



FAYETTEVILLE CITY COUNCIL
AGENDA
DECEMBER 12, 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

5.1 National Association for Government Training and Development "2011 Program of the Year Award"

5.2 Resolution honoring former Mayor Charles Holt
Presenter(s): Mayor Chavonne

6.0 PUBLIC FORUM

6.1 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 Approve Meeting Minutes:

November 7, 2011 - Work Session
November 14, 2011 - Agenda Item Discussion
November 18, 2011 - Special Meeting

7.2 Airport - Capital Project Ordinances: numbers 2012-6 Stormwater drain; 2012-7 General Aviation Fence; 2012-8 General Aviation Parking lot.

- 7.3 P11-58F Rezoning from LC Limited Commercial District to CC/C Community Commercial Conditional District, or a more restrictive district, on property located at Legend Avenue and Sycamore Dairy Road. Containing 3.1 acres more or less and being the property of Legend Hospitality One, LLC.
- 7.4 P11-59F Rezoning from SF-6 Single Family Residential District to NC Neighborhood Commercial District, or a more restrictive district, on property located at 4820 Rosehill Road. Containing 1 acre more or less and being the property of Westarea Volunteer Fire Department, Inc. (OI Office and Institutional recommended)
- 7.5 P11-60F rezoning from OI Office and Institutional District to LC/C Limited Commercial Conditional District, for a community gymnastics center, on property located at 417 Country Club Drive. Containing 2.4 acres more or less and being the property of New Century Bank.
- 7.6 P11-61F Rezoning from CC Community Commercial District to MR-5 Mixed Residential District, or a more restrictive district, of a portion of property located at 4701 Raeford Road and Scotland Drive. Containing 10.51 acres more or less and being the property of Mitchell Properties of Florence, Inc.
- 7.7 Accept the Certification of Results from the Cumberland County Board of Elections for the November 8, 2011 Municipal Election
- 7.8 Authorize the Mayor to Execute a Contract with Cherry, Bekaert and Holland to Audit Accounts for Fiscal Year 2011-2012
- 7.9 Capital Project Ordinance Amendment 2012-18 (Municipal Transportation Agreements)
- 7.10 Special Revenue Fund Project Ordinance 2012-11 Multi Disciplinary Team Training
- 7.11 Special Revenue Fund Project Ordinance 2012-10 Project Safe Neighborhoods - Alcohol Tobacco Firearms Task Force
- 7.12 Approval of a Municipal Agreement with NCDOT for sidewalk construction on Camden Rd. from King Charles Rd. to Owen Dr.
- 7.13 Approval of a Municipal Agreement with NCDOT for sidewalk construction on Glensford Dr. from Raeford Rd. to Cliffdale Rd.
- 7.14 Phase 5 Annexation Areas 12 and 13
- 7.15 Renewal of a street sweeping agreement with NCDOT.

8.0 PUBLIC HEARINGS

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

8.1 RAMP: Rental Action Management Program Public Hearing

Presenter(s): Doug Hewett, Assistant City Manager

9.0 OTHER ITEMS OF BUSINESS

9.1 Presentation of the Audited FY2010-2011 Comprehensive Annual Financial Report

Presenter(s): Lisa Smith, Chief Financial Officer

9.2 Construction Permit Fee Schedule Amendments

Presenter(s): Doug Maples, Building Plan Review & Inspection Division Manager
Scott Shuford, Development Services Director

9.3 Uninhabitable Structures Demolition Recommendations:

- 1103 Bunce Road
- 606 Mechanic Street
- 608 Mechanic Street
- 6526 Portsmouth Drive

Presenter(s): Bart Swanson, Housing and Code Enforcement Division Manager

9.4 Resolution in Support of the Development of Transitional Housing for Homeless Veterans

Presenter(s): Karen M. McDonald, City Attorney

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
December 12, 2011 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
December 14, 2011 - 10:00 PM
COMMUNITY CHANNEL 7**

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

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council Members
FROM: John Kuhls, Human Resources Director
DATE: December 12, 2011
RE: **National Association for Government Training and Development "2011 Program of the Year Award"**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Dale Iman, City Manager
DATE: December 12, 2011
RE: **Resolution honoring former Mayor Charles Holt**

THE QUESTION:

Does the City Council wish to adopt the attached resolution?

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

Charles Holt began his public service to the citizens of Fayetteville as a City Council Member in 1963 and was elected to a second term in 1965 and to a third term in 1967. Mr. Holt served as Mayor of our great city for one term from 1969 to 1971. Among his many accomplishments, Mayor Holt spearheaded fundraising for the Airborne & Special Operations Museum, which opened in downtown in 2000 and paved the way for downtown revitalization. Mayor Holt also served on the committee for the Cape Fear Valley Diabetes and Endocrine Center and on the board of directors of the N.C. Nature Conservancy.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

Adopt Resolution
Don't Adopt Resolution

RECOMMENDED ACTION:

Adopt Resolution.

ATTACHMENTS:

Charles Holt Resolution



Resolution No. 2011-_____

Former Mayor Charles B.C. Holt Resolution of Respect

WHEREAS, in the providence of God, He has brought to a close the life of former Mayor Charles Holt and we therefore offer this special tribute to the virtues and graces of his life of honor and value; **AND**

WHEREAS, Charles Holt began his public service to the citizens of Fayetteville as a City Council Member in 1963; **AND**

WHEREAS, Charles Holt was elected to a second term in 1965 and to a third term in 1967; **AND**

WHEREAS, Charles Holt admirably served as Mayor of our great city for one term from 1969 to 1971; **AND**

WHEREAS, Charles Holt stated on May 8, 1969, following his election as Mayor, "Government is broken down basically into individuals. Now as never before, American cities need personal qualities of strong democratic leadership. In most of these cities, the Mayor and City Council will have this responsibility ...;" **AND**

WHEREAS, Charles Holt, on April 27, 1971, during his last City Council meeting, expressed his pleasure for the opportunity of serving the city and community for eight years on City Council and especially for two years as Mayor; **AND**

WHEREAS, Charles Holt spearheaded fundraising for the Airborne & Special Operations Museum, which opened in downtown in 2000, paving the way for downtown revitalization; **AND**

WHEREAS, Charles Holt also served on the committee for the Cape Fear Valley Diabetes and Endocrine Center and on the board of directors of the N.C. Nature Conservancy.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA: In his death, the City of Fayetteville has lost one of its great leaders who moved our city forward. His dedication to Fayetteville was noble and very much appreciated. His hard work produced many accomplishments which made Fayetteville a better place in 2011. His loss we deplore, his memory we cherish, and his priceless example we strive to follow.

THEREFORE BE IT FURTHER RESOLVED: We tender our heartfelt sympathies to the bereaved family – his wife, Peggy; their two daughters, Sarah and Hannah; his two brothers, Henry and William; and three grandchildren.

ADOPTED THE 12TH DAY OF DECEMBER, 2011.

Anthony G. Chavonne
Mayor

ATTEST: _____
Pamela J. Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO:

FROM:

DATE: December 12, 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: Pamela Megill, City Clerk
DATE: December 12, 2011
RE: **Approve Meeting Minutes:**

November 7, 2011 - Work Session
November 14, 2011 - Agenda Item Discussion
November 18, 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 minute as presented.

ATTACHMENTS:

110711
111411 Discussion of items
111811

DRAFT

FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
NOVEMBER 7, 2011
5:00 P.M.

Present: Mayor Anthony G. Chavonne (departed at 6:40 p.m.)

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:06 p.m.); Robert A. Massey, Jr. (District 3) (departed at 6:40 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (departed at 6:25 p.m.); 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 Meyer, Assistant City Attorney
Tom Bergamine, Chief of Police
Patricia Bradley, Police Attorney
Darry Whitaker, Police Lieutenant
Karen Hilton, Planning and Zoning Division Manager
Bart Swanson, Housing and Code Enforcement Division Manager
Rick Moorefield, County Attorney
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 5:00 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Hurst.

3.0 APPROVAL OF AGENDA

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

4.0 OTHER ITEMS OF BUSINESS

4.1 Amending Chapter 6, Animals and Fowl

Ms. Karen McDonald, City Attorney, presented this item and introduced Mr. Rick Moorefield, Cumberland County Attorney. She explained Mr. Moorefield had been working on the proposed changes to the Cumberland County's Animal Control Ordinance, which were presented to the Policy Committee of the Cumberland County Board of Commissioners at their October 6, 2011, meeting. She stated the City and the County had expressed an interest in the City adopting the County's entire Animal Control Ordinance within the municipal limits of Fayetteville to remove enforcement issues for the Animal Control Department within the City.

Mr. Rick Moorefield, County Attorney, stated there had been a lot of confusion over some of the violations, especially the issue of barking dogs. He stated there had also been a lot of amendments to the ordinance that accommodated a small number of individuals. He stated the proposed ordinance was simplified and the goal was to have a basic ordinance that both entities were comfortable with. He stated he had also consulted with many veterinarians.

DRAFT

Council Member Bates inquired if a pot bellied pig would be considered an exotic animal. Mr. Moorefield responded it was probably not considered a wild animal as pot bellied pigs were normally kept as pets.

Council Member Bates stated the limit of seven dogs and/or cats per household were too many.

Mayor Chavonne inquired if the City could have its own standard on the issue of the number of pets. Ms. McDonald stated they were attempting to develop one ordinance that would not have differing standards between the County and City.

Mayor Chavonne inquired if the differences could be presented prior to adoption of the ordinance.

Consensus of Council was to direct Mr. Moorefield to include the list of differences between the City and County in the ordinance and the proposed ordinance would be presented to the Cumberland County Commissioners at their first meeting in December.

4.2 Police - Teen Crime

Mr. Tom Bergamine, Chief of Police, presented this item and provided a power point presentation on the issue of teen crime. He stated statistics had been compiled from 2007 to 2010. He referenced the statistics that illustrated how the crimes of teenagers were becoming more serious with the increase of age.

Mr. Darry Whitaker, Police Lieutenant, provided an overview of the youth services program and the partnership with Communi-Care. He stated some of the issues addressed were gang activity, runaways, and child abuse. He stated the objective of the program was to intervene and assist before the youth had an arrest record.

Chief Bergamine stated the Fayetteville Police Department was also a partner in the state initiative of making North Carolina a Child First State. He invited the Council to ride along with patrol officers in order for them to view first hand the problems officers encounter with teen crime. He stated the Department would be conducting further research on the value of a curfew ordinance.

Council Member Applewhite stated she was working toward creating a task force that would be made up of members from the community, to include parents, school members, health practitioners, etc.

Chief Bergamine stated he would welcome assistance from the community.

Council Member Applewhite requested support from the Council members for this endeavor.

4.3 RAMP - Rental Action Management Program

Mr. Doug Hewett, Assistant City Manager, presented this item. He provided background information on the Probationary Rental Occupancy Permit (PROP) program and Senate Bill 683. He stated the purpose of the bill was to 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 the local ordinance. He stated the language regarding the top 10 percent of properties with crime or disorder problems was based on a program currently utilized in Charlotte. He stated due to the direct impact the bill had on the functionality and substance of the PROP program and given the substantial changes needed to make the PROP program compliant with state law, Council approved repeal of the PROP ordinance on August 8, 2011, and directed staff to revise the program consistent with state

DRAFT

law and bring back program alternatives as soon as possible. He stated staff provided an update on October 3, 2011, with a draft ordinance for PROP II which was now titled RAMP (Rental Action Management Plan). He stated in developing the draft ordinance and program overview, staff met with representatives from Charlotte regarding their program to determine how it could be replicated in Fayetteville. He stated staff also conducted stakeholder meetings to explain RAMP and solicit feedback. He provided a brief overview of the RAMP program and stated the two avenues by which properties could gain entry into the program were (1) three plus code violations within a 12-month period and/or (2) crime and social disorders in the top 10 percent in a 6-month period. He briefly reviewed the crime and code violation occurrences that would be covered under RAMP. He stated the issues with RAMP included differing levels of complexity for crime/social disorder versus code violations, possible unintended consequences such as the reduction in calls for service and more properties than they would have the capacity to monitor, the program being costly and likely not covered through fee recovery, and opposition by some stakeholders. He stated the work remaining included completing program design to include resource/staffing needs, program budget, and fee recommendations and finalizing ordinance for presentation to Council with a recommended public hearing on December 12, 2011.

Consensus of Council was to conduct a public hearing on December 12, 2011.

4.5 City Council Agenda Item Request

Council Member Bates inquired if staff could research the possibility of providing backdoor containerized yard waste collection service for disabled citizens and the cost of this type of program.

Consensus of Council was to direct staff to research the cost of providing a backdoor containerized yard waste collection service for disabled citizens.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 6:43 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

110711

DRAFT

FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD ROOM
NOVEMBER 14, 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); 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)

Absent: Council Member Darrell J. Haire (District 4)

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Bo Gregory, Bo Gregory, Director of Economic Development, Fayetteville-Cumberland County Chamber of Commerce
Doug Byrd, Government Liaison, Fayetteville-Cumberland County Chamber of Commerce
Members of the Press

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

MOTION: Council Member Bates moved to go into closed session for consultation with the attorney regarding an economic development matter and attorney-client privileged matters.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (9-0)

The regular session recessed at 6:05 p.m. The regular session reconvened at 6:35 p.m.

MOTION: Council Member Bates moved to go into open session.

SECOND: Council Member Massey

VOTE: UNANIMOUS (9-0)

There being no further business, the meeting adjourned at 6:35 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

111411

DRAFT

FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
LAFAYETTE ROOM
NOVEMBER 18, 2011
2:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Kady-Ann Davy (District 2) (via telephone);
Darrell J. Haire (District 4) (via telephone);
William J. L. Crisp (District 6); Valencia A. Applewhite
(District 7); Theodore W. Mohn (District 8) (via
telephone); James W. Arp, Jr. (District 9)

Absent: Council Members Keith Bates, Sr. (District 1); Robert A.
Massey, Jr. (District 3); Bobby Hurst (District 5)

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
Scott Shuford, Development Services Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 2:00 p.m.

2.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda.
SECOND: Council Member Applewhite
VOTE: UNANIMOUS (7-0)

3.0 OTHER ITEMS OF BUSINESS

3.1 Dismissal of a petition filed against the Board of Adjustment, 4D Site Solutions, Inc., and Michael and Ana Hodges.

Council Member Arp stated the City Council previously directed staff to pursue an appeal of the Board of Adjustment's decision to approve variances for property located on Sandhurst Drive. He stated since that time, additional information had been received, creating an opportunity to reconsider the Council's decision. He stated it was now the judgment of the Fayetteville City Council that the appeal should be dismissed.

MOTION: Council Member Arp moved to direct staff to (1) dismiss the appeal regarding the property located on Sandhurst Drive, thereby allowing the project to proceed; (2) review the internal policies and procedures to make sure communication was clear; and (3) meet with the Board of Adjustment Chair to discuss the role of the Board.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 2:05 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
111811

ANTHONY G. CHAVONNE
Mayor

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Bradley S. Whited, A.A.E, Airport Director
DATE: December 12, 2011
RE: **Airport - Capital Project Ordinances: numbers 2012-6 Stormwater drain; 2012-7 General Aviation Fence; 2012-8 General Aviation Parking lot.**

THE QUESTION:

How do we maintain and extend the life of airport facilities?

RELATIONSHIP TO STRATEGIC PLAN:

Beauty by Design and Strong Local Economy

BACKGROUND:

Within the City Council approved 2011-2012 Airport Operating budget are funds to support the local share of grants or to complete airport funded only projects. While these project funds are budgeted in estimate form, we need to establish specific capital project accounts in order to design and implement these projects. We are asking City Council to approve capital project ordinances for the following airport projects, listed in our current operating budget:

- | | |
|--------------------------------|-----------|
| • Stormdrain pipe installation | \$115,000 |
| • GA fence replacement | \$175,000 |
| • North GA Parking | \$165,000 |

ISSUES:

These projects will provide improvement to functionality, while also improving the appearance of both areas.

BUDGET IMPACT:

These funds were planned and approve within the airport enterprise fund and are not related to the general fund.

OPTIONS:

Approve the following capital project ordinances:

- Capital project ordinance 2012-6 Stormdrain
- Capital project ordinance 2012-7 General Aviation Fence
- Capital project ordinance 2012-8 General Aviation Parking lot

RECOMMENDED ACTION:

Approve the following capital project ordinances:

- Capital project ordinance 2012-6 Stormdrain
- Capital project ordinance 2012-7 General Aviation Fence
- Capital project ordinance 2012-8 General Aviation Parking lot

ATTACHMENTS:

Capital Project Ordinance #2012-6

Capital Project Ordinance #2012-7

CPO 2012-8 North General Aviation Parking lot

**CAPITAL 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 capital project ordinance is hereby adopted:

Section 1. The authorized project is for Storm Drain Improvement

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	\$ 115,000
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	\$ 115,000
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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 12th day of December, 2011.

**CAPITAL 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 capital project ordinance is hereby adopted:

Section 1. The authorized project is for General Aviation Fence Replacement.

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>\$ 175,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 175,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 12th day of December, 2011.

**CAPITAL PROJECT ORDINANCE
ORD 2012-8**

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

Section 1. The authorized project is for North General Aviation Parking 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:

Airport Operating Fund Transfer	<u>\$ 165,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 165,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 12th day of December, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: December 12, 2011
RE: **P11-58F Rezoning from LC Limited Commercial District to CC/C Community Commercial Conditional District, or a more restrictive district, on property located at Legend Avenue and Sycamore Dairy Road. Containing 3.1 acres more or less and being the property of Legend Hospitality One, LLC.**

THE QUESTION:

Does the proposed zoning to Conditional Community Commercial fit with the character of the area and the long range plans of the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development.

BACKGROUND:

Owner: Legend Hospitality, LLC
Applicant: Jay Shah
Requested Action: LC to CC/C
Property Address: Legend Avenue and Sycamore Dairy Road
Council District: 9 (Arp)
Status of Property: Vacant
Size: 3.1 acres +/-
Existing Land Use: None
Adjoining Land Use & Zoning:
North - LC Limited Commercial
South - CC Community Commercial
East - LC Limited Commercial
West - LC Limited Commercial
Letters Mailed: 13

Land Use Plan: The land use plan recommend Heavy Commercial for this property and the surrounding area.

Small Area Studies: 2025 Long Range Transportation Plan - No effect on this property.

ISSUES:

The owner is looking to rezone an approximate three acre property on Legend Avenue. As shown on the attached zoning map, the property is currently zoned Limited Commercial. The applicant is looking to rezone to Community Commercial Conditional. The applicant's plans are to build a six story hotel on this site. While hotels are allowed in the current LC district, they are restricted to a height of 4 stories. The CC district with conditions would allow the owner to build to the 6 story height and retain all use rights they currently enjoy under the LC district. Six stories would make this the tallest building in that area. There is a four story hotel very close to this site.

Conditions offered by the owner.

1. Restricted to Visitor Accommodations as allowed in the CC district.
2. Retain remaining rights allowed under the LC district.

Zoning Commission and Staff recommend approval based on:

1. The proposal matches the City's land use plan.
2. With the conditions offered by the owner the rezoning request would only extend allowances of visitor accommodations in the CC district. All other uses remain as LC.
3. Compatibility with surrounding uses.

BUDGET IMPACT:

The City would be required to provide an increase in public services that should be offset by the increase this development would bring to the City's tax base.

OPTIONS:

- 1) Approval of rezoning as presented by staff with the conditions offered by the owner (recommended);
- 2) Approval of rezoning with changes to the conditions accepted by the owner;
- 3) Denial of the rezoning request.

RECOMMENDED ACTION:

Zoning Commission & Staff Recommend: That the City Council move to APPROVE the rezoning of this property to Community Commercial Conditional with conditions offered by the owner.

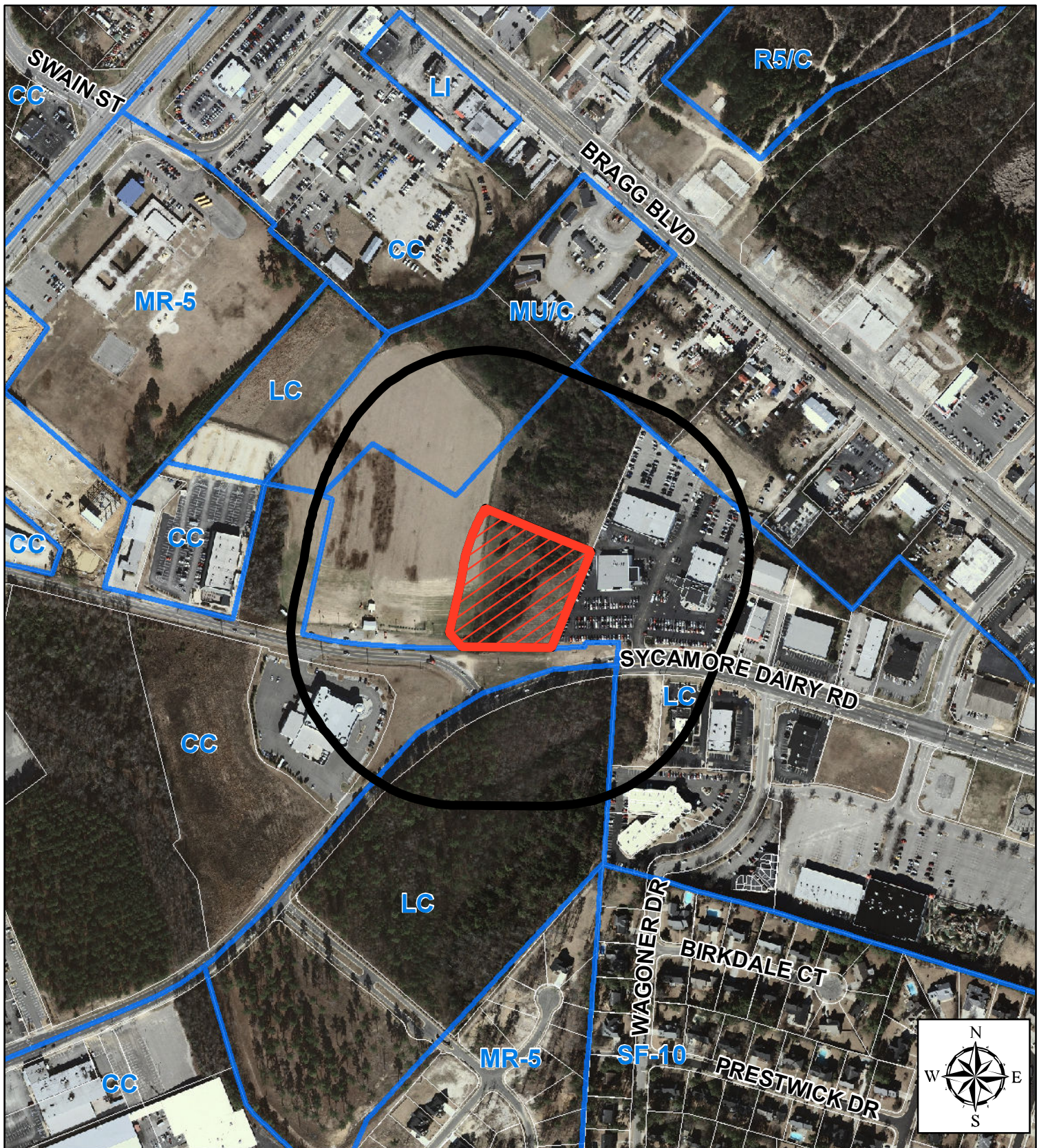
ATTACHMENTS:

Zoning Map

Land Use Plan

Current Landuse

**ZONING COMMISSION
CASE NO. P11-58F**

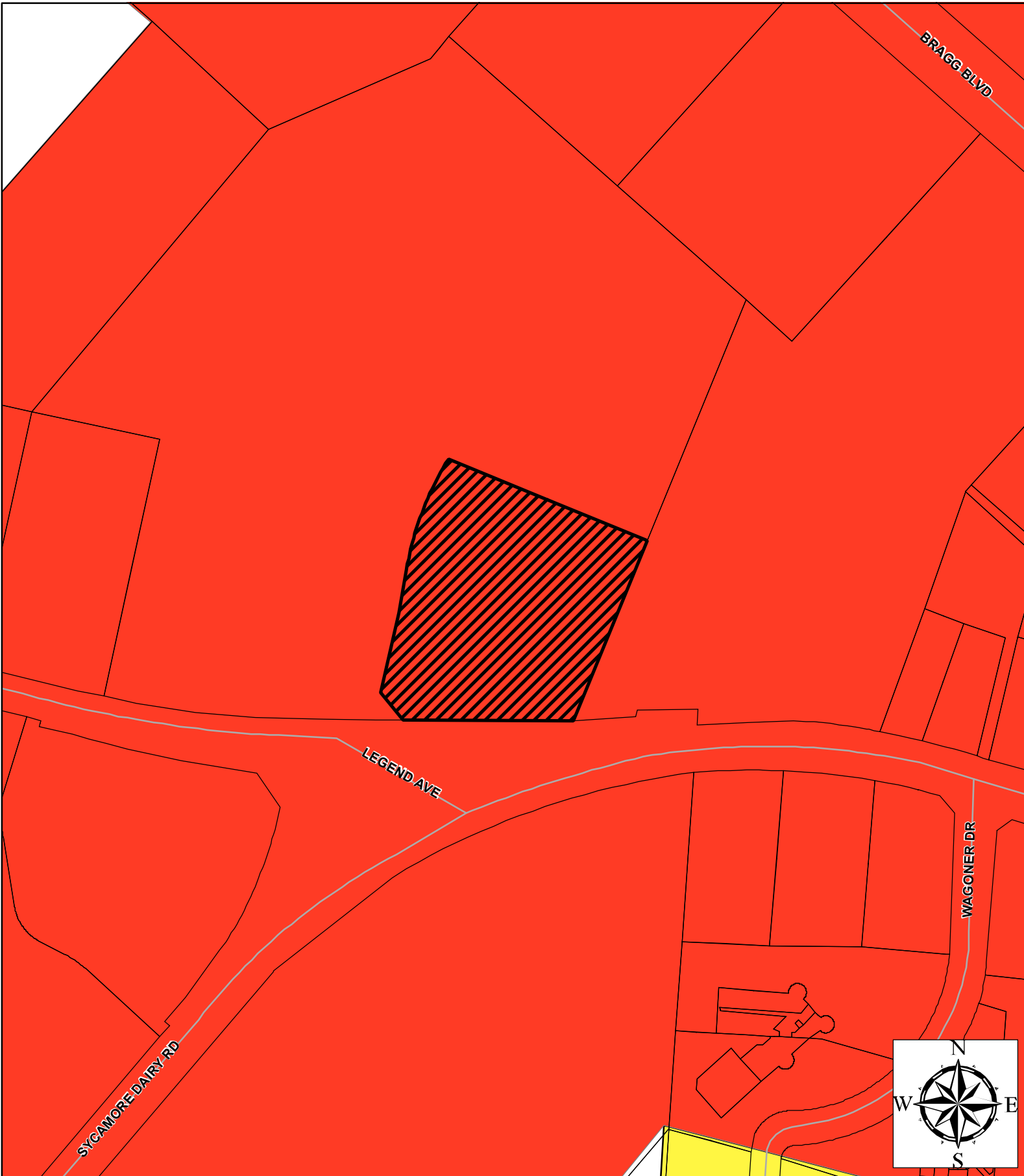


Request: LC to CC
Location: Legend & Sycamore Dairy
Acreage: +/- 3.1 acres

Zoning Commission: 11/8/2011 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0418-54-5140

2010 Land Use Plan

Case No. P11-58F

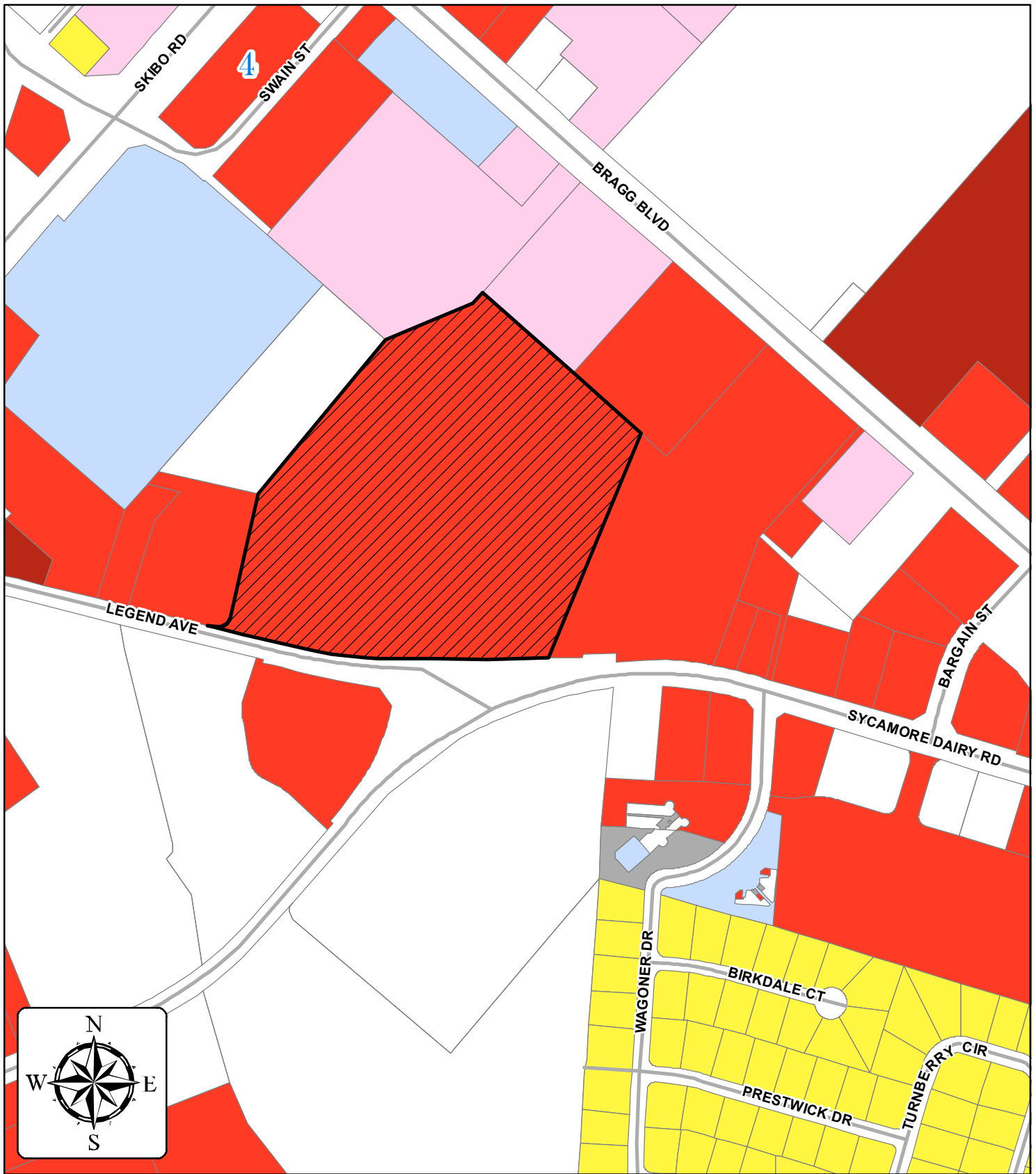


Legend

Heavy Commercial Low Density Residential - 3 - 2 - 1 Open Space

Current Land Use

P11-58F



Legend

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: December 12, 2011
RE: **P11-59F Rezoning from SF-6 Single Family Residential District to NC Neighborhood Commercial District, or a more restrictive district, on property located at 4820 Rosehill Road. Containing 1 acre more or less and being the property of Westarea Volunteer Fire Department, Inc. (OI Office and Institutional recommended)**

THE QUESTION:

Does the proposed zoning to Neighborhood Commercial fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development.

BACKGROUND:

Owner: Westarea Volunteer Fire Department
Applicant: Steven Blanchard
Requested Action: SF-6 to NC
Property Address: 4820 Rosehill Road
Council District: 3 (Massey)
Status of Property: Vacant Fire station
Size: 3.1 acres +/-
Existing Land Use: Fire Station
Adjoining Land Use & Zoning: North - OI Office & Institutional
South - SF-6 & SF-10 Residential
East - SF-6 & SF-10 Residential
West - SF-6 Residential
Letters Mailed: 38

Land Use Plan: Low Density Residential.

Small Area Studies: 2025 Long Range Transportation Plan - No effect on this property.

ISSUES:

Since this property has been annexed into the City, the Westarea Volunteer Fire Department no longer has use for this property. The owners wish to rezone this property in order to sell it. The owners have requested Neighborhood Commercial. The Zoning Commission and staff recommend that OI - Office and Institutional would be a better fit since there is already OI zoning across Rosehill Road from this property. This property is currently nonconforming under the UDO and would remain so even with a rezoning. The applicant did not appeal the recommendation of OI by the Zoning Commission.

Zoning Commission and Staff recommend approval of a lesser OI district based on:

1. The previous use of the property.
2. The existing building on the property.
3. Proximity to other OI districts.

BUDGET IMPACT:

The City would be required to provide an increase in public services that should be offset by the increase this development would bring to the City's tax base.

OPTIONS:

- 1) Approval of rezoning to OI as presented by staff (recommended);
- 2) Approval of rezoning to NC as requested by the applicant;
- 3) Denial of the rezoning request.

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to APPROVE the rezoning of this property to Office and Institutional, a more restrictive district, as presented by staff.

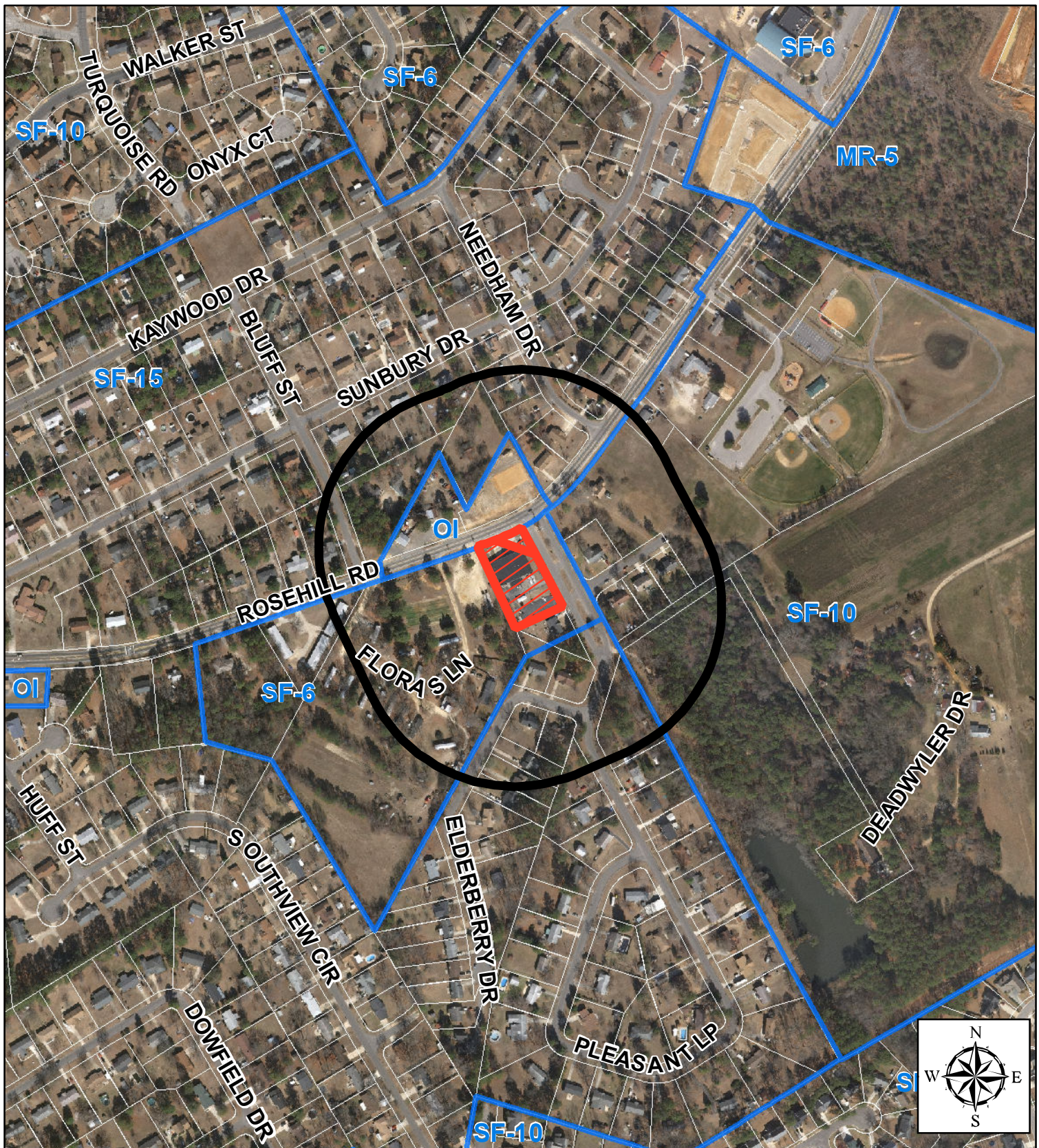
ATTACHMENTS:

Zoning Map

Land Use Plan

Current Landuse

**ZONING COMMISSION
CASE NO. P11-59F**



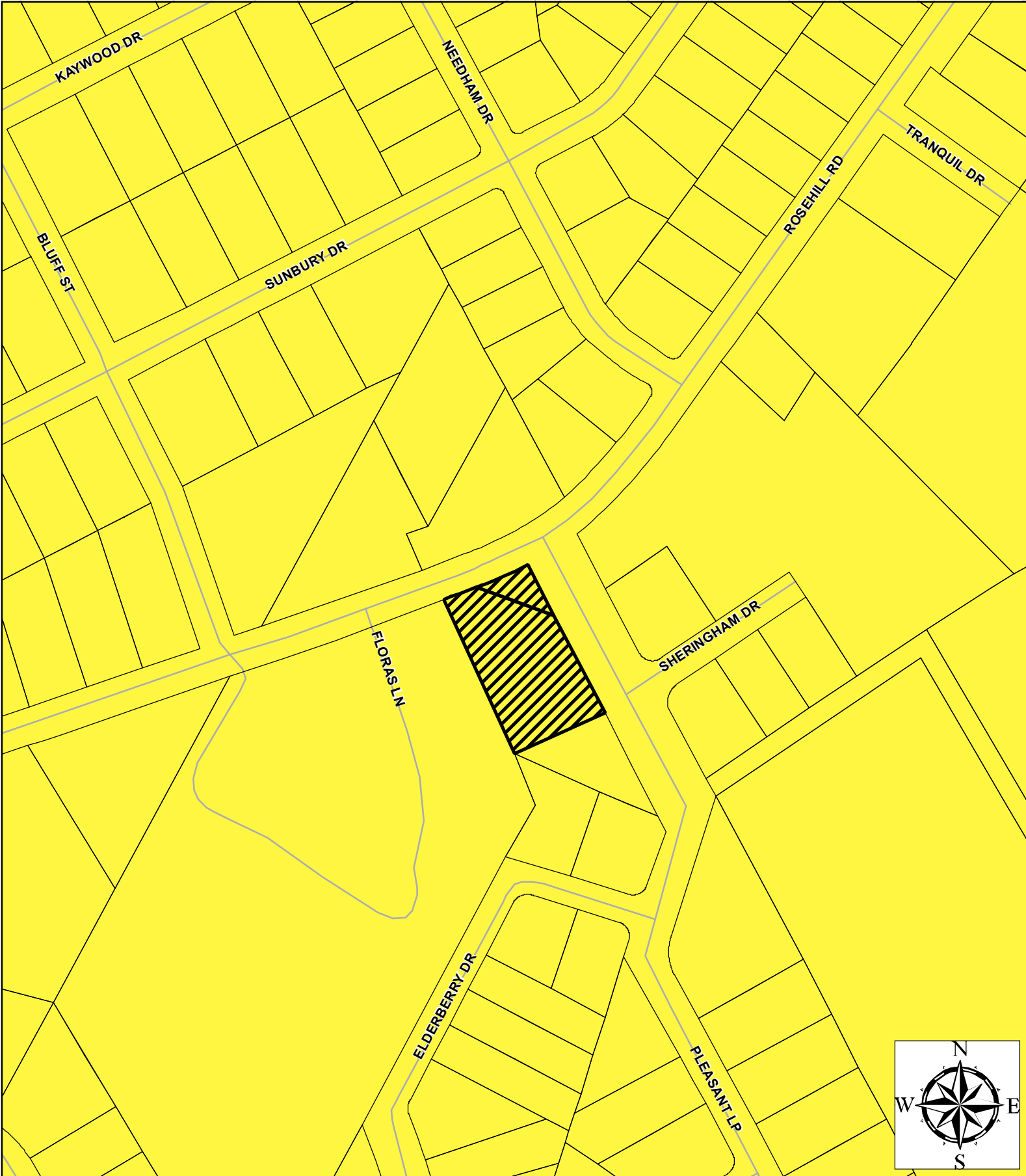
Request: SF-6 to NC
Location: 4820 Rosehill Rd -
Fire Station
Acreage: +/- 1.0 acres

Zoning Commission: 11/8/2011 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0429-99-1599 & 0429-99-1496

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

2010 Land Use Plan

Case No. P11-59F

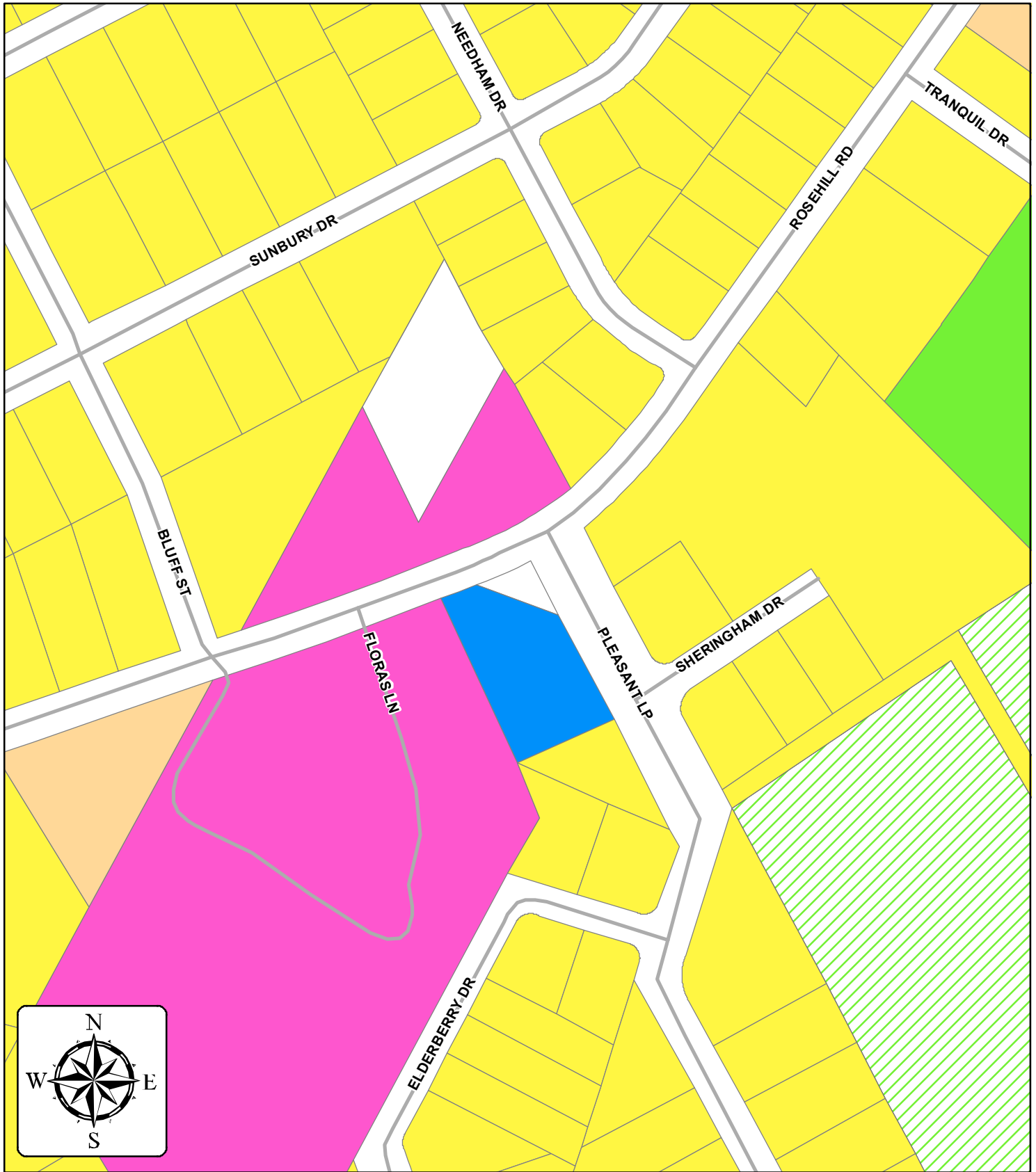


Legend

Heavy Commercial Low Density Residential 4-2-1 Open Space

Current Land Use

P11-59F



Legend

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: December 12, 2011
RE: **P11-60F rezoning from OI Office and Institutional District to LC/C Limited Commercial Conditional District, for a community gymnastics center, on property located at 417 Country Club Drive. Containing 2.4 acres more or less and being the property of New Century Bank.**

THE QUESTION:

Does the proposed zoning to Limited Commercial Conditional fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development.

BACKGROUND:

Owner: New Century Bank
Applicant: New Century Bank
Requested Action: OI to LC/C
Property Address: 417 Country Club
Council District: 3 (Massey)
Status of Property: Vacant
Size: 2.4 acres +/-
Existing Land Use: Wooded Lot
Adjoining Land Use & Zoning:
North - SF-10 Residential
South - SF-10 Residential
East - SF-10 Residential
West - SF-10 Residential & OI Office
Letters Mailed: 58

Land Use Plan: Low Density Residential. The current zoning and requested zoning for this property are not in keeping with the Land Use Plan of Fayetteville.

Small Area Studies: 2025 Long Range Transportation Plan - No effect on this property.

ISSUES:

This property is currently zoned Office and Institutional. The owner wishes to rezone the property to a Limited Commercial Conditional District. The conditions offered so far by the applicant would be continue the allowed uses under the OI district with the addition of gym for gymnastics which is allowed under the LC district.

Conditions offered by the owner:

1. LC uses would be restricted to only a gym.
2. Retain all uses under the OI district.
3. Type D: Opaque buffer where bordering residential districts, as listed in the Unified Development Ordinance

Zoning Commission and Staff recommend approval of the LC/C district based on:

1. The uses conditioned to only allow a Gym under the LC zoning and all other OI uses.

2. Proximity to other OI zoning.

BUDGET IMPACT:

The City would be required to provide an increase in public services that should be offset by the increase this development would bring to the City's tax base.

OPTIONS:

- 1) Approval of rezoning with the three conditions offered by the Owner (recommended).
- 2) Approval of rezoning with other conditions accepted by the owner.
- 3) Deny the rezoning request.

RECOMMENDED ACTION:

Zoning Commission & Staff Recommend: That the City Council move to APPROVE the rezoning of this property to LC/C with the three conditions offered by the owner.

