



FAYETTEVILLE CITY COUNCIL
AGENDA
NOVEMBER 14, 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 PUBLIC FORUM

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

7.0 CONSENT

7.1 Airport - Replace Jetbridge B4 and Capital Project Ordinance number 2012-4 and Budget Ordinance Amendment 2012-5

7.2 Community Development - Approval of Resolution to renew designation of Urban Progress Zone 1 & 2

7.3 Award Contract for the Air Carrier Apron Rehabilitation Phase I project.

7.4 Award Contract for Sports Lighting for Tokay Athletic Fields and Century Circle Sports Complex

7.5 Adopt a Resolution Authorizing the Lease of Space Owned by the City of Fayetteville to National Railroad Passenger Corporation

- 7.6 Budget Ordinance Amendment 2012-4 (General Fund)
- 7.7 Budget Ordinance Amendment 2012-6 (Emergency Telephone System Fund)
- 7.8 Capital Project Ordinance 2012-5 (FY 2011 Justice Assistance Grant Program)
- 7.9 Finance - Capital Project Ordinance Amendment 2012-16 (Sidewalks and Related Improvements)
- 7.10 Capital Project Ordinance Amendment 2012-17 (Municipal Transportation Agreements)
- 7.11 Special Revenue Fund Project Ordinance 2012-6 (Cumberland County STARS Adult Drug Treatment Court 2011)
- 7.12 Special Revenue Fund Project Ordinance 2012-7 (Cumberland County Domestic Violence Training 2011)
- 7.13 Special Revenue Fund Project Ordinance Amendment 2012-4 (Appropriation of Federal Forfeiture and Controlled Substance Tax Funds for Law Enforcement Purposes)
- 7.14 Approval of Municipal Agreement with NCDOT for Safe Routes to School Program for the Hoke Loop Road sidewalk construction
- 7.15 PWC - Bid Recommendation for Purchase of Water and Wastewater Chemicals
- 7.16 PWC - Dark Fiber Use Agreement with LMK Communications, LLC
- 7.17 Phase 5 Annexation Areas 12 and 13 Preliminary Assessment Resolution
- 7.18 Concurrence of NCDOT Rural to Municipal Speed Ordinances
- 7.19 Stop Sign Ordinances
- 7.20 Finance - Tax Refunds of Greater Than \$100 - October 2011
- 7.21 Tax Refunds of Greater Than \$100 - September 2011

7.22 Approve Minutes:

- July 25, 2011 - Regular Meeting
- August 1, 2011 - Work Session
- August 8, 2011 - Agenda Briefing
- August 8, 2011 - Regular Meeting
- August 17, 2011 - Agenda Briefing
- August 22, 2011 - Special Meeting
- August 22, 2011 - Regular Meeting
- August 23, 2011 - Special Meeting
- August 25, 2011 - Special Meeting
- August 29, 2011 - Special Meeting

8.0 OTHER ITEMS OF BUSINESS

8.1 a) Fayetteville Cumberland County Chamber of Commerce Economic Development Report

b) FY 2012 Strategic Plan's Policy and Management Action Agenda - 1st Quarter Report

Presenter(s): Rebecca Rogers Carter, Management Services Manager

8.2 Consider Adoption of Resolution Authorizing Condemnation to Acquire Easement for Storm Drainage Improvement Project

Presenter(s): Rusty Thompson, PE, Director of Engineering and Infrastructure

8.3 Transit Bench and Shelter Update

Presenter(s): Randall Hume, Transit Director

9.0 ADMINISTRATIVE REPORTS

9.1 Review of Proposed 2012 City Council Meeting Dates Calendar

9.2 Monthly Statement of Taxes for September 2011

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 non-public hearing item may submit written materials to the City Council on the subject matter by providing twenty (20) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

**COUNCIL MEETING WILL BE AIRED
NOVEMBER 14, 2011 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
NOVEMBER 16, 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:

FROM:

DATE: November 14, 2011

RE:

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO:

FROM:

DATE: November 14, 2011

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

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Bradley S. Whited
DATE: November 14, 2011
RE: **Airport - Replace Jetbridge B4 and Capital Project Ordinance number 2012-4 and Budget Ordinance Amendment 2012-5**

THE QUESTION:

How do we support Air Service operations and expansion?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

The replacement of Jetbridge B4 is part of the Airport's CIP and programmed for replacement this fiscal year. Gate B4 has been unused because Jetbridge B4 (originally abandoned by American Airlines in 1994) is unusable and inoperative. The FAA has approved the use of Passenger Facility Charge (PFC) revenues to fund this project. With the rehabilitation of the Terminal Apron Phase I, scheduled to start February 28th, Jetbridge B1 will become temporarily block. Replacement of B4 is critical to provide alternative gate position for continued airline service during apron reconstruction.

ISSUES:

Collection of PFC's has lagged the levels needed to fund Airport projects in accordance with the CIP schedule. In order for the Airport to proceed with this critical purchase and installation, it will be necessary for the Airport to "front load" the funding of this project with airport reserve funds to be repaid by future PFC revenue.

BUDGET IMPACT:

Capital Project Ordinance 2012-4 and Budget Ordinance Amendment 2012-5, in the amount of \$489,500.00, is necessary to proceed with this project.

OPTIONS:

Approve the Capital Project Ordinance 2012-4 and Budget Ordinance Amendment 2012-5, in the amount of \$489,500.00, for the replacement of jetbridge B4.

RECOMMENDED ACTION:

Approve the Capital Project Ordinance 2012-4 and Budget Ordinance Amendment 2012-5, in the amount of \$489,500.00, for the replacement of jetbridge B4.

ATTACHMENTS:

Capital Project Ordinance #2012-4
Budget Ordinance Amendment #2012-5

**CAPITAL PROJECT ORDINANCE
ORD 2012-4**

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

Section 1. The authorized project is for replacement of Jetbridge 4.

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:

Airport Operating Fund Transfer	<u>\$ 489,500</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 489,500</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 this project.

Adopted this 14th day of November, 2011.

2011-2012 BUDGET ORDINANCE AMENDMENT
CHANGE 2012-5

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

That the City of Fayetteville Budget Ordinance adopted June 13, 2011 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, 2011, and ending June 30, 2012, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule H: Airport Fund</u>			
Net Assets Appropriation	\$ 186,370	\$ 489,500	\$ 675,870
All Other Airport Fund Revenues and OFS	4,450,440	-	4,450,440
Total Estimated Airport Fund Revenues and Other Financing Sources	<u>\$ 4,636,810</u>	<u>\$ 489,500</u>	<u>\$ 5,126,310</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, 2011, and ending June 30, 2012, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule H: Airport Fund</u>			
Total Estimated Airport Fund Expenditures	<u>\$ 4,636,810</u>	<u>\$ 489,500</u>	<u>\$ 5,126,310</u>

Adopted this 14th day of November, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor Sharpe, Community Development Director
DATE: November 14, 2011
RE: **Community Development - Approval of Resolution to renew designation of Urban Progress Zone 1 & 2**

THE QUESTION:

Will renewal of the Urban Progress Zones (UPZ) allow the continuation of economic development incentives to encourage investment in Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

- The purpose of this item is to adopt a resolution to request the renewal of the City's Urban Progress Zones 1 and 2 under the State's Article 3J Tax Credit Program.
- Article 3J is a state tax credit program that provides three types of tax credits to eligible taxpayers that undertake qualifying activities in NC: credit for creating jobs, credit for investing in business property, and credit for investment in real property.
- The UPZ allows eligible businesses the opportunity to receive an enhanced tax credit of \$1,000 per job created.
- The City's current UPZ is due to expire on December 31, 2011.
- The City's initial UPZ was designated in 2007.

ISSUES:

- The Urban Progress Zone designation must be supported by specific demographics in the census tracts identified.
- The proposed Urban Progress Zone includes all census tracts that qualify for this program.

BUDGET IMPACT:

None

OPTIONS:

- Approve action as recommended.
- Take no action which will allow the existing UPZ designation to expire.

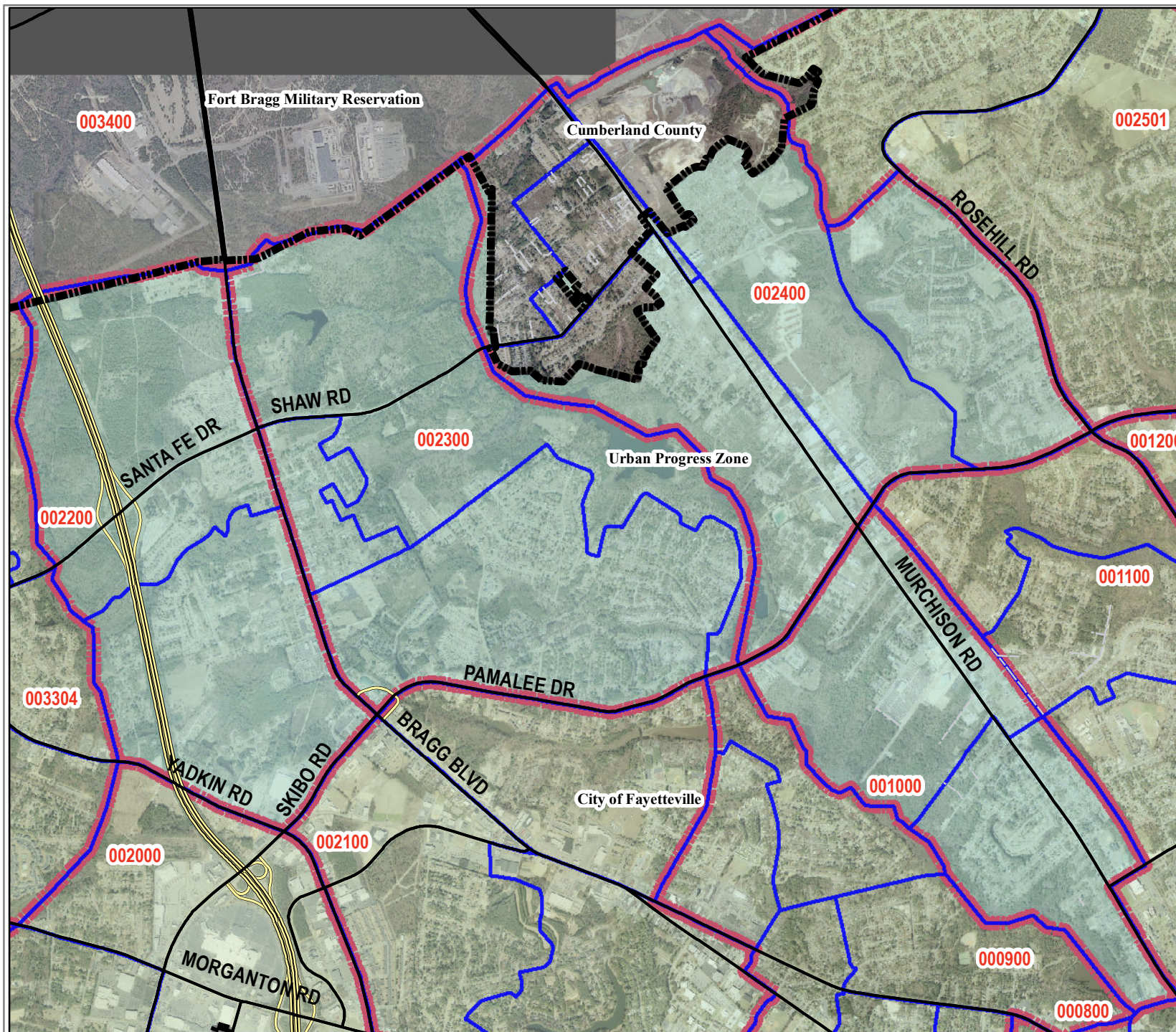
RECOMMENDED ACTION:

Approve adoption of resolution in support of the submission of an application for the renewal of Urban Progress Zone 1 and 2.

ATTACHMENTS:

Urban Progress Zone 1
Urban Progress Zone 2

Resolution



City of Fayetteville Urban Progress Zone

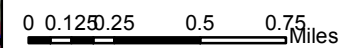
Key to Features

- Fayetteville City Limits
- Census Block Groups
- Census Tracts
- Urban Progress Zone
- Fort Bragg/Pope AFB

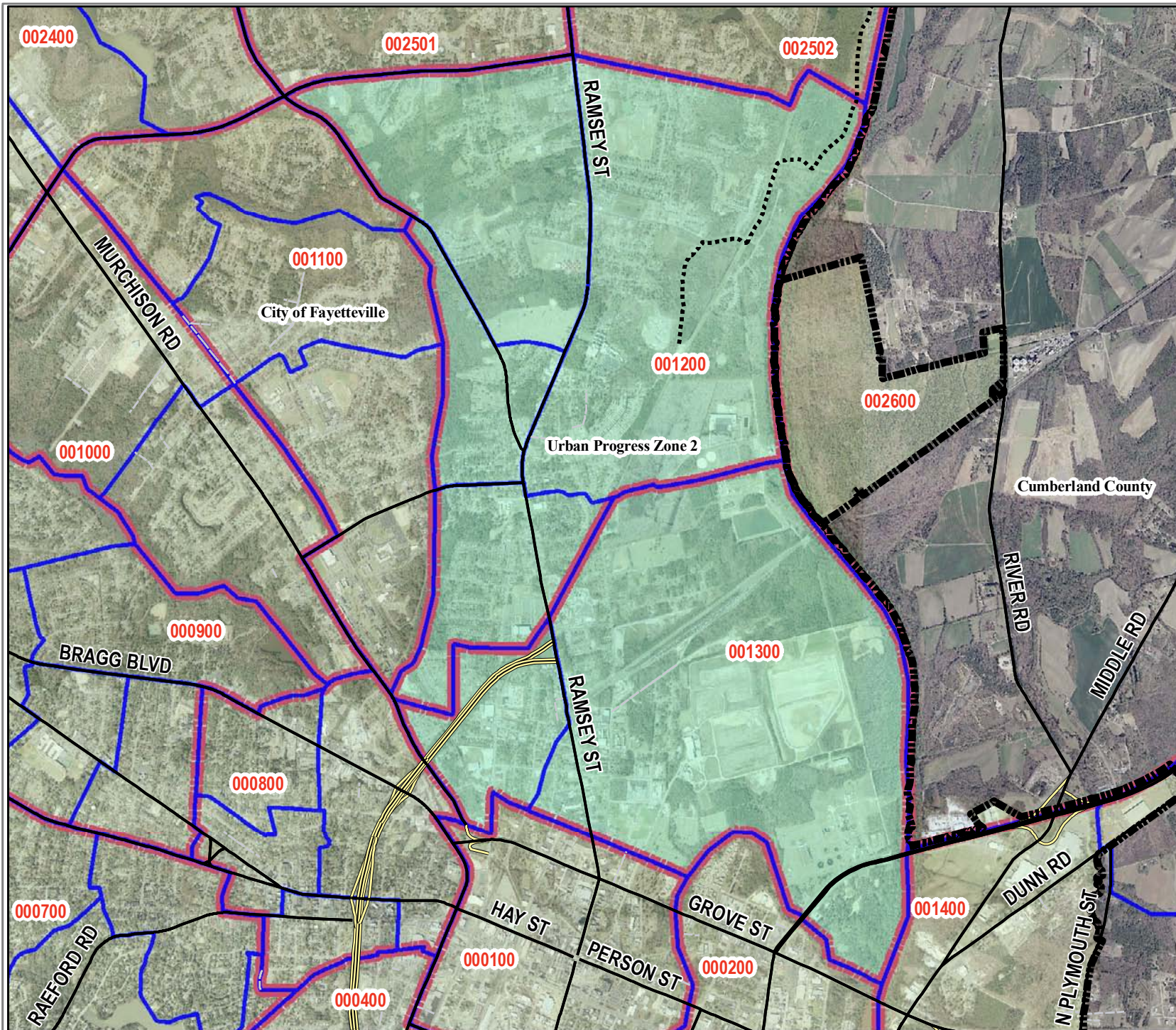


GIS Product
May 17, 2007

Urban_Progress_Zone_MHaire_small



City of Fayetteville Urban Progress Zone 2



Key to Features

- Fayetteville City Limits
- Census Block Groups
- Census Tracts
- Urban Progress Zone 2



GIS Product
February 8, 2008

Urban_Progress_Zone2_MHaire_small

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Resolution in Support of Urban Progress Zones

WHEREAS, the City of Fayetteville's Strategic Plan Identifies Greater Tax Base Diversity – Strong Local Economy as a goal; and

WHEREAS, the City of Fayetteville wishes to enhance economic development incentives for new investment and job creation within the municipal limits of Fayetteville, North Carolina by applying for a renewal of its two Urban Progress Zones; and

WHEREAS, the state of North Carolina has authorized the establishment of Urban Progress Zones by a local municipal government with a population of at least 10,000; and

WHEREAS, the purpose of Urban Progress Zones is to provide economic incentives to stimulate new investment and job creation in economically distressed urban areas; and

WHEREAS, the City of Fayetteville has identified Urban Progress Zone One consisting of qualifying areas of poverty including census tracts 10, 22, 23 and 24 (Block groups 1, 2, and 5) and Urban Progress Zone Two including census tracts 12 and 13; and

WHEREAS, the attached maps visibly identifies each proposed zone boundaries.

NOW, THEREFORE, BE IT RESOLVED that the City of Fayetteville requests the North Carolina Department of Commerce to consider and approve the re-designation of its two Urban Progress Zones in Fayetteville, North Carolina and authorize the Mayor to execute documents pertaining to the Urban Progress Zones.

Respectfully submitted, this 14th day of November 2011.

CITY OF FAYETTEVILLE

(SEAL)

By:

ANTHONY G. CHAVONNE, Mayor

ATTEST:

Pamela Magill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: November 14, 2011
RE: **Award Contract for the Air Carrier Apron Rehabilitation Phase I project.**

THE QUESTION:

Staff requests approval to award a contract for the Air Carrier Apron Rehabilitation Phase I project.

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

The Airport has received FAA funding for the design of Runway 4 safety area and Taxiway A improvements, as well as reconstruction of the airline terminal concrete apron Phase I project. Council approved the 2011 FAA Airport Improvement Grant #38 and Capital Project Ordinance #2012-2 on September 10, 2011. These projects are included in the Airport's five year capital program recommended by the Airport Commission and approved by City Council.

Formal bids for the Air Carrier Apron Rehabilitation Phase I project were received August 4, 2011 as follows:

Barnhill Contracting Company, Fayetteville, NC	\$4,331,756.50
Hinkle Contracting Company, Inc., Paris, KY	\$4,590,700.50
WECC, Inc., Fayetteville, NC	\$4,715,479.00
Clancy & Theys Construction Co., Raleigh, NC	\$4,778,438.25

A bid was also received from Triangle Grading & Paving Company, Burlington, NC, however, Triangle Grading & Paving requested that their bid be withdrawn in accordance with NCGS 143-129.1, due to an omission of a substantial amount of material costs from their bid. Upon review of Triangle's bid worksheets, it was determined that they did meet the criteria set forth in NCGS 143-129.1 for withdrawal without forfeiture of their bid bond.

ISSUES:

None

BUDGET IMPACT:

Funding will come from 2011 FAA Airport Improvement Grant #38 and Capital Project Ordinance #2012-2. The FAA grant will fund 95% of the project and the City will provide the 5% match.

OPTIONS:

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

RECOMMENDED ACTION:

Award contract in the amount of \$4,331,756.50 to Barnhill Contracting Company, Fayetteville, NC, for the Air Carrier Apron Rehabilitation Phase I project.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: November 14, 2011
RE: **Award Contract for Sports Lighting for Tokay Athletic Fields and Century Circle Sports Complex**

THE QUESTION:

Staff requests approval to award a contract for the purchase of Musco sports lighting for Tokay Athletic Fields and Century Circle Sports Complex in accordance with NCGS 143-129(e)(6) "sole source exception".

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The Parks and Recreation Department included new sports lighting for the Tokay Athletic Fields and Century Circle Sports Complex in the Fiscal Year 2012 budget.

Currently, the Parks and Recreation Department maintains (36) City facilities and (23) County facilities outfitted with Musco sports lighting. The Parks and Recreation Department would like to purchase Musco lighting for the Tokay Athletic Fields and Century Circle Sports Complex in an effort to standardize the equipment and reduce the need to purchase and maintain replacement parts and lamps for multiple manufacturers.

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

ISSUES:

None

BUDGET IMPACT:

The budgeted amount for Tokay Athletic Fields is \$170,000, and the budgeted amount for Century Circle Sports Complex is \$190,000. The total budgeted amount for both facilities is \$360,000.

OPTIONS:

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

RECOMMENDED ACTION:

Award contract in the amount of \$360,700 for the purchase of Musco sports lighting for the Tokay Athletic Fields and Century Circle Sports Complex to Musco Sports Lighting LLC, High Point, NC, as allowed by N.C.G.S. 143-129(e)(6) "sole source exception".

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, PE Director of Engineering and Infrastructure
DATE: November 14, 2011
RE: **Adopt a Resolution Authorizing the Lease of Space Owned by the City of Fayetteville to National Railroad Passenger Corporation**

THE QUESTION:

- How to respond to a request from the National Railroad Passenger Corporation to lease space owned by the City of Fayetteville for another 5 year term.

RELATIONSHIP TO STRATEGIC PLAN:

- Growing City- Great Place to Live

BACKGROUND:

- The City of Fayetteville and The National Railroad Passenger Corporation on March 31, 2006 executed an extension of lease which was recorded on the 7th of April, 2006 on a certain City owned property known as the northern portion of the Hay Street Train Station and adjacent parking spaces for the use as an AMTRAK Station.
- Said extension provided for the first of three 5-year extensions authorized in said lease with a termination date of April 30, 2011.
- The original lease established the rent for said premises as \$1.00 per year for the term of the lease with the possibility of three (3) additional five year terms that would be subject to terms and conditions mutually agreeable at the time of renewal.
- National Railroad Passenger Corporation has exercised the second option for a 5-year extension of the lease.
- The City of Fayetteville and the National Railroad Passenger Corporation have agreed to a change in terms of the original lease which includes a rental rate increase to \$2,000.00 per month of which \$250.00 per month is for 5 employee parking spaces.

ISSUES:

- The purpose in establishing a monthly rental rate increase for the extension is to help defray the cost of maintenance and repair of the structure.

BUDGET IMPACT:

- The Lease Amendment will generate an additional \$24,000.00 annually for the City.

OPTIONS:

- Adopt the attached resolution authorizing the lease of space owned by the City of Fayetteville to National Railroad Passenger Corporation.
- Do not adopt the resolution.

RECOMMENDED ACTION:

- Adopt the Resolution Authorizing the Lease of Space Owned by the City of Fayetteville to National Railroad Passenger Corporation.

ATTACHMENTS:

Resolution

Lease Amendment

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

Resolution R2011_____

**RESOLUTION AUTHORIZING THE LEASE
OF SPACE OWNED BY THE CITY TO
NATIONAL RAILROAD PASSENGER CORPORATION**

WHEREAS, the City of Fayetteville owns a building known as the Amtrak Station located on Hillsboro Street which is not needed for any city agencies; and

WHEREAS, the National Railroad Passenger Corporation has been renting the above cited space for the last ten years and desires to continue to lease said space for another five year extension;

NOW THEREFORE, be it resolved that the City Council of the City of Fayetteville does hereby authorize the lease of the Amtrak station for a period of five years said term having begun on May 1, 2011 through April 30, 2016 at a monthly rate of \$2,000.00 payable on the first day of each month. The City Manager or his designee is directed to execute the documents necessary to provide said lease.

ADOPTED this 14th day of November, 2011, by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Pamela Megill, City Clerk

**STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND**

After Recording return to: Karen McDonald, City Attorney, City of Fayetteville, 433 Hay Street, Fayetteville, North Carolina 28301-5537

AMENDMENT OF LEASE

WHEREAS, the City of Fayetteville (LESSOR) and The National Railroad Passenger Corporation (LESSEE) on March 31, 2006 executed an extension of lease which was recorded on the 7th of April, 2006 on a certain City owned property known as the northern portion of the Hay Street Train Station and adjacent parking spaces for the use as an AMTRAK Station

AND

WHEREAS, said extension provided for and set in motion the first of three 5-year extensions authorized in said lease with a termination date of April 30, 2011

AND

WHEREAS, the original lease established the rent for said premises as \$1.00 per year for the term of the lease with the possibility of three (3) additional five year terms that would be subject to terms and conditions mutually agreeable at the time of renewal

AND

WHEREAS, the first of the additional terms has been exercised and will expire on April 30, 2011

AND

WHEREAS, LESSEE has exercised the second option for a 5-year extension of the lease.

NOW, THEREFORE, LESSOR and LESSEE do mutually agree that the lease referenced herein above, shall be further amended as follows this 1st day of December, 2011:

1. Section 2 **LEASED PROPERTY** The Lessor hereby leases to the Lessee that space containing approximately 2,895 square feet located on Parcel number 0437-45-6858 on Hillsboro Street along with 5 parking spaces in the adjacent City parking lot for Amtrak employee parking.
2. Section 5 **TERM** The term of this amended second renewal of the lease is May 1, 2011 until midnight of April 30, 2016.
3. Section 8 **RENT** The rent for this amended renewal period shall be Twenty Four Thousand Dollars and no/100 (\$24,000.00) per year paid in equal monthly payments of Two Thousand Dollars and 00/100 (\$2,000.00) due on the 1st day of each month with a first payment having become due on May 1, 2011. Therefore there will be one payment for eight months back rent due in the amount of Sixteen Thousand Dollars (\$16,000.00) to be paid on or before December 31, 2011 with a first monthly payment of \$2,000.00 being due January 1, 2012 and monthly thereafter. In this rental rate is included a \$50.00 per month rental fee for each parking space to total \$250.00 per month for all five spaces. The remaining \$1,750.00 is for the square footage of the building. All other provisions of the lease executed on March 31, 2006 remain the same and unchanged.

In the event of a conflict between this amendment and earlier amendments or rider this amendment shall prevail. Except as amended herein, all the provisions of the original lease approved by the LESSOR on March 27, 1992, and extended by Memorandum executed on March 31, 2006, shall remain in full force and effect.

THIS INSTRUMENT HAS BEEN PREAUDITED IN THE MANNER REQUIRED BY LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

LISA T. SMITH, Chief Financial Officer

APPROVED AS TO FORM:

KAREN McDONALD, City Attorney

CITY OF FAYETTEVILLE

BY:_____
DALE IMAN, City Manager

ATTEST:

PAMELA MEGILL, City Clerk

NATIONAL RAILROAD PASSENGER CORPORATION

BY:_____
_____, President

ATTEST:

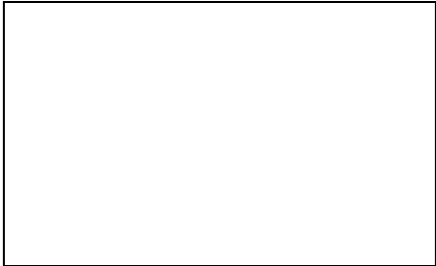
_____, Secretary

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, _____, a Notary Public for _____ County, North Carolina, certify that **Pamela Megill** personally came before me this day and acknowledged that she is the **City Clerk** of **City of Fayetteville**, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its City Manager, sealed with its corporate seal and attested by herself as its **City Clerk**.

Witness my hand and official seal, this the _____ day of _____, 2011.

Place seal here ↓



Notary Public

My commission expires: _____

STATE OF CONNECTICUT
COUNTY OF NEW HAVEN

I, _____, a Notary Public of said county and state, do hereby certify that _____ personally came before me this day and acknowledged that he/she is the _____ of National Railroad Passenger Corporation, a corporation and that by authority duly given and as the act of the corporation the foregoing instrument was signed in its name by its _____, sealed with its corporate seal and attested by himself/herself as its _____.

WITNESS my hand and official seal, this the _____ day of _____, 2011.

(Official Seal)

Notary Public

My Commission Expires: _____

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 14, 2011
RE: **Budget Ordinance Amendment 2012-4 (General Fund)**

THE QUESTION:

Council is asked to approve this budget ordinance amendment which will appropriate \$46,026 to fund the first payment required under the property tax grantback agreement for the construction of the Towers at Wood Valley, and \$19,500 to fund the implementation of the Study Circles program for the current fiscal year. The program will be known as "Fayetteville-Cumberland Talks: A Community Conversation Focusing on the Impact of Race Relations in Our Community". The source of funding for the budget ordinance amendment is a \$65,526 appropriation from General Fund fund balance.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle 1: Financially Sound City Government

Vision Principle J: Inclusive Community with Diverse Cultures and Rich Heritage

Goal 3: Growing City, Livable Neighborhoods – A Great Place to Live

BACKGROUND:

- In September, 2009, the City entered into an agreement with Commonwealth Properties, L.L.C. for the construction of the Towers at Wood Valley consistent with the Property Tax Grantback Program. Construction of the project is now complete, and the developers have qualified for the first of five annual incentive payments equivalent to fifty percent of the increased ad valorem taxes on the real property. Based on the City's current ad valorem tax rate, the additional annual tax revenues resulting from the construction project total \$96,053.
- At the October 10, 2011 meeting, City Council directed staff to re-institute the Study Circles program. This budget ordinance amendment will provide \$19,500 to fund needed contract services, facility rentals, materials and supplies to conduct the program during the current fiscal year.

ISSUES:

None

BUDGET IMPACT:

As presented above.

OPTIONS:

- Adopt the budget ordinance amendment to fund the study circles program and required incentive payment.
- Do not adopt the budget ordinance amendment.

RECOMMENDED ACTION:

Adopt the budget ordinance amendment as presented.

ATTACHMENTS:

2011-2012 BUDGET ORDINANCE AMENDMENT
CHANGE 2012-4

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

That the City of Fayetteville Budget Ordinance adopted June 13, 2011 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, 2011, and ending June 30, 2012, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Fund Balance Appropriation	\$ 7,891,893	\$ 65,526	\$ 7,957,419
All Other General Fund Revenues and OFS	134,996,920	-	134,996,920
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 142,888,813</u>	<u>\$ 65,526</u>	<u>\$ 142,954,339</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, 2011, and ending June 30, 2012, 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>			
Community Development	\$ 1,490,999	\$ 46,026	\$ 1,537,025
Human Relations	242,244	19,500	261,744
All Other General Fund Departments	141,155,570	-	141,155,570
Total Estimated General Fund Expenditures	<u>\$ 142,888,813</u>	<u>\$ 65,526</u>	<u>\$ 142,954,339</u>

Adopted this 14th day of November, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 14, 2011
RE: **Budget Ordinance Amendment 2012-6 (Emergency Telephone System Fund)**

THE QUESTION:

Council is asked to approve this budget ordinance amendment which will appropriate \$69,035 from fund balance in the Emergency Telephone System Fund for the purchase of needed equipment and furniture.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle: Financially Sound City Government

Goal 2: More Efficient City Government – Cost-Effective Service Delivery (Consolidated 9-1-1 Communications Center)

BACKGROUND:

- Upgrades to the City's computer-aided dispatch (CAD) system are needed to establish a secure network connection between the City and County networks in preparation for a consolidated CAD environment. The North Carolina 911 Board has approved the use of \$37,742 from restricted emergency telephone system fund balance for this needed public safety expenditure.
- The chairs in the City's Communication Center are in need of replacement to improve ergonomic safety. This amendment will appropriate \$31,293 for the purchase of 27 chairs. Purchases of furniture for telecommunicators are permitted uses of emergency telephone system funds.
- This budget ordinance amendment will appropriate \$69,035 from fund balance in the Emergency Telephone System Fund for the purchase of the needed hardware, software and chairs.

ISSUES:

None

BUDGET IMPACT:

As discussed above.

OPTIONS:

- Adopt the budget ordinance amendment.
- Do not adopt the budget ordinance amendment.

RECOMMENDED ACTION:

Adopt Budget Ordinance 2012-6 as presented.

ATTACHMENTS:

Budget Ordinance Amendment 2012-6

2011-2012 BUDGET ORDINANCE AMENDMENT
CHANGE 2012-6

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

That the City of Fayetteville Budget Ordinance adopted June 13, 2011 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, 2011, and ending June 30, 2012, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule F: Emergency Telephone System Fund</u>			
Fund Balance Appropriation	\$ 75,633	\$ 69,035	\$ 144,668
All Other Emergency Telephone Revenues and OFS	640,496	-	640,496
Total Estimated Emergency Telephone System Fund Revenues and Other Financing Sources	<u>\$ 716,129</u>	<u>\$ 69,035</u>	<u>\$ 785,164</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, 2011, and ending June 30, 2012, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule F: Emergency Telephone System Fund</u>			
Total Estimated Emergency Telephone System Fund Expenditures	<u>\$ 716,129</u>	<u>\$ 69,035</u>	<u>\$ 785,164</u>

Adopted this 14th day of November, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 14, 2011
RE: **Capital Project Ordinance 2012-5 (FY 2011 Justice Assistance Grant Program)**

THE QUESTION:

The FY 2011 Justice Assistance Program Grant (JAG), totaling \$218,773, was awarded to the Fayetteville Police Department and Cumberland County Sheriff's Office. This Capital Project Ordinance will appropriate the City's share of \$150,830 for the JAG Program.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: GROWING CITY, LIVABLE NEIGHBORHOODS - A GREAT PLACE TO LIVE

Objective 1: Consistent improvement in reducing crime rates

BACKGROUND:

- As the fiscal agent for the grant, Cumberland County filed the grant application on behalf of the City and County.
- A grant totaling \$218,773 was awarded to the City and County.
- The Fayetteville Police Department and Cumberland County Sheriff's Office will receive \$150,830 and \$67,943, respectively.
- A local match is not required.

- The Police Department will use their portion of the grant for the following:
 - o 24 in-car cameras (\$138,312)
 - o User/operator training (\$1,596)
 - o Camera maintenance (\$5,976)
 - o Camera on-site trouble resolution/support (\$4,656)
 - o Factory trainer travel (\$290)

ISSUES:

None

BUDGET IMPACT:

See background above. A local match is not required.

OPTIONS:

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

RECOMMENDED ACTION:

Adopt the Capital Project Ordinance.

ATTACHMENTS:

CPO 2012-5 2011 JAG

CAPITAL PROJECT ORDINANCE
ORD 2012-5

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

Section 1. The project authorized is for the funding of the FY11 Justice Assistance Program grant awarded by the U.S. Department of Justice.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various contract 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.S. Department of Justice Grant	<u>\$ 150,830</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 150,830</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 this project.

Adopted this 14th day of November, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 14, 2011
RE: **Finance - Capital Project Ordinance Amendment 2012-16 (Sidewalks and Related Improvements)**

THE QUESTION:

Capital Project Ordinance Amendment 2012-16 will appropriate \$146,176 to fund the Hoke Loop Road Safe Routes to School sidewalk project and \$28,400 for the local match for the Transit New Freedom Grant for ADA compliant sidewalk improvements.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: Growing City, Livable Neighborhoods - A Great Place to Live

(Objective 2: Well organized neighborhoods)

(Objective 5: Improve mobility within the City: road capacity, traffic flow, public transportation)

BACKGROUND:

- The source of funds for this amendment is a \$100,000 federal grant from the Safe Routes to School program, \$73,442 in sidewalk waiver fees paid by developers, and \$1,134 transferred from the General Fund.
- The municipal agreement with the NC Department of Transportation for the Hoke Loop Road Safe Routes to School sidewalk project is also presented on this agenda for Council consideration.
- \$28,400 will fund the required local match for the Transit New Freedom Grant for ADA compliant sidewalk improvements as previously approved by Council.
- The total amount of this amendment is \$174,576.

ISSUES:

None

BUDGET IMPACT:

As outlined above.

OPTIONS:

1. Adopt Capital Project Ordinance Amendment 2012-16.
2. Do not adopt Capital Project Ordinance Amendment 2012-16.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Amendment 2012-16.

ATTACHMENTS:

CPOA 2012-16 Sidewalks

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2012-16 (CPO 2001-8)**

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

Section 1. The project change authorized is to Capital Project Ordinance 2001-8, adopted May 7, 2001, as amended, for sidewalks and related improvements.

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
General Fund Transfer	\$ 540,166	\$ 1,134	\$ 541,300
Developer's Fees	48,775	73,442	122,217
Federal Highway Administration (Pass-through State Safe Routes To Schools Funds)	-	100,000	100,000
Miscellaneous Income	10,204	-	10,204
	<u>\$ 599,145</u>	<u>\$ 174,576</u>	<u>\$ 773,721</u>

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

Project Expenditures	<u>\$ 599,145</u>	<u>\$ 174,576</u>	<u>\$ 773,721</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 14th day of November, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 14, 2011
RE: **Capital Project Ordinance Amendment 2012-17 (Municipal Transportation Agreements)**

THE QUESTION:

Capital Project Ordinance Amendment 2012-17 will appropriate the \$44,567 designated for Municipal Agreement funding approved by City Council on October 10, 2011.

RELATIONSHIP TO STRATEGIC PLAN:

1. Goal 3: Growing City, Livable Neighborhoods - A Great Place to Live.
2. Objectives 3, 4 and 5: Safe streets, quality development and redevelopment plans, and improved mobility within the City.

BACKGROUND:

- The budget ordinance amendment approved by Council on October 10, 2011 included \$44,567 in the General Fund designated for various municipal transportation agreements.
- This capital project ordinance amendment is necessary to appropriate the \$44,567 transfer from the General Fund to the capital project for municipal agreement projects.

ISSUES:

None.

BUDGET IMPACT:

As outlined above.

OPTIONS:

Adopt Capital Project Ordinance Amendment 2012-17.

Do not adopt Capital Project Ordinance Amendment 2012-17.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Amendment 2012-17.

ATTACHMENTS:

CPOA 2012-17 Municipal Agreements

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2012-17 (CPO 2010-13)**

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

Section 1. The project change authorized is to Capital Project Ordinance 2010-13, adopted November 9, 2009, as amended, for the funding of various railroad crossing safety and roadway improvement projects committed under Municipal Agreements with North Carolina Department of Transportation.

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
North Carolina Department of Transportation	\$ 15,710	\$ -	\$ 15,710
Federal Highway Administration (Pass-through State TEA21 Funds)	10,000		10,000
General Fund Transfer	3,510,599	44,567	3,555,166
	<u>\$ 3,536,309</u>	<u>\$ 44,567</u>	<u>\$ 3,580,876</u>

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

Project Expenditures	<u>\$ 3,536,309</u>	<u>\$ 44,567</u>	<u>\$ 3,580,876</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 14th day of November, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 14, 2011
RE: **Special Revenue Fund Project Ordinance 2012-6 (Cumberland County STARS Adult Drug Treatment Court 2011)**

THE QUESTION:

This ordinance will appropriate \$265,285 for the 2011 Cumberland County STARS Adult Drug Treatment Court. The funding for this project is a \$197,808 grant and a \$67,477 local match.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: Growing City, Livable Neighborhoods - A Great Place to Live

Objective 1: Consistent improvement in reducing crime rates

BACKGROUND:

- The purpose of the Cumberland County STARS Drug Treatment Court is to provide a supervised treatment alternative to the criminal justice system. The program is designed to break the cycle of substance abuse and related crime by supervising and assisting chemically dependent, non-violent adult offenders in receiving treatment in a rehabilitative environment monitored by the Court.
- The funding sources for this program are a \$197,808 grant from the U.S. Department of Justice, a \$63,037 in-kind match for salaries and benefits from State of North Carolina employees, and \$4,440 from the General Fund.
- The federal grant funds will fund salary and benefits for a Drug Treatment Court Coordinator and an Investigative Assistant for two years.

ISSUES:

None

BUDGET IMPACT:

As noted above.

OPTIONS:

- 1) Adopt Special Revenue Fund Project Ordinance 2012-6.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2012-6.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2012-6.

ATTACHMENTS:

SRO 2012-6 Cumberland County STARS Adult Drug Treatment Court

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2012-6

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

Section 1. The authorized project is for the funding for the 2011 Cumberland Couty STARS Adult Drug Treament Court Project awarded by the US Department of Justice.

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:

US Department of Justice Grant	\$ 197,808
Local In-Kind Match - NC Department of Correction	63,037
Local Match - City of Fayetteville	4,440
	<u>\$ 265,285</u>

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

Project Expenditures	<u>\$ 265,285</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 14th day of November, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 14, 2011
RE: **Special Revenue Fund Project Ordinance 2012-7 (Cumberland County Domestic Violence Training 2011)**

THE QUESTION:

This project ordinance will appropriate \$17,224 for the 2011 Cumberland County Domestic Violence Training program. The program will be funded by a \$12,918 grant and a \$4,306 local match.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: GROWING CITY, LIVABLE NEIGHBORHOODS - A GREAT PLACE TO LIVE

Objective 1: Consistent improvement in reducing crime rates

BACKGROUND:

- The Governor's Crime Commission of the North Carolina Department of Crime Control and Public Safety has awarded a grant, funded by the US Department of Justice Violence Against Women program, to the Fayetteville Police Department that will fund 75% of the costs of this training. The remaining 25% local match will be funded by the City's General Fund.
- The purpose of this training is to provide specialized domestic violence training to the Police Department's Special Victims Unit and a designated officer on each squad.

ISSUES:

None

BUDGET IMPACT:

As noted above.

OPTIONS:

- 1) Adopt Special Revenue Fund Project Ordinance 2012-7.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2012-7.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2012-7.

ATTACHMENTS:

SRO 2012-7 Domestic Violence Training

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2012-7

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

Section 1. The authorized project is for the funding for the 2011 Cumberland County Domestic Violence Training program.

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

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

Federal Grant passed through the NC Governor's Crime Commission	\$ 12,918
Local Match - City of Fayetteville	4,306
	<u>\$ 17,224</u>

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

Project Expenditures	<u>\$ 17,224</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 14th day of November, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 14, 2011
RE: **Special Revenue Fund Project Ordinance Amendment 2012-4 (Appropriation of Federal Forfeiture and Controlled Substance Tax Funds for Law Enforcement Purposes)**

THE QUESTION:

This amendment will appropriate \$184,929 in controlled substance tax revenues, federal forfeiture funds and associated investment income to increase resources for law enforcement purposes.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: GROWING CITY, LIVABLE NEIGHBORHOODS - A GREAT PLACE TO LIVE

Objective1: Consistent improvement in reducing crime rates

BACKGROUND:

- The Police Department has requested that \$92,465 be used for the training center, \$46,232 be used for equipment, and \$46,232 be used for training.
- The funds must be used for law enforcement purposes.

ISSUES:

None

BUDGET IMPACT:

No impact to the General Fund.

OPTIONS:

- 1) Approve Special Revenue Project Ordinance Amendment 2012-4.
- 2) Do not approve Special Revenue Project Ordinance Amendment 2012-4.

RECOMMENDED ACTION:

Approve Special Revenue Project Ordinance Amendment 2012-4.

ATTACHMENTS:

SROA 2012-4 Federal and State Forfeiture Funds

SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT
CHANGE 2012-4 (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 the Fayetteville Police Department to utilize 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	\$ 954,347	\$ 155,402	\$ 1,109,749
Federal Forfeiture Funds	1,186,016	24,159	1,210,175
Sale of Assets/Auction Proceeds	625	-	625
Interest	76,240	5,368	81,608
Public Safety Fund Transfer In	299	-	299
	<u>\$ 2,217,527</u>	<u>\$ 184,929</u>	<u>\$ 2,402,456</u>

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

Project Expenditures	\$ 2,038,590	\$ 184,929	2,223,519
Transfer to Public Safety Capital Project Fund	178,937	-	178,937
	<u>\$ 2,217,527</u>	<u>\$ 184,929</u>	<u>\$ 2,402,456</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 14th day of November, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Dale Iman, City Manager
DATE: November 14, 2011
RE: **Approval of Municipal Agreement with NCDOT for Safe Routes to School Program for the Hoke Loop Road sidewalk construction**

THE QUESTION:

Does City Council support a Municipal Agreement with NCDOT Safe Routes to School Program to construct sidewalk on Hoke Loop Road that will serve Lake Rim Elementary?

RELATIONSHIP TO STRATEGIC PLAN:

Great Place To Live - "Livable neighborhoods connected by sidewalks and trails."
Desirable Neighborhoods - "Walkable neighborhoods connected by sidewalks."

BACKGROUND:

The Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU), established the Safe Routes to School (SRTS) program to provide funds to States to improve the ability of primary and middle school students to walk and bicycle to school safely. The City requested funds in 2009 from NCDOT and execution of the municipal agreement is required to receive the funds.

The plans are complete and have been approved from NCDOT.

ISSUES:

The City will be awarded a maximum of \$100,000 for sidewalk construction on Hoke Loop Road that will serve Lake Rim Elementary.

Right of way has been acquired and is under review by NCDOT.

The City would have to provide the funds and then be re-imbursed by NCDOT.

BUDGET IMPACT:

No budget impact. Matching funds are not required.

OPTIONS:

1. Support the execution of the Municipal Agreement and accept the Safe Routes to School funding as recommended.
2. Reject the agreement and the funding.

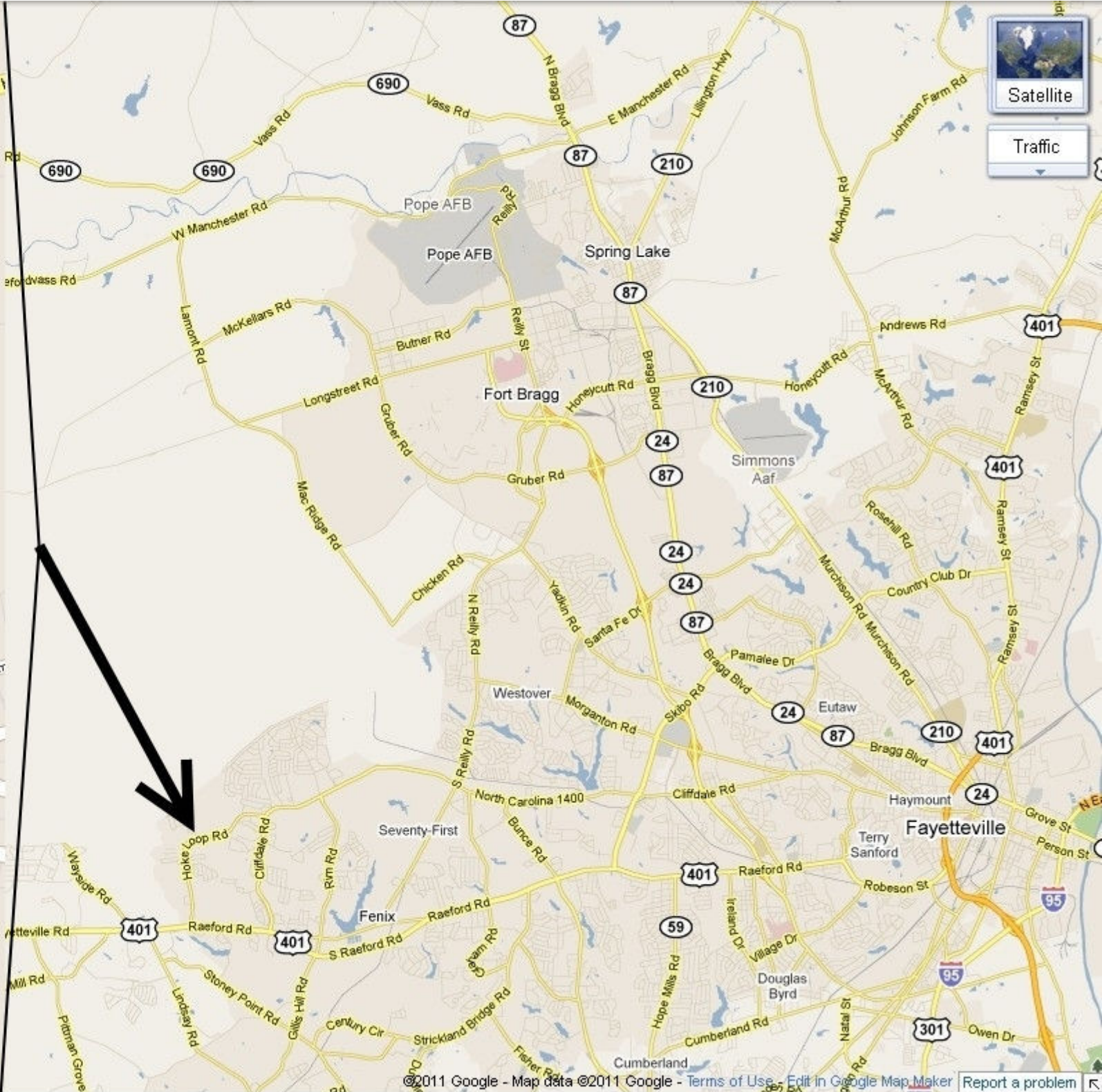
RECOMMENDED ACTION:

Support the execution of the Municipal Agreement and accept the Safe Routes to School funding.

