

**FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
JANUARY 24, 2011
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
JANUARY 24, 2011
7:00 P.M.
CITY HALL COUNCIL CHAMBER

Navigation Tools:

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1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

**4.0 ADMINISTRATION OF OATH OF OFFICE TO DISTRICT 9 DESIGNATE –
JAMES WILLIAM ARP, JR.**

5.0 APPROVAL OF AGENDA

6.0 ANNOUNCEMENTS AND RECOGNITIONS

7.0 PUBLIC FORUM

Each speaker shall have up to 2 minutes to address Council on issues related to the City of Fayetteville. No time will be yielded to any speaker by another speaker. The Public Forum shall last no longer than 15 minutes. The Mayor shall have the discretion to extend the Public Forum up to 30 minutes.

8.0 CONSENT

8.1 Adoption of Calendar for Fiscal Year 2012 Budget Process

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8.2 Approve Purchase of One (1) 45' Hybrid Bucket Truck

PAGE: 3

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

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8.4 Adopt a Resolution Authorizing the FY2011 Transit Multi-Modal Center Grant agreement with the North Carolina Department of Transportation

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8.5 Case No. P10-41F. Rezoning 0.37 acres at 597 Oliver Street from P1 Professional District to P2 Professional District. Ginny Queen, owner.

PAGE: 11

- 8.6 Case No. P10-43F. The initial zoning of 2.14 acres of recently annexed property at 135 Airport Road to M2 Industrial Zoning District. Fullblock Inc. owners.

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- 8.7 Case No. P10-44F. The initial zoning of 20.43 acres of recently annexed property at Black and Decker Road, East of Legion Road to R5 Residential Zoning District. Atlantic Multifamily LLC, owners.

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- 8.8 Landscape Maintenance Agreement I-95 Exit 49

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9.0 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.

- 9.1 Case No. P10-40F. Rezoning 0.941 acres at 874 Strickland Bridge Rd from C1P Commercial District to C3 Commercial Conditional Zoning District. Wildemar and Kyung Guzman, owner.

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Presenter(s): Craig Harmon, Planner II

10.0 OTHER ITEMS OF BUSINESS

- 10.1 Update on the Fiber-to-the-Home (FTTH) Concept Exploration

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Presenter(s): James Rose, PWC Chief Administrative Officer

- 10.2 Consideration of a Memorandum of Understanding with FSU for the acceptance and demolition of the Washington Drive Jr. High School property for the implementation of their HBCU grant.

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Presenter(s): Victor D. Sharpe, Community Development Director

- 10.3 Request for sidewalk waiver for development within the City's MIA, for Vander Community Center at Rock Hill Road and Sunnyside School Road

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Presenter(s): Karen Hilton, Planning and Zoning Manager
David Steinmetz, Senior Zoning Administrator

- 10.4 Uninhabitable Structures Demolition Recommendations
- 220 Scott Avenue
- 5802 Shenandoah Drive

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Presenter(s): Rob Anderson, Chief Development Officer

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

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

11.0 ADMINISTRATIVE REPORTS

- 11.1 Monthly Statement of Taxes for December 2010

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12.0 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
JANUARY 24, 2011 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
JANUARY 26, 2011 - 10:00 PM
COMMUNITY CHANNEL 7**

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Dale Iman, City Manager
DATE: January 24, 2011
RE: Adoption of Calendar for Fiscal Year 2012 Budget Process

THE QUESTION:

Council is asked to approve the budget calendar attached that outlines dates, locations and topics of discussion for the fiscal year 2011-2012 budget process. The suggested calendar adds three budget workshops at 5:00 pm on May 11, May 18 and May 25, 2011, and schedules the public hearing on the budget for the May 23, 2011 regular council meeting.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle: Financially Sound City Government.

BACKGROUND:

- The calendar attached outlines recommended dates and activities for deliberation and adoption of the fiscal year 2011-2012 budget.
- In addition to discussion and action at regularly scheduled council meetings, three additional budget workshops are suggested for May 11, 18 and 25, 2011.
- The calendar sets the public hearing for the fiscal year 2012 budget for the regular council meeting to be held on May 23, 2011.

ISSUES:

None

BUDGET IMPACT:

None

OPTIONS:

- Adopt the budget calendar as attached to schedule the three additional budget workshops and the budget public hearing.
- Adopt a modified calendar to schedule desired budget workshops and public hearing on the budget.

RECOMMENDED ACTION:

Adopt the recommended budget calendar.

ATTACHMENTS:

FY12 Council Budget Calendar

City of Fayetteville
FY 2011/2012 BUDGET CALENDAR

March 2011						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April 2011						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May 2011						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June 2011						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Regular Meeting

Work Session

Budget Work Session

Holiday

Date	Location	Activity
March 7, 2011 Work Session 5:00 pm	Lafayette Room	<ul style="list-style-type: none"> Presentation of Recommended Capital Improvement Plan and Information Technology Plan
May 2, 2011 Work Session 5:00 pm	Lafayette Room	<ul style="list-style-type: none"> Overview of budget to be recommended
May 9, 2011 Regular Meeting 7:00 pm	Council Chambers	<ul style="list-style-type: none"> Presentation of recommended City and PWC budgets
May 11, 2011 Budget Workshop 5:00 pm	Lafayette Room	<ul style="list-style-type: none"> Topics to be determined
May 18, 2011 Budget Workshop 5:00 pm	Lafayette Room	<ul style="list-style-type: none"> Topics to be determined
May 23, 2011 Regular Meeting 7:00 pm	Council Chambers	<ul style="list-style-type: none"> Public hearing
May 25, 2011 Budget Workshop 5:00 pm	Lafayette Room	<ul style="list-style-type: none"> Topics to be determined
June 6, 2011 Work Session 5:00 pm	Lafayette Room	<ul style="list-style-type: none"> If needed, confirm Council changes for adopted budget
June 13, 2011 Regular Meeting 7:00 pm	Council Chambers	<ul style="list-style-type: none"> Consider adoption of budget ordinance and related capital project ordinances

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: January 24, 2011
RE: **Approve Purchase of One (1) 45' Hybrid Bucket Truck**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve purchase of one (1) 45' Hybrid Bucket Truck, with the option to purchase additional units within a one-year period upon the agreement of both parties.

RELATIONSHIP TO STRATEGIC PLAN:
Quality Utility Services.

BACKGROUND:

The Public Works Commission, during their meeting of December 8, 2010, approved bid recommendation to award bid for purchase of one (1) 45' Hybrid Bucket Truck, with the option to purchase additional units within a one-year period upon the agreement of both parties to Altec Industries, Birmingham, AL (Kenworth Cab & Chassis) in the total amount of \$184,067.00 and forward to City Council for approval. This is a budgeted item. (Total available with budget and grant funding is \$189,632.00 as follows: PWC budgeted amount of \$138,000 in FY 2011 Budget to Replace Unit #204; plus Clean Cities Grant through Triangle J. Council of Governments "Carolina Blue Skies and Green Jobs Initiative" in the amount of \$51,632.00). Bids were received on November 16, 2010 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Altec Industries, Birmingham, AL (Kenworth Cab & Chassis)	\$184,067.00
Terex Utilities, Inc., Glen Allen, VA	\$191,915.00
Altec Industries, Birmingham, AL (International Cab & Chassis)	\$192,245.00
Peterbilt Truck Center, Dunn, NC	\$193,740.00
*Altec Industries, Birmingham, AL (Freightliner Cab & Chassis)	\$183,380.00
*Cooper Kenworth, Raleigh, NC	\$165,450.00

*Bids determined to be non-compliant. Contained exceptions which were not acceptable.

ISSUES:

Altec Industries is not classified as a SDBE, minority or woman-owned business.

BUDGET IMPACT:

This is a PWC budget item.

OPTIONS:

N/A

RECOMMENDED ACTION:

Award bid to Altec Industries, Birmingham, AL (Kenworth Cab & Chassis) in the total amount of \$184,067.00.

ATTACHMENTS:

Bid recommendation

Bid history

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** December 1, 2010

FROM: Gloria Wrench, Purchasing Manager

ACTION REQUESTED: Award bid for the purchase of one (1) 45' Hybrid Bucket Truck (with the option to purchase additional units within a one-year period upon the agreement of both parties).

BID/PROJECT NAME: One (1) 45' Hybrid Bucket Truck

BID DATE: November 16, 2010 **DEPARTMENT:** Electric Construction

BUDGETED AMOUNT: \$138,000 in FY2011 Budget to Replace Unit #204; Clean Cities Grant through Triangle J Council of Governments "Carolina Blue Skies and Green Jobs Initiative" - \$51,632.00 (Total available with FY2011 budget and grant funding is \$189,632.00)

BIDDERS	TOTAL COST
<u>Altec Industries, Birmingham, AL (Kenworth cab & chassis)</u>	<u>\$184,067.00</u>
<u>Terex Utilities, Inc., Glen Allen, VA</u>	<u>\$191,915.00</u>
<u>Altec Industries, Birmingham, AL (International cab & chassis)</u>	<u>\$192,245.00</u>
<u>Peterbilt Truck Center, Dunn, NC</u>	<u>\$193,740.00</u>
<u>*Altec Industries, Birmingham, AL (Freightliner cab & chassis)</u>	<u>\$183,380.00</u>
<u>*Cooper Kenworth, Raleigh, NC</u>	<u>\$165,450.00</u>
<u>*see comments below</u>	

AWARD RECOMMENDED TO: Altec Industries, Birmingham, AL (Kenworth cab & chassis)

BASIS OF AWARD: Lowest bidder meeting all specifications

AWARD RECOMMENDED BY: John McColl and Gloria Wrench

COMMENTS: Bids were solicited from seven (7) vendors with four (4) vendors responding. A total of six (6) bids were received, as one vendor submitted multiple bids utilizing different cab and chassis manufacturers. *The bids received from Altec Industries (Freightliner cab & chassis) and Cooper Kenworth, Raleigh, NC, contained exceptions which were not acceptable. The boom unit bid by Cooper Kenworth and the Freightliner cab and chassis bid by Altec, did not meet specifications. The recommended bid had no exceptions.

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

ONE (1) 45' HYBRID BUCKET TRUCK

Advertisement

1. Public Works Commission Website 10/27/10 through 11/16/10

List of Organizations Notified of Bid

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

List of Prospective Bidders

1. Peterbilt Truck Center, Dunn, NC
2. Cooper Kenworth, Raleigh, NC
3. Smith International Truck Center, Fayetteville, NC
4. Terex Utilities, Glen Allen, VA
5. Altec Industries, Birmingham, AL
6. Map Enterprises, Burlington, NC
7. Baker Equipment, Richmond, VA

SDBE/MWBE Participation

Altec Industries is not classified as a SDBE, minority, or woman-owned business.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Tami Lewis, Senior Paralegal
DATE: January 24, 2011
RE: **Adopt a Resolution Declaring Jointly-Owned Real Property Surplus and Authorizing a Quitclaim of the City's Interest in Order to Expedite Cumberland County's Sale of Property**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government

BACKGROUND:

Cumberland County and the City of Fayetteville received joint title to the property identified as 5005 Haddock Street being PIN 0418-18-8316. Title to the subject property is jointly held due to the 2007 foreclosure by the County in its role as tax administrator. The County has received an offer to purchase said property for a price equaling the foreclosure bid, i.e. \$4,426.52. The County is requesting the City declare the property surplus and quitclaim the City's interest to the County in order to expedite the sale. The City will receive \$414.00 for assessments from this sale. If the present bid is declined, there is a good chance the property will remain in joint government ownership not earning taxes and requiring upkeep.

ISSUES:

None

BUDGET IMPACT:

N/A for FY11 budget.

OPTIONS:

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

RECOMMENDED ACTION:

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

ATTACHMENTS:

Resolution Declaring Real Property Surplus
Site Map

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

Resolution R2010_____

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

WHEREAS, the City of Fayetteville and the County of Cumberland jointly own real property in Cumberland County, said property having the tax map designation of PIN 0418-18-8316 being a vacant lot at 5005 Haddock Street; and

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

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

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

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

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

ADOPTED this _____ day of _____, 2011 by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

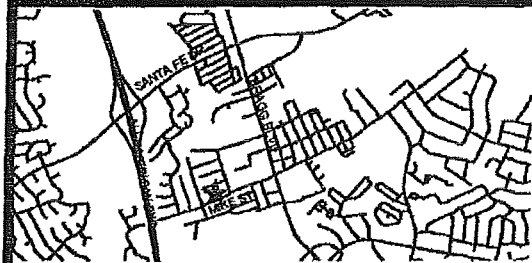
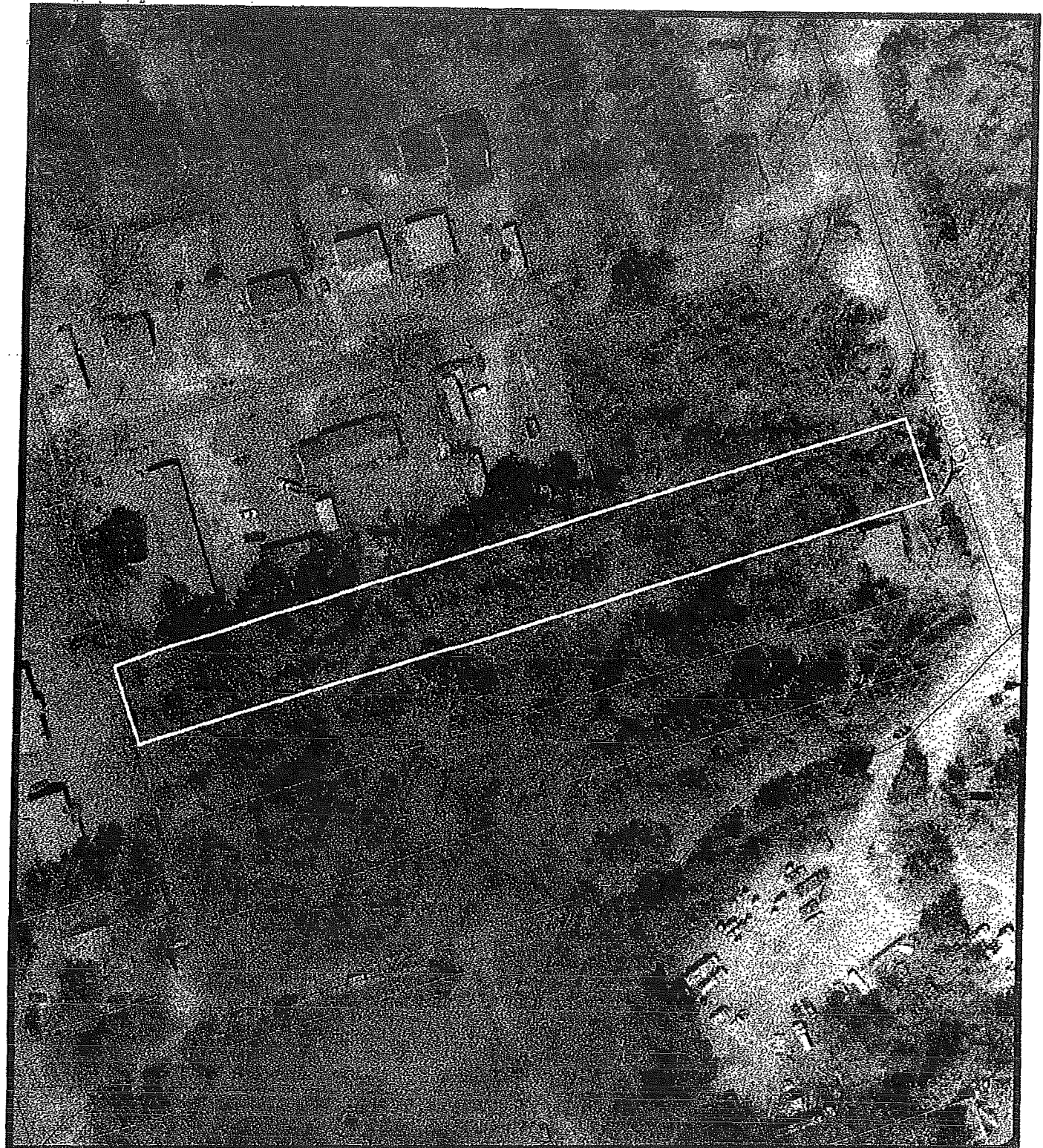
(SEAL)

By: _____
ANTHONY G. CHAVONNE, MAYOR

ATTEST:

Rita Perry, City Clerk

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Site Map
5005 HADDOCK ST
CROSS CREEK TOWNSHIP

100 0 100 Feet



THE COUNTY OF CHAMPAIGN AND ITS OFFICIALS
 MAKE NO WARRANTY, EXPRESS OR IMPLIED,
 FOR THE PRODUCT AND ASSURE NO WARRANTY
 OF MERCHANTABILITY. RESPONSIBILITY FOR
 INTERPRETATION AND APPLICATION OF THIS
 PRODUCT LIES WITH THE USER.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Ron Macaluso, Transit Director
DATE: January 24, 2011
RE: **Adopt a Resolution Authorizing the FY2011 Transit Multi-Modal Center Grant agreement with the North Carolina Department of Transportation**

THE QUESTION:

This resolution will grant the City Manager authority to enter into an agreement with the North Carolina Department of Transportation for their portion of the FY2011 Transit Multi-Modal Center grant for real estate acquisition, relocation and demolition costs associated with the construction of the Transit Multi-Modal Center.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

Transit has received a federal grant to administer land acquisition, relocation and demolition in relation to the construction of the Multi-Modal Center. The Federal Transit Administration will fund 80% of the expenditures (\$1,329,845), NCDOT will fund 10% (\$166,231) and the City will provide a local match of 10% (\$166,231). The budget for this grant was approved by City Council on October 11, 2010 with CPO 2011-6. An agreement from NCDOT has been received; in order to fully execute the agreement, a resolution must be passed granting the City Manager authority to enter into this contract with NCDOT.

ISSUES:

None

BUDGET IMPACT:

This is a resolution authorizing the City Manager to execute an agreement with NCDOT. The local funds needed to execute the agreement were approved in Capital Project Ordinance: 2009-24, which City Council approved in May 2009 for land acquisition needed for the Multi-Modal Center. At that time, \$500,000 was appropriated from the General Fund for that purpose. From those remaining funds, the City will provide the local match of 10% (\$166,231).

OPTIONS:

- 1) Adopt the resolution authorizing the grant agreement with NCDOT.
- 2) Do not adopt the resolution authorizing the grant agreement with NCDOT.

RECOMMENDED ACTION:

Adopt the resolution authorizing the grant agreement with NCDOT.

ATTACHMENTS:

Resolution

RESOLUTION
AUTHORIZING **CITY OF FAYETTEVILLE**
TO ENTER INTO AN AGREEMENT WITH
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

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

WHEREAS, the **CITY OF FAYETTEVILLE** has requested the North Carolina Department of Transportation to assist in the funding of the **FY2011 Transit Capital Grant 11-04-033**; and

WHEREAS, the **CITY OF FAYETTEVILLE** will provide **10%** of the cost of the above described project;

NOW THEREFORE, BE IT RESOLVED that the **CITY MANAGER** * is hereby authorized to enter into a contract with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division.

.....

I, Anthony G. Chavonne * do hereby certify that the above is a true and correct copy of an excerpt for the minutes of a meeting of the **City of Fayetteville City Council** duly held on the **10th** day of **January, 2011**.

BY: _____
ANTHONY G. CHAVONNE, Mayor

(Official Seal)

ATTEST:

RITA PERRY, City Clerk

* The official authorized to enter onto agreement **SHOULD NOT** sign the resolution.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: January 24, 2011
RE: **Case No. P10-41F. Rezoning 0.37 acres at 597 Oliver Street from P1 Professional District to P2 Professional District. Ginny Queen, owner.**

THE QUESTION:

Should a professionally zoned property be rezoned to a higher intensity professional zoning district?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development;

BACKGROUND:

Owner: Ginny Queen
Applicant: Advantage Newspaper Consultants Inc.
Requested Action: P1 to P2
Property Address: 597 Oliver Street
Status of Property: Residentially built property.
Size: 0.37 acres +/-
Existing Land Use: Vacant professional
Adjoining Land Use & Zoning: North - C1 Commercial & P2 Professional/ South - P1 Professional / East - P1 Professional / West - P1 Professional. This site and adjacent properties are also subject to the standards of the recently adopted Overlay District.
Hospital Area Plan: Office use is called for on this property. It is located in area 6 of the plan land use map. The Hospital Area Plan, adopted December 13, 2010, amends and provides greater detail than the 2010 Land Use Plan (which also supports the Office/Institutional pattern).
Letters Mailed: 57
Transportation: Oliver Street and Sandhurst Drive are both connector streets with no traffic data available.

P1 - Predominantly residential in character, but primarily for medical institutions and medical offices with ample open spaces including that for yards and for off-street parking and loading of vehicles.

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.

ISSUES:

The purpose for the rezoning request is to allow for increased flexibility with this property. The applicant would like to open an office for a newspaper business. Currently under P1 Zoning, only medical related office uses are allowed. Any new development must meet the overlay standards of the Hospital Area Plan. P2 Professional is consistent with the Hospital Plan. Under the Unified Development Ordinance (UDO) the current P1 and P2 districts are combined into one OI (Office & Institutional) district. When those districts are rezoned in the future there will be no difference between the two.

Zoning Commission and Staff recommend Approval of the rezoning to P2 Zoning based on:

1. Both the 2010 Land Use Plan and the recently approved Hospital Area Plan call for Office and Institutional uses.

2. Neither the Hospital Area Plan nor the recently approved Unified Development Ordinance distinguish between medical and other office uses in "OI" Office and Institutional areas or zoning districts.
3. The requested zoning would be consistent with the surrounding professional and commercial zoning and uses.

BUDGET IMPACT:

Minimal or no change in property tax revenue or cost of providing public services.

OPTIONS:

- Option 1 - Recommend rezoning the property to P2 (Recommended);
- Option 2 - Recommend rezoning the property to a more restrictive zoning district;
- Option 3 - Recommend denying the rezoning of the property to P2

RECOMMENDED ACTION:

Option 1 - Zoning Commission and Staff recommend that the City Council move to Approve the rezoning from P1 Professional District to P2 Professional District based on the reasons provided above (in issues).

ATTACHMENTS:

Application
Zoning Map
Current Land Use
Ortho Photo
Hospital Area Plan Map
Zoning Commission Minutes

**APPLICATION FOR REZONING
CITY OF FAYETTEVILLE**

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

I (We), the undersigned, do hereby respectfully make application and petition to the City Council to amend the Zoning Ordinance and to change the Zoning Map of the City of Fayetteville as hereinafter requested, and in support of this application, the following facts are shown:

Location/Address of the Property: 597 Oliver St

Owner of the Property: Ginny Queen

Address of the Owner: 101 Silk Leaf Ct, Cary NC Zip 27518

Owner's Home Phone: 919-218-4344 Owner's Work Phone: N/A

A. The property sought for Rezoning is owned by Ginny Queen as evidenced by deed, recorded in Deed Book 04949, Page 00585, Cumberland County Registry. (Attach a copy of (all) deed(s) as it appears in the Registry.)

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

From: P1 To: P2

Please describe the proposed use of the property requested for rezoning: Corporate
Office building for Advantage
Newspaper Consultants, LLC

C. Tax Property Identification Number (PIN#) of the property: 0416-97-8925

D. Acreage to be rezoned: 146 x 111.50 (less than an acre)

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

No

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

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

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

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

Ginny Queen
Print or Type Name of Owner

101 Silk Leaf Ct, Cary, NC 27518
Address of Owner

919-218-4344
Home Phone

Advantage Newspaper Consultants, Inc.
Print or Type Name of Applicant

225 Fairway Dr. Suite A Fay, NC 28305
Address of Applicant

718-306-2787
Home Phone

910-323-0349
Work Phone

Susan M. Foley
Signature of Individual Submitting the Application

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

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

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

049498

Excise Tax "0"

RECEIVED

10-2-1998 PM 4:00

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

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.
Verified by County on the day of
by

Mail after recording to H. Dolph Berry, Attorney, P.O. Box 87008, Fayetteville, NC
28305

This instrument was prepared by H. Dolph Berry, Attorney

Brief description for the Index Lot 4, Block "A", Bordeaux, Sect. III

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 25th day of September, 1998, by and between

GRANTOR

William D. McLester, single

GRANTEE

Joan F. McLester, single
724 Victorian Place
Fayetteville, NC 28301

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

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

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

BEING all of Lot No. 4 of Block "A" of "Bordeaux, Section III",
a plot of which said subdivision is duly recorded in Book of Plats
18, Page 38, Cumberland County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in page.....

A map showing the above described property is recorded in Plat Book 2706 page..... 45

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

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

Property is conveyed subject to restrictive covenants, easements, rights of way and zoning regulations of record.

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

(Corporate Name)

By: _____

President

ATTEST: _____

Secretary (Corporate Seal)

USE BLACK INK ONLY

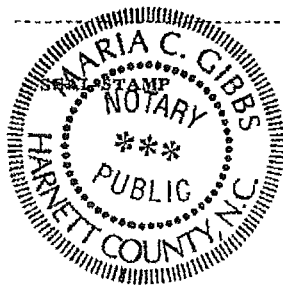
William D. McLeister

(SEAL)

(SEAL)

(SEAL)

(SEAL)



NORTH CAROLINA, Cumberland County.

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

WILLIAM D. MCLEISTER

Grantor,

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

hand and official stamp or seal, this 25th day of September, 1998

My commission expires: 12/03/2001

Maria C. Gibbs Notary Public

SEAL-STAMP

NORTH CAROLINA, _____ County.

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

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

_____ a North Carolina corporation, and that by authority duly

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

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

Witness my hand and official stamp or seal, this _____ day of _____, _____

My commission expires: _____ Notary Public

The foregoing Certificate(s) of _____ Maria C. Gibbs

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

ADVANTAGE NEWSPAPER CONSULTANTS INC
PHONE # 910-323-0349
225 FAIRWAY DR STE A
FAYETTEVILLE, NC 28305

BB&T
BRANCH BANKING AND TRUST COMPANY
1-800-BANK BBT BBT.com
66-112/531

12953

10/12/2010

PAY TO THE ORDER OF City of Fayetteville

\$ **700.00

Seven Hundred and 00/100*****

DOLLARS

City of Fayetteville
PO Drawer D
Fayetteville, NC 28302-1746

MEMO

Zoning Oliver Street

⑈012953⑈ ⑈053101121⑈00051943⑈3421⑈

Susan M. Jolley
AUTHORIZED SIGNATURE

ADVANTAGE NEWSPAPER CONSULTANTS INC

12953

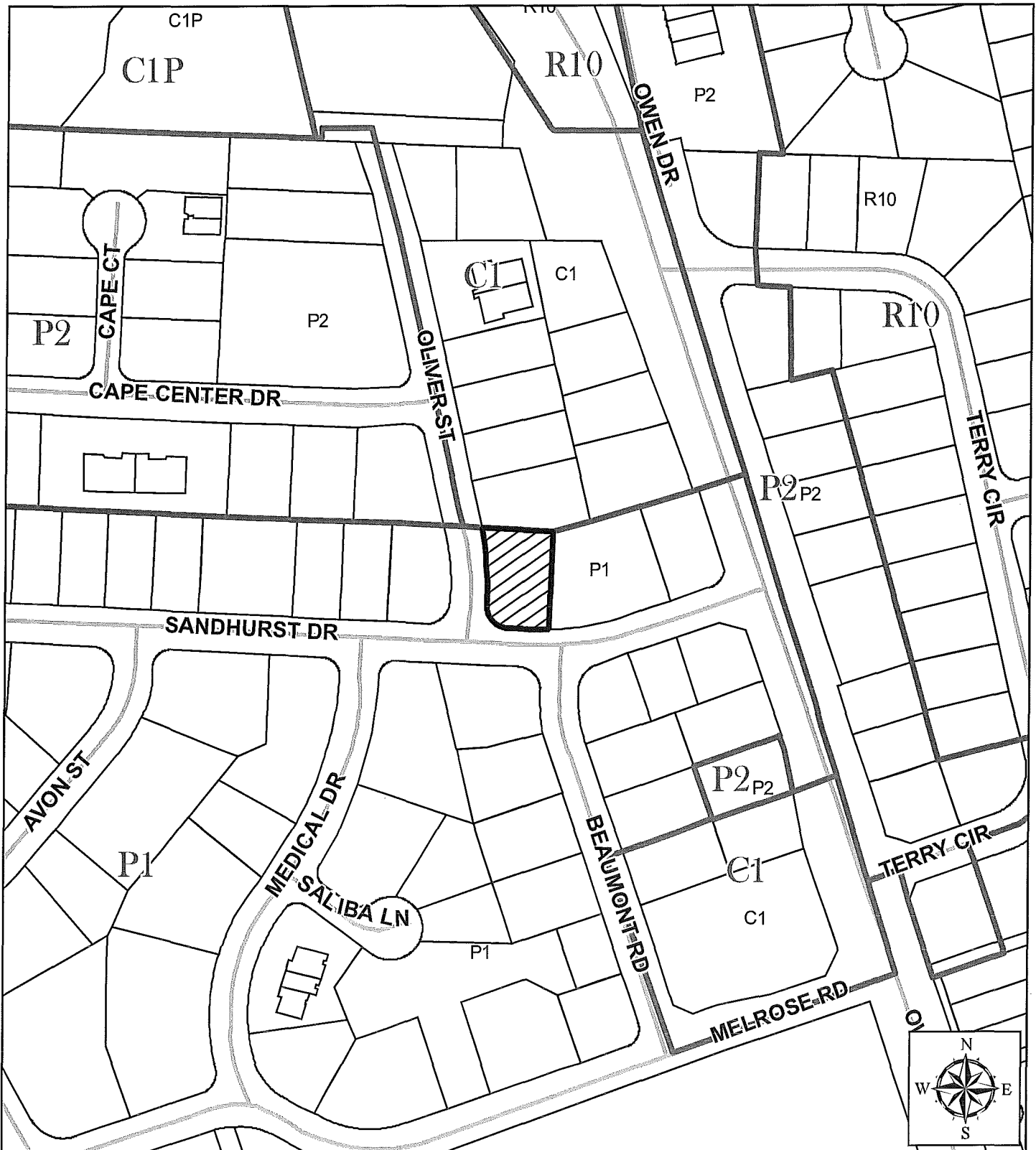
City of Fayetteville

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/12/2010	Bill	Zoning	700.00	700.00		700.00
				Check Amount		700.00

BB & T - Cash in Ban Zoning Oliver Street

700.00

ZONING COMMISSION
CASE NO. P10-41F

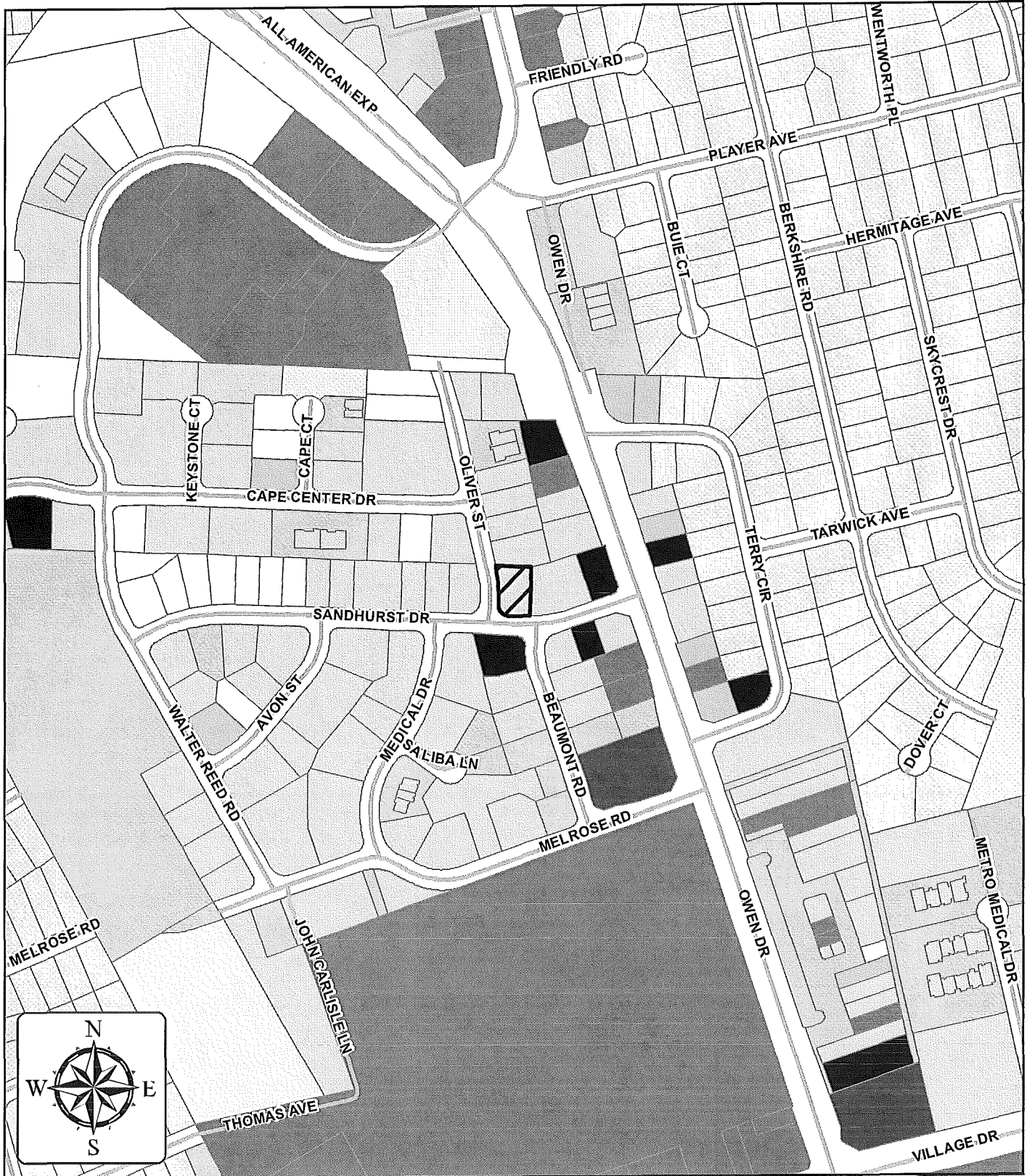


Request: P1 to P2
Location: 597 Oliver St.
Acreage: +/- 0.37 acres

Zoning Commission: 12/14/2010 Recommendation: _____
City Council: _____ Final Action: _____
Pin: 0416-97-8925

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

Current Land Use
P10-41F



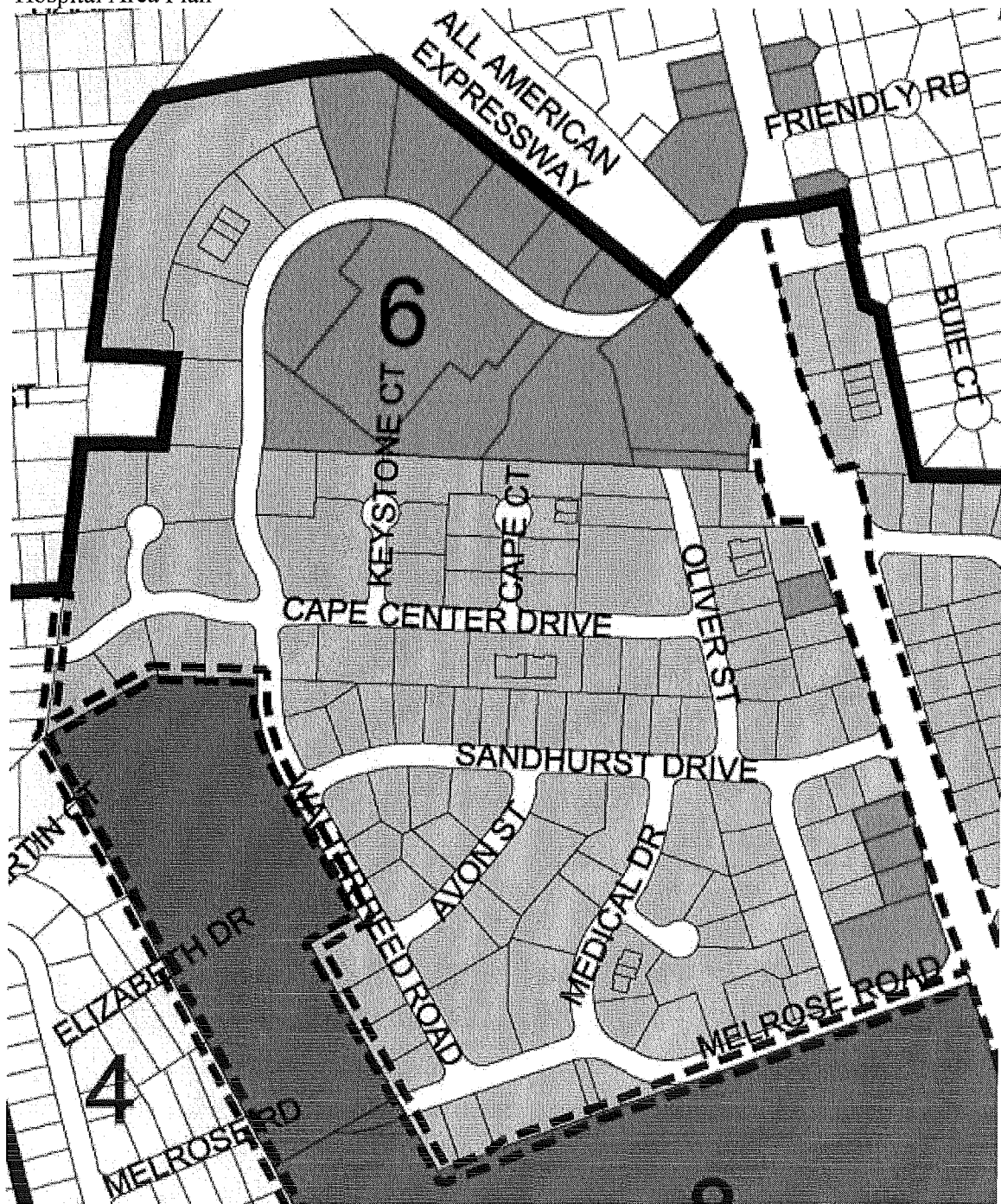
Legend

Residential (Single-Family Detached)	Drug or Alcohol Treatment Facility	Library	Pharmacy (With Drive-Through Service)	Parking Lot
Residential (Multi-Family)	Medical or Dental Office	Institutional (Club or Lodge)	Professional Services (Non-Medical Offices)	Parcel With Vacant Building
Hospital	Institutional (Church)	Fire Station	Hotel or Motel	Vacant Land
Psychiatric Treatment Facility	Institutional (School)	Commercial	Recreation/Entertainment (Indoor)	Parcel Not Currently Assigned to Hospital Area

ZONING COMMISSION
CASE NO. P10-41F



Hospital Area Plan



* commercial area decreased at Sandhurst and Owen in approved plan.

**CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
DECEMBER 14, 2010 @ 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Tom Speight
John Crawley
Steve Mannell

MEMBERS ABSENT

Martin J. Hendrix
Marshall Isler

OTHERS PRESENT

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

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

I. APPROVAL OF AGENDA

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

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

Mr. Crawley made a motion to approve the minutes from November 9, 2010. Mr. Mannell seconded the motion. A vote was taken and the motion 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

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

III. PUBLIC HEARINGS

- B. Case No. P10-41F. The rezoning from P1 Professional District to P2 Professional District or a more restrictive zoning district for a corporate office on property located at 597 Oliver St. Containing 0.37 acres more or less and being the property of Ginny Queen.**

Mr. Harmon presented the case. Mr. Harmon gave an overview of the location. He explained the current land use for the property and the surrounding areas. He stated that the 2010 plan called for office/institutional and that the property is located in area 6 of the Hospital Area Plan.

Mr. Harmon explained that the purpose for rezoning is to allow for increased flexibility with this property. He stated that the applicant would like to open an office for a newspaper business. He explained that currently under P1 Zoning, only medical related office uses are allowed.

Mr. Harmon explained that staff recommends Approval of the rezoning to P2 Zoning based on the following reasons:

1. The 2010 Land Use Plan calls for Office and Institutional.
2. The Hospital Area Plan calls for Office uses.
3. The property is surrounded by professional and commercial zoning and uses.

Mr. Paoni opened the public hearing.

Mr. Tim Evans appeared in favor of the request. Mr. Evans explained that the property has two fronts. He stated that the property would have no walk ins clients for this office. He stated that there would be no structural change on the interior. He stated that he was available for questions if the Commission members had any.

No one appeared in opposition of the request. The public hearing was closed.

The Commission discussed the case. Mr. Paoni made a motion to approve the request for rezoning as recommended by staff. Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

Mr. Harmon explained to the applicant that the item would go before City Council at the January 24, 2010 meeting.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: January 24, 2011
RE: **Case No. P10-43F. The initial zoning of 2.14 acres of recently annexed property at 135 Airport Road to M2 Industrial Zoning District. Fullblock Inc. owners.**

THE QUESTION:

Should the City establish the initial zoning of recently annexed property as M2, the most comparable to existing County zoning and consistent with City Council policy, or establish a more restrictive zoning?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live.
Greater Tax Base Diversity - Strong Local Economy.

BACKGROUND:

Owner: Fullblock Inc.
Applicant: William Fuller
Requested Action: Initial Zoning County M(P) to City M2
Property Address: 135 Airport Road
Status of Property: Under Development
Size: 2.14 +/- acres
Existing Land Use: Warehouse being built
Adjoining Land Use & Zoning: North - M(P) Industrial & R10 cemetery (County) / South - C(P) commercial & R6A Residential Mobile Home Parks (County) / East - R6A Residential (County) / West - R6A Residential (County)
2010 Land Use Plan: Heavy Industrial
Letters Mailed: 15
Transportation: Airport Road is a collector street. No traffic data is available.

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

M(P) - County - This district is designed primarily for basic manufacturing and processing industries.

ISSUES:

The City received a petition requesting voluntary non-contiguous annexation into the City and this property was annexed into the City in December of 2010. Currently there is a warehouse permitted and under construction through the County.

Zoning Commission and Staff recommend approval of the M2 zoning district based on the City's policy for initial zonings of annexed areas. The recommended zoning is also consistent with the adopted land use plan.

Since this is an initial zoning, the recommendation is to follow the City's policy of zoning to the closest zone the City has to what the property was zoned by the County. In this case M2 Industrial is the equivalent of the County's M(P) district.

BUDGET IMPACT:

New property tax revenue; no significant increase in cost of providing public services.

OPTIONS:

- Option 1 - Zone the property to M2 Zoning District (Recommended);
- Option 2 - Zone to a more restrictive Zoning District;
- Option 3 - Deny the Initial Zoning of this property.

RECOMMENDED ACTION:

Option 1 - Zoning Commission and Staff recommend that the City Council move to approve the initial zoning to M2 Industrial Zoning District based on the City's policy on initial zoning of annexations.

ATTACHMENTS:

Application
2010 Plan
Ortho Photo
Zoning Commission Minutes

BASIC INFORMATION ABOUT THE AREA**Date Petition Received:** August 10, 2010**Annexation Date:** **Effective Date:****Annexation Number:**

1. Name of Area:	Fullblock, Inc.
2. Petitioner:	William B. Fuller, Jr., Member/Manager
3. Location:	135 Airport Road
4. Tax Identification Number (PIN):	0435-14-1782
5. Fire Department Affected by Annexation:	Pearces Mill
6. Is the Area Contiguous:	No
7. Type of Annexation:	Petitioned Non-Contiguous Annexation
8. Background:	This is a corner lot located within the Airport Commerce Park area. Plans have been submitted to the County Planning Department for a 7,000 sq. ft. warehouse and a 4,900 sq. ft. office area. The county approved these plans in May 2010.
9. Reason the Annexation was Proposed:	PWC water and sewer services
10. Number of Acres in Area:	2.14
11. Type of Development in Area:	<input type="checkbox"/> New <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Vacant
12. Present Conditions:	a. <u>Present Land Use:</u> vacant and wooded b. <u>Present Number of Housing Units:</u> 0 c. <u>Present Demographics:</u> 0 d. <u>Present Streets:</u> none
13. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> Construction of a warehouse with an office area. b. <u>Development Controls</u> 1. <u>Land Use Plan</u> a. <u>2010 Plan:</u> Heavy Industrial 2. <u>Zoning</u> a. <u>Current Zoning in County:</u> M(P) Industrial District b. <u>Likely Zoning After Annexation:</u> M2 Industrial District c. <u>Maximum number of units allowed based on the zoning:</u> n/a
14. Expected Future Conditions:	a. <u>Future Land Use:</u> warehouse b. <u>Future Number of Housing Units:</u> none c. <u>Future Demographics:</u> none d. <u>Future Streets:</u> none e. <u>Water and Sewer Service:</u> PWC Water and Sewer f. <u>Electric Service:</u> PWC
15. Tax Value of Land and Buildings:	\$52,202 Land Value

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

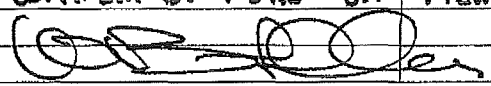
Date Received by Planning: 8-10-10

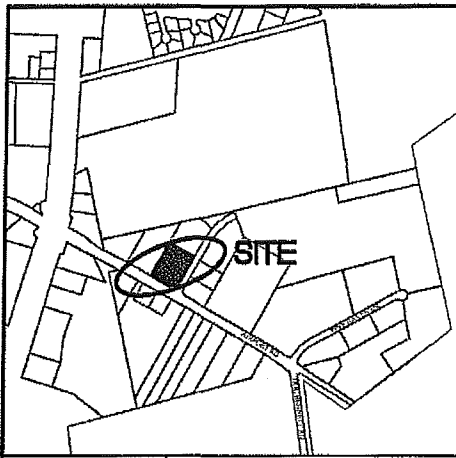
Received by: David Nash

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

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

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

Signatures of all owners.		INDIVIDUAL	
Owner Signature	Print Name	Phone Number	Address
CORPORATION NAME:			
Signatures of <u>all</u> Individuals, and their Title, who are required to sign for the corp.	Print Name And Title	Phone Number	Address
LIMITED LIABILITY CORPORATION NAME: <u>FullBlock</u>			
Signatures of <u>all</u> Individuals, and their Title, who are required to sign for the corp.	Print Name And Title	Phone Number	Address
<u>William B. Fuller Jr.</u>	<u>Member Manager</u>	<u>910-763-0380</u>	<u>321 N. Front St Wilmington NC 28401</u>
			
PARTNERSHIP NAME:			
Signatures of <u>all</u> Individuals, and their Title, who are required to sign for the Partnership	Print Name And Title	Phone Number	Address



VICINTY MAP (N.T.S.)



PROPOSED ANNEXATION
AREA



CITY LIMITS

N60°16'28"W
270.00'

S29°44'59"W
349.67'

BRIDGEWOOD DR. 60' R/W
N29°44'59"E
305.40'

SR 2260 AIRPORT RD. R/W VARIES
S60°05'35"E
207.96'

L=32.96 R=45.00
CH=N50° 44' 00"E CL=32.23

S60°05'37"E
50.46'

N29°54'23"E
15.00'



ENGINEERING & INFRASTRUCTURE DEPT.
CIVIL ENGINEERING DIVISION
433 HAY ST. 28301
(910) 433-1856

PROPOSED ANNEXATION
135 AIRPORT ROAD
FULLBLOCK, INC.
± 2.14 ACRES

EXHIBIT 'A'

THIS MAP IS NOT A CERTIFIED SURVEY AND NO
RELIANCE MAY BE PLACED IN ITS ACCURACY.

DATE 8/19/2010 DRAWN BY CSA

SCALE 1" = 100' CK'D BY CSA

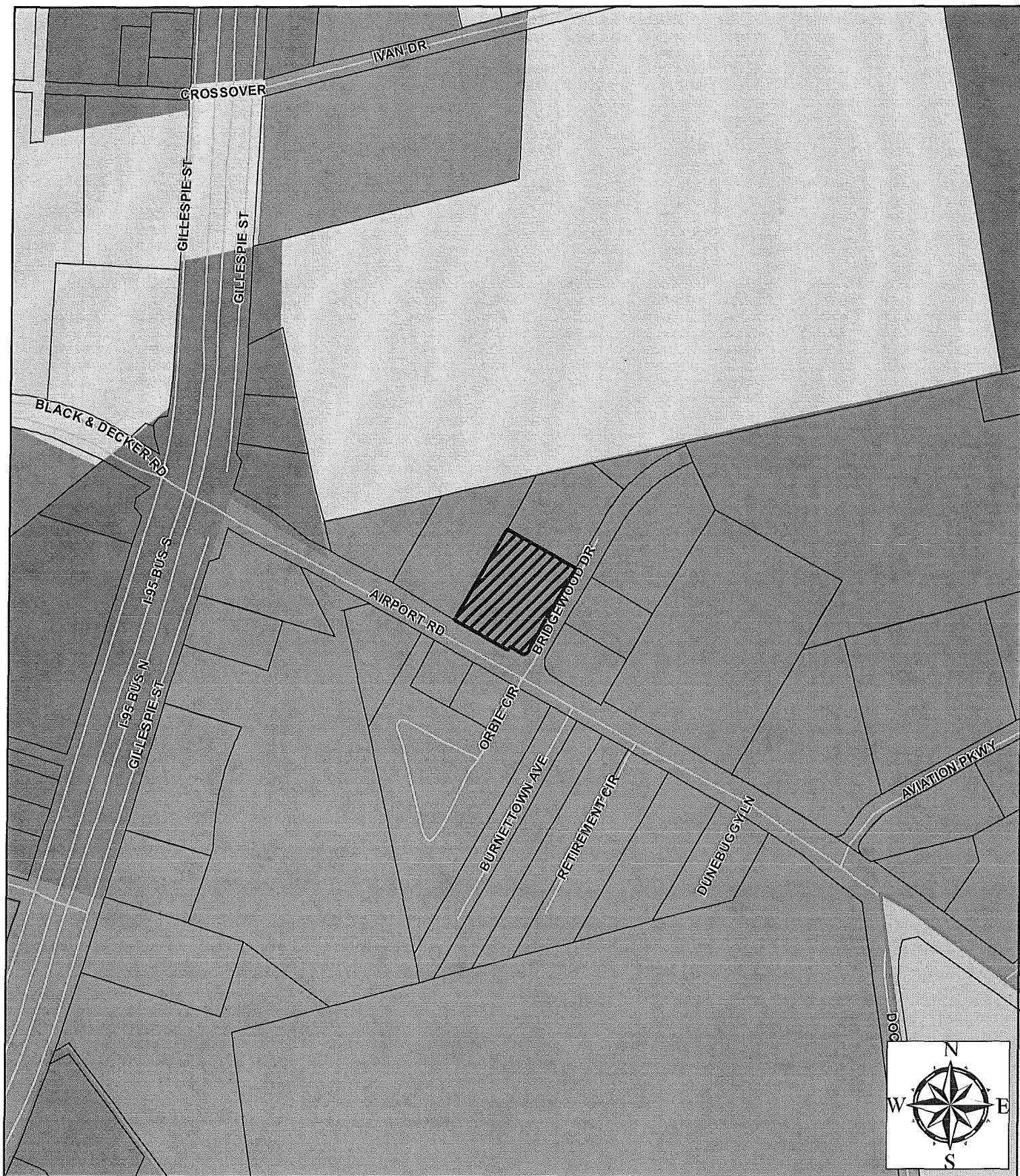
SHEET 1 OF 1



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

2010 Land Use Plan

Case No. P10-43F



Legend

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



**CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
DECEMBER 14, 2010 @ 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Tom Speight
John Crawley
Steve Mannell

MEMBERS ABSENT

Martin J. Hendrix
Marshall Isler

OTHERS PRESENT

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

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

I. APPROVAL OF AGENDA

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

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

Mr. Crawley made a motion to approve the minutes from November 9, 2010. Mr. Mannell seconded the motion. A vote was taken and the motion 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

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

III. PUBLIC HEARINGS

- C. Case No. P10-43F. The initial zoning of a recently annexed property from M(P) Industrial District (County) to M2 Industrial District (City) for office and warehouse space already approved by the County, on property located at 135 Airport Road. Containing 2.14 acres more or less and being the property of William B. Fuller, Jr. Member/Manager.

Mr. Harmon presented the case. Mr. Harmon gave an overview of the location. He explained the current land use for the property and the surrounding areas. He stated that the 2010 plan called for heavy industrial.

Mr. Harmon explained that the City received a petition requesting voluntary non-contiguous annexation into the City and this property is to be annexed into the City in December of 2010. He explained that currently there is a warehouse permitted and being built through the County. Mr. Harmon stated that the planning staff recommends approval of the M2 zoning district based on the City's policy for initial zonings of annexed areas; he stated that the recommended zoning is also consistent with the adopted land use plan. Mr. Harmon explained that since this is an initial zoning, the recommendation is to follow the City's policy of zoning to the closest zone the City has to what the property was zoned by the County; he said that in this case M2 Industrial is the equivalent of the County's M(P) district.

The public hearing was opened.

There was no one to speak in favor or opposition of the request.

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: January 24, 2011
RE: **Case No. P10-44F. The initial zoning of 20.43 acres of recently annexed property at Black and Decker Road, East of Legion Road to R5 Residential Zoning District. Atlantic Multifamily LLC, owners.**

THE QUESTION:

Should the City establish the initial zoning of recently annexed property as R5, the most comparable to existing County zoning and consistent with City Council policy, or establish a more restrictive zoning?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live.
Greater Tax Base Diversity - Strong Local Economy.

BACKGROUND:

Owner: Atlantic Multifamily LLC.
Applicant: William Thorne
Requested Action: Initial Zoning County R5 & C(P) to City R5
Property Address: Black and Decker Road, East of Legion Road
Status of Property: Under Development
Size: 20.43 +/- acres
Existing Land Use: Apartments being built
Adjoining Land Use & Zoning: North - M(P) Industrial (County) / South - M(P) Industrial (County) & C(P) Commercial (County) / East - M(P) Industrial (County) / West - M(P) Industrial (County) & C(P) Commercial (County)
2010 Land Use Plan: Heavy Industrial
Letters Mailed: 18
Transportation: Black and Decker Road is a collector street. No traffic data is available.

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

C(P) - County - This district is designed to assure the grouping of buildings on a parcel of land so as to constitute a harmonious, efficient and convenient retail shopping area.

R5 - County - A district designed primarily for multi-family dwelling units with a maximum density of 29 units per acre, dependent upon the type of development.

ISSUES:

The City received a petition requesting voluntary non-contiguous annexation into the City and this property was annexed into the City in December of 2010. Currently there are 272 apartment units permitted and under construction through the County. Under R5 zoning 504 units are allowed.

Zoning Commission and Staff recommend approval of the R5 zoning district based on the City's policy for initial zonings of annexed areas. The recommended zoning is however inconsistent with the adopted land use plan which calls for Heavy Industrial in this area.

This property was rezoned in phases starting in 2000 when the entire tract was rezoned from NP to C(P) County. In 2004, 2007 and 2010 different sections of this property were rezoned from C(P) to R5.

Since this is an initial zoning, the recommendation is to follow the City's policy of zoning to the closest zone the City has to what the property was zoned by the County. In this case R5 Residential is the equivalent of the County's R5 district.

BUDGET IMPACT:

New property tax revenue, with a marginal increase in the cost of providing public services.

OPTIONS:

- Option 1 - Zone the property to R5 Zoning District (Recommended);
- Option 2 - Zone to a more restrictive Zoning District;
- Option 3 - Deny the Initial Zoning of this property.

RECOMMENDED ACTION:

Option 1 - Zoning Commission and Staff recommend that the City Council move to approve the initial zoning to R5 Residential Zoning District based on the City's policy on initial zoning of annexations.

ATTACHMENTS:

Application
2010 Plan
Ortho Photo
Zoning Commission Minutes

BASIC INFORMATION ABOUT THE AREA

Date Petition Received: October 15, 2010

Annexation Date: **Effective Date:**

Annexation Number:

1. Name of Area:	Atlantic Multifamily, LLC
2. Petitioner:	William H. Thorne, Member/Manager
3. Location:	Black and Decker Road, East of Legion Road
4. Tax Identification Number (PIN):	0425-66-9466
5. Fire Department Affected by Annexation:	Pearces Mill
6. Is the Area Contiguous:	No
7. Type of Annexation:	Petitioned Non-Contiguous Annexation
8. Background:	Plans have been submitted to the County Planning Department for Astoria Apartments, a 272 unit complex. The county approved these plans in April 2010.
9. Reason the Annexation was Proposed:	PWC water and sewer services
10. Number of Acres in Area:	20.43
11. Type of Development in Area:	<input type="checkbox"/> New <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Vacant
12. Present Conditions:	a. <u>Present Land Use:</u> vacant b. <u>Present Number of Housing Units:</u> 0 c. <u>Present Demographics:</u> 0 d. <u>Present Streets:</u> none
13. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> 272 Unit Apartment Complex b. <u>Development Controls</u> 1. <u>Land Use Plan</u> a. <u>2010 Plan:</u> Heavy Industrial 2. <u>Zoning</u> a. <u>Current Zoning in County:</u> 17.56 acres is R5 Residential District and 2.88 acres is C(P) Commercial b. <u>Likely Zoning After Annexation:</u> R5 Residential District c. <u>Maximum number of apartment units allowed based on the zoning:</u> within the residential district area: 504
14. Expected Future Conditions:	a. <u>Future Land Use:</u> Apartments b. <u>Future Number of Housing Units:</u> 272 c. <u>Future Demographics:</u> 680 d. <u>Future Streets:</u> Private (internal to the apartment complex) e. <u>Water and Sewer Service:</u> PWC Water and Sewer f. <u>Electric Service:</u> PWC
15. Tax Value of Land and Buildings:	\$287,283 Land Value

PETITION REQUESTING ANNEXATION
(NON-CONTIGUOUS)

Date Received by Planning: 10-15-2010

Received by: MBryant

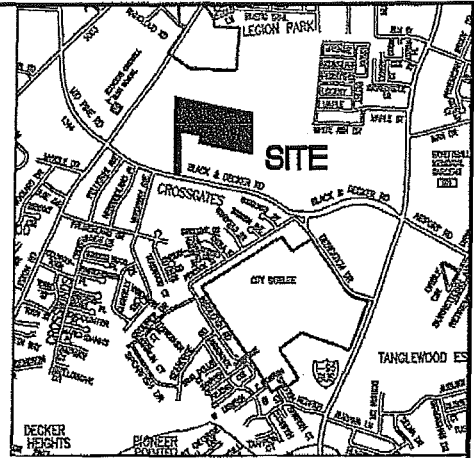
To the Mayor and City Council of the City of Fayetteville, North Carolina.

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

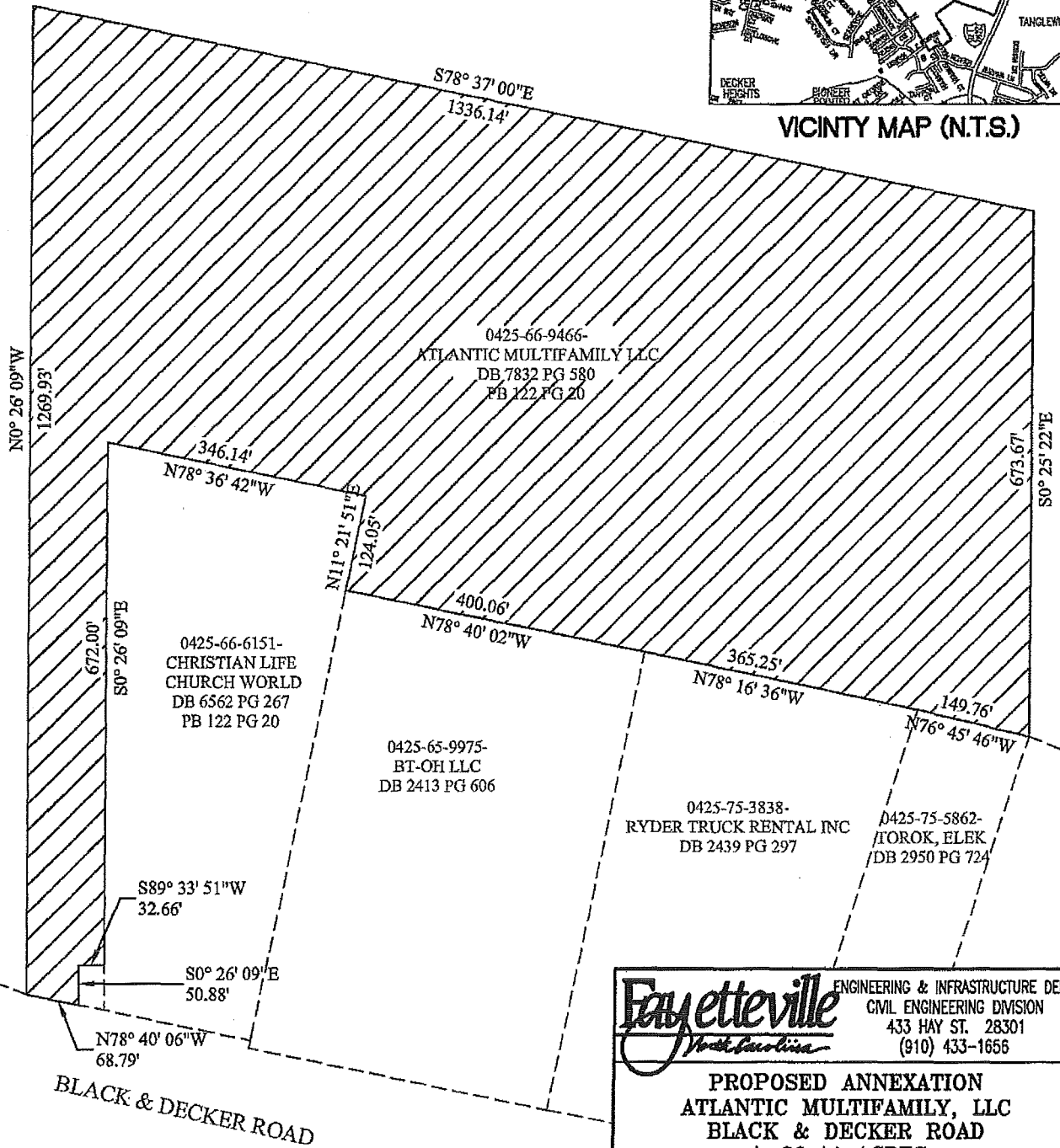
Please fill in the name of the Corporation, LLC, or Partnership and sign your name and title below:

Signatures of all owners.		INDIVIDUAL	
Owner Signature	Print Name	Phone Number	Address
CORPORATION NAME:			
Signatures of all Individuals, and their Title, who are required to sign for the corp.	Print Name And Title	Phone Number	Address
LIMITED LIABILITY CORPORATION NAME: <u>ATLANTIC MULTIFAMILY, LLC</u>			
Signatures of all Individuals, and their Title, who are required to sign for the corp.	Print Name And Title	Phone Number	Address
<u>William H. Thorne</u>	<u>WILLIAM H. THORNE</u>	<u>910-457-9210</u>	<u>110 A NORTH HOOVER ST</u>
<u>Member - Manager</u>			<u>SOUTHPORT, NC 28461</u>
PARTNERSHIP NAME:			
Signatures of all Individuals, and their Title, who are required to sign for the Partnership	Print Name And Title	Phone Number	Address

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



VICINITY MAP (N.T.S.)



Fayetteville
North Carolina

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

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

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

CAD FILE:

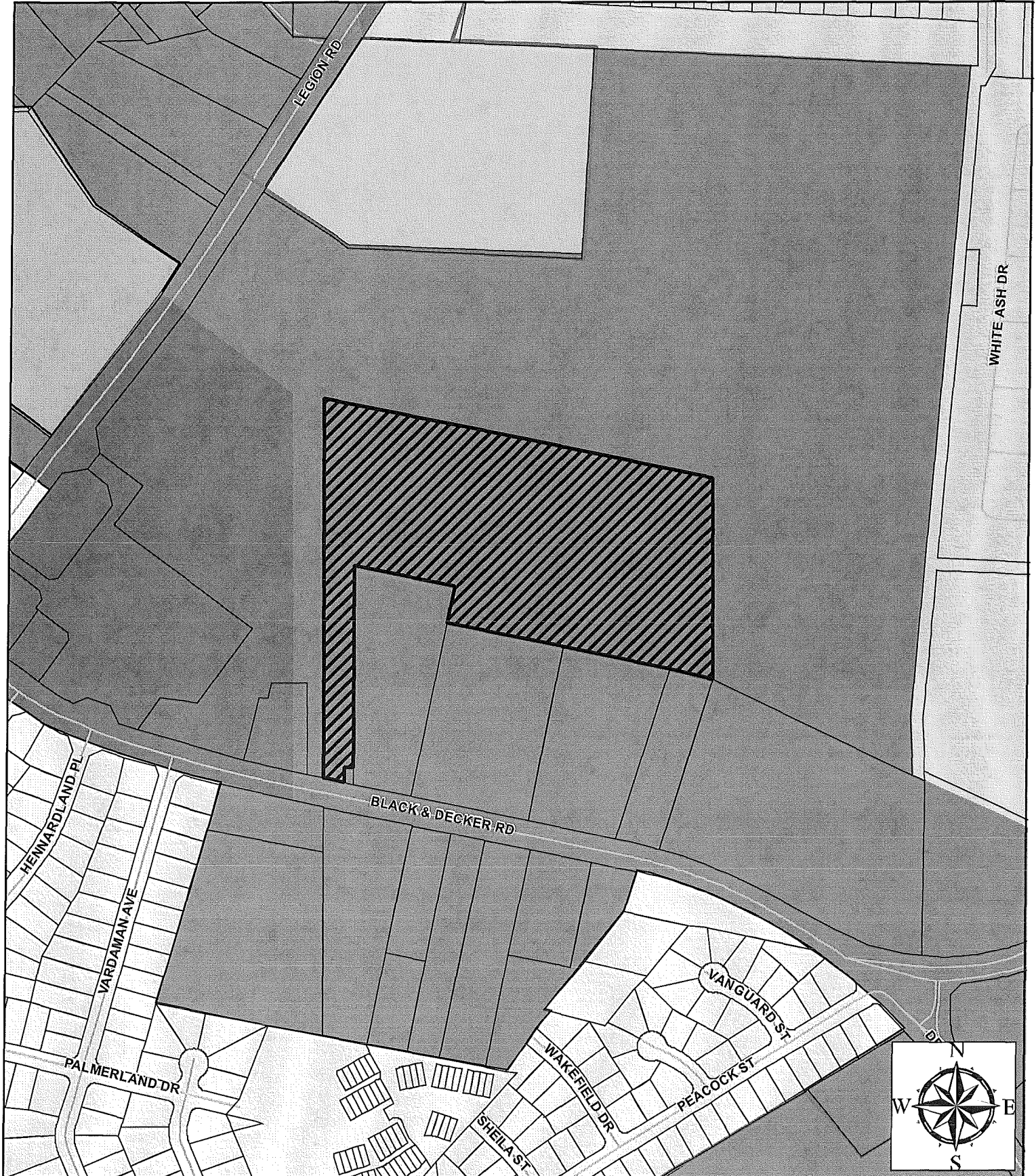
ATLANTIC MULTIFAMILY, LLC
(Black and Decker Road, East of Legion Road)

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









2010 Land Use Plan

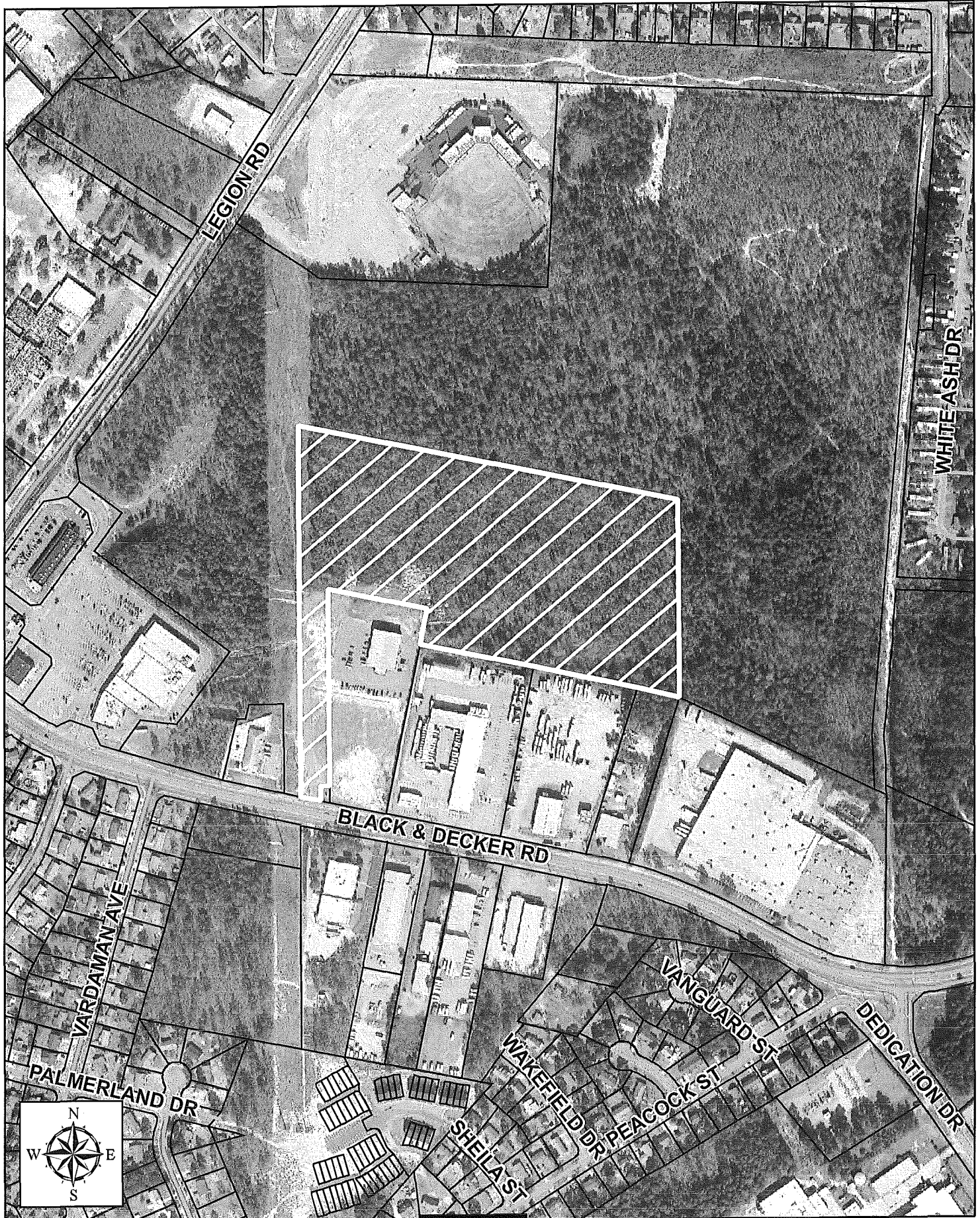
Case No. P10-44F



Legend

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

ZONING COMMISSION
CASE NO. P10-44F



**CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
DECEMBER 14, 2010 @ 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Tom Speight
John Crawley
Steve Mannell

MEMBERS ABSENT

Martin J. Hendrix
Marshall Isler

OTHERS PRESENT

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

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

I. APPROVAL OF AGENDA

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

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

Mr. Crawley made a motion to approve the minutes from November 9, 2010. Mr. Mannell seconded the motion. A vote was taken and the motion 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

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

III. PUBLIC HEARINGS

- D. Case No. P10-44F. The initial zoning of a recently annexed property from (City) for a 272 unit apartment complex, already approved by the County, on property located at Black and Decker Road, East of Legion Road. Containing 20.44 acres more or less and being the property of Atlantic Multifamily, LLC.