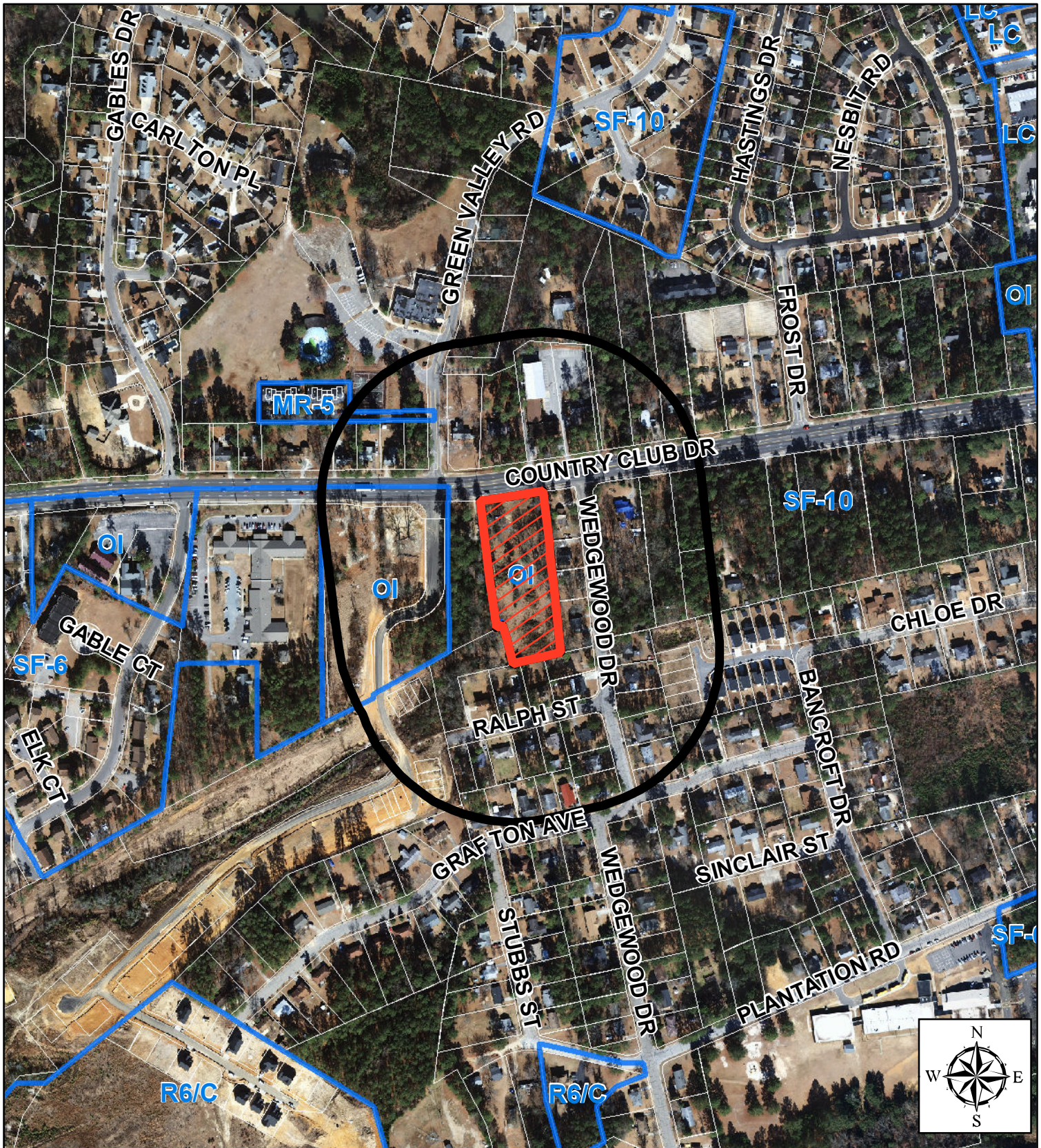
ATTACHMENTS:

Zoning Map

Land Use Plan

Current Landuse

**ZONING COMMISSION
CASE NO. P11-60F**



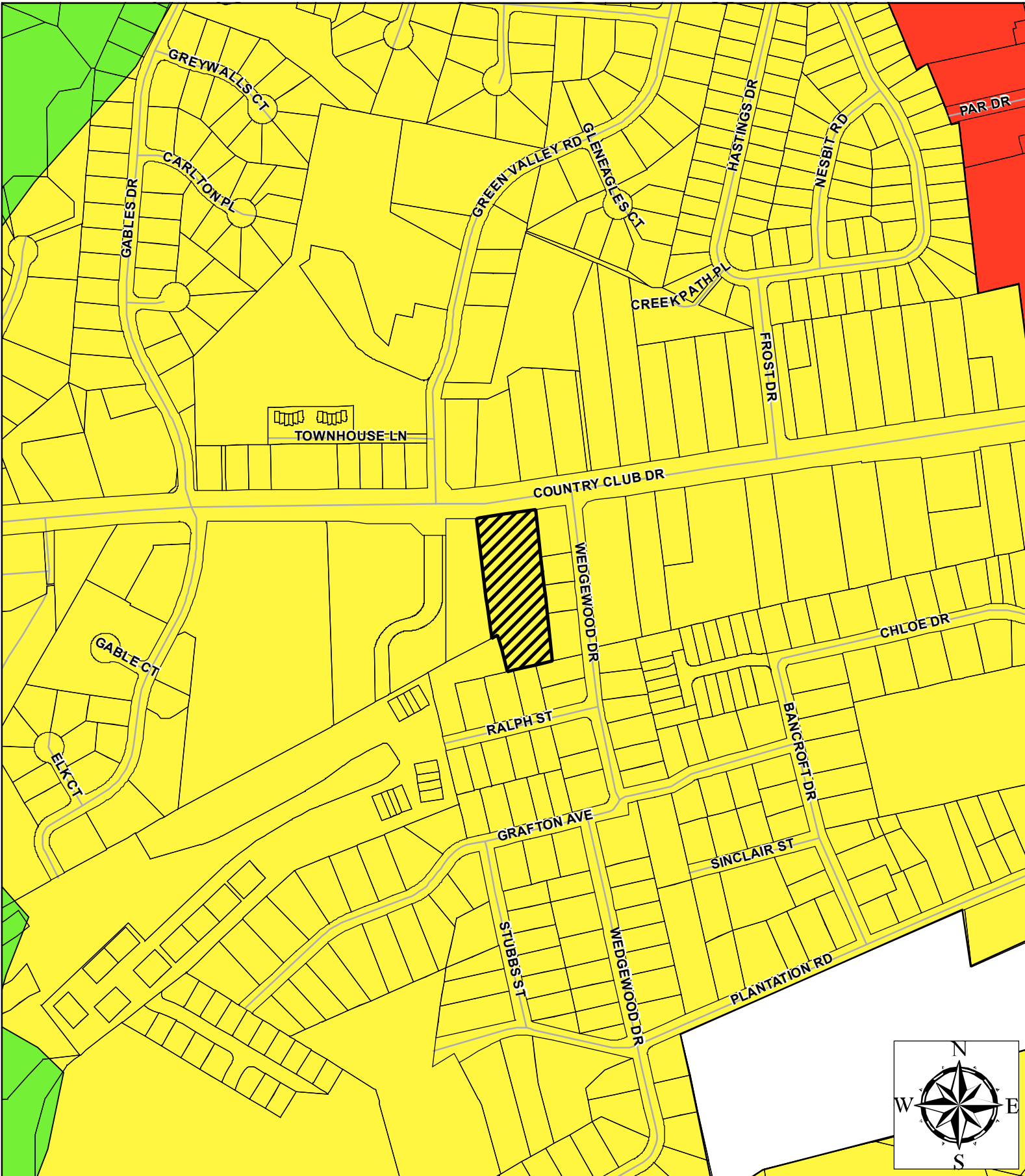
Request: OI to LC/CZ
Location: 417 Country Club
Acreage: +/- 2.4 acres

Zoning Commission: 11/8/2011 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0439-42-1690

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

2010 Land Use Plan

Case No. P11-60F

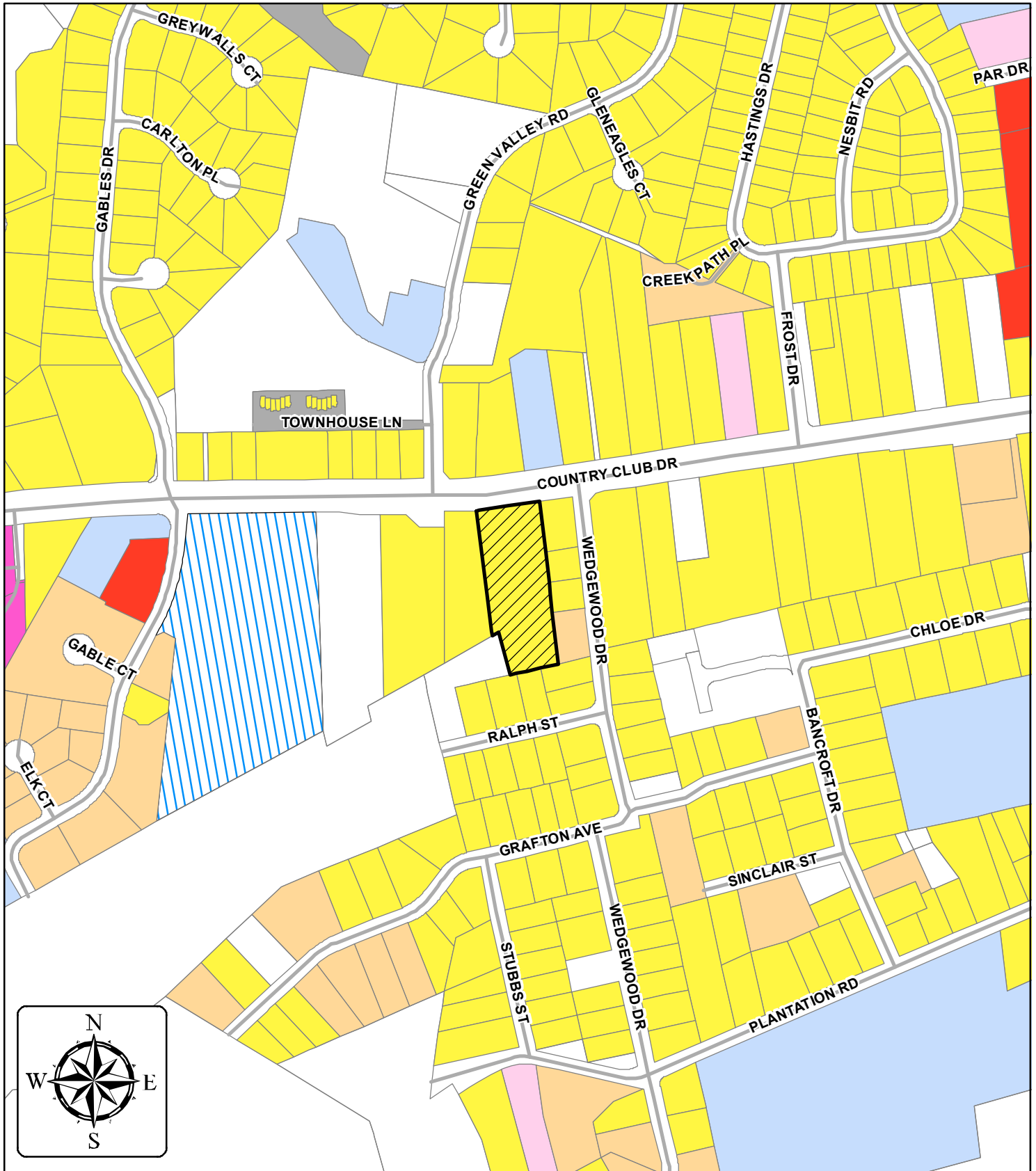


Legend

 Heavy Commercial  Low Density Residential - S-2-1  Open Space

Current Land Use

P11-60F



Legend

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: December 12, 2011
RE: **P11-61F Rezoning from CC Community Commercial District to MR-5 Mixed Residential District, or a more restrictive district, of a portion of property located at 4701 Raeford Road and Scotland Drive. Containing 10.51 acres more or less and being the property of Mitchell Properties of Florence, Inc.**

THE QUESTION:

Does the proposed zoning to Mixed Residential 5 fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development.

BACKGROUND:

Owner: Mitchel Properties of Florence
Applicant: Mitchel Properties of Florence
Requested Action: CC to MR-5
Property Address: 4701 Raeford Rd and Scotland Dr
Council District: 5 (Hurst)
Status of Property: Vacant
Size: 10.57 acres +/-
Existing Land Use: Parking Lot
Adjoining Land Use & Zoning:
North - CC Commercial
South - MR-5 Residential
East - SF-10 Residential
West - MR-5 Residential, LC & CC Commercial
Letters Mailed: 50

Land Use Plan: Heavy Commercial. Requested rezoning does not match the City's Land Use Plan.

Small Area Studies: 2025 Long Range Transportation Plan - No effect on this property.

ISSUES:

This property is currently zoned Community Commercial. It has access to both Raeford Road and Scotland Drive. This is the former Treasure City site. No buildings are currently on this site, only parking and the foundation pad from the previous building. While the Land Use Plan calls for Heavy Commercial on this property, it is staff's opinion that Mixed Residential is also appropriate since there is already MR-5 on two sides of this property and this should make a good redevelopment of a vacant property. Under the MR-5 district as many as 445 units could be built on this property.

Zoning Commission and Staff recommend approval of the MR-5 district based on:

1. Reuse of a previously developed site.
2. Proximity to other MR-5 zoning.
3. Multiple access points since the proposal joins two different roads.

BUDGET IMPACT:

The City would be required to provide an increase in public services that should be offset by the increase this development would bring to the City's tax base.

OPTIONS:

- 1) Approval of rezoning as presented by staff (recommended);
- 2) Approval of rezoning to a more restrictive district;
- 3) Denial of the rezoning request.

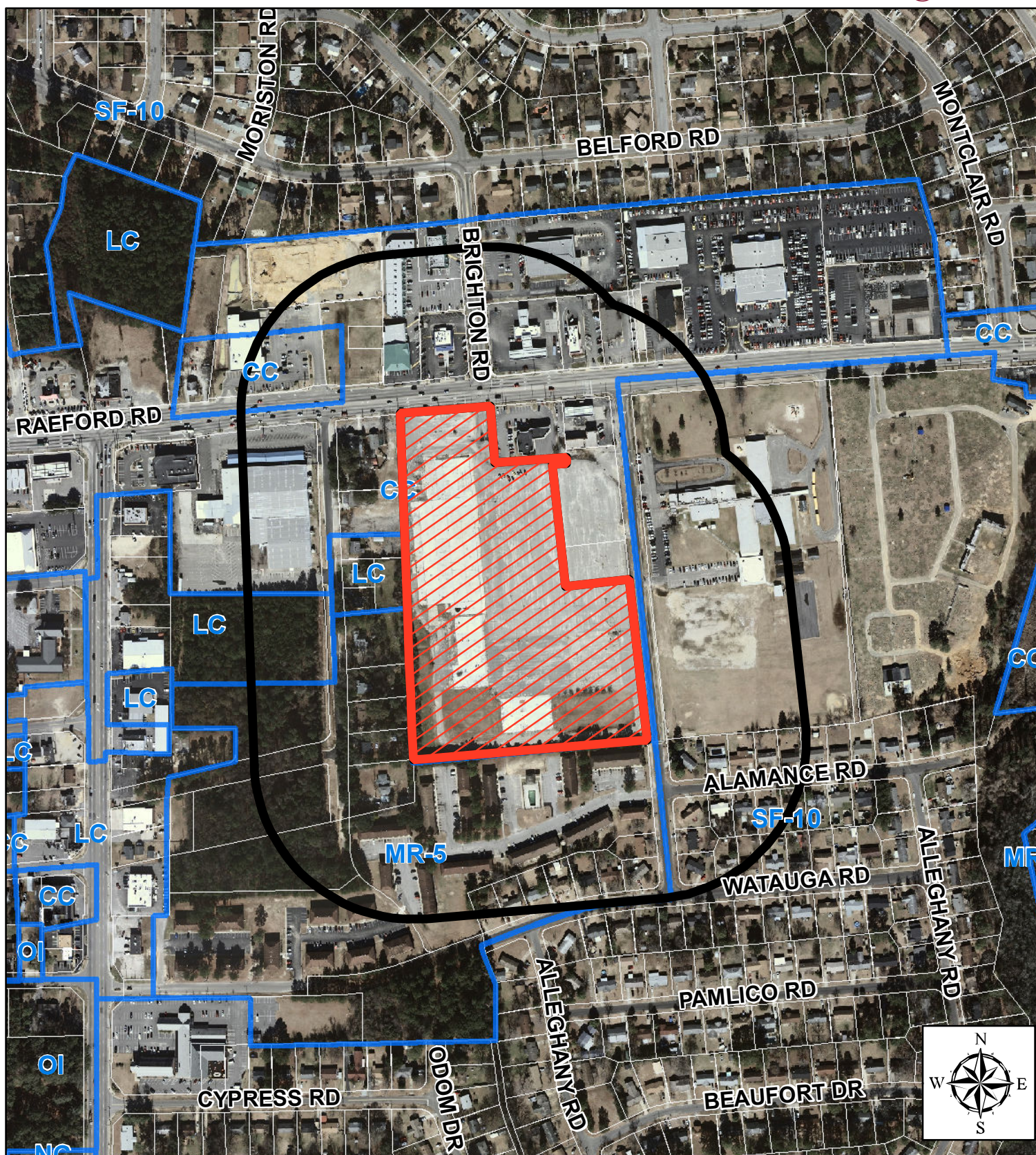
RECOMMENDED ACTION:

Zoning Commission & Staff Recommend: That the City Council move to APPROVE the rezoning of this property to Mixed Residential-5 as presented by staff.

ATTACHMENTS:

Zoning Map
Current Landuse
Land Use Plan

**ZONING COMMISSION
CASE NO. P11-61F**



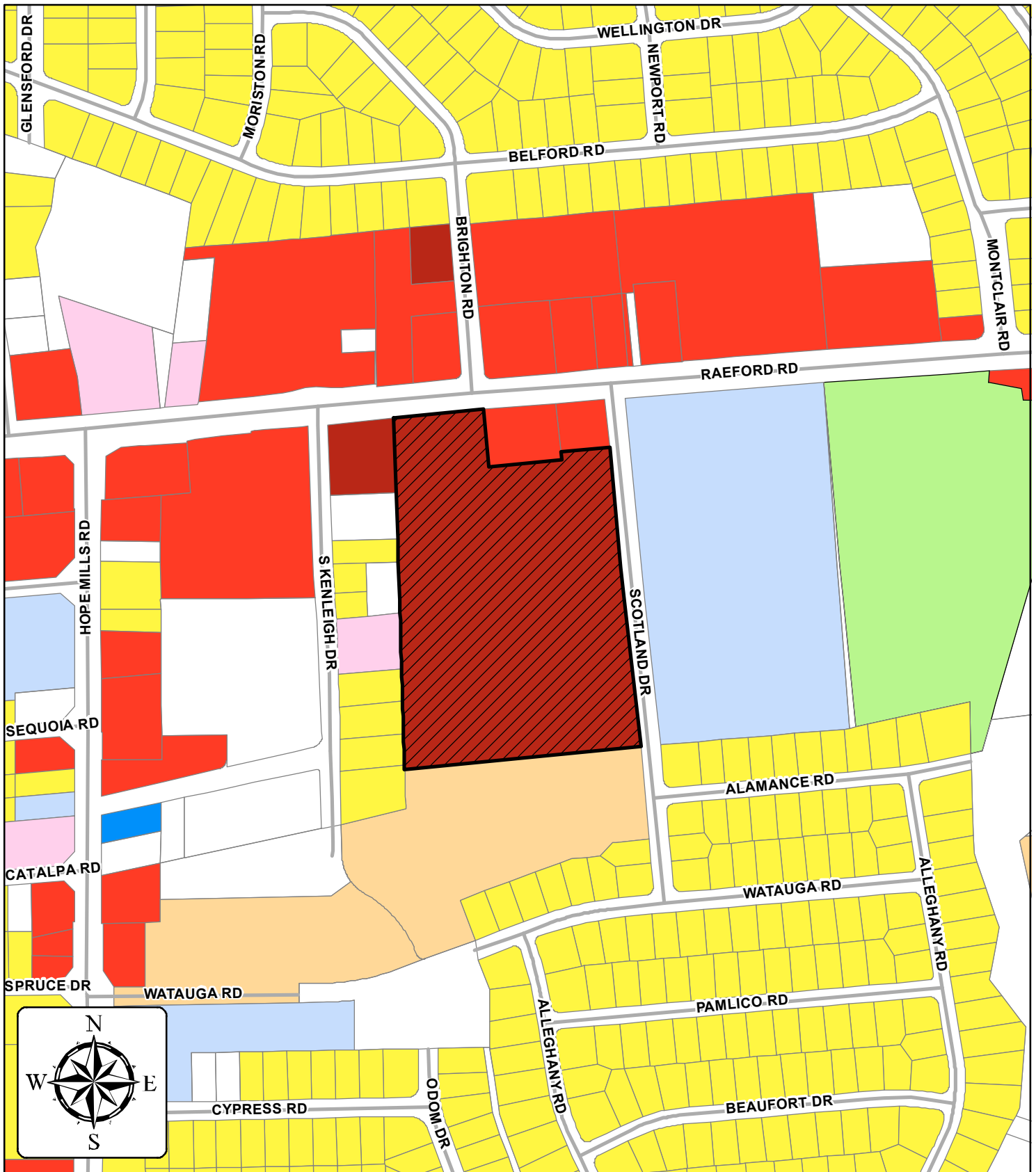
Request: CC to MR-5
Location: 4701 Raeford & Scotland
Acreage: +/- 10.57 acres

Zoning Commission: 11/8/2011 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0416-29-9999

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

Current Land Use

P11-61F

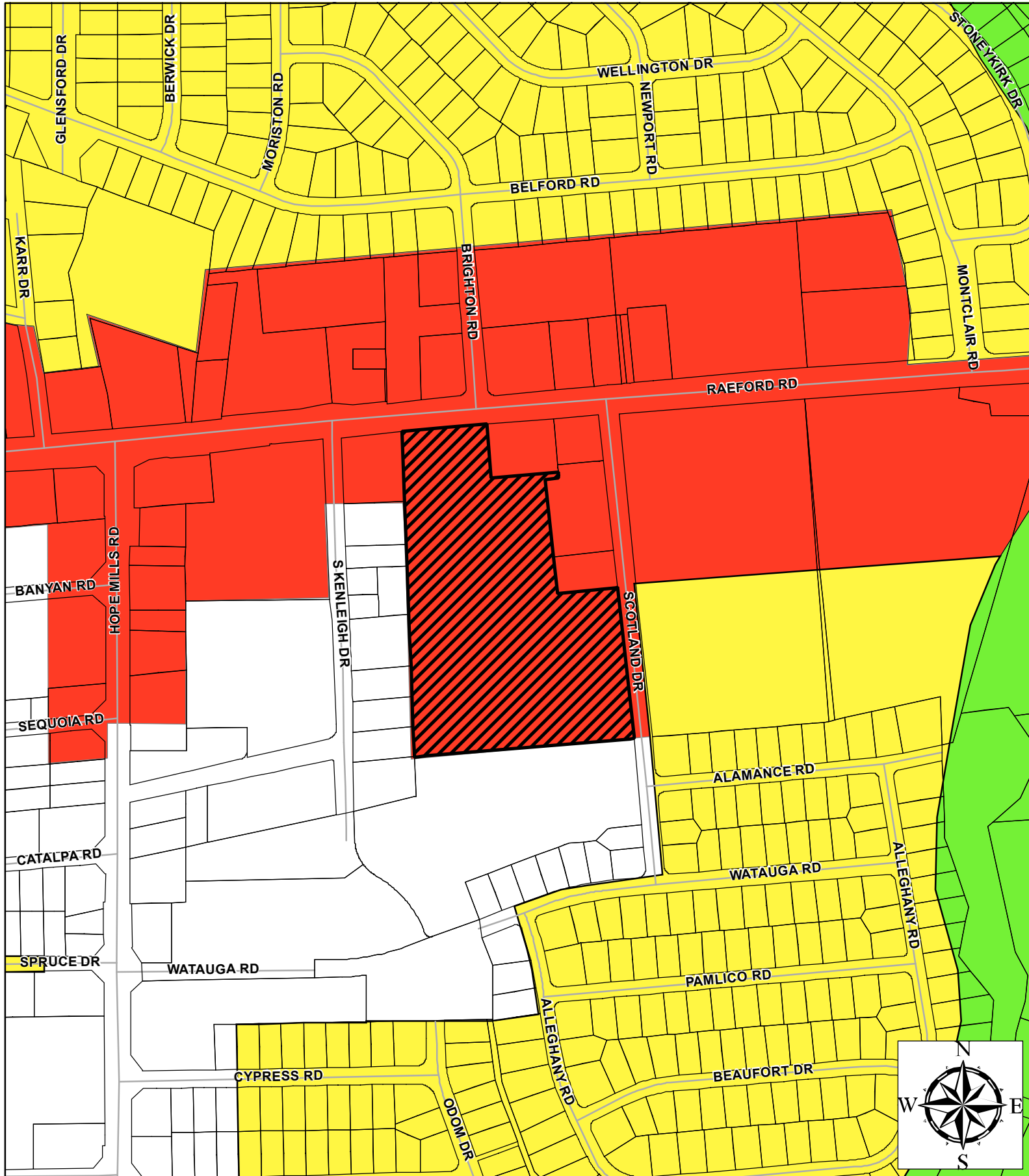


Legend

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

2010 Land Use Plan

Case No. P11-61F



Legend

Heavy Commercial Low Density Residential 6-3-1 Open Space

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Pamela Megil, City Clerk
DATE: December 12, 2011
RE: **Accept the Certification of Results from the Cumberland County Board of Elections for the November 8, 2011 Municipal Election**

THE QUESTION:

Does the City Council accept the Certification of Results from the Cumberland County Board of Elections for the November 8, 2011 Municipal Election?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

Municipal elections were held on November 8, 2011. As required by law, the Cumberland County Board of Elections certified that the attached official municipal results containing the number of legal ballots cast in each precinct for each office named, the name of each person voted for and the number of votes cast for each person for the office named.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Accept the Certification of Results from the Cumberland County Board of Elections as presented.