ATTACHMENTS:

Map of Hoke Loop sidewalk construction

Hoke Loop - SRTS Muni Agreement



NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -
FEDERAL**

CUMBERLAND COUNTY

DATE: 8/29/2011

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

CITY OF FAYETTEVILLE

TIP #: SR-5001 BD

WBS Elements: PE _____

ROW _____

CON 40924.3.55

OTHER FUNDING: _____

FEDERAL-AID NUMBER: SRS-0620(20)

CFDA #: 20.205

Total Funds [NCDOT Participation] \$100,000

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

WITNESSETH:

WHEREAS, Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA – LU), establishes Safe Routes to School (SRTS) funds, which require that federal funds be available for certain specified transportation activities; and,

WHEREAS, the City of Fayetteville has requested federal funding for sidewalk to serve at Lake Rim Elementary School, hereinafter referred to as the Project, in Cumberland County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$100,000 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the Municipality for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the Municipality has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

1. GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

AGREEMENT MODIFICATIONS

Any modification to this Agreement will be agreed upon in writing by all parties prior to being implemented.

Any increases to the funding amount will be agreed upon by all parties by means of a Supplemental Agreement.

LOCAL PUBLIC AGENCY TO PERFORM ALL WORK

The Municipality shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the Municipality and/or its contractors and agents. The Department will provide technical oversight to guide the Municipality. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

PERSON IN RESPONSIBLE CHARGE

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

COMPLIANCE WITH STATE/FEDERAL POLICY

The Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department's guidelines and procedures, including the *Local Programs Management Handbook*.

FAILURE TO COMPLY - CONSEQUENCES

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

2. SCOPE OF PROJECT

The Project consists of the construction of sidewalk along Hoke Loop Road to serve Lake Rim Elementary School.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- Construction

as further set forth in this Agreement.

3. FUNDING

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall participate up to a maximum amount of One Hundred Thousand Dollars (\$100,000), as detailed below. The Municipality shall provide a local match, as detailed in the FUNDING TABLE below, and all costs that exceed the total estimated cost.

FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
Safe Routes to School	\$100,000	100 %	\$0	0 %
Total Estimated Cost		\$100,000		

4. TIME FRAME

The Municipality, and/or its agent, shall complete pre-construction activities, to include Environmental Document, Right of Way Certification and final PS&E package, by September 15, 2012, in order to authorize construction funds prior to the end of the Federal Fiscal Year (September 30). In the event additional time is required to complete pre-construction activities, the Department will accept a written request for an extension of time as long as authorization of construction funds can still occur in the same Federal Fiscal Year. Any extensions of time beyond the current Federal Fiscal Year will require a supplemental agreement.

The Municipality shall complete the Project by September 30, 2013. Completion for this Agreement is defined as completion of all construction activities, acceptance of the project, and submission of a final reimbursement package to the Department.

The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

5. EVALUATION

The Municipality, and/or its agent, shall monitor the effectiveness of implementing the Project through the collection of data before construction begins and after the Department has received the final project certification. Data should be collected using the Student In-Class Travel Tally and Parent Survey forms following the corresponding instructions available at www.saferoutesinfo.org/data. The Municipality must furnish documentation showing evidence that these data were collected.

6. PRELIMINARY ENGINEERING AUTHORIZATION

If Preliminary Engineering is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the Municipality, in writing, once funds have been authorized and can be expended. The Municipality shall not initiate any work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

7. PROFESSIONAL AND ENGINEERING SERVICES

The Municipality shall comply with the policies and procedures of this provision if Preliminary Engineering and/or Construction Contract Administration is an eligible expense.

PROCUREMENT POLICY

When procuring professional services, the Municipality must adhere to Title 49 Code of Federal Regulations Part 18.36; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/legsregs/legislat.html and www.ncleg.net/gascripts/Statutes/Statutes.asp.

- The Municipality shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- All Professional Services Firms shall be pre-qualified by the Department.

- If the proposed contract exceeds \$30,000, a pre-negotiation audit must be requested from the Department's External Audit Branch.

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation. These provisions are incorporated into this Agreement by reference www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

WORK BY ENTITY

If the Professional and Engineering Services required for this project will be undertaken by the Municipality, and the Municipality requests reimbursement, then the Municipality must submit a request and supporting documentation to the Department for review and approval, prior to any work being initiated by the Municipality.

8. PLANNING / ENVIRONMENTAL DOCUMENTATION

The Municipality shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The Municipality shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired Improvements. Copies of approved permits should be forwarded to the Department.
- The Municipality shall advertise and conduct any required public hearings.

- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the Municipality shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The Municipality shall bear all costs associated with penalties for violations and claims due to delays.
- The Municipality shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the Municipality, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

9. DESIGN

CONTENT OF PLAN PACKAGE

The Municipality, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

10. RIGHT OF WAY / UTILITY AUTHORIZATION

The cost of right of way acquisition is not an eligible expense. If the costs of utility relocation are an eligible expense, the Municipality shall submit a letter of request to the Department to authorize and set up utility funding. Utility relocation may be undertaken only after the Municipality receives written authorization from the Department to proceed.

11. PROJECT LIMITS AND RIGHT OF WAY (ROW)

SPONSOR PROVIDES ROW

The Municipality, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

ROW GUIDANCE

The Municipality shall accomplish all ROW activities, including acquisition and relocation, in accordance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm; NCGS, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp; and the North Carolina Department of Transportation Right of Way Manual.

APPRAISAL

If the costs of ROW acquisition are an eligible expense, the Municipality shall submit the appraisal to the Department's Right of Way Branch for review and approval in accordance with Departmental policies and procedures.

CLEARANCE OF PROJECT LIMITS / ROW

The Municipality shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the Municipality shall secure an encroachment agreement for any utilities (which shall remain or are) to be installed within the ROW. The Municipality shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The Municipality shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

RELOCATION ASSISTANCE

The Municipality shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

12.UTILITIES

The Municipality, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to Municipality beginning construction of the project. This Agreement does not modify or supersede any existing Utility Encroachment Agreements that may be in place.

13.RIGHT OF WAY CERTIFICATION

The Municipality, upon acquisition of all right of way/property necessary for the Project, shall provide the Right of Way Agent, located at the Department's Local Right of Way Office, all required documentation (deeds/leases/easement/plans) to secure right of way certification from that office. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document and utilities in conflict with the project are relocated.

14.CONSTRUCTION AUTHORIZATION

The Municipality shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.
- The Municipality shall not advertise for bids prior to receiving written construction authorization from the Department.

15.CONTRACTOR PROCUREMENT

ADVERTISE FOR BIDS

Upon receipt of written construction authorization from the Department, the Municipality may advertise the Project. The Municipality shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 49 of the Code of Federal Regulations, Part 18.36 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at

www.fhwa.dot.gov/legregs/directives/fapgtoc.htm; and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp.

CONSTRUCTION CONTRACTOR REQUIREMENTS

All Contractors submitting bids on the project shall be pre-qualified by the Department. All proposed subcontractors must be pre-qualified before construction work begins. Any subcontractors who are proposed to meet the Disadvantaged Business Enterprise goal must be certified by the Department.

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference

www.ncdot.org/doh/preconstruct/ps/contracts/sp/2006sp/municipal.html.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

AWARDING CONTRACT

After the advertisement of the Project for construction bids, the Municipality shall request concurrence from the Department to award the construction contract by submitting a letter along with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the Municipality prior to the contract being awarded by the Municipality.

DELAY IN PROCUREMENT

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the Municipality shall be responsible for

documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

FORCE ACCOUNT

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the Municipality. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference

www.fhwa.dot.gov/legregs/directives/cfr23toc.htm. North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at www.ncleg.net/gascripts/Statutes/Statutes.asp.

16.CONSTRUCTION

The Municipality, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

CONSTRUCTION CONTRACT ADMINISTRATION

The Municipality shall comply with the NCDOT Construction Manual as referenced at <http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/>, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities, project diaries, and pay records. The Municipality, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing. The Municipality shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

SIGNAGE

The Municipality shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

SITE LAYOUT

The Municipality shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design (www.usdoj.gov/crt/ada/stdspdf.htm).

RIGHT TO INSPECT

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

CONTRACTOR COMPLIANCE

The Municipality will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

CHANGE ORDERS

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

SHOP DRAWINGS

Shop Drawings shall be submitted in accordance with the approved plans and specifications and may require review by the Designer.

17. CLOSE-OUT

Upon completion of the Project, the Municipality shall be responsible for the following:

FINAL INSPECTION

The Municipality shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the Municipality. Additional inspection by other entities may be necessary in accordance with the Department's guidelines and procedures. The Municipality shall provide the Department with written evidence of approval of completed project prior to requesting final reimbursement.

FINAL PROJECT CERTIFICATION

The Municipality will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

FINAL PROJECT EVALUATION

The Municipality must furnish documentation as evidence that, upon final project certification, the Municipality, and/or its agent, collected the final evaluation data using the surveys and instructions available at www.saferoutesinfo.org/data. Final reimbursement from the Department will be withheld until the project evaluation is complete.

18. MAINTENANCE

The Municipality, at no expense or liability to the Department, shall assume all maintenance responsibilities for the See Comments., or as required by an executed encroachment agreement.

19. REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

- Construction

REIMBURSEMENT GUIDANCE

The Municipality shall adhere to applicable administrative requirements of Title 49 Code of Federal Regulations, Part 18 (www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm) and Office of Management and Budget (OMB) Circulars A-102 (www.whitehouse.gov/omb/circulars/index.html) "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm and by Office of Management and Budget (OMB) Circular A-87 (www.whitehouse.gov/omb/circulars/index.html) "Cost Principles for State, Local, and Indian Tribal Governments." Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

REIMBURSEMENT LIMITS

▪ WORK PERFORMED BEFORE NOTIFICATION

Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

▪ NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING

At no time shall the Department reimburse the Municipality costs that exceed the total federal funding.

▪ UNSUBSTANTIATED COSTS

The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

▪ WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of

\$100,000 available to the Municipality under this Agreement. If the cost of work done by the Department exceeds the funding award, the Department will bill the Municipality for the excess costs.

- **CONSTRUCTION ADMINISTRATION**

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project. These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

- **CONSTRUCTION CONTRACT UNIT PRICES**

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

- **RIGHT OF WAY**

Reimbursement will be limited to the value as approved by the Department. Eligible costs for reimbursement of Right of Way Acquisition include: realty appraisals, surveys, closing costs, and the approved appraised fair market value of the property, at the reimbursement rate as shown in the FUNDING TABLE.

- **FORCE ACCOUNT**

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in Office of Management and Budget (OMB) Circular A-87 (www.whitehouse.gov/omb/circulars/index.html) "Cost Principles for State, Local, and Indian Tribal Governments." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

BILLING THE DEPARTMENT

- **PROCEDURE**

The Municipality may bill the Department monthly for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the Municipality is responsible for submitting the FFATA Subrecipient Information Form, which is available at <http://www.ncdot.gov/programs/Enhancement/ProjectAdministration/Forms/>.

- **INTERNAL APPROVALS**

Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Financial Management Division.

- **TIMELY SUBMITTAL OF INVOICES**

The Municipality may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

- **FINAL INVOICE**

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

20. REPORTING REQUIREMENTS AND RECORDS RETENTION

PROJECT EVALUATION REPORTS

The Municipality is responsible for submitting quarterly Project evaluation reports quarterly, in accordance with the Department's guidelines and procedures, that detail the progress achieved to date for the Project.

PROJECT RECORDS

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

21. OTHER PROVISIONS

REFERENCES

It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

INDEMNIFICATION OF DEPARTMENT

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

DEBARMENT POLICY

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Municipality certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

TITLE VI - CIVIL RIGHTS ACT OF 1964

The Municipality shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

OTHER AGREEMENTS

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for Safe Routes to School funds and obligations as approved by the Department under the terms of this Agreement.

AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IMPROPER USE OF FUNDS, EXCESS USE OF FUNDS

Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, or if the cost of work done by the Department exceeds the funding award, the Department will bill the Municipality.

TERMINATION OF PROJECT

If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

AUDITS

In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (www.whitehouse.gov/omb/circulars/a133/a133.html) dated June 27, 2003 and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of

completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

REIMBURSEMENT BY MUNICIPALITY

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the Municipality to the Department within sixty (60) days of receiving an invoice. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

USE OF POWELL BILL FUNDS

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

22. SUNSET PROVISION

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

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

ATTEST: CITY OF FAYETTEVILLE

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____

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

Approved by _____ of the City of Fayetteville as attested to by the
signature of _____ Clerk of the _____ on
_____ (Date)

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

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

City of Fayetteville

Remittance Address:

DEPARTMENT OF TRANSPORTATION

BY: _____
(STATE HIGHWAY ADMINISTRATOR)

DATE: _____

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, CEO/General Manager
DATE: November 14, 2011
RE: **PWC - Bid Recommendation for Purchase of Water and Wastewater Chemicals**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of October 12, 2011 approved bid awards for one-year contracts, with option to extend contract for additional one-year period(s) upon agreement of both parties for the purchase of water and wastewater chemicals and forward to City Council for approval. Bids were received September 29, 2011 as follows:

1. Southern Ionics, West Point, MS, low bidder in the amount of \$91,437.50 for the purchase of approximately 875,000 lbs. of Sodium Bisulfite. Bids were solicited from twenty-four (24) bidders with three (3) bidders responding as follows:

<u>Bidders</u>	<u>Total Cost</u>
Southern Ionics, Inc., West Point, MS	\$ 91,437.50
JCI Jones Chemicals, Charlotte, NC	\$108,500.00
PVS Chemical Solutions, Detroit, MI	\$140,000.00

2. Univar USA, Inc., Morrisville, PA, low bidder in the amount of \$548,550.00 for the purchase of approximately 2300 tons of 50% Caustic Soda. Bids were solicited from twenty-four (24) bidders with five (5) bidders responding as follows:

<u>Bidders</u>	<u>Total Cost</u>
Univar USA, Inc., Morrisville, PA	\$548,550.00
Colonial Chemical Solutions, Savannah, GA	\$561,200.00
Brenntag Southeast, Durham, NC	\$619,137.00
JCI Jones Chemicals, Charlotte, NC	\$650,900.00
Key Chemical, Waxhaw, NC	\$708,400.00

3. Oltrin Solutions, Hamlet, NC, low bidder in the amount of \$475,500.00 for purchase of approximately 3,000 tons of 15% Sodium Hypochlorite. Bids were solicited from twenty-four (24) bidders with two (2) bidders responding as follows:

<u>Bidders</u>	<u>Total Cost</u>
Oltrin Solutions, Hamlet, NC	\$475,500.00
Univar USA, Inc., Morrisville, PA	\$482,400.00

ISSUES:

The recommended bidders are not classified as SDBE, minority or woman-owned businesses.

BUDGET IMPACT:

PWC Budget Item

OPTIONS:

N/A

RECOMMENDED ACTION:

Award bids as follows:

1. Southern Ionics, West Point, MS, low bidder in the amount of \$91,437.50 for the purchase of approximately 875,000 lbs. of Sodium Bisulfite.
2. Univar USA, Inc., Morrisville, PA, low bidder in the amount of \$548,550.00 for the purchase of approximately 2300 tons of 50% Caustic Soda.
3. Oltrin Solutions, Hamlet, NC, low bidder in the amount of \$475,500.00 for purchase of approximately 3,000 tons of 15% Sodium Hypochlorite

ATTACHMENTS:

Bid recommendation

Bid Recommendation

Bid Recommendation

Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** October 5, 2011

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award contract for the purchase of approximately 875,000 lbs. of Sodium Bisulfite over a one-year period (with the option to extend contract for additional one-year periods upon the agreement of both parties).
.....

BID/PROJECT NAME: Water and Wastewater Chemicals

BID DATE: September 29, 2011 **DEPARTMENT:** Water/Wastewater Treatment

.....

BIDDERS	TOTAL COST
<u>Southern Ionics, West Point, MS</u>	<u>\$ 91,437.50</u>
<u>JCI Jones Chemicals, Charlotte, NC</u>	<u>\$108,500.00</u>
<u>PVS Chemical Solutions, Detroit, MI</u>	<u>\$140,000.00</u>

.....

AWARD RECOMMENDED TO: Southern Ionics, West Point, MS

BASIS OF AWARD: Low bidder

.....
COMMENTS: Bids were solicited from twenty-four (24) bidders with three (3) bidders responding. PWC is currently paying .101 per pound; this year's bid price is .1045 per pound which represents an increase of \$3062.50 over the term of the contract. The low bid is recommended.
.....

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** October 5, 2011

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award contract for the purchase of approximately 2300 tons of 50% Caustic Soda over a one-year period (with the option to extend contract for additional one-year periods upon the agreement of both parties).
.....

BID/PROJECT NAME: Water and Wastewater Chemicals

BID DATE: September 29, 2011 **DEPARTMENT:** Water/Wastewater Treatment

.....

BIDDERS	TOTAL COST
<u>Univar USA, Inc., Morrisville, PA</u>	<u>\$548,550.00</u>
<u>Colonial Chemical Solutions, Savannah, GA</u>	<u>\$561,200.00</u>
<u>Brenntag Southeast, Durham, NC</u>	<u>\$619,137.00</u>
<u>JCI Jones Chemicals, Charlotte, NC</u>	<u>\$650,900.00</u>
<u>Key Chemical Inc., Waxhaw, NC</u>	<u>\$708,400.00</u>

.....

AWARD RECOMMENDED TO: Univar USA, Inc., Morrisville, PA

BASIS OF AWARD: Low bidder

.....
COMMENTS: Bids were solicited from twenty-four (24) bidders with five (5) bidders responding. PWC is currently paying \$239.23 per ton; this year's bid price is \$238.50 per ton which represents a decrease of \$1679.00 over the term of the contract. The low bid is recommended.
.....

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** October 5, 2011

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award contract for the purchase of approximately 3000 tons of 15% Sodium Hypochlorite over a one-year period (with the option to extend contract for additional one-year periods upon the agreement of both parties).
.....

BID/PROJECT NAME: Water and Wastewater Chemicals

BID DATE: September 29, 2011 **DEPARTMENT:** Water/Wastewater Treatment

.....

BIDDERS	TOTAL COST
<u>Oltrin Solutions, Hamlet, NC</u>	<u>\$475,500.00</u>
<u>Univar USA, Inc., Morrisville, PA</u>	<u>\$482,400.00</u>

.....

AWARD RECOMMENDED TO: Oltrin Solutions, Hamlet, NC

BASIS OF AWARD: Low bidder

.....
COMMENTS: Bids were solicited from twenty-four (24) bidders with two (2) bidders responding. PWC is currently paying \$173.00 per ton; this year's bid price is \$158.50 per ton which represents a decrease of \$43,500 over the term of the contract. The low bid is recommended.
.....

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

WATER AND WASTEWATER CHEMICALS BID DATE: SEPTEMBER 29, 2011

Advertisement

Public Works Commission Website

09/19/11 through 09/29/11

List of Organizations Notified of Bid

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

List of Prospective Bidders

1. Mosaic Crop Nutrition, LLC, Lithia, FL
2. General Chemical Performance Products, Parsippany, NJ
3. Kemira Water Solutions, Lawrence, KS
4. C&S Chemicals, Marietta, GA
5. PVS Chemical Solutions, Detroit, MI
6. Southern Ionics, West Point, MS
7. Sterling Water Technologies, Columbia, TN
8. Colonial Chemical Solutions, Savannah, GA
9. JCI Jones Chemical, Charlotte, NC
10. LCI, Ltd, Jacksonville Beach, FL
11. Univar USA, Morrisville, PA
12. GEO Specialty Chemicals, Little Rock, AR
13. KC Industries, Mulberry, FL
14. Gulbrandsen Technologies, Inc., Clinton, NJ
15. Greer Lime Company, Morgantown, WV
16. Solvay Fluorides LLC, Houston, TX
17. Brenntag Southeast, Durham, NC
18. Tanner Industries, Inc., Southampton, PA
19. Carmeuse Lime & Stone, Inc., Pittsburg, PA
20. Pencco, San Felipe, TX
21. Key Chemical, Inc., Waxhaw, NC
22. Chemrite, Buford, GA
23. Bleach Tech, Cleveland, OH
24. Oltrin Solutions, Hamlet, NC

SDBE/MWBE Participation

The low bidders are not classified as SDBE, minority or women owned businesses.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, Public Works Commission CEO/General Manager
DATE: November 14, 2011
RE: **PWC - Dark Fiber Use Agreement with LMK Communications, LLC**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests City Council approve the Dark Fiber Use Agreement between LMK Communications, LLC and Public Works Commission.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission will consider the Dark Fiber Use Agreement between LMK Communications, LLC and Public Works Commission during their November 9, 2011 meeting to provide three dark fibers (a total of 7 miles) to LMK Communications, LLC for a monthly fee of \$583 (\$7000 annually) and forward to City Council for approval. The Dark Fiber Use Agreement is for a three year period, with options for renewal.

ISSUES:

N/A

BUDGET IMPACT:

PWC Budget - agreement will generate annual revenue in the amount of \$7,000

OPTIONS:

N/A

RECOMMENDED ACTION:

Approve and execute the Dark Fiber Use Agreement with LMK Communications, LLC subject to PWC Commission approval on November 9, 2011.

ATTACHMENTS:

Transmittal Letter
Fiber Lease Agreement
Agreement Exhibits
Agreement Exhibits
Agreement Exhibit
Agreement Exhibits



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

PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE

ELECTRIC & WATER UTILITIES

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

November 2, 2011

MEMO TO: Steven. K. Blanchard, CEO/General Manager

FROM: James Rose, CAO

SUBJECT: Dark Fiber Use Agreement with LMK Communications, LLC

Please place the attached Fiber Use Agreement between LMK Communications, LLC (LMK) and Public Works Commission on the upcoming Commission agenda for Commission approval and forward to City Council for their approval.

To summarize, the Fiber Use Agreement says PWC, utilizing existing excess capacity, will provide three (3) dark fibers to LMK. The main route identified in Exhibit B as FAC# 1 is 5.7 miles for one fiber. The second connection is identified in Exhibit B as FAC# 2 and is .65 per fiber for two fibers.

LMK will pay a total monthly recurring fee of \$583 (**\$7,000 annually**) for a **3-year period** with options for renewal.

Please let me know if you have any questions concerning this agreement.

Attachments:

Fiber Use Agreement
Exhibit A – Routes for FAC#1 and FAC#2
Exhibit B - Fee Schedule
Exhibit C – Fiber Specifications

BUILDING COMMUNITY CONNECTIONS SINCE 1905

AN EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

FIBER LEASE AGREEMENT

This Fiber Use Agreement is made and entered into as of the ____ day of _____, between Public Works Commission of the City of Fayetteville, North Carolina (PWC), a municipal corporation and LMK Communications, LLC having its principal office at 9209 Baileywick Rd #203, Raleigh, NC 27615.

RECITALS

PWC owns certain fiber optic facilities and desires to make available certain unused capacity on its wide area fiber optic communications network to LMK COMMUNICATIONS, LLC.

PWC and LMK COMMUNICATIONS, LLC believe that the interests of the Public and the Parties will be well served by leasing some of PWC's unused dark fiber in accordance with the terms and conditions contained herein.

AGREEMENTS

NOW, THEREFORE, in consideration of the mutual covenants, agreements and undertakings contained herein, the Parties agree as follows:

Article 1. Incorporation of Recitals

The above reference recitals are incorporated in this Agreement as if fully set forth herein.

Article 2. Grant of Use

- 2.1. PWC shall provide dark fiber between LMK COMMUNICATIONS, LLC'S facilities as indicated in the attached Exhibit B. LMK COMMUNICATIONS, LLC will lease dark fibers, each possessing the technical specifications as described in Exhibit C, along PWC's fiber optic network, and incorporated by this reference (specific fibers will be identified upon completion of splicing). Specifically, PWC shall provide fiber capacity, as described above, to LMK COMMUNICATIONS, LLC as depicted in Exhibit A. The PWC retains the right to use and otherwise grant the use of additional fibers along the PWC's fiber optic network to other entities, provided that such uses do not interfere with the rights granted to LMK COMMUNICATIONS, LLC herein.

No use of PWC's facilities nor payment of any charges required under this Agreement shall create a vested interest by LMK COMMUNICATIONS, LLC of any easements or other ownership of property rights of any nature in the fibers or in PWC's facilities. PWC facilities include but are not limited to poles, cable, fiber, conduit and electronics.

- 2.2 Technical Specifications: A detailed specification of the fibers is contained in Exhibit C, incorporated herein.
- 2.3 Testing and Acceptance of Fibers: Within 15 days after execution of this agreement, PWC will

perform acceptance tests to ensure that the fibers meet the technical specifications described in Exhibit C. PWC shall provide LMK COMMUNICATIONS, LLC written results of such tests, if required by LMK COMMUNICATIONS, LLC. If the fibers fail to meet the specifications, PWC shall repair or substitute fibers that meet the required tests and specifications, unless LMK COMMUNICATIONS, LLC otherwise accepts the original fibers. Upon receipt of test results, if required, LMK COMMUNICATIONS, LLC shall have 15 days to review the results and to make its own fiber tests if deemed necessary. If the fibers are found to meet the required specifications as described in Exhibit C, LMK COMMUNICATIONS, LLC shall accept the fibers and such date of acceptance shall be the Acceptance Date. If the fibers do not meet the required specifications, PWC shall repair or substitute fibers that meet the required specifications, and provide LMK COMMUNICATIONS, LLC new test results of these substitute or repaired fibers. LMK COMMUNICATIONS, LLC shall again have 15 days to review the test results. Within 30 days of the Acceptance Date, PWC shall provide to LMK COMMUNICATIONS, LLC as built drawings of the fiber route or another suitable record, which depicts street level routing of the fiber and all handholes and splices.

- 2.4 Right of Ingress and Egress: LMK COMMUNICATIONS, LLC grants PWC the right of full ingress and egress thereto and there from over property of LMK COMMUNICATIONS, LLC for the purposes of operating, inspecting, maintaining, removing, repairing and replacing PWC's fiber and associated equipment. Access into the LMK COMMUNICATIONS, LLC building(s) shall be conditioned upon factors that will maintain the security and confidentiality of LMK COMMUNICATIONS, LLC operations.

Access Points: PWC shall have the right to access the fibers at the access points ("Access Points") shown on Exhibit A and, incorporated by this reference. If additional access to locations is required after initial installation, PWC shall provide to LMK COMMUNICATIONS, LLC ninety-six (96) hour notice prior to accessing the site(s). At splice location(s) where PWC is accessing the fiber and possible disruption of fiber may occur, PWC will provide seventy-two (72) hour notice to LMK COMMUNICATIONS, LLC prior to accessing the site(s).

Article 3: Term

- 3.1 The term of this Lease Agreement and uses granted herein shall be for each facility as identified on Exhibit B. At the end of the term of the agreement, for each facility, LMK COMMUNICATIONS, LLC shall have the right to renew this agreement at a mutually agreed to rate and term.
- 3.2 Immediately upon termination of this Agreement by the expiration of the term hereof or otherwise, LMK COMMUNICATIONS, LLC shall peaceably quit and surrender the fibers to PWC in their original condition, reasonable wear and tear excepted.

Article 4: Compensation

- 4.1 Fee: LMK COMMUNICATIONS, LLC shall pay to PWC for use of the fibers a fee as provided below.
- 4.1.0 The fee and Term for each facility will be as stated in Exhibit B.

- 4.1.1 Fees shall be paid monthly, due 30 days after receipt of invoice. Invoices will be rendered at the beginning of each month.
- 4.1.2 In the event of termination of this Agreement by the expiration of the term hereof or otherwise, LMK COMMUNICATIONS, LLC shall pay a prorated portion of the fees due for the month until the date of such termination. Any excess fees previously paid to PWC shall be promptly refunded to LMK COMMUNICATIONS, LLC upon termination, less any set-off for damages to the Facilities or unpaid fees and charges.
- 4.1.3 LMK COMMUNICATIONS, LLC will pay a one-time installation and configuration fee for each facility identified in Exhibit B. This fee will be billed 30 days after fiber acceptance – or once actual costs are known.
- 4.2 Access Points: LMK COMMUNICATIONS, LLC shall be responsible for all cost of material and installation of access points, as shown on Exhibit A, required for gaining access into their locations for the installation of the fibers.
- 4.3 Upon termination of this Agreement by the expiration of the term hereof or otherwise, PWC shall immediately remove said equipment from access points and shall leave the area in its original condition, reasonable wear and tear expected.

Article 5. Taxes, Licenses, Liens

- 5.1 During the term hereof, LMK COMMUNICATIONS, LLC shall pay, when due, all taxes, including premise or property taxes, sales and use taxes, or any other fees in lieu of taxes assessed pursuant to the use of the fibers by LMK COMMUNICATIONS, LLC, which are directly assessed on LMK COMMUNICATIONS, LLC's activities involving the fibers, as well as LMK COMMUNICATIONS, LLC's use of PWC's Facilities. In the event that LMK COMMUNICATIONS, LLC provides PWC with a duly authorized exemption certificate or other valid evidence of exemption, PWC agrees to exempt LMK COMMUNICATIONS, LLC from the imposition of taxes in accordance with law. LMK COMMUNICATIONS, LLC shall keep PWC's Facilities and the fibers free from all liens, including but not limited to mechanics liens, and encumbrances by reason of the use of the fibers by LMK COMMUNICATIONS, LLC. If LMK COMMUNICATIONS, LLC fails to pay, or bring appropriate challenge to, the above-mentioned taxes, assessments, or other fees, and such failure results in the imposition of a lien or encumbrance on the fibers or an assessment directly against PWC, PWC shall have the right to pay the same and charge the amount thereof to LMK COMMUNICATIONS, LLC, who shall pay the same upon demand. This right is in addition to any other right provided to PWC herein to remedy a breach of this Agreement.

Should any such tax or taxes be levied and/or assessed, PWC shall notify LMK COMMUNICATIONS, LLC accordingly as soon as is reasonably practical. PWC shall also provide LMK COMMUNICATIONS, LLC with copies of any and all notices, bills, and other pertinent documentation. LMK COMMUNICATIONS, LLC shall, within 45 days of receipt of such written notification(s), pay all such amounts.

Article 6. LMK COMMUNICATIONS, LLC's Racks and Equipment

- 6.1 LMK COMMUNICATIONS, LLC shall install racks and equipment, at its sole expense, for PWC's Point of Presence, located at Access Points shown on Exhibit A. Points of Presence are existing locations in which the PWC's network has termination points for the fiber. Access points are existing locations in which the LMK COMMUNICATIONS, LLC accesses the PWC fiber network.
- 6.2 Said racks shall remain the sole and exclusive property of LMK COMMUNICATIONS, LLC. PWC shall retain ownership of the electronics and PWC shall neither make any claim on or claim any property interest in the equipment of LMK COMMUNICATIONS, LLC PWC shall not permit any lien or other encumbrance upon LMK COMMUNICATIONS, LLC's, equipment by PWC or any third party.
- 6.3 Said racks and any and all equipment placed thereon shall be installed in accordance with the technical specifications as specified in separate agreement between LMK COMMUNICATIONS, LLC and others.
- 6.4 LMK COMMUNICATIONS, LLC shall be solely responsible for the operation, maintenance and repair of said racks.

Article 7: Maintenance

7.1 Fibers

7.1.1 PWC and its contractors or subcontractor shall at all times hereunder, maintain the fibers and operate PWC's Facilities associated therewith in such a manner as will best enable PWC to fulfill PWC's own service and other requirements, and in accordance all applicable ordinances, statues, regulations, laws, tariffs, and codes. PWC shall make best efforts to schedule and perform maintenance in a manner that would leave at least one fully functional redundant loop in place. PWC shall, at no cost to LMK COMMUNICATIONS, LLC, supply all labor, tools and equipment necessary to perform maintenance, if any, as to PWC's facilities hereunder, provided, however, that LMK COMMUNICATIONS, LLC shall cooperate with, and assist, as may be reasonably required and requested by PWC.

7.1.2 LMK COMMUNICATIONS, LLC agrees to pay all costs (time and material) of maintenance of the network if the required maintenance is caused by the LMK COMMUNICATIONS, LLC's improper connection to the fibers.

7.1.3 PWC agrees to perform such maintenance, if required. Subject to Force Majeure, PWC will notify LMK COMMUNICATIONS, LLC to respond to outage emergencies in connection with the fibers. PWC shall immediately notify LMK COMMUNICATIONS, LLC of any outages at **877-925-2748 and support@networkclarity.com**. LMK COMMUNICATIONS, LLC

shall notify PWC of any outages at **910-678-7400**.

7.1.4 In the event of interruptions projected to last longer than 24 hours, PWC will immediately provide alternate capacity to LMK COMMUNICATIONS, LLC subject to availability within PWC's Facilities. In the event of an interruption longer than 24 hours, LMK COMMUNICATIONS, LLC shall be entitled to an abatement of its lease to be deducted from the next payment otherwise due under this agreement.

7.1.5 The period(s) of any interruption(s) shall be measured from the time PWC actually receives notice, to the time the service is reported restored to the PWC. Scheduled outages, for maintenance purposes, shall not be counted as interruptions. Scheduled outages shall be those outages of which LMK COMMUNICATIONS, LLC has at least a fourteen (14)-day advance notice. The PWC shall contact LMK COMMUNICATIONS, LLC at **877-925-2748 and support@networkclarity.com** to schedule all maintenance operations and to report service interruptions.

7.1.6 Except in emergency situations, if the PWC needs to repair or replace any of the fibers to comply with the specifications stipulated in Exhibit C, the PWC shall notify the LMK COMMUNICATIONS, LLC in writing not less than fourteen (14) days prior to the time that the work will take place where the LMK COMMUNICATIONS, LLC's use of the fibers will be interrupted, and the estimated duration of the interruption. In the event of such a repair or replacement, the interruption will not be counted as one of the aforementioned interruptions. To the extent possible, PWC and LMK COMMUNICATIONS, LLC shall agree upon the times maintenance will be performed so as not to interfere with LMK COMMUNICATIONS, LLC's business, however PWC retains the right to perform maintenance on fibers upon proper notification to LMK COMMUNICATIONS, LLC without a mutual agreement between parties.

7.2 Access Point Facilities: LMK COMMUNICATIONS, LLC, at its sole expense, shall make available and maintain its Access Points, as shown on Exhibit A. LMK COMMUNICATIONS, LLC, at its sole expense shall be responsible for any items at the access points which do not become property of the PWC.

Article 8 Relocation:

8.1 Fibers

8.1.1 PWC shall make no changes in the location of the fibers without sixty (60) days prior written notification to LMK COMMUNICATIONS, LLC.

8.1.2 If for any reason, PWC is required by any third party, including, but not limited to a government entity, to relocate any of the facilities used or required in providing the fibers, PWC shall give LMK COMMUNICATIONS, LLC at least sixty (60) days, or as much time as PWC reasonably can, prior written notice of any such relocation. Such relocation shall be undertaken at PWC's sole cost and expense. If PWC desires, for any other reason, to relocate any of the

facilities used or required in providing the fibers, such relocation shall be undertaken at PWC's sole cost and expense.

8.1.3 During relocation scheduled outages may occur. PWC shall give LMK COMMUNICATIONS, LLC at least sixty (60) days, or as much time as PWC reasonably can, prior written notice of any such outages. In the event of an outage longer than 24 hours LMK COMMUNICATIONS, LLC shall be entitled to an abatement of its lease to be deducted from the next payment otherwise due under this agreement.

8.2 Access Points

8.2.1 LMK COMMUNICATIONS, LLC shall make no changes in the location or configuration of the Access Points to the fibers without the prior written consent and approval of PWC.

8.2.2 In the event relocation of LMK COMMUNICATIONS, LLC's Facilities and Access Points is required for any reason all costs associated with such required relocation of Access Points, shall be the sole responsibility of LMK COMMUNICATIONS, LLC. LMK COMMUNICATIONS, LLC shall give PWC at least sixty (60) days, or as much time as LMK COMMUNICATIONS, LLC reasonably can, prior written notice of any such relocation.

Article 9. Reclamation

- 9.1 Subject to the terms, conditions and limitations set forth in this agreement, PWC shall have the right to terminate from time to time the use of any or all of the fibers on any or all segments of the network for use (and solely for use) directly by PWC.
- 9.2 In the event that PWC desires to reclaim any fibers, PWC shall give notice of such intent to LMK COMMUNICATIONS, LLC at least six (6) months prior to the date of reclamation (Reclamation Notice). The Reclamation Notice shall identify each fiber on each segment which PWC desires to reclaim, and the intended date of reclamation.
- 9.3 At any time following receipt of a Reclamation Notice, LMK COMMUNICATIONS, LLC may initiate negotiations with PWC as to possible alternatives to reclamation, including, for example, (1) greater compression of LMK COMMUNICATIONS, LLC's traffic on the fibers within the network already in use by PWC, (2) alternate or additional optoelectronic equipment, (3) alternate routes, and/or (4) installation of additional fibers along the network. PWC and LMK COMMUNICATIONS, LLC each shall conduct any such negotiations in good faith. The exact alternative(s) to reclamation (if any) and the allocation of the costs thereof between the parties shall be subject to mutual consent.
- 9.4 Unless otherwise agreed between PWC and LMK COMMUNICATIONS, LLC pursuant to paragraphs (9.2, 9.3) above, reclamation shall be effective on the date of reclamation set forth in the Reclamation Notice. LMK COMMUNICATIONS, LLC shall be entitled to a fee adjustment with respect to the fibers subject to the reclamation date.

Article 10. Representations and Warranties

- 10.1 PWC represents that, to its knowledge, after due inquiry, it has the right and authority and all the licenses, permits and easements necessary to enter into this agreement and grant the rights and uses contained herein.
- 10.2 LMK COMMUNICATIONS, LLC represents that, to its knowledge, after due inquiry, it has all licenses, permits and rights authorizing it to enter into this Agreement.

Article 11. Assignment and Transfer

- 11.1 Unless specifically provided herein, LMK COMMUNICATIONS, LLC shall not assign, transfer or sublet any of the privileges described in this Agreement without the prior written consent of the PWC, said consent not to be unreasonably withheld. For purposes of this Article 11.1, transactions between LMK COMMUNICATIONS, LLC and any of its subsidiary companies (companies in which LMK COMMUNICATIONS, LLC has a controlling interest), or parent companies (companies which have or acquire a controlling interest in LMK COMMUNICATIONS, LLC) shall not be considered an assignment, transfer or a sublet.

Article 12. Indemnification

- 12.1 Indemnity and Defense: In any suit against LMK COMMUNICATIONS, LLC or PWC there shall be no indemnity of either by the other, except as by law provided, and each party shall be obligated to present and pay for its own defense.

Article 13. Insurance

- 13.1 LMK COMMUNICATIONS, LLC agrees to execute and deliver to PWC within 30 days of acceptance and execution of this Agreement a certificate of commercial general liability insurance, including public liability, contractual liability, premises liability, and property damage, acceptable to and approved by the PWC Risk Manager, covering bodily injury and property damage, premises, operations described hereunder and products therein, in amounts as follows: a general aggregate limit of \$2,000,000; \$1,000,000 per individual; \$1,000,000 per occurrence.
- 13.2 LMK COMMUNICATIONS, LLC further shall at all times maintain adequate Workmen's Compensation Insurance as required by State of North Carolina Statutes.
- 13.3 Excess liability/umbrella coverage N/A.
- 13.4 Certified copies of the above policy, or a certificate evidencing the existence thereof, or a binder shall be delivered to the PWC upon the execution of this Agreement. In the event a binder is delivered, it shall be replaced within ten days by a certificate of insurance. Each such policy or certificate shall contain a valid provision or endorsement that the policy may not be canceled, terminated, changed or modified without giving thirty days written notice thereof to PWC.

- 13.5 A renewal certificate shall be delivered to PWC at least fifteen days prior to a policy's expiration date except for any policy expiring on or after the expiration date of this Agreement.
- 13.6 Failure to maintain or provide proof of insurance shall constitute an immediate breach of this Agreement. LMK COMMUNICATIONS, LLC retains the right to self-insure.
- 13.7 At all times during the term of this Agreement, LMK COMMUNICATIONS, LLC shall maintain and shall require its contractor and subcontractors, which do any work in connection with this Agreement, to maintain insurance coverage as described herein and will produce proof of insurance on demand by PWC.
- 13.8 In the event LMK COMMUNICATIONS, LLC fails to obtain the required insurance, PWC reserves the right to purchase insurance on the account of LMK COMMUNICATIONS, LLC.

Article 14. Default

- 14.1 In the event either Party shall fail to observe or perform any of the terms and provisions of this Agreement and such failure shall continue for a period of thirty (30) days after receipt of written notice from the non-defaulting party ("Default"), then the non-defaulting party may terminate this Agreement, provided however, that where such Default cannot reasonably be cured within such period, and the defaulting party has proceeded promptly to cure the same and is prosecuting such cure with diligence, the time for curing such Default shall be extended for an amount of time, not to exceed sixty (60) days, as may be necessary under the circumstances to complete such cure.

Article 15. Termination

PWC may, at its sole discretion, terminate this Agreement upon the conditions set forth for cause and at its discretion.

- 15.1 For Cause, Without Illegality. PWC may terminate this Agreement and may repossess the fibers in the event that any undisputed payment or amount is not furnished the PWC as set forth in Article 4 hereof, when due, upon giving fifteen days written notice to LMK COMMUNICATIONS, LLC of the PWC's intention to terminate unless full and proper payment is made to the PWC of all monies due on or before the expiration of the fifteen day period indicated in the notice. In like manner, upon thirty days written notice, the PWC may terminate the Agreement in the event any of the other material terms of this Agreement other than involving violation of any penal law, have been violated, unless LMK COMMUNICATIONS, LLC has fully rectified any such failure to conform to the conditions of the Agreement within a reasonable period.
- 15.2 Surrender of Fibers Upon Termination On the Agreement Expiration Date or any earlier termination of LMK COMMUNICATIONS, LLC's rights to use any or all of the fibers under this agreement, regardless of the reason for termination, LMK COMMUNICATIONS, LLC shall allow PWC to promptly (1) remove all of its equipment and other property from LMK

COMMUNICATIONS, LLC's premises, and (2) peaceably quit and surrender the fibers to PWC.

Article 16. Renewal Provisions

- 16.1 LMK COMMUNICATIONS, LLC shall provide ninety (90) day notice of intent to renew Fiber Use Agreement prior to date of expiration of current Agreement.

Article 17. General Provisions

- 17.1 Confidentiality If either Party provides confidential information to the other in writing and is identified as such, the receiving Party shall protect the confidential information from disclosure to third parties with the same degree of care afforded its own confidential and proprietary information. Neither Party shall, however, be required to hold confidential any information which becomes publicly available other than through the recipient, which is required to be disclosed by a governmental or judicial order, by statute, is independently developed by the receiving Party or which becomes available to the receiving Party or which becomes available to the receiving party without known restrictions from a third party. PWC further warrants that it will not install any equipment at any Access Point that would enable PWC to download, divert, record, or otherwise capture any data passing through the fibers leased by LMK COMMUNICATIONS, LLC. To this end, PWC will allow LMK COMMUNICATIONS, LLC to enter the Access Points during normal business hours to verify PWC's compliance with this provision.
- 17.2 Costs Except as otherwise expressly provided above, each party shall bear all of its own attorney's fees and other expenses related to this Agreement.
- 17.3 No Third Party Beneficiaries. None of the terms or conditions in this Agreement shall give or allow any claim, benefit, or right of action by any third person not a party hereto. Any person other than the Public Works Commission or LMK COMMUNICATIONS, LLC receiving services or benefits under this Agreement shall be only an incidental beneficiary.
- 17.4 No Partnership The Parties acknowledge and agree that this Agreement does not create a partnership between, or a joint venture of, PWC and LMK COMMUNICATIONS, LLC.
- 17.5 Binding Effect. This Agreement shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective successors and assigns.
- 17.6 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina without giving effect to the principles of conflicts of laws.
- 17.7 Severability. In the event any term, covenant or condition of this Agreement, or the application of such term covenant or condition, shall be held invalid as to any person or circumstance by any

court having jurisdiction, all other terms, covenants and conditions of this Agreement and their application shall not be affected thereby, but shall remain in force and effect unless a court holds that the invalid term, covenant or condition is not separable from all other terms covenants and conditions of Agreement.

- 17.8 Force Majeure. Neither Party shall be liable to the other for any failure of performance under this Agreement due to causes beyond its control, including, but not limited to: acts of God, fire, flood or other catastrophes, adverse weather conditions, material or facility shortages or unavailability not resulting from such party's failure to timely place orders therefore, lack of transportation, the imposition of any governmental codes, ordinances, laws, rules, regulations or restrictions, national emergencies, insurrections, riots, wars, or strikes, lock-outs, work stoppages or other labor difficulties.
- 17.9 Waiver. No delay or omission by either party to exercise any right or power occurring upon non-compliance or failure of performance by the other Party shall impair that right or power or be construed to be a waiver thereof. A waiver by either Party of any of the covenants, conditions or agreements to be performed by the other Party shall not be construed to be a general waiver of any such covenants, conditions or agreements, but the same shall be and remain at all times in full force and effect.
- 17.10 Headings The Article headings herein are for convenience and reference only, and in no way define or limit the scope and content of this Agreement or in any way affect its provisions.
- 17.11 Notices. All notices, requests or other communications (other than those normally required during the installation process) under this Agreement or required by law shall be in writing and shall be hand-delivered, sent by overnight delivery service, mailed by first-class, registered or certified mail, postage prepaid and return receipt requested, or transmitted by telegram or facsimile.
- 17.12 No Implied Representations. No representations, agreements, covenants, warranties, or certifications, express or implied, shall exist as between the parties, except as specifically set forth in this Agreement.
- 17.13 Integrated Agreement and Amendments. This Agreement is an integration of the entire understanding of the parties with respect to the matters set forth herein. The parties shall only amend this Agreement in writing with the proper official signatures attached thereto.
- 17.14 Both PWC and LMK COMMUNICATIONS, LLC are willing to proceed with further negotiations on additional fiber requirements.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on their behalf.

