

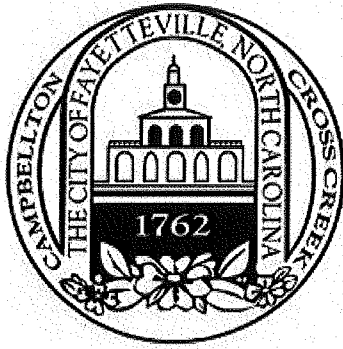
**FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
FEBRUARY 28, 2011
7:00 P.M.**

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
FEBRUARY 28, 2011
7:00 P.M.
CITY HALL COUNCIL CHAMBER

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 ANNOUNCEMENTS AND RECOGNITIONS

6.0 CONSENT

- 6.1 Case No. P11-02F. Rezoning of four properties totaling 1.19 acres at 1018, 1010, 1009 Ellis Street and 828 Wilbon Drive from C1 Commercial District to R5 Residential District. Grace Baldwin, Yvette Bullard, David McLaurin and Daniel Washington, Owners
- 6.2 Special Revenue Fund Project Ordinance 2011-9 (FY10 Assistance to Firefighters Grant)
- 6.3 Capital Project Ordinance 2011-9 Airport Rescue Fire Fighting Vehicle Replacement
- 6.4 Special Revenue Fund Project Ordinance Amendment 2011-2 (Appropriation of Federal Forfeiture and Controlled Substance Tax Funds for Law Enforcement Purposes) and Capital Project Ordinance Amendment 2011-14 (Public Safety Computer-Aided Dispatch and Records Management Systems Project)
- 6.5 Budget Ordinance Amendment 2011-7 (General Fund)
- 6.6 Enforcement Provisions of the City Code Related to the Regulation of Taxi Cabs
- 6.7 Approve Purchase of Four (4) Automated Side Loader Refuse Trucks
- 6.8 Phase 5 Annexation Areas 6 and 7 Assessment Process
- 6.9 Consider Single Bid Award for the City Enterprise GPS/AVL System

7.0 PUBLIC HEARING

- 7.1 Case No. P11-01F. Rezoning 81.38 acres at West of All American and North West of Santa Fe Dr. and South of Fort Bragg from R10 Residential District to R6 Residential District. John & wife Margarete Koenig, owner

Presenter(s): Craig Harmon, Planner

- 7.2 Case No. P11-04F, Special Use Permit for Mini Storage Warehouses. 1.98 acres at 2638 Legion Road. Rorie Investments, LLC. Owner

Presenter(s): Craig Harmon, Planner

- 7.3 Multi-family Recycling "Draft" Ordinance

Presenter(s): Jerry Dietzen, Environmental Services Director

8.0 OTHER ITEMS OF BUSINESS

- 8.1 Award a Contract to LSV Partnership to Perform an Analysis on Locating Police Substations

Presenter(s): Tom Bergamine, Chief of Police

- 8.2 Special Consideration for the Boys and Girls Club to Serve Alcohol at Cross Creek Park at their Fund Raising Event

Presenter(s): Michael Gibson, Parks & Recreation Director

- 8.3 Consideration of Waiver of Qualification Based Selection Process for Structural Engineering services for Cape Fear Rivertrail

Presenter(s): Craig Hampton, Special Projects Director & Michael Gibson, Parks & Recreation Director

- 8.4 Consideration of a Planned Neighborhood District (PND) General Site Plan application for property located on the southeast side of Bingham Drive across from Lakeridge Drive. Containing 56.22 acres more or less and being the property of Edgar L. Maness and wife, and Robert C. Draughon and wife

Presenter(s): Craig M. Harmon, Planner

- 8.5 Special Sign Permit Request for temporary event signs for the Fort Bragg Fair from April 14, through May 15, 2011.

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

9.0 ADMINISTRATIVE REPORTS

- 9.1 Revenue and Expenditure Report for Annually Budgeted Funds for the Five- Month Period Ended November 30, 2010 and 2009

For Information only

10.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

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

**COUNCIL MEETING WILL BE AIRED
FEBRUARY 28, 2011 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
MARCH 2, 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 the 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: Craig Harmon, Planner
DATE: February 28, 2011
RE: **Case No. P11-02F. Rezoning of four properties totaling 1.19 acres at 1018, 1010, 1009 Ellis Street and 828 Wilbon Drive from C1 Commercial District to R5 Residential District. Grace Baldwin, Yvette Bullard, David McLaurin and Daniel Washington. owners.**

THE QUESTION:

Should commercially zoned properties be rezoned to a residential zoning district?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development;

BACKGROUND:

Owner: Grace Baldwin, Yvette Bullard, David McLaurin and Daniel Washington
Applicant: Grace Baldwin, Yvette Bullard, David McLaurin and Daniel Washington
Requested Action: C1 to R5
Property Address: 1018, 1010, 1009 Ellis Street and 828 Wilbon Drive
Status of Property: Developed
Size: 1.19 acres +/-
Existing Land Use: Mix of residential, commercial and vacant commercial
Adjoining Land Use & Zoning: C1 Commercial North and East directly across Turnpike Road, otherwise completely surrounded by R5 Residential
2010 Land Use Plan: Downtown Use
Letters Mailed: 117

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

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

ISSUES:

This is an area zoned years ago for commercial use. At one time there was a neighborhood store and junkyard in this area. The store has since burned down and the junkyard has to be removed by City Ordinance January 1 of next year. The rezoning request, in accordance with the City Ordinance was precipitated by the owner of the "store" lot not being able to build a house on his property since it is zoned commercial. While that lot is so small and irregularly shaped that it may be difficult to develop under any zoning, the owner could not even combine it with an adjacent parcel for residential use if left as C1.

Several of his neighbors have houses on their properties currently, but would not be able to rebuild if their homes were destroyed due to being in a commercial district. These owners are requesting this rezoning so that their properties will match their surrounding properties and so that they could rebuild their homes if need be.

Zoning Commission and Staff recommends:

That the City Council move to Approve the rezoning to R5 based on:

1. The properties are adjacent to and surrounded by similar residential zoning and uses;
2. The rezoning would allow the owners to rebuild their homes in case they were destroyed, provided they meet the standards of the new district.

BUDGET IMPACT:

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

OPTIONS:

- 1) Approve rezoning the property to R5 (Recommended);
- 2) Approve rezoning the property to a more restrictive zoning district;
- 3) Deny the rezoning of the property to R5

RECOMMENDED ACTION:

Zoning Commission and Staff recommend that the City Council move to APPROVE the rezoning from C1 Commercial District to R5 Residential District based on the reasons provided above (in issues).

ATTACHMENTS:

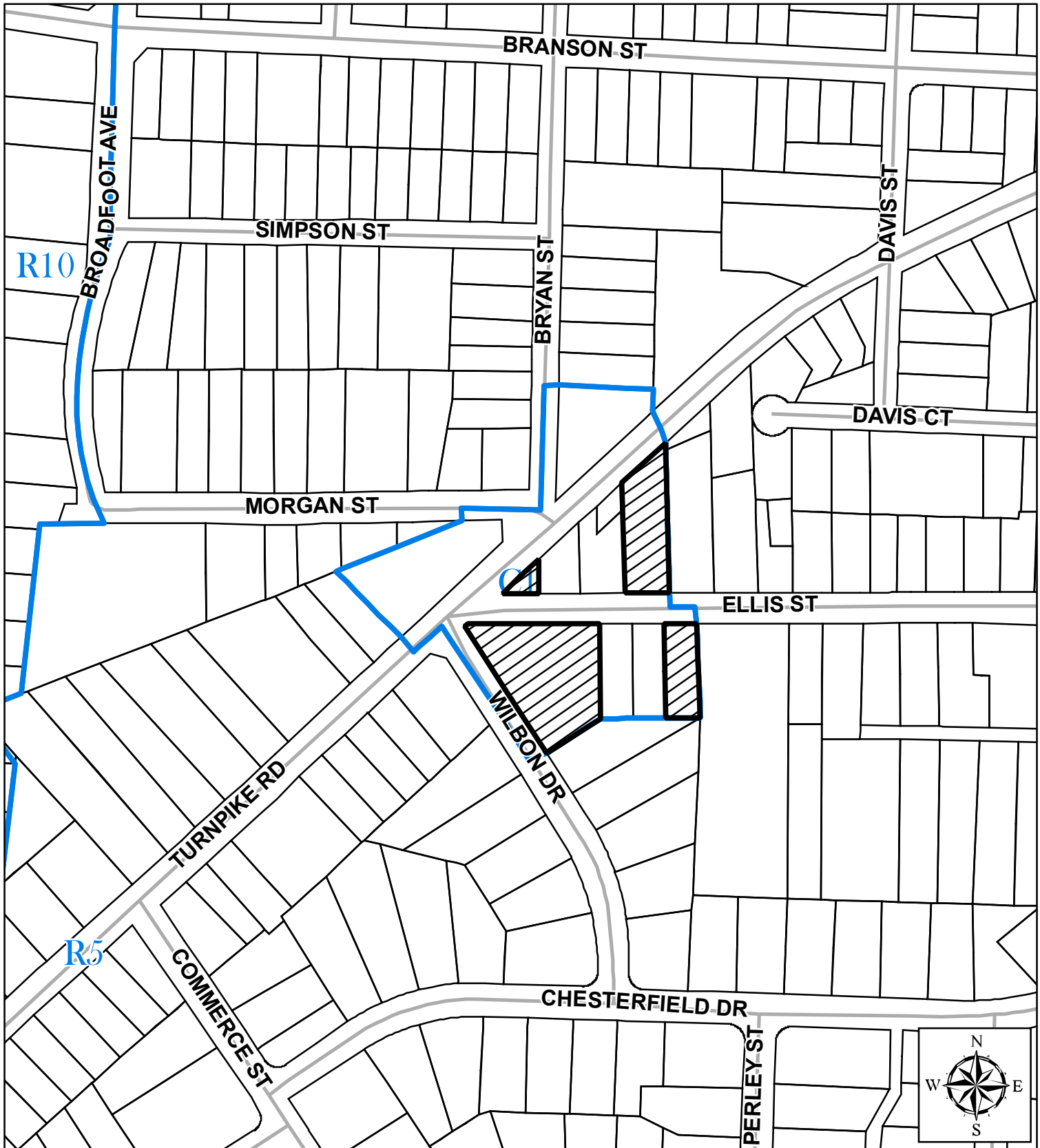
Zoning Map

2010 Plan

Ortho Photo

Zoning Commission Minutes

ZONING COMMISSION
CASE NO. P11-02F

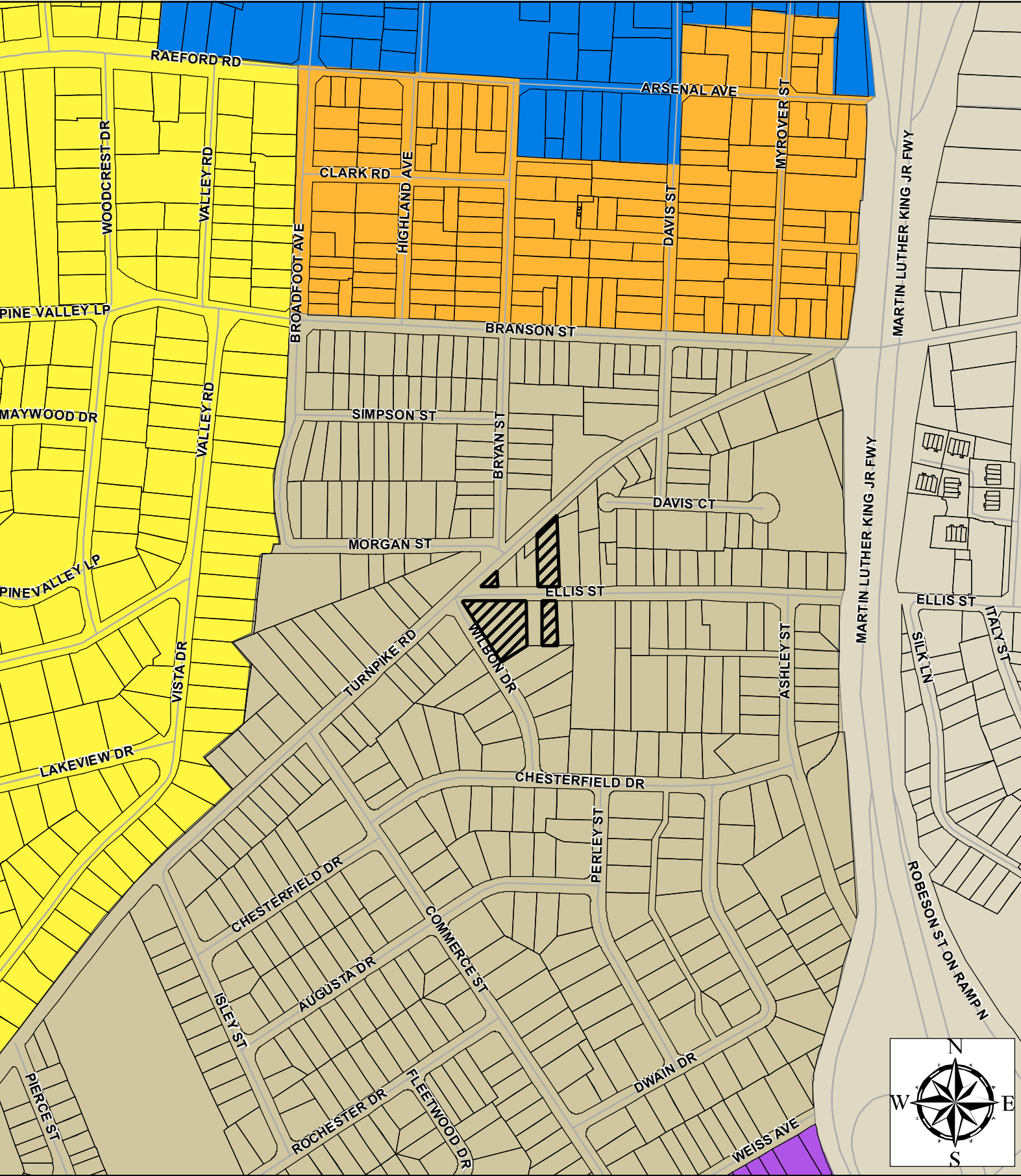


Request: C1 to R5
Location: 1018 Ellis St.
Acreage: +/- 1.19 acres







Zoning Commission: 01/11/2011 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 0437-03-6306, 0437-03-6163, 0437-03-4142, 0437-03-4217

2010 Land Use Plan

Case No. P11-02F



Legend

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

6-1-2-1



**CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
JANUARY 25, 2011 @ 7:00 P.M.
SPECIAL MEETING**

MEMBERS PRESENT

Pete Paoni
Marshall Isler
John Crawley
Locket Tally

MEMBERS ABSENT

Martin J. Hendrix
Tom Speight
Steve Mannell

OTHERS PRESENT

Karen Hilton, Planning Manager
Mr. Leonard, Asst. City Atty
David Steinmetz, Inspections
Craig Harmon, Planner

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

I. APPROVAL OF AGENDA

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

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

Mr. Paoni asked that the minutes reflect Mr. Leonard as the attorney present for the Zoning Commission meetings and not Janet Smith.

Mr. Crawley made a motion to approve the amended minutes. Mr. Tally seconded the motion. A vote was taken and passed unanimously.

III. PUBLIC HEARINGS

- B. Case No. P11-02F. The rezoning from C1 Commercial District to R6 Residential District or a more restrictive zoning district on properties located at 1018, 1010, 1009 Ellis Street and 828 Wilbon Drive . Containing 1.19 acres more or less and being the property of Grace Baldwin, Yvette Bullard, David McLaurin and Daniel Washington.**

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 Downtown Use. Mr. Harmon explained that this is an area zoned years ago for commercial use. He explained that at one

time there was a neighborhood store and junkyard in this area; the store has since burned down and the junkyard has to be removed by City Ordinance January 1 of 2012. Mr. Harmon explained that the rezoning request, in accordance with the City Ordinance, was precipitated by the owner of the "store" lot not being able to build a house on his property since it is zoned commercial. Mr. Harmon explained that several of his neighbors have houses on their properties currently, but would not be able to rebuild if their homes were destroyed due to being in a commercial district and that one or more of the lots requesting a rezoning may not meet the minimum lot size, setbacks or other dimensional requirement of the R5 district.

Mr. Harmon explained that these owners are requesting this rezoning so that their properties will match their surrounding properties and so that they could rebuild their homes if need be.

He stated that staff recommends that the Zoning Commission move to approve the rezoning to R5 based on the fact that the property is adjacent to and surrounded by residential zoning and uses; and the rezoning would allow the owners to rebuild their homes in case they were destroyed.

The public hearing was opened.

Ms. Ruth Pugh appeared in favor of the request. She explained that the junkyard has been established for years and she expressed her concerns about the business being closed.

Mr. John Smith appeared in favor of the request. He gave a brief history of the property in that area. He explained that he is in favor of the R5 zoning and expressed his concern about the fact that not all the properties in the area are going to be zoned the R5.

Ms. Keziah Amoako appeared in favor of the request. She explained that she is President of the GB Meyers Community Association. She stated that while she does not live within the 500 feet of the properties they are a part of the Community Association. She stated that the Association is in favor of the request.

No one was present in opposition.

The public hearing was closed.

Mr. Harmon and the Commission discussed the Junkyard Amortization and the general direction in which that area is going. Mr. Steinmetz explained the Amortization and their nonconforming uses.

Mr. Tally made a motion to approve the request and that Council take a look at this entire area when rezoning the entire City of Fayetteville. Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

Mr. Harmon explained that this will go to City Council on February 28, 2011 and that anyone wishing to file an appeal has 10 days to do so.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 28, 2011
RE: **Special Revenue Fund Project Ordinance 2011-9 (FY10 Assistance to Firefighters Grant)**

THE QUESTION:

This ordinance appropriates a federal grant of \$80,000, awarded through the FY2010 Assistance to Firefighters Grant, and a required local match from the General Fund of \$20,000. The funds will be used to purchase 40 semi-automated defibrillators.

RELATIONSHIP TO STRATEGIC PLAN:

Principle B: Desirable Neighborhoods – Neighborhoods where people are safe and secure.

BACKGROUND:

- Special Revenue Fund Project Ordinance 2011-9 will appropriate the budget for a grant awarded to the City's Fire Department from the U.S. Department of Homeland Security. The grant will be administered through FEMA. The total project is estimated to cost \$100,000.
- The project will be funded as follows:
- 80% federal funds (\$80,000) and 20% local match (\$20,000).
- The funds will be used to purchase 40 semi-automated defibrillators.

ISSUES:

None.

BUDGET IMPACT:

The \$20,000 local match is included in the Fire Department's FY2011 budget.

OPTIONS:

- 1) Adopt Special Revenue Fund Project Ordinance 2011-9.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2011-9.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2011-9.

ATTACHMENTS:

SRO 2011-9

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2011-9

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

Section 1. The authorized project is for the funding of the FY2010 Assistance to Firefighters Grant, which will allow for the purchase of semi-automated defibrillators.

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

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

Federal Emergency Management Agency (FEMA)	\$ 80,000
Local Match - General Fund Transfer	<u>20,000</u>
	<u><u>\$ 100,000</u></u>

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

Project Expenditures	<u><u>\$ 100,000</u></u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 28th day of February, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 28, 2011
RE: **Capital Project Ordinance 2011-9 Airport Rescue Fire Fighting Vehicle Replacement**

THE QUESTION:

Council is asked to authorize a capital project ordinance to appropriate \$700,000 of Airport Passenger Facility Charge (PFC) revenues for the purchase of a replacement Airport Rescue Fire Fighting (ARFF) vehicle.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: More efficient city government - cost-effective service delivery. Objective 3: Investing in City's future infrastructure, facilities and equipment.

BACKGROUND:

- The Passenger Facility Charge (PFC) Program allows for the collection of PFC fees for every enplaned passenger at commercial airports controlled by public agencies. Airports use these fees to fund FAA-approved projects that enhance safety, security, or capacity; reduce noise; or increase air carrier competition.
- Fayetteville Regional Airport imposes a \$4.00 Passenger Facility Charge. PFC number 09-04-C-00-FAY allows for the purchase of a replacement Airport Rescue Fire Fighting (ARFF) vehicle.

ISSUES:

None.

BUDGET IMPACT:

The \$700,000 appropriation will come from PFC revenues in the Airport Fund.

OPTIONS:

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

RECOMMENDED ACTION:

Adopt Capital Project Ordinance 2011-9.

ATTACHMENTS:

CPO 2011-9

CAPITAL PROJECT ORDINANCE
ORD 2011-9

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

Section 1. The authorized project is for the funding of the replacement of the Airport Rescue Fire Fighting (ARFF) vehicle.

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

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

Local Match - Passenger Facility Charges	<u>\$ 700,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 700,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

Adopted this 28th day of February, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 28, 2011
RE: **Special Revenue Fund Project Ordinance Amendment 2011-2 (Appropriation of Federal Forfeiture and Controlled Substance Tax Funds for Law Enforcement Purposes) and Capital Project Ordinance Amendment 2011-14 (Public Safety Computer-Aided Dispatch and Records Management Systems Project)**

THE QUESTION:

The special revenue fund project ordinance amendment will appropriate \$82,403 in controlled substance tax revenues and federal forfeiture funds to increase resources for law enforcement purposes, and authorize the transfer of \$178,937 of these funds to the Public Safety Capital Project Fund.

The capital project ordinance amendment will appropriate the funds transferred from the Special Revenue Fund and \$97,188 to be transferred from the General Fund for the CAD/RMS project.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

- Federal forfeiture and controlled substance tax revenues may only be used for law enforcement purposes.
- The Police Department has requested that \$178,937 be used to purchase and implement an accident reporting module for the CAD/RMS system to support electronic traffic accident reporting and submission.
- The transfer from the General Fund and remaining available project funding are needed to implement an automatic vehicle locator system for public safety vehicles in conjunction with the CAD/RMS system.

ISSUES:

None

BUDGET IMPACT:

None. The additional transfer from the General Fund was anticipated and designated in fund balance at the end of fiscal year 2010.

OPTIONS:

- Adopt the special revenue fund project ordinance amendment and the capital project ordinance amendment.
- Do not adopt the special revenue fund project ordinance amendment and the capital project ordinance amendment.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance Amendment 2011-2 and Capital Project Fund Ordinance Amendment 2011-14.

ATTACHMENTS:

Special Revenue Fund Project Ordinance Amendment 2011-2

Capital Project Ordinance Amendment 2011-14

SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT
CHANGE 2011-2 (ORD 92-1)

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

Section 1. The project change authorized is to the Special Revenue Project Ordinance 92-1, adopted on January 21, 1992, as amended, for Fayetteville Police Department utilizing Federal Forfeiture Funds and Controlled Substance Tax Revenue from the State.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Controlled Substance Tax Revenue	\$ 924,513	\$ 29,834	\$ 954,347
Federal Forfeiture Funds	1,112,554	52,569	1,165,123
Sale of Assets/Auction Proceeds	625	-	625
Interest	76,240	-	76,240
Public Safety Fund Transfer In	299	-	299
	<u>\$ 2,114,231</u>	<u>\$ 82,403</u>	<u>\$ 2,196,634</u>

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

Project Expenditures	\$ 2,114,231	\$ (96,534)	\$ 2,017,697
Transfer to Public Safety Capital Project Fund	-	178,937	178,937
	<u>\$ 2,114,231</u>	<u>\$ 82,403</u>	<u>\$ 2,196,634</u>

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

Adopted this 28th day of February, 2011.

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2011-14 (CPO 2009-25)

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

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

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

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

	Listed As	Amendment	Revised
Interfund Transfer from Risk Management Fund	\$ 2,322,100	\$ -	\$ 2,322,100
Capital Lease Proceeds	2,324,386	-	2,324,386
Federal and State Financial Assistance Fund Transfer	-	178,937	178,937
General Fund Transfer	609,406	97,188	706,594
	<u>\$ 5,255,892</u>	<u>\$ 276,125</u>	<u>\$ 5,532,017</u>

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

Project Expenditures	\$ 2,933,792	\$ 276,125	\$ 3,209,917
Interfund Transfer to Risk Management Fund	2,322,100	-	2,322,100
	<u>\$ 5,255,892</u>	<u>\$ 276,125</u>	<u>\$ 5,532,017</u>

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

Adopted this 28th day of February, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 28, 2011
RE: **Budget Ordinance Amendment 2011-7 (General Fund)**

THE QUESTION:

This budget ordinance amendment will appropriate \$108,000 to fund additional outside legal services for the City Attorney's Office, and \$320,599 to fund permit and fee reimbursement commitments for the Hope VI project through the end of fiscal year 2011. The funding sources for these appropriations include \$301,225 in permits and fee revenues for the HOPE VI project to be paid in fiscal year 2011 and a \$127,374 General Fund fund balance appropriation.

Additionally, this budget ordinance amendment will increase budgeted transfers from the Public Works Commission to the General Fund by \$818,156, consistent with PWC budget and project ordinance amendments adopted by City Council on February 14, 2011.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle: Financially Sound City Government

BACKGROUND:

- The City Attorney's office has several lawsuits in various stages of litigation including one pending discretionary review before the State Supreme Court, one in federal court and one in the North Carolina Business Court. As a result, it is projected that an additional \$108,000 will be required to fund contracted attorney services through the end of fiscal year 2011.
- Under the City's commitments to the Hope VI project, up to \$574,200 in permits and fees are to be reimbursed to the developer. It is projected that reimbursements totaling \$320,599 will be requested through the end of fiscal year 2011, with the balance of the reimbursements to be requested in fiscal years 2012 and 2013.
- On February 14, 2011, City Council approved a capital project fund amendment to close PWC's Annexation Phase V, Project 1 and transfer \$688,156 in remaining funding to the City's General Fund. At the same meeting, Council approved a budget ordinance amendment for the PWC Electric Fund to transfer \$130,000 to the City's General Fund for street light expenditures in fiscal year 2011.

ISSUES:

None

BUDGET IMPACT:

Please see background information.

OPTIONS:

- Adopt Budget Ordinance Amendment 2011-7.
- Do not adopt Budget Ordinance Amendment 2011-7.

RECOMMENDED ACTION:

Adopt Budget Ordinance Amendment 2011-7.

