

**FAYETTEVILLE CITY COUNCIL  
AGENDA  
REGULAR MEETING  
AUGUST 23, 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  
AUGUST 23, 2010  
7:00 P.M.  
City Hall Council Chamber**

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**1.0 CALL TO ORDER**

**2.0 INVOCATION**

**3.0 PLEDGE OF ALLEGIANCE**

**4.0 APPROVAL OF AGENDA**

**5.0 CONSENT**

- 5.1 Acceptance Of FAA Grant for Taxiway "A" Rehabilitation and Lighting
- 5.2 Award of Contract for Rehabilitation of Taxiway 'A', 'C', 'D', & 'F' and Rehabilitation of Taxiway Lighting and Signage (AIP-37)
- 5.3 Capital Project Ordinance 2011-4 (Taxiway A Rehabilitation Project AIP-37)
- 5.4 Condemnation for Demolition of 106 Dunn Road
- 5.5 Award Contract for 2011 Street Resurfacing Program
- 5.6 Capital Project Ordinance Amendment 2011-8 (Franklin Street Parking Deck)
- 5.7 Adopt Capital Project Ordinance Amendment 2011-9 (West General Aviation Lower Ramp Rehabilitation, Repave Truck Lane and Apron Repair Project)
- 5.8 Consider award of contract via Piggyback for two Fire Pumps
- 5.9 Bid Recommendation for Underground Primary Power Cable
- 5.10 License Agreement with New Cingular Wireless for Antenna Attachment on Reilly Road
- 5.11 Resolution to Direct the Filing of an Application for a State Loan
- 5.12 Resolution setting a Public Hearing to Consider Economic Development Incentives for a proposed Embassy Suites Hotel and Convention Center.

## **6.0 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.*

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

Presenter: Craig Harmon, Planner II

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

Presenter: Craig Harmon, Planner II

- 6.3 Hope Mills Annexation Agreement

Presenter: Kristoff Bauer, Assistant City Manager

## **7.0 OTHER ITEMS OF BUSINESS**

- 7.1 Phase V, Areas 4 & 5 Proposed Assessment Revisions

Presenters: Dwight Miller, Chief Finance Officer and  
Joe Glass, Engineering Manager-Water Resources

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

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

- 7.3 Annexation Resolution of Consideration / Revision of PWC Policy 150.1 Relating to Assessments

Presenter: Kristoff Bauer, Assistant City Manager

- 7.4 FY 2009-2010 Strategic Annual Report

Presenter: Doug Hewett, Assistant City Manager

## **8.0 ADMINISTRATIVE REPORTS**

- 8.1 Monthly Statement of Taxes for July 2010

- 8.2 Standard Communication Letter from Cherry Bekaert & Holland Describing the Nature and Scope of the Audit to be Performed for the Fiscal Year Ending June 30, 2010

## **9.0 ADJOURNMENT**

## **CLOSING REMARKS**

### **POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS**

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

### **POLICY REGARDING PUBLIC HEARING AGENDA ITEMS**

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

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

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

**COUNCIL MEETING WILL BE AIRED  
AUGUST 23, 2010 - 7:00 PM  
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED  
AUGUST 25, 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](mailto:rmcelrath@ci.fay.nc.us), 910-433-1696, or the office of Rita Perry, City Clerk at [cityclerk@ci.fay.nc.us](mailto:cityclerk@ci.fay.nc.us), 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.*



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Bradley Whited, Airport Director  
**DATE:** August 23, 2010  
**RE:** Acceptance Of FAA Grant for Taxiway "A" Rehabilitation and Lighting

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**THE QUESTION:**

Whether to accept a grant in the amount of \$5,936,904 to support the Taxiway "A" Rehabilitation and Lighting project at the Fayetteville Regional Airport?

**RELATIONSHIP TO STRATEGIC PLAN:**

Greater Tax Base Diversity - Strong Local Economy

**BACKGROUND:**

The Taxiway "A" Rehabilitation and Lighting project is in the adopted CIP and includes:

- Rehabilitate pavement
- Replace edge lighting with LED technology
- Install 20-foot paved shoulders
- Install new pavement markings with compliance to FAA guidelines
- Design air carrier apron rehabilitation

The local match is funded with Airport capital reserves.

The project budget for this is Item 5.4 of the agenda packet.

**ISSUES:**

Airport is waiting for FAA Washington Headquarters release of 2010 grant in the amount of \$5,936,904 . Attached is the 2010 grant application providing details on project elements. The turn around time allowed for grant acceptance is extremely short. We are asking City Council for approval of this grant subject to receipt from the FAA.

**OPTIONS:**

- 1 - Approve grant subject to receipt from FAA (Recommended)
- 2 - Not approve grant - this may mean that the City will not be able to comply with the grant timing requirements leading to this funding being awarded to other agencies.

**RECOMMENDED ACTION:**

Staff recommends that Council move to approve the acceptance of the FAA grant for the Taxiway "A" Rehabilitation and Lighting project subject to receipt from FAA.

**ATTACHMENTS:**

AIP #37

APPLICATION FOR  
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION		2. DATE SUBMITTED 07/21/2010	Applicant Identifier	
Application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		3. DATE RECEIVED BY STATE	State Application Identifier	
Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		4. DATE RECEIVED BY AGENCY	Federal Identifier 3-37-0021-037 (FY 2010)	
5. APPLICANT INFORMATION				
Legal Name: City of Fayetteville, North Carolina		Organizational Unit: Department: Fayetteville Regional Airport		
Organizational DUNS: 78462538		Division:		
Address: Street: P.O. Box 64218		Name and telephone of person to be contacted on matters involving this application (give area code)		
City: Fayetteville		Prefix: Mr.	First Name: Bradley	
County: Cumberland		Middle Name: S.		
State: NC		Last Name: Whited		
Zip Code: 28306		Suffix: AAE		
Country: United States		Email: bwhited@ci.fay.nc.us		
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 5 6 - 6 0 0 1 2 2 6		Phone Number (give area code) (910) 433 - 1160	Fax Number (give area code) (910) 433 - 1765	
8. TYPE OF APPLICATION <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify)		7. TYPE OF APPLICANT (See back of form for Application Types) C - Municipal Other (Specify)		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NO. 2 0 - 1 0 6		9. NAME OF FEDERAL AGENCY: Federal Aviation Administration		
TITLE (Name of Program): Airport Improvement Program		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: 1. Study/Design - Air Carrier Apron Pavement Rehabilitation 2. Design & Construct - TWY A Overlay, Shoulders & Lights 3. DBE Program Costs		
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): City of Fayetteville, Cumberland County, North Carolina		14. CONGRESSIONAL DISTRICTS OF: a. Applicant 7th b. Project 7th		
13. PROPOSED PROJECT Start Date: 09/01/2010 Ending Date: 06/30/2012		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES <input type="checkbox"/> b. NO <input checked="" type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE : PROGRAM IS NOT COVERED BY E.O. 12372 OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW		
15. ESTIMATED FUNDING:		17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes, If "Yes", attach an explanation <input checked="" type="checkbox"/> No		
a. Federal	\$ 5,936,904. <sup>00</sup>			
b. Applicant	\$ . <sup>00</sup>			
c. State	\$ . <sup>00</sup>			
d. Local	\$ 312,469. <sup>00</sup>			
e. Other	\$ . <sup>00</sup>			
f. Program Income	\$ . <sup>00</sup>			
g. TOTAL	\$ 6,249,373. <sup>00</sup>			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.				
a. Authorized Representative				
Prefix Mr.		First Name: Bradley		Middle Name: S.
Last Name: Whited		Suffix: AAE		
b. Title: Airport Director		c. Telephone: 910-433-1160		
d. Signature of Authorized Representative: <i>Bradley S. Whited</i>		e. Date Signed: 7-22-10		

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Authorized for Local Reproduction

Standard Form 424 (Rev 9-2003)  
Prescribed by OMB Circular A-102

Fayetteville Regional Airport  
Fayetteville, North Carolina

FY 2010 AIP Application

Budget Worksheet  
July 19, 2010

Project Element	Budget	Federal Share	Local Share
<b>Rehabilitation of Air Carrier Apron - Design Only</b>			
Pavement Evaluation & Rehabilitation Options Study	\$61,600.00		
Design & Bidding	\$210,000.00		
Subtotal - Apron Project	\$271,600.00	\$258,020.00	\$13,580.00
<b>Rehabilitation of Taxiway A &amp; Stub Taxiways - Design &amp; Construct</b>			
Design & Bidding Phase	\$206,710.00		
Construction (Base Bid with Thermoplastic Hold Signs Plus Bid Alternate for 3" Shoulder Pavement)	\$5,206,063.00		
CA, RPR, QA	\$538,000.00		
Subtotal - Taxiway Project	\$5,950,773.00	\$5,653,234.00	\$297,539.00
<b>DBE Program Costs</b>	\$27,000.00	\$25,650.00	\$1,350.00
<b>Total</b>	\$6,249,373.00	\$5,936,904.00	\$312,469.00
<b>Federal Share at 95%</b>	\$5,936,904.00		
<b>Local Share at 5%</b>	\$312,469.00		

**A. Project Description and Need**

**1. Study & Design – Air Carrier Apron Pavement Rehabilitation**

The air carrier apron at FAY has four distinct pavement sections. In the vicinity of Concourse A, the pavement near the concourse (i.e., aircraft parking positions) consists of two layers of concrete pavement. This section will be referred to as Section C1. The original layer of concrete pavement is typically 10" thick and was constructed in phases. The second layer of concrete is an unbonded or partially bonded concrete overlay,

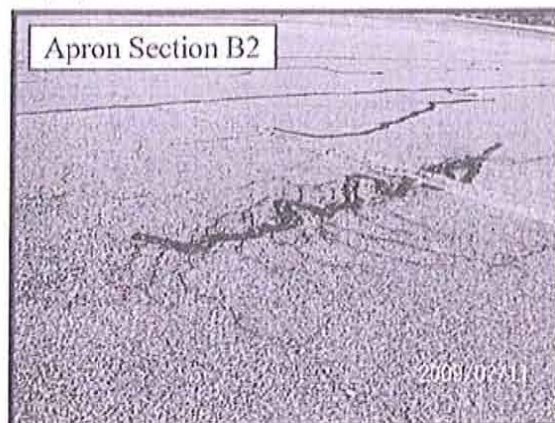


approximately 8" thick. The joint spacing is approximately 20 feet in both directions. The overlay exhibits extensive cracking, which may be due in part to the relatively thin overlay with a relatively large joint spacing. This portion of the apron was assigned a PCI of 39 in the Pavement Condition Index Survey Report dated May 2006.

Farther from the Concourse A building (the apron edge taxilane), the apron pavement is bituminous. This area of pavement will be referred to as section B1. The pavement is highly oxidized and exhibits moderate cracking. The Pavement Condition Index Survey (dated May 2006) rated the pavement in "very good" condition, with a composite PCI of 71.

Adjacent to the newer Concourse B, the apron pavement consists of a single layer concrete pavement, rated in "excellent" condition, with a composite PCI rating of 86 (May 2006). This section will be referred to as Section C2. The bituminous (taxilane) portion of the apron near Concourse B (referred to as Section B2) is in similar condition as section B1 (PCI = 71). However, cracking patterns in section B2 suggest shoving under wheel turning and accelerating. The surface course in this area is believed to be relatively thin (4").

This project includes a data collection and study effort to verify existing pavement condition and subgrade conditions, surface grades, and cross section, and to evaluate various rehabilitation options. For Section C1, rehabilitation options may include full depth reconstruction, removal and replacement of the existing unbonded overlay with a new unbonded overlay using smaller (i.e., 10 foot) joint spacing, removal of the existing unbonded overlay and replacement with a bituminous overlay, or other possible solutions. For Section C2, rehabilitation will likely be limited to localized concrete pavement repairs and cleaning and resealing the joints. For Section B1, which is



**PROGRAM NARRATIVE – FY 2010 Application**  
**Fayetteville Regional Airport - KFAY**

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anticipated to be of adequate strength/thickness, a mill and fill operation may be appropriate. For section B2, a reconstruction effort may be appropriate to increase the surface thickness and strength. This project will include the final design and bidding for rehabilitation of the *entire* air carrier apron area, including replacement of the apron edge lights.

In the pre-application filed for this project (March 10, 2010), the work elements included the following projects:

1. Study & Design – Air Carrier Apron Pavement Rehabilitation – Part I (Bituminous)
2. Design & Construct – Taxiway A Overlay, Shoulders and Lights
3. Design – Alpha Taxiway Extension
4. DBE Program Costs

The scope in the pre-application did not include the final design of rehabilitation of the concrete pavement portions of the apron (Part II). The Part II work was not planned to be done this year, but was programmed for next year, in FY 2011.

At the Airport planning meeting with FAA on May 11, 2010 there was extended discussion about the Runway 4 RSA and whether FAA had granted a waiver for the nonstandard 500' RSA. FAA advised the Airport that a waiver had not been granted for the R/W 4 RSA and that FAA would require FAY to bring the R/W 4 RSA into compliance. It was determined that the extension of the R/W 4 RSA could have a significant impact on the planning and design of the T/W A extension. It was also determined that it would be beneficial for FAY to delay the extension of T/W A until after a final solution was determined for the R/W 4 RSA. For that reason, the T/W A extension was removed for the grant application and the Air Carrier Apron Rehabilitation project was expanded to include Part I and Part II design work. A side benefit of this change could be that a larger apron rehabilitation project scope may help in establishing a more competitive bidding environment. The CATEx document for this work is attached.

**2. Design & Construct – Taxiway A Overlay, Shoulders and Lights**

This project consists of the rehabilitation of Taxiway 'A' and stub taxiways 'C', 'D', & 'I', including the taxiway lighting system. In 2006 a Pavement Management Report was developed for the Fayetteville Regional Airport. The pavement testing and the field inspection work for the Taxiway 'A' pavement was performed in November and December of 2005. Excluding the taxiway pavement section from R/W 22 to T/W 'B', the report recommends that within 5-10 years, the Taxiway 'A' pavement be milled 2" and overlaid with 2" of bituminous surface. This pavement section and overlay has been verified during the design work for Taxiway 'A'. The work for T/W 'A' includes surface preparation, milling and overlay of the existing pavement, pavement widening for fillets at taxiway intersections, and the addition of 20' paved shoulders. Additional work items include installing a new taxiway lighting system and pavement marking. The pavement rehabilitation work will consist of a mill and fill type operation of approximately 2" depth and includes treatment of existing cracks by cleaning and filling with a non-shrink grout. The mill and fill operation will restore the pavement surface at

**PROGRAM NARRATIVE – FY 2010 Application**  
**Fayetteville Regional Airport - KFAY**

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the existing grades transverse and longitudinally. The lighting work will include the new LED MITL fixtures, conduit, taxiway signs, and circuits. All lighting replacement for taxiway will be installed in base cans and conduit. A CATIX document was included in the pre-application package. The CATIX document for this work is attached.

**3. DBE Program Costs**

This project involves reimbursement of DBE Program expenses incurred by the Fayetteville Regional Airport in prior fiscal years which were not covered under prior AIP grants.

**B. Objectives**

The objective of these projects is to provide safety enhancements and extended pavement and lighting system service life. These projects will help the Fayetteville Regional Airport meet the needs of the aviation community and to provide superior service to users of the airfield.

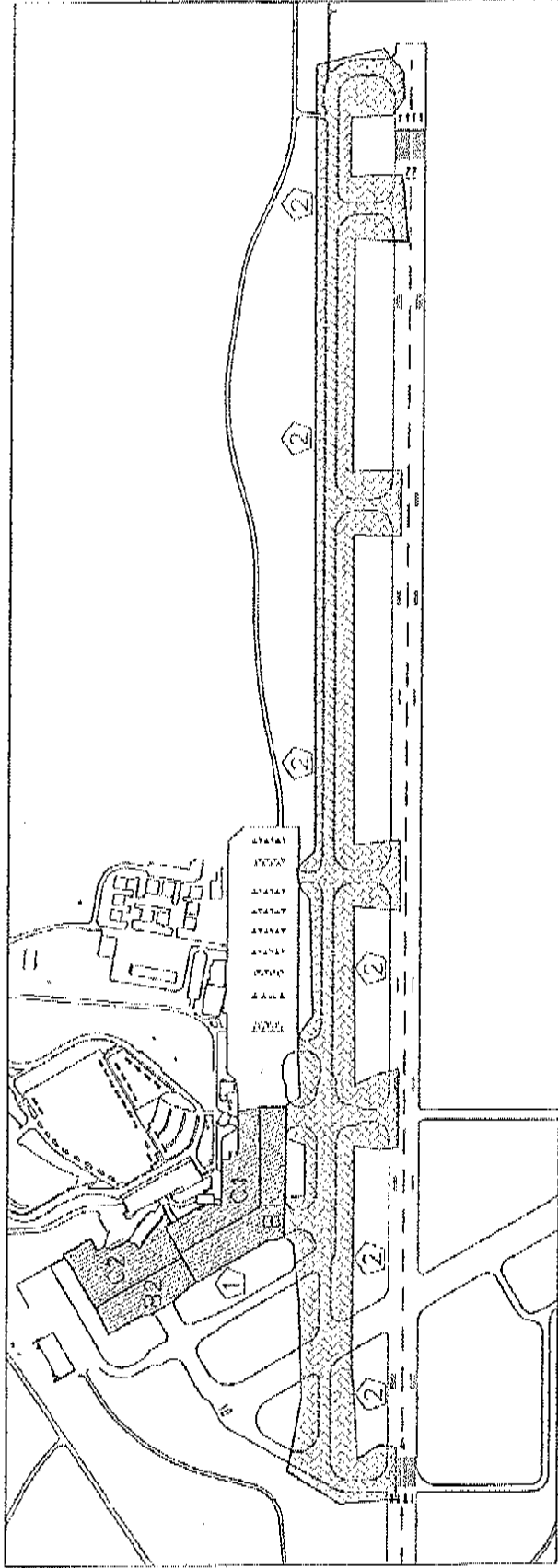
**C. Method of Accomplishment**

Construction contracts will be awarded for all construction projects on the basis of bids taken from private contractors for the construction projects. The Taxiway A project was bid on June 30, 2010 (bid tabulation attached).

**D. Benefits**

The proposed improvements for the Fayetteville Regional Airport will help to meet both the present and projected future aviation needs of both the public and private sector of the Fayetteville area. The availability of safer and improved airfield and terminal facilities will enhance service and provide upgraded facilities to existing and new users.





- ① Design Air Carrier Apron Pavement Rehabilitation
  - ② Design & Construct Taxiway A Rehabilitation
- July 2010

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Gloria Wrench, Purchasing Manager  
**DATE:** August 23, 2010  
**RE:** **Award of Contract for Rehabilitation of Taxiway 'A', 'C', 'D', & 'F' and Rehabilitation of Taxiway Lighting and Signage (AIP-37)**

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**THE QUESTION:**

Staff requests approval to award a contract for Rehabilitation of Taxiway 'A', 'C', 'D', & 'F' and Rehabilitation of Taxiway Lighting and Signage at the Fayetteville Regional Airport.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 4: More Efficient City Government - Cost Effective Service Delivery - Objective 1: Investing in the City's future infrastructure, facilities and equipment.

**BACKGROUND:**

This project is included in the adopted FY2011-FY2015 Capital Improvement Plan. Funding for this project is anticipated to be in the form of a federal grant from the Federal Aviation Administration in the amount of \$5,936,904, and a local match from the City in the amount of \$315,969.

The bid was first advertised and scheduled for opening on June 22, 2010, however, only one (1) bid was received and the project had to be readvertised in accordance with North Carolina General Statutes. The Statutes require that at least three (3) bids be received on the first advertisement in order for bids to be opened. The bid was readvertised and scheduled for opening on June 30, 2010, with only one (1) bidder responding as follows:

Barnhill Contracting Company, Fayetteville, NC      \$5,209,563

The DBE program goal for this project was 9.4% and Barnhill Contracting Company has met the program goal.

**ISSUES:**

Request that Council approve the award subject to receipt of the federal grant.

**OPTIONS:**

- (1) Approve contract award subject to receipt of the federal grant.
- (2) Not approve contract award.

**RECOMMENDED ACTION:**

Award contract to Barnhill Contracting Company, Fayetteville, NC, in the amount of \$5,209,563 for Rehabilitation of Taxiway 'A', 'C', 'D', & 'F' and Rehabilitation of Taxiway Lighting and Signage at the Fayetteville Regional Airport, subject to receipt of a federal grant from the Federal Aviation Administration.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** August 23, 2010  
**RE:** Capital Project Ordinance 2011-4 (Taxiway A Rehabilitation Project AIP-37)

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**THE QUESTION:**

Capital Project Ordinance 2011-4 will appropriate \$6,252,873 for the Taxiway A Rehabilitation Project at the Airport.

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**BACKGROUND:**

- This ordinance will appropriate a \$315,969 transfer from the Airport Operating Fund and \$5,936,904 in FAA grant funds for the Taxiway A Rehabilitation project subject to receiving the grant award.
- This project is included in the adopted FY2011 - FY2015 Capital Improvement Plan as part of two projects combined. The FAA has approved the design and construction portions of Taxiway A Overlay, Shoulders, & Lights (\$5,977,773) and the design portion of Airline Concrete Slabs and Joints (\$271,600).
- There is also a \$3,500 charge for protective liability insurance the City is requiring the contractor to have which the FAA has determined to be ineligible for grant funding. The Airport will cover that cost through its operating fund transfer.
- The total project is estimated to be \$6,252,873.

**ISSUES:**

None

**OPTIONS:**

1. Adopt Capital Project Ordinance 2011-4 subject to receiving the FAA grant award.
2. Do not adopt Capital Project Ordinance 2011-4.

**RECOMMENDED ACTION:**

Adopt Capital Project Ordinance 2011-4 subject to receiving the FAA grant award.

**ATTACHMENTS:**

CPO 2011-4 Taxiway A Rehab Ordinance

CAPITAL PROJECT ORDINANCE  
ORD 2011-4

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted effective August 23, 2010:

Section 1. The authorized project is for the funding of the Taxiway A Rehab project at the Airport.

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

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

Federal Grant - Federal Aviation Administration	\$ 5,936,904
Local Match - Airport Operating Transfer	315,969
	<u>\$ 6,252,873</u>

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

Project Expenditures	<u>\$ 6,252,873</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 23rd day of August, 2010.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Rob Anderson - Chief Development Officer  
**DATE:** August 23, 2010  
**RE:** **Condemnation for Demolition of 106 Dunn Road**

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**THE QUESTION:**

Should the demolition of this structure be ordered by the City Council to enhance the quality of life in the City of Fayetteville?

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**BACKGROUND:**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on July 30, 2009, as a dangerous or vacant/abandoned structure. A hearing was held August 27, 2009, which the owner did not attend. However, on the day of the scheduled hearing, the owner telephoned the Interim Assistant Director of Inspections. At that time the owner was verbally given a period of 60 days to repair or demolish the structure.

**ISSUES:**

As the owner has failed to make any repairs, the structure has deteriorated rapidly since the date of the scheduled hearing. As indicated by the attached photo, approximately one-half of the roof has collapsed. The walkways around the structure are now unsafe also.

**OPTIONS:**

- 1) Pass the Ordinance to order the demolition of this structure; (Recommended)
- 2) Reject the Ordinance to order the deomolition of this structure and allow the dangerous and blighted condition to persist.

**RECOMMENDED ACTION:**

Staff recommends that Council pass the Ordinance and demolish the structure.

**ATTACHMENTS:**

106 Dunn Road- Ordinance  
106 Dunn Road-Docket  
Photo-- front of structure

**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:

106 Dunn Road  
PIN 0447-32-2174

TRACT ONE: BEGINNING at a point North 06 degrees East 63.31 feet from the northwest corner of Locke's Creek Bridge, thence continuing North 06 degrees East 62.69 feet to a point, thence South 54 degrees and 45 minutes East 126.07 to a point, thence North 84 degrees 00 minutes West 110.00 feet to the point of BEGINNING, and being the same property as TRACT II contained in Deed recorded in Book 5087, Page 149, Cumberland County Registry. See also deed to Gene F. Williford in Book 1080, Page 473, of the aforesaid Registry.

TRACT TWO: BEGINNING at an iron pipe in the eastern margin of the Fayetteville-Dunn Highway (U.S. Highway 301), said iron pipe being located North 6 degrees East 144.49 feet from the point of intersection of the Locke's Creek Bridge with the Eastern margin of the Dunn highway and running thence South 83 degrees 03 minutes East 190 feet to a point in the center of the run of Locke's Creek and running thence Southward with the run of Locke's Creek South 26 degrees 49 minutes West approximately 108 feet to a point in the center of Locke's Creek; thence North 54 degrees 41 minutes West approximately 174.16 feet to a point in the eastern margin of the Fayetteville-Dunn Highway North 6 degrees East 19.49 feet to the point of BEGINNING. And being the same property as TRACT III contained in Deed recorded in Book 5087, Page 149, Cumberland County Registry. See also deed to Gene Williford in Book 2248, Page 049, of the aforesaid Registry.

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

Jack A. Watson  
515 Martine Road



- (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 27, 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 \$ 19, 500.00 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 23rd day of August, 2010.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony Chavonne, Mayor

ATTEST:

\_\_\_\_\_  
Rita Perry, City Clerk

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.

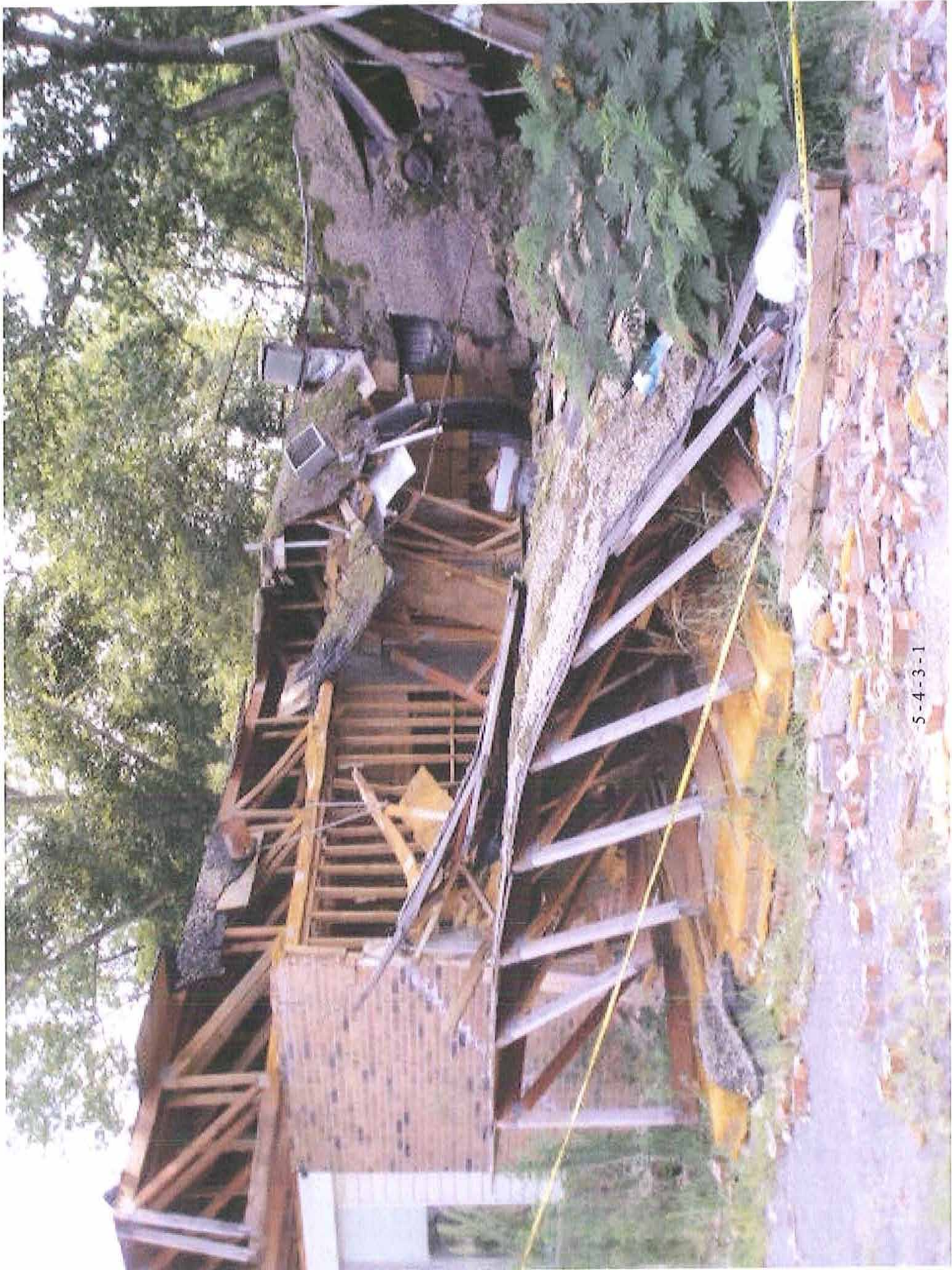
Location	106 Dunn Road
Property Owner(s)	Jack A. Watson
Date of Inspection	July 30, 2009
Date of Hearing	August 27, 2009
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed August 27, 2009
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since August 19, 2003
Police Calls for Service (past 2 yrs)	31

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 23rd day of August, 2010.

Frank Lewis, Jr.  
Sr. Code Enforcement Administrator (Housing)





5-4-3-1



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Gloria Wrench, Purchasing Manager  
**DATE:** August 23, 2010  
**RE:** Award Contract for 2011 Street Resurfacing Program

---

**THE QUESTION:**

Staff requests approval to award a contract for the City's 2011 resurfacing work. This work consists of resurfacing approximately 75 streets.

**RELATIONSHIP TO STRATEGIC PLAN:**

Growing City, Livable Neighborhoods - A Great Place to Live

**BACKGROUND:**

The project was first advertised for bids to be opened on July 27, 2010, however, only two (2) bids were received. Therefore, in accordance with North Carolina General Statutes which require three (3) bids for opening on the first advertisement, the project was readvertised and bids were opened on August 4, 2010 as follows:

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

The bids received were over the budgeted amount of \$3,280,260, therefore, as allowed by North Carolina General Statutes, staff negotiated with the low bidder, Highland Paving Company, to reduce cape seal work and eliminate resurfacing of one street in order to bring the contract within the budgeted amount. The negotiated bid amount is \$3,249,656.72.

The DBE participation goal for this project was 10% and Highland Paving met the 10% goal.

**ISSUES:**

None

**OPTIONS:**

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

**RECOMMENDED ACTION:**

Award contract to the lowest responsive, responsible bidder, Highland Paving Company, Fayetteville, NC, for the negotiated bid amount of \$3,249,656.72.

# **2010-2011 PROPOSED RESURFACING**

## **STREETS REMAINING FROM PREVIOUS YEAR**

<b><u>NO.</u></b>	<b><u>STREET</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>LENGTH</u></b>	<b><u>WIDTH</u></b>
1	AVALA DR.	RIM RD.	CUL-DE-SAC	2292	26
2	SHERWOOD DR.	MAGNOLIA AVE.	S. OLIVE ST.	418	15
3	LANDAU RD.	TAMARACK DR.	ROLLS AVE.	820	25
4	COLINWOOD DR.	MCPHERSON CHURCH RD.	KINGSFORD RD.	231	36
5	LAMBERT ST.	OAKRIDGE AVE.	CUL-DE-SAC	300	20
6	DUNN RD.	HWY 24	PERSON ST.	902	23

## **PROPOSED MILLING & RESURFACING STREETS**

<b><u>NO.</u></b>	<b><u>STREET</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>LENGTH</u></b>	<b><u>WIDTH</u></b>
1	E. RUSSELL ST.	S. EASTERN BLVD.	S. BROAD ST.	1137	40
2	ADAM ST.	B. ST.	S. EASTERN BLVD.	1243	22
3	ROGERS DR.	STAMPER RD.	CAN RD.	1939	32
4	GLENVILLE AVE.	BRAGG BLVD.	FORT BRAGG RD.	1796	22
5	QUEEN ST.	GREENLAND DR.	GLENVILLE AVE.	1465	22
6	WESTMONT DR.	FORT BRAGG RD.	BRAGG BLVD.	2914	32
7	RUSH RD.	RAEFORD RD.	PINECREST DR.	2760	32
8	FAIRFIELD RD.	RAEFORD RD.	RAVENHILL RD.	2293	36
9	PINECREST DR.	MORGANTON RD.	MCBAIN DR.	3122	32
10	COURTNEY ST.	RAMSEY ST.	ROSEHILL RD.	1509	32
11	IVY RD.	MCKIMMON RD.	LYON RD.	437	32
12	MCKIMMON RD.	IVY RD.	MCPHERSON AVE.	1191	32
13	PILOT AVE.	BRAGG BLVD.	FORT BRAGG RD.	2049	32
14	NORTH ST.	HOFFER DR.	SHERMAN DR.	4636	22
15	FORDHAM DR.	DARTMOUTH DR.	PURDUE DR.	1162	32
16	DARTMOUTH DR.	FORDHAM DR.	COLGATE DR.	1532	32
17	FOXHALL RD.	HUNTINGTON RD.	MILLBROOK DR.	1649	32
18	BROOKWOOD AVE.	RAMSEY ST.	NORTH ST.	1252	22
19	W. ROWAN ST.	BRAGG BLVD.	OAKRIDGE AVE.	3458	32
20	FOUNTAINHEAD LANE.	HAY ST.	MCGILVARY ST.	1060	22
21	MCNEILL CR.	FORT BRAGG RD.	FORT BRAGG RD.	1319	32
22	DON PL.	MCKIMMON RD.	CHESTER CR.	356	32
23	RAVENHILL RD.	DRURY LANE	DEAD END	1357	32
24	MARSH ST.	IRENE ST.	MILAN RD.	1498	32
25	VOGEL ST.	MARSH ST.	MILAN RD.	560	32
26	UNDERWOOD ST.	RAMSEY ST.	NORTH ST.	609	22
27	CHRISTINA ST.	HOOK LOOP RD.	CLIFFDALE RD.	2236	26
28	BOVILL CT.	CHRISTINA ST.	CUL-DE-SAC	170	26
29	POTTERS CT.	CHRISTINA ST.	CUL-DE-SAC	305	26
30	NEWLAND CR.	CHRISTINA ST.	CUL-DE-SAC	310	26
31	BYFORD CT.	CHRISTINA ST.	CUL-DE-SAC	240	26
32	LUNE CR.	CHRISTINA ST.	CUL-DE-SAC	297	26
33	GARY ST.	PAMELLE DR.	CUL-DE-SAC	810	25
34	SOUTH SHIELD DR.	STACKHOUSE DR.	CUL-DE-SAC	1277	25
35	ADOLPHUS DR.	STACKHOUSE DR.	CUL-DE-SAC	740	26

**PROPOSED RESURFACING STREETS**

<b>NO.</b>	<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>LENGTH</b>	<b>WIDTH</b>
36	ALL SAINTS DR.	STACKHOUSE DR.	LOXLEY DR.	1004	26
37	ADRIAN DR.	LOXLEY DR.	HAZELHURST DR.	3052	26
38	PENELOPE DR.	LOXLEY DR.	JERSEY DR.	485	26
39	CHESTNUT ST.	S. KING ST.	S. BROAD ST.	830	32
40	CHAMBERSBURG RD.	GLENSFORD DR.	WESTFIELD RD.	1486	27
41	MISSENBURG CT.	CHAMBERSBURG RD.	CUL-DE-SAC	450	26
42	WALLINGFORD CT.	CHAMBERSBURG RD.	CUL-DE-SAC	440	25
43	WESTFIELD RD.	ROCKSPRING RD.	DEAD END	2374	26
44	HAVERDFORD CT.	WESTFIELD RD.	CUL-DE-SAC	244	26
45	ASHBROOK RD.	MONTCLAIR RD.	BELFORD RD.	1839	26
46	COVE CREST CR.	WATERS EDGE DR.	WATERS EDGE DR.	182	22
47	ELLERSLIE DR.	CHANGE OF PAVEMENT	CUL-DE-SAC	1427	25
48	ANDERSON ST.	MAHLEN LANE	OLD ST.	384	28
49	BROADFOOT AVE.	ARSENAL AVE.	SIMPSON ST.	1168	32
50	DURIAM ST.	MURCHISON RD.	DEAD END	710	25
51	CRAFT ST.	BRENDA DR.	DANBURY DR.	1130	20
52	HYBART ST.	CHANGE OF PAVEMENT	HERNDON ST.	760	25
53	PLANTATION RD.	RAMSAY ST.	STUBBS ST.	2489	32
54	MANDALY ST.	ST. MARY'S PARKWAY	DEAD END	793	25
55	ST. MARY'S PARKWAY	MORGANTON RD.	GRANVILLE DR.	645	40
56	GREAT OAKS DR.	MORGANTON RD.	CUL-DE-SAC	1057	25
57	TOLAR ST.	SOUTHERN AVE.	BARNES ST.	910	25
58	BARNES ST.	TOLAR ST.	BARRET ST.	220	25
59	BARRET ST.	BARNES ST.	WINSLOW ST.	365	25
60	DEAL ST.	FAIR ST.	HOLMAN ST.	823	25
61	DARWIN DR.	JACKS FORD DR.	CHRISTOPHER WAY	430	26
62	CHRISTOPHER WAY	DEAD END	CUL-DE-SAC	1006	25
63	RIDLEY CT.	CHRISTOPHER WAY	CUL-DE-SAC	210	24
64	CAMPGROUND RD.	SKIHO RD.	BUJE CR.	844	57
65	TRYON DR.	SWANN ST.	CUL-DE-SAC	856	25
66	MANSFIELD CT.	RIDGE MANOR DR.	CUL-DE-SAC	420	26
67	RIDGE MANOR DR.	STRICKLAND BRIDGE RD.	CUL-DE-SAC	1395	26
68	OAKRIDGE AVE.	HAY ST.	W. ROWAN ST.	1791	20
69	TORREY DR.	COLEY DR.	DEAD END	2812	32

Total length      90682  
Total Mileage      17.17



**STREETS FOR POSSIBLE CAPE SEAL & MICRO-RESURFACING**

<u>No.</u>	<u>Street</u>	<u>From</u>	<u>To</u>	<u>Length</u>	<u>Width</u>
1	FLYING CLOUD LANE	TIMBERCROFT LANE	CHANGE OF PAVEMENT	386	22
2	SANDRIDGE DR.	FERNCREEK PLACE	WOODMARD DR.	1716	30
3	BROCKWOOD ST.	SANDRIDGE DR.	BEAVER STONE RD.	2687	22
4	SKYHAWK DR.	SANDRIDGE DR.	BEAVER STONE RD.	1977	22
5	MOSSYVALE WAY	TIMBERCROFT LANE	HURSTBOURNE LANE	283	22
6	HURSTBOURNE LANE	BROCKWOOD ST.	SKYHAWK DR.	325	22
7	FERNCREEK PLACE	BUTTERMERE DR.	BRYANSTONE WAY	1580	22
8	BRYANSTONE WAY	MILLSTREAM RD.	SANDRIDGE DR.	2194	30
9	MAHOGANY RD.	BUTTERMERE DR.	BRASSWOOD DR.	1823	26
10	BUTTERMERE DR.	MAHOGANY DR.	WICKERSHAM RD.	2230	26
11	BEAVER STONE RD.	TIMBERCROFT LANE	CUL-DE-SAC	2646	27
12	MANGROVE DR.	TIMBERCROFT LANE	CUL-DE-SAC	2362	27
13	WICKERSHAM RD.	SANDRIDGE DR.	CUL-DE-SAC	3337	26
14	WEeping WATER RUN	MANGROVE DR.	BROOKSHIRE ST.	1877	25
15	TIMBERCROFT LANE	BROCKWOOD ST.	BROOKSHIRE ST.	5880	26
16	BIGWOOD RD.	BROOKSHIRE ST.	CUL-DE-SAC	1105	26
17	BLUFFVIEW DR.	TIMBERCROFT LANE	CUL-DE-SAC	1287	26
18	BROOKSHIRE ST.	BUTTERMERE DR.	PIN OAK LANE	3763	26
19	BIANCA PL.	TIMBERCROFT LANE	CUL-DE-SAC	216	26
20	VANCE DR.	HOPPER RD.	BRYANSTONE WAY	200	27
21	KERROW DR.	HOOK LOOP RD.	WOODMARD DR.	806	26
22	SUGA CR	CHRISTINIA ST.	CHRISTINIA ST.	1263	26
23	CHRISTINIA ST.	HOOK LOOP RD.	CUL-DE-SAC	1356	26
24	WOODMARD DR.	HOPPER RD.	DEAD END	3115	27

Total Cape Seal Length      44414  
Total Cape Seal Mileage      8.41

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** August 23, 2010  
**RE:** Capital Project Ordinance Amendment 2011-8 (Franklin Street Parking Deck)

---

**THE QUESTION:**

This amendment will appropriate funds to construct the parking deck as well as pay other ancillary costs of the project.

**RELATIONSHIP TO STRATEGIC PLAN:**

Principle E: Vibrant Downtown - Means easy access and convenient parking

Policy Agenda: Downtown Parking Structure - Development

**BACKGROUND:**

- The original budget for this project only included \$450,000 to cover the design cost of the parking deck and was funded by a transfer from the PWC.
- This \$5,512,000 amendment will make the following changes in the original budget:
  - o appropriate the \$5,950,000 loan proceeds that were received on August 10,
  - o appropriate \$12,000 in projected investment income, and
  - o eliminate the \$450,000 transfer from Public Works Commission.
- The transfer from PWC is being eliminated because PWC is directly paying for the parking deck design work; therefore, the transfer to the City is not necessary.
- If approved, the revised project budget for parking deck construction and related costs will be \$5,962,000. Please note that this budget does not include design cost as that cost is being paid by PWC.

**ISSUES:**

None

**OPTIONS:**

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

**RECOMMENDED ACTION:**

Adopt Capital Project Ordinance Amendment 2011-8.

**ATTACHMENTS:**

Capital Project Ordinance Amendment 2011-8

CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2011-8 (CPO 2010-19)

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 2010-19, adopted May 24, 2010, as amended, for the funding of a Downtown Parking Deck.

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	\$ -	\$ 5,950,000	\$ 5,950,000
Investment Income	-	12,000	12,000
Transfer from Public Works Commission	450,000	(450,000)	-
	<u>\$ 450,000</u>	<u>\$ 5,512,000</u>	<u>\$ 5,962,000</u>

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

Project Expenditures	<u>\$ 450,000</u>	<u>\$ 5,512,000</u>	<u>\$ 5,962,000</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 23rd day of August, 2010.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** August 23, 2010  
**RE:** Adopt Capital Project Ordinance Amendment 2011-9 (West General Aviation Lower Ramp Rehabilitation, Repave Truck Lane and Apron Repair Project)

---

### **THE QUESTION:**

The attached capital project ordinance amendment will appropriate \$94,500 awarded by the North Carolina Department of Transportation (NCDOT) for this project and increase the local match required by \$9,677, resulting in a revised total project budget of 776,454.

### **RELATIONSHIP TO STRATEGIC PLAN:**

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

### **BACKGROUND:**

- The original grant was approved by City Council in March 2008 for this project.
- There is a need to address severe cracks in an adjacent aircraft ramp and replace asphalt at gate 5 with a concrete pad to accommodate aviation refuelers to access airline customers. Therefore, a request to increase the NCDOT grant by \$94,500 has been approved.
- In addition, the local funding for the project must be increased by \$9,677 to meet the grant match requirements.
- If this amendment is approved, the total budget for this project will be \$776,454 consisting of \$698,809 in grant funding from NCDOT, \$61,500 funded by passenger facility charge revenue, and the remaining balance funded from an Airport Operating Fund transfer of \$16,145.

### **ISSUES:**

None

### **OPTIONS:**

1. Adopt Capital Project Ordinance Amendment 2011-9.
2. Do not adopt Capital Project Ordinance Amendment 2011-9.

### **RECOMMENDED ACTION:**

Adopt Capital Project Ordinance Amendment 2011-9.

### **ATTACHMENTS:**

CPOA 2011-9 West General Aviation Lower Ramp Rehabilitation. Repave Truck Lane. Apron Repair

CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2011-9 (CPO 2008-6)

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

Section 1. The project change authorized is to Capital Project Ordinance 2008-6, adopted March 17, 2008, as amended, for the funding of West General Aviation Lower Ramp Rehabilitation, Repave Truck Lane and Apron Repair Project.

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>
NC Department of Transportation Grant	\$ 604,309	\$ 94,500	\$ 698,809
Passenger Facility Charges	61,500	-	61,500
Local Match - Airport Operating Transfer	6,468	9,677	16,145
	<u>\$ 672,277</u>	<u>\$ 104,177</u>	<u>\$ 776,454</u>

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

Project Expenditures	<u>\$ 672,277</u>	<u>\$ 104,177</u>	<u>\$ 776,454</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 23rd day of August, 2010.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Benny Nichols, Fire Chief  
**DATE:** August 23, 2010  
**RE:** Consider award of contract via Piggyback for two Fire Pumpers

---

### **THE QUESTION:**

Is it Council's interest to award the purchase contract for two Fire Apparatus Pumps using the exemptions allowed for Piggyback purchases?

### **RELATIONSHIP TO STRATEGIC PLAN:**

These two pumps are approved for replacement in the city's vehicle replacement plan and will have a positive impact on fire department operations.