_____ day of _____, _____.

**PUBLIC WORKS COMMISSION OF THE
CITY OF FAYETTEVILLE, N.C.**

BY: _____
Chairman

ATTEST:

Secretary

LMK COMMUNICATIONS, LLC

BY: _____

TITLE: _____

ATTEST:

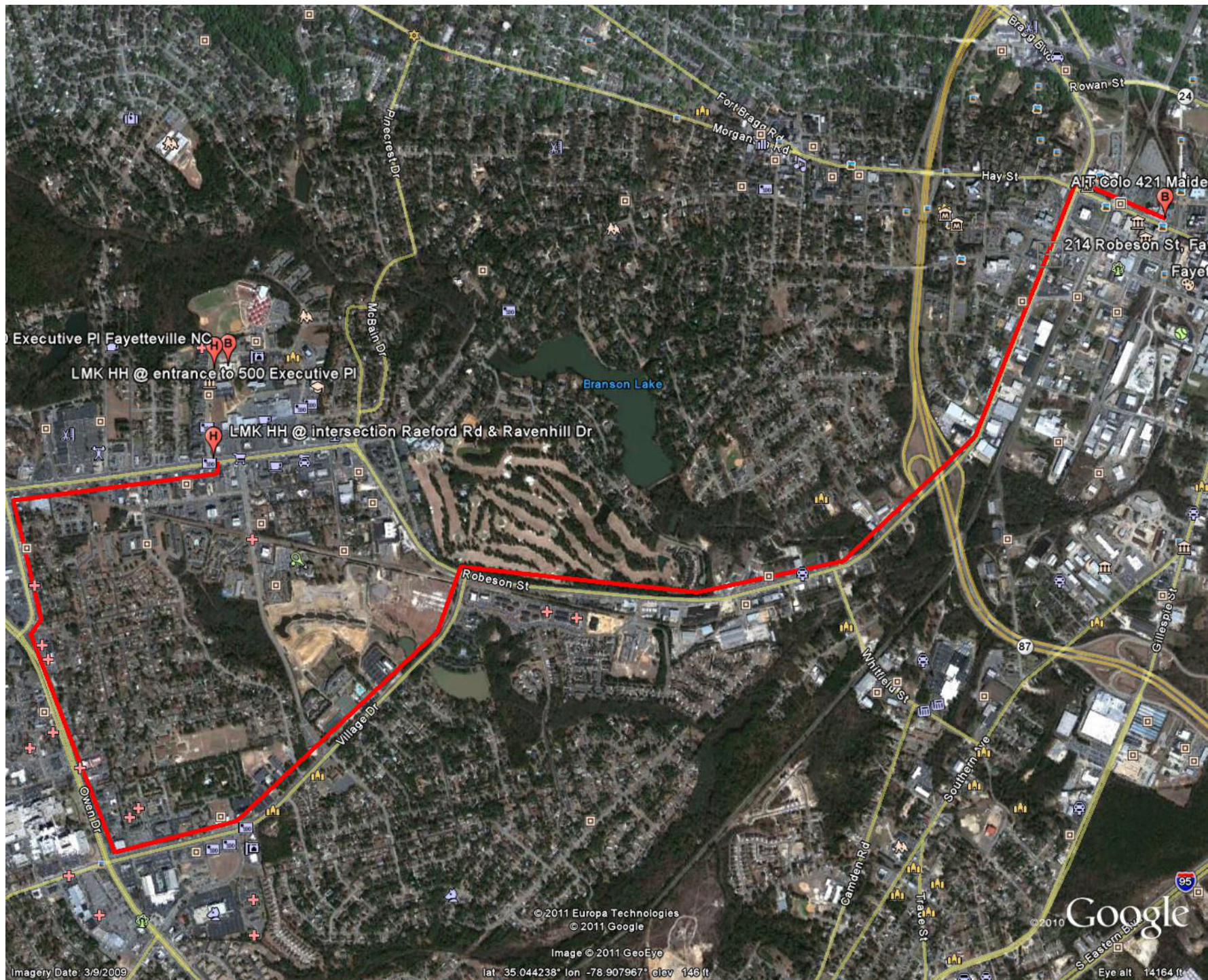
Secretary

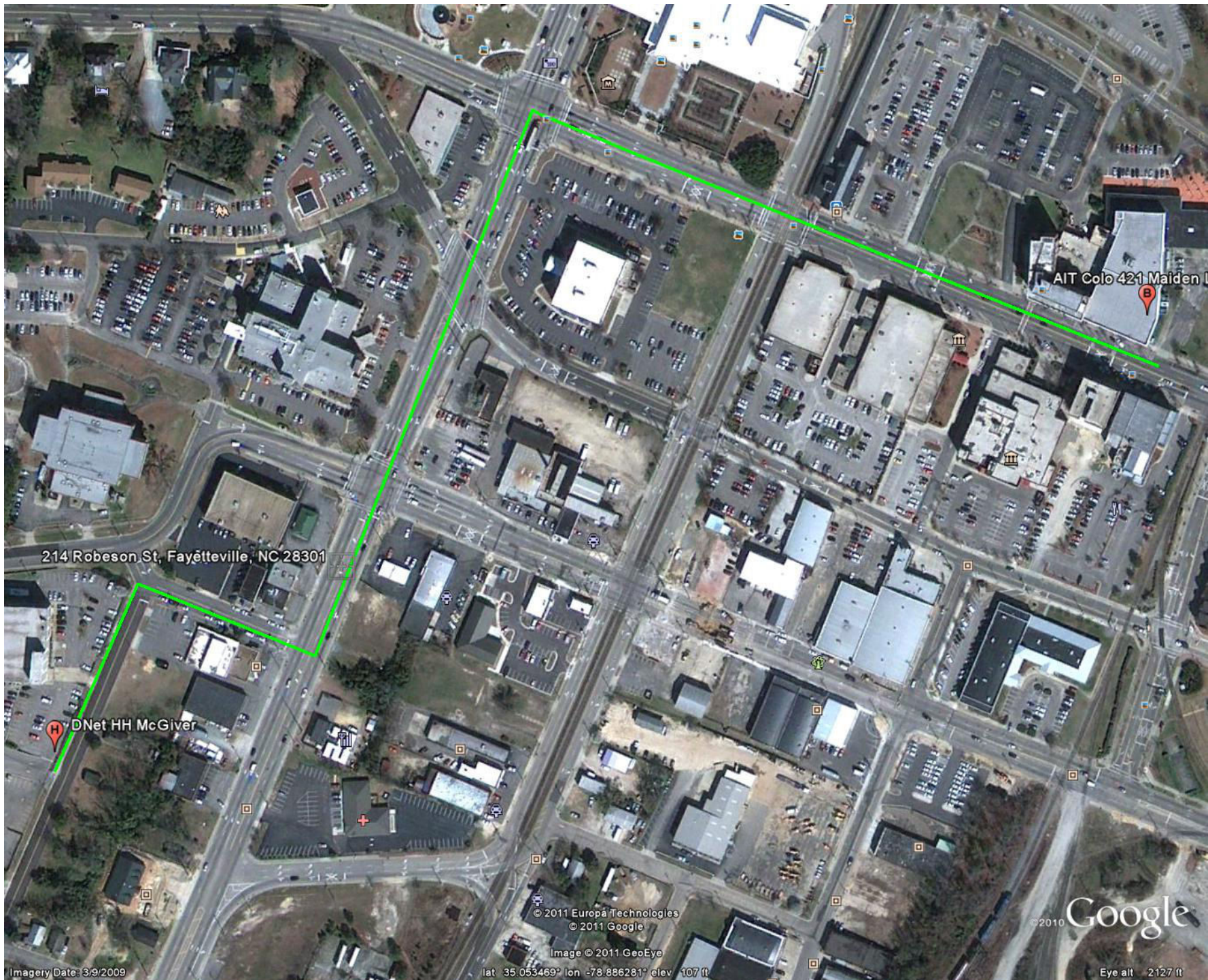
CITY OF FAYETTEVILLE, N.C.

BY: _____
Mayor

ATTEST:

City Clerk





11/3/2011
4:20 PM

**LMK Communications, LLC
Dark Fiber
EXHIBIT B**

FAC#	FACILITY	DARK LIT	ADDRESS	ACTIVE FIBERS	SPARE FIBERS	Per Fiber Mileage	Total Fiber Mileage	TERM (Years)	EFFECTIVE DATE	ENDING DATE	MONTHLY BILLING	ANNUAL BILLING	NON REFUNDABLE ENGINEERING FEE	ESTIMATED ONE-TIME CONFIGURATION FEE (includes Eng Fee)
1.0	Raeform to Maiden	D	LMK HH Raeform to 421	1		5.7	5.7	3			\$475.00	\$5,700.00	\$500.00	\$500.00
2.0	Maiden LN to Duke	D	421 Maiden Ln to McGiv	2		0.65	1.3	3			\$108.00	\$1,296.00	\$0.00	\$0.00
						6.35	7				\$583.00	\$6,996.00	\$500.00	\$500.00
Accepted by LMK Communications, LLC				Accepted by PWC										
Signature: _____				Signature: _____										
Date: _____				Date: _____										

Note: Construction costs will be billed by Engineering as construction is completed.

Exhibit-B-LMK-dark-fiber-110311.xlsx

EXHIBIT C

ELECTRIC SYSTEMS DIVISION
Material Specification**1-400-100****CABLE, FIBER OPTIC, 144 FIBERS ADSS**

Revision Date: 23-APR-99

Description:

All dielectric self supporting aerial cable containing 144 single mode optical glass fibers arranged in 12 loose buffer tubes each containing 12 fibers. Each fiber shall be distinguishable from the others per Bellcore color coding and each tube shall have the same color coding scheme. Each fiber shall be Corning SMF-28 Single mode silica (or an approved equivalent). Each buffer tube shall be filled with soft moisture resistant compound which will allow the fibers to float inside the buffer tube. The buffer tubes shall be helically or reverse oscillation stranded torsion free around a dielectric central member to make a completed core unit. The core region shall be completely flooded with a special compound to prevent moisture entry to the cable. All of the tubes shall be covered with a polyethylene inner jacket which in turn shall be covered with the strength member an aramid yarn which shall provide 100% of the mechanical strength required to support the cable. The entire cable core shall be covered with a black outer jacket made of high molecular weight polyethylene. Cable jacket shall be imprinted with the manufacturer, year of manufacture, PWC logo, and sequential footage markings. The inner and outer jackets shall have easily distinguishable rip cords for ease of removal.

Performance Standards:

All parts, materials, and cable shall meet the requirements of the latest revision of IEEE, ANSI, NEMA, ASTM, EIA/TIA, and Bellcore TSY-TR-000020.

Operating Wavelengths shall be 1290-1330nm and 1530-1570 nm.

Maximum attenuation shall be less than or equal to 0.40 dB/km at 1310 nm and 0.30 dB/km at 1550 nm.

Cable shall have a pulse dispersion of 3.5 ps/nm-km in the operating range of 1290-1330 nm and 18 ps/nm-km maximum in the range of 1530-1570 nm.

PWC shall be entitled to compensation from the manufacturer if color identification problems are discovered at the time of splicing.

An overall cable diameter from 0.785" to 0.820".

Maximum cable span length shall be 400 feet.

Delivery Standards:

All cable shall be shipped on non-returnable wooden reels designed for outside storage. Each reel shall be marked with manufacturer, PWC and supplier part number, reel cable length, and PWC reel number in a minimum of 3" print. Reels shall be shipped on open trailers that can be unloaded by a forklift. Both ends of the cable shall be accessible on the reel. Attenuation and OTDR test data shall be provided on each reel.

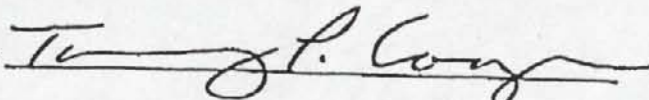
Types Accepted:

Manufacturer
FITEL LUCENT TECH
SIECOR
PIRELLI

Product
FLT-144 ADSS
144 ADSS
ADSS - 144

Note - Catalog numbers are shown for reference use only, supplier is responsible for conforming to specifications as stated.

Specification reviewed by:



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: James Rose, PWC Chief Administrative Officer
DATE: November 14, 2011
RE: **Phase 5 Annexation Areas 12 and 13 Preliminary Assessment Resolution**

THE QUESTION:

Providing sanitary sewer service to Areas 12 and 13 of the Phase 5 Annexation.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The next step in the process of providing sanitary sewer service to Areas 12 and 13 of the Phase 5 Annexation area requires adoption of the Preliminary Assessment Resolution by City Council. I am enclosing the original Preliminary Assessment Resolution for all streets within Areas 12 and 13 where we anticipate utilities being installed and for which property owners may be assessed a portion of the utility installation cost. I have also enclosed a proposed schedule of the next several items that will need to be completed as part of this process.

After adoption of the Preliminary Assessment Resolution, PWC will publish the required notice and mail copies of the Resolution to the affected property owners prior to the public hearing. You will note the Resolution contains the date and time for the public hearing regarding this issue which is November 28, 2011.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Authorize the Preliminary Assessment Resolution and hold the public hearing on November 28, 2011.

ATTACHMENTS:

Preliminary Assessment Resolution
Schedule

RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESSMENT RESOLUTION FOR THE EXTENSION OF THE SANITARY SEWER COLLECTION SYSTEM IN ALL OR A PORTION OF THE STREETS WITHIN AREAS 12 AND 13 OF THE PHASE 5 ANNEXATION LISTED ON EXHIBIT “A”.

WHEREAS, The City Council of the City of Fayetteville has determined that it may be in the best interest of the City to extend its sanitary sewer collection system and that in order to provide such an extension, it would be necessary to assess part of the cost thereof upon the real property abutting thereon:

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

1. That it is intended that the sanitary sewer system of the City of Fayetteville shall be extended by constructing a sanitary sewer collection system over, along, and to the following property under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina and the procedure therein established.
2. That an assessment upon the property receiving benefit of the sanitary sewer extension in the amount of \$5,000 be hereafter assessed for what is described as single family residential parcels requiring one sewer service lateral with remaining property being assessed at an equal rate of \$55.56 per foot of road frontage but not less than ninety (90) feet plus the average cost for service laterals as may be installed for the benefit of the non-single family residential parcels.
3. That the assessment herein provided for shall be payable in cash or, if any property owner shall so elect and give notice of that fact to the City Council by and through its Public Works Commission in accordance with Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina, they shall have the option and privilege of paying the assessment over a term of ten (10) equal annual installments, said installments to bear interest at a rate not to exceed eight percent per annum.

4. That a public hearing on all matters covered by this Resolution shall be held on the 28th day of November, 2011 at the City Hall Council Chamber in the City of Fayetteville, North Carolina, at 7:00 p.m.

This the ____ day of _____, 2011.

CITY OF FAYETTEVILLE

Anthony G. Chavonne, Mayor

Pamela J. Megill, CMC, City Clerk

The following City Council members voted for passage of the above Resolution:

The following City Council members voted against the above Resolution:

EXHIBIT "A"

Phase V - Annexation Project V - Areas 12 and 13**Area 12 Arran Lakes West****Sewer Only**

Street Names	From Intersection	To Intersection
BAILEY LAKE ROAD	RIVERCROFT ROAD SOUTHWARDLY	SILVERRIDGE COURT
DOCKRIDGE COURT	DOCKRIDGE COURT SOUTHWARDLY	TO STREET END
HIGHSTAN COURT	HIGHSTAN COURT EASTWARDLY	TO STREET END
KISTLER COURT	KISTLER COURT WESTWARDLY	TO STREET END
LAKE TARRACE COURT	LAKE TARRACE COURT WESTWARDLY	TO STREET END
LAKE VILLA DRIVE	WINDLOCK DRIVE WESTWARDLY	TO STREET END
LAKEHAVEN DRIVE	RIVERCROFT ROAD SOUTHWARDLY	TO STREET END
PANELWAY PLACE	PANELWAY PLACE WESTWARDLY	TO STREET END
RIVERCROFT ROAD	BAILEY LAKE ROAD WESTWARDLY	TO STREET END
RIVERGATE ROAD	LAKE VILLA DRIVE SOUTHWARDLY	TO STREET END
SHADOW LANE	BAILEY LAKE ROAD SOUTHWESTWARDLY	TO WINDLOCK DRIVE
WATERCREST COURT	WATERCREST COURT SOUTHWARDLY	TO STREET END
WATERDALE COURT	WATERDALE COURT WESTWARDLY	TO STREET END
WINDLOCK DRIVE	RIVERCROFT ROAD SOUTHWARDLY	TO STREET END

Area 13 Shenandoah**Sewer Only**

Street Names	From Intersection	To Intersection
ARROW RIDGE WAY	ARROW RIDGE WAY SOUTHWARDLY	TO STREET END
BINGHAM DRIVE	DENVER DRIVE SOUTHWARDLY	TO FRANKIE AVENUE
BULL RUN STREET	BULL RUN STREET EASTWARDLY	TO SHILOH DRIVE
CARTER BARON PLACE	CARTER BARON PLACE NORTHWARDLY	TO SHENANDOAH DRIVE
CEDAR BROOK CIRCLE	CEDAR BROOK CIRCLE EASTWARDLY	TO ARROW RIDGE WAY
COLD HARBOR COURT	COLD HARBOR COURT EASTWARDLY	TO WINNABOW DRIVE
DOYLE COURT	DOYLE COURT SOUTHWARDLY	TO SHILOH DRIVE
EAGLE PASS CIRCLE	EAGLE PASS CIRCLE NORTHWARDLY	TO ARROW RIDGE WAY
FALCON CREST CIRCLE	FALCON CREST CIRCLE WESTWARDLY	TO ARROW RIDGE WAY
GREENOCK DRIVE	BINGHAM DRIVE SOUTHWARDLY	TO PAISLEY AVENUE
HUNTER'S RUN	BINGHAM DRIVE EASTWARDLY	TO ARROW RIDGE WAY
JUSTIN COURT	JUSTIN COURT EASTWARDLY	TO SHILOH DRIVE
NATCHEZ LOOP	SHILOH DRIVE EASTWARDLY	TO SHILOH DRIVE
SHILOH COURT	SHILOH COURT NORTHWARDLY	TO SHILOH DRIVE
SHILOH DRIVE	SHILOH DRIVE SOUTHWARDLY	TO STREET END
SHIVELY COURT	SHIVELY COURT SOUTHWARDLY	TO SHENANDOAH DRIVE
VICKSBURG COURT	VICKSBURG COURT SOUTHWARDLY	TO STREET END

ANNEXATION/ASSESSMENT CHECKLIST

Phase 5 Annexation Areas 12 & 13 - Arran Lakes West (Bailey Lake Road) & Shenandoah/Shenandoah N.

ITEM NUMBER	DATE	ITEM
1	September 8, 2003	Resolution of Intent Adoption (<i>at least 30 days before public hearing</i>)
2	September 19, 2003	Notice to Property Owners of Resolution of Intent (<i>at least 4 weeks before public hearing</i>)
3	October 20, 2003 October 28, 2003 October 30, 2003 November 3, 2003 November 6, 2003	Neighborhood Meetings
4	November 10, 2003	Public Hearing (<i>at least 60 days before adoption of ordinance</i>)
5	November 17, 2003	Deadline for Water & Sewer Extension Request from Property Owner (not later than 5 days after the public hearing)
6	November 24, 2003	Annexation Ordinance Adopted
7	September 30, 2005	Annexation Effective
8	July 25, 2011	Survey & Appraisal Notification/Lateral Location Letters Sent
9	November 14, 2011	Preliminary Assessment Resolution Adopted
10	November 15, 2011	Pending Assessment List Provided to Accounting
11	November 16, 2011	Publish Notice of Adoption of Preliminary Assessment Resolution (<i>at least 10 days before public hearing</i>)
12	November 16, 2011	Mail Copies of Preliminary Assessment Resolution to Property Owners (<i>at least 10 days before public hearing</i>)
13	November 16, 2011	Certification of Mailing of Preliminary Assessment Resolution
14	November 28, 2011	Public Hearing
15	December 12, 2011	Resolution Directing Project be Undertaken adopted (not earlier than 3 weeks nor later than 10 weeks from date of adoption of preliminary assessment resolution)
16	TBD	Connection notifications mailed
17	TBD	Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll and Calling Public Hearing
18	TBD	Publish Notice of Completion of Preliminary Assessment Roll (at least 10 days before public hearing)
19	TBD	Mail Copies of Notice to Affected Property Owners (at least 10 days before public hearing)
20	TBD	Certification of Mailing of Preliminary Assessment Roll
21	TBD	Public Hearing
22	TBD	Resolution Confirming Assessment Roll and Levying Assessments adopted
23	TBD	Resolution Confirming Assessment Roll and Levying Assessments Delivered to Tax Collector
24	TBD	Mail Individual Assessment Notices to Property Owners (<i>property owners have 30 days to pay with no interest -- after 30 days assessments will be due and payable</i>)
25	TBD	Publish Notice Assessment Roll has been Confirmed (<i>after 20 days from confirmation of assessment roll</i>)

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Dale Iman, City Manager
DATE: November 14, 2011
RE: **Concurrence of NCDOT Rural to Municipal Speed Ordinances**

THE QUESTION:

Does the City Council concur with NCDOT's request to enact municipal speed limit ordinances on NCDOT maintained streets?

RELATIONSHIP TO STRATEGIC PLAN:

Great Place to Live
Desirable Neighborhoods

BACKGROUND:

Many of these roads were previously covered by County statutory ordinances but are now within the city limits and have not been updated since Phase V annexation. This is an effort to consolidate and resolve conflicts within NCDOT's speed ordinance database.

ISSUES:

All NCDOT is doing is "bookkeeping." They are not proposing to increase or decrease any speed limits in any of these areas. This is merely a systematic review of ordinances based on overlaps, wrong road names, routes, etc., nothing on the road will change.

BUDGET IMPACT:

Adopting these ordinances will have no impact on the budget.
If approved, NCDOT is responsible for speed limit sign replacement.

OPTIONS:

- Adopt ordinances in their entirety as recommended.
- Reject the ordinances in their entirety.
- Reject specific ordinances and request that NCDOT study the appropriateness of speed limits at City specified locations.

RECOMMENDED ACTION:

Adopt the attached speed ordinances in their entirety.

ATTACHMENTS:

Speed Ordinances
Speed Ordinance Cover Letter from NCDOT

**CERTIFICATION OF MUNICIPAL ORDINANCES DECLARING SPEED LIMIT
MODIFICATIONS AND REQUEST FOR CONCURRING ORDINANCE BY DEPARTMENT
OF TRANSPORTATION:**

I, _____, Clerk of the _____ City _____ of
(City) (Town)
Fayetteville, do hereby certify that the _____ City Council
(Governing Body)
of the _____ City of Fayetteville _____ duly enacted on the _____ day of
(City) (Town)
_____, 20 _____ an ordinance based upon engineering and traffic
investigation pursuant to authority granted by G.S. 20-141(f) declaring the following speed limit
modifications as set forth below on the following described portion of a State Highway System Street:

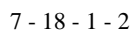
Repeal the Following Speed Limit

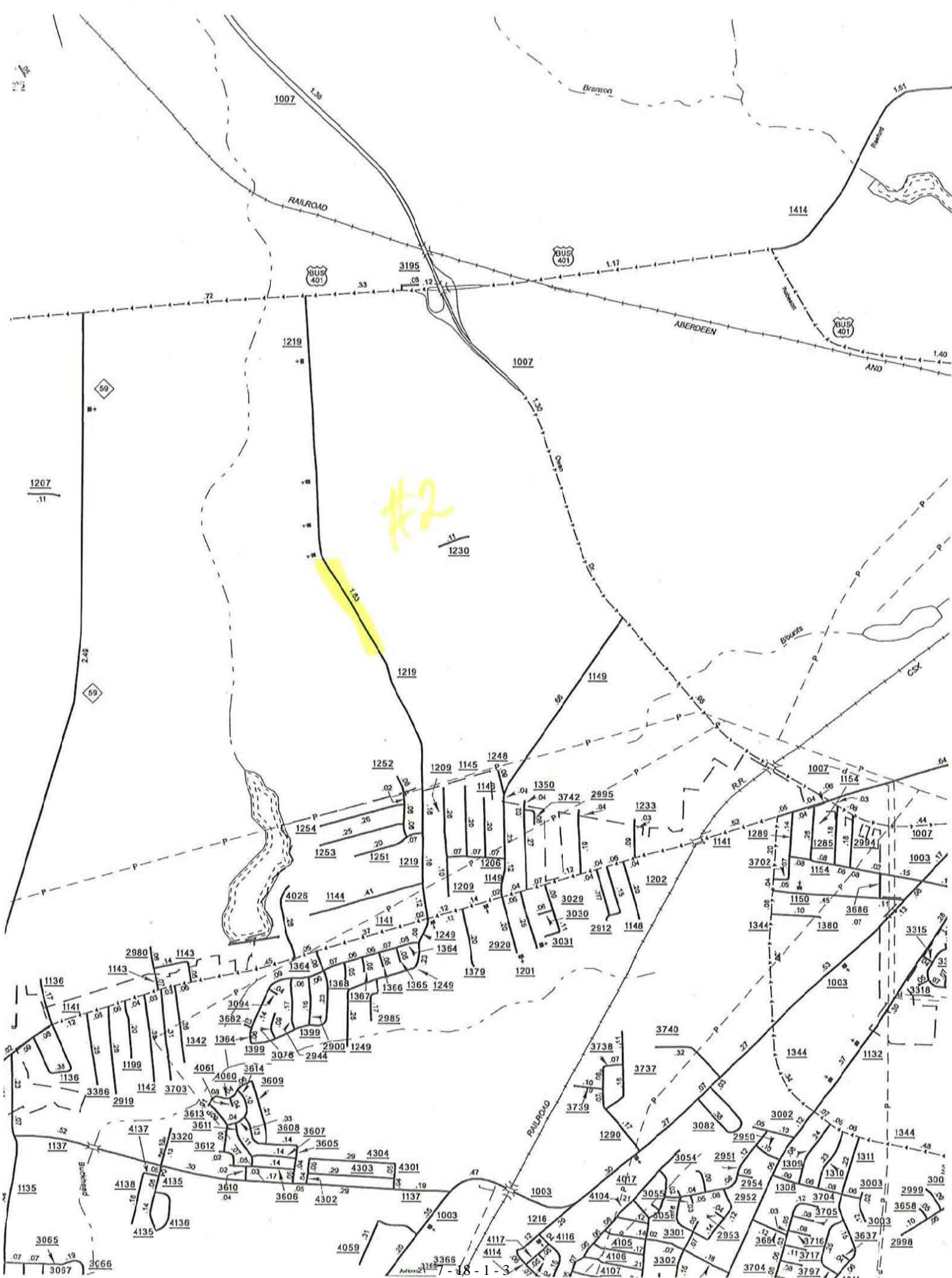
<u>Speed Limit</u>	<u>Route</u>	<u>Description</u>
35	US 401	A 35 mph school zone at Northwood Temple School in effect from 30 minutes before to 30 minutes after school begins and ends on school days only.
25	SR 1219	SR 1219 from SR 1220, northward for a distance of 170 feet. (Mary McArthur Elementary School zone, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only).

said ordinance to become effective upon adoption of the Department of Transportation of a concurring ordinance and the erection of signs giving notice of the authorized speed limit; that said ordinance is recorded in Minute Book _____, page _____.

In witness whereof, I have hereunto set my hand and the seal of the _____ City _____ of
Fayetteville, this _____ day of _____, 20 _____.
_____(Seal)

Division Approval: _____ Title: _____ Date: _____
Region Approval: _____ Title: _____ Date: _____





**Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1010380

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: US 401BUS

Car: 45 MPH

Truck: 45 MPH

Description: Robeson Street (US 401 Business) from Weiss Street to Raeford Road (US 401)

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my

hand and the municipal seal this _____ day

of _____, 20_____.

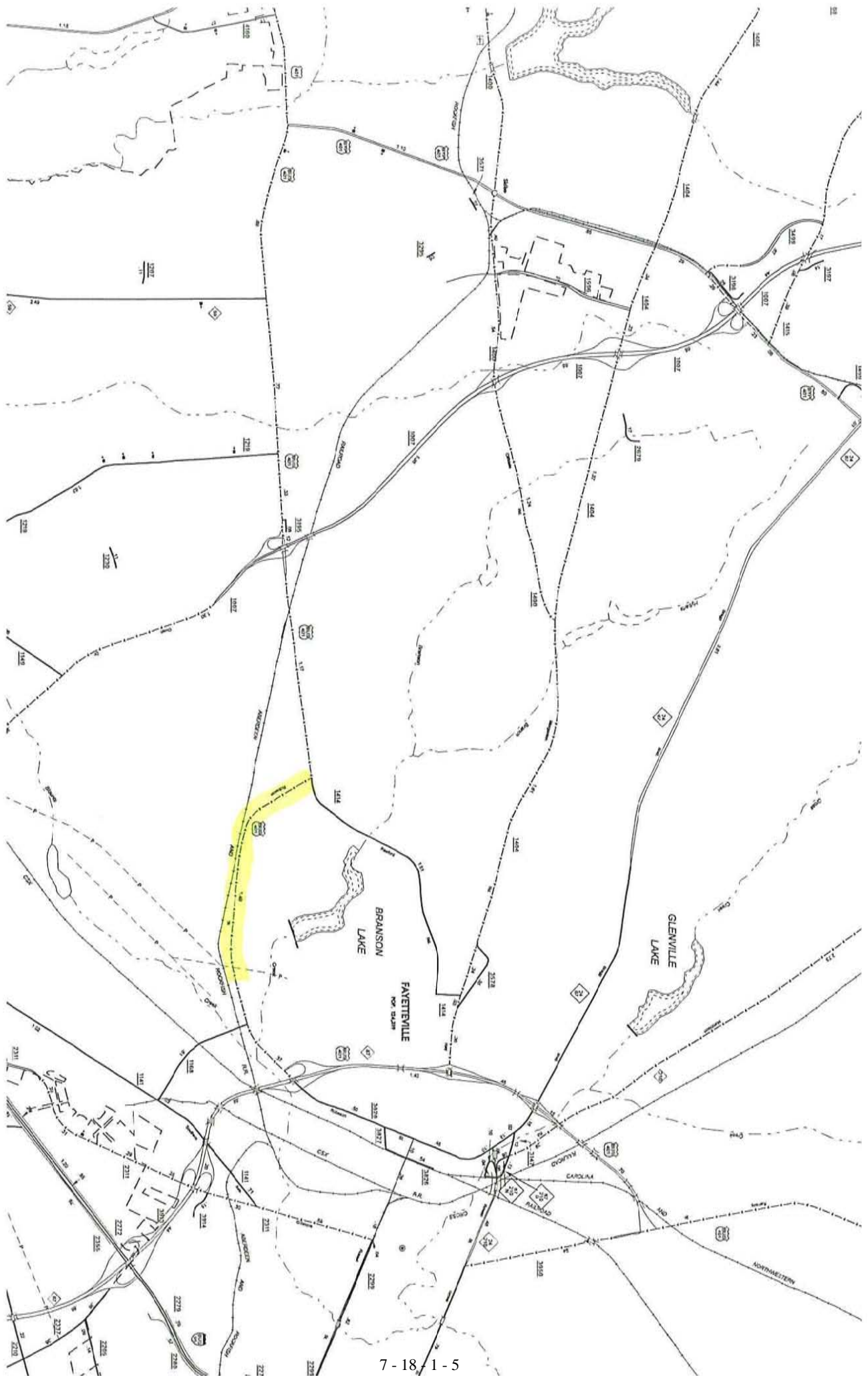
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1010399

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: US 401BUS

Car: 55 MPH

Truck: 55 MPH

Description: US 401 Business from Bragg Boulevard (NC 24) to Ramsey Street (US 401 Business).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

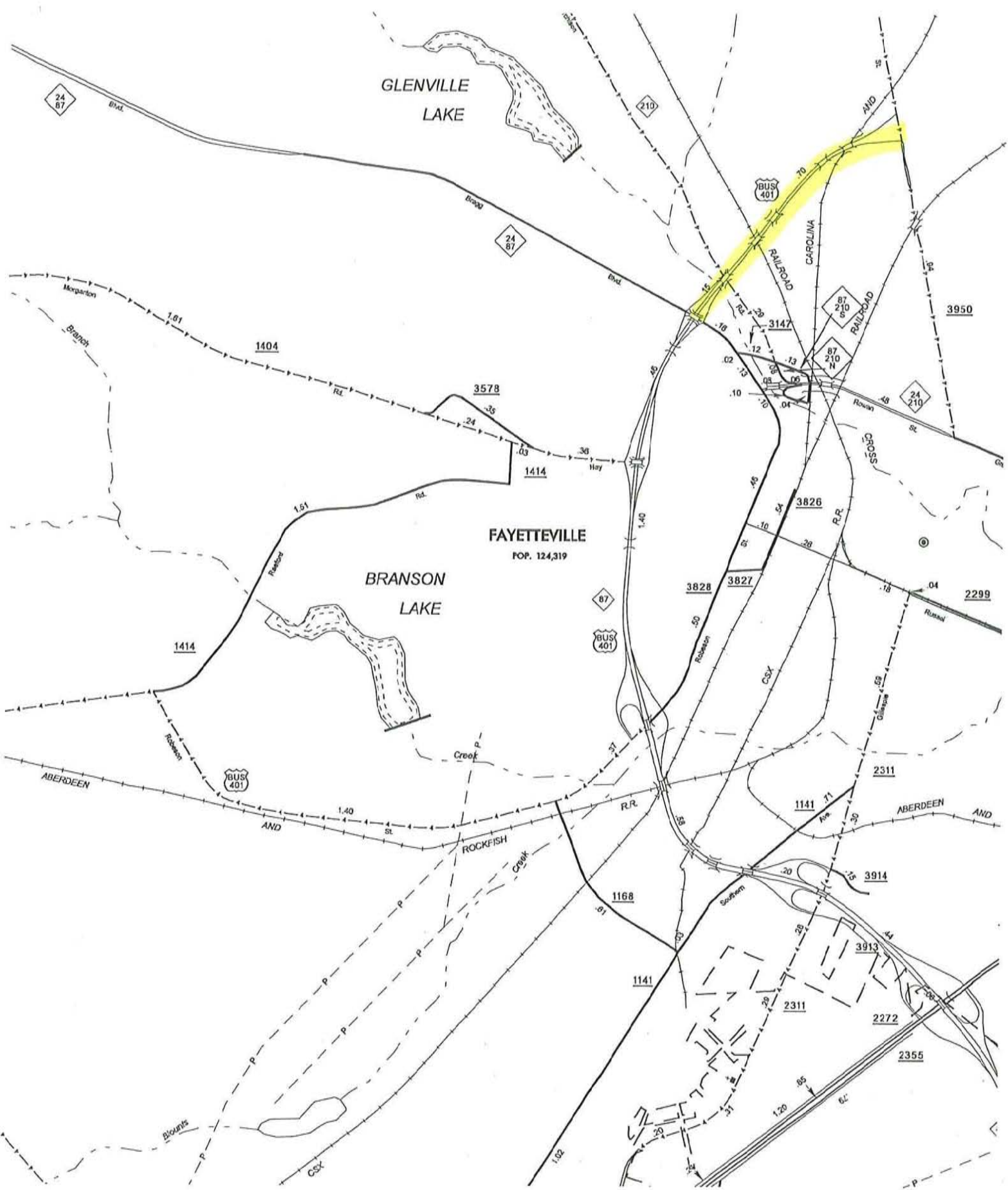
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1010522

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: US 401BUS

Car: 45 MPH

Truck: 45 MPH

Description: US 401 Business from a point 0.27 mile south of SR 1168, northward to a point 0.29 mile north of SR 1168, in Fayetteville.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

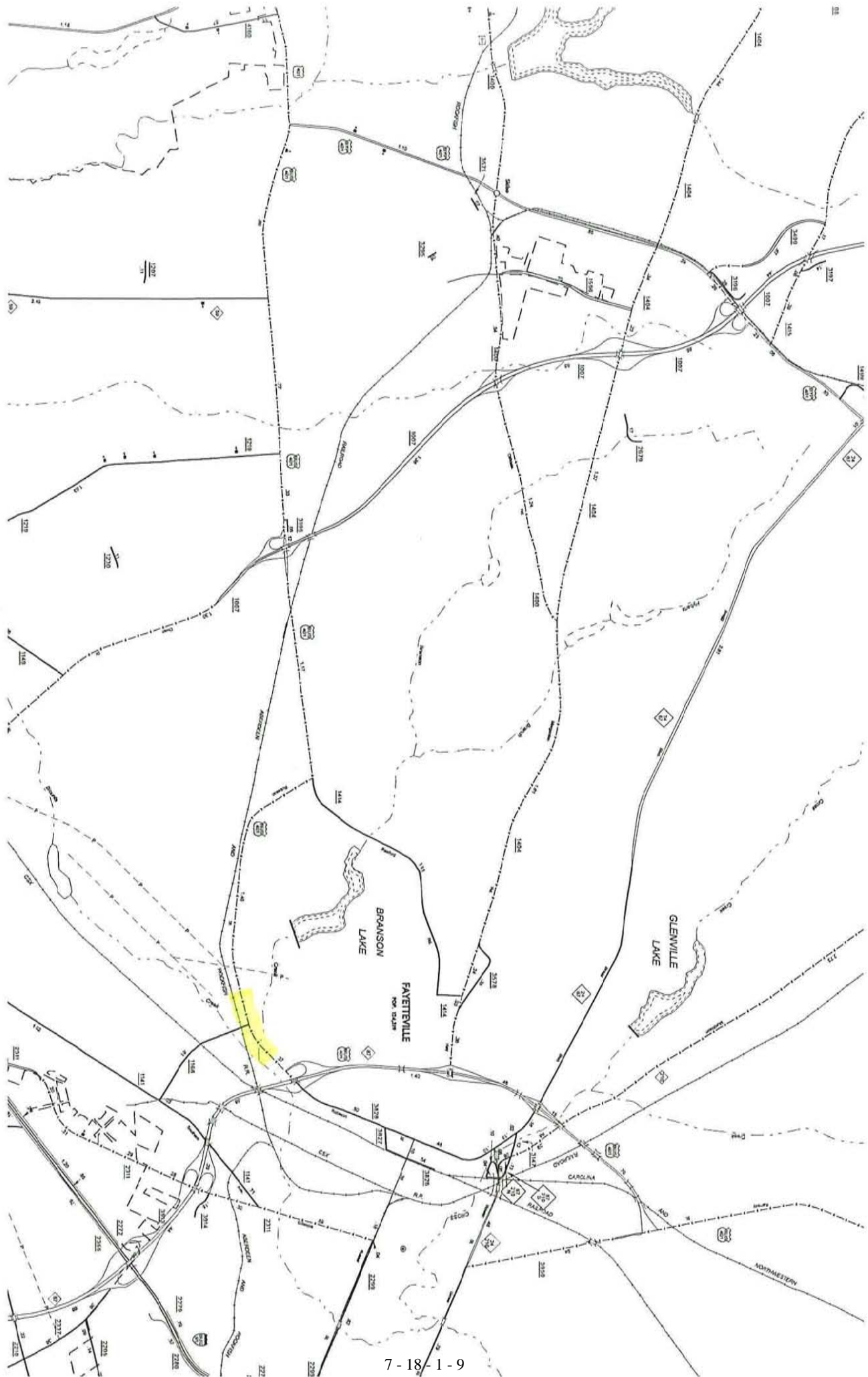
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1010524

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: US 401BUS

Car: 45 MPH

Truck: 45 MPH

Description: US 401 (Ramsey Street) from US 401 Bypass (Country Club Drive) northward to SR 1600 (McArthur Road).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my

hand and the municipal seal this _____ day

of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

**Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1010526

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: US 401BUS

Car: 45 MPH

Truck: 45 MPH

Description: US 401 Business (Ramsey Street) from a point 0.10 mile north of SR 1600 (McArthur Road) northward to the northern corporate limit, a point 0.26 mile north of SR 1600.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20____.

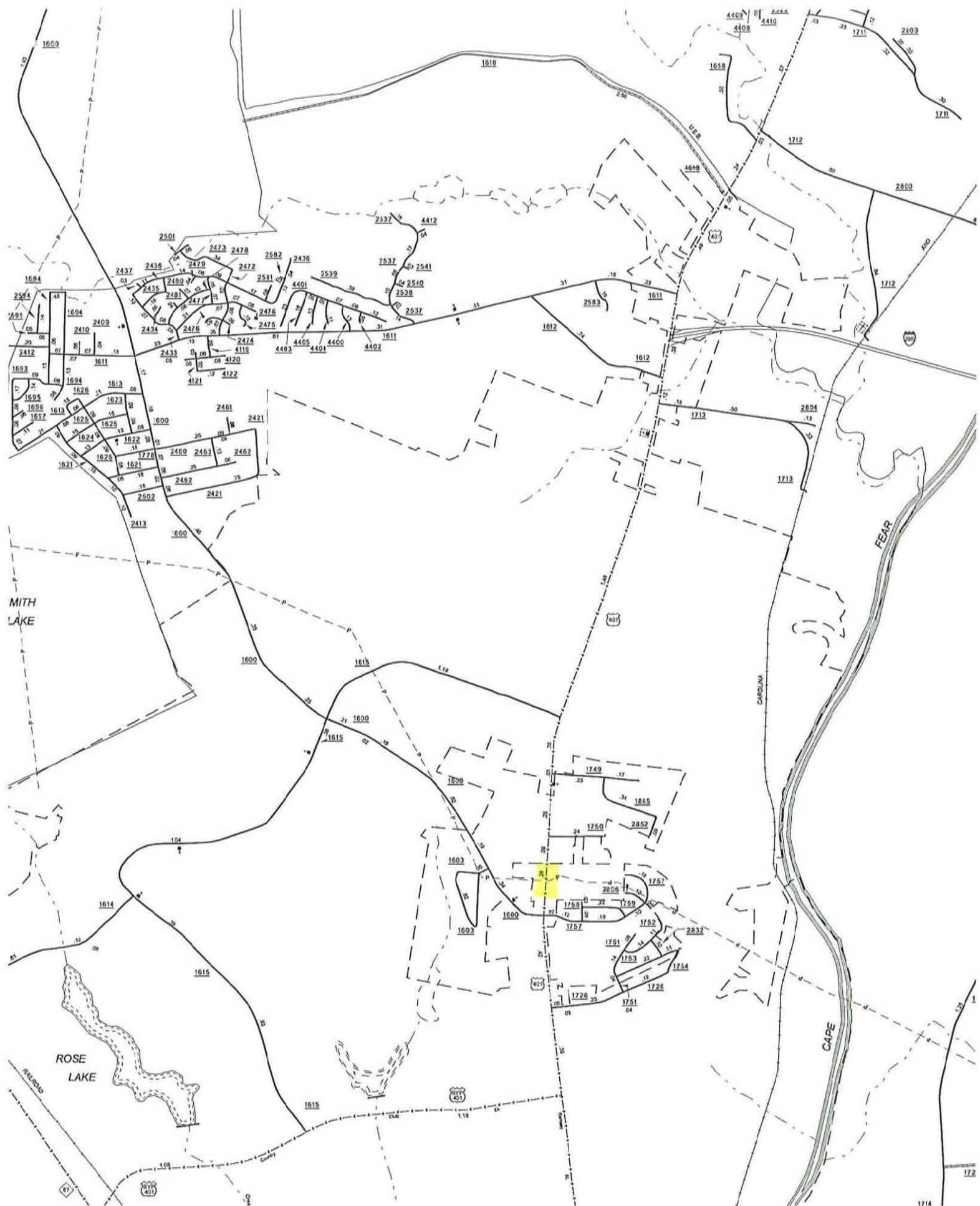
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1010534

Division: 6 County: CUMBERLAND Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: SR 1403 Car: 45 MPH Truck: 45 MPH

Description: SR 1403 (Reilly Road) from a point approximately 0.10 mile north of SR 1581 northward to a point approximately 0.13 mile north of SR 1404 (Morganton Road), in Fayetteville.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my

hand and the municipal seal this _____ day _____ (municipal seal)
of _____, 20_____.

(signature)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1062371

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: School Speed Zone - Municipal

Road: US 401

Car: 35 MPH

Truck: 35 MPH

Description: Between 0.17 mile south of SR 1610 and 0.13 mile north of SR 1610 (Longhill Elementary School, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20____.

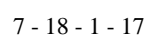
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1062360

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: US 401BUS

Car: 45 MPH

Truck: 45 MPH

Description: Between US 401 (Skibo Rd.) and SR 3828.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my

hand and the municipal seal this _____ day

of _____, 20_____.

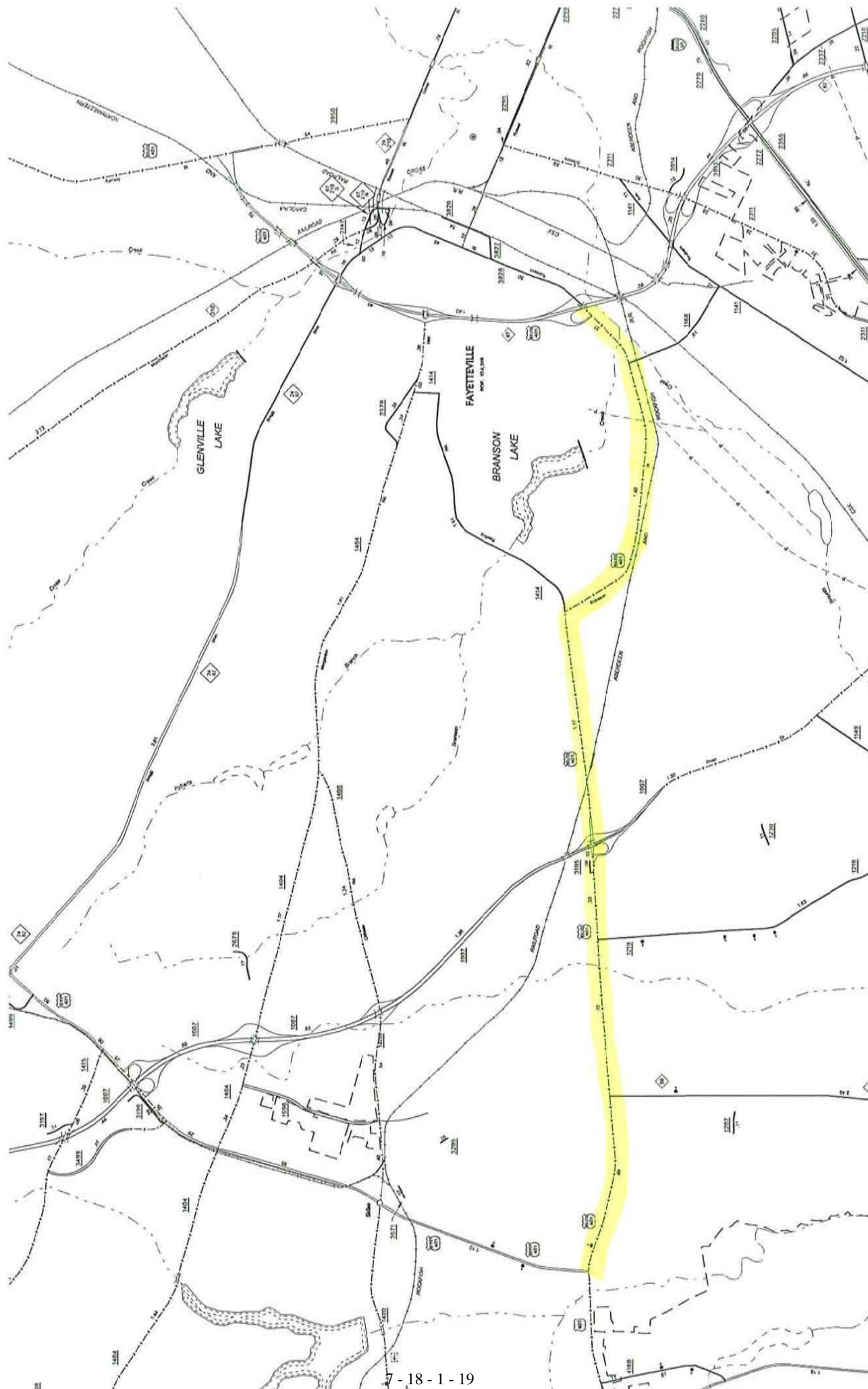
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1062362

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: US 401BUS

Car: 60 MPH

Truck: 60 MPH

Description: Between SR 3828 and 0.29 mile north of SR 1404.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

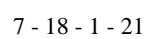
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1062363

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: US 401BUS

Car: 55 MPH

Truck: 55 MPH

Description: Between 0.29 mile north of SR 1404 and 0.71 mile north of NC 210.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my

hand and the municipal seal this _____ day

of _____, 20_____.

