is a proposed ordinance repealing existing development regulations and authorizing their replacement with the UDO.

Option 1: Approve the attached implementing ordinance adopting the Unified Development Ordinance November 2010 draft as submitted.

Option 2: Approve the implementing ordinance with modifications to the UDO November 2010 draft.

Option 3: Continue Council discussion to a specified regular or special meeting with guidance to staff regarding information or alternatives needed for consideration.

Option 4: Deny the proposal to replace the existing subdivision and zoning regulations.

RECOMMENDED ACTION:

Staff and Planning Commission recommend that Council move to adopt the attached ordinance repealing existing development regulations and replacing them with the Unified Development Ordinance November 2010 draft effective July 1, 2011.

ATTACHMENTS:

UDO Adoption Ordinance - Repealer

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW UNIFIED DEVELOPMENT ORDINANCE BY RESCINDING CHAPTER 25, SUBDIVISIONS, AND AMENDING CHAPTER 30, ZONING, 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 the Code of Ordinances of the City of Fayetteville be amended as follows:

- Section 1.** Chapter 30, Zoning, is deleted in its entirety and the attached Unified Development Ordinance is hereby adopted as the new Chapter 30 of the Code of Ordinances of the City of Fayetteville; and
- Section 2.** Chapter 25, Subdivisions, is hereby rescinded in its entirety and reserved for future use; and
- Section 3.** Chapter 30 is to be known as the Unified Development Ordinance of the City of Fayetteville and shall become effective on the later of July 1, 2011, or the first day of the month following adoption of the Official Unified Development Ordinance Zoning Map for the City of Fayetteville; and
- Section 4.** Prior to the effective date of this ordinance nothing will preclude development from seeking approval to operate or be considered under the Unified Development Ordinance, consistent with the following:
- 1.** The request to proceed under this Unified Development Ordinance must be submitted to and approved by the Chief Development Officer.
 - 2.** All requirements of the Unified Development Ordinance must be met under this optional approach;
 - 3.** The development will be subject to enforcement under the provisions of the Unified Development Ordinance as if fully effective.
- Section 5.** The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future text amendments as long as doing so does not alter the material terms of the Unified Development Ordinance.

Section 6. 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 sections 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: Lisa Smith, Chief Financial Officer
DATE: November 22, 2010
RE: **Presentation of the Audited FY2009-2010 Comprehensive Annual Financial Report**

THE QUESTION:

Does Council wish to accept the City's FY2009-2010 audited Comprehensive Annual Financial Report?

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

The City Council's audit firm, Cherry, Bekaert & Holland (CB&H), has completed the audit of the City's FY2009-2010 financial statements. A copy of the audited financial report will be provided with the Council's agenda packet. Ms. Michelle Thompson, a partner with CB&H, will present the audit report at the November 22, 2010 Council meeting.

ISSUES:

None

OPTIONS:

1. Accept the audited FY2009-2010 Comprehensive Annual Financial Report.
2. Do not accept the report.

RECOMMENDED ACTION:

Accept the FY2009-2010 Comprehensive Annual Financial Report.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rebecca Rogers-Carter, Management Services Manager/ Doug Peters, Executive Director Fayetteville Cumberland County Chamber of Commerce
DATE: November 22, 2010
RE: (a) **FY 2011 Strategic Plan Policy and Management Action Agenda 1st Quarter Update**
(b) **Fayetteville Cumberland County Chamber of Commerce Quarterly Economic Development Report**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The City's Strategic Plan has three main areas:

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

ISSUES:

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

OPTIONS:

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

RECOMMENDED ACTION:

Receive and file this report.

ATTACHMENTS:

FY 2011 Strategic Plan's Policy and Management Action Agenda - 1st Quarter



Fiscal Year 2011 Strategic Plan

Policy and Management Agenda

THE MISSION

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

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

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

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

VISION 2025

The City of Fayetteville is a great place to live with a choice of desirable neighborhoods, leisure opportunities for all, and beauty by design.

Our City has a vibrant downtown, and vibrant major corridors, the Cape Fear river to enjoy, and a strong local economy.

Our City is a partnership of citizens with a diverse culture and rich heritage. This creates a sustainable community.



CORE VALUES

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

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

Responsibility

Ethics

Stewardship

Professionalism

Entrepreneurial Spirit

Commitment

Teamwork

To safeguard and enhance the public trust
in City government.

GOALS 2015

Greater Tax Base Diversity

Growing City, Livable Neighborhoods

More Efficient Government

More Attractive City

Greater Community Unity

Revitalized Downtown

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

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

First Quarter Update:

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

Upcoming Activities:

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

Police Staffing Policy Agenda

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

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

- Measure of success: Implement effective use of overhires.

Staff Liaison: Tom Bergamine, Chief of Police

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

Phone Number: 910-433-1819

Team Members: Police Staff

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

First Quarter Update:

- Utilizing PERF Study guidelines; spending more time on directive cause
- Making progress to reduce number of dispatch calls versus self-initiating. The goal is to encourage more effective policing techniques
- We graduated 16 in the BLET academy this July
- Brought on board five overhires, which contributes to the overall preparedness of the force to fill vacancies in a proactive manner
- A new BLET classes started this summer with 24 attendees in house and 9 at FTCC and will graduate in Dec
- Fully staffed beginning in late May; includes 383 budgeted positions
- Monitoring staff level of retentions and workload assessments to support PERF guidelines.

Upcoming Activities:

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

Multi-Family and Commercial Recycling Program Policy Agenda

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

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

- Measure of success: Implement Council approved options.

Staff Liaison: Jerry Dietzen, Environmental Services Director

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

Phone Number: 910-433-1984

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

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

First Quarter Update:

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

Upcoming Activities:

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

Downtown Parking Structure Policy Agenda

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

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

- Measure of success: Construction of the parking deck.

Staff Liaison: Dale Iman, City Manager

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

Phone Number: 910-433-1990

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

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

First Quarter Update:

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

Upcoming Activities:

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

Bragg Boulevard Corridor Development Policy Agenda

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

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

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

Staff Liaison: Rob Anderson, Chief Development Officer

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

Phone Number: 910-433-1311

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

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

First Quarter Update:

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

Upcoming Activities:

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

Consolidated 911 Communication Center Policy Agenda

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

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

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

Staff Liaison: Tom Bergamine, Chief of Police

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

Phone Number: 910-433-1819

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

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

First Quarter Update:

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

Upcoming Activities:

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

Hospital Area Development Standards Policy Agenda

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

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

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

Staff Liaisons: Karen Hilton, Planning and Zoning Division Manager

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

Phone Number: 910-433-1437

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

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

First Quarter Update:

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

Upcoming Activities:

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

Ramsey Street Corridor Development Policy Agenda

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

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

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

Staff Liaison: Karen Hilton, Planning and Zoning Division Manager

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

Phone Number: 910-433-1437

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

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

First Quarter Update:

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

Upcoming Activities

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

Budget and Service Levels Tax Rate Evaluation Policy Agenda

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

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

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

Staff Liaison: Lisa Smith, Chief Financial Officer

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

Phone Number: 910-433-1682

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

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

First Quarter Update:

- Completed.