### **BACKGROUND:**

- These two pieces of equipment are approved replacement items in the city's vehicle replacement plan and were budgeted in the FY10-11 fiscal year. It is the same type of pumper, specification wise, as the last 6 pumpers purchased using this method. During the past 6 years city and PWC staff have also recommended, and Council has approved an additional 4 pieces of fire fighting apparatus of other types using this method of procurement.
- Fleet maintenance concurs with this recommendation for quality and delivery purposes as well as applicability of manufacturer training by several fleet maintenance personnel. It should also be noted that Pierce maintains a factory maintenance and repair shop in the Fayetteville area that serves most of southeastern North Carolina. Immediate parts and service is critical to the functional operations of the Fire Department. The 6-7 month delivery time offered is one of the best in the industry. A 100% performance bond from the manufacturer will be provided to the City of Fayetteville.
- North Carolina General Statute 143-129(g) allows an exemption to the sealed bid procurement process by using the piggyback method if the purchase is for apparatus, supplies, materials, or equipment and the procurement process of the public entity being used for the piggyback has completed a "public, formal bid process substantially similar to that required by the Article". A review of the process used by the Delran Township in New Jersey indicates the process to be in substantial compliance with all requirements.
- Currently the fire department's fleet consists of 35 pieces of equipment, of which 18 are manufactured by Pierce. If awarded, these two pieces of equipment will make the fire department equipment totals 55% Pierce equipment. It is the long range plan and desire of the fire department to standardize like equipment to the greatest extent possible. This standardization will save time and money during the procurement process and improve efficiency & safety within the operations of the fire department.
- The specifications of the pumpers for Fayetteville have been revised to remove equipment not used or required by FFD. A listing of the deducted items is included in the request for approval.
- The required public notice of intent to waive the bid process was published in the Fayetteville Observer on August 11, 2010. A copy is also included in the request. No comments or questions were received during the public notice period (11 days before the requested action).

### **ISSUES:**

- No outstanding issues affecting this recommendation.



**OPTIONS:**

- Authorize the waiver of the bid procedure as allowed by the aforementioned Statute and approve the purchase of two (2) Fire Apparatus Pumpers from Pierce Manufacturing, Inc., Appleton, Wisconsin, in an amount not to exceed \$848,396.00.
- Do not authorize the waiver and purchase and provide direction to staff.

**RECOMMENDED ACTION:**

- Authorize the waiver of the bid procedure as allowed by the aforementioned Statute and approve the purchase of two (2) Fire Apparatus Pumpers from Pierce Manufacturing, Inc., Appleton, Wisconsin, in an amount not to exceed \$848,396.00

**ATTACHMENTS:**

Backup for Piggyback Pumpers Delran, NJ  
Public Notice of Waiver

**NOTICE OF BID**  
**DELRAN TOWNSHIP FIRE DISTRICT NO. 1**

Please take notice that the Board of Fire Commissioners of the Delran Township Fire District No. 1 is hereby accepting bids for ONE (1) 2000 GPM custom pumper.

Conditions of instructions to bidders and bid specifications shall be provided and made available to all prospective bidders and may be obtained from the Clerk of the Board of Fire Commissioners at the fire district office located at 900 Chester Avenue, Delran, New Jersey, or by calling 856-461-5474, Monday through Friday 8 am to 3 pm.

Bids must be submitted in a sealed envelope to the Board of Fire Commissioners of the Delran Township Fire District No. 1, 900 Chester Avenue, Delran, New Jersey 08075 and must bear the name and address and subject for bid on the outside of the envelope.

Scaled bids to be considered must be in the hands of the Clerk of the Board of Fire Commissioners no later than 2:00 pm, prevailing time on February 22, 2010.

The Delran Fire District No. 1 Board of Fire Commissioners will open bids received at their scheduled business meeting on Tuesday, February 23, 2010 at 8 pm. The bids received will then be reviewed and awarded at a later date.

**Delran Township Fire District #1**

900 Chester Avenue

P.O. Box 1007

Delran, New Jersey 08075

**DFD-09- 413****PURCHASE  
ORDER  
and  
VOUCHER**VENDOR  
NAME  
AND  
ADDRESS

Pierce Manufacturing, Inc.

P.O. Box 2017

Appleton

WI 54912

**Notice to Vendors**

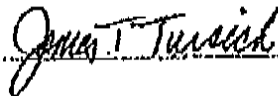
1. Voucher must accompany all invoices to effect payment.
2. Show purchase order number plainly marked on the outside of all packages, packing slip, invoice, and correspondence.
3. We reserve the right to reject and return at your expense all material in excess of quantity ordered.

BUDGET ACCOUNT NUMBER	DATE
00460A	3/28/2010

1	Pierce Arrow XT 2000 GPM Custom Pumper	\$504,250.00	\$504,250.00
0	Chassis Prepayment	(\$258,498.00)	\$0.00
0		\$0.00	\$0.00
0		\$0.00	\$0.00
0		\$0.00	\$0.00
0	As Per Bld Dated 2/22/10	\$0.00	\$0.00
0		\$0.00	\$0.00
0		\$0.00	\$0.00
0		\$0.00	\$0.00
0		\$0.00	\$0.00
0		\$0.00	\$0.00

Exempt from N.J. Sales Tax RE: N.J. SA 54 32 B1 ET SEQ

Total: \$504,250.00

<b>Ordered by:</b> <b>JAMES T. TURKICH</b> <b>Title/Department</b> <b>DISTRICT TREASURER</b>		<b>Authorized Signature</b> 		<b>Approved for Payment</b>   	
<b>Claimant's Certification and Declaration</b> I do solemnly declare and certify, under the penalties of law, that the within bill is correct in all its particulars: That the articles have been furnished or the services rendered as stated herein: That no bonus has given or received by any person or persons within the knowledge of this claimant in connection with above claim: That the Amount therein stated is justly due and owing; and that the amount charged is a reasonable one.			<b>Officer or Commissioners Certification</b> I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered: said certification being based on signed delivery slips or other procedures.		
Signature of Vendor		Date		Signature of Officer/Commissioner	
				Title	

Vendor must return one signed copy with invoice for payment.

Paid Check Number: \_\_\_\_\_

Bills are paid at the regular monthly meeting of the board, which is usually the fourth Tuesday of each month.

2 Copies to Vendor; 1 Copy to Chief; 1 Copy to Treasurer; 1 Copy to Station



July 14, 2010

Chief Benjamin Nichols  
Fayetteville Fire Department  
433 Hay Street  
Fayetteville, NC 28301

Dear Chief Nichols;

This letter is in response to your request to order the City of Fayetteville (2) two Arrow XT pumpers. In the manner of a "Piggy Back" off of the Delran Township Fire Department, New Jersey bid. As earlier discussed, Pierce Manufacturing and Triad Fire Inc. are both willing to extend the same pricing as we did for Delran Township Fire Department.

The cost of each unit will be \$424,198.00 for a total of \$848,396.00. If the City of Fayetteville takes advantage of the Chassis pre-payment in the amount of \$236,089.00 for each chassis at 90 days prior to delivery the resulting cost reduction will be \$6,082.00 for each truck.

A 100% performance bond for each unit has been included. The above price includes airplane tickets for inspection trips.

If you have any further questions, please don't hesitate to give me a call. Thanks again for you business.

TRIAD FIRE INC.

Yours truly,

Wade Farrior  
Sales Manager

Options that have been deleted from the Delran pumper to make up the price differences for the Fayetteville pumper.

1. Caffe foam system with Husky 12.	\$45,770.00
2. Larger generator with additional lighting	\$ 7,308.00
3. Fire com with stereo system	\$ 6,583.00
4. Advanced electronic system in cab	\$ 5,609.00
5. Long body with 1,000 gallon tank	\$ 4,700.00
6. Additional 5" discharge on P/S	\$ 3,860.00
7. Hard suction and racks	\$ 2,966.00
8. Water level gauge on side of cab	\$ 1,757.00
9. Gold leaf lettering	<u>\$ 1,499.00</u>
	\$80,052.00

Public Notice  
City of Fayetteville  
Notice of Waiver of Bidding for Previously Bid Contracts

This notice is provided in accordance with NCGS 143-129(g) to advise the general public that the City Council of the City of Fayetteville, at a regularly scheduled meeting to be held on Monday August 23, 2010 will consider a waiver of bidding procedures to contract with a qualified supplier for the purchase of Two (2) each custom Fire Pumper Apparatus. The aforementioned General Statute allows the City of Fayetteville to waive formal bidding procedures for this purchase if the purchase is made in accordance with an existing contract awarded by "The State of North Carolina or any agency or political subdivision of the State", (NCGS 143-129(g)(2)) and in accordance with the requirements of NCGS 143-129 (Procedures for letting of public contracts)." On March 26, 2010 the Township of Delran, New Jersey awarded a purchase contract to procure the aforementioned custom Fire Pumper Apparatus for municipal use to Pierce Manufacturing, Inc. A review of the procurement procedures used in this award has determined that the requirement of NCGS 143-129 were substantially complied with and that the cost of the item is equal to or better than the City of Fayetteville would expect to receive if separately bid and that the time saved in the procurement process and delivery period is critical to implementation of this purchase and in the operational best interest of the Fayetteville Fire Department. Accordingly the City of Fayetteville has determined it is in the best interest of the City of Fayetteville to request this waiver and to award a purchase contract as described above in the total amount of \$848,396.00 for two (2) each custom Fire Pumper Apparatus. Questions or comments can be directed to Craig Hampton, Special Projects Director, City of Fayetteville, 433 Hay Street, Fayetteville, NC. at 910-433-1786 or [champton@ci.fay.nc.us](mailto:champton@ci.fay.nc.us).

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Steven K. Blanchard, PWC CEO/General Manager  
**DATE:** August 23, 2010  
**RE:** Bid Recommendation for Underground Primary Power Cable

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### **THE QUESTION:**

The Public Works Commission of the City of Fayetteville requests Council approve bid award for purchase of 200,000' of 1/0, ALCN, ERP, 25KV 1/C Underground Primary Cable

### **RELATIONSHIP TO STRATEGIC PLAN:**

Quality Utility Services

### **BACKGROUND:**

The Public Works Commission, during their meeting of August 11, 2010 approved to award bid for purchase of 200,000' of 1/0, ALCN, ERP, 25KV, 1/C Underground Primary Power Cable, PWC Stock No. 1-065-510 (with the option to purchase additional quantities within a one-year period) to HD Supply Utilities, Ltd., Wake Forest, NC, lowest evaluated bidder in the total amount of \$359,730.00 and forward to City Council for approval. Bids were received July 29, 2010 as follows:

<u>Bidders</u>	<u>Total Cost</u>
HD Supply Utilities, Ltd., Wake Forest, NC	\$359,730.00
Wesco Distribution, Raleigh, NC	\$398,800.00
Stuart C. Irby, Rocky Mount, NC	\$414,200.00
Shealy Electrical Wholesalers, Greenville, SC	\$468,400.00

Bids were solicited from four (4) vendors with four (4) vendors responding. HD Supply Utilities, Ltd. is not classified as a SDBE, minority or woman-owned business.

### **ISSUES:**

N/A

### **OPTIONS:**

N/A

### **RECOMMENDED ACTION:**

Award bid to HD Supply Utilities, Ltd., Wake Forest, NC

### **ATTACHMENTS:**

Bid Recommendation

Bid History

**PUBLIC WORKS COMMISSION  
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager DATE: August 2, 2010

FROM: Gloria Wrench, Purchasing Manager

ACTION REQUESTED: Award bid for the purchase of 200,000' of 1/0, ALCN, ERP, 25KV, 1/C  
Underground Primary Power Cable, PWC Stock No. 1-065-510 (with the option to purchase additional  
quantities within a one-year period).

BID/PROJECT NAME: Underground Primary Power Cable

BID DATE: July 29, 2010 DEPARTMENT: Electric Inventory

BIDDERS	TOTAL COST
<u>HD Supply Utilities, Ltd., Wake Forest, NC</u>	<u>\$359,730.00</u>
<u>Wesco Distribution, Raleigh, NC</u>	<u>\$398,800.00</u>
<u>Stuart C. Irby, Rocky Mount, NC</u>	<u>\$414,200.00</u>
<u>Shealy Electrical Wholesalers, Greenville, SC</u>	<u>\$468,400.00</u>

AWARD RECOMMENDED TO: HD Supply Utilities, Ltd., Wake Forest, NC

BASIS OF AWARD: Lowest evaluated bidder

AWARD RECOMMENDED BY: Mark Bielat and Gloria Wrench

COMMENTS: Bids were solicited from four (4) vendors with four (4) vendors responding. The lowest  
evaluated bidder is recommended.

**ACTION BY COMMISSION**

APPROVED \_\_\_\_\_ REJECTED \_\_\_\_\_  
DATE \_\_\_\_\_

**ACTION BY COUNCIL**

APPROVED \_\_\_\_\_ REJECTED \_\_\_\_\_  
DATE \_\_\_\_\_



## **BID HISTORY**

### **UNDERGROUND PRIMARY POWER CABLE**

#### **Advertisement**

1. Public Works Commission Website 7/15/2010

#### **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. Hispanic Contractors Association of the Carolinas
9. Fayetteville Area Chamber of Commerce, Fayetteville, NC
10. The Raleigh Black Chamber of Commerce

#### **List of Prospective Bidders**

1. HD Supply Utilities, Wake Forest, NC
2. WESCO Distribution, Raleigh, NC
3. Stuart C. Irby Company, Rocky Mount, NC
4. Shealy Electrical Wholesalers, Inc., Greenville, SC

#### **SDBE/MWBE Participation**

HD Supply Utilities Company is not classified as a SDBE, minority or woman-owned business.

<b>CITY COUNCIL ACTION MEMO</b>
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**TO:** Mayor and Members of City Council  
**FROM:** Joe Callis, PWC Business Planning Manager  
**DATE:** August 23, 2010  
**RE:** License Agreement with New Cingular Wireless for Antenna Attachment on Reilly Road

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**THE QUESTION:**

Executing License Agreement with New Cingular Wireless.

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**BACKGROUND:**

I am pleased to report success in our negotiations with New Cingular Wireless for antenna attachment at the PWC 230 kV utility pole on Reilly Road. The annual license fee for this site begins at \$23,592 and will increase by 3% per year.

**ISSUES:**

N/A

**OPTIONS:**

N/A

**RECOMMENDED ACTION:**

Execute the License Agreement.

**ATTACHMENTS:**

License Agreement

**STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND**

**LICENSE AGREEMENT  
(230 KV Structure – Reilly Road)**

**THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by and between the City of Fayetteville, a North Carolina municipal corporation, acting by and through its Public Works Commission, a commission of the City, having an address at Post Office Drawer 1089, Fayetteville, North Carolina 28302-1089, (hereinafter referred to as "Licensor"), and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having an address of 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 (hereinafter referred to as the "Licensee").

**WHEREAS**, Licensor owns that certain parcel of property located in the City of Fayetteville, Cumberland County, North Carolina (Site), that Licensor owns an electric self-support utility pole erected on said Site (Tower), and Licensee desires to use certain designated space of the Site (Premises), certain designated space on the Tower and certain easements for utilities and access to a public road as follows:

1. **Premises.** Licensor does give a license to Licensee, and Licensee does accept from Licensor, for the term set forth below, the Premises and space on the Tower along with (1) an easement reasonably satisfactory to Licensor to its location, on, over, under, across, and through the Site, extending from the Premises to the nearest convenient public road and of standard vehicular width as shall be necessary for ingress and egress to and from the Premises; and (2) an easement not to exceed 20 feet in width and located to the reasonable satisfaction of Licensor, on, over, under, across, and through the lands of Licensor as may be required by Licensee for the purpose of bringing electricity, gas, water, telephone, and any and all other utilities to the Premises; and (3) the right to park vehicles in an area or areas approved by Licensor on or about the Site during periods of construction, site inspection, and at times of necessary maintenance and repair work. All areas designated shall be shown on drawings to be provided on sites and initialed by a representative of both parties indicating approval thereof.

2. **Use.** Licensor, subject to the terms and conditions hereof, grants to Licensee the non-exclusive license to install, repair, replace, maintain, and operate communications equipment ("Equipment") on the electric self-support utility pole ("Tower") and the right to construct and use equipment cabinets ("Cabinets") located at Licensor's facility ("Premises"). The Licensee shall submit to Licensor construction plans for the description, type, and location of the Cabinets, the Equipment, methods of attachment, cables, wires, conduits, and other attachments to the Equipment and shall obtain the written approval of the Licensor before beginning construction. If Licensor does not provide such approval or request for changes within ten (10) business days, Licensor shall be deemed to have approved the Plans. Licensor shall not be entitled to receive any additional consideration in exchange for reviewing or giving its approval of Licensee's Plans. The Licensee shall also attend a pre-construction conference with Licensor before beginning any construction activities at the site.

Licensor and Licensee agree that the primary function of the Tower is to provide support the electric conductors and other related functions associated with providing utility services to Licensor's customers. Should Licensor determine, in its sole discretion, that the performance of this Agreement interferes with that primary function, Licensor may terminate this Agreement with six (6) months written notice to Licensee so long as such time frame is within the control of Licensor, or for such shorter time frame as may be required by governmental regulation or other similar requirement beyond the control of Licensor. Licensee shall have the right during said six (6) months or shorter period to cure the interference problem to the satisfaction of Licensor; provided,

however, that if said cure is not achieved in the reasonable judgment of Licensor, Licensee must have completely vacated the Tower by the expiration of said six (6) months or shorter period. In the event Licensee must vacate the Tower, Licensee shall have the right to erect a temporary tower at the site (c.o.w. {cell on wheels}) for a period not to exceed six (6) months from the date Licensee must vacate the tower to allow Licensee to locate an alternative location subject to Licensee obtaining all necessary permits and approvals. In the event Licensee determines, in its sole judgment, that the operation of the Tower by Licensor is creating interference with Licensee's use and operation of its facilities at the Tower, Licensee may terminate this Agreement by giving Licensor ninety (90) days written notice. Licensor shall have the same rights to cure as does the Licensee as set forth above. Licensee's right to terminate this Agreement is subject to all terms hereof regarding Licensee's obligation to remove the Equipment and Cabinets at the expiration or termination of this Agreement.

3. **Term.** The initial term of this License shall be for a period of five (5) years commencing upon the Commencement Date of September 1, 2010 and ending at Midnight on the last day of the month in which the fifth anniversary of the Commencement Date shall have occurred (Initial Term). Thereafter, the term of this Agreement shall be automatically extended for one (1) additional automatic (except as otherwise provided herein) term of five (5) years (Renewal Period). Provided that, Licensee may terminate this Agreement at the expiration of the Initial Term or at the expiration of any Renewal Period by giving Licensor not less than six (6) months prior written notice of its intent to terminate. The Renewal Period shall commence automatically without further action on the part of Licensor or Licensee. During the Initial Term and any Renewal Period, each annual License fee shall be three percent (3%) higher than the annual License Fee paid in the immediate prior year.

4. **Continuance of Agreement.** If, at least six (6) months prior to the end of the last Renewal Period, either Licensor or Licensee has not given the other written notice of its desire that the term of this Agreement end at the expiration of the Renewal Period, then, upon the expiration of the Renewal Period, this Agreement shall continue in force upon the same covenants, terms and conditions for a further term of one (1) year, and for annual terms thereafter until terminated by either party by giving to the other written notice of its intention to so terminate at least six (6) months prior to the end of any such annual term. Monthly license fee during such annual terms shall be three percent (3.0%) higher than the license fee paid in the immediate prior year.

5. **License Fee.** (a) Each year during the Initial Term and each year during the Renewal Period, if any, Licensee shall pay to Licensor a non-cancelable license fee (hereinafter referred to as the License Fee) in the amounts set forth in Paragraph 5 (b) below. License Fee shall be paid in advance in twelve (12) equal consecutive monthly installments on the first day of each calendar month commencing on the Commencement Date. The first such installment shall be due and payable on the Commencement Date of the Initial Term and will include a prorated License Fee amount for the period from the Commencement Date to the first day of the next succeeding calendar month. All payments shall be made directly to the Public Works Commission of the City of Fayetteville and received by it no later than the tenth (10th) day of each month. Such payment should be mailed to the attention of Brenda Chester, Chief Accountant, Public Works Commission, P.O. Drawer 1089, Fayetteville, NC 28302. The check shall also include the site number on the check stub. Subject to the provisions of Paragraph 5 (c) hereof, the License Fee set forth above is exclusive of charges for the furnishing of any utilities such as, but not limited to, electricity, gas, water, sewer or telephone.

(b) The non-cancelable license fees for the Initial Term and for the Renewal Periods, as

applicable, the rental rate for each is as follows:

<u>INITIAL TERM</u>	<u>RENEWAL TERM</u>
Year 1: \$23,592.00	Year 6: \$27,349.59
Year 2: \$24,299.76	Year 7: \$28,170.08
Year 3: \$25,028.75	Year 8: \$29,015.18
Year 4: \$25,799.62	Year 9: \$29,885.64
Year 5: \$26,553.00	Year 10: \$30,782.21

(c) Licensee shall have a separate electric meter to measure Licensee's electric consumption and Licensee shall pay directly to the electric service provider all applicable costs associated with the installation of electric service and for any electricity used by Licensee's Equipment.

**6. Installation and Operation of Equipment.** (a) Licensee shall install and operate its Equipment during the term hereof in compliance with all present and future rules and regulations imposed by any local, state, or federal authority having jurisdiction with respect thereto including, without limitation, the rules and regulations of the Federal Communications Commission (hereinafter referred to as the "FCC"), the Federal Aviation Administration (hereinafter referred to as the "FAA"), and the Occupational Safety and Health Act (OSHA). Prior to installation of its Equipment, or making any modifications or changes to its Equipment, if any, Licensee shall comply with the following:

- (i) Licensee shall submit all plans for Licensors review; and
- (ii) Licensee shall be responsible for all costs associated with tower modifications, design, and construction to include engineering and inspection to accommodate joint use of Licensors tower; and
- (iii) Prior to commencement of any work, Licensee shall obtain Licensors written approval and required approvals of all Federal, state, and local agencies. Licensee shall promptly deliver to Licensors written proof of compliance with all applicable federal, state, and local laws, rules, and regulations in connection with any installations, changes, or modifications of Equipment; and
- (iv) All of the installations, modifications, or changes to Licensee's Equipment shall conform with Licensors design specifications and Licensors requirements, including weight and wind load requirements, and shall not interfere with any other radio communications system and equipment located in and upon the Site, provided that such equipment attachment predates the Licensee's Equipment attachment and shall be in compliance with all applicable local, state, and federal government requirements, including but not limited to zoning, FAA, FCC, and OSHA specifications; and
- (v) All of Licensee's Equipment shall be clearly marked to show Licensee's name, address, telephone number and the name of the person to contact in case of emergency, FCC call sign, frequency(s) and location. All coaxial cable shall be identified in the same manner at the bottom and at the top of each transmission line.

(b) In all matters where Licensors approval is required and Licensors should determine in its reasonable discretion that a possibility of a threat of interference or other disruption with the business of the Licensors or other existing licensees exists, Licensee shall obtain Licensors prior consent not to be unreasonably withheld, conditioned, or denied.

(c) In the event that Licensee requires telephone service, Licensee, at its sole cost and expense, shall obtain such telephone service. Any work performed in connection with the telephone service shall comply with the provisions of subparagraph (a) hereof. Licensee hereby agrees that any telephone lines

installed by Licensee shall be located as reasonably directed by Licensor.

(d) In the event a zoning variance, special use permit, or other similar governmental approval is required in connection with installation or any proposed modification of Licensee's Equipment, Licensee shall be solely responsible for obtaining appropriate approval provided that Licensor agrees to reasonably cooperate with Licensee in obtaining any such permits or approvals at no cost to Licensor.

(e) In order to ensure Licensee's compliance with provisions of this Agreement, plans and specifications for Licensee's Equipment and any modifications thereto shall be submitted to Licensor for review and approval by Licensor or engineers/consultants selected by Licensor subject to the approval condition in section 2 of this Agreement. Licensee shall reimburse Licensor for Licensor's reasonable expenses incurred in connection with such review and approval. Such expenses reimbursable by Licensee shall not exceed \$2,500.00. All work performed at this Site in connection with installation and modification of Licensee's Equipment shall be performed by contractors selected by Licensee and reasonably approved by Licensor at Licensee's expense. Licensee is responsible for incurring all expenses to include compliance with all local, State of North Carolina, and federal laws, rules, and regulations during installation of Licensee's equipment.

(f) Licensor acknowledges that if Licensee does not receive any of the approvals, consents, or access rights described above which Licensee determines are necessary for the initial installation or subsequent modification of its Equipment or Building, or if any such approvals, consents, or access rights are revoked, Licensee may terminate this Agreement by giving Licensor thirty (30) days prior written notice thereof.

**7. Equipment.** (a) The installation and operation of Licensee's Equipment shall not interfere electrically, or in any other manner whatsoever, with Licensor or any other party or Licensee operating (that predates the installation of Licensee equipment) and maintaining radio communications systems and other equipment at the Site as of the date of this Agreement. This License Agreement is initially limited to the attachment of no more than twelve (12) antennae with usual equipment and accessories necessary in connection therewith. Except as otherwise provided in subparagraph 7 (b) below, it is expressly understood and agreed that if the installation or operation of Licensee's Equipment shall interfere with other radio communications systems and equipment existing at the Site as of the date of this Agreement, Licensee shall upon request (verbal or otherwise), immediately suspend its operations and do whatever Licensor deems necessary to eliminate or remedy such interference. If it is determined that such interference cannot be rectified within a reasonable period of time but not less than 30 days, then Licensor may at its option immediately and without notice terminate this Agreement, or request remedy such interference at Licensee's cost and expense.

Licensor acknowledges and agrees that the foregoing obligation of Licensee to correct interference problems or remove its Equipment shall apply only to interference with Licensor's equipment, whenever it is installed at the Site, or equipment of any other Licensee at the Site as of the date of this Agreement. If interference problems occur with Licensee and equipment of any other Licensee occupying the Site after the date hereof, it shall be the obligation of said subsequent Licensee to adjust its equipment or operations to remedy the interference or remove its equipment. Licensee shall not be required to modify its Equipment or adjust its operations to correct interference problems resulting from a subsequent Licensee at the Site. The Licensee will be primarily responsible for enforcing its rights against other Licensees with appropriate assistance from Licensor.

(b) The installation and operation of Licensee's equipment shall not interfere, in any manner whatsoever, with Licensor's use of Premises for its primary function as a Tower for support of electric

conductors. During the term of this Agreement and subject to the terms hereof, Licensor agrees that Licensee or its agents shall have free access to the Site at all times for purposes of operating, inspecting, maintaining, removing, repairing and replacing Licensee's Equipment. This does not include free access to the Tower which, as previously stated, will have to be coordinated with Licensor at all times by providing Licensor with telephonic notice prior to such access (PWC Electric Construction Manager, Marc Tunstall - 910-223-4502). Licensee agrees to release, discharge, indemnify, and save Licensor, the City of Fayetteville, their agents, employees, successors, and assigns harmless from any and all expenses, claims, demands, damages, action, or causes of action, including reasonable attorney's fees, resulting from or which may result from injury, death, or property damage for failure to comply with these requirements or any other requirements contained in this Agreement.

(c) Licensee understands and agrees that Licensor will perform corrective maintenance and preventive maintenance on its Tower when required as reasonably determined by Licensor. If maintenance by the Licensor would cause interruption to the operation of Licensee's equipment, Licensor will give Licensee thirty (30) days written notice, and Licensee shall make adjustments as needed including removal of Licensee's equipment from the Tower on a temporary basis and will make every reasonable effort not to exceed 48 hours. In the event of emergency repairs by the Licensor to the Site or Tower, Licensee's operations may be interrupted without prior notice from Licensor provided, however, Licensor shall make every reasonable effort to make such emergency repairs in an expeditious manner allowing Licensee to restore its communication services within 48 hours of such interruption(s) or as soon as reasonably possible therewith. In the event such maintenance causes interruption to the operation of Licensee's equipment for a period of time exceeding 48 hours, Licensee shall have the right to install a temporary tower at the Site (c.o.w. {cell on wheels}) during such maintenance period. Once Licensor has completed the corrective or preventive maintenance, Licensee shall remove the c.o.w. (cell on wheels) within 30 days after receipt of written notice by Licensor. In the event Licensee has not removed the c.o.w. (cell on wheels) after the expiration of the 30 day period, there shall be a fine of \$200 per day fee imposed until the c.o.w. (cell on wheels) has been removed and the Equipment placed back on the Tower.

**8. Maintenance and Removal of Equipment.** (a) Licensee, at its own cost and expense, shall be responsible for maintenance of its Equipment and cabinets, if any, on the Site in accordance with all applicable laws, rules, and regulations and this Agreement. All maintenance work shall be performed by contractors licensed by the State of North Carolina. Licensee's access to the Tower shall require complete coordination with Licensor to avoid any safety, electrical loading, and other issues that may arise as a result of the Tower's primary purpose being to support electric conductors. Licensee shall reimburse Licensor for all expenses incurred to accommodate the needs or requirements of Licensee. If the structural safety of the Tower is impaired as a result of the installation of Licensee's Equipment on the Tower, Licensee shall be responsible for making all necessary modifications and repairs at its expense. Notwithstanding the foregoing, Licensor shall have the right to replace or remove the Tower at any time during the term of this Agreement. The Licensor will give the Licensee as much advance notice as possible of the replacement or removal, but in no case less than six (6) months written notice. Licensee will be allowed and shall have the option to occupy the replacement tower under the terms of this Agreement, unless such use of the replacement tower would substantially interfere with the primary function of the tower as determined by the Licensor at its sole discretion. Further, Licensor agrees to allow Licensee to use a (c.o.w. {cell on wheels}) at the Site until the replacement is completed, provided it does not interfere with the construction process and all City of Fayetteville ordinances, such as the Zoning Ordinance, are complied with fully. In the event of removal of the Tower without intent of replacement, this Agreement shall terminate upon the removal of Licensee's Equipment which shall occur no later than on the last day of the notice period.

(b) Upon the expiration or earlier termination of this Agreement and upon the payment of the

License Fee and all other sums due Licensor on such expiration or termination date, Licensee shall remove all Licensee Equipment no later than sixty (60) days after the Agreement has terminated. Any and all removal of Licensee's Equipment shall be performed by a contractor licensed by the State of North Carolina in a workmanlike manner, without any interference, damage or destruction to any other equipment, structures or operations at the Site or any other equipment of other licensees thereon. Any and all interference or damage caused to the Site or Equipment of other Licensees by such removal shall be immediately repaired or eliminated by Licensee. If Licensee fails to make such repairs at Licensee's sole cost and expense within three (3) days after the occurrence of such damage, injury or interference, Licensor may perform all the necessary repairs at Licensee's cost and expense and such sum shall be immediately due upon the rendering of an invoice as an additional fee hereunder.

**9. Miscellaneous Requirements.** (a) All improvements made to the Site by Licensee will be subject to the normal regulatory requirements of the City of Fayetteville and/or any other pertinent regulatory authority.

(b) Immediately upon completion of the improvements, Licensee shall restore any area disturbed by improvements to a condition equal to the original condition reasonable wear and tear excepted.

(c) All equipment of the Licensee must operate so as to comply fully with the Noise Control Ordinance of the City of Fayetteville.

**10. Liability and Indemnity.** Licensee agrees to indemnify and hold Licensor harmless from all costs of any damage done to Licensor's or any other licensee's facilities or equipment maintained at the Site, which damage occurs as a result of the installation, operation, or maintenance of Licensee's Equipment or other improvements except for those costs and damages resulting from the negligence or willful misconduct of Licensor and/or other licensees. Licensee hereby assumes the risk of the inability to operate as a result of any power failure at the Site or any failure of Licensee or Licensee's Equipment for any reason whatsoever and agrees to indemnify and hold Licensor harmless from all damages and costs of defending any claim or suit for damages or any kind including business interruption (and attorneys' fees) asserted against Licensor by reason of such failure. Licensor shall indemnify and hold Licensee harmless from all claims (including attorneys' fees), costs and expenses of defending against such claims) arising from the negligence or willful misconduct of Licensor or Licensor's agents or employees in or about the Site or Tower provided that such claim, damages, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, but only to the extent caused in whole or in part by negligent acts or willful misconduct of Licensor or anyone directly employed by it or anyone for whose acts it may be liable.

**11. Damage or Destruction of the Site.** In the event the Site or any part thereof is damaged or destroyed by the elements or by any other cause, Licensor may elect to repair, rebuild, or restore the Site or any part thereof, to the same condition as it was immediately prior to such casualty. In such event, the payments required herein shall cease, as of the date of such casualty until the Site, in Licensee's reasonable opinion, is restored to a usable condition for Licensee's operation. If Licensor chooses not to repair, restore, or rebuild the Site, Licensor shall send to Licensee a notice of cancellation of this Agreement within thirty (30) days of such casualty. If Licensor fails to give Licensee notice of its intention to repair the Site within such 30-day period, or in the event that Licensor fails to repair the Site in full within ninety (90) days after the date of the casualty, Licensee may terminate this Agreement by giving written notice thereof to Licensor within five (5) days of the expiration of such 30-day or 90-day period, as the case may be. If this Agreement is canceled, the payments required herein shall terminate as of the date of such casualty. Licensor shall not be responsible or liable to Licensee for any loss, damage,



or expense that may be occasioned by, through or in connection with, any acts or omissions of other licensees or Licensees occupying the Site, or for any structural or power failure or by the destruction of or damage to the Site. Licensor agrees to allow Licensee to use a (c.o.w. {cell on wheels}) at the site until the replacement is completed provided it does not interfere with the construction process.

**12. Insurance.** (a) Licensee shall keep in full force and effect during the Initial Term and any Renewal Period of this Agreement a comprehensive general liability insurance policy, including blanket contractual and completed operations coverage with limits of liability of at least \$2,000,000.00 in respect to bodily injury, including death, arising from any one occurrence, and \$2,000,000.00 in respect of damage to property arising from any one occurrence. Said insurance policy shall be endorsed to include Licensor as an additional insured and shall provide that Licensee shall endeavor to give Licensor at least thirty (30) days prior written notice of any cancellation or material change in such insurance policy. Licensee shall, prior to the installation of the Equipment, furnish to Licensor a certificate of insurance confirming that the insurance coverage as specified herein is in full force and effect. Licensee shall indemnify and save Licensor harmless from and against any and all losses, costs, liabilities, damages, judgments, and expenses (including attorneys' fees), in connection with claims resulting from bodily injury or death of any person or from damage to any property sustained by any person, including Licensee, caused by or arising from, any operations at the Site by Licensee or Licensee's contractors, agents, invitees, visitors, servants or employees, including but not limited to, the installation, removal, and maintenance of the Equipment and other Improvements except for those costs and damages resulting from the negligence or willful misconduct of Licensor.

(b) Notwithstanding the foregoing insurance requirements, the insolvency, bankruptcy, or failure of any insurance company carrying insurance for Licensee, or the failure of any such insurance company to pay claims accruing, shall not be held to waive any of the provisions of this Agreement or relieve Licensee from any obligations under this Agreement.

**13. Taxes.** Licensee shall pay annually an amount equal to any increase in real estate taxes, if any, directly attributable to the addition of the Licensee's Facilities to the Site made by Licensee. If such tax is paid by Licensor, Licensee shall reimburse Licensor for the amount of any such tax payment within sixty (60) days of receipt of sufficient documentation indicating the amount paid and the calculation of Licensee's pro rata share; such documentation shall be deemed sufficient only if it definitively evidences that portion of the tax increase arising directly out of the addition of the Licensee's Facilities such as, by way of example, the relevant tax assessor's designation of the value of the addition of the Licensee's Facilities. Upon written request by Licensee, Licensor shall furnish evidence of payment of all taxes.

**14. End of Agreement - Equipment.** Licensor agrees that no part of the Equipment or improvements constructed, erected, or placed by Licensee on the Tower shall be considered as being affixed to or a part of the Tower and further agrees that all Equipment and improvements of every kind and nature constructed, erected, or placed by Licensee on the Tower shall be and remain the property of Licensee.

**15. Attachment of Equipment.** Licensee shall not affix any of its Equipment, cables, wires, conduits or other related equipment contemplated by this Agreement to Licensor's Tower in a permanent type attachment such as by welding or in such other manner which would affect the structural integrity of the Tower or in any way make removal of such Equipment unreasonably difficult.

**16. Notices.** All notices required to be given hereunder shall be given in writing certified or registered mail, return receipt requested, or overnight mail at the respective addresses of the parties set forth herein or at such other address as may be designated in writing by either party. Notice given by mail

shall be deemed given three days after the date of mailing thereof as follows:

Licensee's address for notice purposes is: New Cingular Wireless PCS, LLC  
Attn: Network Real Estate Administration  
Re: Cell Site #: 141-241  
Fixed Asset No.: 10138029  
12555 Cingular Way, Suite 1300  
Alpharetta, GA 30004

With mandatory copy to: New Cingular Wireless PCS, LLC  
AT&T Legal Department/Real Estate  
Re: Cell Site #: 141-241  
Fixed Asset No.: 10138029  
1025 Lenox Park Blvd, 5<sup>th</sup> Floor  
Atlanta, GA 30319

Licensors address for notice purposes is: Public Works Commission  
Post Office Drawer 1089  
Fayetteville, NC 28302-1089  
Attention: Chief Administrative Officer

**17. Default and Remedies.** In the event of Licensee's default hereunder, including but not limited to (i) the failure of payment of fees, additional fees, or other payments set forth herein when due, and Licensee's failure to cure same within ten (10) days after receipt of notice of such failure from Licenser; (ii) Licensee's failure to perform any other term or condition under this Agreement within forty-five (45) days after receipt of written notice from Licenser specifying the failure; (iii) abandonment of either the Equipment or that portion of the Site upon which the Equipment was installed; (iv) the filing of any case, proceeding, or other action under any existing or future law of any jurisdiction, domestic or foreign, relating to bankruptcy, insolvency, reorganization or relief of debtors, seeking to have an order for relief entered with respect to Licensee, or seeking reorganization, arrangement, adjustment, winding-up, liquidation, dissolution, composition, or other relief with respect to Licensee or its debts; or (v) the making by Licensee of an assignment or any other arrangement for the general benefit of creditors under any state statute, Licenser shall be entitled at Licenser's option to terminate this Agreement and to remove all of Licensee's Equipment, improvements, or personal property located at the Site at Licensee's cost and expense. In the event that Licenser should, as a result of Licensee's default, incur any costs or expenses on behalf of Licensee or in connection with Licensee's obligations hereunder, such sums shall be immediately due to Licenser, as an additional fee hereunder upon rendering of an invoice to Licensee.

**18. Regulations and Assignment by Licensee.** This Agreement is made subject to all local, State of North Carolina, and Federal laws, rules and regulations now or hereafter in force, and shall not be modified, extended, or terminated (other than as set forth herein) except by an instrument duly signed by Licenser and Licensee. Waiver of a breach of any provision hereof under any circumstances will not constitute a waiver of any subsequent breach of such provision, or of a breach of any other provision of this Agreement. This Agreement or any rights hereunder may not be assigned, transferred, or otherwise encumbered by Licensee without prior written consent of Licenser provided, however, that Licensee may assign this Agreement without consent of Licenser to its parent, any subsidiary or affiliate, or in connection with a sale of all or substantially all of the stock or assets of Licensee. As a condition to such assignment, however, such person or entity must agree in writing in a document reasonably satisfactory to Licenser to assume all of Licensee's obligations under this Agreement. Since the primary purpose of the Site is a Tower, the Licenser may refuse to allow an assignment in its sole discretion except as otherwise provided above.

**19. Binding on Successors.** The covenants and conditions contained herein shall apply to and bind the heirs, successors, executors, administrators and assigns of the parties hereto.

**20. Governing Law.** The parties intend that this Agreement and the relationship of the parties shall be governed by the laws of the State of North Carolina.

**21. Entire Agreement.** All of the representations and obligations of the parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon a party.

**22. Headings.** The headings of sections and subsections are for convenient reference only and shall not be deemed to limit, construe, affect, modify, or alter the meaning of such sections or subsections.

**23. Severability.** If any section, subsection, term, or provision of this Agreement or the application thereof to any party or circumstance shall, to any extent, be invalid or unenforceable, the remainder of said section, subsection, term, or provision of the Agreement or the application of same

to parties or circumstances other than those to which it was held invalid or unenforceable, shall not be affected thereby and each remaining section, subsection, term, or provision of this Agreement shall be valid or enforceable to the fullest extent permitted by law.

**24. Further Assurances.** Each of the parties agree to do such further acts and things and to execute and deliver such additional agreements and instruments as the other may reasonably require to consummate, evidence, or confirm this Agreement or any other agreement contained herein the manner contemplated hereby.

**25. Joinder of City of Fayetteville.** The City of Fayetteville joins in the execution of this Agreement for the purpose of evidencing the authority of its Public Works Commission, a Commission of the City of Fayetteville, to negotiate for it and to ratify this Agreement.

**26. Hazardous Substances.** To the best of its knowledge, Licenser represents and warrants to Licensee that Hazardous Substances (as defined below) have not been generated, stored, or disposed of at or on the Site nor have the same been transported to or over the Site. A Hazardous Substance shall be interpreted broadly to mean any substance or material defined or designated as hazardous or toxic material, hazardous or toxic or radioactive substance, or other similar term by any federal, state or local environmental law, regulation, or rule presently in effect or promulgated in the future such as, laws, regulations, or rules may be amended from time to time; and it shall be interpreted to include, but not be limited to, any substance which after release into the environment will or may reasonably be anticipated to cause sickness, death, or disease. Licensee will hold Licenser harmless from and indemnify Licenser against and from any damage, loss, expense, or liability resulting from Hazardous Substances generated, stored, disposed of or transported to, on or under the Site as a result of Licensee's use of the Site including all reasonable attorneys' fees and costs incurred as a result thereof. Licenser will hold Licensee harmless from and indemnify Licensee against and from any damage, loss, expense, or liability resulting from any breach of this representation and warranty including all reasonable attorneys' fees and costs incurred as a result thereof. This indemnity shall survive indefinitely any termination of this Agreement. Notwithstanding the foregoing, Licensee shall have the right to have any environmental audit performed, and, in the event that conditions exist which, in the opinion of Licensee, may adversely affect Licensee's use of the Site or Licensee's ability to obtain leasehold financing, Licensee shall have the right to terminate upon written notice to Licenser.

**27. Title and Quiet Enjoyment.** Licenser warrants that it has full right, power, and authority to execute this Agreement. Licenser further warrants that Licensee shall have the quiet enjoyment of the Site during the term of this Agreement or any renewal thereof.

**28. Waiver of Licenser's Lien.** (a) Licenser hereby waives any and all lien rights it may have statutory or otherwise, concerning the antennae, transmission links, and related communications equipment of Licensee or any portion thereof which shall be deemed personal property for the purposes of this Agreement, regardless of whether or not same is deemed real or personal property under applicable tax laws. (b) Licenser acknowledges that Licensee has entered into a financing arrangement including promissory notes and financial and security agreements for the financing of the Licensee Facilities (the "Collateral") with a third party financing entity (and may in the future enter into additional financing arrangements with other financing entities). In connection therewith, Licenser (i) consents to the installation of the Collateral; (ii) disclaims any interest in the Collateral, as fixtures or otherwise; and (iii) agrees that the Collateral shall be exempt from execution, foreclosure, sale, levy, attachment, or distress for any Rent due or to become due and that such Collateral may be removed at any time without recourse to legal proceedings.

**29. Termination.** In addition to the other provisions of this Agreement that provide for termination, this Agreement may be terminated without further liability or penalty, by Licensee: (a) upon a default by Licensor of any covenant or term of this Agreement which is not cured within thirty (30) days of receipt of written notice of default or (b) upon ninety (90) days prior written notice if the Site is or becomes unacceptable under Licensee's design or engineering specifications for its use of Licensee's Equipment or (c) by Licensee if, after using its best efforts, Licensee is not able to obtain or maintain any license, permit or other approval necessary for the construction and operation of Licensee's Equipment, or (d) by Licensee if Licensee is unable to occupy and utilize the Premises due to an action of the FCC, including without limitation, a take back of channels or change in frequencies.

**30. Memorandum of Agreement.** Licensor acknowledges that a Memorandum of Agreement will be recorded by Licensee in the official records of the County where the Site is located. In the event the Site is encumbered by a mortgage or deed of trust, Licensor agrees to obtain and furnish to Licensee a non-disturbance and attornment instrument for each such mortgage or deed of trust, provided the terms of such instrument are reasonable within the discretion of Licensor.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first written above.

**LICENSEE:**

New Cingular Wireless PCS, LLC, a Delaware  
limited liability company

By: \_\_\_\_\_ (SEAL)  
Linda De Young, Area Manager of Real  
Estate and Construction- Carolinas

ATTEST:

\_\_\_\_\_

**LICENSOR:**

PUBLIC WORKS COMMISSION OF THE CITY  
OF FAYETTEVILLE

By: \_\_\_\_\_ (SEAL)  
Steven K. Blanchard, General Manager

ATTEST:

\_\_\_\_\_  
Joan Starling, Senior Executive Assistant

CITY OF FAYETTEVILLE

By: \_\_\_\_\_ (SEAL)  
Anthony G. Chavonne, Mayor

ATTEST:

\_\_\_\_\_  
Rita Perry, City Clerk  
STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I, \_\_\_\_\_, a Notary Public for said county and state, do hereby certify that Joan Starling personally appeared before this day and acknowledged that she is the Senior Executive Assistant of the Public Works Commission, a Commission of the City of Fayetteville, and that by authority duly given and as an act of the Commission, the foregoing agreement was signed in its name by its General Manager and attested by herself as its Senior Executive Assistant.

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

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STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, \_\_\_\_\_, a Notary Public for the County and State aforesaid, do hereby certify that Rita Perry personally appeared before me this day and acknowledged that she is City Clerk for the City of Fayetteville, a municipal corporation, and that by authority duly given and as an act of the corporation, the foregoing agreement was signed in its name by its Mayor, sealed with its corporate seal and attested by her as its City Clerk.

