



FAYETTEVILLE CITY COUNCIL
AGENDA
MAY 14, 2012
7:00 P.M.
City Hall Council Chambers

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 PUBLIC FORUM

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

6.0 CONSENT

6.1 Adopt Resolution Authorizing the Sale of Personal Property by Public Auction

6.2 Capital Project Ordinance Amendment 2012-20 (Stormwater Drainage Improvements)

6.3 Approve Meeting Minutes:

March 5, 2012 - Work Session
March 12, 2012 - Discussion of Agenda Items
March 12, 2012 - Regular Meeting
March 21, 2012 - Agenda Briefing
March 26, 2012 - Discussion of Agenda Items
March 26, 2012 - Regular Meeting
April 4, 2012 - Strategic Planning Retreat
April 10, 2012 - Special Budget
April 10, 2012 - Regular Meeting

6.4 PWC - Bid Award - Contract for Rockfish Creek Outfall Rehabilitation Project

6.5 Transfer maintenance of Middle Road to NCDOT

7.0 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.

7.1 Adopt a Resolution and Order Closing a Portion of Finnegan Street

Presenter(s): Kecia Parker, Real Estate Manager

8.0 OTHER ITEMS OF BUSINESS

8.1 Amending Chapter 6, Animals and Fowl

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

8.2 FY 2012-13 Strategic Plan Adoption

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

8.3 Presentation of Recommended City and PWC Fiscal Year 2013 Budgets and Setting of Public Hearing on the Budget

Presenter(s): Kristoff T. Bauer, Interim City Manager and Steven K. Blanchard, PWC General Manager

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly Statement of Taxes for April 2012

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

May 14, 2012 - 7:00 p.m.

COMMUNITY CHANNEL 7

COUNCIL MEETING WILL BE RE-AIRED

May 16, 2012 - 10:00 p.m.

COMMUNITY CHANNEL 7

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

CITY COUNCIL ACTION MEMO

TO:

FROM:

DATE: May 14, 2012

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 Members of City Council
FROM: Gloria B. Wrench, Purchasing Manager
DATE: May 14, 2012
RE: **Adopt Resolution Authorizing the Sale of Personal Property by Public Auction**

THE QUESTION:

Will City Council approve the resolution authorizing the sale of a 1995 LTI HME Boardman Ladder Truck by public auction?

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

The City's Fire Department has determined that Unit #95/248, a 1995 LTI HME Boardman Ladder Truck (VIN #44KFT4289SWZ17945) is surplus to the needs of the department.

ISSUES:

None

BUDGET IMPACT:

Proceeds from the sale are anticipated to be in excess of \$30,000. There will be no negative budgetary impact to the City.

OPTIONS:

(1) Adopt resolution as requested. (2) Not adopt resolution and provide direction to staff.

RECOMMENDED ACTION:

Adopt resolution authorizing the sale of one (1) 1995 LTI HME Boardman Ladder Truck (VIN #44KFT4289SWZ17945) by public auction.

ATTACHMENTS:

1995 Ladder Truck Public Auction Resolution

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AUTHORIZING THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION**

WHEREAS, the City of Fayetteville owns personal property described as a 1995 LTI HME Boardman Ladder Truck, Unit #95/248, VIN #44KFT4289SWZ17945, that is surplus to its needs; and

WHEREAS, North Carolina General Statute § 160A-270 permits the City to sell personal property at public auction upon approval by the City Council and after publication of a notice announcing the auction.

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

1. The City Council authorizes the sale at public auction of the personal property described as a 1995 LTI HME Boardman Ladder Truck, Unit #95/248, VIN #44KFT4289SWZ17945.
2. The auction will be conducted electronically through GovDeals on the website www.govdeals.com, beginning at 12:00 a.m., Friday, May 25, 2012.
3. The terms of the sale are (a) that the property is sold in its current condition, as is, and the City gives no warranty with respect to the usability of the property; (b) that the buyer will pay the full amount of his or her bid before the conclusion of the auction, whether in cash or with a certified check or cashier's check, and (c) such other terms of sale as posted on the GovDeals website, which will include a minimum bid price for the property.
4. The Interim Chief Administrative Officer of the Public Works Commission is hereby authorized to dispose of the property of the auction on behalf of the City.

ADOPTED this _____ day of _____, 2012 by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE, NORTH CAROLINA

(SEAL)

By: _____
Anthony G. Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Lisa Smith, Chief Financial Officer
DATE: May 14, 2012
RE: **Capital Project Ordinance Amendment 2012-20 (Stormwater Drainage Improvements)**

THE QUESTION:

This capital project ordinance amendment will appropriate an additional \$467,516 for stormwater drainage improvement projects.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- This capital project ordinance amendment will appropriate an additional \$467,516 for stormwater drainage improvement projects.
- The contractor bids for several planned stormwater drainage improvement projects in the Arran Park area have come back higher than originally estimated. The amendment is needed to establish the budget for these projects.
- The source of funds for the amendment is a \$467,516 transfer from the Stormwater Operating Fund.

ISSUES:

None.

BUDGET IMPACT:

See background above.

OPTIONS:

1. Adopt Capital Project Ordinance Amendment 2012-20.
2. Do not adopt Capital Project Ordinance Amendment 2012-20.

RECOMMENDED ACTION:

Staff recommends that Council move to adopt Capital Project Ordinance Amendment 2012-20.

ATTACHMENTS:

CPOA 2012-20 Stormwater Drainage Improvements

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2012-20 (CPO 2011-11)**

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 capital project ordinance is hereby amended:

Section 1. The project change authorized is to Capital Project Ordinance 2011-11, adopted June 13, 2011, for the funding of Stormwater Drainage 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:

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Interfund Transfer from the Stormwater Fund	\$ 4,376,768	\$ 467,516	\$ 4,844,284
Revenue Bond Proceeds	10,595,000	-	10,595,000
	<u>\$ 14,971,768</u>	<u>\$ 467,516</u>	<u>\$ 15,439,284</u>

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

Project Expenditures	<u>\$ 14,971,768</u>	<u>\$ 467,516</u>	<u>\$ 15,439,284</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 14th day of May, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Pamela Megill, City Clerk
DATE: May 14, 2012
RE: **Approve Meeting Minutes:**

March 5, 2012 - Work Session
March 12, 2012 - Discussion of Agenda Items
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April 10, 2012 - Special Budget
April 10, 2012 - Regular 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:

March 5, 2012 Work Session
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March 26, 2012 - Regular
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April 10, 2012 Special Budget

April 10, 2012 Regular

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FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
MARCH 5, 2012
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:25 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (arrived at 5:15 p.m. and departed at 9:30 p.m.); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale E. Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Leonard, Assistant City Attorney
Brian Meyer, Assistant City Attorney
Renner Eberlein, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Randy Hume, Transit Director
John Kuhls, Human Resource Development Director
Ben Major, Fire Chief
Jerry Dietzen, Environmental Services Director
Kecia Parker, Real Estate Manager
Rebecca Rogers-Carter, Management Services Manager
Jennifer Lowe, Public Information Officer
Steven Blanchard, PWC CEO/General Manager
Dwight Miller, PWC Chief Finance Officer
Heather Kazemi, The Segal Company
Suzy Nisbet, Strategic HR Solutions
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Haire.

3.0 APPROVAL OF AGENDA

MOTION: Mayor Chavonne moved to remove Item 4.4 from the agenda and add a closed session to the agenda for consultation with the City Attorney regarding litigation in the matter of the *Jarryd Rauhoff, et al. v. City of Fayetteville* and a personnel matter.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (8-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Compensation Study Update and Recommendations Review

Mr. John Kuhls, Human Resource Development Director, presented this item and stated the Segal Company completed its market surveys using the ten benchmark organizations that Council approved during the October work session. He stated Segal's survey results would be reviewed, along with recommendations and proposed actions to support fair and equitable pay structures. He stated the desire of the City was to successfully attract, recruit, and retain talent for City

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employment across all departments to provide efficient, high quality, customer-focused services for all citizens. He stated ensuring they had competitive pay and benefits was a critical foundation for employee morale and productivity. He introduced Ms. Heather Kazemi, Vice President of The Segal Company.

Ms. Heather Kazemi, Vice President of The Segal Company, gave a power point presentation on the City of Fayetteville market study results. She stated the City needed to be able to recruit, reward, and retain the best employees possible in order to provide high quality and professional services to its constituents. She stated the primary goal of the project was to ensure that the City's total compensation plans were efficient, equitable, market sensitive, and performance based. She stated there were 52 job titles included in the market study, which represented 59 percent of the City employees and covered all functional areas. She stated sworn police positions were excluded from the study. She stated a review of pay policies and practices were provided. She gave an overview of the overall findings for paid time off, medical benefits, and retirement plans. She presented the following recommendations to successfully recruit, retain, and reward qualified and high-performing employees:

1. Implement the pay grade recommendations outlined in the report.
2. Evaluate the need to adjust the pay schedules annually.
3. Consistently fund an annual merit pool sufficient to provide meaningful performance based increases.
4. Continuously address pay compression between new and existing employees.
5. Modify the vacation accrual to more closely match prevailing practices.
6. Implement an employer match to the 401k plan to assist in recruiting employees.
7. Increase the City's contribution to the POS health plan costs for family coverage.

Ms. Kazemi provided an executive summary and stated over the last several years the City had experienced significant difficulties recruiting, retaining, and rewarding qualified and talented employees. She stated in FY 2010-2011 the turnover rate for all City employees was 13.2 percent and only 8.3 percent for sworn police. In addition, she stated the City's Human Resource Development Department needed to post some jobs two or three times in order to find qualified candidates. She stated the City's pay schedules had not been adjusted since FY 2008-2009 and pay increases had not been consistently funded in the past several years. Consequently, she stated internal pay compression had occurred as salaries for employees have not kept pace with new hire pay levels. She stated several department managers had expressed frustration with losing talented employees, low morale among the remaining staff, and difficulties giving staff strong reasons to stay with the City.

Mr. Kuhls introduced Ms. Suzy Nisbet, President of Strategic HR Solutions.

Ms. Suzy Nisbet, President of Strategic HR Solutions, provided a power point presentation on the proposed implementation of the City of Fayetteville Compensation Study. She gave an overview of the market measures which were cost of living, consumer price index, and cost of labor.

A question and answer period ensued.

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Discussion ensued regarding the compensation structure recommendation, market practices for merit calculations, pay adjustment recommendations, vacation leave, retirement plans, impact of turnover, and market data took place.

Mr. Kuhls requested the Council consider Option 1 which was to direct the City Manager and staff to move forward with implementing recommendations from the study, while providing any feedback that was felt to be critical towards ensuring a successful implementation phase.

Consensus of Council was to request hard numbers and actual dollar amounts, and to be kept in the loop regarding further study.

4.2 Fayetteville Advisory Committee on Transit (FACT) Service Improvement Recommendations

Mr. Randy Hume, Transit Director, introduced the following FACT members to the Mayor and Council: Mr. Jeff Thompson (FACT chair), Ms. Sharon M. Collins, Mr. David Wendelken, and Mr. Carlos Manuel. Mr. Hume presented this item with the aid of a power point presentation and stated in October 2010, City Council established the Fayetteville Advisory Committee on Transit to address the public transportation needs of the City by providing recommendations for implementing the Transit Development Plan (TDP). He stated since September 2011, FACT had been working with staff to develop recommendations to be considered by Council as it prepared for the FY 2013 budget process. He stated the Committee's recommendations were consistent with the TDP and included enhancements to the current fixed route structure that should improve the convenience and availability of transit services to citizens and visitors. He stated FACT also encouraged the use of partnerships and non-tax resources when possible to expand ridership and funding. He stated given the continued economic uncertainty and challenges faced by federal, state, and local governments and agencies, most transit systems had seen the need to cut back on services and/or increase customer fares, while also dealing with increased transit demand due to higher fuel prices and strained family budgets. He stated last year the City maintained the momentum started when the TDP was adopted by providing additional funding to support new evening services and extended services to Andrews Road. He stated continued improvements to the transit options available to the citizens would largely depend on additional resources, while also facing the prospect of reduced state and federal grants in the future. He presented the following new system expansion improvement recommendations:

1. Route 14 - Peak Period Express
2. Fort Bragg AM/PM Work Trips
3. City-wide Paratransit Service
4. Strickland Bridge Road Route

Mr. Hume then presented the following future route considerations:

1. TDP Update
2. Split and Streamline Route 3 (FY 14)
3. Mountclaire/Aran Lake (FY 15)
4. Fort Bragg After Hours Express
5. Evening Service to Coliseum area

A brief discussion period followed regarding the potential for increasing fares.

Mr. Dale Iman, City Manager, stated that the Council could look at implementing fares on the "free days".

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4.3 PWC - Financing Team Resolution

Mr. Steven K. Blanchard, PWC CEO/General Manager, and Mr. Dwight Miller, PWC Chief Finance Officer, presented this item. Mr. Blanchard stated the Public Works Commission adopted a resolution approving certain members of the Financing Team for a five-year term and requested that Council adopt a similar resolution. He stated the Financing Team members approved in the resolution were Womble Carlyle Sandridge and Rice as the Bond Counsel; The Bank of New York Mellon Trust Company, N.A., as the Trustee; and Davenport and Company as the Financial Advisor. He stated with several bond issues being anticipated during the next five to seven years, selecting a Financing Team for a stated term would provide stability, continuity, and progressive knowledge in the financing process and related matters that would be lost if team member changes were made with each bond issue or tax-exempt debt related matters. He stated a longer, stable term would provide economic advantages also. He stated the bonds would probably not need to be sold until November of this year. He requested Council solidify the group of core team members.

Council Member Haire stated the original recommendation was to adopt the resolution approving certain members of the Financing Team for a five-year period and the alternate recommendation was to adopt the resolution approving certain members of the Financing Team for a five-year period and direct staff to issue a RFP to identify a legal firm that could be used as a Co-Bond Counsel when needed. He inquired as to how the team was set up now and requested the names of the present team players. Mr. Blanchard responded that various teams had been used.

Council Member Haire inquired why PWC would dismantle along with help from staff to change what they had used in the past when Council had been strong advocates for the small and local contractors. He further inquired how they could even have a recommendation. He stated that at the February 23, 2012, meeting Mr. Dwight Miller had stated there would be an approximate saving of \$100,000.00 as a result of negotiating. He inquired as to who PWC negotiated with and stated the minority and local contractors were not included in the negotiations. He further stated he would not support the resolution.

Council Member Bates stated he was in agreement with Council Member Haire.

Mr. Miller stated they could expect a significant dollar savings by going to a competitive sale rather than a negotiated sale.

Council Member Applewhite stated she agreed that they should stay with the folks that had already been in place and keep the business in town.

Council Massey stated he wanted local business owners to be involved in the process whenever possible.

Council Member Fowler stated he believed the Council had a fiduciary responsibility to its constituents and it made sense to save the money. He stated they should look for the most qualified to do the job.

Further discussion followed.

Mayor Chavonne stated the competitive bid process had not created the need for some of the bond counsels they have had in the past.

Mr. Miller stated they needed a team that could provide expert advice.

Council Member Applewhite inquired if they could allow time for Rand & Gregory and The Charleston Group to have the opportunity to

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negotiate their rates to be more competitive and considered part of the bond process.

Mayor Chavonne requested the item be brought back for further consideration at a later time. He inquired if PWC could find a way that rate payers/taxpayers save the same amount of money and keep the local players in place.

4.4 Renewable Energy Revolving Loan Fund

This item was removed from the agenda.

4.5 Evaluation of policy on Disposal of City-Owned Property

Ms. Kecia Parker, Real Estate Manager, presented this item and stated the City occasionally received requests from citizens and entities wishing to purchase City property. She stated Council had requested staff review its policy for the disposal of City property to address these requests. She stated staff reviewed the State laws for disposal of property by municipalities, and the City's existing policy, and suggested revisions to the policy. She stated the Council wished to have a policy for the disposal of the City's surplus property which complied with North Carolina law and which assured the dispositions were fair, non-discriminatory, served the general public welfare, and increased the ad valorem tax base. She requested Council approve the revised policy at the next regular City Council meeting.

A brief discussion period ensued.

Consensus of Council was to place this item on a regular meeting agenda under consent.

4.6 Response to Request to Sell City Lot on Mann Street

Ms. Kecia Parker, Real Estate Manager, presented this item. She stated St. Paul Full Gospel Baptist Church made an offer of \$100.00 for said parcel and Council rejected the offer due to it being below tax value. She stated after that, the City received an offer requesting the property be donated to the Church and Council rejected the offer due to it being below tax value. She stated the City was now in receipt of another letter from St. Paul Full Gospel Baptist Church requesting the City sell the parcel for \$3,000.00 so that the church could use the property for public off-street parking. She stated staff circulated the request to the Senior Management Team and found no need for the property. She stated the church deposited a 5 percent deposit of \$150.00 with the City. She stated the City would incur the cost of publication of the approved resolution once Council approved it at a regular Council meeting and stated the cost would be approximately \$500.00 to \$1,000.00. She stated the tax value of said parcel was \$6,000.00. She stated the compensation the church was offering would be \$3,000.00 and in addition to this the public off-street parking which would be addressed as a restriction on the deed that would mandate the property be used for this and would revert back to the City in the event it ceased to be used as such. She stated due to the tax exempt status of the church, no future taxes would be collected if the property sold.

A brief discussion period ensued.

Consensus of Council was to direct staff to draft a policy that would provide for a discount of 50 percent on tax value plus any costs associated if the requesting party was a valid public service/nonprofit and place the policy on a future consent agenda.

4.7 Environmental Services Pilot Study Regarding Solid Waste Collection

Mr. Jerry Dietzen, Environmental Services Director, presented this item with the aid of a power point presentation and stated in

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February 2011, Council tasked City staff with investigating potential savings in contracting for a portion of the City's garbage collection services. He stated competition with the private sector could increase government efficiency and contracting also had risks. He stated the government's role of protecting the public health, safety, and wellbeing would make it necessary to ensure that contracting would not place those services beyond the control of the public's representation. He stated the City undertook a thorough analysis to determine the effects of contracting for a portion of the City's garbage collection. He stated staff developed a Request for Proposal (RFP) from local vendors for the collection of what were currently the City's Monday garbage routes. He stated the RFP was developed by the Purchasing Department at PWC in consultation with the City Attorney's office, the City Manager's office, and Environmental Services. He stated the proposal was based on the City of Charlotte's managed competition model of waste collection. He stated the current contract with the City held with Waste Management for curbside recycling was used as a template to ensure similar language and service standards. He stated the performance requirements and service quality were established. He stated also included in the RFP were elements of policy from other local municipalities that had investigated outsourcing for their garbage collection services. He stated research with other municipalities indicated that the best practice for beginning a contracting program should involve only a portion of the City's service to allow the City to maintain control. He stated the RFP was therefore developed on the basis that a quarter of the City's routes would be considered for outsourcing. He stated PWC received five submissions from local vendors who submitted proposals with a base first-year cost per household, and a Consumer Price Index (CPI) inflation allowance that would be applied each June for a period of four additional years, for a total five-year contract. He stated City staff developed a thorough cost analysis of the Environmental Services curbside waste collection program to determine the human and financial impact of the Department should the contract for service be approved. He stated the analysis determined that the cost per household per month (CPHHPM) under our current service delivery structure which utilized both semi-automated and automated trucks was \$3.59 CPHHPM. He stated City-wide indirect costs and Environmental Services administration costs were not included in the CPHHPM. He stated if the City entered into an agreement with the lowest bidder, the annual cost would be \$718,200.00. He stated the City would then reduce the equipment and staff accordingly, choosing the most inefficient service delivery options to cut, which would further increase overall efficiencies. He stated in this case, it would result in cutting five semi-automated trucks and ten employees. He stated the net result would be an estimated increase in the General Fund appropriation of \$34,200.00. He stated the Environmental Services Department could perform the job at the lowest cost to the City, while still maintaining desired service levels and protecting the public interest. He stated if the City Council decided to contract the service collection, route days would change for nearly all citizens in Fayetteville.

Council Member Crisp stated he had several constituents who had trash pick-up issues on a regular basis, and stated he needed the problems resolved, as they should be providing an ideal service. Mr. Dietzen stated a customer service course would begin in April and the training would be provided to all employees in his Department.

Mayor Chavonne requested that Mr. Dietzen look into the Friday pick-up issues.

Council Member Bates stated the Council had heard analysis of outsourcing twice and would like to stay with what they had.

A majority of Council was in agreement with Council Member Bates.

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4.8 City Ordered Demolition Process Update

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation. He reviewed the steps and the days required to complete each step of the City-ordered demolition process as follows:

Steps	Time
Detect violation-post as dangerous building	1 day
Order property title search and file lis pendens with Clerk of Court	7 days
Issue administrative hearing notice (Hearing notice published if owner cannot be found or property is in probate - add 14 days)	10 days
Administrative hearing and issuance of order to repair or demolish (May be appealed to Board of Appeals - Add 10 to 14 days)	60 days
Demolition ordinance submitted for City Council adoption - Conduct initial asbestos inspection; solicit demolition bids	15 to 30 days
Demolition ordinance recorded with Register of Deeds Office - Award demolition contract	4 days
Asbestos testing if needed - Award asbestos removal contract	5 days
Demolish structure	Cumulative Minimum Time - 97 days

Mr. Shuford stated the title search process involved researching the ownership of the property for at least 30 years; identifying liens, judgments, deeds of trust, and heir ownership issues; ensuring that all interest holders were notified; identifying any discrepancies in legal descriptions to ensure that the right houses were demolished; and identifying title problems that could have an adverse effect on ownership. He stated the tornadoes in April 2011 resulted in a backlog of 109 title searches which would be eliminated by June. He stated staff intended to accelerate the City-ordered demolitions and focus on the following five priority areas: Murchison Road Area (30), Bonnie Doone (5), Massey Hill (5), Ramsey Street/North Street/Brookwood Avenue/Windsor Terrace Area (26), and Savoy Heights/Branson Street Area (34). He stated the Council would see more cases per meeting, more details presented at agenda briefings, more cases on consent agendas, and significant neighborhood improvements. He stated this would happen because (1) there was great cooperation between the Real Estate and Code Enforcement Divisions, (2) fewer commercial demolitions could free up funding to expedite process, (3) some title searches could be "farmed out" to keep them on schedule, and (4) Council's support for the process.

Council Member Davy requested the demolition cases not be placed on consent but placed on the regular agenda in a condensed form.

A brief discussion period ensued.

Consensus of Council was to place demolition cases on the "Other Items of Business" section of the agenda in an abbreviated form to include one slide with bullets and one photograph per case.

4.9 City Council Agenda Request - Boarded Up Buildings

Council Member Haire presented this item and stated the City had houses that were boarded up for periods of up to ten years. He stated he was requesting a limit be placed on how long a house could be boarded up before proceeding to the demolition process.

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Mayor Chavonne inquired of the City Attorney if she could provide research on Council Member Haire's request. Ms. Karen McDonald, city Attorney, replied in the affirmative.

Consensus of Council was to request staff research limiting the amount of time a property could remain boarded up.

4.10 City Council Agenda Request - Establish Procedures for ensuring Council members are informed prior to public release of information.

Mayor Pro Tem Arp presented this item and stated he would like to establish a procedure for ensuring Council members were informed prior to public release of information. He stated there had been numerous instances of key information being released to the press or the public by the City that he was unaware, uninformed, or had no knowledge that the information was going to be presented. He stated as an elected official he had a responsibility to answer to citizens or the media and as it was to their detriment when they were not able to articulate to citizenry on issues that had been expounded upon in a public manner that they had not been prepared for.

Council Member Haire stated he was in agreement with Council Member Arp.

Council Member Applewhite stated she thought it was a waste of time when the City Manager's executive assistant had to call each Council member to ask them to check their e-mail.

Mayor Chavonne stated that each individual Council member may have a preference of what form of media they wished to be notified.

Consensus of Council was to agree to establish procedures for ensuring Council members were informed prior to public release of information.

4.11 Closed session for consultation with the City Attorney regarding litigation in the matter of the *Jarryd Rauhoff, et al. v. City of Fayetteville* and a personnel matter.

MOTION: Council Member Arp moved to go into closed session for consultation with the City Attorney regarding litigation in the matter of the *Jarryd Rauhoff, et al. v. City of Fayetteville* and a personnel matter.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

The regular session recessed at 8:40 p.m. The regular session reconvened at 10:30 p.m.

MOTION: Mayor Pro Tem Arp moved to go into open session.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (9-0)

MOTION: Council Member Arp moved to amend the traffic stop plan and rescind the moratorium thereby alleviating the need for a Preliminary Injunction Hearing.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (9-0)

Consensus of Council was to amend the traffic stop plan and to rescind the moratorium.

DRAFT

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:30 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

030512

DRAFT

FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
MARCH 12, 2012
6:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Brian Leonard, Assistant City Attorney
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 City Attorney regarding litigation in the matter of *Rauhoff, et al. v. City of Fayetteville* and a personnel matter.
SECOND: Council Member Hurst
VOTE: UNANIMOUS (8-0)

The regular session recessed at 6:05 p.m. The regular session reconvened at 6:50 p.m.

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

Mayor Chavonne reviewed the proclamations and recognitions.

Council then reviewed the agenda items.

There was no discussion.

There being no further business, the meeting adjourned at 6:55 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

031212

DRAFT

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MARCH 12, 2012
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Dale E. Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Leonard, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Tom Bergamine, Police Chief
Patricia Bradley, Police Attorney
Rusty Thompson, Engineering and Infrastructure Director
John Kuhls, Human Resources Development Director
Scott Shuford, Development Services Director
Jennifer Lowe, Public Information Officer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Abdul Haneef, Faith Dialogue Committee Member.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Girl Scout Troop 1481.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (10-0)

RECOGNITIONS

Mayor Chavonne presented a proclamation to Ms. Gwen Barham, Girl Scout Troop 1085 Leader, and Ms. Cindy Rose, Girl Scout Troop 1481 Leader, proclaiming March 11-17, 2012, Girl Scout Week.

Mayor Chavonne presented a proclamation to Ms. Victoria Raleigh, Executive Director, and Ms. Susan Mills and Dr. Jonas Okeagu, Board Members, proclaiming March 2012 American Red Cross Month.

Ms. Roberta Waddle, National Organization of Women (NOW), was present to give recognition to Police Department Officer Sanders. Due to Ms. Sanders' absence, Ms. Waddle requested the presentation be rescheduled.

Mayor Chavonne and Mayor Pro Tem Arp presented a Certificate of Excellence for the Cape Fear Grange to Mr. Jimmy Gentry, North Carolina State Grange President. Mayor Chavonne stated the Cape Fear

DRAFT

Grange was a community based, non-profit organization dedicated to making a positive difference in Cumberland County.

5.0 PUBLIC FORUM

Mr. Roosevelt Odom, Fayetteville, NC, through an interpreter, addressed the need for a facility in Fayetteville to assist the deaf and hearing impaired community. He requested support from Council in his endeavor.

Ms. Deborah Godwin, Town of Godwin Mayor, 4924 Markham Street, Godwin, NC 28344, thanked the Mayor, Council, and City for all the support for the new Godwin Park. She invited everyone to attend the Grand Ribbon Cutting Ceremony scheduled for March 30, 2012, at 10:00 a.m.

Minister Eronomy Mohammed Smith, 2700 Murchison Road, Fayetteville, NC 28301, stated he was proud of being a Vietnam Veteran and that America was the greatest country on earth, and he was hoping the City would hire an African American Police Chief.

Ms. Wendy Michener, 223 Hillside Avenue, Fayetteville, NC 28302, stated she would like the City to adopt an ordinance that would provide for privileged consideration of awarding contracts to local businesses. She provided the Council with a handout.

Mr. Charles Fager, 223 Hillside Avenue, Fayetteville, NC 28302, expressed opposition to the proposed tolls on I-95, and stated these types of tolls would affect the low-income citizens the hardest. He requested the support of Council to officially oppose the implementation of toll fees on I-95.

Pastor Mark Rowden, 987 Eastman Road, Fayetteville, NC 28314, stated he would like to see the community of Fayetteville come together and grow together, and commended Police Chief Tom Bergamine for having dealt with tough and sensitive issues, and expressed appreciation for the Mayor and Council taking bold steps. He stated he was proud to be a Fayetteville citizen.

Pastor Calvin Brewington, 7572 Raeford Road, Fayetteville, NC 28314, expressed respect and deep appreciation for the Fayetteville Police Department and stated he was proud of the City.

Pastor Jeffrey White, 1933 Windlock Drive, Fayetteville, NC 28304, stated he had lived in the community for 11 years and raised three sons and a daughter here. He made a complaint that he believed two of his sons were racially profiled. He expressed support of the Mayor and Council, and requested the City move forward as a whole community.

6.0 CONSENT

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

6.1 Compensation Study Implementation

6.2 Award of contract to the lowest responsible responsive bidder for Fort Bragg Road rehabilitation.

Contract was awarded to Highland Construction, low bidder, in the amount of \$557,026.36.

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- 6.3 PWC - Bid recommendation to award contract for relay and control switchboards and SCADA switchboards to Schweitzer Engineering Laboratories, Pullman, WA, lowest bidder, in the amount of \$197,540.00

Bids were received as follows:

Schweitzer Engineering Laboratories (Pullman, WA)	\$197,540.00
Birmingham Control Systems (Birmingham, AL)	\$243,960.00
Electrical Power Products (Des Moines, IA)	\$250,432.00
Kemco Industries (Sanford, FL)	\$256,092.00

- 6.4 PWC - Bid recommendation to award contract for 230kV circuit with optional revenue metering CTs to Siemens Energy, c/o National Transformer Sales, Raleigh, NC, lowest bidder, in the amount of \$91,100.00.