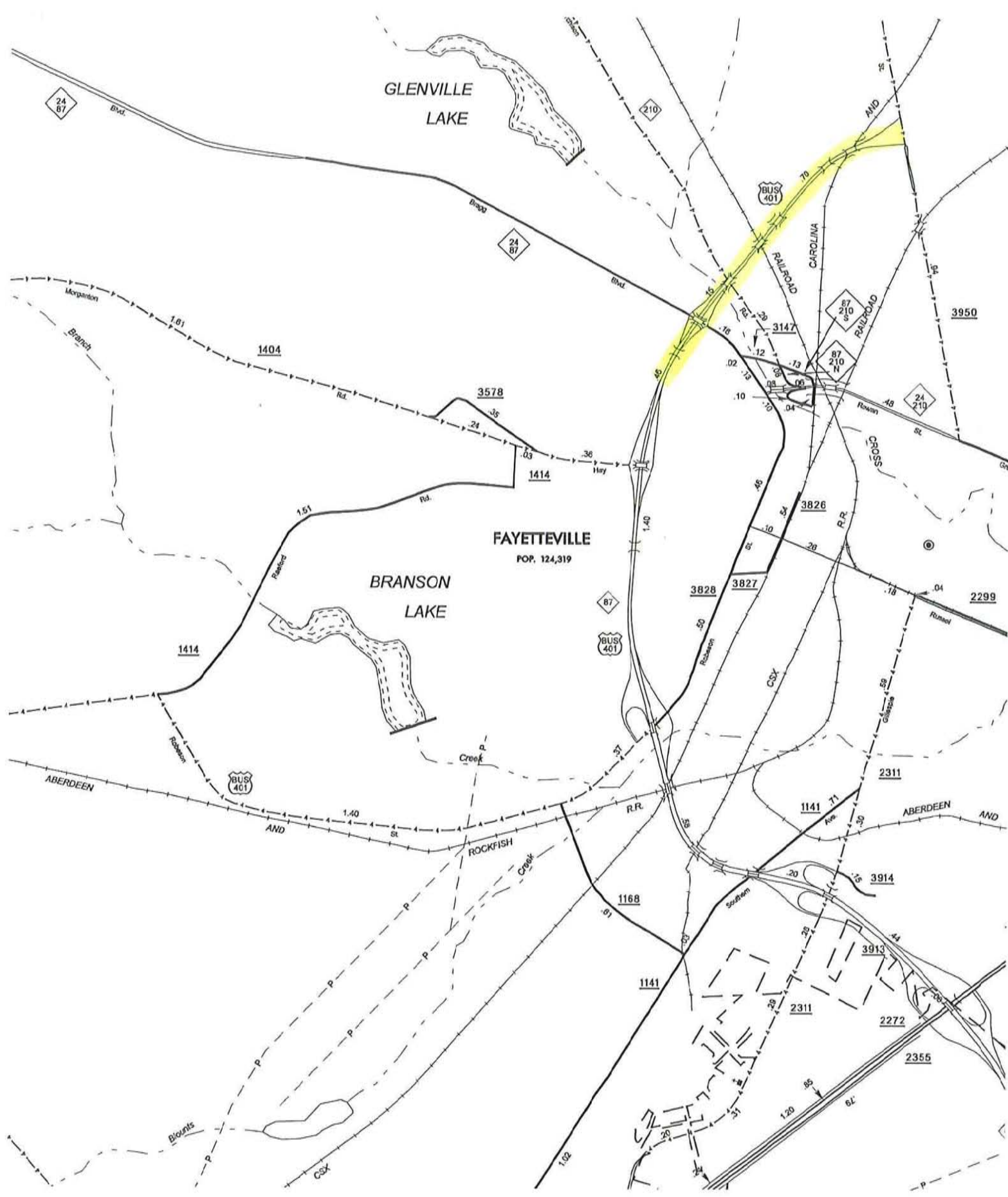
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1062685

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: School Speed Zone - Municipal

Road: US 401BUS

Car: 35 MPH

Truck: 35 MPH

Description: Between 0.48 mile west of SR 1219 and 0.27 mile west of SR 1219 (William H. Owen Elementary School, from 30 minutes before to 30 minutes after school begins and ends on school days only).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

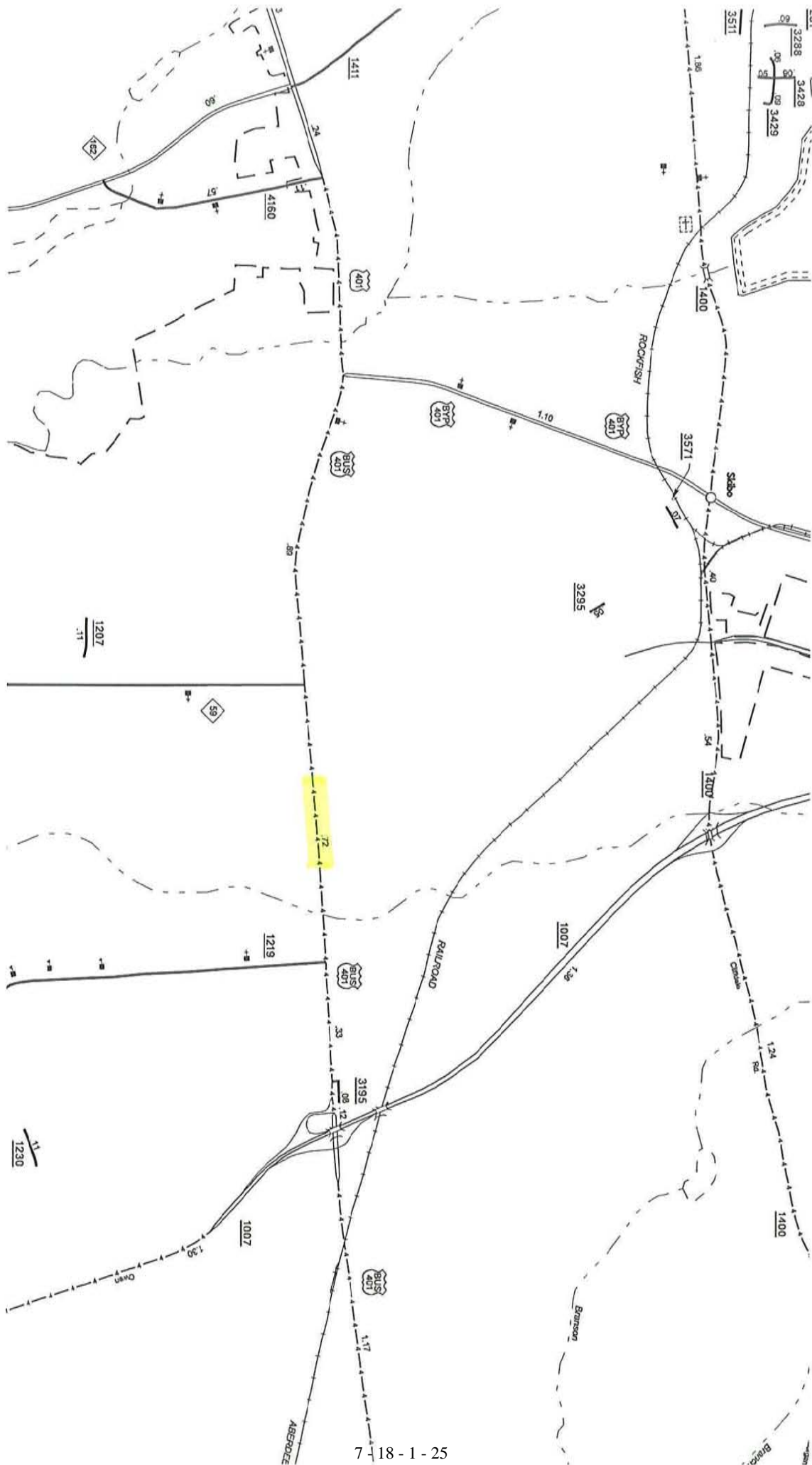
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1062408

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: NC 210

Car: 40 MPH

Truck: 40 MPH

Description: Between 0.98 mile south of US 401 and 0.28 mile north of US 401.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1062409

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: NC 210

Car: 45 MPH

Truck: 45 MPH

Description: Between 0.28 mile north of US 401 and 0.79 mile north of SR 1437.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my

hand and the municipal seal this _____ day

of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1062410

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: NC 210

Car: 55 MPH

Truck: 55 MPH

Description: Between 0.79 mile north of SR 1437 and 0.01 mile south of SR 2580.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1060526

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: School Speed Zone - Municipal

Road: SR 1219

Car: 25 MPH

Truck: 25 MPH

Description: Between 0.87 mile north of SR 1251 and 0.40 mile south of US 401BUS (Douglas Byrd Middle and High Schools, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20____.

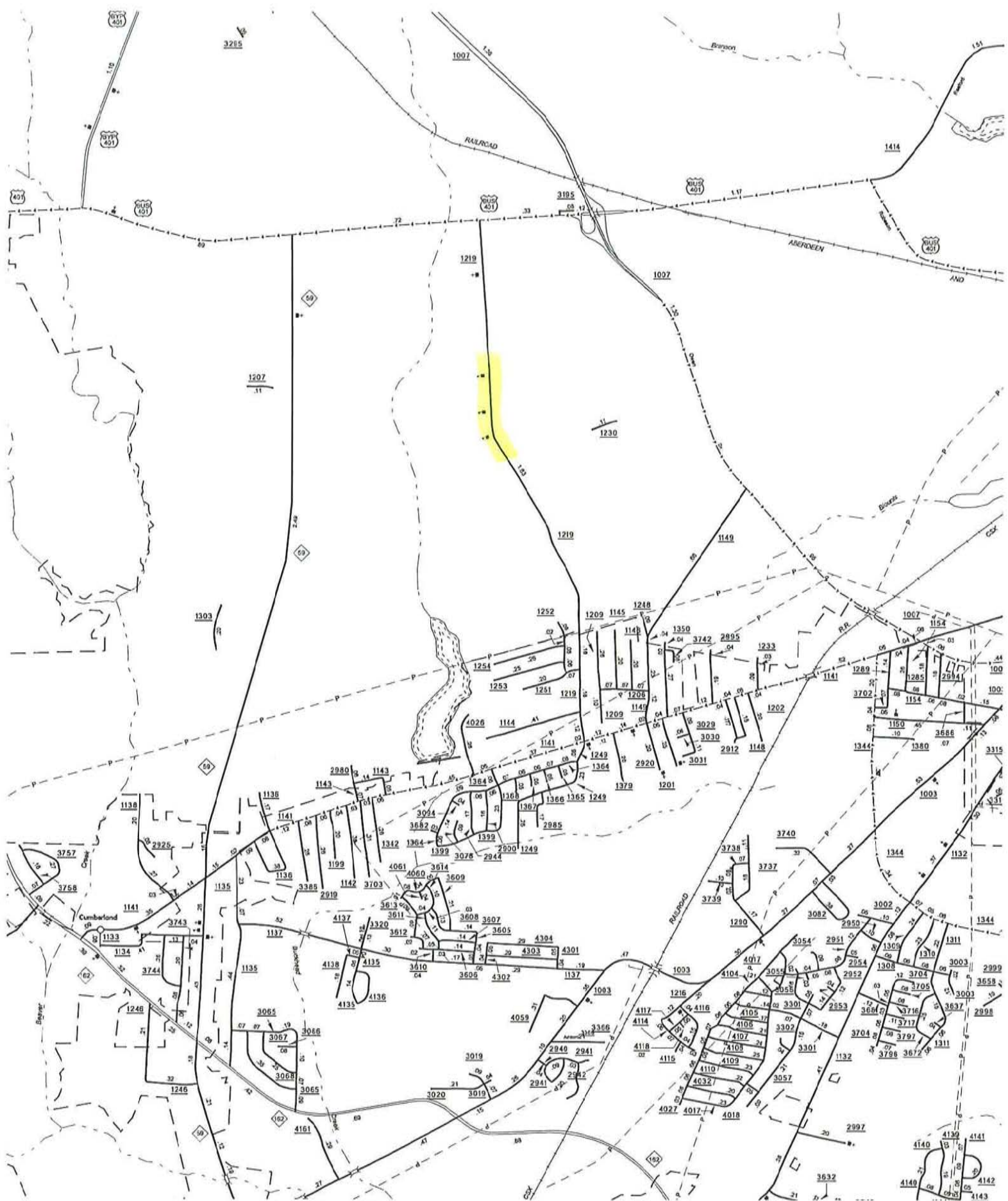
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1060527

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: School Speed Zone - Municipal

Road: SR 1219

Car: 25 MPH

Truck: 25 MPH

Description: Between 0.35 mile north of SR 1251 and 0.70 mile north of SR 1251 (Mary McArthur Elementary School, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

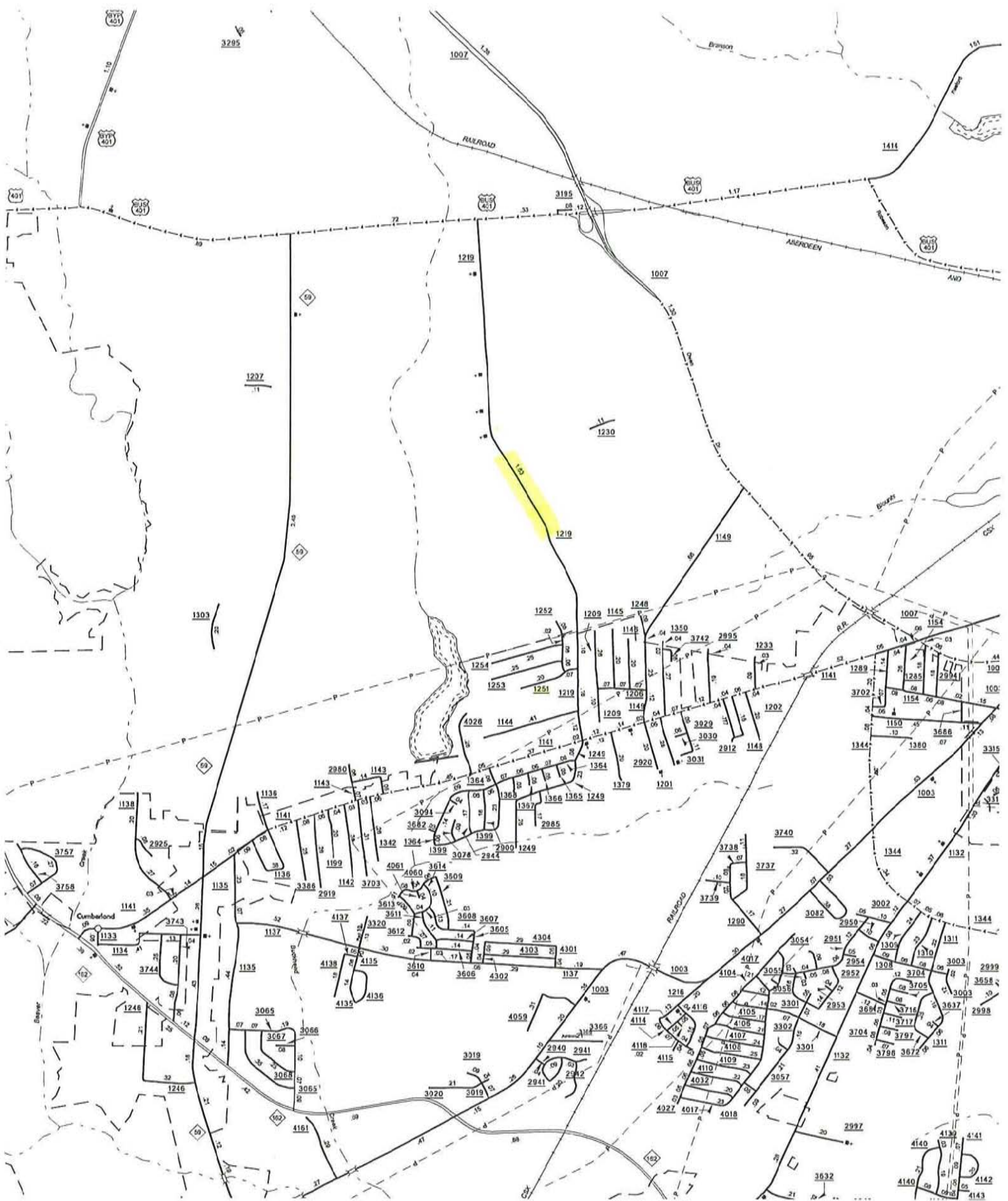
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1062548

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: School Speed Zone - Municipal

Road: SR 1403

Car: 35 MPH

Truck: 35 MPH

Description: Between 0.60 mile south of SR 1406 and 0.27 mile south of SR 1406 (Reilly Road Elementary School, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20____.

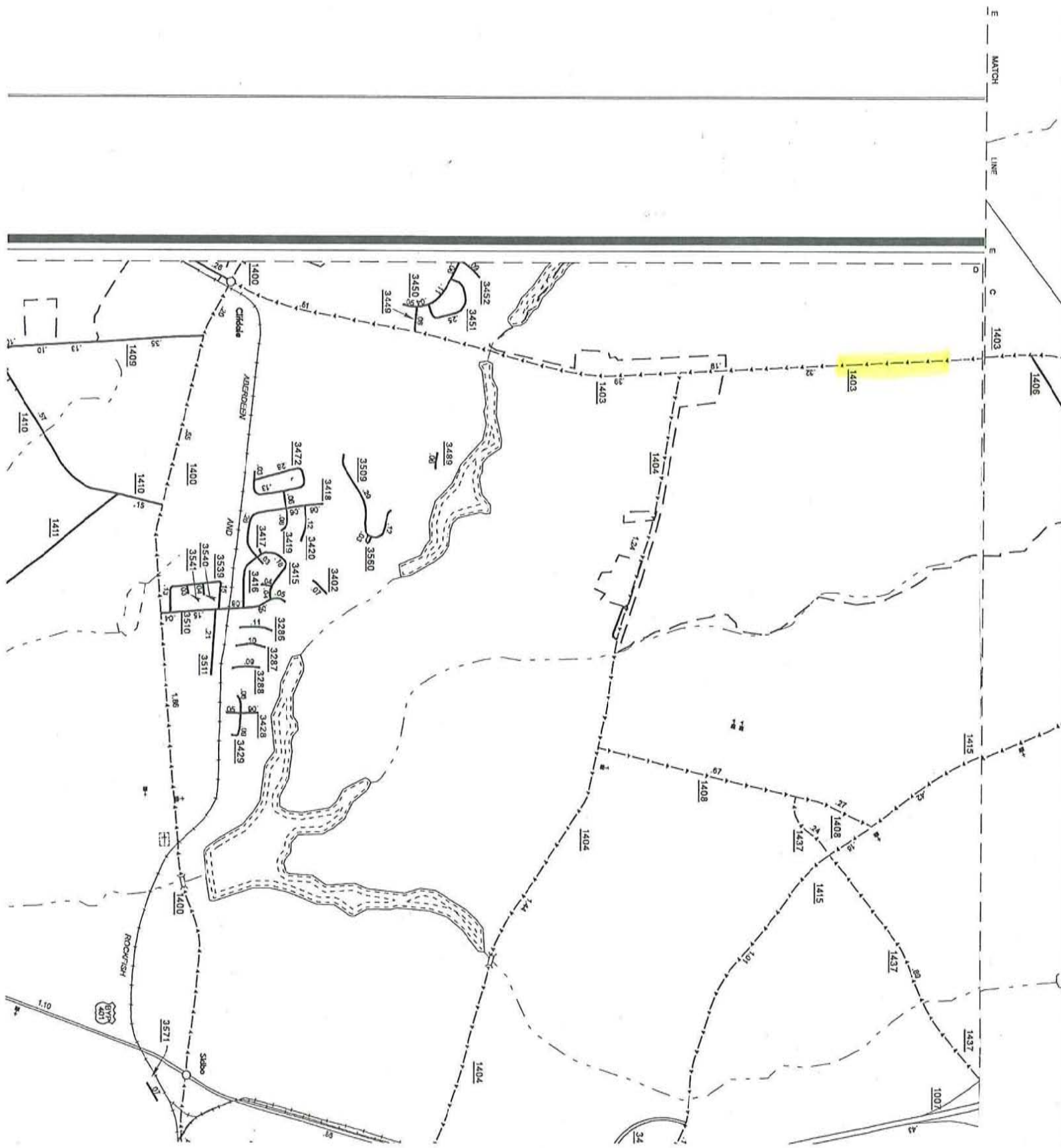
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1055196

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: School Speed Zone - Municipal

Road: SR 1593

Car: 35 MPH

Truck: 35 MPH

Description: Between 1.09 miles west of SR 1400 and 0.65 mile west of SR 1400 (Lake Rim Elementary School, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only).

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1061664

Division: 6 County: CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: SR 1600

Car: 55 MPH

Truck: 55 MPH

Description: Between 0.31 mile north of SR 1611 and 0.89 mile north of SR 1611.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

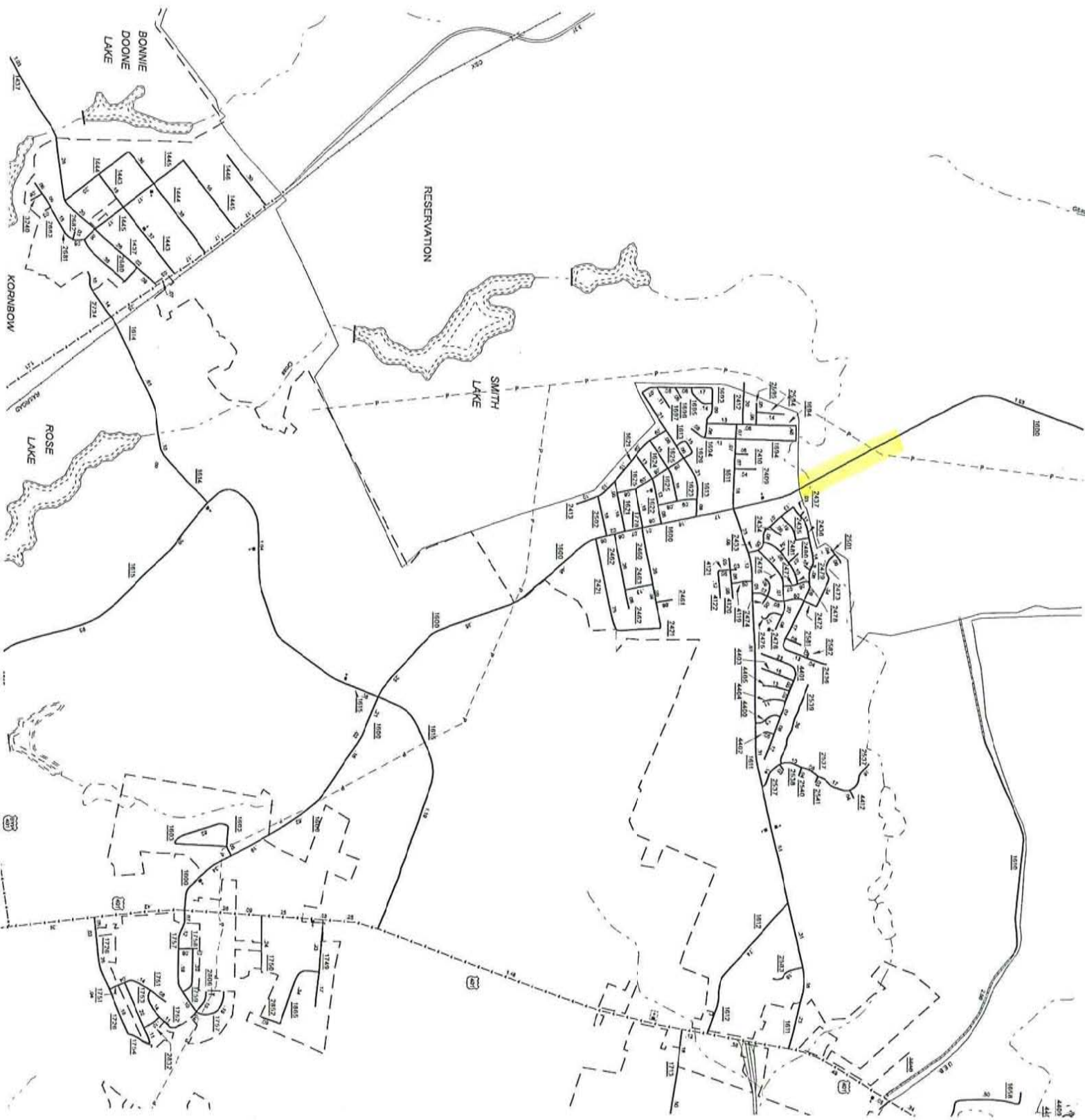
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____





STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

October 3, 2011

Neil Perry
Interim City Traffic Engineer
City of Fayetteville
339 Alexander Street
Fayetteville, North Carolina 28301

Dear Mr. Perry,

The Eastern Regional Operations Traffic Engineer has been tasked with addressing conflicting and overlapping ordinances.

As a result, our staff has reviewed issues related to these ordinances. As a part of this process, additional routes were recognized. These routes were also researched, reviewed and investigated for compliance within municipal limits of Fayetteville. The following attachments are certifications of municipal declaration for concurrence. Associated maps are attached to the certificates. Concurrence of these ordinances will identify the current speed limits along the specified routes. In addition, the execution of these certificates will clarify, condense and/or resolve any conflicts that were found during our investigation.

Please present our recommendations to your City Council for their consideration and for enactment and rescission of the appropriate ordinances. Upon enactment, please execute the original certificate forms and return the original forms to Mr. W. L. Jernigan, Jr., P.E., Division Traffic Engineer, P.O. Box 1150, Fayetteville, North Carolina, 28302.

If further information is requested, or you have any questions, please feel free to contact me at (910) 486-1452.

Yours truly,

A handwritten signature in blue ink, appearing to read "Phillip Hart".

Phillip Hart
Division Traffic Technician / Logo
& TODS Coordinator

PJH/pjh
Attachments

cc: G. W. Burns, P.E., Division Engineer
W. L. Jernigan, Jr., P.E., Division Traffic Engineer
L. R. Hines, Jr., P.E., District Engineer
D. B. Phipps, P.E., Sandhills Regional Traffic Engineer
P. H. Daughtry, III, P.E., CPM, Eastern Regional Operations Engineer

P. O. Box 1150 - Fayetteville, N. C. 28302 - PHONE: (910) 486-1452 - FAX: (910) 437-2599

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Dale Iman, City Manager
DATE: November 14, 2011
RE: **Stop Sign Ordinances**

THE QUESTION:

Traffic Services is requesting approval of the attached stop sign ordinances and the addition of these stop intersections in Sec. 16-61 of the City of Fayetteville Code of Ordinances.

RELATIONSHIP TO STRATEGIC PLAN:

Great Place to Live
Desirable Neighborhoods

BACKGROUND:

- Traffic Services submits new stop sign ordinances on a quarterly schedule.
- These are typically for intersections in new neighborhoods that require the installation of stop signs.
- These stop signs have already been installed according to existing standards.

ISSUES:

Enforcement of stop signs require legal ordinance.

BUDGET IMPACT:

Adoption of these ordinances will not have an impact on the budget.

OPTIONS:

- Adopt ordinances as recommended.
- Reject the ordinances.

RECOMMENDED ACTION:

Adopt the attached stop sign ordinances and amend Sec. 16-61 of the City of Fayetteville Code of Ordinances to include these stop intersections.

ATTACHMENTS:

Stop Ordinances

**AN ORDINANCE AMENDING CHAPTER 16, MOTOR VEHICLES AND TRAFFIC
OF THE CITY OF FAYETTEVILLE
CODE OF ORDINANCES**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina that Chapter 16, “Motor Vehicles and Traffic”, is hereby amended to read as follows:

Sec. 16-61. Traffic Schedule Number 6 – **Stop Intersections**

There is hereby added to said schedule the following:

TRAFFIC PROCEEDING ON:

Birdsong Lane
Campbell Street
Schley Drive
Stone Carriage Circle

Deal Street
Holman Street
Jernigan Street

Lakeway Drive (Northbound)
Lakeway Drive (Southbound)

Blackwater Court
Blockade Runner Drive
Schonner Court
Seawater Court
South Bank Court

Coffman Street
Flint Mill Court
Lakedale Drive

Longhill Point
Ridge Pointe Lane

SHALL STOP AT:

Santee Drive
Murchison Road
Our Street
Bingham Drive

Jernigan Street
Deal Street
Holman Street

Rivermeade Drive
Rivermeade Drive

Blockade Runner Drive
Fisher Road
Blockade Runner Drive
Blockade Runner Drive
Blockade Runner Drive

Lakedale Drive
Lakedale Drive
Brickyard Drive

McCloskey Road
McCloskey Road

Beaubien Drive
Limwert Lane
Oblu Court
Schick Place

Carl Steiner Road (Northbound)
Carl Steiner Road (Southbound)
Harry Truman Road
Harry Truman Road
Park Hill Road
Park Hill Road
Ronald Reagan Drive (Eastbound)
Ronald Reagan Drive (Westbound)
Walsh Parkway

Crown Ridge
Daybrook Court
Ingate Street
Ingate Street

Blackwater Court
Deepwater Court
Gentle Breeze Court
Soacha Court

Hillsboro Street (Northbound)
Hillsboro Street (Southbound)
Walter Street
Walter Street (Eastbound)
Walter Street (Westbound)

Horsepen Branch
Whispering Meadow Lane
Winterwood Drive

Amber Gate Path
Bright View Street
Cozy Branch Road
Cozy Branch Road
Gentle Bend Way
Hickory Knoll Road
Pleasant Run Road
Shady Knoll Lane
Yeoman Drive
Yeoman Drive

Altgero Avenue
Altgero Avenue
Altgero Avenue
Altgero Avenue

Ronald Reagan Drive
Ronald Reagan Drive
Park Hill Road
Ronald Reagan Drive
Andrews Road
Ronald Reagan Drive
Park Hill Road
Park Hill Road
Andrews Road

Ellie Avenue
Ellie Avenue
Crown Ridge
Daybrook Court

Truewinds Drive
Blackwater Court
Truewinds Drive
Truewinds Drive

Walter Street
Walter Street
Hillsboro Street
Hillsboro Street
Hillsboro Street

Bailey Lake Road
Winterwood Drive
Grimes Road

Hickory Knoll Road
Gentle Bend Way
Hickory Knoll Road
Shady Knoll Lane
Hickory Knoll Road
Cliffdale Road
Gentle Bend Way
Hickory Knoll Road
Hickory Knoll Road
Seaford Drive

Adopted this _____ day of _____, 2011

CITY OF FAYETTEVILLE

BY: _____
Anthony G. Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 14, 2011
RE: **Finance - Tax Refunds of Greater Than \$100 - October 2011**

THE QUESTION:

City Council approval is required to issue tax refund checks for \$100 or greater.

RELATIONSHIP TO STRATEGIC PLAN:

Not applicable.

BACKGROUND:

- Tax refunds approved by the Board of Equalization and Review totaled \$1,581.28 for the month of October.
- A detailed listing of the refunds are attached.

ISSUES:

None.

BUDGET IMPACT:

Budget impact is \$1,581.28.

OPTIONS:

Approve the refunds.

RECOMMENDED ACTION:

Staff recommends approval of the refunds.

ATTACHMENTS:

Tax Refunds Greater Than \$100 - Oct 2011



November 14, 2011

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable *NP*

RE: Tax Refunds of Greater Than \$100

The tax refunds listed below for greater than \$100 were approved by the Cumberland County Special Board of Equalization for the month of October, 2011.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Mobley, David L. Sr.	1379800	2007-2010	Corrected Assessment	555.76
Robertson, Daniel Way.	1713467 and 1713475	2009-2010	Corrected Assessment	222.08
Toyota Of Fayetteville	1293740	2009-2010	Corrected Assessment	803.44
TOTAL				\$1581.28

P.O. Drawer D
433 Hay Street
Fayetteville, NC 28302-1746
FAX (910) 433-1680

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: November 14, 2011
RE: **Tax Refunds of Greater Than \$100 - September 2011**

THE QUESTION:

City Council approval is required to issue tax refund checks for \$100 or greater.

RELATIONSHIP TO STRATEGIC PLAN:

Not applicable.

BACKGROUND:

- Tax refunds approved by the Board of Equalization and Review for the month of September totaled \$999.14.
- A detailed listing of the refunds is attached.

ISSUES:

None.

BUDGET IMPACT:

Budget impact is \$999.14.

OPTIONS:

Approve the refunds.

RECOMMENDED ACTION:

Staff recommends approval of the refunds.

ATTACHMENTS:

Tax Refunds of Greater Than \$100 Sept 2011



November 14, 2011

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable *NP*

RE: Tax Refunds of Greater Than \$100

The tax refunds listed below for greater than \$100 were approved by the Cumberland County Special Board of Equalization for the month of September, 2011.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Larry's Sausage Company, Inc.	4592709	2008-2010	Corrected Assessment	999.14
TOTAL				\$999.14

P.O. Drawer D
433 Hay Street
Fayetteville, NC 28302-1746
FAX (910) 433-1680

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Pamela J. Megill, City Clerk
DATE: November 14, 2011
RE: **Approve Minutes:**

- July 25, 2011 - Regular Meeting
- August 1, 2011 - Work Session
- August 8, 2011 - Agenda Briefing
- August 8, 2011 - Regular Meeting
- August 17, 2011 - Agenda Briefing
- August 22, 2011 - Special Meeting
- August 22, 2011 - Regular Meeting
- August 23, 2011 - Special Meeting
- August 25, 2011 - Special Meeting
- August 29, 2011 - Special Meeting

THE QUESTION:

Should the City Council approve the draft minutes as the official record of the proceedings and actions of the associated meetings?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Community Unity - Pride in Fayetteville; Objective 2: Goal 5: Better informed citizenry about the City and City government.

BACKGROUND:

The Fayetteville City Council conducted meetings on the referenced dates during which they considered items of business as presented in the draft minutes.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

1. Approve the draft minutes as presented.
2. Revise the draft minutes and approve the draft minutes as revised.
3. Do not approve the draft minutes and provide direction to staff.

RECOMMENDED ACTION:

Approve the draft minutes as presented.

ATTACHMENTS:

July 25, 2011 Regular Meeting
August 1, 2011 Work Session
August 8, 2011 Agenda Briefing
August 8, 2011 Regular Meeting
August 17, 2011 Agenda Briefing
August 22, 2011 Special Meeting

August 22, 2011 Regular Meeting
August 23, 2011 Special Meeting
August 25, 2011 Special Meeting
August 29, 2011 Special Meeting

DRAFT

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JULY 25, 2011
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale E. Iman, City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Ben Major, Fire Chief
Jeffery Brown, Engineering and Infrastructure Director
Rusty Thompson, Traffic Services Director
Scott Shuford, Development Services Director
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
Marsha Bryant, Planner II
David Nash, Planner II
Rebecca Rogers-Carter, Management Services Manager
James Rose, PWC Chief Administrative Officer
Joe Glass, PWC Engineering Manager-Water Resources
Nathan Walls, Public Information Specialist
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Captain Charlie Averitt, Assistant Chaplain for the Fayetteville Fire Department.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was recited by those in attendance.

4.0 APPROVAL OF AGENDA

Ms. Karen McDonald, City Attorney, stated staff was requesting that Item 8.3, public hearing to consider a petition requesting annexation by Baywood Point, LLC, and Savvy Homes, LLC, be removed from the agenda.

Mayor Chavonne inquired why the item was being removed. Mr. Scott Shuford, Development Services Director, explained that when the property was submitted for annexation, the petition included the signature of everyone who owned property. He stated since that time, parcels were sold and they would need the signatures of the current property owners in order to move forward with the annexation. He stated they would review the policy to prevent this from occurring in the future.

MOTION: Council Member Arp moved to approve the agenda with the removal of Item 8.3.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (10-0)

DRAFT

5.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Hurst thanked everyone who participated in the Cross Creek Cleanup, which included Fayetteville Beautiful teaming up with volunteers and support being provided by the Parks and Recreation and Environmental Services Departments. He announced Fayetteville State University's Cheer Group would continue with the cleanup from the upper-end of Cross Creek to the Cape Fear Botanical Garden.

Mayor Chavonne acknowledged Professor Kevin Dilley and his students from the Fayetteville State University News and Public Affairs class and stated they would be observing the meeting, taking notes, and reviewing the following day what was discussed and how best to report the information.

6.0 PUBLIC FORUM

Ms. Patricia Stewart, 623 Bessemer Circle, Fayetteville, NC 28301, expressed concern regarding police chases and requested Council work with the Police Department and Sheriff's Department to put an end to chases in Fayetteville and Cumberland County.

Mr. James Popp, 101 Goodyear Avenue, Fayetteville, NC 28303, expressed concern regarding bulky item pickup and requested Council reconsider the policy limiting the amount of bulky pickups a resident was allowed per year.

Ms. Shirley McDougald, no address was provided, spoke regarding the NC Veterans Park and expressed concern that there were no statues of African Americans in position of honor in the park.

Ms. Linda Shantan, 103 Littleleaf Court, Raeford, NC 28376, representing District 15 of the Prince Hall Masonic Order, announced they would be hosting a free community picnic for the North Street and Blueberry Place Community at the North Street Park on July 30, 2011.

Mr. Dale Iman, City Manager, in response to Ms. McDougald's concern, stated there were no specific recognitions within the new NC Veterans Park. He stated the park was developed as a result of input from over three dozen veterans. He stated it was a themed park symbolizing the three phases of a veteran's life--life before service, life during service, and life after service. He stated there were no individuals recognized in the park and that was by intent.

7.0 CONSENT

MOTION: Council Member Hurst moved to approve the consent agenda.
SECOND: Council Member Arp
VOTE: UNANIMOUS (10-0)

7.1 Approve Minutes

- May 23, 2011 - Dinner and Discussion Meeting

7.2 Authorization to replace Retired Fire Chief Benny Nichols with Interim Fire Chief Benjamin Major as applicant agent on behalf of the City of Fayetteville.

RESOLUTION - DESIGNATION OF APPLICANT'S AGENT, NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT. RESOLUTION NO. R2011-033A.

7.3 Award contract for LaFayette Village - Ph I, Spruce Drive Drainage Improvements Project, to T. A. Loving Company, Goldsboro, NC, lowest responsive, responsible bidder, for the bid amount of \$2,701,960.00.

Bids were received June 20, 2011, as follows:

T. A. Loving Company (Goldsboro, NC)\$2,701,960.00

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BS&J Enterprises, Inc. (Autryville, NC)\$3,731,478.20
Triangle Grading & Paving, Inc. (Burlington, NC)\$3,885,077.00

- 7.4 Award contract for 2012 Street Resurfacing Program to Highland Paving Company, Fayetteville, NC, lowest responsive, responsible bidder, for the negotiated bid amount of \$2,885,024.94.

Bids were received June 24, 2011, as follows:

Highland Paving Company (Fayetteville, NC)\$3,205,677.84
Barnhill Contracting Company (Fayetteville, NC)\$3,237,146.35

The bids received were over the budgeted amount of \$2,800,000.00, therefore, as allowed by North Carolina General Statutes, staff negotiated with the low bidder, Highland Paving Company, to eliminate five streets in order to bring the contract within the budgeted amount. The negotiated bid amount was \$2,885,024.94.

- 7.5 Bid recommendation for purchase of galvanized steel poles.

The Public Works Commission approved bid award for purchase of 75 galvanized steel poles of various sizes for the sub-transmission pole replacement project to TransAmerican Power Products, Inc., Houston, TX, lowest bidder in the total amount of \$292,953.00. Bids were received June 28, 2011, as follows:

TransAmerican Power Products, Inc. (Houston, TX)\$292,953.00
M. D. Henry Company, Inc. (Pelham, AL)\$351,285.00
April S. Lee & Associates, LLC (St. Cloud, MN)\$359,887.62
Thomas & Betts Corporation (Memphis, TN)\$379,773.00
Sabre Tubular Structures (Alvarado, TX)\$421,404.00

- 7.6 Bid recommendation for hydrogen sulfide control at PWC lift stations.

The Public Works Commission approved bid award for a one-year contract for labor, materials, and equipment to provide hydrogen sulfide control at PWC lift stations, with the option to extend the contract for additional one-year periods upon the agreement of both parties, to Siemens Industry, Inc., Sarasota, Florida, lowest bidder, in the total amount of \$198,886.00. Bids were received June 20, 2011 as follows:

Siemens Industry, Inc. (Sarasota, FL)\$198,886.00
Cape Fear Water Solutions (Dublin, NC)\$224,375.00
Southeastern Waste Water (Fayetteville, NC)\$257,011.35

- 7.7 Bid recommendation for annual transformer contract.

The Public Works Commission approved bid award for annual transformer contract (approximately 560 transformers of different types and sizes to be purchased over a 12-month period) with the option to order additional quantities within the 12-month period at the unit prices and with the option to extend the agreement for additional one-year periods upon the agreement of both parties to Ermco, c/o National Transformer Sales, Inc., Raleigh, NC, low bidder in the total amount of \$1,050,801.00. Bids were received May 11, 2011, as follows:

Ermco, c/o National Transformer Sales (Raleigh, NC) . \$1,050,801.00
HD Supply (Wake Forest, NC)\$1,188,315.85
Stuart C. Trby (Rocky Mount, NC)\$1,196,308.00
WESCO (Raleigh, NC)\$1,211,059.00
Howard Industries (Laurel, MS)\$1,267,812.00

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7.8 Community street banners for FTCC 50th Anniversary.

Staff recommended Council grant the special request for up to 36 community street banners for the FTCC 50th anniversary from September 15, 2011, through March 12, 2012.

7.9 Municipal agreement with NCDOT for bridge inspections.

7.10 Capital Project Ordinance Amendment 2012-9 (Texfi Property).

The amendment appropriated an additional \$11,243.00 from Cumberland County for the development and use of the Texfi property.

7.11 Capital Project Ordinance Amendment 2012-11 (Storm Water Projects).

The amendment appropriated \$11,845,761.00 for storm water drainage improvement projects.

7.12 Capital Project Ordinance Amendment 2012-10 (Linear Park).

The amendment appropriated an additional \$12,140.00 for the Linear Park Project.

7.13 Special Revenue Fund Project Ordinance 2012-3 (FY 2010 Federal Homeland Security Grant).

The ordinance established the budget for the FY 2010 Federal Homeland Security Grant awarded to the Fire Department through the North Carolina Department of Crime Control and Public Safety Division of Emergency Management.

7.14 Special Revenue Fund Project Ordinance 2012-4 (2011 Sobriety Court Grant).

The ordinance appropriated \$48,839.00 for the 2011 Sobriety Court Program.

7.15 2011 JAG Funding - Memorandum of Understanding with Cumberland County.

7.16 Tax refunds greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Cape Fear Siteworks, Inc.	2006-2008	Clerical Error	\$3,065.53
Total			\$3,065.53

8.0 PUBLIC HEARINGS

8.1 Public hearing and adoption of resolution to consider the paving without petition of certain soil streets.

Mr. Jeffery Brown, Engineering and Infrastructure Director, presented this item and provided background information on the paving of soil streets. He stated in 2008, Council delayed the paving of Grace Street due to not knowing if it would be incorporated into the Hope VI project. He stated it was not incorporated into the project and therefore Habitat for Humanity was requesting that the street be paved. He stated Wilma Street had been approved for paving in 2009 but the design had changed and the street had to be extended further than what was initially anticipated which impacted more parcels. He stated during that process it was discovered that a large parcel was inadvertently left off the preliminary assessment roll. He proceeded to show photos of the area. He also pointed out that Salisbury Street was approved for paving at the same time as Wilma Street and any decision made would also impact the decision previously made on Salisbury Street.

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Mayor Pro Tem Haire inquired if the assessment would change if a portion of property was given for right-of-way. Mr. Brown responded in the negative and explained it would not be allowed under the general statutes.

A question and answer period ensued regarding the partial water and sewer currently installed, what impact future installations would have on the project, and the number of properties that would be assessed.

Council Member Crisp requested clarification on how much the City would recoup of the \$172,000.00 from the property owners on both sides of Wilma Street. Mr. Brown responded 49 percent which would be \$49,929.00.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Ms. Sophia Pierce, 725 Topeka Street, Fayetteville, NC 28301, appeared in opposition. She stated she was not opposed to the paving of Wilma Street but was opposed to the assessment and requested Council reduce the assessment.

There being no one further to speak, the public hearing was closed.

Council Member Applewhite inquired how the value of right-of-way was determined. Mr. Brown responded whatever square footage the City was taking from the property would be compensated to the property owner based on the tax value of the taking which would be 100 percent of the value. Mr. Brown explained Ms. Pierce's property was the one that was left off of the preliminary assessment roll. He stated Option B would reduce their assessment cost to \$14,500.00.

Mayor Pro Tem Haire inquired of Ms. Pierce if Option B would be better for her financially. Ms. Pierce responded she would need to check with her family.

Mayor Pro Tem Haire inquired if there was assistance available from Community Development. Mr. Brown responded there was a limit of \$1,000.00 to offset the assessment.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT PETITION OF GRACE AVENUE FROM OLD WILMINGTON ROAD 351 FEET TO A DEAD END.
RESOLUTION NO. R2011-034.

MOTION: Mayor Pro Tem Haire moved to approve the paving of Grace Avenue and Option B for the paving of Wilma Street.
SECOND: Council Member Massey

Council Member Mohn inquired if the cul-de-sac would close the rest of the road off on Wilma Street if it were placed halfway down the road. Mr. Brown responded the cul-de-sac would be a roll curb and serve as a driveway.

Council Member Mohn inquired if the cul-de-sac could be removed. Mr. Brown responded that could be an option.

VOTE: FAILED by a vote of 3 in favor (Council Members Chavonne, Hurst, and Applewhite) to 7 in opposition

MOTION: Council Member Bates moved to approve as presented by staff.
SECOND: Council Member Applewhite

Council Member Mohn inquired if the property owners could be identified and how long they owned the property. Ms. Karen McDonald, City Attorney, responded they could do a title search for whatever

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information that would render but it may or may not provide information they were looking for.

VOTE: FAILED by a vote of 4 in favor (Council Members Chavonne, Hurst, Applewhite, and Bates) to 7 in opposition

MOTION: Council Member Crisp moved to pave Grace Avenue.

SECOND: Council Member Hurst

Council Member Applewhite inquired what the process would be to bring Wilma Street back to Council for paving. Mr. Dale Iman, City Manager, responded it would take the interest of Council to bring it back and then debate the issue again and make a decision.

Council Member Crisp requested that a list be compiled again of unpaved streets and the estimated cost.

Mr. Iman pointed out that Salisbury Street was also scheduled for repaving, which had been approved by Council, and was being held up waiting for a decision. He inquired what was Council's interest regarding the paving of Salisbury Street.

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Mohn)

Consensus of Council was to bring Salisbury Street back to a future work session to brief the Council on the logistics of the practicality of paving the street if they were not going to pave Wilma Street.

8.2 Public Hearing (Quasi Judicial) - Request for a waiver to make payment in lieu of installation of 155 feet of sidewalk along Old Bunce Road, property that abuts a proposed 35-lot single-family residential subdivision.

Mr. Wesley Meredith was sworn in by the Deputy City Clerk.

Ms. Marsha Bryant, Planner II, presented this item. Ms. Bryant showed vicinity maps and gave overviews of the surrounding land uses and zonings. She stated the City received a request to develop 35 single-family residential lots. She stated the Technical Review Committee's condition for approval was that a sidewalk would be required along the entire road frontage of the property where the subdivision was to be located. She stated the owner agreed to the sidewalk and was requesting a waiver of a portion of the sidewalk along Old Bunce Road. She reviewed the site plan for the sidewalk and stated construction of the sidewalk in the area would impact the wetlands and the Army Corp of Engineers indicated they would probably not issue a permit for a sidewalk in that location. She stated the Planning Commission and staff recommended approval of the waiver. She stated due to the quasi judicial nature of the request, the following findings of fact would have to be shown to approve the waiver request:

- a. A waiver may be granted if the developer showed that the provision would cause unnecessary hardship if strictly adhered to.
- b. A waiver may be granted due to topographical or other conditions peculiar to the site.
- c. A waiver may be granted if the intent of the ordinance was not destroyed.

Council Member Applewhite inquired if they could request a design for construction of the area instead of leaving a gap on the street. Ms. Karen McDonald, City Attorney, responded Council could take no action and allow the developer to come back with a design and then Council could review the design and make a decision as to whether to approve or deny the request.

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Ms. Bryant proceeded to show photos of the site for Council's review. A question and answer period ensued regarding the location of the sidewalk.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Wesley Meredith, 113 Great Oaks, Fayetteville, NC 28303, appeared in favor and in response to the findings of fact regarding hardship, he provided as evidence to be entered into the record a proposal showing it would cost \$4,350.00 to find out if the Corp of Engineers would approve the sidewalk (A copy of the proposal is attached to the minutes of this meeting in the City Clerk's office).

There being no one further to speak, the public hearing was closed.

Mayor Pro Tem Haire inquired if the wooded area would remain as it was if the sidewalk were not installed. Mr. Brown responded in the affirmative.

Council Member Applewhite inquired of Mr. Meredith how installation of the sidewalk would be a hardship. Mr. Meredith responded the sidewalk waiver was \$5,000.00 and if he had to put in a raised sidewalk that would be over \$19,000.00.

Council Member Applewhite inquired about the boardwalk option. Ms. Bryant responded discussions were held regarding a boardwalk and Council may want to consider that option. She stated the option had never been done in the past.

MOTION: Council Member Applewhite moved to require the developer to bring back plans for a walkway bridge and not approve the request for waiver in lieu of at this time.

SECOND: Mayor Pro Tem Haire

VOTE: FAILED by a vote of 2 in favor (Council Members Applewhite and Haire) to 8 in opposition

MOTION: Council Member Arp moved to approve the requested sidewalk waiver and allow the payment in lieu of construction of the sidewalk in accordance with the findings of fact.