Parks & Recreation Master Plan Bond Referendum Planning Policy Agenda

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

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

- Measure of success: Develop a bond package.

Staff Liaison: Michael Gibson, Director of Parks and Recreation

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

Phone Number: 910-433-1557

Team Members: Parks & Recreation staff

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

First Quarter Update:

- Bond package outline has been developed.

Upcoming Activities

- Approval of outline from City Management and County Management.

Rental Registration & Probationary Rental Occupancy Permit Policy Agenda

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

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

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

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

Staff Liaison: Doug Hewett, Assistant City Manager

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

Phone Number: 910-433-1978

Team Members: Development Services, Information Technology, Police and City Attorney

Action Plan	Estimated Completion
Research program alternatives, draft ordinances, solicit feedback	Completed
Adoption of ordinances and funding plan	3 rd Qtr 2011
Implementation and enforcement of program	2012

First Quarter Update:

- Public meetings were held in August and September to solicit input from stakeholders; meetings were successful stakeholder engagements and had large turnouts
- City webpage was developed to receive feedback from stakeholders
- Staff briefed Council on programs at October work session; Council voted down rental registration program but voted in favor of probationary permit program; an ordinance must be drafted.

Upcoming Activities

- Drafting of probationary permit program ordinance
- Council briefed on ordinance to decide direction.

Sign Ordinance Policy Agenda

This target for action focuses on developing a modernized sign ordinance that is consistent with the new UDO. The Housing and Code Enforcement Division Manager will be assigned to collaborate with Planning and Zoning to assess the progress to date of the sign ordinance project and to devise a strategy going forward. The goal is to make modifications to the sign ordinance and develop a comprehensive approach for the sign code to be presented and considered by the City Council.

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

- Measure of success: Develop options to finalize and implement sign ordinance.

Staff Liaison: Rob Anderson, Chief Development Officer

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

Phone Number: 910-433-1311

Team Members: Development Services

Action Plan	Estimated Completion
Assess the scope of the of project and devise strategy	3 rd Qtr 2011
Reinitiate and engage planning commission.	4 th Qtr 2011

First Quarter Update:

- Held work sessions with downtown businesses and Downtown Alliance to discuss signs in the downtown district; comments received regarding the current sign ordinance, which will be taken into consideration in 3rd and 4th quarter work efforts
- Three changes in UDO – primarily procedural and standards.

Upcoming Activities

- Comments received regarding the current sign ordinance, which will be taken into consideration in 3rd and 4th quarter work efforts

Non-Stop Air Service to Washington, D.C. Management Agenda

A survey to investigate and secure direct air service from Fayetteville/Ft. Bragg to the D.C. area began in FY10. This study is anticipated to provide guidance and recommendations that will support direct air service as well as aiding in the development of negotiations for potential service providers. The study will also look into general aviation alternatives. BRAC RTF agreed to co-sponsor this investigation. The cost of the study is \$50,000 and is being paid for by \$25,000 from BRAC Regional Task Force and \$25,000 from NCDOT Aviation.

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

- Measure of success: Completion of air study and plan of action for acquiring air service.

Staff Liaison: Brad Whited, Airport Director

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

Phone Number: 910-433-1623

Team Members: Airport staff and BRAC RTF staff

Action Plan	Estimated Completion
Completion of air study	Completed
Alternatives study complete in May 2010 – general aviation alternatives	Completed
Support, evaluate and report on the City's participation in BRAC Regional Task Force Comprehensive Regional Growth Plan	Continuous

First Quarter Update:

- Small Community Air Service Grant application submitted
- Monitoring airline issues
- Extended contract with InterVISTA Air Service consultant
- Reported findings to Council.

Upcoming Activities:

- Notification from FAA if Small Community Air Service Grant application is selected. FAA indicates that a decision may be final by December 15, 2010.

Multi-Modal Center Development Management Agenda

The Multi-Modal Center will house a new FAST bus transfer facility. The Multi-Modal Center will accommodate at least 16 bays, contain a two-story building of about 20,000-square feet and sufficient land area for complimentary commercial and/or retail private development. The first phase, including preliminary engineering and design, began in the summer of 2006. This project is being funded through the FTA, the NCDOT and local funding matches. To date, there is approximately \$1.3 million available for this project to cover preliminary design, engineering and land acquisition. The total project cost is estimated at \$15 million.

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

- Measure of success: Resolve any outstanding issues related to property acquisition and move forward with development of land and construction.

Staff Liaison: Craig Hampton, Special Projects Director, and Ron Macaluso, Transit Director

Email Address: champton@ci.fay.nc.us and rmacaluso@ci.fay.nc.us

Phone Number: 910-433-1786 and 910-433-1011

Team Members: Special Projects and Transit staff

Action Plan	Estimated Completion
Purchase center's property, secure purchase agreement on all others except current tenants	2 nd Qtr 2011
Resolve any outstanding issues related to property acquisition for remaining properties with tenants	2 nd Qtr 2011
Complete and receive FTA grant applications for funding to purchase remainder of property	3 rd Qtr 2011

First Quarter Update:

- FONSI received. Letters of offer to purchase land have been sent to property owners
- Purchase of Cintas parcel completed; City has assumed ownership; initial mowing and cleaning lot completed; lot will be maintained by City. Posted signage
- Negotiations continue on all remaining properties.

Upcoming Activities:

- Building design and site work design to begin again in late fall 2010. Completion of construction documents in one year or less thereafter.

Fire Station 19 Development Management Agenda

As part of the approved CIP, this fire station is being built in the northern part of the city on Andrews Road to meet the projected growth and to reduce identified high emergency response times. The new station will provide the required minimum fire personnel on the scene for all emergency incidents in this area and allow for a joint fire and police presence to better serve the entire community. The total estimated for construction, land acquisition, furniture, fixtures and equipment is approximately \$3.1 million. The Fire Department received a Department of Homeland Security sponsored Assistance to Firefighters (SAFER) grant in the amount of \$2.1 million to assist with the personnel cost of the 15 firefighters needed to staff this facility. The firefighters were hired May 4, 2008 and are currently operating out of a temporary facility.

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

- Measure of success: A built and functioning Fire Station #19.