Mr. Harmon presented the case. Mr. Harmon gave an overview of the location. He explained the current land use for the property and the surrounding areas. He stated that the 2010 plan called for heavy industrial.

Mr. Harmon explained that the City received a petition requesting voluntary non-contiguous annexation into the City and this property is to be annexed into the City in December of 2010. He explained that there are currently 272 apartment units permitted and being built through the County; he stated that under R5 zoning 504 units are allowed. Mr. Harmon explained that planning staff recommends approval of the R5 zoning district based on the City's policy for initial zonings of annexed areas. He explained that the recommended zoning is inconsistent with the adopted land use plan which calls for Heavy Industrial in this area. Mr. Harmon stated that this property was rezoned in phases starting in 2000 when the entire tract was rezoned from NP to C(P) County and that in 2004, 2007 and 2010 different sections of this property were rezoned from C(P) to R5. Mr. Harmon stated that since this is an initial zoning, the recommendation is to follow the City's policy of zoning to the closest zone the City has to what the property was zoned by the County. In this case R5 Residential is the equivalent of the County's R5 district.

The public hearing was opened.

There was no one to speak in favor or opposition of the request.

Commission members expressed concern about residential development in the middle of properties planned and zoned for heavy industrial uses. They also expressed frustration with the practice of a development receiving County rezoning and plan approvals, including building permits, even while the City is evaluating the annexation petition. Members asked that these concerns and frustrations be shared with the City Management and elected officials.

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

IV. OTHER

V. ADJOURNMENT

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Michael Gibson, Parks & Recreation Director
DATE: January 24, 2011
RE: Landscape Maintenance Agreement I-95 Exit 49

THE QUESTION:

Should Council approve the NCDOT Landscape Maintenance Agreement at I-95 Exit 49?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3 - More Attractive City - Clean and Beautiful

BACKGROUND:

NA

ISSUES:

NA

BUDGET IMPACT:

NA

OPTIONS:

- Approve the maintenance agreement.
- Deny the maintenance agreement.

RECOMMENDED ACTION:

Staff recommends accepting the maintenance agreement.

ATTACHMENTS:

DOT Landscape Agreement I-95 exit 49

Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

Entity: City of Fayetteville

County: Cumberland

WBS Element: 3706.3.17

Scope: The Project consists of renovation of landscape plantings along I-95 at Exit 49.

NORTH CAROLINA
CUMBERLAND COUNTY

LANDSCAPE AGREEMENT

DATE: 12/8/2010

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

Project: ER-2973

AND

WBS Elements: 3706.3.17

CFDA: 20.205

CITY OF FAYETTEVILLE

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Fayetteville, hereinafter referred to as the "Municipality";

WITNESSETH:

WHEREAS, Section 1201 of the Transportation Equity Act of the 21st Century (TEA-21) requires that the Surface Transportation Program funds be available for transportation enhancement activities in their statewide transportation improvement programs; and,

WHEREAS, the Municipality has requested enhancement funding for certain landscape plantings in Cumberland County; and,

WHEREAS, the Municipality has also agreed to the maintenance of said plantings as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF THE PROJECT

1. The Project consists of the renovation of landscape plantings along I-95 at Exit 49.

PLANNING, DESIGN AND RIGHT OF WAY

2. The Department shall, without expense to the Municipality, approve the landscape design and prepare the landscape plans and specifications in accordance with the Department's standard landscaping policies and procedures for highways. The Municipality shall have an opportunity to review the landscape design and plans before the Department lets the contract, with anticipated planting to begin during the Spring of 2011.
3. All work shall be performed within the existing right of way and in accordance with Departmental standards, policies and procedures. In the event any additional right of way or construction easement is required for the plantings, the Department shall provide said additional right of way/or easement. Acquisition of any right of way and/or easements shall be performed in accordance with all State and Federal procedures.

CONSTRUCTION AND MAINTENANCE

4. The Department shall furnish the plants and mulch for the initial planting. The Department shall, without expense to the Municipality, prepare the site and install the plantings, in accordance with the approved project plans. All work shall be performed in accordance with the Department's standard landscaping policies and procedures for highways. Upon completion of the planting, the Department shall maintain said planting areas for a two-year warranty period, at no expense to the Municipality.
5. Upon completion of the two-year warranty period, the Department will maintain the plantings in the median of I-95 and the Municipality shall maintain plantings outside of the median. The Department shall notify the Municipality, in writing, when the Municipality should assume responsibility for all maintenance and replacement of the landscape materials. Maintenance shall include, but not be limited to, the following: watering, mulching, pruning, fertilizing, weeding, pest control, mowing, and replacing plant materials. All cost of maintenance shall be borne by the Municipality.
6. The Municipality agrees to continually maintain all plantings in accordance with generally accepted horticultural practices. The Department shall have the right to periodically inspect the maintenance practices being utilized by the Municipality.

7. If the Department determines that the Municipality is not properly maintaining the plantings, the Department shall notify the Municipality. If proper maintenance is not performed by the Municipality within a reasonable time after notification, the Municipality agrees that the Department shall perform the necessary maintenance, or at the Department's option, shall return the planted area to a natural condition (i.e. seeded and mulched, etc.). It is further agreed that the costs of the restoration shall be reimbursed to the Department by the Municipality. Reimbursement to the Department shall be made in one final payment within sixty (60) days of invoicing by the Department. The Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147.86.23.
8. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.
9. In the event these plantings require relocation or removal for highway construction, re-construction, maintenance or safety, the Municipality shall be given the option to remove or relocate any plantings it considers salvageable immediately upon notification by the Department, at no expense to the Department.
10. The Department shall not be responsible for any damage to the plantings, which may be done by third parties.

ADDITIONAL PROVISIONS

11. The Municipality, at no expense to the Department, shall provide traffic control during landscape maintenance procedures as required by the latest revisions to the MUTCD for work outside the shoulder and for work on the shoulder.
12. The Municipality will indemnify and hold harmless the Department, FHWA, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claims for damage and/or liability in connection with the project activities performed pursuant to this Agreement including construction of the Project. The Department shall not be responsible for any damages or claims for damages, which may be initiated by third parties.

13. All terms and conditions of this Agreement are dependent upon and subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.
14. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

CITY OF FAYETTEVILLE

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

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

Approved by _____ of the local governing body of the City of Fayetteville

as attested to by the signature of Clerk _____ of said governing body on

_____ (Date)

(SEAL)

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

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Fayetteville

DEPARTMENT OF TRANSPORTATION

BY: _____

(STATE HIGHWAY ADMINISTRATOR)

DATE: _____

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner
DATE: January 24, 2011
RE: **Case No. P10-40F. Appeal of denial of rezoning 0.941 acres at 874 Strickland Bridge Rd from C1P Commercial District to C3 Commercial Conditional Zoning District. Wildemar and Kyung Guzman, owner.**

THE QUESTION:

Should commercially zoned property at the edge of a residential area be rezoned (with conditions) to a higher intensity commercial zoning district?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development;
Livable Neighborhoods

BACKGROUND:

Owner: Wildemar and Kyung Guzman
Applicant: Wildemar Guzman
Requested Action: C1P to C3/CZ
Property Address: 874 Strickland Bridge Rd
Status of Property: Residentially built property.
Size: 0.941 acres +/-
Existing Land Use: Vacant
Adjoining Land Use & Zoning: North - C1P Commercial (vacant) / South - R10 Single Family Residential (church) / East - P2 Professional (appears to be residential) / West - R10 Single Family Residential (children's home)
2010 Land Use Plan: Low Density Residential
2030 Growth Vision Plan: Policy 9.10: The preservation, rehabilitation and appropriate adaptive reuse of older commercial areas shall be encouraged. Incentives may be employed for REUTILIZING EXISTING COMMERCIAL PROPERTIES before rezoning additional land for commercial development.
Letters Mailed: 31
Transportation: Strickland Bridge Road is a major thoroughfare.

C1P - Identical to the C1 local business district except that plans as required by the subdivision chapter must be submitted to the planning agency for approval prior to development; and, mixed residential use is permitted with special limitations. Primarily for the conduct of retail trade in outlying shopping areas with emphasis on daily necessities for the convenience of surrounding residential areas.

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

The purpose for the rezoning request is to allow for an auto repair garage to be located on the property. The developer has plans to build a commercial strip development that will include auto repairs. Please see the attached site plan. Although by City policy the property retained its commercial zoning when annexed, it is staff's opinion that commercial is not a good fit for this area and had the original request come to the City, our staff would have recommended denial. A more appropriate zoning for this property would be a professional district or higher density residential,

just as is across the street from this property. A professional or higher density residential zoning would have provided a buffer between the existing residential development and any future commercial development. If rezoned this property would transition to the Community Commercial (CC) Zoning District under the Unified Development Ordinance and it would retain its Conditional status as well.

History:

In 1991 the owner at that time applied for a rezoning and Conditional Use Permit to change the property to commercial and allow for an auto repair garage. Both requests were denied.

This property was rezoned in 1995, while still in the County from R10 residential to C(P) Commercial.

Conditions as offered by the developer:

1. Heavy auto repair would be the only C3 use allowed.
2. The property would retain all uses of the current C1P district.
3. Limited to one Auto Repair Garage.
4. Auto Repair hours of operation would be limited to Monday - Saturday, 8am - 5pm
5. Attached site plan (revised to meet all aspects of the City's ordinances)

Zoning Commission DENIED of the rezoning to C3 Conditional Zoning based on:

1. The 2010 Land Use Plan calls for low density residential.
2. The property currently is zoned R10 residential to the west and south.
3. 2030 Growth Vision Plan cautions against rezoning additional land to commercial when there is an abundance of unused commercially zoned property in the area.
4. Commercial zoning does not serve as a good buffer to residential zoning.

BUDGET IMPACT:

New property tax revenue; no significant increase in cost of providing public services.

OPTIONS:

- Option 1 - Move to Deny the rezoning of the property to C3/CZ (Recommended);
- Option 2 - Move to rezone the property to C3/CZ, with conditions as proposed by the developer as noted above;
- Option 3 - Move to rezone the property to C3/CZ with alternative or additional conditions beyond those proposed by the developer..

RECOMMENDED ACTION:

Option 1 - Zoning Commission and Staff recommend that the City Council move to DENY the rezoning from C1P Commercial District to C3/CZ Commercial Conditional Zoning District based on the reasons provided above (in issues).

ATTACHMENTS:

Application
Zoning Map
Current Landuse
Ortho Photo
2010 Plan
Site Plan - Revised
Zoning Commission Minutes

Deadline Date to Return Oct. 5 2010
Neighborhood Meeting Oct 26, 2010
Zoning Commission Meeting Nov. 9 2010
Today's Date Oct. 5 2010
Amount Rec'd \$ 700 Rev'd by CMH Case # P10-40F
680 (site plan review)

**APPLICATION FOR CONDITIONAL ZONING
CITY OF FAYETTEVILLE**

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

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

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

NOTE:

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

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

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

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

REQUIRED COMMUNITY MEETING BEFORE ZONING COMMISSION'S PUBLIC HEARING:

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

**APPLICATION FOR CONDITIONAL ZONING
CITY OF FAYETTEVILLE**

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

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

Location/Address of the Property: 874 Strickland Bridge Road Zip 28304
Owner of the Property: Willemar & Kyung Sun Gudman
Owner's Home Phone: 910-867-2549 Owner's Work Phone: 910-436-1100

- A. Section and provision of the Zoning Ordinance from which the Conditional Zoning is requested:
Section, 30-120 CIP, Setbacks + Use For Garage
- B. The property sought for Conditional Zoning is owned by Willemar & Kyung Sun Gudman
as evidenced by deed, recorded in Deed Book 08419, Page 0295, Cumberland
County Registry. (Attach a copy of (all) deed(s) as it appears in Registry.)
- C. Tax Property Identification Number(s) (PIN#): 0406-09-6073
0406-08-6955
- D. Acreage requested for Conditional Zoning: 0.941
- E. It is requested that the property be rezoned:
From: CIP To: C3
- F. It is proposed that the property will be put to the following use: (Describe proposed use/activity
in detail to include hours of operation, screening, number of residential units or square footage of
nonresidential uses, access points, phasing if applicable, parking and circulation pattern.)
Main Tenance Shop & 5 Retail units
Shop Hr: M-S 8-5
Retail - unknown

x Willemar Gudman Kyung Gudman
Signature of Owner

3404 Black Tower Ct

Address

Fayetteville, NC

City

State

Zip Code

Home Phone: 910-867-2549

Work Phone: 910-436-1100

Email hannamappt@AOL.COM

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

8419
0295

BK08419 PG0295

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS
FILED Jun 22, 2010
AT 01:01:00 pm
BOOK 08419
START PAGE 0295
END PAGE 0297
INSTRUMENT # 19363
RECORDING \$25.00
EXCISE TAX \$370.00
RT

NORTH CAROLINA GENERAL WARRANTY DEED

Prepared by / Return to : Steven J. O'Connor

FILE #281FH10

Excise Tax: 370.00

Parcel Identifier No. 0406-09-6073 0406-08-6955 _____ Verified By _____ County on
the ____ day of ____ 200
By _____

Mail to: McCoy Wiggins Cleveland & O'Connor PLLC 202 Fairway Drive, Fayetteville, NC 28305

This Instrument was prepared by: Steven J. O'Connor, Attorney at Law

Brief description for the Index: Lot 18, 19 AND 20, Section , ARRAN PARK Subdivision

THIS DEED made this 15 June 2010, by and between

GRANTOR	GRANTEE
HO YOUNG CHOI and wife, Young - Min Kim	WILDEMAR GUZMAN and wife, KYUNG SUN GUZMAN 874 STRICKLAND BRIDGE RD. FAYETTEVILLE, NC 28304

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

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

SEE EXHIBIT A, ATTACHED HERETO AND MADE A PART HEREOF.

For history of title see deed recorded in Book 6525, page 634, aforesaid registry.

HOYOUNG CHOI AND HO YOUNG CHOI ARE ONE AND THE SAME PERSON.

A Map Showing the above described property is recorded in Plat Book 16, Page 48.

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002
Printed by Agreement with the NC Bar Association - 1981 SoftPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27609

Our File Number: FILE #281FH10

CITY OF FAYETTEVILLE
CITY HALL
433 HAY STREET
FAYETTEVILLE, NC 28301
910-433-1676
FINANCE DEPARTMENT

DEPT#: 5511
PL-Rezoning Fees 700.00 700.00

Description/Payee: Rezoning/Guzman,
Wildemar

SubTotal: 700.00
Total: 700.00

Check Number : 2030 700.00

10/5/2010 10:37 JG
#0054147 /5/2
THANK YOU!

CITY OF FAYETTEVILLE
CITY HALL
433 HAY STREET
FAYETTEVILLE, NC 28301
910-433-1676
FINANCE DEPARTMENT

DEPT#: 5510
PL-Subdivision Fees 680.00 680.00

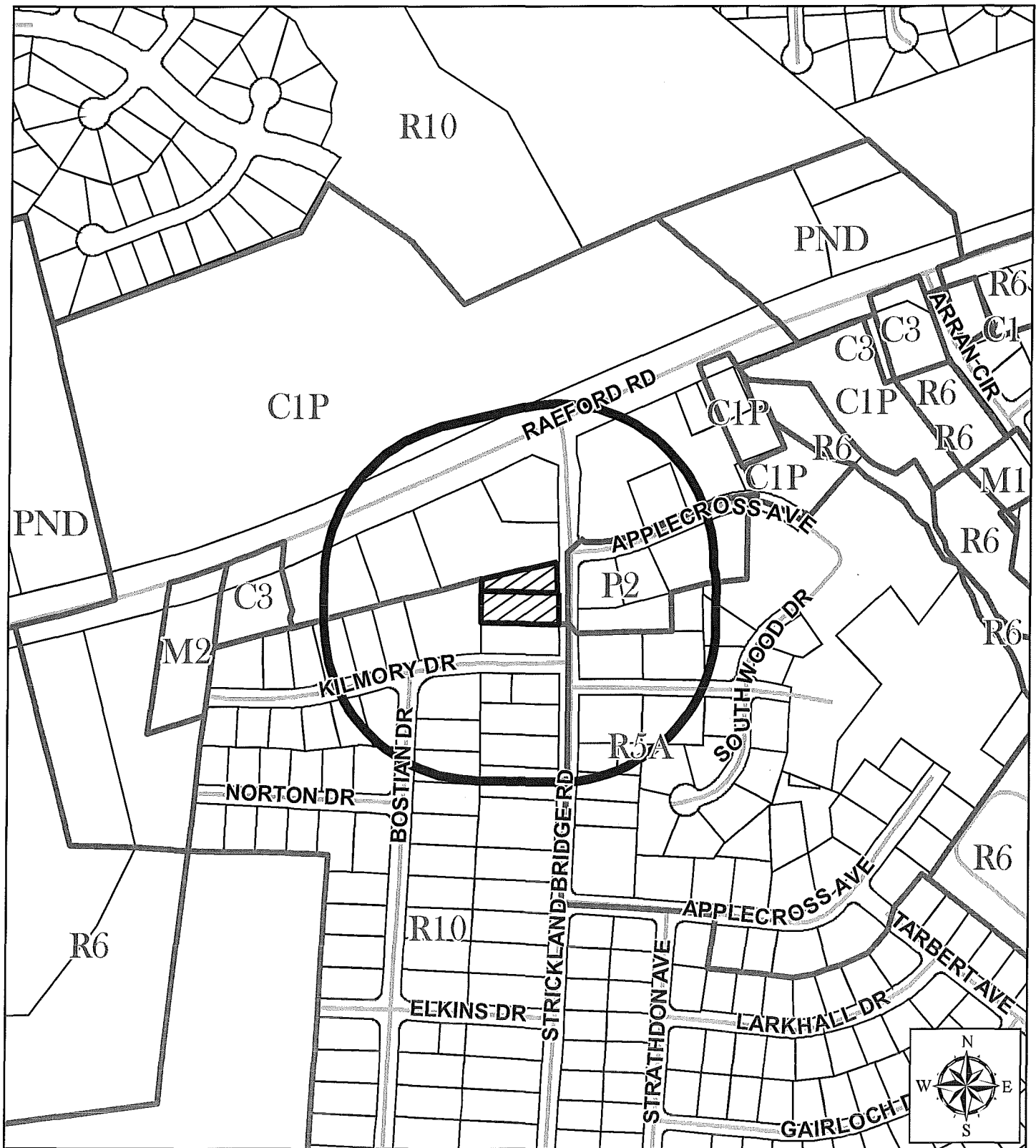
Description/Payee: Subdiv/Guzman,
Wildemar

SubTotal: 680.00
Total: 680.00

Check Number : 2031 680.00

10/5/2010 10:38 JG
#0054148 /5/2
THANK YOU!

**ZONING COMMISSION
CASE NO. P10-40F**



Request: C1P to C3/CZ
Location: 874 Strickland Bridge Rd.
Acreage: +/- 0.941 acres

Zoning Commission: 11/9/2010
City Council: _____
Pin: 0406-09-6073

Recommendation: _____
Final Action: _____

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

Current Land Use
P10-40F



Legend

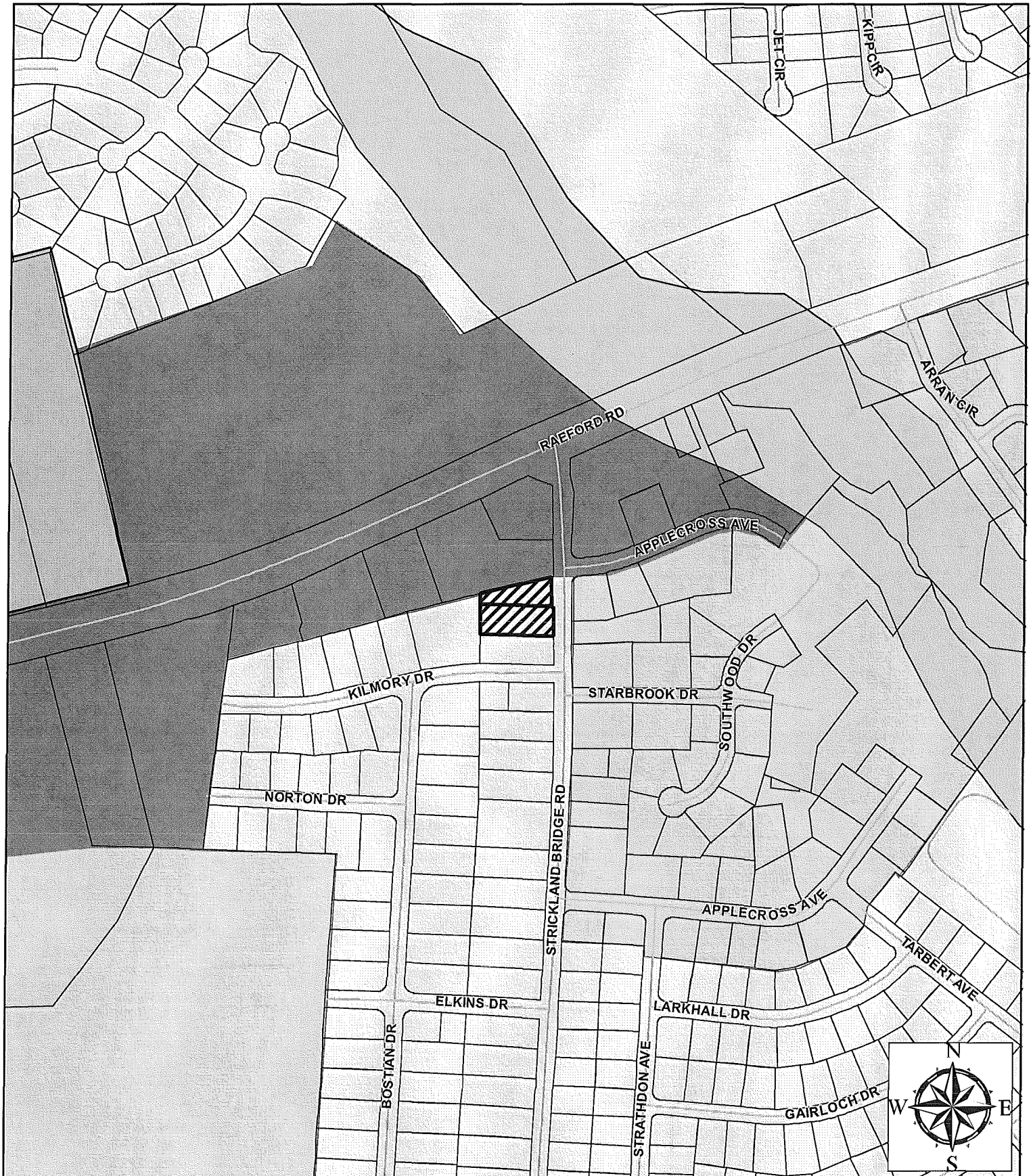
Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home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

ZONING COMMISSION
CASE NO. P10-40F



2010 Land Use Plan

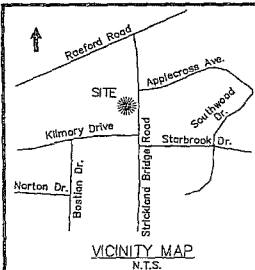
Case No. P10-40F



Legend

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

- 65 -



- LEGEND**
- DENOTES IRON PIPE
 - DENOTES CONCRETE MONUMENT
 - IPF IRON PIPE FOUND
 - SIP SET IRON PIPE
 - △ DENOTES "PK" NAIL (CONTROL)
 - SPK SET "PK" NAIL
 - EPK EXISTING "PK" NAIL
 - N/F NOW OR FORMERLY OWNED BY
 - DB DEED BOOK
 - PG PAGE
 - PP POWER POLE
- ALL PROPERTY CORNERS DISTINGUISHED BY IRON PIPES UNLESS OTHERWISE NOTED

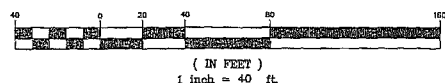
****NOTE**** THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

****NOTE**** THIS PLAT IS NOT IN ACCORDANCE WITH GS-47-30

- SURVEY NOTES:**
1. NO HORIZONTAL CONTROL FOUND WITHIN 2,000 FEET OF SUBJECT PROPERTY.
 2. THERE ARE NO NON-CONFORMING STRUCTURES ON THIS SITE.
 3. AREA COMPUTED BY COORDINATES.
 4. P.J.N.: 0406-09-6073
P.L.N.: 0406-08-6955
 5. REFERENCES: PLAT BOOK 16, PAGE 48
PLAT BOOK 58, PAGE 149
DEED BOOK 8419, PAGE 295
DEED BOOK 5525, PAGE 634
DEED BOOK 3986, PAGE 527
 6. ALL ACRES ARE MORE OR LESS.
 7. PROPERTY IS SUBJECT TO ALL EASEMENTS OF RECORD OR OTHERWISE.

- CONDITIONAL ZONING NOTES:**
1. CITY OF FAYETTEVILLE ZONING: CURRENTLY: C1P
CONDITIONAL ZONING REQUESTED: C3
 2. PHASE 1 WILL BE CONSTRUCTING THE PROPOSED GARAGE
 3. PHASE 2 WILL BE CONSTRUCTING THE GARAGE EXPANSION.
 4. SQUARE FOOTAGE OF BUILDINGS:
GARAGE: 2,300 S.F.
FUTURE GARAGE EXPANSION: 1,012 S.F.
 5. IN THE 6' PLANTING STRIP, ONE OF THE FOLLOWING WILL BE ADHERED TO PER SEC. 30-282:
-LARGE SHADE TREES SHALL BE SPACED NO GREATER THAN 75' APART. EACH TREE SHALL HAVE A MINIMUM CALIPER OF 2" AND SHALL HAVE A MINIMUM HEIGHT OF 10'.
-SMALL SIZE ORNAMENTAL TREES SHALL BE SPACED NO GREATER THAN 50' APART. EACH TREE SHALL HAVE A MINIMUM CALIPER OF 1" AND HAVE A MINIMUM HEIGHT OF 6'.
-A COMBINATION OF BOTH.
ADDITIONALLY, A MINIMUM OF 1 LARGE SHADE TREE OR 2 SMALL TREES SHALL BE PLANTED FOR EVERY POLE SIGN.
 6. THE ASPHALT PARKING LOT IS 9,450 S.F. FOR THE VEHICULAR USE AREA:
-2 LARGE SHADE TREES WILL BE REQUIRED.
-4 SMALL SHADE TREES WILL BE REQUIRED.
NOTE: CREDIT WILL BE GIVEN FOR THE REQUIRED VEHICULAR USE LANDSCAPING BASED ON WHAT IS PLANTED IN THE STREETSCAPE LANDSCAPING.
 7. THE NON-RESIDENTIAL BUFFER ON THE WEST SIDE OF THE PROPERTY SHALL BE 10'.
THE NON-RESIDENTIAL BUFFER ON THE SOUTHERN SIDE OF THE PROPERTY SHALL BE 10'.
-A 6' HIGH PRIVACY FENCE WILL BE INSTALLED ALONG THE WESTERN AND SOUTHERN PROPERTY LINES.
 8. NO OUTSIDE STORAGE AREA IS BEING PROPOSED ON THIS PROPERTY.
 9. ALL PARKING AREAS ARE 9'x20'.
 10. PER GARY BURTON, NCDOT, A TURNING LANE AND ADDITIONAL RIGHT-OF-WAY WILL NOT BE REQUIRED FOR THIS REVISED SITE PLAN WITH THE REMOVAL OF OTHER FUTURE BUSINESSES.

GRAPHIC SCALE



DENVER LEE McCULLOUGH, PLS L-4182

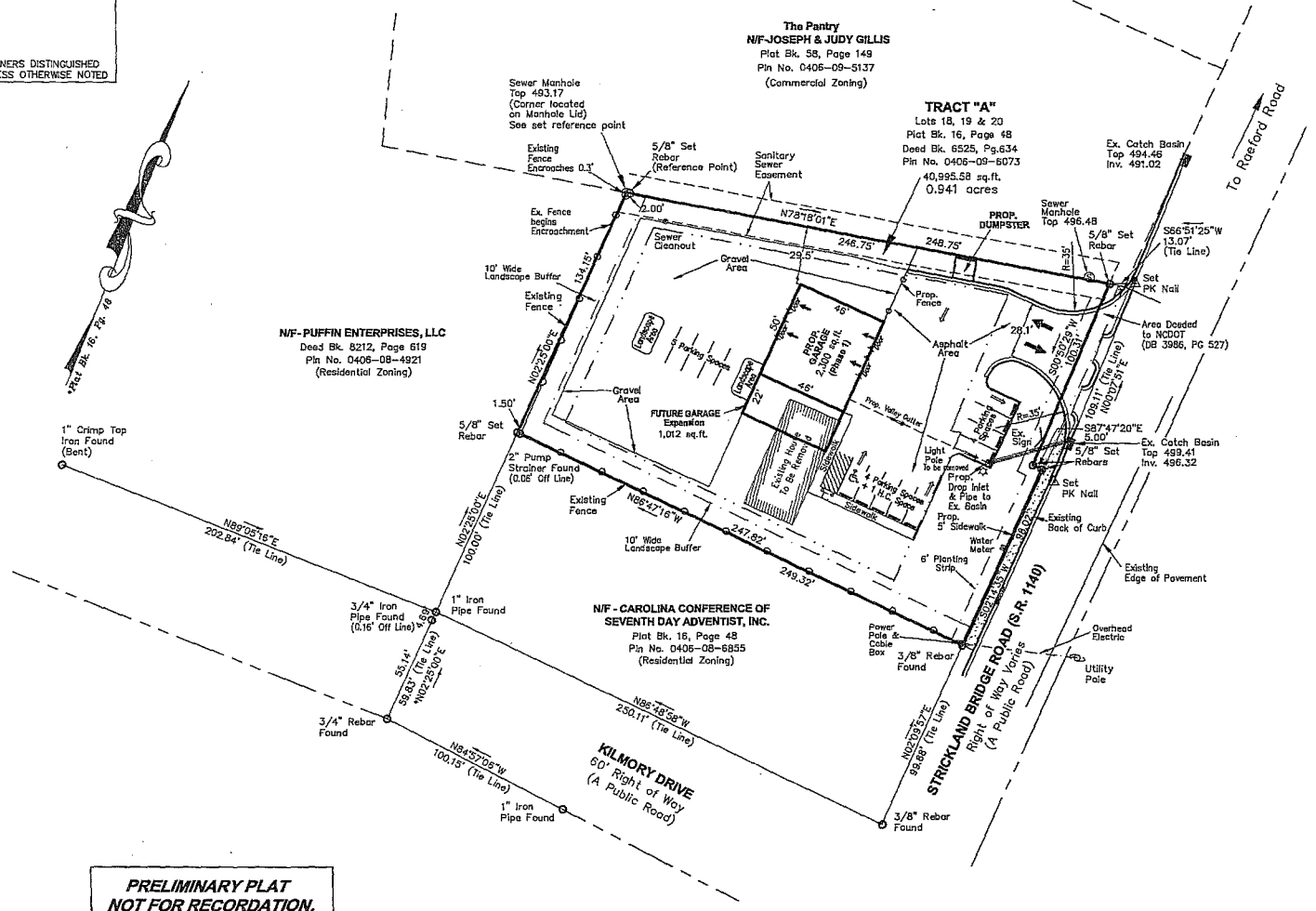
N/F-PUFFIN ENTERPRISES, LLC
Deed Bk. 8212, Page 619
Pin No. 0406-08-4921
(Residential Zoning)

N/F-CAROLINA CONFERENCE OF SEVENTH DAY ADVENTIST, INC.
Plot Bk. 16, Page 48
Pin No. 0405-08-6855
(Residential Zoning)

The Pantry
N/F-JOSEPH & JUDY GILLIS
Plot Bk. 58, Page 149
Pin No. 0406-09-5137
(Commercial Zoning)

The Pantry
N/F-JOSEPH & JUDY GILLIS
Plot Bk. 58, Page 149
Pin No. 0406-09-5137

TRACT "A"
Lots 18, 19 & 20
Plot Bk. 16, Page 48
Deed Bk. 6525, Pg. 634
Pin No. 0406-09-6073
40,995.58 sq. ft.
0.941 acres



PRELIMINARY PLAT
NOT FOR RECORDATION,
SALES OR CONVEYANCES

SITE PLAN

for WILDEMAR GUZMAN Tract A Plat Book 127, Page 75		DENVER McCULLOUGH & "C"	
TOWNSHIP: SEVENTY FIRST COUNTY: CUMBERLAND		P.L.S. 4182	
STATE: NORTH CAROLINA CITY: FAYETTEVILLE		404 HOPE MILLS RD, SUITE 4A FAYETTEVILLE, NC 28304	
PROPERTY OF: WILDEMAR GUZMAN		PHONE: (910)867-6024	FAX: (910)429-2500
DATE: 01 OCTOBER 2010 SURVEYED BY: DENVER McCULLOUGH		DRAWING FILE NAME: GUZMAN-STRT	
SCALE: 1"=40' DRAWN BY: DENVER McCULLOUGH		CHECKED & CLOSURE BY: DENVER McCULLOUGH and "C"	

REVISIONS:

11/29/10	REMOVE FUTURE BLDGS., REVISE DRIVEWAY.
----------	--

**CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
DECEMBER 14, 2010 @ 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Tom Speight
John Crawley
Steve Mannell

MEMBERS ABSENT

Martin J. Hendrix
Marshall Isler

OTHERS PRESENT

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

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

I. APPROVAL OF AGENDA

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

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

Mr. Crawley made a motion to approve the minutes from November 9, 2010. Mr. Mannell seconded the motion. A vote was taken and the motion 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

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

III. PUBLIC HEARINGS

- A. Case No. P10-40F. The rezoning from C1P Commercial District to C3/CZ Conditional Commercial Zoning District for retail and automotive repair on property located at 874 Strickland Bridge Road. Containing 0.941 acres more or less and being the property of Wildemar & Kyung Sun Guzman.**

Mr. Harmon presented the case. Mr. Harmon gave an overview of the location. He explained the current land use for the property and the surrounding areas. He stated that the 2010 plan called for low density residential. He explained that the purpose for the rezoning request was to allow for an auto repair garage to be located on the property. He explained that the developer has plans to build a commercial strip development that will include auto repairs. He explained that although the County already rezoned this

property, it is staff's opinion that commercial is not a good fit for this area and had the original request come to the City our staff would have recommended denial. He explained that staff feels a more appropriate zoning for this property would be a professional district or higher density residential, as across the street from this property.