SECOND: Council Member Hurst

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Applewhite and Haire)

8.3 Public hearing to consider a petition requesting annexation by Baywood Point, LLC, and Savvy Homes, LLC, for 16.7+ acres on the western side of Baywood Road.

This item was removed from the agenda.

8.4 Consideration of an ordinance amending the Unified Development Ordinance to address errors or clarifications.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and briefly reviewed 14 amendments to the Unified Development Ordinance (UDO). She stated the amendments included corrections to errors and adjustments which would make the ordinance more effective. She stated the Planning Commission and staff recommended approval of the amendments.

A question and answer period ensued regarding the amendments.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Ms. Elizabeth Williams, 1100 Clark Street, Fayetteville, NC 28305, appeared in opposition and spoke regarding the proposed

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amendment allowing continued food cultivation and animal husbandry as an accessory use throughout Fayetteville's residential areas. She stated if Council adopted the amendment, she requested that direction be given to the Zoning staff and Planning Commission to continue discussion of additional agricultural, horticultural, and animal keeping amendments to the UDO.

There being no one further to speak, the public hearing was closed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO ADDRESS ERRORS OR CLARIFICATIONS AFFECTING DRIVE AISLE WIDTHS; PRIVATE STREETS; APPEAL OF CIVIL PENALTIES; STANDARD FOR SEPARATION REQUIREMENTS; INCLUSION OF THE LC DISTRICT IN VARIOUS LISTINGS; REFERENCES TO THE INCENTIVE AREA OVERLAY; NURSING HOMES IN THE OI DISTRICT; HEAVY MANUFACTURING; SIGNS FOR HOME OCCUPATIONS; RENUMBERING SECTION ON SUBDIVISION SIGNS; INTERNET SWEEPSTAKES; USES NOT LISTED IN THE UDO; AGRICULTURAL USES; AND HEIGHT STANDARDS IN LC AND CC DISTRICTS. ORDINANCE NO. S2011-008.

MOTION: Council Member Hurst moved to approve the ordinance as recommended.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

8.5 Case P11-09F. The remapping of all Zoning Districts within the City of Fayetteville to the closest matching districts within the new Unified Development Ordinance (UDO). This affects all owners of property within the City limits of Fayetteville.

Mr. Craig Harmon, Planner II, presented this item and stated they were returning with all 75,000 plus properties within the City for remapping. He stated the core principles in the remapping were consistency in applying the guidelines, individual notices not being possible due to the size and scope of the remapping process, and the community's expectations that they stay within the guidelines. He provided background and briefly reviewed the process to date. He stated the Zoning Commission and staff recommended approval of the remapping as presented, including all properties indicated in green or yellow on the handouts.

A question and answer period ensued regarding the information presented and the chart addressing the zoning change requests.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Ad Winters, attorney representing the Riddle family, the Stout family, and Mr. Butch Dunlap, 115 East Russell Street, Fayetteville, NC 28301, appeared in opposition and stated there were concerns with the properties owned by his clients. He stated his clients support the decision of the Zoning Commission and were asking the City Council to follow the Zoning Commission recommendation.

Mr. Joe Riddle, 125 Great Oaks, Fayetteville, NC 28303, appeared in opposition and expressed concern as to how the UDO would affect his business. He stated he owned property that was zoned for apartments today and if the UDO were approved, they would not be able to do multifamily, and in at least two of the cases the properties were purchased at the multifamily price. He requested that Council follow the Zoning Commission's recommendation.

Mr. Glen Adams, attorney representing Kingdom Impact Global Ministries, 2503 Murchison Road, Fayetteville, NC 28301, appeared in opposition and stated his client made an investment in the City of Fayetteville. He stated people were looking for Council to do what was in the best interest of the citizens of Fayetteville.

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Mr. Bob Allen, 1414 Pine Valley Loop, Fayetteville, NC 28305, appeared in opposition and stated the recommendation presented by staff had resolved his issues.

Mr. Brian Armstrong, 3516 Prestwick Drive, Fayetteville, NC 28303, appeared in opposition on behalf of his family and Mr. Butch Dunlap. He stated the parcel in question was an 11-acre parcel on McArthur Road that was the former Fox Hollow Mobile Home Park. He stated they own a tract of land across the street from the mobile home park where they started a condominium development. He stated due to the deteriorating condition of the mobile home park they could not market the condominium development and therefore purchased the mobile home park and cleaned up the area and continued with development across the street.

Mr. Andrew Williams, 6405 Touchstone Drive, Fayetteville, NC 28311, appeared in opposition and stated his seven parcels were not on the list and had not been corrected. He stated he was not opposed to the UDO but was requesting that Council amend the Zoning Commission's recommendation and put his seven parcels on the list.

Mr. Dharmesh Patel, Short Trip #2, 7383 Stoney Point Road, Fayetteville, NC 28306, appeared in favor and stated his property had been utilized as a store and requested that his property be rezoned to be used as a store.

Mr. John Tyson, Cedar Creek Crossing West, LLC, 3613 Ramsey Street, Fayetteville, NC 28311, appeared in favor and expressed support for the Zoning Commission's recommendation for the map as amended. He stated they had resolved the issue of the parcels on Ramsey Street and Cedar Creek Road. He stated the zoning for Stone Manor at 645 Hay Street was P2 which would allow for catering, special events center, and some limited commercial and retail uses and plans were developed that were consistent with those uses. He stated the proposed rezoning would not allow those uses on the site.

Ms. Kirby Tyson, 645 Hay Street, Fayetteville, NC 28301, appeared in favor and requested Council keep the downtown zoning for the property at 645 Hay Street.

Mr. Greg Hartley, with EMH&T representing Hendrick Automotive Group, 301 McCullough Drive, Charlotte, NC 28262, appeared in favor and expressed concern that his client could not move forward with the project until the remapping was resolved and was losing revenue. He requested Council resolve the mapping issue as quickly as possible and move forward with the special use permit.

Mr. Charles Morris, representing the Williams family, 831 Arsenal Avenue, Fayetteville, NC 28305, appeared in favor and provided background information on the multifamily project on his client's property that was in the planning stage. He stated the property was rezoned to R10 approximately two years ago and had learned they would lose that zoning under the UDO. He stated they had requested not to lose that zoning and the Zoning commission approved an MR5 zoning. He requested Council choose the second option in the agenda packet as illustrated in the handouts.

Mr. John Gillis, 8623 Galatia Church Road, Fayetteville, NC 28304, appeared in favor and expressed support for the staff's recommendation. He stated there were property owners that were not treated fairly by the process. He requested that Council be fair and reasonable to the citizens whose property rights were being affected.

There being no one further to speak, the public hearing was closed.

Council Member Crisp inquired what the plans were to resolve the issues on the remapping. Mr. Harmon responded most of the issues that

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still remained were the issues of the loss of multifamily development on the properties.

A question and answer period ensued regarding how the issues that agreements were not made with the property owners would be handled. Mr. Harmon explained most had made presentations and stated most of the issues were fundamental issues. He stated the two options would be to either (1) go through each property individually tonight and make a decision or (2) give those properties an opportunity to go through the rezoning process.

Mayor Chavonne inquired if they could hold a special meeting to deal with the 22 parcels with issues. Mr. Shuford responded in the affirmative.

Mayor Chavonne inquired if these parcels would have to go to the Zoning Commission. Mr. Shuford requested Mr. Harmon confer with legal staff to determine if the parcels would be required to go back to the Zoning Commission.

Mr. Shuford reviewed and clarified the information provided on the zoning change request table.

Mr. Harmon stated after conferring with legal staff, it was determined that if the parcels were to be moved to another meeting, they should go through the process because the property owners need to be noticed properly and the notices need to go through the paper and individually to the property owners. He stated at that point they would go through the parcels individually.

Mayor Chavonne inquired of the timeline if these were brought back through the process. Mr. Shuford responded they would probably have the Zoning Commission do a special meeting to accommodate these.

MOTION: Council Member Bates moved to approve the remapping as presented by City staff, including all properties indicated in green or yellow on the handouts and bring back through the process at the cost of the City the ones in white along with the parcels represented by Kingdom Impact Global Ministries and Andrew Williams as soon as possible (A copy of the handouts are attached to the minutes of this meeting in the City Clerk's office).

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

8.6 Phase 5 Annexation Areas 10, 11, and 11-WS public hearing.

Mr. James Rose, PWC Chief Administrative Officer, presented this item and briefly reviewed the site plans of the construction areas. He reviewed the project overview, events to date, and proposed project schedule. He stated the cost to property owners would be as follows:

- Residential: Typical single-family residential lot, \$5,000.00
- Non-Residential: For all other properties, a per front foot rate of \$55.56 with a 90' minimum plus the average lateral charge
- No payment due until construction is complete and assessment roll adopted
- Financial assistance available for those that qualify

Mr. Rose presented the following payment options:

- Pre-Pay
- In Full (No interest within 30 days from notice)

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- Financing
 - o 10-year term at an interest rate not to exceed 8 percent
 - o Annual or monthly installments
 - * Example: \$65.00 per month based on 10 years at 8 percent

Council Member Bates inquired if the pre pay option would remain with the property. Mr. Rose responded in the affirmative.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Ms. Virginia Smith, 6305 Norton Drive, Fayetteville, NC 28304, appeared in opposition and stated the project would cause undue hardship on her and explained she could not pay it on her income.

Mr. Norman Evans, 1105 Strickland Bridge Road, Fayetteville, NC 28304, appeared in opposition and complained that he did not want sewer lines going through his front yard.

There being no one further to speak, the public hearing was closed.

No action was taken on this item.

9.0 ADMINISTRATIVE REPORTS

9.1 Tax refunds less than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Prime Mortgage Landing, Inc.	2008-2010	Duplicate Listing	\$69.85
Total			\$69.85

9.2 Monthly statement of taxes for the month of June 2011.

2010 Taxes	\$236,477.64
2010 Vehicle	367,579.00
2010 Revit	644.26
2010 Vehicle Revit	568.75
2010 FVT	44,714.57
2010 Transit	44,714.58
2010 Storm Water	7,965.39
2010 Fay Storm Water	15,930.83
2010 Fay Recycle Fee	16,102.34
2010 Annex	89.75
2009 Taxes	5,348.80
2009 Vehicle	6,120.06
2009 Revit	22.29
2009 Vehicle Revit	0.00
2009 FVT	1,189.84
2009 Transit	1,189.83
2009 Storm Water	211.20
2009 Fay Storm Water	422.41
2009 Fay Recycle Fee	698.23
2009 Annex	0.00
2008 Taxes	2,123.22
2008 Vehicle	1,873.31
2008 Revit	0.00
2008 Vehicle Revit	18.52
2008 FVT	341.62
2008 Transit	231.74
2008 Storm Water	132.00
2008 Fay Storm Water	168.00
2008 Fay Recycle Fee	294.00
2008 Annex	0.00
2007 Taxes	65.30
2007 Vehicle	911.32

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2007 Revit	0.00
2007 Vehicle Revit	0.00
2007 FVT	194.74
2007 Storm Water	24.00
2007 Fay Storm Water	0.00
2007 Annex.....	0.00
2006 and Prior Taxes	858.63
2006 and Prior Vehicle	1,744.21
2006 and Prior Revit	0.00
2006 and Prior Vehicle Revit	0.00
2006 and Prior FVT	352.58
2006 and Prior Storm Water	50.70
2006 Annex.....	19.64
Interest	24,554.05
Revit Interest	42.53
Storm Water Interest	547.42
Fay Storm Water Interest	971.44
Annex Interest	11.35
Fay Recycle Interest	1,088.53
Total Tax and Interest	\$786,608.62

10.0 ADJOURNMENT

There being no further business, the meeting adjourned.

Respectfully submitted,

JENNIFER PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

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8.2 Public Hearing (Quasi Judicial) - Request for a waiver to make payment in lieu of installation of 155 feet of sidewalk along Old Bunce Road, property that abuts a proposed 35-lot single-family residential subdivision.

Mr. Wesley Meredith provided as evidence into the records the following document:



ADDITIONAL SERVICES CONTRACT

Project Name: 003-Sidewalk Grading and Permitting

Project Number: 557

Requested by: Wesley Meredith of W.B.M., LLC

Telephone: 910-391-2836 Address: 113 Great Oaks Drive

Fax: 910-867-3344 Fayetteville, NC 28303

Project Location: Old Bunce Road, Fayetteville, NC

Fee: ☒ Lump Sum \$4,350 plus hourly ☒ Hourly (see attached Rate Schedule)

Services Requested: ☐ See Attached Scope of Services

- Additional topo will be collected such that the fill for the sidewalk can be accurately designed (\$300)
- A grading plan will be developed for this area. This plan will be used to direct the grading for the sidewalk as well as used to develop the required impact submittals to the USACE. (\$450)
- S&EC will be hired to complete the applications for the required impacts. (\$3500 plus hourly not to exceed \$1500 for post submittal response)
- Once the impacts are approved the sidewalk will be staked. (\$100)

I hereby authorize 4D Site Solutions, Inc. to perform the services indicated either above and/or on the attached the attached Scope of Services. There are no other agreements or services to be provided except as expressly noted herein and it is understood that all payments are due thirty (30) days from the date of the invoice. The individual signing below also has the authority to assume full payment on behalf of the Client/Company noted above.

4D Site Solutions Representative:

Name: Chris Pusey, PLS Title: President

Signature: _____ Date: 07-25-11

Accepted by:

Name: Wesley Meredith Title: _____

Signature: _____ Date: _____

409 Chicago
Drive, Suite 102

Fayetteville, NC 28306

Phone:
910 496-6777

Fax:
910 496-5777

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8.5 Case P11-09F. The remapping of all Zoning Districts within the City of Fayetteville to the closest matching districts within the new Unified Development Ordinance (UDO). This affects all owners of property within the City limits of Fayetteville.

Council Member Bates referenced the following tables in his motion for this item.

Zoning Change Requests - Yarbrough Protest Petition						
Owner	Address	P.N.	Current Zone	UDO Zone	Requested Zone	Staff Comments
1 Bluch Dunlap	502 Satter Drive	0530-20-8900-	R6	SF-8	MR-5	SF-8 is a straight transition.
2 Joe Riddle	3217 25-2808-	0517-25-2808-	R2	CI	LC	CI is a straight transition.
3 Joe Riddle	N/A	0530-41-6720-	R10	SF-10	MR-5	SF-10 is a straight transition.
4 Joe Riddle	Alleghany Road	0419-37-7798-	R10	SF-10	MR-5 or OD	OD is a downzoning. SF-10 is a straight transition.
5 Joe Riddle	N/A	0410-47-0084-	R10	SF-10	MR-5 or OD	OD is a downzoning. SF-10 is a straight transition.
6 Joe Riddle	N/A	0410-49-5192-	R10	SF-10	MR-5 or OD	OD is a downzoning. SF-10 is a straight transition.
7 Joe Riddle	733 Weaver Road	0330-31-2290-	R6	SF-8	MR-5	SF-8 is a straight transition.
8 March Riddle	N/A	0489-36-4173-	AR	SF-15	SF-15	Received to comply with existing setbacks. If approved, subdivision.
9 March Riddle	2345 Dundie Road	0489-37-0022-	OD	OD	SF-10	CI is a straight transition.
10 March Riddle	3330 Brooksgrove Drive	0489-11-5669-	R10	SF-10	OD	SF-10 is a straight transition.
11 March Riddle	Lakeland Drive	0405-47-0315-	R10	SF-10	OD	OD is a downzoning. SF-10 is a straight transition.
12 March Riddle	N/A	0408-52-2846-	R10	SF-10	OD	OD is a downzoning. SF-10 is a straight transition.
13 March Riddle	Marshall Road	0417-45-2031-	R10	SF-10	CI	SF-10 is a straight transition.
14 March Riddle	N/A	0407-41-2086-	R10	SF-10	MR-5	SF-10 is a straight transition.
15 March Riddle	2377 Dundie Road	0405-37-2385-	R3	SF-8	MR-5	SF-8 is a straight transition.
16 March Riddle	N/A	0429-33-4432-	R6/R10/CI	SF-8/CI/OD	MR-5	This is a straight transition of multiple zoning districts.
17 Joe Riddle	Dundie Road	0417-37-5197-	CI	OD	CC	Resolved.
18 Joe Riddle	9017 Fairfield Road	0407-60-3855-	CI	OD	Owner ok with LC	Resolved.
19 Joe Riddle	Sycamore Dairy Road	0418-33-3355-	CI	OD	CC	Proximity to residential development.
20 Joe Riddle	Ramsey Street	0530-31-8476-	CI	OD	Owner ok with LC	Resolved.
21 Joe Riddle	Ramsey Street	0530-31-8476-	CI	OD	Owner ok with LC	Resolved.
22 Joe Riddle	Ramsey Street	0530-31-8476-	CI	OD	Owner ok with LC	Resolved.
23 Joe Riddle	Dundie Road	0417-37-5197-	CI	OD	CC	Resolved.
24 Joe Riddle	2500 Yorklin Road	0408-57-9005-	CI	OD	Owner ok with LC	Resolved.
25 Joe Riddle	180 N. McPherson Church Road	0418-40-7250-	CI	OD	Owner ok with LC	Resolved.
26 Joe Riddle	2817 Bragg Boulevard	0418-41-6598-	R10/CI	SF-10/OD	SF-10	Resolved. Changed to SF-10 and OD to accommodate existing uses.
27 John Gille	9	0489-46-5727-	CI	OD	OD	Resolved.
28 John Gille	Gibb Hill Road	0489-03-5108-	CI	OD	OD	Resolved.
29 John Gille	N/A	0489-54-3086-	CI	OD	OD	Resolved.
30 John Gille	2581 Gille Hill Road	0489-52-9883-	CI/OD	OD	CC	Resolved.
31 John Gille	2500 Rutledge Road	0489-53-3776-	CI	OD	Owner ok with LC	Resolved.
32 John Gille	2148 Kim Road	0489-46-8665-	CI	OD	Owner ok with LC	Resolved.
33 John Gille	7004 Rutledge Road	0489-54-1194-	CI	OD	Owner ok with LC	Resolved.
34 March Riddle	Sand P2 Drive	0408-46-8815-	CI	OD	Owner ok with LC	Resolved.
35 March Riddle	N/A	0408-46-8815-	CI	OD	Owner ok with LC	Resolved.
36 March Riddle	Shepherd Street	0410-88-6700-	CI/R10	MR-5/CI/OD/SF-10	CI	This is a straight transition of multiple zoning districts. Property accessible through SF neighborhood.
37 March Riddle	Rollin Road	0498-52-4194-	CI	OD	LC	Resolved.
38 March Riddle	Rollin Road	0498-52-4781-	CI	OD	LC	Resolved.
39 Cam Stout	Beane Trail Extension	0425-25-5453-	P2	CI	OD	CI is a straight transition, but not use of property (parking) not affected by proposed zoning.

Zoning Change Requests - ZC Public Hearing Speakers - July 12, 2011									
	Owner	Address	PIN	Current Zone	UDQ Zone	Requested Zone	Staff Comments		
1	John W. Janna, Jr	West Randolph Rd.	9475-65-3701-	R10	SR-1C	MA-6	Property rezoned 2 years ago to R10 for AP. Property has an AP subdivision to the west, a R15 subdivision to the east and a conservation district to the south. Parking and storage area for concrete block manufacturing plant. Warehouse facility. Ship yard with grocery store. Stone Manor - Text amendment more appropriate than change in zoning.		
2	Bob Alton	1109 Ramsey St	0438-60-3972-	C9	CC	LI			
3	John Tyson	3611 Ramsey Rd	0438-54-8895-	C-1P	CC	CC			
4	John Tyson	590-600 Cedar Creek Rd	0446-57-8549-	C-1P	CC	CC			
5	John Tyson	645 Hay Street	0437-35-3142-	P2	OXI	LC			

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FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
AUGUST 1, 2011
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:10 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Leonard, Assistant City Attorney
Brian Meyer, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Tom Bergamine, Chief of Police
Patricia Bradley, Police Attorney
Kellie Berg, Police Detective
John Benazzi, Police Detective
Brad Whited, Airport Director
John Kuhls, Human Resources Development Director
Michael Gibson, Parks and Recreation Director
Scott Shuford, Development Services Director
Karen Hilton, Planning and Zoning Division Manager
Rebecca Rogers-Carter, Management Services Manager
Nathan Walls, Public Information Specialist
Elliot Susseles, Segal Company
Heather Kuzen, Segal Company
Deanne Cordes, Executive Director, Rape Crisis Center
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Arp.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda.
SECOND: Council Member Hurst
VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Classification and Compensation Study Update

Mr. John Kuhls, Human Resource Development Director, introduced Mr. Elliot Susseles and Ms. Heather Kazemi from the Segal Company.

Mr. Elliott Susseles, Senior Vice President for the Segal Company, presented this item and stated the concern was the need to recruit, reward, and retain the best employees. He stated the challenge was balancing the physical resources that were available with the need to recruit and retain the best employees and compensation. He stated the primary goal was to ensure that the City's job structures and total compensation plans were efficient, equitable, market sensitive, and performance based. He stated the expected outcomes would be (1) a revised classification structure and job descriptions that accurately reflect job responsibilities,

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required qualifications, and career path opportunities; (2) a total compensation market assessment that quantifies the City's market position for both pay and benefits; (3) revised pay schedules that reflect the market data; and (4) recommendations regarding pay delivery and performance-based compensation policies. He reviewed the steps in the project which included project planning and initiation, classification analysis, market study, and pay structure and compensation policies and provided the estimated timeline. He explained the project was to develop a revised job title structure, develop job descriptions, and ensure the Fair Labor Standards Act exemption status of each job was correct.

Council Member Crisp requested clarification on benchmark jobs. Mr. Susseles explained there were several hundred different job titles that defined work of the employees. He stated they could not do a survey on several hundred job titles so they identified jobs that would be representative of all the different functions within departments.

Council Member Mohn inquired how peer employers were determined in the market study. Mr. Susseles responded that as the project proceeded, they would be learning to whom the City was losing talents to and from whom the City was attracting employees from, and they may or may not be entities with a similar tax base. He stated the federal government could be a premier employer, the highest paid employer, and the City may be losing a lot of talent to Fort Bragg.

A question and answer period ensued regarding the estimated timeline for the job classification analysis and market study, City staff being privy to the information during the process, and inclusion of the private sector in the study.

4.2 Legislative Update on Senate Bill 683 and Its Impact on the Probationary Rental Occupancy Permit (PROP) program.

Mr. Brian Meyer, Assistant City Attorney, presented this item. He provided background information and briefly reviewed the purpose of PROP. He stated Senate Bill 683 was ratified on June 18, 2011, and the purpose of the bill was to limit the level of local regulation on rental properties as well as limit the use of periodic inspections. He stated the bill would prohibit cities from enforcing an ordinance that would require permitting of rental properties unless the property was the site of more than three violations in a 12-month period or was identified as being in the top 10 percent of properties with crime or disorder problems as set forth in a local ordinance. He stated the bill would also prohibit the City from levying a special fee or tax on residential rental property that was not also levied against other commercial and residential properties. He stated a city could levy a fee for residential rental property registration for those rental units which had been found with more than two verified violations within the previous 12 months or identified within the top 10 percent of properties with crime or disorder problems.

Mayor Chavonne inquired if there was any way they could capture the problem areas in the 10 percent. Mr. Meyer responded they would have to revise PROP.

Mr. Meyer stated they could not levy a fee as the PROP ordinance was written now, but there could be a way to revise PROP so that something like that could be done, but whatever fee was levied would have to be just enough to cover the cost of operating the program. He stated the bill would allow the City Council to charge for inspections.

Discussion ensued regarding the information presented.

Mr. Meyer proceeded to explain Charlotte's rental remedial action program. He stated Charlotte had a disorder activity count where a number was assigned to a residential rental property that represented

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the amount of disorder activity occurring within a specified time period in or on the property, which would be multiplied by 1 for violent crimes, 0.25 for property crimes, and 0.10 for disorder calls for service. He stated when the rental property reached the top 10 percent, it would be entered into the remedial program and be registered.

A question and answer period ensued regarding Charlotte's rental remedial action program in relation to the City's PROP program and staff's recommendation to rescind the ordinance.

Ms. Karen McDonald, City Attorney, stated they were proposing to rescind the current ordinance and work on bringing it back. She inquired if that was consistent with Council's interest and if so, it could be placed on the next agenda.

Discussion ensued regarding the best option to proceed with.

Consensus of Council was to direct staff to rescind the current ordinance and work on a new ordinance for the next agenda.

4.3 Update on Site Solutions Proposal for Assisting with Parks and Recreation Bond Package

Mr. Michael Gibson, Parks and Recreation Director, presented this item and stated the three types of projects would be stand alone City-funded projects, stand alone County-funded projects, and jointly funded projects by City and County. He stated the following projects were being proposed:

Stand Alone City Projects

Neighborhood Family Aquatic Centers
Neighborhood/Community Parks
Existing Parks and Building Renovation
Greenways Acquisition and Development
Park Land Acquisition

Stand Alone County Projects

East Regional Recreation Center
Community Aquatic Center
Splash Pads

Joint City and County Funded Projects

Multipurpose Aquatic Center with Senior Center
Neighborhood Family Aquatic Centers
Crystal Springs Recreation Center
Tennis Center
Sports Complex
River Park
Splash pads
Multicultural Performing Arts Center
Skateboard Park
Neighborhood/Community Parks
Existing Parks and Building Renovation
Greenways Acquisition and Development
Park Land Acquisition

Mr. Gibson then proceeded to present project information on the Multipurpose Aquatic Center with a Senior Center, Neighborhood Family Aquatic Centers, and Community Aquatic Center projects. He stated the next steps would be to develop an interlocal agreement and to request to be placed on the Joint City Council and Cumberland County Commissioners meeting agenda to provide an update.

A discussion period ensued regarding taxes, sports that would generate revenue, and security.

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Mr. Dale Iman, City Manager, stated they could have discussions later as to when the referendum would be held. He stated the presentation before the County would be August 4, 2011.

4.4 City-Initiated Rezoning and UDO Process Update

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and stated City Council would be considering 11 rezoning cases on August 22, 2011. She stated there were a total of 22 rezoning cases.

Consensus of Council was to hold a special meeting on August 29, 2011, at 5:00 p.m. for the Council-initiated rezonings.

Ms. Hilton briefly reviewed the type of rezonings that would come before Council.

4.5 Special Revenue Fund Project Ordinance Amendment 2012-2 (Appropriation of Federal Forfeiture and Controlled Substance Tax Funds for Law Enforcement Purposes)

Mr. Dale Iman, City Manager, presented this item. He stated the Rape Crisis Center was having financial problems and members of Council had expressed an interest in providing assistance. He stated the state forfeiture funds were identified as a potential source of revenue to help the Center. He stated the Center was a benefit to the Police Department.

Council Member Crisp inquired how much would be funded. Mr. Iman responded \$30,000.00.

Council Member Arp inquired how the Center was a benefit to the Police Department. Mr. Tom Bergamine, Chief of Police, responded Center volunteers respond with the officers when criminal assaults are reported and the victim goes to the hospital. He stated they (1) provide counseling to victims; (2) were the critical part of the investigation at the hospital in which they go through the medical examination with the victim as well as offer support while interacting with law enforcement; and (3) provide community education programs, professional training programs, and referrals for additional services for the victims. He stated another important aspect was that the volunteers accompany the victims to court meetings with district attorneys as they go through the criminal justice system.

Council Member Arp inquired what the impact would be in losing the service. Mr. Bergamine responded it would be detrimental. Ms. Kellie Berg, Police Detective, further responded that the Center took over 206 calls and the Police Department had over 82 reports with sex offenses. She stated in every one of those instances, they had volunteers onboard with them. She stated their job was to investigate and it was easier when they had an advocate there that could answer the questions and direct the victims to the next step in the process. She stated they lose a lot of victims when they do not understand the process and the Center had been very helpful with that part of the investigation. Mr. Bergamine stated it was a 24/7 service.

A question and answer period ensued regarding the services and funds being tracked and the services being outlined in the memorandum of understanding.

Council Member Bates inquired if there was an education requirement for the volunteers. Ms. Deanne Gerdes, Executive Director of the Rape Crisis Center, responded there was a state requirement that all the volunteers go through 20 hours of training at Fayetteville Technical Community College. She stated after training, the volunteers come into the office and the victim advocate would determine whether the volunteers were ready to go out and would be shadowed by a seasoned volunteer.

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MOTION: Council Member Bates moved to approve the amendment to appropriate the requested funding.
SECOND: Council Member Applewhite
VOTE: UNANIMOUS (10-0)

4.6 Council Member Requests: (In order of receipt date)

(a) Council Member Bates - Ramsey Street Corridor Plan Update

Council Member Bates stated he was requesting an update from staff on the Ramsey Street Corridor Plan and what was needed to implement the plan.

Consensus of Council was to direct staff to provide an update on the Ramsey Street Corridor Plan at an upcoming Council meeting.

(b) Council Member Bates - Stub Out Street Closure

Council Member Bates stated he was requesting information be provided as to the process and requirements for Council-initiated or citizen-initiated stub out street closures.

Consensus of Council was to direct staff to provide a presentation on how the stub out street closure process works at an upcoming Council meeting.

(c) Mayor Chavonne - Sister City Request

Mayor Chavonne presented this item and stated Faces in the Community was a longstanding group that works to celebrate the great diversity that was Fayetteville and Cumberland County. He stated the group was working on a process that would allow various parts of the community to establish Sister City relationships. He stated the group wanted to make sure that as they developed the process and procedures, it was something that Council was comfortable with. He requested Council review the handout to make sure they were comfortable with the process.

A discussion period ensued regarding the information provided.

Mayor Chavonne requested that Council members submit their comments back to him and they would be accumulated to see if tweaking would be needed.

(d) Mayor Chavonne - Request to Review Previously Reduced Expenses

Mayor Chavonne presented this item and stated there was unanticipated revenue from the internet café permit fees. He explained when Council had approved the fees, it was decided at that time that any revenue from the fees would come back to Council for a decision on what to do with it.

Consensus of Council was to direct that staff provide a list of budget cuts and additional expenses so that Council could make an informed decision on the allocation of the additional revenue.

(e) Council Member Hurst - Privilege License

Council Member Hurst presented this item and explained the City had retained the services of MuniServices, LLC, to review all the individuals or businesses that were doing business in the City of Fayetteville for privilege licenses. He stated during the review it was discovered that a number of people were not paying privilege license fees. He stated it was brought to his attention that license fees and penalties were required to be paid for the applicable years the business was conducted within the City limits. He inquired if the retroactive part could be eliminated and move forward from this year forward and not go back. He stated the second part of his request was regarding people paying privilege license fees when the rentals were

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not being run as a business but were being rented until the property was sold. He requested staff develop guidelines.

Consensus of Council was to not require the payment of privilege licenses retroactively.

A discussion period ensued regarding the tracking of rental properties and how staff would determine whether rental property was a business or not.

Mr. Dale Iman, City Manager, explained the ordinance was based on state law.

Ms. Karen McDonald, City Attorney, stated staff would need to research these issues as privilege licenses were considered a tax. She stated staff would research and bring it back for further discussion.

Consensus of Council was to direct staff to research and come back to Council.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned.

Respectfully submitted,

JENNIFER PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

080111

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FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
AUGUST 8, 2011
6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
John Kuhls, Human Resources Development Director
Members of the Press

Mayor Chavonne called the meeting to order at 6:00 p.m.

Closed session for a personnel matter.

MOTION: Council Member Crisp moved to go into closed session for a personnel matter.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

The regular session recessed at 6:05 p.m. The regular session reconvened at 6:10 p.m.

MOTION: Council Member Bates moved to go into open session.
SECOND: Council Member Hurst
VOTE: UNANIMOUS (10-0)

Mayor Chavonne reviewed the agenda items scheduled for tonight's regular meeting.

Mayor Pro Tem Haire inquired about adding an item related to the paving of Wilma Street on the agenda.

Ms. Karen McDonald, City Attorney, explained the process for reconsideration of agenda items and explained Council could elect to add the item to tonight's agenda.

7.2 Phase 5 Annexation Area 11 - WS

Council Member Crisp explained he expected concerns with some of the properties in the upcoming annexation of Area 11 of Phase 5.

8.1 Proposed transit service improvements.

Council Member Crisp requested a Master Plan for Transit similar to the plan that was created for Parks and Recreation.

There being no further business, the meeting adjourned at 6:40 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney
080811

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
AUGUST 8, 2011
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Renner Eberlein, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering and Infrastructure
Interim Director
Randy Hume, Transit Director
Tony Means, Transit Operations Superintendent
Scott Shuford, Development Services Director
Brad Whited, Airport Director
Rebecca Rogers-Carter, Management Services Manager
Christopher Mitchell, Chair, City-County Joint
Appearance Commission
Douglas Peters, President/CEO, Fayetteville-
Cumberland County Chamber of Commerce
Nathan Walls, Public Information Specialist
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Haire.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was recited by those in attendance.

Reconsideration of Agenda Items - Reconsider adoption of resolution to consider the paving without petition of certain soil streets - Wilma Street.

MOTION: Council Member Massey moved to reconsider adoption of resolution to consider the paving without petition of certain soil streets, specifically Wilma Street.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (10-0)

4.0 APPROVAL OF AGENDA

MOTION: Council Member Massey moved to approve the agenda with the addition of Item 9.4, reconsider adoption of resolution to consider the paving without petition of certain soil streets, specifically Wilma Street.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (10-0)

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5.0 ANNOUNCEMENTS AND RECOGNITIONS

(a) Certificate of Achievement for Excellence in Financial Reporting

Mayor Chavonne announced that the Finance Department received a Certificate of Achievement for Excellence in Financial Reporting for its comprehensive annual financial report for the fifth year in a row. He stated the Certificate of Achievement was the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represented a significant accomplishment by a government and its management. He stated the award was bestowed by the Government Finance Officers Association of the United States and Canada. He stated the achievement this year was more significant because the 200-page financial report for the fiscal year ended June 2010 was the first one prepared completely in-house by the Finance staff.

Ms. Lisa Smith, Chief Financial Officer, stated this was a significant achievement for the City as a whole. She stated Ms. Elizabeth Sowerindyke within the Finance Department led the project and it was a notable achievement on her behalf.

(b) Appearance Commission Award Recipients

Mr. Christopher Mitchell, Chair of the City-County Joint Appearance Commission, thanked Council for their support and provided the names of the award recipients.

6.0 PUBLIC FORUM

Mr. Leonard Dixon, 8408 Curtman Drive, Fayetteville, NC 28314, recognized the AAU Basketball Team in the audience who placed fifth in the Nationals this year.

Mr. Iman Eronomy Mohammad, 2700 Murchison Road, Fayetteville, NC 28301, spoke regarding BRAC, traffic signals, recognizing African Americans who have achieved greatness, and the Fayetteville State University's police chief.

Mr. Christopher Mitchell, 7357 Beaver Run, Fayetteville, NC 28314, spoke regarding the Community Appearance Awards Program and thanked Council for their support.

7.0 CONSENT

MOTION: Council Member Hurst moved to approve the consent agenda.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

7.1 Approve Minutes

- May 23, 2011 - Regular Meeting
- June 6, 2011 - Work Session
- June 13, 2011 - Regular Meeting
- June 27, 2011 - Dinner and Discussion Meeting

7.2 Phase 5 Annexation Area 11 - WS

RESOLUTION DIRECTING CONSTRUCTION OF AREA 11-WS OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN. RESOLUTION NO. R2011-035.

7.3 Phase 5 Annexation Areas 10 and 11

RESOLUTION DIRECTING CONSTRUCTION OF AREAS 10 AND 11 OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN. RESOLUTION NO. R2011-036.

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8.0 PUBLIC HEARING

8.1 Proposed transit service improvements.

Mr. Randy Hume, Transit Director, presented this item and provided background. He stated they were proposing to add evening hours to Routes 5, 8, and 15; extend Route 9 to Andrews Road (Cape Fear Valley North Pavilion); reduce the last trip on Route 9 (end at 9:00 p.m.); and expand FASTTRAC paratransit services. He briefly reviewed the route schedule for Routes 5, 9, 8, and 15.

Mayor Chavonne inquired if they could come back in six months with an update on how the route changes affected ridership. Mr. Hume responded in the affirmative.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Jeff Thompson, 924 Orchard Drive, Fayetteville, NC 28303, appeared in favor on behalf of the Fayetteville Area Advisory Committee on Transit. He stated they were in support of the changes and thanked everyone for their continuing support of transit.

Mr. Christopher Roland, 1112E Sleepy Hollow Drive, Fayetteville, NC 28311, appeared in favor and expressed support for adding evening hours to Routes 5, 8, and 15. He stated he was not in support of ending Route 9 at 9:00 p.m.

Ms. Jennifer Yarborough, 3945 Rosehill Road, Apartment 1106, Fayetteville, NC 28311, appeared in opposition and expressed support for adding evening hours to Routes 5, 8, and 15. She stated she was not in support of ending Route 9 at 9:00 p.m.

There being no one further to speak, the public hearing was closed.

A question and answer period ensued regarding reducing the last trip on Route 9 to end at 9:00 p.m. instead of 10:30 p.m.. Mr. Hume stated they could look at options to accommodate the ridership for Route 9 and come back to Council on August 22, 2011, with a recommendation.

9.0 OTHER ITEMS OF BUSINESS

9.1 Order authorizing the issuance and sale by the City of Fayetteville, North Carolina, of a \$10,595,000.00 Storm Water System Revenue Bond, Series 2011, and authorizing the execution and delivery of certain documents in connection therewith.

Ms. Lisa Smith, Chief Financial Officer, presented this item. She stated the Local Government Commission approved the application on August 2, 2011, requesting approval of the issuance of the Series 2011 Storm Water Revenue Bond. She stated the last step required to issue the revenue bond would be adoption of the bond order. She briefly reviewed the order, trust agreement, first supplemental trust agreement, and bond purchase agreement.

Mayor Chavonne inquired how the storm water fees contribute to the funding for the bonds. Ms. Smith responded there was a \$3.00 fee per month levied to all properties within the City of Fayetteville that would cover operation of the storm water system but would also help advance improvements to the storm water system utility.

ORDER AUTHORIZING THE ISSUANCE AND SALE BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA, OF A \$10,595,000 STORMWATER SYSTEM REVENUE BOND, SERIES 2011, AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH. RESOLUTION NO. R2011-037.

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MOTION: Council Member Bates moved to approve the order.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

9.2

(a) Fayetteville Cumberland County Chamber of Commerce Economic Development Report

Mr. Douglas Peters, President/CEO, Fayetteville-Cumberland County Chamber of Commerce, presented this item and provided a handout of the 2010 year-end report and quarterly economic development activities. He stated the Chamber of Commerce recently adopted a three-year program of work to guide them for the next three years. He briefly reviewed the projects the Chamber assisted with which included the Military Business Park, An All American Business Center, Patriot Park (Andrews Road), Freedom Center (Spring Lake), I-295 Expansion, and Fayetteville State University Campus for Advanced Sustainability. He reviewed the fourth quarter dashboard report and annual report.

A question and answer period ensued regarding the information in the reports.

(b) FY 2011 Strategic Plan's Policy and Management Action Agenda 4th Quarter Report.

Ms. Rebecca Rogers-Carter, Management Services Manager, presented this item and stated the components of the Fiscal Year 2011 Strategic Plan included a 15-year vision statement, a mission statement, the core values, the 5-year goals, and a 1-year work plan with targets for action. She provided an update on the following targets for action for 2011:

Policy Agenda - Top Priority

Unified Development Ordinance

Police Staffing

Multi-Family and Commercial Recycling Program

Franklin Street Parking Structure

Bragg Boulevard Corridor Development

Consolidated 911 Communication Center

Policy Agenda - High Priority

Hospital Area Development Standards

Ramsey Street Corridor Development

Budget and Service Levels Tax Rate Evaluation

Parks and Recreation Master Plan Bond Referendum Planning

Rental Registration and Probationary Rental Occupancy Permit

Sign Ordinance

Management Agenda - Top Priority

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

Multi-Modal Transportation Center Development

Fire Station 19 Development

Hope VI Redevelopment Plan

Tree Preservation Ordinance

Management Agenda - High Priority

Murchison Road Corridor Development

Sidewalk Policy and Plan

Youth Council Development

Military Business Park Development

Downtown Development Plan Review

Ms. Rogers-Carter also provided information on significant items that were not listed as targets for action which included the North Carolina Veterans Park, the tornado relief, and the All America City Award.

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Mr. Dale Iman, City Manager, stated there was an error in the report regarding the estimated completion date for the Franklin Street parking deck. He stated the estimated completion date was November 22.

MOTION: Council Member Crisp moved to accept the report.
SECOND: Council Member Applewhite
VOTE: UNANIMOUS (10-0)

9.3 Legislative update on Senate Bill 683 and its impact on PROP.

Mr. Brian Meyer, Assistant City Attorney, presented this item and provided background on the PROP program which was to be implemented July 1, 2011. He stated in June 2011 Senate Bill 683 was adopted which limited the City's ability to regulate rental property. He stated it also prohibited a City from adopting or enforcing an ordinance that would require a rental property owner to obtain a permit in order to rent their property and would call into question the ability of the city to require a fee for that permit. He stated as the ordinance was not enforceable as currently drafted, staff was recommending that Council rescind the ordinance and direct staff to develop another program that would be more consistent with Senate Bill 683 and with Council's goals.

Council Member Davy inquired why option 1 would not work which was to direct staff to revise the ordinance to eliminate those provisions that were inconsistent with Senate Bill 683 and proceed with implementation of the program. Mr. Meyer responded with option 1 only one condition would exist and they would have to eliminate a significant percentage of the actual ordinance. He stated to revise it would be to rewrite it.

Council Member Arp inquired if the PROP ordinance were rescinded and staff was directed to develop a program that would be consistent with Senate Bill 683, what kind of timeline were they looking at. Mr. Doug Hewett, Assistant City Manager, responded they were looking at completing the research and coming back to the Council at the work session in October with some program designs and options and depending on whether or not the Council agreed with those or made modifications, they would then recommend going back to the stakeholders group and to hold community meetings. He stated the implementation window would probably be in January.

Council Member Davy requested Mr. Meyer to explain the top 10 percent. Mr. Meyer explained it was based on Charlotte's program which only regulated criminal activity on rental properties and clarified it was 4 percent rather than 10 percent. He stated they assign the type of crime a number which was a multiplier and multiply the number of times the crime occurs by that value. He stated the top 4 percent of problem properties were required to register with the city. He stated after registration, they have to go to the Police Department and develop a plan to remediate the problems. He stated there would be another review after six months and if the problem was fixed they would be removed from the program. He stated if the problem were not fixed, they would have another 6 months to work on a new program. He stated after a year and a half, if they have not made the improvements, then the rental registration would be stripped and they could not rent the property anymore.

Council Member Applewhite inquired if the violations had to be criminal. Mr. Meyer responded in the negative and stated there could be housing code violations, noise violations, etc.

MOTION: Council Member Davy moved to direct staff to revise the PROP ordinance, to eliminate those provisions that are inconsistent with Senate Bill 683, and proceed with implementation of the program.

Motion died due to lack of a second.

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MOTION: Council Member Crisp moved to rescind the ordinance and direct staff to bring back a new program proposal in October.
SECOND: Council Member Applewhite
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Davy)

9.4 Reconsider adoption of resolution to consider the paving without petition of Wilma Street.

Mr. Rusty Thompson, Engineering and Infrastructure Interim Director, presented this item and presented background. He briefly reviewed aerial photos and the design of Wilma Street.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT PETITION OF WILMA STREET FROM ROOSEVELT DRIVE 1,128 FEET TO A CUL-DE-SAC.
RESOLUTION NO. R2011-038.