Staff Liaison: Benny Nichols, Fire Chief

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

Phone Number: 910-433-1726

Team Members: Fire, Special Projects, Engineering & Infrastructure and Building Maintenance staff, John Koenig, MKR, Stewart, Newell and Cooper, Charlie Averitt and Dennis Southern.

Action Plan	Estimated Completion
Complete the construction of Fire Station #19	2 nd Qtr 2012
Move fire operations into Fire Station #19	2nd Qtr 2012

First Quarter Update:

- Provided updates to Council and received permission to open Station #19 in Patriot Park development off Andrews Road next to Pine Forest High School
- Prebidding occurred in September; contractors told scope of project
- Project bids released in September
- RFP process occurred
- Development Agreement with River Landing, LLC
- Council approved station on Sept. 27 consent agenda.

Upcoming Activities:

- Bids open October 21; contract to be awarded in November at Council meeting
- Construction starts December; contractor has 200 days to finish
- Operations moved to station; temporary station decommissioned.

HOPE VI Redevelopment Plan Management Agenda

This target for action focuses on the Old Wilmington Road HOPE VI Redevelopment Plan and will address the removal of blight, acquisition activities, relocation activities and the redevelopment of the area with infill market rate housing and a business park to provide job opportunities in the area. Market rate housing will be built by private developers. Funding previously allocated from the general fund for the HOPE VI Revitalization Project includes \$1 million for the business park and \$523,631 remaining for acquisition for market rate housing. Options for a specific study of the area, including cost estimates, will be brought to Council for consideration early in the fiscal year. As resources will allow, staff will work to acquire additional property, demolish dilapidated housing and work in the community to support development of market rate housing in the area.

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

- Measure of success: Hire a consultant to assist with completion of project.

Staff Liaison: Victor Sharpe, Community Development Director

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

Phone Number: 910-433-1933

Team Members: Community Development, Real Estate and Development Services staff.

Action Plan	Estimated Completion
Hire a consultant and complete redevelopment plan	2 nd Qtr 2011
Acquisition of additional residential property	3 rd Qtr 2011
Demolition of dilapidated housing contributing to blight	4 th Qtr 2011
Completion of Request for Proposal for a developer to create market rate housing	2012

First Quarter Update:

- Reviewed two sites for the Business Park
- Acquired two vacant lots on Cool Spring Street
- Worked with the Real Estate Division to determine additional lots for acquisition.

Upcoming Activities:

- Work on acquisition and demolition activities
- Business Park recommendation presentation to City Council for the December Work Session
- Continue to explore options for the Business Park.

Tree Preservation Ordinance Management Agenda

A tree preservation ordinance will help preserve and protect trees in Fayetteville given their importance as natural resources. The drafted tree preservation ordinance was reviewed with UDO stakeholders, including representatives from the building community. Staff took comments and devised a different set of codes. Currently, staff is going through revised codes for tree preservation with the stakeholders. Updates will be shared with Council as staff completes the UDO process.

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

- Measure of success: Adoption and implementation of tree preservation ordinance.

Staff Liaison: Karen Hilton, Planning and Zoning Division Manager

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

Phone Number: 910-433-1437

Team Members: Development Services and Parks & Recreation

Action Plan	Estimated Completion
Present tree preservation ordinance with UDO to City Council	2 nd Qtr 2011
Implement tree preservation ordinance.	4 th Qtr 2011

First Quarter Update:

- No longer being reported on separately as it is part of UDO.

Murchison Road Corridor Development Management Agenda

An Implementation Feasibility Analysis Report for the Land Use and Economic Development Plan for the Murchison Road Corridor was approved on May 11, 2009. Murchison Road Redevelopment Plan funding concept was approved on Sept. 28, 2009. Currently, no resources other than staff time are committed to this project. Staff recommends utilizing the following funding sources for catalyst sites 1 & 3: Section 108 Loan Guarantee Funds of \$2,750,000, HOME Investment Partnership Funds of \$2,256,000 and general fund money totaling \$3,270,000.

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

- Measure of success: Implementation of redevelopment plan and receive HUD Section 108 loan funding.

Staff Liaison: Victor Sharpe, Community Development Director

Email Address: 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	2 nd Qtr 2011
Completion of HUD Section 108 loan application for funding	2 nd Qtr 2011
Start of acquisition, demolition, clearance and relocation in support of redevelopment plan.	4 th Qtr 2011

First Quarter Update:

- Working with consultant on development of a redevelopment plan
- Will update City Council in 2nd Quarter.

Upcoming Activities:

- Update at a City Council Work Session.
- Finalize the Murchison Road Redevelopment Plan
- Finalize the application for the Section 108 Loan Guarantee
- Consideration of the redevelopment plan by the Fayetteville Redevelopment Commission
- Consideration of the redevelopment plan by the Planning Commission
- Adoption of redevelopment plan by City Council.

Sidewalk Policy and Plan Management Agenda

The Engineering & Infrastructure Dept. is slated to receive approximately \$156,000 for FY 2011 in funding for sidewalk construction. This money will be used to leverage additional funding. These opportunities vary each year including: DOT, FAMPO and Safe Routes for Schools for sidewalk construction. Recently, the City was awarded a Freedom Grant through the Transit Department, which will provide for sidewalk construction that supports ADA access to bus stops. Additionally, staff expects to complete an updated sidewalk inventory by June 30, 2011.

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

- Measure of success: Leverage current funding to acquire additional funding from other organizations to build more sidewalks.

Staff Liaison: Jeffery Brown, Engineering & Infrastructure Director

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

Phone Number: 910-433-1691

Team Members: Engineering & Infrastructure and Development Services

Action Plan	Estimated Completion
Look for ways to leverage current resources to attain more funding for construction of additional sidewalks	Continuous
Sidewalk inventory complete by June 30, 2011 to include location and condition	4 th Qtr 2011
Update the current list of where sidewalks are needed	4 th Qtr 2011

First Quarter Update:

- City added over four miles of sidewalks along Reilly Road, Ramsey Street and Clifdale Road; Freedom Trail on Bragg Boulevard is also included; projects address gap areas in existing sidewalks
- Sidewalk upgrades, along Bragg Boulevard from Freedom Memorial Park to Walter Street, have been performed as part of the Freedom Trail Project. Intersection improvements, including handicap ramps and crosswalks, have been constructed at the intersection of Bragg Boulevard and Walter Street
- FAMPO presented the draft Bicycle/Pedestrian Connectivity Plan at August 4th Friday; City partnered with FAMPO on project
- Awarded New Freedom Grant by the U.S. Department of Transportation and Federal Transit Administration to improve access to transit services
- Stimulus funding awarded to FAST will be used to construct sidewalk on Walter Reed Road.