ATTACHMENTS:

Election Results - November 8, 2011

	STATISTICS		EASTOVER MAYOR		EASTOVER COUNCIL					FALCON MAYOR		FALCON COMMISSIONER					
	V O T E R S G I S T R E A L	C A S T B A L O T A L	G M C H a r l e s n	W R I T E - I N	F e r g u s o n A l f o n s o	S W i l l e	C H e d e r y l n	S a r a P i l a n d	H a z e l G S t u b b s	W R I T E - I N	L T u r p i n C l i f t o n	W R I T E - I N	W i l e y T C l a r k	J o h n G i p s o n	(J e r r y) G e r a l d a s	E N i c h o l a l s	W R I T E - I N
AL51 ALDERMAN	3292	872															
AH49 ARRAN HILLS	3189	284															
G5A-1 AUMAN-1-G5	2673	229															
G5A-2 AUMAN-2-G5	1932	236															
G7A BLACK RIVER-G7	209	38															
G7A BLACK RIVER-G7 2	181	36									28	1	32	28	29	29	3
G5C BRENTWOOD-G5	2669	172															
CL57-1 CLIFFDALE WEST-1	3166	171															
CL57-2 CLIFFDALE WEST-2	2644	216															
CC01 CROSS CREEK 01	2328	195															
G1A CROSS CREEK 02-G1	1653	153															
CC03 CROSS CREEK 03	1328	70															
CC04 CROSS CREEK 04	1136	187															
CC05 CROSS CREEK 05	2270	199															
CC06 CROSS CREEK 06	1312	168															
CC07 CROSS CREEK 07	1207	198															
CC08 CROSS CREEK 08	1374	371															
G2A CROSS CREEK 09-G2	3859	460															
CC10 CROSS CREEK 10	1196	193															
G3B CROSS CREEK 11-G3	1158	124															
CC12 CROSS CREEK 12	1639	418															
CC13 CROSS CREEK 13	3053	527															
CC14 CROSS CREEK 14	2748	467															
CC15 CROSS CREEK 15	2601	400															
CC16 CROSS CREEK 16	2260	483															
CC17 CROSS CREEK 17	2887	270															
CC18 CROSS CREEK 18	1705	319															
CC19 CROSS CREEK 19	1268	70															
G4B CROSS CREEK 20-G4	1481	179															
CC21 CROSS CREEK 21	3624	364															
G2B CROSS CREEK 22-G2	4422	342															
G2C-1 CROSS CREEK 23-1-	2553	279															
G2C-2 CROSS CREEK 23-2-	2177	206															
CC24 CROSS CREEK 24	1370	90															
CC25 CROSS CREEK 25	2053	165															
CC26 CROSS CREEK 26	3534	292															
CC27 CROSS CREEK 27	4217	120															
G5B-1 CROSS CREEK 28-1-	2895	214															

CUMBERLAND COUNTY, NC
MUNICIPAL ELECTION

	STATISTICS		EASTOVER MAYOR		EASTOVER COUNCIL						FALCON MAYOR		FALCON COMMISSIONER				
	V O T E R	C A S T	G		F e r g u s o n	S . W i l l i e	C H u d s o n	S a r a P i l a n d	H a z e l S t u b b s	W R I T E - I N	L T u r p i n J r . N	W R I T E - I N	W i l e y T . C l a r k	J o h n G i p s o n	(J e r r y) G e r a l d L u c a s	E . N i c h o l a s	W R I T E - I N
G5B-2 CROSS CREEK 28-2- CC29 CROSS CREEK 29	2454 2706	168 166															
G4A CROSS CREEK 30-G4 CC31 CROSS CREEK 31	1739 2336	136 182															
CC32 CROSS CREEK 32 CC33 CROSS CREEK 33	1476 2591	120 300															
CC34 CROSS CREEK 34 G8B CUMBERLAND 1A-G8	2012 1056	321 65															
CU02 CUMBERLAND 2 G8C CUMBERLAND 3-G8	2225 951	200 63															
G8A CUMBERLAND 4-G8 EO61-1 EASTOVER 1	2742 2415	149 505															
EO61-2 EASTOVER 2 G8D HOPE MILLS 1A-G8	1798 2983	218 372															
G9B-1 HOPE MILLS 2A-G9 G9B-2 HOPE MILLS 2B-G9	307 381	21 22															
G9A HOPE MILLS 3-G9 G10B HOPE MILLS 4-G10	2306 2588	417 355															
G1B JUDSON-VANDER-G1 LR63 LAKE RIM	8 3886	0 189															
LI65 LINDEN G2D LONGHILL-G2	83 630	32 79															
G11B MANCHESTER-G11 MB62 MONTIBELLO	4065 2237	11 86															
MR02 MORGANTON RD 2 G3A-2 PEARCES MILL 2B-G	2750 57	275 0															
G3C PEARCES MILL 3-G3 SH77 SHERWOOD	13 515	0 142															
G11A-1 SPRING LAKE-1-G1 G11A-2 SPRING LAKE-2-G1	2604 2015	425 417															
G6A STEDMAN-G6 G10C STONEY POINT 1-G10	664 642	37 62															
G10A STONEY POINT 2-G10 G7B WADE-G7	2086 978	113 171															
G2E-1 WESTAREA-1-G2 G2E-2 WESTAREA-2-G2	1332 2395	101 179															
One Stop A Absentee	0 0	77 76	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0

CUMBERLAND COUNTY, NC
MUNICIPAL ELECTION

	STATISTICS		EASTOVER MAYOR		EASTOVER COUNCIL						FALCON MAYOR		FALCON COMMISSIONER							
	R E G I S T E R E D	V O T E R S - T O T A L	C A S T - T O T A L	G - M C L A R K E S T E N	W R I T E - I N	A l f o n s o .	F e r g u s o n .	S - G e e	C - H u d s o n	P i l l a n d	H a z e l G - S t u b s	W R I T E - I N	L - T u r p i n J o r n	W R I T E - I N	W i l e y T - C l a r k	J o h n G i p s o n	(J e r r y) G e r a l d a s	E - N i c h o l l a s	W R I T E - I N	
Provisional	0	55	1	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0
Transfer	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	147289	16091	540	10	91	441	443	414	148	7	28	1	32	28	29	29	29	29	29	3

	FAYETTEVILLE MAYOR			FAYETTEVILLE COUNCIL DIST 1 1ST			FAYETTEVILLE COUNCIL DIST 2 2ND			FAYETTEVILLE COUNCIL DIST 3 3RD			FAYETTEVILLE COUNCIL DIST 4 4TH			FAYETTEVILLE COUNCIL DIST 5 5TH		
	T o n y	N a t i o n a l		K e i t h	R o b e r t		K a d y	A r t h u r		A M a s s e y J r.	A l W o o d a l l		D J H a i r e	L C h a l m e r s		B o b b y H u r s t	M c K i n n o n S r D	W R I T E - I N
AH49 ARRAN HILLS	143	136	0															
G5A-1 AUMAN-1-G5	125	94	8															
G5A-2 AUMAN-2-G5	116	109	2															
G5C BRENTWOOD-G5	97	73	1															
CL57-1 CLIFFDALE WEST-1	85	81	2															
CL57-2 CLIFFDALE WEST-2	112	103	0															
CC01 CROSS CREEK 01	113	80	1				155	34	2									
G1A CROSS CREEK 02-G1	80	72	0				117	29	1									
CC03 CROSS CREEK 03	37	32	0							0	1	0	29	28	0			
CC04 CROSS CREEK 04	131	55	0				149	28	3									
CC05 CROSS CREEK 05	108	89	1				157	39	0									
CC06 CROSS CREEK 06	101	66	1				111	53	0									
CC07 CROSS CREEK 07	125	72	1													149	42	0
CC08 CROSS CREEK 08	268	100	2				66	14	0							234	47	1
G2A CROSS CREEK 09-G2	249	209	0				6	2	0	275	164	1						
CC10 CROSS CREEK 10	128	64	0				34	16	0							112	19	1
G3B CROSS CREEK 11-G3	93	30	0				90	31	1									
CC12 CROSS CREEK 12	275	141	2													331	71	0
CC13 CROSS CREEK 13	232	266	2				405	16	0				54	48	0			
CC14 CROSS CREEK 14	291	175	0													93	32	0
CC15 CROSS CREEK 15	251	142	3				0	1	0							276	112	2
CC16 CROSS CREEK 16	219	256	1							293	33	3	102	49	0			
CC17 CROSS CREEK 17	127	138	3							155	36	2	34	40	1			
CC18 CROSS CREEK 18	217	100	2				38	30	1							201	33	2
CC19 CROSS CREEK 19	36	33	0				47	22	0									
G4B CROSS CREEK 20-G4	105	74	0				27	14	0							104	30	0
CC21 CROSS CREEK 21	197	165	0				13	8	0				171	172	0			
G2B CROSS CREEK 22-G2	205	136	0	174	87	1	65	10	0									
G2C-1 CROSS CREEK 23-1-	161	111	2	197	78	0												
G2C-2 CROSS CREEK 23-2-	133	71	0	158	45	2												
CC24 CROSS CREEK 24	51	34	5															
CC25 CROSS CREEK 25	99	65	0															
CC26 CROSS CREEK 26	160	125	2										124	82	1			
CC27 CROSS CREEK 27	64	56	0										15	12	0			
G5B-1 CROSS CREEK 28-1-	106	104	4															
G5B-2 CROSS CREEK 28-2-	104	61	1															
CC29 CROSS CREEK 29	95	70	1															
G4A CROSS CREEK 30-G4	75	61	0													94	41	0

	FAYETTEVILLE MAYOR			FAYETTEVILLE COUNCIL DIST 1 1ST			FAYETTEVILLE COUNCIL DIST 2 2ND			FAYETTEVILLE COUNCIL DIST 3 3RD			FAYETTEVILLE COUNCIL DIST 4 4TH			FAYETTEVILLE COUNCIL DIST 5 5TH		
	T o n y C h a v o n n e	N a t R o b e r t s o n	W R I T E - I N	K e i t h A - B a t e s	R o b e r t L - E v a n s	W R I T E - I N	K a d y A n n D a v y	A r t h u r D u k e	W R I T E - I N	A - M a s s e y J r - R o b e r t	A l W o o d a l l I	W R I T E - I N	D - J - H a i r e	L - M c D o u g a l d C h a l m e r s	W R I T E - I N	B o b b y H u r s t	M c K i n n o n T o n y D - S r - D	W R I T E - I N
CC31 CROSS CREEK 31	97	84	0													106	71	0
CC32 CROSS CREEK 32	68	51	0										60	57	0			
CC33 CROSS CREEK 33	165	132	1							103	113	1	40	36	0			
CC34 CROSS CREEK 34	170	146	2													130	38	0
G8B CUMBERLAND 1A-G8	24	28	0															
CU02 CUMBERLAND 2	106	93	0													11	20	0
G8C CUMBERLAND 3-G8	23	23	1													2	0	0
G8A CUMBERLAND 4-G8	66	77	1															
EO61-1 EASTOVER 1	0	2	0				2	0	0									
G1B JUDSON-VANDER-G1	0	0	0				0	0	0									
LR63 LAKE RIM	99	89	0															
G2D LONGHILL-G2	58	21	0	45	32	0												
G11B MANCHESTER-G11	5	4	0	3	0	0				1	2	0						
MB62 MONTIBELLO	41	45	0										74	107	1			
MR02 MORGANTON RD 2	127	144	2															
G3A-2 PEARCES MILL 2B-G	0	0	0				0	0	0									
G3C PEARCES MILL 3-G3	0	0	0				0	0	0									
G6A STEDMAN-G6	3	0	0				2	1	0									
G10C STONEY POINT 1-G10	33	26	2															
G10A STONEY POINT 2-G10	38	49	0															
G2E-1 WESTAREA-1-G2	59	42	0							74	24	1						
G2E-2 WESTAREA-2-G2	97	78	0							134	39	0	0	0	0			
One Stop A	29	29	2	1	0	0	9	8	0	10	1	0	4	0	0	13	0	0
Absentee	29	29	0	6	0	0	5	1	0	4	1	0	3	2	0	15	1	0
Provisional	16	13	0	0	1	0	5	1	0	0	0	0	0	1	0	0	0	0
Transfer	6	1	0	0	1	0	3	0	0	0	0	0	0	1	0	0	0	0
TOTALS	6673	5055	58	584	244	3	1506	358	8	1049	414	8	710	635	3	1871	557	6

	FAYETTEVILLE COUNCIL DIST 6 6TH			FAYETTEVILLE COUNCIL DIST 7 7TH			FAYETTEVILLE COUNCIL DIST 8 8TH			FAYETTEVILLE COUNCIL DIST 9 9TH		GODWIN MAYOR		GODWIN COMMISSIONER						
	B i l l C r i s p	J e f f r e y L o n g	W R I T E - I N	V a l A p p l e w h i t e	S t e v e B o r t h	W R I T E - I N	W a d e F o w l e r	M i c h a e l	P i n k s t o n	W R I T E - I N	J i m A r p	W R I T E - I N	T e w D e b o r a h	W R I T E - I N	W i l l i e B u r n e t t e	D o n a l d M c I n t y r e	R o n a l d M c N e i l l	M a c k R o y a l	W R I T E - I N	
AH49 ARRAN HILLS	181	62	1	24	10	3														
G5A-1 AUMAN-1-G5	156	54	1	9	8	0														
G5A-2 AUMAN-2-G5	51	26	0	0	0	0	104	49	4											
G7A BLACK RIVER-G7													26	3	29	26	27	26	2	
G5C BRENTWOOD-G5	14	10	0	97	43	1														
CL57-1 CLIFFDALE WEST-1				1	0	0	93	73	1											
CL57-2 CLIFFDALE WEST-2							128	85	0											
CC03 CROSS CREEK 03											10	0								
CC14 CROSS CREEK 14											250	16								
CC24 CROSS CREEK 24											66	14								
CC25 CROSS CREEK 25											132	3								
CC26 CROSS CREEK 26											59	4								
CC27 CROSS CREEK 27											69	7								
G5B-1 CROSS CREEK 28-1-				157	48	0														
G5B-2 CROSS CREEK 28-2-				125	41	0														
CC29 CROSS CREEK 29				40	7	0					90	3								
CC32 CROSS CREEK 32							2	1	0											
CC34 CROSS CREEK 34											104	7								
G8B CUMBERLAND 1A-G8	32	20	0																	
CU02 CUMBERLAND 2	80	84	1																	
G8C CUMBERLAND 3-G8	13	31	0																	
G8A CUMBERLAND 4-G8	103	39	0																	
LR63 LAKE RIM				70	19	5	61	27	0											
G11B MANCHESTER-G11							1	2	0											
MB62 MONTIBELLO				60	21	1														
MR02 MORGANTON RD 2							70	17	1											
G10C STONEY POINT 1-G10	42	20	0																	
G10A STONEY POINT 2-G10	57	30	0																	
One Stop A	4	0	0	3	1	0	0	1	0	4	0	0	0	0	0	0	0	0	0	0
Absentee	0	1	0	5	1	0	2	2	0	3	0	0	0	0	0	0	0	0	0	0
Provisional	1	0	0	2	0	0	1	0	0	2	0	0	0	0	0	0	0	0	0	0
Transfer	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	734	377	3	594	199	10	462	257	6	789	54	26	3	29	26	27	26	2		

CUMBERLAND COUNTY, NC
MUNICIPAL ELECTION

	HOPE MILLS MAYOR			HOPE MILLS COMMISSIONER												LINDEN MAYOR		
	Eddie Dees	Jack Warner	W R I T E - I N	Jimmy Clark	K Collins	Pat Edwards	Bob Gorman	Vince F. Jackson	Jerri Legg	Doris Luther	Mike Mitchell	Derrick Reed	Ron Starling	Ronnie Strong	W R I T E - I N	Marie Butler	Jeremy Sturtz	W R I T E - I N
G8B CUMBERLAND 1A-G8	8	5	0	6	5	2	5	5	4	4	7	7	4	3	1			
G8C CUMBERLAND 3-G8	7	8	0	1	8	6	4	7	3	10	6	1	7	6	0			
G8A CUMBERLAND 4-G8	3	0	0	1	3	1	3	1	1	3	2	2	0	2	0			
G8D HOPE MILLS 1A-G8	143	222	1	135	180	132	186	130	143	143	210	156	118	109	8			
G9B-1 HOPE MILLS 2A-G9	16	5	0	3	11	8	10	8	13	5	10	9	6	5	0			
G9B-2 HOPE MILLS 2B-G9	6	1	0	3	2	2	4	1	3	3	3	1	1	1	0			
G9A HOPE MILLS 3-G9	205	205	2	158	209	183	147	139	150	134	259	141	94	101	13			
G10B HOPE MILLS 4-G10	166	182	2	122	185	108	158	131	159	109	153	97	75	127	7			
LI65 LINDEN																25	7	0
G10C STONEY POINT 1-G10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
G10A STONEY POINT 2-G10	7	18	0	8	13	10	11	14	8	12	6	9	5	4	1			
One Stop A	2	1	0	2	2	0	1	1	0	1	2	0	0	1	0	0	0	0
Absentee	7	0	0	5	5	1	2	2	2	0	5	4	0	2	0	0	1	1
Provisional	6	5	0	4	6	1	4	3	2	2	6	3	3	2	0	0	1	0
Transfer	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	576	652	5	448	629	454	535	442	488	426	669	430	313	363	30	25	9	1

CUMBERLAND COUNTY, NC
MUNICIPAL ELECTION

	LINDEN COMMISSIONER							SPRING LAKE MAYOR			SPRING LAKE ALDERMAN								
	V. F r a n c e s	B a r b a r a D e n n i n g	R o n n i e M a n e s s	C. C h a r l e s	B e t s y S m a l l	J a c o b U l v e s t a d	W R I T E - I N	E t h e l T - C l a r k	C h r i s V - R e y	W R I T E - I N	J a m e s C h r i s t i a n	R i c h a r d H i g g i n s	N a p o l e o n H o g g a n s	D e b o r a	J o h n s o n H u d s o n	L e e J a c k s o n	P - O - J a m e s r a	S u t h e r l a n d	W R I T E - I N
LI65 LINDEN	29	28	29	9	27	25	0												
G11B MANCHESTER-G11								0	2	0	2	2	1		1	2	0	2	0
G11A-1 SPRING LAKE-1-G1								97	326	0	270	213	249		152	205	252	256	1
G11A-2 SPRING LAKE-2-G1								103	311	1	243	251	268		163	207	267	248	3
One Stop A	0	0	0	0	0	0	0	2	1	0	1	1	0		1	2	1	1	0
Absentee	0	0	0	2	0	0	0	1	4	0	3	2	1		1	0	0	1	0
Provisional	0	0	1	1	1	1	1	0	4	0	2	0	2		2	2	3	2	0
Transfer	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0	0	0
TOTALS	29	28	30	12	28	26	1	203	648	1	521	469	521		320	418	523	510	4

STEDMAN COMMISSIONER				WADE MAYOR		WADE COMMISSIONER										EASTOVER SANITARY DIST BOARD EASTOVER SANITARY DISTRICT		
J o h n P a t M c C a l l	P e g g y R a y m e s	G r e g W r e n c h	W R I T E - I N	H u e l l A e k i n s	W R I T E - I N	D e a n n a B e t h e a	J o e D i x o n	R a y E d w a r d s	K e n n e t h G r i f f i n	K e n d r i c k N o e l e	J o h n n y L a n t h o r n	(B u t c h) J o h n n e r y	D o n o v a n S m i t h	W R I T E - I N	S t e v e G o d w i n	L . J o h n s o n	W R I T E - I N	
																0	5	0
																0	0	0
																244	250	3
																93	119	2
																0	0	0
32	31	33	4	86	4	32	73	57	37	43	66	57	31	15		24	43	1
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	1	0	1	0	0	0	0	0	1	0	0	1	1	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32	31	33	4	87	4	33	73	57	37	43	66	57	32	15		362	418	6

Gray's Creek
Water and
Sewer Bonds

Y e s	N o
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AL51 ALDERMAN	144	727
G9B-2 HOPE MILLS 2B-G9	1	14
SH77 SHERWOOD	20	122
One Stop A	0	11
Absentee	0	3
Provisional	0	6
Transfer	0	0
TOTALS	165	883

GENERAL ELECTION
November 8, 2011
ABSTRACT OF WRITE-IN VOTES
STATE OF NORTH CAROLINA

INSTRUCTIONS

THREE COPIES are to be made. One copy is to be delivered to the Clerk of Superior Court. One copy is to be retained by the County Board of Elections. One copy is to be mailed on canvass day to the Chairman of the State Board of Elections, Raleigh, North Carolina (GS 163-182.6).

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

Write-in votes must be accounted for if an individual receives 5 or more votes. All other write-in votes shall be accumulated and placed under Miscellaneous

FAYETTEVILLE MAYOR: TOTAL WRITE-IN VOTES: 28
MARSHALL PITTS: WRITE-IN VOTES: 5
BOB WHITE: WRITE-IN VOTES: 5
MISCELLANEOUS VOTES: 18

HOPE MILLS COMMISSIONER: TOTAL WRITE-IN VOTES: 16
TERRY SMITH: WRITE-IN VOTES: 7
MISCELLANEOUS VOTES: 9

WADE COMMISSIONER: TOTAL WRITE-IN VOTES: 13
ANN LONG: WRITE-IN VOTES: 13
MISCELLANEOUS VOTES: 0

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: December 12, 2011
RE: **Authorize the Mayor to Execute a Contract with Cherry, Bekaert and Holland to Audit Accounts for Fiscal Year 2011-2012**

THE QUESTION:

City and PWC staff request Council approval to execute the audit contract for Fiscal Year 2011-2012 with Cherry Bekaert & Holland (CB&H).

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

- CB&H has provided excellent and timely audit services to the City and its PWC.
- As stated last fiscal year, CB&H has agreed to provide Fiscal Year 2011-2012 audit services to the City and its PWC for a total amount not to exceed \$100,000. This represents the third year at this flat fee.
- This fee covers the audit work performed at the City's offices and its Public Works Commission. The City's share of the contract is \$60,000 and PWC's share is \$40,000.
- This annual fee is \$22,720 less than the fee for Fiscal Year 2008-2009, which is primarily due to City staff's commitment to internally produce the comprehensive annual financial report.
- FY2012 will be the third year that City staff will internally generate the comprehensive annual financial report.

ISSUES:

None

BUDGET IMPACT:

The FY2012 General Fund budget includes \$60,000 and the PWC budget includes \$40,000 for this contract.