WITNESS my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

---

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public for the County and State aforesaid, do hereby certify that Linda De Young, Area Manager of Real Estate and Construction for New Cingular Wireless PCS, LLC, personally appeared before me this day and acknowledged that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Steven K. Blanchard, PWC CEO/General Manager  
**DATE:** August 23, 2010  
**RE:** Resolution to Direct the Filing of an Application for a State Loan

---

### **THE QUESTION:**

The Public Works Commission of the City of Fayetteville requests Council adopt a Resolution to Direct the Filing of an Application for a State Loan under the N.C. Clean Water Revolving Loan and Grant Act of 1987.

### **RELATIONSHIP TO STRATEGIC PLAN:**

Quality Utility Services.

### **BACKGROUND:**

The Public Works Commission, during their meeting of August 11, 2010 approved Resolution No. PWC2010.04 of the Public Works Commission of the City of Fayetteville, NC to Direct the Filing of an Application for a State Loan under the NC Clean Water Revolving Loan and Grant Act of 1987 and request City Council adopt a similar resolution.

The Public Works Commission intends to request state loan assistance in an amount not to exceed \$30,000,000 for specific wastewater collection system projects outlined in the application. Applications are due September 1, 2010 with notification of award in December. Currently State Loans carry a 2.2% interest rate and no interest during project construction up to 24 months.

### **ISSUES:**

N/A

### **OPTIONS:**

N/A

### **RECOMMENDED ACTION:**

Adopt "Resolution of the City of Fayetteville, North Carolina to Direct the Filing of an Application for a State Loan Under the NC Clean Water Revolving Loan and Grant Act of 1987".

### **ATTACHMENTS:**

Letter from D. Miller

PWC Resolution2010.04

City Resolution





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

**PUBLIC WORKS COMMISSION**  
OF THE CITY OF FAYETTEVILLE

955 OLD WILMINGTON RD  
P.O. BOX 1089  
FAYETTEVILLE, NORTH CAROLINA 28302 1089  
TELEPHONE (910) 483-1401  
WWW.FAYPWC.COM

**ELECTRIC & WATER UTILITIES**

July 30, 2010

**MEMO TO:** Steven K. Blanchard, CEO

**MEMO FROM:** J. Dwight Miller, CFO

**SUBJECT:** Application for a State Loan

The resolution authorizes the General Manager to execute and file an application for a State Revolving Loan for projects listed in the Resolution and for a not to exceed amount. Currently State Loans carry a 2.2% interest rate and no interest during project construction up to 24 months.

Applications are due September 1, 2010 with notification of award in December. Staff feels that a number of current and future listed CIP projects will be viewed favorably if loan money is available.

Staff request that the Commission adopt Resolution No. PWC2010.04 of the Public Works Commission of the City of Fayetteville, NC to Direct the Filing of an Application for a State Loan Under the NC Clean Water Revolving Loan and Grant Act of 1987 and request City Council adopt a similar resolution.

**BUILDING COMMUNITY CONNECTIONS SINCE 1905**

**AN EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER**

**RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA TO DIRECT THE  
FILING OF AN APPLICATION FOR A STATE LOAN UNDER THE NC  
CLEAN WATER REVOLVING LOAN AND GRANT ACT OF 1987**

**WHEREAS**, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater collection system projects, and

**WHEREAS**, The Public Works Commission of the City of Fayetteville, North Carolina (the "COMMISSION") has need for and intends to construct wastewater collection system projects listed in Exhibit A (the "PROJECTS"), and

**WHEREAS**, The COMMISSION intends to request state loan assistance in an amount not to exceed \$30,000,000 for the PROJECTS.

**NOW THEREFORE BE IT RESOLVED, BY THE COMMISSION THAT:**

The COMMISSION will arrange financing for all remaining costs of the PROJECTS, if approved for a State loan award.

The COMMISSION will adopt and place into effect on or before completion of the PROJECTS a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

The COMMISSION agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Commission to make scheduled repayment of the loan, to withhold from the COMMISSION any State funds that would otherwise be distributed to the COMMISSION in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

The COMMISSION will provide for efficient operation and maintenance of the project on completion of construction thereof.

Steven K. Blanchard, General Manager of the COMMISSION (the "AUTHORIZED OFFICIAL"), and successors so titled, is hereby authorized to execute and file an application on behalf of the COMMISSION with the State of North Carolina for a loan to aid in the construction of the PROJECTS described above.

The AUTHORIZED OFFICIAL, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the PROJECTS, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application.

The COMMISSION has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the PROJECTS and to Federal and State grants and loans pertaining thereto.

The COMMISSION requests the City Council of the City of Fayetteville to adopt this Resolution in the form presented above.

Adopted this 11th day of August, 2010, at Fayetteville, North Carolina.

PUBLIC WORKS COMMISSION OF THE CITY  
OF FAYETTEVILLE, NORTH CAROLINA

---

Terri Union, Chairman

ATTEST:

---

Michael G. Lallier, Secretary

Exhibit A

State Revolving Loan Projects

Edgewater/Northview Sewer Relocation	\$ 460,000
20" Force Main Across the Cape Fear River	1,448,000
North Fayetteville Lift Station Upgrades	11,808,000
Rockfish Creek Basin Peak Flow Facilities	9,455,400
Darnell Street Sewer Upgrades	1,216,900
Rehabilitate 48" Outfalls @ Hope Mills Road and Bramblegate	<u>4,120,000</u>
Total	<u>\$28,508,300</u>

**RESOLUTION OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA TO DIRECT THE  
FILING OF AN APPLICATION FOR A STATE LOAN UNDER THE NC  
CLEAN WATER REVOLVING LOAN AND GRANT ACT OF 1987**

**WHEREAS**, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater collection system projects, and

**WHEREAS**, The City of Fayetteville, North Carolina acting by and through the Public Works Commission of the City of Fayetteville, North Carolina (the "CITY") has need for and intends to construct wastewater collection system projects listed in Exhibit A (the "PROJECTS"), and

**WHEREAS**, The CITY intends to request state loan assistance in an amount not to exceed \$30,000,000 for the PROJECTS.

**NOW THEREFORE BE IT RESOLVED, BY THE CITY THAT:**

The CITY will arrange financing for all remaining costs of the PROJECTS, if approved for a State loan award.

The CITY will adopt and place into effect on or before completion of the PROJECTS a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

The CITY agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the CITY to make scheduled repayment of the loan, to withhold from the CITY any State funds that would otherwise be distributed to the CITY in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

The CITY will provide for efficient operation and maintenance of the PROJECTS on completion of construction thereof.

Steven K. Blanchard, General Manager of the Public Works Commission (the "AUTHORIZED OFFICIAL"), and successors so titled, is hereby authorized to execute and file an application on behalf of the CITY with the State of North Carolina for a loan to aid in the construction of the PROJECTS described above.

The AUTHORIZED OFFICIAL, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the PROJECTS, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application.

The CITY has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the PROJECTS and to Federal and State grants and loans pertaining thereto.

Adopted this 23rd day of August, 2010, at Fayetteville, North Carolina.

CITY OF FAYETTEVILLE, NORTH CAROLINA

\_\_\_\_\_  
Mayor

**CERTIFICATE OF RECORDING OFFICER**

The undersigned duly qualified and acting City Clerk of the City of Fayetteville does hereby certify: That the above resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council of the City of Fayetteville, North Carolina duly held on the 23rd day of August, 2010; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
City Clerk

Resolution No.

Exhibit A

State Revolving Loan Projects

Edgewater/Northview Sewer Relocation	\$ 460,000
20" Force Main Across the Cape Fear River	1,448,000
North Fayetteville Lift Station Upgrades	11,808,000
Rockfish Creek Basin Peak Flow Facilities	9,455,400
Darnell Street Sewer Upgrades	1,216,900
Rehabilitate 48" Outfalls @ Hope Mills Road and Bramblegate	<u>4,120,000</u>
Total	<u>\$28,508,300</u>

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Dale Iman, City Manager  
**DATE:** August 23, 2010  
**RE:** Resolution setting a Public Hearing to Consider Economic Development Incentives for a proposed Embassy Suites Hotel and Convention Center.

---

### **THE QUESTION:**

Does the City Council wish to proceed with setting this Public Hearing?

### **RELATIONSHIP TO STRATEGIC PLAN:**

Goal 1 - Greater Tax Base Diversity - Strong Local Economy

### **BACKGROUND:**

- The BRAC RTF study identified as a high priority the development of a 4-star hotel with conference center to meet the anticipated demand generated by the relocation of FORCECOM and USARC to Fort Bragg.
- Five Points Hospitality, Inc. has proposed the development of an Embassy Suites Hotel and Conference Center to be located on Lake Valley Drive.
- An upscale Hotel and Conference Center will allow Fayetteville to compete with other large markets in North Carolina as well as offer opportunities to partner with the Crown Center and other hotels and businesses to attract major business meetings and conferences.
- The Embassy Suites Hotel and Conference Center will feature:
  - 167 two-room suites
  - Full service restaurant and lounge
  - 18,000 SF of prime meeting space
  - Banquet accommodations for 500
  - Meeting space for 1,000
  - Trade show accommodations
- The total project is projected to cost \$30 million.
- The City Council is being asked to schedule a public hearing for September 13, 2010 for the purpose of considering a proposed economic development Incentive package to support this important project.

### **ISSUES:**

A Public Hearing to consider the proposed economic incentive package for this project is required.

### **OPTIONS:**

Set Public Hearing for September 13, 2010

Do not set Public Hearing for September 13, 2010

### **RECOMMENDED ACTION:**

If City Council wishes to consider the proposed economic incentive package, staff recommends setting the Public Hearing for September 13, 2010

### **ATTACHMENTS:**

Resolution - Embassy Suites



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE SETTING A PUBLIC HEARING TO CONSIDER AN ECONOMIC DEVELOPMENT INCENTIVE PACKAGE FOR EMBASSY SUITES HOTEL AND CONVENTION CENTER**

WHEREAS, the City Council of the City of Fayetteville (herein "the Municipality), wishes to set a Public Hearing to consider an economic development incentive package for Embassy Suites Hotel and Convention Center.

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

Section 1. A public hearing to accept citizens' comments regarding the development of an Embassy Suites hotel and convention center on Lake Valley Drive will be held on at 7:00 p.m. on September 13, 2010 in the Council Chambers located at 433 Hay Street, Fayetteville, NC.

Section 2. Notice of the public hearing shall be published in the Fayetteville Observer, a newspaper having general circulation in the City of Fayetteville, North Carolina, at least ten (10) days prior to the date of the public hearing.

ADOPTED this \_\_\_\_\_ day of August, 2010.

CITY OF FAYETTEVILLE

(SEAL)

By: \_\_\_\_\_  
ANTHONY G. CHAVONNE, Mayor

ATTEST:

\_\_\_\_\_  
Rita Perry, City Clerk

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, Planner II  
**DATE:** August 23, 2010  
**RE:** **Case No. P10-26F. The rezoning of 0.97 acres at 6576 Cliffdale Road from R10 Residential District to C1 Commercial District or to a more restrictive zoning classification. Kim O. Miller-Nakamoto and George M. Nakamoto, owners.**

---

### **THE QUESTION:**

Whether or not to rezone a residential zoning district to a commercial zoning district to allow for commercial use in a residential area.

### **RELATIONSHIP TO STRATEGIC PLAN:**

Goal 2 - Growing City, Livable Neighborhoods - A great place to live; Objective 2 Well-organized neighborhoods...

### **BACKGROUND:**

Owner: Kim O Miller Nakamoto and George M Nakamoto  
Applicant: Kim O Miller Nakamoto and George M Nakamoto  
Requested Action: R10 to C1  
Property Address: 6576 Cliffdale Road  
Status of Property: Developed  
Size: 0.97 +/- acres  
Existing Land Use: Single family detached residential  
Adjoining Land Use & Zoning: North – R6 & R5A – Residential Development / South – R10 Residential / East – R5A - Residential / West – R6 - Residential  
Letters Mailed: 59  
Transportation: Cliffdale Road is a Major Thoroughfare. It has an average daily traffic count of 30,000 vehicles.

2010 Land Use Plan: Medium 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.

Policy 9.3: OFFICE AND INSTITUTIONAL DEVELOPMENT may be encouraged to locate as a transitional land use between residential areas and activities of higher intensity, including major highways. Existing residences fronting on a once quiet roadway, now intensively traveled, may be candidates for conversion to office and institutional uses.

R10 – "Primarily a single-family residential district with smaller lot areas required but including occasional two-family and multifamily structures on larger lots." (5 residential units would be allowed on this lot under the current zoning)

C1 - "Primarily for the conduct of retail trade in outlying shopping areas with emphasis on daily necessities for the convenience of surrounding residential areas."

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."

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

**ISSUES:**

This property is currently used as a single family detached residential unit. It is completely surrounded by residential districts and low-moderate density residential development. The closest commercially zoned property is approximately 800 feet to the west. The applicant would like to open a beauty salon/barbershop and retail store (although any use or building permitted by the standards of the zoning district could be placed on site if approved - see attachment listing uses allowed in the C1 zone).

Zoning Commission recommends Approval of the rezoning to P2 Professional, not C1 as requested by the applicant:

1. The rezoning is in keeping with the character of the neighborhood.
2. Cliffdale Road is a major thoroughfare.
3. The proposed use is needed because of the multi-family development around this property

*Staff recommended Denial of the rezoning to C1 to the Zoning Commission based on:*

1. *The 2010 Land Use Plan calls for Medium Density Residential for this property.*
2. *2030 Plan cautions against rezoning properties to commercial mainly because it is on a major Thoroughfare.*
3. *This property is surrounded by residential zoning and uses.*

**OPTIONS:**

1. Deny the rezoning of this property. (Recommended by staff);
2. Rezone the property to C1 commercial;
3. Rezone the property to a more restrictive zoning district (Recommended by Zoning Commission to P2).

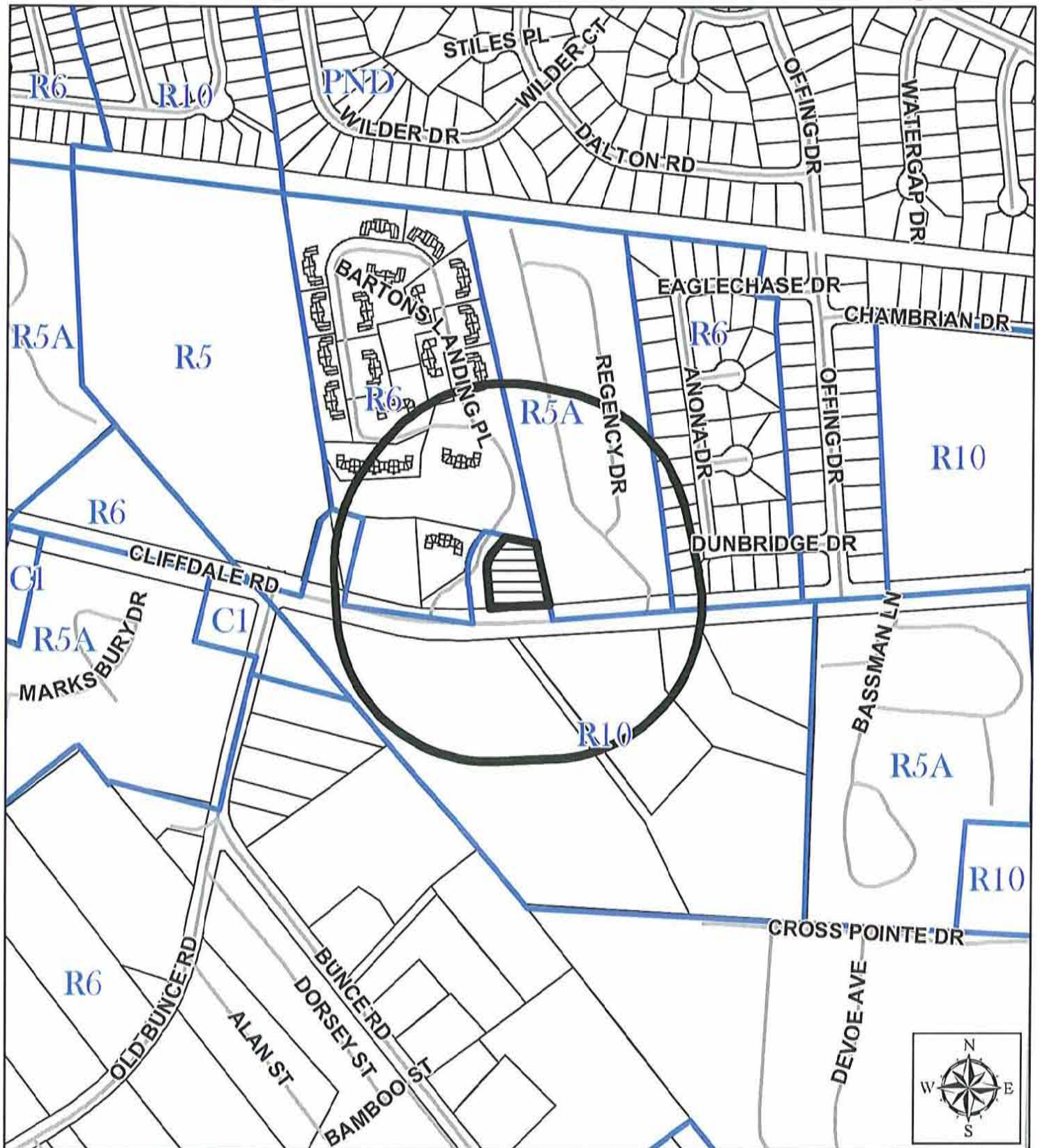
**RECOMMENDED ACTION:**

Staff recommends that the City Council move to Deny the rezoning from R10 Residential Zoning District to C1 Commercial Zoning District based on the reasons provided above (in issues) and that the rezoning is not in keeping with the City's Comprehensive Plan.

**ATTACHMENTS:**

Zoning Map  
2010 Plan  
Ortho Photo  
Zoning Commission Minutes  
List of Uses in C1 District  
List of Uses in P2 and P4 Districts

**ZONING COMMISSION**  
**CASE NO. P10-26F**



Request: R10 to C1  
 Location: 6576 Cliffdale Rd.  
 Acreage: +/- 0.97

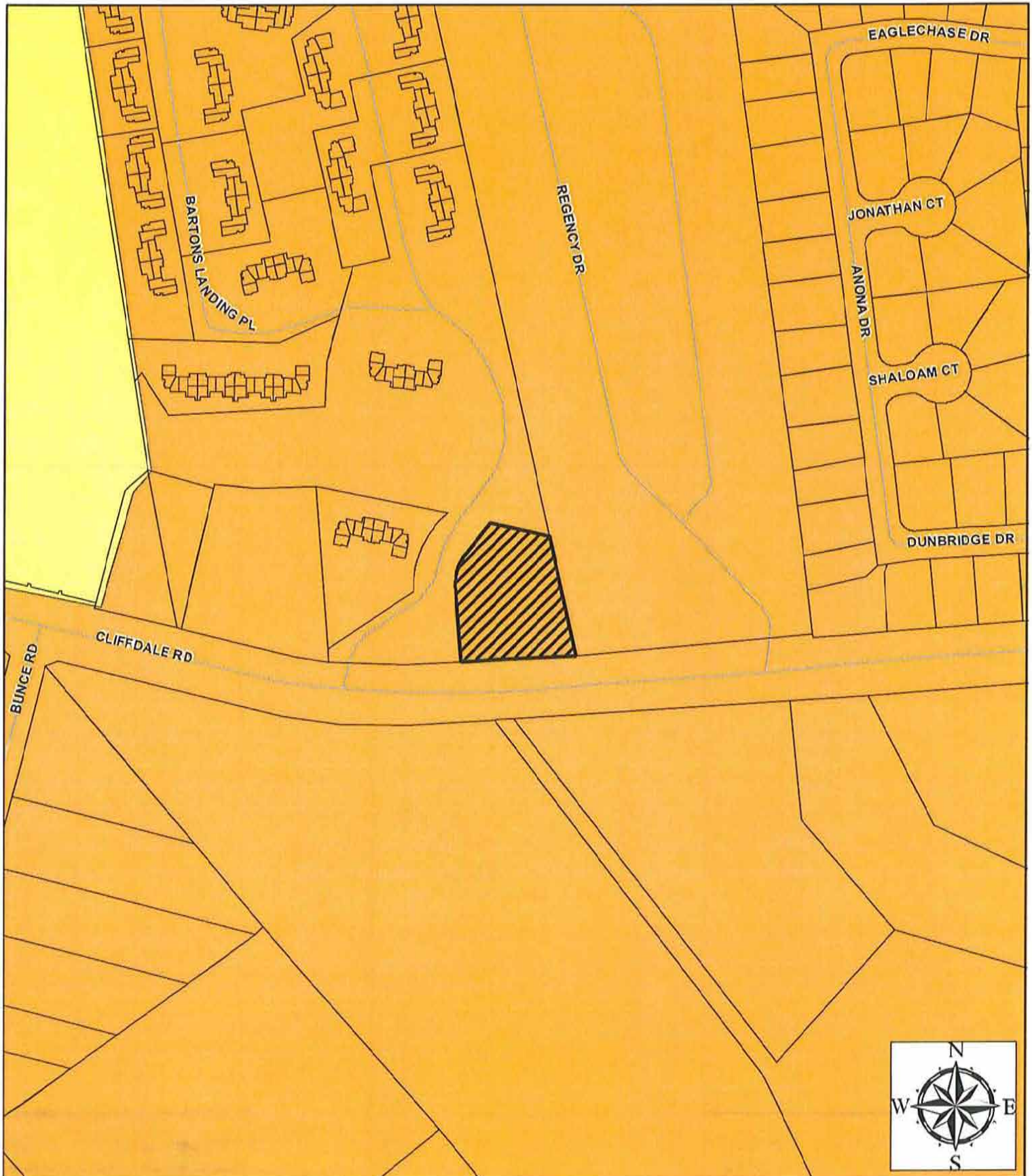
Zoning Commission: 7/13/2010 Recommendation: \_\_\_\_\_  
 City Council: \_\_\_\_\_ Final Action: \_\_\_\_\_  
 Pin: 0407-06-0124

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. P10-26F



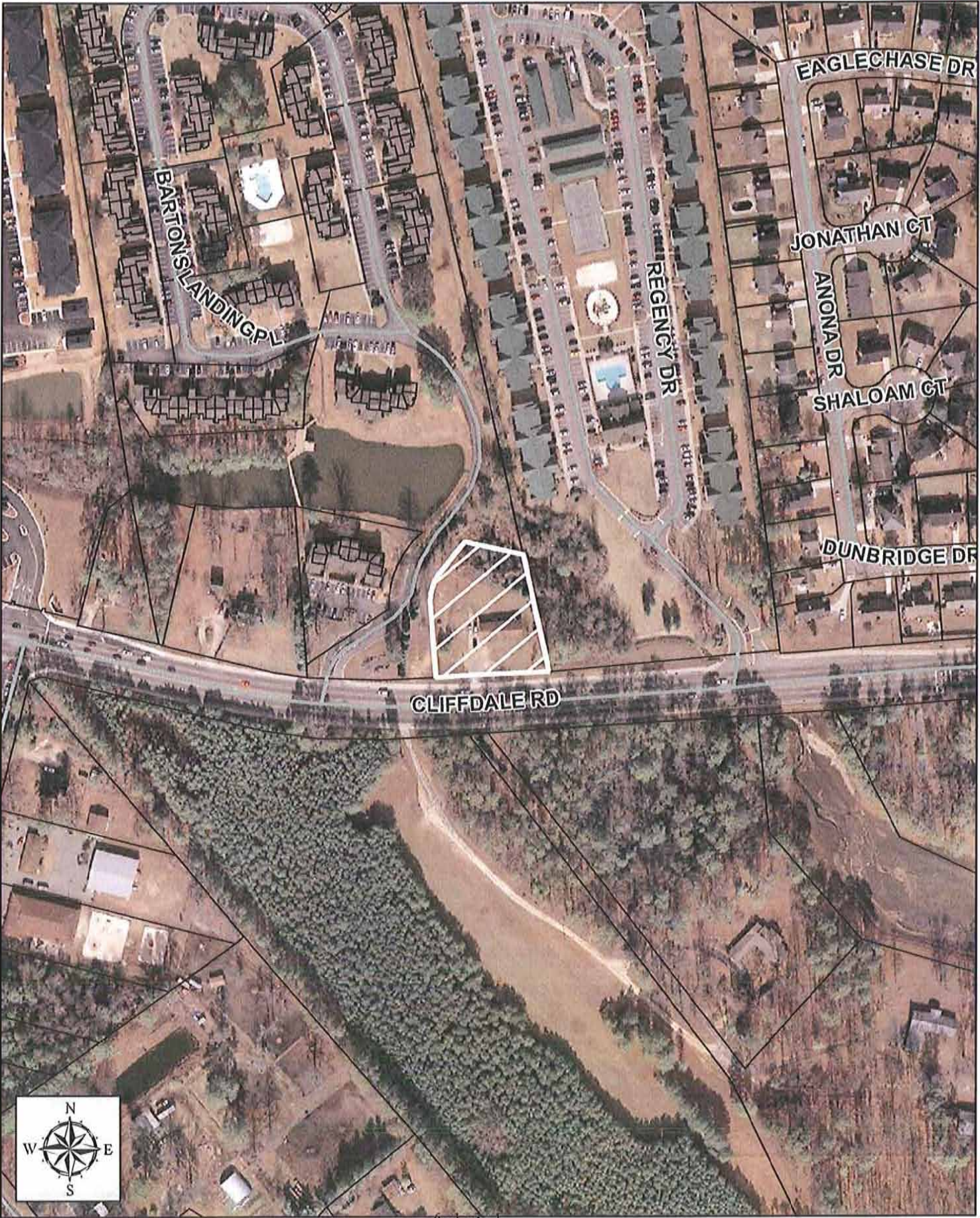
### Legend

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

6-1-2-1



ZONING COMMISSION  
CASE NO. P10-26F





**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBER  
1ST FLOOR, CITY HALL  
JULY 13, 2010 @ 7:00 P.M.**

**MEMBERS PRESENT**

Pete Paoni  
Richard West  
John Crawley  
Lockett Tally  
Marshall Isler  
Martin J. Hendrix  
Steve Mannell

**MEMBERS ABSENT**

**OTHERS PRESENT**

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

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

**I. APPROVAL OF AGENDA**

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

**II. APPROVAL OF THE MINUTES FROM THE JUNE 8, 2010 MEETING**

Mr. West made a motion to approve the minutes from the June 8, 2010 meeting. The motion was seconded by Mr. Tally. A vote was taken and passed unanimously.

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

**III. PUBLIC HEARINGS**

- A. Case No. P10-26F. The rezoning from R10 Residential District to C1 District or to a more restrictive zoning classification for property located at 6576 Cliffdale Road. Containing 0.97 acres more or less and being the property of Kim O. Miller-Nakamoto and George M. Nakamoto.**

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

Mr. Harmon explained that this property is currently developed as a single family detached residential unit and is completely surrounded by residential districts. Mr. Harmon stated that the closest commercially zoned property is approximately 800 feet to the west. Mr. Harmon stated that the applicant would like to open a beauty salon/barbershop and retail store.

Mr. Harmon stated that staff recommendation is denial of the rezoning to C1 based on the following reasons:

1. The 2010 Land Use Plan calls for Medium Density Residential for this property.
2. 2030 Plan cautions against rezoning properties to commercial mainly because it is on a major Thoroughfare.
3. This property is surrounded by residential zoning and uses.

The public hearing was opened.

Ms. Kim Nakamoto appeared in favor of the request. She stated she would like to have her own business at this location.

There was no one to speak in opposition.

The Commission discussed options that may be available for Ms. Nakamoto to include living in the house and working but Ms. Nakamoto explained that she would like to have additional workers at the business.

The public hearing was closed.

The Commission had questions for staff. Mr. Paoni asked what other options would be available for Ms. Nakamoto. Mr. Harmon explained that options that were discussed with Ms. Nakamoto at the time of application and he also explained options that were currently available to the Commission including a rezoning to P2.

Mr. West made a motion to deny the request. There was no second. The motion died.

Mr. Crawley made a motion to approve the request to P2. Mr. Isler seconded the motion. A vote was taken passed unanimously.

Mr. Harmon reminded the applicant that it would go to the August 23, 2010 City Council meeting.



**Sec. 30-117. C1 local business district.**

The following uses are permitted in the C1 local business district:

- (1) Any use permitted in the P2 professional district except residences.
- (2) Alcoholic beverage packages retail sales.
- (3) Antiques and gift retail sales.
- (4) Art supply retail sales.
- (5) Assembly halls, coliseums, gymnasiums and similar structures.
- (6) Automobile commercial parking enterprises, including parking garages.
- (7) Automobile, new and used, and accessory sales; provided that no repair facilities shall be maintained and provided further, that all vehicle display areas are maintained at least five feet from any street right-of-way line; and provided further, that on any corner lot any vehicle display area must be set back at least 30 feet from the point of intersection of the two right-of-way lines; and all lighting shall be limited to the property and properly screened from any adjacent residential uses.
- (8) Automobile service stations with at least 15 off-street parking spaces with no gasoline or oil pump or appliance located within 15 feet of any street line unless within a building, provided that any operations creating excessive noise shall be enclosed in a structure having four walls.
- (9) Bakery shops and confectioneries operating both wholesale and retail business, provided such operations are limited to 1,500 square feet of manufacturing area and to the use of nonsmoke producing types of furnaces.
- (10) Bicycle sale and repair.
- (11) Book and stationery stores except stores defined under section 30-125.
- (12) Bowling alleys and roller rinks when housed in a permanent structure.
- (13) Brewpubs operating retail, or retail and wholesale business, provided that at least 51 percent of the square footage of the establishment be used for restaurant use. Any area used for manufacturing or storage for the purposes of producing beer shall be considered brewery use.
- (14) Catering establishments.
- (15) Child care facilities, provided the facility is located 500 feet or more from a club or place of entertainment defined under section 30-125, as measured from the exterior walls of such use.
- (16) Circuses, carnivals, fairs and sideshows by nonprofit organizations after obtaining a permit from the inspections director or his designee, in accordance with chapter 24, article VIII, of this Code.
- (17) Clothing sales.
- (18) Clubs and other places of entertainment operated as commercial enterprises except clubs and places of entertainment defined under section 30-125 shall be located 500 feet or more from daycares, schools or places of worship as measured from the exterior walls of such uses.
- (19) Dairy bars and ice cream manufacture for retail sale on the premises only.
- (20) Department and variety stores.
- (21) Drugstores.
- (22) Dry cleaning pickup stations.
- (23) Dry cleaning, pressing and dyeing plants operated in conjunction with retail service counter, provided that not more than 2,000 square feet is devoted to these processes.

- (24) Eating and drinking establishments including drive-in curb service except establishments defined under section 30-125.
- (25) Finance and loan companies.
- (26) Florist retail.
- (27) Food processing, for sale at retail on the premises, but excluding the killing and dressing of any flesh or fowl.
- (28) Food stores (retail only)—Grocery, delicatessen, meat and fish, but excluding the killing and dressing of any flesh or fowl.
- (29) Frozen food lockers.
- (30) Funeral homes, undertaking establishments, embalming, crematoria.
- (31) Furniture retail sales.
- (32) Furriers, retail sales.
- (33) Fur storage.
- (34) Government buildings: Buildings used exclusively by the federal, state, county or city government for public purposes.
- (35) Grounds and facilities for open-air games or sports for patron participation, excluding miniature cars.
- (36) Hardware, appliances and electrical items retail sale.
- (37) Hat cleaning and blocking.
- (38) Hotels and inns.
- (39) Jewelry and watch sale.
- (40) Laboratories for research and testing.
- (41) Laundries: All hand laundries and any small power laundries operated in conjunction with a retail service counter on the premises, where not more than 2,000 square feet of floor space is devoted to the laundering and finishing processes, provided the total operating capacity of all commercial washing machines shall not exceed 400 pounds and no coal-burning or smoke-producing equipment is used.
- (42) Launderette service: Where individual, family-sized laundry equipment is rented for use by the customer.
- (43) Laundry pickup stations.
- (44) Libraries, museums and art galleries.
- (45) Lock and gunsmiths.
- (46) Lodges, fraternal and social organizations.
- (47) Motels and motor courts except as defined under section 30-125.
- (48) Motorcycle sales, to include service and repair; provided that all service and repair activities shall be conducted in a permanently enclosed structure; provided further, that a new vehicle display area shall be set back at least five feet from the street right-of-way.
- (49) Music stores.
- (50) Musical, dramatic and other artistic programs or events.
- (51) Newsstands.
- (52) Office buildings: Governmental and private office buildings, including professional offices.
- (53) Office equipment and supplies, sales and service.

- (54) Office and secretarial service establishments.
- (55) Opticians and optical supplies sales.
- (56) Packaged fertilizer retail sales.
- (57) Packaged feed and seed retail sales.
- (58) Paint retail sales.
- (59) Pawnshops and secondhand stores.
- (60) Pet shops, bird stores, taxidermists, commercial kennels, provided that all animals are housed within a building.
- (61) Photographic studios and camera supply stores.
- (62) Any physical culture establishment, health salon or health club where the primary services provided are exercise facilities such as indoor tracks, weightlifting apparatus, exercise machines, swimming pools, saunas, or steam rooms, and massages of physical therapy facilities are an incidental or attendant service of the facility.
- (63) Printing, publishing and reproduction establishments.
- (64) Radio, television, retail sales and service.
- (65) Repair and servicing of office and household equipment.
- (66) Retail stores similar to those otherwise named on this list.
- (67) Shoe repair.
- (68) Signs, subject to the provisions of article VIII of this chapter.
- (69) Sporting goods sales.
- (70) Storage, undercover, of goods intended for retail sale on the premises, but not including combustibles; and further provided, that no petroleum derivatives or other inflammable liquids in excess of 550 gallons shall be stored above ground for any purposes in the C1 local business district.
- (71) Tailors, dressmakers, milliners.
- (72) Taxistands, limited to five taxis.
- (73) Theaters, housed in a permanent indoor structure which show only films previously submitted to and rated by the Motion Picture Association of America, except theaters defined under section 30-125.
- (74) Upholstery, paper hanging and decorator shops.
- (75) Veterinary hospitals for small animals, provided that all animals shall be housed within a building.
- (76) Reserved.
- (77) Design requirements for large-scale retail developments (75,000 square feet single tenant).

**Sec. 30-115. P2 professional district.**

The following uses are permitted in the P2 professional district:

- (1) Any use permitted in the P1 professional district.
- (2) Agencies and offices rendering specialized services in the professions, finance, real estate and brokerage, including service agencies not involving on-premises retail trade or on-premises services with and to the general public, nor wholesale trade on the premises, nor maintenance of a stock of goods for display or sale.
- (3) Banks.
- (4) Government buildings: Buildings used exclusively by the federal, state, county or city government for public purposes, except garages, repair or storage yards, warehouses, and buildings used or intended to be used as clubs or penal institutions or for housing of prisoners.
- (5) Interior decoration studios rendering specialized services in the preparation, illustration and implementation of plans, ideas, layouts and schemes, features, and designs for the decoration of the interior of buildings; provided that no retail sales shall be made on the premises or merchandise kept on the premises for sale, no displays shall be made on the premises other than the decoration and furnishing of the building itself, and including incidental preparation and fabrication of materials for individual customers for use in such decorations, provided that not more than five persons employed on the premises shall be engaged in the preparation of such materials.
- (6) Offices of artists, lawyers, architects and engineers.
- (7) Parking lots, commercial or otherwise, for the automobiles and vehicles other than automobiles incidental to a permitted use.
- (8) Photographers' studios.
- (9) Signs, subject to the provisions of article VIII of this chapter.
- (10) Antique shops, tearooms, art shops, specialty clothing boutiques, card and gift shops, watch and clock repair shops, bookstores except those defined in section 30-125, hobby shops such as doll or stamp shops, sewing and knitting supply shops, plant boutiques, catering establishments, special event establishments that allow uses including but limited to weddings, receptions and parties, and similar specialty shops as determined suitable and appropriate by the city council for retail sales and display 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. The primary purpose of providing for such special use permits in this district is to encourage the adoptive use of structures and/or sites deemed historically or architecturally significant to the community and preserve such sites and/or structures as an integral part of the community's heritage. Such special use permits shall be issued only after a finding is made that:
  - a. Such use will occupy a site or structure that is historically or architecturally significant and worthy of preservation.
  - b. Such use shall fit in with the character of the area in which it is to be located and will not be detrimental to the surrounding neighborhood.
  - c. Off-street parking will be provided at a ratio of one space for every 200 square feet of display and sales area.
  - d. Where parking areas are adjacent to residential lots such shall be screened by evergreen plantings that will attain a height of six feet.
  - e. There shall be no outside display and/or sales area on the premises and all activities shall be carried on within the principal structure except for those activities that are allowed in conjunction with special event establishments when found not to be detrimental to the surrounding neighborhood.

f. Unless specifically permitted to the contrary the exterior appearance of a structure that was originally residential in character shall be maintained essentially in its original appearance, and any addition or modification to such structure shall be visually compatible therewith and approved as part of the permit.

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 areas, planting screens, service areas, proposed exterior changes including elevation drawings, and other pertinent data including a description of the proposed use and operation as a specialty shop listed above. 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 purposes of this chapter including, among other things, yards greater than those required in the district in which such use is located. Ownership of the premises shall not affect an approved permit; however, any change in use not otherwise permitted in the P2 professional district must be approved by city council as a new application.

(11) Art galleries.

(12) State licensed massage therapists, beauty, barber, nail and tanning salons.

(Code 1961, § 32-27; Ord. No. S2001-013, § 1, 7-2-2001; Ord. No. S2002-018, § 1, 11-12-2002)

**Sec. 30-119. P4 neighborhood professional district.**

The following uses are permitted in the P4 neighborhood professional district:

Any use permitted in the P2 professional district, provided that no land or building within the P4 neighborhood professional district shall be used except in conformance with a plot plan which has been approved by the planning agency. The decision of the planning agency may be appealed to the city council by any aggrieved party.

All applications for P4 neighborhood professional district shall include an accurate and detailed plot plan of the proposed use showing the location of all buildings, yard dimensions, driveways, parking areas, planting screens, trees with a caliper of five inches or more, service areas, signage and other pertinent data.

(Code 1961, § 32-28.2; Ord. No. S2007-005, § 2, 1-22-2007)

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, Planner II  
**DATE:** August 23, 2010  
**RE:** Case No. P10-27F. The rezoning of 0.34 acres at 7762 Hazelwood Avenue from AR Residential District to P4/CZ Professional Conditional Zoning District. Willie McNeil owner.

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### **THE QUESTION:**

Whether or not to rezone a residential zoning district to a professional zoning district to allow for office and outpatient use.

### **RELATIONSHIP TO STRATEGIC PLAN:**

Goal 2 Growing City, Livable Neighborhoods - A Great Place to Live

### **BACKGROUND:**

Owner: Willie McNeil  
Applicant: Willie McNeil  
Requested Action: AR to P4/CZ  
Property Address: 7762 Hazelwood Ave.  
Status of Property: Illegal non-conforming  
Size: 0.34 +/- acres  
Existing Land Use: Single family detached residential - Used as office space.  
Adjoining Land Use & Zoning: North – AR & R10 – Residential Development / South – AR Residential / East – AR - Residential / West – AR - Residential

2010 Land Use Plan: Low Density Residential

### **2030 Growth Vision Plan:**

Policy 9.3: OFFICE AND INSTITUTIONAL DEVELOPMENT may be encouraged to locate as a transitional land use between residential areas and activities of higher intensity, including major highways. Existing residences fronting on a once quiet roadway, now intensively traveled, may be candidates for conversion to office and institutional uses.

Policy 8.8: EXISTING NEIGHBORHOODS shall be protected from encroachment by incompatible land uses. At the same time, convenient services designed to be compatible with nearby residential uses may be permitted at an appropriate level of design and scale.

Letters Mailed: 59

Community Meeting: A community meeting was held on July 8, 2010. No residents of the neighborhood attended, only the applicant and staff. Since no comments were received, no report was generated.

Transportation: Hazelwood Avenue is a minor neighborhood street. No traffic counts are available.

AR – "This district is designed for rural use to include agricultural use and low-density residential use." (1 residential unit would be allowed on this lot under the current zoning)

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

provide a buffer and transition between residential and commercial districts." Residential uses are allowed in the P4 District.

CZ - "This district is designed for the development and use of the property subject to predetermined ordinance standards and rules imposed as part of the legislative decision creating the district and applying it to the particular property."

**ISSUES:**

This property is surrounded by residentially compatible uses. It is part of a residential subdivision that is on three sides of this property. There is a church to the south of this property. Contrary to 2030 policies that could support a zoning to a non-residential district, this property is within a subdivision and is not in a transition area. As outlined in the attached letter sent to the applicant, it is staff's opinion that this request constitutes an impermissible "spot zoning".

Conditions offered by the owner as conditions of approval, in addition to those shown on the site plan, are:

1. Limiting office hours 9am to 5pm
2. Limiting the use to an outpatient care office

Zoning Commission recommends Approval of the rezoning to P4/CZ based on:

1. The rezoning is compatible with the character of the neighborhood.
2. That P4 zoning would stand as a transition buffer in the future if commercial properties continue to move north from Raeford Road.

*Staff recommended Denial of the rezoning to P4/CZ to the Zoning Commission based on:*

1. *The 2010 Land Use Plan calls for Low Density Residential for this property.*
2. *The 2030 Plan states that offices may be used as transitional uses, but in this case, this property is not located in a transitional area and Hazelwood is not an intensively traveled road.*
3. *This property is surrounded by residential zoning and compatible uses.*

**OPTIONS:**

Deny the rezoning of this property. (Recommended by staff);

Rezoning the property to P4/CZ commercial (Recommended by Zoning Commission);

**RECOMMENDED ACTION:**

Staff recommends that the City Council move to Deny the rezoning from AR Agricultural Residential Zoning District to P4/CZ Professional Conditional Zoning District based on the reasons provided above (in issues) and that the rezoning is not in keeping with the City's Comprehensive Plan.