Upcoming Activities:

- New Freedom Grant will affect existing bus stops on routes 5 and 14, along Ramsey Street and Sycamore Dairy Road, respectively. Focus areas include senior housing and group homes for individuals with disabilities, the VA Hospital, Department of Social Services, Fayetteville Technical Community College, Methodist University and shopping centers
- Stacy Weaver to 401 Bypass sidewalk project will be let soon
- Sidewalks will be added near Longhill Elementary, paid for by safe Routes to School.

Youth Council Development Management Agenda

Fayetteville-Cumberland Parks & Recreation will create an environment that enables the youth and young adults of this community to develop the essential knowledge and skills necessary to comprehend and recognize the meaning of local, state and federal government through the development of a youth council program. The intent will be to structure a program that is sustainable and meaningful.

This target for action is linked to City goal #5: GREATER COMMUNITY UNITY – Pride in Fayetteville.

- Measure of success: Establishment of Youth Council.



Staff Liaison: Michael Gibson, Parks & Recreation Director

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

Phone Number: 910-433-1557

Team Members: Parks & Recreation staff

Action Plan	Estimated Completion
Develop a formal learning plan that includes long and short-term goals and action steps	2 nd Qtr 2011
Identification of young people interested in government countywide	2 nd Qtr 2011
Establish Youth Council	3 rd Qtr 2011

First Quarter Update:

- Held discussion with Council members on restructuring programs for Youth Development program; Youth Development takes into account child's total development; Youth Council is part of Youth Development.

Upcoming Activities:

- Working on structuring of program which encompasses Youth Development and Youth Council.

Military Business Park Development Management Agenda

The Military Business Park is a 216-acre privately owned site nestled between Bragg Boulevard, the All-American Freeway, and Sante Fe Drive. The Community Development Department funds a portion of the infrastructure improvements. It is the responsibility of the private property owner to master plan the 216 acre site. Development Services staff will participate in a dialogue on how to maximize the potential of the uniquely located site. Staff will promptly review and comment on plans or proposals the developer may bring forward.

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

- Measure of success: Assist with the development of the park as much as possible to make it a success.

Staff Liaison: Rob Anderson, Chief Development Officer

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

Phone Number: 910-433-1311

Team Members: Development Services, Engineering & Infrastructure and Community Development

Action Plan	Estimated Completion
Participate in the dialogue on how to maximize the potential of the site	Continuous
Promptly review and comment on plans and proposals the developer may bring forward	Continuous
Continue to seek funding for the core infrastructure/public assets that will be required to implement a thoroughly conceived master plan.	Continuous

First Quarter Update:

- Processed zone classification change as requested by property owner
- Community Development worked on contract amendment to allow additional funding to be spent on public infrastructure providing more flexibility for its use.

Upcoming Activities:

- Council action for \$584,000 (EDI) additional funding application
- Economic Development Initiative Grant will be submitted.

Downtown Development Plan Review Management Agenda

The Downtown Development Manager will focus on preparing a work plan for the review of the Fayetteville Renaissance Plan for the City's downtown. This plan was adopted in 2002 with the assistance of the North Carolina Urban Design Assistance Team. Since that time, many projects have been completed, other accomplishments made and new projects have been introduced. Staff may determine that a consultant may be required to complete the review. At the conclusion of the review process, a presentation will be provided to Council, so that staff can receive feedback and direction.

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

- Measure of success: Update current plan or develop a new plan.

Staff Liaison: Victor Sharpe, Community Development Director

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

Phone Number: 910-433-1933

Team Members: Community Development, Special Projects and Development Services

Action Plan	Estimated Completion
Review of goals and accomplishments of the current Fayetteville Renaissance Plan	2nd Qtr 2010
Development of a work plan for updating the plan or the development of a new plan	2 nd Qtr 2010
Hire a consultant to work with the City to develop plan (will need to determine if this action is necessary)	3 rd Qtr 2011
Begin the development of the plan update if needed.	3 rd Qtr 2011

First Quarter Update:

- Reviewed the current downtown plan and new developments in the downtown.

Upcoming Activities:

- Research use of the Urban Design Assistance Team or the International Downtown Association Advisory Panel to assist in update of the current plan
- Develop a work plan for an update.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rob Anderson, Chief Development Officer
DATE: November 22, 2010
RE: **Uninhabitable Structures Demolition Recommendations**

- **1031 Bunce Road**
- **725 Bunce Road**
- **6768 Bailey Lake Road**

THE QUESTION:

Would the demolition of these structures help to enhance the quality of life in the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

1031 Bunce Road

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on August 24, 2009, as a dangerous or vacant/abandoned structure. A hearing was held, in which the owner did not attend; notice of the hearing was also published in the Fayetteville Observer newspaper due to unknown heirs having partial ownership. A period of 60 days was given to repair or demolish the building; there has been no progress made. There has been 1 call for service in the past 12 months.

725 Bunce Road

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on February 8, 2010, as a dangerous or vacant/abandoned structure. A hearing was held, which the owner did not attend. There were two structures on this property. One of the structures has since been destroyed by fire. There is no record of utilities or any calls for service.

6768 Bailey Lake Road

The City Inspector is required to correct all conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on June 6, 2009, as a dangerous or vacant/abandoned structure. A hearing was held, which the owner did not attend; notice of the hearing was also published in the newspaper due to one of the owners living out of state. A period of 60 days was given to repair or demolish the building. No repairs made to date, no permits issued. There have been 11 calls for service, and 2 drug raids at this address in the past 12 months.

ISSUES:

1031 Bunce Road

The one-half interest owner has expressed his desire to demolish the building. Due to the unknown heirs, a demolition waiver or use of the Community Development Demolition Program cannot be used.

725 Bunce Road

These structures have been vacant for some time. The remaining structure has major structural problems. There has been no contact with the owner at any time.

6768 Bailey Lake Road

The owner of this building has been unable to repair or get assistance in making repairs. Power was disconnected at request of Code Enforcement due to electrical code violations

OPTIONS:

Adopt the ordinances and demolish the structures or allow them to remain.

RECOMMENDED ACTION:

Adopt the ordinances and demolish the structures.