Bids were received as follows:

Siemens Energy, c/o National Transformer Sales (Raleigh, NC)..	\$91,100.00
HVB AE Power Systems, Inc. (Suwanee, GA).....	\$91,650.00
ABB, c/o Utility Service Agency (Wake Forest, NC).....	\$97,235.00
*Alstom Grid, Inc. (Charleroi, PA).....	\$87,440.00
*Pennsylvania Breaker, LLC (Canonsburg, PA).....	\$90,620.00

* The low bid submitted by Alstom Grid, Inc., was found to be noncompliant with PWC specifications. The second low bidder, Pennsylvania Breaker, was relatively new to the circuit breaker market and experienced notable problems with their first generation of breakers. Additionally, the purchase of the equipment was made up of two components: (1) the 230kV circuit breaker and (2) revenue metering CTs. Progress Energy would be reimbursing PWC for the cost of the revenue metering CTs. Due to the cost breakdown of the bids, by awarding the bid to Siemens PWC would actually be paying less for the circuit breaker, than if the bid were awarded to Pennsylvania Breaker.

- 6.5 Community street banners for FTCC 50th Anniversary.

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

- 6.6 Special Revenue Fund Project Ordinance 2012-14 (Project Safe Neighborhoods - Law Enforcement Training Consortium - additional funding).

The ordinance appropriated \$2,492.00 for the Police Department's Law Enforcement Training Consortium for fiscal year 2012.

- 6.7 Braddy Road speed reduction ordinance.

CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1111 (BRADY ROAD) - CAR (55 MPH) AND TRUCK (55 MPH)]. NS ORDINANCE NO. NS2012-009.

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1111 (BRADY ROAD) - CAR (45 MPH) AND TRUCK (45 MPH)]. NS ORDINANCE NO. NS2012-010.

- 7.0 OTHER ITEMS OF BUSINESS

- 7.1 Consideration of National Organization of Black Law Enforcement Executives (NOBLE) findings regarding allegations of biased-based policing by the Fayetteville Police Department.

Mr. Dale Iman, City Manager, introduced retired Chief Jimmy Wilson, Lead Consultant of the NOBLE consulting firm, and Mr. Andrew Cannady, a NOBLE consultant and a retired Greensboro Assistant Police Chief.

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Mr. Jimmy Wilson, Lead Consultant of NOBLE, stated the project team for the report consisted of five individuals. He stated CALEA (Commission of Accreditation for Law Enforcement) would be mentioned throughout the report. He stated as a result of the PERF Operational Study of the Fayetteville Police Department, modifications were recommended to better align the Police Department with the national best practices. He stated there were 53 recommendations and the Police Department addressed all in an ongoing process. He stated the concerns expressed by community leaders was that there had been 38,950 traffic stops in 2010 with 89 of those being consensual searches, three times as many African Americans were stopped, and there was no review of traffic stop data and timely statistics were not submitted to the State by the Police Department. He stated community leaders were also concerned that searches had been conducted without consent, Caucasians were ticketed for objective stops and African Americans stopped for subjective stops, and the driver was not informed of the articulable reason for the stop. He stated the community steps for resolution were to address all issues thoroughly, investigate police misconduct and take actions, gain the confidence of the African American community, change the culture of the Police Department and engage in true community policing, participate in community awareness training, and accept the training offered by the ACLU. He stated the community leaders also believed there was an under-representation of African Americans in the Fayetteville Police Department. He stated professional traffic stops were researched and the Police Department exceeded the standards.

Mr. Andrew Cannady, a NOBLE consultant, stated the state law that required reporting of traffic stops was where some of the problems actually lay. He stated the traffic stop report was required by state law and a separate portion of that dealt with consent searches. He stated that had been the source of the beginning of this as they understood it. He stated it was the data being either inaccurate or skewed so that it raised concerns. He stated part of the problem was that the traffic stop report document did not have a place for the location of the traffic stop; and when confronted with that question, the Police Department was forced to try to explain why six times as many African Americans were stopped more, searched more, and where that was likely to be occurring. He stated the Department was not able to do that to the Council's satisfaction. He stated relying purely on the traffic stop report was not the way to go. He stated the results from the NOBLE Study indicated that the Fayetteville Police Department had earned a status of a CALEA accredited law enforcement agency by achieving recertification for the seventh time. He stated it added to its professional status by requesting and undergoing an Operational Study of the Department conducted by PERF. However, he stated the finding of racial disparity in the number of African Americans subjected to traffic stops and consensual searches was a highly charged and divisive issue in the community. He stated interviews with community and City leaders indicated both recognized there was a problem that required attention. He stated whether the problems were real or perceived, they had become reality and should be directed towards resolution. He stated this was encouraging and reflected well on the City of Fayetteville and its residents. He stated to assist the City with moving forward, NOBLE listed 24 specific recommendations in the recommendation section of the report and several other suggestions in other sections throughout the report.

Following the report, a brief question and answer period ensued.

MOTION: Council Member Crisp moved to accept the report.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

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8.0 ADMINISTRATIVE REPORTS

8.1 Tax refunds of less than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Wheeler, Donald E.	2009-2010	Incorrectly Listed	\$ 9.12
Wheeler, Donald E.	2006-2010	Incorrectly Listed	25.54
TOTAL			<u>\$34.66</u>

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

031212

DRAFT

FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
MARCH 21, 2012
4:00 P.M.

Present: Mayor Anthony G. Chavonne (arrived at 4:20 p.m.)

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

Others Present: Karen M. McDonald, City Attorney
Scott Shuford, Development Services Director
Craig Harmon, Planner II
Bart Swanson, Housing and Code Enforcement Division
Manager
Frank Lewis, Senior Code Enforcement Administrator
Robin Davis, Jackson Lewis, LLP
Members of the Press

Mayor Pro Tem Arp called the meeting to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's March 26, 2012, agenda:

The proposed street name change from Sherrerd Avenue to Myrtle Hill Lane.

Mr. Scott Shuford, Development Services Director, presented this item and provided background information on the street name change request. He stated there were only seven properties affected by the change and the County had received 100 percent approval for the name change by the owners. He stated staff recommended approval of the change.

Quasi-Judicial Public Hearing - Subdivision waiver to allow a building permit to be issued on a parcel that does not abut a public or private street but is accessed via a recorded easement.

Mr. Scott Shuford, Development Services Director, presented this item and provided background information on the parcel in question. He stated the parcel was accessed by a legal easement and informed Council that the code required that every lot abut a public or private street. He also informed Council that City policy had been not to accept easements as a means of access to serve a parcel. He stated the owners were requesting a waiver from the City Code in order to obtain a building permit to construct a single-family residence. He briefly reviewed the options available for Council's consideration. He stated staff recommended making finding of fact number 3 in the negative and deny the waiver based thereon not allowing a permit to be issued for a parcel that was not abutting a public or private street and not accepting access via an easement. He further stated the Planning Commission recommended making all three findings of fact in the affirmative with conditions and providing conditional approval of the waiver request.

Uninhabitable structures demolition recommendation:

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and stated staff recommended adoption of the ordinances authorizing demolition of the structures. He reviewed the following demolition recommendations:

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906 Branson Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2005. He further noted within the past 24 months there had been 20 calls for 911 service and nine code violations with pending assessments of \$535.80 for lot cleanings. He advised the low bid for demolition of the structure was \$1,500.00.

211 Davis Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in December 1999. He further noted within the past 24 months there had been no calls for 911 service and two code violations with no pending assessments. He advised the low bid for demolition of the structure was \$2,300.00.

407 Quality Road

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in December 2007. He further noted within the past 24 months there had been two calls for 911 service and six code violations with pending assessments of \$758.40 for lot cleanings. He advised the low bid for demolition of the structure was \$1,500.00.

505 Quality Road

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2004. He further noted within the past 24 months there had been three calls for 911 service and five code violations with pending assessments of \$1,109.55 for lot cleanings. He advised the low bid for demolition of the structure was \$1,400.00.

608 School Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner attended the hearing and an order to repair or demolish within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2007. He further noted within the past 24 months there had been 25 calls for 911 service and 11 code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,300.00.

Mr. Shuford inquired if there were questions regarding the consent agenda.

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Amendments to certain requirements for educational facilities and child care centers in the downtown (DT) zoning district, including separation requirements from certain uses.

Mr. Scott Shuford, Development Services Director, presented this item and explained this was a staff-initiated code amendment to facilitate the establishment of educational facilities and child care centers in the Downtown (DT) zoning district. He stated the current separation requirements eliminated consideration of these uses in much of the downtown due to the proximity of an existing bar. He further stated that educational facilities and child care centers were desirable uses in the downtown area as businesses may need to provide child care centers for their workers. He noted the amendment would also establish traffic and access standards for these uses in the Downtown District. He stated the Planning Commission and staff recommended approval of the text amendment.

Council Member Bates provided an update on League issues to include extraterritorial jurisdiction, billboard clear cutting, and gas tax. He announced the NCLM conference would be condensed to two days to save cost. He also announced a NCLM Regional Legislative Update session would be held in Hope Mills on April 25, 2012.

MOTION: Council Member Bates moved to go into closed session for consultation with the City Attorney regarding litigation in the matter of the *State of North Carolina v. Bill and Sophia Agapion* and a personnel matter.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (10-0)

The regular session recessed at 5:10 p.m. The regular session reconvened at 6:20 p.m.

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

Discussion ensued regarding the selection of a consulting firm to assist with the recruitment and selection of a City Manager.

The consensus was Colin Baenziger & Associates for \$21,500.00.

There being no further business, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

032112

DRAFT

FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
MARCH 26, 2012
6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 6:10 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (arrived at 6:15 p.m.); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Brian Leonard, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Patricia Bradley, Police Attorney
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 for an attorney-client privileged matter, a personnel matter, and litigation in the matter of the *City of Fayetteville v. Bill and Sophia Agapion*.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (8-0)

The regular session recessed at 6:10 p.m. The regular session reconvened at 6:45 p.m.

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

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Crisp moved to authorize release of the following closed session minutes:

- 1 January 24, 2011 - Consultation with the Attorney regarding litigation involving Festival Park Plaza.
- 2 March 14, 2011 - Consultation with the Attorney regarding litigation involving Festival Park Plaza.
- 3 March 23, 2011 - Consultation with the Attorney in the matter of a personal injury claim involving William C. Williams.
- 4 March 23, 2011 - Consultation with the Attorney regarding litigation involving Festival Park Plaza.
- 5 April 11, 2011 - Consultation with the Attorney in the matter of a personal injury claim involving Williams C. Williams.
- 6 April 26, 2011 - Consultation with the Attorney regarding recommendation on Festival Park Plaza Financing Project.
- 7 May 9, 2011 - Discussion of an economic development matter.
- 8 May 9, 2011 - Consultation with the Attorney in the matter of a personal injury claim involving William C. Williams.

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SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

MOTION: Mayor Pro Tem Arp moved to accept the resignation and release agreement tendered by the City Manager and to authorize the Mayor to execute the agreement on behalf of the City.

SECOND: Council Member Fowler
VOTE: UNANIMOUS (10-0)

MOTION: Council Member Hurst moved to appoint Kristoff Bauer as the Interim City Manager.

SECOND: Council Member Fowler

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

Ms. Karen McDonald, City Attorney, explained that based on Council's action, she had been advised by the Chief Financial Officer, Ms. Lisa Smith, that a budget amendment would be necessary. She then distributed the proposed budget amendment.

Council members expressed concern regarding the budget amendment and directed that the Chief Financial Officer provide a budget amendment for \$215,000.00 for the City Manager's compensation and to hire the City Manager search firm Colin Baenziger & Associates in the amount of \$22,500.00.

There being no further business, the meeting adjourned at 6:55 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

032612

DRAFT

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MARCH 26, 2012
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Dale E. Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Renner Eberlein, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering & Infrastructure Director
Scott Shuford, Development Services Director
Craig Harmon, Planner II
Rebecca Rogers-Carter, Management Services Manager
Jennifer Lowe, Public Information Officer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Fowler.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 82.

4.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Arp moved to approve the agenda with the addition of a consent item, Budget Ordinance Amendment 2012-8 (General Fund - Appropriation of \$237,500.00).

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

5.0 CONSENT

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

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

5.1 Authorizing a right-of-way deed to NCDOT for the NC 24/210 (Grove Street) and US 301/BUS 95 road improvement project.

5.2 Case No. P12-06F. Rezoning from SF-10 Single Family Residential District to OI Office and Institutional District, or a more restrictive district, on properties located at 3401, 3405, 3409, and 3413 Village Drive; 1802 Conover Drive; and 1803 Fargo Drive. Containing 2.7 acres more or less and being the property of Kaavu LLC and Catherine and Billy Parker.

5.3 Case No. P12-09F. Rezoning from MR-5 Mixed Residential District to LC Limited Commercial District, or a more restrictive district, on property located on Whitfield Street at the

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intersection with the railroad tracks. Containing 0.36 acres more or less and being the property of Neil Grant.

5.4 Case No. P12-10F. Rezoning from HI Heavy Industrial District to LC Limited Commercial District, or a more restrictive district, on property located at 202 Eastern Boulevard. Containing 1.03 acres more or less and being the property of DJSMD LLC.

5.5 Response to request to sell City lot on Mann Street.

RESOLUTION TO CONVEY REAL PROPERTY TO THE ST. PAUL FULL GOSPEL BAPTIST CHURCH. RESOLUTION NO. 2012-012.

5.6 Phase 5 Annexation Areas 8 and 9.

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL. RESOLUTION NO. 2012-013.

5.7 Acceptance and establishment of revised City Council Policy No. 155.1 on disposal of City-owned property.

Council at its March work session requested that Policy No. 155.1 regarding the disposal of the City's surplus property be revised to comply with North Carolina law and to ensure the dispositions were fair, non-discriminatory, served the general public welfare, and increased the ad valorem tax base.

5.8 Budget Ordinance Amendment 2012-8 (General Fund).

The amendment appropriated \$237,500.00 to fund additional anticipated expenditures in the City Manager's office. The source of funding for the amendment was a \$237,500.00 appropriation from the General Fund fund balance.

6.0 PUBLIC HEARINGS

6.1 Case No. P12-07F. Request for a Special Use Permit for medical office use within 100 feet of residential zoning in the Hospital Area Overlay on properties located at 3401, 3405, 3409, and 3413 Village Drive; 1802 Conover Drive; and 1803 Fargo Drive. Containing 2.7 acres more or less and being the property of Kaavu LLC and Catherine and Billy Parker.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zoning, surrounding land uses and zonings and 2010 Land Use Plan. He provided background information and stated the owners of the properties were requesting a Special Use Permit in order to build office buildings on the site. He stated the request was in compliance with the City's new Hospital Area Overlay Plan. He further stated the plan called for office use on the properties fronting Village Drive and adjacent parcels.

This is the advertised public hearing set for this date and time. The public hearing was opened. All speakers were sworn in by the City Clerk.

Mr. Peter Paoni, 2078 Ormillia Street, NC 28312, stated Mr. Scott Wilson would be representing the interests of himself and four additional citizens that had signed up to speak on this item.

Mayor Chavonne inquired of the four citizens if they agreed to be represented by Mr. Wilson. They all replied in the affirmative.

Mr. Scott Wilson, 6326 Morganton Road, Fayetteville, NC 28305, appeared in favor and stated he was representing Mr. Paoni, Ms. Valli Kodali, Ms. Cathy Parker, Mr. Bill Parker, and Mr. Jimmy Parker. Mr. Wilson communicated to the Council he was the architect for the

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proposed medical health care facility. He provided a brief power point presentation.

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

A brief discussion period ensued between Council members, Mr. Harmon, and Mr. Wilson.

MOTION: Council Member Hurst moved to approve the Special Use Permit on the properties located at 3401, 3405, 3409, and 3414 Village Drive; 1802 Conover Drive; and 1803 Fargo Drive.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

6.2 The proposed street name change from Sherrerd Avenue to Myrtle Hill Lane.

Mr. Scott Shuford, Development Services Director, presented this item. Mr. Shuford explained that Gregory and Patsy Politowicz purchased the property at 309 Kirkland Drive. He stated the property was on the National Registry and was a Local Landmark known as Myrtle Hill. He stated this was the original home place of Mr. Robert Strange, a noted judge, author, militia officer, and U.S. Senator. He stated the Politowiczes submitted a petition requesting to rename Sherrerd Avenue to Myrtle Hill Lane. He stated there were only seven properties affected by the proposed name change. He stated the County Addressing Department followed the required procedures by notifying the property owners of the request and received 100 percent approval by those owners of the name change. He stated the Historic Properties Manager, Mr. Bruce Daws, supported the proposed name change and indicated that Myrtle Hill Lane was the most appropriate name for the area.

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

Mrs. Patricia Politowicz, 309 Kirkland Drive, Fayetteville, NC 28301, appeared in favor and stated she would be the only resident affected by the change.

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

MOTION: Council Member Davy moved to approve the street name change.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (10-0)

6.3 Quasi-Judicial Public Hearing - Subdivision waiver to allow a building permit to be issued on a parcel that does not abut a public or private street but is accessed via a recorded easement.

Mr. Scott Shuford, Development Services Director, presented this item and explained the City Code requirement that lots must abut a public or private street. He stated the lot in question was accessed via a recorded easement and was not abutting a street. He stated the owners of the property were requesting a waiver from the City Code in order to obtain a building permit to construct a single-family residence. He continued that the owners proceeded with preparing the property for construction and obtaining services from PWC believing that the easement provided sufficient access to the parcel. He stated if the City were to not accept the easement, the parcel would be unbuildable unless the owners created a flag lot or configured the property so that it abutted a street. He stated the owners had indicated they had been unsuccessful in acquiring the adjacent property. He stated even if additional land was acquired, the easement could still be used for accessing the property. He stated

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subdivision waivers require City Council to hold a quasi-judicial public hearing and that Council's decision should be based on sworn testimony and evidence presented at the public hearing. He explained in the past the City had not accepted easements as a means of accessing property as easements were agreements between property owners, not as permanent as fee simple ownership. He detailed the options and stated after reviewing the evidence presented, Council would have to make the following findings of fact:

1. Does the strict application of the ordinance's subdivision requirements result in practical difficulties and unnecessary hardships.
2. Do the practical difficulties or unnecessary hardships result from topographical or other conditions peculiar to the land, and are not the result of the actions of the landowner.
3. Granting the subdivision waiver will not destroy the intent of the requirements being waived.

This is the advertised public hearing set for this date and time. The public hearing was opened. All speakers were sworn in by the City Clerk.

Mr. David Lee Zuravel, 138 Dick Street, Fayetteville, NC 28301, stated he was an attorney representing and speaking on behalf of the property owners, Mr. Anthony Mendez and Mrs. Emily Mendez, and also speaking on behalf of Mrs. Dee Hill, the mother to Mrs. Emily Mendez. He spoke as a proponent for the issuance of the waiver request. He requested Council approve Option 2 as recommended by the Planning Commission.

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

A question and answer period ensued.

MOTION: Council Member Applewhite moved to approve Option 2 recommended by the Planning Commission as follows: Make all of the three findings in the affirmative as mitigated by the conditions required and approve the waiver with conditions allowing a permit to be issued for a parcel that does not abut a public or private street and that is accessed via an easement.

Conditions:

1. That the legal easement, which is recorded by deed, shall be platted and that the plat indicates that the City shall not be involved in any property owner issues relating to the easement.
2. That the plat shall indicate that the easement allows for government access as needed.
3. That the garbage rollouts used by the residents of the parcels shall be rolled to Raeford Road for waste pickup by the City's Environmental Services.

SECOND: Council Member Fowler
VOTE: UNANIMOUS (10-0)

6.4 Amendments to certain requirements for educational facilities and child care centers in the Downtown (DT) zoning district, including separation requirements from certain uses.

Mr. Scott Shuford, Development Services Director, presented this item with a power point presentation. Mr. Shuford stated this was a

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staff-initiated code amendment to facilitate the establishment of educational facilities and child care centers in the downtown zoning district. He explained that current separation requirements eliminated consideration of these uses in much of the Downtown due to the proximity of an existing bar. He further explained the amendment would also establish traffic and access standards for these uses in the Downtown District. He stated educational facilities and child care centers were desirable uses in downtown areas as businesses may need to provide child care centers for their workers. He stated educational facilities were complementary to the surrounding uses. He stated the current standards would significantly limit where these uses could be located in the Downtown District. He stated the proposed text amendment had been shared with the Downtown Alliance and other downtown stakeholders and the Downtown Alliance submitted a letter of support. He reported the proposed text amendment was recommended by the Planning Commission and staff.

Discussion ensued following the presentation.

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

Mr. Ralph Huff, 1127 Offshore Drive, Fayetteville, NC 28305, appeared in favor and stated he was a member of the Capital Partners LLC. He stated on behalf of Capital Partners they had turned down a lot of businesses that wanted to turn the Capital Building into a night club.

Mr. Mark Adams, 822 Schley Drive, Fayetteville, NC 28314, appeared in favor and stated having a school in the downtown area would be beneficial for everyone and the location was ideal.

Mr. Art Duke, 151 Buckingham Avenue, Fayetteville, NC 28301, appeared in favor and stated he was a proponent for small businesses and believed having a school downtown was a great proposal.

Mr. John Thompson, 112 Anderson Street, Fayetteville, NC 28301, appeared in favor and stated he was the President of the Downtown Alliance and the Downtown Alliance was in favor of the amendment. He stated there were concerns for the safety of the children with regards to traffic and homeless people.

Mr. Karl Merritt, 4405 Biway Circle, Fayetteville, NC 28311, appeared in favor and stated he was a member of First Baptist Church. He expressed concerns that a proliferation of bars could appear without tighter restrictions.

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

Further discussion of the item continued with regards to charter schools.

MOTION: Council Member Davy moved to approve the text amendment as recommended by the Planning Commission and City staff.

SECOND: Mayor Pro Tem Arp

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Haire, Bates, and Massey)

6.5 Case No. P12-04F. Special Use Permit for a major utility on property located at 8880 Cliffdale Road. Containing 1.9 acres more or less and being the property of Lumbee River EMC.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zoning, surrounding land uses and zonings and 2010 Land Use Plan. He provided background information and stated Lumbee River wanted to expand an existing facility which would require a Special Use Permit under the UDO. He explained a setback of at least 100 feet

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from any lot line was required of major utilities in the AR District. He also explained only the new construction would fall under the UDO standards since this was an expansion of a utility that was in existence prior to the adoption of the UDO. He reported that all the proposed expansion was greater than 100 feet from any property line and there were no special buffering standards for utilities and no buffering requirements between the AR district and other single-family zoning districts. He also reported that the applicant has agreed to (1) plant additional evergreen trees to the south portion of the property to help increase the buffer with the adjoining residential use and (2) plant low-growing trees, such as Crepe Myrtles, and ground cover along the road frontage of the property. He stated the Zoning Commission and staff recommended approval based on the following standards:

1. The use would comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
2. The use would be compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
3. The use would avoid significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
4. The use would be configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
5. The use would avoid significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
6. The use would maintain safe ingress and egress onto the site and safe road conditions around the site;
7. The use would allow for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
8. The use would comply with all relevant City, state, and federal laws and regulations.

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

Mr. David Ledford, 2730 Maiden Way, Linkerton, NC 28092, appeared in favor and stated he was hired by Lumbee River EMC as the consultant for the project and provided a site plan for each of the Council members.

Mr. Perry Cummings, 605 E. Fourth Street, Red Springs, NC 28377, appeared in favor and stated he was representing Lumbee River Engineering and requested the City Council approve the request for the Special Use Permit.

A brief question and answer period ensued.

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

A brief question and answer period ensued.

MOTION: Council Member Fowler moved to approve the Special Use Permit with the provision of additional landscaping.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

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7.0 OTHER ITEMS OF BUSINESS

7.1 Uninhabitable Structures Demolition Recommendation

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item with the aid of a power point presentation and multiple photographs of the properties. He stated staff recommended adoption of the ordinances authorizing demolition of the structures. He reviewed the following demolition recommendations:

906 Branson Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2005. He further noted within the past 24 months there had been 20 calls for 911 service and nine code violations with pending assessments of \$535.80 for lot cleanings. He advised the low bid for demolition of the structure was \$1,500.00.

211 Davis Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in December 1999. He further noted within the past 24 months there had been no calls for 911 service and two code violations with no pending assessments. He advised the low bid for demolition of the structure was \$2,300.00.

407 Quality Road

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in December 2007. He further noted within the past 24 months there had been two calls for 911 service and six code violations with pending assessments of \$758.40 for lot cleanings. He advised the low bid for demolition of the structure was \$1,500.00.

505 Quality Road

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2004. He further noted within the past 24 months there had been three calls for 911 service and five code violations with pending assessments of \$1,109.55 for lot cleanings. He advised the low bid for demolition of the structure was \$1,400.00.

608 School Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner attended the hearing and an order to repair or demolish within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2007. He further noted within the past 24 months there had been 25 calls for 911 service and 11 code violations with no pending

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assessments. He advised the low bid for demolition of the structure was \$1,300.00.

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 (906 BRANSON STREET). ORDINANCE NO. NS2012-011.

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 (211 DAVIS STREET). ORDINANCE NO. NS2012-012.

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 (407 QUALITY ROAD). ORDINANCE NO. NS2012-013.

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 (505 QUALITY ROAD). ORDINANCE NO. NS2012-014.

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 (608 SCHOOL STREET). ORDINANCE NO. NS2012- 015.

MOTION: Council Member Davy moved to approve the demolitions by adopting the ordinances.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly statement of taxes for February 2012.

2011 Taxes	\$1,125,520.92
2011 Vehicle	410,965.35
2011 Taxes Revit	6,585.04
2011 Vehicle Revit	161.22
2011 FVT	50,453.77
2011 Transit	50,453.84
2011 Storm Water	42,125.58
2011 Fay Storm Water...	84,251.29
2011 Fay Recycle Fee	67,678.62
2011 Annex... ..	0.00
2010 Taxes	19,398.68
2010 Vehicle	53,734.74
2010 Taxes Revit	11.40
2010 Vehicle Revit	50.56
2010 FVT	9,098.62
2010 Transit	9,098.61
2010 Storm Water	484.13
2010 Fay Storm Water...	968.24
2010 Fay Recycle Fee	956.99
2010 Annex... ..	0.00
2009 Taxes	3,680.52
2009 Vehicle	4,402.91
2009 Taxes Revit	0.00
2009 Vehicle Revit	0.00
2009 FVT	843.06

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2009 Transit	843.05
2009 Storm Water	96.20
2009 Fay Storm Water...	192.40
2009 Fay Recycle Fee	304.63
2009 Annex... ..	0.00
2008 Taxes	2,394.72
2008 Vehicle	2,366.77
2008 Taxes Revit	0.00
2008 Vehicle Revit	0.00
2008 FVT	440.89
2008 Transit	305.19
2008 Storm Water	119.80
2008 Fay Storm Water	144.00
2008 Fay Recycle	252.00
2008 Annex... ..	0.00
2007 and Prior Taxes	3,144.85
2007 and Prior Vehicle	4,591.58
2007 and Prior Taxes Revit	0.00
2007 and Prior Vehicle Revit	0.00
2007 and Prior FVT	972.14
2007 and Prior Storm Water	130.55
2007 and Prior Fay Storm Water	96.00
2007 and Prior Annex... ..	275.60
Interest	56,883.48
Revit Interest	197.26
Storm Water Interest	1,327.24
Fay Storm Water Interest	2,553.06
Annex Interest	85.94
Fay Recycle Interest	2,103.64
Fay Transit Interest	1,841.81
Total Tax and Interest	\$2,022,586.89

9.0 ADJOURNMENT

Mayor Chavonne thanked Mr. Dale Iman, City Manager, for his leadership over the past five plus years and announced the City Council had accepted Mr. Iman's resignation effective March 31, 2012.

There being no further business, the meeting adjourned at 9:13 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
STRATEGIC PLANNING RETREAT MINUTES
LAFAYETTE ROOM
APRIL 4, 2012
2:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1) (arrived at 3:15 p.m.); Kady-Ann Davy (District 2) (arrived at 2:26 p.m.); Robert A. Massey, Jr. (District 3) (arrived at 3:45 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Kristoff Bauer, Interim City Manager
Karen M. McDonald, City Attorney
Brad Whited, Interim Assistant City Manager
Rebecca Rogers-Carter, Management Services Manager
Tom Bergamine, Chief of Police
Ben Major, Fire Chief
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering & Infrastructure Director
Michael Gibson, Parks and Recreation Director
Dwayne Campbell, Chief Information Officer
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
Ron McElrath, Human Relations Director
Randy Hume, Transit Director
John Kuhls, Human Resource Development Director
Jerry Dietzen, Environmental Services Director
Craig Hampton, Special Projects Director
Lyle Sumek, Lyle Sumek Associates, Inc.
Members of the Press

Mayor Chavonne called the meeting to order at 2:08 p.m. and introduced Mr. Lyle Sumek, facilitator.