**ATTACHMENTS:**

Zoning Map

2010 Plan

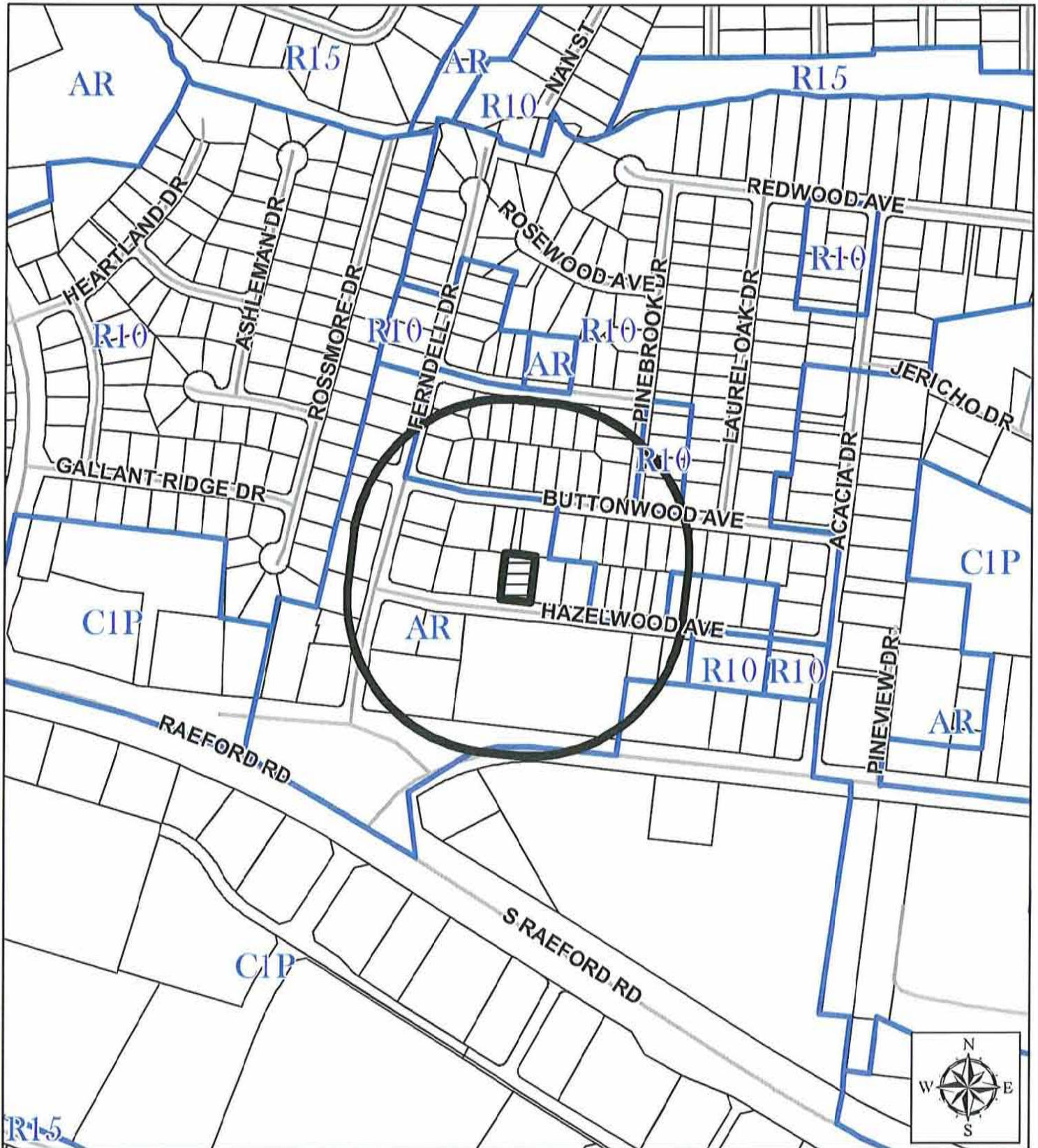
Ortho Photo

Letter to Applicant

Zoning Commission Minutes



ZONING COMMISSION  
CASE NO. P10-27F



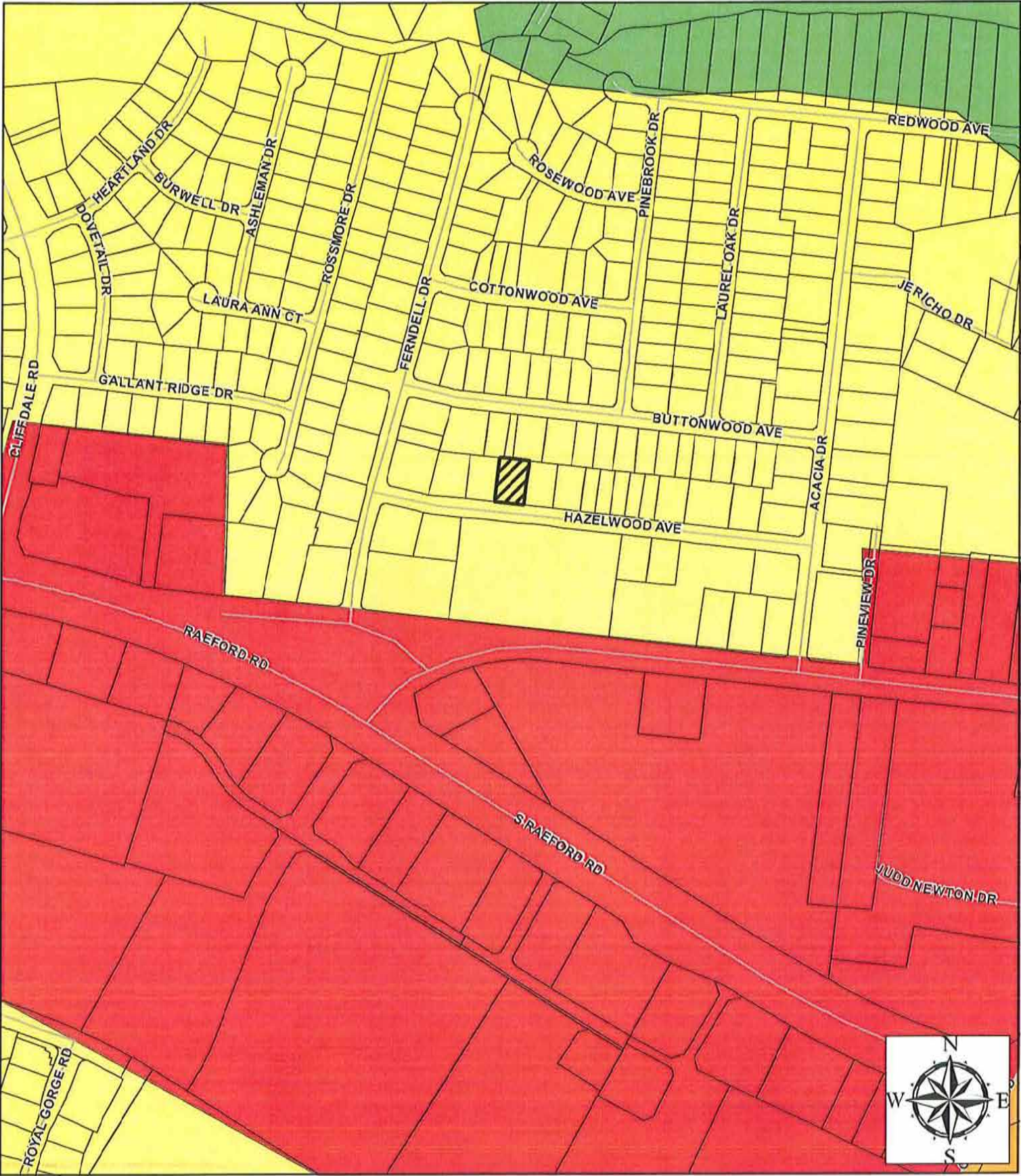
Request: AR to P4/CZ  
Location: 7762 Hazelwood Ave.  
Acreage: +/- 0.34

Zoning Commission: 7/13/2010 Recommendation: \_\_\_\_\_  
City Council: \_\_\_\_\_ Final Action: \_\_\_\_\_  
Pin: 9486-36-2793

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. P10-27F



Legend

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

6-2-2-1



ZONING COMMISSION  
CASE NO. P10-27F





August 10, 2010

Mr. Willie McNeill  
Ms. Melissa McNeill McAllister  
7762 Hazelwood Avenue  
Fayetteville, NC 28314

Re: Rezoning of 7762 Hazelwood Avenue

Dear Mr. McNeill and Ms. McAllister:

This is to follow up the hearing conducted by the Zoning Commission on July 13, 2010 regarding your application to rezone the above referenced property from AR Agricultural Residential to P4/CZ (conditional district). The Zoning Commission voted to recommend approval of the rezoning.

The City Council will hold a public hearing on the application on August 23, 2010 at 7:00 p.m. As reported in the Zoning Commission packet and, for the reasons stated therein, it is staff's recommendation to the Council that the rezoning be denied. The staff is also prepared to argue that a rezoning of this property may constitute impermissible "spot zoning." The factors considered include the size of the parcel, the surrounding uses, the incompatibility of the use with both the 2010 and 2030 Land Use Plans, and the benefit to this parcel and possible detriment to surrounding land owners. Staff will present this information to Council for its consideration in the rezoning of this property.

If you have any questions before the Council meeting, please be sure to contact me at 910/433-1417.

Sincerely,

Craig Harmon  
Planner

Cc: Rob Anderson, Chief Development Officer  
Kristoff Bauer, Assistant City Manager  
Karen Hilton, Manager, Planning and Zoning Division

**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION  
CITY COUNCIL CHAMBER  
1ST FLOOR, CITY HALL  
JULY 13, 2010 @ 7:00 P.M.**

**MEMBERS PRESENT**

Pete Paoni  
Richard West  
John Crawley  
Lockett Tally  
Marshall Isler  
Martin J. Hendrix  
Steve Mannell

**MEMBERS ABSENT**

**OTHERS PRESENT**

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

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

**I. APPROVAL OF AGENDA**

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

**II. APPROVAL OF THE MINUTES FROM THE JUNE 8, 2010 MEETING**

Mr. West made a motion to approve the minutes from the June 8, 2010 meeting. The motion was seconded by Mr. Tally. A vote was taken and passed unanimously.

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

**III. PUBLIC HEARINGS**

- B. Case No. P10-27F. The rezoning from AR Agricultural Residential District to P4/CZ Professional Conditional Zoning District for property located at 7762 Hazelwood Avenue. Containing 0.34 acres more or less and being the property of Willie McNeil.**

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

Mr. Harmon explained that the property is surrounded by residentially compatible uses and that it is part of a residential subdivision that is on three sides of this property. Mr. Harmon stated that there is a church to the south of this property. He stated that this property is within a subdivision and is not in a transition area.

Mr. Harmon stated that the conditions offered by the owner as conditions of approval:

1. Office hours 9am to 5pm
2. Outpatient care office

He stated that staff recommendation of the request is to deny the request to rezone to P4/CZ based on:

1. The 2010 Land Use Plan calls for Low Density Residential for this property.
2. The 2030 Plan states that offices may be used as transitional uses, but in this case, this property is not located in a transitional area and Hazelwood is not an intensively traveled road.
3. This property is surrounded by residential zoning and compatible uses.

Mr. Harmon explained that this came to the attention of the Planning Department because a complaint was filed with the Zoning Department and upon inspection of the property a violation was discovered. Mr. Harmon explained that while some permits for work had been pulled on the property, there was no privilege license or business license on file for the property.

The public hearing was opened.

Ms. Melissa McNeil McAllister appeared in favor of the request. She stated that the office is used as a place to store files, send faxes and store vehicles. She stated that the work is done in the field in the home of the clients. She stated that this property is used as an administrative office and no patients come to the office. She stated that she works only with children age newborn to 17 years of age and all her employees are certified with the state.

Mr. Andrew Privette appeared in favor of the request. He stated that the office has been in operation for more than 18 months. Mr. Privette stated that the inevitable commercial zoning of that area will work best with a P4 zoning. Mr. Privette stated that the applicant had a community meeting and no one showed up for the meeting. He explained that the neighborhood isn't a beautiful subdivision and will eventually all be commercial.

Ms. Suzie Bullock appeared in favor of the request. She stated that she is an employee of the business that is on the property. She stated that the building is used mostly for the housing of records. She stated that the business is a community based business. She said that everything is done in the home environment. She stated that one in a while they would hold a staff meeting and that is the only time there are several people in the office.

No one appeared in opposition of the request.

The public hearing was closed.

The Commission asked Ms. McAllister about her reasons to ask for the rezoning. Ms. McAllister stated that she is attempting to become compliant. The Commission asked about the privilege license. Mr. Steinmetz explained that each business and each location would be required to have a license and that to his knowledge there is not a license on file on that location. Mr. Harmon explained that they did a check on the business name or any of the locations.

Mr. Harmon reiterated that this all started because a complaint was filed about the traffic that was occurring on the property.

Mr. Isler made a motion to approve the request to P4/CZ. Mr. West seconded the motion. A vote was taken and passed unanimously.

Mr. Harmon reminded that applicant that the case will go before City Council at the August 23, 2010 meeting.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Kristoff Bauer, Assistant City Manager  
**DATE:** August 23, 2010  
**RE:** Hope Mills Annexation Agreement

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### THE QUESTION:

Should Council, after a public hearing, adopt an ordinance enacting an annexation agreement with the Town of Hope Mills (attached) creating an annexation boundary consistent with Attachment A thereto.

### RELATIONSHIP TO STRATEGIC PLAN:

Council's Goal 1 "Growing City, Livable Neighborhoods - A Great Place To Live" specifically identifies the development of an "Annexation and Policy: Report, Resolution of Consideration and Actions." This item responds to this action item seeking further guidance from Council to assist in successfully completing this task.

### BACKGROUND:

On February 1st, staff provided a presentation regarding the annexation policy. This presentation included a draft Resolution of Consideration and discussion of voluntary annexation issues between Fayetteville and Hope Mills. Key among those issues was the role of an annexation agreement in removing roadblocks to voluntary satellite annexation to the Town of Hope Mills.

Council consensus at that meeting was that staff should give the development of an annexation agreement with Hope Mills a high priority and, once that was completed, develop a revised Resolution of Consideration related to involuntary annexation based thereon for Council consideration. Council subsequently discussed the need to clarify PWC Policy 150.1 Water and Sanitary Sewer Utility Assessments. Both a proposed Resolution of Consideration and revised PWC Policy 150.1, neither of which require a public hearing, appear subsequently on this agenda for Council consideration.

State law requires that an annexation agreement be adopted by ordinance after a public hearing. The Town of Hope Mills is scheduled to hold a public hearing on this proposed annexation agreement on September 20th. If approved by both elected bodies by September 20th, then that would be the effective date of the agreement. Any change by Hope Mills would require subsequent action by the City Council.

### ISSUES:

The proposed annexation agreement has a term of 20 years from the effective date, but may be terminated by either party, per state statute, upon five years advance notice. Consistent with Council's direction, the proposed annexation boundary is based upon the Municipal Influence Area established through interlocal agreement with Cumberland County. The boundary deviates from that prior area boundary for the following reasons:

- 1) The County school property containing a City recreation center was moved into the City's eventual annexation area as the Town of Hope Mills does not participate in the Fayetteville Cumberland County Parks & Recreation system,
- 2) The Birch Creek and Duck's Landing areas were placed in Fayetteville's annexation area as their only access comes from Fayetteville roadways, and
- 3) Other minor adjustments were made to create an eventual boundary that kept neighborhoods together as much as possible and provided logical jurisdictional boundaries.



The County planning staff has participated in the process of developing this agreement as consultants to the Town of Hope Mills which contracts with the County for planning services.

**OPTIONS:**

1. Pass the ordinance Establishing An Annexation Agreement Between The City Of Fayetteville, North Carolina And The Town Of Hope Mills, North Carolina For The Area Between These Two Municipalities (Recommended)
2. Amend the ordinance prior to passage - this would require the Town of Hope Mills to consider and approve the amended ordinance prior to it becoming effective.
3. Defeat the proposed ordinance - Hope Mills would not be able to voluntarily annex satellite properties closer to Fayetteville.
4. Defer action on the proposed ordinance until a date certain.

**RECOMMENDED ACTION:**

Staff recommends that Council pass the proposed ordinance establishing an annexation agreement with the Town of Hope Mills.

**ATTACHMENTS:**

Hope Mills Annexation Agreement Ordinance

**AN ORDINANCE ESTABLISHING AN ANNEXATION AGREEMENT  
BETWEEN THE CITY OF FAYETTEVILLE, NORTH CAROLINA AND  
THE TOWN OF HOPE MILLS, NORTH CAROLINA FOR THE AREA  
BETWEEN THESE TWO MUNICIPALITIES**

**WHEREAS**, N. C. G. S. Chapter 160A, Article 4A, Part 6 authorizes cities and towns to enter into agreements in order to enhance orderly planning by such cities and towns as well as residents and property owners in areas adjacent to such cities; and

**WHEREAS**, between the City of Fayetteville and the Town of Hope Mills is an area of Cumberland County in which substantial growth has occurred and further growth is anticipated; and

**WHEREAS**, both the City of Fayetteville and the Town of Hope Mills seek to have rational border that support efficient provision of municipal services and public facilities such as fire, police, parks & recreation, sanitation, transportation, etc., and

**WHEREAS**, this ordinance has been adopted following a public hearing notice as required by law.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Fayetteville, North Carolina and the Board of Commissioners of the Town of Hope Mills, North Carolina:

**SECTION 1. Annexation Boundary Line:**

A mutual Annexation Boundary Line is hereby established by and between the City of Fayetteville and the Town of Hope Mills. Said line is shown in the attached map; said map being marked as "Attachment A" and incorporated herein by reference as if fully set out. Said boundary line is established by following existing property lines. Property lines in existence on the date of adoption of this agreement should be referenced in interpreting the specific location of the boundary line described by Attachment A. Any ambiguity in the line location shall be clarified by referencing the closest property boundary such that no parcel with the exception of public right-of-way and parcel #0405-42-0744, discussed further below, will be divided by the established boundary.

**Right-of-way:** Where the Annexation Boundary Line follows right-of-way, the boundary shall be interpreted as the property line between right-of-way edge and the adjacent private property that is nearest to the line indicated by the line in Attachment A, such that no right-of-way is divided lengthwise and any transition from one edge of right-of-way to the other be made in as close to a right angle as practicable.

**Parcel #0405-42-0744:** The Annexation Boundary Line shall initially bisect this property consistent with maps A5 & A6 and legal description included in Attachment B and incorporated herein by reference as if fully set out. The portion of the boundary that does not follow a current property line and is established solely by legal description may be adjusted by up to 150 feet in either direction to coincide with a new property line established by subsequent subdivision of the property without further action by the parties to this agreement.

**SECTION 2. Agreement Not To Annex:**

The City of Fayetteville agrees not to annex the area south (toward the Town of Hope Mills) of the Annexation Boundary Line and the Town of Hope Mills agrees not to annex the area north (toward the City of Fayetteville) of the Annexation Boundary Line.

**SECTION 3. Prior Water/Sewer Annexation Agreements:**

All existing Water/Sewer Annexation Agreements shall be transferred to the municipality that is authorized to annex said property in accordance with the Annexation Boundary Line upon adoption of the Annexation Agreement between the City of Fayetteville and the Town of Hope Mills.

**SECTION 4. Notice Of Future Action:**

Consistent with N. C. G. S. 160A-58.24(a)(5), both governing bodies shall provide notification to the other jurisdiction of all annexation actions within 1,000 feet of the mutual annexation agreement boundary line as described in Section 1 at least 30 days prior to taking action thereon.

**SECTION 5. Effective Date:**

This ordinance shall become effective immediately following its adoption by both governing bodies.

**SECTION 6. Modification:**

This ordinance may not be modified or amended without a subsequent agreement entered into by both the City of Fayetteville and the Town of Hope Mills pursuant to N.C.G.S. 160A-58.24(d). All modifications and amendments to this agreement shall be approved by ordinance and adopted after public hearings by both municipalities.

**SECTION 7. Termination:**

This agreement may be terminated at any time by either the mutual consent of both municipalities in accordance with N.C.G.S. 160A-58.24(d) or by either municipality in the manner prescribed by N.C.G.S. 160A-58.24(f). This agreement shall be effective until such termination occurs or 20 years, whichever comes first.

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

\_\_\_\_\_  
Anthony G. Chavonne, Mayor

ATTEST:

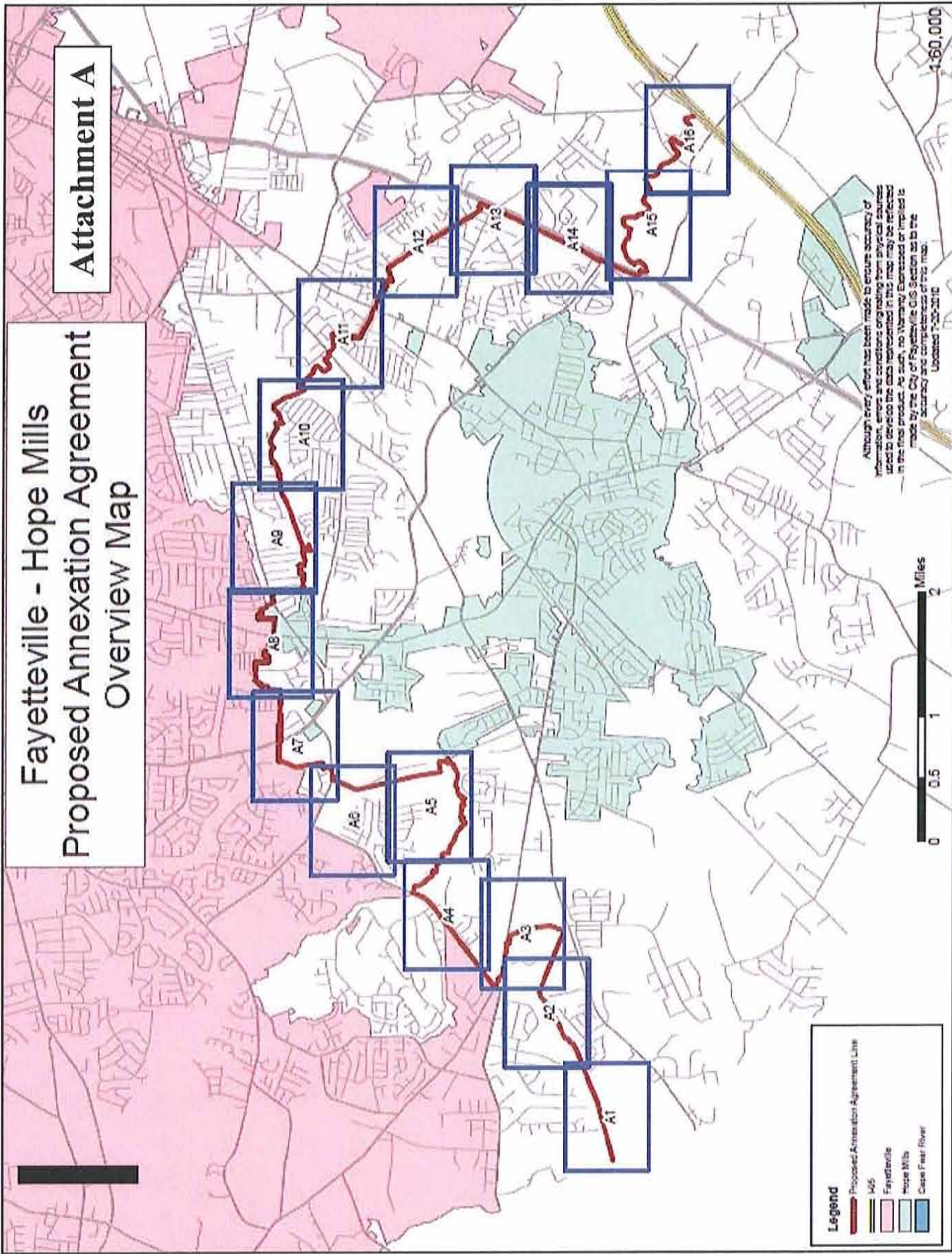
\_\_\_\_\_  
Rita Perry, City Clerk

Adopted by the Hope Mills Town Board of Commissioners in regular session this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Eddie Dees, Mayor






ATTEST:

\_\_\_\_\_  
Connie F. Spell, Assistant Town Manager / Town Clerk



# Fayetteville - Hope Mills Proposed Annexation Agreement A1 Map

## Legend

-  Proposed Annexation Agreement Line
-  I-85
-  Fayetteville
-  Hope Mills
-  Cape Fear River

1:5,000

Although every effort has been made to ensure accuracy of information, errors and conditions originating from physical sources used to develop the data represented in this map may be reflected in the final product. As such, no Warranty, Express or Implied, is made by the City of Fayetteville GIS Section as to the accuracy and completeness of this map.  
Updated 7-20-2010

0 0.05 0.1 0.2 Miles



# Fayetteville - Hope Mills Proposed Annexation Agreement A2 Map

Proposed Annexation Agreement Line

I-85

Fayetteville

Hope Mills

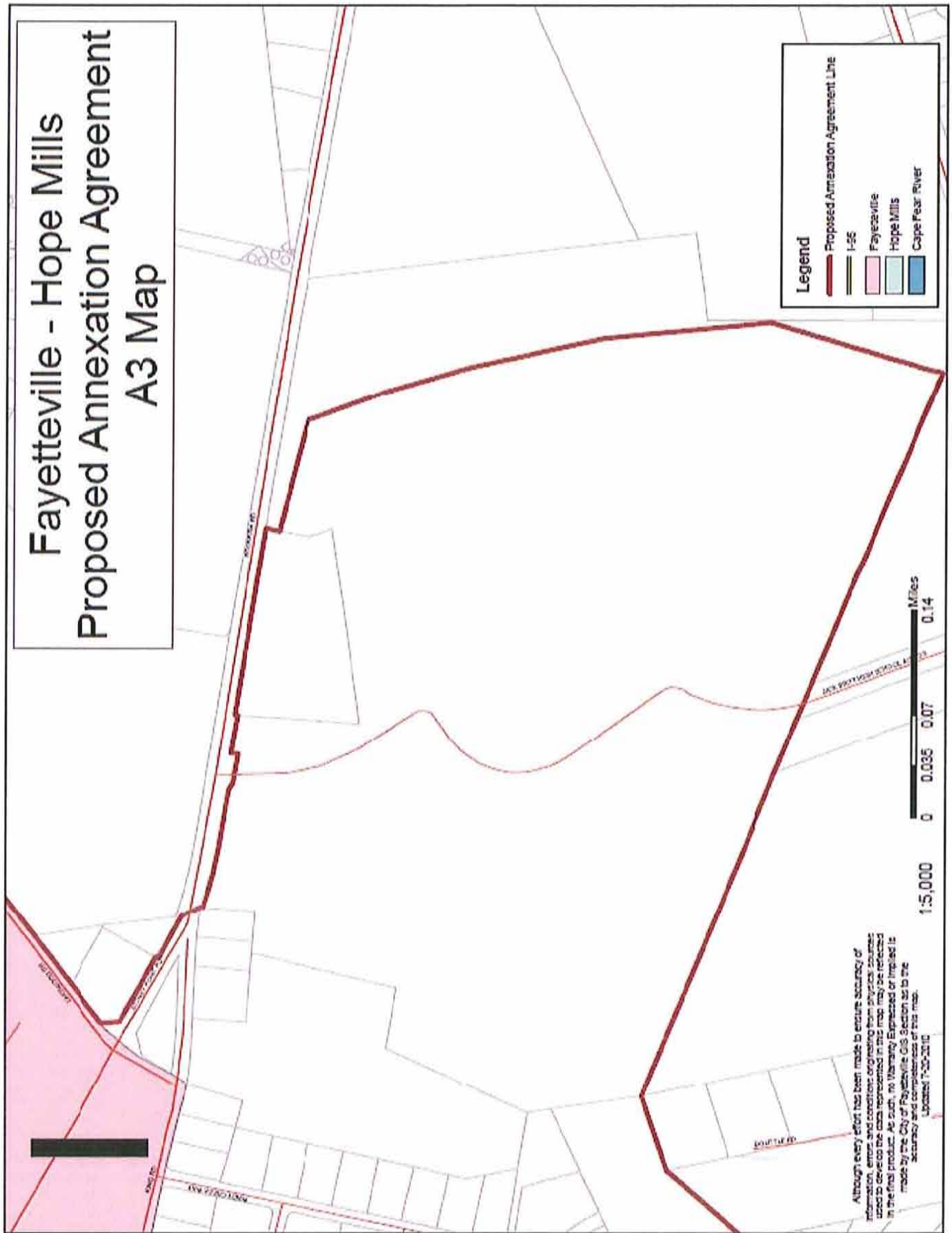
Cape Fear River

Although every effort has been made to ensure accuracy of information, errors and omissions originating from physical sources used to develop the data represented in this map may be reflected in the final product. As such, no Warranty, Express or Implied is made by the City of Fayetteville GIS Section as to the accuracy and completeness of this map.

Updated 7-20-2010

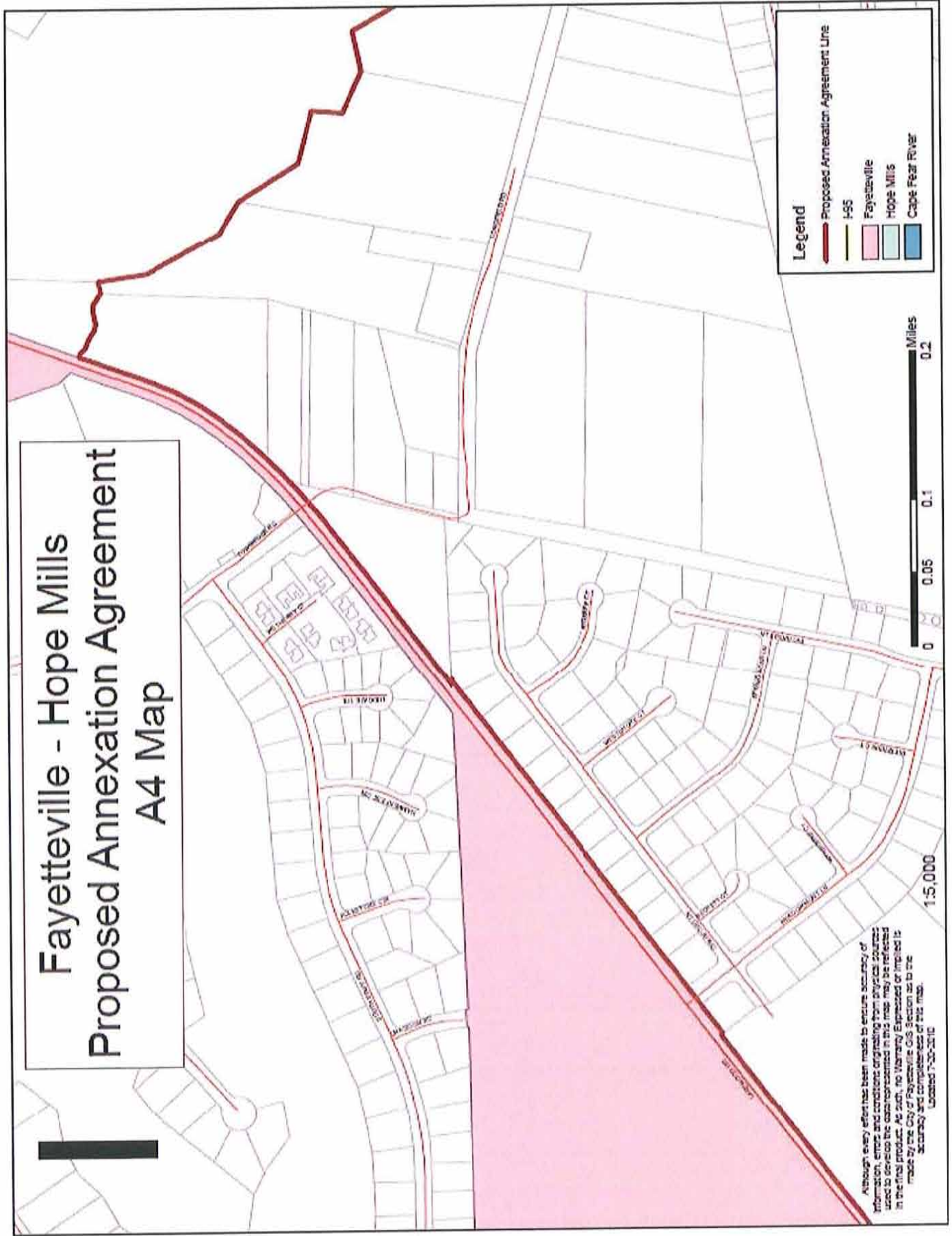


# Fayetteville - Hope Mills Proposed Annexation Agreement A3 Map





# Fayetteville - Hope Mills Proposed Annexation Agreement A4 Map



Although every effort has been made to ensure accuracy of information, errors and conditions originating from physical sources used to develop the data represented in this map may be reflected in the final product. As such, no Warranty, Express or Implied is made by the City of Fayetteville GIS Section as to the accuracy and completeness of this map.

**Fayetteville - Hope Mills  
Proposed Annexation Agreement  
A6 Map**

**Legend**

- Proposed Annexation Agreement Line
- A6S
- Fayetteville
- Hope Mills
- Cape Fear River

Scale: 0 0.05 0.1 Miles

1:5,000

Although every effort has been made to ensure accuracy of information, errors and conditions originating from physical sources used to develop the data represented in this map may be reflected in the final product. As such, no warranty expressed or implied is made by the City of Fayetteville GIS Section as to the accuracy and completeness of this map.

Updated 7-25-2010

Although every effort has been made to ensure accuracy of information, errors and conditions originating from physical sources used to develop the data represented in this map may be reflected in the final product. As such, no Warranty Expressed or Implied is made by the City of Fayetteville GIS Section as to the accuracy and completeness of this map.

Updated 7-30-2010



**Fayetteville - Hope Mills  
Proposed Annexation Agreement  
A7 Map**

**Legend**

- Proposed Annexation Agreement Line
- A7S
- Fayetteville
- Hope Mills
- Cape Fear River

Although every effort has been made to ensure accuracy of information, errors and conditions originating from physics sources used to develop the data represented in this map may be reflected in the final product. As such, no Warranty, Express or Implied is made by the City of Fayetteville GIS Section as to the accuracy and completeness of this map.

Updated 7-20-2010

1:5,000

0 0.05 0.1 0.2 Miles

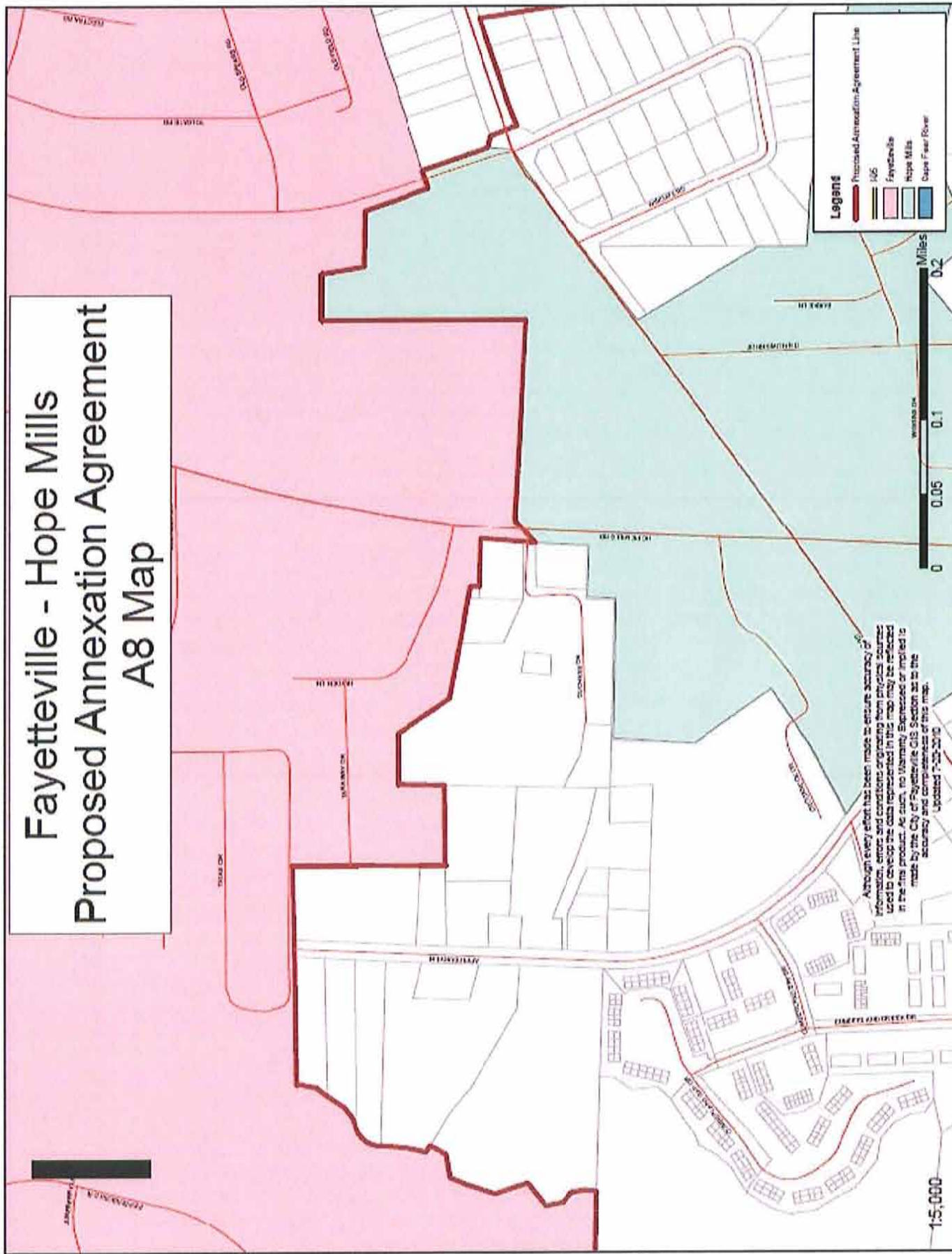
Although every effort has been made to ensure accuracy of information, errors and conditions originating from physical sources used to create the data represented in this map may be reflected in the final product. As such, no Warranty Expressed or Implied is made by the City of Fayetteville. O.S. section 20 to the accuracy and completeness of this map.

Updated 7-20-2010

1:5,000

6-3-1-11

# Fayetteville - Hope Mills Proposed Annexation Agreement A8 Map





**Fayetteville - Hope Mills  
Proposed Annexation Agreement  
A9 Map**

**Legend**

- Proposed Annexation Agreement Line
- US
- Fayetteville
- Hope Mills
- Cape Fear River

0 0.05 0.1 0.2 Miles

1:5,000

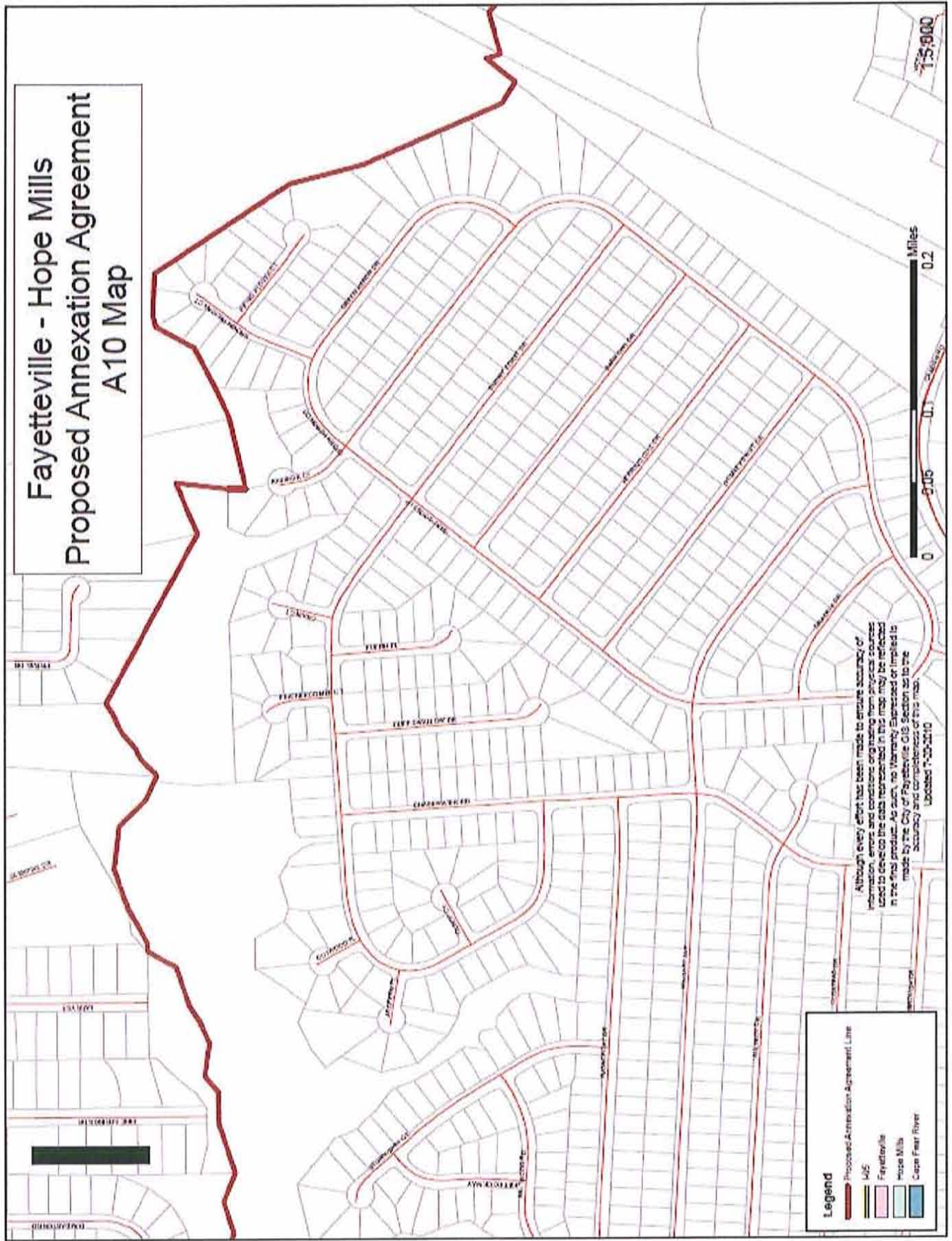
Although every effort has been made to ensure accuracy of information, errors and omissions originating from physical sources used to develop the data represented in this map may be reflected in the final product. As such, no Warranty, Express or Implied is made by the City of Fayetteville GIS Section as to the accuracy and completeness of this map. Updated 7-23-2010

1:5.000

Updated 7-20-2010

6-3-1-13

# Fayetteville - Hope Mills Proposed Annexation Agreement A10 Map



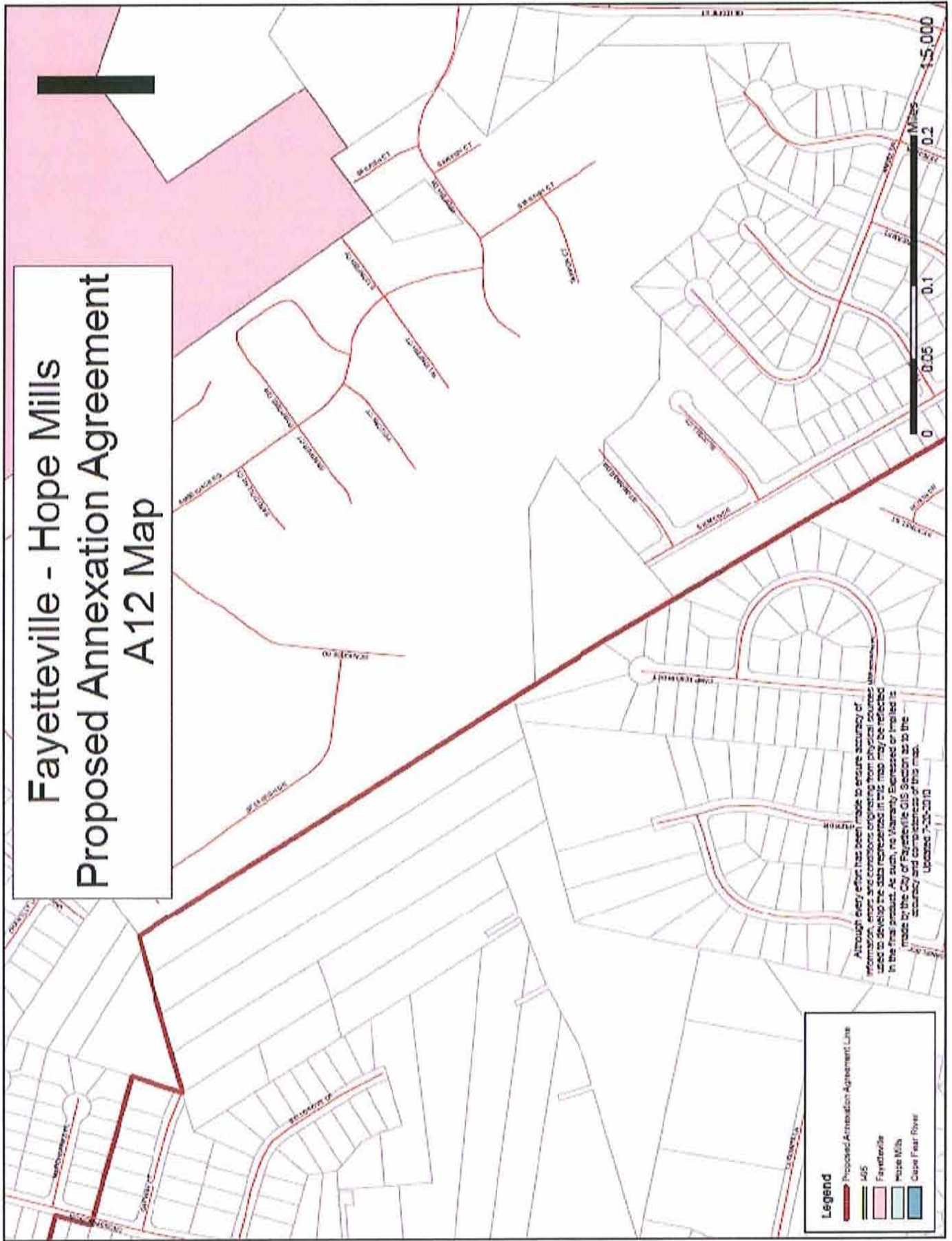


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# Fayetteville - Hope Mills Proposed Annexation Agreement A12 Map



**Fayetteville - Hope Mills  
Proposed Annexation Agreement  
A13 Map**

**Legend**

- Proposed Annexation Agreement Line
- Fayetteville
- Hope Mills
- Cape Fear River

0 0.05 0.1 0.2 0.5 1.0 1.5 Miles

Although every effort has been made to ensure accuracy of information, errors and conditions originating from public sources used to develop the data represented in this map may be reflected in the final product. As such, no Warranty, Express or Implied, is made by the City of Fayetteville, Inc. as to the accuracy and completeness of this map. Updated 7-23-2019

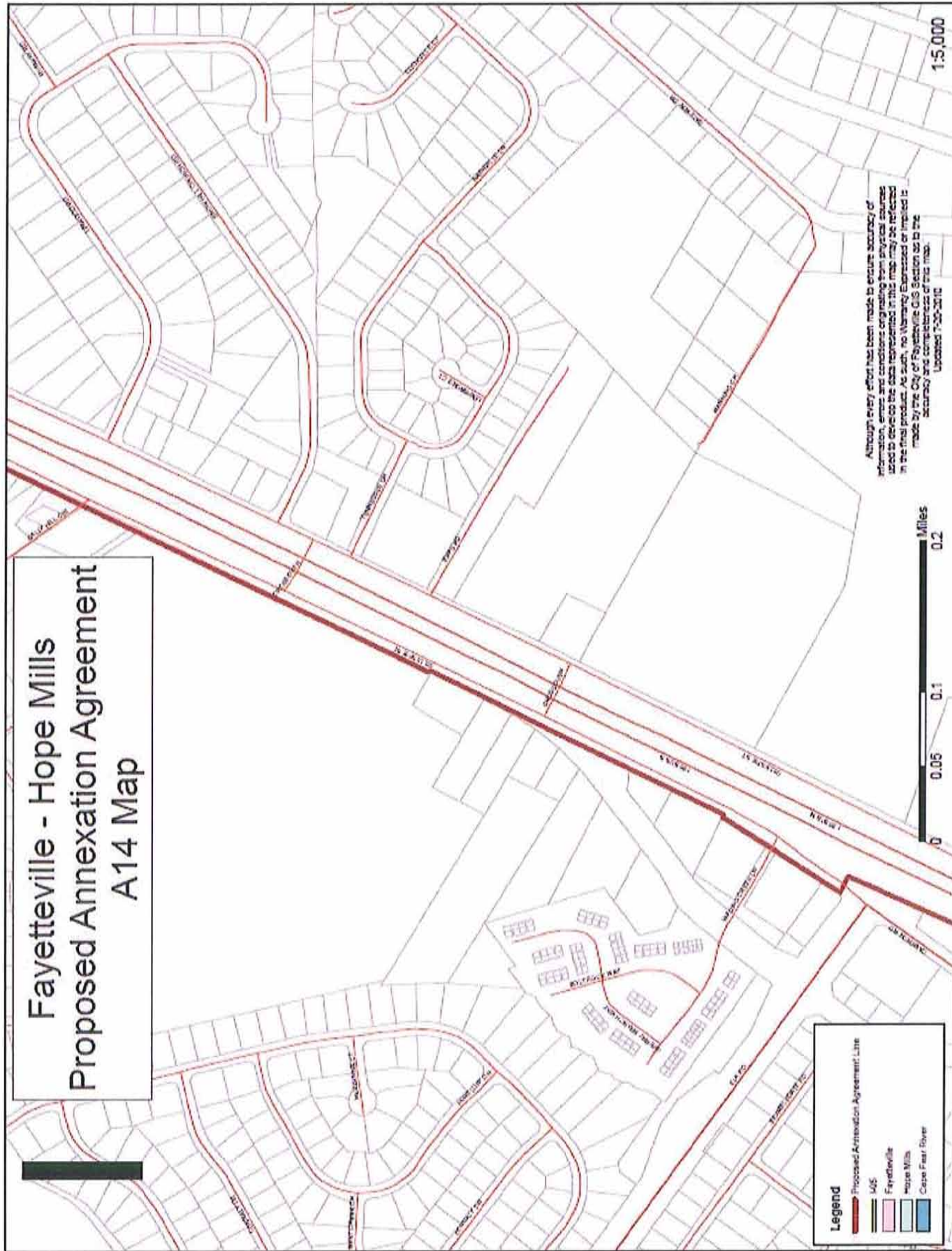
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**Legend**