ATTACHMENTS:

Docket- 1031 Bunce Road

Ordinance- 1031 Bunce road

P8240008

P8240010

Aerial Map 1031 Bunce Road

Docket- 725 Bunce Road

Ordinance- 725 Bunce Road

P2080017

P208018

2010-11-12 Aerial Map 725 Bunce Road

Docket-- 6768 Bailey Lake Road

Ordinance- 6768 Bailey Lake Road

2010-11-12 6768 Bailey Lake Road Photo 1

2010-11-12 6768 Bailey Lake Road Photo 02

2010-11-12 Aerial Map 6768 Bailey Lake Road

TO: Mayor
City Council Members
City Manager
City Attorney

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

Location	1031 Bunce Road
Property Owner(s)	Kenneth L and wife Kelli A Pires, Unknown Heirs of Alma Nunn McQuaig, Unknown Heirs of Samuel McQuaig, Unknown Heirs of Lovie Nunn
Date of Inspection	August 24, 2009
Date of Hearing	February 3, 2010
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed February 3, 2010
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	No record of utilities
	Hearing was advertised in the Fayetteville Observer January 24, 2010..
Police Calls for Service (past 2 yrs)	1

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

This is the 22nd day of November, 2010.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

1031 Bunce Road
PIN# 0407-21-1637

Beginning at an iron stake, North 35 degrees 00 minutes West 405.0 feet from the intersection of the Eastern right of way margin of the Graham Road with the Northern right of way margin of Frederick Road, said beginning point being also located in 71st Township, Cumberland County, North Carolina, which map was prepared by Alfred Cheney, R.S., on February 2, 1963, and running thence North 55 degrees 00 minutes East 250.0 feet to an iron stake; thence North 35 degrees 00 minutes West 71.05 feet to an iron stake; thence South 66 degrees 55 minutes West 123.11 feet to an iron stake; thence South 56 degrees 27 minutes West 129.08 feet to an iron stake in the Eastern right of way margin of Graham Road; thence with the Eastern right of way margin of Graham Road South 35 degrees 00 minutes East 100.0 feet to the point or place of beginning, containing one-half acre, more or less, being lot number 6 as shown on that certain map of the Mike E. Bobbitt property prepared by Alfred Cheney, R.S., February 2, 1963, and being the same land described in the deed dated February 18, 1963, from Mike E. Bobbitt and wife Elizabeth J. Bobbitt, to Luther E. Buie and Hiram P. Edwards, partners trading and doing business as Ebco Constructors, of record in Book 973, Page 146, in the Office of the Register of Deeds for Cumberland County, North Carolina, and being the same land conveyed by Hiram P. Edwards, et al to Robert J. Harper and wife, by deed dated December 9, 1963, and recorded in Book 1023 at Page 11, Cumberland County Registry.

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

Kenneth L. and Kelli A. Pires	Unknown Heirs of Alma Nunn McQuaig
2028 King Cobra Ct. Apt. B	Unknown Heirs of Samuel McQuaig
Hampton, Va. 23665-1329	Unknown Heirs of Lovie Nunn

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

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$4,200.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 22nd day of November, 2010.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

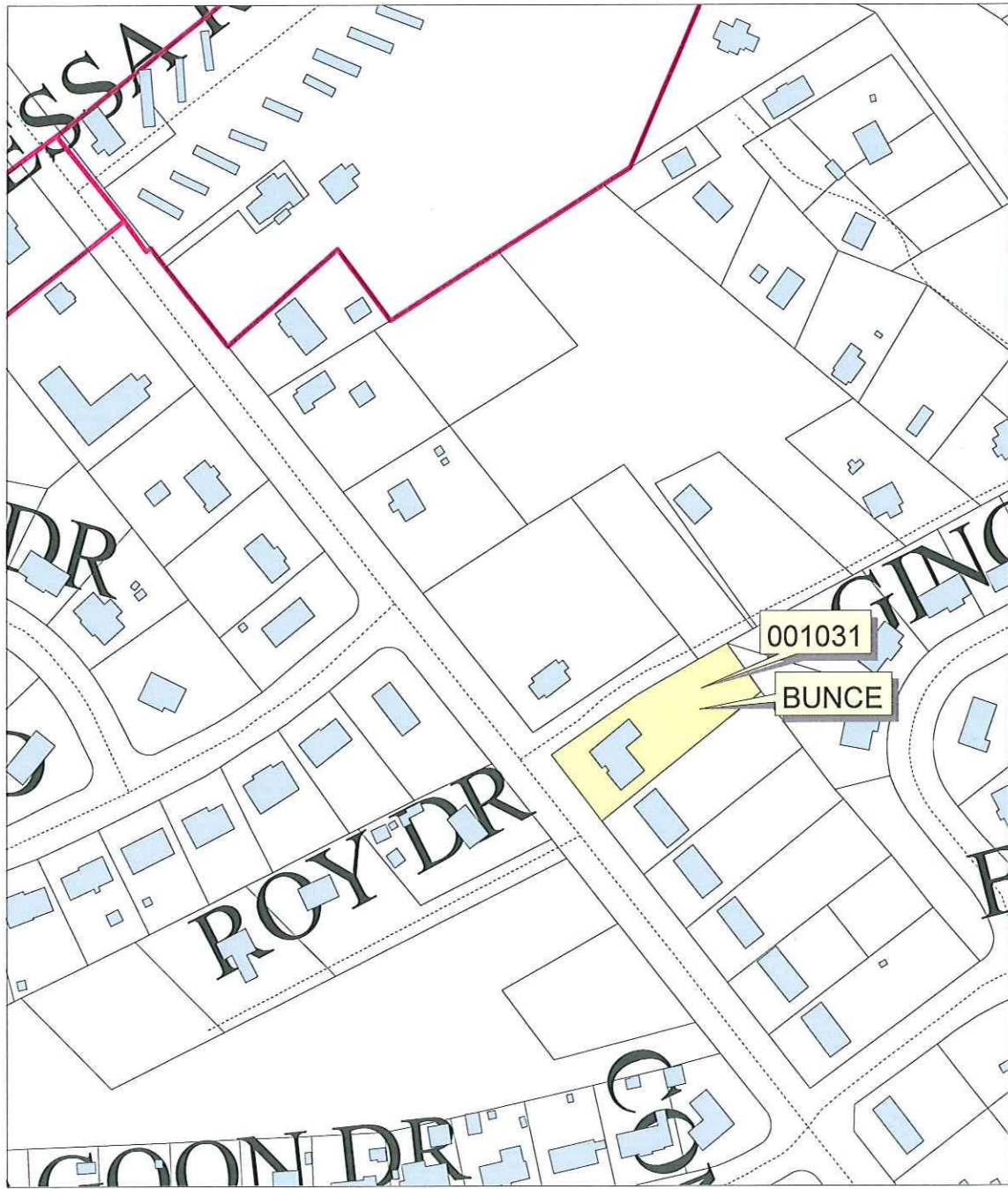


8-3-3-1







8-3-4-1

City Of Fayetteville Inspections Department



Legend

	Streets		Zoning		Parcels
Text	Street Name		Group Homes		

TO: Mayor
City Council Members
City Manager
City Attorney

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

Location	725 Bunce Road
Property Owner(s)	Jesse Lemons, Hope Mills, NC
Date of Inspection	February 8, 2010
Date of Hearing	February 18, 2010
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed February 18, 2010
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	No record of utilities.
Police Calls for Service (past 2 yrs)	None