Mr. Sumek and Council then reviewed each goal, objective, means to citizens, and challenges and the Action Agenda as follows:

GOAL 1: GREATER TAX BASE DIVERSITY - STRONG LOCAL ECONOMY

Actions FY 2013

1. Bragg Boulevard Corridor Development (Hay Street to I-295): Corridor Plan
2. Economic Development Contract with the Chamber of Commerce
3. Hope VI Business Park Development
4. Ramsey Street Corridor Development
5. Airport South General Aviation on Doc Bennetts Road: Sewer Service
6. Murchison Road Corridor Development

Major Projects FY 2013

1. Hotel and Conference Center: Completion

On the Horizon 2014-2018

1. Airport Terminal Master Plan and Capital Projects
2. Cape Fear River Land Use Plan
3. Cedar Creek Road Corridor Development
4. Raeford Road Corridor Development
5. Economic Development Study: Targeted Businesses
6. Sustainable Communities Foundation Development
7. Public-Private Partnerships: Review

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GOAL 2: MORE EFFICIENT CITY GOVERNMENT - COST EFFECTIVE SERVICE DELIVERY

Actions FY 2013

1. City Manager Selection
2. Comprehensive Classification and Compensation Plan: Short-Term Direction, Long-Term Funding Strategy
3. FAST Improvements - Transportation Development Plan, Paratransit, Fares
4. City-PWC Service Consolidation
5. City-Owned Properties, Buildings and Facilities: Disposal
6. Sales Tax Distribution: Internal Local Agreement
7. Alternative Revenue Sources Report
8. Contracting for Services: Parks and ROW maintenance
9. Police Staffing
10. City Buildings and Facilities Maintenance Plan
11. City Customer Service Feedback Mechanism

Management in Progress 2012-2013

1. Police Chief Selection

Major Projects 2012-2013

On the Horizon 2014-2018

1. Impact Fees: Advocacy
2. FAST: Countywide Service
3. City Services and Service Levels
4. City Funding for Contract Services
5. Goals and Performance Benchmark Matrix
6. Consolidated 9-1-1 Communications Center Study
7. Police/Fire Employees (Grant): Funding
8. Dedicated New Funding Source for Police and Fire
9. State Lobbyist
10. Human and Social Services
11. Financial Policies: Revenues, Building Facilities
12. Organizational Climate and Employee Survey
13. Leaf Pick Up
14. Bulky Item Pick Up Policy
15. City-County Service Consolidation
16. Contracting for Delivery Service

GOAL 3: GREATER COMMUNITY UNITY - PRIDE IN FAYETTEVILLE

Actions FY 2013

1. Homeless: City Policy and Actions on Emergency Shelter
2. Citizen Engagement Strategy
3. Communication Plan

Management in Progress FY 2013

1. 250th Celebration Events

On the Horizon 2014-2018

1. Racial Divide/Healing
2. Citizen Survey
3. Youth Council

GOAL 4: GROWING CITY, LIVABLE NEIGHBORHOODS - A GREAT PLACE TO LIVE

Actions FY 2013

1. Park Bond Referendum

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2. Police Substations
3. PWC Services to Non-City Residents
4. Panhandling Ordinance City-wide
5. Growth Plan for Municipal Influence Area (MIA)
6. Rental Action Management Plan: Implementation
7. Community Wellness Plan Crime Reduction Strategy: Reclaiming Neighborhoods
8. Speed Limits Review

Major Projects FY 2013

1. Sidewalks in Developed Areas
2. Storm Water Projects
2. Cross Creek Linear Park Phase 3A
4. Grove Street Safety Project (NCDOT)

On the Horizon 2014-2018

1. Shaw Heights/Julie Heights Annexations
2. Gates IV Annexation
3. Street Lights: Compliance with City Standards
4. Development Impact Analysis on the Community
5. Returning Veterans
6. Youth/Pre-Teen Programs
7. Private Roads Policy Framework
8. Comprehensive Land Use Plan
9. Civilian Police Review Panel
10. Annexation Strategy

GOAL 5: MORE ATTRACTIVE CITY - CLEAN AND BEAUTIFUL

Actions FY 2013

1. Commercial Recycling
2. Texfi Clean Up with PWC Participation
3. Sign Ordinance
4. Graffiti Removal Policy/Plan (Citywide)
5. Utilities Undergrounding

Major Projects FY 2013

1. Cape Fear River Trail: Phase II

On the Horizon 2014-2018

1. North Carolina Veterans Park: Phase II
2. Cape Fear River Trail Development: Phase III
3. Gateways Beautification
4. Illegal Dumping

GOAL 6: REVITALIZED DOWNTOWN - A COMMUNITY FOCAL POINT

Actions FY 2013

1. "Old Days Inn" Site Development
2. Downtown Master Plan: Update
3. Multi-Modal Center
4. Prince Charles Hotel: City Options and Direction

Management in Progress FY 2013

1. MSD

Major Projects FY 2013

1. Wayfinding Signs

On the Horizon 2014-2018

1. Vacant Buildings
2. Residential Development Strategy

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3. Rowan Street Bridge/NW Gateway (NCDOT)

There being no further business, the meeting adjourned at 5:05 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
SPECIAL BUDGET MEETING MINUTES
HUMAN RESOURCE DEVELOPMENT TRAINING ROOM
APRIL 10, 2012
5:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Absent: Council Member Kady-Ann Davy (District 2)

Others Present: Kristoff Bauer, Interim City Manager
Brad Whited, Interim Assistant City Manager
Brian Leonard, Assistant City Attorney
Brian Meyer, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Tom Bergamine, Chief of Police
Ben Major, Fire Chief
Rusty Thompson, Engineering & Infrastructure Director
Randy Hume, Transit Director
John Kuhls, Human Resource Development Director
Dwayne Campbell, Chief Information Officer
Scott Shuford, Development Services Director
Michael Gibson, Parks and Recreation Director
Victor Sharpe, Community Development Director
Jerry Dietzen, Environmental Services Director
Luis Collazo, Human Relations Specialist
Rebecca Rogers-Carter, Management Services Manager
Pamela Megill, City Clerk
Members of the Press

Mayor Chavonne called the meeting to order at 5:10 p.m.

Mr. Kristoff Bauer, Interim City Manager, provided an overview of the agenda and requested that all questions be submitted in writing. He stated all of the questions and answers would be provided to Council.

Financial Forecast

Ms. Lisa Smith, Chief Financial Officer, provided an overview of the General Fund fiscal year 2013 budget gap and provided the following information:

Fiscal Year 2013 Budget Gap

Revenues and Fund Balance Appropriation	\$143,041,503.00
Expenditures - Base Budget Requests	(142,203,281.00)
Base Budget Subtotal	<u>838,222.00</u>
Pay Adjustments - General Employees	(2,401,420.00)
Pay Adjustments - Sworn Officers	(77,285.00)
New Initiatives	(4,994,281.00)
Police Substation Design	(371,000.00)
Total Budget Gap	<u>(\$ 7,698,764.00)</u>

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Management Services

Mr. Bauer provided an overview of the Management Services Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$594,329.00
Operating	149,017.00
Capital	N/A.
Total	<u>\$743,346.00</u>

Department Requested New Initiatives

1. Parks and Recreation Bond Education Campaign (one-time expense)
2. Management Analyst - Grant and Policy Writer
3. Public Relations Specialist - Community Engagement
4. Government Access Channel
5. Citizen Survey (one-time expense)

Human Relations

Mr. Luis Collazo, Human Relations Specialist, provided an overview of the Human Relations Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$225,077.00
Operating	29,300.00
Capital	N/A.
Total	<u>\$254,377.00</u>

Department Requested New Initiatives

1. Human Relations Analyst (only if 100% grant funding received)

Finance

Ms. Lisa Smith, Chief Financial Officer, provided an overview of the Finance Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$1,297,630.00
Operating	1,241,465.00
Capital	N/A.
Total	<u>\$2,539,095.00</u>

Department Requested New Initiatives

1. Accounting Clerk - Assessments
2. Grants Oversight - Reclassification
3. Internal Audit Position

Human Resources/HRD

Mr. John Kuhls, Human Resource Development Director, provided an overview of the Human Resource Development Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$ 961,760.00
Operating	208,630.00
Capital	N/A.
Total	<u>\$1,170,390.00</u>

Department Requested New Initiatives

1. Compensation Study Implementation
2. Human Resources Specialist

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Mr. Kuhls then provided an overview of the following cost projections and estimated FY 2013 pay projections:

Cost Projections

Additional Vacation Leave	\$ 30,000.00
401(k) Employer Contribution	288,000.00
Merit and Equity Pay Increases	2,011,420.00
Estimated Related Costs	<u>390,000.00</u>
Total Estimated Costs	<u>\$2,401,420.00</u>

Estimated FY 2013 Pay Projections

General Fund Personnel excluding Police	\$1,197,910.00
Total of Sworn Police Personnel	770,285.00
Total "Other Funds" Personnel	<u>103,719.00</u>
Grand Total	<u>\$2,071,915.00</u>

Information Technology

Mr. Dwayne Campbell, Chief Information Officer, provided an overview of the Information Technology Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$1,433,948.00
Operating	1,559,981.00
Capital	<u>1,110,235.00</u>
Total	<u>\$4,114,164.00</u>

Department Requested New Initiatives

- 1 & 2. Enterprise Resource Plan - Project Manager and Business Analyst
3. Network Security Administrator
4. IT Asset Specialist
5. GIS Analyst
6. Web Developer
7. IT Business Analyst (Process Improvement)

Regional Airport

Mr. Brad Whited, Interim Assistant City Manager/Regional Airport Director, provided an overview of the Regional Airport Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$1,307,527.00
Operating	1,997,658.00
Capital	<u>1,595,500.00</u>
Total	<u>\$4,900,685.00</u>

Department Requested New Initiatives

1. Temp Personnel Services for fence line maintenance (\$23,296.00)

Transit

Mr. Randy Hume, Transit Director, provided an overview of the Transit Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$4,118,786.00
Operating	2,152,420.00
Capital (Grant Funded)	<u>.00</u>
Total	<u>\$6,271,206.00</u>

DRAFT

Department Requested New Initiatives

1. Customer Service Information Representatives
2. Stop and Shelter Maintenance
3. Combine Routes 16 and 17
4. Route 14 Express/Fort Bragg AM-PM Work Trips
5. New Route - Strickland Bridge Road

Development Services

Mr. Scott Shuford, Development Services Director, provided an overview of the Development Services Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$2,924,764.00
Operating	1,039,213.00
Capital	N/A.
Total	<u>\$3,963,977.00</u>

Department Requested New Initiatives

1. RAMP
2. Completion of Inspection Dispatch Program
3. City-Provided Inspections Vehicles
4. Tablet Computers

Community Development

Mr. Victor Sharpe, Community Development Director, provided an overview of the Community Development Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$ 203,746.00
Operating	1,104,207.00
Capital	100,000.00
Total	<u>\$1,407,953.00</u>

Department Requested New Initiatives

1. Community Development Planner

Environmental Services

Mr. Jerry Dietzen, Environmental Services Director, provided an overview of the Environmental Services Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$ 3,953,038.00
Operating	2,863,075.00
Capital	961,000.00
Total	<u>\$10,477,913.00</u>

Department Requested New Initiatives

1. Extend Energy, Efficiency and Sustainability Engineer from end of EECBG grant funding until the end of FY 13 (9 months)

The special meeting recessed at 6:45 p.m. in order for Council to proceed to the 7:00 regular meeting. At the end of the regular meeting, the special meeting reconvened at 7:45 p.m.

MOTION: Mayor Chavonne moved to go into closed session for consultation with the attorney regarding litigation in the matters of *City of Fayetteville v. John Chen and 450hay, LLC*, and *Gates Four v. City of Fayetteville*.

SECOND: Council Member Crisp

DRAFT

VOTE: UNANIMOUS (9-0)

The regular session recessed at 7:50 p.m. The regular session reconvened at 8:30 p.m.

MOTION: Council Member Bates moved to go into open session.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (9-0)

Staff continued with providing overviews of departmental budget requests.

Parks, Recreation and Maintenance

Mr. Michael Gibson, Environmental Services Director, provided an overview of the Parks, Recreation and Maintenance Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$ 7,619,440.00
Operating	4,387,952.00
Capital	1,898,720.00
Total	<u>\$13,906,094.00</u>

Department Requested New Initiatives

1. Office Assistant II

Engineering and Infrastructure

Mr. Rusty Thompson, Engineering and Infrastructure Director, provided an overview of the Engineering and Infrastructure Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$ 5,754,487.00
Operating	4,731,849.00
Capital	9,695,510.00
Total	\$20,181,846.00

Department Requested New Initiatives

1. Transportation Planner - This position would be reimbursed up to \$50,000 from FAMPO
2. CIP Contract Administrator - This position will coordinate and manage the CIP for the City.

Police

Mr. Tom Bergamine, Chief of Police, provided an overview of the Police Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$36,661,386.00
Operating	5,971,148.00
Capital	1,396,345.00
Total	<u>\$44,028,879.00</u>

Department Requested New Initiatives

1. RAMP - Crime Analysts (2) & Police Officer (Council Mandate)
2. RMS Database Manager (Council Mandate)
3. Public Safety Dispatchers (3)
4. Police Officers (18)
5. Civilian Traffic Investigators (3)
6. Police Officers - DWI Team (4)

DRAFT

Fire/Emergency Management

Mr. Ben Major, Fire Chief, provided an overview of the Fire Department requests and provided the following information:

Proposed Fiscal Year 2013 Budget

Personnel	\$19,200,665.00
Operating	2,877,307.00
Capital	2,121,544.00
Total	<u>\$24,199,516.00</u>

Department Requested New Initiatives

1. Emergency Management Officer
2. Assistant Planning and Research Officer (Lieutenant Position)

There being no further business, the meeting adjourned at 9:15 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

041012

DRAFT

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
APRIL 10, 2012
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 8:00 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Kristoff Bauer, Interim City Manager
Bradley Whited, Interim Assistant City Manager
Brian Leonard, Assistant City Attorney
Renner Eberlein, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Tom Bergamine, Chief of Police
Ben Major, Fire Chief
Rusty Thompson, Engineering & Infrastructure Director
John Kuhls, Human Resource Development Director
Scott Shuford, Development Services Director
Randy Hume, Transit Director
Rebecca Rogers-Carter, Management Services Manager
Steven K. Blanchard, PWC CEO/General Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Larry Bellamy, Rhema Ministries Church of God of Christ housed at J D Fuller Complex.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by the Mayor and City Council.

Council Member Hurst thanked the hundreds of citizens that volunteered for the Fayetteville Beautiful Annual City-wide Clean Up on April 1, 2012.

Council Member Applewhite announced the next Citizen's Academy would begin April 17 and continue to June 5, 2012, and encouraged citizens to participate.

4.0 APPROVAL OF AGENDA

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

5.0 PUBLIC FORUM

Ms. Janice Robinson, 4405 Ruby Road, Fayetteville, NC 28311, stated she was a postal employee and requested that the Mayor and Council become involved in the endeavor to keep the post office open.

Ret. CSM Gravis Tayborn, Jr., 404 Conifer Drive, Fayetteville, NC 28304, stated he was a small minority business owner and requested that the Mayor and Council join with the group to prevent the post office closure.

DRAFT

Ms. Carol Burkett, 3612 Drayton Road, Fayetteville, NC 28303, stated she had been working at the post office for over 21 years. She stated she would be unable to relocate to Charlotte if the post office closed and closing the facility would devastate the community.

Mr. George Butterfly, 537 Mayview Street, Fayetteville, NC 28306, stated his wife was a post office employee and requested that the Mayor and Council speak up and voice concern with regards to keeping the postal facility open and saving Fayetteville jobs.

Mr. Anthony McKinnon, 2606 Raeford Road, Fayetteville, NC 28303, stated he was requesting that the Mayor and Council reach out to the federal representatives and other city and county officials to form a coalition and let Washington, D.C., understand they were fighting to keep the postal facility here in Fayetteville.

Mr. Eric Harrel, 2109 Elvira Street, Fayetteville, NC 28303, stated he was representing the organization "Break the Cycle" which was designed to provide assistance to people that had suffered ill-effects as a result of coming from a broken home. He requested support for the organization.

Ms. Sara Jestice, 1918 Stanbury Street, Fayetteville, NC 28301, expressed concerns regarding the lyrics of the City song being offensive, the transit system, and her neighbor's pit bull dog.

Mr. Harry Shaw, 1225 Haymount Street, Fayetteville, NC 28305, provided an update on the Cross Creak Linear Park trail. He expressed gratitude and recognition to the Fayetteville Parks and Recreation Department and stated the completion of the trail could not have been possible without their leadership. He invited everyone to attend the ribbon cutting ceremony on April 22, 2012, at 2:00 p.m.

Ms. Wendy Michener, 223 Hillside Avenue, Fayetteville, NC 28301, requested an ordinance be established to give preference to local businesses for business.

6.0 CONSENT

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

6.1 Approve meeting minutes:

February 3, 2012 - Strategic Plan
February 4, 2012 - Strategic Plan
February 6, 2012 - Work Session
February 13, 2012 - Discussion of Agenda Items
February 13, 2012 - Regular Meeting
February 22, 2012 - Agenda Briefing
February 27, 2012 - Discussion of Agenda Items
February 27, 2012 - Regular Meeting

6.2 Addition of certain streets to the City of Fayetteville System of Streets

Council was requested to officially accept the dedication of streets for maintenance and addition to the City of Fayetteville system of streets.

6.3 Adopt a resolution declaring jointly-owned real property surplus and authorizing a quitclaim of the City's interest in order to expedite Cumberland County's sale of property.

RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND
QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY.
RESOLUTION NO. R2012-014.

DRAFT

- 6.4 Adopt preliminary resolution to set public hearing to consider closing a portion of Finnegan Street.

RESOLUTION CALLING A PUBLIC HEARING REGARDING THE PROPOSED CLOSING OF A PORTION OF FINNEGAN STREET AS A CITY STREET. RESOLUTION NO. R2012-015.

- 6.5 Acceptance and establishment of newly revised City Council Policy No. 155.1 on disposal of City-owned property.

7.0 PUBLIC HEARINGS

7.1 Phase 5 Annexation Areas 8 and 9 Public Hearing

Mr. Steven Blanchard, PWC CEO/General Manager, presented this item with a power point presentation. He stated this was the public hearing for the Phase V Annexation, LaGrange and Summerhill. He provided maps of construction Areas 8 and 9. He reviewed the steps taken to date regarding the public hearing. He reported Areas 8 and 9 of the Phase 5 Annexation project resulted in 31,896 feet of sanitary sewer mains being installed at a cost to date of \$5,316,147.00. He also reported that the construction contracts in the annexation area indicated the average per parcel cost for sanitary sewer which included the service lateral was \$11,215.00. He explained the sanitary sewer assessment rate for single-family residential lots was recommended at \$5,000.00 which included both the main and lateral charges. He also explained for non-single family residential properties, a per front foot rate of \$55.56 with a 90-foot minimum plus the area average lateral charge of \$1,036.00 was recommended. He stated the next step after the public hearing would be approval of the Resolution Confirming the Assessment Roll and Levying Assessments which was scheduled for April 23, 2012.

Mayor Chavonne inquired if the interest rate was set when the assessment was ordered. Mr. Blanchard responded in the affirmative and affirmed the rate would be set later in April.

Mayor Chavonne requested Mr. Kristoff Bauer, Interim City Manager, to follow up on the assessment and recommendation of the interest rate at that time.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing was opened and closed.

MOTION: Council Member Hurst moved to receive the public comments on the preliminary assessment roll.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (10-0)

8.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:40 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

041012

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: May 14, 2012
RE: **PWC - Bid Award - Contract for Rockfish Creek Outfall Rehabilitation Project**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve bid award for the Rockfish Creek Outfall Rehabilitation Project.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of April 25, 2012 approved bid recommendation to award contract for the Rockfish Creek Outfall Rehabilitation Project to Insituform Technologies, Chesterfield, MO, the lowest responsive, responsible bidder in the total amount of \$1,288,749.90 and forward to City Council for approval.

This project is a budgeted item in the PWC CIP Budget: WS 67 (Rehabilitation of 54" Outfall at Bramblegate) - \$370,000; WS 64 (Rehabilitation of 48" Outfall at George Owen Road, Ph. 1) - \$565,000; and Budget Code W0213 (Rehabilitation of 48" Outfall at Red Mill Lane) - \$465,000. All projects are included in FY2013 CIP. Funding is from the 2009B Bonds. Construction is not anticipated to begin until FY2013.

Plans and specifications were requested by nineteen (19) contractors with four (4) contractors responding. Bids were received April 3, 2012 as follows:

<u>Bidders</u>	<u>Total Cost</u>
Insituform Technologies, Chesterfield, MO	\$1,288,749.90
Am-Liner East, Inc., Berryville, VA	\$1,312,805.40
Reynolds Inliner, LLC, Charlotte, NC	\$1,569,247.00
Improved Technologies Group, LLC, Knoxville, TN	\$2,198,149.00

ISSUES:

Insituform Technologies will not be utilizing SDBE/MWBE subcontractors on this project. PWC Purchasing staff has reviewed Insituform's "good faith efforts" and has determined that Insituform did meet the "good faith effort" requirements to solicit minority participation for this work

BUDGET IMPACT:

PWC Budgeted Item

OPTIONS:

N/A

RECOMMENDED ACTION:

Award bid to Insituform Technologies, Chesterfield, MO.

ATTACHMENTS:

Bid Recommendation

Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** April 18, 2012

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award contract for the Rockfish Creek Outfall Rehabilitation Project
.....

BID/PROJECT NAME: Rockfish Creek Outfall Rehabilitation Project

BID DATE: April 3, 2012 **DEPARTMENT:** Water Resources Engineering

BUDGET INFORMATION: WS 67 (Rehabilitation of 54" Outfall at Bramblegate) - \$370,000; WS 64 (Rehabilitation of 48" Outfall at George Owen Road, Ph. 1) - \$565,000; and Budget Code W0213 (Rehabilitation of 48" Outfall at Red Mill Lane) - \$465,000. All projects are included in FY2013 CIP. Funding is from the 2009B Bonds. Construction is not anticipated to begin until FY2013.
.....

BIDDERS	TOTAL COST
<u>Insituform Technologies, Chesterfield, MO</u>	<u>\$1,288,749.90</u>
<u>Am-Liner East, Inc., Berryville, VA</u>	<u>\$1,312,805.40</u>
<u>Reynolds Inliner, LLC, Charlotte, NC</u>	<u>\$1,569,247.00</u>
<u>Improved Technologies Group, LLC, Knoxville, TN</u>	<u>\$2,198,149.00</u>

.....
AWARD RECOMMENDED TO: Insituform Technologies, Chesterfield, MO

BASIS OF AWARD: Lowest responsive, responsible bidder

AWARD RECOMMENDED BY: Water Resources Engineering and Gloria Wrench
.....

COMMENTS: Plans and specifications were requested by nineteen (19) contractors with four (4) contractors responding. The lowest responsive, responsible bidder is recommended.
.....

.....
ACTION BY COMMISSION
APPROVED _____ REJECTED _____
DATE _____

ACTION BY COUNCIL
APPROVED _____ REJECTED _____
DATE _____

BID HISTORY

ROCKFISH CREEK REHABILITATION PROJECT

BID DATE: APRIL 3, 2012; 10:00 A.M.

Consulting Engineer

None

Advertisement

1. PWC Website 02/28/12 through 04/03/12

List of Organizations Notified of Bid

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

List of Contractors Requesting Plans and Specifications

1. Lanier Construction, Snow Hill, NC
2. Jymco, Smithfield, NC
3. Intercoastal Contracting, Castle Hayne, NC
4. Utilities Plus, Linden, NC
5. R.F. Shinn Contracting, Inc., Concord, NC
6. Porter Scientific, Pembroke, NC
7. SAK Construction, LLC, O'Fallon, MO
8. Reynolds Inliner, LLC, Charlotte, NC
9. Insituform Technologies, Inc., Chesterfield, MO
10. Am-Liner East, Inc., Berryville, VA
11. Sandy's Hauling & Backhoe Service, Roseboro, NC
12. T.A. Loving, Goldsboro, NC
13. Sandhills Contracting, Sanford, NC
14. Country Construction, Benson, NC
15. JENNS, LLC, Wilmington, NC
16. Improved Technologies Group, Knoxville, TN
17. Backwater Environmental, Pittsboro, NC
18. Orion Marine Construction, Tampa, FL
19. Tristate Utilities, Chesapeake, VA

SDBE/MWBE Participation

Insituform Technologies will not be utilizing SDBE/MWBE subcontractors on this project. Purchasing staff has reviewed Insituform's "good faith efforts" and has determined that Insituform did meet the "good faith effort" requirements to solicit minority participation for this work.

CITY COUNCIL ACTION MEMO

TO: Mayors and members of Council
FROM: Rusty Thompson, PE, Director of Engineering and Infrastructure
DATE: May 14, 2012
RE: **Transfer maintenance of Middle Road to NCDOT**

THE QUESTION:

Should the City transfer maintenance of Middle Road to NCDOT during the bridge construction on I-95 Business

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient Government

BACKGROUND:

NCDOT plans to re-build both bridges on I-95 Business next year.

They will be using Middle Road as a detour route and want to be responsible for maintaining the roadway while the bridges are under construction.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

Transfer maintenance to NCDOT

Do not transfer maintenance to NCDOT and the city would continue to provide the maintenance.

RECOMMENDED ACTION:

Transfer maintenance to NCDOT

ATTACHMENTS:

NCDOT request for maintenance



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

April 3, 2012

Division Six - District Two
Cumberland County

Subject: Middle Road
To: Rusty Thompson, PE
City of Fayetteville Director of Infrastructure and Engineering
From: Richie Hines, PE
District Engineer

Mr. Thompson:

The N.C. Department of Transportation wishes to take over the maintenance of Middle Road from the Business I-95 overpass to Dunn Road during the duration of project number B-4091. Upon completion of the project, the N.C. Department of Transportation will turn maintenance back over to the City of Fayetteville.

If you have any questions regarding this matter please contact me at (910) 486-1496.

Sincerely,

A handwritten signature in black ink, appearing to read "Richie Hines".

Richie Hines, PE
District Engineer

P.O. Box 1150, Fayetteville, N.C. 28302
Voice: 910.486.1496 Fax: 910.437.2529

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Kecia Parker, Real Estate Manager
DATE: May 14, 2012
RE: **Adopt a Resolution and Order Closing a Portion of Finnegan Street**

THE QUESTION:

Should the City adopt the Resolution and Order to close a portion of Finnegan Street

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhood, A Great Place to Live

BACKGROUND:

- A petition was received from a property owner adjoining an unopened portion of Finnegan Street requesting a portion of the street be permanently closed.
- NCGS§160A-299 gives authority and procedures for the City to close a city street or alley.
- The referenced street is currently not used as a public street or alley.
- There are utility easements in the portion requesting to be closed that will need to be reserved.
- Notice of the Public Hearing has been published for 4 consecutive weeks prior to this hearing.
- The Notice of Public Hearing has been posted on said property.

ISSUES:

- Access to the abutting properties will not be denied as a result of the closure.
- The County Mapping Division is responsible for determining how the property is divided.
- Typically upon the vacation of the street the closed portion is divided equally from the centerline and given to the property owners adjacent to said centerline.

BUDGET IMPACT:

There is no significant impact on the budget.

OPTIONS:

- Adopt the Resolution and Order Closing a Portion of Finnegan Street while reserving utility rights.
- Deny the request.

RECOMMENDED ACTION:

Staff recommends that Council adopt the Resolution and order closing a portion of Finnegan Street while reserving utility rights.

ATTACHMENTS:

Map
Resolution

Finnegan Map

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

NOTES -

1. THE RIGHT OF WAY OF FINNEGAN STREET WAS ESTABLISHED BY HOLDING FOUND PROPERTY CORNERS AND LINES OF POSSESSION.
2. ROAD CLOSURE AREA = 704.035 SQUARE FEET.