ATTACHMENTS:

Budget Ordinance Amendment 2011-7

2010-2011 BUDGET ORDINANCE AMENDMENT
CHANGE 2011-7

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

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

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

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Functional Revenues	\$ 5,336,552	\$ 301,225	\$ 5,637,777
Interfund Transfers	10,652,731	818,156	11,470,887
Fund Balance Appropriation	7,595,154	(690,782)	6,904,372
All Other General Fund Revenues and OFS	115,750,965	-	115,750,965
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 139,335,402</u>	<u>\$ 428,599</u>	<u>\$ 139,764,001</u>

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

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
City Attorney's Office	\$ 938,036	\$ 108,000	\$ 1,046,036
Community Development	1,091,296	320,599	1,411,895
All Other General Fund Departments	137,306,070	-	137,306,070
Total Estimated General Fund Expenditures	<u>\$ 139,335,402</u>	<u>\$ 428,599</u>	<u>\$ 139,764,001</u>

Adopted this 28th day of February, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Kristoff Bauer, Assistant City Manager
DATE: February 28, 2011
RE: **Enforcement Provisions of the City Code related to the regulation of Taxi Cabs**

THE QUESTION:

Should we empower the Police Department to assist Code Enforcement personnel in the enforcement of Taxi Cab regulations?

RELATIONSHIP TO STRATEGIC PLAN:

This is in response to a Council Initiative related to the condition of taxi cabs in the community.

BACKGROUND:

Staff met with Council last fall to review improvements that had been made in the taxi regulatory practices. While these efforts had resulted in significant results, enforcement outside regular business hours remained a challenge. City Code currently vests enforcement authority with code enforcement personnel. This staff, however, works predominantly 8 to 5, Monday to Friday. While standard work schedules have been adjusted to get some coverage of code enforcement activity on weekend days, this is still far from 24/7 coverage. Further, code enforcement staffing levels do not allow coverage that is sufficiently broad to catch mobile violators of the taxi regulations on evenings and weekends when operations are most likely to be problematic.

The ability of the police officers to support enforcement of these regulations is unclear under current code language.

ISSUES:

The proposed ordinance makes three significant changes;

1. It authorizes police officers to enforce taxi cab regulations through the utilization of either civil penalties and/or criminal misdemeanor sanctions;
2. It removes the current requirement for a warning citation; (It is hard enough to catch these mobile violators once, let alone twice for the same violation. Warnings can still be given, but are no longer required.)
3. It moves the civil penalty amount to the City's fee schedule consistent with the City's efforts to locate all dollar amounts to that unified schedule.

BUDGET IMPACT:

None

OPTIONS:

1. Adopt the proposed ordinance (recommended)
2. Defer action to a date certain and request additional information
3. Don't act to approve recommended ordinance change

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the attached ordinance amending city code related to taxi cab regulations to authorize enforcement by police personnel.

ATTACHMENTS:

Taxi Regulation Enforcement Ordinance

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: February 28, 2011
RE: **Approve Purchase of Four (4) Automated Side Loader Refuse Trucks**

THE QUESTION:

Staff requests that Council approve the purchase of four (4) automated side loader refuse trucks pursuant to N.C.G.S. 143-129(g) "piggyback exception".

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The City's Environmental Services Department has the need to purchase four (4) replacement refuse trucks. N.C.G.S. 143-129(g) allows governmental units to "piggyback" bids from other governmental units when the vendor has agreed to offer the same or more favorable pricing and terms.

Environmental Services would like to purchase two (2) Mack/Heil automated side loader refuse trucks from Carolina Environmental Systems, Inc., Kernersville, NC, at a unit cost of \$228,494, for a total cost of \$456,988. Carolina Environmental Systems, Inc. has offered the same pricing and terms as those offered in their bid to the Town of Gibsonville, North Carolina on July 8, 2010. The Town of Gibsonville subsequently awarded a contract to Carolina Environmental Systems on August 4, 2010.

Additionally, Environmental Services would like to purchase two (2) Mack/Wayne automated side loader refuse trucks from Cedar Rapids Truck City, Cedar Rapids, IA, at a unit cost of \$215,375.71, for a total cost of \$430,751.42. Cedar Rapids Truck City has offered the same pricing and terms as those offered in their bid to the City of Waterloo, Iowa on August 2, 2010. The City of Waterloo subsequently awarded a contract to Cedar Rapids Truck City on August 10, 2010.

ISSUES:

None

BUDGET IMPACT:

These trucks are budgeted replacements. The total budgeted amount is \$1,040,000.

OPTIONS:

- 1) Approve award of contracts as recommended.
- 2) Not approve award of contracts.

RECOMMENDED ACTION:

- 1) Award contract to Carolina Environmental Services, Kernersville, NC, in the amount of \$456,988, for the purchase of two (2) Mack/Heil automated side loader refuse trucks.
- 2) Award contract to Cedar Rapids Truck City, Cedar Rapids, IA, in the amount of \$430,751.42, for the purchase of two (2) Mack/Wayne automated side loader refuse trucks.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: James Rose, PWC Chief Administrative Officer
DATE: February 28, 2011
RE: **Phase 5 Annexation Areas 6 and 7 Assessment Process**

THE QUESTION:

N/A

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

With sanitary sewer construction now complete in the LaGrange and Summerhill areas, we are requesting Council adopt the attached Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Setting Time and Place for Public Hearing on Preliminary Assessment Roll.

The sanitary sewer assessment rate for single family residential lots is recommended at \$5,000 which includes both the main and lateral charges. For non-single family residential properties, a per front foot rate of \$55.56 with a 90 foot minimum plus the area average lateral charge of \$783 is recommended.

Also attached is a proposed schedule of the remaining tasks for Areas 6 and 7 for your information. Upon adoption of the Resolution Declaring Cost, PWC will notify the affected property owners of the public hearing date of March 14, 2011.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Authorize the Resolution Declaring Cost.

ATTACHMENTS:

Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Setting Time and Place for Public Hearing
Schedule
Preliminary Assessment Roll

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Stanley Victrum, Chief Information Officer
DATE: February 28, 2011
RE: **Consider Single Bid Award for the City Enterprise GPS/AVL System**

THE QUESTION:

Will the City Council consider and award the only bid received for the City Enterprise GPS/AVL System?

RELATIONSHIP TO STRATEGIC PLAN:

Goal #3, Objective #2 - Services delivered in a cost-effective manner;

Goal #3, Objective #3 - Investing in the City's future infrastructure, facilities and equipment;

BACKGROUND:

This is a stated "Management In Progress 2010 -2011" Item (#12) in the City Strategic Plan. The City properly issued an RFP on 12/23/2010 to six potential bidders for this new system and held a Pre-Bid Conference on 1/14/2011 to address any potential bidder's questions. Only one bid was received from MENTOR ENGINEERING on the due date of 2/3/2011 for an estimated total project cost of \$750,012.

ISSUES:

There are no issues at this time.

BUDGET IMPACT:

	Budget	Bid
City Transit:	\$539,012	\$360,313
For both the Fixed Route and ParaTransit vehicles		
Public Safety:	\$464,116.70	\$360,699
For both the City Police and City Fire fleets		

These projects are predominantly grant funded.

OPTIONS:

1. Award the bid to MENTOR ENGINEERING and proceed with the implementation (Recommended)
2. Don't award the bid and provide the City Staff with guidance on how the Council would like to proceed.

RECOMMENDED ACTION:

Staff recommends that Council award the bid to MENTOR ENGINEERING and authorize staff to proceed with the implementation.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner
DATE: February 28, 2011
RE: **Case No. P11-01F. Requested Rezoning of 81.38 acres west of All American and north west of Santa Fe Dr. and south of Fort Bragg from R10 Residential District to R6 Residential District. John & wife Margarete Koenig, owner.**

THE QUESTION:

Should a residentially zoned property be rezoned to a higher intensity residential zoning district?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development;

BACKGROUND:

Owner: John & wife Margarete Koenig
Applicant: John Koenig
Requested Action: R10 to R6
Property Address: West of All American and North West of Santa Fe Dr. and South of Fort Bragg
Status of Property: Undeveloped
Size: 81.38 acres +/-
Existing Land Use: Vacant residential
Adjoining Land Use & Zoning: North – R10 Residential & Fort Bragg / South – R6 Residential / East – M2 Industrial & C1P Commercial / West – R10 Residential
2010 Land Use Plan: Low Density Residential & Conservation
Letters Mailed: 92

2030 Growth Vision Plan: Policy 2.1: An URBAN AREA shall be identified and mapped where urban level development and redevelopment (averaging 4 units or more per acre) is to be especially encouraged and where a full range of urban services, including centralized water and sewer, as well as stormwater management services, are already available or can be provided in a timely, cost effective manner.

R10 - Primarily a single-family residential district with smaller lot areas required but including occasional two-family and multifamily structures on larger lots. (472 units allowed)

R6 - Primarily a single-family residential district but with smaller lot areas per family required, permitting more frequent use of two-family and multifamily structures. (884 units allowed)

ISSUES:

This property has no direct road access. Since this is a straight rezoning to R6, there are no conditions or plans to lock in the access to any future development. This has been a concern expressed by residents in the adjoining subdivision. When development plans are submitted, City staff would evaluate proposed access at that time. The same request for rezoning was denied by Council one year ago. During that process a valid protest petition was filed by the adjoining property owners. A valid protest petition has been filed by the adjoining property owners this time as well.

Prior Council Action: The motion to deny this rezone request in 2009 included an option for the applicant to resubmit a conditional zoning request sooner than the 1 year deferral period that normally applies after a denial. A conditional zoning request usually includes a site plan. The property owner has not generated development plans for the property, so a site plan is not available. The purpose for requesting conditional zoning was to respond to the access concerns of adjacent property owners who oppose a reconnection to Southwick which used to provide access

to an adjoining parcel. The subject parcel does not boarder Southwick and access can not be made from this parce directly to Southwick. Any site plan for the development of this parcel would show access stubbed out to the parcel to the south. It is the development of that parcel that will control access to the subject parcel and whether there will be any proposed access to Southwick.

Attached is a letter provided by the applicant providing the history of the dam that used to provide a connection to Southwick. It also identifies a wetland buffer area between the developable area on the subject parcel and existing single family homes to the west.

Potential Uses: Assisted living facilities are currently not allowed in the R10 district, however, they are allowed in the R6 district and the future (UDO) SF-10 & SF-6 districts with a Special Use Permit. Under the newly adopted Unified Development Ordinance, multi-family development would not be allowed in the new SF-6 zoning district (the new district to which existing R-6 areas will be transitioned under the zoning mapping process to be completed prior to UDO effectiveness) without a Special Use Permit. Further, any proposal for an assisted living facility would also require a Special Use Permit. The Special Use Permit process requires the submittal of a site plan and provides the Council with the opportunity to condition approval. Further, the UDO provides a specific process for considering new connections to existing neighborhoods that requires notice and gives existing homeowners the right to appeal any proposed consideration to the Council for consideration.

A valid Protest Petition has been filed for this case. As a reminder, a valid petition requires a Super Majority vote by the City Council in order to pass the rezoning request. Since the City of Fayetteville has ten (10) Councilpersons this means that in order to pass, this case must receive a minimum of eight (8) votes in the affirmative.

An Appeal of the Zoning Commission's recommendation has also been filed in this case.

Zoning Commission and Staff recommend:

That the Council move to Approve the rezoning to R6 based on:

1. Although the 2010 Land Use Plan recommends Low Density Zoning for this property, staff and Commission agree that medium density is appropriate because-
2. The property is adjacent to Low and Medium Density residential;
3. This property is separated from the existing residential development by a creek and flood plain; which would also provide a buffer between All American Hwy and the existing Single Family Residential.

BUDGET IMPACT:

New property tax revenue; unknown change in cost of providing public services since the specific nature of the future development is unknown.

OPTIONS:

- 1) Approve rezoning the property to R6 (Recommended);
- 2) Approve rezoning the property to a more restrictive zoning district;
- 3) Deny the rezoning of the property to R6

RECOMMENDED ACTION:

Zoning Commission and Staff recommend that the City Council move to APPROVE the rezoning from R10 Residential District to R6 Residential District based on the reasons provided above (in issues).

ATTACHMENTS:

Application
Zoning Map
Current Landuse
2010 Plan

Ortho Photo
Wetlands Solutions Report
Appeal Notice
Protest Petition
Protest Petition 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: WEST OF ALL AMERICAN SOUTH OF FT BRAGG NORTH OF SANTAFE

Owner of the Property: JOHN & MARGARETE KOENIG

Address of the Owner: 1763 WILMINGTON HWY FAYETTEVILLE, N.C. Zip 28306

Owner's Home Phone: 910-323-2506 Owner's Work Phone: 910-391-2977

A. The property sought for Rezoning is owned by JOHN & MARGARETE KOENIG as evidenced by deed, recorded in Deed Book 3859, Page 0198, 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: R10 To: R6

Please describe the proposed use of the property requested for rezoning: MULTI-FAM
ASSISTED LIVING ETC. ENTRANCE TO THE PROPERTY
WILL BE FROM SANTA FE DR.

C. Tax Property Identification Number (PIN#) of the property: 0409-72-6899

D. Acreage to be rezoned: 81.38

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.)

YES

F. Existing use of the property (Specify any structures and respective uses): NONE

WOODLAND

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

PWC

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

PWC

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

JOHN & MARGARETE KOENIG
Print or Type Name of Owner
1763 WILMINGTON HWY FAYETTEVILLE, N.C. 28306
Address of Owner
910-323-2506 918-391-2977
Home Phone Work Phone
SAME AS ABOVE
Print or Type Name of Applicant

Address of Applicant

Home Phone Work Phone

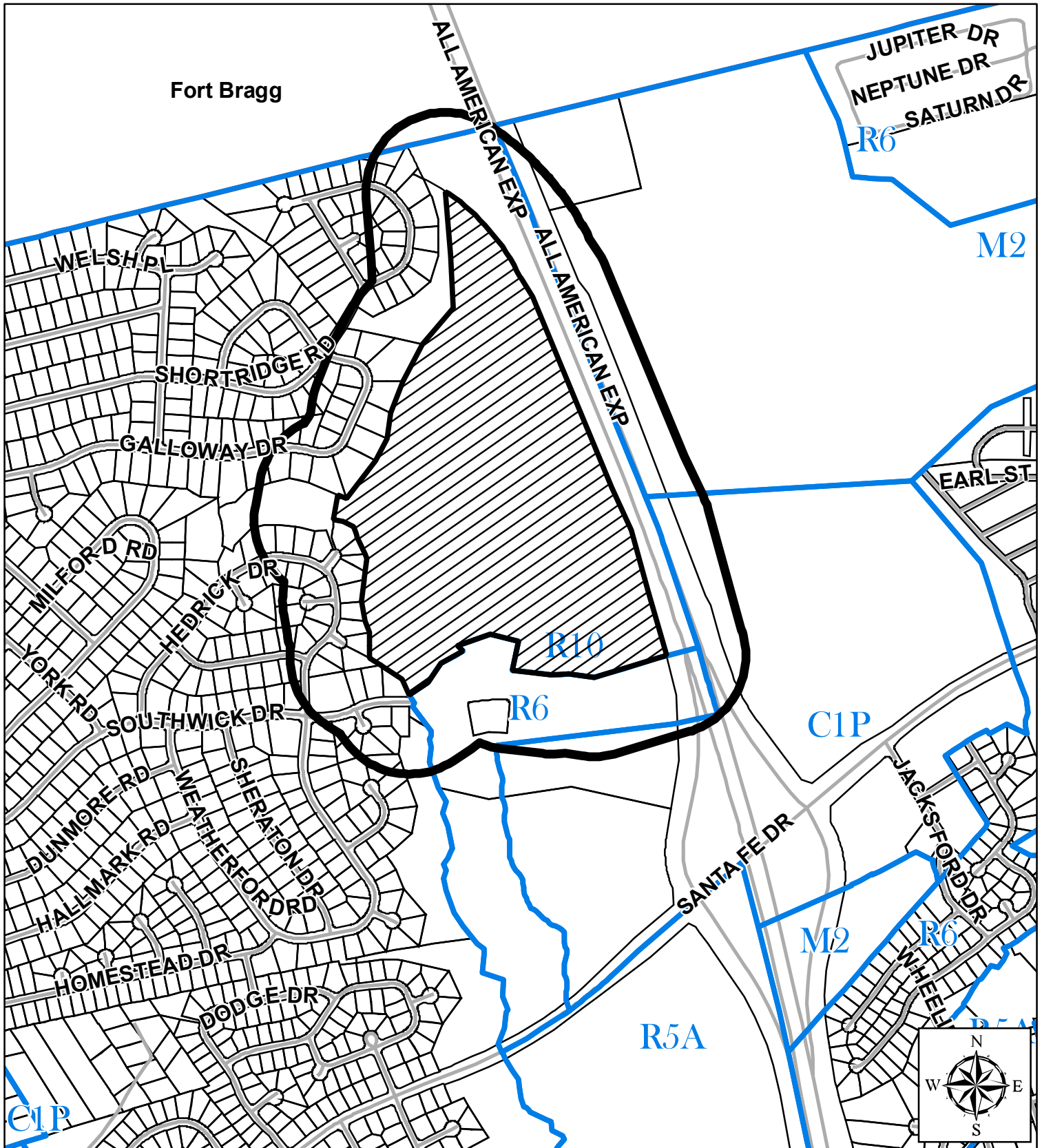
Signature of Individual Submitting the Application

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)

**ZONING COMMISSION
CASE NO. P11-01F**



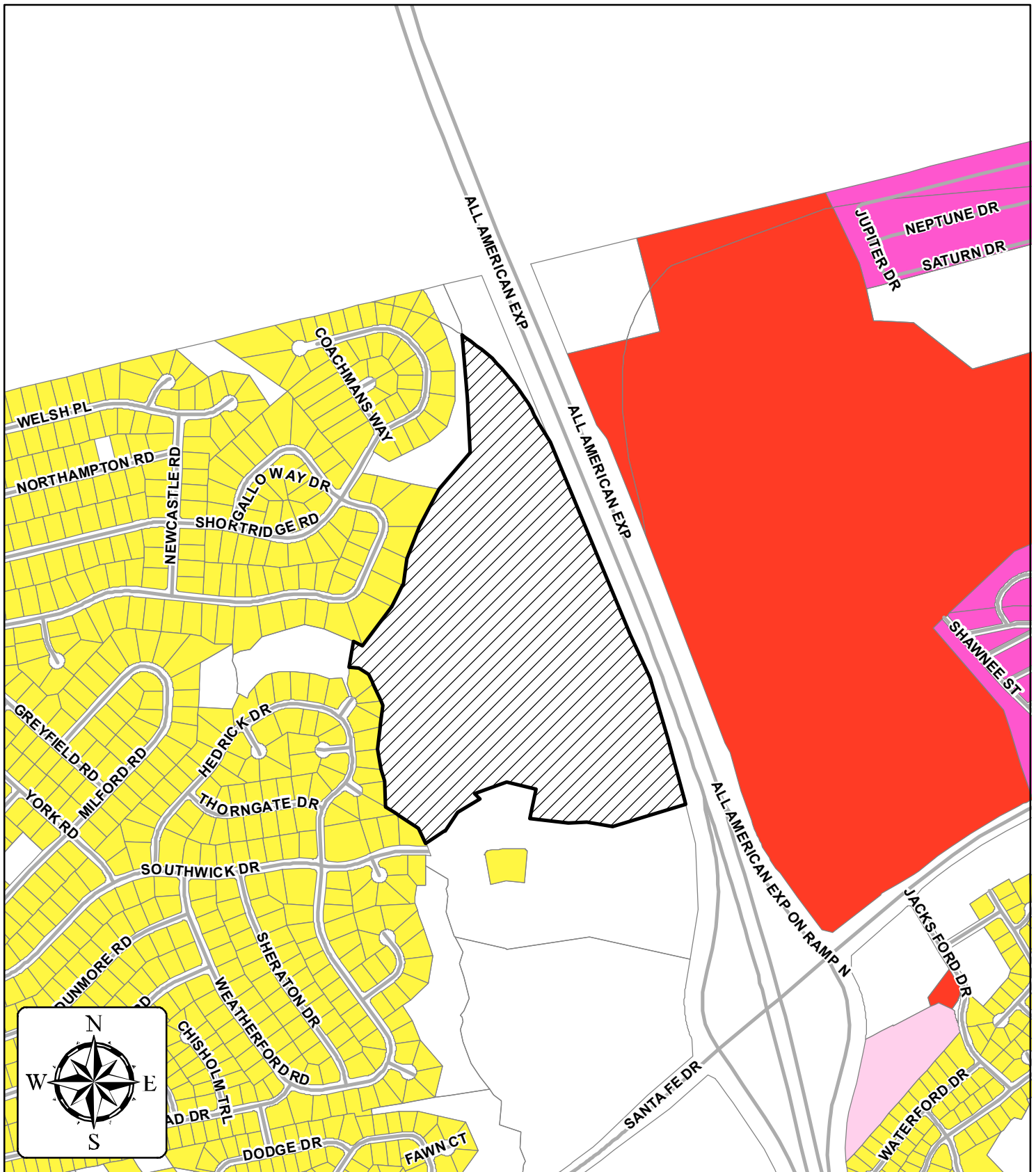
Request: R10 to R6
Location: West of All American
South of Fort Bragg & North of
Santa Fe
Acreage: +/- 81.38 acres

Zoning Commission: 01/11/2011
City Council: _____
Pin: 0409-72-6899

Recommendation: _____
Final Action: _____

Current Land Use

P11-01F

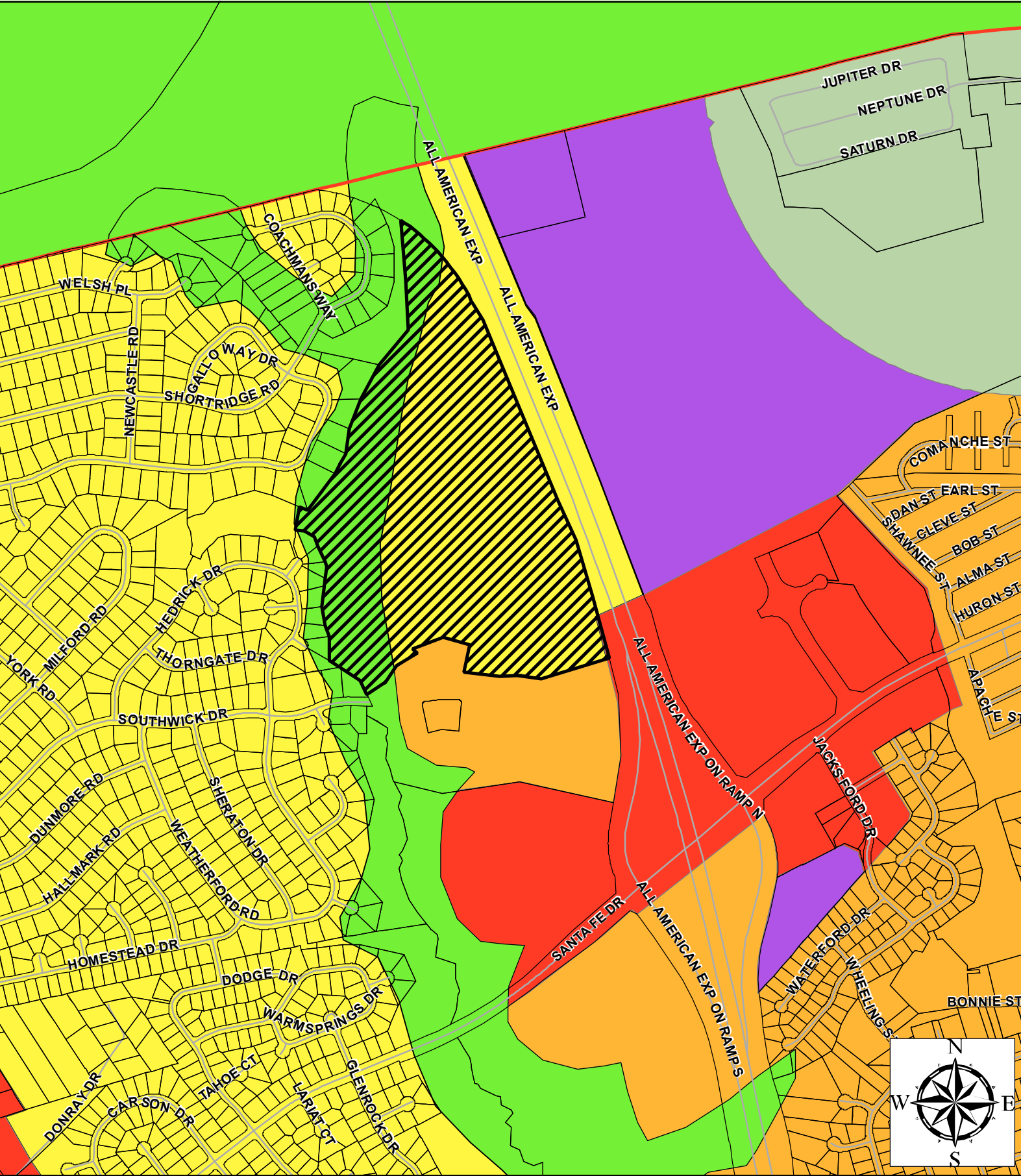


Legend

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

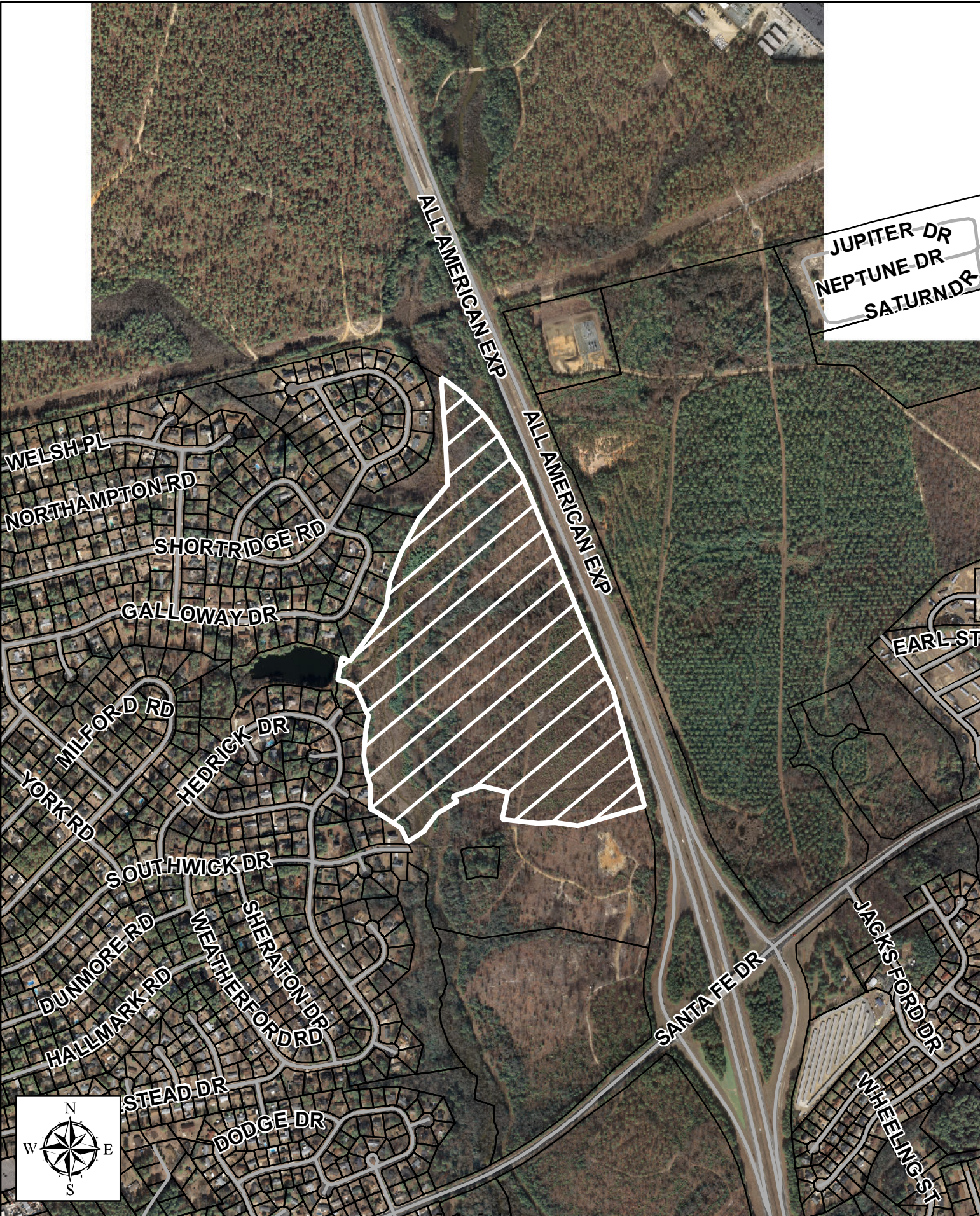
2010 Land Use Plan

Case No. P11-01F



Legend

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



1/19/11

TO: Mayor and City Council

Mr. John Koenig delivered the attached information regarding his Santa Fe and All-American Project for your review.