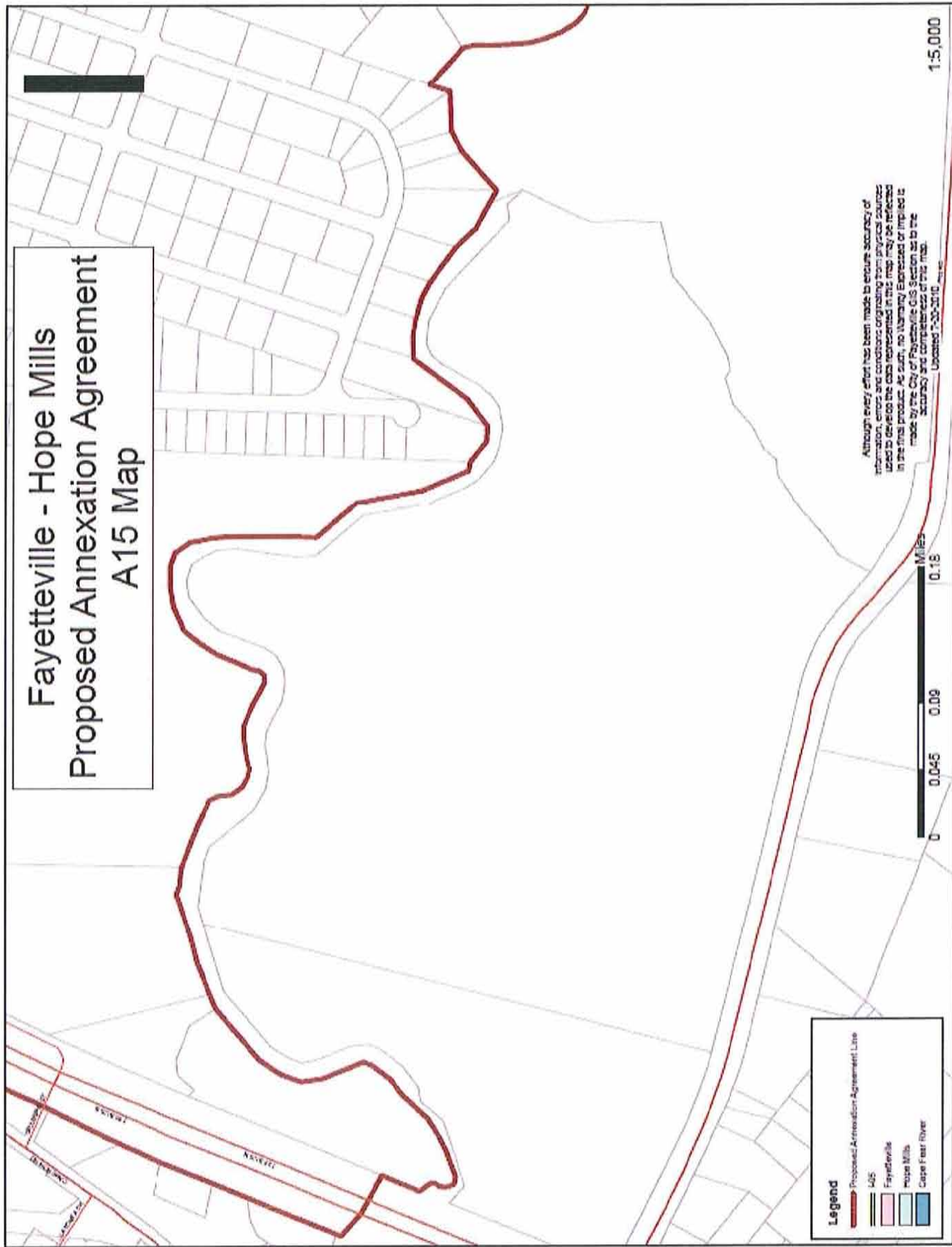
- Proposed Arterial Agreement Line
- K-65
- Fayetteville
- Wedge Mills
- Cowpe Farm Street



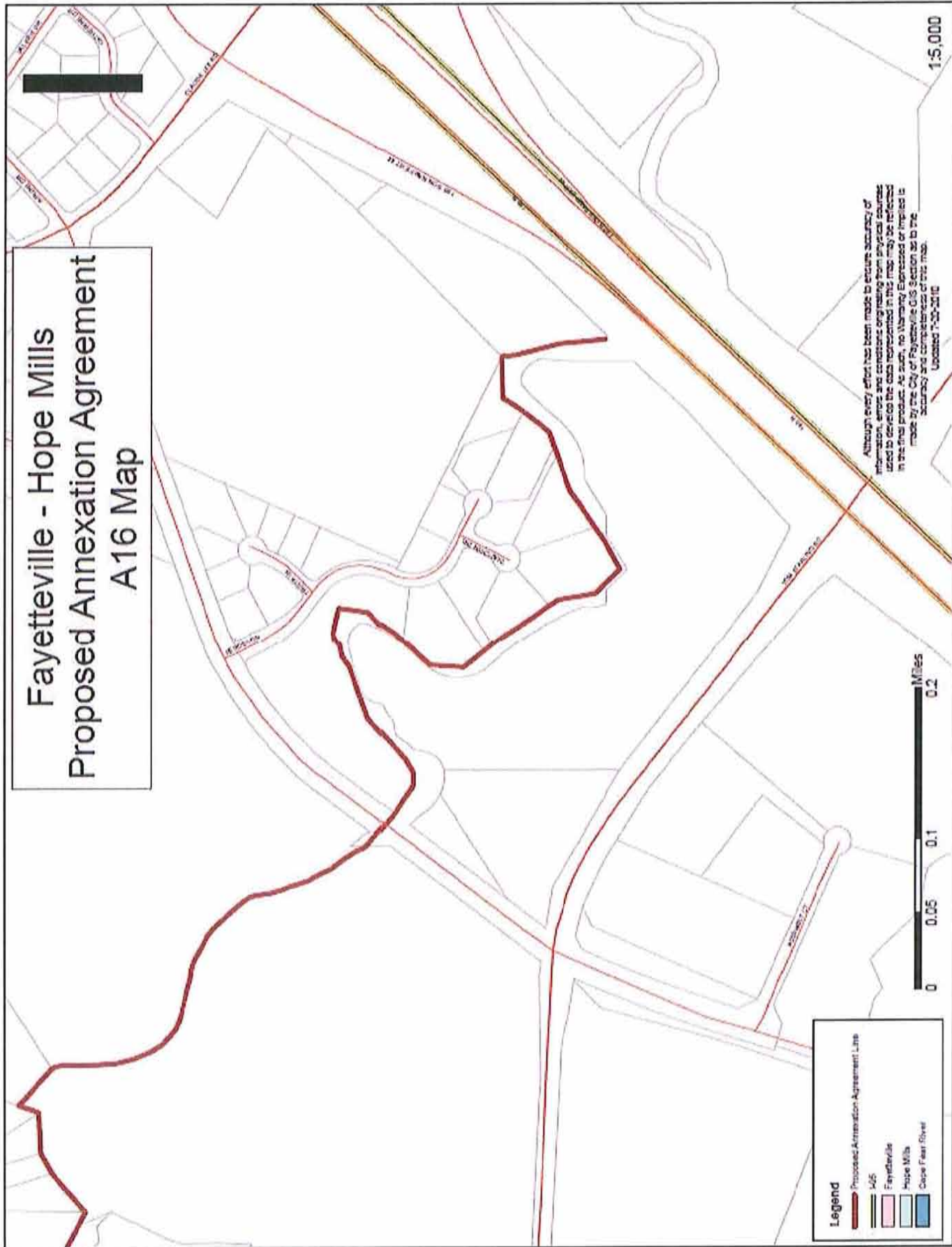
# Fayetteville - Hope Mills Proposed Annexation Agreement A14 Map



# Fayetteville - Hope Mills Proposed Annexation Agreement A15 Map







## Attachment B

### Legal Description:

The portion of the Annexation Boundary Line bisecting Parcel #0405-42-0744 that does not follow an existing line as depicted by the dotted line on the map included in this attachment shall be described as:

BEGINNING at the northeastern corner of that certain parcel shown in Plat Book 96, Page 109 of the Cumberland County Registry entitled Subdivision and Recombination Survey For Cumberland County Board of Education Southwest Middle School and continuing thence South 22 degrees 11 minutes 53 seconds West 1118.60 feet to a point in said parcel, thence a new line approximately South 10 degrees East 2500 feet to the northwestern corner of that certain parcel as described in Dccd Book 5115, Page 168 of the Cumberland County Registry and known as Parcel Number 0405-41-2214, thence continuing along western line of said parcel South 07 degrees 26 minutes 35 seconds East 1065.84 feet to a point, said point being the southwestern corner of said parcel thence North 81 degrees 01 minutes 23 seconds East 420 feet to a point...



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Steven K. Blanchard, PWC CEO/General Manager  
**DATE:** August 23, 2010  
**RE:** Phase V, Areas 4 & 5 Proposed Assessment Revisions

---

**THE QUESTION:**

Will the City Council amend the Phase V, Areas 4 & 5 Sanitary Sewer Assessment Roll as allowed by state statute for properties served by grinder pumps or gravity?

**RELATIONSHIP TO STRATEGIC PLAN:**

Quality Utility Services

**BACKGROUND:**

The Assessment Roll for the Phase V Areas 4 & 5 Arran Lakes East & West Annexation was approved and levied by the City Council on February 8, 2010. The preliminary assessment notices were mailed to the property owners on April 6, 2006 with the final assessment notices mailed on February 10, 2010. There are four assessments the PWC staff has researched and determined a revision is needed to their assessment amount due to being served by grinder pump or gravity. The information regarding each of the parcels is as follows:

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

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

1532 Paisley Avenue – Parcel Number 0406-55-6712 – This property was charged an assessment for a single family residential lot (\$5,000.00). We have confirmed the property cannot be served by gravity service and is connected to the sewer system by grinder pump. For properties with grinder pumps in the Phase V Areas 4 & 5 Annexation, the owners are assessed a lower charge because of the additional cost of a grinder pump needed to serve the property.

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

**ISSUES:**

An equitable assessment for the above properties

**OPTIONS:**

- Take no action
- ~~Adopt recommendations~~

**RECOMMENDED ACTION:**

5535 Lawnwood Drive – Reduce the assessment from a single family residential lot (\$5,000.00) to a grinder pump charge (\$790.00).

1444 Paisley Avenue - Reduce the assessment from a single family residential lot (\$5,000.00) to a grinder pump charge (\$790.00).

1532 Paisley Avenue - Reduce the assessment from a single family residential lot (\$5,000.00) to a grinder pump charge (\$790.00).

1440 Paisley Avenue– Increase the assessment from a grinder pump charge (\$790.00) to a single family residential lot (\$5,000.00).

**ATTACHMENTS:**

Assessment Information

Property Owner	Mailing Address	City, State, Zip	Site#	Pin	Temp_Type	Deed_Alt	Deed_Pg	Frontage	Minin	Lateral	Lat	Total
Chas, Byle D & Wfs Roby J	5504 Lawnwood Drive	Fayetteville, NC 28304	5504 Lawnwood Drive	0406-75-5555-	RI	02708	0259	95.87			\$5,000	\$5,000
Douglas, John Edward & Wife	430 Banks Road	Fayetteville, GA 30214	5505 Lawnwood Drive	0406-75-7689-	RI	02910	00043	180.00			\$5,000	\$5,000
Evans, Carroll G & Wife	5506 Lawnwood Drive	Fayetteville, NC 28304	5506 Lawnwood Drive	0406-75-5578-	RI	02943	00716	94.00			\$5,000	\$5,000
Jones, Jerry R Jr	5509 Lawnwood Drive	Fayetteville, NC 28304	5509 Lawnwood Drive	0406-75-7588-	RI	02961	00214	90.00			\$5,000	\$5,000
Talavera, Samuel Jr & Wife	5512 Lawnwood Drive	Fayetteville, NC 28304	5512 Lawnwood Drive	0406-75-5692-	RI	02912	00732	94.00			\$5,000	\$5,000
John, Joyce	9 Old Applewood Lane	Hendersonville, NC 28739	5513 Lawnwood Drive	0406-75-8800-	RI	02671	00002	90.00			\$5,000	\$5,000
Monick, Ethel	5515 Lawnwood Drive	Fayetteville, NC 28304	5515 Lawnwood Drive	0406-75-8411-	RI	02704	0159	98.54			\$5,000	\$5,000
Kochius, Bogdan & Wife Maria	5516 Lawnwood Drive	Fayetteville, NC 28304	5516 Lawnwood Drive	0406-75-6207-	RI	02668	0251	94.00			\$5,000	\$5,000
Davis, Tommy D & Wife Maria L	6671 Kodlak Drive	Fayetteville, NC 28304	5517 Lawnwood Drive	0406-75-4328-	RI	03240	00237	27.15			\$5,000	\$5,000
Hibbard, William F & Peggie B	5520 Lawnwood Drive	Fayetteville, NC 28304	5520 Lawnwood Drive	0406-75-4228-	RI	03316	00177	94.00			\$5,000	\$5,000
Fredrickson, Richard L	5521 Lawnwood Drive	Fayetteville, NC 28304	5521 Lawnwood Drive	0406-75-5242-	RI	06060	00131	39.81			\$5,000	\$5,000
McLaughlin, Brian Scott & Wife	2334 E. Hilar Drive	Sarasota, FL 34237	5524 Lawnwood Drive	0406-75-6149-	RI	06118	04577	94.00			\$5,000	\$5,000
McLaughlin, Fred Jr & Wife Pam	5525 Lawnwood Drive	Fayetteville, NC 28304	5525 Lawnwood Drive	0406-75-8149-	RI	02854	0027	120.13			\$5,000	\$5,000
Mitcham, Frank Jr & Wife	5528 Lawnwood Drive	Fayetteville, NC 28304	5528 Lawnwood Drive	0406-75-6151-	RI	03241	00248	94.00			\$5,000	\$5,000
McKen, Harold Jr & Wendell Lee	5529 Lawnwood Drive	Fayetteville, NC 28304	5529 Lawnwood Drive	0406-75-8059-	RI	03144	00789	91.00			\$5,000	\$5,000
Burnes, Joseph L & Wife	5532 Lawnwood Drive	Fayetteville, NC 28304	5532 Lawnwood Drive	0406-75-6070-	RI	03310	00488	94.00			\$5,000	\$5,000
Keweenaw, Fred A & Wife Debra L	15000 Old Vine Road	Laurieburg, NC 29552	5533 Lawnwood Drive	0406-75-8880-	RI	03594	00535	91.50			\$5,000	\$5,000
Cline, Thomas J & Wife	5535 Lawnwood Drive	Fayetteville, NC 28304	5535 Lawnwood Drive	0406-74-9970-	RI	03365	00334	62.86			\$5,000	\$5,000
Brown, Chdon M Jr & Wife	5536 Lawnwood Drive	Fayetteville, NC 28304	5536 Lawnwood Drive	0406-74-6889-	RI	04552	00181	236.37			\$5,000	\$5,000
Jones, Tyler L & Wife	5537 Lawnwood Drive	Fayetteville, NC 28304	5537 Lawnwood Drive	0406-74-8270-	RI	07488	00611	63.97			\$5,000	\$5,000
Biggs, Gordon E & Wife Sally J	5539 Lawnwood Drive	Fayetteville, NC 28304	5539 Lawnwood Drive	0406-74-8721-	RI	03431	00685	63.97			\$5,000	\$5,000
Vogel, Derek & Wife	5541 Lawnwood Drive	Fayetteville, NC 28304	5541 Lawnwood Drive	0406-74-7829-	RI	07835	00079	75.03			\$5,000	\$5,000
Morgan, Daniel & Karen O	6212 Tudor Place	Linden, NC 28355	5604 Lawnwood Drive	0406-74-3862-	RI	07863	00130	116.82			\$5,000	\$5,000
Ferguson, Joann A	5607 Lawnwood Drive	Fayetteville, NC 28304	5607 Lawnwood Drive	0406-74-3863-	RI	03454	00040	122.52			\$5,000	\$5,000
Itterry, Alan Mark	5608 Lawnwood Drive	Fayetteville, NC 28304	5608 Lawnwood Drive	0406-74-2708-	RI	07897	00429	150.54			\$5,000	\$5,000
Owens, Joan Little	5611 Lawnwood Drive	Fayetteville, NC 28304	5611 Lawnwood Drive	0406-74-2509-	RI	03961	00182	124.52			\$5,000	\$5,000



# Estimate

10033

1018 Hope Mills Rd.  
Fayetteville, NC 28304

Phone# 910-428-JBPC (5272)  
Fax # 910-424-8162

Date 3/18/2010

## City Sewer Hook-Up

This estimate is for the installation of house sewer piping and connection to PWC lateral. All work to be done in a professional and workmanlike manner conforming to all state and local codes. Project will carry a 10 year warranty against defects in craftsmanship and materials. Estimate is valid for 90 days from date.

### Estimate Breakdown

**Customer Information**

Name TOM C. FRA

Address 5535 LAWSON  
FAY. NC

Phone # (H) \_\_\_\_\_ (C) \_\_\_\_\_

Additional Info: PUMP STATION  
INSTALLATION

All of our premium sewer installations contain the following:  
PVC pipe & Charlotte Tru-Fit piping system  
All permit & inspection fees Utility Locating Service  
Sewer trench dig, cover, & re-seeding (contractors blend)  
2-way sewer cleanout 10 Year Pipe Warranty

☒ **Type 1 Sewer Hook-up:** (Type 1 is a full dig and install job) Includes all labor, materials, and components necessary to fully tie in main house drain to the PWC sewer lateral.

Total Yard Footage 73 x PUMP STATION (per foot) = \$ \_\_\_\_\_

☐ **Type 2 Sewer Hook-up:** (Type 2 sewers are turned around under the house and dug out from the front of the home to the tap.)

☐ Type 2 w/ basic connection

☐ Type 2 w/ upgrade connection \$ \_\_\_\_\_

### Add on Jobs

☐ Septic Tank Pump and Backfill (475.00) \$ \_\_\_\_\_

☐ Full Underhouse Drain System Repipe \$ \_\_\_\_\_

☐ Replace branch drain \$ \_\_\_\_\_

☐ Replace main water line \$ \_\_\_\_\_

☒ Install Sewage Backflow valve (\$245.00) \$ \_\_\_\_\_

☒ Sewage Pump Station Installation \$ \_\_\_\_\_

☐ Fence Removal / Reinstallation (\$75.00) \$ \_\_\_\_\_

☐ Other \$ \_\_\_\_\_

Sub Total \$ \_\_\_\_\_

Less Discounts \$ \_\_\_\_\_

Estimate Total and Price Guarantee \$3,700.00

**SEWER INSTALLATION LAYOUT**

X = Sewer tap  
CO = cleanout

△ = main drain  
■ = home

**Job Acceptance** I hereby accept the job description, specifications, and price as outlined above. You are authorized to do the work as specified. I agree to make payment in full upon completion of specified work.

X \_\_\_\_\_  
Homeowner / Authorized Signature

X \_\_\_\_\_  
Contractor Signature

## **Georganna Simpson**

---

**From:** Joe Glass.  
**Sent:** Friday, August 06, 2010 4:59 PM  
**To:** Georganna Simpson  
**Cc:** Chris Waters; Misty Manning  
**Subject:** 5535 Lawnwood Drive

This is to verify that this lot will require a grinder pump for sewer service. The elevation of the clean out is not low enough to provide gravity service to the lower level of the home. If there are further questions, please let me know,

Joseph E. Glass, P.E.  
Engineering Manager  
Water Resources  
PWC  
955 Old Wilmington Road  
Fayetteville, North Carolina 28301  
Telephone - (910)223-4740  
Fax - (910)829-0203  
Cell Phone - (910)263-5074

Property Owner	Mailing Address	City, State, Zip	State	Pin	Imp_L_Type	Deed_Bk	Deed_Pg	Frontage	Stain	Lateral	Lot	Total
Winters, James F & Wife	1404 Paisley Avenue	Fayetteville, NC 28304	NC	0406-46-0054-	RI	02151	00153	95.00			\$5,000	\$5,000
McDuff, William T	1405 Paisley Avenue	Fayetteville, NC 28304	NC	0406-58-0052-	RI	02241	00479	223.34			\$5,000	\$5,000
Washington, Nancy	1311 Bellmore Avenue	Pc Lockport, NY 11559	NY	0406-47-0053-	RI	07951	00610	98.77			\$5,000	\$5,000
Mechanical, David L Jr & Wife	228 Stonelock Drive	Hamdenville, NC 28791	NC	0406-47-0015-	RI	02053	00259	100.00			\$5,000	\$5,000
Van Wy, Richard Jr & Wife	1413 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-1028-	RI	03852	00765	100.00			\$5,000	\$5,000
Reichenbach, Robin & Wife	1416 Paisley Avenue	Fayetteville, NC 28304	NC	0406-47-9756-	RI	07925	00210	100.00			\$5,000	\$5,000
Brown, Keith Connolly & Wife	1417 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-1769-	RI	07982	00057	100.00			\$5,000	\$5,000
Spears, Barbara L &	1420 Paisley Avenue	Fayetteville, NC 28304	NC	0406-47-9896-	RI	07916	00417	100.00	\$790			\$790
Christman, Susan D	6839 Tombrado Road	Fayetteville, NC 28306	NC	0406-57-2609-	RI	03857	00437	100.00			\$5,000	\$5,000
Paynes, Ethan L	1424 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-0536-	RI	00821	00762	100.00		\$790		\$790
Clark, Frederick B & Wife	1425 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-2610-	RI	07230	00619	100.00			\$5,000	\$5,000
Merita, Linda	1428 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-0466-	RI	07661	00182	100.00		\$790		\$790
Mullen, William G Sr & Wife Ru	1429 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-2571-	RI	02121	00656	100.00			\$5,000	\$5,000
Conrad, Osnio D	1432 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-0097-	RI	03870	00315	100.00			\$5,000	\$5,000
Nashley, Seth M & Darbelle M	1433 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-3011-	RI	06359	00655	100.00			\$5,000	\$5,000
Capps, Elmer G & Wife	1436 Paisley Drive	Fayetteville, NC 28304	NC	0406-57-1238-	RI	03495	00823	100.00		\$790		\$790
Upchurch, Belva J	1437 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-3552-	RI	02275	00185	100.00			\$5,000	\$5,000
Minton, Chandon Lyle &	1440 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-1169-	RI	05551	00640	100.00		\$790		\$790
Morgan, James L & Wife	1441 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-3002-	RI	05308	00369	108.55			\$5,000	\$5,000
Roberts, Harsh & Wife Janet	1444 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-2100-	RI	07581	00196	100.00			\$5,000	\$5,000
Washington, Valerie D & Wife	101 Quail Ridge Drive	Randall, NC 28376	NC	0406-57-4132-	RI	05328	00607	112.41			\$5,000	\$5,000
Martens, Claude E	1449 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-4004-	RI	06799	00796	105.68			\$5,000	\$5,000
Young, Marion J	1451 Paisley Avenue	Fayetteville, NC 28304	NC	0406-57-2081-	RI	06700	00875	100.00		\$790		\$790
Young, Marion J & Wife Ann	1452 Paisley Avenue	Fayetteville, NC 28304	NC	0406-58-2942-	RI	06171	00343	100.00		\$790		\$790
Irby, Kenneth Wayne	1453 Paisley Avenue	Fayetteville, NC 28304	NC	0406-58-2945-	RI	03951	00462	100.00			\$5,000	\$5,000
Dupin, Frank R & Wife Karen T	1456 Paisley Avenue	Fayetteville, NC 28304	NC	0406-58-1804-	RI	02083	00120	100.00			\$5,000	\$5,000
Gammara, Charles E & Wife	1457 Paisley Avenue	Fayetteville, NC 28304	NC	0406-58-6818-	RI	07189	00642	100.00			\$5,000	\$5,000

\*

\*





1018 Hope Mills Rd.  
Fayetteville, NC 28304

Phone # 910-428-JBPC (5272)

Fax # 910-424-8162

Date 4/21/2010

## City Sewer Hook-Up

This estimate is for the installation of house sewer piping and connection to PWD lateral. All work to be done in a professional and workmanlike manner conforming to all state and local codes. PWD will carry a 10 year warranty against defects in workmanship and materials. Estimate is valid for 30 days from date.

### Estimate Breakdown

All of our premium sewer installations contain the following:  
PVC pipe & Charlotte Tri-Fit piping system  
All permit & inspection fees - Utility Locating Service  
Sewer branch dig, cover, & re-seeding (contractor's blend)  
2-way sewer cleanout 10 Year Pipe Warranty

☐ Type 1 Sewer Hook-up: (Type 1 is a full dig and install job) Includes all labor, materials, and components necessary to fully tie in main house drain to the PWD Sewer lateral.

Total Yard Footage 10' - 1/2" PUMP

☐ Type 2 Sewer Hook-up: (Type 2 sewers are turned around under the house and dug out from the front of the home to the tap.)

☐ Type 2 w/ basic connection

☐ Type 2 w/ upgrade connection

### Add on Jobs

☐ Septic Tank Pump and Backfill (\$75.00)

☐ Full Underhouse Drain System Repipe

☐ Replace branch drain

☐ Replace main water line

☒ Install Sewage Backflow valve (\$245.00) \$245

☒ Sewage Pump Station Installation \$4,965

17/105" - 2" Pressure Line

☐ Fence Removal / Reinstallation (\$75.00)

☐ Other

Sub Total \$

Less Discounts \$

Estimate Total and Price Guarantee \$4,710

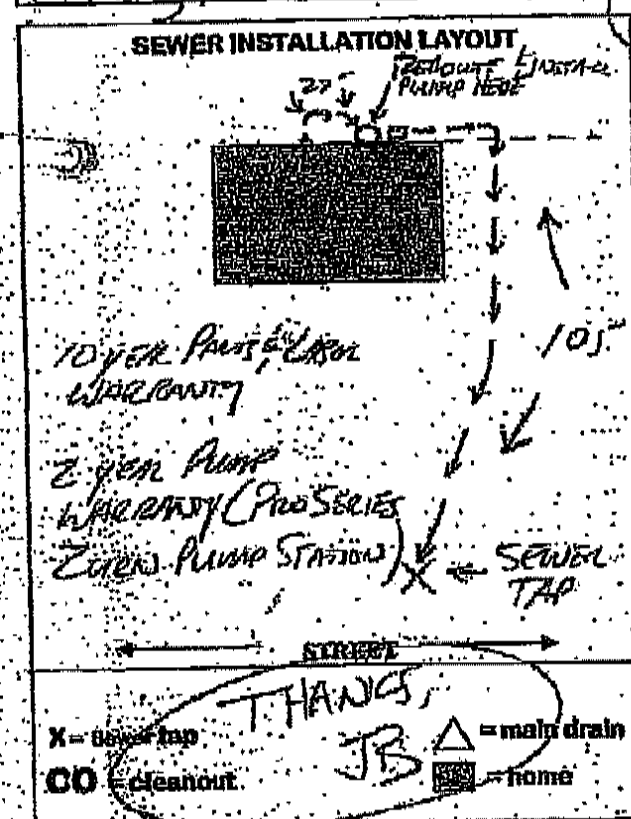
Customer Information

Name: Martin (Jr) Roberts

Address: 1444 Paisley Ave  
Fay, NC

Phone: (910) 488-0720 (h) 670-7029

Additional Info: Permission to access property / leave est on door Please



**Job Acceptance** I hereby accept the job description, specifications, and price as outlined above. You are authorized to do the work as specified. I agree to make payment in full upon completion of specified work.

X \_\_\_\_\_  
Homeowner / Authorized Signature

X \_\_\_\_\_  
Contractor Signature

**Georganna Simpson**

---

**From:** Joe Glass  
**Sent:** Friday, August 06, 2010 5:34 PM  
**To:** Georganna Simpson  
**Cc:** Chris Waters; Misty Manning  
**Subject:** 1444 Paisley Avenue

This is to verify that this lot will require a grinder pump for sewer service. The elevation of the clean out is not low enough to provide gravity service to the lower level of the home. If there are further questions, please let me know.

Joseph E. Glass, P.E.  
Engineering Manager  
Water Resources  
PWC  
955 Old Wilmington Road  
Fayetteville, North Carolina 28301  
Telephone - (910)223-4740  
Fax - (910)829-0203  
Cell Phone - (910)263-5074

Property Owner	Mailing Address	City, State, Zip	Status	Pin	Imp_Type	Head_Rk	Count_Fg	Frontage	Main	Lateral	Lot	Total
Wheeler, Richard T	1460 Paisley Avenue	Fayetteville, NC 28304	1460 Paisley Avenue	0406-55-4795-	RI	00052	03545	800.00	5750			\$750
Gardner, Brenda J & Husband	1461 Paisley Avenue	Fayetteville, NC 28304	1461 Paisley Avenue	0406-55-4801-	RI	00053	03556	100.00			\$5,000	\$5,000
Port, Jennifer L	1464 Paisley Drive	Fayetteville, NC 28304	1464 Paisley Drive	0406-55-5539-	RI	01059	00650	163.47	5750			\$750
Harris, James L & Wife Leona M	1465 Paisley Drive	Fayetteville, NC 28304	1465 Paisley Drive	0406-55-7735-	RI	07223	00179	94.41			\$5,000	\$5,000
27944, Curt Edward	4621 Yardin Road	Fayetteville, NC 28303	1501 Paisley Avenue	0406-55-8851-	RI	07865	00101	101.53			\$5,000	\$5,000
Spears, Buehly L D Wife	1504 Paisley Avenue	Fayetteville, NC 28304	1504 Paisley Avenue	0406-55-7412-	RI	03397	00210	115.20	5750			\$750
Reel, Betty Jeanne	1505 Paisley Avenue	Fayetteville, NC 28304	1505 Paisley Avenue	0406-55-8500-	RI	02590	07815	98.50			\$5,000	\$5,000
Estes, Lowell M	1505 Paisley Avenue	Fayetteville, NC 28304	1505 Paisley Avenue	0406-55-7393-	RI	07241	00766	115.00			\$5,000	\$5,000
Widener, B T	1505 Paisley Avenue	Fayetteville, NC 28304	1505 Paisley Avenue	0406-55-8502-	RI	01146	00119	102.50			\$5,000	\$5,000
Lubykta, Cecel S Duran	1512 Paisley Avenue	Fayetteville, NC 28304	1512 Paisley Avenue	0406-55-7253-	RI	07140	00011	115.00			\$5,000	\$5,000
Williams, Zora W & Wife Genny	1513 Paisley Avenue	Fayetteville, NC 28304	1513 Paisley Avenue	0406-55-8271-	RI	00566	0751	95.00			\$5,000	\$5,000
Sluss, Jerry L & Wife	1516 Paisley Avenue	Fayetteville, NC 28304	1516 Paisley Avenue	0406-55-7143-	RI	09804	00554	120.00	5750			\$750
Brinkman, William L & Wife	1517 Paisley Avenue	Fayetteville, NC 28304	1517 Paisley Avenue	0406-55-9150-	RI	07279	1828	95.00			\$5,000	\$5,000
Penney, Charles L & Wife	1520 Paisley Avenue	Fayetteville, NC 28304	1520 Paisley Avenue	0406-55-7023-	RI	04534	00469	95.11	5750			\$750
Wardle, Frank John B Wife	1521 Paisley Avenue	Fayetteville, NC 28304	1521 Paisley Avenue	0406-55-9020-	RI	07283	00731	100.00			\$5,000	\$5,000
Pulasky, Michael E & Wife	3333 Roundup Springs	San Antonio, TX 78263	1524 Paisley Avenue	0406-55-5591-	RI	03838	00216	100.00	5750			\$750
Hodges, James Lee & Wife	1523 Paisley Avenue	Fayetteville, NC 28304	1523 Paisley Avenue	0406-55-8280-	RI	14494	00256	100.00			\$5,000	\$5,000
Slapper, Russ Jane	1523 Paisley Avenue	Fayetteville, NC 28304	1523 Paisley Avenue	0406-55-8853-	RI	04601	00258	100.00			\$5,000	\$5,000
Clark, George T & Wife Betty J	1523 Paisley Avenue	Fayetteville, NC 28304	1523 Paisley Avenue	0406-55-8250-	RI	03070	00010	120.50			\$5,000	\$5,000
Starler, Vicki S Truesee	1523 Paisley Avenue	Fayetteville, NC 28304	1523 Paisley Avenue	0406-55-6742-	RI	03859	00532	90.02			\$5,000	\$5,000
Ward, Jesse B & Wife Johne E	1523 Paisley Avenue	Fayetteville, NC 28304	1523 Paisley Avenue	0406-55-8649-	RI	03225	00521	173.64			\$5,000	\$5,000
Kelly, George	0 JM GARDEN RD. 1	74102 DOR-5128/2842R	1526 Paisley Avenue	0406-55-8851-	RI	04073	00005	94.21			\$5,000	\$5,000
Hedderley, Leroy L	1540 Paisley Drive	Fayetteville, NC 28304	1540 Paisley Drive	0406-55-7511-	RI	07822	00129	90.21	5750			\$750
McIntire-Hewell, William C	1541 Paisley Avenue	Fayetteville, NC 28304	1541 Paisley Avenue	0406-55-8528-	RI	07150	00510	150.34			\$5,000	\$5,000
Central, Betty J Life Estate	1544 Paisley Avenue	Fayetteville, NC 28304	1544 Paisley Avenue	0406-55-7493-	RI	00117	00519	131.01			\$5,000	\$5,000
Lockhart, Eden A Machine	1602 Paisley Drive	Fayetteville, NC 28304	1602 Paisley Drive	0406-55-5253-	RI	07889	00616	109.43			\$5,000	\$5,000
Anderson, Scott & Wife	1603 Paisley Avenue	Fayetteville, NC 28304	1603 Paisley Avenue	0406-55-0471-	RI	04499	01463	130.51			\$5,000	\$5,000

\* \* \*

PLUMBING BATHROOM REMODELING GAS WORK



JB Plumbing Contracting, Inc.  
 101B Hope Mills Road  
 Fayetteville, NC 28404  
 www.jbplumbing.com

10103

Your property was properly  
 serviced by:  
 Technician: \_\_\_\_\_

DATE 4/16/2010

HOME # 425-8015

WORK # \_\_\_\_\_

CELL # \_\_\_\_\_

EMAIL \_\_\_\_\_

NAME VIDA SCHAEFER

STREET 1532 Phycery

CITY Fm STATE NC ZIP 28384

SERVICE REQUESTED Plumb Station

# CONNECTION TO PWC

I hereby authorize the above and inspection of described work.  
 Agree to make payment in full upon completion of the work.

AUTHORIZED SIGNATURE X

I HAVE THE AUTHORITY TO ORDER DESCRIBED WORK AND DO  
 SO WITHOUT RESERVATION. I AGREE TO MAKE PAYMENT IN FULL  
 UPON COMPLETION OF SERVICES. WORKER SELLER WILL RETURN  
 TITLE TO ANY PARTS OR MATERIALS FURNISHED UNLESS  
 PAYMENT HAS BEEN MADE. THEREBY AGREE TO THESE TERMS.

4/16/2010

AUTHORIZED SIGNATURE X

- (1) INSTALLATION OF SEWAGE LIFT PUMP  
 STATION W/ BACKFLOW VALVE
- (2) CONNECTION TO PWC TAP
- (3) SEWER CONNECTION W/ ATRAM
- (4) CONNECTION TO PWC TAP
- (5) PERMIT & INSPECTION

10 Year Part & Labor Warranty  
 1.2 Year Pump Warranty

CREDIT CARD TRANSACTION:

CARD TYPE: CHUB CARD NUMBER: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

CARD NUMBER: \_\_\_\_\_ VERIFICATION CODE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

☐ CASH  
☒ CHECK # 6522  
☐ CREDIT CARD  
☐ BILLING ARRANGED

Customer is to provide you with the highest level of professionalism and  
 quality service along with the best customer service policy in the  
 industry. All work, parts, fixtures, and appliances that we furnish and  
 install are fully warranted against defects for a period of one year  
 from the installation date along with any existing manufacturers  
 warranty. In the event that a failure occurs we will repair the item at  
 no additional cost to the customer.

BLB TOTAL \_\_\_\_\_

DISCOUNT: \_\_\_\_\_

TOTAL \$ 501.00

## **Chris Waters**

---

**From:** Joe Glass  
**Sent:** Tuesday, June 29, 2010 4:58 PM  
**To:** Chris Waters; Joe Callis  
**Cc:** Cathy Traylor; Georganna Simpson  
**Subject:** RE: Sewer Assessment Appeal - 1532 Paisley Ave - Pin# 0406-55-6712 - reduction request  
**Attachments:** Viola B. Shafer - 1532 Paisley Ave - 5-25-10.pdf

I have reviewed the attached information and have further investigated the field condition at this address. The field investigation included verification of elevations by the PWC Survey Crew under the supervision of a licensed surveyor. Based on our evaluation, it is our opinion that this lot should have be marked as a grinder pump lot. The elevations of the lot and the elevations of the plumbing from the house will prevent the connection to the sewer by gravity. The design consultants make a professional determination as to how the structure can be served during the design process and based on the best available information they can obtain. In some cases, the site conditions, specifically the location of the septic tank or the elevation of the plumbing from the structure, may not be evident and the design is not appropriate. In my opinion, this appeal is appropriate for this situation.

Let me know if there are further questions.

Joseph E. Glass, P.E.  
Engineering Manager  
Water Resources  
PWC  
955 Old Wilmington Road  
Fayetteville, North Carolina 28301  
Telephone - (910)223-4740  
Fax - (910)829-0203  
Cell Phone - (910)263-5074

**From:** Chris Waters  
**Sent:** Tuesday, May 25, 2010 4:41 PM  
**To:** Joe Callis; Joe Glass  
**Cc:** Cathy Traylor; Chris Waters; Georganna Simpson  
**Subject:** Sewer Assessment Appeal - 1532 Paisley Ave- Pin# 0406-55-6712 - reduction request

Please review the attached documents and provide your feedback.

Thank you,  
Chris

Christina Waters  
PWC Finance Department  
PO Box 1089  
Fayetteville, NC 28302-1089  
(910) 223-4106  
[christina.waters@faypwc.com](mailto:christina.waters@faypwc.com)



Property Owner	Mailing Address	City, State, Zip	Site	Pla	Imp_Type	Deed_Rt	Frontage	Math	Lateral	Lot	Total
Watson, James F & Wife	1404 Paisley Avenue	Fayetteville, NC 28304	1404 Paisley Avenue	0406-46-8054-	RI	02192	95.00			\$5,000	\$5,000
Morris, William T	1405 Paisley Avenue	Fayetteville, NC 28304	1405 Paisley Avenue	0406-55-0062-	RI	02241	92.34			\$5,000	\$5,000
Washington, Nancy	131 Bellmont Avenue	Pl. Loudoun, NY 11859	1408 Paisley Avenue	0406-47-0553-	RI	07551	98.77			\$5,000	\$5,000
Nichols, David L Jr & Wife	225 Stonelock Drive	Headwatersville, NC 28791	1412 Paisley Avenue	0406-45-9815-	RI	05053	100.00			\$5,000	\$5,000
Van Wy, Robert Jr & Wife	1413 Paisley Avenue	Fayetteville, NC 28304	1413 Paisley Avenue	0406-57-1022-	RI	03552	100.00			\$5,000	\$5,000
Reichenbach, Robin & Wife	1416 Paisley Avenue	Fayetteville, NC 28304	1416 Paisley Avenue	0406-47-9755-	RI	07925	100.00			\$5,000	\$5,000
Brown, Keith Donnelly & Wife	1417 Paisley Avenue	Fayetteville, NC 28304	1417 Paisley Avenue	0406-57-1762-	RI	07902	100.00			\$5,000	\$5,000
Saxon, Barbara L &	1420 Paisley Avenue	Fayetteville, NC 28304	1420 Paisley Avenue	0406-47-9695-	RI	07915	100.00		\$750	\$750	\$750
Chusman, Susan G	5839 Tomberidge Road	Fayetteville, NC 28306	1421 Paisley Avenue	0406-57-2809-	RI	03857	100.00			\$5,000	\$5,000
Haines, Brian L	1424 Paisley Avenue	Fayetteville, NC 28304	1424 Paisley Avenue	0406-57-0576-	RI	08221	100.00		\$750	\$750	\$750
Clark, Frederick B L & Wife	1425 Paisley Avenue	Fayetteville, NC 28304	1425 Paisley Avenue	0406-57-2530-	RI	07230	100.00			\$5,000	\$5,000
Neuitt, Linda	1428 Paisley Avenue	Fayetteville, NC 28304	1428 Paisley Avenue	0406-57-0466-	RI	07683	100.00		\$750	\$750	\$750
Melker, William G Sr & Wife	1429 Paisley Avenue	Fayetteville, NC 28304	1429 Paisley Avenue	0406-57-2571-	RI	02122	100.00			\$5,000	\$5,000
Cornett, David D	1432 Paisley Avenue	Fayetteville, NC 28304	1432 Paisley Avenue	0406-57-0397-	RI	05670	100.00			\$5,000	\$5,000
Mickley, Seth M & Danielle M	1433 Paisley Avenue	Fayetteville, NC 28304	1433 Paisley Avenue	0406-57-3411-	RI	06359	100.00			\$5,000	\$5,000
Carpas, Elmer G & Wife	1436 Paisley Drive	Fayetteville, NC 28304	1436 Paisley Drive	0406-57-1236-	RI	03494	100.00		\$750	\$750	\$750
Upchurch, Beryl J	1437 Paisley Avenue	Fayetteville, NC 28304	1437 Paisley Avenue	0406-57-2352-	RI	02275	100.00			\$5,000	\$5,000
Melton, Chandon Lynn &	1440 Paisley Avenue	Fayetteville, NC 28304	1440 Paisley Avenue	0406-57-1169-	RI	06351	100.00			\$5,000	\$5,000
Morgan, James L & Wife	1441 Paisley Avenue	Fayetteville, NC 28304	1441 Paisley Avenue	0406-57-2522-	RI	05208	100.00			\$5,000	\$5,000
Roberts, Martin & Wife Janet	1444 Paisley Avenue	Fayetteville, NC 28304	1444 Paisley Avenue	0406-57-2100-	RI	07581	100.00			\$5,000	\$5,000
Washington, Valerie D & Wife	101 Quail Ridge Drive	Raleigh, NC 28376	1445 Paisley Avenue	0406-57-4122-	RI	06328	112.41			\$5,000	\$5,000
Harris, Gloria E	1449 Paisley Avenue	Fayetteville, NC 28304	1449 Paisley Avenue	0406-57-4084-	RI	06799	105.68			\$5,000	\$5,000
Young, Martin J	1452 Paisley Avenue	Fayetteville, NC 28304	1452 Paisley Avenue	0406-57-2051-	RI	06700	100.00		\$750	\$750	\$750
Young, Martin J & Wife Ann	1452 Paisley Avenue	Fayetteville, NC 28304	1452 Paisley Avenue	0406-55-3542-	RI	08171	100.00		\$750	\$750	\$750
Jew, Kenneth Wayne	1453 Paisley Avenue	Fayetteville, NC 28304	1453 Paisley Avenue	0406-55-5945-	RI	03531	100.00			\$5,000	\$5,000
Dupin, Frank H & Wife Susan T	1456 Paisley Avenue	Fayetteville, NC 28304	1456 Paisley Avenue	0406-56-4804-	RI	02083	100.00			\$5,000	\$5,000
Gannons, Charles E & Wife	1457 Paisley Avenue	Fayetteville, NC 28304	1457 Paisley Avenue	0406-56-6818-	RI	07109	100.00			\$5,000	\$5,000

Area: 1456 East and West  
Phase 3 Addition

Page 1 of 3

Paisley Avenue

## **Georganna Simpson**

---

**From:** Georganna Simpson  
**Sent:** Monday, August 09, 2010 11:02 AM  
**To:** Georganna Simpson  
**Subject:** FW: 1440 Paisley Ave

Georganna Simpson, CPA  
Director of Accounting Systems  
Public Works Commission  
PO Box 1089  
Fayetteville, NC 28302  
Phone - (910) 223-4101  
Fax - (910) 829-0208

---

**From:** Joe Glass  
**Sent:** Thursday, August 05, 2010 3:05 PM  
**To:** Chris Waters  
**Subject:** Re: 1440 Paisley Ave

Yes

---

**From:** Chris Waters  
**To:** Joe Glass  
**Cc:** Cathy Traylor; Annedore Hodson; Georganna Simpson  
**Sent:** Thu Aug 05 15:03:13 2010  
**Subject:** 1440 Paisley Ave  
Joe,

Thank you very much for getting this lot smoke tested for our research. Since this lot did smoke, are you comfortable with me reporting to Mr. Miller that this lot is not a grinder pump lot and should have been assessed as gravity?