He explained that in 1991 the owner at that time applied for a rezoning and Conditional Use Permit to change the property to commercial and allow for a auto repair garage. Both requests were denied. And that this property was rezoned in 1995, while still in the county from R10 residential to C(P) Commercial.

Mr. Harmon explained the list of conditions as offered by the developer:

1. Heavy auto repair would be the only C3 use allowed.
2. The property would retain all uses of the current C1P district.
3. Limited to one Auto Repair Garage.
4. Auto Repair hours of operation would be limited to Monday - Saturday, 8am - 5pm
5. Attached site plan (revised to meet all aspects of the City's ordinances)

Mr. Harmon explained that Staff recommendation of DENIAL of the rezoning to C3 Conditional Zoning was based upon the following reasons:

1. The 2010 Land Use Plan calls for low density residential.
2. The property currently is zoned R10 residential to the west and south.
3. 2030 Growth Vision Plan cautions against rezoning additional land to commercial when there is an abundance of unused commercially zoned property in the area.
4. Commercial zoning does not serve as a good buffer to residential zoning.

Mr. Paoni opened the public hearing.

Mr. Guzman appeared in favor of the request. He expressed his desire for the Zoning Commission to recommend approval of the request. He stated that under his current zoning he could have a facility that changes oil and tires.

Ms. Theresa Lee appeared in opposition of the request. She stated that she is 110 feet from the property. She addressed her concern for the area and the increase in noise an auto repair garage would cause.

Mr. Robert Lee, Sr. appeared in opposition of the request. He addressed the Commission on his concern for the neighborhood. He stated that he is concerned about the road testing for the vehicles if he is allowed to build a garage there. He stated that he is concerned about the fumes from the building as well.

Mr. Jonathan Elliott appeared in opposition of the request. He stated that he represents a lot of the commercial property in the area and they are all in opposition of the request. Mr. Elliott explained that he doesn't see the need for more commercial property in the area.

Mr. Guzman utilized his remaining time for rebuttal. Mr. Guzman reiterated his position on no increase traffic, the lack of neighbors around the property and the noise increase because of his proposed changes.

The public hearing was closed.

The Commission discussed the case. Mr. Mannell made a motion to deny the request based on the following reasons: the 2010 Land Use Plan calls for low density residential, the property currently is zoned R10 residential to the west and south, 2030 Growth Vision Plan cautions against rezoning additional land to commercial when there is an abundance of unused commercially zoned property in the area, and the commercial zoning does not serve as a good buffer to residential zoning.

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

Mr. Harmon explained future options available to applicant on filing an appeal.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: James Rose, PWC Chief Administrative Officer
DATE: January 24, 2011
RE: **Update on the Fiber-to-the-Home (FTTH) Concept Exploration**

THE QUESTION:

Should the City continue to pursue expansions in the Community's broadband access using a FTTH strategy?

RELATIONSHIP TO STRATEGIC PLAN:

1. This concept exploration relates to City Vision 2023 Guiding Principles A.2, A.4, G.1, G.5, G.6, G.7 and to the City 2014 Goals 2.1, 2.3, 4.1 and 5.5.

BACKGROUND:

1. At the March 2010 Council Work Session, the City Council, based on the City Staff presentation of the related marketing study results, directed the City Staff proceed with the efforts to expand the Community's broadband access by updating the legal assessment to confirm the City's/PWC's statutory ability to provide these types of broadband services, by determining the feasibility of using the FTTH strategy, by identifying any viable funding sources for this effort, by identifying any viable public-private partnerships for this effort and by providing the City Council with another update at a future Council Work Session.

2. The corresponding feasibility study was conducted during the period of July - August 2010 and Allen Davis, President, Rural Broadband, LLC. will present the study results (see enclosure [1]). A legal assessment is provided for your information (see enclosure [2]).

ISSUES:

1. There are no pending issues as far as the concept exploration is concerned.

BUDGET IMPACT:

1. At present, there are no budget impacts.

OPTIONS:

Options for next steps will be presented during the meeting.

RECOMMENDED ACTION:

This item is for presentation purposes only. No action is required.

ATTACHMENTS:

FTTH Study Exec Summary
FTTH Legal Opinion

**THE CITY OF FAYETTEVILLE, NORTH CAROLINA
THE FAYETTEVILLE PUBLIC WORKS COMMISSION
FIBER TO THE PREMISE
FEASIBILITY STUDY AND BUSINESS PLAN
AUGUST 9, 2010**

EXECUTIVE SUMMARY

A. The Role of Municipalities and the Broadband Initiative

1. Improve and Maintain Local Infrastructure

In the past, one of the fundamental missions of municipal entities such as the City of Fayetteville, North Carolina and its municipal utility, the Public Works Commission (collectively the “City”), has been to improve and maintain local infrastructure to facilitate the provisioning of utility services in order to promote the quality of life for local citizens in and around the City of Fayetteville (the “Fayetteville Service Area”). While the passage of years can sometimes cause many daily conveniences to be taken for granted, municipal officials have often determined that the capitalization and deployment or construction of infrastructure was in the best interest of the community and its citizens. In addition to the capitalization of utility infrastructures, municipal officials have previously elected to construct and maintain such infrastructure as roads, bridges, sidewalks, and more recently, fiber optic based broadband telecommunications systems. In each case, decisions to provide these various components of local infrastructure have been generally based upon the desire to serve a public need and/or demand.

2. The Feasibility Study and Broadband Business Plan

Rural Broadband, LLC (“Rural Broadband”) has provided this independent feasibility study and business plan (the “Broadband Business Plan”) to assist the City in the process of converting the advent of technological advancements and regulatory freedoms into financially sound decisions and policies designed to enhance the local infrastructure and to enhance the

quality of life for the citizens of Fayetteville. To enable the City to accomplish its objectives while protecting its core services, Rural Broadband has provided the information necessary to support the enhancement and expansion of the existing technically advanced fiber optic broadband network (the “Broadband Network”) that is both cost effective and capable of satisfying market demand.

This Broadband Business Plan incorporates information associated with fiber facility based service provisioning opportunities. The primary objective of the Broadband Business Plan is to provide the City with information to allow decisions to be made associated with pursuing existing and potential broadband services opportunities through a defined course of action and implementation plan.

Rapid advancements in technology in the broadband services industry presents new challenges and opportunities as municipal entities like the City seek to define and achieve strategic objectives in evolving competitive markets. This Broadband Business Plan represents the first step in the progressive efforts undertaken by the City to enhance the local infrastructure in the Fayetteville Service Area to allow for the provisioning of advanced video, data, and telecommunications service offerings to residential and commercial consumers.

B. The Municipal Broadband Services Opportunity

1. Internal Operations and Utility Enhancement Opportunity

While providing advanced video, data, and telecommunications services to consumers, the City will also improve the cost effectiveness, efficiency, and productivity of existing municipal operations through supporting internal needs such as those associated with the operation of existing utilities.

2. The Educational Opportunity

Another of the City’s initial justifications for deploying a fiber optic based broadband infrastructure should be founded

upon the need to develop and promote new local educational opportunities through the enhancement of communications capabilities between educational facilities in the Fayetteville Service area and between those facilities and available global educational resources.

3. The Fiber-to-Wireless Public Safety Opportunity

The Federal Communications Commission ("FCC") has recently adopted policies which provide jurisdictions like the City with access to 700 MHz frequencies for the development of fiber-to-wireless mobile broadband networks to establish interoperable public safety support solutions. If the City elects to move forward with this initiative, it will be well positioned to serve as an example of the life-saving and security enhancing benefits of establishing advanced interoperable public safety solutions and applications. Providing first responders and public safety agencies with technologically advanced tools will improve and enhance their ability to serve and protect local citizens and citizens of the U.S., thus improving the overall quality of life in the community.

4. Telemedicine

The quality of health care available to residents in the Fayetteville Service Area community will be enhanced through the development of the Broadband Network by providing health care facilities and professionals with advanced networking resources to facilitate the incorporation of telemedicine procedures and applications into their support systems.

5. Economic Growth Opportunity

As another primary justification for further deploying its broadband infrastructure, the City may seek to promote its Broadband Network as a facilitator for commerce and economic growth through providing the families of employees working for existing local businesses and businesses seeking to expand or locate in the Fayetteville Service Area with access to an enhanced fiber optic based broadband infrastructure.

6. The Commercial Broadband Services Opportunity

The City has the opportunity to achieve the long-term objectives of enhancing the local infrastructure, keeping service fees reinvested locally, revenue diversification, and improving the quality of life for local residents in the Fayetteville Service Area through developing expanded broadband service offerings for residential and commercial customers. To allow these services to be provided, the City may elect to expand its fiber optic based Broadband Network to facilitate the provisioning of advanced video, Internet, high-speed data, and telephone services to potential residential and commercial customers in the Fayetteville Service Area.

7. Operating Efficiencies

Expanding its infrastructure and bringing new broadband service options to residents of the City will allow the City to establish broadband services based revenues to create operating efficiencies necessary to sustain the long term viability of its broadband services project. The financial projections and associated operating budget in this Business Plan include payment of all expenses such as pole attachment and franchise fees typically associated with the operation of a broadband network and the provisioning of broadband services.

C. Broadband Services

The Broadband Business Plan prepared by Rural Broadband, Inc. ("Rural Broadband") for the City anticipates that the City will capitalize, construct, and operate a total of 2,925+ mile all optical fiber-to-the-premise ("FTTP") Broadband Network as follows over a period of thirty-six (36) months and will provide the following services in and around Fayetteville, North Carolina (the "Fayetteville Service Area"):

- Utility and Energy Management
- Local Educational Network and Distance Learning
- Public Safety Mobile Broadband

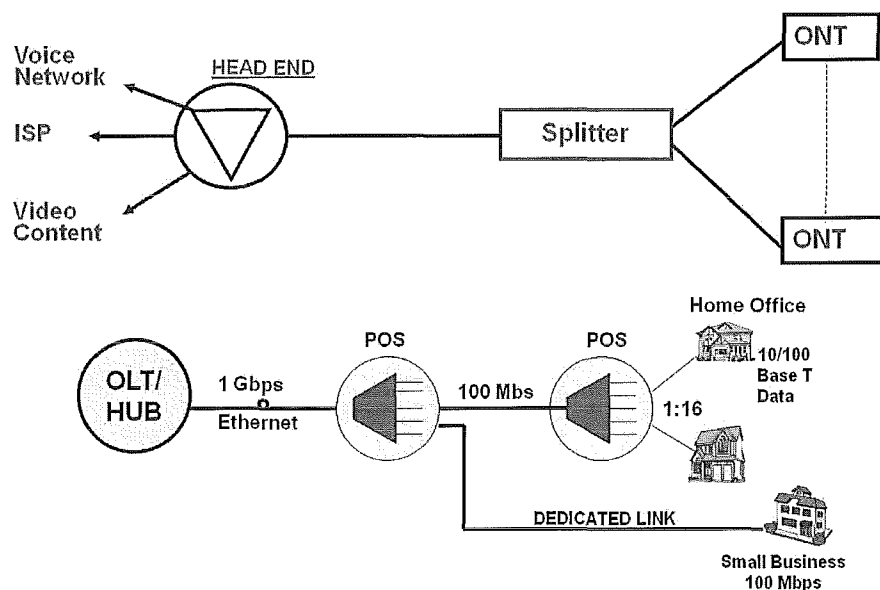
- Telemedicine
- Local & Wide Area Telecommunications Networking
- High Speed Broadband Internet Access
- Video Services (Cable Television)
- Fiber Optic Transport
- Local Exchange Carrier Telephone Service
- Long Distance Telephone Service

D. Broadband Network Architecture

In this Broadband Business Plan, Rural Broadband has incorporated a FTTP Broadband Network architecture. The FTTP architecture refers to an all-optic network with fiber optic cable deployed from the headend/central office facility directly to the residential and commercial customer premise. The all fiber FTTP network benefits include expanded capacity, improved service quality, reliability, scalability, interactivity, flexibility, potentially lower operating costs, and an extended operational life of the infrastructure. In addition, the FTTP architecture incorporates traditional data, active Ethernet, and an Internet Protocol Video (“IPTV”) video platforms.

Following, is a high level diagram of the FTTP architecture incorporated in this Broadband Business Plan:

FTTP PON Architecture



E. Partnering Opportunities

The City has the option to consider various partnering options associated with the development and operation of the Broadband Network. For example, the City of Wilson, North Carolina ("City of Wilson"), launched its state-of-the-art FTTP broadband network in May of 2008. The City has an opportunity to partner with the City of Wilson to develop and operate its broadband network through entering into an intergovernmental agreement for services. Rural Broadband has previously supported similar arrangements, bringing as many as four (4) municipal clients together to operate their systems jointly through a common headend facility along with participating in an arrangement whereby certain operating expenses associated with common elements such as technical support and customer service are shared among the various entities.

The Headend Facility - Should such an arrangement be considered between the City and the City of Wilson, the networks would be operated through the established City of Wilson "headend" facility approximately 75 miles away via a fiber optic link. The headend is the technological center of the system, where many service provisioning and operations functions are processed, such as serving as the point-of-presence ("POP") for data and telecommunications connectivity and the reception of satellite delivered programming and broadcast signals. It includes facilities and equipment for descrambling incoming signals from satellite and broadcast programming networks, assigning them channel numbers, and processing them for retransmission over broadband lines. The headend also contains electronic equipment for inserting advertising at the local level, encrypting signals for security purposes, and playing or producing public access/local origination programming. Should the City elect to enter into an arrangement with the City of Wilson to gain access to the City of Wilson headend, the City can expect to save up to \$2 million in capital costs as budgeted in anticipation of the City establishing a stand alone, single system headend facility.

Shared headend arrangements, made technically and financially viable through advanced fiber infrastructure, are now well established in the industry. While the technical and financial elements of a shared headend arrangement can be addressed and managed between the City

and the City of Wilson, it is important to understand at the outset that challenges remain in terms of receiving approval of the arrangement, architecture, video transport encoding and signal security, from certain video content providers or “programmers.” While programmers will acknowledge and accept one party providing video transport to another through what is referred to as a “Subdistribution Agreement,” they will not allow affiliates to resell programming and certain programmers will impose geographic and customer restrictions as part of the subdistribution rights granted. Also, all programmers will require that the recipient of the subdistributed programming enter into affiliate agreements directly with the programmers.

F. Project Summary

The financial projections in the Broadband Business Plan are based upon the following assumptions.

Service Area: Fayetteville, NC		
Public Works Commission FTTP Broadband Financial Projections - 2010		
Project Summary		
		FTTP Projected
Service Area Summary	Total	Percentage
Aerial Plant Miles:	2,476	80.6%
Underground Plant Miles:	595	19.4%
Total Plant Miles:	3,071	
Total Potential Residential Customers Passed:	81,836	94.6%
Total Potential Commercial Customers Passed:	4,680	5.4%
Total Potential Customers Passed:	86,516	
Total Potential Customers Per Plant Mile:	28	
Customers		
Video Services - Residential	30,983	37.9%
High Speed Data - Residential	21,668	26.5%
Telephone Service - Residential	8,976	11.0%
High Speed Data - Commercial	2,059	44.0%
Telephone Service - Commercial	759	16.2%
Total Customer Service Units:	64,445	
Total Project Capital Budget:		
	\$228,980,184	
Total Project Capital Per Plant Mile:		
	\$74,550	
Total Project Capital Per Customer Service Unit:		
	\$3,553	
Total Project Capital Per Potential Customer Passed:		
	\$2,647	

G. Proposed Video Services

Following, are the proposed video services to be provided by the City and associated rates in the Broadband Business Plan. The video services proposed by Rural Broadband are based upon an assessment of video services currently available to potential customers in Fayetteville Service Area along with experience with similar projects in other markets.

City of Fayetteville, NC Video Services and Rates		
Type of Service	Channels	Monthly Rate
<u>Video Services</u>		
<u>Basic Services</u>		
First Tier - Broadcast	17	\$12.95
Second Tier - Basic	68	\$43.00
Full Basic	85	\$55.95
Third Tier - Digital Basic	45	\$18.00
Digital Extended	130	\$73.95
Digital Music Channels	45	
<u>Premium & Special Tier Packages</u>		
HBO Group	10	\$11.95
Cinemax Group	7	\$11.95
Starz Super Package	15	\$11.95
Showtime Unlimited Package	15	\$11.95
HDTV Tier	54	\$5.95
Latino Tier	17	\$11.95
Total Video Channels	248	
<u>Additional Services</u>		
VOD New Release Movies		\$4.95
VOD Big Events/Other Packages		\$24.95
VOD Adult		\$7.95
Digital Converter (Additional Set)		\$5.95
DVR Converter		\$10.95

City of Fayetteville, NC								
Video Services Channel Lineup								
Basic Cable Service - \$55.95								
Channel	Tier	Channel Name	Channel	Tier	Channel Name	Channel	Tier	Channel Name
1	Broadcast	ON DEMAND	30	Basic	ESPN 2	61	Basic	History Channel
2	Broadcast	WLFL - CW	31	Basic	ESPN Classic	62	Basic	Animal Planet
3	Broadcast	WRAL - CBS	32	Basic	SportSouth	63	Basic	Discovery Channel
4	Broadcast	WUNU - PBS	33	Basic	Speed Channel	64	Basic	National Geographic
5	Broadcast	Public/Education/Govt. Access	34	Basic	Golf Channel	65	Basic	The Disney Channel
6	Broadcast	WEET - NBC	35	Basic	Fox Sports World	66	Basic	Nickelodeon
7	Broadcast	Public/Education/Govt. Access	36	Basic	Versus	67	Basic	Nick Jr.
8	Broadcast	WUVC - Univision	37	Basic	The Weather Channel	68	Basic	Cartoon Network
9	Broadcast	WFPX - ION	40	Basic	Fox Sports Carolina	69	Basic	Toon Disney
10	Broadcast	WNCN - NBC	41	Basic	Spike TV	70	Basic	CMT
11	Broadcast	WTVD - ABC	42	Basic	USA Network	71	Basic	VH-1
12	Broadcast	WRDC MyNetworkTV	43	Basic	TNT	72	Basic	VH Classic
13	Broadcast	WRAZ - FOX	44	Basic	FX	73	Basic	MTV
14	Broadcast	WNCN - NBC Weather Plus	45	Basic	Lifetime	74	Basic	BET
15	Broadcast	Home Shopping Network	46	Basic	Lifetime Movie Network	75	Basic	E!
16	Broadcast	WGN	47	Basic	Women's Entertainment	76	Basic	Comedy Central
17	Broadcast	C-SPAN	48	Basic	Oxygen	77	Basic	Syfy
18	Broadcast	WTVD - ABC Accuweather	49	Basic	Style	78	Basic	EWTN
19	Basic	TBS	50	Basic	SoapNet	79	Basic	Inspirational Network
20	Basic	Fox News Channel	51	Basic	Univision	80	Basic	TBN
21	Basic	CNN	52	Basic	A & E	81	Basic	ShopNBC
22	Basic	Headline News	53	Basic	Bravo	82	Basic	Discovery Health
23	Basic	CNBC	54	Basic	AMC	83	Basic	Food Network
24	Basic	CNBC World	55	Basic	Turner Classic Movies	84	Basic	Travel Channel
25	Basic	MSNBC	56	Basic	TV Land	85	Basic	Sleuth
26	Basic	truTV	57	Basic	ABC Family Channel	86	Basic	Chiller
27	Basic	C-Span	58	Basic	HGTV	87	Basic	Mun2
28	Basic	C-Span 2	59	Basic	The Hallmark Channel	88	Basic	Telemundo
29	Basic	ESPN	60	Basic	The Learning Channel	89-100	Future	Open - For Future Use

City of Fayetteville, NC					
Video Services Channel Lineup					
Digital Basic Cable Service - \$18.00					
Channel	Tier	Channel Name	Channel	Tier	Channel Name
201	Digital Basic	BBC America	225	Digital Basic	Discovery Home & Leisure
202	Digital Basic	Bloomberg	226	Digital Basic	Discovery Times
203	Digital Basic	CNN International	227	Digital Basic	Discover Wings
204	Digital Basic	ESPN News	228	Digital Basic	Discovery Kids
205	Digital Basic	Sportsman Channel	229	Digital Basic	Boomerang
206	Digital Basic	The Outdoor Channel	230	Digital Basic	Nick Games and Sports
207	Digital Basic	Fox Sports Atlantic	231	Digital Basic	Nickelodeon Toons
208	Digital Basic	Fox Sports Central	232	Digital Basic	Nickelodeon West
209	Digital Basic	Fox Sports Pacific	233	Digital Basic	Noggin
210	Digital Basic	Tennis Channel	234	Digital Basic	BET on Jazz
211	Digital Basic	Fuel TV	235	Digital Basic	Great American Country
212	Digital Basic	NBA TV	236	Digital Basic	Gospel Music Television
213	Digital Basic	Fox Movie Channel	237	Digital Basic	CMT Pure Country
214	Digital Basic	Independent Film Channel	238	Digital Basic	The Tube
215	Digital Basic	Lifetime Movie Network	239	Digital Basic	MTV Hits
216	Digital Basic	Lifetime Real Women	240	Digital Basic	MTV Jams
217	Digital Basic	Ovation	241	Digital Basic	MTV2 (M2)
218	Digital Basic	Fine Living	242	Digital Basic	FUSE
219	Digital Basic	Hallmark Movie Channel	243	Digital Basic	VH-1 Classic
220	Digital Basic	Do It Yourself Network	244	Digital Basic	MTVS
221	Digital Basic	History Channel International	245	Digital Basic	VH-1 Soul
222	Digital Basic	Science Channel			
223	Digital Basic	Biography Channel	246-300	Future	Open
224	Digital Basic	Discovery Health			

City of Fayetteville, NC Video Services Channel Lineup High Definition TV Tier - \$5.95		
Channel	Tier	Channel Name
101	SDTV	ABC
102	SDTV	CBS
103	SDTV	FOX
104	SDTV	NBC
105	SDTV	PBS
106	SDTV	WAXN
107	SDTV	WHKY
108	SDTV	WJZY
109	SDTV	WMYT
110	HDTV	ON DEMAND
111	HDTV	Ntl Geo HD w/FX HD & Speed HD
112	HDTV	Speed HD
113	HDTV	FX HD
114	HDTV	Speed HD
115	HDTV	DIY HD
116	HDTV	Fine Living HD
117	HDTV	Sportsman HD
118	HDTV	Outdoor HD
119	HDTV	RFD HD
120	HDTV	Hallmark Movie HD
121	HDTV	NFL Network HD
122	HDTV	E! HD
123	HDTV	Style HD
124	HDTV	G4
125	HDTV	Travel Channel HD
126	HDTV	Tennis HD
127	HDTV	HDNet
128	HDTV	HDMovies
129	HDTV	Smithsonian HD
130	HDTV	MLB HD
131	HDTV	NHL HD
132	HDTV	NBA HD
133	HDTV	Big Ten Network HD
134	HDTV	CSTV CBS College Sports HD
135	HDTV	YES HD
136	HDTV	TNT HD
137	HDTV	TruTV HD
138	HDTV	Wealth HD
139	HDTV	MTV HD
140	HDTV	VH1 HD
141	HDTV	Comedy Central HD
142	HDTV	CMT HD
143	HDTV	Nick HD
144	HDTV	Spike HD
145	HDTV	AMC HD
146	HDTV	TBN HD
147	HDTV	MGM HD
148	HDTV	Bravo HD
149	HDTV	Chiller HD
150	HDTV	CNBC HD
151	HDTV	MSNBC HD
152	HDTV	SyFy HD
153	HDTV	USA HD
154	HDTV	Universal HD

City of Fayetteville, NC Video Services Channel Lineup Premium Services Packages					
Channel	Tier	Channel Name	Channel	Tier	Channel Name
		HBO Package - \$11.95			Cinemax Package - \$11.95
301	Digital Premium	HBO East	320	Digital Premium	Cinemax East
302	Digital Premium	HBO West	321	Digital Premium	More Max East
303	Digital Premium	HBO 2 East	322	Digital Premium	Thriller Max East
304	Digital Premium	HBO 2 West	323	Digital Premium	Action Max East
305	Digital Premium	HBO Signature East	324	Digital Premium	Star Max East
306	Digital Premium	HBO Family East	325	Digital Premium	Outer Max East
307	Digital Premium	HBO Comedy East	326	Digital Premium	@MAX
308	Digital Premium	HBO Zone East	327	Digital Premium	WMax
		Showtime Package - \$11.95			Starz Package - \$11.95
401	Digital Premium	Showtime East	501	Digital Premium	Starz East
402	Digital Premium	Showtime West	502	Digital Premium	Starz West
403	Digital Premium	Showtime Too East	503	Digital Premium	Starz Edge
404	Digital Premium	Showtime Showcase	504	Digital Premium	Starz Kids & Family
405	Digital Premium	The Movie Channel East	505	Digital Premium	Starz inBlack
406	Digital Premium	The Movie Channel West	506	Digital Premium	Starz Cinema
407	Digital Premium	Flix East	507	Digital Premium	Starz Comedy
408	Digital Premium	Flix West	508	Digital Premium	Encore East
409	Digital Premium	Showtime Beyond East	509	Digital Premium	Encore West
410	Digital Premium	Showtime Extreme East	510	Digital Premium	Encore Action
411	Digital Premium	Showtime Woman East	511	Digital Premium	Encore Mystery
412	Digital Premium	Showtime Family East	512	Digital Premium	Encore Westerns
413	Digital Premium	Showtime Next	513	Digital Premium	Encore Love
414	Digital Premium	The Movie Channel Xtra East	514	Digital Premium	Encore Drama
			515	Digital Premium	WAM!

City of Fayetteville, NC Video Services Channel Lineup Pay Per View & Video On Demand					
Channel	Tier	Channel Name	Channel	Tier	Channel Name
601-609	Pay-Per-View	In Demand (9 Channels)	811	Video on Demand	DIY On Demand
630-639	Pay-Per-View	NHL ICE/MLB Extra INNINGS (10 CH)	812	Video on Demand	Food Network On Demand
691	Pay-Per-View	Adult - Pleasure	813	Video on Demand	Bio graphy On Demand
692	Pay-Per-View	Adult - TEN	814	Video on Demand	Music On Demand
693	Pay-Per-View	Adult - TENBhie	815	Video on Demand	Cartoon On Demand
694	Pay-Per-View	Adult - TENClips	816	Video on Demand	CNN Showcase On Demand
695	Pay-Per-View	Adult - TENBlox	817	Video on Demand	Comedy Central On Demand
696	Pay-Per-View	Adult - TENXtasy	818	Video on Demand	Golf On Demand
697	Pay-Per-View	Hot Choice	819	Video on Demand	G4 On Demand
801	Video on Demand	Previews	820	Video on Demand	Court TV OD
802	Video on Demand	Movies On Demand	821	Video on Demand	KIDS On Demand
803	Video on Demand	Adult on Demand	822	Video on Demand	National Geographic On De
804	Video on Demand HDTV	HD Movies on Demand	823	Video on Demand	Discovery On Demand
805	Video on Demand	HBO On Demand	824	Video on Demand	Speed On Demand
806	Video on Demand	Showtime On Demand	825	Video on Demand	Oxygen On Demand
807	Video on Demand	Cinemax On Demand	826	Video on Demand	Great American Country
808	Video on Demand	TMC On Demand	827	Video on Demand	Fine Living On Demand
809	Video on Demand	STARZ! On Demand	828	Video on Demand	TBS On Demand
810	Video on Demand	HGTV On Demand	829	Video on Demand	TNT On Demand

City of Fayetteville, NC Video Services Channel Lineup Digital Music					
Channel	Tier	Channel Name	Channel	Tier	Channel Name
901	Digital Music	Today'sCountry	924	Digital Music	SolidGoldOldies
902	Digital Music	ClassicCountry	925	Digital Music	Singers&Standards
903	Digital Music	Bluegrass	926	Digital Music	BigBand&Swing
904	Digital Music	R&B&Hip-Hop	927	Digital Music	EasyListening
905	Digital Music	ClassicR&B	928	Digital Music	SmoothJazz
906	Digital Music	SmoothR&B	929	Digital Music	Jazz
907	Digital Music	R&BHits	930	Digital Music	Blues
908	Digital Music	Rap	931	Digital Music	Reggae
909	Digital Music	Metal	932	Digital Music	Soundscapes
910	Digital Music	Rock	933	Digital Music	ClassicalMasterpieces
911	Digital Music	ArenaRock	934	Digital Music	Opera
912	Digital Music	ClassicRock	935	Digital Music	LightClassical
913	Digital Music	Alternative	936	Digital Music	ShowTunes
914	Digital Music	Retro-active	937	Digital Music	ContemporaryChristian
915	Digital Music	Electronica	938	Digital Music	Gospel
916	Digital Music	Dance	939	Digital Music	RadioDisney
917	Digital Music	AdultAlternative	940	Digital Music	SoundoftheSeasons
918	Digital Music	SoftRock	941	Digital Music	MusicaUrbana
919	Digital Music	HitList	942	Digital Music	SalsaMerengue
920	Digital Music	PartyFavorites	943	Digital Music	Rock'EnEspanol
921	Digital Music	90's	944	Digital Music	PopLatino
922	Digital Music	80's	945	Digital Music	Mexicana
923	Digital Music	70's			

City of Fayetteville, NC Video Services Channel Lineup Latino Tier - \$11.95		
Channel	Tier	Channel Name
750	Latino Tier	VeneMovies
751	Latino Tier	Discovery en Español
752	Latino Tier	Fox Sports en Español
753	Latino Tier	Canal 52 MX
760	Latino Tier	CineLatino
761	Latino Tier	History Channel en Español
762	Latino Tier	MTV TR3S
763	Latino Tier	CNN en Español
764	Latino Tier	ESPN Deportes
765	Latino Tier	CineMexicano
766	Latino Tier	Gol TV
767	Latino Tier	Infinito
768	Latino Tier	Video Ro la
769	Latino Tier	Canal SUR
770	Latino Tier	TBN Enlace
771	Latino Tier	¡Sopresa!
772	Latino Tier	Si TV

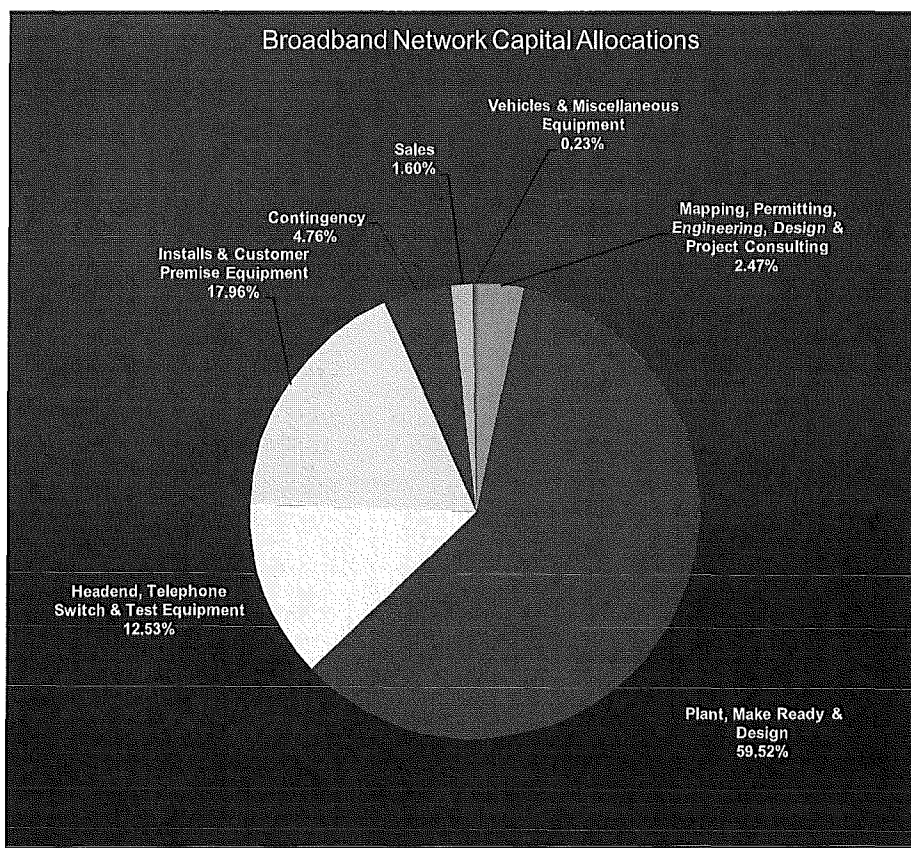
H. Residential and Commercial Data and Telephone Services – The Broadband Business Plan anticipates the City will provide residential and commercial high-speed data and telephone services.