Brenda

cc: City Manager and Staff



P.O. Box 244 Bunnlevel, NC 28323 (910) 890-2779

January 13, 2011

John Koenig
6432 Yadkin Road
Fayetteville, NC

Re: Cumberland County; PIN: 0409-72-6899- Beaver Creek old lake bed!

Dear Mr. Koenig,

This memorandum is in response to your request for information concerning the above-referenced property located to the north of the intersection of Santa Fe Road and All American Hwy. This property is defined on the western boundary by Beaver Creek (DWQ stream index 18-31-24-5), a Class C stream classified as "perennial". This stream was impounded by an earthen dam sometime before 1997, as the impoundment is shown on the 1997 Fayetteville USGS 7.5-minute topographic quadrangle. It is believed that this earthen dam was breached by an act of nature, in 1998 by Hurricane Bonnie or in 1999 by Hurricane Floyd.

A review of US Army Corps of Engineer (USACE) permits and regulations, and consultation with USACE regulators from the Wilmington District office revealed that there is currently no permit mechanism for impounding a perennial stream for recreational or agricultural purposes. The only potentially appropriate nationwide permit (NWP #3) allows for "... (a) Repair, rehabilitation, or replacement of previously authorized, currently serviceable structures or fills." There is no record the breached dam was ever authorized and would not likely be considered "currently serviceable".

While consultation with the regulators revealed that restoring this dam would *most likely* not be authorized, the cost of mitigation would render the project economically unfeasible. As shown on the attached map (Figure 1), impounding Beaver creek would result in impacts of approximately 2,400 feet of perennial stream and 9.09 acres of riparian wetland (both regulated under Section 404 of the Clean Water Act). At the current rate for mitigation, this would result in mitigation costs of approximately:

- 2,400' of perennial stream x \$340 per linear foot = \$816,000.00
- 9.09 acres of riparian wetland x \$62,210 per acre = \$565,488.90
- **Total cost for mitigation of \$1,381,488.90**

These extents were based on existing topographic maps, and contour elevation and LIDAR data available from NC Division of Transportation. Furthermore, USACE Regulatory Guidance Letter, No 05-04, Subject: Guidance on the Discharge of Sediments From or Through a Dam or the Breaching of a Dam, dated August 19, 2005, section 4(b) states that: "Activities that are not usually considered regulated discharges...and do not require a DA permit include...breaching or removal of a dam that results...solely from an act of nature." I have enclosed a copy of this letter for your use as well as a table summarizing the current USACE nationwide permits.

I trust this provides you with the information you require. Please contact me if there is any additional information you need regarding this property.

Thank you,

Adam Carter
Wetland Solutions

A handwritten signature in black ink, appearing to read 'Adam Carter', written over the printed name.

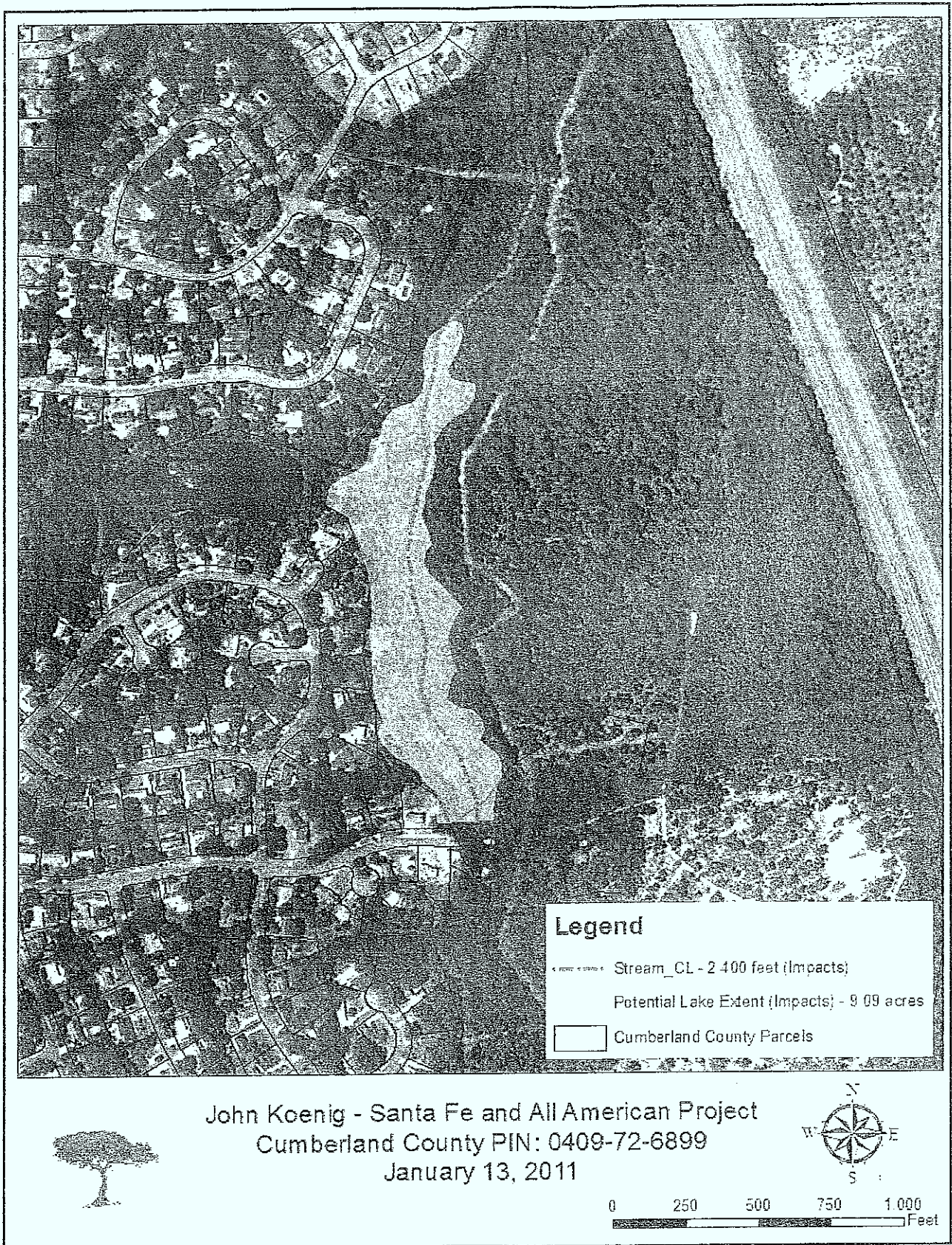


Figure 1: Map showing extent of impacts to Section 404 jurisdictional waters.

Summary of the 2007 Nationwide Permits¹

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Delineation Required?	Applicable Waters	Changes in 2007	Other Information
NWP 1 – Aids to Navigation	10	none	PCN not required	no	navigable waters of the U.S.	none	
NWP 2 – Structures in Artificial Canals	10	none	PCN not required	no	navigable waters of the U.S.	none	
NWP 3 – Maintenance	10/404					removed provision for the restoration of uplands to new NWP 45	
(a) Repair, rehabilitation, or replacement of previously authorized, currently serviceable structures or fills		authorizes only minor deviations for maintenance	PCN not required	no	all waters of the U.S.	none	does not authorize maintenance dredging for the primary purpose of navigation or beach restoration; does not authorize new stream channelization or stream relocation projects
(b) Discharges associated with removal of accumulated sediments and debris in the vicinity of existing structures, including intake and outfall structures and associated canals		200 feet from structure; minimum necessary to restore capacity intake or outfall or associated canal	all activities	yes	all waters of the U.S.	added maintenance dredging/ excavation provision for intakes, outfalls, and canals from NWP 7; 200 linear foot limit doesn't apply to removal of sediments from intake or outfall structures or canals	also authorizes placement of rip rap to protect the structure
(c) Temporary structures, fills, and work necessary to conduct maintenance activity			PCN not required	no	all waters of the U.S.	added temporary structures, fills, and work associated with the maintenance activity	temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations
NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	10/404	none	PCN not required	no	all waters of the U.S.	moved provision for shellfish seeding to NWP 27	does not authorize impoundments or artificial reefs; does not authorize covered oyster trays or clam racks
NWP 5 – Scientific Measurement Devices	10/404	25 cubic yards for weirs and flumes	PCN not required	no	all waters of the U.S.	removed PCN requirement	
NWP 6 – Survey Activities	10/404	25 cubic yards for temporary pads	PCN not required	no	all waters of the U.S.	added exploratory trenching and temporary pads	does not authorize fills for roads; does not authorize permanent structures
NWP 7 – Outfall Structures and Associated Intake Structures	10/404	none	all activities	yes	all waters of the U.S.	modification of these structures; moved maintenance dredging/ excavation activities to NWP 3	activity must comply with National Pollutant Discharge Elimination System Program

¹ This table is intended to provide general information on the nationwide permits published in the March 12, 2007, *Federal Register* (72 FR 11082). Prospective users of the nationwide permits should read the text of the nationwide permits, general conditions, and definitions to assess whether a particular nationwide permit could authorize a specific project. Prospective users should also review the pre-construction notification requirements of the nationwide permits and contact the appropriate Corps district to determine if any regional conditions have been imposed on the nationwide permits.



US Army Corps
of Engineers®

REGULATORY GUIDANCE LETTER

No. 05-04

Date: August 19, 2005

SUBJECT: Guidance on the Discharge of Sediments From or Through a Dam and the Breaching of Dams, for Purposes of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899

1. Purpose and applicability

a. Purpose. The purpose of this document is to provide guidance to Corps Districts Engineers regarding which releases of sediments from or through dams require Department of the Army (DA) permits. Nothing in this guidance is intended to require a DA permit for routine high water flow dam operations that allow sediment-laden waters to flow from or through a dam; however deviations from normal dam operations resulting in the discharge of bottom sediment may require a DA permit.

b. Applicability. For purposes of Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899 (RHA), this guidance applies to the releases of water and water-carried sediment that may result in the transportation, reduction, or elimination of bottom sediment accumulations from or through dams. Dams, as used in this guidance include, but are not limited to, barriers that create impoundments of water. Depending on factors discussed below with regard to exempted maintenance activities and de minimis impacts, these releases may or may not result in a regulated discharge of dredged material. Regulated discharges may occur in association with the breaching of dams but do not include breaching that results solely from acts of nature.

2. Background

a. Sediment transportation in a stream or river is a natural process that helps to maintain the geomorphology of a stream channel. However, when a dam is constructed on a stream, it tends to interrupt the natural transportation of sediments, which build up behind the dam. This can result in sediment-starved sections of a stream downstream of a dam, leading the stream to down cut or erode away its bed and banks. Sediment accumulation behind a dam also reduces the capacity of a reservoir to store water, and can interfere with operation of the dam.

b. Sediment may be removed from a reservoir basin using many different mechanical methods, including draglines, bulldozers, or other equipment. Sediment that has been removed by such mechanical means can then be transported to a site above the Ordinary High Water Mark (OHWM) of the reservoir and stabilized. Under certain specific circumstances and when authorized by a DA permit, such sediments can be re-introduced into (i.e., discharged into) the river below the dam.

c. If a dam operator modifies or deviates from normal operation of the dam in such a manner that bottom sediment accumulated behind a dam could be removed and transported downstream through the dam, either deliberately or accidentally, that activity may require a DA permit pursuant to Section 404 and/or Section 10, as explained further below. (Note: CWA Section 404(f) exemptions from the permit requirement may apply in situations where only CWA jurisdictional waters are involved). DA permits may require special conditions minimizing the potential adverse effects on the downstream aquatic environment of releases of sediments subject to DA regulation. For example, the discharge of sediments through a dam that allows those sediments to be washed downstream may, in some circumstances, provide beneficial sediment material to sediment-starved sections of a stream below the dam. However, sediments proposed for discharge through a dam may also be of the wrong type to benefit a stream (e.g., mud or fines as opposed to gravel). Such fine sediments can seriously degrade important aquatic habitat, as when silt or mud sluiced through a dam covers up spawning areas for fish at critical times in their lifecycles, or fills in niches for invertebrates in large cobble bottom systems. Sediments proposed to be discharged through a dam may also be out of sync with the natural pre-dam sediment flow regime of that stream, which historically moved much of the sediment in the stream immediately before, during and after high flows such as spring run-off. The uncontrolled discharge of sediments may kill thousands of fish due to the impairment of their ability to process oxygen. The natural, pre-dam flow regime originally produced the stream channel geomorphology, so much of the stream biota is adapted to that historic pre-dam flow regime and sediment load and size.

d. One recent court case specifically addressed the need for a DA permit for sediment sluicing activities. The case of Greenfield Mills v. Macklin originated when employees of the Indiana Department of Natural Resources sluiced large quantities of accumulated sediments through a dam into the river below the dam without having first obtained a DA permit under CWA Section 404. Before deciding the case, the U.S. Court of Appeals for the Seventh Circuit asked the U.S. Department of Justice (DOJ) to provide the consensus views of the Federal Government (i.e., of the U.S. EPA and the Corps of Engineers) regarding whether the sluicing of sediments through the dam under consideration in that case required a DA permit. The DOJ provided an Amicus Curiae brief to the Circuit Court as requested, and the Court in large measure based its decision on the legal positions that the Federal Government presented in that brief. The Amicus brief may be found at http://www.usace.army.mil/inet/functions/cw/cecwo/reg/02-1863_005.pdf. Both the Federal Government's brief and the Court of Appeals decision clearly hold that the sluicing of sediments through the dam constituted hydraulic dredging and the discharge of dredged material from a point source (i.e., the dam), which occurred when the dam's lower gates were opened and the bottom sediments were sluiced downstream. The discharge of dredged material under those circumstances was an activity that required a DA permit pursuant to Section 404 of the CWA, unless that discharge was exempt from the Section 404 permit requirement under CWA Subsection 404(f).

e. These types of discharges of sediments may also be potentially regulated as fill material. Final revisions to the CWA Section 404 Regulatory Program definitions of "fill material" and "discharge of fill material" were issued in the final rule of May 9, 2002. That final rule defined "fill material" in both the Corps and EPA regulations as material placed in waters of the U.S. where the material has the effect of either replacing any portion of a water of the U.S. with dry land or changing the bottom elevation of any portion of a water. Based on this "effect" determination, DA permits are generally required for the discharge of sediments from dams when such activities would have the effect of raising the bottom elevation of the downstream waters to a discernible, substantial degree. For example, when accumulated sediments are discharged through a dam by opening the lower gate(s) of the dam to move substantial

quantities of sediments, that discharge could reasonably be expected to raise the bottom elevation of the downstream waters, thereby constituting the discharge of fill material into that water body.

3. Types of Discharges

a. Discharges that are not regulated. Even when using the upper or middle gates of a dam to release water, some sediment is always included in suspension in the water releases. However, the release of sediments that are incidental to normal dam operations (i.e., the release of water through the dam to provide irrigation water or drinking water, to provide water for downstream depth for navigation, to restore reservoir capacity to store spring run-off or potential flood waters from storm events, etc.) are considered de minimis discharges of dredged material. For purposes of the Corps regulatory program, these de minimis discharges of suspended bottom sediments generally do not trigger the need for a DA permit so long as they are consistent with those sediment loads entering the reservoir from the upstream waters.

b. Applicability of 404(f) Exemptions. The discharge of large quantities of sediment through a dam will rarely (if ever) qualify as exempt from CWA regulation under CWA Subsection 404(f), for the reasons explained at length in the Greenfield Mills decision. (Note: There are no statutory exemptions that apply to such large-quantity discharges of sediments for purposes of the Section 10 permit requirements in Section 10 waters.) In summary, CWA Subsection 404(f)(1) exempts from CWA regulation "...the discharge of dredged or fill material ... for the purpose of maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures, such as ... dams" unless the discharge is "recaptured" under Subsection 404(f)(2) (emphasis added). Consequently, the discharge of sediments through a dam cannot be exempted from CWA regulation under Subsection 404(f)(1) unless those sediments must be released for the purpose of dam maintenance, and not for any other purpose such as maintenance of the reservoir pool. Moreover, as a general rule, the Subsection 404(f) exemptions are construed narrowly to avoid their misapplication as well as the resultant adverse environmental impacts, either site-specific or cumulative. As the Greenfield Mills decision explains, for the discharge of sediments to qualify for the Subsection 404(f) exemption for dam maintenance, such discharges of sediments through a dam would have to be both necessary to allow essential dam maintenance to occur, and would have to be proportional to the dam maintenance activities that necessitate the release of sediments. Given the fact that sediments that have accumulated behind a dam can usually be removed practicably and more precisely by mechanical means, with little or no serious adverse downstream environmental effects, it is rarely necessary to sluice substantial quantities of sediments through a dam in order to accomplish essential dam maintenance. The Subsection 404(f) exemption will rarely, if ever, be applicable to the discharge of large quantities of sediments through a dam.

c. Discharges requiring DA permits. As stated above, sediment frequently builds up behind a dam. At times, rather than remove such accumulated sediments by mechanical means, a dam operator may open the bottom gates of the dam, allowing water to flow at high velocity over the sediment and flush it downstream. This can result in significant amounts of accumulated bottom sediment from upstream of the structure being allowed to move downstream with a composition or at a time period that is inconsistent with the viability and health of the downstream system. Discharging large amounts of

sediments through a dam may not be planned, but may result when the sediment is mobilized due to

increased water releases through a dam when the reservoir pool is low. Similarly, when a dam is breached, it generally causes the sediment behind the dam to be eroded rapidly, usually in a discrete (single) event or a series of discrete events, which move the sediments downstream.

Regardless of whether the dam operators had the intent to discharge sediment through the dam and out of the water impoundment, the opening of the lower gates of the dam has the effect of allowing substantial quantities of sediment material to travel downstream, thereby constituting the discharge of dredged material (and possibly fill material, as well) from a point source, thereby requiring a DA permit.

4. Analysis and Policy

a. As a general rule, the discharge of substantial quantities of accumulated bottom sediment from or through a dam into downstream waters constitutes a discharge of dredged material (and possibly of fill material) that requires a CWA Section 404 permit. The discharge of substantial quantities of sediment through a dam will rarely, if ever, qualify as exempt under 404(f). Such activities may also require a DA Section 10 permit if they occur in "navigable waters of the United States", and no statutory exemptions apply to Section 10 for such discharges into navigable waters. This policy includes the human-induced breaching of dams when sediment has accumulated in the reservoir basin and is released downstream.

b. Activities that are not usually considered regulated discharges of dredged material and do not require DA permits include actions such as the operation of continuously sluicing structures that mimic the natural increase and decrease of sediment in a stream (i.e., the amount of sediment discharging from or through a structure is comparable to the amount of material entering the reservoir from upstream); breaching or removal of a dam that results in the movement of only de minimis amounts of material or that results solely from an act of nature; releases during times of high water or flood stages for purposes of passing flood waters through the dam; and the lowering of lake or pond levels that results in the release of only de minimis amounts of sediment.

It should be noted that there is often high variability in the amount of sediment and water carried by rivers and streams over an annual cycle. Such high flows may occur as a result of storm runoff or seasonal runoff of melting snow pack. Larger amounts of sediment may be considered de minimis in relationship to location of the dam and the normal amount of erosion in the watershed, and thus may not require DA authorization. This guidance does not propose to set a specific amount of sediment that could be considered de minimis or "more than de minimis". When evaluating whether any discharge is de minimis, or may be exempt from the Section 404 permit requirement under CWA Section 404(f)(1) exemption for dam maintenance activities, District Engineers should consider whether the discharge of dredged or fill material through the dam is necessary for dam maintenance, and proportional to the proposed activity and the size of the facility (i.e., size of the dam/structure and the surface acres and storage volume of the resulting impoundment). Other factors in this consideration should include the time of year and normal seasonality of high volume flows, the size of incoming and outgoing stream/river and the intended release volume, the natural hydrograph of the system, the speed of the drawdown, the normal amount of sediment in the watershed, and the potential for environmental harm. These factors should be documented as part of the decision regarding whether a DA permit will be required for the proposed release of sediments through a dam or would have been required in after-the-fact evaluations.

c. On a case-by case basis, District Engineers may consider the need to reduce the level of the reservoir through one or more flood gates and the resultant discharge of dredged material downstream, to


avoid potential catastrophic dam failure, to be an emergency subject to the emergency permitting procedures found at 33 CFR 325.2(e)(1). Sluicing through a dam of less than 25 cubic yards of material may be authorized under Nationwide Permit 18, if all other conditions of that nationwide permit are met. Districts may also consider developing Regional General Permits for larger amounts of sediments to be released through a dam, if such Regional General Permits would include appropriate conditions to protect the environment and the overall public interest. Small impact releases of sediments might possibly be authorized under Nationwide Permit 23 if an agency has an approved Categorical Exclusion.

d. When discharging sediment from or through a dam or breaching a dam, reasonable measures should be implemented to reduce potential harm to downstream waters. Reasonable measures include, but are not limited to, prior dewatering by pumping or by releasing water from the upper control structures on a reservoir; mechanical dredging or excavation of sediments and appropriate disposal; timing releases to coincide with high water periods for better dilution; more frequent flushing to keep the discharges small; releasing a sediment amount that is dependent on the amount of water flow; and installing temporary barriers to prevent exposed sediments from being transported by runoff from subsequent storm events.

6. Duration

This guidance remains effective unless revised or rescinded.

FOR THE COMMANDER:


DON T. RILEY
Major General, US Army
Director of Civil Works

APPEAL NOTICE (S160A-364)

The undersigned hereby gives notice of appeal to the Fayetteville City Council and requests a public hearing on Case No. P 11 - 01F, heard by the City of Fayetteville Zoning Commission on JAN 25, 2011.

John C. Tucker Jr.

Print Name

5822 WEATHERFORD RD

Address

John C. Tucker Jr.

Signature

2/3/11

Date

Received by the City Clerk



2/3/11

Date

Rita Perry

Signature

NOTE: This appeal notice must be filed within ten (10) days of the last action on the case by the Zoning Commission. (See Reverse Side)

1. Before the City of Fayetteville may adopt or amend any ordinance pursuant to Part 3 of this Article, the Fayetteville Zoning Commission shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.
2. Any person aggrieved by the recommendation of the Fayetteville City 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 10 days of the action of the Zoning Commission. If an appeal is timely filed, then the City Council shall hold a public hearing with prior notice being published in accordance with subparagraph (1).
3. If the Zoning Commission's recommendation was to rezone the property, and no appeal is filed pursuant to subparagraph (2), then as its next regular council meeting following the expiration of the time provided for appeal in subparagraph (2) above, the City Council shall have the right to adopt the rezoning without further public hearing.

PROTEST PETITION

(Fayetteville City Code 30 – 392 (e) – NCGS-160A 385 & 386)

WE, THE UNDERSIGNED PROPERTY OWNERS, do hereby Protest Petition
No. P11-01F to rezone the property described on Exhibit "A" attached
(Insert Case No.)

hereto and by this reference incorporated herein from R6
(Insert Rezoning District Request)

and request that the three-fourths rule provided for by section 30 – 392 (e) of the Code of
the City of Fayetteville and NCGS 160A –385 & 386 be invoked for the reason that we
are the owners of the property described on exhibit "B" attached hereto and by this
reference incorporated herein which is:

- 1) Twenty percent (20%) or more of the area included in the proposed
change; or

FAYETTEVILLE CODE

ARTICLE XIII. AMENDMENT

Sec. 30-392. Procedure

(e) Whenever a case is appealed pursuant to subsection (b) of this section, if there is filed a valid protest petition against any such change or amendment signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto, extending 100 feet from the street frontage of such opposite lots, such change shall not become effective except by favorable vote of three-fourths of all the members of the city council. The 20 percent protest provision of this section does not apply to any amendment which initially zones property added to the territorial coverage of this zoning ordinance as a result of annexation or otherwise. To be valid, such protest petition must comply with G.S. 160A-386.