Chris

-----Original Message-----

**From:** Adrian Carver  
**Sent:** Thursday, August 05, 2010 12:02 PM  
**To:** Elizabeth Vasser  
**Subject:** WR No: 127126 / WR Task No: 2900

Mark K. 8-4-10 performed a smoke test and determined this home is on PWC sewer.

---

WR No: 127126  
WR Type: STEST (Sewer System Tests)  
Classification: INVESTIG (FIELD INVESTIGATION)  
WR Status: PCLS  
Owner:  
Name: MATICH, CHANDON LYLE

Work Date: 8/4/2010

**WATER RESOURCES CONSTRUCTION  
WORK REQUEST#: 127126**

**WR IO DIGIT#: 7060127126**

**ACTIVITY#: FISS-720002**

☐ Water ☒ Sewer ☒ Main ☐ Lateral  
☐ Valve ☐ Hydrant ☐ Manhole

Date: 8-4-10  
Start Time: \_\_\_\_\_  
End Time: \_\_\_\_\_

Name: MATICH, CHANDON LYLE

Subdivision: ARRAN LAKES

Location: ~~4400 PINEHURST AVE~~

X Street: THREE DR

Crew Leader: Strickland, James

Pipe Size 8" Material PVC Depth 7

Work Description: Smoke testing for sewer connection Plot# 0406-S7-1169-

Instructions: Smoke testing to be performed to determine if the subject structure is connected to the PWC sanitary sewer collection system (if necessary, proceed with scheduling a dye test for further confirmation).

Comments: DID A SMOKE TEST AND FOUND THIS HOUSE IS ON  
PWL SEWER

Cause of stoppage/overflow: ☐ Grease ☐ Roots ☐ Sabotage ☐ Other \_\_\_\_\_

Suggested Follow-Up Action: ☐ Yes ☒ No

None

Equipment Used	Number	Hours	Footage	Materials Used	Quantity
Basement machine	722			<u>LIQUID SMOKE</u>	
Lateral camera	<input type="checkbox"/> 7881 <input type="checkbox"/> 7882 <input type="checkbox"/> 07972				
Mainline camera	<input type="checkbox"/> 09856 <input type="checkbox"/> 09855				
Rodding machine	788				
Smoke machine/ventilator	<input type="checkbox"/> V993 <input type="checkbox"/> V992 <input type="checkbox"/> V991				
Trailer-jet	746				
Truck-mounted jetter	392				
Trucks	<input type="checkbox"/> 3317 <input type="checkbox"/> 3324 <input type="checkbox"/> 3311	<u>.50</u>			
TV Vans	<input type="checkbox"/> 3323 <input type="checkbox"/> 331				
Vector trucks	<input type="checkbox"/> 332 <input type="checkbox"/> 374 <input type="checkbox"/> 386 <input type="checkbox"/> 3314				

Crew Names	Hours	Crew Names	Hours	Crew Names	Hours
Strickland, James		Acevedo, Armando		Blagg, James	
Bolt, Joseph		Coppa, Jim		Chavls, Jonathan	
Christon, James		Council, Ernest	<u>.50</u>	Kuykendall, Mark	<u>.50</u>
McKellan, Cory		Schumann, Thomas		Ramsey, Timothy	
Shoulars, Kelly		Tyler, Mike		Tipton, James	

Additional Work Required: ☐ Yes ☒ No

Work Order Completed: ☒ Yes ☐ No

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Robert T. Hurst, Jr., Council Member, District 5  
**DATE:** August 23, 2010  
**RE:** **Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments**

---

**THE QUESTION:**

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

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**BACKGROUND:**

The Appointment Committee met on Wednesday, August 18, 2010 to review applications for appointments to boards and commissions. It is from that meeting that the Appointment Committee provides the attached recommendations for appointments to the City of Fayetteville boards and commissions. Consistent with the City Council's wishes, the Appointment Committee's recommendations for appointments are indicated on the attachment.

**ISSUES:**

N/A

**OPTIONS:**

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

**RECOMMENDED ACTION:**

Approve Appointment Committee recommendations for board and commission appointments.

**ATTACHMENTS:**

Appointment Committee Recommendations

# FAYETTEVILLE CITY COUNCIL BOARD/COMMISSION APPOINTMENTS

August 23, 2010

BOARDS/COMMISSIONS		RECOMMENDATION	TERM
1.	<b>Airport Commission</b> ❖ 2 Appointments ❖ 2 Reappointments	Dawn Gibson	1 <sup>st</sup>
		Hubert Gibson	1 <sup>st</sup>
		Herbert G. Vance	2 <sup>nd</sup>
		John W. Wyatt, III	2 <sup>nd</sup>
2.	<b>Animal Services Board</b> ❖ 1 Fill-in Appointment	Dell Caramanno	Fill-in
3.	<b>Board of Adjustment</b> ❖ 1 Reappointment ❖ 1 Fill-in Appointment ❖ 1 Alternate Fill-in Appointment	Mikele Haywood	2 <sup>nd</sup>
		Bill Jenkins	Fill-in
		Wick J. Smith, Jr.	Alternate Fill-in
4.	<b>Fayetteville- Cumberland Human Relations Commission</b> ❖ 5 Reappointment ❖ 2 Appointments	Milind Kumar Dongre	1 <sup>st</sup>
		Patricia A. Fortuna	2 <sup>nd</sup>
		Antonio L. Gardner	1 <sup>st</sup>
		Robin Greene	1 <sup>st</sup>
		Crystal Moore-McNair	1 <sup>st</sup>
		Pamela Suggs Story	1 <sup>st</sup>
		Monica Haynes	1 <sup>st</sup>
5.	<b>Fayetteville- Cumberland Parks and Recreation Advisory Commission</b> ❖ 1 Reappointment ❖ 2 Appointments ❖ 2 Fill-in Appointments	Christine S. Smith	2 <sup>nd</sup>
		Charles Johnson	1 <sup>st</sup>
		Rebecca Campbell	1 <sup>st</sup>
		Robert Lints	Fill-in
		Nancy Shakir	Fill-in
6.	<b>Wrecker Review Board</b> ❖ 1 Reappointment	William Tyson	2 <sup>nd</sup>
7.	<b>Fayetteville Metropolitan Housing Authority</b> ❖ 1 Reappointment	Irma Young	3 <sup>rd</sup>



8.	<b>Fayetteville Planning Commission</b> ❖ 3 Reappointments ❖ 2 Appointments ❖ 2 Alternate Fill-in Appointments	Larry Boney	2 <sup>nd</sup>
		Cleatus Cox	2 <sup>nd</sup>
		Mary Ellen Lavoie	2 <sup>nd</sup>
		Bill J. Snuggs	1 <sup>st</sup>
		Willis M. Watt	1 <sup>st</sup>
		Jimmy Holland, Jr.	Alternate Fill-in
		Larnie McClung	Alternate Fill-in
9.	<b>Fayetteville Zoning Commission</b> ❖ 1 Reappointment ❖ 1 Appointment ❖ 1 Alternate Fill-in Appointment	William L. Tally	2 <sup>nd</sup>
		Stephen C. Mannell, Jr.	1 <sup>st</sup>
		Thomas S. Speight, Jr.	Alternate Fill-in
10.	<b>Joint City and County Appearance Commission</b> ❖ 1 Appointment	Kevin Hight	1 <sup>st</sup>
11.	<b>Joint Fayetteville – Cumberland County Senior Citizens Advisory Commission</b> ❖ 1 Reappointment ❖ 3 Appointments	Cassandra McMillion	2 <sup>nd</sup>
		Crystal Spigner-Williams	1 <sup>st</sup>
		Patricia F. Stewart	1 <sup>st</sup>
		Frank R. Till	1 <sup>st</sup>
12.	<b>Fayetteville Finance Corporation</b> ❖ 4 Reappointments (reoccurring)	William Brooks	
		Dale Iman	
		Keith Love	
		Lisa Smith	
13.	<b>Stormwater Advisory Board</b> ❖ 1 Reappointment ❖ 1 Appointment	John R. Mattox	2 <sup>nd</sup>
		Patricia L. Vaughan	1 <sup>st</sup>

## CITY COUNCIL ACTION MEMO

**TO:** Mayor & Members of City Council  
**FROM:** Kristoff Bauer, Assistant City Manager  
**DATE:** August 23, 2010  
**RE:** **Annexation Resolution of Consideration / Revision of PWC Policy 150.1 Relating to Assessments**

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### **THE QUESTION:**

Should the Council adopt a Resolution of Consideration initiating the notice provisions of the involuntary annexation statute for those areas within and adjacent to the City consistent with the Municipal Influence Area and the Town of Hope Mills Annexation Agreement, and adopt a revised PWC Policy 150.1 relating to assessments clarifying the application of the \$5,000 assessment cap.

### **RELATIONSHIP TO STRATEGIC PLAN:**

Council's Goal 1 "Growing City, Livable Neighborhoods - A Great Place To Live" specifically identifies the development of an "Annexation and Policy: Report, Resolution of Consideration and Actions." This item responds to this action item seeking further guidance from Council to assist in successfully completing this task.

### **BACKGROUND:**

#### **Involuntary Annexation**

The involuntary annexation process includes a number of formal steps. There are two different means of starting the process; the adoption of a Resolution of Consideration ("ROC") or the adoption of a Resolution of Intent ("ROI"). The ROC process is not required. The process can be initiated through the adoption of an ROI which triggers specific notice and public hearing and public meeting requirements. If the ROC step is skipped, however, then the effective date of any subsequent annexation ordinance must be deferred for a year. Alternatively, the City must wait a year after adoption of the ROC before they can adopt a ROI, but then the effective date of any annexation ordinance subsequently adopted is not deferred.

Taking the recommended action of adopting the ROC, therefore, simply identifies a broad area being considered for annexation and allows subareas within the ROC area to be the subject of future ROI's and eventual annexation without deferred effective dates. Taking the action of adopting the ROC doesn't presuppose the outcome of any future annexation deliberations. A number of years of procedure, research, and planning would be necessary before any involuntary annexation action in this area could be effective. It does, however, make involuntary annexation outside this area less likely allowing planning and consideration to focus on the area identified in the ROC.

#### **Assessment Policy**

Involuntary annexation statutes require that the annexing community plan for and complete the provision of water mains and wastewater trunk systems within two years of the annexation effective date. There is not, however, a firm statutory deadline for the construction of the water distribution and the wastewater collection systems necessary to serve individual properties. These systems can be rolled out consistent with the service plan established prior to annexation.

The Council put in place a policy, PWC Policy 150.1, capping the assessment of property owners receiving new water and/or wastewater service within involuntarily annexed areas at \$5,000. This limit is not required by state law, but was voluntarily enacted to reduce the cost of obtaining service for newly annexed properties. The City has executed an agreement with PWC to fund the gap between the actual cost to provide these services and that portion of the cost covered by this limited assessment over a protracted period.

State statute allows a property owner under consideration for involuntary annexation to request expedited service delivery. If this request is made, then the annexing city must provide service to the property in question within two years of annexation. This option creates the risk that property owners in future annexation areas could place themselves, through use of this process, ahead of property owners already annexed into the City. This requirement could come at an increased cost to PWC and could divert resources from existing City property owners.

The proposed revision to Policy 150.1 makes it clear that should a property owner take advantage of the statutory notice provision allowing them to request expedited service delivery then they will not be eligible for the \$5,000 assessment cap. This doesn't prohibit a request for expedited service, it simply places the additional cost of satisfying that request on the property owner requesting expedited service.

#### **ISSUES:**

##### **ROC Area**

The proposed ROC area is based upon both the Municipal Influence Area agreement between the City and Cumberland County and the proposed Annexation Agreement between the City and the Town of Hope Mills. The proposed Annexation Agreement is not yet effective. Neither of these agreements, however, create a legal impediment to the proposed ROC designation. An effective annexation agreement would prevent future annexation inconsistent therewith, but the ROC notice process is intentionally liberal. The Council can act on the ROC now and that action will not be impacted, unless the Council chooses to take future action, by revisions in the MIA or annexation agreements.

##### **Policy Clarification**

There has also been some confusion regarding whether the \$5,000 assessment cap applies to water and wastewater individually or collectively. In the first instance a property being connected to both services could be assessed a total of \$10,000 maximum. In the second, the maximum assessment would be \$5,000 whether a property was being connected to water or wastewater or both. The proposed revision to the policy clarifies that the \$5,000 assessment cap applies to each service connection capping the total assessment for a property being connected to both water and wastewater, for example, at \$10,000.

#### **OPTIONS:**

1. Adopt the proposed Resolution of Consideration and amended PWC Policy 150.1 (Recommended)
2. Amend either proposal prior to action
3. Defer action on the Resolution of Consideration until after the effective date of the Annexation Agreement with the Town of Hope Mills - While not legally required, this would remove any uncertainty regarding the effectiveness of that agreement and the legitimacy of the boundary contained therein.
4. Take no action - Further action related to involuntary annexation will be delayed.

#### **RECOMMENDED ACTION:**

Staff recommends that Council move to adopt the proposed Resolution of Consideration and the revised PWC Policy 150.1 relating to assessments.

#### **ATTACHMENTS:**

Annexation Resolution of Consideration

Annexation Resolution of Consideration Map

PWC Policy 150.1 Assessments

RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF FAYETTEVILLE  
IDENTIFYING THE AREA DESCRIBED HEREIN  
AS BEING UNDER CONSIDERATION FOR FUTURE ANNEXATION

WHEREAS, pursuant to N.C.G.S. 160A-49(i), the City Council of the City of Fayetteville desires to adopt a Resolution of Consideration for Future Annexation pursuant to N.C.G.S. 160A-49(i);

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

Section 1. Pursuant to N.C.G.S. 160A-49(i), the following described area is hereby identified as being under consideration for future annexation by the City of Fayetteville, North Carolina, under the provisions of Part 3, Article 4A of Chapter 160A of the General Statutes of North Carolina:

- (a) Any and all area which is shown on the attached map (Exhibit A) as "Area To Be Considered For Annexation by City of Fayetteville", Exhibit A being incorporated by reference as if fully set out herein;
- (b) The "Area To Be Considered For Annexation by City of Fayetteville" shown on the attached map includes and is designated by the following color: green;
- (c) The "Area In Present City of Fayetteville" shown on the attached map is designated by the following color: yellow.

Section 2. The green "Area To Be Considered For Annexation by City of Fayetteville" shown on Exhibit A is based on two things, the Fayetteville Municipal Influence Area and the Annexation Agreement Line Between Fayetteville and Hope Mills. The Fayetteville Municipal Influence Area is shown in orange on a map dated 6/6/2008 and prepared by the Cumberland County Planning Department. (The map dated 6/6/2008 was based on a map adopted by the Fayetteville City Council on March 17, 2008 and adopted by the Cumberland County Board of Commissioners on May 19, 2008. The map dated 6/6/2008 was included as Exhibit 1 in an Interlocal Agreement entered into on June 9, 2008 between the City of Fayetteville and Cumberland County. This Interlocal Agreement

established a Municipal Influence Area for the City of Fayetteville.) The Annexation Agreement Line Between Fayetteville and Hope Mills is shown on an Annexation Agreement Map developed by the City of Fayetteville and the Town of Hope Mills and presented to the Fayetteville City Council on August 23, 2010, as part of a public hearing;

Section 3. The "Area in Present City of Fayetteville" shown on Exhibit A reflects all annexations to the City of Fayetteville which were effective as of the date of this resolution. This includes the part of Fort Bragg annexed into the City of Fayetteville effective September 1, 2008 and Annexation Ordinance Number 2010-05-527, which was effective on May 24, 2010;

Section 4. Persons subject to annexation are hereby notified that they have rights under subsections (f1) and (f2) of N.C.G.S. 160A-49. Subsection (f1) pertains to property (agricultural land, horticultural land, or forestland) that is subject to present-use value taxation. Subsection (f2) pertains to the effective date of annexation for property subject to present-use value taxation. Pursuant to N.C.G.S. 160A-49 (b) (5), if the City begins annexation proceedings for an area, the City will include in the Notice of Public Hearing an explanation of a property owner's rights pursuant to subsections (f1) and (f2) of N.C.G.S. 160A-49, and if the City adopts an annexation ordinance for an area, the property in the area will be subject to municipal taxes as provided in N.C.G.S. 160A-58.10, unless it qualifies for present-use value taxation. N.C.G.S. 160A-49(f1) provides that if the area described in the annexation ordinance includes agricultural land, horticultural land, or forestland that on the effective date of annexation either (1) qualifies for present-use value taxation pursuant to N.C.G.S. 105-277.4, or (2) on the date of the Resolution of Intent is being used for actual agricultural production and is eligible for present-use value taxation under N.C.G.S. 105-277.4, but it has not been in use for actual agricultural production for a long enough period of time under N.C.G.S. 105-277.3 [three (3) years], and the county assessor certifies to the City that the property otherwise qualifies for present-use value taxation, then the annexation becomes effective as to that property pursuant to subsection (f2) of N.C.G.S. 160A-49. Subsection (f2) provides that property qualifying for present-use value taxation becomes part of the City upon annexation for only two purposes: (1) establishing City boundaries from which future annexations may be made; and (2) adoption and enforcement of regulations under Article 19 (Planning and Regulation of Development) of Chapter 160A of the North Carolina General Statutes. (Therefore, the property qualifying for present-use

value taxation becomes subject to City zoning and subdivision regulation rather than remaining subject to county ordinances.) Other than that, as long as the property qualifies for present-use value taxation, the City may not levy property taxes on it, nor is the property entitled to City services. Once the property ceases to qualify for present-use value taxation, it becomes a full part of the City on the last day of the month within which it becomes ineligible for such use-value taxation pursuant to N.C.G.S. 105-277.4, or no longer meets the requirements of N.C.G.S. 160A-49(f1)(2).

Section 5. A copy of this resolution shall be filed with the City Clerk.

Adopted this \_\_\_\_\_ day of August, 2010.

\_\_\_\_\_  
Anthony G. Chavonne  
Mayor

ATTEST:

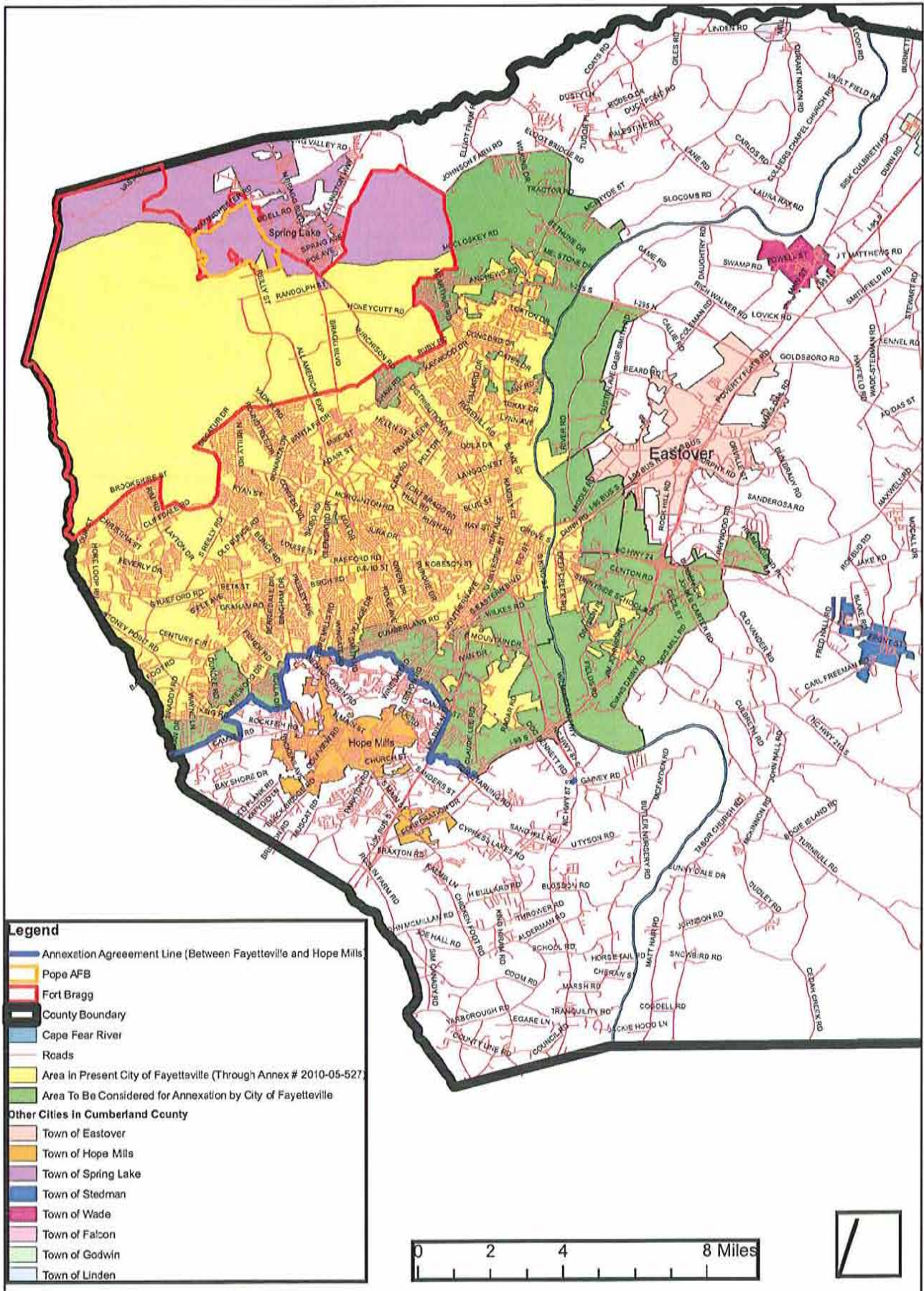
\_\_\_\_\_  
Rita Perry  
City Clerk

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# Exhibit A-City of Fayetteville, NC

## Map of Resolution of Consideration for Future Annexation



<b>SUBJECT – PUBLIC WORKS COMMISSION</b> <b>Water and Sanitary Sewer Utility</b> <b>Assessments</b>	<b>Number</b> <b>150.1</b>	<b>Revised</b> <b>4-10-06</b>	<b>Effective</b> <b>Date</b> <b>11-17-03</b>	<b>Page 1 of 1</b>
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Water and sanitary sewer main extensions in areas annexed into the City or other areas already part of the City, but not for new development, may be installed either upon petition to the City Council for such improvements or upon order by the City Council.

1) If a property owner, or 100 percent of the property owners in a neighborhood, petitions for the extension of water and sanitary sewer service, said extension shall be made according to the financial policies in effect at the time of the extension of water and sewer lines. This shall specifically include a property owner who requests service extension as provided by § 160A-47(3)(b) in advance of the extension schedule included in the adopted utility extension plan approved by Council for that annexation area.

2) The Council may order extension of water and sewer without petition when it finds such an extension in the interest of public health and safety. In such an extension, the City Council will determine the method for sharing cost among benefited property owners and the City at the time the extension is ordered.

3) The Council may order extension of water and sewer consistent with an annexation plan adopted by the Council for extending water and sewer to an annexed the urban area. When such a plan is developed and approved by Council, the assessment to the property owner shall be capped at \$5,000.00 per service extended. In addition, the Council will use Community Development Block Grant funds to offset the cost of any the assessment for utility service extension to eligible for low to moderate-income property owners. This policy shall apply to single-family residential properties and nonresidential properties with 90 feet or less front footage.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Doug Hewett, Assistant City Manager  
**DATE:** August 23, 2010  
**RE:** FY 2009-2010 Strategic Annual Report

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**THE QUESTION:**

Has City Council's interest been met in the advancement of the strategic plan goals and objectives during fiscal year 2010? The attached reports are provided to detail progress made during the 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 reinforces and clarifies Council's vision for our community, which is the foundation of the City's strategic plan.

**BACKGROUND:**

As evidenced by this Annual Strategic Plan report, our government is a can-do organization that is acutely aware of the needs of our residents and dedicated to effectively carrying out our core services. Our organization's financial sustainability and strategic plan are the basis for the services we provide and the manner in which we provide them. The City's strategic plan sets forth the vision for community, our mission as an organization and the goals we hope to achieve. A one-year action agenda identifies issues for which Council provides policy direction and the City staff completes during the fiscal year.

**ISSUES:**

Do the work efforts reflect the overall direction articulated by the City Council in the FY 2009-10 strategic plan? Does the progress highlighted in this report move the community closer to the desired fifteen-year vision?

**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) Modify or clarify interests in report and strategic plan.

**RECOMMENDED ACTION:**

Receive and file this report.

**ATTACHMENTS:**

Policy and Management Agenda Fourth Quarter Report



***FY 2010 Strategic Plan  
Policy and Management Agenda  
Fourth Quarter Report***



## **Policy Agenda**

### **Top Priority**

Unified Development Ordinance  
Murchison Road Corridor Redevelopment  
Parks and Recreation Service  
Annexation Policy  
Workforce Development  
Recycling Program for Multifamily and Commercial

### **High Priority**

County Jail Capacity  
Air Quality Non-Attainment  
Emergency Medical Transport Performance Report  
Tree Preservation Ordinance  
Building Demolition  
Property Revaluation and Tax Rate  
Legislative Agenda and Lobby Strategy

## **Management Agenda**

### **Top Priority**

Crime Reduction Strategy and Report  
FAST Improvements  
Community Report Card  
Community Watch Expansion  
Economic Development

### **High Priority**

Reclaiming Neighborhoods Strategy  
Police Staffing  
Non-Stop Air Service to Washington, D.C.  
Telling the City's Positive Story  
Northwest Gateway Project

## Policy Agenda - Top

### Unified Development Ordinance (UDO)

This target for action seeks to follow the creation of the new Unified Development Ordinance. Revisions of the zoning and development regulations need to take place in order to implement the 2010 Plan, the anticipated 2030 Growth Vision Plan, and to help implement the City's Strategic Plan. The City's existing development ordinances have not been comprehensively revised since 1961. City regulations are functional but disjointed, hard to use, occasionally contradictory, often outdated, and lack internal focus or coordination to help achieve community goals.

In FY '07-08 Clarion Associates was selected as consultant for the 16-month project to create a new Unified Development Ordinance. Input provided by the Vision Plan, other current adopted plans, and from stakeholders guided the process. Clarion prepared a Diagnosis and Annotated Outline assessing the current ordinances and proposing how to revise these regulations.

Funding was approved in FY09 budget for the remaining elements. The process continues with final adoption considered in November-December 2009.

The City departments will need to continue to dedicate staff time to research, continue community discussions, and review of specific standards and procedures throughout the process. Significant changes to the standards for signs, street design, or certain overlays would be the responsibility of City staff or other consultant efforts.

This target for action also entails significant administrative changes (forms, staff responsibilities, internal procedures, fees, record-keeping, and so forth). The process of mapping the new zoning districts is required before the new UDO is fully effective. These tasks would require the allocation of additional funds for consultant assistance.

A new UDO modernizes the zoning districts, establishes minimum development standards, and encourages high-quality physical development. The zoning and subdivision codes would be unified into one document. All portions of the code would be coordinated and focused in ways that help achieve all community goals expressed in Fayetteville's comprehensive plans and its Strategic Plan goals.

**This target for action is linked to City goal #1: GROWING CITY LIVABLE NEIGHBORHOODS- A great place to live and goal #3 MORE ATTRACTIVE CITY-Clean and beautiful**

- Objectives:
  - Well organized neighborhoods with residents taking pride and responsibility for their neighborhoods
  - Neighborhoods connected by sidewalks, trails and bike lanes
  - Higher development standards
  - Preserve and sustain natural resources, increasing green spaces
  - Cleaner community with less visible blight
  - Improve signage
- Measure of success:
  - Success is measured with adoption and implementation of a new Unified Development Code that is more "user-friendly" and that incorporates best practices



**Staff Liaison:** Rob Anderson, Chief Development Officer

**Email Address:** [randerson@ci.fay.nc.us](mailto:randerson@ci.fay.nc.us)

**Phone Number:** 910-433-1701

**Team Members:** Primarily Planning and Zoning Staff in collaboration with the Technical Review Committee

<b>Action Plan</b>	<b>Estimated Completion</b>
Complete assessment and review	Feb 2010
Final Draft of Ordinance, Administrative Manual, Zoning Map	May 2010
Ordinance adoption	Jun 2010
Transition to Implementation	June - Oct 2010
Effective Date of Ordinance and Zoning Map	Nov 1, 2010

**First Quarter Update:**

- Testing phase: Module 1 & 2 (evaluating impact of new code, as compared to current code for current and upcoming projects)
- Stakeholder committee reviews: 6 meetings (reviewing test cases; reviewing specific portions of Module 3; 3-hour work session with Clarion Associates)
- Review of Module 3
- Working with development community: UDO is development friendly, creating predictability and certainty, without compromising development standards
- Council update on Sept. 14<sup>th</sup>
- Developing administrative procedure manual.

**Second Quarter Update:**

- Stakeholder committee reviews: 6 meetings (reviewing specific portions of Module 3)
- Refining schedule and preparations for final community review and Commission and Council hearings
- Working with development community: UDO is development friendly, creating predictability and certainty, without compromising development standards
- Continued field testing to identify appropriate adjustments
- Continuing preparations for development of administrative procedure manual

**Third Quarter Update Not Provided**

**Fourth Quarter**

- Continued meetings with stakeholders group and held two public hearings with the Planning Commission
- Established an "Issue Tracking Form" to document comments received during the public hearings and written comments submitted to the city. This form will also be used to provide written responses to all outstanding issues between now and the time the package goes before the City Council for consideration of adoption

- Contracted with Clarion to begin preparation of the Administrative Manual
- Staff has begun the field evaluations for remapping of the city to the UDO based land use zones.

This Target for Action will continue in FY11. Upcoming Activities include:

- Concluding working sessions with Stakeholder Advisory Group
- Present reports to Council on progress
- Preliminary mapping of new districts
- Flow charting 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.

## Policy Agenda - Top

### Murchison Road Corridor Redevelopment

The City hired LandDesign, Inc. and Basile Baumann Prost Cole & Associates, Inc. to develop the Land Use and Economic Development Plan for the Murchison Road Corridor. The Murchison Road Corridor runs from Rowan Street to the south, to the intersection of the planned Outer Loop or Fort Bragg to the north. The plan was approved by City Council in June 2008.

The Land Use and Economic Development Plan identified nine catalyst sites to jump-start the redevelopment process. The City subsequently hired Marshall Isler to prepare an "Implementation Feasibility Analysis" as a follow up to the Land Use and Economic Development Plan for the Murchison Road Corridor. The Implementation Feasibility Analysis addresses catalyst three of the nine catalyst sites identified in the Land Use and Economic Development Plan. It defines specific development concepts based on the recommendations of the Land Use and Economic Development Plan and discussions with major land and business owners; demonstrates the economic feasibility of the recommended concepts; and defines public economic incentives necessary to make the proposed development attractive to developers.

It is recommended that the City play the role of land developer, provide subordinate development loans for gap financing, rent subsidies and create affordable housing.

**This target for action is linked to City goal #2: GREATER TAX BASE DIVERSITY- Strong local economy**

- Objectives:
  - More jobs with higher wages
  - Retain and grow businesses
  - Attract military business
- Measure of success:
  - The adoption of an action plan that outlines the City's participation in order to execute projects

Staff Liaison: Victor Sharpe, Director of Community Development

Email Address: [vsharpe@cl.fay.nc.us](mailto:vsharpe@cl.fay.nc.us)

Phone Number: 910-433-1933

Team Members: Special Projects Director, Planning Dept

<b>Action Plan</b>	<b>Estimated Completion</b>
Complete development of the funding strategy report	July 2009
Present funding strategy plan to City Council for adoption or policy guidance	Sept 2009
Prepare a detailed outline of activities necessary to implement phase 1 of the plan	Nov 2009
Research the HUD Section 108 Guarantee Loan Program for the first source of funding	Dec 2009
Update City Council on the status of implementation of funding strategies	Feb 2010

**First Quarter Update:**

- City Council presentation was held on the Sept 8 work session: Direction and policy guidance
- Funding strategy was formally presented to City Council on September 14, 2009
- City Council adopted a funding strategy for the redevelopment of the Murchison Road Corridor on September 28, 2009.

**Second Quarter Update:**

- Met with consultant to discuss redevelopment plan and funding strategies for the Murchison Road Corridor
- Consultant began the research for HUD Section 108 Loan Guarantee Program
- Prepared a work schedule for activities to complete the HUD Section 108 Loan Guarantee and Redevelopment Plan.

**Third Quarter Update:**

- Met with consultant regarding project updates
- Completed draft of the Murchison Road Redevelopment Plan
- Completed draft of application for the Section 108 Loan Guarantee
- Provided update to City Council on March 1, 2010.

**This Target for Action will continue in FY11. Upcoming Activities include:**

- Include the Murchison Road Project as part the 2010-2015 Consolidated Plan
- 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.

## Policy Agenda - Top

### Parks and Recreation Service

Maintain a funding source within the City and County Parks and Recreation areas that adequately provides a level of practical, useful, dynamic and affordable leisure activities that add value to the citizens' quality of life. Further to achieve in great detail an organization that responds to its community's lifestyle by developing and training employees that produce activities for that outcome.

**This target for action is linked to City goal #4: MORE EFFICIENT CITY GOVERNMENT-  
Cost effective service delivery**

- Objectives:
  - Investing in City's Infrastructure, facilities and equipment
  - Greater accountability for performance & results
- Measure of success:
  - The presentation of a comprehensive report to Council on the purpose, history, successes and future of the Cumberland County and Fayetteville's parks and recreation department.

Staff Liaison: Michael Gibson, Director of Parks and Recreation and Maintenance

Email Address: [mgibson@ci.fay.nc.us](mailto:mgibson@ci.fay.nc.us)

Phone Number: 910-433-1557

Team Members: Human Resource Director, Finance Manager, Assistant City Manager

Action Plan	Estimated Completion
Prepare comprehensive report	Dec 2009
Present findings to City Manager	Jan 2010
Present report to City Council for policy direction	Feb 2010

#### First Quarter Update:

- Staff research

#### Second Quarter Update:

- Staff met with City and County managers to develop performance measures for Fayetteville-Cumberland Parks and Recreation
- The group's consensus was to research and provide recommendations for improvements in staff efficiency measures.

#### Third Quarter Update Not Provided

#### Fourth Quarter Update Not Provided

## Policy Agenda - Top

### Annexation Policy

The City of Fayetteville's growth management strategy influences development in the community and diversifies the City's tax base. This target for action will provide the City Council with an opportunity to consider annexation strategies designed to ensure efficient delivery of City services. The goal is to grow the community in an orderly, logical manner while recognizing our obligation to existing residents. In addition to providing support for making strategic choices for growth based on sound principals for urban planning and development, environmental considerations (reduction of septic systems and domestic wells) and a balanced, full service, fiscally responsible community.

In an effort to devise a policy for guiding annexation decisions, staff will continue to examine the impact of various annexation scenarios in the context of changing State of North Carolina legislation. We will take a look at the legal obstacles, financial implications and service delivery challenges and opportunities associated with each possible annexation site in the Municipal Influence Area on our periphery.

It is anticipated that several working sessions with the City Council will be required during FY 2009 – 2010 for staff to receive guidance on policy directions. We expect to be prepared to complete our analysis and begin dialogue with Council by early to mid-winter.

Staff will continue to participate in the Joint Committee on Municipal Annexation to formulate numerous recommendations for the North Carolina General Assembly. Success for this target for action will be achieved when we have a clearly defined policy adopted by City Council to be used as a decision tool when considering the annexation of land into the City of Fayetteville.

**This target for action is linked to City goal #1: GROWING CITY LIVABLE NEIGHBORHOODS- A great place to live**

- Objectives:
  - Well organized neighborhoods with residents taking pride and responsibility for their neighborhoods
- Measure of success:
  - The presentation of a comprehensive report to Council on the purpose, history, successes and future of Fayetteville's growth management strategy

Staff Liaison: Kristoff Bauer, Assistant City Manager

Email Address: [kbauer@ci.fay.nc.us](mailto:kbauer@ci.fay.nc.us)

Phone Number: 910-433-1933

Team Members: Planning Staff, City Manager



<b>Action Plan</b>	<b>Estimated Completion</b>
Staff research and evaluation	Nov 2009
Council Work Session on Annexation	Feb 2010
Staff support of Joint Committee on Municipal Annexation	March 2010
Present report to City Council for policy direction	April 2010

First Quarter Update:

- Staff researched non-incorporated areas on our periphery, including enclaves
- Ongoing evaluation of infrastructure, legislation and development continues
- Staff continues to support the Joint Committee on Municipal Annexation to guide and impact NC legislation
- Staff attended legislative hearings in Raleigh
- Numerous planning division staff meetings on the topic and two meetings with the City Manager and Assistant City Managers to discuss policies, priorities, strategies, impediments and opportunities.

Second Quarter Update:

- The City Council adopted an updated PWC policy related to utility service extension within the City's MIA leading to an increase in voluntary annexation petitions in this area
- Staff has completed preparation of a Resolution of Consideration for the area within the City's MIA and will bring that to Council for consideration
- The annexation of existing City owned property has been initiated and will be ready soon for Council consideration
- Staff is researching and mapping legal limitations on annexation authority to inform the policy development process.

Third Quarter Update:

- Continued research and mapping legal limitations on annexation authority to inform the policy development process
- Discussion with Council at strategic planning retreat
- Negotiations with Hope Mills regarding annexation agreement; Update to Council in May
- Annexation policy information presented to Council during the March work session.

Fourth Quarter Update:

- Hope Mills annexation agreement presented to Council in May; continued work on resolving boundary for one remaining large parcel
- Discussed concerns regarding assessment policy with Council
- Initiated work on a revised Resolution of Consideration based upon the proposed Hope Mills Agreement for consideration by Council.

**Upcoming Activities:**

- Clarified assessment policy under development
- Revised Resolution of Consideration under development
- Working with property owner to resolve last portion of boundary for the Hope Mills Annexation Agreement – this agreement will be the next item Council formally considers.

## Policy Agenda - Top

### Workforce Development

The Cumberland County workforce has a number of challenges related to knowledge, skills and abilities as identified in a study commissioned by the Chamber of Commerce. In order to grow the local economy, a collaborative effort is needed to meet the challenges in the current workforce.

The City has partnered with the Chamber of Commerce to address workforce development in FY 09. This target for action seeks to continue this partnership through FY10. The City is currently in contract negotiations with the Chamber and is developing the performance objectives specific to workforce development. Success would consist of fostering a collaborative environment with multiple partners to set the conditions to meet the workforce development challenges and evolve into a high quality community workforce.

**This target for action is linked to City goal #2: GREATER TAX BASE DIVERSITY- Strong local economy**

- Objectives:
  - More jobs with higher wages
  - Retain and grow businesses including those associated with the military
  - Have an available, competent local workforce
- Measure of success:
  - Contract execution
  - Support, evaluate and report the City's participation in workforce development efforts

**Staff Liaison:** Victor Sharpe, Director of Community Development

**Email Address:** [vsharpe@ci.fay.nc.us](mailto:vsharpe@ci.fay.nc.us)

**Phone Number:** 910-433-1933

**Team Members:** Human Resource Director, Fayetteville-Cumberland County Chamber of Commerce

Action Plan	Estimated Completion
Fall into Work Job Fair	Oct 2009
Construction of sanitary sewer and utility improvements for the Military Business Park	Nov 2009
Supporting the efforts of the Women's Center of Fayetteville	Continuous
Supporting the efforts of Economic Development Incentive Programs and Neighborhood Resource Center offered through Community Development Programs	Continuous
Supporting the efforts of Fayetteville-Cumberland County Chamber of Commerce	Continuous

### First Quarter Update:

- Executed contract with Fayetteville-Cumberland County Chamber of Commerce
- Started computer classes and medical terminology classes in the Neighborhood Resource Center. The NRCs provide facilities for job training opportunities in low-moderate income neighborhoods
- Offered Economic Development Incentive Programs, utilizing CDBG funds designed to create jobs (Downtown Loan, Business Assistance Program and Façade Grant Program)
- Executed a contract with the Women's Center of Fayetteville to provide assistance to small businesses for start up or expansion (counseling & business plans) which would lead to the creation of jobs
- Partnered with the County Workforce Development to provide temporary employment for youths through the summer youth work program
- The City continued its recruitment efforts through the Police Department's BLET program.
- The Fire Department graduated 24 trainees through the Fire Recruiting Academy which were hired through the SAFER grant program.

### Second Quarter Update:

- City staff participated in the Fall to Work Job Fair. There were 96 vendors present with over 4,500 people seeking jobs. The City partnered with Cumberland County DSS and Work First Program, Fayetteville Technical Community College, Beasley Broadcasting Group, Inc., Hiring Now Magazine, and the Chamber of Commerce
- Classes offered through the Neighborhood Resource Center continued
- Continued to market City's economic development incentive programs such as the Downtown Loan Program, Business Assistance Program and Façade Grant Program for job creation
- Continued contract with Women's Center of Fayetteville to provide assistance to small businesses for start up or expansion.

### Women's Center's Goals and Accomplishments

	Goal for 2009-2010	Jul-Sep 09 Q1	Oct-Dec 09 Q2	Total for 2009-2010
One-on-one Consultations	500	362	202	564
Clients served	325	280	89	369
Workshops/ events	60	47	38	85
Attendees in workshops/ events	600	656	771	1427
Access to funding	70	6	6	12
Business Plans	35	5	3	8
Start up Businesses/ Expansion	35	10	9	19
Loans applied by WBC \$/ No.		\$205,000/6	\$340,000/6	\$545,000/12
Loans approved for WBC clients (incl. outside bankers) \$/ No.		\$152,000/2	\$65,000/2	\$217,000/4

Third Quarter Update:

- Continued to market City's economic development incentive programs such as the Downtown Loan Program, Business Assistance Program and Façade Grant Program for job creation
- The construction of the Military Business Park continued
- March to Work Job Fair
- Completed development of an Economic Development Program through a regional partnership with Cumberland County coordinated and lead by the Fayetteville-Cumberland County Chamber of Commerce – presented to City Council on March 1<sup>st</sup>.

Fourth Quarter Update:

- Continued to market City's economic development incentive programs such as the Downtown Loan Program, Business Assistance Program and Façade Grant Program for job creation
- The construction of the Military Business Park continued
- Classes offered through the Neighborhood Resource Center continued
- Results below from the Center for Economic Empowerment & Development (formerly known as Women's Center of Fayetteville).

Activity	Total for 2009-2010
One-on-one Consultations	1028
Clients served	652
Workshops/ events	164
Attendees in workshops/ events	2407
Start up Businesses/ Expansion	30
Loans applied by \$/ No.	\$745,000/22
Loans approved \$/No.	\$285,000/7

## Policy Agenda - Top

### Recycling Program for Multifamily and Commercial

This target for action seeks to expand our successful curbside recycling program to multifamily and commercial customers. The staff must first meet with and obtain feedback from the stakeholders to include Homeowners Association representatives, waste haulers and the material recovery facility manager to discuss service alternatives. A determination of the type of collection containers needed at multifamily and commercial establishments is based upon size of complex, type of commercial establishment and space available. Once this is decided, a method of collection will need to be determined. This will be done by considering the maximum diversion rates and costs of optional service possibilities.

In order to accomplish these tasks, staff intends to partner with Sustainable Sandhills to collect necessary data and formulate alternate methods of collection. Types, sizes, and the cost of dumpsters and carts will be analyzed. Recommendations are based upon size and type of multifamily developments and businesses. Staff will then estimate collection service costs to include dumpsters, carts, collection and hauling, advertisements and educational materials.

**This target for action is linked to City goal #3 MORE ATTRACTIVE CITY-Clean and beautiful**

- Objectives:
  - Preserve natural resources
  - Cleaner community
- Measure of success:
  - Program recommendation presentation to Management and City Council in FY10

**Staff Liaison:** Jerry Dietzen, Director of Environmental Services

**Email Address:** [gdietzen@ci.fay.nc.us](mailto:gdietzen@ci.fay.nc.us)

**Phone Number:** 910-433-1329

**Team Members:** Environmental Services Director, Analyst & Superintendent, Sustainable Sandhills staff members, Special Project Manager, Finance department

Action Plan	Estimated Completion
Meet with stakeholders	Nov 2009
Develop plan and estimate costs	Feb 2010
Present plan to Council for approval	Mar 2010

#### First Quarter Update:

- Met with Cumberland County Apartment Association and presented information on multifamily recycling benefits and needs. CCAA was very receptive to the implementation of a recycling program



- Met with Sustainable Sandhills to discuss options and share ideas for meeting with stakeholders. Sustainable Sandhills has agreed to sponsor the stakeholder meetings and gather input.

#### Second Quarter Update:

- Sustainable Sandhills created and delivered an on-line survey to over 50 stakeholders of multifamily and commercial developments to seek input on recycling
- Environmental Services met several times with Sustainable Sandhills and ACM to discuss questions and next steps
- Met with the manager of the local materials facility to ensure that they have the capacity for the additional material once we begin the program.