Service Area: Fayetteville, NC	
FTTP Broadband Financial Projections - 2010	
Data and Telephone Rate Summary	
	<u>Rate</u>
Residential	
High Speed Data - Level 1 Net	\$25.95
High Speed Data - Level 2 Net	\$39.95
High Speed Data - Level 3 Net	\$49.95
Residential Service Activation	\$0.00
Ethernet Card and Installation	\$0.00
Residential Telephone Service - Level 1	\$29.95
Residential Telephone Service - Level 2	\$34.95
Residential Telephone Service Activation	\$0.00
Commercial	
Standard Business High Speed Data - Level 1	\$49.95
Standard Business High Speed Data - Level 2	\$69.95
Business Plus High Speed Data - Level 1	\$89.95
Business Plus High Speed Data - Level 2	\$99.95
Business Elite High Speed Data - Level 1	\$129.95
Business Elite High Speed Data - Level 2	\$169.95
Direct Business High Speed Data - Level 1	\$189.95
Direct Business High Speed Data - Level 2	\$249.95
Commercial Telephone Service - Level 1	\$24.95
Commercial Telephone Service - Level 2	\$39.95
Commercial Telephone Service - Level 3	\$54.95
Commercial Telephone Service Activation	\$39.95

- I. Capital Budget and Project Summary** - Following, are major capital categories and a project summary from the Broadband Business Plan financial projections. The following capital budget summary reflects a FTTP Broadband Network architecture. The assumptions in the projections have been derived from pricing and purchase orders for equipment and services for similar projects.

Service Area: Fayetteville, NC	
Public Works Commission FTTP Broadband Financial Projections - 2010	
Capital Expenditures	
	Total
Mapping, Permitting, Engineering, Design & Project Consulting	\$7,797,893
Plant, Make Ready & Design	\$136,281,029
Headend, Telephone Switch & Test Equipment	\$28,681,478
Installs & Customer Premise Equipment	\$41,134,718
Contingency	\$10,903,818
Sales	\$3,658,248
Vehicles & Miscellaneous Equipment	\$523,000
Total	<u>\$228,980,184</u>
Total Capital Expenditures	<u>\$228,980,184</u>
Plant Miles Year 4:	3,071.48
Potential Residential Customers Passed Year 3:	81,836
Potential Commercial Customers Passed Year 3:	4,680
Estimated Residential Video Subscribers Year 3:	30,983
Video Service Penetration:	37.86%

Following, is a chart that breaks down the percentage of capital allocations attributable to the Broadband Network in the Broadband Business Plan financial projections by category of capital expenditure in the financial projections:



- J. Staffing** - The following is a the City broadband services division organizational chart representing proposed staffing as set forth in the Business Plan follows:

Service Area: Fayetteville, NC					
Public Works Commission FTTP Broadband Financial Projections - 2010					
Broadband Service Staffing					
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
Broadband Services Staffing					
General Manager	1.00	1.00	1.00	1.00	1.00
Office Manager	1.00	1.00	1.00	1.00	1.00
Lead CSR	1.00	1.00	1.00	1.00	1.00
Data CSR	1.00	1.00	1.00	1.00	1.00
Customer Service Representatives	2.00	3.00	4.00	5.00	5.00
MIS Director	1.00	1.00	1.00	1.00	1.00
Technical Manager (s)	1.00	1.00	1.00	1.00	1.00
Construction Manager/Plant Manager	1.00	1.00	1.00	1.00	1.00
Headend Service Technician	2.00	2.00	2.00	2.00	2.00
Service Technicians and Splicer	1.00	1.00	1.00	1.00	1.00
Service Technicians	3.00	3.00	5.00	6.00	6.00
Installer/Service Technician	1.00	1.00	1.00	1.00	1.00
High Speed Data Technicians	0.00	0.00	1.00	1.00	1.00
Field Techs	1.00	3.00	4.00	5.00	5.00
Contract Installers	34.00	36.00	36.00	36.00	36.00
Marketing/Video Content Manager	1.00	1.00	1.00	1.00	1.00
Sales Clerks	2.00	3.00	3.00	3.00	3.00
In-House Field Representatives	7.00	7.00	7.00	7.00	4.00
Total	61.00	67.00	72.00	75.00	72.00
Total Broadband Services Employees	27.00	31.00	36.00	39.00	36.00
Total Broadband Services Contractors	34.00	36.00	36.00	36.00	36.00

K. Project Capitalization and Debt Service Schedule – Following, is debt service schedule from the Broadband Business Plan financial projections for the proposed FTTP Broadband Network.

CITY OF FAYETTEVILLE						
THE FAYETTEVILLE PUBLIC WORKS COMMISSION						
BOND DEBT SERVICE SCHEDULE						
Issuance Amount:		\$256,750,000				
Annual interest rate:		5.00%				
Interest only period:		48 Months				
Term in years:		18				
Payments per year:		2				
First principal payment due:		7/1/2015				
Calculated payment:		\$10,899,442.33				
No.	Payment Date	Beginning Balance	Interest	Principal	Ending Balance	Cumulative Interest
1	7/1/2011	256,750,000.00	6,418,750.00	0.00	256,750,000.00	6,418,750.00
2	1/1/2012	256,750,000.00	6,418,750.00	0.00	256,750,000.00	12,837,500.00
3	7/1/2012	256,750,000.00	6,418,750.00	0.00	256,750,000.00	19,256,250.00
4	1/1/2013	256,750,000.00	6,418,750.00	0.00	256,750,000.00	25,675,000.00
5	7/1/2013	256,750,000.00	6,418,750.00	0.00	256,750,000.00	32,093,750.00
6	1/1/2014	256,750,000.00	6,418,750.00	0.00	256,750,000.00	38,512,500.00
7	7/1/2014	256,750,000.00	6,418,750.00	0.00	256,750,000.00	44,931,250.00
8	1/1/2015	256,750,000.00	6,418,750.00	0.00	256,750,000.00	51,350,000.00
1	7/1/2015	256,750,000.00	6,418,750.00	4,480,692.33	252,269,307.67	57,768,750.00
2	1/1/2016	252,269,307.67	6,306,732.69	4,592,709.64	247,676,598.03	64,075,482.69
3	7/1/2016	247,676,598.03	6,191,914.95	4,707,527.38	242,969,070.66	70,267,397.64
4	1/1/2017	242,969,070.66	6,074,226.77	4,825,215.56	238,143,855.09	76,341,624.41
5	7/1/2017	238,143,855.09	5,953,596.38	4,945,845.95	233,198,009.14	82,295,220.79
6	1/1/2018	233,198,009.14	5,829,950.23	5,069,492.10	228,128,517.04	88,125,171.01
7	7/1/2018	228,128,517.04	5,703,212.93	5,196,229.40	222,932,287.64	93,828,383.94
8	1/1/2019	222,932,287.64	5,573,307.19	5,326,135.14	217,606,152.50	99,401,691.13
9	7/1/2019	217,606,152.50	5,440,153.81	5,459,288.52	212,146,863.98	104,841,844.94
10	1/1/2020	212,146,863.98	5,303,671.60	5,595,770.73	206,551,093.26	110,145,516.54
11	7/1/2020	206,551,093.26	5,163,777.33	5,735,665.00	200,815,428.26	115,309,293.88
12	1/1/2021	200,815,428.26	5,020,385.71	5,879,056.62	194,936,371.64	120,329,679.58
13	7/1/2021	194,936,371.64	4,873,409.29	6,026,033.04	188,910,338.60	125,203,088.87
14	1/1/2022	188,910,338.60	4,722,758.46	6,176,683.86	182,733,654.73	129,925,847.34
15	7/1/2022	182,733,654.73	4,568,341.37	6,331,100.96	176,402,553.77	134,494,188.71
16	1/1/2023	176,402,553.77	4,410,063.84	6,489,378.48	169,913,175.29	138,904,252.55
17	7/1/2023	169,913,175.29	4,247,829.38	6,651,612.95	163,261,562.34	143,152,081.93
18	1/1/2024	163,261,562.34	4,081,539.06	6,817,903.27	156,443,659.07	147,233,620.99
19	7/1/2024	156,443,659.07	3,911,091.48	6,988,350.85	149,455,308.22	151,144,712.47
20	1/1/2025	149,455,308.22	3,736,382.71	7,163,059.62	142,292,248.60	154,881,095.17
21	7/1/2025	142,292,248.60	3,557,306.21	7,342,136.11	134,950,112.48	158,438,401.39
22	1/1/2026	134,950,112.48	3,373,752.81	7,525,689.52	127,424,422.96	161,812,154.20
23	7/1/2026	127,424,422.96	3,185,610.57	7,713,831.75	119,710,591.21	164,997,764.77
24	1/1/2027	119,710,591.21	2,992,764.78	7,906,677.55	111,803,913.66	167,990,529.55
25	7/1/2027	111,803,913.66	2,795,097.84	8,104,344.49	103,699,569.17	170,785,627.40
26	1/1/2028	103,699,569.17	2,592,489.23	8,306,953.10	95,392,616.07	173,378,116.63
27	7/1/2028	95,392,616.07	2,384,815.40	8,514,626.93	86,877,989.15	175,762,932.03
28	1/1/2029	86,877,989.15	2,171,949.73	8,727,492.60	78,150,496.55	177,934,881.76
29	7/1/2029	78,150,496.55	1,953,762.41	8,945,679.92	69,204,816.63	179,888,644.17
30	1/1/2030	69,204,816.63	1,730,120.42	9,169,321.91	60,035,494.72	181,618,764.59
31	7/1/2030	60,035,494.72	1,500,887.37	9,398,554.96	50,636,939.76	183,119,651.95
32	1/1/2031	50,636,939.76	1,265,923.49	9,633,518.83	41,003,420.92	184,385,575.45
33	7/1/2031	41,003,420.92	1,025,085.52	9,874,356.81	31,129,064.12	185,410,660.97
34	1/1/2032	31,129,064.12	778,226.60	10,121,215.73	21,007,848.39	186,188,887.57
35	7/1/2032	21,007,848.39	525,196.21	10,374,246.12	10,633,602.27	186,714,083.78
36	1/1/2033	10,633,602.27	265,840.06	10,633,602.27	0.00	186,979,923.84

- L. Flow of Funds Statement** - Following, is a Flow of Funds Statement from the Broadband Business Plan financial projections based upon the foregoing assumptions and the development of a FTTP Broadband Network architecture.

Service Area: Fayetteville, NC					
Public Works Commission FTTP Broadband Financial Projections - 2010					
Flow of Funds					
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
Revenues					
Service Revenues	\$2,101,396	\$15,376,096	\$32,391,944	\$44,876,325	\$51,409,387
Other Revenues	\$1,146,687	\$808,918	\$581,484	\$203,769	\$72,426
Total Operating Revenues	\$3,248,083	\$16,185,014	\$32,973,428	\$45,080,094	\$51,481,813
Operating Expenses					
Service Expenses	\$3,503,809	\$10,789,500	\$19,399,487	\$25,339,490	\$27,970,777
Total Operating Expenses	\$3,503,809	\$10,789,500	\$19,399,487	\$25,339,490	\$27,970,777
Net Revenues Before Other Income & Expenses					
Total Net Revenues	(\$255,726)	\$5,395,514	\$13,573,942	\$19,740,604	\$23,511,036
Uses of Net Revenue					
Debt Service (Defined as Principal and Interest)	\$12,837,500	\$12,837,500	\$12,837,500	\$12,837,500	\$21,798,885
Net Operating Cash on Hand	(\$13,093,226)	(\$7,441,986)	\$736,442	\$6,903,104	\$1,712,151
Debt Service Coverage	(0.02)	0.42	1.06	1.54	1.08

- M. Operating Cash Flow** – Following, is an Operating Cash Flow statement from the Broadband Business Plan financial projections based upon the foregoing assumptions and the development of a FTTP Broadband Network architecture.

Service Area: Fayetteville, NC					
Public Works Commission FTTP Broadband Financial Projections - 2010					
Cash Flow Statement					
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
Video Services Revenue	\$1,475,149	\$9,793,677	\$20,203,130	\$29,096,799	\$33,521,650
Video Services Operating Expenses	\$3,263,558	\$9,341,797	\$16,185,712	\$21,466,702	\$23,728,792
Video Services Customer Cash Flow	(\$1,788,409)	\$451,879	\$4,017,418	\$7,630,097	\$9,792,858
Residential High Speed Data Revenue	\$246,999	\$2,628,016	\$5,843,596	\$7,637,505	\$8,638,309
Residential High Speed Data Expense	\$147,861	\$840,514	\$1,916,388	\$2,270,098	\$2,480,363
Residential High Speed Data Cash Flow	\$99,138	\$1,787,502	\$3,927,208	\$5,367,407	\$6,157,946
Commercial High Speed Data Revenue	\$291,949	\$1,187,806	\$2,056,002	\$2,647,925	\$2,755,910
Commercial High Speed Data Operating Exp.	\$30,030	\$181,896	\$384,384	\$477,048	\$497,915
Commercial Cash Flow	\$261,919	\$1,005,910	\$1,671,618	\$2,170,877	\$2,257,995
Telecommunications Revenue	\$87,299	\$1,766,598	\$4,289,216	\$5,494,096	\$6,493,519
Telecommunications Expenses	\$62,360	\$425,293	\$913,002	\$1,125,642	\$1,263,707
Telecommunications Cash Flow	\$24,939	\$1,341,305	\$3,376,214	\$4,368,454	\$5,229,811
Total Revenue	\$2,101,396	\$15,376,096	\$32,391,944	\$44,876,325	\$51,409,387
Total Operating Expense	\$3,503,809	\$10,789,500	\$19,399,487	\$25,339,490	\$27,970,777
EBITDA	(\$1,402,413)	\$4,586,596	\$12,992,458	\$19,536,835	\$23,438,610
Interest Earned	\$1,146,687	\$808,918	\$581,484	\$203,769	\$72,426
Series 2011 Bond Issue - Interest	\$12,837,500	\$12,837,500	\$12,837,500	\$12,837,500	\$12,725,483
Series 2011 Bond Issue - Principal Reduction	\$0	\$0	\$0	\$0	\$9,073,402
Project Financing - Total	\$12,837,500	\$12,837,500	\$12,837,500	\$12,837,500	\$21,798,885
Net Operating Cash Flow	(\$13,093,226)	(\$7,441,986)	\$736,442	\$6,903,104	\$1,712,151
Cummulative Cash Flow	(\$13,093,226)	(\$20,535,212)	(\$19,798,770)	(\$12,895,666)	(\$11,183,515)
Operating Expense Ratio	167%	70%	60%	56%	54%
Operating Income Ratio	-67%	30%	40%	44%	46%
Rate of Return on Depreciated Assets	-0.41%	4.34%	7.52%	9.97%	12.36%
Cash on Hand	\$177,871,612	\$102,614,817	\$35,959,163	\$12,781,036	\$9,176,820

- N. **Balance Sheet** – Following, is the Balance Sheet from the Broadband Business Plan financial projections based upon the foregoing assumptions and the development of a FTTP Broadband Network architecture:

Service Area: Fayetteville, NC					
Public Works Commission FTTP Broadband Financial Projections - 2010					
Balance Sheet					
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
ASSETS					
Current Assets					
Cash and cash equivalents	\$177,871,612	\$102,614,817	\$35,959,163	\$12,781,036	\$9,176,820
Short Term Investments	\$0	\$0	\$0	\$0	\$0
Receivable, Net	\$0	\$0	\$0	\$0	\$0
Inventories, Net	\$0	\$0	\$0	\$0	\$0
Other Current Assets	\$0	\$0	\$0	\$0	\$0
Total Current Assets	\$177,871,612	\$102,614,817	\$35,959,163	\$12,781,036	\$9,176,820
Fixed Assets					
Land and Buildings	\$0	\$0	\$0	\$0	\$0
Leasehold Improvements	\$0	\$0	\$0	\$0	\$0
Towers, Earth Stations, Headend, HUB & Transport	\$11,259,052	\$12,335,874	\$13,564,065	\$14,417,742	\$14,981,628
Distribution Plant and Subscriber Drops	\$38,319,269	\$89,972,314	\$141,545,940	\$163,101,860	\$164,864,804
Customer Premise Equipment	\$4,344,041	\$12,786,181	\$20,787,687	\$24,291,902	\$24,733,599
Computer Equipment and Software	\$5,865,123	\$7,911,905	\$9,954,291	\$12,083,615	\$14,254,249
Vehicles, Machines, Mobile Comm. and Other Equipment	\$210,000	\$270,000	\$390,000	\$450,000	\$485,000
Test Equipment and Special Tools	\$10,000	\$31,000	\$52,000	\$73,000	\$94,000
Furniture, Fixtures and Other Equipment	\$0	\$0	\$0	\$0	\$0
Other Equipment	\$0	\$0	\$0	\$0	\$0
Other Assets	\$3,684,563	\$8,199,583	\$12,604,970	\$14,562,066	\$14,883,271
Less accumulated depreciation and amortization	(\$1,678,841)	(\$7,251,112)	(\$18,301,054)	(\$31,022,175)	(\$44,038,650)
Total Fixed Assets	\$62,013,206	\$124,255,745	\$180,597,899	\$197,958,009	\$190,257,901
Other Assets					
Other Assets	\$2,093,115	\$2,093,115	\$2,093,115	\$2,093,115	\$2,093,115
Total Assets	\$241,977,933	\$228,963,677	\$218,650,176	\$212,832,159	\$201,527,835
LIABILITIES AND FUND EQUITY					
Long Term Debt					
Senior Debt	\$256,750,000	\$256,750,000	\$256,750,000	\$256,750,000	\$247,676,598
Other Payables	\$0	\$0	\$0	\$0	\$0
Total Long Term Debt	\$256,750,000	\$256,750,000	\$256,750,000	\$256,750,000	\$247,676,598
Total Liabilities	\$256,750,000	\$256,750,000	\$256,750,000	\$256,750,000	\$247,676,598
Equity					
Equity	\$0	\$0	\$0	\$0	\$0
Total Fund Equity	(\$14,772,067)	(\$27,786,323)	(\$38,099,824)	(\$43,917,841)	(\$46,148,763)
Total Liabilities and Fund Equity	\$241,977,933	\$228,963,677	\$218,650,176	\$212,832,159	\$201,527,835

O. Revenues and Expenses Per Customer - The following table sets forth video service revenue per customer.

Service Area: Fayetteville, NC Public Works Commission FTTP Broadband Financial Projections - 2010 Key Operating Statistics - Residential					
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
Monthly Revenue Per Customer					
Video Services Per Video Customer	\$73.85	\$74.08	\$77.14	\$81.06	\$84.19
High Speed Data Access Services Per Video Customer	\$12.38	\$19.90	\$23.43	\$22.34	\$22.78
Telecommunications Service Per Video Customer	\$2.86	\$9.41	\$12.57	\$11.84	\$12.60
Average Monthly Revenue All Services Per Video Customer	\$89.09	\$103.40	\$113.14	\$115.24	\$119.57
Average Annual Revenue All Services Per Video Customer	\$1,069.08	\$1,240.76	\$1,357.64	\$1,382.86	\$1,434.84
Average Monthly Revenue Per Telecommunications Customer	\$29.86	\$36.00	\$35.11	\$37.59	\$38.31
Average Annual Revenue Per Telecommunications Customer	\$358.29	\$432.05	\$421.37	\$451.08	\$459.67
Monthly Programming Expense Per Video Customer					
Basic Programming	\$24.93	\$29.43	\$30.31	\$31.22	\$32.16
Premium and On Demand Programming	\$7.90	\$9.59	\$9.89	\$10.20	\$10.51
Total Programming	\$32.83	\$39.02	\$40.20	\$41.42	\$42.66
Monthly Operating Expense Per Video Customer					
Sales & Advertising Expense Per Video Customer	\$33.33	\$8.35	\$3.64	\$2.74	\$1.92
Field & Technical	\$36.44	\$11.23	\$9.17	\$7.52	\$6.88
General & Administrative	\$43.85	\$11.93	\$8.03	\$7.06	\$6.90
Total Operating Expense	\$113.63	\$31.51	\$20.84	\$17.32	\$15.70
Monthly Telecommunications Operating Expense Per Video Customer					
Cost of Goods Sold	\$0.52	\$1.46	\$1.78	\$1.57	\$1.68
Facility Based	\$2.50	\$1.18	\$1.09	\$1.02	\$0.95
Commercial & Marketing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Administrative	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Telecommunications Operating Expense Per Video Customer	\$3.03	\$2.63	\$2.87	\$2.60	\$2.62
Monthly Cash Flow Per Video Customer	(\$72.61)	\$3.55	\$16.11	\$22.32	\$25.82
Monthly Revenue/Expenses Per Channel					
Total Channels	126	126	126	126	126
Revenue Per Sub Per Channel	\$0.71	\$0.82	\$0.90	\$0.91	\$0.95
Programming Exp. Per Sub Per Channel	\$0.26	\$0.31	\$0.32	\$0.33	\$0.34
Operating Exp. Per Sub Per Channel	\$0.90	\$0.25	\$0.17	\$0.14	\$0.12
Cash Flow Per Sub Per Channel	(\$0.58)	\$0.03	\$0.13	\$0.18	\$0.20

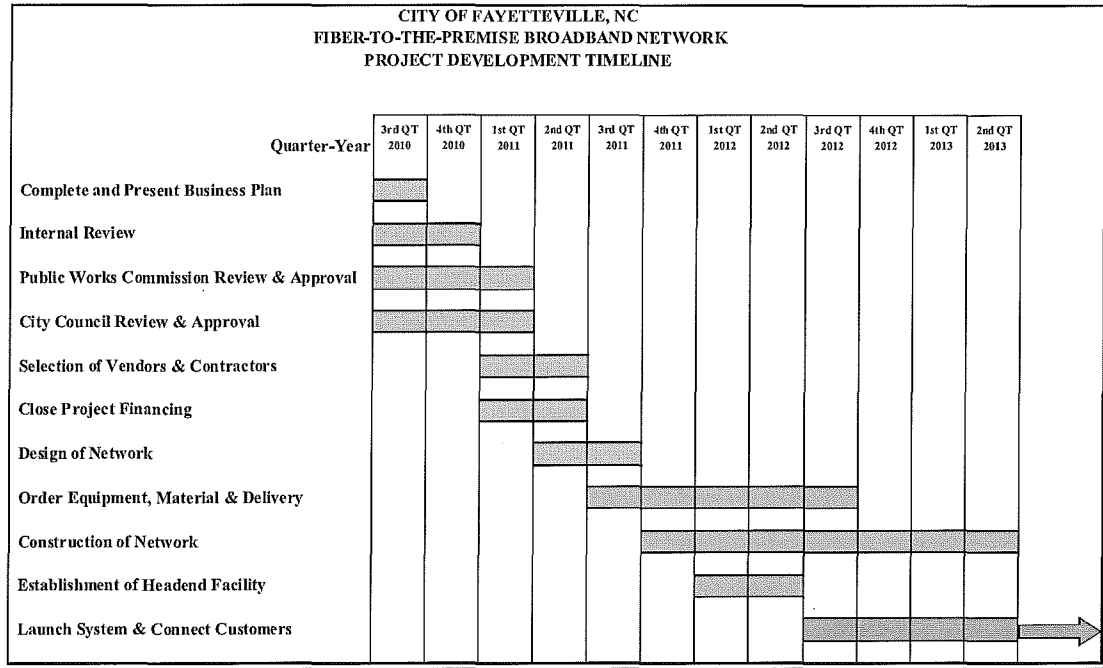
P. Sources and Uses Statement – Following, is a sources and uses statement from the Broadband Business Plan financial projections based upon the foregoing assumptions and the development of a FTTP Broadband Network architecture:

Service Area: Fayetteville, NC					
Public Works Commission FTTP Broadband Financial Projections - 2010					
Sources and Uses					
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
Sources					
Begin Cash on Hand	\$0	\$177,871,612	\$102,614,817	\$35,959,163	\$12,781,036
Paid In Capital	\$0	\$0	\$0	\$0	\$0
Series 2011 Bond Issue - Proceeds	\$256,750,000	\$0	\$0	\$0	\$0
Interest Earned	\$1,146,687	\$808,918	\$581,484	\$203,769	\$72,426
EBITDA	\$0	\$4,586,596	\$12,992,458	\$19,536,835	\$23,438,610
Total Sources	\$257,896,687	\$183,267,127	\$116,188,759	\$55,699,767	\$36,292,072
Uses					
Capital Expenditures	\$63,692,047	\$67,814,810	\$67,392,096	\$30,081,231	\$5,316,367
Operating Loss	\$1,402,413	\$0	\$0	\$0	\$0
Series 2011 Bond Issue - Issuance Expense & Underwriter	\$2,093,115	\$0	\$0	\$0	\$0
Series 2011 Bond Issue - Interest	\$12,837,500	\$12,837,500	\$12,837,500	\$12,837,500	\$12,725,483
Series 2011 Bond Issue - Principal Reduction	\$0	\$0	\$0	\$0	\$9,073,402
Total Uses	\$80,025,075	\$80,652,310	\$80,229,596	\$42,918,731	\$27,115,252
End Cash on Hand	\$177,871,612	\$102,614,817	\$35,959,163	\$12,781,036	\$9,176,820
Total Amount Project Financing:	\$256,750,000				
Total Capitalization:	\$256,750,000				

- Q. Income Statement** – Following, is an income statement from the Broadband Business Plan financial projections based upon the foregoing assumptions and the development of a FTTP Broadband Network architecture:

Service Area: Fayetteville, NC					
Public Works Commission FTTP Broadband Financial Projections - 2010					
Income Statement					
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
Subscriber Revenue	\$2,101,396	\$15,376,096	\$32,391,944	\$44,876,325	\$51,409,387
Interest Earned	\$1,146,687	\$808,918	\$581,484	\$203,769	\$72,426
Total Revenue	\$3,248,083	\$16,185,014	\$32,973,428	\$45,080,094	\$51,481,813
Operating Expenses	\$3,503,809	\$10,789,500	\$19,399,487	\$25,339,490	\$27,970,777
Depreciation Expense	\$1,678,841	\$5,572,271	\$11,049,942	\$12,721,121	\$13,016,475
Operating Income	(\$1,934,567)	(\$176,756)	\$2,524,000	\$7,019,483	\$10,494,561
Interest Expense	\$12,837,500	\$12,837,500	\$12,837,500	\$12,837,500	\$12,725,483
Net Income	(\$14,772,067)	(\$13,014,256)	(\$10,313,500)	(\$5,818,017)	(\$2,230,922)

R. Project Development Timeline - Following, is the timeline for the completion of various phases of the development of the City's FTTP broadband network:



S. Project Task List - Following, is the task list for the completion of various phases of the development of the City's FTTP broadband network:

Fayetteville PWC Fiber Network Implementation Plan				
	Task	Start	Finish	Status
1	FTTP Feasibility Study and Business Plan	7/9/2010	8/9/2010	In Progress
2	City Council and PWC Board Business Plan Review	10/4/2010	10/4/2010	Pending
3	City Council and PWC Accept Business Plan	11/22/2010	11/22/2010	Pending
4	City Council and PWC Authorize Vendor Selection Process	11/22/2010	11/22/2010	Pending
5	Authorize Staff to Review Project Capitalization Options	11/22/2010	11/22/2010	Pending
6	Prepare Vendor RFP for Engineering & Design	11/23/2010	11/30/2010	Pending
7	Prepare Vendor RFP for Materials and Labor	11/23/2010	11/30/2010	Pending
8	Finalize Project Capitalization Funding Structure Decision	12/7/2010	12/7/2010	Pending
9	Hire Financial Advisor/Underwriter	12/7/2010	12/7/2010	Pending
10	Retain Bond Council	12/7/2010	12/7/2010	Pending
11	Engineering & Design Out for Bid	12/7/2010	1/7/2011	Pending
12	Materials and Labor Out for Bid	12/7/2010	1/7/2011	Pending
13	Determine General Site for Headend & Office Facilities	12/7/2010	1/7/2011	Pending
14	Engineering & Design Recommendations Submitted for Approval	1/24/2011	1/24/2011	Pending
15	Materials and Labor Recommendations Submitted for Approval	1/24/2011	1/24/2011	Pending
16	Initiate Communication with Local Government Commission	1/25/2011	4/25/2011	Pending
17	Review Existing Base Maps for Design Base	1/25/2011	2/8/2011	Pending
18	Finalize Base Maps	1/25/2011	2/8/2011	Pending
19	Finalize Network Design Parameters	1/25/2011	2/8/2011	Pending
20	Determine Major Fiber Routes	1/25/2011	2/8/2011	Pending
21	Engineering & Design Completed	1/25/2011	3/25/2011	Pending
22	Final Firm Fixed Pricing Provided by Construction Contractor	3/25/2011	4/8/2011	Pending
23	Final Firm Fixed Pricing Provided by Vendors	3/25/2011	4/8/2011	Pending
24	Prepare Final Project Financials	3/25/2011	4/8/2011	Pending
25	Local Government Commission Approval	4/25/2011	4/25/2011	Pending
26	Close on Project Financing	4/29/2011	4/29/2011	Pending
27	Finalize Management Structure of System Operations	5/6/2011	6/12/2011	Pending
28	Set Up Accounting Procedure/Chart of Accounts	5/6/2011	6/12/2011	Pending
29	Prepare Personnel Plan	5/6/2011	6/12/2011	Pending
30	Review all joint use and pole attachment agreements	5/16/2011	5/16/2011	Pending
31	Hire Make Ready Engineering Firm	5/20/2011	6/12/2011	Pending
32	Hire Architects for Headend/Office Facility Design	5/27/2011	6/12/2011	Pending
33	Prepare Preliminary Channel Lineup	5/27/2011	6/12/2011	Pending
34	Technical Interference Analysis - Headend Site	5/27/2011	6/12/2011	Pending
35	Conduct Off-Air Broadcast Signal Survey	5/27/2011	6/12/2011	Pending
36	Architects Design of Headend/Office Facility	6/12/2011	8/9/2011	Pending
37	Secure Headend/Office Site Land and Zoning	6/12/2011	7/19/2011	Pending
38	Site Plan Completed by Architects	6/12/2011	6/24/2011	Pending
39	Interview and Hire Executive Management Team	6/14/2011	8/9/2011	Pending
40	Place Employment Ads in Trades and Local Papers	6/16/2011	6/23/2011	Pending
41	Make Ready Engineering	6/16/2011	12/16/2011	Pending
42	Order Fiber Optic Cable -Trunk and Distribution	6/20/2011	12/18/2013	Pending
43	Order Construction Hardware	6/20/2011	12/18/2013	Pending
44	Order Optic Splitters, Fiber Enclosures & Connectors	6/20/2011	12/18/2013	Pending
45	Order Fiber Management System and Fiber Accessories	6/20/2011	12/18/2013	Pending
46	Order Underground Materials and Vaults	6/20/2011	12/18/2013	Pending
47	Receive Construction Hardware & Materials	6/20/2011	12/18/2013	Pending
48	Fiber Optic Cable - Delivery	6/20/2011	12/18/2013	Pending

Fayetteville PWC Fiber Network Implementation Plan

Task	Start	Finish	Status
49 Fiber Construction	6/20/2011	6/19/2014	Pending
50 Obtain all cable television franchise agreements	6/23/2011	9/20/2011	Pending
51 PWC Staff and Board Approves Architects Design	8/2/2011	8/9/2011	Pending
52 Purchase and Equip Vehicles	8/9/2011	8/7/2013	Pending
53 Identify Hub Locations	8/9/2011	9/13/2011	Pending
54 Bid Headend/Office Construction Project	8/12/2011	9/2/2011	Pending
55 Prepare Highway (DOT) Permits and Submit	8/16/2011	9/25/2011	Pending
56 Railroad Permits Submitted	8/16/2011	10/4/2011	Pending
57 Make Ready Order Processing	8/19/2011	2/21/2012	Pending
58 Make Ready Work - PWC Utilities	8/19/2011	2/17/2012	Pending
59 Finalize Analog and Digital Channel Lineup (Order)	9/6/2011	10/10/2011	Pending
60 Test Equipment & Tools	9/9/2011	8/7/2013	Pending
61 Construction of Headend/Office Facility	9/19/2011	6/19/2012	Pending
62 Secure Hub Locations	9/20/2011	11/15/2011	Pending
63 Calculate IRT's and Order IRT's, Software from GI	10/11/2011	10/18/2011	Pending
64 Order Digital Headend Equipment	10/11/2011	10/18/2011	Pending
65 Order Digital Converters	10/11/2011	10/18/2011	Pending
66 Hire Billing System Vendor	10/11/2011	10/25/2011	Pending
67 Highway (DOT) Permit Approval	10/25/2011	1/10/2012	Pending
68 Negotiate Retransmission Consent for Off-Air Channels	11/8/2011	12/30/2011	Pending
69 Make Ready Attachment Relocations - CATV	11/15/2011	7/18/2012	Pending
70 Make Ready Attachment Relocations - Phone	11/15/2011	8/22/2012	Pending
71 Construction of Hub Locations	12/13/2011	5/19/2012	Pending
72 Order Tower, Antenna and Dishes	12/13/2011	12/27/2011	Pending
73 Order Analog Headend Equipment/UPS/Generator	12/13/2011	1/2/2012	Pending
74 Order FTTP Headend Equipment	12/13/2011	1/2/2012	Pending
75 Order FTTP Customer Premise Equipment	2/4/2012	2/21/2012	Pending
76 Railroad Permits Approved	2/7/2012	5/8/2012	Pending
77 Review Bill of Materials from Design	2/17/2012	2/28/2012	Pending
78 Order Drop Fiber Cable	3/2/2012	3/11/2012	Pending
79 Hire Other Tech Employees	3/6/2012	5/22/2012	Pending
80 Order Customer Premise Equipment	3/6/2012	3/13/2012	Pending
81 Order High Speed Data Equipment	3/14/2012	3/21/2012	Pending
82 Installation Tower, Antennas and Dish	4/4/2012	5/4/2012	Pending
83 Select/Order/Install Furniture and Fixtures	4/4/2012	5/4/2012	Pending
84 Strand Construction	4/6/2012	10/6/2013	Pending
85 Registration of Frequencies with FCC	4/10/2012	4/17/2012	Pending
86 Select and Order Internal Computer/Phone Network	5/18/2012	6/3/2012	Pending
87 Installation Internal Computer/Phone Network	6/5/2012	6/22/2012	Pending
88 Occupation of Headend Office Facility	6/19/2012	6/26/2012	Pending
89 Headend Equipment Installation - Analog	6/20/2012	7/23/2012	Pending
90 Hire Direct Sales Contractor	6/30/2012	7/18/2012	Pending
91 Hire Fiber Drop Installation Contractor	7/9/2012	7/18/2012	Pending
92 Fiber Splicing and PON Splicing	7/9/2012	9/18/2013	Pending



Memorandum

Attorney-Client Privileged and Attorney Work Product

To: City of Fayetteville Public Works Commission
From: Parker Poe Adams & Bernstein LLP
Date: July 9, 2010
Re: Operation of "Triple Play" Enterprise by Public Works Commission

The City of Fayetteville Public Works Commission ("PWC") is considering use of its fiber optic communications system to provide the "triple play" services of cable television programming, internet access, and Voice over Internet Protocol to Fayetteville-area customers. Due to language in the Charter establishing the PWC and the unique relationship between the PWC and the City of Fayetteville ("City"), the PWC has inquired as to the potential avenues by which it may be able to operate and manage such a public enterprise.