PB 0007, PG 0097

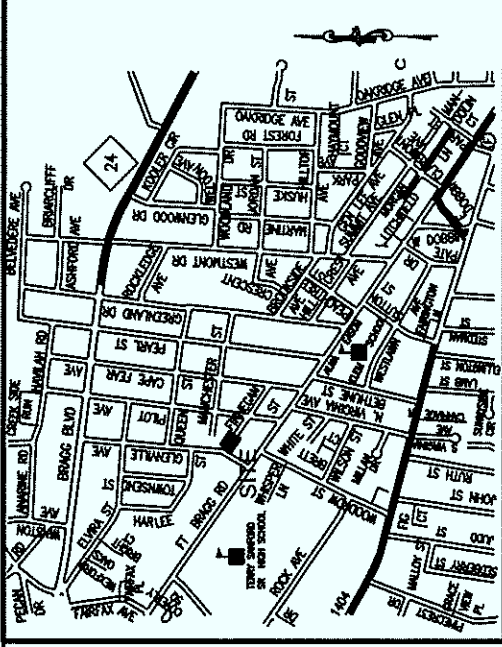
N/F
 JONATHAN H. DENT
 PIN # 0427-68-4620
 DB 8237 PG 00027
 PB 0010 PG 00045

N/F
 CLIFTON SMITH CAMERON
 PIN # 0427-68-5527
 DB 7693 PG 00596
 PB 0007 PG 00097

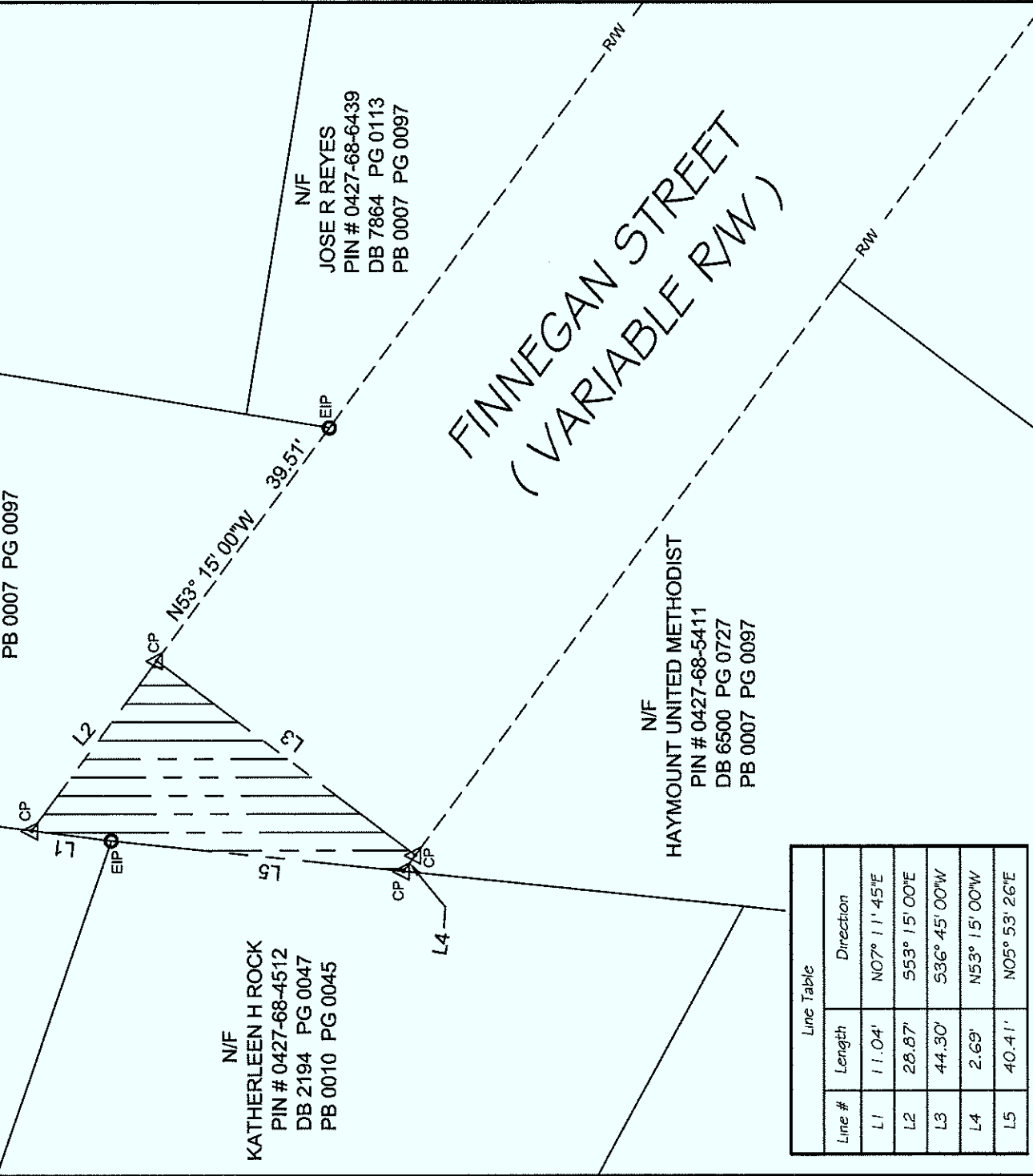
N/F
 KATHERLEEN H ROCK
 PIN # 0427-68-4512
 DB 2194 PG 00047
 PB 0010 PG 00045

N/F
 JOSE R REYES
 PIN # 0427-68-6439
 DB 7864 PG 01113
 PB 0007 PG 00097

N/F
 HAYMOUNT UNITED METHODIST
 PIN # 0427-68-5411
 DB 6500 PG 0727
 PB 0007 PG 00097



VICINITY MAP
 N.T.S.

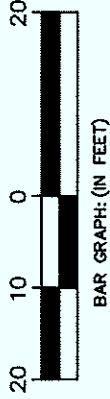


Line Table	
Line #	Length Direction
L1	11.04' N07° 11' 45"E
L2	28.87' S53° 15' 00"E
L3	44.30' S36° 45' 00"W
L4	2.69' N53° 15' 00"W
L5	40.41' N05° 53' 26"E

LEGEND:

- AC = ACRE - (by coordinate computation)
- CP = COMPUTED POINT
- DB PG = DEED BOOK AND PAGE
- EIP = EXISTING IRON PIPE
- NTS = NOT TO SCALE
- PB PG = PLAT BOOK & PAGE
- R/W = RIGHT OF WAY

— SURVEYED LINE
 --- RIGHT OF WAY LINE



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

STREET CLOSING
 FINNEGAN STREET
 FAYETTEVILLE, NC
 CROSS CREEK TOWNSHIP, CUMBERLAND COUNTY

DATE 03/12/2012 DRAWN BY TJK
 SCALE 1"=20' CK'D BY TJK

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

Resolution R2012-_____

**RESOLUTION AND ORDER CLOSING A PORTION OF
FINNEGAN STREET**

WHEREAS, under authority of N.C.G.S. 160A-299, a public hearing before the City Council of the City of Fayetteville, North Carolina, was advertised as required by law, and duly held on the 14th day of May, 2012, in accordance with the notice calling for said public hearing, and all adjoining property owners having been notified by certified mail of the time, place and purpose of said meeting, the purpose of which was to determine whether that certain street portion in the City of Fayetteville, North Carolina, known as the unopened portion of Finnegan Street, should be closed as a public street; and a notice of said hearing having been posted on said street for four weeks prior to the holding of said hearing;

WHEREAS, during the said public hearing all interested citizens were invited to comment and state any objections they may have to the closing of that unopened portion of Finnegan Street as a public street; and

WHEREAS, the City Council, following such public hearing, after considering all the facts, has determined that the closing of that portion of Finnegan Street is not contrary to the public interest and that no individual owning property in the vicinity of said street portion will thereby be deprived of reasonable means of ingress and egress to his or her property;

NOW THEREFORE, IT IS ORDERED AND DIRECTED:

That the portion of Finnegan Street, within the limits covered by the following description only, be closed as a public street under the following terms and conditions:

1. Description of area closed as a public street;

BEGINNING at an existing iron pipe, said iron pipe being the Southeast corner of the tract of land conveyed to Jonathan H. Dent in Deed Book 8237, Page 27, Cumberland County Registry, said iron pipe also being the Northeast corner of the tract of land conveyed to Katherleen H. Rock in Deed Book 2194, Page 47, Cumberland County Registry; and running thence North 07 degrees 11 minutes 45 seconds East 11.04 feet to a point; thence South 53 degrees 15 minutes 00 seconds East 28.87 feet to a point; thence South 36 degrees 45 minutes 00 seconds West 44.30 feet to a point; thence North 53 minutes 15 seconds 00 West 2.69 feet to a point; thence North 05 degrees 53 minutes 26 seconds East 40.41 feet to the point of BEGINNING.....containing 704.035 square feet.

The City of Fayetteville reserves an all-purpose, underground and overhead utility easement in and over the entire area of the street portion as described above.

2. That the closing of a portion of Finnegan Street will not affect any easement granted to the City of Fayetteville for public utilities;
3. That a copy of this ORDER be recorded in the office of the Register of Deeds of Cumberland County.

IN WITNESS WHEREOF, the City of Fayetteville has caused this instrument to be signed in its name by its Mayor, attested by its City Clerk, and its corporate seal hereto affixed, all by order of its City Council.

ADOPTED this 14th day of May, 2012 by the City Council of the City of Fayetteville, North Carolina

CITY OF FAYETTEVILLE

(SEAL)

By: _____
Anthony G. Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



MANCHESTER ST

GLENVILLE AVE

FINNEGAN ST

PILOT AVE

FORT BRAGG RD

WOODROW ST



7-1-3-1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen M. McDonald, City Attorney
DATE: May 14, 2012
RE: **Amending Chapter 6, Animals and Fowl**

THE QUESTION:

Whether to adopt proposed changes to County's Animal Control Ordinance within the municipal limits of Fayetteville.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government

BACKGROUND:

At the City Council's February 2012 work session, the County Attorney presented proposed changes to the Animal Control Ordinance. At that time, the County Attorney also provided a preview on changes that were later recommended by the Board of Commissioners at its February 17, 2012 meeting. On May 3, 2012, the Policy Committee of the Board of Commissioners voted unanimously to recommend the ordinance to the full Board of Commissioners for adoption. The Board of Commissioners is expected to consider adoption of the Animal Control Ordinance at its May 21, 2012 meeting. Consistent with the City Council's direction, City staff has provided the County Attorney's memo to the Board of Commissioners regarding the proposed ordinance, the proposed ordinance and modifications to the ordinance that would be applicable only within the municipal limits of Fayetteville.

ISSUES:

Whether the Council has an interest in adopting the County's Ordinance for the municipal limits of Fayetteville.

BUDGET IMPACT:

None

OPTIONS:

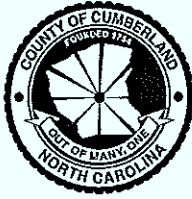
Consider the proposed ordinance and feedback regarding the proposed revisions to the City Code.

RECOMMENDED ACTION:

Comments only. Bring this item back for further consideration after the County Commissioners action on May 21, 2012.

ATTACHMENTS:

Memo for Board of Commissioners Agenda
Draft Animal Control Ordinance
Fayetteville Ordinance Revisions



OFFICE OF THE COUNTY ATTORNEY

5th Floor, New Courthouse • PO Box 1829 • Suite 551 • Fayetteville, North Carolina 28302-1829
(910) 678-7762

**MEMO FOR THE AGENDA OF THE
MAY 3, 2012 MEETING OF THE POLICY COMMITTEE**

TO: Policy Committee; Co. Manager; Asst. Co. Manager; Dr. Lauby; Brian Leonard; FAPS; Shelby Townsend; jbarkman2@nc.rr.com
FROM: Co. Atty. *RM.*
DATE: April 30, 2012
SUBJECT: Revision of Animal Control Ordinance

Attachments: 5-3-2012 Draft of Revised Ordinance

BACKGROUND:

At its February 17, 2012 meeting, the Board of Commissioners directed the following two changes to the draft animal control ordinance:

- (1) **Section 3-20** should include a grandfathering provision for owners currently possessing more than three dogs and/or cats; and
- (2) **Article V** on pet licensing should sunset at the end of 2012 with a New Hanover County style pet licensing system to become effective on January 1, 2013

These two changes have been made to the draft as shown in each of those sections.

Since that meeting, the county attorney has received several other recommendations for additional changes which have been incorporated into the draft as follows:

Section 3-15. Nuisance Animals. Dr. Lauby has requested that this section of the proposed draft be completely re-written. The existing ordinance provides that Animal Control may take action to abate any specified nuisance caused by an animal. Enforcement is complaint-driven. The existing nuisance is extremely difficult to enforce because, by the time Animal Control arrives at the location of the complaint, there is no nuisance occurring and complainants have generally been unwilling to testify in any enforcement action. When the re-write of the ordinance was commenced in March of 2011, the county attorney recommended, and Dr. Lauby agreed, that nuisance enforcement should be the sole responsibility of the complainant. Dr. Lauby has now requested that nuisance

enforcement be modeled after the system in Brunswick County. This makes nuisance enforcement the sole responsibility of Animal Control. This will require significantly more officer-time because the officer will have to make the nuisance determination from his or her own observations, not from the report of a complainant. Dr. Lauby reports that Animal Control now provides service 24 hours per day so it will be possible for officers to respond to the late night complaints and deal with the complaints directly, rather than responding hours later when the owner of the nuisance animal is not at home.

Section 3-19(e). Penalty for dog biting while at large. This section has been eliminated in the interest of streamlining the penalty provisions. The county attorney recommends, and Dr. Lauby agrees, that it is simpler and just as effective to cite for the underlying violation of the dog being at large.

Section 3-26. Limits on the numbers of dogs kept on residential premises in zoning classifications of 20,000 s.f. or less. All existing dogs which are in compliance with the existing ordinance are grandfathered under the new provision. Commissioner Keefe requested that cats be removed from the limitation.

Section 3-35(h). Liability insurance requirements for owners of dangerous dogs. Existing ordinance requires \$100,000 liability coverage. Dr. Lauby recommended that this be increased to \$200,000 in the new ordinance. After checking with some insurance providers, Dr. Lauby believes that amount may simply not be available to most homeowners. Dr. Lauby and county attorney recommend this limit be reduced to \$50,000.

Section 3-40. Rabies control. Dr. Lauby requested that ferrets be included with dogs and cats for required rabies vaccinations and that the state law requirement that persons administering vaccines must provide vaccination certificates be added to the draft.

Article V. Pet licensing. Existing draft provision will sunset on December 31, 2012 and New Hanover County style system will become effective on January 1, 2013.

Section 3-75. City provisions. Final draft of provisions requested by City of Fayetteville is included in this draft. City staff states city does want single ordinance effective in both jurisdictions for ease of administration and enforcement. Assistant City Attorney Brian Leonard has been very involved in developing the ordinance.

RECOMMENDATION:

Although these last few changes have not been presented to the City Council, the county attorney believes these changes are acceptable to the city based on comments made by council members at past presentations made to City Council by county attorney. County attorney recommends the 5-3-2012 for adoption.

**AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
REPEALING CHAPTER 3, ANIMALS, OF THE CUMBERLAND COUNTY CODE AND
ADOPTING A REVISED CHAPTER 3, ANIMALS, OF THE CUMBERLAND COUNTY CODE**

WHEREAS, the Cumberland County Board of Commissioners adopted a revised County Animal Control Ordinance in August, 2000, and has amended it from time to time; and

WHEREAS, the Cumberland County Animal Control Ordinance has been codified as Chapter 3, Animals, of the Cumberland County Code; and

WHEREAS, the Board of Commissioners wishes to make a comprehensive revision of the Cumberland County Animal Control Ordinance by the repeal of Chapter 3, Animals, of the Cumberland County Code and the adoption of the revised Chapter 3, Animals, of the Cumberland County Code as set forth below; and

Whereas, the Board of Commissioners finds the comprehensive revision of Chapter 3, Animals, of the Cumberland County Code to be in the public interest and to promote the public health, safety and welfare,

NOW, THEREFORE, BE IT ORDAINED by the Cumberland County Board of Commissioners that:

Chapter 3, Animals, of the Cumberland County Code is hereby repealed in its entirety and a revised Chapter 3, Animals, of the Cumberland County Code is hereby adopted.

**CHAPTER 3
ANIMALS**

- Art. I. Administration**
- Art. II. General Provisions**
- Art. III. Dangerous Dogs.**
- Art. IV. Rabies Control and Animal Bites**
- Art. V. Licensing of Dogs and Cats**
- Art. VI. Injured Animal Stabilization Fund**
- Art. VII. Miscellaneous**
- Art. VIII. Enforcement**

ARTICLE I. ADMINISTRATION

Sec. 3-1. Animal Control Department established.

There is hereby established in the government of the County an Animal Control Department.

Sec. 3-2. Animal Control Director.

The Animal Control Department shall be supervised by the Animal Control Director, who shall be the director of that department, appointed by the county manager.

Sec. 3-3. Functions of Animal Control Department.

The Animal Control Department shall have and perform the duties and responsibilities set forth herein, shall enforce the provisions of this Chapter and of state law relating to animal control and animal

welfare, shall administer and enforce an animal control program within such municipalities within the county as by interlocal agreement may contract with the County for such services and apply this Chapter in their municipal jurisdictions, and shall maintain and operate the county animal shelter.

Sec. 3-4. Animal Control Board established.

(a) There is established the Cumberland County Animal Control Board.

(b) The Animal Control Board shall be composed of seven (7) members to be appointed by the Board of Commissioners. Of the seven members, two shall be residents of the City of Fayetteville appointed by the Board of Commissioners from among the names of four persons nominated by the Fayetteville City Council, that is, two nominations for each seat. At least one member shall be a person with knowledge and experience in dog behavior and/or handling, one member shall be ex officio the veterinarian on contract to the Animal Control Department, one member shall have an interest in promoting the goals of the Animal Protection Society or the Humane Society or another such broadly-based and representative organization interested in the care and protection of animals, and the other members shall represent the public at large. The members shall serve staggered two-year terms; four members shall have terms that expire on June 30 in even-numbered years following the year of their initial appointment and three members shall have terms that expire on June 30 of odd-numbered years.

(c) The powers and duties of the Animal Control Board shall include:

- (1) Appointing three (3) of its members to sit on the Dangerous Dog Appeal Board;
- (2) Hearing any appeals provided for in this ordinance other than appeals of the Director's determinations of potentially dangerous dogs;
- (3) Providing advice and information to the Animal Control Department;
- (4) Upon coordination with the Animal Control Director, making recommendations to the Board of Commissioners or the Fayetteville City Council, as appropriate, for the betterment of the County's animal control program;
- (5) In conjunction with the Animal Control Department and the County's Public Information Director, providing for a program of public education, information and outreach concerning responsible pet ownership, animal cruelty, and the County's animal control program; and
- (6) Selecting officers of the board, including a chairperson, and adopting rules of procedure.

(d) A majority of the members shall constitute a quorum for the Animal Control Board to conduct its meetings. The Animal Control Board shall adopt a schedule of regular meetings and post and file it with the Clerk to the Board of Commissioners and otherwise as required by the Open Meetings Law. The Animal Control Board shall schedule at least four regular quarterly meetings, at which meetings the Animal Control Director or his designee shall appear and participate. In addition, the Animal Control Board may hold such special or emergency meetings, upon the call of the chairperson or any three members, as may be appropriate in the circumstances, subject to compliance with the Open Meetings Law.

Sec. 3-5. Dangerous Dog Appeal Board established.

(a) There is established the Dangerous Dog Appeal Board.

(b) The Dangerous Dog Appeal Board shall consist of three (3) members to be appointed by the Animal Control Board from among its members. The members shall serve staggered two-year terms. Any two (2) members of the Dangerous Dog Appeal Board shall constitute a quorum for conducting a meeting.

(c) The powers and duties of the Dangerous Dog Appeal Board shall include:

- (1) Selecting a chairperson to preside over its appeal hearings;
- (2) Hearing the appeals of the determinations of potentially dangerous dogs by the Animal Control Director (or his designee) pursuant to Article III of this ordinance or Chapter 67 of the General Statutes.

(d) The administrative assistant to the Animal Control Director shall be the Clerk to the Animal Control Board and the Dangerous Dog Appeal Board.

Sec. 3-6 through Sec. 3-9. Reserved.

ARTICLE II. GENERAL PROVISIONS

Sec. 3-10. Definitions

(a) As used in this ordinance, the following terms shall have the meanings respectively ascribed to them in this section:

"Abandon" means to cease providing for the care, control or maintenance of an animal without the transfer of ownership of such animal.

"Animal Shelter or Department's Shelter" means the premises operated by the Animal Control Department for the purposes of impounding, sheltering or caring for animals or any other premises operated by another entity with which the county contracts for such purposes.

"Animal Control Department" means the Cumberland County Animal Control Department.

"Animal Control Director" means the Director of the Animal Control Department, or his/her designee.

"Animal Control Officer" means a person employed by the Animal Control Department as its enforcement officer in the impoundment of animals, controlling of animals running at large, and as otherwise provided or required in this Chapter.

"At large" or "running at large" means any animal which is not confined on the property of its owner, the leased premises of the animal's owner, or under the actual physical control of a competent person, other than a licensed, currently privilege tax paid, hunting dog under supervision while engaged in a lawful actual or simulated hunt.

"Chapter" means the provisions of this Animal Control Ordinance as may be in effect in Cumberland County or any municipal jurisdiction located therein.

"Confinement" means to secure an animal in a locked house, run, enclosure or fenced yard within the boundaries of the owner's, leaseholder's, or keeper's property (i.e., house, fenced yard).

"County Manager" shall mean the duly appointed County Manager of the County or his/her designee.

"Cruelty" means to endanger by any act of omission or commission the life, health or safety of an animal.

"Director" means the Director of the Animal Control Department.

"Exposed to rabies" means any animal that has been bitten by or exposed in a manner proven to be able to transmit rabies, to any other animal known to have been infected with rabies or any other animal reasonably suspected of being infected with rabies that is not available for laboratory diagnosis.

"Fee Schedule" means any schedule of fees related to the administration of this ordinance, which may be adopted by the Board of Commissioners.

"Fowl" means chickens, guineas, geese, ducks, pigeons, and other avian animals.

"Harboring" means regularly feeding, sheltering or caring for an animal.

"Impoundment" means placing an animal in an animal control vehicle or unit, or holding an animal at the animal shelter, or holding an animal at any other location at the written direction of the Director of Animal Control.

"Keeper" means any person, acting in the capacity of the owner, or at the owner's request, who is responsible for the care, welfare and maintenance of the animal.

"Livestock" includes, but is not limited to, equine animals, bovine animals, sheep, goats, llamas and swine.

"Neuter" means to render a male dog or cat unable to reproduce.

"Owner" shall mean anyone taking care of or having custody of an animal, such as by providing food, water, shelter or medical care, but shall not include taking care or having custody of the animal for compensation.

"Permit" means a permit issued by the Animal Control Department or similar agency of any applicable governmental unit having jurisdiction.

"Potentially Dangerous Dog" and "Dangerous Dog" shall have the meanings set forth in Section 3-30 hereof.

"Restraint" means that an animal is actually physically controlled by leash or tether held by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street or confined within the property limits of its owner or keeper.

"Run" means an area used to confine a dog or dogs of a size that complies with any of the requirements of this Chapter.

"Sanitary" means a condition of good odor and cleanliness, which precludes the probability of disease transmission and insect breeding and which preserves the health of the public.

"Spay" means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce.

“State law” means the General Statutes of North Carolina.

"Stray" means any animal reasonably presumed not to have any owner, including but not limited to an animal running at large or not under restraint.

"Tethered" or "tethering" mean attaching an animal to a stationary object by means of a chain, cable, rope or similar device.

"Vaccination" means an injection of United States Department of Agriculture approved rabies vaccine administered by a licensed veterinarian or certified rabies vaccinator as defined in G.S. 130A-186.

"Transfer" means to convey or change ownership from one person to another with or without the exchange of money or other consideration.

(b) All other words or phrases used herein shall be defined and interpreted according to their common usage.

Sec. 3-11. Applicability of state laws to custody of animals.

No person owning or having in his custody any animal shall violate any laws, rules, or regulations of the state applicable thereto. The provisions of this Chapter shall govern where the provisions of the laws, rules and regulations of the state are less restrictive than the provisions of this Chapter.

Sec. 3-12. Injuring, poisoning or trapping animals prohibited.

(a) A person who accidentally or otherwise strikes an animal with an automobile and injures it shall promptly notify the Animal Control Department or any law enforcement agency having jurisdiction.

(b) No person shall knowingly expose or give to any animal any poisonous substance, whether mixed with food or not. This provision, however, does not apply to the eradication or population control of certain species of rodents.

(c) No person shall set or expose an open jaw type trap, leg hold trap, or any type trap which would likely cause physical harm or injury to any animal. This provision shall not apply to persons who are licensed by the state to trap animals, to Animal Control Officers or to persons using humane live capture traps.

Sec. 3-13. Diseased animals; injured or sick animals.

(a) Every person owning or having any animal under his charge which he knows or suspects to be sick or injured shall isolate the animal from other animals, shall obtain or provide appropriate treatment for such animal within two days or may have the animal humanely euthanized.

(b) Any animal which comes into possession of the Department's shelter which is seriously injured, sick or exhibiting symptoms of contagious disease shall be humanely euthanized by the shelter personnel without waiting for the expiration of the period in which such animal may be placed for adoption. Provided, however, that before such sick, diseased or injured animal is euthanized, the shelter personnel shall contact the animal's owner, if known, to determine the disposition of such animal. If the owner indicates that the animal will be reclaimed but fails to reclaim the animal within two days of such

notification, or if the owner of such animal is not known, the sick or injured animal shall be euthanized by the shelter personnel. The shelter supervisor shall keep a record of such animal, to include breed and sex of the animal, when the animal came into possession of the shelter, the type of injury, disease or sickness of such animal, the date the animal was euthanized, and any other information relevant to the health, condition and description of such animal.

Sec. 3-14. Property owner may impound animal.

(a) Any person who finds a domesticated animal or fowl on his property to his injury or annoyance may:

- (1) Take such animal to the Animal Control shelter; or
- (2) Retain possession of such animal or fowl and, within one business day, notify the Animal Control Department of this custody, giving a description of the animal and the owner's name, if known. Any person removing the animal from the impounder's property shall remove the animal in such a manner so as not to cause injury to the animal.

(b) No person shall knowingly and intentionally harbor, feed or keep in possession by confinement or otherwise any stray animal which does not belong to him, unless he shall have within one business day from the time such animal came into his possession notified the Animal Control Department of his intention either to: (i) surrender the animal to the animal shelter, or (ii) advertise for five (5) consecutive days such stray animal in the local newspaper with the greatest average daily circulation in the community. If the person possessing such stray animal elects to so advertise and the owner thereof shall not have responded by the tenth (10th) day after the date of the first publication, the person so advertising shall be presumed the legal owner of such animal. If the advertisement of a stray animal shall not have been first published within seventy-two (72) hours after so notifying the Animal Control Department, then the animal shall be surrendered to the Animal Control Department.

Sec. 3-15. Nuisance animals; animals posing a threat to the public.

(a) For the purposes of this section, "nuisance" means the conduct or behavior resulting from any act of omission or commission by the owner or keeper of any small or large animal, fowl, cat or dog which molests passersby or passing vehicles, damages private or public property; barks, whines, howls, crows or makes other noises in an habitual or continuous fashion which annoys the comfort, repose, health or safety of the people in the community; is unconfined in season; habitually defecates on the property of someone other than the owner; or habitually eats or otherwise destroys the plants, shrubs or similar landscaping on the property of someone other than the owner.

(b) For the purposes of this section, "nuisance animal" means any animal that commits any of the acts, conduct or behaviors defined as constituting a nuisance in this section.

(c) No person shall keep any animal which is a nuisance animal or which causes a nuisance as defined in this section.

(d) Notice of violation. When an Animal Control Officer determines that a violation of this section has occurred, he may issue a written warning of violation and notice of public nuisance, which shall be served on the owner or keeper of the animal. The owner or keeper shall be responsible for abating the nuisance within seventy-two (72) hours by making sure his animal does not engage in any further act or acts which may constitute a nuisance under this section.

(e) Failure to abate the nuisance. If the Animal Control Officer determines that the animal has engaged in any further act(s) constituting a nuisance, or if the owner or keeper of the animal fails to abate the condition which constitutes the nuisance within seventy-two (72) hours after issuance of the written warning of violation, the Animal Control Officer may issue a notice of violation and civil penalty for the first offense and additional penalties for each subsequent offense. If the owner fails to abate the nuisance after the second civil penalty, the Animal Control Officer may seize and impound the animal. If the animal is seized, the Animal Control Officer must post a notice of seizure and impoundment with the owner or keeper of the animal. The owner or keeper may reclaim the animal upon payment of any civil penalties and shelter fees or charges for the impoundment. If the animal is not reclaimed within five (5) days, it shall become the property of the Animal Control Department and shall be disposed of according to the Department's policies.

(f) Owner unknown. In situations where the owner of a nuisance animal is unknown, the Animal Control Officer shall impound the animal without posting notice of the impoundment. If the owner does not redeem the animal within five (5) days, the animal shall become the property of the Animal Control Department and shall be disposed of according to the Department's policies.

(g) Animal housed or restrained less than fifteen (15) feet from public way. When an Animal Control Officer has determined that an animal is being housed or restrained within fifteen (15) feet of a public street, road or sidewalk, and the animal poses a threat to the public, but the animal is not in the street, road or on the sidewalk, the Animal Control Officer shall issue a warning to the owner or keeper of the animal directing that the animal be moved to a distance greater than fifteen (15) feet from the public street, road or sidewalk. If the owner or keeper refuses to move the animal, the Animal Control Officer shall issue a notice of violation and civil penalty for the first offense and additional penalties for each subsequent offense. After the second offense the animal services officer may impound the animal. The Animal Control Officer must leave a notice of impoundment with the owner keeper or affix the notice to the premises from which the animal has been seized. The owner shall have five (5) days to redeem the animal. If the animal is redeemed, the owner must pay all civil penalties and shelter fees for the impoundment. If the owner fails to redeem the animal within five (5) days the animal shall become the property of the Animal Control Department and shall be disposed of according to the Department's policies.

(h) Animal found in the public way. If an animal is housed or restrained within fifteen (15) feet of a public street, road or sidewalk and the animal poses a threat to the public, and the Animal Control Officer finds it to be in the public street, road or on the sidewalk and the owner or keeper is not at home or refuses to remove the animal from the public street, road or sidewalk, the Animal Control Officer may impound the animal. The Animal Control Officer must leave a notice of impoundment with the owner or keeper or affix the notice to the premises from which the animal was housed or restrained. The animal services officer may issue a notice of violation and civil penalty for a first offense and additional penalties for each subsequent offense. The owner shall have five (5) days to redeem the animal. If the animal is redeemed the owner or keeper must pay all civil penalties and shelter fees for the impoundment. If the owner or keeper fails to redeem the animal within five (5) days the animal shall become the property of the Animal Control Department and shall be disposed of according to the Department's policies.

(i) Private remedies. This section shall not be construed to prevent a private citizen from pursuing a private cause of action for damages against the owner or keeper of any animal that has caused injury to said private citizen or his property for damages or any other loss resulting from an animal being a nuisance as defined by this section or otherwise.

Sec. 3-16. Animal fighting and animal fighting paraphernalia prohibited.

(a) No person shall permit or conduct any dog fights, cock fights, or other combat between

animals, or between animal and human.