MOTION: Council Member Massey moved to approve the resolution.
SECOND: Mayor Pro Tem Haire
VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

10.1 Settlement for fiscal year July 1, 2010, through June 30, 2011.

Charge:

Real & Personal Charge 2010	\$53,707,184.10
Storm Water Charge 2010	1,714,855.20
Fayetteville Storm Water Charge 2010	3,429,710.40
Vehicles Charge 2010	6,969,584.82
2005 Annexation in 2010 Charge	.00
Curbside Recycle Charge 2010	2,264,838.00
Added Charge Real & Personal 2010	416,649.31
Added Charge Storm Water 2010	60.00
Added Charge Fayetteville Storm Water 2010	96.00
Added Charge Vehicles 2010	10,896.18
Added Charge Annexation 2010	295.04
Added Charge Curbside Recycle 2010	2,014.00
Fayetteville Gross Receipts Vehicle Tax Current 2010	486,230.51
Fayetteville Gross Receipts Vehicle Tax Current 2010 Penalty	13.01
Fayetteville Heavy Equipment Gross Receipts 2010	76,670.60
Fayetteville Heavy Equipment Gross Receipts 2010 Penalty	.00
Total Interest Collected	375,561.02
Total Charge:	<u>\$69,454,658.19</u>

Credits:

Deposited with Finance Real & Personal 2010	\$53,472,193.53
Deposited with Finance Vehicles 2010	5,087,912.85
Deposited with Finance Annexation Taxes 2010	258.81
Deposited with Finance Storm Water 2010	1,703,658.36
Deposited with Finance Fayetteville Storm Water 2010	3,407,292.71
Deposited with Finance Curbside Recycle 2010	2,240,817.72
Fayetteville Gross Receipts Vehicle Tax Current 2010 & Penalty	486,243.51
Fayetteville Heavy Equipment Gross Receipts 2010 & Penalty	76,670.60
Interest Deposited with Finance	375,561.02
Releases Real/Personal Allowed 2010	179,304.54
Releases Vehicles Allowed 2010	684,991.63
Storm Water Releases Allowed 2010	120.00
Fayetteville Storm Water Releases Allowed 2010	240.00
Annexation Releases Allowed 2010	.73
Curbside Recycle Releases Allowed 2010	722.00
Real/Personal Balance 2010	472,335.34
Vehicles Balance 2010	1,207,576.52
Storm Water Balance 2010	11,136.84
Fayetteville Storm Water Balance 2010	22,273.69
Annexation Balance 2010	35.50
Curbside Recycle Balance 2010	25,312.28
Total Credits:	<u>\$69,454,658.19</u>

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Charge:

Real & Personal 2009	\$ 341,785.11
Vehicles 2009	1,244,477.55
2005 Annexation in 2009 Charge	341.77
Storm Water 2009	10,188.06
Fayetteville Storm Water 2009	20,376.03
Curbside Recycle 2009	21,201.60
Real & Personal 2008	81,667.42
Vehicles 2008	3313,873.93
2005 Annexation in 2008 Charge	49.74
Storm Water 2008	5,640.75
Fayetteville Storm Water 2008	6,962.24
Curbside Recycle 2008	5,185.26
Real & Personal 2007 & Prior	338,223.04
Vehicles 2007 & Prior	1,448,848.68
2005 Annexation in 2007 Charge	4,478.41
Storm Water 2007 & Prior	20,988.12
Fayetteville Storm Water 2007 & Prior	5,435.02
Total Charge:	\$3,887,730.73

Barred by Statute: 2000

Barred by Statute - Real/Personal	\$ 16,458.06
Barred by Statute - Vehicles	141,202.97
Barred by Statute - Storm Water	324.00
	<u>157,985.03</u>

Credits:

Real & Personal Collections 2009	243,908.17
Vehicle Collections 2009	807,294.78
2005 Annexation in 2009 Charge Collections	47.05
Storm Water 2009 Collections	8,327.49
Fayetteville Storm Water 2009 Collections	16,654.87
Curbside Recycle 2009 Collectionn	15,897.69
Real & Personal Collections 2008	29,413.68
Vehicle Collections 2008	54,786.81
2005 Annexation in 2008 Charge Collections	7.20
Storm Water 2008 Collections	3,721.26
Fayetteville Storm Water 2008 Collections	5,221.02
Curbside Recycle 2008 Collections	2,474.14
Real & Personal 2007 & Prior Collections	85,794.60
Vehicle 2007 & Prior Collections	55,998.75
2005 Annexation in 2007 & Prior Collections	976.82
Storm Water 2007 & Prior Collections	15,084.94
Fayetteville Storm Water 2007 & Prior Collections	4,401.92
Real & Personal Releases Allowed 2009	4,994.86
Vehicles Releases Allowed 2009	124,627.13
2005 Annexation in 2009 Releases Allowed	.00
Storm Water Releases Allowed 2009	.00
Fayetteville Storm Water Releases Allowed 2009	.00
Curbside Recycle Releases Allowed 2009	.00
Real & Personal Releases Allowed 2008	72.25
Vehicles Releases Allowed 2008	16,067.17
2005 Annexation in 2008 Releases Allowed	.00
Storm Water Releases Allowed 2008	.00
Fayetteville Storm Water Releases Allowed 2008	.00
Curbside Releases Allowed 2008	.00
Real & Personal Releases Allowed 2007 & Prior	458.65
Vehicles Releases Allowed 2007 & Prior	11,887.51
2005 Annexation in 2007 & Prior Releases Allowed	.00
Storm Water Releases Allowed 2007 & Prior	.00
Fayetteville Storm Water Releases Allowed 2007 & Prior	.00
Real & Personal Balance 2009	92,882.08
Vehicles Balance 2009	312,555.64
2005 Annexation in 2009 Balance	294.72
Storm Water Balance 2009	1,860.57
Fayetteville Storm Water Balance 2009	3,721.16
Curbside Recycle Balance 2009	5,303.91
Real & Personal Balance 2008	52,818.49
Vehicles Balance 2008	261,019.95
2005 Annexation in 2008 Balance	42.54
Storm Water Balance 2008	1,927.49
Fayetteville Storm Water Balance 2008	1,741.22
Curbside Recycle Balance 2008	2,711.12
Real & Personal Balance 2007 & Prior	235,511.73
Vehicles Balance 2007 & Prior	1,239,759.45

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2005 Annexation in 2007 & Prior Balance	3,501.59
Storm Water Balance 2007 & Prior	5,579.18
Fayetteville Storm Water Balance 2007 & Prior	1,033.10
Adjustment	.00
Total:	<u>3,729,745.70</u>
Total Credits:	<u>\$3,887,730.73</u>

The following covered the verification of tax funds for fiscal year ended June 30, 2011:

	General Fund	CBET	Annexation
1. Current Year Original Levy (Real and Personal)			
Total Property Valuation	11,741,821.421	128,148.590	0
Tax Rate Per \$100	0.456	0.10	0.3975
Amount of the Levy	53,542,705.68	128,148.59	0
Late Listings	36,065.43	264.40	
2. Discoveries and Releases			
Discoveries			
Total Property Valuation	75,256,879	1,361.130	46.891
Tax Rate Per \$100	0.456	0.10	0.3975
Amount of the Levy	343,171.37	1,361.13	106.39
Late Listings	71,800.97	315.84	108.65
Releases			
Total Property Valuation	(33,308,732)	(1,035,250)	0
Tax Rate Per \$100	0.456	0.10	0.3975
Amount of the Levy	(151,687.82)	(1,0835.25)	0.00
Late Listings	(26,286.55)	(94.92)	(0.73)
3. Taxes remitted to the City for Tax Years:			
2010	53,346,032.60	126,160.93	258.81
2009	242,453.32	1,454.85	47.05
2008	29,408.92	4.76	7.20
2007 & Prior	85,793.28	1.32	976.82
4. Interest	195,312.13	755.48	213.74
5. Balance due the City at June 30, 2010, for:			
2010	469,536.48	2,798.86	35.50
2009	92,709.29	172.79	294.72
2008	52,162.23	19.26	42.54
2007 & Prior	251,809.54	160.25	3,501.59

	General Fund Vehicles	CBET Vehicles	Vehicle License Tax	Transportation Fee
1. Current Year Original Levy (Vehicles)				
Total Property Valuation	1,222,009,901	4,439,670		
Tax Rate Per \$100	0.456	0.10		
Amount of the Levy	5,572,365.15	4,439.67	596,390.00	696,390.00
2. Discoveries and Releases				
Discoveries				
Total Property Valuation	2,049,434	5,760		
Tax Rate Per \$100	0.456	0.10		
Amount of the Levy	9,345.42	5.76	770.00	775.00
Releases				
Total Property Valuation	(131,876,230)	(246,020)		
Tax Rate Per \$100	0.456	0.10		
Amount of the Levy	(601,355.61)	(246.02)	(41,695.00)	(41,695.00)
3. Taxes remitted to the City for Tax Years:				
2010	4,060,466.72	3,994.62	511,725.69	511,725.82
2009	616,681.25	119.71	95,251.96	95,241.86
2008	41,069.16	64.80	7,740.46	5,912.39
2007 & Prior	46,109.40	16.75	9,872.60	0.00
4. Interest	145,753.92	59.43		
5. Balance due the City at June 30, 2010, for:				
2010	919,888.24	204.79	143,739.31	143,744.18
2009	228,080.87	116.72	42,179.08	42,178.97
2008	206,770.98	53.43	32,704.20	21,491.34
2007 & Prior	1,197,088.92	302.61	183,570.89	0.00

	Storm Water Management	Fayetteville Storm Water Management	Curbside Recycling
1. Current Year Original Levy (Real and Personal)			
Total Property Valuation			
Tax Rate Per \$100			
Amount of the Levy	1,714,855.20	3,429,710.40	2,264,838.00
2. Discoveries and Releases			
Discoveries			

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	Storm Water Management	Fayetteville Storm Water Management	Curbside Recycling
Total Property Valuation			
Tax Rate Per \$100			
Amount of the Levy	60.00	96.00	2,014.00
Releases			
Total Property Valuation			
Tax Rate Per \$100			
Amount of the Levy	(120.00)	(240.00)	(722.00)
3. Taxes remitted to the City for Tax Years:			
2010	1,703,658.36	3,407,292.71	2,240,817.72
2009	8,327.49	16,654.87	15,897.69
2008	3,721.26	5,221.02	2,474.14
2007 & Prior	15,084.94	4,401.92	0.00
4. Interest	13,520.25	11,614.87	8,331.20
5. Balance due the City at June 30, 2010, for:			
2010	11,136.84	22,273.69	25,312.28
2009	1,860.57	3,721.16	5,303.91
2008	1,927.49	1,741.22	2,711.12
2007 & Prior	5,903.18	1,033.10	0.00

The following summarized the 2000 real/personal and vehicle taxes to be barred:

	Vehicles	Personal	Real	Public Service	Fees	Total
County	445,549.36	74,297.20	13,755.97	-	-	533,602.53
County Pets		789.72		-	-	
Fayetteville	122,180.60	14,930.25	1,513.35	-		138,624.29
Revil	49.57		14.46	-		64.03
Fayetteville Vehicle Fee	18,972.71			-		18,972.71
Hope Mills	5,669.96	2,341.54	13.55	-		9,025.05
Hope Mills Vehicle Fee	1,675.00			-		1,675.00
Hope Mills Pets				-	30.00	30.00
Spring Lake	11,797.37	-	1,358.36	-		13,155.73
Stedman	327.03	-		-		327.03
Stedman Vehicle Fee	90.00			-		90.00
Godwin	77.86	-	-	-		77.86
Wade	177.53	-	89.85	-		267.38
Falcon	54.82	-	-	-		54.82
Linden	49.84	20.82	-	-		70.66
Solid Waste User Fee					1,200.00	1,200.00
Storm Water Fee					324.00	324.00
Advertising Fee					601.21	601.21
Total	607,671.74	92,379.53	16,745.54	0.00	2,155.21	718,952.02
TA500 MR VEHICLES	607,671.74					
TA500 MR CC	111,280.28					
TA500 MR PS	0.00					
	718,952.02					

10.2 Levy for 2011-2012 Fiscal Year

City of Fayetteville:	No. of Acres.	Real Value	Personal Value	**Exempt Value	Taxable Value
Real Property with Personal	92,859	11,420,755.897	551,300.343	189,244,798	11,782,811,442
*Public Service					0
Total:	92,859	11,420,755.897	551,300.343	189,244,798	11,782,811,442
Description:	Rate	Taxes	Late List	Total:	
Real Property with Personal	0.456	53,727,826.50	36,254.53	53,764,081.03	
*Public Service					
Total:		53,727,826.50	36,254.53	53,764,081.03	

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Revitalization	No. of Accts	Real Value	Personal Value	***Exempt Value	Taxable Value
Real Property with Personal	829	111,539,308	13,320,423	0	124,859,731
*Public Service			0	0	0
Total:	829	111,539,308	13,320,423	0	124,859,731
	Rate:	Taxes	Late List	Total	
Real Property with Personal	0.10	124,860.18	190.19	125,050.37	
*Public Service				0.00	
Total:		124,860.18	190.19	125,050.37	

Exempt Value:	
Real	187,231,302
Personal	2,013,496
Total:	189,244,798

Revit Exempt Value:	
Real	0
Personal	0
Total:	0

Fayetteville Storm Water:	3,441,667.20
Fayetteville Recycling:	2,276,390.00
Storm Water:	1,720,833.60

11.0 ADJOURNMENT

There being no further business, the meeting adjourned.

Respectfully submitted,

JENNIFER PENFOLD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
AUGUST 17, 2011
4:00 P.M.

Present: Mayor Anthony G. Chavonne (arrived at 4:20 p.m.)

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 4:35 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6)

Absent: Council Members Robert A. Massey, Jr. (District 3); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewitt, Assistant City Manager
Karen M. McDonald, City Attorney
Scott Shuford, Development Services Director
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
Bart Swanson, Housing and Code Enforcement Division Manager
Frank Lewis, Senior Code Enforcement Administrator
Members of the Press

Mayor Pro Tem Haire called the meeting to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's August 22, 2011, special agenda:

OTHER ITEMS OF BUSINESS

Uninhabitable Structures Demolition Recommendations: 301 Cochran Avenue, 1504 Gillespie Street, and 6418 Ginger Circle

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and briefly reviewed the history and condition of each structure. He stated the recommendation was adoption of the ordinances authorizing demolition of the structures.

City staff then presented the following items scheduled for the Fayetteville City Council's August 22, 2011, regular agenda:

PUBLIC HEARINGS

Case No. P11-11F. Request for rezoning from SF-6 Residential District to LC Limited Commercial District on property located at 120 Lock Trail. Containing 0.39 acres more or less and being the property of Anna B. Singleton.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the remodeling business at the corner of Cedar Creek and Clinton Roads wished to use the property as additional parking for its existing building and new warehouse. He stated the property currently had a rental house that would be removed if the rezoning were approved. He stated the Zoning Commission and staff recommended approval of the rezoning.

Case No. P11-12F. Request for a Special Use Permit (SUP) for a child care center in the OI Office/Institutional zoning in the Hospital Area Overlay District, on property located at 3401 Village Drive and 1802 Conover Drive. Containing 0.36 and 0.48 acres more or less and being the property of Kavu, LLC, Series 4, and Edward D. Lowry.

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Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the applicant intended to use both the existing office building fronting Village Drive and the home behind it on Conover Drive for the Center. He stated the closest child care center was over 1,000 feet away and the requirement under the UDO was a minimum 500-foot separation. He stated the Zoning Commission recommended approval of the SUP based upon the following findings of fact:

1. The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
2. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
3. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
4. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
5. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
6. The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
7. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
8. The special use complies with all other relevant City, State, and Federal laws and regulations.

Case No. P11-13F. Residential District/Conditional Zoning district to develop 78 duplex apartments on property located North of Fisher Road. Containing 8.29 acres more or less and being the property of Willie J. Sigler and wife, Gabriele.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon stated that staff was requesting that this rezoning be tabled. He stated it was a conditional zoning, a site plan was involved, and they wanted to make sure the site plan had the chance to go through the Technical Review Committee and meet all the requirements of the UDO before the project went forward.

Case No. P11-15F. Request for rezoning from HI Heavy Industrial District to MR-5 Mixed Residential District on property located along Grace Avenue (east side of Old Wilmington Road). Containing 1 acre more or less and being the property of the City of Fayetteville.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the properties were owned by Habitat for Humanity and wanted to build new homes on the vacant lots. He stated MR-5 zoning would be consistent with all other residential districts in the area. He stated some of the existing lots in the request would be nonconforming in size in an SF-6 zoning district. He stated the Zoning Commission and staff recommended approval of the rezoning to Mixed Residential 5.

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Case No. P11-18F. Request for rezoning from AR Agricultural Residential District to SF-6 Residential District on property located at Cliffdale and Lowell Harris Roads. Containing 29.42 acres more or less and being the property of Retha H. Newton.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the road frontage on the property was on both Cliffdale and Lowell Harris Roads. He stated the Land Use Plan called for low-density residential bordered by medium-density residential. He stated the Zoning Commission and staff recommended approval of the rezoning to SF-6. Mr. Harmon noted that under the UDO, multifamily was allowed in the SF-6 District but only under a Special Use Permit. He explained if the rezoning were approved, the only way that multifamily could be put on the property would be to have it brought back through the Zoning Commission to the City Council and have a hearing for a Special Use Permit and conditions could be added.

Case No. P11-19F. Request for a Special Use Permit (SUP) for a Collision Center in the CC Community Commercial District on property located at 5510 Cliffdale Road. Containing 3.3 acres more or less and being the property of Harris Wholesale, Inc.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was the former Harris Distribution Center (Anheuser Bush) on Cliffdale Road near Skibo Road and the facility had been vacant for two years. He stated Hendrick Motors wanted to purchase the property and turn the former warehouse into an auto paint, body, and repair center. He stated the amount of renovations to the building would require it to come into compliance with the UDO standards. He stated no site plan was required at this time since all renovations would be to the interior of the building. He stated the Zoning Commission recommended approval of the SUP based upon the following findings of fact:

1. The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
2. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
3. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
4. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
5. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
6. The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
7. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
8. The special use complies with all other relevant City, State, and Federal laws and regulations.

Case No. P11-20F. Request for rezoning from LC Commercial District to MR-5 Residential District on property located at 4049 Rosehill Road.

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Containing 2.33 acres more or less and being the property of Carrie C. Andrews.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was zoned commercial by the County some years ago and could be a good case for an illegal spot zoning. He stated the owners of the property were currently developing the land behind it with apartments and if rezoned would propose to make the property part of the development. He stated the applicant was waiting for rezoning approval to continue the development. He stated the 2010 Land Use Plan called for the area to be developed as medium-density residential. He stated the Zoning Commission and staff recommended approval of the rezoning to Mixed Residential-5.

CONSENT

Case No. P11-21F. Request for rezoning from R10 Residential District to OI Office and Institutional District in the Hospital Area Overlay District, on property located at 3410 Village Drive. Containing 0.50 acres more or less and being the property of Michael A. Leke.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was located on village Drive in an area designated for Office and Institutional use by both the 2010 Land Use Plan and the Hospital Area Overlay Plan. He stated the applicant wished to build a new medical office on the property. He stated the property had just over the minimum lot size of 20,000 square feet required by the Hospital Overlay District. He stated the Zoning Commission and staff recommended approval of the rezoning.

Case No. P11-12F. Request for a Special Use Permit (SUP) for a child care center in the OI Office/Institutional zoning in the Hospital Area Overlay District, on property located at 3401 Village Drive and 1802 Conover Drive. Containing 0.36 and 0.48 acres more or less and being the property of Kavu, LLC Series 4 and Edward D. Lowry.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the applicant intended to use both the existing office building fronting Village Drive and the home behind it on Conover Drive for the Child Care Center. He stated the closest child care center was over 1,000 feet away and the requirement under the UDO was a minimum 500-foot separation. He stated the Zoning Commission recommended approval of the SUP based upon the following findings of fact:

1. The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
2. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
3. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
4. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
5. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;

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6. The special use maintains safe ingress and egress onto the site and safe road conditions around the site; -
7. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
8. The special use complies with all other relevant City, State, and Federal laws and regulations.

Mayor Chavonne and Mr. Dale Iman, City Manager, explained after the 6:00 p.m. meeting items, the meeting would adjourn and the 7:00 p.m. meeting would be held for the zoning items.

Staff inquired about another agenda briefing for zoning items on August 29, 2011. Staff advised there would be a zoning meeting on August 18, 2011.

Mr. Scott Shuford explained the consent item regarding renovation fees.

There being no further business, the meeting adjourned at 4:50 p.m.

Respectfully submitted,

KAREN M. McDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

081711

DRAFT

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
AUGUST 22, 2011
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Victor Sharpe, Community Development Director
John Kuhls, Human Resource Development Director
Scott Shuford, Development Services Director
Frank Lewis, Senior Code Enforcement Administrator
Rusty Thompson, Engineering and Infrastructure
Interim Director
Bart Swanson, Housing and Code Enforcement Division
Manager
Craig Harmon, Planner II
David Nash, Planner II
Randy Hume, Transit Director
Jeff Thompson, Fayetteville Advisory Committee on
Transit
Rebecca Rogers-Carter, Management Services Manager
Jennifer Lowe, Public Information Officer
Nathan Walls, Public Information Specialist
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Dr. George Blackwell, Retired Secretary of Christian Education, A.M.E. Zion Church International, and a retired pastor.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was recited by those in attendance.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

There were no announcements or recognitions.

6.0 CONSENT

MOTION: Council Member Bates moved to approve the consent agenda.
SECOND: Council Member Hurst
VOTE: UNANIMOUS (10-0)

DRAFT

6.1 Case No. P11-21F. Request for rezoning from R10 Residential District to OI Office and Institutional District in the Hospital Area Overlay District on property located at 3410 Village Drive. Containing 0.50 acres more or less and being the property of Michael A. Leke.

7.0 PUBLIC HEARINGS

7.1 Case No. P11-11F. Request for rezoning from SF-6 Residential District to LC Limited Commercial District on property located at 120 Lock Trail. Containing 0.39 acres more or less and being the property of Anna B. Singleton.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the remodeling business at the corner of Cedar Creek and Clinton Roads wished to use the property as additional parking for its existing building and new warehouse. He stated the property currently had a rental house that would be removed if the rezoning were approved. He stated the Zoning Commission and staff recommended approval of the rezoning.

Council Member Bates inquired how much traffic would be generated. Mr. Harmon responded the location would mostly be for storage and would not be a heavy traffic area.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Gary L. Strickland, 1409 Clinton Road, Fayetteville, NC 28312, appeared in favor and stated the traffic generated by customers would be on the Clinton Road side which would be a parking area. He stated there would be no parking in the rear of the property.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Davy moved to rezone as presented by staff.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

Mayor Chavonne stated he was informed that he overlooked an announcement and recognized Mr. Ron McElrath, Human Relations Director. Mr. McElrath announced on behalf of the North Carolina Human Relations Commission, in collaboration with local Human Relations Commissions, Governor Beverly Purdue would sign a proclamation declaring September as Diversity Month. He stated the proclamation would encourage citizens in every city and community to spend time with someone of a different race, religion, ethnicity, etc.

7.2 Case No. P11-12F. Request for a Special Use Permit (SUP) for a child care center in the OI Office/Institutional zoning in the Hospital Area Overlay District, on property located at 3401 Village Drive and 1802 Conover Drive. Containing 0.36 and 0.48 acres more or less and being the property of Kavv, LLC Series 4 and Edward D. Lowry.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the applicant intended to use both the existing office building fronting Village Drive and the home behind it on Conover Drive for the Child Care Center. He stated the closest child care center was over 1,000 feet away and the requirement under the UDO was a minimum 500-foot separation. He stated the Zoning Commission recommended approval of the SUP based upon the following findings of fact:

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1. The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
2. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
3. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
4. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
5. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
6. The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
7. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
8. The special use complies with all other relevant City, State, and Federal laws and regulations.

Council Member Applewhittie inquired if there would be more than one onramp onto the site. Mr. Harmon responded there would be a circular drive that would entrance and exit on Conover Drive.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Arthur Duke, 151 Buckingham Avenue, Fayetteville, NC 28301, was sworn in by the Deputy City Clerk. He appeared in favor and requested Council approve the rezoning.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Hurst moved to approve the Special Use Permit based on the findings of fact.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

7.3 Case No. P11-13F. Request for rezoning from SF-10 Residential District to MR-5/CZ Residential District/Conditional Zoning district to develop 78 duplex apartments on property located North of Fisher Road. Containing 8.29 acres more or less and being the property of Willie J Sigler and wife, Gabrie.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon stated that staff was requesting that this rezoning be tabled. He stated it was a conditional zoning, a site plan was involved, and they wanted to make sure the site plan had the chance to go through the Technical Review Committee and meet all the requirements of the UDO before the project went forward.

Discussion ensued regarding the public hearing. Ms. Karen McDonald, City Attorney, explained that due to the item being advertised as a public hearing, Council would have to make a motion to table it.

MOTION: Council Member Arp moved to table the case until a site plan was submitted.

SECOND: Council Member Massey

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VOTE: UNANIMOUS (10-0)

- 7.4 Case No. P11-15F. Request for rezoning from HI Heavy Industrial District to MR-5 Mixed Residential District on properties located along Grace Avenue (east side of Old Wilmington Road). Containing 1 acre more or less and being the property of the City of Fayetteville.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the properties were owned by Habitat for Humanity and they were wanting to build new homes on the vacant lots. He stated MR-5 zoning would be consistent with all other residential districts in the area. He stated some of the existing lots in the request would be nonconforming in size in an SF-6 zoning district. He stated the Zoning Commission and staff recommended approval of the rezoning to Mixed Residential 5.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Ms. Ann Griffin, Executive Director with Habitat for Humanity, 310 Green Street, Fayetteville, NC 28301, appeared in favor.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Davy moved to approve the rezoning.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

- 7.5 Case No. P11-18F. Request for rezoning from AR Agricultural Residential District to SF-6 Residential District on property located at Cliffdale Road & Lowell Harris Road. Containing 29.42 acres more or less and being the property of Retha H. Newton.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the road frontage on the property was on both Cliffdale and Lowell Harris Roads. He stated the Land Use Plan called for low-density residential bordered by medium-density residential. He stated the Zoning Commission and staff recommended approval of the rezoning to SF-6. Mr. Harmon noted that under the UDO, multifamily was allowed in the SF-6 District but only under a Special Use Permit. He explained if the rezoning were approved, the only way that multifamily could be put on the property would be to have it brought back through the Zoning Commission to the City Council and have a hearing for a Special Use Permit and conditions could be added.

Council Member Massey inquired if the Special Use Permit process would be at the cost of the applicant. Mr. Harmon responded in the affirmative and explained it would be a new application.

A question and answer period ensued regarding access to the property, the traffic in the area in relation to schools, and no site plan being available at this time.

Council Member Bates inquired if they would see the site plan once approved. Mr. Harmon responded it would depend on what was planned for the property. He stated if the rezoning were approved and the site plan was for single-family residential, it would not come back to Council; but if the plan was for multifamily, it would come back to Council as a Special Use Permit.

This is the advertised public hearing set for this date and time. The public hearing was opened.

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Mr. Scott Brown, from 4D Site Solutions, 409 Chicago Drive, Suite 112, Fayetteville, NC 28306, representing the applicant appeared in favor and stated there were no plans prepared for the site at this time. He stated he did not anticipate DOT allowing full access but a main access off Lowell Harris Road.

Ms. Rosa M. Sandefur, 982 Lisa Avenue, Fayetteville, NC 28314, appeared in opposition and expressed concern as to what would be placed on the property and whether there was connection to sewer.

Ms. Rita Olivera, Sanchez Drive in Cliffdale Forest, Fayetteville, NC, appeared in opposition and expressed concern as to what would be placed on the property, the increase in traffic, and the increase in crime.

There being no one further to speak, the public hearing was closed.

Mr. Harmon explained the owner of the property applied for a rezoning and was requesting SF-6 zoning which was single-family with a 6,000 square foot minimum per lot. He stated under SF-6, all that would be permitted would be single-family residential homes, however, the owner of the property could come back in the future, if approved as an SF-6, and apply for a Special Use Permit which would have to go through the Zoning Commission and City Council.

Mr. Brown further explained there was a sewer outfall to the north and they would be within the distance required by both the City and PWC.

MOTION: Council Member Applewhite moved to approve the rezoning.
SECOND: Council Member Arp
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Bates)

7.6 Case No. P11-19F. Request for a Special Use Permit (SUP) for a Collision Center in the CC Community Commercial District on property located at 5510 Cliffdale Road. Containing 3.3 acres more or less and being the property of Harris Wholesale Inc.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was the former Harris Distribution Center (Anheuser Bush) on Cliffdale Road near Skibo Road and the facility had been vacant for two years. He stated Hendrick Motors was wanting to purchase the property and turn the former warehouse into an auto paint, body, and repair center. He stated the amount of renovations to the building would require it to come into compliance with the UDO standards. He stated no site plan was required at this time since all renovations would be to the interior of the building. He stated the Zoning Commission recommended approval of the SUP based upon the following findings of fact:

1. The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
2. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
3. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
4. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;

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5. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
6. The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
7. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
8. The special use complies with all other relevant City, State, and Federal laws and regulations.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Dan Dederick, 6830 Surrey Road, Fayetteville, NC 28306, appeared in favor and stated they employ approximately 40 employees at 543 North McPherson Church Road and would be adding approximately 20 more jobs to the workforce when they move to the new site. He stated the move would also reduce the traffic on North McPherson Church Road.

There being no one further to speak, the public hearing was closed.

Council Member Crisp inquired of Mr. Dederick on how they would handle leaking antifreeze from wrecked vehicles being brought to the property. Mr. Dederick responded they receive guidance from a national company on how to dispose of antifreeze, batteries, paints, etc., which if not done right was a serious federal offense.

MOTION: Council Member Arp moved to approve the Special Use Permit based on the findings of fact.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

7.7 Case No. F11-20F. Request for rezoning from C1 Commercial District to MR-5 Residential District on property located at 4049 Rosehill Road. Containing 2.33 acres more or less and being the property of Carrie C. Andrews.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was zoned commercial by the County some years ago and could be a good case for an illegal spot zoning. He stated the owners of the property were currently developing the land behind it with apartments and if rezoned would propose to make the property part of the development. He stated the 2010 Land Use Plan called for the area to be developed as medium-density residential. He stated the Zoning Commission and staff recommended approval of the rezoning to Mixed Residential-5.

Council Member Massey inquired if any projected impact was given for traffic increase. Mr. Harmon responded he could not recall the numbers.

Council Member Bates inquired if the rezoning were approved, could they put apartments in but at a greater density. Mr. Harmon responded in the affirmative.

Council Member Bates inquired if the rezoning were not approved, could they still put apartments. Mr. Harmon responded in the affirmative but not at the density that it could be under an MR-5 District.

This is the advertised public hearing set for this date and time. The public hearing was opened.

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Mr. Colton Clifton, 5625 Millerace Trail, Raleigh, NC, representing the buyers appeared in favor and stated they felt the highest and best use was multifamily.

There being no one further to speak, the public hearing was closed.

A question and answer period ensued regarding the increase in traffic and the number of apartment units. Mr. Clifton stated the traffic count would increase and clarified the 185 units included the entire area, not just the property up for rezoning. He stated he did not have the plans with him for the part being rezoned, but there would be an apartment unit and access from the road.

A discussion period ensued regarding the number of units and the possibility of holding discussions with residents in the area.

Mr. Harmon explained the process for a rezoning as required by ordinance and statute.

MOTION: Council Member Massey moved to table this item and bring back to the next Council meeting after discussions were held with residents on Autumn and Dowfield Drives.

Motion died due to lack of a second.

MOTION: Council Member Massey moved to deny the rezoning.
SECOND: Council Member Bates

Council Member Arp inquired what the denial would accomplish. Mr. Harmon responded the applicant would not be able to come back for a rezoning for one year and could still develop multifamily on the property at the LC Commercial which would allow for multifamily and they could develop at that density.

VOTE: UNANIMOUS (10-0)

8.0 ADJOURNMENT

There being no further business, the meeting adjourned.

Respectfully submitted,

JENNIFER K. PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

082211

DRAFT

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
AUGUST 22, 2011
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Victor Sharpe, Community Development Director
John Kuhls, Human Resource Development Director
Scott Shuford, Development Services Director
Frank Lewis, Senior Code Enforcement Administrator
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Interim Director
Bart Swanson, Housing and Code Enforcement Division
Manager
Craig Harmon, Planner II
David Nash, Planner II
Randy Hume, Transit Director
Jeff Thompson, Fayetteville Advisory Committee on
Transit
Rebecca Rogers-Carter, Management Services Manager
Jennifer Lowe, Public Information Officer
Nathan Walls, Public Information Specialist
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Dr. George Blackwell, Retired Secretary of Christian Education, A.M.E. Zion Church International, and a retired pastor.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was recited by those in attendance.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

There were no announcements or recognitions.

6.0 CONSENT

MOTION: Council Member Bates moved to approve the consent agenda.
SECOND: Council Member Hurst
VOTE: UNANIMOUS (10-0)

DRAFT

6.1 Case No. P11-21F. Request for rezoning from R10 Residential District to OI Office and Institutional District in the Hospital Area Overlay District on property located at 3410 Village Drive. Containing 0.50 acres more or less and being the property of Michael A. Leke.

7.0 PUBLIC HEARINGS

7.1 Case No. P11-11F. Request for rezoning from SF-6 Residential District to LC Limited Commercial District on property located at 120 Lock Trail. Containing 0.39 acres more or less and being the property of Anna B. Singleton.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the remodeling business at the corner of Cedar Creek and Clinton Roads wished to use the property as additional parking for its existing building and new warehouse. He stated the property currently had a rental house that would be removed if the rezoning were approved. He stated the Zoning Commission and staff recommended approval of the rezoning.

Council Member Bates inquired how much traffic would be generated. Mr. Harmon responded the location would mostly be for storage and would not be a heavy traffic area.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Gary L. Strickland, 1409 Clinton Road, Fayetteville, NC 28312, appeared in favor and stated the traffic generated by customers would be on the Clinton Road side which would be a parking area. He stated there would be no parking in the rear of the property.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Davy moved to rezone as presented by staff.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

Mayor Chavonne stated he was informed that he overlooked an announcement and recognized Mr. Ron McElrath, Human Relations Director. Mr. McElrath announced on behalf of the North Carolina Human Relations Commission, in collaboration with local Human Relations Commissions, Governor Beverly Purdue would sign a proclamation declaring September as Diversity Month. He stated the proclamation would encourage citizens in every city and community to spend time with someone of a different race, religion, ethnicity, etc.

7.2 Case No. P11-12F. Request for a Special Use Permit (SUP) for a child care center in the OI Office/Institutional zoning in the Hospital Area Overlay District, on property located at 3401 Village Drive and 1802 Conover Drive. Containing 0.36 and 0.48 acres more or less and being the property of Kavu, LLC Series 4 and Edward D. Lowry.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the applicant intended to use both the existing office building fronting Village Drive and the home behind it on Conover Drive for the Child Care Center. He stated the closest child care center was over 1,000 feet away and the requirement under the UDO was a minimum 500-foot separation. He stated the Zoning Commission recommended approval of the SUP based upon the following findings of fact:

DRAFT

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7. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
8. The special use complies with all other relevant City, State, and Federal laws and regulations.

Council Member Applewhittie inquired if there would be more than one onramp onto the site. Mr. Harmon responded there would be a circular drive that would entrance and exit on Conover Drive.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Arthur Duke, 151 Buckingham Avenue, Fayetteville, NC 28301, was sworn in by the Deputy City Clerk. He appeared in favor and requested Council approve the rezoning.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Hurst moved to approve the Special Use Permit based on the findings of fact.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

7.3 Case No. P11-13F. Request for rezoning from SF-10 Residential District to MR-5/CZ Residential District/Conditional Zoning district to develop 78 duplex apartments on property located North of Fisher Road. Containing 8.29 acres more or less and being the property of Willie J Sigler and wife, Gabrie.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon stated that staff was requesting that this rezoning be tabled. He stated it was a conditional zoning, a site plan was involved, and they wanted to make sure the site plan had the chance to go through the Technical Review Committee and meet all the requirements of the UDO before the project went forward.

Discussion ensued regarding the public hearing. Ms. Karen McDonald, City Attorney, explained that due to the item being advertised as a public hearing, Council would have to make a motion to table it.

MOTION: Council Member Arp moved to table the case until a site plan was submitted.

SECOND: Council Member Massey

DRAFT

VOTE: UNANIMOUS (10-0)

- 7.4 Case No. P11-15F. Request for rezoning from HI Heavy Industrial District to MR-5 Mixed Residential District on properties located along Grace Avenue (east side of Old Wilmington Road). Containing 1 acre more or less and being the property of the City of Fayetteville.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the properties were owned by Habitat for Humanity and they were wanting to build new homes on the vacant lots. He stated MR-5 zoning would be consistent with all other residential districts in the area. He stated some of the existing lots in the request would be nonconforming in size in an SF-6 zoning district. He stated the Zoning Commission and staff recommended approval of the rezoning to Mixed Residential 5.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Ms. Ann Griffin, Executive Director with Habitat for Humanity, 310 Green Street, Fayetteville, NC 28301, appeared in favor.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Davy moved to approve the rezoning.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

- 7.5 Case No. P11-18F. Request for rezoning from AR Agricultural Residential District to SF-6 Residential District on property located at Cliffdale Road & Lowell Harris Road. Containing 29.42 acres more or less and being the property of Retha H. Newton.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the road frontage on the property was on both Cliffdale and Lowell Harris Roads. He stated the Land Use Plan called for low-density residential bordered by medium-density residential. He stated the Zoning Commission and staff recommended approval of the rezoning to SF-6. Mr. Harmon noted that under the UDO, multifamily was allowed in the SF-6 District but only under a Special Use Permit. He explained if the rezoning were approved, the only way that multifamily could be put on the property would be to have it brought back through the Zoning Commission to the City Council and have a hearing for a Special Use Permit and conditions could be added.

Council Member Massey inquired if the Special Use Permit process would be at the cost of the applicant. Mr. Harmon responded in the affirmative and explained it would be a new application.

A question and answer period ensued regarding access to the property, the traffic in the area in relation to schools, and no site plan being available at this time.

Council Member Bates inquired if they would see the site plan once approved. Mr. Harmon responded it would depend on what was planned for the property. He stated if the rezoning were approved and the site plan was for single-family residential, it would not come back to Council; but if the plan was for multifamily, it would come back to Council as a Special Use Permit.

This is the advertised public hearing set for this date and time. The public hearing was opened.

DRAFT

Mr. Scott Brown, from 4D Site Solutions, 409 Chicago Drive, Suite 112, Fayetteville, NC 28306, representing the applicant appeared in favor and stated there were no plans prepared for the site at this time. He stated he did not anticipate DOT allowing full access but a main access off Lowell Harris Road.

Ms. Rosa M. Sandefur, 982 Lisa Avenue, Fayetteville, NC 28314, appeared in opposition and expressed concern as to what would be placed on the property and whether there was connection to sewer.

Ms. Rita Olivera, Sanchez Drive in Cliffdale Forest, Fayetteville, NC, appeared in opposition and expressed concern as to what would be placed on the property, the increase in traffic, and the increase in crime.

There being no one further to speak, the public hearing was closed.

Mr. Harmon explained the owner of the property applied for a rezoning and was requesting SF-6 zoning which was single-family with a 6,000 square foot minimum per lot. He stated under SF-6, all that would be permitted would be single-family residential homes, however, the owner of the property could come back in the future, if approved as an SF-6, and apply for a Special Use Permit which would have to go through the Zoning Commission and City Council.

Mr. Brown further explained there was a sewer outfall to the north and they would be within the distance required by both the City and PWC.

MOTION: Council Member Applewhite moved to approve the rezoning.
SECOND: Council Member Arp
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Bates)

7.6 Case No. P11-19F. Request for a Special Use Permit (SUP) for a Collision Center in the CC Community Commercial District on property located at 5510 Cliffdale Road. Containing 3.3 acres more or less and being the property of Harris Wholesale Inc.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was the former Harris Distribution Center (Anheuser Bush) on Cliffdale Road near Skibo Road and the facility had been vacant for two years. He stated Hendrick Motors was wanting to purchase the property and turn the former warehouse into an auto paint, body, and repair center. He stated the amount of renovations to the building would require it to come into compliance with the UDO standards. He stated no site plan was required at this time since all renovations would be to the interior of the building. He stated the Zoning Commission recommended approval of the SUP based upon the following findings of fact:

1. The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
2. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
3. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
4. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;

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5. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
6. The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
7. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
8. The special use complies with all other relevant City, State, and Federal laws and regulations.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Dan Dederick, 6830 Surrey Road, Fayetteville, NC 28306, appeared in favor and stated they employ approximately 40 employees at 543 North McPherson Church Road and would be adding approximately 20 more jobs to the workforce when they move to the new site. He stated the move would also reduce the traffic on North McPherson Church Road.

There being no one further to speak, the public hearing was closed.

Council Member Crisp inquired of Mr. Dederick on how they would handle leaking antifreeze from wrecked vehicles being brought to the property. Mr. Dederick responded they receive guidance from a national company on how to dispose of antifreeze, batteries, paints, etc., which if not done right was a serious federal offense.

MOTION: Council Member Arp moved to approve the Special Use Permit based on the findings of fact.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

7.7 Case No. F11-20F. Request for rezoning from C1 Commercial District to MR-5 Residential District on property located at 4049 Rosehill Road. Containing 2.33 acres more or less and being the property of Carrie C. Andrews.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was zoned commercial by the County some years ago and could be a good case for an illegal spot zoning. He stated the owners of the property were currently developing the land behind it with apartments and if rezoned would propose to make the property part of the development. He stated the 2010 Land Use Plan called for the area to be developed as medium-density residential. He stated the Zoning Commission and staff recommended approval of the rezoning to Mixed Residential-5.

Council Member Massey inquired if any projected impact was given for traffic increase. Mr. Harmon responded he could not recall the numbers.

Council Member Bates inquired if the rezoning were approved, could they put apartments in but at a greater density. Mr. Harmon responded in the affirmative.

Council Member Bates inquired if the rezoning were not approved, could they still put apartments. Mr. Harmon responded in the affirmative but not at the density that it could be under an MR-5 District.

This is the advertised public hearing set for this date and time. The public hearing was opened.

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Mr. Colton Clifton, 5625 Millerace Trail, Raleigh, NC, representing the buyers appeared in favor and stated they felt the highest and best use was multifamily.

There being no one further to speak, the public hearing was closed.

A question and answer period ensued regarding the increase in traffic and the number of apartment units. Mr. Clifton stated the traffic count would increase and clarified the 185 units included the entire area, not just the property up for rezoning. He stated he did not have the plans with him for the part being rezoned, but there would be an apartment unit and access from the road.

A discussion period ensued regarding the number of units and the possibility of holding discussions with residents in the area.

Mr. Harmon explained the process for a rezoning as required by ordinance and statute.

MOTION: Council Member Massey moved to table this item and bring back to the next Council meeting after discussions were held with residents on Autumn and Dowfield Drives.

Motion died due to lack of a second.

MOTION: Council Member Massey moved to deny the rezoning.
SECOND: Council Member Bates

Council Member Arp inquired what the denial would accomplish. Mr. Harmon responded the applicant would not be able to come back for a rezoning for one year and could still develop multifamily on the property at the LC Commercial which would allow for multifamily and they could develop at that density.

VOTE: UNANIMOUS (10-0)

8.0 ADJOURNMENT

There being no further business, the meeting adjourned.

Respectfully submitted,

JENNIFER K. PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

082211

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FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING
HUMAN RESOURCES DEVELOPMENT TRAINING ROOM
AUGUST 23, 2011
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale E. Iman, City Manager

Mayor Chavonne called the meeting to order at 5:00 p.m.

Closed session for evaluation of the City Manager.

MOTION: Council Member Bates moved to go into closed session for evaluation of the City Manager.
SECOND: Council Member Mohn
VOTE: UNANIMOUS (10-0)

The regular session recessed at 5:05 p.m. The regular session reconvened at 7:12 p.m.

MOTION: Council Member Bates moved to go into open session.
SECOND: Council Member Arp
VOTE: UNANIMOUS (10-0)

MOTION: Council Member Applewhite moved to authorize the City Manager to receive an additional increase of 1.5 percent for a total increase of 4 percent this year.
SECOND: Council Member Arp
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Bates)

There being no further business, the meeting adjourned at 7:15 p.m.

Respectfully submitted,

DALE E. IMAN
City Manager

ANTHONY G. CHAVONNE
Mayor

082311

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FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING
HUMAN RESOURCES DEVELOPMENT TRAINING ROOM
AUGUST 25, 2011
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Karen M. McDonald, City Attorney

Mayor Chavonne called the meeting to order at 4:00 p.m.

Closed session for evaluation of the City Attorney.

MOTION: Council Member Bates moved to go into closed session for evaluation of the City Attorney.
SECOND: Council Member Applewhite
VOTE: UNANIMOUS (10-0)

The regular session recessed at 4:05 p.m. The regular session reconvened at 5:31 p.m.

MOTION: Council Member Bates moved to go into open session.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

MOTION: Council Member Crisp moved to authorize the City Attorney to receive an additional increase of 2.5 percent for a total increase of 5 percent this year.
SECOND: Council Member Applewhite
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Bates)

There being no further business, the meeting adjourned at 5:35 p.m.

Respectfully submitted,

KAREN M. McDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

082511

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FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 29, 2011
5:00 P.M.

Present: Mayor Anthony G. Chavonne (departed at 7:24 p.m.)

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Scott Shuford, Development Services Director
Craig Harmon, Planner II
Nathan Walls, Public Information Specialist
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 5:05 p.m.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Haire.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Crisp moved to approve the agenda.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

4.0 PUBLIC HEARINGS

4.1 Case P11-45F. Rezone from AR Agricultural Residential to LC Neighborhood Commercial zoning for property at 7383 Stoney Point Road (PIN 9495-10-6440). Owned by David L. Jackson.

Mr. Scott Shuford, Development Services Director, presented this item. Mr. Shuford showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the Zoning Commission and staff recommended approval of the rezoning.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

MOTION: Council Member Crisp moved to approve the rezoning.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

4.2 Case P11-23F. Rezone from LC Limited Commercial to CC Community Commercial District for PINs 0428-55-3561, 0428-65-3814, 0428-64-4982 from SF-6 and SF-10 Single-Family Residential District to LC/CZ Limited Commercial Conditional zoning for PIN 0428-65-3814 for properties west of Murchison Road. Owned by Kingdom Impact Global Ministries (KIGM).

Mr. Scott Shuford, Development Services Director, presented this item. Mr. Shuford showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings,

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and 2010 Land Use Plan. He stated KIGM would like to have the flexibility on the front part of the property for CC Community Commercial zoning. He stated discussions were held to determine what KIGM planned for the rear portion of the property which ranged from multifamily to amphitheater and other uses associated with KIGM. He stated the Zoning Commission and staff recommended approval of the rezoning of the front part of the property from LC to CC and the rezoning of the rear portion of the property from SF-6 and SF-10 to LC/CZ subject to the following conditions:

1. The uses shall be limited to the following permitted and special uses listed in the Table of Uses:
 - a. All household living, group living, community services, day care, educational facilities, institutions, parks and open spaces, public safety, conference and training centers, and recreation/entertainment, outdoor use types as allowed in LC
 - b. The theater use type as allowed in LC.
2. The allowable density of multifamily development shall not exceed six dwelling units per acre (the maximum permitted under the prior R-10 zoning).
3. Development of the property shall accommodate the infrastructure improvements established in the Murchison Road Corridor Plan.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

MOTION: Mayor Pro Tem Haire moved to approve the rezoning with the conditions.

SECOND: Council Member Davy

VOTE: UNANIMOUS (10-0)

- 4.3 Case P11-24F. Rezone SF-10 Single-Family Residential to MR-5/CZ Mixed Residential Conditional zoning for property at W. Hwy 401 (Part of PIN 9476-95-3701). Owned by John Williams, Jr.

Mr. Scott Shuford, Development Services Director, presented this item. Mr. Shuford showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the owner had the property rezoned to R-10 approximately two years ago in order to allow multifamily. He stated they were unable to complete their plans in a timely fashion and as a result were not able to get vested into the old zoning code. He stated the owner proposed and staff agreed that they be allowed to develop multifamily under MR-5 at the same density level that would be allowed under R-10. He stated the Zoning Commission and staff recommended approval of the rezoning with a condition being that there be a limitation of density to six or fewer dwelling units per acre.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Charles Morris, 831 Arsenal Avenue, Fayetteville, NC 28305, appeared in favor and expressed support for the rezoning.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Mohn moved to approve the rezoning with the condition.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

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- 4.4 Case P11-25F. Rezone MR-5 Mixed Residential and MHO Manufactured Home Overlay to CC/CZ Community Commercial Conditional zoning for seven properties on the north side of Bonnie Street near Bragg Boulevard. Owned by Andrew Williams.

Mr. Scott Shuford, Development Services Director, presented this item. Mr. Shuford showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the Zoning Commission and staff recommended approval of the rezoning of PINs 0418-29-4945, 0418-29-5938, 0418-29-6031, 0418-29-4862, 0418-29-5844, 0418-29-6837, and 0418-29-7819 from MR-5 MHO to CC/CA with a condition being that the owner recombine the seven lots into a single parcel within 60 days of the effective date of the rezoning.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

MOTION: Mayor Pro Tem Haire moved to approve the rezoning with the condition.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

- 4.5 Case P11-26F. Rezone from OI Office and Institutional to LC Limited Commercial or DT Downtown District for property at 645 Hay Street. Owned by John Tyson.

Mr. Scott Shuford, Development Services Director, presented this item. Mr. Shuford showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He briefly reviewed the development pattern that O&I would support which was a lower intensity with some setback from the property line. He stated the request was for Downtown zoning and that particular development pattern would be somewhat more intense. He stated because of the differences, staff was not supportive of the request although supportive of helping the applicant achieve his goal. He stated the Zoning Commission and staff recommended denial of the rezoning and direct staff to work with the property owner to resolve the use issues through either a code amendment or a conditional zoning request.

Council Member Crisp inquired if the property were rezoned, would the owner have to go before the Historic Resources Commission with a site plan if they wanted to build something. Mr. Shuford responded in the affirmative.

Mayor Pro Tem Haire inquired if staff spoke with property owner regarding the rezoning. Mr. Shuford responded in the negative but stated he would be interested in meeting with the owner if they so desire.

A question and answer period ensued regarding the zoning and size requirement for structures in the downtown area.

Council Member Bates inquired what text amendments would come back to Council. Mr. Shuford responded they would amend the permitted and special uses in the UDO to accommodate the uses that the property owner indicated he would like to have accommodated.

Council Member Hurst inquired if the text amendments to the OI zoning would make it nonconforming. Mr. Shuford responded in the negative and explained the changes would be addressing allowable uses.

This is the advertised public hearing set for this date and time. The public hearing was opened.

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Mr. John Tyson, 101 Hay Street, Fayetteville, NC 28301, appeared in favor and stated before they purchased the property, they had checked the Land Use Plan and current zoning and the zoning was P2 and the Land Use Plan was downtown zoning. He stated the P2 zoning would allow catering; special event venues for weddings, receptions, and anniversaries; florist hobbies; books; antique sales; and many other uses. He stated consistent with those uses, they began plans for the building. He stated there was no opposition at the public hearings. He stated the OI zoning would not allow the uses that they had under P2. He submitted a petition with 147 signatures in support of the rezoning.

Ms. Kirby Tyson, 101 Hay Street, Fayetteville, NC 28301, appeared in favor and expressed concern that they would not be able to rebuild the property if damaged by a storm under the current zoning.

Mr. Stuart Clarke, Attorney representing the Tysons, 150 N. McPherson Church Road, Fayetteville, NC 28303, appeared in favor and stated the request was consistent with the Land Use Plan and the property owners had put a lot of effort into the property.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Davy moved to rezone to DT.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

4.6 Case P11-37F. Rezone SF-10 Single-Family Residential to MR-5 Mixed Residential District for property at Southland Drive (PIN 0530-41-9723). Owned by Joseph Riddle, III.

Mr. Scott Shuford, Development Services Director, presented this item. Mr. Shuford showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was abutting property in the County zoned R5A. He stated the property was adjoining a two-lane neighborhood street and was located in an area having an entirely single-family development pattern. He stated staff review suggested the rezoning would be inconsistent with the nature of the property due to these factors. He explained the rezoning was subject to a protest petition and would require a super-majority vote of Council. He stated the Zoning Commission and staff recommended denial of the rezoning.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Brett Ross, 210 Southland Drive, Fayetteville, NC 28311, on behalf of the College Lakes subdivision appeared in opposition and requested that Council deny the rezoning. He stated if an apartment complex were to be built on the property, there would be three sides of homes all the way around. He expressed concern for security in that the people living in the apartments would be able to look down in the residential yards. He stated an apartment complex would destroy integrity of the entire neighborhood.

Mr. Swain Hamlet, 272 S. Bragg Boulevard, Fayetteville, NC 28390, appeared in opposition and expressed concern for increase in traffic and an apartment complex being developed on the property.