Content of Charter

The General Assembly incorporated the City in 1893. See 1893 N.C. Sess. Laws 153. In 1905, the General Assembly amended the Charter to create the PWC "in addition to the offices already provided by the [1893] Charter." See 1905 N.C. Sess. Laws 311.

The General Assembly revised the City's Charter in 1979. See 1979 N.C. Sess. Laws 557. This revised Charter maintained the PWC and kept the PWC's structure, powers, and duties substantially identical to its structure, powers, and duties as described in the original Charter. See City of Fayetteville Charter Ch. VI. The revised Charter also established that the City would operate under the council-manager form of government, but specified that the PWC is not under the control of the city manager. Id. at §§ 5.1, 5.1(1).

The Charter grants the PWC "full charge and control and the general supervision and management of the electric utility plant, the waterworks and sewerage." Id. at § 6.3.

Limitations Created by Charter and Statute

The Charter grants clear authority to the PWC for the City's electric, water, and sewer utilities. The Charter does not assign to the PWC the duty of operating a cable television or "triple play" public enterprise. Without statutory authority to the contrary, the PWC's operation of a "triple play" public enterprise is not an authorized activity under the Charter.

The City can offer a "triple play" enterprise pursuant to authority granted in Article 16 of Chapter 160A of the North Carolina General Statutes. G.S. §§ 160A-311, 160A-312; see also Bellsouth Telecommunications, Inc. v. City of Laurinburg, 168 N.C. App. 75, 606 S.E.2d 721 (2005) (upholding municipality's authority to provide internet services pursuant to authority to operate "cable television systems" public enterprise).

This statutory authority extends only to the City. As described in our Memorandum to the PWC and the City in May 2006, the PWC and the City are distinct, though interrelated entities. Rather than function as a line department of the City, the PWC operates as a separate public authority. As a public authority, rather than a "city," the PWC could not rely on these statutes in order to begin independently operating a "triple play" public enterprise.

As a result of the limitations created by the Charter and the General Statutes, at present the PWC could not begin operating a "triple play" public enterprise without pursuing one of three options. We address each of these options in turn.

Options for Obtaining Authority

A. Amendment to the Charter

The PWC could seek to amend the Charter such that the Charter would expressly authorize the PWC to supervise and manage a "triple play" enterprise in addition to the PWC's existing authority over the electric, water, and sewer utilities.

In order to amend the Charter to provide such authority, the PWC and the City would need to petition the General Assembly to make the change. Because the PWC is not a matter encompassed by G.S. § 160A-101, the City could not alter the Charter by ordinance. Rather, the parties must obtain local legislation from the General Assembly.

While amendment of the Charter could provide a clear resolution of this issue, we question the feasibility of this option. Since the 2005 Bellsouth case, cable and telephone companies have urged the General Assembly to restrict municipalities from offering "triple play" services. Legislators have introduced multiple bills that would create such restrictions. Recently the General Assembly has considered a bill that would enact a one-year moratorium on municipalities creating their own cable and internet networks. The issue continues to divide the General Assembly and constitutes a truly "hot button" topic.

As a result of this controversy, we believe that one or more of the industries would likely oppose any effort by the PWC and the City to seek a Charter amendment from the General

Assembly authorizing the PWC to provide "triple play" services. Based on that opposition, we have reservations regarding the potential success of such an effort.

B. Interlocal Agreement

Section 160A-461 of the General Statutes authorizes units of local government to enter into contracts or agreements with each other to execute any undertaking. The General Statutes define "undertaking" to include a "public enterprise." G.S. § 160A-460(1). They define "unit of local government" to include both a "city" and a local "authority." Id. at § 160A-460(2). As a result, the City and the PWC could enter an interlocal agreement with respect to the operation of a "triple play" public enterprise.

The General Statutes contain some basic requirements for the content of interlocal agreements. The contracts shall be of a "reasonable duration, as determined by the participating units." Id. at § 160A-461. It appears that a "reasonable duration" may be an agreement that does not exceed 99 years, although we would recommend an agreement of 40 years with successive renewal terms. Id. at § 160A-466. Among other things, the agreement must also specify the methods for amending and renewing the agreement. Id. at § 160A-464. We would recommend that provisions be included requiring extended advance notice in the event of non-renewal. For example, notice of five to ten years before non-renewal would allow amortization of fixed facilities and proper capital planning.

The agreement should include other provisions with respect to the actual operation of the "triple play" public enterprise. For example, if the PWC wishes to exert "full charge and control" over the enterprise, similar to how it supervises the electric, water, and sewer utilities, the agreement should contain provisions to that effect, particularly with respect to financing. The General Statutes require that the agreement specify the "method of financing the undertaking, including the apportionment of costs and revenues." Id. at § 160A-464(5). The agreement could require the establishment of a separate enterprise fund dedicated to the operation of this service. The agreement could also specify that no payments would be made by the PWC to the City until the enterprise becomes profitable for at least a set period of time.

The agreement should also authorize, but not require, the PWC to provide the subject services. While there may be statutory requirements as to the scope and timing of services provided, the agreement should not impose additional requirements.

An interlocal agreement between the PWC and the City must be ratified by resolution of the governing board of each entity. Unlike a Charter amendment, it does not require approval by the General Assembly. An interlocal agreement would provide stability and certainty that would not exist with the passage of a mere ordinance by the City. The interlocal agreement would bind the parties and ensure that neither party could simply terminate without recourse in the event of a change of control.

C. City Ordinance

The City could exercise its authority to operate a "triple play" public enterprise pursuant to the General Statutes and then assign the operation of this enterprise to the PWC via ordinance. We do not recommend this option. Such an ordinance would require an unusual amount of detail in order to grant the PWC the oversight the PWC desires. More importantly, the City could amend or abolish such an ordinance at any time. A simple change in membership on the City Council could result in significant changes or the outright elimination of this ordinance. An ordinance would not appear likely to accomplish the objectives communicated to us by the PWC in view of the long-term capital investments required.

Conclusions and Recommendation

In summary, the PWC currently lacks authority under the Charter and the General Statutes independently to operate a "triple play" public enterprise. In order to obtain this authority, the PWC and the City could pursue one of three options: (1) amendment to the Charter; (2) an interlocal agreement; and (3) a City ordinance. For the reasons set forth above, we recommend that the PWC and the City pursue an interlocal agreement. This agreement should give the PWC full power and control over the "triple play" public enterprise, specify the financial terms of the arrangement, and detail the process for amending and renewing the agreement.

Charles Meeker and Brent McConkey of our firm will be available to respond to questions about this Memorandum. We appreciate the opportunity to have provided the above analysis.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor D. Sharpe, Community Development Director
DATE: January 24, 2011
RE: **Consideration of a Memorandum of Understanding with FSU for the acceptance and demolition of the Washington Drive Jr. High School property for the implementation of their HBCU grant.**

THE QUESTION:

Should the City assist Fayetteville State University with the implementation of their HBCU grant by accepting and clearing the Washington Drive Jr. High School property in order to support the redevelopment of the site consistent with recommendations for Catalyst Site 2 in the City of Fayetteville Land Use and Economic Development Plan for the Murchison Road Corridor?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

- Fayetteville State University is in receipt of a Historically Black Colleges and Universities (HBCU) grant from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$499,602 for the redevelopment and revitalization of the southern Murchison Road Corridor.
- The proposed site for redevelopment is in Catalyst Site #2 as recommended in the City of Fayetteville Land Use and Economic Development Plan.
- The Martin Luther King, Jr. Memorial Park Committee has agreed to transfer the Washington Drive School property to the City, which will later be transferred to Fayetteville State University for its redevelopment and revitalization activities to implement the HBCU grant.
- The MOU spells out the responsibilities of Fayetteville State University and the City.
- The City will be responsible primarily for in-kind support, managing the clearing and demolition for example, but will provide \$30,000 in financial support from Community Development resources.
- The City will transfer the cleared property to FSU before the end of 2011.
- FSU will provide funding for the demolition and the development of a gateway feature for the MLK Park.

ISSUES:

- The City will transfer the Washington Drive Jr. High School site to Fayetteville State University once the demolition and clearing has been completed.

BUDGET IMPACT:

- \$30,000 from the City's Acquisition and Demolition Grant Program from Community Development Block Grant funds.
- \$25,000 of in-kind services through the Parks and Recreation Department.
- Code Enforcement staff will manage the clearing and demolition process.

OPTIONS:

Approve MOU.

Do not approve MOU.

Provide additional direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council move to approve the Memorandum of Understanding between the City of Fayetteville and Fayetteville State University for the demolition of the Washington Drive Jr. High School site and acceptance of the property from the Martin Luther King, Jr. Memorial Park Committee.

ATTACHMENTS:

Memorandum of Understanding

**FAYETTEVILLE STATE UNIVERSITY
1200 MURCHISON ROAD
Fayetteville, NC 28301**

**MEMORANDUM OF UNDERSTANDING BETWEEN
FAYETTEVILLE STATE UNIVERSITY
AND
THE CITY OF FAYETTEVILLE**

THIS AGREEMENT, made and entered into this the 24th day of January 2011, by and between the City of Fayetteville (hereinafter referred to as "City") and Fayetteville State University (hereinafter referred to as University);

WITNESSETH

THAT WHEREAS, the University is a public comprehensive regional university that promotes the educational, social, cultural, and economic transformation of southeastern North Carolina and is one of the largest land owners on the southern Murchison Road Corridor and has over the years taken the lead in economic transformation initiatives; and

WHEREAS, the University's proposal to the U. S. Department of Housing and Urban Development's ("HUD's") Office of University Partnerships Historically Black Colleges and Universities Program seeking funds for revitalization and economic transformation efforts along the southern Murchison Road Corridor has been funded; and

WHEREAS, the City has a vested interest in the Murchison Road Corridor and has identified the former Washington Drive Jr. High School and the surrounding area as a catalyst site in the *CITY OF FAYETTEVILLE LAND USE AND ECONOMIC DEVELOPMENT PLAN: MURCHISON ROAD CORRIDOR FINAL REPORT* May 30, 2008 (version 5) approved by City Council on June 9, 2008; and

WHEREAS, the City is now the owner of the Washington Drive Jr. High School site;

NOW, THEREFORE, for and in consideration of the mutual promises to each other, as hereinafter set forth, the parties hereto do mutually agree as follows:

A. CITY OF FAYETTEVILLE

Contingent upon the funding and approvals described in Paragraphs B.1 and B.2 hereof, the City agrees to the following:

1. Contribute \$30,000 towards the cost of clearing and demolition of the Washington Drive School site from funds through the City's Acquisition and Demolition Grant Program (per letter of support included in the grant application) and any other funding sources identified by staff and/or the City Council. The City funds will be used in conjunction with the \$25,000 committed by Cumberland County for the demolition of the Washington Drive School site;
2. Provide contract management for the demolition of the Washington Drive School site. All expenses, and consultants and subcontractors hired will be subject to final approval by FSU.

3. Fayetteville State University shall reimburse the City up to \$60,000 for the construction of a gateway feature into the area and MLK Park consistent with the park development master plan.
4. Participate in planning discussions and work sessions related to redevelopment of the site; and
5. Assist in the identification of resources to redevelop the site.
6. Transfer the Washington Drive Jr. High School site at no cost to Fayetteville State University or one of its affiliates no later than October 1, 2011, after having completed the demolition work in the aforementioned paragraphs clear of any code violations, liens, or liabilities;

B. FAYETTEVILLE STATE UNIVERSITY

The University agrees to the following:

1. Subject to final approval by HUD, commit HUD funds to reimburse the City of Fayetteville for demolition and clearing, environmental review and survey, design/structural/engineering analysis, and development of a redevelopment plan for the site exceeding the \$30,000 committed by the City, the \$25,000 committed by Cumberland County, and the \$25,000 in in-kind services committed by Fayetteville/Cumberland County Parks and Recreation; and
2. Subject to final approval by HUD, commit \$60,000 to reimburse the City for the construction of a gateway feature into the area and MLK Park consistent with the park development master plan.
3. Assume responsibility for all reporting requirements designated by HUD, grantor.

C. MISCELLANEOUS

1. **Financial Terms and Payment.** No funds are to be exchanged between the University and the City in connection with the property transfer referenced in this agreement.
2. **Effective Date/Duration/Amendments.** This agreement is effective as of the date of signature by all authorized representatives indicated below and the terms and conditions shall continue for five years thereafter. This agreement may be extended or amended to allow for related cooperative efforts by mutual agreement of the parties. Any party may withdraw from this agreement upon one hundred eighty (180) days written notice to the other party. Fayetteville State University shall reimburse the City of Fayetteville for any cost incurred up to the date of the notice.
3. **Notice.** Unless otherwise provided herein, all notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally in hand or sent by certified mail, return receipt requested, postage prepaid, and addressed to the appropriate party(s) at the following address or to any other person at any other address as may be designated in writing by the parties:

Fayetteville State University James A. Anderson Office of the Chancellor 1200 Murchison Road Fayetteville, NC 28301 Wanda Jenkins General Counsel 1200 Murchison Road Fayetteville, NC 28301	City of Fayetteville Dale E. Iman Office of the City Manager 433 Hay Street Fayetteville, NC 28301 Karen M. McDonald City Attorney's Office 433 Hay Street Fayetteville, NC 28301
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Notices shall be effective upon receipt regardless of the form used.

4. **Entire Agreement.** This Agreement constitutes the entire agreement of the parties and is intended as a complete and exclusive statement of the promises, representations, negotiations, discussions and agreements that have been made in connection with the subject matter hereof. No modifications or amendment to this Agreement shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto. All prior negotiations, agreements and understandings with respect to the subject matter of this Agreement are superseded hereby.
5. **Amendment.** This Agreement may be amended or revised only in writing and signed by all parties.
6. **Severability.** In the event any provision of this Agreement is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of the Agreement which shall remain in full force and effect and enforceable in accordance with its terms.
7. **Governing Law.** This Agreement and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of North Carolina.

IN WITNESS THEREOF, the parties have executed this agreement in duplicate originals, one of which is retained by each of the parties, effective the day and year first above written.

CITY

ATTEST:

City of Fayetteville

Rita Perry, City Clerk

Dale Iman, City Manager

Approved for legal sufficiency:

Karen M. McDonald
City of Fayetteville Attorney

Fayetteville State University

Fayetteville State University

Robert Botley, Vice Chancellor For Business and Finance

Approved for legal sufficiency:

Wanda Jenkins, General Counsel

DRAFT

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen Hilton, Planning and Zoning Manager/ David Steinmetz, Senior Zoning Administrator
DATE: January 24, 2011
RE: **Request for sidewalk waiver for development within the City's MIA, for the Vander community center at Rock Hill Road and Sunnyside School Road.**

THE QUESTION:

Should a request for a sidewalk waiver be recommended for approval for development of a public activity center within the City's MIA?

RELATIONSHIP TO STRATEGIC PLAN:

Livable neighborhoods

BACKGROUND:

The Vander Civic Association received conditional approval from the Cumberland County Planning and Inspections Department in October 2009 for the development of the project which is to become the Vander Civic and Community Center. The property is within the City of Fayetteville's Municipal Influence Area and therefore one condition to the approved plan is that prior to a final building inspection, a concrete sidewalk must be constructed along the entire length of the subject property where the property abuts SR 1835 (Rock Hill Road) and SR 2000 (Sunnyside School Road). Property within the MIA may apply to the Cumberland County Joint Planning Board for a waiver which is a quasi-judicial hearing. The applicant has stated that the sidewalk is an unforeseen cost that could lead to the loss of the property. The State General Statutes do not allow for a waiver approval to be based on financial hardship. The Vander Civic Association has developed the property to include a multi use trail.

ISSUES:

The required sidewalk would be approximately 1000 feet in length along Rock Hill Road and Sunnyside School Road. Currently there are no other sidewalks in the area but there is existing development and footpaths have been established where sidewalks would normally be constructed. Staff from Development Services and Engineering and Infrastructure recommend the sidewalks be installed along Rock Hill Road due to the anticipation that the park will create more pedestrian traffic and the sidewalks will be necessary. Along Sunnyside School Road staff believes the walking trail is close enough to the street right-of-way to serve as a sidewalk, and therefore staff recommends that the applicant provide connecting segments at the corners to the existing walking trail and dedicate easements for portions outside the right-of-way.

BUDGET IMPACT:

Granting of the waiver would increase future public cost to retrofit the proposed site.

OPTIONS:

1. Recommend to the Cumberland County Joint Planning Board that the waiver requests be approved.
2. Recommend to the Cumberland County Joint Planning Board that the waiver requests be denied.
3. Recommend to the Cumberland County Joint Planning Board that the waiver requests be denied on Rock Hill Road and, along Sunnyside School Road, sidewalk segments be installed at the corners to connect with the existing walking trail, with the applicant dedicating the easements for the portions outside the public right of way.

RECOMMENDED ACTION:

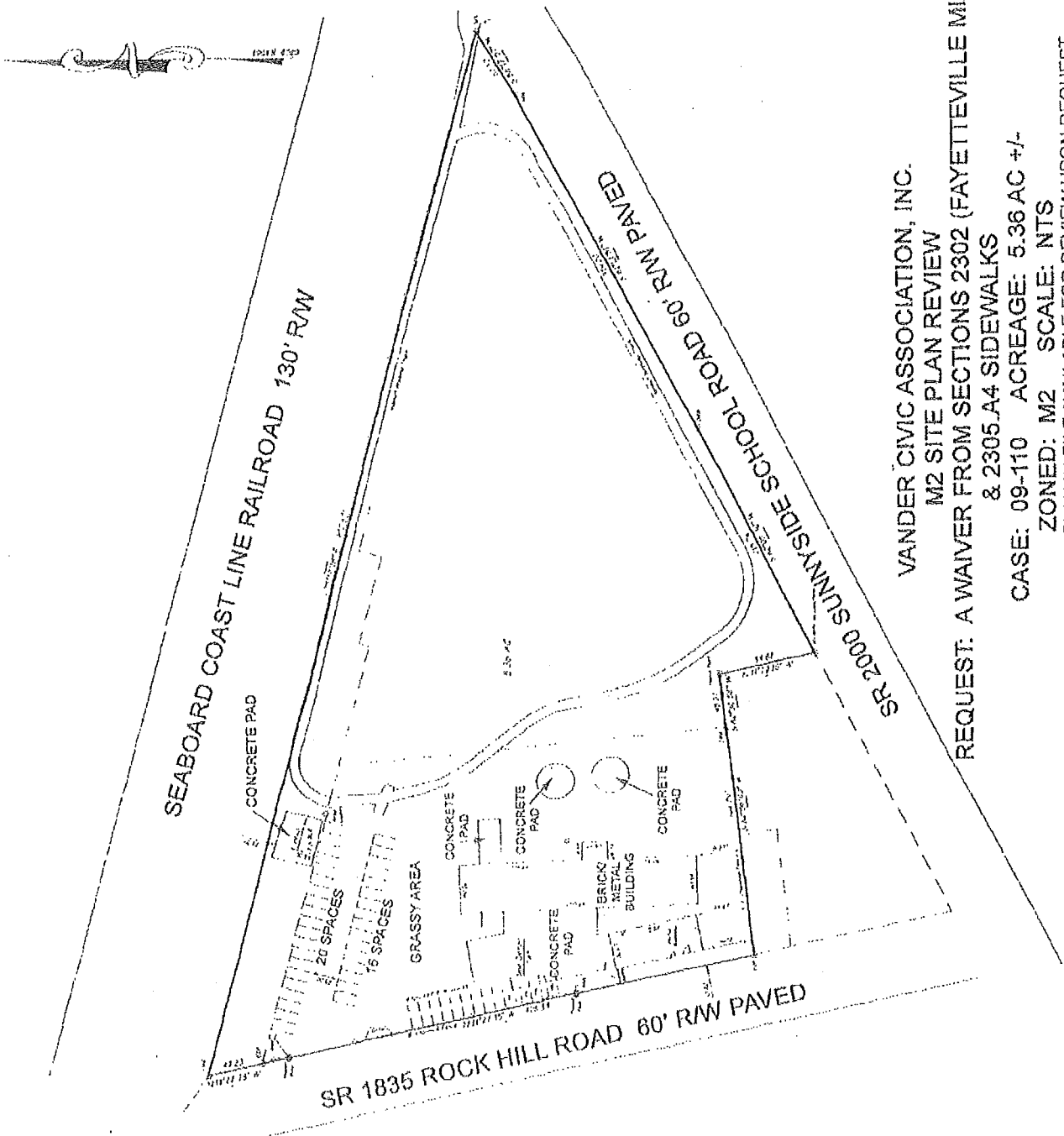
That the City Council move to recommend to the Cumberland County Joint Planning Board that the waiver request be denied on Rock Hill Road and, along Sunnyside School Road, sidewalk segments be installed at the corners to connect with the existing walking trail, with the applicant dedicating the easements for the portions outside the public right of way.

ATTACHMENTS:

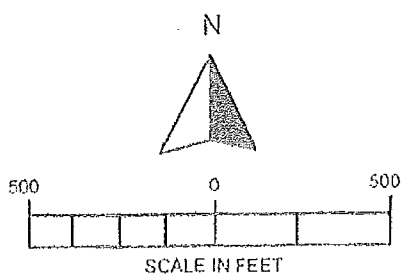
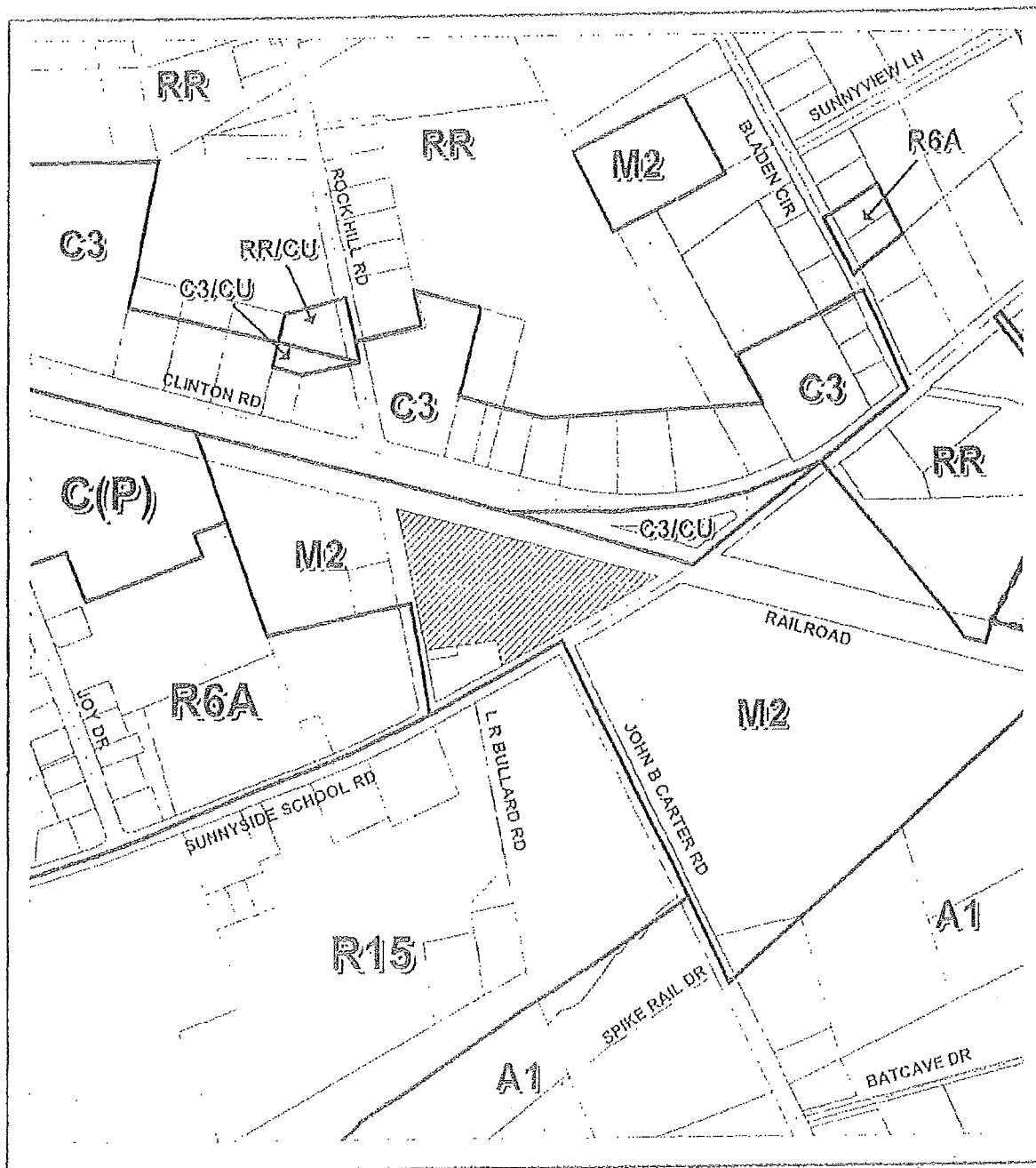
vander sidewalk waiver

vander waiver - County conditions of approval 2009

Vander waiver - Applicant letter



VANDER CIVIC ASSOCIATION, INC.
 M2 SITE PLAN REVIEW
 REQUEST: A WAIVER FROM SECTIONS 2302 (FAYETTEVILLE MIA)
 & 2305.A4 SIDEWALKS
 CASE: 09-110 ACREAGE: 5.36 AC +/-
 ZONED: M2 SCALE: NTS
 *SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

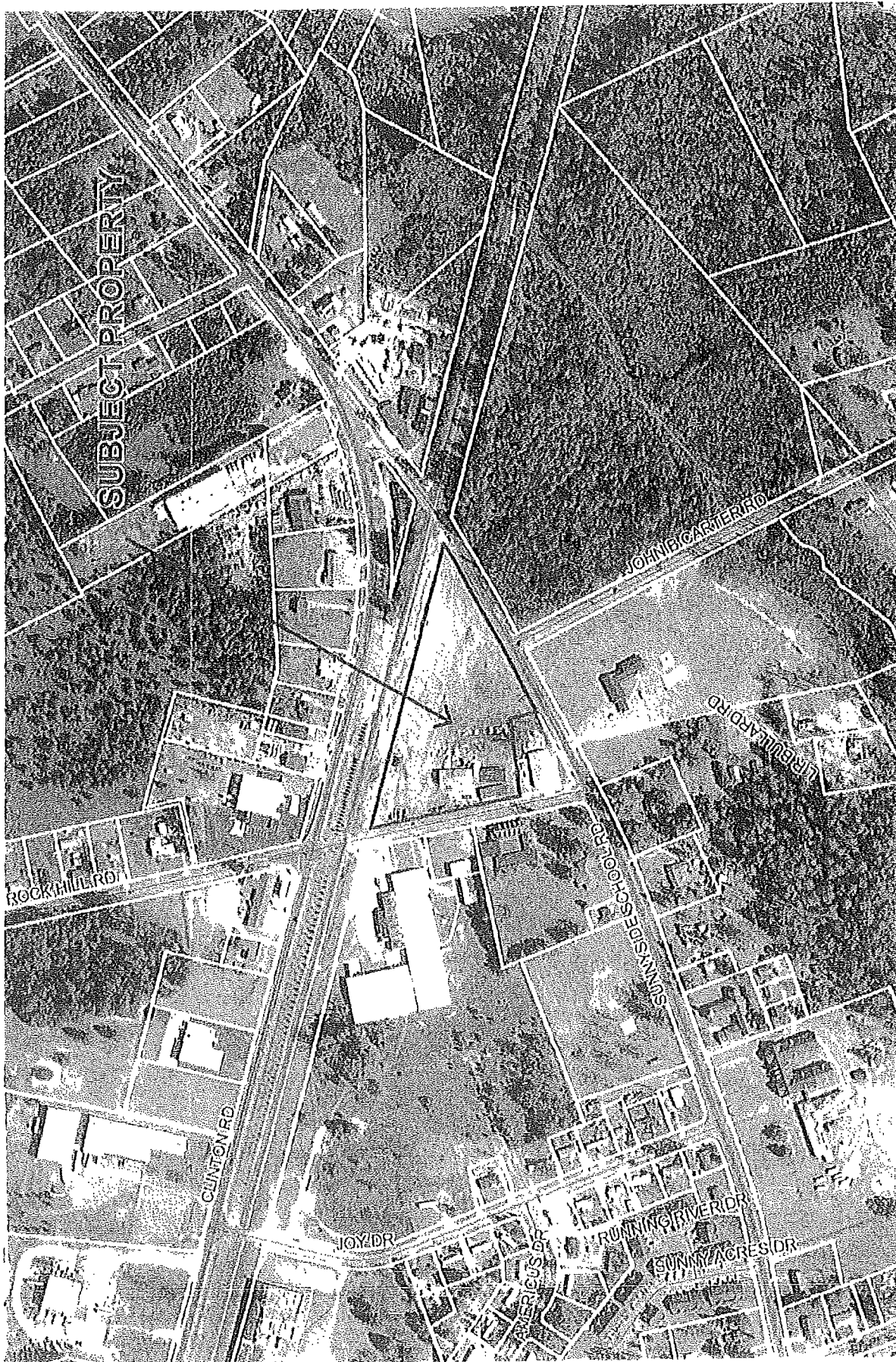


COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 5.36 AC. +/-	HEARING NO: 09-110	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		

PIN: 0466-16-9259

AF



AERIAL PHOTO
CASE NO: 09-110

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

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

LOCATION OF PROPERTY: 123 Rock Hill Rd Fayetteville, NC
OWNER: Vander Civic Association, Inc
ADDRESS: 135 Bladen Circle Fayetteville, NC ZIP CODE: 28312
TELEPHONE: HOME (910) 311-3676 WORK _____
AGENT: John Matthews President
ADDRESS: 135 Bladen Circle Fayetteville, NC 28312
TELEPHONE: HOME (910) 311-3676 WORK _____

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

- A. Parcel Identification Number (PIN #) of subject property: 04106-16-9259
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 5.36 Frontage: 474.04 Depth: 902.63
- C. Water Provider: PWC
- D. Septage Provider: Septic
- E. Deed Book 115, Page(s) 298-900, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: Community building & park
- G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:
Section 2302 A & Section 2305 A(4)
- H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:

See attached addendum

STATEMENT OF ACKNOWLEDGEMENT

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

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

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

John Matthews, President

Property owner(s) signature(s)

Vander Civic Association, Inc. c/o John Matthews

Property owner(s) name (print or type)

135 Bladen Circle Fayetteville, NC 28312

Complete mailing address of property owner(s)

(910) 391-3676

Telephone number

Alternative telephone number

(910) 323-1417

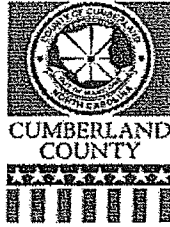
Email address

FAX number

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

STAFF REVIEW: 10-06-09 PLANNING BOARD DECISION: N/A
CASE NO: 09-110 NAME OF DEVELOPMENT: VANDER CIVIC & COMMUNITY CENTER
MIA: FAYETTEVILLE M2 SITE PLAN REVIEW
LOCATION: EAST SIDE OF SR 1835 (ROCK HILL ROAD), ZONING: M2
NORTH SIDE OF SR 2000 (SUNNYSIDE SCHOOL ROAD) PIN: 0466-16-9259-
OWNERS / DEVELOPER: VANDER CIVIC ASSOCIATION ENGINEER OR DESIGNER: MIKE TATE

PLANNING & INSPECTIONS DEPARTMENT ACTION:

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

PLANNING BOARD DECISION:

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

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

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
3. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
4. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.

5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. Prior to the building final inspection, a concrete sidewalk must be constructed along the entire length of the subject property where the property abuts SR 1835 (Rock Hill Road) and SR 2000 (Sunnyside School Road).
8. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the M(P) zoning district must be complied with, as applicable.
10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
11. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
12. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
14. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
15. Turn lanes may be required by the NC Department of Transportation (NCDOT).
16. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
17. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
18. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 28 off-street parking spaces are required for this development.
19. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

Advisories:

20. The applicant is advised to consult an expert on wetlands before proceeding with any development.

Page 2 of 3

130 Gillespie Street— Post Office Box 1829 – Fayetteville, North Carolina 28302-1829 – (910) 678-7600 – Fax: (910) 678-7669

21. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
22. An internal street system most likely will be required by the NC Department of Transportation (NCDOT) to serve any divisions of the subject property.

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

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

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
PWC:	Heidi Maly	223-4773
Fayetteville Planning:	Marsha Bryant	433-1416
Fayetteville Engineer (Easements):	Rusty Thompson	433-1660
Fayetteville Engineer (Sidewalks):	Randy Lane	433-1661
Fayetteville Engineer (Stormwater):	Jeffrey Brown	433-1691
Corp of Engineers (wetlands):	Crystal C. Amschler	251-4170
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Marsha Bryant, City of Fayetteville

**OFFICIAL PRELIMINARY STAMP
CUMBERLAND COUNTY
CASE NO: 09-110**

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING &
INSPECTION DEPARTMENT ON: 10-06-09

COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND
COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON
AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW.
THIS APPROVAL IS VALID UNTIL: 12-31-12

Patricia S. Speicher GB
SUPERVISOR, LAND USE CODES

ADDENDUM TO REQUEST FOR WAIVER

Vander Civic Association, Inc.
Addendum to Application for Waiver
(Page 1 of 3)

Members of the Fayetteville City Council and the Cumberland County Planning Board,

The Vander Civic Association is applying for a Waiver (Variance) from Sections 2302 A and 2305 A (4) of the Cumberland County Subdivision Ordinance. That ordinance requires us to install concrete sidewalks along the entire length of our property which abuts Rock Hill Road and Sunnyside School Road, a total length of more than 1,000 feet. This is a very expensive project for a community non-profit organization such as ours to pay for. **The ordinance would cause a special hardship to the Vander Civic Association, one that will likely necessitate our filing bankruptcy unless you will provide us some relief.**

At the time we purchased this property, the 2030 Growth Vision Plan had not been adopted. We incurred debt in the amount of \$126,000 with which to purchase the second parcel of land at a tax foreclosure sale. We have been innocently blindsided by the imposition of this ordinance. Had we been made aware of the impending ordinances and the associated costs, we most likely would not have purchased the property.