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

This is the 22nd day of November, 2010.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

725 Bunce Road
PIN# 9497-94-9481

Beginning at an iron stake in the most northern margin of Bunce Road, S.R. 1411, the said beginning point being North 38 degrees 20 minutes 33 seconds West 207.08 feet , more or less, from the intersecting point of the northern margin of Bunce Road and the most western line of the Empie L. Bunce tract known as Lot No. 4 and recorded in Book 445, Page 129, of the Cumberland County Registry of which this is the remaining part, and runs thence with the northern margin of Bunce Road, North 38 Degrees 20 minutes 33 seconds West 216.06 feet to an iron stake, being the southwestern corner of Marjorie Agathia Bunce McNeil Edwards lot recorded in Book 973, Page 531, in the Cumberland County Registry, and runs thence with her line and beyond, North 40 degrees, 42 minutes East 258.40 feet to an iron stake; thence South 44 degrees 22 minutes 32 seconds East 232.72 feet to an iron stake; thence South 44 degrees 44 minutes 25 seconds West 280.19 feet to the point and place of Beginning, containing 1.377 acres as surveyed by Jimmy Bunce, RLS, L- 1271, August 1982. Together with improvements located thereon, said property formerly known as 207 Bunce Road.

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

Jesse Lemons and wife
5815 LaBonte Road
Hope Mills, NC 28348-2183

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before April 18, 2010.

- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$2,788.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 22nd day of November, 2010.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

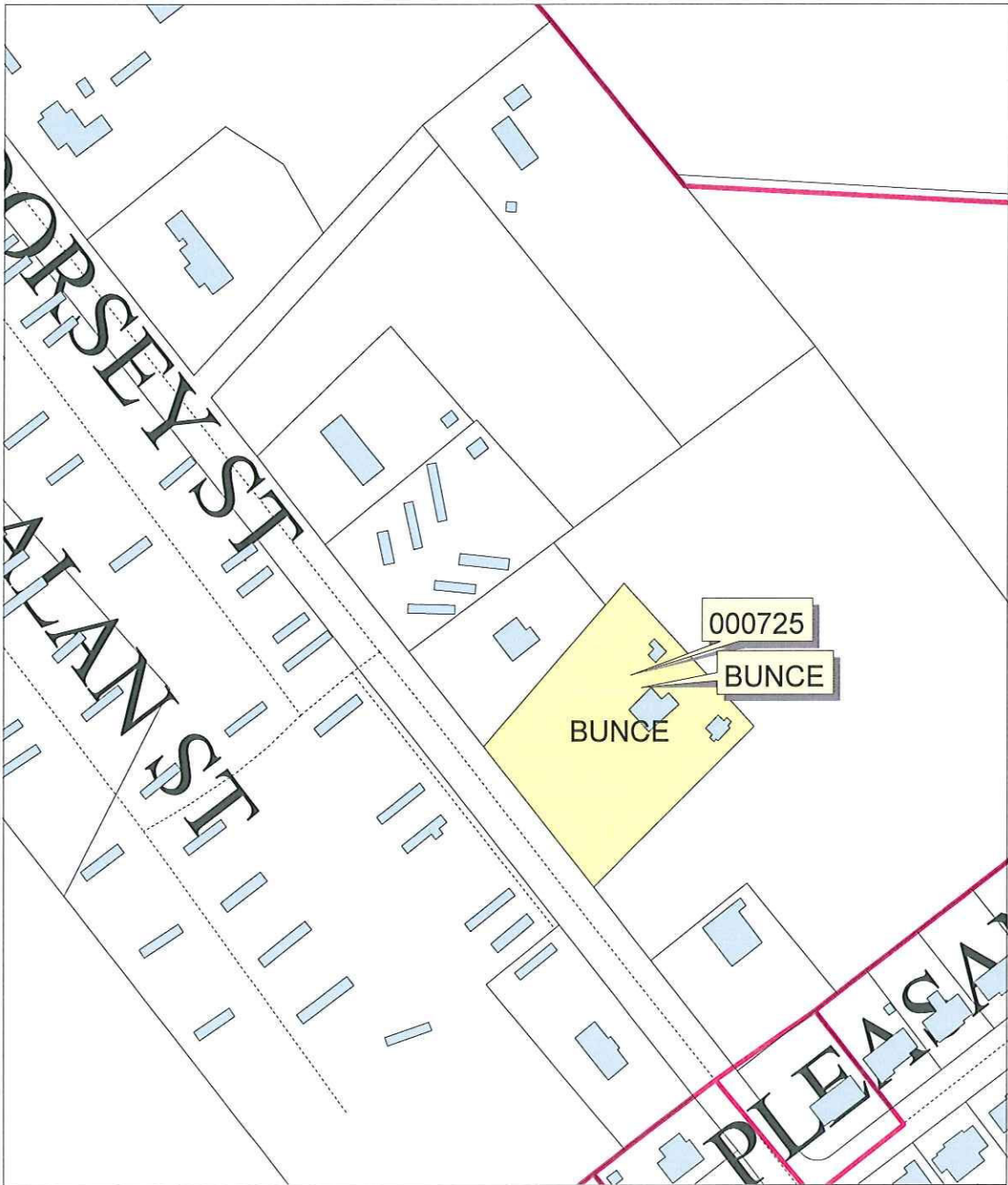


8-3-8-1



8-3-9-1

City Of Fayetteville Inspections Department



Legend



Streets



Zoning



Parcels

Text

Street Name



Group Homes

TO: Mayor
City Council Members
City Manager
City Attorney

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

Location	6768 Bailey Lake Road
Property Owner(s)	Helen McNeill Green and Cornell Green
Date of Inspection	June 5, 2009
Date of Hearing	August 19, 2009
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed August 19, 2009
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since June, 2009
	Hearing was advertised in the Fayetteville Observer August 9, 2009
Police Calls for Service (past 2 yrs)	11

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

This is the 22nd day of November, 2010.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

6768 Bailey Lake Road
PIN# 0406-14-3007

Beginning at an iron stake in the eastern margin of NC State Road 1106 (60 foot right of way), the intersecting point at the eastern margin of NC State Road 1106 and the northern line of Lashley McNeill's original 13 acre tract recorded in DB 2051 at 369, Cumb. Cnty. Reg., of which this is a part and runs thence with the northern line of the original tract S 82 Deg 52 Min E for 347.63 feet to the northeastern corner of the original tract, thence with the eastern line of the original tract S 07 Deg 11 Min W for 90 feet to an iron stake in that line, thence a new line S 85 Deg 55 Min W for 286.86 feet to an iron stake in the eastern margin of NC State Road 1106 N 17 Deg 49 Min W for 45.52 feet to an iron stake, thence N 16 Deg 58 Min W for 114.48 feet to the point and place of beginning, containing 0.87 acres, more or less, as surveyed by Jimmy Bunce, RLS, L-1271, September 1984.