NOTE: Via City Attorney, this protest petition should be submitted to the City Clerk the Wednesday prior to the City Council public hearing meeting on that case

NOTE: Petition must include name, address, and telephone

CITY of FAYETTEVILLE

PROTEST PETITION/ CASE NO: P11-01F

Name: CHAD SHIELDS

Add: 603 SOUTHWICK DR
FAYETTEVILLE NC 28303

Phone: 561-644-2793

Sign: [Signature]

Name: Raynard Esquilin

Add: 517 Southwick
Dr Fayetteville NC 28303

Phone: 910 867-7020

Sign: [Signature]

Name: MAX A CLAPP

Add: 5609 WEATHERFORD RD
FAYETTEVILLE NC 28303

Phone: 910-864-5717

Sign: [Signature]

Name: Michael LEE

Add: 603 Southwick Dr
FAY. NC 28303

Phone: 910 574-8123

Sign: [Signature]

Name: Nicole Shields

Add: 603 Southwick Dr
Fayetteville, NC 28303

Phone: 867-677-6808

Sign: [Signature]

Name: MaryEllen Esquilin

Add: 517 Southwick Dr.
Fayetteville, NC 28303

Phone: 867-7020

Sign: [Signature]

Name: Yamil + Tani Osorio

Add: 520 SOUTHWICK DRIVE
FAYETTEVILLE, NC 28303

Phone: 910-797-1095 / 910-797-551-3337

Sign: [Signature]

Name: Lisa Gilles

Add: 5602 Lockheart Circle
Fayetteville NC 28303

Phone: 910.678.7999

Sign: [Signature]

CITY of FAYETTEVILLE

PROTEST PETITION/ CASE NO: P11-01F

Name: MARY ETOWSKI

Add: 5605 LOCKHEART CIR

FAYETTEVILLE, NC

Phone: 868-7620

Sign: Mary Etowski

Name: VERNON STEVENS

Add: 5707 Westford Rd

867-7352 28303 FAY

Phone: _____

Sign: [Signature]

Name: MCKINLEY P. GRAHAM

Add: 520 THORNGATE DR 864-8179
28303

Phone: _____

Sign: James B. Crutchfield

Name: Frank Donah

Add: 5549 Hedrick Dr

Fayetteville NC

Phone: 867-8139

Sign: J. Donah

Name: James B. Crutchfield

Add: 5559 Hedrick Drive

Fayetteville, NC 28303-2660

Phone: 910-867-1395

Sign: [Signature]

Name: Leon Danah

Add: 738 Yellowbay Dr

Fayetteville NC

Phone: 867-8139

Sign: J. Danah

Name: Pat Steen

Add: 5545 Hedrick Dr

Fay 28303

Phone: 910-867-3261

Sign: Pat Steen

Name: M. Martinez

Add: 5535 Hedrick Dr

Fayetteville, NC 28303

Phone: 910-860-3258

Sign: [Signature]

CITY of FAYETTEVILLE

PROTEST PETITION/ CASE NO: P11-01F

Name: Jutta King
Add: 5344 Hedrick Dr
Fayetteville NC
Phone: 864-2454

Sign: [Signature]
Name: Martin Langevin
Add: 5564 Hedrick Dr.
Fay NC
Phone: 910-339-5020

Sign: [Signature]
Name: Philip W. Atkins
Add: 525 Thorngate Drive
Fayetteville NC 28303
Phone: 910-864-0624

Sign: [Signature]
Name: E. O. Murrell
Add: 524 Thorngate Dr
Fayetteville, NC 28303

Phone: 910-868-2581
Sign: [Signature]

Name: W. Salgado
Add: 6843 Washington
Fay 28303
Phone: 867-0211

Sign: [Signature]
Name: Joel + Engracia Ornelas
Add: 5567 Hedrick Dr.
Fay. NC 28303
Phone: (910) 868-5051

Sign: [Signature]
Name: Harold [unclear]
Add: 624 HEMPHILL CIR
FAYETTEVILLE

Phone: 910 229-3444
Sign: [Signature]

Name: Ken Yager
Add: 5541 Hedrick Dr.

Phone: (910) 487-3235
Sign: [Signature]

CITY of FAYETTEVILLE

PROTEST PETITION/ CASE NO: P11-01F

Name: ERIN M. L. REAY

Add: 714 CALLOWAY DR

FAYETTEVILLE

Phone: 910 717 0458

Sign: Erin M. L. Reay

Name: Ernestine S. Reed

Add: 5201 Weatherford Rd

910 864-0448

Phone: 910 864-0448

Sign: Ernestine S. Reed

Name: Elizabeth D. Clark

Add: 5551 Hedrick Dr

910-868-3453

Phone: _____

Sign: Donald J. Clark

Name: Donald J. Clark

Add: 5550 Hedrick

FAYETTEVILLE, NC

Phone: 910-867-5899

Sign: Don J. Clark

Name: Leon, Jorge

Add: 5560 Hedrick Dr

Fayetteville NC 28403

Phone: (910) 813-9295

Sign: Jorge

Name: Michelle Hester

Add: 5540 Hedrick

Fay NC 28303

Phone: 910 2868255

Sign: Melissa Hester

Name: Sue Sines

Add: 5606 Lockheart Cir

FAY, N.C 28303

Phone: 910-583-5725

Sign: Sue Sines

Name: Mary Martin

Add: 619 Danforth Pl

Fay, NC 28303

Phone: 910-867-8351

Sign: Mary Martin

CITY OF FAYETTEVILLE

PROTEST PETITION/ CASE NO: P11-01F

①

Name: SAM LUCASAdd: 751 GALLOWAY DRSam Lucas

Phone: _____

Sign: _____

2

Name: Carl SpeveyAdd: 754 Galloway dr.Phone: 709-6855Sign: Carl R. Spevey

3

Name: DAN R. WOODALLAdd: 7458 ALBANY DR
FAY, NC 28303Phone: 1-910-868-343Sign: DAN R. WOODALL

4

Name: May Ann LayAdd: 7446 Albany Dr.Phone: 867-3997Sign: May Ann Lay

5

Name: JAMES L. BROWNAdd: 620 Shortridge RdFAYETTEVILLE, NCPhone: 910-868-2971Sign: James L. Brown

6

Name: JEROME WATSONAdd: 709 GALLOWAY DRFAY, NC 28303Phone: 910-849-472Sign: Jerome Watson

7

Name: A. WOODALLAdd: 732 Galloway DrPhone: 864-4064Sign: A. Woodall

8

Name: Ellen ScholtzAdd: 758 Galloway DrPhone: 910-308-6543Sign: Ellen Scholtz

CITY of FAYETTEVILLE

PROTEST PETITION/ CASE NO: P11-01F

① Name: Charlotte Brooks
Add: 627 Danforth Pl
Fayetteville, NC 28303

Phone: 864-5650

Sign: Charlotte M. Brooks

2 Name: Charlotte Brooks
Add: 627 Danforth Pl
Fayetteville, NC 28303

Phone: 864-5650

Sign: Charlotte Brooks

3 Name: David Palmer
Add: 603 Hemphill Circle
Fayetteville, NC 28303

Phone: 502 773 4116

Sign: David Palmer

4 Name: Amber Gonzalez
Add: 503 Kelton Cir

Phone: 760-447-1757

Sign: [Signature]

5 Name: BRETT BUTLER
Add: 806 SAMPSON RDGE

Phone: 910 339 6782

Sign: Brett Butler

6 Name: Theophilus Livingston
Add: 848 Shortridge Rd.
Fayetteville, NC 28303

Phone: (910) 424-6148

Sign: Theophilus Livingston

7 Name: [Signature]
Add: 456 Shortridge Rd.
Fayetteville NC 28303

Phone: 570-856-4131

Sign: [Signature]

8 Name: Smith, Darius
Add: 864 Shortridge Rd
Fayetteville, NC 28303

Phone: 707-355-6674

Sign: [Signature]

CITY of FAYETTEVILLE

PROTEST PETITION/ CASE NO: P11-01F

1 Name: Trevor Dettmer
Add: 804 Shortridge Rd.
Fayetteville, NC 28303

Phone: 229-8999

Sign: [Signature]

2 Name: Marlene Newkirk
Add: 810 Shortridge
Rd NC

Phone: 229 1273

Sign: [Signature]

3 Name: Juan Kelley
Add: 822 Southwick

Phone: _____

Sign: _____

4 Name: [Signature]
Add: 825 Shortridge

Phone: _____

Sign: _____

5 Name: Elizabeth Rose
Add: 602 Hemphill Cir.
Fayetteville NC 28303

Phone: 910-578-0867

Sign: [Signature]

6 Name: Johnathon Terry
Add: 728 Shortridge Rd
Fayetteville NC
910-987-3721 28303

Phone: 910-987-3721

Sign: [Signature]

7 Name: _____
Add: _____

Phone: _____

Sign: _____

8 Name: _____
Add: _____

Phone: _____

Sign: _____

CITY of FAYETTEVILLE

PROTEST PETITION/ CASE NO: P11-01F

1 Name: Charlotte Brooks
Add: 627 Danforth Pl.
Fayetteville, NC 28303

Phone: 864-5650
Sign: Charlotte M. Brooks

2 Name: Charlotte Brooks
Add: 627 Danforth Pl
Fayetteville NC 28303

Phone: 864-5650
Sign: Charlotte Brooks

3 Name: David Palmer
Add: 603 Hemphill Circle
Fayetteville, NC 28303

Phone: 502 773 4116
Sign: David Palmer

4 Name: Amber Gonzalez
Add: 503 Kelton Cir.

Phone: 760-447-1757

Sign: Amber Gonzalez

5 Name: TIMOTHY POLMISTEN
Add: 617 Southwick Dr
FAYETTEVILLE NC 28303

Phone: 917 364 2864
Sign: Timothy Polmisten

6 Name: _____
Add: _____

Phone: _____
Sign: _____

7 Name: _____
Add: _____

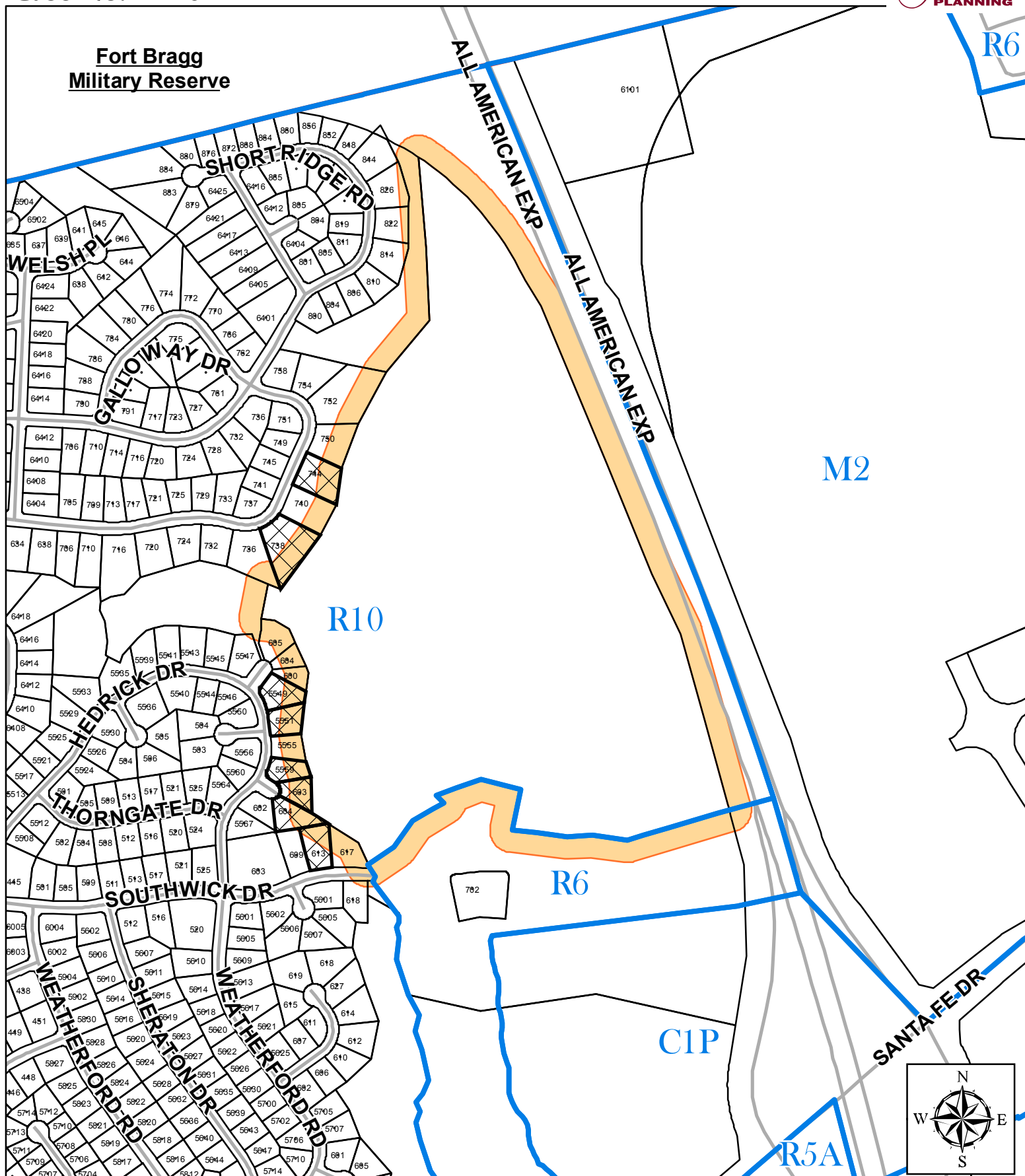
Phone: _____
Sign: _____

8 Name: _____
Add: _____

Phone: _____
Sign: _____

PROTEST PETITION

Case No. P11-01F



Request: R10 to R6

Location: NW corner All American & Santa Fe

Acreage: 81.38 +/- acres

Buffer Area: 21.3 +/- Acres

Petition: 2.4 +/- Acres = 11.2% of Buffer

**CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
JANUARY 25, 2011 @ 7:00 P.M.
SPECIAL MEETING**

MEMBERS PRESENT

Pete Paoni
Marshall Isler
John Crawley
Locket Tally

MEMBERS ABSENT

Martin J. Hendrix
Tom Speight
Steve Mannell

OTHERS PRESENT

Karen Hilton, Planning Manager
Mr. Leonard, Asst. City Atty
David Steinmetz, Inspections
Craig Harmon, Planner

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

I. APPROVAL OF AGENDA

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

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

Mr. Paoni asked that the minutes reflect Mr. Leonard as the attorney present for the Zoning Commission meetings and not Janet Smith.

Mr. Crawley made a motion to approve the amended minutes. Mr. Tally seconded the motion. A vote was taken and passed unanimously.

III. PUBLIC HEARINGS

- A. Case No. P11-01. The rezoning from R10 Residential to R6 Residential or a more restrictive zoning district, on property located West of All American, North of Santa Fe and South of Fort Bragg. Containing 81.38 acres more or less and being the property of John and Margarete Koenig.**

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 & Conservation. Mr. Harmon explained that this property has no direct road access. He stated that since this is a straight rezoning to R6, there are no conditions or plans to lock in the access to any future development. He stated that this has been a concern expressed by residents in the adjoining

subdivision. Mr. Harmon explained that when the development plans are submitted, City staff would evaluate proposed access at that time. Mr. Harmon explained that the same request for rezoning was denied by council one year ago. He stated that during that process a valid protest petition was filed by the adjoining property owners. Mr. Harmon explained that under the newly adopted Unified Development Ordinance, multi-family development would not be allowed by right in the new SF-6 zoning district.

Mr. Harmon explained that staff recommendation would be to approve the rezoning to R6 based on the following reasons: although the 2010 Land Use Plan recommends Low Density Zoning for this property, it is staff's opinion that medium density is appropriate because the property is adjacent to Low and Medium Density residential; and this property is separated from the existing residential development by a creek and flood plain. Mr. Harmon explained that this would also provide a buffer between All American Hwy and the existing Single Family Residential.

Mr. Paoni asked about the wetlands. Mr. Harmon explained the difference between flood plain and flood way. He explained that there is an additional wetlands area that would be unbuildable.

Mr. Isler asked about the conditions that City Council wanted the property owner to have on the Conditional Zoning. Mr. Harmon explained that the property owner chose to wait out his year instead and reapply as a straight rezoning instead of reapplying immediately by a Conditional Zoning. Mr. Paoni asked if there was a site plan available with this request. Mr. Harmon replied no.

The public hearing was opened.

Mr. Koenig appeared in favor of the request. He provided a brief history of the case. Mr. Koenig explained that he has asked for an R6 zoning because he wants to place assisted living apartments on that property. He explained that access would be made available through Santa Fe.

Mr. Paoni had several questions for Mr. Koenig to include access, Certificate of Need and process of site plan. Mr. Koenig responded that when the actual development was proposed, the developer would be responsible for addressing those items.

Mr. Frank Daniels appeared in favor of the request. He explained that he has no objection to the property be rezoned to R6. He explained that he owns 1.36 acres that adjoins Mr. Koenig's property that was taken through adverse possession. He stated that he attended the meeting to ensure that it is on record that he owns the property.

Mr. Raynard Esquilin appeared in opposition of the request. He explained his concerns over not receiving a letter about the case because of the change of area notification. He explained that he has a protest petition on the case. Mr. Esquilin expressed his concerns about the increase of traffic in the area. Mr. Esquilin stated that a long term and short term impact study of effects in the area has not been done and it needs to be done.

Mr. Kenneth Steen appeared in opposition of the request. He expressed his concern about the effect on the housing prices in the area and the lack of access to the property. Mr. Steen commented on his concern about the possible increase of traffic in the area.

Mr. Koenig spoke in rebuttal. He explained that Southwick is not an option as access to the property. He addressed the issue of the lakebed, and stated that it is a conservation district and can not be built upon. Mr. Koenig explained that Highway 295 is planned at the north of the property. He also explained that with the current zoning of the property he can build 470 units on the property without asking for permission. He stated that R10 does not allow assisted living and he is asking for the rezoning because that is the use he would like to have for the property.

Mr. Isler asked about the property changing hands in ownership and the potential of the changes possible. Mr. Koenig explained that the problem isn't about the number of units; he reiterated that the request is to allow the desired use of the property which is assisted family living.

Mr. Steen and Mr. Esquilin used the remaining time for rebuttal. Both of them reiterated their concerns about access to the property and the effects the project will have on the property.

The public hearing was closed.

Mr. Harmon addressed the Commission. He stated that an impact study would be done of the area in the future because of the access and traffic issues on Santa Fe. Mr. Harmon also explained that the protest petition typically is used when addressing City Council and not the Zoning Commission. Mr. Harmon briefed the Commission on the voting requirements when a protest petition is utilized.

Mr. Paoni made a motion to deny the request. There was no second. The motion died. Mr. Crawley made a motion to approve. Mr. Isler seconded the motion. The Commission discussed the case and the options available to the Commission. A vote was taken and passed 3 to 1 with Mr. Paoni voting in opposition.

Mr. Harmon explained that the case would be going before City Council on Monday, February 28, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner
DATE: February 28, 2011
RE: **Case No. P11-04F, Consideration of a Special Use Permit for Mini Storage Warehouses. 1.98 acres at 2638 Legion Road. Rorie Investments, LLC. owner.**

THE QUESTION:

Issue a Special Use Permit for Mini-Warehouse Facilities.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: Rorie Investments, LLC

Applicant: John Rorie

Requested Action: SUP - Mini Storage Warehouses

Property Address: 2638 Legion Road

Status of Property: Undeveloped

Size: 1.98 acres +/-

Existing Land Use and Zoning: Vacant commercial; zoned C3 Heavy Commercial

Adjoining Land Use & Zoning: North – M2 Industrial & C1P Commercial / South – Mix of County zoning R10, R6 Residential and C(P) Commercial & City C1P/ East –R10 Residential / West – Mix of County zoning R10, R6 Residential and C(P) Commercial

2010 Land Use Plan: Heavy Commercial and Industrial

Letters Mailed: 72

ISSUES:

This property is currently zoned C3. This applicant also owns additional Mini-Storage units on the property next to this one. Attached please find the City of Fayetteville's Design Guidelines Regulating Construction of Mini-Warehouse Facilities.

Zoning Commission and Staff recommend approval subject to the following conditions:

1. The attached site plan.
2. Construction and operation of such facilities shall comply with the provisions of the General Statutes of the State of North Carolina and any other applicable federal, state or local codes including the City of Fayetteville Fire Code;
3. All required driveway permits shall be obtained;
4. The construction of these facilities and the future expansion indicated on this site plan must comply with the City's regulations regarding Mini-Warehouses at the time of construction;
5. The Special Use Permit is null and void if the Mini-Warehouse does not receive a permit to construct within two (2) years from the date of approval of the special use permit.
6. All outside lighting must be shielded to prevent light trespass to other properties.

BUDGET IMPACT:

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

OPTIONS:

- 1 - Approve Special Use Permit with conditions as listed or modified (Recommended);
- 2 - Approve Special Use Permit without conditions;
- 3 - Deny the Special Use Permit of this property

RECOMMENDED ACTION:

Zoning Commission and Staff recommend that City Council move to APPROVE the requested Special Use Permit conditioned as recommended based upon the finding that it fits with the character of the area in which it is to be located and that it will not be detrimental to the surrounding neighborhood and on the conditions provided above (in issues).

ATTACHMENTS:

Application

Zoning Map

Current Landuse

2010 Plan

Ortho Photo

Site Plan - Revised

Design Guidelines Regulating Construction of Mini-Warehouse Facilities

Zoning Commission Minutes

**APPLICATION FOR SPECIAL USE PERMIT
CITY OF FAYETTEVILLE**

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

I (We), the undersigned, do hereby respectfully make application and petition to the City Council to grant a Special Use Permit as required in the Zoning Ordinance. In support of this application, the following facts are shown:

Location/Address of the Property: 2638 LEGION ROAD, FAY NC

Owner of the Property: RORIE INVESTMENTS, LLC

Address of the Owner: 2638 LEGION ROAD, FAY NC Zip: 28306

Owner's Home Phone: 910-409-0828 Owner's Work Phone: 910-409-0828

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

30-120 (4) "SUP" REQUIRED

B. The property sought for a Special Use Permit is owned by RORIE INVESTMENTS, LLC as evidenced by deed, recorded in Deed Book 5857, Page 074, Cumberland County Registry. (Attach a copy of (all) deed(s) as it appears in the Registry.)

C. Tax Property Identification Number (PIN#) of the property: 0425-68-6930

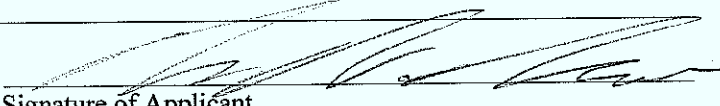
D. Acreage requested for a Special Use Permit: 1.98 AC

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

SELF STORAGE FACILITY, OPERATES 9:30 - 5:00PM
MON - SAT, 2 EMPLOYEES, +/- 500 EXISTING
CLIENTS

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

NO


Signature of Applicant

2638 LEGION ROAD
Address of Applicant

FAYETTEVILLE NC 28306
City State Zip Code

Home Phone: 910-644-0828

Work Phone: 910-409-0828

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

43176

RECEIVED
9-30-2002 PM 3:01:12
GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

NORTH CAROLINA NON-WARRANTY DEED
TITLE NOT CERTIFIED

5

Excise Tax \$ None

Parcel Identifier No. 0425-69-6235 & 0425-68-6930

Prepared by Rebecca F. Person/ Return to: R. Williford McCauley, P.O. Box 1239, Fayetteville, NC 28302

Brief Description of the property: 18.275 & 3.033 Acre Tracts Legion & Camden Roads

THIS DEED made this 1st day of Jan. 2002 by and between:

GRANTOR	GRANTEE
JOHN S. RORIE, III, unmarried and TRAY H. RORIE, unmarried	RORIE INVESTMENTS, LLC Mailing Address: 2638 Legion Road Fayetteville, NC 28306

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/near the City of Fayetteville, Pearce's Mill Township, County of Cumberland, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

The property hereinabove described was acquired by instrument recorded in Book _____, Page _____, Cumberland County, North Carolina Registry.

23-

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

The Grantor makes no warranty, express or implied, as to the property hereinabove described.

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, effective the day and year first above written.

John S. Rorie, III [SEAL]
JOHN S. RORIE, III

Tray H. Rorie [SEAL]
TRAY H. RORIE

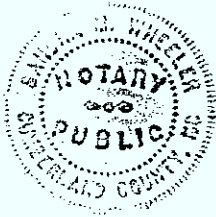
STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, a Notary Public of said County and State, do hereby certify that John S. Rorie, III and Tray H. Rorie, both unmarried appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this 1ST day of January, 2002.

Sandra M. Wheeler
Notary Public

My commission expires: 11-14-06



F:\DATA\LIZ\REAL\EST\Rorie-#2.wpd

The foregoing Certificate of Sandra M. Wheeler
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.
By George E. Tatum REGISTER OF DEEDS FOR CUMBERLAND COUNTY.
Bonnie K. Carter Deputy/Assistant - Register of Deeds

EXHIBIT "A"**JOHN RORIE PROPERTY
CAMDEN ROAD AND LEGION ROAD
PEARCE'S MILL TOWNSHIP
NEAR FAYETTEVILLE
CUMBERLAND COUNTY, N.C.****TRACT I:**

BEGINNING at a point, said point being the intersection of the southeastern margin of Camden Road (60' right-of-way) and the southwestern margin of a 200' right-of-way power line easement belonging to Carolina Power & Light Company; and running thence with the southeastern margin of said Camden Road North 45 degrees 08 minutes 00 seconds East 545.19 feet to the northern corner of the tract of which this is a part; thence with the northeastern margin of the tract of which this is a part South 55 degrees 32 minutes 00 seconds East 322.51 feet to the northeast corner of a 1.00 acre tract; thence with the northern margin of said 1.00 acre tract South 35 degrees 26 minutes 00 seconds West 100.00 feet to the northwest corner of said 1.00 acre tract; thence with the western margin of said 1.00 acre tract South 55 degrees 32 minutes 00 seconds East 435.67 feet to a point in the northwestern margin of Legion Road (100' right-of-way); thence with the northwestern margin of said Legion Road South 35 degrees 26 minutes 00 seconds West 673.04 feet to the southeast corner of a 3.033 acre tract; thence with the eastern margin of said 3.033 acre tract North 54 degrees 34 minutes 00 seconds West 462.62 feet to a point in the southeastern margin of said 200' right-of-way Carolina Power & Light Company power line easement; thence with the southeastern margin of said power line easement South 01 degrees 56 minutes 15 seconds West 479.66 feet to a point; thence South 54 degrees 34 minutes 00 seconds East 197.91 feet to a point in the northwestern margin of said Legion Road; thence with the northwestern margin of said Legion Road South 35 degrees 26 minutes 00 seconds West 446.19 feet to an iron pipe; thence North 85 degrees 41 minutes 00 seconds West 118.90 feet to an iron pipe near a large sandstone, the same being in the southwestern margin of the heretofore referred to Carolina Power & Light Company power line easement; thence North 01 degrees 56 minutes 00 seconds East 1355.62 feet to the place and point of BEGINNING and containing 18.275 acres more or less.

Deed Reference: Deed Book 2316, Page 63; Deed Book 2316, Page 64

The above described deed description prepared by Charles D. Averette, Registered Land Surveyor L-1560 of Averette Engineering Co., P.A.