(b) It shall be unlawful for any owner or person to keep, own, possess, maintain, control, or use materials used or intended to be used in dog fighting or cock fighting. Such items shall include but are not limited to treadmills; fighting or fight training pit; wooden sticks or handles used or capable of being used to pry open jaws; magazines, photographs, film, or videotapes depicting animal fighting or animal fight training; breeding stands; jaw strengthening devices; spurs; gaffs or slasher cases; gaff or knife gauges; mounting blocks; leather wraps; scabbards and leg or wing bands; training, conditioning, or fight contracts or records; veterinary drugs; suture kits, needles; and syringes and other veterinary supplies used for the administration of veterinary treatment for wounds or injuries from animal fighting or animal fight training.

(c) Upon criminal charges being brought for violations of this section, the Animal Control Director may petition the court for the confiscation of any animals kept or involved, or materials used or intended to be used in such fighting.

Sec. 3-17. Keeping of wild or exotic animals.

(a) For the purpose of this section, a wild or exotic animal means an animal which is usually not a domestic animal and which can normally be found in the wild state, including, but not limited to alligators, apes, bats, bears, crocodiles, deer, elephants, foxes, leopards, lions, lynxes, monkeys, panthers, raccoons, rhinoceroses, wolves, poisonous snakes, skunks, tigers, and like animals. Hybrids or cross-breeds of any wild or exotic animals shall also be considered as wild or exotic animals.

(b) It is unlawful to keep, harbor, breed, sell or trade any wild or exotic animal for any purpose, except as may be licensed by the state Wildlife Resources Commission under its regulations pertaining to wildlife rehabilitators.

(c) This section shall not apply to zoological parks, zoos, educational or medical institutions, or circuses that perform in Cumberland County for not more than seven (7) days. If a circus is scheduled to be in Cumberland County for more than seven (7) days, then the circus may apply to the Animal Control Director for an extension permit for a period not to exceed an additional seven (7) days, on such terms as the Animal Control Director shall determine will protect the public health, safety and welfare.

Sec. 3-18. Inhumane or cruel treatment prohibited.

It is unlawful for any owner or person to:

- (1) Perform or carry out any inhumane or cruel treatment against any animal; or
- (2) Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities or which constitute or become a health hazard as determined by the Animal Control Director, the Cumberland County Inspections Director or the Cumberland County Environmental Health Supervisor, as appropriate.

Sec. 3-19. Control of animals required; at large; strays; impoundment; confinement in season.

(a) It is unlawful for any owner or person to permit or negligently allow any domestic animal or livestock to run at large. Any dog or cat that is not confined as provided in this Chapter, and

not under the actual physical control or restraint of its owner or keeper, shall be deemed to be running at large. Any such animal found running at large shall be either:

- (1) Impounded by an Animal Control Officer at the Department's shelter subject to being reclaimed by its owner or keeper in accordance with the Department's policies; or
 - (2) In the discretion of the Animal Control Officer, a dog or cat found at large which is licensed by the county and vaccinated for rabies, except a dangerous dog, as that term is defined in Article III of this ordinance, may be released to its owner, upon such terms and conditions as the Animal Control Officer deems appropriate.
- (b) No impounded animal shall be returned to its owner until any applicable impoundment and boarding, vaccination, other fees or costs and any penalties are paid.
- (c) Any impounded animal not claimed by its owner after a three day holding period, exclusive of Sundays and county-observed holidays, shall become the property of the county and shall be adopted or disposed of in accordance with the Department's policies.
- (d) Every female dog or cat in season (heat) shall be kept confined in such a manner that such female dog or cat cannot come in contact with other animals, except for controlled breeding purposes. Female animals picked up by the Animal Control Department which are in season (heat) shall be kept separate from male animals at all times.

Sec. 3-20. Records; disposition of animals; adoption.

- (a) An Animal Control Officer, upon receiving any animal for impoundment, shall record the description, breed, color and sex of the animal and whether or not it is licensed and the date and time of impoundment. If the animal is licensed or if the owner is known, the officer shall enter the name and address of the owner or the county license on the impoundment records. If the owner is known, the Animal Control Department shall telephone the owner or, if unsuccessful in attempting to telephone such owner, shall mail notice at the address shown on the Department's records to notify the owner, that unless reclaimed within seventy-two (72) hours after mailing of notice, Sundays and county-observed holidays excluded, the animal may be adopted or humanely disposed of by the Department's shelter. Attempts to contact the owner will be recorded on the impoundment record.
- (b) After the seventy-two (72) hours of impoundment as prescribed above, animals that have not been reclaimed by the owner thereof shall be adopted or otherwise disposed of in a humane manner and as required by law. Provided, however, in the discretion of the Animal Control Director, a healthy animal may be retained for an additional period for the purpose of adoption or transferred to an approved local animal adoption or rescue agency.
- (c) Before any dog or cat is released for adoption from the Department's shelter, the adopter shall pay such fee(s) as may be prescribed therefore in any fee schedule adopted from time to time by the board of commissioners. Such dog or cat also shall be issued any required rabies vaccination and county license.
- (d) Any employee of the Animal Control Department may adopt one cat and one dog in any calendar year and such number of other animals as the Animal Control Director may by written policy prescribe.
- (e) There is hereby established a grace period of five (5) days beginning on the day of adoption and ending at the close of business of the fifth day thereafter (or the first business day which falls after the fifth day if such fifth day is a Sunday or legal holiday), during which period an animal

adopted from the animal shelter may be returned to the animal shelter without refund for a replacement animal, conditioned solely upon the presentation of written certification of a licensed veterinarian that the adopted animal is in poor health.

Sec. 3-21. Redemption of impounded animals; impoundment where no one is present to care for an animal.

(a) An owner shall be entitled to resume possession of his impounded dog or cat or other small animal kept as a house pet, upon compliance with the vaccination provisions of this Chapter and payment of any applicable impoundment, boarding, vaccination or other fees. Such dog or cat also shall be issued any required county license, as provided for in this Chapter, if such dog or cat has not previously been licensed. Animals four (4) months old and older will be vaccinated for rabies by shelter rabies vaccinators. New owners of adopted animals less than four (4) months old shall have three (3) business days from the time that the animal reaches the age of four (4) months, in which to have the animal vaccinated against rabies and return the proof to the Department's shelter. Failure to obtain the required rabies vaccination shall constitute a violation of this section.

(b) When a law enforcement officer takes a person into custody who is in possession of an animal, and no other competent person is immediately present at the scene to take care of the animal, the animal will be impounded for its welfare. The animal will be impounded at the Department's shelter until contact can be made with the animal's owner and an appropriate disposition of the animal determined. Once an Animal Control Officer makes contact with the owner, the owner will have seventy-two (72) hours to arrange for the appropriate disposition of the animal. After the seventy-two (72) hour period expires, the animal shall become the property of the county and shall be disposed of as provided in this Chapter.

Sec. 3-22. Spaying or neutering as condition for adoption of dogs and cats; violations.

(a) No dog or cat may be adopted from the animal shelter unless the animal has been surgically spayed or neutered, or the adopting owner agrees to do have the animal surgically spayed or neutered in accordance with any time limit imposed by the Animal Control Director.

(b) The Animal Control Director shall implement procedures to enforce this section.

(c) The failure of any person adopting an impounded animal to comply with this section shall constitute a violation of this section and shall constitute the forfeiture of the animal to the Animal Control Department.

Sec. 3-23. Keeping of animals; mistreatment, abandonment prohibited; care; restraining of dogs; exercise area for dogs.

(a) All dogs, cats and other small animals kept as house pets shall be housed, fed and protected from the weather in such a manner as not to create a nuisance.

(b) No person shall willfully or negligently:

(1) Torture, cruelly beat, injure, maim, mutilate or without good cause destroy or kill any animal, whether wild or tame, belonging to himself or to another;

(2) Deprive any animal of food, drink or shelter; or

(3) Cause any other person to do any of the above acts.

(c) If an animal is found by any Animal Control Officer to be in one of the above described

conditions in subsection 3-23(a) or (b), the officer shall take appropriate measures, including civil or criminal enforcement, to protect the welfare of the animal. If the Animal Control Officer determines that a confined animal's life is in immediate danger or the animal has been abandoned, the Animal Control Officer shall seize such animal if such seizure is not prohibited by applicable law and shall report the conditions to an appropriate law enforcement agency if seizure is not permitted. The Animal Control Officer shall leave a notice for the owner or keeper advising why the animal has been taken.

(d) No dog, cat or other small animal shall be confined within or on a motor vehicle under such conditions as may endanger the health or well-being of the animal, including, but not limited to, dangerous temperature or lack of adequate food or water.

(e) No person shall abandon or cause to be abandoned any dog, cat or any other type of animal.

(f) Owners and keepers of dogs, cats and other small animals shall provide food, shelter and medical attention to such animals, including but not limited to the following:

- (1) Sufficient wholesome food that is nutritious for the species;
- (2) Fresh, potable drinking water;
- (3) Medical attention to relieve such animals from suffering;
- (4) Shade from the sun; and
- (5) Shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three (3) sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind or rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair.

(g) It shall be unlawful to tether a dog except in accordance with this subsection.

(1) No dog shall be tethered outdoors unless the keeper or owner of the dog is holding the tether.

(2) It shall be an affirmative defense to a violation of this subsection that the tethering is required to protect the safety or welfare of a person or the dog, provided that the keeper or owner of the dog acquires a permit from the Animal Control Director for the temporary tethering of a dog while acquiring kennels or fencing.

(3) The provisions of this subsection (g) shall not apply to a temporary tether:

(a) During a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity; or

(b) To a keeper or owner walking a dog with a hand-held leash, or during lawful hunting activities if reasonably necessary for the safety of the dog, or while a dog is actively engaged in shepherding or herding livestock; or

(c) When meeting the requirements of a camping or recreation facility; or

(d) When the animal's caretaker is outside and within eyesight of the animal; or

- (e) After taking possession of a dog that appears to be a stray dog and after having advised the Animal Control Department of the stray.
- (4) The provisions of subsections (g)(2) and (3) above shall apply only if:
 - (a) The tether is not placed directly round the dog's neck and is attached to a properly fitting collar or harness of nylon or leather worn by the dog; and
 - (b) The weight of the tether does not exceed more than one-tenth of the dog's body weight; and
 - (c) The tether is unlikely to become tangled or twisted; and
 - (d) The tether is arranged to be free of any obstacles which may limit the moveable length of the tether; and
 - (e) The dog is tethered in a manner that permits access to necessary shelter and water.
- (5) Any dog that remains tethered in violation of this subsection for more than fourteen (14) days after the owner receives a notice of violation may be seized by an Animal Control Officer or law enforcement officer and impounded at the Department's shelter. If the dog's owner does not show that an adequate confinement enclosure complying with the requirements of this ordinance has been installed on the owner's property within 72 hours of the impoundment, exclusive of Sundays and county government holidays, the dog shall be deemed to have been forfeited to the county and shall be disposed of in accordance with the Department's policy.

(h) Any dog confined within a fenced yard or run must have an adequate space for exercise. Provided, however, that where dogs are kept or housed on property without a fenced yard and such dogs are kept in an enclosure or run, such enclosure or run shall provide adequate space for exercise. Such an enclosure or run shall be constructed of chain link or similar type of materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be sufficiently covered to provide the dog with adequate shade and protection from the elements.

Sec. 3-24. Dead animal pickup; relinquishing animals to the shelter.

(a) Dead animals may be picked up from residences by waste/ sanitation haulers as provided by the Cumberland County Solid Waste Department's policies as in effect from time to time.

(b) Owners may relinquish their animals to the Department's shelter provided the owner signs an impoundment card releasing possession of the animal to the shelter. Once the animal is released to the shelter, the animal shall become the property of the county and may be adopted or humanely disposed of in accordance with the Department's policies.

Sec. 3-25. Apprehension of wild dogs.

If the Animal Control Director shall determine that:

- (1) A dog or dogs are running wild in any area within the jurisdiction of this ordinance; such dogs are feral and do not have an owner, keeper or custodian; such dogs appear not to have been vaccinated for rabies because such dogs are not wearing current and valid

rabies tags; such dogs are substantially interfering with the use and enjoyment of property or the conduct of business, or are harassing or threatening persons; and that such dogs cannot after extraordinary effort be apprehended; or

- (2) an animal or animals are running wild and appear to be rabid or terminally diseased, present an imminent threat to any person or to livestock or domestic pets, or are harassing and threatening persons, and cannot be apprehended without extraordinary effort;

then the Director shall be authorized to cause deadly force to be used to humanely euthanize said dogs or wild animals. Prior to making such a determination, in the case of wild dogs, the Director shall have documented that persistent and repeated efforts to apprehend such dogs through use of traps, baited food, and tranquilizer darts have been ineffective. After making such a determination, the Animal Control Director may:

- (1) Authorize any Animal Control Officer that has, in the discretion of the Animal Control Director, received appropriate training and certification in firearms to use deadly force; or
- (2) Request assistance from the Sheriff or from appropriate municipal police authorities in order that the application of deadly force shall be effected by a sworn law enforcement officer that has a marksman rating and/or qualification; or
- (3) Seek the services of any private business, corporation, organization or other governmental organization or agency as may be approved by the County Manager for the application of deadly force.

If such deadly force is proposed to be effected, the Animal Control Director shall take every precaution to assure the safety of persons and property in the area within which the dogs or animals are running wild.

Sec. 3-26. Regulation of the number of dogs which may be kept on certain premises.

(a) No more than three (3) dogs more than five (5) months of age shall be owned, possessed, kept, harbored, or maintained at any premises located in any area with a zoning classification for single-family, residential lots of 20,000 square feet or less (R20 or less).

(b) No more than two (2) dogs more than five (5) months of age shall be owned, possessed, kept, harbored, or maintained at any premises located in any area with a zoning classification for multifamily residential housing.

(c) In any area in which the applicable zoning regulations are more restrictive as to the keeping of dogs than the requirements of this section, the zoning regulations shall control.

(d) This section shall not be construed to limit the right of any landlord to impose more restrictive limits on the number of pets which may be possessed at any leased premises.

(e) All dogs which have been listed with the Cumberland County Tax Administrator for an annual Cumberland County privilege license for the calendar year 2012 by the date this revised Chapter becomes effective shall be exempt from this section.

Sec. 3-27 through Sec. 3-29. Reserved.

ARTICLE III. DANGEROUS DOGS

Sec. 3-30. Definitions.

For the purposes of this article, the following words and phrases shall have the following meanings:

“Attack by a dog” means any behavior or action by a dog which could reasonably be expected to cause physical injury to a person or domestic animal, to include biting, felling or toppling, tearing of clothing, or provoking flight to escape attack.

“Bite by a dog” means any seizing, gripping or grasping, no matter how slight or momentary by a dog between its jaws of the body parts of a person or domestic animal, so as to cause physical injury to such person or domestic animal.

“Dangerous dog” means any of the following dogs:

- (1) A dog that without provocation has killed or inflicted severe injury on a person; or
- (2) A dog that has been determined as provided herein to be potentially dangerous; or
- (3) A dog that is owned or harbored primarily, or in part, for the purpose of dog fighting or a dog trained for dog fighting.

“Dog” means a domesticated animal (*canis familiaris*) of the Canidae family; provided that no wild specie of the Canidae family, such as a wolf, fox or coyote, shall be considered a domesticated animal, even though raised by humans in domestic surroundings.

“Guard dog” means a dog trained by a skilled trainer to recognized security industry or other reasonable standards and presently used under the control of trained handlers to protect persons and property.

“Law enforcement dog” means a dog, trained for police work to recognized law enforcement standards and presently used by and under the control of a law enforcement officer to carry out the law enforcement officer's official duties.

“Lawful hunt” means a hunt for lawful game conducted on private or public property with the consent of the owner or custodian of the property by a person with a valid license (if required) during the lawful season for the game concerned using dogs customarily employed and suitable for such game.

“Owner of a dog” or “owning a dog” means any person or legal entity that has a possessory property right in a dog, including the harbinger or keeper of a dog with the consent of the owner or of a dog that has been abandoned by or escaped the custody of its owner.

“Owner or keeper's real property” means any real property owned or leased by the owner or keeper of the dog, not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

“Potentially dangerous dog” means a dog that had been determined, as provided herein, to have:

- (1) Inflicted a bite on a person that required medical care more than first aid,
- (2) Killed or inflicted injury upon a domestic animal when not on the real property of the owner of the dog; or

- (3) Attacked a person or approached a person in an area of the keeper's property open and accessible to invitees, or when not on the owner's property, in a vicious or terrorizing manner in an apparent attitude of attack.

“Severe injury” means any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

“Territorial jurisdiction of Cumberland County” means all territory within the boundaries of the County of Cumberland, North Carolina, except the incorporated area of a municipality, unless such municipality has consented to the application and enforcement of this Chapter in its jurisdiction.

Sec. 3-31. Application of ordinance; exceptions.

The provisions of this Article do not apply to:

- (1) A law enforcement dog or guard dog being used by a law enforcement officer or a bona fide professional security guard while in the performance of official duties or professional responsibilities;
- (2) A dog being used in a lawful hunt;
- (3) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under control of its owner, and the damage or injury was to a species or a type domestic animal appropriate to the work of the dog; or
- (4) A dog where the injury inflicted by the dog was sustained by a person who at the time of the injury, was tormenting, abusing, or cruelly treating the dog, or had tormented, abused, or cruelly treated the dog, or was committing or attempting to commit a crime.

Sec. 3-32. Reporting requirements.

(a) Reporting required. An owner of a dog that has attacked or bitten a person or domestic animal, a victim of an attack or biting by a dog, the owner of any domestic animal that has been attacked or bitten by a dog, any person witnessing such an attack or biting, a veterinarian treating a domestic animal for such an attack or biting, or a health care professional treating a person for such an attack or biting, shall report the following events to the Animal Control Department within three (3) business days after the event has occurred:

- (1) Any attack or biting by a dog upon any person or domestic animal; or
- (2) The transfer, gift, sale or other conveyance of ownership or possession of a dangerous or potentially dangerous dog, its confinement in a veterinary facility, its removal from the territorial jurisdiction of the county, or its death.

(b) Report data required. The data required in the report and the format thereof shall be as set forth in administrative procedures established by the Animal Control Director.

Sec. 3-33. Determination that a dog is potentially dangerous; appeals.

(a) Generally. Upon receipt of a report submitted in accordance with subsection 3-32, or upon the receipt of any other complaint, or when he has reasonable suspicion that a dog is potentially

dangerous, the Director or his designee shall make a determination whether or not such dog is a potentially dangerous dog. Any determination that a dog is potentially dangerous shall be made in a writing stating the facts relied upon by the Director to make his determination. The written declaration shall be personally delivered to the owner of the subject dog or shall be mailed by certified mail, return receipt requested, to the owner. If the determination is made that the subject dog is potentially dangerous, the written determination shall order compliance with the appropriate provisions of this Article and the Director may impose reasonable conditions to maintain the public health and safety. The Director may pursue such other civil or criminal penalties and remedies as authorized by this Chapter or state law.

(b) If, at any time after the receipt of any report or complaint made pursuant to section 3-32, the Director determines that the conditions under which the subject dog is being kept or confined do not adequately protect the public health or safety, the Director shall require that the subject dog be impounded at the Department's shelter until completion of the investigation and any appeal of the decision of the Director.

(c) Appeals from determinations.

(1) The owner of any dog determined by the Director to be potentially dangerous may appeal the decision of the Director to the Appeal Board within three (3) business days of receiving notice of the determination. Appeal to the Appeal Board may be taken by filing written objections to the Director's determination with the Clerk for the Appeal Board.

(2) The Appeal Board shall schedule and hear such appeal within ten (10) days of the filing of the written objections or at such later time as the appellant consents.

(3) The vote of the Appeal Board shall be taken, and the announcement of its decision shall be made, in an open public meeting. A written statement of the decision of the Appeal Board shall be delivered to the Director and the appellant. The notice shall be sent by certified mail, return receipt requested, and filed concurrently with the Director and the Cumberland County Attorney.

(d) An appeal hearing before the Appeal Board shall be conducted as follows:

(1) The hearing shall be subject to the Open Meetings Law, and the required notice shall be posted and given as applicable;

(2) The Chairperson of the Appeal Board shall preside at the hearing;

(3) The Director shall be represented by the County Attorney;

(4) The County Attorney shall present the Director's case;

(5) The appellant may be represented by an attorney;

(6) The Director and the appellant may make any statements, present any evidence, or offer any witnesses on their behalf, on any relevant issue;

(7) The Chairperson of the Appeal Board shall rule on the admissibility of any evidence and on any procedural issues that might arise;

(8) The Director and the appellant shall be entitled to cross-examine any witnesses;

- (9) The hearing shall be quasi-judicial in nature and all testimony shall be under oath;
- (10) The appellant shall be entitled to obtain a transcript of the proceeding at his own cost;
- (11) the Appeal Board shall announce its decision at an open meeting and render it in writing as expeditiously as possible at or following the hearing. Its decision shall contain findings of fact and conclusions in support of its decision.

(e) The purpose of the hearing before the Appeal Board shall be to determine whether or not the determination of the Director is in the best interests of the public health, safety and welfare.

(f) The function of the Appeal Board shall be to affirm, reverse, or modify the determination of the Director which has been appealed. Any conditions imposed by the Appeal Board shall be reasonable, relevant to the issues in the matter, and have the effect of promoting the public health, safety and welfare.

(g) The hearing shall be administrative in nature and the decision of the Appeal Board shall be final

Sec. 3-34. Registration required.

(a) Generally. Any person owning a dangerous dog as defined by this Chapter or Chapter 67 of the General Statutes, shall register such dog with the Animal Control Department within five (5) days of such event which established the dog to be dangerous or may, in lieu of any hearing, register such dog voluntarily, which shall constitute an admission and final determination that the dog is dangerous.

(b) Permanent identification mark required. Each dog registered pursuant to this section shall be assigned a registration number by the Animal Control Department, which shall be affixed to the dog by permanent chip implant, at the expense of its owner. No person shall remove such identification once it is assigned and affixed.

Sec. 3-35. Permit required.

(a) Generally. After registration of a dangerous dog or after a final determination that such dog is potentially dangerous in accordance with this Chapter or Chapter 67 of the General Statutes, no person shall own such dog thereafter within the territorial jurisdiction of this Chapter without applying for and obtaining a permit from the Animal Control Department.

(b) Issuance of permit. The Animal Control Department shall issue a permit for a dangerous dog only upon submission of a complete, verified application, payment of the permit fee and a finding by the Director or his designee that:

- (1) The required conditions for keeping and housing the dog and other public health and safety protective measures are in effect, and
- (2) The dog for which a permit is issued does not pose an unreasonable threat to the public health, safety and general welfare if the owner shall comply with the provisions of this Article and the conditions of the permit.

(c) Issuance of a permit shall be conditioned on continued compliance with the provisions of this Article and other provisions of state law, on continued compliance with and maintenance of the conditions for housing the dog and public safety set forth in the permit, and any special conditions the Director may deem reasonably necessary to protect the public health, safety and welfare in view of the

particular circumstances and history of the dog for which the permit is issued.

(d) Temporary permits. Following the registration of a dangerous dog or the impoundment of a dog declared to be potentially dangerous, upon application therefore and for good cause, the Director may issue a temporary permit allowing the owner of a registered dangerous dog or a dog declared to be potentially dangerous to retain possession of such dog or to confine such dog at a veterinary facility or kennel approved by the Director. The Director may also issue a temporary permit to allow the transport of a dangerous or potentially dangerous dog from the territorial jurisdiction of this Chapter. A temporary permit shall be issued subject to the same conditions to which a regular permit is subject and to any other conditions the Director may deem necessary to protect the public health, safety and welfare consistent with the provisions of this Article. A temporary permit shall be valid only until the earlier of its expiration, revocation or the issuance or denial of a permit under the provisions of this section.

(e) Term of permits and renewal thereof. No permit shall be issued under this section for a term of more than three (3) years but may, in the Director's discretion, be issued for a shorter period. Permits must be renewed, subject to the same terms and conditions required for initial permits.

(f) Revocation of permits. The Director may, upon notice and hearing and for good cause shown, revoke any permit or modify any terms, conditions or provisions thereof. If the Director deems it necessary to protect the public health or safety from any imminent threat or danger thereto, he may, without hearing, suspend any permit or any portion thereof for not more than thirty (30) days. Good cause for revocation or modification of a permit shall include, without limitation, violation of or failure to comply with any provision of this Article or with any term, condition or provision of a permit.

(g) Inspections. The Director shall cause periodic inspections to be made of the premises of the owner of a permitted dangerous or potentially dangerous dog to assure compliance with the provisions of this Article and the applicable permit.

(h) Insurance. Every person owning a dangerous dog, as determined in accordance with this Article or Chapter 67 of the General Statutes, shall purchase and maintain a policy of liability insurance covering any injury or property damage caused by the dog. Minimum policy limits shall be Fifty Thousand Dollars (\$50,000.00) for personal injury or property damage, per occurrence. Such owner shall cause a certificate or declaration of insurance to be furnished to the Director annually. Every day that the required insurance is not in full force and effect shall constitute a violation of this Article.

Sec. 3-36. Regulation of dangerous dogs; security and restraint requirements.

No person shall own a dangerous dog except in compliance with all provisions of this Article, including the following regulations:

- (1) While on the real property of its owner, such dog shall be kept, secured and restrained as follows:
 - (a) In a building with doors, windows and other exits securely fastened shut and under the supervision and control of a responsible, capable adult person; or
 - (b) Securely kept in a locked enclosure which has secure sides, top and bottom and is constructed out of materials and in a manner which will preclude escape by the dog and prevent entry by small children; or
 - (c) While outside a building or enclosure described above, securely leashed with a leash no longer than four (4) feet in length in the hands of and under the control of a responsible competent person capable of such control and muzzled by a

muzzling device sufficient to prevent such dog from biting persons or other animals.

- (2) Such dog shall only be removed from the real property of its owner as follows:
 - (a) For transportation to and from a veterinarian or the Department's shelter; or
 - (b) For its permanent removal from the territorial jurisdiction of this Chapter; or
 - (c) To provide bona fide exercise necessary for its continued good health.
- (3) While off its owner's real property such dog shall be securely leashed with a leash no longer than four (4) feet in length in the hands of and under the control of a responsible competent person capable of such control and muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- (4) Notwithstanding the foregoing, no person shall own a dangerous dog that has killed a person, except in the care and custody of a veterinarian for the purposes of treatment or quarantine; or in the custody of the Department's shelter pending disposition in accordance with the provisions of this Chapter, the Department's policies, or the order of any court.
- (5) Signage. The owner of a dangerous dog shall erect a sign with dimensions of at least 2' x 2' on the enclosure housing such dog which shall read:

BEWARE OF DOG
THIS DOG IS DANGEROUS
STAY AWAY!

Sec. 3-37. Impoundment of dangerous dogs.

(a) **Apprehension and surrender.** Upon an initial determination of a dog as potentially dangerous or upon registration of a dog to be dangerous, or if the Director has reasonable suspicion to believe that a dangerous, or potentially dangerous dog is being kept or harbored within the territorial jurisdiction of this Chapter in violation of it or of a permit issued hereunder, Animal Control Officers and law enforcement officers of Cumberland County and of any municipality subject to this Chapter shall impound such dog. It shall be a violation of this Article to fail or refuse to surrender such dog to such officers upon their lawful demand. The officer impounding such a dog shall deliver the same to the Department's shelter.

(b) **Surrender.** Hiding, removing or failing to surrender a dangerous or potentially dangerous dog, or impeding any investigation concerning the same shall be a violation of this Article.

(c) **Confinement.** A dog impounded by or surrendered to an Animal Control Officer or law enforcement officer as provided herein shall be confined in the Department's shelter or, upon request of the owner hereunder, and at such person's expense, at a private veterinary facility or kennel approved by the Director, subject to the following conditions:

- (1) **Costs of impoundment.** Impoundment shall be at the expense of the owner of the dog. Costs of impoundment at the Department's shelter shall be paid by the person liable therefore at the daily rate. The costs of impoundment at a veterinary facility or kennel shall be paid by the person liable therefore pursuant to the terms of the agreement between such person and the proprietor of such facility or kennel. In no event shall

Cumberland County or any municipality subject to this Chapter be liable for or pay for impoundment at such private facility or kennel.

- (2) Release from impoundment. No such dog shall be released from impoundment as provided herein except upon registration of such dog and issuance of a permit or temporary permit allowing such release. No such dog shall be released from the Department's shelter until costs of confinement of such dog, any registration and permit fees for such dog, and any civil penalties assessed in connection with such dog have been paid in full.
- (3) Disposition of unclaimed or abandoned dogs. The following dogs impounded at the Department's shelter pursuant to this Article shall be deemed abandoned and shall be disposed of in accordance with the provisions of this Chapter and the rules and regulations of the Department:
 - (a) Any dog which remains unclaimed by its owner for a period more than ten (10) days or a period of lawful quarantine, whichever is longer; and
 - (b) Any dog claimed by its owner which is confined for a period in excess of ten (10) days, or a period of lawful quarantine, whichever is longer, during which no application has been made for a permit or temporary permit; provided, however, the Director shall extend such time upon a showing of justifiable delay in such action by the owner.

Sec. 3-38. Violations, penalties and other remedies.

- (a) Violations. Each act or conduct prohibited by this Article and each failure to comply with a mandatory provision hereby and each day's continuing failure to comply shall constitute a separate and distinct offense.
- (b) State law violations.
 - (1) Nothing in this Chapter shall be constructed to prevent an Animal Control Officer or any other person from pursuing remedies under Chapter 67, Article IA, of the North Carolina General Statutes.
 - (2) The Director or his designee is designated as the person responsible for making the determination required under Section 67-4.1(c) of the North Carolina General Statutes. In making such determinations, the Director or his designee shall follow the procedure set forth in this Article.
 - (3) The Dangerous Dog Appeal Board is designated as the appellate board to hear appeals of determinations made pursuant to N.C.G.S., Section 67-4.1(c).