The property hereinabove described was acquired as follows: See DB 3036 at P 43, Cumberland County Registry.

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

Helen McNeill Green	Cornell Green
6768 Bailey Lake Road	114 Plumcreek Lane
Fayetteville, NC 28304-4725	Enoree, SC 29335

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before October 19, 2009.

- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:
- None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$3,200.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

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SECTION 3

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

Adopted this 22nd day of November, 2010.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

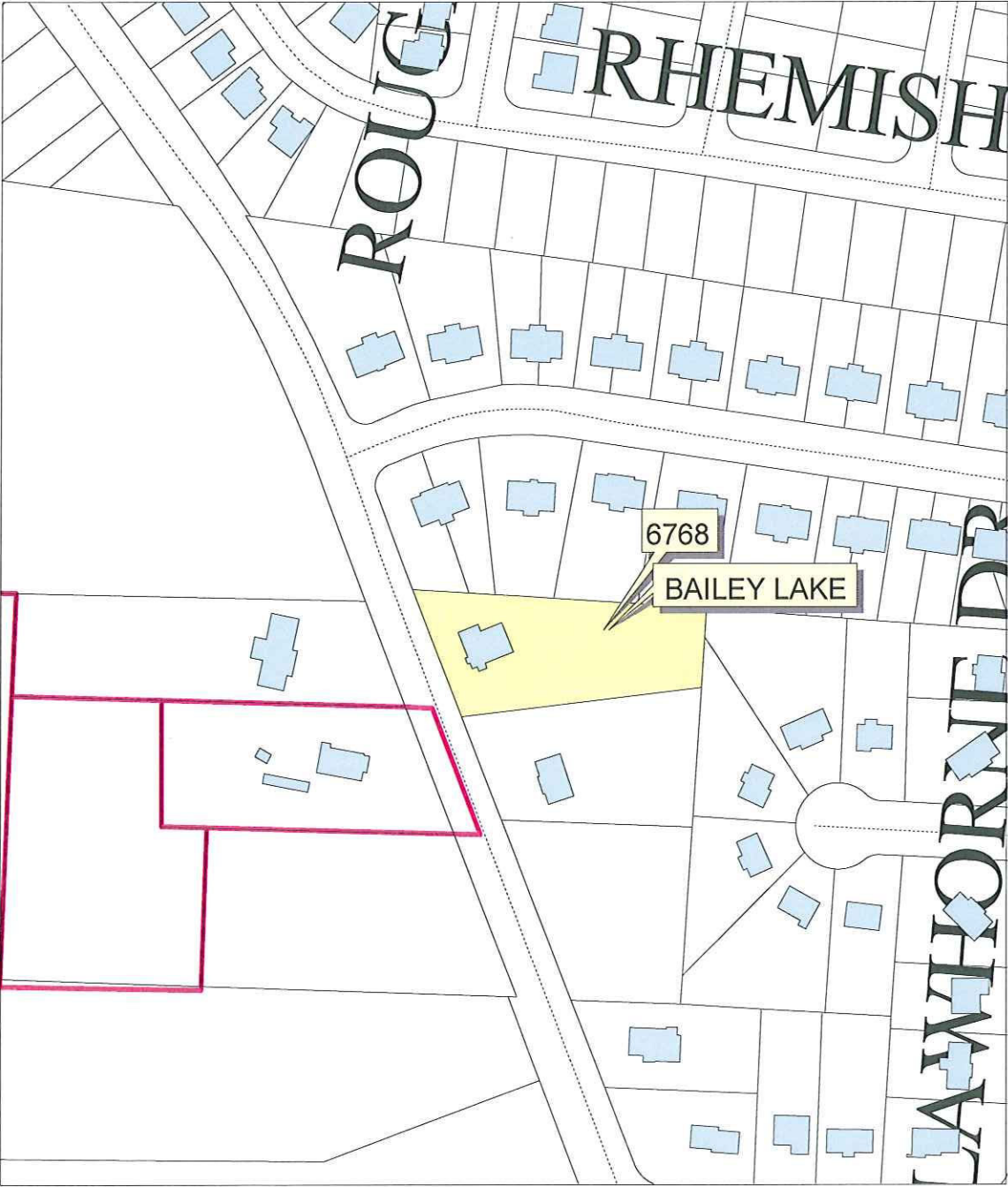


8-3-13-1



8-3-14-1

City Of Fayetteville Inspections Department



Legend



Streets



Zoning



Parcels

Text

Street Name



Group Homes

CITY COUNCIL ACTION MEMO

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

THE QUESTION:

For information only

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

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

ISSUES:

N/A

OPTIONS:

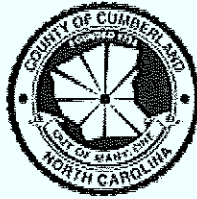
N/A

RECOMMENDED ACTION:

For information only

ATTACHMENTS:

Monthly Statement of Taxes for October 2010



OFFICE OF THE TAX ADMINISTRATOR

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

MEMORANDUM

TO: Rita Perry, Fayetteville City Clerk
FROM: Aaron Donaldson, Tax Administrator *AD*
DATE: November 1, 2010
RE: MONTHLY STATEMENT OF TAXES