OPTIONS:

1. Authorize the Mayor to execute the Contract to Audit Accounts with CB&H for Fiscal Year 2011-2012.
2. Do not authorize the Mayor to execute the contract and direct staff to conduct a RFP process.

RECOMMENDED ACTION:

Authorize the Mayor to execute the Contract to Audit Accounts with CB&H for Fiscal Year 2011-2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: December 12, 2011
RE: **Capital Project Ordinance Amendment 2012-18 (Municipal Transportation Agreements)**

THE QUESTION:

This amendment will appropriate an additional \$69,529 for North Carolina Department of Transportation Municipal Agreements for the construction of sidewalks at Glensford Drive and Camden Road.

RELATIONSHIP TO STRATEGIC PLAN:

Vision Principles A and F: A clean and safe community with controlled access and efficient traffic flow.

BACKGROUND:

- This amendment will appropriate additional funds to cover our 50% share of the expected sidewalk construction costs.
- Capital Project Ordinance Amendment 2012-7 established an initial appropriation for the Glensford Drive sidewalk in the amount of \$48,000. This amendment will appropriate an additional \$48,854 for the Glensford Drive sidewalk project resulting in a total budget of \$96,854.
- In addition, this amendment will establish a \$20,675 budget for the Camden Road sidewalk project.
- If the amendment is approved, the total amended budget for these projects and other municipal transportation agreements covered through this ordinance will be \$3,650,405.
- The associated municipal agreements will also be presented on this agenda for Council consideration.

ISSUES:

None

BUDGET IMPACT:

As outlined above.

OPTIONS:

1. Adopt Capital Project Ordinance Amendment 2012-18.
2. Do not adopt Capital Project Ordinance Amendment 2012-18.

RECOMMENDED ACTION:

Adopt Capital Project Ordinance Amendment 2012-18.

ATTACHMENTS:

Capital Project Ordinance Amendment 2012-18 (Municipal Agreements)

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2012-18 (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	3,555,166	69,529	3,624,695
	<u>\$ 3,580,876</u>	<u>\$ 69,529</u>	<u>\$ 3,650,405</u>

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

Project Expenditures	<u>\$ 3,580,876</u>	<u>\$ 69,529</u>	<u>\$ 3,650,405</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 12th day of December, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: December 12, 2011
RE: **Special Revenue Fund Project Ordinance 2012-11 Multi Disciplinary Team Training**

THE QUESTION:

This ordinance appropriates \$18,852 in federal and local funds for the Cumberland County Multi Disciplinary Team Training 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:

- The funding sources for this ordinance are a \$14,139 federal grant award passed through the NC Governor's Crime Commission and a \$4,713 local match from the City of Fayetteville.
- The Cumberland County Multi Disciplinary Team includes law enforcement officers from the City of Fayetteville, the Cumberland County Sheriff's Office, and the Town of Spring Lake, as well as forensic interviewers from the Child Advocacy Center and representatives from the Department of Social Services.
- A Memorandum of Understanding between the City and the partnering agencies is being developed. This Memorandum will specify the amount of funding to be provided to the City by the partner agencies.
- This ordinance will appropriate the funds needed to provide forensic interview training and team building training for the members of the Multi Disciplinary Team.

ISSUES:

None

BUDGET IMPACT:

The City's \$4,713 match is included in the General Fund budget.

OPTIONS:

- 1) Adopt Special Revenue Fund Project Ordinance 2012-11.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2012-11.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2012-11.

ATTACHMENTS:

SRO 2012-11 Cumberland County Multi Disciplinary Team Training

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2012-11

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

Section 1. The authorized project is for funding of the Cumberland County Multi Disciplinary Team Training program through a federal grant passed through the NC Department of Crime Control and Public Safety, Division of Governor's Crime Commission.

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	\$ 14,139
Local Match - City of Fayetteville	<u>4,713</u>
	<u><u>\$ 18,852</u></u>

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

Project Expenditures	<u><u>\$ 18,852</u></u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 12th day of December, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: December 12, 2011
RE: **Special Revenue Fund Project Ordinance 2012-10 Project Safe Neighborhoods - Alcohol Tobacco Firearms Task Force**

THE QUESTION:

This ordinance appropriates \$4,162 in federal funds from the Project Safe Neighborhoods Grant Program to fund the Police Department's Alcohol Tobacco Firearms Task Force.

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 funding source for this program is a \$4,162 federal grant award passed through the Division of Governor's Crime Commission of the NC Department of Crime Control and Public Safety. There is no local match requirement.
- This ordinance will appropriate the funds needed to provide equipment to police officers who are assigned to the Alcohol Tobacco Firearms Task Force.

ISSUES:

None

BUDGET IMPACT:

None

OPTIONS:

- 1) Adopt Special Revenue Fund Project Ordinance 2012-10.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2012-10.

RECOMMENDED ACTION:

Adopt Special Revenue Project Fund Ordinance 2012-10

ATTACHMENTS:

SRO 2012-10 PSN-Alcohol Tobacco Firearms Task Force

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2012-10

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

Section 1. The authorized project is for funding of the Police Department's Alcohol Tobacco Firearms Task Force from the Project Safe Neighborhoods Grant awarded by the NC Dept. of Crime Control and Public Safety, Division of Governor's Crime Commission.

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	<u>\$ 4,162</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 4,162</u>
----------------------	-----------------

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 12th day of December, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, PE, Engineering and Infrastructure Director
DATE: December 12, 2011
RE: **Approval of a Municipal Agreement with NCDOT for sidewalk construction on Camden Rd. from King Charles Rd. to Owen Dr.**

THE QUESTION:

Does City Council support a Municipal Agreement with NCDOT for sidewalk construction on Camden Rd. from King Charles Rd. to Owen Dr?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

At City's request, NCDOT, in accordance with Department "Guidelines for Planning Pedestrian Facilities" has included provisions in its construction contract for the construction of sidewalks on the north side of Camden Rd. from King Charles Rd. to Owen Dr.

ISSUES:

Upon completion of the work, the City shall reimburse NCDOT 50% of the actual costs of the work associated with construction of the sidewalk. NCDOT shall participate 50% of the cost of the sidewalk for the portion of the project within the corporate limits. The total estimated cost of the sidewalks is \$41,350. The estimated cost to the City is \$20,675.

BUDGET IMPACT:

\$20,675 is needed to complete this sidewalk project. With passage of Capital Project Ordinance Amendment 2012-18 (Municipal Transportation Agreements) also on City Council's December 12, 2011 Consent Agenda, the required funding will be in place to execute this agreement.

OPTIONS:

1. Support the execution of the Municipal Agreement and accept the NCDOT's matching funding request for sidewalk construction on Camden Rd.
2. Reject the agreement and the funding.

RECOMMENDED ACTION:

Support the execution of the Municipal Agreement and accept NCDOT's matching funding request for sidewalk construction on Camden Rd.

ATTACHMENTS:

Original Muni Agreement

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT
-MUNICIPAL AGREEMENT**

CUMBERLAND COUNTY

DATE: 6/10/2011

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-2810 C

AND

WBS Elements: 34866.3.3

CITY OF FAYETTEVILLE

THIS MUNICIPAL 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, a local government entity, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under Project U-2810 C, in Cumberland County; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; 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, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

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

SCOPE OF THE PROJECT

1. The Project consists of the improvements on SR 1003 (Camden Road) from SR 1290 (King Charles Road) to north of SR 1007 (Owen Drive) in Cumberland County. At the request of the Municipality, additional work to be included within the scope of the project shall include sidewalk from the north side of Camden Road and extend to Owen Drive.

PLANNING, DESIGN AND RIGHT OF WAY

2. The Department shall prepare the environmental and/or planning document, and obtain any environmental permits needed to construct the Project, and prepare the Project plans and specifications needed to construct the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.
3. The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

UTILITIES

5. It is understood that the municipally-owned water and sewer lines are owned by Fayetteville Public Works Commission (PWC), therefore a separate Utility Agreement will be prepared with Fayetteville Public Works Commission (PWC). The Municipality shall exercise any rights which it may have under any franchise to effect all necessary changes, adjustments, and relocations of telephone, telegraph, and electric power lines; underground cables, gas lines, and other pipelines or conduits; or any privately - or publicly-owned utilities.

CONSTRUCTION AND MAINTENANCE

6. The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.
7. It is further agreed that upon completion of the Project, the Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and departmental criteria.

8. Upon completion of the Project, the improvement(s) shall be a part of the State Highway System and owned and maintained by the Department.

FUNDING

9. The Municipality shall participate in the Betterment costs of the Project as follows:
 - A. Upon completion of the work, the Municipality shall reimburse the Department fifty percent (50%), of the actual cost, including administrative costs, of the work associated with the construction of the sidewalks. The Department shall participate in fifty percent (50%) of the cost of the sidewalks of the actual total project construction cost of that portion of the project within the corporate limits, where new sidewalks are to be installed. The estimated cost of the sidewalks is \$41,350.00. The estimated cost to the Municipality is \$20,675.00. Both parties understand that this is an estimated cost and is subject to change.
 - B. Reimbursement to the Department shall be made in one final payment upon completion of the work and within sixty days of invoicing by the Department.
 - C. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1 until such time as the Department has received payment in full under the reimbursement terms set forth in this Agreement. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23.

ADDITIONAL PROVISIONS

10. At the request of the Municipality, and in accordance with the Department's "Guidelines for Planning Pedestrian Facilities", the Department shall include provisions in its construction contract for the construction of sidewalks on/or along the north side of Camden Road and extend from Owen Drive to the westernmost city limit. Said work shall be performed in accordance with Departmental policies, procedures, standards and specifications, and the following provisions.
 - A. It is understood by both parties that all sidewalk work shall be performed within the existing right of way. However, should it become necessary, the Municipality, at no expense or liability whatsoever to the Department, shall provide any needed right of way and or construction easements for the construction of the sidewalks, and remove from

said rights of way all obstructions and encroachments of any kind or character.

Acquisition of any needed right of way shall be performed in accordance with the following state and federal policies and procedures, "Right of Way Acquisition Policy and Land Acquisition Policy, contained in the Federal-Aid Policy Guide, Part 712, Subpart B", and the North Carolina Right of Way Manual (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). The Department shall be indemnified and held harmless from any and all damages and claims for damages associated with the acquisition of any construction easements and/or right of way.

- B. Upon completion of the work, the Municipality shall reimburse the Department in accordance with Provision #8 stated hereinabove.
 - C. The Municipality, at no expense to the Department, shall assume all maintenance responsibilities for the sidewalks and release the Department from all liability relating to such maintenance.
11. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, 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 Department or Agency.
12. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
13. All terms of this Agreement are subject to available departmental funding and fiscal constraints.
14. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

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

L.S. ATTEST:

CITY OF FAYETTEVILLE

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

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

Approved by _____ of the local governing body of the City of Fayetteville
as attested to by the signature of Clerk _____ of said governing body on

_____ (Date)

(SEAL)

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

BY: _____

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Fayetteville

DEPARTMENT OF TRANSPORTATION

BY: _____

DATE: _____

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, PE, Engineering and Infrastructure Director
DATE: December 12, 2011
RE: **Approval of a Municipal Agreement with NCDOT for sidewalk construction on Glensford Dr. from Raeford Rd. to Cliffdale Rd.**

THE QUESTION:

Does City Council support a Municipal Agreement with NCDOT for sidewalk construction on Glensford Dr. from Raeford Rd. to Cliffdale Rd?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

At City's request, NCDOT, in accordance with Department "Guidelines for Planning Pedestrian Facilities" has included provisions in its construction contract for the construction of sidewalks along both sides on Glensford Dr. from Raeford Rd. to Cliffdale Rd.

ISSUES:

Upon completion of the work, the City shall reimburse NCDOT 50% of the actual costs of the work associated with construction of the sidewalk. NCDOT shall participate 50% of the cost of the sidewalk for the portion of the project within the corporate limits. The total estimated cost of the sidewalks is \$193,708. The estimated cost to the City is \$96,854. The City has already budgeted \$48,000 for this work, thus an additional \$48,854 is needed.

BUDGET IMPACT:

\$48,000 is needed to complete this sidewalk project. With passage of Capital Project Ordinance Amendment 2012-18 (Municipal Transportation Agreements) also on City Council's December 12, 2011 Consent Agenda, the required funding will be in place to execute this agreement.

OPTIONS:

1. Support the execution of the Municipal Agreement and accept the NCDOT's matching funding request for sidewalk construction on Glensford Dr.
2. Reject the agreement and the funding.

RECOMMENDED ACTION:

Support the execution of the Municipal Agreement and accept NCDOT's matching funding request for sidewalk construction on Glensford Dr.

ATTACHMENTS:

Original Muni Agreement

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT
-MUNICIPAL AGREEMENT**

CUMBERLAND COUNTY

DATE: 6/27/2011

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-4422

AND

WBS Elements: 35024.3.3

CITY OF FAYETTEVILLE

THIS MUNICIPAL 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, a local government entity, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under Project U-4422, in Cumberland County; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; 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, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

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

SCOPE OF THE PROJECT

1. The Project consists of improvements to SR 1596 (Glensford Drive) from US 401 Business (Raeford Road) to SR 1400 (Cliffdale Road).

PLANNING, DESIGN AND RIGHT OF WAY

2. The Department shall prepare the environmental and/or planning document, and obtain any environmental permits needed to construct the Project, and prepare the Project plans and specifications needed to construct the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.
3. The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

UTILITIES

5. It is understood that the municipally-owned water and sewer lines are owned by Fayetteville Public Works Commission (PWC) therefore a separate Utility Agreement will be prepared with Fayetteville Public Works Commission (PWC). The Municipality shall exercise any rights which it may have under any franchise to effect all necessary changes, adjustments, and relocations of telephone, telegraph, and electric power lines; underground cables, gas lines, and other pipelines or conduits; or any privately - or publicly-owned utilities.

CONSTRUCTION AND MAINTENANCE

6. The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.
7. It is further agreed that upon completion of the Project, the Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and departmental criteria.
8. Upon completion of the Project, the improvement(s) shall be a part of the State Highway System and owned and maintained by the Department.

FUNDING

9. The Municipality shall participate in the Betterment costs of the Project as follows:
- A. Upon completion of the work, the Municipality shall reimburse the Department fifty percent (50%), of the actual cost, including administrative costs, of the work associated with the construction of the sidewalks. The Department shall participate in fifty percent (50%) of the cost of the sidewalks of the actual total project construction cost of that portion of the project within the corporate limits, where new sidewalks are to be installed. The estimated cost of the sidewalks is \$193,708.00. The estimated cost to the Municipality is \$96,854.00. Both parties understand that this is an estimated cost and is subject to change.
 - B. Reimbursement to the Department shall be made in one final payment upon completion of the work and within sixty days of invoicing by the Department.
 - C. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1 until such time as the Department has received payment in full under the reimbursement terms set forth in this Agreement. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23.

ADDITIONAL PROVISIONS

10. At the request of the Municipality, and in accordance with the Department's "Guidelines for Planning Pedestrian Facilities", the Department shall include provisions in its construction contract for the construction of sidewalks provided at the following locations in accordance with the approved project plans: 54+65 to 77+00LT, 79+00 to 80+35LT, 20+50 to 31+00RT and 59+30 to 80+35RT. Said work shall be performed in accordance with Departmental policies, procedures, standards and specifications, and the following provisions.
- A. It is understood by both parties that all sidewalk work shall be performed within the existing right of way. However, should it become necessary, the Municipality, at no expense or liability whatsoever to the Department, shall provide any needed right of way and or construction easements for the construction of the sidewalks, and remove from said rights of way all obstructions and encroachments of any kind or character. Acquisition of any needed right of way shall be performed in accordance with the

following state and federal policies and procedures, "Right of Way Acquisition Policy and Land Acquisition Policy, contained in the Federal-Aid Policy Guide, Part 712, Subpart B", and the North Carolina Right of Way Manual (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). The Department shall be indemnified and held harmless from any and all damages and claims for damages associated with the acquisition of any construction easements and/or right of way.

- B. Upon completion of the work, the Municipality shall reimburse the Department in accordance with Provision #8 stated hereinabove.
- C. The Municipality, at no expense to the Department, shall assume all maintenance responsibilities for the sidewalks and release the Department from all liability relating to such maintenance.

11. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, 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 Department or Agency.

12. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.

13. All terms of this Agreement are subject to available departmental funding and fiscal constraints.

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

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

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

L.S. ATTEST:

CITY OF FAYETTEVILLE

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

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

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

(SEAL)

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

BY: _____

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Fayetteville

DEPARTMENT OF TRANSPORTATION

BY: _____

DATE: _____

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

CITY COUNCIL ACTION MEMO

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

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:

As part of the statutory requirements for annexation procedures, City Council approved Resolution Number R2011-049 in their meeting on November 14, 2011. A public hearing was held on November 28, 2011 to hear public comment regarding the project. The next step is to adopt the Resolution Directing Project be Undertaken.

ISSUES:

n/a

BUDGET IMPACT:

n/a

OPTIONS:

n/a

RECOMMENDED ACTION:

Authorize the Resolution Directing the Phase V Annexation Areas 12 and 13 Utility Improvement Projects be Undertaken.

ATTACHMENTS:

Resolution

RESOLUTION DIRECTING CONSTRUCTION OF AREAS 12 AND 13 OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN

WHEREAS, on the 14th day of November, 2011, the City Council of the City of Fayetteville, North Carolina, adopted a Preliminary Assessment Resolution Providing for the Extension of its Sanitary Sewer Collection System in All or Portions of the Streets Within Areas 12 and 13 of the Phase 5 Annexation Listed on Exhibit “A”.

WHEREAS, the required public hearing has been held after due notice to the public and to the owners of the affected real property.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fayetteville, North Carolina that after careful study and consideration of the matter and of all pertinent facts and circumstances, including engineering and planning studies and advice, and in the exercise of its best legislative judgment, the City Council of Fayetteville, North Carolina finds as fact that:

1. The public interest, safety, convenience, and general welfare requires the extension of the sanitary sewer collection system into all or a portion of the streets as described on Exhibit “A”;
2. The resolution and order adopted at its meeting on the 14th day of November, 2011 by the City Council of the City of Fayetteville, North Carolina having been duly published on the 17th day of November, 2011 in the Fayetteville Observer, a newspaper published in the City of Fayetteville, North Carolina, giving notice of a meeting of the City Council to be held in Council Chambers of City Hall at 7 p.m., on the 28th day of November, 2011 when all objections to the legality of making the proposed improvements were to be made in writing, signed in person or by attorney, filed with the Clerk of the City of Fayetteville at or before said time, and that any objections not so made would be waived and objections to the legality as well as to the policy or expediency of the making of said improvements have not been filed or made (or having been filed or made which objections were duly considered by said City Council and none of said objections were sustained);

3. The property abutting said streets will be benefitted by the extension of such sanitary sewer collection system to the extent of the part of the cost thereof to be assessed as stated below against such abutting property.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DOES ORDER THAT:

The sanitary sewer collection system shall be installed in all of the street portions to be specifically assessed upon the property receiving benefit of the sanitary sewer extension in the amount of \$5,000 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. Said assessments to be paid after completion of such work and within thirty (30) days after notice of the assessments in cash with no interest or in equal annual installments over a term of ten (10) years bearing annual interest at a rate not to exceed eight percent (8%) payable annually.

ADOPTED this 12th day of December, 2011 by the City of Fayetteville, North Carolina.

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"

Area 12

Arran Lakes West

Sewer Only

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

Area 13

Shenandoah

Sewer Only

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, Engineering and Infrastructure Director
DATE: December 12, 2011
RE: **Renewal of a street sweeping agreement with NCDOT.**

THE QUESTION:

Council is being asked to approve a Municipal Agreement and Resolution with NCDOT- District Office for street sweeping of NCDOT roadways.

RELATIONSHIP TO STRATEGIC PLAN:

Great Place to Live - A clean and safe community

BACKGROUND:

- This is a renewal of a municipal agreement with NCDOT for 225 miles of roadway owned by them.
- It is an increase from \$ 78, 000 per year to \$ 120,500 per year.
- This will cover actual costs for up to 4 sweepings and disposals per year.

ISSUES:

- NCDOT does not sweep their roadways and wishes to continue to contract the city to sweep them for actual costs.

BUDGET IMPACT:

- It will be a net increase in our budget of \$ 42,500.

OPTIONS:

- Approve the municipal agreement.
- Do not approve the municipal agreement

RECOMMENDED ACTION:

Approve the attached municipal agreement

ATTACHMENTS:

municipal agreement

NORTH CAROLINA
CUMBERLAND COUNTY

SWEEPING AGREEMENT

DATE: 10/14/2011

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 6.102611
6.202611

CITY OF FAYETTEVILLE

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

WITNESSETH:

WHEREAS, the Department has requested the Municipality perform routine sweeping of curb and gutter section of state system streets, within the corporate limits of the Municipality, at the locations described on the attached Exhibit A; and,

WHEREAS, the Department has determined it would be advantageous to reimburse the City of Fayetteville to perform said sweeping; and,

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

1. The Municipality, and/or its contractor, shall provide the personnel, equipment, labor, materials, and traffic control devices to perform said sweeping service in accordance with Departmental standards and specifications.
2. 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 Minority Businesses, Women Businesses, or Small Professional Services Firms (SPSF) as required by GS 136-28.4 and the North Carolina Administrative Code. The Department will provide the appropriate provisions to be contained in those contracts. Those provisions are available on the Department's website at:
<https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

(A) No advertisement shall be made nor any contract be entered into for services to be performed as part of this Agreement without prior written approval of the advertisement or contents of the contract by the Department.

(B) Failure to comply with these requirements will result in funding being withheld until such time as these requirements are met.

3. The Department shall reimburse the Municipality for the actual cost for labor and equipment not to exceed a maximum amount of \$120,500.00 per year for a minimum of four (4) sweeping cycles per year. Reimbursement shall be made quarterly in an amount of \$30,125.00. The Municipality shall submit an itemized invoice to the Department upon completion of sweeping requirements. Reimbursement shall be made upon approval of said invoice by the Department's Division Engineer and Financial Management Division.
4. Subject to the provisions stated herein, the Agreement is effective March 12, 2011 and remains in effect until December 31, 2011, or until cancelled by either party as described herein.

This Agreement shall remain active with extensions possible for additional one-year periods, up to four (4) years extension through December 31, 2015. Thirty (30) days prior to the end of each one-year renewal period, upon written extension, by letter, signed by the Municipality's authorized representative and the Department's Division Engineer, this Agreement shall continue as written or as modified with the understanding that the Department and/or the Municipality reserve the right to cancel this agreement with a sixty (60) day written notice to the opposite party.

Upon the effective date of the cancellation, neither party shall owe any obligations under this Agreement, except that all obligations performed under this Agreement, including but not limited to invoicing, record retention, and payment for work performed prior to the effective date of cancellation, shall remain in effect.