#### Third Quarter Update:

- Stakeholder interviews to gather additional information, ideas, concerns and to stress the importance of recycling at multifamily and commercial developments
- Presented update to Council in April.

#### Fourth Quarter Update:

- Gathered information on numbers of units in each townhouse development, condominium development, apartment complex, mobile home park and other multifamily developments
- Researched dumpster collection types and cart types to be used at varying size developments
- Gathered preliminary estimates on equipment costs
- Researched franchise agreements in other cities as well as previous City of Fayetteville franchise agreements
- Enlisted assistance from the City's Legal Department to help formulate the most appropriate franchise agreement for this endeavor.

#### This Target for Action will continue in FY11. Upcoming Activities include:

- Develop appropriate franchise agreement options in cooperation with legal and finance staff
- Report on survey results
- Develop options for program
- Receive Council direction
- Implement Council approved options.

## **Policy Agenda - High**

### **County Jail Capacity**

The Fayetteville Police Department is very assertive in arresting individuals within our community as a result of an investigation, and/or warrants issued by the court or other law enforcement agencies. More often than not, recidivists are not receiving bonds that require jail time. The Cumberland County Sheriff's Office (CCSO) is directly responsible for providing these services for ALL citizens and jurisdictions within Cumberland County. The City of Fayetteville is directly impacted by the lack of adequate bed space within the jail, which does not fall under the purview of the Fayetteville Police Department or local government. The funding of additional 190 jail bed spaces exceeds \$11 Million for construction with an additional \$1 Million each year to sustain the operation. Jail overcrowding is one of many issues that local criminal justice entities must address, and while the CCSO is responsible, it is not their issue alone.

County-wide solutions must be developed to address the lack of adequate jail space and other issues that habitually impact every law enforcement agency such as involuntary mental commitments, juvenile issues, magistrate and court issues, grant coordination and logistical and consolidation endeavors. The Fayetteville Police Department, Methodist University and Fayetteville State University have taken the lead in developing a Criminal Justice Coordinating Council (CJCC) to address the aforementioned needs of our community.

Currently, representatives from these organizations have been holding regularly scheduled meetings in developing this initiative. The concept was presented and supported by the CCSO. The next phase will be to meet with our District Attorney, Senior Superior Court and Senior District Court Judges.

The development of the CJCC is currently unfunded and will eventually need dedicated staff. However, Methodist University, Fayetteville State University and personnel from the Fayetteville Police have volunteered their time on this project. Graduate assistants, intern and other volunteers will also be utilized based upon availability and need for the project.

The development of the CJCC is contingent upon the cooperation from each and every criminal justice stakeholder. The CJCC will develop partnerships whereas we can move forward as one on a consensus.

**This target for action is linked to City goal #1: GROWING CITY LIVABLE NEIGHBORHOODS- A great place to live**

- Objectives:
  - Low crime rate, safe streets, responsible neighborhoods connected with sidewalks that are well-organized, expand and upgrade parks
- Measure of success:
  - Develop a proposed plan (funding and actions) which will directly impact the lack of adequate bed space within the jail
  - Team members from the separate criminal justice entities commit to develop and participate in a Criminal Justice Coordinating Council

**Staff Liaison:** Tom Bergamine, Chief of Police

**Email Address:** [tbergamine@ci.fay.nc.us](mailto:tbergamine@ci.fay.nc.us)

**Phone Number:** 910-433-1819

**Team Members:** Team Captain/Captain Bridgeman, Police Chief, Methodist University, District Attorney, and Cumberland County Sheriff

<b>Action Plan</b>	<b>Estimated Completion</b>
Cumberland County Commissioners presentation on jail capacity and expansion issues	Sept 2009
Meet with team members and stakeholders to develop plan of action to address jail capacity; advocate for solution	Continuous
Initiate, develop and implement the Criminal Justice Coordinating Council	June 2010

#### First Quarter Update:

##### **CRIMINAL JUSTICE COORDINATING COUNCIL**

- Formed a core group: Police Department/Sheriff's Office/District Attorney's Office/Methodist University and Fayetteville State University
- Met with stakeholders to identify possible options for increasing jail capacity
- Met with team members to develop a mission, goals and vision statement for the Criminal Justice Coordinating Council
- Established framework for guiding principles.

##### **JAIL CAPACITY**

- Met with Mr. Grannis & Sheriff Butler to provide information on arrests and repeat offenders
- Funding is the main topic of concern
- Articles appeared in the newspaper on September 9 & September 11 on the presentation made to Cumberland County Board of Commissioners
- Planning Committee has asked the County Manager for a follow-up report on this issue in 60 days
- Alternate detention plans (bracelets worn by repeat offenders) if they violate, they go back to jail).

#### Second Quarter Update:

- Chief Bergamine partnered with District Attorney Grannis and Sheriff Butler to address the Cumberland County Commissioners in a request for additional jail space
- Cumberland County Commissioners stated that they would conduct an assessment and report back within 90 days
- The Cumberland County Criminal Justice Coordinating Council will coordinate a meeting with the Senior Superior Court, District Court Judges and the Public Defender
- Alternate means of tracking offenders and subjects on pretrial release are being utilized through GPS tracking.

#### Third Quarter Update:

- Attended meeting for the Jail Health Program to discuss the impact of repeat offenders being arrested and the correlation of health costs to the jail
- Was advised that commissioners will be discussing this matter
- Met with District Attorney. New initiative being discussed to streamline the process of trials for repeat offenders with emphasis being addressing the cases in Superior Court, followed by District Court cases.

Fourth Quarter Update:

- County Commissioners voted to put 1.75 cents per \$1 going towards the funding of the Jail Expansion. Plans call for approximately 200 additional beds
- Safety Over Speed Committee was transformed into the Community Wellness & Public Safety Council with 4 sub-committees consisting of: Legislative, Marketing & Promotion, City & Military Relations, and the Criminal Justice Coordinating Council.

## Policy Agenda - High

### Air Quality Non-Attainment

Recently Fayetteville met the air quality attainment standards set by EPA as part of the "early action compact" agreement. However, the air quality standards will be incrementally strengthened. Fayetteville will be required to meet a more stringent air quality level. If we do not meet the new requirement, Fayetteville will be considered a "non-attainment" area requiring mandatory changes for new and expanding industry and it will be necessary to follow the "State Implementation Plan".

We will consult with professionals and work with our Municipal Planning Organization in order to better understand the implications of not meeting the new air quality standards and to better plan for the future. Once a local plan of action is outlined, staff will meet with stakeholders and make recommendations for necessary ordinance changes. Air quality standards may not be attainable in the short term; therefore, the recommendations to meet attainment may be difficult and costly for business and local governments.

**This target for action is linked to City goal #2 MORE ATTRACTIVE CITY-Clean and beautiful**

- Objectives:
  - Preserve natural resources
  - Cleaner community
- Measure of success:
  - Program recommendation presentation to Management and City Council in FY10

**Staff Liaison:** Jerry Dietzen, Director of Environmental Services

**Email Address:** [gdietzen@ci.fay.nc.us](mailto:gdietzen@ci.fay.nc.us)

**Phone Number:** 910-433-1329

**Team Members:** Sustainable Sandhills, Fort Bragg Air Team, Fayetteville Area Metropolitan Planning Organization (FAMPO), NCDENR Division of Air Quality and a number of other key air quality stakeholders in Cumberland, Hoke and Harnett Counties.

Action Plan	Estimated Completion
Consult with professionals in the Air Quality industry concerning reinstatement of EPA's Early Action Compact (EAC)	Oct. 2009
Meet with stake holders to explain potential impacts to local industry to meet "Lowest Achievable Emissions Rate" – Begin community education	Dec. 2009
Develop action plan with DENR and MPO to meet "Lowest Achievable Emission Rate"	March 2010
Identify realistic clean-air strategies to assist in Air Quality attainment	April 2010
Estimate costs to City budget and timelines for complying with new strategies	May 2010

### First Quarter Update:

- Attended Combined Air Team meeting (COMBAT) with local stake holders on September 15th 2009
- Transit Connection to the Fort Bragg Heritage Village: Two van pools are now operating for this function
- Fossil-fueled engine and motor sources: Sustainable Sandhills Project number 3. 'No Idle' Policies in Local School Districts – No idle zones have been identified and signed at schools in the Cumberland County area for the 2009 -10 school year
- Green Business Program: Sustainable Sandhills Project number 5. Businesses are certified based on a checklist modeled after several successful programs across the country. There are currently 43 businesses certified under this new program with 32 in progress of certification
- Innovative Education and Outreach programs on sustainable practices: A series of 4 evening films on sustainability with open discussions have taken place during the quarter
- Alternate Fuel Vehicle Stimulus Grant Award: DOE grant funds were awarded to the Triangle Clean Cities Coalition, which Fayetteville is a part of. The grant funds will be used to offset the difference between the cost of a regular fuel vehicle and the cost of a hybrid vehicle.

### Second Quarter Update:

- Attended Combined Air Team meeting (COMBAT) with local stake holders on January 14
- Discussing the possibility of partnering with PWC, Transit and "Ride Share NC" to develop vanpools and demand transportation options
- Green Business Program: Businesses are certified based on a checklist modeled after several successful programs across the country. To date, 45 businesses certified and 30 in progress
- City buildings are applying to become "green businesses" beginning with Transit & Environmental Services building on Grove Street. Energy efficient renovations will reduce energy requirements
- Innovative education and outreach programs on sustainable practices: A series of evening films on sustainability with open discussions have continued during the quarter
- Ordered 3 ea. hybrid electric work vehicles for use by PWC electric crews and Traffic Services
- Fort Bragg Sustainability Department hosted a three-day Sustainability workshop Jan. 11-13 for Army Installations across the United States. Fort Bragg is considered a leader in sustainability for military reservations
- PWC applied for a competitive DOE grant to roll out the Consert program. This program will make money available to PWC and individual home owners to install electrical usage monitoring devices and smart meters. Also included will be a program to provide incentives for home owners to make energy retrofits to their homes. This will result in reduced energy usage and a reduction in carbon emissions.

### Third Quarter Update:

- The Fayetteville Area Metropolitan Planning Organization (FAMPO) in conjunction with the NC Department of Transportation, the Chamber of Commerce and several city departments began a study of the Raeford Road corridor to identify efficient and effective safety improvements and ways to reduce traffic congestion
- Innovative education and outreach programs on sustainable practices: A series of evening films on sustainability with open discussions have continued during the quarter



- Fayetteville State University hosted the First Annual Green Business Conference in Fayetteville
- Executed \$1,386,000 from the ARRA Department of Energy for the Energy Efficiency and Conservation Block Grant. Projects funded included energy upfits to city facilities, energy efficient street lighting at selected sites and traffic signal intersection controllers to improve traffic mobility and reduce idle time for vehicles waiting at intersections
- Sustainable Sandhills applied for a grant from the NC Department of Energy which could provide internships for energy consultants for the City of Fayetteville.

#### Fourth Quarter Update:

- Grant awarded for Interns by the NC Energy Office. Two interns for the city will concentrate on building energy audits and building energy plans
- Grant awarded through Triangle Clean Cities Coalition allowed the city to purchase a hybrid bucket truck and 3 ea. hybrid SUV's
- Discussed the possibility of developing a rideshare program for city employees and a program to allow them to ride city busses at no cost or reduced cost
- Contract documents have been developed for energy efficiency projects identified in the EECBG grant. Contracts will be going out for bid beginning in August
- Rideshare programs and on-post shuttle services have been put in place by Fort Bragg.
- Researched after market diesel particulate filters for older diesel engine powered equipment. Cost to retrofit each diesel truck would be between \$18,000 and \$25,000
- Environmental Services Director attended alternate fuel vehicle conference in Raleigh and reviewed electric vehicles, hybrids, compressed natural gas vehicles and propane hybrid vehicles. Additional work would need to be accomplished to satisfy the infrastructure needed for refueling
- PWC Fleet staff attended NC Project Get Ready – The program to retrofit some parking spaces for plug-in electric vehicles
- Initiated Idle Reduction Policy on July 1, 2010 for city vehicles and vehicles used for city business.

#### Upcoming Activities:

- FAMPO Bicycle & Pedestrian Connectivity Study final draft
- EECBG energy conservation retrofit projects will get underway
- Test "Extreme Energy" Alternate Power Units for police cars. This will allow AC to continue to run without running the engine yielding further emission reductions
- Report from the Combined Air Team on EPA pollution limits changes and what that means to the City/County
- Send delegates to Charlotte to vote on new IECC building codes
- Continue to work with PWC to develop PAC financing for energy retrofits for homeowners and small business owners
- Develop a partnership or business relationship with a company to produce "clean diesel" fuel and gasoline from waste wood and trap grease.

## Policy Agenda - High

### Emergency Medical Transport Performance Report

The City of Fayetteville partners with Cumberland County for provisions in public safety systems. This target for action focuses on the area of emergency medical transport (ambulance service) in the Fayetteville community. Emergency medical transport is currently provided by Cumberland County and managed through Cape Fear Valley Hospital System. Based on recent concerns about ambulatory response times, the City Council has asked for a review of the entire public safety system. In an effort to improve emergency medical transport performance within the City of Fayetteville, municipal and county managers and their representatives are engaged in a Public Safety Work Group.

This work group will conduct a review of the public safety system, specifically fire service, communications and EMS. The group was charged to make recommendations for system design improvements, and to provide final report with recommendations by December 2009.

**This target for action is linked to City goal #4: MORE EFFICIENT CITY GOVERNMENT-  
Cost effective service delivery**

- Objectives:
  - Investing in City's infrastructure, facilities and equipment
  - Greater accountability for performance & results
  - Services delivered in a cost-effective manner
  - High level of customer satisfaction
- Measure of success:
  - Participate in a Public Safety Work Group
  - Review of the entire public safety system
  - Present recommendations for service improvements within the City

**Staff Liaison:** Benny Nichols, Fire Chief

**Email Address:** [bnichols@ci.fay.nc.us](mailto:bnichols@ci.fay.nc.us)

**Phone Number:** 910-433-1111

**Team Members:** Fire Chief Town of Hope Mills Fire Department, Cumberland County Fire Chief's Association President, Cumberland County Emergency Services Director, Cape Fear Valley EMS Chief, Fire Chief Wade Community Fire Department, Fire Chief Town of Spring Lake Fire Department, Fire Chief Fort Bragg Fire Department, and Fire Chief City of Fayetteville Fire/Emergency Management Department

Action Plan	Estimated Completion
Participation in Public Safety Work Group: Review and Evaluate services	Dec 2009
The Task Force will present report	Jan 2010
Present findings to Council and receive policy preference and direction	April 2010
Include resources in FY11 budget request, consistent with Council direction	May 2010

#### First Quarter Update:

- Group discussions and activities have facilitated operational changes in the system - process and procedure improvements
  - Ambulances now pre-stationed at fire stations report decrease in response times
  - Contracted with funeral homes to transport deceased patients
  - Implementation of Omega Codes (shifts non-emergency transports to alternate agency)
  - Taxi vouchers being issued by CCEMS paramedics to patients for non-emergency transport to medical facilities
- Reported average response times for emergency calls have been reduced by approximately 50%
- FFD has realized a significant reduction in wait times for CCEMS arrival.

#### Second Quarter Update:

- Weekly meetings with the Public Safety Task Force and the E911 committee
- The Task Force is scheduled to present their findings in a report February 2010
- The report will be presented first to the County and municipal managers and then to the elected officials. The Council will be sent an invitation once a definite date is secured.

#### Third Quarter Update:

- Public Safety Task Force presented findings and recommendations to elected officials
- New OSSI CAD implemented in City and County Communications Centers
- City communications staff undergoing Emergency Medical Dispatch training
- CCEMS has installed Automatic Vehicle Locators (AVL/GPS) on medic units to facilitate "closest unit dispatch".

#### Fourth Quarter Update:

- Continued support to improve emergency medical transport performance within the City of Fayetteville.

## Policy Agenda - High

### Tree Preservation Ordinance

This target for action seeks to clarify tree preservation ordinances and pursues policy guidance on this initiative. Tree ordinances are meant to help build a healthy and sustainable community forest. They define how to manage and care for public and/or privately owned trees and demonstrate commitment to the community forest. A tree preservation ordinance may be developed to address such matters as establishing municipal authority over public trees, setting standards for tree planting, maintenance and management, outlining enforcement, fees and fines, and defining nuisance conditions on private trees. A tree ordinance has economic, environmental, and social benefits to the city.

A tree preservation ordinance can serve many purposes from beautification to preservation to protection. These purposes can be singular or comprehensive in nature. In addition, tree preservation ordinances can be components of city land use plans. It is possible that administration costs and revenue from fees will be associated with a tree ordinance.

The developing Unified Development Ordinance (UDO) includes tree preservation standards. We recommend continued policy and administrative procedure research on this issue. A final report and recommendation will be presented to City Council in FY 10. Success for this target for action is a program that will preserve a significant tree canopy in the community without excessively infringing on property rights. In addition, the program is focused and easy to administer.

**This target for action is linked to City goal #3 MORE ATTRACTIVE CITY-Clean and beautiful**

- Objectives:
  - Higher development standards
  - Preserve natural resources and increase green spaces
- Measure of success:
  - Adoption of tree preservation ordinance or inclusion in adopted UDO

Staff Liaison: Michael Gibson, Director of Parks and Recreation and Maintenance

Email Address: [mgibson@ci.fay.nc.us](mailto:mgibson@ci.fay.nc.us)

Phone Number: 910-433-1557

Team Members: Planning Department, UDO stakeholders

Action Plan	Estimated Completion
Review, evaluate and test tree preservation standards contained in UDO	Dec 2009
Consult with stakeholders and team member for modifications	March 2010
Present ordinance recommendation to Council for adoption	June 2010

First Quarter Update:

- Draft tree preservation standards are contained within Module 3 of the UDO
- Review and evaluation of the standards.

Second Quarter Update:

- Reviewing, evaluating and testing tree preservation standards contained in UDO
- Consulting with stakeholders for any modifications.

Third Quarter Update Not Provided

Fourth Quarter Update:

- Continue moving forward with Unified Development Ordinance review and implementation process.

This Target for Action will continue in FY11. Upcoming Activities Include:

- Implement tree preservation ordinance with Unified Development Ordinance.

## Policy Agenda - High

### Building Demolition

There are a number of challenges associated with any municipal code enforcement/building demolition programs. The two most prominent are the lengthy procedural requirements of state law and the limited funds available for demolition as compared to the number of buildings that fit the profile as candidates for removal.

At the same time, there are several factors that contribute to the need for public involvement in building demolition. These factors are mainly economic and market changes but also include the investment or disinvestment patterns of property owners – especially those of rental properties.

In the fiscal year 2009 – 2010 the general fund budget request of \$175,966 for Contract Services is similar to the 2008 – 2009 Contract Services funded at \$175,000. This is the line item which we use for building demolition, weed cutting, trash and debris clean-up and the securing of vacant buildings open to trespass. Because this is a small number relative to the need in the community, we must prioritize the use of these funds to achieve the greatest impact.

In fiscal year 2008 – 2009 the Community Development Department initiated an Acquisition/Demolition program with the allocation of \$70,000 in CDBG funding. Through collaboration between Community Development and Inspections as of late April 2009, we have begun to utilize some of those CDBG funds to expand our financial ability to carry out demolitions when needed. As of this writing, 10 buildings have been demolished using the federal CDBG funds. In addition, the Community Development Department has proposed to increase the funding of this program by recommending the allocation of \$100,000 in CDBG Economic Recovery funds for this purpose.

The Code Enforcement process sometimes results in private property owners paying for demolition of their dilapidated properties. In effect, the efforts of the Inspections Code Enforcement activities have a greater impact than is represented by the City funded demolition numbers. Other than privately funded renovation of basically sound structures, this is the most desirable outcome – property owners taking responsibility for their property.

**This target for action is linked to City goal #1: GROWING CITY LIVABLE NEIGHBORHOODS- A great place to live and goal #3 MORE ATTRACTIVE CITY-Clean and beautiful**

- Objectives:
  - Low crime rate and reputation as a safe community
  - Well organized neighborhoods with residents taking pride and responsibility for their neighborhoods
  - Higher development standards
  - Preserve natural resources which increases green spaces
  - Cleaner community with less trash and visible blight
  - More buildings and homes meeting codes and requirements
- Measure of success:
  - Increasing the number of demolitions through creative financing such as the CDBG programs
  - Utilizing other programs such as the "B" Street Model and a possible rental inspections program to reverse the trend for disinvestment for the long term



Staff Liaison: Rob Anderson, Chief Development Officer

Email Address: [randerson@ci.fay.nc.us](mailto:randerson@ci.fay.nc.us)

Phone Number: 910-433-1701

Team Members: Code Enforcement Staff, Community Development Department

Action Plan	Estimated Completion
Collaborating with State agencies to ensure compliance with regulations	Continuous
Attend Neighborhood Reclaiming Strategy meetings and support the effort through demolition program	Monthly
Strategic utilization of funding resources to achieve as many demolitions as possible	Continuous

First Quarter Update:

- Working with the NC Department of Environment and Natural Resources (NC DENR) to ensure our new procedures are consistent with their requirements for asbestos testing and abatement for residential demolition
- Working to resolve differences in procedural requirements from the NC DENR and Health Hazards Control Unit in Raleigh to resolve any gaps or conflicts in their policies
- We received revised policies from Community Development which modified guidelines to allow for funding of testing and removal of asbestos
- Community Development was awarded \$100,000 in demolition acquisition funding through the American Recovery and Reinvestment Act
- Demolitions
  - 3 completed demolitions in the first quarter: As part of the "B" St. pilot program we had two structures demolished that were continual problems. One of these was done by a private property owner at no cost to the City
- Staff is prioritizing blighted structures in the demolition program, utilizing Federal funds when circumstances allow.

Second Quarter Update:

- Community Development's new financial limits for the demolition and acquisition program are in place. We continue to use federal CDBG funds to demolish residential structures when available
- Created new regulations, specifications and procedures for demolition of properties, which will require asbestos testing and abatement on all demolitions in the city. These regulations mirror regulations and policies of most of the larger municipalities in NC
- Two team members have successfully completed training in asbestos testing
- Two demolitions associated with B Street program expected to be complete in January
- Continued participation in the police Reclaiming Neighborhoods Strategy
- 11 demolitions for October 1 to December 31—these were all code enforcement cases; of those, nine were funded through the Community Development Acquisition and Demolition Program with federal Community Development Block Grant funding. The two remaining cases were paid from the general fund at a cost of \$13,400

- Working with the NC Department of Environment and Natural Resources to ensure our new procedures are consistent with their requirements for asbestos testing and abatement for residential demolition
- Working to resolve differences in procedural requirements from the NC DENR and Health Hazards Control Unit in Raleigh to resolve any gaps or conflicts in their policies.

#### Third Quarter Update Not Provided

#### Fourth Quarter Update:

- 14 demolitions were completed in FY10
- 7 demolitions were completed in the fourth quarter. These were all code enforcement cases; of those seven, two were funded through the Community Development Acquisition and Demolition Program, one was paid for by the owner. The remaining four were paid from the general fund at a cost of \$10,650
- Two additional homes were ordered demolished by the City Council on June 28, 2010
- In addition to the residential demolitions noted above, pair of commercial buildings on Southern Avenue were ordered demolished which will be carried out in the next 45 days after completion of asbestos analysis and remediation.

## Policy Agenda - High

### Property Revaluation and Tax Rate

Cumberland County completed property tax revaluation in the fall of 2008. This target for action seeks to evaluate what the revenue neutral tax rate would be for the FY10 budget. The team will gather historical property value data as well as estimated property values for FY2010 to determine a revenue neutral tax rate. In addition, the City Manager, assisted by the team, will develop the FY2010 recommended budget and tax rate. City Council will set the tax rate in June 2009 for FY2010.

**This target for action is linked to City goal #4: MORE EFFICIENT CITY GOVERNMENT-  
Cost effective service delivery**

- Objectives:
  - Investing in City's future infrastructure, facilities and equipment
  - Greater accountability for performance & results
  - Services delivered in a cost-effective manner
  - Producing results following the strategic plan and budget
- Measure of success:
  - Adoption of the FY2010 City of Fayetteville budget

Staff Liaison: Lisa Smith, Chief Finance Officer

Email Address: [lsmith@ci.fay.nc.us](mailto:lsmith@ci.fay.nc.us)

Phone Number: 910-433-1682

Team Members: Budget and Evaluation Manager, City Manager

Action Plan	Estimated Completion
Gather historical property value data and estimated property values for FY10	May 2009
Determine revenue neutral tax rate	June 2009
Adopt FY 2010 budget	June 2009

#### First Quarter Update:

- Council adopted the FY2010 budget June 22, 2009 with a revenue neutral rate of 45.6 cents.

#### Upcoming Activities:

- No further action is required.

## **Policy Agenda - High**

### **Legislative Agenda and Lobbying Strategy**

The City, County of Cumberland, and Fayetteville-Cumberland County Chamber of Commerce have partnered with the Ferguson Group to develop a community-wide federal legislative agenda. The federal agenda is based on projects/issues for which the partners have identified as priorities for our community, and for which our delegation and lobbyist feel we can successfully acquire federal assistance. This partnership has returned more than \$22 Million in federal assistance to the community since its inception. In order to continue those successful efforts, the partners have developed a 2009 federal agenda for submission to our federal legislative delegation. This agenda was approved by the City Council on February 23, 2009. Funds are included in the FY10 budget for the continuation of the Ferguson Group contract.

Additionally staff is proactively responding to the American Recovery and Reinvestment Act. Every tool at the City's disposal will be applied to ensure that Fayetteville positions itself to take full advantage and emerge as a stronger, healthier community. The federal dollars received will be spent on worthwhile projects and bring jobs to the city and surrounding communities. We continue to analyze the stimulus package and the possible funding opportunities in more than 75 Federal programs. Also, we continue to develop and refine the City's ready to go project list. As projects are prioritized and opportunities are identified, we match projects to Federal programs and funding delivery methods. Staff is aggressively applying for eligible projects and collaborating with other organizations to leverage opportunities for the community. In an effort to promote transparency and to ensure the City is responsive and accountable to the public, we are developing a stimulus tracker portal on the City's website which will launch during the first quarter of FY 10.

**This target for action is linked to City goal #4: MORE EFFICIENT CITY GOVERNMENT-  
Cost effective service delivery**

- Objectives:
  - Investing in City's future Infrastructure, facilities and equipment
  - Greater accountability for performance and results and transparency
  - Producing results following the strategic plan and budget
  - High level of customer satisfaction with City services
- Measure of success:
  - Continuation of the Ferguson Group contract in collaboration with County of Cumberland, and Fayetteville-Cumberland County Chamber of Commerce
  - Continued proactive response to Stimulus funding

Staff Liaison: Doug Hewett, Assistant City Manager

Email Address: [dhewett@ci.fay.nc.us](mailto:dhewett@ci.fay.nc.us)

Phone Number: 910-433-1978

Team Members: Management Analyst, Stimulus Response Team

<b>Action Plan</b>	<b>Estimated Completion</b>
Develop and launch the Stimulus Tracker	Sept 2009
Continued proactive response to Stimulus funding, including bimonthly meetings	Continuous
Collaborating with lobbying group and partners to monitor, evaluate and respond to impending legislation	Continuous

#### First Quarter Update:

- More than \$10 million in Stimulus funds allocated or awarded to the City of Fayetteville
- Bimonthly Stimulus Response Team meetings
- Developed and published Stimulus website
- Monitoring, evaluating and responding to the impact of the State's budget cuts on the City's revenue stream (beer and wine tax)
- Monitoring, evaluating and responding to the State legislation impacting the City's operations (Ethics panel requirement and smoke free legislation)
- Collaborating with lobbying group and partners to respond to the Water Resource Development Act

#### Second Quarter Update:

- Stimulus Response Team meetings and continuous website updates
- Coordination of the development of a community-wide federal legislative agenda in partnership with Cumberland County and Fayetteville-Cumberland County Chamber of Commerce and the Ferguson Group
  - Prioritized federal legislative agenda
- Issued letters of support for WRDA increase in authorization from \$6 million to \$20 million
- Issued briefing paper on air quality and policy paper on collective bargaining bill
- Stimulus bond opportunity:
  - Held staff meetings and researched opportunities
  - Adopted resolution designating the city a Recovery Zone
  - Completed and submitted packet to the Department of Commerce including the notice of intent to issue recovery zone bonds, a request for additional allocation and adopted resolutions declaring the use for specific projects.

#### Third Quarter Update

- Council adoption of the federal legislative agenda
- Collaborated with lobbying group and partners to monitor, evaluate and respond to impending legislation
- Continued proactive response to and coordination of Stimulus funding
- Continued response to stimulus bond program.

#### Fourth Quarter Update

- Develop a State legislative agenda
- Council adoption of the State legislative agenda
- Staff and Council representation attended the North Carolina League of Municipalities Town Hall Day on June 16
- Advocate strongly for transportation projects including Rowan Street Bridge Relocation project and I-295 project
- City of Fayetteville's Wheel Locks Special Legislation was enacted
- Respond to BRAC Regional Task Force call for project that would support Sustainable Communities Regional Planning Grant
- Collaborated with lobbying group and partners to monitor, evaluate and respond to impending legislation
- Continued proactive response to and coordination of Stimulus funding
- Continued response to stimulus bond program.



## Management Agenda - Top

### Crime Reduction Strategy and Report

On April 6, 2009, Chief Bergamine presented to City Council the Fayetteville Police Department Community Wellness Plan. The comprehensive report contains 33 planned actions for the coming year. This target for action seeks to follow the implementation of those actions through the coming year. Success would consist of the following measures:

- Increase in community participation
- Reduction in overall crime
- Reduction in violent crime
- Reduction in crimes committed by youth offenders
- Reduction in related traffic injuries and deaths
- Increase in recruiting and retaining qualified applicants

The Police Department's mission statement affirms that they are committed to leading the community problem-solving efforts that improve the quality of life for all citizens of Fayetteville. The Police Department will work assertively with the community to address the underlying conditions that lead to crime and disorder. The Police Department's core values include: all people, community involvement, integrity, professionalism, innovation, our employees, the Police code of ethics, the laws of the city, state, and country; and accountability.

At the core of our community policing efforts are the guiding principles that articulate our common organizational values, which serve as a basis for integrated decision-making and underlie the Department's strategic vision and mission. These principles are: Intelligence-led Policing, Community Partnerships, Crime Prevention, and Operational Efficiency.

We know from past experience that through prevention, education and enforcement, we can be very effective in reducing crime. We believe the challenges for fighting crime in our community are opportunities to identify more effective ways for our department to operate and to work hand-in-hand with other city departments, providing a holistic approach to creating a healthier city.

Resources needed include:

- Grant applied for and if passed: City would be responsible for the salaries of:
- 35 additional police officer positions                      \$1,411,641
- 4 additional forensic technicians,                              \$ 35,400
- 2 additional crime prevention specialists.                      \$ 61,920

We would also look to establish partnerships between Police Department and other city departments, county agencies, government entities, academic institutions, District Attorney's Office, and citizen participation.

**This target for action is linked to City goal #1: GROWING CITY LIVABLE NEIGHBORHOODS- A great place to live**

- Objectives:
  - Low crime rate and reputation as a safe community
  - Well organized neighborhoods with residents taking pride and responsibility for their neighborhoods
  - Safe streets with vehicles traveling at the posted limits

- Measure of success:
  - The presentation of a comprehensive report to Council on the Community Wellness Plan
  - Implementation of approved elements of the Community Wellness Plan

Staff Liaison: Tom Bergamine, Chief of Police

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

Phone Number: 910-433-1819

Team Members: All City Departments, Cumberland County agencies, academic institutions, and citizen participation

Action Plan	Estimated Completion
Council presentation on Community Wellness Plan and "Police Strategy"	Sept 2009
Discuss Wellness Plan at community meetings and Community Watch Group meetings to educate through Public Service Announcements and updates to website	Continuous
Continue to implement approved elements of the Community Wellness plan through aggressive prevention, education and enforcement initiatives	Continuous

#### First Quarter Update:

##### INTELLIGENCE LED POLICING

- GPS bracelets (tracking): Met with pre-trial to enhance efforts; partnering with Probation & Parole regarding repeat offenders
- Scout System (Alarms): Purchased, installed, and trained detectives
- License Plate Readers: Purchased, installed, and operational
- Palm Reader Technology: Purchased, installed and currently entering 30,000 prints into database.

##### OPERATIONAL EFFICIENCY

- Sector Policing: Implemented in both patrol districts
- Warrant Specials: Conducted each month
- Bicycle Patrol: Officers in both patrol districts and OSB cross-trained
- Records Management System: Purchased, and coordinating with IT for installation
- Case Management cases are reviewed monthly
- Joint 911 Center: Work group has met with the manager, meeting with County Manager is scheduled
- Full Service Search Warrants: Team approach with County resources to permanently rid neighborhoods of narcotics activity; City Inspections looks at a residence to ensure code compliance, Animal Control ensures that canines that are vicious and/or do not have the proper documentation are removed from the residence, DSS ensures the safety and well being of the children at the residence
- Police Executive Research Forum (PERF): Data downloaded, interviews with personnel have been conducted. Preliminary report to be received in October.

## COMMUNITY PARTNERSHIPS

- Police Foundation: Was started to increase the involvement of the community with the Police Department; accomplished with donations that allows for annual Police Awards Banquet in May; sponsored the 1<sup>st</sup> annual National Night Out event at Festival Park on August 1; started Grant Process of \$500 each to support Community Watch Groups
- Rental Inspection Program: Work in progress to develop policies and procedures necessary to register rental property to bring substandard rental property into compliance
- Badges for Baseball: Mentoring of youth through athletic programs
- Greater Fayetteville United: Attend meetings each month, members took a tour to view areas affected by the "Broken Windows" concept
- Community Forums: Patrol districts alternate months and meetings are held each month.

## CRIME PREVENTION

- Addition of two Crime Prevention Specialist positions (grant funded) for a total of six (three for each patrol district; Crime Prevention Specialists conduct residential and business security surveys, safety presentations, and work with Community Watch Groups
- G.R.E.A.T.: (Grant Resistance Education and Training) training completed at New Life Christian Academy; currently training at Berean Baptist Academy
- Operation ID: purchased 30 engravers for citizens to use to mark their property
- Property Manager Network: three new properties on board with this program

## Second Quarter Update:

- Reduction in overall crime – Crime Index Rate lowest in 10 years
- Reduction in violent crime – 17.5% reduction
- 11 people on the GPS bracelets program
- Scout systems are assigned to the property crimes supervisors, deployed and in use in the field
- All DVR equipment is working properly at this time
- Bond Enhancement Program continues and we are in constant contact with District Attorney's Office
- Great Oak Youth Development Center – Reading Buddies program to begin week of January 11, 2010
- Rental Inspection Program – meeting was held in November with the key players to discuss the legal issues concerning an ordinance; met with Raleigh IT to determine what type of computer system will be needed to implement the program
- Bicycle Patrols – Concentrated in Zone 16 & 21 residential areas; Zone 14, Glen Reilly subdivision. Officers utilized bicycle patrols to assist in residential areas where offenders were utilizing paths and other areas not accessible to motor vehicles
- G.R.E.A.T. – Received supplies (water bottles, t-shirts, name plates) utilizing 2009 JAG grant funds; more classes being scheduled after January 2010
- Operation I.D. – Crime prevention specialists continue to promote this program at all safety presentations and meetings; engravers have been loaned to residents and Operation ID stickers provided; Police Foundation did not award money to Community Watch groups; however, they will be providing at least one engraver to each group who applied for a grant
- Records Management System – Completed 50% audit for CAD migration and conducted verification meeting; completed 10% audit for RMS migration; provided data for TeleStaff licenses to City EIT for scheduling user training
- Succession Planning – Met with assistant chiefs reference transfers, due to recent promotions. In addition, the remaining lieutenants who have been in positions for an extended period of time will be rotated; met with Methodist University regarding upcoming West Point Leadership Course beginning on January 12, 2010
- Case Management – Recommendations will be made for assignment and investigation of

- specific crimes, such as fraud and white collar crimes, B&E of motor vehicles, etc
- Joint 911/Communications Center – Continuity between the County center and our center with installation of new OSSI CAD system being monitored; meeting on December 14 to ensure standardization with the County as our personnel start to be trained/certified with EMD, EFD and EPD in the new year; looking for grant money to build a modern communication center that is large enough to meet the needs of our citizens and public safety personnel
- Operation C.R.A.Y.O.N. – Presentations given by Lieutenant Bass-Caine on December 8 to FPD command staff and on December.

#### Third Quarter Update:

- April 2010 marks the one year anniversary of the Community Wellness Plan
- Chief Bergamine is in the process of updating the plan to close out successful initiatives and add new initiatives
- Presentation is being developed to update Council on progress
- Distributed monthly Community Wellness Report.

#### Fourth Quarter Update:

- Chief Bergamine is in the process of updating the Community Wellness Plan. April 2010 marks the one year anniversary of this plan and the plan is being revised to close out the successful initiatives that have been established, and add new initiatives that have begun. Presentation will be made to City Council in the near future.
- Distributed monthly Community Wellness Report.

## **Management Agenda - Top**

### **FAST Improvements**

The Fayetteville Area System of Transit (FAST) has a mission to provide safe, efficient, reliable, courteous, and innovative public transportation to the citizens of Fayetteville. To that end, the City hired a consultant to perform a Transportation Development Plan (TDP). The TDP addresses the public transportation systems in the City of Fayetteville needs now and in the future. The preliminary results/alternatives of this study were shared with the City management team and the City Council in May 2009. The final presentation to the City Council will follow a public hearing and the recommended alternatives. The Transit team will then prepare a plan of action that would take into account the approved recommendations from this plan.

The City Council has also pledged to get FAST to the state-wide funding level of other comparable NC cities within three years. Consistent with that goal and the findings in the TDP, the following actions are planned for this fiscal year:

- Replacement of the bus fleet continues – three new units (35') in July 2009, and four LTVs in June and August
- Five new hybrid electric buses will be ordered in the 1st Quarter of FY2010 via stimulus funding (arrival will be December 2010 – January 2011)
- Replacement of the ADA van fleet continues – four new LTVs in June and August 2009
- Evaluate the study results and present to the citizens via public hearings regarding future changes to the transit system
- Implement the approved alternatives to the FAST system.

**This target for action is linked to City goal #4: MORE EFFICIENT CITY GOVERNMENT-  
Cost effective service delivery**

- Objectives:
  - Investing in City's infrastructure, facilities and equipment
  - Greater accountability for performance & results
  - Services delivered in a cost-effective manner
  - Producing results following strategic plan and budget
  - High level of customer satisfaction
- Measure of success:
  - Implementation of TDP elements approved by City Council
  - Increased ridership from 989,000 to > 1,000,000 riders in FY10

Staff Liaison: Ron Macaluso, Director of Transit

Email Address: [rmacaluso@ci.fay.nc.us](mailto:rmacaluso@ci.fay.nc.us)

Phone Number: 910-433-1011

Team Members: Transit Department staff and representatives from the Transportation Advisory Committee

<b>Action Plan</b>	<b>Estimated Completion</b>
TDP Council presentation and adoption	Sept 2009
Arrival of the last two LTV vehicles	Oct. 2009
Implement expansion of services: 3 route expansion & system extended hours	Nov. 2009
Transfer station replacement	Nov. 2009
Installation of new bus stop signs and route schedules	Dec 2009
Renovation of FAST offices on Grove Street	Mar. 2010

#### First Quarter Update:

- The Transportation Development Plan (TDP) was presented to Council and adopted in August 2009
- Vehicle replacement plan is 50% complete – Eight 35' HD Transit vehicles have been replaced as of July 2009
- The ARRA Stimulus grant was executed and funds encumbered for the 5 diesel-electric hybrid buses. Delivery is expected in early 2011
- Bus Blast II was held to introduce the new 25' LTV units for the fixed route service and 20' LTV
- Rebranded the Paratransit service – "FASTrac".

#### Second Quarter Update:

- Extended hours for 3 routes and the new route 9 were initiated on November 2, 2009
- Transfer Center building replacement was completed and opened for service in December
- New FAST bus stop signs have been installed
- The renovation of the Transit administration facility is progressing as planned. The current progress estimate is that the project is about 66% complete
- Received the last of the 8 LTV transit vehicles.

#### Third Quarter Update:

- The ADA Sidewalk enhancement portion of the ARRA grant was executed in March: Coordinating with E & I department staff to begin project
- The annual FTA grant was awarded and executed
- Renovation at the Grove Street facility is complete.

#### Fourth Quarter Update:

- Received approval from the NCDOT for the state match to annual FTA grant - \$100,000
- Received the final report on the City/County Consolidated Transportation Plan – Consultant submitted Tech Memo #4
- Completed the F.A.S.T. Admin Office renovation
- Provided input to FAMPO for the 2011 UPWP



- Supported a New Freedom funds "Call for Projects" by FAMPO to receive proposals. F.A.S.T. will submit the grant application for the New Freedom funds and administer the grant upon award. The City of Fayetteville Engineering and Infrastructure department submitted the selected proposal.

## Management Agenda - Top

### Community Report Card

The city continues to seek improvement in the delivery of services to its citizens. To that end, development of a community report card begins in FY 2009-2010. The community report card provides transparency, accountability, and measures results of fiscal resources. The intent behind the community report card is to evaluate City services and guide policy and management decisions in pursuit of the City's strategic goals.

The community report card consists of four components: strategic plan, citizen input, City department business plans, and standards of performance measurement. The City possesses a current strategic plan, which defines the vision and goals for our City. In FY 2009-2010, the City has allocated \$18,400 to conduct a citizen survey. The survey will seek to gain resident's feedback on delivery of city services and the goals defined in the strategic plan.

Other components that will be explored in developing a community report card could be multi-year in nature. They will require a significant change in organizational processes and are not included in the FY10 budget request. One such component is the development of department level business plans in support of the strategic plan. The business plans will infuse results based objectives into department operations and resources. Finally, the City will continue to pursue standards for performance measurement.

The North Carolina Local Government Performance Measurement Project at the UNC School of Government is an existing program that could accelerate the community report card process. The program assists cities in compiling numerous performance measures. The standardized data allows for comparison among peer cities in North Carolina. However, participation in this project carries a fiscal and human resource cost and it does not cover the entire spectrum of existing City services. Yet, it is the fastest and simplest performance measurement system to implement.

The Community Report Card target for action will provide the opportunity for staff to explore in detail all options and resources needed for implementation and to present a final report to Council on recommendations. Following adoption of the recommendations, an estimated initial publishing date for a community report card would be FY 2012.

**This target for action is linked to the city goal #5: Greater Community Unity- Pride In Fayetteville**

- Objectives:
  - Increase trust and confidence in City government
  - Better inform citizenry about the city and City government
  - Increase community dialog on major issues
- Measure of success:
  - Present Council a recommended multiyear plan that shapes the four components of the community report card: strategic plan, citizen survey, departmental business plans and performance measures.

**Staff Liaison:** Doug Hewett, Assistant City Manager

**Email Address:** [dhewett@ci.fay.nc.us](mailto:dhewett@ci.fay.nc.us)

**Phone Number:** 910-433-1978

**Team Members:** Management Analyst, Organization and Development Manager, Budget and Evaluation Manager

<b>Action Plan</b>	<b>Estimated Completion</b>
Research options for community report card	Sept 2009
Present findings to City Manager	Dec 2009
Present report to City Council and gauge interest in development	Jan 2010
Include program costs in FY11 budget request	Feb 2010

First Quarter Update:

- Citizen survey was not included in the adopted budget
- Researched options and resources needed for the four elements of the community report card including innovating the strategic plan integration, developing performance measures, performing a citizen survey and developing and integrating departmental business plans
- Prepared and delivered presentation to the Assistant City Manager.

Second Quarter Update:

- Held team meeting to discuss feasibility of this project and provide direction
- Project has limited resources (no budget or dedicated staff)
- Decision was made to gauge the interest of Council to commit resources during their strategic planning retreat.

Third Quarter Update:

- Discussion with Council at the strategic planning retreat gauging interest to pursue project and commit resources
- Project was eliminated from targets for action for FY11
- No further action is required.

## **Management Agenda - Top**

### **Community Watch Expansion**

Community Watch is a philosophy and strategy that allows law enforcement and citizens to work together to solve crime and social problems associated with crime. The city is currently approximately 148 square miles (after Fort Bragg annexation) and there are many new neighborhoods being developed. Active Community Watch groups meet regularly to discuss crime and community needs. This target for action seeks to expand the number of new Community Watch groups as well as to revive the inactive groups.

We have learned in the past that as quickly as Community Watch groups are started, they falter. Sustainability is the key to keeping groups active. Crime problems start groups, but when crime problem goes away, so does participation. Information from the community flows to law enforcement which determines the method of patrol needed in the community. Continuous communication is the key to successful information to/from the Zone Officer and the Community Watch Coordinator. Zone Officers will contact Community Watch Coordinators on a regular basis.