Mr. Joseph King, 307 Silver Oaks Drive, Fayetteville, NC 28311, appeared in opposition and expressed concern for an apartment complex being developed on the property.

Mr. Jonathan Charleston, Attorney representing the property owner, 201 Hay Street, Fayetteville, NC 28301, appeared in favor and stated the property owners should be allowed to develop the property

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to its highest and best use. He stated they were trying to maintain the current use which was multifamily.

Mr. Neil Yarborough, 115 E. Russell Street, Fayetteville, NC 28301, appeared in favor. He explained it was not their intention to access the property through Southland Drive. He expressed concern that the multifamily residential development rights were taken away from the property owner. He stated a compromise proposal was submitted to the neighborhood which was rejected that would have divided the property in half which would have given the first 125 feet closest to Southland Drive to remain SF-10 so that they could rezone the other 125 feet to MR-5. He stated they would request that the entire property be rezoned to MR-5.

Mr. Joe Riddle, property owner, 125 Great Oaks, Fayetteville, NC 28303, appeared in favor and stated when the property was in the County, it was rezoned for multifamily and they were trying to keep that zoning. He stated there would be no connection to College Lakes.

There being no one further to speak, the public hearing was closed.

Council Member Applewhite inquired of Mr. Ross if the neighborhood was aware of the 125 foot buffer proposed by Mr. Yarborough. Mr. Ross responded the community was presented with the proposal and they denied it because they felt it would still destroy the integrity of the properties. He stated they had requested Mr. Riddle keep the property SF-10 and develop single-family homes to keep the integrity of the neighborhood.

Discussion ensued regarding access to the property through the neighborhoods and the zoning and ownership of surrounding properties.

MOTION: Council Member Bates moved to deny the rezoning.
SECOND: Council Member Mohn
VOTE: FAILED by a vote of 2 in favor (Council Members Bates and Mohn) to 8 in opposition

MOTION: Council Member Arp moved to table the case and allow the developer, staff, and neighborhood to meet and resolve the issues.
SECOND: Council Member Crisp

Council Member Applewhite inquired of the City Attorney if the case were tabled, how soon would it come back to Council and would there be cost involved. Ms. Karen McDonald, City Attorney, responded it was a straight rezoning and if the citizens got together and agreed to something, it would not be binding. She explained that in order for there to be some binding commitment, it would have to be some type of conditional rezoning. In response to how soon it would come back to Council, she stated if Council Member Arp's motion carried, it would be dependent upon how soon the neighborhood would get together and/or if there was consensus.

Council Member Applewhite reiterated if the meeting were held it would have to come back as a conditional zoning. Ms. McDonald responded in the affirmative and explained under a rezoning, they were allowed to develop consistent with any of the uses under that zoning classification. She stated if there was an interest in some type of limit or to lessen the development in a particular zoning classification, it would have to be a conditional rezoning.

Mayor Chavonne inquired if Council adopted the compromise proposal, would that be a conditional zoning that could be voted on tonight or would it have to go through a process and come back as a conditional zoning. Mr. Shuford responded Council could rezone the property that would be approximately 130 feet deep from Southland Drive to multifamily and leave the remaining property in a single-family designation. He stated that would be the only thing Council

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could do to strike an agreement tonight. He stated a conditional zoning would require the process to start over and explained the process.

VOTE: FAILED by a vote of 2 in favor (Council Members Crisp and Mohn) to 8 in opposition

MOTION: Council Member Arp moved to rezone the property from SF-10 to MR-5 excluding the strip of property that was 130 feet deep from Southland Drive which would remain SF-10.

SECOND: Council Member Applewhite

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Bates and Mohn)

4.7 Case P11-36F. Rezone SF-6 Single Family Residential to MR-5 Mixed Residential District for property at 700 McArthur Road (PIN 0530-31-2280). Owned by Joe Riddle.

Mr. Scott Shuford, Development Services Director, presented this item. Mr. Shuford showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was abutting County property with RSA zoning. He stated the property was adjoining a four-lane or larger roadway (McArthur Road). He stated staff review of the request suggested that the rezoning was consistent with the surrounding development pattern. He stated the Zoning Commission and staff recommended approval of the rezoning.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Joseph King, 307 Silver Oaks Drive, Fayetteville, NC 28311, appeared in opposition to the multifamily rezoning but stated he would have no objection to single-family rezoning.

Mr. Joshua Thompson, 313 Silver Oaks Drive, Fayetteville, NC 28311, appeared in opposition and expressed concern on what a multifamily development would do to the neighborhood.

Mr. Neil Yarborough, 115 E. Russell Street, Fayetteville, NC 28301, appeared in favor and stated the property had been zoned R6 historically for many years for apartments. He stated the property owner bought it at R5 and paid prices for an R6 development.

Mr. Joe Riddle, property owner, 125 Great Oaks, Fayetteville, NC 28303, appeared in favor. He stated he bought the property to add to the tract he already had and there were no road connections to College Lakes and had no plans to connect to College Lakes.

There being no one further to speak, the public hearing was closed.

A question and answer period ensued regarding the buffer requirements under the UDO and the process for applying with PWC for City utilities for property being developed in the County.

MOTION: Council Member Bates moved to deny the rezoning.

The motion died due to lack of a second.

MOTION: Council Member Massey moved to approve the rezoning.

SECOND: Council Member Crisp

Council Member Crisp inquired if the applicant would have to erect a buffer if a structure were erected. Mr. Shuford responded in the affirmative.

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Bates and Mohn)

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4.8 Case P11-41F. Rezone from LC Limited Commercial to CC Community Commercial District for 15+ acres at Sycamore Dairy Road (PIN 0418-53-3255). Owned by Joseph Riddle, III.

Mr. Scott Shuford, Development Services Director, presented this item. Mr. Shuford showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated staff review of the request suggested that the rezoning was consistent with the CC zoning district due to its location and size. He stated the Zoning Commission and staff recommended approval of the rezoning.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Michael Royal, 2316 Larkhaven Court, Fayetteville, NC 28303, appeared in opposition. He stated they tried to work out a compromise with a rezoning with conditions which failed.

Mr. Neil Yarborough, 115 E. Russell Street, Fayetteville, NC 28301, appeared in favor. He stated they received restrictions from the community which eliminated 83 different uses in a CC zoning to the most basic types of retail activities. He stated the restrictions they received were more extensive than the LC zoning and they would be better off with LC than to comply with the restrictions. He briefly reviewed the restrictions that Mr. Riddle had voluntarily agreed to.

Mr. Jonathan Charleston, 201 Hay Street, Fayetteville, NC 28301, appeared in favor. He stated they were trying to preserve the zoning that was on the property six weeks ago.

Mr. Joe Riddle, property owner, 125 Great Oaks, Fayetteville, NC 28303, appeared in favor and provided a brief history of the property.

There being no one further to speak, the public hearing was closed.

Council Member Mohn inquired if this case could be approved as a conditional zoning tonight instead of delaying it for a month. Mr. Shuford responded in terms of use limitations, it was staff's recommendation that it be sent back to the Zoning Commission to start the process as a conditional zoning with some use limitations as the expected result of that conditional zoning negotiation.

Council Member Crisp stated the CC properties were there when the housing development was developed and inquired of Mr. Royal as to why they bought into that when the properties were in close proximity to heavy commercial. Mr. Royal responded they understood there was commercial around the area and were not opposed to commercial but wanted conditions to protect themselves so that the commercial developments would not deter individuals from building the neighborhood.

Council Member Arp inquired of Mr. Riddle if he would be willing to work with the community regarding the conditions. Mr. Riddle responded he was willing to work with neighborhood.

MOTION: Council Member Arp moved to table the case to allow the developer and residents to meet and go through the list of items that have been discussed and bring back for consideration at a later date.

SECOND: Council Member Crisp

Council Member Applewhite inquired if they could huddle in the hallway. Ms. Karen McDonald, City Attorney, responded if there was an interest in the Council to allow them a few moments to see if they could come to some agreement, then Council could certainly do that. She stated that if an agreement could not be made, then it could come

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back to Council for a definitive vote consistent with what Mr. Riddle requested.

Consensus of Council was to allow the parties an opportunity to discuss the issues and come to some type of compromise and continue with the remaining agenda items.

MOTION: Mayor Chavonne moved to be excused from the meeting.
SECOND: Council Member Applewhite
VOTE: UNANIMOUS (10-0)

Mayor Pro Tem Haire continued with the remaining agenda items and proceeded to Item 4.9.

4.9 Case P11-40F. Rezone from OI Office and Institutional to LC Limited Commercial District for property on Cliffdale Road (PIN 0417-26-2808), 10+ acres. Owned by Joseph Riddle, III.

Mr. Scott Shuford, Development Services Director, presented this item. Mr. Shuford showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was subject to the 2003 Glensford Area Study and was rezoned to P2 in accordance with the recommendations of the study in 2005. He stated staff review of the request suggested that the rezoning was inconsistent with the surrounding development pattern. He stated the Zoning Commission and staff recommended denial of the rezoning.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Michael Hannan, 4739 Flintcastle Road, Fayetteville, NC 28314, appeared in opposition and provided background information on the Glensford Area Study. He briefly reviewed the recommendation for the Cliffdale Road tract to rezone from R5 to P2 which would effectively create a balance of equities in the area.

Mr. Jonathan Charleston, Attorney representing the property owner, 201 Hay Street, Fayetteville, NC 28301, appeared in favor. He stated the zoning on the property was downzoned from R5 to P2 and under the UDO was being downzoned again from P2 to O&I. He stated they were trying to preserve the zoning that was on the property before the UDO.

Mr. Neil Yarborough, 115 E. Russell Street, Fayetteville, NC 28301, appeared in favor and stated they needed LC on the property.

Mr. Joe Riddle, property owner, 125 Great Oaks, Fayetteville, NC 28303, appeared in favor and provided background information on the zoning of the property.

There being no one further to speak, the public hearing was closed.

A question and answer period ensued regarding the zoning restrictions, the Glensford Study, restricting some of the heavier uses, the setback requirements, and preventing foot traffic.

MOTION: Council Member Arp moved to refer the case back to the Zoning Commission for consideration as a conditional zoning with a LC conditional zoning with allowable uses being trimmed to a closer proximity to P2 uses.
SECOND: Council Member Mohn
VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Bates)

4.10 Case P11-29F. Rezone SF-10 Single Family Residential to CD Conservation District for property on Alleghany Road (PIN 0416-37-7799). Owned by Riddle Properties, LLC.

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Mr. Scott Shuford, Development Services Director, stated the next six cases were very similar. He stated all were rezonings from SF-10 to Conservation District and were proposed by the owner of the property. He stated they have since learned that the owner was not interested in the change in zoning because there were opportunities to develop each of the six properties at some level with some form of single-family residential development. He stated the Zoning Commission and staff recommended denial of the rezoning of all six cases.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Neil Yarborough, Attorney representing the Riddle family, 115 E. Russell Street, Fayetteville, NC 28301, appeared in opposition. He stated most of the property would not be developed but were wanting to keep it in its current zoning of SF-10.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Mohn moved to deny the rezoning per the applicant's request.
SECOND: Council Member Arp
VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Bates)

Ms. McDonald recommended that Items 4.11 through 4.15 be handled together. She stated they were proposing that staff make a brief presentation on all of the cases, open one public hearing for all of the cases, allow speakers to speak, then close the public hearing for all of the cases, and Council make one motion on Items 4.11 through 4.15.

Consensus of Council was to proceed as proposed by staff.

4.11 Case P11-30F. Rezone SF-10 Single Family Residential to CD Conservation District for property at (PIN 0416-47-0684). Owned by Riddle Properties, LLC.

Mr. Scott Shuford, Development Services Director, presented this item and showed vicinity maps. He stated the Zoning Commission and staff recommended denial of the rezoning.

4.12 Case P11-31F. Rezone SF-10 Single Family Residential to CD Conservation District for property at (PIN 0416-49-5192). Owned by Joseph Riddle, III.

Mr. Scott Shuford, Development Services Director, presented this item and showed vicinity maps. He stated the Zoning Commission and staff recommended denial of the rezoning.

4.13 Case P11-32F. Rezone SF-10 Single Family Residential to CD Conservation District for property at 3330 Broomsgrove Drive (PIN 9495-11-5899). Owned by March Riddle.

Mr. Scott Shuford, Development Services Director, presented this item and showed vicinity maps. He stated the Zoning Commission and staff recommended denial of the rezoning.

4.14 Case P11-33F. Rezone SF-10 Single Family Residential to CD Conservation District for property at Lakeridge Drive (PIN 0405-47-0315). Owned by March Riddle.

Mr. Scott Shuford, Development Services Director, presented this item and showed vicinity maps. He stated the Zoning Commission and staff recommended denial of the rezoning.

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4.15 Case P11-34F. Rezone SF-10 Single Family Residential to CD Conservation District for property at Alleghany Road (PIN 0408-82-2846). Owned by March Riddle.

Mr. Scott Shuford, Development Services Director, presented this item and showed vicinity maps. He stated the Zoning Commission and staff recommended denial of the rezoning.

This is the advertised public hearing set for this date and time for Items 4.11 through 4.15. The public hearing was opened.

Mr. Neil Yarborough, Attorney representing the Riddle family, 115 E. Russell Street, Fayetteville, NC 28301, appeared in opposition and requested the rezoning be denied.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Arp moved to deny the rezoning per the applicant's request for Items 4.11 through 4.15.

SECOND: Council Member Hurst

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Bates)

4.16 Case P11-27F. Rezone from OI Office and Institutional to CC/CZ Community Commercial Conditional Zoning for property on Boone Trail Extension at Quiet Cove (PIN 0426-25-5453). Owned by Boone Trail Center, LLC.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was developed as access and parking for an adjoining developed property that was zoned CC. He stated prior to the UDO remapping, the property was zoned P2 because of its potential to access an adjoining street that served office uses. He stated staff would support the rezoning provided such access was precluded and the property owner agreed with the proposed condition. He stated staff review of the request suggested that the rezoning was consistent with the nature of the property and the Comprehensive Plan. He stated the Zoning Commission and staff recommended approval of the rezoning subject to the condition that access to the adjoining street (Quiet Cove) serving office use shall not be allowed.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Neil Yarborough, 115 E. Russell Street, Fayetteville, NC 28301, appeared in favor.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Davy moved to approve the rezoning with the condition.

SECOND: Council Member Massey

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Bates)

4.17 Case P11-28F. Rezone SF-6 Single Family Residential to MR-5 Mixed Residential for property at 502 Setter Drive and McArthur Road (PIN 0530-30-8380). Owned by Crystal Lake II, LLC.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated staff review of the request suggested that the rezoning was consistent with the surrounding development pattern. He

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stated the Zoning Commission and staff recommended approval of the rezoning.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Neil Yarborough, 115 E. Russell Street, Fayetteville, NC 28301, appeared in favor.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Bates moved to deny the rezoning.

The motion died due to lack of a second.

MOTION: Council Member Hurst moved to approve the rezoning.

SECOND: Council Member Massey

A discussion period ensued regarding the effect this would have the school system.

VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Bates and Mohn)

4.18 Case P11-39F. Rezone SF-10 Single Family Residential to MR-5 Mixed Residential District for property at Portsmouth Drive (PIN 9497-91-3688). Owned by March Riddle.

Mr. Craig Hazmon, Planner II, presented this item. Mr. Hazmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was located in an area having an entirely single-family development pattern, except for the LC-zoned property to the south. He stated staff review of the request suggested that the rezoning was inconsistent with the surrounding development pattern. He stated the Zoning Commission and staff recommended denial of the rezoning.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Jonathan Charleston, Attorney representing the property owner, 201 Hay Street, Fayetteville, NC 28301, appeared in favor and stated the goal of the property owner was to be able to continue to develop the property at the same level they were able to do it before the UDO. He stated the property was bordered on three sides by multifamily which was what the owner was seeking to do.

There being no one further to speak, the public hearing was closed.

A question and answer period ensued regarding access to the property through a single-family neighborhood and the zoning of the surrounding properties.

MOTION: Council Member Applewhite moved to deny the rezoning.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

4.19 Case P11-42F. Rezone from SF-10 Single Family Residential to OI/CZ Office and Institutional Conditional Zoning for property near Marshall Road between Roxie Avenue and All American Expressway on ramp (PIN 0417-80-0261). Owned by March Riddle.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated that provided certain uses were prohibited and hours

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of operation were restricted, staff felt OI development standards would minimize impact on the single-family neighborhood. He stated the Zoning Commission and staff recommended approval of the rezoning subject to the following conditions:

1. Operation shall be prohibited between 7:00 p.m. and 7:00 a.m., all days of the week.
2. Use categories that shall be prohibited at this location are:

Transportation/Communication
Eating Establishments
Recreation/Entertainment, Outdoor
Retail Sales and Services
Visitor Accommodations
Waste Related Services

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Neil Yarborough, 115 E. Russell Street, Fayetteville, NC 28301, appeared in favor and stated the property was not usable for single family due to its proximity to the All American Expressway. He stated the property owner agreed with the conditions.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Hurst moved to approve the rezoning with the conditions.
SECOND: Council Member Massey
VOTE: UNANIMOUS (9-0)

Mayor Pro Tem Haire called for a one-minute recess.

The regular meeting resumed and Mayor Pro Tem Haire continued with Item 4.8.

4.8 Case P11-41F. Rezone from LC Limited Commercial to CC Community Commercial District for 15+ acres at Sycamore Dairy Road (PIN 0418-53-3255). Owned by Joseph Riddle, III. - CONTINUED

Mr. Yarborough stated Mr. Riddle and Mr. Charleston negotiated with the community representatives and worked out an agreement. He stated they were going to request that the item be sent back for CZ zoning with a condition that the 27 items of use limitation that were agreed upon would be excluded in the CC/CZ zoning.

Mr. Royal stated discussions were held regarding the buffer. Mr. Shuford explained it was requested that they go out and take a look at the property at the property line between the residential and commercial and advise whether or not the existing vegetation would be the equivalent of the required buffer. He stated the ideal would be to specify exactly what the buffer would be between the two land uses as part of the conditional zoning request.

Mayor Pro Tem Haire inquired if they would be able to settle the case tonight. Mr. Shuford responded in the negative.

MOTION: Council Member Arp moved to refer the case back to the Zoning Commission as a conditional zoning case to include the 27 items identified as well as the buffer issue.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (9-0)

4.20 Case P11-43F. Rezone from MR-5 Mixed Residential, LC and CC Limited and Community Commercial to OI/CZ Office and Institutional Conditional Zoning for property on East Shepherd

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Street between Roxie Avenue and All American Expressway (PIN 0416-89-5706). Owned by March Riddle.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated that provided certain uses were prohibited and hours of operation were restricted, staff felt OI development standards would minimize impact on the single-family neighborhood. He stated the Zoning Commission and staff recommended approval of the rezoning subject to the following conditions:

1. Operation shall be prohibited between 7:00 p.m. and 7:00 a.m., all days of the week.
2. Use categories that shall be prohibited at this location are:

Transportation/Communication
Eating Establishments
Recreation/Entertainment, Outdoor
Retail Sales and Services
Visitor Accommodations
Waste Related Services

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Neil Yarborough, 115 E. Russell Street, Fayetteville, NC 28301, appeared in favor and stated the property owner agreed with the conditions.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Hurst moved to approve the rezoning with the conditions.
SECOND: Council Member Arp
VOTE: UNANIMOUS (9-0)

4.21 Case F11-35F. Rezone CD Conservation District to SF-10 Single Family Residential District for property at 2345 Dundle Road (9495-47-0022). Owned by March Riddle.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the Zoning Commission and staff recommended approval of the rezoning.

A question and answer period ensued regarding access to the property.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Neil Yarborough, 115 E. Russell Street, Fayetteville, NC 28301, appeared in favor.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Crisp moved to approve the rezoning.
SECOND: Council Member Mohn
VOTE: UNANIMOUS (9-0)

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5.0 ADJOURNMENT

There being no further business, the meeting adjourned.

Respectfully submitted,

JENNIFER K. PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

082911

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rebecca Rogers Carter, Management Services Manager
DATE: November 14, 2011
RE: a) Fayetteville Cumberland County Chamber of Commerce Economic Development Report
b) FY 2012 Strategic Plan's Policy and Management Action Agenda - 1st Quarter Report

THE QUESTION:

To support the goals of the City's Strategic Plan, the City has partnered with the Chamber of Commerce for economic development activities. The Chamber provides quarterly updates to Council. City staff also prepares quarterly reports that detail the progress made through advancing the policy and management agenda articulated in the City's Strategic Plan. Has City Council's interest been met in the work efforts reflected in the economic development report and Strategic Plan report for the 1st quarter?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The City's Strategic Plan has five main areas:

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

ISSUES:

Do the 1st quarter work efforts reflect the overall direction articulated by the City Council in the FY 2012 Strategic Plan? Does the progress highlighted in this report move the community closer to the desired vision previously identified by the City Council?

OPTIONS:

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

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

Receive and file this report.

ATTACHMENTS:

FY12_SP_Narrative Report



Live. Thrive. Prosper.

The American Dream Lives Here

Strategic Plan Progress Report FY 2012: 1st Quarter

www.cityoffayetteville.org



FY 12 Strategic Plan

VISION 2025

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

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

Our City is a partnership of citizens with a diverse culture and rich heritage. This creates a sustainable community.

GOALS 2016



Greater Tax Base Diversity -
Strong Local Economy



More Efficient City Government -
Cost-Effective Service Delivery



Growing City, Livable Neighborhoods -
A Great Place to Live



More Attractive City -
Clean and Beautiful



Greater Community Unity -
Pride in Fayetteville



Revitalized Downtown -
A Community Focal Point

OUR MISSION

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

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

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

The City engages our citizens, and is recognized as a state and regional leader.

CORE VALUES

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

SERVE with

Responsibility

Ethics

Stewardship

Professionalism

Entrepreneurial Spirit

Commitment

Teamwork

to safeguard and enhance the
public trust in City Government.

Targets For Action FY 12

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The annual work plan for Council and staff identifies “Targets for Action” that are designed to achieve the objectives for the City’s Goals 2016.

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Parks & Recreation Master Plan Bond Referendum Planning

Policy Agenda: Growing City, Livable Neighborhoods

Background

Fayetteville-Cumberland Parks & Recreation has been tasked to increase recreational resources throughout the City and County by developing capital projects that would increase economic activity and quality of life. Using the adopted Parks and Recreation 2006 master plan and its executive summary, staff developed 15 projects that will create an environment of healthy living. Staff will work to develop elements of a potential bond referendum that will sustain previous park investments, fund tomorrow's park facilities and ensure enhanced quality of life for current citizens and future generations.

Resources

A vote of the people will be required to authorize the issuance of general obligation (GO) bonds to finance the proposed capital projects. Changes in property tax rates do not require voter approval, but the resources that will be dedicated to repay the proposed GO bonds will need to be identified as part of the voter approval process. Project estimates are being refined. The roles and responsibilities of both parties will need to be clarified and documents through the adoption of an interlocal agreement. That agreement will set out the financial plan. The Council or Commission or both, depending upon the financial plan, will need to vote to place an initiative before the voters to approve the issuance of GO debt. Currently, \$39 K in FY11 General Fund budget is dedicated for a consulting service to develop the structural plan.

Staff Liaison: Michael Gibson, Director of Parks and Recreation

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

Phone Number: 910-433-1557

Team Members: Parks & Recreation staff, Finance staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Finalize structural plan	2 nd Qtr FY 12
Develop proposed financial plan (City and County financial staff)	2 nd Qtr FY 12
Present recommendations to City Council and County Commissioners	2 nd Qtr FY 12
Request ordinance approval for ballot initiative to support GO Bonds	3 rd Qtr FY 12
Continue to implement approved actions	4 th Qtr FY 12

First Quarter

- Worked to finalize the structural plan
- Presented Parks and Recreation Proposed Bond Referendum project status and timeline at the joint City/ County meeting September 29, 2011.

Police Substations

Policy Agenda: Growing City, Livable Neighborhoods

Background

Staff will work with a consultant to analyze the feasibility of adding police substations in strategic locations throughout the city.

Resources

\$50,000 was funded in FY 11 for the study. Additional funding will be needed for Council approved actions.

Staff Liaison: Tom Bergamine, Chief of Police

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

Phone Number: 910-433-1819

Team Members: Assistant Chief Brad Chandler and police staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Executed agreement with consultant	4 th Qtr FY 11
Consultant to brief City Council	3 rd Qtr FY 12
Consultant will complete study. Police staff monitors progress toward benchmarks	3 rd Qtr FY 12
Present recommendations to City Council	3 rd Qtr FY 12
Implement Council approved options	TBD

First Quarter

- Executed agreement with consultant
- Staff supported and monitored study
- Consultant on track to brief City Council in December-January time period.

FAST Improvements- Evening Service

Policy Agenda: More Efficient Government

Background

Over the last few years, Council has renewed the pledge for continuous improvement to the City's transit system. The Fayetteville Area System of Transit (FAST) has a mission to provide safe, efficient, reliable, courteous and innovative public transportation to the citizens of Fayetteville. FAST staff worked with the Fayetteville Advisory Committee on Transit (FACT) to develop recommendations for service improvements. FAST will implement an operational plan, consistent with FACT recommendations and the adopted Transit Development Plan to extend evening service on two routes (8 and 15) with paratransit service and to extend Route 9 to Cape Fear Valley North Pavilion on Ramsey and Andrews Road.

Resources

Operational plan estimated to cost \$260,000 to cover operators, mechanics wages, fuel, parts and insurance was included in the FY 12 budget.

Staff Liaison: Randy Hume, Transit Director

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

Phone Number: 910-433-1011

Team Members: Transit staff, Fayetteville Advisory Committee on Transit

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Allocate budget	1 st Qtr FY 12
Public Hearing for service changes	1 st Qtr FY 12
Target to implement evening route and route expansion	1 st Qtr FY 12
Complete Title VI assessment and attain FTA approval; Implement Route 9 extension; Develop service alternatives for proposed FY 2013-15 improvements	2 nd Qtr FY 12
Continue to evaluate TDP. Recommend added service improvements, including timeline for west Fayetteville service options. Brief Council	3 rd Qtr FY 12
Identify budget and resources needed for any operational improvements for FY 13 budget development	3 rd Qtr FY 12

First Quarter

- Allocated budget
- Held public hearings
- Implemented evening service improvements on Routes 5, 8 and 15 on September 26
- Initiated Title VI and Environmental Justice assessment to comply with FTA guidelines for Route 9 extension.

City Funding of Nonprofit Organizations

Policy Agenda: More Efficient Government

Background

Nonprofit organizations provide key services to the citizens of Fayetteville. This target for action seeks to follow efforts to review City funding policy and reporting mechanisms for these organizations. The City of Fayetteville has historically funded several non-profit agencies through general fund appropriations. City Council Policy 135.1 was established to guide the process of appropriating funds for non-profit agencies. The policy identifies eligibility and reporting requirements, funding mechanisms and the application process.

During the strategic planning retreat in February 2011, Council requested that staff present more detailed information on the 2001 Occupancy Tax and the relationship to City non-profit funding and the current selection process. City Council received an update from the City Managers office, Community Development and the Arts Council in January and February 2011.

The approved FY 12 General Fund Budget included funding for non-profit agencies. Funding for non-profits has decreased from \$406,500 in FY 11 to \$329,875 in FY 12 which is a 19% decrease. This action is consistent with the expressed desire to encourage the non-profit agencies to look for alternative means of balancing their annual budgets.

Resources

City staff

Staff Liaison: Dale Iman, City Manager

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

Phone Number: 910-433-1990

Team Members: Finance and Community Development departments

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
City Council receive update from City Manager's Office, Community Development and the Arts Council	FY 11: January and February work sessions
FY 12 adopted budget includes reduced non profit funding; communication with non-profits	FY 11 (June)

First Quarter

- City Council received an update from the City Manager's Office, Community Development and the Arts Council in January and February 2011
- FY 12 adopted budget included reduced nonprofit funding; communication with non-profits
- Administer to non-profits per City Council Policy 135.1
- This item is complete.

Sewer Hook Up Acceleration

Policy Agenda: Growing City, Livable Neighborhoods

Background

In 2008, the City Council and Public Works Commission (PWC) jointly adopted a \$244 million plan to install sewer to about 500 homes a year. The agreement called for completing sewer to 7,000 homes by the year 2023. This target for action follows a request from Council in February of 2011 to study the financial impact for the acceleration of the sewer extension schedule for the Phase V annexation area.

City and PWC staff reviewed the current model to identify the impact of shortening the extension schedule. At a work session in May 2011, Council received an update. PWC's General Manager Steve Blanchard presented the item along with Engineering and Infrastructure Director Jeffery Brown. Mr. Blanchard indicated that PWC would need to add additional personnel to maintain an increased schedule and the City would need to allocate additional manpower and funds to support the storm drainage improvements being done simultaneously with the sanitary sewer installation. The report also indicated that assessments would have to be levied at a faster pace than originally scheduled with the people in the Phase V area. Given the limited resources available, the consensus of Council was to not accelerate the sewer installation.

Resources

Staff

Staff Liaison: Dale Iman, City Manager

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

Phone Number: 910-433-1990

Team Members: Finance department, Public Works Commission

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
City and PWC staff reviewed the current model to identify the impact of shortening the extension schedule	4 th Qtr FY 11
Council received an update and provided direction	4 th Qtr FY 11

First Quarter

- City and PWC staff reviewed the current model to identify the impact of shortening the extension schedule
- Council received report and provided direction: Given the limited resources available, the consensus of Council was to not accelerate the sewer installation
- This item is complete.

Building Demolition Program

Policy Agenda: More Attractive City

Background

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

At the same time, there are several factors that contribute to the need for public involvement in building demolition. These factors are mainly economic and market changes but also include the investment or disinvestment patterns of property owners – especially those of rental properties. Because resources are limited relative to the need in the community, we must prioritize the use of these funds to achieve the greatest impact.

Resources

\$ 400,150 is included in FY12 General Fund Budget for building demolition and City abatement for lot cut and cleaning.

Staff Liaison: Bart Swanson, Housing and Code Enforcement Manager

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

Phone Number: 910-433-1433

Team Members: Housing and Code Enforcement Staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Complete city-wide survey identifying dangerous and blighted buildings	1 st Qtr FY 12
Review current bidding process for demolition contracts and make any necessary changes to meet legal requirements and expedite the process	2 nd Qtr FY 12
Establish a priority list within available funding	2 nd Qtr FY 12
Continued operational focus	Continuous

First Quarter

- 169 buildings identified as either dangerous or blighted
- Identified buildings assigned a priority for the initiation of enforcement action.

Economic Development Contract with the Chamber

Policy Agenda: Greater Tax Base Diversity

Background

The City partners with the Fayetteville Cumberland County Chamber of Commerce for economic development activities.

Resources

Funding to continue the contract with the Chamber was included in the General Fund budget in the amount of \$100,000. PWC funds an additional amount of \$315,000.

Staff Liaison: Kristoff Bauer, Assistant City Manager

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

Phone Number: 910-433-1993

Team Members: Fayetteville Cumberland County Chamber of Commerce

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Re-evaluate contract	4 th Qtr 11
Identify the scope of work and establish performance measures	4 th Qtr 11
Execute contract	4 th Qtr 11
Assess performance quarterly	FY 12

First Quarter

- Re-evaluated contract with the Chamber, identified scope of work and executed contract in June 2011
- Chamber updated Council on performance measures and will report progress to Council quarterly
- This item is complete.

Sign Ordinance

Policy Agenda: More Attractive City

Background

This target for action focuses on developing a modernized sign ordinance that is consistent with the new UDO. The goal is to make modifications to the sign ordinance and develop a comprehensive approach for the sign code to be presented and considered by the City Council.

Resources

Current Planning staff

Staff Liaison: Scott Shuford, Development Services Director

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

Phone Number: 910-433-1311

Team Members: Development Services staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Assess the scope of the project and devise strategy	1 st Qtr FY 12
Reinitiate and engage Planning Commission	2 nd Qtr FY 12
Formulate recommendations with stakeholder input	4 th Qtr FY 12
Present recommendations and draft ordinance to Council	4 th Qtr FY 12

First Quarter

- Assessed the scope of the project and devised strategy
- Reinitiated and engaged the planning commission
- Planning Commission has been provided a visual reference survey for sign types and characteristics, which will serve as the basis for engaging the community.

Street Lighting Ordinance

Policy Agenda: Growing City, Livable Neighborhoods,

Background

The target for action seeks to follow the development and implementation of a street lighting ordinance that would enhance public safety and the quality of development in the City. Council adopted a Uniform Street and Thoroughfare Ordinance in February 2010 with an effective date of March 2010. The purpose of the ordinance was to establish uniformity in residential street light placement, specifications and billing. Progress Energy is regulated by the Utilities Commission. In order for Progress Energy to comply with the City's ordinance, they filed an amendment to its existing tariff with the Commission. In February 2011, the Commission raised questions about the wording of the City's ordinance as it pertains to directing Progress Energy to bill customers for street lighting services. In April 2011, Council adopted the minor ordinance revision which allows Progress Energy to proceed.

Resources

City staff

Staff Liaison: Rusty Thompson, Engineering and Infrastructure Interim Director

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

Phone Number: 910-433-1691

Team Members: Engineering and Infrastructure, Management Services and City Manager staff members.

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Identify stakeholders and research options	FY 11
Council adoption of Uniform Street and Thoroughfare Lighting Ordinance	FY 11
Implement Council approved ordinance	2 nd Qtr FY 12

First Quarter

- Council adopted the Uniform Street and Thoroughfare Lighting Ordinance
- Collaboration of City staff and Progress Energy
- On December 22nd Progress Energy will include street light billing on the electrical bills for residential customers
- The fee on the monthly bill will vary from \$1.19 to \$5.46, depending on the number of customers served by each streetlight and whether the electricity to the light poles is provided above or below ground
- Communication plan was developed between City and Progress Energy: Message for customers, webpage explaining the process and support through the call centers for both entities.
- This item is complete.

Comprehensive Classification and Compensation Plan

Policy Agenda: More Efficient Government

Background

Hiring and retaining quality staff is a critical aspect of providing excellent service to citizens. Currently, it is only the Police Department that has a compensation plan. Once their compensation plan was in place, they were able to maintain a 96% or higher staffing level. Council has requested that staff analyze a comprehensive compensation plan for all departments. This effort could reduce the turnover rate and increase retention. This project would enable a more performance based performance system, which leads to recruiting and retaining top quality workforce and more effective levels of service.

Resources

Current staff; \$100,000 for comprehensive classification and compensation plan is included in the FY12 Recommended Budget. Any budget requirements to implement the plan will need to be provided by Council.

Staff Liaison: John Kuhls, Human Resource Development Director

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

Phone Number: 910-433-1643

Team Members: HRD Staff and key staff from various departments

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Issue RFP to solicit proposals from qualified consultants to assist the City in conducting research (Study fair and equitable pay: Research current market rate for each position; Compare market rate to City's salary by position)	3 rd Qtr FY 11
Evaluate proposals and choose	1 st Qtr FY 12
Participate and support the study. Receive study results	2 nd Qtr FY 12
Formalize compensation and classification recommendations for implementation	3 rd Qtr FY 12
Brief Council on recommended compensation plan	3 rd Qtr FY 12
Implement Comprehensive Classification Compensation Plan	TBD

First Quarter

- Issued RFP to solicit proposals from qualified consultants
- Evaluated proposals and executed contract with consultant
- HRD staff provided data to consultant
- Consultant completed initial meetings, interviews and presentations
- Job analysis questionnaire process largely complete
- In the second quarter, the consultant will review job analysis questionnaires, finalize classification structure, provide updated job descriptions to the City and begin the market analysis.

Solid Waste Contracting for Services

Policy Agenda: More Efficient City Government

Background

This target for action seeks to research and explore opportunities for outsourcing City services. Currently, staff is researching options to outsource garbage collection for a portion equal to one fourth of the city to determine the potential financial advantages.

Resources

Environmental Services, Legal, Purchasing and Finance staff.

Staff Liaison: Jerry Dietzen, Director of Environmental Services

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

Phone Number: 910-433-1984

Team Members: Environmental Services, Purchasing, Finance, and Legal

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Research outsourcing efforts in peer cities	4 th Qtr FY 11
Develop RFP	1 st Qtr FY 12
Advertise for proposals	1 st Qtr FY 12
Finalize cost of service analysis and benchmarking data	2 nd Qtr FY 12
Brief Council, receive feedback	3 rd Qtr FY 12
Implement Council approved options	1 st Qtr FY 13

First Quarter

- Developed RFP to contract approximately 15,000 or the equivalent of one fourth of the City's households for garbage collection. (Garbage collection only and not yard waste or bulky item collections)
- The pre-proposal meeting was scheduled for October 6, 2011 and the proposals were due October 20, 2011
- Depending upon the outcome of the proposals, City Council may decide to contract out this portion of the city to a private contractor
- The Environmental Services Department finalized the current cost of services for the area described above and the analysis is waiting on final review from Finance Department.

Fayetteville Beautiful Support Policy Agenda: A More Attractive City

Background

Fayetteville Beautiful is a committee of concerned citizens dedicated to encourage others to take greater responsibility for improving their environment. The key to a long-term sustainable solution for a more beautiful Fayetteville is its success at changing individual behavior and attitudes about litter.

Staff Liaison: Michael Gibson, Director of Parks and Recreation

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

Phone Number: 910-433-1557

Team Members: Parks & Recreation staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
City Wide Clean-Up (November)	2 nd Qtr FY 12
City Wide Clean-Up (April)	4 th Qtr FY 12

First Quarter

- No update.

Bragg Boulevard Corridor Development Management Agenda: Greater Tax Base Diversity

Background

This project focuses on the redevelopment of Bragg Boulevard from Hay Street to Ft. Bragg, which is essential to Fayetteville's transportation infrastructure, especially as we construct I-295. Given Bragg Boulevard's proximity to Ft. Bragg and downtown, it is vital for our community's economic development to invest in this area. Staff will engage the community in a dialogue regarding appropriate and desirable development along this key corridor through the use of consultant services. Area specific overlay(s) and zoning ordinance will be presented for Council consideration.

Resources

Current Planning staff. The FY 2012 budget includes some funding for consulting. Possible grant funding from Office of Economic Adjustment is being pursued by the Ft. Bragg Regional Alliance.

Staff Liaison: Scott Shuford, Development Services Director

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

Phone Number: 910-433-1311

Team Members: Development Services staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Assemble staff team and evaluate base data and infrastructure plans, with objective of outlining proposed scope of work and needed resources	2 nd Qtr FY 12
Brief City Council (and community as appropriate), with objective of identifying areas of greatest opportunity and impact as focal points for detailed small area land use and design/development plans	3 rd Qtr FY 12
Select and manage a planning consultant hired to develop detailed plan and implementation tools (including overlays) for selected small areas, in concert with the community	4 th Qtr FY 12
Complete the recommended implementation steps (e.g., adoption of the ordinance).	2013

First Quarter

- Assembled staff team and evaluated base data and infrastructure plans,
- Outlined proposed scope of work and needed resources
- Staff is in the process of developing a multipart RFP for retaining consultant services for various aspects of the plan. This approach will enable us to more effectively identify funding needs and which parts of the plan can be accomplished in house as staff capacity allows.

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

Management Agenda: Greater Tax Base Diversity

Background

A survey to investigate and secure direct air service from Fayetteville/Ft. Bragg to the D.C. area was completed in FY10. This study provided guidance and recommendations that support direct air service as well as aided in the development of negotiations for potential service providers. The study reviewed general aviation alternatives. The pursuit of a non-stop air service to our Nation's capital is also listed in the joint City, County and Chamber federal legislative agenda as an additional priority in support of strong efforts to secure the service.

Resources

A contract with InterVISTAS, Air service consultants is needed to continue to coordinate with airlines. Budget is in place for contract negotiations. Airport staff time will be needed to support these actions.

Staff Liaison: Brad Whited, Airport Director

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

Phone Number: 910-433-1623

Team Members: Airport staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Execute contract with InterVISTAS	1 st Qrt FY 12
Coordinate with InterVISTAS to follow up service opportunities	Continuous

First Quarter

- Executed contract with InterVISTAS.

Reclaiming Neighborhoods Next Project

Management Agenda: Growing City, Livable Neighborhoods

Background

As a component of the Police Department's Community Wellness Program, the Reclaiming Neighborhoods Project takes a holistic approach to the problems in specific neighborhoods. Working through the community and in the community, this initiative helps ensure neighborhoods are safe, clean and nuisance free. Through this concentrated effort, City departments identify how they may contribute and work to solve issues. Quarterly meetings are conducted to provide updated information from each department's accomplishments and challenges. The pilot community for this project was B-Street. Currently this project is focused on the Bonnie Doone area.

Resources

Current City employees, community stakeholders

Staff Liaison: Tom Bergamine, Chief of Police

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

Phone Number: 910-433-1819

Team Members: City departmental resources

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Hold quarterly meetings with key departments and stakeholders to evaluate progress	Continuous
Community Engagement: Community Watch support and special events	Continuous
Conduct special operations in the area and evaluate	Continuous
Neighborhood selection process	Upon completion of work plan

First Quarter

- Held meetings with key departments
- Executed concentrated operations in the Bonnie Doone area
- Coordinated Community Day, which is set for October 8th.

HOPE VI Business Park Development Management Agenda: Greater Tax Base Diversity

Background

This project is a continuation from FY11 targets for action and will address the removal of blight, acquisition activities, relocation activities and the redevelopment with infill market rate housing and a business park to provide job opportunities in the HOPE VI area.

Resources

Funding previously allocated from the general fund for the HOPE VI Revitalization project includes: \$1 million for the business park and \$1 million for acquisition for market rate housing.

Staff Liaison: Victor Sharpe, Community Development Director

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

Phone Number: 910-433-1933

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

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Land assembly and site prep	Continuous
RFP for consultant develop market study	2 nd Qtr FY 12
RFP for developers	2 nd Qtr FY 12
Select developer from RFP process and negotiate development agreement	3 rd Qtr FY 12
Present to Council and approve recommendations with funding mechanism	3 rd Qtr FY 12

First Quarter

- Continued acquisition of parcels at the development site. Of the 40 parcels at the site, the City acquired 16 parcels, offers on 3 parcels have been accepted and 5 offers have been mailed. We are awaiting title searches on the remaining parcels
- Acquisition includes the former home of Dr. E.E. Smith
- Completed agreement with the Chamber of Commerce to assist with the redevelopment of the Business Park. Met with the Chamber's economic development staff
- Upcoming activities include continuation of property acquisition and development of the market study.

City Communications Strategy

Management Agenda: Greater Community Unity

Background

A City-wide comprehensive Communications Strategy outlines specific actions for engaging internal and external stakeholders. It is a powerful tool and a cornerstone of effective leadership. It takes an entire organization to implement and sustain an effective Communications Strategy. In this way, the Communications Strategy is intended to guide all employees and enhance the services the City delivers by working collaboratively across departmental lines.

This target for action seeks to follow the development of a City Communications Strategy that will support improvements in policy and protocol. We will seek to secure a consultant and begin development of a written plan that will focus on effective crisis communication and internal communication, which ultimately will improve our ability to effectively market and brand the city, proactively engage citizens and build media relations.

- Crisis Communication Plan (with an internal focus): Protecting and securing our interests
- Marketing and Branding: City staff will focus on the All America City marketing campaign and will also collaborate on a downtown marketing initiative through a partnership with the Fayetteville Area Conventions and Visitors Bureau, the Airborne and Special Operations Museum and the Cumberland County Tourism Development Authority
- Public Information Dissemination: Building media relationships, proactively fostering community engagement and responding to public information requests.

Resources

City Communications Strategy: \$25,000

Marketing and Branding: All America City marketing \$83,000; Collaboration with Fayetteville Area Conventions and Visitors Bureau, on community marketing campaign.

Staff Liaison: Jennifer Lowe, Public Information Officer

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

Phone Number: 910-433-1549

Team Members: Corporate Communications staff, community partners.

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Develop All America City marketing plan	1 st Qtr FY 12
Implement approved All America City marketing plan	Continuous
Collaborate with FCVB in downtown marketing initiative (TDA)	Continuous
Improvements to citizen engagement and public information dissemination	Continuous
Research and secure appropriate consultant to begin development of written Communications Plan and Strategy	3 rd Qtr FY 12
Present communications recommendation to City manager and Council	4 th Qtr FY 12

First Quarter

- Acclimated new PIO and engaged media, community communication partners and City communication staff
- Crisis Communication: Protecting and securing our interests:
 - Collaborated with Emergency Management Coordinator for improvements in the communication aspects of the Emergency Operations Plan
 - Upcoming activities: Research consultant
- Marketing and Branding:
 - Developed All America City marketing plan
 - Briefed City Managers and Council
 - Moving targeted items forward: Follow updates in Manager's weekly report
 - Working with FCVB in advertising/marketing for campaign for downtown
- Public Information Dissemination: Building media relationships, proactively fostering community engagement and responding to public information requests
 - Improved protocols for managing public information requests and public information releases
 - Launched City Facebook and Twitter.

Limited English Proficiency Management Agenda: More Efficient Government

Background

Fayetteville is a diverse community with citizens from all types of backgrounds, nationalities and cultures. City departments have established internal procedures and policies based on their customers' needs. As stipulated by law and to meet federal granting agency requirements, the City is clarifying its procedures and revising its policy to provide services to individuals with limited English proficiency. This target for action seeks to develop an overarching citywide policy and establish an internal network for City departments to share best practices and leverage tools.

Resources

Current staff will develop the citywide policy and establish internal network. This network will evaluate ongoing needs. If additional resources are needed, those will be identified.

Staff Liaison: Ron McElrath, Human Relations Director

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

Phone Number: 910-433-1605

Team Members: Human Relations, Legal and Management Services staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Research regulations and best practices	FY 11
Develop citywide policy and implementation plan and brief Council	FY 11
Execute citywide policy	1 st Qtr FY 12
Establish network and implement policy	2 nd Qtr FY12
Monitor established policy and procedures	Continuous

First Quarter

- Completed research and developed citywide policy and implementation plan
- Staff briefed Council
- Executed citywide policy
- Established network; worked to implement policy
- Added LEP policy training to the supervisors' training blocks (coming soon)
- Supervisor training on use of the language line in process
- Continue to monitor established policy.

Old Days Inn Site Development Management Agenda: More Attractive City

Background

This target for action follows the North Carolina Veterans Park master plan that was developed for the area surrounding the park, the Airborne and Special Operations Museum and Rowan Park. The City seeks to develop land use plan for residential housing in the area. The land was purchased as part of the development of the North Carolina Veterans Park.

Resources

City staff

Staff Liaison: Craig Hampton, Special Projects Director

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

Phone Number: 910-433-1786

Team Members: Community Development, City Manager's Office, Planning and City Attorney

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Develop RFP for site development and issue RFP	1 st Qtr FY 12
Reissue RFP	2 nd Qtr FY 12
Award of development contract	3 rd Qtr FY 12
Complete development contract	1 st Qtr FY 13

First Quarter

- Developed RFP for residential development for 5 acre lot on Bragg Blvd. across from the North Carolina Veterans Park
- Posted RFP to COF, PWC and several other websites
- Pre-proposal was held September 6; no potential developers attended
- Submittal date was October 11, 2011, no response received.

Multi-Modal Center: Land Assembly and Design Management Agenda: Revitalized Downtown

Background

The Multi-Modal Center will house a new FAST bus transfer facility and will accommodate at least 16 bays, contain a two-story building of about 20,000-square feet and sufficient land area for complimentary commercial and/or retail private development. The first phase included site selection and preliminary engineering and design. This process began in the summer of 2006. Staff will work to resolve any outstanding issues related to property acquisition and move forward with development of the facility.

Resources

Current staff and established capital project budget. This project is being funded through the FTA, the NCDOT and local funding matches. To date, there is approximately \$1.8 million available for this project to cover preliminary design, engineering and land acquisition. The total project cost is estimated at \$15 million. Additional grant funds will be pursued for final design and construction.