5. The Municipality, and/or its agent, shall maintain adequate records and documentation to support the work performed under this agreement and shall permit free access to its records by official representatives of the State of North Carolina. Furthermore, the Municipality, or its agent, shall maintain all pertinent records and documentation for a period of not less than five (5) years following the final audit by the Department.
6. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, 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 Department or Agency.
7. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to

any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

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

WITNESS:

CITY OF FAYETTEVILLE

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

Approved by _____ of the local governing body of the the City of Fayetteville as attested to by the signature of _____, Clerk of said governing body on _____ (Date)

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

(SEAL)

Federal Tax Identification Number

56-6001226

Remittance Address:

City of Fayetteville

P.O. DRAWER D

Fayetteville, NC 28302

DEPARTMENT OF TRANSPORTATION

BY: _____
(STATE HIGHWAY ADMINISTRATOR)

DATE: _____

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: _____

CITY OF FAYETTEVILLE

SWEEPING - 2011

Route	From	To	Miles	Curb Miles
HWY 162*	SR 1107	US 401 (Raeford Rd)	1.93	7.72
HWY 162	SR 1107	US 401 (Raeford Rd)	0.87	1.74
US 301*	Cape Fear Bridge	SR 2277 (Locust St.)	0.46	1.84
US 301	Cape Fear Bridge	SR 2277 (Locust St.)	0.98	1.96
US 401*	Skibo Rd.	0.13 Mi. S. of SR 1411	0.20	0.80
US 401	Skibo Rd.	0.13 Mi. S. of SR 1411	0.74	1.48
US 401*	Country Club Dr.	End C&G	0.31	1.24
US 401	Country Club Dr.	End C&G	5.47	10.94
US 401 BUS.*	Skibo Rd.	SR 1414	0.15	0.60
US 401 BUS.	Skibo Rd.	SR 1414	3.11	6.22
US 401 BUS.*	SR 3828	SR 3950	1.69	6.76
US 401 BUS.	SR 3828	SR 3950	0.16	0.32
US 401 BUS. Med.	SR 3828	SR 3950	0.06	0.12
US 401 BUS. Ramps	SR 3828	SR 3950	0.41	0.82
US 401 BUS.*	SR 3950	Country Club Dr.	0.08	0.32
US 401 BUS.	SR 3950	Country Club Dr.	2.39	4.78
US 401 BYP.*	Ramsey St.	Raeford Rd.	3.02	12.08
US 401 BYP.	Ramsey St.	Raeford Rd.	4.81	9.62
NC 24	West City Limit	End C&G 0.08 Mi. E. of NC 53	7.42	14.84
NC 24*	West City Limit	End C&G 0.08 Mi. E. of NC 53	0.45	1.80
NC 53	NC 24	End C&G 0.27 Mi. E. of SR 2008	4.00	8.00
NC 59	US 401 Bus. (Raeford Rd)	Hope Mills City Limits	2.42	4.84
NC 87/NC 210N	NC 24	NC 87/NC 210S	0.08	0.16
NC 87/NC 210S	NC 24/NC 87	End NC 24 EBL On Ramp	0.37	0.74

NC 210*	NC 87/NC 210S	Fort Bragg	0.05	0.20
NC 210	NC 87/NC 210S	Fort Bragg	5.30	10.60
SR 1006	US 301	0.16 Mi. E. of NC 53 @ End C & G	0.93	1.86
SR 1007*	NC 87	End C & G	0.33	1.32
SR 1007	NC 87	End C & G	4.44	8.88
SR 1141	SR 2311	SR 1132	1.72	3.44
SR 1141	Hope Mills City Limits	SR 1007	2.61	5.22
SR 1141*	Hope Mills City Limits	SR 1007	0.15	0.60
SR 1344	SR 1141	Bus 95	1.62	3.24
SR 1344*	SR 1141	Bus 95	0.42	1.68
SR 1400	SR 1404	McPherson Church Rd.	0.03	0.06
SR 1400	McPherson Church Rd.	Begin Divided Section	3.84	7.68
SR 1400	Begin Divided Section	US 401	0.42	0.84
SR 1400*	SR 1404	McPherson Church Rd.	0.02	0.08
SR 1400*	McPherson Church Rd.	Begin Divided Section	0.15	0.60
SR 1400*	Begin Divided Section	US 401	3.97	15.88
SR 1403	SR 1400	Fort Bragg	2.89	5.78
SR 1403*	SR 1400	Fort Bragg	0.06	0.24
SR 1404	US 401 BUS.	SR 1403	6.33	12.66
SR 1404*	US 401 BUS.	SR 1403	0.51	2.04
SR 1408	SR 1404	SR 1415	0.82	1.64
SR 1414	US 401 BUS.	SR 1404	1.46	2.92
SR 1415	US 401 BYP.	Fort Bragg	2.74	5.48
SR 1415*	US 401 BYP.	Fort Bragg	0.26	1.04
SR 1437	NC 24	SR 1408	1.85	3.70
SR 1596	SR 1400	SR 1404	0.10	0.20
SR 1596 *	SR 1400	SR 1404	0.59	2.36
SR 2260	US 301 (Bus. 95)	End Maintenance	0.31	0.62

SR 2260 *	US 301 (Bus. 95)	End Maintenance	0.42	1.68
SR 2299	US 301	Maxwell Street	0.06	0.12
SR 2299	Maxwell Street	SR 3828	0.35	0.70
SR 2299*	US 301	Maxwell Street	0.85	3.40
SR 2311	SR 2299	US 301	2.25	4.50
SR 3499	US 401 Bypass	SR 1415	0.18	0.36
SR 3499*	US 401 Bypass	SR 1415	0.49	1.96
SR 3578	SR 1404	SR 1404	0.35	0.70
SR 3825	SR 3826	SR 3828	0.07	0.14
SR 3825*	SR 3826	SR 3828	0.01	0.04
SR 3826	SR 3827	SR 3825	0.45	0.90
SR 3827	SR 3828	SR 3826	0.09	0.18
SR 3828	NC 24	US 401 BUS.	0.96	1.92
SR 3828*	NC 24	US 401 BUS.	0.12	0.48
SR 3950	NC 24	US 401 BUS.	0.61	1.22
SR 3950*	NC 24	US 401 BUS.	0.27	1.08
Adjustments			2.57	5.14

95.60 225.12

* Is 4 lane divided. Therefore, curb mileage is four (4) times the road mileage.

CITY COUNCIL ACTION MEMO

TO: Mayor & City Council
FROM: Doug Hewett, Assistant City Manager
DATE: December 12, 2011
RE: **RAMP: Rental Action Management Program Public Hearing**

THE QUESTION:

Should the City Council adopt an ordinance to better regulate problem residential rental properties consist with the Rental Action Management Program (RAMP)?

RELATIONSHIP TO STRATEGIC PLAN:

Supports city goal #2: Growing City, Livable Neighborhoods – A Great Place to Live, and this issue was a Target for Action on last fiscal year's City strategic plan.

BACKGROUND:

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 percent 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. On August 1, 2011, staff provided an update to City Council that stated with the adoption of Senate Bill 684, the PROP ordinance was no longer enforceable as drafted. 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 that the PROP ordinance was doubtful.

Given the substantial changes needed to make the City's PROP ordinance compliant with NC Law, staff recommended, and City Council approved rescission/repeal of the PROP ordinance on August 8, 2011. City Council directed staff to revise the PROP program, consistent with state law, and bring back program alternatives as soon as possible. Staff provided the attached schedule at that time.

Staff provided an update on October 3 with a draft ordinance for PROP II, now titled RAMP (Rental Action Management Program). In developing the draft ordinance and program overview, staff has met several times with counterparts in Charlotte regarding their program to determine how we might be able to replicate it in Fayetteville. Additionally, staff has conducted 5 stakeholder meetings to explain RAMP and solicit feedback.

Staff provided another update to City Council on November 7 with a recommendation that a public hearing be held on Monday, December 12 to allow interested stakeholders an opportunity to

address Council directly. On November 28 the City Council approved the following guidelines for this public hearing : Allow each speaker to address the City Council for a maximum of three (3) minutes, with up to sixty (60) minutes allocated for the RAMP public hearing.

ISSUES:

As discussed at the November 7 briefing to City Council, there are two avenues by which properties can gain entry into RAMP:

1. Code Violations - 3+ in a 12-month period; and/or
2. Crime in the top 10% in a 6-month period by category.

Tracking of code violations is a relatively straightforward process. From October 2010 through October 2011, there were more than 500 residential properties with 3+ code violations. Of that number, staff estimates that approximately 137 of those properties that were offered for rent could be subject to RAMP, if enacted. Once a property is in RAMP for code violations, the goal is to ensure there are no additional code violations within a 12-month period. If there are no additional violations, then the property can be removed from RAMP.

As it relates to tracking the top 10% of crime for rental properties, tracking will be more complicated as reflected in the staffing/resource needs. To determine the percentiles for crime we must first identify violations for which we believe the property owner can help influence (Appendix A in the ordinance) and assign each a weighted value.

If enacted, incidents of crime at residential rental properties will be applied uniformly against reported incidents that happen in a 6-month period for similar rental properties in the City by the housing categories established in the ordinance. The number of housing categories has been expanded from 4 to 9 to allow for more uniform comparisons of like housing. Staff may recommend further definition of housing categories once the program is enacted after all of the residential rental property in the city is identified.

Once in RAMP for crime, the goal is to ensure that there are no additional crime occurrences within 6-months, or at a minimum that the crime rating for the property falls below the top 10% for similar properties in the city. If there are no additional violations, then the property can be removed from RAMP at the 6-month mark.

To achieve the reduction in the crime rating for the property, the property owner would enter into a remedial action plan agreement with the City that would specify actions the owner will complete during the evaluation period. The ordinance provides avenues for the owner to demonstrate good faith efforts and continue renting the property, even if the crime rating doesn't appreciably reduce.

Despite the latitude the ordinance provides to owners, many of the rental property owners and property managers that have reviewed the ordinance have reservations about RAMP. While many were opposed to the program there main reservations are centered on the crime rating rather than on the code violations components.

From an operational standpoint, RAMP will require more resources to operate than PROP, but will likely have greater revenue too.

Program	PROP	RAMP
Based on	RaleighModel	Charlotte Model
Applicability	All residential rental properties individually	All residential rental properties by category
When eligible for entry	Differing code violations within a 24-month period	3+ code violations in a 12-month period

	3 criminal convictions or civil penalties within a 24-month period	Crime in top 10% in a 6-month period, by housing category
Fee	\$1,000	\$1,000 proposed
Time properties remain in program	2-years	1 year for code violations, or 6-months/1-year for crime
Staffing Needs	1 housing inspector .05 office assistant 1 paralegal/crime analyst	1 housing inspector .05 office assistant 2 crime analyst 1 police sergeant 1 police officer
Estimated properties in program	15-30 properties	200-237 properties
Budget*	\$132,500 Expenditures \$ 30,000 Revenues \$102,500 GF Support Needed	\$336,000 Expenditures \$184,000 Revenues \$152,000 GF Support Needed

*Based on assumptions of fee paying properties in program: 100% for PROP/80% for RAMP.

Frequently Asked Questions:

Q1: What is the intent of the Rental Action Management Program (RAMP) Ordinance?

A1: The RAMP ordinance is intended to address “problem rental properties” in established neighborhoods, and is targeted toward properties where violations occur, not all rental properties. The goal is that no RAMP will ever be issued, because if this is the case it means that rental property owners throughout the city are ensuring that their properties are well kept, up to City code, are well-monitored and their tenants are respectful of their neighbors.

Q2: Does the RAMP ordinance require that all rental properties get a permit/registration?

A2: No. A permit/registration is only required for properties that meet the following criteria: 3+ Code Violations in a 12-month period; and/or Crime in the top 10% in a 6-month period by housing category

Q3: Does the RAMP ordinance apply to owner-occupied dwellings as well?

A3: No. The RAMP ordinance only applies residential housing units offered for rent.

Q4: Does the RAMP ordinance apply to all rental properties?

A4: No. The RAMP ordinance pertains ONLY to residential rental properties?

Q5: When is a RAMP required?

A5: There are two paths for entry into RAMP: 1.) Code Violations: 3 or more code violations as described in the ordinance within a 12-month period, or 2.) Crime: properties in the top 10% of crime, by housing category, in a 6-month period as described in the ordinance.

Q6: What happens when a RAMP is required?

A6: A letter is issued to the property owner requiring them to attend a meeting where the violations can be discussed and reviewed. During that meeting, staff will review the violations and if they are valid, then the property will be entered into RAMP and the owner will be required to pay the RAMP entry fee, \$1,000 per property.

For properties that enter RAMP through crime conditions, the owner is also required to develop a management plan that describes the steps they will take to reduce crime conditions at their property. Properties that are successful in reducing crime conditions at their property below the 10% crime threshold can leave RAMP in 6-months.

Q7: What happens if there are more violations at the same address during the permit period?

A7: The property remains in RAMP and staff will evaluate whether the owners have acted in 'good faith' to address the conditions that led to the property entering RAMP. If the owners have been unresponsive or found to have not acted in 'good faith,' then the ordinance provides for the City to restrict the owners' ability to receive rental income on the property for 1-year.

Q8: Why aren't tenants held responsible?

A8: Tenants are responsible if a criminal citation is issued, but ultimately the condition of the property and the activities of the tenants must be closely monitored by the property owner. Property owners are expected to write clear expectations of tenant behavior relative to neighbors into leases, and take action to encourage tenants to comply with these expectations or seek evictions of problem tenants. The RAMP ordinance allows staff to apply the ordinance reasonably and to grant extra time to comply or waivers of ordinance requirements to those property owners who are taking every possible measure to deal with problem tenants.

BUDGET IMPACT:

City Council approved approximately \$132,500 in the FY 2012 budget to fund our earlier version of the Probationary Rental Occupancy Program (PROP). Given the uncertainty of the program and the rescission/repeal of the Probationary Rental Occupancy Program ordinance, staff has delayed expensing those funds or hiring the budgeted two full-time and one part-time staff positions (one full-time housing inspector, one paralegal/crime analyst, and one part-time office assistant.)

We've reviewed the staffing and resource needs and believe RAMP will require five full-time and one part-time staff positions (one full-time housing inspector, two crime analysts, one sergeant, one sworn police officer, and one part-time office assistant II) with a total first year start up costs of \$429,539.76. Once established, staff anticipates the ongoing operating budget would be \$350,664 in expenses, minus \$184,000 in revenue generated from fees. As a result, the program will require support from the General Fund in the amount of \$166,664. By contrast, PROP required General Fund support of \$102,000.

OPTIONS:

1. Receive public comment, provide direction to staff.
2. Receive public comment, provide direction to staff, and approve RAMP following formal consideration of the ordinance on Monday, January 12, 2012.

RECOMMENDED ACTION:

Receive public comment and provide direction to staff. If City Council believes the RAMP ordinance and program are ready for adoption, staff recommends scheduling formal consideration on Monday, January 9, 2012.

ATTACHMENTS:

RAMP Ordinance 12-12-11

Please note the following is not the entire chapter. A new article V is being created as follows.

Chapter 14

HOUSING, DWELLINGS AND BUILDINGS

ORDINANCE NUMBER: _____

AMENDING CHAPTER 14

WHEREAS, the City of Fayetteville has a significant governmental interest in protecting the health, safety, and welfare of the general public and preserving the public order; and

WHEREAS, G.S. 160A-174 allows a city by ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public, and the peace and dignity of the city; and

WHEREAS, there are residential rental properties in the City of Fayetteville that have become a haven for various criminal or disruptive activities that cause disorder in our community; and

WHEREAS, the City Council desires to minimize and control the adverse effects caused by illegal activities occurring on and in these properties and thereby protect the health, safety, and welfare of the citizens, preserve the quality of life and property values and the character of neighborhoods and businesses, and deter the spread of urban blight; and

WHEREAS, the City Council recognizes that it is necessary for the City to apply its limited police and other municipal resources in accordance with the needs of the community at large, and to adjust the application of those resources as necessary to address activity that is injurious to the health, safety and welfare of the public; and

WHEREAS, the City Council recognizes that deterring crime in residential rental properties is a dynamic partnership between police, property owners, property managers, residents, and neighbors, each with responsibilities in cooperation with the other; and

WHEREAS, the City Council desires to implement a registration requirement for those residential rental property owners whose rental property has an unacceptable level of disorder activity occurring on or in the property; and

WHEREAS, there is a significant and demonstrative need to implement a program designed to assist residential rental property owners and managers who have experienced excessive levels of criminal activity and disorder; and

WHEREAS, the City Council desires to enact a residential rental action management program for residential rental property owners in order to implement recommended measures to curb excessive levels of criminal activity and disorder at rental properties; and

WHEREAS, the City Council, finds that a residential rental property owner's failure or refusal to successfully complete the remedial action program is injurious to the public's health, safety and welfare.

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

Section 1. Chapter 14 "Housing, Buildings and Dwellings" of the Fayetteville City Code is amended by creating Article V entitled "Residential Rental Action Management Program", to read as follows:

"ARTICLE XII. Residential Rental Action Management Program.

Section 14-63. Purpose.

The purpose of this article is to establish a requirement that Owners of Residential Rental Property whose property is within the Disorder Risk Threshold as established by this ordinance or in repeated violation of the Fayetteville City Code as defined and established by this ordinance must register with the City sufficient identification information so that the City may expeditiously identify and contact the Owner when excessive levels of disorder activity or code violations have occurred on or in the property. In addition, the City desires to establish a method to hold Owners of Residential Rental Property accountable for failing to use effective methods to reduce Disorder Activity and code violations on their property. It is not the intent of this article to determine the rights and liabilities of persons under agreements to which the City is not a party. This article shall not be construed to alter the terms of any lease or other agreement between a landlord and a tenant or others relating to property that is the subject of this Article; provided that no provision of any lease or other agreement shall be construed to excuse compliance with this article. Additionally, a violation of this article shall not in and of itself create a negligence per se standard or otherwise expand existing liability in tort for either a landlord or a tenant.

Section 14-64. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

Development Services Official: A person designated by the Development Services Director of the City of Fayetteville who is primarily responsible for the administration of this Article.

Disorder Activity: Incidents of criminal activity occurring on or in a Residential Rental Property as categorized in this Ordinance entitled "Appendix A."

Disorder Activity Count: A number assigned to a Residential Rental Property that represents the amount of Disorder Activity occurring within a specified time period in or on the Property. For purposes of determining a Disorder Activity Count, the number of incidents is multiplied by an assigned number as designated in Appendix A of this Ordinance.

Disorder Risk Threshold: For each Residential Rental Property Category, the Disorder Activity Count for the Residential Rental Property that is at the 90th percentile of Residential Rental Properties within the Residential Rental Property Category.

In Need of Remedial Action: (INRA): A designation by the Police Official that a Residential Rental Property has been identified for enforcement action under this ordinance.

Incident: The occurrence of a criminal activity on or in a Residential Rental Property as categorized in this Ordinance for which a police report is generated.

Manager: The person, persons or legal entity appointed or hired by the Owner to be responsible for the daily operation of the Residential Rental Property.

Owner: The person, persons or legal entity that holds legal title to a Residential Rental Property.

Police Official: A person designated by the Chief of Police who is primarily responsible for the administration of this Article.

Registered Agent: The person identified by the Owner of the Residential Rental Property in the registration filed pursuant to this Article who is authorized to receive legal process and/or notice required or provided for in this Article.

Remedial Action Plan: A written plan agreed upon and signed by both the Police Official and Owner whereby the Owner agrees to implement remedial measures on a Residential Rental Property whose Disorder Activity Count exceeds the Disorder Risk Threshold for its Residential Rental Property Category.

Remedial Measures: Mandatory and voluntary measures as stated within the Remedial Action Plan Manual, a copy of which is on file at the City Clerk's Office.

Residential Rental Property: Property that contains a single-family rental dwelling unit or multi-family rental dwelling units for use by residential tenants including but not limited to the following: mobile homes, mobile home spaces, townhomes, and condominium unit(s). A single-family rental dwelling unit or multi-family rental dwelling unit is hereby defined to include those units available for rent that are currently vacant.

Residential Rental Property Category: Residential Rental Properties will be categorized by the number of residential units contained in the property as follows:

- Category 1 – One unit or single family home
- Category 2 – 2 to 9 units
- Category 3 – 10 to 49 units
- Category 4 – 50 to 99 units
- Category 5 – 100 to 149 units
- Category 6 – 150 to 199 units
- Category 7 – 200 to 249 units
- Category 8 – 250 to 299 units
- Category 9 – 300 or more units

Residential Rental Property Review Board: The Board created pursuant to this Article.

Verified Violation. A violation of any ordinance of the Fayetteville City Code of Ordinances as designated in "Appendix B" of this ordinance and determined by the Development Services Official.

Section 14-65. Registration of Residential Rental Property Due to Verified Violations.

(a) Each Owner of Residential Rental Property that has been found with three (3) or more verified violations in the previous twelve (12) month period, whether those violations have been resolved by corrective action or not, shall

register that property by providing the following information to the Development Services Official:

- (1) The address(es) for the Residential Rental Property which shall include the street name(s), number(s) and zip code;
- (2) The name(s), business or personal address, telephone number, and email address of the Owner;
 - a. If the property is owned by multiple natural persons, then the required information shall be that of one person who has legal authority to act on behalf of the other Owners.
 - b. If the property is owned by a corporation, whether foreign or domestic, then the required information shall be that of a Registered Agent and of an officer who has authority to act on behalf of the corporation.
 - c. If the property is owned by a partnership, then the required information shall be that of the managing partner and one alternate who have legal authority to act on behalf of the partnership.
 - d. If the property is owned by an unincorporated association or any other legal entity not mentioned above, then the required information shall be that of a person who has legal authority to act on behalf of that association or entity.
- (3) The number of units located on the residential property.

(b) The address(s) required in subsection (a) (2) shall not be a public or private post office box or other similar address.

(c) An Owner that is required to register under this ordinance who sells the property shall notify the Development Services Official of all purchaser information within thirty (30) days from the date of change of ownership. Purchaser information shall include the name, address, phone number and e-mail address for the purchaser.

(d) An Owner that is required to register under this ordinance shall post proof of registration as provided by the City in the business office of the property or in a common area or other conspicuous place accessible at all times to the tenant(s).

(e) Each residential rental property parcel shall be registered separately.

(f) The Owner of Residential Rental Property that is the site of three (3) verified violations in the previous twelve (12) month period shall be sent a notice by certified mail to the name and address listed with the Cumberland County's Office of Tax Assessor.

(g) The notice shall include the following information:

- (1) A description of the verified violations of the Fayetteville City Code that have occurred at the property in the past twelve (12) months as well as the dates of said violations; and
- (2) The amount of the registration fee.
- (3) The deadline for completing the registration process.

Section 14-66. Grounds for Revocation of Rental Registration as Required by Section 14-65.

- (a) Each Owner of Residential Rental Property that has been found with four (4) or more verified violations in the previous twelve (12) month period, whether those violations have been resolved by corrective action or not, shall have the rental registration for that property revoked by the Development Services Official.
- (b) Each Owner of Residential Rental Property that is required by this ordinance to register his or her property and either fails to do so or fails to pay the required registration fee shall have the rental registration revoked by the Development Services Official.

Section 14-67. Notice of Revocation.

A notice of revocation shall be sent by certified mail or delivered in person to the address listed on the rental registration.

Section 14-68. Period of Revocation.

Revocation of an Owner's rental registration shall remain in place for a period of one (1) year. If an Owner fails to register his or her property as required by this ordinance then that property shall be ineligible for registration for a period of one (1) year.

Section 14-69. Registration of Residential Rental Property Due to Disorder Activity.

(a) Each Owner of Residential Rental Property that falls at or above the Disorder Risk Threshold for its Residential Rental Property Category shall register by providing the following information at the initial mandatory meeting:

- (1) The address(s) for the Residential Rental Property which shall include the street name(s), number(s) and zip code;
- (2) The name(s), business or personal address, telephone number, and email address of the Owner;
 - a. If the property is owned by multiple natural persons, then the required information shall be that of one person who has legal authority to act on behalf of the other Owners.
 - b. If the property is owned by a corporation, whether foreign or domestic, then the required information shall be that of a Registered Agent and of an officer who has authority to act on behalf of the corporation.
 - c. If the property is owned by a partnership, then the required information shall be that of the managing partner and one alternate who have legal authority to act on behalf of the partnership.
 - d. If the property is owned by an unincorporated association or any other legal entity not mentioned above, then the required information shall be that of a person who has legal authority to act on behalf of that association or entity.
- (3) The number of units located on the residential property.

(b) The address(s) required in subsection (a) (2) shall not be a public or private post office box or other similar address.

(c) An Owner that is required to register under this ordinance who sells the property shall notify the Police Official of all purchaser information within thirty (30) days from the date of change of ownership. Purchaser information shall include the name, address, phone number and e-mail address for the purchaser.

(d) An Owner that is required to register under this ordinance shall post proof of registration as provided by the City in the business office of the property or in a common area or other conspicuous place accessible at all times to the tenant(s).

(e) Each residential rental property parcel shall be registered separately.

Section 14-70 Disorder Risk Threshold and Disorder Activity Count.

The Police Official shall determine the Disorder Activity Count for each Residential Rental Property and the Disorder Risk Threshold for each Residential Rental Property Category on a semi-annual basis, by January 1 of each calendar year and by July 1 of each calendar year. These determinations shall be made using Disorder Activity during the previous six month period.