Sec. 3-39. Administrative provisions.

- (a) Responsibility. The Director shall administer and enforce this Article and shall promulgate rules and regulations for such administration and enforcement as may be necessary or desirable to such end.
- (b) Authority to enter upon premises. Animal Control Officers shall have authority to enter into and inspect any premises, dwellings, rooming units, barns and other outbuildings, any part of the

curtilage thereof, or any yard or other enclosure to:

- (1) Conduct any investigation of a dog alleged or suspected of being potentially dangerous or dangerous, or
 - (2) Apprehend a dog determined to be potentially dangerous or dangerous or as to which there is reasonable suspicion to believe is potentially dangerous or dangerous, or
 - (3) Investigate any violation of this Article, or
 - (4) Serve a citation upon a person for violation of this Article.
- (c) Notwithstanding the foregoing, an Animal Control Officer shall only make such entry upon consent, pursuant to an administrative search warrant under G.S. 15-27.2, or otherwise as authorized by law.
- (d) Authority to immobilize or kill a dangerous or potentially dangerous dog.
- (1) If in the course of investigating, apprehending or otherwise taking custody of a potentially dangerous or dangerous dog, or a dog as to which there is reasonable suspicion to believe is potentially dangerous or dangerous, such dog is not securely restrained and an Animal Control Officer or a law enforcement officer has reasonable cause to believe the dog poses an imminent risk of serious physical injury or death to any person or domestic animal, said officer shall have authority to render such dog immobile by means of tranquilizers or other safe drugs or, if that is not safely or timely possible under the circumstances, then the officer may humanely dispose of said dog.
 - (2) If a potentially dangerous or dangerous dog impounded in the Department's shelter cannot be cared for or handled without risk of serious physical injury or death to persons caring for or handling such dog or to other animals, the Department shall render such dog immobile by means of tranquilizers or other safe drugs or, if that is not safely or timely possible under the circumstances, then the Department may humanely dispose of said dog.
 - (3) The Animal Control Department may humanely dispose of any dog being investigated under the provisions of this Article at the request of or with the consent of its owner.

ARTICLE IV. RABIES CONTROL AND ANIMAL BITES

Sec. 3-40. Rabies control.

- (a) Enforcement authority. The Animal Control Director and the Cumberland County Health Director are authorized to enforce the rabies control provisions in Part 6 of Chapter 130A of the North Carolina General Statutes and are further authorized to implement any reasonable administrative procedures necessary to enforce this state law locally.
- (b) Impoundment term. The impoundment period for animals held pursuant to this section shall be seventy-two (72) hours, excluding Sundays and legal holidays.
- (c) Compliance with rabies law. It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.

(d) Provisions supplementary to state law. It is the purpose of this section to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by the state law.

(e) Vaccination required It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies (hydrophobia) for any dog, cat or ferret four (4) months of age or older. Should the County Health Director deem it necessary that other pets be vaccinated in order to prevent a threatened rabies epidemic or control an existing rabies epidemic, it shall be unlawful for an owner or keeper to fail to provide vaccination for that pet.

(f) Vaccination schedule. A rabies vaccination shall be deemed current for a dog, cat or ferret if the first two (2) doses of vaccine are administered twelve (12) months apart and each subsequent booster dose of vaccine is administered according to the manufacturer's recommended schedule.

(g) Persons to administer; issuance of a certificate. All rabies vaccines shall be administered by a licensed veterinarian, a registered veterinary technician under the direct supervision of a licensed veterinarian, or a certified rabies vaccinator. A person who administers a rabies vaccine shall complete a rabies vaccination certificate in such form as is approved by the Animal Control Director pursuant to the regulations of the Commission for Public Health. An original rabies vaccination certificate shall be given to the owner of the animal that receives the rabies vaccine. A copy of the rabies vaccination certificate shall be retained by the licensed veterinarian or the certified rabies vaccinator. A copy shall also be given to the Animal Control Director.

(h) Owner or keeper to be issued rabies tag. Upon vaccination pursuant to this section, the owner or keeper of the dog, cat or ferret that has been vaccinated shall be issued a rabies tag stamped with a number and the yard for which issued and a rabies vaccination certificate.

(i) Unlawful for dog, cat or ferret not to wear rabies tag. It shall be unlawful for any dog, cat or ferret owner or keeper to fail to provide the dog, cat or ferret with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with the attached tag, must be worn at all times the animal is off its owner's property.

(j) Untagged dog, cat or ferret subject to impoundment. In addition to all other penalties prescribed by law, a dog, cat or ferret may immediately be impounded in accordance with the provisions of this section if it is found off its owner's or keeper's property not wearing a currently valid rabies tag.

(k) Unlawful to switch rabies tag. It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for an animal other than the one assigned the tag.

(l) Dogs, cats or ferrets brought into County. All dogs, cats or ferrets shipped or otherwise brought into the territorial jurisdiction of this Chapter, except for exhibition purposes where the dogs, cats or ferrets are confined and not permitted to run at large, shall be securely confined and vaccinated within one (1) week after entry, and shall remain confined for two (2) additional weeks after vaccination, unless accompanied by a certificate issued by a licensed veterinarian showing the dog, cat or ferret is apparently free from rabies and has not been exposed to rabies and that the dog or cat has received a proper dose of rabies vaccine not more than six (6) months prior to the date of issuing the certificate.

(m) Animals exposed to rabies.

(1) If the Animal Control Director determines that an animal has not been vaccinated against rabies at least twenty-eight (28) days prior to being exposed to rabies from a suspected rabid animal, the animal shall be immediately euthanized unless the owner or keeper

agrees to strict isolation of the animal at a veterinary hospital for a period of six (6) months at the owner's or keeper's expense.

- (2) If the Animal Control Director determines that an animal with a current rabies vaccination has been exposed to rabies from a suspected rabid animal, it shall be revaccinated and returned to the owner or keeper who shall be responsible for the cost of the rabies vaccination.

(n) Health Director may declare quarantine. When reports indicate a positive diagnosis of rabies, to the extent that the lives of persons are endangered, the County Health Director may declare a county-wide quarantine for such period of time as he deems necessary. Once such emergency quarantine is declared, no dog, cat or ferret may be taken or shipped from the county without written permission of the County Health Director. During such quarantine, the County Health Director, the Animal Control Director, law enforcement officers, or other persons duly authorized by the County Health Director or Animal Control Director may seize and impound any dog, cat or ferret running at large in the county. During the quarantine period the County Health Director shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county. If additional confirmed cases of rabies occur during the quarantine period, the County Health Director in his discretion may extend the quarantine period.

(o) Carcass to be surrendered to Health Department. The carcass of any animal suspected of dying of rabies, or dying while under observation for rabies, shall be submitted to the County Health Department for the implementation of appropriate diagnostic procedures

(p) Unlawful to kill or release animal under observation. It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal under observation for biting a human, or to remove such animal from the county without written permission from the County Health Director, provided that a licensed veterinarian or the County Health Director or other person duly authorized by the County Health Director, may authorize any animal to be killed for rabies diagnosis.

(q) Unlawful to fail to surrender animal. It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required in this Article, when demand is made therefore by the County Health Director, the Animal Control Director or any law enforcement officer.

(r) Unlawful to fail to provide proof of vaccination. It shall be unlawful for any person to fail or refuse to provide proof of rabies vaccination for any animal that they own or control when request is made therefore by the Animal Control Director or his designee, the County Health Director or his designee, or any sworn law enforcement officer.

(s) Animals subject to impoundment. Any animal which appears to be lost, stray, unwanted, not wearing a currently valid tax tag or a currently valid rabies vaccination tag as required by state law or this section, or not under restraint in violation of this Chapter, may be seized, impounded and confined in a humane manner in the Department's shelter. Any dog or cat that has bitten or scratched a human must be quarantined for ten (10) days, either at the home of its owner or keeper, if an Animal Control Officer determines that the public health and safety shall be reasonably maintained by such quarantine, or otherwise in the Department's shelter or in a veterinary hospital at such owner's or keeper's expense. If such dog, cat or ferret is quarantined at the home of its owner or keeper and escapes, any Animal Control Officer shall impound such dog, cat or ferret at the Department's shelter for ten (10) days.

(t) Owner liable. Impoundment of such animal shall not relieve the owner/keeper thereof from any penalty which may be imposed for violation of this section.

(u) The County Health Director shall direct the disposition of any animal found to be infected with rabies.

Sec. 3-41. Reports of bite cases; report by veterinarian.

(a) Every physician, veterinarian or health care provider shall report to the Animal Control Director the names and addresses of persons treated for bites and scratches inflicted by animals that break the skin, together with such other information as will be helpful in rabies control.

(b) Every licensed veterinarian shall report to the Animal Control Director his diagnosis of any animal observed by him to be a suspect rabid animal.

Sec. 3-42. Records.

The Animal Control Director shall keep or cause to be kept:

- (1) an accurate and detailed record of the licensing, impounding and disposition of all live animals, fowl and domestic birds coming into his custody and any dead dogs or cats picked up that possess rabies tags or county license; and
- (2) an accurate and detailed record of all bite cases reported to him, with a complete report of the investigation or disposition of each case.

Sec. 3-43 Interference.

No person shall interfere with, hinder, delay or obstruct any Animal Control Officer or authorized representative of the county in the performance of any duty under this Article or seek to release any animal in the custody of the Animal Control Department or its shelter impounded pursuant to this Article, except as provided by law.

Sec. 3-44 through Sec. 3-49. Reserved.

ARTICLE V. LICENSING OF DOGS AND CATS, EFFECTIVE THROUGH DECEMBER 31, 2012

Sec. 3-50. License for dogs and cats.

It shall be unlawful for any person to own, possess or have under his control any dogs or cats, or any combination thereof, over four (4) months of age, without obtaining an annual privilege license for each such animal from the Cumberland County Tax Administrator. Every person owning, possessing or having under their control any dog or cat shall properly list such dog or cat annually with the Cumberland County Tax Administrator during the month of January to obtain a county license. Failure to list as provided herein shall be a violation of this Article and shall subject the offender to a civil penalty in the amount of \$100.00 per dog or cat not listed annually as provided herein. Each privilege license issued shall be for a calendar year. The Tax Administrator may delegate authority to issue such licenses to the Animal Control Department or to licensed veterinarians within the County duly registered for such purpose with the Tax Administrator upon such terms and conditions, including payment of a processing fee, as he deems advisable.

Sec. 3-51. Terms of license; exemption.

- (a) The license issued under this Article shall be renewed every year, upon proof of rabies

vaccination.

(b) County residents who are sixty-five (65) years of age or older may obtain a permanent license for up to three cats or dogs, or any combination thereof, at no cost; provided that this permanent license shall be limited to no more than three animals per household. County residents may obtain a permanent license at no cost for a bona fide seeing-eye or aid dog.

Sec. 3-52. Issuance of records.

(a) Upon issuance of a license, a tag shall be issued for each dog and cat so licensed. The tag shall be of durable material and shall be designed to be easily fastened or riveted to the animal's collar or harness. The tag shall bear a number registered with the Tax Administrator or the Animal Control Department.

(b) The Tax Administrator shall maintain records of licensed dogs and cats and such records shall be open to public inspection.

Sec. 3-53. Fastening of tags to collar or harness.

Each person who owns or maintains a dog or cat that is primarily kept, kenneled or otherwise located in the county shall affix to such dog or cat the following identification:

- (1) a durable tag securely affixed to a collar or harness which is securely buckled or otherwise securely joined so that it cannot be removed unless unbuckled; the tag shall contain the name and address of the owner of the dog or cat or a number registered with the Animal Control Department; or
- (2) an implanted computer chip capable of being scanned by a chip reader.

Sec. 3-54. License fee in addition to other fees.

The privilege license fee shall be in addition to any fee in the fee schedule under this Chapter.

Sec. 3-55. Use of revenues collected from license fees.

The revenues collected for the licensing or adoption of dogs and cats shall be specifically expended for physical improvements to the animal shelter or the equipment of the Animal Control Department, for the cost of administration and enforcement of this Chapter, and for costs associated with public education programs and activities.

Sec. 3-56. Transfer of cats and dogs.

(a) When ownership of a dog or cat is transferred within the county's jurisdiction, the new owner will have thirty days to obtain a new privilege license for the animal.

(b) When ownership of a dog which has been declared dangerous or potentially dangerous under Article III of this Chapter is transferred within the county's jurisdiction, the previous owner shall within three (3) business days notify the Animal Control Department and provide the name and address of the new owner. The new owner shall:

- (1) Immediately register the dog with the Animal Control Department; and
- (2) Insure that the requirements of this Chapter for maintaining a dangerous or

potentially dangerous dog are complied with prior to the dog being relocated to the new owner's property.

Sec. 3-57. Non-applicability of Article.

The provisions of this Article shall not apply to cats or dogs in the custody of a veterinarian, or whose owners are non-residents visiting in the county for a period not exceeding thirty (30) consecutive days.

ARTICLE V. LICENSING OF DOGS AND CATS, EFFECTIVE JANUARY 1, 2013

Sec. 3-50. License for dogs and cats.

(a) It shall be unlawful for any person to own, possess or have under his control any dogs or cats, or any combination thereof, over four (4) months of age, without obtaining an annual privilege license for each such animal from the veterinarian administering the rabies vaccination for the animal or the Cumberland County Animal Control Department, as provided in this Article.

(b) The annual privilege license shall be assigned the same number as the rabies vaccination certificate for each animal and shall be registered with the Animal Control Department at the time of each annual rabies vaccination for the animal. The annual privilege license fee shall be paid to the Animal Control Department at the time of each rabies vaccination. For rabies vaccinations of three (3) years duration, the annual privilege license fee shall be due on the annual anniversary date of the vaccination. It shall be the responsibility of the Animal Control Department to notify owners with privilege license fees due in the second and third year of a three (3) year rabies vaccine.

(c) All veterinarians administering rabies vaccinations shall issue the privilege license and collect the privilege license fee at the time of the vaccination and remit the registration and fee to the Cumberland County Animal Control Department with the rabies vaccination certification in accordance with such procedures and using such forms as established by the Animal Control Director from time to time. A participating veterinarian shall retain an administrative fee as established by the Cumberland County Board of Commissioners from time to time.

(d) The Animal Control Director shall be responsible for the administration of the privilege licensing of dogs and cats and for the collection of all privilege license fees not collected and/or remitted by participating veterinarians.

Sec. 3-51. Terms of license; exemption.

(a) The license issued under this Article shall be renewed every year, upon proof of rabies vaccination.

(b) County residents who are sixty-five (65) years of age or older may obtain a permanent license for up to three cats or dogs, or any combination thereof, at no cost; provided that this permanent license shall be limited to no more than three animals per household. County residents may obtain a permanent license at no cost for a bona fide seeing-eye or aid dog.

Sec. 3-52. Issuance of records.

(a) The rabies vaccination tag shall constitute the privilege license tag for all dogs and cats registered for the privilege license and for which the privilege license fee has been paid. The tag shall be of durable material and shall be designed to be easily fastened or riveted to the animal's collar or harness.

The tag number shall be registered with the Animal Control Department.

(b) The Animal Control Department shall maintain records of licensed dogs and cats and such records shall be open to public inspection.

Sec. 3-53. Fastening of tags to collar or harness.

Each person who owns or maintains a dog or cat that is primarily kept, kenneled or otherwise located in the county shall affix to such dog or cat the following identification:

- (1) a durable tag securely affixed to a collar or harness which is securely buckled or otherwise securely joined so that it cannot be removed unless unbuckled; the tag shall contain the name and address of the owner of the dog or cat or a number registered with the Animal Control Department; or
- (2) an implanted computer chip capable of being scanned by a chip reader.

Sec. 3-54. License fee in addition to other fees.

The privilege license fee shall be in an amount established by the Cumberland County Board of Commissioners from time to time and shall be in addition to any fee in the fee schedule adopted pursuant to this Chapter.

Sec. 3-55. Use of revenues collected from license fees.

The revenues collected for the licensing or adoption of dogs and cats shall be specifically expended for physical improvements to the animal shelter or the equipment of the Animal Control Department, for the cost of administration and enforcement of this Chapter, and for costs associated with public education programs and activities.

Sec. 3-56. Transfer of cats and dogs.

(a) When ownership of a dog or cat is transferred within the county's jurisdiction, the new owner will have thirty days to obtain a new privilege license for the animal.

(b) When ownership of a dog which has been declared dangerous or potentially dangerous under Article III of this Chapter is transferred within the county's jurisdiction, the previous owner shall within three (3) business days notify the Animal Control Department and provide the name and address of the new owner. The new owner shall:

- (1) Immediately register the dog with the Animal Control Department; and
- (2) Insure that the requirements of this Chapter for maintaining a dangerous or potentially dangerous dog are complied with prior to the dog being relocated to the new owner's property.

Sec. 3-57. Non-applicability of Article.

The provisions of this Article shall not apply to cats or dogs in the custody of a veterinarian, or whose owners are non-residents visiting in the county for a period not exceeding thirty (30) consecutive days.

Sec. 3-58 - 3-59. Reserved.

ARTICLE VI. INJURED ANIMAL STABILIZATION FUND

Sec. 3-60. Control of injured animals; stabilization fund.

(a) Any Animal Control Officer or law enforcement officer is authorized to take possession of any seriously injured dog, cat, wildlife, livestock, bird or other animal which has suffered a painful and potentially mortal injury and which is found in any location open or accessible to the public, any public or private vehicular right of way, or apparently off the property of its owner. Any such animal which does not have a current rabies tag or identification tag shall be conclusively presumed abandoned for purposes of this Article.

(b) Any Animal Control Officer or law enforcement officer finding any such animal shall make reasonable efforts to locate the owner of any such animal. If the owner is promptly located, the owner shall immediately seek veterinary care of the animal or shall authorize such officer to humanely euthanize such animal. If the owner cannot be promptly located or contacted, the Animal Control Officer or law enforcement officer is authorized, in his or her discretion, to humanely euthanize such animal in an emergency situation where safe, humane transport of the animal is not possible, or promptly transport such animal to a veterinarian participating in the Injured Animal Stabilization Fund for stabilization of such animal's injuries. Every owner of any animal so found shall conclusively be presumed to have irrevocably appointed any such officer, or veterinarian participating in the Injured Animal Stabilization Fund, his or her authorized agent for any purposes under this Article. Every such owner also shall be deemed to have released any officer, or veterinarian participating in the Injured Animal Stabilization Fund, from any cause of action or claim arising out of or related to any action such officer or veterinarian may take under this Article, except for actions which constitute gross negligence.

(c) Each Animal Control Officer or law enforcement officer acting under this Article shall within a reasonable time report to the Animal Control Director the nature and extent of the injuries of each such animal and the disposition thereof. The Animal Control Department shall maintain a record of the nature and extent of each such animal's injuries and of the disposition thereof.

(d) There is hereby established the Cumberland County Injured Animal Stabilization Fund, to which contributions, grants, donations, or restitution may be made for the purpose of reimbursing veterinarians agreeing to participate with the Fund in stabilizing the injuries of injured animals transported to them for stabilization under this Article. The Director may solicit or raise funds for the Fund. The Fund shall be administered by a committee which shall include the Cumberland County Finance Officer or his or her designee and a veterinarian designated by the Cumberland County Animal Control Board. Funds shall be disbursed from the Fund by the Finance Officer under guidelines established by the committee.

(e) Any Animal Control Officer or law enforcement officer, or any veterinarian to which an injured animal may be transported under this Article for stabilization of injuries, shall be deemed to be an authorized agent of and acting on behalf of Cumberland County and its Animal Control Department pursuant to the authority of this Article. Any such officer or veterinarian acting pursuant to this Article shall be entitled to all the defenses, immunities and rights afforded by law or available to Cumberland County and its officers, employees or agents.

(f) If any owner of an animal transported under this section to a veterinarian participating in the Injured Animal Stabilization Fund shall subsequently be identified by the Animal Control Department, he or she shall make restitution to the Fund of the amount disbursed by it to the participating veterinarian.

Sec. 3-61 through Sec. 3-69. Reserved.

ARTICLE VII. MISCELLANEOUS.

Sec. 3-70. Keeping chickens or rabbits - Sanitation requirements.

It shall be unlawful to keep, house or pen chickens or rabbits on premises which fail to meet sanitary standards established by the Cumberland County Board of Health.

Sec. 3-71. Stables to be kept clean.

Every stable or other place where cattle, horses or animals are kept shall be maintained at all times in a clean and healthful condition.

Sec. 3-72. Grazing animals.

It shall be unlawful for any owner or keeper to stake or graze any cow, horse or other animal in any park, cemetery or other public place or near any public sidewalk. This section shall not apply to horses used by any law enforcement agency for mounted patrol.

Sec. 3-73. Disposition of dead animals.

The owner of any animal dying from any cause within the jurisdiction of the county shall cause the same to promptly be buried in a sanitary manner within 24 hours after such owner has knowledge of such death.

Sec. 3-74. Selling live animals in public rights of way and other public property prohibited.

It is unlawful to sell, auction, trade, barter, and display for commercial purposes or give away any live animal within the right of way of any public highway, public vehicular area, public sidewalk, public property or street within Cumberland County. The Animal Control Department may immediately take custody of and impound any live animals found being sold in violation of this section. This section shall not apply to any animal welfare organization or humane society qualified under Section 501(c)(3) of the Internal Revenue Code acting pursuant to a permit issued by the Animal Control Director, which permit may be conditioned on reasonable conditions to assure the health, welfare and safety of the animals being sold, auctioned, traded, bartered, displayed or given away.

Sec. 3-75 Provisions only applicable within the corporate limits of any municipality in which this ordinance is applied.

(a) No hogs, pigs, swine, or animals of the porcine family shall be kept within the corporate limits of any municipality in which this ordinance is applied.

(b) No horse, mule, pony, cow, or goat shall be stabled or housed within one hundred (100) feet of any dwelling house, school, church, or eating establishment within the corporate limits of any municipality in which this ordinance is applied.

(c) No more than ten (10) chickens or rabbits shall be kept, housed, or penned at a dwelling or on the lot on which such dwelling is located within the corporate limits of any municipality in which this ordinance is applied.

(e) No cow, horse, or other animal shall be tethered or permitted to graze or stand within thirty (30) feet of any wall, or within fifty (50) feet of the front door, of any residence within the corporate limits of any municipality in which this ordinance is applied. This subsection shall not apply to

horses used by any law enforcement agency for mounted patrol.

(f) For the purpose of Sec. 3-15 of this ordinance, "nuisance" also includes the habitual accumulation of animal feces on the owner's property in locations or amounts that produce odors that can be perceived from adjoining properties, within the corporate limits of any municipality in which this ordinance is applied.

(g) For the purpose of Sec. 3-36(5) of this ordinance, the owner of a dangerous dog shall erect a sign with the dimensions provided in that section, unless municipal sign regulations provide more stringent requirements for such warning signs in terms of size, height, and placement, within the corporate limits of any municipality in which this ordinance is applied.

(h) For the purpose of Sec. 3-70 of this ordinance, it shall be unlawful to keep, house, or pen chickens or rabbits on premises which fail to meet sanitary standards established by the Cumberland County Board of Health or the code enforcement department of any municipality within the corporate limits in which this ordinance is applied.

Sec. 3-76 through Sec. 3-79. Reserved.

ARTICLE VIII. ENFORCEMENT.

Sec. 3-80. Enforcement, generally.

(a) The primary responsibility for the enforcement of this Chapter shall be vested in the Animal Control Department.

(b) Any person authorized to enforce this Chapter may do so by issuing a notice of violation or civil penalty citation, or by applying to the General Court of Justice for a temporary restraining order, a preliminary injunction, a permanent injunction or an order to abate a nuisance, as may be appropriate in the circumstances.

(c) Upon information made known to or complaint lodged with the Animal Control Department that any owner, possessor, or custodian of any dog or animal is in violation of this Chapter, an Animal Control Officer may investigate the complaint to determine whether to issue a notice of violation (civil citation) requiring the owner, possessor or custodian of the dog or animal to pay the stated civil penalty and abate the nuisance specified or whether to take such other enforcement action as may be authorized under this Chapter.

(d) If the owner, possessor or custodian of any dog or animal is not known and the dog or animal is upon the public streets, alleys, sidewalks, school grounds or other public places or premises, or another's property without that property owner's permission, in violation of this Chapter, the dog or animal shall be impounded in the animal shelter.

(e) Any decision of the Animal Control Director or his designee to seize or impound any animal, other than a decision made pursuant to the provisions of Article III, may be appealed to the Animal Control Board for review and final decision upon the owner or keeper of such seized or impounded animal giving written notice of appeal within three business days of receiving notice of the Director's decision. The Animal Control Board shall afford the opportunity for a hearing to any person giving notice of appeal and shall conduct the hearing for the purpose of either affirming, reversing, or modifying the decision of the Director.

Sec. 3-81. Penalties for violations.

(a) Any violation of this Chapter shall subject the offender to a civil penalty to be recovered by the Animal Control Department in a civil action in the nature of a debt, to include the cost of abating a public nuisance. Any costs of abatement and civil penalties shall be paid within seven days of issuance of a notice of violation. Each day's continuing violation shall be a separate and distinct offense.

(b) A notice of violation shall specify the nature of the violation and the sections of this Chapter violated, and further notify the offender that the civil penalty specified therein shall be paid to the Animal Control Director at the animal shelter within seven days.

(c) Unless otherwise provided in this Chapter, the civil penalty for a violation of this Chapter, shall be \$100 for a first violation or for a violation more than 12 months after a previous violation. For subsequent violations within twelve (12) months of a previous violation, the penalty shall be \$200 for a second violation and \$300 for a third or subsequent violation within a twelve-month period of the first violation.

(d) In addition to the civil penalties prescribed in this section, any violation of this Chapter, also designated as Chapter 3 of the Cumberland County Code, shall also constitute a Class 3 misdemeanor punishable by a fine of not more than \$100 and imprisonment of not more than 20 days.

Sec. 3-82. Severability.

(a) If any section, sentence, clause or phrase of this Chapter is, for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

(b) The Board of Commissioners intends, and it hereby ordains, that the provisions of this ordinance shall become and be made part of the Code of Ordinances of Cumberland County, North Carolina, and the sections may be renumbered to accomplish such intention.

(c) This ordinance shall become effective upon final adoption as by law provided.

Ordinance adopted at the regular meeting of the Board of Commissioners held
_____, 2012.

Sec. 3-75 Provisions only applicable within the corporate limits of any municipality in which this ordinance is applied.

(a) No hogs, pigs, swine, or animals of the porcine family shall be kept within the corporate limits of any municipality in which this ordinance is applied.

(b) No horse, mule, pony, cow, or goat shall be stabled or housed within one hundred (100) feet of any dwelling house, school, church, or eating establishment within the corporate limits of any municipality in which this ordinance is applied.

(c) No more than ten (10) chickens or rabbits shall be kept, housed, or penned at a dwelling or on the lot on which such dwelling is located within the corporate limits of any municipality in which this ordinance is applied.

(e) No cow, horse, or other animal shall be tethered or permitted to graze or stand within thirty (30) feet of any wall, or within fifty (50) feet of the front door, of any residence within the corporate limits of any municipality in which this ordinance is applied. This subsection shall not apply to horses used by any law enforcement agency for mounted patrol.

(f) For the purpose of Sec. 3-15 of this ordinance, “nuisance” also includes the habitual accumulation of animal feces on the owner’s property in locations or amounts that produce odors that can be perceived from adjoining properties, within the corporate limits of any municipality in which this ordinance is applied.

(g) For the purpose of Sec. 3-36(5) of this ordinance, the owner of a dangerous dog shall erect a sign with the dimensions provided in that section, unless municipal sign regulations provide more stringent requirements for such warning signs in terms of size, height, and placement, within the corporate limits of any municipality in which this ordinance is applied.

(h) For the purpose of Sec. 3-70 of this ordinance, it shall be unlawful to keep, house, or pen chickens or rabbits on premises which fail to meet sanitary standards established by the Cumberland County Board of Health or the code enforcement department of any municipality within the corporate limits in which this ordinance is applied.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rebecca Rogers-Carter, Management Services Manager
DATE: May 14, 2012
RE: **FY 2012-13 Strategic Plan Adoption**

THE QUESTION:

Does the attached document accurately reflect the City Council's interests related to the FY 2012-13 Strategic Plan?

RELATIONSHIP TO STRATEGIC PLAN:

The attached document represents the foundation for the City's FY 2012-13 strategic plan as developed by the City Council during their retreat in February and the follow up session in April. The Council has developed an aggressive strategic plan that articulates the vision for our community.

BACKGROUND:

FY 2013 policy and management agendas contain 23 top and high priority Targets For Action. Moving forward into next year, our organization is committed to a path of innovation, responsibility and efficiency. The City will look for ways to strengthen the local economy through engaging in economic development activities with our partners. We are also taking significant steps to ensure that the services we provide are efficient and will consider options for consolidation of services with PWC. As we increase trust and confidence in our City government, during the next fiscal year we will look for more ways of engaging with our citizens and strengthening efforts to develop collaborative relationships. We will manage our City's future growth, provide for public safety and work to develop elements of a potential bond referendum that will sustain previous park investments, fund tomorrow's park facilities and ensure enhanced quality of life for current citizens and future generations. If approved by the City Council, this strategy will govern policy and management direction of the City from July 1, 2012 through June 30, 2013.