TRACT II:

BEGINNING at a point in the northwestern margin of Legion Road (100' right-of-way), said point being South 35 degrees 26 minutes 00 seconds West 773.04 feet from the northeastern corner of the tract of which this is a part; and running thence with the northwestern margin of said Legion Road South 35 degrees 26 minutes 00 seconds West 400.00 feet to a point; thence North 54 degrees 34 minutes 00 seconds West 197.91 feet to a point in the southeastern margin of a 200 foot power line

easement belonging to Carolina Power & Light Company; thence with the southeastern margin of said power line easement North 01 degrees 56 minutes 15 seconds East 479.66 feet to a point; thence South 54 degrees 34 minutes 00 seconds East 462.62 feet to the point and place of BEGINNING and containing 3.033 acres more or less.

Deed Reference: Deed Book 2470, Page 718; Deed Book 2629, Page 465

The above described deed description prepared by Charles D. Averette, Registered Land Surveyor L-1560 of Averette Engineering Co., P.A.

F:\DATA\IZAREALEST\ARORIE\DE3.WPD



AUTOMATIC GATE



NE CORNER COMMERCIAL SITE



NEW SITE FROM ACCROSS POWER EASEMENT



NEW SITE TO THE LEFT IN THIS PIC



NORTH WEST CORNER
UP POWER LINE



EXISTING GATE

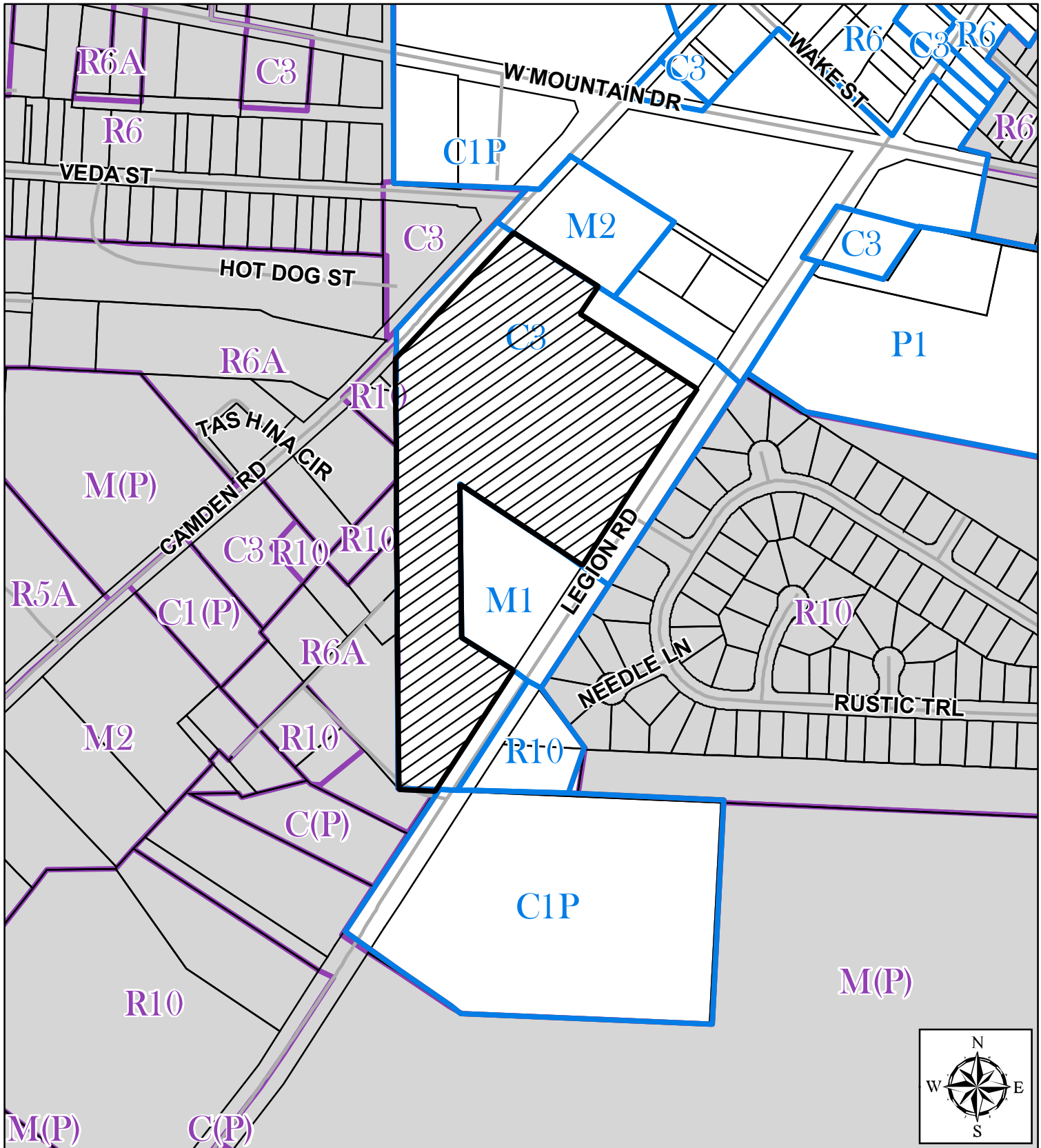


EXISTING STORE FRONT



EXISTING FENCING

ZONING COMMISSION
CASE NO. P11-04F

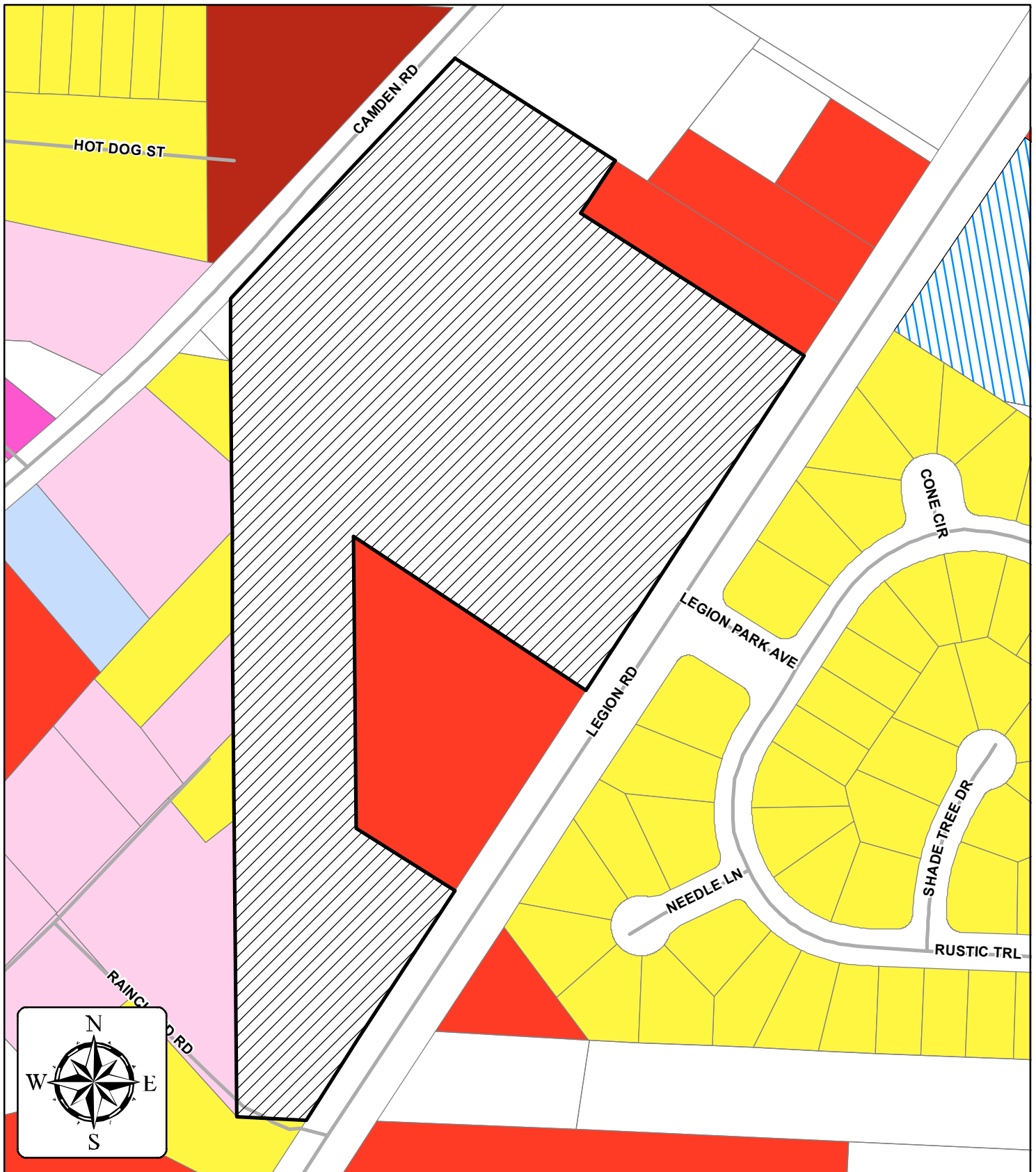


Request: SUP Mini Storage
Location: 2638 Legion Rd.
Acreage: +/- 1.98 acres

Zoning Commission: 01/11/2010 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0425-69-6235

Current Land Use

P11-04F

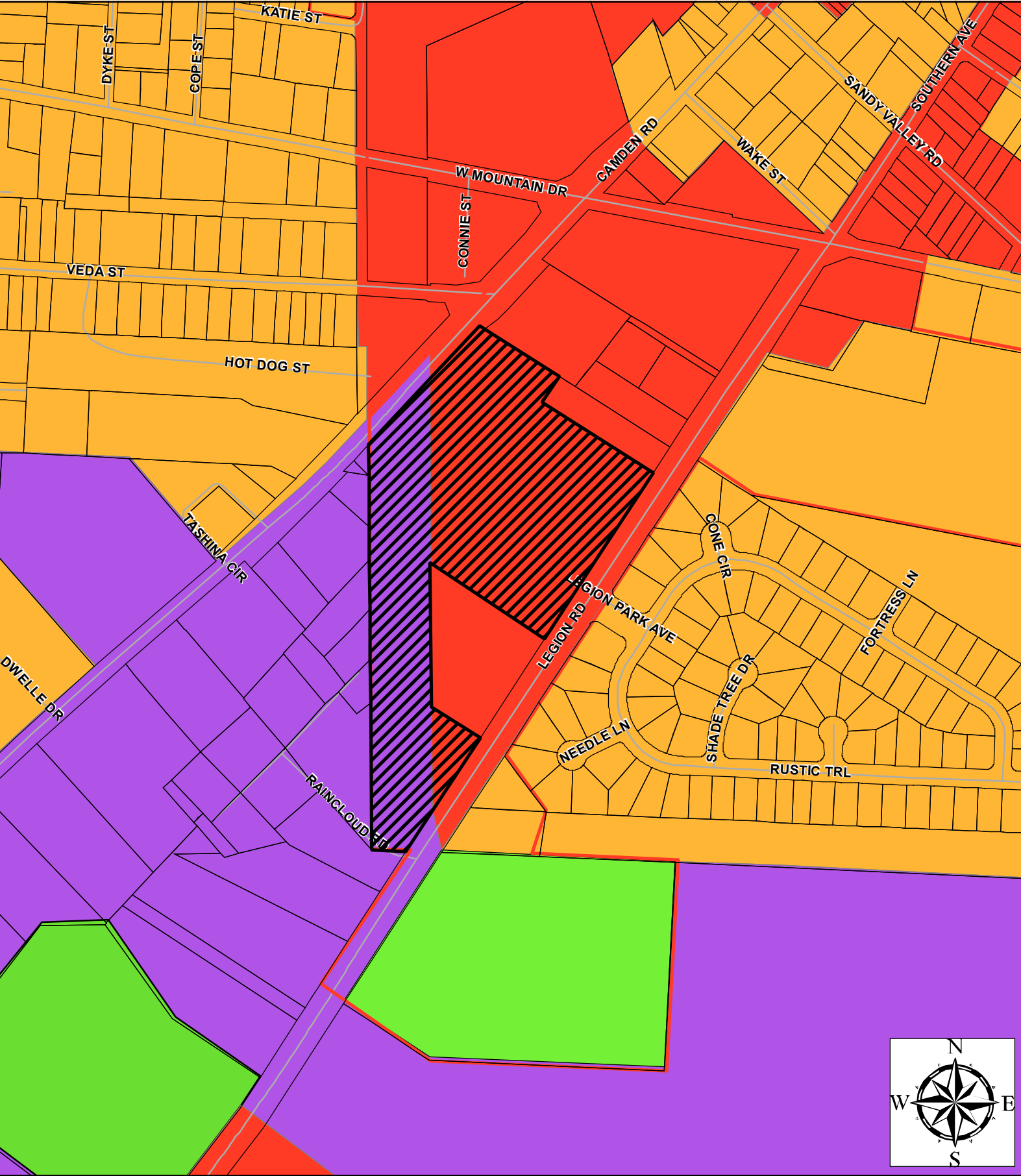


Legend

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

2010 Land Use Plan

Case No. P01-04F



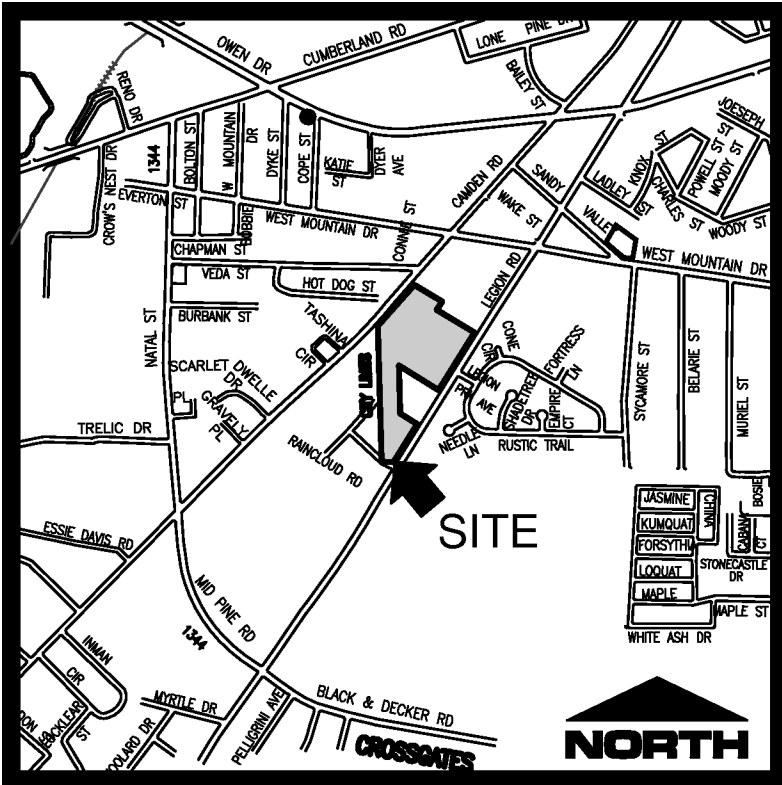
Legend

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

7-2-4-1

ZONING COMMISSION
CASE NO. P11-04F





VICINITY MAP NOT TO SCALE

- LEGEND:
- ECM--EXISTING CONCRETE MONUMENT
 - DOT RIGHT OF WAY DISC
 - EIP--EXISTING IRON PIPE
 - EIR--EXISTING IRON ROD
 - EIS--EXISTING IRON STAKE
 - ERB--EXISTING REBAR
 - CP--COMPUTED POINT
 - N/F--NOW OR FORMERLY
 - R/W--RIGHT OF WAY
 - PROPERTY LINE
 - ADJACENT PROPERTY LINE
 - RIGHT-OF-WAY
 - OVERHEAD ELECTRIC
 - EXISTING FENCE
 - MINIMUM BUILDING SETBACK LINE
 - NEW FENCE LINE
 - BOLLARD
 - HEAVY DUTY ASPHALT

SITE NOTES

- ACCESS TO THE NEW FACILITY SHALL BE THROUGH THE EXISTING FACILITY
- ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCHMARK AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR.
- EXISTING UNDERGROUND UTILITIES ARE SHOWN ONLY WHERE EVIDENCE COULD BE FOUND TO DETERMINE LOCATION. PRIOR TO CONSTRUCTION OR EXCAVATION OF THE SITE, THE GENERAL CONTRACTOR SHALL VERIFY ALL UTILITY COMPANIES TO VERIFY THE LOCATION OF THEIR RESPECTIVE UTILITIES. ALL DAMAGE INCURRED TO EXISTING UTILITIES DURING CONSTRUCTION SHALL BE REPAIRED AT THE GENERAL CONTRACTOR'S EXPENSE.
- ASPHALT AND BASE TYPE SHALL BE PER THE DETAILS.
- HANDICAP RAMPS, SIGNAGE AND PARKING SPACES SHALL BE PROVIDED BY THE CONTRACTOR AND INSTALLED PER FEDERAL ADA AND LOCAL REQUIREMENTS.
- ALL DIMENSIONS ARE TO THE BACK OF CURB OR TO THE FACE OF SIDEWALK UNLESS OTHERWISE NOTED.
- ALL RADI ARE 5' UNLESS OTHERWISE NOTED.
- ALL WASTE MATERIAL SHALL BE DISPOSED OF OFF-SITE IN ACCORDANCE WITH STATE AND LOCAL LAWS AND REGULATIONS.
- ALL SITE IMPROVEMENTS SHALL BE INSTALLED PER CITY OF FAYETTEVILLE AND STATE REGULATIONS.
- EXISTING BUFFERS ARE TO BE UTILIZED WHERE PROPERTY ABUTS RESIDENTIAL ZONINGS OR USES.

N/F
DOROTHY LOU
JACKSON
TRACT 2
DB 7740, PG 799
0425-68-1584
ZONED R6A

N/F
MARGERET H. FAIRCLOTH
DB 2130, PG 187
0425-68-2931
ZONED R6A

N/F
LEE SHANE CARTERET
DB 2689, PG 743
0425-69-1083
ZONED R10

N/F
TRUSTEES OF THE
CAMDEN ROAD CHURCH
OF GOD DBA NEW HOPE
CHURCH OF GOD
DB 4796, PG 618
0425-69-1246

N/F
KATHY JEAN JOHNSON
DB 8454, PG 377
0425-69-2433
ZONED R10

N/F
HARRY D. SWANSON
DB 3233, PG 232
0425-69-2541
ZONED R10

N/F
HARRY D. SWANSON
DB 3274, PG 631
0425-69-2574
ZONED R10

N/F
TITAN PROPANE LLC
TRACT 1
DB 8452, PG 149
0426-60-9010
ZONED M2

N/F
RORIE INVESTMENTS LLC
TRACT 1
DB 5857, PG 074
0425-69-6235
ZONED C3

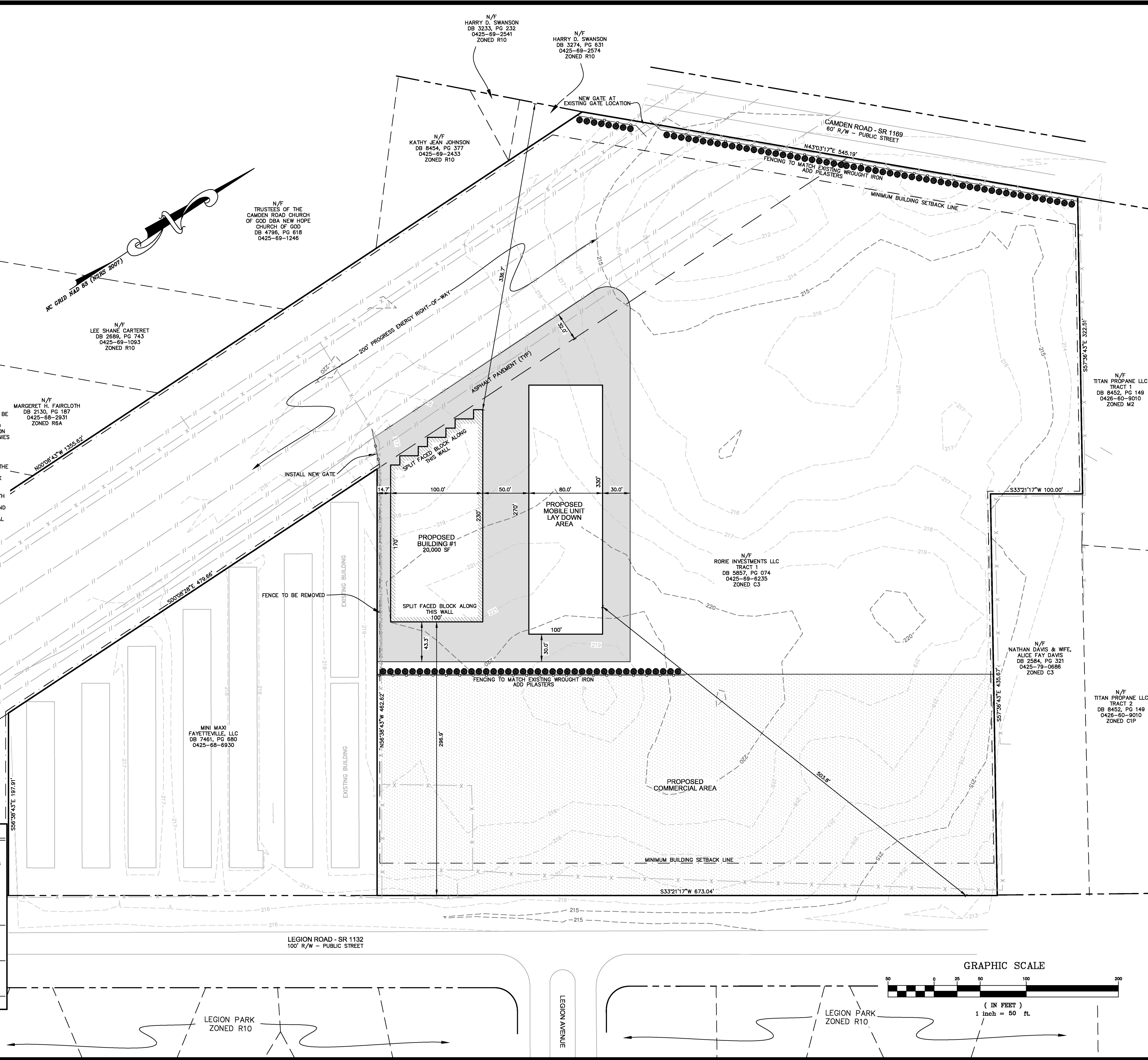
N/F
NATHAN DAVIS & WIFE,
ALICE FAY DAVIS
DB 2364, PG 321
0425-79-0686
ZONED C3

N/F
TITAN PROPANE LLC
TRACT 2
DB 8452, PG 149
0426-60-9010
ZONED C1P

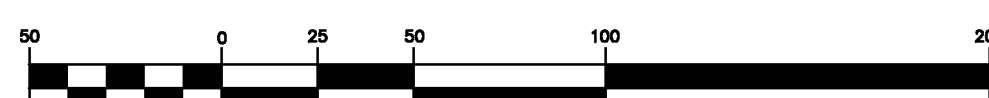
MINI MAXI
FAYETTEVILLE, LLC
DB 7461, PG 660
0425-68-8930

SITE DATA

DEVELOPER	RORIE INVESTMENTS, LLC
MAILING ADDRESS	2638 LEGION ROAD
CITY, STATE	FAYETTEVILLE, NORTH CAROLINA 28306
PIN NUMBER	0425-68-8930
TOTAL SITE AREA	796,142 SF (18.28 AC.)
AREA TO BE DEVELOPED	86,097 SF (1.98 AC.)
ZONING	C3
EXISTING USE	UNIMPROVED
PROPOSED USE	STORAGE FACILITY
DISTURBED/DENUDED AREA	UNKNOWN AT THIS TIME
IMPERVIOUS AREA:	
BUILDINGS	20,000 SF (0.46 AC.)
PAVEMENT	50,535 SF (1.16 AC.)
TOTAL	70,535 SF (1.62 AC.)
SETBACKS REQUIRED:	
FRONT	35 FT
SIDE	0 OR 3 FT
REAR	20 FT



GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

409 Chicago Drive - Suite 112
Fayetteville, North Carolina 28306
Phone: (910) 426-5777
Fax: (910) 426-5777
License Number: C-2254

**4D SITE
SOLUTIONS, INC**
ENGINEERING SURVEYING CONSTRUCTION LAYOUT

REVISIONS

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

PROJECT NAME

MINI MAXI STORAGE BUILDING ADDITIONS

CONCEPTUAL SITE PLAN

CLIENT

RORIE INVESTMENTS, LLC

2638 Legion Road
Fayetteville, North Carolina 28306
Phone: (910) 409-0828

PROJECT INFORMATION

DESIGNED BY:	SEAN
DRAWN BY:	SEAN
CHECKED BY:	CHRIS
PROJECT NUMBER:	556

DRAWING SCALE

HORIZONTAL: 1"=50'

DATE DRAWN

DECEMBER 6, 2010

SHEET NUMBER

1

OF

1



Design Guidelines

Regulating Construction of Mini-Warehouse Facilities

Regulating Construction of Mini-Warehouse Facilities

Design Guidelines

INTENT- To provide measures to enhance the appearance of such facilities thereby creating a positive streetscape image

GUIDELINE-Facilities located within 500 feet of a public street and used predominately as mini-storage and mini-warehouse purposes shall comply with the submission requirements set forth using the following criteria and design guidelines:

1. The building(s) front/ face orientation is to be positioned such that the storage unit doors are perpendicular to the public/private right-of-way and not in full view from the right-of-way or streetscape.

Shall comply with streetscape landscaping requirement for any property abutting a public street.

2. Building(s) that abut a public street shall have facing material(s)fronting the street of masonry (brick or split face concrete units). The fencing is to extend along all building sides facing or fronting a public street. The railing infill material may be wrought iron, aluminum, and steel and is to be color finish (factory or field) or vinyl coated to compliment the building structure and masonry pilasters. No chain link fencing is permitted except where it abuts a commercial zoning district and is not visible from any public street. Entry gates used must be of same material as fence infill or of a decorative type (non chain link). All pilasters shall be a minimum of 6'-0" high and the infill portion of the fence shall be no lower than the pilaster height up to 6'-0. No fence is to exceed 8'-0" in height.
3. Building materials facing any other side of the site perimeter may be metal wall siding or masonry material, but must be of a color (factory or field finished) that matches the main facing façade.
4. In the event a facility is constructed on a sloping lot whereby the storage units are visibly dominant from a public street and/or residential zoned property then the building(s) must be positioned such that the storage unit doors are not visible to any public/private right-of-way and/or residential zoned area adjoining the property.
5. Windows may be used for display purposes within the façade of a storage building but, cannot exceed 20% in the façade facing a public street. No other glass is permitted within the structures used for storage. Where glass is used, the material colors visible through the glass must comply with the regulations set forth. The type of glass permitted includes: clear or tinted (no reflective) an additional 10% of glass area (of the gross square footage of the façade it is to be located in) may be used but cannot be included within the main thoroughfare façade. Total area of glass cannot exceed a combined 30%. No limit is set for accessory buildings exclusively used for administrative operations.