Staff Liaison: Randy Hume, Transit Director

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

Phone Number: 910-433-1011

Team Members: Transit, Special Projects Director, Engineering and Infrastructure, City Manager Office, Parks and Recreation, Cape Fear Valley Hospital System, FAMPO, NC DOT Raleigh, NC DOT-Division 6

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Begin programming and design process	2 nd Qtr FY 12
Demolition of the structures on the acquired properties	3 rd Qtr FY 12
Pursue competitive grant funding for construction of multimodal center	Continuous
Completion of construction documents	4 th Qtr FY 12

First Quarter

- First design meetings to begin in October
- Completion of construction documents in one year or less thereafter
- Submitted competitive grant proposal in July under FTA's State of Good Repair initiative. The project was not selected for funding from federal FY 2011 funding. After FTA's debriefing, staff will resubmit the project for federal FY 2012 funding
- Presented final offer letters, with FTA concurrence, for the last two properties needed to complete property acquisition. One owner responded with indicating their intent to make a counter offer. One owner did not respond by the established deadline
- Revised schedule shows completion of project in late-2013 depending on availability of funding.

Prince Charles Hotel: City Options and Direction

Management Agenda: Revitalized Downtown

Background

The Prince Charles Hotel is a historic landmark located in the downtown area, across from City Hall. The building was declared dangerous and ordered vacated on October 19, 2010 for unsafe interior conditions relating to building defects creating a fire hazard. On September 8, 2011, an additional dangerous building order to repair exterior building defects to prevent unstable portions of the building from falling off of the building was issued. To date there has only been partial compliance in submitting plans to obtain necessary building permits to initiate the required corrective action. The property owner has not paid related civil penalties for non-compliance or assessment or for lot cut and cleaning assessments. Staff will continue enforcement action to persuade property owner to achieve code compliance.

Resources

City staff

Staff Liaison: Bart Swanson, Housing and Code Enforcement Manager

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

Phone Number: 910-433-1433

Team Members: Housing and Code Enforcement, Fire Department and City Manager's Office

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
City departments coordinate efforts to achieve code compliance and successful development of the property and to develop potential City initiatives and/or actions	Continuous
Update Council	2 nd Qtr FY 12
Implement Council approved actions	4 th Qtr FY 12

First Quarter

- City departments met to coordinate efforts to achieve code compliance and successful development of the property
- Developing potential City initiatives and/or actions and preparing to update Council.

Consolidated 911 Operations Management In Progress: More Efficient City Government

Background

Currently our community has two primary Public Safety Answering Points (PSAP). One is managed by Cumberland County and the other by the City of Fayetteville. Last year both the city and county communication centers went live with CAD systems purchased from OSSI. In addition to purchasing the CAD system, the city and county standardized operating procedures with the purchase of PROQA Calltaking software. Previously the City and County had different CAD systems and operating procedures.

In March of 2010, the city went live with the OSSI CAD system. In July of 2010, the City went live with the calltaking software from PROQA. PROQA has three disciplines: Emergency Fire Dispatch, Emergency Police Dispatch and Emergency Medical Dispatch. The City did not go live in July of 2010 with Emergency Medical Dispatch, awaiting approval from the State and local medical directors. The City continued to transfer all medical calls by telephone to the County, who would perform the Emergency Medical Dispatch function.

In December of 2010, the CAD to CAD Module went operational connecting the CADs (City and County) together. CAD to CAD allows both communication centers to receive and share call information simultaneously and eliminates transferring calls by telephone. In July of 2011, the City received authorization to utilize Emergency Medical Dispatch. Both centers now, regardless of the type of call received, PROQA the call, enter the call into CAD and then push the call using the CAD to CAD module to each other if necessary.

The consolidation is broken down into three phrases:

1. Both centers utilize CAD to CAD
2. Both centers operate the same CAD
3. The actual merger of both centers into one building and one organization.

Resources

Substantial funding will be required for Phase 3 (actual merger of both centers into one building and one organization). Neither center is currently large enough to accommodate the required service needs of a primary PSAP. A new facility would have to be built (or an existing building found and remodeled) which will require a substantial amount of money. The North Carolina 911 board has created a PSAP grant program to help with the consolidation of PSAPs. The grant can be used to pay for brick and mortar but cannot be used for land acquisition. Another financial impact will be the salary disparities of the City and County communication center employees. Starting pay for the county's entry level communication employee is \$30,805 and the City's entry level communication employee salary is \$25,442. Financial impact for completion of Phase 2 (both centers operating one CAD) is minimal and E-911 money will be used.

Staff Liaison: Brad Chandler, Assistance Chief of Police

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

Phone Number: 910-433-1914

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

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Phase One: CAD to CAD operations and formulating one set of operating procedures for both centers	FY 11
Emergency Medical Dispatch: Both centers enter the call into CAD and then push the call using the CAD to CAD module to each other, if necessary.	1 st Qtr FY 12
Phase Two: One CAD for both agencies	2 nd – beginning of 3 rd Qtr FY 12
<p>Phase Three: Actual merger into one Consolidated 911 Communications Center. Continue to hold planning meetings with stakeholders</p> <ol style="list-style-type: none"> 1. Complete the assessment of our current operations (Technology, Staffing and Facility) 2. Evaluate the assessment (Do we continue or not) 3. Develop a plan 4. Develop project management 5. Identify needs for operations, technology, facility and budget/funding 6. City/County leaders enter into Memorandum of Understanding or Intergovernmental agreement, a Joint Services Agreement and establish project status updates. 	TBD (3-5 years out)
Pursue grant (funding) opportunities for Phase Three	Continuous

First Quarter

- Both centers utilize CAD to CAD: Monitoring and evaluating protocols and procedures for optimal effectiveness
- Preparing to implement Phase II: Both centers operating the same CAD projected to be operational in December 2011
- Completed certifications and training: Went live with improvements to Emergency Medical Dispatch. Both centers enter the call into CAD and then push the call using the CAD to CAD module to each other, if necessary
- Continuing to research, plan and identify source for funding for Phase III
- Biggest achievement is the cooperation and collaboration of City and County.

Probationary Rental Occupancy Permit (PROP)

Management In Progress: Growing City, Livable Neighborhoods

Background

This target for action relates to City Council and staff's desire to identify and better manage any negative impacts of residential rental property citywide. The City of Fayetteville's strategic plan describes the type of community the City Council is working to create, maintain and enhance. One component of the City's efforts to achieve the goal of livable neighborhoods centers around the creation of programs focused on residential rental properties throughout Fayetteville.

Starting in 2007 the City Council directed staff to research the feasibility of creating a program to **inspect rental housing units** to ensure that these units met the standards of the City's minimum housing code. Since that time, the City Council has considered several programs, with the most recent being a Probationary Rental Occupancy Permit (PROP) based on similar programs used in other North Carolina cities.

In 2008 Council directed staff to suspend implementation of the proposed rental housing inspections program and bring back information as to how to strengthen inspections staff and bring back additional ideas to better manage negative impacts of residential property. The rental inspection process that was discussed included hiring of staff, identification of rental property and notification and registration of rental property. Staff provided an overview of the estimated resources needed to implement the program, fee structure and estimated resources needed after fees were collected.

In 2009, Council directed staff to develop the Rental Registration Program and Probationary Rental Occupancy Permit (PROP) program. After development, discussion and debate, the Rental Inspection Program vote failed, but Council identified an interest in developing the PROP program.

On April 26, 2011, the City Council adopted a Probationary Rental Occupancy Permit (PROP) program. This program is designed to allow the City to more closely monitor and regulate rental properties that are the site of repeated or severe code violations or that are the site of certain criminal acts. The program would require those rental property owners whose property is the site of such violations or crimes to be placed into PROP, and as a condition for renting, the offending property again, the owner would be required to obtain a permit from the City. This would allow the City greater oversight of problem rental properties. The program was to be implemented July 1, 2011.

On June 18, 2011, Senate Bill 683 was ratified by the Legislature. The purpose of this Bill was to limit the level of local regulation of rental properties as well as limit the use of periodic inspections. Specifically, it prohibits cities from enforcing an ordinance that requires permitting of rental properties unless the property is the site of more than three violations in a 12-month period or is identified as being in the top 10 percent of properties with crime or disorder problems as set forth in a local ordinance. The language regarding the top 10 % of properties with crime or disorder problems is based on a program currently utilized in Charlotte. This Bill has a direct impact on the functionality and substance of the PROP program.

Upon adoption of Senate Bill 684, the PROP ordinance is no longer enforceable as adopted. Only one of the ten PROP eligible conditions could possibly be enforced as intended and it would still have to be revised. Furthermore, the ability of the City to charge a permit fee for PROP eligible properties under the current ordinance is doubtful.

On August 8, 2011 staff briefed the City Council on the impacts of SB 683 on PROP. Given the need for the program, City Council directed staff to **revise PROP**, consistent with state law, and bring back **program alternatives** as soon as possible.

Staff provided City Council with an update on October 3, 2011 and the plan to conduct meetings with stakeholders in October. The community meetings were held October 20, October 27 and November 2. Another update will be presented to the City Council in November 2011.

Resources

Resources were included in the FY 2012 Adopted Budget for operations of the PROP program. The budget will be reserved for use in an approved PROP II program.

Staff Liaison: Doug Hewett, Assistant City Manager

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

Phone Number: 910-433-1978

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

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Community meetings	2 nd Qtr FY 12
Develop new program and update Council	3 rd Qtr FY 12
Implement Council approved options	4 th Qtr FY 12

First Quarter

- Researched effect of Senate Bill 683 on newly adopted PROP program
- Updated City department program liaisons and held team meetings
- Updated Council and received feedback
- Planned and facilitated community outreach and meetings.

North Carolina Veterans Park

Management In Progress: More Attractive City

Background

Construction of the first phase of the North Carolina Veterans Park will be substantially complete in the first quarter of FY 2011. This target for action seeks to follow that success and the success of the marketing, planning and execution of the grand opening July 4, 2011. With that completed, planning for phase II of the North Carolina Veterans Park will begin. Phase II design elements include extension of Freedom Trail into Rowan Street Park; expansion of the park area by several acres in more of a wooded rural setting, walking trails that connect to other inter-city trail systems, historic buildings from Fort Bragg, and 50+ additional parking spaces. The majority of the expansion cannot take place until DOT builds the new Rowan Street Bridge project.

The North Carolina Veterans Park is a living park; a bold, beautiful, and unique space designed to honor the lives and service of North Carolina veterans. The park is designed to honor veterans of all military branches, past, present, and future and provides a place for meaningful reflection and inspiration in an urban setting. NC Veterans Park tells the story of a veteran's journey before, during and after service. Elements of the park's design depict North Carolina from the mountains to the sea. Symbolic features pay homage to the veterans from all 100 counties and represent the citizens who have supported them. The park features hand castings of veterans from all 100 North Carolina counties, along with the castings of the hands of four supporting members of each community, as well as community columns, a visitor center, numerous water features and the Pride and Purpose Tower.

Resources

Approximately \$1.8 million of current project budget appropriation will be available for expansion of phase II.

Staff Liaison: Craig Hampton, Special Projects Director

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

Phone Number: 910-433-1786

Team Members: City Manager's Office, Parks and Recreation, Engineering and Infrastructure

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Complete construction phase I	1 st Qtr FY 12
Dedication ceremony	1 st Qtr FY 12
Conceptual design completed and creation of construction documents	TBD
Coordination of Murchison corridor and the Rowan Street Bridge	Ongoing: Not complete at FY end

First Quarter

- Construction of Phase I substantially complete
 - Grass lawn installation completed in public art and amphitheater area
 - Work continues for final storm drainage feature and stream relocation. Finish in 2nd Qtr.
 - Work continues on signage and smart phone features to provide information for design elements within the park
 - Globe delivery and installation in 2nd Qtr.
 - Glass quote element has been etched with quote and due in 2nd Qtr.
- Execute preparations for dedication ceremony July 4 2011
- Ceremony was huge success and tribute to those honored
- Daily attendance continues steady with 100+ per day and evening attendance very popular.

Youth Council

Management In Progress: Greater Community Unity

Background

The Human Relations Commission will spearhead the effort to develop and implement a Youth Council. A Youth Council seeks to enable the youth of this community to develop the essential knowledge and skills necessary to comprehend and recognize the meaning of local, state and federal government. The program will teach young people how government works and engage them in civic leadership. The intent will be to structure a program that is sustainable and meaningful.

Resources

Human Relations Commission

Staff Liaison: Ron McElrath Human Relations Director

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

Phone Number: 910-433-1605

Team Members: Human Relations Staff and Human Relations Commission

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Update to Council; receive feedback	1 st Qtr FY 12
Finalize a formal learning plan that includes long and short-term goals and action steps	2 nd Qtr FY 12
Update Council; receive feedback	3 rd Qtr FY 12
Identification of young people interested in government countywide	3 rd Qtr FY 12
Establish Youth Council	4 th Qtr FY 12

First Quarter

- The Human Relations Commission updated Council on the work done thus far to develop a Youth Council
- Feedback was received and plans are being made to meet with Council liaisons and community stakeholders.

Festival Park Plaza Building

Management In Progress: Revitalized Downtown

Background

Festival Park Plaza opened in 2007 at 225 Ray Avenue. In 2005, the City Council approved an incentives package for Festival Park Plaza, which guaranteed rent subsidies. Subsidies began in 2009 due to a low occupancy rate. Through legal negotiations, the City acquired Festival Park Plaza in 2011. A real estate/ rental property management firm was hired to improve occupancy. The City Manager's Office will continue to monitor and assess climate for future use of the building or possible sale of property.

Resources

City legal and real estate staff.

Staff Liaison: Dale Iman, City Manager

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

Phone Number: 910-433-1990

Team Members: City Manager's Office, City Attorney

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Negotiate City ownership of building	FY 11
Monitor climate and assess the options for property	Continuous

First Quarter

- The City gained ownership of the building
- A real estate rental management firm was hired to improve occupancy
- Occupancy has improved from 33 percent to 66 percent
- City Manager's Office will continue to monitor and assess climate for future use of the building or possible sale of property
- This item is complete.

Murchison Road Corridor Development Management In Progress: Greater Tax Base Diversity

Background

An Implementation Feasibility Analysis Report for the Land Use and Economic Development Plan for the Murchison Road Corridor was approved in 2009. Nine catalyst sites were identified to jump-start the redevelopment process.

The plan calls for partnerships with developers in an effort to promote economic development along the Murchison Road corridor. The City will work with the Chamber of Commerce to support redevelopment in the corridor and will continue its work with catalyst site #2 in partnership with Fayetteville State University.

Resources

Funding will be needed for Council approved actions.

Staff Liaison: Victor Sharpe, Community Development Director

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

Phone Number: 910-433-1933

Team Members: Community Development, Special Projects staff and community partners

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Negotiate and complete agreement with Chamber	1 st Qtr FY 12
Manage the demolition of the Washington Drive School property (Catalyst site #2)	2 nd Qtr FY 12
Develop gateway to MLK Park in conjunction with FSU (Catalyst site #2)	2 nd Qtr FY 12
Revise Murchison Road corridor redevelopment plan and funding strategy	3 rd Qtr FY 12
Present redevelopment plan to City Council	3 rd Qtr FY 12
Partner with FSU on redevelopment plan for the Washington Drive School property (Catalyst site #2)	Continuous

First Quarter

- Completed agreement with the Chamber of Commerce
- Amended the Memorandum of Understanding with Fayetteville State University for the demolition of the Washington Drive Jr. High School
- Phase I environmental review was completed (Washington Drive Jr. High School site)
- Upcoming activities include the completion of the Phase II Environmental Review for the Washington Drive Jr. High School site, the bidding of contract for the demolition of the Washington Drive Jr. High School and the completion of funding strategy to acquire land for the development of Catalyst sites 1 & 3.



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CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, PE, Director of Engineering and Infrastructure
DATE: November 14, 2011
RE: **Consider Adoption of Resolution Authorizing Condemnation to Acquire Easement for Storm Drainage Improvement Project**

THE QUESTION:

Whether Council is willing to authorize condemnation to acquire the necessary easement required for the construction of the Summerhill drainage improvement project.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

Staff has been unsuccessful in acquiring the needed drainage easement for a drainage improvement project within the Summerhill Subdivision off Fillyaw Road.

Construction is scheduled to begin soon and this property will need to be acquired to avoid delays.

ISSUES:

The purpose in acquiring this easement is to reroute our existing drainage system. The house is encroaching upon the existing drainage easement and we do not want to cause damage to the residence; therefore we are relocating our drainage pipes to ensure safety.

Without approval this project will be delayed.

BUDGET IMPACT:

The City will not be able to move forward with the approval of the financing of the above projects without condemnation.

OPTIONS:

Adopt the attached resolution authorizing the condemnation of the necessary easement in order to keep the project moving forward.

Do not adopt the resolution which will delay the project.

RECOMMENDED ACTION:

Adopt the attached resolution authorizing condemnation of the necessary easement to keep the project on schedule.

ATTACHMENTS:

Contact Log
Map of Easement
Resolution

MEMORANDUM

TO: Kecia Parker, Real Estate Manager

FROM: Brandy Bishop, Senior Paralegal

DATE: November 1, 2011

SUBJECT: David L. Strand
643 Wakefield Drive
Correspondence Log

2-18-11: Left telephone message

2-28-11: Visited property and spoke to tenant. He explained that he had no contact with the property owner directly. He gave me the name of the property manager New Life Real Estate. Phone # (910) 488-6098.

3-1-11: Called New Life Real Estate; they expressed that they had no Power of Attorney on file and that they thought he was deployed at that time. Mr. Strand lives in Aurora, IL. Property manager said that she would contact him by email and call me back once Mr. Strand responded.

3-15-11: Called New Life Real Estate to follow up. Mr. Strand did not respond and she could not share his email address with me for ethical reasons; but, that she would continue to try to contact him on my behalf.

3-30-11: New Life Real Estate returned my call and said that Mr. Strand still had not responded to her email requests. She said it was not uncommon for him to wait until he returns from deployment to return her emails. She said that I could mail correspondence to him and that she felt whoever managed his affairs at home would be able to get in touch with him. She also said that he had some access to his cell phone so I could leave messages for him.

3-30-11: Mailed letter along with an Easement and self addressed postage paid envelope for return and explained that our reason for acquiring this easement was to reroute our existing easement as his residence was encroaching on our existing easement and it may cause damage to his home if we service that easement.

4-1-11: Received call from New Life Real Estate. She said Mr. Strand was home and that she gave him my phone number.

4-15-11: Called Mr. Strand; left message

4-26-11: Called Mr. Strand; left message

5-9-11: Called Mr. Strand; left message

5-10-11: Called Mr. Strand. He said he received my letter and all of my messages. Mr. Strand said that he has a friend who is an attorney and he wants his friend to review the Easement document before he signed anything. He said if his attorney agrees with everything he will sign it and send it back within a week.

6-6-11: Called Mr. Strand; left message
7-12-11: Called Mr. Strand; left message
8-23-11: Called Mr. Strand; left message
9-15-11: Received call from Mr. Strand and he said he has not had time to have the attorney look at the Easement. He said he travels a lot. Mr. Strand said he would contact the attorney, executed the document and mail it back.
10-31-11: Called Mr. Strand; left message
11-1-11: Called Mr. Strand; left message

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

Resolution R2011-_____

**RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE A
CERTAIN EASEMENT**

WHEREAS, the governing body of the City of Fayetteville hereby determines that it is necessary and in the public interest to acquire certain property for the following public purposes:

**EASEMENT INTEREST FOR STORMWATER DRAINAGE FOR THE SUMMERHILL
DRAINAGE PROJECT**

WHEREAS, the property officials or representatives of the City of Fayetteville have been unable to acquire the needed interest in this property by negotiated conveyance.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF FAYETTEVILLE, THAT:**

1. The City of Fayetteville shall acquire by condemnation, for the purpose stated above, the property and interest as shown on the attached map sheet;

Parcel Number	Acreage	Owner
9499-71-9640-	596 Square Feet	David L. Strand

2. The City Attorney is directed to institute the necessary proceedings under North Carolina General Statue § 40A-42 to acquire the property herein described.

ADOPTED this the 14th day of November, 2011, by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
Anthony G. Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Randall J. Hume, Transit Director
DATE: November 14, 2011
RE: **Transit Bench and Shelter Update**

THE QUESTION:

How has the City progressed with installation of passenger stop amenities?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The Transit Development Plan adopted in December 2008 identified the need for bus stop improvements along transit lines within Fayetteville. In June 2010, the Council allocated \$459,000 of unspent operating funds for capital projects including the installation of benches and shelters, as well as the purchase of a hybrid Light Transit Vehicle. \$319,000 was allocated for a bench and shelter plan that included installing 22 shelters and 40 benches. An additional \$7,909 was added at the end of FY 2010 bring the total available for benches and shelters to \$326,909.

To date the cooperative efforts of Transit, Real Estate, Traffic Services and Construction Management has resulted in the installation of 21 shelters and 16 benches. The attached schedule provides a breakdown of those locations that are complete and the status of other locations on which we are working.

Progress has been hindered by three basic obstacles. First, to comply with ADA standards for new bus stops we must install a 4 ft. x 15 ft. concrete pad to install either a bench or shelter. Further, the front of either the bench or shelter must be set back from the curb by at least 6 feet. In most cases, this requires either an encroachment or easement from the adjacent property owner. Obtaining the property owners agreement has been difficult.

Next, many of the FAST bus routes operate on state owned highways. Each of these locations require approval by NCDOT. These requests may not be submitted to NCDOT until we have obtained the property owner approval.

Finally, we have some locations that are impacted by other street and sidewalk projects. To avoid duplication or damage to newly installed bus stops during construction, these stops have been delayed until the construction is complete.

ISSUES:

Update on Progress

BUDGET IMPACT:

To date we have expended \$252,088 of the \$326,909 budgeted leaving a balance of \$74,821.

OPTIONS:

RECOMMENDED ACTION:

Continue the bus stop project.

ATTACHMENTS:

**Fayetteville Area System of Transit
Bench and Shelter Progress**

Location

Complete

1	County Health Dept	complete	Shelter	
2	Cross Creek Mall	complete	Shelter	
3	Cross Creek Mall	complete	Shelter	
4	Cross Creek Mall	complete	Shelter	
5	O/B Ray Ave & Maiden Lane - Library	complete	Shelter	
6	I/B Ray Ave & Maiden Ln - Library (changed to AIT)	complete	Shelter	
7	O/B 2061 Skibo (by NCDOT info sign)	complete	Shelter	
8	Green St (Fed Bldg & Post Office)	complete	Shelter	
9	Grove St - Grove View Terrace	complete	Shelter	
10	O/B Village & Owen (@ CFV Emerg. Entrance)	complete	Shelter	
11	O/B Village & Owen (@ CFV Emerg. Entrance)	complete	Shelter	Added Stop
12	I/B Village & Conover	complete	Shelter	
13	I/B Sycamore Dairy & Bragg Blvd (Horne's Plaza)	complete	Shelter	
14	Cliffdale & Bunce	complete	Shelter	
15	Bonanza & Witchita (@ Fire Station)	complete	Shelter	
16	I/B 2801 Ramsey	complete	Shelter	
17	O/B Ramsey & Eastwood (Family \$ Store)	complete	Shelter	Planned as bench
18	Cross Creek Mall	complete	Shelter	
19	500 Murchison Rd (V-Point Market)	complete	Shelter	Planned as bench
20	Raeford & Ireland - Food Lion parking lot	complete	Shelter	Added Stop
21	Ramsey & Grove/Rowan Sts.	complete	Shelter	Planned as bench
1	1952 Cedar Creek Rd. (Econo Lodge)	complete	Bench	
2	1953 Cedar Creek Rd. (Comfort Inn)	complete	Bench	
3	O/B Lake Valley Dr. (Toys-R-Us)	complete	Bench	
4	Ray Ave & Mason St	complete	Bench	
5	Green St & Grove St	complete	Bench	
6	I/B Lake Valley Dr. (Hobby Lobby)	complete	Bench	
7	Cape Fear Hospital (Melrose)	complete	Bench	
8	Cape Fear Hospital (Melrose)	complete	Bench	
9	Ramsey & Country Club (Rite Aid) I/B	complete	Bench	
10	3900 Raeford Rd. (Citi Finan.)	complete	Bench	
11	E. Russell St & Dick St.	complete	Bench	
12	Ft. Bragg Rd. & Glenville Ave	complete	Bench	
13	Ft. Bragg Rd. & Woodrow St.	complete	Bench	
14	Hay St. & Davis St.	complete	Bench	
15	Ottis Jones Pkwy - Mid-Block (Courthouse)	complete	Bench	
16	1072 Southern Ave (Massey Hill Pharm)	complete	Bench	

**Fayetteville Area System of Transit
Bench and Shelter Progress**

Location

In Progress

1	Ramsey & Andrews (CFV No Pavilion)	Shelter	Pad & sidewalk complete/Install when service starts
2	O/B Ramsey & Tokay/CC	Bench	Concrete work scheduled week of 11/7

Awaiting NCDOT/Other Project

1	Ramsey & Law / Par (Hardee's)	Shelter	Sidewalk project
2	O/B Sycamore Dairy & Bragg Blvd (McDonalds)	Shelter	Sidewalk Project
3	Ramsey & Treetop	Shelter	Sidewalk project
4	3725 Ramsey (N. Gate Shpg Plaza)	Shelter	Sidewalk project
5	O/B Cliffdale & 71 st School Rd	Bench	
6	I/B Cliffdale & 71 st School Rd	Bench	
7	Murchison & Council St.	Bench	Sidewalk project
8	Owen & Dyke St	Bench	
9	Owen & Cumberland Rd.	Bench	
10	Owen & Briar Circle	Bench	
11	Ramsey & Girard	Bench	Pad Installed - Added locaton
12	Ramsey & Aloha	Bench	Pad Installed - Added locaton

Awaiting Property Owner

1	Walmart on Ramsey	Shelter	Find new location
2	5011 Ramsey - TLC car wash	Shelter	Find new location
3	Bragg Blvd & William Clark Rd.	Shelter	
4	3909 Ramsey (Lowe's)	Bench	
5	Ramsey & Rosehill Rd.	Bench	Find new location
6	E. Russell & Dick St.	Bench	County review
7	Southern & Mayview St.	Bench	Surveying new location
8	3030 Boone Trail & Quite cove	Bench	Agreement with owner
9	Rosehill Rd & Mulranny Dr. (Heights Apt's)	Bench	County Review
10	Morganton Rd. & McPherson/Sycamore Dairy	Bench	Owner reviewing/Asked recent questiion
11	509 McPherson Church Rd (Outback)	Bench	Find new location
12	I/B Old Wilmington Rd & Campbell (Oak Run)	Bench	Added Location-Agreement with owner attny
13	I/B Old Wilmington Rd & Curtis (Sycamore Run)	Bench	Added Location-Agreement with owner attny
14	N. McPherson Church Rd & Vancouver Dr.	Bench	
15	O/B Ray north of Rowan (Terry Keith Ins)	Bench	Added Location-Waiting for agreement from owner
16	I/B Ray north of Rowan (Williams Office)	Shelter	Added Location-Agreed to location
17	I/B Southern & Mayview	Bench	Added Location-No response from owner

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Pamela Megill, City Clerk
DATE: November 14, 2011
RE: **Review of Proposed 2012 City Council Meeting Dates Calendar**

THE QUESTION:

Does the proposed calendar reflect the interest of Council for meetings in 2012?

RELATIONSHIP TO STRATEGIC PLAN:

More efficient city government.

BACKGROUND:

To ensure citizens are aware of all the public meetings and events for 2012 and the City adheres to the NC Open Meetings, staff has prepared the attached 2012 City Council Meeting Dates Calendar. The calendar takes into account all City holidays, Council retreats and conferences identified by staff.

Staff proposes that the generally scheduled Monday, April 9, 2012 regular meeting be held on Tuesday, April 10, 2012 due to Good Friday and for the Council to forego the July 2012 work session meeting, which customarily follows the budget review and adoption process.

Should the proposed calendar meet with Council's approval, a resolution to adopt the 2012 City Council Meeting Dates Calendar will be presented to Council for consideration at the Monday, November 28, 2011 meeting.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

Input regarding the proposed 2012 City Council Meeting Dates schedule is requested in preparation for Council consideration at the Monday, November 28, 2011 meeting.

RECOMMENDED ACTION:

For review at this time.

ATTACHMENTS:

Resolution - 2012 Meeting Dates Calendar
Proposed 2012 Calendar

RESOLUTION NO. R2012-_____

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2012 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS

WHEREAS, the Fayetteville City Council has enacted a strategic plan that promotes efficient and effective government; and

WHEREAS, the City's strategic plan includes targets for action that require significant commitments on city resources and time to complete; and

WHEREAS, the City Council is committed to ensuring that the public is informed about the issues, activities and actions of the City; the City Council

HEREBY RESOLVES to adopt the attached calendar titled City Council Meeting Dates to clarify the time and location of the City Council regular meetings for 2012; and

RESOLVES that any deviations of these regular meetings will be done consistent with the North Carolina Open Meetings Law.

ADOPTED this _____ day of _____,

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, MAYOR

ATTEST:

PAMELEA J. MEGILL, CITY CLERK

Proposed 2012 Fayetteville City Council Meeting Schedule

JANUARY

Mon., Jan. 2	New Year Holiday
Tues., Jan 3	Council Work Session, 5 p.m., Lafayette Room
Mon., Jan. 9	Regular Council Meeting, Discussion of Agenda Items
Mon., Jan. 16	MLK Holiday
Wed., Jan. 18	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Jan. 23	Regular Council Meeting, Discussion of Agenda Items

FEBRUARY

Mon., Feb. 6	Council Work Session, 5 p.m., Lafayette Room
Mon., Feb. 13	Regular Council Meeting, Discussion of Agenda Items
Wed., Feb. 22	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Feb. 27	Regular Council Meeting, Discussion of Agenda Items

MARCH

Mon., March 5	Council Work Session, 5 p.m., Lafayette Room
March 10-14	NLC Congressional City Conference, Washington, D.C.
Mon., March 12	Regular Council Meeting, Discussion of Agenda Items
Wed., March 21	Agenda Briefing, 4 p.m., Lafayette Room
Mon., March 26	Regular Council Meeting, Discussion of Agenda Items
Thurs., March 29	Council Strategic Plan Retreat

APRIL

Mon., April 2	Council Work Session, 5 p.m., Lafayette Room
Fri., April 6	Good Friday – City Offices Closed
Tues., April 10	Regular Council Meeting, Discussion of Agenda Items
Wed., April 18	Agenda Briefing, 4 p.m., Lafayette Room
Mon., April 23	Regular Council Meeting, Discussion of Agenda Items

MAY

Mon., May 7	Council Work Session, 5 p.m., Lafayette Room
Mon., May 14	Regular Council Meeting, Discussion of Agenda Items
Wed., May 16	Agenda Briefing, 4 p.m., Lafayette Room
Mon., May 28	Memorial Day – City Offices Closed
Tues., May 29	Regular Council Meeting, Discussion of Agenda Items

JUNE

Mon., June 4	Council Work Session, 5 p.m., Lafayette Room
Mon., June 11	Regular Council Meeting, (Budget Adoption) Discussion of Agenda Items
Wed., June 20	Agenda Briefing, 4 p.m., Lafayette Room
Mon., June 25	Regular Council Meeting, Discussion of Agenda Items

JULY

Wed., July 4	Independence Day – City Offices Closed
Mon., July 9	Regular Council Meeting, Discussion of Agenda Items
Wed., July 18	Agenda Briefing, 4 p.m., Lafayette Room
Mon., July 23	Regular Council Meeting, Discussion of Agenda Items

AUGUST

Mon., Aug. 6	Council Work Session, 5 p.m., Lafayette Room
Mon., Aug. 13	Regular Council Meeting, Discussion of Agenda Items
Wed., Aug. 22	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Aug. 27	Regular Council Meeting, Discussion of Agenda Items

SEPTEMBER

Mon., Sept. 3	Labor Day- City Offices Closed
Tues., Sept. 4	Council Work Session, 5 p.m., Lafayette Room
Mon., Sept. 10	Regular Council Meeting, Discussion of Agenda Items
Wed., Sept. 19	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Sept. 24	Regular Council Meeting, Discussion of Agenda Items

OCTOBER

Mon., Oct. 1	Council Work Session, 5 p.m., Lafayette Room
Mon., Oct. 8	Regular Council Meeting, Discussion of Agenda Items
Oct 20-22	NCLM Annual Conference

NOVEMBER

Mon., Nov. 5	Council Work Session, 5 p.m., Lafayette Room
Mon., Nov. 12	Veterans Day – City Offices Closed
Tues., Nov. 13	Regular Council Meeting, Discussion of Agenda Items
Wed., Nov. 21	Agenda Briefing, 4 p.m., Lafayette Room
Nov., 22-23	Thanksgiving Holiday – City Offices Closed
Mon., Nov. 26	Regular Council Meeting, Discussion of Agenda Items
Nov 27 – Dec 1	NLC Congress of Cities & Exposition, Boston, MA

DECEMBER

Mon., Dec. 3	Council Work Session, 5 p.m., Lafayette Room
Mon., Dec. 10	Regular Council Meeting, Discussion of Agenda Items
Dec., 24-25	Christmas – City Offices Closed

CITY COUNCIL ACTION MEMO

TO:

FROM:

DATE: November 14, 2011

RE: **Monthly Statement of Taxes for September 2011**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS:

Statement of Taxes, September 2011



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

MEMORANDUM

To: Rita Perry, Fayetteville City Clerk
From: Aaron Donaldson, Tax Administrator *AD*
Date: October 1, 2011
Re: Monthly Statement of Taxes

Attached hereto is the report that has been furnished to the Mayor and governing body of your municipality for the month of September 2011. This report separates the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

Should you have questions regarding this report, please contact Sandra Napier at 678-7575

AD/sn
Attachments

Celebrating Our Past...Embracing Our Future

EASTOVER - FALCON - FAYETTEVILLE - GODWIN - HOPE MILLS - LINDEN - SPRING LAKE - STEDMAN - WADE

10/3/2011

FAYETTEVILLE MACC LEDGER 2001-2011

SEPTEMBER 2011

DATE	REPORT #	REMITTED TO FINANCE	2011 CC	2011 VEHICLE	2011 CC REVIT	2011 VEHICLE REVIT	2011 FVT	2011 TRANSIT	2011 STORM WATER	2011 FAY STORM WATER
09/01/11	2011-045	205,125.50	152,007.33	16,946.97	532.46	62.18	1,600.00	1,600.00	4,833.64	9,667.28
09/02/11	2011-046	285,821.34	154,211.17	13,196.82	378.52	6.89	1,590.00	1,590.00	32,807.10	65,614.12
09/05/11	2011-047	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/06/11	2011-048	240,006.35	159,383.64	35,210.25	182.97	6.36	4,887.32	4,887.32	4,090.96	8,181.90
09/07/11	2011-049	139,701.34	98,537.65	10,342.66	36.75	4.05	1,455.00	1,455.00	5,256.93	10,513.84
09/08/11	2011-050	115,204.20	72,570.21	15,778.10	78.32	4.35	2,352.68	2,352.68	3,198.72	6,397.39
09/09/11	2011-051	302,644.98	223,595.77	26,592.99	2,037.28	57.46	3,545.00	3,545.00	9,754.69	19,509.38
09/12/11	2011-052	195,679.14	129,283.02	26,793.98	0.00	30.39	3,305.00	3,305.00	5,758.30	11,516.52
09/13/11	2011-053	79,454.25	53,977.18	6,993.92	274.59	0.00	910.00	910.00	2,313.45	4,626.88
09/14/11	2011-054	208,555.66	153,780.07	17,318.97	4.73	54.15	2,090.00	2,090.00	6,241.13	12,482.25
09/15/11	2011-055	107,566.52	67,302.69	12,941.80	1,348.35	0.00	1,655.00	1,655.00	1,974.82	3,949.65
09/16/11	2011-056	99,203.32	63,517.79	10,910.41	31.64	4.43	1,752.35	1,752.35	3,372.59	6,745.18
09/19/11	2011-057	118,918.22	77,028.49	15,826.62	455.47	0.00	1,782.70	1,782.71	2,955.65	5,911.30
09/20/11	2011-058	192,685.98	144,202.82	16,367.92	4,436.43	4.13	1,799.89	1,799.90	4,625.16	9,250.33
09/21/11	2011-059	113,150.62	82,790.74	9,628.40	39.72	40.83	1,305.00	1,305.00	3,425.55	6,851.12
09/22/11	2011-060	81,488.39	51,448.72	11,790.95	0.00	0.00	1,220.00	1,220.00	2,136.30	4,272.58
09/23/11	2011-061	84,628.14	56,071.35	8,604.51	0.00	1.46	1,130.00	1,130.00	1,401.76	2,803.51
09/26/11	2011-062	201,357.61	137,110.00	23,990.40	47.62	21.38	2,705.00	2,705.00	6,942.03	13,884.06
09/27/11	2011-063	43,914.28	27,146.09	6,237.99	41.12	0.00	700.00	700.00	711.85	1,423.70
09/28/11	2011-064	135,351.54	96,645.28	13,910.99	52.23	47.44	1,560.00	1,560.00	3,099.68	6,199.34
09/29/11	2011-065	99,324.23	62,602.49	15,907.76	1,095.90	36.19	1,955.11	1,955.10	1,329.95	2,659.89
09/30/11	2011-066	169,519.97	113,794.35	23,463.02	19.48	0.00	2,760.00	2,760.00	2,482.22	4,964.42
TOTALS		3,219,301.58	2,177,006.85	338,755.43	11,093.58	381.69	42,060.05	42,060.06	108,712.48	217,424.64

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)

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

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

FAYETTEVILLE MACC LEDGER

2001-2011

SEPTEMBER 2011

2011 FAY RECYCLE FEE	2011 ANNEX	2010 CC	2010 VEHICLE	2010 CC REVIT	2010 VEH REVIT	2010 FVT	2010 TRANSIT	2010 STORM WATER	2010 FAY STORM WATER	2010 FAY RECYCLE FEE	2010 ANNEX
6,566.53	0.00	1,484.75	5,307.29	0.00	0.00	800.83	800.83	62.67	125.34	160.46	0.00
7,559.07	0.00	1,426.80	4,441.75	0.00	0.00	630.00	630.00	77.46	154.92	283.29	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11,624.70	0.00	2,701.35	5,143.53	0.00	0.00	705.00	705.00	60.76	121.53	192.42	0.00
4,524.91	0.00	1,346.33	3,818.68	0.00	0.00	559.28	559.25	17.95	35.89	56.83	0.00
5,265.21	0.00	2,528.39	2,790.22	0.00	0.00	455.78	455.77	37.03	74.05	117.25	0.00
7,956.11	0.00	644.32	2,966.78	0.00	0.00	491.51	491.50	30.95	61.89	97.99	0.00
7,822.50	0.00	1,661.50	3,570.55	0.00	0.00	544.70	544.70	36.00	72.00	114.00	0.00
2,575.90	0.00	2,550.83	1,754.96	0.00	0.00	305.00	305.00	47.31	94.61	149.81	0.00
7,565.58	0.00	1,965.41	2,714.89	0.00	0.00	386.12	386.13	46.38	92.77	146.88	0.00
3,251.60	0.00	6,074.46	4,005.60	0.00	0.00	541.94	541.97	106.56	213.13	185.45	0.00
3,117.87	0.00	1,344.34	3,803.78	0.00	0.00	527.04	527.03	43.36	86.72	61.30	0.00
3,359.57	0.00	2,352.53	3,056.33	0.00	0.00	505.98	505.98	26.45	52.90	87.02	0.00
4,880.35	0.00	1,430.60	2,073.48	0.00	0.00	310.00	310.00	63.36	126.73	86.65	0.00
3,703.60	0.00	746.73	1,359.69	0.00	3.91	288.76	288.75	45.41	90.82	143.80	0.00
2,888.94	0.00	2,277.18	2,310.25	0.00	0.00	335.13	335.14	7.62	15.22	24.10	0.00
3,348.05	0.00	3,566.75	2,657.83	0.00	0.00	375.00	375.00	72.00	144.00	228.00	0.00
5,491.10	0.00	3,578.68	2,302.85	0.00	0.00	392.68	392.68	75.18	150.36	154.47	0.00
1,722.20	0.00	1,152.89	2,194.97	0.00	0.00	295.00	295.00	36.77	73.53	153.18	0.00
6,784.76	0.00	495.36	2,516.55	0.00	0.00	369.46	369.46	210.40	420.80	96.26	0.00
3,033.49	0.00	2,165.05	1,851.75	0.00	0.00	363.42	363.41	454.26	908.49	187.78	0.00
4,212.33	0.00	3,164.94	5,366.64	0.00	0.00	787.23	787.23	137.78	275.57	228.00	0.00
107,254.37	0.00	44,659.19	66,008.37	0.00	3.91	9,969.86	9,969.83	1,695.66	3,391.27	2,954.94	0.00

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2009 CC	2009 VEHICLE	2009 CC REVIT	2009 VEHICLE REVIT	2009 FVT	2009 TRANSIT	2009 STORM WATER	2009 FAY STORM WATER	2009 FAY RECYCLE FEE	2009 ANNEX	2008 CC	2008 VEHICLE	2008 CC REVIT
507.66	347.41	0.00	0.00	55.00	55.00	12.00	24.00	38.00	0.00	142.57	46.08	0.00
106.76	103.47	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	0.00	51.03	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
310.52	56.32	0.00	0.00	16.52	16.52	15.70	31.39	49.71	0.00	0.00	37.02	0.00
92.81	136.06	0.00	0.00	35.00	35.00	2.23	4.46	7.06	0.00	0.00	43.82	0.00
2.09	9.39	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	26.94	0.00
15.50	152.74	0.00	0.00	33.87	33.87	12.00	24.00	38.00	0.00	90.03	90.12	0.00
0.83	195.90	0.00	0.00	52.39	52.40	0.00	0.00	0.00	0.00	15.26	22.77	0.00
326.36	214.90	0.00	0.00	35.00	35.00	14.03	28.06	50.87	0.00	10.75	30.01	0.00
0.00	256.57	0.00	0.00	40.00	40.00	0.00	0.00	0.00	0.00	0.00	21.58	0.00
12.06	245.45	0.00	0.00	60.00	60.00	0.00	0.00	0.00	0.00	0.00	178.23	0.00
50.46	162.62	0.00	0.00	45.00	45.00	0.00	0.00	0.00	0.00	2.26	157.00	0.00
0.00	377.32	0.00	0.00	63.48	63.48	0.00	0.00	0.00	0.00	1,826.34	0.00	0.00
52.26	52.53	0.00	0.00	20.00	20.00	1.60	3.20	5.07	0.00	39.40	52.94	0.00
0.00	187.10	0.00	1.94	45.00	45.00	0.00	0.00	0.00	0.00	13.08	151.74	0.00
0.00	97.00	0.00	0.00	29.21	29.19	0.00	0.00	0.00	0.00	31.77	8.72	0.00
901.49	7.21	0.00	0.00	30.00	30.00	58.40	116.80	184.93	0.00	230.19	18.60	0.00
62.10	49.97	0.00	0.00	10.00	10.00	12.00	24.00	38.00	0.00	61.37	102.25	0.00
77.52	164.75	0.00	0.00	20.00	20.00	4.31	8.63	27.30	0.00	0.00	73.92	0.00
18.20	352.14	0.00	0.00	45.00	45.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
769.12	174.01	0.00	0.00	20.00	20.00	70.27	140.56	108.55	0.00	87.08	48.17	0.00
163.81	220.46	0.00	0.00	50.00	50.00	24.00	48.00	76.00	0.00	207.84	230.56	0.00
3,468.55	3,563.32	0.00	1.94	755.47	755.46	226.54	453.10	623.49	0.00	2,757.94	1,391.50	0.00

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2008 VEH REVIT	2008 FVT	2008 TRANSIT	2008 STORM WATER	2008 FAY STORM WATER	2008 FAY RECYCLE	2008 ANNEX	2007 & PRIOR CC	2007 & PRIOR VEH	2007 & PRIOR CC REVIT	2007 & PRIOR VEH REVIT	2007 & PRIOR FVT	2007 & PRIOR STORM WATER
0.00	0.00	0.00	4.22	8.45	14.78	0.00	108.98	205.32	0.00	0.00	30.00	2.52
0.00	20.00	20.00	0.00	0.00	0.00	0.00	33.73	68.18	0.00	0.00	5.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	40.77	177.82	0.00	0.00	40.00	0.00
0.00	10.00	5.00	0.00	0.00	0.00	0.00	31.87	103.96	0.00	0.00	25.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	30.78	0.00	0.00	(5.00)	0.00
0.00	15.00	10.00	0.00	0.00	0.00	0.00	0.00	69.65	0.00	0.00	22.48	0.00
0.00	15.00	5.00	0.00	0.00	0.00	0.00	0.00	119.26	0.00	0.00	35.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	217.12	0.00	0.00	30.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	15.98	113.75	0.00	0.00	25.00	0.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	92.13	0.00	0.00	12.52	0.00
0.00	25.00	15.00	6.83	13.66	23.91	0.00	13.08	150.13	0.00	0.00	15.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	17.04	142.99	0.00	0.00	30.00	5.23
0.00	20.00	15.00	0.00	0.00	0.00	0.00	0.00	78.42	0.00	0.00	35.00	0.00
0.00	20.00	10.00	4.60	9.20	16.10	0.00	0.00	158.91	0.00	0.00	15.00	0.00
0.00	15.00	15.00	12.00	24.00	42.00	0.00	241.69	92.26	0.00	0.00	24.22	0.00
0.00	5.00	5.00	12.00	24.00	42.00	0.00	42.35	45.86	0.00	0.00	25.00	0.00
0.00	30.00	30.00	0.00	0.00	0.00	0.00	0.00	239.58	0.00	0.00	42.52	0.00
0.00	10.00	5.00	12.00	0.00	0.00	0.00	137.70	23.19	0.00	0.00	10.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60.84	0.00	0.00	12.29	0.00
0.00	10.43	10.42	4.27	0.00	0.00	0.00	1.14	58.38	0.00	0.00	5.00	0.00
0.00	20.00	10.00	36.00	48.00	84.00	0.00	867.53	154.90	0.00	0.00	25.00	156.00
0.00	260.43	195.42	91.92	127.31	222.79	0.00	1,551.86	2,403.43	0.00	0.00	459.03	163.75

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2007 & PRIOR FAY STORM WATER	2007 & PRIOR ANNEX	INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	FAY TRANSIT INTEREST	TOTAL TAX & INTEREST
0.00	0.00	835.56	0.00	12.14	24.19	0.00	18.25	74.81	205,125.50
0.00	0.00	644.78	0.20	5.93	11.89	0.00	21.89	61.57	285,821.34
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	983.68	0.00	7.98	15.95	0.00	25.24	66.20	240,006.35
0.00	0.00	586.99	0.00	1.93	3.84	0.00	6.10	49.21	139,701.34
0.00	0.00	575.57	0.00	2.92	5.82	0.00	9.21	50.33	115,204.20
0.00	0.00	586.64	0.00	2.34	4.67	0.00	7.39	58.06	302,644.98
0.00	0.00	717.21	0.14	2.91	5.82	0.00	9.21	71.88	195,679.14
0.00	0.00	597.62	0.00	5.99	11.96	0.00	19.41	32.73	79,454.25
0.00	0.00	596.86	0.00	3.88	7.73	0.00	12.25	46.60	208,555.66
0.00	0.00	1,018.63	0.00	8.71	17.37	0.00	15.34	68.06	107,566.52
0.00	0.00	786.37	0.00	5.10	10.24	0.00	11.04	67.44	99,203.32
0.00	0.00	627.26	0.00	2.97	5.87	0.00	9.33	57.21	118,918.22
0.00	0.00	452.92	0.00	6.84	13.65	0.00	12.35	37.05	192,685.98
0.00	0.00	356.37	0.65	3.94	7.89	0.00	12.50	33.77	113,150.62
0.00	0.00	480.04	0.00	4.80	9.60	0.00	16.23	33.53	81,488.39
0.00	0.00	788.64	0.00	17.98	35.94	0.00	57.97	39.56	84,628.14
0.00	0.00	611.77	0.00	8.12	16.25	0.00	18.84	47.35	201,357.61
0.00	0.00	382.09	0.00	6.67	7.05	0.00	14.37	25.49	43,914.28
0.00	0.00	387.42	0.16	16.39	32.77	0.00	6.27	37.05	135,351.54
0.00	4.59	693.49	0.00	54.37	108.59	1.03	30.46	34.26	99,324.23
48.00	0.00	1,499.67	0.00	115.00	57.43	0.00	53.31	71.25	169,519.97
									0.00
48.00	4.59	14,209.58	1.15	296.91	414.52	1.03	386.96	1,063.41	3,219,301.58