The City's Strategic Plan has five main areas:

- > A vision statement that describes the type of community the Council would like to facilitate through policy direction and staff's work efforts
- > A mission statement that describes our organizational role in making Fayetteville a better place for all
- > A list of core values that describes our standards of performance, which is expressed with the acronym statement to "Serve with RESPECT"
- > Multi-year goals that provide an intermediate focus for the work of City Council and staff, and further outlines the activities Council believes are necessary to realize the vision
- > A one-year action plan that identifies issues that Council wishes to address by providing policy direction and the necessary actions that the City management should complete during the upcoming fiscal year

ISSUES:

None

BUDGET IMPACT:

OPTIONS:

1. Adopt the FY 2012-13 Strategic Plan
2. Clarify Council's interests and provide guidance to the City Manager.

RECOMMENDED ACTION:

Adopt the FY 2012-13 Strategic Plan

ATTACHMENTS:

Strategic Plan

STRATEGIC PLAN

2013→2018→2027



Fayetteville, North Carolina
April 2012

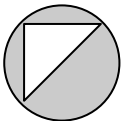


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STRATEGIC PLANNING FOR THE CITY OF FAYETTEVILLE

Strategic Planning Model for the City of Fayetteville

Value-based principles that describe the preferred future in 15 years

VISION

Destination
“You Have Arrived”

Strategic goals that focus outcome-base objectives and potential actions for 5 years

PLAN

Map
“The Right Route”

Focus for one year – a work program: policy agenda for Mayor and City Council, management agenda for staff; major projects

EXECUTION

Itinerary
“The Right Direction”

Principles that define the responsibility of city government and frame the primary services – core service businesses

MISSION

Vehicle
“The Right Bus”

Personal values that define performance standards and expectations for employees

CORE BELIEFS

Fuel
“The Right People”

FAYETTEVILLE VISION 2027

City of Fayetteville Vision 2027

**The City of Fayetteville
is a *GREAT PLACE TO LIVE* ^(A) with
a choice of *DESIRABLE NEIGHBORHOODS*,^(B)
LEISURE OPPORTUNITIES FOR ALL,^(C)
and *BEAUTY BY DESIGN*.^(D)**

**Our City has a *VIBRANT DOWNTOWN*,^(E)
and *VIBRANT MAJOR CORRIDORS*,^(F)
the *CAPE FEAR RIVER TO ENJOY*,^(G) and
a *STRONG LOCAL ECONOMY*.^(H)**

**Our City is a *PARTNERSHIP OF
CITIZENS* ^(I) with a *DIVERSE CULTURE
AND RICH HERITAGE*.^(J)**

This creates a Sustainable Community.

Fayetteville Vision 2027

PRINCIPLE A

GREAT PLACE TO LIVE

► Means

1. A clean and safe community
2. A location of choice for businesses and people
3. Quality affordable housing
4. Community of neighborhoods that are livable and connected by sidewalks and trails
5. Growing population with young professionals and families moving here
6. Accessible and efficient transit throughout the City
7. High paying skill opportunities available
8. Quality public schools with educational programs and opportunities

PRINCIPLE B

DESIRABLE NEIGHBORHOODS

► Means

1. Well-planned and designed neighborhoods
2. Quality neighborhood infrastructure: paved streets, sidewalks and trails, underground utilities, lighting, well-maintained private roads
3. Walkable neighborhoods connected by sidewalks and trails throughout the community
4. Attractive urban forest
5. Well-organized functional community watch groups
6. Neighborhoods where people are safe and secure
7. Preservation of historic neighborhoods and architecture
8. Community gathering places for residents to meet
9. Easy access to/from the neighborhood

PRINCIPLE C

LEISURE OPPORTUNITIES FOR ALL

► Means

1. Affordable public and private leisure activities
2. Leisure facilities, programs and services for all family generations
3. Convenient access to neighborhood parks, community parks and recreational/community centers
4. Aquatic facilities designed for recreation and competition
5. Choice of entertainment: nightlife, theaters, professional sports
6. Cultural venues and activities that reflect our diverse community
7. Bike trail and lanes connecting our community
8. Parks with restrooms and amenities

PRINCIPLE D

BEAUTY BY DESIGN

► Means

1. Well planned community with predictable land use and development
2. Balanced and compatible urban development with greater density in specific areas
3. Clean community with visual appeal
4. Preservation of trees and natural resources
5. Well landscaped and well designed parking lots, streetscapes, buildings
6. Buffers separating commercial – residential, single family – and multifamily
7. Signage reflecting that surrounding community character
8. Attractive commercial buildings meeting defined standards
9. Beautiful water: river, creeks, lakes and ponds
10. Green buildings – LEED certified or equivalency

PRINCIPLE E

VIBRANT DOWNTOWN

► Means

1. People living in downtown area
2. High quality hotels with space for conferences and community events
3. Easy access and convenient parking
4. Festival Park and green spaces throughout downtown
5. Downtown linked to river and Fayetteville State University
6. Connected downtown assets
7. Well-planned residential and commercial mixed-use developments
8. A variety of quality restaurants
9. Attractive buildings occupied by successful businesses

PRINCIPLE F

VIBRANT MAJOR CORRIDORS

► Means

1. High quality hotels
2. Attractive buildings occupied by successful businesses
3. Variety of retail businesses
4. Public transit along the corridor
5. Attractive, clean
6. Controlled access, efficient traffic flow
7. Buffering residential and commercial areas
8. Walkable and pedestrian safe
 - Murchison
 - Ramey
 - Bragg Blvd
 - All American
 - MLK
 - Raeford

PRINCIPLE G
CAPE FEAR RIVER TO ENJOY

► **Means**

1. Clean and attractive river corridor and waterways
2. Regional river park and trail system
3. Mixed use residential and commercial development near and along river
4. Preservation of our history and heritage
5. Redeveloped corridors connecting river to downtown
6. Public access and recreational use of the river and waterways
7. Residential opportunities for all incomes

PRINCIPLE H
STRONG LOCAL ECONOMY

► **Means**

1. Home of military-related businesses: manufacturing, hi-tech and support services
2. Diverse growing city tax base
3. Strong military presence: Fort Bragg
4. Available, competent local workforce for 21st Century jobs
5. Strong education system that prepares people for the future: employment and life
6. Growing technology-related businesses
7. Industries located in City

PRINCIPLE I
PARTNERSHIP OF CITIZENS

► **Means**

1. City and citizens working together to solve problems
2. Citizens involved and engaged in City governance
3. City organization working as a team
4. Citizens taking responsibility and sharing ownership for the community
5. Transparent governments with civic awareness and informed citizenry
6. City working with community organizations
7. Citizens volunteering to help the City
8. Citizens having a high level of trust and confidence in City government and elected officials, in Cumberland County and other governments
9. City working with Cumberland County, School, and other governments
10. Alignment of city services and service level and financial resources

**PRINCIPLE J
INCLUSIVE COMMUNITY
WITH DIVERSE
CULTURES AND RICH
HERITAGE**

► **Means**

1. Diversity recognized as a strength in our community
2. Respecting and celebrating cultural differences
3. Diversity of thoughts, ideas and expression reflected in our community values
4. Diverse people working together with a single vision and common goals
5. Learning from past barriers that divided our community
6. Heritage as military community
7. Strong community festivals and events with high level of participation
8. Fayetteville community having a hometown feeling

CITY OF FAYETTEVILLE OUR MISSION

City of Fayetteville

Our Mission

**THE CITY GOVERNMENT PROVIDES
SERVICE THAT MAKES FAYETTEVILLE A
BETTER PLACE FOR ALL.**

**The City Government
is *FINANCIALLY SOUND* and provides *FULL
RANGE OF QUALITY MUNICIPAL SERVICES*
that are *VALUED BY OUR CUSTOMERS*
and delivered by a *DEDICATED WORKFORCE*
in a *COST EFFECTIVE MANNER.***

**The City has
*WELL DESIGNED AND WELL MAINTAINED
INFRASTRUCTURE AND FACILITIES.***

**The City
ENGAGES ITS CITIZENS and is recognized as
a *STATE AND REGIONAL LEADER.***

City of Fayetteville

Our Mission

PRINCIPLE 1

FINANCIALLY SOUND

► Means

1. Adequate resources to support defined services and service levels
2. Investing in future and in infrastructure preventive maintenance
3. Strong financial reserves for emergencies, investments and opportunities
4. Maintaining or enhancing the City's bond ratings: City (Aa3/AA-) and utility system (A1/A+)
5. Managers acting in a financially responsible manner with prudent use of available resources
6. Expanding and growing tax base and revenues

PRINCIPLE 2

FULL RANGE OF QUALITY MUNICIPAL SERVICES

► Means

1. Safe community
2. Mobility for citizens
3. Economic development
4. Environmental stewardship
5. Quality of life
6. Healthy population
7. Attractive community

PRINCIPLE 3

VALUED BY OUR CUSTOMERS

► Means

1. Services meeting needs of citizens
2. Responsive to citizen concerns and problems
3. Dependable, consistent and equitable services on a daily basis throughout the City
4. Timely responses to an emergency situation
5. High level of customer and citizen satisfaction
6. Citizens understanding City services
7. Services meeting needs of citizens

PRINCIPLE 4

DEDICATED WORKFORCE

► Means

1. Committed to the job, the City and serving the community
2. Customer-focused – caring and respectful for our customers
3. Professional behavior and ethics
4. Well-trained and technically competent
5. Well-compensated

PRINCIPLE 5

COST-EFFECTIVE MANNER

► Means

1. Operating like a “service business”
2. Optimizing the City’s resources
3. Knowing the best practices
4. Improving the process to produce
5. Evaluating performance and outcomes

PRINCIPLE 6

WELL DESIGNED AND WELL MAINTAINED INFRASTRUCTURE AND FACILITIES

► Means

1. Reliable services
2. Facilities designed with the community in mind
3. Designed for future growth
4. Infrastructure that supports efficient service delivery
5. Customer-friendly designs

PRINCIPLE 7

ENGAGES ITS CITIZENS

► Means

1. Timely information to citizens
2. Listening to and addressing community's need
3. Seeking input prior to decisions and plans
4. Focusing on what is "best" for the entire community
5. Using citizen volunteers
6. Partnering with community organizations to provide services

PRINCIPLE 8

STATE AND REGIONAL LEADER

► Means

1. Building regional relationship
2. Receiving national and state recognition
3. Active lobbying for the interests of our City and community in Raleigh and Washington, D.C.
4. Providing regional response: emergency services, public works
5. Being the 1st – taking innovative action

CITY OF FAYETTEVILLE CORE BELIEFS

City of Fayetteville

Core Values

**We, the Mayor, City Council, Managers,
Supervisors and Employees
Serve with**

R esponsibility
E thics
S tewardship
P rofessionalism
E ntrepreneurial Spirit
C ommitment
T eamwork

**to safeguard and enhance the public trust
in City Government**

Core Beliefs – Definition

BELIEF 1

SERVE

► Means

1. Treating our customer in a courteous and respectful manner
2. Taking timely action and time to explain your decision or actions to our customer
3. Listening to and knowing the needs of your customer
4. Working with compassion and empathy for our customers
5. Giving more than what our customer expects – our customer is delighted and pleased
6. Looking for ways to say “YES” in a consistent and equitable manner
7. Evaluating the outcome for our customers and our customer’s satisfaction
8. Delivering service in a positive, enthusiastic manner

BELIEF 2

RESPONSIBILITY

► Means

1. Taking personal responsibility for the final product, the process and the outcome
2. Taking personal responsibility for your behavior, actions and decisions
3. Defining clear performance expectations and standards for the project, job or services
4. Taking the initiative and anticipating potential problems and taking appropriate actions
5. Making timely decisions
6. Holding self and others accountable
7. As a supervisor or leader, taking responsibility for your team’s performance, actions and outcomes

BELIEF 3

ETHICS

► Means

1. Behaving consistently in an honest and fair manner
2. Keeping your word and delivering on your commitments
3. Communicating in an honest, truthful manner with direct responses to questions
4. Acting in an ethical and equitable manner and avoiding any perception of impropriety
5. Having a sincere, positive and can-do attitude
6. Always giving 100% effort
7. Using the public trust to guide your actions

BELIEF 4

STEWARDSHIP

► Means

1. Managing and developing resources
2. Placing the public interest above personal interest
3. Planning work activities and daily schedules to maximize use of resources
4. Completing projects on time and within budgets
5. Taking care of and using preventative maintenance on City equipment, vehicles, technology and infrastructure
6. Looking for ways to leverage City resources and to expand revenues
7. Taking actions and providing services that add value to the quality of lives of our citizens

BELIEF 5

PROFESSIONALISM

► Means

1. Developing and maintaining professional and technical competence
2. Actively pursuing opportunities that enhance our ability to serve
3. Helping to develop the knowledge and skills of others through coaching, mentoring or being a role model
4. Continuously learning by evaluating performance and identifying opportunities for improvement
5. Learning about trends and “best practices” and applying them to Fayetteville
6. Presenting a positive image for the City in your appearance, workspace, and vehicles
7. Participating in professional or trade associations

BELIEF 6

ENTREPRENEURIAL SPIRIT

► Means

1. Thinking creatively
2. Being willing to try a new idea or approach
3. Challenging the status quo and questioning the value of the process and work activity
4. Using technology to enhance productivity or improve management and service delivery
5. Seeking innovative ways to resolve problems
6. Evaluating outcomes and being willing to change plans, process or the way of doing business
7. Willing to take a reasonable risk which may have positive return to the City

BELIEF 7

COMMITMENT

► Means

1. A personal commitment to the City's mission and values
2. Being loyal and supportive to the City Mayor, City Council and City management
3. Willing to adapt to our changing community and operating environment
4. Working with the community by listening to their needs and involving them appropriately
5. Timely implementation of the Council decisions and direction
6. Promoting understanding among citizens and employees of what is important to us
7. Doing the job right the first time

BELIEF 8

TEAMWORK

► Means

1. Working together to accomplish the City's mission
2. Knowing and fulfilling your role and responsibilities to help your team achieve its goals
3. Cooperating and collaborating to define goals, to complete tasks, to communicate and to resolve conflicts
4. Being an active member of the team
5. Willing to pitch in and go beyond your defined role
6. Willingness to ask for help and to help others
7. Building a sense of City unity

CITY OF FAYETTEVILLE PLAN 2013 – 2018

City of Fayetteville

Goals 2018

Greater Tax Base Diversity – Strong Local Economy

**More Efficient City Government –
Cost-Effective Service Delivery**

Greater Community Unity – Pride in Fayetteville

**Growing City, Livable Neighborhoods –
A Great Place to Live**

More Attractive City – Clean and Beautiful

Revitalized Downtown – A Community Focal Point

Goal 1

Greater Tax Base Diversity – Strong Local Economy

OBJECTIVES

1. Retain and grow current businesses and jobs
2. Increase industrial and commercial tax base within the City
3. More jobs with higher wages and increase per capita income
4. Attract more military-based industries
5. Increase occupancy of vacant retail spaces and office spaces

MEANS TO CITIZENS

1. Job opportunities for citizens and our children
2. Higher-paying job opportunities
3. More diverse tax base and less reliance on property tax for homeowners
4. Opportunities to develop and grow your own business
5. Convenient air travel at a reasonable cost
6. Educational opportunities for a lifetime

SHORT TERM CHALLENGES AND OPPORTUNITIES

1. Attracting developers and investors to major corridors and specific locations
2. Uncertain future of military spending
3. City's role in economic development: contact, work activities, "closing the deal", targeted businesses
4. Working with Chamber of Commerce: economic development performance goals and accountability
5. Increasing the number of "Value added" jobs – higher paying job opportunities

LONG TERM CHALLENGES AND OPPORTUNITIES

1. Support for local businesses
2. Existing businesses vs. Attracting businesses – potential competition
3. Skilled workforce retiring or leaving the military
4. Resident resistance: NIMBY attitudes
5. Unprepared workforce for 21st century jobs

POLICY ACTIONS FY 2013

- | | PRIORITY | |
|--|--|----------|
| 1. Bragg Boulevard Corridor Development Plan | <table border="1"><tr><td style="text-align: center;">Top</td></tr></table> | Top |
| Top | | |
| 2. Economic Development Contract with Chamber of Commerce | <table border="1"><tr><td style="text-align: center;">Moderate</td></tr></table> | Moderate |
| Moderate | | |
| 3. Hope VI Business Park Development | | |
| 4. Ramsey Street Corridor Development | | |
| 5. Airport South General Aviation on Doc Bennett Road: Sewer Service | | |

MANAGEMENT ACTIONS FY 2013

- | | PRIORITY | |
|--|---|-----|
| 1. Murchison Road Corridor Development | <table border="1"><tr><td style="text-align: center;">Top</td></tr></table> | Top |
| Top | | |

MAJOR PROJECTS FY 2013

1. Hotel and Conference Center: Completion

ON THE HORIZON FY 2014 – 2018

1. Airport Terminal Master Plan and Capital Projects
2. Cape Fear River Land Use
3. Cedar Creek Road Corridor Development
4. Raeford Road Corridor Development (NCDOT Funding)
5. Economic Development Study: Targeted Businesses
6. Sustainable Communities Foundation Development
7. Public – Private Partnerships: Review

Goal 2

More Efficient City Government – Cost-Effective Service Delivery

OBJECTIVES

1. Greater accountability for performance, results and transparency
2. Services delivered in a cost-effective manner
3. Investing in City's future infrastructure, facilities and equipment
4. Producing results following the strategic plan and budget
5. High level of customer satisfaction with city services
6. Elimination or merging of service duplication of local and state government

MEANS TO CITIZENS

1. City stewardship of tax dollars
2. Valued services and products for your tax dollars and fees
3. Responsive City services provided in a customer-friendly manner
4. Services delivered in the best, most cost-effective manner
5. City-Public Works Commission working together for your benefit
6. Reasonable tax rate and fees

SHORT TERM CHALLENGES AND OPPORTUNITIES

1. State of North Carolina: actions affecting city revenues and services
2. Technology infrastructure and facilities – lack of investment and needing upgrade/replacement
3. Service definition and priority: core responsibilities of city government
4. Recruiting and retaining a qualified quality city workforce
5. Customer expectations and methods: how to operate in a high speed information and service age

LONG TERM CHALLENGES AND OPPORTUNITIES

1. Workload vs. organization capacity
2. Customer expectations and city employees desires to serve the community
3. Training for city employees
4. Anti government and anti tax attitude – looking for negative experiences and failures
5. Limited analytical capacity of the city organization: managers and workers
6. Flat organization with few middle managers focus on service delivery

POLICY ACTIONS FY 2013

	PRIORITY
1. City Manager Selection	Top
2. Comprehensive Classification and Compensation Plan: Short-term Direction, Long-term Funding Strategy	Top
3. FAST Improvements	Top
a. Transportation Development Plan	
b. Paratransit	
c. Fares	
4. City PWC Service Consolidation	High
5. City-owned Buildings and Facilities: Potential Disposal	High
6. Sales Tax Distribution: Interlocal Agreement	High
7. Alternative Revenue Sources Report	High
8. Contracting for Services: Parks and ROW Maintenance	Moderate

MANAGEMENT ACTIONS FY 2013

	PRIORITY
1. Police Staffing (PERF Recommendations)	Top
2. City Buildings and Facilities Maintenance Plan	High
3. City Customer Service Feedback Mechanism	High

**MANAGEMENT IN PROGRESS
FY 2013**

1. Police Chief Selection

ON THE HORIZON FY 2014 – 2018

1. Impact Fees: Advocacy
2. FAST: Countywide Service
3. City Services and Service Levels
4. City Funding for Contract Services
5. Goals and Performance Benchmark Matrix
6. Consolidated 9-1-1 Communications Center Study
7. Police/Fire Employees (Grant): Funding
8. Dedicated New Funding Source for Police and Fire

ON THE HORIZON FY 2014 – 2018 (Cont.)

9. State Lobbyist
10. Human and Social Services
11. Financial Policies: Revenues, Building Facilities
12. Organizational Climate and Employee Survey
13. Leaf Pick Up
14. Bulky Item Pick Up Policy
15. City – County Service Consolidation
16. Contracting for Service Delivery: Other Services

Goal 3

Greater Community Unity – Pride in Fayetteville

OBJECTIVES

1. Better informed citizenry about City and City government
2. Increase community dialog on major issues
3. Develop and maintain collaborative working relations among various governmental units
4. Increase trust and confidence in City government
5. Marketing the City

MEANS TO CITIZENS

1. Feeling like part of the community
2. Greater awareness of the City
3. Volunteering and contributing to the City and the community
4. Opportunities to participate in City government to make decisions and to shape plans
5. City leaders working for the betterment of the City
6. Protection of yours and the City's interests

SHORT TERM CHALLENGES AND OPPORTUNITIES

1. Residents expectations: government is the solution
2. Limited positive advocacy for the community
3. Uninformed citizenry acting on personal bias and incomplete information/misinformation
4. Vocal minority and lack of engagement of the majority
5. Racial divide in community

LONG TERM CHALLENGES AND OPPORTUNITIES

1. Forced annexation and anti city attitude
2. Residents passing through Fayetteville with a short timer perspective
3. Everything has become personal – attack attitude
4. Fairness and distribution of equity – perception that rich get the benefits
5. Personal stereotyping and bias

POLICY ACTIONS FY 2013

1. Homeless: City Policy and Actions on Emergency Shelter
2. Citizen Engagement Strategy

PRIORITY

Moderate

MANAGEMENT IN PROGRESS FY 2013

1. 250th Celebration Event

MANAGEMENT ACTIONS FY 2013

1. City Communications Plan

PRIORITY

High

ON THE HORIZON FY 2014 – 2018

1. Racial Divide/Healing
2. Citizen Survey
3. Youth Council

Goal 4

Growing City, Livable Neighborhoods – A Great Place to Live

OBJECTIVES

1. Consistent improvement in reducing crime rates
2. Well-organized neighborhoods with residents taking pride and responsibility for the neighborhood
3. Safe streets with vehicles traveling at the posted limits
4. Manage the City’s future growth and development with quality development and redevelopment reflecting plans, policies, and standards
5. Improve mobility within the City: road capacity, traffic flow, public transportation
6. Increase recreation and leisure for all

MEANS TO CITIZENS

1. A safe, secure feeling throughout the City
2. Residents want to live within the City
3. Convenience – shopping, recreation, education, entertainment
4. Positive choices of activities in your leisure time
5. Support for families, seniors and youth

SHORT TERM CHALLENGES AND OPPORTUNITIES

1. Perception of community and personal safety
2. Traffic congestion and flow
3. Police working with residents
4. Lack of recreational and leisure opportunities within city
5. Long range planning for community growth – city and PWC
6. Providing services to annexed areas

LONG TERM CHALLENGES AND OPPORTUNITIES

1. Aging neighborhoods needing revitalization
2. Increasing foreclosures and vacant buildings
3. Degree of development regulation
4. Attitude toward “Annexation”
5. NCO housing on Fort Bragg

POLICY ACTIONS FY 2013

1. Park Bond Referendum
2. Police Substation(s)
3. PWC Services to Non City Residents
4. Panhandling Ordinance: Citywide

PRIORITY

Top
Top
High

MAJOR PROJECTS FY 2013

1. Sidewalks in Developed Areas
 - Hoke Loop
 - Bragg Boulevard
2. Storm Water Projects
3. Cross Creek Linear Park Phase 3A
4. Grove Street Safety Project (NCDOT)

MANAGEMENT ACTIONS FY 2013

1. Growth Plan for Municipal Influence Area
2. Rental Action Management Plan: Implementation
3. Community Wellness Plan Crime Reductions
Strategy: Reclaiming Neighborhoods
4. Speed Limits: Review

PRIORITY

Top
Top
Top
High

ON THE HORIZON FY 2014 – 2018

1. Shaw Heights/Julie Heights Annexations
2. Gates IV Annexation
3. Street Lights: Compliance with City Standards
4. Development Impact Analysis on the Community
5. Returning Veterans
6. Youth/Pre Teen Programs
7. Private Roads Policy Framework: City Role
8. Comprehensive Land Use Plan
9. Civilian Police Review Panel
10. Annexation Strategy
11. Cross Creek Linear Park 3A

Goal 5

More Attractive City – Clean and Beautiful

OBJECTIVES

1. Clean and beautiful community with less trash and less visual blight
2. Develop, adopt and support standards that buffer differing land uses and assure attractive commercial buildings
3. Increase green spaces throughout the city
4. Have signage reflecting the surrounding community character
5. Incorporate “green buildings” concepts and LEED equivalency

MEANS TO CITIZENS

1. Taking responsibility for your property and cleaner community
2. Protection of your property values
3. Pride in the City and in your neighborhood
4. Fayetteville becoming a showcase for guests/visitors
5. Less trash and junk

SHORT TERM CHALLENGES AND OPPORTUNITIES

1. Blighted areas needing city actions
2. Differing values: attractiveness and city government’s role
3. “Ugly” impact on economic development and business attraction
4. Creating a “Positive First Impression” for City of Fayetteville
5. Property owners, residents, individuals and businesses not taking responsibility for property and building appearance
6. Continuing momentum of beautification programs and activities

LONG TERM CHALLENGES AND OPPORTUNITIES

1. Degree of city actions and regulations
2. Fayetteville’s acceptance of lower quality and standards

POLICY ACTIONS FY 2013

1. Commercial Recycling
2. Textfi Clean Up (with PWC)
3. Sign Ordinance: Revision
4. Graffiti Removal Policy/Plan
5. Undergrounding Utilities

PRIORITY

High

MAJOR PROJECTS FY 2013

1. Cape Fear River Trail Development: Phase 2

ON THE HORIZON FY 2014 – 2018

1. North Carolina Veterans Park: Phase 2
2. Cape Fear River Trail Development: Phase 3
3. Gateway Beautification
4. Illegal Dumping

Goal 6

Revitalized Downtown – A Community Focal Point

OBJECTIVES

1. Convenient access to Downtown
2. Financially self-sustaining Museum of Art
3. Expand World Class North Carolina Veterans' Park
4. Make Downtown a viable neighborhood with services available
5. Increase building occupancy with successful businesses
6. Increase residents living in Downtown

MEANS TO CITIZENS

1. Places to live Downtown
2. Going Downtown for entertainment and culture
3. A place that you want to go
4. Easy access
5. Downtown known as the place for community events and festivals
6. Greater use of Cape Fear River

SHORT TERM CHALLENGES AND OPPORTUNITIES

1. Prince Charles visual blight
2. Attracting residents to Downtown
3. Coordination of special events and Downtown
4. Vital Downtown as the “heart of the Fayetteville community”
5. Helping residents to discover a revitalized Downtown
6. Impact of parking deck and need for enforcement

LONG TERM CHALLENGES AND OPPORTUNITIES

1. Mix of Downtown businesses
2. Maintaining momentum for the Downtown
3. Rail lines and traffic – lack of beautification

POLICY ACTIONS FY 2013

1. “Old Days Inn” Site Development
2. Downtown Master Plan: Update
3. Multi Modal Center

PRIORITY

High

Moderate

MANAGEMENT IN PROGRESS FY 2013

1. Municipal Service District

MAJOR PROJECTS FY 2013

1. Wayfinding Signs

MANAGEMENT ACTIONS FY 2013

1. Prince Charles Hotel

PRIORITY

Top

ON THE HORIZON FY 2014 – 2018

1. Vacant Buildings
2. Rowan Street Bridge/NW Gateway (NCDOT)
3. Residential Development Strategy

CITY OF FAYETTEVILLE ACTION AGENDA FOR FISCAL YEAR 2013

City of Fayetteville

Policy Agenda for Fiscal Year 2013

TOP PRIORITY

Bragg Boulevard Corridor Development Plan

City Manager Selection

**Comprehensive Classification and Compensation Plan:
Short-term Direction, Long-term Funding Strategy**

FAST Improvements

Park Bond Referendum

Police Substation(s)

HIGH PRIORITY

City PWC Service Consolidation

City-owned Buildings and Facilities: Potential Disposal

Sales Tax Distribution: Interlocal Agreement

PWC Services to Non City Residents

Alternative Revenue Sources

“Old Days Inn” Site Development

Commercial Recycling

MODERATE PRIORITY

Economic Development Contract with Chamber of Commerce

Contracting for Services: Parks and ROW Maintenance

Homeless: City Policy and Actions on Emergency Shelter

Downtown Master Plan: Update

City of Fayetteville

Management Agenda for Fiscal Year 2013

TOP PRIORITY

Murchison Road Corridor Development

Police Staffing (PERF Recommendations)

Growth Plan for Municipal Influence Area

Rental Action Management Plan: Implementation

Community Wellness Plan Crime Reductions Strategy: Reclaiming Neighborhoods

Prince Charles Hotel

HIGH PRIORITY

City Buildings and Facilities Maintenance Plan

City Customer Service Feedback Mechanism

City Communications Plan

Speed Limits: Review

City of Fayetteville

Management in Progress for Fiscal Year 2013

Police Chief Selection

250th Celebration Event

Municipal Service District

City of Fayetteville

Major Projects for Fiscal Year 2013

Hotel and Conference Center: Completion

Sidewalks in Developed Areas: Hoke Loop, Bragg Boulevard

Storm Water Projects

Cross Creek Linear Park Phase 3A

Grove Street Safety Project (NCDOT)

Cape Fear River Trail Development: Phase 2

Wayfinding Signs

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Kristoff T. Bauer, Interim City Manager
DATE: May 14, 2012
RE: **Presentation of Recommended City and PWC Fiscal Year 2013 Budgets and Setting of Public Hearing on the Budget**

THE QUESTION:

The Interim City Manager and PWC General Manager will present overviews of the fiscal year 2012-2013 recommended City and PWC budgets. Council is asked to set the required public hearing on the budget for May 29, 2012.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principles: Financially sound city government; Full range of quality municipal services; Services delivered in a cost effective manner.