6. A maximum of two exterior colors may be used. Other exterior colors for roof, doors (not in full view) from all perimeter sides are to be complementary to the overall color scheme. Colors used are to be subtle and should not call negative or undue attention to its presence.
7. If an attached or detached accessory building is provided, it is to be positioned to fit the character of the facility in scale, materials and colors.
8. All access drives and roadways within and leading to the property are to be paved with asphalt or concrete materials.
9. No outdoor storage of vehicles, boats, motor homes, trailers or any other items deemed acceptable for storage by the property owner may be exposed to view to the general public from outside the boundaries of the property. If vehicles such as moving and storage trucks are used by the property owner in conjunction with the mini-warehouse / storage operations the vehicle(s) are to be parked out of view from any public right-of-way.
10. All structures comprising a permitted project are to be maintained at all times and the owner and/or Management Company are not to allow these structures to fall into disrepair. Failure to comply may result in being fined.
11. Any mechanical equipment located on a building structure must be screened from full view. Additionally any permanent dumpster or bin provided on site to serve as waste disposal for customer's operational uses must be screened. Screening must be compatible with the building character, colors and materials.
12. Dwellings for attendants or watchmen are allowed provided dwelling unit follows design Guidelines.
13. Lighting shall face toward the interior of the property.

DEFINITIONS

Accessory Building – any structure that serves as an administrative office or for utilities

Buffer- an area provided to reduce the conflict between two different land uses. Buffers are intended to mitigate undesired views, noise and glare effectively providing greater privacy to neighboring land uses. Typical buffers consist of materials that serve this purpose and include, but not limited to plant materials, walls, fences, berms or significant land area to separate the uses.(also see “Screen)

Building Front – any building face, which can be touched by a line drawn perpendicular to a public street

Building Face- any building side which is visible from public or private right-of-ways and/or the faces that contain public entry

Design Guidelines – statements and graphics intended to direct the planning and development of the built environment in a particular manner or style so that the end result contributes positively to the overall development.

Façade- the portion of any exterior elevation on the building extending from the grade to the top of the parapet, wall or eaves and extending the entire length of the building
Public/ Private Right-of-Way any public or private road, access easement intended to provide public access to any lot / development, but excluding any service road or internal driving aisles.

Screen- the sole purpose is to block views. A screen should be constructed of opaque materials and whose height will be effective in obstructing unwanted views (also see “Buffer”

Setback- a prescribed distance or an area between one element and another (a building and road right-of-way). Within these guidelines the term also refers to:

- a. The minimum distance and the area measured from the property line to the interior of a parcel where buildings may be constructed
- b. The required distance and the area between the edge of the parking lot pavement / curb and the property line or buildings / structures.
- c. Placing a building face on a line to the rear of another building line.

Streetscape- all elements of a development or area that are in view from other points along a street.

Regulating Mini-Warehouse Facilities

SUBMISSION REQUIREMENTS

The following shall be submitted for approval of a mini-warehouse facility development:
Proposed site plan (to scale) that meets the requirements of the Zoning Ordinance and is to include:

Layout of the buildings (attached and detached) on this proposal site plan.

Referenced full view photographs of the proposed site location from all sides.

All non building structures shown including: fencing, buffering, setbacks, drives, parking areas, sidewalks, signage placement, trash disposal, accent and area lighting.

Right-of-Ways and easements including proposed and existing utilities and where required proposed storm water containment measures. Landscaping with species, sizes and positioning of plantings. (may be included on the proposed site plan)

Samples of or photographs of building & non-building materials to be used in the facility.

For building materials indicate the location of each material by building orientation reference. Other requirements imposed by the City when facility requires approval of a special use permit.

**CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
JANUARY 25, 2011 @ 7:00 P.M.
SPECIAL MEETING**

MEMBERS PRESENT

Pete Paoni
Marshall Isler
John Crawley
Locket Tally

MEMBERS ABSENT

Martin J. Hendrix
Tom Speight
Steve Mannell

OTHERS PRESENT

Karen Hilton, Planning Manager
Mr. Leonard, Asst. City Atty
David Steinmetz, Inspections
Craig Harmon, Planner

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

I. APPROVAL OF AGENDA

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

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

Mr. Paoni asked that the minutes reflect Mr. Leonard as the attorney present for the Zoning Commission meetings and not Janet Smith.

Mr. Crawley made a motion to approve the amended minutes. Mr. Tally seconded the motion. A vote was taken and passed unanimously.

III. PUBLIC HEARINGS

C. Case No. P11-04F. The issuing of a Special Use Permit (SUP) for Mini-Storage Warehouses on property located at 2638 Legion Road. Containing 1.98 acres more or less and being the property of Rorie Investments, 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 Commercial and Industrial. He explained that this property is currently zoned C3 and the applicant also owns additional Mini-Storage units on the property next to this one.

Mr. Harmon explained that the Staff recommends approval based on the attached site plan; Compliance with the City's Design Guidelines Regulating Construction of Mini-Warehouse Facilities; Construction and operation of such facilities shall comply with the provisions of the General Statutes of the State of North Carolina and any other applicable federal, state or local codes including the City of Fayetteville Fire Code; All required driveway permits shall be obtained; the construction of these facilities and the future expansion indicated on this site plan must comply with the City's regulations regarding Mini-Warehouses at the time of construction; the Special Use Permit is null and void if the Mini-Warehouse does not receive a permit to construct within two (2) years from the date of approval of the special use permit and that all outside lighting be shielded to prevent light trespass to other properties.

The public hearing was opened.

Mr. Chris Pusey appeared in favor of the request. Mr. Pusey explained the case. He stated that the initial plan was to extend the building. He stated that they have requested the SUP to cover Phase 1, which would be construction of Building One, (climate controled) and the building pad for Building Two that during Phase 1 would be the staging area for the mobile units. He explained that in order to build the second building they may have to come back for an additional SUP. He stated that it was growth in stages.

Mr. Tray Rorie appeared in favor of the request and stated he was available for questions.

There was no one to speak in opposition.

Mr. Isler asked about the two phase of construction. Mr. Pusey explained that originally they submitted plans for two buildings, then a second plan with one building and mobile units on the pad and having the ability to build building two later. Mr. Pusey asked to amend the original request to include the option for growth.

Mr. Harmon explained that what was originally presented is different than what was given at the presentation.

The Commission discussed the case and the options available to them involving both phases of the request, which would allow the applicant to anticipate growth and build the second building or second phase.

Mr. Isler made a motion to approve the application based upon the fact that it is consistent with the character of the surrounding area and will not be detrimental to the neighborhood and based on the conditions that staff recommended and that the building can take place in two phases including just the building and the pad for mobile units. Mr. Paoni seconded the motion. A vote was taken and passed unanimously.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jerry Dietzen, Environmental Services Director
DATE: February 28, 2011
RE: **Multifamily Recycling Draft Ordinance and Public Hearing**

THE QUESTION:

Following the public hearing, does City Council wish to consider the revised multifamily recycling ordinance for adoption?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: More Attractive City - Clean and Beautiful

Policy Agenda 1. Commercial, Town Homes and Multifamily Recycling Program - Direction and Funding

BACKGROUND:

The City of Fayetteville began single-family residential curbside recycling in July, 2008. Due to the success, citizen popularity and environmental need for this program, City Council requested that the City expand the program to include multifamily communities and commercial businesses in the 2009 and 2010 strategic planning sessions.

In 2009 the market for recyclables dropped to record lows and to begin the multifamily recycling program then would not have been prudent. However, since the start of 2010, the market has rebounded significantly and the opportunity now exists for a favorable and successful program.

In early 2010, staff partnered with Sustainable Sandhills, a nonprofit dedicated to conserving the natural resources of the eight county region surrounding Fort Bragg, and conducted surveys and interviews with multifamily property managers, residents and owners. The respondents indicated that they would like to have a recycling program offered at their site, did not believe they would have one unless it was mandated by the City, wanted to contract with their current hauler to deliver the service versus having City staff collect, and were willing to pay for the service.

At the April, 2010 City Council work session, City staff recommended to City Council to provide this service through a franchise agreement and to research and develop a proposed agreement to review. City Council asked staff to bring the draft proposal back to City Council at a later date. Staff returned to City Council workshop on October 4, 2010 and revised its recommendation, based upon research, to develop an ordinance requiring multifamily communities to provide the service for their residents.

A draft ordinance was developed and presented to City Council on January 3, 2011. City Council directed staff to meet with the stakeholders to review the draft ordinance with them and receive comments. Staff has since then held three stakeholder meetings on February 3, 8 and 9. Staff is recommending minor changes in the ordinance based upon the comments received.

ISSUES:

The proposed ordinance requires multifamily communities to offer single stream recycling to their residents at their expense. This will most likely increase the cost to the residents through increased rental rates or association dues. However, providing recycling will allow for a modest reduction in cost for garbage collection.

Multifamily communities will be required to identify space and screening for the recycling containers, keep the area clean, provide recycling information to residents periodically and report the amount of recyclables collected.

Stakeholders are generally in support of the ordinance; however, are concerned about the added cost to provide the service and screen the collection area. Also, stakeholders were concerned with having to report the amount of recyclables collected on a quarterly basis.

BUDGET IMPACT:

Staff time will be required to offer technical assistance, develop educational materials and sample placards, collect report data and to answer questions. The number of man hours for this is unknown at this time, but it could result in a few hours per multifamily community initially and less time as the program unfolds. We intend to utilize the departmental staff and volunteers with Sustainable Sandhills for this task.

OPTIONS:

- Following the public hearing, request additional information and take no action.
- Following the public hearing, adopt the multifamily recycling ordinance, making the appropriate amendments, with a program start date of 180 days from the date of adoption.

RECOMMENDED ACTION:

Following the public hearing, staff recommends that City Council adopt the multifamily recycling ordinance, making the appropriate amendments, with a program start date of 180 days from the date of adoption.

ATTACHMENTS:

Multifamily Recycling Draft Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 22, SOLID WASTE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE TO PROVIDE SPACE FOR APPROPRIATE CONTAINERS AND THE COLLECTION OF SINGLE STREAM RECYCLABLES FROM MULTIFAMILY COMMUNITIES

WHEREAS, the City of Fayetteville and Cumberland County must comply with the Solid Waste Management Act of 1989, and, in particular, develop programs to assist in achieving the 40 percent waste reduction goal as set forth in N.C.G.S. § 130A-309.04(c); and

WHEREAS, recycling by multifamily residential communities will assist in enabling the City of Fayetteville and Cumberland County to comply with the goals and objectives of the State of North Carolina, Solid Waste Management Act of 1989; and

WHEREAS, the City of Fayetteville is authorized to enact this ordinance pursuant to N.C.G.S. § 160A-317 and its general police powers; and

WHEREAS, the City of Fayetteville authorized Sustainable Sandhills to conduct a local survey and individual interviews which revealed that the owners, managers, and associations of multifamily communities want recycling to be collected and hauled by the development's current waste hauler contractors or have the option to provide their own service; and

WHEREAS, the local survey and individual interviews revealed that the residents and managers of multifamily communities want a recycling program at their communities; and

WHEREAS, the local survey and individual interviews revealed that the residents and managers of multifamily communities are willing to pay for this service; and

WHEREAS, the local survey and individual interviews of a sample of the managers of multifamily communities within the City limits revealed that they believe the only way to obtain a recycling program is with a mandate by the City of Fayetteville.

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

Section 1. Chapter 22 is amended by placing the current Sections 22-1 through 22-31 under a new Article I to be titled “In General” and reserving Sections 22-32 through 22-42 at the end of this article for future use.

Section 2. A new Article II, Multifamily Recycling, is created as follows:

Article II. Multifamily Recycling

Sec. 22-43. Purpose.

The purpose of this article is to ensure that all existing and future multifamily communities in the City of Fayetteville are provided access to convenient recycling containers, whether carts or dumpsters, so the residents of those communities can recycle the same materials that are collected by the City of Fayetteville’s single-family curbside recycling program.

Sec. 22-44. Definitions.

The following definitions shall apply to standards dealing with this article:

City means the City of Fayetteville, North Carolina, a municipal corporation in the State of North Carolina.

Contractor means the person, corporation, partnership, or entity awarded the contract by the multifamily community’s authorized management agent which performs cart or dumpster services and/or recyclable materials collection, hauling, and delivery.

Multifamily community means any community that is not subject to a solid waste user fee and that is not designated by the Cumberland County Tax Office as a single-family residence, including but not limited to, apartments, townhouses, condominiums, public housing communities and mobile home parks.

Multifamily recycling communities means the developer, person, firm, corporation, company, management staff, home owner’s association, or other group, association, or personnel responsible for providing solid waste collection services directly or through a contract hauler and for the furnishing and maintenance of containers for solid waste, garbage, and refuse disposal for its residents.

Recyclable processor means a recycling processor selected by the contractor to accept the recyclable materials collected by contractor under this article.

Recyclables means items included in local approved recycling programs that includes, but is not limited to, newsprint and accompanying inserts; brown, clear, and green glass containers; aluminum cans, clean aluminum foil, and clean aluminum food trays; steel cans; plastic bottles and jugs; all cardboard that is not wet or waxed; magazines; office paper; residential mixed paper (office paper, junk mail, catalogs, and paper board such as cereal/food boxes); and other local recyclable processor agreed upon materials.

Recycling means the process by which recovered materials are collected, separated, processed, and reused as materials for the manufacturing of new consumer products.

Recycling collection services means the collection and delivery of recyclable materials within the municipal limits of the City of Fayetteville.

Recycling container means a receptacle, including, but not limited to, a cart or dumpster, designed for the purpose of the collection of recyclable materials, and designed with an attached lid, handles, wheels if practicable, and sufficient capacity to provide weekly collection of recyclables without overflowing or spilling.

Solid waste means accumulations consisting of any combination of garbage or refuse, business trash, wet or dry garbage, household trash, bulk items, yard waste and recyclables that are discarded and abandoned by the owner, that cannot be recycled by the local recycling processor, including solids, liquids, and semisolids, except those items excluded by federal and state statutes and acts; i.e., tires, wooden pallets, oyster shells, car batteries, etc.

Storage area means any outside area, including a padded, privacy fenced, or screened area, designated for the location of recycling carts or dumpsters for the collection and storage of solid waste or recycling prior to removal by a hauler.

Unit means the dwelling space rented, leased, or owned by a person or persons residing within the multifamily community, including but not limited to an individual apartment, motel, mobile home, townhouse, patio house, condominium, or cluster home in a multifamily community, unless otherwise specified by the city..

Sec. 22-45. Existing multifamily communities.

The following provisions are intended to specify minimum standards for existing multifamily communities in order to ensure full compliance with this article:

- (1) Multifamily recycling communities shall provide a sufficient number of recycling containers, with a total capacity to handle one week's storage of single stream recyclables intended for transport to the recyclable processor prior to collection by the contractor.
- (2) Access to the storage area shall comply with the Americans with Disabilities Act, as amended, and containers shall not be placed in a location that obstructs pedestrian or vehicular traffic patterns within the development.

- (3) Information and education shall be provided to the tenants, renters, or owners about the recycling program and the items that are recyclable by the multifamily management staff, including, but not limited to, flyers or other forms of communication and signs posted at each storage area where the recycling containers are placed. Information shall be provided to all residents at the start of the program, to all new residents, and periodically to existing residents after the start of the program.
- (4) A report of the amount of recycling materials collected at each multifamily community shall be provided to the Environmental Services Department. The report required under this subsection shall be provided by the multifamily community with the assistance of its contractor, on a form furnished by the Environmental Services Department. The report shall be provided no less than semi-annually with the first report due July 1 each year. The form must be returned to the City of Fayetteville Environmental Services Department, no later than 30 days following the end of each quarter.
- (5) Recycling storage areas shall comply with the City of Fayetteville Zoning and Unified Development ordinances as applicable.
- (6) The recycling storage areas shall be kept clean and orderly, such that no materials shall be left on the ground around the recycling containers, and shall otherwise comply with all applicable existing solid waste ordinances.
- (7) Collection shall be provided in accordance with the existing solid waste ordinances, at minimum on a weekly basis, including arrangements for collection before and/or after holidays, and times for collection of recycling materials shall not be before 8:00 a.m. or after 10:00 p.m.
- (8) The contractor's collection vehicles shall be well maintained so as not to leak hydraulic oil or other liquids from the vehicle.

Sec. 22-46. New multifamily community construction.

The following provisions are intended to indicate minimum standards in order to ensure full compliance with this article for multifamily communities constructed after the effective date of this article:

- (1) Prior to construction, every new multi-family community site plan shall provide for exterior storage for the collection of recyclables.
- (2) The exterior storage area:
 - a. Shall be co-located when possible with residential solid waste and shall be clearly designated with signs and markings for single stream recycling;

- b. Shall be located within a reasonable distance to all residents of the community;
 - c. May be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the areas used for storage;
 - d. Shall otherwise comply with all applicable zoning, unified development, and solid waste ordinances then in effect;
 - e. Shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicular traffic movement on the site or on public streets adjacent to the site; and
 - f. Shall comply with the Americans with Disabilities Act, as amended.
- (3) The failure of the developer in submitting a site plan that does not include provisions for recycling storage area(s) shall result in the plans being returned for re-work and re-submission. If the resubmitted plans still do not allot space for recycling, such omission shall constitute a violation of this article and the plans will not be approved without the provisions required by this article.

Sec. 22-47. Jurisdiction.

The provisions of this article shall apply in the municipal limits of the City of Fayetteville.

Sec. 22-48. Ownership of Materials.

Pursuant to G.S. 160A-317(b)(3), as may be amended from time to time, an owner of recovered materials as defined by G.S. 130A-290(a)(24) retains ownership of the recovered materials until the owner conveys, sells, donates, or otherwise transfers the recovered materials to a person, firm, company, corporation, or unit of local government. Nothing in this article requires an owner to convey, sell, donate, or otherwise transfer recovered materials to the city or its designee.

Sec. 22-49. Penalties.

(a) A violation of this article shall subject the violator to a civil penalty of \$100.00 per day, and each and every day's violation shall be a separate punishable offense. The civil penalty for violation of this section shall be imposed and collected in accordance with Sec. 22-31 of this chapter.

(b) This article may be enforced through any remedy provided by law for the enforcement of ordinances, including, but not limited to, the institution of an appropriate action

for injunctive relief to restrain any actual or threatened violation of this article. The action may be brought in the Superior Court of Cumberland County, or any court of competent jurisdiction.

(c) This article may also be enforced by any other remedy available under Article 9 of Chapter 130A of the North Carolina General Statutes, as amended from time to time, and such remedy is incorporated herein by reference.

Sec. 22-50. Effective date.

This article shall become effective 180 days from the date of adoption.

Section 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this chapter shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the section of this chapter may be renumbered to accomplish such intention.

ADOPTED this _____ day of _____, 2011. Effective this _____ day of _____, 2011.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

Jennifer Penfield, Deputy City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Tom Bergamine, Chief of Police
DATE: February 28, 2011
RE: **Award a Contract to LSV Partnership to Perform an Analysis on Locating Police Substations**

THE QUESTION:

Consideration to authorize the City Manager or his designee to conduct final negotiations with the LSV Partnership for an analysis/study on specific site locations and preliminary design considerations for full service police district substations.

RELATIONSHIP TO STRATEGIC PLAN:

Great Place to Live: a clean and safe community
Desirable Neighborhoods: safe and secure neighborhoods

BACKGROUND:

Council directed the Police Chief to study the potential for locating police substations. As a result, the police requested that PWC Purchasing send an RFQ (Request for Qualification) to solicit an architectural firm to be selected to conduct the requested study. The RFQ was sent out to ten (10) firms and only one (1) responded (the LSV Partnership). On January 31, an evaluation committee met and conducted a preliminary interview with the LSV Partnership.

ISSUES:

- Only one architectural firm responded
- Currently there are limited funds available for the study
- Negotiations would include specific scope of work to be completed, expected product deliverables and a timeline to conduct the study

BUDGET IMPACT:

Currently have \$50,000 allocated for the complete study.

OPTIONS:

Authorize the City Manager or his designee to conduct final negotiations with the LSV Partnership as the architectural firm to conduct the requested study.

Do not authorize the City Manager or his designee to enter negotiations with the LSV Partnership and reopen the RFQ to the bid process.

RECOMMENDED ACTION:

Authorize the City Manager or his designee to conduct final negotiations with the LSV Partnership as the architectural firm to conduct the requested study.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Michael Gibson, Parks, Recreation & Maintenance Director
DATE: February 28, 2011
RE: **Special Consideration for the Boys and Girls Club to Serve Alcohol at Cross Creek Park at Their Fund Raising Event**

THE QUESTION:

Should Council approve the Boys & Girls Club to serve alcohol at their special event fund raiser at Cross Creek Park on Friday, April 29, 2011.

RELATIONSHIP TO STRATEGIC PLAN:

Not applicable

BACKGROUND:

- The Boys & Girls Club has submitted a request for special consideration to allow them to serve alcohol at their special event fund raiser at Cross Creek Park on Friday, April 29, 2011.
- This same request was submitted by the Boys & Girls Club in 2010 which was approved by City Council and resulted in a successful fund raiser for the Boys & Girls Club.

ISSUES:

None

BUDGET IMPACT:

NA

OPTIONS:

- Approve request
- Deny request

RECOMMENDED ACTION:

Staff has reviewed the Boys & Girls special event request and recommends approval of their fund raising request on April 29, 2011 at Cross Creek Park.

ATTACHMENTS:

Boys & Girls Club Serve Alcohol



To Whom It May Concern,

The Boys & Girls Club of Cumberland County is hosting its annual fundraiser, "A Garden Party" on April 29, 2011 from 3pm-7pm in Cross Creek Park, located on Green Street in downtown Fayetteville, NC.

If we gain approval from the Parks and Recreation Special Events committee to hold the event in Cross Creek Park, we are requesting that the City allow us to serve (not sell) beer and wine to our adult guests attending the event.

All guests will be over the age of 21 years old. We will also issue wristbands to all attendees so to distinguish them from anyone not having met entrance approval, as well as provide temporary fencing to secure the area. No children will be present at this event.

We were granted permission to serve beer and wine last year (2010) by the City Council and we are hoping that you will grant us the same privileges this year (2011).

Thank you for your consideration.

Sincerely,
Jenny Beaver
Just Jenny Designs & Events
"A Garden Party" Organizer
jenny@justjennyevents.com
910.551.2880

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Hampton, Special Projects Director
DATE: February 28, 2011
RE: **Consideration of Waiver of Qualification Based Selection (QBS) Process for Structural Engineering services for Cape Fear River Trail**

THE QUESTION:

Will Council approve the waiver to not require a Qualification Based Selection Process for engineering services and authorize contract by direct negotiations?

RELATIONSHIP TO STRATEGIC PLAN:

The Cape Fear River Trail Project is related to almost all of the Guiding Principles of the Strategic Plan but in particular to:

Principle A-Great Place to Live; Principle C-Leisure Opportunities For All; Principle D-Beauty By Design; and Principle G-Cape Fear River To Enjoy. Listed as major project in Strategic Plan Goal #4-More Attractive City-Clean And Beautiful.

BACKGROUND:

The project is the next phase of the Cape Fear River Trail which will run from Clark Park to the Botanical Gardens along the Cape Fear River. A route layout is included with this request for action. The design will contain at least 8 bridges at different locations along the trail as well as a covered bridge under the railroad crossing over the Cape Fear River. The bridges and abutments will require professional design by a licensed structural engineer.

North Carolina General Statute Article 3D, section 143-4.31 (copy attached) requires the use of a qualification based selection process when procuring such engineering services unless a waiver is granted by the governing body and the reasons are listed. Section 143-64.32(b) allows a waiver by the governing body by "stating the reasons therefor and the circumstances attendant thereto".

City staff is requesting the waiver of the requirement to use the QBS process and authorize the City Manager or designee to enter into a contract with Fleming and Associates for an amount not to exceed \$68,000 for the work shown on the attached proposal. The primary reasons are for saving time and money on the design and construction observation of the project. A recap follows:

Fleming and Associates was the engineer of record for the last phase of the Rivertrail and as such has historical knowledge of designs and elements that is extremely valuable to the process going forward. The plans developed will require approval by NC DOT-Pedestrian and Bikeway Division and Fleming and Associates has extensive experience in submission and approval of plans with DOT.

Fleming and Associates has a history with the City of Fayetteville of providing excellent professional design and construction observation in a very cost effective manner and with excellent results.

Fleming and Associates is a local, Fayetteville-based structural engineering firm staffed and fully capable of performing the work in a quality manner and in the time required.

Fleming and Associates has provided a comprehensive tasks and price proposal that is 15% below the city's engineering estimate for such work.

ISSUES:

No unresolved or known opposing issues.