Section 14-71. Notification of Mandatory Meeting.

(a) The Owner of Residential Rental Property that falls at or above the Disorder Risk Threshold shall be sent a notice by certified mail to the name and address listed with the Cumberland County's Office of Tax Assessor.

(b) The notice shall include the following information:

- (1) The date, time and location for the mandatory initial meeting between the Police Official and the Owner; and
- (4) The Disorder Activity Count for the Residential Rental Property; and
- (3) A statement that the Owner may provide additional evidence at the initial mandatory meeting to be considered by the Police Official; and
- (4) A detailed summary of the Disorder Activity that has occurred on or in the property.
- (5) The amount of the registration fee.

Section 14-72. Mandatory Initial Meeting.

(a) Unless otherwise agreed to by the Owner and Police Official, within thirty (30) days after notice has been provided to the Owner that a property falls at or above the Disorder Risk Threshold, a mandatory initial meeting shall be

held between the owner and the Police Official. The initial meeting may be held in person or by telephone. In the event there are multiple property Owners, the Owner attending the initial meeting must have power of attorney to execute the remedial action plan on behalf of the other Owners.

(b) At the mandatory initial meeting, the Police Official and the Owner shall, at a minimum, review the following:

- (1) The data that established the Disorder Activity Count for that property; and
- (2) Any relevant evidence provided by the Owner that may establish that the property does not fall at or above the Disorder Risk Threshold.

(c) After reviewing all the evidence, any previously identified Disorder Activity that is found to either not have occurred on or in the property or does not clearly meet the definition of a Disorder Activity shall be discounted and an adjusted Disorder Activity Count shall be determined. In the event that the adjusted Disorder Activity Count for the property falls at or above the Disorder Risk Threshold, then the Owner and Police Official shall develop and sign a Remedial Action Plan and the property will be set for a six (6) month review date pursuant to section 14-73. In the event the adjusted Disorder Activity Count is below the Disorder Risk Threshold, then no further action shall be taken by the Police Official.

(d) In the event the Owner fails to attend the initial meeting without just cause, the Police Official shall review all the evidence concerning the property pursuant to Subsections (b) and (c) of this Section. Upon a finding that the adjusted Disorder Activity Count for the property is at or above the Disorder Risk Threshold, the Police Official shall refer the property to the City Attorney's Office for determination of whether a public nuisance action or any other legal or equitable remedy is warranted.

(e) The Owner of Residential Rental Property that is required to register under this ordinance shall pay a registration fee on or before the Mandatory Meeting in the amount established pursuant to the fee schedule adopted by City Council.

Section 14-73. Remedial Action Plan and Review.

(a) At the first six (6) month review, the Owner and Police Official shall review the Disorder Activity in or on the property since the date of the Remedial Action Plan and determine the Disorder Activity Count for the property during that

time period. If the Disorder Activity Count is no longer at or above the Disorder Risk Threshold, then no further action will be taken and the Owner of the property will not be required to continue to pay for registration the following year unless at that time the property is again at or above the Disorder Risk Threshold. If the Disorder Activity count continues to fall at or above the Disorder Risk Threshold, then the property will be designated In Need of Remedial Action (INRA) and the Police Official and the Owner shall amend and sign the Remedial Action Plan and a second six (6) month review date will be set.

(b) At the second six (6) month review, the Owner and Police Official shall review the Disorder Activity in or on the property since the date of the amended Remedial Action Plan and determine the Disorder Activity Count for the property during that time period. If the Disorder Activity Count is no longer at or above the Disorder Risk Threshold, then no further action will be taken. If the Disorder Activity Count continues to fall at or above the Disorder Risk Threshold, then the Police Official shall revoke the rental registration for the property unless it is determined that the Owner has complied in good faith with the remedial action plans.

- (1) In determining whether the Owner has acted in good faith, the Police Official shall weigh the following factors:
 - a. Whether the Owner has regularly met with the Police Official; and
 - b. Whether the Owner has exhausted all resources reasonably available to the Owner in order to comply with the terms of the Remedial Action Plans; and
 - c. Whether the Owner has intentionally ignored a term of a Remedial Action Plan; and
 - d. Whether the Disorder Activity on the property constitutes a public nuisance.
- (2) If the Owner has been found to have acted in good faith, then the Police Official may remove the designation of INRA and continue to work with the Owner. A property that continues to fall at or above the Disorder Risk Threshold for a second year will be referred to the City Attorney's Office for determination as to whether a public nuisance action or any other legal or equitable remedy is warranted.

(d) All Remedial Action Plans will be based on the procedures and practices set forth in the Fayetteville Police Department *Remedial Action Plan Manual; A Guide to Managing Rental Properties to Prevent Crime*.

Section 14-74. Additional Grounds for Revocation of Rental Registration.

In addition to the grounds stated in Section 14-73(b), the Police Official may revoke the Owner's rental registration based on a determination that:

- (a) The Owner provided materially false or misleading information during the registration process; or
- (b) The Owner refused to meet with the Police Official and/or develop a Remedial Action Plan as required under Section 14-73 without just cause; or
- (c) The Owner failed to pay the required registration fee on or before the date of the Mandatory Initial Meeting as required under Section 14-72(e).

Section 14-75. Notice of Revocation.

A notice of revocation shall be sent by certified mail or delivered in person to the address listed on the rental registration.

Section 14-76. Period of Revocation.

Revocation of an Owner's rental registration shall remain in place for a period of one (1) year. If an Owner fails to register his or her property as required by this ordinance then that property shall be ineligible for registration for a period of one (1) year.

Section 14-77. Transition Plan and Notification of Tenants.

Upon revoking a rental registration, the Police Official or Development Services Official shall develop a transition plan for the Owner's lawful disengagement from the operation and management of the rental property. The transition plan may include a referral to the City Attorney for the evaluation of the property as a public nuisance or for any other legal or equitable remedy available under law necessary to fairly assist in the disengagement process. Upon revocation and issuance of a transition plan, the Police Official or Development Services Official shall take reasonable steps to notify the residents of the property.

Section 14-78. Residential Rental Property Review Board.

(a) A Residential Rental Property Review Board (hereinafter "Board") is hereby established, to be composed of seven members: four members to be appointed by the City Council, two members to be appointed by the mayor and one to be appointed by the City Manager. The appointing authorities shall ensure that the members of the Board are representative of the residential rental, tenant and homeowner community.

(b) One member from the Fayetteville Police Department as designated by the Police Official and one employee of the City's Development Services Department who has the authority to investigate code violations will sit on the Board as advisors only.

(c) Individuals with a felony conviction within the last ten (10) years shall not be eligible to serve on the Board. Further, conviction of or a plea of *nolo contendere* to a felony during the term of office shall automatically terminate membership on the Board, irrespective of any appeals. Board members charged with a felony during a term of office shall be automatically suspended until disposition of the charge, and a quorum shall be established from the remaining membership.

(d) Board members shall keep all information about criminal investigations confidential.

(e) The Board shall elect a chairperson and vice-chairperson from its membership.

(f) All members of the Board serve without compensation.

(g) The terms of office shall be for two (2) years with no member serving more than two consecutive full terms. The terms of one-third of the Board shall expire each year. If a vacancy occurs, the original appointing authority shall appoint a person to serve for the unexpired term of the vacant position.

(h) Five voting members shall constitute a quorum. Members are required to attend all business meetings and hearings in accordance with the attendance policies promulgated by the City Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided in this section.

(i) Members shall be subject to removal from the Board with or without cause by the appointing authority.

Section 14-79. Duties and Responsibilities of the Residential Rental Property Review Board.

The Board shall hear appeals from an Owner of Residential Rental Property whose registration has been revoked.

Section 14-80. Notice of Appeal of Revocation.

A Residential Rental Property owner may appeal a notice of revocation of rental registration to the Board. All revocation appeals to the Board must be filed in writing with the City Clerk's office within ten (10) calendar days of the date the notice of revocation is served on the Owner. The Owner shall provide a valid current address for the purpose of all notifications required to be made pursuant to this ordinance. The request must state the reason for the appeal.

Section 14-81. Hearing Procedure and Appeal of Board's Findings.

(a) The City Clerk shall forward an appeal of revocation of rental registration to the Police Official, Development Services Official and to the Chair of the Board. The Police Official or Development Services Official shall prepare a summary of the case, including all relevant data. The summary shall be provided to the Board and the Owner at least five working days before the hearing.

(b) Unless a quorum cannot be obtained or as otherwise agreed to by the Owner and Police Official or Development Services Official, the Board shall hold a hearing within thirty (30) calendar days of the date the appeal is received by the City Clerk. Should the Owner or the Police Official or Development Services Official desire a hearing date other than that set by the Board, the Owner or the Police Official or Development Services Official shall submit a written request for a change of the hearing date, stating the reason for the request. The Chair shall approve or disapprove such request, provided that such request is received by the Board at least seven (7) calendar days prior to the date of the hearing. For good cause, the Chair may continue the hearing from time to time. The hearing shall be conducted with at least five (5) voting members of the Board present.

(c) The Owner shall appear at the hearing in person and shall have the right to representation by a person of his or her choice. The North Carolina Rules of Evidence, G.S. Chapter 8C, shall not strictly apply to the hearing, but all parties shall have an opportunity to offer evidence, cross-examine witnesses, and inspect documents. Only sworn testimony shall be accepted. The Chair of the Board, as well as any Board member designated by the Chair, shall have the authority to administer the oath as set forth for witnesses in a civil matter by G.S. § 11-11. All hearings before the Board shall be *de novo* and recorded. The

Board has the authority to develop rules and regulations consistent with this ordinance to facilitate the hearing process.

(d) The City shall have the burden of proof and must establish by the preponderance of the evidence that the Owner's property is In Need of Remedial Action and the owner has failed to act in good faith to comply with the Remedial Action Plan. After reviewing the evidence and hearing testimony from the witnesses, the Board shall issue findings of fact and conclusions of law and issue an order either affirming or reversing the decision of the Police Official or Development Services Official.

(e) An Owner has the right to appeal the Board's decision to the City Council by filing a notice of appeal with the City Clerk within (10) ten days after the Board issues its written decision. When feasible, the matter will be set for review by the City Council at the next regularly scheduled business meeting. The City Council shall make its decision based on the record below, and no additional evidence will be considered. A majority vote by the City Council in favor of the Board's decision is required to uphold the Board's decision to revoke the Owner's registration. An appeal to City Council will stay the proceedings until it completes its review.

(f) If the City Council upholds the Board's decision, the Owner shall have the right to seek judicial review of the Board's decision in a proceeding in the nature of certiorari instituted in the Superior Court of the county within 30 days after the City Council votes to uphold the Board's decision. Judicial review shall not automatically stay the revocation.

Section 14-82. INRA Designation Binding on Subsequent Owner.

The designation of a property as INRA and the application of the procedures set forth in this article shall be binding upon all subsequent Owners or other transferees of an ownership interest in the Rental Residential Property. However, the revocation may be stayed during the implementation of a transition plan.

Section 14-83. Enforcement, Remedies and Penalties.

(a) The remedies provided herein are not exclusive and may be exercised singly, simultaneously, or cumulatively. In addition, the remedies provided herein may be combined with any other remedies authorized by law and exercised in any order. This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(b) It shall be a civil violation of this ordinance for any Owner of Residential Rental Property or person or entity on behalf of that Owner to commit any of the following acts:

- (1) Lease or rent Residential Rental Property to another person or entity when the rental registration for that property has either been revoked or never obtained as required by this ordinance, except pursuant to a transition plan as set forth in Section 14-77 of this ordinance.
- (2) Lease or rent Residential Rental Property to another person or entity after the Owner has been served with notice of the mandatory meeting and fails to attend the meeting without just cause as set forth in Section 14-72 of this ordinance.
- (3) Lease or rent Residential Rental Property to another person or entity after the Owner has been served with notice of the mandatory meeting and fails to pay the required registration fee prior to or on the date of the mandatory meeting as set forth in Section 14-72(e) of this section.

(c) Notwithstanding that the Owner's property registration has been revoked or the Owner has failed to attend the mandatory meeting as set forth in Section 14-72 of this ordinance, the owner shall not commit the following acts:

- (1) Refuse or fail to comply with any order of the City to repair a dwelling pursuant to Chapter 14 of the Fayetteville City Code, or
- (2) Terminate the utility services of any occupants or otherwise violate the rights of residential tenants under Article 2A, Article 5, or Article 6 Chapter 42 of the General Statutes.

(d) Notwithstanding that the Owner's property registration has been revoked, the Owner's compliance with its obligations in subsection (c)(1) and (2) hereinabove shall not be deemed as offenses under subsection (e) below.

(e) Failure to comply with the provisions of this section shall subject the offender to a civil penalty of fifty dollars (\$50.00) a day for the first 30 days, one hundred dollars (\$100.00) a day for the next thirty days, and five hundred dollars (\$500.00) a day for each subsequent day.

(f) A civil penalty that is assessed under this ordinance may be recovered by the City in a civil action in the nature of a debt if the owner does not pay the penalty fee within thirty (30) days after a notice of the penalty is issued by the Police Official or the Development Services Official.

APPENDIX A

UCR Code	Offense Description	Point Value
O110	Homicide	4
O120	Homicide Negligence	4
O300	Robbery	3
O410	Aggravated Assault	3
O410	Aggravated Assault-Officer	3
O410	All Other	3
O510	Burglary - Forcible Entry- Residence	2
O520	Burglary - Non Forcible Entry- Residence	2
O640	Larceny from Motor Vehicle	2
O710	Motor Vehicle Theft-Automobile	2
O720	Motor Vehicle Theft-Truck	2
O730	Motor Vehicle Theft-Bus	2
O740	Motor Vehicle Theft-Recreational Vehicle	2
O790	Motor Vehicle Theft-All Other	2
O810	Assault-Simple Physical	2
O820	All Other- Communicating Threats	1
O830	Psychical Aslt - Sexual Motive	2
O840	Non-Psychical Aslt - Sexual Motive	2
O890	Assault- Physical Officer	2
O890	Simple Assault-All Other	2
1310	Buying / Receiving Stolen Property	2
1330	Possessing / Concealing Stolen Property	2
1530	Possessing / Concealing Weapons	2
1550	Using Weapons (Illegal Discharge)	3
1610	Prostitution	1
1810	Drug/Narcotic Violations	3
1834	Equipment / Paraphernalia - Possessing	1
1990	All Other Gambling	1
2211	Selling / Distributing Tax Paid Liquor	1
2212	Possessing / Concealing Tax Paid Liquor	1
2214	Using / Consuming Tax Paid Liquor	1
2410	Disorderly Conduct	2
2420	Disturbing the Peace	2
2430	Fighting (Affray)	2
2440	Unlawful Assembly	2
2450	Drunk and Disruptive	2
2660	Parole & Probation Violations	3

2680	City Ordinance Violations	1
2690	City Ordinance Violations	1

APPENDIX B

Chapter 6 - Animals and Fowl

Article III - Animals and Fowl within the City Limits

Divison 2. - Dogs

Sec. 6-241. - Sanitary conditions.

Chapter 14 - Housing, Dwellings and Buildings

Article II - Standards of Fitness and Responsibilities of Owners and Occupants

Sec. 14-31. - Space and use standards.

Sec. 14-32. - Light and ventilation standards.

Sec. 14-33. - Exit standards.

Sec. 14-34. - Structural standards.

Sec. 14-35. - Property maintenance.

Sec. 14-36. - Electrical standards.

Sec. 14-37. - Plumbing standards.

Sec. 14-38. - Heating standards.

Sec. 14-39. - Responsibilities of owners and occupants.

Chapter 16 - Motor Vehicles and Traffic

Article XII - Abandoned, Junked and Nuisance Vehicles

Sec. 16-354. - Abandoned vehicles unlawful; removal authorized.

Sec. 16-355. - Public nuisance vehicles unlawful; removal authorized.

Sec. 16-356. - Junked motor vehicles unlawful; removal authorized.

Chapter 22 - Solid Waste

Article I - In General

Sec. 22-16. - Illegal dumping; owners and occupants required to keep premises free from public health and safety nuisances.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: December 12, 2011
RE: **Presentation of the Audited FY2010-2011 Comprehensive Annual Financial Report**

THE QUESTION:

Does Council wish to accept the City's FY2010-2011 audited Comprehensive Annual Financial Report?

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

The City Council's audit firm, Cherry, Bekaert & Holland (CB&H), has completed the audit of the City's FY2010-2011 financial statements. A copy of the audited financial report was provided to City Council on November 28.

ISSUES:

None

BUDGET IMPACT:

Not applicable.

OPTIONS:

1. Accept the audited FY2010-2011 Comprehensive Annual Financial Report.
2. Do not accept the report.

RECOMMENDED ACTION:

Accept the audited FY2010-2011 Comprehensive Annual Financial Report

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Scott Shuford, Development Services Director
DATE: December 12, 2011
RE: **Construction Permit Fee Schedule Amendments**

THE QUESTION:

Should adjustments to the Construction Permit Fee Schedule be made?

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government

BACKGROUND:

The current Construction Permit Fee Schedule was adopted as part of the FY2011-12 Budget and amended in July 2011. The current fee schedule utilizes a construction value-based fee methodology. Staff experience with this methodology and input from our customers have identified the need for some adjustments to the calculation methodology to address equity and simplicity-of-use issues. The recommended changes will allow contractors and staff to more easily calculate fees and streamline the permit issuance process.

Additionally, the recommended fee schedule establishes a fee for violations of the City Code for junkyards and salvage yards which was inadvertently left out in the adoption of the fee schedule for this fiscal year.

ISSUES:

Electrical trade permits for larger homes were significantly higher under the current fee schedule than prior ones. Multiple fee payments for a single construction job are required (this is a continuation of prior practice). Use of standardized construction value tables for various classes of construction do not always properly capture the nature of the actual work being done and create complications for identifying site upgrade requirements under the Unified Development Ordinance. The proposed revisions address all of these issues.

BUDGET IMPACT:

The proposed fee schedule has been adjusted to maintain relative revenue neutrality - no impact anticipated.

OPTIONS:

Adopt the recommended adjustments to the Fee Schedule (recommended).
Continue to utilize current fee schedule.
Provide direction to staff regarding alternative approaches.

RECOMMENDED ACTION:

Staff recommends that Council move to approve the amended the Fee Schedule.

ATTACHMENTS:

Suggested Changes to Fee Schedule
PowerPoint Presentation

City of Fayetteville
Fee Schedule Review for FY2011/2012

Description	Current Fee	Established or Last Changed	Proposed Changes
Development Services			
<i><u>Privilege License, Plan Review, Permit and Inspections Fees:</u></i>			
Building Value: \$100,001 and above		2011	
Single-Family Residential	\$2.60 per \$1,000		
Multi-Family Residential	\$2.85 per \$1,000		
Commercial	\$2.85 per \$1,000		
 All New Construction, Upfits, and Renovations			 \$0.29 per sq. ft.
Major Renovations of existing structures	60% of the building permit fee	2011	
Extensive reconstruction involving 50% or more of existing floor area on one or more floors			
Minor Renovations of existing structures	40% of the building permit fee	2011	
Small and Medium reconstruction involving less than 50% of existing floor area on one or more floors			
<i>Electrical Permits</i>			
Permit for Residential Construction	\$0.13 per sq ft	2011	
Permit for Residential & Commercial Construction	\$0.16 per sq ft	2011	\$0.08 per sq. ft.
Permit associated with Alteration, Replacement, Modifications, etc.			
Residential thru 200A	\$21.00	2008	
Residential over 200A	\$26.25	2008	
Commercial thru 800A	\$52.50	2008	
Commercial over 800A	\$78.75	2008	
Separately Derived Systems	\$31.50	2008	
Mobile Home Services or Feeders	\$26.25	2008	
New or Replacement Pedestal	\$26.25	2008	
Outlet Installation	\$0.42 per outlet	2008	
Temporary Pole	\$26.25	2008	
Furnace, Condensing Units, Air Handlers, etc.,	\$12.60	2008	
Appliances	\$8.40	2008	
Motor (1HP-5HP)	\$8.40	2008	
Motor (5HP-25HP)	\$10.50	2008	
Motor (25HP-50HP)	\$12.60	2008	
Motor (50 or more HP)	\$21.00	2008	
Commercial Motor Control Units thru 800A	\$42.00	2008	
Commercial Motor Control Units over 800A	\$63.00	2008	
Electric Sign Connection	\$26.25	2008	
Electric Sign (circuit only)	\$6.30	2008	
Fire Alarm System (low voltage)	\$31.50	2008	
Other Low Voltage Systems	\$31.50	2008	
Gasoline/LP Dispenser	\$12.60	2008	
Inspection for Power Reconnection (When disconnected in excess of 6 months)	\$21.00	2008	
Outside Commercial Pole Lights	\$4.20 each	2008	
Swimming Pool Bonding and Grounding	\$21.00	2008	
Swimming Pool Equipment	\$8.40	2008	

City of Fayetteville
Fee Schedule Review for FY2011/2012

Description	Current Fee	Established or Last Changed	Proposed Changes
(motors, heaters, covers)			
Minimum Fee	\$21.00	2008	
<i>Mechanical Permits</i>			
Permit for Residential Construction	\$0.05 per sq ft	2011	
Permit for Residential & Commercial Construction	\$0.07 per sq ft	2011	\$0.08 per sq. ft.
Permit associated with Alteration, Replacement, Modifications, etc.			
Residential Heat or AC	\$47.25 for the first unit, \$26.25 for each additional unit plus total BTU listing multiplied by .0001	2008	
Commercial Heat or AC	\$52.50 for the first unit, \$36.75 for each additional unit plus total BTU listing multiplied by .0002	2008	
Commercial Hood/Canopy over Cooking Equipment	\$52.50	2008	
Floor Furnaces, Unit Heaters, etc.	\$26.25	2008	
Commercial Refrigeration	\$52.50 for the first unit, \$36.75 for each additional unit plus total BTU listing multiplied by .0002	2008	
Gas Piping	\$21.00	2008	
Each Additional Unit	\$5.25	2008	
Each LP Tank and Piping	\$21.00	2008	
Duct Extensions and Alterations	\$21.00	2008	
Commercial Exhaust and Duct System	\$5.25	2008	
Minimum Fee	\$21.00	2008	
<i>Plumbing Permits</i>			
Permit for Residential Construction	\$0.04 per sq ft	2011	
Permit for Residential & Commercial Construction	\$0.06 per sq ft	2011	
Permit associated with Alteration, Replacement, Modifications, etc.			
Trapped Fixtures, Water Heaters, etc.	\$6.30	2008	
Sewer Connection	\$21.00 each building sewer or sewer tap	2008	
Water Piping	\$21.00 each water service line, irrigation, and fire sprinkler main	2008	
Minimum Fee	\$21.00	2008	
<i>Miscellaneous Inspections and Fees</i>			
Insulation	Same fee structure as Building Permits	2008	
Residential & Commercial	\$0.03 per sq ft	2011	
Commercial	\$0.06 per sq ft	2011	
Certificate of Compliance / Occupancy Inspection for Existing Building	\$50.00		\$100.00

City of Fayetteville
Fee Schedule Review for FY2011/2012

Description	Current Fee	Established or Last Changed	Proposed Changes
<u>Code Enforcement Fees:</u>			
<i>Administrative Fee (Abatement Actions)</i>	\$100.00	2008	
<u>Citations</u>			
Abandoned Vehicle Violation	\$250.00 per day	2002 or prior	
Advertising Violation	\$500.00 per day	2002 or prior	
Animal and Fowl Violation	\$100, \$200, or \$300 per day	2002 or prior	
Landscape Standard Violation	\$50.00 per day	2002 or prior	
Salvage & Junkyard pursuant to Section 30-4-C5e(6) UDO		2011	\$500 per day
Solid Waste Violation (Trash or overgrown lot)	\$100.00 per day	1995	
Substandard Housing Violation	\$50.00 per day	2002 or prior	
Taxicab Violation	\$250.00 per day	2002 or prior	
Trailer/Mobile Home Violation	\$50.00 per day	2002 or prior	
Water Supply Violation	\$500.00 per day	2002 or prior	
Zoning Violation	\$100.00 per day	2002 or prior	

CITY OF FAYETTEVILLE DEVELOPMENT SERVICES DEPARTMENT



CONSTRUCTION PERMIT FEES



Citizen Participation

- **Personal meetings and discussions with contractors**
- **Initial permit change discussion with Home Builders Association Focus Group**
- **Presentation to Home Builders Association Board of Directors**



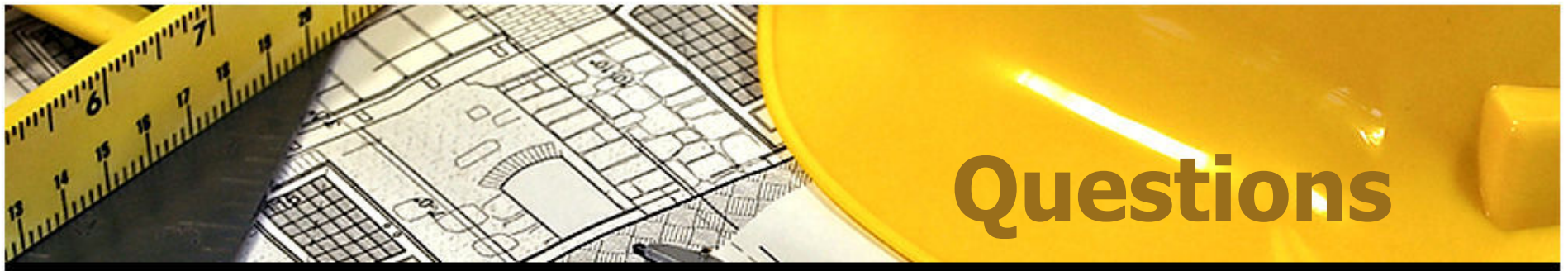
Proposed Permit Fee

- **Permit fee calculated on a square footage basis**
- **54 cents per square foot**
- **Permit fee paid at the time of building permit issuance**



Proposed permit fee (continued)

Square footage	Old	Current	Proposed
2,791 sq ft			
Building	\$ 691.61	\$ 746.64	\$ 809.39
Plumbing	\$ 189.00	\$ 111.64	\$ 167.46
Mechanical	\$ 327.00	\$ 139.55	\$ 223.28
Electrical	\$ 181.65	\$ 362.83	\$ 223.28
Insulation	\$ 63.00	\$ 83.73	\$ 83.73
	\$1,452.26	\$1,444.39	\$1,507.14



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: December 12, 2011
RE: **Uninhabitable Structures Demolition Recommendations:**

- 1103 Bunce Road
- 606 Mechanic Street
- 608 Mechanic Street
- 6526 Portsmouth Drive

THE QUESTION:

Would the demolition of these structures help to enhance the quality of life in the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

1103 Bunce Road

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a residential home that was inspected and condemned as a blighted/abandoned structure on March 8, 2011. A hearing on the condition of the structure was conducted on April 29, 2011, in which the owner did not appear. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the property owner on May 5, 2011. To date there have been no repairs done to the property. The utilities to the structure have been disconnected since February 18, 2009. In the past 24 months there have been 3 calls for 911 service at the property. There have been 4 code violations, one of which was abated by the City. The low bid for demolition of the structure is \$3,000.00.