Certainly, there is some kind of relief in your hearts for an organization created to enhance the lives of its citizens that is an innocent victim and is a non-profit corporation which depends on 2 or 3 fund raisers a year merely to be able to survive. The costs to comply with this ordinance would be in the tens of thousands of dollars which we do not have, nor do we have the means to obtain.

We are grateful to you for any consideration you give to our plea for understanding and relief.

In considering your decision, we feel that the history is a very important factor; therefore, we are providing the following information so that you may better understand our position.

The parcel in question was purchased in two different transactions. The former site of Thomason Plywood Plant and most recently, Woody's Salvage Yard was purchased by Vander Civic Association, Inc on December 27, 2006 from Cumberland County for a total price including back property tax of \$ 15, 532.68. More than 2 years prior a group of concerned Vander citizens organized hoping to resolve the problem of the eyesore that had plagued our community for many, many years. We had several fundraisers and banked the funds in hopes that if we could not convince government agencies to assist with the problem, we could somehow purchase the property and work towards resolving it ourselves. This property had approximately \$1.8 million liens on it including EPA, UNC Hospital Systems as well as Cumberland County. Members of our group made our concerns known to politicians and after much effort the EPA and UNC Hospital liens were removed. Cumberland County then allowed us to purchase the property on the condition that we find a way to clean it up. Cumberland County wasted no time after the closing in condemning the property and giving us a mandate to clean it up. We had had some fundraisers in the 2 years prior, but had just a small portion of the funds needed to commence with the clean up. Research indicated that any grants that could be obtained for clean up in the amount we needed seemed to require matching funds which we didn't have either. One of the business men in the community graciously decided that he would use his resources to tear down the buildings and clean up the debris. Others donated their time and energy to the process as well. Estimated charges to clean up the site exceed \$144,000, not including other volunteer labor. Besides that, our organization paid incidental costs for fuel and supplies in the amount of approximately \$ 19,000. During clean up, we were given a grant for a walking track which was promptly installed after clean up was complete.

During the period of time that the clean up was being done on the 1st parcel, we became aware of a tax foreclosure auction on the adjoining property. Because our group had become so passionate about the project, we decided to bid on the adjoining property as well because we felt that the existing building and grounds would enhance our purpose for the community. Furthermore, the risk of someone else buying it, depending on the future use could have adversely

affected what we were trying to accomplish. Those factors pushed us to put in a bid. Our bid was accepted, but the process became very difficult. 2 weeks into the process, our first closing attorney dropped the case without warning when he found that there were more than 20 liens and judgments attached to the parcel. After more than half a day talking to different attorneys, we finally found someone to take the job, Mr. Richard Lewis. The IRS and the North Carolina Department of Revenue both also had liens on the parcel. In order to satisfy the IRS, they required us to have an appraisal done to verify that the approximate \$133,000 we were paying for the property was comparable to fair market value. The appraisal was done at a cost of \$1,300.00. Mr. Lewis took care of notifying all other lien holders so that everything could be cleared. The property closing took place on October 11, 2007.

Cumberland County was paid approximately \$150,000 by our organization for the purchase of these 2 tax foreclosed parcels of land. Our organization financed \$ 126,000 for the purchase of the 2nd parcel. This debt is amortized over a 15 year period with a 5 year balloon due at the end of 5 years. We are hopeful to be able to obtain financing for the remaining balance at the end of the 5 year period so that we can continue making payments. Our payments are approximately \$1,240 per month and to date we have paid approximately \$50,000 in principal and interest (mostly interest).

The existing building that was on the 2nd parcel needed extensive repair. We set out to make it into a community building. Eastover and Stedman have had community buildings for years, but Vander was lacking that in our community. We felt that if we could make the building into something usable, we would have a place to have meetings, host fundraisers and community functions, and rent to others for various important occasions. To date we have spent approximately \$36,000 out of pocket and have had approximately \$15,000 in donated materials and labor to repair the building and clean up the site. We have passed all inspections, but have been told that since we are in the municipal impact area, we have to construct sidewalks as well before we can obtain a permanent occupancy permit.

Historically, we have been able to raise \$16,000 - \$20,000 per year with the 2 - 3 fundraisers we have. Since we have depleted funds raised in our initial few years and now have the debt from the purchase of the 2nd piece of property, the amount that we have the ability to raise with our 2 major fundraisers is depleted by our loan payments which exceed \$1,240 per month, insurance of approx, \$2,400 per year and utilities. We have no excess in order to make any more capital improvements to this property. Furthermore, if we are not granted a permanent occupancy permit for our building, we have no means to raise funds via pig cook-offs, rib-fests, rental of building, etc. and we will literally be forced into bankruptcy. 90% of our active members are senior citizens and our active membership has declined by 50% in recent years. Also, it has become more difficult to raise funds due to the sluggish economy. All of these factors contribute to our position that to raise additional funds to construct sidewalks is an impossible task for our organization.

Besides the financial reasons, there are other reasons that we feel the ordinance should not apply. When we purchased these 2 parcels of land the parcels, the 2030 Growth Vision Plan had not yet been adopted and we were not in the municipal impact area. We purchased them not knowing that future decisions and agreements made by the city and county would impose these ordinances upon us. Had we known that, our decision to buy the 2nd parcel most likely would have been different.

We have a .3 of a mile walking track around the park part of the property. This walking track runs along the side of Sunnyside School Road and the railroad track. Putting a sidewalk along side it seems not only wasteful, but impractical. That part of the proposed sidewalk would run between the railroad track crossing and Evans Hardware. The other proposed sidewalk would run between Evans Hardware and the railroad track. The sidewalks would actually go nowhere.

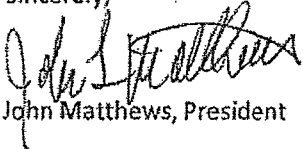
Vander Civic Association, Inc.
Addendum to Application for Waiver
(Page 3 of 3)

Until our debt is paid, there is absolutely no way that our organization could take on another capital project of any size. We are hopeful to be able to pay off our debt in 12 years. We are asking for a permanent waiver for the sidewalks. If this is not granted, our chance for survival is not good. If a permanent waiver is not satisfactory to you, hopefully, you can come to a concession that will not cause our organization to forfeit the responsibility it has taken on for the community.

In making your decision, please consider that this group has literally changed the landscape of our community. We have placed a park and community center in a community where county or city government has not. Vander was promised a park many years ago; however, those plans were changed. Even though our property taxes include the recreation tax, we have not been able to benefit from recreational facilities in our neighborhood until now due to the efforts of this organization. Our community is now able to enjoy the benefits of a park with walking track, playground and green spaces. We ask that you help us continue in our efforts for the community by granting us the waivers so that we can fully utilize our community building and continue to work for our community.

Thank you for your consideration. Please see attached photos marked Exhibit A (Before) and Exhibit B (After).

Sincerely,



John Matthews, President

Vander Civic Association

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: January 24, 2011
RE: **Uninhabitable Structures Demolition Recommendations**
- 220 Scott Avenue
- 5802 Shenandoah Drive

THE QUESTION:

Would the demolition of these structures help to enhance public safety and 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:

220 Scott Avenue

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on May 21, 2010, as a dangerous or vacant/abandoned structure. A hearing was held, which the owner attended. A period of 60 days was given to repair or demolish the structure; there has been no progress made. There have been no calls for service, and the structure has no historical significance. The structure is located in City Council District 2, represented by Kady Ann Davy.

5802 Shenandoah Drive

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This building was inspected and condemned on August 10, 2010, as a dangerous structure. A hearing was held, in which the owner did not attend. A period of 60 days was given to repair or demolish the structure; there has been no progress made. There have been 2 calls for service in the past 12 months, and the structure has no historical significance. The structure is located in City Council District 6, represented by William Crisp.

ISSUES:

220 Scott Avenue

This structure has been vacant for several years; there have not been any repairs or improvements made. The owner was also given an application for the Community Development Demolition Program, which they declined to apply for.

5802 Shenandoah Drive

This structure was damaged by fire in April, 2010. The owners have not attempted any repairs and no permits have been issued. The property has an open deed of trust which prohibits use of the Community Development Demolition Program.

BUDGET IMPACT:

Costs associated with demolitions and lot cleanings are located in account 43802.8490. A projected unobligated balance of \$113,106 remains at this time.

OPTIONS:

Option 1 - Adopt the ordinances and demolish the structures.

Option 2 - Deny the demolition and allow the structures to remain.

Option 3 - Defer action until a later date or provide staff alternative direction.

RECOMMENDED ACTION:

Staff recommends that Council adopt the proposed ordinances and authorizing the demolition the structures on the subject parcels.

ATTACHMENTS:

Docket-- 220 Scott Avenue

Ordinance-- 220 Scott Avenue

P5210003

P5210005

Aerial Map-- 220 Scott Avenue

Docket-- 5802 Shenandoah Drive

Ordinance-- 5802 Shenandoah Drive

P8100042

P8100045

Aerial Map-- 5802 Shenandoah Drive

TO: Mayor
City Council Members
City Manager
City Attorney

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

Location	220 Scott Avenue
Property Owner(s)	Rodney Ireland, Fayetteville, NC
Date of Inspection	May 21, 2010
Date of Hearing	July 21, 2010
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed July 21, 2010
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities have no record of last service.
Police Calls for Service (past 2 yrs)	0

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

This is the 24th day of January, 2011.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

220 Scott Avenue
PIN # 0438-44-1556

Beginning at a stake in the north margin of Scott Avenue, which is N 89 32 W 375 feet from the intersection of the north margin of Scott Avenue with the west margin of Overlook Drive, and running thence with the north margin of Scott Avenue N 89 32 W 125 feet to the corner of lot No. 237; thence with the east line of lot No. 237 N 0 28 E 150 feet to the corner of lots Nos. 237, 243, and 244; thence with the south line of lots Nos. 244-248 S 89 32 E 125 feet to the corner of lots Nos. 248, 249, and 231; thence with the west line of lot No. 231 S 0 28 W 150 feet to the beginning; being Lots Nos. 232, 233, 234, 235, and 236 of the Fisher property a plat of which is registered in the office of the Register of Deeds of Cumberland County in Book of Plats 11 at page 24.

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

Rodney Ireland
6514 Tareyton Road
Fayetteville, NC 28314-0421

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before September 21, 2010.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.

- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,700.00 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 24th day of January, 2011.

CITY OF FAYETTEVILLE

BY: Anthony Chavonne, Mayor

ATTEST:

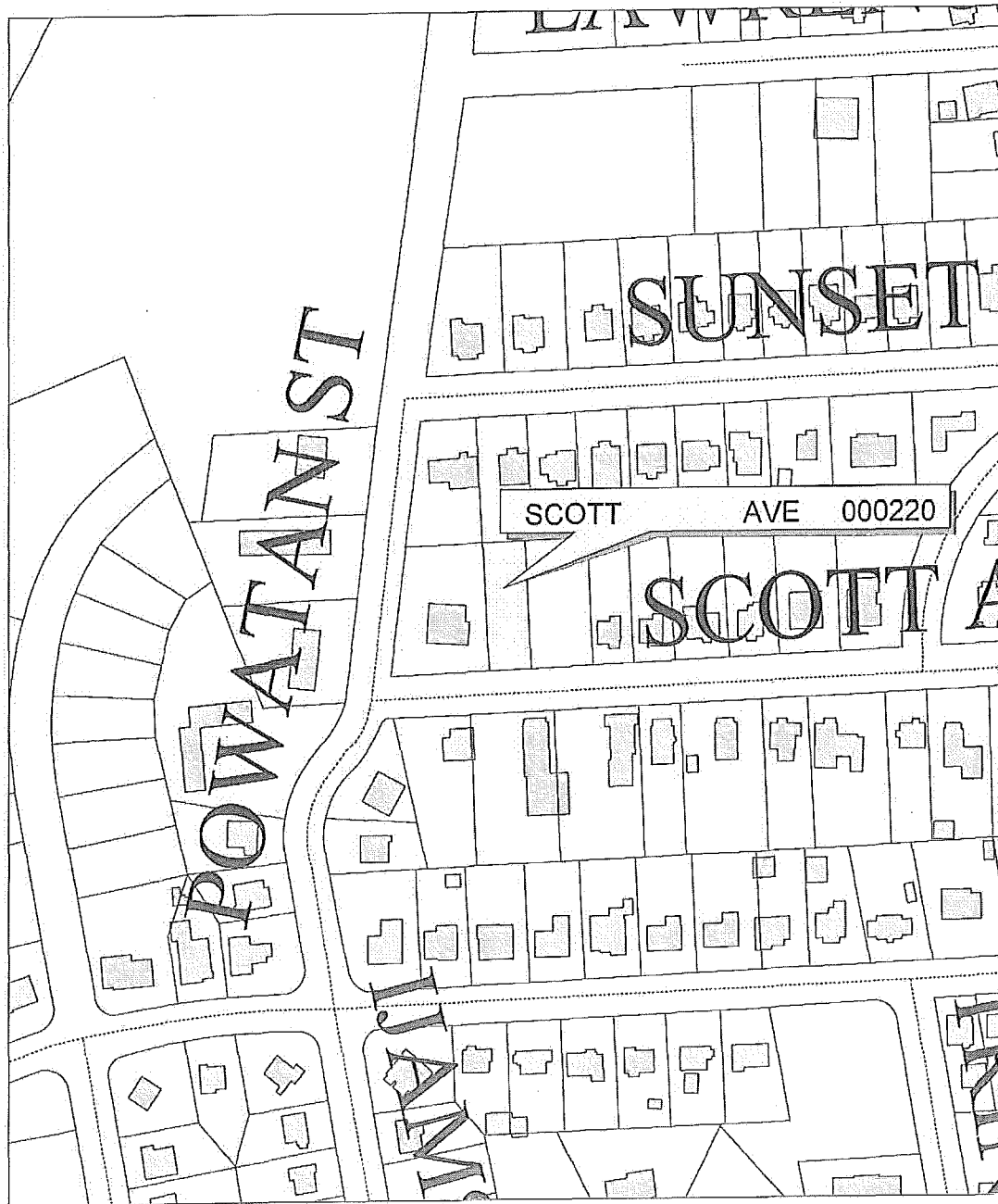
Rita Perry, City Clerk







9-2-3-1

9-2-4-1

City Of Fayetteville Inspections Department



Legend

- | | | | | | |
|---|-------------|---|-------------|---|---------|
|  | Streets |  | Zoning |  | Parcels |
| Text | Street Name |  | Group Homes | | |

TO: Mayor
City Council Members
City Manager
City Attorney

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

Location	5802 Shenandoah Drive
Property Owner(s)	William Goodman and wife Ussanta Karhan Kelley Fayetteville, NC 28304
Date of Inspection	August 1, 2010
Date of Hearing	August 23, 2010
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed August 23, 2010.
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since April 2010.
Police Calls for Service (past 2 yrs)	2

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 24th day of January, 2011.

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

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

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

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

The City Council finds the following facts:

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

5802 Shenandoah Drive
Pin 0406-52-6539

Being all of Lot 12, Block 'C', in a subdivision known as SHENANDOAH ARRAN LAKE, SECTION SIX, according to a plat of the same being duly recorded in Book of Plats 35, Page 36, Cumberland County Registry, North Carolina.

Parcel Identification No. : 0406-52-6539
Property Address : 5802 Shenandoah Drive, Fayetteville, NC 28304

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

William Goodman, and wife, Ussanta Karhan Kelley
5802 Shenandoah Drive
Fayetteville, NC 28304

- (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 23, 2010..
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$2, 900.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

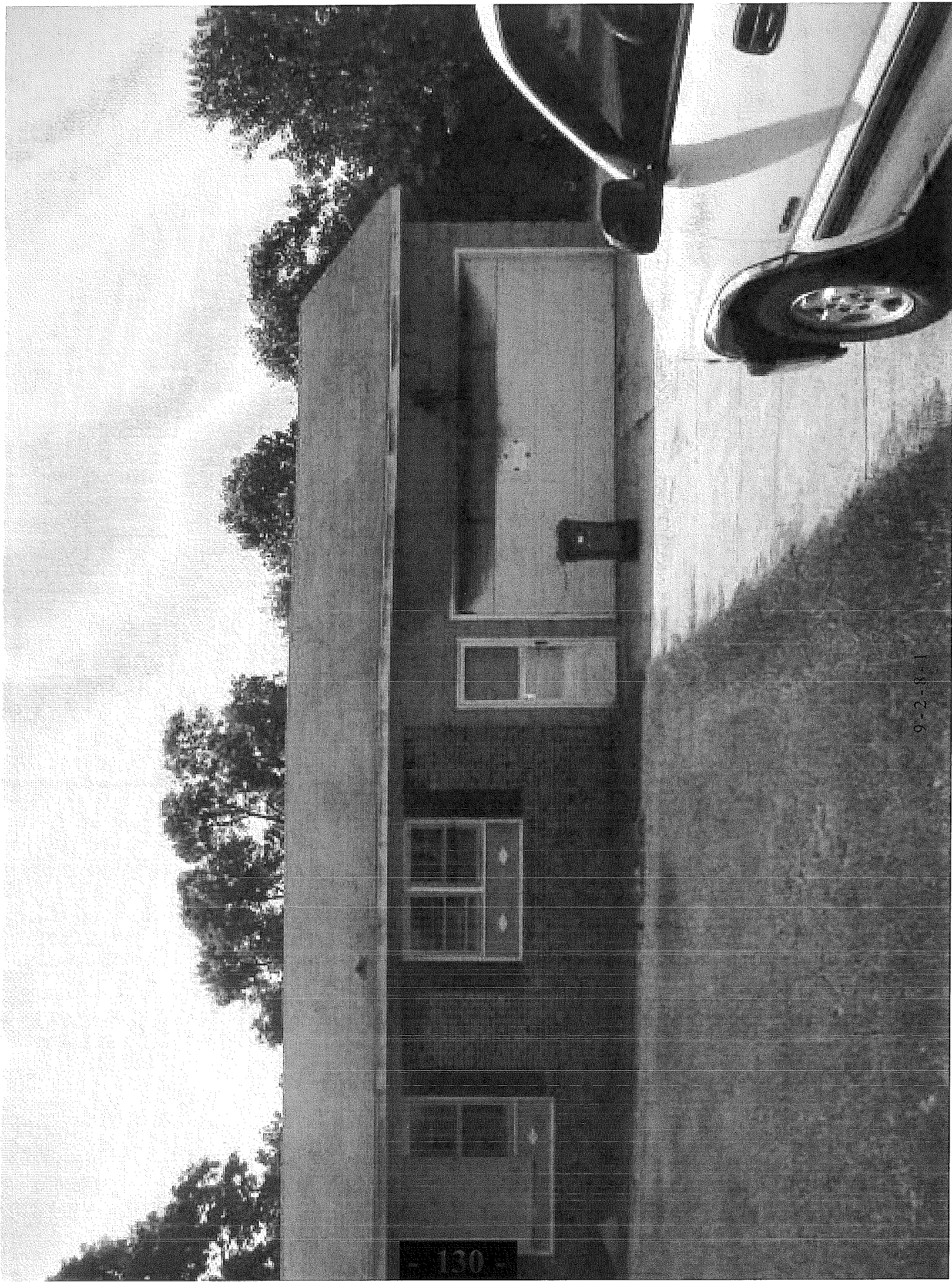
Adopted this 24th day of January, 2011.

CITY OF FAYETTEVILLE

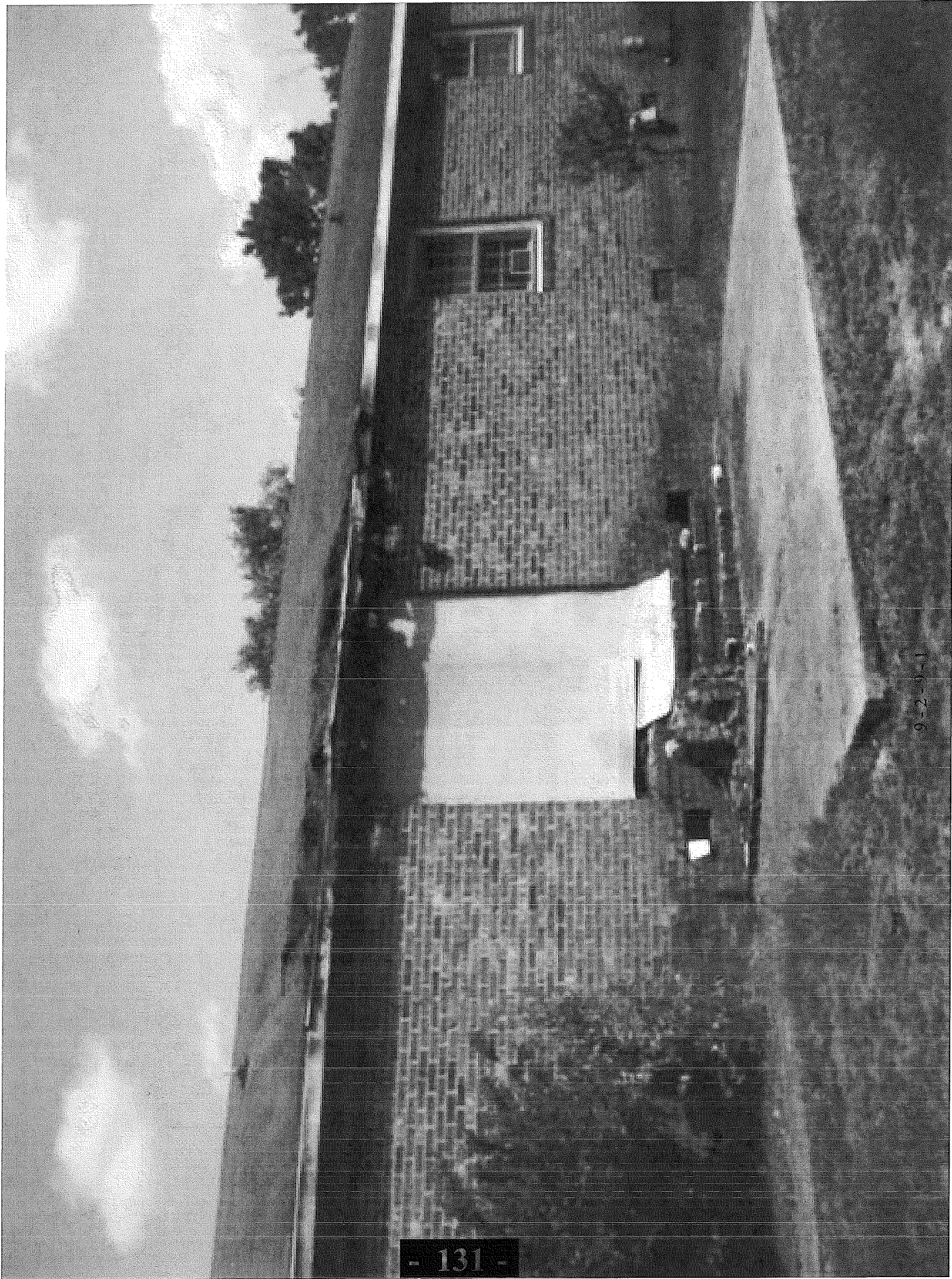
BY: Anthony Chavonne, Mayor

ATTEST:

Rita Perry, City Clerk

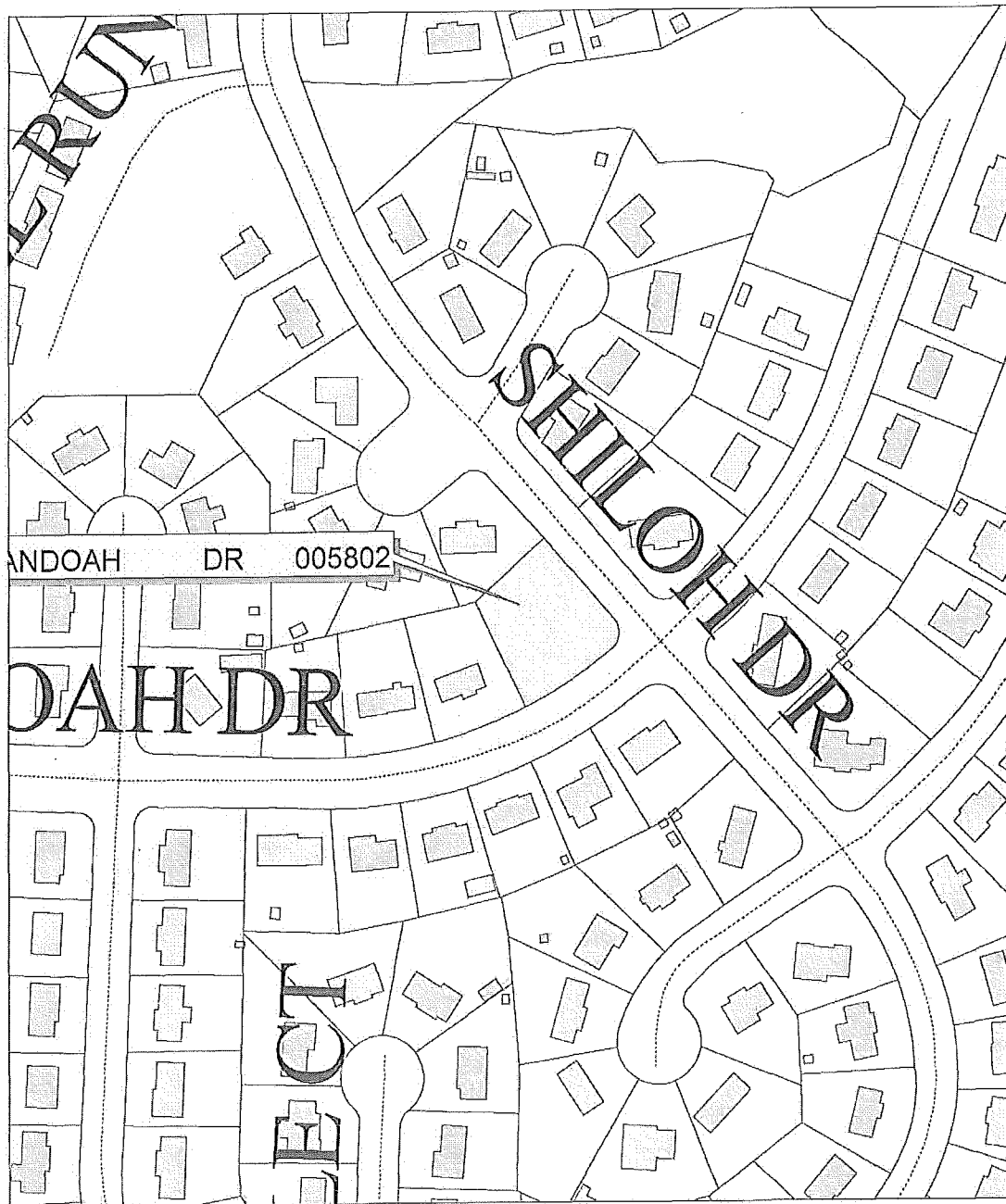


9-2-8-1



9-2-9-1

City Of Fayetteville Inspections Department



Legend



Streets



Zoning



Parcels

Text:

Street Name



Group Homes

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rebecca Rogers-Carter, Management Services Manager/ Doug Peters, Executive Director Fayetteville Cumberland County Chamber of Commerce
DATE: January 24, 2011
RE: (a) **FY 2011 Strategic Plan Policy and Management Action Agenda 2nd Quarter Update**
(b) **Fayetteville Cumberland County Chamber of Commerce Quarterly Economic Development Report**

THE QUESTION:

Has City Council's interest been met in staff's advancement of the policy and management action agenda for the 2nd quarter? The attached reports detail progress made during the 2nd quarter of this fiscal year, so that City Council members can either concur that the actions meet their interests or direct staff to modify their course.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The City's Strategic Plan has three main areas:

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

ISSUES:

Does the 2nd quarter work efforts reflect the overall direction articulated by the City Council in the FY 2011 Strategic Plan? Does the progress highlighted in this report move the community closer to the desired vision previously identified by the City Council?

BUDGET IMPACT:

OPTIONS:

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

RECOMMENDED ACTION:

Receive and file this report.

ATTACHMENTS:

2nd Qtr Strategic Plan Report

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Fiscal Year 2011 Strategic Plan

Policy and Management Agenda

THE MISSION

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

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

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

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

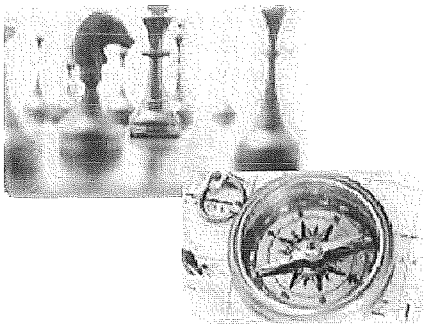
VISION 2025

The City of Fayetteville is a great place to live with a choice of desirable neighborhoods, leisure opportunities for all, and beauty by design.

Our City has a vibrant downtown, and vibrant major corridors, the Cape Fear river to enjoy, and a strong local economy.

Our City is a partnership of citizens with a diverse culture and rich heritage.

This creates a sustainable community.



CORE VALUES

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

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

Responsibility

Ethics

Stewardship

Professionalism

Entrepreneurial Spirit

Commitment

Teamwork

To safeguard and enhance the public trust
in City government.

GOALS 2015

Greater Tax Base Diversity

Growing City, Livable Neighborhoods

More Efficient Government

More Attractive City

Greater Community Unity

Revitalized Downtown

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

Targets For Action 2011	Page #
Policy Agenda - Top Priority	
Unified Development Ordinance	2
Police Staffing	4
Multi-Family and Commercial Recycling Program	6
Downtown Parking Structure	8
Bragg Boulevard Corridor Development	10
Consolidated 911 Communication Center	12
Policy Agenda - High Priority	
Hospital Area Development Standards	14
Ramsey Street Corridor Development	16
Budget and Service Levels Tax Rate Evaluation	18
Parks & Recreation Master Plan Bond Referendum Planning	19
Rental Registration and Probationary Rental Occupancy Permit	20
Sign Ordinance	22
Management Agenda - Top Priority	
Non-Stop Air Service to Washington, D.C.	23
Multi-Modal Center Development	24
Fire Station 19 Development	26
HOPE VI Redevelopment Plan	28
Tree Preservation Ordinance	30
Management Agenda - High Priority	
Murchison Road Corridor Development	31
Sidewalk Policy and Plan	33
Youth Council Development	35
Military Business Park Development	36
Downtown Development Plan Review	37

Unified Development Ordinance (UDO) Policy Agenda

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

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

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

Staff Liaison: Karen Hilton, Planning and Zoning Division Manager

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

Phone Number: 910-433-1437

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

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

First Quarter Update:

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

Second Quarter Update:

- The City Council adopted the Unified Development Ordinance on December 13, 2010. The effective date is July 1, 2011 for full implementation although developers may choose to have their projects reviewed under the UDO if advantageous to their projects.

Upcoming Activities:

- Continued editing of the draft Administrative Manual utilizing members of the Advisory Committee for this task
- Base zoning map translation from old code to new zoning classifications of entire city is underway
- Adoption of new zoning map by Zoning Commission (recommendations) and the City Council (final authority) in three phases between now and July 1, 2011
- UDO implementation transition (training, publication, VIC coding and guidance for development community, etc.)
- Periodic follow-up meetings with development community for troubleshooting and refinement of code and procedures as necessary.

Police Staffing Policy Agenda

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

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

- Measure of success: Implement effective use of overhires.

Staff Liaison: Tom Bergamine, Chief of Police

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

Phone Number: 910-433-1819

Team Members: Police Staff

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

First Quarter Update:

- Utilizing PERF Study guidelines; spending more time on directive cause
- Making progress to reduce number of dispatch calls versus self-initiating. The goal is to encourage more effective policing techniques
- We graduated 16 in the BLET academy this July
- Brought on board five overhires, which contributes to the overall preparedness of the force to fill vacancies in a proactive manner
- A new BLET class started this summer with 24 attendees in house and 9 at FTCC and will graduate in December
- Fully staffed beginning in late May; includes 383 budgeted positions
- Monitoring staff level of retentions and workload assessments to support PERF guidelines.

Second Quarter Update:

- Continue to utilize PERF recommendations seeking to determine directive causes of crime and addressing same, making maximum use of available officer resources
- Police Department graduated 32 new officers Dec. 17 (24 from FPD BLET and 8 from FTCC BLET)
- Processed and recommended 6 new hires to attend the January BLET at FTCC
- Processing 6 lateral hires with recommendations pending final outcome of background investigation
- Currently staffed at 97%

Upcoming Activities:

- Continue to monitor workload and staffing levels
- Planning to send 6 recruits to FTCC BLET in January 2011
- Plan to open up applications for non-experienced applicants in anticipation of an in house BLET scheduled for July 2011.

Multi-Family and Commercial Recycling Program Policy Agenda

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

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

- Measure of success: Implement Council approved options.

Staff Liaison: Jerry Dietzen, Environmental Services Director

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

Phone Number: 910-433-1984

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

Action Plan	Estimated Completion
Report on survey results	Completed
Develop options for multifamily recycling service	Completed
Receive Council direction to proceed with draft ordinance or to set a public hearing	January 2011
Implement Council approved options	4 th Qtr 2011

First Quarter Update:

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

Second Quarter Update:

- Presented options to City Council recommending alternatives for multifamily recycling services
- Updated Council on service options at October 4th work session; Council consensus was to follow staff recommendations to develop an ordinance requiring multifamily complexes to provide recycling services for their residents with a target start date of July 2011 and to review the ordinance in two years for its effectiveness and success.

Upcoming Activities:

- Jan. 3, 2011 - Return to Council work session with a draft ordinance for review
- Jan. 24 - Regular Council meeting – adopt ordinance or set a public hearing
- January - June 2011 - City staff notifies multifamily complexes of ordinance requirements and provides technical assistance for program start up
- July 2011 - Program target startup.

Downtown Parking Structure Policy Agenda

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

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

- Measure of success: Construction of the parking deck.

Staff Liaison: Dale Iman, City Manager

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

Phone Number: 910-433-1990

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

Action Plan	Estimated Completion
Coordinate with partners on development of project	Continuous
Monitor progress	Continuous
Parking Deck Completion	2 nd Qtr 2012

First Quarter Update:

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

Second Quarter Update:

- Parking deck was designed and advertised for bid to seven pre-qualified contractors
- The City received six of seven bids on Nov. 23, 2010
- Staff recommended the lowest bidder, LeChase, from Durham, NC on Dec. 13, 2010
- Total bid was \$6,132,000
- Council approved the bid & authorized construction to begin.

Upcoming Activities:

- Construction to begin in January 2011
- Monitor progress regularly
- Completion estimated end of 2011.

Bragg Boulevard Corridor Development Policy Agenda

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

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

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

Staff Liaison: Rob Anderson, Chief Development Officer

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

Phone Number: 910-433-1311

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

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

First Quarter Update:

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

Second Quarter Update:

- Construction to remove railway is on-going.