BUDGET IMPACT:

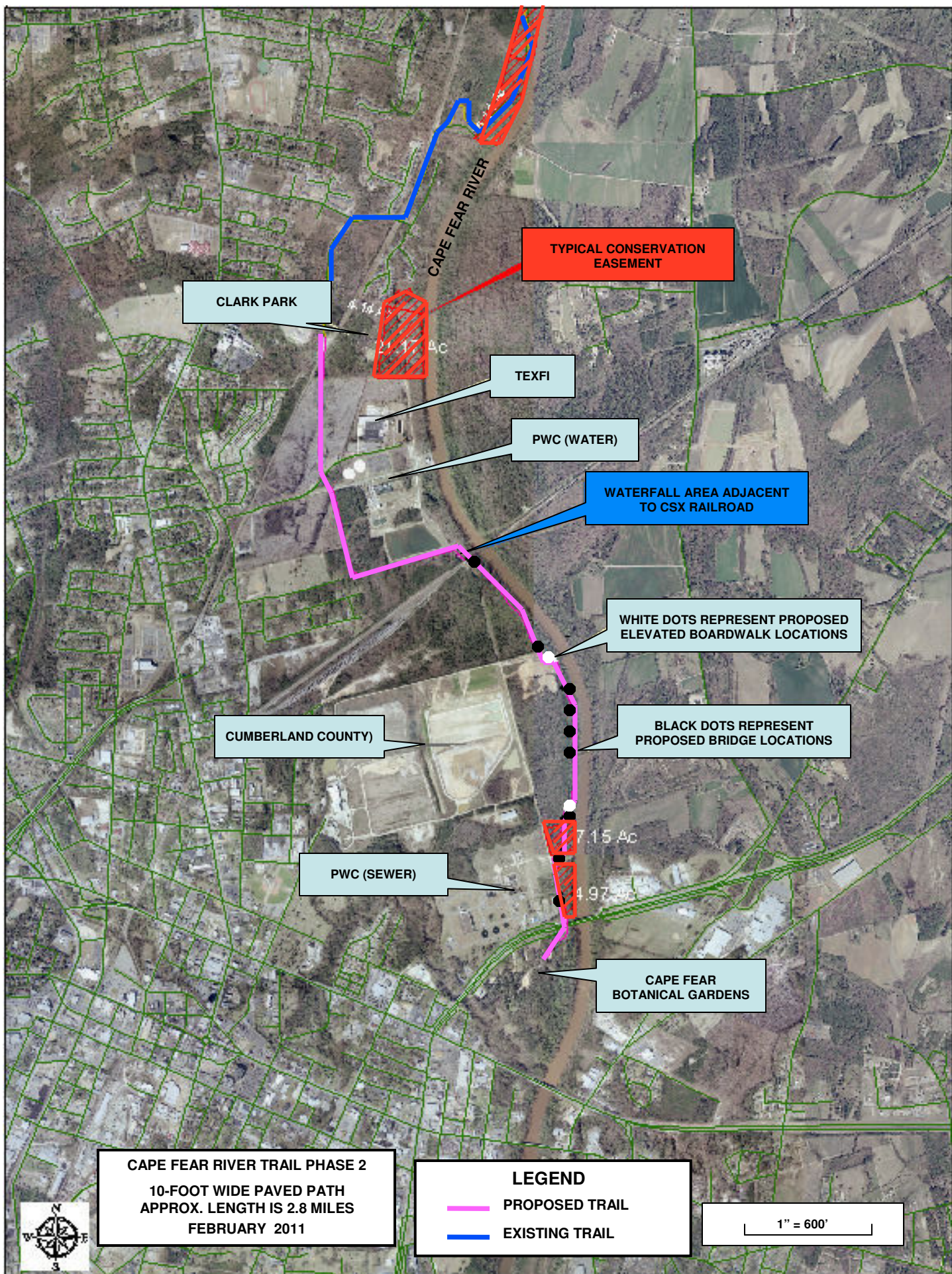
Funding for this work is appropriated within the Cape Fear River Trail Budget and the scope of work and fee is well within the city's estimate of cost of the work.

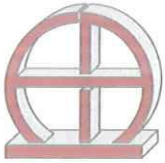
OPTIONS:

- Authorize wavier of the QBS process and award of contract as referenced above, or;
- Do not authorize and provide guidance to staff

RECOMMENDED ACTION:**ATTACHMENTS:**

Trail and areas of Interest
CFRT Structural Eng Agreement
General Statutes for QBS Process





FLEMING & ASSOCIATES, P.A.
Consulting Engineers

1004 Hay Street
Fayetteville, NC 28305

(910) 433-2825
Fax: (910) 433-2604

February 11, 2011

Stephen Fleming, P.E. Principal
J. Ben Rogers, P.E. Principal

City of Fayetteville
433 Hay Street
Fayetteville, NC 28301-5537

Attention: Craig Hampton

Re: Cape Fear River Trail Phase II



Dear Mr. Hampton:

As requested by you the following fee proposal is submitted for structural engineering services for the above referenced project.

A. Information to be furnished to us:

1. A topographic survey of the river trail showing all existing structures, utilities, and other information affecting the project.
2. A subsurface soil report with foundation recommendations. Our office will assist with determining the scope of the subsurface work.

B. Scope of work included:

1. Prepare specifications for the following items:
 - A. Prefabricated steel bridges.
 - B. Cast-in-place concrete.
 - C. Steel piles.
 - D. Timber piles.
 - E. Heavy timber framing.
 - F. Structural steel.
 - G. Canopy roofing.
2. Provide design drawings for Nine (9) prefabricated steel bridges.
 - A. Provide design drawing showing each bridge elevation, span and abutment design to include deep foundation support where required.
3. Provide design drawings for approximately 500 linear feet of heavy timber boardwalk.
 - A. Provide plan drawing with sections and details at each boardwalk location.
4. Provide design drawing for elevated steel supported covered boardwalk below the two CSX railroad bridges. Boardwalk will be supported on steel piles.
 - A. Boardwalk roof and side rails will be removable in vicinity of CSX Bridge.
5. Provide design drawing for elevated timber boardwalk connected to steel boardwalk below CSX Bridge along steep slope on each side of railway.
 - A. Boardwalk will have roof cover within railway right-of-way.

6. All elevated walkways will be designed according to the AASHTO Guide Specifications for Pedestrian Bridges.
7. Construction Administration:
 - A. Review of shop drawings.
 - B. Periodic site inspection of bridge and foundation construction.
- C. Our services do not include:
 1. Up front documents for bidding.
 2. Reproduction of drawings and specifications for bidding or construction.
 3. Geotechnical services.
 4. All other services unless included in "B".
- D. Our fee schedule is as follows:
 1. Our services will be invoiced on an hourly basis as determined below. This fee will not be exceeded without written permission from your office.
 2. Fee determination:
 - A. Specifications:

Engineer..... 16 hours
 - B. Steel bridges and foundations:

Engineer..... 64 hours

CADD..... 80 hours
 - C. Elevated boardwalks along trail:

Engineer..... 60 hours

CADD..... 80 hours
 - D. Bridge and boardwalk below CSX Railroad:

Engineer..... 80 hours

CADD..... 80 hours
 - E. Construction Administration: 40 Site visits and reports at 4 hours per visit.

Engineer..... 160 hours

Total engineering hours = 380 hours @ \$125.00/hour =	\$47,500.00
Total drafting hours = 240 hours @ \$ 70.00/hour =	\$16,800.00
5% Owner contingency =	\$ 3,215.00

Total not to exceed fee:	\$67,515.00
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F. Schedule:

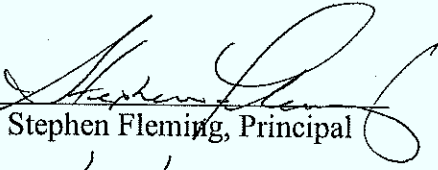
1. Design work can begin immediately after acceptance of proposal. Working drawings will be completed by May 6, 2011.

If you have any questions or need additional information please let me know.

Yours truly,

FLEMING & ASSOCIATES

Offered By:


Stephen Fleming, Principal

Accepted By: _____

Date: _____

2/11/11

Date: _____

Article 3D.

Procurement of Architectural, Engineering, and Surveying Services.

§ 143-64.31. Declaration of public policy.

(a) It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, surveying and construction management at risk services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm. Selection of a firm under this Article shall include the use of good faith efforts by the public entity to notify minority firms of the opportunity to submit qualifications for consideration by the public entity.

(a1) A resident firm providing architectural, engineering, surveying, or construction management at risk services shall be granted a preference over a nonresident firm, in the same manner, on the same basis, and to the extent that a preference is granted in awarding contracts for these services by the other state to its resident firms over firms resident in the State of North Carolina. For purposes of this section, a resident firm is a firm that has paid unemployment taxes or income taxes in North Carolina and whose principal place of business is located in this State.

(b) Public entities that contract with a construction manager at risk under this section shall report to the Secretary of Administration the following information on all projects where a construction manager at risk is utilized:

- (1) A detailed explanation of the reason why the particular construction manager at risk was selected.
- (2) The terms of the contract with the construction manager at risk.
- (3) A list of all other firms considered but not selected as the construction manager at risk and the amount of their proposed fees for services.
- (4) A report on the form of bidding utilized by the construction manager at risk on the project.

The Secretary of Administration shall adopt rules to implement the provisions of this subsection including the format and frequency of reporting. (1987, c. 102, s. 1; 1989, c. 230, s. 2; 2001-496, s. 1; 2006-210, s. 1.)

§ 143-64.32. Written exemption of particular contracts.

Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this Article in the case of:

- (a) Proposed projects where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000), or
- (b) Other particular projects exempted in the sole discretion of the Department of Transportation or the unit of local government, stating the reasons therefor and the circumstances attendant thereto. (1987, c. 102, s. 2.)

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Craig M. Harmon, Planner
DATE: February 28, 2011
RE: **Consideration of a Planned Neighborhood District (PND) General Development Plan application for property located on the southeast side of Bingham Drive across from Lakeridge Drive. Containing 56.22 acres more or less and being the property of Edgar L. Maness and wife, and Robert C. Draughon and wife.**

THE QUESTION:

Does the submitted general plan meet the standards and requirements for a Planned Neighborhood Development zoning district?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: Edgar L. Maness and wife, and Robert C. Draughon and wife
Applicant: Huff-Caviness, LLC
Requested Action: PND General Development Plan
Property Address: southeast side of Bingham Drive across from Lakeridge Drive
Status of Property: Undeveloped
Size: 56.22 acres +/-
Existing Land Use: Vacant residential
Adjoining Land Use & Zoning: North – PND - Residential / South – R10 & PND (County) - Residential / East – PND - Residential / West – R10 & PND - Residential
2010 Land Use Plan: Low Density Residential
Letters Mailed: 229

Huff-Caviness, LLC has submitted a general development plan for a Planned Neighborhood District (PND) development named Bingham Place. The proposed development is located on 56.22 acres on the southeastern side of Bingham Drive in an area currently zoned for a PND development. The Council must recommend whether the attached site plan should be approved, modified or denied by the City Council.

A PND development must be approved in two phases. First, a General Development Plan must be submitted to the City for recommendation by the Planning Commission and approval by City Council. After Council has approved the General Plan the developer has two years to submit a Detailed Site Plan which must go through the same process as did the General Plan.

Property developed in a PND Zoning District must adhere to a specific set of guidelines set forth in the Zoning Ordinance. As an attachment you will find both sections of the City's Zoning Ordinance dealing with district use regulations and district dimensional regulations. A PND development must be broken down into different uses including commercial, open space, single family and multi family. Each use is allowed a specific percentage of the development as defined in the district dimensional regulations.

Please review the attached site plan for layouts, dimensions and proposed road connections in the new development. The following is the proposed breakdown of uses in this PND.

C1P Commercial - 2.81 acres
Open Space - 12.3 acres (stormwater ponds have been included in this calculation and must be removed from open space before final approval)
R10 Residential - 25.36 acres (75 single family residential lots shown)
R6 Residential - 9.0 acres (96 potential units)

R5A Residential - 4.5 acres (64 potential units)
R5 Residential - 2.25 acres (60 potential units)

ISSUES:

This property was originally zoned PND through the County and now by right may develop under the regulations of a PND district. The 2030 Growth Vision Plan for the City and County does caution against rezoning property just because it is along a major thoroughfare and the 2010 Land Use Plan only calls for low density residential along Bingham Drive in this area.

While this item is not a public hearing, the Council should consider providing an opportunity for public comment due to the nature of this issue. While not required by ordinance, staff sent letters out to all property owners within 500 feet of this proposed development informing them of the Council meeting.

I have included with your packet maps of the area including zoning, current land use, 2010 plan, aerial photo and site plan, along with relevant sections of the City Zoning Ordinance.

The submitted site plan does meet the minimum requirements for a general PND site plan. Planning Staff along with the City's Technical Review Committee (TRC) have reviewed the General Development Plan and accept the general layout and distribution of use areas as submitted. Staff also noted to the developer that:

1. A berm or more substantial fence and landscaping may be needed where the public edge is to the rear yard of the development.
2. A TIA (traffic impact analysis) is likely to be required.
3. Open space should help connect or provide a natural corridor.

While the Commission did not make these three concerns conditions of approval for the General Development Plan, these and other items can be required at this first general plan stage or the final review stage (the detailed site plan). Staff has raised the topics to provide guidance to the developer early in the design stage. The City Council may choose to make one or more of them (or other conditions) a part of the General Development Plan approval.

BUDGET IMPACT:

New property tax revenue; increase in public services needed at the edge of the city.

OPTIONS:

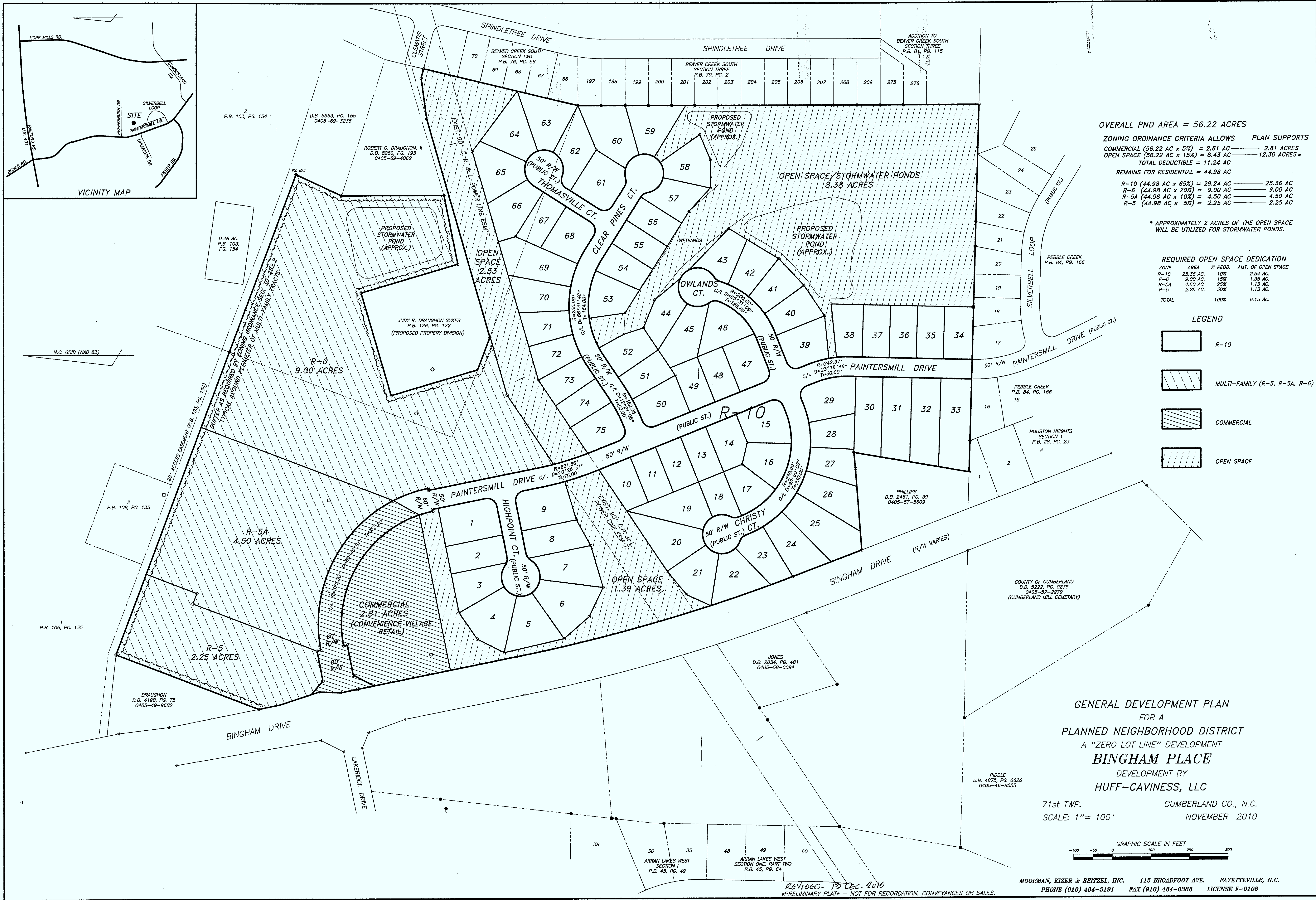
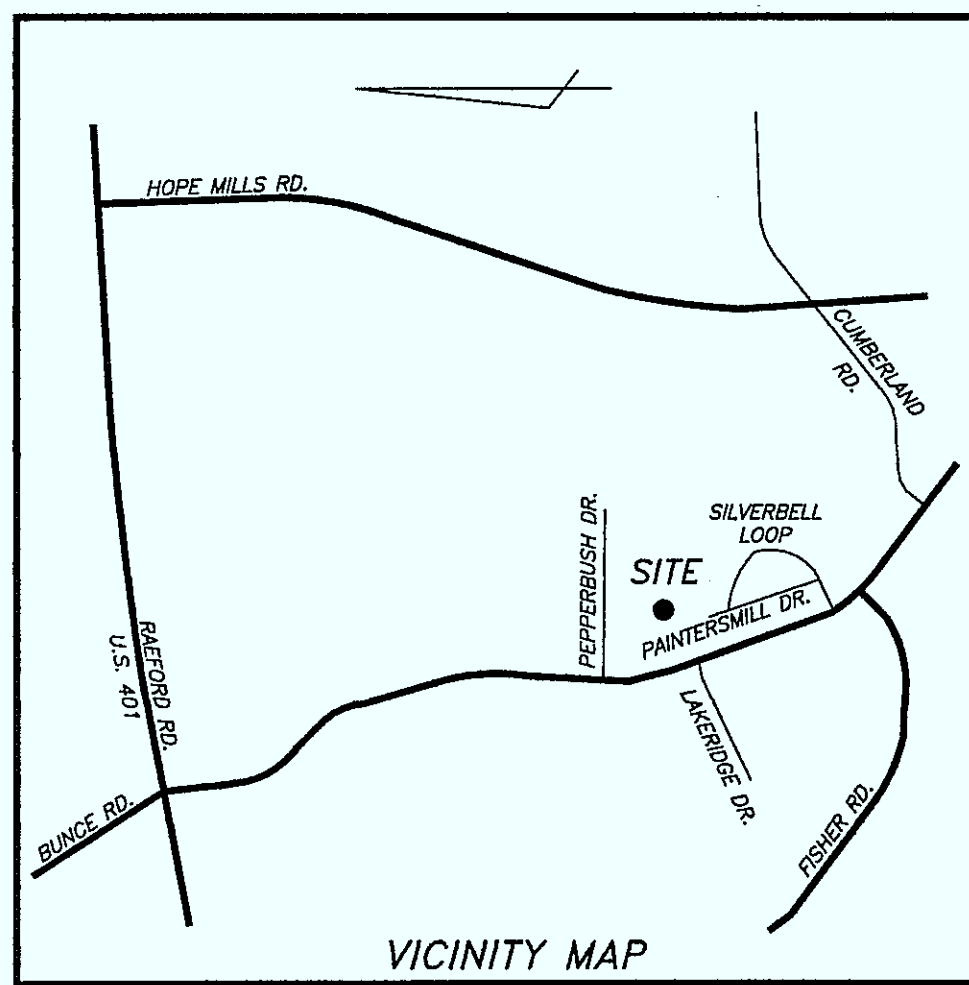
- 1) Approve the PND General Development Plan as presented by the applicant (Recommended);
- 2) Approve the PND General Development Plan with changes or conditions;
- 3) Deny the PND General Development Plan.

RECOMMENDED ACTION:

Planning Commission and staff recommend that the City Council move to APPROVE the PND General Development Plan based on the reasons provided above (in issues).

ATTACHMENTS:

Zoning Ordinance Sections
Zoning Map
2010 Plan
Ortho Photo
Devel Plan
Minutes



OVERALL PND AREA = 56.22 ACRES

ZONING ORDINANCE CRITERIA ALLOWS PLAN SUPPORTS

COMMERCIAL (56.22 AC x 5%) = 2.81 AC 2.81 ACRES

OPEN SPACE (56.22 AC x 15%) = 8.43 AC 12.30 ACRES*

TOTAL DEDUCTIBLE = 11.24 AC

REMAINS FOR RESIDENTIAL = 44.98 AC

R-10 (44.98 AC x 65%) = 29.24 AC 25.36 AC

R-6 (44.98 AC x 20%) = 9.00 AC 9.00 AC

R-5A (44.98 AC x 10%) = 4.50 AC 4.50 AC

R-5 (44.98 AC x 5%) = 2.25 AC 2.25 AC

* APPROXIMATELY 2 ACRES OF THE OPEN SPACE WILL BE UTILIZED FOR STORMWATER PONDS.

REQUIRED OPEN SPACE DEDICATION

ZONE	AREA	% REQD.	AMT. OF OPEN SPACE
R-10	25.36 AC.	10%	2.54 AC.
R-6	9.00 AC.	15%	1.35 AC.
R-5A	4.50 AC.	25%	1.13 AC.
R-5	2.25 AC.	50%	1.13 AC.
TOTAL		100%	6.15 AC.

LEGEND

- R-10
- MULTI-FAMILY (R-5, R-5A, R-6)
- COMMERCIAL
- OPEN SPACE

**MINUTES
CITY OF FAYETTEVILLE
FAYETTEVILLE PLANNING COMMISSION
TUESDAY, JANUARY 18, 2011
7:00 PM
LAFAYETTE ROOM, CITY HALL
433 Hay St., Fayetteville, NC**

MEMBERS PRESENT

Charles Astrike
Sara Bialeschki
Larnie McClung (alt.)
Mary Lavoie
Bill Watt
Tom Speight
Bill Snuggs, Alt.
Ronald Michael
Jimmy Holland
Dr. William Fiden

MEMBERS ABSENT

OTHERS PRESENT

Brian Leonard, Ast City Atty.
Craig Harmon, planner
Karen Hilton, Planning Mgr.
David Nash, Planner

ITEM 1. Approval of the Agenda

Dr. Fiden made a motion to approve the agenda. Mr. McClung seconded the motion. A vote was taken and passed unanimously.

ITEM 2. Approval of the Minutes from November 16, 2010.

A motion to approve the minutes from the November 16, 2010 Planning Commission meeting was made and seconded by the Planning Commission.

ITEM 3. CONSIDERATION: Request by Huff-Caviness, LLC for approval of a general development plan for a Planned Neighborhood District (PND) development named Bingham Place on 56.22 acres on the southeastern side of Bingham Drive in an area currently zoned for a PND development.

Mr. Harmon presented the case. He explained that Huff-Caviness, LLC had submitted a general development plan for a Planned Neighborhood District (PND) development named Bingham Place. He said the proposed development is located on 56.22 acres on the southeastern side of Bingham Drive in an area currently zoned for a PND development.

Mr. Harmon explained that this property was originally zoned PND through the County and now by right may develop under the regulations of a PND district. He explained the

2030 Growth Vision Plan for the City and County does caution against rezoning property just because it is along a major thoroughfare and the 2010 Land Use Plan only calls for low density residential along Bingham Drive in this area.

Mr. Harmon reviewed the procedure for PND approval and stated that the submitted site plan does meet the minimum requirements for a general PND site plan as summarized in the chart below. Staff also noted to the developer that:

1. A berm or more substantial fence and landscaping may be needed where the public edge is to the rear yard of the development.
2. A TIA (traffic impact analysis) is likely to be required.
3. Open space should help connect or provide a natural corridor.

Mr. Harmon then explained that while this item is not a public hearing; the Commission should consider providing an opportunity for public comment due to the nature of the issue. He stated that while it is not required by ordinance, staff sent letters out to all property owners within 500 feet of this proposed development informing them of the Commission meeting.

Summary Table:

<i>CIP Commercial -</i>	<i>2.81 acres</i>
<i>Open Space -</i>	<i>12.3 acres (stormwater ponds have been included in this calculation and must be removed from open space before final approval)</i>
<i>R10 Residential -</i>	<i>25.36 acres (75 single family residential lots shown)</i>
<i>R6 Residential -</i>	<i>9.0 acres (96 potential units)</i>
<i>R5A Residential -</i>	<i>4.5 acres (64 potential units)</i>
<i>R5 Residential -</i>	<i>2.25 acres (60 potential units)</i>

Mr. Harmon explained that the Planning Staff along with the City's Technical Review Committee (TRC) have reviewed the General Development Plan and both are comfortable with the plan as currently submitted.

The Commission had a question and answer period with Mr. Harmon to include connectivity.

Mr. Jimmy Kizer was present at the meeting and available for questions.

Mr. Jimmy Holland made a motion to approve as submitted. The motion was seconded by Mr. Snuggs. A vote was taken and passed unanimously.

Mr. Harmon explained to the Commission that the plan would go before City Council on February 28, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen Hilton, Planning & Zoning Division Manager
DATE: February 28, 2011
RE: **Special Sign Permit Request for temporary event signs for the Fort Bragg Fair from April 14, through May 15, 2011**

THE QUESTION:

Whether or not to approve the special request for temporary event signs for the Fort Bragg Fair.

RELATIONSHIP TO STRATEGIC PLAN:

Partnership of Citizens.

BACKGROUND:

The Sign Ordinance contains a provision, Section 30-259, allowing special permits for temporary on and off premises signs for festivals and major events for the purposes of giving directions and information. The request is subject to the approval of City Council who may limit the number.

The Uniform Development Ordinance, approved by Council on December 13, 2010, will revise the processing of temporary sign approval. That code revision will become effective July 1st or later. The requested temporary signs would be approved administratively under the new code, but the proposed banner would not be allowed.

ISSUES:

The City Council has routinely approved similar requests for similar events for several years. Ten signs (18" X 24") have been requested to be out from 4-14-2011 through 5-15-2011 as well as a 140 (20x7) square foot banner to be placed at 5224 Bragg Blvd. Past practice of staff and Council has been to and approve up to 25 signs for two weeks prior to the event. Banners or large signs have not been approved except in the downtown area which has separate standards related to event banners.

Therefore staff's recommendation for this event will be to approve the signs but due to the extreme size of the banner, it is staff's recommendation that the banner should not be approved.

BUDGET IMPACT:

Minimal to no budget impact.

OPTIONS:

1. Grant the special sign permit for up 10 signs and the banner to be put out on 4-14-2011 and to be removed by the end of the day, 5-15-2011.
2. Grant the special sign permit for up 10 signs, without approval of the banner, to be put out on 4-14-2011 and to be removed by the end of the day, 5-15-2011 (RECOMMENDED).
3. Grant the special sign permit with a different limit on the number of signs. Locations and size to be negotiated by staff.
4. Deny the special sign permit as requested.

RECOMMENDED ACTION:

Staff recommends that Council move to grant the special sign permit for up 10 signs, without approval of the banner, to be put out on 4-14-2011 and to be removed by the end of the day, 5-15-2011.

ATTACHMENTS:

sign request



Fort Bragg, Morale, Welfare and Recreation

24 January 2011

City of Fayetteville Planning Officer
ATTN: Mr. Dave Steinmetz
433 Hay Street
Fayetteville, NC 28301

Dear Mr. Steinmetz:

The Directorate of Family, and Morale, Welfare, and Recreation requests authorization to place ten 18" x 24" corrugated signs within the city limits to promote the community-wide Fort Bragg Fair. DFMWR is a non-profit organization, with all proceeds going to improving Soldier's quality of life and morale at Fort Bragg.