606 Mechanic Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a residential home that was inspected and condemned as a blighted/abandoned structure on July 20, 2011. A hearing on the condition of the structure was conducted on August 10, 2011, in which the owners did not appear. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure was issued and mailed to the owners on August 10, 2011. To date there have been no repairs made to the structure. The utilities to the structure have been disconnected since June 1, 2010. In the past 24 months there were no calls for 911 service at the property, and 1 code violation case. The low bid for demolition of the structure is \$1,400.00.

608 Mechanic Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a residential home that **was** vacant and the subject of a fire on February 2, 2011. As a result of the fire the structure was inspected and condemned as a dangerous/abandoned structure on May 17, 2011. A hearing on the condition of the structure was conducted on August 10, 2011, in which the owners did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed on August 10, 2011; to date there have been no repairs made to the property. The utilities to the property have been disconnected since October 15, 2010. In the past 24 months there have been 18 calls for 911 service at the property. There have been 3 code violation cases, one which resulted in a City abatement. The low bid for demolition of the structure is \$1,400.00.

6526 Portsmouth Drive

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This structure is a residential home that was the subject of a fire

on December 24, 2010. The structure was inspected and condemned as a dangerous structure on March 8, 2011. A hearing on the condition of the structure was conducted on April 29, 2011, which the owner attended. A subsequent Hearing Order to repair or demolish within 120 days was issued and mailed to the property owner on May 5, 2011; to date there have been no repairs to the structure. The utilities to the structure have been disconnected since December 28, 2011. In the past 24 months there have been 21 calls for 911 service at the property. There have been 2 code violations on the property, both abated by the owner. The low bid for demolition of the structure is \$1,800.00.

ISSUES:

All subject properties are sub-standard and detrimental to the surrounding neighborhood and promote nuisances and blight, contrary to the City's Strategic Plan.

BUDGET IMPACT:

The demolition of these structures will be \$7,600.00; there will be additional costs for asbestos assessment and abatement if necessary.

OPTIONS:

- Adopt the ordinances and demolish the structures.
- Abstain from any action and allow the structures to remain.
- Defer any action to a later date.

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the ordinances authorizing demolition of the structures.

ATTACHMENTS:

Aerial Map- 1103 Bunce Road
Docket-1103 Bunce Road
1103 Bunce Road- Photo 1
1103 Bunce Road- Photo 2
1103 Bunce Road- Photo 3
1103 Bunce Road- Photo 4
1103 Bunce Road- Photo 5
Aerial Map- 606 Mechanic Street
Docket- 606 Mechanic Street
Ordinance- 606 Mechanic Street
606 Mechanic Street- Photo 1
606 Mechanic Street-Photo 2
606 Mechanic Street- Photo 3
606 Mechanic Street- Photo 4
Aerial Map-- 608 Mechanic Street
Docket-- 608 Mechanic Street
Ordinance-- 608 Mechanic Street
608 Mechanic Street- Photo 1
608 Mechanic Street- Photo 2
608 Mechanic Street- Photo 3
608 Mechanic Street- Photo 4
608 Mechanic Street- Photo 5
Aerial Map- 6526 Portsmouth Drive

Docket-- 6526 Portsmouth Drive

6526 Portsmouth Drive- Photo 1

6526 Portsmouth Drive- Photo 2

6526 Portsmouth Drive- Photo 3

6526 Portsmouth Drive- Photo 4

6526 Portsmouth Drive- Photo 5

ordinance

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Current Parcel: 0407-21-4241-

Address: 1103 Bunce Rd Fayetteville, NC (0407-21-4241-)



TO: Mayor
City Council Members
City Manager
City Attorney

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

Location	1103 Bunce Road
Property Owner(s)	Hyacinth B Thompson, Fayetteville, NC
Date of Inspection	March 8, 2011
Date of Hearing	April 29, 2011
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed May 5, 2011
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since February, 2009.
Police Calls for Service (past 2 yrs)	3

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

This is the 28th day of November, 2011.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)





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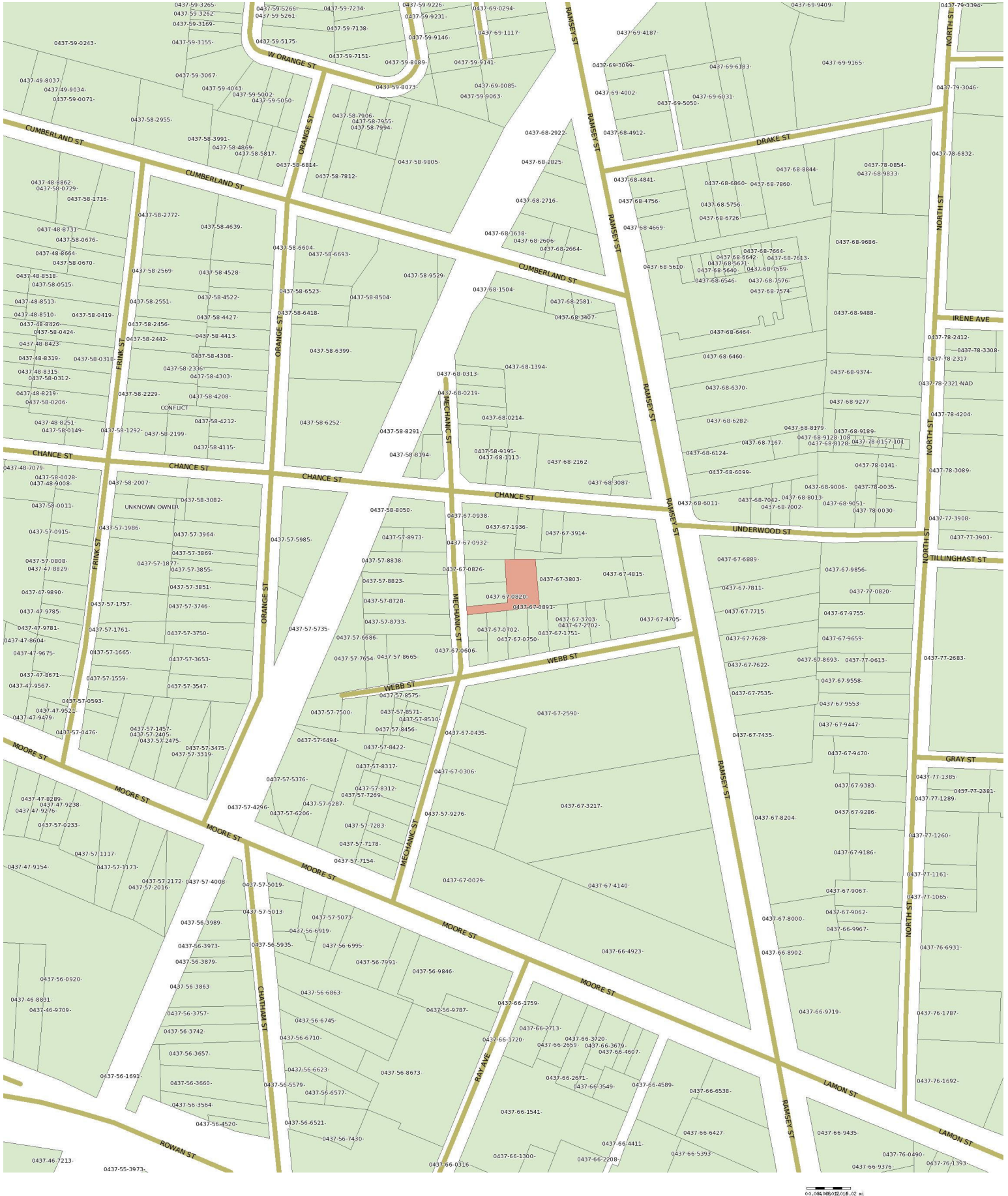
1 1 0 5





Current Parcel: 0437-67-0891-

Address: 606 Mechanic St Fayetteville, NC (0437-67-0891-)



TO: Mayor
City Council Members
City Manager
City Attorney

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

Location	606 Mechanic Street
Property Owner(s)	Odette R Ray, Duncan, SC
Date of Inspection	July 20, 2011
Date of Hearing	August 10, 2011
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed August 10, 2011
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since June, 2010.
	Hearing was advertised in Fayetteville Observer newspaper.
Police Calls for Service (past 2 yrs)	None

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

This is the 28th day of November, 2011.

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

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

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

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

The City Council finds the following facts:

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

606 Mechanic Street
PIN 0437-67-0891

Being all of Lot 3, of a map entitled "RECOMBINATION OF PROPERTY OF WILLIE MAE JONES AND HUSBAND RICHARD H. JONES," according to a plat of the same duly recorded in Book of Plats 103, Page 93, Cumberland County, North Carolina Registry.

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

Odette R. Ray	Melanie Suzette Jones	Myron Ridgley Jones
222 Penick Drive	11802 Fair Green Lane	11802 Fair Green Lane
Duncan, SC 29334	Upper Marlboro, MD 20772	Upper Marlboro, MD 20772

Richard H. Jones, Jr.	Regina Brooks, Now Known As Regina Hestholm
11802 Fair Green Lane	4713 Box Canyon Drive
Upper Marlboro, MD 20772	Temple, TX 76502

Wylie Andrew Jones
5806 Greenway Vista Lane
Charlotte, NC 28216

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before October 10, 2011.

- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:
- None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,400.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this __28th____ day of __November____, 2011.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



604

POSTED

FOR RENT







Address: 608 Mechanic St Fayetteville, NC (0437-67-0820-)

Address: 608 Mechanic St Fayetteville, NC (0437-67-0820-)



TO: Mayor
City Council Members
City Manager
City Attorney

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

Location	608 Mechanic Street
Property Owner(s)	Willie Mae Jones, Heirs and Richard H. Jones, Life Estate
Date of Inspection	May 17, 2011
Date of Hearing	August 10, 2011
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed August 10, 2011
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since October, 2010.
	Hearing was advertised in Fayetteville Observer newspaper.
Police Calls for Service (past 2 yrs)	18

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

This is the 28th day of November, 2011.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

608 Mechanic Street
PIN 0437-67-0820

Being all of Lot 2, as shown on a Plat entitled “Recombination of property of Willie Mae Jones and husband Richard H. Jones” duly recorded in Book of Plat 103, Page 93 CCROD.

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

Odette R. Ray	Melanie Suzette Jones	Myron Ridgley Jones
222 Penick Drive	11802 Fair Green Lane	11802 Fair Green Lane
Duncan, SC 29334	Upper Marlboro, MD 20772	Upper Marlboro, MD 20772

Richard H. Jones, Jr.	Regina Brooks, Now Known As Regina Hestholm
11802 Fair Green Lane	4713 Box Canyon Drive
Upper Marlboro, MD 20772	Temple, TX 76502

Wylie Andrew Jones
5806 Greenway Vista Lane
Charlotte, NC 28216

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before October 10, 2011.

- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:
- None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,400.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this _28th_____ day of __November_____, 2011.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk











Address: 6526 Portsmouth Dr Fayetteville, NC (0407-03-1024-)

Address: 6526 Portsmouth Dr Fayetteville, NC (0407-03-1024-)



TO: Mayor
City Council Members
City Manager
City Attorney

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

Location	6526 Portsmouth Drive
Property Owner(s)	M A Monsour Raleigh, NC
Date of Inspection	March 8, 2011
Date of Hearing	April 29, 2011
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 120 days mailed May 5, 2011.
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since December, 2010.
Police Calls for Service (past 2 yrs)	21

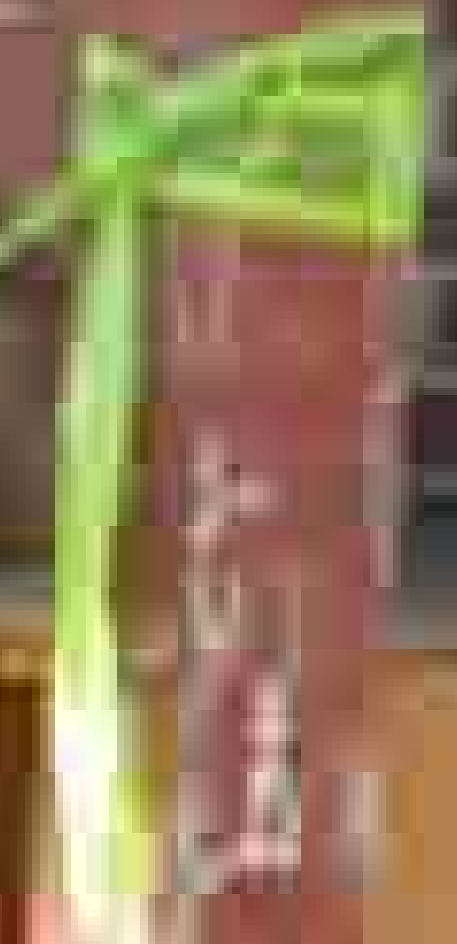
The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 28th day of November, 2011.

Frank Lewis, Jr.

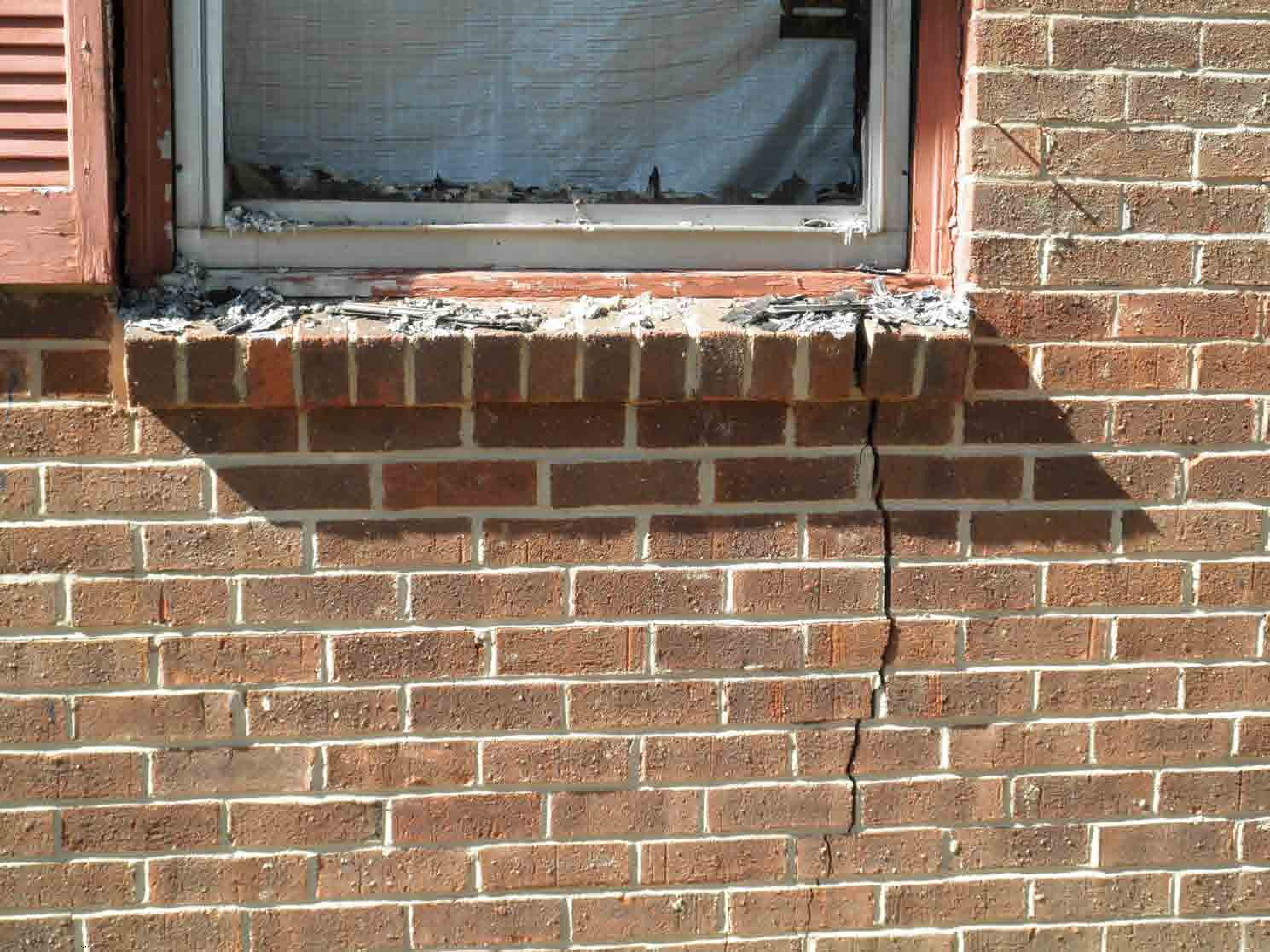
Sr. Code Enforcement Administrator (Housing)











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

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

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

The City Council finds the following facts:

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

1103 Bunce Road
PIN 0407-21-4241

Being all of Lot 25, 26, 27, and 28 Anna Mae Waddell Property, according to a plat of the same duly recorded in Book of Plats 18, page 12, Cumberland County Registry, North Carolina, less and except that portion of property deeded out in Book 6482, Page 73 of the CCR to NCDOT.

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

Hyacinth B. Thompson
1863 Windlock Drive
Fayetteville, NC 28304

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before July 5, 2011.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$3,000.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this __12th____ day of __December____, 2011.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

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

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

The City Council finds the following facts:

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

1103 Bunce Road
PIN 0407-21-4241

Being all of Lot 25, 26, 27, and 28 Anna Mae Waddell Property, according to a plat of the same duly recorded in Book of Plats 18, page 12, Cumberland County Registry, North Carolina, less and except that portion of property deeded out in Book 6482, Page 73 of the CCR to NCDOT.

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

Hyacinth B. Thompson
1863 Windlock Drive
Fayetteville, NC 28304

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before May 4, 2011.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$2,480.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

In order to allow the property owner the opportunity to repair the structure on their own, the property owner shall have 30 days as of the adoption date of this ordinance to apply for a building permit to repair the structure. Upon approval of the building permit application, the property owner shall have 5 business days to obtain the related building and technical permits. Upon issuance of the related building and technical permits, the property owner shall have 90 days to complete the construction work and pass a final building inspection by the City. Should the property owner fail to comply with any one of the steps specified herein in a timely manner, this property shall be demolished and all debris removed from the premises, and the cost of said removal shall be a lien against the real property as described herein.

SECTION 2

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

SECTION 3

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

Adopted this 12 day of December, 2011.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

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

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

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

The City Council finds the following facts:

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

6526 Portsmouth Drive
PIN 0407-03-1024

Being all of Lot No. 41 in a subdivision known as GLENBROOK, SECTION FOUR, PART TWO, according to a plat of same duly recorded in Book of Plats 38, Page 56, Cumberland County Registry, NC.

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

M.A. Mansour
5500 N. Hawthorne Way
Raleigh, NC 27613

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before September 5, 2011.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,800.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this _12th_____ day of ___December_____, 2011.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

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

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6526 Portsmouth Drive
PIN 0407-03-1024

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

M.A. Mansour
5500 N. Hawthorne Way
Raleigh, NC 27613

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before May 4, 2011.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$2,480.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

In order to allow the property owner the opportunity to repair the structure on their own, the property owner shall have 30 days as of the adoption date of this ordinance to apply for a building permit to repair the structure. Upon approval of the building permit application, the property owner shall have 5 business days to obtain the related building and technical permits. Upon issuance of the related building and technical permits, the property owner shall have 90 days to complete the construction work and pass a final building inspection by the City. Should the property owner fail to comply with any one of the steps specified herein in a timely manner, this property shall be demolished and all debris removed from the premises, and the cost of said removal shall be a lien against the real property as described herein.

SECTION 2

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

SECTION 3

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

Adopted this 12 day of December, 2011.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen M. McDonald
DATE: December 12, 2011
RE: **Resolution in Support of the Development of Transitional Housing for Homeless Veterans**

THE QUESTION:

Whether Council supports the development of transitional housing for homeless veterans.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods

BACKGROUND:

According to a 2009 Fayetteville Veterans Administration Medical Center survey, it is estimated that there are nearly 500 homeless veterans in our community. There is a clear need for safe, secure, and affordable housing for these homeless veterans. A transitional housing community for homeless veterans will help homeless veterans to receive much needed help from the Veterans Administration Medical Center to address their disabilities or illnesses.

The City Council recently considered a request for a special use permit at an Eastwood Avenue property for developing a transitional housing community facility for homeless veterans. The special use permit was denied based on the compatibility of the facility with the surrounding neighborhood. City staff is currently working with RHA Health Services, Inc., to identify property in the City of Fayetteville that would be conducive to the development of housing for the homeless veterans.

ISSUES:

Finding a site conducive to the development of transitional housing for the homeless veterans.

BUDGET IMPACT:

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

OPTIONS:

1. Adopt the resolution in support of developing a transitional housing community facility for homeless veterans.
2. Decline to adopt the resolution in support of developing a transitional housing community facility for homeless veterans.
3. Provide additional direction to staff.

RECOMMENDED ACTION:

Adopt the resolution in support of developing a transitional housing community facility for homeless veterans.