**This target for action is linked to the city goal #5: Greater Community Unity- Pride In Fayetteville**

- Objectives:
  - Increase trust and confidence in City government
  - Better inform citizenry about the city and City government
  - Increase community dialog on major issues
  - Developing and maintaining collaborative working relationships
- Measure of success:
  - Sustainability for Community Watch groups
  - Two-way communication and community participation: Increase in reports leading to arrest which are initiated by CW groups
  - Increased Community Watch training, staff support and education

Staff Liaison: Tom Bergamine, Chief of Police

Email Address: [tbergamine@ci.fay.nc.us](mailto:tbergamine@ci.fay.nc.us)

Phone Number: 910-433-1819

Team Members: Cross Creek Patrol District Commander, Crime Prevention Specialists, Community Watch Groups

Action Plan	Estimated Completion
Active Community Watch List Evaluation	Sept 2009
Initiate and staff community meetings	Monthly
Public education campaign: Public Service Announcements, ensuring crime prevention presence at community events utilizing opportunities to educate public in CW groups and crime prevention, updating Police website	Continuous
Training for CW coordinators	Quarterly

#### First Quarter Update:

- Evaluated the CW list and found we had 108 active CW groups Sept 30, 2009
- During the quarter 8 groups activated, including one in the B Street area. Crime prevention specialists have been contacting inactive groups to regenerate an interest
- Community meetings are being held monthly in an attempt to educate residents about crime trends in the community. Police Dept. initiates these meetings based on crime trends to solicit advice, suggestions and provide information to citizens. Meetings rotate between bureaus/patrol districts. This quarter they were centered in Ramsey St. area
- Public service announcements with crime trend information and safety tips are sent out to the public through Community Watch leaders, newspapers, radio, TV and Police web site
- Continuing to provide crime prevention presence at community events such as National Night Out Kick Off event where CW groups around the world celebrate crime prevention by turning on porch lights. We held the event at Festival Park with Police Band Roll'RZ, displays, info, & prize drawings and three Cease Fire Movie Nights where crime prevention provides information on starting a CW group
- Two new crime prevention specialists (ARRA grant) are in training for a total of six
- Several CW coordinators and members have been enrolling in the Citizen's Police Academy, Citizens on Patrol Academy, and the City Citizen's Academy.

#### Second Quarter Update:

- Groups are evaluated weekly regarding the requirements for remaining on the active list
- Inactive Community Watch groups were contacted through letters, cards, e-mails and telephone calls to rekindle interest
- Community meetings are being held monthly in areas that have seen increases in criminal activity based on hot spot data analysis
- New groups created this quarter: Lafayette Village West, Legacy at Cross Creek Apts, and Autumn View
- Crime prevention specialists attended Citizen Police Academies and City Citizen Academy to promote the Crime Prevention program and foster interest in community watch groups
- Crime prevention specialists attended 86 Community Watch meetings; conducted 11 safety presentations; and participated in 17 community events, such as Fall Safety Day, Car Seat Safety Checks, Neighbors' Night Out and Safe Communities.

### Third Quarter Update:

- New Community Watch groups created this quarter: Buckhead, Cambridge, Cape Fear Crossing, Clairway/Briarwood, Waters Edge, and Wood Chase
- Attended 66 Community Watch meetings, conducted 4 safety presentations
- Assisted with two walk downs and distributed over 2300 crime prevention packets
- Presented the crime prevention module for the Basic Law Enforcement Training for new officers
- Coordinating with PWC to utilize their out dial campaign which allows citizens to be aware of monthly community meetings held in their area. In February, PWC contacted 2,893 out of 3,223 names listed on a database which is over 91%. For the first time, there were over 110 people in attendance at this meeting
- Researched fax numbers and email addresses for all apartment complexes which allow for widespread information broadcasting in the event of emergency alerts
- Distributing crime prevention literature at informational checkpoints to lower the risk and heighten the awareness by keeping citizens informed
- Operation ID continues to be successful. This program allows law enforcement to detect, identify, and return stolen or lost property to its rightful owner. Citizens are encouraged to mark property or valuables with an identifying mark, preferably their driver's license with state abbreviation. There is currently a waiting list to loan engravers and black light markers.

### Fourth Quarter Update:

- Community meetings are held monthly in areas that have seen an increase in criminal activity based on hot spot analysis. Residents are given info on crime trends and crime prevention strategies.
- There were four community meetings held this quarter with over 173 residents in attendance, with one of those meetings in the Bonnie Doone area
- New groups created this quarter were: Chesnutt Hills, Briarwood Apts, Country Club Hills, Four Seasons, JD Fuller Apts, Woodchase, Rosehill West/Longview Apts, and Taylor Drive. There were 15 packets sent to residents with information on starting a Community Watch
- Over 2,000 packets containing Crime Prevention literature and flyers were delivered to residents in Bonnie Doone, Bonnie Acres, Lafayette Plantation, Ponderosa, Tiffany Pines, Waters Edge and Winnabow Drive in the hopes of curtailing crime and/or starting a Community Watch Group. Another 150 letters with Crime Prevention information was sent to victims of residential and business break-ins offering surveys and security tips
- Crime Prevention Specialists attended 131 Community Watch Meetings, conducted 11 Safety Presentations and participated in 8 Community Events such as Shaniya Speaks, Special Forces Safety Days, Crimestoppers BBQ and FTCC Career Day, among others.



## **Management Agenda - Top**

### **Economic Development**

Effective municipal economic development programs generally have at their core several elements. First, strong partnerships with the existing business community, state institutions and a non-governmental agency focused on the daily functions of traditional economic development activities. The purpose of a non-governmental agency as a partner is to enable confidential interaction with investors and businesses as they evaluate alternatives for their location and investment decisions.

Second, it is important to know your community along many dimensions and to be able to demonstrate in writing the attributes that investors and businesses consider before making investment decisions. These attributes range from infrastructure location and size to utility costs, and workforce availability and characteristics. Further issues of local educational, housing and cultural opportunities, the availability of land and buildings, financial resources and economic incentive programs and general demographics all are important factors. When successful, that results in a quality of life experience that promotes even further economic expansion.

The third major element of an effective municipal economic development program is a fiscally responsible municipal government with strong services, a policy climate that promotes a healthy sustainable balance between citizen, corporate citizen, and a local economy that is rooted in both the present and the future.

With these principles in mind, the City will contract with the Fayetteville/Cumberland County Chamber of Commerce for traditional economic development services. The contract is the tool by which we define our expectations for the traditional activities we need them to carry out on our behalf. In addition, we will work closely with them as they strive to expand existing businesses while targeting opportunities to bring new jobs, retail, and industry to Fayetteville. We will collaborate on evaluating policies and strategies for state, national and international marketing programs as well as opportunities to foster an environment of success for appropriate, balanced economic expansion.

**This target for action is linked to City goal #2: GREATER TAX BASE DIVERSITY- Strong local economy**

- Objectives:
  - Retain and grow businesses including those associated with the military
  - Increased industrial tax base; more jobs with higher wages
- Measure of success:
  - The expansion of our capacity to promote Fayetteville and provide informational and support services to investors considering Fayetteville.
  - Drafting, adoption and implementation of new economic development tools to promote job creation and the types and location of investment deemed desirable by the community and depicted in the Vision 2030 Plan.
  - Identifying number, size and qualitative characteristics of businesses choosing to locate or expand in Fayetteville.

**Staff Liaison:** Kristoff Bauer, Assistant City Manager

**Email Address:** kbauer@ci.fay.nc.us

**Phone Number:** 910-433-1993

Team Members: Chamber, Community Development Department

<b>Action Plan</b>	<b>Estimated Completion</b>
Chamber contract execution	July 2009
Develop a Hospitality Facility Incentive Program	Dec. 2009
Evaluation of current economic incentive programs	Jan 2010
Support economic development efforts of the Chamber	Continuous
Council Presentation: Recommendations for modifications to programs (refine the tools)	March 2010

First Quarter Update:

- Chamber contract has been executed and operations have begun
- The procedures, application process and contract format for implementation of the economic incentive program Property Tax Grantback have been established and are in place
- Two development projects have been approved through the Property Tax Grantback program representing approximately \$40 million in investment in multi-family housing facilities.

Second Quarter Update:

- A Hospitality Facility Incentive Program was developed in coordination with the Chamber and Cumberland County. A draft of the program was presented to Council during the November 2, 2009 Council Work Session. The proposal has been placed on hold during the ARRA bond program process
- The Chamber of Commerce provided a report on economic development activities during the November 2 Work Session
- An ARRA program to provide low interest financing was identified as a means to assist two hospitality projects (one promoted by the City and one by the County). The City and the County took separate actions to apply for this funding tool to assist these projects. The Hospitality Facility Incentive Program was placed on hold pending the outcome of this application process.

Third Quarter Update:

- Economic development update presented to Council in March, which included an update on a hospitality incentive program and ARRA bond program.

Fourth Quarter Update:

- Joint economic development program adopted by both the City Council and the County Commission.

Upcoming Activities:

- Staff support of Fayetteville Cumberland County Chamber of Commerce implementation of the joint economic development program.

## **Management Agenda - High**

### **Reclaiming Neighborhoods Strategy**

In September of 2008 an initiative was developed to improve working relationships between business owners, residents and various departments of the City. The model was developed to form a holistic approach to be implemented to rehabilitate an area that has seriously declined. The goal of the project is: to increase citizen involvement, provide beautification opportunities, identify resources for the repair of owner occupied properties that are below minimum housing standards, and to support these efforts using a cross section of city resources in an attempt to bring this community together and increase overall wellness.

The B Street area was originally identified as an area between the boundaries of Grove Street and Person Street, and Eastern Blvd. to B Street. The area has been expanded to include Maloney Avenue, Lamon St. and Person Street from Eastern Blvd. to the hotel located on 333 Person Street where continuous illegal activity occurs. This entire area has been rampant with crime for over thirty years and is a classic case of "broken windows." The police have responded over the years using reactive and proactive strategies. This response was a band-aid approach that only served to provide temporary relief through arrests and landlords evicting tenants.

The process for identifying an action plan developed through information exchanged and suggestions by all department representatives during monthly meetings. Each department identifies strategies the group could employ to increase success in this area and each month accomplishments are discussed and next steps are identified. After several B Street Workgroup meetings, additional meetings were scheduled with the business community, churches and residents. During these meetings the group described the initiative and what the team was hoping to accomplish. The B Street model is intended to be a flexible model that may be adjusted based upon community response. It is anticipated that this model could be used for other areas of the City by adopting specific actions that address conditions inherent to those specific areas. This model was developed in an effort to provide a long-term strategy to increase the likelihood of permanent improvement in the area. This target for action seeks to measure the long-term success of the initiative in the B street area as well as to identify reclaimable activities and extend them to other areas in the community.

**This target for action is linked to City goal #1: GROWING CITY LIVABLE NEIGHBORHOODS- A great place to live**

- Objectives:
  - Low crime rate and reputation as a safe community
  - Well organized neighborhoods with residents taking pride and responsibility for their neighborhoods
  - Safe streets with vehicles traveling at the posted limits
- Measure of success:
  - Increased community governance and establishment of a formal active community watch group
  - Reduction in overall crime/violent crime/crime committed by youth offenders in the area
  - Observable beautification efforts of community through community assistance programs and stakeholder participation
  - Support for rental inspection program

- Increased collaboration of City departments in a holistic approach to neighborhood reclamation

Staff Liaison: Tom Bergamine, Chief of Police

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

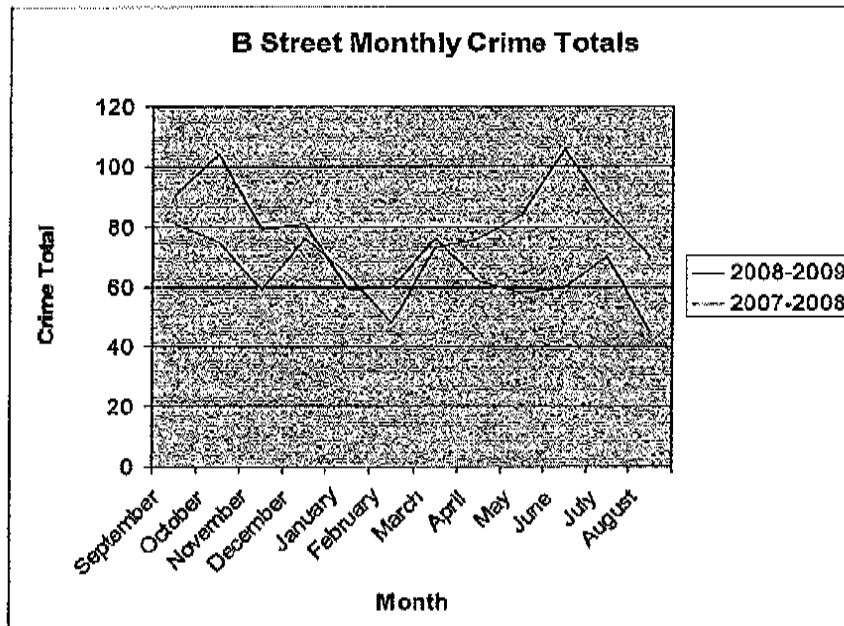
Phone Number: 910-433-1819

Team Members: Police, Inspections, Community Development, Solid Waste, Community Relations, Fire, PWC

Action Plan	Estimated Completion
Departmental workgroup meetings for stakeholder departments	Monthly
Identification of maintenance plan for B Street target area	Nov 2009
Identification of area and work group stakeholders for new focus area	Dec 2009
Development & implementation of action plan for new focus area	Feb 2010
Council presentation on strategy and applicable target area update	June 2010

First Quarter Update:

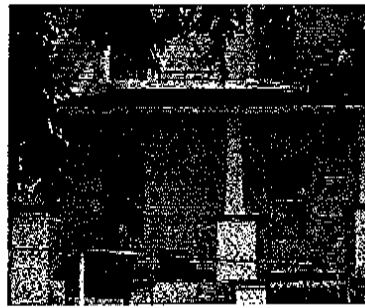
- Implemented area specific police strategy which increased presence and over time the community experienced a noticeable reduction in crime:



- Police Dept spearheaded monthly departmental workgroup meetings for B street with high attendance and participation
- Community Watch group established – Crime prevention specialists worked with Community Development Dept to lead this initiative. The CW meeting was sponsored by Fayetteville Emanuel Holiness Church on Minor Street. Approximately 21

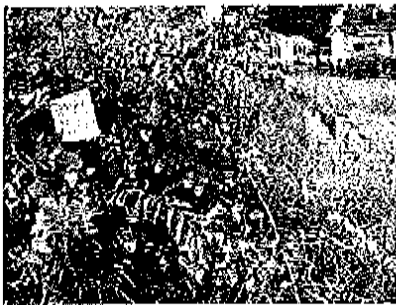
residents/business owners attended. Pizza Palace provided complimentary spaghetti dinners for the group.

- Marked improvements in area beautification with respect to housing/vacant lots: Inspections; 2 demolitions; Community Development; Beautification and renovation



513 School St.  
before/after photo

- Solid Waste hand delivered recycling booklet, which covers City ordinances concerning the collection of yard waste, household garbage, and bulky collection, provided residents trash bags, got residents involved in cleanup efforts, and promoted ownership of residential areas
- Parks and Recreation provided the workers and equipment for clearing the area overtaken by bamboo



604 Link St.  
before/after photo

- Fire Dept. assisted with the trash cleanup in the area during Fayetteville Beautiful
- PWC conducted additional lighting assessments in the Person St. and Eastern Blvd areas and released work order in June 09 to install additional lights and completed the installation.

#### Second Quarter Update:

- Community Watch group continues to meet, are well attended and are sponsored by Fayetteville Emanuel Holiness Church on Minor St.
- Identified department commitments for transition plan and continued maintenance in the B St. area
- Identified new target area as Bonnie Doone.

#### Third Quarter Update:

- Preparation for Bonnie Doone reclamation project kickoff
- Bonnie Doone Reclamation Project's staff meeting March 24<sup>th</sup>
- Bonnie Doone Reclamation Project's community meeting March 25<sup>th</sup>: Approximately 50 attendees: Business leaders, City departments and officials
- March 29, Crime Prevention Specialists, Environmental Services, and patrol walked the Bonnie Doone area and took pictures of dilapidated homes, overgrown lots and excessive trash and dumping along streets.

#### Fourth Quarter Update:

##### **(The Bonnie Doone Project)**

- Conducted a walkdown on April 27 in the Bonnie Doone area along with other city departments
- Conducted an evening community meeting in Bonnie Doone on April 27 to highlight this project and get input from the citizens
- Conducted a second walkdown on April 29 in the Bonnie Doone area along with other city departments
- A drug house as identified was being a supply line for drug activity in Bonnie Doone. The house was raided and a number of individuals were charged.
- As a result of the two walkdowns in Bonnie Doone, trash dumps were identified and clean up has begun.



## Management Agenda - High

### Police Staffing

Effective police recruiting and retention is a core fundamental objective for the success of any police department. Recruiting qualified applicants ensures that the department can effectively police the community it serves. It is very important that the City's Police Department attracts and retains qualified officers. Our agency is aggressively working to fill our current vacancies. We are expecting 20 plus in our academy starting on July 13, 2009.

**This target for action is linked to City goal #1: GROWING CITY LIVABLE NEIGHBORHOODS- A great place to live**

- Objectives:
  - Low crime rate and reputation as a safe community
  - Well organized neighborhoods with residents taking pride and responsibility for their neighborhoods
  - Safe streets with vehicles traveling at the posted limits
- Measure of success:
  - Attain and sustain full strength capacity
  - Increased effective recruitment strategies
  - Decrease turnover rate
  - Increase partnerships with BLET program

Staff Liaison: Tom Bergamine, Chief of Police

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

Phone Number: 910-433-1819

Team Members: Support Service Division Commander, Human Resource Department

Action Plan	Estimated Completion
Continually evaluating police recruiting strategy to respond to the changing environment	Continuous
Develop new approaches for improvements in recruiting, hiring and training processes	Continuous
Monitoring the authorized positions and vacancy rate for effective response	Continuous

#### First Quarter Update:

- Attained full strength staffing of sworn police officers during the month of August. This is a moving target and is adjusted daily
- At the end of the quarter we had approximately 380 authorized sworn positions with a vacancy rate of approximately 7% which includes the 17 additional positions from the ARRA grant award
- BLET class began in July with 24 students

- Partnering with FTCC for additional BLET class spaces
- Evaluating new radio ad campaign effectiveness. The radio ad campaign did not yield enough response to continue
- Testing new strategy termed "personal recruiting approach" in an effort to humanize the agency. Police recruiter makes multiple individual follow up contacts with potential applicants to engage in a personal relationship rather than simply requesting the applicant to submit inquiries. Recently experienced an increase in the applicant pool.

#### Second Quarter Update:

- Sworn police staffed at 94% Dec. 31, including 24 new police officers
- Hired 4 officers through the COPS Stimulus funding and 4 lateral officers
- Selected a new background investigator
- Recruiting efforts yielded a 12% increase in acceptable/testable applicants, as compared to the second quarter last year.

#### Third Quarter Update:

- At third quarter end, police staffing at 94%
- Began BLET class (18 students) January 19, 2010. They will graduate in late June 2010
- Hired 2 lateral officers that were able to immediately go to a patrol division
- Began hiring officers for the July BLET, (7 files forwarded as of 31 March)
- Recruiting efforts yielded 180 total applications in the quarter (Jan-Mar), of these 148 were issued invites for the POST/POPAT testing
- At the end of the quarter we are working 53 applicants who have passed the initial tests and interview.

#### Fourth Quarter Update:

- At the end of the Fourth quarter, staff level is projected to be 98% (.975)
- On June 18, we graduated 16 new officers from our January BLET class
- Hired 2 lateral (already BLET certified) officers, these officers were able to immediately go to a patrol division
- We are on track to begin a July BLET with 25 students
- We will be partnering with FTCC for BLET of an additional 11 students
- Anticipated Graduation in December 2010 of 36 new officers
- Recruiting efforts focused on recruiting already state certified applicants.

This Target for Action will continue in FY11. Upcoming Activities include:

## Management Agenda - High

### Non-Stop Air Service to Washington, D. C.

This target for action is to investigate and secure direct air service from Fayetteville/Fort Bragg to the DC area primarily for military use, but also to include the civilian market demand. BRAC RTF has agreed to co-sponsor this investigation with the Fayetteville Regional Airport. The work tasks include: selection of a national aviation consultant with experience in data collection and analysis of point-to-point service.

A request for proposal was issued April 29, 2009 and responses are due May 29, 2009. Final selections are expected during the month of June. A timetable for completion of the study is part of the response process and will be coordinated upon selection. It is anticipated that this study will conclude near the mid-point of the 2009-2010 Strategic plan year. The study is anticipated to provide guidance and recommendations that will support direct air service from Fayetteville/Fort Bragg to the DC area as well as aiding in the development of negotiations for potential service providers.

**This target for action is linked to City goal #2: GREATER TAX BASE DIVERSITY- Strong local economy**

- Objectives:
  - Retain and grow businesses including those associated with the military
  - Increased industrial tax base
  - More jobs with higher wages
- Measure of success:
  - Contract execution
  - Support, evaluate and report on the City's participation in RTF Comprehensive Regional Growth Plan

Staff Liaison: Bradley Whited, Airport Director

Email Address: [bwhited@ci.fay.nc.us](mailto:bwhited@ci.fay.nc.us)

Phone Number: 910-433-1160

Team Members: Assist. Airport Director, Deputy Director BRAC-RTF

Action Plan	Estimated Completion
Contract execution	July 2009
Completion of Air Service Market Study	Jan 2010
Alternatives study complete in May 2010 (general aviation alternatives)	May 2010
Support, evaluate and report on the City's participation in RTF Comprehensive Regional Growth Plan	Continuous

First Quarter Update:

- Executed contract for Air Service Market Study

- Funding for study: Total= \$50,000, \$25,000 from BRAC RTF, requested \$25,000 from NCDOT Aviation (approval pending)
- September 1, 2009 start date for Air Service Market Study

Second Quarter Update:

- Executed grant with NCDOT Aviation for funding request of \$25,000
- Deployed customer surveys that will provide feedback on air service to DC.

Third Quarter Update:

- InterVISTA compiled results of individual and corporate survey and completed analysis of market demand
- InterVISTA briefed Airport Commission and City Council on the survey and market demand.

Fourth Quarter Update:

- InterVISTA complete the Alternate GA Study
- In preparation for application to Small Community Grant, asking for local financial support to match Federal grant with Airport
- Air Service demand results shared with airlines.

This Target for Action will continue in FY11. Upcoming Activities include:

- Completion of Small Community Air Service Grant – waiting for FAA announcement for the program
- Contract concludes June 2010
- Report findings to Council.

## Management Agenda - High

### Telling the City's Positive Story

The City continues to provide a communications network to its internal and external customers about the services it provides. The efforts will raise the levels of understanding about City government, how it works, impacts on the city residents, and how the Strategic Plan integrates all departments and their goals.

The partnership between the media, local civic and government organizations, PWC, advertising agencies and our committed, dedicated City employees brings a greater degree of visibility to the City. Continuation of the award-winning Kaleidoscope, Fayetteville Focus e-newsletter, employee newsletter, and excellent service delivery campaigns enhances our abilities to bring current and transparent news to the community. The redesigned web site delivers information to citizens as it happens.

Good-will events and exposure in the community also brings visibility to our excellent programs and services.

**This target for action is linked to the city goal #5: Greater Community Unity- Pride In Fayetteville**

- Objectives:
  - Increase trust and confidence in City government
  - Better inform citizenry about the city and City government
  - Increase community dialog on major issues
  - Marketing City
- Measure of success:
  - Increased positive media exposure; positive responses from citizens

Staff Liaison: Doug Hewett, Assistant City Manager

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

Phone Number: 910-433-1978

Team Members: PIO, City Communications Team

Action Plan	Estimated Completion
Up & Coming City page development and launch newly designed website	Dec 2009
Revamp Communications Team and radio show feasibility study	Jan 2010
Production of annual report and development of media training sessions for staff	June 2010

#### First Quarter Update:

- Publicity on Transit improvements: Assisted with new web site, media conference on new vehicles for Para-transit, materials for rebranding Para-transit Division
- Recognized with 5 awards this calendar year:
  - NC3C - First Place - Employee Newsletter "Inside Track"
  - NC3C - First Place - Citizen E-Newsletter "Fayetteville Focus"
  - NC3C - First Place - Service Delivery "Fayetteville Recycles"

- NC3C - Second Place - 2008 Annual Report
  - 3CMA - Third Place - Environmental Services booklet "Fayetteville Recycles and Other Environmental Services"
- Phase II of broadcast upgrades completed
- Developed and launched new City of Fayetteville Stimulus Website
- Launched new FAST website
- Increased media response to newsworthy items such as Linear Park, economic indicators, Sustainability Plan, Parks & Recreation partnership with Ft. Bragg for recreation for wounded soldiers & families, Transit improvements, upgrade in bond ratings
- Interviews of three departments on WFSS radio: Transit, Environmental Services and Traffic
- Citizens' Academy started second session
- City information table at Folk Festival.

#### Second Quarter Update:

- Launch of two-page spread in Up & Coming Weekly (Focus on Fayetteville) as a new opportunity (published every other week)
- Graduated second class of Citizens' Academy
- Assist with Downtown Developments published every other week in Up & Coming Weekly
- Planned and executed City Council Inauguration on Dec. 7, 2009
- Assisted in production of Finance Dept's Comprehensive Annual Finance Report and adopted Budget book; printed same
- Coordinated setup of booth at Beasley Broadcasting's Energy Expo
- Completed training on new Phase II broadcast equipment
- Pedestrian safety project for SOS committee
- Planned Census regional bus tour event with Complete Count Committee for Fayetteville/Cumberland County
- Continued monthly publishing of e-newsletter to increasing number of subscribers, employee newsletter and Council meeting broadcasts.

#### Third Quarter Update:

- Up & Coming City page has been developed and branded as Focus on Fayetteville. Public feedback has been very positive
- Groundbreaking ceremony for NC Veterans Park
- A newly designed website is in the final approval stages. Department web stewards are reviewing their website files from the old website and working with the Web staff on what they want on their pages
- Communications Team has been revamped. The first thing the team met about was the new website and participation was good. There was excellent interaction with the web staff at the meeting
- Budget Chronicles webpage was developed and launched.

#### Fourth Quarter Update:

- Redesigned web site
- Developed social media policy
- Media training sessions held with staff in upcoming Communications Team meetings
- Planned and implemented ribbon cutting for Transportation Museum annex
- SOS committee campaign: Don't talk, text or Tweet from the driver's seat
- Graduated 17 citizens from the Citizens Academy

- Continued information campaign through monthly citizens e-newsletter and bi-weekly section in the Up & Coming weekly.



## Management Agenda - High

### Northwest Gateway Project

The Northwest Gateway Project is the convergence of three separate projects involving the City of Fayetteville Community Development Department, the Special Projects Director and the State Department of Transportation in conjunction with our City Traffic Engineer. The synergy that will spring from the three key activities that make up the Gateway project goes beyond their physical proximity. The trio of core actions is as follows:

The Community Development Department is working to fund and implement a significant redevelopment effort on Murchison Road from Fort Bragg to its terminus at Rowan Street on the edge of downtown Fayetteville. One targeted phase of this plan involves redevelopment of the land which will be northeast of the intersection of Bragg Boulevard and Rowan Street.

The City's Special Project Director is coordinating the design and development of the North Carolina Veterans' Park behind ASOM, along Cross Creek to the northwestern edge of the downtown area. A significant element of this effort is to extend Freedom Trail along Bragg Boulevard from Hay Street to Rowan.

The State Department of Transportation (DOT) is preparing to replace the Rowan Street Bridge which spans across a primary rail line. The replacement of this bridge calls for locating the span in a new location that will open up several acres for a second phase of Veterans' Park on the northeast side of Cross Creek. The city will take this opportunity to make improvements to automobile, pedestrian and bicycle facilities in this area.

The graphic included in this report depicts the juxtaposition of these activities. The balance between extraordinary park development on both sides of Bragg Blvd (including the Freedom Trail), major improvements to the transportation infrastructure and mixed use development is ideal to create a whole new experience entering the downtown from this Northwest Gateway location.

(Narrative update 9.30.09)

**This target for action is linked to the city goal #6: Revitalize Downtown- A Community Focal Point**

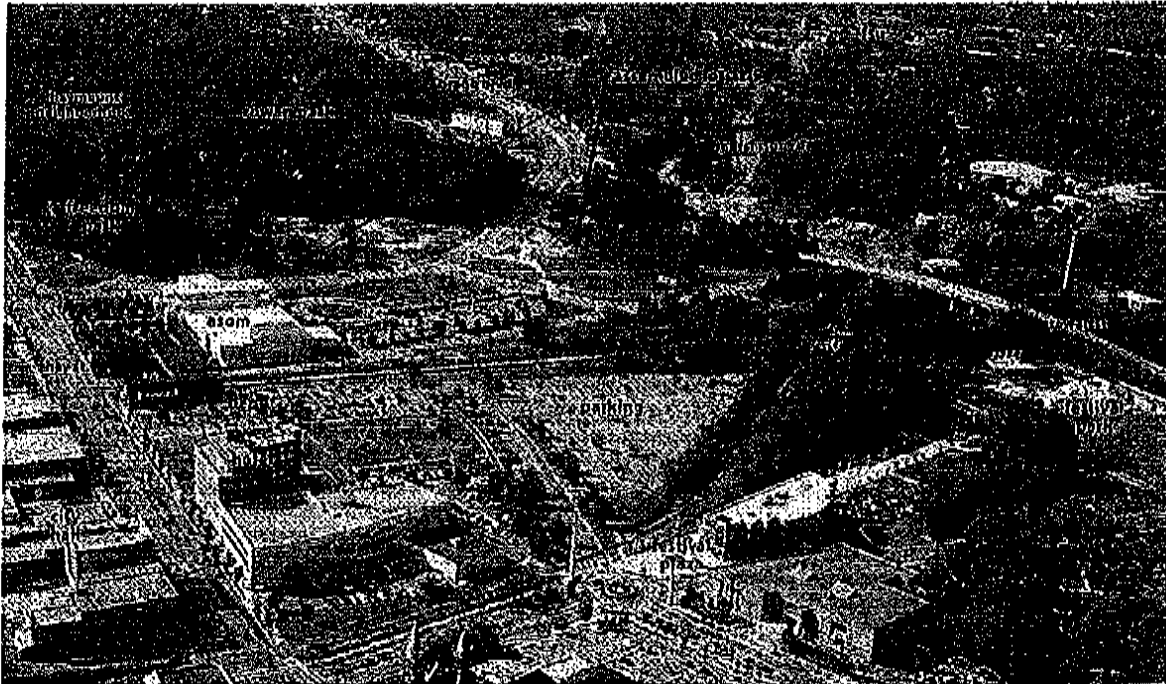
- Objectives:
  - Adequate access to downtown
  - Develop world class NC Veteran's Park
  - More private investment in downtown
  - Make downtown a viable neighborhood with services available
  - Enhance utility services and upgrade quality of streets
  - Increase unity among factions and stakeholders
- Measure of success:
  - Continued staff support and collaboration of the three projects involving the City of Fayetteville Community Development Department, the Special Projects Director and the State Department of Transportation in conjunction with our City Traffic Engineer
  - Support for the redevelopment effort on Murchison Road
  - Coordinating the design and development of the North Carolina Veterans' Park and Freedom Trail
  - Rowan Street Bridge replacement

**Staff Liaison:** Rob Anderson, Chief Development Officer

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

**Phone Number:** 910-433-1701

**Team Members:** Community Development, Special Projects Director and City Traffic Engineering



Action Plan	Estimated Completion
Community Development Department is working to fund and implement a significant redevelopment effort on Murchison Road	Continuous
City's Special Project Director: Coordinating the design & development of the NC Veterans' Park & Freedom Trail	Continuous
City Traffic Engineer staff support for replacement of Rowan Street Bridge	Continuous
Development Services (planning) for all three components	Continuous

**First Quarter Update:**

- The Special Projects Director issued a Request for Proposals for the old hotel redevelopment site on Bragg Boulevard across from the ASOM facility and the NC Veteran's Park site. The City only received one proposal which was later withdrawn due to the condition of financial markets
- The Special Projects Director has coordinated an aggressive series of meetings for pre-development activities associated with the NC Veteran's Park. The Freedom Trail component will go to bid in the second quarter with construction to be completed by the end

- of the fiscal year
- The Community Development Department in conjunction with their redevelopment consultant made two presentations to the City Council to prioritize which actions to pursue in this fiscal year. The Council also provided concurrence on the exploration of funding sources to initiate implementation. This item can be followed through the Murchison Road Redevelopment target for action
- The State Department of Transportation has determined that the new intersection to be formed by the relocation of the Rowan Street Bridge and improvements to Bragg Boulevard and Murchison Road will not be suitable for the roundabout the City originally envisioned. It will be designed as a traditional signalized intersection.

#### Second Quarter Update:

- The construction contract for Part 1 of Phase 1 of the NC Veteran's Park was awarded January 11, 2010. The contract is for Freedom Trail from Hay Street to Walters Street, for a comfort station (restroom facility) & parking lot at Freedom Memorial Park and a campus connector to create the connection between the Veterans Park visitor center and ASOM. This part will be completed by September 2010
- Once the Freedom Trail and Phase 1 of the park is completed, we will reissue a Request for Proposal for the old hotel redevelopment site on Bragg Boulevard across from the ASOM facility and the NC Veteran's Park site
- Murchison Road Redevelopment: Specific reporting on this item can be monitored by viewing the Murchison Road Redevelopment Target for Action
- The NC Department of Transportation has not yet committed to a specific schedule for the replacement of the Rowan Street Bridge. Phase 2 of the park can only be completed in coordination with this change.

#### Third Quarter Update Not Provided

#### Fourth Quarter Update

- The component of the Northwest Gateway that is currently active is the Freedom Trail and Veteran's Park project
- The contractor mobilized for the Freedom Trail and Comfort Station as well as the Bragg Boulevard median near the end of the third quarter and has proceeded in earnest throughout the fourth quarter. This portion of the work is scheduled to be completed in August
- The contract for Phase I of Veteran's Park was awarded in the fourth quarter and is underway
- "Iron Mike" arrived in June and that installation is nearly complete
- The contract for the Visitor Center is scheduled to go to City Council July 12 and construction will begin shortly thereafter.

<b>CITY COUNCIL ACTION MEMO</b>
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**TO:** Mayor and Members of City Council  
**FROM:** Rita Perry, City Clerk  
**DATE:** August 23, 2010  
**RE:** Monthly Statement of Taxes for July 2010

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**THE QUESTION:**  
For information only

**RELATIONSHIP TO STRATEGIC PLAN:**  
Greater Tax Base Diversity - Strong Local Economy

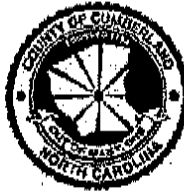
**BACKGROUND:**  
Attached is the report that has been furnished to the Mayor and City Council by the Cumberland County Tax Administrator for the month of July 2010

**ISSUES:**  
N/A

**OPTIONS:**  
N/A

**RECOMMENDED ACTION:**  
For information only

**ATTACHMENTS:**  
Monthly Statement of Taxes for July 2010



OFFICE OF THE TAX ADMINISTRATOR

117 Dick Street, 5<sup>th</sup> Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302  
Phone: 910-678-7507 • Fax: 910-678-7582 • [www.co.cumberland.nc.us](http://www.co.cumberland.nc.us)

MEMORANDUM

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

Attached hereto is the report that has been furnished to the Mayor and governing body of your municipality for the month of July 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

**JULY 2010**

**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
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	225.58	16,095.23	0.00	0.00	2,065.00	2,065.00	12.00	24.00	38.00	0.00
138.20	0.00	21,344.37	32,578.98	3.03	0.00	4,499.64	4,499.60	565.51	1,131.05	1,830.31	0.00
2,127.40	0.00	3,587.04	12,661.27	0.00	0.20	1,646.75	1,646.77	194.23	388.45	441.99	0.00
2,451.75	0.00	910.37	6,788.20	0.00	20.38	925.84	925.83	36.00	72.00	114.00	0.00
2,663.21	0.00	1,274.58	6,028.10	0.00	1.14	921.54	921.52	45.12	90.24	142.89	0.00
1,490.84	0.00	3,871.47	7,466.07	151.07	0.00	1,136.13	1,136.13	120.00	240.00	190.00	0.00
145.15	0.00	846.95	6,623.95	0.00	0.00	1,035.87	1,035.86	38.88	77.76	123.12	0.00
297.18	0.00	3,821.24	7,381.69	0.00	0.00	1,044.85	1,044.84	70.36	140.73	267.63	0.00
77.56	0.00	1,766.75	3,406.60	10.32	0.00	466.59	466.59	38.29	76.58	121.25	0.00
183.15	0.00	1,447.02	3,468.87	0.00	0.00	443.48	443.48	36.00	72.00	114.00	0.00
114.00	0.00	7,310.97	3,361.74	928.27	0.00	515.00	515.00	108.00	216.00	114.00	0.00
114.00	0.00	5,004.48	4,934.86	0.00	0.00	700.00	700.00	138.41	276.81	397.11	0.00
76.00	0.00	3,776.17	5,840.98	0.00	0.00	776.65	776.65	247.16	494.32	212.68	0.00
115.25	0.00	1,327.51	3,105.28	0.00	9.93	475.61	475.62	24.00	48.00	76.00	0.00
76.11	0.00	1,054.90	4,176.03	0.00	0.00	555.00	555.00	60.48	120.96	1.52	0.00
168.98	0.00	1,486.80	3,896.74	0.00	0.00	510.73	510.73	36.00	72.00	114.00	0.00
99.61	0.00	3,923.70	8,345.51	0.00	0.00	1,038.83	1,038.82	111.64	223.28	308.94	0.00
10,338.39	0.00	62,979.90	135,960.10	1,092.69	31.65	18,757.51	18,757.44	1,882.08	3,764.18	4,607.64	0.00



## FAYETTEVILLE MACC LEDGER

JULY 2010

2000-2010

2008 CC	2008 VEHICLE	2008 CC REVIT	2008 VEHICLE REVIT	2008 FVT	2008 TRANSIT	2008 STORM WATER	2008 FAY STORM WATER	2008 FAY RECYCLE FEE	2008 ANNEX	2007 CC	2007 VEHICLE	2007 CC REVIT
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
466.97	2,515.97	1.43	0.00	365.03	316.44	85.29	31.47	55.06	0.00	40.50	397.54	0.00
381.71	314.70	0.00	0.00	55.00	50.00	11.74	23.49	41.10	0.00	0.00	208.33	0.00
365.53	410.70	0.00	0.00	65.00	60.00	12.00	24.00	42.00	0.00	0.00	56.12	0.00
121.61	297.12	0.00	0.00	40.00	45.00	12.00	24.00	42.00	0.00	255.46	(26.14)	0.00
36.44	142.74	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8.58	172.77	0.00	0.00	65.00	35.00	0.00	0.00	0.00	0.00	0.00	36.11	0.00
5.30	353.03	0.00	0.00	55.00	45.00	0.00	0.00	0.00	0.00	0.00	199.29	0.00
396.97	198.57	0.00	0.00	40.00	40.00	24.00	24.00	42.00	0.00	0.00	0.00	0.00
296.42	161.07	0.00	0.00	22.16	20.00	0.00	0.00	0.00	0.00	0.00	85.91	0.00
534.06	240.04	0.00	0.00	50.00	50.00	29.86	48.00	84.00	0.00	0.00	132.58	0.00
111.74	310.37	0.00	0.00	66.30	61.30	15.80	26.64	46.63	0.00	203.36	50.16	0.00
24.64	257.49	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	107.38	0.00
142.24	295.48	0.00	0.00	40.00	35.00	0.00	0.00	0.00	0.00	0.00	16.43	0.00
0.00	34.78	0.00	0.00	5.00	5.00	0.90	1.80	0.00	0.00	0.00	17.81	0.00
0.00	128.59	0.00	0.00	20.00	20.00	0.00	0.00	0.00	0.00	0.00	80.87	0.00
0.00	414.92	0.00	0.00	62.24	62.25	25.94	0.00	0.00	0.00	0.00	47.16	0.00
2,892.21	6,248.34	1.43	0.00	980.73	874.99	217.53	203.40	352.79	0.00	499.32	1,409.55	0.00

## FAYETTEVILLE MACC LEDGER

JULY 2010

2000-2010

2007 VEH REVIT	2007 FVT	2007 STORM WATER	2007 FAY STORM WATER	2007 ANNEX	2006 & PRIOR CC	2006 & PRIOR VEH	2006 & PRIOR CC REVIT	2006 & PRIOR VEH REVIT	2006 & PRIOR FVT	2006 & PRIOR STORM WATER	2006 ANNEX
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	109.69	48.00	0.00	0.00	83.23	613.46	0.00	0.00	152.04	24.00	94.58
0.00	15.00	0.00	0.00	0.00	6.96	395.04	1.32	0.00	25.00	0.00	0.00
0.00	15.00	0.00	0.00	0.00	0.97	235.02	0.00	0.00	44.75	0.00	0.00
0.00	10.00	12.00	24.00	0.00	9.97	127.80	0.00	3.00	10.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	73.72	0.00	0.00	20.00	0.00	0.00
0.00	10.00	0.00	0.00	0.00	14.93	(43.67)	0.00	0.00	15.00	0.00	0.00
0.00	25.00	0.00	0.00	0.00	24.47	58.37	0.00	0.00	10.00	0.00	0.00
0.00	0.00	4.43	0.00	0.00	21.04	62.79	0.00	0.00	5.00	0.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	54.77	0.00	0.00	10.00	0.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	33.01	0.00	0.00	5.00	0.00	0.00
0.00	10.00	0.00	0.00	0.00	202.25	201.92	0.00	0.00	35.00	12.00	34.13
0.00	5.00	0.00	0.00	0.00	0.00	96.74	0.00	0.00	35.00	0.00	0.00
0.00	10.00	0.00	0.00	0.00	0.00	109.13	0.00	0.00	20.00	0.00	0.00
0.00	0.16	0.00	0.00	0.00	0.00	97.85	0.00	0.00	20.00	0.00	0.00
0.00	15.00	0.00	0.00	0.00	0.00	63.78	0.00	0.00	20.00	0.00	0.00
0.00	15.00	0.00	0.00	0.00	236.54	149.90	0.00	0.00	55.00	9.72	0.00
0.00	249.85	64.43	24.00	0.00	600.36	2,329.63	1.32	3.00	481.79	45.72	128.71

**FAYETTEVILLE MACC LEDGER**  
**2000-2010**

JULY 2010

INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	TOTAL TAX & INTEREST
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
132.04	0.00	0.70	1.40	0.00	2.22	67,909.87
4,274.18	0.41	73.74	77.63	15.79	127.90	97,398.00
1,151.85	0.92	13.12	25.99	0.00	39.73	61,087.33
767.04	1.63	4.24	8.48	0.00	14.03	46,207.07
644.32	0.89	7.22	14.47	0.00	14.21	54,363.90
773.25	4.54	7.83	15.70	0.00	12.46	86,668.58
703.70	0.00	2.48	4.95	0.00	7.85	27,512.44
711.07	0.00	3.52	7.04	0.00	11.50	36,121.68
441.80	0.08	6.26	8.54	0.00	14.18	15,115.35
413.39	0.00	2.36	4.71	0.00	7.48	21,672.49
799.12	60.37	12.57	21.79	0.00	20.88	28,011.44
1,028.38	0.00	20.04	24.75	8.13	31.28	25,832.42
641.27	0.00	15.71	31.42	0.00	12.64	36,222.04
364.75	0.79	1.59	3.17	0.00	5.02	15,416.29
390.87	0.00	4.77	9.55	0.00	2.51	19,673.07
465.62	0.00	2.50	5.03	0.00	7.98	24,501.76
1,101.28	0.00	15.10	15.80	0.00	20.04	37,579.15
14,803.93	69.63	193.75	280.42	23.92	351.91	701,292.88

<b>CITY COUNCIL ACTION MEMO</b>
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**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** August 23, 2010  
**RE:** **Standard Communication Letter from Cherry Bekaert & Holland Describing the Nature and Scope of the Audit to be Performed for the Fiscal Year Ending June 30, 2010**

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**THE QUESTION:**

The attached letter is presented to Council for information purposes only.

**RELATIONSHIP TO STRATEGIC PLAN:**

Core Value: Stewardship

**BACKGROUND:**

- No action is required by Council.
- This letter is a standard communication from the City's auditors.

**ISSUES:**

None.

**OPTIONS:**

Not applicable.

**RECOMMENDED ACTION:**

No action required.

**ATTACHMENTS:**

Letter from Auditor



July 23, 2010

The City Council  
City of Fayetteville  
Post Office Box D  
Fayetteville, North Carolina 28302

Members of the City Council:

This letter sets forth the nature and scope of the procedures that Cherry, Bekaert & Holland, L.L.P. will perform relative to compliance with laws and regulations and internal control over financial reporting in connection with our audit of the financial statements of the City of Fayetteville, North Carolina (the "City") as of and for the year ending June 30, 2010.

The objective of our audit is the expression of an opinion about whether your financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America. The objective also includes reporting on the City's:

1. Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with Government Auditing Standards.
2. Internal control related to major programs and an opinion on whether the City complied with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

The reports on internal control and compliance will each include a statement that the report is intended for the information of the audit committee, management, specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of your accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such an opinion and to render the required reports.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and agreements applicable to major programs. Our procedures will consist of the applicable procedures described in the OMB's compliance supplement. The purpose of these procedures will be to express an opinion on the City's compliance with requirements applicable to major programs in our report on compliance issued pursuant to OMB Circular A-133. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan.

At the conclusion of the engagement, it is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the designated federal clearinghouse and, if appropriate, to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditor's reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audit.

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. We will communicate any significant findings at the conclusion of the audit.

We expect to begin our audit at approximately the same time as last year and issue our report by October 31, 2010. This information is intended solely for the use of the City Council and management of the City of Fayetteville and is not intended to be and should not be used by anyone other than these specified parties.

Our procedures relative to compliance with laws and regulations and internal control over financial reporting are limited to those discussed herein. We would be happy to discuss our procedures with you further at your request.

Very truly yours,

A handwritten signature in black ink that reads "Cherry, Bekart & Holland LLP". The signature is written in a cursive, flowing style.

CHERRY, BEKAERT & HOLLAND, L.L.P.