Upcoming Activities:

- This project at this time is primarily a DOT effort to upgrade the roadway and related infrastructure. Economic redevelopment efforts will generally follow the completion of the infrastructure work
- Meanwhile, two Development Services Code Enforcement staff have been assigned specifically to commercial corridors and will send a signal of holding property owners accountable for property maintenance in this location
- DOT contractors to mobilize in the spring.

Consolidated 911 Communication Center Policy Agenda

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

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

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

Staff Liaison: Tom Bergamine, Chief of Police

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

Phone Number: 910-433-1819

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

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

First Quarter Update:

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

Second Quarter Update:

- CAD to CAD between the two 911 centers went live in December 2010
- Agreement was reached between the City and County to spend more time in conducting the assessment phase of the proposed consolidation (April 2011 deadline).

Upcoming Activities:

- Ongoing meetings between City communications center supervisors and their counterparts in the County to discuss operational issues that occur during CAD to CAD calls
- County and City IT, along with OSSI, are meeting to discuss the next phase of consolidation, which is the sharing of one CAD system
- Meetings with the Public Safety Task Force
- Waiting on approval from the State to start utilizing Emergency Medical Dispatch; should be complete by Jan. 31, 2011.

Hospital Area Development Standards Policy Agenda

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

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

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

Staff Liaisons: Karen Hilton, Planning and Zoning Division Manager

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

Phone Number: 910-433-1437

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

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

First Quarter Update:

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

Second Quarter Update:

- City Council adopted the Hospital Area Plan and Overlay Ordinance on Dec. 13, 2010.

Upcoming Activities:

- Staff will now utilize the new standards for all activities in the target location. In addition, requests for zoning changes that were deferred prior to plan adoption will now be reconsidered as part of the UDO zone map activities over the next 5 months.

Ramsey Street Corridor Development Policy Agenda

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

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

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

Staff Liaison: Karen Hilton, Planning and Zoning Division Manager

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

Phone Number: 910-433-1437

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

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

First Quarter Update:

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

Second Quarter Update:

- Median project contract has been awarded to Highland Paving, a local company, with mobilization to take place in early spring.

Upcoming Activities

- Sidewalks from Stacy Weaver to 401 Bypass to be installed in the upcoming construction season
- Landscaping in medians will be part of the activities in the upcoming construction season.

Budget and Service Levels Tax Rate Evaluation Policy Agenda

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

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

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

Staff Liaison: Lisa Smith, Chief Financial Officer

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

Phone Number: 910-433-1682

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

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

First Quarter Update:

- Completed.

Parks & Recreation Master Plan Bond Referendum Planning Policy Agenda

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

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

- Measure of success: Develop a bond package.

Staff Liaison: Michael Gibson, Director of Parks and Recreation

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

Phone Number: 910-433-1557

Team Members: Parks & Recreation staff

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

First Quarter Update:

- Bond package outline has been developed.

Second Quarter Update:

- The bond outline was presented to Parks & Recreation Joint Advisory Board
- The bond was approved to go forward
- A bond outline was presented to a joint meeting of City Council and County Commissioner for preliminary approval
- Staff was instructed to bring back more detailed information.

Rental Registration & Probationary Rental Occupancy Permit Policy Agenda

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

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

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

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

Staff Liaison: Doug Hewett, Assistant City Manager

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

Phone Number: 910-433-1978

Team Members: Development Services, Information Technology, Police and City Attorney

Action Plan	Estimated Completion
Research program alternatives, draft ordinances, solicit feedback	3 rd Qtr 2011
Adoption of ordinances and funding plan	4 th Qtr 2011
Implementation and enforcement of program	2012

First Quarter Update:

- Public meetings were held in August and September to solicit input from stakeholders; meetings were successful in stakeholder engagements and had large turnouts
- City webpage was developed to receive feedback from stakeholders
- Staff briefed Council on programs at October work session; Council voted down rental registration program but voted in favor of probationary permit program; an ordinance must be drafted.

Second Quarter Update:

- During an October 2010 Council meeting, staff was directed to research the details of a PROP program, without a rental registration or rental inspection piece added
- Research and analysis has been completed and during the Jan. 3, 2011 work session meeting, Council was briefed on staff's recommendation of PROP without tracking criminal convictions
- Staff will add the criminal conviction element and brief Council at a future work session.

Upcoming Activities

- Research and analysis (including cost) of PROP to include code and criminal violations
- Council briefed on ordinance to decide direction.

Sign Ordinance Policy Agenda

This target for action focuses on developing a modernized sign ordinance that is consistent with the new UDO. The Housing and Code Enforcement Division Manager will be assigned to collaborate with Planning and Zoning to assess the progress to date of the sign ordinance project and to devise a strategy going forward. The goal is to make modifications to the sign ordinance and develop a comprehensive approach for the sign code to be presented and considered by the City Council.

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

- Measure of success: Develop options to finalize and implement sign ordinance.

Staff Liaison: Rob Anderson, Chief Development Officer

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

Phone Number: 910-433-1311

Team Members: Development Services

Action Plan	Estimated Completion
Assess the scope of the of project and devise strategy	3 rd Qtr 2011
Reinitiate and engage planning commission.	4 th Qtr 2011

First Quarter Update:

- Held work sessions with downtown businesses and Downtown Alliance to discuss signs in the downtown district; comments received regarding the current sign ordinance, which will be taken into consideration in 3rd and 4th quarter work efforts
- Three changes in UDO – primarily procedural and standards.

Second Quarter Update:

- Several changes to the sign code were adopted along with the UDO. They generally pertain to real estate signs, signs on vehicles near the public right-of-way and code enforcement procedures for illegal signs placed in the public right-of-way.

Upcoming Activities

- A full review of the existing sign code may need to be deferred until after adoption of the new zoning maps to coincide with the UDO implementation efforts.

Non-Stop Air Service to Washington, D.C. Management Agenda

A survey to investigate and secure direct air service from Fayetteville/Ft. Bragg to the D.C. area began in FY10. This study is anticipated to provide guidance and recommendations that will support direct air service as well as aiding in the development of negotiations for potential service providers. The study will also look into general aviation alternatives. BRAC RTF agreed to co-sponsor this investigation. The cost of the study is \$50,000 and is being paid for by \$25,000 from BRAC Regional Task Force and \$25,000 from NCDOT Aviation.

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

- Measure of success: Completion of air study and plan of action for acquiring air service.

Staff Liaison: Brad Whited, Airport Director

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

Phone Number: 910-433-1623

Team Members: Airport staff and BRAC RTF staff

Action Plan	Estimated Completion
Completion of air study	Completed
Alternatives study complete in May 2010 – general aviation alternatives	Completed
Support, evaluate and report on the City's participation in BRAC Regional Task Force Comprehensive Regional Growth Plan	Continuous

First Quarter Update:

- Small Community Air Service Grant application submitted
- Monitoring airline issues
- Extended contract with InterVISTA Air Service consultant
- Reported findings to Council.

Second Quarter Update:

- Small Community Air Service Grant application was not selected by FAA
- Monitoring airline issues.

Upcoming Activities:

- Waiting for an airline to sign up for air service opportunity.

Multi-Modal Center Development Management Agenda

The Multi-Modal Center will house a new FAST bus transfer facility. The Multi-Modal Center will accommodate at least 16 bays, contain a two-story building of about 20,000-square feet and sufficient land area for complimentary commercial and/or retail private development. The first phase, including preliminary engineering and design, began in the summer of 2006. This project is being funded through the FTA, the NCDOT and local funding matches. To date, there is approximately \$1.3 million available for this project to cover preliminary design, engineering and land acquisition. The total project cost is estimated at \$15 million.

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

- Measure of success: Resolve any outstanding issues related to property acquisition and move forward with development of land and construction.

Staff Liaison: Craig Hampton, Special Projects Director, and Ron Macaluso, Transit Director

Email Address: champton@ci.fay.nc.us and rmacaluso@ci.fay.nc.us

Phone Number: 910-433-1786 and 910-433-1011

Team Members: Special Projects and Transit staff

Action Plan	Estimated Completion
Purchase center's property, secure purchase agreement on all others except current tenants	2 nd Qtr 2011
Resolve any outstanding issues related to property acquisition for remaining properties with tenants	2 nd Qtr 2011
Complete and receive FTA grant applications for funding to purchase remainder of property	3 rd Qtr 2011

First Quarter Update:

- FONSI received. Letters of offer to purchase land have been sent to property owners
- Purchase of Cintas parcel completed; City has assumed ownership; initial mowing and cleaning lot completed; lot will be maintained by City. Posted signage
- Negotiations continue on all remaining properties.

Second Quarter Update:

- Purchase of the Creech/Lloyd parcels (3) and the Smith parcel are completed and City has assumed ownership
- Negotiations continue on the two remaining properties, with a target to complete by fall of 2011.

Upcoming Activities:

- Demolition of the structures on the acquired properties is targeted for early summer of 2011. The remaining two parcels have structures, but demolition will be determined after purchases have been completed
- Building design and site work design to begin in the early summer of 2011. Completion of construction documents in one year thereafter.

Fire Station 19 Development Management Agenda

As part of the approved CIP, this fire station is being built in the northern part of the city on Andrews Road to meet the projected growth and to reduce identified high emergency response times. The new station will provide the required minimum fire personnel on the scene for all emergency incidents in this area and allow for a joint fire and police presence to better serve the entire community. The total estimated for construction, land acquisition, furniture, fixtures and equipment is approximately \$3.1 million. The Fire Department received a Department of Homeland Security sponsored Assistance to Firefighters (SAFER) grant in the amount of \$2.1 million to assist with the personnel cost of the 15 firefighters needed to staff this facility. The firefighters were hired May 4, 2008 and are currently operating out of a temporary facility.

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

- Measure of success: A built and functioning Fire Station #19.

Staff Liaison: Benny Nichols, Fire Chief

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

Phone Number: 910-433-1726

Team Members: Fire, Special Projects, Engineering & Infrastructure and Building Maintenance staff, John Koenig, MKR, Stewart, Newell and Cooper, Charlie Averitt and Dennis Southern.

Action Plan	Estimated Completion
Complete the construction of Fire Station #19	2 nd Qtr 2012
Move fire operations from Temporary Fire Sta. #19 into Permanent Fire Station #19	2 nd Qtr 2012

First Quarter Update:

- Provided updates to Council and received permission to open Station #19 in Patriot Park development off Andrews Road next to Pine Forest High School
- Pre-bidding occurred in September; contractors told scope of project
- Project bids released in September
- RFP process occurred
- Development Agreement with River Landing, LLC
- Council approved station on Sept. 27 consent agenda.

Second Quarter Update:

- Bid opening for construction held on Oct. 21, 2010, with 17 bids received
- Bid awarded by Council on Nov. 22, 2010 to DSI, Inc. of Fayetteville for the amount of \$1,795,247
- Development Agreement and construction documents completed and signed
- Notice to proceed issued in December 2010.

Upcoming Activities:

- Scheduling to begin in January 2011
- In accordance with determined schedule and contract terms, work will be completed within 300 days. The projected date of completion is Nov. 17, 2011
- Currently there are no unresolved issues.

HOPE VI Redevelopment Plan Management Agenda

This target for action focuses on the Old Wilmington Road HOPE VI Redevelopment Plan and will address the removal of blight, acquisition activities, relocation activities and the redevelopment of the area with infill market rate housing and a business park to provide job opportunities in the area. Market rate housing will be built by private developers. Funding previously allocated from the general fund for the HOPE VI Revitalization Project includes \$1 million for the business park and \$523,631 remaining for acquisition for market rate housing. Options for a specific study of the area, including cost estimates, will be brought to Council for consideration early in the fiscal year. As resources will allow, staff will work to acquire additional property, demolish dilapidated housing and work in the community to support development of market rate housing in the area.

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

- Measure of success: Hire a consultant to assist with completion of project.

Staff Liaison: Victor Sharpe, Community Development Director

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

Phone Number: 910-433-1933

Team Members: Community Development, Real Estate and Development Services staff.

Action Plan	Estimated Completion
Hire a consultant and complete redevelopment plan	2 nd Qtr 2011
Acquisition of additional residential property	3 rd Qtr 2011
Acquisition of property for the HOPE VI Business Park – Gillespie/Blount	2 nd Qtr 2012
Demolition of dilapidated housing contributing to blight	4 th Qtr 2011
Completion of Request for Proposal for a developer to create market rate housing	2012

First Quarter Update:

- Reviewed two sites for the Business Park
- Acquired two vacant lots on Cool Spring Street
- Worked with the Real Estate Division to determine additional lots for acquisition.

Second Quarter Update:

- Presented site for HOPE VI Business Park to City Council – Gillespie Street site chosen
- Met with the Real Estate Division to develop a plan for acquisition of property at the Gillespie Street site
- Construction continued on the multi-family and single family housing projects
- Construction began on the Blounts Creek Trail
- Acquired an additional house located at 223 Cool Spring St., which will be demolished
- Prepared closing documents for the Bunce East multi-family project.

Upcoming Activities:

- Closing of Bunce East Project
- Acquisition of property for the HOPE VI Business Park
- Prepare redevelopment plan for the HOPE VI Business Park
- Continue acquisition and demolition activities
- Completion of the first phase of the Blounts Creek Trail.

Tree Preservation Ordinance Management Agenda

A tree preservation ordinance will help preserve and protect trees in Fayetteville given their importance as natural resources. The drafted tree preservation ordinance was reviewed with UDO stakeholders, including representatives from the building community. Staff took comments and devised a different set of codes. Currently, staff is going through revised codes for tree preservation with the stakeholders. Updates will be shared with Council as staff completes the UDO process.

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

- Measure of success: Adoption and implementation of tree preservation ordinance.

Staff Liaison: Karen Hilton, Planning and Zoning Division Manager

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

Phone Number: 910-433-1437

Team Members: Development Services and Parks & Recreation

Action Plan	Estimated Completion
Present tree preservation ordinance with UDO to City Council	2 nd Qtr 2011
Implement tree preservation ordinance.	4 th Qtr 2011

Second Quarter Update:

- No longer being reported on separately as it has been adopted as part of UDO.

Murchison Road Corridor Development Management Agenda

An Implementation Feasibility Analysis Report for the Land Use and Economic Development Plan for the Murchison Road Corridor was approved on May 11, 2009. Murchison Road Redevelopment Plan funding concept was approved on Sept. 28, 2009. Currently, no resources other than staff time are committed to this project. Staff recommends utilizing the following funding sources for catalyst sites 1 & 3: Section 108 Loan Guarantee Funds of \$2,750,000, HOME Investment Partnership Funds of \$2,256,000 and general fund money totaling \$3,270,000.

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

- Measure of success: Implementation of redevelopment plan and receive HUD Section 108 loan funding.

Staff Liaison: Victor Sharpe, Community Development Director

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

Phone Number: 910-433-1933

Team Members: Community Development and Special Projects staff

Action Plan	Estimated Completion
Completion of redevelopment plan	2 nd Qtr 2011
Completion of HUD Section 108 loan application for funding	2 nd Qtr 2011
Start of acquisition, demolition, clearance and relocation in support of redevelopment plan.	4 th Qtr 2011

First Quarter Update:

- Working with consultant on development of a redevelopment plan
- Will update City Council in 2nd Quarter.

Second Quarter Update:

- Updated City Council on the status of the redevelopment plans for the project
- Provided information to City Council on a project in Catalyst site #2 for the Murchison Road Corridor being pursued by Fayetteville State University for the Washington Dr. Jr. High School project with a HUD HBCU grant
- Worked with Fayetteville State University on obtaining ownership of the Washington Dr. Jr. High School property.

Upcoming Activities:

- Approval of acceptance of Washington Drive Jr. High School site and a Memorandum of Understanding with Fayetteville State University for the demolition of the property
- Finalize the Murchison Road Redevelopment Plan
- Finalize the application for the Section 108 Loan Guarantee
- Consideration of the redevelopment plan by the Fayetteville Redevelopment Commission
- Consideration of the redevelopment plan by the Planning Commission
- Adoption of redevelopment plan by City Council.

Sidewalk Policy and Plan Management Agenda

The Engineering & Infrastructure Dept. is slated to receive approximately \$156,000 for FY 2011 in funding for sidewalk construction. This money will be used to leverage additional funding. These opportunities vary each year including: DOT, FAMPO and Safe Routes for Schools for sidewalk construction. Recently, the City was awarded a Freedom Grant through the Transit Department, which will provide for sidewalk construction that supports ADA access to bus stops. Additionally, staff expects to complete an updated sidewalk inventory by June 30, 2011.

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

- Measure of success: Leverage current funding to acquire additional funding from other organizations to build more sidewalks.

Staff Liaison: Jeffery Brown, Engineering & Infrastructure Director

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

Phone Number: 910-433-1691

Team Members: Engineering & Infrastructure and Development Services

Action Plan	Estimated Completion
Look for ways to leverage current resources to attain more funding for construction of additional sidewalks	Continuous
Sidewalk inventory complete by June 30, 2011 to include location and condition	4 th Qtr 2011
Update the current list of where sidewalks are needed	4 th Qtr 2011

First Quarter Update:

- City added over four miles of sidewalks along Reilly Road, Ramsey Street and Cliffdale Road; Freedom Trail on Bragg Boulevard is also included; projects address gap areas in existing sidewalks
- Sidewalk upgrades, along Bragg Boulevard from Freedom Memorial Park to Walter Street, have been performed as part of the Freedom Trail Project. Intersection improvements, including handicap ramps and crosswalks, have been constructed at the intersection of Bragg Boulevard and Walter Street
- FAMPO presented the draft Bicycle/Pedestrian Connectivity Plan at August 4th Friday; City partnered with FAMPO on project
- Awarded New Freedom Grant by the U.S. Department of Transportation and Federal Transit Administration to improve access to transit services
- Stimulus funding awarded to FAST will be used to construct sidewalk on Walter Reed Road.

Second Quarter Update:

- The Walter Reed Road sidewalk project that is being funded by Transit has been awarded and is scheduled to start within the next couple of weeks. This project will fill in sidewalk gaps between Melrose Drive and Cape Center Drive
- The City executed a supplemental agreement with NCDOT to include the construction of sidewalk along Reilly Road from Jeffrey Drive to Morganton Road. This is being funded by Surface Transportation Program - Designated Allocation (STPDA) funds as well as funds from the City's sidewalk CIP funding
- FAMPO staff along with City Staff are still continuing efforts to collect data necessary to complete a sidewalk inventory.

Upcoming Activities:

- New Freedom Grant will affect existing bus stops on routes 5 and 14, along Ramsey Street and Sycamore Dairy Road, respectively. Focus areas include senior housing and group homes for individuals with disabilities, the VA Hospital, Department of Social Services, Fayetteville Technical Community College, Methodist University and shopping centers. This project is scheduled to be advertised within the next month
- Efforts are still continuing to acquire the necessary easements needed to move forward with the Hoke Loop Road sidewalk project.

Youth Council Development Management Agenda

Fayetteville-Cumberland Parks & Recreation will create an environment that enables the youth and young adults of this community to develop the essential knowledge and skills necessary to comprehend and recognize the meaning of local, state and federal government through the development of a youth council program. The intent will be to structure a program that is sustainable and meaningful.

This target for action is linked to City goal #5: GREATER COMMUNITY UNITY – Pride in Fayetteville.

- Measure of success: Establishment of Youth Council.



Staff Liaison: Michael Gibson, Parks & Recreation Director

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

Phone Number: 910-433-1557

Team Members: Parks & Recreation staff

Action Plan	Estimated Completion
Develop a formal learning plan that includes long and short-term goals and action steps	2 nd Qtr 2011
Identification of young people interested in government countywide	2 nd Qtr 2011
Establish Youth Council	3 rd Qtr 2011

First Quarter Update:

- Held discussion with Council members on restructuring programs for Youth Development program; Youth Development takes into account child's total development; Youth Council is part of Youth Development.

Second Quarter Update:

- Continued planning for Youth Council development.

Upcoming Activities:

- Working on structuring of program, which encompasses youth development and Youth Council.

Military Business Park Development Management Agenda

The Military Business Park is a 216-acre privately owned site nestled between Bragg Boulevard, the All-American Freeway, and Sante Fe Drive. The Community Development Department funds a portion of the infrastructure improvements. It is the responsibility of the private property owner to master plan the 216 acre site. Development Services staff will participate in a dialogue on how to maximize the potential of the uniquely located site. Staff will promptly review and comment on plans or proposals the developer may bring forward.

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

- Measure of success: Assist with the development of the park as much as possible to make it a success.

Staff Liaison: Rob Anderson, Chief Development Officer

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

Phone Number: 910-433-1311

Team Members: Development Services, Engineering & Infrastructure and Community Development

Action Plan	Estimated Completion
Participate in the dialogue on how to maximize the potential of the site	Continuous
Promptly review and comment on plans and proposals the developer may bring forward	Continuous
Continue to seek funding for the core infrastructure/public assets that will be required to implement a thoroughly conceived master plan.	Continuous

First Quarter Update:

- Processed zone classification change as requested by property owner
- Community Development worked on contract amendment to allow additional funding to be spent on public infrastructure providing more flexibility for its use.

Second Quarter Update:

- With the completion of the first private facility in the park, PDI is now operational.

Upcoming Activities:

- This is a public/private partnership where the City of Fayetteville and State agencies support activity initiated by the private sector. The Cumberland County Chamber of Commerce will continue to market the facility and as a team we stand ready to assist as new projects are proposed.

Downtown Development Plan Review Management Agenda

The Downtown Development Manager will focus on preparing a work plan for the review of the Fayetteville Renaissance Plan for the City's downtown. This plan was adopted in 2002 with the assistance of the North Carolina Urban Design Assistance Team. Since that time, many projects have been completed, other accomplishments made and new projects have been introduced. Staff may determine that a consultant may be required to complete the review. At the conclusion of the review process, a presentation will be provided to Council, so that staff can receive feedback and direction.

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

- Measure of success: Update current plan or develop a new plan.

Staff Liaison: Victor Sharpe, Community Development Director

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

Phone Number: 910-433-1933

Team Members: Community Development, Special Projects and Development Services

Action Plan	Estimated Completion
Review of goals and accomplishments of the current Fayetteville Renaissance Plan	2nd Qtr 2010
Development of a work plan for updating the plan or the development of a new plan	2 nd Qtr 2010
Hire a consultant to work with the City to develop plan (will need to determine if this action is necessary)	3 rd Qtr 2011
Begin the development of the plan update if needed.	3 rd Qtr 2011

First Quarter Update:

- Reviewed the current downtown plan and new developments in the downtown.

Second Quarter Update:

- Completed the review of the current downtown plan
- Developed a work plan for an update
- Completed research on the use of the Urban Design Assistance Team and the International Downtown Association Advisory Panel to assist in update of the current plan.

Upcoming Activities:

- Research and prepare recommendation for plan update by a consulting firm specializing in downtown planning.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rita Perry, City Clerk
DATE: January 24, 2011
RE: Monthly Statement of Taxes for December 2010

THE QUESTION:

For information only

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

Attached is the report that has been furnished to the Mayor and City Council by the Cumberland County Tax Administrator for the month of December 2010

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

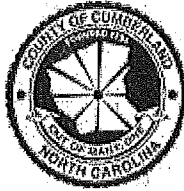
For information only

RECOMMENDED ACTION:

For information only

ATTACHMENTS:

Monthly Statement of Taxes for December 2010



OFFICE OF THE TAX ADMINISTRATOR

117 Dick Street, 5th Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302
Phone: 910-678-7507 • Fax: 910-678-7582 • www.co.cumberland.nc.us

MEMORANDUM

TO: Rita Perry, Fayetteville City Clerk
FROM: Aaron Donaldson, Tax Administrator *AD*
DATE: January 3, 2011
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 December 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

FAYETTEVILLE MACC LEDGER

DECEMBER 2010

2000-2010

DATE	REPORT #	REMITTED TO FINANCE	2010 CC	2010 VEHICLE	2010 CC REVIT	2010 VEHICLE REVIT	2010 FVT	2010 TRANSIT	2010 STORM WATER	2010 FAY STORM WATER
12/01/10	2010-110	144,494.66	102,179.45	17,407.26	780.79	16.63	2,101.00	2,100.99	2,328.47	4,656.95
12/02/10	2010-111	SYSTEM DOWN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12/03/10	2010-112	SYSTEM DOWN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12/06/10	2010-113	SYSTEM DOWN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12/07/10	2010-114	SYSTEM DOWN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12/08/10	2010-115	1,691,316.59	1,379,378.94	72,007.12	1,992.76	77.72	9,990.39	9,990.42	52,037.74	104,075.48
12/09/10	2010-116	613,400.87	521,739.46	16,589.58	0.00	10.61	2,305.00	2,305.00	12,361.97	24,723.93
12/10/10	2010-117	418,137.99	335,145.46	24,200.03	2,224.71	5.86	3,242.91	3,242.92	10,456.01	20,912.04
12/13/10	2010-118	1,212,041.41	870,101.38	37,133.82	4,378.23	33.05	4,340.73	4,340.75	86,138.35	172,276.72
12/14/10	2010-119	453,871.45	366,825.35	14,911.13	1,178.46	47.86	1,935.00	1,935.00	18,355.95	36,711.90
12/15/10	2010-120	149,984.00	118,776.36	7,765.10	228.37	0.00	1,021.52	1,021.51	4,182.48	8,364.98
12/16/10	2010-121	561,290.25	468,590.99	23,753.05	1,143.44	13.82	2,920.00	2,920.00	14,663.93	29,327.87
12/17/10	2010-122	781,038.12	680,906.89	12,068.03	4,937.92	1.36	1,662.09	1,662.09	22,836.34	45,672.65
12/20/10	2010-123	534,174.35	456,452.54	18,128.75	0.00	5.23	2,135.60	2,135.60	13,225.29	26,450.62
12/21/10	2010-124	939,963.98	777,384.68	15,977.20	1,637.04	78.12	1,806.09	1,806.09	40,013.66	80,027.33
12/22/10	2010-125	1,027,648.16	948,011.94	11,739.91	352.75	50.22	1,408.26	1,408.25	15,965.90	31,931.79
12/23/10	2010-126	1,579,380.62	1,363,167.68	13,831.85	9,838.17	0.00	1,624.60	1,624.60	55,947.74	111,895.50
12/24/10	2010-127	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12/27/10	2010-128	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12/28/10	2010-129	2,487,947.96	2,157,684.48	33,998.28	11,328.95	22.56	4,042.66	4,042.66	74,267.10	148,534.17
12/29/10	2010-130	1,278,308.53	1,109,577.85	15,871.45	4,133.58	0.00	2,014.66	2,014.66	36,508.62	73,017.25
12/30/10	2010-131	1,132,020.15	946,176.05	24,658.38	2,575.64	0.00	2,947.18	2,947.18	35,690.96	71,381.95
12/31/10	2010-132	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS		15,005,019.09	12,602,099.50	360,040.94	46,730.81	363.04	45,497.69	45,497.72	494,980.51	989,961.13

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FAYETTEVILLE MACC LEDGER

DECEMBER 2010

2000-2010

2010 FAY RECYCLE FEE	2010 ANNEX	2009 CC	2009 VEHICLE	2009 CC REVIT	2009 VEH REVIT	2009 FVT	2009 TRANSIT	2009 STORM WATER	2009 FAY STORM WATER	2009 FAY RECYCLE FEE	2009 ANNEX
6,651.50	0.00	435.91	3,232.94	0.00	0.00	570.00	570.00	7.63	15.26	24.16	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
40,152.82	0.00	2,835.75	7,423.11	0.00	47.18	1,293.24	1,293.26	80.96	161.94	218.41	0.00
30,596.23	0.00	0.10	1,688.99	0.00	0.00	272.06	272.06	0.00	0.00	0.00	0.00
10,804.72	0.00	956.00	3,377.19	0.00	0.00	491.82	491.84	25.55	51.11	80.93	0.00
18,349.33	0.00	904.22	4,164.31	0.00	0.00	641.50	641.51	60.00	120.00	304.00	0.00
6,982.26	0.00	907.25	2,135.56	0.00	0.00	310.00	310.00	0.00	0.00	0.00	0.00
5,226.54	57.60	42.86	2,163.91	0.00	0.00	276.65	276.64	0.00	0.00	0.00	0.00
14,401.80	0.00	377.46	1,852.13	0.00	0.00	290.00	290.00	0.00	0.00	0.00	0.00
7,943.04	0.00	183.42	1,917.25	0.00	0.00	299.68	299.68	0.13	0.26	0.41	0.00
11,746.13	0.00	587.93	1,610.36	0.00	0.00	277.44	277.43	14.60	29.20	46.24	0.00
15,825.95	0.00	446.84	2,325.53	0.00	0.00	413.49	413.48	12.00	24.00	38.00	0.00
14,303.57	0.00	29.27	1,584.63	0.00	0.00	215.00	215.00	0.00	0.00	0.00	0.00
17,073.86	0.00	996.52	1,163.51	0.00	0.00	185.00	185.00	36.00	72.00	76.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
49,463.78	0.00	273.49	2,194.98	0.00	0.00	345.86	345.86	12.00	24.00	38.00	0.00
30,300.64	0.00	517.05	2,526.77	0.00	0.00	346.72	346.72	12.00	24.00	38.00	0.00
37,819.37	0.00	1,817.65	3,223.21	0.00	0.00	471.87	471.86	36.00	72.00	114.00	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
317,641.54	57.60	11,311.72	42,584.38	0.00	47.18	6,700.33	6,700.34	296.87	593.77	978.15	0.00

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FAYETTEVILLE MACC LEDGER

DECEMBER 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
18.80	209.09	0.00	0.00	40.00	20.00	0.00	0.00	0.00	0.00	0.00	157.15	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
724.37	704.24	0.00	0.00	125.00	100.00	72.00	48.00	84.00	0.00	128.26	304.17	0.00
0.00	(107.39)	0.00	0.00	(5.61)	(0.60)	0.00	0.00	0.00	0.00	0.00	(12.14)	0.00
137.02	245.75	0.00	0.00	35.00	30.00	13.98	27.95	48.92	0.00	172.43	105.14	0.00
745.07	76.75	0.00	0.00	20.00	20.00	48.00	96.00	294.00	0.00	683.59	146.93	0.00
260.25	42.49	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	260.25	21.06	0.00
39.43	(16.17)	0.00	0.00	10.00	15.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	61.44	0.00	0.00	20.00	10.00	0.00	0.00	0.00	0.00	0.00	8.85	0.00
11.94	38.01	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	11.94	0.00	0.00
0.00	134.93	0.00	0.00	50.00	50.00	0.00	0.00	0.00	0.00	0.00	31.92	0.00
148.50	172.63	0.00	0.00	47.28	35.00	2.05	0.00	0.00	0.00	0.00	111.44	0.00
0.00	57.15	0.00	0.00	10.00	5.00	9.99	0.00	0.00	0.00	0.00	19.03	0.00
724.32	30.05	0.00	0.00	15.39	15.39	24.00	48.00	84.00	0.00	0.00	60.21	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
284.27	93.46	0.00	0.00	20.00	15.00	12.00	0.00	0.00	0.00	0.00	148.79	0.00
27.86	84.06	0.00	0.00	20.00	10.00	0.00	0.00	0.00	0.00	0.00	83.27	0.00
32.21	66.07	0.00	0.00	15.00	10.00	0.00	0.00	0.00	0.00	0.00	15.43	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
3,154.04	1,892.56	0.00	0.00	432.06	344.79	182.02	219.95	510.92	0.00	1,256.47	1,201.25	0.00

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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	25.00	2.81	0.00	0.00	0.00	136.47	0.00	0.00	10.00	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	67.94	0.00	0.00	0.00	2,442.07	372.22	0.00	0.00	110.59	0.00	267.49
0.00	(5.00)	0.00	0.00	0.00	3.45	35.81	0.00	0.00	2.42	0.00	0.00
0.00	20.00	12.27	0.00	0.00	425.94	188.88	0.00	0.00	20.00	12.00	0.00
0.00	20.00	72.00	120.00	0.00	2,546.84	100.91	0.00	0.00	20.00	121.81	0.00
0.00	5.00	0.00	0.00	0.00	0.00	35.81	0.00	0.00	15.00	0.00	0.00
0.00	4.05	0.00	0.00	0.00	5.57	34.31	0.00	0.00	10.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	24.28	71.75	0.00	0.00	20.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	59.11	36.81	0.00	0.00	15.00	0.00	0.00
0.00	10.00	0.00	0.00	0.00	12.63	168.90	0.00	0.00	15.00	0.00	0.00
0.00	30.00	0.00	0.00	0.00	2.59	327.84	0.00	13.75	50.00	0.00	0.00
0.00	5.00	0.00	0.00	0.00	22.82	0.00	0.00	0.00	0.00	0.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	36.94	0.00	0.00	5.00	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	17.37	0.00	0.00	0.00	28.46	45.75	0.00	0.00	10.00	0.00	0.00
0.00	10.95	0.00	0.00	0.00	16.24	209.27	0.00	0.00	50.00	0.00	0.00
0.00	10.00	0.00	0.00	0.00	158.97	77.31	0.00	0.00	15.00	0.00	310.45
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	225.31	87.08	120.00	0.00	5,748.97	1,878.98	0.00	13.75	368.01	133.81	577.94

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FAYETTEVILLE MACC LEDGER
2000-2010

DECEMBER 2010

INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	TOTAL TAX & INTEREST
794.79	0.83	0.19	0.23	0.00	0.36	144,494.66
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
2,577.04	5.48	21.79	24.28	44.55	35.86	1,691,316.59
624.88	0.06	0.00	0.00	0.00	0.00	613,400.87
901.84	0.00	5.65	9.91	0.00	16.21	418,137.99
2,747.96	0.00	85.91	63.25	0.00	84.49	1,212,041.41
675.87	0.00	0.00	0.00	0.00	0.00	453,871.45
477.29	0.00	0.00	0.00	0.00	0.00	149,984.00
529.26	0.18	0.00	0.00	0.00	0.00	561,290.25
464.05	0.00	0.00	0.01	0.00	0.01	781,038.12
568.56	0.15	1.51	3.01	0.00	4.78	534,174.35
772.83	12.69	1.48	2.48	0.00	3.92	939,963.98
299.68	0.55	2.45	0.00	0.00	0.00	1,027,648.16
565.00	0.00	8.40	16.77	0.00	24.12	1,579,380.62
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
645.06	0.00	3.44	2.14	0.00	3.39	2,487,947.96
539.32	0.00	1.23	2.46	0.00	3.90	1,278,308.53
795.69	0.00	3.74	7.46	87.69	11.83	1,132,020.15
0.00	0.00	0.00	0.00	0.00	0.00	0.00
13,979.12	19.94	135.79	132.00	132.24	188.87	15,005,019.09

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