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

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

AD/sn
Attachments

Celebrating Our Past...Embracing Our Future

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

TRUE

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

2010 FAY RECYCLE FEE	2010 ANNEX	2009 CC	2009 VEHICLE	2009 CC REVIT	2009 VEH REVIT	2009 FVT	2009 TRANSIT	2009 STORM WATER	2009 FAY STORM WATER	2009 FAY RECYCLE FEE	2009 ANNEX
4,985.02	0.00	6,258.67	4,866.36	0.00	0.00	640.00	640.00	104.96	209.92	66.37	0.00
6,822.94	0.00	630.22	3,986.75	0.00	0.00	690.55	690.53	7.92	15.83	25.07	0.00
3,994.40	0.00	1,479.05	2,945.29	0.00	0.00	537.78	537.77	55.63	111.26	138.16	0.00
4,058.13	0.00	1,118.63	1,940.68	0.00	0.00	374.39	374.40	15.04	30.08	47.63	0.00
4,259.41	0.00	590.85	2,434.86	0.00	0.00	355.00	355.00	12.00	24.00	38.00	0.00
3,876.10	0.00	576.01	3,333.66	0.00	0.00	477.58	477.57	36.05	72.10	114.16	11.21
2,056.66	0.00	1,897.24	3,489.97	0.00	0.00	576.35	576.35	60.00	120.00	38.00	0.00
3,550.15	0.00	425.71	2,293.06	0.00	0.00	351.18	351.17	12.00	24.00	38.00	0.00
2,897.05	0.00	1,842.73	2,675.52	0.00	0.00	419.98	419.98	52.99	105.98	167.80	0.00
6,843.22	0.00	874.00	2,751.09	0.00	9.36	390.00	390.00	0.00	0.00	0.00	0.00
3,522.51	0.00	703.41	5,025.23	0.42	0.00	762.74	762.75	0.00	0.00	0.00	0.00
4,684.46	0.00	329.38	2,447.67	0.00	0.00	422.57	422.57	15.02	30.03	47.55	0.00
2,127.01	0.00	(706.59)	2,977.00	0.00	0.00	457.55	457.54	12.00	24.00	38.00	0.00
4,029.12	0.00	317.67	2,357.46	0.00	0.00	280.00	280.00	2.79	5.58	8.84	0.00
3,541.72	0.00	689.61	1,970.98	0.00	0.00	290.00	290.00	12.00	24.00	38.00	0.00
3,804.09	0.00	541.77	1,988.34	0.00	0.00	315.09	315.09	24.00	48.00	114.00	0.00
6,354.58	0.00	749.15	2,634.40	0.00	0.00	410.00	410.00	24.00	48.00	76.00	0.00
1,816.24	0.00	1,281.84	1,970.66	0.00	0.00	274.82	269.83	25.77	51.54	81.60	0.00
3,274.85	0.00	1,928.14	1,919.01	0.00	0.00	310.00	310.00	28.94	57.87	91.63	0.00
3,855.30	0.00	761.51	1,772.34	0.00	15.30	270.03	270.04	12.00	24.00	38.00	0.00
4,366.92	0.00	1,083.87	4,054.24	0.00	0.00	573.11	573.12	20.45	40.91	26.77	0.00
84,719.88	0.00	23,372.87	59,834.57	0.42	24.66	9,178.72	9,173.71	533.56	1,067.10	1,233.58	11.21

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2008 CC	2008 VEHICLE	2008 CC REVIT	2008 VEHICLE REVIT	2008 FVT	2008 TRANSIT	2008 STORM WATER	2008 FAY STORM WATER	2008 FAY RECYCLE FEE	2008 ANNEX	2007 CC	2007 VEHICLE	2007 CC REVIT
187.79	70.29	0.00	0.00	35.00	30.00	10.22	0.00	0.00	0.00	0.00	15.79	0.00
50.46	181.39	0.00	0.00	50.00	30.00	24.00	0.00	0.00	0.00	0.00	110.80	0.00
340.28	66.79	0.00	0.00	37.86	32.86	24.00	24.00	42.00	0.00	9.26	151.07	0.00
0.00	6.69	0.00	0.00	10.00	5.00	0.00	0.00	0.00	0.00	0.00	36.20	0.00
54.95	135.26	3.33	0.00	17.41	15.00	0.00	0.00	0.00	0.00	0.00	8.33	0.00
98.91	114.99	0.00	0.00	20.00	20.00	0.00	0.00	0.00	0.00	32.39	2.21	0.00
90.14	161.77	0.00	0.00	45.00	35.00	0.00	0.00	0.00	0.00	0.00	63.35	0.00
0.00	123.46	0.00	0.00	14.34	9.34	12.00	0.00	0.00	0.00	0.00	9.11	0.00
0.00	155.51	0.00	0.00	25.00	25.00	12.00	0.00	0.00	0.00	0.00	44.22	0.00
50.85	50.34	0.00	0.00	47.62	35.00	12.00	0.00	0.00	0.00	0.00	139.21	0.00
0.00	196.25	0.00	0.00	67.12	42.13	36.00	0.00	0.00	0.00	41.38	220.93	0.00
8.48	169.90	0.00	0.00	37.98	32.98	12.00	0.00	0.00	0.00	0.00	20.54	0.00
28.86	233.30	0.00	0.00	35.00	20.00	0.00	0.00	0.00	0.00	0.00	43.54	0.00
70.06	244.34	0.00	0.00	10.00	15.00	36.00	0.00	0.00	0.00	10.16	(28.57)	0.00
0.00	297.78	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	0.00	68.29	0.00
39.25	370.55	0.00	0.00	47.74	47.75	0.00	0.00	0.00	0.00	13.72	52.51	0.00
21.47	24.09	0.00	0.00	8.90	8.90	0.00	0.00	0.00	0.00	0.00	34.21	0.00
69.10	181.16	0.00	0.00	30.00	25.00	24.00	0.00	0.00	0.00	55.52	127.82	0.00
123.54	98.73	0.00	0.00	20.66	20.66	12.17	24.35	42.61	7.20	261.34	38.30	0.00
35.17	16.94	0.00	0.00	15.00	0.00	0.00	0.00	0.00	0.00	23.71	43.06	0.00
0.00	256.01	0.00	0.00	50.00	40.00	0.00	0.00	0.00	0.00	4.47	240.18	0.00
1,269.31	3,155.54	3.33	0.00	649.63	514.62	214.39	48.35	84.61	7.20	451.95	1,441.10	0.00

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REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	TOTAL TAX & INTEREST
0.00	10.78	17.59	0.00	4.54	207,827.10
0.00	5.43	1.95	0.00	3.08	164,087.89
0.00	9.81	12.90	0.00	17.67	108,812.52
0.00	1.06	2.12	0.00	3.35	110,788.01
0.59	1.06	2.11	0.00	3.35	108,118.91
0.29	3.18	6.35	0.98	10.05	124,994.07
0.00	13.49	10.67	0.00	3.43	51,924.03
0.00	16.53	1.94	0.00	3.06	121,956.21
0.00	10.32	8.69	0.00	13.75	72,914.53
0.75	2.24	0.00	0.00	0.00	299,500.18
0.06	6.64	0.50	0.00	0.00	98,530.60
0.00	3.47	2.50	0.00	3.97	204,101.78
0.23	1.06	2.12	0.00	3.36	42,581.48
0.00	5.46	0.00	0.00	0.00	138,541.76
0.00	1.06	2.12	0.00	3.36	77,977.35
0.00	2.04	4.07	0.00	9.52	150,904.16
0.00	2.14	4.28	0.74	6.78	320,960.33
0.00	6.26	4.33	0.00	6.87	55,755.50
0.00	10.48	17.45	5.32	18.49	92,287.60
1.68	1.06	2.12	0.00	3.35	80,435.56
0.00	6.63	4.31	0.00	3.35	142,875.18
3.60	120.20	108.12	7.04	121.33	2,775,874.75

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