We'd like for the signs to be posted for the period 14 April - 15 May 2011 at the following intersections:

- * Yadkin and Santa Fe Roads
- * US 401 Byp (Skibo) and Yadkin
- * US 401 Byp (Skibo) and Morganton
- * US 401, US 401 Byp, US 401 Bus (Skibo and Raeford Rd)
- * McPherson and Raeford Roads
- * McPherson and Morganton Roads
- * NC 24/87 (Bragg Blvd) and Sycamore Diary Rd
- * NC 24/87 (Bragg Blvd) and Stamper Road
- * US 401 Byp (Country Club) and NC 210 (Murchison Rd)
- * Ramsey & Country Club

In addition, request permission to hang one 20'x7' banner in the BU Beauty Supply parking lot, 5224 Bragg Blvd, during 14 April - 15 May 2011.

Sincerely,

RHETT L. STROUPE
Business Manager, Special Events

Special Events Section, Bldg. F-4208, Fairgrounds, Fort Bragg, NC 28310-5000, (910) 396-9126

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 28, 2011
RE: **Revenue and Expenditure Report for Annually Budgeted Funds for the Five-Month Period Ended November 30, 2010 and 2009**

THE QUESTION:

Information report only.

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

Goal 3: More Efficient City Government - Cost Effective Service Delivery. Objective 1: Greater accountability for performance, results and transparency.

BACKGROUND:

- This report provides cumulative revenue and expenditure information for the City's annually budgeted funds for the five-month period ended November 30, 2010 and 2009. The report consists of two main sections: 1) revenues by major category by fund and 2) expenditures by major category by fund. The expenditure section of the report also provides expenditure data by department for the General Fund.
- The report includes revenue and expenditure data for the current fiscal year (column "Actual thru November 2010"), with comparison columns for the current year's budget (column "Annual Budget as of November 2010" and "Allocated Budget as of November 2010") and revenue and expenditure data through the same period in last fiscal year (column "Actual thru November 2009"). The expenditure section of the report also includes a column for "Encumbrances" which represents commitments by the City to obtain items or services or other expenditures for which payments have not yet been made.
- The report also includes a column that calculates the positive or negative variance between the "Allocated Budget As of November 2010" column to the "Actual thru November 2010" column.
- Revenues and expenditures are generally recorded on a cash basis throughout the year and accounting adjustments are made at year-end to account for revenues and expenditures that need to be recorded back to the fiscal year before it is formally closed.
- Sales taxes include revenues for the five-month period ended November 30, 2010 for the current fiscal year, and for comparative purposes, for the five-month period ended November 30, 2009 for the prior fiscal year in this report.
- Also, quarterly utility taxes are received from the State approximately 75 days after the period to which they apply; therefore, utility tax revenues are included through the quarter ended September 30, 2010 for the current fiscal year, and for comparative purposes, for the quarter ended September 30, 2009 for the prior fiscal year in this report.

ISSUES:

None.

BUDGET IMPACT:

Not applicable. Information report only.

OPTIONS:

Not applicable.

RECOMMENDED ACTION:

No action required. Information Only.

ATTACHMENTS:

November 2010 Revenue and Expenditure Report

**General Fund Revenue Report
For the Period Ended
November 30, 2010**

Description	Actuals thru November 2009	Annual Budget As Of November 2010	Allocated Budget As Of November 2010 *	Actuals thru November 2010	Allocated Budget Variance Positive / (Negative)
Ad Valorem Taxes					
Current Year Taxes	29,283,098.85	57,288,982.00	29,366,245.47	29,891,317.56	525,072.09
Prior Year Taxes	726,731.08	1,026,000.00	666,101.41	666,072.06	(29.35)
Penalties & Interest	76,713.24	318,000.00	74,971.15	73,555.78	(1,415.37)
Other Taxes					
Vehicle License Tax	258,384.30	619,500.00	253,734.18	260,021.40	6,287.22
Privilege License Tax	916,390.53	1,066,450.00	994,037.74	918,752.05	(75,285.69)
Franchise Fees	86,059.42	323,817.00	74,867.08	105,472.66	30,605.58
Vehicle Gross Receipts	111,370.50	464,000.00	108,134.46	169,688.83	61,554.37
Intergovernmental Revenues					
Federal	231,619.74	694,953.00	189,140.62	201,564.05	12,423.43
State					
Sales Taxes	12,188,889.24	30,754,690.00	12,440,874.00	12,329,842.00	(111,032.00)
Utility Taxes	2,548,362.65	9,850,241.00	2,539,768.00	2,658,181.83	118,413.83
Other	5,222,278.13	6,133,351.00	5,019,121.00	5,031,507.05	12,386.05
Local	762,856.09	4,053,757.00	721,295.93	667,422.48	(53,873.45)
Functional Revenues					
Permits and Fees	711,341.07	1,918,200.00	725,689.23	1,178,751.27	453,062.04
Property Leases	108,537.66	582,414.00	187,448.07	87,770.31	(99,677.76)
Engineering/Planning Services	101,084.45	373,050.00	100,906.30	114,611.18	13,704.88
Public Safety Services	308,831.93	1,204,574.00	459,822.73	289,138.90	(170,683.83)
Environmental Services	20,185.30	73,293.00	19,710.06	19,114.28	(595.78)
Parks & Recreation Fees	413,518.92	1,094,800.00	380,690.77	430,177.24	49,486.47
Other Fees and Services	30,142.24	90,221.00	31,020.37	17,203.24	(13,817.13)
Other Revenues					
Refunds and Sundry	352,371.85	632,156.00	323,297.78	269,769.24	(53,528.54)
Indirect Cost Allocation	451,231.30	1,157,958.00	466,900.03	451,514.74	(15,385.29)
Special use assessment	70,061.98	170,000.00	60,122.87	122,234.23	62,111.36
Sale of Assets & Materials	72,782.53	180,500.00	60,087.77	149,914.94	89,827.17
Investment Income	4,799.22	750,000.00	5,591.91	12,193.94	6,602.03
Other Financing Sources					
Proceeds from Bonds	-	-	-	-	-
Proceeds from Refunding Bonds	8,759,245.50	-	-	-	-
Proceeds from Loans	750,000.00	-	-	-	-
Interfund Transfers	3,620,815.71	10,479,372.00	4,929,024.70	4,929,024.70	-
Capital Leases	-	-	-	-	-
Fund Balance Appropriation	-	7,768,513.00	-	-	-
TOTAL	<u>68,187,703.43</u>	<u>139,068,792.00</u>	<u>60,198,603.61</u>	<u>61,044,815.96</u>	<u>846,212.35</u>

* The budget for November is generally allocated based on the annual percentage of revenue received as of November 30, 2009, with the exception of Investment Income, Other Financing Sources and Fund Balance Appropriation.

**Operating Funds Revenue Report
For the Period Ended
November 30, 2010**

Description	Actuals thru November 2009	Annual Budget As Of November 2010	Allocated Budget As Of November 2010 *	Actuals thru November 2010	Allocated Budget Variance Positive / (Negative)
Parking Fund					
Functional Revenues	123,988.96	329,185.00	130,776.05	127,647.32	(3,128.73)
Other Revenues	-	-	-	-	-
Investment Income	-	3,000.00	-	-	-
Total	123,988.96	332,185.00	130,776.05	127,647.32	(3,128.73)
Central Business Tax District Fund					
Ad Valorem Taxes	27,255.08	131,287.00	27,867.09	30,778.60	2,911.51
Investment Income	-	840.00	-	-	-
Fund Balance	-	91,181.00	-	-	-
Total	27,255.08	223,308.00	27,867.09	30,778.60	2,911.51
Stormwater Fund					
Stormwater Fees	2,150,928.49	5,099,839.00	2,145,437.71	2,406,996.48	261,558.77
Intergovernmental	-	-	-	-	-
Other Functional Revenues	-	-	-	-	-
Other Revenues	10,556.25	-	-	-	-
Investment Income	-	66,007.00	-	-	-
Interfund Transfers	-	-	-	-	-
Fund Balance	-	4,685,185.00	-	-	-
Total	2,161,484.74	9,851,031.00	2,145,437.71	2,406,996.48	261,558.77
Emergency Telephone System Fund					
Intergovernmental	353,435.32	1,060,306.00	353,435.32	353,435.32	-
Investment Income	-	10,500.00	-	-	-
Interfund Transfers	5,998.48	-	-	-	-
Fund Balance	-	342,894.00	-	-	-
Total	359,433.80	1,413,700.00	353,435.32	353,435.32	-
Risk Management Funds					
Interfund Charges	4,523,165.13	14,022,088.00	5,579,005.62	4,744,195.38	(834,810.24)
Other Revenues	-	-	-	-	-
Employee Contributions	1,089,239.91	3,304,633.00	1,387,212.35	1,143,221.54	(243,990.81)
Refunds and Sundry	239,237.73	71,417.00	39,418.86	150,765.75	111,346.89
Investment Income	-	309,000.00	-	-	-
Interfund Transfers	1,921,100.00	-	-	401,000.00	401,000.00
Fund Balance	-	19,409.00	-	-	-
Total	7,772,742.77	17,726,547.00	7,005,636.84	6,439,182.67	(566,454.16)
Transit Fund					
Other Taxes	243,681.79	608,300.00	246,115.92	254,781.26	8,665.34
Federal Operating Grant	105,581.00	1,153,128.00	115,348.31	203,985.00	88,636.69
State Operating Grant	-	533,998.00	-	-	-
Bus Fares	250,795.04	679,241.00	261,652.72	322,699.24	61,046.52
Contract Transportation	69,327.36	-	-	39,772.26	39,772.26
Other Revenue	4,771.79	20,643.00	2,238.55	5,437.17	3,198.62
Interfund Transfers	1,112,501.65	2,874,099.00	1,541,895.86	1,129,186.65	(412,709.21)
Total	1,786,658.63	5,869,409.00	2,167,251.35	1,955,861.58	(211,389.77)
Airport Fund					
Intergovernmental Revenues	61,036.20	145,995.00	49,617.06	67,010.65	17,393.59
Property Leases	762,060.15	2,010,100.00	768,851.61	841,802.95	72,951.34
Franchise Fees	403,896.88	998,322.00	364,829.03	500,295.60	135,466.57
Landing Fees	165,317.45	397,685.00	169,433.07	163,970.28	(5,462.79)
Training Facility Fees	14,500.00	19,850.00	11,421.63	13,950.00	2,528.37
Other Revenues	72,869.48	178,489.00	68,132.32	87,346.17	19,213.85
Public Safety Reimbursements	35,123.75	84,297.00	35,123.75	35,123.75	-
Investment Income	-	67,000.00	-	-	-
Interfund Transfers	-	-	-	30,075.55	30,075.55
Fund Balance	-	700,000.00	-	-	-
Total	1,514,803.91	4,601,738.00	1,467,408.46	1,739,574.95	272,166.49
Recycling Fund					
Recycling Fees	1,538,361.29	2,253,910.00	1,539,221.60	1,570,519.67	31,298.07
Intergovernmental	78,110.00	296,130.00	78,112.50	74,501.25	(3,611.25)
Other Revenues	3,223.71	1,400.00	1,109.80	257.25	(852.55)
Investment Income	-	19,000.00	-	-	-
Interfund Transfers	-	-	-	-	-
Total	1,619,695.00	2,570,440.00	1,618,443.90	1,645,278.17	26,834.27

Operating Funds Revenue Report
For the Period Ended
November 30, 2010

Description	Actuals thru November 2009	Annual Budget As Of November 2010	Allocated Budget As Of November 2010 *	Actuals thru November 2010	Allocated Budget Variance Positive / (Negative)
LEOSSA Fund					
Interfund Charges	215,068.41	499,573.00	209,874.10	284,530.20	74,656.10
Investment Income	-	42,000.00	-	-	-
Fund Balance	-	12,537.00	-	-	-
Total	215,068.41	554,110.00	209,874.10	284,530.20	74,656.10
City of Fayetteville Finance Corporation					
Investment Income	435.13	-	-	4.56	-
Property Leases	245,625.00	1,449,475.00	163,125.00	163,125.00	-
Total	246,060.13	1,449,475.00	163,125.00	163,129.56	-
Vehicle Lease Fund					
Interfund Charges	64,997.43	-	-	-	-
Other Revenues	-	-	-	-	-
Investment Income	-	-	-	-	-
Fund Balance	-	102,215.00	-	-	-
Total	64,997.43	102,215.00	-	-	-

**General Fund Expenditure Report
For the Period Ended
November 30, 2010**

Description	Actuals thru November 2009	Annual Budget As Of November 2010	Allocated Budget As Of November 2010*	Actuals thru November 2010	Allocated Budget Variance Positive / (Negative)	Encumbrances thru November 2010
City Attorney						
Personnel	204,297.92	580,211.00	229,533.70	200,820.27	28,713.43	-
Operating / Contract Services	336,869.47	357,525.00	196,959.34	219,603.48	(22,644.14)	-
Capital	-	-	-	-	-	-
Other	76.17	300.00	80.95	215.24	(134.29)	-
Total	541,243.56	938,036.00	426,574.00	420,638.99	5,935.01	-
City Manager						
Personnel	305,161.72	844,942.00	334,262.30	322,502.49	11,759.81	-
Operating / Contract Services	16,565.88	35,082.00	14,543.06	19,855.92	(5,312.86)	-
Capital	-	-	-	-	-	-
Other	1,479.64	2,500.00	1,745.90	955.12	790.78	-
Total	323,207.24	883,524.00	350,551.27	343,313.53	7,237.74	-
Community Development						
Personnel	55,669.95	143,368.00	56,716.93	56,184.82	532.11	-
Operating / Contract Services	216,699.24	799,287.00	374,113.59	174,251.30	199,862.29	588,720.68
Capital	-	-	-	-	-	-
Other	182,335.61	148,641.00	171,107.36	166,816.68	4,290.68	-
Total	454,704.80	1,091,296.00	601,937.89	397,252.80	204,685.09	588,720.68
Development Services						
Personnel	1,073,590.64	2,849,708.00	1,127,355.45	1,026,858.86	98,496.59	-
Operating / Contract Services	201,754.52	1,119,034.00	441,287.01	304,882.11	136,404.90	91,100.00
Capital	42,087.42	37,955.00	37,955.00	6,876.28	31,078.72	-
Other	9,120.06	5,821.00	5,821.00	900.70	4,920.30	-
Total	1,326,552.64	4,012,518.00	1,612,418.46	1,341,517.95	270,900.51	91,100.00
Engineering & Infrastructure						
Personnel	1,519,947.79	4,247,283.00	1,680,241.49	1,478,575.23	201,666.26	-
Operating / Contract Services	1,363,841.12	2,558,789.00	1,195,967.91	807,446.40	388,521.51	133,790.85
Capital	2,077.00	441,300.00	441,300.00	23.00	441,277.00	216,424.07
Other	6,066,131.67	3,843,567.00	3,530,446.78	3,534,518.89	(4,072.11)	-
Total	8,951,997.78	11,090,939.00	6,847,956.18	5,820,563.52	1,027,392.66	350,214.92
Environmental Services						
Personnel	1,679,776.40	4,592,569.00	1,816,837.96	1,639,216.18	177,621.78	-
Operating / Contract Services	735,838.53	2,012,316.00	758,983.99	861,409.50	(102,425.51)	16,405.50
Capital	356,396.00	1,606,665.00	1,606,665.00	356,665.00	1,250,000.00	54,109.41
Other	258,176.35	447,637.00	184,872.55	120,769.75	64,102.80	-
Total	3,030,187.28	8,659,187.00	4,367,359.49	2,978,060.43	1,389,299.06	70,514.91
Finance						
Personnel	471,431.93	1,294,284.00	512,023.73	492,819.01	19,204.72	-
Operating / Contract Services	529,470.22	1,268,709.00	579,988.58	491,487.43	88,501.15	442,416.88
Capital	20,200.00	-	-	-	-	-
Other	-	-	-	-	-	-
Total	1,021,102.15	2,562,993.00	1,092,012.31	984,306.44	107,705.87	442,416.88
Fire & Emergency Management						
Personnel	7,084,878.52	19,023,244.00	7,525,688.49	7,352,684.76	172,963.73	-
Operating / Contract Services	1,007,854.43	2,453,760.00	1,027,397.89	939,548.23	87,849.66	226,513.54
Capital	692,312.00	1,473,042.00	1,473,042.00	510,033.51	963,008.49	312,458.00
Other	295,785.30	225,678.00	113,730.65	137,733.01	(24,002.36)	-
Total	9,080,830.25	23,175,724.00	10,139,859.04	8,939,999.51	1,199,839.53	538,971.54
Human Relations						
Personnel	82,194.45	217,439.00	86,019.70	83,922.89	2,086.81	-
Operating / Contract Services	6,249.33	33,040.00	10,169.51	5,469.19	4,700.32	-
Capital	-	-	-	-	-	-
Other	-	5,200.00	-	-	-	-
Total	88,443.78	255,679.00	96,189.22	89,392.08	6,797.14	-
Human Resource Development						
Personnel	326,717.82	964,569.00	389,499.28	338,179.84	51,319.44	-
Operating / Contract Services	82,135.99	272,295.00	89,429.61	73,739.96	15,689.65	29,347.16
Capital	-	50,000.00	50,000.00	-	50,000.00	-
Other	565.49	750.00	478.70	589.81	(111.11)	-
Total	409,419.30	1,307,614.00	529,407.59	412,509.61	116,897.98	29,347.16

**General Fund Expenditure Report
For the Period Ended
November 30, 2010**

Description	Actuals thru November 2009	Annual Budget As Of November 2010	Allocated Budget As Of November 2010*	Actuals thru November 2010	Allocated Budget Variance Positive / (Negative)	Encumbrances thru November 2010
Information Technology						
Personnel	433,098.11	1,361,461.00	538,599.21	515,953.61	22,645.60	12,433.50
Operating / Contract Services	548,957.54	1,550,143.00	892,919.41	714,067.04	178,852.37	87,520.22
Capital	50,660.00	344,597.00	344,597.00	66,840.08	277,756.92	0.01
Other	320,185.39	283,500.00	218,093.73	283,500.00	(65,406.27)	-
Total	1,352,901.04	3,539,701.00	1,994,209.35	1,580,360.73	413,848.62	99,953.73
Management Services						
Personnel	197,273.08	594,164.00	235,053.56	187,804.19	47,249.37	-
Operating / Contract Services	79,718.11	212,668.00	81,233.00	59,113.90	22,119.10	32,808.20
Capital	-	-	-	-	-	-
Other	(21,295.93)	(36,500.00)	(18,921.43)	(18,570.74)	(350.69)	3,820.88
Total	255,695.26	770,330.00	297,365.14	228,347.35	69,017.79	36,429.08
Mayor & Council						
Personnel	104,041.66	320,633.00	126,843.65	110,919.85	15,923.80	-
Operating / Contract Services	338,852.93	237,382.00	201,354.71	126,300.94	75,053.77	25,928.63
Capital	-	-	-	-	-	-
Other	1,020.85	2,600.00	1,343.30	1,300.67	42.63	-
Total	443,915.44	560,615.00	329,541.66	238,521.46	91,020.20	25,928.63
Other Appropriations						
Personnel	26,106.98	32,368.00	12,804.91	20,260.12	(7,455.21)	-
Operating / Contract Services	1,998,826.34	10,223,932.00	2,511,588.05	1,765,938.94	745,649.11	5,559,573.15
Capital	-	-	-	-	-	-
Other	11,294,062.73	10,686,431.00	3,714,001.65	3,646,378.35	67,623.30	84,156.25
Total	13,318,996.05	20,942,731.00	6,238,394.61	5,432,577.41	805,817.20	5,643,729.40
Parks, Recreation & Maintenance						
Personnel	3,560,290.61	9,021,262.00	3,568,845.94	3,478,395.81	90,450.13	-
Operating / Contract Services	2,142,568.71	5,334,738.00	2,313,493.30	2,307,970.79	5,522.51	168,218.81
Capital	62,816.00	812,139.00	812,139.00	287,656.71	524,482.29	-
Other	356,485.80	737,582.00	465,350.47	326,810.19	138,740.28	-
Total	6,122,161.12	15,905,721.00	7,159,828.72	6,400,633.50	759,195.22	168,218.81
Police						
Personnel	13,244,949.34	35,688,321.00	14,118,437.05	13,036,712.13	1,081,724.92	-
Operating / Contract Services	1,885,054.43	4,702,503.00	1,938,620.32	2,078,006.66	(139,386.34)	75,156.21
Capital	584,398.90	2,456,705.00	2,456,705.00	1,281,890.38	1,174,814.62	-
Other	419,037.37	504,655.00	212,960.32	60,413.56	152,546.76	-
Total	16,133,440.04	43,352,184.00	18,726,722.69	16,457,022.73	2,269,699.96	75,156.21
Total General Fund						
Personnel	30,369,426.92	81,795,826.00	32,358,743.36	30,343,810.06	2,014,933.30	12,433.50
Operating / Contract Services	11,491,258.79	33,192,201.00	12,628,049.29	10,949,091.79	1,678,957.50	7,477,299.83
Capital	1,810,947.32	7,222,403.00	7,222,403.00	2,509,984.96	4,712,418.04	582,991.49
Other	19,183,166.70	16,858,362.00	8,601,111.94	8,262,131.23	338,980.71	87,977.13
Total	62,854,797.73	139,068,792.00	60,810,307.60	52,065,018.04	8,745,289.58	8,160,701.95

* The personnel budget for November is allocated based on the number of pay periods which have occurred through that date. Capital is allocated at 100%. Operating, Contract Services and Other are generally allocated based on the annual percentage of expenditures as of November 30, 2009.

**Operating Funds Expenditure Report
For the Period Ended
November 30, 2010**

Description	Actuals thru November 2009	Annual Budget As Of November 2010	Allocated Budget As Of November 2010*	Actuals thru November 2010	Allocated Budget Variance Positive / (Negative)	Encumbrances thru November 2010
Parking Fund						
Personnel	-	-	-	-	-	-
Operating / Contract Services	129,506.86	314,929.00	142,748.33	164,739.02	(21,990.69)	80,414.44
Capital	-	-	-	-	-	-
Other	-	17,256.00	17,256.00	-	17,256.00	-
Total	129,506.86	332,185.00	160,004.33	164,739.02	(4,734.69)	80,414.44
Central Business Tax District Fund						
Personnel	-	-	-	-	-	-
Operating / Contract Services	50,000.00	67,384.00	57,982.62	25,993.75	31,988.87	-
Capital	-	75,830.00	75,830.00	-	75,830.00	-
Other	50,000.00	80,094.00	53,396.00	61,918.32	(8,522.32)	-
Total	100,000.00	223,308.00	187,208.62	87,912.07	99,296.55	-
Stormwater Fund						
Personnel	593,546.64	1,487,735.00	588,553.69	537,383.60	51,170.09	-
Operating / Contract Services	358,098.39	2,652,365.00	892,329.79	817,627.30	74,702.49	59,267.34
Capital	624,433.83	5,411,662.00	5,411,662.00	227,599.99	5,184,062.01	370,951.32
Other	244,921.45	299,269.00	336,434.91	51,001.81	285,433.10	-
Total	1,821,000.31	9,851,031.00	7,228,980.39	1,633,612.70	5,595,367.69	430,218.66
Emergency Telephone System Fund						
Personnel	21,335.69	55,279.00	21,868.59	21,777.01	91.58	-
Operating / Contract Services	271,277.29	680,264.00	304,084.14	253,276.79	50,807.35	-
Capital	183,929.88	592,561.00	592,561.00	154,691.49	437,869.51	274,398.11
Other	-	85,596.00	85,596.00	-	85,596.00	-
Total	476,542.86	1,413,700.00	1,004,109.73	429,745.29	574,364.44	274,398.11
Risk Management Funds						
Personnel	151,372.74	384,989.00	152,303.13	132,479.14	19,823.99	-
Operating / Contract Services	6,257,838.04	17,329,621.00	6,358,539.25	5,279,538.07	1,079,001.18	975,124.87
Capital	-	8,000.00	8,000.00	-	8,000.00	-
Other	2,576,434.60	3,937.00	3,937.00	-	3,937.00	-
Total	8,985,645.38	17,728,547.00	6,522,779.38	5,412,017.21	1,110,762.17	975,124.87
Transit Fund						
Personnel	1,233,450.94	3,663,180.00	1,449,168.10	1,399,848.87	49,319.23	-
Operating / Contract Services	483,549.63	1,690,822.00	571,474.95	580,791.79	(9,316.84)	139,540.79
Capital	-	-	-	-	-	-
Other	174,339.31	515,407.00	214,752.92	232,983.10	(18,230.18)	-
Total	1,891,339.88	5,869,409.00	2,235,395.97	2,213,623.76	21,772.21	139,540.79
Airport Fund						
Personnel	451,035.71	1,296,137.00	512,756.78	474,756.61	38,000.17	-
Operating / Contract Services	402,111.28	1,457,149.00	455,081.72	400,226.43	54,855.29	69,981.03
Capital	48,095.00	267,320.00	267,320.00	114,724.90	152,595.10	7,711.80
Other	437,247.06	1,581,132.00	1,219,607.00	844,662.62	374,944.38	-
Total	1,338,489.05	4,601,738.00	2,454,765.50	1,834,370.56	620,394.94	77,692.83
Recycling Fund						
Personnel	-	-	-	-	-	-
Operating / Contract Services	781,104.80	1,988,810.00	819,713.94	626,949.80	192,764.14	943,987.20
Capital	-	55,000.00	55,000.00	-	55,000.00	-
Other	-	526,630.00	190,069.95	186,907.65	3,162.30	-
Total	781,104.80	2,570,440.00	1,064,783.89	813,857.45	250,926.44	943,987.20
LEOSSA Fund						
Personnel	183,769.50	554,110.00	219,208.05	194,555.26	24,652.79	-
Operating / Contract Services	-	-	-	-	-	-
Capital	-	-	-	-	-	-
Other	-	-	-	-	-	-
Total	183,769.50	554,110.00	219,208.05	194,555.26	24,652.79	-
City of Fayetteville Finance Corporation						
Personnel	-	-	-	-	-	-
Operating / Contract Services	-	-	-	-	-	-
Capital	-	-	-	-	-	-
Other	247,285.00	1,449,475.00	163,125.00	163,125.00	-	-
Total	247,285.00	1,449,475.00	163,125.00	163,125.00	-	-
Vehicle Lease Fund						
Personnel	-	-	-	-	-	-
Operating / Contract Services	52,206.77	12.00	4.13	12.00	(7.87)	-
Capital	-	102,203.00	102,203.00	102,202.78	0.22	-
Other	-	-	-	-	-	-
Total	52,206.77	102,215.00	102,207.13	102,214.78	(7.65)	-

* The personnel budget for November is allocated based on the number of pay periods which have occurred through that date. Capital is allocated at 100%. Operating, Contract Services and Other are generally allocated based on the annual percentage of expenditures as of November 30, 2009.