BACKGROUND:

The recommended City and PWC budget documents for fiscal year 2012-2013 have been distributed to City Council and are available for the public inspection at the office of the City Clerk and on the city website.

The next steps already scheduled for the budget deliberation process include:

- Budget workshops on May 16, 23 and 30, 2012
- Adoption of the Fiscal Year 2012-2013 Budget on June 11, 2012

Council is asked to set the required public hearing on the budget on May 29, 2012.

ISSUES:

Issues to be discussed and deliberated during scheduled budget workshops.

BUDGET IMPACT:

Budget impact to be discussed and deliberated during scheduled workshops.

OPTIONS:

Schedule the date for the required public hearing on the budget.

RECOMMENDED ACTION:

Set the public hearing to receive comments on the proposed budget on May 29, 2012 .

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Pamela Megill, City Clerk
DATE: May 14, 2012
RE: **Monthly Statement of Taxes for April 2012**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS:

Tax Statement March 2012

Tax Statement - April 2012

FAYETTEVILLE MAACC LEDGER
2001-2011

DATE	REPORT #	REMITTED TO FINANCE	2011 CC	2011 VEHICLE	2011 CC REVIT	2011 VEHICLE REVIT	2011 FVT	2011 TRANSIT	2011 STORM WATER	2011 FAY STORM WATER
03/01/12	2011-175	75,729.01	38,144.59	17,818.60	34.99	0.00	2,180.24	2,180.25	1,275.82	2,551.64
03/02/12	2011-176	86,965.78	50,620.57	14,400.63	(216.63)	0.00	1,971.72	1,971.71	2,130.61	4,261.23
03/05/12	2011-177	97,540.08	48,132.11	26,202.45	9.96	7.28	3,079.56	3,079.59	1,994.81	3,989.67
03/06/12	2011-178	80,373.33	33,735.44	26,787.84	239.95	9.92	3,655.00	3,655.00	1,433.45	2,866.87
03/07/12	2011-179	66,878.42	25,409.12	25,132.45	0.00	0.00	3,203.14	3,203.12	908.70	1,817.39
03/08/12	2011-180	63,891.59	33,619.84	15,399.23	0.00	0.00	1,945.00	1,945.00	439.30	878.61
03/09/12	2011-181	56,436.51	19,766.30	22,329.25	0.00	0.60	2,625.20	2,625.20	935.26	1,870.54
03/12/12	2011-182	91,639.91	38,074.30	33,929.73	0.00	49.27	3,483.80	3,483.79	1,156.59	2,313.15
03/13/12	2011-183	42,266.37	26,993.49	6,395.19	0.00	19.31	892.84	892.84	799.21	1,598.44
03/14/12	2011-184	55,555.75	25,947.59	14,901.53	0.00	40.77	1,926.42	1,926.42	960.14	1,920.28
03/15/12	2011-185	56,589.39	23,708.47	17,124.50	0.00	31.78	1,880.00	1,880.00	1,026.98	2,053.95
03/16/12	2011-186	36,892.86	14,324.66	11,368.26	0.34	17.14	1,618.59	1,618.60	523.26	1,046.52
03/19/12	2011-187	70,221.79	29,727.88	24,890.17	0.98	31.62	2,908.55	2,908.51	1,084.36	2,168.73
03/20/12	2011-188	26,981.00	14,833.53	4,808.18	0.00	0.00	665.00	665.00	684.51	1,369.02
03/21/12	2011-189	35,624.80	16,692.69	12,357.80	41.94	0.00	1,235.00	1,235.00	662.74	1,325.48
03/22/12	2011-190	32,771.66	15,884.63	6,708.69	0.00	0.00	806.87	806.89	887.04	1,774.08
03/23/12	2011-191	43,281.75	21,757.41	12,226.40	0.00	57.46	1,403.50	1,403.48	480.41	960.82
03/26/12	2011-192	73,513.88	34,894.18	24,261.23	21.23	0.00	2,678.41	2,678.41	894.30	1,788.61
03/27/12	2011-193	31,738.69	16,975.36	6,574.40	15.22	5.15	750.15	750.15	944.86	1,889.72
03/28/12	2011-194	55,249.56	29,120.42	11,605.35	546.01	0.30	1,426.42	1,426.41	1,425.91	2,851.81
03/29/12	2011-195	42,032.39	18,795.19	14,133.95	0.00	17.74	1,671.66	1,671.66	697.82	1,395.65
03/30/12	2011-196	139,072.68	97,012.96	21,874.01	0.68	0.00	2,695.00	2,695.00	1,495.55	2,991.08
TOTALS		1,361,247.20	674,170.73	371,229.84	694.67	288.34	44,702.07	44,702.03	22,841.63	45,683.29

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)
CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

**FAYETTEVILLE MACC LEDGER
2001-2011**

MARCH 2012

2011 FAY RECYCLE FEE	2011 ANNEX	2010 CC	2010 VEHICLE	2010 CC REVIT	2010 VEH REVIT	2010 FVT	2010 TRANSIT	2010 STORM WATER	2010 FAY STORM WATER	2010 FAY RECYCLE FEE	2010 ANNEX
3,119.63	0.00	747.44	2,390.74	0.00	0.00	427.59	427.59	26.29	52.57	83.24	0.00
4,124.30	0.00	242.30	2,409.35	0.00	0.00	425.00	425.00	12.00	24.00	38.00	0.00
2,832.22	0.00	281.30	2,911.43	0.00	0.00	525.00	525.00	4.64	9.27	14.68	0.00
2,336.21	0.00	1,434.40	1,306.08	0.00	0.00	238.92	238.91	7.52	15.04	23.82	0.00
2,365.14	0.00	465.67	1,563.18	0.00	0.00	320.00	320.00	0.00	0.00	0.00	0.00
1,354.84	0.00	1,831.40	1,364.10	0.00	0.00	270.00	270.00	36.00	72.00	114.00	0.00
1,991.44	0.00	118.73	1,559.06	0.00	0.00	250.00	250.00	2.66	5.32	8.42	0.00
2,232.24	0.00	601.66	1,824.52	0.00	0.00	300.48	300.47	24.00	48.00	76.00	0.00
635.53	0.00	15.96	1,502.92	0.00	0.00	305.00	305.00	(12.00)	(24.00)	(38.00)	0.00
1,027.29	0.00	246.12	2,210.81	0.00	0.00	325.00	325.00	0.53	1.06	1.69	0.00
1,675.94	0.00	1,122.33	2,689.50	0.00	9.59	430.00	430.00	28.74	57.47	90.99	0.00
1,124.98	0.00	616.22	1,941.96	0.00	22.26	300.00	300.00	24.00	48.00	76.00	0.00
1,732.05	0.00	389.37	936.23	0.00	0.00	170.00	170.00	0.00	0.00	0.00	0.00
609.64	0.00	499.79	734.26	0.00	0.00	130.00	130.00	12.00	24.00	38.00	0.00
470.70	0.00	71.20	388.87	0.00	0.00	85.00	85.00	0.00	0.00	0.00	0.00
1,061.62	0.00	1,339.27	1,337.99	0.00	0.00	180.00	180.00	24.00	48.00	76.00	0.00
1,027.29	0.00	1,035.10	683.74	0.00	0.00	165.80	165.80	0.00	0.00	0.00	0.00
2,184.23	0.00	506.52	723.80	0.77	0.00	170.00	170.00	10.27	20.54	32.52	0.00
1,320.07	0.00	606.38	335.82	0.00	0.00	75.00	75.00	4.66	9.32	14.75	0.00
442.74	0.00	1,054.93	1,315.06	190.18	0.00	195.21	195.21	0.00	0.00	0.00	0.00
1,221.77	0.00	211.05	535.55	0.00	0.00	125.00	125.00	0.00	0.00	0.00	0.00
2,383.73	0.00	1,716.96	1,414.58	0.74	0.00	230.00	230.00	12.00	24.00	38.00	0.00
37,273.60	0.00	15,154.10	32,079.55	191.69	31.85	5,643.00	5,642.98	217.31	434.59	688.11	0.00

FAYETTEVILLE MACC LEDGER
2001-2011

MARCH 2012

2009 CC	2009 VEHICLE	2009 CC REVIT	2009 VEHICLE REVIT	2009 FVT	2009 TRANSIT	2009 STORM WATER	2009 FAY STORM WATER	2009 FAY RECYCLE FEE	2009 ANNEX	2008 CC	2008 VEHICLE	2008 CC REVIT
807.29	206.57	0.00	0.00	55.00	55.00	12.00	24.00	38.00	0.00	0.00	122.22	0.00
17.34	66.32	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	8.37	27.78	0.00
17.60	363.07	0.00	0.00	55.00	55.00	0.00	0.00	0.00	0.00	0.00	61.55	0.00
0.00	92.41	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	5.73	5.03	0.00
119.20	(60.24)	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	104.27	(26.63)	0.00
1,217.37	58.92	0.00	0.00	30.00	30.00	36.00	72.00	114.00	0.00	0.00	95.05	0.00
45.75	92.09	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	61.19	34.66	0.00
0.00	28.89	0.00	0.00	17.97	17.98	0.00	0.00	0.00	0.00	0.00	40.18	0.00
0.00	94.07	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	0.00	50.51	0.00
28.98	381.25	0.00	0.00	65.50	65.51	0.00	0.00	0.00	0.00	11.32	234.52	0.00
223.03	(48.25)	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	38.81	21.78	0.00
0.00	139.94	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	0.00	13.23	0.00
83.95	75.01	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	67.29	0.00
461.69	0.00	0.00	0.00	0.00	0.00	12.00	24.00	38.00	0.00	0.00	11.33	0.00
0.00	31.32	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	54.92	(45.26)	0.00
183.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13.93	5.72	0.00
205.37	75.10	0.00	0.00	20.00	20.00	2.27	4.53	7.18	0.00	0.00	93.90	0.00
126.30	53.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	63.79	64.59	0.00
0.00	68.90	0.00	0.00	20.00	20.00	0.00	0.00	0.00	0.00	0.00	9.28	0.00
58.25	247.18	0.00	0.00	34.40	34.40	0.00	0.00	0.00	0.00	61.21	167.01	0.00
44.73	90.65	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	7.62	0.00
25.92	100.63	0.00	0.00	43.07	43.07	0.00	0.00	0.00	0.00	0.00	65.61	0.00
3,665.82	2,157.37	0.00	0.00	535.94	535.96	62.27	124.53	197.18	0.00	423.54	1,126.97	0.00

FAYETTEVILLE MACC LEDGER
2001-2011

MARCH 2012

2008 VEH REVIT	2008 FVT	2008 TRANSIT	2008 STORM WATER	2008 FAY STORM WATER	2008 FAY RECYCLE	2008 ANNEX	2007 & PRIOR CC	2007 & PRIOR VEH	2007 & PRIOR CC REVIT	2007 & PRIOR VEH REVIT	2007 & PRIOR FVT	2007 & PRIOR STORM WATER
0.00	30.00	20.00	0.00	0.00	0.00	0.00	0.00	95.92	0.00	0.00	15.00	0.00
0.00	15.00	10.00	0.00	0.00	0.00	0.00	0.00	353.69	0.00	0.00	75.00	0.00
0.00	15.00	5.00	0.00	0.00	0.00	0.00	0.00	142.71	0.00	0.00	35.00	6.78
0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	15.87	0.00	0.00	15.00	0.00
0.00	(5.00)	0.00	0.00	0.00	0.00	0.00	0.00	86.20	0.00	0.00	14.57	0.00
0.00	20.00	5.00	0.00	0.00	0.00	0.00	2.34	65.08	0.00	0.00	25.00	0.00
0.00	10.00	5.00	0.00	0.00	0.00	0.00	0.00	39.74	0.00	0.00	10.00	0.00
0.00	10.00	5.00	0.00	0.00	0.00	0.00	0.00	45.49	0.00	0.00	60.00	0.00
0.00	10.00	10.00	12.00	0.00	0.00	0.00	0.00	153.22	0.00	0.00	25.00	0.00
0.00	40.00	25.00	0.00	0.00	0.00	0.00	90.75	287.21	0.00	0.00	58.55	0.00
0.00	10.00	5.00	0.00	0.00	0.00	0.00	0.00	88.38	0.00	0.00	30.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	177.96	0.00	0.00	20.00	0.00
0.00	15.00	10.00	0.00	0.00	0.00	0.00	21.47	393.15	0.00	0.00	72.98	0.00
0.00	10.00	5.00	0.00	0.00	0.00	0.00	0.00	9.24	0.00	0.00	5.00	0.00
0.00	5.00	10.00	0.00	0.00	0.00	0.00	0.00	9.13	0.00	0.00	5.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	0.00	9.46	120.88	0.00	0.00	20.00	0.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	11.48	9.28	0.00	0.00	5.00	0.00
0.00	20.00	15.00	0.00	0.00	0.00	0.00	22.11	35.01	0.00	0.00	5.00	0.00
0.00	10.00	5.00	0.00	0.00	0.00	0.00	0.00	66.52	0.00	0.00	25.00	0.00
0.00	45.00	30.00	0.00	0.00	0.00	0.00	28.52	393.77	0.00	0.00	57.23	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	70.24	0.00	0.00	15.00	0.00
0.00	21.71	21.70	0.00	0.00	0.00	0.00	0.00	71.30	0.00	0.00	15.00	0.00
0.00	316.71	216.70	12.00	0.00	0.00	0.00	231.62	3,126.19	0.00	0.00	608.33	6.78

FAYETTEVILLE MACC LEDGER
2001-2011

MARCH 2012

2007 & PRIOR FAY STORM WATER	2007 & PRIOR ANNEX	INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	FAY TRANSIT INTEREST	TOTAL TAX & INTEREST
0.00	0.00	2,420.72	1.22	45.05	90.08	0.00	123.65	106.07	75,729.01
0.00	0.00	3,026.00	(1.37)	74.07	148.13	0.00	141.61	94.05	86,965.78
0.00	0.00	2,782.82	0.46	66.10	122.45	0.00	96.71	115.86	97,540.08
0.00	0.00	1,867.92	8.40	49.62	99.22	0.00	85.35	64.41	80,373.33
0.00	0.00	1,667.76	0.00	31.32	62.64	0.00	79.71	86.71	66,878.42
0.00	0.00	2,338.61	0.00	28.49	57.02	0.00	87.47	69.92	63,891.59
0.00	0.00	1,509.60	0.00	33.77	67.52	0.00	72.48	66.73	56,436.51
0.00	0.00	2,786.11	0.00	40.19	78.35	0.00	87.17	82.89	91,639.91
0.00	0.00	1,413.45	0.00	27.86	48.19	0.00	22.39	57.95	42,266.37
0.00	0.00	2,258.04	0.00	36.42	72.86	0.00	47.13	92.06	55,555.75
0.00	0.00	1,722.31	0.77	31.54	63.07	0.00	55.96	86.75	56,589.39
0.00	0.00	1,324.46	2.46	20.97	41.93	0.00	47.78	73.34	36,892.86
0.00	0.00	2,109.57	0.03	38.08	76.15	0.00	59.40	61.26	70,221.79
0.00	0.00	1,047.47	0.00	28.48	56.98	0.00	35.69	33.19	26,981.00
0.00	0.00	758.05	1.09	21.46	42.92	0.00	16.08	33.67	35,624.80
0.00	0.00	1,108.31	0.00	35.15	70.27	0.00	46.08	38.73	32,771.66
0.00	0.00	1,289.54	0.00	16.77	33.55	0.00	35.82	54.75	43,281.75
0.00	32.49	1,810.22	0.85	32.17	64.33	2.99	78.18	52.29	73,513.88
0.00	0.00	978.21	6.21	33.63	67.27	0.00	47.99	34.67	31,738.69
0.00	0.00	2,052.83	14.37	49.98	99.96	0.00	15.96	63.53	55,249.56
0.00	0.00	1,023.04	0.00	24.78	49.57	0.00	43.91	40.81	42,032.39
0.00	0.00	3,472.01	0.11	65.04	130.10	0.00	88.96	94.16	139,072.68
0.00	32.49	40,767.05	34.60	830.94	1,642.56	2.99	1,415.48	1,503.80	1,361,247.20



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

OFFICE OF THE TAX ADMINISTRATOR

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

MEMORANDUM

To: Pamela Megill, Fayetteville City Clerk
From: Aaron Donaldson, Tax Administrator *AD*
Date: May 1, 2012
Re: Monthly Statement of Taxes

Attached hereto is the report that has been furnished to the Mayor and governing body of your municipality for the month of April 2012. This report separates the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

Should you have questions regarding this report, please contact Catherine Carter at 678-7587

AD/cc
Attachments

Celebrating Our Past... Embracing Our Future

EASTOVER - FALCON - FAYETTEVILLE - GODWIN - HOPE MILLS - LINDEN - SPRING LAKE - STEDMAN - WADE

FAYETTEVILLE MACC LEDGER

APRIL 2012

2001-2011

DATE	REPORT #	REMITTED TO FINANCE	2011 CC	2011 VEHICLE	2011 CC REVIT	2011 VEHICLE REVIT	2011 FVT	2011 TRANSIT	2011 STORM WATER	2011 FAY STORM WATER
04/02/12	2011-197	74,949.81	26,698.35	32,701.39	0.00	31.04	3,442.44	3,442.45	627.08	1,254.19
04/03/12	2011-198	46,590.99	14,790.21	20,797.57	111.97	0.00	2,433.08	2,433.07	455.54	911.09
04/04/12	2011-199	55,965.88	17,353.21	26,874.49	4.63	3.29	3,316.30	3,316.30	782.50	1,564.98
04/05/12	2011-200	45,307.47	16,466.08	17,960.50	45.28	4.03	2,389.17	2,389.17	559.78	1,119.54
04/06/12	2011-201	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
04/09/12	2011-202	80,076.02	23,085.14	39,010.07	0.00	34.51	4,965.42	4,965.43	599.82	1,199.65
04/10/12	2011-203	29,398.24	10,420.73	10,941.45	0.00	0.00	1,178.84	1,178.84	304.14	608.27
04/11/12	2011-204	34,951.89	10,340.59	15,130.19	343.26	26.34	1,795.00	1,795.00	497.38	994.76
04/12/12	2011-205	32,109.63	10,184.16	13,232.31	0.00	15.98	1,671.89	1,671.90	400.04	800.09
04/13/12	2011-206	44,272.77	16,368.37	18,611.64	0.00	25.06	2,264.95	2,264.95	294.04	588.07
04/16/12	2011-207	58,452.80	21,081.56	24,812.89	2.28	27.25	3,075.71	3,075.69	417.15	834.28
04/17/12	2011-208	26,024.68	7,352.56	11,589.77	163.37	130.50	1,365.71	1,365.70	197.87	395.74
04/18/12	2011-209	21,362.29	7,002.22	8,813.80	0.00	9.41	1,070.00	1,070.00	147.80	295.60
04/19/12	2011-210	30,673.81	10,677.73	14,126.16	0.00	38.03	1,449.67	1,449.67	253.60	507.19
04/20/12	2011-211	33,547.06	17,950.29	7,584.50	145.21	78.78	960.00	960.00	608.19	1,216.39
04/23/12	2011-212	66,805.73	25,522.52	24,364.78	294.46	156.84	2,656.87	2,656.88	1,803.24	3,606.47
04/24/12	2011-213	22,456.43	8,093.14	8,804.65	34.19	0.00	991.32	991.31	224.90	449.79
04/25/12	2011-214	27,897.58	10,556.74	12,308.16	0.00	0.00	1,378.21	1,378.22	144.02	288.04
04/26/12	2011-215	40,703.86	13,120.96	12,485.60	76.42	0.00	1,353.40	1,353.40	513.98	1,027.94
04/27/12	2011-216	41,671.88	18,367.29	14,385.38	0.00	3.64	1,721.82	1,721.83	461.74	923.47
04/30/12	2011-217	80,246.17	22,632.02	40,919.25	2.43	0.00	4,282.95	4,282.95	702.99	1,405.97
TOTALS		893,464.99	308,063.87	375,454.55	1,223.50	584.70	43,762.75	43,762.76	9,995.80	19,991.52

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)
 CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

**FAYETTEVILLE MACC LEDGER
2001-2011**

APRIL 2012

2011 FAY RECYCLE FEE	2011 ANNEX	2010 CC	2010 VEHICLE	2010 CC REVIT	2010 VEH REVIT	2010 FVT	2010 TRANSIT	2010 STORM WATER	2010 FAY STORM WATER	2010 FAY RECYCLE FEE	2010 ANNEX
1,921.08	0.00	650.91	831.17	0.00	0.00	178.28	178.29	0.00	0.00	0.00	0.00
936.91	0.00	726.03	842.34	0.00	0.00	170.00	170.00	20.91	41.82	38.00	0.00
1,068.13	0.00	53.22	56.56	0.00	0.00	55.00	55.00	0.00	0.00	0.00	0.00
990.48	0.00	377.68	878.93	0.00	0.00	165.32	165.33	60.00	120.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1,792.07	0.00	444.01	739.11	0.00	0.00	169.03	169.03	0.00	0.00	0.00	0.00
620.43	0.00	826.05	730.50	0.00	0.00	101.88	101.88	24.00	48.00	76.00	0.00
857.53	0.00	473.43	512.88	0.00	0.00	90.00	90.00	8.37	16.75	26.51	0.00
1,365.46	0.00	740.08	523.92	0.00	0.00	95.00	95.00	0.99	1.97	3.11	0.00
1,007.11	0.00	117.77	526.74	0.00	0.00	135.00	135.00	0.00	0.00	0.00	0.00
1,282.95	0.00	194.96	778.33	0.00	0.00	176.72	176.71	0.00	0.00	0.00	0.00
544.64	0.00	83.74	914.00	0.00	0.00	159.43	159.44	0.00	0.00	0.00	0.00
506.02	0.00	258.51	623.63	0.00	0.00	105.00	105.00	24.00	48.00	76.00	0.00
618.12	0.00	92.14	337.49	0.00	0.00	93.19	93.19	4.48	8.96	14.18	0.00
1,354.55	0.00	414.42	407.79	0.00	0.00	95.00	95.00	0.00	0.00	0.00	0.00
1,756.51	0.00	400.01	607.49	0.00	0.00	120.00	120.00	25.73	51.46	81.48	0.00
408.17	0.00	474.89	222.49	0.00	0.00	40.00	40.00	12.00	24.00	0.00	0.00
456.06	0.00	240.30	184.91	0.00	0.00	55.00	55.00	2.24	4.49	14.20	0.00
521.74	0.00	8,446.85	401.78	0.00	0.00	90.00	90.00	24.00	48.00	0.00	0.00
702.16	0.00	937.55	443.73	0.00	5.52	95.00	95.00	0.00	0.00	0.00	0.00
1,497.20	0.00	1,080.38	589.65	0.00	0.00	100.00	100.00	0.00	0.00	0.00	0.00
20,207.32	0.00	17,032.93	11,153.44	0.00	5.52	2,288.85	2,288.87	206.72	413.45	329.48	0.00

FAYETTEVILLE MACC LEDGER

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2009 CC	2009 VEHICLE	2009 CC REVIT	2009 VEHICLE REVIT	2009 FVT	2009 TRANSIT	2009 STORM WATER	2009 FAY STORM WATER	2009 FAY RECYCLE FEE	2009 ANNEX	2008 CC	2008 VEHICLE	2008 CC REVIT
0.00	97.05	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	0.00	76.52	0.00
60.93	73.92	0.00	0.00	6.09	6.09	12.00	24.00	38.00	0.00	9.12	36.07	0.00
0.00	0.45	0.00	0.00	29.32	29.32	0.00	0.00	0.00	0.00	0.00	89.37	0.00
54.25	43.91	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	22.90	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
40.12	160.52	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
266.68	36.26	0.00	0.00	20.00	20.00	12.00	24.00	38.00	0.00	201.29	53.42	0.00
0.00	(36.41)	0.00	0.00	2.03	2.02	0.00	0.00	0.00	0.00	0.00	90.14	0.00
0.26	22.07	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	5.59	2.52	0.00
5.18	45.51	0.00	0.00	20.00	20.00	0.00	0.00	0.00	0.00	0.70	225.01	0.00
1.86	191.34	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	2.01	97.85	0.00
0.00	37.18	0.00	0.00	16.62	16.63	0.00	0.00	0.00	0.00	0.00	114.59	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	61.58	0.00
(215.42)	130.69	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	0.00	18.66	0.00
0.00	54.22	0.00	0.00	22.85	22.85	0.00	0.00	0.00	0.00	0.00	9.01	0.00
0.00	24.45	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	68.17	0.00
94.64	172.47	0.00	0.00	10.00	10.00	2.17	4.34	6.88	0.00	60.63	35.47	0.00
0.00	20.10	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	2.10	0.00
0.00	20.52	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
37.51	45.55	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	0.00	13.36	0.00
3.76	193.01	0.00	0.00	40.00	40.00	0.00	0.00	0.00	0.00	4.75	83.95	0.00
349.77	1,332.81	0.00	0.00	341.91	341.91	26.17	52.34	82.88	0.00	284.09	1,100.69	0.00

FAYETTEVILLE MACC LEDGER

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2008 VEH REVIT	2008 FVT	2008 TRANSIT	2008 STORM WATER	2008 FAY STORM WATER	2008 FAY RECYCLE	2008 ANNEX	2007 & PRIOR CC	2007 & PRIOR VEH	2007 & PRIOR REVIT	2007 & PRIOR VEH REVIT	2007 & PRIOR FVT	2007 & PRIOR STORM WATER
0.00	20.00	10.00	0.00	0.00	0.00	0.00	0.00	344.58	0.00	0.00	50.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	150.05	0.00	0.00	20.00	5.22
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	15.08	0.00	0.00	5.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	15.37	0.00	0.00	10.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	32.91	102.34	0.00	0.00	40.00	0.00
0.00	5.00	0.00	12.00	24.00	42.00	0.00	0.00	61.28	0.00	0.00	30.00	0.00
0.00	15.00	0.00	0.00	0.00	0.00	0.00	14.32	368.93	0.00	0.00	40.00	0.00
0.00	8.17	8.19	0.00	0.00	0.00	0.00	0.00	62.12	0.00	0.00	5.00	0.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	26.23	71.02	0.00	0.00	25.00	0.00
0.00	11.96	11.96	0.00	0.00	0.00	0.00	93.26	95.96	0.00	0.00	18.61	0.00
0.00	25.00	15.00	0.00	0.00	0.00	0.00	0.00	230.75	0.00	0.00	25.00	0.00
0.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	162.06	0.00	0.00	35.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	6.82	0.00	0.00	5.00	0.00
0.00	5.00	5.00	12.00	0.00	0.00	0.00	16.69	27.02	0.00	0.00	10.00	60.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	44.62	150.00	0.00	0.00	36.39	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	180.97	67.28	0.00	0.00	10.00	12.00
0.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	46.99	0.00	0.00	15.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	73.12	0.00	0.00	35.00	0.00
0.00	20.00	10.00	0.00	0.00	0.00	0.00	0.00	43.09	0.00	0.00	20.00	0.00
0.00	180.13	100.15	24.00	24.00	42.00	0.00	409.00	2,093.86	0.00	0.00	435.00	77.22

FAYETTEVILLE MACC LEDGER
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2007 & PRIOR FAY STORM WATER	2007 & PRIOR ANNEX	INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	FAY TRANSIT INTEREST	TOTAL TAX & INTEREST
0.00	0.00	2,100.49	0.00	27.20	54.41	0.00	72.39	70.50	74,949.81
0.00	0.00	1,091.26	2.61	22.78	40.35	0.00	51.87	57.09	46,590.99
0.00	0.00	1,091.67	0.07	32.68	65.33	0.00	46.22	47.76	55,965.88
0.00	0.00	1,236.62	1.94	30.13	60.26	0.00	40.00	60.80	45,307.47
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	2,236.32	0.06	23.96	47.92	0.00	72.49	96.09	80,076.02
0.00	0.00	1,218.06	0.00	20.91	41.82	0.00	56.91	53.60	29,398.24
0.00	0.00	1,238.90	14.59	36.33	72.66	0.00	37.54	57.85	34,951.89
0.00	0.00	1,018.68	0.00	16.75	33.49	0.00	56.63	58.26	32,109.63
0.00	0.00	1,290.41	0.00	12.29	24.59	0.00	42.13	96.00	44,272.77
0.00	0.00	1,725.65	0.10	17.94	35.88	0.00	55.18	96.76	58,452.80
0.00	0.00	993.61	7.06	9.83	19.68	0.00	29.22	62.04	26,024.68
0.00	0.00	844.08	0.26	8.95	17.88	0.00	29.95	37.54	21,362.29
0.00	0.00	809.52	0.00	10.39	20.81	0.00	26.09	42.45	30,673.81
0.00	18.59	1,176.51	6.17	65.01	51.04	9.89	56.52	48.57	33,547.06
0.00	28.36	1,787.82	12.51	80.01	160.03	1.01	89.11	58.51	66,805.73
24.00	6.61	838.18	0.53	18.37	36.74	0.86	24.89	28.55	22,456.43
0.00	0.00	658.53	0.00	7.92	15.84	0.00	21.68	28.83	27,897.58
0.00	0.00	1,020.95	1.20	14.33	28.70	0.00	23.04	31.05	40,703.86
0.00	0.00	1,411.17	1.16	19.18	38.42	0.00	28.42	49.86	41,671.88
0.00	8.50	1,943.70	0.10	29.44	58.95	0.00	64.81	86.32	80,246.17
24.00	62.06	25,732.13	48.36	504.40	924.80	11.76	925.09	1,168.43	893,464.99

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